



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

**FINDINGS, CONCLUSIONS AND
DECISION APPROVING
PRELIMINARY PLAT OF QUAIL RIDGE II, PHASES 1-3**

FILE NUMBER: S2021-105

APPLICANT/OWNER: PAHLISCH HOMES AT HORN RAPIDS LIMITED PARTNERSHIP
ATTN: CHAD BETTESWORTH
210 SW WILSON AVE, SUITE 100
BEND, OREGON 97702

APPLICATION: TO SUBDIVIDE 62.9-ACRES INTO 124 SINGLE FAMILY RESIDENTIAL LOTS IN THREE PHASES, FOR CONSTRUCTION OF SINGLE-FAMILY DWELLINGS; INCLUDING ASSOCIATED IMPROVEMENTS AND TRACTS, WITH ONE DESIGNATED FOR FUTURE DEVELOPMENT.

LOCATION: SE OF THE INTERSECTION OF SR-240 AND TWIN BRIDGES ROAD, IN THE HORN RAPIDS COMMUNITY IN THE FAR NORTH END OF THE CITY OF RICHLAND.

PARCEL NUMBERS: BENTON COUNTY ASSESSOR PARCEL NOS. 120083020006000,
120083000009008, 9012, 9013, 9015, AND 120083030004000

*(*SEE FINAL PRELIMINARY PLAT ILLUSTRATION. ONLINE PARCEL MAPS DO NOT MATCH MAPPING USED IN STAFF REPORT, NUMBERS USED IN APPLICATION MATERIALS, OR THE PUBLIC NOTICE. BASED ON COMPARISON OF ONLINE PARCEL MAPPING AND SURVEY MAPS, THE PROPOSED PLAT APPEARS TO INCLUDE ALL OR SOME OF THE ABOVE-LISTED PARCELS. FINAL PLAT APPROVAL WILL BE SUBJECT TO REVIEW BY THE ASSESSOR'S OFFICE TO ENSURE THAT CORRECT PARCEL NUMBERS ARE USED ON RECORDED INSTRUMENTS)*

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

SUMMARY OF DECISION: APPROVE, SUBJECT TO CONDITIONS

DATE OF DECISION: OCTOBER 19, 2021

I. CONTENTS OF RECORD.

Exhibits: Staff Report. City of Richland Development Services Division Staff Report and recommendation of approval to the Hearing Examiner regarding “Quail Ridge II, Phases 1-3” Preliminary Plat, File No. S2021-105, dated August 9, 2021 (25 pages);

1. Application materials;
2. Proposed Preliminary Plat map;
3. Tract table;
4. Vehicle trip accounting letter;
5. Cultural Resources Report;
6. Critical Areas Assessment;
7. Environmental checklist;
8. Inadvertent Discovery Plan;
9. Utility Plan;
10. Public Notices & materials confirming same;
11. Site photos;
12. Comments;
13. EIS issued for Horn Rapids Community;
14. WDFW habitat mapping information; and
15. Email correspondence dated Aug. 3, 2021, to/from Mr. O’Neill and Michael Ritter, WDFW, confirming notice of applicant’s habitat report, and that WDFW provided feedback to the applicant’s consultant *[additional exhibit added by the Hearing Examiner after the public hearing, received on the date of this decision, clarifying erroneous written comment found elsewhere in the record]*.

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. Jason Mattox, P.E., with PBS Engineering and Environmental, Engineer of record for the project applicant, served as the applicant’s hearing representative, summarizing merits of application and responding to questions.

No one appeared during the public hearing to offer testimony or written statements opposing the pending plat application; limited written comments received before the hearing are included as part of *Ex. 12*, but do not provide any evidence or information that would serve as a basis to deny the pending application.

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II. APPLICABLE LAW.

This application for preliminary plat approval was filed and vested under City of Richland development regulations in effect in July of 2021, when the application materials were deemed complete and public notices were issued. (*Staff Report, page 8*). 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 final 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:

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:

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 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).

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 a preponderance of evidence. *RMC 19.60.060 and Hearing Examiner Rules of Procedure, Sec. 3.08.* 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.

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).

III. ISSUE PRESENTED.

Whether a preponderance of evidence demonstrates that the applicant has met its burden of proof to satisfy the criteria for preliminary plat approval?

Short Answer: Yes, subject to conditions.

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 Quail Ridge II Preliminary Plat, as set forth below.

IV. FINDINGS of FACT.

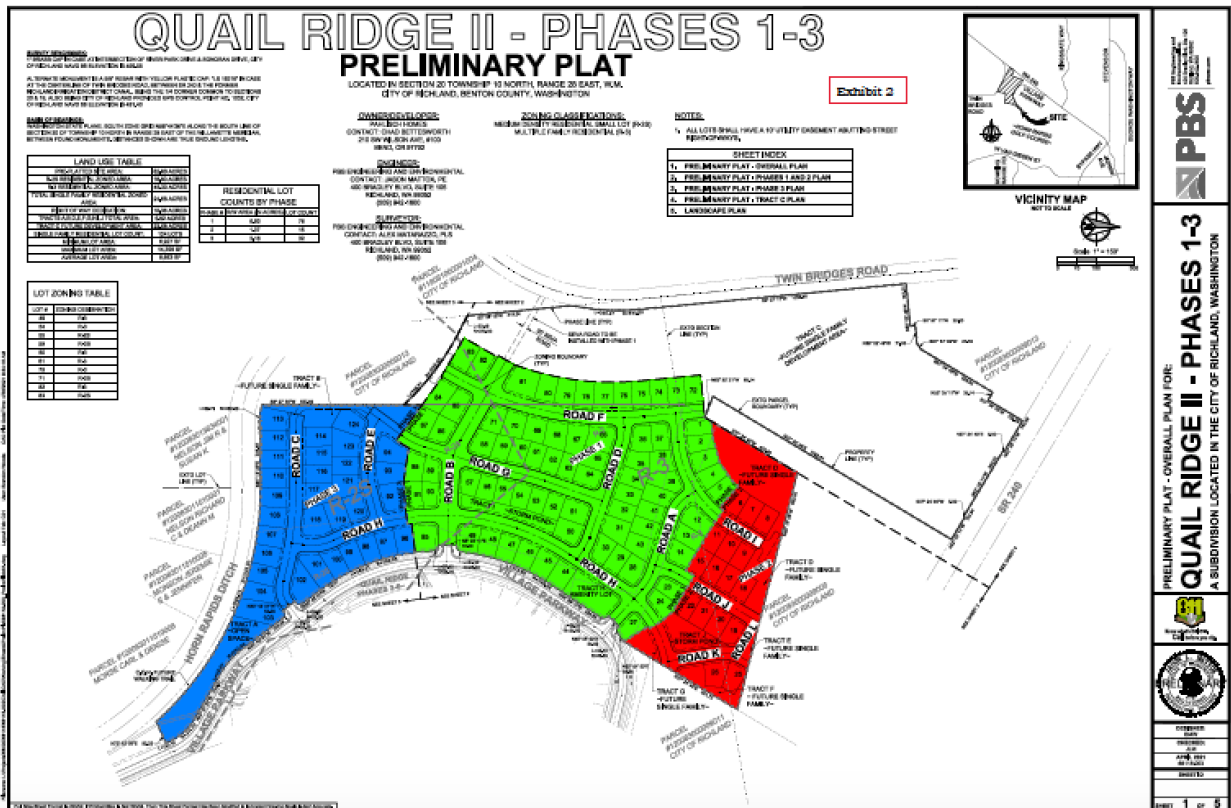
1. Any statements in previous or following sections of this document that are deemed findings are hereby adopted as such.
2. The Examiner has visited the road network and vicinity of the proposed plat on multiple occasions over the past few years in connection with other applications in or around the Horn Rapids Community, 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.

Project Description.

4. The applicant, Pahlisch Homes at Horn Rapids Limited Partnership, is the owner of almost 63 acres in several parcels that are subject to this pending preliminary plat application submitted in May of 2021. (*Ex. 1, Preliminary Plat Application materials; Staff Report, page 8*). Staff deemed the application materials complete for purposes of vesting on or about July 16, 2021, when they issued the first of several notices informing the public of the pending application and public hearing. (*Staff Report, page 8; Ex. 10, public hearing notices and confirmation materials*).
5. The proposed subdivision would divide the 63-acre site into 124 residential lots for detached single-family dwellings, to be known as the Quail Ridge II Preliminary Plat, to be developed in 3 (three) phases identified in the application materials. (*Staff Report, pages 1-2; Ex. 1, application materials*). The proposed plat will be served by City utilities and will receive access from three points along Village Parkway. The Staff Report notes that new internal

streets will serve the new residential lots, to be constructed in compliance with city standards for public streets. (Staff Report, page 9, discussion and recommendations regarding Transportation issues; Conditions of Approval).

- The proposed plat design is included in the record as *Exhibit 2*, found on page 28 of 372 pages on the .pdf file of project materials shared with the Examiner. (Ex. 2, Preliminary Plat illustration, Sheets 1-5). A copy of the proposed plat (*Sheet 1 of 5*) is republished below:



- The proposed plat lies within the Horn Rapids master planned community, which was the subject of a lengthy Environmental Impact Statement prepared for the City of Richland in 1993. (Ex. 13, EIS for Horn Rapids).
- The applicant’s project engineer and primary hearing representative, Mr. Mattox, offered thorough and credible testimony summarizing how the proposed plat is a continuation of development activity similar to other recent projects in the Horn Rapids community. He generally accepted the zoning and policy analysis included in the Staff Report, noting that the new plat will further goals for planned growth with connectivity, adequate roads for vehicular travel, sidewalks, and trails for pedestrians and multi-modal transportation options. Mr. Mattox noted that the applicant intends their project to comply with all relevant city codes and policies, without requests for any variance or deviation. He accepted that Road B

will be classified as a “collector” roadway so it will be wider than shown in the proposed plat illustrations, consistent with Public Works’ recommended Condition of Approval No. 15. (*Testimony of Mr. Mattox; Staff Report, page 9*).

Environmental review.

9. *Exhibit 7* is the Environmental Checklist submitted by the applicant for this project, which was distributed for review and comment by relevant agencies and stakeholders in accord with standard city practices. The City’s email correspondence to interested agencies included a link to application materials, including the SEPA checklist and the Critical Areas Report. (*Ex. 12, on page 163 of .pdf file*)
10. The Staff Report explains that the City: a) adopts the Horn Rapids EIS for this Quail Ridge II project, and b) is not required to issue a separate SEPA threshold determination for this project; because it is deemed consistent with the development addressed in the Horn Rapids planned action ordinance. (*Staff Report, on page 9, citing RCW 43.21C.440.3.b; Ex. 13, EIS issued for Horn Rapids Community*).
11. Even without a new SEPA threshold determination, the record for this matter includes current environmental information that has been distributed to various agencies and entities who are not shy when they choose to take issue with answers provided in a SEPA checklist, items discussed or omitted in a critical areas report, or possible deficiencies in a cultural resources report, among other things. Documentation included as part of *Exhibit 12* establishes that the SEPA Checklist and critical areas report for this project were distributed to numerous local and state agencies and tribes, including WDFW, DAHP, and the Yakama Nation, and that none of these entities submitted comments questioning or challenging the checklist, critical areas report, or cultural resources report.
12. Further, the cultural resources report for this project (*Ex. 5*) was based upon: “*a literature review, a geomorphologic review, data from geographic information systems, and archaeological fieldwork. A pedestrian survey and installation of shovel test units throughout the project area were conducted May 11–20, 2021.*” (*Ex. 5, on page 51 of .pdf file*). The report expressly concluded that: “*No cultural resources were identified during fieldwork.*” (*id.*).
13. The Yakama Nation’s Cultural Resources Program Archaeologist, Corrine Camuso, expressly thanked Mr. O’Neill for providing her with the applicant’s cultural resources report, noting that she reviewed it and had no comments, and Mr. Mattox’s documentation from the Department of Archaeology and Historic Preservation (DAHP) indicated that DAHP accepted the report’s findings. (*Ex. 12, email exchange between Mr. O’Neill and Ms. Camuso on pages 163-164 of the .pdf file; and Email message from Mr. Mattox to Mr. O’Neill on page 164 of .pdf file*). Accordingly, the cultural resources report and recommendations stand un rebutted.

14. The applicant should be commended for its consultations and engagement with relevant experts and stakeholders on cultural resource issues. And, even though the site-specific cultural resources report concluded that no protected resources were identified during the consultant's field work, the Inadvertent Discovery Plan (IDP) prepared by the applicant's consultant (*Ex. 8*) should prevent harm to archaeological or cultural resources that might be uncovered during ground disturbance work associated with this Project. A condition of approval has been added mandating that a copy of the IDP must be provided to all contractors and be available on-site for reference throughout all phases of the development process that might involve ground disturbance work. If ground-disturbing activities uncover or reveal objects that might appear to be protected resources during the course of construction, then all activity will cease that could cause further disturbance to such objects, until notifications are made by the applicant to appropriate agencies and city officials, and further direction is provided by relevant authorities, all in accord with the IDP, as may be supplemented by the Planning Manager.
15. A single written comment, included as part of *Ex. 12*, generally asserts that the environmental review for this project was inadequate, with reference to general cultural resource concerns addressed in previous findings, and a previous hearing examiner decision involving another plat application in a different part of the City of Richland. That matter (regarding the proposed "Ladera" plat) is easily distinguished from this project, in that the prior decision included direct evidence from a state agency (WDFW) contradicting certain statements made in a critical areas report involved in that project. In this instance, links to the questioned critical areas report and SEPA checklist for this project were forwarded to WDFW for their review and comments. (*See Ex. 12, email message from Mr. O'Neill, dated July 14, 2021, to numerous agencies and entities, expressly including the Washington Department of Fish and Wildlife, on page 163 of the PDF file for this matter*). Unlike the Ladera matter, the record for this Quail Ridge II project does not include any written comments from WDFW, so the critical areas report in this file (*Ex. 6*) stands unrebutted by WDFW or any other agency with expertise on habitat and wildlife issues.
16. The previous finding is further supported by a new *Exhibit 15* added into the record by the Hearing Examiner. That document, an email exchange between Mr. O'Neill and Mr. Ritter from WDFW, was already generated as part of the project file in August of this year but was inadvertently omitted from the set of materials included in the .pdf file provided to the Examiner. *Ex. 15* confirms that WDFW officials received an email notice and request for comment from Mr. O'Neill, and that they actually provided feedback to the applicant's habitat consultant.
17. The Staff Report and testimony from Mr. O'Neill and Mr. Mattox summarized the thorough study, site visits, and analysis conducted by wildlife habitat professionals to address the potential for priority habitat(s) or species on or near the project site. A number of unrebutted conclusions based on PBS Senior Scientist's Critical Areas Assessment are provided in *Exhibit 6*, the Critical Areas Report for the Quail Ridge II project site, including but not limited to the following:

A. Based on PBS scientist's background information search, on-site investigation, and best professional judgment, no WDFW priority habitats or WDFW priority wildlife occur within the study area.

Through the course of the assessment, it does not appear that the property contains priority habitat or species that would be regulated by the City as fish and wildlife conservation areas.

Regulatory Requirements

Based on the results of the background information search, on-site investigation, and best professional judgement, no WDFW priority habitats or WDFW priority wildlife occur within the study area.

Summary

PBS was hired to complete a critical areas assessment for the proposed Quail Ridge subdivision in the city of Richland. The site was identified as having the potential for providing habitat for Ferruginous hawks and burrowing owls by the WDFW.

(See Ex. 6, Critical Areas Report, on page 5).

B. The project site does not contain suitable habitat for Ferruginous hawks;

The project site does not contain suitable habitat for Ferruginous hawks. While the birds could utilize the ground for nesting, the lack of cliffs or other perching habitats in addition to the proximity of high-intensity residential developments and marginal habitat conditions for prey species leads the author to believe that potential for Ferruginous hawks utilizing the site is extremely low, almost nonexistent.

(See Ex. 6, Critical Areas Report, on page 4).

C. No vacant or active burrow habitat for owls were identified on site; owl dens previously mapped by WDFW have since been fully developed, so the potential for burrowing owls to occur in such areas is now gone;

Special attention was paid during the field transects in those areas with topographic relief that could provide burrow habitat for owls. No vacant or active burrows were identified during the field visit. It should be noted that the burrowing owl dens that were previously identified and mapped by the WDFW have been fully developed with single-family residential homes and access roads. The potential for burrowing owls to occur in those areas is now gone. The site does contain habitat for common burrowing owl prey species although indications of the presence of suitable prey species such as mice and mole tracks, scat, and burrows were not observed during the field visit.

(See Ex. 6, Critical Areas Report, on page 4).

18. Consistent with guidance from relevant Washington caselaw, the Examiner finds and concludes that SEPA does not demand a particular substantive result in government decision making; rather it ensures that environmental values are given appropriate consideration. (See *Glasser v. City of Seattle*, 139 Wn. App. 728, 742 (2007)). In this matter, the Examiner finds that the applicant provided credible and un rebutted environmental documentation from qualified professionals on a number of relevant issues involved in the review of this application, including without limitation detailed information demonstrating that the project,

as conditioned, will not adversely impact any protected critical areas or protected wildlife, and that the project is not likely to impact any protected cultural resources, all as supported by previous findings.

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

19. The Examiner takes official notice of prior development approvals issued in the Horn Rapids Community and other sites in an officially designated Emergency Planning Zone (“EPZ”), as supported by a written comment letter from the Benton County Emergency Management office (also known as BCEM, or BCES). (*Ex. 12, written comments, particularly copy of July 19, 2021 BCEM email comment to Mr. O’Neill*). The entire area of the Horn Rapids Master Planned Community is located within the 10 mile EPZ for the Columbia Generating Station. This area is designated as Section 3B of the Emergency Planning zone, and as such may be subject to evacuation in the event there is a radiological emergency at the Columbia Generation Station, and other development requirements may apply, including those mandated by Benton County Emergency Management officials. Currently, the BCES website includes the following message regarding residents living within the EPZ: “Tone Alert Radios - Residents within the EPZ in Benton County with special notification needs have Emergency Tone Alert Radios. These radios would be turned on automatically by a signal transmitted just before an EAS message is broadcast. If you have special notification needs and live within one of the Hanford EPZ and do not have a tone alert radio or have questions regarding their use, call us at 509-628-2600.” To assure consistency with previous development approvals issued for projects located in the 10-mile EPZ, the Planning Manager should be empowered to include alarms, signals, speakers, special signage, or other notification devices or strategies as part of the building permit review and approval process, all in consultation with Benton County Emergency Management officials to identify and utilize current best practices and devices as appropriate. A condition of approval has been added to ensure compliance with current requirements for development in the designated EPZ.
20. The Staff Report credibly summarizes how the proposed plat has been designed to comply with density limits, goals, and policies found in Comprehensive Plan Policies and Zoning code provisions that apply to properties included in this preliminary plat application. (*Staff Report, pages 3-7*).
21. The application materials (*Ex. 1*) confirm that, and the Staff Report explains how, the new plat is designed for development of detached single-family dwellings. While portions of the site are zoned R-3 and R-2S, the development standards for single family dwellings in either the R-3 or R-2S zone are the same, so those found in the R-2S zone will apply to all phases of this proposed Quail Ridge II plat. (*Staff Report, page 6, summary of city codes construed to apply R-2S standards to single family dwellings developed in an R-3 zone*).
22. The open-record public hearing for the application occurred on August 9, 2021, wherein the undersigned Examiner presided, and all persons wishing to provide comments were heard, providing testimony under oath. City staff and Applicant representatives appeared at the

hearing, with no one from the general public asking to speak. No one opposed this application during the public hearing. 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 several occasions in the last few years.

23. 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.
24. At the hearing, Mr. O'Neill summarized his Staff Report and recommendation of approval for the proposed plat.
25. On behalf of the applicant, Jason Mattox, the applicant's engineer, accepted the Staff Report and recommended conditions without objection or requested changes. He acknowledged that one street ("Road B") will be wider than depicted on proposed plat drawings, in accord with a recommendation from Public Works staff. (*See Condition of Approval 15*).
26. The application materials clearly explain and identify 3 (three) phases of development for the proposed plat. Conditions of approval are included to authorize plat development in 3 phases, in accord with generally standard city requirements.
27. No one offered evidence of the sort that would serve as a basis to deny this project, as conditioned below.
28. 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, page 9*).
29. 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 24.12.053. 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

30. 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*).

31. The applicant’s proposed plat design, as modified by conditions of approval, merits approval.

Proposed plat will provide public benefits

32. 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, attractive internal streets to serve the new plat with connections to the surrounding Horn Rapids community, trail extensions/connections, and other features that will serve to promote health benefits of a walkable, appropriately connected, pedestrian-friendly community.
33. Except as modified in this Decision all Findings, and statements of fact contained in the Staff Report, are incorporated herein by reference as Findings of the undersigned-hearing examiner.³

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

34. The record contains substantial evidence to demonstrate that, as conditioned, the proposed plat makes appropriate provisions for:

³ 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.

- A. The public health, safety, and general welfare: *See Staff Report, including without limitation the Analysis provided on pages 7-8, 10-13, and proposed findings and conclusions on pages 13-15.*
- B. Open Spaces: *See Staff Report, pages 10-15, discussion in item H below.*
- 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 Manual for Eastern Washington. The new plat must be designed to provide on-site stormwater management and detention. Consistent with City development standards, the plat will be connected to the City's sanitary sewer system. See Staff Report discussion of stormwater and sewer issues; Storm Water conditions of approval 35-42; Sanitary Sewer conditions 32-34.*
- 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. See Staff Report, proposed findings regarding transportation issues; Conditions of approval.*
- 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.*
- 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 11).*
- G. Sanitary systems: *The City's sewer system has capacity and an on-site sewer main capable of serving the proposed plat and will do so. Staff Report, at page 11; Sanitary Sewer conditions 27-29.*
- H. Parks and recreation, playgrounds, schools: *The Staff Report explains that there is a large city park located east of the project site, across SR 240; that the Horn Rapids community includes the golf course, and plans for small parks and recreational facilities to serve residents; and that the proposed plat includes 4 (four) small open space tracts identified for development of recreational amenities (Staff Report, page 11; Ex. 2, Sheet 5 of 5) The plat is located in the Richland School District. The School District did not provide any comments after receiving city notice regarding the project. The city has reserved property located immediately east of the site for a future school site. See Staff Report, page 11.*

- I. Planning features to assure safe walking conditions for students: *See proposed internal street design, sidewalks, and other pedestrian pathways serving the new plat.*

35. 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.

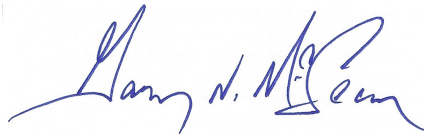
V. CONCLUSIONS of LAW.

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.

VI. 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 previous site visits to the area, **the undersigned Examiner APPROVES the "Quail Ridge II" Preliminary Plat** application, which can be developed in 3 (three) phases as identified in the application materials, all subject to the following Conditions of Approval.

Decision issued: October 19, 2021.



Gary N. McLean
Hearing Examiner for the City of Richland

**CONDITIONS OF APPROVAL
FOR THE
PRELIMINARY PLAT OF QUAIL RIDGE II
FILE NO. S2021-105**

General Conditions:

- A. Development of the plat shall be substantially consistent with drawings provided in the Preliminary Plat maps included as part of the application materials (*Ex. 2, Sheets 1-5*), 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, or 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.
- H. The preliminary plat can be developed in 3 (three) phases, as identified in the application materials, subject to compliance with all final conditions herein.
- I. ***Condition requiring compliance with Inadvertent Discovery Plan:*** A copy of the Inadvertent Discovery Plan (IDP) included in the record as *Ex. 8*, subject to updates and additional provisions or mandatory contacts that may be imposed by the City's Planning Manager, including current names and contact numbers, must be provided to all contractors and be available on-site for reference throughout all phases of the development process that might involve ground disturbance work. If ground-disturbing activities uncover or reveal objects that might appear to be protected resources during the course of construction, then all activity will cease that could cause further disturbance to such items, until notifications are made to appropriate parties, as detailed in the IDP and as may be mandated by the City's Planning Manager.

- J. **Emergency Planning Zone (EPZ) Requirements** – To assure consistency with previous development approvals issued for projects located in the 10-mile EPZ, the Planning Manager should be empowered to include alarms, signals, speakers, special signage, or other notification devices or strategies as part of the building permit review and approval process, all in consultation with Benton County Emergency Management officials to identify and utilize current best practices and devices as appropriate. (*See Finding No. 18*).

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. A copy of the construction drawings shall be submitted for review to the appropriate jurisdictions by the developer and their 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. 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. 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.
4. 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.
5. 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.

6. All plan sheets involving construction of public infrastructure shall have the stamp of a current Washington State licensed professional engineer.

7. 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:

8. 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. Fire hydrant location shall be reviewed and approved by the City Fire Marshal.

c. All utilities shall be extended to the adjacent property (properties) at the time of construction.

d. The minimum centerline radius for local streets shall be 100-feet.

e. Any filling of low areas that may be required within the public Right of Way shall be compacted to City standards.

f. 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.

g. A detailed grading plan shall be included in the submitted plan set.

h. 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.

i. 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.

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

k. All 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.

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

m. 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 mail boxes. All electrical appurtenances such as transformers, vaults, conduit routes, and street lights (including their circuit) need to be shown in the plan view.

n. 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.

o. 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.

9. 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.

10. 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:

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

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. Temporary SEVA's shall be constructed with gravel, at a minimum. Permanent SEVA's shall be paved.

Survey Monument Destruction:

11. 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) and 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 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:

12. Street names are not reviewed or vested until construction plans are submitted for review. The street names included on the pre-plat may not be approved or available during the construction plan review process.
13. City of Richland Municipal Code Chapter 12.03 establishes a traffic impact fee to fund road projects needed to support increased traffic due to new developments. The City intends to update the Chapter 12.03 fee program to include the Horn Rapids area. If and when the code is updated to include this area, lots in this development will be subject to its terms.
14. A note will be shown on the face of the final plat(s) stating that Village Parkway and "Road B" are classified as collector streets. Subsequently, no driveways accessing single family lots will be allowed directly onto them.
15. The "Road B" right-of-way width needs to be changed to 84-foot wide, which is the standard ROW width for all other collector roads in the Horn Rapids residential neighborhood.
16. If incomplete at the time of construction, the Village Parkway frontage shall be completed to current City standards at the time that the phase which constructs the lots adjacent to it is developed.
17. The "phase line" across the north side of Sheet 2 of the preliminary plat appears to cut through Lot 25 and also the intersection of "Road L" and "Road J". This road intersection shall be constructed in its entirety to the northern curb returns of Road J. This may require an adjustment of the north pre-plat boundary to encompass this additional ground, or an easement for this road construction that is outside of the pre-plat boundary.
18. Sidewalks shall be installed along all public right-of-way frontages that building lots do not front upon during construction of those phases (e.g., storm drainage ponds, parks, HOA tracts, etc.).
19. The developer and his engineer shall demonstrate on the construction plans that all future driveway entrances, sidewalks and pedestrian ramps will meet City and ADA requirements.
20. Pedestrian ramps shall be designed to current City standard details and ADA standards. Adequate right-of-way shall be provided at corners to allow for at least 1-foot of ROW behind the ped. ramp landing. 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.
21. 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.
22. Any roads narrower than 34-feet shall have parking restricted on one side, and any roads narrower than 27-feet 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 street signage will be installed by the developer prior to final platting.
23. All roads shall be constructed to provide for adequate fire truck & solid waste collection truck access & turnaround movements.

24. 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:

25. It shall be the responsibility of the developer to extend a watermain to and through this property to serve domestic water at the time of plat construction. This water main shall be sized to adequately supply domestic water and fire flows to the proposed development.

26. Looping of the water system provides redundancy and helps to eliminate stagnant water.

27. In accordance with the Horn Rapids master water plan, an oversized water main is designed to run through this parcel. This water main shall be extended to the western boundary of the preliminary plat.

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

29. 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.

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

31. In accordance with Richland Municipal Code Chapter 18.16.080, an irrigation distribution system, entirely separate from the City's domestic water system, shall be provided for this development. Easements shall be provided on the final plat for this system where needed.

Sanitary Sewer:

32. It shall be the responsibility of the developer to extend a sewer main to and through this property to serve sanitary sewer at the time of plat construction.

33. 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.

34. Sanitary sewer shall be extended to the adjoining properties adjacent to the preliminary plat, where appropriate and where grade allows, as determined by the Public Works Director.

Storm Water:

35. 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.

36. 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.

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. The amount of post-development storm runoff from the proposed site shall be in compliance with RMC Chapter 16.06.

40. 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.

41. The developer shall consider the long-term appearance of the storm basin, particularly if it will occupy a prominent location in the development. The City's typical storm pond maintenance practices consist of semiannual vegetation trimming and silt and debris removal. If the pond location is deemed by City staff as being in a prominent location the developer shall design and install fencing and/or landscaping to mitigate the pond's visible character for the surrounding properties. If the City requires this type of treatment to the pond site the developer may propose landscaping treatments consistent with the development and establish maintenance responsibilities to remain with the development. 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 unless the developer intends to maintain an irrigated pond site. At a minimum the landscaping plan should be consistent with the City's intended maintenance standard as described above.

42. 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 Requirements:

43. The following notes shall appear on the face of final plat instruments to be recorded for each phase of the Quail Ridge II subdivision:

- *“Development of lots within this plat shall be performed in accordance with the Geotechnical Engineering Report for Quail Ridge prepared by PBS Engineering (Project No. 66118.002, dated 9/15/2020).”*

- *“This area is designated as Section 3B of the Emergency Planning zone. Residents may be subject to evacuation in the event there is a radiological emergency at the Columbia Generation Station, additional information can be found at www.bces.wa.gov or by calling 509-628-2600.”*

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. They will also be required where the plat is adjacent to an existing right-of-way.

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 tracts and acknowledging the ownership and maintenance responsibility by the homeowners association.

50. Any restricted parking areas shall be indicated on the final plats.

51. All landscaped areas within the plat that are in the public Right of Way shall be the responsibility of the property owners to maintain.

52. A “No access / screening easement” will be required along the Village Parkway and “Road B” Right of Ways.

53. The intended use and ownership of all tracts within the plat shall be noted on the final plat.

54. Property with an unpaid L.I.D. assessment towards it must be paid in full or segregated per Richland Municipal Code 3.12.095.

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.