

CITY OF KENNEWICK HEARING EXAMINER

IN THE MATTER OF	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW,
SUB 2024-0011	)	CONDITIONS OF APPROVAL AND
Harmony Estates	)	DECISION ON PRELIMINARY
	)	PLAT
	)	

THIS MATTER having come on for hearing in front of the City of Kennewick Hearing Examiner on December 9, 2024, 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. PROPERTY DESCRIPTION:

- 1.1 Parcel Number: 1-0789-100-0016-000.
- 1.2 General Location: 8045 W. 10th Avenue.
- 1.3 Applicant/Engineer: Knutzen Engineering, 5401 Ridgeline Drive #160, Kennewick, Washington 99338.
- 1.4 Owner: Harmony Development, LLC, 2055 N. Steptoe St., Suite 110, Kennewick, Washington 99336.
- 1.5 Summary of Proposal. A Preliminary Plat proposed to subdivide 9.54 acres into 28 lots and 2 tracts.

2. Preliminary Plat Application Processing Dates:

Pre-Application/Feasibility Meeting	N/A
Application Submittal	October 7, 2024
Determination of Completeness Issued	October 8, 2024
Notice of Application	October 8, 2024
Property Posting Sign	October 8, 2024
City Department Review Meeting	N/A
SEPA Threshold Determination Issued	N/A
SEPA Appeal Period Ends	N/A
Date of Published Notice of Public Hearing	November 24, 2024
Date of Mailed Notice of Public Hearing	November 21, 2024

3. The proposed Preliminary Plat (SUB-2024-0011) is a request for the subdivision of 9.54-acres into 28 lots and two tracts. The project is located at 8045 W. 10th Avenue. The subject property is currently vacant. The plat is proposed as Harmony Estates.
4. The site has a Comprehensive Plan Land-Use Designation of Low Density Residential and is zoned Residential, Low Density (RL). The minimum lot size in the RL zone is 7,500 square feet.
5. 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 from 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.
6. **Property History:** The City of Kennewick annexed the property and zoned it Residential, Low Density (RL) in October 2024 via Ordinance 24-6064.
7. **Density/Lot Size:**
 - 7.1 Per the Table of Residential Development Standards (KMC 18.12.010 A.2), the RL zoning district has a minimum lot size requirement of 7,500 square feet.
 - 7.2 The proposed development has a minimum residential lot area of 9,180 square feet, a maximum residential lot area of 17,322 square feet, with an overall lot average of 11,512 square feet.
 - 7.3 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.
8. **Traffic:** In Exhibit 6, the Traffic Engineering Division provided comments on the proposal. The applicant is required to dedicate right-of-way for local public streets internal to the development. In addition, 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. All shared access will require an Access Easement recorded with the Auditor. Additionally, traffic calming measures are required on residential streets with more than 1,200-feet of continuous, uninterrupted length and mid-block pedestrian crosswalks with signage for streets greater than 600 feet in continuous, uninterrupted length. A Transportation Impact Fee (TIF), currently calculated at \$33,652.08, is required for the proposed development. TIF is assessed at building permit issuance and due prior to issuance of a Certificate of Occupancy.
9. **Storm Water:** Storm water design, construction and post construction must meet the requirements of KMC Section 14.28.045 and COK Standard Specification 5-9.

10. **Streets & Utilities:** Proposed public roads, water services and sewer services must be constructed to applicable City of Kennewick Standard Specifications and Drawings. In Exhibit 5, the Public Works Department addresses water and sewer requirements.
11. **Parks:** The proposed development is in Service Area 1. 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 prior to issuance of a Certificate of Occupancy by the City.
12. **Critical Areas:** A preliminary review of the mapped critical areas on the City's GIS platform indicates steep slopes in excess of 15 percent on the subject property. A geotechnical report may be required but the area appears to only affect about 2,000 SF on the west side of the parcel. As site layout and building design were not yet available at the time of the report, a more detailed analysis may be required prior to the issuance of grading, civil, or building permits.
13. **Schools:**
 - 13.1 The boundary schools for the proposed development are Ridge View Elementary (Walking Zone), Desert Hills Middle School (Bussing Zone) and Kamiakin High School (Bussing Zone).
 - 13.2 Per a letter from the Kennewick School District (Exhibit 10) dated December 3, 2024, the District has the capacity to add students at all levels and at the three schools referenced above. In addition, the School District requests that considerations are made for school bus access and pick-up/drop-off zones.
14. **Surrounding Property:**
 - 14.1 A new residential development was recently constructed to the northeast of the subject property, and is zoned Residential, Suburban (RS). The land directly north is zoned Residential, Suburban (RS) as well as the established neighborhood directly to the east and south. Land to the west is located outside of the city limits, in unincorporated Benton County but in the UGA, and is zoned residential.
 - 14.2 The proposed Preliminary Plat is consistent with the existing residential neighborhoods to the north and west in terms of lot size and density. All proposed lots are consistent with the established standards of the underlying zone. Development of the site is subject to the Residential Design Standards.
15. **Provisions for Public Health, Safety, and Welfare:**
 - 15.1 The proposed development will be constructed to City of Kennewick Residential Design Standards and the applicable requirements of the Kennewick Municipal Code.
 - 15.2 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.

16. **Comprehensive Plan:** 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:

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

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

- 16.2 **RESIDENTIAL GOAL 2:** Provide appropriate public facilities supporting residential areas.

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

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

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

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

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

- 16.3.1 **POLICY 1:** Establish and implement maximum densities in the City's residential zoning categories.

- 16.3.2 **POLICY 2:** Residential Low Density: Place lands constrained by sensitive areas, those intended to provide transition to the rural area, or those appropriate for larger lot housing within the Residential Low Density land use designation to allow for a range of lifestyles.

- 16.3.3 As proposed, the development will implement the maximum density while providing larger lot housing within the Residential Low Density land use to allow for a range of lifestyles

17. An open record public hearing after due legal notice was held on December 9, 2024, via Zoom videoconference.

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

- 18.1 Ex. 1 Staff Report
- 18.2 Ex. 2 Legal Description
- 18.3 Ex. 3 Preliminary Plat
- 18.4 Ex. 4 Notice of Public Hearing, 300-ft. mailing list and mailing affidavit
- 18.5 Ex. 5 Public Works Department Comments 10/14/2024
- 18.6 Ex. 6 Traffic Engineering Division Comments 10/21/2024
- 18.7 Ex. 7 Building Division Comments 10/16/2024
- 18.8 Ex. 8 Benton Clean Air Authority comments 10/9/24
- 18.9 Ex. 9 Kennewick Irrigation District comments 11/5/2024
- 18.10 Ex. 10 Kennewick School District comments 12/3/24

19. Appearing and testifying at the hearing on behalf of the applicant was Robert McCleod. Mr. McCleod testified that he was an agent authorized to appear and speak on behalf of the applicant and property owner. Mr. McCleod indicated that he had reviewed the Staff Report and had no objection to any of the representations contained therein. Mr. McCleod also testified that he had reviewed the proposed Conditions of Approval and that the applicant had no objection to any Conditions of Approval.

20. No member of the public testified at the hearing.

21. 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. CONDITION OF APPROVAL

- 1. The applicant shall 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. The landscape plan

shall be prepared by a licensed landscape architect or licensed landscape installer drawn to a legible scale.

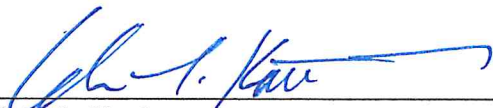
3. Tracts A & B must be landscaped per the Residential Design Standards and KMC 18.21.
4. The applicant shall provide a bond or cash deposit for incomplete sidewalks and applicable landscaping prior to final plat approval. Trees for the individual residential lots shall be planted prior to receiving certificate of occupancy for each new home.
5. All fees required by the City shall be paid prior to approval of the final plat.
6. All development of the plat shall be in conformance and consistent with the plat drawing which was admitted as Exhibit 3.
7. The applicant shall comply and address comments from the city surveyor on the plat drawing. (Exhibit 3).
8. The applicant shall comply with the memorandum from the Building Division dated October 26, 2024 (Exhibit 7).
9. The applicant shall comply with the memorandum from the Public Works Department dated October 14, 2024 (Exhibit 5).
10. The applicant shall comply with the Traffic Engineering Division comments dated October 21, 2024 (Exhibit 6).
11. The applicant shall comply with the comments submitted by the Benton Clean Air Authority dated October 9, 2024 (Exhibit 8).
12. The applicant shall provide a letter of verification regarding the slopes, prior to final plat approval. Further geotech analysis may be required due to onsite slopes.
13. The applicant shall comply with the requirements of the Kennewick Irrigation District dated November 5, 2024 (Exhibit 9).
14. The applicant shall comply with the requirements of the Kennewick School District dated December 3, 2024 (Exhibit 10) and work with the School District to locate adequate school bus access and pick-up/drop-off zones for the development.
15. The applicant shall provide dust control method(s) such as hydro seeding for all areas of the site that are disturbed.
16. A Home Owner's Association (HOA) must be created to facilitate the maintenance of any common areas, open spaces, private roads and common landscape areas.
17. 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.
18. The Preliminary Plat (SUB-2024-0011) 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

IV. DECISION

Based on the above Findings of Fact and Conclusions of Law, the Hearing Examiner **APPROVES** the application for the SUB 2024-0011 Preliminary Plat.

Dated this 20 day of December, 2024.

CITY OF KENNEWICK HEARING EXAMINER



Andrew L. Kottkamp

Absent a timely appeal, this Decision is final¹

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)