

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

In the Matter of the Application of)
Viking Builders, LLC)
for Preliminary Plat Approval)
_____)

No. **PP 17-01/PLN 2017-00087**
FINDINGS, CONCLUSIONS,
and DECISION

SUMMARY OF DECISION

A preliminary plat is granted approval to subdivide 17 acres of land into 46 single family lots on a parcel generally located at 621 E. 36th, Kennewick Washington. The legal description of the land on which the preliminary plat is granted is set forth herein. The approval is subject to conditions as set forth in the Decision section of this document.

SUMMARY OF RECORD

Request

Viking Builders LLC. (Applicant) requested approval of a preliminary plat to subdivide 17 acres into 46 single family lots at 621 E 36th Avenue, Parcel Number 1-1880-2010-691-002.¹

Hearing Date:

The Hearing Examiner of the City of Kennewick held an open record hearing on the application on April 10, 2017.

Testimony:

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

Steve Donovan-City
John Deskins-City
Wes Romine-City
Jason Mattox-Applicant representative
Scott Krajack-Applicant representative
Carol Curry-Public witness
Ken Robertson-Public witness
Michael Rohlfing-Public witness
Patty Schmidt-Public witness
Jay Schwisow-Public witness
Jeff Bare-Public witness
Rachell Parker Public witness
Darrell Barnett-Public witness

Exhibits admitted for the public record:

At the open record hearing the following exhibits were admitted:

1. Staff Report
2. Application

¹ A portion of the southeast quarter of the northwest quarter of Section 18, Township 8 North, Range 30 East, W.M., Benton County, Washington, more particularly described as follows: Lot 2 of Short Plat 691, as recorded with the Benton County Auditor in Volume of Short Plats at page 691 Records of Benton County Washington,

3. Notice of Public Hearing and 300-ft. mailing list and mailing affidavit
4. Vicinity Map
5. Preliminary Plat
6. Wetland Delineation Report, dated October 2016
7. Highland View Heights Trip Generation and Distribution Letter, dated 9/29/2016
8. Geotechnical Engineering Report, dated 11/14/2016
9. Preliminary Grading Plan for: Highland View Heights, dated November 2016
10. Mitigated Determination of Non-Significance, dated 3/06/2017
11. Email from Robert Early, Charter Communications, dated 1/31/17
12. Email from Chad Brooks, Benton PUD, dated 2/02/17
13. Second email from Chad Brooks, Benton PUD, dated 2/02/17
14. Letter from Carl Curry, dated 2/05/2017
15. Letter from Carol Curry, dated 2/06/2017
16. Letter from Doug Carl, Kennewick School District Capital Projects Director, dated 2/14/17
17. Letter from JoDee A. Peyton, R.S., Environmental Health Specialist II, Benton-Franklin Health District, dated 2/16/17
18. Memorandum – Public Works Department, dated 2/16/17
19. Memorandum – Fire Department Memorandum, dated 3/01/17
20. Email from Alisha Piper, City of Kennewick Traffic Division, dated 3/06/2017
21. Email from Clark Posey, Benton County Planning Department, dated 3/10/2017
22. Plat map showing City of Kennewick GIS Department comments.
23. Letter from Joseph E. Cottrell II, Field Realty Specialist, Bonneville Power Administration
24. Letter from Gwen Clear, Environmental Review Coordinator, Dept. of Ecology, dated 3/14/2017
25. Email from Michael Ritter, Area Habitat Biologist, WDFW, dated 3/17/2017
26. Response email from Jason Mattox, PE, PBS, dated 3/17/2017
27. Letter from Carol Curry, dated 3/20/2017
28. Critical Areas Wetland Map
29. Critical Areas Geologically Hazardous Areas Map
30. Letter from public witness Louise Gustafson
31. Letter from public witnesses Jeff and Shirley Bare
32. Staff Power Point
33. Memo from City Traffic Engineer John Deskins
34. Memo from City Water Services (Jeremy Lustig)
35. Applicant response to Exhibit 33
36. Applicant response to Exhibit 34

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

FINDINGS

1. The Applicant requested approval of a preliminary plat for the subdivision of 17 acres into 46 single family lots. The property, located north of 621 E 36th Avenue, Kennewick Washington

(City) would be developed in two phases. Access to the site would be off E 36th Avenue. *Exhibit 1 pg.3; Exhibit 3; Testimony of Mr. Donovan;*

2. The subject property has a Comprehensive Plan Land-Use Designation of Low Density Residential and is zoned Residential, Low Density (RL) by the City. The subject property was annexed into the City in January 1995 and zoned RL with the enactment of Ordinance 3607. *Exhibit 1 pg.3; Exhibit 3; Testimony of Mr. Donovan.* The property is located at or near the City boundary with Benton County.
3. Pursuant to the Washington State Environmental Policy Act (SEPA) (RCW 43.21C)) the City was designated as the lead agency for review of environmental impacts resulting from the proposed development. On March 6, 2017 the City issued a mitigated determination of Nonsignificance (MDNS) for the project. *Exhibit 10; Testimony of Mr. Donovan.* No appeal of the MDNS was filed. *Testimony of Mr. Donovan.*
4. Most of the development on the surrounding properties has been developed with single family residences. The City's Comprehensive Plan designation for the surrounding properties is Low Density Residential and the zoning designation is RL, which is the same designation of the subject property. The conclusion of the Kennewick Planning Staff review was that the proposed Preliminary Plat will be harmonious with existing uses on the adjacent properties. *Exhibit 1, pg. 5*
5. The 17.05-acre site has physical features that include 17-acre Type III Wetland, slopes that exceed 15% grades and some erodible soils. *Testimony of Mr. Donovan.*
6. A Geo-Tech Report, prepared by PBS Engineering and Environmental, was submitted to address slope and soil conditions and ensure that the proposed development is in compliance with *KMC 18.62 – Critical Areas, Geologically Hazardous Areas*. Among other things, the Report includes a project understanding, description of site conditions, the geological setting, the surface and subsurface conditions and results of ground water and infiltration testing. *Exhibit 8, pgs. 1-4.* Based on the conclusions of the Report construction recommendations were set forth. *Exhibit 8, pgs.5-11.*
7. A Wetlands Report was prepared for the site by PBS Engineering and Environmental. The findings of the report include an identification of Wetland A in the far north part of the site as being a 0.17-acre Wetland III. The 0.17-acre wetland will be designated a tract of undevelopable land. *Testimony of Mr. Mattox.* A conclusion of the Wetlands Report was that a 100-foot wetland buffer should be created instead of the standard 60-foot buffer for Wetland A. *Exhibit 6; Exhibit 1, pg.4.*
8. The City submitted the Report to the Washington Department of Ecology (DOE) for comments. The DOE responded that a more complex and comprehensive study and report was required for the site. In the DOE's response of March 14, 2017 a list of concerns were set forth in 8 separate paragraphs. *Exhibit 24, pgs. 1-3.* The Applicant submitted responses to

the stated concerns of the DOE. *Exhibit 26, pgs. 1-2.* A summary of the DOE's list of concerns and the response of the Applicant (through PBS) include:

- DOE contended that the “use of the routine method for analysis on this relatively complex site is not sufficient”. The Department stated that a method with more observation pits was needed and specific standards for study of vegetation should be followed. *Exhibit 24, pg. 1.* In response the Applicant submitted that the wetland delineation –level 2 analysis was “appropriate for the site”. It was also submitted by the Applicant that the comprehensive method of analysis suggested by DOE is reserved for “very complex” situations and is “rarely used by practicing delineators” *Exhibit 26, pg. 1*
- DOE contended that the wetland data sheets only listed dominant plants and that this may be a problem if a site contains a “shift in vegetation presence or dominance during the growing season”. The Department submitted that all vegetation present on site should be listed. *Exhibit 24, pg. 1 and 2.* The Applicant submitted that the wetland data described all of the vegetation observed at each plot. *Exhibit 26, pg. 1*
- DOE contended that the site is getting wetter over time and that more soil test pits should be dug. *Exhibit 24, pg. 1 and 2.* The Applicant responded that a review of historical aerial photos does not provide information that the site is getting wetter over time. The response also noted the specific area of the site that do not appear to getting wetter in nature. *Exhibit 26, pg. 1*
- DOE submitted that the wetland rating portion of the report should have contained a map of the area of the rated wetland. *Exhibit 24, pg. 2.* In response, the Applicant countered with a statement that although the entire wetland in the area is 11.7 acres, the only portion of it on site is 0.17 acres. The consultant observed a neighboring property from the property line. *Exhibit 26, pg. 1*
- DOE submitted that the wetland rating system of the State should have been used instead of the City's older rating system. *Exhibit 24, pg. 2* In response, the Applicant submitted that it discussed this issue with City staff. The City of Kennewick Municipal Code (KMC) sets forth that “Wetland Types I-IV shall be rated according to the Department of Ecology wetland rating system found in the Washington State Wetland Rating for Eastern Washington (Ecology Publication #04-06-15)”. *Exhibit 26, pg. 1*
- DOE questioned the lack of information relating to the ravine areas of the site. *Exhibit 24, pg. 2* As a response the Applicant submitted that the ravine areas were not considered critical areas because they are neither wetlands nor a stream. *Exhibit 26, pg. 1.*
- DOE questioned issues that may occur if water drains through the ravine areas during thunderstorms of groundwater movements. Specifically, the Department was concerned about redirection of water through drains systems and the impact to the hydrologic regime of the identified wetland areas on or off the property. *Exhibit 24, pg. 2* The Applicant's response was that no evidence of flowing was observed in the West Ravine. *Exhibit 26, pg. 2*
- The DOE stated that the ravine on the south border of the site was not evaluated for the presence of wetlands and that there should be a setback or buffer of 75 to 100 feet

- from this feature and the lot lines of the plat should be adjusted. *Exhibit 24, pg. 3.* The Applicant responded that the southern ravine *was* evaluated for positive indicators of wetlands and other water features. The Applicant also questioned the authority to impose such a setback or buffer without any “regulatory mechanism”. *Exhibit 26, pg. 21*
9. The proposal was reviewed by the Washington State Department of Fish and Wildlife who presented no concerns for the proposed plat. *Exhibit 28; Testimony of Mr. Donovan.*
 10. In the city of Kennewick there are no maximum or minimum density requirements for RL zoned property. There is, however, a minimum lot size standard of 7,500 square feet. The smallest lot of the proposed will be 7,507 square feet and the largest lot will be 26,178 square feet. *Exhibit 1, pg. 3; Exhibit 5, pg. 1*
 11. Pursuant to the Kennewick Planning Department’s review, the proposed preliminary plat satisfies the City’s Residential Development Standards as set forth in KMC 18.12.010(A.2) The Department also submitted that the City’s Single-Family Residential Design Standards are met with the Applicant’s plans and details. *Testimony of Mr. Donovan; Exhibit 1, pg 3.*
 12. There will be an access to the plat off E. 36th at the southeast corner of the plat and another access of the west boundary of the plat. Two internal cul-de-sac streets within the plat. The residences of the subdivision will access the main road of the plat and the two cul-de-sacs; one of the lots will have access off 36th Ave. south of the plat. *Exhibit 5.* The Applicant must construct public roads, sidewalks, streetlights, storm drainage and designate sidewalk and utility easements all in conformance with the latest City of Kennewick Standard Specifications and details. *Exhibit 18; pg. 1*
 13. During the course of the public hearing witnesses raised issues relating to traffic in the area and the potential impact that the proposed development would have on safety and traffic flow issues. Pursuant to a request made by the Hearing Examiner at the hearing the City was asked to contact officials from Benton County for additional information on streets and roads in the area of the proposed plat and projects to be completed by Benton County. On April 11, 2017 the City’s Traffic Engineer, John Deskins, submitted a memorandum summarizing his meeting with the Benton County officials, Matt Rasmussen-County Engineer and Ryan McClure-Engineering Associate. *Exhibit 33*
 14. The April 11, 2017 memorandum from the Kennewick Traffic Engineer addressed the following:
 - Intersection of 27th Ave. and Gum Street: There is a project of Benton County which will involve removal of portions of fencing on the southwest corner of the intersection. The removal will improve sight distances. In addition, there are plans being drafted to include widening of the northbound roadway approach on the east side of the intersection. This project will include a center stripe at the

intersection to all for clear delineation and more space to make eastbound to southbound right turning movement easier. The project is planned for July 2017.

- Gum Street: Although Gum Street is not classified as a collector or arterial street the County “will probably” make a review of possible changes to the classification in the next two years. Based on an Average Daily Traffic (ADT) study done in 2015 there were 1,495 vehicles per day on Gum south of 27th Ave. According to the memorandum (Exhibit 33) County engineers agreed that the 1495 ADTs was high for a County roadway, but noted that the road is posted at 25 mph and that can handle the amount of traffic carried.
- Lack of sidewalks: According to Benton County Engineers sidewalks are not a typical amenity provided on County roadways.
- Narrow width and power poles close to the roadway: The County acknowledged these deficiencies but there are no plans or funding existing for improvement in the near future.
- Sight distance at 36th Ave. and Gum Street: The City reviewed the intersection and determined that there are “no obvious sight distance issues”.
- Bend on existing 36th Ave. near Auburn Street and the projected increased traffic: The City acknowledged that the road can be hard to see at night. It stated that a double yellow line, as suggested at the hearing, would be reviewed and considered if deemed necessary.
- Streetlight placement: The city stated that all comments relating to streetlight placement will be considered in the final design placement.
- Cascade Street: Cascade Street, a collector street, is included on the City’s 6-year Transportation Improvement Plan, but no funding has been identified.
- Development access onto 36th Avenue near Gum Street: Addressing concerns about speed of vehicles at the intersection, the City stated that the speed limit is 25 mph and that there are over 500 feet of sight distance at the access point. The City acknowledged that some trees west of the access may have to be limited in order to maintain the site distance. *Exhibit 33*

15. Traffic mitigation in Kennewick is allowed pursuant to *KMC 13.16.050 (Ordinance 5596): Transportation Impact Fees Methodology and Applicability*. A mitigation fee of \$938 per dwelling unit will be required as part of the development of the plat. The fees, which may be subject to a cost of living increase adjustment in 2018, are allowed to be paid at the time of building permit issuance or deferred until occupancy with a recorded covenant of payment obligation form. *Exhibit 1, pg. 3*

16. Temporary dead end streets of 150 feet or greater from the intersection must be constructed with specific details that require construction of a temporary cul-de-sac that is constructed with 6-inches of base rock and 2-inches of Hot Mix Asphalt (HMA) inside a temporary easement. The easement will be vacated when right-of-way is dedicated. *Exhibit 1, pg. 4; Exhibit 18.*

17. Comprehensive water, sewer and storm plans must be submitted to the City for review and approval. The Applicant must loop all water mains to avoid the buildup of stagnant water. Such a process minimizes bacteria growth, and reduces concerns of the taste and odor from stagnant water. The water main looping shall include looping of the mains in cul-de-sacs. *Exhibit 18; Exhibit 1, pg. 4*
18. During the course of the public hearing, witnesses raised issues relating to water and sewer services and the potential impact that the proposed development impact of the proposed plat. Pursuant to a request made by the Hearing Examiner at the hearing the City was asked to provide additional information. The requested memorandum was submitted on April 18, 2017. *Exhibit 34.*
19. The site is located in a City's zone 2 utility area and the City will provide potable water and sanitary sewer services for the subdivision. *Exhibit 34.* The existing Water Zone-2 water pressure is between 80 to 100 pounds per square inch (psi) and the system will be "adequate to serve the proposed plat without negatively affecting surrounding customers". *Exhibit 34*
20. In the City of Kennewick residential subdivisions are required be designed to retain and dispose of the calculated difference between a 25-year 24-hour event for property that is developed 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 Section 5-9.02 The City submitted that the Applicant is subject to these regulations. *Testimony of Mr. Donovan*
21. Detention ponds with a control outlet may be used only where it can be clearly demonstrated that infiltration, or retention are not feasible per City of Kennewick Standard Specifications. Prior to Final Plat approval, the Applicant must submit detailed civil engineering drawings for review and approval by the City's Public Works department. Prior to approval of phase 1 construction plans, the submittal must include a comprehensive stormwater plan that meets City standards. *Exhibit 1, pg. 4, Exhibit 18, pg. 2.*
22. An existing 12-inch water main is available on W. 36th Avenue The Applicant will be required to loop the water mains to avoid buildup of stagnant water and minimize bacteria regrowth impacts. In addition, provisions to loop the water main in cul-de-sacs must be provided. A comprehensive water plan with a hydraulic report must be approved by the City for the entire plat prior to approval of phase 1 construction plans. *Exhibit 18, pgs. 1 and 2; Testimony of Mr. Donovan.*
23. An existing 12-inch sanitary sewer main at the intersection of Gum Street and W 36th Avenue is available for sewer service. Sanitary sewer extension to serve the site is to be constructed at the Applicant's expense. A comprehensive sewer plan must be approved by the City for the entire plat prior to approval of phase 1 construction permits. *Exhibit 18, pg. 2; Testimony of Mr. Donovan*

24. On March 1, 2017 the Kennewick Fire Department submitted specific requirements for the development of the plat. *Exhibit 19*. The Applicant will be required to satisfy all fire code regulations and conditions as submitted by the Department for this hearing. *Exhibit 19*
25. A condition of the issued MDNS requires park fees in the amount of \$3,567.34 to mitigate impacts to city of Kennewick park zone 6E-Cascade. These fees are in lieu of dedication of park land and are required to be paid prior to signing the final plat mylar. *Exhibit 1, pg. 4; Exhibit 10*.
26. The Kennewick School District submitted a memo dated February 14, 2017 identifying the schools that will serve the subdivision. They are Cascade Elementary, Horse Heaven Hills Middle School and Kennewick High School. All three schools are classified as being in a bussing zone. The School District has the capacity to add students at all levels at the three schools. *Exhibit 16*.
27. The Benton-Franklin Health District submitted in a February 16, 2017 letter to the Kennewick Planning Department that District had reviewed the proposal and had no objections "...provided municipal services, such as sewer and water, are provided to the proposed lots". *Exhibit 17*
28. No impacts to irrigation districts were identified and no irrigation districts submitted written or oral comments.
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 the Residential, Low Density (RL) zoning district. The subject property will be served by City utilities and services. *Exhibit 1, pg. 5; Exhibit 18, pgs. 1 and 2*
30. The proposed plat is consistent with the Kennewick Comprehensive Plan, RESIDENTIAL GOALS 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 16. 17 and 18, pgs. 1 and 2; Testimony of Mr. Donovan*
31. 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. Donovan*
32. The proposed plat is consistent with the Kennewick Comprehensive Plan, CRITICAL AREAS AND SHORELINE GOAL. On the subject property are a wetland, slopes in excess of 15% and erodible soil. 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 documents, the site will be in compliance with applicable Critical Areas

Regulations. The development will be regulated and mitigated in, or adjacent, to critical areas to avoid adverse environmental impacts. *Exhibit 5; Testimony of Mr. Donovan.*

33. At the public hearing, testimony was given by residents from the general area of the location of the proposed plat. The testimony included concerns about the ability of the existing roads to carry the additional traffic, sight distances at various intersections, impact on water pressure, the locations of street lights and the impacts on existing properties, control of the speed of traffic and impact of sewer construction on other properties.
34. Based on the exhibits of the administrative record of this proceeding, including testimony and exhibits, the issues raised during public testimony have been addressed. While the site is not an easy one to develop, the raised issues of the public have been considered. Traffic, stormwater, water pressure, location of roads and sight distance controls, availability of utility service, landscaping, sufficiency of the wetland report and other requirements of plat development has adequately been presented in the exhibits and the testimony of this matter.
35. 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.

Conclusions based on Findings

1. The Applicant requested the approval of a preliminary plat for the subdivision of 17 acres into 46 lots. The property, located north of 621 E 36th Avenue, Kennewick, Washington would be developed in two phases. Access to the site would be off E 36th Avenue. The subject property has a Comprehensive Plan Land-Use Designation of Low Density Residential and is zoned Residential, Low Density (RL). The subject property was annexed into the City in January 1995 and zoned RL with the enactment of Ordinance 3607. *Findings Nos. 1 and 2*
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. 29-32*; comprehensive water plan *Findings of Fact Nos. 17-19 and 22*; sanitary sewer service requirements, *Findings of Fact Nos 19 and 23*; storm sewer service requirements *Findings of Fact Nos. 20-21*; Comprehensive Park and Recreation Plan *Finding of Fact No. 25*; and all relevant requirements to the approval of the plat.
3. Appropriate provisions have been made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, public sidewalks, utility easements and other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation areas, playgrounds, schools and school grounds, and the proposed subdivision has considered all other relevant facts and other planning

features that assure safe walking conditions for students who walk to and from school.
Findings of Fact Nos. 4-27 and 35

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. No appeals were filed. *Finding of Fact No. 3*
5. Various state and local agencies submitted comments and recommendations. The recommendations address impacts that will be created with the development of the plat. The recommended conditions are specific to the development and mitigate impacts.
Findings of Fact Nos 21-23 and 31
6. The proposed plat includes required improvements for infrastructure and open space. Adequate provisions have been determined for park fees to offset the impacts for recreational impacts. Schools in the area can handle the increase in students generated by the development. Utilities, including drainage, water and sewer are available to the site. Pedestrian and aesthetic 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 29-30*
7. The Applicant has presented, and the City has reviewed, a wetland report that includes a best available science review of the wetland the property. The Applicant complied with all State and City requirements in developing the report. *Finding No. 8*
8. The concerns and issues raised by the public at the hearing are real and require attention. The City has contacted the County and presented the concerns. Based on the County's responses some of the issue will be resolved with road improvements during 2017. These include sight improvements at intersections near or at the plat. The County acknowledged that some road improvements are not on the current improvement schedule but have been identified in the County's 6-year road plan. The City and the County are urged to continue to improve the roads in the area and address the impact of the increased traffic.

DECISION

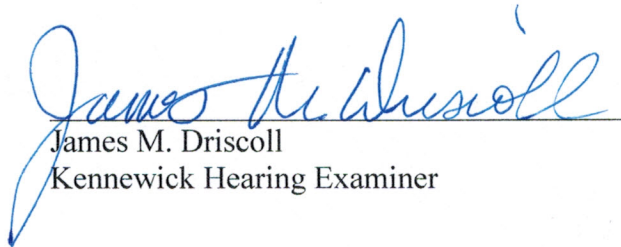
Based on the administrative record developed at the public hearing approval and the Findings of Facts and Conclusions as set forth above, a preliminary plat is granted approval to subdivide 17 acres of land into 46 single family lots on a parcel generally located at 621 E. 36th Ave, Kennewick, Washington. The approval is subject to conditions as set forth in the Decision section of this document.

1. The Applicant shall comply with all City of Kennewick regulatory controls, policies and codes, including the Single-family Residential Design Standards and Residential Low Density (RL) zoning designation.
2. 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.
3. Common area landscaping and residential street trees are required to be installed or bonded prior to final plat approval. The residential street trees are required to be shown on the landscape plan. The plan must also show the placement of the required pedestrian pathway.
4. All fees required by the City shall be paid prior to the approval of the final plat.
5. All development of the plat shall be in conformance with the plat drawings submitted as Exhibit 5 at the public hearing.
6. The Applicant shall provide the address of each proposed lot consistent with that as depicted by the City of Kennewick GIS Department in Exhibit 22.
7. The Applicant shall comply with all requirement and comments as set forth in the November 29, 2016 Fire Department Memorandum, (*Exhibit 19*)
8. The Applicant shall comply with all requirement and comments as set forth in the March 6, 2017 Traffic Engineering Division memorandum comment. (*Exhibit 20*)
9. The Applicant shall comply with all requirement and comments as set forth in the March 1, 2017 Public Works Department memorandum and comments. (*Exhibit 18*)
10. If during construction, there is disruption or damage to an existing water, sewer or storm drainage system the Applicant and its agents shall be responsible for repair of the damaged system.
11. The Applicant and its agents shall work with the City to establish location of overhead lighting throughout the plat.
12. The Applicant and its agents shall work with the City's Public Works Department in the striping of streets and any other safety issues resulting from the development of the plat.
13. The Applicant must provide dust control method(s), including but not limited to, hydro seeding for all areas of the site that are disturbed.
14. The on-site wetland shall be protected in the manner recommended in the Wetland Delineation Report, dated October 2016 and admitted as Exhibit 6.
15. All On-site development shall adhere to the recommendations of the Geotechnical Engineering Report, dated 11/14/2016.

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Viking Builders LLC
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16. Grading is to be monitored by a qualified engineer and at the end of grading submit a certification that all grading was completed per the Geotechnical Engineering Report.
17. The Preliminary Plat (PP 17-01) 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 4th day of May, 2017


James M. Driscoll
Kennewick Hearing Examiner