

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

In the Matter of the Application of)	No. FILE NO: PP 15-04/PLN-2015-02833
MATT SMITH)	
for a PRELIMINARY PLAT)	Decision,
)	
<u>Apple Valley Phases 3 & 4(B)</u>)	

SUMMARY OF DECISION

Preliminary plat approval is granted to subdivide five additional lots on a 31.4-acre portion of an approximate 44-acre parcel of land west of S. Sherman Street and south of Bob Olson Parkway at 3280 S. Van Buren Street in Kennewick, Washington. The additional five lots are to part of a previously approved 93-lot single-family home subdivision developed in two phases. The five new lots are in the location of the planned stormwater pond that had to be redesigned in a different location. The five-lot plat will be Phase 4(B) for the Apple Valley Phases 3 and 4. The total number of lots on the entire parcel will now be 98. The approval is subject to conditions as set forth in the Decision section of this document.

INTRODUCTION

On December 19, 2017, a 93-lot single-family home subdivision on a 31.4-acre portion of an approximate 44-acre parcel of land located west of S. Sherman Street and south of Bob Olson Parkway at 7002 W. 33rd Place, Kennewick Washington¹ was approved with conditions by the City of Kennewick Hearing Examiner. (see Decision in File No. PVA 18-02/PLN-2018-03774). The approval was issued based on the administrative record developed at a public hearing. The approval was modified by the Hearing Examiner on February 11, 2019 with a minor plat amendment, which satisfied requirements of KMC 17.10.110. (see Modified Decision in File No. PVA 18-02/PLN-2018-03774).

Approval of the Plat allowed for development in phases. Since the final plat approval, different phases have been developed, or are in the process of being developed, including the area of the plat originally proposed to be developed as a stormwater pond. For the instant application, Applicant, Matt Smith on behalf of Tri-Cities Development, LLC (Applicant) requested approval of a different stormwater system and relocation of the approved stormwater plan. In addition, the Applicant requested approval of a plat to allow development of 5 single-family lots on the site of the original stormwater pond.

A public hearing on the request was held before the Hearing Examiner of the City of Kennewick (City) on November 4, 2019. At the hearing the following presented testimony and evidence:

Wes Romine-Planning Department, City of Kennewick
Joe Seet-City Engineer Representative
Jason Mattox-Applicant's Representative

¹ The property's legal description is set forth in the December 19, 2017 Decision.

At the hearing the following were submitted and admitted as part of the administrative record of this proceeding:

1. Staff Report
2. Application
3. Notice of Application/Mailing List
4. Vicinity Map
5. Preliminary Plat Alteration Plans
6. Department of Ecology Comments and City Response
7. SEPA Determination
8. City Department Comments
9. Outside Agency Comments
10. Revised Traffic Comments
11. Power Point hard copy
12. Comments from Applicant's Representative (Mattox)

In addition to the above exhibits the December 19, 2017 Decision of approval is part of the record of the instant request.

Based upon the testimony and evidence admitted at the open record hearing, the Hearing Examiner enters the following Findings and Conclusions.

FINDINGS OF FACT FOR MODIFIED DECISION

1. On December 19, 2017, preliminary plat approval of a 93-lot single-family home subdivision on a 31.4-acre portion of an approximate 44-acre parcel of land located west of S. Sherman Street and south of Bob Olson Parkway at 7002 W. 33rd Place, Kennewick, Washington was approved with conditions by the Hearing Examiner of the City.^{2 3} The approval was issued based on the administrative record developed at a public hearing. The plat subsequently was granted a final plat approval and development of the site has occurred for a substantial part of the site. *Testimony of Mr. Romine; Exhibit 1, Staff Report pgs. 2 and 3; Exhibit 2, Application*
2. Apple Valley Phases 3 and 4(A⁴) have recorded final plats and legal lots that have been created. Phase 4B of the plat would include development of five new lots in a parcel of land that was in the original plat approval. The original approval called for said parcel to be part of a large tract designed to serve as an area wide storm pond that would facilitate stormwater from properties outside of the Apple Valley Phases 3 & 4 area. *Testimony of Mr. Romine; Testimony of Mr. Mattox. Exhibit 1, Staff Report, pgs. 1-3*
3. Subsequent to the original preliminary approval, test pits for water infiltration were performed at the large pond site. Based on the results, it was determined that the

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³ Throughout this document the approved plat will be referred to Apple Valley 3 and 4.

⁴ A minor modification of Phase 4 was done early 2019. The minor modification created Phase 4A

original location of the area wide storm pond was not feasible. As a remedy for this problem, the Applicant identified another area within the plat that could provide improved and acceptable water infiltration. With the change of the location of the stormwater pond, the original pond site became available for a different use, and, five additional lots were proposed on the site. *Testimony of Mr. Romine; Exhibit 1, Staff Report pgs. 2 and 3; Exhibit 2, Application*

4. Phase 4B of the approved plat included a stormwater pond that had been planned to be a large pond that would serve as an area wide storm pond to facilitate stormwater from outside of the Apple Valley Phases 3 and 4 areas. Test pits for water infiltration were performed at the site of the proposed and the results of the tests indicated that the use of the pond site was not feasible because of percolation problems. It became incumbent on the Applicant to use another area that would provide better water infiltration, and such an area was found. The original stormwater pond site of phase 4B was able to be reduced and the reduced land has been proposed for the addition of five more lots being included in the subdivision. *Testimony of Mr. Romine; Exhibit 1, Staff Report pgs-2 and 3; Exhibit 2; Exhibit 5.*
5. Approval of the five additional lot as part of the plat could not be done with a plat alteration because of restrictive language of *Kennewick Municipal Code (KMC) 17.10.110 Procedure for Approved Preliminary Plat Alteration.*⁵ *Testimony of Mr. Romine.* The City determined that a separate review of the new lots was required and that a final plat must be approved for Apple Valley Phase 4B development at the original stormwater site. A civil permit with a detailed review of street, utility and stormwater construction standards, and street and utility construction or bonding for incomplete work was required prior the final plat approval of the new five lot plat. *Staff Report pgs-2 and 3; Exhibit 2; Exhibit 5.*
6. The history of the incorporation of the subject property into the City and its zoning were addressed in Finding number 2 of the December 19, 2017 Decision. There have been no changes to the facts of said Finding and it is incorporated as part of the instant Findings. *Testimony of Mr. Romine; Finding No. 2- FILE NO: PP 17-05*

⁵. The applicable language of KMC 17.10.110: - Procedure for Approved Preliminary Plat Alteration.

1) Upon receipt of a completed application requesting an alteration of an approved preliminary plat, the City will notify all owners of the property within the division as provided in KMC 17.10.050. The Planning Director shall have the authority to determine whether a proposed alteration constitutes a minor or major alteration. The Planning Director shall have the authority to approve a minor alteration. The Planning Director shall determine an alteration is minor if the criteria listed in (a) through (f) below are met and issue a written decision on minor amendments that contain the following findings:

b) Does not increase the number of lots within the subdivision beyond the number approved in the preliminary plat; and

7. The zoning of the surrounding properties was correctly stated in Finding number 3 of the December 19, 2017 Decision of the original Plat. There have been no changes to these facts of said Findings and they are incorporated as part of the instant Findings. The zoning designation of the instant five lots remains Residential Low Density (RL). *Exhibit 1, Staff Report, pg. 5; Testimony of Mr. Romine; Finding No. 3- FILE NO: PP 17-0.* The City's Planning Department submitted that the proposed Preliminary Plat will also be harmonious with the surrounding properties. *Exhibit 1, Staff Report, pgs. 3 and 5*
8. While RL zoned districts in Kennewick do not have minimum or maximum density requirements, there is a minimum lot size of 7,500 square feet. The smallest lot of the proposed five lots is 7,560 square feet. *Exhibit 1, pg. 3; Exhibit 5*
9. As depicted in the Applicant's plans submitted for the additional lots, the stormwater pond has been relocated in the northeastern part of the Apple Valley Phases 3 and 4 plat. The stormwater of the proposed new five lots will be part of the revised stormwater system of the original plat. It will satisfy City stormwater standards for residential subdivisions and will 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 pre-developed state. Detention ponds (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 to and approval by the City's Public Works Department. This submittal must include a stormwater plan that meets City standards. *Exhibit 1, Staff Report, pg. 4; Exhibit 8; Testimony of Mr. Romine*
10. A separate permit is required from the Kennewick Department of Public Works prior to construction for driveways, sidewalks, wheelchair ramps and utility extensions (water, sewer, street, storm drainage, street lights, fire hydrants, etc.). Full street improvements for residential streets within the subdivision are required pursuant to *KMC 5.56.270* and are required to be constructed per Kennewick Standard Detail 2-1, sheet 2 of 4. The Residential Design Standards allow curb tight sidewalks as an option to separated sidewalks; however, the sidewalk at driveway curb cuts must meet ADA standards. *Exhibit 1, Staff Report, pg. 4*
11. An existing 12-inch water main is located along the north side of the property at Bob Olson Parkway⁶. *Exhibit 1, pg. 4; Testimony of Mr. Romine.* As part of Kennewick's development standards, the Applicant must loop the water mains to avoid buildup of stagnant water and to minimize bacteria regrowth. Existing 8-inch sanitary sewer mains have been installed with the development of Apple Valley Phases 1 and 2 and these mains will connect to the proposed Apple Valley 3 and 4 phases, including the lots of the instant application. *Testimony of Mr. Romine; Exhibit 1, Staff Report, pg. 4*

⁶ formerly W. Hildebrand Ave
Findings, Conclusions, and Decision
Hearing Examiner
Preliminary Plat 4B Apple Valley
FILE NO: PP 15-04/PLN-2015-02833

12. The City's traffic engineer determined that Apple Valley 3 and 4, including the five lots of the instant plat, satisfies concurrency for transportation development. Traffic mitigation fees of approximately \$1,359 per dwelling unit are required per the City of Kennewick's traffic mitigation ordinance (Ord. 5596). An agreement was entered between the City and Applicant that results in a waiver of traffic mitigation fees in exchange for a requirement that the Applicant construct full Colorado Street improvement at the point where Colorado Street adjoins the future Fire Station parcel.⁷ *Exhibit 1, Staff Report, pgs. 3 and 4; Exhibit 8, pg. 2; Testimony of Mr. Romine*
13. In a post-hearing exhibit requested by the Hearing Examiner, the City Traffic Engineer submitted that West 28th Avenue had been scaled and it was determined to exceed 600 feet in length. *KMC 17.20010(3)(b)* requires a mid-block pedestrian connection/crossing if a street block is greater than 600 feet in length. The Applicant has added a pedestrian connection to Bob Olson Parkway from 31st Avenue. *Exhibit 1, Staff Report, pg. 4; Testimony of Mr. Romine.*
14. Erosion Hazard and Steep Slope critical areas are on the site. During the review of Apple Valley Phases 3 and 4, a pond area was identified as having potential to be a Wetland critical area. These areas were addressed in the previous application for PRD 15-01 and PP 15-06 with a critical area report and wetland report. *Testimony of Mr. Romine.* As part of its review of the instant plat application for the five lots, the Washington State Department of Ecology (DOE) commented that the pond area is shown as being reduced in size and that the aerial photos depict it as being filled. *Exhibit 1, Staff Report, pg. 1.* The DOE requested additional wetland studies. *Exhibit 6, pgs. 1 and 2.*
15. In response to DOE's request, the City submitted that Grading Permit #18-07 addressed the issue. At the time Permit 18-07 was issued, Lori White, a representative of the DOE, made a site visit and determined that "soils did not fall within known hydric soil indicators" and additional review was not needed. *Exhibit 6, pg. 3*
16. The City of Kennewick Critical Area maps do not depict an existing wetland on the site. However, the application for the instant plat includes an area with an Erosion Hazard Critical Area extending through the center of the proposed subdivision area. The Kennewick Planning Staff recommended that the approval of the five-lot plat be conditioned to comply with the recommendations of the Critical Area report. *Exhibit 1, Staff Report, pg. 5*
17. As part of the review of the Apple Valley Phases 3 and 4 plat application, the Benton-Franklin Health District submitted in an October 11, 2017 letter stating to the Kennewick Planning Department that the District had reviewed the proposal and had no

⁷ The key language of the Memorandum of Agreement between the parties is set forth on pg. 2 of Exhibit 8

objections “...provided municipal services, such as sewer and water, are provided to the proposed lots”. *Exhibit 13, pg. 16*. The District encouraged the City to “consider” a number of safety measures for bike, pedestrian and automobile safety.

18. The subject property is in Park Zone 6W (Southridge) of the City. Based on the City’s Comprehensive Park Plan the amount of land required to be dedicated for park purposes is 4.9 acres of the entire 136.4-acre Apple Valley site. Because the land is not consistent with the City’s needs for a City parks, park fees are required in lieu of dedication of park land. The amount of fees shall be determined by the City based on Apple Valley park fees. The fees are to be paid prior to signing the final plat mylar based on a percentage of lots being developed in each phase. *Exhibit 1, pg. 4; Testimony of Mr. Romine.*
19. During the original Apple Valley phase development review, on December 5th, 2017, Doug Carl of the Kennewick School District identified the schools that will serve the phased developments. They are Sage Crest Elementary School, Chinook Middle School, and Southridge High School. The application for the instant five-lot plat was submitted to the Kennewick School District for comments, but no comments were received. Because of the lack of comments, the City then reviewed the December 5th, 2017 memo from the District, and based on the capacity information included in that memo, concluded that the Kennewick School District has the capacity to add students at all levels at the three identified schools. *Testimony of Mr. Romine; Exhibit 1, Staff Report, pg.5.*
20. All new streets within the subdivision are required to have 5-foot wide sidewalks that will connect to Ridgeline Drive sidewalks that connect to Southridge High School. New sidewalks on streets within the subdivision will also connect to Bob Olson Parkway and 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. 38th 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 Apple Valley subdivision are completed and additional sidewalk is added to the west side of S. Sherman Street. Chinook Middle School is a bussing zone from the proposed lots. *Exhibit 1, Staff Report, pg. 5*
21. The Kennewick Irrigation District (KID) reviewed the proposal for the 5-lot subdivision and in an email dated October 14, 2019 in which it stated “KID has no comments on this Plat Alteration. *Exhibit 9, pg. 1*. KID did submit comments during the original plat review in 2017. *Exhibit 9, pg. 3*
22. The Benton Clean Air Agency submitted comments that included requirements for the Applicant. *Exhibit 9, pg. 9*. The Applicant did not object to the requirements.
23. The Benton PUD submitted comments in an email to the City with copies to numerous involved parties. *Exhibit 9, pg. 10*. In said email the PUD submitted that the Applicant

must provide CAD drawing to the PUD "...to get into mapping system and contact BPUD when ready for a power layout design to begin". *Exhibit 9, pg. 10*. The Applicant did not object to the requirements.

24. 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 6, 2017, the City issued mitigated determination of Nonsignificance (MDNS) for the project. On October 18, 2017 the City adopted the environmental document previously issued. No appeals were filed. No critical areas are located on site. The City representative testified that there had been no changes in the environmental makeup and the original MDNS was applicable to the instant plat.
25. 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, Testimony of Mr. Romine*
26. The proposed plat is consistent with the Kennewick Comprehensive Plan, RESIDENTIAL GOALS 2, 4 and 5: The residential development will occur in an urban area where services can be provided. City water and sewer are available. The proposed plat will provide provisions for parks, schools, drainage, transit, water, sanitation, infrastructure, pedestrian, and aesthetic considerations in new residential developments *Exhibit 1, Staff Report and exhibits attached thereto; Testimony of Mr. Romine; Testimony of Mr. Mattox*
27. The density for the proposed development area is 3 units per acre. The design is consistent with the City's Comprehensive Plan-RESIDENTIAL GOAL that promotes a variety of residential densities with a minimum target of 3 units per acre as averaged throughout the urban area. *Testimony of Mr. Romine; Exhibit 1. Staff Report*
28. The proposed plat is consistent with the Kennewick Comprehensive Plan, CRITICAL AREAS AND SHORELINE GOAL 3. Critical area reports identifying critical areas and environmental impacts that could result from the development of the site have been considered. Mitigation measures to protect these natural features have been proposed. With the implementation of the conditions of this approval and other conditions of other approving document the site will be in compliance with applicable Critical Areas Regulations. The development will be regulated and mitigated in, or adjacent to, critical areas or the shoreline in order to avoid adverse environmental impacts. *Exhibit 1, Staff Report; Testimony of Mr. Mattox; Testimony of Mr. Romine*
29. The City Planning Department and other departments of the City conducted a thorough review of the request that included reviews of the city zoning Code, the city Comprehensive Plan, and the local and state environmental laws and requirements. Based on these reviews the City determined that 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. *Testimony of Mr. Romine: KMC Title 17-Subdivisions and MDNS* issued on March 6, 2017.

CONCLUSIONS OF LAW

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.

KMC 18.45.050: Development Standards:

Criteria for Preliminary Plat 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.

Proposed division of land—Consideration of application for preliminary plat or short plat approval—Requirements defined by local ordinance.
RCW 58.17.033

- (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. On December 19, 2017, preliminary plat approval of a 93-lot single-family home subdivision on a 31.4-acre portion of an approximate 44-acre parcel of land located west of S. Sherman Street and south of Bob Olson Parkway at 7002 W. 33rd Place, Kennewick, Washington was approved with conditions by the Hearing Examiner of the City. The approval was issued based on the administrative record developed at a public hearing. The plat subsequently was granted a final plat approval and development of the site has occurred for a substantial part of the site. Apple Valley Phases 3 and 4(A) have recorded final plats and legal lots that have been created. Phase 4B of the plat would include development of five new lots in a parcel of land that was in the original plat approval. The original approval called for said parcel to be part of a large tract designed to serve as an area wide storm pond that would facilitate stormwater from properties outside of the Apple Valley Phases 3 & 4 area. *Findings of Fact Nos. 1 and 2.*
2. 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. 3-24*
3. The Applicant, during the review process of the original plat, presented, and the City reviewed, a stormwater that included a stormwater pond on the property. The Applicant complied with all State and City requirements in an attempt to develop the pond but only encountered limitations. Ultimately, with the City's approval, the pond was moved to a different location. The land where the pond was originally to be placed is the site of the five lots of the proposed subdivision. *Findings Nos.4 and 9*
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 6, 2017, the City issued mitigated determination of Nonsignificance (MDNS) for the project. On October 18, 2017 the City adopted the environmental document previously issued. No appeals were filed. No critical areas are located on site. The MDNS applies to the instant application. *Finding of Fact No 25*

5. 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 8-24*
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 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*
7. The proposed five lot plat is consistent with the City's zoning code and standards, the City of Kennewick Comprehensive Plan and other development requirements of the City and State of Washington. *Findings of Fact 8-29*
8. The City Planning Department and other departments of the City conducted a thorough review of the request that included reviews of the city zoning Code, the city Comprehensive Plan, and the local and state environmental laws and requirements. Based on these reviews the City determined that 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.

DECISION

Preliminary plat approval is granted to subdivide five additional lots on a 31.4-acre portion of an approximate 44-acre parcel of land west of S. Sherman Street and south of Bob Olson Parkway at 3280 S. Van Buren Street in Kennewick, Washington. The additional five lots are part of a previously approved 93-lot single-family home subdivision developed in two phases. The five new lots are in the location of the Apples Valley Phase 3&4 planned stormwater pond that had to be redesigned in a different location. The five-lot plat will be Phase 4(B) for the Apple Valley Phases 3 and 4. The total number of lots on the entire parcel will now be 98. The approval is subject to conditions as set forth in the Decision section of this document.

- 1 The Applicant, and any successors of interest, shall comply with City of Kennewick regulatory controls, policies and codes, including the Single-family Residential Design Standards.
- 2 All fees required by the City shall be paid prior to the approval of the final plat.

- 3 The Applicant and any successors of interest, 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 The approved Preliminary Plat shall be in conformance with the plat drawing (Exhibit 5).
- 5 The Applicant, and any successors of interest shall comply with Public Works memorandum dated October 7, 2019 (Exhibit 8).
- 6 The Applicant, and any successors of interest, shall comply with Kennewick Irrigation District letter dated October 26, 2017 (Exhibit 9).
- 7 All 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 is per the recommendations of the Geotechnical Investigation/Geohazards Assessment Report prepared by PBS/HDJ Design Group (Exhibit 8).
- 8 Geo-Tec reports are required for each lot at the time of building permit submittal. With prior approval a blanket geotechnical report may be accepted as long as all applicable codes are met regarding soil bearing capacity.
- 9 The Applicant and any successors of interest must provide dust control method(s) such as hydroseeding for all areas of the site that are disturbed. Re-hydroseeding may be required.
- 10 In lieu of dedication of park land, park fees are required for impacts to Park Planning Zone 6W-Southridge. Said fees shall be in the amount of **\$7,852.92**. Park fees will be collected prior to signing the final plat mylar.
- 11 A landscape plan must be submitted for approval of all common areas, open spaces and rights-of-way not left in a natural state, listing 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 drawn to a legible scale.
- 12 Common area landscaping and residential street trees are required to be installed or bonded for prior to final plat.
- 13 The Applicant and any successors of interest must execute a written agreement to the satisfaction of the City of Kennewick 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.
- 14 The Preliminary Plat (PP 17-05) expires 5 years from the approval date. While the City may grant an extension, any extension application must be applied for before the approved preliminary plat expires.

Done and dated this 16th day of November, 2019.

James M. Driscoll
Kennewick Hearing Examiner