CITY OF KENNEWICK HEARING EXAMINER

IN THE MATTER OF	)	**FINDINGS OF FACT,**
	)	**CONCLUSIONS OF LAW,**
SUB-2025-0004	)	**DECISION, AND CONDITIONS OF**
Canyon View Estates Subdivision	)	**APPROVAL**
	)	
	)	

THIS MATTER having come on for hearing in front of the City of Kennewick Hearing Examiner on September 8, 2025, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, and Decision as follows:

I. FINDINGS OF FACT

1. A Preliminary Plat/Planned Residential Development consisting of 53 single-family lots, 3 open space tracts and two tracts for future multi-family development on 29.5 acres.
2. Proposal Location: The proposal is generally located SE of the US 395 and Ridgeline Drive Interchange. Parcel No. 1-2189-100-0002-000.
3. Legal Description: See Exhibit 2
4. Property Owner: Canyon View Estates, LLC; c/o Chad Bagley; 1418 E Saint Helens Street; Pasco, WA 99301
5. Applicant: Knutzen Engineering; Attn: Robert McLeod; 5401 Ridgeline Drive, Suite 160; Kennewick, WA 99338
6. Engineer: Same as Above
7. Approval Criteria:
   - 7.1. Comprehensive Plan – Land Use
   - 7.2. KMC Title 18 – Zoning
   - 7.3. KMC Title 17 – Subdivisions
   - 7.4. KMC Section 5.56 – Public Works Construction Standards
   - 7.5. Washington State Environmental Policy Act
8. Preliminary Plat Key Application Processing Dates:

8.1. Pre-Application/Feasibility Meeting	N/A
8.2. Application Submittal	June 9, 2025
8.3. Determination of Completeness Issued	June 16, 2025
8.4. Notice of Application	June 17, 2025
8.5. Property Posting Sign	June 17, 2025
8.6. City Department Review Meeting	N/A
8.7. SEPA Threshold Determination Issued	January 9, 2025

8.8. SEPA Appeal Period Ends January 23, 2025

8.9. Date of Published Notice of Public Hearing August 24, 2025

8.10. Date of Posting Hearing Notice On-Site August 22, 2025

8.11. Date of Mailed Notice of Public Hearing August 22, 2025

9. Preliminary Plat:

9.1. The proposed Preliminary Plat, SUB-2025-0004, is a request to subdivide 29.51 acres into 53 lots and 5 tracts. The applicant is proposing to develop the subdivision in two phases.

9.2. The Hearing Examiner approved Planned Residential Development PRD-2024-0001, on March 18, 2025. The proposed preliminary plat is subject to the conditions of PRD-2024-0001.

9.3. A Preliminary Plat is the first step in subdivision process for subdivisions with more than nine (9) lots and is an approval for overall lot layout and compliance with land use regulations. A Final Plat is required for preliminary plats and is the last phase in the subdivision process and must be recorded prior to the creation of individual lots.

9.4. Proposed plats are subject to the processing requirements of KMC 17.10 – Platting and the design requirements of KMC 17.20 – Design and Construction. Final plat approval is based on the Preliminary Plat conditions of approval. A civil permit with a detailed review of street, utility and stormwater construction standards, and street and utility construction or bonding for incomplete work is required prior the final plat approval.

10. Property History:

10.1. The property was annexed and zoned Residential, Low (RL) in September 2014 by adopting Ordinance 5567. The Hearing Examiner approved the Planned Residential Development on March 18, 2025.

11. Density/Lot Size:

11.1. A 5 percent density bonus, resulting in eight additional lots, was approved for Planned Residential Development PRD-2024-0001.

11.2. The smallest lot size proposed is 7,500 square feet, the largest lot size is 19,502 square feet and the average lot size is 9,682 square feet.

11.3. Additionally, the plat has 258,773 square feet of open-space.

12. Setbacks:

12.1. The applicant has not proposed any deviations from the required setbacks. The RL Zone has the following setback requirements:

12.1.1. Front: 15-feet

12.1.2. Garage: 20-feet

12.1.3. Side: 5-feet

12.1.4. Rear: 15-feet

13. Traffic:

13.1. The City's traffic engineer has reviewed the applicant's Traffic Impact Analysis. Specific conditions of approval for road construction requirements and traffic impact fees have been submitted by the Traffic Engineering Division, see Exhibit 9.

14. Storm Water:

    14.1. Residential sub-divisions must meet the standards in the Storm Water Management Manual for Eastern Washington (SMMEW) and COK Standard Specification Section 5-9, see Exhibit 8.

15. Streets & Utilities:

    15.1. The developer will be required to construct the proposed roads, sidewalks, streetlights, storm drainage, and designate sidewalk and utility easements all in conformance with the latest City of Kennewick (COK) Standard Specifications and details, see Exhibit 8.

    15.2. Pursuant to KMC 17.20.010(2)(c)(i) the development is required to have a second city standard street. The applicant has proposed a second access street to connect to Bofer Canyon Road across to properties to south, see Exhibit 3. The applicant secured access across the two properties to the south via the attached Access and Utility Easement Agreement, see Exhibit 17. The proposed second access road bisects both City Limits and Unincorporated Benton County.

    15.3. The second access road to Bofer Canyon Road must meet Secondary Emergency Vehicle Access standards prior to final plat approval of Phase 1. Prior to final plat approval of Phase 2, the second access road must be constructed to applicable City of Kennewick and Benton County Road Standards.

16. Critical Areas:

    16.1. The site has areas designated as erosion hazard areas, slopes greater than 15% and classified as a Fish and Wildlife Habit Conservation Area pursuant to KMC 18.63.010. Additionally, the site is identified as Benton County Shrub Steppe within the Washington Department of Fish and Wildlife's (WDFW) Priority Habitat and Species Program.

    16.2. The applicant submitted a critical area report for the previous Planned Residential Development, PRD-2024-0001 and has made a cash deposit to the Benton-Franklin Conservation District to help pay for approved off-site mitigation. The applicant is still responsible to complete 5 acres of enhanced on-site mitigation, as described in the mitigation planning instructions contained in the critical area report.

17. Grading:

    17.1. Grading of the site will be permitted once the Civil Plans are approved or a Grading Permit is approved.

18. Parks:

    18.1. The proposed development is subject KMC Chapter 3.90, which establishes a park impact fee. The proposed development is within Service Area 2 and is subject to the park impact fees listed in KMC 3.90.160 for Single and Multi-Family Units. Park impact fees are due prior to issuance of the Certificate of Occupancy.

19. Common Area Maintenance:

    19.1. A maintenance agreement for common open space, tracts, private streets, and shared driveways will be required to be approved by the City Attorney and recorded against the property. Per KMC 18.45.100, a Homeowner's/Property Owner Association are required for maintenance and management of open space, tracts, common areas, and private roads.

20. Schools:

20.1. The Kennewick School District provided a comment letter stating that the development is within the bussing zones of Sagecrest Elementary, Chinook Middle School and Southridge High School. Additionally, the letter states that the Kennewick School District has the capacity to add students at all levels at the three schools, see Exhibit 16.

21. Kennewick Irrigation District:

21.1. The proposed development is outside the boundary of the Kennewick Irrigation District (KID), but the plat is above the Division IV Main Canal. The district does have concerns of an embankment breach and does request a copy of the plats storm water plan, see Exhibit 10.

22. Bonneville Power Administration:

22.1. The Bonneville Power Administration (BPA) will need to approve activities that take place within the easement. An existing BPA transmission line runs through the northern third of the site, see Exhibit 14.

23. Williams

23.1. A Williams natural gas right-of-way is on the site. Williams requests the submittal of more detailed development plans prior to starting construction, see Exhibit 15.

24. Surrounding Property:

24.1. All lands surrounding the site are vacant. To the west is in Unincorporated Benton County. To the north, properties are zoned Commercial, Community (CC) and Residential, Medium (RM). The property to the east is zoned Residential, Low (RL). The property to the south is zoned RL and is in Unincorporated Benton County.

25. Provisions for Public Health, Safety, and Welfare:

25.1. The Hearing Examiner finds that appropriate provisions have been made for the following: 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.

26. Comprehensive Plan:

26.1. The Hearing Examiner finds that this request is consistent with and generally conforms to the City's Comprehensive Plan, and it will implement, goals and policies of the Comprehensive Plan. Particularly the following:

27. CRITICAL AREAS AND SHORELINE GOALS + POLICIES:

27.1. GOAL 1: "Protect the public and personal property from the effects of landslides, steep slope failures, erosion or flooding."

27.1.1. POLICY 1: "Continue to classify, designate and protect geologically hazardous areas in the critical areas ordinance."

27.2. GOAL 2: "Protect the unique environment of the critical areas and shoreline."

27.2.1. POLICY 1: "Protect critical areas and the shoreline using the Critical Areas Ordinance and the Shoreline Master Plan."

27.2.2. POLICY 2: "Use Best Available Science (BAS) to protect critical areas and shorelines and their environmental functions."

27.2.3. POLICY 3: "Preserve and protect anadromous fish, and threatened, endangered and candidate species as identified by federal and state agencies."

27.3. GOAL 3: "Regulate or mitigate activities in or adjacent to critical areas or the shoreline to avoid adverse environmental impacts."

27.3.1. Staff Comment: Future development will be subject to the recommendations of the submitted critical areas report and KMC Chapter 18.62 – Critical Areas – Geologically Hazardous Areas and Chapter 18.63 – Critical Areas – Fish and Wildlife Habitat Conservation Areas.

28. RESIDENTIAL GOALS + POLICIES:

28.1. RESIDENTIAL GOAL 1: "Provide for attractive, walkable, and well-designed neighborhoods, with differing densities and compatible with neighboring areas."

28.1.1. Staff Comment: The proposed Preliminary Plat/Planned Residential Development has open space and walking paths for the residents to use. Additionally, multi-family and single-family residential is proposed.

28.2. RESIDENTIAL GOAL 2: "Provide appropriate public facilities supporting residential areas."

28.2.1. POLICY 1: "Ensure provision of parks, schools, drainage, transit, water, sanitation, infrastructure, and pedestrian in new residential developments."

28.2.2. Staff Comment: The proposed development will be connected to City water and sewer utilities.

28.3. 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."

28.3.1. POLICY 1: "Establish and implement maximum densities in the City's residential zoning categories."

28.3.2. Staff Comment: The proposed development has a 5% higher density pursuant to the requirements of the Planned Residential Development Regulations.

29. HOUSING GOALS + POLICIES:

29.1. GOAL 1: "Support and develop a variety of housing types and densities to meet the diverse needs of the population."

29.1.1. Staff Comment: The development will consist of multi-family housing and standard single-family residences. Both of these housing types have the potential to meet the needs of the City's population.

30. An open record public hearing after due legal notice was held on September 8, 2025.

31. The following exhibits were entered into the record at the hearing:

31.1. Ex. 1 Staff Report

31.2. Ex. 2 Legal Description

31.3. Ex. 3 Preliminary Plat Drawing

31.4. Ex. 4 Traffic Impact Analysis

31.5. Ex. 5 SEPA Determination

31.6. Ex. 6 Planned Residential Development (PRD-2024-001) Decision

31.7. Ex. 7 Notice of Public Hearing Affidavit and Mailing List

31.8. Ex. 8 Public Works Comments

31.9. Ex. 9 Traffic Engineering Division Comments

31.10. Ex. 10 Kennewick Irrigation District Comments

31.11. Ex. 11 Benton Clean Air Agency Comments

31.12. Ex. 12 Benton Public Utility District Comments

31.13. Ex. 13 Washington State Department of Transportation Comments

31.14. Ex. 14 Bonneville Power Administration Comments

31.15. Ex. 15 Williams Comments

31.16. Ex. 16 Kennewick School District Comments

31.17. Ex. 17 Access and Utility Easement Agreement

31.18. Ex. 18 Proposed Development Phasing Plan

31.19. Ex. 19 Staff PowerPoint

32. Appearing and testifying at the hearing on behalf of the applicant was Robert McLeod. Mr. McLeod testified that he was the agent authorized to appear and speak on behalf of the applicant and property owner. He testified that they had reviewed the staff report and agreed with all the representations contained within the staff report and had no objection to any of the proposed conditions of approval.

33. No member of the public testified at this hearing.

34. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted the authority to render this decision.

2. This project is consistent with the Kennewick Comprehensive Plan and the Kennewick Municipal Code.

3. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, the Hearing Examiner **APPROVES** the request for a preliminary plat as set forth in SUB-2025-0004.

IV.CONDITIONS OF APPROVAL

1. Comply with City of Kennewick regulatory controls, policies and codes, including the Single-family Residential and Multi-Family Design Standards.

2. All fees required by the City shall be paid prior to the approval of the final plat.
3. The subdivision shall be in conformance with the Preliminary Plat Drawing shown in Exhibit 3.
4. Execute a written agreement to the satisfaction of the City Attorney, which will allow the City to make arrangements for maintenance of the common areas, open spaces, private roads, access driveways, and landscaped areas should the Homeowner's Association fail or refuse to maintain these areas. The agreement must be recorded with the final plat.
5. Comply with the Public Works Memorandum dated June 23, 2025 (Exhibit 8).
6. Comply with Traffic Engineering Division Memorandum dated July 1, 2025 (Exhibit 9).
7. Comply with Kennewick Irrigation District Letter dated June 19, 2025 (Exhibit 10).
8. Comply with the Benton Clean Air Agency Comments, dated June 17, 2025 (Exhibit 11).
9. Comply with the Benton Public Utility District Comments, date June 17 and July 28, 2025 (Exhibit 12).
10. Comply with the Bonneville Power Administration Comments, dated July 2, 2025 (Exhibit 14).
11. Comply with the Williams Comments, dated June 18, 2025 (Exhibit 15).
12. Comply with the Hearing Examiner Decision for the Canyon View Estates Planned Residential Development (PRD-2024-0001), dated March 18, 2025 (Exhibit 6).
13. The second access road to Bofer Canyon Road must meet Secondary Emergency Vehicle Access standards prior to final plat approval of Phase 1. Prior to final plat approval of Phase 2, the second access road must be constructed to applicable City of Kennewick and Benton County Road Standards.
14. Complete on-site critical area improvements prior to final plat approval of the first phase.
15. Provide dust control method(s) such as hydro seeding for all areas of the site that are disturbed.
16. The plat is subject to applicable requirements of KMC Chapter 3.90 – Impact Fees for Parks, Open Space, and Recreation Facilities.
17. Provide a landscaping plan for the internal streets and tracts/open space. Bonding for incomplete landscaping in common areas shall be required prior to Final Plat Approval.
18. Pursuant to KMC 17.10.070, Preliminary Plat SUB-2025-0004 expires 5 years from the approval date, the City can grant an extension, the extension must be applied for prior to the preliminary plat expiration.

Dated this 11 day of September, 2025.

CITY OF KENNEWICK HEARING EXAMINER

Andrew L. Kottkamp

Absent a timely appeal, this Decision is final[1]

[1] **4.02.140: - Appeal of Final Decisions.** The Planning Director, or any interested party affected by the Examiner's written final decision, may appeal the decision to the Benton County Superior Court within 21 days. (Ord. 5321 Sec. 1, 2010)