

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

In the Matter of the Application of	)	
	)	<b>No: PP 19-02/PLN-2019-00985</b>
Nathan Machiela	)	
	)	<b>FINDINGS, CONCLUSIONS</b>
for Preliminary Plat Approval	)	<b>and DECISION,</b>
<u>Terra Vista Heights</u>	)	

**SUMMARY OF DECISION**

Preliminary plat approval is granted to subdivide 12.10 acres into a 30-lot single-family home subdivision. The subdivision will be developed in one phase. The property is south of Ridgeline Drive between Southridge Boulevard and Plaza Way at 3927 Southridge Boulevard, Kennewick, Washington. The subdivision will commonly be known as Terra Vista Heights. The approval is subject to conditions as set forth in the Decision section of this document.

**SUMMARY OF RECORD**

**Request**

Nathan Machiela, (Applicant) on behalf of the property owner, Al Ochoa (Circle One Properties LLC), requested approval of a preliminary plat to subdivide an approximately 12.10-acre parcel into a 30-lot subdivision of single-family residential lots. The property is located south of Ridgeline Drive between Southridge Boulevard and Plaza Way at 3927 Southridge Boulevard, Kennewick, Washington. <sup>1</sup>

**Hearing Date:**

The Hearing Examiner of the City of Kennewick held an open record hearing on the application on June 11, 2019. Legal notice, consistent with the laws of the State of Washington and the City of Kennewick, was given.

**Testimony:**

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

- Wes Romine -City of Kennewick
- Nathan Machiela -Applicant's representative

There were no other participants at the open record hearing.

**Exhibits admitted for the public record:**

At the open record hearing the following exhibits were admitted as part of the administrative record for this matter:

- 1 Staff Report
- 2 Application

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<sup>1</sup> The legal description of the property is: 1-1689-3BP-5149-002  
LOT 2, BSP 2019-006621, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER AUDITOR'S FILE  
NO. 2019-006621, RECORDS OF BENTON COUNTY, WASHINGTON.

- 3 Notice of Application/Mailing List
- 4 Vicinity Map
- 5 Preliminary Plat Plans
- 6 Conceptual Grading Plan
- 7 City Department Comments
- 8 Outside Agency Comments
- 9 Letter Addressing Aquifer Recharge Critical Area
- 10 Geotechnical Evaluation & Critical Area Report with Supplemental Report
- 11 Developer Agreement AGR-2012-002176
- 12 SEPA exemption memo
- 13 SEPA determination for grading permit of property
- 14 Hard copy of Power Point presented by City at public hearing

Base on 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 a preliminary plat of a 12.10-acre parcel of land (sometimes referred to herein as “subject property” or “site”) for a 30-lot single family residential subdivision. The lots range in size from 9,678 square feet to 23,512 square feet and the average lot size is 14,456 square feet. The subdivision will be developed in one phase. *Testimony of Mr. Romine. Exhibit 1, Staff Report, pgs. 1 and 2.*
2. The subject parcel was annexed into the City in December of 1980 and was designated with an Agriculture (A-40) zoning designation (Ord. 2539). In March of 1995 the zoning for the subject parcel was changed from A-40 to Industrial Light (IL) (Ord. 3620). In September 2006, the zoning for the subject parcel was again changed from IL to Commercial Community (CC) (Ord 5153). In October 2018, the City issued a Comprehensive Plan Land Use amendment that changed the Comprehensive plan designation of the site from Commercial to Medium Density Residential (Ord 5782). In the most recent zone change, the CC zoning designation was changed to a Residential Medium Density (RM) on April 16, 2019 (Ord 5806). *Mr. Romine; Exhibit 1, pg. 3*
3. The site was part of a Developer Agreement that was approved by the City under file AGR-2012-002176 for a large area of land in the general vicinity. *Exhibit 11.* The subject property is being developed pursuant to the instant plat proposal. *Testimony of Mr. Romine; Testimony of Mr. Machiela.*<sup>2</sup>
4. The subject property is zoned RM-6, which allows a minimum lot size of 4,000 square feet. City of Kennewick’s Single-Family Residential Design Standards apply to this project. *Testimony of Mr. Romine; Exhibit 1, Staff Report, pg. 2.* In the City of Kennewick, a RM

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<sup>2</sup> On the proposed plat (*Exhibit 5*) a large tract of land immediately east of the 12. 10 acres is labeled “Lot 1”. This parcel is not part of the proposed development and the lot 1 designation was established in the Develop Agreement.

zoning district does not have a minimum density requirement. The proposed plat satisfies the maximum density requirement with a proposal of 13 units per acre. All lots are 9,000 square feet or more. *Testimony of Mr. Romine; Exhibit 5, Preliminary Plat Map.* The property has a Comprehensive Plan designation of Medium Density Residential. *Testimony of Mr. Romine; Exhibit 14*

5. The proposed preliminary plat satisfies the Residential Development Standards as required by *KMC 18.12.010(A.2)*. This determination was made by the Kennewick Planning Department, who based its approval upon a review of the Single-Family Residential Design Standards and the Table of Residential Development Standards (*KMC 18.12.010 A.2*). The Department considered the proposed design and accessories with the requirements of the ordinance. *Testimony of Mr. Romine.*
6. The surrounding properties to the north, east and south are zoned Commercial Community (CC) and are not developed. The adjoining property to the west is zoned Residential Medium Density (RM) and includes a single-family home subdivision. The staff submitted that the proposed development would be harmonious and consistent with the neighboring properties. *Exhibit 1, Staff Report; Exhibit 4; Testimony of Mr. Romine.*
7. Pursuant to the Washington State Environmental Policy Act (SEPA) and *KMC 4.08.110*, the City of Kennewick, the lead agency for review of the project, determined that the proposal is exempt from SEPA review because the number of single-family units proposed for the site is 30 units and therefore is exempt from SEPA review as established in *KMC 4.08.110* are satisfied. *Exhibit 1, pg. 2.; Testimony of Mr. Romine; Exhibit 12.*
8. The proposed project is located south of Ridgeline Drive between Southridge Boulevard and Plaza Way. The general address for the proposed plat is 3927 Southridge Boulevard, Kennewick Washington. Access to the plat will be from Southridge Boulevard and Plaza Way. *Testimony of Mr. Romine. Exhibit 1, Staff Report, pg. 2; Exhibit 5*
9. Southridge Boulevard abuts the southern border of the plat. Proposed W. 41<sup>st</sup> Avenue will access off Southridge Boulevard and will terminate in a cul-de-sac in the northeast portion of the site. At that point there will be a private drive connection to Plaza Way for fire truck access from the north. There will be installed barriers to prevent public use of the private drive connection. W. 40<sup>th</sup> connects to both Southridge and Plaza Way and will be the access for lots 19-30. *Testimony of Mr. Romine. Exhibit 1, Staff Report, pg. 2; Exhibit 5; Testimony of Mr. Machiela*
10. The Kennewick Fire Department reviewed the proposed street layout and issued no objections to the design. *Testimony of Mr. Romine.* However, the Department submitted: 1) that the emergency access on both ends must be gated with Knox padlock attached; 2) “No Parking—Fire Lane” must be posted on each gate; and 3) “Emergency vehicle access noted at 20 feet for SERVA, and approved”. *Exhibit 7, Pg. 6; Testimony of Mr. Romine.*

11. The City's traffic engineer determined that the project meets concurrency for transportation. However, there will be mitigation fees pursuant to the City of Kennewick's traffic mitigation ordinance (*Ordinance 5596*). A traffic impact fee of approximately \$1,346 per dwelling unit will be required to satisfy the requirements of Ordinance 5596. The fee may be adjusted for later cost of living adjustments. The traffic impact fee will be due and paid at the time of building permit issuance, or it will be deferred until occupancy and subject to a recorded covenant of payment obligation form. *Exhibit 1, pgs. 3 and 4; Exhibit 7, pg. 4.*
12. Pursuant to City street standards and classifications, both W. 40<sup>th</sup> and W. 41<sup>st</sup> Avenues are categorized as a Local Street. These Avenues must be constructed consistent with the City of Kennewick Standard Drawing 2-1. Among the items included in the requirements are 18-foot public utility/sidewalk/irrigation easements on each side of the right-of-way and curbs, sidewalks and streetlights must meet the City standards. *Exhibit 7, pg. 4.*
13. The City stormwater standard for residential subdivisions requires a design that will 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 pre-developed state. Detention ponds (control outlet) may be used only in situations 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 will be required to submit detailed civil engineering drawings for review and approval to the City's Public Works department. The submittal of the Applicant must include a stormwater plan that satisfies City standards. *Exhibit 1, pgs. 3 and 4*<sup>3</sup>
14. Knutzen Engineering performed civil engineering design for the proposed plat. The company submitted that the activity of constructing the project will not adversely affect the recharging of the aquifer, nor cause contaminants to enter the aquifer. According to Knutzen the plans will be designed in compliance with Federal EPA, State Department of Health and Benton Franklin Health Department requirements and recommendations. An erosion and sediment control plan will be prepared in compliance with the State Department of Ecology and Kennewick requirements. *Exhibit 9*
15. There are existing waterlines for the developed lots of the plat. An existing 8-inch waterline at Plaza Way has been stubbed from another development. Another line, an existing 16-inch water main, which is available at Southridge Boulevard, must be extended to serve all residences in the developed plat. The Developer will be required to loop the water mains to avoid buildup of stagnant water and minimize bacteria regrowth. Further the Developer of each lot must provide 1-inch water services for his or her lot. *Exhibit 1, Staff Report, pg. 4; Exhibit 7, pg.1.*

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<sup>3</sup> The geotechnical report concluded that the ".the need for design of flood control and erosion protection measures is within the purview of the design engineer. In general, erosion should be mitigated with best management practices consisting of proper drainage design including collecting and disposal (conveyance) of water to approved points of discharging a non-erosive manner. Appropriate project design, construction, and maintenance will be necessary to mitigate the site erosion concerns". *Exhibit 10, Pg. 154.*

16. Existing sewer mains are available for use in the proposed plat. An existing 8-inch sanitary sewer line is located in Plaza Way and an existing 16-inch sanitary sewer main is located in Southridge Boulevard. The developer will be required to extend sewer service to each lot. *Staff Report, pg. 4; Exhibit 7, pg.1-2*
17. On December 5, 2017 the City of Kennewick enacted a Park Impact Fee ordinance that became effective January 1, 2018 (*Ord. 5736*). The proposed subdivision is located west of US 395 in an area that is designated by the City as Service Area 1. The park impact fees rate for Service Area 1 are \$920 per single-family unit that are due at the time of Building Permit application. However, the fee can be deferred until occupancy with a recorded covenant of payment obligation form. The \$920 per dwelling unit park impact fee may be subject to a cost of living increase adjustment in 2020. *Exhibit 1, Staff Report, pg. 4*
18. There are slopes on the site that exceed 15% or greater that result in limitations for development. *Kennewick's Aquifer Recharge Critical Area ordinance (KMC 18.60)*. A "Geotechnical Evaluation and Critical Areas Report" was prepared in March of 2017 by the GN Northern Inc. (GNN) Engineering company, to address the steep slopes and erosion hazard critical areas on site. *Exhibit 10*. An addendum to the 2017 report was issued in 2019 and a letter from an official of GNN<sup>4</sup> confirmed the recommendation of the initial and supplemental reports are valid for the Terra Vista Heights preliminary plat. *Exhibit 10*.
19. As part of its review GNN included exploratory borings and test pits on site during March 2017. Based on the information derived from these activities it was determined that the site includes "...variably-thick loess (silt) soils atop basalt bedrock that is highly erratic and relatively shallow in the upper/southern portion of the site and appears to drop-off suddenly to significantly greater depths towards the northeast." *Exhibit 10, Pg. 3 of 128*. The Geotechnical report also stated that based on the current proposed lot layout of the plat, the shallow basalt bedrock is anticipated to be across the upper row of residential lots (proposed lots 1-7) and portions of the intermediate row lots (in the vicinity of lots 12-18). The data to support these determinations was included as part of the report. *Exhibit 10, pg. 3 of 126*
20. GNN submitted that based on its understanding of the proposal and the subsurface conditions encountered from a geological and geotechnical perspective it was the company's opinion that the site is suitable for the proposed development, provided the recommendations in the report (*Exhibit 10*) are followed in the design and construction of the project. In the March 17, 2017 report it was stated:

In our professional opinion, the proposed project may be constructed as planned, provide that the recommendations in the report are incorporated in the final design and constructions. Based on our site evaluation and analysis, the existing native slope conditions are relatively stable, however proposed cut and fill slopes for the planned development will require appropriate grading measures as recommended

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<sup>4</sup> Yousuf Memon of GN Northern

within this report to minimize the risk of slope instability and increase safety factors of the reconfigured slopes. Additionally, based on our evaluation, near surface site soils will not be subject to a significant threat of erosion, provided that the recommendations within this report are incorporated during site grading operations along with appropriate project design, construction and maintenance. *Exhibit 10, page 28 of 126*

21. GNN also submitted that it shall be consulted during the design phase to review the final site grading and drainage plans in order to confirm that the geotechnical recommendations are incorporated in the plans. *Exhibit 10, Pg. 45 of 126*. The Applicant's representative submitted that it is aware of the requirements and conditions of the reports and they will be satisfied. *Testimony of Mr. Machiela*.
22. The City of Kennewick staff reviewed the documents submitted from GNN. As a condition of approval in its recommendation the staff included a condition that prior to final plat approval the grading done for the platting of the site must be certified to be in compliance with the recommendations of the Geotechnical Evaluation and Critical Area Report and the Supplemental report. The staff also recommended a condition of approval be that grading for individual residential sites complies with the recommendations of the original and supplemental Geotechnical Report and that a geotechnical report be required prior to construction for each residence on individual lots at the time of building permit. *Exhibit 1, pgs. 4 and 5; Testimony of Mr. Romine*
23. Prior to the hearing the City issued a permit to the Applicant for the grading activity of the site. The permit was issued based on consideration of the Geotechnical report and addendum prepared by GNN. The permit was also subject to the Washington State Environmental Policy Act (SEPA). On December 20, 2018 the City issued a Determination of Non-Significance (DNS) for the grading project.
24. In a letter to the City, Brandon Potts of the Kennewick School District identified the schools that will serve the subdivision as being Sagecrest Elementary School, Chinook Middle School, and Southridge High School. Each of these schools has the capacity to add students who will reside in Terra Vista Heights. Students living in the proposed subdivision will be in a walking zone for Sagecrest Elementary School and Southridge High School. Chinook Middle School is in a bussing zone. *Exhibit 7, pg. 6*. Sidewalks will be developed on both internal streets of the proposed plat. *Testimony of Mr. Romine*.
25. The proposal was reviewed by the Bonneville Power Administration (BPA). In a May 1, 2019 letter to the Kennewick Planning Department, a BPA representative stated that BPA would not be impacted and the agency had no objections to the approval. *Exhibit 8, pg. 6; Testimony of Mr. Romine*.
26. The Kennewick Irrigation District (KID) reviewed the proposal. In a letter to the City Planning dated May 8, 2019, KID submitted comments regarding the project. In said letter KID representative Ben Woodard stated that while a portion of the subject property is

within KID boundaries and is currently not classified as irrigable land. In the letter Mr. Woodard set forth the requirements of KID for approval of the proposed plat. *Exhibit 8, pgs. 2-4 of 7*. The Applicant's representative submitted it was familiar with KID's letter and would work toward compliance. *Testimony of Mr. Machiela*.

27. The Benton Clean Air Agency submitted comments that included comments that the Applicant must submit a Proof of Contact; Soil Destabilization Notification for the project prior to any excavation/construction taking place. These are required to ensure that the Applicant has the ability and resources to control dust emissions that may be created as a result of construction. *Exhibit 8, pg. 5 of 7*.
28. In a May 1, 2019 letter addressed to the City the Department of Energy submitted that the proposal will not directly impact Bonneville Power Administration facilities in the vicinity. *Exhibit 8, pg. 6 of 7*
29. The proposed plat is consistent with the Kennewick Comprehensive Plan, URBAN AREA POLICY 3. The development will consist of single-family residences that are permitted uses in a RM zoning district. The subject property will be served by City utilities and services. *Exhibit 1, pgs. 3-4; Exhibit 7, pgs. 1-2*
30. The proposed plat is consistent with the Kennewick Comprehensive Plan, URBAN AREA RESIDENTIAL GOAL that requires that the development “[P]rovide for attractive, walkable, and well-designed residential neighborhoods, with differing densities and compatible with neighboring areas.” The proposed plat is consistent with the Comprehensive Plan Land Use and is zoned similar to much of the surrounding property. It complies with Kennewick's development standards for RM zoning.; *Testimony of Mr. Romine*
31. The proposed plat is consistent with the Kennewick Comprehensive Plan RESIDENTIAL GOAL 1 that requires that the development “Provide for attractive, walkable, and well-designed residential neighborhoods, with differing densities and compatible with neighboring areas.” The proposed Preliminary Plat is consistent with the Comprehensive Plan Land Use, because it has been designed to meet City standards and is similarly zoned as other properties to the west. *Testimony of Mr. Romine; Exhibit 1, pgs. 2-4*
32. The proposed plat is consistent with the Kennewick Comprehensive Plan RESIDENTIAL GOAL 2 that requires the development of the plat include a means to “Provide appropriate public facilities supporting residential areas.” The plat will have city water and sewer available from existing lines. Road improvements will be made with new construction, participation with traffic impact fees. *Exhibit 1, pgs. 3-4; Exhibit 7, pgs. 1-2; Testimony of Mr. Romine*
33. The proposed plat is consistent with the Kennewick Comprehensive Plan RESIDENTIAL GOAL 3 that promotes “...a variety of residential densities with a minimum target of 3

units per acre as averaged throughout the urban area.”. The density for the proposed development area is 2.48 units per acre. *Testimony of Mr. Romine; Exhibit 1, pg. 3*

34. City staff reviewed the proposed plat and determined that it is consistent with the Kennewick Comprehensive Plan CRITICAL AREAS AND SHORELINE GOAL 3, which requires the City to “Regulate or mitigate activities in or adjacent to critical areas or the shoreline to avoid adverse environmental impacts.” As part of this process the City required information of the site from the Applicant that was presented in the Aquifer Recharge Critical area statement. Upon review of the data and information contained in the reports, the City determined that possible adverse impacts had been addressed by the Applicant’s proposal. In addition, the City reviewed the Steep Slope/Erosion Hazard Geotechnical reports and recommended that grading be certified by a qualified engineer to assure grading activities have been mitigated. *Testimony of Mr. Romine; Exhibit 1, pg. 3-5*
35. The proposed plat is consistent with the Kennewick Comprehensive Plan RESIDENTIAL GOAL 2 that requires the development of the plat include a means to “Provide appropriate public facilities supporting residential areas.” The plat will have city water and sewer available at W. 39<sup>th</sup> Avenue and S. Vancouver Street. The extension of W. 39<sup>th</sup> Avenue will provide connectivity to S. Vancouver Street. *Exhibit 1, pg. 4; Testimony of Mr. Romine.*
36. The proposed plat is consistent with the Kennewick Comprehensive Plan RESIDENTIAL GOAL 3 that promotes “...a variety of residential densities with a minimum target of 3 units per acre as averaged throughout the urban area.”. The density for the proposed development area is 3.77 units per acre. *Testimony of Mr. Romine; Exhibit 1, pg. 3*
37. The proposed plat is consistent with the Kennewick Comprehensive Plan CRITICAL AREAS AND SHORELINE GOAL 3. There are no critical areas on the site. City of Kennewick critical area maps and a submitted wetland report indicate there are no critical areas on or near the proposed project. The Applicant has contacted a wetland consultant to address Department of Ecology’s wetland comments. *Exhibit 1, pg. 5; Exhibit 15*
38. 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.

## **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.

**KMC 4.08.110: SEPA Exemption**

Categorical Exemptions: (1) The following types of construction are categorically exempt except when undertaken in any part on lands covered by water, within 300 feet of any areas which might contain aquatic resources, including wetlands, streams, or other areas where surface or groundwater might collect, pond or flow or parcels designated as “Survey Highly Advised: Very High Risk” by the Washington State Department of Archeology and Historic Preservation:

(a) The construction or location of single-family residential structures of thirty (30) dwelling units or less.

Conclusions based on Findings

1. The Applicant requested approval of a preliminary plat of a 12.10-acre parcel of land for a 30-lot single family residential subdivision. The lots range in size from 9,678 square feet to 23,512 square feet and the average lot size is 14,456 square feet. The subdivision would be developed in one phase. *Finding of Fact No. 1*
2. The subject property is zoned Residential Medium Density and the Comprehensive Plan designation is Medium Residential. The proposed plat has been designed to satisfy the standards and requirements of both designations. *Findings of Fact Nos. 4-5, 13-17*
3. 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. 30-37*; water requirements of the City of Kennewick, *Finding of Fact No. 15*; sanitary sewer service requirements, *Finding of Fact Nos 16*; storm sewer service requirements, *Finding of Fact No. 13.*; Comprehensive Park and Recreation Plan *Finding of Fact No. 17*; and all relevant requirements to the approval of the plat.
4. 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. *Findings of Fact Nos. 8-24 and 38.*
5. The proposed plat is exempt from the review of the State Environmental Policy Act. *Finding of Fact No. 7*
6. Various state and local agencies submitted comments and recommendations. The recommendations addressed impacts that could be created with the development of the plat. The recommended conditions are specific to the development and would mitigate the impacts. *Findings of Fact Nos. 24-28.*
7. The Applicant presented, and the City reviewed, a geotechnical report and addendum that include a review of the geologic makeup of the site, evaluation of the slopes of the site, requirements to mitigate erosion on the site, and recommendations on locations and limitations of construction on site. The Applicant complied with all State and City requirements in developing the report. *Findings Nos.18-23*
8. The designs of the roads and sidewalks within and along the plat satisfy the requirement that safe walkways be provided. The Applicant will provide sidewalks within the plat

and has complied with the statutory requirement for providing a safe walkway through and along his property. *Findings of Fact Nos.17-21*

9. 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 considerations 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 8-24 and 38*

## **DECISION**

Based on the administrative record developed at the public hearing approval and the Findings of Facts and Conclusions as set forth above, preliminary plat approval is granted to subdivide 12.10 acres into a 30-lot single-family home subdivision. The subdivision will be developed in one phase. The property is located at South of Ridgeline Drive between Southridge Boulevard and Plaza Way at 3927 Southridge Boulevard, Kennewick, Washington. The subdivision will commonly be known as Terra Vista Heights. The approval is subject to conditions as set forth below.

*(The term “Applicant” in these conditions apply to the Applicant and its successors in interest of any part of this approved plat.)*

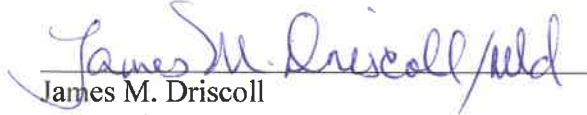
1. The Applicant and/or all of its successors in interest of the plat or any lot of the plat shall comply with City of Kennewick regulatory controls, policies and codes, including, but not limited to Single-family Residential Design Standards of the City of Kennewick.
2. All fees required by the City shall be paid prior to the approval of the final plat.
3. The Applicant and/or all of its successors in interest of the plat 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. All development of the plat shall be in conformance and consistent with the plat drawing which was admitted as Exhibit 5 at the public hearing.
5. The Applicant and/or all of its successors in interest of the plat shall comply with Traffic Engineer memorandum dated May 1, 2019 (*Exhibit 7 at public hearing*).
6. The Applicant and/or all of its successors in interest of the plat shall comply with Public Works memorandum dated May 1, 2019 (*Exhibit 7 at public hearing*).
7. The Applicant and/or all of its successors in interest of the plat Comply with Kennewick Irrigation District letter dated May 8, 2019 (*Exhibit 8 at hearing*).

8. Prior to Final Plat approval, all grading activity is to be inspected by a qualified geotechnical engineer. At completion of the grading, a certification must be submitted to the City that confirms that the cut and fill of the site is per the recommendations of the Geotechnical Evaluation & Critical Area Report (March 2017) and the Supplemental Geotechnical Report (February 2019) prepared by GN Northern, Inc. (*Exhibit 10 at the public hearing*).
9. Geotechnical reports are required for each lot of the plat at the time of building permit submittal. Any grading of building pad sites must be per the recommendations of the Supplemental Geotechnical Report dated February 1, 2019. If a blanket geological report is desired it must be certified and approved by GN Northern and the City's Building Official.
10. The Applicant and/or all of its successors in interest must provide dust control method(s) such as hydroseeding for all areas of the site that are disturbed. Re-hydroseeding may be required and shall be determined by the appropriate City official.
11. Residential street trees are required to be installed prior to issuance of the Certificate of Occupancy for each new home on a lot of the approved plat. The trees must be planted within 5-feet of the back of sidewalk where sidewalks are curb-tight. The owner of the lot shall provide a list of street trees to be used for approval prior to planting.
12. Southridge Boulevard is a minor Arterial Street which requires a 10-foot landscape strip with street trees planted at least every 40 linear feet or in groups in the planting strip. The Applicant and/or all of its successors in interest must provide the City Planning Staff a detailed landscape plan that must be approved by the staff prior to signing the final plat approval. The Landscape Plan can be modified, but the landscaping must be consistent with the plan and be installed or bonded for prior to signing the final plat.
13. All fencing along Southridge Boulevard must satisfy the arterial street fencing standards of the City of Kennewick with a minimum 2-foot wide masonry column at least every 50-feet.
14. A written Home Owners Association (HOA) shall be established for the purpose of maintenance of any common areas, open spaces, private roads and common landscape areas, including but not limited to the private fire truck access road that connects to Plaza Way.
15. The Applicant and/or all of its successors in interest must execute a written agreement to the satisfaction of the City Attorney which will allow the City to establish enforceable arrangements for maintenance of any common areas, open spaces, private roads, and common landscape areas (including the private fire truck access road that

connects to Plaza Way) should the Homeowner's Association fail or refuse to maintain these areas.

16. The Preliminary Plat (PP 19-02) 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.

Dated this 24<sup>th</sup> day of June, 2019

  
James M. Driscoll  
Kennewick Hearing Examiner