CITY OF KENNEWICK HEARING EXAMINER

IN THE MATTER OF	)	**FINDINGS OF FACT,**
	)	**CONCLUSIONS OF LAW,**
SUB-2025-0001	)	**CONDITIONS OF APPROVAL AND**
Clearwater North Preliminary Plat	)	**DECISION**
	)	
	)	

THIS MATTER having come on for hearing in front of the City of Kennewick Hearing Examiner on June 9, 2025, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, and Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. The City of Kennewick RECOMMENDS APPROVAL with conditions of Preliminary Plat SUB-2025-0001.
2. **Summary of Proposal**: A Preliminary Plat proposed to subdivide 4 lots totaling 11.8 acres into 75 lots.
3. **Proposal Location**: Addresses: 10600 W Clearwater Ave, 10314 W Clearwater Ave, 10072 W Clearwater Ave, 9678 W Clearwater Ave
4. **Parcel Numbers**: 101884BP5063027, 101884BP5063007, 101884BP5063008, 101884BP5063022
5. **Legal Description**:

5.1. Lot 1: THAT PORTION OF CITY OF KENNEWICK BINDING SITE PLAN RECORDED IN VOLUME 1 OF SURVEYS AT PAGE 5063, UNDER AUDITOR'S FILE NUMBER 2018-026507, RECORDS OF BENTON COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 1 OF SAID SURVEY; THENCE NORTH 59°05'52" EAST, ALONG THE SOUTHEASTERLY LINE OF SAID SURVEY, A DISTANCE OF 495.19 FEET; THENCE NORTH 59°05'57" EAST, ALONG SAID LINE, A DISTANCE OF 357.46 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 2660.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, AND ALONG SAID LINE, THROUGH A CENTRAL ANGLE OF 12°09'51" A DISTANCE OF 564.73 FEET; THENCE NORTH 46°54'23" EAST, ALONG SAID LINE, A DISTANCE OF 230.85 FEET TO THE NORTHEASTERLY MARGIN OF THE BONNEVILLE POWER ADMINISTRATION RIGHT-OF-WAY AND THE TRUE POINT OF BEGINNING; THENCE, LEAVING SAID LINE, NORTH 38°11'10" WEST, ALONG SAID MARGIN, A DISTANCE OF 271.04 FEET; THENCE, LEAVING SAID MARGIN, NORTH 46°54'58" EAST A DISTANCE OF 225.98 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 2710.24 FEET, AND FROM WHICH POINT THE CHORD BEARS NORTH 47°12'32" EAST A DISTANCE OF 27.48 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 0°34'51" A DISTANCE OF 27.48 FEET TO THE NORTHWEST CORNER

OF LOT 7 OF SAID SURVEY; THENCE SOUTH 41°45'10" EAST ALONG THE WEST LINE OF SAID LOT 7 A DISTANCE OF 270.61 FEET TO THE SOUTHEASTERLY LINE OF SAID SURVEY AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 2440.00 FEET AND FROM WHICH POINT THE CHORD BEARS NORTH 47°35'18" EAST A DISTANCE OF 55.96 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 1°18'50" A DISTANCE OF 55.96 FEET; THENCE SOUTH 46°54'23" WEST, ALONG SAID LINE, A DISTANCE OF 214.36 FEET TO THE POINT OF BEGINNING. (AF# 2023-006863, 04/14/2023) 70567 SQF

5.2. Lot 2: SECTION 1, TOWNSHIP 8 NORTH, RANGE 28 EAST, QUARTER SE: BINDING SITE PLAN #5063, LOT 7. RECORDED IN VOLUME 1 OF SURVEYS AT PAGE 5063, RECORDS OF BENTON COUNTY, WASHINGTON. ALSO KNOWN AS, A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 1 OF TOWNSHIP 8 NORTH IN RANGE 28 EAST, W.M., CITY OF KENNEWICK, COUNTY OF BENTON, WASHINGTON, DESCRIBED MORE PARTICULARLY AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 1, THENCE NORTH 86°08'20" EAST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 1 A DISTANCE OF 770.25 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF WEST CLEARWATER AVENUE; THENCE NORTH 59°04'57" EAST ALONG THE NORTH RIGHT OF WAY LINE OF WEST CLEARWATER AVENUE A DISTANCE OF 493.96 FEET; THENCE CONTINUING NORTH 59°05'02" EAST ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 366.72 FEET; THENCE ALONG SAID RIGHT OF WAY LINE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 564.97 FEET, WITH A RADIUS OF 2660.00 FEET; WITH A CHORD BEARING OF NORTH 52°59'58" EAST AND A CHORD LENGTH OF 563.91 FEET; THENCE NORTH 46°54'53" EAST A DISTANCE OF 444.41 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 56.69 FEET, WITH A RADIUS OF 2440.00 FEET, WITH A CHORD BEARING OF NORTH 47°34'49" EAST, WITH A CHORD LENGTH OF 56.69 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 41°45'15" WEST A DISTANCE OF 270.62 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN RC LENGTH OF 413.14 FEET, WITH A RADIUS OF 2710.24 FEET, WITH A CHORD BEARING OF NORTH 51°51'45" EAST, WITH A CHORD LENGTH OF 412.74 FEET; THENCE SOUTH 33°46'14" EAST A DISTANCE OF 276.02 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF WEST CLEARWATER AVE; THENCE ALONG SAID RIGHT OF WAY LINE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 375.05 FEET, WITH A RADIUS OF 2440.00 FEET, WITH A CHORD BEARING OF SOUTH 52°38'58" WEST, WITH A CHORD LENGTH OF 374.68 FEET, TO THE TRUE POINT OF BEGINNING. (BOUNDARY LINE ADJUSTMENT PER AF#2018-026507, 09/06/2018)

5.3. Lot 3: SECTION 1, TOWNSHIP 8 NORTH, RANGE 28 EAST, QUARTER SE: BINDING SITE PLAN #5063, LOT 8. RECORDED IN VOLUME 1 OF SURVEYS AT PAGE 5063, RECORDS OF BENTON COUNTY, WASHINGTON. ALSO KNOWN AS, A PARCEL OF LAND LOCATED IN THE EAST HALF OF THE SOUTHWEST QUARTER AND THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 1 OF TOWNSHIP 8 NORTH IN RANGE 28 EAST, W.M., CITY OF KENNEWICK, COUNTY OF BENTON, WASHINGTON, DESCRIBED MORE PARTICULARLY AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 1, THENCE NORTH 86°08'20" EAST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 1 A DISTANCE OF 770.25 FEET TO A

POINT ON THE NORTH RIGHT OF WAY LINE OF WEST CLEARWATER AVENUE; THENCE NORTH 59°04'57" EAST ALONG THE NORTH RIGHT OF WAY LINE OF WEST CLEARWATER AVE A DISTANCE OF 493.96 FEET; THENCE CONTINUING NORTH 59°05'02" EAST ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 366.72 FEET; THENCE ALONG SAID RIGHT OF WAY LINE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 564.97 FEET, A RADIUS OF 2660.00 FEET, WITH A CHORD BEARING OF NORTH 52°59'58" EAST AND A CHORD LENGTH OF 563.91 FEET; THENCE NORTH 46°54'53" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 444.41 FEET; THENCE ALONG SAID RIGHT OF WAY LINE WITH A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 431.75 FEET, WITH A RADIUS OF 2440.00 FEET, WITH A CHORD BEARING OF NORTH 51°59'01" EAST AND A CHORD LENGTH OF 431.18 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 33°46'14" WEST A DISTANCE OF 276.02 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 522.14 FEET, WITH A RADIUS OF 2710.24 FEET, WITH A CHORD BEARING OF NORTH 61°44'55" EAST, WITH A CHORD LENGTH OF 521.34 FEET; THENCE SOUTH 22°01'49" EAST A DISTANCE OF 282.59 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF WEST CLEARWATER AVE; THENCE ALONG SAID RIGHT OF WAY LINE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 464.91 FEET, WITH A RADIUS OF 2440.00 FEET, WITH A CHORD BEARING OF SOUTH 62°30'41" WEST, WITH A CHORD LENGTH OF 464.21 FEET, TO THE TRUE POINT OF BEGINNING. (BOUNDARY LINE ADJUSTMENT PER AF#2018-026507, 09/06/2018)

5.4. Lot 4: LOTS 9 AND 10 OF CITY OF KENNEWICK BINDING SITE PLAN RECORDED IN VOLUME 1 OF SURVEYS AT PAGE 5063, UNDER AUDITOR'S FILE 2018-026507, RECORDED OF BENTON COUNTY, WASHINGTON (BOUNDARY LINE ADJUSTMENT AF#2022-026341, 08/09/2022).

6. **Property Owner(s)**: STRIZHAKS HAVEN RANCH LLC; 105609 E WISER PKWY; KENNEWICK, WA 99338

7. **Applicant & Engineer**: Knutzen Engineering c/o: Robert McLeod; 5401 Ridgeline Dr Unit 160; Kennewick, WA 99338

8. **Surveyor**: AHBL c/o: John Becker; 9825 Sandifur Parkway Suite A; Pasco, WA 99301

9. **Approval Criteria**:

   9.1. Comprehensive Plan – Land Use

   9.2. Kennewick Municipal Code (KMC) Title 18 – Zoning

   9.3. KMC Title 17 – Subdivisions

   9.4. KMC Section 5.56 – Public Works Construction Standards

   9.5. Washington State Environmental Policy Act

10. **Preliminary Plat Key Application Processing Dates**:

Pre-Application/Feasibility Meeting	8 January 2025
Application Submittal	30 January 2025
Determination of Completeness Issued	12 February 2025
Notice of Application	12 February 2025
Property Posting Sign	12 February 2025
City Department Review Meeting	N/A

SEPA Threshold Determination Issued	4 March 2025
SEPA Appeal Period Ends	19 March 2025
Date of Published Notice of Public Hearing	23 May 2025
Date of Mailed Notice of Public Hearing	23 May 2025

11. **Hearing Examiner Analysis of Proposal & Discussion**:

11.1. The proposed Preliminary Plat (SUB-2025-0001) is a request for the subdivision of 11.08-acres into 75 lots. The project is generally located at 10600, 10314, 10072, and 9678 W Clearwater Ave. The subject property is currently vacant. The plat is proposed as Clearwater North Phase 2.

11.2. The site has a Comprehensive Plan Land-Use Designation of High Density Residential and is zoned Residential, High Density (RH). The minimum lot size in the RH zone is 4000 square feet.

11.3. A Preliminary Plat (KMC 17.10) is the first step in a 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 to create lots for preliminary plats and is the last phase in the subdivision process, and must be recorded prior to the creation of individual lots. 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. Additionally, the City of Kennewick's Residential Design Standards apply to this project.

12. Property History:

12.1. The City of Kennewick annexed the subject area and zoned it Industrial, Light (IL) in January 1995 via Ordinance 3603. The properties were rezoned to Commercial, Community (CC) in 2012 via Ordinance 5413 and then to Residential, High Density (RH) in 2023 via Ordinance 6018. A SEPA Environmental Determination (ED-2025-0002) related to the current proposal was issued on 4 March 2025.

13. Density/Lot Size:

13.1. Per the Table of Residential Development Standards (KMC 18.12.010 A.2), the RH zoning district has a minimum lot size requirement of 4000 square feet.

13.2. The proposed development has a minimum residential lot area of 4703 square feet, a maximum residential lot area of 11930 square feet, with an overall lot average of 5350 square feet.

13.3. As proposed, the preliminary plat meets the Residential Development Standards pursuant to KMC 18.12.010(A.2), and is subject to the Residential Design Standards, Single-Family.

14. Traffic:

14.1. In Exhibit 5, the Traffic Engineering Division provided comments on the proposal. A trip generation letter was provided with the application (Exhibit 15). An 18-foot public sidewalk, utility, and irrigation easement is required along lot frontages. All pedestrian facilities within public rights-of-way and easements are required to be ADA compliant. Additionally, traffic calming measures are required on residential streets with more than 1,200-feet of continuous, uninterrupted length. A Transportation Impact Fee (TIF), currently

calculated at $125,631.00, is required for the proposed development. TIF is assessed at building permit issuance and due prior to issuance of a Certificate of Occupancy.

15. Storm Water:

15.1. Storm water design, construction and post construction must meet the requirements of KMC Section 14.28.045 and COK Standard Specification 5-8.

16. Streets & Utilities:

16.1. Proposed public roads, water services and sewer services must be constructed to applicable City of Kennewick Standard Specifications and Drawings. In Exhibit 4, the Public Works Department addresses water and sewer requirements.

17. Parks:

17.1. The proposed development is in Park Impact Fee Zone West. Pursuant to Ordinance 5736, Park Impact Fees will be assessed per Single-Family Unit. The impact fee is assessed at building permit application and due and payable prior to issuance of a Certificate of Occupancy by the City.

18. Critical Areas:

18.1. In a letter dated 9 September 2022 related to Preliminary Plat SUB-2022-0018 (Exhibit 9), the Washington Department of Archaeology and Historic Preservation (DAHP) indicated the subject properties are located in an area with a moderate probability of encountering cultural resources. Further, a professional archaeological survey was recommended of the project site. This survey took place between the 11th and 21st of March 2023. The survey report dated May 2023 that followed indicated no cultural resources were discovered on the subject property. These results were shared with both DAHP and the Confederated Tribes of the Umatilla Indian Reservations (CTUIR), and DAHP offered concurrence with the findings in a letter dated 7 June 2023. An Inadvertent Discovery Plan (IDP) was recommended to be in place prior to ground disturbing activities, which is a proposed condition of this approval. No correspondence was received from CTUIR.

18.2. Pursuant to RCW 42.56.300, this cultural resources report has been redacted from the staff report.

18.3. In a letter from the Washington Department of Fish and Wildlife (WDFW) dated 9 September 2022 (Exhibit 7), sensitive shrub-steppe habitat as well as several state priority species were identified on the subject property and that appropriate mitigation measures should be completed. In response, the applicant provided a letter to WDFW dated 10 October 2022 stating that the land owners had reserved 69.79 acres property to be preserved as open space that is now known as Amon Basin Preserve and had made a $200000 donation to the Trust for Public Lands as additional mitigation for future development. The applicant stated this was done in anticipation of future development of the area and asked WDFW to consider the land and monetary dedication as valid mitigation for the development of 50.9 acres north of Clearwater Ave. WDFW responded in a 12 October 2022 email stating that it appeared that the previous property owners had worked proactively to preserve large area of critical habitat from development and to work with the city to ensure that previous mitigation is taken into account to determine compliance with City of Kennewick municipal codes KMC 18.63.020 and 18.63.030.

18.4. A geotechnical report prepared by Applus, Inc. dated 30 June 2023 (Exhibit 14) provides recommendations for site grading, pavements, utility design and construction,

stormwater management, and seismic design for the development. The Public Works Department will review these recommendations during the Civil plan review and approval.

19. Schools:

19.1. The boundary schools for the proposed development are Amon Creek Elementary (Bussing Zone), Desert Hills Middle School (Bussing Zone) and Kamiakin High School (Bussing Zone).

19.2. Per a letter from the Kennewick School District (Exhibit 18) dated 2 June 2025, the District has the capacity to add students at all levels and at all three schools referenced above. In addition, the School District stated that forecasted growth in additional boundary areas of the Kennewick School District makes it difficult to know if any redistricting could result because of this proposed development.

20. Surrounding Property:

20.1. A residential development (Clearwater North) is currently under construction to the north of the subject properties, and is also zoned Residential, High Density (RH). Land to the East is zoned Industrial, Light (IL) and land to the south is zoned Commercial, General (CG), Business Park (BP), and Commercial, Office (CO), and west is zoned Commercial, Community (CC).

20.2. The proposed Preliminary Plat is consistent with the proposed residential neighborhood to the north. Development of the site is subject to the Residential Design Standards.

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

21.1. The proposed development will be constructed to City of Kennewick Residential Design Standards and the applicable requirements of the Kennewick Municipal Code.

21.2. Appropriate provisions have been made for, but are 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 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.

22. Comprehensive Plan:

22.1. Staff is of the opinion 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:

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

22.1.1.1. The proposed Preliminary Plat is consistent with the Comprehensive Plan Land Use and complies with development standards for the Residential, High Density (RH) zoning district. The applicant intends to develop a single-family residential neighborhood.

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

22.1.2.1. POLICY1: Ensure provision of parks, schools, drainage, transit, water, sanitation, infrastructure and pedestrian in new residential developments.

22.1.2.2. POLICY 2: Encourage irrigation service throughout residential areas, when available, to support and maintain healthy landscaping.

22.1.2.3. POLICY 3: Deny residential developments if concurrency is not met for transportation, water, and sewer, or appropriately condition.

22.2. The proposed development will be constructed with the required infrastructure improvements that meet applicable standards.

22.2.1. RESIDENTIAL GOAL 3: Promote a variety of residential densities with a minimum density target of 3 units per acre as averaged throughout the urban areas.

22.2.1.1. POLICY 4: Residential High Density: Designate land for Residential High Density (HD) where access, topography, and adjacent land uses create conditions appropriate for a variety of unit types, or where there is existing multi-family development.

22.3. As proposed, the development meets Goal 3 and Policy 4 by providing new high density housing in an area already zoned for high density while also being alongside rapidly developing commercial and residential areas.

23. An open record public hearing after due legal notice was held on June 9, 2025.

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

24.1.	Ex. 1	Staff Report
24.2.	Ex. 2	Preliminary Plat
24.3.	Ex. 3	Notice of Public Hearing, 300-ft. mailing list and mailing affidavit
24.4.	Ex. 4	Public Works Department comments 2/24/2025
24.5.	Ex. 5	Traffic Dept. comments 5/30/2025
24.6.	Ex. 6	Building Division comments 2/13/2025
24.7.	Ex. 7	WA Dept. of Fish and Wildlife correspondence 9/9/22
24.8.	Ex. 8	WSDOT Comments 2/27/25
24.9.	Ex. 9	WA Dept. of Archaeology & Historic Preservation comments 6/7/2023
24.10.	Ex. 10	WA Department of Ecology comments 2/27/2025
24.11.	Ex. 11	Kennewick Irrigation District comments 3/4/2025
24.12.	Ex. 12	Benton Clean Air Agency comments 2/27/2025
24.13.	Ex. 13	Environmental Determination – DNS 3/4/2025
24.14.	Ex. 14	Geotechnical Report 6/30/2023
24.15.	Ex. 15	Trip Generation Letter 4/7/2025
24.16.	Ex. 16	Cultural Resources Report 4/2023 REDACTED
24.17.	Ex. 17	Public Comment (Samples Email) and Traffic Dept. response 2/28/2025
24.18.	Ex. 18	Kennewick School District comments 6/2/2025
24.19.	Ex. 19	Staff PowerPoint Presentation

25. 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 advised 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. He further testified that all proposed lots could be developed without the need for a variance.

26. No member of the public was present at the hearing.

27. 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. As conditioned, 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 application for the SUB-2025-0001 subject to the following Conditions of Approval:

IV. CONDITION OF APPROVAL

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

2. A landscape plan must be submitted for approval for 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 and within five feet of the back of sidewalk for curb tight sidewalks along with a 10' wide landscaping buffer along W Clearwater Ave. The landscape plan shall be prepared by a licensed landscape architect or licensed landscape installer drawn to a legible scale.

3. Provide a bond or cash deposit for incomplete sidewalks and applicable landscaping prior to final plat approval. Trees for the individual residential lots shall be planted prior to receiving certificate of occupancy for each new home.

4. All fees required by the City shall be paid prior to approval of the final plat.

5. All development of the plat shall be in conformance and consistent with the plat drawing which was admitted as Exhibit 2.

6. Comply with the memorandum from the Building Division dated 13 February 2025 (Exhibit 6).

7. Comply with the memorandum from the Public Works Department dated 24 February 2025 (Exhibit 4).

8. Comply with the Traffic Engineering Division comments dated 30 May 2025 (Exhibit 5).

9. An Inadvertent Discovery Plan (IDP) shall be in place prior to any ground disturbing activities.

10. Comply with the comments submitted by the Washington Department of Fish & Wildlife dated 28 November 2023.

11. Comply with the comments submitted by the Washington Department of Transportation dated 27 February 2025 (Exhibit 8).

12. Comply with the comments submitted by the Washington Department of Ecology dated 27 February 2025 (Exhibit 10).

13. Comply with the comments submitted by the Benton Clean Air Agency dated 2/27/2025 (Exhibit 12).

14. Comply with the requirements of the Kennewick Irrigation District dated 2/24/2025 (Exhibit 11).

15. Provide dust control method(s) such as hydro seeding for all areas of the site that are disturbed.

16. 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.

17. The Preliminary Plat (SUB-2025-0001) expires 5 years from the approval date. The City may grant an extension, but any extension application must be applied for before the approved preliminary plat expires.

Dated this 18 day of June, 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)