

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

GENERAL INFORMATION:

PROPOSAL NAME: Van Giesen RV Park

LOCATION: Address: 2517-2525 Van Giesen Street
Parcel Number: 104984000001000 and 104984000002000

APPLICANT: MillieAnne VanDevender, AICP on behalf of AHBL, Inc and
NC Ventures

FILE NOS.: SUP2023-101 and EA2023-106

DESCRIPTION: Request to establish and operate a Recreational Vehicle
[RV] Park on a 7.22-acre site.

PROJECT TYPE: Type II Zoning Special Use Permit

HEARING DATE: April 10, 2023

REPORT BY: Matthew Howie, Senior Planner

RECOMMENDED
ACTION: Approval subject to proposed conditions.

Vicinity Map

Item: Van Giesen RV Park
Applicant: MillieAnne VanDevender
File #: SUP2023-101



Figure 1 - Vicinity Map

PROJECT DATA

Gross Plat Area:	7.22 acres
Number of Lots:	80 RV Spaces
Land for Streets/Other:	4.91 acres
Gross Density:	3,931.29 sf/unit

DESCRIPTION OF PROPOSAL

MillieAnne VanDevender, AICP, on behalf of AHBL, Inc and NC Ventures has filed an application for a special use (Type II) permit to establish and operate a Recreational Vehicle Park on 7.13 acres, within a C-3 general business zoning district, to include 80 spaces for recreational vehicles, three accessory buildings, and recreational space.

REASON FOR REQUEST AND REVIEW AUTHORITY

Richland Municipal Code (RMC) Chapter 23.46.025 states that the “hearing examiner shall conduct the review of special use permit applications for the following uses”, to include “recreational vehicle parks in... C-3 – general business districts”. Other direction to the Hearing Examiner continues:

19.60.095 Required findings.

No development application for a Type II or Type III permit shall be approved by the city of Richland unless the decision to approve the permit application is supported by the following findings and conclusions:

- A. The development application is consistent with the adopted comprehensive plan and meets the requirements and intent of the Richland Municipal Code.
- B. Impacts of the development have been appropriately identified and mitigated under Chapter 22.09 RMC.
- C. The development application is beneficial to the public health, safety and welfare and is in the public interest.
- D. The development does not lower the level of service of transportation facilities below the level of service D, as identified in the comprehensive plan; provided, that if a development application is projected to decrease the level of service lower than level of service D, the development may still be approved if improvements or strategies to raise the level of service above the minimum level of service are made concurrent with development. For the purposes of this section, "concurrent with development" means that required improvements or strategies are in place at the time of occupancy of the project, or a financial commitment is in place to complete the required improvements within six years of approval of the development.
- E. Any conditions attached to a project approval are as a direct result of the impacts of the development proposal and are reasonably needed to mitigate the impacts of the development proposal.

19.25.100 General criteria for examiner decisions.

- A. Each decision of the hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision.
- B. The hearing examiner's findings and conclusions shall indicate the manner in which the decision is intended to carry out and implement applicable state laws and regulations, as well as the regulations, policies, objectives and goals of the city's comprehensive plan, zoning code, subdivision code, and other laws, policies and objectives of the city.

23.46.040 Hearings – Findings – Conditions.

The hearing body shall conduct an open record public hearing on an application for special use permit as required by RMC Title 19 for a Type III permit application.

- A. Any person may appear at the public hearing in person, or by agent or attorney.
- B. The hearing body shall make a finding that it is empowered under the section of this code described in the application to consider the application for the special use permit.

- C. The hearing body shall approve, approve with conditions or deny an application for a special use permit based on findings of fact with respect to the following criteria:
 - 1. The size and dimensions of the site provide adequate area for the proposed use;
 - 2. The physical conditions of the site, including size, shape, topography, and drainage, are suitable for the proposed development;
 - 3. All required public facilities necessary to serve the project have adequate capacity to serve the proposed project;
 - 4. The applicable requirements of this zoning regulation (RMC Title 23), the city comprehensive plan, the city sensitive area regulations (RMC Title 20), the city shoreline management regulations (RMC Title 26) and the city sign regulations (RMC Title 27) have been met; and
 - 5. Identified impacts on adjacent properties, surrounding uses and public facilities have been adequately mitigated.
- D. The hearing body may impose conditions on the approval of a special use permit in addition to or above and beyond those required elsewhere in this title, which are found necessary to ensure the use is compatible with the public interest. These conditions may include, but are not limited to, the following:
 - 1. Limiting the hours, days, place and/or manner of operation;
 - 2. Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and/or dust;
 - 3. Requiring additional setback areas, lot area and/or lot depth or width;
 - 4. Limiting the building height, size or lot coverage, and/or location on the site;
 - 5. Designating the size, number, location and/or design or vehicle access points;
 - 6. Requiring street right-of-way dedication and/or street improvement;
 - 7. Requiring additional landscaping, berms and/or screening of the proposed use and/or its parking or loading areas and designating the required size, height, type and/or location of fencing and landscaping materials;
 - 8. Limiting the number, size, location, height and/or lighting of signs.
- E. Violation of any conditions, requirements, and safeguards, when made a part of the terms under which the special use permit is granted, shall be deemed a violation of this code and punishable under RMC 23.70.270.
- F. The hearing body may prescribe a time limit within which the action for which the special use permit is required shall be begun and/or completed. Failure to begin and/or complete such action within the time limit set shall void the special use permit. The time limits may be extended by the hearing body for good cause shown. In the event that no specific time limit to begin or complete a special use permit is identified, then the special use permit shall remain valid for a period of

two years from the date that the permit was issued. The hearing body may authorize issuance of a special use permit for a specified probationary period of time, at the termination of which the applicant must resubmit a new application in accordance with the provisions of RMC 23.46.020.

SITE DESCRIPTION & ADJACENT LAND USES

The site of the proposed, future Van Giesen RV Park is comprised of one parcel totaling approximately 7.22-acres south of Van Giesen Street and 300 feet west of the railroad crossing adjacent to the Van Giesen and Highway 240 intersection. The parcel is roughly in the shape of a guillotine with approximately 500-feet of frontage along Van Giesen.

Though mostly flat, the site does have one prominent node of elevation towards the south of the property of no more than a few feet higher than the rest of the property. The area will be accessed from a primary connection to Van Giesen Street to the north and secondary SEVA connection to Chester Road to the south.

The northern boundary is immediately adjacent Van Giesen Street. The eastern boundary is approximately 365 feet from Highway 240. The southern and western boundaries of the site are immediately adjacent the Richland Riders Club and Tri-Cities Equestrian Center.

CURRENT LAND USE DESIGNATION AND USES :

North: AGR (Agriculture), Gateway Preschool

East: COM (Commercial), vacant and Knights of Columbus

South: AGR (Agriculture), Tri-Cities Equestrian Center

West: AGR/COM, Richland Riders Club

Land Use Map

Item: Van Giesen RV Park
Applicant: MillieAnne VanDevender
File #: SUP2023-101

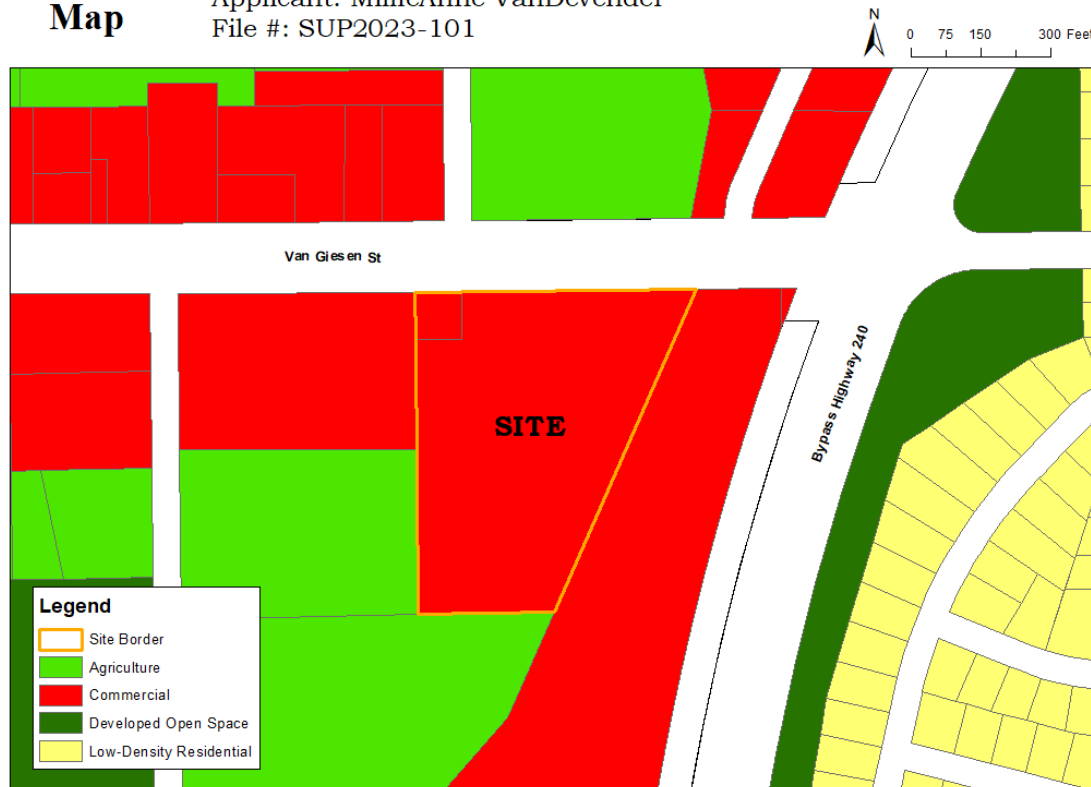


Figure 2 – Comprehensive Plan Land Use Map

COMPREHENSIVE PLAN

As illustrated in Figure 2 (above), Richland's Comprehensive Plan designates the site for Commercial (COM) land use (RMC 23.22).

Applicable Goals & Policies

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

Housing Element Goal 1: Provide a range of housing densities, sizes, and types for all income and age groups of the Richland community.

Policy 1: Ensure that the comprehensive plan and development regulations allow for a variety of housing types, sizes, densities, and lot configurations such as small lot single family housing, multi-family housing, mixed-use development, cluster development, live/work housing, co-housing, accessory dwelling units, single room occupancy units, zero lot line and similar subdivisions, and planned unit developments.

CURRENT ZONING

The subject site is zoned C-3, general business use district. Surrounding parcels are zoned as follows:

North: AG/C-3, Agricultural use district/General business use district

East: C-3, General business use district

South: AG, Agricultural use district

West: AG/C-3, Agricultural use district/General business use district

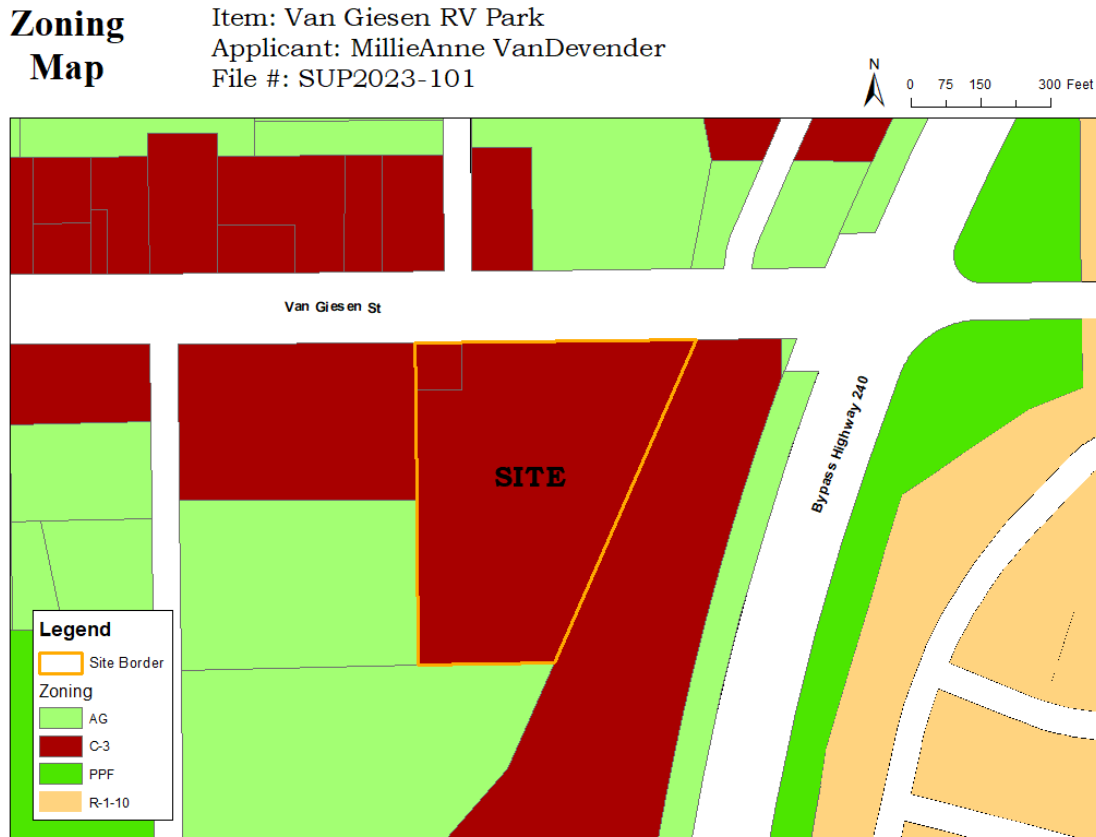


Figure 3 – Zoning Map

The general business use district (C-3) is a primary zone classification providing a destination for commercial establishments which require a retail contact with the public together with incidental shop work, storage and warehousing, or light manufacturing and extensive outdoor storage and display, and those retail businesses satisfying the essential permitted use criteria of the C-2 use district. This zoning classification is intended to be applied to some portions of the city that are either designated as commercial or designated as industrial and located adjacent to SR 240 under the city of Richland comprehensive plan. (RMC 23.22.010(D)).

RMC Section 23.22.020 does have a dedicated set of standards and requirements exclusively for traditional commercial businesses which may not be especially applicable to this proposal, but are included below:

23.22.020 Performance standards and special requirements.

- C. General Business. All permitted commercial business uses may be located in the C-3 district, provided their performance is of such a nature that they do not inflict upon the surrounding residential areas, smoke, dirt, glare, odors, vibration, noise, excessive hazards or water pollution detrimental to the health, welfare or safety of the public occupying or visiting the areas. The maximum permissible limits of these detrimental effects shall be as herein defined and upon exceeding these limits they shall be as herein considered a nuisance, declared in violation of this title and shall be ordered abated.
1. Smokestacks shall not emit a visible smoke except for one 10-minute period each day, when a new fire is being started. During this period, the density of the smoke shall not be darker than No. 2 of the Ringlemann Chart as published by the U.S. Bureau of Mines.
 2. No visible or invisible noxious gases, fumes, fly ash, soot or industrial wastes shall be discharged into the atmosphere from any continuous or intermittent operation except such as is common to the normal operations of heating plants or gasoline or diesel engines in cars, trucks or railroad engines.
 3. Building materials with high light reflective qualities shall not be used in the construction of buildings in such a manner that reflected sunlight will throw intense glare to areas surrounding the C-3 district.
 4. Odors of an intensity greater than that of a faint smell of cinnamon which can be detected by persons traveling the roads bordering the lee side of the C-3 district, when a 10 mph wind or less is blowing, are prohibited.
 5. Machines or operations which generate air or ground vibration must be baffled or insulated to eliminate any sensation of sound or vibration outside the C-3 district.

Under the 23.22.030 Commercial use districts permitted land use table, and below the Recreational Uses heading, Recreational Vehicle Parks are permitted subject to the special use permit provisions with directions to follow footnote 16. Richland Municipal Code has a dedicated section of its General Provisions and Special Conditions Chapter 23.42 specific to Recreational Vehicle Parks. See below. Staff has included an analysis of the applicant's provided site plan per each point.

23.42.220 Recreational vehicle park.

When allowed in a specific use district, a recreational vehicle park may be established as a special use; provided, that the establishment of such use shall meet the following requirements:

- A. The minimum size of the recreational vehicle park shall be 100,000 square feet.
Staff note: Site is 314,441 square feet
- B. The maximum gross density allowed shall be one recreational vehicle space per each 2,000 square feet of land area.
Staff note: Current gross density is 3,931 square feet of land area per unit.
- C. No less than eight percent of the total site area shall be provided as defined recreation space. The recreation space shall be easily accessible and shall

be improved and maintained in such a manner so as to provide adequate recreational facilities for the residents of the recreational vehicle park.

Staff Note: Current plans set aside 26,782.01 square feet (8.5%) for recreational facilities, if including the dog park at the dump station.

- D. Each recreational vehicle space shall have a minimum width of 25 feet.
Staff note: Proposed vehicle spaces are 30 feet wide.
- E. Interior private streets shall observe the following minimums:
 - 1. Twelve feet of width per each travel lane and eight feet of width per each parking lane;
Staff note: Travel lanes are 12-feet in width and parking areas all appear to match City Codes.
 - 2. Improvement with bituminous surface treatment (BST) in accordance with the specifications of the city engineer. In addition, all streets shall be well-drained, well-lighted, and continuously maintained in operable condition.
Staff note: Staff has received no assurances regarding this item. Staff approval will be so conditioned.
- F. Spacing Between Units. There shall be a minimum side-to-side dimension of 12 feet between units and a minimum end-to-end dimension of 10 feet between units.
Staff note: There is a minimum side-to-side dimension of 15 feet between units. However, there are 4 currently proposed unit locations within the western, triangular-shaped region of the park (just north of a small 3-car parking field) where RV-parking stalls are closer than 10 feet end-to-end.
- G. Minimum Setbacks Required. The following setback requirements shall apply:
 - 1. Twenty-five feet from a public street;
Staff note: Setback met by current proposal.
 - 2. Five feet from an interior private street;
Staff note: Setback met by current proposal only if no RV vehicle longer than 25 feet can be stationed on property.
 - 3. Fifteen feet from the park boundary.
Staff note: Setback met by current proposal.
- H. Off-Street Parking. A minimum of one off-street parking space shall be required for each recreational vehicle space. It shall be located within the recreational vehicle space. In addition, one off-street parking space per each three recreational vehicle spaces shall be required for guest parking. The guest parking spaces shall be grouped and distributed evenly throughout the park.
Staff note: This provision has been met with this initial submission. 28 guest parking spaces are required and 28 guest parking spaces are provided.
- I. Pedestrian Walkways. Pedestrian walkways having a width of not less than three feet shall be provided from the recreational vehicle spaces to all service buildings and facilities, refuse collection areas, and recreation areas. The walkways shall be hard-surfaced, well-drained, and well-lighted.
Staff note: This provision is not met by the current proposal.
- J. Landscaping. Adequate landscaping to enhance and beautify the recreational vehicle park as well as minimize noise and visual problems shall be provided.
Staff note: Current proposal has no landscaping. Staff also notes that absent more prescriptive language within this item, traditional parking-related

- landscaping requirements per RMC 23.54.140(C, D, E and G) do provide a standard for minimizing noise and visual problems that would be appropriate if included as a condition for approval.*
- K. Limit of Stay. No recreational vehicle shall remain in place in a recreational vehicle park for more than 12 months in any 14-month period, except as specifically authorized by the planning commission. The city shall reserve the right to audit the park management for the purpose of determining that the length of stay is within the parameters established by this chapter. If an applicant submitting an application for approval of a recreational vehicle park includes an operational plan with their application, the planning commission may modify or eliminate the length of stay limits included in this section. Such an operational plan shall include specific details regarding the operation of the recreational vehicle park, which at a minimum shall include length of stay provisions for various types of recreational vehicles; maintenance standards for recreational vehicles using the park; and regulations regarding the outdoor storage of personal items and vehicles within the park. When an application for the development of a recreational vehicle park is approved, the operational plan shall become part of the conditions of approval attached to the special use permit and shall be enforceable by the city. In the event that the owner/operator of an existing recreational vehicle park desires to amend the approved operational plan for their recreational vehicle park, the owner/operator shall make a written request to the administrative official. If the administrative official determines that the amendments to the operational plan are in keeping with the standards for recreational vehicle parks, the original conditions of approval attached to the special use permit and will not result in detrimental impacts to surrounding properties, the administrative official shall approve in writing the requested amendments to the operational plan. Any appeal to a decision made by the administrative official shall be heard by the planning commission.
1. Any planning commission approval of an operational plan that allows for unlimited length of stay for all or a portion of a recreational vehicle park shall include a requirement that the planning commission review the operational plan at five-year intervals. If upon review the commission finds that the overall recreational vehicle park maintenance and operational standards have been adhered to and circumstances and conditions in the surrounding community still warrant, the commission may grant approval to the operational plan for another five-year interval.
- Staff note: Applicant has not submitted an operational plan with review materials.*
- L. Maintenance. Recreational vehicle sites and the recreational vehicles located within them shall be maintained in good condition at all times. No accumulation of junk or inoperable vehicles shall be stored within any recreational vehicle space. All recreational vehicles within a recreational vehicle park shall remain in operable condition and shall have valid state licenses and current vehicle tabs.
- M. Solid Waste Disposal. The storage, collection and disposal of solid waste in recreational vehicle parks shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, or accident or fire hazards.

Individual or grouped refuse containers must be screened from view except on collection day.

N. Utilities. The following requirements for utilities shall apply:

Staff note: Staff is aware of the following utility provisions within RMC

23.42.220 and will ensure final design complies with all provisions.

1. A water supply system shall be provided in the recreational vehicle park for each recreational vehicle space designed to accommodate the park user occupying a self-contained recreational vehicle or a dependent recreational vehicle and shall be connected to a public water supply system. The water system for a recreational vehicle park shall be constructed and maintained in accordance with all applicable state and local codes and regulations.
 2. Watering Stations. Each recreational vehicle park shall be provided with one or more easily accessible water supply outlets for filling recreational vehicle water storage tanks.
 3. Sewage Disposal System. An adequate and safe sewage disposal system shall be provided in a recreational vehicle park for each recreational vehicle space designed to accommodate the park user occupying a self-contained vehicle and shall be connected to the public sewerage system. The sewage disposal system in a recreational vehicle park shall be constructed and maintained in accordance with all applicable state and local codes and regulations.
 4. Sanitary Stations. Each recreational vehicle park shall be provided with sanitary dumping stations in the ratio of one for every 100 recreational vehicle spaces or fractional part thereof. Sanitary stations shall consist of at least a trapped four-inch sewer riser pipe connected to the sewage disposal system and surrounded at the inlet end by a concrete apron sloped to the drain and provided with a suitable hinged cover; and a water outlet, with the necessary appurtenances connected to the water supply system to permit periodic wash down of the immediate adjacent areas. A sign shall be posted near the water outlet indicating that this water is for flushing and cleaning purposes only. Sanitary stations shall be screened from other activities by a visual barrier such as fences, walls, or natural growth and shall be separated from any recreational vehicle space by a distance of not less than 50 feet.
 5. Electrical Supply System. Each recreational vehicle park shall be provided with an underground electrical system which shall be installed and maintained in accordance with all applicable state and local codes and regulations.
 6. Other Utility Systems. If other utility systems such as natural gas, television cable, or telephone are installed in a recreational vehicle park, such installation shall be in accordance with state and local codes and regulations.
- O. All recreational vehicle parks shall comply with rules and regulations of the Washington State Board of Health.

Staff note: Applicant has provided staff a letter stating that the Board of Health requirements potentially associated with this project are not here applicable because the Park will be absent the swimming pool and food

- vending which would typically trigger Board of Health review. See Application Materials (Exhibit 1).*
- P. All recreational vehicle spaces shall be well marked and numbered.
Staff note: There have been no formal design drawings supplied to satisfy this standard, but will be required per condition of approval

C-3 DIMENSIONAL STANDARDS

The following standards apply in the C-3 zone per RMC 23.14.040:

Minimum Lot Area Requirement	None
Maximum Density	N/A
Minimum Lot Width	N/A
Minimum Front Yard Setback	0 feet ¹
Minimum Side Yard Setback	None
Minimum Rear Yard Setback	None
Maximum Building Height	80 feet
Minimum Dwelling Unit	N/A

1. No setback required if street right-of-way is at least 80 feet in width. Otherwise, a minimum setback of 40 feet from street centerline is required.

UTILITY AVAILABILITY

There are existing domestic water, natural gas, and electrical power line connections in place, available within existing rights-of-way near the site with adequate capacity to supply the proposed project. However, sewer has challenges associated with the site's topography, mainly, that the site is lower in elevation than the areas immediately east that already have City services.

Utility Map

Item: Van Giesen RV Park
Applicant: MillieAnne VanDevender
File #: SUP2023-101

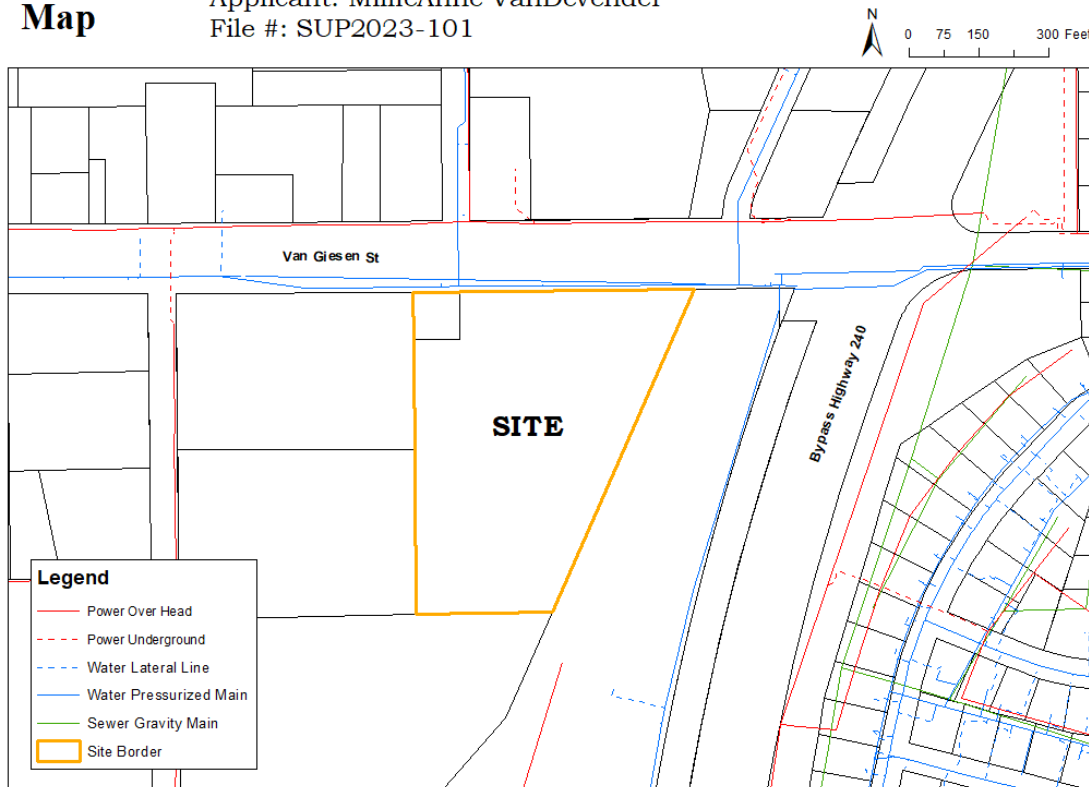


Figure 4 – Utilities Map

Sewer

As mentioned above, the site's topography presents the applicant challenges regarding their connection to City sewer. The eastern side of the site sits no fewer than 20-feet below the property immediately to the east. Public Works staff have informally presented the applicant with options, such as pooling together resources from neighbors to jointly pay for a city standard sewer lift station to serve their properties and surrounding areas. That said, staff anticipates the project will require the applicant to install service to connect up with existing lines under Terminal Drive, to the north.

Water

There is an 8-inch distribution main within the Van Giesen Street right-of-way.

Irrigation

There are no irrigation connections or other irrigation infrastructure in place or available for future use in proximity to the subject site.

Stormwater

There are no stormwater connections or other stormwater infrastructure in place or available for future use in proximity to the subject site.

Power

The site has an existing overhead secondary conductor connecting the former 2517 building back to the east-west overhead primary conductor along the northern side of Van Giesen. Staff anticipates this connection will need to be upgraded to accommodate the proposed use.

Elevation Map

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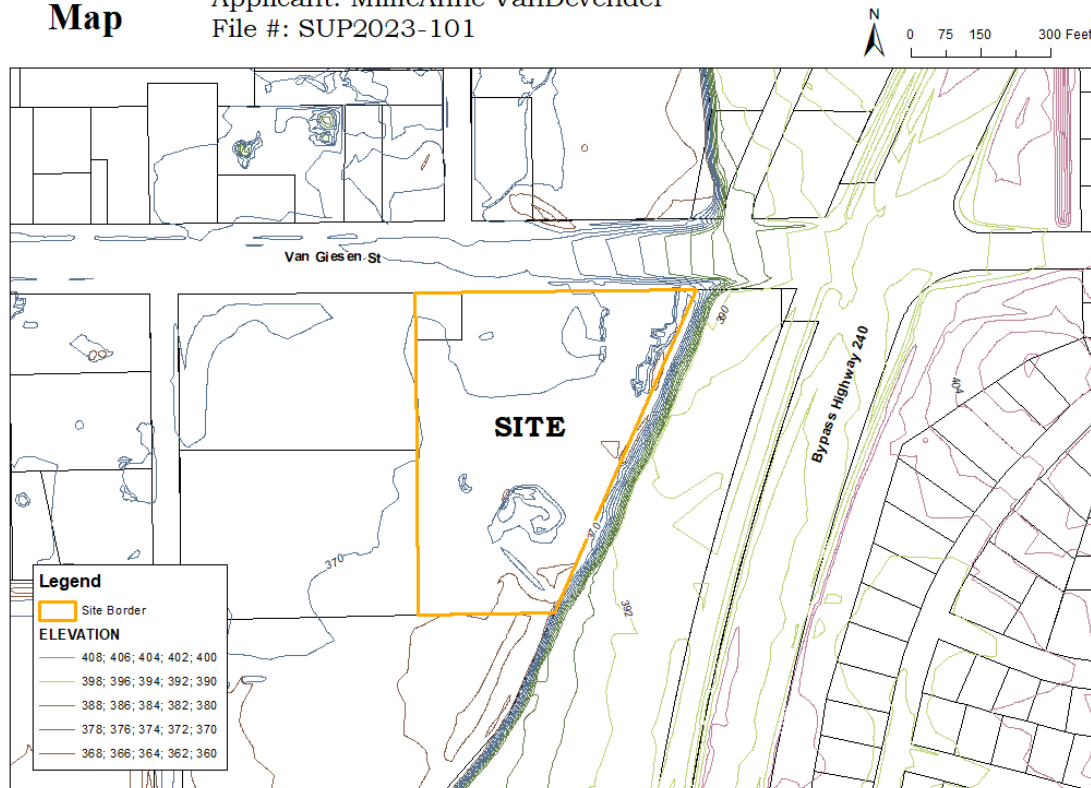


Figure 5 – Elevation Map

TRANSPORTATION & ACCESS

Primary access into the site will come from Van Giesen Street, classified by the City as a "Principal Arterial". Secondary SEVA access will come from a local road connection to Chester Road to the south. The permanent SEVA shall have a minimum width of 20-feet and must be paved.

The proposal area along Van Giesen Street has no single predominant characteristic. Instead, a mix of small commercial, agricultural, and automotive uses coexist in close proximity. There are no significant nodes of employment or shopping amenities and residential is spread out on (largely) 5-acre lots. Being 800-feet west of the intersection of Van Giesen and the Highway 240 Bypass does provide ample access to the rest of the region.

Sidewalks are not present on either side of Van Giesen. Existing on-street bicycle lanes are designated on City maps, but these areas are not marked or protected from motor vehicle traffic in any way and largely operate as extended paved run-off for motor vehicles. Van Giesen Street is an active Ben Franklin Transit [BFT] bus route and there are two stops on either side of the road from the proposed site. One is immediately opposite the site on Van Giesen while the other is about 500 feet west on the same side of the street.

Parking

As included earlier 23.42.220(H) prescribes the following parking requirement:

A minimum of one off-street parking space shall be required for each recreational vehicle space. It shall be located within the recreational vehicle space. In addition, one off-street parking space per each three recreational vehicle spaces shall be required for guest parking. The guest parking spaces shall be grouped and distributed evenly throughout the park.

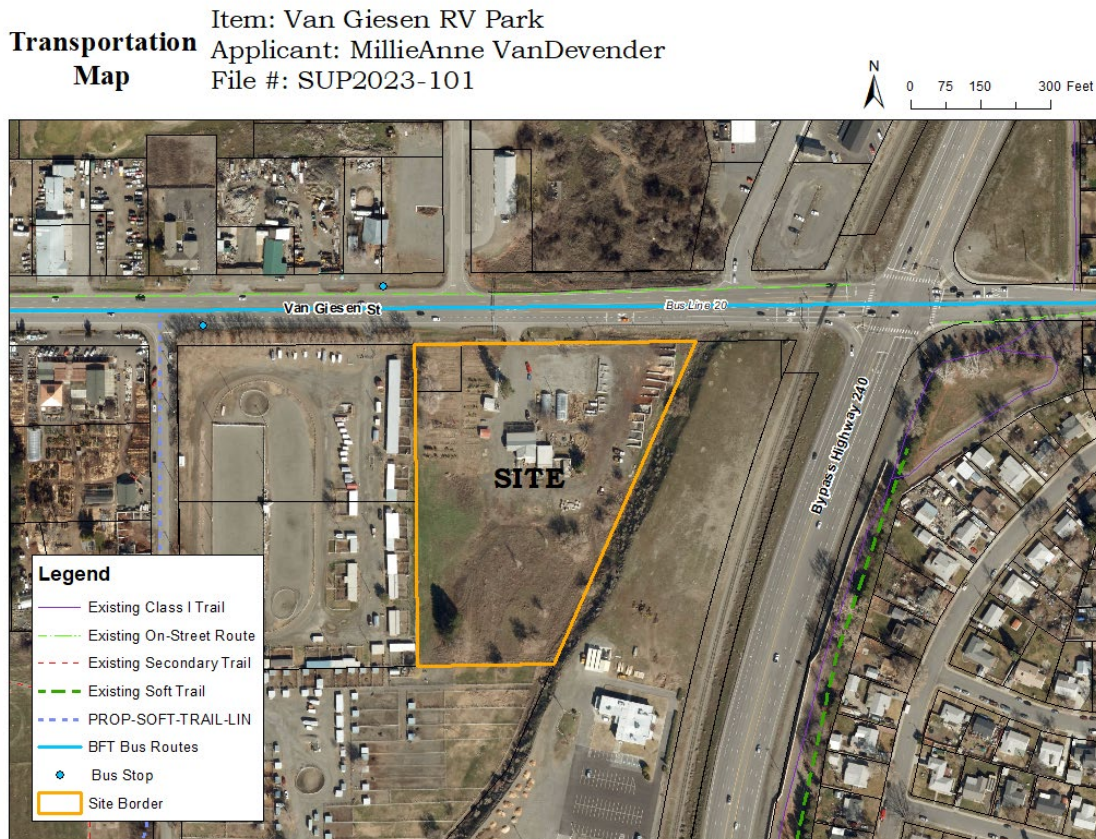


Figure 5 – Transportation Map

EASEMENTS

City maps do not indicate the presence of any existing easements that encumber the proposed site.

FIRE SAFETY

The City of Richland Fire Department will provide fire protection services to the subject property and resulting development. Currently, there are two hydrants immediately adjacent to the proposed site. Both hydrants are in the Van Giesen right-of-way and are directly centered in front of the two parcels that compose the combined site. Also, the applicant anticipated that secondary emergency access [SEVA] would be required. As such, the applicant provided a survey of the owner's land holdings to the south and will make the property available for the creation of a secondary emergency vehicle access. The topological and record survey done prior to the creation of this report was provided in application materials (*Exhibit 1*).

SCHOOLS

The plat falls within the boundaries of the Richland School District. The closest primary institution is the Jason Lee Elementary more than half-a-mile to the northeast, with Chief Joseph Middle School a further half-mile beyond that.

PARKS

The North Trailhead for W. E. Johnson Park is one-half mile southeast off of Hall Road and some walking trails are in place to the east of the Highway 240 Bypass, but the most immediate recreational opportunity for RV Park patrons will be on-site in the RV Park recreational area prescribed by 23.42.220(C)..

SEPA

A SEPA checklist addressing potential impacts of the proposed use was included in along with the special use permit application. On April 3, 2023 staff issued a Determination of Non-Significance (DNS) on EA2023-106 (*Exhibit 4*) using the Optional DNS process available under the provisions of WAC 197-11-355.

Critical Areas

The subject site does lie within Critical Area mapped territory for "FloodPlains". However, Critical Areas mapping was performed projecting only an approximation of territories likely applicable to its various critical categories, and does not carry with it direct regulatory or administrative responsibilities for local or state agencies. For that, Staff references local FEMA flood maps.

Floodplains

The site is within Zone B according to FEMA flood maps. Zone B is an area of moderate flood hazard, usually the area between the limits of the 100- year and 500-year floods. Zone B does not have the same design standards or other regulatory requirements as Zone A, or the 100-year floodplain. The City does not regulate Zone B areas as it does with Zone A and V areas under RMC 22.16.

Shoreline Master Program

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

AGENCY COMMENTS

A variety of public agencies and City departments were given an opportunity to comment on the proposal. Copies of all agency comments received by the City are included as *Exhibit 6*.

PUBLIC COMMENTS

Owners of all properties within 300-feet of the plat site were directly notified of the project by way of USPS mailing. The City has received public comment. Those comments are included in *Exhibit 7*.

PUBLIC NOTICE

Application Date:	February 27, 2023
Combined Notice of Hearing/Optional DNS Mailed:	March 14, 2023
Combined Notice of Hearing/Optional DNS Posted:	March 14, 2023
Combined Notice of Hearing/Optional DNS Published:	March 13, 2023
Public Hearing:	April 10, 2023

A combined notice of application and SEPA Optional DNS determination was provided by mailing notices to property owners within 300 feet. Public hearing notices were distributed through posting of the property, mailing of notice to property owners within 300 feet of the site and publication in the Tri-City Herald newspaper. Copies of the notices and affidavits are included in *Exhibit 5*.

ANALYSIS

Turning back to the Code language in RMC 23.46.040, discussed previously, Staff will offer analysis for section C.

- C. The hearing body shall approve, approve with conditions or deny an application for a special use permit based on findings of fact with respect to the following criteria:
 1. The size and dimensions of the site provide adequate area for the proposed use;
The proposed use meets minimum area requirements per RMC 23.42.220(A) for RV Parks.
 2. The physical conditions of the site, including size, shape, topography, and drainage, are suitable for the proposed development;
There are no known pre-existing physical limitations prohibiting development of the site in accordance with the current use proposed.

3. All required public facilities necessary to serve the project have adequate capacity to serve the proposed project;
All public facilities available for use by the proposed project have adequate capacity for proposed project.
4. The applicable requirements of this zoning regulation (RMC Title 23), the city comprehensive plan, the city sensitive area regulations (RMC Title 20), the city shoreline management regulations (RMC Title 26) and the city sign regulations (RMC Title 27) have been met; and
Approval of this special use permit is conditioned that RV Park design shall meet the requirements and standards of RMC 23.42.220.
5. Identified impacts on adjacent properties, surrounding uses and public facilities have been adequately mitigated.
Staff and agency conditions have been included with this report to mitigate foreseen impacts. Per Special Use Permit conditions in RMC 23.46.040(D), the Hearing Examiner has additional latitude to consider mitigation based on feedback from neighbors.

Regarding the language under RMC 19.60.095, Staff will offer the following analysis:

- A. The development application is consistent with the adopted comprehensive plan and meets the requirements and intent of the Richland Municipal Code.
The proposed project appears to meet all applicable Code-related requirements, most of which are housed within RMC 23.42.220.
- B. Impacts of the development have been appropriately identified and mitigated under Chapter 22.09 RMC.
Using the Optional DNS process available under the provisions of WAC 197-11-355, Staff issued a Determination of Non-Significance (DNS) for the project (EA2023-106), as proposed, on April 3, 2023 (Exhibit 4).
- C. The development application is beneficial to the public health, safety and welfare and is in the public interest.
The City does have interest in making itself accessible and welcoming to visitors, irrespective of their choice in conveyance, and RV parks, such as the one proposed, allow Richland to be accessible and welcoming to those members of the RV community. The economic development such visitors generate contributes to the local economy and coffers of the City of Richland, and in that way is in the public interest.
- D. The development does not lower the level of service of transportation facilities below the level of service D, as identified in the comprehensive plan; provided, that if a development application is projected to decrease the level of service lower than level of service D, the development may still be approved if improvements or strategies to raise the level of service above the minimum level of service are made concurrent with development.

For the purposes of this section, “concurrent with development” means that required improvements or strategies are in place at the time of occupancy of the project, or a financial commitment is in place to complete the required improvements within six years of approval of the development.

There has been no indication to Staff that the proposed project will result in surface transportation impacts which would lower local level of service below rating “D”.

- E. Any conditions attached to a project approval are as a direct result of the impacts of the development proposal and are reasonably needed to mitigate the impacts of the development proposal.

Correct. Staff have considered impacts of the development proposal and have drafted conditions, which in our estimation, provide robust mechanisms for mitigation of said impacts.

Though RV parks are already present in Richland, not every C-3 commercial use district is an appropriate landing spot for such parks. The requirement for Special Use Permit is indicative of the high scrutiny the City places on these uses within these zoned areas. Likewise, the inclusion and specificity of City Code within 23.42.220 “Recreational vehicle park” and the increased discretion under 23.46.040 “Applications” given to the Hearing Examiner on Special Use Permits ask Staff and the Hearing Examiner to carefully consider potential ramifications for more-traditional commercial, or other, neighboring uses. Applying requisite conditions (to follow in this report), Staff judges this location to be appropriate for the proposed use. It lies within a transition between more disruptive activities, such as a busy highway corridor to the east, and less intense uses, such as the horse riding club immediately to the west, and, could likewise act as a buffer between them. Van Giesen Street has the capacity to accommodate the proposed use and the width and lengths of standard RVs and the proposed use will not be as intense as many other C-3 uses are in terms of trips generated. Likewise, the proposed use will not be as intense as other potential C-3 uses could be in terms of either emissions, lighting, noise, or other potential annoyances for neighbors. Finally, based on the location of other RV parks, campgrounds, storage areas, and, locations of manufactured homes in the area, this location seems fitting for the proposed use.

FINDINGS, CONCLUSION, AND RECOMMENDATION:

Findings of Fact

Staff has completed its review of the request for a Special Use Permit (SUP2023-101) and recommends approval of the request subject to conformance to the conditions of approval identified below and based on the following findings:

1. The City of Richland Comprehensive Plan designates the subject site as suitable for proposed use subject to a Special Use Permit per Richland Municipal Code [RMC] 23.22.030.
2. The subject site is located within the general business use district (C-3)

3. RMC Chapter 23.46.025 designates the Hearing Examiner to conduct the review of special use permit applications for recreational vehicle parks in the C-3 zoning district.
4. MillieAnne VanDevender, AICP, on behalf of AHBL, Inc and NC Ventures has filed an application for a special use (Type II) permit to establish and operate a Recreational Vehicle Park on 7.13 acres, within a C-3 general business zoning district, to include 80 spaces for recreational vehicles, three accessory buildings, and recreational space.
5. RV Parks in the City of Richland are subject to general provisions and special conditions within RMC 23.42.220.
6. Applications for Special Use Permit are evaluated under the criteria contained in RMC 23.46.040.
7. A special use permit is classified as a Type II application under RMC 19.20.030.
8. Required findings for Type II applications are found under 19.60.095.
9. General criteria for Hearing Examiner decisions are outlined in 19.25.100.
10. Public notice of the application and hearing was provided via mail to surrounding landowners within 300 feet of the site; through the posting of a sign on-site and through a legal advertisement in the Tri-City Herald, all in accordance with the notice provisions contained in RMC 19.40.010.
11. The applicant filed an environmental checklist along with their special use permit application.
12. The City issued a Determination on Non-Significance (EA2023-106) for the project on April 3, 2023, thus satisfying the requirements of the State Environmental Policy Act (Exhibit 4).
13. The size of the property exceeds the minimum lot standards for RV Parks stipulated in 23.42.220(A).
14. The physical conditions of the site are suitable for the proposed development.
15. With the exception of sewer, public facilities consisting of sewer, water and street access are in place and available to serve the proposed development. All utility systems have adequate capacity to serve the proposed development.
16. The proposal, as conditioned, is consistent with the City's comprehensive plan.
17. The proposed site is not impacted by the City's Critical Areas regulations or Shoreline Master Program.
18. City staff and other utility providers reviewed the project and have recommended specific conditions of approval as set forth in this report.
19. As conditioned, the project meets the criteria for the issuance of a special use permit as established in RMC 23.46.040.
20. As conditioned, the proposed special use permit makes appropriate provisions for the public health, safety and general welfare, is consistent with the adopted comprehensive plan, meets the requirements and intent of the Richland Municipal Code, and, has appropriately identified and mitigated environmental impacts as described under RMC Chapter 22.09.

Recommendation

Staff has completed its review of the request for special use permit (SUP2023-101, EA2023-106) and recommends approval of the request subject to conformance with the conditions of approval, below, which are warranted because the project conforms to the City's adopted Comprehensive Plan and zoning regulations; has followed the required State Environmental Policy Act procedures; and is consistent with the requirements of the City's RV park regulations.

RECOMMENDED CONDITIONS OF APPROVAL

Should the Hearing Examiner find approval of the Special Use Permit is justified, Planning staff has developed the following set of approval conditions upon which the project should be conditioned.

Public Works

General Conditions

1. Per Richland Municipal Code, frontage improvements (including pedestrian facilities) will be required along all road frontages at the time of project construction.
2. The existing driveway shall be relocated west to align with the intersection of Bronco Ln. The existing driveway shall be demoed and brought up to future curb with the construction of the new driveway.
3. Non-residential driveway width shall adhere to RMC Chapter 12.04.095.
4. Any impacts sections of guardrail will be required to be evaluated and updated to current standards, as defined by WSDOT.
5. Item 14f: The calculations shall be based on ITE Trip Generation Manual, 11th Edition, as opposed to the 10th Edition as indicated.
6. Item 14h: This project is not in a TIF Zone so no traffic impact fee is required.
7. The SEPA report states that sewer shall be provided by City of Richland. The closest sanitary sewer available is approximately 650-feet from this property. In addition, this property likely cannot gravity-flow to that system. Extension of a sewer line from the existing City sewer system to this property shall be the responsibility of the developer.

Planning

8. Final design of the proposed RV Park shall meet all the standards prescribed by RMC 23.42.220.

Fire Safety

9. A permanent, paved and graded SEVA access shall be provided to exit from the current proposed RV Park to Chester Road to the south. SEVA shall be no less than 20-feet in width.

Department of Archaeology & Historic Preservation

10. Our statewide predictive model indicates that there is a high probability of encountering cultural resources within the proposed project area. However, due to the small footprint of the project, DAHP is not requesting a cultural resources survey at this time. We do ask that you prepare an Inadvertent

Discovery Plan (IDP) and prepare construction crews for the possibility of encountering archaeological material during ground disturbing activities. (See attached communication in *Exhibit 6*.)

EXHIBIT LIST

1. Application Materials
2. Site Plan
3. SEPA Checklist
4. EA2023-106 Determination of Non-Significance
5. Public Notice and Affidavits
6. Agency Comments
7. Public Comments



Exhibit I

Application Materials



**City of Richland
Development Services**

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

Special Use Permit Application

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

PROPERTY OWNER INFORMATION

☐ Contact Person

Owner: **NC Ventures**

Address: **3802 S. Highlands Blvd., West Richland**

Phone:

Email: **morgan@crmachinery.com**

APPLICANT/CONTRACTOR INFORMATION (if different)

☒ Contact Person

Company: **AHBL, Inc.**

UBI#:

Contact: **MillieAnne VanDevender**

Address: **5804 Rd. 90, Ste. H, Pasco 99301**

Phone: **(509)316-7145**

Email: **mvandevender@ahbl.com**

PROPERTY INFORMATION

Legal Description: **The site is situated in a portion of the NE Quarter of the SE Quarter of Sect. 4, Tnship. 09 N, Range 28 E, W.M. within the City of Richland, Benton County, WA**

Parcel #:

104984000001000 / 104984000002000

Current Zoning: **C-3**

Current Land Use Designation: **COMMERCIAL**

DESCRIPTION OF PROJECT

Establishment and operation of a Recreational Vehicle (RV) Park pursuant to RMC 23.42.220 on a ~7.13 acre site with access to Van Giesen St.

APPLICATION MUST INCLUDE

1. Completed application and filing fee
2. SEPA Checklist
3. Title Report showing ownership, easements, restrictions and accurate legal description of the property involved
4. Site Plan, which shall be drawn at a scale of not less than 30-feet to the inch, nor more than 100-feet to the inch, and shall be clear, precise and shall contain the following information:
 - Boundaries and dimensions of property
 - Location and width of boundary streets
 - Size and location of existing or proposed buildings, structures, or activities on the site
 - Roadways, walkways, off-street parking, loading facilities, and emergency vehicle access
 - Fencing, screening, or buffering with reference to location, type, dimension, and character
 - Open spaces or Natural Areas
 - Easements, rights-of-way, etc.
 - Architect's sketches showing elevations of proposed buildings or structures, complete plans, and any other information needed by the Hearing Examiner as determined by the Administrator

COMPLETE QUESTIONS WITH AS MUCH DETAIL AS POSSIBLE (Use additional sheet if needed)

Describe how the size and dimension of the site provide adequate area for the proposed use:

The site is ~7.13 acres in size and has been used as retail. The large size is able to accommodate the proposed use and is more than 3 times the minimum size required per RMC 23.42.220(A). The site is a good configuration for the proposed use.

Describe how the proposed Special Use is compatible with the physical characteristics of the subject property (including size, shape, topography and drainage):

The proposed RV park is compatible with the site's physical characteristics that include a gently sloping terrain, with greater sloping from the east property line toward the railroad. The site does not contain any critical areas and is of good size and configuration.

Describe the infrastructure which will serve the proposed Special Use, including but not limited to roads, fire protection, water, wastewater disposal and storm water control:

There is existing access onto Van Giesen St / SR 224. Access to water will be provided through agreements with adjacent property owners. A connection to city sewer is available in Van Giesen and a lift station is proposed to be built.

Describe how all applicable requirements of this zoning regulation (RMC Title 23), the City Comprehensive Plan, the City Critical Area Regulations (RMC Title 20), the City Shoreline Management regulations (RMC Title 26) and the City sign regulations (RMC Title 27) have been met:

The City of Richland adopted Ordinance 41-21 which changed the comprehensive plan designation of the site from a mixed designation to be all Commercial and changed the zoning district to be all General Business (C-3). The proposed RV park fits within the allowed uses in the C-3 zoning district and the proposal has been designed to meet the requirements for specific uses included in RMC 23.42.220. There are no critical areas on-site nor is the site subject to the SMP.

Identify the impacts which may occur to adjacent properties, surrounding areas and public facilities and how those impacts are proposed to be mitigated:

The proposal will not adversely affect land nearby or adjacent land uses.

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

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

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

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

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

Applicant Printed Name: MillieAnne VanDevender, AICP

Applicant Signature: MillieAnne VanDevender

Date February 23, 2023



February 23, 2023

Mr. Mike Stevens
Planning Manager
City of Richland
625 Swift Boulevard, MS-35
Richland, WA 99352

Project: Columbia River RV Park Special Use Permit, AHBL No. 2220559.30
Subject: Special Use Permit Application

Civil Engineers

Structural Engineers

Landscape Architects

Community Planners

Land Surveyors

Neighbors

Dear Mr. Stevens:

Thank you for your assistance as we have worked to prepare this Special Use Permit submittal package for the Columbia River RV Park proposed by NC Ventures. This letter will provide a narrative summary of the project and outline compliance with the Richland Municipal Code, to supplement the forms we have completed for the City's review and use by the city's Hearing Examiner.

PROJECT DESCRIPTION

NC Ventures wishes to construct and operate an RV Park on two parcels addressed as 2517 and 2525 Van Giesen St., Richland, WA 99354. The RV Park will be comprised of approximately 80 recreational vehicle spaces, three accessory buildings to be used as support facilities for the campers (registration, laundry, restrooms, etc), recreational areas including a fenced dog park, and relevant site improvements such as utility extensions and parking.

The RV Park will provide accommodations for travelers visiting Richland for brief visits as well as for those who wish to extend their stay longer, up to 12 months. The RV Park could also provide an affordable and convenient housing option for people who come to the area on a temporary basis for business, such as travelling medical staff, or anyone employed on a short-term contract.

The proposed RV Park site is approximately 7.13 acres in size and was previously home to the C & M Nursery, a commercial use. The Richland Riders Club (a horse stable) is located to the west of the site and Wood's Nursery is located farther to the west. The Knights of Columbus meeting hall occupies the parcel directly to the east of the subject site although the building is located farther to the south. There are various businesses and commercial uses dotting the north side of Van Giesen St. The businesses in the nearby vicinity and along Van Giesen St. do not occupy large or tall buildings and likewise, the proposed RV Park and accessory buildings will not be bulky or tall and will blend with the appearance of the area.

There is an existing septic system on site that will be decommissioned. The applicant is proposing to connect to the city sewer and water systems and improvements will include the installation of a sewer lift station. The extensive improvements to the utility system will constitute a substantial investment by the owner of the property. The owner is proposing to

TRI-CITIES

5804 Road 90

Suite H

Pasco, WA 99301

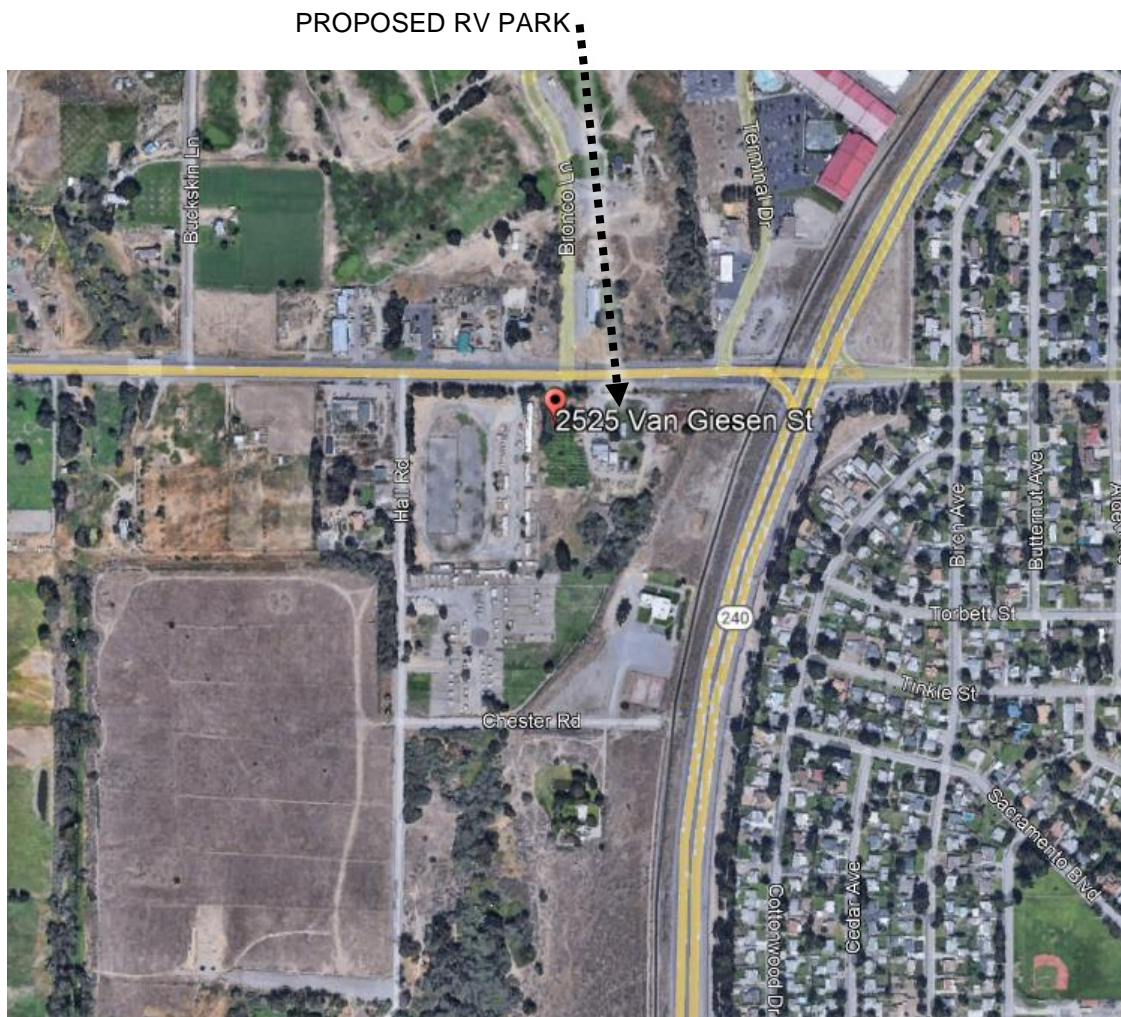
509.380.5883 TEL

www.ahbl.com



construct a minimum of 80 spaces for parking of recreational vehicles, which is below the maximum of 155 spaces allowed by RMC 23.42.220.B. for the size of the site.

Vicinity Map:



SPECIAL / CONDITIONAL USE PERMIT CRITERIA FOR APPROVAL

We understand this project will be reviewed by the city's Hearing Examiner for criteria as listed in RMC 23.46.040. Listed below is each criterion (re-phased into a question) and our response.

1) Do the size and dimensions of the site provide adequate area for the proposed use?

The minimum required size of a recreational vehicle park is 100,000 square feet per RMC 23.42.220.A. The proposed RV Park will be situated on a parcel that is approximately 7.13 acres or 310,582 square feet in size and the dimensions of the site allow for a looped-road and efficient layout for the RV camping spaces. The design of the RV Park will take advantage of



the size and shape of the site to meet all the requirements for recreation space, RV spaces, and interior private streets and walkways as found in RMC 23.42.220.A. The size and dimensions of the site will be more than adequate for the proposed RV Park use.

2) Will the physical conditions of the site, including size, shape, topography, and drainage, be suitable for the proposed development?

The site is mostly flat with a progressive slope that rises from the eastern property line toward the railroad property. The proposed RV Park will enjoy a natural buffer provided by this hill that will lessen the sounds and visual effects between the site, the railroad, and SR 240. Additionally, the applicant will work with the owners of the adjacent property to provide proper retaining walls along the east property line.

3) Will all required public facilities necessary to serve the project have adequate capacity to serve the proposed project?

The site exists within an area of established infrastructure and ample access to available transportation. A traffic impact analysis was conducted for the Comprehensive Plan amendment application of the subject property in 2021; the study included an RV park as a possible use. The proposal includes site improvements that will connect to the existing water and sewer systems in place adjacent to the site and within Van Giesen St. Site improvements will include the extension of a sewer mainline and a sewer lift station.

The site has direct access to SR 224/ Van Giesen St. and indirect access to SR 240/Bypass Highway. There are two existing Ben Franklin Transit stops for Bus Route 120 (one is approximately 300 feet to the west and the other is approximately 500 feet to the east); an 80-space Park and Ride at 1600 Terminal Drive; the Richland Airport (approximately one mile north); rail services (to the east, although only used for freight); paved bike and pedestrian paths along SR 240; and a signalized intersection at Van Giesen and SR 240, with pedestrian crosswalks connecting all four corners.

A technical memorandum prepared by J-U-B Engineers for the site's Comprehensive Plan map amendment and rezone application includes an analysis which considers the traffic generation that could result from different uses, specifically an RV park. The report concludes that there is ample storage to accommodate the left turn movement on the existing center two-way left-turn lane, would require no additional right turn treatment, and during the PM peak hour the Level of Service (LOS) for driveway delay would be "C".

Additionally, a project to connect Van Giesen St. approximately from Jones Rd. to Kingsgate Way appears on the City of Richland's Six Year Transportation Improvement Plan from 2023-2028 which the City Council approved in 2022. The project appears to be a new 3-lane street with curb, gutter, sidewalk, bike lanes, streetlights and storm drainage facilities and is forecasted to be constructed in 2028 which will alleviate any congestion at the Van Giesen / SR-240 intersection (since traffic will be re-routed). The project will benefit the area and the patrons of the RV Park by allowing commuters from the Hanford site to drive south on the Kingsgate way extension, take a left on Van Giesen (eastbound) and travel to the RV Park.

4) Have all of the applicable requirements of this zoning regulation (RMC Title 23), the city comprehensive plan, the city sensitive area regulations (RMC Title 20), the city shoreline



management regulations (RMC Title 26) and the city sign regulations (RMC Title 27) have been met?

The City of Richland adopted Ordinance 41-21 which changed the comprehensive plan designation of the site from a mix of designations to be all Commercial and changed the zoning district to be all General Business (C-3) through the adoption of Ordinance 42-21. The proposed RV park fits within the allowed uses in the C-3 zoning district and the proposal has been designed to meet the requirements for specific uses included in RMC 23.42.220. There are no critical areas on-site nor is the site subject to the SMP. There are no signs proposed at this time.

5) Will there be identified impacts on adjacent properties, surrounding uses and public facilities and if so, have they been adequately mitigated?

The proposal will not adversely affect land nearby or adjacent land uses. The parcels surrounding the proposed RV Park are designated as C-3 General Business or as AG Agricultural, both zoning districts that allow uses which would typically not be affected by any noise or lighting resulting from the operations of the RV Park. Any proposed development is not expected to result in an increased need for public safety services such as police and fire, beyond that which is typical of such development.

Thank you for your assistance on this important project. We look forward to working with you throughout the review and approval process.

If you have any questions, please call me at (509) 380-5883.

Sincerely,

MillieAnne VanDevender, AICP
Project Planner

c: Mr. Morgan Neal, NC Ventures
Mr. Paul Knutzen, Knutzen Engineering

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Park_SUP__2220559.docx



Order No.: **CBF11633**

**NC Ventures, LLC
3802 S Highlands Blvd.
West Richland, WA 99353**

Property Address: **2517 Van Giesen St.
Richland, WA 99354**

ENCLOSED IS YOUR FINAL TITLE INSURANCE POLICY

OUR SINCERE THANKS FOR CHOOSING
CASCADE TITLE COMPANY OF BENTON-FRANKLIN COUNTIES
FOR YOUR TITLE AND ESCROW CLOSINGS.

**8203 WEST QUINAULT AVE, SUITE 10
KENNEWICK, WA 99336
Phone: 509-783-0660
Fax: 509-783-6612**

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OWNER'S POLICY OF TITLE INSURANCE



Policy Number **OX-13238438**

Issued by Old Republic National Title Insurance Company

Any notice of claim and any other notice or statement in writing required to be given to the Company under this Policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, a Florida corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from:
 - (a) A defect in the Title caused by
 - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
 - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
 - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
 - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
 - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
 - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
 - (vii) a defective judicial or administrative proceeding.
 - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
 - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (a) the occupancy, use, or enjoyment of the Land;
 - (b) the character, dimensions, or location of any improvement erected on the Land;
 - (c) the subdivision of land; or
 - (d) environmental protectionif a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.

Countersigned:

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

A Stock Company

400 Second Avenue South, Minneapolis, Minnesota 55401

(612) 371-1111

Mark D. Smith

Authorized Officer or Licensed Agent

By

Attest

Mark D. Smith
Daniel Wold

President

Secretary

6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.

7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.

8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.

9. Title being vested other than as stated in Schedule A or being defective

(a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
(b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records

(i) to be timely, or

(ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.

10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to

(i) the occupancy, use, or enjoyment of the Land;
(ii) the character, dimensions, or location of any improvement erected on the Land;
(iii) the subdivision of land; or
(iv) environmental protection;

or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.

(b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.

2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.

3. Defects, liens, encumbrances, adverse claims, or other matters

(a) created, suffered, assumed, or agreed to by the Insured Claimant;

(b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

(c) resulting in no loss or damage to the Insured Claimant;
(d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or

(e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.

4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is

(a) a fraudulent conveyance or fraudulent transfer; or

(b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.

5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

CONDITIONS

1. DEFINITION OF TERMS

The following terms when used in this policy mean:

- (a) "Amount of Insurance": The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section 8(b), or decreased by Sections 10 and 11 of these Conditions.
- (b) "Date of Policy": The date designated as "Date of Policy" in Schedule A.
- (c) "Entity": A corporation, partnership, trust, limited liability company, or other similar legal entity.
- (d) "Insured": The Insured named in Schedule A.
 - (i) The term "Insured" also includes
 - (A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;
 - (B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;
 - (C) successors to an Insured by its conversion to another kind of Entity;
 - (D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title
 - (1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured,
 - (2) if the grantee wholly owns the named Insured,
 - (3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly-owned by the same person or Entity, or
 - (4) if the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A for estate planning purposes.
 - (ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.
- (e) "Insured Claimant": An Insured claiming loss or damage.
- (f) "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.
- (g) "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is insured by this policy.
- (h) "Mortgage": Mortgage, deed of trust, trust deed, or other security instrument, including one evidenced by electronic means authorized by law.
- (i) "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge. With respect to Covered Risk 5(d), "Public Records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district where the Land is located.
- (j) "Title": The estate or interest described in Schedule A.
- (k) "Unmarketable Title": Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to

purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.

2. CONTINUATION OF INSURANCE

The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money Mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (i) an estate or interest in the Land, or (ii) an obligation secured by a purchase money Mortgage given to the Insured.

3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as insured, is rejected as Unmarketable Title. If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

4. PROOF OF LOSS

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

5. DEFENSE AND PROSECUTION OF ACTIONS

- (a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.
- (b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.
- (c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal any adverse judgment or order.

6. DUTY OF INSURED CLAIMANT TO COOPERATE

(a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.

(b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

**7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS;
TERMINATION OF LIABILITY**

In case of a claim under this policy, the Company shall have the following additional options:

- (a) To Pay or Tender Payment of the Amount of Insurance.
To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.
Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.
- (b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.
 - (i) To pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this

policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or

- (ii) To pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

8. DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

- (a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of
 - (i) the Amount of Insurance; or
 - (ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.
- (b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,
 - (i) the Amount of Insurance shall be increased by 10%, and
 - (ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.
- (c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

9. LIMITATION OF LIABILITY

- (a) If the Company establishes the Title, or removes the alleged defect, lien, or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.
- (b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.
- (c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

**10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION
OF LIABILITY**

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

11. LIABILITY NONCUMULATIVE

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

12. PAYMENT OF LOSS

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within 30 days.

13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT

(a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies

in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.

If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.

(b) The Company's right of subrogation includes the rights of the Insured to indemnities, guaranties, other policies of insurance, or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.

14. ARBITRATION

Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons.

Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service in connection with its issuance or the breach of a policy provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when

the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured. All arbitrable matters when the Amount of Insurance is in excess of \$2,000,000

shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction.

15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT

(a) This policy together with all endorsements, if any, attached to it

by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.

(b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim shall be restricted to this policy.

(c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy.

(d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

16. SEVERABILITY

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

17. CHOICE OF LAW; FORUM

(a) Choice of Law: The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefor in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located.

Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.

(b) Choice of Forum: Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

18. NOTICES, WHERE SENT

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at 400 Second Avenue South, Minneapolis, Minnesota 55401-2499

Old Republic National Title Insurance Company
ALTA 2006 STANDARD OWNERS POLICY

SCHEDULE A

FILE NO.: **CBF11633**

POLICY NO.: **OX-13238438**

ADDRESS

REFERENCE: **2517 Van Giesen St.
Richland, WA 99354**

AMOUNT OF
INSURANCE: **\$625,000.00**

PREMIUM: **\$1,559.00**

DATE OF POLICY: **September 01, 2020 at 2:46 PM**

1. NAME OF INSURED:

NC VENTURES, LLC, A WASHINGTON LIMITED LIABILITY COMPANY

2. THE ESTATE OR INTEREST IN THE LAND WHICH IS COVERED BY THIS POLICY IS:

THE EQUITABLE ESTATE CREATED BY THE CONTRACT OF SALE FROM:

SELLER: **HARLAN L. MCMULLEN AND BEVERLY K. MCMULLEN, ALSO KNOWN
AS BEVERLY K. MARCUM, HUSBAND AND WIFE**

BUYER: **NC VENTURES, LLC, A WASHINGTON LIMITED LIABILITY COMPANY**

DATED: **September 01, 2020**

RECORDED: **September 01, 2020**

AUDITOR'S FILE NO.: **2020-033315**

EXCISE TAX NO.: **153306**

3. TITLE TO THE ESTATE OR INTEREST IN THE LAND IS VESTED IN:

**BEVERLY K. MCMULLEN, WHO TOOK TITLE AS BEVERLY K. MARCUM, A MARRIED WOMAN - AS TO
PARCEL A AND HARLAN L. MCMULLEN AND BEVERLY K. MCMULLEN, HUSBAND AND WIFE - AS
TO PARCEL B**

4. THE LAND REFERRED TO IN THIS POLICY IS DESCRIBED AS FOLLOWS:

SEE ATTACHED EXHIBIT "A"

5. THIS POLICY INCORPORATES BY REFERENCE THOSE ALTA ENDORSEMENTS LISTED BELOW:

NONE

This policy valid only if Schedule B is attached.

Old Republic National Title Insurance Company
ALTA 2006 STANDARD OWNERS POLICY

FILE NO.: CBF11633

POLICY NO.: OX-13238438

SCHEDULE B

EXCEPTIONS FROM COVERAGE

THIS POLICY DOES NOT INSURE AGAINST LOSS OR DAMAGE, AND THE COMPANY WILL NOT PAY COSTS, ATTORNEYS' FEES OR EXPENSES THAT ARISE BY REASON OF:

General Exceptions:

- A. RIGHTS OR CLAIMS DISCLOSED ONLY BY POSSESSION, OR CLAIMED POSSESSION, OF THE PREMISES.
- B. ENCROACHMENTS, OVERLAPS, BOUNDARY LINE DISPUTES WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY OR INSPECTION OF THE PREMISES.
- C. EASEMENTS, PRESCRIPTIVE RIGHTS, RIGHTS-OF-WAY, STREETS, ROADS, ALLEYS OR HIGHWAYS NOT DISCLOSED BY THE PUBLIC RECORDS.
- D. ANY LIEN, OR RIGHT TO A LIEN, FOR CONTRIBUTIONS TO EMPLOYEES BENEFIT FUNDS, OR FOR STATE WORKERS' COMPENSATION, OR FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, ALL AS IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.
- E. UNDERGROUND EASEMENTS, SERVITUDES OR INSTALLATIONS OF WHICH NO NOTICE IS OF RECORD.
- F. GENERAL TAXES NOT NOW PAYABLE; MATTERS RELATING TO SPECIAL ASSESSMENTS AND SPECIAL LEVIES, IF ANY, PRECEDING THE SAME BECOMING A LIEN.
- G. ANY SERVICE, INSTALLATION, CONNECTION, MAINTENANCE, OR CONSTRUCTION CHARGES FOR SEWER, WATER, ELECTRICITY, NATURAL GAS OR OTHER UTILITIES OR GARBAGE COLLECTION AND DISPOSAL.
- H. RESERVATIONS OR EXCEPTIONS IN UNITED STATES PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF.
- I. INDIAN TRIBAL CODES OR REGULATIONS, INDIAN TREATY OR ABORIGINAL RIGHTS, INCLUDING EASEMENTS OR EQUITABLE SERVITUDES.
- J. WATER RIGHTS, CLAIMS OR TITLE TO WATER.

This policy valid only if Schedule A is attached

**Old Republic National Title Insurance Company
ALTA 2006 STANDARD OWNERS POLICY**

FILE NO.: CBF11633

POLICY NO.: OX-13238438

SPECIAL EXCEPTIONS:

1. EASEMENTS AND THE TERMS AND CONDITIONS CONTAINED IN DEED RECORDED AUGUST 3, 1960 UNDER AUDITOR'S FILE NO. 441061.
2. RIGHTS OF WAY FOR PIPELINES, DITCHES, CANALS, FLUMES, IF ANY CROSS SAID PREMISES, TOGETHER WITH THE RIGHT TO ENTER THEREON FOR THE PURPOSE OF REPAIR AND MAINTENANCE THEREOF.
3. RIGHT-OF-WAY FOR VAN GIESEN, IF ANY, AND ANY EASEMENT RIGHTS OF ADJOINING PROPERTIES OR THE PUBLIC TO THAT PORTION OF THE LAND INCLUDED WITHIN SUCH RIGHT-OF-WAY, AS DISCLOSED BY MATTERS OF RECORD.

END OF SCHEDULE B EXCEPTIONS.

SW/RB

This policy valid only if Schedule A is attached.

Old Republic National Title Insurance Company
ALTA 2006 STANDARD OWNERS POLICY

FILE NO.: CBF11633

POLICY NO.: OX-13238438

EXHIBIT "A"

PARCEL A

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M., RECORDS OF BENTON COUNTY, WASHINGTON DEFINED AS FOLLOWS:

THAT PORTION LYING NORTH AND WEST OF THE FOLLOWING DESCRIBED LINE: BEGINNING ON THE NORTH BOUNDARY OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER 143.28 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION;
THENCE SOUTH 24°04'55" WEST 75.90 FEET TO THE SOUTH LINE OF VAN GIESEN ROAD;
THENCE CONTINUING SOUTH 24°04'55" WEST 1005.71 FEET;
THENCE SOUTH 41°30'02" WEST 478.66 FEET TO THE SOUTH BOUNDARY OF SAID NORTHEAST QUARTER OF SOUTHEAST QUARTER, EXCEPT PORTION DEFINED AS FOLLOWS: WEST 539.44 FEET OF THE NORTH 758.39 FEET TO THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER:

LESS PORTION DEFINED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTH BOUNDARY OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, WHICH IS DISTANCE 143.28 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION;
THENCE SOUTH 24°04'55" WEST 838.61 FEET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING SOUTH 24°04'55" WEST 246 FEET;
THENCE SOUTH 41°30'02" WEST 478.66 FEET TO A POINT ON THE SOUTH LINE OF SAID SUBDIVISION;
THENCE SOUTH 88°53'51" WEST ALONG SOUTH LINE 413.95 FEET TO THE SOUTHWEST CORNER OF SAID SUBDIVISION;
THENCE NORTH 0°27'52" WEST ALONG THE WEST LINE OF SAID SUBDIVISION 573.64 FEET;
THENCE NORTH 88°48'21" EAST 836.24 FEET TO THE TRUE POINT OF BEGINNING; EXCEPT THE SOUTH 30 FEET AND WEST 30 FEET FOR ROAD:

LESS THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 4 DEFINED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTH BOUNDARY OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER WHICH IS A DISTANCE OF 143.28 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION;
THENCE SOUTH 24°04'55" WEST 78.90 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF VAN GIESEN ST;
THENCE SOUTH 89°33'00" WEST ALONG SAID RIGHT OF WAY LINE 512.67 FEET TO TRUE POINT OF BEGINNING;
THENCE CONTINUING SOUTH 89°33'00" WEST ALONG SAID RIGHT OF WAY LINE 100 FEET TO A POINT WHICH IS A DISTANCE OF 539.44 FEET FROM THE WEST LINE OF SAID NORTHEAST QUARTER OF SOUTHEAST QUARTER;
THENCE SOUTH 0°27'52" EAST PARALLEL TO THE WEST LINE OF SAID SUBDIVISION 100 FEET;
THENCE NORTH 89°33'00" EAST 100 FEET;
THENCE NORTH 0°27'52" WEST 100 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL B

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M., RECORDS OF BENTON COUNTY, WASHINGTON DEFINED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH BOUNDARY OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER WHICH IS A DISTANCE OF 143.28 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION;

**Old Republic National Title Insurance Company
ALTA 2006 STANDARD OWNERS POLICY**

FILE NO.: CBF11633

POLICY NO.: OX-13238438

THENCE SOUTH 24°04'55" WEST 78.90 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF
VAN GIESEN ST;
THENCE SOUTH 89°33'00" WEST ALONG SAID RIGHT OF WAY LINE 512.67 FEET TO TRUE POINT
OF BEGINNING;
THENCE CONTINUING SOUTH 89°33'00" WEST ALONG SAID RIGHT OF WAY LINE 100 FEET TO A
POINT WHICH IS A DISTANCE OF 539.44 FEET FROM THE WEST LINE OF SAID NORTHEAST
QUARTER OF SOUTHEAST QUARTER;
THENCE SOUTH 0°27'52" EAST PARALLEL TO THE WEST LINE OF SAID SUBDIVISION 100 FEET;
THENCE NORTH 89°33'00" EAST 100 FEET;
THENCE NORTH 0°27'52" WEST 100 FEET TO THE TRUE POINT OF BEGINNING.

This policy valid only if Schedule A is attached.

From: [MillieAnne VanDevender](#)
To: [Howie, Matthew](#)
Cc: [Morgan Neal](#); [Paul Knutzen](#); [Nicole Stickney](#)
Subject: NC Ventures RV Park SUP application
Date: Thursday, March 9, 2023 11:29:29 AM

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

Matthew,

Thank you for your call today regarding the Special Use Permit application we submitted for an RV Park on Van Giesen. It is my understanding that you would like us to provide clarification on the overall size of the site where the park is proposed as well as clarification on whether or not RMC 23.42.220.O is still a requirement and if we have initiated contact with that agency.

First, the site is 7.22 acres.

I found the code section that you were asking about and copied it below.

RMC 23.42.220.O:

“All recreational vehicle parks shall comply with rules and regulations of the Washington State Board of Health.”

The project will be subject to, and comply with, any applicable rules and regulations of the Washington State Board of Health. It is our understanding that there are no proposals to include items or activities at this time that would trigger such rules and regulations. There are no plans to construct a swimming pool at this time or to provide certain food vending activities that would require coordination with the Washington State Board of Health. However, if that changes, such approval will be sought.

Thanks,
MillieAnne

MillieAnne VanDevender, AICP | Project Planner

AHBL, Inc. | TACOMA • SEATTLE • SPOKANE • **TRI-CITIES**

509.380.5883 **TEL** | 509.316.7145 **DIRECT** | mvandevender@ahbl.com **EMAIL**

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-
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PORTION OF THE NE 1/4 OF THE SE 1/4
SECTION 4 T9N, R28E, W.M.
RICHLAND, BENTON COUNTY, WASHINGTON

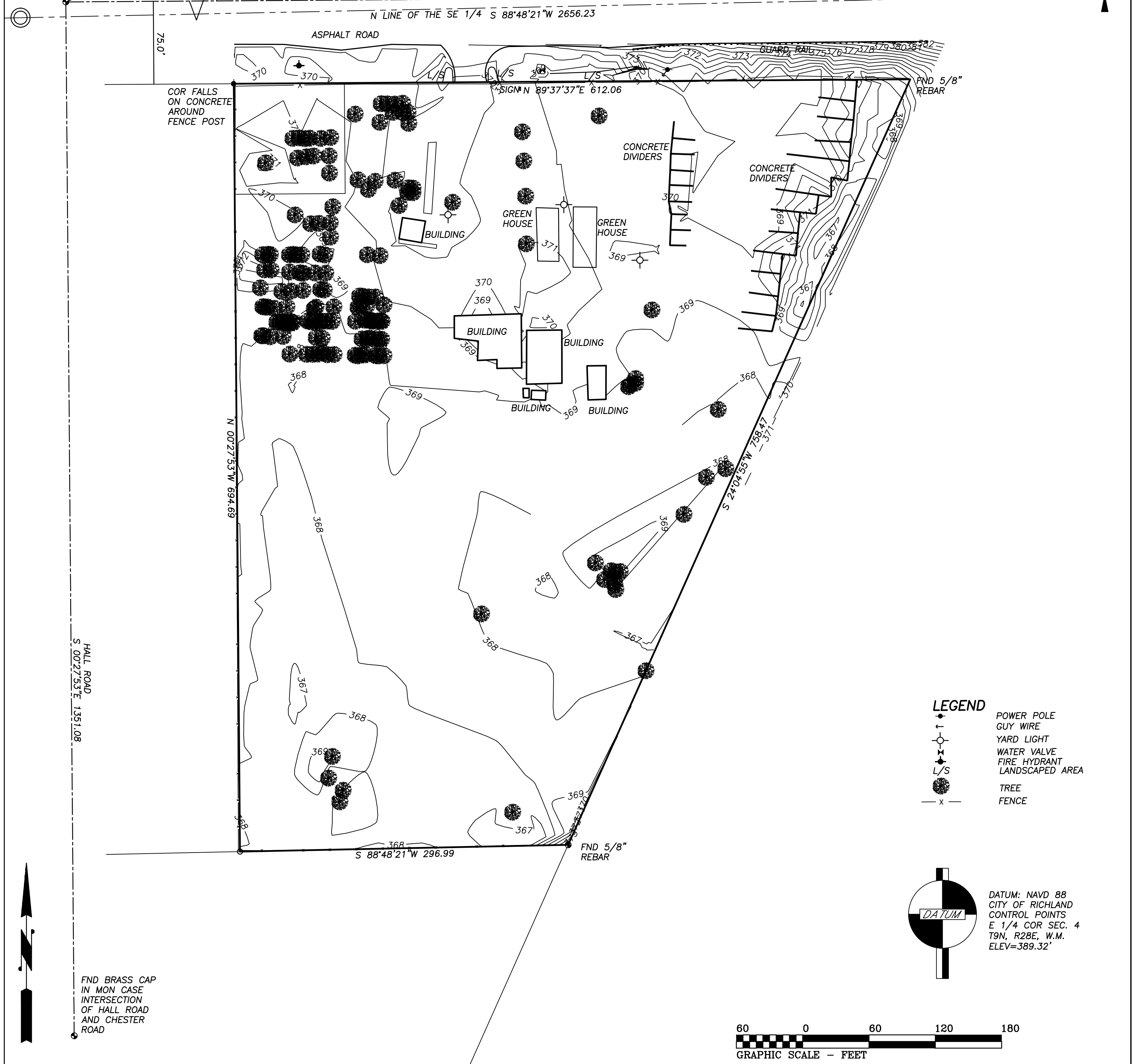
FND NAIL IN CONC
IN MON CASE
INTERSECTION OF
HALL ROAD AND
-VAN GIESEN ST

VAN GIESEN ST (SR224)
S 89°37'37"W 1328.06

BASIS OF BEARING

N LINE OF THE SE 1/4 S 88°48'21"W 2656.23

E 1/4 COR SEC 4
T9N, R28E, W.M.
FND NAIL IN CONC
IN MON CASE
BENCH MARK
ELEV=389.32



THIS MAP REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF NC VENTURES LLC IN JULY 2022.

A circular professional seal for Richard S. Russum, a Registered Professional Land Surveyor in the State of Washington. The seal features a central portrait of a man with a beard and a top hat, holding a surveying instrument. The text "RICHARD S. RUSSUM" is arched across the top, "STATE OF WASHINGTON" is arched across the middle, and "PROFESSIONAL LAND SURVEYOR" is arched across the bottom. In the center, below the portrait, it says "REGISTERED" and "41966". The entire seal is enclosed in a decorative, hand-drawn border.

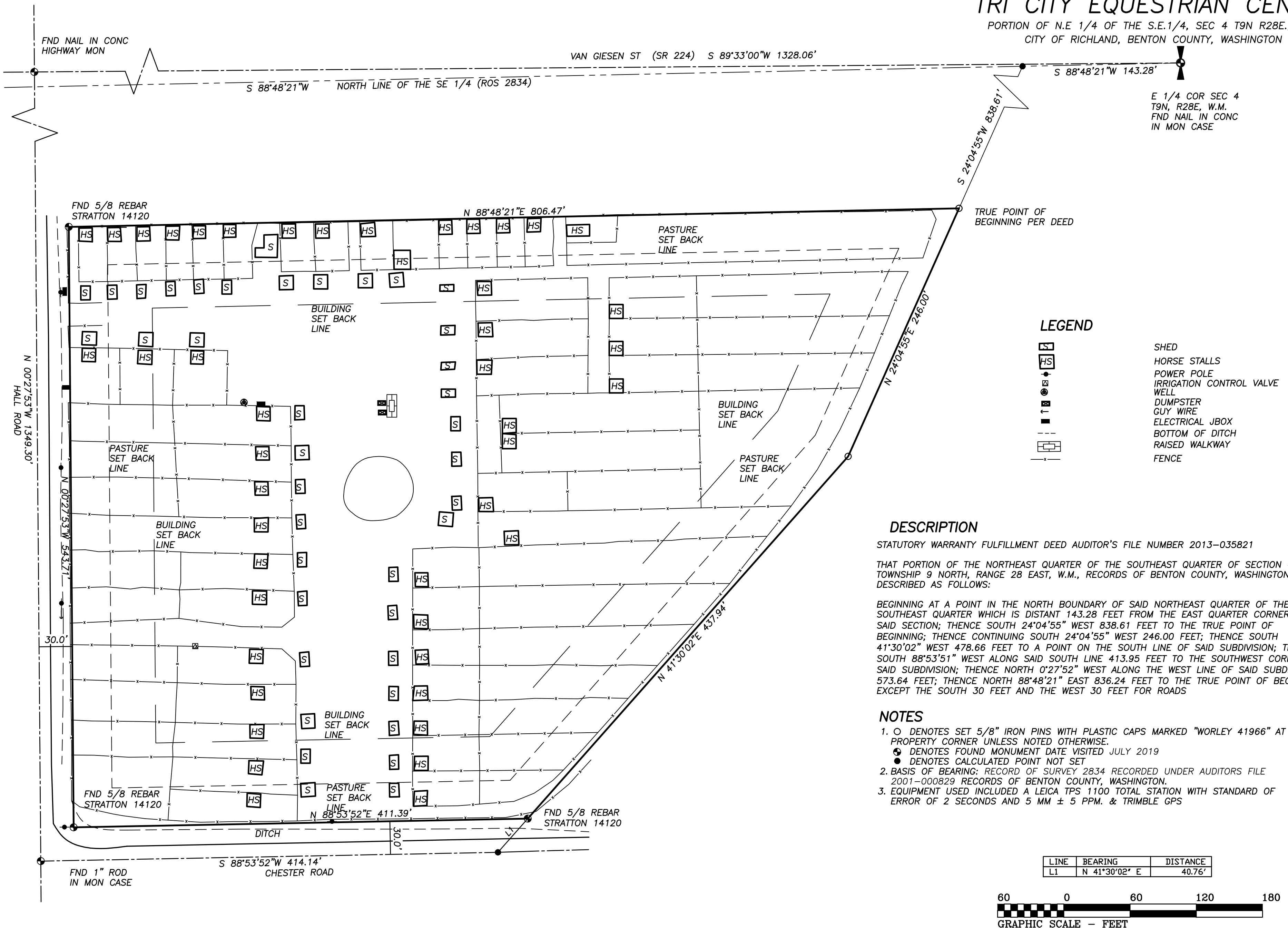
AUDITOR'S CERTIFICATE
FILED FOR RECORD THIS _____ DAY OF _____,
20____, AT _____ MINUTES PAST _____ M., AND RECORDED IN
VOLUME _____ OF SURVEYS, PAGE _____, AT THE REQUEST OF
WORLEY SURVEYING SERVICE, INC., P.S.

RECORD SURVEY NUMBER

SHEET
1 OF 2

RECORD AND TOPOGRAPHICAL SURVEY
TRI CITY EQUESTRIAN CENTER

PORTION OF N.E. 1/4 OF THE S.E. 1/4, SEC 4 T9N R28E., W.M.
CITY OF RICHLAND, BENTON COUNTY, WASHINGTON



DESCRIPTION

STATUTORY WARRANTY FULFILLMENT DEED AUDITOR'S FILE NUMBER 2013-035821

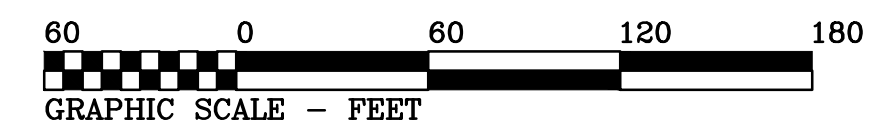
THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M., RECORDS OF BENTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH BOUNDARY OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER WHICH IS DISTANT 143.28 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION; THENCE SOUTH 24°04'55\"

NOTES

- DENOTES SET 5/8\"
- DENOTES FOUND MONUMENT DATE VISITED JULY 2019
- DENOTES CALCULATED POINT NOT SET
- BASIS OF BEARING: RECORD OF SURVEY 2834 RECORDED UNDER AUDITORS FILE 2001-000829 RECORDS OF BENTON COUNTY, WASHINGTON.
- EQUIPMENT USED INCLUDED A LEICA TPS 1100 TOTAL STATION WITH STANDARD OF ERROR OF 2 SECONDS AND 5 MM ± 5 PPM. & TRIMBLE GPS

LINE	BEARING	DISTANCE
L1	N 41°30'02\"	40.76'



AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS _____ DAY OF _____
20____, AT _____ MINUTES PAST _____ M., AND RECORDED IN
VOLUME _____ OF SURVEYS, PAGE _____, AT THE REQUEST OF
TRI CITY EQUESTRIAN CENTER.

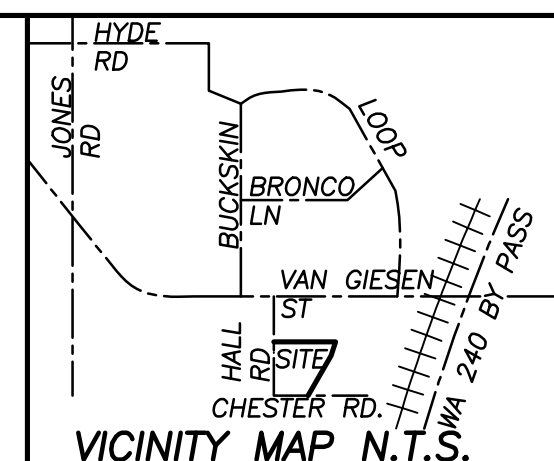
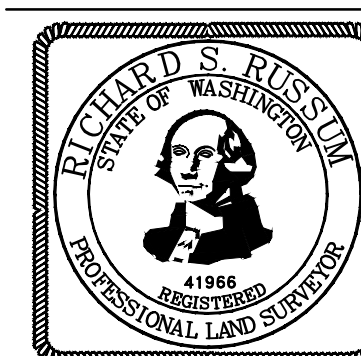
BENTON COUNTY AUDITOR _____ FEE NUMBER _____

RECORD SURVEY NUMBER _____

SURVEYOR'S CERTIFICATE

THIS MAP REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF TRI CITY EQUESTRIAN CENTER IN JULY 2019.

RICHARD S. RUSSUM PLS 41966



WORLEY SURVEYING SERVICE, INC., P.S.
P.O. BOX 6132
KENNEWICK, WASHINGTON 99336
509-582-6716

SHEET
1 OF 1

JOB #19-064




Exhibit 2

Site Plan

50' *(DRIVE-THRU UNITS)

NOT FOR CONSTRUCTION
SITE PLAN
MORGAN NEAL
COLUMBIA RIVER RV PARK
2517 VAN GIESEN ST, RICHLAND, WA 99354

SCALE: AS NOTED	
CADFILE: 22192 C001	
JOB No. 22192	REV. 

SP01

[illegible]



Exhibit 3

SEPA Checklist

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project, applicant," and "property or site" should be read as "proposal, proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background

1. Name of proposed project, if applicable:

Columbia River RV Park Special Use Permit

2. Name of applicant:

AHBL, Inc. on behalf of property owner, NC Ventures

3. Address and phone number of applicant and contact person:

**AHBL, Inc.
MillieAnne VanDevender
5804 Rd. 90
Ste. H
Pasco WA 99301
(509)316-7145
mvandevender@ahbl.com**

4. Date checklist prepared:

February 22, 2023

5. Agency requesting checklist:

City of Richland

6. Proposed timing or schedule (including phasing, if applicable):

Construction of the various components of the project will begin as soon as the required permits are issued.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Once approved, the plan is to proceed with the construction and operation of an RV park.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Technical Memorandum by J-U-B Engineers "C&M Nursery Comprehensive Plan Amendment Traffic Study, dated February 25, 2021.

DNS issued September 2, 2021 (SEPA Register # 202104849) 2021 Annual Comprehensive Plan and Development Regulations amendment. City of Richland Docket No. CPA2021-101. The owner prepared a SEPA checklist for the individual amendment filed under City of Richland File CPA2021-104 and Z2021-104.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None known.

10. List any government approvals or permits that will be needed for your proposal, if known.

Site plan approval pursuant to RMC 23.42.240. Civil plans review. Building permits. Decommissioning of the on-site well and septic system. Demolition permit.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The proposal is for a Special Use Permit in order to construct and operate an RV Park of approximately 80 recreational vehicle spaces and three additional accessory buildings. The proposal area is 7.13 acres and is zoned C-3.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The proposal area is 2 lots with Benton County Parcel Numbers 1-0498-400-0001-000 and 1-0498-400-0002-000.

The site is situated in a portion of the Northeast Quarter of the Southeast Quarter of Section 4, Township 09 North, Range 28 East W.M. within the City of Richland, Benton County, Washington.

The assigned addresses are 2517 and 2525 Van Giesen St., Richland, WA 99354. The site was previously used for C&M Nursery.

B. Environmental Elements

1. Earth

- a. General description of the site:
(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

The site is generally flat, sloping upward from the east property line toward the railroad property, and slopes slightly downward to the south.

- b. What is the steepest slope on the site (approximate percent slope)?

Maximum natural grade is about 2%.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

The majority of the site has Pasco silt loam soil. There is a small amount classified as Quincy loamy sand along the east/southeast parcel line. A portion of the site lies within the mapped 500-year floodplain of the Yakima River, yet no hydric soils are present according to the USDA Natural Resources Conservation Services.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

There are no indications of unstable soils at the project site.

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Soil-disturbing work will be that typical of commercial construction and will be subject to local regulations.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

None known at this time.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

The proposed development will not exceed the maximum percentage of impervious surfaces allowed by the Richland Municipal Code.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Standard erosion control methods will be used such as silt fencing and dust control, as necessary.

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Emissions will be generally limited to that resulting from trips to and from the site by employees and occupants.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

The subject site will be affected by vehicle emissions because it is located near the intersection of Van Giesen St. and By-pass Highway/SR 240, a principal arterial. There are railroad tracks due east of the property so there will also be emissions from trains. The site may also be affected by odors due to its proximity to the Richland Riders Club, an equestrian boarding / riding facility.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None proposed.

3. Water

- a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

No surface water is located in the immediate vicinity. The Yakima River is located approximately over three thousand feet away (to the west).

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

No.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No. A portion of the site is in Zone B (500-year floodplain) and the remainder is outside of Zone A (100-year floodplain) or B.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No.

- b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

There is currently a well on-site that will not be used for the proposed project. The City of Richland maintains a water main along Van Giesen St. although there

is not a lateral line provided to the site at this time. The applicant will work with adjacent property owners to provide access to city water.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

There is currently a septic system on site that will be decommissioned and the site will connect to city sewer.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Runoff will occur due to RV and building roofs, parking spaces, and internal streets. The stormwater will infiltrate on site.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

We anticipate that no waste material will be discharged to the groundwater.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Drainage patterns on the site will be altered with grading and the construction of parking and streets however, drainage patterns within the vicinity of the site will remain unchanged.

- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

None proposed.

4. Plants

- a. Check the types of vegetation found on the site:

There are many different species of plants found on the site as it is currently occupied by a landscaping business.

- ☒ deciduous tree: alder, maple, aspen, other
☒ evergreen tree: fir, cedar, pine, other
☒ shrubs
☒ grass
☐ pasture
☐ crop or grain
☐ Orchards, vineyards or other permanent crops.

____ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
____ water plants: water lily, eelgrass, milfoil, other
X other types of vegetation

- b. What kind and amount of vegetation will be removed or altered?

Some existing vegetation on the site will be cleared.

- c. List threatened and endangered species known to be on or near the site.

There are no known threatened or endangered plant species on the site.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Adequate landscaping to enhance and beautify the recreational vehicle park as well as minimize noise and visual problems will be provided pursuant to code requirements.

- e. List all noxious weeds and invasive species known to be on or near the site.

None known.

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other:

- b. List any threatened and endangered species known to be on or near the site.

None known.

- c. Is the site part of a migration route? If so, explain.

Yes, the entire Columbia Basin is part of a migration route.

- d. Proposed measures to preserve or enhance wildlife, if any:

No mitigation is proposed.

- e. List any invasive animal species known to be on or near the site.

None are known.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Electricity will be utilized to meet the energy needs of the site users.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Any proposed development will not affect the potential uses of solar energy by adjacent properties.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

Any proposed development will meet applicable state and local energy codes.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

None are known.

- 1) Describe any known or possible contamination at the site from present or past uses.

No known contamination is present at the site. The site was used as a plant nursery for many decades.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

No known hazardous chemicals/conditions are present at the proposed development site.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

No known toxic or hazardous chemicals will be stored, used, or produced during the potential project's development or construction.

- 4) Describe special emergency services that might be required.

None known.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

No measures are proposed.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

The predominant noise in the area is from traffic on nearby streets and the railroad. The at-grade train crossing across Van Giesen St. does produce noise in the form of train horns.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Short-term noise will be generated during the construction phase of any development. Long-term noise will be typical of multifamily residential uses.

- 3) Proposed measures to reduce or control noise impacts, if any:

Noise impacts produced during any future construction will be limited to working hours. Compliance with the City of Richland Municipal code with regards to noise will be followed.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

The site recently ceased operations as a Plant Nursery business (Commercial Use). On the west is the Richland Riders Club (a horse stable) and another nursery business; the Knights of Columbus meeting hall occupies the parcel directly to the east of the subject site; Van Giesen Street is adjacent to the parcel to the north; and there are various businesses and commercial uses located along the north side of Van Giesen St.

The proposal will not adversely affect land nearby or adjacent land uses.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

The project site has not been used as working farmland or forest land. There will not be any conversion of agricultural or forest land of long-term commercial significance.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal

business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

The proposal will not affect surrounding farm/forest work.

- c. Describe any structures on the site.

There are two permanent structures on the site; a “Homestead” used for customer restrooms, and a main retail building. There are also several small out-buildings related to the landscape business, all located on the northern portion of the parcel.

- d. Will any structures be demolished? If so, what?

All existing structures on site will be demolished.

- e. What is the current zoning classification of the site?

C-3 General Business Use

- f. What is the current comprehensive plan designation of the site?

COM-Commercial

- g. If applicable, what is the current shoreline master program designation of the site?

Not applicable. The site is not within shoreline jurisdiction.

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

No.

- i. Approximately how many people would reside or work in the completed project?

An average of 150 will work or stay on-site when the park is at full capacity.

- j. Approximately how many people would the completed project displace?

No individuals will be displaced.

- k. Proposed measures to avoid or reduce displacement impacts, if any:

None proposed.

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

None proposed.

- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

None proposed.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

The proposal includes approximately 80 designated spots for recreational vehicles. The RV Park will provide accommodations for travelers visiting Richland for brief visits as well as for those who wish to extend their stay longer, up to 12 months. The RV Park could also provide an affordable and convenient housing option for people who come to the area on a temporary basis for business, such as travelling medical staff, or anyone employed on a short-term contract.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

No housing units will be eliminated.

- c. Proposed measures to reduce or control housing impacts, if any:

None proposed.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

All structures will be in accordance with the City of Richland Zoning District standards and the height of structures will not exceed the maximum height allowed.

- b. What views in the immediate vicinity would be altered or obstructed?

The current commercial development is in view from travelers using Van Giesen St. The proposal will add RV spaces which will also be seen on Van Giesen St. and the Bypass highway/Stevens.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

Landscaping as required in the City code.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Light will be typical of high density residential development. Pursuant to RMC 23.42.220, streets and walkways shall be well-lighted.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

Minimal impacts would result from lighting or glare.

- c. What existing off-site sources of light or glare may affect your proposal?

Light from adjacent streets.

- d. Proposed measures to reduce or control light and glare impacts, if any:

None proposed.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

- **The Richland Riders Club is located adjacent to the site (to the west)**
- **The city park "W.E. Johnson Park" is less than one mile away (to the south)**
- **CBRC Health & Wellness Clinic is approx. ¼ mile away (to the north)**
- **Buckskin Golf Course is approx. ¼ mile away (to the north)**

- b. Would the proposed project displace any existing recreational uses? If so, describe.

The proposed development will not displace existing recreational uses.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

The proposal includes a fenced dog park and over 24,000 square feet of recreational space.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.

While the structures on the site are over 45 years old, they would not be eligible for any special designation.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material

evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

None are known to exist on the proposed development site.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

We consulted the Washington State Department of Archaeology and Historic Preservation website and found the area is mapped “Survey Highly Advised: High Risk.” Any future commercial development involving ground disturbance may be subject to regulations pertaining to this classification and any inadvertent discovery regulations or protocols of the City of Richland.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48).

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

The site will continue to be accessed via Van Giesen St.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Yes, public transit currently serves the site. There are two Ben Franklin Transit (BFT) stops on the north side of Van Giesen St, one to the east of the property and one to the west. Across of Van Giesen St. is a BFT Park and Ride lot.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Parking will be required pursuant to the Code.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

There are no deficiencies in the access for the present use.

A technical memorandum prepared by J-U-B Engineers for the site's Comprehensive Plan map amendment and rezone application includes analysis which considers the traffic generation that could result from different uses, and includes an RV park. The report concludes that there is ample storage to accommodate the left turn movement on the existing center two-way left-turn lane, would require no additional right turn treatment, and during the PM peak hour the Level of Service (LOS) for driveway delay would be "C".

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

There are existing railroad lines to the east of the property. The Richland Airport is approximately one mile to the north. No use of these facilities is proposed.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

A technical memorandum prepared by J-U-B Engineers describes existing conditions and projects vehicle trips for the future RV park using the ITE Trip Generation Manual 10th Edition (Land Use 417) using 140 RV sites. RV parks generate 0.27 trips (65% in / 35% out) per occupied RV site during the PM peak hour, which would amount to 38 PM peak hour trips (25 in / 13 out) for 140 RV sites.

The proposal is for approximately 75 RV sites which would result in 20.25 PM peak hour trips (13 in / 7 out).

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No, the proposal would not affect the movement of agricultural or forest products.

- h. Proposed measures to reduce or control transportation impacts, if any:

Any transportation impact fees will be addressed at the time of the building permits.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

Any proposed development is not expected to result in an increased need for public safety services such as police and fire, beyond that which is typical of such development.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

None proposed.

16. Utilities

- a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____
- b. Describe the utilities that are proposed for the project, the utility providing the service and the general construction activities on the site or in the immediate vicinity which might be needed.

Water and Sewer: the City of Richland maintains a water line within Van Giesen St. yet the site is not presently connected to city water or sewer

Electricity: City of Richland

Refuse Service: City of Richland

Communication: Century Link and Charter Communications are service providers in the area. Zipy fiber is expected in the near future.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____ MillieAnne VanDevender _____

Name of signee: MillieAnne VanDevender, AICP

Position and Agency/Organization: Project Planner / AHBL, Inc.

Date Submitted: February 23, 2023

D. Supplemental sheet for nonproject actions

(IT IS NOT NECESSARY to use this sheet for project actions)

OMITTED



Exhibit 4

Determination of Non-Significance



File No. EA2023-106

CITY OF RICHLAND
Determination of Non-Significance

Description of Proposal: Columbia River RV Park Special Use Permit to construct and operate an RV park of approximately eighty (80) recreational vehicle spaces and three additional accessory buildings on one 7.13-acre lot.

Proponent: AHBL
MillieAnne VanDevender
5804 Rd. 89, STE. H,
Pasco, WA 99301

Location of Proposal: Lot currently associated with business at address 2517 Van Giesen Street, Richland WA 99354. Assessor's Parcel No. 104984000001000 located in Section 4, Township 9, North, Range 28 East, W.M., Benton County WA.

Lead Agency: City of Richland

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

() There is no comment for the DNS.

() This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for fourteen days from the date of issuance.

(**X**) This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

Responsible Official: Mike Stevens

Position/Title: Planning Manager

Address: 625 Swift Blvd., MS #35, Richland, WA 99352

Issued: April 3, 2023

Signature 



Exhibit 5

Public Notice and Affidavits



CITY OF RICHLAND NOTICE OF APPLICATION, PUBLIC HEARING AND OPTIONAL DNS (SUP2023-101 & EA2023-106)

Notice is hereby given that AHBL, Inc. has filed a special use permit application on behalf of NC Ventures to establish and operate a Recreational Vehicle [RV] Park along with associated parking, recreation space and guest amenities on 7.22 acres within Assessor's Parcel Number 1-04984000001000.

Public Hearing: The Richland Hearing Examiner will conduct a public hearing and review of the application at 6:00 p.m., Monday, April 10, 2023. All interested parties are invited to attend in-person and present testimony at the public hearing. Copies of the complete application packet can be obtained by visiting the City of Richland website (www.ci.richland.wa.us).

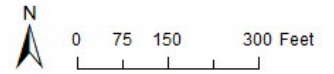
Environmental Review: The proposal is subject to environmental review. The City of Richland is lead agency for the proposal under the State Environmental Policy Act (SEPA) and has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of non-significance (DNS) for this project. The optional DNS process in WAC 197-11-355 is being used. *This may be your only opportunity to comment on the environmental impacts of the proposed development.* The environmental checklist and related file information are available to the public and can be viewed at www.ci.richland.wa.us.

Public Comment: Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Matthew Howie, Senior Planner at 625 Swift Boulevard, MS #35, Richland, WA 99352. Comments may also be emailed to mhowie@ci.richland.wa.us mstevens@ci.richland.wa.us. Written comments should be received no later than 5:00 p.m. on Monday, March 27, 2023, to be incorporated into the staff report. Comments received after that date will be entered into the record at the hearing. Written comments will not be accepted after 5:00 p.m. on Friday, April 7, 2023; however verbal comments may be presented during the public hearing.

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

Vicinity Map

Item: Van Giesen RV Park
Applicant: MillieAnne VanDevender
File #: SUP2023-101



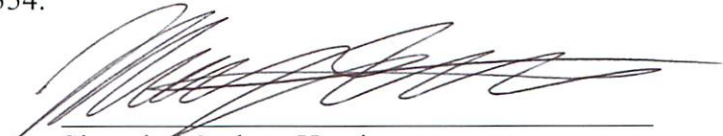
AFFIDAVIT OF POSTING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

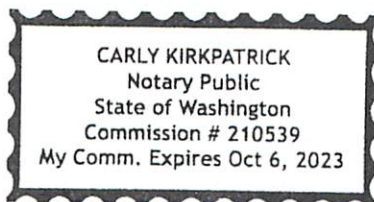
COMES NOW, **Matthew Howie**, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning Division of the Development Services Department for the City of Richland.
2. On the 14th day of March, 2023, I posted the attached NOTICE OF PUBLIC HEARING, File Number SUP2023-101 & EA2023-106 in the following location:

To the immediate east of the existing driveway at 2517 Van Giesen Street, Richland WA 99354.


Signed: Matthew Howie

SIGNED AND SWORN to before me this 14th day of March 2023, by Matthew Howie.




Signature of Notary

Carly Kirkpatrick
Printed Name

Notary Public in and for the State of Washington,

Residing in Benton, County

My appointment expires: Oct. 6, 2023

AFFIDAVIT OF POSTING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

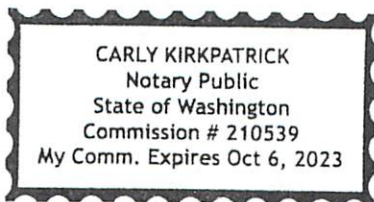
COMES NOW, **Matthew Howie**, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning Division of the Development Services Department for the City of Richland.
2. On the 14th day of March, 2023, I posted the attached NOTICE OF PUBLIC HEARING, File Number SUP2023-101 & EA2023-106 in the following location:

To the immediate east of the existing driveway at 2517 Van Giesen Street, Richland WA 99354.


Signed: Matthew Howie

SIGNED AND SWORN to before me this 14th day of March 2023, by Matthew Howie.




Signature of Notary

Carly Kirkpatrick
Printed Name

Notary Public in and for the State of Washington,
Residing in Benton, County
My appointment expires: Oct. 6, 2023



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

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

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

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

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36823	394859	Print Legal Ad-IPL01136000 - IPL0113600		\$222.96	2	41 L

Attention: Jennifer Anderson

CITY OF RICHLAND/LEGALS
625 SWIFT BLVD. MS-05
RICHLAND, WA 99352

COUNTY OF BENTON)

SS

STATE OF WASHINGTON)

Stefani Beard, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy as it was printed in the regular and entire issue of the Tri-City Herald and not in a supplement thereof, ran 1 time (s) commencing on 03/13/2023, and ending on 03/13/2023 and that said newspaper was regularly distributed to its subscribers during all of this period.

1 insertion(s) published on:
03/13/23

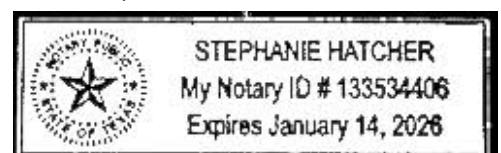
Stefani Beard

(Signature of Legals Clerk)

Sworn to and subscribed before me this 3rd day of
April in the year of 2023

Stephanie Hatcher

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



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

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

Date Notice Issued: March 13, 2023, per WAC 197-11-340(2)

File #: SUP2023-101 & EA2023-106

Proponent: AHBL, Inc. on behalf of NC Ventures

Proposal: A Special Use Permit application has been filed to establish and operate a Recreational Proposal: Vehicle [RV] Park along with associated parking, recreation space and guest amenities.

Location of Proposal: The project site is located on 7.2 acres within Assessor's Parcel Number 1-04984000001000.

Public Hearing: The Richland Hearing Examiner will conduct a public hearing and review of the application at 6:00 p.m., Monday, April 10, 2023. All interested parties are invited to attend in-person and present testimony at the public hearing. Copies of the complete application packet can be obtained by visiting the City of Richland website (www.ci.richland.wa.us).

Environmental Review: The proposal is subject to environmental review. The City of Richland is lead agency for the proposal under the State Environmental Policy Act (SEPA) and has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of non-significance (DNS) for this project. The optional DNS process in WAC 197-11-355 is being used. *This may be your only opportunity to comment on the environmental impacts of the proposed development.* The environmental checklist and related file information are available to the public and can be viewed at www.ci.richland.wa.us.

Public Comment: Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Matthew Howie, Senior Planner at 625 Swift Boulevard, MS #35, Richland, WA 99352. Comments may also be emailed to mhowie@ci.richland.wa.us or mstevens@ci.richland.wa.us. Written comments should be received no later than 5:00 p.m. on Monday, March 27, 2023, to be incorporated into the staff report. Comments received after that date will be entered into the record at the hearing. Written comments will not be accepted after 5:00 p.m. on Friday, April 7, 2023; however verbal comments may be presented during the public hearing.

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

IPL0113600

Mar 13 2023



Exhibit 6

Agency Comments

From: [DAHP SEPA \(DAHP\)](#)
To: [Howie, Matthew](#)
Cc: [Ashley Morton](#); "robert.brunoe@ctwsbnr.org"; [Casey Barney](#); [Corrine Camuso](#); [Gregg Kiona](#); [Jessica Lally](#); [Kate Valdez](#); [Noah Oliver](#)
Subject: RE: SUP2023-101, EA2023-106 Van Giesen RV Park (DAHP Project Tracking # 2023-03-01939)
Date: Monday, March 27, 2023 11:55:48 AM
Attachments: [image001.png](#)

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

Hi Matthew,

Thank you for contacting the Washington State Historic Preservation Officer (SHPO) and Department of Archaeology and Historic Preservation (DAHP) and providing documentation regarding the above referenced project. These comments are based on the information available at the time of this review and on behalf of the SHPO in conformance with Washington State law. Should additional information become available, our assessment may be revised.

Our statewide predictive model indicates that there is a high probability of encountering cultural resources within the proposed project area. However, due to the small footprint of the project, DAHP is not requesting a cultural resources survey at this time. We do ask that you prepare an Inadvertent Discovery Plan (IDP) and prepare construction crews for the possibility of encountering archaeological material during ground disturbing activities.

Please note that the recommendations provided in this letter reflect only the opinions of DAHP. Any interested Tribes may have different recommendations. We appreciate receiving any correspondence or comments from Tribes or other parties concerning cultural resource issues that you receive.

Thank you for the opportunity to comment on this project. Please ensure that the DAHP project Tracking Number is attached to any future communications about this project.

Should you have any questions, please feel free to contact me.

All the best,

Sydney Hanson, MA (she/her) | **Local Government Archaeologist**
Eastern Washington & Columbia River Counties
360.280.7563 | sydney.hanson@dahp.wa.gov

Department of Archaeology & Historic Preservation | www.dahp.wa.gov
1110 Capitol Way S, Suite 30 | Olympia WA 98501
PO Box 48343 | Olympia WA 98504-8343

Please consider the environment before printing this email

From: Howie, Matthew <mhowie@ci.richland.wa.us>

Sent: Monday, March 13, 2023 10:36 AM

To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Anderson, Ryan (ECY)

<rand461@ECY.WA.GOV>; AshleyMorton@ctuir.org;

bmidmanager@badgermountainirrigation.com; Michelle.Cooke@co.benton.wa.us; Benton County -

Segregations <Segregations@co.benton.wa.us>; osp@noanet.net; engservice@bentonpud.org;

bbarlow@bft.org; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; carrie.thompson@bnsf.com;

Casey_Barney@Yakama.com; catherinedickson@ctuir.org; clark.posey@co.benton.wa.us;

Corrine_Camuso@Yakama.com; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAHP SEPA (DAHP)

<sepa@dahp.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>;

darrick@basindisposal.com; david@portofbenton.com; Davis, Deanna <d.davis@bces.wa.gov>;

dxrogers@bpa.gov; Deskins, John <jdeskins@CI.RICHLAND.WA.US>;

emendenhall@westrichland.org; ECY RE Former Orchards <formerorchards@ECY.WA.GOV>; Graff,

Gary (ECY) <GAGR461@ECY.WA.GOV>; gis@co.benton.wa.us; greg.wendt@co.benton.wa.us;

Hester, Laura <lhester@CI.RICHLAND.WA.US>; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Hogan, Jodi

<jhogan@CI.RICHLAND.WA.US>; jmcshane@kid.org; Jessica_Lally <Jessica_Lally@Yakama.com>;

john.lyle@bentoncleanair.org; Jordon, Joshua <jojordon@CI.RICHLAND.WA.US>;

jecottrell@bpa.gov; junior.campos@charter.com; katherine.cichy@ziplify.com; Cooper, Kelly (DOH)

<Kelly.Cooper@DOH.WA.GOV>; kevin.knodel@rsd.edu; KSliger@bft.org; development@kid.org;

webmaster@kid.org; mjdeklyne@bpa.gov; map@bces.wa.gov; Mattheus, Pamela

<pmattheus@CI.RICHLAND.WA.US>; michael.tovey@ziplify.com; langn@bentonpud.org;

noah.lee@bentoncleanair.org; Noah_Oliver@Yakama.com; Orr, Bruce <borr@CI.RICHLAND.WA.US>;

Gonseth, Paul <GonsetP@wsdot.wa.gov>; QWright@portofbenton.com; Reathafor, Jason

<JReathafor@CI.RICHLAND.WA.US>; COM GMU Review Team <reviewteam@commerce.wa.gov>;

richard.krasner@rsd.edu; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>;

robin.priddy@bentoncleanair.org; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; Domagalski, Sean

(DOHi) <seand@bfhd.wa.gov>; DNR RE SEPACENTER <SEPACENTER@dnr.wa.gov>; ECY RE SEPA

REGISTER <separegister@ecy.wa.gov>; ECY RE SEPA REGISTER <separegister@ecy.wa.gov>;

SDefoe@kid.org; scplanning@wsdot.wa.gov; Tyutyunnik, Ruvim

<rtutyunnik@CI.RICHLAND.WA.US>; Ritter, Michael W (DFW) <Michael.Ritter@dfw.wa.gov>; DFW

R3planning <R3planning@dfw.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>;

Whittier, John <jwhittier@CI.RICHLAND.WA.US>; Simpson, William (COM)

<william.simpson@commerce.wa.gov>; AviationLandUse@wsdot.wa.gov

Subject: SUP2023-101, EA2023-106 Van Giesen RV Park

External Email

Hello all,

Please see attached Referral Packet regarding a Special Use Permit Application, with SEPA Review, at 2517-2525 Van Giesen Street (Assessor's Parcel Number 1-04984000001000). Applicant MillieAnne VanDevender, on behalf of AHBL, Inc. and NC Ventures is proposing to establish and operate a Recreational Vehicle Park, with associated parking, recreation space and guest amenities on 7.22 acres. Please review and provide comments by 5pm on Monday, March 27th.



Matthew Howie

Senior Planner

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

(509) 942-7587

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



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office
1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

March 23, 2023

Matthew Howie
Senior Planner
625 Swift Boulevard
Richland, WA 99352

RE: 202301158, SUP2023-101, EA2023-106

Dear Matthew Howie:

Thank you for the opportunity to comment during the Optional Determination of Non Significance process for the Van Giesen RV Park. We have reviewed the documents and have the following comments.

Water Quality

Project with Potential to Discharge Off-Site

If your project anticipates disturbing ground with the potential for stormwater discharge off-site, the NPDES Construction Stormwater General Permit is recommended. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit may take 38-60 days.

The permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) shall be prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water and storm drains by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction.

In the event that an unpermitted Stormwater discharge does occur off-site, it is a violation of Chapter 90.48 RCW, Water Pollution Control and is subject to enforcement action.

More information on the stormwater program may be found on Ecology's stormwater website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>. Please submit an application or contact Lloyd Stevens Jr. at the Dept. of Ecology, (509) 571-3866, with questions about this permit.

Matthew Howie

March 23, 2023

Page 2 of 2

Solid Waste Management

Please consider the use of low-toxic building products and finishes, and incorporating building materials that have been salvaged, or are made from recycled and/or sustainable materials. There are many opportunities to incorporate money-saving, environmentally sound principles, such as on-site recycling or scrap building materials, in your project. For more information, please visit Ecology's Waste and Toxics website at: <https://ecology.wa.gov/Waste-Toxics> . For Questions, please contact Cole Provence at (509) 379-3557.

Sincerely,

A handwritten signature in cursive script that reads "Lucila Cornejo".

Lucy Cornejo

SEPA Coordinator, Central Regional Office

(509) 208-4590

crosepacoordinator@ecy.wa.gov



State of Washington
Department of Fish and Wildlife
2620 North Commercial Avenue, Pasco, WA 99301
Phone: (509) 312-8117, E-mail: Troy.Maikis@dfw.wa.gov

March 16, 2023

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

Re: SUP2023-101, EA2023-106 Van Giesen RV Park

The Washington Department of Fish and Wildlife (WDFW) has reviewed relevant maps and documents for the proposed Van Giesen RV Park to be located at 2517-2525 Van Giesen Street, Richland, WA. (SUP2023-101, EA2023-106).

The proposed project covers 7.22 acres and has numerous shrubs trees within and directly east of the site that provide potential nesting habitat for songbirds. Many birds local to our area as well as active nests are protected under the Migratory Bird Treaty Act as well as being listed as "protected wildlife" under RCW 77.12.020(3). As such, we offer the following recommendations to help Richland minimize potential impacts to nesting songbirds.

WDFW recommends any grading or vegetation removal occur outside the nesting season (February 1- July 31) and that a nesting bird survey (including raptors) be conducted within 1 week prior to the start of activities on the site as well as prior to each portion of the project that occurs following a break in activity between February 1 and July 31. If a nest becomes active during construction or is observed to be active during the survey, please contact Troy Maikis at troy.maikis@dfw.wa.gov or (509) 312-8117 to identify if any additional measures may be appropriate. WDFW also recommends that work on the site begin outside of the February 1 – July 31 timing window, as any birds that move into an area with pre-existing construction noise and activities are often more acclimated to the noise and therefore less likely to experience disturbance due to construction.

March 16, 2023
City of Richland Planning Department
Matthew Howie
Page 2

WDFW looks forward to working with the City of Richland on this project to ensure the best outcome for the city, its residents, and our local wildlife.

Sincerely,

A handwritten signature in black ink, appearing to read 'T Maikis', with a stylized 'T' and a large, sweeping 'M'.

Troy Maikis
Area Habitat Biologist; Benton and Franklin Counties
Washington Department of Fish & Wildlife
2620 Commercial Ave
Pasco, WA 99301
(509) 312-8117
Troy.Maikis@dfw.wa.gov

cc: Elizabeth Torrey, WDFW Assistant Habitat Program Manager, Region 3, Ellensburg



March 21, 2023

City of Richland
625 Swift Boulevard
Richland, WA 99352

Attn: Matthew Howie, Senior Planner

RE: SUP2023-101, EA2023-106, Van Giesen RV Park
SR 224 milepost 9.73 right

We have reviewed the proposed project and have the following comments.

- The subject property is adjacent to State Route 224 (SR 224), a Class 3 managed access highway. Access to managed access highways is the authority of the city of Richland, in accordance with RCW 47.24.020.
- The proposed driveway on SR 224 will require modification to the WSDOT's guardrail. The proponent is required to submit plans for guardrail modification to this office for review and approval. It is important to note, modification of this feature must follow current WSDOT design and documentation processes. Once plans are approved, the proponent must obtain the appropriate construction permit from this office, prior to construction.
- The proponent should be aware they are developing in an area with traffic noise. They should also expect that traffic noise may continue to grow into the future, and SR 224 may need to be expanded to accommodate future traffic growth. It is their responsibility to dampen or deflect any traffic noise for it.
- Any outdoor advertising or motorist information signing considered for this project will need to comply with state criteria. The developer may contact Trevor McCain of the WSDOT Headquarters Traffic Office for specifics. He can be reached at (360) 705-7282.
- Any proposed lighting should be directed own towards the site and away from SR 240 and SR 224.

Thank you for the opportunity to review and comment on this proposal. If you have any questions regarding this letter, please contact Jacob Prilucik at (509) 577-1635.

Sincerely,

Paul Gonseth, P.E.
Region Planning Engineer

PG: jjp/mnk

cc: SR 240, File #2023_004
Larry Wilhelm, Area 3 Maintenance Superintendent

From: [WSDOT Aviation Land Use Inquiries and Application Submittals](#)
To: [Howie, Matthew](#)
Subject: RE: [EXTERNAL] SUP2023-101, EA2023-106 Van Giesen RV Park
Date: Wednesday, March 15, 2023 12:22:06 PM
Attachments: [image001.png](#)
[Richland Mobile Hm Pk FAA Notice 3-15-23.png](#)
[Richland Mobile Hm Pk WSDOT Compat Zns 3-15-23.png](#)
[Airports and Compatible land Use Guidebook.pdf](#)

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

Hello M Howie,

WSDOT Aviation Division reviewed this proposal on 3/15/2023. The proposed development falls within WSDOT land use compatibility Zone 3 (see attached diagram and guidebook). Mobile home parks are permitted in Zone 3 on a limited basis. Depending upon the location, size, bulk, height, density, and intensity of use, such developments may be deemed compatible. Based on the information provided by your office, the proposed mobile home park location, bulk, height, and density appear to be compatible with the airport. It is recommended that one of the following buyer awareness tools be adopted by the developer: an aviation disclosure notice added to final plat map, a real estate disclosure of proximity to airport for all transactions at the property, or combination thereof (see pp 3-16 to 3-18 of the attached guidebook).

The FAA OE/AAA tool has determined that the developer should notify the FAA (see attached output) using forms 7460-1 and 7460-2. These forms as well as additional information about reporting requirements can be found here: <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>

Please let me know if you have any further questions or concerns.

Cheers,

David Ison, PhD | Aviation Planner
Airport Land Use Compatibility & Emerging Aviation Technologies
Washington State Department of Transportation
isond@wsdot.wa.gov C: 360-890-5258

From: Howie, Matthew <mhowie@ci.richland.wa.us>
Sent: Monday, March 13, 2023 10:36 AM
To: Acevedo, Mizaël <macevedo@CI.RICHLAND.WA.US>; Anderson, Ryan (ECY) <rand461@ecy.wa.gov>; AshleyMorton@ctuir.org; bmidmanager@badgermountainirrigation.com; Michelle.Cooke@co.benton.wa.us; Benton County - Segregations <Segregations@co.benton.wa.us>; osp@noanet.net; engservice@bentonpud.org; bbarlow@bft.org; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; carrie.thompson@bnsf.com; Casey_Barney@Yakama.com; catherinedickson@ctuir.org; clark.posey@co.benton.wa.us; Corrine_Camuso@Yakama.com; Hamilton, Craig <C.Hamilton@bces.wa.gov>; sepa@dahp.wa.gov; DAlessandro, Carlo

<cdalessandro@CI.RICHLAND.WA.US>; darrick@basindisposal.com; david@portofbenton.com; Davis, Deanna <d.davis@bces.wa.gov>; dxroddgers@bpa.gov; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; emendenhall@westrichland.org; FormerOrchards@ecy.wa.gov; gary.graff@ecy.wa.gov; gis@co.benton.wa.us; greg.wendt@co.benton.wa.us; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Hogan, Jodi <jhogan@CI.RICHLAND.WA.US>; jmcshane@kid.org; Jessica_Lally@Yakama.com; john.lyle@bentoncleanair.org; Jordon, Joshua <jojordon@CI.RICHLAND.WA.US>; jecottrell@bpa.gov; junior.campos@charter.com; katherine.cichy@ziplify.com; Cooper, Kelly (DOH) <Kelly.Cooper@DOH.WA.GOV>; kevin.knodel@rsd.edu; KSliger@bft.org; development@kid.org; webmaster@kid.org; mjdeklyne@bpa.gov; map@bces.wa.gov; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; michael.tovey@ziplify.com; langn@bentonpud.org; noah.lee@bentoncleanair.org; Noah_Oliver@Yakama.com; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Gonseth, Paul <GonsetP@wsdot.wa.gov>; QWright@portofbenton.com; ReathaFord, Jason <JReathaFord@CI.RICHLAND.WA.US>; reviewteam@commerce.wa.gov; richard.krasner@rsd.edu; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; robin.priddy@bentoncleanair.org; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; seand@bfhd.wa.gov; sepacenter@dnr.wa.gov; separegister@ecy.wa.gov; sepaunit@ecy.wa.gov; SDefoe@kid.org; WSDOT SC Planning Mailbox <SCPlanning@WSDOT.WA.GOV>; Tyutyunnik, Ruvim <rtyutyunnik@CI.RICHLAND.WA.US>; rittemwr@dfw.wa.gov; R3Planning@dfw.wa.gov; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; Simpson, William (COM) <william.simpson@commerce.wa.gov>; WSDOT Aviation Land Use Inquiries and Application Submittals <AviationLandUse@WSDOT.WA.GOV>

Subject: [EXTERNAL] SUP2023-101, EA2023-106 Van Giesen RV Park

WARNING: This email originated from outside of WSDOT. Please use caution with links and attachments.

Hello all,

Please see attached Referral Packet regarding a Special Use Permit Application, with SEPA Review, at 2517-2525 Van Giesen Street (Assessor's Parcel Number 1-04984000001000). Applicant MillieAnne VanDevender, on behalf of AHBL, Inc. and NC Ventures is proposing to establish and operate a Recreational Vehicle Park, with associated parking, recreation space and guest amenities on 7.22 acres. Please review and provide comments by 5pm on Monday, March 27th.



Matthew Howie

Senior Planner

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

(509) 942-7587

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

* Structure Type:

HOME | House

Please select structure type and complete location point information.

Latitude:

46 Deg 17 M 34 S N

Longitude:

119 Deg 18 M 28 S W

Horizontal Datum:

NAD83

Site Elevation (SE):

361 (nearest foot)

Structure Height :

19 (nearest foot)

Is structure on airport:

☒ No

☐ Yes

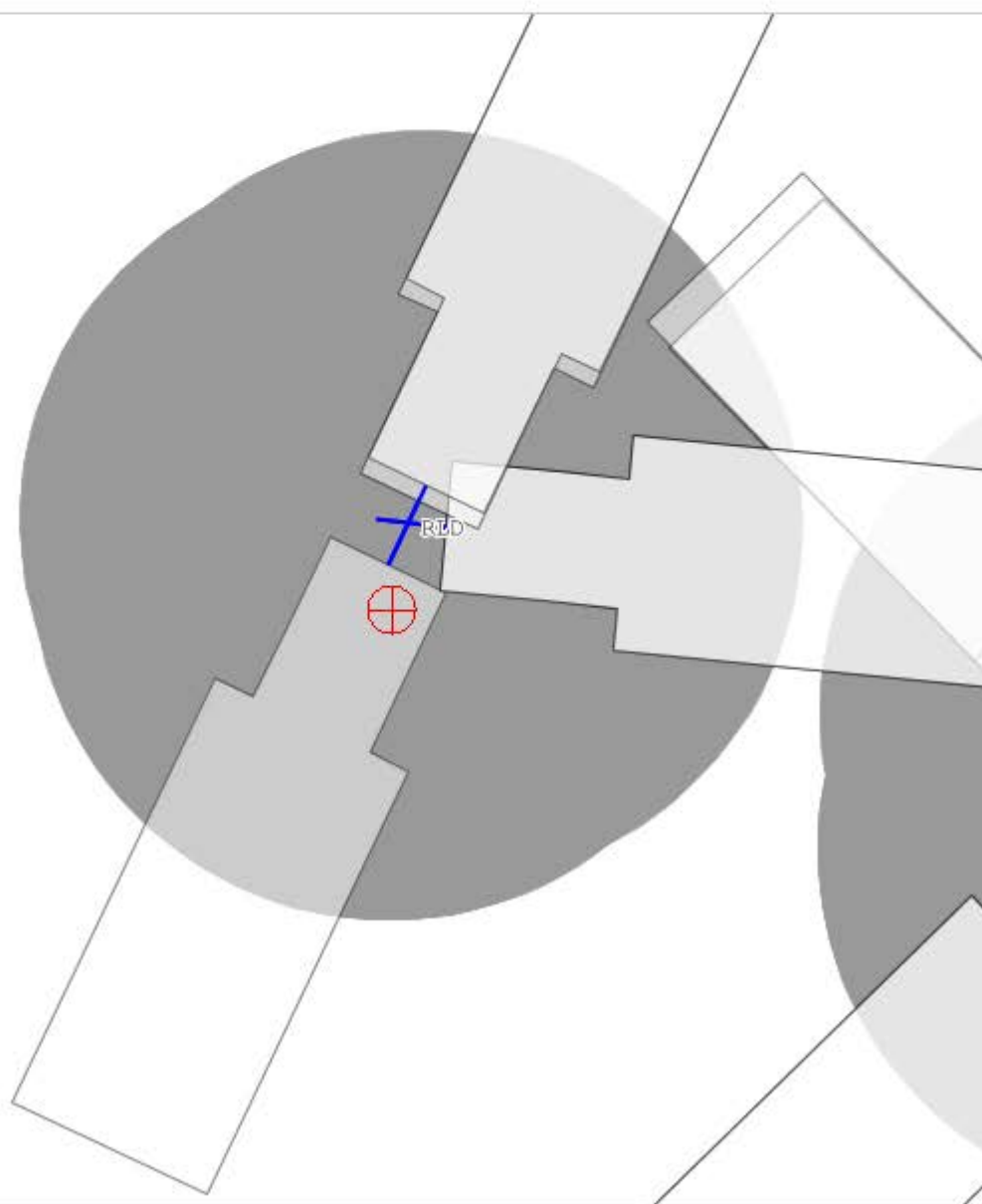
Submit

Results

You exceed the following Notice Criteria:

Your proposed structure is in proximity to a navigation facility and may impact the assurance of navigation signal reception. The FAA, in accordance with 77.9, requests that you file.

The FAA requests that you file



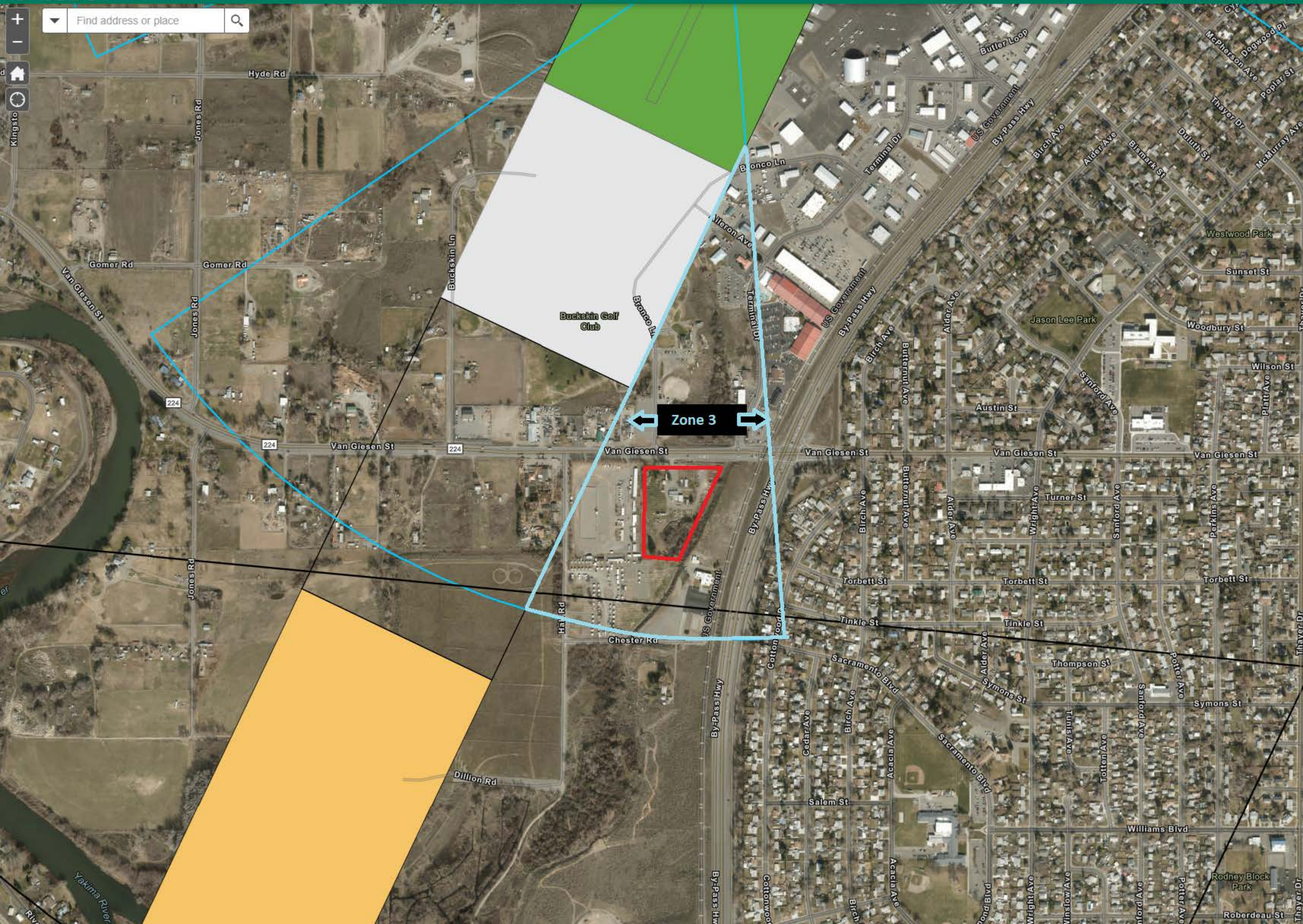




Exhibit 7

Public Comments

Richland Riders Club

Richland Riders Club
P.O. Box 613
Richland, WA 99352

March 27, 2023

COMMENTS FROM THE RICHLAND RIDERS CLUB IN RESPONSE TO
CITY OF RICHLAND NOTICE OF APPLICATION, PUBLIC HEARING AND OPTIONAL DNS
(SUP2023-101 & EA2023-106)

The Richland Riders Club (the RRC) has reviewed the complete application packet obtained from the City of Richland website, which includes the AHBL's Columbia River RV Park Special Use Permit Application (AHBL No. 2220559.30).

The RRC is a nine-acre equestrian boarding and riding facility located at 2533 Van Giesen Street in Richland, WA. The RRC has been in continuous operation since its formation in 1949. It currently has 96 members, including 29 resident members who board their horses at the facility full-time.

The RRC's north-south property line, on its eastern side, is located immediately adjacent to the western edge of the proposed Columbia River RV Park.

The RRC submits the following requests and clarifications regarding AHBL's Columbia River RV Park Special Use Permit Application.

REQUEST SOLID BORDER WALL ON WEST PROPERTY LINE

On page 3 of AHBL, Inc. document No 2220559.30, the response to Criterion 2 indicates that "the applicant will work with the owners of the adjacent property to provide proper retaining walls along the east property line." However, there is no mention in this section, or anywhere else in the document, regarding a border wall that will be built along the west property line in order to provide a physical separation between the RV park and the adjacent Richland Riders Club.

While the RV Park would not interfere with the ability of the RRC members to utilize RRC property for its normal activities, the RRC is concerned about the safety of the horses if there is no or inadequate restriction on access to the RRC property along the adjacent property line. **Therefore, the RRC requests that a solid cinder block wall, or equivalent (e.g., concrete, stone, etc.), at least 8 feet in height, be constructed along the west property line of the proposed RV Park** in order to provide both a physical and visual barrier between the RV Park and the RRC. For the safety of horses at the RRC, particularly those that are boarded there full-time, it is important that RV Park residents, their children, their visitors/guests, and their pets are restricted from access to the RRC's grounds and are unable to come into physical contact with the horses to pet, feed, or otherwise directly interact with them.

If possible, the RRC would prefer that the border wall be installed prior to commencement of construction at the RV Park in order to help mitigate the impacts of dust, noise, etc., on horses and people at the RRC during the construction phase.

REQUEST COPY OF SURVEY DELINEATING RRC/RV PARK COMMON PROPERTY LINE

While the RRC is aware of the field markers delineating the N-S common property line between the RRC and the proposed RV Park, it requests a copy of the validating survey.

REQUEST PROHIBITION OF FIREWORKS

The RRC requests that the use of fireworks, firecrackers, etc., be prohibited on the grounds of the RV Park. These items present a significant fire hazard because of the many wood structures (barns, storage sheds, etc.) present and the large amounts of flammable dry hay stored on the RRC's premises. In addition, extremely loud and sudden noises, especially in close proximity, can create a high stress situation for horses at the RRC which can lead to panicking, damage to property, and injury and/or death of horse and/or rider/handler.

CLARIFICATION ON WATER RUNOFF IMPACTS

- Subsection c. "Water runoff (including stormwater)" of Subsection 3. "Water" of Section B. "Environmental Elements" of the SEPA Environmental Checklist indicates that "Runoff will occur due to RV and building roofs, parking spaces, and internal streets. The stormwater will infiltrate on site." Same subsection indicates that, "Drainage patterns on the site will be altered with grading and the construction of parking and streets."
- Subsection b. of Subsection 1. "Earth" of Section B of the SEPA Environmental Checklist refers to a generally flat site with slopes and a maximum natural grade of 2%.
- Subsection g. of the same section addresses impervious surfaces.

The south portion of the RRC is subject to minor flooding during heavy rains and/or rapid snow melts. Please provide studies and/or site plans that show that water runoff originating in the RV Park will not contribute to increased flooding to the adjacent Richland Riders Club.

CLARIFICATION ON ACCESS TO WATER

- Subsection b. "Ground Water" of Subsection 3. "Water" of Section B of the SEPA Environmental Checklist indicates that, "The City of Richland maintains a water main along Van Giesen St. although there is not a lateral line provided to the site at this time."
- Additionally, on page 1 of the AHBL, Inc. document, the last paragraph states that, "the applicant is proposing to connect to the city water system."

Please provide clarification regarding the following statement, "Access to water will be provided through agreements with adjacent property owners," as the Richland Riders Club is an adjacent property owner. Is the RRC expected to enter an agreement to provide such?

Thank you for the opportunity to provide these comments on behalf of the Richland Riders Club.

Eric Tchemitcheff

President of the Board of Directors
Richland Riders Club

From: [George Hagen](#)
To: [Howie, Matthew](#)
Cc: [Stevens, Mike](#); [George Hagen](#)
Subject: Written Comments on Columbia River RV Park Special Use Permit AHBL No. 2220559.30
Date: Thursday, March 23, 2023 4:05:36 PM

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

Good afternoon Matthew. My name is George Hagen and I board my horse at the Richland Riders Club (RRC). I have concerns about the RV park that is going to be located adjacent to the RRC. These are my concerns and I would like them put in the public record. I am not naive enough to think that the RV park will not be put in. But there are things that could be done such as addressing the concerns that you will receive and the ones coming from the April meeting.

1. Noise: by the application the noise from the by pass was addressed by the hill that is on the east of the property. However, there was no consideration given to the noise to the RRC side of the property. There needs to be at least an 8 foot solid block or brick wall erected between the properties on Morgan's property prior to construction. The horses on the west side of his property could be spooked by load noises and possible equipment moving on the property toward them. This could cause harm to the horses or to the property on the RRC.
2. Trespassers: due to the proximity of the property line to the RV park the RV residents need to understand that the RRC is private property. Dogs and people not part of the RRC are restricted from being on the property. People will considered trespassers. The RV residents need to stay away from the RRC horses, no feeding, no petting and definitely no going into the stalls that are adjacent to Morgan's property.
3. Fire: It is extremely important that everyone understands that anything flammable that is not handled correctly such as fireworks or even cigarettes could cause a fire. The RRC has tons of hay on the property to feed the horses which is very flammable. It would only take on spark to cause a fire. And it would catastrophic.
4. Lighting: I understand that we have emergency lighting along the east side of the RRC. In the application it stated that the lighting would meet city code. I do not know the city code on lighting. I would recommend that the lighting be kept low along the ground, about 3 feet, so as not create light pollution. With only few higher lights. Horses do better when there is not a lot of light at night, just like we do. The RV park down at the intersection of the bypass and 240 has subdued lighting and seems to accomplish a good compromise.
5. Traffic: In the first application from Morgan to go from agriculture to commercial there was a suggestion for him to move his driveway to across from Bronco Road and light could be put in possibly at a later date. This would restrict access to the RRC due to the lights location. If this happens the RRC would need to move the gate around to Hall Road. Who would pay for that move. You need to revisit the traffic flow in that area. In the mornings there are 3 lanes of traffic moving up Van Giesen to the bypass. There is supposed to be a

suicide lane but the traffic turning left starts back at the bridge over the run off canal. You add the RV traffic and it will not only be impossible for the RRC to use their entrance but people using the RV park will not be able to cross the traffic. Then you add people coming out of CBRC who go down to the old C and M nursery driveway and make U turns it just adds to the congestion. They would probably continue to this action but use the new RV park driveway.

Thank you for taking these comments into consideration.

George Hagen

From: [George Hagen](#)
To: [Howie, Matthew](#)
Cc: [Stevens, Mike](#); [George Hagen](#)
Subject: Approved Survey
Date: Saturday, March 25, 2023 8:08:22 AM

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

Hi Matt, I forgot to put this in my last comments. In the package there was not an approved survey. I would like to request that a survey is presented to the city for approval prior to construction. And if someone could tell me that it got done that would be great.

George