

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

In the Matter of the Application of)	PP 16-08
)	
)	
Tri-Cities Development)	Canyon Ranch Phase 9
)	
)	FINDINGS, CONCLUSIONS
For a Preliminary Plat)	AND DECISION
_____)	

SUMMARY OF DECISION

The request for preliminary plat approval to subdivide 15.1 acres to create 43 single-family residential lots at 1500 South Clodfelter Road in Kennewick, Washington is **APPROVED** subject to conditions.

SUMMARY OF RECORD

Request

Matt Smith, on behalf of Tri-Cities Development LLC (Applicant), requested approval of preliminary plat approval to subdivide 15.1 acres to create 43 single-family residential lots. The subject property is located at 1500 South Clodfelter Road in Kennewick, Washington.

Hearing Date

On May 8, 2017, the City of Kennewick Hearing Examiner conducted an open record public hearing on the request.

Testimony

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

- Steve Donovan, Kennewick Planner
- Wes Romine, Kennewick Development Services Manager
- John Deskins, City of Kennewick Transportation Engineer
- Jason Mattox, PBS Engineering, Applicant Representative
- Matt Smith, Tri Cities Development, Applicant Representative

Exhibits

1. Kennewick Community Planning Department Staff Report, dated April 26, 2017
2. Application, dated November 17, 2016
3. Mailing Affidavit, Notice of Public Hearing, 300-ft., and Mailing List
4. Vicinity Map

5. Preliminary Plat
6. Trip Generation and Distribution Letter, Canyon Ranch – Phase 9, dated January 12, 2017
7. Geotechnical Engineering Services – Critical Areas Letter, dated March 17, 2017
8. Preliminary Overall Site Grading Plan For: Canyon Ranch, dated November 2016
9. Mitigated Determination of Non-Significance, dated April 11, 2017
10. Email from David Smith, Benton PUD, dated March 21, 2017
11. Letter from Alex Sligar, Benton Clean Air Agency, dated March 23, 2017
12. Memorandum – Fire Department, dated March 23, 2017
13. Memorandum – Public Works Department, dated April 3, 2017
14. Letter from Jason McShane, P.E., Engineering Operations Manager, Kennewick Irrigation District, dated April 4, 2017
15. Memorandum – Traffic Engineering Division, dated April 5, 2017
16. Letter from Joseph E. Cottrell II, Field Realty Specialist, Bonneville Power Administration, dated April 7, 2017
17. Plat map showing City of Kennewick GIS Department comments
18. Critical Areas Geologically Hazardous Areas Map
19. Letter from Doug Carl, Kennewick School District Capital Projects Director, dated April 26, 2017
20. Planning Staff PowerPoint presentation

Upon consideration of the testimony and exhibits submitted, the Hearing Examiner enters the following findings and conclusions in support of the decision and recommendation:

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FINDINGS

1. Matt Smith, on behalf of Tri-Cities Development LLC (Applicant), requested approval of preliminary plat to subdivide 15.1 acres to create 43 single-family residential lots. The subject property is at 1500 South Clodfelter Road in Kennewick, Washington.¹ *Exhibits 1 and 2*. The plat application was submitted on December 1, 2016 and determined to be March 20, 2017. *Exhibit 1*.
2. The subject parcel was annexed into the City in August 1995 with a Residential Medium Density (RM) zoning designation. In February 2011, the site's zoning designation was changed to Residential Low Density (RL) zoning designation and Comprehensive Plan land use designation. *Exhibit 1*.
3. Existing development on-site includes a single-family residence with outbuildings and an irrigation pond. The residence would be retained within proposed Lot 24; the outbuildings and pond would be removed. *Exhibits 5 and 6*.
4. Surrounding properties contain single-family residences and a middle school in the RL and RM zoning designations. Developments with similar densities to the proposal are located to the west of the site. Properties to the north are within the City's Urban Growth Area in unincorporated Benton County. *Exhibits 1 and 4*.
5. The subject property is situated north of Clodfelter Road. Topographically, approximately eight percent of the site contains slopes ranging from 10% to 20% on Lots 8 through 15 backing up to Clodfelter Road. These lots were designed to be deep enough such that building envelopes would be placed west of all steep slopes and any associated buffers. *Exhibits 1, 7, and 18; Mattox Testimony*.
6. The purpose of the RL district is to establish areas for low density, single-family, residential buildings, to stabilize and protect residential districts, and to promote and encourage a suitable environment for family life in an urban setting. *Kennewick Municipal Code (KMC) 18.03.040.2*. Uses allowed in the zone include single-family residential development, typical residential accessory structures, home occupations, and other typically residential uses (including daycare and nursing home facilities subject to certain types of review). *KMC 18.12.010.A.1*.
7. Per the City's residential development standards, the RL district requires a minimum density of three units per acre and allows a maximum density of four units per acre. The RL zoning district requires a minimum lot size of 7,500 square feet and a minimum lot width of 60 feet. Building heights are limited to 30 feet. Minimum setbacks from boundaries are: 15 feet from streets, except for garages or carports which must be setback 25 feet; 15 feet from rear lot lines; and five feet from side lot lines. *Exhibit 1; KMC 18.12.010.A.2*.

¹ The legal description of the subject property is: Tracts A and B, Canyon Ranch Phase 7 and 8, According to the plat thereof recorded in Volume 15 of Plats, Page 542, Records of Benton County, Washington; also known as Tax Parcel No. 1-1288-2013-386-015. *Exhibit 1*.

8. The proposed plat would divide the 15.1-acre site into 43 single-family residential lots ranging from 8,615 to 23,455 square feet, with an average of lot size of 12,758 square feet. Larger lots are proposed along the site's eastern boundary. No non-residential tracts are proposed. Planning Staff indicated that, as proposed, each lot satisfies the minimum RL dimensional standards. Compliance with setbacks and building heights would be reviewed at the time of building permit. The proposed preliminary plat and future homes are subject to the Residential Design Standards. The new lots would be included in the existing Canyon Ranch homeowners association. *Exhibits 1 and 5; Mattox Testimony.*
9. Access to the site would be from two points on the site's west boundary at W. 16th Place and W. 17th Place. The new internal roads would loop, providing public street frontage for each proposed lot. The Applicant would be required to build public roads, sidewalks, streetlights, and storm drainage facilities and to designate sidewalk and utility easements in conformance with the latest City of Kennewick Standard Specifications and details for the new road system. Half-street improvements would be required on Clodfelter Road including curb, gutter, sidewalk, and street lighting, for the entire site frontage. *Exhibits 1 and 5.*
10. The Applicant submitted a professionally prepared trip generation letter, which projected trip volumes from the proposed 43 lots based on the industry standard Institute of Transportation Engineers Trip Generation Manual. The letter determined that the plat would generate 409 average new daily trips including 32 AM and 42 PM peak hour trips. Considering the surrounding street grid and the likely trip distribution, no off-site improvements were identified as required; however, the letter determined that a westbound stop sign is recommended at the west end of W. 17th Place. Because the proposed looped roads would not serve as a connection between adjacent developments and because none of the proposed block lengths are that long, traffic calming is not expected to be needed. *Exhibit 6.* The submitted traffic letter satisfied applicable City requirements for traffic review. *Deskings Testimony.*
11. The plat would be required to pay traffic impact mitigation fees of \$938 per dwelling unit, consistent with Ordinance 5596. The estimated traffic impact fees totaling \$40,334 can be paid at the time of building permit issuance or deferred until occupancy with a recorded covenant of payment obligation form. *Exhibits 1 and 15.*
12. The Applicant submitted a professionally prepared geotechnical letter addressing site slopes and soils issues. The geotechnical consultant conducted a site visit that included excavation of nine test pits 10 to 12 feet deep, which encountered no groundwater. The letter states that the site slopes show no obvious signs of recent instability; however, it notes that soils on-site would be easily erodible when exposed to wind or rain. The consultant recommended that Applicant engineers work closely with geotechnical consultants when developing the grading plan and requested the opportunity to make further recommendations once the grading plan is completed. *Exhibit 7.* Planning Staff noted that future development of the site would be subject to the requirements of KMC

Chapter 18.62 – Geologically Hazardous Areas. Planning Staff recommended that site specific geotechnical study be required for Lots 8, 9, 10, 11, 12, 13, 14, 15, 19, and 20. *Exhibit 1.*

13. Stormwater runoff from the site's new impervious surfaces must be controlled per City of Kennewick standards. The project's stormwater management facilities must be designed to control the 25-year, 24-hour storm. Detention ponds (control outlet) would only be allowed to be used if it can be clearly demonstrated that infiltration, or retention, are not feasible per City of Kennewick standard specifications. Prior to final plat submittal, the Applicant would be required to submit a stormwater management plan including detailed engineering plans for review, and the plan must receive Public Works Department approval. *Exhibits 1 and 13.*
14. Municipal water and sewer service are available to serve all proposed lots. Comprehensive water and sewer plans would be required during civil engineering review. The developer would be required to loop all water mains to avoid the buildup of stagnant water consistent with KMC 14.10.010. *Exhibit 13.*
15. The project is required to mitigate impacts to Park Planning Zone 7W (Five Corners) through the payment of park fees in lieu of dedicated park land. Park fees of \$13,672.46 would be due prior to final plat. *Exhibit 1.*
16. Because there are no tracts, it is not clear that there would be any landscaped common areas; however, a landscape plan is required for the landscaping of any common areas, which the plat would be required to maintain. Planning Staff recommended a condition of approval would ensure the landscape plan is submitted and approved before final plat, if applicable. *Exhibit 1; Mattox Testimony.*
17. The subdivision would be served by Ridgeview Elementary, Desert Hills Middle School, and Kamiakin High School. The Kennewick School District did not indicate that the plat would result in capacity deficiencies at any of the identified schools. The subject property is within Desert Hills Middle School walking zone. Students would be bused to Ridgeview Elementary and Kamiakin High School. *Exhibits 1 and 19.* Project sidewalks would connect to existing sidewalks for safe walking, and the children of the proposed plat would also be able to access the school site via a pedestrian path developed in conjunction with previous phases on the Canyon Ranch project. *Donovan Testimony.*
18. The Kennewick Fire Department reviewed the proposal and recommended approval without comment. *Exhibit 12.*
19. The Benton Public Utilities Department reviewed the application and had no comment. *Exhibit 10.* The Benton Clean Air Agency submitted comments about requirements surrounding the potential for encountering asbestos during demolition of existing structures. *Exhibit 10.* The Department of Energy Bonneville Power Administration

reviewed the application and stated there would be no impact to their facilities. *Exhibit 16.*

20. The site has a Comprehensive Plan land use designation of Low Density Residential. Planning Staff identified the following Comprehensive Plan policies as applicable to the proposal:

Urban Area Policy 3: Promote new growth consistent with the Comprehensive Land Use Map, the Capital Facilities Plan and the Capital Improvement Plan.

Residential Goal 1: Guide the design of new residential developments to be compatible with adjacent residential area.

Residential Goal 3: Promote a variety of residential densities with a minimum density target of 3 units per acre as averaged throughout the urban area.

Residential Goal 4: Encourage residential development only in urban areas where services can be provided.

Residential Policy 3: Incorporate residential design standards into new residential developments.

Residential Policy 5: Provide provisions for parks, schools, drainage, transit, water, sanitation, infrastructure, pedestrian, and aesthetic considerations in new residential developments.

Critical Areas and Shoreline Goal 3: Regulate or mitigate activities in or adjacent to critical areas or the shoreline to avoid adverse environmental impacts.

Staff submitted the position that, as conditioned, the proposal would effectuate the goals and policies of the City's Comprehensive Plan. *Exhibit 1.*

21. The City of Kennewick acted as lead agency for of the proposal for compliance with the requirements of the State Environmental Policy Act (SEPA). After reviewing the Applicants' environmental checklist, the City's Responsible Official issued a mitigated determination of non-significance (MDNS) on April 11, 2017 requiring mitigation of parks impacts through the payment of fees as discussed in finding 15 above. The SEPA appeal period closed April 25, 2017; no appeals were filed. *Exhibit 9; Donovan Testimony.*
22. The MDNS was sent to the following agencies: Department of Ecology, Washington Department of Fish and Wildlife, Washington State Department of Transportation, the Yakama Indian Nation, and the Confederated Tribes of the Umatilla Indian Reservation. *Exhibit 9.*

23. Notice of public hearing was mailed to surrounding property owners and posted on-site on April 19, 2017 and published on April 23, 2017. Notice was provided consistent with City requirements. *Exhibit 1; Donovan Testimony.*
24. The subject property is located within the Kennewick Irrigation District (KID) boundaries. At hearing, the Kennewick Irrigation District sent a representative to ask that their comments in the record at Exhibit 14 be made conditions of plat approval. *McShane Testimony; Exhibit 14.* Planning Staff and the Applicant agreed to this requested condition. *Donovan Testimony; Mattox Testimony.*
25. Upon completion of review, and considering evidence offered at hearing, Planning Staff recommended approval of the plat with the conditions as proposed in the staff report and modified based on testimony. *Exhibit 1; Donovan Testimony.* The Applicant waived objection to the recommended conditions of approval in the staff report. *Mattox Testimony; Smith Testimony.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to hear and decide applications for preliminary plat pursuant to KMC 4.02.080(b)(ii) and 17.10.080. The Hearing Examiner has jurisdiction to hear and decide applications for planned development permits pursuant to KMC 4.02.080(b)(iv) and 18.45.060.

Preliminary Plat Criteria for Review

Pursuant to KMC 17.10.080(1), an application for preliminary plat may be approved only when the record demonstrates conformance with the Comprehensive Plan, comprehensive water plan, utilities plan, the Comprehensive Park and Recreation Plan, and when the record demonstrates that appropriate provisions will be 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 shall consider all other relevant facts and other planning features that assure safe walking conditions for students who only walk to and from school.

In considering preliminary plats, pursuant to KMC 17.10.080(4), the City may impose any conditions necessary to protect the health, safety, and welfare of the property users, both within and adjacent to property to be subdivided. Such conditions may include, but are not limited to, the following: relocation of lots, streets, sidewalks, pedestrian walkways and utility easements and other plat features; regulation of lot sizes; regulation of street width; dedication and improvements of public access to public parks, playgrounds, open spaces, and schools; City review of maintenance agreements, any restrictive covenants, and homeowner's association and bylaws; and such other conditions as will make possible development of the City in an orderly and efficient manner, and in conformity with this code and the Comprehensive Plan.

Conclusions Based on Findings

1. As conditioned, the proposed plat makes adequate provision for the public health, safety, and general welfare. Conditions would ensure that a stormwater management plan, designed to control runoff from the 25-year 24-hour storm, is submitted and meets with City approval prior to issuance of construction permits. The plat would provide two access points to the public street network, each consistent with City road standards. The project would provide half-street frontage improvements on Clodfelter Road and full street improvements on the new internal public roads. The municipal utilities have capacity to serve the proposed lots. Park, schools, and traffic impacts would be mitigated through the payment of fees. The schools that would serve the plat have capacity to accept the anticipated students from the project. The record shows that safe walking routes are available to middle school students, and all other students would be bused. The proposal was reviewed for compliance with SEPA and an MDNS was issued. No appeals were filed. *Findings 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 21, 22, and 25.*
2. As conditioned, the proposed plat would be consistent with applicable goals and policies of the City of Kennewick Comprehensive Plan. Single-family housing is a permitted use in the RL zone and in the Low Density Residential land use designation. The proposed lots sizes are consistent with the zoning and land use designations of the site. With conditions the project's traffic impacts would be mitigated. Conditions would ensure that lots containing slopes undergo geotechnical evaluation prior to building permit issuance and that erosion and dust control would be provided throughout construction consistent with the requirements of applicable City standards. *Findings 4, 6, 7, 8, 12, 13, 19, 20, and 25.*

DECISION

Based on the preceding findings and conclusions, the requested preliminary plat subdividing 15.1 acres to create 43 single-family residential lots at 1500 South Clodfelter Road in Kennewick, Washington is **APPROVED** subject to the following conditions:

1. Development shall comply with City of Kennewick regulatory controls, policies and codes, including the Single-Family Residential Design Standards.
2. A landscape plan shall 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 and are required to be shown on the landscape plan.
4. All fees required by the City shall be paid prior to the approval of the final plat.

5. The developer shall address the proposed lots as labeled by the City of Kennewick GIS Department.
6. Development shall comply with the Traffic Engineering Division memorandum, dated April 5, 2017.
7. Development shall comply with the Public Works Department memorandum, dated April 3, 2017.
8. The Applicant is responsible for providing dust control method(s) such as hydro seeding for all areas of the site that are disturbed.
9. On-site development shall adhere to the recommendations of the Geotechnical Engineering Services – Critical Areas Letter, dated March 17, 2017.
10. Geotechnical studies shall be submitted with future building permits for Lots 8-15, 19 and 20.
11. Grading shall be monitored by a qualified engineer and at the end of grading submit a certification that all grading was completed and in compliance with KMC Chapter 18.62 – Critical Areas, Geological Hazardous Areas.
12. Development shall comply with Kennewick Irrigation District letter dated April 4, 2017 in the record at Exhibit 14.
13. The Preliminary Plat (PP 16-08) 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.

DECIDED May 24, 2017.

By:



Sharon A. Rice
City of Kennewick Hearing Examiner