

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

In the Matter of the Application of )  
Tri-Cities Development, LLC (Matt Smith) )  
 )  
for Preliminary Plat Approval )  
(Apple Valley Phases 3 and 4) \_\_\_\_\_)

No. **FILE NO: PP 17-05/PLN-2017-02581**  
FINDINGS, CONCLUSIONS,  
and DECISION

**SUMMARY OF DECISION**

Preliminary plat approval is granted to subdivide 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 development will be a 93-lot single-family home subdivision to be developed in two phases. 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**

Tri-Cities Development, LLC (Matt Smith) (Applicant) requested approval of a preliminary plat to subdivide 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.<sup>1</sup> The development will be a 93-lot single-family home subdivision to be developed in two phases.

**Hearing Date:**

The Hearing Examiner of the City of Kennewick held an open record hearing on the application on December 11, 2017.

**Testimony:**

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

Wes Romine -City of Kennewick  
Joe Seet-City of Kennewick  
Jason Mattox-Applicant's representative  
Matt Smith-Applicant  
Mr. Ben Woodard-KID representative

**Exhibits admitted for the public record:**

At the open record hearing the following exhibits were admitted:

1. Staff Report

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<sup>1</sup> The legal description of the property is a portion of the Northwest Quarter of Section 17, Township 8 North, Range 29 East of the Willamette Meridian, City of Kennewick, Washington described as follows: Tract K of the final plat of Apple Valley Phase 1, according to the plat thereof recorded in Volume 15 of Plats at page 0569, records of the Benton County Auditor's office.

2. Application
3. Notice of Application/Mailing List
4. Vicinity Map
5. Preliminary Plat Plans
6. Conceptual Grading Plan
7. Soils Sampling Report
8. Geotechnical Investigation/Geohazards Assessment Report
9. Trip Generation Letter
10. Wetland Assessment Report
11. SEPA Determination
12. City Department Comments
13. Outside Agency Comments
14. Power Point Hard Copy

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

#### FINDINGS

1. The Applicant requested approval of a preliminary plat of 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 development will be a 93-lot single-family home subdivision to be developed in two phases, phase 3 and phase 4 of the entire Apple Valley development. Access to the lots will be from Bob Olson Parkway and internal streets of the Apple Valley phases include infrastructure improvements currently being built. *Exhibit 1 pg.2; Exhibit 2; Exhibit 5; Testimony of Mr. Romine; Testimony of Mr. Mattox.* The project is located west of S. Sherman Street and south of Bob Olson Parkway at 3180 S. Van Buren Street. *Exhibit 1 pg.2*
2. The subject parcel was annexed into the City of Kennewick in April 2006 and was zoned at that time with a Residential Low Density (RL) zoning designation (Ord. 5142). The property was included in the Southridge Sub-area of Kennewick. In December 2011, when the zoning for the Southridge Sub-area was clarified by the City Council, the zoning for the subject property remained RL (Ord 5385). *Exhibit 1, pg. 3, The Comprehensive Plan designation of the property is Low Density Residential. Testimony of Mr. Romine; Exhibit 14, pg. 2*
3. Surrounding properties to the east and south are zoned Residential Medium Density (RM) and are proposed to be developed with single-family housing; the properties to the north and west are vacant and zoned RL and are expected to be developed with single-family housing. The Kennewick Planning Department determined that the proposed Preliminary Plat will be harmonious with the surrounding properties. *Exhibit 1, pg. 5; Testimony of Mr. Romine.*
4. Applications for a Planned Residential Development (PRD 15-01) and a Preliminary Plat (PP 15-06) for the subject property were completed on November 19, 2015. The plans for said projects included a subdivision proposal for the entire 136.4 acres of Apple Valley. A Mitigated Determination of Non-significance pursuant to the State Environmental Policy Act

(SEPA) was issued on March 14, 2016. However, on September 21, 2016, the PRD 15-01 and PP 15-06 applications were withdrawn. *Exhibit 1 pg.2; Testimony of Mr. Romine*

5. City of Kennewick's Single-Family Residential Design Standards apply to the proposed project. *Residential Development Standards (KMC 18.12.010 A.2)*. The minimum lot size that may be developed in an RL zoned property is 7,500 square feet. *Exhibit 1, pg. 3: Testimony of Mr. Romine*. The proposed smallest lot is 7,560 square feet. *Exhibit 1, pg. 3*
6. The lots of the proposed plat will range in size from 7,560 square feet to 25,250 square feet with an average lot size of 10,178 square feet. There will be 9 separate tracts of land for open space, walkways and storm pond. Smaller remainder portions of land are projected to be used for future development, but they will be subject to separate review. *Exhibit 1, pgs. 2 and 3; Exhibit 5*
7. Pursuant to the Washington State Environmental Policy Act (SEPA) (*RCW 43.21C*) the City was designated as the lead agency for review of environmental impacts resulting from the proposed development. On March 14, 2016 the City issued a Mitigated Determination of Nonsignificance (MDNS) for the previous proposed project on the subject property. *Exhibit 11, pg. 2; Testimony of Mr. Romine*. On October 18, 2017 the City adopted the existing environmental document previously issued as the SEPA threshold determination the instant project. *Exhibit 11, pg. 1*. No appeal of the MDNS was filed. *Testimony of Mr. Romine*.
8. The City's traffic engineer determined that the proposed project meets concurrency for transportation. Based on information contained in a traffic generation report and the records of the City of Kennewick, there will be some traffic impacts to streets in the area. As part of the mitigation of these impacts Bob Olson Parkway is projected to be completed by the City and there will be a development contribution from the Applicant for said improvements. The contribution will be a traffic impact fee of approximately \$938 per dwelling unit consistent with the City's traffic mitigation ordinance (*Ord. 5596*). The \$938 per dwelling unit traffic impact fee may be subject to a cost of living increase adjustment in 2018.<sup>2</sup> *Exhibit 9; Exhibit 1, pgs. 3 and 5; Testimony of Mr. Romine; Testimony of Mr. Mattox; Testimony of Mr. Seet*
9. Full residential street improvements are required on interior plat roadways. All improvements must be designed and constructed to City standards. *Testimony of Mr. Romine; Testimony of Mr. Seet*. The Applicant indicated that the improvements will meet City standards. *Testimony of Mr. Mattox*
10. The City's Traffic Engineer submitted an opinion that the street layout could generate complaints about neighborhood speeding. To alleviate these complaints, traffic calming elements may be required and installed per the approval of the City Traffic Engineer. The calming devices will include speed bumps and traffic circles of various sizes. *Testimony of Mr. Romine; Testimony of Mr. Seet; Testimony of Mr. Mattox; Exhibit 1, pg. 4*

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<sup>2</sup> Traffic mitigation fees can be paid at the time of building permit issuance or deferred until occupancy with a recorded covenant of payment obligation form

11. City storm water standards for residential subdivisions require designs 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 if 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 to the City's Public Works department. The submittal must include a storm water plan that satisfies City standards. *Testimony of Mr. Romine: Exhibit 1, pg. 4*
12. An existing 12-inch water main is located along the north side of the property at Bob Olson Parkway<sup>3</sup>. *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. *Exhibit 1. Pg. 4; Exhibit 5; Exhibit 12.*
13. Full street improvements for residential streets within the subdivision are required per *KMC 5.56.270*. The improvement must be constructed per Kennewick Standard Detail 2-1, sheet 2 of 4. Residential Design Standards allow curb tight sidewalks as an option to separated sidewalks; however, the sidewalk at driveway curb cuts must satisfy ADA standards. A separate permit for driveways, sidewalks, wheelchair ramps and utility extensions for water, sewer, street, storm drainage, street lights, fire hydrants etc. is required from the Department of Public Works prior to construction. *Exhibit 1. Pg. 4; Exhibit 5; Exhibit 12. Pg. 1*
14. Pursuant to Kennewick's Comprehensive Park Plan and the MDNS, the required park land for development of the entire 136.4-acre parcel (all four phases of the Apple Valley development) is 4.9 acres. However, because the City determined that the land of the proposed subdivision is not ideal for park purposes, an option is available for payment park fees in the amount of \$46,635.58 in lieu of dedication of park land. Based on a percentage of lots to be developed in the two proposed phases would be park fees of \$7,852.92. As established in the MDNS, the park fees are required to mitigate impacts to park zone 6W – Southridge. Fees would be required to be paid prior to signing the final plat mylar based on the percentage of lots being developed in each phase. *Exhibit 11; Exhibit 1, pg. 4; Testimony of Mr. Romine*
15. A June 8, 2015 Geo-Tech Report, prepared by PBS Engineering and Environmental, was submitted to address slope and soil conditions and to ensure that a development previously proposed for the site was in compliance with *KMC 18.62 – Critical Areas, Geologically Hazardous Areas*. The report was updated in an August 10, 2017 letter from PBS Engineering to the Applicant that considered the instant proposal. 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*. There are multiple areas within the propose site that are

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<sup>3</sup> formerly W. Hildebrand Ave

designated as critical areas due to high erosion potential and/or steep slopes. *Exhibit 8, pg. 1.* Based on the conclusions of the Report construction recommendations were set forth through the report. *Exhibit 8,*

16. As identified in the Geo-Tech Report, erosion and steep slope critical areas are located on the site. In addition, a pond area with potential to be a wetland critical area is located in the north portion of the site. At the closest point, the area of work proposed for phase 3 and phase 4 will be approximately 100 feet from the disputed wetland area. These features of the site were reviewed in the previous application for development of the property (PRD 15-01 and PP 15-06) in a critical area and wetland reports. During the administrative review of the current application that included the said reports, the Washington Department of Ecology (DOE) commented that the previous wetland report may not have correctly stated that the wetland, which is fed by irrigation, is not federal or state regulated water. In support of its position, DOE noted that there are aspen trees on site that may indicate wetland habitat. In a response, dated November 8, 2017, the Applicant's wetland consultant, EAS, disputed DOE's concerns. The EAS response was forwarded to DOE but, as of the date of hearing, there were no comments provided by that state agency. It is noted that the preliminary plat maps and other documents in the preliminary plat application indicate that the pond area referred to in the DOE response will remain undeveloped. *Exhibit 1, pgs. 4 and 5; Exhibit 5; Exhibit 10 and Exhibit 14; Testimony of Mr. Romine*
17. Although the City of Kennewick critical area maps do not show an existing wetland on the site, the proposal does include an area with erosion hazard critical area through the center of the proposed subdivision area. The Planning Staff recommended that the project be conditioned to comply with the recommendations of the Critical Area Report. *Exhibit 1, pgs. 4 and 5; Exhibit 5; Exhibit 10 and Exhibit 14*
18. The Kennewick School District, which will serve the residences of the developed subdivision, has the capacity to add students at all levels at three schools. The Capital Projects Director of the Kennewick School district identified the schools that will serve the subdivision as the Sage Crest Elementary School, Chinook Middle School, and Southridge High School. Students living in the proposed subdivision are in a walking zone for Sagecrest Elementary School and Southridge High School; Chinook Middle School is in a bussing zone. *Exhibit 1, pg. 5; Exhibit 13, pg. 17*
19. The new streets within the subdivision will have 5-foot wide sidewalks that connect to Ridgeline Drive and sidewalks that connect to Southridge High School. In addition, new sidewalks will connect to Bob Olson Parkway and S. Sherman Street. There will be approximately 700 feet of Sherman that will not be upgraded with new street construction and sidewalk. *Exhibit 1, pg. 5; Exhibit 5; Testimony of Mr. Romine*
20. There is property that adjoins a 700-foot undeveloped stretch on Sherman that is not owned by the Applicant and is not part of the instant subdivision. While the property may be developed at a future date and improved with improvements that include sidewalks, no improvements are called for at this time. For the time being, a wide gravel shoulder on Sherman will be used as part of safe pedestrian passage to Sage Crest Elementary. The

unimproved shoulder will connect to W. 38<sup>th</sup> Avenue which has sidewalks and a safe walking route to Sage Crest Elementary. *Exhibit 1, pg. 5.* A City representative testified that the School District was given notice of the project and submitted a response, but the District did not address the pedestrian route on Sherman S. Street. *Testimony of Mr. Romine; Exhibit 13, pg. 17.*

21. The proposal was reviewed by the Bonneville Power Administration (BPA). In an October 18, 2017 letter to the Kennewick Planning Department, the BPA stated they had no objection to the proposed plat. *Exhibit 28; Testimony of Mr. Romine.*
22. On October 19, 2017 the Kennewick Fire Department submitted the following: “No comment and approved as submitted”. *Exhibit 12, pg. 3.* The Applicant will be required to satisfy all fire code regulations.
23. The Benton-Franklin Health District submitted in an October 11, 2017 letter to the Kennewick Planning Department that the District reviewed the proposal and had no 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.
24. The Kennewick Irrigation District (KID) reviewed the proposal and in a letter to the City Planning dated October 24, 2017 submitted comments regarding the project. *Exhibit 13, pgs. 9-14.* In said letter KID provided comments and proposed conditions for the proposal. At the hearing, a representative of KID and the Applicant testified that they had been meeting and negotiating the development of the project and it appeared that the two parties would be able to agree on issues. *Testimony of Mr. Mattox and testimony of Mr. Woodard.*
25. 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 5; Exhibit 1, pg. 6*
26. 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 6-10; and Exhibit 13, pg.*
27. 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 12; Exhibit 5; Exhibit 1; and 2; Testimony of Mr. Romine*
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; Exhibit 5; Exhibit 6; Exhibit 7; Exhibit 8; Testimony of Mr. Mattox; Testimony of Mr. Romine*

29. 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*
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 (fees), schools, drainage, transit, water, sanitation, infrastructure and pedestrian areas. The plat will be constructed to City of Kennewick Residential Design Standards and the development requirements as set forth in the Kennewick Municipal Code.
31. 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 and aesthetic considerations in new residential developments. *Exhibit 1; Exhibit 5; Exhibit 12; Testimony of Mr. Romine*

## **CONCLUSIONS**

### **Jurisdiction:**

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

### **Criteria for Review:**

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

- (1) The Hearing Examiner will inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. All plats will be reviewed to determine their conformance with the Comprehensive Plan, comprehensive water plan, utilities plan, and Comprehensive Park and Recreation Plan, and anything else necessary to assist in determining if the plat should be approved. Appropriate provisions must be made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads,

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

### **RCW 58.17.033**

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

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

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

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

### *Conclusions based on Findings*

1. The Applicant requested approval of a preliminary plat of 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 development will be a 93-lot single-family home subdivision to be developed in two phases. Access to the lots will be from Bob Olson Parkway and internal streets of Apple Valley Phase include infrastructure improvements currently being built. The project is located west of S. Sherman Street and south of Bob Olson Parkway at 3180 S. Van Buren Street. The subject parcel was annexed into the City of Kennewick in April of 2006 and was zoned with an RL zoning designation. The property was included in the Southridge Sub-area of Kennewick. In December 2011, when the zoning for the Southridge Sub-area was clarified by the City Council, the zoning for the subject property remained as RL.

*Findings of Fact 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. 24-29*; water requirements of the City of Kennewick *Finding of Fact Nos. 12*; sanitary sewer service requirements. *Finding of Fact Nos 12*; storm sewer service requirements *Findings of Fact Nos. 11 and 13*; Comprehensive Park and

Recreation Plan *Finding of Fact No. 14*; and all relevant requirements to the approval of the plat.

3. 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 and 31*
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. *Finding of Fact No. 7*
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 Nos 15-16; 18-19, 21-21 and 24*
6. 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. *Findings Nos.15-17*
7. 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 10-24*

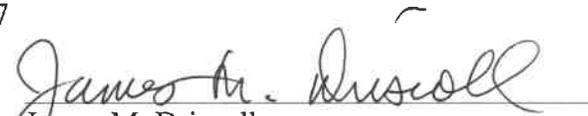
## **DECISION**

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 17 acres of land into 46 single family lots on a parcel generally located at 621 E. 36<sup>th</sup>, 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 for prior to final plat.
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.
7. The Applicant shall comply with all requirement and comments of the Kennewick Fire Department.
8. The Applicant shall comply with all requirement and comments as set forth in the October 20, 2017 Traffic Engineering Division memorandum comment. (Exhibit 12). Included in civil plans signing, striping and street lighting plan sheets must be included. The street lighting plan must include details on the conduits, j-boxes meter locations etc. *Refer to Exhibit 12, pg. 5 of 5.*
9. The Applicant shall comply with all requirement and comments as set forth in the October 17, 2017 (*Exhibit 12*) Public Works Department memorandum and comments.
10. 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
11. 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.
12. In lieu of dedication of park land, park fees are required in the amount of **\$7,852.92** for impacts to Park Planning Zone 6W-Southridge. Park fees will be collected prior to signing the final plat mylar.
13. 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.
14. The Applicant must provide dust control method(s), including but not limited to, hydro seeding for all areas of the site that are disturbed.

15. All on-site development shall adhere to the recommendations of the Geotechnical Engineering Report, dated June 8, 2015 and any of its amendments.
16. Grading activity shall be inspected by a qualified geotechnical engineer. At 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).
17. Geo-Tec reports are required for each lot at the time of building permit submittal. With prior approval a blanket geological report may be accepted if all applicable codes are met regarding soil bearing capacity.
18. The Applicant shall consult with the Kennewick School District about the District's position to ensure pedestrian safety for students who will use the unimproved 700 feet stretch on Sherman Street. This may include the placement of barriers along the city right-of-way. Any changes proposed must be approved by the City of Kennewick.
19. The Applicant shall execute a written agreement to the satisfaction of the City Attorney which will allow the City to make arrangements for maintenance of any common areas, open spaces, private roads, and common landscape areas should the Homeowner's Association fail or refuse to maintain these areas.
20. 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 19<sup>th</sup> day of December, 2017

  
James M. Driscoll  
Kennewick Hearing Examiner