

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

In the Matter of the Application of)
Knutzen Engineering)
for Preliminary Plat Approval)
(MILLS END PLAT))

No. **FILE NO: SUB-2021-0005**
FINDINGS, CONCLUSIONS,
and DECISION

SUMMARY OF DECISION

Based on the administrative record developed at the public hearing approval and the Findings of Facts and Conclusions as set forth herein, the preliminary plat approval of the Mills End subdivision of Plat for the subdivision of 3.63-acres into 34 lots and three tracts. The project generally located at 3900 Southridge Boulevard, Kennewick, Washington is granted subject to the listed conditions in the Decision.

SUMMARY OF RECORD

Request

Knutzen Engineering, on behalf of Columbia Basin Land Developers, owner of the property, requested approval of a Preliminary Plat for the subdivision of 3.63-acres into 34 lots and three tracts. The project is generally located at 3900 Southridge Boulevard, Kennewick, Washington.¹

Hearing Date:

The Hearing Examiner of the City of Kennewick held an open record hearing on the application on February 14th, 2022. The hearing was held on-line with ZOOM communication. All parties and the public were notified of the date and time of the hearing and were given instructions on how to participate at the hearing.

Testimony:

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

- Anthony Muai-Kennewick Planning Director
- Steve Donovan-Kennewick Planning Manager
- Martin Nelson-Kennewick Public Works
- Joe Seet-Kennewick Traffic
- Nathan Machiela-Applicant's Representative
- Marilyn Hamel - Public testimony
- Jeremy Holbrooke- Public testimony
- Jim Bradfield- Public testimony
- Kelly Dean- Public testimony
- Nick Vanhollenbeke- Public testimony
- Nicole Duquist- Public testimony
- Jenneke Heerink- Public testimony
- Michael Colton- Public testimony
- Mike Dean- Public testimony

¹ Parcel Number 1-1689-303-0000-031 and 1-1689-303-0003-000 -Lot 31 and tract Ridgeline Estates phase 2, as recorded in volume15 of plats at page 480, under Auditor's file number 2015-008031, Records of Benton County, State of Washington.

Exhibits admitted for the public record:

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 EDENVD-2021-0002
6. Critical Aquifer Recharge Area Letter, dated December 13, 2021
7. Critical Area Report, dated 12/17/2021
8. Memorandum – Public Works Department, dated 12/30/2021
9. Traffic, Fire, Surveyor and GIS Comments
10. Bonneville Power Administration Comments, date 1/3/2021
11. Kennewick Irrigation District comments, dated 1/4/2022
12. Kennewick School District comments, dated 1/25/2022
13. Parks Department comments, dated 1/25/21
14. Public written comments
 - Lanette Adams (January 3, 2022)
 - Caroline and Mark Bearden (January 3, 2022)
 - Mark Bearden (e-mail February 14, 2022)
 - Caroline Bearden (e-mail December 29, 2021)
 - Michael and Theresa Colton (December 31, 2021)
 - Michael Colton (e-mail February 11, 2022)
 - Michael Dean (no date on comment letter)
 - Josh DuQuist (e-mail January 2, 2022)
 - Randy Foltz (e-mail January 1, 2022)
 - Gabby Galbrath (e-mail January 3, 2022)
 - Dindi Gould (e-mail January 4, 2022)
 - George Guerra (e-mail January 3, 2022)
 - Ken Hahn (e-mail December 26, 2021)
 - Jeff and Geneva Hart (e-mail January 2, 2022)
 - William Hayward (e-mail Jan 3, 2022)
 - Jenneke B. Heerink and Hrvoje Krmpotic (e-mail January 3, 2022)
 - Jenneke Heerink (e-mail February 7, 2022)
 - Jeremy Holbrook (e-mail January 3, 2022)
 - Kelly Dean (e-mail January 5, 2022)
 - Augustan D. Kittson (e-mail January 3, 2022)
 - Robert Kluemper (email January 1, 2022)
 - Rick Melling (e-mail December 30, 2021)
 - Brandon Pacheco (e-mail January 2, 2022)
 - Carla Rose (e-mail January 3, 3022)
 - Paul Sack (e-mail January 1, 2022)
 - Bryant Scott (e-mail January 3, 2022)
 - Bryant Scott (2nd email, January 3, 2022)
 - Megan Turner (e-mail January 2, 2022)

- Nick Vanhollebeke (e-mail December 21, 2021)
 - Nick Vanhollebeke (e-mail January 1, 2022)
 - Nick Vanhollebeke (second email January 1, 2022)
 - Tom Worley (January 2, 2022)
 - Sydney Yazwinski (January 2, 2022)
 - Marilyn Hamel (e-mail February 7, 2022)
 - Julie Bafus (e-mail February 10, 2022)
 - Steve Porter (e-mail February 10, 2022)
 - Stephen Hurst, (e-mail February 6, 2022)
 - Petition with numerous signatures received by City on February 11, 2022
15. February 11, 2022 Memorandum of Parks Department
 16. Memo from Martin Nelson, Kennewick Utilities, February 16, 2022
 17. Memo from Kennewick Fire Department, February 15, 2022
 18. Hard copy of Power Point presentation.

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 (SUB-2021-0005) for the subdivision of 3.63 acres into 34 lots single-family and three open tracts. Single family townhouses are proposed for each lot. On each of the lots a residential structure will be constructed on either the north or south property line and the structure will share a common property line and wall with another residential structure on the abutting lot. The property for the proposed development is located at 3900 Southridge Boulevard, Kennewick, Washington. The vacant site has a City of Kennewick Comprehensive Plan Land-Use Designation of Medium Density Residential and zoning of Residential, Medium Density (RM). *Testimony of Mr. Donovan; Exhibit 1, pg.3; Exhibit 2.*
2. The proposed plat will be developed with 34 RM-compliant townhome lots. The average lot size will be 3,767 square feet, with the smallest being 2,057 square feet. *Exhibit 2.* Such development is allowed on RM zoned property. *Testimony of Mr. Donovan*
3. The City of Kennewick annexed the site on December 3, 1980, with passage of Ordinance 2539. RM zoning for the site was established on February 21, 2012 with the passage of Ordinance 5405. The site was originally developed as Lot 31 and Tract C of Ridgeline Estates Phase 2 Plat that was recorded on April 8, 2014. In the Ridgeline Estates 2 Plat, Lot 31 was projected to be developed into multi-family units. The development of Lot 31 never occurred and the Applicant has now requested the approval of the instant application. *Exhibit 1, Pg. 3; Testimony of Mr. Donovan; Testimony of Mr. Machiela*
4. The properties to the south and west of the site are zoned RM and are developed with subdivisions. The properties to the east consist of two zoning districts, RM and Commercial. The RM land has been developed as a single-family residential subdivision. The Commercial Community zoned land has remained vacant. The property north of the

site is also zoned RM and is developed with subdivision. *Exhibit 1, pg. 4*

5. 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 January 12, 2022, the City issued a Mitigated Determination of Nonsignificance (MDNS) for the proposed project on the subject property. There were no conditions to the MDNS. No appeal of the MDNS was filed. *Exhibit 5, Testimony of Mr. Donovan.*
6. Prior to any construction of the site the Applicant must prepare a report prior to a grading permit being issued. If the data of the grading report does not correspond to the SEPA data, the SEPA review process will be reopened. *Testimony of Mr. Donovan.*
7. As depicted on the proposed plat map, *Exhibit 4*, W. 41st Avenue fronts the property to the west and Southridge Boulevard fronts the property on the east boundary. The only interior street of the plat is off Southridge Boulevard. All lots of the plat will have access off Mills Place. *Exhibit 4: Testimony of Mr. Seet. Exhibit 9.* The Kennewick Roads Department representative testified that both Southridge and W. 21st are developed to City standards and are able to handle the increased traffic generated by the proposed development. This opinion was based on data from the which is used to project increase traffic from new development. Based on review of City standards and needs the traffic impact fees for the plat will be \$813.00 per lot. *Testimony of Mr. Seet.*
8. The City Roads Department testified that full residential street improvements designed and constructed to City standards are required on interior plat roadway, currently identified on the plat as Mills Place². *Testimony of Mr. Seet; Exhibit 9.* All improvements must be. *Testimony of Mr. Seet.* Access to lots 1-4 will be off W. 41st Ave. and the other lots will access the internal road. Access easements for lots 1-4 are required. *Testimony of Mr. Machiela*
9. The Kennewick Municipal Code (KMC) chapter 18.12 establishes development standards that have been established for properties in the City or Kennewick. The Table of Residential Development Standards, set forth in KMC 18.12.010 A.2, lists the density standard of a parcel in an RM zoning district, with a maximum of 13 units. While the minimum lot size requirement is 4,000 square feet, but a minimum lots size of 1,800 square feet for a rowhouse/townhouse that is developed on an RM lot. The proposed density for the entire site is 9 per acre. The proposed development has a minimum residential lot area of 2,796 square feet, and a maximum residential lot area of 5,520 square feet, with an overall lot average of 3,613 square feet. *Exhibit 1, pg. 3*
10. Based on the testimony provided at the hearing and the written comments of members of the public, many of the property owners in the general area are of the opinion that the allowed density of the RM zoning standards is not appropriate for this property. The City staff addressed this issue by noting that the current zoning of the site is RM and the zoning

² In the final plat approval Mills Place will be identified as N. 40th Court

standards of that particular zone apply. The City also noted that the development will only have one unit on each lot and each unit will abut a structure on the adjoining lot, with each unit sharing a common wall. *Exhibit 14; Testimony of Mr. Donovan.*

11. The site has been designated by the City as a Critical Aquifer Recharge Area (CAR). Although KMC Section 18.60.050 allows certain activities, they must meet the standards set forth in the Ordinance. The Applicant has not proposed any prohibited activities as part of the development on site. *Exhibit 1, Pg,4; Exhibit 6*
 12. A critical areas report that addressed erosion hazard areas and the on-site slopes that are greater than 15 per cent slope was submitted. *Exhibit 7.* As addressed in this report, the site's slope instability is considered low with a moderate risk for soil erosion. According to the report, soil erosion can be mitigated through project design, construction and maintenance, *Exhibit 7.* This opinion was based on test-pits throughout the property. *Exhibit 7, Pg. 3*
 13. The critical area report of the soil conditions sets forth a summary of conclusions and recommendations. The conditions require suitable imported soils placed as engineered fill with appropriate keying and benching into existing sloping ground. Conditions and requirements, including Appendix J of the 2018 International Building Code. *Exhibit 7, pg. 5*
 14. In the critical area report, the engineering company who conducted the study, Northern Inc, stated that "proposed mass grading at the project site to develop the proposed plat shall consist of suitable import soils placed as engineered fill with appropriate keying and benching into existing sloping ground in accordance with the recommendations of the referenced report." This effort will entail placing approximately 4,822 cubic feet of import soils to fill the low areas of the southern portion of the site. The planned source of the fill material will consist of material generated for the adjacent development site located east of Southridge Boulevard. After fill, the finished slope gradients across will range from less than 5% to a maximum of 20%. Development conditions will be recommended and be and imposed as part of the development. *Exhibit 7*
 15. Water and sewer service will be provided by the City. The subject property has split water zones, 4 and 5. The Applicant must submit a comprehensive water, sewer and storm drainage plan for review and approval by the City. Included in this requirement, will be provisions for and installation of metered waster service for each lot. The approved water plan must include a looped system and hydrants for fire service. *Exhibit 8*
 16. Two existing sewer mains, each of which is 8-inches, are available to serve the site. One main is near proposed lot 3 and the other is near lot 30. Connections of these mains will be to a larger sewer main in Southridge Boulevard. *Exhibit 8.*
 17. In Exhibit 9, the Traffic Engineering Division provided comments on the proposal. Based on the existing traffic counts and the subdivision's projected traffic counts the existing streets are adequate to carry the increase traffic generated by the new subdivision, The
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City will not require a traffic impact analysis. *Testimony of Mr. Seet; Exhibit 9*

18. 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. *Exhibit 8, pg. 2-#17. Exhibit 1, Pg. 3.* Tracts A and B are proposed to be encumbered by storm water easements. Storm water design, construction and post construction must meet the requirements of KMC Section 14.28.045 and COK Standard Specs.
 19. The property on which the plat will be developed is within the boundaries of the Kennewick Irrigation District. Pursuant to the authority granted KID in RCW 58.17.310(92), the District submitted comments and condition to the plat. No objections were stated. *Exhibit 8*
 20. Because the site is not designated as irrigable land, irrigation water will be not available from the Kennewick Irrigation District for the Mills End Plat. *Exhibit 8, comment 11.* However, potable City water will be allowed to be used for irrigation within the plat. The supply of this water must meet City of Kennewick cross connection requirements set forth in Kennewick Municipal Code (KMC 15.41).and approved by the City's cross-connection Specialist through the Civil Plan review process. *Testimony of Mr. Donovan*
 21. The Mills End Plat is in Service Area 1 of the Kennewick Parks system. *Exhibit 1, pg. 4.* The City's Parks and Recreation Comprehensive Plan has a goal to maintain 3 acres of park land for every 10,000 residents. This standard can be met with the proposed development and the nearby Ridgeline Estates neighborhood, which is in Planning area 6W of the plan. *Exhibit 15.*
 22. The City also determined that the plat's park impact fee for Service Area 1 will be \$1009 for each single-family unit of the Mills End Plat. The Park Impact Fee is due prior to the City issuing the certificate of occupancy. *Exhibit 13*
 23. The Bonneville Power Administration (BPA) stated it had no objections to the proposal. *Exhibit 10.*
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24. The Kennewick School District, which will serve the residences of the developed subdivision, has the capacity to add students at all levels at the three schools that will serve the residences of the plat. The Capital Projects Director of the Kennewick School District identified the schools as Sage Crest Elementary, Chinook Middle School and Southridge High School. Sage Crest Elementary and Southridge are within walking distance of the proposed plat. Chinook is a mile or more from the plat and the students

will be bussed. The School District will identify the bus stop for the students who take the school bus. *Exhibit 1, Pg. 4; Exhibit 12; Testimony of Mr. Donovan.*

25. Prior to the hearing public opposition to the plat was submitted in letters and emails to the planning staff. In these letters and emails, the objections to the plat were based on perceptions of reduced property values (*Adams, Bearden. Colton, Dean, DuQuist, Galbraith, Gould, Hart, Hayward, Kelly Dean, Melling*) increased density (*Fultz, Dean, Colton. Bearden, Galbraith, Hayward*); increased traffic (*Addams, Beardem, Colton, Foltz, Hart, Heerink, Kelly Dean. Gould*); reduction of views (*Guerra, Hart, Heerink,*); perceived non-compatibility of the proposed plat with the existing developments in the area (*Heerink, Kitson, Kluemper, Melling, Rose*),³
26. The Land Use of the Kennewick Comprehensive Plan, Section 2, addresses, among other topics, residential lands. *Comprehensive Plan Pg. 41 et. seq.* Among goals of Residential planning in the City is. RESIDENTIAL GOAL 1: “Provide for attractive, walkable, and well-designed residential neighborhoods, with differing densities and compatible with neighboring areas.” According to the City, the current development plans indicate the Mills End proposed plat will be consistent with this goal. Further the plat will comply with development standards of an RM zoning district. The Applicant intends to develop the neighborhood with townhome lots with each lot having one of the rowhomes located on it. *Exhibit 1, Pg. 5; Testimony of Mr. Donovan*

27. Residential Goal 2 of the Comprehensive Plans calls for development to be designed and built to “Provide appropriate public facilities supporting residential areas.” One of the policies of this goal is POLICY1: “Ensure provision of parks, schools, drainage, transit, water, sanitation, infrastructure and pedestrian in new residential developments.” As noted, in various Findings herein, this policy will be satisfied with the proposed development. *Exhibit 1 pg. 5; Testimony of Mr. Donovan*
28. Another policy of Residential Goal 2 as set forth in the previous Finding, is POLICY1: which is to “Ensure provision of parks, schools, drainage, transit, water, sanitation, infrastructure and pedestrian in new residential developments.” As noted in the Findings herein, and the record developed at the public hearing, parks, schools, drainage, transit, water, sanitation, infrastructure and pedestrian issues in the Mills End Plat have been address to meet this policy. *Exhibit 1, pg. 5; Exhibits 4,7-9,12-13 and 15*
29. Residential Goal 2 of the Comprehensive Plan requires that a plat “Provide appropriate public facilities supporting residential areas” Policy 2 of the Goal encourages irrigation service throughout residential areas, when available, to support and maintain healthy landscaping. While the Kennewick Irrigation District cannot provide irrigation water for this designated non-irrigable parcel, the City can provide said water subject to requirements. *Exhibit 1, Pg. 5; Testimony of Mr. Donovan; Exhibit 11*

³ Other authors of letters and emails may not be recognized in this Finding. The Hearing Examiner read each document submitted by the Public and has concluded the list as contained in this Finding contains the most commented on topics.

30. Residential Goal 3, addresses the need to “Promote a variety of residential densities with a minimum density target of 3 units per acre as averaged throughout the urban areas.” Policy 3 of RESIDENTIAL GOAL 3 encourages development of “Residential Medium Density areas that can support high-quality, compact urban development with access to urban services, transit, and infrastructure, whether through new development or through infill”. The City representatives testified that, as proposed, the development will satisfy Goal 3, Policy 3 with townhome lots being developed in an area that is supported with urban services. Such development will diversify the housing stock in the area. *Exhibit 1, pg. 5; Testimony of Mr. Donovan*
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 4-13. 15-17; Testimony of Mr. Donovan*, Various non-City agencies submitted that they had reviewed the project and submitted recommendations of approval. Some organizations requested certain conditions be imposed. *Exhibits Nos. 11-12.*

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.
- The Hearing Examiner is limited in his authority to the powers allowed by State Statutes and City Ordinances. *Chaussee vs. Snohomish County, 30 Wn. App. 630 (1984)*
- The duties of the Hearing Examiner of Kennewick are set forth in *KMC 4.02.080: - Duties of the Examiner*. These powers are the authority of the Hearing Examiner to hear issues in the City. They are limited and cannot be exceeded. Not included in these powers is the authority for the Examiner to consider depreciation of property as a criterion for review of a preliminary plat.

RCW 58.17.033

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

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

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

(3) The limitations imposed by this section shall not restrict conditions imposed under

Chapter 43.21C RCW.

KMC 17.10.080: Provisions for Public Health, Safety, and Welfare

Included in 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 58.17.110

Approval or disapproval of subdivision and dedication—Factors to be considered.

(1) The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication.

(2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the

proposed subdivision and dedication.

Conclusions based on Findings

- 1 The Applicant requested approval of a single-family Preliminary Plat (SUB-2021-0005) for the subdivision of 3.63 acres into 34 lots and three open tracts. On each of the lots a residential structure will be constructed on either the north and south property line, and the structure will share a common property line and wall with another residential structure on the abutting lot. The property for the proposed development is located at 3900 Southridge Boulevard, Kennewick, Washington. The vacant site has a City of Kennewick Comprehensive Plan Land-Use Designation of Medium Density Residential and zoning of Residential, Medium Density (RM). *Finding Nos. 1, 2, 7*
- 2 The vehicular access to the plat will be off Southridge Boulevard, which borders the east boundary of the property. An internal road will provide access to the lots of the plat. The internal road will be built to City standards. *Findings of Fact Nos. 7 and 8*
3. The City has reviewed the proposal and determined that it can be developed and meet the regulations and requirements of the City, including street and road improvements *Findings of Facts Nos. 7-8*, water requirements of the City of Kennewick *of Fact Nos. 15, 17, 18 and 19*; sanitary sewer service requirements, *Findings of Fact No, 15-16*, storm sewer service requirements *Findings of Fact No. 18*, Comprehensive Park and Recreation Plan *Finding of Fact Nos. 20-21*, and all relevant requirements to the approval of plats in the City of Kennewick. *Finding of Facts Nos. 4-7, 9 and 11-13*
- 4.. 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 Nos. 4-24 and 26-31*
5. 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 January 12, 2022, the City issued a Determination of Nonsignificance (DNS) for the proposed project on the subject property. There were no conditions to the DNS. No appeal of the DNS was filed. *Finding of Fact No. 5*. The Applicant must prepare a report for a grading permit. If the data in the grading permit does not correspond to the SEPA data, the SEPA review process will be reopened. *Finding of Fact No. 6*.
6. Various state and local agencies submitted comments and recommendations. The recommendations addressed impacts that could be created with the development of the plat. The recommended conditions are specific to the development and would mitigate the impacts. *Findings of Fact Nos 19 and 22*

DECISION

Based on the administrative record developed at the public hearing approval and the Findings of Facts and Conclusions as set forth above, the preliminary plat approval of the Mills End Plat for the subdivision of 3.63-acres into 34 lots and three tracts is approved subject to the following conditions.

The conditions apply to the Applicant, its agents and any successors of interest

1. The Applicant shall comply with all City of Kennewick regulatory controls, policies and codes, including the Single-family Residential Design Standards and Residential Medium Density (RM) zoning designation.
2. A landscape plan must be submitted for approval of all common areas, open spaces and rights-of-way, 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 and within five feet of the back of sidewalk for curb tight sidewalks. The landscape plan shall be prepared by a licensed landscape architect or licensed landscape installer drawn to a legible scale.
3. A landscaping strip, no less than five feet and consisting of ground cover and street trees every 40 feet, is required along Southridge Boulevard.
4. The Applicant must provide the City with a bond or cash deposit to ensure completion of any sidewalks that are not completed and all landscaping. These bonds or cash deposit must be filed prior to final plat approval. Trees for the individual residential lots shall be planted prior to a certificate of occupancy for each new home.
- 5 All fencing along Southridge Boulevard Parkway shall be a minimum of ten feet from the back of the sidewalk.
6. All fees required by the City, with the exception of park impact fees and traffic impact fees, must be paid prior to approval of the final plat. The park impact fees and the traffic impact fees shall be due prior to the issuance of a certificate of occupancy for each lot.
7. As recommended in the Critical Areas Report dated December 17, 2021, a geo-technical exploration and valuation report for site and structure-specific design-level must be submitted prior to site development or Final Plat approval.
8. The Applicant shall provide the Kennewick Building Department a geo-tech report that sets forth the bearing capacity of the soil for each structure of the plat. The study can be either a mass report for all building sites submitted with the final plat, or, individual reports for each lot. The report must be submitted prior to the approval of the footing inspection, as they are built out.
9. All development of the plat shall be in conformance and consistent with the plat drawing which was admitted as Exhibit 4.
10. In lieu of dedication of park land, park fees are required in the amount of \$1009.00 per

per Single-Family Unit on each lot of the plat.

11. Traffic impact fees (TIF) of \$787 per dwelling unit for each lot within the plat must be paid prior to issuance of a certificate of occupancy for the lot.
12. The Applicant shall comply with the Memorandum – Public Works Department which was admitted as Exhibit 10 at the October 11th, 2021 public hearing and Memorandum of the Parks Department dated February 11, 2022. The requirements set forth in these documents are to be considered as part of the conditions of approval of the preliminary plat.
13. The Applicant shall comply with the Memorandum – Public Works Department which was admitted as Exhibit 9 at the February 13, 2022 public hearing. The requirements set forth in this document are to be considered as part of the conditions of approval of the preliminary plat.
14. The Applicant shall comply with the Memorandum – Public Works Department which was admitted as Exhibit 8 at the February 13, 2022 public hearing. The requirements set forth in this document are to be considered as part of the conditions of approval of the preliminary plat.
15. The Applicant shall comply with the Traffic Engineering, Fire, Surveyor and GIS plat survey comments which were admitted as Exhibit 9 at the February 13, 2022 public hearing. The requirements set forth in this document are to be considered as part of the conditions of approval of the preliminary plat.
16. The Applicant shall comply with the applicable requirements of Kennewick Irrigation District comments which were admitted as Exhibit 11 at the February 13, 2022 public hearing. The requirements set forth in this document are to be considered as part of the conditions of approval of the preliminary plat.
17. The Applicant must work with the School District to identify and construct the bus stops for the children being bussed from the Mills End subdivision.
18. If the name of the internal street of the plat is different than as depicted on the preliminary plat map, the street must be correctly identified on the final plat map.
19. The Applicant must provide dust control method(s) such as hydro seeding for all areas of the site that are disturbed.
20. The Applicant and/or all of its successors must execute a written agreement to the satisfaction of the City Attorney, which will allow the City to establish enforceable arrangements for maintenance of any common areas, open spaces, private roads and common landscape areas, should the Homeowner's Association fail or refuse to maintain these areas.
21. The Preliminary Plat (SUB-2021-0005) 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.

Findings, Conclusions, and Decision
Hearing Examiner
FILE NO: SUB-2021-0005

Dated this 28th day of February, 2022

James M. Driscoll
Hearing Examiner of Kennewick

Leading the Way



MEMORANDUM

DATE: February 11, 2022
TO: Steve Donovan, Community Planning Manager
FROM: Emily Estes-Cross, Parks, Facilities and Recreation Director
SUBJECT: 3900 Southridge Blvd. Hearing Examiner Response

The City of Kennewick Parks and Recreation Comprehensive Plan, which outlines recommendations for park growth and level of service, commits to maintaining 3 acres of park land per 1,000 residents, and affirms every citizen should have access to a park, public facility, or recreational pathway within a half mile of their residence. The standard is being met for the proposed 3900 Southridge Blvd. development and the nearby Ridgeline Estates neighborhood, identified as Park Planning Area 6W in the Comprehensive Plan.

3900 Southridge Blvd. and Ridgeline Estates are located within .3 miles from the Southridge High School fields and track, .4 miles from the Sage Crest Elementary School playground and fields, and .8 miles from the Southridge Sports and Events Complex, a City-operated 50-acre recreation venue with fields, walking paths, a playground, water play feature, and a 3-gym pavilion. Furthermore, a Kennewick Irrigation District canal with a gravel walking path borders the southern boundary of the neighborhoods, and extends for miles. Park Planning Area 6W is comprised of 51 acres of park land and 94 acres of accessible public school land, meeting the standard for the Planning Area 6W 2025 population estimate of 6,384.

New residential development in Kennewick, including the proposed 3900 Southridge Blvd. multi-family development, is assessed a Park Impact Fee per Ordinance 5736, adopted by City Council in 2018. As recognized in the Parks and Recreation Comprehensive Plan, the funds are used to enhance existing recreational assets where the half-mile level of service commitment is being met, or used to add new park land where it is not. The Kennewick Municipal Code also offers a provision for developers of planned residential communities to dedicate park land in lieu of paying the Park Impact Fee.

At this time, the City of Kennewick is meeting its level of service commitment for access to public greenspace in Planning Area 6W, therefore an additional park is not planned in the near-term.



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From: [Martin Nelson](#)
To: [Steve Donovan](#)
Cc: [Anthony Muai](#); [Melinda Didier](#)
Subject: Additional Information for February 14, 2022 Kennewick Hearing Examiner Meeting for Mills End Development
Date: Tuesday, February 15, 2022 3:11:44 PM

Steve,

I'm writing this correspondence to clarify two comments from the December 30, 2021 Public Works Utility Comments. During the February 14, 2022 Hearing Examiner meeting for the Mills End development, the Hearing Examiner asked as for the following clarification:

1. The construction acceptance date on file for the completion of the paving of Southridge Blvd in front of the Mills end parcel is 9/5/2017. The no pavement cut moratorium date is 9/5/2022. Any street cuts before that time would have to be approved by the Public Works Director and may require the additional grinding and paving discussed in item 1 of the December 30, 2021 Public Works Utility Comments.
2. It has been determined that irrigation water is not available from the Kennewick Irrigation District at the Mills End Parcel. As a correction to comment 11 of the December 30, 2021 Public Works Utility Comments, potable water will be allowed to be used for irrigation. Supply of this water shall meet City of Kennewick cross connection requirements per Kennewick Municipal Code (KMC 15.41), as approved by the City's Cross-connection Specialist through the Civil Plan review process.

Thankyou,

Martin Nelson
City of Kennewick
Public Works Development Review Supervisor
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From: [Brian Ellis](#)
To: [Steve Donovan](#)
Subject: Sub-2021-0005 Shared Drive Way Turnaround
Date: Tuesday, February 15, 2022 7:04:30 AM
Attachments: [image003.png](#)

Steve,

On further review of the Mills End Prelim Plat and to capture our discussion, no turn-around is needed for this and is not being required by Fire at this time.

Respectfully,



Captain Brian Ellis

Deputy Fire Marshal
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Fire Marshal's Office

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