



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

### GENERAL INFORMATION:

|                            |  |
|----------------------------|--|
| <b>Proposal Name:</b>      | Peach Tree Estates III Rezone  |
| <b>Location:</b>           | 1251 Bermuda Road  |
| <b>Applicant:</b>          | Jason Mattox of PBS Engineering & Environmental  |
| <b>Property Owner:</b>     | MD&D Investments, LLC  |
| <b>File #:</b>             | PLN-T3A-2025-00002   |
| <b>Description:</b>        | Request to rezone Parcels 134982000005007, 134982010595005, and 134982000008000 from Agriculture (AG) to R-2S and C-2. |
| <b>Project Type:</b>       | Type IIIA Site-Specific Rezone   |
| <b>Hearing Date:</b>       | September 8, 2025  |
| <b>Report By:</b>          | Ryan Nelson, Planner   |
| <b>Recommended Action:</b> | Approval   |

**Vicinity  
Map**

Item: Peach Tree Estates III - Phases 1 - 6 Prelim Plat

Applicant: PBS Engineering

File #: PLN-T3-2025-00004 &amp; PLN-T1-2025-00282



0 100 200 400 Feet

**Figure 1 – Vicinity Map****Description of Proposal**

Parallel to a Preliminary Plat Application for the development of an approximately 58.39-acre site, with two hundred forty-two (242) residential lots and four (4) commercial tracts, Jason Mattox has submitted a Zoning Map Amendment Application on behalf of MD&D Investments, LLC (owner), petitioning to rezone parcel numbers 134982000005007, 134982010595005, and 134982000008000 from the Agriculture (AG) zoning designation to the medium density residential, small lot, (R-2S) district and to the retail business use (C-2) district. The purpose of this change is to enable residential and commercial development to proceed in agreement with the overlying Badger Mountain South Subarea Plan Medium Density Residential (MDR), Civic, and Commercial land use classifications.

Figure 1 (above) shows the site within its larger context.

**Reviewing Authority and Applicable Codes**

Richland Municipal Code (RMC) Chapter 19.20.010(D)(1), 19.20.030, and 19.25.010 requires a site-specific rezone review to take place by the Hearing Examiner. See additional RMC guidance for the Hearing Examiner, below:

RMC 19.20.010 Procedures for processing development permits.

For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I, Type II, Type III, or Type IIIA.

D. Type IIIA permits include the following types of permit applications:

1. Site-specific rezones

19.60.060 Burden of proof.

Except for Type IV actions, the burden of proof is on the proponent. The project permit application must be supported by proof that it conforms to the applicable elements of the city's development regulations, comprehensive plan and that any significant adverse environmental impacts have been adequately addressed.

23.70.210(A) Public hearing and recommendation to council.

Reclassification. The hearing examiner shall conduct an open record public hearing as required by RMC Title 19 for a Type IIIA permit application. The recommendation shall include written findings of fact and the reasons for the hearing examiner's action; and shall refer expressly to the maps, description and other matters intended by the hearing examiner to constitute the reclassification.

Additional Considerations.

Washington Courts apply three basic rules when reviewing appeals of rezone applications: (1) there is no presumption favoring the rezone request; (2) the proponent must demonstrate that there has been a change of circumstances since the original zoning provided if a proposed rezone implements the policies of the comprehensive plan, a showing of changed circumstances is usually not required; and (3) the rezone must have a substantial relationship to the public health, safety, morals or general welfare.

For the purposes of this rezone request, the central questions presented are:

1. Whether the requested rezone implements policies of the City's Comprehensive Plan, and /or whether there has been a change of circumstances since the original Agricultural [AG] zoning was adopted for the site?
2. Does the rezone bear a substantial relationship to the public health, safety, morals, or general welfare?

**Site Description & Adjacent Land Uses**

Peach Tree Estates III is comprised of three (3) parcels totaling approximately 58.39-acres. The project site is located west and north of the Peach Tree Estates II subdivision and adjacent to both the public and private road segments of Bermuda Road.

The project area slopes down from northwest to southeast and will be accessed from a primary connection to a future intersection at Queensgate Drive and Gage Boulevard to the east and secondary connection through Peach Tree Estates and Peach Tree Estates II developments to the south and west.

Current Badger Mountain South Land Use Designations and Uses:

| Parcel Number   | BMS Land Use Classification               | Current Use    |
|-----------------|---|----------------|
| 134982000008000 | Medium Density Residential                | Former Orchard |
| 134982010595005 | Medium Density Residential and Commercial | Former Orchard |
| 134982000005007 | Medium Density Residential and Civic      | Former Orchard |

**BMS  
Land Use  
Map**

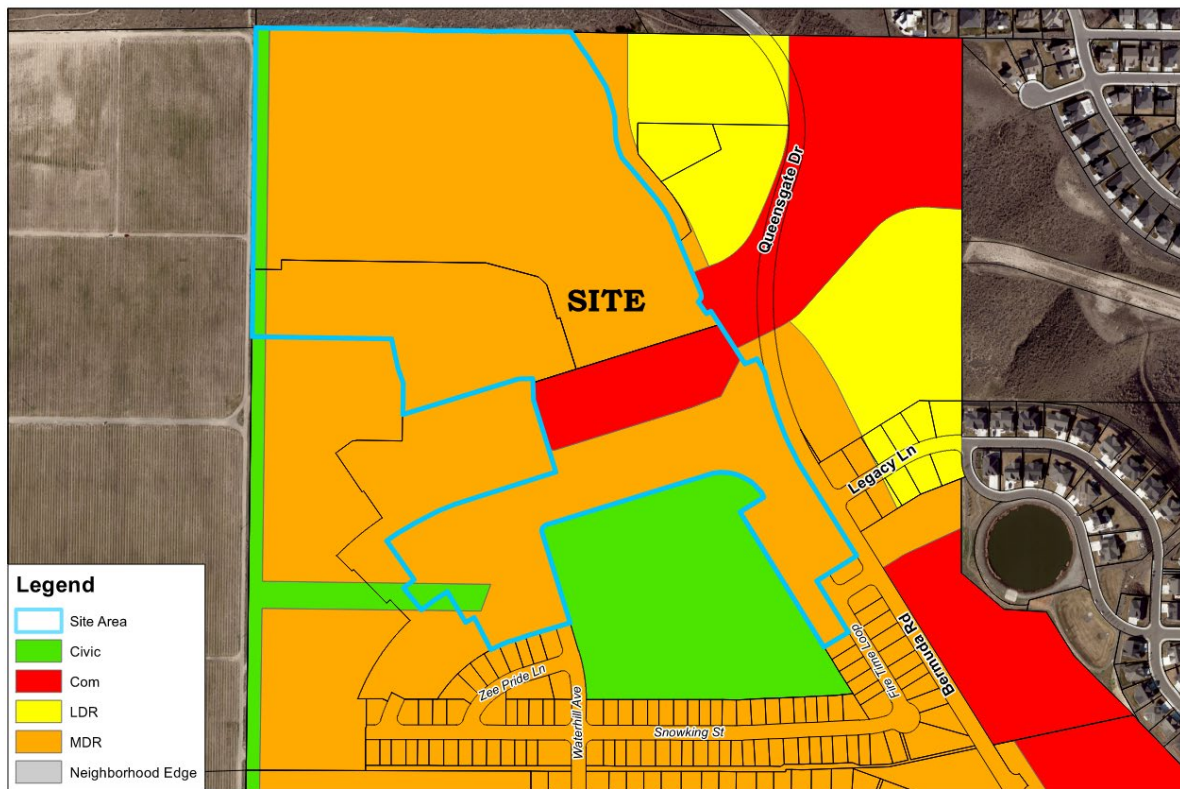
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0 100 200 400 Feet



**Figure 2 – Badger Mountain South LUDR Land Use Map**

**Badger Mountain South Subarea Plan Review**

As illustrated in Figure 2 (above), the Comprehensive Plan Land Use designation (as established by the Badger Mountain Subarea Plan) largely designates the site for medium-density residential development and other areas are designated as Commercial and Civic.

Applicable Goals & Policies

Provided below is a set of the City's Comprehensive Plan goals & policies which are particularly applicable to the proposed plat.



**Land Use Element – Goal 1**

*Plan for the growth within the urban growth area and promote compatible land use.*

- Policy 2: Facilitate planned growth and infill developments within the City.

**Land Use Element – Goal 2**

*Establish land uses that are sustainable and create a livable and vibrant community.*

- Policy 3: Ensure that the intent of the land use and districts are maintained.

**Land Use Element – Goal 3**

*Maintain a broad range of residential land use designations to accommodate a variety of lifestyles and housing opportunities.*

- Policy 1: Distribute residential uses and densities throughout the urban growth area consistent with the City's vision.

Provided below is a set of Badger Mountain South Subarea Plan goals & policies which are particularly applicable to the proposed plat.

***Comprehensive Plan Land Use Goal 1. The City will establish land uses that encourage cost-effective development.***

- BMLU Policy 1.2: Link development of the northeast portion of the Badger Mountain Subarea into the existing street network to the south and east, and over time, to the City's planned transportation network.

***Comprehensive Plan Economic Development Goal 6. Richland has established a sense of place that appeals to citizens of all ages. The City has become the entertainment and upscale retail center for the Tri-Cities with a range of retail and service businesses that meet the needs of local residents and visitors to the community.***

- BMED Policy 6.1: Provide areas for new commercial activity that can accommodate the needs of businesses, residents and visitors.
- BMED Policy 6.6: Encourage the siting of commercial uses and business areas to serve adjacent neighborhoods.
- BMED Policy 6.8: Ensure the availability of sufficient quantities of land suitable for new employment centers.

***Comprehensive Plan Housing Element Goal 3. Accommodate growth and maintain affordability.***

- BMLU Policy 3.1: Support the development of residential neighborhoods that provide a variety of housing types, styles and densities to serve a broad spectrum of incomes, ages, and life stages.

**Comprehensive Plan Urban Design Goal 1. The City will create a well-planned community with an aesthetically pleasing environment.**

BMUD Policy 1.4: Develop and adopt the use of a detailed land use and development regulation for Badger Mountain South to facilitate the overall design and sustainability objectives of the planned development.

**Current Zoning Designations**

The subject parcels are currently zoned AG, Agricultural use district. The surrounding parcels are zoned as follows:

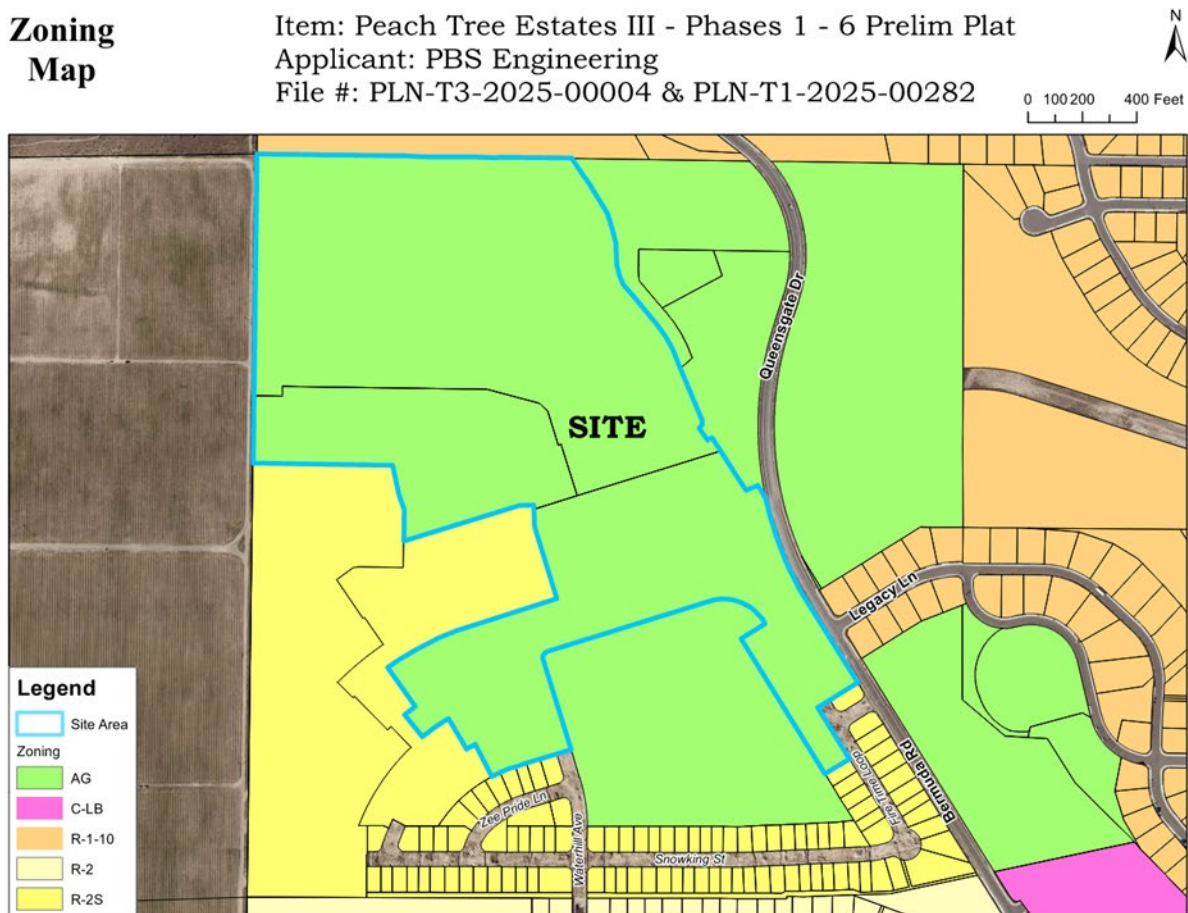
|              |  |
|--------------|--|
| <b>North</b> | AG – Agricultural                            |
| <b>East</b>  | AG – Agricultural                            |
| <b>South</b> | R-2S – Medium Density Residential Small Lot  |
| <b>West</b>  | RL-5 – Rural Lands Five Acre (Benton County) |

**Zoning Map**

Item: Peach Tree Estates III - Phases 1 - 6 Prelim Plat

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**Figure 3 – Zoning Map**

The Agricultural use district (AG) is a primary zone classification permitting essentially open land uses such as grazing lands or pasture, agriculture, and development of part-time small tract farming and other compatible uses of an open nature such as a cemetery, park, and recreational or similar uses on land which has favorable combinations of slope, climate, availability of water, or soil conditions. This land has been zoned AG since its annexation into the City in 2010 by Annexation 41-10. This zoning classification is intended to be applied to some portions of the city that are designated as agriculture or as urban reserve under the city of Richland comprehensive plan (RMC 23.14.010(A)).

### **Requested Zoning**

Following the applicant's request, City staff is presenting this staff report and associated application materials for a site-specific rezone of 58.39 acres from AG to R-2S and C-2. The purpose statements of the requested zoning are detailed below:

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 [RMC 23.18.010(D)].

The retail business use district (C-2) is a business zone classification providing for a wide range of retail business uses and services compatible to the core of the city and providing a focal point for the commerce of the city. All activities shall be conducted within an enclosed building except that off-street loading, parking, and servicing of automobiles may be in the open and except that outdoor storage may be permitted when conducted in conjunction with the principal operation which is in an enclosed adjoining building. This zoning classification is intended to be applied to some portions of the city that are designated commercial under the city of Richland comprehensive plan [RMC Chapter 23.22.010(C)].

These are the applicable performance standards, special requirements, and dimensional standards for each requested zoning designation:

#### **23.18.020 Residential performance standards and special requirements.**

- A. High-Density Residential Small Lot Special Requirements. In order to assure consistency with the purpose of the R-2S district, as stated in RMC 23.18.010(D), and further to avoid potential negative and undesirable effects that may result from the higher density of development afforded in an R-2S zone, the following special requirements and provisions shall apply:

1. Any application or reclassification of land to R-2S shall be accompanied by an application for preliminary plat approval submitted in accordance with RMC

24.12.010. In addition, the following information shall be submitted with the application for preliminary plat:

- a. A street landscaping plan showing the location and type of landscaping proposed;
  - b. Information showing the location, dimensions and character of recreational facilities and/or open space, including paths and trails; and
  - c. Utilization of curvilinear, cul-de-sac and/or loop streets or other appropriate design solutions to assist in modulating the interface of the residential buildings with the streets.
2. The planning commission and city council may, in keeping with the intent of this section, impose requirements and conditions on the approval of the preliminary plat or zoning reclassification as deemed appropriate. These conditions may include, but are not limited to, architectural design parameters, screening and buffering treatments, and supplemental open space and/or recreational facility requirements. Compliance with these conditions shall be demonstrated precedent to final plat and/or building permit approval as appropriate.
  3. A combined front yard setback configuration and street-facing residential architectural elevation may be repeated continuously on no more than five lots before a different combination must be utilized. Regardless of the street facing architectural elevation, a front yard setback configuration may be repeated on no more than 10 lots before a different setback configuration must be utilized. The administrative official may approve variations to this requirement which, in his judgment, accomplish the intent of avoiding a monotonous interface of the residential buildings with the streets, or are necessary due to constraints or unique characteristics of the site. This requirement shall be satisfied at the time of building permit application.

*Note: The heading above, “High-Density Residential Small Lot Special Requirements”, is incorrect. R-2S is a medium-density residential land use designation and is described (correctly) as such in RMC 23.18.010(D). Staff acknowledges the error and will seek to amend the heading in a future Code update.*

### **R-2S Dimensional Standards**

The following standards apply in the R-2S zone per RMC 23.18.040:

|                              |                               |            |
|------------------------------|-------------------------------|------------|
| Minimum Lot Area Requirement | One-Family Detached Dwelling  | 4,000 feet |
|                              | Two-Family Detached Dwelling  | 7,000 feet |
|                              | One-Family Attached Dwellings | 3,000      |
| Maximum Density              |                               | N/A        |
| Minimum Lot Width            | One-Family Detached Dwelling  | 42 feet    |
|                              | Two-Family Detached Dwelling  | 64 feet    |
|                              | One-Family Attached Dwellings | 30 feet    |



|   |   |                              |
|---|---|------------------------------|
| Average Lot Size Requirement <sup>2</sup>   |   | None                         |
| Minimum Front Yard Requirement <sup>3</sup> |   | 15 feet/18 feet <sup>4</sup> |
| Minimum Side Yard Requirement               |   | 6 feet <sup>5</sup>          |
| Minimum Rear Yard Requirement               |   | 20 feet/3 feet <sup>7</sup>  |
| Maximum Lot Coverage <sup>8</sup>           |   | 50%                          |
| Maximum Building Height                     | Main Building                             | 30 feet                      |
|   | Detached Accessory Building <sup>11</sup> | 16 feet                      |

2. Minimum average lot area per subdivision, exclusive of the area of streets and lots designated for nonresidential uses. In calculating average lot size, at least 35 percent of all lots shall be larger than the average lot size requirement.
3. Front yard setbacks are required from all street rights-of-way adjoining a lot as shown in the table above, except as follows:
  - a. In single-family residence districts and in R-2 and R-3 districts where more than 50 percent of the normal or average-size lots in a block fronting on one side of the street are developed with existing buildings, other than accessory buildings, with front yard setbacks less than that required for the district, a new single-family or duplex dwelling shall adopt a minimum front yard setback dimension which is the average of the setbacks of the buildings on the two adjoining lots, existing prior to July 22, 1960, but in no case shall this dimension be less than 15 feet nor need it exceed 30 feet.
  - b. Residential Districts. In any R district, or any combination therewith, on any corner lot where there is provided a side yard along the interior side lot line at least equal in width to the minimum depth of the rear yard required for the district, the main building may encroach upon the required rear yard up to a line where the remaining rear yard is no less in depth than the minimum width of the side yard required for the district. No accessory buildings may be located in said side yard, except a patio shelter enclosed on no more than two sides by walls or other enclosures and in conformity with the other provisions of this title.
  - c. The flanking frontage or nonaddress front yard of a corner lot may reduce the front yard setback of said frontage to 15 feet; see diagram below.
4. Front yards shall not be less than 15 feet in front of living areas, up to a maximum of 55 percent of the front lot line, and not less than 18 feet in front of all other areas.
5. Detached one-family or detached two-family dwellings shall have two side yards with each side yard having a width of not less than six feet. A nonattached side of an attached one-family dwelling shall have a side yard having a width of not less than six feet.
7. Rear yards shall be not less than 20 feet in back of living areas and three feet in back of garages or carports up to a maximum of 60 percent of the rear lot line for the garage or carport portion of the rear yard.
8. Buildings in an R-3 district shall cover not more than 33 percent of the area of the lot except one-family attached dwellings, which may cover up to 45 percent of the area of the lot.
11. Detached accessory structures built pursuant to the setback provisions of RMC 23.38.020 are limited to one story.

### **23.22.020 Performance standards and special requirements.**

There are no specific performance standards and/or special requirements listed for the C-2 retail business use zoning district.

**C-2 Dimensional Standards**

The following standards apply in the C-2 zone per RMC 23.22.040:

|   |                     |
|---|---------------------|
| Minimum Lot Area  | None                |
| Maximum Density – Multifamily Dwellings (units : square feet)                                 | N/A                 |
| Minimum Lot Width – One-Family Attached Dwellings   | N/A                 |
| Minimum Front Yard Setback <sup>14</sup>  | 0 feet <sup>2</sup> |
| Minimum Side Yard Setback   | None                |
| Minimum Rear Yard Setback   | None                |
| Maximum Building Height <sup>14, 15</sup>   | 80 feet             |
| Minimum Dwelling Unit Size (in square feet, excluding porches, decks, balconies and basement) | N/A                 |

2. 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.

Footnotes 14 and 15 do not apply to this application, as the proposal is not part of the Medical, Uptown or Parkway districts within the CBD zoning district or the Columbia Point North District of the Waterfront zoning district, as established in Plates 23.22.040(1), (2), (3), and (4).

**Utility Availability**

There are existing irrigation and electrical power line connections in place, available near the site with adequate capacity to supply the proposed project. Water, sewer, natural gas, and stormwater connections would need to be extended from nearby right-of-way to the site area.

## Utility Map

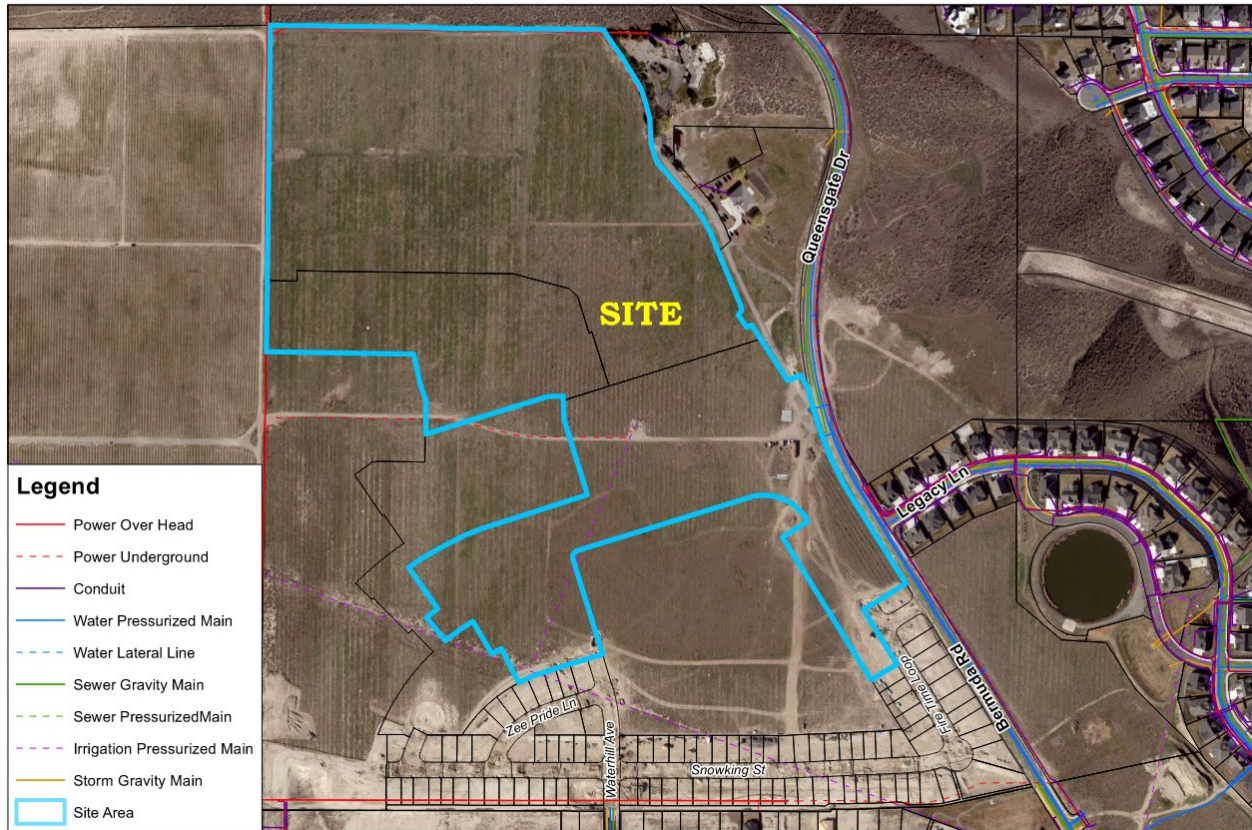
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0 100 200 400 Feet



**Figure 4 – Utilities Map**

### Sewer

There is an existing 4-inch pressurized main in the Bermuda Road right-of-way, switching to an 8-inch gravity main along Queensgate Drive.

### Water

There is a distribution main within the Bermuda Road right-of-way and Queensgate Drive right-of-way and a distribution main within the Waterhill Avenue right-of-way within the Sienna Hills development to the south. Water connections will need to be extended; it appears this will be achieved through Peach Tree Estates, Peach Tree Estates II, and the future Gage Boulevard road extension.

### Power

The site has an existing overhead primary conductor running north and south along the western boundary of the proposed plat and there are existing underground conduits along Queensgate Drive and Bermuda Road. Power extensions will need to be made upon construction of the future Gage Boulevard road.

### Stormwater

The City does have an existing 18-inch stormwater gravity main in the Bermuda Road right-of-way that currently terminates immediately adjacent to the southeastern corner of Peach Tree Estates, and could potentially be available for extension to the north. There is also a 12-inch main line at the terminus of Waterhill Avenue and a 12-inch main along Legacy Lane, which serves the Westcliffe Heights subdivision. Ultimately, all stormwater runoff from the proposed development will need to be maintained on-site per City and State stormwater runoff requirements.

### Irrigation

There is an existing 26-inch distribution main and another main running northeast and southwest (with easement) operated by the Badger Mountain Irrigation District bisecting the site area. A portion of the easement will be need to be vacated.

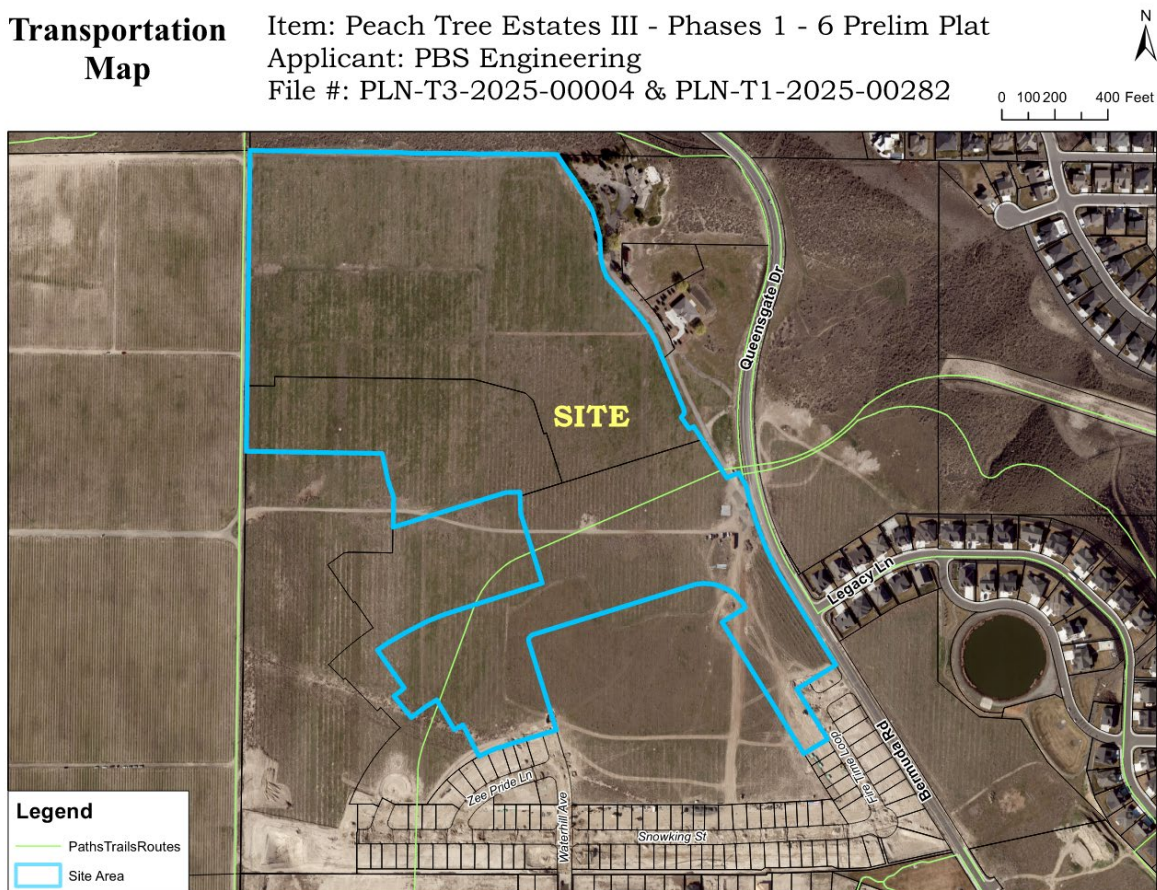
### Transportation & Access

#### **Transportation Map**

Item: Peach Tree Estates III - Phases 1 - 6 Prelim Plat

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**Figure 5 – Transportation Map**

Primary access into the proposed development will come from a future Gage Boulevard road extension. Other secondary access will be from Waterhill Avenue, Fire Time Loop, and a future



Dulcis Avenue (proposed with Peach Tree Estates II). The City classifies Bermuda Road and Queensgate Drive “Major Collector” roads.

This area is largely characterized as single-family housing in transition from undeveloped and agricultural uses. As such, there are no significant nodes of employment or shopping amenities via suburban scale commercial, office or industrial development within close proximity. That said, the City does have a pocket of anticipated neighborhood commercial some 350-feet to the west of Bermuda Road. This area already has a Badger Mountain South Land Use designation of Commercial.

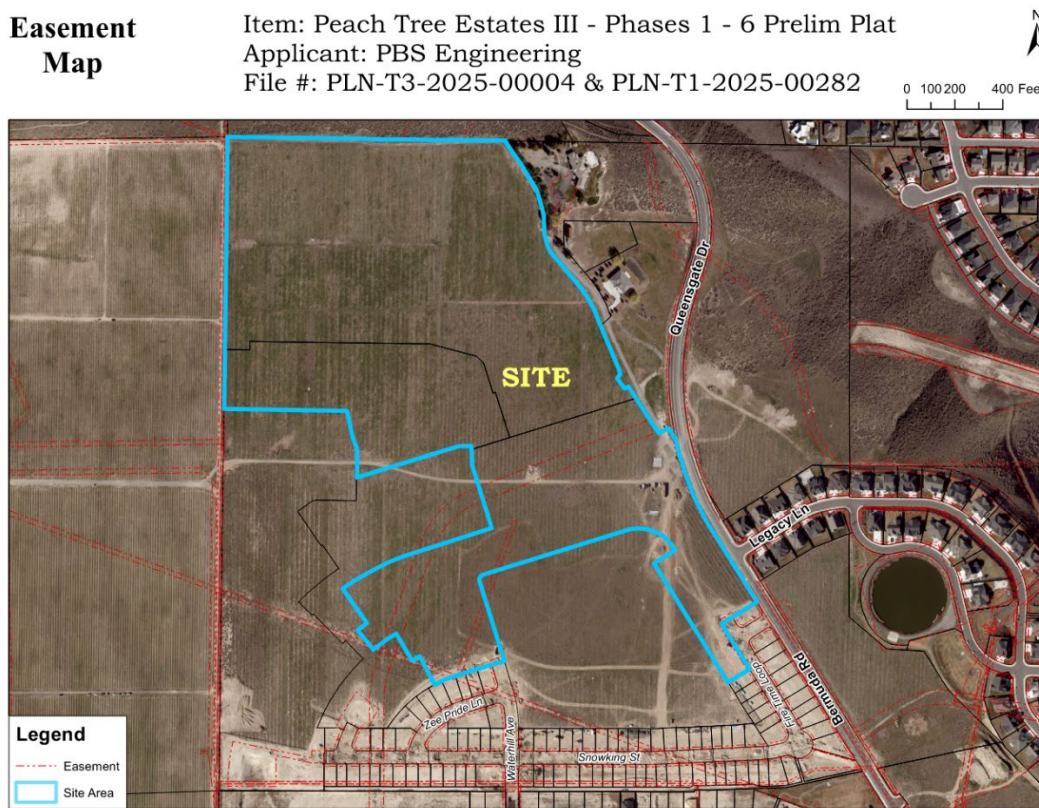
Sidewalks will be installed on local roads. Existing trails and on-street bicycle lanes are also designated by the City. Likewise, there are ongoing efforts to improve the active transportation portfolio of the area. Currently, there are no nearby or proposed Ben Franklin Transit bus routes to service the area.

It should be noted that the east/west civic space designation (green) was intended for the construction of a trail system that would provide walking access to the future Richland School site from a north/south trail system. Rather than having the connection be directly east/west, the applicants are planning to route the trail/sidewalk system from the future school site to the western extent of the plat via a more indirect route.

### **Easements**

#### **Easement Map**

Item: Peach Tree Estates III - Phases 1 - 6 Prelim Plat  
Applicant: PBS Engineering  
File #: PLN-T3-2025-00004 & PLN-T1-2025-00282



**Figure 6 – Easement Map**

There are two easements within the proposed plat. One easement is approximately 20' wide which runs from Badger Mountain (northwest to southeast orientation) and would need to be adjusted before structures can be built in this area. The other easement, which runs parallel and perpendicular to the previously mentioned easement, roughly follows the proposed westward Gage Boulevard extension through the proposed plat, shown in the application materials.

**Fire Safety**

The City of Richland Fire Department will provide fire protection services to the subject preliminary plat and resulting development. Currently, there are hydrants in place at the southeast corner of the Legacy Lane and Queensgate Drive/Bermuda Road intersection.

**Schools**

The plat falls within the boundaries of the Richland School District. The school district anticipates the siting of a future elementary school south of the Gage Boulevard road extension. Recent land actions have contemporized the School District's land holdings in preparation for this and future phases of this development. Primary and secondary education are not in the immediate vicinity of this proposed development.

**SEPA**

The proposal is subject to State Environmental Review under the State Environmental Policy Act. A Determination of Non-Significance was issued on August 25, 2025 after utilizing the Optional DNS Process.

**Critical Areas**

The subject site does contain an existing, recognized Critical Area along the northernmost portion of this plat and is designated as Geological Hazards. Critical Area requirements are applicable with this proposal for proposed lots 126 through 137, including Tract E.

**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. While comments were received regarding the parallel preliminary plat proposal, no comments were received regarding this zoning action.

**Public Comments**

Owners of all properties within 300-feet of the plat site were directly notified of the project by way of USPS mailing. As of the date of this report, city staff have received no public comments regarding this proposed zoning action.

**Public Notice**

|                              |                    |
|------------------------------|--------------------|
| Notice of Hearing Mailed:    | August 08, 2025    |
| Notice of Hearing Posted:    | August 11, 2025    |
| Notice of Hearing Published: | August 10, 2025    |
| Public Hearing:              | September 08, 2025 |

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*.

**Analysis**

Over the past twenty (20) or so years the City of Richland (with support from Benton County) has placed a high priority on development within the Badger Mountain Subarea for residential growth, alongside more limited neighborhood commercial and office space improvements. The Badger Mountain Subarea Plan (April 2010, with subsequent updates) formalized these efforts placing the 58.39 acres at question in this review under its Medium Density Residential (MDR) (5.1 to 10 dwellings per acre), Civic, and Commercial designations.

Along the area's eastern reaches near Bermuda Road, single-family residential development has proceeded first with the Siena Hills neighborhood and now extending through Peach Tree Estates and Peach Tree Estates II, and now to this proposed Peach Tree Estates III. However, before the existing MDR designation can be effectuated, the Agricultural (AG) zoning must be contemporized to match residential and commercial zoning allowed within their appropriate designations. The applicant is seeking an R-2S zoning designation for the residential portions and a C-2 zoning designation for the commercial portions of the proposed plat. These proposed zoning designations would be in agreement with the pre-existing BMS Land Use designations of MDR and COM, staff concurs that R-2S and C-2 are in agreement with the goals and policies arrived at after the public Comprehensive and Subarea planning efforts, and by extension, bears a substantial relationship to the public health, safety, morals, or general welfare.

This requested rezone does not approve any development activity on the site. As with all development proposals, City development regulations will apply to any specific projects that may eventually be proposed on the site. Following public notices and reviews conducted in accord with City practices for all other private or public rezone applications, there is no evidence in this record that would provide a basis in fact or law to deny the pending rezone request.

Staff also want to address questions posed to Hearing Examiner under "Reviewing Authority and Applicable Codes":

1. Whether the requested rezone implements policies of the City's Comprehensive Plan, and /or whether there has been a change of circumstances since the original zoning was adopted for the site?
  - a. The site has been designated for medium-density residential [MDR] and Commercial [COM] uses by the City's Comprehensive Plan through the Badger Mountain South Subarea Plan, and the rezone request would serve to effectuate

those plans. The subject properties remain undeveloped. The site has been left unattended and while it is not overgrown with weeds and noxious vegetation, leaving it in a distressed/undeveloped condition is not in the public's best interest. The requested rezone is meant to facilitate the applicant's plans to develop the site in a manner fully authorized by the appropriate residential and commercial zoning regulations.

2. Does the rezone bear a substantial relationship to the public health, safety, morals, or general welfare?
  - a. It appears that the proposed rezone is consistent with this criterion because the rezone is consistent with the City's Comprehensive Plan and the Badger Mountain South Subarea designations, and any future, project-specific proposal will have to meet city development regulations, including SEPA, possible subdivision codes, traffic impact reviews, public infrastructure concurrency reviews, and payment of any impact fees in effect at the time of application.

The Planning Department requests the Hearing Examiner recommend the proposed zoning map amendment to the Richland City Council.

### **Suggested Findings and Conclusions**

Staff has completed its review of the request for a change in zoning (PLN-T3A-2025-00002) and recommends approval of the request based on the following:

1. The property owner in this matter is MD&D Investments, LLC, with the applicant, Jason Mattox of PBS Engineering & Environmental, acting on behalf of, and, as lead contact.
2. The application is to rezone three (3) parcels: Benton County Assessor's Tax Parcel Numbers 134982000005007, 134982010595005, and 134982000008000.
3. The lots are currently zoned Agricultural use district (AG).
4. The requested zone change is to change portions of the parcels identified above to R-2S (Medium-Density Residential Small Lot) and to C-2 (Retail Business Use).
5. The subject site was previously disturbed as it was part of a large apple orchard.
6. The site is gently sloped from north to south.
7. The surrounding area is transitioning from agricultural uses to single-family residential and commercial.
8. The Badger Mountain South Subarea Plan designates these parcels as Medium Density Residential [MDR] (5.1 -10 dwellings per acre), Commercial [COM], and Civic.



9. The current Agricultural (AG) zone does not implement the BMS MDR, COM, or Civic land use designations.
10. Per RMC 23.18.010, the R-2S Medium-Density Residential Small Lot zoning is intended to be applied to land that is designated MDR (5.1-10 dwellings per acre) under the City's Comprehensive Plan, such as BMS MDR.
11. Per RMC 23.22.010, the C-2 Retail Business Use zoning district is intended to be applied to land that is designated Commercial under the City's Comprehensive Plan, such as BMS Commercial.
12. No portion of this proposed rezone is in the Shoreline Management Program's jurisdiction.
13. No portion of this proposed rezone is in a Critical Aquifer Recharge Area (CARA). No other critical areas have been identified.
14. The application is exempt from the provisions of the State Environmental Policy Act (SEPA), as identified in WAC 197-11-800(6)(c).
15. Notice requirements of RMC 19.30.040 have been met:
  - a. Notice of Hearing Mailed: August 08, 2025
  - b. Notice of Hearing Posted: August 11, 2025
  - c. Notice of Hearing Published: August 10, 2025
16. 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 Materials
2. Zone Map
3. BMS Land Use Map
4. Public Notices & Affidavits



**City of Richland**  
625 Swift Blvd  
Richland WA 99352  
(509) 942-7794

# Exhibit 1

## Plan Snapshot Report

|   |                                   |                                  |
|---|-----------------------------------|----------------------------------|
| <b>Plan Type:</b> Type 3A   | <b>Plan #:</b> PLN-T3A-2025-00002 | <b>App Date:</b> 06/25/2025      |
| <b>Work Class:</b> T3A - Site Specific Rezone   | <b>District:</b> City of Richland | <b>Exp Date:</b> NOT AVAILABLE   |
| <b>Status:</b> In Review  |                                   | <b>Completed:</b> NOT COMPLETED  |
| <b>Description:</b> Peach Tree Estates III - Rezone<br>Rezone properties from AG to R2S and C2 Commercial |                                   | <b>Approval<br/>Expire Date:</b> |

|                                |  |              |
|--------------------------------|--|--------------|
| <b>Parcel:</b> 134982000005007 | <b>Address:</b> 1251 Bermuda Rd Main<br>Richland, WA 99338 | <b>Zone:</b> |
| 134982010595005                |  |              |
| 134982000008000 Main           | 1209 Bermuda Rd<br>Richland, WA 99352                      |              |

|  |   |   |
|--|---|---|
| Applicant<br>PBS Richland<br>400 Bradley Blvd Suite 106<br>Suite 106<br>Richland, WA 99352<br>Business: (509) 942-1600 | Project Manager<br>Eric Culverhouse<br>Home: (509) 539-5073 | Property Owner<br>MD&D INVESTMENTS LLC<br>63615 E Jacobs RD NE Ste 120<br>Benton City, WA 99320<br>Business: (509) 778-2373 |
|--|---|---|

### Plan Custom Fields

|                   |  |                              |   |  |  |
|-------------------|--|------------------------------|---|--|--|
| PreAppQuestionBox | Yes  | PreAppMeetingDate            | Dec 31 2024 12:00AM                       | Current Land Use Designation   | Medium Density Residential/Commercial  |
| Current Zoning    | AG   | Proposed Use                 | Medium Density Residential and Commercial | Requested Zoning   | R2S and C2   |
| Current Comp Plan | Medium Density Residential/Commercial. Areas identified under Badger Mountain South Sub Area Plan  | Area of Property             | 58.39                                     | Unique Characteristics   | The property has been used as agricultural orchards for a number of years; recently all the orchards have been torn out and the site sits vacant. The property sold in late 2021 and the current owner has been developing the property in phases as Peach Tree Estates. To date the property to the south and east has been developed under a common plan of development and taken out of AG designation and into R2S in accordance with City of Richland comprehensive plan. |
| Hardship          | If the rezone was not granted, the property would remain undeveloped. The area anticipates an increase in housing supply, which will not be met if the property is not developed. In addition the City desires for additional commercial uses to develop in the area near the intersection | of Queensgate and Gage Blvd. | Conforms to Patterns                      | Property to the south, east, and north has been rezoned for residential, property in the middle of the parcel is zoned agricultural but is owned by Richland School District (future school site), and property to the west is zoned residential through Benton County. Rezoning the property will |  |

## PLAN SNAPSHOT REPORT (PLN-T3A-2025-00002)

|   |   |                             |  |                          |  |
|---|---|-----------------------------|--|--------------------------|--|
|   | help zoning conform to land use patterns identified under the Comprehensive plan.   | Granting or Denial Benefits | The rezone will allow residential and commercial development to be permitted and constructed on site. This will benefit the area by encouraging population growth within the City and provide housing opportunities as well as future commercial uses. | Overall Purpose Benefits | Granting of the rezone application would be consistent with the goals and policies set in place by the City of Richland for the Badger Mountain South Subarea Plan. Denial would not achieve the goals of the comprehensive plan, and would further delay major transportation connectivity in the area. |
| Impacts to City                         | No major detriments to the City can be anticipated from granting of this permit. The project is consistent with the City of Richland Badger Mountain South Subarea Plan. The applicant also anticipates working with the City to site a future water reservoir on a portion of the property to address water system needs in the region.                          | Rezoning Better Use         | Yes, proposes higher and better land use.  | Spot rezoning or larger  | No does not represent spot zoning.   |
| Impacts on Environment<br>Public Safety | There are no anticipated negative impacts to the environment or public safety that can be identified at this time by rezoning the property. Positive impacts related to the rezoning and future development of the property include additional transportation connectivity and site for future regional water system upgrades associated with the City reservoir. |                             |  |                          |  |



## Zoning Map Amendment Application

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

### PROPERTY OWNER INFORMATION

☒ Contact Person

Owner: MD&D Investments, LLC

Alex Rietmann

Address: 63615 E Jacobs Rd. Benton City, WA 99320

Phone: 509-778-2373

Email: alexr@gooseridge.com

### APPLICANT/CONTRACTOR INFORMATION (if different)

☒ Contact Person

Company: MD&D Investments, LLC

UBI#:

Contact: Alex Rietmann

Address: 63615 E Jacobs Rd. Benton City, WA 99320

Phone: 509-778-2373

Email: alexr@gooseridge.com

### DESCRIPTION OF WORK

Applicant is requesting that a portion of Parcel #134982010595005 be rezoned from Agricultural (AG) designation. The project would be seeking the following Zoning Designation: C-2. The remainder of Parcel #134982010595005 would seek to be rezoned from AG designation to Zoning Designation: R-2S. The remainder of Parcel #134982000005007 would seek to be rezoned from AG designation to Zoning Designation: R-2S. The total of Parcel #134982000008000 would seek to be rezoned from Zoning Designation: AG to Zoning Designation: R-2S.

### PROPERTY INFORMATION

Parcel #: 134982010595005, 134982000005007, and 194982000008000

Legal Description:

Current Zoning: AG

Current Comp Plan: BMS

Requested Zoning: R-2S & C2

Current Use: Vacant

Proposed Use: Residential

Area of Property: 58+ Acres

### APPLICATION MUST INCLUDE

1. Completed application and filing fee
2. Title Report showing ownership, easements, restrictions, and accurate legal description of the property involved
3. Other information as determined by the Administrator

### ANSWER THE FOLLOWING AS COMPLETELY AS POSSIBLE

The unique characteristics, if any, of the property or circumstances of the owner:

The property has been used as agricultural orchards for a number of years; recently all the orchards have been torn out and the site sits vacant. The property sold in late 2021 and the current owner has been developing the property in phases as Peach Tree Estates. To date the property to the south and east has been developed under a common plan of development and taken out of AG designation and into R2S in accordance with City of Richland comprehensive plan.

Any hardship that may result in the event the rezone is not granted:

If the rezone was not granted, the property would remain undeveloped. The area anticipates an increase in housing supply, which will not be met if the property is not developed. In addition the City desires for additional commercial uses to develop in the area near the intersection of Queensgate and Gage Blvd.

|  |
|--|
| <p>The manner in which the proposed rezone conforms to patterns in adjacent zones:</p> <p>Property to the south, east, and north has been rezoned for residential, property in the middle of the parcel is zoned agricultural but is owned by Richland School District (future school site), and property to the west is zoned residential through Benton County. Rezoning the property will help zoning conform to land use patterns identified under the Comprehensive plan.</p>               |
| <p>Any beneficial or adverse effects the granting or denial of the rezone would have on adjacent or surrounding zones:</p> <p>The rezone will allow residential and commercial development to be permitted and constructed on site. This will benefit the area by encouraging population growth within the City and provide housing opportunities as well as future commercial uses.</p>   |
| <p>Any beneficial or adverse effects the granting or denial of the rezone would have in relation to the overall purpose and intent of the comprehensive plan and this title:</p> <p>Granting of the rezone application would be consistent with the goals and policies set in place by the City of Richland for the Badger Mountain South Subarea Plan. Denial would not achieve the goals of the comprehensive plan, and would further delay major transportation connectivity in the area.</p> |
| <p>The benefits or detriments accruing to the City which would result from the granting or denial of this special permit:</p> <p>No major detriments to the City can be anticipated from granting of this permit. The project is consistent with the City of Richland Badger Mountain South Subarea Plan. The applicant also anticipates working with the City to site a future water reservoir on a portion of the property to address water system needs in the region.</p>                    |
| <p>Whether the proposed rezone represents a better use of the land from the standpoint of the comprehensive plan than the original zone:</p> <p>The proposed rezone of the land represents a higher and better use to the City of Richland than the current designation of Agricultural. It achieves the goals set forth in the City's comprehensive plan goals related to residential/commercial development and seeks to achieve long range transportation goals set forth by the City.</p>    |
| <p>Whether the proposed rezone represents spot zoning and whether a larger area should be considered:</p> <p>The proposal does not represent spot zoning. At this time the only area being considered for rezone is the proposed parcels.</p>  |
| <p>Identify impacts on the environment and public safety:</p> <p>There are no anticipated negative impacts to the environment or public safety that can be identified at this time by rezoning the property. Positive impacts related to the rezone and future development of the property include additional transportation connectivity and site for future regional water system upgrades associated with the City reservoir.</p>   |



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: Alex Rietmann

Applicant Signature: Alex Rietmann Date 6-17-25

## SUBDIVISION

Issued By: COMMONWEALTH LAND TITLE INSURANCE COMPANY  
by its agent:



Guarantee/Certificate Number:

**472531425**

COMMONWEALTH LAND TITLE INSURANCE COMPANY, a corporation, herein called the Company,

### GUARANTEES

Apex Companies, LLC

herein called the Assured, against actual loss not exceeding the liability amount stated in Schedule A which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

### LIABILITY EXCLUSIONS AND LIMITATIONS

1. No guarantee is given nor liability assumed with respect to the identity of any party named or referred to in Schedule A or with respect to the validity, legal effect or priority of any matter shown therein.
2. The Company's liability hereunder shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurance herein set forth, but in no event shall the Company's liability exceed the liability amount set forth in Schedule A.

Please note carefully the liability exclusions and limitations and the specific assurances afforded by this guarantee. If you wish additional liability, or assurances other than as contained herein, please contact the Company for further information as to the availability and cost.

**Ticor Title Company**  
**8101 W Grandridge Blvd., Suite 110**  
**Kennewick, WA 99336**

Countersigned By:

A handwritten signature in black ink, appearing to read 'Dylan Strait'.

Dylan Strait  
Authorized Officer or Agent



**Commonwealth Land Title Insurance Company**

By:

A handwritten signature in black ink, appearing to read 'Michael J. Nolan'.

Michael J. Nolan, President

Attest:

A handwritten signature in black ink, appearing to read 'Marjorie Nemzura'.

Marjorie Nemzura, Secretary

**COMMONWEALTH LAND TITLE INSURANCE  
COMPANY**

**GUARANTEE/CERTIFICATE NO. 472531425**

| ISSUING OFFICE:   |  |
|---|--|
| Title Officer: Adam Dyer<br>Ticor Title Company<br>8101 W Grandridge Blvd., Suite 110<br>Kennewick, WA 99336<br>Phone: 509-579-7037 Fax: 844-894-6828<br>Main Phone: (509)579-7020<br>Email: Adam.Dyer@ticortitle.com |  |

**SCHEDULE A**

| Liability  | Premium  | Tax     |
|------------|----------|---------|
| \$1,000.00 | \$700.00 | \$61.60 |

Effective Date: June 9, 2025 at 12:00 AM

The assurances referred to on the face page are:

That, according to those public records which, under the recording laws, impart constructive notice of matter relative to the following described property:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Title to said real property is vested in:

MD&D Investments LLC, a Washington limited liability company

subject to the matters shown below under Exceptions, which Exceptions are not necessarily shown in the order of their priority.

**END OF SCHEDULE A**

**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): 134982010595005, 134982000005007 and 134982000008000**

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Parcel A 134982000008000

REAL PROPERTY LOCATED IN THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, CITY OF RICHLAND, BENTON COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SECTION 34, MARKED BY A 5/8 INCH IRON REBAR WITH NO CAP; THENCE SOUTH 00°45'17" WEST ALONG THE WEST LINE OF SAID SECTION 34 A DISTANCE OF 887.49 FEET;

THENCE SOUTH 89°14'43" EAST LEAVING SAID WEST LINE A DISTANCE OF 104.98 FEET;

THENCE NORTH 00°48'16" EAST A DISTANCE OF 35.17 FEET;

THENCE SOUTH 89°14'43" EAST A DISTANCE OF 54.01 FEET;

THENCE SOUTH 89°09'47" EAST A DISTANCE OF 698.33 FEET;

THENCE SOUTH 74°58'55" EAST A DISTANCE OF 199.70 FEET;

THENCE SOUTH 46°50'00" EAST A DISTANCE OF 42.12 FEET;

THENCE SOUTH 17°17'40" EAST A DISTANCE OF 130.01 FEET;

THENCE NORTH 72°42'20" EAST A DISTANCE OF 10.82 FEET;

THENCE SOUTH 17°17'40" EAST A DISTANCE OF 198.02 FEET;

THENCE NORTH 72°42'20" EAST A DISTANCE OF 552.96 FEET TO THE EASTERLY BOUNDARY OF NEW PARCEL IV OF SURVEY NO. 5521 RECORDED IN VOLUME 1 OF SURVEYS AT PAGE 5521 FILED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 2021-030634;

THENCE ALONG SAID EASTERLY BOUNDARY THE FOLLOWING COURSES:

THENCE NORTH 32°20'10" WEST A DISTANCE OF 58.63 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 173.00 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 27°39'19" EAST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 20.16 FEET, WITH A DELTA ANGLE OF 06°40'38", A CHORD BEARING OF SOUTH 59°00'22" WEST, AND A CHORD LENGTH OF 20.15 FEET;

THENCE NORTH 34°16'51" WEST A DISTANCE OF 54.02 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 25.00 FEET; THE RADIUS POINT OF WHICH BEARS NORTH 34°21'45" WEST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 33.94 FEET, WITH A DELTA ANGLE OF 77°47'46", A CHORD BEARING OF NORTH 16°44'23" EAST, AND A CHORD LENGTH OF 31.40 FEET;

THENCE NORTH 22°02'34" WEST A DISTANCE OF 205.67 FEET;

THENCE NORTH 21°59'37" WEST A DISTANCE OF 42.39 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 471.00 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 67°55'51" WEST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 149.38 FEET, WITH A DELTA ANGLE OF 18°10'17", A CHORD BEARING OF NORTH 31°09'18" WEST, AND A CHORD LENGTH OF 148.75 FEET;

THENCE NORTH 40°10'17" WEST A DISTANCE OF 156.06 FEET; TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 179.00 FEET; THE RADIUS POINT OF WHICH BEARS NORTH 49°40'40" EAST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 116.02 FEET, WITH A DELTA ANGLE OF 37°08'14", A CHORD BEARING OF NORTH 21°45'13" WEST, AND A CHORD LENGTH OF 114.00 FEET;

THENCE NORTH 03°04'35" WEST A DISTANCE OF 77.62 FEET;

THENCE NORTH 16°32'19" WEST A DISTANCE OF 83.41 FEET;

THENCE NORTH 27°38'46" WEST A DISTANCE OF 79.89 FEET;

THENCE NORTH 33°55'58" WEST A DISTANCE OF 179.99 FEET TO THE NORTH LINE OF SAID SECTION 34;

THENCE NORTH 89°09'47" WEST ALONG SAID NORTH LINE A DISTANCE OF 1,157.16 FEET TO THE POINT OF BEGINNING.

**EXHIBIT "A"**  
Legal Description

Parcel B 134982010595005

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

COMMENCING AT THE NORTHWEST CORNER OF SECTION 34. MARKED BY A 5/8 INCH IRON REBAR WITH NO CAP; THENCE SOUTH 00°45'17" WEST ALONG THE WEST LINE OF SECTION 34 A DISTANCE OF 2699.45 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 34 MARKED BY A 1/2 INCH REBAR WITH NO CAP; THENCE SOUTH 00°45'21" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34 A DISTANCE OF 30.02 FEET TO THE NORTHWEST CORNER OF PARCEL 4 OF SURVEY NO. 5494 RECORDED IN VOLUME 1 OF SURVEYS AT PAGE 5494 FILED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 2021-021122; THENCE SOUTH 89°51'29" EAST ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL 4 A DISTANCE OF 438.49 FEET;

THENCE NORTH 00°03'8"31" EAST LEAVING SAID NORTH BOUNDARY A DISTANCE OF 159.02 FEET;

THENCE SOUTH 89°51'29" EAST A DISTANCE OF 2.51 FEET;

THENCE NORTH 00°08'31" EAST A DISTANCE OF 105.01 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 89°51'29" EAST A DISTANCE OF 60.21 FEET;

THENCE SOUTH 66°27'51" EAST A DISTANCE OF 20.00 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 676.07 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 66°27'51" EAST;

THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 35.21 FEET, WITH A DELTA ANGLE OF 02°59'02", A CHORD BEARING OF NORTH 25°01'40" EAST, AND A CHORD LENGTH OF 35.20 FEET;

THENCE SOUTH 63°28'49" EAST A DISTANCE OF 54.01 FEET;

THENCE SOUTH 89°51'29" EAST A DISTANCE OF 120.31 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 517.06 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 57°32'48" EAST;

THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 363.25 FEET, WITH A DELTA ANGLE OF 40°15'08", A CHORD BEARING OF NORTH 52°34'46" EAST, AND A CHORD LENGTH OF 355.83 FEET;

THENCE NORTH 72°42'20" EAST A DISTANCE OF 214.55 FEET;

THENCE NORTH 17°17'40" WEST A DISTANCE OF 344.04 FEET TO A POINT OF CURVATURE WITH A TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 39.27 FEET, WITH A DELTA ANGLE OF 90°00'00", A CHORD BEARING OF NORTH 27°42'20" EAST, AND A CHORD LENGTH OF 35.36 FEET;

THENCE NORTH 72°42'20" EAST A DISTANCE OF 624.07 FEET TO A POINT OF CURVATURE WITH A TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 173.02 FEET; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 227.40 FEET, WITH A DELTA ANGLE OF 75°18'21", A CHORD BEARING OF SOUTH 69°38'29" EAST, AND A CHORD LENGTH OF 211.39 FEET;

THENCE SOUTH 31°59'19" EAST A DISTANCE OF 10.42 FEET;



**EXHIBIT "A"**  
Legal Description

THENCE SOUTH 58°00'41" WEST A DISTANCE OF 105.01 FEET;

THENCE SOUTH 31°59'19" EAST A DISTANCE OF 450.05 FEET;

THENCE SOUTH 31°58'33" EAST A DISTANCE OF 136.78 FEET;

THENCE NORTH 58°01'27" EAST A DISTANCE OF 105.01 FEET;

THENCE NORTH 31°58'33" WEST A DISTANCE OF 136.79 FEET;

THENCE NORTH 31°59'19" WEST A DISTANCE OF 84.05 FEET;

THENCE NORTH 58°00'41" EAST A DISTANCE OF 174.02 FEET;

THENCE NORTH 31°59'17" WEST A DISTANCE OF 69.05 FEET;

THENCE NORTH 31°59'19" WEST A DISTANCE OF 272.34 FEET TO A POINT OF CURVATURE WITH A TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 1,230.00 FEET; THENCE ALONG SAID CURVE. HAVING AN ARC LENGTH OF 417.94 FEET, WITH A DELTA ANGLE OF 19°28'07", A CHORD BEARING OF NORTH 22°15'16" WEST, AND A CHORD LENGTH OF 415.93 FEET TO THE SOUTHERLY MOST CORNER OF NEW PARCEL II OF SURVEY NO. 5521 RECORDED IN VOLUME 1 OF SURVEYS AT PAGE 5521 FILED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 2021-030634 BEING A POINT ON A CURVATURE TURNING TO THE RIGHT, HAVING A RADIUS OF 1,268.96 FEET; THE RADIUS POINT OF WHICH BEARS NORTH 59°19'17" EAST; THENCE ALONG SAID CURVE AND SAID SOUTHERLY BOUNDARY. HAVING AN ARC LENGTH OF 58.78 FEET, WITH A DELTA ANGLE OF 02°39'15", A CHORD BEARING OF NORTH 29°21'06" WEST, AND A CHORD LENGTH OF 58.78 FEET; THENCE SOUTH 68°24'08" WEST A DISTANCE OF 50.01 FEET;

THENCE NORTH 32°20'10" WEST ALONG THE WESTERLY BOUNDARY OF SAID NEW PARCEL II A DISTANCE OF 170.68 FEET;

THENCE SOUTH 72°42'20" WEST LEAVING SAID WESTERLY BOUNDARY A DISTANCE OF 719.81 FEET;

THENCE NORTH 03°11'32" WEST A DISTANCE OF 16.34 FEET;

THENCE SOUTH 86°48'28" WEST A DISTANCE OF 54.01 FEET;

THENCE SOUTH 72°42'20" WEST A DISTANCE OF 444.07 FEET;

THENCE SOUTH 00°45'17" WEST A DISTANCE OF 94.91 FEET;

THENCE NORTH 89°14'43" WEST A DISTANCE OF 169.00 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 227.03 FEET; THE RADIUS POINT OF WHICH BEARS NORTH 89°58'43" EAST;

THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 1.62 FEET, WITH A DELTA ANGLE OF 00°24'34", A CHORD BEARING OF SOUTH 00°13'34" EAST, AND A CHORD LENGTH OF 1.62 FEET;

THENCE SOUTH 89°34'09" WEST A DISTANCE OF 14.86 FEET;

THENCE SOUTH 53°36'29" WEST A DISTANCE OF 76.46 FEET;

THENCE SOUTH 34°29'01" EAST A DISTANCE OF 172.90 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 1,260.14 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 34°29'01" EAST;

**EXHIBIT "A"**  
Legal Description

THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 7.00 FEET, WITH A DELTA ANGLE OF 00°19'05", A CHORD BEARING OF NORTH 55°40'32" EAST, AND A CHORD LENGTH OF 7.00 FEET;

THENCE SOUTH 34°09'56" EAST A DISTANCE OF 120.01 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 1,140.13 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 34°09'56" EAST;

THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 217.81 FEET, WITH A DELTA ANGLE OF 10°56'46", A CHORD BEARING OF SOUTH 50°21'42" WEST, AND A CHORD LENGTH OF 217.48 FEET;

THENCE SOUTH 45°06'41" EAST A DISTANCE OF 80.01 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 1,060.12 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 45°06'41" EAST;

THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 7.63 FEET, WITH A DELTA ANGLE OF 00°24'45", A CHORD BEARING OF NORTH 45°05'41" EAST, AND A CHORD LENGTH OF 7.63 FEET;

THENCE SOUTH 44°41'56" EAST A DISTANCE OF 174.02 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 886.10 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 44°41'56" EAST;

THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 18.24 FEET. WITH A DELTA ANGLE OF 01°10'47", A CHORD BEARING OF NORTH 45°53'27" EAST, AND A CHORD LENGTH OF 18.24 FEET;

THENCE SOUTH 43°31'09" EAST A DISTANCE OF 105.01 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 781.09 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 43°31'09" EAST;

THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 349.22 FEET, WITH A DELTA ANGLE OF 25°37'00", A CHORD BEARING OF SOUTH 33°40'21" WEST, AND A CHORD LENGTH OF 346.32 FEET;

THENCE SOUTH 89°51'29" EAST A DISTANCE OF 31.49 FEET TO THE TRUE POINT OF BEGINNING. TOGETHER WITH;

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

COMMENCING AT THE NORTHWEST CORNER OF SECTION 34, MARKED BY A 5/8 INCH IRON REBAR WITH NO CAP; THENCE SOUTH 89°09'47" EAST ALONG THE NORTH LINE OF SAID SECTION 34 A DISTANCE OF 2599.03 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 34 MARKED BY A 3" BRASS CAP; THENCE SOUTH 00°06'46" WEST A DISTANCE OF 1,333.89 FEET TO THE NORTHEAST CORNER OF LOT 6 OF THE PLAT OF WESTCUFFE HEIGHTS II RECORDED IN VOLUME 15 OF PLATS AT PAGE 608 FILED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 2018-015773;

THENCE NORTH 89°30'45" WEST ALONG THE NORTHERLY BOUNDARY OF SAID PLAT OF WESTCUFFE HEIGHTS II A DISTANCE OF 155.72 FEET;

THENCE SOUTH 58°00'41" WEST A DISTANCE OF 427.93 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 31°59'19" WEST A DISTANCE OF 130.96 FEET TO THE EASTERLY RIGHT OF WAY MARGIN OF QUEENSGATE DRIVE ESTABUSHED PER QUIT CLAIM DEED RECORDED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 2018-01826 BEING A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 1,170.00 FEET; THE RADIUS POINT OF WHICH BEARS NORTH 65°30'31" EAST; THENCE

**EXHIBIT "A"**  
Legal Description

ALONG SAID CURVE AND RIGHT OF WAY MARGIN, HAVING AN ARC LENGTH OF 131.40 FEET, WITH A DELTA ANGLE OF 06°26'05", A CHORD BEARING OF SOUTH 27°42'32" EAST, AND A CHORD LENGTH OF 131.33 FEET TO THE NORTHWEST CORNER OF ADJUSTED LOT 1 OF SURVEY NO. 5036 RECORDED IN VOLUME 1 OF SURVEYS AT PAGE 5036 FILED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 2018-019538; THENCE NORTH 58°00'41" EAST ALONG THE NORTHERLY BOUNDARY OF SAID ADJUSTED LOT 1 A DISTANCE OF 9.80 FEET TO THE TRUE POINT OF BEGINNING.

Parcel C 134982000005007

REAL PROPERTY LOCATED IN THE WEST HALF OF THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, CITY OF RICHLAND, BENTON COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SECTION 34, MARKED BY A 5/8 INCH IRON REBAR WITH NO CAP; THENCE SOUTH 00°45'17" WEST ALONG THE WEST LINE OF SECTION 34 A DISTANCE OF 887.49 FEET TO THE TRUE POINT OF BEGINNING.

THENCE SOUTH 89°14'43" EAST LEAVING SAID WEST LINE A DISTANCE OF 104.98 FEET;  
THENCE NORTH 00°48'16" EAST A DISTANCE OF 35.17 FEET;  
THENCE SOUTH 89°14'43" EAST A DISTANCE OF 54.01 FEET;  
THENCE SOUTH 89°09'47" EAST A DISTANCE OF 698.33 FEET;  
THENCE SOUTH 74°58'55" EAST A DISTANCE OF 199.70 FEET;  
THENCE SOUTH 46°50'00" EAST A DISTANCE OF 42.12 FEET;  
THENCE SOUTH 17°17'40" EAST A DISTANCE OF 130.01 FEET;  
THENCE NORTH 72°42'20" EAST A DISTANCE OF 10.82 FEET;  
THENCE SOUTH 17°17'40" EAST A DISTANCE OF 198.02 FEET;  
THENCE SOUTH 72°42'20" WEST A DISTANCE OF 166.85 FEET;  
THENCE NORTH 03°11'32" WEST A DISTANCE OF 16.34 FEET;  
THENCE SOUTH 86°48'28" WEST A DISTANCE OF 54.01 FEET;  
THENCE SOUTH 72°42'20" WEST A DISTANCE OF 444.07 FEET;  
THENCE SOUTH 00°45'17" WEST A DISTANCE OF 94.91 FEET;  
THENCE NORTH 89°14'43" WEST A DISTANCE OF 169.00 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 227.03 FEET; THE RADIUS POINT OF WHICH BEARS NORTH 89°58'43" EAST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 1.62 FEET, WITH A DELTA ANGLE OF 00°24'34", A CHORD BEARING OF SOUTH 00°13'34" EAST, AND A CHORD LENGTH OF 1.62 FEET;

THENCE SOUTH 89°34'09" WEST A DISTANCE OF 14.86 FEET;  
THENCE SOUTH 53°36'29" WEST A DISTANCE OF 76.46 FEET;  
THENCE SOUTH 34°29'01" EAST A DISTANCE OF 172.90 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 1,260.14 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 34°29'01" EAST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 7.00 FEET, WITH A DELTA ANGLE OF 00°19'05", A CHORD BEARING OF NORTH 55°40'32" EAST, AND A CHORD LENGTH OF 7.00 FEET;

THENCE SOUTH 34°09'56" EAST A DISTANCE OF 120.01 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 1,140.13 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 34°09'56" EAST;  
THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 217.81 FEET, WITH A DELTA ANGLE OF 10°56'46", A CHORD BEARING OF SOUTH 50°21'42" WEST, AND A CHORD LENGTH OF 217.48 FEET;  
THENCE SOUTH 45°06'41" EAST A DISTANCE OF 80.01 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 1,060.12 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 45°06'41" EAST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 7.63 FEET, WITH A DELTA ANGLE OF 00°24'45", A CHORD BEARING OF NORTH 45°05'41" EAST, AND A CHORD LENGTH OF 7.63 FEET;

THENCE SOUTH 44°41'56" EAST A DISTANCE OF 174.02 FEET TO A POINT ON THE ARC OF A NON TANGENT

**EXHIBIT "A"**  
Legal Description

CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 886.10 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 44°41'56" EAST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 18.24 FEET, WITH A DELTA ANGLE OF 01°10'47", A CHORD BEARING OF NORTH 45°53'27" EAST, AND A CHORD LENGTH OF 18.24 FEET; THENCE SOUTH 43°31'09" EAST A DISTANCE OF 105.01 FEET TO A POINT ON THE ARC OF A NON TANGENT CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 781.09 FEET; THE RADIUS POINT OF WHICH BEARS SOUTH 43°31'09" EAST; THENCE ALONG SAID CURVE, HAVING AN ARC LENGTH OF 349.22 FEET, WITH A DELTA ANGLE OF 25°37'00", A CHORD BEARING OF SOUTH 33°40'21" WEST, AND A CHORD LENGTH OF 346.32 FEET;

THENCE SOUTH 89°51'29" EAST A DISTANCE OF 31.49 FEET;  
THENCE SOUTH 00°08'31" WEST A DISTANCE OF 105.01 FEET;  
THENCE NORTH 89°51'29" WEST A DISTANCE OF 2.51 FEET;  
THENCE SOUTH 00°08'31" WEST A DISTANCE OF 159.02 FEET TO THE NORTHERLY BOUNDARY OF PARCEL 4 OF SURVEY NO. 5494 RECORDED IN VOLUME 1 OF SURVEYS AT PAGE 5494 FILED UNDER BENTON COUNTY AUDITOR'S FILE NUMBER 2021-021122;  
THENCE NORTH 89°51'29" WEST ALONG SAID NORTHERLY BOUNDARY A DISTANCE OF 438.49 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 4 BEING ALSO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER SAID SECTION 34;  
THENCE NORTH 00°45'21" EAST ALONG SAID WEST LINE A DISTANCE OF 30.02 FEET TO THE WEST QUARTER CORNER OF SECTION 34, MARKED BY A 1/2 INCH REBAR WITH NO CAP;  
THENCE NORTH 00°45'17" EAST ALONG SAID WEST LINE OF THE NORTHWEST QUARTER A DISTANCE OF 1,811.96 FEET TO THE POINT OF BEGINNING.

**SCHEDULE B**

**SPECIAL EXCEPTIONS**

1. General and special taxes and charges, payable February 15, delinquent if first half unpaid on May 1, second half delinquent if unpaid on November 1 of the tax year (amounts do not include interest and penalties):  
  
Year: 2025  
Tax Account No.: 134982010595005  
Levy Code: R3  
Assessed Value-Land: \$642,000.00  
Assessed Value-Improvements: \$0.00  
  
General and Special Taxes:  
Billed: \$5,915.49  
Paid: \$2,957.77  
Unpaid: \$2,957.72
2. General and special taxes and charges, payable February 15, delinquent if first half unpaid on May 1, second half delinquent if unpaid on November 1 of the tax year (amounts do not include interest and penalties):  
  
Year: 2025  
Tax Account No.: 134982000005007  
Levy Code: R3  
Assessed Value-Land: \$633,250.00  
Assessed Value-Improvements: \$0.00  
  
General and Special Taxes:  
Billed: \$5,840.06  
Paid: \$2,920.08  
Unpaid: \$2,919.98
3. General and special taxes and charges, payable February 15, delinquent if first half unpaid on May 1, second half delinquent if unpaid on November 1 of the tax year (amounts do not include interest and penalties):  
  
Year: 2025  
Tax Account No.: 134982000008000  
Levy Code: R3  
Assessed Value-Land: \$655,650.00  
Assessed Value-Improvements: \$0.00  
  
General and Special Taxes:  
Billed: \$6,046.32  
Paid: \$3,023.20  
Unpaid: \$3,023.12
4. Any assessments levied by Badger Mountain Irrigation District for the year 2025, amounts of which are unavailable at this time.



**SCHEDULE B**  
(continued)

5. A mortgage to secure an indebtedness as shown below

Amount: \$7,082,839.00  
Dated: October 18, 2021  
Mortgagor: MD&D Investments LLC, a Washington limited liability company  
Mortgagee: Community First Bank  
Recording Date: October 29, 2021  
Recording No.: [2021-049836](#)

6. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$1,965,000.00  
Dated: December 1, 2022  
Trustor/Grantor: MD&D Investments LLC, a Washington limited liability company  
Trustee: Cascade Title Company  
Beneficiary: Donald F Douglas, an individual  
Recording Date: April 20, 2023  
Recording No.: 2023-007371  
Affects: Said premises and includes other property

Subordination Agreement recorded at 2023-026939, referencing the Trust Deed recorded at 2023-007371 and the Trust Deed recorded at 2023-026936.

7. A mortgage to secure an indebtedness as shown below

Amount: \$6,531,225.00  
Dated: December 18, 2023  
Mortgagor: MD&D Investments LLC  
Mortgagee: Community First Bank  
Recording Date: December 27, 2023  
Recording No.: [2023-026936](#)  
Affects: Said premises and other property

Subordination Agreement recorded at 2023-026939, referencing the Trust Deed recorded at 2023-007371 and the Trust Deed recorded at 2023-026936.

8. Any unpaid assessments or charges and liability to further assessments or charges, for which a lien may have arisen (or may arise), as provided for under Washington law and in instrument set forth below:

Imposed by: Peach Tree Estates Homeowners Association

9. Any unrecorded leaseholds, right of vendors and holders of security interests on personal property installed upon the Land and rights of tenants to remove trade fixtures at the expiration of the terms.

10. Amounts as may be due to City of Richland for document:  
For: Sewer Latecomer Agreement  
Recorded: September 5, 2018  
Recording No.: [2018-026345](#)

**SCHEDULE B**  
(continued)

11. The Land is within or near designated agricultural lands or farm operations upon which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. You may be subject to inconveniences or discomforts arising from such operations, including but not limited to noise, odors, flies, fumes, dust, smoke, the operation of machinery of any kind during any 24 hour period (including aircraft) the storage and disposal of manure, and the application of spraying or storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. Benton County has determined that the use of real property for agricultural operations is a high priority and favored use and will not consider those inconveniences or discomforts arising from legally permitted farm operations to be a nuisance if such practices are consistent with commonly accepted best management practices and otherwise comply with local, state and federal laws.
12. 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.
13. Right(s) of way for the purpose(s) stated below as set forth in the patent to said Land
- Purpose(s): Ditches, Canals and Electric Power Transmission  
Recording Date: September 17, 1973  
Recording No.: [654855](#)
14. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
- Granted to: Badger Mountain Irrigation District  
Purpose: Construct, repair, replace, operate and maintain pipelines and appurtenant structures  
Recording Date: January 13, 1977  
Recording No.: [718936](#)
15. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
- Granted to: Public Utility District No. 1 of Benton County  
Purpose: Electric transmission and distribution line and appurtenances thereto  
Recording Date: May 26, 1977  
Recording No.: [728681](#)
16. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
- Granted to: Public Utility District No. 1 of Benton County  
Purpose: Electric transmission and distribution line and appurtenances thereto  
Recording Date: September 15, 1977  
Recording No.: [737310](#) and 737311
17. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
- Granted to: Public Utility District No. 1 of Benton County  
Purpose: Electric transmission and distribution line and appurtenances thereto  
Recording Date: February 8, 1978  
Recording No.: [749794](#)

**SCHEDULE B**  
(continued)

18. Terms, covenants, conditions and provisions contained in Agreement entered into ;  
Between: City of Richland, Washington  
AND: Milo Bauder, his successors and assignees  
Recorded: July 24, 1978  
Recording No.: [765214](#)  
Providing: Domestic Water and/or Sewer Services
19. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Purpose: Ingress and Egress  
Recording Date: July 28, 1978  
Recording No.: [765776](#)  
  
Release of easement agreement recorded July 19, 2024 under Auditor's File No. 2024-015093.
20. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Purpose: Access  
Recording Date: June 15, 1982  
Recording No.: [862635](#)
21. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Purpose: Ingress-egress, utility and irrigation  
Recording Date: July 17, 1984  
Recording No.: [898901](#)  
Affects: 60 foot strip over a portion of said premises and other property
22. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
  
Granted to: Badger Mountain Irrigation Easement  
Purpose: Utilities  
Recording Date: October 9, 1984  
Recording No.: [84-3561](#)
23. Right of way Easement, including the terms, covenants and provisions thereof, for electric transmission and/or distribution line, together with necessary appurtenances, as granted by instrument;  
  
Recorded: April 12, 1985  
Recording No.: [85-4566](#)  
In favor of: Public Utility District No. 1 of Benton County
24. Terms, covenants, conditions and provisions set forth in Agreement entered into;  
Between: Public Utility District No. 1 of Benton County  
AND: Badger Mountain Irrigation District  
Recorded: April 24, 1985  
Recording No.: [85-5124](#)

**SCHEDULE B**  
(continued)

25. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
- Purpose: Ingress and egress  
Recording Date: October 8, 1987  
Recording No.: [87-16073](#)
26. Right of way Easement, including the terms, covenants and provisions thereof, for electric transmission and/or distribution line, together with necessary appurtenances, as granted by instrument;
- Recorded: November 5, 1993  
Recording No.: [93-34114](#)  
In favor of: Public Utility District No. 1 of Benton County
27. Terms, covenants, conditions and provisions Interlocal Agreement between Benton County and the City of Richland regarding City of Richland Urban Growth Area Expansion Request - File CPA 03-2
- Recorded: February 1, 2005  
Recording No.: [2005-003324](#)
28. Amended and restated interlocal agreement between Benton County and the City of Richland recorded December 12, 2006 under Auditor's File No. [2006-040708](#).
29. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
- Granted to: City of Richland  
Purpose: Secondary Emergency Access Easement  
Recording Date: November 2, 2012  
Recording No.: [2012-034461](#)
30. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
- Granted to: The City of Richland  
Purpose: Utility Easement  
Recording Date: March 24, 2014  
Recording No.: [2014-006658](#)  
Affects: A Portion of said premises
31. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
- Granted to: City of Richland  
Purpose: Utility easement  
Recording Date: February 23, 2016  
Recording No.: [2016-004839](#)
- Partial Relinquishment of Easement as recorded under Recording No. [2022-004850](#), and Relinquishment of easement recorded under Recording No. [2024-026861](#) and 2024-026863

**SCHEDULE B**  
(continued)

32. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Badger Mountain Irrigation District  
Purpose: Irrigation  
Recording Date: September 3, 2020  
Recording No.: [2020-033644](#)

Partial release of Easement Agreement recorded under Auditor's File No. [2025-000531](#).

33. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Richland  
Purpose: Waterline Easement  
Recording Date: January 17, 2018  
Recording No.: [2018-001482](#) and 2018-001483

34. Exceptions, covenants, conditions, and reservations as contained in Deed and including terms thereof:

From: C & J Land Company LLC  
To: MD&D Investments LLC  
Recorded: October 29, 2021  
Recording No.: 2021-049835

As Follows: Regarding future development by MD&D Investments LLC, mobile and manufactured homes, and modular homes are specifically not permitted.

35. Terms and Conditions of Ordinance No. 41-10 recorded January 5, 2011 under Auditor's File No. [2011-000610](#).

36. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Richland  
Purpose: Access and Utility  
Recording Date: July 13, 2017  
Recording No.: [2017-019386](#)

37. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Richland  
Purpose: Access and Utility  
Recording Date: July 13, 2017  
Recording No.: [2017-019388](#)

38. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Richland  
Purpose: Waterline  
Recording Date: January 17, 2018  
Recording No.: [2018-001484](#)



**SCHEDULE B**  
(continued)

39. Sewer Latecomers Ageement and the Terms and Conditions thereof between the City of Richland and Pahlisch Homes at Westcliffe Heights LLC recorded September 5, 2018 under Auditor's File No. [2018-026345](#) and First Amendment recorded June 3, 2019 under Auditor's File No. [2019-014443](#).

40. Terms and Conditions of Ordinance No. 2023-12 recorded June 23, 2023 under Auditor's File No. [2023-012671](#).

41. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, encroachments, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Survey No. 5521:

Recording No: 2021-030634

42. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, encroachments, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Survey No. 5031:

Recording No: 2018-018513

43. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, encroachments, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Short Plat No. 2049:

Recording No: 94-17574

44. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, encroachments, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Survey 2164:

Recording No: 96-12391

**SCHEDULE B**  
(continued)

45. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, encroachments, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Survey 4140  
:

Recording No: 2010-026670

46. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, encroachments, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Survey 4925:

Recording No: 2017-026905

47. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, encroachments, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Survey 5036  
:

Recording No: 2018-019538

48. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, encroachments, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Short Plat 595:

Recording No: 771566

49. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, encroachments, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Survey 5724:

Recording No: 2022-033094

50. Terms, conditions and provisions contained in City of Richland Ordinance No. 2024-21, recorded June 26, 2024 under Auditor's File No. [2024-013072](#).

**SCHEDULE B**  
(continued)

51. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Badger Mountain Irrigation District  
Purpose: Underground utilities  
Recording Date: July 19, 2024  
Recording No.: 2024-015094

52. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Badger Mountain Irrigation District  
Purpose: Utility Easement  
Recording Date: July 19, 2024  
Recording No.: [2024-015095](#)

53. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Richland  
Purpose: Temporary Drainage Easement  
Recording Date: July 25, 2024  
Recording No.: 2024-015501

54. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Richland  
Purpose: Temporary Utility Easement  
Recording Date: July 25, 2024  
Recording No.: [2024-015502](#)

55. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Richland  
Purpose: Temporary Utility Easement  
Recording Date: July 25, 2024  
Recording No.: [2024-015503](#)

56. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Richland  
Purpose: Temporary utility easement  
Recording Date: July 25, 2024  
Recording No.: [2024-015504](#)

57. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Richland  
Purpose: Temporary Turnaround and Utility Easement  
Recording Date: July 25, 2024  
Recording No.: [2024-015505](#)

**SCHEDULE B**  
(continued)

58. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Richland  
Purpose: Utility Easement  
Recording Date: July 29, 2024  
Recording No.: [2024-015864](#)

59. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Badger Mountain Irrigation District  
Purpose: Underground Utilities  
Recording Date: July 19, 2024  
Recording No.: [2024-015095](#)

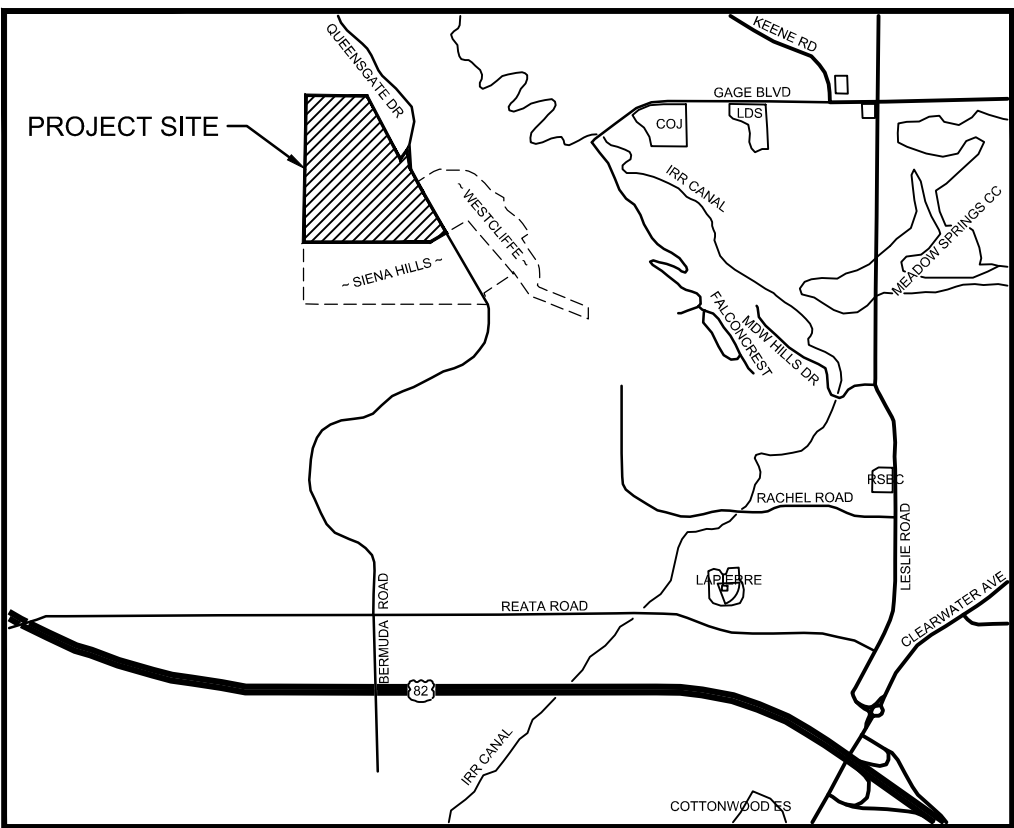
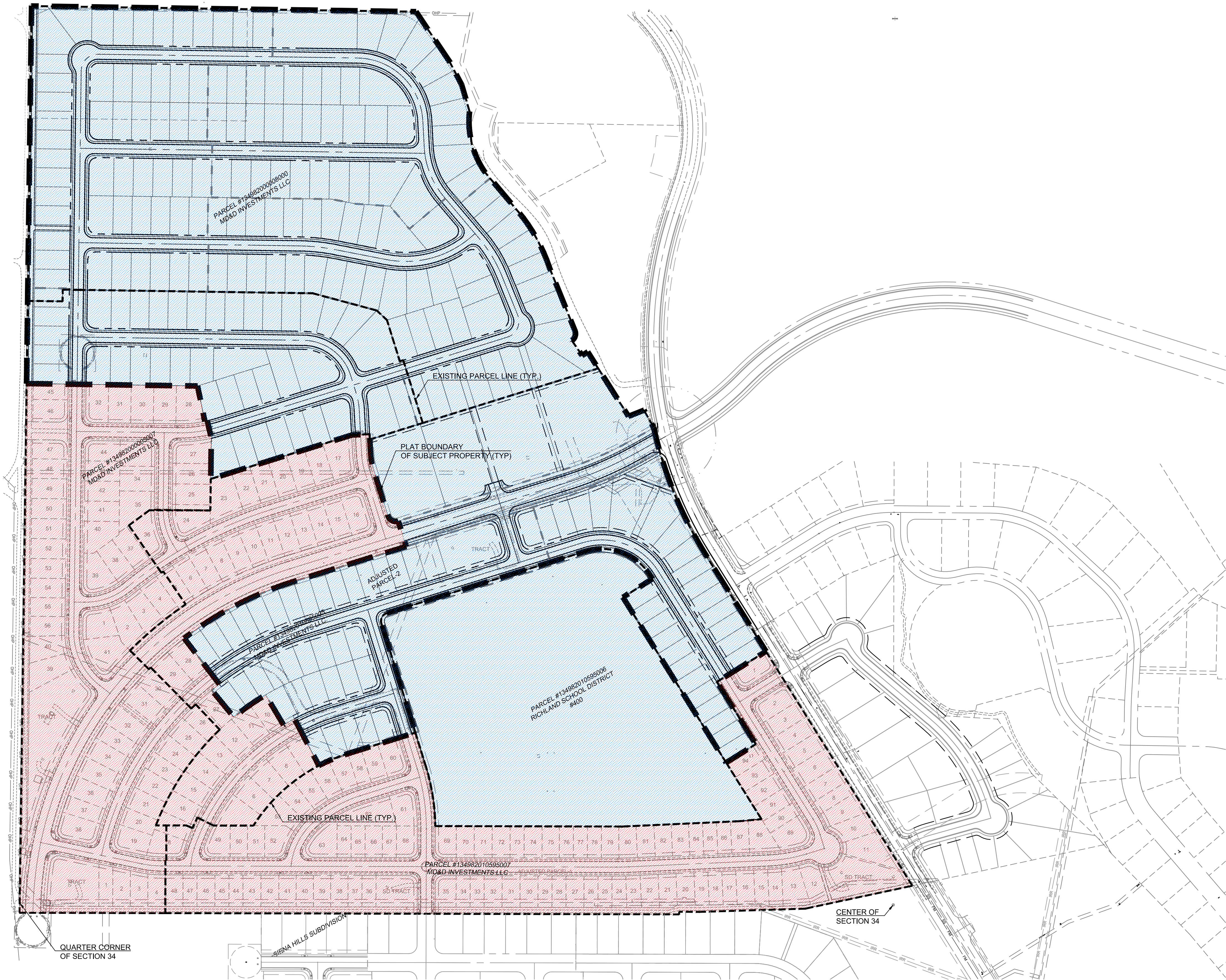
60. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: August 12, 2024  
Recording No.: [2024-016967](#)

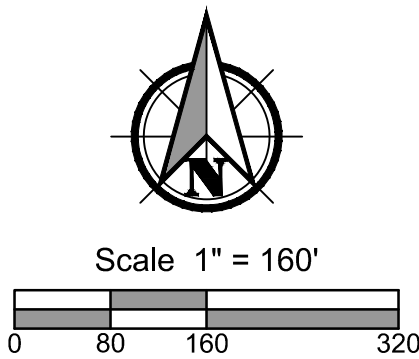
**END OF SCHEDULE B**



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VICINITY MAP  
NOT TO SCALE



ZONING BOUNDARY LEGEND

- RE-ZONING BOUNDARY LINE
- EXISTING PARCEL LINE

- AG ZONING
- R-2S RESIDENTIAL ZONING (MEDIUM DENSITY RESIDENTIAL)

DATA SHOWN BASED ON CITY OF RICHLAND COMPREHENSIVE PLAN, BADGER MOUNTAIN SUB-AREA LAND USE PLAN, AND PEACHTREE ESTATES PROPOSED LOT LAYOUT.

EXISTING SITE ZONING MAP FOR:

PEACH TREE ESTATES III  
A SITE LOCATED IN THE CITY OF RICHLAND, WASHINGTON

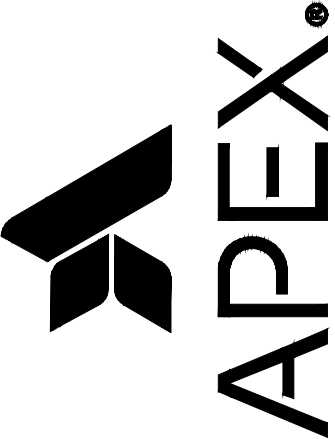


Know what's below.  
Call before you dig.



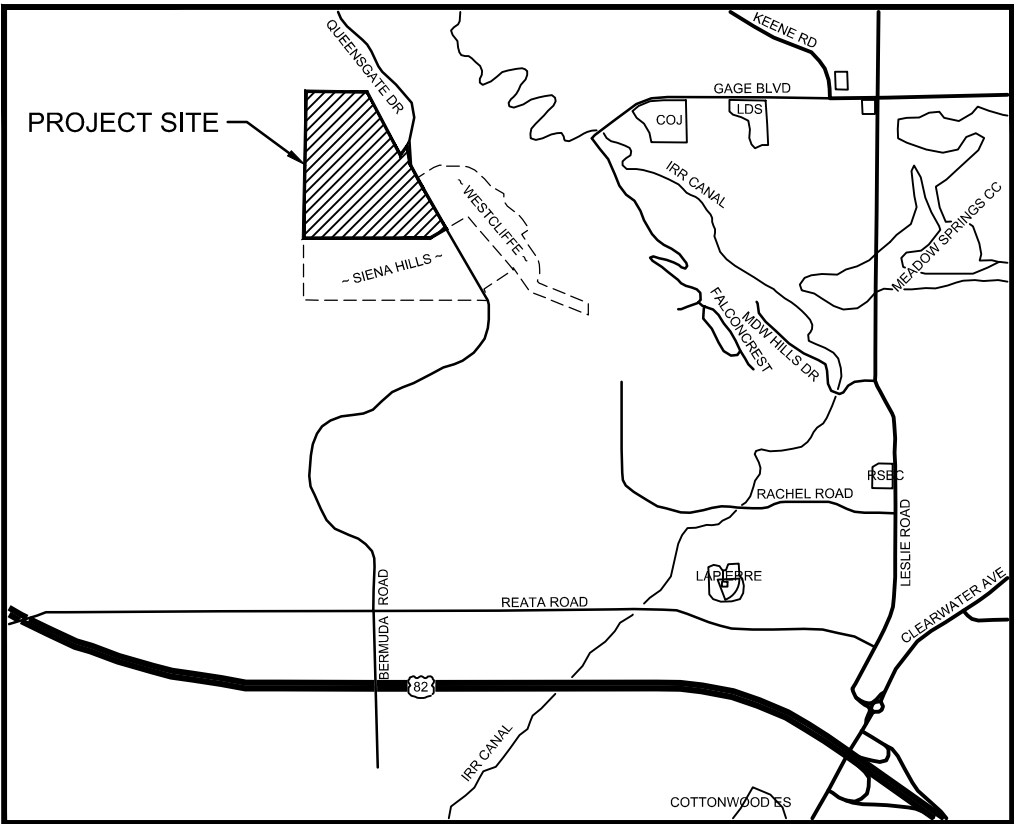
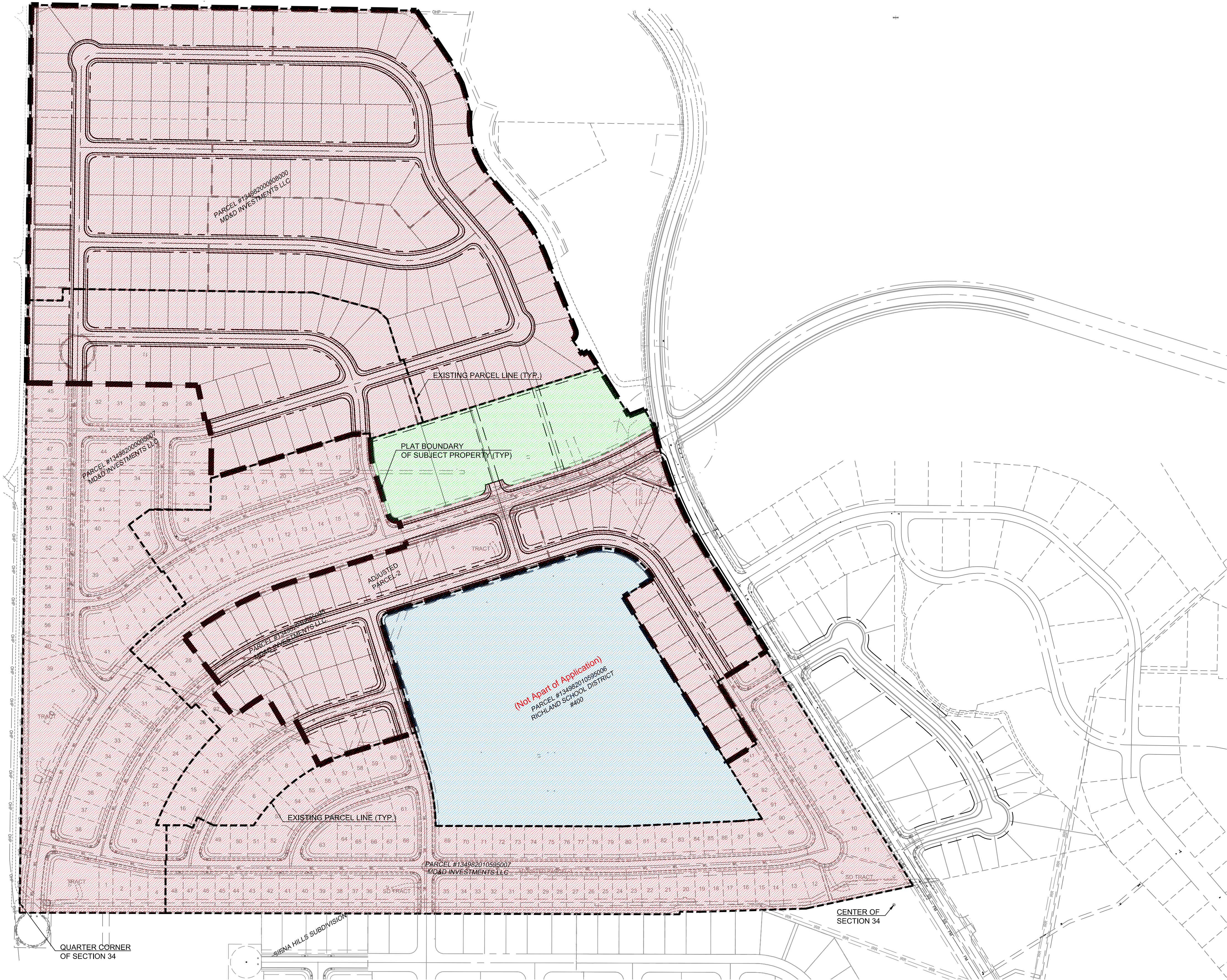
DESIGNED:  
ELG/MCR  
CHECKED:  
JLM  
JUNE 2025  
24012988  
SHEET ID

Apex Companies, LLC  
400 Bradley Blvd. Ste 106  
Richland, WA 99352  
509.942.1000  
apexcos.com

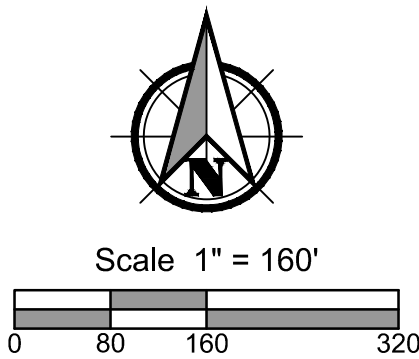




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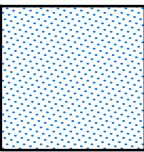
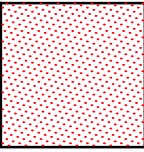
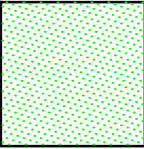


VICINITY MAP  
NOT TO SCALE



ZONING BOUNDARY LEGEND

- RE-ZONING BOUNDARY LINE
- - - EXISTING PARCEL LINE

-  AG ZONING
-  R-2S RESIDENTIAL ZONING  
(MEDIUM DENSITY RESIDENTIAL)
-  C-2 COMMERCIAL ZONING  
(RETAIL BUSINESS)

DATA SHOWN BASED ON CITY OF RICHLAND COMPREHENSIVE PLAN, BADGER MOUNTAIN SUB-AREA LAND USE PLAN, AND PEACHTREE ESTATES PROPOSED LOT LAYOUT.

PROPOSED SITE ZONING MAP FOR:

# PEACH TREE ESTATES III

A SITE LOCATED IN THE CITY OF RICHLAND, WASHINGTON



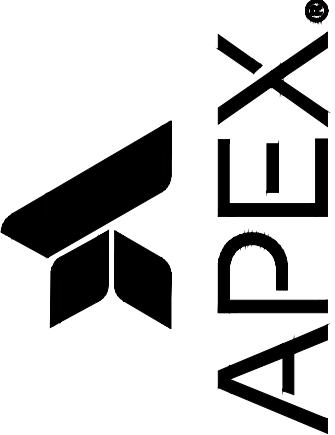
DESIGNED:  
ELG/MCR

CHECKED:  
JLM

JUNE 2025  
24012988

SHEET ID

Apex Companies, LLC  
400 Bradley Blvd. Ste 106  
Richland, WA 99352  
509.942.1000  
apexcos.com





# Zoning Map

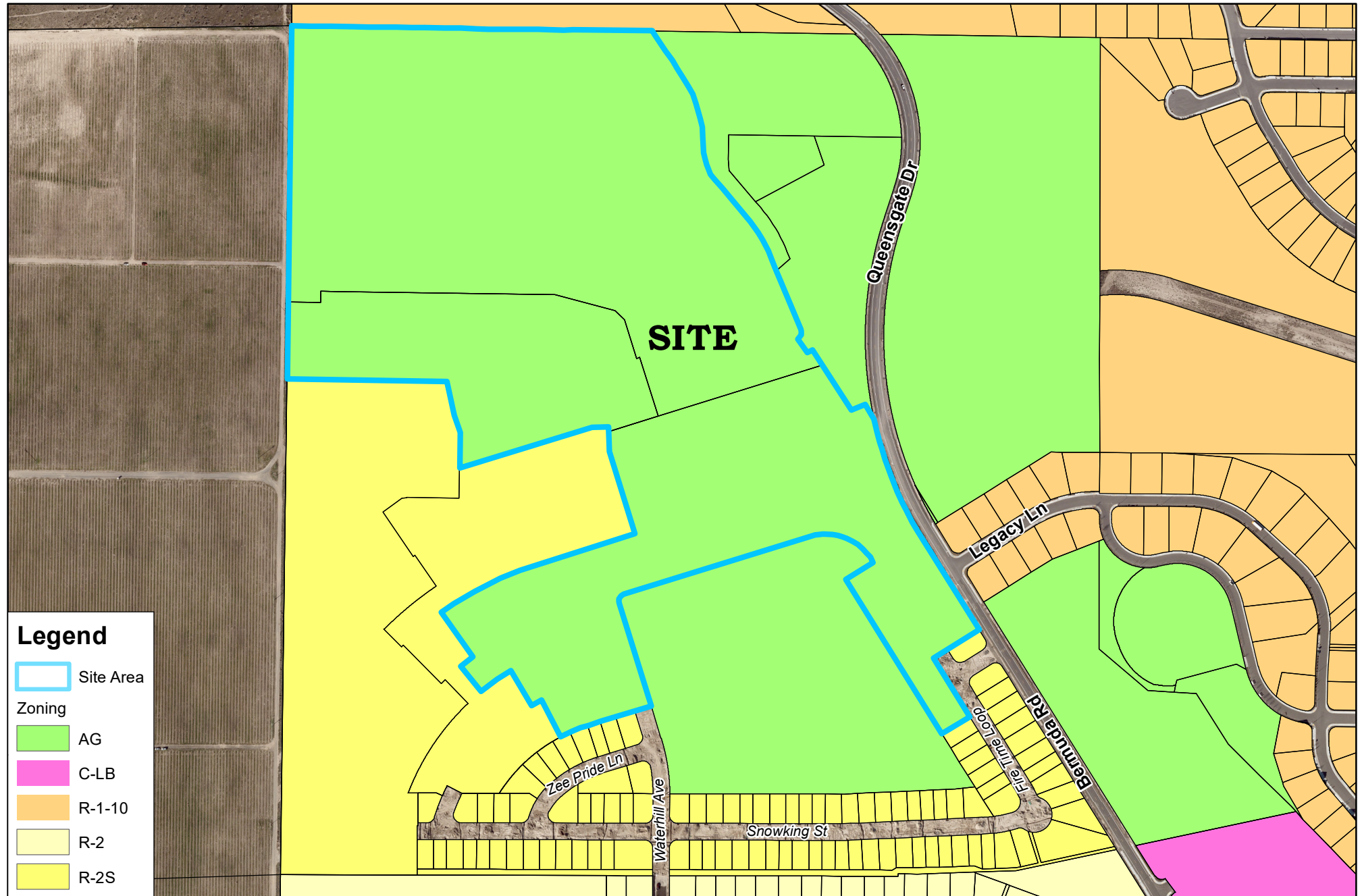
Item: Peach Tree Estates III - Phases 1 - 6 Prelim Plat

Applicant: PBS Engineering

File #: PLN-T3-2025-00004 & PLN-T1-2025-00282

Exhibit 2

0 100 200 400 Feet

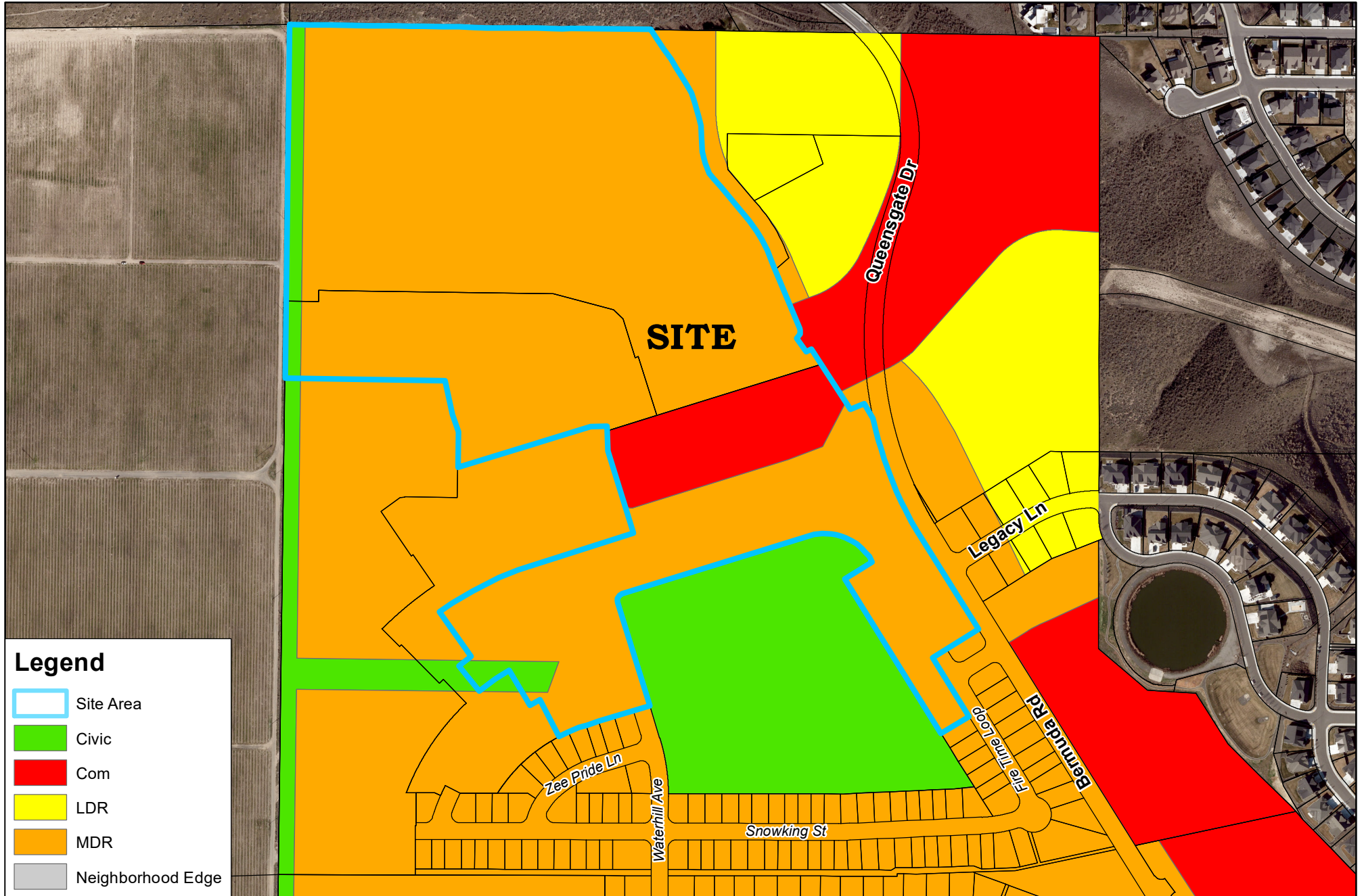




# BMS Land Use Map

Item: Peach Tree Estates III - Phases 1 - 6 Prelim Plat  
Applicant: PBS Engineering  
File #: PLN-T3-2025-00004 & PLN-T1-2025-00282  
**Exhibit 3**

0 100 200 400 Feet





# Exhibit 4

## CITY OF RICHLAND NOTICE OF APPLICATION, PUBLIC HEARING, AND OPTIONAL DNS (PLN-T3-2025-00004, PLN-T3A-2025-00002, & PLN-T1-2025-00282)

**Notice** is hereby given that PBS Engineering has filed rezone and preliminary plat applications to: 1) rezone the site from AG to R-2S (Medium Density Residential) and C-2 (Retail Business) reflecting the City's Comprehensive Plan Land Uses, and 2) subdivide an approximately 58+ acre site into 242 new residential lots and four (4) commercial tracts (Preliminary Plat of Peach Tree Estates Phase III, Phases 1 – 6). Please visit <https://www.ci.richland.wa.us/departments/development-services/planning/land-use> for more information.

**Project Site:** The project site is located at 1251 Bermuda Road and is generally located west of Queensgate Drive, west of Bermuda Road, West of Legacy Lane, north of Snowking Street, and north of Waterhill Avenue (Parcel Numbers: 134982010595005, 134982000005007, and 134982000008000). The proposed preliminary plat will have an average residential lot size of 7,175 square feet and an average commercial lot size of 49,638 square feet.

**Public Hearing:** The City of Richland Hearing Examiner will conduct a public hearing and review of the application on Monday, September 08, 2025 at 6:00pm in City Hall, 625 Swift Boulevard. All interested parties are invited to participate in the public hearing.

**Environmental Review:** The proposal is subject to environmental review. The City of Richland serving as the lead agency under the State Environmental Policy Act (SEPA), has reviewed and evaluated the proposed project for probable adverse environmental impacts. The City anticipates issuing a Determination of Non-Significance (DNS) under WAC 197-11-355. 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](http://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 Ryan Nelson, Planner, 625 Swift Boulevard, MS-35, Richland, WA 99352. Comments may be emailed to [planning@ci.richland.wa.us](mailto:planning@ci.richland.wa.us).

**Comment Period Starts:** August 10, 2025

**Comment Period Ends:** September 08, 2025 at 6:00 PM

However, written comments must be received no later than 5:00 p.m. on Friday, August 29, 2025, to be incorporated into the staff report. Comments received after that time will be entered into the record during the hearing.

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

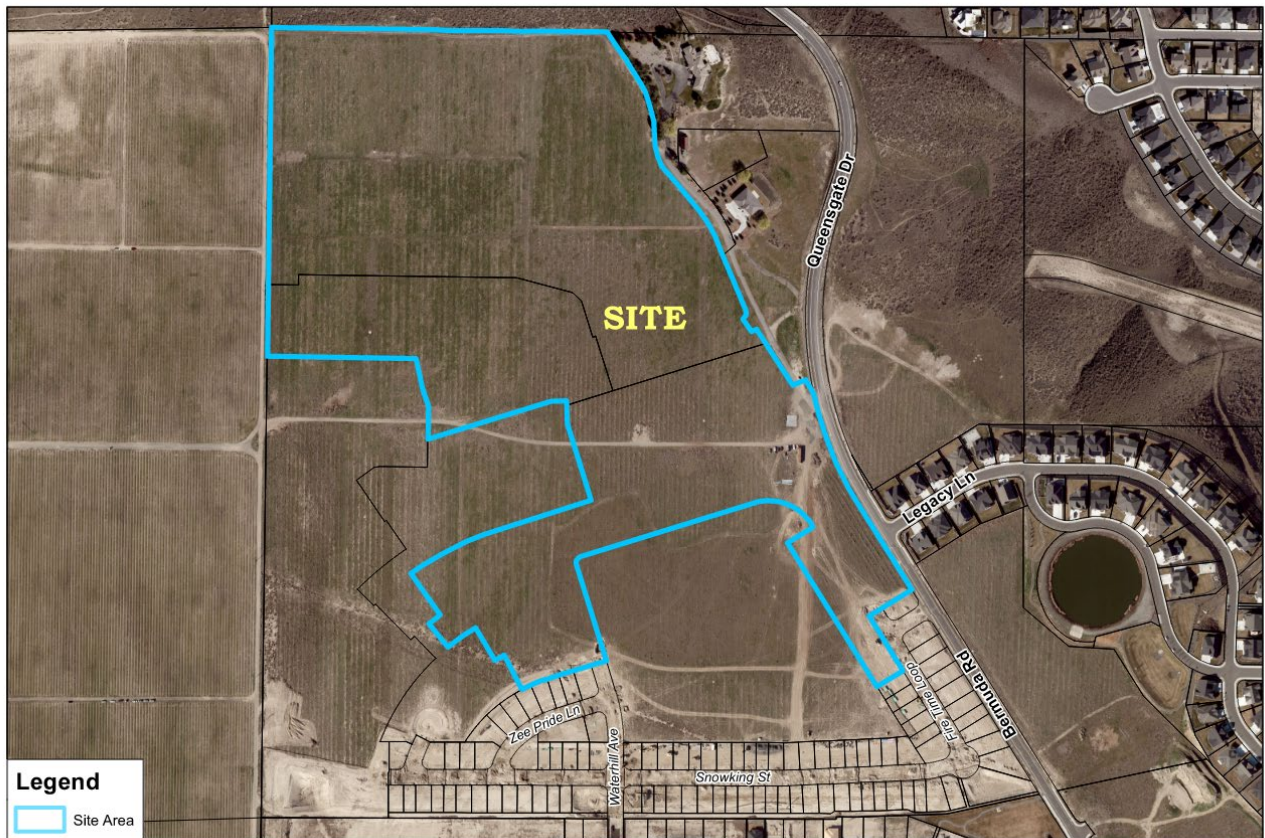


## Vicinity Map

Item: Peach Tree Estates III - Phases 1 - 6 Prelim Plat  
Applicant: PBS Engineering  
File #: PLN-T3-2025-00004 & PLN-T1-2025-00282



0 100 200 400 Feet



Please publish the following:

Type of Legal Ad: Notice of Application, Public Hearing

Date(s) of Publication: Sunday, August 10, 2025

Richland's TCH Account: AP36823

**For Invoice Text Box on TCH Invoice** PLN-T3-2025-00004, PLN-T3A-2025-00002, & PLN-T1-2025-00282  
(Richland MUNIS Description)

**For PO Box on TCH Invoice** D2586000 4401  
(Richland Account No. - MUNIS)

Attention: Jen Anderson (TC)

\*\*\*\*\*

**CITY OF RICHLAND**  
**NOTICE OF APPLICATION, PUBLIC HEARING AND OPTIONAL DNS**  
**(PLN-T3-2025-00004, PLN-T3A-2025-00002, & PLN-T1-2025-00282)**

**Notice:** PBS Engineering has filed rezone and preliminary plat applications to: 1) rezone the site from AG to R-2S (Medium Density Residential) and C-2 (Retail Business) reflecting the City's Comprehensive Plan Land Uses, and 2) subdivide an approximately 58+ acre site into 242 new residential lots and four (4) commercial tracts (Preliminary Plat of Peach Tree Estates Phase III, Phases 1 – 6).

**Project Site:** Is generally located west of Queensgate Drive, west of Bermuda Road, West of Legacy Lane, north of Snowking Street, and north of Waterhill Avenue (Parcel Numbers: 134982010595005, 134982000005007, and 134982000008000). The proposed preliminary plat will have an average residential lot size of 7,175 square feet and an average commercial lot size of 49,638 square feet.

**Public Hearing:** The Richland Hearing Examiner will conduct a public hearing and review of the application on **Monday, September 08, 2025 at 6:00pm** in City Hall, 625 Swift Boulevard. All interested parties are invited to participate in the public hearing.

**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](http://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 Ryan Nelson, Planner, 625 Swift Boulevard, MS-35, Richland, WA 99352. Comments may be emailed to [planning@ci.richland.wa.us](mailto:planning@ci.richland.wa.us). The deadline for written comments is 6:00 p.m., Monday, September 8th. However, written comments must be received no later than 5:00 p.m. on Friday August 29, 2025, to be incorporated into the staff report. Comments received after

that time will be entered into the record during the hearing.

Date Published: Sunday, August 10, 2025

AFFIDAVIT OF POSTING

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF BENTON )

COMES NOW, **Ryan Nelson**, 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 11th day of August, 2025, I posted the attached NOTICE OF PUBLIC HEARING, File Number PLN-T3-2025-00004 (Preliminary Plat for Peach Tree Estates III Phases 1-6) at the following location:

The western corner of the intersection of Queensgate Drive and Legacy Lane facing southeast.

  
Signed: Ryan Nelson

SIGNED AND SWORN to before me this 12th day of August, 2025, by Ryan Nelson.



  
Signature of Notary

  
Printed Name

Notary Public in and for the State of Washington,

Residing in 625 Swift Blvd. Richland, WA

My appointment expires: 09/06/2028



AFFIDAVIT OF MAILING

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF BENTON )

COMES NOW, Jodi Hogan, who, being first duly sworn upon oath deposes and says:

- I am an employee in the Planning & Development Department for the City of Richland.
- On the 8th day of August 2025 I mailed a copy of the attached CITY OF RICHLAND NOTICE OF APPLICATION AND PUBLIC HEARING AND OPTIONAL DNS (PLN-T3-2025-00004, PLN-T3A-2025-00002, & PLN-T1-2025-00282) to the attached list of individuals via regular USPS or email on the date indicated above.

Jodi Hogan  
Signed: Jodi Hogan

SIGNED AND SWORN to before me this 8th day of August, 2025 by



Kirsten Recker

Notary Public in and for the State of Washington,

KirstenRecker

Print Name

Residing at 625 Swift Blvd. Richland, WA

My appointment expires: 09/06/2028

AFFIDAVIT OF MAILING - 1  
Notice of Closed Record Hearing attached.  
Address list attached.



AFFIDAVIT OF PUBLICATION

| Account # | Order Number | Identification        | Order PO                               | Cols | Depth |
|-----------|--------------|-----------------------|--|------|-------|
| 51422     | IPL0261731   | Legal Ad - IPL0261731 | 2025.09.08 HE PHN<br>PLN-T3-2025-00004 | 1.0  | 79.0L |

ATTENTION: CITY OF RICHLAND/LEGALS IP  
625 SWIFT BLVD. MS-11  
RICHLAND, WA 99352  
janderson@ci.richland.wa.us;tclark@ci.richland.wa.us;purchasing@ci.richland.wa.us

CITY OF RICHLAND  
NOTICE OF APPLICATION,  
PUBLIC HEARING AND  
OPTIONAL DNS  
(PLN-T3-2025-00004,  
PLN-T3A-2025-00002, &  
PLN-T1-2025-00282)

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Date Published: Sunday, August 10, 2025  
IPL0261731  
Aug 10 2025

COUNTY OF BENTON)

SS

STATE OF WASHINGTON)

the undersigned, 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, and that said newspaper was regularly distributed to its subscribers during all of this period.

1.0 insertion(s) published on:  
08/10/25 Print

[Print Tearsheet Link](#)

[Marketplace Link](#)

Amanda Rodela



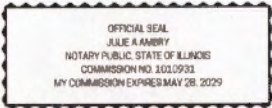
Amanda Rodela

Julie A Ambry



Sworn to and subscribed before  
me on

Aug 11, 2025, 10:20 AM ED



Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNIX\*



**CITY OF RICHLAND  
NOTICE OF APPLICATION,  
PUBLIC HEARING AND  
OPTIONAL DNS  
(PLN-T3-2025-00004,  
PLN-T3A-2025-00002, &  
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