

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

In the Matter of the Application of)	No. PP 17-06/PLN-2017-03182
)	PRD 17-02/PLN-2017-03183
)	
Brad Beauchamp)	FINDINGS, CONCLUSIONS
for Preliminary Plat Approval)	AND DECISION
)	
<u>Lauria Meadows</u>)	

SUMMARY OF DECISION

The requested Planned Residential Development and Preliminary Plat for an 11.40-acre site that would have 54 lots is approved with conditions.

SUMMARY OF RECORD

Request

Brad Beauchamp (referred to as Applicant), requested approval of a preliminary plat for development of a subdivision on 11.40-acre tract what would have 54 lots at buildout. The project is generally located 2262 S Vancouver Street and South of W 22nd Avenue, Kennewick, Washington. The parcel numbers as recorded in Benton County are: Parcel Nos. 1-1189-301-0857-003, 1-1189-301-3527-002, and 1-1189-301-3535-003. ¹

Hearing Date:

The Hearing Examiner of the City of Kennewick held an open record hearing on the application on February 12, 2018.

Testimony:

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

Mr. Steve Donovan	City of Kennewick
Mr. Wes Romine	City of Kennewick
Mr. Jeff Herb	City of Kennewick
Mr. Brad Beauchamp	Representative of Applicant
Mr. Ben Woodard	Representative of KID
Mr. Brian Hudson	Public witness
Mr. Steve Schmidt	Public witness
Mr. John Davis	Public witness
Mr. Chuck Torelli	Public witness

Exhibits:

At the open record hearing the following exhibits were admitted:

¹ A more complete legal description of the entire parcel to be developed is set forth on pgs. 1 and 2 of the staff report which was admitted as exhibit 1 at the public hearing.

Findings, Conclusions, and Decision

Hearing Examiner

Lauria Meadows

PP 17-06/PLN-2017-03182 & PRD 17-02/PLN-2017-03183

1. Staff Report
2. PRD and Pre-Plat Application Materials
3. PRD and Pre-Plat Drawing
4. Preliminary Grading Plan
5. Aquifer Recharge Letter
6. Traffic Letter
7. Landscape Plan
8. Vicinity Map
9. Notice of Application/Mailing List
10. SEPA Determination
11. Traffic Division Comments
12. Public Works Comments
13. Kennewick School District Comments
14. Kennewick Irrigation District Comments
15. GIS and Traffic Plat Comments
16. Bonneville Power Administration Comments
17. Fire Department Comments
18. Benton Public Utility District Comments
19. Cascade Natural Gas Corporation Comments
20. State of Washington Department of Ecology Comments
21. Kennewick memo regarding traffic
22. Email of Mr. Bill Reinig
23. ²February 13, 2018 memo from Applicant regarding setbacks within the plat
24. February 13, 2018 memo from City regarding setbacks proposed by Applicant.

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

FINDINGS ³

1. The Applicant requested approval of a preliminary plat (PP 17-06) for a 54-lot single-family subdivision on 11.40 acres at 2262 S Vancouver Street and South of W. 22nd Avenue, Kennewick, Washington. In addition to the plat request the Applicant requested a planned residential development permit (PRD 17-02) for deviations from the Residential, Suburban development standards of Kennewick. The requested deviations include reduction of minimum lot sizes for certain lots of the plat, reductions of minimum rear yard setbacks for certain lots of the plat, a reduction of the frontage on public streets and a 15% density bonus. *Exhibit 1, Staff Report; Testimony of Mr. Donovan; Testimony of Mr. Beauchamp; Exhibits 2 and 3.*
2. The subject property was annexed into the City in February 1995 pursuant to Ordinance 3614. In November 2004 the property was given a Residential-Suburban zoning

² Exhibits 23 and 24 were requested by the Hearings Examiner at the public meeting.

³ Specific Findings relating to the PRD include findings 6-11

designation (RS) pursuant to Ordinance 5060. *Exhibit 1, staff report- pgs. 1 and 4; Testimony of Mr. Donovan*

3. An existing 100-foot wide transmission line easement for the Bonneville Power Administration (BPA) extends east/west through the development. The BPA easement is included in the net area of the property but cannot be developed with any structures of the plat. The easement can be the location of internal roads and open space but the BPA must approve activities that will occur within the area of said easement. *Exhibit 16. Testimony of Mr. Donovan*
4. The Applicant and its consultants submitted plans and studies to the City for review. Included in the materials was information and drawings that provided details on compliance with R-S standards as required by Kennewick Municipal Code (KMC) 18.12.010 Table 2-Development standards for specific zones in the City. *Exhibit 1, staff report- pg. 1; Testimony of Mr. Donovan*
5. All properties adjacent to the development exceed 8,500 square feet and are zoned RS. The properties across the KID irrigation ditch (near the southeast portion of the Plat) are on S. Vancouver Street (to the east) are zoned Residential, Low Density (RL) with a minimum lot size of 7,500 square feet. After a review of these properties and other existing development, the Kennewick planning staff determined that the proposed PRD/PP will be harmonious with the surrounding properties. *Exhibit 1, staff report-pg. 6; Testimony of Mr. Donovan*
6. 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 January 10, 2018 the City issued determination of Nonsignificance (DNS) for the project. No appeals were filed. *Exhibit 10; Testimony of Mr. Donovan.* The Washington State Department of Ecology (WDOE) submitted comments and information for the Applicant but did not file an appeal of the City's threshold decision. *Exhibit 20.*
7. Deviation from some RS standards were requested by the Applicant that necessitate approval of a PRD as part of the approval of the plat application. The purpose of the PRD is to encourage imaginative design and creation of permanent open space by permitting greater flexibility in zoning requirements than generally permitted by Kennewick's development standards. The subject property exceeds the minimum 5-acre requirement for use and approval of a PRD. *Exhibit 1, staff report pg. 1; Exhibit 3.* Specific setback, lot size, height limits, and other dimensional requirements can be waived if the Development Standards listed in KMC 18.45.050 and the Open Space Standards in KMC 18.45.060 are met. *Exhibit 1, staff report-pg. 3; Exhibits 2 and 3.*
8. Deviations from the development standards by the Applicant include:
 - a. In an RS zone the lot standard is 10,500 square feet. The Applicant seeks a deviation to allow some lots to be smaller in area, with the smallest being 3,984 square feet.

- b. In an RS zone the minimum rear-lot setback is 15 feet. The Applicant seeks a deviation to allow 5-foot setbacks on certain lots.
- c. The Applicant seeks an increase in density to add an additional 7 lots, which represents an increase of 15% density.
- d. The Applicant seeks an allowance to develop 3 lots without public street frontage.

Exhibit 1, staff report-pg. 3; Testimony of Mr. Donovan, Exhibit 2 and 3.

- 9. There are no maximum density standards for plats in an RS zone (table of Residential Development Standards-KMC 18.12.010 A.2). However, in order to receive the benefits of PRD development standards, certain criteria set forth in KMC 18.45.050 must be satisfied. One of those criteria relates to density increase (KMC 18.45.050(4) that allows only a 20 percent density increase with the additional lots created with a reduced lot area as part of the PRD process. The Applicant proposed a 15 percent density increase which results in seven additional lots. Based on the proposal the minimum proposed lot size is 3,984 square feet, the largest lot being 8,639 square and the average lot size being 5,593 square feet. The proposed density increase is less than the maximum density increased allowed by ordinance. *Exhibit 1, pg. 4; Exhibits 2 and 3.*
- 10. Pursuant to a request by the Hearing Examiner at the hearing, the Applicant submitted a written list of lots on which a 5-foot rear yard setback will be located. The listed lots were: 1-15 and lots 47-54. These listed lots will have yards that either face toward other lots or the open space area, and according to the Applicant none of these lot setbacks will impact surrounding neighboring properties. *Exhibit 23.* In response to the submitted list of lots requested to have a reduced rear setback, the City submitted that the Staff reviewed the requested setbacks for the identified lots and the requirements of KMC 18.45.050(6)(a) are satisfied for said lots, and that rear setbacks of 10 feet for lots 17, 18, 19, 34, 35, 37 and 38 are “comparable to or compatible with” the adjacent properties and development. *Exhibit 24.*
- 11. The Kennewick planning staff reviewed aerial photos of the development site and its adjacent properties. Based on that review, the staff determined that there are no existing residences on the surrounding properties that will be within 15 feet of residences to be built within the proposed development. This design is comparable to existing residential units or to development which may reasonably be expected on those properties. *Exhibit 1, staff report-pgs. 4 and 5; Exhibit 2 and 3; Testimony of Mr. Donovan and Mr. Romine; Testimony of Mr. Beauchamp*
- 12. In the City of Kennewick an approved PRD requires dedication of not less than 15% of the gross land area for use as common open space for all of the development’s residents. (KMC 18.45.060). The subject PRD plans call for use of 1.80 acres of common open space, approximately 15.79% of the plat’s 11.40 acres of gross land area. This land will not be dedicated to the City because of the presence of the BPA easement. However, the easement will be landscaped and used for road purposes. In lieu of land dedication for parks, the Applicant will contribute to the parks systems funds of the City. (See Finding No. 23), *Exhibit 2 and 3; Exhibit 1, staff report-pg. 4; Testimony of Mr. Donovan.*

13. The general terrain of the site is level and a preliminary grading plan has been submitted to the City. The final grading plan for the site must be certified by a licensed engineer. *Exhibit 1, staff report-pg. 5; Exhibit 4*
14. A landscaping plan for the development's proposed open space was submitted as exhibit 7. It includes a maintenance agreement for common open space, private streets, and shared driveways. All of these agreements require approval by the City Attorney and they must be recorded against the property. A Homeowner's/Property Owner Association (HOA) is required for maintenance and management of open space, common areas, and private roads (*KMC 18.45.100*). The Applicant testified that a HOA would be created. *Exhibit 7; Exhibit 1, staff report-pg. 6; Testimony of Mr. Donovan*
15. The access to the plat would be off S. Vancouver Street, a classified minor arterial, at two different intersections. The internal streets, classified as local streets, would be part of a looped system connecting with S. Vancouver at intersections at the northwest boundary of the plat and at the west middle boundary of the plat. With the exception of the northern portion of the internal looped road, full street improvements with sidewalks and curbs and gutter on each side of the road would be developed. The northern road would be half-street improvements with the sidewalks and curbs and gutters on the southern side of the road. Access to certain properties immediately north of the northern road must be retained. *Testimony of Mr. Donovan; Testimony of Mr. Beauchamp; Exhibit 6-plat map; Exhibit 1, Staff report- pg. 5.*
16. One of the property owners testified that his only access to his property is the existing dirt road on the northern boundary of the proposed plat. This road will be part of the improvements of the plat and the said access will be retained. *Testimony of Mr. Davis; Testimony of Mr. Beauchamp.*
17. Based on information and materials submitted by the Applicant and Kennewick's Traffic Division comments, the City traffic engineer determined that the traffic generated by the proposed development would satisfy Concurrency for Transportation requirements. Based on impacts from traffic, and pursuant to local regulations, traffic impact fees are required in the amount of \$50,652 for the project. Payment of the fees for development of single-family dwellings is due when the building permit is issued or at the closing of sale if a Recording of Covenant is provided. *Exhibit 1, staff report-pg. 5; Exhibits 2, 6 and 15.*
18. Restrictions of the driveway width for some of the lots of proposed plat must be imposed pursuant to Kennewick development standards. The minimum width standard must be on a lot with a 30-foot frontage width. If a lot meets this standard, but is less than 41 feet, it does not qualify for a 2-car garage. The City recommended noting that certain lots fall into the limited category (Lots 11, 16, 17, 18, 19, 20, 21, 25, 26, 27, 29, 30, 31, 32, 33, 38, 39, 40 and 41), and they are subject to limited curb cuts. Lots 16, 17, 18, 19, 20 & 30, 31, 32, 33 will require recorded mutual access easement(s) for sharing common driveways and recorded with dimensional information and location description and details. *Exhibit 1, staff report-pg. 5*
19. Designs of stormwater facilities in residential sub-divisions must include provisions for retention and deposit of the calculated difference between a 25-year, 24-hour event for

the developed state and the 24-hour event for the natural pre-developed state. Detention ponds (control outlets) may be used only where it can be clearly demonstrated that infiltration, or retention, are not feasible per City of Kennewick Standard Specifications section 5-9.02. The proposed PRD/Plat must satisfy this requirement. *Testimony of Mr. Herb; Exhibit 1, staff report-pg. 5; Exhibit 12-pg. 2 (#15)*

20. The subject property on which the proposed subdivision is proposed is within a critical aquifer recharge area. There are no regulated or prohibited uses that are proposed for the site and development must be in compliance with KMC 18.60. *Testimony of Mr. Herb; Exhibit 5; Exhibit 1, staff report-pg. 5*
21. Most of the streets within this development have been designed to full road standards for a public residential street. However, the design of the northern most proposed east/west public street is modified to street half-road standards from S. Vancouver Street to the eastern property lot line of proposed lot 10. For this segment of the street the paved road width will be 24 feet not including the curb and gutter. Sidewalks and curbs and gutters will be required on the south side of the proposed northern road. *Exhibit 21; Testimony of Mr. Romine.* The northern road will provide access to at least one property north of the proposed plat. *Testimony of Mr. Romine*
22. A modified street intersection design at the point where the northern most proposed east/west public street intersects S Vancouver Street is allowed. The exact design is set forth in plans submitted by the Applicant to the City and referred to in Exhibit 21. *Exhibit 21.*
23. The proposed development is subject to the provisions of KMC Chapter 3.90⁴ that establishes park impact fees (KMC3.90.010). The proposed development is in Service Area 2 and the following fees apply: \$760 per Single-Family Unit, \$450 per Multi-Family Unit and \$550 per Mobile Home Unit. Park impact fees are due prior to issuance of a Certificate of Occupancy of the structure on the lot being developed. The exact fee calculations will be provided to the building permit applicant. *Testimony of Mr. Donovan*
24. The Kennewick School District has the capacity to add students at all levels and at the three schools that will serve the subdivision. The schools are: Southgate Elementary School, Horse Heavens Middle School and Southridge High School. Students living in the proposed subdivision would in the bussing zone for all three schools and all new streets within the subdivision are required to have 5-foot wide sidewalks that connect to S. Vancouver Street. *Exhibit 13; Testimony of Mr. Donovan; Testimony of Mr. Romine; Exhibit 1, staff report-pg. 6*
25. Portions of the proposed plat will be within the boundaries of the Kennewick Irrigation District (KID). KID reviewed the proposal and, in a December 26, 2017 letter to the City Planning, submitted comments regarding the project. *Exhibit 14, pgs. 1-5.* At the hearing, a representative of KID and the Applicant testified that they had been meeting and negotiating issues relating to KID from development of the project. Representatives of the parties testified that they would be able to agree on issues, comments and

⁴ KMC chapter 3.09 was enacted in 2017.

proposed conditions set forth in the KID December 26, 2017 letter. *Testimony of Mr. Beauchamp; Testimony of Mr. Ben Woodard, KID representative.*

26. There is an existing 8-inch water main along the north side of the property west of Vancouver Street into a sewer main on W.22nd. The City's Engineering Division requires the Applicant to loop all water mains to avoid buildup of stagnant water and to minimize bacteria. *Exhibit 12, pg.1 (#7).* The existing water main can handle the additional water needed for the plat. *Testimony of Mr. Herb.*
27. An existing 8-inch sanitary sewer is located along the north side of the property west of Vancouver Street that flows in W. 22nd. *Exhibit 12, pg. 2 (#13).* All sewer extensions that will serve the proposed plat must be constructed to city standards at the expense of the Applicant. The sewers shall be installed consistent with a comprehensive plan submitted by the Applicant. *Exhibit 12, pgs. 1 and 2.* A City representative testified that the sewer main can handle the increased volume from the plat. *Testimony of Mr. Herb*
28. In the City of Kennewick plat development must be consistent with and generally conform to the City's Comprehensive Plan. As part of the plat review process City Staff considered the goals and policies of the Plan and how they will be implemented with the development of the land use request. The Planning Department did a review of the request for compliance with the Comprehensive Plan and concluded that the instant request is consistent with, and will generally conform to the City's Comprehensive Plan and will implement the goals and policies of the Plan. *Testimony of Mr. Donovan; Exhibit 1, pg. 6*
29. Key residential goals and policies of the Comprehensive Plan were identified by the City Planning Department. They included:
 - a) RESIDENTIAL GOAL 1: "*Provide for attractive, walkable, and well-designed neighborhoods, with differing densities and compatible with neighboring areas.*" This goal will be satisfied with open space provided in the plat. With varied lot sizes contributing to increased density the subdivision will be consistent with neighboring properties.
 - b) RESIDENTIAL GOAL 2: "*Provide appropriate public facilities supporting residential areas.*"; POLICY 1: "*Ensure provision of parks, schools, drainage, transit, water, sanitation, infrastructure, and pedestrian in new residential developments.*". The goal and policy are satisfied because the proposed development will be connected to City water and sewer utilities and common open space available will be available to residents.
 - c) RESIDENTIAL GOAL 3: "*Promote a variety of residential densities with a minimum density target of 3 units per acre as averaged throughout the urban area.*"; POLICY 1: "*Establish and implement maximum densities in the City's residential zoning categories.*" The goal and the policy are satisfied because the proposed development with a 15% higher density pursuant to the requirements of the Planned Residential Development regulations provides housing that is consistent with the City's long-range density projections.

Testimony of Mr. Donovan; Exhibit 1, Staff Report pgs. 3, 4, 6 and. 7

30. Critical Areas and Shoreline goals and policies from the Comprehensive Plan were identified by the Planning Department. They included:
- a) CRITICAL AREAS AND SHORELINE GOAL 2: “*Protect the unique environment of the critical areas and shoreline.*”; POLICY 1: “*Protect critical areas and the shoreline using the Critical Areas Ordinance and the Shoreline Master Plan.* Compliance is ensured with KMC Chapter 18.60 – Critical Aquifer Recharge Areas, because no prohibited activities are being proposed.
 - b) CRITICAL AREAS AND SHORELINE GOAL 3: “*Regulate or mitigate activities in or adjacent to critical areas or the shoreline to avoid adverse environmental impacts.*” Compliance will be secured because the proposed development is subject to KMC Chapter 18.60 – Critical Aquifer Recharge Areas.

Exhibit 1, Staff Report, pgs. 5 and 7

31. Public witness presented testimony that included:
- a) Steve Schmidt-witness questioned: whether school bus service would be provided by the School District; who would maintain the loop road within the subdivision; whether emergency service would be able to use the loop road and whether it could handle emergency vehicles. In response the City stated that the plans had been submitted to fire and police departments and no objection to the plat was submitted by those agencies. *Testimony of Mr. Donovan; Exhibit 17.* The Applicant also informed the witness that an HOA would be responsible for maintain the roads and common ownerships. *Testimony of Mr. Beauchamp.* The School District did not object to the requirement of bussing of children living in the subdivision. *Exhibit 13.*
 - b) Brian Hudson-witness was concerned about pumping of water above the site and the potential impact it might have on his property and water pressure. In response, the Applicant’s representative testified that the pumping activity would occur below the point where the witness’ property is located. *Testimony of Mr. Beauchamp,* The public witness also expressed testimony about the possibility that the higher density would lower property values in the area.
32. At the hearing an email was submitted from a neighboring property owner (Bill Reinig) in which a number of concerns were listed. They included:
- a) The proposed increased density of the plat should be reduced to reflect the uses of adjoining lands. The City submitted that the Applicant satisfied the required PRD criteria for reduced setbacks and density requirements. *Testimony of Mr. Donovan,* Mr. Reinig further submitted that additional lots should not be “squeezed in an acre to make up for the portion that is unbuildable”. He also suggested that a 6-foot high fence should be constructed

on the west side of the subdivision rather than having “haphazard’ or no fences being constructed by property owners.

33. 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 conditions for students who walk to and from school. *Testimony of Mr. Donovan; Testimony of Mr. Beauchamp; Exhibit 1 and attachments*

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. The Hearing Examiner is granted jurisdiction to hear and decide planned development permits applications pursuant to KMC 4.02.080 (1b) iv and KMC 18.45.060.

Criteria for Review:

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.

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.

If relief from certain plat standards are sought the Applicant may qualify for Planned Residential Development relief. Criteria for PRD relief includes:

Planned Residential Development Standards and Criteria:

KMC 18.45.050: Development Standards:

The PRD development standards take into account the following:

1. Relationship of the PRD site to adjacent areas.
2. A minimum PRD site is 5 acres in size.
3. No minimum lot size, however density for the underlying zone shall serve as criteria.
4. Density in a PRD may be increased by not more than 20 percent greater than permitted by the underlying zoning.
5. Landscaping is required for common open space.
6. Setbacks from the exterior boundary of the PRD shall be comparable to those of existing development of adjacent properties.
7. Streets to be designed and constructed to public street standards unless deviations are approved by the Public Works Director.
8. Off-street parking shall be provided per KMC 18.36.
9. Outdoor lighting shall be in accordance with KMC 18.39.
10. Secondary uses, primary commercial uses.

Conclusions based on Findings

1. 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 Nos. 3, 5 and 6 and 9-28*
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. 28-31; comprehensive water plan Finding of Fact No. 26, utilities plan 19 and 27, and Comprehensive Park and Recreation Plan, and all relevant requirements to the approval of the plat.

3. Planned Residential Development Standards and Criteria (KMC 18.45.050) are satisfied with the plans of the Applicant. *Findings of Fact Nos. 7-12.*

DECISION

Based on the administrative record developed at the public hearing approval is granted requested Planned Residential Development and Preliminary Plat for an 11.40-acre site that would have 54 lots is approved with conditions. The subdivision will be located at 2262 S. Vancouver Street and South of W. 22nd Avenue, Kennewick, Washington. The conditions of approval are:

1. Consistent with the decision and its conditions, the Applicant and/or his successors shall comply with all City of Kennewick regulatory controls, policies and codes, including all Single-family Residential Design Standards.
2. All required fees imposed by the City, including those addressed in this document and all other plat review documents, shall be paid prior to the approval of the final plat, unless stated otherwise herein.
3. Development of the plat shall be in conformance with the plat drawing, Exhibit 3 of the administrative record of the plat review.
4. A non-exclusive easement shall be established around proposed common areas to ensure future public access to the areas.
5. The Applicant and/or its successors must comply with Traffic Engineer memorandum dated July 10, 2015. (Exhibit 9 of the administrative record of the plat review). All internal street names must be approved by the City Engineer.
6. The Applicant and/or its successors must comply with the Public Works memorandum dated June 29, 2015 (Exhibit 10 of the administrative record of the plat review). The construction of the road on the northern boundary of the plat shall include access to property north of the road that current has such access. This access to the property that is currently owned by John Davies shall be retained. This road will be part of the improvements of the plat and the said access will be retained.
7. The minimum width standard must be on a lot with a 30-foot frontage width. If a lot meets this standard, but is less than 41 feet, it does not qualify for a 2-car garage. Within the plat are certain lots that fall into the limited category

Findings, Conclusions, and Decision

Hearing Examiner

Lauria Meadows

PP 17-06/PLN-2017-03182 & PRD 17-02/PLN-2017-03183

(Lots 11, 16, 17, 18, 19, 20, 21, 25, 26, 27, 29, 30, 31, 32, 33, 38, 39, 40 and 41), and they are subject to limited curb cuts. Lots 16, 17, 18, 19, 20 and 30, 31, 32, 33 will require mutual access easement(s) recorded for sharing common driveways and recorded with dimensional information and location description and details.

8. The Applicant and/or its successors must comply with the Kennewick Irrigation District letter dated July 7, 2015 (Exhibit 14) of the administrative record of the plat review).
9. The Preliminary Plat (PP 17-06/ PLN-2017-03182) and Planned Residential Development (PRD 17-02/PLN-2017-03183) expires 5 years from the approval date. The City may grant an extension, but any extension application must be applied for before the approved preliminary plat expires.
10. A Homeowner's/Property Owner Association (HOA) is required for maintenance and management of open space, common areas, and private roads (*KMC 18.45.100*).
11. The Applicant shall execute a written agreement to the satisfaction of the City Attorney which will allow the City to make arrangements for maintenance of the common areas, open spaces, private roads, access driveways, and landscaped areas should the Homeowner's Association fail or refuse to maintain these areas. The arrangement must be recorded prior to the first building permit being issued.
12. The Applicant and/or its successors must comply with the Public Works memorandum dated January 2, 2018 (Exhibit 12).
13. The Applicant and/or its successors must comply with Fire Department comments dated January 3, 2018 (Exhibit 17).
14. The Applicant and/or its successors must comply with Traffic Engineering Division Memorandum dated December 27, 2017 (Exhibit 11).
15. A modified street intersection design at the point where the northern most proposed east/west public street intersects S Vancouver Street has been allowed by the City. The exact design is set forth in plans submitted by the Applicant to the City and referred to in Exhibit 21
16. The Applicant and/or its successors must coordinate the development with Kennewick Irrigation District and comply with the agreement drafted pursuant to a letter dated December 26, 2017 (Exhibit 13).
17. The Applicant and/or its successors must with the Bonneville Power Administration Letter, dated December 21, 2017 (Exhibit 16).

Findings, Conclusions, and Decision

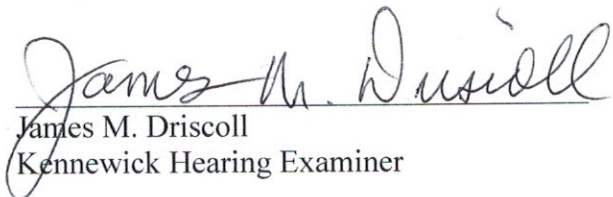
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18. The Applicant and/or its successors must with the Benton Public Utility District Comments, dated December 26, 2017 (Exhibit 18).
19. Pursuant to the Residential Design Standards, a ten-foot landscaping easement is required on Lot 46, adjacent to S. Vancouver Street. Street trees along S. Vancouver are required on Lot 46 at 40-foot intervals. Additionally, fencing along S. Vancouver is subject the Residential Design Standards.
20. The Applicant and/or its successors must provide dust control method(s) such as hydro seeding for all areas of the site that are disturbed.
21. The plat is subject to applicable requirements of KMC Chapter 3.90 – Impact Fees for Parks, Open Space, and Recreation Facilities.
22. Internal street trees and open space landscaping shall be planted as shown on the proposed landscape plan. Bonding for incomplete landscaping shall be required prior to Final Plat approval.
23. Preliminary Plat 17-06/PLN-2017-03182 & Planned Residential Development 17-02/PLN-2017-03183 expires 5 years from the approval date, the City can grant an extension however an extension must be applied for before the preliminary plat/planned residential development expires.

DATED THIS 26th day of February, 2018


James M. Driscoll
Kennewick Hearing Examiner