



CITY OF KENNEWICK HEARING EXAMINER
James M. Driscoll, Hearing Examiner

AGENDA

**MONDAY, JUNE 14, 2021
6:00 P.M.**

**CITY OF KENNEWICK – ONLINE VIRTUAL MEETING
210 W. 6TH AVE, KENNEWICK, WA 99336**

Procedure for Participation

- Please register and sign in to Zoom if you wish to receive a copy of the decision when it is issued and if you plan to give testimony.
- When recognized by the Examiner, state your name, address and whether you are representing only yourself or others.
- All remarks, comments, and questions should be addressed to the Hearing Examiner and not to the audience or parties. You may offer written comments or other items (such as photographs) to the Hearing Examiner as an exhibit for the permanent record. Please provide at least three (3) copies of each item submitted: one copy for the Hearing Examiner, one for the Official Record, and one for Staff). During an Appeal Hearing, if the appellant and the applicant are different parties, then a fourth copy of all documentation is requested.

I. CALL TO ORDER

II. PROCEDURAL INFORMATION

III. PUBLIC HEARING

- A. Plat Vacation/Alteration (PVA) No. 21-02/PLN-2021-01055, proposing to remove the mid-block pedestrian connections remaining throughout the Southcliffe Preliminary Plat located at 8026 Bob Olson Parkway, Kennewick. Applicant is Nick Wright, 1955 Jadwin Avenue, Richland, WA 99354. Property owner is Grant Young, Bauder Young Properties, LLC, 2495 Morency Drive, Richland, WA 99352.

IV. ADJOURN



COMMUNITY PLANNING DEPARTMENT
STAFF REPORT AND RECOMMENDATION TO
THE HEARING EXAMINER

FILE No: PVA 21-02/PLN-2021-01055

Staff Report Date: June 1, 2021

Public Hearing Date and Location: June 14, 2021, Virtual Hearing

Report Prepared By: Steve Donovan, AICP, Senior Planner

Report Reviewed By: Anthony Muai, AICP, Planning Manager

Summary Recommendation: The City of Kennewick RECOMMENDS APPROVAL of Plat Vacation/Alteration 21-02.

Summary of Proposal: The plat alteration proposes to remove the mid-block pedestrian connections remaining throughout the Southcliffe Preliminary Plat.

Proposal Location: 8026 Bob Olson Parkway, Parcel Numbers 1-0789-401-3622-001, 1-0889-300-0001-005 and 1-0889-200-0004-000

Legal Description:

Parcel 1-0889-200-0004-000:
 THE SOUTH ONE/HALF OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 8 NORTH, RANGE 29, LYING SOUTHERLY OF THE KENNEWICK IRRIGATION DISTRICT MAIN CANAL, EXCEPT THE EAST ONE/HALF OF THE EAST ONE/HALF THEREOF, ROAD EASEMENT 3-5-75.

Parcel 1-0889-300-0001-005:
 SECTION 8 TOWNSHIP 8 RANGE 29 QUARTER SW; THE NORTH ONE/HALF OF THE SOUTHWEST QUARTER OF SECTION 8 TOWNSHIP 8 NORTH RANGE 29. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, (SEE PATENT #46-67-0008). MINERAL RIGHTS RESERVED. TOGETHER WITH: THAT PORTION OF LOT 1, SHORT PLAT NO. 2693, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER AUDITOR'S FILE NO. 2003-002681, RECORDS OF BENTON COUNTY, WASHINGTON, LYING IN THE SOUTH HALF OF SECTION 8, TOWNSHIP 8 NORTH, RANGE 29 EAST OF THE WILLAMETTE

EXHIBIT 1

MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE NORTH 88°03'20" EAST ALONG THE SOUTH LINE OF SAID SECTION FOR 30.01 FEET; THENCE NORTH 00°25'28" WEST PARALLEL TO AND 30.00 FEET MEASURED PERPENDICULAR TO THE NORTH-SOUTH CENTER SECTION LINE FOR 30.01 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID PARALLEL LINE NORTH 00°25'28" WEST 911.88 FEET TO A POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE; THENCE ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 39.27 FEET TO A POINT OF TANGENCY; THENCE NORTH 89°34'32" EAST 5.00 FEET; THENCE NORTH 00°25'28" WEST 60.00 FEET; THENCE SOUTH 89°34'32" WEST 60.00 FEET; THENCE NORTH 00°25'28" WEST 291.34 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION; THENCE SOUTH 88°23'50" WEST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION FOR 1148.07 FEET TO A POINT ON THE CENTERLINE OF THE AMON PUMP LATERAL RIGHT-OF-WAY; THENCE ALONG THE CENTERLINE OF THE AMON PUMP LATERAL THE FOLLOWING COURSES; SAID POINT BEING A POINT ON THE ARC OF A 191.00 FOOT RADIUS CURVE, THE RADIUS POINT OF WHICH BEARS NORTH 40°09'44" EAST; THENCE ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 19°01'20", AN ARC LENGTH OF 63.41 FEET TO A POINT OF TANGENCY; THENCE SOUTH 68°51'36" EAST 228.80 FEET TO A POINT OF CURVATURE OF A 573.00 FOOT RADIUS CURVE; THENCE ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 9°18'00", AN ARC LENGTH OF 93.01 FEET TO A POINT OF TANGENCY; THENCE SOUTH 59°33'36" EAST 222.90 FEET TO A POINT OF CURVATURE OF A 573.00 FOOT RADIUS CURVE; THENCE ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 11°54'00", AN ARC LENGTH OF 119.01 FEET TO A POINT OF TANGENCY; THENCE SOUTH 71°27'36" EAST 248.90 FEET TO A POINT OF CURVATURE OF A 573.00 FOOT RADIUS CURVE; THENCE ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 5°10'00", AN ARC LENGTH OF 51.67 FEET TO A POINT OF TANGENCY; THENCE SOUTH 76°37'36" EAST 168.00 FEET TO A POINT OF CURVATURE OF 286.50 FOOT RADIUS CURVE; THENCE ALONG SAID CURVE TO THE RIGHT; THROUGH A CENTRAL ANGLE OF 4°15'00", AN ARC LENGTH OF 21.28 FEET TO A LINE PARALLEL TO AND 30.00 FEET WESTERLY AS MEASURED PERPENDICULAR TO THE NORTH SOUTH CENTER SECTION LINE; THENCE LEAVING SAID CENTERLINE OF AMON PUMP LATERAL SOUTH 00°25'28" EAST ALONG SAID PARALLEL LINE FOR

EXHIBIT 1

802.73 FEET TO THE NORTH LINE OF HILDEBRAND ROAD AS GRANTED BY DOCUMENT RECORDED UNDER AUDITOR'S FILE NO. 373624, RECORDS OF BENTON COUNTY AUDITOR; THENCE NORTH 88°03'38" EAST ALONG SAID NORTH LINE FOR 30.01 FEET TO THE NORTH SOUTH CENTER SECTION LINE; THENCE CONTINUING ALONG SAID NORTH OF HILDEBRAND ROAD NORTH 88°03'20" EAST 30.01 FEET TO THE SAID TRUE POINT OF BEGINNING. SWD, AF #2008-020765 (7/15/2008). EXCEPT THAT PORTION LYING WITHIN THE PLAT OF SOUTHCLIFFE PHASE 1, PER AF#2013-041495, 12/26/2013. EXCEPT THAT PORTION LYING WITHIN THE PLAT OF SOUTHCLIFFE PHASE 3, AF#2017-025451, 9/6/2017. EXCEPT THAT PORTION LYING WITHIN THE PLAT OF SOUTHCLIFFE PHASE 4, AF#2018-018581, 06/26/2018. EXCEPT THAT PORTION LYING WITHIN THE PLAT OF SOUTHCLIFFE PHASE 2, AF#2019-021614, 7/31/2019.

Parcel 1-0789-401-3622-001:

LOT 1, SHORT PLAT #3622, RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 3622, RECORDS OF BENTON COUNTY, WASHINGTON. AF#2019-026230, 9/4/2019.

Property Owner(s): Bauder Young Properties, LLC
2495 Morency Drive
Richland, WA 99352

Applicant: Nick Wright
1955 Jadwin Avenue
Richland, WA 99354

Engineer: Spink Engineering
1623 Terminal Drive
Richland, WA 99352

Surveyor: Rogers Surveying, Inc., P.S.
1455 Columbia Park Trail
Richland, WA 99352

Approval Criteria:

1. Comprehensive Plan – Land Use
2. Kennewick Municipal Code (KMC) Title 18 – Zoning
3. KMC Title 17 – Subdivisions
4. KMC Section 5.56 – Public Works Construction Standards
5. Washington State Environmental Policy Act

Preliminary Plat Key Application Processing Dates:

Pre-Application/Feasibility Meeting	N/A
Application Submittal	March 31, 2021
Determination of Completeness Issued	March 31, 2021
Notice of Application	April 1, 2021
Property Posting Sign	April 1, 2021

City Department Review Meeting	N/A
SEPA Threshold Determination Issued	April 20, 2021
SEPA Appeal Period Ends	May 4, 2021
Date of Published Notice of Public Hearing	May 30, 2021
Date of Mailed Notice of Public Hearing	May 27, 2021

Exhibits:

1. Staff Report
2. Application
3. Supporting information from applicant.
4. Notice of Public Hearing, 300-ft. mailing list and mailing affidavit
5. Approved original PP 12-01/PDP 12-02 Preliminary Plat.
6. PP 12-01/PDP 12-02 Hearing Examiner Decision
7. Preliminary Plat showing pedestrian connection proposed for removal.
8. Determination of Non-Significance ED 21-09/PLN-2021-01076
9. Traffic Engineering Division plat comments.
10. Email from Shanna Everson, Benton PUD, dated 4/06/2021
11. Kennewick Irrigation District comments, dated 4/15/2021

Staff Analysis of Proposal & Discussion:

The City's Hearing Examiner approved the Southcliffe Preliminary Plat/Planned Development Permit (PP 12-01/PDP 12-02) on November 27, 2012. The proposal consisted of dividing 286.21 acres into 414 lots.

The applicant is requesting a deviation from KMC 17.20.0109(3)(b) which requires pedestrian connections within blocks when the length of the block is more than 600 feet. It is the applicant's opinion that due to the slopes of the required pedestrian connections, they will be unsafe and not used by the residents. Staff partially agrees with the applicant, in that the required pedestrian connections will most likely be unused by the development's residents, due to the connections being constructed at slopes that are in excess of 15%.

The following Kennewick Municipal Code (KMC) Section establishes the review criteria for the proposed alteration:

KMC 17.10.110 – Procedure of Approved Preliminary Plat Alteration.

- (1) Upon receipt of a completed application requesting an alteration of an approved preliminary plat, the City will notify all owners of the property within the division as provided in KMC 17.10.050. The Planning Director shall have the authority to determine whether a proposed alteration constitutes a minor or major alteration. The Planning Director shall have the authority to approve a minor alteration. The Planning Director shall determine an alteration is minor if the criteria listed in (a) through (f) below are met and issue a written decision on minor amendments that contain the following findings:
 - (a) Does not decrease the aggregate area of open space within the proposed subdivision; and
 - (b) Does not increase the number of lots within the subdivision beyond the number approved in the preliminary plat; and
 - (c) Does not result in violation of adopted standards or regulations; and

EXHIBIT 1

- (d) Access points identified on the preliminary plat are not reduced, increased or significantly altered; and
- (e) Does not result or cause the subdivision to be inconsistent with the findings, conclusions or decision of the Hearing Examiner; and
- (f) May be granted if there are no proposed changes to the Hearing Examiner's conditions of approval.

The Planning Director may include conditions as part of an approval to ensure conformance with the above criteria.

- (2) A proposed alteration that does not meet the above criteria shall be considered a major alteration and shall be processed as a new and separate application. The Hearing Examiner will conduct a public hearing and determine the public use and interest in the proposed major alteration and may deny or approve the application.
- (3) If any land within the alteration is part of an assessment district, any outstanding assessments must be equitably divided and levied against the remaining lots, parcels or tracts, or be levied equitably on the lots resulting from the alteration.
- (4) If any land within the alteration contains a dedication to the general use of persons residing within the division, such land may be altered or divided equitably between the adjacent properties.

It is staff's opinion that the proposed Plat Alteration cannot be reviewed as a minor alteration because it does not meet the requirements of subsections 117.10.110(1) (a) and (c).

The original Preliminary Plat was also approved via the Planned Development Permit (PDP) process, which allows for deviations from the standard development regulations. At that time, the applicant requested deviations from minimum density requirements and the application of standards for curb tight sidewalks. It is staff's opinion, that since the original plat was reviewed as a PDP, the applicant meets the purpose (KMC 18.45.010(3)) of a PDP by creating usable open space for the enjoyment of the residents.

To offset the loss of the pedestrian connection open space tracts, the applicant is proposing an 1800-foot meandering path and green space along W 21st Avenue.

The applicant/developer is still required to complete the Final Plat Approval Process for the remaining phases of the approved preliminary plat.

Property History:

The City of Kennewick annexed the site on in May of 1974 and zoned its current zoning district in January of 2011. March 7, 2000, via Ordinance 3917.

In 2016, a Minor Alteration was approved alter the street layout for Phase 3 & 19. Another Minor Alteration in 2019 was approved to make the lots larger and change the road layout.

Traffic:

In Exhibit 9, the Traffic Engineering Division provided comments on the proposal.

Storm Water:

The Public Works Department has no comment on the proposed alteration.

Streets & Utilities:

The Public Works Department has no comment on the proposed alteration.

Parks:

The Parks Department has no comment on the proposed alteration.

Critical Areas:

The site does have Erosion Hazard Areas and Slopes >15%. The alteration is still subject to the development is still subject to the provisions of the Critical Area Report for PP 12-01/PDP 12-02.

Schools:

The Kennewick School District provided no comments for the proposed alteration.

Surrounding Property:

The properties to the west, south and east are zoned either Commercial, Community or Residential, Low Density. To the north, the properties are either Residential, Low Density or Urban Growth Area Residential (County).

Provisions for Public Health, Safety, and Welfare:

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

Staff Comment: It is staff's opinion that 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.

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:

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

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

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

The City of Kennewick hereby RECOMMENDS that Plat Alteration/Vacation 21-02 be APPROVED with the following conditions:

1. Comply with the Conditions of Approval issued for PP 12-01 and PDP 12-02.
2. Provide the mid-block street crossing as requested by the Traffic Engineering Division.



PVA _____ / PLN-_____ FEE \$ _____

Plat Alteration Application

Date: 3/29/2021

Name or Number of Plat: PP No. 12-01/PLN-2012-00011

Name of Applicant: Nick Wright

Address: 1955 Jadwin Ave.

City, State, Zip: Richland, WA 99354

Phone Number: 509-845-9411

E-mail: nwright@younginv.com

Parcel Numbers of all parcels: 107894013622001, 108893000001005,
108892000004000

Reason for vacation/alteration: We would like a variance from the code requirement to install pedestrian pathways per KMC 17.20.010(3)(b). While we understand the importance of pedestrian connectivity, we feel that due to the topography of our site, this will create a an unsafe walkway. If we were to create a pedestrian pathway as is shown on our pre-plat, this would result in pathways that are a 15% grade or more, which is much too steep, and would be unsafe for residents.

Does proposal conform to covenants? Yes X No _____

If no, how does it differ? _____

Date Received Stamp

City of Kennewick
Signature page for Plat Alteration

We, the owners of parcels located within 107894013622001, 108893000001005,
108892000004000

have reviewed the proposal and agree to its submittal


Owner signature

Grant Youn

Printed Name

1955 Jadwin Ave.

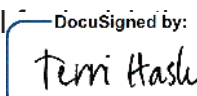
Address

Richland, WA

City

State

DocuSigned by: iction


915ACE85EF84478...

Owner Signature

Terri Hash

Printed Name

859 Meadow Hills Drive

Address

Richland, WA

City

State

(Make additional copies as needed)

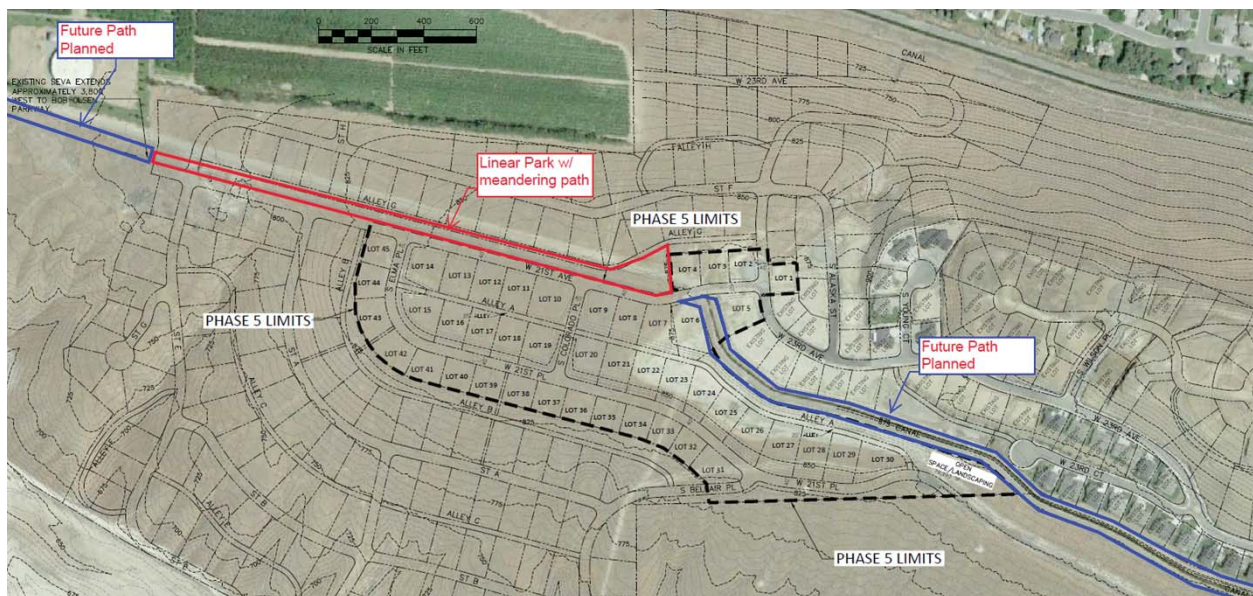
From: Nick Wright
Sent: Mon, 17 May 2021 14:10:22 -0700
To: Steve Donovan;Anthony Muai;Terri Hash;gyoung@younginv.com;Steve Spink
Subject: Southcliffe Mid-block Pedestrian Paths
Attachments: Mid Block Paths.pdf

Steve D.,

We would like to provide the following information to explain why we believe installing mid-block pedestrian paths in Southcliffe is a significant health and safety issue, and also describe additional measures we plan to put in place to provide increased walk-ability throughout the subdivision:

We had Steve Spink, our project engineer, draw up a profile (attached) that shows the percentage grade for the two requested pathways which would result with a constant slope of 19.15% grade between lots 8/9, and a 15.15% grade between lots 12-13. We believe that this would result in a paved path that would be steep and unsafe, unfit for wheelchair access, and the adjacent lots would require up to 20' tall retaining walls that unless fenced in, would be an additional safety hazard for homeowners. Importantly, during inclement winter weather, these pathways would be exceedingly dangerous, if not totally unusable.

To make up for the loss of these paths, and in an added effort to add walk-ability around the subdivision, we have gone beyond the green space area originally approved in our pre-plat, and will be adding at a minimum, an 1800' meandering path and green space in the center of the subdivision (see image below in red), with the intention to continue this path both to the east and west of our property (see image below in blue - details are still being worked out with the KID). The KID's ultimate goal is to create a looped walking/biking path throughout South Kennewick, and we are facilitating this vision with the additional green space.



We understand and appreciate the intent of the mid-block pedestrian paths, but we believe they are simply impractical and unsafe when developing in heavily sloped areas, and end up being more of a health and safety hazard rather than a community benefit.

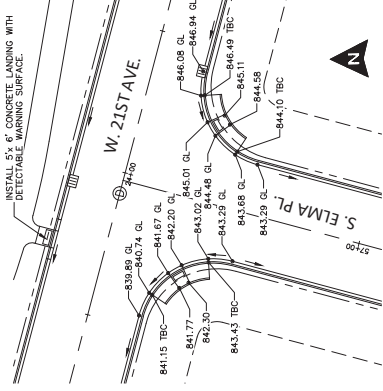
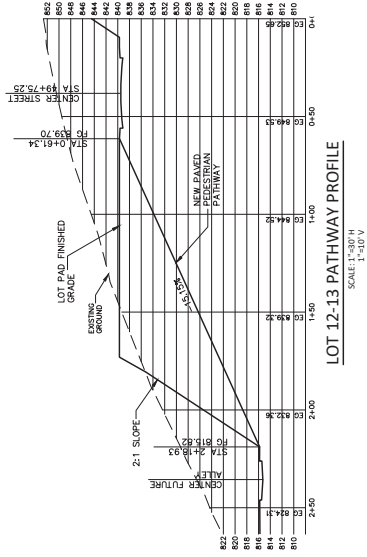
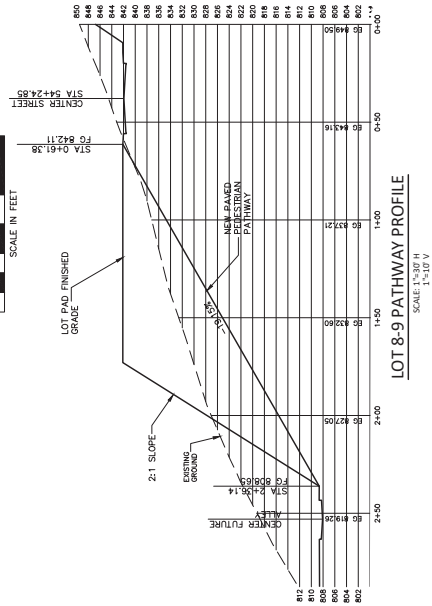
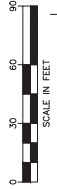
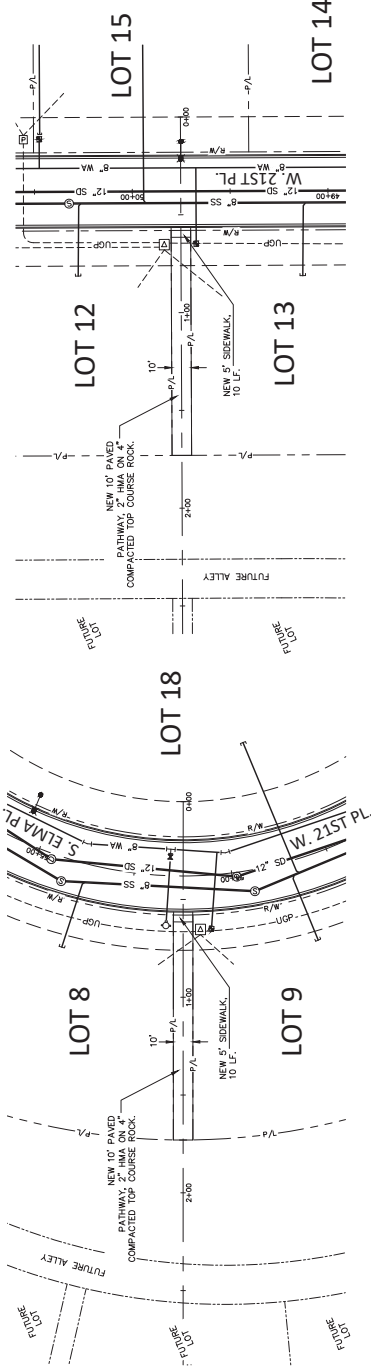
Please let us know if you would like any more information or engineering details, or if you would like to schedule a Zoom call to discuss further.

Thanks Steve.

NICK WRIGHT
Young Asset Management LLC

nwright@younginv.com
younginv.com
Phone: 509-845-9411

SECTION 8, T. 8 N., R. 29 E., W.M.

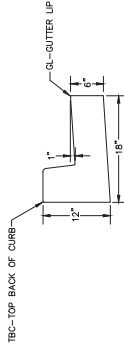


INTERSECTION W. 21ST AVE. & S. ELMA PL.

SCALE: 1/2"=1'-0"

PEDESTRIAN RAMPS

PARALLEL CURB RAMP STANDARD F-4032-02, PER CITY
STANDARD DRAWING 2-10, SHEET 1 OF 8.



STANDARD CURB & GUTTER DETAIL

CITY OF KENNEBEC STANDARD DRAWING 2-10, SHEET 1 OF 8.



Know what's below.
Call before you dig.
48 HOURS
NOTICE REQUIRED

APPROVED FOR CONSTRUCTION: _____
CITY OF KENNEBEC PUBLIC WORKS _____
DATE _____

MID-BLOCK PATHWAY PLANS & PROFILES

INTERSECTION & PEDESTRIAN RAMP DETAIL 5-10-21

SHEET
08 of 09
JOB# 15-108

DWG# 600-254

SOUTHCLIFFE PHASE 5 WEST
CONSTRUCTION PLANS

BAUDER-YOUNG PROPERTIES

DRAWN BY: SMS
DESIGNED BY: SMS
APPROVED BY: ABR
FILE: 19-108 PWS-WEST5-10-21.DWG



1	5-10-21	RAISED PER CITY COMMENTS LETTER DATED APRIL 13, 2021
2	5-10-21	REVISION COMMENTS
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NOTICE OF MAILING

I, Steve Donovan, on May 27, 2021
mailed 107 copies of Notice of Public Hearing
for PVA 21-02/PLN-2021-01055
to all property owners within 300 feet of the proposal
as shown on the attached list.


Signature

Exhibit 4

37

HFRP, LLC
21611 Ahtanum Road
Yakima, WA 989903

37

Bauder Young Properties LLC
2495 Morency Drive
Richland, WA 99352

37

Zachari & Christy Lamberson
6501 W 20th Ave
Kennewick, WA 99338

37

Robert & Alisha Bryans
6409 W 20th Ave
Kennewick, WA 99338

37

Ronald & Debra Eller
6600 W 20th Ave
Kennewick, WA 99338

37

Donald Chapin Jr & Bessy Chapin
6502 W 20th Ave
Kennewick, WA 99338

37

Rodney & Angela Scrimsher
6821 W 20th Ave
Kennewick, WA 99338

37

Scrimsher, Gary Trust
6819 W 20th Ave
Kennewick, WA 99338

37

Jeffery & Yolanda Robison
6815 W 20th Ave
Kennewick, WA 99338

37

John & Sharon McKinstry
7212 W 20th Ct
Kennewick, WA 99338

37

Arval & Beverly Kirk
6803 W 20th Ave
Kennewick, WA 99338

37

Jeremy & Melissa Swanson
6701 W 20th Ave
Kennewick, WA 99338

37

Ivan & Valentina Lebedevskiy
6621 W 20th Ave
Kennewick, WA 99338

37

Ralph Peterson & Valerie Pope
7301 W 20th Ct
Kennewick, WA 99338

37

James & Linda Minnock
6609 W 20th Ave
Kennewick, WA 99338

37

Kyle Upton
6603 W 20th Ave
Kennewick, WA 99338

37

Arthur & Colleen Cain
6708 W 20th Ave
Kennewick, WA 99338

37

Carol Mowery
6711 W 20th Ave
Kennewick, WA 99338

37

Kim Wehner & May Sharon
6800 W 20th Ave
Kennewick, WA 99338

37

Glen & Sharla Marshall
6606 W 20th Ave
Kennewick, WA 99338

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Michael & Carla Saranovich
6714 W 20th Ave
Kennewick, WA 99338

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Amity Andersen
6806 W 20th Ave
Kennewick, WA 99338

37

Troy & Elizabeth Dale
6812 W 20th Ave
Kennewick, WA 99338

37

Richard & Linda Machart
6818 W 20th Ave
Kennewick, WA 99338

37

Mark & Susan Verwest
1920 S Taft St
Kennewick, WA 99338

37

Scott & Sara Stephens
6612 W 20th Ave
Kennewick, WA 99338

37

Henrietta Mayuga
6618 W 20th Ave
Kennewick, WA 99338

37

7HA Oregon, LLC
7631 W Van Giesen Street
West Richland, 99353

37

Michael & Jeri Schlender
7105 W 20th Ave
Kennewick, WA 99338

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Eric & Anne Wynkoop
7101 W 20th Ave
Kennewick, WA 99338

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Kevin & Deborah Hartze
7000 W 20th Ave
Kennewick, WA 99338

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Stephen Schwan & Morehouse Sara
6926 W 20th Ave
Kennewick, WA 99338

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Fredrick & Rachael Carlson
6920 W 20th Ave
Kennewick, WA 99338

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Clayton & Briana Arends
6914 W 20th Ave
Kennewick, WA 99338

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Brett & Anita Lilly
6908 W 20th Ave
Kennewick, WA 99338

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Thomas Bushaw
7017 W 20th Ave
Kennewick, WA 99338

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James & Michelle Perez
7009 W 20th Ave
Kennewick, WA 99338

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Lon & Randi Welch
7001 W 20th Ave
Kennewick, WA 99338

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Rodney & Angela Scrimsher
6905 W 20th Ave
Kennewick, WA 99338

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Justin & Johanna Gerry
6913 W 20th Ave
Kennewick, WA 99338

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Jacob & Laura Roth
216 N Johnon Street
Kennewick, WA 99336

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Urban Range LLC
72905 E Grand Bluff Loop
Kennewick, WA 99338

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So & Reinyn Bedlington
6757 W 23rd Ave
Kennewick, WA 99338

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Kristine & Nelson Rueda
6785 W 23rd Ave
Kennewick, WA 99338

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Charles Hodges III & Dawn Hodges
6813 W 23rd Ave
Kennewick, WA 99338

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Travis Love & Melissa Leatherman
6841 W 23rd Ave
Kennewick, WA 99338

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Alan & Lori Butler
6869 W 23rd Ave
Kennewick, WA 99338

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Larry & Lisa Powers
6897 W 23rd Ct
Kennewick, WA 99338

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Dominic & Kathy Sansotta
6925 W 23rd Ct
Kennewick, WA 99338

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Carrie & Bradley Mason
6953 W 23rd Ct
Kennewick, WA 99338

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Kerry Bates
6981 W 23rd Ct
Kennewick, WA 99338

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Jon & Jacque Fuller
7009 W 23rd Ct
Kennewick, WA 99338

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David & Cheryl Rockstrom
7037 W 23rd Ct
Kennewick, WA 99338

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Clinton & Jennifer Whitney
6899 W 23rd Ave
Kennewick, WA 99338

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Tim Fenske & Ann Lee
6927 W 23rd Ave
Kennewick, WA 99338

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Daug, Kenneth H Trust
6955 W 23rd Ave
Kennewick, WA 99338

37

Larry & Mary Thomas
6983 W 23rd Ave
Kennewick, WA 99338

37

Ann Lariviere
7011 W 23rd Ave
Kennewick, WA 99338

37

Jeremy & Candice Bruggeman
7039 W 23rd Ave
Kennewick, WA 99338

37

Jonathan & Christal Dickman
2272 S Belfair
Kennewick, WA 99338

37

Jaycee Structure LLC
1505 NE Village Street
Fairview, OR 97024

37

Margaret Butler
7313 W 20th Ave
Kennewick, WA 99338

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Steidel Trustee Jeanne
7305 W 20th Ct
Kennewick, WA 99338

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Linda Cameron
7309 W 20th Ct
Kennewick, WA 99338

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Marie Crockett
7604 W 21st Ave
Kennewick, WA 99338

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Ronald & Tammy Weyer
7053 W 23rd
Kennewick, WA 99338

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Isaac & Jessica Henry
7067 W 23rd
Kennewick, WA 99338

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Thomas & Sarah Fillmore
7081 W 23rd
Kennewick, WA 99338

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Steve Roxbury
7095 W 23rd
Kennewick, WA 99338

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Dianne Tindell
7602 W 21st Ave
Kennewick, WA 99338

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John & Christina Meehan
2331 S Young Court
Kennewick, WA 99338

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Brian & Jennifer Johnson
2304 S Young Court
Kennewick, WA 99338

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Kyle & Alison Madison
2914 S Morain Place
Kennewick, WA 99338

37

Reed & Lisa McKinlay
2332 S Young Court
Kennewick, WA 99338

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David & Kathryn Robison
2346 S Young Court
Kennewick, WA 99338

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Charles Windisch Jr & Maryfrances
Windisch
2360 S Young Street
Kennewick, WA 99338

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Alexander Beliaev
6941 Hardrock Court
West Richland, WA 99353

37

Dale & Margaret Brewer
1632 Milan Lane
Richland, WA 99352

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Daniel Marquina
2296 S Belfair Street
Kennewick, WA 99338

37

Jobey & Jennifer Smith
2284 S Belfair Street
Kennewick, WA 99338

37

Carol Mowery
6711 W 20th Ave
Kennewick, WA 99338

37

Amber & Bret Morales
2269 S Belfair Street
Kennewick, WA 99338

37

Fredric & Jacqueline Modrow
2287 S Belfair Street
Kennewick, WA 99338

37

Debra Morrison
7208 W 20th Ct
Kennewick, WA 99338

37

David & Kelli Hubbard
2165 Hawk Haven Court
Richland, WA 99352

37

Lee Neal & Tamy McCarty-Neal
2284 S Alaska Street
Kennewick, WA 99338

37

Belinda & Andrew Badorek
7106 W 20th Ave
Kennewick, WA 99338

37

Jacob & Christine Riesenweber
7203 W 15th Ave
Kennewick, WA 99338

37

Jon & Eryn Hjelle
7209 W 15th Ave
Kennewick, WA 99338

37

Douglas & Diane Campbell
7215 W 15th Ave
Kennewick, WA 99338

Exhibit 4

37

Laura Marquina
505 S Olympia Street, OFC M3
Kennewick, WA 99336

37

Smith Trustee Marjorie K
7207 W 20th Ct
Kennewick, WA 99338

37

Jon & Cassandra Lamendola
7091 W 22nd
Kennewick, WA 99338

37

Greg Lisle & Laili Latif
7090 W 22nd
Kennewick, WA 99338

37

Ryan & Kathy Hibbs
7072 W 22nd
Kennewick, WA 99338

37

Daniel Marquina
505 S Olympia Street, M1
Kennewick, WA 99336

37

Bannworth, Stephen D Trust
3508 W 36th Loop
Kennewick, WA 99338

37

Mark Wondrack
4105 S Neel Court
Kennewick, WA 99337

37

Vishwa & Lalita Naicker
3219 Hackemore Drive
Hayward, CA 94541

37

Ryan Woods
7012 W 20th Ave
Kennewick, WA 99338

37

Verda Lewis
7314 W 20th Ct Unit 101
Kennewick, WA 99338

37

Patti Wilson
67443 Scott Road
Hines, OR 97738

37

AR Holdings, LLC
16455 NE 99TH Street
Redmond, WA 98052

37

Dorothy Scott
7310 W 20th Ct
Kennewick, WA 99338

37

Debra Henry
7306 W 20th Ct
Kennewick, WA 99338

37

Paul & Sandra Henckel
7302 W 20th Ct
Kennewick, WA 99338

37

Jon & Cassandra Lamendola
4906 Parley Court
Pasco, WA 99301



NOTICE OF PUBLIC HEARING

PLAT MAP ON BACK

Proposal: Nick Wright submitted a Major Plat Alteration to remove the remaining undeveloped midblock pedestrian connections for future final plat phases of the approved SouthCliffe Preliminary Plat. The file number is PVA 21-02/PLN-2021-01055.

Open Record Hearing: The City of Kennewick Hearing Examiner will conduct an open record hearing at 6:00 p.m. on **June 14, 2021**. In response to the COVID-19 emergency, testimony will be taken online. To participate in the meeting, use the link found at www.go2kennewick.com/244/Hearing-Examiner.

Submitting Written Comments

- The City asks all members of the public that would like to comment regarding the Public Hearing to fill out an online form at <https://www.go2kennewick.com/244/Hearing-Examiner> no later than 5:00 p.m. on Friday, June 11, 2021 to be included in the Hearing Examiner packet for the record.
- Interested parties may also submit written comments to P.O. Box 6108, Kennewick, WA 99336; or e-mail steve.donovan@ci.kennewick.wa.us no later than 5:00 p.m. on Friday, June 11, 2021 to be included in the Hearing Examiner packet for the record.

Commenting at the Meeting

- If you wish to comment during the Public Hearing, please register at <https://www.go2kennewick.com/244/Hearing-Examiner>. Registrations must be received by 4:00 p.m. on Monday, June 14, 2021.

Environmental Documents and/or Studies Applicable to this Proposal: A Determination of Non-significance, ED 21-09/PLN-2021-01076, was issued on April 20, 2021.

Determination of Completeness: The application was determined complete on March 31, 2021.

Project Permits Associated with this Proposal: Civil

Preliminary Determination of Regulations Used for Project Mitigation: Title 18 (Zoning), Title 17 (Subdivision), Title 4 (Administrative Procedures) of the Kennewick Municipal Code and the land use policies contained in the Kennewick Comprehensive Plan.

Estimated Date of Decision: Within 10 business days of the Hearing Date of June 14, 2021.

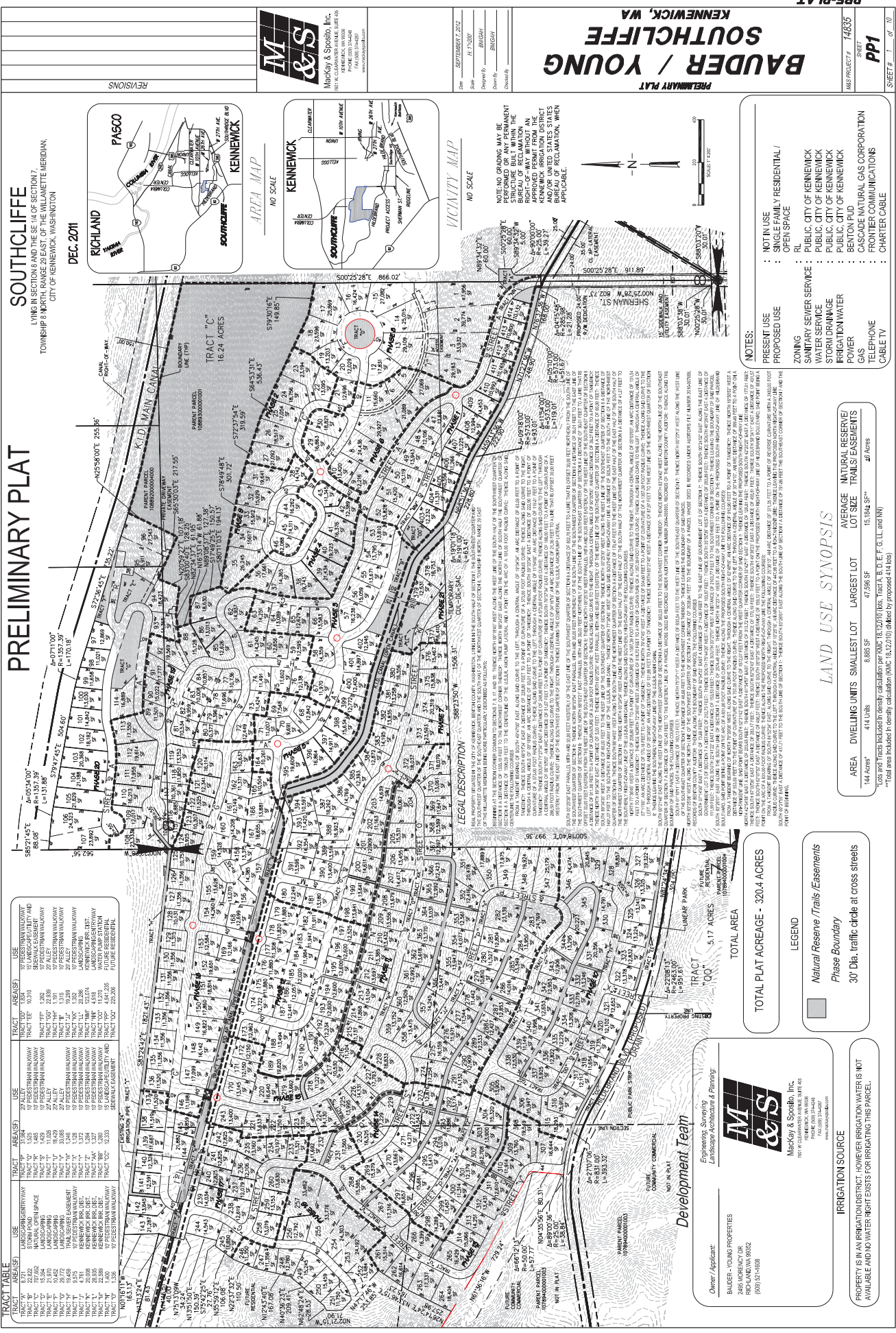
To Receive Notification of the Decision: Contact the Development Services Division at 210 W. 6th Avenue, Kennewick, WA 99336 or via telephone at (509) 585-4280.

Appeal: Any person aggrieved by the decision of the Kennewick Hearing Examiner on this proposal may appeal to the Superior Court of Benton County within twenty-one (21) days of the date of decision.

Steve Donovan, Senior Planner

The City of Kennewick welcomes full participation in public meetings by all citizens and does not discriminate on the basis of disability, pursuant to the requirements of the American with Disabilities Act of 1990, pub. L 101-336. No qualified individual with a disability shall be excluded or denied the benefit of participating in such meetings. If you wish to use auxiliary aids or require assistance to comment at this public meeting, please contact the City of Kennewick, Steve Donovan, Development Services Department at (509) 585-4361 or TDD (509) 585-4425 or through the Washington Relay Service Center TTY at #711 at least ten days prior to the date of the meeting to make arrangements for special needs.

210 W. Sixth Avenue / PO Box 6108, Kennewick WA 99336



TRACT	AREA(SF)	USE	TRACT	AREA(SF)	USE
TRACT "A"	1,200	10' PEDESTRIAN WALKWAY	TRACT "I"	1,200	10' PEDESTRIAN WALKWAY
TRACT "B"	1,200	10' PEDESTRIAN WALKWAY	TRACT "J"	1,200	10' PEDESTRIAN WALKWAY
TRACT "C"	1,200	10' PEDESTRIAN WALKWAY	TRACT "K"	1,200	10' PEDESTRIAN WALKWAY
TRACT "D"	1,200	10' PEDESTRIAN WALKWAY	TRACT "L"	1,200	10' PEDESTRIAN WALKWAY
TRACT "E"	1,200	10' PEDESTRIAN WALKWAY	TRACT "M"	1,200	10' PEDESTRIAN WALKWAY
TRACT "F"	1,200	10' PEDESTRIAN WALKWAY	TRACT "N"	1,200	10' PEDESTRIAN WALKWAY
TRACT "G"	1,200	10' PEDESTRIAN WALKWAY	TRACT "O"	1,200	10' PEDESTRIAN WALKWAY
TRACT "H"	1,200	10' PEDESTRIAN WALKWAY	TRACT "P"	1,200	10' PEDESTRIAN WALKWAY
TRACT "Q"	1,200	10' PEDESTRIAN WALKWAY	TRACT "R"	1,200	10' PEDESTRIAN WALKWAY
TRACT "S"	1,200	10' PEDESTRIAN WALKWAY	TRACT "T"	1,200	10' PEDESTRIAN WALKWAY
TRACT "U"	1,200	10' PEDESTRIAN WALKWAY	TRACT "V"	1,200	10' PEDESTRIAN WALKWAY
TRACT "W"	1,200	10' PEDESTRIAN WALKWAY	TRACT "X"	1,200	10' PEDESTRIAN WALKWAY
TRACT "Y"	1,200	10' PEDESTRIAN WALKWAY	TRACT "Z"	1,200	10' PEDESTRIAN WALKWAY

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

In the Matter of the Application of	)	No. PP 12-01/PLN-2012-00011
	)	PDP 12-02/PLN-2012-03203
	)	
Milo Bauder and Grant Young	)	
for Preliminary Plat Approval	)	FINDINGS, CONCLUSIONS,
	)	AND DECISION
<u>Southcliffe, a Preliminary Plat</u>	)	

SUMMARY OF DECISION

The requested Preliminary Plat for into four hundred fourteen (414) single-family lots with twenty one (21) phases of development is **APPROVED**, subject to conditions. The Planned Development permit for a deviation from the minimum density of 3 units per acre to allow 2.875 units per acre and certain application of the City's standards for curb tight sidewalks is approved with conditions.

SUMMARY OF RECORD

Request

Milo Bauder and Grant Young (jointly referred to as Applicant), requested approval of a preliminary plat for development of a subdivision on three parcels of land approximately 286.21 acres in size. The project site will be divided into four hundred fourteen (414) single-family lots with twenty one (21) phases of development. The applicant also requested a Planned Development Permit for a deviation from the minimum density of 3 units per acre to allow 2.875 units per acre and certain application of the City's standards for curb tight sidewalks. The subject parcel is near the intersection of Hildebrand Boulevard and S. Sherman Street in the City of Kennewick.¹

Hearing Date:

The Hearing Examiner of the City of Kennewick held an open record hearing on the application on November 12, 2012.

Testimony:

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

Wes Romine-Development Services Manager of City of Kennewick

Greg McCormack-Planning Director City of Kennewick

John Deskins-City of Kennewick

Steve Plummer-City of Kennewick

¹ The legal description of the subject property is: Real property situated in the City of Kennewick, Benton County, Washington, lying in the south half of section 7, the southwest quarter and the southwest of the southeast quarter and the south half of the northwest quarter of section 8, township 8 north, range 29 east of the Willamette meridian. Parcel Nos. 108892000004000, 108893000001001, and 107894000001004.

Milo Bauder-Applicant
 Derrick Smith
 Jason McShane
 Scott Revell

Exhibits:

At the open record hearing the following exhibits were admitted:

- A-1 Staff Report
- A-2 PP and PDP Application
- A-3 Notice of Application/Mailing List
- A-4 Vicinity Map
- A-5 Preliminary Plat Drawings – Part 1 Lot Layout
- A-6 Preliminary Plat Drawings – Part 2 Critical Areas, Grading, Master Water/Sewer, Stormwater, Street Legend, & Intersection Drawings
- A-7 SEPA Determination
- A-8 Fish and Wildlife Habitat Critical Areas Review Report
- A-9 Geological Hazard Critical Area Report
- A-10 City Department and Outside Agency Comments
- A-11 PDP Deviation Request
- A-12 Traffic Letter
- A-13 November 9, 2012 Clarification/Revisions to KID Comment Letter of July 3, 2012.
- A-14 Power Point hard copy
- A-15 Cramer Stream flow Report
- A-16 Amon Wasteway
- A-17 DOE Report
- A-18 Letter from Kennewick School District

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 (PP 11-03) for a subdivision on three parcels approximately 286.21 acres in size. The resulting subdivision would be four hundred fourteen (414) single-family lots. The development would occur in twenty one (21) phases of development with the timing of phases based on market demand of the lots and the developer's the ability to provide infrastructure to the final plat area. In addition the Applicant requested a Planned Development permit for a deviation from the minimum density of 3 units per acre to allow 2.875 units per acre. The deviation would result in a slightly less dense development. *Exhibit A-1. Staff Report, pgs. 1-2; Testimony of Mr. Romine; Testimony of Mr. Smith.*
2. The proposed plat is to be developed on three parcels of land that are 286.21 acres in size. The three parcels are located in the Southridge Sub-Area west of S. Sherman Street and north of future Hildebrand Boulevard. *Staff Report, pg. 2; Testimony of Mr. Romine.*

The parcel is zoned Residential Low Density (RL), which has a maximum density standard of four units per acre and a minimum density standard of three units per acres. The Kennewick Comprehensive Plan designates the site as Low Density Residential. *Testimony of Mr. Romine; Exhibit A-14, pg. 2.*

3. The applicant is proposing 21 phases of development. The various phases do not have distinct deadlines but have been located and called out in the submitted proposed preliminary plats maps. *Exhibit 5, sheets PP3-PP6.* The first phase is projected to be developed at the east end of the plat parcel with access off Sherman Street. *Exhibit 5, sheets PP6.* The remaining phases will be developed based on market demand of the lots and the developer's the ability to provide infrastructure to the final plat area, *Exhibit A-1. Staff Report, pgs. 1-2.* The City testified that the phased development had been reviewed and it was acceptable. *Testimony of Mr. Romine*
4. Pursuant to the Washington State Environmental Policy Act (SEPA) the City was designated as the lead agency for review of environmental impacts resulting from the proposed development. On September 6, 2012, the City issued mitigated determination of Nonsignificance (MDNS) for the project. The MDNS includes conditions relating to park fees, traffic fees and water quality. *Exhibit A-7, pgs. 1-4; Testimony of Mr. Romine.* No appeals were filed. *Testimony of Mr. Romine.*
5. The adjoining property to the west is vacant and zoned Residential Low Density (RL). The property north of the eastern portion of the subject property is developed with an existing single family housing development, while the property north of the western portion of the subject proper is for the most part vacant residential zoned property that is in Benton County, but in the City of Kennewick's Urban Growth Area. To the south there is a combination of vacant RL zoned property and vacant Commercial Community (CC) zoned property. Directly to the east are two large lot single family homes. To the southwest is vacant land that has preliminary plat approval for Residential Low Density housing. Based on reviews of the surrounding properties the City staff determined that the proposed Preliminary Plat will be harmonious with those properties. *Testimony of Mr. Romine; Exhibit A-1, pg 7.*
6. Pursuant to the Table of Residential Development Standards as set forth in KMC 18.12.010 A.2, the Residential Low Density (RL) zoning district requires development with a minimum density of 3 units per acre and a maximum density of 4 units per acre. The Table of Residential Site Development Standards (Footnote #2 of KMC 18.12.010 A.2), allows exclusion of land dedicated for public use as open space, right-of-way, future phases of development, etc. from the minimum density calculation. *Testimony of Mr. Romine. Exhibit A-1, pg. 5*
7. At total buildout the proposed project would have 414 dwelling units on 144 net acres resulting in a density of 2.87 dwelling units per acre. In order to achieve this designed density a Planned Development Permit (PDP) was submitted for a deviation from the minimum density requirement of 3 units per acre. Because the projected density for the

project is 2.875 units per acre the PDP deviation is required from the City's minimum density requirements. *Testimony of Mr. Romine; Exhibit A-1, pg. 3*. The Applicant also seeks a deviation from the City curb standard requiring a five foot separated sidewalk/planter. The Applicant has proposed "tight sidewalks" on streets parallel to hillside.² *Testimony of Mr. Romine; Exhibit A-1, pg. 3*

8. The RL zoning district requires a minimum lot size of 7,500 square feet. The smallest lot is proposed to be 8,885 square feet. Other than the deviations identified in Finding number 4, all other RL development standards can be satisfied, including lot size, width, all setbacks, frontage and others. *Exhibit A-5; Testimony of Mr. Romine; Exhibit A-1, pg. 3*
9. Two of the parcels (Nos. 108892000004000 and 108893000001001) were annexed into the City in May of 1974 (Ord. 1754), and were zoned Agriculture (A-40) at time of annexation. The other parcel (1 No. 107894000001004) was annexed into the City in January of 1996 (Ord. 3674) and was also zoned A-40. In January of 2011 the zoning designation for the entire preliminary plat area was changed from Agriculture (A-40) to the current RL zoning.³ *Testimony of Mr. Romine; Exhibit A-1, pg. 4*
10. The parcels contain "Steep Slope" (over 15% slope), "Extreme Slope Hazard" (over 40% slope) and "Erosion Hazard" critical areas. Pursuant to KMC 18.58.140 a Critical Area report is required and the additional development requirements KMC 18.62.06 for Geologically Hazardous areas must be satisfied as part of the requirements to control slope stability. *Testimony of Mr. Romine; Exhibit A-1, pg. 6*. In the proposed development those preliminary plat areas that have slopes exceeding 40% slope will be designated natural open space. Some of these areas are subject to erosion hazard, or are extreme steep slope critical areas as defined by the City. In addition, there is a critical area defined by flora (Shrub Steppe critical areas) within the site. *Testimony of Mr. Romine; Testimony of Mr. Smith*. Per the proposed conditions of approval any lots containing slopes exceeding 40% will be required to be surveyed and an easement prohibiting development will be required on those portions of lots. *Exhibit A-9*
11. The focus of Critical Areas report, done by Columbia Engineers and Constructors, LLC, specifically addressed critical aquifer recharge areas (KMC 18.60) and geologically hazardous areas (KMC 18.62). Based on the preliminary plat drawings there will be no development on the north side of Thomson Hill and the homes in the subdivision will be constructed on the down slope side of each street. *Exhibit 6; Exhibit 9*. Most of the geologic features consist of sedimentary deposit overlying Tertiary volcanic bedrock with interbeds. *Exhibit A-9*
12. The Critical Areas Report includes sections of mitigation requirements for the project as well as a mitigation plan. The mitigation plan incorporated substantial recommendations

² A tight sidewalk is one which abuts the street at the point of the curb.

³ Ordinance 5340.

for mitigation of geologic hazards and set forth required mitigation measures to address impacts to the critical areas. *Exhibit A-9, pg. 11*. The consultants found no impediments to compliance with these chapters of the KMC. *Exhibit A-9, pg. 3; Exhibit A-1, pg. 6*.

13. The Applicant submitted a conceptual grading plan that included emphasis on the first phases that will be developed. As set forth in the grading plans there will be substantial cut and fill with offset rock retaining walls totaling approximately 22-feet tall in some areas. The City does not have regulations for the height of retaining walls, but the City's critical area ordinance requires grading to be stabilized. Recommended conditions of approval include verification from a licensed engineer that the grading is consistent with the critical area report and all retaining walls over 4-feet in height must be designed by a licensed engineer. *Exhibit A-1 pgs. 6 and 9; A-6. Pgs. pp 7-pp 10*
14. In addition to steep slopes the property contains "Fish and Wildlife Habitat Conservation" as defined in KMC 18.63.010. Because of these features being present on the subject property a "Fish and Wildlife Habitat Critical Areas Report" was required. Such a report was prepared by a consultant, Anchor QEA, who submitted it on January 6, 2012. The Report addressed the entire approximately 400 acre area owned by the Applicant, including the area proposed for the instant preliminary plat. *Exhibit A-1, pg. 6; Exhibit A-8, pg. 3*
15. In drafting the Report, Anchor QEA reviewed a detailed biological and habitat assessment that had been done as part of the Southridge Sub-Area Master Plan Environmental Impact Statement (EIS) *Exhibit A-8, pg. 13*. In that EIS assessments were made of critical areas, habitat conditions and mitigation measures. Anchor QEA determined that the EIS contained nearly all the necessary information required. However the City requested a supplemental analysis to determine if certain mitigation requirements were still needed. *Exhibit A-8, pg. 3*
16. Prior to the supplemental study the Washington Department of Fish and Wildlife identified the potential of shrub steppe habitat on site, and Ferruginous hawks and Townsend's ground squirrels being on site. In a supplemental study Anchor QEA reported the potential of shrub steppe habitat on site. However the consultant also concluded that there was no evidence of habitat or presence of Ferruginous hawk or Townsend's Ground Squirrel. *Exhibit A-8, pg. 4*. No further comments were received from the Department of Fish and Wildlife. *Testimony of Mr. Romine; Exhibit A-1, pg. 6*
17. The site is in an undeveloped area that has no infrastructure developed at this time. *Testimony of Mr. Romine; Testimony of Mr. Smith*. However, there have been recent improvements to Hildebrand Street, and, more are planned in the next one year and a half. *Testimony of Mr. Plummer*. The Kennewick Irrigation District (KID) Main Canal borders a section of the property to the north and an Amon Pump (AP) Canal runs east/west through the property. *Exhibit A-1, pg. 3; Testimony of Mr. Smith*

18. There is existing water and sewer service at Hildebrand Boulevard and S. Sherman Street, but Zone 4 water only provides water to the 810 foot elevation point. Zone 5 water must be brought to the site to serve lots that are developed between elevations of 810 feet to 940 feet. All of the proposed phase 1 of development will be serviced with Zone 5 water. Lots above the 940 foot elevation will require installation of the zone 6 booster pump prior to the final plat approval of the phases of development for those lots. *Testimony of Mr. Romine; Testimony of Mr. McCormack; Exhibit 1, pg. 3*
19. Sanitary sewer service is available at the intersection of Sherman Road and Hidebrand Road. However, the City of Kennewick's Department of Public Works submitted that sanitary sewer mainlines outside the City right-of-way south of KID AP Canal east to Sherman Road will be required with a 15 foot wide easement and a 12 foot wide road for access. *Exhibit A-10, pg. 1*
20. Water service is not yet available to the proposed plat. The City submitted that it is the Applicant's responsibility to extend the water lines and to coordinate with surround development projects with Memos of Understandings that must be reviewed by the City. A 10 foot water line easement is required for mainlines and five feet past the fire hydrants constructed outside the plat boundaries. The easements are required to be dedicated to the City prior to acceptance of the required utility permit. *Exhibit A-10, pg. 1*. There will be no irrigation water within the plat. A portion of the proposed project is located with the Kennewick Irrigation District (KID) and these properties are not assigned a water allotment. KID water cannot be delivered to irrigate the land. *Testimony of Mr. Milo Bauder; Exhibit A-10, pgs. 1-2; Exhibits A-17; Testimony of Mr. Rivelle.*
21. On October 23, 2012 the Utility Coordinator of the City issued a memorandum with the Department of Public Works comments and recommendations for the proposed development. Included in the recommendations were:
 - a) Construction of public and private roads, sidewalks, streetlights, storm drainage facilities and provide easements when necessary.
 - b) Construction of temporary cul-de-sac barriers
 - c) Provisions for extension of water lines and easements
22. Prior to construction a permit will be required from the City of Kennewick Department of Public Works for driveways, sidewalks, wheelchair ramps and utility extensions, including water, sewer, street, storm drainage, street lights, fire hydrants. *Exhibit A-1, pg. 5*. Specific water and sewer requirements for this project have been outlined in the Department of Public Works comments dated October 23, 2012. *Exhibit A-10, pg. 2, items #10 – 13*. These requirements include agreements for:
 - a) The Zone 6 Booster Pump Station, located on the subject property, will service the entire Zone 6 usage area. The Applicant has agreed to provide land within the subdivision and pay a pro-rata share of the cost of the Pump Station. The City, upon City Council approval, will use its best efforts to complete construction of the Station before final approval of phase 1. Also the City has set up a reimbursement schedule for cost differences based on the size of the pipe.

- b) The Sherman Road Water Intertie, which will extend through part of the property. The City will design and construction over 2000 linear feet of 18 inch waterline along Sherman from the end of the Sage Crest water line (36th Street) north to the subject property. The applicant will coordinate the extension activities.
- c) The Applicant has agreed to pay the City for a portion of sewer on Hildebrand that adjoins the subject property. Payment includes cost of pipe and the cost of trenching. In return the City has agreed to abide by a prior agreement between the Applicant and the City dated September 22, 1978.
- d) The Applicant has agreed to build the widening portion of roadway on Hildebrand at the time the platted lots become adjacent to the core roadway. The agreement allows an option to pay a proportionate share with a Late Comer's Agreement.

Exhibit A-10, pg. 2, items #10 – 13.

23. The City's stormwater standard for residential subdivisions requires a design for the subject property, as it were in its natural pre-developed state, which retains and disposes of a 25 year- 24 hour, developed state storm and a 10year-24 hour event. *Testimony of Mr. Romine.* Prior to Final Plat approval the Applicant must submit to the City's Public Works Department detailed civil engineering drawings for review and approval. This submittal must include a stormwater plan that will need to meet City standards. For the instant application a "Master Stormwater Plan" was submitted and reviewed by the Department. Design calculations per City standards will be required at the time of preliminary review. Recorded temporary pond easements will be required before the DPW permits are accepted. *Exhibit A-1, pg. 5; Exhibit 10A, sheet UP 3*
24. Based on information submitted in the State Environmental Policy Act (SEPA) checklist, approximately 40 acres of the proposed development will be impervious surface. *Exhibit A-7, pg. 9.* As part of the SEPA threshold decision the City required a NPDES Construction Stormwater General Permit from the Washington State Department of Ecology if there is a potential for stormwater discharge from a construction site with more than one acre of disturbed ground. The proposed plat is such a development and the Applicant submitted a Master Stormwater Plan for the plat. *Exhibit A-7, pg. 3; ; Exhibit 10A, sheet UP 3*
25. Based a review of the proposed site plan, the average weekday PM traffic volumes that have been generated by similar types of development ,as determined in the ITE Trip Generation Manual,⁴ an industry used source, the City's traffic engineer estimated that at buildout the proposed project would generate 3962 average weekday vehicle trips per day. *Exhibit A-10.* The City also calculated the traffic and the roads and determined that the project satisfies Concurrency for Transportation. The required mitigation fees are \$56,854 for the project's proportionate share of traffic trips that would impact the intersection of Hildebrand and S. Sherman Street. *Exhibit A-10, pgs. 4-6; Exhibit A-1, pg. 5*

⁴ Institute of Transportation Engineers.

26. Residential streets that will be constructed during all phases of development are required to meet the City of Kennewick Standard Detail 2-1 (sheet 2 of 4). Initially access to the early phases of development will be via Hildebrand Boulevard and north to Sherman Street. Hildebrand Blvd. is in the process of being expanded and constructed and will be the main arterial to the entire plat. As development occurs other access points to the plat will be provided. *Testimony of Mr. Smith; Exhibit A-6, PP1*. A planter strip with street trees will be required (with the exception of curb tight sidewalks, see finding 38) per the Street Legend, sheet 2 of 9 dated September 7, 2012, and as approved in the PDP 12-02 application. Where curb tight sidewalks are allowed street trees per the Single-family residential design standards are required and the centerline of the trees shall be a maximum 5-feet from the back of sidewalk. *Testimony of Mr. Romine*.
27. As part of the City's preliminary plat review process it uses a "Park Fee Determination Process" form. Included in the information provided in the form are land values and density of living units that are used to calculate park mitigation fees. For the instant project it has been determined that the Applicant is required to pay \$58,908 to mitigate impacts on park zone 6W (Southridge) (KMC 17.100.010). Park fees, based on a percent of units of the entire plat at buildout, will be collected as each phase is developed. In addition and consistent with KMC 17.100.010(4)(a), a 1/3 credit for land dedication of natural open space that is not suitable for development will be considered in the park fee calculations. The Applicant has designated Tract "C", a parcel of 16.24 acres with slopes exceeding 40%, as Natural Open Space. *Testimony of Mr. Romine; Exhibit A-1, pg. 6*
28. A September 21, 2012 memo from the Kennewick School District indicated that the schools that will serve the subdivision are Ridgeview Elementary School, Desert Hills Middle School and Southridge High School. Ridgeview Elementary School and Desert Hills Middle School are both in a "bussing zone": Southridge High School is in a "walking and bussing zone". All new streets within the subdivision will be required to have 5-foot wide sidewalks. Residential streets will connect to Hildebrand Boulevard which is a principal arterial with sidewalks on each side of the street and provides a connection to Southridge Boulevard and Southridge High School.⁵ *Exhibit A-18*
29. In its review the City staff considered the City's Comprehensive Plan and how the proposed phased development will be implemented to satisfy the goals and policies of Plan. In doing so the staff considered the following elements of the Plan:
- a) URBAN AREA POLICY 3 which requires the proposal "*Promote new growth consistent with the Comprehensive Land Use Map, the Capital Facilities Plan and the Capital Improvement Plan*". The proposed project, which will provide single-Family housing, is a permitted use in a RL zone that will be by City utilities. Urban Policy 3 is satisfied.

⁵ The September 21, 2012 School District memo was not submitted as an exhibit, but it was referred to in the staff report (exhibit A-1, pg. 7). Because of the relevance of the memo in the review of the local and state criteria for plat approval it is hereby included as an Exhibit to the administrative record of this proceeding.

- b) RESIDENTIAL GOAL 1 requires that “... *the design of new residential developments to be compatible with adjacent residential areas*”. The proposed plat will be consistent with the Comprehensive Plan Land Use and development standards for RL zoning.
- c) RESIDENTIAL GOAL 4 encourages “... *residential development only in urban areas where services can be provided*”. City of Kennewick water and sewer is currently available at Hildebrand Boulevard and S. Sherman Street to serve a portion of the project area. According to the Kennewick Department of Public Works comments the Applicant and City have agreed to the necessary provisions for water and sewer to the remainder of the project area. As conditioned water and sewer is available to the preliminary plat area.
- d) RESIDENTIAL Policy 3 requires the incorporation of residential design standards in new residential developments. The proposed plat will be approved subject to conditions comply with the City’s single family residential design standards
- e) RESIDENTIAL POLICY 5 requires developments that “*Provide provisions for parks, schools, drainage, transit, water, sanitation, infrastructure, pedestrian, and aesthetic considerations in new residential developments*”. According to City staff the proposed Preliminary Plat provides these provisions.
- f) CRITICAL AREAS AND SHORELINE GOAL 3 requires that developments be done in a manner that “*Regulate or mitigate activities in or adjacent to critical areas or the shoreline to avoid adverse environmental impacts*”. A Critical Area Report that included plans for slope stabilization and a Fish and Wildlife Habitat Critical Area Report were prepared for the project and will be implemented.

Exhibit A-1, pgs. 7-8; Exhibits A-7, A-8, A-9 and A-10

30. A portion of the preliminary plat area at the northern boundary is adjacent to the KID main canal. In addition, an Amon Pump (AP) canal runs east-west through the preliminary plat area. A portion of the AP canal is open at the eastern portion of the property and the AP Canal on the western portion of the property is underground in a concrete pipeline. KID reviewed the project and submitted comments on February 8, 2012 and July 3, 2012. *Exhibit A-10*. Between the dates of the comments the Applicant and KID have been in negotiations on issues of concern. *Exhibit A-1, pg. 8*
31. In its July 3, 2012 letter, KID submitted that “... failure to mitigate the introduction of excessive water into the soils up-gradient of the canals may result in a canal embankment breach or failure.” *Exhibit A-10. Pg. 13*. KID submitted mitigation measures that it claimed were required to mitigate the risk. *Exhibit A-10. Pg. 15-20*. At the public hearing a KID representative testified that the conditions of July 2, 2012 remain, but submitted another letter making a few clarifications and revisions to the July 3, 2012, letter. *Testimony of Mr. McShane; Testimony of Mr. Revell; Exhibit A-13*. The Applicant had no objections to the conditions recommended by KID. *Testimony of Mr. Smith*.

32. A landscape plan must be submitted for review and approval prior to final plat approval. A maintenance agreement for common open space, private streets, and shared driveways will be required to be submitted to the satisfaction of the City Attorney and recorded against the property. *Exhibit A-1, pg. 6*
33. KMC 17.20.010(20)(c)(i) requires that a residential development that is served by a single city standard street over 600 feet in length must have a second city access street. To address this issue the Kennewick Fire Marshall submitted proposed recommendations in a memo dated November 12, 2012. A representative of the Applicant indicated that there were no objections to these recommendations. *Testimony of Mr. Romine; Testimony of Mr. Smith; Exhibit A-10, pgs. 7 and 8*
34. No opposition testimony was presented at the public hearing. Support for the project was submitted in testimony from Houston Taylor and Jose Chavallo.

Planned Development Permit Findings

35. The Applicant applied for a Planned Development Permit for deviations for certain RL zoning development standards. The Applicant requested relief from the minimum density standard to allow 2.87 units per acre instead of the required minimum standard of 3 units per acre. The Applicant also requested a deviation from the City's sidewalk standards to allow curb tight sidewalks on streets parallel to hillsides. *Exhibit A-2*
36. Approval of the Planned Development Permit is required prior to approval of the Preliminary Plat application if deviations from the City's Codes are requested. The expressed purpose of Planned Developments (KMC 18.45) is to provide the opportunity for flexible design concepts with the use of deviations from normal development standards. Deviations may be approved if the proposal better accommodates the physical conditions of the property and represents an equal or superior product than if the applicable sections of the Code were strictly followed. ⁶ *Exhibit A-1, pg. 3*
37. Because of the steep slopes on site the preliminary plat has been designed to preserve critical areas, including steep slopes, and set aside significant open space. As a means of maintaining these elements of the site the Applicant has proposed the reduction of minimum reduced density. The KMC is silent on what criteria should be considered for reduced density requests, but the proposal would be consistent with the policies and goals of the Kennewick Comprehensive Plan (see: Finding number 28) and would be protective of features of the site. *Exhibit A-11; Testimony of Mr. Smith.*
38. In note #3 of the City's Standard Detail 2-1, Sheet 2 of 4, curbtight sidewalks are allowed where driveways are steeper than 20%. However, based on the current designs of the plat

⁶ KMC 18.45.020(2)--*"The City may approve deviations from certain standards of this Code if the proposal better accommodates the physical conditions of the property and represents an equal or superior product than if applicable sections of the Code were strictly followed, but there may be no deviations from the street standards contained in KMC Titles 5 and 17. The City may reduce required walkways if adequate, safe, pedestrian routes are otherwise established."*

not all driveway will have a 20% slope. The Applicant has requested deviation from the curbtight sidewalks are allowed and seeks to allow them on lots on streets parallel to some hillsides on site. These sidewalks will provide an additional area where cars can “bottom out” on a sloped driveway. The City staff submitted that due to the challenges of developing on a hillside the deviations is reasonable and consistent with the City’s codes and policies and permitted RL uses. *Testimony of Mr. Romine; Exhibit A-2; Exhibit A-1, pg. 4*

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 granted jurisdiction to hear and decide planned development permits applications pursuant to KMC 4.02.080 (1b) iv and KMC 18.45.060.

Criteria for Review:

The Hearing Examiner may approve an application for a preliminary plat only if the requirements of KMC Chapter 17.10 are satisfied. Included in these requirements is 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.

KMC 18.45.040 permits deviations from certain development standards in the City of Kennewick if the following Findings are applicable to the request and are made:

Findings: (1) A Planned Development Permit may be approved only when the following findings are made:

- a) The planned development generally conforms to the Comprehensive Plan and zoning district for use, density, open space, circulation, public facilities, and the standards of development set forth therein;
- b) The planned development generally conforms with the zoning district uses;
- c) The planned development forms an integrated whole of sufficient unity to justify exceptions to the normal regulations of the Kennewick Municipal Code; and
- d) The residential development will produce a desirable and stable residential environment in harmony with the surrounding property; or
- e) The Commercial development will have proper traffic circulation and parking and should have no adverse effects upon surrounding property; or
- f) The industrial development conforms with the applicable performance standards, railroad or truck access and necessary storage, and should have no adverse effects upon surrounding property.

Conclusions based on Findings

1. The Applicant requested approval of a Preliminary Plat (PP 11-03) for a subdivision on three parcels approximately 286.21 acres in size. The resulting subdivision would be four hundred fourteen (414) single-family lots. The development would occur in twenty one (21) phases of development with the timing of phases based on market demand of the lots and the developer's the ability to provide infrastructure to the final plat area. In addition the Applicant requested a Planned Development permit for a deviation from the minimum density of 3 units per acre to allow 2.875 units per acre. The deviation would result in a slightly less dense development. *Finding of Fact No. 1*
2. Appropriate provisions have been 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 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.
3. The proposed plat has been reviewed by the City and other agencies and has been determined to be in conformance with the City of Kennewick Comprehensive Plan (*Finding of Fact No. 29*), comprehensive water plan (*Findings of Fact Nos. 20 and 22*), utilities plan, and Comprehensive Park and Recreation Plan, and all relevant requirements to the approval of the plat.

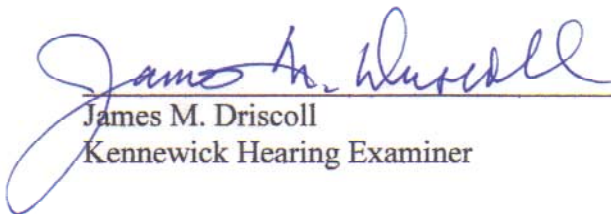
Decision

1. The Applicant shall comply with City of Kennewick regulatory controls, policies and codes, including the Single-family Residential Design Standards with the exception of the deviations allowed pursuant to the Planned Development Permit.
2. All fees required by the City shall be paid prior to the approval of the final plat.
3. All residential streets are to be constructed per City of Kennewick Standard Detail 2-1, sheet 2 of 4. The streets shall have a planter strip with street trees with the exception of curb tight sidewalks per the Street Legend, sheet 2 of 9 dated September 7, 2012, and as approved in the PDP 12-02 application. Where curb tight sidewalks are allowed street trees per the Single-family residential design standards are still required and the centerline of the trees shall be a maximum 5-feet from the back of sidewalk.
4. All development shall be in conformance with the plat drawings dated September 7, 2012 and submitted September 28, 2012, (Exhibits A-5 & A-6).
5. Prior to the first final plat phase and/or issuing the first building permit, water and sewer services must be brought to the preliminary plat area.
6. At the time of final plat of the phase of development that contains tract "PP", the future roadway connection to the north property (shown on sheet PP 2 dated September 7, 2012 as a portion of tract "PP") is to be dedicated. It shall be a 40-foot wide tract of land for future right-of-way with an 18-foot sidewalk/utility easement at each side.
7. Prior to final plat or grading of any phase with lots that have grade slopes exceeding 40% ("Extreme Slope Hazard Areas"), survey and stake areas with greater than 40% slope, and provide an easement on the final plat drawing to prohibit "Development", including clearing of vegetation, earth moving, grading and filling on those areas. "Development" is defined Per KMC 18.58.010(22).
8. At the time of final plat of any phase, all lots that will have homes that are required to have fire sprinklers per KMC 17.20.010(2)(d) are to be identified with a note on the face of the plat.
9. All retaining walls over 4-feet tall, including rock retaining walls, shall be designed and stamped by a licensed engineer. The developer of the lot(s) with such rock retaining walls shall submit drawings and calculations to the building department for review and approval.
10. The Applicant and all successors to the properties within the entire plat shall comply with provisions of the Critical Area Report.
11. All Slope construction, protection, and maintenance shall comply with measures specified in the Critical Area Report and Mitigation Plan, and addendums prepared by Columbia Engineers & Constructors, LLC.

12. Prior to construction and/or grading and approval of the plat construction drawings, Columbia Engineers & Constructors, LLC, or a licensed engineer with geotechnical experience, shall provide a written certification that the plat construction drawings and grading plans meet the recommendations contained in the Geotechnical/Critical Area report and amendments/addendums.
13. All grading to be inspected by a licensed engineer with geotechnical experience. At the completion of grading it must be certified that all cuts and fill have been done per the recommendations of the Geotechnical / Critical Areas Report prepared by Columbia Engineers & Constructors, LLC.
14. Prior to final plat approval a landscape plan for approval of all common areas, open spaces and rights of way not left in a natural state must be submitted. The plan must list the number, location and species of trees, the sizes of plant materials and the type ground cover. The landscape plan shall also include any fencing that will be constructed along arterial street frontage. The landscape plan shall be prepared by a licensed landscape architect or licensed landscape installer drawn to a legible scale.
15. All shared driveways, private streets and alleys are to be a minimum 20- feet wide. Shared driveways that are not over 150-feet long and serve a maximum 2 homes without public street frontage can be minimum 12-feet wide. All shared driveways, private streets and alleys are to be surfaced with asphalt, concrete or other dust free hard surface as approved by the Planning Director, and are to be maintained by a Homeowners Association or other private agreement.
16. All landscaped areas are to be irrigated with an automatic sprinkler system or drip irrigation system. Xeriscape landscaping is encouraged.
17. The Applicant shall 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 (or developer if there is no HOA) fail or refuse to maintain these areas. The arrangement must be recorded prior to the first building permit being issued.
18. The Applicant or its successors shall comply with the Public Works memorandum dated October 23, 2012 (Exhibit A-10).
19. The Applicant or its successors shall comply with Traffic Engineer memorandum revised and dated November 1, 2012 (Exhibit A-10).
20. The Applicant or its successors shall comply with Fire Department comments dated November 5, 2012 & attached SEVA letter (Exhibit A-10).
21. The Applicant or its successors shall comply with Kennewick Irrigation District letter dated July 3, 2012 (Exhibit A-10).
22. The Applicant or its successors shall comply with Benton PUD letter dated January 11, 2012 (Exhibit A-10).
23. The Applicant or its successors shall provide dust control method(s) such as hydroseeding for all areas of the site that are disturbed. Re-hydroseeding may be required.

24. In lieu of dedication of park land and based on the "Park Fee Determination Process" calculation, the Applicant or its successors shall pay park fees in the amount of **\$58,908.00** for impacts to Park Planning Zone 6W (Southridge). Fees will be collected at the final plat based on a percentage of lots being final platted.
25. The Applicant or its successors shall pay Traffic Mitigation Fees in the amount of **\$56,854.00** for the cost of a roundabout to mitigate impacts at Hildebrand Boulevard and S. Sherman Street. Fees will be collected at the final plat based on a percentage of lots being final platted.

Dated this 27th day of November, 2012


James M. Driscoll
Kennewick Hearing Examiner



**CITY OF KENNEWICK
DETERMINATION OF NON-SIGNIFICANCE**

FILE/PROJECT NUMBER: ED 21-09/PLN-2021-01076

DESCRIPTION OF PROPOSAL: A plat alteration to remove the required mid-block pedestrian pathways for the approved Southcliffe Preliminary Plat, PP 12-01/PLN-2012-00011.

PROPOSER: Nick Wright, 1955 Jadwin Avenue, Richland, WA 99354

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: 8026 Bob Olson Parkway, Parcel Number: 1-0789-401-3622-001

LEAD AGENCY: City of Kennewick

DETERMINATION: The City of Kennewick has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) will not be required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the City. This information is available to the public on request. Application for other required permits may require further review under SEPA procedures.

☒ There is no comment period for this DNS.

☐ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

☐ This DNS is issued under 197-11-340(2); the City will not act on this proposal for fifteen days from the date below. Comments must be submitted by _____. After the review period has elapsed, all comments received will be evaluated and the DNS will be retained, modified, or withdrawn as required by SEPA regulations.

RESPONSIBLE OFFICIAL: Gregory McCormick, AICP

POSITION/TITLE: Community Planning Director

ADDRESS: 210 W 6th Ave., P.O. Box 6108, Kennewick, WA 99336

PHONE: (509) 585-4463

☐ Changes, modifications and/or additions to the checklist have been made on the attached Environmental Checklist Review.

This DNS is subject to the attached conditions:

☒ No conditions.

☐ See attached condition(s).

Date: **April 20, 2021**

Signature: _____

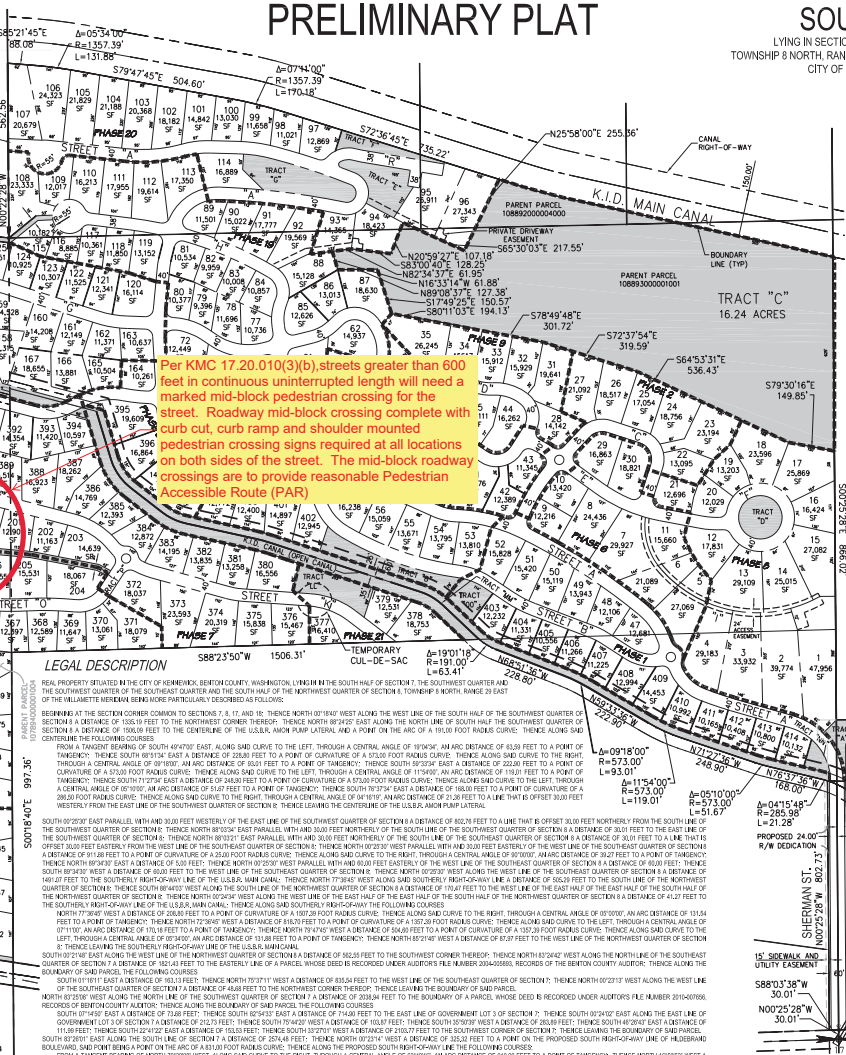
Appeal: An appeal of this determination must be submitted to the Community Planning Department within fourteen (14) calendar days after the date issued and no later than 5 p.m. This appeal must be written and make specific factual objections to the City's threshold determination. Appeals shall be conducted in conformance with Section 4.12.090(9) of the Kennewick Municipal Code and the required fees pursuant to the City's adopted Fee Schedule shall be paid at time of appeal submittal.

Copies of this DNS were mailed to:

Dept. of Ecology
WA Dept. of Fish & Wildlife
WSDOT
Yakama Nation
CTUIR
ED 21-09 File

TRACT	AREA(SF)	USE	TRACT	AREA(SF)	USE	TRACT	AREA(SF)	USE
TRACT "A"	8,721	LANDSCAPING/ENTRYWAY	TRACT "P"	1,555	10' PEDESTRIAN WALKWAY	TRACT "Q"	1,834	10' PEDESTRIAN WALKWAY
TRACT "B"	2,822	STORM POND	TRACT "R"	1,485	10' PEDESTRIAN WALKWAY	TRACT "S"	10,310	10' PEDESTRIAN WALKWAY
TRACT "C"	707,652	NATURAL OPEN SPACE	TRACT "T"	1,429	10' PEDESTRIAN WALKWAY	TRACT "U"	1,262	20' ALLEY
TRACT "D"	15,364	LANDSCAPING	TRACT "V"	11,028	20' ALLEY	TRACT "W"	1,191	10' PEDESTRIAN WALKWAY
TRACT "E"	21,970	LANDSCAPING	TRACT "X"	1,246	10' PEDESTRIAN WALKWAY	TRACT "Y"	1,315	10' PEDESTRIAN WALKWAY
TRACT "F"	10,452	LANDSCAPING	TRACT "Z"	1,128	10' PEDESTRIAN WALKWAY	TRACT "AA"	19,209	20' ALLEY
TRACT "G"	20,772	LANDSCAPING	TRACT "AB"	1,372	10' PEDESTRIAN WALKWAY	TRACT "AC"	1,592	10' PEDESTRIAN WALKWAY
TRACT "H"	18,859	TRAIL/SEWER EASEMENT	TRACT "AD"	1,286	10' PEDESTRIAN WALKWAY	TRACT "AE"	20,286	LANDSCAPING
TRACT "I"	9,578	LANDSCAPING	TRACT "AE"	1,327	10' PEDESTRIAN WALKWAY	TRACT "AF"	123,074	KENNEWICK BIR. DIST.
TRACT "J"	4,761	KENNEWICK RR. DIST.	TRACT "AF"	1,280	10' PEDESTRIAN WALKWAY	TRACT "AG"	11,270	WATER PUMP STATION
TRACT "K"	20,008	KENNEWICK RR. DIST.	TRACT "AG"	1,400	10' PEDESTRIAN WALKWAY	TRACT "AH"	4,841,205	FUTURE RESIDENTIAL
TRACT "L"	26,933	KENNEWICK RR. DIST.	TRACT "AH"	1,336	10' PEDESTRIAN WALKWAY	TRACT "AI"	225,206	SEWER EASEMENT
TRACT "M"	22,589	KENNEWICK RR. DIST.	TRACT "AI"	1,233	SEWER EASEMENT			
TRACT "N"	1,400	10' PEDESTRIAN WALKWAY						
TRACT "O"	1,336	10' PEDESTRIAN WALKWAY						

Request to remove mid-block pedestrian paths as required per KMC 17.20.010 (3)(B) as our topography is such that building these would be unsafe to users as the slope would be 15%.

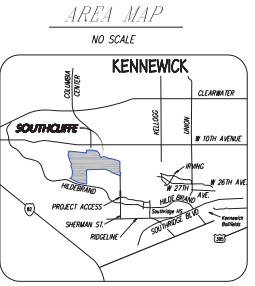
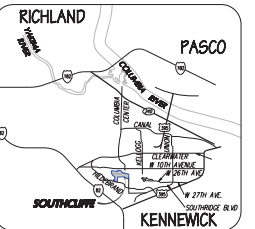


PRELIMINARY PLAT

SOUTHCLIFFE

LYING IN SECTION 8 AND THE SE 1/4 OF SECTION 7, TOWNSHIP 8 NORTH, RANGE 29 EAST, OF THE WILLAMETTE MERIDIAN, CITY OF KENNEWICK, WASHINGTON

DEC. 2011



REVISIONS

1	Initial
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M & S

MacKay & Spósito, Inc.
7601 W. CLEVERLY AVENUE, SUITE 405
KENNEWICK, WA 98538
PHONE (509) 374-4248
FAX (509) 374-4247
www.mackaysposito.com

Date: SEPTEMBER 7, 2012
Scale: 1" = 100'
Designed By: BMS/GH
Drawn By: BMS/GH
Checked By:

BAUDER / YOUNG
SOUTHCLIFFE
KENNEWICK, WA

PRELIMINARY PLAT

NOTES:

- PRESENT USE: SINGLE FAMILY RESIDENTIAL / OPEN SPACE
- PROPOSED USE: PUBLIC CITY OF KENNEWICK
- ZONING: RL
- SANITARY SEWER SERVICE: PUBLIC CITY OF KENNEWICK
- WATER SERVICE: PUBLIC CITY OF KENNEWICK
- STORM DRAINAGE: PUBLIC CITY OF KENNEWICK
- IRRIGATION WATER: BENTON PUD
- POWER: CASCADE NATURAL GAS CORPORATION
- TELEPHONE: FRONTIER COMMUNICATIONS
- CABLE TV: CHARTER CABLE

MAS PROJECT # 14835
SHEET PP1
SHEET # 1 of 10

Exhibit 9

Development Team

Owner / Applicant: BAUDER - YOUNG PROPERTIES
2495 MORENCY DR
RICHLAND WA 99352
(509) 921-1608

Engineering, Surveying
Landscape Architecture & Planning:
M & S
MacKay & Spósito, Inc.
7601 W. CLEVERLY AVENUE, SUITE 405
KENNEWICK, WA 98538
PHONE (509) 374-4248
FAX (509) 374-4247
www.mackaysposito.com

TRACT "Q" 5.17 ACRES
TOTAL AREA
TOTAL PLAT ACREAGE - 320.4 ACRES

LEGEND

- Natural Reserve / Trails / Easements
- Phase Boundary
- 30' Dia. traffic circle at cross streets

IRRIGATION SOURCE

PROPERTY IS IN AN IRRIGATION DISTRICT, HOWEVER IRRIGATION WATER IS NOT AVAILABLE AND NO WATER RIGHT EXISTS FOR IRRIGATING THIS PARCEL.

AREA	DWELLING UNITS	SMALLEST LOT	LARGEST LOT	AVERAGE LOT SIZE	NATURAL RESERVE/ TRAILS/ EASEMENTS
144 Acres	414 units	8,885 SF	47,596 SF	15,165 SF	±6 Acres

*Lots and Tracts Included in density calculation per KMC 18.20.010 (lots, Tract A, B, D, E, F, G, L, and NN)
*Total area included in density calculation (KMC 18.20.010) divided by proposed 414 lots

From: [Shanna Everson](#)
To: [Steve Donovan](#)
Subject: RE: [E] PVA 21-02/ED 21-09
Date: Tuesday, April 6, 2021 2:08:39 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)

I do not think this affects us at all power wise. Our power will be at the front of the lots.

Shanna Everson
 Distribution Design Tech 1
 509-585-5367



From: Steve Donovan <Steve.Donovan@ci.kennewick.wa.us>
Sent: Thursday, April 1, 2021 8:18 AM
To: Ashley M. Morton <AshleyMorton@ctuir.org>; Ben Franklin Transit - Bill Barlow <bbarlow@bft.org>; Ben Franklin Transit - Kevin Sliger <ksliger@bft.org>; Benton Clean Air Authority - Rob Rodger <rob.rodger@bentoncleanair.org>; Benton Clean Air Authority - Tyler Thompson <tyler.thompson@bentoncleanair.org>; Benton Clean Air John Lyle <john.lyle@bentoncleanair.org>; Benton Franklin Health Dept - Rick Dawson <rickd@bfhd.wa.gov>; EngService <EngService@bentonpud.org>; Jeff Vosahlo <vosahloj@bentonpud.org>; Chad Brooks <brooksc@bentonpud.org>; Mike Irving <irvingm@bentonpud.org>; Shanna Everson <eversons@bentonpud.org>; Tina Glines <glinest@bentonpud.org>; BPA - Deborah Rodgers <dxrodgers@bpa.gov>; BPA - Joe Cottrell <jecottrell@bpa.gov>; BPA - Mike Deklyen <mjdeklyen@bpa.gov>; Cascade Gas James Thomas <james.thomas@cngc.com>; Cascade Natural Gas - Sara Pineda <sara.pineda@cngc.com>; Casey Barney <Casey_Barney@Yakama.com>; Charter Communications - Robert Early <robert.early@charter.com>; Columbia Irrigation District <cid@columbiairrigation.com>; Department of Ecology SEPA UNIT <sepaunit@ecy.wa.gov>; Dept of Archaeology and Historic Preservation (sepa@dahp.wa.gov) <sepa@dahp.wa.gov>; Dept of Fish & Wildlife <harvepjh@dfw.wa.gov>; Dept of Fish & Wildlife - Michael Ritter <michael.ritter@dfw.wa.gov>; Dept of Natural Resources SEPA Center <sepacenter@dnr.wa.gov>; Dustin Fisk - Kennewick School District (dustin.fisk@ksd.org) <dustin.fisk@ksd.org>; Frontier Communications (gregory.goodwin@ziply.com) <gregory.goodwin@ziply.com>; Greg Wendt (Greg.Wendt@co.benton.wa.us) <Greg.Wendt@co.benton.wa.us>; Jessica Lally <Jessica_Lally@Yakama.com>; Kennewick School District; Brandon Potts <brandon.potts@ksd.org>; KID Development <development@kid.org>; Kyle McCauley <Kyle.McCauley@cngc.com>; Michelle Cooke <Michelle.Cooke@co.benton.wa.us>; Mike Stevens - (mstevens@ci.richland.wa.us) <mstevens@ci.richland.wa.us>; Noah Oliver <Noah_Oliver@Yakama.com>; Shane O'Neill <soneill@ci.richland.wa.us>; US Army Corps of Engineers <CENWW-RE@usace.army.mil>; Williams Pipeline - Audie Neuson <audie.neuson@williams.com>; WSDOT <scplanning@wsdot.wa.gov>; Yakama Nation - Thalia Sachtleban <enviroreview@yakama.com>; Zipl Fiber Christy Ross <christy.ross@ziply.com>



2015 South Ely Street
Kennewick, WA 99337
Customer Service 509-586-9111
Business 509-586-6012
FAX 509-586-7663
www.kid.org

April 15, 2021

Steve Donovan
City of Kennewick – Community Planning Department
P.O. Box 6108
Kennewick, WA 99336

Subject: Review Comments Minor Preliminary Plat Alteration of Southridge Estates

Dear Mr. Donovan:

This letter provides Kennewick Irrigation District (KID) review comments on the major preliminary plat alteration to the Preliminary Plat of Southcliffe, PVA 21-02 submitted by Bauder Young Properties, LLC, 1955 Jadwin Ave. Richland, WA 99354 (“Applicant”¹). The properties are generally located West of S. Sherman St near Thompson Hill in the Southridge Sub-Area includes the following parcels:

- 1-0789-400-0001-004
- 1-0889-300-0001-001
- 1-0889-200-0004-000

The properties identified on the proposed major preliminary plat alteration to Preliminary Plat of Southcliffe are located within the KID boundaries. Accordingly, KID provides the following comments to be included as required conditions of approval by the legislative authority under RCW 58.17.310(2):

- 1) The plat shall include the following irrigation easements consistent with KID requirements:
 - a. Dedicate to KID an irrigation easement 10 feet in width via a recorded deed to match irrigation system components, centered on an irrigation pipe line.
 - b. On all lots within the plat, dedicate to KID an irrigation easement 10 feet in width, or five (5) feet in width if adjacent to a utility easement, located along the road frontage of each lot. An irrigation easement may be included within the ‘sidewalk and utility’ easement if one is proposed, denoting the easement as a “Sidewalk, Utility, and Irrigation Easement.”

¹ Reference to the “Applicant” throughout this comment letter shall refer to the property owner and/or developer of the proposed plat.

- 2) Compliance with previous pre plat conditions provided in a comment letter dated July 3, 2012 is required. This comment letter has been included as an attachment.
- 3) All subdivisions of land are required to be approved by the KID Board of Directors during a KID Board Meeting. KID Board Meetings are regularly scheduled on the first and third Tuesdays of each month. All conditions must be completed prior to submittal to KID for final approval. The submittal for final approval must be received by KID a minimum of two weeks prior to a regularly scheduled Board Meeting in order to be considered at that meeting.

Sincerely,

Blaine Broberg

Blaine Broberg, EIT
Staff Engineer

Enclosure

C: LB\correspondence\File: [17-08-29]



July 3, 2012

Wes Romine
City of Kennewick Development Services Division Manager
210 W. 6th Avenue
Kennewick, WA 99336

Subject: Revised Review Comments for Preliminary Plat 12-01 (Southcliffe)

Dear Mr. Romine:

This letter provides the revised statement of the Kennewick Irrigation District (KID) under RCW 58.17.310 regarding the application for Southcliffe Preliminary Plat No. 12-01 (the "Project"), submitted by Bauder-Young LP (the "Applicant"). KID submitted its initial comments regarding the Project in a letter dated February 8, 2012, a copy of which is attached as **Attachment 1**.

In response to KID's initial comments and on behalf of the Applicant, Mackay & Sposito submitted a letter to KID dated May 7, 2012, a copy of which is attached as **Attachment 2**. In the Applicant's May 7, 2012 letter, the Applicant agreed to certain conditions requested by KID, disagreed with two conditions, and offered voluntary conditions as an alternative means of mitigating certain impacts from the Project.

KID submits this letter to provide additional background information, to clarify and revise certain conditions of plat approval noted in its February 8, 2012 letter and the voluntary conditions offered in the Applicant's May 7, 2012 letter, and to reserve the right to provide comment on issues that have not yet been fully vetted, as well as providing comments during any public comment period. These review comments are based on the June 7, 2012 edition of the proposed preliminary plat.

Background Information

Project Areas within KID Boundary

That portion of the Project lying in Section 8 of Township 8, Range 29 identified on the proposed preliminary plat is located within the KID boundary and is not currently classified as

irrigable. The properties within this proposed preliminary plat are not assigned a water allotment meaning that KID water cannot be delivered to irrigate the land.

That portion of Project lying in Section 7 of Township 8, Range 29 was annexed into the KID boundary through election in 2007, and the process to include it into the Kennewick division of the Yakima Project has not yet been approved by the United States Bureau of Reclamation (USBR). The land in Section 8 is also subject to the 1890 Canal Easement Reservation.

The USBR holds title to the rights-of-way (ROWS) for the KID Main Canal below the proposed subdivision and the Amon Pump (AP) Canal which runs through the proposed subdivision, collectively referred to as the "canals".

KID Policy 4.2 – Protection of KID & USBR Rights-of-Way and Easements, states that KID "will ensure the structural integrity of the KID canal and pipeline easements and rights-of-way. The KID will protect its rights to construct, operate, maintain, improve, reconstruct, replace and use the KID Rights-of-Way and easements from encroachments that make the KID's exercise of those rights more difficult, more time consuming, more expensive, less efficient, or less convenient, while recognizing the underlying landowners' rights to use the property in a manner that does not unreasonably interfere with KID's rights." A copy of Policy 4.2 is attached as **Attachment 3**.

Hazards Associated with Irrigation System Components

Pursuant to RCW 58.17.310(1), the KID hereby informs the City of Kennewick and the Applicant that failure to mitigate the introduction of excessive water into the soils up-gradient of the canals may result in a canal embankment breach or failure. Should a canal embankment breach occur near this Project, there is potential for public safety to be at risk. Mitigation measures requested in this letter are required to mitigate this risk.

Portions of the Project lying up-gradient of the canals may be considered as "Critical Areas" per the Kennewick Municipal Code, Chapter 18. On behalf of Applicant, Columbia Engineers and Contractors LLC, prepared the "Critical Areas Report for West Thompson Development South ½ Section 7 and North ½ and SW ¼ of Section 8, T8N, R29E Kennewick, WA," dated October 17, 2011, which states as follows: "The introduction of excessive water to the soil column or the surface presents the most destructive challenge to mitigate." In addition, the study states that potential hazards can be associated with "Geologically Hazardous Areas" per Kennewick Municipal Code (18.62) which are erosion, landslides, and seismic areas. Additional information regarding critical areas is provided in a letter from Mark Treske of Washington Department of Fish and Wildlife dated January 31, 2012, which is attached as **Attachment 4**.

Prior Letters from KID, the Applicant, and USBR

In KID's February 8, 2012 letter, KID asked the City to include plat conditions with the following requirements: (1) requiring the Applicant to record easements for irrigation system components and along road frontages; (2) requiring the Applicant to make certain revisions to the plat map to reflect the ROWs held by the USBR for the AP Canal; (3) requiring the Applicant to replace the concrete pipeline that supplies water to the AP Canal if any grading or construction activities were to be conducted over the concrete pipeline; (4) requiring the Applicant to include reasonably necessary features in ROWs to allow KID to operate, maintain, and replace the irrigation system or, alternatively, to provide other mitigation acceptable to KID; and (5) requiring the Applicant to obtain USBR approval for all current and future geotechnical studies.

In the Applicant's May 7, 2012 letter, the Applicant agreed to record 10-foot irrigation easements at the time of the final plat for system irrigation components and to record 5/10-foot easements along road frontages, as requested in KID's February 8, 2012 letter, items 1)a. and 1)b. The Applicant also offered to deed to KID/USBR, at the time of the final plat, a tract of land equal in dimension to the USBR ROW for the AP Lateral Pipeline (40-feet wide; 10-feet on the north of the AP Lateral Pipeline and 30-feet on the South) and for the open AP Canal (60-feet wide; 25-feet on the north and 35-feet on the South), which the Applicant stated would satisfy the item noted under 2)d. in KID's February 8, 2012 letter.

In response to item 5) in KID's February 8, 2012 letter, in its May 7, 2012 letter, the Applicant stated that replacement of the concrete pipeline and lining of the canal were not necessary to mitigate impacts from the plat and listed six voluntary conditions that it asserted would "eliminate all construction and grading impacts to either the AP Lateral or canal." Finally, the Applicant stated that its geotechnical consultant would work with the USBR to address KID's concerns regarding the stability of the Applicant's property.

During this time, USBR conducted an analysis of the work of Applicant's consultant, Columbia Engineers and Contractors, LP related to slope stability within the Project. On May 15, 2012, USBR informed KID that it did not concur with the consultant's assessment "that the development will not adversely impact KID property due to slope failures." This letter from USBR is attached as **Attachment 5**.

Following this exchange of letters, the Applicant and his consultants have been in contact with KID and USBR to provide additional information regarding geotechnical issues. After consultations with the USBR, the Applicant has agreed to modify the Project to address USBR's and KID's concerns regarding the stability of the Applicant's property. **Attachment 6** is an email exchange culminating in an email of May 24, 2012 transmittal regarding a revised grading

sheet. These agreed modifications are incorporated into this letter below and satisfy KID's and USBR's review process for comment 5) from our February 8, 2012 letter. Conditions 3.d.vii, 3.d.ix, and 3.d.x below are those of the USBR; and KID concurs with the conditions. As a result of these consultations, KID has determined that, subject to the implementation of these modifications and conditions, the concrete pipeline replacement and canal lining actions, which were listed as potential mitigation measures in KID's February 8, 2012 letter, will not be necessary to address impacts related to slope stability.

KID accepts the Applicant's offer to deed to KID/USBR a tract of land equal in dimension to the USBR ROWs as described above and the following conditions are based upon the completion of these transactions at the time of final plat.

Conditions for Approval

Pursuant to RCW 58.17.310(1), KID submits the following statement with information and conditions of approval that KID deems to be necessary regarding the proposed plat's effect upon the structural integrity, including lateral support, of KID facilities, other risk exposures, and the safety of the public and irrigation district. KID's comments address potential effects from the proposed plat both during and after construction (during the residential use). This statement includes easement requirements imposed under RCW 58.17.310(2).

To the extent that the following comments and conditions are not voluntarily incorporated into the Project through modifications to the plat application by the Applicant, KID requests that the City incorporate them into the conditions of approval for the Southcliffe preliminary plat:

1. Revisions to Plat Map and Text

a. Plat map

- i. Label the ROW for the Main Canal and include the ROW dimensions;
- ii. Label the ROW for the AP Canal, for the both the piped segments and the open channel segments, and include the ROW dimensions.
- iii. Label the ROW for the Plymouth Drain, which is located immediately south of the plat boundaries along the new Hildebrand Road alignment, and include the ROW dimensions.

Attachment 7 is a hand-marked copy of the plat map showing the approximate locations of these KID system components. These components should be clearly labeled, in a larger font size than the current labels, as "KID Main Canal," "KID AP Canal (piped)," "KID AP Canal (open channel)," and "KID Plymouth Drain."

b. *Plat text*

- i. Revise the dates on the preliminary plat map to match the June 7, 2012 plot date.
- ii. Include a note on the face of the final plats for phases 1, 2, 4, 6, 8, 9, 11, and 14 stating as follows: "No grading may be performed or any permanent structure built within the Bureau of Reclamation Right-of-Way without an approved permit from the Kennewick Irrigation District and/or United State Bureau of Reclamation, when applicable."
- iii. For each phase of the Project, for the portion of the Project that remains within the boundary of KID at the time Final Plat, include a note on the face of the Final Plat stating as follows: "This property is located within the boundaries of the Kennewick Irrigation District and in the immediate vicinity of irrigation infrastructure. Please refer to www.kid.org for further information."

2. Easement and License Requirements

The following requirements are imposed under RCW 58.17.310(2):

- a. *Easements for system components.* For each phase of the Project, Applicant must dedicate to KID an irrigation easement ten (10) feet in width via the platting process to match each irrigation system component, centered on an irrigation line, unless excused by the KID Board or unless deannexation of the area occurs prior to Final Plat of the phase being platted and no irrigation system components are located in the area.
- b. *Easements for road frontages.* For each phase of the Project, Applicant must dedicate to KID an irrigation easement ten (10) feet in width, five (5) feet in width if adjacent to a utility easement, along the road frontage of all lots within the boundaries of KID, unless excused by the KID Board or unless deannexation of the area containing the irrigation system component occurs prior to Final Plat of the phase being platted and no irrigation system components are located in the area.
- c. *Easement terms.* Easements for system components and road frontages shall include terms acceptable to KID as necessary to protect system components. These easement requirements are imposed for the protection of irrigation district facilities, but do not imply that KID will provide irrigation water to the plat.

- d. *Deed subject to license.* At the time of final plat, Applicant must deed to KID/USBR a tract of land equal in dimension to the USBR ROW for the AP Lateral Pipeline (40-feet wide; 10-feet on the north of the AP Lateral Pipeline and 30-feet on the South) and for the open AP Canal (60-feet wide; 25-feet on the north and 35-feet on the South), subject to the Applicant and KID entering into a license under which Applicant agrees to construct and maintain fencing and landscaping.

3. Conditions Related to Design, Grading and Construction

- a. All grading plans shall be consistent with USBR review contained in Attachment 6 to this letter.
- b. For each phase of the Project, KID review and approval of construction plans is required to allow KID to assure all reasonable measures to protect any easements and ROWs. Such review and approval will be coordinated as part of the City's review and Final Plat approval process.
- c. The Project must include the following design features:
 - i. Design and construction of street right of ways shall include all reasonably necessary features to allow the KID to operate, maintain and replace the irrigation system and to direct excess water and/or flood waters to flow through the right of ways down gradient.
 - ii. Site grading shall be designed to provide that water from an AP Canal break, in the piped section, will flow south to the Plymouth Drain.
 - iii. Stormwater systems for the Project shall be designed to minimize the introduction of water into the soils up-gradient of the canals. KID review and approval of all stormwater plans is required prior to final plat approval.
- d. Applicant must submit, for engineering review and approval by KID/USBR, engineering plans detailing construction/grading for each phase of the Project adjacent to KID easements and ROWs and for all future street crossings prior to Final Plat approval.

- e. The voluntary conditions related to grading and construction offered in the May 7, 2012 letter (**Attachment 2** to this letter) as plat conditions must be imposed upon the Applicant, with the following modifications:
- i. Construction fencing shall be located along the AP Canal ROW lines prior to beginning work on phase 1 and shall consist of KID approved materials to ensure that there are no adverse impacts to the existing KID infrastructure.
 - ii. Construction fencing shall be located along the abutting Main Canal ROW lines prior to beginning work on phase 14 and shall consist of KID approved materials to ensure that there are no adverse impacts to the existing KID infrastructure.
 - iii. Permanent fencing along the AP Canal ROW shall be installed as required by the project Covenants and Restrictions (CC&Rs) at the time of Final Plat approval for abutting lots, designed to prevent encroachments and access into the ROW.
 - iv. Design plat to minimize, to the maximum extent possible, future road crossings, through the elimination of one or more crossing and the limited use of cul-de-sacs.
 - v. Landscaping in the canal ROW tracts shall comply with KID Policy 4.2 and its implementing procedure.
 - vi. Details regarding design of concrete caps over pipeline and sleeving for utility crossings must be approved by KID and comply with KID's standards and specifications.
 - vii. KID staff must be provided access for site visits to ensure mitigation measures are installed correctly and maintained, subject to KID hourly inspector rates.
 - viii. The retaining walls should be designed with at least 12-inches of freeboard to catch any erosion off the slope.
 - ix. The retaining walls should be filtered and have appropriately spaced weep holes to prevent hydrostatic pressure from building up behind the wall.

- x. A 2:1 slope with an internal friction angle of 35 degrees has a factor of safety slightly less than 1.5. As such, the slope may need to be modified to increase the slopes factor of safety; such as grading the slope slightly flatter than 2:1, reinforcing the slope, etc.
 - xi. The Applicant must implement the phase 1 grading plan attached to the May 7, 2012 letter (**Attachment 2** to this letter).
 - f. Where roads or utilities cross the existing AP Canal concrete pipeline, a permit must be obtained in advance from KID and all utilities will be required to be installed below the existing concrete pipeline.
 - g. In the event that the existing AP Canal concrete pipeline is damaged during the construction phase, the damage must be fully repaired to KID's then-existing standards.
 - h. KID will require that USBR signage be installed along the AP Canal and Main Canal ROWs prior to final plat approval of a phase abutting either canal ROW.
 - i. No permanent structures are allowed within the USBR ROW.
4. Conditions Related to Residential Use
- a. The Applicant shall:
 - i. Include the potential failure of KID system components in its public offering statement for the plat pursuant to RCW 58.19.055(1)(r), which requires a public offering statement to include "[a] list of any physical hazards known to the developer which particularly affect the development or the immediate vicinity in which the development is located and which are not readily ascertainable by the purchaser"; and
 - ii. Post signs in appropriate areas within KID's easements and ROWs identifying KID's facilities (with locations and design approved by KID).
 - b. No permanent structures are allowed within the USBR ROW.

- c. In the event that the existing AP Canal concrete pipeline is damaged as a result of residential use, the landowner will be required to repair the impacted pipeline to current KID standards.
- d. Include terms of CC&Rs acceptable to KID regarding protection of KID system components after construction (e.g., specifying homeowner irrigation methods to minimize runoff onto KID system components).
- e. See also terms of easements above that are applicable to abutting homeowners.

5. Other Conditions

- a. A Preliminary Plat review fee of **\$150.00** is due prior to final plat approval of the each phase.
- b. A Final Plat review fee of **\$100.00** is due prior to final plat approval for each phase.
- c. Include a signature block for KID approval on the final plat for each phase.

Future Review

KID reserves the following rights regarding future review of the plat:

- KID reserves the right to provide review comments under RCW 58.17.330(1) and RCW 58.17.330(2) in response to future design submittals by the Applicant prior to final plat approval. The scope of these reviews will be limited to Phases that are adjacent to the District's Rights of Way. KID review of construction plans will be consistent with the City of Kennewick's plan review timelines.
- KID reserves the right to review and comment on the Applicant's plat line revisions for potential additional revisions to protect KID system components for Phases that are adjacent to KID's easements or ROWs.
- KID reserves the right to evaluate whether any other conditions related to road crossings and ROWs are necessary.
- KID reserves the right to review and comment on the Applicant's CC&Rs to evaluate whether they should include any terms regarding protection of KID system components after construction and fencing requirements.
- KID reserves the right to submit additional comments during the City's review process under the State Environmental Policy Act (SEPA).
- All subdivisions of land are required to be approved by the KID Board of Directors.

Please provide notice to KID of any public meeting or hearing when this Project will be an agenda item. If you have any questions regarding these comments, please contact me at the address/phone number listed below.

Sincerely,


Charles Freeman
District Manager

Attachments

1. KID comment letter dated February 8, 2012
2. Applicant's response letter dated May 7, 2012
3. KID Policy 4.3 and 4.2
4. Letter from Mark Treske of Washington Department of Fish and Wildlife dated January 31, 2012 ,
5. Letter from James Dean of USBR to Ed Everaert, KID, dated May 15, 2012.
6. Email exchange with Columbia Engineers dated May 11, 2012 to May 25, 2012 transmitting grading plan.
7. June 7, 2012 edition of Preliminary Plat, hand-marked to showing requested labeling of irrigation system components.

cc: Milo Bauder
Derrick Smith, MacKay & Sposito
Scott Revell, Planning Manager
Carron Helberg, USBR
Letter file



February 8, 2012

Wes Romine
City of Kennewick
Development Services Division
210 W. 6th Avenue
Kennewick, WA 99336

Subject: Review Comments for Preliminary Plat 12-01/PLN-2012-00011 Southcliffe

Dear Mr. Romine:

This letter provides Kennewick Irrigation District (KID) review comments on Preliminary Plat No. 12-01/PLN-2012-00011. The property is located west of S. Sherman Street near Thompson Hill in the Southridge Sub-Area and includes the following parcels:

- 1-0789-400-0001-004
- 1-0889-300-0001-001
- 1-0889-200-0004-000

That portion of the project lying in Section 8 of Township 8, Range 29 identified on the proposed preliminary plat is located within the KID boundaries and is not currently classified as irrigable. That portion of project lying in Section 7 of Township 8, Range 29 was annexed into the KID boundary through election in 2007, and the process to include it into the Kennewick division of the Yakima Project has not yet been approved by the United States Bureau of Reclamation. The land in Section 7 is also subject to the 1890 Canal Easement Reservation.

The properties within this preliminary plat are NOT assigned a water allotment meaning that KID water cannot be delivered to irrigate the land. KID provides the following comments as a condition of approval by the legislative authority for R.C.W. 58.17.310:

- 1) The following are KID easement requirements:
 - a. Dedicate to KID an irrigation easement ten (10) feet in width via a recorded deed to match any irrigation system components, centered on an irrigation line.
 - b. Dedicate to KID an irrigation easement ten (10) feet in width, five (5) feet in width if adjacent to a utility easement, along the road frontage of all lots within the boundaries of the KID. This easement requirement is per the legislative authority for R.C.W. 58.17.310 and does not imply that KID will use the easements or provide irrigation water to the proposed plat.
- 2) The Bureau of Reclamation holds Right-of-Way for the Amon Pump (AP) Lateral also known as the AP Canal through Sections 7 and 8 of Township 8, Range 29 which is not

labeled on the preliminary plat for Southcliffe. Per KID Procedure 4.2A, "Encroachments on KID Rights-of-Way or Easements", the KID will ensure the structural integrity of the KID canal and pipeline easements and Rights-of-Way. The KID will protect its rights to construct, operate, maintain, improve, reconstruct, replace and use the KID Rights-of-Way and easements from encroachments that make the KID's exercise of those rights more difficult, more time consuming, more expensive, less efficient, or less convenient, while recognizing the underlying landowners' rights to use the property in a manner that does not unreasonably interfere with KID's rights. As such, the following are KID requirements:

- a. Show appropriate Right-of-Way dimensions on the plat.
 - b. A note on the face of the plat stating, "No grading may be performed or any permanent structure built within the Bureau of Reclamation Right-of-Way without an approved permit from the Kennewick Irrigation District and/or United States Bureau of Reclamation, when applicable."
 - c. KID will require that the Bureau of Reclamation Right-of-Way have signs installed along the Right-of-Way that have been approved by the KID.
 - d. As no permanent structures are allowed within the Bureau of Reclamation Right-of-Way, KID suggests the following alternatives:
 - i. Show the Bureau of Reclamation Right-of-Way as a separate tract of land that is not incorporated within the abutting lots; or
 - ii. Relocate the existing canal into a pipeline located within the Street Right-of-Way.
- 3) There currently exists a concrete pipeline that supplies water to the AP Canal that lies within the Bureau of Reclamation Right-of-Way. Any grading or construction activities over the existing concrete pipeline will impact the pipeline and require the need for the pipeline to be replaced to current KID Standards.
- 4) Pursuant to RCW 58.17.310 (1), the KID would like to inform the City of Kennewick that portion of the development lies below an unlined earthen canal section (AP Canal). Unlined earthen canal sections are more likely to have a canal embankment breach occur than lined sections. Should a canal embankment breach occur near this development, there is potential for the public safety to be at risk. In order to mitigate this risk, the KID will require:
- a. Rights-of-Way that shall include all reasonably necessary features to allow the KID to operate, maintain and replace the irrigation system. Features shall include drainage systems and/or features that will carry excess water and/or flood

waters away from the irrigation water distribution system should a canal failure and/or breach occur.

- b. As an alternative to 4a (above), pursuant to KID Policy 4.3, "Developer Risk Mitigation", plat developers may enter into a written agreement with the KID to provide other acceptable means of protecting persons and property. This may include the lining or piping of canals where appropriate. In instances where the KID agrees that canals may be lined or piped as an alternate to providing drainage, the KID Board of Directors may negotiate a cost share or contribution to the expense of lining.
- 5) Portions of the development lying above the KID Canals that may be considered as "Critical Areas" per the Kennewick Municipal Code, Chapter 18. The "Critical Areas Report for West Thompson Development South ½ Section 7 and North ½ and SW ¼ of Section 8, T8N, R29E Kennewick, WA" prepared by Michael Black, P.E, dated October 17, 2011 states, "The introduction of excessive water to the soil column or the surface presents the most destructive challenge to mitigate". In addition, the study states that potential hazards can be associated with "Geologically Hazardous Areas" per Kennewick Municipal Code (18.62) which are erosion, landslides, and seismic areas.

Pursuant to RCW 58.17.310 (1), the KID would like to inform the City of Kennewick that failure to mitigate the introduction of excessive water into the soils above the canals may result in a canal embankment breach or failure. Should a embankment breach occur near this development, there is potential for public safety to be at risk. The USBR holds title to the KID Main and AP Canal's below the proposed subdivision and the slope stability issues could potentially result in a canal embankment breach and subsequent loss of life and property.

- a. Due to potential geotechnical slope stability issues, the USBR will need to review and approve all current and future geotechnical studies as required by the USBR.

The KID cannot approve the development with the information provided for proposed residential lots within "Critical Areas" or "Geologically Hazardous Area" or within areas where the introduction of excessive water to the soil column could result in inadequate slope stability. Prior to action on the preliminary plat, the applicant must submit additional information to allow KID and the USBR to perform the required review.

- 6) A Preliminary Plat review fee of \$150.00 is due prior to final plat approval of the first phase.
- 7) A Final Plat review fee of \$100.00 is due prior to approval for each phase.

- 8) Include a KID approved signature block.
- 9) All subdivisions of land are required to be approved by the KID Board of Directors during a KID Board Meeting.
- 10) Please contact KID of any and all public meeting dates held by any City Board or Commission (Council) where this development or plat application will be an agenda item.

If you have any questions regarding these comments, please contact me at the address/phone number listed below.

Sincerely,



Ben Woodard
Staff Engineer

Enclosures:

1. Southcliffe Vicinity Map (by KID)
2. Figure 6, Non-Irrigable Property (from Southridge Master Plan)
3. Copy of Southcliffe Preliminary Plat (with KID comments)

C:

1. LB\Correspondence\File: [8-8-29]
2. Carron Helberg, USBR
3. Milo Bauder
4. MacKay & Sposito



Mackay & Sposito, Inc.

7601 W Clearwater Avenue

Suite 405

Mackay & Sposito, Inc.

mackaysposito.com

May 7, 2012

Charles Freeman
 Kennewick Irrigation District
 P. O. Box 6900
 Kennewick, WA 99336

Re: Staff Report SouthCliffe Subdivision Application

Dear Mr. Freeman,

On May 3rd, 2012, we met with District staff (Ed, Scott, Jason, and Ben) to discuss requirements placed on the proposed SouthCliffe subdivision application. The District communicated these requirements to the City via a letter dated February 8, 2012 and then reinforced them during two subsequent meetings. We appreciate District staff's time, and feel we are close to agreement on most of the District's requirements.

There are five major items addressed in the February 8th letter. We've addressed each below.

Item #1: Requested KID Easements

The applicant, Bauder / Young, agrees to record 10 foot irrigation easements at the time of final plat for system irrigation components (Item 1.a) and 5/10-foot easements along road frontages as requested (Item 1.b). Note that none of the parcels in this subdivision will ever receive District water. The portion of our property within the District has no water right. The remainder is not in the District and no easements will be recorded. Other projects, built within the District without an irrigation system, have proven that retrofitting a District distribution system into a large subdivision is unfeasible.

Item #2: Requested Tracts of Land

The applicant recognizes that the Bureau of Reclamation (Bureau) holds a Right-of-Way for the Amon Pump (AP) Lateral Pipeline. However, this Right-of-Way is essentially an easement, and the Bureau does not hold title to the underlying property. At final plat, the applicant agrees to deed to the District/Bureau a tract of land equal in dimension to the existing Bureau Right-of-Way (40-feet wide; 10-feet on the north of the AP Lateral Pipeline and 30-feet on the South). It is expected that the Bureau or District will take ownership of the tract. However, the applicant reserves the right to landscape and maintain the property.

Similarly, the applicant recognizes that the Bureau holds a Right-of-Way for the open Amon Canal in Section 8. This Right-of-Way is also essentially an easement, and the Bureau does not hold title to the

underlying property. At Final Plat, the applicant agrees to deed to the District/Bureau a tract of land equal in dimension to the existing Bureau right-of-way, or 60-feet wide; 25-feet on the north and 35-feet on the South (along those section of the canal where the applicant owns the property. This complies with the District requested item #2.d in the February 8th letter.

All other notes and dimensions will be shown on the preliminary plat as requested.

Item #3 & #4: AP Lateral Pipeline Replacement and Canal Lining

In the staff letter and in subsequent meetings, the District has requested the applicant replace the AP Pipe Lateral and line portions of the open AP Canal. Our engineers have concluded we can easily eliminate all construction and grading impacts to either the AP Lateral or Canal. We will do this by:

- 1.) Prior to the construction of any adjacent plat phase, erecting a construction fence that clearly delineates the AP Lateral pipeline and canal rights-of-way.
- 2.) Eliminated all grading within the pipeline and canal rights-of-way.
- 3.) Reducing future road crossings through creative plat design.
- 4.) Where road crossings are needed, installing concrete caps over the AP Lateral pipeline to protect the existing facility. These crossings will be installed at the time of Phase construction or earlier if required for construction access. Where applicable, the construction fencing will be modified to delineate the crossings and to control construction traffic.
- 5.) Sleeving all proposed utility crossings
- 6.) Complete regular site visits with District staff to ensure mitigation measures are installed correctly and maintained.

It is our opinion that, given our commitment to mitigate all construction impacts, there exists neither the *nexus* nor *proportionality* required to exact such requirements.

No nexus, meaning there would be no connection between our development plan and the District's desire for a new pipeline or a canal lining. In our meeting, staff expressed a concern that the AP Lateral had already reached its design life. Replacement of outdated infrastructure is a KID maintenance issue that would benefit all District ratepayers. Future SouthCliffe homeowners will not connect in any way to District's facilities (the property lies mostly outside the District or is without water rights). As such, they will not tax the AP Lateral. To capitalize on a development proposal, merely because of proximity to District facilities, would be arbitrary.

Staff also expressed that development of the SouthCliffe neighborhood would increase District risk. District "risk mitigation" is also a District operations and maintenance issue equally related to the quality of District facilities. An "impact" would only occur in the case of a canal failure. As such the impacts are completely uncertain, may (or may not) occur at some unknown future date, and have neither been adequately quantified nor allocated proportionally.

Proportionality is important, in that it is the District's burden to allocate fairly these requirements and costs. If the District does assert a nexus exists, and that impacts are quantifiable and reasonably

certain; then costs (i.e. canal lining and pipeline replacement projects) must be allocated equitably to Southridge property owners. It appears, that the current requirements have been exacted primarily because the applicant property is adjacent to District facilities and first to development.

Finally, it is important to recognize that the landowner has applied to develop their property consistent with current City of Kennewick zoning. The applicant's intent to develop at the proposed densities is a planned event, which should be anticipated, quantified, and proportioned, through a clear planning process integrated with City planning. If the District's canal infrastructure does in-fact represent a serious risk to future development, then those concerns should be raised during the City's zoning and comprehensive planning processes. City zoning regularly considers appropriateness of adjacent land uses in an open and transparent process subject to public input and scrutiny.

Given these reasons, we respectfully request the District remove the requirement that the property owner replace the AP Pipeline Lateral or line the AP Canal.

Item #5: Critical Areas or Geologically Hazardous Area

The applicant has consulted with a geotechnical engineer to work with the Bureau to resolve any District concerns as to the stability of the applicant's property. All necessary study work has been concluded with favorable findings. We expect the Bureau will concur with our findings and recommend approval of the Southcliffe Preliminary Plat.

A Good Neighbor

It is important to both Milo Bauder and Grant Young that they be good neighbors to the District, City, and other Southridge property owners. It is their hope that significant goodwill is recognized for the property donation (nearly 50 acres) previously deeded to the District for Amon facilities and a potential reservoir site. This is particularly relevant considering the Bureau's delay in granting back to the City important right-of-way for the Hildebrand Boulevard extension. We hope there is some consideration given this history.

Our hope is that we can come to agreement on these issues, and that they can be incorporated into a new letter drafted to the City of Kennewick. Please contact me if you have any questions.

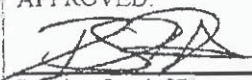
Sincerely,

MacKay & Sposito, Inc.

A handwritten signature in black ink, appearing to read 'D. Smith', with a stylized flourish at the end.

Derrick Smith, PE

Senior Vice President

	KENNEWICK IRRIGATION DISTRICT POLICY & PROCEDURE <u>4.3</u> "DEVELOPER RISK MITIGATION"							
APPROVED:  President, Board of Directors	Effective Date: _____ Revision: 0							
Date: <u>4-3-07</u>	Annual Review performed by:	Initial	Initial	Initial	Initial	Initial	Initial	Initial
	Review date:							

POLICY:

It is the general policy of the Kennewick Irrigation District (KID) to approve plats and short plats subject to the following conditions:

1. The plat shall include dedicated irrigation rights-of-way, for the development and each lot in the development, of a size and in a location acceptable to the KID; and
2. The developer will construct an irrigation water distribution system completed to KID standards of design, materials and operation.

The rights-of-way and water distribution system shall include all reasonably necessary features to allow the KID to operate, maintain and replace the system, and shall include drainage systems and/or features that will carry excess water and/or flood waters from the distribution system and canal failures and/or breaches.

As an alternative to the foregoing, plat developers may agree with the KID to provide different but roughly proportionate means of protecting persons and property. This may include the lining or piping of canals where appropriate. In instances where the KID agrees that canals may be lined or piped as an alternate to providing drainage, the KID may negotiate a cost share or contribution to the expense of lining. Staff is authorized to negotiate a cost share not to exceed twenty-five percent (25%) of project cost. Any cost sharing in excess of those amounts must be approved by the KID Board.

	KENNEWICK IRRIGATION DISTRICT POLICY 4.2 Protection of KID & USBR Rights-of-Way and Easements							
APPROVED:  President, Board of Directors Date: Jan 5, 2010	Effective Date: January 5, 2010				Revision: 2			
Annual Review performed by:	Initial	Initial	Initial	Initial	Initial	Initial	Initial	Initial
Review date:								

POLICY:

The Kennewick Irrigation District (KID) will ensure the structural integrity of its canal and pipeline easements and rights-of-way. The KID will protect its rights to construct, operate, maintain, improve, reconstruct, replace and use the KID rights-of-way and easements from encroachments that make the District's exercise of those rights more difficult, more time consuming, more expensive, less efficient, or less convenient, while recognizing the underlying landowners' rights to use the property in a manner that does not unreasonably interfere with KID's rights.

KID shall oppose USBR granting of permits for encroachments on right of ways or easements owned by USBR that do not protect KID's interests as set forth in this policy.

1. General Requirements for encroachments along open canal systems:
 - 1.1. A permit is required for any encroachment along open canals.
 - 1.2. KID will consider each application for encroachment near an open canal based on the all of the circumstances
 - 1.3. KID will generally allow requests for the following encroachments unless there are circumstances that would interfere with KID activities:
 - 1.3.1. Grass, bark, gravel, other easily removed landscaping materials
 - 1.3.2. Shallow rooted plants and bushes (30 inch maximum root growth)
 - 1.3.3. Placement of signs in a manner that they can be easily removed and replaced.
2. General Requirements for encroachments in easements or rights-of-ways which are not located along open canal systems, such as pipeline easements through yards:
 - 2.1. Encroachments for which no permit is required are limited to the following:
 - 2.1.1. Grass, bark, gravel, etc.
 - 2.1.2. Shallow rooted plants and bushes (30 inch maximum root growth)
 - 2.1.3. Fences
 - 2.1.4. Irrigation lines and/or sprinkler systems

Landowners are advised that KID will not be responsible or liable for damage to or destruction of such encroaching improvements. Accordingly, landowners should construct any such improvements so that they can be easily removed and replaced without substantial damage or destruction.

- 2.2. All other encroachments must be approved through the permitting process. KID will consider all of the circumstances regarding the specific encroachment proposed. Encroachments that are frequently permitted include the following if they do not unreasonably interfere with KID's rights:
- 2.2.1. Moveable non-permanent structures (small sheds, swings sets, vehicle parking)
 - 2.2.2. Overhangs, eaves, cantilever spaces, bay windows
 - 2.2.3. Retaining walls and/or patios
3. The District may demand removal of any encroachment and may revoke a permit with a 30-day notice to the landowner. If removal is demanded, or if the permit is revoked, the landowner shall remove the encroachment at the landowner's expense. If the landowner fails to do so, the KID may, at its option, remove the encroachment and charge the cost of removal to the landowner.
4. The District will not be responsible for the repair or replacement of any encroachment that is allowed without a permit or that was approved through the permitting process if damaged while maintaining and operating District facilities. All permits shall include conditions that allow KID to engage in reasonably necessary activities without liability to the permittee for damage to or destruction of encroaching improvements, and conditions that protect KID from liability to third parties for injuries or damages caused by the encroachment. Such conditions will generally include agreements by which the land benefited by the encroachment is bound to maintain any improvements they make within the easement and/or right of way, will be liable for additional expenses to KID created by the encroachment and will hold KID harmless from any claims by third parties for injuries or damages caused by the encroachment. Any landowner who encroaches without a permit shall be deemed to do so under the same conditions.
5. This policy does not cover real property owned in fee simple title by the Kennewick Irrigation District. Any invasion of such land is a trespass.



State of Washington

Department of Fish and Wildlife

South Central Region – Ellensburg District Office, 201 North Pearl, Ellensburg, WA 98926

Phone: (509) 962-3421, Fax (509) 925-4702

To: Wes Romine, Development Services Manager City of Kennewick

From: Mark Teske, WDFW

RE: Southridge, Bauder / Young Properties

Date: January 31, 2012

The Washington State Department Fish and Wildlife (WDFW) reviewed the SEPA checklist and reports associated with this proposal. We have the following comments at this time. Additional comments may follow as more information becomes available.

Critical Areas Review

The surveys and assessments of the property appear to have occurred in September and October. This survey timing is not appropriate. Surveys for wildlife use should be timed to coincide with the life history of the species. Burrowing owls and ferruginous hawks migrate seasonally and return in the spring. Ground squirrels are underground 8 months of the year or more and would not be active outside of spring and early summer. Surveys that do not overlap with this timing are of little or no value when determining use or occupancy of an area. WDFW recommends a survey of the area that temporally overlaps with the expected use of the area by these and other shrub steppe species. WDFW is willing to work with consultants or provide information as to the use of the area this spring or early summer during the time when species would be expected to occur here. An analogy for the importance of survey timing would be to survey for adult spring Chinook in the Yakima River today. That search would be fruitless, but nobody would consider the Yakima River unimportant to the species. A survey later this summer would yield an entirely different result because it coincides with the timing of that fish run. Survey timing is everything.

East Fork Amon Buffer

The buffer along both sides of Amon should not be incorporated into individual lots that border the buffer. Rather, the buffer should be identified and recorded as its own parcel. Protection of the buffer or the ability to prevent intrusions into the buffer is exceedingly difficult if it has been incorporated into individual lots. Common ownership as an open space element within the development for example has the strongest likelihood of success. Individual lot ownership

Southridge
January 31, 2012
Page 2 of 2

results in as many managers and management ideas as there are lots. The area becomes parking for RVs or other vehicles, or a dumping area for lawn clippings, leaves or brush piles. Community ownership prevents these activities. Sidewalks, roads or other hardened trails or paths should be located primarily outside of the buffer.

Storm water

The checklist information indicates that 48% of the development will be impervious surface. WDFW recommends that the infrastructure for treatment and or retention of storm water be located outside the Amon buffer. The construction and regular maintenance of the storm water infrastructure in the buffer reduces the integrity of the buffer. Additionally, if infrastructure fails, delivery of untreated storm water to down slope fish bearing water is assured if no separation exists between the storm water infrastructure and the channel. To accommodate the cloud bursts where up to an inch of water falls in a brief period of time, the infrastructure should be sized to retain and treat these quantities. Rain on snow is mentioned in the checklist. Snow can physically block entrances to storm water treatment or retention infrastructure. This scenario should be anticipated and the planning and design should follow accordingly.

Thank you for the opportunity to provide these comments. If you have any questions regarding these comments, please do not hesitate to call me. I can be reached at (509) 962-3421.

Sincerely,



Mark S. Teske, WDFW

cc: Perry Harvester, WDFW Habitat Region 3



United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Regional Office
1150 North Curtis Road, Suite 100
Boise, ID 83706-1234

IN REPLY REFER TO:

PN-3234
PRJ-4.00

MAY 15 2012

Mr. Ed Everaert
Engineering/Operations Manager
Kennewick Irrigation District
21 W. Kennewick Avenue
Kennewick, WA 99336

Subject: Slope Stability Analysis – West Thompson Hill Residential Development – Proposed
Southcliffe Subdivision – Kennewick Irrigation District

Dear Mr. Everaert:

At your request dated April 24, 2012, Chris Regilski of the Bureau of Reclamation, Pacific Northwest Region, reviewed Columbia Engineers' *Slope Stability Analysis for Properties Potentially Impacting Kennewick Irrigation District (KID) Canals* dated April 24, 2012, and a corresponding email dated May 11, 2012, from Mike Black of Columbia Engineers. Chris does not concur with Columbia Engineers' assessment "that the development will not adversely impact KID property due to slope failures." Generally, the overall grading plan is acceptable except for the 1.5H:1V (horizontal: vertical) slopes in fill material and the erosion protection plan.

The proposed fill slopes with a slope ratio of 1.5H:1V appear to be too steep. These slopes are not designed per building code. The building code prescribes a slope of at least 2H:1V. According to Chris's preliminary analysis for these 1.5H:1V slopes using an infinite slope equation with an internal angle (ϕ) of 35 degrees, the factor of safety is less than 1.5. Please have Columbia Engineers modify these sections.

Surface soils consist of aeolian silt and non-plastic silt with fine sand. These soils are highly erodible. In the reviewed email, Columbia Engineers stated that the slopes will be hydroseeded and a "berm or swale" will be constructed at the toe of the slope in an effort to limit erosion from entering the canal. However, a binding agreement needs to be in place to ensure that the vegetation on the slopes is established and is maintained, and that the berm or swale is cleaned out periodically.

If you have any questions, please contact Chris Regilski, Civil Engineer, at 208-378-5335.

Sincerely,

JAMES R. DEAN

James R. Dean
Program Manager
Facility Operations and Maintenance

cc: YAK-5130

WBR:CRgilski:shickman:5/15/12:208-378-5335
U:\KID\New folder\W-ThompsonHill transmittal letter to state.doc

Ed Everaert

m: Regilski, Christopher R [cregilski@usbr.gov]
Sent: Friday, May 25, 2012 5:48 AM
To: Ed Everaert
Subject: RE: FW: Thompson Hill and SouthCliffe Grading Plan

Ed:

The changes to the attached addresses my comments and meets my approval.

Sincerely,

Chris

From: Ed Everaert [mailto:EEveraert@kid.org]
Sent: Thursday, May 24, 2012 11:14 AM
To: Regilski, Christopher R
Subject: FW: FW: Thompson Hill and SouthCliffe Grading Plan

Chris:

Please let me know if the attached document addresses your review comments and meets your approval.

Best Regards,

Ed

From: Paul Harmsen [mailto:pharmsen@mackaysposito.com]
Sent: Thursday, May 24, 2012 10:11 AM
To: Ed Everaert
Cc: mike@columbiaengineers.com; Charles Freeman; Grant Young; Milo Bauder
Subject: Re: FW: Thompson Hill and SouthCliffe Grading Plan

Ed,
I have attached the revised grading sheet that address Chris's latest comments. Please forward as needed.
Thanks,

Paul

On Wed, May 23, 2012 at 9:04 AM, Ed Everaert <EEveraert@kid.org> wrote:

Paul and Mike:

Please see Chris Regilski's response below to the revised SouthCliffe grading plans and address these minor issues accordingly.
I will forward your response to Chris Regilski.

Best Regards,

From: Regilski, Christopher R [mailto:cregilski@usbr.gov]
Sent: Wednesday, May 23, 2012 8:59 AM
To: Ed Everaert
Subject: RE: Thompson Hill and SouthCliffe Grading Plan

Ed:

These plans appear acceptable with some minor issues:

The grading detail for the lower slope adjacent to K.I.D. canal is labeled 2:1 MAX. It should be labeled 2:1 MIN. With an angle of internal friction (ϕ) = 35 degrees and zero cohesion ($C = 0$) for fill material, a 2:1 slope only has factor of safety (FS) of 1.4 for an infinite slope analysis. The minimum acceptable FS is 1.5. However, since the lower slopes don't appear to consist entirely of fill, a more sophisticated slope stability analysis may show these slopes have the acceptable FS of 1.5 or greater. Additionally, there appear to be minor changes for some elevations of the critical cross-section. As such, the representative slope stability model should be completed.

In Note 5., the disturbed areas shall be hydro-seeded as a means of erosion control. However, there should be a contractual agreement that the contractor or developer that the vegetation is established into the wet season. I have seen many problems where a contractor hydro-seeds a slope but does not maintain it after the spraying. This resulted in a barren slope that erodes during the first rainfall.

Sincerely,

Chris

From: Ed Everaert [mailto:EEveraert@kid.org]
Sent: Tuesday, May 22, 2012 4:36 PM
To: Regilski, Christopher R
Charles Freeman
Subject: FW: Thompson Hill and SouthCliffe Grading Plan

Chris:

Attached is the revised Southcliffe proposed subdivision grading plans to address the issues you raised during your geotechnical review. Please inform KID if these revised plans meet the USBR geotechnical engineering requirements for this proposed subdivision.

Best Regards,

Ed

From: Charles Freeman
Sent: Tuesday, May 22, 2012 3:32 PM
To: Ed Everaert
Subject: FW: Thompson Hill and SouthCliffe Grading Plan

ase forward on to Chris @ USBR

Charles Freeman

District Manager

Kennewick Irrigation District

www.kid.org

From: Paul Harmsen [mailto:pharmsen@mackaysposito.com]
Sent: Tuesday, May 22, 2012 3:30 PM
To: Charles Freeman; Jason McShane
Cc: Grant Young; Milo Bauder; Derrick Smith; Mike Black; Steve Spink
Subject: Fwd: Thompson Hill and SouthCliffe Grading Plan

Mr. Freeman:

Please find an updated grading plan for the Thompson Hill Grading plan that addresses Chris Regilski's comments on the earlier grading plan. The attached grading plan addresses the following two comments provided by Chris:

Provide a berm or swale to direct any runoff away from the canal at the base of constructed slopes adjacent the canal. **Response: A shallow swale has been added to the base of the slope.**

- The constructed, south, lower slope is at 1.5H:1V rather than the Code prescribed 2H:1V. While this slope should be stable according to the calculations, it would be preferable, if feasible, to construct it at 2H:1V. **Response: The lower slope has been regraded to 2:1.**

Please forward this updated grading plan to Chris as required..

Paul Harmsen, P.E.
Project Manager

MacKay & Sposito, Inc.

7601 W Clearwater Ave., Suite 405
Kennewick, WA 99336
ph. 509-619-7088
fax 509-374-4267
www.mackaysposito.com

On Wed, May 16, 2012 at 10:00 AM, Mike Black <mike@columbiaengineers.com> wrote:

From: Mike Black [mailto:mike@columbiaengineers.com]
Sent: Tuesday, May 15, 2012 2:58 PM
To: 'Charles Freeman'
Cc: Derrick Smith (dsmith@mackaysposito.com); Ed Everaert (eeveraert@kid.org)
Subject: RE: Thompson Hill

Mr. Freeman:

We were aware of the content of the reply and I have discussed our response with Derrick and Chris. Please find the attachment that will contain a submittal of plans by McKay and Sposito.

ke

From: Charles Freeman [<mailto:CFreeman@kid.org>]
Sent: Tuesday, May 15, 2012 1:59 PM
To: 'Derrick Smith'
Cc: 'Mike Black'; Ed Everaert
Subject: FW: Thompson Hill

FYI..... Just received. We await your re-submittal.

Charles Freeman
District Manager
Kennewick Irrigation District

www.kid.org

From: Ed Everaert
Sent: Tuesday, May 15, 2012 12:25 PM
To: Charles Freeman; Jason McShane; Ben Woodard; Scott Revell
Subject: FW: Thompson Hill

FYI

From: Regilski, Christopher R [<mailto:cregilski@usbr.gov>]
Sent: Tuesday, May 15, 2012 11:23 AM
To: Ed Everaert
Subject: RE: Thompson Hill

Hello Ed:

Here is the letter regarding the Southcliffe subdivision geotechnical review and Mike Black' e-mail. Please call me if you have any questions?

Sincerely,

Chris

From: Ed Everaert [<mailto:EEveraert@kid.org>]
Sent: Friday, May 11, 2012 2:40 PM
To: Regilski, Christopher R
Cc: Charles Freeman
Subject: FW: Thompson Hill

Chris:

Per our discussion regarding the Southcliffe subdivision geotechnical review and Mike Black' e-mail below, please inform me of when you think KID will receive a letter from the USBR with your review comments.

Best Regards,

ED

From: Mike Black [<mailto:mike@columbiaengineers.com>]
Sent: Friday, May 11, 2012 11:26 AM
To: Regilski, Christopher R
Cc: Milo Bauder; Derrick Smith; Ed Everaert
Subject: Thompson Hill

Chris:

To memorialize our conversation of yesterday, please note the following agreements:

The slopes are stable within a reasonable degree of engineering certainty.

- The slopes are erodible and require hydroseeding within a reasonable amount of time (say 2 weeks) after construction.
- Provide a berm or swale to direct any runoff away from the canal at the base of constructed slopes adjacent the canal.
- The constructed, south, lower slope is at 1.5H:1V rather than the Code prescribed 2H:1V. While this slope should be stable according the calculations, it would be preferable, if feasible, to construct it at 2H:1V.

Thank you for your review and input Chris.

Michael Black, P.E., Vice President

Columbia Engineers

[\(509\)572-2043](tel:(509)572-2043)

P.O. Box 4249

West Richland, WA 99354

RCW 58.17.310**Application for approval of plat within irrigation district — Approval without provision for irrigation prohibited.**

(1) Whenever a city, town, or county receives an application for the approval of a plat of a subdivision that lies in whole or in part in an irrigation district organized pursuant to chapter 87.03 RCW, the responsible administrator shall give written notice of the application, including a legal description of the short subdivision and a location map, to the irrigation district. The irrigation district shall, after receiving the notice, submit to the responsible administrator who furnished the notice a statement with any information or conditions for approval that the irrigation district deems to be necessary regarding the proposed division's effect upon the structural integrity, including lateral support, of the irrigation district facilities, other risk exposures, and the safety of the public and irrigation district.

(2) In addition to any other requirements imposed by the provisions of this chapter, the legislative authority of any city, town, or county shall not approve a short plat or final plat, as defined in RCW 58.17.020, for any subdivision, short subdivision, lot, tract, parcel, or site which lies in whole or in part in an irrigation district organized pursuant to chapter 87.03 RCW unless there has been provided an irrigation water right-of-way for each parcel of land in such district. In addition, if the subdivision, short subdivision, lot, tract, parcel, or site lies within land within the district classified as irrigable, completed irrigation water distribution facilities for such land may be required by the irrigation district by resolution, bylaw, or rule of general applicability as a condition for approval of the short plat or final plat by the legislative authority of the city, town, or county. Rights-of-way shall be evidenced by the respective plats submitted for final approval to the appropriate legislative authority. In addition, if the subdivision, short subdivision, lot, tract, parcel, or site to be platted is wholly or partially within an irrigation district of two hundred thousand acres or more and has been previously platted by the United States bureau of reclamation as a farm unit in the district, the legislative authority shall not approve for such land a short plat or final plat as defined in RCW 58.17.020 without the approval of the irrigation district and the administrator or manager of the project of the bureau of reclamation, or its successor agency, within which that district lies. Compliance with the requirements of this section together with all other applicable provisions of this chapter shall be a prerequisite, within the expressed purpose of this chapter, to any sale, lease, or development of land in this state.

[2009 c 145 § 1; 1990 c 194 § 1; 1986 c 39 § 1; 1985 c 160 § 1; 1973 c 150 § 2.]