

WHEN RECORDED RETURN TO:

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

ORDINANCE NO. 2026-13

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 8.38 ACRES FROM AGRICULTURE (AG) TO MEDIUM DENSITY RESIDENTIAL SMALL LOTS (R-2S) AND LIMITED BUSINESS (C-LB); SAID PROPERTY BEING IDENTIFIED AS PORTIONS OF ASSESSOR'S PARCEL NUMBER 1-3498-201-0595-008, AND ADOPTING THE FINDINGS AND CONCLUSIONS OF THE RICHLAND HEARING EXAMINER AS THE FINDINGS AND CONCLUSIONS OF THE RICHLAND CITY COUNCIL.

WHEREAS, on April 13, 2026, the Richland Hearing Examiner held a duly advertised open-record public hearing to consider a petition from Rick Simon of RPS Planning Consultant LLC and Robert McLeod of Knutzen Engineering, applicants, acting on behalf of MD&D Investments, LLC, to change the zoning of the property hereafter described in Section 3 and identified as either the whole or portions of Assessor's Parcel Number 1-3498-201-0595-008; and

WHEREAS, following the April 13, 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 April 13, 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 June 2, 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 May 4, 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 Medium Density Residential Small Lot (R-2S) and Limited Business Use (C-LB) 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. 1-3498-201-0595-008

REAL PROPERTY LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, CITY OF RICHLAND, BENTON COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 34, MARKED BY A 5/8 INCH IRON REBAR WITH NO CAP; THENCE SOUTH 89°09'47" EAST ALONG THE NORTH LINE OF SAID SECTION 34 A DISTANCE OF 2599.03 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 34 MARKED BY A 3" BRASS CAP; THENCE SOUTH 00°06'46" WEST ALONG THE EAST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 1617.82 FEET TO THE SOUTHERLY BOUNDARY OF LOT 7 OF THE PLAT OF WESTCLIFFE HEIGHTS II RECORDED IN VOLUME 15 OF PLATS AT PAGE 608 FILED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 2018-015773 AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE SOUTH WESTERLY PLAT BOUNDARY OF SAID WESTCLIFFE HEIGHTS II THE FOLLOWING COURSES: THENCE SOUTH 00°06'46" WEST A DISTANCE OF 347.63 FEET; THENCE SOUTH 49°42'13" EAST A DISTANCE OF 205.84 FEET; THENCE SOUTH 86°22'15" EAST A DISTANCE OF 156.14 FEET; THENCE SOUTH 31°59'19" EAST A DISTANCE OF 192.52 FEET; THENCE SOUTH 45°35'07" EAST A DISTANCE OF 140.43 FEET; THENCE SOUTH 45°52'40" EAST A DISTANCE OF 144.22 FEET; THENCE SOUTH 40°37'06" EAST A DISTANCE OF 21.41 FEET TO THE NORTHEAST CORNER OF PARCEL 3 OF SURVEY NO. 5494 RECORDED IN VOLUME 1 OF SURVEYS AT PAGE 5494 FILED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 2021-021122; THENCE SOUTH 77°55'39" WEST ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL 3 A DISTANCE OF 525.70 FEET; THENCE NORTH 31°58'33" WEST LEAVING SAID NORTHERLY BOUNDARY A DISTANCE OF 761.35 FEET; THENCE NORTH 31°59'17" WEST A DISTANCE OF 161.35 FEET TO THE SOUTHERLY BOUNDARY OF ADJUSTED LOT 11 OF SURVEY NO. 5036 RECORDED IN VOLUME 1 OF SURVEYS AT PAGE 5036 FILED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 2018-019538; THENCE NORTH 58°00'41" EAST ALONG SAID SOUTHERLY BOUNDARY AND CONTINUING ALONG THE SOUTHERLY

BOUNDARY OF SAID WESTCLIFFE HEIGHTS II A DISTANCE OF 260.06 FEET; THENCE NORTH 68°46'25" EAST CONTINUING ALONG SAID SOUTHERLY BOUNDARY OF WESTCLIFFE HEIGHTS II A DISTANCE OF 161.19 FEET TO THE POINT OF BEGINNING. HAVING AN AREA OF 364,972 SQUARE FEET, 8.38 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD. (ALSO KNOWN AS ADJUSTED PARCEL 5 OF RECORD SURVEY 5724 RECORDED UNDER AUDITOR'S FILE NO. 2022- 033094) (BOUNDARY LINE ADJUSTMENT AF#2023-002899, 02/17/2023).

Section 4. Said property depicted in **Exhibit A** and legally described in Section 3 herein is hereby rezoned from Agriculture (AG) to Medium Density Residential Small Lot (R-2S) and Limited Business (C-LB).

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. 22, which is 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. 22, 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.

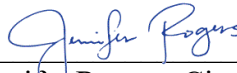
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PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 16th day of June, 2026.



Theresa Richardson, Mayor for

Attest:



Jennifer Rogers, City Clerk

Approved as to Form:



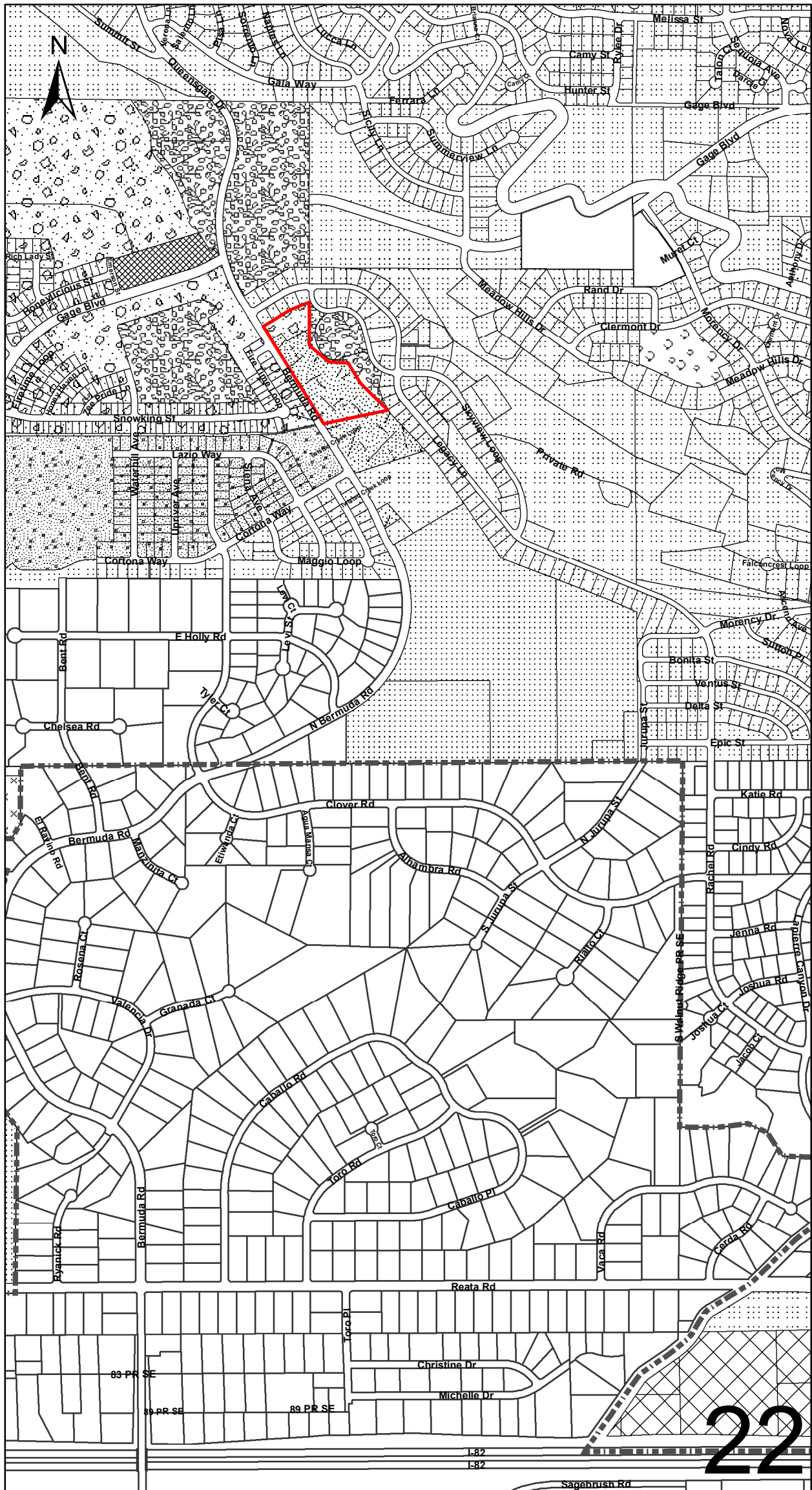
Heather Kintzley, City Attorney

First Reading: June 2, 2026

Second Reading: June 16, 2026

Date Published: June 21, 2026

Exhibit A to Ordinance No. 2026-13; Passed 06/16/2026
Agriculture (AG) to Medium Density Residential Small Lot (R-2S) and Limited Business (C-LB)



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Before Hearing Examiner
Gary N. McLean

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

Regarding the Application to *Rezone* an 8+)
acre site from AG (Agriculture) to R-2S and)
C-LB, which is consistent with)
Comprehensive Plan’s split land use)
designations assigned to the area, submitted)
by)
RICK SIMON AND ROBERT MCLEOD, ON)
BEHALF OF THE PROPERTY OWNER **MD&D**)
INVESTMENTS, LLC,)
Applicant(s))
_____)

File No. PLN-T3A-2026-00004

**FINDINGS OF FACT,
CONCLUSIONS AND
RECOMMENDATION**

I. SUMMARY OF RECOMMENDATION.

The applicants, Planning Consultant Rick Simon and Engineer Robert McLeod, on behalf of the property owner, MD&D Investments, LLC, can meet their burden of proof to demonstrate that their requested rezone merits approval.

The site is unusual, in that it holds split land use designations, with Medium Density Residential land uses designated for the northern portion of the property, and Commercial uses on the southern portion, under applicable provisions of the City’s Comprehensive Plan. Currently, the entire property is zoned AG (Agriculture), limiting development opportunities for the property and perpetuating a nonconformity between the City’s Comprehensive Plan and Zoning map. The pending application would rezone the Residential-designated portion of the site to one of two available Medium Density Residential zoning districts found in current City codes, specifically, the R-2S zone, a medium density residential zone as described in RMC 23.18.010(D); and the Commercial-designated portion would be rezoned C-LB (Commercial Limited Business Use), a commercial zoning classification intended to be applied to some portions of the city that are designated either commercial or high-density residential under the city of Richland comprehensive plan. *(See RMC Chapter 23.22.010(A)).*

**FINDINGS OF FACT, CONCLUSIONS AND
RECOMMENDATION OF APPROVAL FOR 2100
BLOCK OF BERMUDA ROAD REZONE
APPLICATION – FILE NO. PLN-T3A-2026-00004**

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1 While the application materials explain that the site may someday be developed with
2 single-family residential townhomes in the R-2S zoned area and single-family residential
3 condominiums in the C-LB zoned area¹, this requested rezone does not approve any
4 development activity on the site. As with all development proposals, City Development
Regulations, including without limitation relevant subdivision and/or site plan codes, will
apply to any specific projects that may eventually be proposed on the site.

5 For reasons explained below, the Hearing Examiner respectfully recommends that the
6 City Council approve the applicant’s pending request to rezone a portion of their property
7 from AG to the R-2S zoning district, with the remaining portion rezoned from AG to the C-
LB zone.

8 This Recommendation is advisory only. The City Council retains full legislative
9 discretion to approve, deny, or modify the requested rezone.

10 **II. BACKGROUND and APPLICABLE LAW.**

11 In this matter, the Hearing Examiner has jurisdiction to conduct an open record public
12 hearing on the site-specific rezone application at issue and is directed to issue a written
13 recommendation for consideration and final action by the Richland City Council. *See*
14 Richland Municipal Code (RMC) 19.20.010(D)(identifies “site-specific rezones” as Type
15 IIIA permit applications); RMC 23.70.210(A)(“The hearing examiner shall conduct an open
16 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,
including conditions of approval on applications or appeals); and RCW 35A.63.170(state
statute regarding hearing examiner system).

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

20 Finally, Washington Courts apply three basic rules when reviewing appeals of rezone
21 applications: (1) there is no presumption favoring the rezone request; (2) the proponent of a
22 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,

23 _____
24 ¹ See Ex. 1, application materials, Proposed Use description on .pdf page 19.

1 a showing of changed circumstances is usually not required²; and (3) the rezone must have a
2 substantial relationship to the public health, safety, morals, or general welfare. *Woods v.*
3 *Kittitas County*, 162 Wn.2d 597 (2007), citing *Citizens for Mount Vernon*, 133 Wn.2d 861,
4 at 875 (1997); *Parkridge v. City of Seattle*, 89 Wn.2d 454, 462 (1978).

3 **III. QUESTIONS PRESENTED.**

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

5
6 A. Whether the requested rezone implements applicable policies of the City’s
7 Comprehensive Plan, and/or whether there has been a change of circumstances since the
8 current AG (Agriculture) zoning was adopted for the site?

9 *Short Answer:* Yes to both. The site is already designated for Medium Density
10 Residential and Commercial uses in applicable provisions of City’s Comprehensive
11 Plan, specifically those found in the Badger Mountain South Subarea Plan, which
12 applies to properties where the applicants’ land is located. The rezone would
13 effectuate that Comprehensive Plan and eliminate a nonconformity that currently
14 exists between such Plan and city zoning maps. The requested R-2S and C-LB zones
15 allows for various residential and limited commercial uses not currently available in
16 the AG zone. Residential development is occurring on surrounding properties at a
17 rapid pace, vividly showing a change of circumstances that supports this requested
18 rezone.

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

21 *Short Answer:* Yes, because the rezone is consistent with the City’s Comprehensive
22 Plan, and any future, project-specific proposal will have to meet city development
23 regulations, including SEPA, subdivision codes, traffic impact reviews, public
24 infrastructure concurrency reviews, and payment of any impact fees in effect at the
25 time of an application. Vacant, undeveloped, property in an area already served with
26 newer transportation and utility infrastructure is not consistent with state and local
policies that encourage residential and commercial development in designated urban
growth areas, like those in the Richland City limits. The proposed rezone is an effort
to expedite development potential for the site. The current AG zoning designation
applied to the site is no longer appropriate or in the public interest.

23 _____
24 ² *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).

25 **FINDINGS OF FACT, CONCLUSIONS AND**
26 **RECOMMENDATION OF APPROVAL FOR 2100**
BLOCK OF BERMUDA ROAD REZONE
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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 occurred on April 13, 2026. (*Staff Report, pages 15-16; Exhibit 4, public notices and confirmation materials*).

Hearing Testimony: Senior Planner, Ryan Nelson, and the applicant’s planning consultant, Rick Simon, provided testimony under oath during the public hearing. One local resident, Brien Reep, who has a home in the Westcliffe Heights subdivision to the east of the rezone site, provided sworn testimony, generally asking for details about what might someday be constructed on the site, the design, heights, and details that are not part of a rezone process, but are instead addressed during future development permit reviews, like subdivision, site plan, or other approvals required for specific proposals. Mr. Nelson and Mr. Simon provided thoughtful responses to Mr. Reep’s comments, noting that height limits are 55-feet in the C-LB zone, and 30-feet in the R-2S zone, and that it is likely a future preliminary plat and/or site plan application will be filed, which would include a thorough public review opportunity to address the type of questions and issues raised at the hearing.

Exhibits: The Development Services Division Staff Report for the requested Rezone, including a recommendation of approval, 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 map
3. Badger Mountain South Subarea Plan, Land Use Map
4. Public Notices & Affidavits
5. Agency and public comments
6. Ord. No. 2024-07, most recent Comprehensive Plan language
7. Ord. No. 41-10, 2010 Annexation Ordinance that included the current rezone property.

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 for rezone and subdivision applications 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.

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V. FINDINGS OF FACT.

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

Application, Site Location, Current zoning.

1. In this application, the applicant and property owner, MD&D Investments, LLC, through its designated representatives, Rick Simon and Robert McLeod, seeks to rezone portions of a parcel of property from Agriculture (AG) to R-2S, a medium density residential classification and C-LB, commercial limited business use. *(Ex. 1, Application materials)*. The application materials identify the property at issue in this rezone application as the 2100 Block of Bermuda Road. *(Ex. 1, on .pdf page 22, application narrative)*.

2. The rezone property is a single mostly vacant 8.38-acre parcel, assigned Parcel No. 134982010595008, which is a small portion of the much larger Badger Mountain South Subarea, an almost 2,000-acre area located south and east of the Badger Mountain Centennial Preserve and north of Interstate 82. *(Badger Mountain Subarea Plan, Introduction on page 1)*.

3. The 2100 Block of Bermuda Road site, addressed in this matter, was part of an almost 1,900-acre annexation into the City of Richland that took effect in 2010, through passage of Ordinance No. 41-10, which assigned the (AG) Agriculture zoning designation to the entire northeast portion of the annexation area where this rezone site is located. *(See Ex. 7, Ord. No. 41-10, Sec. 6, and Ex. B thereto, labeled "Zoning Designations for Annexation Area")*.

4. The subject parcel has a current zoning designation of AG, Agricultural use district, and land has been zoned AG since its annexation into the City in 2010 by Annexation 41-10. *(Staff Report, page 5; Exhibit 7, 2010 Annexation Ordinance for the area)*.

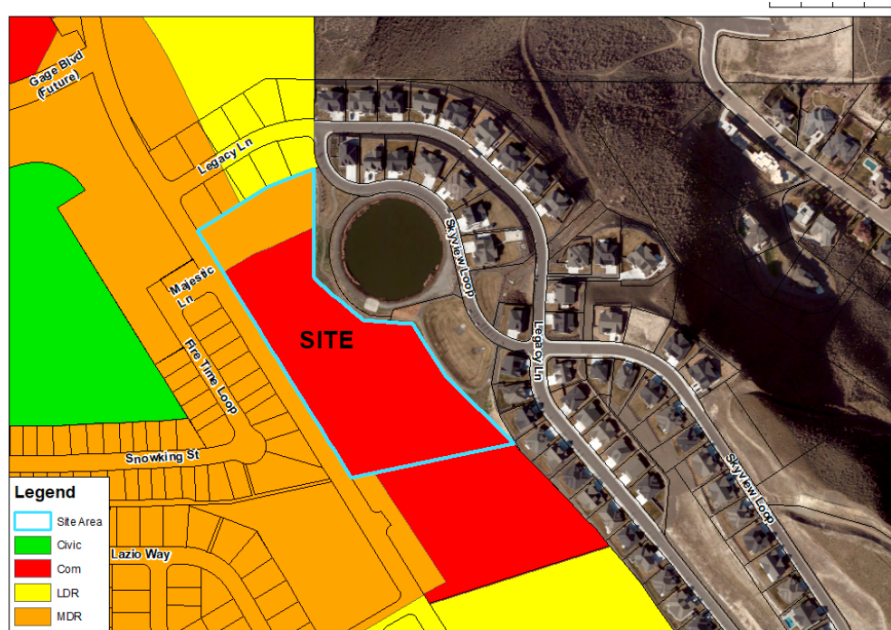
5. The applicant's parcel is located east of and adjacent to Bermuda Road, and south of Skyview Drive. It is located south of Westcliffe Heights, Phase 2, west of Peachtree Estates, Phase I and west of Westcliffe Heights, Phase IA. It is also west of and adjacent to a Badger Mountain District irrigation pond, an open space parcel and a trail. The site is presently undeveloped. *(Ex. 1, application materials, narrative on page 3)*.

Comprehensive Plan, Land Use Designations assigned to the rezone parcel.

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6. The Comprehensive Plan Land Use Map for the area is found in the Badger Mountain South Subarea Plan. The Staff Report includes an image, marked Figure 2, enlarged to show site borders for the rezone property outlined in blue, a copy of which is republished below:



7. As shown above, the rezone parcel holds a split land use designation, with the smaller northern portion shown in orange, for MDR (medium density residential) and the larger lower portion shown in red, for COM (commercial uses).

8. The rezone site is not currently used for agricultural purposes. The site is located in a part of the city that is now experiencing steady development of new homes.

9. The subject property is designated in the City’s Comprehensive Plan for Medium Density Residential (“MDR”) and Commercial (“COM”) land uses. The requested rezone would replace the current AG (Agriculture) zoning classification with the R-2S and C-LB zoning districts, which are consistent with and implement those Comprehensive Plan designations. There is no evidence in the record establishing a basis to retain the AG zoning classification on the property, which presently functions as a nonconforming zoning designation relative to the adopted Comprehensive Plan. Accordingly, the requested rezone conforms to, and will implement, applicable Comprehensive Plan policies.

10. Changed circumstances since 2010, when the AG zoning classification was assigned to the site, support the requested rezone. Surrounding properties have developed or are

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1 developing with residential and commercial uses consistent with the Comprehensive Plan,
2 and urban services and infrastructure are available to serve the site. The existing AG zoning
3 no longer reflects current conditions in the vicinity. The current Agriculture zoning does not
4 serve a useful purpose in this location.

5 11. The Examiner concurs with the Staff Report and finds that the proposed R-2S and C-
6 LB zoning classifications, and the uses allowed therein, are compatible with surrounding
7 development patterns and existing and planned infrastructure in the vicinity. (*Staff Report;*
8 *Site visits*).

9 12. Through the public comment and hearing process, no testimony or evidence in the
10 record rebutted the Staff Report analysis or otherwise demonstrated a basis for denial.

11 13. Because the requested rezone is consistent with the City’s Comprehensive Plan,
12 which has previously been subject to environmental review, the application is categorically
13 exempt from SEPA review pursuant to WAC 197-11-800(6)(c). The record does not identify
14 any probable significant adverse environmental impacts attributable to the rezone itself.
15 (*Staff Report, page 15; Official notice from record of previous rezone matters re: City SEPA*
16 *process(es) undertaken when Comprehensive Plan, and BMS Subarea Plan, were adopted*
17 *and amended*).

18 14. The record does not include any evidence that the requested R-2S and C-LB zones
19 could allow for any uses that would be incompatible with surrounding uses.

20 ***Summary of Public Hearing.***

21 15. The public hearing for this matter occurred on April 13, 2026. Mr. Nelson made a
22 brief presentation regarding the application, current site conditions, development on
23 surrounding sites, and how shrub steppe habitat issues are not part of the rezone review but
24 will be included as part of any subsequent development project reviews for the site. The
25 applicant’s hearing representative, Mr. Simon, did not object to any of the analysis or
26 recommendation provided in the Staff Report. Only one local resident, Mr. Reep, appeared
and asked general questions about future development on the site, but did not present
evidence or information that would serve as a basis to deny the requested rezone.

16 16. The Staff Report’s analysis of the application, including its findings regarding
17 Comprehensive Plan consistency, infrastructure adequacy, and compatibility with
18 surrounding uses, stands rebutted in the record and is supported by substantial evidence.
19 The requested rezone is consistent with land use policy goals in the City’s Comprehensive
20 Plan.

21 **FINDINGS OF FACT, CONCLUSIONS AND**
22 **RECOMMENDATION OF APPROVAL FOR 2100**
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Public services and utilities are adequate and readily available to serve the site.

17. As part of the review process, City staff confirmed that, adequate utilities, including without limitation water, sewer, stormwater, irrigation, natural gas, 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, discussion addressing utility issues on pages 12, 13).*

General findings.

18. The requested rezone bears a substantial relationship to the public health, safety, and general welfare, including by aligning zoning with adopted Comprehensive Plan designations and facilitating development in an area planned for urban growth. The requested rezone is appropriate in the context of adjacent properties.

19. The Development Services Division Staff Report, prepared by Mr. Nelson, 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.

20. 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:

1. The applicants met their burden to demonstrate that the requested rezone conforms to, and in fact implements objectives of, the City’s Comprehensive Plan. *Findings; Staff Report.*
2. The applicants met their burden to demonstrate that the requested rezone bears a substantial relationship to the public health, safety, or welfare.
3. The Staff Report and testimony in the record demonstrate that the proposed rezone will not require new public facilities and that there is capacity within the transportation network, the utility system, and other public services, to accommodate all uses permitted in

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1 the R-2S and C-LB zones requested herein.

2 4. The rezoned site will not be materially detrimental to uses or property in the
3 immediate vicinity of the subject property. In fact, the rezone will help facilitate
4 development on the property, thereby implementing City goals and policies, including
5 without limitation those that seek to provide a variety of lifestyles and housing opportunities.

6 5. While the pending rezone application is categorically exempt from formal SEPA
7 review, the record demonstrates that the potential for adverse impacts is very unlikely. And,
8 after public notices issued for the application, no one spoke or submitted any written
9 comments opposing the pending rezone request.

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

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

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

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

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VII. RECOMMENDATION.

Based upon the preceding Findings and Conclusions, the Hearing Examiner recommends that the Bermuda Road Rezone application (File No. PLN-T3A-2026-00004) to reclassify an approximately 8.38-acre site from its current AG (Agriculture) zoning classification to the R-2S and C-LB zoning districts, which are consistent with the Comprehensive Plan’s Medium Density Residential (MDR) and Commercial (COM) land use designations assigned to portions of the property, should be **APPROVED**.

ISSUED this 4th Day of May, 2026



Gary N. McLean
Hearing Examiner

**FINDINGS OF FACT, CONCLUSIONS AND
RECOMMENDATION OF APPROVAL FOR 2100
BLOCK OF BERMUDA ROAD REZONE
APPLICATION – FILE NO. PLN-T3A-2026-00004**

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