



NOTICE OF DECISION

PURSUANT TO RICHLAND MUNICIPAL CODE SECTION 19.60.080 NOTICE IS HEREBY GIVEN THAT THE CITY OF RICHLAND HEARINGS EXAMINER, ON SEPTEMBER 15, 2023 APPROVED A MAJOR REVISION TO THE PRELIMINARY PLAT OF SOUTH ORCHARD (CITY FILE NO. SA2023-102) SUBJECT TO CONDITIONS CONTAINED IN THE HEARING EXAMINER REPORT (ATTACHED):

**DESCRIPTION
OF ACTION:**

Major Revision to the preliminary plat of "South Orchard" subdividing to now place 535, single-family residential lots, 2 multi-family lots, and 12 public amenity tracts on 174.37 acres.

SEPA REVIEW:

A Supplemental Final Environmental Impact Statement was completed for this site at the time the City adopted the subarea plan for the Badger Mountain South area in 2010. The property was annexed and the City adopted a Planned Action Ordinance (RMC 19.50). The effect of the Planned Action Ordinance is that standard SEPA review is not required, provided that any project proposed within the boundaries of the master planned community is consistent with the master plan and with the mitigation measures identified in the adopted SEPA documents/process. The above mentioned major revision is not subject to additional SEPA review according to WAC 197-11-904.

APPROVED:

The major revision approval is subject to conditions contained in the Hearing Examiner Decision.

PROJECT LOCATION:

The South Orchard site is on four (4) parcels (APN 1-04882000006000, 1-04882000003000, 1-04882000004000, 1-04882000005000) north of East Reata Road and west of Karlee Drive.

APPEALS:

Appeals to the above described action may be made to the Benton County Superior Court by any Party of Record. Appeals must be filed within 21 days of issuance of this notice, which is October 6, 2023.


Mike Stevens
Planning Manager

September 15, 2023
Date



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

**FINDINGS, CONCLUSIONS AND
DECISION APPROVING
MAJOR REVISION
TO “SOUTH ORCHARD” PRELIMINARY PLAT**

FILE NUMBERS: MAJOR REVISION, FILE No. SA2023-102;
ORIGINAL PRELIMINARY PLAT FILE No. S2021-104;

APPLICANT/OWNER: BADGER COMMUNITIES, LLC, BY DARRIN SWEENEY

APPLICATION: REQUEST FOR MAJOR REVISIONS TO THE SOUTH ORCHARD PRELIMINARY PLAT, APPROVED IN DECEMBER OF 2021. THIS MAJOR REVISION WOULD LEAVE PHASE 1 UNCHANGED, WITH 325 LOTS; INCREASE PHASE 2 BY 22 LOTS TO 123; INCREASE PHASE 3 BY 29 LOTS TO 130; AND INCREASE PHASE 4 BY 13 LOTS TO 117, ALL WITHIN APPLICABLE DENSITY STANDARDS FOR THE PROPERTY. SUBSTANTIVE CONDITIONS OF APPROVAL FROM THE ORIGINAL PLAT SHALL BE CARRIED FORWARD, EXCEPT FOR LIMITED CHANGES WARRANTED BY THE PHASING REVISIONS PROPOSED AND UPDATED TRANSPORTATION REVIEWS BY THE CITY’S PUBLIC WORKS DEPARTMENT.

LOCATION: PART OF THE BADGER MOUNTAIN SOUTH SUB-AREA, IN THE BADGER MOUNTAIN MASTER PLANNED COMMUNITY, ON THE WEST END OF THE SOUTHERNMOST PART OF THE BMS COMMUNITY. THE ENTIRE PRELIMINARY PLAT IS JUST OVER 194-ACRES, AND THIS MAJOR REVISION WOULD AFFECT 174+ ACRES WHERE PHASES 2, 3, AND 4 ARE LOCATED, SPREAD OVER FOUR PARCELS, ASSIGNED BENTON COUNTY PARCEL Nos. 1-04882000006000, 1- 04882000003000, 1-04882000004000, AND 1-04882000005000, NORTH OF EAST REATA ROAD AND WEST OF KARLEE DRIVE.

REVIEW PROCESS: TYPE III, MAJOR REVISION TO PRELIMINARY PLAT.
(SEE HEARING EXAMINER DECISION APPROVING ORIGINAL PRELIMINARY PLAT, CONDITION OF APPROVAL “J”, AND RMC 19.20.010(C)(1))

SUMMARY OF DECISION: *APPROVED*, SUBJECT TO CONDITIONS

DATE OF DECISION: SEPTEMBER 15, 2023

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 pending application for a Type III matter, assigned File No. SA2023-102, prepared by Senior Planner Matthew Howie, (addressing proposed Major Revisions to the Preliminary Plat of South Orchard, File No. S2021-104, issued in December of 2021).

Exhibits included with the Staff Report:

1. Application Materials (forms refer to proposed Major Modifications as Amendments, deemed form over substance);
2. S2021-104, Master Agreement Consistency Recommendation [MACR];
3. Original Hearing Examiner Decision approving Preliminary Plat of South Orchard, issued in December of 2021, under File No. S2021-104;
4. Master Agreement Consistency Determination [MACD]
5. Planned Action Consistency Determination [PACD]
6. Traffic Impact Analysis Letter
7. Traffic Impact Analysis Report
8. Public Notice and Affidavits
9. Agency Comments
10. Public Comments
11. Applicant Request for Continuance
12. Correspondence Between Applicant and Public Works Staff

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

1. Matthew Howie, Senior Planner, for the City of Richland;
2. Darrin Sweeney, the applicant;
3. Loren Myers, local resident, lives in unincorporated Benton County along Reatta Road, requested clarification on how Reatta and Gage roadways might be developed, had his comments fully addressed by Mr. Sweeney.

II. APPLICABLE LAW

A preliminary plat *and any major revision thereof* is a Type III application. *RMC 19.20.010(C)(1)*. A Type III application procedure requires an open record public hearing before the City's Hearing Examiner, who is the decision-maker on such applications. *See RMC 19.20.030, Project permit application framework.*

The burden of proof rests with the applicant, and any decision to approve or deny a Type III project application 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 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 major revision to a preliminary plat 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 a 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); See also RMC 19.20.030, Project permit application framework, verifying that Type III decisions are made by the Examiner, are not subject to appeal to the City Council, but are instead subject to judicial appeal*).

III. ISSUE PRESENTED

Whether a preponderance of evidence demonstrates that the applicant has met their burden of proof to merit approval of the requested Major Revision to a preliminary plat?

Short Answer: Yes, subject to conditions of approval, most all of which continue without modification as included in the original preliminary plat approval Decision.

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, and most importantly the original Decision issued by the undersigned Examiner approving the Preliminary Plat of South Orchard in December of 2021, this Decision approving the requested Major Revision(s) to such preliminary plat 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 applicant’s Major Revision to the South Orchard 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. This is not a new, stand-alone preliminary plat application. Instead, this is a request for approval of a “Major Revision” to a preliminary plat originally approved in a Decision issued in December of 2021 under File No. S2021-104, known as the Preliminary Plat of South Orchard. (*See Ex. 3, copy of the 2021 Decision approving the Preliminary Plat of South*

Orchard). The preliminary plat was approved for development in 4 (four) phases. (*Ex. 3, Condition of Approval “H”*).

4. There is no dispute that the original preliminary plat Decision was not appealed and stands as issued.
5. The unchallenged Decision approving the plat at issue included Condition of Approval “J”, which detailed the process for review of any Minor or Major Revisions that might be proposed for the preliminary plat, explaining that any Major Revisions would be reviewed as a Type III application requiring an open record public hearing and a decision by the Hearing Examiner, citing RMC 19.20.010(C)(1).
6. The application materials indicate that Richland City Council asked staff to work with developers to try to find ways to make housing more attainable. The applicant, Mr. Sweeney, wrote that “By increasing the total lot count by reducing larger lot sizes, the costs associated with development will be spread over more lots and will reduce the price of lots in South Orchard. This will help reduce the overall cost of housing and make it more attainable.” (*Ex. 1, Application Materials, Letter from Mr. Sweeney, on .pdf pages 59-60*).
7. On forms and documents labeled as ‘amendments’ instead of the term “Revisions”, the applicant/property owner Badger Communities, LLC, represented by Darrin Sweeney, submitted an application seeking changes to the South Orchard Preliminary Plat, all of which the Examiner finds and concludes should be processed as Major Revisions to the original preliminary plat, based on controlling language found in Condition “J” of the Examiner’s Decision approving the preliminary plat. (*See Ex. 1, application materials; Site Plans illustrating proposed revisions and increased lot totals for Phases 2, 3, and 4; Ex. 3, original Preliminary Plat Decision*).
8. In this matter, the use of forms and documents by the applicant and Staff addressing the requested revisions to the plat as an ‘amendment’ or ‘amendments’ instead of “Major Revision(s)” is an example of form over substance. (*See Application forms, multiple references in the Staff Report, captions on proposed plan sheets in Ex. 1, depicting Major Revisions requested herein*). The Examiner finds and concludes that the substance of the pending application is a formal application for Major Revisions to the original preliminary plat, which is a Type III process. (*See Ex. 3, original Preliminary Plat Decision, Condition J, and RMC 19.20.010(C)(1)*). To do otherwise – and instead treat this matter as a Type IIIA application, with only a recommendation from the Examiner followed by a final decision by the City Council¹ – would be in conflict with Condition J, which was part of a final and binding land use decision that was never appealed to any court with appropriate jurisdiction.

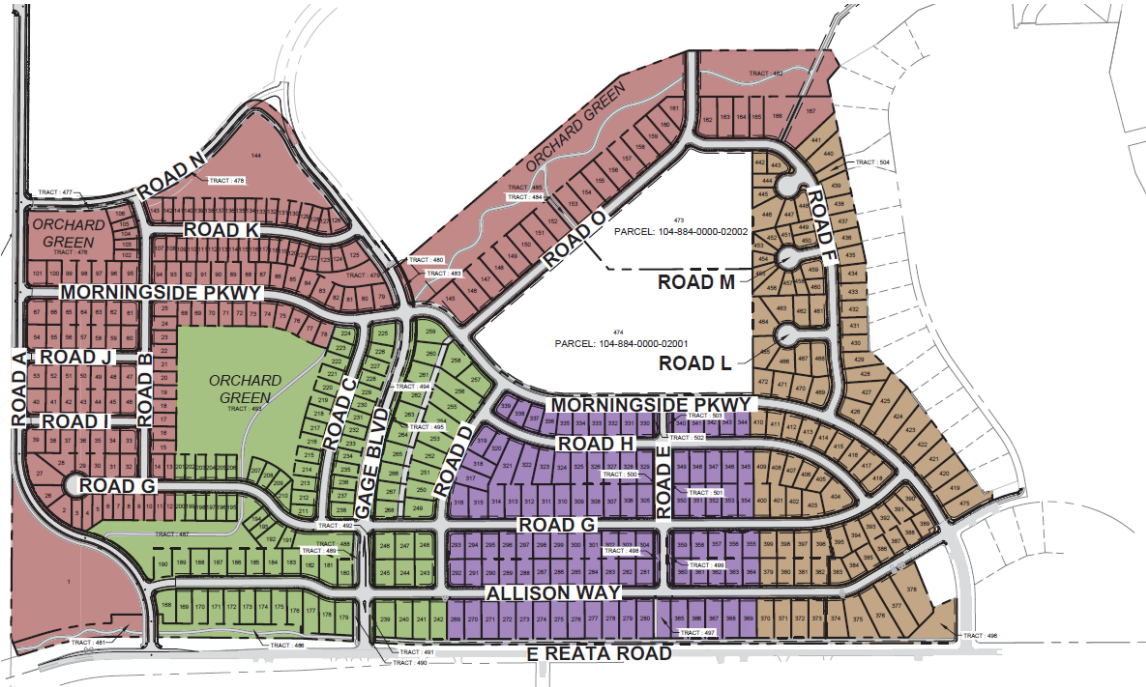
¹ See RMC 19.20.030, Project permit application framework, which provides that Type IIIA reviews require a recommendation from the Hearing Examiner to the City Council, which makes the final decision on Type IIIA matters. Also see RMC 19.20.010(D), which omits major revisions to a preliminary plat from the list of matters included as Type IIIA applications, whereas “Preliminary plats or major revisions thereof” and “Plat alterations or vacations” *are specifically listed as included as Type III applications in RMC 19.20.010(C)*.

9. For purposes of this Decision, use of the terms “amendment(s)” or “revision(s)” found in the application materials, supporting exhibits, and this Decision shall be read to mean the same thing – specifically, revision(s) to the preliminary plat.
10. As noted elsewhere in this Decision, Major Revision(s) to a preliminary plat are Type III matters that require an open public hearing with a final decision made by the Hearing Examiner. (*See RMC 19.20.010(C)(1)*), and *RMC 19.20.030, Project permit application framework*).

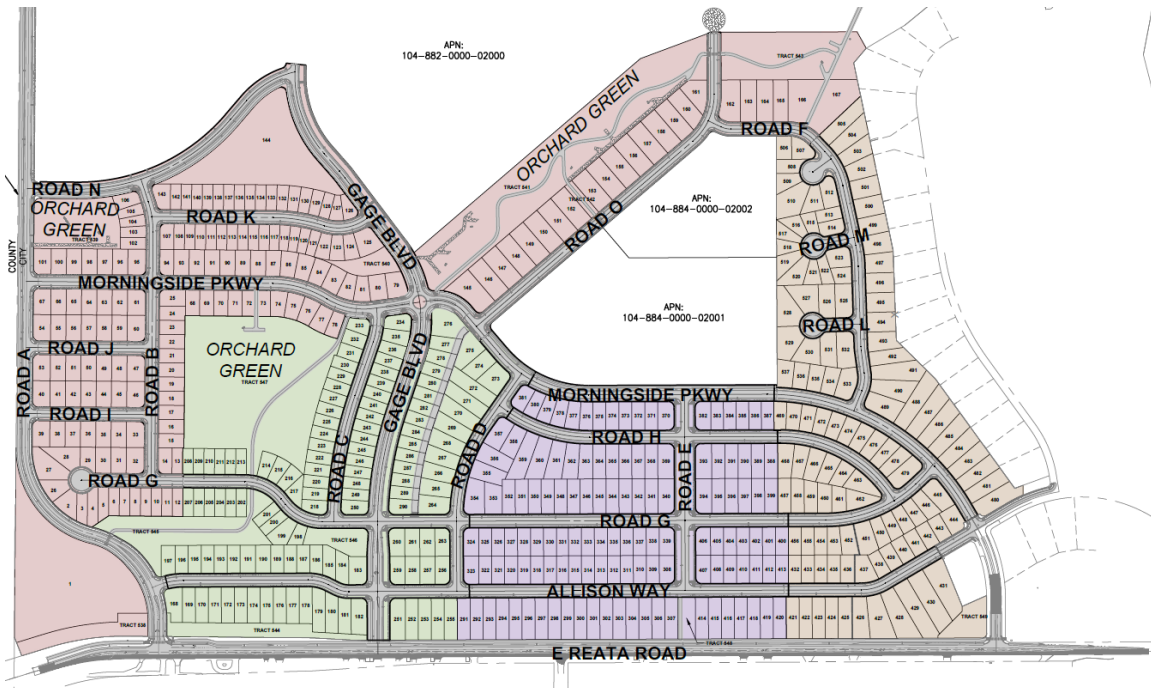
Specific requests for Major Revisions addressed in this Decision.

11. In this matter, the applicant requests approval of Major Revisions to Phases 2, 3, and 4, essentially retaining the layout of roads and utilities as approved in the original preliminary plat, but reducing original lot sizes to increase the number of lots as follows:
 - Phase 1, unchanged, with 325 lots;
 - Phase 2, increase by 22 lots to 123 single family residential lots;
 - Phase 3, increase by 29 lots to 130 single family residential lots; and
 - Phase 4, increase by 13 lots to 117 single family residential lots.
12. Staff confirmed that the requested increases in lot counts for the plat are all within applicable density standards for the property. (*Staff Report, page 15; Testimony of Mr. Howie*).
13. Substantive conditions of approval from the original plat are meant be carried forward, except for limited changes warranted by the phasing revisions proposed and updated transportation reviews by the City’s Public Works Department. (*Testimony of Mr. Howie and Mr. Sweeney; Ex. 1, Application Materials, particularly Letter from Mr. Sweeney, on .pdf pages 59-60, which reads in part: “I don’t support any request to change or remove any of the original plat conditions from the City of Richland with the exception of adding additional lots and tracts as requested...”*). Public Works also changed some language in other conditions, but those changes did not eliminate any major requirements or conditions that were included as Conditions of the original plat. All Conditions, as modified in this Decision, are supported by applicable law and relevant development regulations, and are necessary to ensure the plat development is in the public interest.
14. The following illustrations derived from plan sheets in the project file show the original preliminary plat, and the proposed revisions, which would accommodate 47 additional lots within the same overall layout and design reflected in the original preliminary plat design. (*Original Plat illustration, and Proposed Revisions, from Staff Report, page 2, Figure 1*).

ORIGINAL PRELIMINARY PLAT ILLUSTRATION:



PROPOSED REVISIONS TO PRELIMINARY PLAT, WITH 47 ADDITIONAL LOTS:



SEPA Compliance.

15. 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 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. 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(ies) applicable SEPA review requirements.

Public Hearing.

16. The open-record public hearing for the application occurred on July 14, 2023, wherein the undersigned Examiner presided, and all persons wishing to provide comments were heard, providing testimony under oath. The Examiner visited the site of the South Orchard preliminary plat on the day of the hearing, including public roads leading to and from the vicinity of the plat, and is familiar with the larger Badger Mountain South area from previous visits in connection with other applications over the last few years.
17. The only member of the public who spoke, a County-resident (Mr. Myers), had general questions about how surrounding roads might be developed, which were satisfactorily addressed by Mr. Sweeney. No one appeared during the public hearing to oppose the pending application.
18. The Staff Report and recommendation of approval includes a number of specific findings and conditions that partially establishes how the underlying application for Major Revisions to the preliminary plat 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.
19. During the public hearing, the applicant asked that a single condition addressing timing of full road improvements for portions of Morningside Parkway be removed (proposed condition 26 in the Staff Report. The Examiner finds and concludes that language in that proposed condition is confusing, and that the applicant appears to be asking that proper major changes to original conditions of approval should not be imposed, except for those that might be warranted by the limited increase in total lots, and final reviews of recent transportation studies. In any event, the Examiner revised the proposed condition, so it allows the developer to request approval from the Public Works Director to adjust timing of some frontage improvements along Morningside. (*See final Condition of Approval No. 26*). Conditions of approval have been added or modified 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

20. 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. The original preliminary plat was approved and not appealed. All findings, conclusions, and conditions of approval of the original Decision stand as support for this application, because the requested modifications addressed in this Decision are fully consistent with City codes and relevant LUDR provisions. The revisions approved in this Decision will not result in any adverse impacts or a reduction of mitigation addressed in Conditions of Approval for the original preliminary plat. The limited changes to existing Conditions of Approval are only those needed to add more lots, and to conform with updated Transportation staff reviews. This request for Major Modifications is fully consistent with current development codes and comprehensive plan policies. (*See Staff Report, analysis of proposed revisions, sometimes referenced as amendments*).

As Conditioned, and if developed in compliance with requirements in applicable LUDR provisions, the proposed plat, as modified by the Major Revisions addressed in this Decision, will provide public benefits

21. As modified by the Major Revisions addressed in this Decision, the preliminary plat 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. All findings and conclusions supporting this finding found in the original Decision (*Ex. 3*) are incorporated herein as additional findings supporting this Decision approving the requested Major Modifications.

A preponderance of evidence in the record demonstrates the proposed Major Revision(s), as conditioned, satisfies approval criteria.

22. The record contains a preponderance of evidence to demonstrate that, as conditioned, the proposed plat, as modified by the proposed Major Revisions, makes appropriate provisions for:
- A. The public health, safety, and general welfare: *See Staff Report; all Findings above; Conditions of Approval;*
 - B. Open Spaces: *Findings above; Staff Report; 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; Conditions of approval addressing Stormwater Management requirements.*
 - D. Streets or roads, alleys, other public ways: the proposed plat, and proposed Major Revisions thereto, 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. *Staff Report; Public Works comments included in the record; Conditions of approval addressing traffic, streets and the like.*
 - 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 preliminary 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.
 - 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; Conditions of Approval addressing water, and irrigation water.*

- G. Sanitary systems: The City’s sewer system has capacity to serve the preliminary plat and will do so. *Staff Report; Conditions of approval addressing Sanitary Sewer requirements.*
- 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. School needs for future residents are adequately addressed in the LUDR for the Badger Mountain South master planned community. *Staff Report; Conditions of Approval addressing Parks, open space requirements, including Condition “G”, addressing Park/Open Space standard for homes in the NG district.*
- I. Planning features to assure safe walking conditions for students: The preliminary plat, even with the Major Revisions approved herein, includes walking paths and sidewalks that will adequately provide safe walking routes and conditions for school children. *Ex. 1, preliminary plat plans showing sidewalks and trails in the new plat.*

23. 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 regulations for the property, particularly the LUDR – and except for any language in the Staff Report that might be read to suggest or imply that this application should follow a Type IIIA review process – all Findings, and statements of fact contained in the Staff Report are incorporated herein by reference as Findings of the undersigned hearing examiner.²

24. Based on all evidence, exhibits and testimony in the record, the undersigned Examiner specifically finds that the preliminary plat, as modified by the Major Revisions approved in this Decision, subject to Conditions of Approval set forth 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 requested Major Modifications to the preliminary plat and associated dedications and improvements provided in such plat.

V. CONCLUSIONS of LAW

- 1. Based on the Findings as summarized above, the undersigned examiner concludes that the requested Major Revision(s) to the South Orchard Preliminary 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

² 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.

above, the requested Major Revision(s) meets the standards necessary to obtain approval by the Hearing Examiner.

2. The proposed conditions of approval as set forth in the Staff Report were mostly a repeat of Conditions already imposed in the original preliminary plat decision, with limited changes. As modified by the Examiner in this Decision, all conditions of approval are reasonable, supported by the evidence, and capable of accomplishment.
3. Substantive conditions of approval from the unchallenged preliminary plat Decision have been carried forward, except for limited changes warranted by the increased lot count and updates based on final transportation reviews recently completed by the City's Public Works Department.
4. 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 applicant's **Major Revisions to the South Orchard Preliminary Plat**, subject to the Conditions of Approval set forth below and adopted herein as part of this Decision.

Decision issued: September 15, 2023.



Gary N. McLean
Hearing Examiner for the City of Richland

**CONDITIONS OF APPROVAL
FOR
MAJOR REVISIONS
TO THE PRELIMINARY PLAT OF SOUTH ORCHARD
ORIGINAL PRELIMINARY PLAT, FILE NO. S2021-104
MAJOR REVISIONS, FILE NO. SA2023-102**

In accord with authority granted in the Richland Municipal Code, the hearing examiner approves the above-referenced Major Revisions to the preliminary plat 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 preliminary plat phases 2, 3, and 4, shall be substantially consistent with drawings provided showing the proposed Major Revisions for the Preliminary Plat of South Orchard, included as part of the application materials (*Ex. 1, preliminary plat site plans, prepared by Barghausen Consulting Engineers, dated May 2023, depicting Major Revisions, captioned "BMS South Orchard Major Amendment, Sheets 1-18, on .pdf pages 41-58*), 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 Ex. 3, *Original Plat Decision*; LUDR Sec. 1.F.1(c)).

- H. The preliminary plat can be developed in 4 (four) phases, as identified in the application materials and depicted on plan sheets included in Ex. 1, 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. ***Inadvertent Discovery Plan Required.*** Based on unrebutted comment letters from DAHP and the Confederated Tribes of the Umatilla Indian Reservation, 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. The proposed IDP should be developed in consultation with DAHP and tribal officials who provided comments in the record for this matter. 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 protocols³:

**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 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."

- M. Whether restated or discussed elsewhere in these Conditions of Approval or this Decision, each and every of the mitigation conditions provided in Ex. 7 of the original Preliminary Plat Decision (the Planned Action Consistency Determination issued for the revised application on November 3, 2021), are incorporated herein by reference as individual Conditions of Approval adopted by the Hearing Examiner for this preliminary plat.

- N. ***(New Condition, re: Term of Preliminary Plat Approval.*** As provided in RMC 24.12.055(C), approval of the original preliminary plat is operative for five years from the

³ Available on the DAHP website, at: <https://dahp.wa.gov/archaeology/human-remains/recommended-inadvertent-human-remains-discovery-language>

date of approval by the hearing examiner during which time a final plat or plats (i.e. phases of the plat) may be submitted. This Major Revision approval does not modify the duration of the underlying preliminary plat approval, which will expire on or about December 16, 2026. (See Ex. 3, Preliminary Plat approval, dated Dec. 16, 2021).

Conditions Derived from the Staff Report, mostly carried forward from the original Preliminary Plat approval:

Public Works.

1. The following street names have previously been approved for this preliminary plat, and should be reflected on the submitted preliminary plat Revisions:
 - “Road A” = Southgate Way
 - “Road B” = Tarragon Ave.
 - “Road F” = Sumac Ave.
 - “Road G” = Nuthatch St.
 - “Road I” = Scout St.
 - “Road J” = Boxberger St.
 - “Road K” – Stardust St.
 - “Road N” = Grapeview St.
 - “Road O” = Savanna St.
 - Proposed road names for Roads “L” and “M” need to be submitted for review.(NOTE: Street names are not reviewed or vested until construction plans are submitted for review).
2. If any of the tracts have the potential to one day become building lots, utility stubs should be provided to them to avoid the need to cut new streets.
3. Any future storm drainage tracts will be dedicated to the city for ownership. The “Tract Note” on sheet 5 of the pre-plat should be amended to include this.
4. 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.
5. 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.

6. 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. Please visit 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.
7. 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.
8. 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.
9. The contractor and developer shall be responsible for any and all public infrastructure construction deficiencies for a period of one year from the date of a letter of acceptance from the City of Richland.
10. All plan sheets involving construction of public infrastructure shall have the stamp of a current Washington State licensed professional engineer.
11. 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:

12. 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. 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. (this item was previously listed as Condition 11.j in the original Decision approving the Preliminary Plat).

13. 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.
 - F. Secondary Emergency Vehicle Access routes (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. *(renumbered from original Decision).*

Survey Monument Destruction:

14. 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. *(renumbered from original Decision).*
 - 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)).
 - D. 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.
 - E. 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:

(NOTE: Limited changes to conditions of approval addressing Traffic and Streets are based upon final reviews of lengthy traffic studies and reports completed by the Public Works Department following approval of the original preliminary plat. Original Conditions addressing Traffic & Streets were modified and updated by the Public Works Department, moving the order of some conditions, and revising language in some. At the hearing, the applicant only expressed concerns and requested removal of a single proposed condition, addressing timing of full-width construction of a portion of Morningside Parkway. That condition (26) has been revised as shown below.)

15. The South Orchard preliminary plat is subject to the City's traffic impact fee program (RMC 12.03). The program includes street and intersection improvements sufficient to mitigate the off-site impacts of this project. The developer of this proposed project may receive credit for construction of the improvements listed in RMC 12.03.
16. The developer provided a Badger Mountain South Traffic Impact Analysis dated February 16, 2022 as required in Exhibit B, Section 5.3 of the Master Development Agreement. The City has accepted the analysis with City proposed changes and transmitted such to the developer. The developer has 30 days upon receipt to contest the proposed changes. If no rebuttal from the developer is received, the City considers the requirements in Exhibit B, Section 5.3 of the Master Development Agreement satisfied for this plat. Final plat approval will not be granted for the first phase of this project until the Badger Mountain South Traffic Impact Analysis is accepted by the Public Works Department.
17. This project will create impacts that shall be mitigated with the following improvements:
 - A. The Gage Blvd./Reata Road intersection improvements shall include the construction of a roundabout designed for the 2040 anticipated full build-out traffic volumes. This intersection should be completed with the phase of construction that connects Gage Boulevard to Reata Road.
 - B. The Gage Blvd./Morningside Parkway intersection improvements shall include a roundabout or mini-roundabout to account for both on-site and planned off-site future peak traffic volumes related to development traffic from the west. These intersection improvements shall be completed along with the phase that constructs the Gage/Morningside intersection.
 - C. The Road A ("Southgate Way")/Reata Road intersection improvements shall include a westbound right turn lane from Reata onto Road A, and a southbound right turn lane from Road A onto Reata. These intersection improvements shall be completed along with the phase that constructs the Road A/Reata Road intersection.
 - D. The Morningside Parkway/Reata Road intersection improvements shall include a westbound right turn lane from Reata onto Morningside, an eastbound left turn lane from Reata onto Morningside, and a southbound right turn lane from Morningside onto Reata. These intersection improvements shall be completed along with the phase that completes the Morningside Parkway corridor.
 - E. Allison Way and Morningside Parkway shall have frontage improvements installed on these existing roadways beginning from Lot 431, proceeding around the corner to the intersection with Reata Road. The east side of Morningside Parkway shall also have frontage improvements installed from Reata Road to the SE corner of the intersection. Frontage improvements shall consist of curb & gutter, sidewalk (or separated pedestrian pathway), additional paving as needed, storm drainage facilities, and street lighting. Pedestrian connectivity is needed from the South Orchard plat to Reata Road.
18. The Gage Blvd./Road N ("Grapeview St.") intersection is anticipated as needing a roundabout when future development continues the extension of Gage Blvd. to the north. Adequate right-of-way shall be provided at this intersection for the anticipated roundabout.
19. The developer shall conduct a preliminary design of the horizontal and vertical alignment of Gage Blvd. and Road A ("Southgate Way") to a point at least 500- feet offsite to the north, or to its next northerly intersection, whichever is further, to confirm the most appropriate alignment. These designs shall be completed concurrent with phase 1.

20. Gage Blvd., Road A (“Southgate Way”) and Road N (“Grapeview St.”) will be classified as “Major Collectors”. On-street parking and driveway accesses for single family lots will not be permitted onto Major Collector streets. Morningside Parkway will be classified as a Minor Collector.
21. A note will be included on the face of the final plat stating that no driveways will be allowed directly onto Reata Road with the exception of Lot 1. Proposed driveways from Lot 1 onto Reata Road will need to be approved by the City of Richland Traffic Engineer.
22. Lots fronting on Gage Blvd. shall take access from a rear alley easement. Single family residential driveway access to Gage Blvd. will not be permitted.
23. 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.
24. Benton County has transferred the Reata Road right of way adjacent to the South Orchard plat to the City’s jurisdiction. The intersection designs and Reata Road widening shall be reviewed and approved by the City.
25. Traffic calming measures may be required, as approved by the Traffic Engineer.
26. The entire road section of Morningside Parkway shall be constructed full-width for segments of such roadway that lie within a phase under development. For instance, portions of Morningside shown within Phase 2 shall be developed full-width as Phase 2 is developed, continuing on as subsequent phases might be developed. For good cause (perhaps to avoid waste if future development of a vacant parcel would necessitate removal or significant modification of new infrastructure), the Public Works Director may approve a request from the developer to delay construction/installation of full road width, sidewalks, and/or streetlights along segments of Morningside road frontage that abut vacant parcel no. 1-0488-400-0002-001 until such time as that parcel is developed.
27. A ten-foot public utility easement adjacent to the Reata Road frontage shall be provided on the face of the final plat.
28. 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.).
29. The developer and his engineer shall demonstrate on the construction plans that all future driveways, sidewalks and pedestrian ramps will meet City and ADA requirements, and also provide at least 5-feet of separation between driveway and/or pedestrian ramp transitions.
30. Pedestrian ramps shall be designed to current City standard details and A.D.A. standards. Adequate right-of-way shall be provided at corners to allow for at least 1-foot of ROW behind the ped. ramp landing. Crosswalks between pedestrian ramps shall be designed to City standards. Crosswalks at stop-controlled intersections shall have cross-slopes less than 2%. Crosswalks crossing thru-streets shall have cross-slopes less than 5%. The road profile shall be designed to accommodate this.
31. 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 accord 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.

32. All private roads (alleys) shall be constructed to provide for adequate fire truck & solid waste collection truck access & turnaround movements.
33. The proposed “alley” road section shall be a private access which is for the use and benefit of the homeowners that abut it, and are to be maintained by the adjacent property owners and/or the HOA. The City of Richland accepts no maintenance responsibility for these rear alley easements.
34. All intersections of private shared driveways and alleys with City streets shall be standard commercial driveway drops constructed to City standards.
35. Street signs indicating any restricted parking areas shall be installed prior to final platting at the developer’s expense. The restricted parking areas shall be indicated on the construction plans and the final plat. All signage will be installed by the developer prior to final platting.
36. All roads shall be constructed to provide for adequate fire truck & solid waste collection truck access & turnaround movements. Homes whose sole access is the proposed “rear alley” road section may have to place their garbage cans at locations acceptable to City solid waste collection vehicles.
37. 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:

38. Any grading operations that take place near or over the top of the existing domestic water main shall ensure that adequate cover remains over the water main so as to protect it from breakage or freezing. It shall be the responsibility of the developer to re-install any water mains that have too little (or too much) cover over them as a result of grading operations, or that will result in this water main being in a building lot. This water main needs to be within the roadway whenever possible. The existing main shall be exposed and surveyed at multiple locations as part of the grading permit application.
39. 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. The water system shall be sized to adequately supply domestic water and fire flows to the proposed development. These water mains shall be extended to the boundaries of the pre-plat.
40. 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.
41. The fire hydrant layout shall be approved by the City Fire Marshal.
42. 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

43. It shall be the responsibility of the developer to extend a sewer main to this property to serve sanitary sewer at the time of plat construction.
44. This preliminary plat may receive City sanitary sewer service only after completion of a new sewer pump station and required improvements to the existing Dallas Road sewer pump station are completed. The developer shall complete the sewer system design and construction required to serve this project. If the developer constructs capacity beyond the needs of this project it will be eligible for a latecomer agreement per Richland Municipal Code.
45. 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.
46. Sanitary sewer shall be extended to the adjoining properties adjacent to the preliminary plat, where appropriate and where grade allows.

Stormwater

47. 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.

48. 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.

49. 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.
50. 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”).
51. Any proposed storm drainage retention facilities within the boundary of the proposed preliminary plat shall not adversely affect neighboring properties.
52. 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.
53. 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.
54. The amount of post-development storm runoff from the proposed site shall be in compliance with RMC Chapter 16.06.
55. Stormwater collection pipes shall be extended to the adjoining properties adjacent to the plat, where appropriate and where grade allows.
56. 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.
57. 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.

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

Final Platting / Project Acceptance Requirements

59. 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.

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

61. 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.

62. Ten-foot wide public utility easements will be required on the final plat along both sides of all Right-of-Ways within the proposed plat.

63. 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.

64. 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 proposed rear alley easements shall be private roadways which are for the use and benefit of the homeowners that abut said roads, and are to be maintained by the adjacent property owners or the HOA. The City of Richland accepts no maintenance responsibility for rear alley easements”*.

65. A note shall be added to the face of the plat that states: *“The private rear alley easements within this plat are fire lanes and parking is restricted. The required no-parking signs shall be installed by the developer where applicable.”*

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

67. A one-foot “No access / screening easement” will be required along the Reata Road, Gage Blvd., Grapeview St., and the Southgate Way Right of Ways.
68. The intended use and ownership of all tracts within the plat shall be noted on the final plat.
69. Property with an unpaid L.I.D. assessment towards it must be paid in full or segregated per Richland Municipal Code 3.12.095.
70. Any restricted parking areas shall be indicated on the final plats.

Planning Condition.

71. Ownership and maintenance of privately held open space/park, and other common areas should be included in specific covenants, conditions, and restrictions for the subdivision, sometimes called CC&Rs or CCRs.

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 Type III, Major Revision to a 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.