



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

**FINDINGS, CONCLUSIONS AND
DECISION APPROVING
PRELIMINARY PLAT OF FALCONRIDGE**

FILE NUMBER: S2020-101

APPLICANT: BAUDER HOMES LLC

APPLICATION: TO SUBDIVIDE 19.56-ACRES INTO 27 SINGLE FAMILY RESIDENTIAL LOTS AND ONE TRACT, WITH ASSOCIATED INFRASTRUCTURE IMPROVEMENTS, REQUIREMENTS TO PAY APPLICABLE IMPACT FEES, AND OTHER CONDITIONS REQUIRED BY APPLICABLE DEVELOPMENT REGULATIONS

LOCATION: ATOP LITTLE BADGER MOUNTAIN, SOUTH/SOUTHEAST OF THE INTERSECTION OF MORENCY DRIVE AND FALCONCREST LOOP, ADJACENT TO THE 2012 PLAT OF FALCONCREST PHASE I.

PARCEL NUMBERS: BENTON COUNTY ASSESSOR PARCEL NOS. 135983000001048, 135983013342007 AND 135983013341006.

REVIEW PROCESS: TYPE III, PRELIMINARY PLAT,
HEARING EXAMINER DECISION

SUMMARY OF RECOMMENDATION: *APPROVE*, SUBJECT TO CONDITIONS

DATE OF RECOMMENDATION: JUNE 12, 2020

I. PROJECT DESCRIPTION AND SUMMARY of PROCEEDINGS.

Bauder Homes LLC, as the project applicant and owner of the property at issue in this matter, submitted the underlying application to subdivide its property on or about January 22, 2020. (*Exhibit 1, Preliminary Plat Application; Staff Report, page 8*).

The proposed subdivision would divide approximately 19.5-acres into a development site with 27 single family residential lots and one tract, to be known as the Falconridge Preliminary Plat. The proposed plat will be served by City utilities, include new public street extensions and improvements serving the site, and comply with city development regulations mandating curbs, gutter and sidewalks on most public rights-of-way. (*Staff Report, pages 8, 9, Exhibit 2, Preliminary Plat Site Plan; Ex. 1, application*).

Sitting atop a portion of “Little Badger Mountain”, the proposed plat site and surrounding area is mostly vacant, except for homes recently constructed on Falconcrest Loop and one on an abutting lot on Morency Drive. The Staff Report summarizes a complicated and confusing sequence of applications for previous development projects that included or abut portions of the land now part this current preliminary plat application. (*Staff Report, page 3*). On page 10, the Staff Report also notes that the Westcliffe Heights plat, to the south, is now under development and will include construction of Legacy Lane and an extension of Morency Drive to intersect with Legacy Lane, which will likely serve as the preferred access option for future residents who choose to use the hill on Queensgate Drive for a more direct route than meandering through the Crested Hills neighborhood on the narrow segment of Morency Drive running through that area. Based on numerous site visits to the area and having conducted the public hearing process and issued the Recommendation leading to approval of the Westcliffe Heights Plat several years ago, the Examiner concurs with this assumption regarding the most likely access route to be used by future residents of this proposed Falconridge plat.

SEPA Compliance.

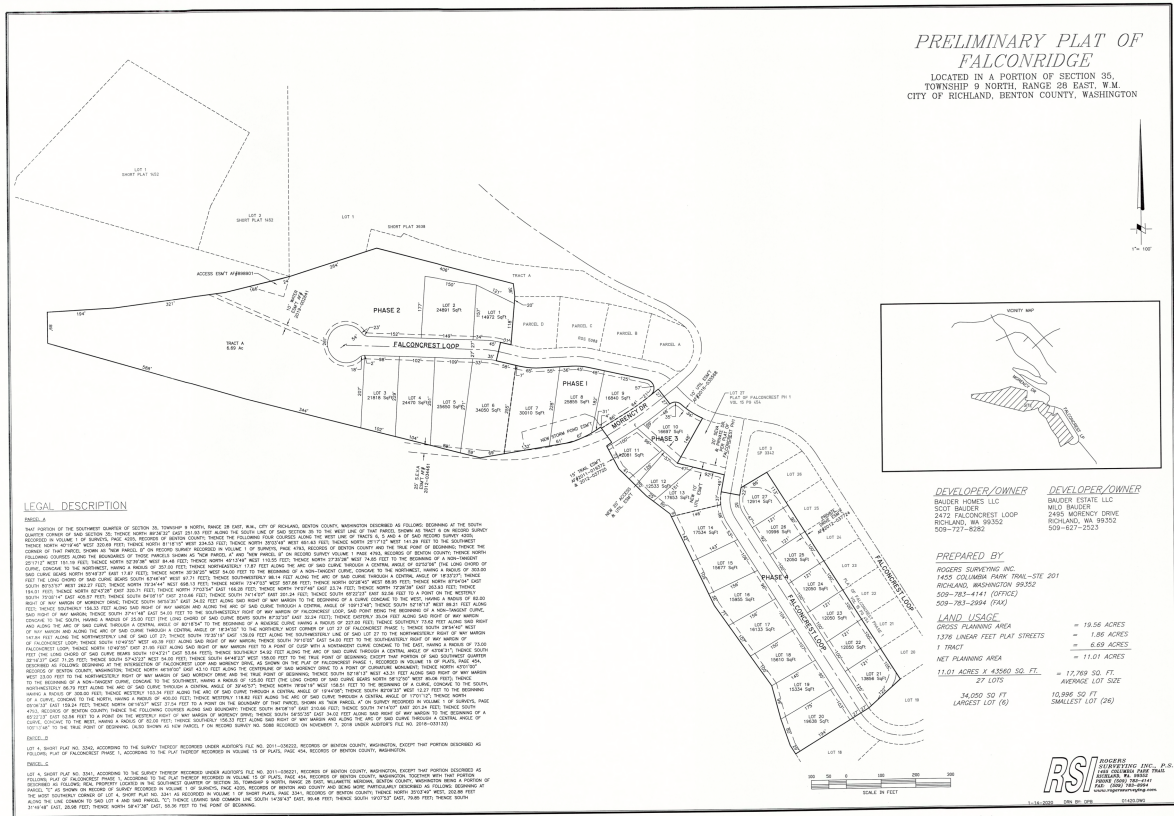
Exhibit 5 is the Environmental Checklist submitted by the applicant for project and *Exhibit 6* is the City’s Determination of Non-Significance (DNS) issued on March 26, 2020. No one submitted comments regarding the DNS. The record includes a letter from a Habitat Biologist with the Washington Department of Fish and Wildlife, confirming that the project does not threaten priority habitat or species. (*Ex. 11*). No one appealed the SEPA threshold determination issued for the project. (*See WAC 197-11-545, re: failure to provide timely comment is construed as lack of objection to environmental analysis*). With such documentation and process, the pending application satisfied applicable SEPA review requirements, and stands unchallenged for purposes of this Decision.

Public Hearing.

The open-record public hearing for the application occurred on May 11, 2020, wherein the undersigned Examiner presided, and all persons wishing to provide comments were heard, providing testimony under oath. City staff, Applicant representatives and interested citizens

appeared at the hearing or submitted written comments regarding the proposed plat. The Examiner is familiar with the site conditions and those of the surrounding area, having visited the site of the proposed project, and public roads leading to and from the vicinity of the proposed plat, on multiple occasions in the past few years in connection with other development projects in the same area.

For the reader's convenience, a copy of the proposed Falconridge preliminary plat (Ex. 2) is provided below:



II. CONTENTS OF RECORD.

Exhibits: Staff Report. City of Richland Development Services Division Staff Report and recommendation of approval to the Hearing Examiner regarding “Falconridge” Preliminary Plat, File No. S2020-101, dated May 11, 2020;

1. Application;
2. Preliminary Plat site plan;
3. Site photos;
4. Public Notice and records confirming same;
5. SEPA Environmental Checklist;
6. SEPA Determination of Non-Significance issued for the proposal;
7. Agency comments;
8. Geotech report (current) for the Falconridge project, by Affordable Geotechnical Services, dated Jan. 22, 2020;
9. Geotech report (old), by Intermountain Materials Testing & Geological, for the Falconcrest project, dated Oct. 12, 2012;
10. Falconcrest Phase I, Final Plat recorded on Dec. 12, 2012, with as-built drawings;
11. Letter from DFW, confirming no issues regarding priority habitats and species;
12. Short Plat No. 3553;
13. Email message sent on the day of the public hearing, May 11, 2020, to city staff from the applicant’s engineer, Mr. Spink, requesting changes to proposed condition no. 18, regarding the private 20-foot easement as possible access for lots 21-27.

On the record during the public hearing, the Examiner held the record open through May 22nd, to allow for additional discussion between the applicant and city staff, and potential comment on issues raised in the public hearing. Only one item was received during this time period, included as Ex. 14.

14. Post-hearing email message from Mr. Spink to city staff, forwarded to the Examiner on May 14th, withdrawing applicant’s request for changes to proposed condition 18, reading in relevant part as follows: *“I had some conversations with my clients throughout the day and we have decided to accept condition #18 as written”*.

Testimony/Comments: The following persons were sworn and provided testimony under oath at the open-record hearing:

1. Shane O’Neill, Senior Planner, for the City of Richland; and

2. Steve Spink, PE, project engineer for the project, served as the applicant's primary representative during the public hearing; and
3. Mike Stevens, Planning Manager, for the City of Richland.

III. APPLICABLE LAW.

This application for preliminary plat approval was filed and vested under City of Richland development regulations in effect as of January 22, 2020. Amendments to the city's plat review process included in Ordinance No. 51-19 took effect on, and apply to applications filed after, November 11, 2019. (*Ord. No. 51-19, Sec. 11, and publication date noted on page 9, explaining effective date as the day following publication, which occurred on Nov. 10, 2019*). While the final decision-maker in the process changed, the substantive approval criteria remain unchanged. So, under applicable provisions of the Richland Municipal Code (RMC), this preliminary plat¹ application is first subject to review and approval by city staff with respect to the engineering elements of said plat, then the Hearing Examiner is responsible for conducting an open record public hearing followed by a written Decision. A preliminary plat application is a Type III procedure. RMC 19.20.010(C)(1).

As explained in RMC 24.12.050(A), the hearing examiner shall consider any preliminary plat application and shall conduct an open record public hearing in accordance with Chapter 19.60 RMC. After the public hearing and review of materials in the record, the hearing examiner shall determine whether the preliminary plat is in accordance with the comprehensive plan and other applicable code requirements and shall either make a decision of approval or disapproval. The same provision of the city's code (RMC 24.12.050(A)) provides that any approval of the preliminary plat shall not be given by the hearing examiner without the prior review and approval of the city manager or her designee with respect to the engineering elements of said plat including the following:

1. Adequacy of proposed street, alley, right-of-way, easement, lighting, fire protection, drainage, and utility provisions;
2. Adequacy and accuracy of land survey data;
3. The submittal by the applicant of a plan for the construction of a system of street lights within the area proposed for platting, including a timetable for installation; provided, that in no event shall such a plan be approved that provides for the dedication of such a system of lighting to the city later than the occupancy of any of the dwellings within the subdivision.

The City's decision criteria for preliminary plat approval are substantially similar to state subdivision mandates found in RCW 58.17.110(2)² and reads as follows:

¹ In this Decision and exhibits included in the Record, preliminary plat and preliminary subdivision mean the same thing, and use of one term should be read to apply to the other to the extent anyone views the terms to have distinct meanings, which for the purposes of this Decision, they do not.

² "A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other

Richland Municipal Code 24.12.053 Preliminary plat – Required findings.

The hearing examiner shall not approve any preliminary plat application, unless the approval is accompanied by written findings that:

A. The preliminary plat conforms to the requirements of this title;

B. Appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;

C. The public use and interest will be served by the platting of such subdivision and dedication; and

D. The application is consistent with the requirements of RMC 19.60.095 (addresses transportation concurrency considerations).

And RMC 19.60.095 mandates the following additional findings:

19.60.095 Required findings.

No development application for a Type II or Type III permit shall be approved by the city of Richland unless the decision to approve the permit application is supported by the following findings and conclusions:

A. The development application is consistent with the adopted comprehensive plan and meets the requirements and intent of the Richland Municipal Code.

B. Impacts of the development have been appropriately identified and mitigated under Chapter 22.09 RMC.

C. The development application is beneficial to the public health, safety and welfare and is in the public interest.

D. The development does not lower the level of service of transportation facilities below the level of service D, as identified in the comprehensive plan; provided, that if a development application is projected to decrease the level of service lower than level of service D, the development may still be approved if improvements or strategies to raise the level of service above the minimum level of service are made concurrent with development. For the purposes of this section, “concurrent with development” means that required improvements or strategies are in place at the time of occupancy of the project, or a financial commitment is in place to complete the required improvements within six years of approval of the development.

E. Any conditions attached to a project approval are as a direct result of the impacts of the development proposal and are reasonably needed to mitigate the impacts of the development proposal.

The burden of proof rests with the applicant, and any decision to approve or deny a preliminary plat must be supported by evidence that is substantial when viewed in light of the whole record. RCW 36.70C.130(1)(c); and RMC 19.60.060. The application must be supported by proof that it conforms to the applicable elements of the city’s development regulations, comprehensive plan and that any significant adverse environmental impacts have been adequately addressed. RMC 19.60.060.

relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication. []” RCW 58.17.110(2).

The hearing examiner's decision regarding this preliminary plat application shall be final, subject to judicial appeal in the time and manner as provided in RMC 19.70.060 and Ch. 36.70C RCW (*The city's final decision on land use application may be appealed by a party of record with standing to file a land use petition in Benton County Superior Court. Such petition must be filed within 21 days of issuance of the decision*). See RMC 24.12.050(B).

IV. ISSUE PRESENTED.

Whether substantial evidence demonstrates that the applicant has satisfied its burden of proof to satisfy the criteria for preliminary plat approval?

Short Answer: Yes, subject to conditions, including compliance with all applicable city development standards.

Based on all the evidence, testimony, codes, policies, regulations, environmental documentation, and other information contained in the Record, the Examiner issues the following findings, conclusions and Decision approving the Falconridge Preliminary Plat as set forth below.

V. FINDINGS of FACT.

1. Any statements in previous or following sections of this document that are deemed findings are hereby adopted as such, including without limitation the project description and summary of proceedings.
2. The Examiner has visited the road network and vicinity of the proposed plat on multiple occasions over the past few years in connection with other applications, and is fully advised on matters at issue herein, including without limitation adjacent developments and land uses, applicable law, application materials, and relevant comprehensive plan provisions.
3. The Staff Report and recommendation of approval includes a number of specific findings and conditions that establish how the underlying plat application, as conditioned, satisfies provisions of applicable law, is consistent with the city's Comprehensive Plan, and is designed or conditioned to comply with applicable development standards and guidelines.

Public hearing testimony and post-hearing follow-up.

4. Only city staff and the applicant's project engineer asked to present testimony under oath at the duly noticed open record public hearing held on May 11, 2020. Given the ongoing limits placed on public gatherings due to the Covid-19 health emergency, the Examiner conducted the public hearing via online communication means, coordinated by city staff, which included video images of most participants and several exhibits, with some people speaking by telephone.

5. At the hearing, Mr. O'Neill summarized his Staff Report and recommendation of approval for the proposed plat. He emphasized that the new Legacy Lane, which is being developed as part of the Westcliffe Heights plat now under construction, will likely serve as the primary access/egress route for future residents in the proposed new plat. He acknowledged that the applicant questions proposed condition no. 18, which would require compliance with city standards for any road used to provide primary access to homes on lots 21-27.
6. The applicant would prefer to simply use an existing 20-foot wide private drive easement that now serves some existing homes in the neighboring Falconcrest Phase 1 subdivision. (*Testimony of Mr. Spink*). But, as the Staff Report and city witnesses explained at the public hearing, City subdivision codes (and Fire codes) require that access roads in subdivisions should be developed to appropriate widths with curb, gutter and sidewalk installed along lot frontages. (*Staff Report, page 23, proposed condition no. 18; Testimony of Mr. Stevens and Mr. O'Neill*). Further, Mr. Stevens generally explained that Fire officials believe the applicant's suggestion to access the new homes essentially using a narrow private alley with no access readily available from a wider public street is not consistent with city codes.
7. The applicant's project engineer, Mr. Spink, requested flexibility regarding use of the private 20-foot easement that already serves at least seven lots developed as part of a neighboring project. He reasoned that somehow, the city had already approved an earlier project that uses the narrow easement to access homes.
8. The Examiner followed-up to see if any previous subdivision approval has occurred in the surrounding area that would have any binding effect on this application to authorize use of the narrow 20-foot private easement to access new homes to be built on lots 21-27 of the proposed Falconridge plat. There are none.
9. In fact, since the undersigned has served as the City's hearing examiner, multiple subdivision applications have been conditioned to require public streets, curbs, gutter and sidewalks, with adequate widths in order to achieve compliance and consistency with existing city development standards. This project is no different, and the application did not include any request for a Deviation from otherwise applicable city standards. Even if it did, facts in the record demonstrate how site conditions on the property do not warrant approval of any deviation from city standards. Requiring this project to comply with city street development and access standards is reasonable, mandated by city codes, and is fully capable of accomplishment.
10. The Examiner provided the applicant with additional time to offer comments regarding the private easement access issue, holding the record open through May 22nd. The applicant submitted a post-hearing email to city staff, forwarded to the Examiner on May 14th, which reads in relevant part as follows: "*I had some conversations with my clients throughout the day and we have decided to accept condition #18 as written*". (*Ex. 14*).

11. Having reviewed applicable city codes and the hearing record, the Examiner has modified proposed conditions 18 and 19 to satisfy existing city subdivision requirements and development regulations. Without these conditions as revised below, the proposed plat would not be in the public interest.
12. Other than questioning the narrow private-easement issue as addressed above, the applicant did not object to the analysis or proposed conditions included in the Staff Report.

Irrigation.

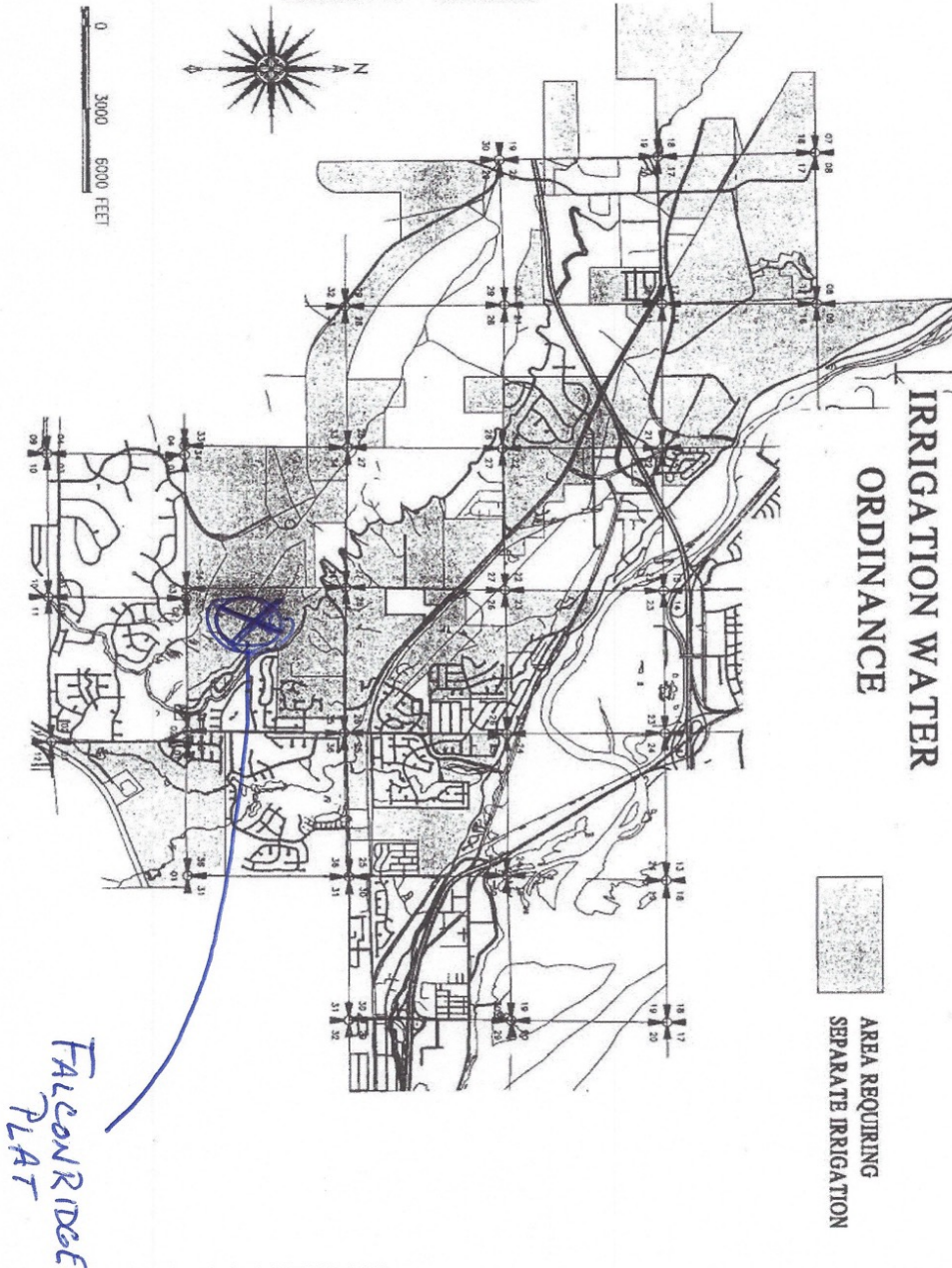
13. The Staff Report, at page 9, explains that the proposed plat is located outside the boundaries for both the Badger Mountain Irrigation District and the Kennewick Irrigation District, and appears to suggest that the City's domestic water supply might be used for irrigation purposes in the new plat. However, RMC 18.16.080³ expressly prohibits use of city water supplies for irrigation purposes in a large portion of the city that is located south of the Yakima River, where this plat is located, with very limited exceptions.
14. There is no dispute that the proposed Falconridge plat lies within the designated "Area Requiring Separate Irrigation" as shown on the map included as part of the city's code, at RMC 18.16.080, Exhibit A. The Falconridge site is shaded on the map, located west and uphill from a triangular shaped golf course segment shown in white that is not shaded, generally formed by Leslie Road on the East, Hillview Drive on the south running at a southeast to northwest angle, and High Meadows Street on the north. For the reader's convenience, a marked copy of the "Irrigation Water Ordinance" map at issue is attached below, with an "X" showing the area where the Falconridge site is located.

³ ***RMC 18.16.080 Use for irrigation purposes restricted – Penalties.***

The furnishing of water service to residential users in the area indicated on the map titled Exhibit A that is attached to the ordinance codified in this section is for domestic, culinary and irrigation use only and it is unlawful for the owner or occupant of any premises supplied with city water service outside these areas of Richland south of the Yakima River to use any water supplied by the city for any automatic water sprinkling or irrigation system; and it is further unlawful in such area for any person to make any connection to the water service line between the water meter and the residence served.

Single-family residential lots containing less than 1,000 square feet of pervious area, and located on ground sloped at greater than six percent, or property zoned for commercial uses, are exempted from the above paragraph. [...]

EXHIBIT A - 18.16.080



[Ord. 96-79; Ord. 35-03; Ord. 02-08; Ord. 06-10 § 1.34].

15. The Staff Report indicates that some sort of “de facto” exemption may have been provided by the Public Works Department, but there is no evidence in the record that future lot development will occur in a manner that complies with the current code language, and there is no language in the code delegating authority to Public Works officials to issue any “de facto” exemption to irrigation service restrictions included in the City’s municipal code.
16. The exemption allowing for use of city water for irrigation purposes in the area located south of the Yakima River only applies to “*single-family residential lots containing less than 1,000 square feet of pervious area, and located on ground sloped at greater than six percent, or property zoned for commercial uses*”. See RMC 18.16.080. This exemption for single family lots requires both conditions to be satisfied – exempt lots must contain less than 1,000 sq.ft. of pervious area AND be located on ground sloped greater than six percent.
17. There is no evidence in the record to establish that the plat has been, can be, or should be designed and constructed with lots that contain both less than 1,000 square feet of pervious area, meaning the rest of each lot would be covered with impervious area that would generate stormwater runoff requiring collection and on-site treatment. This would be especially problematic in this plat, where lot sizes range from about 11,000 to just over 34,000 square feet. Such a condition would be in direct conflict with updated stormwater management codes and policies in the city and throughout the state of Washington that seek to minimize stormwater runoff, largely by reducing impervious surface areas to the greatest extent possible, and requiring effective stormwater collection, management, and treatment.
18. Further, not every lot in the proposed plat needs to be graded and constructed with greater than a six percent slope, and the entire plat is essentially located atop the crest of Little Badger Mountain – meaning that stormwater management is critical for this project to prevent the potential for harmful runoff on downhill properties.
19. Given these facts, there is no support for any condition of approval that would allow the plat to go forward with a design created for the purpose of satisfying the exemption language now found in RMC 18.16.080. Simply put, any plat with lots featuring 9,000 to 33,000 square feet of new impervious surface area on each lot would most likely generate far too much stormwater runoff and other adverse environmental impacts, none of which would be in the public interest.
20. Therefore, unless the map included as part of RMC 18.16.080 is amended at some point to exclude the property included in the Falconridge plat, or language is amended in some other way to allow for use of city water for irrigation purposes in the new plat, the plat must be conditioned so that prior to final plat approval, the plat obtains irrigation water from a lawful provider other than the City of Richland, perhaps via annexation into one of the irrigation districts in the area – or is developed in a manner that includes no irrigation water service at all and prevents use of city potable water supplies for irrigation purposes. See *Condition of Approval, No. 31A*.

No public comments.

21. No neighboring property owners or residents submitted written comments before the public hearing, or after, as the record was held open through May 22nd and the hearing video was posted on the city's website for review by interested parties.

How the application, with conditions, satisfies applicable city codes and policies.

22. With just 27 lots proposed on a 19.56-acre site, the Staff Report explains that the application is well-within the density limits for the site, which is designated for low-density residential development in the Comprehensive Plan (0-5 units per acre) and located in the City's R-1-10 Single Family Residential zone. The net residential density for the Falconridge plat would be 2.4 dwelling units per acre. (*Staff Report, pages 5 and 7*).
23. The Staff Report explains that City utility services, like potable water, sanitary sewer, and electricity, are readily accessible and available to serve the proposed new plat. (*Staff Report, pages 8 – 12*).
24. RCW 58.17.110(2) expressly mandates that a city "shall approve" a proposed subdivision that makes appropriate provisions for various factors, all addressed in the city's approval criteria set forth in RMC 24.04. The Staff Report, testimony at the public hearing, and written materials included in the Record, all establish that the proposed application, as conditioned, makes appropriate provisions for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.

Compliance with city development regulations achieves consistency with the Comprehensive Plan

25. RMC 24.04.020 explains that the purpose of the City's platting and subdivision codes is "*in furtherance of the comprehensive plan of the city*" and that such regulations contained in the city's platting and subdivision codes "*are necessary for the protection and preservation of the public health, safety, morals and the general welfare, and are designed, among other things, to encourage the most appropriate use of land throughout the municipality; to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote the coordinated development of unbuilt areas; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; and to facilitate the adequate provision of transportation, water, sewerage and other public uses and requirements.*" The effect of this provision boils down to this: compliance with the City's Comprehensive Plan can be established, or at least partially established, through compliance with the city's platting and subdivision regulations found in Title 24 of the Richland Municipal Code. In

this matter, substantial evidence in the record establishes compliance by the proposed plat (as conditioned herein) with the city’s land platting regulations that are applicable to this project, thus implementing and complying with the City’s Comprehensive Plan. (*See Staff Report, all Findings*).

26. The applicant’s proposed plat design, including without limitation the new internal streets and additional connections they will make with existing local streets and trails in the area, as conditioned by professional city engineers and planners tasked with responsibility to ensure compliance with applicable city codes and policies, merits approval.

Proposed plat will provide public benefits

27. The applicant’s submittals and the Staff Report establish that some aspects of the new subdivision will provide a public benefit, including without limitation, new housing inventory and options fulfilling the city’s goals and policies set forth in the Comprehensive Plan, open space, new road connections and extensions, sidewalks, new trail segments, an attractive street system to serve the new plat as well as adjacent residents, and other features that will serve to promote health benefits of a walkable, appropriately connected, pedestrian-friendly community.
28. Except as modified in this Recommendation, all Findings, and statements of fact contained in the Staff Report, are incorporated herein by reference as Findings of the undersigned-hearing examiner.⁴

Substantial evidence demonstrates the proposed project, as conditioned, satisfies approval criteria.

29. The record contains substantial evidence to demonstrate that, as conditioned, the proposed plat makes appropriate provisions for:
 - A. The public health, safety, and general welfare: *See Staff Report, including without limitation the Analysis provided on pages 14 and 15, and proposed findings on pages 15-17.*
 - B. Open Spaces: *See Staff Report, pages 13, 14, discussion in item H below, plat design including trail improvements, and condition of approval no. 57, requiring applicant to construct a minimum of 4-foot wide soft surface trail within a trail corridor easement.*
 - C. Drainage Ways: *the project will be consistent with all applicable standards for stormwater system design, including without limitation the Department of Ecology Stormwater Management Manuel for Eastern Washington. The new plat is designed to provide on-site stormwater management and detention. Consistent with City*

⁴ For purposes of brevity, only certain Findings from the Department’s Recommendation are highlighted for discussion in this Decision, and others are summarized, but any mention or omission of particular findings should not be viewed to diminish their full meaning and effect, except as modified herein.

development standards, the plat will be connected to the City's sanitary sewer system, which the applicant must extend into the project. See Staff Report, page 14; Storm Water conditions of approval 34-43; Sanitary Sewer conditions 32, 33.

- D. Streets or roads, alleys, other public ways: *the proposed plat has been reviewed by the City for compliance with applicable street system design requirements, and, subject to compliance with specific conditions of approval, can be consistent with all applicable city standards for city roads, streets, driveways, access, circulation, transportation concurrency and the like. Staff Report, proposed findings regarding transportation issues; Conditions of approval 16-28.*
- E. Transit stops: *To the extent transit stops are or may be located nearby to serve residents of the proposed plat, or Richland residents generally, the subdivision design, access and internal circulation patterns, as conditioned, are appropriate to allow for pedestrians and vehicles to access arterials and other routes that could direct users to existing or future transit stops and facilities. The proposed plat is within the Ben Franklin Transit service area, which provides service along Keene Road and Gage Boulevard, approximately 3.5 miles to the east of the new plat. Staff Report, page 13.*
- F. Potable water supplies: *The new subdivision will receive its domestic water supply from the City of Richland. Staff confirms that adequate capacity is available within the city's water supply system to provide domestic water service to the new plat, with extensions into the new plat used to provide service. (Staff Report, page 9). Condition of approval no. 30 will require the developer to demonstrate that all phases are capable of delivering adequate fire flows prior to construction plans being accepted for review. This may require looping of the watermain from off-site locations or oversizing of the main where needed. As discussed above, RMC 18.16.080 expressly prohibits use of city water supplies for irrigation purposes in areas of the city located south of the Yakima River, where this plat is located, with very limited exceptions. Accordingly, the Examiner has added an additional condition of approval to ensure that the new plat is developed in a manner that fully complies with applicable city codes, including without limitation RMC 18.16.080. See Condition of Approval No. 31A.*
- G. Sanitary systems: *The City's sewer system has capacity and adjacent infrastructure capable of serving the proposed plat and will do so. Extension of the sewer main from adjacent properties will be required. And, given that the site is at one of the highest elevations in the City, the gravity-fed aspects of the city's sewer system will not require any special infrastructure frequently needed in other areas, like lift stations and force-mains. Staff Report, at page 9; Sanitary Sewer conditions 32 and 33.*
- H. Parks and recreation, playgrounds, schools: *Crested Hills Park is a public 5.8-acre neighborhood park located downhill from the proposed plat. The Staff Report explains that there are adequate nearby parks to satisfy city park standards. Park impact fees will be imposed and collected when each building permit for a new home is issued. See Staff Report, page 11. The plat is located in the Richland School District. The School*

District did not provide any comments after receiving city notice regarding the project. Staff Report, page 11.

- I. Planning features to assure safe walking conditions for students: *See street network, road design, sidewalks and improved trail segments proposed for the plat. Conditions of approval require new sidewalks through most if not all of the new plat.*

25. Based on all evidence, exhibits and testimony in the record, the undersigned Examiner specifically finds that the proposed plat, as conditioned below, makes appropriate provisions for the considerations detailed in applicable law, including without limitation RMC 24.12.050, .053, and 19.60.095, and that the public use and interest will be served by the proposed plat and associated dedications and improvements.

VI. CONCLUSIONS of LAW.

1. Based on the Findings as summarized above, the undersigned examiner concludes that the proposed plat, as conditioned below, conforms to all applicable zoning and land use requirements and appropriately mitigates adverse environmental impacts. Upon reaching such findings and conclusions as noted above, the preliminary plat meets the standards necessary to obtain approval by the City.
2. The conditions of approval imposed as part of this Decision are reasonable, supported by the evidence, and capable of accomplishment.
3. Any Finding or other statements in previous or following sections of this document that are deemed Conclusions are hereby adopted as such.

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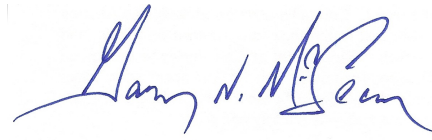
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VII. DECISION.

Based upon the preceding Findings of Fact and Conclusions of Law, evidence presented through the course of the open record hearing, all materials contained in the contents of the record, and the Examiner's site visit, **the undersigned Examiner APPROVES the "Falconridge" Preliminary Plat** application, subject to the following Conditions of Approval.

Recommendation issued: June 12, 2020.

A handwritten signature in blue ink, appearing to read "Gary N. McLean". The signature is fluid and cursive, with the first name "Gary" being the most prominent.

Gary N. McLean
Hearing Examiner for the City of Richland

**CONDITIONS OF APPROVAL
FALCONRIDGE PRELIMINARY PLAT
FILE NO. S2020-101**

General Conditions:

- A. Development of the plat shall be substantially consistent with drawings provided in the Preliminary Plat Survey plans (Ex. 2) and application materials, subject to modifications necessary to comply with these conditions of approval.
- B. Preliminary Plat approval shall be null and void if any condition enumerated herein is not satisfied.
- C. No construction or site development activities related to the plat may be undertaken until required city approvals become effective, and the City and other regulatory authorities with jurisdiction issue applicable permits.
- D. The applicant shall comply with all professional report conclusions and recommendations submitted in connection with the preliminary plat and engineering reviews, as approved and/or amended by the City.
- E. Applicant shall be responsible for consulting with state and federal agencies, and tribal entities with jurisdiction (if any) for applicable permit or other regulatory requirements. Approval of a preliminary plat does not limit the applicant's responsibility to obtain any required permit, license or approval from a state, federal, or other regulatory body. Any conditions of regulatory agency permits/licenses/approvals shall be considered conditions for this project.
- F. The final engineering plans and submittals necessary to obtain final approvals for each phase of the plat shall conform to all applicable provisions of the Richland Municipal Code and the Conditions of Approval herein.
- G. The preliminary plat shall comply with all applicable provisions of the Richland Municipal Code, whether or not such provisions are enumerated or referenced in the approved preliminary plat plans, in the staff report or in this Decision. The burden is on the applicant to show compliance with applicable provisions of the City's code and these conditions at every stage of development.

Public Works:

- 1. All final, approved plans for public improvements shall be submitted prior to pre-con on a 24" x 36" hardcopy format and also electronically in [.dwg] format compatible with the City's standard CAD software. Addendums are not allowed, all information shall be supplied in full size (and electronic) format. Electronic copies of the construction plans are required prior to the pre-con meeting along with the multiple sets of paper drawings. When construction of the public infrastructure has been substantially completed, the applicant shall provide paper and electronic record drawings in accordance with the City's "Record Drawing Requirements". The electronic record drawings shall be submitted in an AutoCAD format compatible with the City's standard CAD software. The final record drawings shall be submitted and approved by the City before the final punchlist inspection will be performed. All final punchlist items shall be completed or financially guaranteed prior to recording of the final plat.

2. Any and all necessary permits that may be required by jurisdictional entities outside of the City of Richland shall be the responsibility of the developer to obtain.
3. A copy of the construction drawings shall be submitted for review to the appropriate jurisdictions by the developer and his engineer. All required comments / conditions from all appropriate reviewing jurisdictions (e.g.: Benton County, any appropriate irrigation districts, other utilities, etc.) shall be incorporated into one comprehensive set of drawings and resubmitted (if necessary) for final permit review and issuance.
4. Any work within the public right-of-way or easements or involving public infrastructure will require the applicant to obtain a right-of-way construction permit prior to beginning work, per RMC Chapter 12.08. The applicant shall pay a plan review fee based on a cost-per-sheet of engineering infrastructure plans. This public infrastructure plan review fee shall apply each time a project is submitted for review. This fee will be different for commercial projects versus subdivision projects. Please visit the Public Works Private Development page on the City's webpage to find the current per-sheet fee. A permit fee in the amount equal to 3% of the construction costs of the work within the right-of-way or easement will be collected at the time the construction permit is issued. A stamped, itemized Engineers estimate (Opinion of probable cost) and a copy of the material submittals shall be submitted along with the approved plan submittal.
5. Public utility infrastructure located on private property will require recording of a City standard form easement prior to acceptance of the infrastructure and release of the final plat. The City requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of plat acceptance. Once received, the City will prepare the easement document and provide it to the developer. The developer shall record the easement at the Benton County Assessor and return a recorded original document to the City prior to application for plat acceptance.
6. A pre-construction conference will be required prior to the start of any work within the public right-of-way or easement. Contact the Public Works Engineering Division at 942-7500 to schedule a pre-construction conference.
7. Site plan drawings which involve the construction of public infrastructure shall be drawn on a standard 24" x 36" drawing format to a scale which shall not be less than 1"=40'.
8. All plan sheets involving construction of public infrastructure shall have the stamp of a current Washington State licensed professional engineer.
9. All construction plan sheets shall include the note "CALL TWO WORKING DAYS BEFORE YOU DIG 1-800-424-5555 (or "811")." Or: <http://www.call811.com/>
10. A copy of the preliminary plat shall be supplied to the Post Office and all locations of future mailbox clusters approved prior to final platting.

Design Standards:

11. Public improvement design shall follow the following general format:

- A. All materials and workmanship shall be in conformance with the latest revision of the City of Richland Standard Specifications and Details, Public Infrastructure Design Guidelines, and the current edition of the State of Washington Standard Specifications for Road, Bridge, and Municipal Construction. Please confirm that you have the latest set of standard specs and details by visiting the City's web page.

- B. Waterlines shall be aligned on the south and east side of street centerlines.
- C. Sanitary sewer shall be aligned on the north and west side of street centerlines.
- D. Storm sewer shall be aligned on the south and east side of street centerlines.
- E. Any sewer or storm manholes that are installed outside of public Right of Way shall have an acceptable 12-foot wide gravel access road (minimum) provided from a public street for maintenance vehicles.
- F. 10-foot horizontal spacing shall be maintained between domestic water and sanitary sewer mainlines and service lines.
- G. Watermains larger than 8-inches in diameter shall be ductile iron.
- H. Watermains installed outside of the City Right of Way or in very rocky native material, shall be ductile iron and may need restrained joints.
- I. Fire hydrant location shall be reviewed and approved by the City Fire Marshal.
- J. Sewer mains over 15-feet deep shall be constructed out of SDR26 PVC or C900 PVC. The entire main from manhole to manhole shall be the same material.
- K. Water valves and manholes installed on private property shall be placed so as to avoid parked cars whenever feasible.
- L. All utilities shall be extended to the adjacent property (properties) at the time of construction.
- M. The minimum centerline finish grade shall be no less than 0.30 % and the maximum centerline finish grade shall be no more than 10.0 % for local streets. 12% can be allowed for local streets for short distances.
- N. The minimum centerline radius for local streets shall be 100-feet.
- O. Any filling of low areas that may be required within the public Right of Way shall be compacted to City standards.
- P. An overall, composite utility plan shall be included in the submitted plan set if the project is phased. This comprehensive utility plan benefits all departments and maintenance groups involved in the review and inspection of the project.
- Q. A detailed grading plan shall be included in the submitted plan set.
- R. For public utilities not located within public street rights-of-way the applicant shall provide maintenance access acceptable to the City and the applicant shall provide an exclusive 10-foot wide public utility easement (minimum) to be conveyed to the City of Richland.
- S. Final design of the public improvements shall be approved at the time of the City's issuance of a Right-of-way Construction Permit for the proposed construction.

T. All public improvements shall comply with the State of Washington and City of Richland requirements, standards and codes.

U. All cul-de-sacs shall have a minimum radius of 48-feet to the face of curb (57-foot ROW) to allow for adequate turning radius of fire trucks and solid waste collection vehicles.

V. Curb returns at minor intersections shall have a minimum radius of 25-feet. Curb returns at major intersections should have minimum radius of 30-feet but should be evaluated on a case by case basis.

W. All public streets shall meet design requirements for sight distance (horizontal, vertical and intersectional).

X. The final engineered construction plans shall identify locations for irrigation system, street lighting, gas service, power lines, telephone lines, cable television lines, street trees and mailboxes. All electrical appurtenances such as transformers, vaults, conduit routes, and street lights (including their circuit) need to be shown in the plan view.

Y. Construction plans shall reference all City of Richland standard details necessary to construct all public improvements which will be owned, operated, maintained by the City or used by the general public.

Z. The contractor shall be responsible for any and all public infrastructure construction deficiencies for a period of one year from the date of the letter of acceptance by the City of Richland.

12. If the project will be built in phases the applicant shall submit a master plan for the sanitary sewer, domestic water, storm drainage, electrical, street lighting and irrigation system for the entire project prior to submitting plans for the first phase to assure constructability of the entire project. This includes the location and size of any storm retention ponds that may be required to handle runoff.

13. If the City Fire Marshal requires a secondary emergency vehicle access, it shall be included in the construction plan set and be designed to the following standards:

- 2-inches compacted gravel, minimum (temp. SEVA only).
- 2% cross-slope, maximum.
- 5% slope, maximum. Any access road steeper than 5% shall be paved or be approved by the Fire Marshal.
- Be 20-feet in width.
- Have turning-radii accommodating those needed for City Fire apparatus.

14. Secondary emergency vehicles accesses (SEVA's) shall be 20-feet wide, as noted. Longer secondary accesses can be built to 12-feet wide with the approval of the City of Richland Fire Marshal, however turn-outs are required at a spacing acceptable to the Fire Dept. Temporary SEVA's shall be constructed with 2-inches of compacted gravel, at a minimum. Permanent SEVA's shall be paved with 2-inches of asphalt over 4-inches of gravel, at a minimum.

Survey Monument Destruction:

15. All permanent survey monuments existing on the project site shall be protected. If any monuments are destroyed by the proposed construction, the applicant shall retain a professional land surveyor to replace the monuments and file a copy of the record survey with the City.

- A. No survey monument shall be removed or destroyed (the physical disturbance or covering of a monument such that the survey point is no longer visible or readily accessible) before a permit is obtained from the Department of Natural Resources (DNR). WAC 332-120-030(2) states “It shall be the responsibility of the governmental agency or others performing construction work or other activity (including road or street resurfacing projects) to adequately search the records and the physical area of the proposed construction work or other activity for the purpose of locating and referencing any known or existing survey monuments.” (RCW 58.09.130).
- B. Any person, corporation, association, department, or subdivision of the state, county or municipality responsible for an activity that may cause a survey monument to be removed or destroyed shall be responsible for ensuring that the original survey point is perpetuated. (WAC 332-120- 030(2)).
- C. Survey monuments are those monuments marking local control points, geodetic control points, and land boundary survey corners. (WAC 332-120- 030(3)).

When a monument must be removed during an activity that might disturb or destroy it, a licensed Engineer or Land Surveyor must complete, sign, seal and the file a permit with the DNR.

It shall be the responsibility of the designing Engineer to identify the affected monuments on the project plans and include a construction note directing them to the DNR permit.

Traffic & Streets:

16. The “Falconridge” preliminary plat lies within zone 1 of the boundary of the South Richland Collector Street Financing Plan (RMC 12.03). This plat shall therefore be subject to the fees administered by the finance plan for any phase submitted for approval. Since this property is included within the Financing Plan boundaries, it is exempt from the SEPA-related traffic study requirement (TIA).

17. Morency Drive shall be constructed to City standards to the southernmost lot line of either Lot 11 in Phase 3 or Lot 9 in Phase 1 (whichever is the furthest south) at the time of phase 1 construction. The entire road section (curb, gutter, sidewalks and street lights) shall be built with the face of curb at 17-feet off of centerline. The end of this construction shall be perpendicular to the centerline of the road. A ten-foot public utility easement along the Morency Drive frontage shall be provided on the face of the final plat.

18. The existing “Private Drive Easement” roadway noted on the preliminary plat provides access to existing homes in Falconcrest Phase 1. This roadway was not constructed to a “city standard” at that time. If the intent of this road is to provide access to lots 21-27 then it shall be improved per Richland municipal code. This requires the roadway to be constructed 34-feet wide and curb, gutter and sidewalk to be installed along the lot frontages. If homes on lots 21-27 are developed in a manner such that the primary means of access for fire, police, mail, delivery couriers, and other services will be via what is shown as the “Private Drive Easement” and access to such homes will be impractical or not readily available from where the lots front upon the new road segment labeled as “Falconcrest Loop”, then the “Private Drive Easement”, including all associated curb, gutter, and sidewalk areas, must be dedicated as public right of way prior to final plat approval. Such requirement is in the public interest.

19. The 54-foot wide Falconcrest Loop right-of-way proposed in Phase 4 implies a double frontage roadway with driveways and accesses off of the NE side of such road for lots 21-27. If the “Private Drive Easement” area is dedicated as public right of way to serve as primary access to such lots as explained in the previous condition no. 18, then the Falconcrest Loop right-of- way abutting such lots may be reduced to a 40-foot ROW and become

a “single frontage” roadway, subject to compliance with applicable city development regulations and approval by the Public Works Director.

20. The cul-de-sac west of Morency is labeled as “Falconcrest Loop”. This name may need to be changed in order to comply with municipal code.

21. Sidewalks shall be installed along all public right-of-way frontages that building lots do not front on during construction of those phases (e.g., storm drainage ponds, parks, HOA tracts, etc.). The west end of the cul-de-sac (“Tract A”) will need sidewalk installed around it when phase 2 is constructed.

22. The developer and his engineer shall demonstrate on the construction plans that all future driveways, sidewalks and pedestrian ramps will meet City and ADA requirements, and also provide at least 5-feet of separation between driveway and/or pedestrian ramp transitions.

23. Pedestrian ramps shall be designed to current City standard details and A.D.A. guidelines. Adequate right-of-way shall be provided at corners to allow for at least 1-foot of ROW behind the ped. ramp landing. Crosswalks between pedestrian ramps shall be designed to City guidelines and A.D.A. guidelines. Crosswalks at stop-controlled intersections shall have cross-slopes less than 2%. Crosswalks crossing thru-streets shall have cross-slopes less than 5%. The road profile shall be designed to accommodate this.

24. All proposed right-of-ways that are narrower than 54-feet shall have parking restricted, as per City standards.

25. Any roads narrower than 34-feet shall have parking restricted on one side, and any roads 27-feet or narrower shall have parking restricted on both sides. Street signs indicating restricted parking shall be installed prior to final platting at the developer’s expense. The restricted parking areas shall be indicated on the construction plans and the final plat. All signage will be installed by the developer prior to final platting.

26. The vision-clearance triangle needs to be shown on all corner lots on both the construction plans and the final plat document, in accordance with RMC Chapter 12.11.020. If the intersection is in a curve, it will have to be evaluated per AASHTO guidelines. This information may need to be designed by the engineer of record and supplied to the surveyor of record for inclusion into the final plat document.

27. All roads shall be constructed to provide for adequate fire truck & solid waste collection truck access & turnaround movements.

28. If the project is to be constructed in phases, all dead-end streets longer than 150-feet that will be continued later need to have temporary turnarounds built at the end of them. If the temporary turnaround is not located within the final plat an easement with a 50-foot radius will be required.

Domestic Water:

29. In accordance with municipal code, domestic water mains shall be extended to the adjoining properties adjacent to the preliminary plat, provided they are in the correct pressure zone.

30. The developer will be required to demonstrate that all phases are capable of delivering adequate fire flows prior to construction plans being accepted for review. This may require looping of the watermain from off-site locations, or oversizing of the main where needed.

31. The fire hydrant layout shall be approved by the City Fire Marshal.

Irrigation Water:

31A. Unless the map included as part of RMC 18.16.080 is amended at some point to exclude the property included in the Falconridge plat, or language is amended in some other way to allow for use of city water for irrigation purposes in the new plat, no phase of this plat can receive Final Plat Approval until the plat obtains irrigation water from a lawful provider other than the City of Richland, perhaps via annexation into one of the irrigation districts in the area – or is developed in a manner that includes no irrigation water service and prevents use of city potable water supplies for irrigation purposes.

Sanitary Sewer:

32. A 10-foot wide exclusive sanitary sewer easement shall be provided for any sewer main that is outside of the public Right-of-Way. Wider easements are required for mains that are buried deeper than 10-feet. If any manholes are located outside of the public Right-of-Way, maintenance truck access to said structure may be required.

33. Sanitary sewer shall be extended to the adjoining properties adjacent to the preliminary plat.

Storm Water:

34. All construction projects that don't meet the exemption requirements outlined in Richland Municipal Code, Section 16.06 shall comply with the requirements of the Washington State Department of Ecology issued Eastern Washington NPDES Phase II Municipal Stormwater Permit. The Developer shall be responsible for compliance with the permit conditions. All construction activities subject to this title shall be required to comply with the standards and requirements set forth in the Stormwater Management Manual for Eastern Washington (SWMMEW) and prepare a Stormwater Site Plan. In addition, a Stormwater Pollution Prevention Plan (SWPPP) or submission of a completed erosivity waiver certification is required at the time of plan submittal. The City has adopted revised standards affecting the construction of new stormwater facilities in order to comply with conditions of its NPDES General Stormwater Permit program. This project, and each phase thereof, shall comply with the requirements of the City's stormwater program in place at the time each phase is engineered. The project will require detailed erosion control plans.

35. All public storm drainage systems shall have their flow rate and storage capacity designed by a professional engineer following the core elements defined in the latest editions of the Stormwater Management Manual for Eastern Washington, the current Richland municipal codes, the Phase II Municipal Stormwater Permit, and the City's "Public Infrastructure Construction Plan Requirements and Design Guidelines". The storm water calculations shall be stamped by a professional engineer and shall include a profile of the storm system showing the hydraulic grade line. The calculations should include an accurate delineation of the contributing drainage area to accurately size the stormwater facilities. Passing the storm water downhill to an existing storm system will require an analysis of the downstream storm system to determine its capability of accepting the storm water without being overwhelmed. The applicant's design shall provide runoff protection to downstream property owners.

36. If any existing storm drainage or ground water seepage drains onto the proposed site, said storm drainage shall be considered an existing condition, and it shall be the responsibility of the property developer to design a system to contain or treat and release the off-site storm drainage.

37. Any proposed storm drainage retention facilities within the boundary of the proposed preliminary plat shall not adversely affect neighboring properties.

38. Prior to or concurrent with the submittal of the first phase the developer shall provide a Geotechnical report including the percolation rate of the soils in the area of any storm retention ponds. If the project constructs a storm retention pond then the engineer will need to demonstrate that the pond will drain itself within 72 hours after the end of a storm event, and not have standing water in it longer than that. Engineering solutions are available for retention ponds that do not percolate within 72 hours.

39. As this property is upslope of developed properties the stormwater system shall include provisions for possible discharge of runoff onto downslope properties from storms in excess of the design storm. Those provisions may be required to include off-site downslope conveyance facilities and/or flowage easements allowing for the conveyance of stormwater to and across downslope properties.

40. The amount of post-development storm runoff from the proposed site shall not exceed the amount of pre-development runoff.

41. The parcel occupied by the stormwater basin shall be identified as a separate parcel or tract on the final plat and shall be dedicated to the City stormwater utility. The design of the basin shall include access features meeting the city's needs for maintenance.

42. The developer should consider the long-term appearance of the storm basin, particularly if it will occupy a prominent location in the development. City storm pond maintenance practices consist of semi-annual vegetation trimming and silt and debris removal, so if the developer wishes for the pond to be landscaped and visually appealing, then a homeowners association should be considered for long-term landscape maintenance responsibilities. These maintenance responsibilities shall be noted on the final plat. Basins designed as detention and evaporative basins need to include plantings that will tolerate or thrive in standing water. Planting designs for areas not routinely exposed to water shall include plants that will thrive without irrigation. At a minimum the landscaping plan should be consistent with the City's intended maintenance standard as described above.

43. The developer shall be responsible for landscaping the storm pond and for its maintenance and the plantings through the one-year infrastructure warranty period. At 11 months after the final acceptance date the developer shall clean the storm system and basin of all accumulated oil, sediment, and debris. After this maintenance is completed and inspected the City will begin routine maintenance of the system and basin. The developer shall replace any plantings that have failed to survive the warranty period. The developer shall also perform trimmings required to control weeds in excess of 18-inches in height for the 12-months following the date of final plat acceptance.

Final Platting / Project Acceptance Requirements:

44. When the construction is substantially complete a paper set of "record drawings" shall be prepared by a licensed surveyor and include all changes and deviations. Please reference the Public Works document "RECORD DRAWING REQUIREMENTS & PROCEDURES" for a complete description of the record drawing process. All final punchlist items shall be completed or financially guaranteed prior to recording of the final plat.

45. Public utility infrastructure located on private property will require recording of a City standard form easement prior to acceptance of the infrastructure and release of a certificate of occupancy. The City requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of final acceptance. Off-site ("third party") easements or right-of-ways for City infrastructure are the responsibility of the developer to obtain. Once received, the City will prepare the easement document and provide it to the developer. The developer shall record the easement at the Benton County Assessor and return a recorded original document to the City prior to application for final occupancy.

46. Any off-site easements or permits necessary for this project shall be obtained and secured by the applicant and supplied to the City at the time of plat construction and prior to final plat acceptance by the City.
47. Ten-foot wide public utility easements will be required on the final plat along both sides of all Right-of-Ways within the proposed plat.
48. The vision-clearance triangle needs to be shown on all corner lots on the final plat document, in accordance with RMC Chapter 12.11.020. If the intersection is in a curve, it will have to be evaluated per AASHTO guidelines. This information may need to be designed by the engineer of record and supplied to the surveyor of record for inclusion into the final plat document.
49. The final plat shall include notes identifying all common areas including the private streets and tracts and acknowledging the ownership and maintenance responsibility by the homeowners association. A note shall be added to the face of the final plat that states: "The private roadways are for the use and benefit of the homeowners abutting said roads, and are to be maintained by said owners. The City of Richland accepts no maintenance responsibility for these roadways".
50. A note shall be added to the face of the plat that states: "The private drives within this plat are fire lanes and parking may be restricted. The required no- parking signs shall be installed by the developer where applicable."
51. Any roads narrower than 34-feet shall have parking restricted on one side, and any roads 27-feet or narrower shall have parking restricted on both sides. Street signs indicating restricted parking shall be installed prior to final platting at the developers expense. The restricted parking areas shall be indicated on the final plats.
52. All landscaped areas within the plat that are in the public right-of-way shall be the responsibility of the homeowners to maintain.
53. Property with an unpaid L.I.D. assessment towards it must be paid in full or segregated per Richland Municipal Code 3.12.095.
54. Addressing brackets [] are needed on all lots and tracts in subsequent final plat submittals.
55. The intended use and ownership of all tracts within the plat shall be noted on subsequent final plat(s).
56. To ensure site grading provides for a useable trail corridor, a soft-surface trail no less than four (4) feet-wide shall be constructed within the trail corridor easement (AF#'s 2011-019372 & 2012-037725) encumbering the rear fifteen (15) feet of lots 11 through 20.
57. Subsequent final plat(s) shall contain a note advising future buyers of lot numbers 1, 2 & 16-20, as numbered on the preliminary plat survey, of the following construction-related requirements:
- a) *All structures within 30 feet of a property line adjoining a wild-land area shall have noncombustible siding, soffit, and skirting on the side adjacent to the wild-land area.*
 - b) *Decks and porches 36 inches or less in height shall have skirting if within 30 feet of adjacent wild-land areas.*
 - c) *Skirting shall be sufficiently constructed so as not to allow the accumulation of combustible material under the deck or porch. The area under the deck or porch shall not be used for storage.*

Building Department

58. Grading shall be permitted by the City and performed in accordance with the Geotechnical Engineering report by Affordable Geotechnical Services and with Appendix J [IBC 2015]. Any specific geotechnical requirements regarding foundations and/or site slopes shall be noted on the (final) plat along with reference to the geotechnical investigation report.

Fire Department

59. Wild-land areas are areas which are undeveloped, uncultivated or unfit for cultivation, or considered by the city of Richland to be wasteland or desert, or which are any combination of these descriptions and which are deemed by the city of Richland as a hazard for wild fire purposes. The following requirements apply to buildings and structures constructed on, in, or near wild-land areas:

- a) All structures within 30-feet of a property line adjoining a wild-land area shall have noncombustible siding, soffit, and skirting on the side adjacent to the wild-land area when the wild-land area is in excess of five contiguous acres. This requirement shall not apply to interior lots of platted parcels of land and development phases whose streets are accessible and whose water system is operational.
- b) Decks and porches 36-inches or less in height shall have skirting if within 30-feet of adjacent wild-land areas when the wild-land area is in excess of five contiguous acres. Skirting shall be sufficiently constructed so as not to allow the accumulation of combustible material under the deck or porch. The area under the deck or porch shall not be used for storage.

The City's Fire officials have determined that this plat is in a wild-land area, and must comply with the requirements listed above.

60. As determined by the Fire marshal, noncombustible siding or soffit material shall be required on the downhill side(s) of a structure that is within 30 feet of a grade that is 15 percent or greater in steepness. The grade shall be determined by the predominate slope on the downhill side measured from the structure or building and extending a maximum of 300 feet.

(Fire Department conditions 59 and 60 (above) will be satisfied by applying the final plat note described in condition #57).

NOTE – In the event of a need for clarification regarding the application or interpretation of any term or condition of approval set forth above, either the applicant or the city can invoke the jurisdiction of the Hearing Examiner to issue a written clarification of a particular term or condition, through a written request detailing the matter, and the basis for such request. Such request shall be made as a Request for Reconsideration, submitted within seven (7) calendar days of the date this Decision is issued.

Notice of Rights to Request Reconsideration or Appeal This Decision

Reconsideration –

Sec. 2.22(a) of the Richland Hearing Examiner Rules of Procedure reads as follows:

(a) The Hearing Examiner may reconsider a decision or recommendation on an application, if it is filed in writing within 7 calendar days of the date of issuance. Only parties of record have standing to seek reconsideration. Any request for reconsideration shall be served on all parties of record and to any party's designated representative or legal counsel on the same day as the request is delivered to the Hearing Examiner. The Examiner will seek to accept or reject any request for reconsideration within 3 business days of receipt. If the Examiner decides to reconsider a decision, the appeal period will be tolled (placed on hold) until the reconsideration process is complete and a new decision is issued. If the Examiner decides to reconsider a recommendation made to the City Council, the transmittal to the City Council shall be withheld until the reconsideration process is complete and a new recommendation is issued. If the Examiner decides to reconsider a decision or recommendation, all parties of record shall be notified. The Examiner shall set a schedule for other parties to respond in writing to the reconsideration request and shall issue a decision no later than 10 business days following the submittal of written responses. A new appeal period shall run from the date of the Hearing Examiner's Order on Reconsideration.

Appeal –

The hearing examiner's decision regarding this preliminary plat application shall be final, subject to judicial appeal in the time and manner as provided in RMC 19.70.060 and Ch. 36.70C RCW (*The city's final decision on land use application may be appealed by a party of record with standing to file a land use petition in Benton County Superior Court. Such petition must be filed within 21 days of issuance of the decision*). See RMC 24.12.050(B).

NOTE: The Notice provided on this page is only a short summary, and is not a complete explanation of fees, deadlines, and other filing requirements applicable reconsideration or appeals. Individuals should confer with advisors of their choosing and review all relevant codes, including without limitation the city code provisions referenced above and the Land Use Petition Act (Chapter 36.70C RCW) for additional information and details that may apply.