



Agenda
Hearing Examiner Meeting
Thursday, March 24, 2016
City Hall Council Chamber | 505 Swift Boulevard

Hearing Examiner: Gary McLean

Liaisons: Staff Liaison Development Services Manager Simon

Public Hearing – 6:00 p.m.

Public Hearing Explanation:

New Business – Public Hearing:

- I. Z2016-100 Rezone .32 Acres from R-2 to R-2S
Location: 1925 Luther Place, Richland
Applicant: Luther Sr. Center

Adjournment

The next Hearing Examiner Meeting is April 28, 2016

This Meeting is broadcast live on CityView Channel 192 and online at CI.RICHLAND.WA.US/CITYVIEW

Richland City Hall is ADA accessible with special parking and access available at the entrance facing George Washington Way. Requests for sign interpreters, audio equipment, and/or other special services must be received 48 hours prior to the Hearing Examiner Meeting by calling the City Clerk's Office at 942-7388.



HEARING EXAMINER AGENDA ITEM COVERSHEET

Meeting Date: 03/24/2016

Agenda Category: New Business – Public Hearing

Prepared By: Rick Simon, Development Services Manager

Subject:

Z2016-100 Rezone .32 Acres from R-2 to R-2S

Location: 1925 Luther Place, Richland

Applicant: Luther Sr. Center

Department:

Community & Development Services

Recommended Motion:

Summary:

The applicant, Luther Senior Center, is the owner of the subject property and have filed a rezone request to change the zoning on a .32 acre site from R-2 Medium Density Residential to R-2S Medium Density Residential Small Lot. The applicants have indicated that they intend to subdivide the property into two 7,000 square foot lots and construct small duplexes on each of the lots.

The site is part of the larger Luther Senior Center ownership, which includes the adjoining properties to the north, west and south west. All of these properties are developed with multi-family units and are managed as low income senior housing. Adjacent property to the south and property across Luther Place to the east are developed with duplexes on individual lots with no single family residences on Luther Place.

Attachments:

1. Z2016-100 Lurther Sr. Center

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

GENERAL INFORMATION:

PROPOSAL NAME: Luther Senior Center Rezone

LOCATION: 1925 Luther Place

APPLICANT: Luther Senior Center

FILE NO.: Z2016-100

DESCRIPTION: Request to change zoning on .32 acres from R-2 Medium Density Residential to R2-S Medium Density Residential Small Lot

PROJECT TYPE: Type 3 Site-specific rezone

HEARING DATE: March 24, 2016

REPORT BY: Rick Simon, Development Services Manager

RECOMMENDED
ACTION: Approval, with conditions.



Figure 1 - Vicinity Map

(site outlined in red)

DESCRIPTION OF PROPOSAL

The applicants, the Luther Senior Center, are the owners of the subject property, and have filed a rezone request to change the zoning on a .32 acre site from R-2 Medium Density Residential to R-2S Medium Density Residential Small Lot. The applicants have indicated that they intend to subdivide the property into two 7,000 square foot lots and construct small duplexes on each of the lots. Refer to the attached application and site plan.

SITE DESCRIPTION & ADJACENT LAND USES

The site is flat, vacant land, measuring approximately 104 feet by 135 feet.

The site is part of the larger Luther Senior Center ownership, which includes the adjoining properties to the north, west and south west. All of these properties are developed with multi-family units and are managed as low income senior housing. Adjacent property to the south and property across Luther Place to the east are developed with duplexes on individual lots. There are no single family residences located on Luther Place.

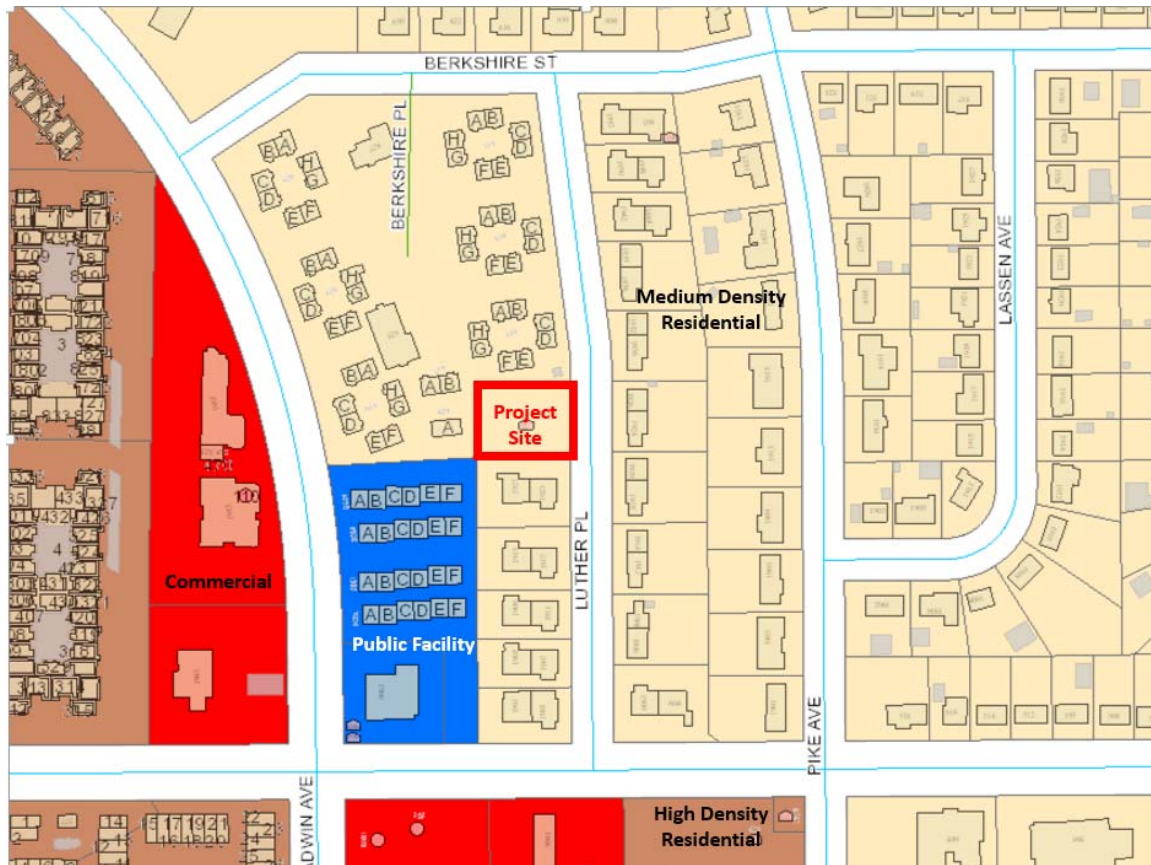


Figure 2 – Comprehensive Plan Map

COMPREHENSIVE PLAN

The City's comprehensive plan designates the site as suitable for medium density land uses, at densities ranging from 5 to 10 units per acre. Land use goal #4 states: *"The City will establish a broad range of residential land use designations to accommodate a variety of lifestyles and housing opportunities."*

Policies within this goal are as follows:

Policy 1 – the City will provide a balanced distribution of residential uses and densities throughout the urban growth area.

Policy 2 – The City will encourage residential densification through its land use regulations.

Policy 3 – The City will encourage innovated and non-traditional residential development through expanded use of planned unit developments, density bonuses and multi-use developments.

Under the City's Housing element of the comprehensive plan, Goal #2 states: *"Provide a range of housing types for all economic segments of the Richland Community."*

Policies within that goal state:

Policy 1 - Through the comprehensive plan, zoning code, and subdivision code, allow for a variety of housing types and lot configurations including multi-family housing, mixed use development, cluster development, live/work housing, accessory dwelling units, single room occupancy units, zero lot line and similar subdivisions, planned unit development, and non-traditional housing forms such as group homes as alternative means of accommodating residential growth and providing affordable housing options.

a - Allow for a variety of lot sizes in low density residential districts.

b - Allow and encourage a range of housing choices for seniors and special needs households, such as independent living, various degrees of assisted living, and skilled nursing care facilities. Strive to locate new housing along transit routes and near retail and professional service areas.

Policy 2 - Promote higher density and infill housing located near transportation links.

Policy 3 - Allow the use of modular housing, conforming to the standards of the State of Washington building and energy codes, and manufactured housing, built to standards established by the United States Department of Housing and Urban Development. Modular and manufactured houses shall be permitted on individual lots in any land use zone where residential uses are permitted.

Policy 4 - Promote and foster, where appropriate, innovative and non-traditional housing types.

EXISTING ZONING

Properties adjacent to the project site and along Luther Place are zoned R-2 Medium Density Residential. Properties to the southwest are zoned C-LB Commercial Limited Business. The C-LB zone is primarily intended for multi-family housing and office uses.



Figure 3 – Zoning Map

The stated purposes of the R-2 and R2-S zones (as set forth in RMC 23.18.010) are as follows:

The medium-density residential (R-2) is a residential zone classification permitting a higher density of population including the establishment of duplex dwellings and providing for these single- and two-family residences a high degree of protection from hazards, objectionable influences, building congestion and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated medium-density residential (5.1 to 10 dwellings per acre) under the city of Richland comprehensive plan.

The medium-density residential small lot (R-2S) is a residential zone classification permitting a higher density of population, encouraging small lot development conducive to energy conservation and to other factors contributing to the production of affordable housing, and including the establishment of duplex dwellings and providing for these one- and two-family residences a high degree of protection from hazards,

objectionable influences, building congestion and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated medium-density residential (5.1 to 10 dwellings per acre) under the city of Richland comprehensive plan.

The two zones are similar in terms of the types of uses that are permitted, as both allow for single family and duplex dwellings. However, there are some differences in the dimensional requirements associated with the existing and proposed zone, as shown in the following table:

| Zoning | Proposed R2-S | Existing R-2 |
|--------------------------------------|-------------------------|-------------------------|
| STANDARD | REQUIRED/ALLOWED | REQUIRED/ALLOWED |
| Min. Lot Area – Single Family | 4,000 square feet | 6,000 square feet |
| Min. Lot Area – Duplex | 7,000 square feet | 10,000 square feet |
| Max. Lot Coverage | 50% | 40% |
| Building Setbacks | | |
| Front | 15/18 ft.* | 20 ft. |
| Side(s) | 6 ft. | 6 ft. |
| Rear | 20 ft. | 25 ft. |
| Building Height | 30 ft. | 30 ft. |

*Not less than 15 feet in front of living areas and not less than 18 feet in front of all other areas

Table 1 – Comparison of R-2 & R-2S Dimensional Standards

PUBLIC NOTICE

| | |
|--|-------------------|
| Application Date: | February 10, 2016 |
| Notice of Application & Hearing Mailed: | February 25, 2016 |
| Notice of Application & Hearing Published: | February 27, 2016 |
| Notice of Application & Hearing Posted: | March 9, 2016 |
| Public Hearing: | March 24, 2016 |

Notice of application and notice of hearing was provided through posting of the property, mailing of notice to property owners within 300 feet of the site and publication in the *Tri-City Herald* newspaper. Copies of the notices and affidavits are included in Exhibit 4. As of the date of this report, no comments were received from the public.

UTILITY AVAILABILITY

Sewer and water mains are located within the Luther Place right-of-way located adjacent to the subject property. There is an existing fire hydrant adjacent to the site. Electrical service lines currently run along the western property boundary. All utility services are adequate to serve the proposed level of development.

TRANSPORTATION

Luther Place is classified as a local street in the City's Transportation Plan. It is a fully completed street, with curbs, gutters and sidewalks.

SEPA

No environmental review was conducted as part of this rezone application, based on the categorical exemption in WAC 197-11-800(6) (c) which provides for exemptions under the following circumstances:

Where an exempt project requires a rezone, the rezone is exempt only if:

- (i) The project is in an urban growth area in a city or county planning under RCW 36.70A.040;*
- (ii) The proposed rezone is consistent with and does not require an amendment to the comprehensive plan; and*
- (iii) The applicable comprehensive plan was previously subjected to environmental review and analysis through an EIS under the requirements of this chapter prior to adoption; and the EIS adequately addressed the environmental impacts of the rezone.*

In this case, the proposed project is located with the City and within Richland's urban growth area; the proposed action is consistent with the City's comprehensive plan; and the City's comprehensive plan was analyzed through the preparation of an environmental impact statement at the time of the plan's initial adoption in 1997.

ANALYSIS

The subject site is designated as medium density residential under the comprehensive plan. The City zoning code includes two zoning districts which would be consistent with the medium density residential comprehensive plan designation including both the existing R-2 zone and the proposed R-2S zone.

The R-2S zone allows smaller lot sizes, a duplex lot in the R-2S zone requires only 7,000 square feet, as opposed to the 10,000 square feet required in the R-2 zone. The applicants have indicated an intention to divide the subject site into two 7,000 square foot lots and build one-bedroom duplex units on each of the lots for low income seniors.

While the proposed rezone would provide for additional dwellings units above what is allowed under the current zoning, the relative small size of the units would tend to limit the impacts of this additional development. Additionally, the subject site is located in an area where numerous duplexes and multi-family, low income senior housing already exists. If approved, the applicants would be able to construct two additional units of low income senior housing. This would be consistent with policies in the comprehensive plan which speak to providing for a variety of lot sizes; encouraging a range of housing choices for seniors and special needs households and providing a range of housing for all economic segments of the community.

FINDINGS AND CONCLUSIONS

Staff has completed its review of the request for a change in zoning (Z2016-100) and recommends approval of the request subject to a property use and development agreement that would limit future development of the site to low income senior housing. This recommendation is based on the following:

1. The City of Richland Comprehensive Plan designates the subject site as suitable for medium density residential land uses;
2. Medium density residential development of the site, whether zoned R-2 Medium Density Residential or R-2S Medium Density Residential Small Lot is consistent with the intent of the comprehensive plan;
3. City water and sewer mains are immediately adjacent to the site and have adequate capacity to serve future development of the site;
4. The local street system that serves the project site has capacity to support the limited future development of the site that would be possible if the requested rezone were approved;
5. The applicant has signaled an intent to divide the property into two lots and then to construct two duplexes on the site for low income senior housing;
6. The subject property is immediately adjacent to an existing low income senior housing multi-family property and is also located on Luther Place, a local street that is developed with duplex dwellings;

7. A property use and development agreement entered into between the City and the applicant would restrict the future development of the subject site to low income senior housing and in so doing would advance housing goal #2 of the comprehensive plan by providing additional affordable housing for seniors;
8. The project is exempt from the provisions of the State Environmental Policy Act, as identified in WAC 197-11-800(6) (c); and
9. Based on the above findings and conclusions, approval of the zone change request would be in the best interest of the community of Richland.

EXHIBIT LIST

1. Application Form
2. Site Plan
3. Site Photos
4. Public Notices
5. Proposed Property Use and Development Agreement

Planning & Development Services Division • Current Planning Section
840 Northgate Drive • Richland, WA 99352
General Information: 509/942-7794 • Fax: 509/942-7764

Petition for Change of Zoning District Classification

Application is hereby made to the City of Richland for a change of zone, pursuant to Section 23.82.190 of the City of Richland Municipal Code.

The following required information must be typed or printed legibly in the appropriate spaces.

| | | | |
|---|------------------|--|--|
| SECTION I – APPLICANT INFORMATION | | | |
| Applicant's Name: <u>Luther Senior Center</u> | | | |
| Address: <u>625 Berkshire Place</u> | | | |
| City: <u>Richland</u> | State: <u>WA</u> | Zip: <u>99352</u> | |
| Phone: <u>509-979-6028 Sherylene Rogers</u> | Fax: | Other and/or e-mail address: <u>Srogers@grb.com</u> | |
| Please check under what capacity you are filing: | | | |
| <input checked="" type="checkbox"/> Recorded owner of the property as of | | <input type="checkbox"/> Purchasing under contract as of | |
| <input type="checkbox"/> The lessee as of | | <input type="checkbox"/> The authorized agent of any of the foregoing, duly authorized in writing (written authorization must be attached to application). | |
| SECTION II – PROPERTY LOCATION AND GENERAL DESCRIPTION | | | |
| Street address(es) of property for which the zone change is requested, if applicable: | | | |
| <u>Vacant land facing Luther Place, part of 625 Berkshire</u> | | | |
| Relationship to adjacent streets (i.e., west of Main Street between 1 st Avenue and 2 nd Avenue): | | | |
| <u>.. ..</u> | | | |
| General description of development status (i.e., vacant, agricultural, buildings, or miscellaneous improvement): | | | |
| <u>Vacant – lawn</u> | | | |
| Size of petition area | acres and | square feet | |
| | | <u>14,000</u> | |
| SECTION III - CHANGE OF ZONE REQUEST | | | |
| A change of zone from <u>R2</u> | | To <u>R2S</u> | |
| is requested for the property described in Section II of this application. | | | |
| SECTION IV – JUSTIFICATION | | | |
| State the reason(s) for the requested change of zone: | | | |
| <u>Luther Senior Center is spinning it off, to develop two new</u> | | | |
| <u>duplexes (4 units) to serve very-low-income seniors.</u> | | | |
| <u>Must be separate from newly mortgaged existing units</u> | | | |

] Continued

I DECLARE UNDER PENALTY OF THE PERJURY LAWS THAT THE INFORMATION I HAVE PROVIDED ON THIS FORM/APPLICATION IS TRUE, CORRECT AND COMPLETE.

DATED THIS 10 DAY OF FEB, 2016


Applicant's Signature

Luther Senior Center
625 Berkshire Pl

Address

Richland, WA 99354

City, State, Zip

509-979-6028

Phone

Agent - Sheryl Renee Rogers

Applicant's Signature

Address

City, State, Zip

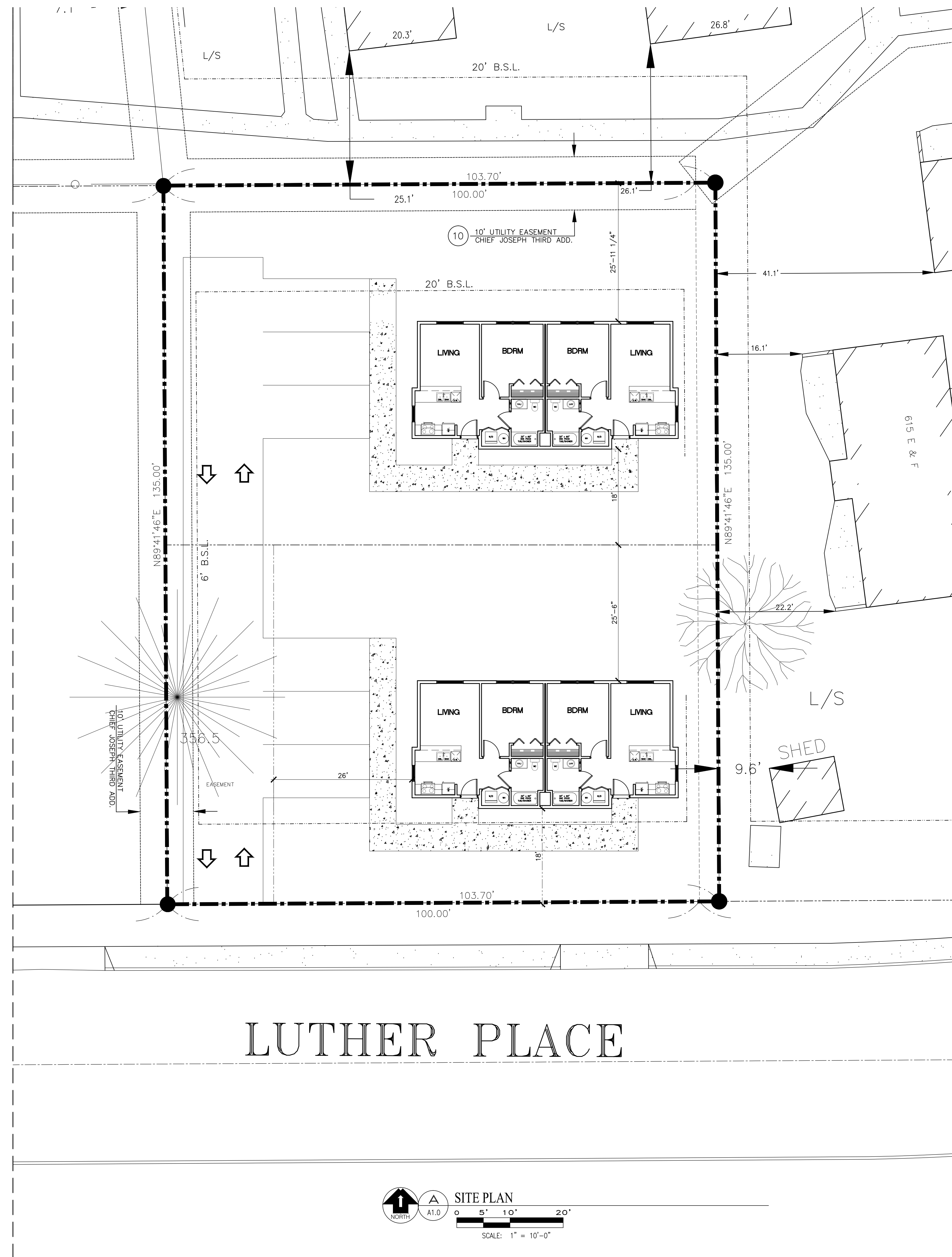
Phone

FOR OFFICE USE ONLY

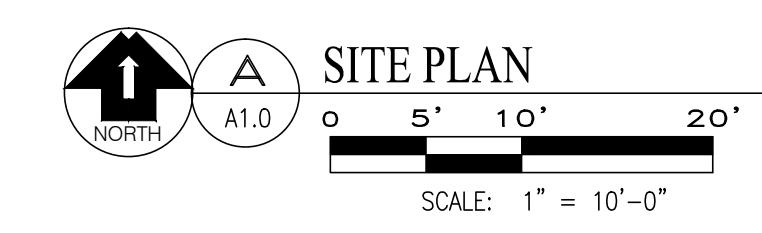
Date accepted for filing _____

Items enclosed: Filing fee and Title Insurance
Company Ownership Report showing all property
Owners of Record within 300-feet.

City Official's Signature



LUTHER PLACE



SITE PLAN

REVISIONS

PROPOSED DUPLEX SITE FOR:
LUTHER SENIOR CENTER
LUTHER PLACE, RICHLAND, WA

**WYATT ARCHITECTS
AND ASSOCIATES**

Project Manager:
Lee Wyatt
PO Box 141713
Spokane Valley, WA 99214
lee@wyattarchitects.com

SHEET TITLE:
SITE PLAN

DRAWN BY:
LJS

PROJECT:
15.29

DATE:
2/10/2016

SHEET NO.
A1.0

Z2016-100 – LUTHER SENIOR CENTER REZONE



Photo Taken from Luther Place Looking Northwest

Source: Google Maps

Z2016-100 LUTHER SENIOR CENTER REZONE



Photo Taken from Luther Place Looking West

Source: Google Maps

Z2016-100 LUTHER SENIOR CENTER REZONE



Photo Taken from Luther Place Looking South

Source: Google Maps

Z2016-100 LUTHER SENIOR CENTER REZONE

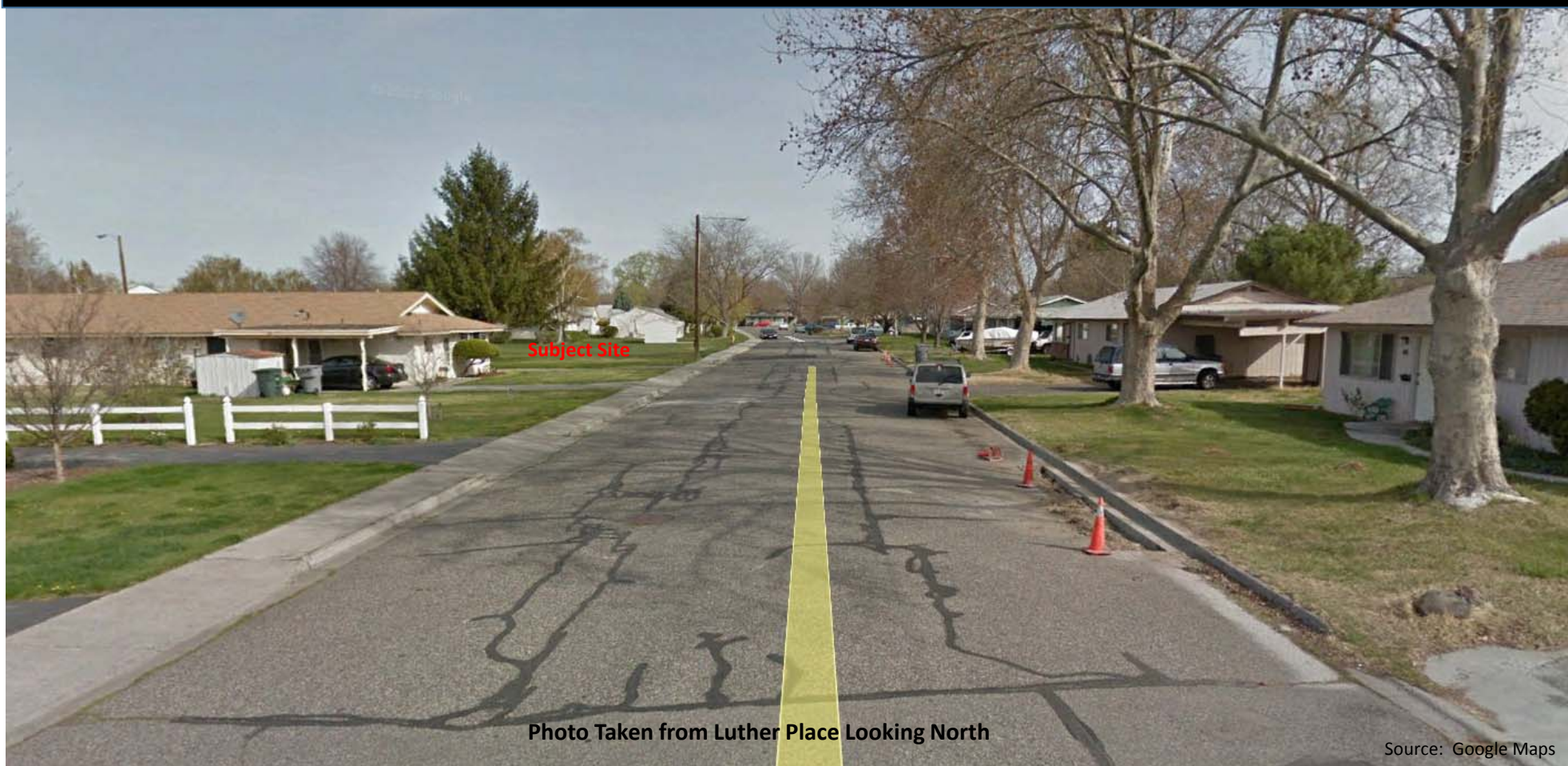


Photo Taken from Luther Place Looking North

Source: Google Maps





LEGAL PROOF OF PUBLICATION

| Account # | Ad Number | Identification | PO | Amount | Cols | Lines |
|-----------|------------|---|----|---------|------|-------|
| 450543 | 0002296849 | City of Richland Notice of Public Hearing The | | \$46.96 | 1 | 19 |

Attention: MARCIA HOPKINS

RICHLAND CITY OF/LEGALS

PO BOX 190, MS #11

RICHLAND, WA 99352

001301 0074 558600
4401

City of Richland
Notice of Public Hearing

The Richland Hearing Examiner will conduct a public hearing on Thursday, March 24, 2016 at 8:00 p.m. in the Council Chambers, Richland City Hall, 505 Swift Boulevard to consider the following: File No: ZC2016-100. Luther Senior Center has applied to change the zoning on .32 acres from R2 Medium Density Residential to R-25 Medium Density Residential Small Lot in order to construct 2 duplexes located at 1925 Luther Place. Contact: Rick Simon, Development Services Manager, PO Box 190, MS-35, Richland, WA 99352, simon@ci.richland.wa.us #2296849 02/27/2016

AFFIDAVIT OF PUBLICATION

COUNTY OF BENTON)

SS

STATE OF WASHINGTON)

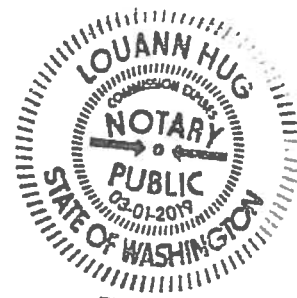
Elizabeth Salinas, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been 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 02/27/2016, and ending on 02/27/2016, and that said newspaper was regularly distributed to its subscribers during all of this period.

Elizabeth Salinas
(Signature of Legals Clerk)

SUBSCRIBED AND SWORN BEFORE ME
THIS 29th DAY OF February, 2016

Louann Hug
Notary Public in and for the State of Washington
residing in Benton County

COMMISSION EXPIRES: 3/1/2019



AFFIDAVIT OF POSTING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, **Shane O'Neill**, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning & Development Department for the City of Richland.

2. On the 7 th day of March, 2016, I posted the attached NOTICE OF PUBLIC HEARING, File Number Z2016-100 on the property at:

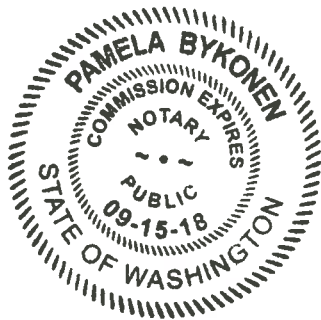
625 BERKSHIRE PLACE

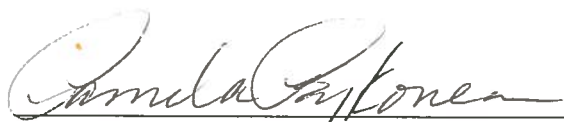
PIN #1-35083060003001



Print Name: Shane O'Neill

SIGNED AND SWORN to before me this 15TH day of MARCH, 2016 by SHANE O'NEILL.




Notary Public in and for the State of Washington,
Residing at PASCO, WA
My appointment expires: 9-15-18

AFFIDAVIT OF MAILING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, Rick Simon, who, being first duly sworn upon oath deposes and says:

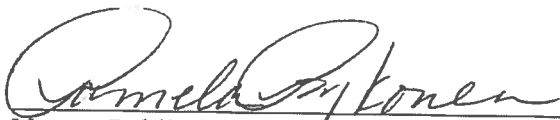
1. I am an employee in the Planning & Development Department for the City of Richland.
2. On the 25th day of February, 2016, I mailed a copy of the attached NOTICE OF APPLICATION and PUBLIC HEARING, File No. ZC2016-100, to the attached list of individuals via REGULAR US mail on the date indicated above.



Print Name: RICK SIMON

SIGNED AND SWORN to before me this 25th day of February, 20 16 by RICK SIMON.




Notary Public in and for the State of Washington,
Residing at Pasco, WA 99301
My appointment expires: 9-15-18

CITY OF RICHLAND

NOTICE OF APPLICATION

AND PUBLIC HEARING (ZC2016-100)

Notice is hereby given that the Luther Senior Center, on February 10, 2016 filed application to change zoning on a .32 acre property from R-2 Medium Density Residential to R-2S Medium Density Residential Small Lot, with the intention of building two duplexes on the site, which is located at 1925 Luther Place.

Any person desiring to express his views or to be notified of any decisions pertaining to this application should notify Rick Simon, Development Services Manager, 840 Northgate Avenue, P.O. Box 190, Richland, WA 99352. Comments may also be faxed to (509) 942-7764 or e-mailed to rsimon@ci.richland.wa.us.

The Richland Hearing Examiner, on Thursday, March 24, 2015, will conduct a public hearing and review of the application at 6:00 p.m. in the Council Chamber at the Richland City Hall, 505 Swift Boulevard. All interested parties are invited to attend and give testimony at the public hearing.

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

Rick Simon,
Development Services Manager



VARIANCE REPORT
Issued by
CHICAGO TITLE INSURANCE COMPANY
6416 W. Okanogan Ave.
Kennewick, WA 99336
Phone # (509)783-7833
Fax # (509)735-6297

To: Goodale & Barbieri Company

Attention: Sheryldene Rogers

Refer to: LUTHER SENIOR CENTER

Dated: January 20, 2016 at 08:00 AM

The following are the owners within a 300 foot radius of the following described property:

Lot 7, Block 3, Chief Joseph Third Addition, according to the plat thereof recorded in Volume 8 of Plats, Page 99, records of Benton County, Washington.

Owner:

Luther Senior Center Inc., a Washington Corporation
818 W. Riverside Ave Ste 300, Spokane, WA 99201

Tax Parcel No. 1-3508-306-0003-007

SURROUNDING PROPERTIES:

1. Owner: Jadwin Professional Building, LLC
Parcel No.: 1-3508-302-0901-006
Address: 1933 Jadwin Ave, Richland, WA 99354
2. Owner: Everett A. Weakley and Eileen K. Weakley
Parcel No.: 1-3508-305-0002-002
Address: 1903 Pike Ave, Richland, WA 99354
3. Owner: Georgia D. Dean
Parcel No.: 1-3508-305-0002-003
Address: 1905 Pike Ave, Richland, WA 99354
4. Owner: Carol B. Roberts
Parcel No.: 1-3508-305-0002-004
Address: 1909 Pike Ave, Richland, WA 99354
5. Owner: James B. Miller
Parcel No.: 1-3508-305-0002-005
Address: 1913 Pike Ave, Richland, WA 99354
6. Owner: Buddy D. Kelser and Cherylyn Kelser
Parcel No.: 1-3508-305-0002-006
Address: 1915 Pike Ave, Richland, WA 99354
7. Owner: Michael J Nordsten and Kathie A. Nordsten
Parcel No.: 1-3508-305-0002-007
Address: 1919 Pike Ave, Richland, WA 99354

VARIANCE REPORT

(Continued)

8. Owner: Walter E. Remsen and Faunell R. Remsen
Parcel No.: 1-3508-305-0002-008
Address: 1923 Pike Ave, Richland, WA 99354
9. Owner: Davor Kohler and Dzemila Kohler
Parcel No.: 1-3508-305-0002-009
Address: 1927 Pike Ave, Richland, WA 99354
10. Owner: David Stanley Hall and Kandice Hall
Parcel No.: 1-3508-306-0001-002
Address: 1906 Luther Place, Richland, WA 99354
11. Owner: Brian W. Pratt and Stacie R. Pratt
Parcel No.: 1-3508-306-0001-003
Address: 1912 Luther Place, Richland, WA 99354
12. Owner: Leroy M. Anderson and Marilyn Anderson
Parcel No.: 1-3508-306-0001-004
Address: 1918 Luther Place, Richland, WA 99354
13. Owner: Mujo Pilav and Sanela Pilav
Parcel No.: 1-3508-306-0001-005
Address: 1924 Luther Place, Richland, WA, 99354
14. Owner: Kevin A. Betita
Parcel No.: 1-3508-306-0001-006
Address: 1930 Luther Place, Richland, WA 99354
15. Owner: Linda C. King
Parcel No.: 1-3508-306-0001-007
Address: 1936 Luther Place, Richland, WA 99354
16. Owner: Richard D. Williams
Parcel No.: 1-13508-306-0001-008
Address: 1942 Luther Place, Richland, WA 99354
17. Owner: Rodolfo Cartagena
Parcel No.: 1-3508-306-0001-010
Address: 1948 Luther Place, Richland, WA 99354
18. Owner: Luther Senior Center
Parcel No.: 1-3508-306-0003-001
Address: 625 Berkshire Street, Richland, WA 99354
19. Owner: Shalom Ecumenical Center
Parcel No.: 1-3508-306-0003-004
Address: 1905 Luther Place, Richland, WA 99354
20. Owner: Bruce K. Simanton and Lorina M> Simanton
Parcel No.: 1-3508-306-0003-005
Address: 1909 Luther Place, Richland, WA 99354
21. Owner: Dale W. Ragain and Opal R. Ragain, Trustees
Parcel No.: 1-3508-306-0003-006
Address: 1921 Luther Place, Richland, WA 99354

VARIANCE REPORT

(Continued)

- 22. Owner: Donald C. Smith and Sandra J. Smith
Parcel No.: 1-3508-306-0003-008
Address: 1915 Luther Place, Richland, WA 99354
- 23. Owner: City of Richland
Parcel No.: 1-3508-306-0003-009
Address: 1900 Jadwin Ave, Richland, WA 99354
- 24. Owner: Luther Senior Center
Parcel No.: 1-3508-306-0003-009
Address: 818 W. Riverside Ave Ste 300, Spokane, WA 99201

PROPERTY USE AND DEVELOPMENT AGREEMENT

THIS AGREEMENT made and entered into this ____ day of _____, 2016,
by and between the CITY OF RICHLAND and Luther Senior Center (Petitioner).

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

WHEREAS, the City of Richland is currently entertaining an application by the Luther Senior Center, (hereinafter "Petitioner") for a change of zone covering a .32 acre site located at 625 Luther Place (hereinafter "Property") and more particularly described in Ordinance No. _____.

NOW, THEREFORE, it is agreed that if the subject Property is rezoned from R2 – Medium Density Residential to R2-S - Single Family Residential Small Lot. Petitioner for himself and for and on behalf of his heirs, successors and assigns, covenants and agrees as follows:

1. Development of the subject property shall consist of two duplexes designed for low income seniors. Each of the duplex units shall contain only one bedroom.
2. For the purpose of this agreement, 'low income' refers to individuals who are at 80% or less of the area median income.
3. For the purposes of this agreement, 'senior' refers to individuals who are 55 years of age or older.
4. This agreement obligates the Petitioner for the construction of duplexes designed for low income seniors. The agreement shall be fulfilled at the time that construction of the duplexes is complete. There is no obligation on the part of the Petitioner and no obligation on the part of the City to monitor the income and/or age of the individuals residing within the duplexes over time.

This agreement shall be placed of record and the terms and conditions thereof shall be a covenant running with the land and included in each deed and real estate contract executed by Petitioners with respect to the subject Property or any part thereof,

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

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

CITY OF RICHLAND

Cindy Reents
City Manager

Gary A. Wubb
Petitioner

APPROVED AS TO FORM:

Heather Kintzley
City Attorney