



NOTICE OF DECISION

PURSUANT TO RICHLAND MUNICIPAL CODE SECTION 19.60.080, NOTICE IS HEREBY GIVEN THAT ON DECEMBER 14, 2021 THE CITY OF RICHLAND HEARING EXAMINER ISSUED A DECISION APPROVING THE PRELIMINARY PLAT OF GOOSE RIDGE ESTATES II (CITY FILE NO. S2021-107):

**DESCRIPTION
OF ACTION:**

The preliminary plat of "Goose Ridge Estates II" proposing to subdivide 53.33-acres into 206 lots for residential development together with eleven (11) tracts, has been approved.

SEPA REVIEW:

The probable significant adverse environmental impacts of the proposed project have been adequately addressed in the Planned Action Ordinance [RMC 19.50.030 (B)].

APPROVED:

The subdivision application has been approved.

PROJECT LOCATION:

The subject project site is located east of the termini of Highview Street, Corvina Street, and Barbera Street within the Badger Mountain South Master Planned Community.
APN's 1-33983000001003,
1-33983000001005, 1-32981030003000, 1-32981030002000.

Shane O'Neill,
Senior Planner

December 16, 2021
Date

A full text of the Hearing Examiner's recommendation report can be viewed at:
<https://www.ci.richland.wa.us/departments/development-services/planning/land-use>

An appeal of 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.



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

**FINDINGS, CONCLUSIONS AND
DECISION APPROVING
“GOOSE RIDGE ESTATES II” PRELIMINARY PLAT**

FILE NUMBER: S2021-107

APPLICANT/OWNER: MONSON DEVELOPMENT WASHINGTON LLC

APPLICATION: TO SUBDIVIDE 53.33 ACRES INTO 206 RESIDENTIAL LOTS WITH 11 (ELEVEN) TRACTS.

LOCATION: PART OF THE BADGER MOUNTAIN SOUTH SUB-AREA, IN THE BADGER MOUNTAIN MASTER PLANNED COMMUNITY, JUST EAST OF THE EXISTING GOOSE RIDGE ESTATES DEVELOPMENT, WITH PROPOSED WESTERLY EXTENSIONS OF HIGHVIEW, CORVINA, AND BARBERA STREETS INTO THE PROPOSED NEW PLAT.

PARCEL NUMBERS: 1-33983000001003, 1-33983000001005, 1-32981030003000 & 1-32981030002000

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

SUMMARY OF DECISION: *APPROVAL*, SUBJECT TO CONDITIONS

DATE OF DECISION: DECEMBER 14, 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 the “Goose Ridge Estates II” Preliminary Plat, File No. S2021-107, dated November 8, 2021;

Exhibits included with the Staff Report:

1. Application #S2021-107
2. Preliminary Plat Map, Street Sections, Grading & Drainage Plan and Public Utility Plan
3. Public Notice & Affidavits
4. Master Agreement Consistency Recommendation (MACR)
5. Master Agreement Consistency Determination (MACD)
6. Planned Action Consistency Determination (PACD)
7. Badger Mountain South Sub-Area Plan Map
8. Proposed LUDR Amendment
9. BMS Master Agreement Exhibit B
10. BMS Master Agreement Exhibit D
11. Planned Action Ordinance
12. Project Comments
13. Site Photos

Exhibits added to the record after Staff Report was issued:

14. Spreadsheet showing trip generation counts, by lots and permits issued, discussed by Mr. Mendenhall during his testimony during the public hearing.
15. Written Comments from Eric Mendenhall, Community Development Director for the City of West Richland, summarized by Mr. Mendenhall during his hearing testimony.
16. Public Works Department memo detailing specific transportation improvement projects funded by Traffic Impact Fees collected in Traffic Impact Zone 3, where the proposed plat is located, submitted in response to questions from the Examiner during the hearing.
17. “NC” (Neighborhood Collector) District explanation from Staff, submitted in response to questions from the Examiner during the hearing.

18. Email communications to/from Applicant's Engineer, Mr. Mapstead, and Mr. White, re: NC areas proposed in the Goose Ridge development, submitted by Mr. Mapsted after the public hearing (4-pages).

19. Written comments from Heather Nicholson, Acting President of the West Vineyard Homeowners Association, summarizing her public testimony, and referencing provisions of the LUDR and other records to support her concerns.

20. BMS Master Agreement, from October 2015, complete copy added to the record by the Examiner for reference by interested parties.

21. Image from the online DAHP predictive modeling map for the proposed plat area, showing most of the land area within the proposed plat as "Moderate Risk" for discovery of cultural resources, so a Cultural Resource Survey is "Recommended"; some parts of the proposed plat area are shown as "High Risk", so a Survey is "Highly Advised"; and some areas are shown as "Moderately Low Risk", so a Survey would be contingent upon certain parameters. *(Added to the record by the Examiner after the hearing following testimony from applicant representative that was dismissive of potential for discoveries on the site).*

22. Master Declaration of Covenants, Conditions, and Restrictions for Badger Mountain South. *(Benton County Auditor's Office, Recording No. 2012-027520 COV, recorded on 09/07/2012 (30 pages)).*

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

1. Mike Stevens, Planning Manager, for the City of Richland;
2. Kaleb Mapstead, P.E., with AHBL Inc., Engineer of record for the project applicant, served as the applicant's hearing representative, summarizing merits of application and responding to questions;
3. Eric Mendenhall, Community Development Director for the City of West Richland, expressed concerns with the application, submitted Exhibits 14 and 15, opposed application generally based upon belief that transportation concurrency requirements have not been satisfied;
4. Russ Pfeiffer, local resident, has served as a neighborhood liaison on his own behalf and neighbors on other projects in the BMS community, expressed concerns with proposed plat, including reasons why a construction traffic plan of some sort should be considered to prevent impacts on existing residents in the vicinity of the new plat;
5. Heather Nicholson, local resident, represented the West Vineyard Homeowners Association, expressed concerns that the lots in the proposed plat are located too far from parks, prefers wider rather than narrower trails, asked that application should be viewed in context of entire BMS community;

6. Pete Rogalski, Public Works Director for the City of Richland, and licensed professional engineer, explained his professional judgement and opinions that support wider streets than some shown in application materials, that traffic safety and general drivability would be reduced if narrower streets are used, and that the City's transportation impact fees collected for each building permit in the proposed plat will be sufficient to proportionally fund transportation system improvements needed to mitigate impacts of this project, and that the pending TIA will be used to refresh the list of transportation improvements needed for the BMS community, which is all located in a specific impact fee area, known as "zone 3";
7. Carlo D'Alessandro, PE, Transportation and Development Manager for the City of Richland Public Works Department, clarified that trip counts used to determine if transportation improvements are "triggered" so construction should move forward are based upon building permits issued, not lots approved in final subdivisions, so the 1,000 unit threshold and others referenced in some comments have not been or will not be met until such time as 1,000 building permits are issued for new homes in the BMS community; also generated Exhibit 12, in response to a request from the Hearing Examiner made during the public hearing, which lists up to 14 specific transportation improvement projects funded by impact fees collected in zone 3, where the plat is located, explaining that "Public Works staff is convinced that the projects and funding included in the existing traffic impact fee program is sufficient to mitigate the off-site traffic impacts of the Goose Ridge Estates II project..."

II. APPLICABLE LAW

Under applicable provisions of the Richland Municipal Code (RMC), a preliminary plat 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 their 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)¹ 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:

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. (emphasis added).

¹ “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).

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 satisfied their burden of proof to satisfy the criteria for preliminary plat approval?

Short Answer: Yes, but only if the proposed plat is developed in compliance with specific conditions.

IV. FINDINGS of FACT

1. Upon consideration of the Staff Report, exhibits, public hearing testimony, follow-up research and review of applicable codes, plans, policies, controlling legal instruments, including without limitation the Badger Mountain South LUDR provisions, this Decision is now in order. Based on all the evidence, testimony, codes, policies, regulations, and other information contained in the Record, the Examiner issues the following findings, conclusions and Decision to approve the preliminary plat as set forth below.
2. Any statements in previous or following sections of this document that are deemed findings are hereby adopted as such. Captions should not be construed to modify the language of any finding, as they are only provided to identify some of the key topics at issue in this application.
3. Monson Development Washington LLC, of Benton City, Washington, is the applicant and owner of the parcels of property addressed in this preliminary plat application. (*Exhibit 1; Ex. 2, proposed plat plans*).
4. The project site is currently planted with grape vines, as shown in *Exhibit 13*. The recently approved Goose Ridge Estates subdivision is located immediately west of the site, from which current streets named Highview, Corvina, and Barbera Streets will extend east into

this proposed Goose Ridge Estates II preliminary plat. The existing neighborhood known as West Vineyard 1, Phase 1 is located immediately west of the existing Goose Ridge site. All of these properties are part of the larger Badger Mountain South master planned community and are subject to review and compliance with applicable provisions of city development regulations as well as the Land Use and Development Regulations (LUDR) for the Badger Mountain South master planned community.

5. The applicant also owns a large, vacant portion of property immediately east of this proposed plat, shown on County Assessor records as part of the parcel ending with 1003. (*Assessor records; Testimony of Mr. Stevens*). Staff informed the Examiner that parcel numbers shown on the Assessor’s website may not be current, as various boundary line adjustments and other property line changes have occurred in recent years in the area. In any event, this Decision applies to property/properties owned by this applicant, whatever parcel number is shown on public records or application materials.
6. The city received the pending application for preliminary plat approval on or about August 25, 2021. (*Staff Report, page 10; Ex. 1, Preliminary Plat Application Form cover sheet*). Following review of the application materials, city staff deemed the materials complete for purposes of vesting, further review, and acceptance, on or about the same date it mailed and published Notices of the Application and Public Hearing for the matter on October 15 and 24, 2021. (*Staff Report, page 10; Ex. 3*). All written comments received prior to the hearing from members of the public or interested agencies are included in the record as part of Exhibit 12.
7. This proposed subdivision is part of the Badger Mountain South Subarea Plan and is part of the master planned community of Badger Mountain South, which is intended to be a “walkable and sustainable community” with a range of housing types, mixed-use neighborhoods, up to 5,000 dwelling units, businesses and other commercial activities, all subject to specially adopted Land Use and Development Regulations (LUDR) for the area. (*LUDR, 1.A, Intent, and 1.B, Purpose*). The property addressed in this application is located in the “East Garden” portion of of the BMS community. (*LUDR, Sec. 1.E, on pages 1-2; Staff Report, site description discussion on page 3*).
8. As part of any preliminary plat application review for projects in the BMS community, a recommendation from the Master Plan Administrator is required, referenced as a “MACR” in the Staff Report and other documents in the application materials. For this project, the MACR is included in the record as *Exhibit 4*, a part of which addresses possible road connections to serve the new plat and reads as follows:

“This development is creating 206 Residential Units with only one major collector street (Sol Duc) serving the development. The TENW traffic study currently under review at the City of Richland identifies the need for a second major collector street to serve the development. The Master Plan Administrator recommends the City of Richland consider requiring a second major collector street to serve this development as outlined in the Traffic Study. Specifically, the traffic study shows connectivity from Road C in Goose Ridge Estates II to Trowbridge. Without this connection, the traffic generated from this development will run through the residential neighborhoods in Goose Ridge and West Vineyard and create more congestion, noise, and safety concerns. The Master Plan

Administrator recommends the City of Richland identify when the connection from Road C to Trowbridge should be made as part of this phase of Goose Ridge Estates. (Ex. 4, Master Agreement Consistency Recommendation, on page 50 of 214 in pdf file of project materials; emphasis added).

9. This proposed Goose Ridge II subdivision would divide just over 53 acres into a development site with 206 residential lots with 11 tracts – in 3 (three) phases – as depicted on proposed plat plans included as part of *Exhibit 2*.
10. The Staff Report (on pages 4 and 5, see Figure 2) and Sec. 2.B of the LUDR explain or generally depict that a portion of the proposed plat area includes some space on the far east side of the Goose Ridge II property that is shown in the LUDR Land Use Maps as BMS-Civic, with a special designation as an “Overlay District”. The Civic District allows for open spaces, schools and community facilities located throughout neighborhoods. This district accounts for about 30% of BMS and is one of the most significant features aimed at supporting the vision of a walkable and sustainable community (LUDR Section 3.F). Having the overlay applied to a Civic District limits development to schools only. The Staff Report notes that the spatial correlation between the Civic area and the platted lots is approximate. The note in LUDR section 2.B states “*District boundaries are illustrative and may be adjusted to meet site conditions and project requirements so long as the spatial relationship between the districts is maintained*”. Noteworthy is the large rectangular parcel proposed outside of and adjacent to the southeast boundary of Goose Ridge Estates II. Planning Staff presumes this rectangular parcel is intended to contain a future school site and the green Civic zone may be shifted to meet the intent of the BMS land use map in LUDR section 2.B. (*Staff Report, page 5; Testimony of Mr. Stevens*). Because the property immediately east of this plat site is under the same ownership as this applicant, and this proposed plat reflects an intent to shift a similarly-sized area of the Civic-Overlay District onto the applicant’s property to the east from this plat, an additional condition of approval was requested by staff during the public hearing, without objection from the applicant, to require a legal instrument or other document to achieve such result. An additional condition of approval has been added, to require the applicant to submit a legal instrument of some sort that would bind future development of the property to east to include additional Civic-Overlay District land area of a substantially similar size to that shifted away from this Goose Ridge II plat, as generally depicted on Figure 2 of the Staff Report. Such document shall be subject to review and approval as to form by the Planning Manager and the City Attorney, and must be recorded prior to final plat approval for the first (initial) phase of this plat.
11. The Master Agreement Consistency Recommendation (*Ex. 4*) was not revised and notes that the project will be finalized in two phases, but as public comments correctly note as part of their concerns about inconsistencies in the application materials that give local residents “pause for the quality of the application as a whole” (*Ex. 12, West Vineyard HOA written comments, on page 192 of .pdf file, emphasis added*), the application materials and plat design provided to the Examiner and discussed at the public hearing show the plat to be developed in three phases, clearly illustrated on proposed plat plan sheets included as part of *Exhibit 2*.

12. The LUDR specifies various “districts” that are applied to properties in the BMS community. For this plat, most of the land area is located in the BMS-NG (Neighborhood General) District, with portions in the BMS-NE (Neighborhood Edge) District (*See Staff Report, page 5*), and some in the NC (Neighborhood Collector) District. (*See Ex. 2, plat plan sheet C002*).
13. Block standards are mandated in the LUDR at Section 7.B, including without limitation: a restriction on block lengths to no more than 1,000 feet (*see Sec. 7.B(2), satisfied by this application, as explained on page 8 of the Staff Report*); and requirements for a minimum number of at least 2 (two) Building Types per block in portions of this proposed plat that are in the BMS-NC and BMS-NG districts (*see Sec. 7.B(5)(a); discussion in Staff Report on pages 8, 9*).
14. Section 2.D of the LUDR specifies all of the Building Types that are allowed in each District.
15. Conditions of approval must be enforced that require the applicant to identify all Building Types that will be allowed on each lot included in this plat, to ensure compliance with the Building Type, the minimum number of Building Types per block mandates, density, and other requirements. (*See discussion in Staff Report on page 9*). Consistent with LUDR Sec. 1.G(5) and 7.B(5)(a)(2 and 3), the face of the final plat documents must identify the building type(s) that will be allowed on each lot, and demonstrate that there will be two building types per block for all blocks of the proposed plat that are within the BMS-NC and BMS-ND Districts.

“3-Block” proximity of houses in the NG District to park, mini park, or other open space.

16. The Regulating Plan and purpose section for the various districts in the BMS community is found in the LUDR at Sec. 1.F.1(c), which reads in part as follows: *“No house in the BMS-NG District is intended to be farther than three blocks from any park, mini park or other type of open space.”* (LUDR, page 1-3, Sec. 1.F.1(c)). The first section of the LUDR, captioned as “Introduction How to Use the LUDR” includes Sec. 1.A.5, which reads: *“This document contains a number of should and shall statements. The intent is that should statements are desired items that will be reviewed during the design and incorporated as possible. Shall statements are requirement[s] and revisions to these requirements require a deviation from the requirement be granted by the City.”* Unfortunately, the 3-block service radius for parks and open space found in Sec. 1.F referenced above includes neither word, should or shall. However, under either characterization, as a “should or shall” statement, and based on the totality of evidence in this record and the entire LUDR document and the City’s Comprehensive Plan, including without limitation its Badger Mountain South Subarea Plan (for example, see Table 10 on page 42 of the Subarea Plan, listing the number or parks, types of parks, and their distribution throughout the BMS community), the Examiner expressly finds and concludes that the 3-block park or open space proximity to houses located in the BMS-NG District is intended to apply as a “shall” requirement in portions of this project that are within such district. In other words, the final plat cannot be approved until the applicant demonstrates that *no house in the BMS-NG District is farther than three blocks from any park, mini park or other type of open space.*

- 17. Given this requirement for a 3-block proximity for homes built in the BMS-NG District and parks or open spaces, there appears to be need for clarification on the meaning of the term “Open Space.” Storm drainage facilities and tracts are not, standing alone, areas that should credibly be accepted as “Open Space” for purposes of satisfying the 3-block standard. To find otherwise would render illustrative photos, intent and purpose language, and other language in the LUDR meaningless and insincere.
- 18. Public comments submitted by local residents who are members of the West Vineyard Homeowners Association (the neighborhood to the east of this proposal, just west of the first Goose Ridge subdivision, which was owned and developed by the same applicant as this Goose Ridge II project, Monson Development), credibly raised concerns that the proposed plat will not fulfill various requirements found in the LUDR without some additional conditions mandating compliance with such standards. *(Ex. 12, West Vineyard HOA Comment materials, 9 pages, on pages 190-198 of .pdf file of materials in record before the hearing; Testimony of Ms. Nicholson, HoA President; and Ex. 19, copy of Ms. Nicholson’s comments provided at public hearing, and additional comments as a result of the hearing, dated Nov. 14th).*
- 19. During the public hearing, the applicant’s representative generally took the position that open space requirements for the proposed plat should be deemed satisfied, based upon the acreage designated for trails and the like in Tracts numbered 207-217, including tract(s) intended for stormwater drainage purposes, as summarized on the following chart found on Ex. 2, Sheet C002, on page 36 of the .pdf file:

MISCELLANEOUS OPEN SPACE		
TRACT	AREA (SF)	AREA (ACRES)
207 – GREENBELT/TRAIL	86,919	2.01
208 – GREENBELT/TRAIL	21,098	0.48
209 – LANDSCAPE/TRAIL	4,543	0.10
210 – LANDSCAPE/SIDEWALK	4,543	0.10
211 – LANDSCAPE/TRAIL	10,338	0.24
212 – LANDSCAPE/SIDEWALK	10,473	0.24
213 – LANDSCAPE/TRAIL	3,529	0.08
214 – LANDSCAPE/SIDEWALK	3,648	0.08
215 – GREENBELT/TRAIL/STORM	61,308	1.41
216 – LANDSCAPE/STORM	8,305	0.19
217 – LANDSCAPE/STORM	33,990	0.78
TOTAL	248,694	5.71

- 20. The West Vineyard HOA comments *(in Exs. 12 and 19)* recommend that a Local Park, as that term is used in the LUDR, should be incorporated into this plat as a way to satisfy the “3-block from a park or open space” proximity requirement for homes in the BMS-NG District. As noted above, the same standard applies to lots that are in the NC district.

21. The West Vineyard comments argue that the LUDR does not include a specific definition of the term “Open Space”, and that the terms trails and open space do not mean the same thing. They are correct, that a trail is not, standing alone, “open space”, for purposes of satisfying Sec. 1.F.1(c) of the LUDR (i.e. the ‘3-block’ requirement).
22. The term ‘trail’ is extensively defined and described throughout the LUDR, but Open Space is not. The two terms must be given distinct meanings. For guidance, it is helpful to see how the terms are used in other City codes and policies. In the City’s municipal code, the terms “Passive Open Space” and “Trail” are treated as distinct and separate uses for purposes of listing land uses/activities that are permitted in various shoreline areas (*See Use Table, at RMC 26.30.011*). And, in multiple parts of the City’s Comprehensive Plan provisions that apply to the BMS community, known as the Badger Mountain Subarea Plan, adopted in 2010, the terms parks, trails, and open spaces are clearly referenced as separate items. (*See discussion in Ex. 19; LUDR Sec. 1.A, Intent, explaining that the LUDR is intended, in part, to realize the goals and objectives of the Badger Mountain Subarea Plan; BMS Subarea Plan, Sec. 9, captioned “Parks, Trails and Open Space,” which provides detailed goals and objectives leaving no credible doubt that the terms parks, trails, and open space are not, standing alone, the same things as one another; BMS Subarea Plan, on pages 38-44*).
23. So, in order to fulfill the LUDR requirement that all homes in the NC or NG districts must be within 3-blocks of a park or open space, and absent a clear definition of the term “Open Space” and any amenities or special functions such areas must provide, some of the Tracts shown on the proposed plat *could be* developed as Mini Parks or Special Use Parks. Table 10 from the Subarea Plan identifies features that are typical in various smaller park spaces that will be located in the Badger Mountain South Community. As shown above, only two of the proposed “Open Space” tracts in this proposed plat are larger than one acre (Tracts 207 and 215). Table 10 of the Subarea Plan includes the following information addressing BMS park spaces that are under or just over one acre in size:

Table 10: Badger Mountain Subarea Parks, Trails and Open Space Summary

Active Parks				
Quantity	Type	Site Size ³³ Total Acres	Typical Features	Service Area/ Maintenance
+/-10	Badger Mountain South Mini Park	+/-1 acre/ 10 acres	Tot lots, benches, picnic tables.	Service radius of 2 to 3 blocks; MHOA
10	Badger Mountain South Special Use Park	1- 5 acres/ 20 acres	Serves individual neighborhoods with a wide range of types of activities including active/passive recreation; community gardens; dog park.	Service radius of ½ mile; MHOA

24. As shown above, smaller parks known as Mini Parks and Special Use Parks are envisioned in the BMS community, each with certain “typical features”, like benches, picnic tables, gardens, dog park, and the like. Assuming this applicant prefers clear conditions that can satisfy the LUDR as currently written, i.e. the standards that apply to this application at the time it was submitted and vested, a condition of approval should be included to require the applicant to determine the type of features they propose for a particular tract or tracts, the functions such tract is meant to provide, in a manner that would render such tract(s) as a Mini Park or Special Use Park, or a meaningful and credible “Open Space” area as that term is used in the LUDR, in a location and number necessary to accomplish the mandate that homes in the NC and NG Districts must be no more than 3-blocks from a park or open space. Conditions addressing ownership and maintenance of such open space/park area should be included in specific covenants, conditions, and restrictions for the subdivision, sometimes called CC&Rs or CCRs.

25. The Examiner takes official notice of a recorded legal instrument that applies to properties located in the BMS master planned community², specifically The Master Declaration of CC&R’s for Badger Mountain South, which includes a section that reads as follows:

8.1 **Applicability.** The following use standards, conditions and restrictions shall apply to all residential lots within BMS. The CCRs for any Phase may contain more restrictive but not less restrictive standards, conditions and restrictions. In the event any architectural, design, construction, use, or maintenance standard, condition or restriction for a Phase is more restrictive than provided in this Article 8, the more restrictive standard, condition or restriction shall control.

26. Based upon the record, the Examiner finds and concludes that it is necessary to include requirements for additional CCRs that clarify spaces that are required for Park/Open Space purposes in this proposed plat, how such space is to be landscaped, the amenities required in such space, the function any Park or Open Space is intended to provide, and the like, as well as language recognizing that the City is not responsible for enforcing provisions in any CCR, but that it rests with the specific HOA for a particular subdivision.

Transportation Concurrency.

27. As mentioned in previous findings, the Master Agreement Consistency Recommendation for this project (Ex. 4) expressly noted that without a connection from Road C in this proposed plat to Trowbridge, “the traffic generated from this development will run through the residential neighborhoods in Goose Ridge and West Vineyard and create more congestion, noise, and safety concerns.” (Ex. 4, *emphasis added*). The Master Plan Administrator

² This document was not included in the application materials or the Staff Report but was provided to the Examiner during post-hearing research to obtain access to relevant legal instruments addressing many of the topics raised in public comments. Given the substance of comments that were not adequately addressed in testimony or written materials already in the record, the Examiner found good cause to reopen and supplement the record at the end of last week, to include a copy of the CC&Rs, a copy of the entire BMS Master Agreement, as well as a portion of the predictive map for the proposed plat area from the DAHP website. The record is now closed, and this Decision is in order. (See H.Ex. Rule 1.14(d) re: official notice of records; and Rule 1.17, reopening to supplement record; new Exhibits 20, 21, and 22).

recommended that the City of Richland consider requiring a second major collector street to serve this development. (*Ex. 4*). This request and observation is supported by credible concerns included in public comments by local residents, and observations by the Examiner during site visits to the BMS community. Based on the record, the Examiner finds and concludes that this new plat should be served by a second major collector street, an extension of “Road C” to Trowbridge, and that the applicant should be required to complete such road improvements before final plat approval for the first (initial) phase of this plat. Recognizing that future development projects to the south of the Goose Ridge II plat may be served by the connection addressed in this finding, the applicant may want to learn more about using a “latecomer agreement” to recover some costs from other property owners that will later derive a benefit from the new road connection.³

28. RMC 19.60.095(D) mandates that a projects like this preliminary plat proposal may 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. (emphasis added).*”
29. A good deal of the public hearing included testimony on behalf of the City of West Richland, supported by Exhibits 14 and 15, opposing this application and others pending in the BMS community, generally based upon their argument that transportation concurrency requirements have not been satisfied. (*Testimony of Mr. Mendenhall; Exs. 14, 15*). Mr. Mendenhall’s comments were well presented, and may have carried the day if the City of Richland used “approved lots” as the yardstick for purposes of determining when various transportation improvements are needed, or new studies should be conducted. But, the unrebutted preponderance of evidence in this record establishes that “Building Permits” issued is the yardstick used to determine if and when various transportation improvement requirements are triggered.
30. Having reviewed and considered the entire record, including the entire BMS Master Agreement that has been added to the record by the Examiner as Exhibit 20, and testimony from City Public Works staff responsible for transportation system improvement issues, the Examiner finds and concludes that the “yardstick” used by the City to count units for purposes of triggering various transportation improvements is actual building permits issued by the City in the BMS community, and not the number of lots approved in final plats issued

³ RMC 12.09.010, addressing “Latecomer Agreements” for street improvements, reads as follows: *Any developer using private funds to construct street system improvements within the corporate boundary of the city may request to enter into a latecomer agreement with the city in order to recover a pro rata share of the costs of construction from other property owners that will later derive a benefit from the street system improvements made by the developer. The procedure for entering into such an agreement is administered by the city and provided in Chapter 3.10 RMC.*

for properties that are located in the BMS community. (*Testimony of Mr. Rogalsky and Mr. D'Alessandro; Ex. 16, Public Works Department memo detailing specific transportation improvement projects funded by Traffic Impact Fees collected in Traffic Impact Zone 3, where the proposed plat is located, submitted in response to questions from the Examiner during the hearing*).

31. Mr. Rogalsky and Mr. D'Alessandro provided credible and reassuring testimony, within the scope of their professional expertise, and provided written materials explaining that this proposal will be required to pay transportation impact fees that are used to fund a long list of specific transportation improvements needed to mitigate impacts associated with this proposed plat. (*Ex. 16; Testimony of Mr. Rogalsky and Mr. D'Alessandro*).
32. Based upon the testimony of Mr. Rogalsky and Mr. D'Alessandro, and their follow-up Exhibit 16, the Examiner expressly finds and concludes that a specific list of required transportation system improvements or strategies are or will be in place at the time of occupancy of this project, or the impact fee revenues to be collected for each building permit issued for homes in the new plat will serve as an adequate financial commitment to complete the required improvements within six years of final plat approval for this plat.
33. Finally, regarding public comments expressing concerns that the timing of some transportation projects may have been changed from dates given in the Master Agreement, the Examiner directs attention to Section 19.4 of the BMS Master Agreement, which reads as follows: “The timing for the construction of Transportation Improvements is set forth in Exhibit B⁴. The City and Nor Am may agree to change the timing of construction of road improvements if deemed to be in the public interest.” Mr. Rogalsky and Mr. D'Alessandro offered credible testimony summarizing some of the projects where timing has been changed, as they deemed to be in the public interest. Moving forward, periodic written reports or updates from the Public Works Director on the City’s website pages summarizing BMS community information may be helpful to keep the public and neighboring jurisdictions (like West Richland) better informed, and to maintain public confidence that transportation system requirements are appropriately monitored and enforced, all as the Public Works Director might deem to be in the public interest. An additional condition of approval has been included as part of this Decision, specifying that changes in the timing of road improvements required as part of this project shall be considered “Minor Revisions” to the approved preliminary plat, subject to a Type I approval process that includes public notice of such decisions and possible appeals to the Examiner, noting that any review of such revision requests will require substantial deference to any determination made by the Public Works Director. (*See RMC 19.20.010 and .030; See Condition of Approval, General Condition J*).

⁴ Included as Ex. 9 in this record for the Goose Ridge II application.

SEPA Compliance.

34. The City of Richland’s Planned Action Ordinance adopted for the Badger Mountain master planned community covers development within the Badger Mountain South Subarea. The Supplemental Final Environmental Impact Statement issued for the Planned Action Ordinance covers the site of this proposed plat. Accordingly, standard SEPA review is not required, so long as the project is consistent with the master plan and mitigation measures adopted and identified in applicable SEPA documentation for the master planned area. (*Staff Report discussion, at pages 11 and 12; and Ex. 6, Planned Action Consistency Determination*). With such documentation, and so long as the project is developed in a manner that meets the conditions of approval imposed as part of this Decision, which mandates compliance with the LUDR provisions applicable to the BMS master planned community, the pending application satisfies(ied) applicable SEPA review requirements.
35. Asserting that previous SEPA review for the BMS community precludes additional conditions under authority of SEPA, the applicant objected to Staff’s proposed Condition 63, that would have mandated a professional archaeological survey of the site prior to ground disturbing activities. (*Staff Report, page 23; Testimony of applicant’s hearing representative, Mr. Mapstead*).
36. Exhibit 21 is an image from the Washington Department of Archaeology and Historic Preservation (DAHP) online predictive modeling map for the proposed plat area, showing most of the land area within the proposed plat as “Moderate Risk” for discovery of cultural resources, so a Cultural Resource Survey is “Recommended”; some parts of the proposed plat area are shown as “High Risk”, so a Survey is “Highly Advised”; and some areas are shown as “Moderately Low Risk”, so a Survey would be contingent upon certain parameters.
37. There is no evidence in this record to show that DAHP’s predictive model mapping was ever included as part of the record reviewed or considered at the time the original environmental review occurred for the BMS community in the late 2000s or whenever it occurred.
38. In any event, the Examiner has modified proposed Condition 63, to eliminate the requirement to conduct a survey, but requiring the applicant to generate an Inadvertent Discovery Plan, to be onsite throughout ground disturbance work on the site, independent of substantive SEPA authority, but to be consistent with other state statutes addressing cultural resource protections, including without limitation RCW 68.50.645, RCW 27.44.055, and RCW 68.60.055.

Public Hearing.

39. The open-record public hearing for the application occurred on November 8, 2021, wherein the undersigned Examiner presided, and all persons wishing to provide comments were heard, providing testimony under oath. Brief summaries of key topics raised during public testimony is provided in another part of this Decision. The hearing was conducted using the Zoom online hearing platform, coordinated by City Staff, all in accord with proclamations

and public health measures in effect at this time. The Examiner has visited the site of the proposed project on multiple occasions, and public roads leading to and from the vicinity of the proposed plat, and is familiar with the larger Badger Mountain South area from previous visits in connection with other applications over the last few years.

40. The Staff Report and recommendation of approval includes a number of specific findings and conditions that partially establishes how the underlying plat application, as conditioned, can satisfy provisions of applicable law, be consistent with the city's Comprehensive Plan, and designed or conditioned to comply with applicable development standards and guidelines. It points out some requirements found in the LUDR that must be satisfied before any phase can be granted final plat approval.
41. Additional conditions of approval have been added by the Examiner to ensure that all staff and future developer representatives fully understand and appreciate that the burden is on the applicant to show compliance with applicable provisions of the LUDR and the Richland Municipal Code at every stage of development, whether or not such provisions are enumerated or referenced in the approved preliminary plat plans, in the staff report, or in this Decision.

Compliance with city development regulations achieves consistency with the Comprehensive Plan

42. 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, a preponderance of 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, including without limitation those reflected in the LUDR for Badger Mountain South, thus implementing and complying with the City's Comprehensive Plan. (*See Staff Report, all Findings*). Obviously, if the proposed plat is not designed and/or conditioned to demonstrate compliance with all applicable LUDR provisions, then the application would NOT be compliant with the city's comprehensive plan.

As Conditioned, and if developed in compliance with requirements in applicable LUDR provisions, the proposed plat will provide public benefits

43. The applicant's submittals established 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, construction of new roads, sidewalks, an attractive street system to serve the new plat, and other features that will serve to promote health benefits of a walkable, pedestrian-friendly community.

A preponderance of evidence in the record demonstrates the proposed project, as conditioned, satisfies approval criteria.

44. The record contains a preponderance of evidence to demonstrate that, as conditioned, the proposed plat makes appropriate provisions for:
- A. The public health, safety, and general welfare: *See Staff Report; all Findings above; Conditions of Approval; Testimony of Public Works Director re: Transportation System improvement issues.*
 - B. Open Spaces: *Findings above, Conditions of approval.*
 - 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. *Staff Report, including without limitation pages 19-22, TAC recommended Storm Water conditions.*
 - 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 has been deemed consistent with all applicable LUDR and city standards for city roads, streets, driveways, access, circulation, transportation concurrency and the like. Additional conditions of approval have been added to mitigate construction traffic, and to grant the Master Plan Administrator's request for a connection between Road C and Trowbridge. *Staff Report; Technical Advisory Committee recommendations and proposed conditions; Testimony of Public Works witnesses; Ex. 16, list of transportation projects funded by impact fees to be collected in connection with this project; Conditions of Approval K, M, and those addressing Traffic and Streets.*
 - 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, though no bus service is currently provided for the neighborhood. The transit agency was given lawful notice of the proposed plat and did not provide any

comments or feedback for consideration as part of the record in this matter. *Staff Report, page 29.*

- 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. Irrigation water will continue to be available within the plat, as provided by the Badger Mountain Irrigation District. *Staff Report, pages 10 and 25; TAC recommended Domestic Water conditions on pages 18 and 19 of the Staff Report.*
- G. Sanitary systems: The City's sewer system has capacity to serve the proposed plat, and will do so. *Staff Report, at page 25, TAC recommended Sanitary Sewer conditions on page 19 of the Staff Report.*
- H. Parks and recreation, playgrounds, schools: The Staff Report and site plans show that the project includes provisions for new trails, advancing the Badger Mountain South vision of urban trails throughout the master planned community. The Staff Report explains that the park mitigation fees will be paid for each dwelling unit constructed within the plat. Additional parks/open space conditions have been added in this Decision, based upon evidence in the record. School needs for future residents are adequately addressed in the LUDR for the Badger Mountain South master planned community. *Staff Report, page 25. Additional conditions added by Examiner to address Park/Open Space standard for homes in the NC and NG districts.*
- I. Planning features to assure safe walking conditions for students: The proposed plat includes walking paths and sidewalks that will adequately provide safe walking routes and conditions for school children. *Ex. 2, preliminary plat plans showing sidewalks and trails in the new plat.*

45. Except as modified in this Decision, including without limitation any language that might be read to excuse or waive the applicant's obligation to comply with all requirements and standards set forth in applicable development regulation for the property, particularly the LUDR, all Findings, and statements of fact contained in the Staff Report are incorporated herein by reference as Findings of the undersigned hearing examiner.⁵

46. 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, 19.60.095, and the LUDR provisions applicable to the Badger Mountain South area, and that the public use and interest will be served by the proposed plat and associated dedications and improvements.

⁵ 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.

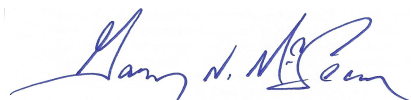
V. CONCLUSIONS of LAW

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 proposed conditions of approval as set forth in the Staff Report and as modified by the Examiner in this Decision, are reasonable, supported by the evidence, and capable of accomplishment. Additional conditions have been added to ensure that provisions of the LUDR are followed as the project moves forward.
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 site visits through the BMS community, **the undersigned Examiner APPROVES** the **"Goose Ridge Estates II" Preliminary Plat** application, subject to the Conditions of Approval set forth below and adopted herein as part of this Decision.

Decision issued: December 14, 2021.



Gary N. McLean
Hearing Examiner for the City of Richland

**CONDITIONS OF APPROVAL
FOR THE
PRELIMINARY PLAT OF GOOSE RIDGE ESTATES II
FILE NO. S2021-107**

In accord with authority granted in the Richland Municipal Code, the hearing examiner grants the above-referenced preliminary plat application subject to conditions, modifications and restrictions set forth below, all found necessary to make the application compatible with the environment, and carry out applicable state laws and regulations, and the regulations, policies, objectives and goals of the city's comprehensive plan, zoning code, subdivision code, and other ordinances, policies and objectives of the city.

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*), 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, and LUDR provisions for the Badger Mountain South community where this plat is located, whether or not such provisions are enumerated or referenced in the approved preliminary plat plans, in the staff report or in this Decision; provided adjustments to road widths, sidewalk and trail dimensions shall be in accord with final reviews and determinations by the City's Public Works Director, who is authorized to exercise sound engineering judgment in such matters. The burden is on the applicant to show compliance with these conditions and applicable provisions of the City's code and LUDR provisions at every stage of development, including without limitation the "3-Block" proximity to a park, mini park, or other type of open space standard for houses in the BMS-NG District. (*See Findings 16-26; LUDR Sec. 1.F.1(c)*).
- H. The preliminary plat can be developed in 3 (three) phases, as identified in the application materials and depicted on plan sheets included in *Ex. 2*, subject to compliance with all final conditions herein.

- I. Final Covenants, Conditions and Restrictions (CCRs) for each phase of this plat shall be submitted with the final plat application for each phase, and shall be recorded prior to the final plat. The CCRs are subject to review and approval of the Planning Manager and City Attorney to ascertain if the documents are sufficient to assure compliance with these Conditions of Approval, SEPA Mitigation measures, and LUDR provisions. At a minimum, the CCRs shall include provisions for repair, maintenance and performance guarantee of any tracts, private parks or open space, landscaping, facilities, utilities or amenities which are private and commonly owned by the homeowners of the plat, and clearly explaining that the City of Richland is not responsible for enforcement of private CCRs. Language shall also be included in the CCRs that require notification to the City of Richland Planning Manager of any amendments to the CCRs, and that the City shall have the authority to object to any modification that is inconsistent with any condition lawfully placed upon the subdivision by the City of Richland.
- J. ***Process for Review of Potential Minor or Major Revisions to this Preliminary Plat.*** Revisions to an approved preliminary plat are reviewed under RMC 19.20.010, with minor revisions reviewed as a Type I application (see RMC 19.20.010(A)(5)), which requires approval by the Director; and major revisions reviewed as a Type III application requiring approval by the Hearing Examiner (See RMC 19.20.010(C)(1)).

As provided in RMC 19.20.030, a Type I application does not require public notice, but public notice must be issued regarding any decision to approve a Type I application, which is then subject to appeal before the Hearing Examiner; and all Type III applications require full public notice of such application, an open record hearing, and a decision by the Hearing Examiner.

Because this application and others in the BMS community have generated significant public comments generally expressing concerns that some requirements, conditions, or expectations for prior BMS developments were modified or abandoned, or the timing of some requirements has been changed, it is in the public interest for this preliminary plat approval and future BMS projects to provide a clear condition explaining the sorts of revisions that will require a Type I or Type III review and approval, subject to application fees and filing requirements as determined by the Director or his/her designee.

For this preliminary plat, “Major Revisions” shall include proposed changes in primary access points or increase in the number of peak hour vehicle trips, expansion of site area, increase in the number of lots, elimination of or substantial change to a required transportation system improvement, substantial expansions of environmental impacts, or substantive changes to any finding of fact or condition of approval in the Decision approving the preliminary plat.

“Minor Revision” shall include proposed changes that the Director determines to be minor but still within the scope of the original preliminary plat approval. Minor revisions can include, without limitation: changes to the boundaries and lots within phases of the preliminary plat; changes in the timing of construction of road improvements mandated in the BMS Master Agreement, the LUDR, or these Conditions of Approval, if deemed to be in the public interest by the Public Works Director; technical engineering items and details, unless the proposed detail modifies or eliminates features specifically required as an element of approval; minor changes in lot or tract lines or dimensions, with no change in density; minor changes to street alignment or utility design; reduction in the number of lots approved, as long as the modification meets any minimum density requirement; minor changes to clarify notations on the face of the plat; a change to a condition of approval that does not modify the intent of the original condition; and reconfiguration of any designated park, trail, open space, or recreation areas, provided, that no reduction in overall area occurs.

- K. ***Right of Way Permit for Construction Traffic.*** Based on compelling testimony and evidence contained in the record for this matter that demonstrated a need for specific conditions to reduce the impacts of

construction-related traffic that will move through surrounding neighborhood streets as the new plat is developed and homes are constructed therein, and under authority granted in development regulations found in the Richland Municipal Code, including without limitation RMC Chapter 12.08 (Right of Way Permits) and the purpose and intent of erosion, dust, traffic, pedestrian-safety and water-pollution control regulations set forth in other provisions of the RMC, the following Condition shall be satisfied prior to issuance of any clearing and grading, building, demolition, or other construction permit associated with development of or within the new plat that the Public Works Director determines is likely to have a material impact on any segment(s) of the city's existing public street network that will be used to obtain access to and from the plat-development site(s):

The applicant is required to apply for a Right of Way Permit before the issuance of any grading, building, demolition, or other construction permit associated with development of or within the new plat that the Public Works Director determines is likely to have a material impact on any segment(s) of the city's existing public street network that will be used to obtain access to and from the plat-development site(s). In some cases, more than one Right of Way Permit may be required, such as one for hauling and one for construction work within the right of way. A Right of Way Permit issued under this Condition is intended to regulate activity within the city right of way, and is required of any person who performs construction-related work within existing or proposed city rights-of-way, easements, or on city-owned infrastructure, including without limitation the following:

- a) Designated truck hauling routes.
- b) Truck loading and unloading activities.
- c) Hours of construction and hauling.
- d) Continuity of pedestrian facilities.
- e) Temporary traffic control and pedestrian detour routing for construction activities.
- f) Street sweeping and maintenance during excavation and construction.
- g) Location of construction fences.
- h) Parking for construction workers.
- i) Construction vehicles, equipment, and materials in the right of way.
- j) All other construction activities as they affect the public street system.

In addition, the applicant shall submit for review and approval by the Public Works Director a plan for providing pedestrian access on existing public streets that are impacted during construction of this project (if any). Access on such existing public streets shall be provided at all times during the construction process, except when specific construction activities such as shoring, foundation work, and construction of frontage improvements prevents access. General materials storage and contractor convenience are not reasons for preventing access along streets, sidewalks or other portions of the city street system surrounding the new plat.

- L. ***Legal Instrument required, to shift Civic-Overlay District to the applicant's property east of this plat.***
To ensure that adequate land area is appropriately reserved for Civic-Overlay (School) purposes, as explained and illustrated in the LUDR, the applicant shall prepare and submit a legal instrument of some sort that would bind future development of its property to east (also owned by the same applicant) to include additional Civic-Overlay District land area of a substantially similar size, function, and scale, to that shifted away from this Goose Ridge II plat, as generally depicted on Figure 2 of the Staff Report. Such document shall be subject to review and approval by the Planning Manager and the City Attorney, and must be recorded prior to final plat approval for the first (initial) phase of this plat.

- M. ***Road C to be extended to connect with Trowbridge, as requested by the Master Plan Administrator (Ex. 4).*** Based on the record, the Examiner finds and concludes that this new plat should be served by a second major collector street, an extension of “Road C” to Trowbridge, and that the applicant shall be required to complete such road improvements before final plat approval for the first (initial) phase of this plat. Recognizing that future development projects to the south of the Goose Ridge II plat may be served by the connection addressed in this finding, the applicant may want to learn more about using a “latecomer agreement” to recover some costs from other property owners that will later derive a benefit from the new road connection.

Conditions Derived from Technical Advisory Committee Recommendation in the Staff Report:

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 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. 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 final 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 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.
 - E. The minimum centerline radius for local streets shall be 100-feet.
 - F. 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.
 - G. All public improvements shall comply with the State of Washington and City of Richland requirements, standards and codes.
 - H. 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 comprehensive 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 (SEVA), it shall be included in the construction plan set and be designed to the following standards:
 - A. 2-inches compacted gravel, minimum (temporary 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, 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:

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. Pursuant to the master development agreement for the Badger Mountain South development an update to the project's traffic impact fee study is required at this time. As explained below, Public Works staff believes that the proposed traffic impacts within the City of Richland are sufficiently identified and mitigated as to enable approval of this project. That being said, Public Works staff believes that to ensure compliance with the master agreement, and to accurately plan and execute traffic improvements as the larger development proceeds, that it is appropriate that no development beyond the first phase of this project should be allowed until the traffic impact study update is completed and accepted by the City. Accordingly, no phase beyond the initial phase of this preliminary plat shall be approved until such time as the traffic study has been approved and accepted by the City of Richland.
13. Public Works staff believes that despite the fact that the Badger Mountain Subarea Traffic Impact Analysis update study remains in draft form at this time, there is a sound basis to satisfy the requirements to approve this preliminary plat application. The primary reason for this belief is the applicability of RMC Chapter 12.03 to this project. RMC Chapter 12.03, the City's traffic impact fee program, includes a robust set of traffic impact mitigating improvements that have been established to address the impacts of the entire Badger Mountain Subarea development, including this project. Once completed the Badger Mountain Subarea Traffic Impact Analysis update study will be used to update this program in scope and cost. Based on review of the draft study, Public Works staff is convinced that the projects and funding included in the existing traffic impact fee program is sufficient to mitigate the off-site traffic impacts of the Goose Ridge Estates II project located in the City of Richland. Similarly, Public Works staff is confident that the information available in the draft study update is sufficient to identify the direct impacts of the Goose Ridge Estates II project on adjacent public streets and to identify appropriate mitigation projects. Those projects are as follows:

- a) Traffic calming measures shall be constructed due to the relatively straight uninterrupted road sections proposed. Public Works staff's preliminary evaluation suggests that traffic calming measures shall include traffic circles on Road C at Barbera St. and Corvina St. intersections, a traffic circle at Barbera St. and Road A intersection, a choker on the west Barbera St. approach of the Road A intersection that will also accommodate the trail crossing at Tract 216, curb extensions and choker at Highview St. and Road A intersection. These improvements, and their detailed design, shall be reviewed and confirmed or adjusted during infrastructure permitting.
 - b) The following signing requirements reflect Public Works staff's preliminary evaluation of the project, which shall be subject to review or changes during project permitting:
 - i) Traffic signing and painting measures including yield signs at the tee-intersections of "Road B", "Road D", and "Road E".
 - ii) Stop signs on "Road A" at the Corvina St. intersection, on "Road C" at Highview intersection, and a painted crosswalk on "Road C" connecting the trail at Tracts 211 and 212.
14. The "Goose Ridge Estates II" preliminary plat is subject to the City's traffic impact fee program (RMC 12.03).
 15. The eastern frontage improvements of Road E shall be completed to City standards at the time that the phase which constructs the lots adjacent to Road E is developed.
 16. On Sheet C003 the ROW widths proposed for the different street sections do not match the ROW widths shown on the other sheets, or those in the adjacent plat ("Goose Ridge ph.2") or the LUDR. Please reconcile.
 17. 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.
 18. A note will be shown on the face of the final plat stating that Road C is classified as a "Major Collector street". Subsequently, no driveways accessing single family lots will be allowed directly onto it.
 19. Corvina Street as designed on this proposed pre-plat will be classified as a "Minor Collector".
 20. The City anticipates an update to the LUDR in the near future that will revise the standard street cross sections throughout Badger Mountain South. The developer is requested to consult with Public Works regarding the anticipated cross section changes and to utilize them in anticipation of the LUDR update being completed. Alternatively, this project shall utilize street cross section designs in the LUDR as it exists at the time of infrastructure permitting.
 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.).
 22. The developer and their engineer shall demonstrate on the construction plans that all future driveway entrances, sidewalks and pedestrian ramps will meet City and ADA requirements, and also provide at least 5-feet of separation between driveways and/or pedestrian ramp transitions.
 23. The vision-clearance triangle shall be shown on all corner lots (including access easements that serve multiple homes) on both the construction plans and the final plat document, in accordance with RMC Chapter 12.11.020. If the intersection is in or within 500-feet of a curve, it will have to be evaluated

per AASHTO guidelines. The assumed speeds for sight triangle evaluation are 35 mph for Major Collectors, 30 mph for Minor Collectors and 25 mph for local streets. This information shall be designed by the engineer of record and supplied to the surveyor of record for inclusion into the final plat document.

24. Signs indicating areas of restricted parking shall be installed at the developer's expense prior to final platting. The restricted parking areas shall be indicated on the construction plans and the final plat.
25. All roads shall be constructed to provide for adequate fire truck & solid waste collection truck access & turnaround movements. Lots 170-174 propose to take access from an alley. These lots may need to transport their garbage cans to an acceptable location for collection.
26. The proposed 18-foot "rear alley" easements shall be private access ways which are for the use and benefit of the homeowners that abut said roads, and are to be maintained by the adjacent property owners. The City of Richland accepts no maintenance responsibility for the rear alley easements.
27. 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:

28. The proposed preliminary plat is located within the "Tapteal IV" water pressure zone. 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.
29. ~~Looping of the water system provides redundancy and helps to eliminate stagnant water. This plat shall loop its water system to the existing main in Trowbridge Blvd. (Upon further review, this condition was deemed moot, so it has been eliminated based upon the testimony of Mr. Stevens).~~
30. In accordance with the City's comprehensive water plan, a portion of the "Tapteal IV Transmission Main" is designed to run in an east-west direction through this plat. This water main shall be extended to the east boundary of this pre-plat.
31. 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.
32. If the homes within this preliminary plat are required to install residential fire sprinkler systems the sprinkler systems shall be the flow-through type in compliance with the City's cross connection control program.
33. 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.
34. The fire hydrant layout shall be approved by the City Fire Marshal.
35. In accordance with Richland Municipal Code Chapter 18.16.080, an irrigation source and distribution system, entirely separate from the City's domestic water system, shall be provided for this development. Construction plans will not be accepted for review until adequate and viable proof of an irrigation source

is made available by the developer. The designing Engineer shall submit plans for the proposed irrigation system to the Irrigation District with jurisdiction over the property at the same time that they are submitted to the City for construction review. Plans shall be reviewed and accepted by said irrigation district prior to issuance of a Right-of-Way permit by the City. Easements shall be provided on the final plat for this system where needed.

Sanitary Sewer:

36. 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.
37. Sanitary sewer shall be extended to the adjoining properties adjacent to the preliminary plat, where appropriate and where grade allows. Sheet C301 may need to be corrected to show a sewer line extended east in Barbera to serve the property to the east.
38. 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.

Storm Water:

39. 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.
40. 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.
41. 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.

42. If there are any natural drainage ways across the proposed pre-plat, the engineered construction plans shall address it in accordance with Richland Municipal code 24.16.170 (“Easements-watercourses”).
43. Any proposed storm drainage retention facilities within the boundary of the proposed preliminary plat shall not adversely affect neighboring properties.
44. 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.
45. As per RMC chapter 24.20.070 and the City of Richland’s Comprehensive Stormwater Management Plan, the storm drainage system installed as part of this plat may need to be oversized in order to handle the additional flow from future developments in the vicinity. The storm drainage system for this development, both its conveyance and retention / infiltration components, shall be designed to effectively manage runoff from upstream properties that can be anticipated to convey stormwater onto this property because of a pre-development runoff condition, or as a result of flows discharged that are in excess of the design storm from the upstream property. Additionally, 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 as described above. 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.
46. The amount of post-development storm runoff from the proposed site shall be in compliance with RMC Chapter 16.06.
47. Stormwater collection pipes shall be extended to the adjoining properties adjacent to the plat, where appropriate and where grade allows.
48. 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.
49. 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 semi-annual 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.
50. 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.

Solid Waste:

51. Due to limited turnaround space, lots 170-174 may have to transport their garbage cans to a location acceptable for solid waste pick-up.

Final Platting / Project Acceptance Requirements:

52. 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.
53. 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 rights-of-way 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.
54. 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.
55. Ten-foot-wide public utility easements will be required on the final plat along both sides of all rights-of-way within the proposed plat. They will also be required where the plat is adjacent to an existing right-of-way.
56. 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.
57. 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 that abut said roads, and are to be maintained by said owners. The City of Richland accepts no maintenance responsibility for private roads”.
58. A note shall be added to the face of the plat that states: “The private drives within this plat are fire lanes and parking is restricted. The required no-parking signs shall be installed by the developer where applicable.”
59. 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.

60. All landscaped areas within the plat that are in the public Right of Way shall be the responsibility of the adjacent property owners to maintain.
61. The intended use and ownership of all tracts within the plat shall be noted on the final plat.
62. Property with an unpaid L.I.D. assessment towards it must be paid in full or segregated per Richland Municipal Code 3.12.095.

Planning Conditions:

63. ~~Based on known cultural resources on or near the work site, a professional archaeological survey of the site shall be conducted prior to any ground disturbing activities. The report shall meet DAHP's Standards for Cultural Resource Reporting. The report shall be submitted to the City and to DAHP referencing project tracking number 2021-10-06975.~~ **Inadvertent Discovery Plan Requirement in lieu of archaeological survey:** Based on the unrebutted comment letter from DAHP, and the DAHP predictive model mapping for the proposed plat, before commencement of any ground disturbing activities in connection with development of this proposed plat, the applicant shall submit a proposed Inadvertent Discovery Plan (IDP) for review and approval by the Planning Manager, which shall be consistent with state codes and regulations regarding cultural resources. A copy of an approved IDP, 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 approved IDP and as may be mandated by the City's Planning Manager. This Condition may be satisfied with an IDP that is consistent with DAHP guidance on the topic, but must include current names and contact numbers. For instance, in an effort to standardize language and to be consistent with state law, the Department of Archaeology and Historic Preservation offers the following text relating to the inadvertent discovery of human skeletal remains to be used in the development of inadvertent discovery protocols⁶:

**Inadvertent Discovery of Human Skeletal Remains on
Non-Federal and Non-Tribal Land in the State of Washington
(See RCW 68.50.645, RCW 27.44.055, and RCW 68.60.055)**

"If ground disturbing activities encounter human skeletal remains during the course of construction, then all activity will cease that may cause further disturbance to those remains. The area of the find will be secured and protected from further disturbance until the State provides notice to proceed. The finding of human skeletal remains will be reported to the county medical examiner/coroner and local law enforcement in the most expeditious manner possible. The remains will not be touched, moved, or further disturbed. The county medical examiner/coroner will assume jurisdiction over the human skeletal remains and make a determination of whether those remains are forensic or non-forensic. If the county medical examiner/coroner determines the remains are non-forensic, then they will report that finding to the Department of Archaeology and Historic Preservation (DAHP) who will then take jurisdiction over the remains. The DAHP will notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist will make a determination of whether the remains are Indian or Non-Indian and

⁶ Available on the DAHP website, at: <https://dahp.wa.gov/archaeology/human-remains/recommended-inadvertent-human-remains-discovery-language>

report that finding to any appropriate cemeteries and the affected tribes. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains."

64. All rights-of-way shall include public pedestrian facilities and edge-type features as shown in Section 6 of the LUDR.
65. ~~Pursuant to the LUDR Section 1.G(5), final plats must identify housing types allowed on each lot.~~ Consistent with LUDR Sec. 1.G(5), and Sec. 7.B(5)(a)(2 and 3), the face of the final plat documents for all phases of the project must identify the building type(s) that will be allowed on each lot, and demonstrate that there will be two building types per block for all blocks of the proposed plat that are within the BMS-NC and BMS-NG Districts.
66. Street names will be reviewed when construction drawings are submitted to the Public Works Department. Said construction drawings shall include two (2) street name options for each of the new street segments and the City will review to determine acceptable street names.
67. All final plat drawings shall include addressing brackets [] on all lots and tracts; placed adjacent to the respective roadway.

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.