

WHEN RECORDED RETURN TO:

Richland City Clerk's Office
625 Swift Boulevard, MS-07
Richland, WA 99352

****AMENDED****
ORDINANCE NO. 29-21

AN ORDINANCE of the City of Richland relating to land use, zoning classifications and districts and amending the Official Zoning Map of the City by amending Section Map Nos. 4 and 10 so as to change the zoning designation of approximately 7.27 acres located in the Horn Rapids community on a site generally addressed as 2800 Clubhouse Lane, along the eastern boundary of the 18th hole of the Horn Rapids Golf Course, south of the existing pro shop and west of River Valley Drive upon a portion of Benton County Assessor Parcel No. 128082000001005 from Agriculture (AG) and Planned Unit Development (PUD) allowing for a 30-lot residential development (Ordinance No. 34-94) to Planned Unit Development (PUD) allowing for a 54-unit townhome development and preliminary PUD plan approval, contingent upon the recording of a duly executed, delivered, and accepted Property Use and Development Agreement.

Re: The Links Residence at Horn Rapids

WHEREAS, on May 10, 2021, the Richland Hearing Examiner held a duly advertised open-record public hearing to consider a preliminary Planned Unit Development (PUD) application and a petition to change the zoning of the property hereafter described as submitted by HJBT Properties LLC ("Petitioner"); and

WHEREAS, Petitioner also filed with the City of Richland, as the reviewing agency, a SEPA checklist indicating the expected environmental impact anticipated by such zone change and preliminary PUD plan; and

WHEREAS, on May 3, 2021, the City of Richland Planning Department reviewed the required SEPA checklist, assessed the environmental impact expected from the proposed land use actions, and issued a Determination of Non-Significance (DNS) pursuant to Chapter 43.21c RCW, the State Environmental Policy Act (SEPA)(see EA 2020-133); and

WHEREAS, on August 16, 2017, the Richland Hearing Examiner recommended approval of the requested rezone and approval of the preliminary PUD plan, subject to numerous conditions; and

WHEREAS, the Richland City Council has considered the recommendations and reports submitted in the record, and all comments and arguments made to it at the open-record public hearing and reiterated at the closed-record public hearing.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. The findings of fact and conclusions of law contained in the Richland Hearing Examiner's Report dated August 16, 2021, attached hereto as **Exhibit A** and incorporated herein by this reference, are hereby adopted as the findings and conclusions of the Richland City Council.

Section 2. It is hereby found, as an exercise of the City's police power, that the best land use classification for the land described below is Planned Unit Development (PUD) when consideration is given to the interest of the general public.

Section 3. Contingent upon the recording, as provided in Section 6 hereof, of a duly executed, delivered and accepted *Property Use and Development Agreement* substantially in the form attached hereto as **Exhibit B** by Petitioner for rezone and preliminary PUD plan approval of the property identified as The Links Residence at Horn Rapids, restricting the use and development of such property and providing for Planned Unit Development (PUD) of the approximate 7.27-acre site, more specifically described as follows:

7.27 acres located in the Horn Rapids community on a site generally addressed as 2800 Clubhouse Lane, along the eastern boundary of the 18th hole of the Horn Rapids Golf Course, south of the existing pro shop and west of River Valley Drive upon a portion of Benton County Assessor Parcel No. 128082000001005

such land is rezoned from Agriculture (AG) and Planned Unit Development (PUD) allowing for a 30-lot residential development (Ordinance No. 34-94) to Planned Unit Development (PUD) allowing for a 54-unit townhome development.

Section 4. Title 23 of the Richland Municipal Code and the Official Zoning Map of the City as adopted by Section 23.08.040 of said title are amended by amending Section Map Nos. 4 and 10, which are two (2) of a series of maps constituting the Official Zoning Map of the City of Richland, as shown on the attached Section Map Nos. 4 and 10 bearing the number and date of passage of this Ordinance, and by this reference made a part of this Ordinance and of the Official Zoning Map of the City of Richland.

Section 5. Upon receipt of a duly executed *Property Use and Development Agreement* as contemplated in Section 3 herein, the City Manager is authorized to execute the same for and on behalf of the City, and to file said document with the City Clerk.

Section 6. The City Clerk is directed to file with the Auditor of Benton County, Washington, a copy of this Ordinance and the attached amended Sectional Maps No. 4 and 10, duly certified by the City Clerk as a true copy, together with **Exhibit A** (Richland Hearing Examiner's Report) and **Exhibit B** (the duly executed *Property Use and Development Agreement*).

Section 7. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 8. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 9. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

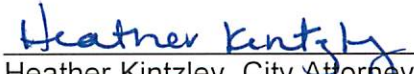
PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 18th day of April, 2023.


Terry Christensen, Mayor

Attest:


Jennifer Rogers, City Clerk

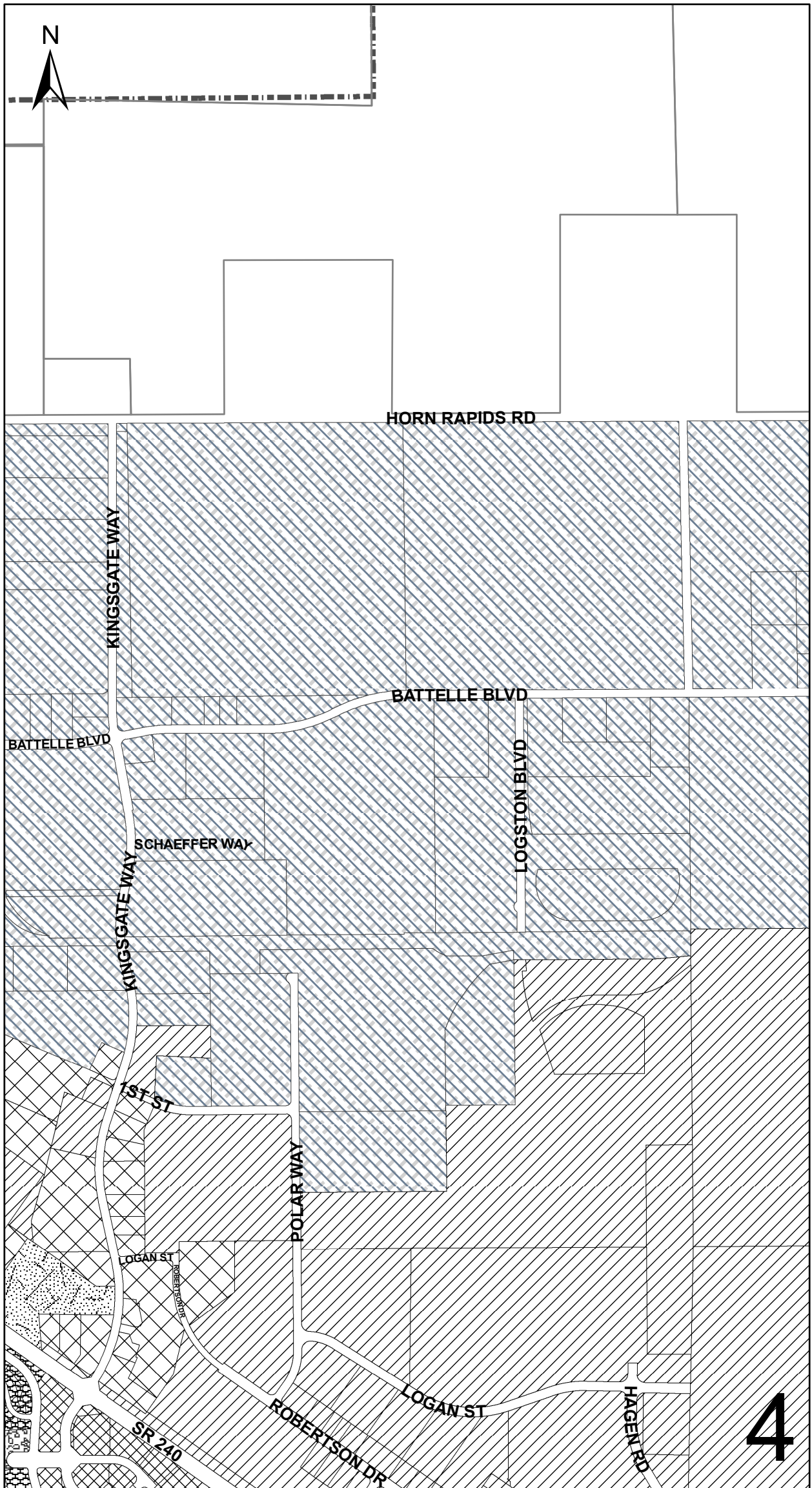
Approved as to form:

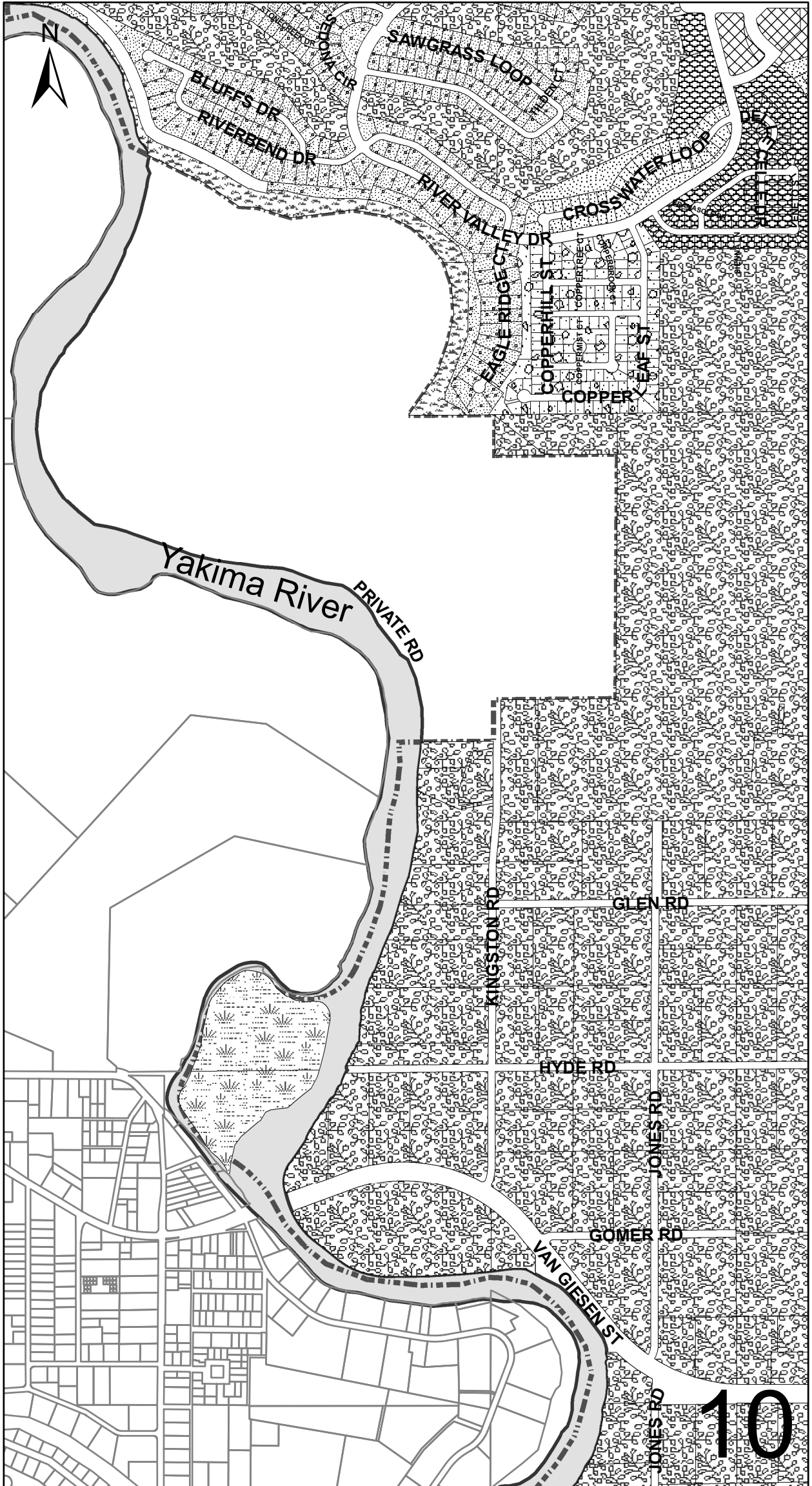

Heather Kintzley, City Attorney

First Reading: April 4, 2023

Second Reading: April 18, 2023

Date Published: April 23, 2023







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

**FINDINGS, CONCLUSIONS AND
RECOMMENDATION OF APPROVAL
“THE LINKS RESIDENCE AT HORN RAPIDS”
PRELIMINARY PLANNED UNIT DEVELOPMENT (PUD)**

FILE NUMBER: PUD2021-101

APPLICANT: HJBT PROPERTIES
*(BRAD REW AND THERA REW, LISTED AS THE APPLICANTS ON THE SEPA
CHECKLIST, AND SERVED AS APPLICANT REPRESENTATIVES AT HEARING)*

APPLICATION: 54-UNIT PLANNED UNIT DEVELOPMENT (PUD) ON A 7.27-ACRE SITE

LOCATION: IN THE HORN RAPIDS COMMUNITY IN THE NORTH PART OF THE CITY OF
RICHLAND, ON A SITE GENERALLY ADDRESSED AS 2800 CLUBHOUSE LANE,
ALONG THE EASTERN BOUNDARY OF THE 18TH HOLE OF THE HORN RAPIDS
GOLF COURSE AND SOUTH OF THE EXISTING PRO SHOP.

PARCEL NUMBER: A PORTION OF BENTON COUNTY ASSESSOR PARCEL No. 128082000001005

REVIEW PROCESS: TYPE IIIA, PRELIMINARY PLANNED UNIT DEVELOPMENT,
HEARING EXAMINER RECOMMENDATION TO CITY COUNCIL

SUMMARY OF RECOMMENDATION: *APPROVE*, SUBJECT TO CONDITIONS

DATE OF RECOMMENDATION: AUGUST 16, 2021

I. CONTENTS OF RECORD.

All exhibits entered into evidence as part of the record, and an audio recording of the public hearing, are maintained by the Department, and may be examined or reviewed by contacting the City's public records officer.

Exhibits: Staff Report. City of Richland Development Services Division Staff Report and recommendation of approval to the Hearing Examiner regarding "The Links Residence at Horn Rapids" – Planned Unit Development, File No. PUD2021-101, dated May 10, 2021 (25 pages);

***NOTE:** *Staff assembled the Staff Report and all exhibits received before the Staff Report was issued into a single .pdf file, which numbers 563 pages. Additional written comments and records were submitted after the Staff Report was issued and were transmitted to the Examiner for his consideration and review. These later records are also included in the record, but are not part of the same .pdf file. Where possible, and for the reader's convenience, the Examiner refers to specific documents by the page numbers where they can be found in the .pdf file.*

1. PUD Application Materials (.pdf pages 28-277);
2. Ord. No. 34-94 (.pdf pages 278-288);
3. Public Notices and affidavits confirming same (.pdf pages 289-296);
4. SEPA Determination of Non-Significance (DNS), and copy of the applicant's completed Environmental Checklist for the proposed PUD (.pdf pages 297-310);
5. Written comments, including those submitted after the Staff Report was issued but before the public hearing concluded (before Staff Report was issued, see .pdf pages 311-551; copies of all written comments offered after such time were transmitted to the Examiner and are maintained by the Department, and are available for review in electronic form). The Examiner's review of all written comments shows that the overwhelming majority of written comments support the pending application, with opposition coming in much smaller numbers, mostly from adjacent property owners with requests for modifications that would serve their personal interests; and
6. Golf Course Restrictive Covenant, deemed unenforceable by the City Attorney (.pdf pages 552-563; See letter to Mr. Rew from City staff explaining why covenant is unenforceable, on .pdf page 512; Testimony of Mr. Stevens; Staff Report, discussion on pages 9 and 10).

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

1. Mike Stevens, Planning Manager, for the City of Richland;
2. Brad Rew, for the applicant, HJBT Properties, an entity formed by members of the Rew family, and one of the applicant's two representatives at the public hearing;
3. Thera Rew, for the applicant, HJBT Properties, and one of the applicant's two representatives at the public hearing;
4. Terrie Marshall, local resident, asserted that restrictive covenant protected all Horn Rapids property owners, runs with the land, and that R2 zoning concerns her, written comment on .pdf page 437;
5. Michele Stewart, local resident, lives on 6th home down Crosswater Loop just south of the proposed PUD, expressed concerns that applicant did not follow through on working with neighbors, concerns about losing golf course view, concerns about impacts on her property value;
6. Michele Rusk, an attorney with the Foster Garvey law firm, appeared to speak on behalf of several neighboring property owners, summarized arguments and comments provided in firm's letter already included in the record as part of Ex. 5 (.pdf pages 490-496), and another letter from the same firm dated May 8th, with 27 pages including attachments, added to Ex. 5, requested modifications to eliminate lots 19-32 that run along the part of the PUD closest to existing houses on Crosswater Loop, preserve the man-made pond, and create/preserve a view corridor to the golf course from homes along Crosswater Loop.
7. Steve Lorence, lives along Crosswater Loop, submitted numerous written comments and questions included as part of Ex. 5 generally opposing the proposal, emphasized the need to preserve the pond, says the fence is laughable, submitted a short video showing backyard views from some of the Crosswater Loop homes just south of the proposal;
8. Carol Libby, lives along Crosswater Loop, expressed concerns that the golf course frontage she purchased will be changed by this project, that 2-story homes will be close to her house, generally opposed new homes near her existing house, written comment letter included on .pdf page 417-418;
9. Laurie Baird, lives on Crosswater on other end, expressed concerns as to why the validity of the restrictive covenant was not discussed years ago, concerns with zoning, how the properties will be developed, parking;
10. Stew Stone, a former owner of Horn Rapids golf course, expressed concerns that intent of the restrictive covenant is not followed, noted that he was not opposed to development but feels that this proposal has too many units and that 40 units would be ok, asked that a development agreement be used to mandate that most funds derived from development on the site would be used for golf course redevelopment and the like, written comment letter dated May 7th with numerous attachments included as part of Ex. 5;
11. Steve Norton, local resident, lives in the Prestwick development, another part of the Horn Rapids community, is fully supportive of the project, written comment in support found on .pdf pages 451-452;
12. Tim McLain, Crosswater Loop resident, wants greenbelt to protect views, expressed concerns that he paid a premium for his golf course views and this project could impact his property value, requested modifications similar to those outlined by Ms. Rusk, written comment letter dated May 9th included as part of Ex. 5;
13. Tom Rickey, lives on Crosswater, but not a client of Ms. Rusk, noted that 900+ local residents like the proposal, and about 8 homeowners do not, and that those 8 owners bear

- the brunt of the project, so he wants to see some compromise, written comment found on .pdf page 477;
14. Louise Peters, lives in second home in on Crosswater, expressed concerns that proposal will impact her views onto the golf course, suggested that the applicant added units instead of lowering the total number after saying that compromise was possible, written comment appears on .pdf page 461;
 15. Eileen Griffin, local resident, Prestwick homeowner, but lives outside the 300-foot notice area, heard about project, she's a runner in the area, expressed general concerns about traffic, crowding where the pool and other activities are located, listed as Prestwick resident opposing the project on May 6th comment letter from group of Prestwick Homeowners, included as part of Ex. 5;
 16. Lucy Yang, lives along Crosswater abutting the proposal, expressed concerns that she would experience a financial loss if the project is built, asked for modifications including preservation of the pond, other protections for existing homeowners;
 17. Gary Varner, noted that traffic studies for the Horn Rapids community already assumed thousands of new homes, so no new study is needed, and that the ponds are not natural, noted that project should benefit the community.

II. APPLICABLE LAW.

Review Process: Under applicable provisions of the Richland Municipal Code (RMC), a preliminary planned unit development (PUD) application is subject to review as a Type IIIA procedure, where the Hearing Examiner is responsible for conducting an open record public hearing followed by a recommendation to the City Council. *(RMC 19.20.010(D)(2)).*

Approval Criteria for PUD. After considering Staff's recommendation and all information included in the record from the open record hearing process, the Hearing Examiner is authorized to recommend to the city council that the Preliminary PUD application be granted (with or without additional conditions) or denied. Such recommendation shall be based on the hearing examiner's determination of whether:

1. The PUD district development will be compatible with nearby developments and uses;
2. Peripheral treatment ensures proper transition between PUD uses and nearby external uses and developments;
3. The development will be consistent with the comprehensive plan and with the purpose of the PUD district;
4. The development can be completed within a reasonable period of time.

RMC 23.50.040(B).

Burden of Proof. The burden of proof rests with the applicant, and the application must be supported by a preponderance of evidence demonstrating 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; HEx Rules of Procedure, Sec. 3.08 Re: Burden of Proof*).

III. ISSUE PRESENTED.

Whether a preponderance of evidence in the record demonstrates that the applicant has met its burden to show that the pending application satisfies the City’s criteria for preliminary PUD approval?

Short Answer: Yes.

Based on all the evidence, testimony, codes, policies, regulations, environmental documentation, and other information contained in the Record, the Examiner issues the following findings, conclusions and Recommendation to approve the preliminary PUD as set forth below.

IV. FINDINGS OF FACT.

1. Any statements in previous or following sections of this document that are deemed findings are hereby adopted as such, including without limitation the project description and summary of proceedings.
2. The Staff Report and recommendation of approval includes a number of specific findings and conditions that establish how the underlying PUD application, as conditioned, satisfies provisions of applicable law, is consistent with the city’s Comprehensive Plan, and is designed or conditioned to comply with applicable development standards and guidelines.

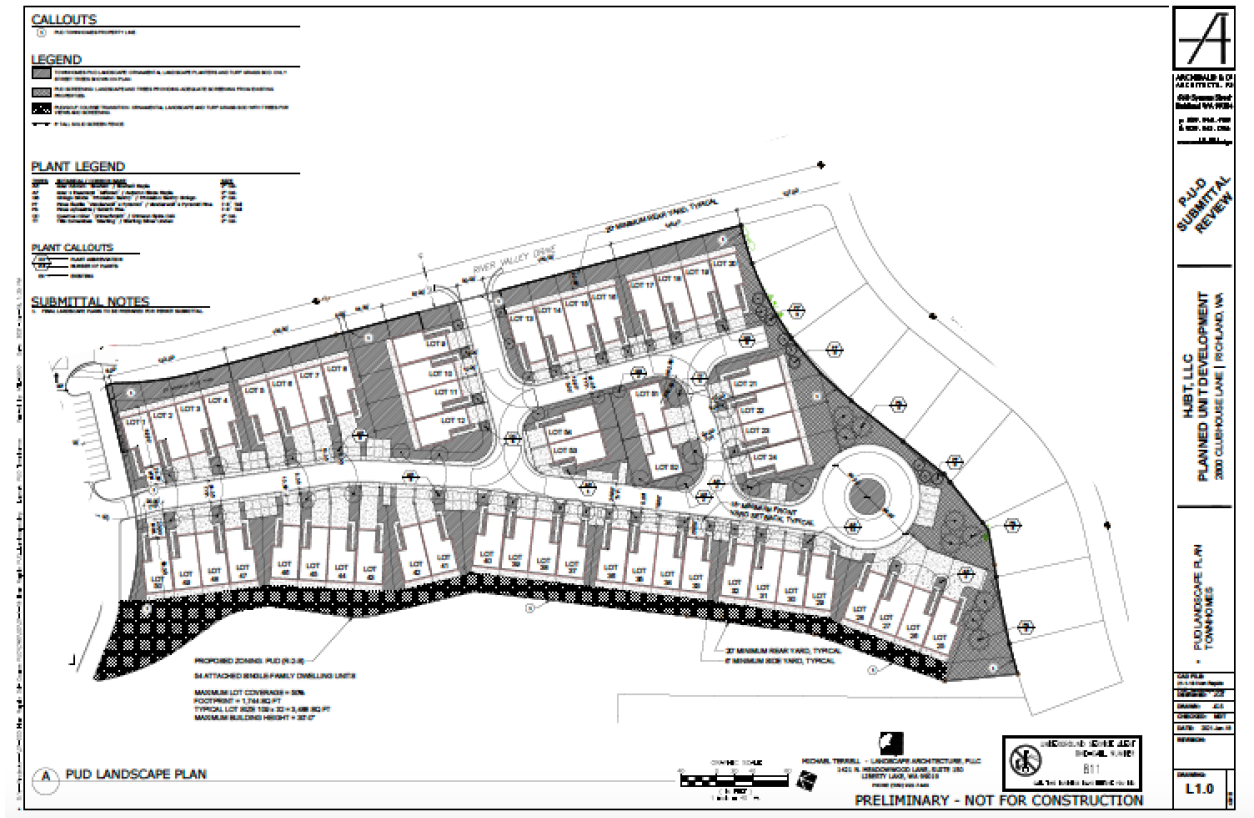
Project description and Summary of Proceedings.

3. HJBT Properties, an entity formed by members of the Rew family (including the applicant’s primary hearing representatives Thera Rew and Brad Rew), is the project applicant and owner of the property at issue in this matter. In December of 2020, the applicant submitted an application for a 54-unit Planned Unit Development (PUD), which was placed on hold until updated information was received after an initial review by City staff. (*Ex. 1, application; Staff Report, page 2*). The applicant provided additional information to complete their application in February, and Staff issued public notices in accord with City practices in March and April of this year, inviting comments from relevant agencies, surrounding property owners, and interested members of the general public. (*Exhibit 3, Notices and confirmation materials; Staff Report, pages 6 and 7*).

4. The City received well over 100 written comments from the general public and government agencies before the Staff Report was issued in May, with another dozen or so of written comments submitted at or before the public hearing. (*Staff Report, page 7; Ex. 5, copies of all written comments*). The large majority of written comments supported the pending PUD application (about 105 comments), with about 30 people opposing the project, mostly residents of homes along Crosswater Loop to the south of the project site, and some residents in the Prestwick neighborhood who are near portions of property where parking lot improvements that are not included as part of this PUD approval process might occur at some point in the near future, subject to other City approvals.
5. The proposed PUD would authorize development of a 7.27-acre site with 54 new single-family townhome units.
6. The project site is part of the Horn Rapids community in the northern part of the City of Richland. It is situated just west of River Valley Drive, north of homes abutting the north side of Crosswater Loop, south of the existing Horn Rapids Club House, and east of the fairway for the 18th hole of the Horn Rapids Golf Course. To the southeast, an existing Planned Unit Development known as Horn Creek has already been developed with townhomes, with a development pattern generally similar to that proposed in this application. (*Staff Report, pages 3 and 11; online review of aerial mapping; Existing site conditions, depicted on pages 261 and 269 of the .pdf file*).

Public Hearing testimony, discussion of main comments.

7. The open-record public hearing for the application occurred on May 10, 2021, using the Zoom audio/video platform coordinated by City staff, wherein the undersigned Examiner presided, and all persons wishing to provide comments were heard, providing testimony under oath. City staff, Applicant representatives and interested citizens appeared at the hearing or submitted written comments regarding the proposed PUD. The Examiner has visited the site of the proposed project, and public roads leading to and from the vicinity of the proposed plat, multiple times over recent years in connection with other development applications in the Horn Rapids area, and reviewed online mapping resources, showing aerial views of surrounding properties and development patterns in the area.
8. For the reader's convenience, a copy of the proposed PUD site plan with landscaping features is provided below (*Ex. 1, Drawing Sheet L1.0, PUD Landscape Plan, showing Townhomes, appears on page 262 of the .pdf file*):



9. At the hearing, Mr. Stevens summarized his Staff Report and recommendation of approval for the proposed PUD.

10. The proposed PUD is designed to conform with R-2S zoning standards, as the project site is designated for medium density residential development in the City’s Comprehensive Plan. (*Staff Report, pages 4 and 7*). Opposition comments challenging the overall density of the proposed residential development and the proximity of proposed new townhomes to existing houses were unsupported by facts or authority that would serve as a basis to deny or modify the proposed PUD, as the layout complies with height limits, setbacks, lot sizes, and other standards for other medium density zoned developments (R-2S zone in this case) throughout the City. (*See standards for the R-2S zone in the chart at RMC 23.18.040, captioned “Site requirements for residential use districts”; Staff Report, pages 4 and 7, explaining how PUD is designed to satisfy R-2S standards*).

11. The Examiner finds and concludes that the proposed PUD is designed to comply with development standards for properties the R-2S zone, so it includes peripheral treatment features that ensure a proper transition between the proposed PUD residential uses (residential townhomes) and nearby external uses and developments, which, as noted elsewhere, already includes a mix of residential developments including one full of recently constructed residential townhomes similar to those proposed in this application. These

design features, including without limitation townhomes that meet height standards, setbacks, lot size, and other standards for medium density zoned developments throughout the city and on surrounding properties, a fence and substantial landscaping placed between existing single family yards and new lots in the PUD, all comprise a preponderance of evidence that demonstrates how this proposal fulfills the second PUD approval criteria, found at RMC 23.50.040(B)(2), which reads: “Peripheral treatment ensures proper transition between PUD uses and nearby external uses and developments.”

12. Multiple local residents testified at the public hearing, and many more submitted written comments regarding the proposed PUD. The Staff Report credibly summarizes design considerations and proposed conditions that will ensure the proposed PUD meets relevant city development regulations and will not result in probable significant adverse impacts on surrounding properties. The bulk of opposition comments focused on mixed questions of fact and law, most of which were not addressed in the Staff Report, so the following portions of this Recommendation summarize key facts and legal authority that rebut the main arguments raised to question or oppose this PUD application.
13. RMC 24.20.070, captioned “Capacity for future developments”, reads as follows: *“The capacities and dimensions of water, sewerage, drainage, and street facilities shall be adequate to provide for the future needs of other undeveloped properties in the general vicinity and the city may share in the cost of these improvements to the extent of the difference in cost between the capacities needed to serve the subdivision and the capacities required to serve the vicinity.”*
14. The Examiner finds that the street network and utilities in the Horn Rapids community have been installed, created or designed to meet city standards, with capacity and available connections or extensions to provide for the future needs of other undeveloped properties in the general vicinity, specifically including the property at issue in this matter. *(Staff Report; Site visit; Previous SEPA reviews and Traffic Analysis for the Horn Rapids Master Planned Community)*.
15. Comments implying that the new development will result in traffic that is unacceptable to some area residents, that it could cause congestion near an existing swimming pool or parking lot and the like, were all offered without any engineering or Level of Service standard to support such claims. Speculative and unsupported personal opinions from neighboring property owners cannot serve as a basis to deny the pending application, which conforms to city-assigned density and land use goals found in the Comprehensive Plan and development standards for the site.
16. The pending PUD application falls below the density that could be achieved under the medium density options assigned to the property in the City’s Comprehensive Plan. General comments requesting a separate environmental impact statement for the project were not supported by any evidence that would invalidate the unrebutted environmental and traffic studies used to generate the Horn Rapids master plan approval. *(The Examiner takes official notice of the Environmental Impact Statement, Addendum, and supporting traffic studies,*

generated in connection with the Horn Rapids Master Planned Community, including without limitation the EIS Addendum included as part of the recent Preliminary Plat of Quail Ridge II, Phases 1-3 application, File No. S2021-106, which is also included in the Horn Rapids community).

17. An EIS would be appropriate if an applicant sought to develop a property in a manner that exceeds the assigned density under applicable zoning standards or requested to use the property for some purpose other than residential uses, like retail, office or other activities that might generate traffic counts in excess of those anticipated for single family residential densities and uses. That is not the case here, so the proposed PUD satisfies city and state transportation concurrency requirements.
18. The Rules of Procedure for the Richland Hearing Examiner explain that the Examiner is not to be concerned with the popularity of a matter presented but whether it meets the requirements of the applicable code, policy or regulation. The examiner's decision or recommendation must be based on the record of the proceedings before the examiner. (*Richland Hearing Examiner Rules of Procedure, Introduction, at page 2*). In this matter, the overwhelming majority of written public comments support the proposed PUD, whereas the majority of public comments in the public hearing itself questioned, opposed, or sought substantial modifications to the project. In the end, the facts and law applicable to this application support its approval, subject to conditions recommended by staff.
19. The applicant completed and submitted a SEPA Environmental Checklist as part of its application materials, a copy of which is included twice in the record as part of *Exhibits 1 and 4*. (*SEPA Checklist appears beginning on page 39 and page 298 of the .pdf file*). After reviewing the checklist and other application materials, the City's SEPA Responsible Official issued a Determination of Non-Significance (DNS) for the project on or about May 3, 2021, a copy of which is included in the record as *Exhibit 4*. (*Ex. 4, on page 297 of the .pdf file*).
20. Several opposition comments generally alleged that a man-made pond should be viewed as a wetland, that existing golf course views for some Crosswater Loop homeowners should be protected, and that other project details necessitate further environmental review. None of these concerns were supported by a preponderance of evidence or legal authority to show that the project will result in probable, significant environmental impacts. Thus, the DNS stands un rebutted for purposes of issuing this recommendation.
21. While the city's code does not provide for appeals of SEPA threshold determinations to the City's Hearing Examiner, as is the case in many Washington jurisdictions, the standards for how and when a Washington court would overturn a SEPA threshold determination, such as the DNS issued for this proposal, are worthy of consideration. To successfully overturn a SEPA DNS, a challenger must present actual evidence of probable significant adverse impacts of the Project. *Boehm v. City of Vancouver*, 111 Wn.App. 711, 718-719, 47 P.3d 137 (2002). A "clearly erroneous" standard applies when reviewing SEPA threshold determinations made by local and state governmental entities, such as the DNS issued for

this project. *King Cty. v. Washington State Boundary Review Bd. for King Cty.*, 122 Wn. 2d 648, 661, 860 P.2d 1024 (1993). A challenged DNS may be reversed if, although there is evidence to support it, the reviewing authority is left with the definite and firm conviction that a mistake has been committed. See *Norway Hill Pres. & Prot. Ass 'n v. King County Council*, 87 Wn.2d 267, 274, 552 P.2d 674 (1976). In reviewing a SEPA threshold determination, a reviewing authority must first determine whether "environmental factors were considered in a manner sufficient to amount to prima facie compliance with the procedural requirements of SEPA." *Sisley v. San Juan County*, 89 Wn.2d 78, 84, 569 P.2d 712 (1977) (quoting *Juanita Bay Valley Com. v. Kirkland*, 9 Wn. App. 59, 73, 510 P.2d 1140 (1973)).

22. Procedural determinations by the City's SEPA responsible official, like the SEPA DNS threshold determination made for this proposal, shall be entitled to substantial weight in any subsequent proceedings. Such deference is mandated by Washington caselaw, including *Anderson v. Pierce County*, 86 Wn. App. 290 (1997) (holding that substantial weight is accorded to agency threshold determinations), and is required by *WAC 197-11-680(3)(a)(viii)* ("Agencies shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight."), which provision is adopted by reference as part of the City's municipal code. (*RMC 22.09.200*).

Views across a neighboring property are not protected by city codes or Washington caselaw.

23. Several local residents raised general view loss concerns, like views across the mostly vacant project site out towards portions of the golf course in the distance being altered by the presence of new townhomes, new road surfaces to access such homes, the loss of a man-made pond, and general feelings about a loss of adjacent open space. These concerns do not serve as a basis to reject the proposal. In fact, evidence in the record firmly demonstrates how alleged aesthetic and view impacts were considered and included as part of the design for the project. Landscaping will be concentrated along the portions of the project site that touch upon existing single family lots, and as required by city codes, a fence will be installed to provide an additional level of privacy and separation from the new PUD. While some neighbors will be able to see changes in their views onto the golf course, none will be significant, largely because the entire project has been designed to comply with applicable bulk and scale standards found in city codes. The project opponents cannot dispute that Richland city codes do not provide protection for general views from one property onto another. Comments opposing the project or seeking major modifications based on personal view considerations were not sufficiently supported and should be rejected.
24. In Washington, a person has no property right in the view across their neighbor's land. A constitutionally protected property interest exists when a plaintiff demonstrates that he or she possesses a "legitimate claim of entitlement" under the law. *Bd. of Regents of State Colls. v. Roth*, 408 U.S. 564, 577, 92 S. Ct. 2701, 33 L. Ed. 2d 548 (1972). Here, the Richland Municipal Code does not grant adjoining property owners a claim of entitlement in the protection of their views; the code does not require the city to deny a permit or other project

application that might impair private views of lands beyond a landowner's property boundaries. Thus, any potential constitutional due process claims alleging view loss should fail.

25. The criteria for approval of a PUD does not include analysis of views of the proposed development from adjacent properties, nor do City regulations protect the views from adjacent properties other than any view protection that may result from compliance with applicable building height limits, setback requirements, and other bulk and density standards for the property. More significantly, the proposed PUD has been designed in full compliance with medium density residential development standards and includes fencing and substantial landscaping in areas abutting adjacent residential lots, all of which comprise adequate peripheral treatment considerations that ensure a proper transition between the PUD and nearby uses and developments.
26. Washington case law is very clear that there is no view protection in common law; nor are general views from a neighbor's property onto an adjoining property protected in City Codes at issue in this matter. See *Asche v. Bloomquist*, 132 Wn. App. 784, 133 P.3d 475, 2006 Wash. App. LEXIS 434 (Div. II, 2006). Simply put, project opponents do not have a common law right in a view across their neighbor's property. Any arguments based on assertions to this effect must be rejected.
27. As discussed elsewhere in this Recommendation, the Richland Municipal Code imposes height and size limitations on the construction of residential structures, like the townhomes proposed in this PUD application. Some comments and hearing testimony generally asserted that the new structures may be too tall or too close to their property, that new paved areas for roads and turnaround purposes will be closer than they prefer, and that the new development will somehow interfere with their preferred aesthetic and previous views out into a mostly vacant and undeveloped site and then onto the adjacent golf course itself. While not a perfect comparison, the Washington Supreme Court decision in *Durland v. San Juan County*, 182 Wn.2d 55, 340 P.3d 191 (2014), is persuasive authority on some issues raised in this application process. Durland argued that county building codes about the height and size of a proposed garage on a neighboring property created a property interest because they were intended to protect neighbors' views of the water. The Supreme Court rejected Durland's arguments, because the local codes did not contain mandatory language requiring the jurisdiction to consider neighbors' views of the water before issuing building permits for garage construction on nearby properties. Similarly, the neighbors in this matter directed attention to no city code provisions that would essentially serve as a basis to consider their preferred aesthetic for structures or developments that can be viewed from their house.

Arguments that man-made pond should be preserved or protected as a regulated wetland.

28. There is no credible dispute that the pond located on a portion of land adjacent to lots along Crosswater Loop is man-made and fed with water from garden hoses that originate on neighboring private property(ies). There is also no credible dispute that the pond is lined, to retain water in an otherwise non-wetland area.

29. Several neighbors strongly assert that the pond should be protected or preserved, or that additional environmental review should be required to address the pond on the applicant's property.
30. The City's definition of "wetland" mirrors the state wetland definition, and reads as follows:

"Wetland" or "wetlands" "refers to areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands or wetland areas preserved as mitigation for the conversion of wetlands. (RMC 22.10.040 (emphasis added); WAC 197-11-756(2)).
31. Based on un rebutted evidence in the record, the Hearing Examiner finds and concludes that the pond on the applicant's property is a man-made artificial pond that serves as a landscape amenity enjoyed by some neighbors who intentionally created and/or maintain the pond on a portion of the applicant's nonwetland property. As such, the pond does not fall within the City's definition of "Wetland" or "wetlands" that are subject to protection under various state and local regulations. Accordingly, any arguments opposing the proposed PUD based upon, or seeking special protections for, the artificial pond on the applicant's property, must be rejected.

Restrictive Covenant is unenforceable as a matter of law.

32. The Staff Report summarizes events leading up to an agreement between the City of Richland and previous Horn Rapids property owners, which resulted in a 2005 legal instrument that was recorded without a legal description. The document is identified as a Declaration of Restrictive Covenant, purportedly limiting use of the Horn Rapids Golf Course property for an 18-hole golf course, clubhouse and related facilities. (*Ex. 6; Staff Report, discussion on pages 9 and 10*).
33. In 2020, the Richland City Attorney found that the restrictive covenant is unenforceable, because the land use agreement, although appearing in the public record, is missing a legal description, which is fatal to its enforceability and renders it void. (*Staff Report, discussion on page 10; Testimony of Mr. Stevens*).
34. Numerous public comments included in the record oppose the PUD or seek major modifications relying on terms in the Covenant deemed unenforceable by the City Attorney, because it failed to include a legal description.

35. No one submitted any evidence into the record showing that a legal description was included and recorded along with the Covenant in question. Based on the absence of a legal description, the Examiner finds and concludes that the Covenant, included as Exhibit 6, is unenforceable and void as a matter of law.
36. To comply with the statute of frauds, "a contract or deed for the conveyance of land must contain a description of the land sufficiently definite to locate it without recourse to oral testimony, or else it must contain a reference to another instrument which does contain a sufficient description." *Berg v. Ting*, 125 Wn.2d 544, 886 P.2d 564, 1995 Wash. LEXIS 1, citing *Bigelow v. Mood*, 56 Wn.2d 340, 341, 353 P.2d 429 (1960), favorably cited in *Halbert v. Forney*, 88 Wn. App. 669 | 945 P.2d 1137 | 1997 Wash. App. LEXIS 1209.
37. Arguments by some local residents to the effect that the Covenant should be revived or reformed are without merit and contrary to applicable caselaw on the subject. Reformation is not appropriate where, as here, "the agreement expresses the intent of the parties, but the legal description is...incomplete." See *Sea-Van*, 71 Wn.App. at 543(quoting *Williams v. Fulton*, 30 Wn. App. 173, 176-77, 632 P.2d 920, review denied, 96 Wn.2d 1017 (1981)). In this instance, not only is the legal description incomplete, it is entirely absent among the papers recorded with the County.
38. Several public comments allege that the Covenant should be enforced based on allegations that an "equitable servitude" should apply to the applicant's property, so limitations should be applied to the PUD site to prohibit residential development, or to require significant modifications that satisfy aesthetic preferences of neighbors, especially those asserting view protection and pond preservation arguments. However, language in the text of the Covenant itself establishes that such arguments are without merit and must be rejected.
39. Language in the invalid covenant serves as a legal barrier to any claims that might be asserted by third-party beneficiaries, like neighboring property owners who may assert claims for relief, including without limitation any lawsuit seeking to impose an equitable servitude on the golf course property owners. For example, sections 3 and 5 of the covenant make it crystal clear that the City holds the right to enforce the declaration, and that the instrument "shall not be interpreted or construed in any way to create any third-party beneficiary rights in any person not a party hereto." These portions of the covenant are republished below:

3. Enforcement. The City shall have the right to enforce by any proceedings at law or in equity all rights, duties, obligations, and covenants now or hereafter imposed by this Declaration. Failure to enforce any right, duty, obligation, or covenant herein contained shall not be deemed a waiver of the right to do so thereafter.

5. No Dedication or Gift; No Third Party Beneficiaries. Nothing in this Declaration shall be deemed a dedication or gift of any portion of the Golf Course Property to or for the benefit of the general public or for any public purpose whatsoever. This Declaration shall not be interpreted or construed in any way to create any third-party beneficiary rights in any person not a party hereto.

40. The Staff Report, testimony at the public hearing, and written materials included in the Record, all establish that the proposed application, as conditioned, satisfies all applicable PUD approval criteria.
41. Denial of the pending application would run counter to city comprehensive plan provisions, zoning regulations, and relevant development standards in effect at the time a complete application for the proposed PUD was submitted. Zoning, density, environmental, transportation concurrency and other requirements needed for approval have all been satisfied as discussed herein.

Compliance with city development regulations achieves consistency with the Comprehensive Plan

42. RMC 23.04.020 explains that: *“The general purpose of this title [Title 23, the City’s Zoning Regulations, including PUD provisions found in RMC 23.50] is to protect and promote public health, safety, morals, and general welfare through a well considered plan for the use of land”* and that *“It implements the comprehensive plan for the city of Richland adopted by Ordinance 26-97, passed October 6, 1997. It classifies land within the city into various land use zones each with appropriate zone designations and within each zone this title limits the use of land and limits the height, size, use and location of buildings and structures, and requires space for off-street parking. The economic stability of land use areas and conservation of building values are promoted and protected thereby.”* Further, *“Its provisions are designed to provide adequate light, air and access, to secure safety from fire and other dangers and to avoid excessive concentration of population in order to lessen traffic congestion, and to facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements.”* (emphasis added).
43. 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 zoning regulations, which include PUD provisions, found in Title 23 of the Richland Municipal Code. In this matter, substantial evidence in the record establishes compliance by the proposed PUD (as conditioned herein) with the city’s development regulations that are applicable to this project, thus implementing and complying with the City’s Comprehensive Plan. (See Staff Report, all Findings).
44. No one presented any credible, preponderance of evidence to rebut City staff’s determination explained in the Staff Report that the proposed PUD meets all applicable approval criteria.

45. The applicant’s submittals and the Staff Report establish that some aspects of the new PUD 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, peripheral treatment features including a fence and attractive landscaping on a site that some described as an eyesore, and other features that will serve to promote health benefits of a walkable, appropriately connected development that enhances the general appearance and viability of the Horn Rapids Golf Course community.
46. The Examiner takes official notice of prior development approvals issued in the Horn Rapids Community and other sites in an officially designated “EPZ”, as supported by a written comment letter from the Benton County Emergency Management office (also known as BCEM, or BCES). (*Ex. 5, written comments, including copy of BCEM email comment to Mr. Stevens*). The entire area of the Horn Rapids Master Planned Community is located within the 10 mile Emergency Planning Zone (EPZ) for the Columbia Generating Station. This area is designated as Section 3B of the Emergency Planning zone, and as such may be subject to evacuation in the event there is a radiological emergency at the Columbia Generation Station, and other development requirements may apply, including those mandated by Benton County Emergency Management officials. Currently, the BCES website includes the following message regarding residents living within the EPZ: *“Tone Alert Radios - Residents within the EPZ in Benton County with special notification needs have Emergency Tone Alert Radios. These radios would be turned on automatically by a signal transmitted just before an EAS message is broadcast. If you have special notification needs and live within one of the Hanford EPZ and do not have a tone alert radio or have questions regarding their use, call us at 509-628-2600.”* To assure consistency with previous development approvals issued for projects located in the 10-mile EPZ, the Development Services Manager should be empowered to include alarms, signals, speakers, special signage, or other notification devices or strategies as part of the building permit review and approval process, all in consultation with Benton County Emergency Management officials to identify and utilize current best practices and devices as appropriate.
47. Except as modified in this Recommendation, all Findings, and statements of fact contained in the Staff Report, are incorporated herein by reference as Findings of the undersigned-hearing examiner.¹

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

48. Based on previous findings and evidence included in the record, the Examiner finds and concludes that the applicant met its burden to produce a preponderance of evidence demonstrating that, as conditioned, the proposed PUD: 1) will be compatible with nearby developments and uses; 2) includes sufficient and appropriate peripheral treatment features,

¹ For purposes of brevity, only certain Findings from the Department’s Recommendation are highlighted for discussion in this Recommendation, 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.

including substantial landscaping, fencing, and an overall project layout, that ensures proper transition between the PUD with its residential uses and nearby external uses and developments, that are mostly residential; 3) the proposal will be consistent with the City's Comprehensive Plan and with the purpose of the PUD district; and 4) the development can be completed within a reasonable period of time (in fact, almost no one disputed this fact), thus satisfying all four approval criteria for a PUD found in RMC 23.50.040(B).

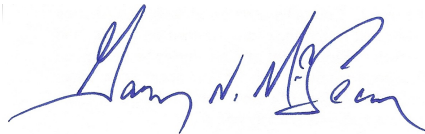
V. CONCLUSIONS OF LAW.

1. Based on the Findings as summarized above, the undersigned examiner concludes that the proposed PUD, 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 PUD meets the standards necessary to obtain approval by the City Council.
2. The proposed conditions of approval as set forth in the Staff Report are reasonable, supported by the evidence, and capable of accomplishment.
3. Any Finding or other statements in previous or following sections of this document that are deemed Conclusions are hereby adopted as such.

VI. RECOMMENDATION.

Based upon the preceding Findings of Fact and Conclusions of Law, evidence presented through the course of the open record hearing, all materials contained in the contents of the record, and the Examiner's previous site visits to the area, **the undersigned Examiner recommends that the City Council APPROVE the "The Links Residence at Horn Rapids" Preliminary Planned Unit Development (PUD)** application, subject to the proposed Conditions of Approval included in the Staff Report, as supplemented in this Recommendation, which are adopted herein by reference.

Recommendation issued: August 16, 2021.



Gary N. McLean
Hearing Examiner for the City of Richland

PROPERTY USE AND DEVELOPMENT AGREEMENT

THIS AGREEMENT made and entered into this ____ day of April, 2023, by and between the CITY OF RICHLAND, a Washington municipal corporation, and HJBT PROPERTIES LLC, a Washington limited liability company ("Petitioner").

W-I-T-N-E-S-S-E-T-H:

WHEREAS, the City of Richland is currently entertaining an application by Petitioner for a change of zone affecting approximately 7.27 acres of Benton County Tax Parcel No. 125082000001005 located in the Horn Rapids community on a site generally addressed as 2800 Clubhouse Lane, along the eastern boundary of the 18th hole of the Horn Rapids Golf Course, south of the existing pro shop and west of River Valley Drive (hereinafter the "Property") and more particularly described in Ordinance No. 29-21.

NOW, THEREFORE, it is agreed that if the subject Property is rezoned from Agriculture (AG) and Planned Unit Development (PUD) allowing 30 lots for residential development to Planned Unit Development (PUD) allowing a 54-unit townhome development, Petitioner for itself, and for and on behalf of Petitioner's heirs, successors and assigns (also referred to as the "Applicant" or "Developer"), covenants and agrees to build the 54-townhome development in substantial conformity with the site plan provided in **Exhibit A** attached hereto, as required by RMC 23.50.040(D), subject to the following conditions:

General Conditions:

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 Developer and Developer's engineer. All required comments / conditions from all appropriate reviewing jurisdictions (e.g., Benton County, any appropriate irrigation districts, other utilities, etc.) shall be incorporated into one comprehensive set of drawings and resubmitted (if necessary) for final permit review and issuance. Any and all necessary permits that may be required by jurisdictional entities outside of the City of Richland shall be the responsibility of Developer to obtain.
3. Any work within the public right-of-way or easements or involving public infrastructure will require Applicant to obtain a right-of-way construction permit prior to beginning work, per Chapter 12.08 RMC. 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 Engineer's 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 as required in the Final Platting Requirements section of this Agreement.
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. Site plan drawings which involve the construction of public infrastructure shall be drawn on a standard 24" x 36" drawing format to a scale which shall not be less than 1" = 40'.
7. All plan sheets involving construction of public infrastructure shall have the stamp of a current Washington State licensed professional engineer.

8. All construction plan sheets shall include the note "CALL 811" or <http://www.call811.com/>
9. A copy of the preliminary plat shall be supplied to the United States Post Office and all locations of future mailbox clusters approved prior to final platting.

Design Standards:

10. Public improvement design shall follow the following general format and shall conform to the latest edition of Public Works design standards:
 - 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 specifications and details by visiting the City's website.
 - b. Any manholes that are installed outside of public right-of-way shall have an acceptable 12-foot wide gravel access road (minimum) provided from a public street for maintenance vehicles.
 - c. 10-foot horizontal spacing shall be maintained between domestic water and sanitary sewer mainlines and service lines.
 - d. Watermains larger than 8-inches in diameter shall be ductile iron.
 - e. Watermains installed outside of the city right-of-way or in very rocky native material shall be ductile iron and may need restrained joints.
 - f. All watermains outside areas zoned R1 shall be ductile iron.
 - g. Fire hydrant location(s) shall be reviewed and approved by the City's Fire Marshal.
 - h. Sewer mains over 15-feet deep shall be constructed out of SDR26 PVC.
 - i. Water valves and manholes installed on private property shall be placed so as to avoid parked cars whenever feasible.
 - j. Where appropriate, all utilities shall be extended to the adjacent property (properties) at the time of construction.
 - k. 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.
 - l. The minimum centerline radius for local streets shall be 100 feet.

- m. Any filling of low areas that may be required within the public right-of-way shall be compacted to City standards.
- n. An overall, composite utility plan shall be included in the submitted plan set if the project is phased (see Section 11). This comprehensive utility plan benefits all departments and maintenance groups involved in the review and inspection of the project.
- o. A detailed grading plan shall be included in the submitted plan set.
- p. For public utilities not located within public street rights-of-way, Applicant shall provide maintenance access acceptable to the City, and Applicant shall provide an exclusive 10-foot wide public utility easement (minimum) to be conveyed to the City of Richland.
- q. 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.
- r. All public improvements shall comply with the State of Washington and City of Richland requirements, standards and codes.
- s. All curb returns at minor intersections shall have a minimum radius of 25 feet.
- t. All streets shall meet design requirements for sight distance (horizontal, vertical and intersectional).
- u. All intersections of streets shall meet horizontal, vertical and intersectional design requirements for sight distance (Vision Clearance Triangle).
- v. All driveways for commercial projects or intersections of private roadways shall construct City standard commercial driveways. Radius-style driveways are not allowed.
- w. The final engineered construction plans shall identify locations for irrigation system, street lighting, gas service, power lines, telephone lines, cable television lines, street trees and mail boxes. All electrical appurtenances such as transformers, vaults, conduit routes, and street lights (including their circuit) need to be shown in the plan view.
- x. Construction plans shall reference all City of Richland standard details necessary to construct all public improvements which will be owned, operated, and maintained by the City or used by the general public.
- y. 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.

11. If the project will be built in phases, Applicant shall submit a master plan for the sanitary sewer, domestic water, storm drainage, electrical, street lighting and irrigation system for the entire project prior to submitting plans for the first phase to assure constructability of the entire project. This includes the location and size of any storm retention ponds that may be required to handle runoff.
12. If the City's Fire Marshal requires a secondary emergency vehicle access, it shall be included in the construction plan set and be designed to the following standards:
 - a. 2-inches compacted gravel, minimum (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 City's 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 (SEVAs) shall be 20 feet wide, as noted. Longer secondary accesses can be built 12-foot wide with the approval of the City of Richland Fire Marshal; however, turn-outs are required at a spacing acceptable to the Richland Fire Department. Temporary SEVAs shall be constructed with 2 inches of compacted gravel, at a minimum. Permanent SEVAs shall be paved with 2 inches of asphalt over 4 inches of gravel, at a minimum.

Survey Monument Destruction:

13. All permanent survey monuments existing on the project site shall be protected. If any monuments are destroyed by the proposed construction, 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). *Note: State law provides that "[i]t shall be the responsibility of the governmental agency or others performing construction work or other activity (including road or street resurfacing projects) to adequately search the records and the physical area of the proposed construction work or other activity for the purpose of locating and referencing any known or existing survey monuments."* RCW 58.09.130.
 - b. Any person, corporation, association, department, or subdivision of the state, county or municipality responsible for an activity that may cause a survey monument to be removed or destroyed shall be responsible for ensuring that the original survey point is perpetuated. WAC 332-120-030(2).

- c. Survey monuments are those monuments marking local control points, geodetic control points, and land boundary survey corners. WAC 332-120- 030(3).

14. *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.*

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

Traffic & Streets:

- 16. All streets within this preliminary plat shall be constructed to City standards with regards to pavement section and materials. The proposed streets are narrower than City standards. As such, on-street parking will be prohibited on all streets narrower than 34 feet from face-of-curb to face-of-curb. Street signs indicating restricted parking shall be installed at Developer's expense prior to final platting. The restricted parking areas shall be indicated on the construction plans and the final plat. All street signage will be installed by Developer prior to final platting.
- 17. Driveway locations shall meet the requirements of RMC 12.04.070. It appears that the driveways for lots 53 and 54 do not comply with this section of code.
- 18. The guest parking spots proposed as parallel parking stalls behind the sidewalk will not be permitted because they create an undesirable conflict between pedestrians and vehicles.
- 19. The off-site modifications to the Clubhouse Lane right-of-way (depicted as "Phase 3" on the phasing site plan) will not be permitted as proposed if the area remains as public street right-of-way. Right-of-way vacation is a legislative decision of the Richland City Council with the process defined in state law. At this time, the City has not received a petition requesting vacation of that portion of Clubhouse Lane.
- 20. The provided estimate of trips-per-day under SEPA item 14.f is incorrect. Trip Generation for Multi-Family units is 7.32 trips per day which is equivalent to 395 trips for this development. Considering these units are not close to amenities, they are likely to produce higher trips per day per unit, similar to single family residences, which would be closer to 510 trips. The City does not believe that these trips will cause any street or intersection to compromise the City's adopted level of service for traffic operations. If the City amends the municipal code to include a traffic impact fee applicable to this area, this project may be subject to its requirements as a means of mitigating the incremental impact of the new trips on the streetsystem.

21. A note will be shown on the face of the final plat stating that River Valley Drive is classified as a major collector street. Subsequently, no driveways directly accessing single family lots will be allowed onto it.
22. Per RMC 12.10.035, sidewalks shall be installed along all street frontages.
23. Developer and Developer's engineer shall demonstrate on the construction plans that all future driveway entrances, sidewalks and pedestrian ramps will meet City and ADA requirements.
24. Pedestrian ramps shall be designed to current City standard details and ADA standards.
25. The vision clearance triangle needs to be shown on all corner lots on both the construction plans and the final plat document in accordance with RMC 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.
26. All roads shall be constructed to provide for adequate fire truck and solid waste collection truck access and turnaround movements.
27. If the project is to be constructed in phases, all dead-end streets longer than 150- feet that will be continued later must 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. It shall be the responsibility of Developer to extend a watermain to this property to serve domestic water at the time of plat construction. This watermain shall be sized to adequately supply domestic water and fire flows to the proposed development.
29. 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. Looping of the water system provides redundancy and helps to eliminate stagnant water.
30. The fire hydrant layout shall be approved by the City's Fire Marshal.
31. An irrigation source and distribution system, entirely separate from the City's domestic water system, shall be provided for this development.

Sanitary Sewer:

32. Developer shall be responsible for extending a sewer main to this property to serve sanitary sewer at the time of plat construction.
33. A 10-foot wide exclusive sanitary sewer easement shall be provided for any sewer main that is outside of the public right-of-way. Wider easements are required for mains that are buried deeper than 10 feet. If any manholes are located outside of the public right-of-way, maintenance truck access to said structure may be required.

Storm Water:

34. All construction projects that do not meet the exemption requirements outlined in Chapter 16.06 RMC shall comply with the requirements of the Washington State Department of Ecology-issued Eastern Washington NPDES Phase II Municipal Stormwater Permit. Developer shall be responsible for compliance with the permit conditions. All construction activities subject to this title shall be required to comply with the standards and requirements set forth in the Stormwater Management Manual for Eastern Washington (SWMMEW) and prepare a Stormwater Site Plan. In addition, a Stormwater Pollution Prevention Plan (SWPPP) or submission of a completed erosivity waiver certification is required at the time of plan submittal. The City has adopted revised standards affecting the construction of new stormwater facilities in order to comply with conditions of its NPDES General Stormwater Permit program. This project, and each phase thereof, shall comply with the requirements of the City's stormwater program in place at the time each phase is engineered. The project will require detailed erosion control plans.
35. Privately-owned on-site storm drainage systems shall be designed 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." Calculations shall be stamped by a registered professional Civil Engineer. Prior to discharging any storm drainage waters from paved surfaces into drainage ditches, groundwater or a public system, an oil/water separator must be installed. Applicant's design shall provide runoff protection to downstream property owners.
36. 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. Applicant's design shall provide runoff protection to downstream property owners.

37. 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.
38. If there are any natural drainage ways across the proposed pre-plat, the engineered construction plans shall address it in accordance with RMC 24.16.170 ("Easements-watercourses").
39. Any proposed storm drainage retention facilities within the boundary of the proposed preliminary plat shall not adversely affect neighboring properties.
40. Prior to or concurrent with the submittal of the first phase, 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.
41. The amount of post-development storm runoff from the proposed site shall be in compliance with Chapter 16.06 RMC.
42. Any parcel occupied by a City 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.
43. Developer should consider the long-term appearance of the storm basin, particularly if it will occupy a prominent location in the development. City storm pond maintenance practices consist of semi-annual vegetation trimming and silt and debris removal, so if Developer wishes for the pond to be landscaped and visually appealing, then a homeowner's association should be considered for long-term landscape maintenance responsibilities. These maintenance responsibilities shall be noted on the final plat. Basins designed as detention and evaporative basins need to include plantings that will tolerate or thrive in standing water. Planting designs for areas not routinely exposed to water shall include plants that will thrive without irrigation. At a minimum, the landscaping plan should be consistent with the City's intended maintenance standard as described above.

44. Developer shall be responsible for landscaping the storm pond and for its maintenance and the plantings through the one-year infrastructure warranty period. 11 months after the final acceptance date, 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. Developer shall replace any plantings that have failed to survive the warranty period. 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:

45. Due to limited turnaround space, lots located on dead-end streets may have to transport their garbage cans to a location acceptable for solid waste pick-up.

Final Platting Requirements:

46. 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 of the project.
47. 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 and a certificate of occupancy. The City requires preparation of the easement legal description by Developer two weeks prior to the scheduled date of final acceptance. Off-site ("third-party") easements for City infrastructure are the responsibility of Developer to obtain. Once received, the City will prepare the easement document and provide it to Developer. Developer shall record the easement with the Benton County Auditor and return a recorded original document to the City prior to application for final occupancy.
48. Any off-site easements or permits necessary for this project shall be obtained and secured by Applicant and supplied to the City at the time of plat construction and prior to final plat acceptance by the City.
49. 10-foot wide public utility easements will be required on the final plat along both sides of all rights-of-way within the proposed plat.
50. If not already in existence, a 10-foot public utility easement along the River Valley Drive frontage shall be provided on the face of the final plat.
51. The vision-clearance triangle needs to be shown on all corner lots on the final plat document in accordance with RMC 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.

52. 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. If deemed necessary, a note shall be added to the face of the final plat that states: "*The private roads 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 said roads.*" And: "*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.*"
53. Street signs indicating restricted parking areas shall be installed at Developer's expense prior to final platting. The restricted parking areas shall be indicated on the final plat.
54. All landscaped areas within the plat that are in the public right-of-way shall be the responsibility of the homeowners to maintain.
55. A one-foot "No access/screening easement" will be required along the River Valley Drive right-of-way.
56. The intended use and ownership of all tracts within the plat shall be noted on the final plat.
57. Property with an unpaid L.I.D. assessment towards it must be paid in full or segregated per RMC 3.12.095.

Planning Requirements:

58. Phase 3 of the phasing plan showing the off-site improvements shall be removed from the phasing plan and shall be considered a stand-alone project requiring additional review and permitting by the City.
59. The PUD is designed to conform with R2-S zoning standards. As a result, the R2-S zoning standards shall apply for all future development within the proposed PUD.

This Agreement shall be placed of record and the terms and conditions thereof shall be a covenant running with the land and included in each deed and real estate contract executed by Petitioner with respect to the subject Property or any part thereof.

The City of Richland shall be deemed a beneficiary of this covenant without regard to whether it owns any land or interest therein in the locality of the subject Property, and shall have the right to enforce this covenant in any court of competent jurisdiction.

[Signature pages to follow]

IN WITNESS WHEREOF, the Parties hereto have hereunto set their hands on the day and year first above written.

City of Richland

HJBT Properties LLC, Petitioner

Jon Amundson, ICMA-CM
City Manager


By: THERA REN, MEMBER
Authorized Agent

APPROVED AS TO FORM:

Heather Kintzley, City Attorney

STATE OF WASHINGTON) : SS
)
COUNTY OF BENTON)

On this ____ day of _____, 2023, before me, the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared **Jon Amundson, City Manager** for the **City of Richland**, to me known to be authorized and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the use and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

IN WITNESS WHEREOF, my hand and official seal hereon affixed the day and year above written.

Signature

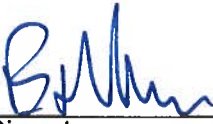
Notary Public in and for the State of _____
Residing at _____
My appointment expires _____

seal

STATE OF WASHINGTON)
) : SS
COUNTY OF BENTON)

On this 30 day of ~~April~~^{March}, 2023, before me, the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Thera Rew, **Authorized Agent for HJBT Properties LLC**, to me known to be authorized and who executed the within and foregoing instrument, and acknowledged that s/he signed the same as his free and voluntary act and deed, for the use and purposes therein mentioned, and on oath stated that s/he is authorized to execute the said instrument.

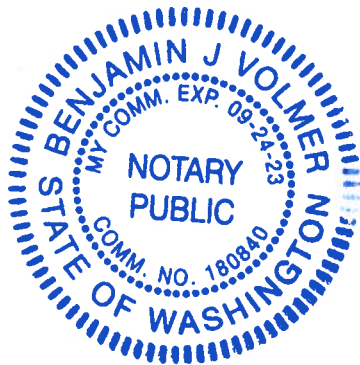
IN WITNESS WHEREOF, my hand and official seal hereon affixed the day and year above written.



Signature

Notary Public in and for the State of Washington
Residing at Richland
My appointment expires 9-24-2028

seal



LOT SIZE TABLE							
LOT NUMBER	TOTAL AREA (SQUARE FEET)	NET AREA (SQUARE FEET)	LOT NUMBER	TOTAL AREA (SQUARE FEET)	NET AREA (SQUARE FEET)	LOT NUMBER	TOTAL AREA (SQUARE FEET)
1	4,824	2,880	19	3,480	1,728	37	4,125
2	3,982	1,940	20	3,222	3,476	38	3,481
3	3,715	1,937	21	4,291	2,927	39	3,481
4	4,178	2,422	22	3,824	1,338	40	4,380
5	4,234	2,580	23	3,876	3,350	41	4,882
6	4,286	2,400	24	4,474	2,819	42	4,973
7	4,185	2,441	25	3,088	3,244	43	8,337
8	3,643	2,327	26	4,281	2,527	44	4,621
9	8,200	4,027	27	6,243	2,500	45	4,268
10	4,037	2,245	28	3,526	3,262	46	4,479
11	4,027	2,283	29	4,208	2,881	47	4,488
12	3,746	4,024	30	3,480	1,728	48	4,041
13	4,415	2,871	31	3,480	1,728	49	4,538
14	3,480	1,728	32	3,872	2,229	50	8,814
15	3,480	1,728	33	3,972	2,232	51	4,878
16	4,133	2,288	34	3,481	1,727	52	5,711
17	4,133	2,288	35	3,481	1,727	53	3,821
18	3,480	1,728	36	4,132	2,289	54	4,267

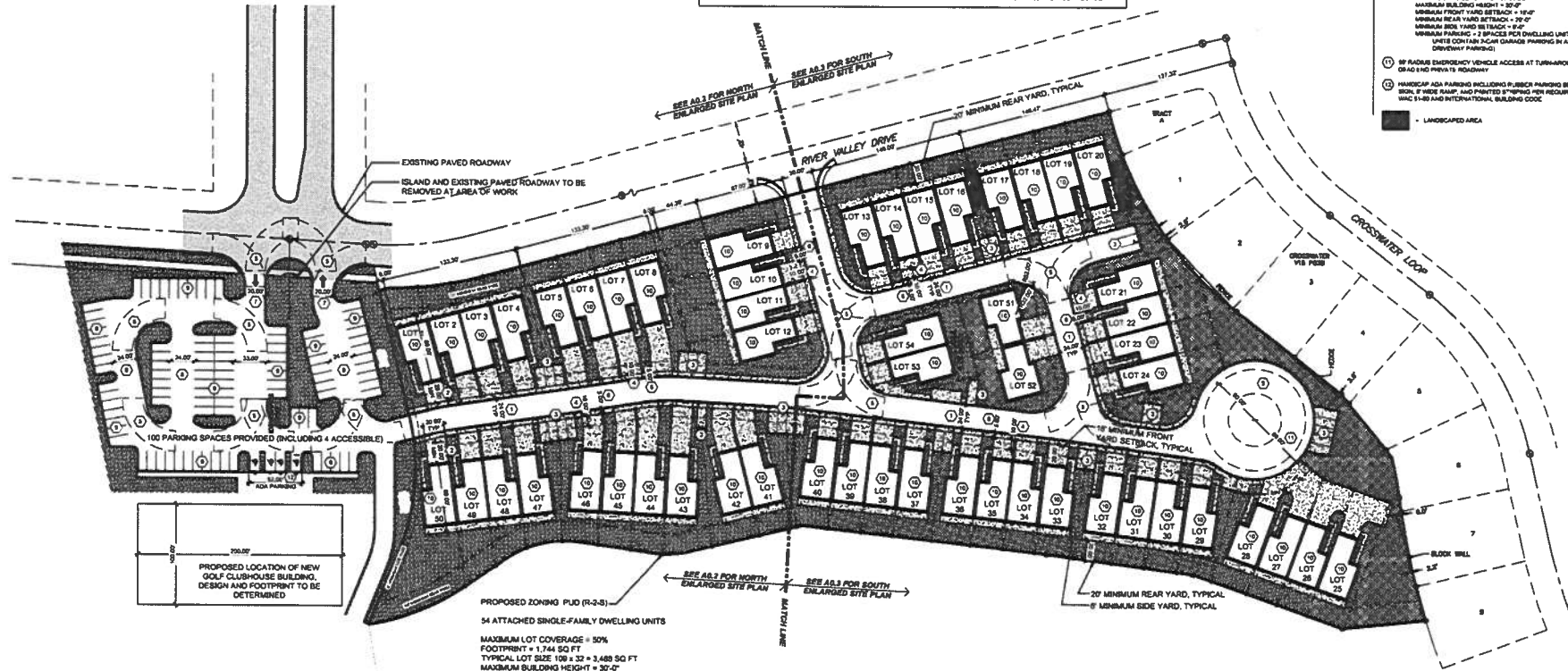
NOTES: * DENOTES SMALLEST LOT SIZE ** DENOTES LARGEST LOT SIZE
LOT SIZE AVERAGE = 4,308 SQ FT

SITE ACREAGE & DENSITY

- TOTAL RESIDENTIAL SITE ACREAGE 314,871 SQ FT (7.27 ACRES)
- TOTAL NUMBER OF DWELLING UNITS PROPOSED 54
- PROPOSED DWELLING UNIT DENSITY 347.27 ACRES = 7.43 DWELLING UNITS PER ACRE. ALSO SEE KEYED NOTE 16.
- DWELLING UNIT QUALITY OF ADJACENT NEIGHBORHOODS SEE 802.1 (1.25 ACRES) 2 DWELLING UNITS; 1.51 ACRES = 5.59 DWELLING UNITS PER ACRE.

KEYED NOTES

- 30'-0" WIDE PRIVATE DRIVE
 - 30'-0" DEEP RESIDENTIAL DRIVEWAY TYPICAL
 - RESIDENTIAL GUEST PARKING 10' x 6' PARKING SPACES
 - NEW 10'-0" WIDE ELECTRICAL EQUIPMENT
 - 10' MINIMUM HOV 4 ACCESS CLEARANCE FOR CITY 1999 APPROPRIATE TURN RADIUS SPECIFICATIONS 30' OUTSIDE AND 37' INSIDE
 - 8'-0" WIDE PAVED PEDESTRIAN BODYPATH PER CITY DESIGN STANDARDS
 - NEW 30'-0" WIDE ONE-WAY ENTRANCE/EXIT AT GOLF COURSE CLUB HOUSE PARKING LOT
 - 30'-0" MINIMUM THROUGH DRIVEWAY
 - GOLF CLUB HOUSE PARKING 19' x 8' PARKING SPACES
 - NEW RESIDENTIAL TOWN HOME MAXIMUM LOT COVERAGE = 50% TYPICAL FOOTPRINT PER UNIT = 1,124 SQ FT TYPICAL LOT SIZE 109' x 32' = 3,488 SQ FT MAXIMUM BUILDING HEIGHT = 30'-0" MINIMUM FRONT YARD SETBACK = 10'-0" MINIMUM REAR YARD SETBACK = 25'-0" MINIMUM SIDE YARD SETBACK = 8'-0" MINIMUM PARKING = 2 SPACES PER DWELLING UNIT (NOTE: ALL UNITS DO NOT HAVE GARAGE PARKING IN ADDITION TO DRIVEWAY PARKING)
 - 15' RADIUS EMERGENCY VEHICLE ACCESS AT TURNAROUND FOR OR-410 HWY 18 ROADWAY
 - MINIMUM ADA PARKING INCLUDING P-URBS PARKING BLANKET, 50% OF WIDE SHARP AND PAINTED TYPING PER REQUIREMENTS OF WAC 51-80 AND INTERNATIONAL BUILDING CODE
- LANDSCAPED AREA



PROPOSED ZONING PUD (R-2-S)
 54 ATTACHED SINGLE-FAMILY DWELLING UNITS
 MAXIMUM LOT COVERAGE = 50%
 FOOTPRINT = 1,744 SQ FT
 TYPICAL LOT SIZE 109' x 32' = 3,488 SQ FT
 MAXIMUM BUILDING HEIGHT = 30'-0"

OVERALL ARCHITECTURAL SITE PLAN
 1" = 50'-0"



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 660 Symes Street
 Richland WA 99354
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 F: 509. 943. 1796
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P-U-D SUBMITTAL REVIEW

HJBT, LLC
PLANNED UNIT DEVELOPMENT
 2800 CLUBHOUSE LANE | RICHLAND, WA

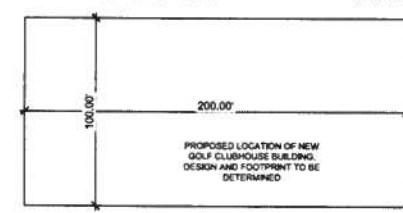
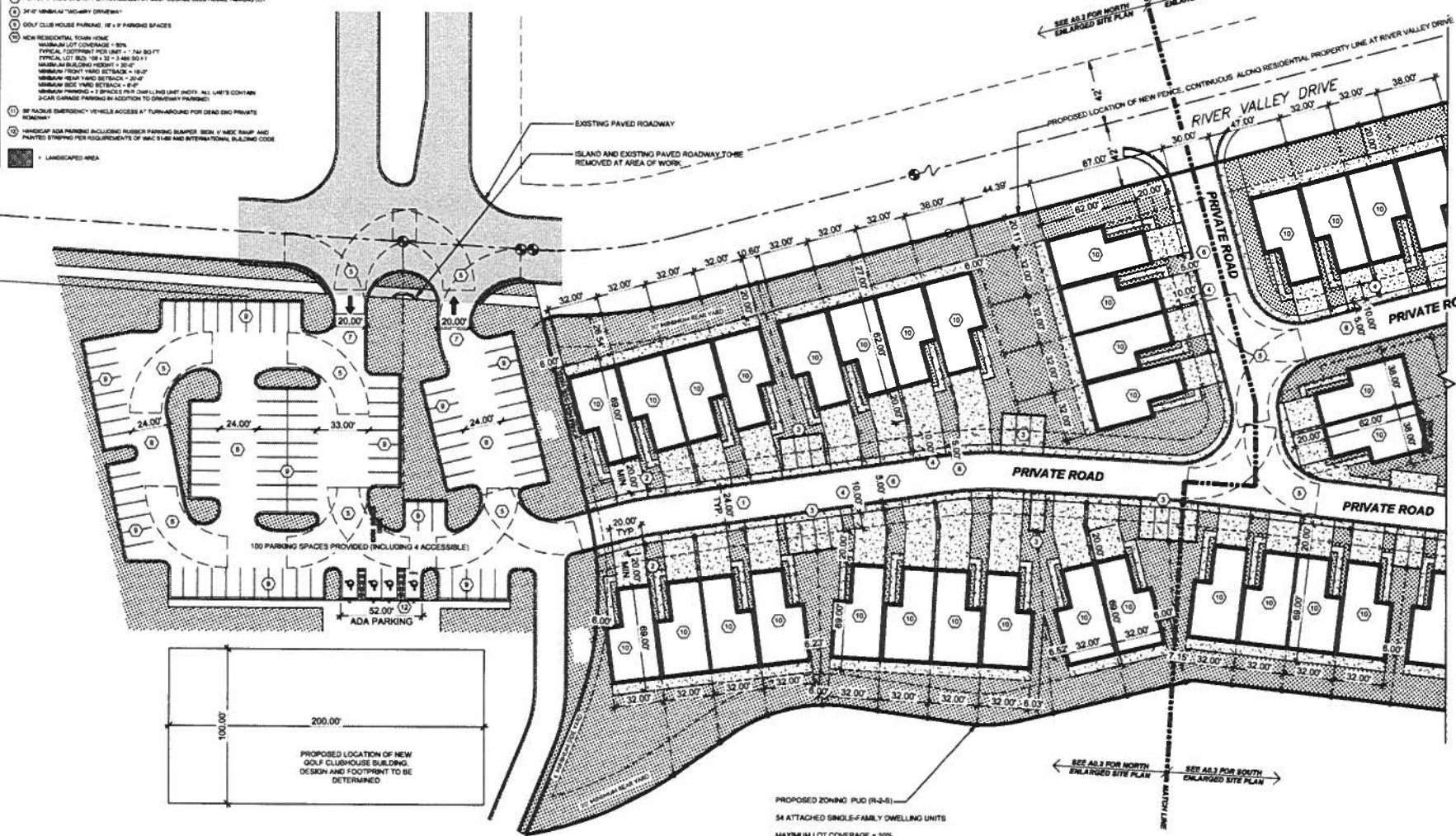
OVERALL ARCHITECTURAL SITE PLAN

CAD FILE: 4018A0001_5P.dwg
 DESIGNED: JAANKAS
 DRAWN: KAS
 CHECKED:
 DATE: 2020.Dec.18
 REVISION:

DRAWING: **A0.1**

KEYED NOTES

- 1 20'-0" WIDE PRIVATE DRIVE
- 2 20'-0" DEEP RESIDENTIAL DRIVEWAY - TYPICAL
- 3 800 SQUARE FOOT GUEST PARKING, 10' x 8' PARKING SPACES
- 4 NEW 10'-0" WIDE ELECTRICAL CABINET
- 5 EMERGENCY VEHICLE ACCESS CLEARANCE PER CITY FIRE APPARATUS TURN RADIUS BY CONFIGURATION, 17'-0" SIDE AND 37' RADIUS
- 6 3'-0" WIDE PAVED PEDESTRIAN SIDEWALK PER CITY DESIGN STANDARDS
- 7 NEW 20'-0" WIDE ONE-WAY DRIVEWAY/ALLEY AT GOLF COURSE CLUB HOUSE PARKING LOT
- 8 24'-0" WIDE 100' WIDE DRIVEWAY
- 9 GOLF CLUB HOUSE PARKING - 18' x 8' PARKING SPACES
- 10 NEW RESIDENTIAL TOWN HOME
 MAXIMUM LOT COVERAGE = 30%
 TYPICAL FOOTPRINT PER UNIT = 741 SQ FT
 TYPICAL LOT SIZE = 108' x 32' = 3,456 SQ FT
 MAXIMUM BUILDING HEIGHT = 30'-0"
 MINIMUM FRONT YARD SETBACK = 15'-0"
 MINIMUM REAR YARD SETBACK = 20'-0"
 MINIMUM SIDE YARD SETBACK = 10'-0"
 MINIMUM PARKING = 2 SPACES PER ONE LIVING UNIT (ONLY). ALL UNITS CONTAIN 2-CAR GARAGE PARKING IN ACCORDANCE TO GOVERNMENT REGULATIONS.
- 11 8'-0" RADIUS EMERGENCY VEHICLE ACCESS AT TURNAROUND FOR DEAD END PRIVATE DRIVEWAY
- 12 HORIZONTAL ADA PARKING INCLUDING RUBBER PARKING BUMPERS, SIGN, 5' WIDE BUMP AND PAINTED STRIPING PER REQUIREMENTS OF IBC 118 AND INTERNATIONAL BUILDING CODE



ENLARGED SITE PLAN - NORTH
 1" = 32'-0"



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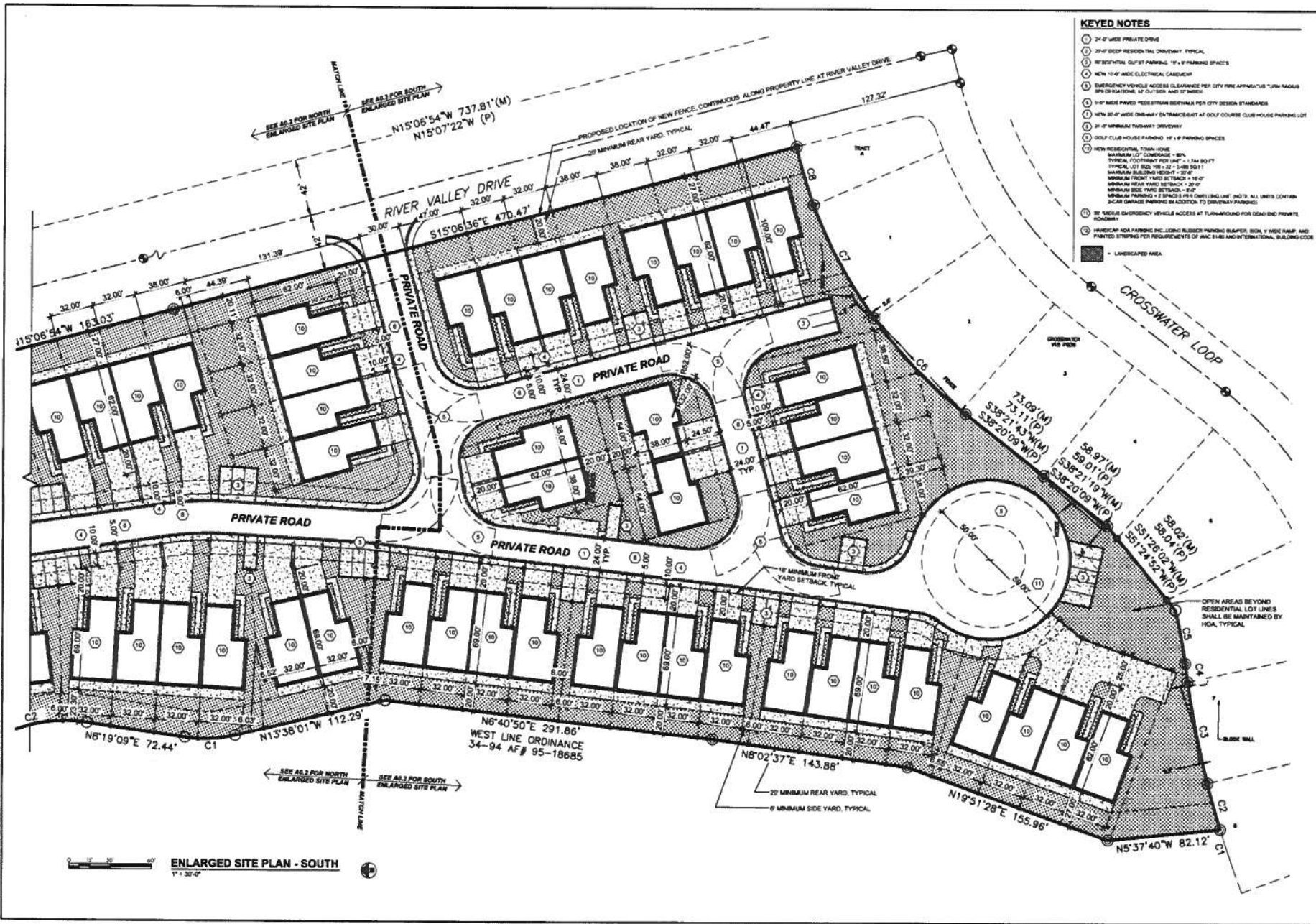
HJBT, LLC
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ENLARGED SITE PLAN - NORTH

CAD FILE: 40164001_SPT.dwg
 DESIGNED: AJAAKAS
 DRAWN: KAS
 CHECKED:
 DATE: 2020.DEC.17
 REVISION:

DRAWING: **A0.2**

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ENLARGED SITE PLAN - SOUTH
1" = 20'-0"

KEYED NOTES

- 1 24'-0" WIDE PRIVATE DRIVE
- 2 20'-0" DEEP RESIDENTIAL DRIVEWAY TYPICAL
- 3 RESIDENTIAL GUEST PARKING 12' x 8' PARKING SPACES
- 4 NEW 10'-0" WIDE ELECTRICAL CABINET
- 5 EMERGENCY VEHICLE ACCESS CLEARANCE PER CITY FIRE APPROPRIATE TURN RADIUS
- 6 NEW 10'-0" WIDE DRIVEWAY ENTRANCE/EXIT AT GOLF COURSE CLUB HOUSE PARKING LOT
- 7 NEW 20'-0" WIDE ONE-WAY DRIVEWAY AT GOLF COURSE CLUB HOUSE PARKING LOT
- 8 24'-0" MINIMUM DRIVEWAY DRIVEWAY
- 9 GOLF CLUB HOUSE PARKING 12' x 8' PARKING SPACES
- 10 NEW RESIDENTIAL TOWN HOME
MAXIMUM LOT COVERAGE = 80%
TYPICAL FOOTPRINT FOR UNIT = 1,700 SQ FT
TYPICAL LOT SIZE FOR 22' x 1,400 SQ FT
MINIMUM BUILDING HEIGHT = 20'-0"
MINIMUM FRONT YARD SETBACK = 15'-0"
MINIMUM REAR YARD SETBACK = 20'-0"
MINIMUM SIDE YARD SETBACK = 8'-0"
MINIMUM PARKING 12' SPACES PER DWELLING UNIT (NOTE: ALL UNITS CONTAIN 2-CAR GARAGE PARKING IN ADDITION TO DRIVEWAY PARKING)
- 11 30' RADIUS EMERGENCY VEHICLE ACCESS AT TURN-AROUND FOR DEAD END PRIVATE DRIVEWAY
- 12 HARDSHIP ADA PARKING INCLUDING RUBBER PARKING BUMPER, SIGN, 1' WIDE CURB AND PAINTED STRIPING PER REQUIREMENTS OF IAC 8-180 AND INTERNATIONAL BUILDING CODE

■ LANDSCAPED AREA

A
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P-U/D
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REVIEW

HJBT, LLC
PLANNED UNIT DEVELOPMENT
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ENLARGED SITE PLAN - SOUTH

CAD FILE: 4/14/2023_17.dwg
DESIGNED: JAANAKS
DRAWN: KAS
CHECKED:
DATE: 2023.DEC.17
REVISION:

DRAWING:
A0.3
40-11



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SUBMITTAL
REVIEW

HJBT, LLC
PLANNED UNIT DEVELOPMENT
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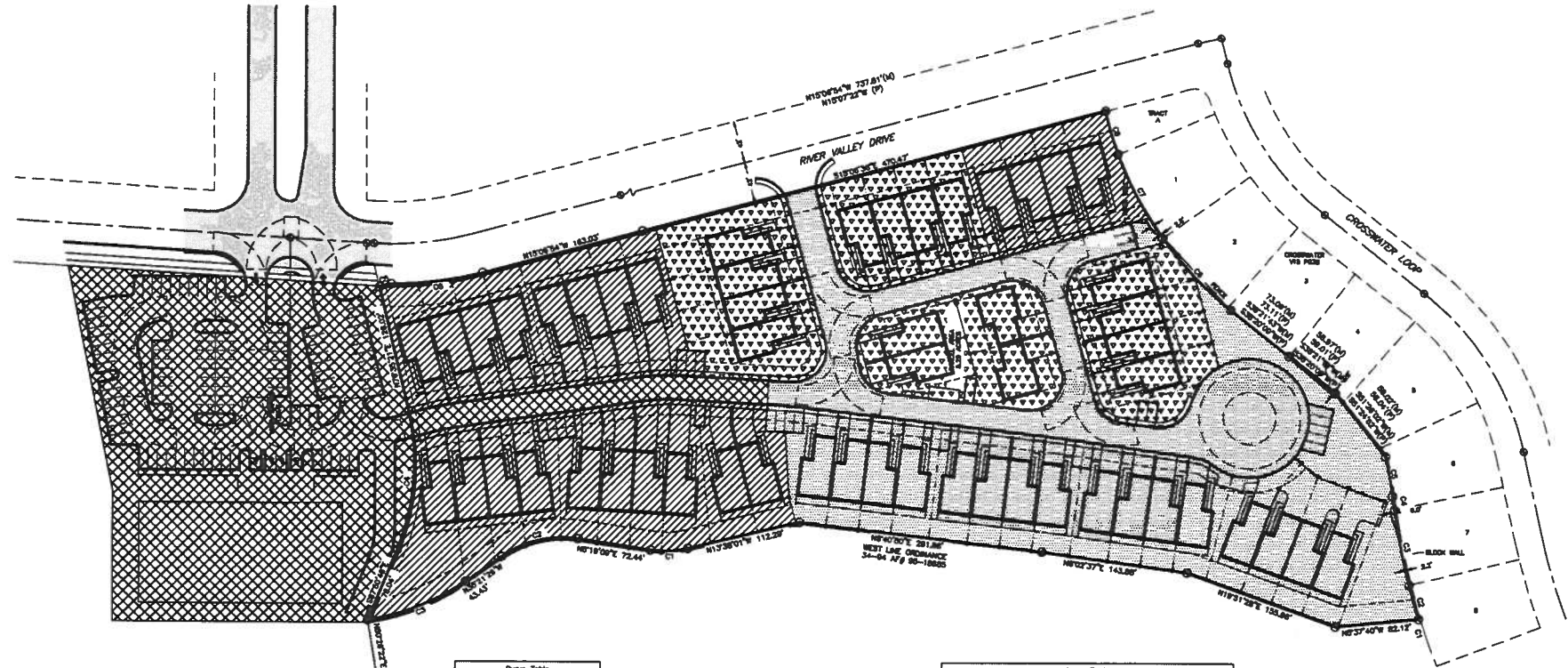
PHASING SITE PLAN

CAD FILE:
401840001_SP.dwg
DESIGNED: JAAMAS
DRAWN: KAS
CHECKED:
DATE: 2020.Dec.17
REVISION:

DRAWING:
A0.4

LEGEND

- PHASE 1 10NA HOUSES
- PHASE 2 10NA HOUSES
- PHASE 3 GOLF COURSE CLUB HOUSE
- PHASE 4 10NA HOUSES



Curve Table

CURVE	LENGTH	RADIUS	DELTA
C1	38.87	86.30	21°57'10"
C2	78.80	103.80	43°40'38"
C3	104.88	231.81	29°47'51"
C4	130.87	225.50	39°33'51"
C5	12.34	25.00	28°18'18"
C6	88.80	342.00	13°03'38"

Curve Table

CURVE	LENGTH	RADIUS	DELTA	CH. BRNG.	CHORD	LENGTH(P)
C1	28.80	722.00	2°17'08"	S71°52'30"W	28.80	
C2	38.22	722.00	2°47'42"	S74°25'18"W	38.22	
C3	78.27	722.00	6°03'10"	S78°35'42"W	78.24	78.28
C4	13.78	722.00	1°05'28"	S82°23'08"W	13.78	13.78
C5	40.01	368.00	6°04'30"	N79°37'37"E	38.88	40.01
C6	87.77	300.00	18°00'18"	S48°21'17"W	87.40	87.82
C7	85.02	300.00	18°33'18"	S82°05'27"W	84.73	84.78
C8	44.83	300.00	7°18'24"	S73°38'07"W	44.80	44.77



PHASING SITE PLAN
1" = 50'-0"



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TOPOGRAPHIC SURVEY

PORTION OF HORN RAPIDS GOLF COURSE PROPERTY
SECTION 28, TOWNSHIP 10 NORTH, RANGE 28 EAST, W.M.
CITY OF RICHLAND, BENTON COUNTY WASHINGTON.

SURVEYOR'S NOTES:

- BASE OF SURVEY IS GROUND SURFACE. ELEVATIONS BASED ON GROUND SURFACE. VERTICAL CURVES ARE INDICATED FROM GROUND SURFACE TO CENTERLINE (ELEVATION).
- VERTICAL CURVES ARE BASED ON GROUND SURFACE. VERTICAL CURVES ARE INDICATED FROM GROUND SURFACE TO CENTERLINE (ELEVATION).
- CONTOURS ARE DERIVED FROM DIRECT FIELD OBSERVATIONS. CONTOUR INTERVAL IS 1.0 FEET.
- CONTOUR POINTS 1/4" SPACING ON 1" HORIZONTAL SCALE.
- EQUIPMENT AND PROCEDURES THIS SURVEY WAS PERFORMED WITH A TRIMBLE 5600 GPS SYSTEM. THE SURVEY WAS PERFORMED WITH A TRIMBLE 5600 GPS SYSTEM. THE SURVEY WAS PERFORMED WITH A TRIMBLE 5600 GPS SYSTEM. THE SURVEY WAS PERFORMED WITH A TRIMBLE 5600 GPS SYSTEM.
- UNDERGROUND UTILITIES SHOWN HEREIN ARE FROM UNDERGROUND UTILITY LOCATE MAPS PROVIDED BY OTHERS AND CORROBORATED BY FIELD OBSERVATIONS.
- THIS IS NOT A BOUNDARY SURVEY. NO ATTEMPT WAS MADE TO DETERMINE LOCATION OF PROPERTY BOUNDARIES, STREET RIGHTS OF WAY, OR EXISTING EASEMENTS.
- THIS SURVEY IS A COMPLETION OF FIELD WORK PERFORMED MAY 2019, SEPTEMBER 2020, AND NOVEMBER 2021.



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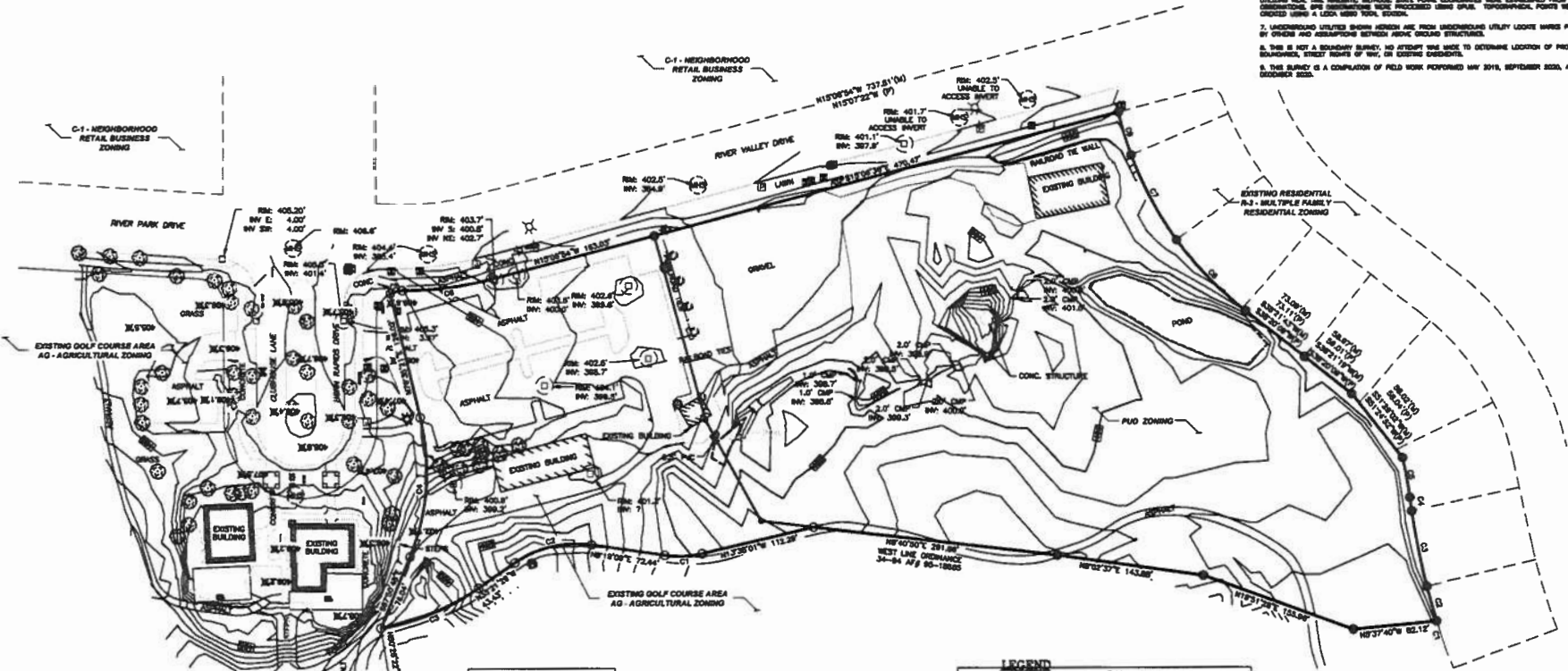
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HJBT, LLC
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EXISTING SURVEY AND
TOPOGRAPHY

CAD FILE:
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DESIGNED: JAA/KAS
DRAWN: KAS
CHECKED:
DATE: 2020.DOC.17
REVISION:

DRAWING:
V0.1



Curve	Length	Radius	Delta
C1	36.97	94.00	21°57'10"
C2	78.80	103.80	43°40'28"
C3	104.28	231.41	25°47'31"
C4	138.97	225.50	30°33'31"
C5	12.34	25.00	28°16'18"
C6	88.80	348.00	15°03'38"

Curve	Length	Radius	Delta	Ch. Bknl.	Chord	Length (ft)
C1	36.97	94.00	21°57'10"	871.92	28.80	28.80
C2	78.80	103.80	43°40'28"	874.42	33.32	33.32
C3	104.28	231.41	25°47'31"	878.90	76.54	76.54
C4	138.97	225.50	30°33'31"	882.00	84.78	84.78
C5	12.34	25.00	28°16'18"	882.00	94.73	94.73
C6	88.80	348.00	15°03'38"	882.00	144.80	144.80

EXISTING SURVEY & TOPOGRAPHY
1" = 50'-0"

RSI ROGERS SURVEYING INC., P.S.
1400 S. GARDNER, RICHLAND, WA 99354
PH: 509.946.4100
F: 509.943.1796
www.rsi-surveying.com

CLIENT: GALE REW CONSTRUCTION
JOB: 2800
PROJECT: TOPOGRAPHIC SURVEY
PTN SEC 28, T.10N., R.28E., W.M.

DRAWN BY: JAA
SCALE: 1" = 50'
DATE: 12/7/20

F. & S. BY: JAA
DATE: 12/7/20
REV: 01

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