



Richland

NOTICE OF DECISION

PURSUANT TO RICHLAND MUNICIPAL CODE SECTIONS 19.60.080 & 23.46.050, NOTICE IS HEREBY GIVEN THAT THE RICHLAND HEARING EXAMINER HELD A PUBLIC HEARING ON JULY 14, 2025, TO CONSIDER AN APPLICATION SUBMITTED BY SHANE O' NEILL OF CLOVER PLANNING AND ZONING, ON BEHALF OF THE PROPERTY OWNER, GREG MARKEL, FOR A SPECIAL USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF A 600 SQUARE FOOT DRIVE THROUGH COFFEE STAND AT 1312 LEE BOULEVARD. THE PROJECT SITE IS LOCATED ON ASSESSOR'S PARCEL NUMBER 111983020626004. ON AUGUST 22, 2025, THE HEARING EXAMINER ISSUED A WRITTEN DECISION TO APPROVE SPECIAL USE PERMIT # PLN-T2-2025-00015.

REQUEST: Special Use Permit to construct a 600 square foot drive through coffee stand.

LOCATION: 1312 Lee Blvd, Parcel Number 111983020626004

DESCRIPTION OF ACTION: Request approved subject to the conditions as enumerated in the Hearing Examiner's written decision, see attached.

SEPA REVIEW: The above-referenced action was reviewed in compliance with the requirements of the State Environmental Policy Act (RCW 43.21c). A SEPA Threshold Determination of Non-Significance was issued by the City of Richland on June 30, 2025 after utilizing the Optional DNS Method.

APPEAL PROCEDURES: This Special Use Permit is a Type II Permit action under RMC 19.20.010(B)(9). RMC 19.70.010 explains that project permit applications shall be appealable as provided in the framework in RMC 19.20.030, which provides that Type II Permit decisions are not subject to a closed record appeal before the City Council but may be appealed to Superior Court. RMC 19.70.060, captioned "Judicial appeals", reads as follows:

Except in the event of legal authority providing for a different appeal process, the city's final decision on an application may be appealed by a party of record with standing to file a land use petition in Benton County superior court. Such petition must be filed within 21 days of issuance of the decision, as provided in Chapter 36.70C RCW.

DATE OF DECISION: August 22, 2025

Mike Stevens
Planning Manager

August 22, 2025
Date

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

Regarding an Application for a Special
Use Permit to Develop and Operate a
Drive-Through Window on property in
the Central Business District (CBD)
Zone, submitted by

SHANE O'NEILL, CLOVER PLANNING &
ZONING (AGENT) ON BEHALF OF
GREG MERKEL, PROPERTY OWNER

Applicant,

*(Request to construct and operate a drive-through coffee
stand in the northwest corner of Lee Boulevard and Goethals
Drive, at 1312 Lee Blvd., in the City of Richland).*

File Nos. PLN-T2-2025-00015

**FINDINGS OF FACT,
CONDITIONS OF APPROVAL AND
DECISION**

I. SUMMARY OF DECISION.

The applicant met its burden of proof to demonstrate that its requested Special Use Permit application (File No. PLN-T2-2025-00015) merits approval, subject to conditions of approval.

II. BACKGROUND AND APPLICABLE LAW.

In this matter, the Hearing Examiner has jurisdiction to conduct an open record public hearing and issue a Decision regarding the pending application for a Special Use Permit (SUP) to develop and operate a drive through window as part of a proposed new coffee business to be located on a parcel in the City's Central Business District (CBD) zone. See RMC 23.42.047 (re: requirements for restaurant businesses with drive-through window

**FINDINGS OF FACT, CONDITIONS OF
APPROVAL AND DECISION APPROVING
APPLICATION FOR A SPECIAL USE PERMIT TO
OPERATE A DRIVE THROUGH WINDOW IN THE
CITY'S CBD ZONE AT 1312 LEE BOULEVARD –
FILE NO. PLN-T2-2025-00015**

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

1 service when permitted as a special use in a zoning district); RMC 23.46.025(A)(12) (re:
2 authority for Hearing Examiner to issue Special Use Permit for “[a]utomobile repair minor,
3 automobile repair specialty shop, automobile service station, auto parts sales, car wash –
4 automatic or self-service, vehicle leasing/renting, vehicle sales and restaurant/drive-through
5 in the CBD – central business district); and RMC 23.46.040 (re: special use permit process
6 and Examiner’s authority to impose conditions).

7 A Special Use Permit is reviewed under the City’s Type II process, which requires an
8 open record public hearing by the Hearing Examiner, who is given authority to approve such
9 permits. No development application for a Type II or Type III permit shall be approved by
10 the city of Richland unless the decision to approve the permit application is supported by the
11 findings and conclusions mandated by RMC 19.60.095.

12 The City’s review procedure chart provides that decisions made by the Examiner on
13 Type II matters are subject to appeal to superior court. *See 19.20.010(B)(9), RMC 23.46.070,*
14 *and RMC 19.20.030.*

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

19 RMC 23.46.040 specifies the hearing process and criteria that must be satisfied by an
20 applicant to obtain a Special Use Permit, and reads as follows:

21 **23.46.040 Hearings – Findings – Conditions.**

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

24 A. Any person may appear at the public hearing in person, or by agent or attorney.

25 B. The hearing body shall make a finding that it is empowered under the section of this code
26 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;

FINDINGS OF FACT, CONDITIONS OF
APPROVAL AND DECISION APPROVING
APPLICATION FOR A SPECIAL USE PERMIT TO
OPERATE A DRIVE THROUGH WINDOW IN THE
CITY’S CBD ZONE AT 1312 LEE BOULEVARD –
FILE NO. PLN-T2-2025-00015

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

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. [Ord. 28-05 § 1.02].

**FINDINGS OF FACT, CONDITIONS OF
APPROVAL AND DECISION APPROVING
APPLICATION FOR A SPECIAL USE PERMIT TO
OPERATE A DRIVE THROUGH WINDOW IN THE
CITY'S CBD ZONE AT 1312 LEE BOULEVARD –
FILE NO. PLN-T2-2025-00015**

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

III. QUESTION PRESENTED.

Whether the pending application for a Special Use Permit satisfies the approval criteria set forth in applicable city codes and regulations, including without limitation RMC 23.46.040(C)?

Short Answer: Yes, as conditioned below.

IV. RECORD AND EXHIBITS.

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

Hearing Testimony: The following individuals presented testimony under oath at the duly noticed public hearing for the underlying application on July 14, 2025:

1. Mike Stevens, Planning Manager for the City of Richland. Mr. Stevens summarized the Staff Report, which was prepared by designated Planner, Ryan Nelson, who coordinated post-hearing follow-up communications with the applicant to address concerns about proposed conditions as addressed during the public hearing. Staff recommended approval, with conditions, and agreed to work with the applicant's agent to see if language in some conditions could be clarified; and
2. Shane O'Neill, applicant's agent and land use consultant with Clover Planning, generally concurred with analysis in the Staff Report, took issue with conditions discussing parking and some other topics, agreed to work with Staff to propose clarified conditions.

Exhibits: The Staff Report, was provided to the Examiner in the week before the initial hearing. The Staff Report, and the following Exhibits, were all accepted into the Record in their entirety without modification:

1. Application materials, with credible code compliance narrative, and site photos;
2. Site Plan;
3. SEPA Checklist;

FINDINGS OF FACT, CONDITIONS OF
APPROVAL AND DECISION APPROVING
APPLICATION FOR A SPECIAL USE PERMIT TO
OPERATE A DRIVE THROUGH WINDOW IN THE
CITY'S CBD ZONE AT 1312 LEE BOULEVARD –
FILE NO. PLN-T2-2025-00015

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

4. SEPA Determination of Non-Significance;
5. Public Notices & confirmation materials;
6. Agency Comments; and
7. Deed recorded in 1965, reserving access, ingress/egress rights for site of proposed business addressed in this permit, copy transmitted to the Examiner on 08/15/25, AFN # 540822 – verifies access assumptions reflected in proposed site plan.
8. REVISED Staff Report, redlined version, showing revisions to proposed conditions of approval, based on post-hearing discussions with the applicant team, transmitted to the Examiner on July 23, 2025.

The Examiner has visited the project site, as well as the road network and vicinity of the proposed Special Use Permit, many times before the public hearing, and is fully advised on matters at issue herein, including without limitation applicable law, application materials, and relevant codes. The Examiner held the record open to allow the parties to explore revisions to proposed conditions to clarify issues raised during the public hearing, which are reflected in the Revised Staff Report, added by the Examiner as Ex. 8. On August 15th, Staff transmitted a .pdf copy of the Deed confirming access rights for the property, which was labeled as Ex. 7, to the Examiner. Upon receipt of Exs. 7 and 8, the record is closed, and this Decision is now in order.

V. FINDINGS OF FACT.

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

Jurisdiction

1. As required by RMC 23.46.040(B), the Examiner expressly finds that he is empowered by RMC 23.46.025(A)(12), RMC 23.46.060, and RMC 19.20.030 to consider the pending application for a special use permit to operate a business with drive-through window service on a site in the city's Central Business District (CBD) zone.

Application, Location, Public Notice, and Review

2. In February of this year, Clover Planning (Shane O'Neill), the applicant's land use consultant, submitted the pending application for a Special Use Permit ("SUP") to authorize drive-through window service in connection with a proposed new coffee business on a property located in the city's C-1 zone. (*Ex. 1, application materials*).

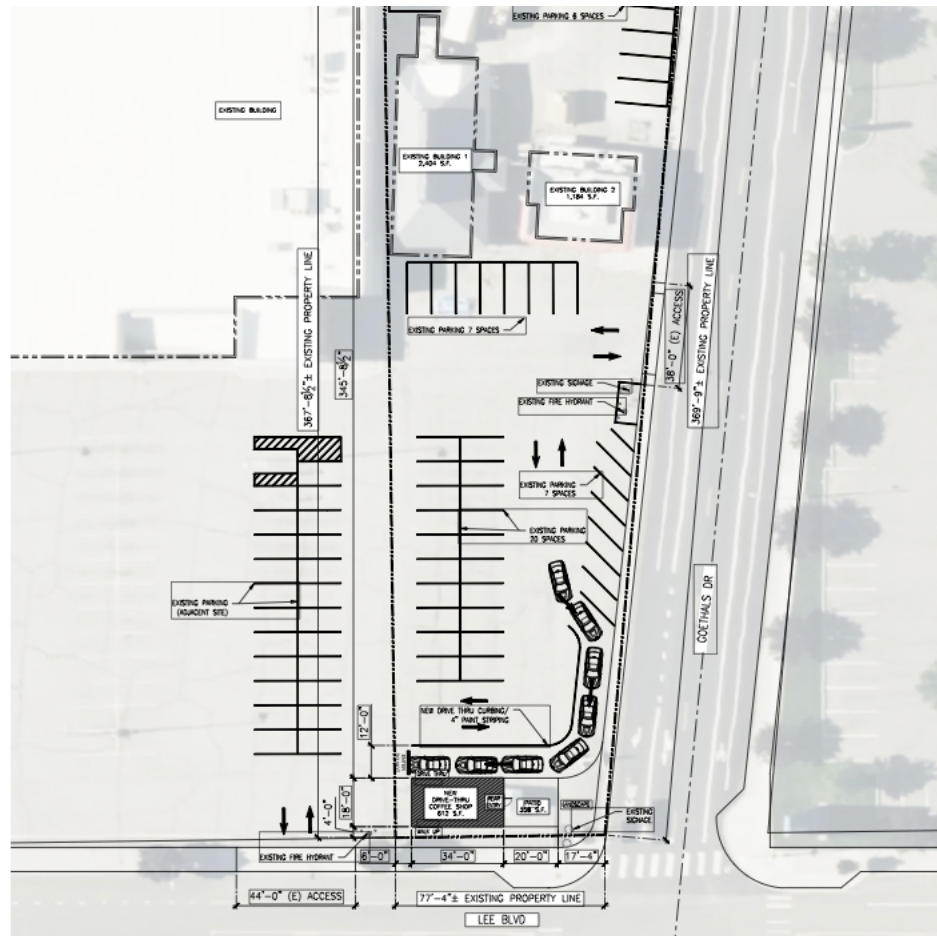
3. The project site is addressed as 1312 Lee Boulevard, in the northwest corner of the

FINDINGS OF FACT, CONDITIONS OF
APPROVAL AND DECISION APPROVING
APPLICATION FOR A SPECIAL USE PERMIT TO
OPERATE A DRIVE THROUGH WINDOW IN THE
CITY'S CBD ZONE AT 1312 LEE BOULEVARD –
FILE NO. PLN-T2-2025-00015

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

Lee Boulevard intersection with Goethals Drive.

4. The applicant's proposed site plan is included as part of Ex. 2, and shows how the drive-through business will be placed up against the edge of the intersection, which served as a basis for some conditions of approval recommended by Staff, to address concerns about turning movements, pedestrian safety, and the like. A screenshot of showing how the business would be situated on the property is provided below:



(Screenshot from proposed Site Plan, included as part of Ex. 2).

5. As shown above, the proposed new business will be located on the same large site where a former grocery store building stands, and two restaurants already operate. The applicant's project would develop a drive-through coffee business with about 600 sq.ft. on the site, which would have a walk-up service option, and a vehicle queuing lane to accommodate an average of 8 cars. (Ex. 1, application materials; Staff Report, page 2).

FINDINGS OF FACT, CONDITIONS OF APPROVAL AND DECISION APPROVING APPLICATION FOR A SPECIAL USE PERMIT TO OPERATE A DRIVE THROUGH WINDOW IN THE CITY'S CBD ZONE AT 1312 LEE BOULEVARD – FILE NO. PLN-T2-2025-00015

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

6. The applicant submitted materials to establish shared access rights for this site, addressing ingress/egress from the site onto and through paved areas surrounding the new business. (*Ex. 7, Deed reserving access rights for the property*).

7. There is no dispute that the Richland Municipal Code requires a Special Use Permit to authorize development and operation of a drive through window in the City's CBD zone. (*See RMC 23.46.025(A)(12)*).

8. Staff deemed the application materials complete for purposes of vesting and public review, complied with all applicable public notice requirements for the SUP application and the public hearing held for the matter. (*Exhibit 5, copies of public notices mailed, posted, and published, with confirmation materials*).

9. Staff reviewed the SEPA Checklist completed by the project applicant, and issued a SEPA Determination of Non-Significance (DNS). (*Ex. 3, SEPA Checklist; Ex. 4, SEPA DNS, issued on June 30, 2025; Staff Report, SEPA discussion on page 15*). Notices regarding the application were issued in accord with City practices, inviting comments from adjacent property owners and public agencies. (*Exs. 5 and 6, notice materials and Agency Comments*).

10. As explained in the Staff Report, the proposed drive-through coffee business use is consistent with applicable provisions and policies in the City's zoning code and Comprehensive Plan. It also confirms that the City has domestic water, sewer and electrical service lines in place to serve the site and has adequate capacity to do so. (*Staff Report, pages 6-15*).

11. As noted above, this matter was noticed and advertised for a public hearing, which occurred on July 14, 2025, with Staff and the applicant present. During the hearing, Staff summarized the proposal, their review, and possible conditions that could be clarified. For the Applicant, Mr. O'Neill generally accepted the Staff Report, but requested clarification on some conditions. The Examiner held the record open to allow Staff and the applicant team to see if they might come to some agreement on revisions to the proposed conditions. (*Hearing testimony from Mr. Stevens and Mr. O'Neill*).

12. Follow-up materials submitted after the public hearing consisted of a revised Staff Report, transmitted to the Examiner with a redline version showing modifications made to address concerns raised by the applicant. The Revised Staff Report was transmitted to the Examiner on July 23rd, and has been added to the record as *Exhibit 8*.

13. No one appeared during the public hearing to oppose or offer evidence that would

**FINDINGS OF FACT, CONDITIONS OF
APPROVAL AND DECISION APPROVING
APPLICATION FOR A SPECIAL USE PERMIT TO
OPERATE A DRIVE THROUGH WINDOW IN THE
CITY'S CBD ZONE AT 1312 LEE BOULEVARD –
FILE NO. PLN-T2-2025-00015**

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

serve as a basis to deny the pending permit application.

14. Based on the application materials, site visits, the site plan, and the Revised Staff Report's analysis and proposed conditions, there is a preponderance of evidence to support approval of the requested Special Use Permit, subject to conditions.

Application satisfies approval criteria

15. The record includes a preponderance of evidence which establishes that the proposed site plan for the applicant's proposed coffee café with a drive-through service window has been designed, or can be conditioned, to comply with the specific performance standards for such use in the CBD zone. *(See discussion and analysis in the Staff Report; Mr. O'Neill's credible and comprehensive code compliance narrative provided as part of the application materials, Ex. 1).*

16. The record includes a preponderance of evidence which establishes that the proposed drive-through coffee business has been designed, or can be conditioned, to comply with all 5 approval criteria for the requested Special Use Permit found in RMC 23.46.040(C)(1-5), as explained in the analysis provided in the Revised Staff Report.

17. As conditioned in this Decision, potential impacts on adjacent properties, surrounding uses and public facilities have been adequately mitigated.

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

19. Except as modified in these findings, all statements of fact and findings included in the Revised Staff Report are adopted herein as findings of fact by the Examiner, supporting approval of the requested Special Use Permit.

20. Based on the record, the applicant demonstrated its special use permit application merits approval, meeting its burden of proof imposed by RMC 19.60.060.

21. Approval of this special use permit will not and does not constitute, nor does it imply any expectation of, approval of any administrative permit or subsequent reviews that may be required for construction, business operations, or other activities on the site of the special use permit.

**FINDINGS OF FACT, CONDITIONS OF
APPROVAL AND DECISION APPROVING
APPLICATION FOR A SPECIAL USE PERMIT TO
OPERATE A DRIVE THROUGH WINDOW IN THE
CITY'S CBD ZONE AT 1312 LEE BOULEVARD –
FILE NO. PLN-T2-2025-00015**

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

VI. CONDITIONS OF APPROVAL.

Based on the record and authority specifically granted under applicable city codes, including without limitation RMC 23.46.040, the Examiner hereby imposes the following conditions on the approval for the pending special use permit in addition to or above and beyond those required elsewhere in the city's municipal code, specifically finding that such conditions are necessary to ensure the proposed use is compatible with the public interest:

A. Except as modified to comply with other Conditions of Approval, the project shall be developed in substantial conformance with the site plan submitted as part of this application (*Ex. 2*), provided the Planning Manager shall have full discretion and authority to require submittal of more detailed plans for city review and approval (for building permits, landscaping, planting plans, and the like) that will conform to these conditions of approval, and/or otherwise applicable city development standards.

B. (*Conditions based on those proposed in the Revised Staff Report*):

1. The Permittee shall comply with the rules and regulations of WAC 246-215 for food service establishments, and other requirements as determined by the Benton-Franklin Health District.
2. The Permittee shall install "Do Not Enter" or "Exit Only" signs on both sides of the vehicular queueing lane exit area, and such signs shall be constructed to a height visible to all vehicles.
3. The Permittee shall comply with applicable design standards found in RMC 23.22.020(E) – Performance standards and special requirements – Central Business District.
4. The Permittee shall comply with all applicable standards provided in RMC 23.42.047 – regarding businesses with drive-through window service.
5. Proposed off-street parking shall be revised to meet the standards of RMC 23.54, including but not limited to the following: 23.54.020(E)(1) and (E)(5) – Standards and Requirements – Restaurant and Tavern Uses, 23.54.040 – Motorcycles, 23.54.050 – Bicycles, 23.54.120 – Layout plan, and 23.54.130 – Loading and Unloading.
6. Any outdoor lighting shall comply with applicable standards provided in RMC 23.58 – Outdoor Lighting Standards.

FINDINGS OF FACT, CONDITIONS OF
APPROVAL AND DECISION APPROVING
APPLICATION FOR A SPECIAL USE PERMIT TO
OPERATE A DRIVE THROUGH WINDOW IN THE
CITY'S CBD ZONE AT 1312 LEE BOULEVARD –
FILE NO. PLN-T2-2025-00015

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

7. Because the property lines shown on the submitted site plan do not match the property lines on City maps, the Permittee shall revise and re-submit a final site plan for review and approval by the Planning Manager, to confirm property lines and any other revisions necessary to comply with these Conditions of Approval.
8. Vision-clearance triangles shall be shown at all corner lots on the construction plans, in accordance with RMC Chapter 12.11.020. If the intersection is in a curve, it will have to be evaluated per AASHTO guidelines.
9. This project will be required to install a grease interceptor (grease trap) during construction. The size, location, and type of interceptor must be noted on the plans for review by the City of Richland Engineering Department prior to issuance of a building permit.
10. Any modifications to the site plan, parking facilities, and/or overall shall be submitted to the Planning Manager for review. The Planning Manager shall have full discretion and authority to require submittal of more detailed plans for review and approval (e.g. building permits, improvements of parking facilities, and the like) that will conform to these conditions of approval, and/or other applicable city development standards.
11. Consistent with RMC 23.46.090, the validity of this special use permit shall be contingent upon exercise of the special use, as granted, and the special use permit shall run with the property. This decision granting the underlying special use shall be recorded with the Benton County Auditor's office as a special covenant, which shall run with the property regardless of a change in ownership of the property. Such recording shall be the responsibility of the permit-holder/applicant, and a conformed copy of the recorded instrument reflecting a valid recording number shall be filed with the City prior to the conduct of the expansion on the property. Any change in the special use, which is determined to be substantial by the administrative official, shall void this special use permit.
12. The proposed drive-through will create vehicle turning conflicts within the existing parking lot. Additional curbing will be needed to direct cars to safer turning movements near the access to Lee Boulevard. This may require the removal of some parking spaces and/or re-striping. Any removal or re-striping of parking spaces shall be shown on the updated site plan, as required by Condition #5.
13. Concrete curbing shall be installed at the back of the City sidewalk along Goethals Drive to separate the vehicle queueing lane from the pedestrians. Installation of this

**FINDINGS OF FACT, CONDITIONS OF
APPROVAL AND DECISION APPROVING
APPLICATION FOR A SPECIAL USE PERMIT TO
OPERATE A DRIVE THROUGH WINDOW IN THE
CITY'S CBD ZONE AT 1312 LEE BOULEVARD –
FILE NO. PLN-T2-2025-00015**

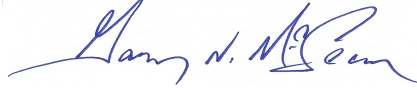
GARY N. MCLEAN
HEARING EXAMINER FOR THE CITY OF RICHLAND
CITY HALL – 625 SWIFT BOULEVARD
RICHLAND, WASHINGTON 99352

1 curb (minimum 6-inches in height) will require the City sidewalk to be widened to 5-
2 feet where the vehicle queueing lane is immediately adjacent to Goethals Drive.

3 **VII. DECISION.**

4 Based upon the preceding Findings and Conditions of Approval, the Special Use
5 Permit application to construct and operate a drive-through coffee stand at 1312 Lee
6 Boulevard in the City's CBD zone (File No. PLN-T2-2025-00015) is APPROVED, as
7 conditioned herein. Consistent with RMC 23.46.060, this Decision authorizes the City's
8 administrative official to issue a special use permit, subject to the applicant's compliance
9 with the above-referenced Conditions of Approval.

10 ISSUED this 22nd Day of August, 2025

11 

12 _____
13 Gary N. McLean
14 Hearing Examiner
15
16
17
18
19
20
21
22
23
24

25 **FINDINGS OF FACT, CONDITIONS OF**
26 **APPROVAL AND DECISION APPROVING**
APPLICATION FOR A SPECIAL USE PERMIT TO
OPERATE A DRIVE THROUGH WINDOW IN THE
CITY'S CBD ZONE AT 1312 LEE BOULEVARD –
FILE NO. PLN-T2-2025-00015

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

OPPORTUNITY TO APPEAL

This Special Use Permit is a Type II Permit action under RMC 19.20.010.B.9. RMC 19.70.010 explains that project permit applications shall be appealable as provided in the framework in RMC 19.20.030, which provides that Type II Permit decisions are not subject to a closed record appeal before the City Council but may be appealed to Superior Court. RMC 19.70.060, captioned “Judicial appeals”, reads as follows:

Except in the event of legal authority providing for a different appeal process, the city’s final decision on an application may be appealed by a party of record with standing to file a land use petition in Benton County superior court. Such petition must be filed within 21 days of issuance of the decision, as provided in Chapter 36.70C RCW.

**FINDINGS OF FACT, CONDITIONS OF
APPROVAL AND DECISION APPROVING
APPLICATION FOR A SPECIAL USE PERMIT TO
OPERATE A DRIVE THROUGH WINDOW IN THE
CITY’S CBD ZONE AT 1312 LEE BOULEVARD –
FILE NO. PLN-T2-2025-00015**

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