

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

In the Matter of the Application of	)	No.	<b>PP 16-04/PLN-2016-02914</b>
	)		
Tri-Cities Development/JF Moore	)		FINDINGS, CONCLUSIONS,
for Preliminary Plat Approval	)		and DECISION
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**SUMMARY OF DECISION**

A requested Preliminary Plat for the subdivision of 136.4 acres into 74 lots at 3316 & 3514 S. Sherman St., Kennewick, Washington is approved with conditions as stated herein.

**SUMMARY OF RECORD**

**Request**

Tri-Cities Development/JF Moore (Applicant) requested approval of The Parks Phases 1 & 2, Preliminary Plat for a subdivision on a portion of 2 parcels of approximately 136.4 acres in size, proposed to be divided into 74 lots for single family homes. The property is located west of S. Sherman Street and south of Bob Olson Parkway at 3316 and 3514 S. Sherman Street. Parcel Nos. 1-1789-200-0001-001, and 1-1789-200-0001-002.<sup>1</sup>

<sup>1</sup> The entire legal description is:

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A PARCEL OF LAND LOCATED WITHIN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 17 IN TOWNSHIP 8 NORTH, RANGE 29 EAST, W.M. CITY OF KENNEWICK, BENTON COUNTY, WASHINGTON, DESCRIBED MORE PARTICULARLY AS FOLLOWS; COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF SECTION 17; THENCE SOUTH 88° 47' 16" WEST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER OF SECTION 17 A DISTANCE OF 30.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SOUTH SHERMAN STREET; THENCE NORTH 00° 37' 45" WEST ALONG THE WEST RIGHT OF WAY LINE OF SOUTH SHERMAN STREET A DISTANCE OF 719.23 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 89° 22' 15" WEST A DISTANCE OF 550.06; THENCE NORTH 00° 37' 45" WEST A DISTANCE OF 245.02; THENCE SOUTH 89° 22' 15" WEST A DISTANCE OF 534.55 FEET; THENCE NORTH 00° 37' 45" WEST A DISTANCE OF 750.04 FEET; THENCE NORTH 59° 43' 10" EAST A DISTANCE OF 336.71 FEET TO A POINT ON THE PROPOSED SOUTHWESTERLY RIGHT OF WAY LINE OF WEST HILDEBRAND BOULEVARD; THENCE ALONG SAID PROPOSED RIGHT OF WAY LINE AS FOLLOWS; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 770.30 FEET WITH A RADIUS OF 811.93 WITH A CHORD BEARING OF SOUTH 59° 45' 56" EAST WITH A CHORD LENGTH OF 741.74 FEET; THENCE WITH A REVERSE CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 212.18 FEET WITH A RADIUS OF 150.02 FEET WITH A CHORD BEARING OF SOUTH 46° 24' 45" EAST WITH A CHORD LENGTH OF 194.93 FEET; THENCE SOUTH 05° 52' 23" EAST A DISTANCE OF 170.47 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SOUTH SHERMAN STREET; THENCE SOUTH 00° 37' 45" EAST ALONG SAID WEST RIGHT OF WAY LINE OF SOUTH SHERMAN STREET A DISTANCE OF 475.44 TO THE TRUE POINT OF BEGINNING. (BOUNDARY LINE ADJUSTMENT PER AF#2015-008798, 4/01/2015).

1-1789-200-0001-002

A PARCEL OF LAND LOCATED WITHIN THE NORTHWEST QUARTER OF SECTION 17 IN TOWNSHIP 8 NORTH, RANGE 29 EAST, W.M. CITY OF KENNEWICK, BENTON COUNTY, WASHINGTON, DESCRIBED MORE PARTICULARLY AS FOLLOWS; COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF SECTION 17; THENCE SOUTH 88° 47' 16" WEST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER OF SECTION 17 A DISTANCE OF 30.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SOUTH SHERMAN STREET AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 88° 47' 16" WEST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER OF SECTION 17 A DISTANCE OF 2623.95 TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 00° 41' 22" WEST ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 17 A DISTANCE OF 2615.91 TO A POINT 30.01 SOUTH OF THE NORTHWEST CORNER OF SECTION 17, BEING A POINT ON THE SOUTH LINE OF WEST HILDEBRAND ROAD; THENCE NORTH 88° 03' 42" EAST ALONG THE SOUTH LINE OF WEST HILDEBRAND ROAD BEING A LINE

30.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 17, A DISTANCE OF 2627.26 FEET TO A POINT ON THE WEST LINE OF SOUTH SHERMAN STREET; THENCE SOUTH 00° 37' 45" EAST ALONG THE WEST RIGHT OF WAY LINE OF WEST SHERMAN STREET A DISTANCE OF 1454.57 TO A POINT ON THE PROPOSED SOUTHWESTERLY HILDEBRAND BOULEVARD RIGHT OF WAY LINE; THENCE ALONG SAID PROPOSED RIGHT OF WAY LINE AS FOLLOWS; THENCE NORTH 05° 52' 23" WEST A DISTANCE OF 170.47 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 212.18 FEET WITH A RADIUS OF 150.02 FEET WITH A CHORD BEARING OF NORTH 46° 24' 45" WEST WITH A CHORD LENGTH OF 194.93 FEET; THENCE WITH A REVERSE CURVE TURNING TO THE RIGHT WITH AN ARC 1.

**Hearing Date:**

The Hearing Examiner of the City of Kennewick held an open record hearing on the application on December 12, 2016.

**Testimony:**

At the open record hearing the following individuals presented testimony under oath:

Steve Donovan  
Greg McCormick  
John Deskins  
Jason Mattox  
Matt Smith

**Exhibits admitted for the public record:**

At the open record hearing the following exhibits were admitted:

1. Staff Report
2. Application
3. Notice of Application/Mailing List
4. Vicinity Map
5. Preliminary Plat Plans
6. Conceptual Grading Plan
7. Soils Sampling Report
8. Geotechnical Investigation/Geohazards Assessment Report
9. SEPA Determination
10. City Department Comments
11. Outside Agency Comments

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Upon consideration of the testimony and exhibits submitted at the open record hearing, the Hearing Examiner enters the following Findings and Conclusions:

**FINDINGS**

1. The Applicant requested approval of subdivision of 136.4 acres into 74 lots. The application of the subdivision calls for the Plat (PP 16-04) for the subdivision created by preliminary plat The Parks Phases 1 & 2, proposal calls for 73 lots being developed in two phases on
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approximately 22.26 acres. The other 114.2 acres, which would be lot 74, is to be developed, at a future time. While it is the intent of the Applicant to develop phase 1 and 2 concurrently, the phasing is sought to distinguish the site's development. The property is located west of S. Sherman Street and south of Bob Olson Parkway at 3316 and 3514 S. Sherman Street.

*Exhibit 1 pg.3; Exhibit 3; Testimony of Mr. Donovan; Testimony of Mr. Smith*

2. The lots to be developed in phases lots 1 and 2 will range from 8,064 square feet to 11,956 square feet with the average lot size being 9,045 square feet. The plat design includes eight tracts of land for open space, storm ponds, and one tract sanitary sewer from S. Sherman Street to S. Taft Street. Access to the lots will be from S. Sherman Street and Bob Olson Parkway. *Exhibit 1, pg. 3; Exhibit 5, pg. 1; Testimony of Mr. Mattox*
3. The site is zoned Residential Low Density (RL) which allows a minimum lot size of 7,500 square feet. The City of Kennewick's Single-Family Residential Design Standards apply to this project. *Exhibit 1, pg. 3; Testimony of Mr. Donovan.*
4. The entire parcel was annexed into the City of Kennewick in April 2006 and was given a Residential Low Density (RL) zoning designation (*Ord. 5142*). The zoning for the Southridge Sub-area was clarified by City Council in December 2011 and the zoning for the subject property remained as Residential Low Density (RL) (*Ord 5385*). *Exhibit 1, pg. 3*
5. In 2015 the Applicant applied for a Planned Residential Development (PRD 15-01) which included a proposed preliminary plat (PP 15-06) for the subject property. The proposed PRD was tentatively referred to as The Parks at Thompson Hill. The Applicant subsequently withdrew the application in September 2015. *Exhibit 1, pg. 4*
6. Pursuant to the Washington State Environmental Policy Act (SEPA (RCW 43.21C)) the City was designated as the lead agency for review of environmental impacts resulting from the proposed development. On March 14, 2016, the City issued mitigated determination of Nonsignificance (MDNS) for the project. No appeals were filed. *Exhibit 9; Testimony of Mr. Donovan.*
7. The properties surrounding the subject property have a number of different zoning designations. To the east and south the properties are zoned Residential Medium Density (RM) that will be developed with single-family housing. The vacant property to the north is zoned RL and will also be developed with single-family housing. To the west is vacant land zoned with a mixture of Commercial Community (CC) and Residential High Density (RH). The Planning Department of Kennewick has reviewed the Applicant's proposal and determined that it will be compatible with surrounding properties. *Exhibit 1, pg. 6; Testimony of Mr. Donovan.*
8. In Kennewick there is no maximum or minimum density requirement for RL zoned property. There is however a minimum lot size standard of 7,500 square feet. In the proposed plat the smallest lot is 8,064 square feet (lots 34, 35, 36, 37 and 38). *Exhibit 1, pg. 4; Exhibit 5, pg. 1*

9. The preliminary plat as proposed meets the Residential Development Standards contained in KMC 18.12.010(A.2), as well as the Single-Family Residential Design Standards.
10. The Applicant must secure a permit from the Kennewick Department of Public Works prior to construction of driveways, sidewalks, wheelchair ramps and utility extensions (water, sewer, street, storm drainage, street lights, fire hydrants, etc). *Exhibit 1, pg. 4*
11. Based on review of the proposal and amount of traffic to be generated the City's traffic engineer has determined that this project meets concurrency for transportation. *Exhibit 1, pg. 4*. Half-street improvements are required on S. Sherman Street. In addition, Bob Olson Parkway will be completed by the City with development contributions for improvements from the Traffic Impact Fee. *Exhibit 1, pg. 4; Exhibit 10, pg. 3*. The Residential Design Standards allow curb tight sidewalks as an option to separated sidewalks. Sidewalks at driveway curb cuts must meet ADA standards. *Exhibit 1, pg. 4*
12. Full residential street improvements are required on the plat's interior roadways. Full street improvements for residential streets within the subdivision per KMC 5.56.270 are required to be constructed consistent with the Kennewick Standard Detail 2-1, sheet 2 of 4. The Kennewick residential street cross section standard is 40 feet of right-of-way with 18 foot easements on each side. The roadway width is 36 feet curb to curb (KMC 18.45.050). *Exhibit 1, pg. 4; Exhibit 10, pg. 3*.
13. Phase 1 of the development will have streets that dead end on the northern border of lot 74 of the preliminary plat. The dead ends will be over 600-feet long. KMC 17.20.010(2)(c)(i) requires residential streets that exceed 600-feet to connect to a second city standard street. For developments that are in the Southridge sub-area KMC 17.20.010(2)(d)(ii) a Second Emergency Vehicle Access (SEVA) can be provided in lieu of the second city standard street. The Applicant proposes a SEVA that will connect to Bob Olson Parkway for use for the second access. *Exhibit 1, pg. 5*
14. For the instant phases of the plat Traffic mitigation fees of approximately \$900 per dwelling unit will be required per the City of Kennewick's traffic mitigation ordinance (Ord. 5596). The \$900 per dwelling unit Traffic Impact Fee may have a cost of living increase adjustment in 2017. Traffic mitigation fees will be paid at the time of building permit issuance or deferred until occupancy with a recorded covenant of payment obligation form. *Exhibit 1, pg4; Exhibit 10, pg 4*
15. Kennewick stormwater standards for residential subdivisions are required to be designed to retain and dispose of the calculated difference between a 25-year, 24 hour event for the developed state and the 24-hour event for the natural predeveloped state. Retention ponds with a control outlet may be used only where it can be clearly demonstrated that infiltration, or retention are not feasible per City of Kennewick Standard Specifications. Prior to Final Plat approval the Applicant must submit detailed civil engineering drawings for review and

approval by the City's Public Works department. This submittal must include a stormwater plan that meets City standards. *Exhibit 1, pg. 4, Exhibit 10, pg. 2.*

16. An 18-inch water main is available at the east side of S. Sherman Street and an existing 12-inch water main is along the north side of the property at Bob Olson Parkway (formerly W. Hildebrand). The Applicant will be required to loop the water mains to avoid buildup of stagnant water and minimize bacteria regrowth. *Exhibit 1, pg. 5; Exhibit 10, pg.1.*
17. An existing 8-inch sanitary sewer service is stubbed to the north side of the property at Bob Olson Parkway. As part of utility development's requirements, the Applicant must provide sanitary sewer main sizes, as listed on the sanitary sewer comprehensive plan, for review. *Exhibit 1, pg. 6; Exhibit 10, pg.2.*
18. A condition of the MDNS of the project is that park fees are required to mitigate impacts to park zone 6W – Southridge. Using the City's Comprehensive Park Plan the City calculated the amount of land that would be required to be dedicated for park land as being 4.9 acres for the entire 136.4 acre 74 lot subdivision. However, because a need for a city park on the site is not part of the City's park plans, a fee in lieu of the dedication is required for development of the entire plat. The City calculated that the total plat fee for 74 lots in lieu of dedication of park land is \$46,635.58. For 73 lots of The Parks Phases 1 and 2 (identified on the plat map) the in lieu fee is \$6,156.23. Fees will be paid prior to signing the final plat mylar based on a percentage of lots being developed in each phase. *Exhibit 1, pg. 5; Exhibit 9, pg. 2; Testimony of Mr. Donovan.*
19. As part of The Park at Thompson Hill PRD a geotechnical report was prepared to review the erosion hazard and steep slope critical areas on the site. Although the PRD application was withdrawn the report was submitted and for geological review of the instant application. *Testimony of Mr. Donovan: Exhibit 8.* The property on which the current application is based includes a small area with Erosion Hazard Critical Area at the southwest of the proposed subdivision area. *Exhibit 8, pg. 21.* In a supplement to the geotechnical report conditions of the property and test results were discussed. The engineers who drafted the report have made recommendation for these areas and the Kennewick review staff recommended that the instant project to be conditioned to comply with them. *Exhibit 1, pg. 5; Exhibit 8; Exhibit 8, pgs. 40-42*
20. In addition to the critical areas on site there is a pond area that has the potential to be a Wetland critical area. It was addressed in the previous critical area report and wetland report. However, the original project was withdrawn and the in the scaled back instant application, the proposed subdivision work will be approximately 460-feet from the pond area and no buffer areas will be required. Because the wetland report does not classify the pond area as a wetland the City representative submitted that if there are any questions regarding the pond area wetland requirements they can be addressed with a subsequent application for development of the area where it is located. *Exhibit 1; Pg.5.*

21. The Kennewick School District submitted a memo dated December 2, 2016, identifying the schools that will serve the subdivision. They are the Sage Crest Elementary School, Chinook Middle School, and Southridge High School. The Kennewick School District has the capacity to add students at all levels at the three schools. *Exhibit 1, pgs. 5 and 6; Exhibit 11*
22. The elementary and high school students who will reside in the proposed subdivision are in a walking zone for Sagecrest Elementary School and Southridge High School. However, the students who will attend Chinook Middle School will be in a bussing zone. *Exhibit 11.*
23. All new streets within the subdivision must have 5-foot wide sidewalks connecting to Ridgeline Drive with sidewalks that connect to Southridge High School. New sidewalks on streets within the subdivision will also connect to S. Sherman Street. With the exception of approximately 700 feet of property to be developed at a future date, S. Sherman Street will connect to W. 38<sup>th</sup> Avenue that has sidewalks and a safe walking route to Sage Crest Elementary School. The undeveloped section of S. Sherman has a wide gravel shoulder that can serve as a safe walking route until later phases of The Parks subdivision are completed and additional sidewalk is added to the west side of S. Sherman Street. *Testimony of Mr. Donovan; Exhibit 12.*
24. The proposed Preliminary Plat is consistent with the Kennewick Comprehensive Plan Land Use, RESIDENTIAL GOAL 1. The subject property is zoned similar to much of the surrounding property and the proposed project will comply with development standards for RL zoned properties. *Exhibit 1, pg. 6; Testimony of Mr. Donovan*
25. The proposed plat will promote new growth consistent with the Comprehensive Land Use Map, the Capital Facilities Plan and the Capital Improvement Plan. Single-Family housing is a permitted use in RL zoned properties and the property can be served by City utilities. The project is consistent with the Comprehensive Plant-URBAN AREA POLICY 3: *Exhibit 1, pg. 6; Testimony of Mr. Donovan*
26. The proposed plat is consistent with the Kennewick Comprehensive Plan, RESIDENTIAL GOAL 4: The residential development will occur in an urban area where services can be provided. City water and sewer are available at Bob Olson Parkway and water is also available on S. Sherman Street. *Exhibit 1, pg. 7; Testimony of Mr. Donovan*
27. The proposed plat is consistent with the Kennewick Comprehensive Plan, RESIDENTIAL POLICY 5. The proposed plat will provide provisions for parks, schools, drainage, transit, water, sanitation, infrastructure, pedestrian, and aesthetic considerations in new residential developments. *Exhibit 1, pg. 7; Testimony of Mr. Donovan*
28. The proposed plat is consistent with the Kennewick Comprehensive Plan, HOUSING GOAL 1. The proposed plat supports the development of a variety of housing types and densities to meet the diverse needs of the population. *Exhibit 1, pg. 7; Testimony of Mr. Donovan.* The proposed plat is consistent with the Kennewick Comprehensive Plan, CRITICAL AREAS

AND SHORELINE GOAL 3. The development will be regulated and mitigated in, or adjacent, to critical areas or the shoreline to avoid adverse environmental impacts. *Exhibit 1, pg. 7; Testimony of Mr. Donovan*

29. The plat will be constructed to City of Kennewick Residential Design Standards and the development requirements as set forth in the Kennewick Municipal Code. Pursuant to the review of the plat application and supporting material, the Kennewick planning staff representative submitted that appropriate provisions have been made for the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, public sidewalks, utility easements and other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation areas, playgrounds, schools and school grounds, and the proposed subdivision has considered all other relevant facts and other planning features that assure safe walking. *Testimony of Mr. Donovan*
30. The proposed plat includes required improvements for infrastructure and open space. Adequate provisions have been determined for park fees to offset the impacts for recreational impacts. Schools in the area can handle the increase in students generated by the development. Utilities, including drainage, water and sewer are available to the site. Pedestrian and aesthetic consideration in the new development is called out on the plat map submitted for approval. The proposed plat provides provisions for parks, schools, drainage, transit, water, sanitation, infrastructure, pedestrian, and aesthetic considerations in new residential development. Residential Policy 5 of the City's Comprehensive Plan is satisfied. *Exhibit 1*
31. The proposed plat is subject to Kennewick Irrigation District (KID) review. The subject property, according to KID submittals, includes 139.90 irrigable acres. *Exhibit 11. Pg. 1.* Although the amount of acreage claimed by KID differs from that submitted for the plat application, there is no dispute that KID has the authority to submit comments and impose conditions on the Plat. *Exhibit 11.*

## CONCLUSIONS

### Jurisdiction:

The Kennewick Hearing Examiner is granted jurisdiction to hear and decide preliminary plat applications pursuant to KMC 4.02.080 (1)(b) ii.

### Criteria for Review:

The Hearing Examiner may approve an application for a preliminary plat only if the requirements of KMC Chapter 17.10 are satisfied. Included in these requirements is KMC 17.10.080: Provisions for Public Health, Safety, and Welfare which are:

- (1) The Hearing Examiner will inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. All plats will be reviewed to determine their conformance with the Comprehensive Plan, comprehensive water plan, utilities plan, and Comprehensive Park and Recreation Plan, and anything else necessary to assist in determining if the plat should be

approved. Appropriate provisions must be made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, public sidewalks, utility easements and other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation areas, playgrounds, schools and school grounds, and shall consider all other relevant facts and other planning features that assure safe walking conditions for students who only walk to and from school. All relevant facts will be considered to determine whether the public interest will be served by the subdivision and dedication. If it is determined that the proposed plat makes such appropriate provisions, then the Hearing Examiner must approve the proposed plat. Dedication of land to any public body may be required as a condition of subdivision approval. The Hearing Examiner will not, as a condition to the approval of any plat, require a release from damages to be procured from other property owners.

### **RCW 58.17.033**

Proposed division of land—Consideration of application for preliminary plat or short plat approval—Requirements defined by local ordinance.

(1) A proposed division of land, as defined in RCW 58.17.020, shall be considered under the subdivision or short subdivision ordinance, and zoning or other land use control ordinances, in effect on the land at the time a fully completed application for preliminary plat approval of the subdivision, or short plat approval of the short subdivision, has been submitted to the appropriate county, city, or town official.

(2) The requirements for a fully completed application shall be defined by local ordinance

(3) The limitations imposed by this section shall not restrict conditions imposed under Chapter 43.21C RCW.

### Conclusions based on Findings

1. The Applicant requested approval of a Preliminary Plat (*PP 16-04/PLN-2016-02914*) for a subdivision on a 136.46 acre with one parcel with 73 lots developed on 22.26 acres and one parcel of 114.2 acres that will be lot 74. Lot 74 will be developed at a later date. The site is zoned Residential Low Density (RL) which allows a minimum lot size of 7,500 square feet. The City of Kennewick's Single-Family Residential Design Standards apply to this project. *Findings of Fact No. 1 and 3.*
2. The proposed plat has been reviewed by the City and other agencies and has been determined to be in conformance with the City of Kennewick Comprehensive Plan *Findings of Fact Nos. 24-28*; comprehensive water plan *Findings of Fact Nos. 10, 16, 26, and 30*; and Comprehensive Park and Recreation Plan *Finding of Fact No. 18*, and all relevant requirements to the approval of the plat.
3. Appropriate provisions have been made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys,

- public sidewalks, utility easements and other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation areas, playgrounds, schools and school grounds, and the proposed subdivision has considered all other relevant facts and other planning features that assure safe walking conditions for students who walk to and from school. *Findings of Fact No. 8-23*
4. Pursuant to the Washington State Environmental Policy Act (SEPA) the City was designated as the lead agency for review of environmental impacts resulting from the proposed development. On March 14, 2016, the City issued a Mitigated Determination of Nonsignificance (MDNS) for the project. No appeals were filed. No critical areas are located on site. *Finding of Fact No. 6*
  5. Various state and local agencies submitted comments and recommendations. The recommendations address impacts that will be created with the development of the plat. The recommended conditions are specific to the development and mitigate impacts. *Findings of Fact Nos 21-23 and 31*
  6. The proposed plat includes required improvements for infrastructure and open space. Adequate provisions have been determined for park fees to offset the impacts for recreational impacts. Schools in the area can handle the increase in students generated by the development. Utilities, including drainage, water and sewer are available to the site. Pedestrian and aesthetic consideration in the new development are called out on the plat map submitted for approval. The proposed plat provides provisions for parks, schools, drainage, transit, water, sanitation, infrastructure, pedestrian, and aesthetic considerations in new residential development. *Findings of Fact 29-30*

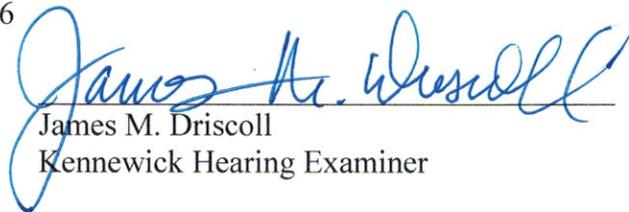
### **DECISION**

Based on the administrative record developed at the public hearing approval is granted for The Parks Phases 1 & 2, Preliminary Plat for a subdivision on a portion of 2 parcels of approximately 136.4 acres in size, proposed to be divided into 74 lots for single family homes. The property is located west of S. Sherman Street and south of Bob Olson Parkway at 3316 and 3514 S. Sherman Street. Approval is granted subject to the conditions as listed below. The term Applicant means the Applicant in this request or any successors of interest in the development of any part of the subdivision.

1. The Applicant shall comply with City of Kennewick regulatory controls, policies and codes, including the Single-family Residential Design Standards and Residential Low Density (RL) zoning designation.
2. All fees required by the City shall be paid prior to the approval of the final plat.
3. The Applicant shall construct residential streets per City of Kennewick Standard Detail 2-1, sheet 2 of 4. The Single-Family Residential Design Standards allow an option for curb tight sidewalks which may be used.

4. Development shall be in conformance with the plat drawing submitted as Exhibit 5 at the public hearing.
5. The Applicant shall comply with the March 9, 2016 Traffic Engineer memorandum and submitted as Exhibit 10 at the public hearing.
6. The Applicant shall comply with the March 8, 2016 Public Works memorandum and conditions as submitted as Exhibit 10 at the public hearing.
7. The Applicant shall comply with the March 22, 2016 Kennewick Irrigation District submitted as Exhibit 11 at the public hearing.
8. Grading activity must be inspected by a qualified geotechnical engineer. At the completion of grading it must be certified that the cut and fill of the site are per the recommendations of the Geotechnical Investigation/Geohazards Assessment Report prepared by HDJ Design Group submitted as Exhibit 8 at the public hearing.
9. Geo-Tec reports are required for each lot at the time of a building permit submittal. With prior approval a blanket geological report may be accepted as long as all applicable codes are met regarding soil bearing capacity. The discretion to accept the blanket geological report remains with the City of Kennewick.
10. The Applicant shall provide dust control method(s), such as hydroseeding, for all areas of the site that are disturbed. Re-hydroseeding may be required.
11. In lieu of dedication of park land, park fees are required in the amount of **\$6,156.23** for impacts to Park Planning Zone 6W-Southridge. Park fees will be collected prior to signing the final plat mylar.
12. A landscape plan of all common areas, open spaces and rights-of-way that are not left in a natural state, must be submitted for approval. The plan shall list the number, location, and species of trees, sizes of plant material, and ground cover prior to final plat approval. The landscape plan shall be prepared by a licensed landscape architect or licensed landscape installer and drawn to a legible scale.
13. All common area landscaping and residential street trees must be installed or bonded for prior to final plat.
14. The Applicant must execute a written agreement to the satisfaction of the City Attorney which will allow the City to make arrangements for maintenance of any common areas, open spaces, private roads, and common landscape areas should the Homeowner's Association fail or refuse to maintain these areas.
15. The Preliminary Plat (PP 16-04) expires 5 years from the approval date. The City may grant an extension, but any extension application must be applied for prior to the approved preliminary plat expiration date.
16. Prior to any plat activity the Applicant shall secure approval of the Kennewick Irrigation District for issues on which the District has jurisdiction. The Applicant shall provide the City with a copy of the approval and it shall become part of this Decision.

DATED THIS 27<sup>th</sup> day of December, 2016

  
James M. Driscoll  
Kennewick Hearing Examiner