

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

In the Matter of the Application of)	
)	No: PP 20-01/PLN-2020-00663
Rob Duncan-R3T Adventures)	
)	FINDINGS, CONCLUSIONS
for Preliminary Plat Approval)	and DECISION,
<u>Zintel Creek Estates</u>)	

SUMMARY OF DECISION

Preliminary plat approval is granted to subdivide the 3.73 acres into 12 single-family lots on property at 1906 Buntin Street, Kennewick, Washington.

SUMMARY OF RECORD

Request

Rob Duncan, R3T Adventures (Applicant) requested approval of a preliminary plat for a 12 single-family lot subdivision on 3.73 acres at 1906 S. Buntin Street, Kennewick Washington. The sited is currently zoned Residential, Suburban Density (RS). The City of Kennewick Comprehensive Plan designation is Low Density Residential.

Hearing Date:

The Hearing Examiner of the City of Kennewick held an open record hearing on the application on July 13, 2020. Because of the Corona Covid-19 pandemic the hearing was electronically held. Written testimony was also allowed to be placed in the record.

Testimony:

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

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- Steve Donovan-City of Kennewick Planning
- Greg McCormick-City of Kennewick Planning
- Ms. Melinda Didier-City of Kennewick Planning
- Mr. Joe Seet-City of Kennewick Public Works
- Ms. Christine Batayola-Representative of Applicant
- Mr. Alejandro Romero-Public
- Ms. Janelle Clayton-Public
- Mr. AJ Weigel-Public

Exhibits admitted for the public record:

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

1. Staff Report
2. Application
3. Notice of Public Hearing, 300-ft. mailing list and mailing affidavit
4. Preliminary Plat
5. Determination of Non-Significance ED 20-06/PLN-2020-00676, dated 6/01/2020
6. Wetland Delineation and Rating for a Property on West 19th Avenue and

- South Buntin Street, Kennewick, WA. (dated 4/29/2020)
7. Geological Hazards Assessment R3T Ventures, LLC – Parcel #1-1189-300-0001-000, Kennewick, WA, dated 4/24/2020
 8. Aquifer Recharge Area Statement, dated 3/05/2020
 9. Preliminary Grading Plan – Zintel Creek Estates
 10. Memorandum – Public Works Department, dated 5/05/2020
 11. Memorandum – Fire Department, dated 5/12/2020
 - 11a. Memorandum-E-mail to Planning dated July 21, 2020.
 12. Memorandum – Traffic Engineering Division, dated 5/15/2020
 13. Email from Tina Glines, Benton PUD, dated 5/06/2020
 14. Letter from State of Washington Department of Ecology, dated 5/12/2020
 15. Letter from the Bonneville Power Administration, dated 5/15/2020
 16. Letter from Kennewick Irrigation District, dated 5/20/2020
 17. Letter from Kennewick School District, dated 6/01/2020
 18. Email from the Department of Ecology, dated 6/08/2020
 19. Email from Janelle Clayton, dated 5/15/2020
 20. Email response to Janelle Clayton, dated 5/18/2020
 21. GIS Traffic and Survey Map
 - 21a. Kennewick Traffic Engineer comments to GIS map
 22. Email comment letter from Jerry Kunkel
 23. Hard copy of City’s Power Point

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

FINDINGS OF FACTS

1. The Applicant requested approval of Preliminary Plat (PP 20-01) for the subdivision of 3.73-acres into 12 lots, on property located at 1906 S Buntin Street, Kennewick, Washington. The land on which the plat will be developed is semi-arid with moderate slopes to the west that back up to Zintel Canyon. A single-family residence is presently located on the property and will remain as lot 1 of the subdivision. Other accessory structures currently on-site will be removed prior to final plat approval. *Exhibit 1, staff report, pg. 3; Testimony of Mr. Donovan; Exhibit 2; Exhibit 7, pg. 1*
2. On November 2, 2004 the property was annexed into the City of Kennewick. At the time of annexation, the site was zoned Residential, Suburban (*Ordinance 5060*), which remains the current zoning designation. The property has a Comprehensive Plan Land-Use Designation of Low Density Residential. RS property has a minimum lot size requirement of 10,500 square feet, *KMC 18.12.010 A.2*, but there is no maximum density standard for RS property in Kennewick. All of the proposed lots satisfy minimum standard. *Exhibit 1, staff report, pg. 3; Testimony of Mr. Donovan*
3. Adjacent properties to the site include single-family residences that are zoned and developed as RS Low Density, Residential. There are large vacant properties zoned

Open Space that abut portions of the property. The Kennewick Planning Department submitted that the proposed preliminary plat will be harmonious with existing uses on the adjacent properties and that based on the proposals, the lots of the plat will be developed consistent with surrounding properties. *Exhibit 1, staff report, pg. 4; Testimony of Mr. Donovan*

4. The plat has been designed with lots that all have a minimum residential lot area of 10,500 square feet. The lots within in the plat will average 11,250 square feet. The largest lot has a residential lot area of 14,760 square feet. The proposed preliminary plat satisfies the Residential Development Standards as established in KMC 18.12.010(A.2). In addition to the Development standards, the proposal will be subject to the Residential Design Standards for single-family development. *Exhibit 1, staff report, pg. 3; Testimony of Mr. Donovan; Exhibit 5*
5. The plat will front South Buntin Street which is a two- way street. The improvements will be half-street improvements of the west side of the street. The half-street improvements will include, but not be limited to, paving of the street, curbs, gutters and sidewalks on the west side of S. Buntin Street. There will be one driving lane and one lane for parking on the improved S. Buntin Street frontage. *Testimony of Mr. Donovan; Testimony of Mr. Seet.* In comments to the proposed street design of the plat, the City submitted numerous requirements that were yellow high-light. *Exhibit 21a* The Applicant must satisfy the terms of these comments.
6. A 55-foot radius cul-de-sac road with a proposed 38-foot right-of-way off Buntin will be at the central north east boundary of the plat. It will provide access to proposed lots 1-6. The cul-de-sac- will meet City standards, including emergency vehicle turnaround standards. There will be an access-utility lane near the central eastern border of the site for lots 7-10. Another 20-foot access-utility lane off Buntin will be developed at the southeast corner of the plant. *Exhibit 4, proposed plat map: Exhibit 12.*
7. The City determined that upon review of its erosion soils maps, the site may be within or near an erosion hazard soils area. Because of this concern, as well as the site having slopes that are greater than 15%, additional geological data and information was required by the City. A geological hazard assessment was prepared by R3T Ventures, LLC. After the R3T review of the site and its potential geological hazards, the City accepted its findings and conditioned the City's recommendation of approval of the plat subject to the adherence of the recommendations of the Geologic Hazards Assessment. *Exhibit 7, pgs. 2-8.* In addition, the City submitted that the Kennewick Building Department will recommend that geotechnical reports for each individual lot be conducted prior to issuance of building permits for individual homes. *Exhibit 1, staff report, Testimony of Mr. Donovan; Exhibit 7*
8. A Wetland Delineation and Rating Study was completed for the proposed plat by Environmental Assessment Service (EAS). EAS designated a wetland adjacent to the development site as a Category IV Wetland, and another wetland adjacent to the site meets the standards of (KMC)18.59 and is a Category III wetland. Protection buffers for a Category III Wetland are 150 feet, and the buffers for a Category IV wetland are 50 feet. The EAS study determined that the required buffers will not encumber any of the lots within the proposed development *Exhibit 1, staff report pg. 4.*

9. The State of Washington Department of Ecology (DOE) reviewed the wetland delineations and agreed that based on the information provided to the agency, the study correctly designated the adjacent wetland as a Category IV wetland. *Exhibit 18.*
10. The site was designated by the City as an Aquifer Recharge Area. Because of this designation, the Applicant is required to adhere to the requirements of *KMC Chapter 18.60 – Critical Areas Critical Aquifer Recharge Areas*. However, the Applicant through a letter submitted by Harms Engineering, submitted that while the property is within a critical aquifer recharge area, the development of single-family homes and associated infrastructure does not include any prohibited uses or activities and will not cause, or result in, contaminants entering the aquifer. Development will comply with the source water protection requirements and recommendations of the Environmental Protection Agency, the state Department of Health, the Benton County Health Department and the City's wellhead protection plant. *Exhibit 1, staff report, pg. 4; Exhibit 8, pg. 1*
11. An existing 8-inch waterline has been installed on S. Buntin St that connects to water lines on W. 19th and W. 20th Avenues. The water from these lines is available to be used for water service to the lots and homes in the proposed subdivision. *Exhibit 10, pg. 1; Testimony of Mr. Donovan; Testimony of Ms. Batayola.*
12. An existing 8-inch sanitary sewer line is located at the street intersection of W. 21st Avenue and S. Buntin and will provide sewer service to the northern six lots of the plat, with each lot having its own service line. However, the sewage collection for the southern six lots is yet to be determined. Because of slope issues and shallow lines, sewage from some lots may not be able to be gravity conveyed. In such a situation, either a sewer lift station or grinder pump system will be required. The exact type of sewage conveyance for these lots will be determined prior to final plat approval. *Exhibit 10, pg. 1; Testimony of Mr. Donovan; Testimony of Ms. Batayola.*
13. City storm water standards for residential subdivisions require designs that will retain and dispose of the calculated difference between a 25-year, 24-hour event for the developed state and the 24-hour event for the natural pre-developed state. Detention ponds (control outlet) may be used only 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 to the City's Public Works Department detailed civil engineering drawings for review and approval. The submittal must include a storm water plan that satisfies City standards. *Exhibit 10, pg. 1 (8)*
14. The City of Kennewick Department of Public Works submitted that the Applicant must provide a Storm Water Site Plan (drainage report) and storm design to retain and dispose of a 25-year 24-hour storm consistent with the Storm Water Management Manual for Eastern Washington (SMMEW) and Section 5-8. Infiltration tests that are required at the location and depth of the planned infiltration structures. In addition, a soils log to 5 feet below that point must be provided. *Exhibit 1, staff report, pg. 4; Exhibit 10, pg. 1 (8)*

15. DOE, in its comment letter of May 12, 2020, submitted additional comments on the water quality issues of the site. The comments identified certain requirements and standards that must be met for the water flowing from the site, including the need for required permits if the site has potential to discharge storm water offsite. *Exhibit 14*. The representative of the Applicant testified that the Applicant will cooperate with the DOE and provide any requested information for permits. *Testimony of Ms. Batayola*.
16. The Kennewick School District has the capacity to add students at all levels and at the three schools that will serve the subdivision. The schools are: Southview Elementary School, Horse Heaven Middle School and Southridge High School. All the students who will live in the proposed subdivision will be in bussing zones. *Exhibit 1, staff report, pg. 4*. The School District submitted that the schools have the capacity to add students at all levels. *Exhibit 17*
17. The proposed development is subject to the provisions of KMC Chapter 3.90 that establishes park impact fees (KMC3.90.010). The proposed development is in Service Area 2 and the following fees apply: \$760 per Single-Family Unit Park impact fees are due prior to issuance of a Certificate of Occupancy of the structure on the lot being developed. The exact fee calculations will be provided to the building permit applicant. *Testimony of Mr. Donovan; Exhibit 1, staff report, pg. 4*
18. The Department of Energy, through the Bonneville Power Administration (BPA), determined that the proposal will not directly impact BPA activities in the area. *Exhibit 15*.
19. The Benton PUD submitted comments that it will require a 10 foot utility easement for an existing overhead power line that extends through lots 1, 2, and 3. Further the PUD submitted that if any facilities' have to be relocated out of a road right of way, it must be done at the expense of the Applicant. *Exhibit 13*.
20. On May 12, 2020, the Kennewick Fire Department submitted that fire hydrants must be installed to support flow requirements of structures built on the lots of the subdivision. A fire hydrant must be installed at the corner of the cul-de-sac- entrance. The Fire Department requires the cul-de-sac be constructed of City Standards with twenty-foot-wide access easements with "Fire Lane No Parking" signs required to be installed at least on one side of the lane. Also, the Department advised that the lots that "back up to Zintel Canyon are a wildland urban interface and that Appendix "N" of the International Fire Code 2015 applies. *Exhibit 11*.
21. In a follow-up memo. the Fire Department submitted that it appears that three hydrants will have to be placed in areas that meet distance requirements and water flow requirements for built structures on the lots. The Department submitted that a "possible location" for one of the hydrants is at the end of the cul-de-sac lane, one at Buntin/19th Ct. and a third between proposed lots 11 and 12 on Buntin. *Exhibit 11a*
22. The Kennewick Irrigation District (KID) reviewed the proposal, and in a letter to the City Planning Department dated May 20, 2020, submitted comments regarding the project.

Exhibit 16. In said letter KID proposed conditions for the proposal. *Testimony of Mr. Donovan; Exhibit 16.* The representative of the Applicant testified that it is aware of KID's comments and that it would work with the District in developing its plat and protecting the interests of the District. *Testimony of Ms. Batayola.*

23. The proposal was reviewed by the BPA. In a May 15, 2020 letter to the Kennewick Planning Department, the BPA stated that the proposal will not directly impact BPA facilities in the area. The agency had no objection to the proposed plat. *Exhibit 15*
24. A public witness (Janelle Clayton) submitted written correspondence to the City's Planning Department that were submitted for the record. In addition, she submitted oral testimony. Prior to the hearing she submitted written questions concerning the proposed development. *Exhibit 20, May 18, 2020 email to City.* The City answered her concerns by reaffirming that street improvement will be required on S. Buntin, including curb, gutters and sidewalks. The Applicant must also must connect to City water and sewer utility lines, and connection to these lines by neighboring properties will be at their discretion or that of the Benton-Franklin Health District. There will be a buffer established that must comply with the City's Critical Area ordinance. Ms. Clayton was also informed that the Applicant must satisfy the requirements of the Kennewick Irrigation District. *Exhibit 20. Response of Mr. Donovan.*
25. During the hearing witness Clayton testified that her property borders proposed lot 12 and that she has animals that must be safe from construction activity. She also testified that there is a water pipe exposed on the back side of the Applicant's property that may have been used for storm water drainage. *Testimony of Ms. Clayton.* The Applicant's representative testified that she was unaware of the pipe but would like to have more information on its location in order to determine its use. *Testimony of Ms. Batayola*
26. A public witness (AJ Wiegel) testified that he was concerned about the type and locations of the water and sewer lines and whether the Applicant would make all needed repairs if the lines were placed in the nearby streets. *Testimony of Mr. Weigel.* The City's representative submitted that all streets that were impacted by installation of utilities would be repaired to City standards. *Testimony of Mr. Seet.*
27. The proposed plat is consistent with the Kennewick Comprehensive Plan City RESIDENTIAL GOAL 1 that reads "Provide for attractive, walkable, and well-designed residential neighborhoods, with differing densities and compatible with neighboring areas. The proposed preliminary plat is consistent with the Comprehensive Plan Land Use" The proposed Preliminary Plat is consistent with the Comprehensive Plan Land Use and complies with development standards for Residential, Suburban (RS) zoning district. Similar housing types and lot layouts are in the in the general area of the proposed development. *Testimony of Mr. Donovan; Exhibit 1, pg. 5*
28. The proposed plat is consistent with the Kennewick Comprehensive Plan City RESIDENTIAL GOAL 3 that reads "Promote a variety of residential densities with a

minimum target of 3 units per acre as averaged throughout the urban area”. *Testimony of Mr. Donovan; Exhibit 1, pg. 5; see Finding #4.*

29. The proposed plat is consistent with the Kennewick Comprehensive Plan, RESIDENTIAL GOALS 4 and 5 which encourage that the residential development occur in an urban area where services can be provided. City water and sewer are available at N. W. 21st and W. 19th Avenues and S. Buntin. The proposed plat will provide provisions for parks, schools, drainage, transit, water, sanitation, infrastructure, pedestrian, and aesthetic considerations in new residential developments. Street improvements are required consistent with Department of Public Works standards. *Exhibit 1, pgs2-6; Testimony of Mr. Donovan; Exhibit 10; Exhibit 12*
30. 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 10; Exhibit 12; Testimony of Mr. Donovan*

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 Preliminary Plat (PP 20-01) for the subdivision of 3.73-acres into 12 lots, on property located at 1906 S Buntin Street, Kennewick, Washington. The land on which the plat will be developed is semi-arid with moderate slopes to the west that back up to Zintel Canyon. A single-family residence is presently located on the property and will remain as part of the subdivision. Other accessory structures currently on-site will be removed prior to final plat approval. The plat has been designed with lots that all have a minimum residential lot area of 10,500 square feet. The lots within in the plat will average 11,250 square feet: The largest lot has a residential lot area of 14,760 square feet. In April 1986 the property was zoned Residential Low Density (RL) (Ordinance 2995). The property is currently zoned Residential, Suburban (RS) and has a Comprehensive Plan Land-Use Designation of Low Density Residential. RS property has a minimum lot size requirement of 10,500 square feet. *KMC 18.12.010 A.2*. There is no maximum density standard for RS property in Kennewick. *Findings of Fact Nos. 1, 2 and 4*.
2. The proposed plat, which has been reviewed by the City and other agencies, has been determined to be in conformance with the City of Kennewick Comprehensive Plan *Findings of Fact Nos. 27-29*; water requirements of the City of Kennewick *Finding of Fact No. 11*; sanitary sewer service requirements *Finding of Fact No. 12*; storm sewer service requirements *Findings of Fact No. 13, 14 and 15*; Comprehensive Park and Recreation Plan *Finding of Fact No. 17*; 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. 2-21*

4. Schools in the in the local school district can accommodate the increase in students generated by the development. *Finding of Fact No. 16*
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. 22-24*
6. While there are wetlands on adjacent properties, no wetlands are present on the site. The required buffers for the adjoining wetlands will not encumber any of the lots within the proposed development. *Finding No.8*
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 consideration 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 4-24*

DECISION

Based on the administrative record developed at the public hearing meeting and Findings of Facts and Conclusions as set forth above preliminary plat approval to subdivide 3.73 acres into 12 lots, on property located at 1906 S. Buntin Street, Kennewick, Washington. The approval is subject to conditions as set forth in the Decision section of this document. The term “Applicant” shall also refer to the Applicants successors.

1. The Applicant shall comply with all City of Kennewick regulatory controls, policies and codes, including the Single-family Residential Design Standards and all requirements of the Residential Low Density RL zoning designation.
2. All development of the plat shall be in conformance with the plat drawings submitted as Exhibit 4 at the public hearing. Any amendments to the plat drawings shall be reviewed by the City of Kennewick.
3. The Applicant shall remove the existing accessory structures on site prior to final plat approval.
4. All fees required by the City shall be paid consistent with the policy of the City of Kennewick. Prior to final plat approval, the Applicant shall consult with the City on the timing of payment of fees.

5. The Applicant shall construct all residential streets per City of Kennewick consistent with applicable City of Kennewick Standard Specifications and Drawings. In addition, the Applicant shall comply with all requirements as set forth in exhibits 12, 21 and 21a. Prior to final plat approval, a bond or cash deposit will be required for incomplete sidewalks.
6. Prior to final plat approval, a maintenance agreement shall be submitted for City approval for the maintenance of the shared access points to Lots 7-12 as depicted in Exhibit 4. This agreement may be part of the agreement required in condition 18.
7. 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. Street trees shall be placed at 40-foot intervals. The landscape plan shall be prepared by a licensed landscape architect or licensed landscape installer drawn to a legible scale. Prior to final plat approval, a bond or cash deposit will be required for incomplete landscaping.
8. The Applicant shall comply with all requirement and comments of Public Works Department as set forth in the memo of May 5, 2020. (Exhibit 10).
9. The Applicant shall comply with all requirement and comments of the Traffic Engineering Division as set forth in the plat map comments of Exhibit 21a.
10. In lieu of dedication of park land, park fees are required for impacts to local park zones. Park fees will be calculated and collected prior to signing the final plat mylar.
11. The Applicant shall coordinate and negotiate with Kennewick Irrigation District. The parties shall use a letter dated May 20, 2020 (Exhibit 16) as the basis of the agreement.
12. The Applicant shall comply with all applicable requirements of the Kennewick Municipal Code chapters 18.60-Critical Areas Critical Aquifer Recharge Areas.
13. The Applicant shall follow the recommendations of the Geologic Hazards Assessment. *Exhibit 7*. 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 as long as all applicable codes are met regarding soil bearing capacity.
14. The Applicant shall comply with the information provided by the Benton PUD in its email to the City dated May, 6, 2020 and admitted as Exhibit 13 at the public hearing.
15. The Applicant shall provide dust control method(s) such as hydroseeding for all areas of the site that are disturbed. Re-hydroseeding may be required.
16. Any required residential street trees are to be installed prior to issuance of the Certificate of Occupancy for each new home. Prior to planting the Applicant shall provide to the City for approval a list of street trees.

17. Prior to final plat approval the Applicant and the City must enter into an agreement that requires a Homeowner's Association. The agreement is subject to the satisfaction of the City Attorney.
18. 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.
19. The Preliminary Plat (PP 20-01) 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.
20. On the construction plans for proposed lot 12, the Applicant must include language to the contractor that the property adjoining proposed lot 12 of the plat is used for raising animals, and that the contractor must take all precaution to protect the safety of the animals and ensure that nothing is done to disrupt the fencing that necessary to protect the safety of the animals.

Dated this 29th day of July, 2020.

James M. Driscoll
Kennewick Hearing Examiner