

May 25, 2022

To: Mike Stevens, Planning Manager - City of Richland
625 Swift Boulevard, MS-35
Richland, WA 99352
Phone: (509) 942-7794
Fax: (509) 942-7764
Email: mstevens@ci.richland.wa.us

Subject: Richland Resident Comments/Concerns on Construction of 108-Unit Apartment Complex (4 multi-family residential buildings), East of Willowbrook Neighborhood, in the City of Richland

Mr. Stevens,

My name is Aaron Diaz, and I am a resident of the City of Richland, where my family and I have lived in the Willowbrook Neighborhood since 2004. My home is located at 2602 Willowbrook Avenue in Richland where Piper Street transitions into Willowbrook Avenue. There are many reasons why we chose to live in this neighborhood, and while I speak only on behalf of my family, I can say with high confidence, that the majority of families who currently live in this neighborhood would echo my sentiments here.

This neighborhood is truly an amazing neighborhood in which to live and raise a family. Of all the places I've lived in my life, I say without reservation, the Willowbrook Neighborhood is the most peaceful, serene, and pleasant place to live in the Tri Cities, based upon my experiences. We have very few issues with noise, as this area is really quiet and offers a good degree of privacy and solitude for its residents. Vandalism, theft and other crime are almost non-existent, traffic is generally low and slow, and our Homeowner's Association proactively helps to support a clean and beautiful neighborhood for all who reside here. This area is populated by a diverse set of people who are conscientious, caring and compassionate professionals. Many of these folks have already, or are planning to retire here in this neighborhood. The Willowbrook Neighborhood is a true "Community" and this letter is being submitted to you in an attempt to voice our concerns, maintain our current standard of living and to provide a sound basis for our strong objection to the construction of a 4-building, 108-unit apartment complex, adjacent to the East boundary of the Willowbrook Neighborhood.

There are many factors that need to be raised and discussed as the City assesses whether or not to move forward with this construction project. From my understanding, this apartment complex is likely to include 4 multi-family residential buildings that are approximately 40 feet in height. As a long-time Willowbrook Neighborhood resident, I am concerned about a wide spectrum of potential negative impacts to our way of life should this construction project be

granted authorization to proceed. While not necessarily listed in order of priority, these factors, and their potential negative consequences are identified and discussed below:

1. It is understood that by erecting a large apartment complex (with potentially 40 foot high or more buildings) directly along the East border of the Willowbrook Neighborhood, the home values in our neighborhood will decrease. This decrease in home values will likely be significant. In particular, the homes located along Eastwood Avenue, Center Blvd., and Piper Street, as well as many of the connecting Courts (Silverleaf, Scouler, Coulter, Lasiandra, etc.) are slated to incur the greatest impacts. Homes in these areas with a direct view of the apartment complex or with backyards bordering the complex will be most affected by any subsequent de-valuation. In addition, other factors that will contribute to this “de-valuation” of both the home and the current standard of living are:
 - The impact of noise from the apartment complex and the vehicles and parking lots adjacent to the buildings. While Willowbrook residents are invested in their community and we all live in compliance with Willowbrook Homeowner’s Association bylaws and guidelines governing noise, maintenance, and other standards of living, the behavior and living standards of residents of any new apartment complex will not be governed by any such set of standards. This will lead to negative conflict, and invariably the number of calls to local police to resolve these conflicts will increase substantially.
 - The views from many of these homes will be significantly affected in a negative manner. This creates more than a simple scenario where the “view” is not ideal and further supports the basis for home de-valuation.
 - Apartment tenants in 2nd, 3rd or even 4th floor apartments will be able to peer directly into Willowbrook resident’s homes and backyards, completely eliminating privacy that currently exists. Who wants to go out in their backyard and stare out into a complex of apartments not more than 20 or 30 feet from your backyard fence line where apartment tenants likely will have balconies where people can peer into your home or your yard at any time of day or night?
 - Finally, the location and proximity of this apartment complex lends itself to the introduction of much more light during night-time hours. Light pollution can have an effect on sleep patterns and is also included in the invasion of privacy incurred by many Willowbrook homeowners who would border the complex. The source of this light pollution would emanate from balcony lights, building lights, parking lot/parking garage lights, and vehicle lights.
2. It is understood that traffic from the proposed apartment complex will be directed via Piper Street. The roads in the Willowbrook Neighborhood were not constructed to accommodate high volumes of traffic. In addition, our neighborhood has many dead-end Courts and bends along Piper Street, Willowbrook Avenue, Eastwood Avenue and Center Blvd. The current volume of traffic is already stressing residents in certain areas of the Willowbrook Neighborhood. Many families have children (and pets) who

routinely play in front yards, ride bikes, skateboards and walk or jog throughout the neighborhood. Many residents who routinely walk the neighborhood streets are elderly as well, and increasing traffic volume in a neighborhood where people have lived for decades in a slower paced, safe and serene environment is a recipe for disaster. The issue of pedestrian safety cannot be overlooked.

Often, at bends in the road, such as where Piper Street transitions into Willowbrook Avenue, cars come around the bend exceeding the speed limit. Personally, I've had multiple experiences where people come around that bend so fast that as I'm backing out of my driveway (essentially in front of Piper Court), they are hard pressed to stop and have to slam on their brakes or hit my vehicle. These types of scenarios will undoubtedly increase in frequency, and the higher volumes of traffic through our neighborhood will significantly increase the likelihood for accidents and potentially accidents involving pedestrians, animals or children.

If this construction project moves forward, the factor of increased traffic will absolutely require an increased police presence in the Willowbrook Neighborhood to control and manage speeding vehicles. These concerns are valid for both the North and South Willowbrook Neighborhood entrances from Leslie Road. Increased traffic volume also contributes to more limited emergency vehicle access and limited emergency egress when required. Additionally, increased traffic brings with it a higher potential for increased crime, vandalism, theft, graffiti, noise and other negative influences to our current standard of living.

3. Finally, the Willowbrook Neighborhood is located on the precipice of the Amon Creek Natural Preserve. An apartment complex located adjacent to the East boundary of the Willowbrook Neighborhood will result in significant negative impact to the natural and pristine conditions of the Amon Creek Natural Preserve. This apartment complex will form a significant source of pollution to the Preserve that will include, litter, noise, and light pollution, as well as an increase in foot traffic and physical trespassing into protected areas that will eventually degrade the Preserve.

As is the case for most (if not all) of the families who currently reside in the Willowbrook Neighborhood, our homes are our most valuable asset, and we have worked hard to buy high quality homes in such an ideal neighborhood. As the Planning Manager for our City, I know you will appreciate the energy and passion our Willowbrook Residents are bringing toward this issue. I urge you to listen and consider our concerns and objections to the construction of this apartment complex, as a decision to move forward with this project will have significant negative impacts on many families, and will most certainly change the standard of living in a negative fashion, for many families who currently reside here in Willowbrook.

We strongly object to the construction of an apartment complex and associated parking lots along the East border of the Willowbrook Neighborhood, in South Richland.

Thank you Mr. Stevens, for taking the time to read and consider this basis for objection to the construction project currently under review by your office and the Richland City Council.

Sincerely Submitted,

Aaron Diaz

South Richland Resident – Willowbrook Neighborhood

2602 Willowbrook Ave.

Richland, WA. 99352

Cell: 509-554-1084

Email: BPChamp@aol.com

Stevens, Mike

From: Abbie Underhill <abigail.joyous@gmail.com>
Sent: Wednesday, May 25, 2022 3:32 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

To Mr. Stevens,

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths. Please protect our public land and our families.

Sincerely,

Abbie Wynne
220 Rocky Mountain Ct

Stevens, Mike

From: acta <acta@frontier.com>
Sent: Wednesday, May 25, 2022 7:42 AM
To: Stevens, Mike

mstevens@ci.richland.wa.us.

NO to Willowbrook Apartments! strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sent from my U.S.Cellular© Smartphone

Stevens, Mike

From: Adeline Marlowe <adelinerm@icloud.com>
Sent: Tuesday, May 24, 2022 7:10 AM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Stevens, Mike

From: alan.b.atkins@gmail.com
Sent: Monday, May 23, 2022 8:37 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sent from my iPhone

Stevens, Mike

From: alanbolin602@gmail.com
Sent: Monday, May 23, 2022 8:38 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sent from my iPhone



BRICKLIN & NEWMAN LLP
lawyers working for the environment

Reply to: Seattle Office

May 25, 2022

VIA E-MAIL TO mstevens@ci.richland.wa.us

Mike Stevens
Planning Manager
625 Swift Boulevard, MS #35
Richland, WA 99352

Dear Mr. Stevens and Development Services:

I represent the Willowbrook Community Association (“Willowbrook HOA”). Willowbrook HOA are neighbors to Big Creek’s proposed Site Plan Review for the Willowbrook Apartments. Indeed, one of the parcels (“Parcel D” on the site plans) that carries part of the access road for Willowbrook Apartments is subject to covenants to which Willowbrook HOA is also a party, and which will prevent Big Creek from building the access road.

Besides the access road’s violation of Willowbrook HOA’s covenant, the project violates various other provisions of the Richland code. In particular, the project violates the critical areas ordinance, the regulations for vehicle access, and the stormwater code. The project will also result in significant, adverse environmental impacts to nearby wetlands and streams.

Big Creek has not put forward information demonstrating the project’s compliance with the code. Big Creek has also failed to provide information reasonably sufficient to evaluate the project’s environmental impacts. What information does exist indicates the project will have significant, adverse environmental impacts.

The City should decline to issue a threshold SEPA determination until Big Creek supplies the missing information. In the alternative, the City should issue a determination of significance and require Big Creek to prepare an environmental impact statement. And the City should deny the Site Plan Review application.

I. SEPA Requires the Threshold Determination to Be Made on the Basis of Reasonably Sufficient Information.

Under the statewide SEPA rules, “[t]he lead agency shall make its threshold determination based upon information reasonably sufficient to evaluate the environmental impact of a proposal.” WAC 197-11-335.

If the applicant has not put forward information reasonably sufficient to evaluate the project's impacts, then the lead agency may require additional information, make its own further study, ask other agencies to review, or decline to make a threshold determination. *Id.*

Big Creek has failed to supply information reasonably sufficient to evaluate the environmental impacts of the Willowbrook Apartments project. In the areas of wetlands, traffic, and stormwater, Big Creek has either supplied inaccurate information or no information at all.

For example, as Mr. Tilghman explains in his memo, Big Creek has supplied no analysis of the traffic impacts that will result if Big Creek's proposed access road to Broadmoor Street cannot be built due to the restrictive covenant (described below).

As Dr. Cooke explains in her memo, Big Creek's wetland delineation is six years old—too old to be valid under Ecology's guidelines. Big Creek persists in calling Amon Creek a "wasteway" instead of a natural creek. Big Creek's maps don't show the buffers in relation to the development. And Big Creek doesn't depict the steep slope which should cause the buffer width to *increase* by 25 percent, even if the wetland were a category II. However, as Dr. Cooke documents, the Amon Creek wetland is actually a category I wetland, so the required buffer is even larger (and is still subject to the 25 percent increase requirement).

As Mr. Mathieu explains in his memo, Big Creek fails to supply a pre-construction and post-construction analysis of water runoff. Absent this analysis (which is usually done through computer modeling), the City cannot determine whether the Willowbrook Apartments will keep stormwater runoff at or below existing levels—for the simple reason that the City does not know what the existing levels of runoff are.

Each of these deficiencies is grounds to conclude that Big Creek has failed to supply information reasonably sufficient to evaluate the project's environmental impacts, as required by the SEPA rules.

II. The Project Will Have Significant, Adverse Environmental Impacts.

Under SEPA, if a project may have a significant, adverse environmental impact, an EIS is required. WAC 197-11-330(4).

Even though Big Creek's information is incomplete, what information is available indicates the project will have significant, adverse environmental impacts. For example, Dr. Cooke concludes the project will have significant, adverse environmental impacts to wetlands and Amon Creek. She also concludes that a 250-foot buffer should be required.

Mr. Mathieu concludes there will be downstream stormwater impacts that have not been accounted for in the site plans. Indeed, the application does not include any analysis to support the sizing or siting of the stormwater infrastructure that is proposed. In the absence of adequate

stormwater treatment and control, Amon Creek will receive untreated discharge, to the detriment of the environment.

Mr. Tilghman concludes that the access road is undersized, underlit, unsupported by adequate sidewalks, and dangerous to pedestrians.

Any of these impacts is sufficient to conclude that the project will cause significant, adverse impacts. An EIS should be prepared.

III. The Project Does Not Comply with the Local Code.

A proposed site plan may only be approved if the proposal contains sufficient protections for “the public health, safety, and welfare” and is otherwise compliant with the code. RMC 23.48.040. That standard is not met here.

A. Stormwater.

As noted above, and discussed in more detail in Mr. Mathieu’s memo, Big Creek has not put forward any stormwater management plan. Big Creek’s site plans do show stormwater infrastructure, and the SEPA checklist does mention “grassy swales” and “drywells,” but there is no analysis to support the sizing or siting of the stormwater infrastructure. Instead, Big Creek promises to come up with a stormwater management plan “prior to construction.”

This is not lawful. Big Creek must do its stormwater analysis now, because the size and siting of the stormwater facilities may affect the rest of the site plan, such as location of treatment facilities, location of impermeable surfaces such as roads and parking lots, and so forth. Big Creek cannot ask the City to approve the site plan first and hope that, later, it will turn out that the proposed stormwater facilities are of the correct size and in the correct location to treat the stormwater. Instead, the site plan must show that the stormwater facilities are adequate now. RMC 23.48.040. As Mr. Mathieu explains, that means conducting stormwater modeling of existing conditions and post-construction conditions, then using that modeling to site and size the stormwater facilities.

It is also a requirement that “new development within 150 feet of a wetland buffer shall contain stormwater runoff within the developed portions of the site.” RMC 22.10.125. It is also a requirement to treat stormwater runoff from high-intensity uses, including parking lots and residential areas. RMC 22.10.115(D). Again, because there has been no modeling of pre- and post-construction runoff, Big Creek has not shown compliance with this requirement.

B. Wetlands.

Obviously, a project cannot be approved that does not meet the critical areas ordinance. As Dr. Cooke explains in her memo, Big Creek’s reliance on outdated wetland ratings is grounds to deny the project for failure to show compliance with the critical areas report requirements. RMC

22.10.370.B.1; -B.4.a (requiring a wetland delineation). Here, the required delineation has not been supplied, because the 2016 delineation is out of date.

In addition, as Dr. Cooke explains, the Amon Creek wetland is actually a category I wetland. As such, it is required to have a 200-foot buffer, not a 150-foot buffer. Moreover, because the wetland is on a steep slope, the required buffer increases by 25 percent to 250 feet. RMC 22.10.115.E.4. Obviously, the 150-foot buffer provided is nowhere near adequate under these facts.

C. Vehicle Access.

As we will explain below, the proposed driveway access road cannot be built due to a restrictive covenant.

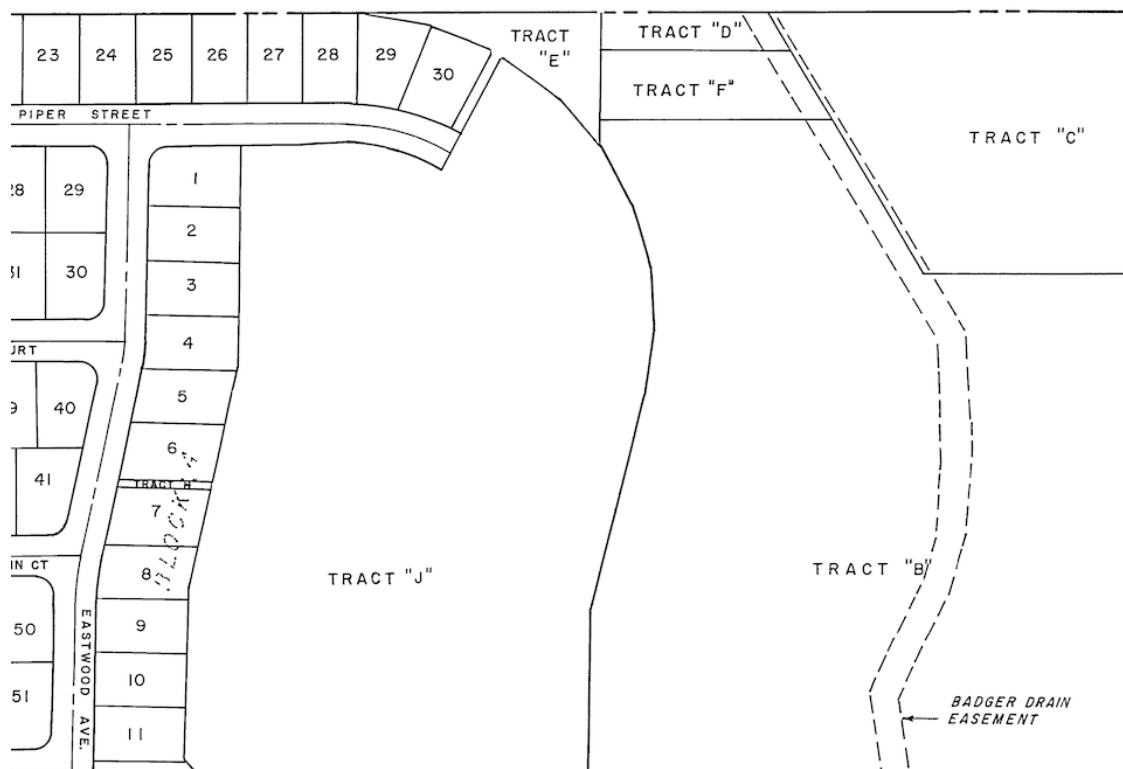
As Mr. Tilghman explains, without the driveway access road, the project does not comply with the City's Public Infrastructure Construction Plan Requirements and Design Guidelines, because without the driveway access road, the main road would be a 1,100-foot cul-de-sac, far longer than the maximum 400 feet permitted by the guidelines.

The driveway access road is 22 to 26 feet wide, far narrower than the standard 35 feet prescribed by RMC 12.04.095. Mr. Tilghman explains why the code's criteria for reducing the standard width do not apply here, because the driveway is a primary access point for hundreds of parking stalls, and will carry more than half the project's total traffic volume. In any event, even if this were a secondary access point (which it is not), there is no provision for reducing the driveway below a minimum of 24 feet in width—not 22 feet, as Big Creek proposes.

D. Restrictive Covenant.

Not only does the access road violate the local code and design guidelines, it also violates a restrictive covenant that prevents it from being built.

Big Creek's "Parcel D," through which the access road is proposed, is a portion of a lot originally platted as Parcel E of the plat of Willowbrook No. 1, recording number 802504:



That parcel is subject to a set of covenants, still in effect today, that provide:

3.1 Business & Commercial Use. Except for temporary sales offices and model homes, **no lot shall be used for other than one detached single family dwelling, and no trade, craft, business, profession, commercial or manufacturing enterprise or business or commercial activity of any kind shall be conducted or carried on upon any lot** or within any building located on a lot; nor shall any goods, materials or supplies used in connection with any trade, service or business, wherever the same may be conducted, be kept or stored, outside any building on any lot; nor shall any goods, used for private purposes and not for trade or business be kept or stored outside any building on any lot; but this shall not prohibit the right of any homebuilder to construct a conforming single family dwelling on any lot or to store construction materials and equipment to be used in construction of such a single family dwelling on the lot on which it is being constructed.

Recoding no. 88-14540 (emphasis added) (attached to this comment).

The covenant makes clear that only a single-family dwelling is an allowed use on each lot. Obviously, an access road is not a single-family dwelling. And the Big Creek access road does not even provide access to a single-family house but a multifamily house. This is a clear violation of the covenant.

The construction of Willowbrook Apartments is also a commercial or business proposition. Therefore, the access road is part of a “business ... commercial or manufacturing enterprise or business or commercial activity.” This, too, is a violation of the covenant.

The City should conclude that the Willowbrook Apartments access road cannot be built due to the covenant that applies to the property. As Mr. Tilghman explains, the absence of the access road means the project as a whole cannot be built due to lack of required access.

The restrictive covenant is already the subject of litigation under Benton County Superior Court case no. 21-2-00109-03. At a minimum, the City should delay its permitted decision under the court issues its judgment in that case, which will determine the rights of the parties under the covenant.

IV. Conclusion.

For the foregoing reasons, the City should either decline to issue a SEPA threshold determination or else issue a determination of significance and require an EIS, and the City should deny the Site Plan Review application.

Very truly yours,

BRICKLIN & NEWMAN, LLP

A handwritten signature in black ink, appearing to read "Alex Sidles", with a long horizontal flourish extending to the right.

Alex Sidles

sidles@bnd-law.com

Attorneys for Willowbrook HOA

88-14540

VOL 510 PAGE 1685

FILED BY

DEC 5 8 40 AM '88

S-95354-K

AMENDMENT TO DECLARATION OF PROTECTIVE
COVENANTS, CONDITIONS & RESTRICTIONS
WILLOWBROOK DIVISION I

RECORDED IN VOL 510

WHEREAS, Declarant is the owner in fee of certain real property known as the Plat of Willowbrook, being fully described as follows:

Willowbrook No. 1, according to the plat thereof recorded in Volume 14 of Plats, page 13, records of Benton County, Washington.

WHEREAS, Declarant desired to and did impose certain protective covenants upon said real property for the mutual benefit of all owners, present and future; and

WHEREAS, Declarant imposed said protective covenants by document entitled "Declaration of Protective Covenants, Conditions, and Restrictions for Willowbrook Division 1" dated December 16, 1986 and recorded December 18, 1986 under Benton County Auditor's File No. 86-19654 in Volume 483 at pages 841-844 of the Official Records of Benton County; and

WHEREAS, said Declaration was subsequently amended by document entitled "Amended Declaration of Protective Covenants, Conditions, and Restrictions for Willowbrook Division 1" dated May 15 and 28, 1987 and recorded January 13, 1988 under Benton County Auditor's File No. 88-772 in Volume 499 at pages 1172-1178 of the Official Records of Benton County; and

WHEREAS, Declarant desires to amend the description of the real property which shall be subject to certain protective covenants upon the real property to delete Tracts A, B, C, D and F from the burdens and restrictions of said covenants in order to permit the development of said tracts for multiple-family housing; and

WHEREAS, Declarant desires to delete said property because the zoning and development plans for said Tracts A, B, C, D and F specifically contemplate development of the property for multi-family structures rather than limiting it to single-family development; and

WHEREAS, Declarant desires to amend, for the property remaining subject to the declaration of protective covenants, Article II, Paragraph 2.5 to increase the minimum lot coverage and living area of single-family dwelling units located in Willowbrook, NOW, THEREFORE, Declarant hereby declares as follows:

Tracts A, B, C, D and F of Willowbrook No. 1, according to the plat thereof recorded in Volume 14 of Plats, page 13, records of Benton County, Washington, are hereby deleted and released from, so they are no longer subject to, those certain protective covenants

upon Willowbrook No. 1 as established in the "Declaration of Protective Covenants, Conditions, and Restrictions for Willowbrook No. 1" dated December 16, 1986 and recorded December 18, 1986 under Benton County Auditor's File No. 86-19654 in Volume 483 at pages 841-844 of the Official Records of Benton County, and subsequently amended by document entitled "Amended Declaration of Protective Covenants, Conditions, and Restrictions for Willowbrook Division 1" dated May 15 and 28, 1987 and recorded January 13, 1988 under Benton County Auditor's File No. 88-772 in Volume 499 at pages 1172-1178 of the Official Records of Benton County. As to Tracts A, B, C, D and F of Willowbrook No. 1 as so described, this document supersedes, replaces, and terminates the effect of said previously-recorded covenants, conditions, and restrictions.

Article II, Paragraph 2.5 is amended to read as follows:

Size of Improvement. Single-family dwelling units, excluding covered parking, shall occupy not less than 1,200 square feet of ground coverage, and shall have a living area of not less than 2,000 square feet.

IN WITNESS WHEREOF, Declarant has hereunto set its hand this 30 day of NOVEMBER, 1988.

THE QUADRANT CORPORATION

By Steve Dennis

STEVE DENNIS

Its EXECUTIVE VICE PRESIDENT

STATE OF WASHINGTON)

) ss.

COUNTY OF KING)

I hereby certify that I know or have satisfactory evidence that STEVE DENNIS personally appeared before me, signed this instrument, on oath stated that he was authorized to do so, and acknowledged it as the EXEC. VICE PRESIDENT of THE QUADRANT CORPORATION

to be the free and voluntary act of such party for the uses and purposes therein mentioned.

DATED this 30 day of NOVEMBER, 1988.

Sharon D. Darr
NOTARY PUBLIC in and for the
State of Washington, residing
at Everett

My commission expires: 11-11-90

Willowbrook Associates, owners of Lots 32-46 of Block 2 and Lots
except Lots 4, 13, 15 and 16,
1 through 30, Block 3 in Willowbrook No. 1 as described herein joins
in this Amendment.

WILLOWBROOK ASSOCIATES

By Roger Sharp
Roger Sharp
Its General Partner

STATE OF WASHINGTON)
COUNTY OF KING Clark) ss.

I CERTIFY that I know or have satisfactory evidence that ROGER SHARP is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the General Partner of WILLOWBROOK ASSOCIATES to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: November 30, 1988

Barbara Shepard
Signature

Notary Public
Title

My Appointment Expires: NOV 15 1990

May 25, 2022

Chris Childers, President
Willowbrook HOA
P.O. Box 602
Richland, WA 99352

Dear Mr. Childers,

I have reviewed key parts of the *City of Richland Notice of Application, Public Hearing & Optional DNS (M2020-101 & EA2020-114)* and its associated documents to identify issues of concern related to the proposed Willowbrook Place development, an apartment complex. My review focused on identifying the potential hydrologic / hydrogeologic impacts of this project, which would be developed by the Big Creek Land Company (BCLC).

BACKGROUND

Setting for the Proposed Development

The proposed development would occupy 14 acres approximately 200 to 300 feet west of the Amon Creek and its wetland complex (see **Figure 1**, page 2). The site is part of the City of Richland's designated Critical Aquifer Recharge Area, which surrounds the nearby Willowbrook well, a water supply source for Richland. The creek and wetlands are hydrologically connected to numerous wildlife preserves in the Yakima River delta – Columbia River area, which are located downstream of the site. Also downstream of the proposed development are several communities, including the Meadow Springs Country Club and various established neighborhoods along Amon Creek. The Club area features shallow groundwater and local ponds.

Protecting the health and ecological functioning of Amon Creek and its wetland complex is critical for maintaining water quality as it flows northward and discharges to the Yakima River; it is also critical for maintaining the quality of shallow groundwater that feeds the creek. Salmon species that have been documented, presumed, or modeled in Amon Creek include fall and spring Chinook and Coho. The Yakima River currently has numerous water-quality violations on the 303(d) list¹.

¹ Washington State Water Quality Assessment 303(d)/305(b) List, Current Water Quality Assessment, available online at <https://apps.ecology.wa.gov/ApprovedWQA/ApprovedPages/ApprovedSearch.aspx>



Figure 1: Site vicinity map, prepared for CARA review by Canyon Environmental Group; from City of Richland Notice of Application, Public Hearing & Optional DNS (M2020-101 & EA2020-114).

Proposed Development Features

BCLC's proposal calls for constructing 108 units, along with associated infrastructure. All existing native grasses and vegetation would be removed in the construction area. Site soils will likely be compacted as a consequence of the use of heavy equipment. In addition, once the apartments are occupied, the region will be burdened with an estimated average of 790 additional auto trips per day.

Effects of Changes in Site Conditions

The development will change the site's hydrologic conditions and profoundly alter its water budget, generating "new" water that must be managed appropriately post-development. Therefore, it is critical that stormwater infrastructure be designed to avoid downstream impacts.

Currently, runoff is minimized by the native vegetation and loose soils, which facilitate the evaporation and transpiration of rainfall. The proposed development will remove all native vegetation, compact the site soils, and cover 20% of the total area with impervious surfaces. These modifications will increase the volume of poor-quality runoff from compacted soils, parking lots, streets, sidewalks, and roofs during rainfall events. Because runoff may carry sediment and toxic chemicals—pesticides, herbicides, fertilizers, oils, and tire-source compounds such as 6PPD-quinone²—it will harm the wetland complex and Amon Creek if the stormwater infrastructure is not properly designed, constructed, and maintained in perpetuity.

ISSUES OF CONCERN

Lack of documentation for stormwater analysis and design

The major issue of concern is the design of the infrastructure for stormwater conveyance, detention/retention, and discharge. Although this infrastructure appears on the Conceptual Stormwater and Utility Plan (see **Figure 2**, page 4) and the SEPA checklist mentions "grassy swales" and "drywells," BCLC has provided no documentation indicating that a stormwater analysis has been conducted or that the infrastructure has been designed to handle the rates and volume of stormwater runoff expected at the site. A credible analysis would feature a rainfall-runoff model and present the resulting infrastructure design, clearly showing its capacity to store, treat, and discharge stormwater for a specific, high-intensity precipitation event.

It is irresponsible to say that a stormwater management plan will be submitted "prior to site construction" because the stormwater infrastructure design is a key driver for the site design. The locations and space requirements for detention/retention basins and drywells influence the locations of residential infrastructure such as dwellings, roads, and parking lots; therefore, understanding the required capacity and dimensions of stormwater infrastructure is crucial. The rainfall-runoff model and stormwater design analyses should be completed early in the feasibility investigations. Furthermore, the analysis and infrastructure components should be well documented so stakeholders can determine whether the adjacent wetland and Amon Creek will indeed be protected from harm.

² 6PPD-quinone is a highly toxic chemical that originates from the degradation of rubber tires followed by reaction in the presence of oxidants. It has been linked to high mortality of Coho salmon at relatively low concentrations in water.

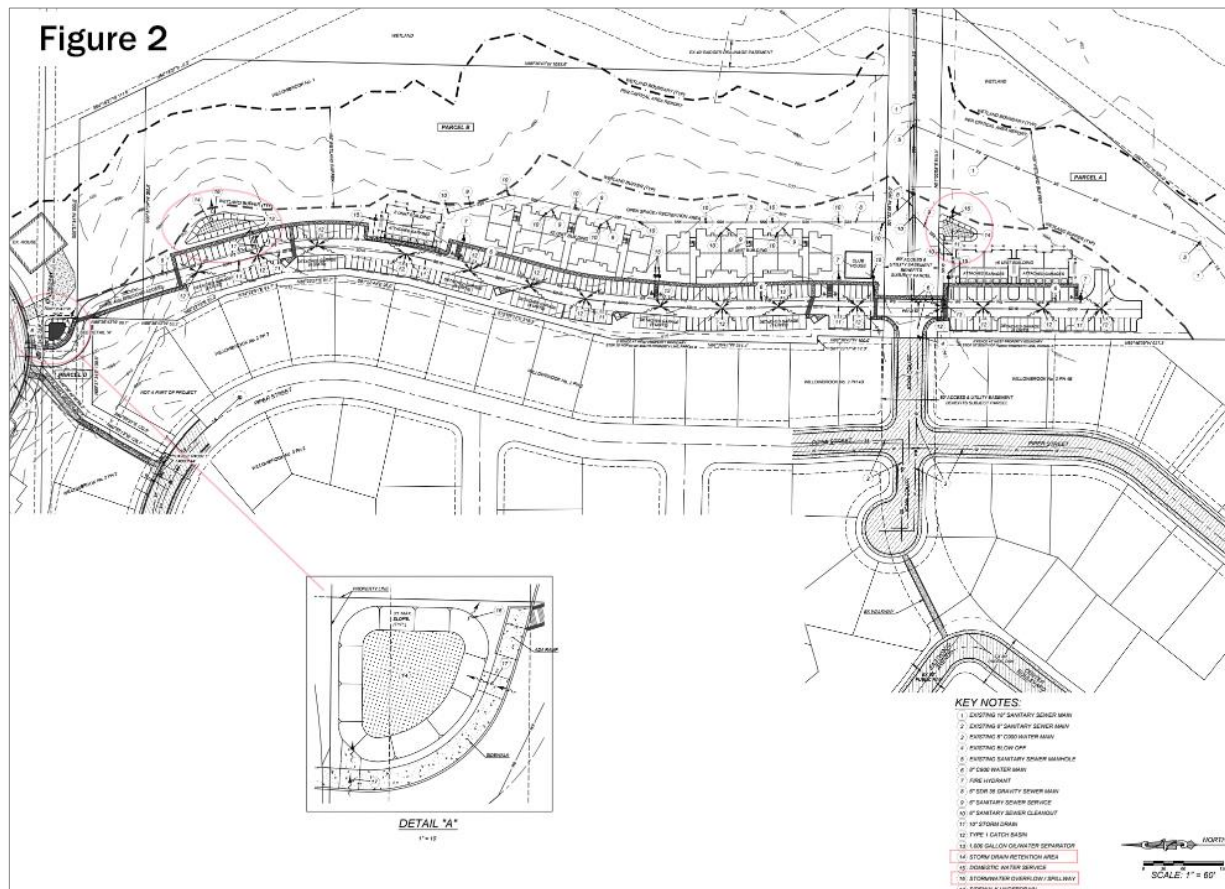


Figure 2: Willowbrook Place Conceptual Stormwater and Utility Plan, prepared by Lake City Engineering; from City of Richland Notice of Application, Public Hearing & Optional DNS (M2020-101 & EA2020-114); annotated by Northwest Land & Water on 5/25/22.

Lack of documentation for water budget changes and downstream hydraulic impact

Altering the water budget by removing native vegetation, compacting soil, and constructing impervious surfaces will generate “new” stormwater runoff. What is the off-site fate of this “new” stormwater? Once again, BCLC has not provided any documentation of the potential pre- to post-development impacts on downstream water features and community homes.

Lack of documentation for long-term maintenance, funding, and treatment

Another issue of concern is the lack of documentation for a long-term operation and maintenance (O&M) program for the stormwater infrastructure. Such a program will be needed to ensure that the infrastructure continues to function effectively. This requires a funding mechanism, in perpetuity.

It is also critical that chemical compounds are removed before stormwater reaches the shallow groundwater system or flows overland to Amon Creek and its wetland. Poor-quality stormwater must have sufficient contact time with biomass and organic carbon in swales and/or detention / retention basins before it overflows to Amon Creek and its wetlands or infiltrates to shallow

groundwater via dry wells or infiltration basins. Again, BCLC has provided no such documentation.

RECOMMENDATIONS

I highly recommend that the Willowbrook HOA and its legal counsel insist that BCLC conduct the following investigations, now, as part of the proposed development's feasibility:

- Perform a rigorous precipitation-runoff analysis for high-intensity precipitation events to determine post-development runoff rates and volumes.
- Demonstrate the stormwater infrastructure's capacity to accommodate these runoff rates and volumes. This means providing engineering drawings of the component parts of the entire stormwater infrastructure.
- Demonstrate how stormwater will be treated to improve its quality—specifically, how sediment and chemicals will be removed before they have the opportunity to overflow to Amon Creek and its wetlands, infiltrate into shallow groundwater, or flow into drywells that connect to groundwater.
- Illustrate, in an engineer's plan and profile drawings, the expected flow pathways of post-development runoff from site surfaces to the adjacent wetland complex.
- Describe the funding mechanism and budget required for stormwater infrastructure O&M, in perpetuity, and show the reasonable financial viability of this mechanism.
- Show the hydraulic impacts of the "new" stormwater generated from the proposed development as this water moves downstream/downgradient to Amon Creek, either as surface water or shallow groundwater.

If you have any questions, feel free to contact me.

Sincerely,



James T. Mathieu

James T. Mathieu, RG (Oregon) LG, LHg (Washington)
President, Principal Hydrogeologist

25 May 2022

Mike Stevens
Planning Manager, City of Richland
625 Swift Boulevard, MS #35
Richland, WA 99352

re: Willowbrook Place Apartments

Dear Mr. Stevens:

On behalf of the Willowbrook Homeowners Association, I have reviewed transportation related documents submitted by the applicant for the proposed Willowbrook Place apartment project in Richland, Washington. Those documents include the project's SEPA Checklist (revised Nov. 17, 2021), site plan (Nov. 18, 2021), and Traffic Impact Analysis (TIA, March 2022). I have also consulted Richland's Zoning Code, Public Infrastructure Construction Plan Requirements And Design Guidelines (November 2021) and Comprehensive Plan. My comments follow.

1. **The proposed driveway to Broadmoor Street needs substantial revision to comply with the city's development standards for width and for pedestrian safety.** The code-required width for this non-residential driveway is 35 feet (RMC 12.04.095). As shown on the site plan, the driveway varies from 26 feet at its widest points to 22 feet at its narrowest. The narrowest point occurs from the road being squeezed between property boundaries. That squeeze results in an awkward curve at the base of a nearly 10% grade. It also results in a crosswalk aligned diagonally across the driveway, there being no space between property boundaries to accommodate both a driveway and a sidewalk.
 - a. City code (12.04.100) describes exceptions to the standard width requirements, provided that "the safety of pedestrians and motorists is not jeopardized" by the deviation. The fact that the proposed design requires pedestrians to cross the driveway twice (once at the top of the hill crossing from the driveway's east side to its west side, and again at the base of the 10% grade to cross back to the east side) unnecessarily exposes pedestrians to traffic. The crossing at the base of the 10% grade raises questions of safety when frost and ice may be on the road, preventing vehicles from stopping quickly, if necessary. And no lighting plan has been shown for these crosswalks so that drivers easily see pedestrians at night. In short, the proposed design jeopardizes pedestrian safety in order to squeeze the driveway between property boundaries.

Safe practice would place the sidewalk on the east side of the driveway creating a continuous walkway from the site to Broadmoor without forcing pedestrians to cross the driveway at all. Such a walkway would be much more in the spirit of the Comprehensive Plan that advocates for

the city to “Encourage new developments to be pedestrian friendly...” (Transportation Element Goal 3, Policy 4). Since the apartment buildings occupy only the site’s east side, there’s little reason for residents or visitors walking to or from Broadmoor to have to cross the driveway. Creating a continuous adjacent sidewalk probably necessitates acquiring an easement or additional property, and that could take considerable time. Nonetheless, a deviation request for driveway width should not be considered until a safe pedestrian plan has been proposed that does not require pedestrians to cross the driveway.

- b. Code (12.04.100.B) goes on to stipulate that “The driveway width for secondary driveways on nonarterial streets, where in the opinion of the public works director a wider driveway cannot be constructed, may be reduced to 24 feet.” The proposed design still falls short by 2 feet. And there is nothing “secondary” about this driveway because the TIA (Figure 2) shows that it would carry the majority (60%) of the project’s traffic. It serves a parking area with 239 stalls (far above the maximum allowed 20 stalls noted in 12.04.100.A), and its peak hour volumes based on ITE’s peak hour of the generator, not just the P.M. peak hour of adjacent street traffic, would be 43 vehicles (ITE 10th ed. #220 Average Rate for PM Peak Hour of Generator = 0.67 trips per unit x 108 units x 60% via driveway to Broadmoor = 43 trips, above the maximum of 40 vehicles in the busiest hour per 12.04.100.A). In short, it appears that a deviation from code-required width could not be approved for this driveway since it does not meet any of the tests to justify a deviation.
2. **Without a second driveway, the project itself could not be approved in its current size and configuration.** Section 3.E.1 of the City of Richland’s **Public Infrastructure Construction Plan Requirements And Design Guidelines** dated November 2021 stipulates that “Dead end cul-de-sac streets shall not be longer than 400-feet.” The site plan shows the project’s main road is approximately 1,100 feet long when measured from where it intersects the entry drive at John Court. With this lengthy linear configuration, the project clearly could not be approved without a second driveway.
3. **In the event that the driveway to Broadmoor is not approved, a new TIA would be needed since it did not analyze alternate access schemes.** The TIA examined only the proposed two points of access without noting that the Broadmoor driveway is contingent on a number of decisions yet to be made. Were project traffic to use alternate routes, additional analysis would be required to determine the transportation impacts.
4. **The project proposes a large amount of parking, well beyond zoning code requirements and typical demand projections.** With 239 spaces for 108 residential units, the parking ratio is 2.22 spaces/unit. That’s substantially above the code requirement of 1.5 spaces/unit, and well above ITE’s documented average parking demand ratios of 0.66 spaces/unit (the highest demand ratio ITE reports is 1.38 spaces/unit). It would be helpful to hear why the applicant proposes so much parking in order to understand whether it fully justifies the unusually large amount of paved surface.

Sincerely,



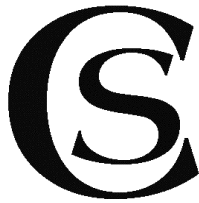
Ross Tilghman

Mike Stevens, Planning Manager

25 May 2022

Page 3 of 3

Ross Tilghman is a transportation planning consultant with his own firm, the **Tilghman Group**. He has 37 years of experience in analyzing transportation demands for a wide variety of land uses and in developing solutions to meet transportation needs. A full member of the Urban Land Institute, Mr. Tilghman is a frequent participant in ULI Advisory Service Panels working in communities around the country and has been active in developing ULI's Building Healthy Communities initiative. He currently serves on ULI's Suburban Development and Redevelopment Council. Tilghman completed five years as a Commissioner on the Seattle Design Commission, including a year as Chair.



COOKE SCIENTIFIC

1315 E VICTOR ST, BELLINGHAM, WA 98225

PHONE: (206) 695-2267

COOKESS@COMCAST.NET

WWW.COOKESSCIENTIFIC.COM

Willowbrook HOA

May 24, 2022

RE: Review, Analysis and Comments on Big Creek Land Company Site Plan (M2020-101 and EA2020-114) 2022 Update.

I have been asked to review the updated 2022 file as a third party expert for Bricklin & Newmann LLP for the proposed Big Creek Land Company Site Plan, in Richland, Washington. These comments are in addition to those identified in my October 2020 review. My additional comments are below.

The **topics** I am addressing are as follows:

- 1. Updated Assessment of the delineation of wetlands on the property, including a review of the wetland rating and buffers assigned.**
- 2. Inadequate mitigation given the size of the wetland likely exceeds that identified by the consultant and the adjacent wetlands that have not been considered.**
- 3. Updated SEPA inaccuracies and Omissions with respect to Critical Areas**

New References Reviewed. (In addition to those identified in the October 2020 Review)

- Wetland Resources. December 17, 2019. Revision 4. April 29, 2021 Critical Area Report for Willowbrook, Richland, WA.
- Wetland Resources. April 23, 2020. Revision April 28, 2021. Wildlife Habitat Assessment Report for Willowbrook. City of Richland, Wa.
- City of Richland. July 13, 2021. Notice of Application, Public Hearing and Optional DNS (M2020-101 & EA2020-114 Application for Willowbrook Subdivision.
- Northern Inc. November 2021. Geotechnical & Hydrogeological Site Evaluation Report.
- Paul Johnson Pers. Comm. May 2021. Environmental Review Response to the Proposal of Big Creek Land Company to Build Willowbrook Place Apartments.

I have reviewed the documents listed above in preparation for generating comments. I have not visited the site. My comments are based on the assessments found in the reports listed above and my knowledge of the research available in the literature on Wetlands, my knowledge of the current Wetland Delineation Manual, and Wetland Rating for Eastern Washington, my review of the resources listed above, and my knowledge of the City's Critical Areas code. My comments are as follows:

- 1. Throughout all critical areas/habitat reports the Amon waterway is called the Amon "Wasteway".** This is deceptive and inaccurate and considering its importance as a spawning ground for chinook and Columbia steelhead, it should be considered the "Water of the State" that the WDFW has labeled it. The map (Figure 2 from the 2021 report (Wetland resources April 29, 2021) that remains in the report left over from the 2020 report should be replaced with a map where the waterway is labeled correctly. The Amon waterway has been called a "Creek" and is considered a creek by the Washington State Department of Fish and Wildlife.
- 2. The Critical Areas report (Wetland resources 2021) neglects to include a wetland map showing the development property and proposed site plan.** This makes it very difficult to determine if the buffers proposed are placed on the site accurately on the site plan and if they even fit into the site plan, including if the Building Setback has been included (15-feet) and if there is any slack remaining if the buffer width needs to increase once the delineation and rating reviews are completed by the agencies. The site plan does show this buffer but the habitat information is not included on the sheets and the habitat maps also

do not show the site plans. This lack of consistent mapping makes it very difficult to track where important and critical features are present such as the wetland boundary with respect to the development and habitat features such as the beaver ponds (which are not even mentioned in the habitat or critical areas reports), the City's restored sagebrush habitat from 2010 and 2011 that will be opposite the parking for the apartments, The just offsite salmonid spawning area identified by the WDFW staff in 2016, and the critical habitat both onsite and adjacent for the listed species Cinnamon Teal - (candidate for threatened/endangered species listing); Burrowing Owl -(candidate for threatened/endangered species listing); Blacktail Jackrabbit -(candidate for threatened/endangered species listing).

3. **Assessment of the 2021 report on the delineation of wetlands on the property including wetland rating and buffers assigned:**

a) **Accuracy of the Delineation**- The second delineation was completed in September of 2016 (even though the report is dated 2021). All the data sheets are dated 2016 and the rating form neglects to give a site visit date. This means that in Washington State the delineation is no longer viable because delineations in Washington have a 5-year term and the WA State Department of Ecology and the US Army Corps of Engineers regard that term as their limit on the accuracy of delineations. The wetland and ordinary High Water Mark of Amon Creek delineations will need to be verified/redone now that the delineation has expired. The delineation as of this new report now follows Amon Creek for miles through the region totaling 23.5-acres. It is difficult for me to assess from an aerial photograph the actual extent of the wetland without doing an on-site evaluation. It should be noted that it took four attempts at delineating this wetland to get to this version of the wetland boundary.

b) **Review of the Wetland Rating**

The Amon Creek Wetland is a combination of riverine and depressional hydrogeomorphic types and is therefore given a depressional HGM classification for the purposes of scoring the wetland. I agree with this assessment. If only considering just this stretch of the creek, It would be a Category II wetland with a moderate habitat score. After reviewing the Habitat Questions, it is clear that the H2 questions were not answered correctly. It is clear that question H2.1 greater than 1/3 of the 1km polygon is undisturbed. It may look disturbed, but it must be remembered that this is steppe habitat which looks impacted on an aerial photograph, and so the score should have been 3 not 0. Question 2.2 should have scored 2 for the same reason. At least 1/3 of the 1 KM polygon is undisturbed (relatively). Question 2.3 should have said < 50% of the polygon is in high intensity uses so the score should have been 0. Therefore, the score for the landscape potential was 5 not -2. And it should have scored a high (H). **This would have raised the habitat score to 9 and the overall rating score 22 which would elevated the rating to a Category I wetland.** The Standard Wetland buffer widths were determined based on RMC 22.10.110. **The buffer for a Category I wetland with high land use intensity and a habitat score of 9 would be 200 feet.** It would be impossible to assess this system without seeing the entire stream both upstream and down, which is not possible to do at the individual property level. The rating protocol for rating requires inclusion of the entire HGM unit. The City should undertake the rating of the creek/wetland system themselves for all the acreage included in the Amon Creek watershed because I think the Category I wetland classification is likely correct given all that I have read about its importance and quality with respect to other streams.

c) **Appropriate Buffers Given the Wetland Rating**

- The overall wetland has been assigned a Category II wetland with a moderate habitat score, that is typically designated a 150-foot buffer adjacent to high intensity land use. This has been revised from the 100-foot buffer suggested in the 2019 report. "The entire wetland unit was evaluated with the Rating System as required by the City of Richland. After an examination of the critical areas code Table 22.10.110 (D), Buffer widths, it appears the a 200-foot buffer width is correct for a Category I wetland with a habitat score of 9 and proposed high intensity land use except, the project is situated on a slope that grades down to Amon Creek and the associated wetland. The slope appears on the topo map to be quite steep. Slopes that the buffers are on appear to be very steep (See wetland mapping that identifies the topographic contours at the end of the December 2019 report, not shown in the 2021 report). City code that addresses this situation is RMC 22.10.115 E. "Buffer modifications". When the minimum buffer for a wetland extends into an area with a slope of greater than 25 percent, the buffer shall be the greater of: a. The minimum buffer for that particular wetland; or b. Twenty-five feet beyond the point where the slope becomes 25 percent or less. The

slope appears to be greater than 25 percent, at least for a portion of its length on the property. The buffer should therefore be 25% greater than 200 feet designated or 250 feet. Since no wetland map was included with the report it is difficult to determine if the 250-feet plus the appropriate building setback required by code (15 feet) could be accommodated. This will need to be investigated.

- It should be noted that building an apartment complex on a slope this steep (20-25 foot drop over 150 feet) would also be difficult. This property is not conducive for building apartments on top of these slopes adjacent to wetlands and a stream. The geotechnical report identifies the slope as being between 5 and 30 percent. This is very steep going down to the wetland and Amon Creek.

d) **The validity of the statement “The proposed residential development has been designed to minimize impacts to the wetland and its associated buffer is in question.** If the project were designed to do this there would be only a few single-family homes not an apartment complex. It is inconsistent with reasonable use to get maximum use of a site so encumbered with critical areas (wetlands, stream, steep slopes).

As I stated in my 2020 review, The project proposed includes possible adverse impacts, and as such, an environmental impact statement should be prepared. There are significant omissions in the application and SEPA checklist that need to be included and considered in order for the City to make an informed decision about SEPA and project approval. The Planning staff do not seem to be aware of the fact that Amon Creek is regionally special and should be preserved. The Washington State Department of Fish and Wildlife web site shows the listed species found on or nearby to the property and because of the potential for erosion and sedimentation into the Amon Creek as a result of the grading that is proposed.

As stated by the City on their own sign next to Claybell Park.

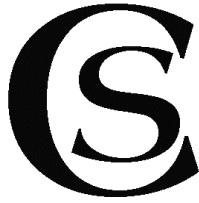
“Preserving the ecological health of the Amon Basin is not only important on a local scale, but a vital connection to the overall health of the entire Columbia River basin.”



Sarah Spear Cooke, Ph.D.

Fellow, International Society of Wetland Scientists

Sarah Cooke 2020 Review



COOKE SCIENTIFIC

1315 E VICTOR ST, BELLINGHAM, WA 98225

PHONE: (206) 695-2267

COOKESS@COMCAST.NET

WWW.COOKESCIENTIFIC.COM

Bricklin & Newman

October 30, 2020

RE: Review, Analysis and Comments on Big Creek Land Company Site Plan (M2020-101 and EA2020-114)

I have been asked to review the file as a third party expert for Bricklin & Newman LLP for the proposed Big Creek Land Company Site Plan, in Richland, Washington. My comments are below.

The **topics** I am addressing are as follows:

- 1. SEPA inaccuracies and omissions with respect to Critical Areas**
- 2. Assessment of the delineation of wetlands on the property, including a review of the wetland rating and buffers assigned.**
- 3. Inadequate mitigation given the size of the wetland likely exceeds that identified by the consultant and the adjacent wetlands that have not been considered.**

References Reviewed.

- Wetland Resources. February 18, 2018. Critical Area Report for Willowbrook.
- Wetland Resources. December 17, 2019. Revision 3. Critical Area Report and Buffer Averaging Plan for Willowbrook.
- Wetland Resources. April 23, 2020. Wildlife Habitat Assessment Report for Willowbrook.
- City of Richland. May 7, 2020. Site Plan Review Application for Willowbrook Subdivision.
- City of Richland. May 7, 2020. SEPA Environmental Checklist for the Willowbrook Place Apartments.
- Lake City Engineering, Inc. Buffer Averaging Exhibit Plan, Willowbrook Place.
- Lake City Engineering, Inc. Willowbrook Apartment Conceptual Site Plan Exhibit Plan, Willowbrook Place.
- Bredberg & Associates. September 9, 2014. Cover letter and Fish and Wildlife Habitat Area Study. Smith Site Application.
- Bredberg & Associates. September 9, 2014. Comments on DOE Letter September , 2014.
- Bredberg & Associates. July 14, 2014. Wetland Delineation, Smith Project, Richland.
- USGS Survey 7.5 minute Quad for the City of Richland. March 9, 2020 .
<https://catalog.data.gov/dataset/usgs-us-topo-7-5-minute-map-for-richland-wa-20178789d>
- Paul Johnson and Loren Lund. October 2020. Environmental Review Response to the Proposal of Big Creek Land Company to Build Willowbrook Place Apartments.

I have reviewed the documents listed above in preparation for generating comments. I have not visited the site. My comments are based on the assessments found in the reports listed above and my knowledge of the research available in the literature on wetlands, my knowledge of the current Wetland Delineation Manual, my review of the resources listed above, and my knowledge of the City's Critical Areas code. My comments are as follows:

1. SEPA Inaccuracies and Omissions with Respect to Critical Areas

The Environmental Checklist does not include sufficient information for the County to have made an informed decision on SEPA with respect to wetlands because of the following:

- a) **The report identifies the creek adjacent to and within the property boundaries as the “Amon Wasteway”** which is actually several miles to the east. The stream on the property is actually Amon Creek, a natural creek (identified as a natural creek on the USGS 7.5 minute Quad 3/9/20). Perry Harvester, Washington State Department of Fish & Wildlife (Pers Comm. 10/20) has identified that the West Fork of Amon as a natural source stream fed by year-round springs from Badger canyon. He identified that it may convey irrigation run-off as well. The Amon Creek Natural Preserve (owned by the City of Richland) lists both the east and west forks with a natural spring source in Badger Canyon. The City has identified this stream as the “West Fork of Amon Creek” on the signage east of the stream and just off the property. The regulation of the creek is very different if it is a created wastewater irrigation channel versus if it is a natural creek. The City has not identified this error and therefore needs to research this and require the correction of this fact in the wetland report. This needs to be clarified in SEPA and in the reports and the City needs to regulate this project as if it is a natural creek.
- b) **There is little to no mention that Amon Creek is recognized as a salmon/trout stream by the State Fish & Wildlife Department** and that there is a listed fishing season on the creek. Spawning Steelhead have been found far up the creek as well as rainbow trout and other fish species. This resource **MUST** be evaluated by the City as it is at risk for “Takings” under the Endangered Species Act if fisheries impacts result from the development of the property.
- c) **The report fails to mention the City of Richland has a habitat restoration project directly east of the proposed project.** The City’s project was designed to attract wildlife and enhance the habitat. City staff in the Planning Department may not be aware of this project but obviously it needs to be considered in the Planning Department review of Willowbrook. It would make no sense for the City to approve a private development project that would negatively impact their own habitat restoration project. It has been reported that the habitat on the west side of the Creek (where the Willowbrook project is proposed) is actually better for forage for wildlife that also utilize the restoration area that is on the east side where the proposed habitat enhancement plan is located. The City needs to assess the impacts resulting from the elimination of habitat on the west side of Amon Creek with respect to this Habitat Restoration project. The Habitat Management Plan for Willowbrook states the vegetation for rabbits, quail and other species would be eliminated.
- d) **A wildlife survey has not been done nor required by the City for this project.** This is not in keeping with what is known about Amon Creek, which has been recognized for its high quality when compared to what is available across the entire region. Neighbors have reported that City of Richland agree with the assertion that the West Fork, Amon Creek is a crucial wildlife corridor and, in fact, signage on the site just across from the Willowbrook property specifically states ***“Amon Creek and its surrounding area provide the only natural connection between the basalt ridges bordering the Tri-Cities and the three rivers that join in the immediate area. As such, it is a crucial corridor allowing for the movement of wildlife from the surrounding desert to the rivers. The Yakima River and watershed is recognized as one of the most diverse, scenic, and biologically productive systems in the entire Pacific Northwest. The wetlands on the West Fork of Amon Creek have been identified as the highest rated “value” wetlands in southeastern Washington – as such, it is able to support a great diversity of wildlife.”***
- e) There is no mention of 2 beaver dams/ponds on the north end of the proposed project. Beavers highly modify landscapes and there needs to be an assessment of what would happen to the wetland ecosystem if these beaver were to leave the area because of the high density of the development proposed. These beaver ponds are adjacent to the project and within slightly more than the 100-feet. Also:
 - There are large populations of white-tailed deer in the area as reported by the neighbors. No mention has been made of where they are expected to go if this project is built.
 - There are Cinnamon Teal (candidate for threatened/endangered species listing) reported by neighbors, seen resting and foraging on the beaver dams on the north end of the proposed project along with Mallards.

- There have been confirmed sightings (Neighbor pers comm.) at night of hunting Burrowing Owls (candidate for threatened/endangered species listing), where the building sites would be located, in the proposed project.
 - Blacktail Jackrabbit - (candidate for threatened/endangered species listing) also has confirmed sightings along with cottontail rabbits.
 - Neighbors have reported two resident coveys of California Quail that utilize both the wetland and upland adjacent buffer areas. The upland buffer areas are proposed to be removed for a portion of their current extent leaving no habitat left for the quail.
 - Neighbors have reported daily sightings of Great Blue Heron utilizing the beaver dams on the north end of the wetlands. The proposed development would block access to the beaver dams from the west
- f) Amon Creek and its adjacent terrestrial habitat has been designated as a Biodiversity Corridor by the Washington State Department of Fish and Wildlife. The report and the SEPA checklist do not mention this and it is important as is preserving this habitat.

2. Assessment of the delineation of wetlands on the property including wetland rating and buffers assigned:

- a) **Accuracy of the Delineation**- The second delineation was completed in September of 2016 (even though the report is dated 2018). The first delineation was completed in 2014. Part of the wetland complex is onsite and part extends offsite in both direction as it follows Amon Creek for miles through the region. It is difficult for me to assess from an aerial photograph the actual extent of the wetland without doing an on-site evaluation. I can only assume that the wetland boundary is accurate because wetland boundaries in this ecoregion tend to be very distinct.

b) Review of the Wetland Rating

The Amon Creek Wetland is a combination of riverine and depressional hydrogeomorphic types and is therefore given a depressional HGM classification for the purposes of scoring the wetland. I agree with this assessment. If only considering just this stretch of the creek, it would be a Category II wetland with a moderate habitat score. Standard Wetland buffer widths were determined based on RMC 22.10.110. The data sheet appears to be accurately filled out but given the nature of the Amon Creek stream, it would be impossible to assess this system without seeing the entire stream both upstream and down, which is not possible to do at the individual property level. The rating protocol for rating I requires inclusion of the entire HGM unit. The City should undertake the rating of the creek/wetland system themselves for all the acreage included in the Amon Creek watershed because it may be a Category I wetland given all that I have read about its importance and quality with respect to other streams.

c) Appropriate Buffers Given the Wetland Rating

- The overall wetland has been assigned a Category II wetland with a moderate habitat score, that is typically designated a 150-foot buffer adjacent to high intensity land use. There was a discrepancy in the February 2018 report on the assigned buffer width with a 100-foot buffer suggested in the Executive Summary on page iv, a wetland summary on page 7, and a 150-foot buffer suggested on page 6 and on the Critical Areas Figure. I was glad to see this was corrected in the December 2019 report. "The entire wetland unit was evaluated with the Rating System as required by the City of Richland. The wetland has a total score of 20 and a habitat score of 7. This equates to a Category II designation with a 150-foot protective buffer adjacent to high intensity land uses (expected)." After an examination of the critical areas code Table 22.10.110 (D), Buffer widths, it appears the 150-foot buffer width is correct for a Category II wetland with a habitat score of 7 and proposed high intensity land use. But the buffer would be larger if this is a Category I wetland as discussed above.
- The project is situated on a slope that grades down to Amon Creek and the associated wetland. The slope appears on the topo map to be quite steep. Slopes that the buffers are on appear to be very steep. (See wetland mapping that identifies the topographic contours at the end of the December 2019 report.) City code that addresses this situation is RMC 22.10.115 E. "Buffer modifications". When the minimum buffer for a wetland extends into an area with a slope of greater than 25 percent, the buffer shall be the greater of: a. The minimum buffer for that particular wetland; or b. Twenty-five feet beyond the point where the slope becomes 25

percent or less. The slope appears to be greater than 25 percent, at least for a portion of its length on the property.

Building an apartment complex on a slope this steep would also be difficult. This property is not conducive for building apartments on top of these slopes adjacent to wetlands and a stream.

d) **Buffer averaging.** Buffer averaging has been proposed for a non-water related project on a wetland and creek that is known to be regionally important. Maximizing the lot layout for units is not an acceptable reason to impact wetland and stream buffer habitat. The developer is proposing to set aside "extra" buffer on the south end of the project, which they admit in their own report, has the least desirable habitat. In exchange, they would encroach on the most valuable habitat on the northern end, even placing large parts of buildings and parking lots within 100-feet of a beaver dam.

e) Given the foregoing, the following statement in the applicant's materials is not correct: **"The proposed residential development has been designed to minimize impacts to the wetland and its associated buffer.** Buffer width averaging is consistent with RMC 22.10.115(A)." If the project were designed to do this, the buffers would be increased where the applicant has proposed to reduce them and vice versa. Also, there would be only a few single family homes not an apartment complex. It is inconsistent with reasonable use to get maximum use of a site so encumbered with critical areas (wetlands, stream, steep slopes).

Conclusions

As proposed, the project includes probable significant adverse impacts, and as such, an environmental impact statement should be prepared. There are significant omissions in the application and SEPA checklist that need to be included and considered in order for the City to make an informed decision about SEPA and project approval. The Planning staff do not seem to be aware of the fact that Amon Creek is regionally special and should be preserved.

As stated by the City on their own sign next to Claybell Park.

"Preserving the ecological health of the Amon Basin is not only important on a local scale, but a vital connection to the overall health of the entire Columbia River basin."

Stevens, Mike

From: Alexis McIntosh <alexismcintosh05@gmail.com>
Sent: Tuesday, May 24, 2022 7:09 AM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sent from my iPhone

Stevens, Mike

From: Amanda Helmann <amanda.helmann@icloud.com>
Sent: Monday, May 23, 2022 8:35 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sent from my iPhone

Stevens, Mike

From: Amber Donley <asdonley@gmail.com>
Sent: Tuesday, May 24, 2022 8:02 PM
To: Stevens, Mike
Subject: Willowbrook Apartments Will Help More Richland Residents

Dear Mike Stevens,

I am writing to you concerning the Willowbrook HOA's efforts to stop the Willowbrook Apartments build.

The residents of Willowbrook HOA are not acting with the best interest of the community of Richland but rather their own interests to maintain the affluent society image.

The proposed apartments would provide greatly needed housing for families who cannot afford single family homes. The Willowbrook HOA said they want the apartments to be "somewhere else." This is a clear case of economic segregation.

The median home prices of Willowbrook reflect the affluent income levels of its current inhabitants. The Willowbrook HOA is working hard to keep anyone with a lower income out of their neighborhood. That is elitist and red lining. I think it is a shame that Richland families cannot afford single family homes, so affordable apartments are key to helping bridge that gap. Affordable housing is essential to building a diverse community. A community cannot grow without both diversity and inclusion. The Willowbrook HOA red lining where these apartments are being built is destructive and undermines community inclusion.

As a contributing and respected member of this STEM-focused community, I cannot fathom why the Willowbrook HOA thinks that it is okay to shut down the building of housing our community desperately needs. It is entirely unfair for them to stop this build and keep children from lower economic status levels from attending the same great schools their children attend. Why are their children more important than the rest of the community's? Why should families and children who could live in these apartments not be afforded the same opportunities as them? There is no reason except for elite classism and forced economic segregation.

Furthermore, in comparing home values, all other homes priced in similar ranges have apartment complexes nearby. Even Orchard Elementary has an apartment complex right next door that allows children from families who cannot afford single family homes in Westcliffe, Crested Hills, The Vineyards and Applewood to attend. Why should Willowbrook be an exception?

I strongly urge you to consider how this will impact the diverse and inclusive Richland community.

Kind Regards,

Amber Donley, PhD
asdonley@gmail.com

Stevens, Mike

From: Andrew Leonard <adleonard@lcmail.lcsc.edu>
Sent: Monday, May 23, 2022 9:20 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Stevens, Mike

From: Mail.com <thereinhardts@mail.com>
Sent: Tuesday, May 24, 2022 12:06 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

I wrote a letter the last time this came up. I was a preschool teacher with Richland school district for over 10 years. I observe small children walking in our neighborhood not only on the sidewalks but in the street, riding their little bicycles and playing. I feel this would be very dangerous to the children of this neighborhood and I think the excessive car use in the neighborhood would be detrimental to all. Thank you. Angela and Jay Reinhardt

Sent from my iPhone

Stevens, Mike

From: Angela Johnson <ajohnson0918@gmail.com>
Sent: Thursday, May 19, 2022 10:26 AM
To: Stevens, Mike
Subject: Stop the Willowbrook Apartments access Road on Broadmore

Mr. Stevens,

Please do not let the city put in an access road from the proposed apartments to Broadmore. That would be a very dangerous intersection.

There are already problems with speeding along that road and the dangers to users of the Claybell park. That short road that is on a steep hill would just create more problems. Think about when it is icy and snowy in the winter. Disaster. I have walked that path to my friends house and that is quite steep.

Putting a stop sign at the bottom of a steep hill is not anything that any civil engineer would intentionally do. So Don't let money push you to do something unsafe.

Angela Johnson
5094389115

Stevens, Mike

From: Angela Kopenec <infectioncontrol30@yahoo.com>
Sent: Monday, May 23, 2022 6:41 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Thank you,
Angela Kopenec
336 Piper Street

Sent from my iPhone

Stevens, Mike

From: acheney627@gmail.com
Sent: Tuesday, May 24, 2022 4:50 PM
To: Stevens, Mike
Cc: Alvarez, Michael; Jones, Jhoanna; Richardson, Theresa; Lukson, Ryan; Lemley, Phillip; Christensen, Terry
Subject: Opposition to Willowbrook Place Apartments

Dear Mr. Stevens,

We are submitting this in strong opposition to M2020-101 and E2020-214 (ie. Willowbrook Place Apartments). As residents of Meadow Springs, we join many, many neighbors and Richland residents to ask that this development not be allowed due to numerous concerns. I know many have already submitted their concerns and documentation, and I am not going to be able to eloquently state what others have already expressed. There are numerous major environmental and safety concerns regarding the proposed development including inappropriate zoning, poorly designed access roads, traffic safety and neighborhood safety (including increased crime, increased concern for safety of pedestrians, bikers and children due to increased traffic on already busy streets including Broadmoor), HOA covenant violations (we belong to the Meadow Springs Second Nine HOA) as well as decreased property values and a decreased sense of community due to all of the above. I (Anne) personally walked the site of the proposed development and was speechless, and honestly angry, when I saw in person how close the proposed parking lot and apartment buildings will be to the Amon Creek Preserve as well as the existing homes in the Willowbrook and Meadow Springs neighborhoods. Other concerned citizens have submitted letters which go into much greater detail regarding the above concerns so rather than repeating what has already been so well stated in letters by Jacob Stanfield, MD and Lisa Dukes, we will say that we have read their letters and are in full agreement with both.

All of the above are very valid concerns, but it seems that one of the most obvious concerns should be the negative impact to the Amon Creek Natural Preserve. This area is vitally important to such an amazing variety of wildlife including federally protected migratory birds, ducks, pheasants, raccoons, coyotes, and more, as well as black-tailed jackrabbits and burrowing owls which are both candidate species for endangered or threatened status. Amon Creek is also a natural habitat for Spring Chinook and Coho salmon which are also federally protected by the Endangered Species Act. The City of Richland has a responsibility to continue to preserve and protect this rare and beautiful piece of land and the abundant wildlife that call it home. It goes without saying that the proposed apartment complex will have a negative impact and could potentially destroy the natural shrub steppe habitat that the City and residents have worked hard to preserve and maintain. This area is unique and a rare gem that needs to be protected for generations to come.

If the development of the proposed Willowbrook apartment complex is somehow allowed to proceed, it will send a clear message to Richland residents that the City holds revenue generation and out-of-state development interests as a priority over community interests and safety, and the protection and preservation of federally protected wildlife and their natural habitat.

Please hear the collective voices of the concerned citizens of Richland and reject the current proposed development. While growth and additional housing needs are inevitable, there are other Richland locations that are much more suitable and appropriate for this type of development.

Sincerely,
Anne and Craig Cheney
247 Pinetree Lane
Richland, WA

Stevens, Mike

From: Audra Distifeno <audrad7@yahoo.com>
Sent: Monday, May 23, 2022 8:59 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood.

This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

These apartments will have a detrimental impact for current and future residents, as well as wildlife.

Please protect our public land.

Audra Distifeno
509-263-9984

Sent from my iPhone

Stevens, Mike

From: Avery M <am4793630@gmail.com>
Sent: Wednesday, May 25, 2022 3:37 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Stevens, Mike

From: Bart Connors <bart@basingold.com>
Sent: Tuesday, May 17, 2022 11:47 AM
To: Stevens, Mike
Subject: Big Creek Land Company - Land use application

I'm writing you today after seeing the signage reappear for the Big Creek Land Company's application regarding an apartment complex off Broadmoor Street.

My family has been a resident of Meadow Springs for over 20 years. We have seen the traffic both on Broadmoor Street and Greenbrook Boulevard continue to increase with all the homes that have been built in the area. Both streets currently have heavy use at peak times. Where is the impact study of adding 200 to 400 additional cars per day on safety, noise, and congestion to the current residents? Broadmoor Street already has heavy congestion around Claybell Park with the street down to one lane in the evening during the Spring and Summer. It seems to me that without major changes in infrastructure there is a serious safety issue allowing more traffic on these streets.

Lastly, I'm having a hard time understanding the logic building a multi-level apartment complex next to the Amon creek wildlife reserve. Not sure that is in the best interest of the wildlife or our surrounding neighborhoods.

Best regards,

Bart Connors
1933 Sheridan Place

Stevens, Mike

From: Ben Lindberg <benjermna22@gmail.com>
Sent: Saturday, May 21, 2022 10:35 PM
To: Stevens, Mike
Subject: Opposition to Willowbrook Apts Plan

Hello Mike,

I just recently found out about the newest proposal to build apartments right behind the Willowbrook community I live in. This is in addition to the invasive roads that will also be part of the plan. I wanted to say that I am strongly opposed to this plan for multiple reasons including but certainly not limited to: 1) it will have a negative impact on the nature area that we enjoy walking through, 2) walking between Willowbrook neighborhood houses and Claybell park with young kids will now be a dangerous activity considering both the increased traffic and that many times apartment residents are not considerate to obeying speed limits through residential areas, 3) our home value will very likely decrease, 4) this will be devastating to homes of community members who live right next to this new road and from what I understand it's a very clear violation of HOA covenants for the two involved communities. I strongly suggest, based on the concerns of myself and many other frustrated and worried community members, that you do not allow the developer to go through with this build.

Sincerely,
Ben Lindberg

Stevens, Mike

From: Bob Davis <rjbdavis1@gmail.com>
Sent: Tuesday, May 24, 2022 9:27 PM
To: Stevens, Mike
Subject: Comments on proposed Willowbrook Place Apartments

Mr. Stevens,

I understand the City of Richland is considering yet another application for a proposed multi-family apartment complex in the Willowbrook neighborhood. I am very much against this development because of the following:

1. The extraordinary amount of additional traffic resulting from the apartments will cause increased safety hazards on Center Blvd., Piper St., and Broadmoor St.
2. The proposed road intersecting Broadmoor violates City codes and Willowbrook HOA covenants. The City must abide by their own rules and regulations as well as those of the HOAs with affected property.
3. The project is not consistent with numerous commitments made in Richland's Comprehensive Plan and Strategic Leadership Plan.
4. I personally enjoy hiking in Amon Creek Natural Preserve. The fragile Preserve and its wetlands will be highly impacted by this project. The Preserve is unique and precious and needs to be protected from damage caused by high intensity land use in such close proximity to the Preserve. A 108-unit apartment complex with 270 residents is simply not appropriate at the proposed location.
5. The SEPA Checklist for the project is inadequate – several questions were answered incorrectly.
6. I live in Willowbrook and do not want the character of my neighborhood to be changed so drastically. (A few of our neighbors have already moved because of the possibility of the apartment complex.) I am very concerned about the possible increase in crime associated with renters living in such high-density housing. Renters are typically transient and would not value our neighborhood and our beloved Amon Creek Natural Preserve as much as those of us who own property and are living here long-term. In addition, views will be significantly obstructed by the multi-story buildings – views from houses as well as views for everyone who frequents the Preserve for recreation and education purposes. The significant increase in traffic will also change the character of Willowbrook.

Please reject the application for the Willowbrook Place apartment project and make it impossible for anyone to consider building an apartment complex on the site.

Thank you for the opportunity to comment on this project.

Sincerely,
Robert Davis
253 Scouler Ct
Richland WA 99352

Stevens, Mike

From: Bonnie Mitchell <besmitchell@gmail.com>
Sent: Tuesday, May 24, 2022 1:15 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our HOA covenants and would create serious traffic and safety problems due to insufficient roadways.

As a side note, it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths. Please protect our public land.

Bonnie Mitchell
352 Piper St

Stevens, Mike

From: bosnian137 <bosnian137@yahoo.com>
Sent: Monday, May 23, 2022 8:17 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sent from my Verizon, Samsung Galaxy smartphone

Stevens, Mike

From: Brad Dunn <dunnbr1987@yahoo.com>
Sent: Wednesday, May 25, 2022 5:03 PM
To: Stevens, Mike
Subject: Willowbrook Apartments

Mr. Stevens,

My family and I are vehemently against this project.

The added traffic to our neighborhood and to the meadow springs neighborhoods will cause back ups and safety concerns for the children.

The submitted documents also fail to recognize any of the mammalian species that live in this area. They will be displaced or killed off due to the proposed construction.

Please hear the voice of this and the neighboring communities and realize this is not the project for this parcel of land.

Thank you

Brad Dunn
2704 Eastwood

Sent from my iPhone

Stevens, Mike

From: brenna Bartlett <brennabartlett2008@hotmail.com>
Sent: Tuesday, May 24, 2022 4:28 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sent via the Samsung Galaxy S22 Ultra 5G, an AT&T 5G smartphone

Stevens, Mike

From: Brian Larson <larsonj.brian@gmail.com>
Sent: Tuesday, May 24, 2022 7:35 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sent from my iPhone

Stevens, Mike

From: bigcat@charter.net
Sent: Tuesday, May 24, 2022 2:08 PM
To: Stevens, Mike
Subject: Willowbrook Apartments - EA input

Mr. Stevens (Mike) -

Please find below comments, related to the proposed Willowbrook Apartments.

As a Richland citizen for many years, familiar with the history of community development, and transportation planning in the region, I do not believe the city has given a good faith effort toward providing suitable access to the proposed Willowbrook Apartments development. The following comments are not in support of the Willowbrook Apartments proposal and I hope the process determines suitable solutions for the citizens who have long called this area home.

This property has been zoned as it currently is, for quite some time. Planned roadways in the area have been identified, and later changed, with little attempt by the city to secure and retain the necessary roadways to serve the proposed development. The city has allowed "Willowbrook No 2 - Phase 4B" to occur, which has blocked access to the primary routes which would serve the development (via John Court and Center Blvd). Providing a "secondary access" to Broadmoor is poor planning, and has the appearance of a deliberate attempt to divert trips away from the Willowbrook neighborhood, through to other neighborhoods.

Leslie Road is the appropriate arterial for carrying the trips generated by this development. The city should ensure they have provided the most direct route to Leslie, and reverse the blockage created through the referenced plat.

Notable within the traffic impact study was mention of any trips utilizing Bellerive going north. Being familiar with the traffic patterns in the area, I state with certainty this is not sensible. That said, it would be unfair for me to critique the TIA. The consultant has done what they were asked to do. As a Transportation Planner, by profession, I'll hold my input on the TIA.

Comments were provided prior on this proposal, though notice not provided with re-application. Fortunately, someone placed a sign to bring attention to the re-application. I hope these comments are considered with weight, as the impacts to neighboring properties has great impacts upon our quality of life and the safety of our roadways. As proposed, the impacts are disproportionate to the property owners nearby and there appear to have been deliberate attempts to direct traffic to routes other than the preferred (Leslie) corridor.

Sincerely,
Brian & Theresa Malley
South Richland residents

Stevens, Mike

From: Briana Wagner <wagner_briana@yahoo.com>
Sent: Tuesday, May 24, 2022 11:38 AM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Thank you for listening,

Briana Wagner Pierson
Sent from my iPhone

Stevens, Mike

From: brianne.snyder@gmail.com
Sent: Wednesday, May 25, 2022 8:07 AM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. Our neighborhood is safe right now and having these apartments would make us feel less safe having our kids roam around. This development is also inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths. They would also be an eye sore. Right now we have a good view of the nature and the apartments would take that away.

Please protect our public land.

Sent from my iPhone

Stevens, Mike

From: bvrklr13 <bvrklr13@yahoo.com>
Sent: Monday, May 23, 2022 8:17 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sent from my Verizon, Samsung Galaxy smartphone

Stevens, Mike

From: ckwak83@yahoo.com
Sent: Wednesday, May 25, 2022 11:54 AM
To: Stevens, Mike
Subject: Willowbrooks Apartment Proposal

Dear Mr. Stevens,

I am writing regarding the proposed Willowbrook apartments off of Broadmoor. I live in this neighborhood, and I do not agree with building a multi-unit complex where it is being proposed. I am in favor of more homes and multi-unit complexes being built in the area, just not in that spot. Our neighborhood is family friendly, has parks and schools and is a great place to live. One of the things that makes our neighborhood so unique and interesting is the wetland area that homes lots of wildlife. Our neighborhood is full of different species of birds and animals that take refuge in the wetlands. Building the apartments there will hurt this eco system and make it a less special place to live for all of us. Additionally, where the road to the complex is being proposed is in a very bad location, on a blind corner. Already, there is a lot of traffic and foot traffic moving past this area. There are kids on bikes, older folks walking, joggers, etc. around that area all the time, usually on the way to the park. I think having more traffic in this poor location will result in accidents.

Our neighborhood currently has several multi-unit complexes, and adding more is not the issue, it is the proposed area that is problematic.

I appreciate your time and consideration.

Thank you so much,

Carly Kwak-Bauch
509-713-4749

May 24, 2022

Mike Stevens
Richland City Planning Manager
Richland, WA 99352

RE: 108-Unit Apartment Complex: Willowbrook Place

Mr. Stevens,

Our family, our neighborhood, and our surrounding neighborhoods, vehemently oppose approval for the building of the 108 unit apartment complex on a narrow strip of land between the Willowbrook neighborhood and Amon Creek Natural Preserve (ACNP).

Not only will building an apartment complex on this acreage impact the Amon Creek Natural Preserve and its wetlands, it will have a significant impact on Willowbrook and nearby neighborhoods. Besides greatly increased traffic there is only one planned ingress/egress road to the proposed apartment complex that will go directly in and out of our neighborhood. This access to the apartment complex is a poorly designed road slated to be built between two houses that also doesn't meet proper zoning. There appears to be no other apartment buildings/complexes in the Tri-Cities with the only access road to them are by going through an existing neighborhood. All other apartment complexes are logically served by arterial roads.

The greatly increased traffic in our neighborhood will present significant safety risks for pedestrians, all Willowbrook drivers, and any of those in need of emergency care. There would also be an increase in the levels of noise and artificial light. All of this combined will not only affect the quality of life in our neighborhoods, and this area of the City of Richland; but it will also reduce the property value of our neighborhood, and the surrounding neighborhoods as well. And the constant lighting from a parking lot immediately adjacent to the wetland habitat will cause change in wildlife behavior and can be detrimental to the resident and migrating birds.

Additional erroneous points about the proposed development are that, (1) the ACNP will be dramatically impacted by the construction activities, (2) its location is unsuitable to stabled residential proximity and, (3) there would be ongoing environmental destruction due to human activity from both construction and from those living or visiting the apartments. The unrealistic buffer zone from the wetlands will not be enough to reduce human impact on fish, waterfowl and other wildlife with habitat in the ACNP, along with multiple native plants. There is insufficient planning for water quality and runoff in the preserve to mitigate flooding and pollution from pesticides, fertilizers, and other chemicals.

Washington State's total areas of wetlands are less than 2%. Protecting our City of Richland wetlands and open spaces isn't someone else's responsibility it is *everyone's* responsibility. Ongoing community collaboration is the only way to maintain and protect the wetlands. Please do the right thing...Once building is approved and built, you cannot go back...

Sincerely,
Carol Groce
Carol Groce
204 Center Blvd.
Richland, WA 99352

Stevens, Mike

From: chelseabrophy@gmail.com
Sent: Wednesday, May 25, 2022 6:10 AM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Please excuse errors due to my mobile device...

Stevens, Mike

From: Cheryl Nickola <nickolacheryl@gmail.com>
Sent: Monday, May 23, 2022 12:02 PM
To: Stevens, Mike
Subject: Opposition to Willowbrook Apartments

Mr. Stevens:

We are very shocked and saddened about the plan the City of Richland has for **M2020-101 & EA2020-114 (ie. WILLOWBROOK PLACE APARTMENTS)**. We strongly oppose these apartments and all the problems their construction and proposed physical access **will cause**. Our opposition to this proposed development includes major concerns regarding the following issues:

Traffic Volume and Safety

There are only two proposed access options to this property, and both are problematic.

1. A meandering course through small neighborhood streets (Center Blvd and Piper St.) and
2. Access to Broadmoor St. via an illegal street being placed on multiple properties subject to the Home Owners Association (HOA) covenants and restrictions of two HOAs.

Broadmoor St. is already at or near maximum capacity for its designation and the proposed additional volume is not appropriate. In addition, the location and position of the proposed intersection poses several safety concerns. Often, Broadmoor access to Leslie Road is already backed up with 20 cars for long periods of time. The apartment build will greatly exacerbate this traffic issue. In addition, the Claybell Park area on Broadmoor (including the city's recent pickleball court expansion) is an extreme safety and traffic hazard. We have observed accidents and many near-accidents at this location.

Center Blvd and Piper St are not adequately suited for high volume traffic and pose clear traffic safety hazards for motorists and pedestrians (especially young children). The safety issues are impossible to ignore.

We understand that there was an updated traffic study, as the previous study was out of date. The new study confirms the listed concerns and it is now admitted in the study that the primary access (60% of volume) to these apartments will be on Broadmoor on a roadway that was initially planned as an emergency access point and then a secondary access. This proposed road is 23 feet at its most narrow point, which also happens to be on an "S-curve", located at a crosswalk, and does not plan for a retaining wall on this sloped land. Building a road in this location is of extreme safety and traffic concern.

Fire Safety

Access and maneuverability of larger emergency vehicles would be very difficult with the proposed dimensions of the access road even with no other vehicles present. It is also noted that previous plans had this road designated as a protected emergency access, but with subsequent applications this has evolved into a full access road intended to support the majority of the access to these apartments. This demonstrates unsafe conditions for the potential residents of these proposed apartments and the residents of adjacent properties.

Environmental

This high density project is adjacent to the Amon Creek Natural Preserve. This development will negatively impact and potentially destroy this rare and unique natural preserve entrusted to the City of Richland (the City). The Preserve is home to diverse species of wildlife and enjoyed by many residents for recreational and educational activities. The preservation of this natural area is consistent with the City's strategic plan in which the fourth focus area to "manage our natural resources" by "balancing private and public interests in conservation and preservation of sensitive areas."

Zoning

The zoning of the proposed property was designated as high density decades ago when access to this property was essentially uninhabited. Indeed, the plan was to provide adequate access to this property. Unfortunately, over the years, either through intention or poor planning on the part of the City, the access has been severely reduced by the City. No known attempt was made by the City or property owner to protect the access to this property. As a result, the City and developers find themselves in a predicament where the available access to this property does not readily support its proposed use of a high density apartment complex. The current attempts to force a project where it no longer fits clearly poses several concerns, violates city code and HOA covenants and is an attempt to maximize profit at the expense of citizen safety and of the environment. We assert that the previous zoning designation is inappropriate and should be modified to better suit the restriction to access created by the City.

City Code & HOA Covenant Violations

In a city with a "Code Enforcement" department that can issue citations and accompanying fines and property liens for vegetation that is too tall, it is flagrantly hypocritical that the City itself does not even attempt to follow its own codes. This demonstrates a blatant disregard of the City's own codes. This is readily apparent when reviewing the proposed dimensions of the access road to Broadmoor. It is clear that the developer is in need of additional access and is limited by dimensions of the properties it owns. It is unfathomable that this could be considered "up to code" and the approval of such a road is extremely ill-advised and inconsistent with a rational approach to safe and ample access.

In addition, the northern access road to Broadmoor utilizes several properties that are subject to covenants and restrictions of two HOAs. You may be aware of pending lawsuits against the developers asserting the appropriate usage of these HOA properties. We are certain the owners of these properties signed the acknowledgement of HOA covenants and restrictions on these properties when they were purchased. Although it has always been apparent that development of the larger property was possible, it could not have been anticipated that a road would be developed on lots designated for single family dwellings only. We believe this is unfair to the members of the HOAs and residents of adjacent properties who have invested their money in properties believing that the HOA covenants would protect the usage of its properties from inappropriate development.

Summary

In summary, the currently proposed development is not consistent with the City's own strategic plan and blatantly violates established city codes and HOA covenants. It poses clear hazards to residents' safety, efficient traffic patterns, and the environment and overall is an inappropriate use of the land. It is unfathomable that the proposed development could be approved given all of these issues. The flagrant disregard for these issues, if the project were approved by the City, would display an utter disregard towards its citizens, community, and environment or, at best, severe incompetence in proper planning and execution of the City's duties as it pertains to appropriate development in our community.

Sincerely,

Cheryl and Chris Nickola
452 Carner Court West
Richland, WA

Stevens, Mike

From: Chloe Mitchell <chloemitchh@gmail.com>
Sent: Tuesday, May 24, 2022 1:16 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sent from my iPhone

Comments on M2020-101 and EA2020-114

This is being provided in response to the Notification of Application, Public Hearing and Optional DNS (M2020-101 & EA2020-114) provided by the City of Richland. The notice is in regard to the development of approximately 14 acres with four multi-family residential buildings by Big Creek Land Company, LLC.

In looking over the revised Site Plan Review application, the below comments arose. Many of these comments point out material deficiencies in the submittal regarding providing information required on the State Environmental Policy Act (SEPA) checklist. The existence of gaps in the SEPA checklist submittal brings into question the summary statement identified in the notice stating that the City of Richland, as the lead agency for the environmental review, has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of non-significance (DNS) for this project.

The information provided by the Department of Ecology for the State of Washington for the SEPA checklist ([LINK](#)) repeatedly states that the information to be provided is to address all phases of the project. The items below are examples where the provides information for the construction phase is not included and is promised to be provided prior to that phase. The deferred information seems critical in deciding the potential environmental impact of the project. Per the application process (Richland Municipal Code 23.48.010), the site plan review process is not to be used to deny the land use application unless such uses can not meet the development and / or performance standards required for the use. Because information is missing from the SEPA checklist (identified to be provided later), it is not possible to reach the conclusion that the development and / or performance standards are being met.

Examples of deferred information (identifiers refer to the SEPA checklist item):

1. [B.1.f] The temporary erosion and sediment control plan is being submitted to the City for review and approval prior to construction, and not included in the currently available information. This report provides discussion of potential surface erosion and slope instabilities. Addressing these concerns were deferred to being controlled during construction, in that the contractor would be on site to address them.
2. [B.1.h] The erosion control plan is not included for consideration and is promised to be provided prior to construction (referred to as the TESC and BMP plan).
3. [B.2.a] Indicates that dust and exhaust control are included as part of the TESC plan, not yet provided (promised prior to construction).
4. [B.2.c] Stated that a strict dust control program will be enforced during construction, but the details of what this is, as provided above, is not yet available for consideration, what is being strictly adhered to is not known.
5. [B.3.d] The surface and runoff water controls are the subject of the plans not yet delivered, as indicated above.
6. [B.4.d] Differing from the above, this section provides a conceptual landscape plan, on which to evaluate any impact by the project, with an indication that a formal Landscape Plan will be prepared and submitted to the City of Richland for review and approval prior to construction.
- 7.

Other Questions and Comments:

- A. In the SEPA checklist, item B.1.b, the referenced maximum slop is stated as around 20%. The included geological report indicated that slopes ranging up to 30% were included on the property. This would impact the yet to be delivered erosion and water runoff control measures.
- B. In the SEPA checklist, item B.1.g, the impervious surface estimate was 20 % of the development. Just visually inspecting the plot plans provided, it is much more than that. It seems the estimate is based on the buildings alone, and does not include the parking areas, roadways, and possibly sidewalks. These areas are likely to be impervious surfaces.
- C. One of the statements in the requirements of the SEPA checklist is that no use of “not applicable” or “does not apply” are to be used without providing the basis for this being the case. Locations in the SEPA checklist

Comments on M2020-101 and EA2020-114

that do not follow this requirement include the following: B.3.a.3); B.8.g; B.8.k; B.8.m; B.9.b; B.9.c; B.11.c; and B.13.d.

- D. In the SEPA checklist, item B.7.b.1), the response to what type of noise exists was no known noise pollution. The construction of the structures proposed will require heavy equipment to be used, for grounds preparation, erection of structures, paving, landscaping, and other tasks. Each of these are sources of noise beyond what is currently present in the area, thus represent noise pollution. This area needs to be corrected.
- E. In the SEPA checklist, item B.7.b.2), the question asked what types and levels of noise will be created, and this question was not answered. The response was that the hours that construction would occur would be consistent with local protocols. When the noise is occurring is not what is being asked.
- F. In the SEPA checklist, item B.8.a, the statement is made that the proposed land uses are similar and compatible, yet there are no other multi-family buildings, and expansive parking lots, so how is this similar and compatible with the single-family homes that are in the area?
- G. The geological report appears to be placed in the available PDF offered by the City of Richland two times.
- H. The traffic report indicates that almost 800 trips will be added to the traffic on Piper St and Center Blvd. There is little to no discussion of the additional risk to the residence along this route. The potential hazard to children that live in the houses along the route substantively changes, and not in a direction desired.

Stevens, Mike

From: Chris Powers <donnachrispowers@gmail.com>
Sent: Sunday, May 22, 2022 9:10 AM
To: Stevens, Mike
Subject: Willowbrook Apartments.

I see that the apartments complex for the Willowbrook area once again in the works, but I can't recall seeing anything about a traffic study. The traffic generated on Broadmoor or Greenbrook with access to Leslie are of more than a little concern. It is also worth noting that this same traffic will travel by a very busy park where many families and children are frequently crossing the street or accessing parking.

There was a time when the impact of so much development on the wildlife in the Amon Creek area was a concern. Has this gone away?

As a long time Realtor there is also the certain devaluing of nearby property to consider. I would like to know how all these factors are being addressed.

Donna Powers
1945 Sheridan Pl
Richland 509-539-5986

Stevens, Mike

From: C Chancellor <chancellor-1@hotmail.com>
Sent: Saturday, May 21, 2022 10:50 AM
To: Stevens, Mike
Subject: Opposed to Willowbrook Apartments

Mike Stevens,

This apartment project has been rejected multiple times for good reason. Broadmoor is tapped out as far as traffic goes. High-density development will only further the accident risk and frustration to those of us living on Broadmoor. This is a nice neighborhood for walking and enjoying the outdoors. The importation of over 100 additional vehicles due to this high-density project is in direct conflict with what the residence here currently enjoy.

I have encountered too many speeding cars as of late on Broadmoor and would expect additional traffic to contribute to accidents. The high volume of traffic already frustrates drivers and seems to spawn bad behavior. With the attendance of so many children at Claybell Park, these accidents will likely cross into the tragic territory. I consider this a single voter issue and will vote against any city politician in favor of this project and encourage friends and neighbors to do likewise.

Christopher Chancellor
327 Broadmoor St.
Richland, WA

Stevens, Mike

From: Christopher Childers <cchilders@smartlawoffices.com>
Sent: Wednesday, May 25, 2022 11:46 AM
To: Stevens, Mike
Subject: Opposition to Willowbrook Place M2020-101 & EA2020-114

Dear Mr. Stevens,

I am writing to express my opposition to this proposed development for the following reasons:

1. The impact on traffic over Piper Street in the Willowbrook subdivision has been insufficiently addressed. AT LEAST, significant mitigation conditions should be imposed on the project to include:
 - a. Reduction of the number of units by 50%, installation of traffic and speed control measures on Piper Street and Broadmoor - no other apartment complex in Richland is accessed through another neighborhood over streets that are residential and non-arterial.
2. Impact on the Amon Creek Preserve - stormwater runoff, encroachment on a critical wildlife habitat and corridor.
3. Placement of a roadway over lots that are restricted by Willowbrook Community Association covenants to single-family housing, NOT streets.
4. Access road to Broadmoor is unsafely graded, narrow and inadequate for the proposed use.
5. The proposed development may have been appropriate in the 1970's and 1980's, when Richland's traffic plan included an arterial street south of the property between Steptoe and Leslie, but this traffic plan was modified. Furthermore, the designation of Amon Creek as a Preserve over 15 years ago put the owner on notice that the development density of the lot would be hindered by additional environmental concerns. The owner of this lot forfeited his rights to medium density development when the surrounding property and traffic plans shifted away from being able to support medium density development.

The Willowbrook Community Association strongly opposes the proposed development. We are not opposed to sensible development and even apartments so long as their impact on the traffic through our neighborhood is significantly reduced and the impact to the adjacent wetlands and bird migratory corridor is eliminated. Again, we are not opposed to development of private property, but this development in its presently proposed state, is in violation of City, State and Federal law.

Sincerely,

Christopher L. Childers
Willowbrook Community Association President
217 Sitka Ct.
Richland

5-3-22

CITY OF RICHLAND

ATTN: MIKE STEVENS - CITY PLANNING MGR

625 SWIFT BLVD MS-35

RICHLAND, WA 99352

Subject: Proposed Willowbrook Apartments

Please refer to my letter to you dated 10-15-20, copy attached.

By now you are aware that NO homeowner near the site of the proposed apartments is in favor of such development. The notice you mailed out shows the entrance & exit off of Piper street. This will cause several hundred vehicles to use Piper St., a quiet residential street never designed or intended for such traffic volume!

Mike, this is NOT good planning! When so much open land ^{is} available, why force a development not wanted by the people who are most impacted? I'm sure no amount of complaints will deter the city but I do hope a bunch of my neighbors sue the socks off the city forcing a delay or cancellation. Ask yourself, would you want apartments close to your home?? Apartments filled with many people living off the government, paying no taxes, some not legal residents of this country, clogging our schools with non-English speaking kids and contributing to rising crime & drug use. Why is this good for Richland? NO MORE APARTMENTS PLEASE!!

Sincerely,

Chuck Maxson, 207 Piper Street

(Please include in your staff report)

10-15-2020

CITY OF RICHLAND

ATTN: MIKE STEVENS - RICHLAND CITY PLANNING MGR

625 SWIFT BLVD MS-35

RICHLAND, WA 99352

SUBJECT: APARTMENT COMPLEX PROPOSAL

DEAR MR. STEVENS:

MY WIFE AND I, PLUS OUR NEIGHBORS ON PIPER STREET STRONGLY
OBJECT TO THE PROPOSED CONSTRUCTION OF THE 96-UNIT APARTMENT
COMPLEX ON THE BORDER OF THE AMON CREEK NATURAL
PRESERVE (ACNP).

THIS PROPOSED LOCATION IS WRONG IN SO MANY WAYS. WE ARE SURE
YOU ARE AWARE OF OUR CONCERNS ALONG WITH SO MANY OTHERS, BUT,
FOR THE RECORD, WE WILL LIST OUR SPECIFICS:

- NEGATIVE AND DETRIMENTAL IMPACT TO THE ACNP CAUSED BY
ENCROACHMENT ON AND DEGRADATION OF THE ACNP. LIGHTS, NOISE,
RUNOFF, POLLUTION AND PROXIMITY TO PROTECTED WETLANDS AND THE
PLANTS, ANIMALS, BIRDS & FISH THEREIN MAKE THE PROPOSED
APARTMENT LOCATION UNACCEPTABLE

(CONTINUED)

- SAFETY. The proposed exit ROAD TO BROODMORE IS ON A TIGHT CORNER CAUSING HAZARDS FOR TRAFFIC, PEOPLE WALKING, CYCLISTS, GOLFCARTS AND EMERGENCY VEHICLES. THIS EXIT CLEARLY VIOLATES ZONING REQUIREMENTS.
- IMPACT TO EXISTING HOMEOWNERS. PEOPLE WHO BOUGHT OR BUILT HOMES IN THIS AREA DID NOT OR COULD NOT EXPECT THE CITY OF RICHLAND TO ALLOW AN UNSIGHTLY AND UNWANTED STRUCTURE TO IMPEDE THEIR VIEW AND IMPACT PROPERTY VALUES.

MR. STEVENS, PERHAPS THE CITY SHOULD CONSIDER THE WISHES OF ALL THOSE HOMEOWNERS WHO PAY TAXES, MAINTAIN THEIR PROPERTIES, OBSERVE CITY REGULATIONS AND RESPECT OTHERS OVER THE OBVIOUS DESIRE OF THE CITY TO INCREASE THE TAX BASE. WITH ALL OF THE VACANT LAND AND PROPERTY AVAILABLE IN RICHLAND, WHY APPROVE CONSTRUCTION IN A PLACE WITH SO MANY IMPEDIMENTS, NEGATIVE IMPACTS AND DRAWBACKS? WE RESPECTFULLY REQUEST THIS PROPOSED CONSTRUCTION BE DENIED. THANK YOU.

Sincerely,

CHUCK & HELEN MAXSON

207 PIPER STREET

RICHLAND

Stevens, Mike

From: Cindy Tabor <pudgemobile@msn.com>
Sent: Tuesday, May 24, 2022 1:39 PM
To: Stevens, Mike
Subject: Issues Willowbrook Place Apartments

Dear Mr. Stevens

As a citizen of Richland, I have many concerns with the proposed Willowbrook Place Apartments - as there appears to be violations of city codes, HOA covenants, and federal and state regulatory requirements:

1. **Traffic and Safety:** There is already significant traffic on Broadmoor with the additional housing over the last couple of years (near its capacity). The report indicates that the apartments would incur a higher volume than identified in RMC 12.02. Access to Broadmoor would be on an illegal roadway that is in violation of two HOA covenants. Broadmoor would be considered the primary access and exit of apartments. The placement of the illegal roadway is in a sloped area and near a cross walk, which will lead to safety issues. Additionally, the proposed dimensions of the access roads do need appear to meet city codes. This road is now identified as a full access road, but it does not appear that it will be able to safely support access to the apartments, the surrounding area, or fire safety vehicles.
2. **Zoning:** This area is designated as a high-density area; however, this was when there was viable access and not conflicting issues with HOAs. The designation should be re-evaluated (independently). The current designation is not appropriate with city codes.
3. **Environmental:** There are so many issues in this arena. The consultant reports for the contractor are not thorough and appear to be biased (i.e., one bird viewing and two soil borings). New reports should be prepared independently and then thoroughly vetted to ensure federal and state requirements have been appropriately met (i.e., National Pollutant Discharge Elimination System [NPDES], Federal Clean Water Act, Stormwater Pollution Prevention Permit).
 - The consultant reports indicate that Amon Creek and the wetlands in the Amon Creek Nature Preserve are habitat for the Spring Chinook and Coho salmon species, which are protected the Endangered Species Act (ESA). The potential impact on these species must be analyzed under the standards of the ESA, and the project may not proceed without negotiation of a Federal Habitat Conservation Plan, which in-turn must then be approved by the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration.
 - The creek also feeds into the Yakima River and then directly into the Columbia River (which will need to be evaluated per NPDES requirements - administered by the Washington State Department of Ecology and includes a mandatory 30-day public comment period).
 - The wetlands are under jurisdiction of the Federal Clean Water Act, requiring the Corps of Engineers to prepare and environmental impact analysis (under the Federal National Environmental Policy Act [NEPA], separate and apart from any state environmental policy act analysis adopted by the city of Richland). Creek and wetland in the Amon Creek which feeds into the Yakima and Columbia River.
 - The proposed site was visited ONLY once for bird species (March 19, 2021). A single visit in the spring fails to identify all migratory bird species which would visit the site over a full year. A comprehensive survey needs to be conducted followed by negotiation with the United States Fish and Wildlife Department.

- The consultant confirmed the presence of the Burrowing Owls. Measures to protect the Burrowing Owl from site construction and operation must be evaluated to ensure State Environmental Policy Act requirements are being met.
- Ultimately, the environmental impacts need to be thoroughly evaluated to ensure that ALL city, state, and federal requirements are appropriately met. At this point, it appears that the city of Richland just wants to make this happen and does not care about environmental requirements that have been established to protect our beautiful country. I think this is very unfortunate and I am greatly saddened. I believe the city of Richland needs to appropriately evaluate and meet all requirements. Otherwise, the environment and human safety will be detrimentally impacted and more than likely there will be a lot of lawsuits.

Thank you for your time
Cindy Tabor

Stevens, Mike

From: Clancy Waldron <clancywaldron@gmail.com>
Sent: Wednesday, May 25, 2022 1:33 PM
To: Stevens, Mike
Subject: Opposition to Willowbrook Apts

To whoever it concerns and especially Mr. Stevens,
I am concerned for the neighborhood in which I live, Willowbrook. I am concerned because of pending development of apartments in our neighboring plot of land. My biggest concern is the safety of our relatively peaceful streets and the large influx of strangers who are not part of our neighborhood community. There are a lot of problems that come with these proposed apartments. There are a lot more qualified people who have submitted comments on the legalities, the impact to the protected nature area next to it, the violation of 2 different HOA's bylaws, and the clear city zoning contradictions. All of those things are VERY valid reasons to deny the builders ruining the peace on our streets.
I hope the city can clearly see the detrimental impacts on the city and how approval of this complex could affect our trust in our local officials to look out for our local interests.
If you have questions about what I've wrote, please let me know.
From a concerned, voting member of the Willowbrook neighborhood.
Clancy Waldron
Clancywaldron@gmail.com
757-470-4792

Stevens, Mike

From: Courtney Chesnut <courtneyc4rn@gmail.com>
Sent: Monday, May 23, 2022 8:02 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sent from my iPhone

Stevens, Mike

From: CCA <arola_c@yahoo.com>
Sent: Tuesday, May 24, 2022 6:22 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

Dear Mr. Stevens:

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy the adjacent nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

If approved this is the only apartment complex in the City that would be primarily served by residential streets. Furthermore the proposed link to Broadmoor will be dangerous for both traffic and pedestrians.

It appears that the application is deficient in the following ways:

- 1) The Critical Areas Report and Buffer Averaging Plan (Revision 3, 12/17/19) fails to properly address mitigation sequencing (RMC 22.10.120) and also fails to comply with the provisions of RMC 22.10.115 (A)(1) & (2).
- 2) The site plan may not comply with fire codes.
- 3) A stormwater management plan appears to not have been submitted clearly indicating how stormwater runoff from the project will be managed on the project site.
- 4) The Wildlife Habitat Assessment Report (4/23/20) fails to evaluate the existence of protected habitats and species at, or adjacent to, the project site as required by RMC 22.10.200. The report also fails to evaluate the presence of protected habitats and species on protected areas adjacent to the project site as well as fails to evaluate the impact of the project on the ecosystem functions of the Amon Creek Natural Preserve and FWHCA adjacent to the site. Finally, the report also fails to identify and provide management recommendations and measures to protect the habitats and species that occur, or are likely to occur, on the project site, such as Black-tailed Jackrabbit, Shrub-steppe habitat, Biodiversity Corridors, Freshwater Forested/Shrub Wetland and Chinook Salmon and Coho.

Please ensure public lands are protected and that any development submit sufficient and not deficient documents.

Thank you,

Craig Arola
Willowbrook Neighborhood



Allyson Brooks Ph.D., Director
State Historic Preservation Officer

May 12, 2022

Mike Stevens
Planning Manager
City of Richland
505 Swift Blvd. MS #35
Richland, WA 99352

In future correspondence please refer to:
Project Tracking Code: 2020-10-06136
Property: City of Richland_Willowbrook Subdivision Project (M2020-101 & EA2020-114)
Re: Concur with Survey

Dear Mike Stevens:

Thank you for contacting the Washington State Historic Preservation Officer (SHPO) and Department of Archaeology and Historic Preservation (DAHP) and providing documentation regarding the above referenced project. These comments are based on the information available at the time of this review and on behalf of the SHPO in conformance with Washington State law. Should additional information become available, our assessment may be revised.

We concur with the results and recommendations made in the survey report. Specifically, as no cultural resources were found during the survey, we do not recommend direct archaeological supervision of the project. However, we ask that an Inadvertent Discovery Plan (IDP) be included as part of the construction permit.

Please note that the recommendations provided in this letter reflect only the opinions of DAHP. Any interested Tribes may have different recommendations. We appreciate receiving any correspondence or comments from Tribes or other parties concerning cultural resource issues that you receive.

Thank you for the opportunity to comment on this project. Please ensure that the DAHP project Tracking Number is attached to any future communications about this project.

Should you have any questions, please feel free to contact me.

Sincerely,

Sydney Hanson
Transportation Archaeologist
(360) 280-7563
Sydney.Hanson@dahp.wa.gov



Stevens, Mike

From: Daniel Chesnut <dchesnut74@gmail.com>
Sent: Tuesday, May 24, 2022 6:26 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sent from my iPhone

Stevens, Mike

From: Daniel Rivera <driverais1@yahoo.com>
Sent: Wednesday, May 25, 2022 3:39 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

[Sent from Yahoo Mail on Android](#)

Stevens, Mike

From: Daniel Rivera <driverais1@yahoo.com>
Sent: Wednesday, May 25, 2022 3:39 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

[Sent from Yahoo Mail on Android](#)

Stevens, Mike

From: Dave Anstine <dratinman@gmail.com>
Sent: Tuesday, May 24, 2022 3:15 PM
To: Stevens, Mike
Subject: Re: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

David Anstine

Stevens, Mike

From: David Richmond <drichmond2014@gmail.com>
Sent: Wednesday, May 25, 2022 8:58 PM
To: Stevens, Mike
Subject: Comments on Willowbrook Place Apartments

Dear Mr. Stevens,

I am writing in support of the Willowbrook Place Apartment development. I am sure the majority of comments you receive will be negative about this project. I want to provide a positive voice. I grew up in that neighborhood and still live and work in Richland. This city is plagued by a lack of housing availability that drives up costs for everyone and it is partially due to low density development being favored. I believe the proposed apartments would provide a positive if small step towards reversing this trend. Many of the activism around this project leads with concerns of environmentalism and safety to shroud what is really classic NIMBY activity of homeowners who do not want their view ruined or are afraid their property value will decrease. This type of mentality pulls the ladder up behind them by not allowing new residents to move into and enjoy our community. I believe this is wrong and the only reason it has a chance of being successful is because the future residents that would benefit greatly from having a place to live do not have the ability to mount the organizing campaign that these homeowners have done. I urge you to consider the great benefit of more housing for the city of Richland and the actual people this would help and not just a small group of NIMBYs.

Thank You,
David Richmond

drichmond2014@gmail.com

Date: 5/25/2022

To: Mike Stevens

From: Debbie Berkowitz

Re: Comments on the M2020-101 & EA2020-114 Willowbrook Apartments Site Plan Review application

Introduction:

I have read the Willowbrook application packet and wish to submit the following comments, questions, and recommendations. These are divided into three sections: (1) comments on the SEPA; (2) comments on the Critical Area Report (including the Wetlands Report and Wildlife Habitat Assessment Report), and (3) a list of proposed mitigation measures.

The key concerns include the following (discussed in more detail below):

- The SEPA checklist is missing significant information and inadequately addresses stormwater and irrigation runoff.
- The Wetlands report does not include information about requirements for degraded buffers.
- The Wildlife Habitat report does not note the presence of several Fish & Wildlife Habitat Conservation Areas (FWHCAs), specifically:
 - a biodiversity corridor (a priority habitat);
 - a habitat of regional importance for migratory birds (a priority habitat);
 - shrub steppe habitat (it is still considered recovering shrub steppe and a priority habitat even if it is in a partly degraded state);
- The Wildlife Habitat report claimed incorrectly that the presence of a candidate species (black-tailed jackrabbits) on the parcel could be dismissed because the species uses the adjacent Amon Creek Natural Preserve (ACNP) more often.
- Furthermore, the applicant did not acknowledge that there might be any impact on the multiple FWHCAs present on the parcel or on the adjoining ACNP – and stated that no mitigation would be required. In fact, there will be considerable impact on the ACNP and on the FWHCAs and candidate species which are present on the parcel.

As developments continue to encroach on the ACNP and associated Category II wetlands, cumulative effects occur, impacting the reasons for forming the Preserve in the first place as a public nature preserve. It also should not be overlooked that the ACNP was paid for mainly with mitigation funds, and also included donations from private citizens. As a result, the citizens of Richland have a stake in maintaining the Preserve. It becomes more difficult for fish and wildlife and native plants to survive and thrive as their habitat decreases and the corridors of movement develop more pinch points. The proposed development will have a significant impact on the adjacent Category II wetland (a rare and valuable habitat in our area), on the ACNP, on the mapped PHS biodiversity corridor, and on the black-tailed jackrabbit. All of this suggests that there is a reasonable likelihood of more than a moderate impact on these important areas, and, as such, a Determination of Significance or at least a Mitigated Determination of Non-Significance should be applied and mitigation measures should be mandated.

Possible mitigation measures are proposed in the following text that could reduce the environmental impact of the proposed development and allow it to proceed with a reduced footprint. The proposed mitigation measures are summarized in the third section.

SEPA – comments/questions:

1. B1e,f,h. As acknowledged in the geologic hazard report, the proposed Willowbrook development is within a geologic hazard area with slopes ranging from <5% to ~30%. How will the cut and fill that the applicant is proposing impact the slope and drainage of these soils and soil erosion especially during construction? What measures will be taken to prevent erosion into the wetland

buffer or further? I would note that silt fences in developments adjacent to the proposed site have been insufficient to control erosion and runoff into the buffer areas and the wetlands; i.e., standard BMPs do not work. What additional precautions can this project take to avoid such incursions that could impact the ACNP? Also, see #4 response to SEPA B3c,d.

2. B1g. Does the 20% figure for the impervious surface in the development include the area of the entire site or just the developed part of the site? What percent of the actual development area (i.e., outside the buffer) will be impervious? This looks like it would be a much higher percentage and is relevant to stormwater control.
3. B3a1. See comments in Critical Areas section about requirements for wetland buffers that are degraded.
4. B3c, d. How will the City ensure that stormwater is contained within developed portions of the site as required in RMC 22.10.125 even during large rain and snow events? The proposed stormwater ponds look very small compared to the size of the development. The CARA report states that “any contaminants or pollutants entering the shallow groundwater from the subject property are likely to be captured by the shallow aquifer and flow toward the wetland or Amon Creek.” While the development plans include treatment of stormwater onsite, before discharge off-site, the stormwater plans show any overflow draining directly into the category II wetland buffer without treatment. The site plan does adhere to the Eastern Washington Stormwater Manual, which states that stormwater facilities may not be located within wetland buffers for a category II wetland. But RMC 22.10.125 states that stormwater runoff must be contained within the developed portions of the site for new development within 150 ft of a wetland buffer unless a study is done to show that this discharge is adequately mitigated. Such a study has not been done. And given that the depth to groundwater can be as shallow as 10 ft (up to 18 ft) and runs through sandy silty soils which drain well, untreated overflow entering through groundwater could negatively impact these category II wetlands. A previous geologic hazard report by the same company in 2014 that sampled within the buffer zone stated that these soils are susceptible to sheet and rill erosion; thus stormwater or irrigation overflow dumped onto the wetland buffer could potentially drain into these wetlands from surface flow. A related question is how will the applicant prevent or mitigate the potential risk that residential users could have waste materials and/or household chemicals that enter the ground? The SEPA states there is minimal risk, but in an apartment complex with 108 units, the risk is likely to be greater than ‘minimal’; I’d suggest that the City examine this in more detail. A decrease in the impervious surface in the development, an increase in size of the stormwater retention ponds, and placement of the stormwater ponds further from the edge of the buffer could help resolve this issue (and still allow for reasonable use).
5. B4d. The landscape plan shows turf and trees that will be on automatic irrigation systems adjacent to the wetland buffer. It appears that the irrigation water will directly encroach on the buffer. Even if there is some barrier, this design creates the potential for runoff into the wetland buffer under normal irrigation conditions and even more so if excessive watering or poorly directed sprinklers occur (contrary to RMC 22.10.125). In addition, the runoff will presumably carry fertilizer and herbicides into the wetland buffer and potentially into the wetlands. Different plantings, such as native plantings that don’t require much water (and no turf) could help resolve this issue.
6. B5. The list of birds and animals on site is inadequate because it doesn’t acknowledge the FWHCAs of abiodiversity corridor or a habitat of regional importance for migratory birds. The Lower Columbia Basin Audubon Society has a list of over 120 birds that have been seen on site in the past 20 yrs, at least 100 of which have also been seen there recently. The project site is an important stopover for migrating birds as well as an important area for resident breeding birds. Taptal Greenway has a list of native mammals and amphibians that have been documented on the site, including (but not limited to) beaver, otter, deer, badgers, sand-blotched lizards. Both of these lists speak to the reason that this area is considered a Biodiversity Area and Corridor.

While fish are mentioned in the Wetland Report and the Habitat Assessment Report, the SEPA does not acknowledge their presence.

7. B5c. In addition to being part of the Pacific Flyway, the Amon Basin is a migratory link between the Yakima River and the uplands of south Richland/west Kennewick. It is also a migratory link for terrestrial migrating animals.
8. B6c. Energy conservation features are encouraged in Richland's Comp Plan. What energy conserving features has the City encouraged the applicant to consider?
9. B7a. Since this area is adjacent to a Category II wetland and a natural preserve (where fire and contamination would have a devastating and irreplaceable impact), the City should consider requiring more than 'standard safety precautions.' It should also require that during construction there shall be no impact on the wetland buffer or biodiversity corridor. If there is any impact, mitigation should be required.
10. B7. Noise pollution can be an issue since this is adjacent to a natural preserve. What mitigation will be in place for the ACNP?
11. B8.a and 8l. The proposed land use is not similar to adjacent existing use of the natural preserve; compatibility will depend on significant mitigation measures. The applicant indicates that no mitigation is required. This application should require a DS, or, at a minimum, an MDNS with significant mitigation requirements as described in the FWHCA portion of the Critical Areas Ordinance.
12. B11. Lighting and glare would have an impact on the ACNP buffer and on the biodiversity corridor. How will this be mitigated, including from the streets, parking areas, and apartment buildings? Dark sky lighting standards are required in or adjacent to a FWHCA (RMC 22.10.210).
13. B12c. A pathway that fronts the wetlands/open space will encourage access into the buffer area, resulting in further degradation of the buffer. How will this be prevented? The proposed pedestrian pathway/trail should be outside the buffer and inside a wall (not just a fence) that should be required adjacent to the buffer as was done with the Clearwater Creek project to help maintain the integrity of the buffer.
14. B14a. The final plat of the residential development along Broadmoor did not include a street in the location of the secondary access road. How is a new street allowed in the middle of a previously platted residential development?
15. B14c. The parking requirement in the RMC for R-3 zoning is 1 ½ spots per dwelling unit (or 1 spot for a studio). Thus, 162 parking spots are required, assuming no studio apartments. While there is no maximum for the number of parking spaces allowed in City code, the 239 total parking spaces are well beyond the requirement and result in an increase in the footprint of the development, impacting the biodiversity corridor and adding to the impervious surface and stormwater runoff (potentially impacting the wetlands). Given the sensitive nature of the adjacent property (ACNP), the number of parking spots should be reduced to be more in line with the city standards.
16. B14d. A paved pedestrian trail is not compatible with a natural preserve and would increase stormwater runoff into the wetlands and buffer areas.

Critical Area Report– comments:

1. On what basis does the applicant state that no impacts will occur to the on-site wetland, the 'Amon Wasteway' or associated buffers? While the applicant might not 'intend' to impact these areas, past experience shows that 40 ft tall buildings and 270 additional people living in close proximity to a biodiversity corridor will have a profound impact on the wildlife and plants.
2. The proposal for the 150 ft buffer does not take into account the following statements within the RMC:
 - a. RMC 22.10.110. *'The establishment of wetland buffer areas shall be required for all development proposals and activities adjacent to wetlands to protect the integrity, function*

and value of the wetland. Buffers shall consist of an undisturbed area of vegetation established to protect the functions and values of the wetland. The standard buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.’ The reports (both Critical Area and Wildlife Habitat reports) state that the native vegetation in the buffer area has been disturbed and degraded and contains cheatgrass. Thus buffer widths either need to be planted or widened so that adequate functions of the buffer are provided as required.

- b. RMC 22.10.115E. This section requires increasing the standard buffer width if any one of four conditions is met. Condition #2 applies to this application since this buffer has minimal or degraded vegetative cover – the applicant could propose enhancement of the buffer, but has not done so. The access road parallel to the wetlands (which provides sewer hookup to this development) cannot be improved through enhancement so should require an increased buffer width. Condition #3 applies because the wetland provides habitat for species that are documented candidate, monitored, or priority species in this area (also see comments re Wildlife Habitat Assessment Report below); the width of the buffer should be increased to provide adequate protection for the species based on its particular life-history needs.
3. Just a note: It should be noted that the East Badger drain is not a canal, but the natural corridor carved out by the ancestral Yakima River, and whose current channel migrates over time. An unintended rise in groundwater level due to irrigation contributes a significant amount of water to this channel as evidenced by winter flows along the length of Amon Creek. In addition, there was an ephemeral stream here prior to irrigation with water contributed by a local spring and by summer thunderstorms.

Wildlife Habitat Assessment Report – comments:

1. The Wildlife Habitat Report includes the following FWHCAs: ACNP, wetland, fall chinook. It does not mention that the area does, in fact, include the following FWHCAs: a biodiversity corridor, a habitat of regional significance for migratory birds (see SEPA comments 6 & 7 above), shrub-steppe habitat and riparian habitat. All of these habitat types are considered priority habitats and are listed as FWHCAs in the RMC. Even though the shrub steppe habitat present is partly degraded, it is considered recovering shrub steppe and treated as a priority habitat. WDFW states that the presence of multiple priority habitats means the site is of even greater importance as habitat (WDFW01335). As such, this area is especially important for conservation and management (RMC22.10.185A2). The footprint of this project (including the secondary access road) should avoid these multiple priority habitats; this avoidance would not preclude reasonable use. The footprint of the project also needs to be protective of all these FWHCAs, which would require mitigation.
2. Black-tailed jackrabbits: The presence of black-tailed jackrabbits on this parcel as noted in the Wildlife Habitat Report confirms the importance of this priority habitat for a State candidate species, both as shrub steppe and as part of a biodiversity corridor. From WDFW01335 – “*If shrub-steppe associated species occur on or near the project site, typically that indicates the habitat is important for conservation.*” and “*A small patch of lower-quality habitat could still be of high value if it functions as a wildlife corridor between larger shrub-steppe patches.*” WDFW recognizes that much shrub steppe habitat has been degraded but it is still important especially when adjacent to higher quality habitat and riparian areas. Wildlife uses this lower quality shrub steppe habitat as an extension of the higher quality habitat and as a corridor. The fact pointed out in the report that the black-tailed jackrabbits use this parcel for cover and forage makes this an area with a primary association for the jackrabbits (cover and forage are a requirement for any species). The jackrabbits don’t recognize parcel boundaries and use the additional cover and

foraging opportunities that this parcel provides. Maintaining and enhancing the shrub steppe areas as part of the mitigation for this project should be a requirement to improve shrub steppe habitat quality for these jackrabbits as well as other species so they can continue to persist and reproduce in this area over the long term.

3. The Wildlife Habitat Report acknowledges that habitat function and wildlife use of the wetlands and ACNP corridor is limited by landscape fragmentation due to public roads and high-density residential development. That is why this additional high-density residential development necessitates mitigation as described below.
4. RMC 22.10.200C5. The habitat assessment shall include *'a discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs.'* This has not been included in the Wildlife Habitat Assessment Report. How will this be accomplished?
5. RMC 22.10.210 FWHCA – Performance standards. This section addresses development within an FWHCA or its buffer or adjacent to an FWHCA, stating that it shall only be permitted in accordance with the conditions of an approved habitat conservation area report and shall be based on standards enumerated in this section of the RMC. Development activity is proposed here that is adjacent to, or close enough to (and partly within), several habitat conservation areas (i.e., a biodiversity corridor, shrub steppe habitat, and documented habitat of regional or national significance for migrating birds, plus adjacent to a natural preserve) *'so as to likely impact critical area ecosystem functions and values.'* The conditions cited in this part of the RMC still need to be addressed in the Wildlife Habitat report since that report does not address the PHS biodiversity corridor or migratory bird habitat at all, dismisses the importance of the shrub steppe habitat, dismisses the importance of this area to the presence of a candidate species, and dismisses the impact on the ACNP.

Proposed mitigation measures:

A summary of some of the proposed mitigation measures follows:

1. Decrease the footprint of the development and reduce the number of parking spots. This would improve the stormwater issues and provide a separation between the wetland buffer and irrigated turf and trees (see also #16 below).
2. Enhance the degraded buffers by planting native plants and controlling weeds to improve the function and values of the shrub steppe habitat.
3. Increase the buffer to mitigate for the access road that parallels the wetland.
4. Make sure the buffer includes the entire biodiversity corridor, including the portion that is adjacent to the proposed secondary access road for this development.
5. Protect the buffer during construction, i.e., all work should stay out of the buffer with no clearing or dumping allowed. There should be no impact to the buffer area during and after construction. It is important that eroded soils be prevented from entering the buffer and the wetlands. Additional measures beyond silt fencing will likely be needed to control erosion into the buffer areas since silt fencing has been seen to be ineffective, especially when not monitored on a daily basis. Any damage to the buffer or the wetlands must be mitigated on site.
6. Signs should be permanently placed indicating that the area is a sensitive wetland buffer and wildlife area.
7. Stormwater must be contained within the developed portions of the site even during large rain and snow events and must not impact the wetlands or the buffers. Overflow must not be allowed into the buffer as is currently depicted on the site plan.
8. The developer should use native plantings in the open space within the development that runs parallel to the wetland buffer to significantly reduce or eliminate water runoff directly into the Preserve. In fact, the Geologic Hazard report (p. 18 or pdf p. 46) suggests that “slope planting and irrigation systems may wish to consider low water tolerant plants with drip irrigation.” This is because of the potential for slope erosion.

9. The developer should ensure that no invasive plants are included in his landscape plan since this development is adjacent to an important natural preserve.
10. Means by which the applicant will prevent or mitigate the potential risk that residential users could have waste materials and/or household chemicals that enter the ground should be clearly identified.
11. Means by which the applicant will prevent or mitigate dumping in the buffer during and after construction should also be clearly identified.
12. The City should work with the developer to implement energy conservation features consistent with the City's goal to be more energy efficient.
13. The City should work with the developer to identify noise mitigation actions suitable for an area next to a Preserve.
14. The City should work with the developer to identify mitigation measures for lighting near a FWHCA and wetland and should implement dark sky lighting standards that are required in a FWHCA.
15. As required in RMC 22.10.210, the developer should use bird-friendly building designs (especially for windows).
16. A wall should separate the development from the buffers as was done for the Clearwater Creek development to help protect the integrity of the buffer. The pedestrian pathway trail should be on the developed side of the wall to decrease the potential for social trails through the buffer and free roaming pets.
17. A paved trailway is not appropriate through the Preserve; low impact uses in the Preserve include the pervious pedestrian trails that are already established by Tapteal Greenway.
18. The developer should identify how to discourage unauthorized vehicles, such as ATVs, from using the access road to access the buffer and wetland areas. How will the developer discourage disturbance (e.g., social trails) in the buffer zone?
19. A number of other concerns based on RMC 22.10.210 FWHCA Performance Standards need to be addressed before work on this proposed development is initiated.

A follow-on concern is that if the developer doesn't think that mitigation is needed, how well would the developer follow any mitigation plan? I raise this issue because historically, within the City of Richland, it has been difficult to get compliance with mitigation plans even when applicants acknowledge that there will be an impact and that such a plan is needed.

The footprint of the development should be decreased to provide some protection to the priority habitats. Mitigation measures and monitoring to increase and/or enhance buffer areas should be explicitly stated as requirements for the developer and the development, with timelines for compliance and means of enforcement. Persons/entities responsible for carrying out mitigation measures should be identified clearly in City approval documents to assure that developers meet all legally required mitigation measures. Monitoring should be required as in RMC22.10.160 for at least 10 years with enforcement by the city.

Thank you for considering my comments.

Stevens, Mike

From: debroper@charter.net
Sent: Tuesday, May 24, 2022 9:52 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

Dear Mr Stevens,

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sincerely,
Deborah Roper
2644 Willowbrook Ave
Richland WA 99352

Sent from my iPhone

Stevens, Mike

From: Dennis Showman <dashow2000@hotmail.com>
Sent: Monday, May 23, 2022 9:17 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Stevens, Mike

From: Diana McPherson <dimcp40@gmail.com>
Sent: Wednesday, May 25, 2022 2:46 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sent from my iPhone

Stevens, Mike

From: Dino Besic <bosnian137@hotmail.com>
Sent: Monday, May 23, 2022 8:17 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sent from my Verizon, Samsung Galaxy smartphone

Stevens, Mike

From: dinobesic13 <dinobesic13@gmail.com>
Sent: Monday, May 23, 2022 8:17 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sent from my Verizon, Samsung Galaxy smartphone

Stevens, Mike

From: Chris Powers <donnachrispowers@gmail.com>
Sent: Sunday, May 22, 2022 9:10 AM
To: Stevens, Mike
Subject: Willowbrook Apartments.

I see that the apartments complex for the Willowbrook area once again in the works, but I can't recall seeing anything about a traffic study. The traffic generated on Broadmoor or Greenbrook with access to Leslie are of more than a little concern. It is also worth noting that this same traffic will travel by a very busy park where many families and children are frequently crossing the street or accessing parking.

There was a time when the impact of so much development on the wildlife in the Amon Creek area was a concern. Has this gone away?

As a long time Realtor there is also the certain devaluing of nearby property to consider. I would like to know how all these factors are being addressed.

Donna Powers
1945 Sheridan Pl
Richland 509-539-5986

Stevens, Mike

From: Doug Jones <doug.jones@apollosm.com>
Sent: Tuesday, May 24, 2022 5:02 PM
To: Stevens, Mike
Subject: Opposition to Willowbrook Place M2020-101 & EA2020-114

Dear Mr. Stevens,

I am writing to express my opposition to this proposed development for the following reasons:

1. Impact on traffic over Piper Street in the Willowbrook subdivision and Broadmoor in the Second Nine Subdivision - no other apartment complex in Richland is accessed through another neighborhood over streets that are residential and non-arterial that I am aware of.

We have lived in the Willowbrook community for about 10 years, I have 3 children and there are lots of kids in the neighborhood. There is already concern of safety on the roads, most especially when there are cars parked in both sides of the sidewalks, there are blind corners and it would be a direct and careless approval of this project with the idea that it will create a significantly increase in traffic, speeders, and more children in the area put at risk.

2. Placement of a roadway over lots that are restricted by Willowbrook Community Association covenants to single-family housing, NOT streets.

3. Access road to Broadmoor is unsafely graded, narrow and inadequate for the proposed use, let alone broadmoor has blind corners, lots of pedestrian foot traffic and it also not an arterial either.

4. The proposed density is incompatible with surrounding single-family residences and inconsistent with the City's strategic plan.

The developer should've stepped in a long time ago as things were developing around this proposed lot and raised concern about being "blocked off", the burden should not be put on the shoulders of Willowbrook families and second nine families and the local community. It's simply not safe or practical.

If at all possible, it would be good for the city to attempt to "swap" parcels with the developer so that the developer can have a better situation for their intents and that the city can plan something with this parcel here that better fits the surrounding community.

Sincerely,

Doug Jones
118 piper court
Richland wa 99352

Respectfully,

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

**Dwight and Donna Langer
2544 Tiger Lane
Richland, Washington 99352**

Mr. Mike Stevens, Planning Manager
625 Swift Boulevard, MS #35
Richland, WA 99352

May 19, 2022

RE: Public Hearing Comments on the Application by Big Creek Land Company

Dear Mr. Stevens:

My wife and I are residents and members of The Homeowners Association of the Heights at Meadow Springs. We support the comments our HOA Board of Directors have submitted to you on behalf of the one hundred and forty-six households.

It has been brought to the attention of City of Richland officials on several occasions in the past about the significant increase in non-resident traffic on Meadows Drive South and the excessive speed of these vehicles through our neighborhood which presents significant danger and concern for public safety. The proposed apartment complex development will further erode safety and related concerns. Before the proposed development can proceed it is my understanding the City is required to do impact studies on a variety of issues to ensure that existing property owners are not negatively impacted. In this particular instance existing property owners are being negatively impacted. How will the consequences created by this development be satisfactorily mitigated in accordance with safe vehicle traffic regulations and standards?

In addition to the negative impact in public safety caused by the proposed dramatic increase in vehicle traffic, we have further objection to the proposed apartment complex regarding public health & safety. These concerns center primarily around our domestic water service, fire protection and irrigation service. As homes have been constructed in our area and added to the water distribution system our domestic water pressure has been impacted. What measures in the form of new water supply and distribution facilities have been identified to maintain sufficient water quality and pressure in the surrounding area of this apartment complex? Questions of domestic water pressure begs the question of the impact of pressure and supply as it relates to fire fighting capability. What have your impact studies shown with regards to this development on fire safety capability?

We understand and witness the extraordinary growth occurring in our Tri-City community, but it is the City's responsibility to ensure that additional residential housing is not achieved by a deterioration in the quality-of-life services and public safety of its existing tax-paying citizens.

Thank you for giving careful consideration to these objections and concerns. Please advise us of your final decision regarding this proposed development.

Respectfully,

A handwritten signature in blue ink that reads "Dwight Langer". The signature is written in a cursive style with a large, stylized 'D' and 'L'.

Dwight Langer

Retired PUD General Manager



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

Central Region Office

1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

May 23, 2022

Mike Stevens
City of Richland
PO Box 190
Richland, WA 99352

Re: SEPA Register 202202056, M2020-101, EA2020-114

Dear Mike Stevens:

Thank you for the opportunity to comment during the Optional Determination of Non Significance process for the Willowbrook Apartments, proposed by Big Creek Land Company, LLC. We have reviewed the documents and have the following comments.

SHORELANDS/ENVIRONMENTAL ASSISTANCE

The provided SEPA Checklist mentions a wetland critical area report was provided to the City as part of the application materials. Ecology staff reviewed the OneDrive link and did not find the wetland report. Please submit the report for review and verification to **Lori White**, regional wetland specialists, at lori.white@ecy.wa.gov. Please contact Lori White with any wetland related questions or concerns.

WATER QUALITY

Project with Potential to Discharge Off-Site

If the project anticipates disturbing ground with the potential for stormwater discharge off-site, the NPDES Construction Stormwater General Permit is recommended. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit may take 38-60 days.

The permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) shall be prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water and storm drains

by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction.

In the event that an unpermitted Stormwater discharge does occur off-site, it is a violation of Chapter 90.48 RCW, Water Pollution Control and is subject to enforcement action.

More information on the stormwater program may be found on Ecology's stormwater website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>. Please submit an application or contact **Lloyd Stevens, Jr.** at the Dept. of Ecology, (509) 574-3991 or email lloyd.stevensjr@ecy.wa.gov, with questions about this permit.

WATER RESOURCES

Dust Control from a Well

If you plan to use water for dust suppression at your project site, be sure that you have a legal right. In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, up to 5,000 gallons per day used for industrial purposes, stock watering, and for the irrigation of up to one-half acre of non-commercial lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.

Temporary permits may be obtainable in a short time-period. The concern of Water Resources is for existing water rights. In some instances water may need to be obtained from a different area and hauled in or from an existing water right holder.

If you have any questions or would like to respond to these Water Resources comments, please contact **Christopher Kossik** at (509) 454-7872 or email at christopher.kossik@ecy.wa.gov.

Sincerely,



Gwen Clear
Environmental Review Coordinator
Central Regional Office
(509) 575-2012
crosepa@ecy.wa.gov

Stevens, Mike

From: Eileen Harbertson <sweeneyeileen@yahoo.com>
Sent: Friday, May 20, 2022 10:12 PM
To: Stevens, Mike
Subject: Proposed development with access road onto Broadmoor

Dear M. Stevens,

I live across Leslie from the proposed new road access (in Orchard Hills HOA #4), during the pandemic my family and I made it an almost daily habit to walk a loop through Meadow Springs to Overlook park, Claybell park and then back. As an aside, we would like to extend a huge thank you to the city for improving the sidewalk step downs and crosswalk signaling on Leslie, it is much easier to cross safely than it used to be. The location where the sign indicates the proposed road connection onto Broadmoor for a new Willowbrook development is a spot we were especially wary of as pedestrians. It's a blind corner in both directions and more than half the drivers are well above the permitted 25mph. It is a scary spot with the current amount of traffic. Making it a three way intersection is almost certainly going to result in traffic collisions and possible pedestrian deaths. It would be hard to pick a hypothetical spot that would be worse for a new through road based on the physical site with the bend of Broadmoor as it crosses over the creek for either traffic safety and run off into sensitive wetland habitat.

Respectfully,
Eileen Harbertson

Sent from my iPhone

Stevens, Mike

From: Elena Marshall <elenamarshall468@gmail.com>
Sent: Wednesday, May 25, 2022 6:54 AM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sent from my iPhone

Stevens, Mike

From: Eric Foote <ericleefoote@gmail.com>
Sent: Wednesday, May 25, 2022 5:52 AM
To: Stevens, Mike
Subject: Willowbrook

>> Greetings, Mr. Stevens.

>>

>> Thank you for taking the time to read my email.

>>

>> As a homeowner on Broadmoor St., Meadow Springs, back Nine, I am opposed to the large Willowbrook apartment complex proposed connecting to our street.

>>

>> I reviewed Kimley-Horn's study. From my observation: Cars zoom by all day long in front of our home and this is a safety concern for mine and others' children. The road is already a thoroughfare for people cutting through from Leslie to Gage. 108 dwellings (270 people) in the proposed apartments will surely increase traffic on our already busy street and create a safety hazard. And the risk of increased crime in the area. I wonder if the developers would like a huge apartment complex entry on their street just a few doors down? There should not be an access to the apartment that's in a well-established family neighborhood and golf community. Their report states "The site access to Broadmoor Street is anticipated to remain at LOS 'D' or better." Remember school report cards? Having a D is better than an F, but neither are good grades. Their rating scales note that "D" is "Long delays," and their data suggest an extra 700 trips per day where we live. The report also made sure to note city income: "The traffic mitigation fees for the Willowbrook Place development will be \$119,475.00 for the 60 PM peak-hour trips that are anticipated to be generated."

>>

>> There will be increased noise in the area. It's impossible to enforce 270 residents.

>>

>> Think if you lived in our neighborhood. Would you want this just a few houses down? I know the city will reap taxes and other benefits, but the road connecting to Broadmoor is a risk and hazard to our children and our living. 790 extra trips per day per the application.

>>

>> They admit that no specific measures to control traffic are in place and are basically justifying this by the extra income for the city. "No specific measures are proposed at this time. The project will generate additional tax base and revenue, as well as Transportation Impact Fees, that will help to offset any additional traffic impacts."

>>

>> What guarantee do we have that the proposed housing, with 270 more people, will not only bring more traffic, creating unsafe conditions, but also more crime? Is there going to be more police presence or on-site security?

>>

>> 40 feet above ground level will certainly ruin homeowners' views. It won't directly impact us, but I feel for those who have invested so much in a home.

>>

>> The report stated the ground is subject to erosion. What plan do they have in place? Especially since they wrote: "Variations in soil, bedrock and/or groundwater conditions could exist between and beyond the exploration points. The nature and extent of these variations may not become evident until during or after construction. Variations in soil, bedrock and groundwater may require additional studies, consultation, and revisions to GNN's recommendations in the Report."

>>

>> Thank you,

>>

>> --

>> Eric L. Foote

>> Resident impacted by development

Stevens, Mike

From: Eric Foote <ericleefoote@gmail.com>
Sent: Sunday, May 15, 2022 11:03 AM
To: Stevens, Mike
Subject: Willowbrook Apartments

Greetings, Mr. Stevens.

Thank you for taking the time to read my email.

As a homeowner on Broadmoor St., Meadow Springs, back Nine, I am opposed to the large Willowbrook apartment complex proposed connecting to our street.

I reviewed Kimley-Horn's study. From my observation: Cars zoom by all day long in front of our home and this is a safety concern for mine and others' children. The road is already a thoroughfare for people cutting through from Leslie to Gage. 108 dwellings (270 people) in the proposed apartments will surely increase traffic on our already busy street and create a safety hazard. And the risk of increased crime in the area. I wonder if the developers would like a huge apartment complex entry on their street just a few doors down? There should not be an access to the apartment that's in a well-established family neighborhood and golf community. Their report states "The site access to Broadmoor Street is anticipated to remain at LOS 'D' or better." Remember school report cards? Having a D is better than an F, but neither are good grades. Their rating scales note that "D" is "Long delays," and their data suggest an extra 700 trips per day where we live. The report also made sure to note city income: "The traffic mitigation fees for the Willowbrook Place development will be \$119,475.00 for the 60 PM peak-hour trips that are anticipated to be generated."

There will be increased noise in the area. It's impossible to enforce 270 residents.

Think if you lived in our neighborhood. Would you want this just a few houses down? I know the city will reap taxes and other benefits, but the road connecting to Broadmoor is a risk and hazard to our children and our living. 790 extra trips per day per the application.

They admit that no specific measures to control traffic are in place and are basically justifying this by the extra income for the city. "No specific measures are proposed at this time. The project will generate additional tax base and revenue, as well as Transportation Impact Fees, that will help to offset any additional traffic impacts."

What guarantee do we have that the proposed housing, with 270 more people, will not only bring more traffic, creating unsafe conditions, but also more crime? Is there going to be more police presence or on-site security?

40 feet above ground level will certainly ruin homeowners' views. It won't directly impact us, but I feel for those who have invested so much in a home.

The report stated the ground is subject to erosion. What plan do they have in place? Especially since they wrote: "Variations in soil, bedrock and/or groundwater conditions could exist between and beyond the exploration points. The nature and extent of these variations may not become evident until during or after construction. Variations in soil, bedrock and groundwater may require additional studies, consultation, and revisions to GNN's recommendations in the Report."

Thank you,

--

Eric L. Foote

Resident impacted by development

<https://www.ci.richland.wa.us/home/showpublisheddocument/13423/637868181917770000>

<https://www.ci.richland.wa.us/departments/development-services/planning/land-use-1427>

Stevens, Mike

From: Erin Kane <toothfairy2084@gmail.com>
Sent: Wednesday, May 25, 2022 1:16 PM
To: Stevens, Mike
Subject: Willowbrook Apartment Complex comments

Hello Mr. Stevens.

My name is Erin Kane and I live in Willowbrook at 205 Pacific Ct. I am writing to oppose the apartment development currently planned adjacent Willowbrook. I am concerned about the safety of the residents around this area with the increase in traffic through Willowbrook and on Broadmoor St. These areas were not designed to accommodate traffic from multi-family dwellings and an increase in traffic from 108 units would significantly impact the residents around this area. The planned exit road onto Broadmoor is directly between 2 curves on the street with limited visibility. There are a large number of residents in the Willowbrook community with young children and having a large increase in traffic onto Center Blvd and Piper St greatly increases the risk of vehicle/pedestrian accidents.

I am also concerned about the disruption to wildlife from the apartment complex. I have been through the Amon Creek Preserve numerous times and I have personally seen the great amount of wildlife present. The current plan for the position of the apartments is too close to the Preserve, even with the current buffer zone, and would greatly impact the wildlife ecosystem adjacent the proposed apartment complex.

Per the City's website, your primary mission is safeguarding the public and property, enhancing the community's favorable quality of life and protecting Richland's natural environment. This apartment complex would be in direct opposition to your mission. The Willowbrook apartments would create a potential for more traffic accidents due to the limited visibility near the exit road onto Broadmoor and the increase in volume through the Willowbrook neighborhood. The apartments would also significantly impact the natural environment through the destruction of wildlife habitat currently present in and around the construction zone. There are reasonable places to put new apartments in the Tri-Cities area but the proposed complex squeezed between Willowbrook and the Amon Creek Nature Preserve isn't one of them. Please do not allow the plans for this apartment complex to move forward.

As a last thought, if I may offer a suggestion, I have an idea that could benefit both the community and the developer. I propose giving the residents in the area that would be impacted the ability to buy the land from the developer and let the developer purchase land on Clearwater Ave between Leslie Rd and Steptoe St. The developer would have greater freedom in the design of the complex as the area is not as constrained. Having exits onto a major road would have the least impact on traffic in the area. Plus, the area is not immediately adjacent to a waterway that supports a significant volume of wildlife.

Thank you for taking the time to read my comments.

Sincerely,

Erin A. Kane, DDS
(971) 832-0185

Stevens, Mike

From: Erin zasso <thizzkidez@yahoo.com>
Sent: Wednesday, May 25, 2022 4:00 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

[Sent from Yahoo Mail on Android](#)

Stevens, Mike

From: Fernando Medina <ttquattro02@gmail.com>
Sent: Wednesday, May 25, 2022 9:21 AM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sent from my iPhone

Stevens, Mike

From: Gabe Harris <gharris_4@hotmail.com>
Sent: Wednesday, May 25, 2022 6:56 AM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Stevens, Mike

From: Gabriel Medina <gabemed@gmail.com>
Sent: Wednesday, May 25, 2022 4:49 PM
To: Stevens, Mike
Subject: Opposition to Willowbrook Place M2020-101 & EA2020-114

Dear Mr. Stevens,

I am writing to express my opposition to this proposed development for the following reasons:

1. The growth in this area over the last few years has already dramatically increased the traffic in the neighborhoods in and around Leslie Blvd. In our Willowbrook neighborhood alone we have seen an increase of traffic on Piper Street with many cars driving extremely fast for a neighborhood street. With so many children running around the neighborhood to play, we are extremely concerned for their safety with additional traffic being introduced. Myself and others have made multiple requests for a traffic cop to police Piper Street for speeding vehicles. There have been a number of close calls, regardless if children playing flags are posted. Safety should be a major concern with having this additional traffic. Our pleas might not prevent the building of these apartments but there **MUST** be a solution to the safety issues before we see increased traffic. By the way, how many apartment complexes use another neighborhood for egress? Will there be multiple digital speed warning signs installed? Will there be a consistent police presence?

Have you been to Claybell Park on the weekends or early evenings? The amount of traffic on Broadmoor and Bellerive is ridiculous. Multiple cars regularly line each side of the street. We already have an infrastructure issue here. What will an anticipated 400 plus cars add to this traffic? Kids walk to the park all the time navigating this high traffic area already.

Getting onto Leslie from any of the surrounding neighborhoods has become a serious problem. Not just an issue of commute time but a safety issue. Many cars exceed the speed limit and it's common to see cars dangerously merging in from the neighborhoods. I have also witnessed many potential accidents due to speeding cars mixed with pedestrians using the crosswalks. There is way too much traffic for a two lane road. There needs to be a solution to address this additional traffic. What about all the additional traffic from the homes being built near Powers Winery? Leslie needs much better traffic control.

How would first responders navigate all the increased traffic in the event of an emergency? Has there been a thorough study on the potential of an increased response time? Who is liable for neglecting any of these potential safety issues?

2. Walking through Amon Creek Preserve is a joy for many in the area. There are a number of animal species that call it home. There are also signs to remind people to stay on the trails and not disrupt the habitat. Why on earth is there a lot that is zoned to build multi-family right on top of this Creek bed? I don't see how this is environmentally conscious. The grade of the lots would have runoff going directly into the creek bed. I understand that this might've been zoned decades ago but the city has an environmental problem on their hands. As times have changed and more environmental awareness has come to light, why wasn't it rezoned?

3. How is it possible or legal to put a roadway over a lot restricted by the HOA for single family housing? This seems like a horrible precedent to set. No one buys a house with an open lot next to it and considers a road being built instead.

4. I understand that the city may feel limited by what they can do to prevent this lot from being built on. If a build on this lot is certain, can't there at least be support by the city to create a compromise? For all the aforementioned concerns listed above, it seems like less of an impact if there were single family residential built rather than multi family. From what I've read in the past, a multi family apartment complex in the middle of single family neighborhoods is at odds with the city's Strategic Plan.

I know this email is laced with an irritated tone. I ask that you PLEASE see it for the true concern that is at hand. It just seems so counter to anything that makes sense to build an apartment complex in this location. A few single family homes, a couple townhomes, condos, would be easier to digest than 100 plus apartment units. I hope you and those who advise you truly take these emailed concerns into deep consideration.

I thank you for your time and effort's.

Sincerely,

Concerned Richland Resident

Gabe Medina
Gabemed@gmail.com
559.307.1282

Stevens, Mike

From: duncan_gaylej <duncan_gaylej@yahoo.com>
Sent: Wednesday, May 25, 2022 3:45 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Gayle Duncan

Sent via the Samsung Galaxy S21+ 5G, an AT&T 5G smartphone

Stevens, Mike

From: Gayle G <ksyrah13@gmail.com>
Sent: Wednesday, May 25, 2022 8:28 AM
To: Stevens, Mike
Subject: Willowbrook Apartments

Dear Mr Steven's,

I am opposed to the Apartment complex off Broadmoore as it will :

1. Cause too much traffic in that area.

Think about the school bus stops and safety of our children.

2. Narrow entrance and exit will not be safe for residents if there would be a fire. Will fire trucks and equipment be able to maneuver that narrow entrance?

3. The run off from the slope above will damage the ecosystem. There are fish in there to feed the other wildlife.

Would YOU like to live on Broadmoore?

Thank you for doing the right thing.

Gayle Garvie

Stevens, Mike

From: G Baird Wireman <ebwireman@gmail.com>
Sent: Tuesday, May 24, 2022 8:48 PM
To: Stevens, Mike; Alvarez, Michael; Lukson, Ryan; Christensen, Terry; Jones, Jhoanna; Richardson, Theresa; Kent, Sandra; Lemley, Phillip
Subject: willowbrook apartments

I know this is going to the Hearing's Examiner but I think it is important that Council sees these concerns.

I can't believe we're here again. This is the third time I've had to comment on this misguided plan that the City should have killed outright the first time by purchasing the property before the owner wasted any more money.

Hundreds of volunteer hours and the City are invested in the Amon Creek preserve. It brings immense joy to people from across the region and provides healthy space for native plants and animals. Allowing this intensive development is likely to severely impact the habitat. The proposal still encroaches on the wetlands. As pointed out by others, wetlands are supposed to be protected. The environmental review fails to list all the species people have witnessed in or near Amon Creek, including salmon and river otters. Frankly, the consultant is not performing due diligence but unfortunately, there's no licensing (like for a professional engineer or hydrogeologist).

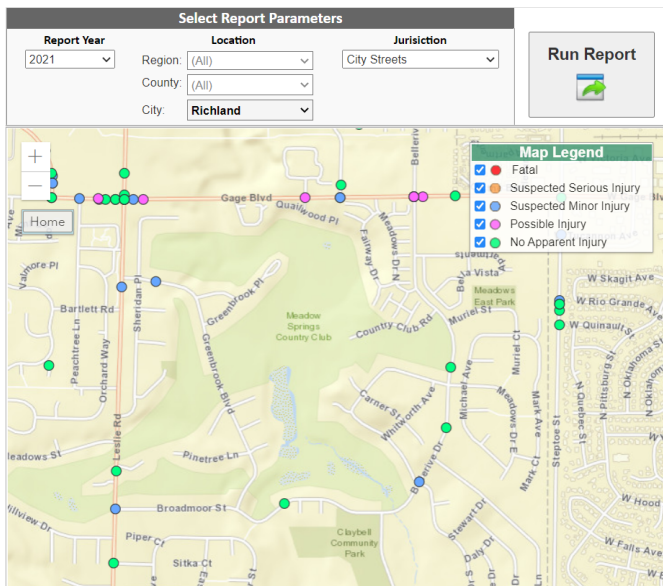
The soils are unstable. The area where the Secondary Access is proposed had two washouts in May & June of 2017. There's a likelihood of a blowout at the creek or road with additional stormwater. This area is also part of our aquifer recharge area, so the potential to damage our water supply should be taken into consideration as well.

The additional traffic is wholly inappropriate and irresponsible. Both Bellerive and Broadmoor are steep and curvy creating short sight distances. We already experience problems with speeders in our neighborhood. Using WSDOT Crash Data from 2013 through today, I counted 38 wrecks somewhere along the length of Bellerive/Broadmoor between Gage & Leslie (or at the respective intersections with the arterials). I did not count wrecks on Gage at Bellerive unless the Dot was on the south side of Gage or the center of the intersection. (see screenshot).

So for the image below, I would have counted two at Gage and Bellerive because there have been numerous drivers in wrecks while turning left (south) from westbound Gage to Bellerive.

The city refuses to take responsibility for streets that are dangerous by design and encourage speeding. Many residents from Meadows East, Meadows North, Hole Nine, and Meadows South have complained about speeding and asked for traffic calming tools to be added.

Of the 38 wrecks in 11 years (so far) 15 of them involved possible or suspected minor injuries. Adding 400 car trips per day to this stretch of road without proper street calming - like bump-outs or islands at each intersection or large speed bumps is inviting a serious injury or possible death.



We need more housing. But putting this many apartments nowhere near a bus stop or grocery store FORCES most people to use their car for every errand. One solution would be to cut the number of parking spaces required and work with Ben Franklin Transit to provide service on the quarter-hour (or concierge). The developer could charge extra for the limited parking spots. And with the money they save on parking they could give free bus passes

The city needs to do better and figure out how to move forward on this. Perhaps buying the land and putting a library, environmental learning center and a community room at this end of town would be a more appropriate use. The neighborhood could reap the benefits of better city services, and it would take less pressure of the main library and Community Center to have meeting space at this end of town where you are forcing more development.

Respectfully,

Ginger

--

Ginger Wireman, She/Her

Non-formal environmental educator, communications and public engagement practitioner.

Richland, WA, USA

+1 509-528-9377

Stevens, Mike

From: Greg Hammer <greg@inlinecomputer.com>
Sent: Wednesday, May 25, 2022 9:54 AM
To: Stevens, Mike
Subject: Opposition to Willowbrook Place M2020-101 & EA2020-114

Dear Mr. Stevens,

I am sending this email today to express my opposition to this proposed development for the following reasons:

1. The traffic impact that a 108 unit apartment complex will create is an approximate number of 540 car trips per day, through streets that were not designed to handle this traffic demand. These are residential neighborhood streets and not arterials. This proposed apartment complex should not be allowed without direct access to arterial roads.
 - a. The Entrance/exit that the developer proposed onto Broadmoor Street is very narrow and has several curves. This design will be dangerous and will likely divert most traffic through the Willowbrook neighborhood. The Willowbrook streets are not wide enough and have several blind corners that will cause direct safety issues for cars and children playing in the neighborhood.
 - b. The blind corners and narrow streets in Willowbrook become even narrower in the winter months when snow is piled in the traffic lanes, this will cause additional safety issues.
 - c. My daughter is a new driver and I fear for her safety when navigating the corner at Piper Street and Piper court. Traffic going the speed limit is hard to see at this corner, especially when there are cars parked in the street. I am certain that these same issues occur at the other blind corners in the Willowbrook neighborhood. Additional traffic will only increase safety risks.
 - d. When walking in the neighborhood, you have to be incredibly careful crossing at or near the blind corners with the existing traffic counts. Additional traffic will create additional safety issues and possible pedestrian and car collisions.
 - e. The Entrance/exit on to Broadmoor Street (not an arterial) will cause additional traffic on a street that already has serious traffic issues. There are continual speed issues on Broadmoor Street that will only be exacerbated by the additional traffic.
 - f. The Entrance/Exit on to Broadmoor Street is barely wider than my driveway, at 23 ft. It is also has dangerous tight curves. This access will be very hard to use for fire, ambulance, and garbage services as well as any larger vehicles, causing safety concerns for the residents of the proposed apartments.
 - g. The proposed Entrance/exit on to Broadmoor street is designed using land that is designated for single family dwellings. The usage of these lots as anything other than single family dwellings is expressly prohibited in the covenants of the Willowbrook neighborhood. The proposed usage will be opposed in court by the Willowbrook HOA. I believe that the Willowbrook Association will prevail in this matter, leaving only one exit available for the apartments, into the Willowbrook neighborhood. Having only one entrance/exit will certainly cause safety issues from an emergency responder standpoint, as well as all traffic being routed through the Willowbrook neighborhood, exacerbating the issues noted above.

2. The Amon Creek Preserve is located very close to the proposed site and will definitely suffer from the additional encroachment. The area is filled with wildlife and also fish habitat. The developer is trying to ignore or downplay the amount of wildlife in the preserve and I believe that the EIS submitted has direct errors of omission. This area should be closely studied to determine the actual impact of the apartments on this critical wildlife habitat and flyway.

3. The proposed density is incompatible with surrounding single-family residences and inconsistent with the City's strategic plan, the City should work with this developer on a land swap and keep the proposed property as either open space, or lower density housing that is more consistent with the other housing in the area.

Sincerely,

Greg Hammer

106 Piper Court

Richland, WA 99352

Stevens, Mike

From: Hammer <hammer@inlinecomputer.com>
Sent: Wednesday, May 25, 2022 4:04 PM
To: Stevens, Mike
Subject: Willowbrook Multifamily Project 2022
Attachments: Willowbrook Multifamily Letter 2018.docx; Willowbrook Multifamily Letter 2020 R2.docx

Dear Mr. Stevens,

I am writing in opposition to the proposed Willowbrook Multifamily Project. This is my third letter of opposition over the years. I have attached the previous two letters, as I believe the objections set forth in both of those letters still hold true today. This project is far too big, and the adverse traffic and safety impacts are far too great for the Willowbrook and Meadow Hills neighborhoods. Already I deal, daily, with a blind corner at Piper Ct. and Piper St. to access my property at 106 Piper Ct. With cars parked anywhere near that intersection visibility of oncoming traffic is reduced to near zero. I can only imagine the dangers that would be presented with the incredible increase of traffic volume from the proposed apartments. At the time I wrote my first letter, 2018, I had a child who regularly played with neighborhood children in the area running and riding bikes. Fast forward to 2022 and I now have a young driver. I worry every day about her on the streets. We have counseled her as to how dangerous that intersection, Piper Ct. at Piper St., is at present. I can't imagine the hazard it will become if this project is allowed to proceed.

We believe that the City of Richland should deny the application for this development. As stated in the past, it truly is not a good fit for the location.

Sincerely,

Greg & Suzanne Hammer
106 Piper Ct.
Richland, WA 99352
hammer@inlinecomputer.com

September 4, 2018

Shane O'Neill
City of Richland Senior Planner
840 Northgate Dr.
Richland, WA 99352

RE: M2018-100 – Willowbrook Multifamily Proposal

Dear Mr. O'Neill,

We would like to express our serious opposition to the proposed multi-family project referenced above. The project does not appear to be compatible with the surrounding existing land uses as stated in the SEPA checklist. It will, in fact, have serious detrimental impact on the Amon Creek Natural Preserve's wetlands and supported wildlife, as well as the adjacent Willowbrook neighborhood with regard to property values, views, traffic, noise and light issues.

With specific regard to traffic, Piper Street, which has been identified in the SEPA as the access route, is classified as a Local Street. According to the Richland Municipal Code, Local Streets are typically internal subdivision roads with traffic volume stated as generally less than 1,000 vehicles per day. The addition of the volume of traffic that is projected in the SEPA would severely overtax this residential street. A traffic study done in 2015 for a similar development showed a project of comparable size would put future traffic volume on Center Blvd. at near capacity for the "typical threshold" and future traffic volume on Piper Street over "typical threshold". We understand that the typical daily threshold is not a specified limit, but a guideline as set forth by the Richland Municipal Code, but we believe that the layout of Piper Street as it curves through the neighborhood makes the volume of traffic that it can support even lower than the "typical threshold". Visibility around the curved portions of the roadway is limited by landscaping and parked cars. This creates dangerous visibility problems both for vehicles and pedestrians. More traffic will drastically increase the danger in these areas. In terms of traffic volume and access to emergency services, this project is far too large for the streets upon which it is relying for access.

Thank you for taking the time to consider our concerns about this project. It is our sincere hope that the City of Richland will deny the application for this development. It truly is not a good fit for the location.

Sincerely,

Greg & Suzanne Hammer
106 Piper Ct.
Richland, WA 99352
hammer@inlinecomputer.com

October 8, 2020

Mike Stevens
Planning Manager
625 Swift Blvd., MS-35
Richland, WA 99352

RE: M2020-101 – Willowbrook Multifamily Proposal

Dear Mr. Stevens,

We would like to express our serious opposition to the proposed multi-family project referenced above.

With specific regard to traffic, the submitted plans identify Piper Street, Center Boulevard, and Broadmoor Street as primary access points. Piper Street is classified as a Local Street, Broadmoor Street and Center Boulevard are classified as Neighborhood Collectors. According to the Richland Municipal Code, Local Streets are typically internal subdivision roads with traffic volume stated as generally less than 1,000 vehicles per day, Neighborhood Collectors have a typical threshold of 1,500 trips per day. The addition of the volume of traffic that is projected would severely strain all of these residential streets. The Traffic Impact Analysis submitted with the proposal would put future traffic volume on Broadmoor Street at near capacity for the “typical threshold” and future traffic volume on Piper Street over “typical threshold”. This Traffic Impact Analysis is dated November 2019, with data collected in November 2018 (Leslie Rd. and Willowbrook Place/Center Blvd.) and March 2019 (Leslie Rd. and Broadmoor St., Bellerive Dr. and Broadmoor St., Greenbrook Blvd. and Broadmoor St.) This data likely does not reflect current traffic volume on Broadmoor Street, Piper Street, or Center Boulevard with regard to newly completed residential construction that is accessed via these streets. We also feel that this traffic study was performed with the express bias of supporting the developer’s plans, as is evidenced in the narrow scope of dates reviewed and placement of the traffic sensors in areas where the data is more likely to show speeds and outcomes beneficial to the developer while not accurately portraying true traffic patterns.

We believe that the City of Richland should deny the application for this development. It truly is not a good fit for the location.

Sincerely,

Greg & Suzanne Hammer
106 Piper Ct.
Richland, WA 99352
hammer@inlinecomputer.com

From: t hallum <mullah_t@yahoo.com>

Sent: Thursday, May 12, 2022 8:42 AM

To: Stevens, Mike <mstevens@CI.RICHLAND.WA.US>

Subject: Notice of Application Public Hearing & Optional DNS(M2020-1-1 and EA 2020-114) [Big Creek Land Company development of Willowbrook Apartments]

Dear Mr. Stevens,

This e-mail is to express opposition to the Willowbrook Apartment complex development (Willowbrook Place).

My main opposition is the new intersection that will be created where the secondary access from the Willowbrook Apartments ties into a curve on Broadmoor Street. This is shown on drawing C2 (site plan drawing). My concern is safety. This is a very dangerous design.

I read the Traffic Analysis but it only addressed traffic. If it addressed safety I might have missed it but I couldn't find any discussion on the potential dangers on the design of this intersection.

The danger has to do with pedestrians and cars at this proposed intersection. The problem with this intersection are:

- Limited visibility at the proposed intersection. The limited visibility is due to the curves, elevation changes through both curves on each side of the proposed intersection, and from vegetation and structures on both sides of Broadmoor.
- Excessive speed of vehicles coming down the hill from Leslie on Broadmoor. In the best of conditions, as a pedestrian, it is difficult to cross this street at Broadmoor and Greenbrook. The problem is visibility mentioned above but it is also the elevation change on Broadmoor. Even though the speed limit is 25, cars coming down the hill can be going more than 25 mph. And those drivers can not see what is around the curve. The Traffic Analysis shows that the speed limit is exceeded. It doesn't take a trained eye to realize a car is traveling greater than 25 mph. When a car has difficulty in negotiating the curves where this intersection will be located, the car is not doing the speed limit. On average, most people follow the speed limit but the concern is the percentage of cars that will be traveling faster than the speed limit. People speed, that is a fact and the addition of an intersection in the curve will not slow these drivers down but add more risk of an accident and dangers to pedestrians.
- Under adverse weather conditions that create slippery road conditions this intersection due to the curves and elevation change provides concern that a driver has enough time and distance to slow down to avoid hitting a car coming out of the access road or a pedestrian crossing the street. The time to react due to visibility limitations as discussed above but also trying to slow down on a curve with limited distance that could be slippery due to rain or snow. In the past, a school bus went off the road on this curve. I am sure other vehicles have had problems negotiating these curves due to rain or snow.

I almost walk on a daily basis the area on Broadmoor Street where the proposed intersection will be. I have done this for many years and at many different times of the year. I know it can be a challenge to cross the street at Broadmoor and Greenbrook due to the limited visibility. It is also limited visibility for drivers on Broadmoor coming from both directions in seeing me when I cross the street. I have been caught unexpectedly many times and had to run to the other side of the street not sure if the driver has time to slow down. Now with the proposal is to add an

intersection in the middle of a curve with limited visibility can only add to the problems with pedestrians walking through this area.

I oppose the Willowbrook Apartments development due to the proposed intersection being planned at Broadmoor Street. This is truly a safety concern.

Regards,

Randall Hallum
300 Lakeview Court
Richland, WA 99352

Sent from my iPad

Disclaimer: Emails and attachments sent to or from the City of Richland are public records subject to release under the Washington Public Records Act, Chapter 42.56 RCW. Sender and Recipient have no expectation of privacy in emails transmitted to or from the City of Richland.

Stevens, Mike

From: Hanadie Morrison <hanadiemorrison@hotmail.com>
Sent: Tuesday, May 24, 2022 6:29 PM
To: Stevens, Mike
Subject: Willowbrook: The High Society of Selfish Neighbors

Dear Mike Stevens,

I am writing with great concern after viewing the KEPR segment on the proposed Willowbrook Apartments. I was so concerned I actually drove to the proposed site today to see what the fuss was about.

In reviewing material online and seeing the proposed site with my own two eyes, I have concluded the residents of Willowbrook HOA are not acting with the best interest of the community of Richland but rather their own selfish interests to keep themselves maintained as an affluent society of selfish neighbors.

The proposed apartments would provide greatly needed housing for families who cannot afford single family homes. As their HOA representative said in the news segment multiple times she wanted it to be "somewhere else." This is a clear case of economic segregation. The median home prices of Willowbrook reflect the affluent income levels of it's current inhabitants. I am thoroughly disgusted that this HOA is working so hard to keep anyone with a lower income out of their neighborhood. Case in point, their other representative who displayed himself as an environmental lawyer on the segment said the project planners were breaking laws and the first law was the law of gravity. What I find contentious is the site on which he was viewed on camera for the proposed apartments is directly below his own neighborhood and more so directly below 6 in progress new single family home builds located on Piper Street. He brought no issue to the city over potential environmental impact when his own home was built above the supposed "environment" he claims to want to protect. He brought forth no issue with the single family homes being built for future affluent buyers either, so his point regarding the laws of gravity is entirely moot. This is clearly the Willowbrook HOA's community effort to keep poor people out.

As a longstanding preschool teacher, parent, and someone who has worked with local school districts I cannot fathom why the Willowbrook HOA thinks that it is okay to shut down the building of housing our community desperately needs. It is also redundantly unfair for them to stop this build and keep children from lower economic status levels from attending the same great schools the children in the Willowbrook HOA are lucky enough to attend. Why are their children more important than the rest of the community's? Why should families and children who could live in these apartments not be afforded the same opportunities as them? There is no reason except for selfish, elite classism and forced economic segregation.

Furthermore, in comparing home values, all other homes priced in similar ranges have apartment complexes nearby. Even Orchard Elementary has an apartment complex right next door that allows children from families who cannot afford single family homes in Westcliffe, Crested Hills, The Vineyards and Applewood to attend. Why does Willowbrook think it is so special that they cannot have apartments built near them?

I would also like to point out the fact that as reported in news articles, the project planners building on this site owned it before Willowbrook even existed. If Willowbrook residents were so keen to avoid multiple housing units, why didn't they do their due diligence in shopping for a home and check the local zoning like everybody else has to.

Simply put, Willowbrook HOA is making up an environmental impact facade to keep anyone they think is "poor" far away from them. They said it themselves each and every time their representative said to put the apartments "somewhere else" and the community of Richland outside of their elite bubble heard it loud and clear.

Kind Regards,

Hana M.

Stevens, Mike

From: heightshoa@charter.net
Sent: Friday, May 20, 2022 12:23 PM
To: Stevens, Mike
Subject: Opposition to the Proposed Willowbrook Apartment Complex

Hello,

The Homeowners Association Board of the Heights of Meadow Springs would like to express our strong opposition to the proposed Willowbrook apartment complex. We represent the one hundred and forty-six households within the Heights of Meadow Springs. Our foremost concern is the safety of people residing in or near Willowbrook which includes our neighborhood, as well as the safety of visitors to Claybell Park. The Heights has already experienced a significant increase in non-resident traffic on Meadows Drive South as a result of traffic funneling through to Steptoe and Center Parkway. Additional traffic generated by a high-density development will only aggravate the existing traffic problem in our neighborhood as well as on Broadmoor where the traffic volume is already at high capacity. The anticipated traffic from the apartment complex will certainly exacerbate the traffic problems in Willowbrook and surrounding neighborhoods that are NOT designed for high-volume traffic.

The proposed secondary access road that cuts onto Broadmoor near Claybell Park presents a clear danger. Having vehicles cut across the sidewalk becomes a high-risk factor to the many walkers and visitors to the park and is dangerous to homeowners along that access road. It is the responsibility of our city leaders to put the residents first, especially when a proposed project will negatively impact so many residents due to safety reasons.

In addition, the City of Richland has refused to allow any traffic calming devices on either Meadows Dr. S, Tiger Lane, or Bellerive such as stop signs, crosswalks, or speed bumps as well as having a pause on radar signs. For all these reasons, we absolutely oppose any changes which will increase traffic through this area.

Sincerely,

The Heights at Meadow Springs

HOA Board

Stevens, Mike

From: Hope Liston <hopeliston@yahoo.com>
Sent: Friday, May 20, 2022 4:45 PM
To: Stevens, Mike
Subject: No to apartments

We don't need anymore traffic, it will be a safety issue. It's not a fit place for apartments.

Stevens, Mike

From: howard.kallio@gmail.com
Sent: Monday, May 23, 2022 9:35 AM
To: Stevens, Mike
Subject: Opposition to Willowbrook Place M2020-101 & EA2020-114

Dear Mr. Stevens,

I am writing once again to express my opposition to this proposed development for the following reasons:

This proposal is worse than every other unacceptable proposal I have objected to in the history of this ridiculous intrusion upon the Willowbrook community: Traffic, safety, environmental and property values amongst many other objections we homeowners continue to express to the city without satisfaction. The proposal is incompatible with surrounding single-family residences and inconsistent with the City's strategic plan. Please work with the Smith's to find a suitable location somewhere else in Richland.

Sincerely,

Howard L Kallio
104 Center Blvd.
Richland, WA 99352

Stevens, Mike

From: Ivar Husa <ivar@pocketinet.com>
Sent: Tuesday, May 17, 2022 6:42 PM
To: Stevens, Mike
Subject: Willowbrook Apartments getting road extension to Broadmoor ST is not a good idea for the community

Mike,

I oppose adding a road segment between Piper ST and Broadmoor BLVD.

The space between the properties at 245 and 321 Broadmoor ST seems too narrow to insert a new road there and still meet the standards of the Meadow Springs annexes (Back and front Nines). Will a code variance be needed?

Nearby residential streets, such as Pinetree LN and Gleneagles CT, are about 44 feet wide measured side-walk-to-sidewalk. I've put one 'edge' black line at the right end (west) at the existing sidewalk edge.

The city may have right-of-way a few more feet to the right (west) than this, but that would seem to ensure removal of a valuable, mature tree. One that is appreciated by all who drive by this collector street.

The left (east) line may be off, but it seems to me that to get 44 feet out of it, one would have to move the hydrant and transformer plus encroach significantly into the maintained lawn area. I don't know where the property's edge is for 321 Broadmoor ST is, but it sure looks like you would be taking land away from the homeowner.



The proposed route, coming along a sidehill as it does, creates a visibility problem for Broadmoor traffic coming from the west. The tree at the right edge of the image would be quite close to the new intersection, and I suspect it would come down to meet code. That is rough for the land owner and residents who appreciate the mature trees in our lovely community, as mentioned earlier.

A less technical objection, but no less important to me, is that this is being done to accommodate insertion of an apartment building adjacent to a sensitive riparian area, the Amon Basin Preserve. The large increase in the number of

people so very close to the Amon Basin Preserve works against its purpose and will decrease its viability and value with each passing year.

Amon Basin Preserve is one of the only more or less intact *and accessible* riparian wild areas in all of Tri-Cities. It is a gem that should not be tarnished in this way. There are better places for apartments, such as along established bus routes.

I speculate this new road segment might be needed to improve emergency vehicle access to the apartments and to divert traffic. I am not against emergency access in general, but the ecological cost of the apartments *and* providing its occupants with convenience is too much to bear. Diverting significant traffic, practically every apartment dweller seeking to go to Costco, the mall, or other points east will be dumped onto Broadmoor ST.

Not knowing any better, I am writing with the assumption that the apartments have *not* been approved for construction. I assume so because if construction *has* been approved, its access requirements, including emergency access, must have already been satisfied. If not, someone in the approval process made a consequential error.

I thus I have come to view this road addition as for the convenience and profit of the apartment owner and find a new road here a detriment to the community.

Thank you for considering my input.

Ivar



Bird ,Insect, and Astrophotography
Woodworking

Lower Columbia Basin Audubon Society

Richland, WA

509 378-4064 (cell) ivar@pocketinet.com

Stevens, Mike

From: Jackie Delgado <delgadofamily2@comcast.net>
Sent: Wednesday, May 25, 2022 3:56 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create SERIOUS traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sent from my iPhone

Stevens, Mike

From: Jacqueline Delgado <delgadofamily2@comcast.net>
Sent: Monday, May 16, 2022 5:25 PM
To: Stevens, Mike
Subject: Willowbrook Place Apts

Dear Mr. Stevens,

I am writing with **STRONG OPPOSITION** to Willowbrook Place Apartments.

There are several **MAJOR** and **OBVIOUS** reasons why this development will be disastrous in the proposed area.

First, the proposed area does not provide adequate entries and exits. The entry and exits for this complex are not zoned for a high density apartment complex. There are only 2 small openings situated in very tight areas.

Secondly, the traffic flow on these residential side streets will dramatically increase. That is **NOT** what these roads were made for! Piper Street and Broadmoor Street are not suited for high volume traffic. This would thus put pedestrians and motorists at high safety risk. Children would be greatly affected!

I am not against new apartment complexes, but please, as a city planner, make a prudent decision on the **LOCATION** of these buildings. They need a major thorough fare in order to be an asset to the community and not stuffed into a piece of property that compromises the safety of its citizens.

Lastly, the City of Richland is home to a very rare attraction: The Amon Creek Natural Preserves. This preserve is home to many diverse species of wildlife and enjoyed by old and young alike for recreational and educational purposes. Why would you want to destroy this when it's such an asset to the community?

In conclusion, I propose that the City of Richland purchase this piece of property from the land owner. This decision will keep our community safe and thriving without being densely populated in such a small area. It will preserve a unique piece of land that is thriving in beauty and wildlife, which Richland residents continually seek. The land owner can then purchase a piece of property that is well suited for an apartment complex, since **CLEARLY** this piece of property is **NOT**.

Your decision will have a **HUGE** impact on this community so please **DO NOT** approve the Willowbrook Place Apartments.

Thank you,

Stevens, Mike

From: Jake Stanfield <jakestanfield@gmail.com>
Sent: Saturday, May 21, 2022 7:44 AM
To: Stevens, Mike
Subject: public comment for M2020-101 & EA2020-114
Attachments: CORletter.pdf

Dear Mr. Stevens:

It is with great concern that I write these comments in opposition to **M2020-101 & EA2020-114 (ie. WILLOWBROOK PLACE APARTMENTS)**. My opposition to this proposed development includes major concerns regarding the following issues: inappropriate zoning, traffic volumes and safety, fire safety, blatant City of Richland code violations, HOA covenants & restrictions violations and environmental concerns. Each of these are addressed below:

Zoning

The zoning of the proposed property was designated as high density decades ago when access to this property was essentially uninhibited. Indeed, the plan was to provide adequate access to this property. Unfortunately, over the years, either through intention or poor planning on the part of the city, the access has been severely reduced by the city of Richland. No known attempt was made by the city or property owner to protect the access to this property. As result, the city and developers find themselves in a predicament where the available access to this property does not readily support its proposed use of a high density apartment complex. The current attempts to force a project where it no longer fits clearly poses several concerns, violates city code and HOA covenants and is an attempt to maximize profit at the expense of the safety and of the environment. I assert that the previous zoning designation is inappropriate and should be modified to better suit the restriction to access created by the city of Richland.

Traffic Volume and Safety

There are only two proposed access options to this property, both are problematic

1. A meandering course through small neighborhood streets (Center Blvd and Piper st.) and
2. Access to Broadmoor St. via an illegal street being placed on multiple properties subject to the HOA covenants and restrictions of two HOAs.

You may already be aware of several issues related to this restricted access:

- Broadmoor St. is already at or near maximum capacity for its designation and the proposed additional volume is not appropriate. In addition, the location and position of the proposed intersection poses several safety concerns.
- Center Blvd and Piper St are not adequately suited for high volume traffic and poses clear traffic safety hazards for motorists and pedestrians (especially young children). The apparent safety issues are difficult to ignore.
- I appreciate the updated traffic study, as the previous study was out of date. The new study confirms the listed concerns and it is now admitted in the study that the primary access (60% of volume) to these apartments will be on Broadmoor on a roadway that was initially planned as a emergency access point and then a secondary access. This proposed road is 23 feet at its most narrow point, which also happens to be on an "S-curve", located at a crosswalk, and does not plan for a retaining wall on this sloped land. Fitting a road in this location is not realistic (see above picture)

Fire Safety

Access and maneuverability of larger emergency vehicles would be very difficult with the proposed dimensions of the access road even with no other vehicles present. It is also noted that previous plans had this road designated as a protected emergency access, but with subsequent applications this has evolved into a full access road intended to support the majority of the access to these apartments. This demonstrates unsafe conditions for the potential residents of these proposed apartments and the residents of adjacent properties.

City Code & HOA Covenant Violations

In a city with a "Code Enforcement" department that can issue citations and accompanying fines and property liens for vegetation that is too tall, it is flagrantly hypocritical that the city itself does not even attempt to follow its own codes. This demonstrates a blatant disregard of the city's own codes. This is readily apparent when reviewing the proposed dimensions of the access road to Broadmoor. It is clear that the developer is in need of additional access and is limited by dimensions of the properties it owns. It is unfathomable that this could be considered "up to code" and the approval of such a road is nothing short of magical thinking.

In addition, the northern access road to Broadmoor utilizes several properties that are subject to covenants & restrictions of 2 Homeowners Associations. You may be aware of pending lawsuits against the developers asserting the appropriate usage of these HOA properties. I am certain the owners of these properties signed the acknowledgement of HOA covenants and restrictions on these properties when they were purchased. Although it has always been apparent that development of the larger property was possible, it could not have been anticipated that a road would be developed on lots designated for single family dwellings only. I believe this is unfair the members of the HOA and residents of adjacent properties who have invested their money in properties believing that the HOA covenants would protect the usage of its properties from inappropriate development.

Environmental

This high density project is adjacent to the Amon Creek Natural Preserve. This development will negatively impact and potentially destroy this rare and unique natural preserve entrusted to the City of Richland. The Preserve is home to diverse species of wildlife and enjoyed by many residents for recreational and educational activities. The preservation of this natural area is consistent with the City of Richland's strategic plan in which the fourth focus area is to "manage our natural resources" by "Balancing private and public interests in conservation and preservation of sensitive areas."

Summary

In summary, the currently proposed development is not consistent with the City's own strategic plan. The plan blatantly violates established city codes and HOA covenants. It poses clear hazards to residents' safety and the environment and overall is an inappropriate use of the land. It is unfathomable that the proposed development could be approved given all of these issues. The flagrant disregard for these issues, if the project were approved by the city, would display maleficence towards its citizens, community, and environment or, at best, severe incompetence in proper planning and execution of the cities duties as it pertains to appropriate developments in our community.

Regards,

Jacob M. Stanfield M.D.

Stevens, Mike

From: Janet Barrett <janetmbarrett@icloud.com>
Sent: Wednesday, May 25, 2022 5:03 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sent from my iPhone

Mr. Stevens,

Thank you for the opportunity to comment on the proposed Willowbrook Place apartment complex application.

There are so many reasons why the proposed Willowbrook Place apartment complex is inappropriate for the chosen location. The reasons include the extremely close vicinity of the Amon Creek Natural Preserve and the significant negative impacts the development will have on this sensitive area (which is inconsistent with the City's previous action to help create the Preserve), inconsistency with housing densities in surrounding neighborhoods, inconsistency with the City's documented objectives and policies, access through an existing neighborhood with all the safety and traffic problems on roads not designed for the expected traffic, use of a planned road that would violate City codes and HOA covenants and restrictions, and the significant change in character of the area that will make nearby neighborhoods less desirable.

Also, the SEPA Checklist is inadequate and should not be used as a basis for allowing the proposed apartment complex to proceed.

There have been many well-founded comments provided to the City of Richland over many years of repeated tries by the owner/developer to construct the proposed apartment complex. The environmental comments, in particular those related to the adjacent Amon Creek Natural Preserve, have been significant and have contributed to the City's rejection of the project multiple times. Given that history, why does the City keep approaching the project with an expectation to "issue a determination of non-significance (DNS)" regarding environmental concerns for the proposed projects? How can the history of applications and rejections for this property not be acknowledged in the evaluation and decision-making? The history of applications and rejections is more than ample for the City to require an Environmental Impact Statement from the beginning. It appears the City is avoiding its responsibilities to (a) keep its commitments in the City's Comprehensive Plan and Strategic Leadership Plan, and (b) represent the repeated, substantiated and well-documented position of a significant portion of the community.

I strongly request that the City represent the citizens of Richland on this proposal and eliminate the possibility of constructing any apartment complex at this location – an apartment complex at this location is totally inappropriate. At the very least, the citizens of Richland deserve a thorough evaluation of such a significant proposal for the area adjacent to Amon Creek Natural Preserve, which has also been designated by the Washington Department of Fish and Wildlife as a "fish and wildlife habitat conservation area" per RMC 22.10.185.A.8. At the very least, an Environmental Impact Statement should be required if the project is allowed to proceed.

Please see my detailed comments below.

Sincerely,
Janet Davis
253 Scouler Ct
Richland WA 99352

Detailed comments on the proposed Willowbrook Place Apartments

1. The proposed apartments would be adjacent to Amon Creek Natural Preserve. The City of Richland saw the wisdom of creating this Preserve years ago because of its unique attributes and high value to the citizens of Richland. It does not make sense for the City to put the Preserve in danger now by allowing the apartments, a “high intensity land use”, to proceed.

These are some of the unique attributes of the Preserve that need to be evaluated and protected:

- a. Reference 1 (a biological study near the location of the apartments) documents the following about the area:
 - i. Amon Creek “provides a water source during the dry summer months and the riparian vegetation provides cover and food for a wide variety of species.”
 - ii. There are wildlife species in the Amon Creek Natural Preserve / Benton County area that are State priority species or are candidates for State priority species. The ferruginous hawk is designated as endangered, and the following are State candidates for designation as endangered, threatened, or sensitive (Reference 2):
 1. Burrowing owl
 2. Townsend’s ground squirrel
 3. Sagebrush sparrow
 4. Sagebrush lizard
 5. Black-tailed jackrabbit
 - iii. Other animals live in the Preserve area also, including beaver, deer, mink, weasels, river otters, coyotes, and around 150 species of birds (more than are present in many national parks).
- b. The Preserve has also been identified as:
 - i. A designated “fish and wildlife habitat conservation area” per RMC 22.10.185.A.8. According to RMC 22.10.185.B, this designation is intended to “limit the level of human activity within such areas... including the presence of roads,” “protect riparian ecosystems,” “evaluate land uses that may negatively impact these areas,” and “establish buffer zones around these areas to separate incompatible uses from habitat areas”.
 - ii. One of the highest quality natural areas in the Tri-Cities.
 - iii. One of only 6 “natural open spaces” on or near the Yakima River, according to Richland’s Comprehensive Plan.
 - iv. One of the last, high-quality ecosystems for black-tailed jackrabbits in the Tri-Cities. Sightings of black-tailed jackrabbits are lessening because of nearby development. Black-tailed jackrabbits, which are a State candidate for “threatened” status, are especially sensitive to encroachment and will simply leave an area when encroachment occurs.
 - v. Very unique in that it (a) includes shrub-steppe, riparian, and wetland ecosystems all in one concise area, and (b) is located within the city and is easily accessible for recreation and education.

- vi. Key to the desirability of the area. Real estate agents identify Amon Creek Natural Preserve as a significant selling point for homes in the surrounding community.
 - vii. Being part of a Biodiversity Corridor designated by the Washington Department of Fish and Wildlife, confirming its role as important habitat.
 - viii. Being within the Pacific Flyway, an important migratory bird passageway.
- c. Considering all the unique aspects and the sensitive nature of the habitat and the priority wildlife species living in the Preserve, an apartment complex is not at all appropriate for the proposed location. If the project is allowed to proceed, at the very least, the following impacts should be evaluated in an Environmental Impact Statement, keeping in mind that the Preserve must be protected from damage by these impacts:
- i. Destruction of wildlife habitat, including destruction of areas used to tie utilities into the proposed apartments
 - ii. Erosion during construction due to vegetation removal, including silt buildup in Amon Creek
 - iii. Noise during and after construction
 - iv. Construction vehicle exhaust
 - v. Light pollution (particularly how it will affect nocturnal habits of the wildlife)
 - vi. Rainwater and other runoff into Amon Creek resulting from the large impervious area on the proposed apartment site
 - vii. Traffic noise and exhaust fumes
 - viii. Extremely close proximity of approximately 270 people residing in the proposed apartments (the mere presence of which will undoubtedly disturb the wildlife) and the disturbance/destruction caused by residents who do not understand or respect the significance or sensitivity of Amon Creek Natural Preserve.
2. The proposed apartment complex is incompatible with several aspects of Richland's Comprehensive Plan. The City's stated vision and goals include preserving, protecting and minimizing environmental impacts on natural areas, sensitive habitats, and wildlife. Allowing the apartment complex at the proposed location would subject the Amon Creek Natural Preserve to significant environmental impact and degradation, which is inconsistent with the City's stated goals. (See Comment 10, which addresses environmental impacts that are inadequately addressed in the SEPA Checklist.)

The City also has a goal to ensure compatibility of new residential developments with established neighborhoods. The apartment complex is not compatible with the surrounding neighborhoods. See Comments 7 and 8 for further discussion of this.

The following are examples of how allowing the apartment complex at the proposed location would be inconsistent with specific Comprehensive Plan goals and policies:

- a. The Community Vision section of the Plan states (on page 7), "The community recognizes that natural resources add value to the quality of life. Richland preserves and protects existing natural resources, and critical areas." Amon Creek Natural Preserve is a critical area

that would not be preserved and protected if the apartment complex is allowed at the proposed location.

- b. Community Goal 5 of the Plan states (on page 9): “Encourage the identification, preservation, and restoration of the City’s open space and natural areas to maintain habitat, provide opportunities for residents to connect with nature, and meet educational, health, and outdoor recreational needs with associated economic opportunities to the community.” The City of Richland will be working against preservation and protection of Amon Creek Natural Preserve if the apartment complex is allowed at the proposed location. The Preserve habitat; the opportunities for residents to connect with nature; and the ability to meet educational, health, and outdoor recreational needs will all be diminished accordingly. If we don’t protect the Preserve now, its value could be lost forever.
- c. Economic Development Goal 7 of the Plan states (on page 12): “Recognize parks, natural areas, and a built environment with quality design for the value they offer as major attractions.” Policy 1 of this goal states, “Preserve open space areas and associated functions and values.” Policy 2 of this goal states, “Work with public and private groups to support these areas.” Public and private groups are working diligently to preserve Amon Creek Natural Preserve. The City should follow its goal of supporting these public and private groups instead of working against them by allowing the apartments at the proposed location in spite of the significant impacts the Preserve would suffer.
- d. Natural Environment Goal 1 of the Plan states (on page 21) : “Promote the protection, conservation, and restoration of natural areas, shorelines, and critical areas as unique assets to the community, and provide public access for enjoyment of such facilities based on the ability of the resource to support the use.” Policy 1 of this goal states: “Use the critical areas ordinance, SMP, the state environmental policy act (SEPA), and other ordinances, as applicable, to designate and protect the critical areas and natural environment.” Amon Creek Natural Preserve is a critical area and a natural open space (specifically identified in the Natural Environment portion of the Comprehensive Plan on page 31). It is also a sensitive habitat area and is home to many types of wildlife. As such, it warrants the protection and conservation stated in this goal. The proposed apartment complex would have significant impacts on the Preserve. The SEPA Checklist (which is listed in this Comprehensive Plan goal as a tool for protecting critical areas and the natural environment), is being used to justify the exact opposite of this goal. See Comment 10 on the inadequacy of the SEPA Checklist and details regarding the impacts that have not been addressed. Again, The City of Richland would be working against this goal and policy if the apartments are allowed at the proposed location.
- e. Urban Design Goal 3 of the Plan states (on page 23): “Development through appropriate design, should protect natural features...” Policy 1 of this goal states: “Development should be sensitive to existing topography and landscape, and should minimize environmental impacts.” The Amon Creek Natural Preserve was created by the City of Richland to protect the natural features there. The apartment complex would magnify (not minimize) the environmental impacts to the Preserve.
- f. Housing Development Goal 5 states (on page 40): “Ensure compatibility of new residential developments with established neighborhoods and the community.” The proposed

apartment complex is not compatible with surrounding neighborhoods. See Comment 7, which explains this in more detail.

- g. Capital Facilities Goal 6 of the Plan states (on page 56): “Identify, prioritize, and preserve unique natural habitat, ecologically critical areas, shorelines, and significant landforms and develop public recreational activities appropriate to these resources.” Again, the apartment complex would have many detrimental impacts on Amon Creek Natural Preserve. And again, the City would be working against this goal by allowing the apartment complex at the proposed location.
3. Richland’s Strategic Leadership Plan Core Focus 1 contains an objective to “promote leadership growth and development”. One of the actions specified to meet this objective is to “attract and retain top talent to meet the demands of the evolving community”.

In his book “The Rise of the Creative Class”, Richard Florida reports that, contrary to previous thinking that the environment must be sacrificed for economic growth, environmental quality is now a prerequisite to attracting the “creative class” that mans the advanced technologies of the new economy. Environmental quality was more important in high-technology workers’ decisions on work location than house, cost of living, and good schools. Putting Amon Creek Natural Preserve in danger of degradation from the proposed apartments is inconsistent with the City’s stated objective to promote leadership growth and development, and is also an indication of how the City views preservation of identified natural and environmentally sensitive areas in general. If the City allows Amon Creek Natural Preserve, one of the highest quality natural areas in the Tri-Cities, to be degraded by proceeding with the proposed apartments, it will be a travesty. And it would put in question the City’s commitment to protect other natural and sensitive areas. The City needs to keep its word on stated goals.

4. Richland’s Strategic Leadership Plan contains Core Focus 4 to “manage our natural resources”. The associated Core Strategy states: “The City of Richland develops strategies to identify and conserve the significant natural resources that provide citizens an exceptional quality of life while balancing the realities of accommodating a growing community”. One of the “outcomes” for implementing this strategy is to “balance private and public interests in the preservation of identified natural and environmentally sensitive areas”. The Amon Creek Natural Preserve is identified as a natural and environmentally sensitive area. If the City allows the Preserve to be degraded by proceeding with the proposed apartments, the City will be working against yet another stated strategy/objective. This strategy and objective were included in the Strategic Leadership Plan because they are the right thing to do. Again, the City needs to keep its word on stated goals.
5. Richland’s Strategic Leadership Plan contains Core Focus 5 to “maximize community amenities”. One of the associated objectives is to “provide and maintain park and recreation facilities to meet the needs of our community.”

It has been estimated that more than 300,000 visitors access the public trail systems in the Tri-Cities (Reference 3), clearly identifying the need for open space and trails. Amon Creek Natural Preserve

has scored highly as a favorite place and has been ranked as the number one trail connection for the Ridges to Rivers Trail. The Preserve trails have been encroached by past development. The proposed apartments would be yet another significant encroachment that diminishes the desirability of the Preserve trails. Allowing this to happen would be another example of the City working against its stated goals.

6. The increased traffic associated with 108 apartments is unacceptable for the reasons stated below. If the proposed apartments are allowed to proceed, an Environmental Impact Statement must be required to address these items.
 - a. The SEPA Checklist and the traffic impact analysis provide an estimate of an additional 791 vehicle trips per day. This, coupled with the additional vehicle trips associated with Willowbrook Phase 4 when it is completed, will not be compatible with the residential roads in Willowbrook or Meadows Springs, which were designed to accommodate low-density housing traffic. They were not designed for high-volume traffic associated with multi-family housing.
 - b. The only access to the proposed apartments will be through the Willowbrook neighborhood on lower capacity residential roads or via the proposed new road intersecting Broadmoor (which would be in violation of City codes and covenants and restrictions of both the Willowbrook and Meadow Springs HOAs). There is no arterial access to the proposed apartment complex. For good reasons, there are no existing apartment complexes in the Tri-Cities without direct access to an arterial. The Willowbrook Place apartment complex should not be allowed to circumvent the need for arterial access.
 - c. With only one way to access the proposed apartment complex (through Willowbrook, given that the proposed road off Broadmoor is illegal), there would be inadequate emergency vehicle access to and from the proposed apartment complex.
 - d. A large increase in traffic volume on roads not designed to handle that volume will put Willowbrook families, especially children, at higher risk. It is not worth risking the safety of the community to proceed with the proposed apartments.
 - e. Additional traffic will aggravate the already problematic situation of turning onto Leslie Road from Willowbrook and Meadow Springs, especially during rush hour.
 - f. Core Focus 2 of the Richland Strategic Leadership Plan is to “manage & maintain infrastructure and facilities”. One of the actions to implement Core Focus 2 is to “address traffic congestion”. If the proposed apartments are allowed to proceed, the City will be working against this action – the City will be creating congestion instead of addressing traffic congestion.
 - g. Additional traffic noise and exhaust fumes, both during and after construction, must be evaluated thoroughly.
7. The proposed apartments would create an inconsistency with other developments in the area, which are single family homes (many of which are high-end homes) and limited medium-density housing (e.g., the Casa Sueno and Meadows North condominiums). It is not right to create a disparity that undermines the attractiveness of living in that part of Richland for the sake of tax income and profit. The City should be the stopgap in preventing development that is not compatible

with neighboring areas. Proceeding with the proposed apartments may even backfire when people leave because the area has been degraded by poor City decisions. Several residents have already left Willowbrook because of the proposed apartments.

8. Real estate agents have described Willowbrook as “one of the most desirable subdivisions in South Richland”. It makes no sense for the City to ruin that reputation by inserting high-density multi-family housing into the neighborhood and causing the many problems identified in these comments. Significant alteration of the character of Willowbrook and other nearby neighborhoods should be avoided to minimize:
 - a. Reduced home values
 - b. Obstruction of views
 - c. Potential for increased crime (which is likely for this project according to local law enforcement) and associated concerns for the new grade school nearby, as well as possible vandalism and malicious treatment of wildlife in Amon Creek Natural Preserve. The Richland Comprehensive Plan acknowledges the need for more police protection services on page 61: “Future growth will increase demand for police protection services and police department community programs.” The proposed 108-unit apartment complex with an estimated 270 residents certainly qualifies as “future growth”.
 - d. A large influx of people who have little sense of ownership because they are renting apartments and are typically transient residents.
 - e. General reduced quality of life in affected neighborhoods.

Richland’s Strategic Leadership Plan contains Core Focus 6 to “enhance neighborhoods & community safety”. The associated Core Strategy states in part, “The City of Richland values the safety of our neighborhoods and community. We work to enhance the sense of community pride through prevention of neighborhood deterioration.” Allowing the proposed apartments to proceed in spite of the significant negative alteration of the character of the surrounding area would again work against the City’s stated goals. The City should keep their word on working toward their stated goals.

9. It is my understanding that years ago (perhaps in the 1980s or 1990s), the owner of the subject property wanted a zoning change from single family residential to multiple family residential. The City gave him that zoning change in trade for him giving the City some of the property that would become Claybell Park. If the City can change zoning so easily, the City should change the zoning back to single family residential, or better yet, to Natural Open Space, which would be much more appropriate now given the close proximity of Amon Creek Natural Preserve and other changes in the surrounding area since Mr. Smith bought the property in 1988 – including elimination of previous plans for road access to the area. If the proposed apartment site was re-zoned now considering these changes, it is unthinkable that it would be zoned for multi-family homes. The City needs to do the right thing and take a stand against development that is completely inappropriate for the location now.

10. The SEPA Checklist has many shortcomings, calling into question the City's anticipation of issuing a determination of non-significance for this project. The fact that the proposed apartment complex is so incredibly close to the sensitive Amon Creek Natural Preserve is by itself a major concern regarding environmental impacts. (See Comment 1 for a description of the uniqueness and sensitive nature of the Preserve.) There are many overly simple and incorrect answers in the SEPA Checklist regarding impacts to the Preserve. The developer says there are virtually no impacts to the Preserve from water runoff, drainage pattern changes, chemical exposure, noise, lighting, etc. The true impacts indicate that the apartment complex is completely inappropriate at the proposed location, and that the City should reject the application. At the very least an Environmental Impact Statement should be required to evaluate the impacts in detail. An Environmental Impact Statement was required for a previous proposed apartment complex at this location, in part because the site is incredibly close to the Preserve. Amon Creek Natural Preserve is too unique, important, and valuable to risk ruining it forever by not requiring an honest, detailed evaluation of impacts.

The SEPA Checklist shortcomings include:

- a. Section A.6 - Proposed timing or schedule (including phasing, if applicable): The response is "Construction to begin in the Summer of 20201 and to be completed in the Summer of 2022." The "20201" typo and the fact that this answer is already out of date show a lack of care in preparing the SEPA checklist with current information. Since care was not taken in preparing a simple checklist, it puts the entire project under suspicion of lack of care. Richland should not accept a major apartment complex project with such questionable management. The SEPA checklist should provide the actual timing of the project.
- b. Section B.2.a: This section acknowledges that dust and construction vehicle exhaust will be present during construction. It also acknowledges that typical residential emissions (automobile exhaust, fireplace use, etc.) will be present post-construction, which means for the life of the apartments – likely decades. With the proposed apartments being so incredibly close to Amon Creek Natural Preserve, this is a significant concern for the Preserve and must be addressed.
- c. Section B.3.c.2: The developer states there is a "minimal risk that, post-construction, residential users could potentially have waste materials and/or household chemicals that enter the ground". The close proximity of Amon Creek Natural Preserve raises the significance of this "minimal" risk, especially with so many people in such high density adjacent to the Preserve. It is virtually impossible to catch all stormwater runoff. There will undoubtedly be runoff that goes directly into the wetland – likely containing oil and other leaks from cars, soap from people washing their cars, spilled chemicals used in car repair/maintenance, etc. The developer cannot know whether the 270 people estimated to be living in the project will all abide by relevant safety measures in the future. I submit that this is more than a "minimal" risk to the Preserve. Anything that enters the ground will also eventually seep into the waterway and be carried downstream to the salmon spawning areas. We cannot allow this damage to occur.
- d. Section B.3.c.3: This section states that nothing associated with the project will alter or otherwise affect drainage patterns in the vicinity of the site. This cannot be true – the developer acknowledged in Section B.3.c.1 that drywells and grassy swales will be used to

handle stormwater runoff. Those changes are designed to affect drainage. The introduction of impervious surfaces (which constitute a large percentage of the area in the proposed project) will also undoubtedly affect drainage patterns, which in turn will impact the wetlands. The project's *Critical Area Report Alpin for Willowbrook* even states in Section 3.4.2 that "the [project] site is hydrologically connected and contiguous with the ACNP [Amon Creek Natural Preserve]". The Checklist answer should be corrected.

- e. Section B.5.a regarding birds: The list of birds observed on or near the site is incomplete. It is known that Amon Creek Natural Preserve is home to about 150 species of birds. Two that I have seen myself in the area that are not included in the list are pheasant and red-tailed hawk. The environmental impact of this project cannot be evaluated without a complete list of birds.
- f. Section B.5.a regarding mammals: The list of mammals observed on or near the site is seriously incomplete. Mammals that are missing include beaver, river otter, weasel, mink, and coyote. The environmental impact of this project cannot be evaluated without a complete list of mammals.
- g. Section B.5.a regarding fish: "None observed" is the response provided. This is an inadequate answer because fish "on or near the site" are required to be listed. The water flowing in Amon Creek Natural Preserve, which is adjacent to the proposed project site, flows into a salmon spawning area near the project site. Salmon are protected under the Federal Endangered Species Act and must be acknowledged as being impacted by the apartment project. This is significant because any project-related or residential contamination of the adjacent waterway will find its way to the salmon spawning area. The environmental impact of this project cannot be evaluated without a complete list of affected fish.
- h. Section B.6.a: This item requests a description of energy sources and energy uses on the site. The developer's answer does not say what the energy uses will be.
- i. Section B.6.c: The developer states that "no specific measures" to reduce or control energy impacts are proposed. This answer should be unacceptable to the City. How are we as a society supposed to reduce or control energy impacts if developers are not held responsible for doing so?
- j. Section B.7.a: The developer states, "There is a small risk of chemical exposure and fire during construction." While the risk may be small in an unimportant area, it is not small considering the extremely close proximity of the project to Amon Creek Natural Preserve. A chemical exposure or fire could be devastating to the Preserve. The developer's response is inadequate.
- k. Section B.7.a.3: This item asks for a description of any toxic or hazardous chemicals that might be "stored, used, or produced" during "construction or at any time during the operating life of the project". The developer's answer is, "There will be no toxic chemicals stored onsite during construction." The answer does not address hazardous chemicals at all. And the answer does not address toxic or hazardous chemicals that might be "used or produced". The answer is unacceptable because it is incomplete. There will undoubtedly be gasoline (and perhaps diesel), pesticides, fertilizers, paint, glues, cleaners, and other chemicals used in construction as well as during the life of the project. And those are likely

to find their way through runoff or groundwater into Amon Creek which flows to the salmon spawning area.

- l. Section B.7.a.5: The developer states that “no specific measures” are proposed to reduce or control environmental health hazards. This answer should be unacceptable to the City. As noted in the previous item, there will be toxic and/or hazardous chemicals on site. The measures used to reduce or control these hazards need to be identified. Regarding pesticides, RMC 22.10.115.D provides examples of measures that can be taken, including things like “establish covenants limiting use of pesticides” and “apply integrated pest management”. Control of pesticides, herbicides, fertilizers and other environmental health hazards during the life of the project (which could be many decades), is critical to protecting Amon Creek Natural Preserve and nearby wetlands.
- m. Section B.7.b.2: The developer states that “noise pollution will be prevalent during construction”. Noise pollution might be a passing concern at an unimportant site. But it is a considerable concern in such close proximity to the Amon Creek Natural Preserve. According to the developer, construction will last an entire year. Long-term noise will undoubtedly affect the wildlife in the adjacent area, perhaps permanently. RMC 22.10.115.D lists noise as a disturbance for which mitigation is required for changes in land use that have high impacts on wetlands. This is an unacceptable environmental impact on the Preserve. The SEPA Checklist should reflect this.
- n. Section B.7.b.3: The developer states that no measures will be used to reduce or control noise impacts. This is unacceptable. The City needs to hold developers accountable for controlling noise impacts. Regarding noise, RMC 22.20.115.D lists noise mitigation measures that include: “Locate the activity that generates noise away from a wetland” and “Enhance existing buffer with native vegetation plantings adjacent to noise source”.
- o. Section B.8.a: One of the questions in this section is “What is the current use of the site and adjacent properties?” The developer’s answer includes, “The property to the East and South are wetlands.” This is an inadequate answer and it is clear the developer is trying to minimize the importance of the Amon Creek Natural Preserve located there, as well as its uses for wildlife habitat, conservation, education, and recreation. In a further misrepresentation of the situation, the developer states: “The proposed land uses are similar and compatible with the surrounding existing uses.” This is not true. This project is significantly different and incompatible with the surrounding existing uses. The proposed land use is a multiple family residential complex within a single-family housing neighborhood. It is also adjacent to the Amon Creek Natural Preserve and its wetlands – a multi-family apartment complex is totally incompatible with the adjacent Preserve. Access to the proposed apartments would be through residential neighborhood streets that are not designed to accommodate the increased traffic, resulting in safety hazards and traffic issues for current residents. The proposed new road from Broadmoor is totally inconsistent with the residential zoning of the property on which the road would be located. The developer’s answer to this question should be unacceptable to the City because it is not true.
- p. Section B.8.i. The developer’s answer states, “The project is compatible with the existing surrounding land uses and is in accordance with the goals and policies of the Comprehensive Plan and future land uses.” This is not true. See Comment 7 above regarding incompatibility

of the project surrounding neighborhoods. See the introductory portion of this comment (Comment 10) regarding impacts from the project that make it incompatible with Amon Creek Natural Preserve. See Comment 2 above regarding the incompatibility of the project with the goals and policies of the Comprehensive Plan. The SEPA Checklist answer should be corrected accordingly.

- q. Section B.10.b: The developer states that the proposed apartments will cause “minimal obstruction to views from existing residences”. The small slope on the property is not steep enough to compensate for the obstruction of views caused by a large band of buildings up to 40 feet tall. The buildings will virtually eliminate and significantly change the views – not only for many homes but for every person who enters Amon Creek Natural Preserve. The height of the buildings will also have a negative impact on the adjacent Amon Creek Natural Preserve and will affect the Pacific Flyway – an important migratory bird passageway that includes the Preserve. The developer’s answer to this question is incorrect and should be revised to address these considerations.
- r. Section B.11.b: This item asks, “Could light or glare from the finished project be a safety hazard or interfere with views?” The developer’s answer is “no safety hazard is anticipated from light glare” - this does not address interference with views. There will undoubtedly be significant light interference with views from all the adjacent houses. This answer is incomplete and does not acknowledge a significant impact of this project.
- s. Section B.11.d: The developer states, “All lighting will be installed in accordance with city of Richland standards and requirements.” City of Richland standards and requirements are not designed to address the significant impact lighting can have on wetlands and Amon Creek Natural Preserve. RMC 22.10.115.D acknowledges that lighting can be an impact and requires lighting mitigation to protect wetlands from high-impact land use changes. Lighting impacts and mitigation measures must be addressed in the SEPA Checklist.
- t. Section B.12.a: This item asks, “What designated and informal recreational opportunities are in the immediate vicinity?” The developer’s answer is: “The Amon Wasteway Drainage and Claybell Park are located in the immediate vicinity of the proposed project.” The answer shows an incredible lack of understanding of the surrounding area. The Amon Creek Natural Preserve is literally adjacent to the proposed project and is not even mentioned in the answer. The Preserve would suffer significant impacts from the project. Not only is it a recreation area for walkers, bike riders, and bird and wildlife enthusiasts, it is used for educational purposes because of its unique ecosystem that supports an incredible amount of wildlife in 3 habitat types – wetlands, riparian, and shrub-steppe. The City of Richland recognized it as a treasure to be protected when they designated the area as Amon Creek Natural Preserve and listed it in the Comprehensive Plan as one of only 6 natural open spaces on or near the Yakima River. The City needs to protect the Preserve from the impacts that will unquestionably occur with this project. The developer must be required to answer this question correctly. (Also – the name of the waterway is Amon Creek, not Amon Wasteway Drainage.)
- u. Section B.12.b: This item asks: “Would the proposed project displace any existing recreation uses?” The developer’s answer is “No.” This is incorrect for bird and wildlife enthusiasts. The apartment construction, the buildings and parking lots, and the influx of 270 people living so

close to Amon Creek Natural Preserve will undoubtedly cause many of the animals to leave. The numbers of black-tailed jackrabbits have already diminished significantly because of surrounding development that is even further away from the Preserve than the proposed apartments. The developer's answer to this question should be "Yes".

- v. Section B.14.a: The developer states that proposed access to the subject property will be from Piper Street, John Court and a proposed secondary access from Broadmoor Street. John Court is not even a street! It is a very short cul-de-sac, so this response from the developer is ridiculous. In addition, Piper Street is a residential street that is not designed for the increased traffic resulting from the project. This will result in increased safety hazards for all existing residents who use these roads, especially children. Based on this concern alone, it would be inappropriate for the City of Richland to approve this project. Another issue is that the proposed secondary access from Broadmoor would violate City codes and HOA covenants and restrictions of two HOAs. In addition, Broadmoor was not designed to safely handle such a large increase in traffic. Therefore, the City cannot approve the proposed secondary access from Broadmoor. Which means that the proposed apartment complex cannot be built because secondary access cannot be provided and the City's requirement for secondary access for emergency purposes will not be met.
- w. Section B.14.f: The developer states in this item that 791 more vehicle trips per day will be generated by the estimated 270 residents living in the apartment complex, based on the *Willowbrook Place Traffic Impact Analysis* performed for this project. The same traffic analysis acknowledges that there will be even more traffic when the Willowbrook Phase 4 development is completed. This will be an incredible increase in traffic on residential roads that are not designed for such traffic. The hazards to residents who use these roads, including children, will increase in accordance with the increase in vehicle trips per day. This is an unacceptable additional risk. The developer should acknowledge in the SEPA Checklist that the 791 vehicle trips per day associated with the proposed apartment complex are in addition to even more vehicle trips per day associated with the Willowbrook Phase 4 development. See also Comment 6 above which addresses these and other traffic issues associated with this project.
- x. Section B.15.a: The developer states, "It is anticipated that the project will have minimal impact on public services." According to local law enforcement, it is very possible that increased police protection will be needed at the site of the proposed apartment complex. Even the Richland Comprehensive Plan acknowledges the need for more police protection services on page 61: "Future growth will increase demand for police protection services and police department community programs." The proposed 108-unit apartment complex with an estimated 270 residents certainly qualifies as "future growth". The developer's answer should be revised accordingly.
- y. Section B.16.b: The developer states that irrigation water will be provided by Richland Water Utility, which is incorrect (the name of the irrigation provider is Kennewick Irrigation District). The adequacy of the irrigation water supply is a concern and should be evaluated. Willowbrook has already experienced irrigation water shortages and equipment failure outages. With the 48 new single-family homes in the Willowbrook Phase 4 development being constructed now, as well as the possibility of the proposed apartments, it appears that

irrigation water supply problems will only get worse. The adequacy of the irrigation water supply and service infrastructure with regard to all of these planned developments and other potential users must be addressed.

11. Section 2.1.2 of the project's *Critical Area Report Alpin for Willowbrook* says "no impacts or modification to the on-site wetland, the Amon Wasteway, or associated buffers will occur and therefore no mitigation will be provided." There will definitely be impacts to the on-site and adjacent wetlands and Amon Creek Natural Preserve – certainly enough to justify elimination of the project. See Comment 10 for impacts that are not appropriately identified in the SEPA Checklist. If the project is allowed to proceed, mitigation of these impacts needs to be identified and provided.
12. Appendix A of the Critical Area Report (Washington Dept. of Ecology Wetland Rating Form) appears to be incomplete. In the HGM Classification of Wetland in Eastern Washington form there are many questions where a "Yes" or "No" answer is not provided. Presuming this checklist must be completed before accurate evaluations of Critical Areas can be made, the project should not move forward until the checklist is completed and re-submitted. If questions are "NA" to the project, an entry to that effect should be made. Otherwise, the reader has no idea whether the items were missed or skipped intentionally.

References

1. PBS Engineering and Environmental, November 4, 2013, "Biological Resources Report - Proposed Beer Falls Development".
2. Washington Department of Fish & Wildlife March 2022 compilation of State listed and candidate species at <https://wdfw.wa.gov/sites/default/files/2022-04/StateListed%26amp%3BCandidateSpecies28Mar2022.pdf>
3. Friends of Badger Mountain, article posted May 16, 2022, at <http://friendsofbadger.org/news/>

Stevens, Mike

From: Jason Medina <jamedina654@gmail.com>
Sent: Wednesday, May 25, 2022 4:50 PM
To: Stevens, Mike
Subject: Willowbrook apartments

Hello Mr. Stevens,

I wanted to let you know that I am opposed to the Willowbrook apartments. I saw in a news outlet, that you mentioned that this area is zoned for multiple family residential. However when you look at the data, it doesn't support this zoning establishment in the 70's. I ask that you look with an open mind at the data that shows there are several issues with this proposed apartment complex. Specifically the environmental concerns and the amount of traffic that will be introduced to an inadequate through way.

Thanks in advance for your consideration.

Best regards,
Jason Medina

Stevens, Mike

From: Reinhardt, Jay <jreinhar@bechtel.com>
Sent: Tuesday, May 24, 2022 11:37 AM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Jay Reinhardt
Sent from my iPhone

Stevens, Mike

From: Jeff Spaur <spaur1034@gmail.com>
Sent: Wednesday, May 25, 2022 4:11 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Jeff Spaur
2656 Eastwood Ave.

Stevens, Mike

From: Jennifer Childers <jcchilders217@gmail.com>
Sent: Tuesday, May 24, 2022 11:14 AM
To: Stevens, Mike
Subject: Opposition to Willowbrook Place M2020-101 & EA2020-114

I am writing in opposition to **M2020-101 & EA2020-114 (ie. WILLOWBROOK PLACE APARTMENTS**
I have lived at 217 Sitka Ct in Willowbrook for close to 16 years and enjoy the family friendly and safe atmosphere of the neighborhood. I have major concerns for the proposed development and how it will impact our neighborhood and surrounding community as well as the Amon Nature Preserve.

I understand that the developer has a right to build on his land and I'm not against any development, but this proposal seems quite inconsistent with the plan the city has put forth in it's comprehensive plan. This development is not medium density. This is a high density plan that will significantly add a high volume of cars and additional traffic to our neighborhood and surrounding community, jeopardizing and putting at risk those who enjoy walking or riding around the block and to the neighboring Claybell Park. It is difficult most times to even have two cars passing each other in opposite directions if cars are parked on the streets.

The proposed access road onto Bellerive to help alleviate some of the traffic from Willowbrook seems outright ludicrous. I can't understand why anyone with any sense would approve such a road where it is proposed. Not only does it not make sense, it is in clear violation of the covenants and bylaws that those lots are subject to in their prospective homeowner associations. It also seems to not meet the width requirements for fire and safety access, causing more risk.

The proposed development would also adversely affect the Amon Nature Preserve that borders the property. This preserve is a unique wildlife area that is enjoyed by not only those who live close by but the entire Tri Cities community. You as a city should be doing all you can to protect such a diverse and unique habitat. My own son completed an BSA Eagle project there to help it by removing non native plants. This is a unique and wonderful asset the city has and should be working to protect and preserve.

There are more than 250 households that this development will adversely affect. As citizens of Richland, our voices must count and be heard against an out of state land developer. Please don't approve this application.

Sincerely,

Jennifer Childers

Stevens, Mike

From: Ferguson Jennifer <jfer957@regiscollege.edu>
Sent: Tuesday, May 24, 2022 6:39 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Eric Ferguson, P

Sent from my iPhone

Stevens, Mike

From: Jen's 2nd Email <jmh.ferguson@gmail.com>
Sent: Tuesday, May 24, 2022 6:37 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Dr. Jennifer Ferguson

Jen

Stevens, Mike

From: Jennifer Phillips <jmb9190@gmail.com>
Sent: Wednesday, May 25, 2022 4:47 PM
To: Stevens, Mike
Cc: Aaron Phillips
Subject: Willowbrook Place Apartments

Dear Mr. Stevens,

My husband and I are currently under contract for a home on Piper Street in Richland. We selected Willowbrook for our new home due to its location, quiet streets and neighborhood. After reading and looking into the plans for the Willowbrook Place Apartments, we feel that these are not consistent with the planning for the community of Willowbrook or Meadow Springs. Adding apartments behind Piper Street would increase the traffic on Broadmoor Street as well as Piper Street to unsafe levels. Broadmoor Street is already near its upper end of maximum capacity of cars per day (without the apartments), and our house on Piper would see a tremendous increase in traffic as cars wind their way through the neighborhood in order to get to Leslie. The proposed street connecting the apartments to Broadmoor Street is much too narrow for the amount of traffic it is expected to have and it is sandwiched between existing homes. Furthermore, the apartments will encroach on the Amon Creek Natural Preserve and wetlands. The environmental impact of the proposed apartments would have far reaching consequences and is not something that can be undone.

While we are not currently residing in the home we are under contract for, we do feel that we have a vested interest in the use of the land and the building of these apartments. The use of this land for apartment buildings is not in the best interest of these communities, puts hazardous roads in place and would be devastating to the Amon Creek Natural Preserve and wetlands.

Jennifer and Aaron Phillips

Stevens, Mike

From: Jennifer Spaur <jenspaur@yahoo.com>
Sent: Wednesday, May 25, 2022 4:09 PM
To: Stevens, Mike
Subject: Oppose Willowbrook apartments

Good afternoon,

My name is Jennifer Spaur and my family lives at 2656 Eastwood Ave. within the Willowbrook development. My family and I strongly oppose the apartment development that is purposed. Not only does this have a huge environmental impact on the nearby wetlands, but it also impacts the safety of the neighborhoods with poor traffic and zoning. Please consider moving the development to a more appropriate site and maintaining the integrity of wetlands and preexisting neighborhoods and roads.

Concerned resident,
Jennifer Spaur

[Sent from Yahoo Mail for iPhone](#)

Stevens, Mike

From: Jim Kleist <jkleist@nwwineservices.com>
Sent: Wednesday, May 25, 2022 7:17 AM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sent from my iPhone

This electronic message and all contents and attachments contain information which may be privileged, confidential or otherwise protected from disclosure. The information is intended to be for the addressee only. If you are not the addressee, then any disclosure, copy, distribution or use of this message or its contents or any of its attachments is prohibited. If you have received this electronic message in error, please notify us immediately by reply email to connect@andrewandsons.com and delete or destroy all copies of the original message and attachments.

Stevens, Mike

From: flaircraft <flaircraft@gmail.com>
Sent: Tuesday, May 24, 2022 9:54 PM
To: Stevens, Mike
Subject: Willowbrook Place Apartments - too much traffic already!

Mr. Stevens,

My name is Joe Rice and I live at 101 Willowbrook Place. I'm writing to express my opposition to the proposed Willowbrook Place Apartments. There are many issues with the proposed development; inappropriate zoning, increased traffic volumes & routing, fire safety concerns, Richland code violations, HOA covenant violations, and environmental concerns.

My prime personal concern is with increased traffic through the neighborhood, and specifically past my residence. I live at the entrance to the Willowbrook housing development, on the corner of Leslie Road and Willowbrook Place. Traffic past my residence is already significant, which causes a multitude of problems including:

- Frequent near-accidents by people who almost rear end me when they are turning onto Willowbrook from Leslie and I am pulling into my driveway
- Drivers regularly use my driveway to pull U-turns
- Long wait times to leave my own driveway
- People constantly speeding around the corner and past my home

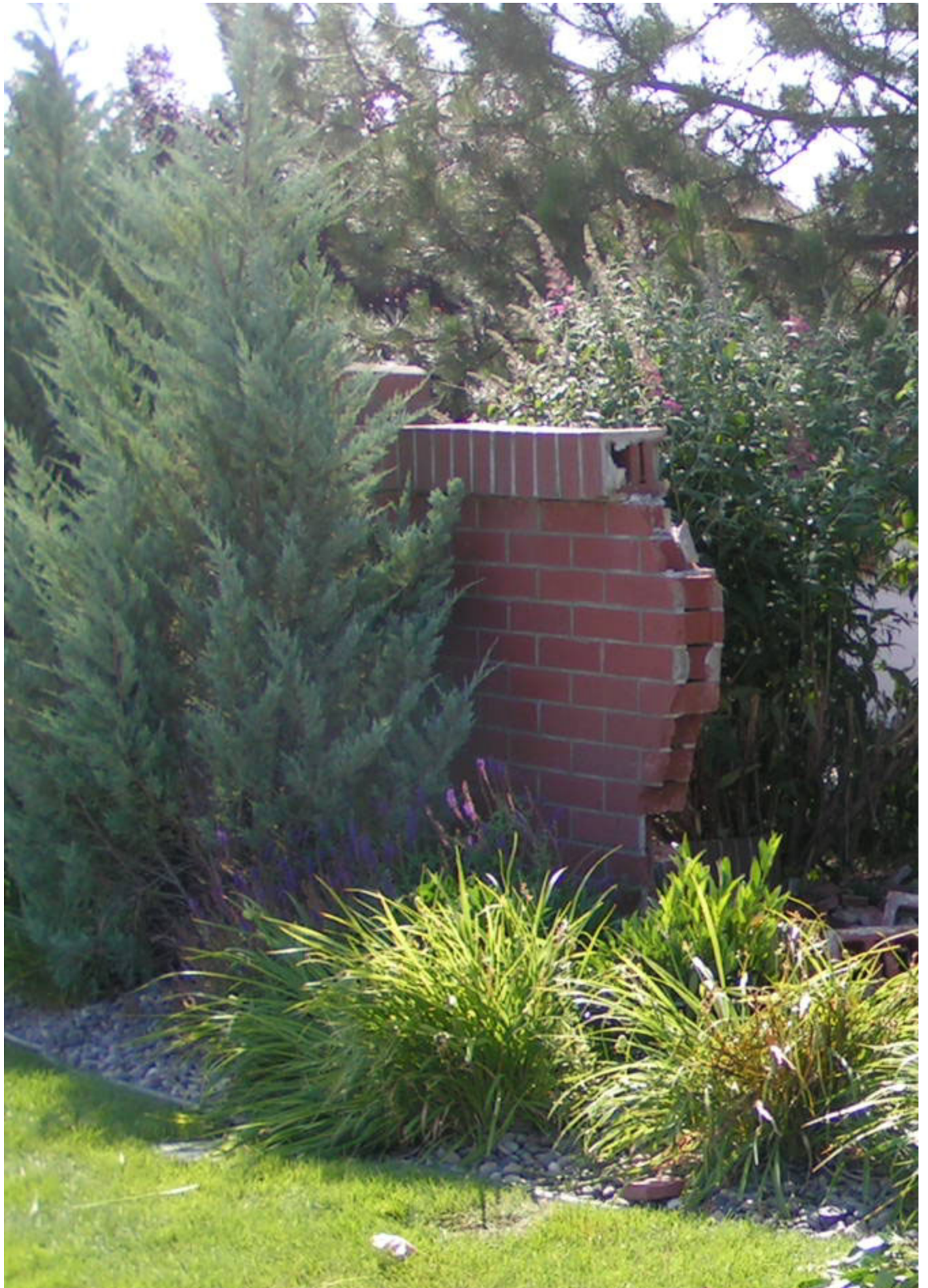
Due to the above, the current volume of traffic past my residence is ALREADY a safety issue. I am not comfortable allowing my children to play in our own yard due to the volume of traffic past, and often into, our property. Near misses are a common event. A couple of years ago, someone wasn't paying attention and drove completely through the brick wall at the entrance to the development, and thereby onto our property. If they had been going a little faster they would have most likely driven their SUV into our house and into the room where my children were sleeping. As it was, bricks sent flying from the impact still nearly reached my home. Please see attached photos of the damage caused by the incident.

A significant increase in traffic volume caused by adding subject apartment complex will only worsen the aforementioned problems, and all but guarantee regular accidents in front of or even on my residence.

Sincerely,

Joe Rice









Stevens, Mike

From: Jolene Hattori <jolenehattori@gmail.com>
Sent: Saturday, May 21, 2022 11:01 AM
To: Stevens, Mike
Subject: Willowbrook Place apartments

Dear Mike,

I strongly oppose the planned Willowbrook Place apartments and increased traffic it will cause on Broadmoor Street.

The placement of a road entering Broadmoor at the curve in the street and so close to Greenbrook Boulevard which is also entering Broadmoor would be a hazard! This road placement is within a couple of blocks of Claybell Park which often has lots of cars parked along the street and is presently extremely cumbersome to the flow of traffic. Adding hundreds more cars to this traffic flow seems horrendous.

Please reconsider this project placement.

Thank you,

Jolene Hattori
326 Greenbriar East
Richland, WA
509-627-5396

Stevens, Mike

From: Jon Hayter <sanon1214@juno.com>
Sent: Saturday, May 21, 2022 9:35 PM
To: Stevens, Mike
Subject: Willowbrook Place Apartments by BIG CREEK LAND CO

Mike Stevens, City of Richland Planning Manager

I am writing to register my objection to the project referenced by M2020-101 & EA2020-114 and submitted by Cliff Mort of Big Creek Land Co.

This is the third letter I have submitted against this proposal, the last one being dated Aug 29, 2018

As you can see by my address below, my family and I would be directly impacted by this project in a negative manner. It appears to us, that the property owner who has since moved from Greater Seattle area, to Coeur d'Alene Idaho has selected a "West-side" engineering/surveying business to conduct a traffic impact analysis, and they have approached this project with a perspective that does not recognize the Covenants and character of Willowbrook or the distinctives of our local area.

The density of 108 "multi-family" apartment units on 14 acres tightly sandwiched in between a pristine nature preserve and the Willowbrook community, is entirely contrary to the character of our neighborhood, and would adversely affect the value of our home and all homes on Center Blvd & Piper St. In addition, the anticipated traffic increase on Center Blvd, would be totally unacceptable, and border on being dangerous without implementing major changes such as a traffic light or roundabout at the intersection with Leslie Road, designated pedestrian crosswalks and lane white-lining, etc. Please take note of this sentence in the concluding paragraph of the Impact report: *"The daily trip analysis shows that some of the locations that have been evaluated will have volumes higher than what is identified in Richland Municipal Code 12.02."*

The proposed access to this development off Broadmoor Street is wholly unacceptable and conflicts with current city standards. The proposal calls for the road width at Broadmoor Street to be 26ft and then because of lot line limitations to narrow to 22ft at the NE corner of Jacob Stanfield's property before widening out to 26ft again.

If the property owner wishes to develop the site, the most that should be allowed is "single-family" residences on lots no smaller than 3-4 per acre, in keeping with the character of Willowbrook, despite the current zoning.

If there is no alternative to the city but to allow this project because of a historical zoning anomaly, then the entry and exit should be a new road from Bellerive Drive on the east side of Claybell Park and crossing Amon Creek.

In addition, any development should include mitigation provisions for its proximity to the Amon Creek/Wasteway Nature Preserve.

Respectfully yours,

Jon Hayter
217 Center Blvd,
Richland, WA. 99352

Stevens, Mike

From: Jon Holland <jonholland3@gmail.com>
Sent: Tuesday, May 24, 2022 7:49 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

Mike,

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths. Please protect our public land.

Additionally, the hill down Piper St is already a drag race most days. I'm the dad with 2 daughters, 2 and 4 years old, waving at cars to PLEASE slow down as they zoom past our house. Add this additional 300+ tips a day directly in front of our house and I'm not sure I'll ever feel comfortable sending them out front to play again, regardless of their age. You're going to turn some quiet residential neighborhoods into high traffic runways.

I've worked in commercial construction for 20+ years. No one loves to see development more than I do, it literally feeds my family and keeps a roof over our heads. But this project is absolutely wrong every which way I try to look at it. This is not the right project for this land. This is not the right project for this location. Don't shoehorn a high volume apartment development where it literally and figuratively doesn't fit. Please do the right thing.

Jon Holland
466 Piper St
509-205-3648 cell

Stevens, Mike

From: Jonathan Allen <jonathanallen11592@gmail.com>
Sent: Tuesday, May 24, 2022 2:18 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Stevens, Mike

From: Jonnie Zobell <zoinc19@hotmail.com>
Sent: Tuesday, May 24, 2022 3:41 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Jonnie Zobell
472 Piper Street

Sent from my iPhone

Stevens, Mike

From: Joseph Hampton <joehampton@gmail.com>
Sent: Wednesday, May 25, 2022 11:57 AM
To: Stevens, Mike
Subject: Willowbrook Apartment Proposal

Dear Mr. Stevens,

I write the comments below in opposition to the proposal for the Willowbrook Place Apartment development (M2020-101 & EA2020-114). To be clear, I am not opposed to the development itself. The proposal looks to be designed to fit the zoning of the property as currently designated. My opposition is to the proposed access street that connects this property to Broadmoor St. Failures of the Planning Department to plan for and reserve adequate access for the current zoning of the subject property should not become the responsibility of, and burden to, the surrounding neighborhoods. Attempts to force solutions to the access problem only exacerbate issues that the Planning Department is tasked with managing. As I see it there are several issues with the proposed road/access from the apartment site to Broadmoor St.

- Broadmoor St. is at or near capacity in its current state. The recent traffic study confirms this. As a resident of Meadowsprings, I travel this section of Broadmoor multiple times each day and I can tell you from personal experience that there are times where the street is so narrowed by street parking that it is a hazard when cars traveling in opposite directions meet each other. Adding an additional ~ 500 trips per day here is incomprehensible to me.
- The recently completed traffic study was conducted for a limited period of time and at a time of the year that would provide advantageous data to the property developers. One cannot ignore the fact that Claybell Park impacts the traffic count along this portion of Broadmoor and the traffic study does not address the high volumes of traffic associated with weekend/evening and summer (fair weather) trips to the park. In fact, this study was conducted at a time that seemingly negates these seasonal effects.
- As I do travel this road frequently, I am also aware of the number of families and pedestrians that travel this section of Broadmoor. Runners, joggers, and parents with small children frequent the impacted section of Broadmoor in particular. This section of Broadmoor serves as a primary pedestrian connection to Claybell Park from both Willowbrook and Meadowsprings neighborhoods. A narrow driveway at the apex of a curving Street directly adjacent to a walking path is not conducive to public safety.
- I was concerned that the previous proposal identified this access as a controlled/protected emergency access. At the time it was pretty apparent that this would end up being a primary access point. The updated traffic study confirms this and validates my previous concern.
- I have concerns about the width and configuration of the proposed connection. Plans call for what appears to be 23' at its narrowest along a bend in the center of the street. As pointed out in the traffic study, this is now intended to be a primary access point for the development. Therefore, I would assume that this access needs to meet the requirements for primary access and not secondary access. Along those lines, I'm assuming that this access is considered the SEVA for the development (in which case the dimensions do technically meet the City standards). But how does that reconcile with the stated use as a primary access?
- There are concerns with the intent to use private residential lots (zoned R-1-10 SFRD) for street access. The properties identified in this proposal are affected by the covenants and restrictions of two separate HOA's and there are concerns about the status and enforcement of those covenants and restrictions as they apply to the residential R-1-10 lots. The proposal appears to disregard these covenants and restrictions.
- Section 23.18.010 B states in part *"The single-family residential – 10,000 (R-1-10) is a residential zone classification requiring a low density of population, providing protection against hazards, objectionable influences, building congestion, and lack of light, air, and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated low-density residential (zero to five dwellings per acre) under the city of Richland comprehensive plan."*

- I have not found any section in chapter 23 that specifically addresses constructing a street (as defined in 23.06.880) on a parcel of property designated as R-1-10. I feel that this item needs further clarification from the Planning Department before a decision can be made.

Any approval of the project to move forward without further action to resolve and address these issues related to the proposed access street would be a complete failure on the part of the Planning Department. Recent comments made to the media about the City's role, while technically correct, do not instill confidence that the Planning Department is doing its best to protect the interests of the citizens of Richland in this proposal.

Thanks,
Joe Hampton

--

Joseph Hampton

joehampton@gmail.com

Stevens, Mike

From: Judy Kitchen <momkitch@aol.com>
Sent: Wednesday, May 25, 2022 11:44 AM
To: Stevens, Mike
Subject: Proposed Willowbrook Apartments

Dear Mr. Mike Stevens, Planning Manager,

This email is to express my disapproval for the plan to build a multi-unit dwelling adjacent to the Amon Creek Nature Reserve just to the east of Willowbrook subdivision.

There are many factors that contribute to this opinion:

1. I am worried about the increased traffic through residential streets. The only access to these apartments would be from Willowbrook to Piper, or from Broadmoor. Both of these are built residential areas and the increased traffic would be a hazard to those residents. In my opinion, it makes more sense to build an apartment complex near a main arterial. This way, the residential streets stay safe and less travelled, as they are meant to be.
2. This planned complex is directly adjacent to the Amon Creek Nature Reserve. This is an area of open space that contains shrub-steppe, wetland ecosystems, and wild animals that live and thrive there. It is a natural wildlife habitat.
3. This is also an area where many residents come to walk through paths and just to be at one with nature. When people have access to open space and they are in contact with the natural environment, they have less stress, subsequently this open space is good for mental health.
4. The Amon Creek Nature Reserve supplies storm-water drainage. We have seen this to be true in the subdivision where I live, Clearwater Creek. There have been major reconfigurations of several drainage designs simply because as more houses were built, it altered the natural storm-water drainage in the area.
5. Simply the fact that there is some land here, does not mean it has to be built upon. A city should have a plan to be an enjoyable place to live for all of it's residents.
6. There are other locations where wildlife habitat would not be as drastically affected, and traffic would not be such a detriment, such as on Keene Rd, on Steptoe St, or on Duportail Ave.

I sincerely hope that you take these reasons into consideration when you meet to discuss the plans for this proposed apartment complex.

Regards,

Judy Kitchen
2737 Chelan Loop Richland, WA 99352

Stevens, Mike

From: Julie Lynch <jlynch9511@hotmail.com>
Sent: Wednesday, May 25, 2022 10:34 AM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Cordially sent from Julie's iPhone

Stevens, Mike

From: Julie Lynch <jlynch@rcsothebysrealty.com>
Sent: Wednesday, May 25, 2022 10:34 AM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Cordially sent from Julie's iPhone

Stevens, Mike

From: justin michaud <jmauricemichaud@hotmail.com>
Sent: Wednesday, May 25, 2022 4:22 PM
To: Stevens, Mike
Subject: Willowbrook Place Apartments

Dear Mr Stevens:

I am writing you in opposition to the Willowbrook Place Apartments. My family has lived on Broadmoor st for the past ten years and have seen a lot of growth around the area. We understand that growth is part of a thriving town, it is one of the reasons we love it here.

Unfortunately this is not a project I can support. One major concern is the traffic increase, looking at the analysis from Kimley Horn to the City of Richland in March of 2022 I am a little confused by the timing of the analysis. A cold February morning is not indicative of the traffic our area receives, a more intensive study should be preformed to get a more accurate assessment of the traffic in the area. We have already had to install traffic signs to try and encourage people to drive the speed limit, more cars will cause more problems. I live a few houses down on Broadmoor from Leslie and we witness people speeding up and down the road daily. This is very much a family area with lots of young children.

The entrance for this development is in a terrible location. It is on a tight bend curve right near a runoff reservoir. It is also located near some of the wetlands in the area, something we should be looking to save and increase not diminish.

Thank you,

Justin Michaud

Sent from [Mail](#) for Windows

Stevens, Mike

From: Karen Miller <karenmmiller29@gmail.com>
Sent: Tuesday, May 17, 2022 7:46 AM
To: Stevens, Mike
Subject: Willowbrook Apartments

I am very concerned about the additional traffic that the Willowbrook apartments will bring to Leslie Road and Broadmoor. As a resident on Hillview, Leslie is already difficult to access from the various neighborhoods due to traffic. What improvements to Leslie does the City have planned that will enable it to handle additional growth? At times, Leslie is near impossible to access due to traffic that travels 40-plus MPR.

Broadmoor residents already have problems with cars speeding through the neighborhood. What plans does the City have for Broadmoor to enable it to handle the additional traffic? Claybell Park is a wonderful asset but I'm concerned additional traffic generated by the proposed apartments will be a safety hazard.

I opposed the Willowbrook apartments because the proposal does not include adequate planning for traffic in the adjacent neighborhoods.

Karen

Sent from my iPad
Karen Miller
509.430.4838

Stevens, Mike

From: Katelyn Johnson <katelynrjohnson@gmail.com>
Sent: Monday, May 23, 2022 8:39 PM
To: Stevens, Mike
Subject: Opposition to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths. I have 2 small children who walk and bike in the neighborhood and the increase in traffic concerns me greatly. We also use the trails to walk to Claybell park.

Please protect our public land.

Stevens, Mike

From: Kathleen Lamb <kmlamb53@gmail.com>
Sent: Wednesday, May 25, 2022 2:36 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Get [Outlook for Android](#)

Stevens, Mike

From: Kathy Dechter <ktdechter@gmail.com>
Sent: Sunday, May 22, 2022 3:53 PM
To: Stevens, Mike
Subject: Opposition to Willowbrook Place M2020-101 & EA2020-114

Dear Mr. Stevens,

Subject 1: Proposed 108-Unit Apartment Complex Willowbrook Place Apartments between Willowbrook and the Amon Creek Natural Preserve Wetlands

Subject 2: Déjà vu all over again!

I am dismayed, frustrated, and disgusted. Here I am forced to comment **again**--for the 4TH TIME--on an outside developer's plan to erect **four** apartment buildings (2-3 stories each) adjacent to the Amon Creek Preserve in south Richland. As a 30-year resident of Willowbrook AND as a Richland taxpayer, I am astonished, alarmed, and sickened (**add to the previous 3 adjectives above**) that this plan to develop the land east of Piper Street into 108 multi-family apartments is still being considered. You must surely realize by now that Willowbrook residents **do not want this travesty** that will destroy the nature of our community. This apartment complex breaks all the rules. **Do not allow it!**

Violating Willowbrook Covenants:

Why are you even *considering* allowing a contractor to build access roads and apartments in an area restricted by HOA covenants to **single-family use**? This is a showstopper. Or should be.

Here are my additional concerns. Please investigate and address them.

Negative Environmental Impact on Amon Creek Natural Preserve:

First, this development will drastically endanger the prime habitat of Amon Creek Natural Preserve (ACNP) and its Class 2 wetlands located just to the east and downhill from the proposed development hydrologically connected to it. Note that the Washington Dept. of Fish and Wildlife has recently expanded the Amon Preserve and the majority of its surrounding habitat into a **Biodiversity Corridor—a priority habitat** for fish and wildlife. Moreover, Amon Creek Natural Preserve is a stopover point for migratory birds on the Pacific Flyway-check this month's edition of *Audubon Magazine*. It is crucial that we protect this habitat rather than allow it to be damaged any further.

It's likely that the developer handling of the ground water run-off (and subsequent irrigation, sprinklers, etc.) from the very erosion-prone soil adjacent to the Amon Creek wetlands will do **irreversible** damage to sensitive wetlands, riparian habitat, prime shrub steppe as well as drain into the Chinook and Coho salmon spawning grounds of Amon Creek.

In the past we have witnessed contractors (**some hired by the City of Richland!**) ignore marked delineations and silt barriers: a couple of prime examples are the recent sewer line through Amon and buffer destruction by Hayden Homes contractors.

The contractor's smug dismissal of any potential damage that could **possibly** be done by them is revealing: "no impacts to the on-site wetland, the Amon Wasteway (sic) or associated buffers will occur and therefore no mitigation will be provided." p.5, *Critical Area Report*.

Negative Impact on Amon Wildlife:

I am also greatly alarmed about Amon Creek Natural Preserve's beavers, badgers, mink, otters, muskrats, black-tailed jackrabbits, moles, marmots, deer mice, side-blotched lizards, and the approximately 150 Audubon-identified species of birds living there, as well as drainage into the Chinook and Coho salmon spawning grounds of Amon Creek. The ACNP is a critical wildlife corridor for animals including white-tailed deer traveling between the Horse Heaven Hills and the Yakima River. It is also a possible nesting site for Ferruginous Hawks (listed as a threatened species in WA), Townsend Ground Squirrels (a federal species of concern), and Burrowing Owls (both state and federal species of concern). **These have no voice to object!**

Increasing Safety Hazards from High Volume Traffic Volume on Piper St., Center Blvd, Willowbrook Place, and Broadmoor:

I understand that if this development goes through, traffic volume will increase to **1500 trips/day**. Center, Piper, and Willowbrook Place are **neighborhood collector streets**, not arterial thoroughfares. They were never intended to handle that much traffic. This traffic increase on Piper, Center, Willowbrook Place, and Broadmoor is neither logical nor reasonable. It will become a speedway dangerous for pedestrians as well as for vehicles backing out of driveways. This increase is excessive.

Our children and grandchildren walk on Center, Willowbrook Ave. and Piper every day to and from their school buses. Residents walk along these streets through Willowbrook, often on their way to Amon Creek Natural Preserve. This traffic volume (and speed) is hazardous and poses threats to pedestrian safety, especially that of children walking to bus stops. I shudder to think of a child being crushed in a vehicle accident.

At present, kids and adults ride their bikes, skateboards, and scooters on Piper, Willowbrook Avenue, and Center. That will no longer be an option for safety-conscious families when Piper, Center and Willowbrook Ave are forced to carry so many more autos. Children on Bebb Court, the first court off Willowbrook/Center, often fill the court with their big wheels, bikes, and other riding toys. That will be impossible once the traffic load increases. And it's unlikely that traffic will proceed at the posted 25 mph. How will that speed be enforced? At the very least, mitigating speed strips/bumps and costs should be included in the contractor's plan.

Overall Deteriorating Quality of Life and Property Values in Willowbrook:

We in Willowbrook value our quality of life. We have worked to maintain and improve our homes and yards. We know our neighbors and their children. We care about our safety and that of our kids. A 108-unit apartment complex will degrade our hard-earned quality of life. At the very least, apartment residents must be required to join the Willowbrook Homeowners Association and contribute to assessments.

I think apartment transients—however many there are—will speed as rapidly as possible up and down Piper and Center in and out of Willowbrook. They will not care a whit about what we have built here.

This is **WRONG!** The almighty dollar has taken precedence over all other considerations.

I am dismayed and angry. Please consider the **NO ACTION** alternative.

Please notify me of any decisions made on this application.

Sincerely,

Kathy T. Dechter

113 Bebb Court

Richland WA 99352

509-627-0950

ktdechter@gmail.com

Stevens, Mike

From: KC Wilson <wilsonkca@outlook.com>
Sent: Tuesday, May 24, 2022 8:18 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

We didn't move to the Willowbrook neighborhood to be next to apartments, that's why we moved from Pasco.

Sent from my iPhone

Stevens, Mike

From: Kenneth Yellen <kennethyellen21@gmail.com>
Sent: Wednesday, May 25, 2022 9:17 AM
To: Stevens, Mike
Subject: Opposition to Willowbrook Place M2020-101 & EA2020-114

Dear Mr. Stevens,

I am writing to express my opposition to this proposed development for the following reasons:

1. Traffic in this area is already at max capacity.
2. I'm concerned about the impact on wildlife, especially as an outdoor enthusiast.
3. Use of community lots for access, which is in violation of HOA covenants.
4. Broadmoor isn't built for the kind of traffic you are proposing.
5. A large complex in this area of single family homes cannot be in line with your long term plans for the city.

Thank you,

Ken Yellen

2832 Mackenzie Ct, Richland, WA 99352

509-948-5820



Stevens, Mike

From: Floyd, Kevin <KFloyd@HFGTrust.com>
Sent: Wednesday, May 25, 2022 1:53 PM
To: Stevens, Mike
Subject: Opposing Willowbrook Apartments

Hi Mike – I'm writing to this email to oppose the proposed new apartments in Willowbrook as I live close by in the Heights of Meadow Springs neighborhood. Broadmoore Rd, especially turning onto Leslie is already too busy, and adding high density housing will only make it worse and ultimately the area undesirable. The nature reserve is special about the area and adding these apartments will degrade this area and make the part too busy. Please deny this develop, rezone or swap property with this developer to a better area to build apartments.

Kevin

KEVIN FLOYD CFA®, CFP®, AIF®
DIRECTOR OF INVESTMENTS

📞 509.416.5518 ✉️ KFloyd@HFGTrust.com
📍 8131 W. Grandridge Blvd, Kennewick, WA 99336
🌐 cfbhfg.com  

COMMUNITY
FIRST BANK | **HFG|TRUST**
YOUR FINANCIAL PARTNER FOR LIFE



Investment advisory services offered through HFG Trust LLC, a Washington state chartered trust company, and HFG Advisors, Inc., a Registered Investment Advisor. HFG Trust LLC and HFG Advisors, Inc. are affiliated companies.

This message is for the sole use of the intended recipient. If you received this message in error please delete it and notify us. If this message was misdirected, neither HFG Trust nor HFG Advisors waives any confidentiality or privilege. HFG Trust and HFG Advisors retain and monitor electronic communications sent through their network. Instructions transmitted over this system are not binding on HFG Trust nor HFG Advisors until they are confirmed by us. Message transmission is not guaranteed to be secure. Neither HFG Trust nor HFG Advisors will accept orders and/or instructions transmitted by e-mail, and will not be responsible for carrying out such orders and/or instructions. Please do not transmit such information by email.

Stevens, Mike

From: Kevin Piatt <Kevin.and.Angel@outlook.com>
Sent: Tuesday, May 24, 2022 2:24 PM
To: Stevens, Mike
Subject: Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

We are new to Willowbrook and Richland in the last couple of years and would hate to see this area built-up for development rather than preserved for the nature and wildlife it provides in the middle of a growing community of homeowners.

Please protect our public land and reject this request.

Sincerely,

Kevin and Angel Piatt
337 Piper St.
Richland, WA 99352



2015 South Ely Street
Kennewick, WA 99337
Customer Service 509-586-9111
Business 509-586-6012
FAX 509-586-7663
www.kid.org

May 24, 2022

Mike Stevens
City of Richland – Development Services
625 Swift Blvd, MS035
Richland, WA 99352

Subject: Review Comments for M2020-100 Willowbrook Apartments SEPA

Dear Mr. Stevens:

The Kennewick Irrigation District has received your Site Plan Application submitted by Big Creek Land Company, LLC, 1950 W. Bellerive Lane #107, Coeur d'Alene, ID 83814, to develop an approximately 14-acre site with 6 multi-family residential buildings containing up to 96 dwelling units, a clubhouse and covered parking structures. This project is located east of the terminus of John Court. The property is described as Tracts A & B, Willowbrook No. 1 (Lots 2 & 3 Record Survey #3864) and Tract B, Willowbrook No. 2, Phase 4A, located in the southeast quarter of the southwest quarter of Section 36, Township 9 North, Range 28 East, and within the northeast quarter of the northwest quarter of Section 1, Township 8 North, Range 28 East, W.M., Benton County, WA.

1. These Parcels are within the Kennewick Irrigation District (KID) boundaries and are considered irrigable lands; therefore, the Kennewick Irrigation District assesses them.
2. Please note that permanent structures are not allowed within irrigation easements.
3. Please protect all existing irrigation facilities.

SEPA Checklist Comments

3.a.1 – The site borders the East Badger Drain, also known as Amon Creek or West Fork Amon, a water course that removes return flows from the Yakima Project (KID) irrigation in Badger Coulee and the surrounding residential areas and conveys it into the Yakima River via the Amon Wasteway. Any wetlands present in the vicinity of the drain are the direct result of the intentional conveyance of irrigation water through the area.

3.c and 3.d – The Badger East Drain, or Amon Creek, discharges directly into the Amon Wasteway, a KID irrigation facility. Non-agricultural stormwater discharges into KID facilities must meet appropriate Clean Water Act National Pollutant Discharge Elimination System (NPDES) permit requirements and other relevant considerations and must obtain authorization from KID.

8.a – The site borders the Badger East Drain/Amon Creek on the east. To the south is the Amon Creek Natural Preserve, an area of ecological and recreational value to the community and region. The PSA 120 pond and pump station is also located to the south, which is a facility that provides irrigation water to the adjacent Willowbrook and Clearwater Creek neighborhoods.

12.a – Amon Wasteway is an irrigation water conveyance facility owned and operated by KID. While the wasteway provides habitat for fish, birds and other wildlife and may be aesthetically interesting, access is prohibited, and it is not a recreational facility.

Critical Area Report Comments

Page 2: Assertions that the KID Main Canal and the Badger East Lateral are both unlined is incorrect. A combined amount of approximately 22 miles of the KID Main Canal and Badger East Lateral have been lined since 1956. Assertion that both canals lose a combined total of 2,800 acre-feet of water needs to be verified. Any wetlands present in the vicinity of the drain are the direct result of the intentional conveyance of irrigation water through the area.

Page 7: KID disputes the characterization of Amon Creek or West Fork Amon Creek as a “Water of the State”. While we recognize the ecological values of the stream and have collaborated diligently with community and State partners to manage the resources in the Amon to balance ecological and irrigation considerations, the water source of the stream is irrigation return flows and are recaptured for beneficial use at both PSA 120 pond and downstream at the Gage Pumps.

Wildlife Habitat Assessment Report

Page 1: Assertions that the KID Main Canal and the Badger East Lateral are both unlined is incorrect. A combined amount of approximately 22 miles of the KID Main Canal and Badger East Lateral have been lined since 1956. Assertion that both canals lose a combined total of 2,800 acre-feet of water needs to be verified. Any wetlands present in the vicinity of the drain are the direct result of the intentional conveyance of irrigation water through the area.

Page 5: KID disputes the characterization of Amon Creek or West Fork Amon Creek as a “Water of the State”. While we recognize the ecological values of the stream and have collaborated diligently with community and State partners to manage the resources in the Amon to balance ecological and irrigation considerations, the water source of the stream is irrigation return flows and are recaptured for beneficial use at both PSA 120 pond and downstream at the Gage Pumps

If you have any questions regarding these comments, please contact me at the address/phone number listed above.

Sincerely,



Chris D. Sittman
CAD Specialist

cc: LB\correspondence\File 36-09-8
Applicant via mail – Big Creek Land Company, LLC, 1950 W. Bellerive Lane #107, Coeur d’Alene, ID 83814

Stevens, Mike

From: Kim Miller <imogenkimjane@gmail.com>
Sent: Wednesday, May 25, 2022 3:02 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

Hello,

I am a physician and this change would significantly discourage physician from staying here. There are many physicians that live in willowbrook. I am geriatric physician and this may negatively affect your future healthcare. At this time I am being offered much money to move to Spokane. I am one of the very few geriatricians. I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

From,
Kim Miller DO

Stevens, Mike

From: Kristi Rice <kristi.rice@charter.net>
Sent: Tuesday, May 24, 2022 9:46 PM
To: Stevens, Mike
Subject: Continued Opposition to Willowbrook Apartments

Dear Mr. Stevens,

My name is Kristina Rice and I live at 101 Willowbrook Place. I'm writing to express my continued opposition to the proposed Willowbrook Place Apartments. There are many issues with the proposed development; inappropriate zoning, increased traffic volumes & routing, fire safety concerns, Richland code violations, HOA covenant violations, and environmental concerns. I will leave the detailed analysis for most of these issues to the experts on those subjects, but I wanted to take an opportunity to write about my personal experiences with a few of them.

Traffic Volumes & Routing:

My house sits at the corner of Willowbrook Place and Leslie Road. Even with the current traffic volumes, there are long lines of cars waiting to exit the development every morning and a constant stream of cars entering the development every night. The most dangerous part of my daily drive is often experienced the minute I exit my driveway. Cars traveling north on Leslie Rd have a blind right turn onto Willowbrook Pl and if I don't exit my driveway very rapidly and immediately move to the right side of the road, I am in danger of being hit by cars turning onto my street. (I had to repeatedly drill this into my son as he was very timid and slow moving driver-in-training.) I am very concerned that the increase in traffic volume from the Willowbrook Place Apartments would make a bad situation intolerable and make leaving my driveway almost impossible.

I am also extremely concerned about the exit roads planned for the apartment traffic. While the initial plan laid out years ago had a direct access road to the development location via Center Blvd, this option was somehow eliminated when Center Blvd was permanently blocked by the construction of John Ct. This means traffic leaving the apartment complex through the Willowbrook development would now either be routed onto Piper St and Willowbrook Pl or onto Piper St and the remaining section of Center Blvd. Both of these options have narrow, winding roads filled with blind corners, rapid elevation changes, parked cars, and many children playing and riding bikes and scooters. I walk through this neighborhood every day and I cannot imagine how dangerous the roads would become with the estimated increase in traffic volume.

The proposed exit onto Broadmoor St is also problematic (not even addressing the blatant HOA violations by using single-family residential plots to build a road). The traffic volume on Broadmoor is already extremely high and I wouldn't be surprised if the increase from the Willowbrook Place Apartments would exceed the capacity level for the road. In addition, the proposed road is extremely poorly designed and located. I cannot imagine it actually meets the required road widths and codes as it meanders through the single-family residential plots. I think an independent review of the road design would be beneficial as it seems pretty obvious that this road was cobbled together to address the Fire Department's access concerns when this project was last brought to the city's attention. The placement of the road onto Broadmoor St is also dangerous as the entry location is at the bottom of a steep hill that turns sharply. I truly think this road needs to be reevaluated to determine if it actually meets the city's codes and requirements.

HOA Covenant Violations:

I purposely purchased my home in a development that had an active and responsive HOA; and I am extremely glad that I did. I fully support the lawsuit my HOA is bringing against the developers for their plans to violate the Willowbrook covenants by building a road accessing Broadmoor St from the Willowbrook Place Apartments. The proposed road

would require improperly using plots designated for residential homes in both the Willowbrook HOA and in the adjacent Meadow Springs HOA. I agreed to follow the covenants and restrictions from the Willowbrook Homeowner's Association when I purchased my property and developers should not be allowed to break the covenants and restrictions for the single-family home plots they purchased.

Environmental Concerns:

The final personal experience that I want to cover in this email is regarding my concern about the environmental impact the Willowbrook Place Apartments would have on the Amon Creek Natural Preserve. Amon Creek is a treasure for the city of Richland; and I think the city recognizes that fact based on the money spent on improving trails, adding signs, and providing access for the public to safely experience the preserve. I love walking on the nature paths with my children to look for wildlife. I have seen rabbits, coyotes, owls, hawks, snakes, lizards, beavers, and many different birds on my walks; the amount of wildlife in the preserve is amazing. There are not many places like the Amon Creek Natural Preserve left in Richland and it would be a real shame to lose it. The size and close location of the Willowbrook Place Apartments would have a substantial negative impact on the condition of the preserve and the wildlife who live inside it.

Thank you for taking the time to read my letter. I hope the city really takes the time to listen to the concerns of the citizens and not make inappropriate accommodations regarding existing Richland codes and regulations to appease developers from out of town. I'm not against development; I just want to make sure that it is development that makes sense.

Regards,

Kristina Rice
kristi.rice@charter.net
(509)392-2122

May 24, 2022

Mr. Mike Stevens
Planning Manager
625 Swift Blvd., MS #35
Richland, WA 99352

RE: Willowbrook Apartments - Public Comment

Mr. Stevens,

I am the son of the current property owner who has owned the property for over 30 years. I have read everyone's comments on this issue over the last few years, and I feel it is time to add some perspective to this discussion. The development is being advertised as some big developer coming in to bulldoze through the wasteway. That is simply not the case. My hope is to give some history of the property and to address some of the comments regarding the proposed development.

History

My parents purchased this property in 1988 from Quadrant Homes (Quadrant). In an agreement between Quadrant and the City of Richland (City) the zoning was increased on the property to offset lower zoning on another property owned by Quadrant. The higher density zoning (R-3) has been in place prior to the Willbrook development being constructed.

Amon wasteway was not always as it appears today. We have the original design drawings showing the trapezoidal canal prism constructed by the Kennewick Irrigation District (KID) and aerial photos showing the area as being a dry wash prior to irrigation coming to the area in 1957. When my family purchased the property we had no idea that the wasteway could or even would become what it is today.

Unfortunately, Amon wasteway is a man-made return flow not a naturally occurring creek or a stream and it is only by KID not maintaining the wasteway over many years has it expanded into what you see today. As much as we all appreciate the wasteway and the wildlife, in the future it will decrease in size and potentially go away as Kennewick Irrigation District's (KID) water conservation efforts continually decrease the amount of water they need to spill. Per KID's website, "KID is currently implementing water conservation measures in its system that will have the side effect of reducing the amount of flow in the Amon Wasteway." See link below.

<https://www.kid.org/about-kid/amon-wasteway/>

I understand the importance of Amon wasteway to the community. I am a conservationist myself and belong to many wildlife conservation foundations. My parents originally owned 30 acres that spanned Amon wasteway and sold approximately half of our property to help create the Amon Creek Natural Preserve. I believe in the true definition of conservation as stated by the original conservationist, President Theodore Roosevelt. Roosevelt stated, "Conservation means development as much as it does protection." This is exactly what my family accomplished by selling half of the property in 2009 to help create the Amon Creek Natural Preserve. I believe our actions have also been consistent with the City of Richland's strategic plan by "balancing private and public interests in conservation and preservation of sensitive areas."

Comments

There have been many comments submitted to the City regarding this project. I would like to address comments listed in the memorandum submitted to the City dated May 23, 2022, by Mr. Raymond Takashi Swenson.

Mr. Swenson makes several claims which in my opinion show a lack of knowledge with respect to engineering, permitting, and construction. Below is a list of claims by Mr. Swenson and my responses.

1. **Claim:** "The most fundamental law they want the City to ignore is the law of gravity, by claiming that the stream and wetlands that form the eastern side of the project site will be protected by a 150 foot "buffer zone" from the massive earth-moving and construction activities throughout the west side of the site. The simple fact that is apparent to anyone who either walks the site, or looks carefully at the site topographic maps, is that the entire project site is in the immediate watershed of the stream and wetlands, and that natural stormwater, as well as water used for dust control and other land forming and construction activities, carrying particulates and other pollutants, will be drawn by gravity downhill across the "buffer zone" and into the wetlands and stream."

Response: A TESC plan will be developed prior to construction. Big Creek Land Company, LLC (Big Creek) clearly states this in their SEPA checklist under Part B: Earth, "Temporary and permanent BMPs will be used to minimize the potential of any erosion, as well as ESC measures. A Temporary Erosion and Sediment Control Plan will be submitted to the City for review and approval prior to construction." These ESC measures will ensure sediment is not transported to Amon wasteway.

2. **Claim:** "The developers have totally ignored the requirement to comply with requirements for a stormwater pollution prevention permit, which is required because the site is adjacent to, and drains into, a stream and its adjacent wetlands which are Waters of the United States protected under the Section 402 NPDES Permit requirements of the Clean Water Act. The permit program in Washington is administered by the Washington Department of Ecology and includes a mandatory 30 day public comment period."

Response: Mr. Swenson again fails to recognize that a "stormwater pollution prevention permit" is not issued during the site review process. Big Creek will have to apply for a Washington State Department of Ecology Construction Stormwater General Permit (CSGWP) prior to construction and the public will have a chance to comment at that time. The claim that Big Creek has "ignored" this requirement is false.

3. **Claim:** The developers have failed to address the requirement to obtain a necessary permit from the US Army Corps of Engineers under Section 404 of the Clean Water Act, since construction on the site will deposit soils into a stream and wetlands that are Waters of the United States.
4. **Response:** A USACE Section 404 permit is not applicable to this project. A section 404 permit is for filling, dredging, or other construction activities within waters of the state. Per the USACE website, "Section 404 of the Clean Water Act (CWA) establishes a program to regulate the

discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g., certain farming and forestry activities).” None of those activities are proposed for this project.

5. **Claim:** The contractor reports have confirmed the presence on the site of Burrowing Owls, which are a species which the State of Washington has identified as declining significantly in its population, surviving in Washington mainly within Benton County, and therefore measures to protect the Burrowing Owl from the impacts of the construction and operation of the site must be analyzed and adopted to satisfy the State Environmental Policy Act.

Response: This is another false claim by Mr. Swensen. The *Habitat Assessment Report* by Wetland Resources, Inc. clearly states, “No terrestrial or avian federal or state listed endangered or threatened species were found on site.” WDFW PHS maps a portion of the subject property near the on-site wetland as a regular occurrence area for Burrowing Owls (*Athene cunicularia*), a State Candidate species. However, no signs of Burrowing Owls or habitats of primary association were observed while on-site.”

6. **Claim:** The stream and wetlands affected by construction on the site are habitat for Chinook and Coho salmon protected under the Federal Endangered Species Act. The potential impact on these species must be analyzed under the standards of the ESA, and the project may not then proceed without negotiation of a Federal Habitat Conservation Plan under Section 10 of the ESA, that must be approved by the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration.

Response: Amon Wasteway is a man-made feature created by KID that is not suitable salmon habitat due to warm water temperatures, excessive levels of sediments, absence of cobbles, and lack of fast-water habitats. A report by DC Consulting, Inc. for KID concluded, “Amon Wasteway is not capable of producing salmonids in significant abundance.” As water conservation efforts are implemented by KID in the coming years, water levels within Amon Wasteway will continue to decrease making habitat even less suitable for all fish species. It should be noted there have been **no** salmon/salmonoids observed on-site.

7. **Claim:** “While a contractor for the site owner identified many bird species on the site on March 19 of 2021, the contractor failed to address the requirements of the Federal Migratory Bird Treaty Act, which makes it a Federal crime to harm any migratory bird or its eggs.”

Response: The proposed wetland buffers are in place to protect wetland habitat and animals. The *Habitat Assessment Report* noted migratory birds within Habitat A which lies within the wetland buffers. This area will not be disturbed as part of proposed construction activities. This claim is baseless.

Conclusion

Big Creek and my family have spent four years working on a site plan that will be meet the City's requirements. The plan has been submitted and resubmitted to ensure we are providing a product that will not impact the adjacent wasteway and work well with neighboring developments. If the City does not approve this resubmitted site plan, they are essentially reducing the zoning that they are contractually agreed to. I urge the City to approve this submittal.

Sincerely,

Kyle Smith, PE

Stevens, Mike

From: Kym David <kymdavid@hotmail.com>
Sent: Monday, May 23, 2022 6:21 PM
To: Stevens, Mike
Subject: M2020-101 & EA2020-114, Willowbrook Place Apartments

Dear Mr. Stevens,

I'll keep this short. I am completely opposed to the City of Richland allowing traffic from another street to dump into Broadmoor St. With the new park, the new elementary school, the new housing development and the new connecting street to Steptoe (Center Blvd.?), the traffic is already maxed for a residential neighborhood. Please, no more!

Kym David

Stevens, Mike

From: Larry Floyd <lfloyd29@gmail.com>
Sent: Sunday, May 22, 2022 7:10 AM
To: Stevens, Mike
Subject: Willowbrook Apts

I am voicing my objections to the proposed Willowbrook apartments. I don't think that the addition of these apartments in this area are good for the community or the city of Richland for many reasons. First safety. Willowbrook is a community that has a lot of children. You can see these children wandering and playing in the streets in the evenings and on the weekends. The addition of one hundred apartments would increase the traffic and make it unsafe for these neighborhood children to play safely. Also, the roads are narrow that would be leading out of the neighborhood with a 9 1/2 % grade going from Piper St. to Center Blvd. In the winter this is a very slick area and the added traffic would back up and create a hazard.

The other exit from the proposed apartments that would enter onto Broadmore Street is on a blind corner and would not be a safe. Also, neither Broadmore, Piper, or Center BLVD are suitable for arterials. In order to exit onto Broadmore two separate covenants would be broken. Both Willowbrook and Meadow Springs 9 have standing covenants that roads can not be constructed through lots and that is what would have to be done to exit onto Broadmore.

Wildlife and habitat. The proposed building site would destroy a sensitive bio-diverse habitat that is vital to the many wildlife in the area. In our short time in the area we have seen deer, coyotes, otters, rabbits, bald eagles, hawks, ducks, geese, and many more examples of wildlife in this area and the building of these apartments would expel them with no place to go.

Amon Creek flows down hill of the proposed building site and the construction would create hazardous run off that would contaminate the creek that has spawning salmon and steelhead. The developers plans do not provide a way to prevent this.

So how can this be prevented. I would suggest that the City of Richland consider trading land they(we) own for the Willowbrook area and then designate it as a protected are that the whole area of the Tri Cities can continue to enjoy.

Thank you for your consideration.

Larry Floyd
358 Piper St.
Richland ,Wa 99352

Stevens, Mike

From: Laura Hollister-Meadows <meadowsfnp@msn.com>
Sent: Wednesday, May 25, 2022 4:09 PM
To: Stevens, Mike
Cc: Rich Meadows
Subject: Opposition to Willowbrook Place Apartments

Dear Mr Stevens:

We are writing to you in opposition to the proposed Willowbrook Place Apartments. We are local residents and unlike the owner of this property, have a vested interest in this community personally as well as professionally.

There are many items that concern us about this project, but we will use this email to highlight the insufficient data available regarding pedestrian and bicycle traffic. We reviewed the traffic impact analysis report performed by Kimley Horn and delivered to the City of Richland in March 2022.

As you may or may not know, the assessment of pedestrian and bicycle traffic was performed on Tuesday February 15, 2022 between 7 and 9 am. According to TC Airport weather log, the outdoor temperature at the time was 38 degree Fahrenheit. We believe this assessment is not representative of the activity that is normally incurred during warmer months. The data collected represents a mid-week time period during school hours when the weather is cold. In order to fairly assess, it is vital to perform a similar analysis during the hours of 4-6 pm in spring, summer, or fall months. It is during these periods when analysts will quickly discover the high utilization of this road to access the recreational facilities at Claybell Park. This includes tennis courts, basketball courts, pickleball courts, Little League baseball games, and small children on the playground.

In our opinion, thorough due diligence on this project's impact on pedestrian and cyclist safety has not been performed. It is your professional responsibility to ensure assessments are representative of true and typical use.

Sincerely,
Dr. Laura Hollister-Meadows
Dr. Richard Meadows

Stevens, Mike

From: leslie Conley <katieconley220@yahoo.com>
Sent: Sunday, May 22, 2022 11:08 AM
To: Stevens, Mike
Subject: Neighbor who opposes the Willowbrook Apartments

Good morning,

I am a Richland resident. My husband and I have a young family and live in this neighborhood. We strongly oppose this project. Our neighborhood is beautiful, quiet and safe.

Willbrook apartments are not welcome in our neighborhood. We love all the wildlife that surrounds our neighborhood and enjoy taking quiet walks in the afternoon looking at all the beautiful vegetation and wildlife. Willbrook apartments threatens this.

Our neighborhood doesn't need all the congestion, extra traffic, and frankly the type of people who live in apartments in this lovely neighborhood. This project destroys the woodland that surrounds us and frankly doesn't seem safe for a family centered neighborhood.

There are many places in the tri cities that willow rook apartments could call "home". Our lovely, beautiful, quiet, and established neighborhood isn't one of them. Please don't allow this project to take place.

Thank you for your time and consideration,

-Leslie Conley

Sent from my iPhone

Lisa Dukes
215 Broadmoor Street
Richland, WA 99352

City of Richland
625 Swift Blvd.
Richland, WA 99352
Attn: Mike Stevens, Planning Manager

Dear Mr. Stevens:

I am providing these comments to express my deep concern about and opposition to **M2020-101 & EA2020-114 (i.e., WILLOWBROOK PLACE APARTMENTS)**. My opposition to this proposed development includes major concerns regarding multiple issues:

- Zoning that is not consistent with the Comprehensive Plan's Land Use Goals and Integrated Non-project Final Environmental Impact Statement
- Current and planned traffic volumes that significantly exceed acceptable volumes, creating serious safety hazards to residents
- A new road that violates HOA covenants, design standards for its usage, and is far too narrow and steep for the required primary emergency access or the traffic volume expected
- Significant non-compliance concerns at the local, state, and federal levels related to development adjacent to a designated critical wetland area and natural preserve, and habitat for protected species and migratory birds
- A revised site layout that makes protection of the wetland area more rather than less problematic, with more apartments and removal of the fence that provided a barrier to the wetlands.
- Erosion and stormwater issues that are inadequately addressed in the SEPA checklist and revised site design

In November 2020, the City of Richland cancelled the public hearing for this project and requested a new application package with seven new and updated documents from the developer before proceeding with a public hearing. The newly submitted package includes these updates. It is unfortunate that so little has changed. However, it has been relatively simple to restate and update my comments and concerns.

These concerns are addressed in further detail below:

1. Current Zoning and Project Violates Goals of the Comprehensive Plan

In the forty plus intervening years since the property was zoned R-3, extensive home building in the area makes the property entirely unsuitable for high-density development and access to it through low density housing areas untenable. The below aerial views of the area show those changes:



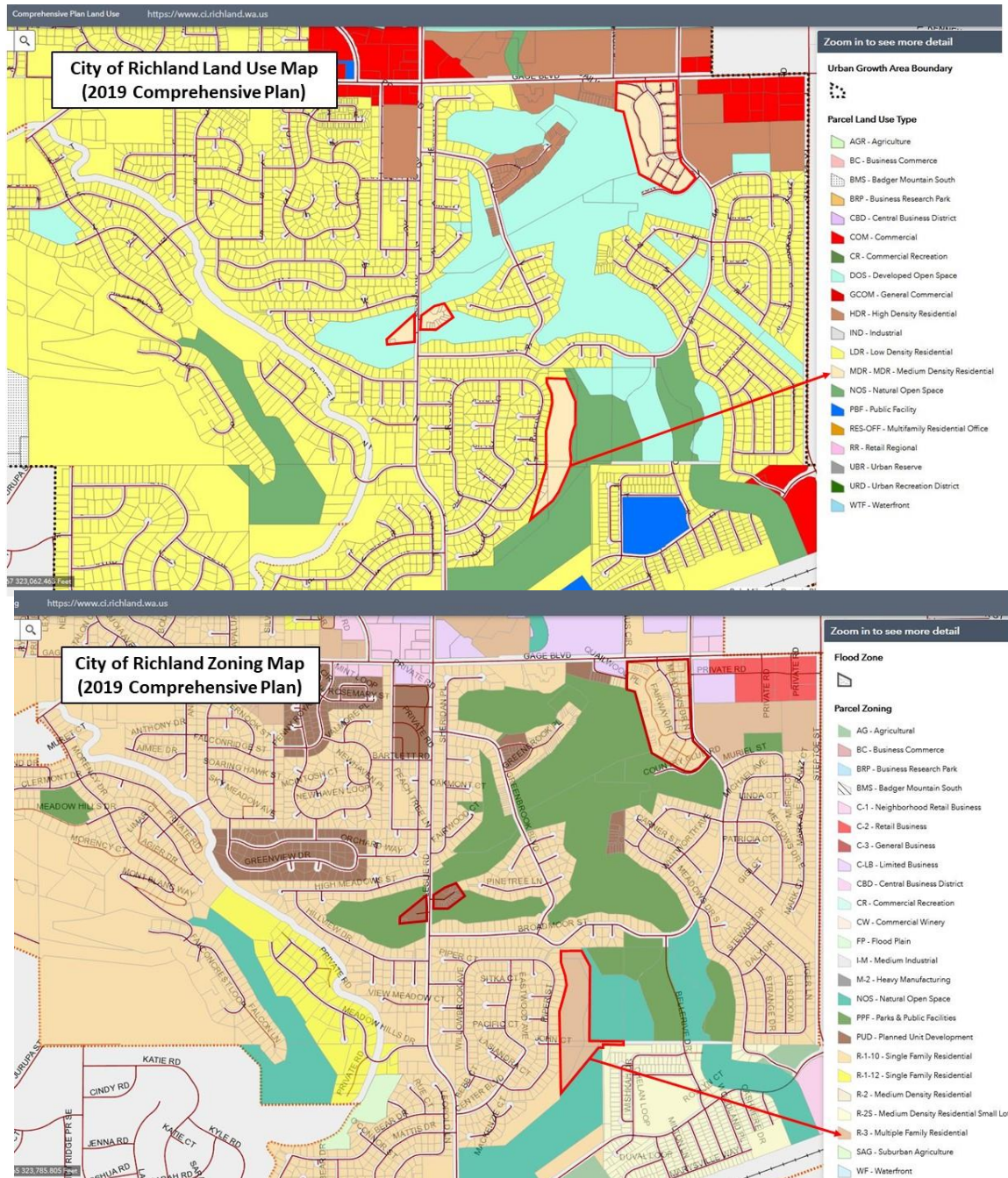
Aerial View June 2003



Aerial View April 2021

The proposed property is identified in the Richland Comprehensive Plan's Land Use Map as medium density, as shown below outlined in red. The zoning categories for Medium Density residential are R-2 and R-2S per Table LU-1 in the Comprehensive Plan. Other nearby properties with this designation include small condominium developments built on arterial roads (Leslie Road and Gage Blvd.) and are also outlined in red on the map below.

The proposed property is zoned R-3 Multi Family, as shown in the second map and per Table LU-1, is defined as High Density residential. It is clear from the below maps that high-density housing in Richland is intended for placement on arterial roads with ready access to public transportation and services.



The placement of a high-density development adjacent to sensitive wetlands violates the Comprehensive Plan and EIS in multiple areas:

- Land Use Goal 2: **Establish land uses that are sustainable** and create a livable and vibrant community.
- Land Use Goal 2, Policy 3: **Ensure that the intent of the land use and districts are maintained.**
- Natural Environment (NE) Goal 1: **Promote the protection, conservation, and restoration of natural areas, shorelines, and critical areas** as unique assets to the community.
- NE Goal 1, Policy 1: Use the critical areas ordinance, SMP, the state environmental policy act (SEPA), and other ordinances, as applicable, to **designate and protect the critical areas** and natural environment.

The current effort to shoehorn this project into a location where it no longer belongs must be ended. The project violates the City's overarching Comprehensive Plan in multiple areas. The R-3 high-density zoning designation is inappropriate and should be modified to comply with the plan and meet the City of Richland's long term goals.

2. Impacts to Traffic Safety

Among the new documents submitted is a revised Traffic Impact Analysis (TIA). Figures collected by the developer in the TIA and by the City of Richland in 2021 and 2022 show Broadmoor Street is already at maximum capacity. The TIA estimates 60% of the development's traffic, an additional 475 vehicles per day, will exit onto Broadmoor Street, making it the primary access to the complex, rather than a secondary access as stated in the application.

Broadmoor Street regularly exceeds the upper traffic target for a minor collector street, currently 500-2,000 vehicles per day (changed from 400-1,500 in late 2020). City of Richland data collected September 14-16, 2021, recorded 1,800 to 1,870 vehicles per day near Leslie Blvd and the developer's TIA recorded 1,926 vehicles on Broadmoor near Claybell Park in February 2022. The addition of 475 vehicles per day takes traffic volume to near 2,500. This is well beyond City of Richland guidelines and what can be considered safe.

Traffic safety has long been a concern of residents on Broadmoor Street. In 2016, Meadow Springs Second Nine Homeowners Association placed two radar traffic signs on Broadmoor Street east of Leslie that record traffic volumes and speed. Speeding vehicles travelling at over 50 and 60 mph at all hours are regularly recorded, with a documented high speed in 2021 of 77 mph. Recent speed camera data recorded 70% of uphill/westbound traffic exceeding the speed limit. Speeds exceeding 50 mph were recorded on 7 days from May 1-22, often between 4 and 7 pm.

An additional 475 vehicles per day at a new intersection near the park on an s-curve with limited sight lines and braking distances will make the road far more dangerous than it already is. Speeding vehicles on Broadmoor pose significant risk to residents, pedestrians, cyclists, and the many community members that use Claybell Park for soccer, Little League, basketball, pickleball, and tennis. Cars routinely park along both sides of the road near Claybell, narrowing travel space to one car width.

The proposed access road will travel downhill through an area with a long history of erosion, flooding, and stormwater management problems. It will exit onto Broadmoor opposite a large stormwater catchment basin. In March 2019, a school bus slid off the road at the location of the proposed intersection. The access road, with a downhill grade of up to 9.4% and two very sharp turns near the intersection will certainly result in more accidents, especially in winter, when cars from three directions will be descending downhill to the lowest point on Broadmoor Street.

3. Updates to the Site Plan and Elimination of Buffer Averaging

The current site plan has some significant changes that should be reviewed (see attachment). The previous Critical Area Report clearly stated there was an inadequate case for the use of buffer averaging, which is only allowed when “stipulated conditions are met to ensure a net improvement to wetland protection”. The revised site plan eliminates buffer averaging entirely, perhaps to eliminate the need for buffer averaging mitigations called for by the City in their response to the 2020 package. The revised site plan has these noteworthy changes:

- Number of apartments increased from 96 to 108. This is because the calculation for the maximum allowed apartments increased when buffer averaging was eliminated. Note that a complex with more than 100 units must also have two primary emergency access roads per the City of Richland’s fire code (Appendix D of the International Fire Code).
- Deleted the fence that separated the complex from the wetland, along with the pedestrian walkway inside the fence. The site is now open to the wetland with minimal landscaped areas adjacent to the buildings. This is not an improvement to wetland protection but was absolutely necessary to avoid buffer averaging.
- The clubhouse has been moved and reduced in size by about 60%.

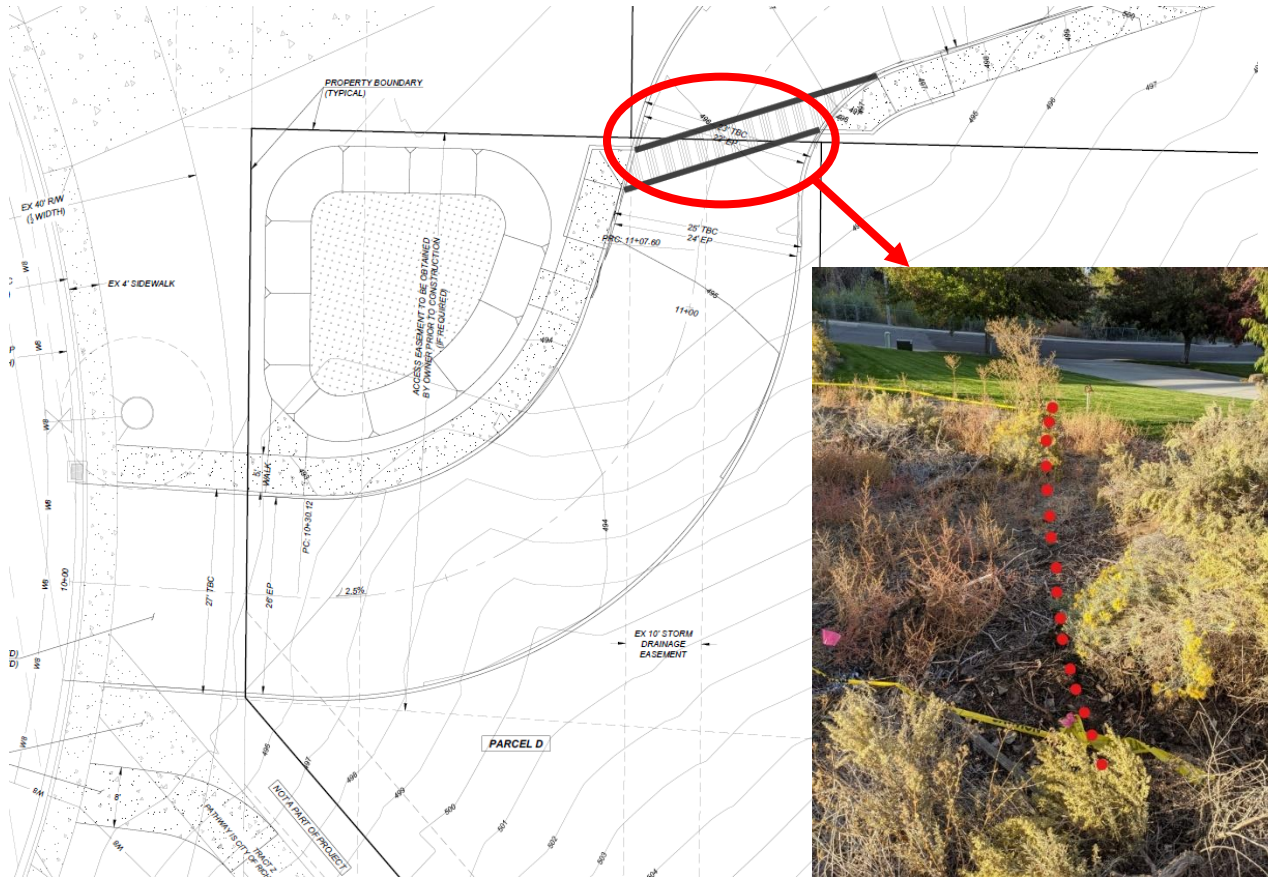
Once again, no development certainly provides better wetland protection than a larger development that is now not separated from the wetland at all.

4. Design of the New Access Road

This road is an extreme example of attempting to force in a non-compliant road design to gain approval for a project that has previously been rejected by the City of Richland. It still fails to meet minimum design standards for residential or primary emergency vehicle access.

The American Association of State Highway and Transportation Officials (AASHTO) Green Book “Policy on Geometric Design of Highways and Streets” establishes a minimum width for low speed residential access roads at 12 feet per lane plus 5-foot sidewalks—29 feet for a two-lane access road and one sidewalk. The developers do not have access to the additional width required for construction sub-grade, right-of-way, and shoulders.

The developer controls two adjoining land parcels needed for the access road, but only 23 feet of width where these parcels adjoin. To remain on their own parcels, the road narrows to 23 feet at that location, consuming all available width, with no provision for continuous sidewalk or shoulder (see site access drawing and photograph of road location below). It crosses property parcels currently zoned single family and violates existing HOA covenants. It has a near-90-degree turn near the base of the access road followed by another similarly sharp turn before climbing a grade that is 9.4% near the top. It violates sight line, braking distance, and turning radius design standards. It fails to address a history of erosion and previous washouts of the hillside. It is unsuitable for 475 vehicles per day and even less suitable for large or multiple emergency vehicles responding to a fire at a large apartment complex.



2021 Site Drawing of Access Road and Photo of 23' Section

Documents Prepared in Support of the Project and Environmental Impacts

I strongly supported a new and independent Critical Area Report, Wildlife Assessment, and SEPA Checklist in 2020. I sincerely believed the previous evaluations funded by the developers/landowners were completed with the desired outcome in mind, rather than the goal of obtaining an accurate assessment of the true environmental impact of this project. There is little new information in the revised documents, as they are only minor updates to the previously submitted reports. They still fail to address regulatory requirements imposed by the Clean Water Act, Endangered Species Act, Federal Migratory Bird Treaty Act and National Environmental Policy Act due to the location of the site near protected streams and wetlands.

As previously noted, this project is adjacent to the Amon Creek Natural Preserve and designated a critical wetland. As the previous maps demonstrate, this forms the majority of the natural open space (NOS) in South Richland. It is a rich resource not only for our community, but for many mammal, bird, and waterfowl species. Hundreds of black-tailed jack rabbits, a state candidate species, live in the preserve and adjacent desert areas. Visitors to the area around Claybell Park and Amon Creek Natural Preserve regularly see jackrabbits, pheasant, killdeer, curlew, blue heron, a variety of raptors, wood ducks, mallards, coots, and migrating bird species on the overhead Pacific flyway. There is a small beaver lodge in the water south of the proposed complex. Coyotes, hawks, and raccoons are routinely seen in the area in the early evening and morning. Much of the area has undergone careful restoration to a natural shrub steppe habitat by

the City of Richland in recent years. This development will negatively impact and potentially destroy this rare and unique natural preserve entrusted to the City. The Wildlife Assessment report makes note that the habitat is already impacted by “human disturbance, high density residential development, and public roads”.

The SEPA Checklist is still incomplete and has not been fully updated. It states, “the land uses are similar to and compatible with the surrounding existing uses.” This is patently untrue. There are no multi-family residential areas in the vicinity of the site, the nearest being in the highly developed area near Gage Blvd. and Bellerive Drive nearly a mile distant.

The SEPA checklist also fails to accurately bring forward relevant information contained in the Wildlife Assessment. It does not bring forward the priority habitat species on or near the site. The Wildlife Assessment identifies on-site habitats for burrowing owls, and nearby habitat for black-tailed jackrabbits and badgers. The partially on-site and nearby West Fork of Amon Creek is habitat mapped by the WDFW as a location for fall chinook. The SEPA checklist merely notes that no fish were observed. Note that the Wildlife Assessment was conducted in March, when neither fall Chinook nor federally protected migratory birds would be present.

Regarding wildlife, the Critical Area Report states “on-site observations confirm habitat designations established by WDFW (see section 3.3.6). The shrub-steppe environment may provide habitat suitable for burrowing owls and black-tailed jackrabbits, which are not threatened or endangered at either the state nor the federal level.” The report fails to point out that both the burrowing owl and black-tailed jackrabbits (commonly seen in the area) are currently candidate species for endangered or threatened status.

Stormwater and erosion control is still inadequately addressed in the SEPA checklist. It merely states that “stormwater is not anticipated to flow into other waters”. This is a remarkable statement, as the site’s elevation 40 feet above Amon Creek and its wetlands has existing natural drainage channels from the site and buffer areas directly into the creek and down the hill onto Broadmoor Street.

There is a long history of erosion on the hillside and long-term stormwater management challenges on Broadmoor. This includes the hillside washout and undermining of the sidewalk adjacent to the proposed access road during a summer rainstorm that took over six months to repair. Long-term stormwater management issues at and near the location of the proposed access road have demanded large capital expenditures on Broadmoor in recent years and months of open trenches and excavations for residents to deal with. Flooding at the bottom of Broadmoor during moderate rainstorms is a regular occurrence.

The SEPA checklist references a stormwater plan, which was called for in the City’s November 2020 response. They refer to a “Conceptual Stormwater Plan”, which is simply a drawing sheet in the site plan indicating existing and planned utilities, water mains, sewer features, drains, catchment areas and spillways. No additional stormwater documentation has been provided. No Stormwater and Pollution Prevention Plan has been prepared or discussed. Control of stormwater, pollution, and erosion during construction is glossed over entirely, despite the movement of 10,000 cubic yards of soil during clearing and leveling groundwork.

Summary

In summary, the proposed development is entirely inconsistent with the City’s Comprehensive Plan, violates HOA covenants, traffic limits, and road design standards and regulations. It poses

a serious environmental threat to critical wetlands and an adjacent protected natural reserve. Added traffic poses significant hazards to residents' safety and will overload already crowded residential streets.

Given all of these issues, and the still inadequate application submitted by the developer, it is inconceivable this project would be allowed to proceed. How many times should they be allowed to come back for another attempt at approval? How many times should the City be required to reevaluate new (but not very new) applications?

If the City attempts to authorize the project without compliance with Federal law, both the City and the applicant may be subject to civil and criminal enforcement actions by multiple State and Federal agencies. It will demonstrate to residents that the City places revenue generation and out-of-state development interests ahead of community interests, disregarding the safety of Richland residents, our critical natural areas, and the long term plan for growth in Richland. There are alternative locations that are suitable for a multi-family development, potentially owned by the City, that will better serve both the community and shared goals for the City of Richland.

Please do the right thing and reject this ill-conceived and illegal project.

Sincerely,



L.C. Dukes
215 Broadmoor Street
Richland, WA

Cc: Mr. Michael Alvarez, Mayor and City Council Planning Liaison
Mr. Terry Christensen, Mayor Pro Tem
Ms. Jhoanna Jones, City Council Planning Liaison Alternate Ms. Sandra Kent
Mr. Ryan Lukson
Ms. Theresa Richardson
Mr. Phil Lemley

[illegible]

Stevens, Mike

From: Lyndsey Bartlett <lyndseybartlett@icloud.com>
Sent: Tuesday, May 24, 2022 7:47 AM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sent from my iPhone

Stevens, Mike

From: Margaux <halcyonhouse1@charter.net>
Sent: Monday, May 16, 2022 6:33 PM
To: Stevens, Mike
Subject: Fwd: Proposed apartments in the Willowbrook/Meadow Springs neighborhoods

Margaux

Begin forwarded message:

From: Margaux <halcyonhouse1@charter.net>
Date: May 16, 2022 at 6:32:07 PM PDT
To: mstevens@ci.richland.wa.us
Subject: Proposed apartments in the Willowbrook/Meadow Springs neighborhoods

Mr. Stevens-City of Richland

I am contacting you to express my extreme opposition regarding the access road that has been proposed to connect from the proposed apartments onto Broadmoor.

To give you some background, I have grown up in the Meadow Springs proper neighborhood and have seen the impact that has recently been extremely negative on the opening up of Broadmoor/Bellerive to the Hayden Homes development and the expansion of Claybell Park. It would be absurd to even remotely imply that driving traffic into our once extremely quiet neighborhood has not had a negative impact.

I personally have friends who owned property directly across from Claybell park and have felt forced to sell their property due to the extreme traffic and congestion that has become a constant since that area was opened up. It also drove traffic down Greenbrook Boulevard as an alternate route to speeding cars that were not part of our neighborhood and while walking I observed many many instances of walkers, golfers etc. almost being hit by speeding cars. I personally filed many complaints with the traffic control department and requested that Digital speed signs be placed to hopefully stop the speeding and it hasn't stopped since they opened up that Hayden neighborhood.

The proposed access road will not only drive traffic down Broadmoor it will also continue to drive traffic down a golfcourse residential street where golfers continually pass back-and-forth walking and in carts to cross Greenbrook Boulevard to other areas of the golf course. This is a completely negligent act to even consider allowing more traffic to be driven down Greenbrook Boulevard!

I use this as an example and only the tip of the iceberg of chaos this access road would create. I believe it is completely disingenuous on the part of the city and the developer to try to pretend that this access road would have no impact on the Meadow Springs neighborhood. Broadmoor was not meant to be a pass-through for other communities that feed off of the Kennewick area or off of Willowbrook.

You are proposing driving traffic through a quiet neighborhood who's had to use their HOA funds to install expensive Digital speed limit signs on Broadmoor because of the children on our streets being subjected to horrible speeding traffic which the city could not or would not control. Not to mention that Meadow Springs is a golfing neighborhood and we have people that drive their golf carts up and down the streets to commute to the golf course. That in part is why they chose to live in this area and it is unconscionable that is being proposed to the neighbors in this community of over 44 years to subject them to this traffic hazard.

Meadow Springs proper has been the anchor community of South Richland for the City Of Richland. It is unconscionable to think that for all these years the tax dollars of my parents and now myself and all of my neighbors is being shown complete disrespect and that you want to devalue our property and the quality of life in our neighborhood as we have known it.

It is beyond a big shame on you City Of Richland for your narrow minded and greedy focus. The city has shown a complete lack of preparedness as it watched the Willowbrook area expand and made no proper plans for an access road that would not be a hazard to people and to nature in the Amon reserve.

I request you and all involved in the decision making process to stop any access road being allowed to connect to Broadmoor. If the city were to allow this to happen it would be a travesty and a crime against our neighborhood. While the act of connecting these roads may not be illegal it would be shameful, evil and wrong.

I request the City Of Richland do the right thing and honor the tax payers of these neighborhoods by not destroying their communities with the impact of more traffic and the destruction of wildlife habitats.

Please stop this access road!

Margaux Cannon

509-308-3243

Stevens, Mike

From: Maria Provenzano <2016mpro@gmail.com>
Sent: Tuesday, May 24, 2022 5:23 PM
To: Stevens, Mike
Subject: letter of concern

I am writing to you Mr. Stevens to give you my comments concerning the proposed Willowbrook apartment complex. First let me tell you a little bit about myself and my family. I bought my home in Meadows East (Michael Ave) in 2017. The same year, my son and his family of 6 bought a house in the same neighborhood on Linda Ct. My daughter and her family of 5 liked the area so much that she bought a house just 2 cul-de-sacs (Gleneagles Ct) away from Claybell park 2 years ago, making for 12 people in my family who chose to live in the Meadow Springs area. Things that attracted us to this area included: a quiet/safe environment, close proximity to recreation at Claybell, the ability to observe wildlife & plant life at the nature preserve, and lack of traffic concerns. I was appalled when I saw the plans for the apartment complex, which is literally right behind my daughter's property. I was appalled even further when I saw WHERE the proposed entrances to the apartment complex are! I am still shaking my head in disbelief that city officials would even CONSIDER having the entrances to such a large apartment complex going through residential neighborhoods. These neighborhoods are filled with young children, walking, riding bikes/scooters/skateboards, walking dogs, etc! My 7 grandchildren (ages 5-12) are just some of the hundreds of children who call this area home. Many of these children walk to and from the school bus, and would be doing so during peak times. The majority of people living in those apartments would most likely be leaving for work & returning while the streets are full of children. For many months of the year secondary students are walking in the dark to the bus stop, and many elementary students, like my grandkids, are walking home from the bus stop when it's close to dark during the winter. It's shocking to think that the City of Richland cares so little about the safety of the children who live in this area that they would plan this major project knowing full well that traffic accidents will increase dramatically. The speed limit through these neighborhoods is 25 mph, although many people don't adhere to that, and as you know, the roads are just 1 lane in each direction. This leaves no shoulder for cars to swerve into should a child run across the street to catch a ball, or run after their friends or pets. If you've ever driven out here and seen the number of people using Claybell Park, and the number of cars parked along Bellerive/Broadmoor, you would see just how much the residents of this area are active outdoors on a daily basis. When driving from my house to my daughter's house (just a half mile away), I usually go 10-15 mph when going past Claybell, particularly on a busy day. I know that young children often don't pay attention to dangerous conditions, and I personally never want to cause harm to a child.....but not everybody is as cautious as I am. Claybell is a popular park even when the weather isn't sunny & warm - team sports practice and play there during the majority of the year. In addition to the abundance of young children in this area, there is also an abundance of retired people. I see retired folks walking (often with dogs) on Bellerive/Broadmoor every single time I leave my house - regardless of the time of day or the weather. Being close to retirement age myself, I can say that the elderly often don't have quick reflexes, and I believe you are risking their well-being and safety as well. The residents of the Meadow Springs/Willowbrook area deserve to keep their quiet, safe neighborhood and maintain the quality of life they are accustomed to. I know there are many families like mine, who chose this area specifically for the quality of life it offered, and now that is being threatened.

In addition to compromising the safety of the children, elderly, and other residents of this area, this apartment complex would bring traffic problems that this area has never experienced before. Going south from Gage & Bellerive, past Claybell, onto Broadmoor and up to Leslie would become a traffic nightmare as hundreds of additional drivers would be using this route multiple times per day. The traffic signal at Gage & Bellerive only has a left-hand turn arrow during certain hours of the day, and during peak times that left lane is terribly backed up. How do you think it will be when there is a tremendous increase in the number of people wanting to turn left there? At the other end, Broadmoor and Leslie, it's already ridiculously hard to turn south, and even to turn north during peak times. All of these roads are 1 lane in each direction, so it doesn't allow for this increased volume of traffic. Another thing to consider is how school buses will impact the traffic. School bus drivers have strict safety rules to adhere to in the attempt to keep children SAFE. The

City of Richland is doing just the opposite by even entertaining the idea of bringing a huge apartment complex into a residential area with single lanes in each direction, and where there is a popular park that operates year-round.

If you allow this apartment complex with its hundreds of additional drivers/cars per day into this area, you are essentially putting my grandchildren, and all the children who reside or visit the Bellerive/Broadmoor/Leslie/Willowbrook at great risk of harm. YOU and the City of Richland would be the ones responsible for an accident that harms or causes the death of a child, or any human being. Do you want that blood on your hands? Just think of the lawsuit(s) that would be brought forth by the victim's family in the event of a tragic accident. Who would they hold responsible? The City of Richland and hopefully anybody like yourself who had any part in making a horrible mistake by allowing this development to take place. The officials would claim "it was just an accident," or, "we didn't know".... Good thing these letters of concern are public record meaning any lawyers would have easy access to them when lawsuits are filed. Please listen to us....I guarantee you, if this development is allowed, it will not be a matter of IF a tragic accident will occur, but rather, WHEN it will occur, and HOW OFTEN!

I welcome your response to my concerns.

Maria Provenzano

Stevens, Mike

From: Mark Bunch <mark.bunch@gmail.com>
Sent: Wednesday, May 25, 2022 9:50 AM
To: Stevens, Mike
Subject: Fwd: Proposed Willowbrook Apartments

Mr. Stevens,

I am writing to express my concern with the proposed site development of the Willowbrook Apartments near/inside the Amon Basin. I have reviewed the developer's proposals both from previous and current proposal with amendments, and these appear to be little more than window dressing and do not fully address the concerns raised by the city examiner previously.

Specifically, as outlined in Ray Swenson's memorandum, there are numerous environmental concerns that the developer, as far as i can see, will be unable to adequately address, regardless of the number of consultants it hires and reports it files.

Adding to that problem, the current traffic loads on Broadmoor are already at near capacity for its classification as far as daily volume is concerned. Adding hundreds of daily trips (which likely would be more once more workers return to their employers as the pandemic hopefully wanes) to an already taxed road is poor traffic planning as far as efficiency, and of course, dangerous due to volume coupled with documented high speed averages on the street.

Notwithstanding the volume problem, the proposed routing of the serpentine access road itself dumping onto Broadmoor street, while an impressive feat of engineering, is clearly unsafe, and, in all likelihood, destined to fail structurally (see the washout from a few years ago). It is hard to comprehend 400+ vehicles traversing this narrow switchback road day in and day out, only to be greeted by what is essentially 50 feet from a three-way, mostly uncontrolled intersection, which also contains curves and bends making visibility a problem.

Finally, as you are aware, multiple HOAs have notified the city of their contention that the city's actions, should it grant permission for the project to move forward, are at direct odds with the HOA members' property rights that have run with the land since development. The proposed access road connecting Broadmoor st with the proposed project cuts across two parcels of land that are subject to restrictive covenants and construction of such a road is a clear violation of those covenants. While I appreciate from experience municipalities reluctance to be guided by covenants when making zoning decisions or changes, it does not prevent the developer, if and when an injunction to the project is obtained by the HOAs, to seek to interplead the city into such a lawsuit. As a taxpayer, I feel this is an unwarranted risk and as fiduciaries should be avoided.

Finally, as has likely been suggested by other citizen comments, I would propose the city and developer explore the possibility of a land swap with land the city already owns, whereby the developer builds the affordable high-density housing this community needs in a less environmentally sensitive area, with little to no existing infrastructure to work around, and the city gets this last bit of "urban" wetlands for the citizens as well as the wildlife to enjoy without intrusion.

Thank you for your consideration in this matter.

Mark Bunch
221 Broadmoor St
Richland WA 99352
mark.bunch@gmail.com

Stevens, Mike

From: Mark and Cheryl Cejka <mc.cejka@gmail.com>
Sent: Sunday, May 22, 2022 9:15 PM
To: Stevens, Mike
Subject: Opposition to Willowbrook Apartments

Dear Mr. Stevens:

We are very alarmed about the plan that City of Richland has for **M2020-101 & EA2020-114 (ie. WILLOWBROOK PLACE APARTMENTS)**. We are strongly opposed to these apartments and all of the problems that their construction and proposed physical access **will cause**. Our opposition to this proposed development includes major concerns regarding the following issues: inappropriate zoning, traffic volumes and safety, fire safety, blatant City of Richland code violations, HOA covenants & restriction violations and environmental concerns. Each of these are addressed below:

Zoning

The zoning of the proposed property was designated as high density decades ago when access to this property was essentially uninhabited. Indeed, the plan was to provide adequate access to this property. Unfortunately, over the years, either through intention or poor planning on the part of the city, the access has been severely reduced by the city of Richland. No known attempt was made by the city or property owner to protect the access to this property. As a result, the city and developers find themselves in a predicament where the available access to this property does not readily support its proposed use of a high density apartment complex. The current attempts to force a project where it no longer fits clearly poses several concerns, violates city code and HOA covenants and is an attempt to maximize profit at the expense of citizen safety and of the environment. I assert that the previous zoning designation is inappropriate and should be modified to better suit the restriction to access created by the city of Richland.

Traffic Volume and Safety

There are only two proposed access options to this property, and both are problematic.

1. A meandering course through small neighborhood streets (Center Blvd and Piper St.) and
2. Access to Broadmoor St. via an illegal street being placed on multiple properties subject to the HOA covenants and restrictions of two HOAs.

You may already be aware of several issues related to this restricted access:

Broadmoor St. is already at or near maximum capacity for its designation and the proposed additional volume is not appropriate. In addition, the location and position of the proposed intersection poses several safety concerns. Often, Broadmoor access to Leslie Road is already backed up with 20 cars for long periods of time. The apartment build will greatly exacerbate this traffic issue. In addition, the Claybell Park area on Broadmoor (including the city's recent pickleball court expansion) is an extreme safety and traffic hazard. We have observed accidents and many near-accidents at this location.

Center Blvd and Piper St are not adequately suited for high volume traffic and pose clear traffic safety hazards for motorists and pedestrians (especially young children). The safety issues are impossible to ignore.

We understand that there was an updated traffic study, as the previous study was out of date. The new study confirms the listed concerns and it is now admitted in the study that the primary access (60% of volume) to these apartments will

be on Broadmoor on a roadway that was initially planned as a emergency access point and then a secondary access. This proposed road is 23 feet at its most narrow point, which also happens to be on an “S-curve”, located at a crosswalk, and does not plan for a retaining wall on this sloped land. Building a road in this location is of extreme safety and traffic concern.

Fire Safety

Access and maneuverability of larger emergency vehicles would be very difficult with the proposed dimensions of the access road even with no other vehicles present. It is also noted that previous plans had this road designated as a protected emergency access, but with subsequent applications this has evolved into a full access road intended to support the majority of the access to these apartments. This demonstrates unsafe conditions for the potential residents of these proposed apartments and the residents of adjacent properties.

City Code & HOA Covenant Violations

In a city with a “Code Enforcement” department that can issue citations and accompanying fines and property liens for vegetation that is too tall, it is flagrantly hypocritical that the city itself does not even attempt to follow its own codes. This demonstrates a blatant disregard of the city’s own codes. This is readily apparent when reviewing the proposed dimensions of the access road to Broadmoor. It is clear that the developer is in need of additional access and is limited by dimensions of the properties it owns. It is unfathomable that this could be considered “up to code” and the approval of such a road is extremely ill-advised and inconsistent with a rational approach to safe and ample access.

In addition, the northern access road to Broadmoor utilizes several properties that are subject to covenants & restrictions of 2 Homeowners Associations. You may be aware of pending lawsuits against the developers asserting the appropriate usage of these HOA properties. I am certain the owners of these properties signed the acknowledgement of HOA covenants and restrictions on these properties when they were purchased. Although it has always been apparent that development of the larger property was possible, it could not have been anticipated that a road would be developed on lots designated for single family dwellings only. I believe this is unfair to the members of the HOA and residents

of adjacent properties who have invested their money in properties believing that the HOA covenants would protect the usage of its properties from inappropriate development.

Environmental

This high density project is adjacent to the Amon Creek Natural Preserve. This development will negatively impact and potentially destroy this rare and unique natural preserve entrusted to the City of Richland. The Preserve is home to diverse species of wildlife and enjoyed by many residents for recreational and educational activities. The preservation of this natural area is consistent with the City of Richland’s strategic plan in which the fourth focus area to “manage our natural resources” by “Balancing private and public interests in conservation and preservation of sensitive areas.”

Summary

In summary, the currently proposed development is not consistent with the City’s own strategic plan. The plan blatantly violates established city codes and HOA covenants. It poses clear hazards to residents’ safety, efficient traffic patterns, and the environment and overall is an inappropriate use of the land. It is unfathomable that the proposed development could be approved given all of these issues. The flagrant disregard for these issues, if the project were approved by the city, would display an utter disregard towards its citizens, community, and environment or, at best, severe incompetence in proper planning and execution of the city’s duties as it pertains to appropriate development in our community.

Sincerely,

Mark and Cheryl Cejka

2148 Sheridan Place

Richland, WA

Stevens, Mike

From: Mark Manthei <markallenmanthei@icloud.com>
Sent: Wednesday, May 25, 2022 7:27 AM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.
Mark A Manthei
2725 willowbrook ave
Richland, wa. 99352

Sent from my iPhone

Stevens, Mike

From: Mary Chancellor <garynmaryc@yahoo.com>
Sent: Wednesday, May 25, 2022 1:44 PM
To: Stevens, Mike
Cc: Christopher Chancellor
Subject: Willowbrook Place Apartment complex

Dear Mr. Stevens,

We own a home on Broadmoor Street. It is already difficult at times to back out of the driveway due to the amount of traffic. If the Willowbrook Place Apartment complex is allowed to be built it will add a dangerous amount of additional traffic that will endanger the residents. Additional traffic will cause accidents as people try to leave their residence and endangers the children who walk to and from school and the people who walk, jog and bicycle in the neighborhood. The land proposed for the roadway is on property under HOA covenants and restrictions and limited to single-family dwellings. It is an inappropriate use of this land to build a road through it.

I heard you say that the property has been zoned multi-family residential since the late 70's, as if your hands are tied. Changes in zoning happens all the time. Just because such a project might have been feasible or allowable in the 70's does not mean that it currently fits the environment and welfare of the local residents. A lot has changed since the 70's. New laws have been enacted since the 70's. This project does not just involve the city's rules and regulations, but also state and federal laws, rules, and restrictions. It is irresponsible to let such a project go forth without thorough documentation and approval of all state and federal agencies that this project is in full compliance with all laws. Pretending that state and federal laws don't apply is foolhardy and fiscally irresponsible. You cannot feign ignorance, as you have been informed by an expert in environmental law. A project such as this would negatively impact the Amon Creek Natural Preserve.

As presented the Willowbrook Place apartment complex proposal is an environmental nightmare and would negatively impact the surrounding neighborhoods. It is the wrong project for that property. It is time to change the zoning ordinance for that land. There is inadequate access to this property for such a huge project because the surrounding land has already been developed, and it encroaches upon the Amon Creek Natural Preserve and endangers the wetlands and streams.

Sincerely,

Gary and Mary Chancellor

Stevens, Mike

From: Mary <maryl4@gmail.com>
Sent: Wednesday, May 25, 2022 4:01 PM
To: Stevens, Mike
Subject: Opposing Willowbrook Apartments

mstevens@ci.richland.wa.us

Dear Mr. Stevens:

I am writing in opposition to M2020-101 & EA2020-114 (ie. WILLOWBROOK PLACE APARTMENTS). My opposition to this proposed development includes major concerns regarding the following issues: zoning, traffic volumes and safety, fire safety, city of Richland code violations, HOA covenants & restrictions violations, and environmental concerns. Each of these are addressed below:

Zoning

The zoning of the proposed property was designated as high density decades ago when access to this property was essentially uninhibited. Indeed, the plan was to provide adequate access to this property. However, the access to this property has been severely reduced by the city of Richland. No known attempt was made by the city or property owner to protect the access to this property. As result, the city and developers now find themselves in a predicament where the available access to this property does not readily support its current proposed use for a high density apartment complex. The current attempts to force a project where it no longer fits clearly poses several concerns, violates city code and HOA covenants.

Traffic Volume and Safety

There are only two proposed access options to this property

1. A meandering course through small neighborhood streets (Center Blvd and Piper St), and
2. Access to Broadmoor St. via an illegal street being placed on multiple properties subject to the HOA covenants and restrictions of two HOAs.

You may already be aware of several issues related to this restricted access:

- Broadmoor St. is already at or near maximum capacity for its designation and the proposed additional volume is not appropriate. The location and position of the proposed intersection poses several safety concerns. Finally, as documented on the publicly available plans, the access to Broadmoor Street does not appear to meet the minimum width requirements.
- Center Blvd and Piper St are not adequately suited for high volume traffic and pose clear traffic safety hazards for motorists and pedestrians (especially young children) which are difficult to ignore. Given the shorter, straighter access to the apartment complex via John Ct and Piper St, I suspect that this route will, in reality, end up becoming the primary access to the apartment complex, regardless of the specification in the planning documents. That will result in an extreme increase in traffic volume on Piper Street, which is a fairly narrow street with frequent pedestrian traffic, including small children.
- Although a limited traffic study was performed earlier in 2022, I have doubts about its accuracy given that many workplaces were still closed or at reduced staffing/occupancy due to the pandemic. This would result in an artificially low assessment of traffic volume. A traffic study of longer duration performed now that pandemic restrictions have been lifted would provide more accurate assessment of the true traffic volumes.

Fire Safety

Access and maneuverability of larger emergency vehicles would be very difficult with the proposed dimensions of the specified primary access road, even with no other vehicles present. It is also noted that previous plans had this road designated as a protected emergency access, but with subsequent applications it is now stated that the road to Broadmoor is designated as the primary access road intended to support the majority of the access to these apartments. This demonstrates unsafe conditions for the potential residents of these proposed apartments and the residents of adjacent properties.

City Code & HOA Covenant Violations

The proposed plans violate existing Richland City Codes. This is readily apparent when reviewing the proposed dimensions of the access road to Broadmoor. The developer is in need of additional access but is limited by dimensions of the properties it owns. In any event, the access road to Broadmoor does not comply with City Code.

In addition, the northern access road to Broadmoor utilizes several properties that are subject to covenants & restrictions of two (2) Homeowners Associations. You may be aware of pending lawsuits against the developers asserting the appropriate usage of these HOA properties. I am certain the owners of these properties signed the acknowledgement of HOA covenants and restrictions on these properties when they were purchased. Although it has always been apparent that development of the larger property was possible, it could not have been anticipated that a road would be developed on lots designated for single family dwellings only. The members of the HOA and residents of adjacent properties invested their money in properties believing that the HOA covenants would protect the usage of its properties from inappropriate development.

Environmental Concerns

In spite of the 347-page-length of the Site Plan Review application submitted to the City of Richland, the developer is hoping the City will disregard several important laws. The most fundamental law they want the City to ignore is the law of gravity, by claiming that the stream and wetlands that form the eastern side of the project site will be protected by a 150 foot "buffer zone" from the massive earth-moving and construction activities throughout the west side of the site. The simple fact that is apparent to anyone who either walks the site, or looks carefully at the site topographic maps, is that the entire project site is in the immediate watershed of the stream and wetlands, and that natural stormwater, as well as water used for dust control and other land forming and construction activities, carrying particulates and other pollutants, will be drawn by gravity downhill across the "buffer zone" and into the wetlands and stream.

The developer's application includes consultant reports on certain ecological aspects of the site. Those reports confirm that the stream drains north into the Yakima River and then directly into the Columbia River, that it is surrounded by adjacent wetlands that have been extensively delineated based on soils and vegetation, and that the stream and wetlands are therefore Waters of the United States under the jurisdiction of the Federal Clean Water Act and corresponding state laws. In particular, the reports confirm that the stream and wetlands are habitat for the Spring Chinook and Coho salmon species that are protected by the Endangered Species Act. The reports also confirm that the site is habitat for at least several species of migratory birds, which are protected under Federal law.

However, the application fails to take the next logical step to address the significant environmental law, regulation and permitting requirements that are triggered by the special character of the site and its wildlife:

1. The developers have apparently ignored the requirement to comply with requirements for a stormwater pollution prevention permit, which is required because the site is adjacent to, and drains into, a stream and its adjacent wetlands which are Waters of the United States protected under the Section 402 NPDES Permit requirements of the Clean Water Act. The permit program in Washington is administered by the Washington Department of Ecology, and includes a mandatory 30 day public comment period.

2. The developers have failed to address the requirement to obtain a necessary permit from the US Army Corps of Engineers under Section 404 of the Clean Water Act, since construction on the site will deposit soils into a stream and wetlands that are Waters of the United States.
3. The CWA Section 404 requirements include preparation by the Corps of Engineers of an environmental impact analysis under the Federal National Environmental Policy Act (NEPA), separate and apart from any State Environmental Policy Act analysis adopted by the City of Richland. NEPA requires examination of all potentially applicable laws and regulations, both state and Federal.
4. The stream and wetlands affected by construction on the site are habitat for Chinook and Coho salmon protected under the Federal Endangered Species Act (ESA). The potential impact on these species must be analyzed under the standards of the ESA, and the project may not then proceed without negotiation of a Federal Habitat Conservation Plan under Section 10 of the ESA, that must be approved by the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration.
5. While a contractor for the site owner identified many bird species on the site on March 19 of 2021, the contractor failed to address the requirements of the Federal Migratory Bird Treaty Act (MBTA), which makes it a Federal crime to harm any migratory bird or its eggs. A single March site visit fails to identify all the migratory bird species which may visit the site over the full course of the spring and summer months, some coming from thousands of miles away. Biologists working for the U.S. Department of Energy at the Hanford Site have documented that Benton County hosts dozens of species which nest on the ground, and others on structures, such as cliff swallows that use mud (such as that available in the wetlands on the project site) to build nests on walls and the frames of new buildings under construction, including the massive Hanford Waste Treatment Plant. MBTA compliance will not be complete until a comprehensive survey is conducted over the spring and summer of 2022, followed by negotiation with the US Fish & Wildlife Service Portland regional office to obtain the applicable permits for incidental “take” of protected birds and eggs that may occur during the construction and operation of the apartment complex.
6. The contractor reports have confirmed the presence on the site of Burrowing Owls, which are a species which the State of Washington has identified as declining significantly in its population, surviving in Washington mainly within Benton County, and therefore measures to protect the Burrowing Owl from the impacts of the construction and operation of the site must be analyzed and adopted to satisfy the State Environmental Policy Act (SEPA).
7. In light of the substantial environmental compliance and permitting issues identified above, the SEPA does not allow the City of Richland to authorize construction to proceed without completing a full environmental impact analysis to justify its action. Furthermore, since the facts trigger the application of the Clean Water Act, the Migratory Bird Treaty Act, and the Endangered Species Act, Federal law requires prior completion of a full environmental impact analysis under the National Environmental Policy Act, with public participation and hearings. If the City attempts to authorize the project to proceed without compliance with Federal law, both the City and the applicant may be subject to civil and criminal enforcement actions by these Federal agencies, and civil lawsuits brought by citizens to enjoin the action. Rather than assume legal responsibility for the developer’s disregard of environmental protection laws, the City of Richland should direct the developer to negotiate with all of the state and Federal agencies cited above and demonstrate that their project has been brought into full compliance with all applicable laws, including the requirement of both SEPA and NEPA for a full analysis of the applicable requirements and opportunities for public comment and hearings on their draft decision documents, as well as on relevant permits.

In summary, I strongly oppose the Willowbrook Apartment development for multiple reasons related to zoning, code and HOA violations, traffic safety, and environmental impacts. The city must reconsider this development project. The current project is inappropriate for the site.

Regards,

Mary Lancaster

418 Piper St

Richland, WA

Stevens, Mike

From: Mary Walden <pipecourt@icloud.com>
Sent: Tuesday, May 24, 2022 11:36 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sent from my iPhone

Stevens, Mike

From: Matt Sweezea <matt.sweezea@gmail.com>
Sent: Wednesday, May 25, 2022 10:56 AM
To: Stevens, Mike
Subject: Willowbrook Apartments

Mike,

As a Richland resident and community member in the Meadow Springs area I urge you to re-direct the current proposal of Willowbrook Apartments as submitted. The developer has not provided nor followed local or federal requirements for site prep, building, and maintenance of development nor adequate public safety and traffic routes for such a development.

Traffic safety on broadmoor is already a concern with the increased traffic from sports and recreation at Claybell Park, almost nightly as we travel thru our neighborhood we have individuals parking along Broadmoor to access Claybell Park with narrow and curved streets many are standing in the street as they get out of cars, are parked away from curbs and create blind spots on side streets and significant congestion - this is already a public safety concern on a nightly basis. Adding 100+ apartments and that many vehicles to an already overly active area with limited access is a public safety nightmare.

Please take the community input and regulatory issues front and center. We welcome a growing and thriving community but safety must also be a top priority.

My Best,

Matt & Kristin Sweezea - Richland Residents

Stevens, Mike

From: Matthew Pierson <matthewpierson@rocketmail.com>
Sent: Tuesday, May 24, 2022 6:18 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Thank you

Matthew Pierson

Sent from my iPhone

Stevens, Mike

From: Mauri <maurikjones@gmail.com>
Sent: Wednesday, May 25, 2022 8:10 AM
To: Stevens, Mike
Subject: Opposition to Willowbrook Place M2020-101 & EA2020-114

Dear Mr. Stevens,

I am writing to express my opposition to this proposed development for the following reasons:

1. Our family uses the Amon Creek Preserve daily for walking/running with our dog! We love the quiet, peaceful natural nature it provides! The amount of wildlife that currently live there(that I see daily when I walk/run) is amazing! That is their home and they need to be able to keep it in its natural unharmed state! Daily I see; rabbits, beaver, coyotes, and birds(many kinds). Not to mention many other people/families enjoying the nature when they walk/run through this area with their dogs and kids.
2. Our neighborhood is a family neighborhood with many children(including mine)walking, riding bikes and playing with friends. The Impact on traffic over Piper Street in the Willowbrook subdivision(WOULD BE DANGEROUS WITH EXTRA CARS AND PEOPLE DRIVING TO FAST), not to mention Broadmoor in the Second Nine Subdivision - no other apartment complex in Richland is accessed through another neighborhood over streets that are residential.
3. Impact on the Amon Creek Preserve - stormwater runoff, encroachment on a critical wildlife habitat(with MANY animals whom make this their HOME)-Birds, beaver, rabbits, coyotes and more!
4. Placement of a roadway over lots that are restricted by Willowbrook Community Association covenants to single-family housing, NOT streets.
5. Access road to Broadmoor is unsafely graded, narrow and inadequate for the proposed use.
6. The proposed density is incompatible with surrounding single-family residences and inconsistent with the City's strategic plan(LARGE apartment complex with EXTRA CARS)-doesn't fit this plan.

Sincerely,

Mauri Jones
118 Piper Ct.
Richland, Wa 99352

Sent from my iPhone

Stevens, Mike

From: m a <runningbaby13@yahoo.com>
Sent: Tuesday, May 24, 2022 9:16 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sincerely, McKinsey Arola
Willowbrook Neighborhood

Stevens, Mike

From: Megan Zobel <megszobel@gmail.com>
Sent: Tuesday, May 24, 2022 2:53 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Megan Zobel

Stevens, Mike

From: MSP <mpekour@gmail.com>
Sent: Monday, May 23, 2022 8:25 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sincerely,

Mikhail S. Pekour

223 Center Blvd., Richland, WA 99352

Stevens, Mike

From: Mitch Kutzko <mwkworks@gmail.com>
Sent: Wednesday, May 25, 2022 4:13 PM
To: Stevens, Mike
Subject: Comments opposing Willowbrook Apartment

Mr. Stevens:

I am writing in opposition to M2020-101 & EA2020-114 (ie. WILLOWBROOK PLACE APARTMENTS). My opposition to this proposed development includes major concerns regarding the following issues: zoning, traffic volumes and safety, fire safety, city of Richland code violations, HOA covenants & restrictions violations, and environmental concerns. Each of these are addressed below:

Zoning

The zoning of the proposed property was designated as high density decades ago when access to this property was essentially uninhibited. Indeed, the plan was to provide adequate access to this property. However, the access to this property has been severely reduced by the city of Richland. No known attempt was made by the city or property owner to protect the access to this property. As a result, the city and developers now find themselves in a predicament where the available access to this property does not readily support its current proposed use for a high density apartment complex. The current attempts to force a project where it no longer fits clearly poses several concerns, violates city code and HOA covenants.

Traffic Volume and Safety

There are only two proposed access options to this property

1. A meandering course through small neighborhood streets (Center Blvd and Piper St), and
2. Access to Broadmoor St. via an illegal street being placed on multiple properties subject to the HOA covenants and restrictions of two HOAs.

You may already be aware of several issues related to this restricted access:

- Broadmoor St. is already at or near maximum capacity for its designation and the proposed additional volume is not appropriate. The location and position of the proposed intersection poses several safety concerns. Finally, as documented on the publicly available plans, the access to Broadmoor Street does not appear to meet the minimum width requirements.
- Center Blvd and Piper St are not adequately suited for high volume traffic and pose clear traffic safety hazards for motorists and pedestrians (especially young children) which are difficult to ignore. Given the shorter, straighter access to the apartment complex via John Ct and Piper St, I suspect that this route will, in reality, end up becoming the primary access to the apartment complex, regardless of the specification in the planning documents. That will result in an extreme increase in traffic volume on Piper Street, which is a fairly narrow street with frequent pedestrian traffic, including small children.
- Although a limited traffic study was performed earlier in 2022, I have doubts about its accuracy given that many workplaces were still closed or at reduced staffing/occupancy due to the pandemic. This would result in an artificially low assessment of traffic volume. A traffic study of longer duration performed now that pandemic restrictions have been lifted would provide more accurate assessment of the true traffic volumes.

Fire Safety

Access and maneuverability of larger emergency vehicles would be very difficult with the proposed dimensions of the specified primary access road, even with no other vehicles present. It is also noted that previous plans had this road designated as a protected emergency access, but with subsequent applications it is now stated that the road to Broadmoor is designated as the primary access road intended to support the majority of the access to these apartments. This demonstrates unsafe conditions for the potential residents of these proposed apartments and the residents of adjacent properties.

City Code & HOA Covenant Violations

The proposed plans violate existing Richland City Codes. This is readily apparent when reviewing the proposed dimensions of the access road to Broadmoor. The developer is in need of additional access but is limited by dimensions of the properties it owns. In any event, the access road to Broadmoor does not comply with City Code.

In addition, the northern access road to Broadmoor utilizes several properties that are subject to covenants & restrictions of two (2) Homeowners Associations. You may be aware of pending lawsuits against the developers asserting the appropriate usage of these HOA properties. I am certain the owners of these properties signed the acknowledgement of HOA covenants and restrictions on these properties when they were purchased. Although it has always been apparent that development of the larger property was possible, it could not have been anticipated that a road would be developed on lots designated for single family dwellings only. The members of the HOA and residents of adjacent properties invested their money in properties believing that the HOA covenants would protect the usage of its properties from inappropriate development.

Environmental Concerns

In spite of the 347-page-length of the Site Plan Review application submitted to the City of Richland, the developer is hoping the City will disregard several important laws. The most fundamental law they want the City to ignore is the law of gravity, by claiming that the stream and wetlands that form the eastern side of the project site will be protected by a 150 foot "buffer zone" from the massive earth-moving and construction activities throughout the west side of the site. The simple fact that is apparent to anyone who either walks the site, or looks carefully at the site topographic maps, is that the entire project site is in the immediate watershed of the stream and wetlands, and that natural stormwater, as well as water used for dust control and other land forming and construction activities, carrying particulates and other pollutants, will be drawn by gravity downhill across the "buffer zone" and into the wetlands and stream.

The developer's application includes consultant reports on certain ecological aspects of the site. Those reports confirm that the stream drains north into the Yakima River and then directly into the Columbia River, that it is surrounded by adjacent wetlands that have been extensively delineated based on soils and vegetation, and that the stream and wetlands are therefore Waters of the United States under the jurisdiction of the Federal Clean Water Act and corresponding state laws. In particular, the reports confirm that the stream and wetlands are habitat for the Spring Chinook and Coho salmon species that are protected by the Endangered Species Act. The reports also confirm that the site is habitat for at least several species of migratory birds, which are protected under Federal law.

However, the application fails to take the next logical step to address the significant environmental law, regulation and permitting requirements that are triggered by the special character of the site and its wildlife:

1. The developers have totally ignored the requirement to comply with requirements for a stormwater pollution prevention permit, which is required because the site is adjacent to, and drains into, a stream and its adjacent wetlands which are Waters of the United States protected under the Section 402 NPDES Permit requirements of the Clean Water Act. The permit program in Washington is administered by the Washington Department of Ecology, and includes a mandatory 30 day public comment period.
2. The developers have failed to address the requirement to obtain a necessary permit from the US Army Corps of Engineers under Section 404 of the Clean Water Act, since construction on the site will deposit soils into a stream and wetlands that are Waters of the United States.

3. The CWA Section 404 requirements include preparation by the Corps of Engineers of an environmental impact analysis under the Federal National Environmental Policy Act (NEPA), separate and apart from any State Environmental Policy Act analysis adopted by the City of Richland. NEPA requires examination of all potentially applicable laws and regulations, both state and Federal.

4. The stream and wetlands affected by construction on the site are habitat for Chinook and Coho salmon protected under the Federal Endangered Species Act (ESA). The potential impact on these species must be analyzed under the standards of the ESA, and the project may not then proceed without negotiation of a Federal Habitat Conservation Plan under Section 10 of the ESA, that must be approved by the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration.

5. While a contractor for the site owner identified many bird species on the site on March 19 of 2021, the contractor failed to address the requirements of the Federal Migratory Bird Treaty Act (MBTA), which makes it a Federal crime to harm any migratory bird or its eggs. A single March site visit fails to identify all the migratory bird species which may visit the site over the full course of the spring and summer months, some coming from thousands of miles away. Biologists working for the U.S. Department of Energy at the Hanford Site have documented that Benton County hosts dozens of species which nest on the ground, and others on structures, such as cliff swallows that use mud (such as that available in the wetlands on the project site) to build nests on walls and the frames of new buildings under construction, including the massive Hanford Waste Treatment Plant. MBTA compliance will not be complete until a comprehensive survey is conducted over the spring and summer of 2022, followed by negotiation with the US Fish & Wildlife Service Portland regional office to obtain the applicable permits for incidental “take” of protected birds and eggs that may occur during the construction and operation of the apartment complex.

6. The contractor reports have confirmed the presence on the site of Burrowing Owls, which are a species which the State of Washington has identified as declining significantly in its population, surviving in Washington mainly within Benton County, and therefore measures to protect the Burrowing Owl from the impacts of the construction and operation of the site must be analyzed and adopted to satisfy the State Environmental Policy Act (SEPA).

7. In light of the substantial environmental compliance and permitting issues identified above, the SEPA does not allow the City of Richland to authorize construction to proceed without completing a full environmental impact analysis to justify its action. Furthermore, since the facts trigger the application of the Clean Water Act, the Migratory Bird Treaty Act, and the Endangered Species Act, Federal law requires prior completion of a full environmental impact analysis under the National Environmental Policy Act, with public participation and hearings. If the City attempts to authorize the project to proceed without compliance with Federal law, both the City and the applicant may be subject to civil and criminal enforcement actions by these Federal agencies, and civil lawsuits brought by citizens to enjoin the action. Rather than assume legal responsibility for the developer’s disregard of environmental protection laws, the City of Richland should direct the developer to negotiate with all of the state and Federal agencies cited above and demonstrate that their project has been brought into full compliance with all applicable laws, including the requirement of both SEPA and NEPA for a full analysis of the applicable requirements and opportunities for public comment and hearings on their draft decision documents, as well as on relevant permits.

Respectfully,

Mitch Kutzko

418 Piper St.

Stevens, Mike

From: nicholas.hoaglin@gmail.com
Sent: Thursday, May 26, 2022 5:48 AM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sent from my iPhone

Stevens, Mike

From: Norm Rummel <normrummel37@yahoo.com>
Sent: Wednesday, May 25, 2022 9:54 AM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Norm Rummel
217 Pacific Ct
Richland, WA

Stevens, Mike

From: Pamela Rothwell <prothw@gmail.com>
Sent: Wednesday, May 25, 2022 12:45 PM
To: Stevens, Mike
Subject: Opposition to M2020-101 & EA2020-114 (Willowbrook Place Apartments)

Dear Mr. Stevens:

It is with great concern that I write these comments in opposition to **M2020-101 & EA2020-114 (ie. WILLOWBROOK PLACE APARTMENTS)**. My opposition to this proposed development includes major concerns regarding the following issues: inappropriate zoning, traffic volumes and safety, fire safety, blatant city of Richland code violations, HOA covenants & restrictions violations and environmental concerns.

There are only two proposed access options to this property

1. A meandering course through small neighborhood streets (Center Blvd and Piper st,) and
2. Access to Broadmoor St. via an illegal street being placed on multiple properties subject to the HOA covenants and restrictions of two HOAs.

- Broadmoor St. is already at or near maximum capacity for its designation and the proposed additional volume is not appropriate. In addition, the location and position of the proposed intersection poses several safety concerns.

- Center Blvd and Piper St are not adequately suited for high volume traffic and poses clear traffic safety hazards for motorists and pedestrians (especially young children) which are difficult to ignore.

Access and maneuverability of larger emergency vehicles would be very difficult with the proposed dimensions of the access road even with no other vehicles present. It is also noted that previous plans had this road designated as a protected emergency access, but with subsequent applications this has evolved into a full access road intended to support the majority of the access to these apartments. This demonstrates unsafe conditions for the potential residents of these proposed apartments and the residents of adjacent properties.

This high density project is adjacent to the Amon Creek Natural Preserve. This development will negatively impact and potentially destroy this rare and unique natural preserve entrusted to the City of Richland. The Preserve is home to diverse species of wildlife and enjoyed by many residents for recreational and educational activities. I am in support of an independent environmental assessment as I believe previous evaluations were performed with the goal obtaining a desired outcome instead of obtaining an accurate assessment of the true environmental impact of this project (similar to the traffic studies)

In summary, the proposed development blatantly violates established city codes and HOA covenants. It poses clear hazards to residents' safety and the environment and overall is an inappropriate use of the land. It is unfathomable that the proposed development could be approved given all of these issues. The flagrant disregard for these issues, if the project were approved by the city, would display maleficence towards its citizens, community, and environment or, at best, severe incompetence in proper planning and execution of the cities duties as it pertains to appropriate developments in our community.

Regards,

Pamela Rothwell

Stevens, Mike

From: Schiessl, Joe
Sent: Friday, April 29, 2022 3:03 PM
To: Stevens, Mike
Cc: Tyutyunnik, Ruvim
Subject: RE: M2020-100 Willowbrook Apartments Public Hearing and SEPA

Mike,

A few comments from P&PF.

1. The Amon Preserve is not currently improved with paved recreational pathways nor are they anticipated. The applicant proposes a paved pathway in the access and utility corridor in the Amon Preserve. The City would prefer a soft-surface trail. I've not seen the existing easement language. Does it allow for public access?
2. I would not normally propose that the project move closer to the park, but to the extent any of the buildings or parking lot can be shifted northward to the wetland setback line it would potentially allow for a wider and more substantial buffer for the SFR to the south. The buffer plantings in this area should be denser and include additional deciduous vegetation for year round screening. I understand this buffer is outside of P&PF influence, but the point of this comment is to offer support to move the project a few feet closer to the north, potentially impacting the park experience to a greater degree, but offering important buffer enhancements to the SFR to the south.
3. Is there opportunity to facilitate any non-native plant removal replaced with native vegetation in the wetland buffer? There are a lot of Russian Olives in the buffer.
4. Is the applicant aware of the noisy KID irrigation pumps at the pond? It would be nice to make a match and see if the applicant would consider assisting KID to construct sound buildings around the pumps. This is not a SEPA comment.

Thank you,



Joe Schiessl
Parks & Public Facilities Director
625 Swift Blvd., MS-13 | Richland, WA 99352
(509) 942-7578

From: Stevens, Mike <mstevens@CI.RICHLAND.WA.US>
Sent: Thursday, April 28, 2022 3:52 PM
To: Anthony Muai <anthony.muai@ci.kennewick.wa.us>; Anthony Von Moos <anthony.vonmoos@co.benton.wa.us>; Ashley Morton <AshleyMorton@ctuir.org>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Benton PUD, Broadband <osp@noanet.net>; Benton PUD, Electrical <engservice@bentonpud.org>; Bill Barlow <bbarlow@bft.org>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Carrie Thompson <carrie.thompson@bnsf.com>; Casey Barney, Yakama Nation <Casey_Barney@Yakama.com>; Catherine Dickson <catherinedickson@ctuir.org>; Clark Posey <clark.posey@co.benton.wa.us>; Corrine Camuso, Yakama Nation <Corrine_Camuso@Yakama.com>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAHP SEPA Reviews <sepa@dahp.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; Davis, Deanna <d.davis@bces.wa.gov>; Deborah Rodgers <dxrogers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; Eric

Mendenhall <emendenhall@westrichland.org>; FormerOrchards@ecy.wa.gov; Greg Wendt <greg.wendt@co.benton.wa.us>; Gwen Clear <gcle461@ecy.wa.gov>; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jason McShane <jmcsbane@kid.org>; Jennings, Tyler <tjennings@CI.RICHLAND.WA.US>; Jerrod Macpherson <Jerrod.Macpherson@co.benton.wa.us>; Jessica Lally, Yakama Nation <Jessica_Lally@Yakama.com>; John Lyle <john.lyle@bentoncleanair.org>; Jordon, Joshua <jojordon@CI.RICHLAND.WA.US>; Joseph Cichy, Ziply <joseph.cichy@ziply.com>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; Map BCES <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Noah Lee <noah.lee@bentoncleanair.org>; Noah Oliver, Yakama Nation <Noah_Oliver@Yakama.com>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathafor, Jason <JReathafor@CI.RICHLAND.WA.US>; Review Team <reviewteam@commerce.wa.gov>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Rick Dawson <rickd@bfhd.wa.gov>; Robin Priddy <robin.priddy@bentoncleanair.org>; Sarah Gates <s.gates@bces.wa.gov>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; SEPA Center <sepacenter@dnr.wa.gov>; SEPA Register <separegister@ecy.wa.gov>; SEPA Unit <sepaunit@ecy.wa.gov>; Seth DeFoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; T.S. "Max" Platts <PlattsT@wsdot.wa.gov>; Tyutyunnik, Ruvim <rtutyunnik@CI.RICHLAND.WA.US>; WA Dept of Fish & Wildlife <lopezla@dfw.wa.gov>; WA Dept of Fish & Wildlife <rittemwr@dfw.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; William Simpson <william.simpson@commerce.wa.gov>

Subject: M2020-100 Willowbrook Apartments Public Hearing and SEPA

Attention:

Below is a link to the referral packet for the Willowbrook Apartments project located in Richland, WA. Included you will see the Notice of Application & Optional DNS, SEPA Checklist and all relevant application materials. Please review and submit any comments back to me by 5:00 PM, Wednesday, May 25, 2022.

Here's a OneDrive link to [M2020-101 June 13 Referral Packet.pdf](#).



Mike Stevens
Planning Manager
625 Swift Blvd., MS-35 | Richland, WA 99352
(509) 942-7596

Disclaimer: Emails and attachments sent to or from the City of Richland are public records subject to release under the Washington Public Records Act, Chapter 42.56 RCW. Sender and Recipient have no expectation of privacy in emails transmitted to or from the City of Richland.

Comments on June 13, 2022 Hearing for M2020-101 & EA2020-114: Willowbrook Apartments Site Plan Review

Patrick Paulson
Laurie Ness

Table of Contents

1. Introduction, Procedural Facts, and Standard of Review	1
2. DNS for Willowbrook Should be Withdrawn	2
3. Site Plan Cannot be Approved as Submitted	3
4. Willowbrook/Smith Family Apartments Background and History.....	3
4.1 SEPA# 201405010, Consult, Issued 09/23/2014	4
4.2 SEPA# 201600373, DS/Scoping, Issued 01/22/2016, Related Record: SEPA# 201405010	4
4.3 SEPA #201804289, DNS-M, Issued 08/03/2018	5
4.4 SEPA # 20205113, ODN/NOA, Issued 10/01/2020	5
4.5 SEPA # 202202056, ODN/NOA, Issued 04/28/2022	5
5. Wetlands.....	6
6. Fish and Wildlife Habitat Conservation Areas.....	6
6.1 Failure to identify relevant Priority Habitats and Species (PHS) as Critical Areas.....	7
6.2 Eastside Steppe	8
6.3 Shrub-Steppe	10
6.4 Black-tailed Jackrabbits	11
7. Stormwater	13
7.1 Stormwater Preliminary Engineering Plan Required	13
7.2 Grading Plan Required	14
7.3 Storm Sewer and Drainage Profile and Preliminary Site Grading Plan Required	14
7.4 Stormwater facility sizing insufficient.....	15

Acronyms

DNS -Determination of No Significance	1, 2, 3
FWHCA - Fish and Wildlife Habitat Conservation Areas	2
PHS - Priority Habitat and Species	2
WAC - Washington Administrative Code	1, 2
WDFW – Washington Department of Fish and Wildlife	2

We request the City of Richland withdraw the DNS determination for the Willowbrook Apartment Site Plan. This project will create substantial adverse impacts to the shrub steppe and Eastside steppe habitats and no mitigation for these impacts are given in the notice.

In addition, we note that the site plan fails to provide enough detail to determine if the project can conform to the applicable elements of the city's development regulations, particularly regarding stormwater.

1. Introduction, Procedural Facts, and Standard of Review

We are commenting on the Site Plan Review for Willowbrook Apartments. The Notice of Application states this project is a¹

Development of an approximately 14-acre site, with four (4) multi-family residential buildings containing up to 108 dwelling units, a clubhouse and covered parking structures together with associated parking, stormwater runoff and landscaping areas.

and notes that the "The Assessor's Parcel Nos. for the project site are: 136983050007002, 136983050008001, 136983050012000, 136983060000001 and 101882040002000."

Washington Administrative Code (WAC) 197-11-355 specifies that the "optional DNS process" be used *only* when it is unlikely that substantial adverse environmental impacts will occur, or all mitigations for such impacts are listed in the *Notice*.

A site plan review is submitted to the Hearings examiner for approval as a Type II permit application². RMC 19.60.060 requires a Type II permit application be "supported by proof that it conforms to the applicable elements of the city's development regulations, comprehensive plan

¹ *Notice of Application, Public Hearing & Optional DNS (M2020-101 & Ea2020-114)*. City of Richland. Referral Packet: <https://www.ci.richland.wa.us/departments/development-services/planning/land-use-1427>.

² RMC 23.48.030. "a site plan shall be submitted to the hearing examiner for review and approval as a Type II permit application as defined in RMC 19.20.030"

and that any significant adverse environmental impacts have been adequately addressed”.³ Further RMC 19.60.095 states approval for a Type II application requires findings and conclusions that “The development application ... meets the requirements and intent of the Richland Municipal Code” and “Impacts of the development have been appropriately identified and mitigated under Chapter 22.09 RMC.”⁴

2. DNS for Willowbrook Should be Withdrawn

We request the City of Richland withdraw the DNS determination for the Willowbrook Apartment Site Plan.

- The project will result in substantial impacts to wetlands, a critical area protected by the City.
- The project will result in substantial adverse impacts to the shrub steppe and Eastside step habitats, which are Priority Habitats (PHS) listed by the Washington Department of Fish and Wildlife (WDFW);
- The City recognize all areas associated with PHS as Critical Areas, specifically Fish and Wildlife Habitat Conservation Areas (FWHCA);
- Washington Administrative Code (WAC) 197-11-355 specifies that the “optional DNS process” be used *only* when it is unlikely that substantial adverse environmental impacts will occur, or all mitigations for such impacts are listed in the *Notice*.

Since the project does not meet the requirements for a DNS threshold determination, the threshold determination should be changed to a Determination of Significance.

³ RMC 19.60.060. “Except for Type IV actions, the burden of proof is on the proponent. The project permit application must be supported by proof that it conforms to the applicable elements of the city’s development regulations, comprehensive plan and that any significant adverse environmental impacts have been adequately addressed”. By RMC 19.20.010.C, this requirement applies to Type III actions, which include Preliminary Plats such as Ladera: “Type III permits include the following types of permit applications: 1. Preliminary plats or major revisions thereof; ...”

⁴ Supra, note **Error! Bookmark not defined.**

3. Site Plan Cannot be Approved as Submitted

RMC 22.10.340.C states

The proposed activity must be designed and constructed in accordance with existing local, state and federal laws and regulations, and the Stormwater Management Manual for Eastern Washington, as amended (Ecology 2019), and/or the locally adopted program, as applicable.

The project's "Conceptual Stormwater and Utility Plan"⁵ shows inadequate stormwater facilities: the stormwater infiltration ponds are undersized, and their location will require extensive grading to provide adequate site drainage. The lack of a preliminary stormwater management plan makes it impossible for the Hearings Examiner to determine if the project can meet "the requirements and intent of the Richland Municipal Code" without extensive modification.

4. Willowbrook/Smith Family Apartments Background and History

This is the fourth time the same development has been proposed. There are five separate SEPA's shown in the SEPA online Register. The development is proposed for properties owned by Duane W. and Cheryl L. Smith⁶. The City of Richland determined that the first proposal, in 2014, had significant ecological impact (DS). In 2018 the City determined that there were no significant impacts given the specified mitigations (DNS-M). In the proposal submitted in 2020 and again in the most recent proposal, the City has determined there are no significant impacts, even though not all the mitigations suggested in 2018 are part of this proposal. Furthermore, the City chose to use the O-DNS process which indicates that the applicant has all the relevant reports and will be ready to move to a Determination of No Significance (DNS). The review of the pertinent parts of this SEPA Checklist show that the checklist is incomplete. The wildlife habitat report submitted with the most recent proposals and evidence from site visit show that Shrub-steppe and Eastern Steppe, both State listed Priority Habitats designated by Richland as Fish and Wildlife Habitat conservation areas – that is, Critical areas under the GMA – will be

⁵ Page 21 of application packet, hereafter referred to as *Stormwater Plan*.

⁶ Benton County Assessor, Benton County Property Search, Parcel # 136983050007002, 136983050012000, and 136983050008001, <https://propertysearch.co.benton.wa.us/propertyaccess/PropertySearch.aspx?cid=0>.

destroyed by the development with no mitigation required. In addition, the “conceptual stormwater and utility plan” submitted by the applicant has significant flaws and indicates the project needs substantial modifications to comply with the City’s stormwater regulations. In short, there is not enough information in the packet to presume the project meets a DNS threshold; on the contrary, the information contained in the packet demand that a Determination of Significance (DS) be issued by the City of Richland.

4.1 SEPA# 201405010, Consult, Issued 09/23/2014⁷

Description:

Smith Multi-Family Site Plan Review; The City of Richland is currently processing the above referenced application for a multi-family site plan review for a 112 unit apartment complex with associated parking, landscaping, utility line extensions and recreational facilities on a 14 acre site.

Applicant: Duane Smith.

4.2 SEPA# 201600373, DS/Scoping, Issued 01/22/2016, Related Record: SEPA# 201405010⁸

Description:

Smith Multi-Family Project; multi-family residential project incl site plan approval, building permit approval, and grading and drainage plan approvals; develop 112 apartment units on a 14-acre site, incl assoc parking, landscaping, recreational areas and access road and utility line extensions

Applicant: Duane Smith

⁷ WDOE, “SEPA# 201405010”, *SEPA Register*. (Hereafter referred to as *2014 SEPA*).
<https://apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=201405010>

⁸ WDOE, “SEPA# 201600373”, *SEPA Register*, hereafter referred to as “2016 SEPA”.
<https://apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=201600373>

4.3 SEPA #201804289, DNS-M, Issued 08/03/2018⁹

Description:

Willowbrook Place; Development of approximately 14 acres with 96 multi-family residential dwelling units together with associated covered parking structures, paving and landscaping features; in the R-3 zone. Wetland report attached.

Applicant: Cliff Mort (dba Big Creek Land Company, LLC). Big Creek Land Company, LLC

4.4 SEPA # 20205113, ODN/NOA, Issued 10/01/2020¹⁰

Description:

Willowbrook Place Apartments; Site Plan Review application for the development of an approximately 14-acre site, with six (6) multi-family residential buildings containing up to 96 dwelling units, a clubhouse and covered parking structures together with associated parking and landscaping areas.

Applicant: Big Creek Land Company, LLC

4.5 SEPA # 202202056, ODN/NOA, Issued 04/28/2022¹¹

Description:

Development of an approximately 14-acre site, with four (4) multi-family residential buildings containing up to 108 dwelling units, a clubhouse and covered parking structures together with associated parking, stormwater runoff and landscaping areas.

Applicant: Big Creek Land Company, LLC

⁹ <https://apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=201804289>

¹⁰ <https://apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=202005113>

¹¹ <https://apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=202202056>

5. Wetlands

RMC 22.10.125 requires that “New development within 150 feet of a wetland buffer shall contain stormwater runoff within the developed portions of the site. *No stormwater runoff shall drain into the wetland* (our emphasis)”. The project’s *Stormwater Plan* clearly indicates stormwater overflow being directed into the wetland buffer. RMC 22.10.125 states that stormwater runoff must be contained within the developed portions of the site for new development within 150 ft of a wetland buffer unless a study is done to show that this discharge is adequately mitigated. Such a study has not been done.

6. Fish and Wildlife Habitat Conservation Areas

The proposed project will adversely impact Fish and Wildlife Habitat Conservation Areas recognized by Richland but it fails to provide any mitigation for these impacts. RMC 22.10.220.A specifies that “Adverse impacts to habitat functions and values shall be mitigated to the extent feasible and reasonable” and that mitigation actions may include “Compensating for the impact by replacing, enhancing, or providing similar substitute resources or environments. Preference shall be given to measures that replace the impacted functions on site or in the immediate vicinity of the impact”.

The habitat impacts due to the project could potentially be mitigated by rehabilitation or enhancement of habitat within proposed buffers. Rehabilitation and enhancement can include planting of native shrubs. Any mitigation should require long-term monitoring to ensure the success of the mitigation.

6.1 Failure to identify relevant Priority Habitats and Species (PHS) as Critical Areas

The report states¹² the “only mapped priority area recorded in the vicinity by WDFW is Burrowing Owl (*Athene cunicularia*) ...”.

This report is not up to date. PHS protected by Richland currently shown for parcels 136983050007002, 136983050008001, and 136983050012000 include *Wetlands, Biodiversity Areas and Corridor*, and *Freshwater Forested/Shrubs Wetland*. In addition, parcel 136983050007002 contains priority *Eastside Steppe* and parcels 136983050007002 and 136983050008001 contain priority *Shrub-steppe* (Table 1). The City of Richland protects *all* Priority Habitats recognized by WDFW as critical areas, namely as Fish and Wildlife Habitat Conservation Areas.¹³

Table 1. PHS Species/Habitat Overview.¹⁴

Occurrence Name	Federal Status	State Status	Sensitive Location
Fall Chinook	N/A	N/A	No
Spring Chinook	N/A	N/A	No
Wetlands	N/A	N/A	No
Burrowing owl	N/A	Candidate	No
Biodiversity Areas And Corridor	N/A	N/A	No
Freshwater Forested/Shrub Wetland	N/A	N/A	No
Shrub-steppe	N/A	N/A	No

¹² *Wildlife Assessment Report for Willowbrook*. Hailey Starr and Scott Brainard. Everett WA: Wetland Resources, Inc. April 23, 2020. Revision 1: April 28, 2022. On pp. 162-189 of application packet. Page 7.

¹³ RMC 22.10.185.A: “Fish and wildlife habitat conservation areas include the following: ... 2. State priority habitats and areas associated with state priority species.”.

¹⁴ Generated from *PHS on the Web* (<https://geodataservices.wdfw.wa.gov/hp/phs/>) using “Generate Report Function on project site parcels.”

We note *PHS on the Web* undergoes continuous updates and that not all these areas may have been mapped when the *Wildlife Habitat Assessment Report* was prepared. However, Richland’s Critical Areas Ordinance specifies that WDFW’s PHS maps “shall be used as a general guide only for the assistance of property owners and other interested parties...The actual type, extent, and boundaries of habitat areas shall be determined by a qualified professional according to the procedures, definitions, and criteria established by this article.” (RMC 22.10.190). The Wildlife Assessment Report contains sufficient detail to conclude the existence of Shrub-steppe and Eastside Steppe on the project site, as well as the presence of black-tailed jackrabbit, a PHS species recognized by WDFW.

6.2 Eastside Steppe

[Figure 1](#) and [Figure 2](#) (below) show that the site area to be developed is characterized as “Habitat Unit B” and “Habitat Unit C”.

The report states that “Habitat Unit B”

is comprised of common rabbitbrush (*Chrysothamnus nauseosa*), Russian thistle (*Salsola tragus*), Canada thistle (*Cirsium arvense*), desert parsley (*Lomatium leptocarprum*), Indian ricegrass (*Achnatherum hymenoides*), western yarrow (*Achillea millefolium*), cheatgrass (*Bromus tectorum*), and tumble mustard (*Sisymbrium altissimum*).¹¹

... abundant signs of rabbits and coyotes was identified throughout this habitat unit. Large quantities of scat and tracks were found throughout the area. Several species of birds were found perching on large rabbitbrush and finding refuge /cover within the denser portions of the site. The majority of the wildlife trails observed within this habitat were of small mammals mostly used by rabbit species and coyote. Therefore, the primary usage of this habitat type is by small mammals, highly mobile species, and avian species.

Comparing this description and the accompanying photos in the assessment report to WDFW’s PHS list, it is clear that “Habitat Unit B” meets the definition of *Eastside Steppe*¹⁵, a priority habitat recognized by WDFW, and therefore a FWHCA protected by Richland as a critical area.

¹⁵ “Eastside Steppe”, pp 256-7. Washington Department of Fish and Wildlife. 2008. *Priority Habitat and Species List*. Olympia, Washington.

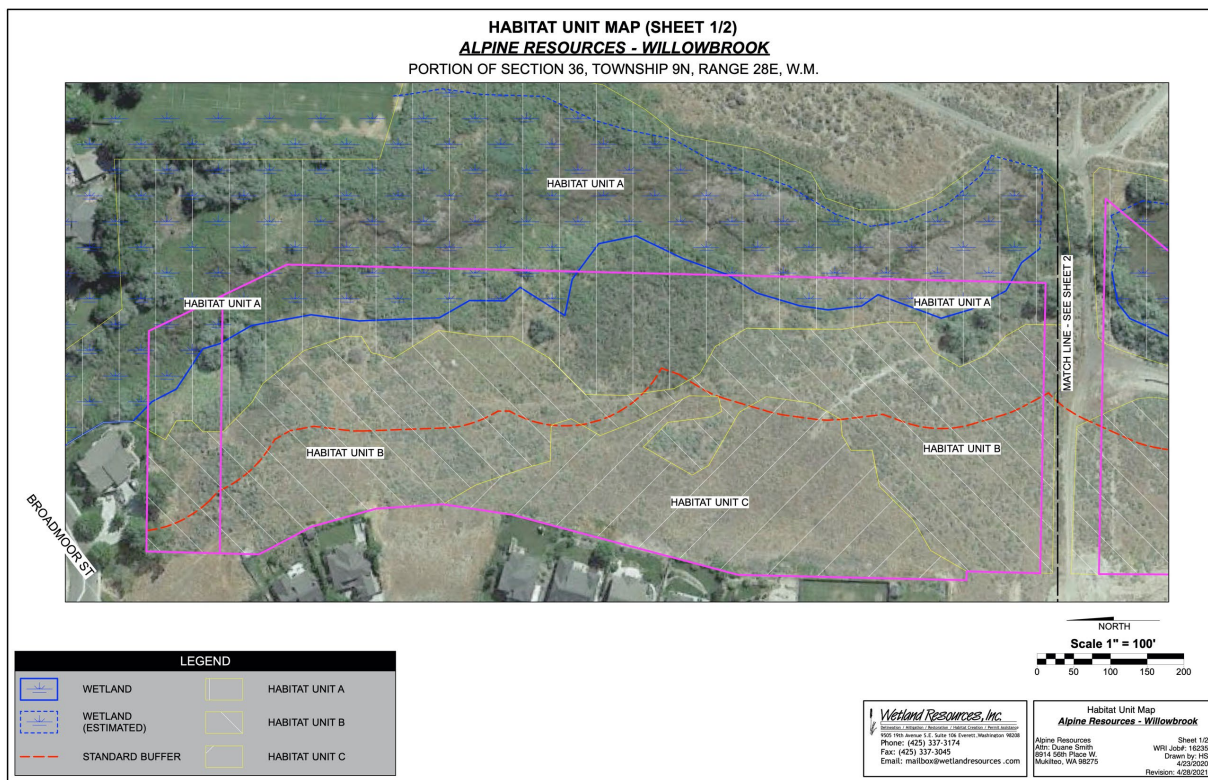


Figure 1. Habit Unit Map, Wildlife Habitat Assessment Report (1/2)

The area classified “Habitat Unit C” also meets the definition of *Eastside Steppe*.

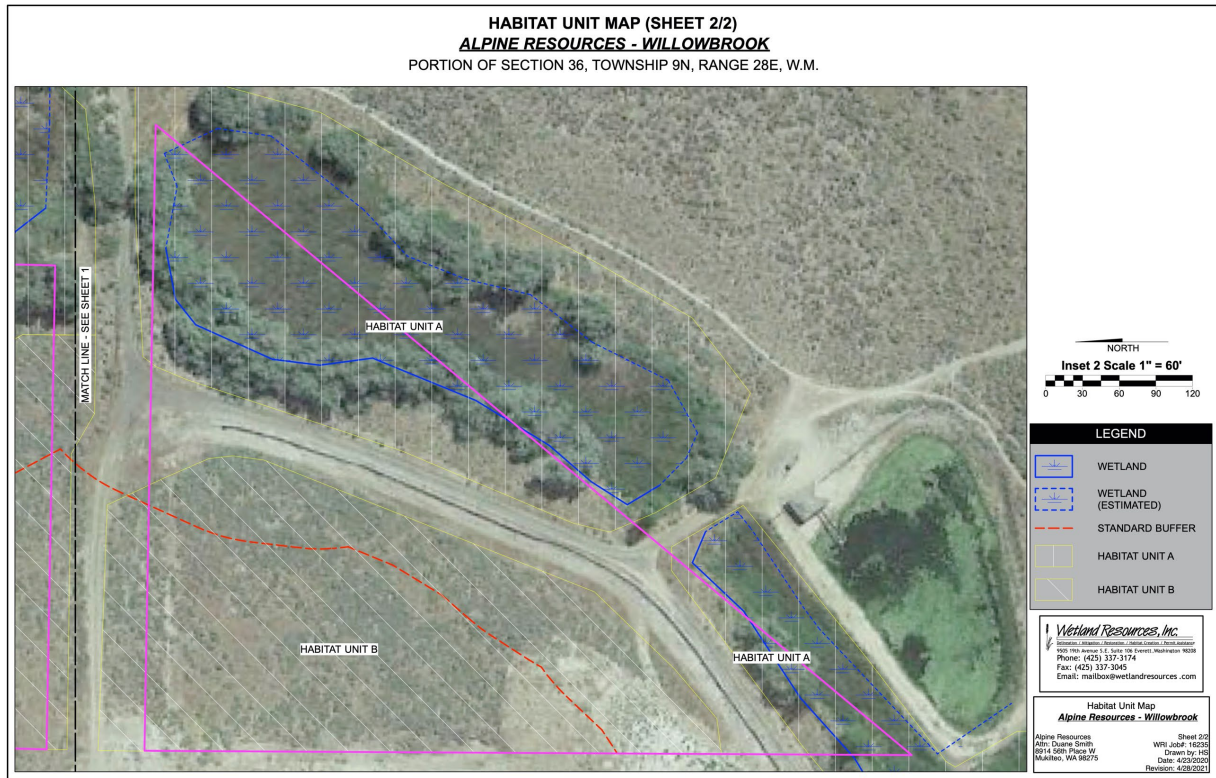


Figure 2. Habitat Unit Map, Wildlife Assessment Report (2/2)

6.3 Shrub-Steppe

The Wildlife Habitat Assessment Report notes that

A small portion of the property located within the northwest property corner is ... comprised of mature big sagebrush (*Artemisia tridentata*), a species indicative of a more native shrub-steppe habitat than the rest of the unit. More mature individuals of rabbitbrush were found intermixed with western yarrow (*Achillea millefolium*), tumble mustard (*Sisymbrium altissimum*), and cheatgrass (*Bromus tectorum*) within this portion of the habitat unit. The presence of structural diversity and cover offered by the larger shrubs creates perching opportunities for bird species that prefer mature sage such as Sage Sparrow (*Artemisiospiza nevadensis*) and Brewers Sparrow (*Spizella breweri*) and opportunities for refuge and cover for California Quail (*Callipepla californica*) and a variety of small mammal species. Several of the aforementioned species were visually identified within this habitat patch during our on-site evaluations.

Overall, this habitat unit appears to have abundant use by a variety of species, especially rabbits, coyote, and a variety of bird species. However, the limited quantity of native plant species in both the shrub overstory and herbaceous understory as well as, the limited structural diversity offer by this habitat unit greatly limits wildlife use by a variety of species. A native herbaceous understory is mostly absent from this habitat unit thus inhibiting many ground dwelling species that require a more native shrub-steppe ecosystem.

While small, this area of mature shrub-steppe is adjacent to a Biodiversity Corridor within the proposed buffer area and the Amon Creek Natural preserve, increasing its value as habitat.

The Wildlife Habitat Assessment Report claims that “Given the disturbed nature on-site habitat and the dominance of cheatgrass (*Bromus tectorum*) in the grass layer, which is non-native and annual, the on-site area does not meet the definition of priority shrub-step habitat”. However, the PHS List notes that “At more disturbed sites, non-natives such as Cheatgrass or Crested Wheatgrass may be co-dominant species,”¹⁶ but does not state that the presence of cheat grass means that the area is not Shrubsteppe. Indeed, if it did, it would make protection of Shrubsteppe virtually meaningless, since almost all Shrubsteppe in Washington state is degraded to some degree and has been invaded by cheatgrass. Furthermore, the report notes the presence of 3 (!) sage obligate species: black-tailed jackrabbit, Sagebrush Sparrow (they use the older taxonomic name ‘Sage Sparrow’), and Brewer’s Sparrow. WDFW’s *Site-specific Management How to Avoid and Minimize Impacts of Development to Shrub-steppe* notes that “If [shrub-steppe obligate] species occur on or near the project site, typically that indicates the habitat is important for conservation.”

6.4 Black-tailed Jackrabbits

The Wildlife Habitat Assessment Report states that

... two black-tailed jackrabbits were observed along the eastern property line. ... While on site, abundant evidence of rabbit scat was observed and is likely a combination of cottontail and black-tailed jackrabbit. The on-site shrub-steppe habitat does provide low quality foraging and cover opportunities for the species....

Yet they contend the location does not have a ‘primary association’ with Black-tailed jackrabbits based on an idiosyncratic definition for “primary association” taken from the Municipal code of the City of Everett:

A habitat of primary association typically refers to a critical habitat component that federally or state-listed endangered, threatened, candidate, sensitive, or priority wildlife require, which if altered may reduce the likelihood of that species to persist and reproduce over the long term

Since Richland’s Critical Area Ordinance (CAO) doesn’t give a definition for ‘primary association’ the general understanding of the term “primary association” should be used instead

¹⁶ PHS List, p. 270.

of a definition conveniently found in the code of another municipality. For us, the general understanding of areas of “primary association” would include “areas where a species is regularly present”.

Indeed, of the definitions we found throughout municipal codes in Washington, the most common is:

Primary association area means the area used on a regular basis by, in close association with, or is necessary for the proper functioning of the habitat of a critical species. "Regular basis" means the habitat area is known normally or usually to contain the critical species. Regular basis is species population dependent. Species that exist in low numbers may be present infrequently yet rely on certain habitat types.^{17, 18, 19, 20}

Another definition found was:

Primary association area means the area used on a regular basis by, is in close association with, or is necessary for the proper functioning of the habitat of a critical species.^{21, 22}

And finally,

"Primary association area" means the area necessary for the viability and protection of any critical species, including its habitat and surrounding areas needed for protection of the habitat. *Primary association areas include habitat areas that are known to contain a critical species, or where evidence from the best available science indicates that a critical species is using a habitat area.* Primary association areas include but are not limited to areas for breeding,

¹⁷ Definition of *Primary association area*. *Law Insider*. <https://www.lawinsider.com/dictionary/primary-association-area> (based on occurrences separately listed)

¹⁸ Chapter 15.88 – CRITICAL AREAS, Municipal Code, Carnation WA. 2019.
[Shttps://library.municode.com/wa/carnation/codes/code_of_ordinances?nodeId=TIT15LAUS_CH15.88CRAR](https://library.municode.com/wa/carnation/codes/code_of_ordinances?nodeId=TIT15LAUS_CH15.88CRAR)

¹⁹ Municipal Code, Bremerton WA. 20.14.200 DEFINITIONS.

²⁰ Municipal Code, Mount Vernon WA, 15.40.170 Definitions.
<https://www.codepublishing.com/WA/MountVernon/html/MountVernon15/MountVernon1540.html>

²¹ Definition of *Primary association area*. *Law Insider*. <https://www.lawinsider.com/dictionary/primary-association-area> (based on occurrences separately listed)

²² 19.15.050 Definitions, Chapter 19.15 CRITICAL AREAS. Cowlitz County, WA.
<https://www.codepublishing.com/WA/CowlitzCounty/html/CowlitzCounty19/CowlitzCounty1915.html>

feeding, cover and migration. The size of the primary association area is species and population dependent and based on the known habitat requirements of the species.²³

Clearly, the proposed site is an FWHCA as defined by Richland's CAO. Any impacts to the habitat that affects black-tailed jackrabbits must be avoided or fully mitigated.

7. Stormwater

The site plan provides inadequate information to determine if the project can be completed as designed and still meet the requirements and intent of the Richland Municipal Code. The information given in the site plan and the "Conceptual Stormwater and Utility Plan" indicates the project will need extensive grading, filling, and structural changes to avoid impacts to, and maintain the functions and values of, the wetland buffer.

The application should include a stormwater management preliminary engineering plan to show it can fit in the system footprint given in the application. The site plan should also include a full grading plan and sections of the proposed ponds and dispersion features to demonstrate they can stay out of the buffer. The application must also show the storm sewer and drainage profile and site grading to ensure the project can be contained in the proposed footprint.

7.1 Stormwater Preliminary Engineering Plan Required

They need to prepare a stormwater management preliminary engineering plan to show they can fit the system in the footprint they have. This includes runoff calculations to determine actual expected pond footprints, bottom invert, peak stage, freeboard, appropriate side slopes, and maintenance access road around the entire facility to do the water quality and flow control required.

The conceptual stormwater plan shows the existing site is sheet flow to the east. The plan concentrates the flow into three locations. This will require level spreaders at each of the locations; the site plan should indicate the footprint of the spreaders at the base of the stormwater berms.

²³ Snonomish County Code 30.91P.290. <https://snohomish.county.codes/SCC/30.91P.256>

7.2 Grading Plan Required

The conceptual stormwater plan shows the largest infiltration pond (located in parcel B) is on a slope. The top elevation on the uphill side is about 508- or 509-foot elevation and the downhill side is at about 505 ft. elevation.

If the pond is graded so the top is at 505 ft and the pond depth is 5 ft., the pond would require a 10-foot cut on the uphill side. With the given footprint this means there would be no room for pond storage since the pond walls should have at most a 2:1 slope.

If, on the other hand, the top of the pond is at about 509 feet elevation, then the downslope side needs to be filled to match the 509-foot elevation. This will require a 10–12-foot-wide stability and access road, still at 509-foot elevation. The grade would then need to drop at a 2:1 slope until it hits existing grade, at about el. 502-foot elevation, resulting in a slope runout of about 15 feet. In other words, the pond shown could extend 25 feet or more to the east and is very likely to extend into the buffer.

7.3 Storm Sewer and Drainage Profile and Preliminary Site Grading Plan Required

Making the site drainage work appears to require some pretty extensive grading. For example, the middle pond design stage (in Parcel B) is shown at an elevation of 509 feet. The storm sewer serving the site needs to be higher than that and needs to have a positive slope. If it serves the entire development to the street, it will have a run of at least 1,100 feet of storm sewer. At a minimum grade of 0.5 percent, that requires the invert to be about 514.5 (5.5 feet above the pond stage). The storm pipe and cover will require an additional 2 feet, requiring 516.5-foot elevation at the pipe inlet. Add 100 feet of run for the building corner for surface drainage, that corner needs to be at 517.5 feet elevation. Since the existing grade is about at an elevation of about 506 feet, 11 feet of fill will be needed there to ensure proper drainage. Using that same basic framework of drainage slopes, the northeast corner of the buildings, even with a lower storm sewer at that point, would need be at about at least 514.5 ft of elevation. Since the existing grade is about 493, so they would need over 20 feet of fill, which would create a slope into the buffer or a tall wall requiring safety measures.

7.4 Stormwater facility sizing insufficient

The sizing of the infiltration ponds in the stormwater plan seems inadequate. [Figure 3](#) shows the proposed stormwater facilities with a 120' ruler (in pink) so we can estimate the infiltration area. The first pond to the north has an area of at most 900 sq. ft. The center pond has no more than 800 sq. ft., and the southernmost pond has an area no greater than 900 sq. ft., for a total of at most 2,700 sq. ft. or 0.06 acres. Given an approximate site area of 7 acres, this is at most 1% of the project area. A preliminary analysis of stormwater requirements using the National Stormwater Calculator²⁴ indicates that about 8% of the site area should be used for the infiltration ponds to allow infiltration of the design storm specified by Richland²⁵ to complete infiltration in 60 hours. [Figure 4](#) gives the site footprint used for these calculations; the stormwater parameters are shown in [Table 2](#).

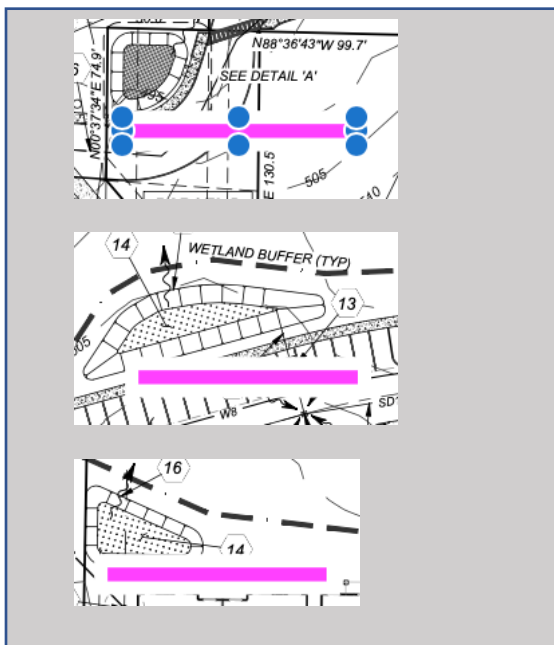


Figure 3. Proposed Infiltration ponds with 120' ruler for scale.

²⁴ <https://swcweb.epa.gov/stormwatercalculator/>

²⁵ Richland's Stormwater Management Plan (March 2016) Gives a design storm value of 0.53 inches:

“... while the 6-month, 24-hour design storm with a total rainfall depth of 0.53 inches must be used for volume-based water quality treatment BMPs, such as infiltration pond “. P. 3-5.

(<https://www.ci.richland.wa.us/home/showpublisheddocument/2108/635984884464000000>)



Figure 4. Site footprint used for stormwater calculation.

Table 2. Design Parameters for National Stormwater Calculator

Site Characteristics	
Site Area (acres)	7.03
Hydrologic Soil Group	B
Hydraulic Conductivity (in/hr)	0.108
Surface Slope (%)	5
Precip. Data Source	RICHLAND
Evap. Data Source	RICHLAND
Climate Change Scenario	None
Land Cover	
% Forest	0
% Meadow	0
% Lawn	30
% Desert	0
% Impervious	70
LID Controls	
Disconnection	0
Rain Harvesting	0
Rain Gardens	0
Green Roofs	0
Street Planters	0
Infiltration Basins	100 / 8
Porous Pavement	0
Analysis Options	
Years Analyzed	25
Ignore Consecutive Wet Days	False
Wet Day Threshold (inches)	0.1

Comments on June 13, 2022 Hearing for M2020-101 & EA2020-114: Willowbrook Apartments Site Plan Review – Incomplete and Incorrect Checklist

Laurie Ness
Patrick Paulson

1. Introduction.....	5
1.1 Importance of Complete and Accurate SEPA Checklists.....	5
1.2 Responsibilities of Lead Agencies in issuing Threshold Determinations	6
2. Willowbrook/Smith Family Apartments Background and History	7
3. Failures to Update Checklist After Project Modification	8
3.1 Checklist Item B.1.f (Environmental Elements/Earth): Could erosion occur as a result of clearing, construction, or use? If so, generally describe.....	8
3.2	8
3.3 Checklist Item B.1.g (Environmental Elements/Earth): About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?	9
3.4 Checklist Item B.3.c.1 (Environmental Elements/Water/Water runoff): Describe the sources of runoff and method of collection and disposal, if any.	10
3.5 Checklist Item B.3.c.2 (Environmental Elements/Water/Water runoff): Could waste materials enter ground or surface waters? If so, generally describe.	11
4. SEPA Checklist Section A: Background	12
4.1 A.8: List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.....	12
4.2 A.10: Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.....	14
5. Environmental Elements	14
5.1 Item B. Earth.....	14
5.1.1 Item B.1.a: General description of the site: (circle one): Flat, rolling, hilly, steep slopes, mountainous, other.....	14

5.1.2 B.1.h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:	15
5.2 Item B.3.a Surface Water.....	16
5.2.1 Item B.3.a.1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names, if appropriate, state what stream or river it flows into.....	16
5.2.2 Item B.3.a.6. Does the proposal involve any discharge of waste materials into surface waters?	18
5.3 Item B.3.b. Groundwater	19
5.3.1 Item B.3.b.1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well? Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.	19
5.3.2 Item B.3.b.2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any.	20
5.4 Item B.3.c Water runoff (including stormwater)	21
5.4.1 Item B.3.c.1. Describe the sources of runoff and method of collection and disposal, if any.....	21
5.4.2 Item B.3.c.2. Could waste materials enter ground or surface waters? If so, generally describe.	22
5.5 The proposed project does not meet the criteria for exemption, and so a CARA report is required; this should be noted in the checklist. Item B.3.c.3. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe?	22
5.5.1 Item B.3.d. Proposed measures to reduce or control surface, ground, runoff water, and drainage pattern impacts, if any.	23
5.6 Item B.4. Plants.....	23
5.6.1 Item B.4.a. Check the types of vegetation found on the site:	23
5.6.2 Item B.4.b. What kind and amount of vegetation will be removed or altered?	24
5.6.3 Item B.4.c. List threatened and endangered species known to be on or near the site.....	25
5.7 Item B.4.d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:.....	25
5.8 Item B.4.e. List all noxious weeds and invasive species	26

5.9 Item B.5. Animals	26
5.9.1 Item B.5.a. List any birds and other animals, which have been observed on or near the site or are known to be on or near the site. Examples include a short list of Birds, Mammals and Fish.	26
5.9.2 Item B.5.b. List any threatened and endangered species known to be on or near the site:	27
5.9.3 Item B.5.c. Is the site part of a migration route?	28
5.9.4 Item B.5.d. Proposed measures to preserve or enhance wildlife, if any.	30
5.10 Item B.7.a Environmental Health - General	30
5.10.1 Item B.7.a.4. Describe special emergency services that might be required:	30
5.11 Item B.8. Land and Shoreline Use	31
5.11.1 Item B.8.a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.....	31
5.11.2 Item B.8.h. Has any part of the site been classified as a critical area by the city or county? If so, specify.	32
5.11.3 Item B.10.a. What is the tallest height of any proposed structure(s), not including antennas; what is the principle exterior building material(s) proposed?	33
5.11.4 Item B.10.b. What views in the immediate vicinity would be altered or obstructed?	34
5.12 Item B.11 Light and Glare	34
5.12.1 Item B.11.a. What type of light or glare will the proposal produce? What time of day will it mainly occur?	34
5.12.2 Item B.11.b. Could light or glare from the finished project be a safety hazard or interfere with views?.....	35
5.13 Item B.11.c. What existing off-site sources of light or glare may affect your proposal?	35
5.14 Item B.12. Recreation	36
5.14.1 Item B.12.a. What designated and informal recreational opportunities are in the immediate vicinity?.....	36
5.14.2 Item B.12.b. Would the proposed project displace any existing recreational uses?	37

5.14.3 Item B.12.c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.....	37
5.15 Item B.13. Historic and cultural preservation.....	38
5.15.1 Item B.13.b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.	39
5.16 Item B.13.c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.....	39
5.17 Item B.14. Transportation.....	40
5.17.1 Item B.14.a. Identify public streets and highways serving the site or affected geographic area, and describe proposed access to the existing street system. Show on site plans, if any:.....	40
5.17.2 Item B.14.b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?	41
5.17.3 Item B.14.c. How many additional parking spaces would the completed project or nonproject proposal have? How many would the project or proposal eliminate?	41
5.17.4 Item B.14.e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe:	41
5.17.5 Item B.14.h. Proposed measures to reduce or control transportation impacts, if any: Identify public streets and highways serving the site, and describe proposed access to the existing street system.	42
5.18 Item B.16. Utilities.....	43
5.18.1 Item B.16.a. List the utilities currently available at the site: Electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:	43
6. References.....	43

Acronyms

Acronyms

DNS -Determination of No Significance	7
SEPA -State Environmental Policy Act.....	passim
WDOE - Washington Department of Ecology	6
WDOH - Washington Department of Health (WDOH)	20

Table of Figures

Figure 1. Site is highly susceptible to erosion	9
Figure 2. Impervious Surfaces for Project in 2022 (top) and 2020	10
Figure 3. Surface Water Collection zone for Ground Water Well	20
Figure 4. City of Richland Critical Areas Map shows project located on CARA	33

1. Introduction

1.1 Importance of Complete and Accurate SEPA Checklists

WAC 197-11-960 contains guidance for State Environmental Policy Act (SEPA) checklists. The purpose of the SEPA checklist is "to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS [Environmental Impact Statement] is required."

To allow agencies to "use this checklist to determine whether the environmental impacts of your proposal are significant," the SEPA checklist should be complete and self-contained. The checklist should not refer to external documents, which would require the agency and the public to track down the referenced document.

The SEPA checklist guidance stresses that you "must answer each question accurately and carefully"; referencing other documents may leave the question unanswered or require an agency to weed through unnecessary detail. Rather than refer to external documents, the relevant information should be filled into the checklist to make the checklist a standalone document. In comments submitted in response to the application made for this project in 2018, the Washington Department of Ecology noted that:

...project anticipates disturbing ground with the potential for stormwater discharge off-site, the NPDES Construction Stormwater General Permit is recommended. This permit *requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements.*¹ [emphasis added]

1.2 Responsibilities of Lead Agencies in issuing Threshold Determinations

WAC 197-11-330 requires that

In making a threshold determination, the responsible official shall:

(a) Review the environmental checklist, if used:

(i) Independently evaluating the responses of any applicant and indicating the result of its evaluation in the DS, in the DNS, or on the checklist; and

(ii) Conducting its initial review of the environmental checklist and any supporting documents without requiring additional information from the applicant.

...

The incomplete checklist and incorrect answers in the applicant's checklist show Richland has failed to properly review and evaluate the applicant's responses, leaving it to citizens and agencies to ferret out information that should have been provided in the project's application packet.

1

<https://apps.ecology.wa.gov/separ/Main/SEPA/Document/DocumentOpenHandler.ashx?DocumentId=42960>

2. Willowbrook/Smith Family Apartments Background and History

This is the fourth time the same development has been proposed. The SEPA checklist² for the most recent SEPA action³ is virtually identical to the checklist⁴ submitted for the 2020 SEPA action⁵, even though significant changes have been made to the proposal.

As in 2020, the City has determined there are no significant impacts, even though not all of the mitigations suggested in 2018 are part of this proposal. Furthermore, the City chose to use the O-DNS process which indicates that the applicant has all the relevant reports and will be ready to move to a Determination of No Significance (DNS). The review of the pertinent parts of this SEPA Checklist show that the checklist is incomplete. Some reports required by Richland's code are missing; the ones that *are* included are incomplete or contain incorrect assumptions and conclusions. In short, there is not enough information in the packet to presume the project meets a DNS threshold; on the contrary, the information contained in the packet demand that a Determination of Significance (DS) be issued by the City of Richland.

In the next section we'll address deficiencies in the 2021 checklist resulting from not updating the checklist after project modifications as well as some highlighting significant problems that occur in both the 2020 and 2021 checklists. The remainder of the document will document problems that the revised checklist has failed to address.

² Cliff Mort, 2021. *SEPA Environmental Checklist, Prepared July 1, 2021 – REVISED 11-17-21*, at pp. 5-17 in referral packet.

<https://www.ci.richland.wa.us/home/showpublisheddocument/13423/637868181917770000>

³ SEPA # 202202056, ODNS/NOA, Issued 04/28/2022.

<https://apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=202005113>

⁴ Cliff Mort, 2020. *SEPA Environmental Checklist*, at pp. 6-17 in referral packet.

<https://apps.ecology.wa.gov/separ/Main/SEPA/Document/DocumentOpenHandler.ashx?DocumentId=99719>

⁵ SEPA # 20205113, ODNS/NOA, Issued 10/01/2020.

<https://apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=202005113>

3. Failures to Update Checklist After Project Modification

3.1 Checklist Item B.1.f (Environmental Elements/Earth): Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

3.2

WDOE guidance:

If erosion could occur during construction activities such as filling, excavation, grading, or removing vegetation, describe the total area of exposed soil and duration of expected activities during the life of the proposal. The following circumstances could lead to site erosion including:

- Changes in geometry of the slope.
- Changes in material characteristics of the slope or soil.
- Increased water on the slope or in the soil.
- Increased or re-directed energy in a stream, river, lake or marine waters.

Applicants response: (same answer as in 2020)

There is the possibility of slight erosion due to the construction on-site. Temporary and permanent BMPs will be used to minimize the potential of any erosion, as well as ESC measures. An ESC Plan will be submitted to the City for review and approval prior to construction.

A more complete description of potential sources of erosion is needed here so that the required scope of the Erosion and Sediment Control plan is clear. [Figure 1](#) shows the site is highly susceptible to erosion.

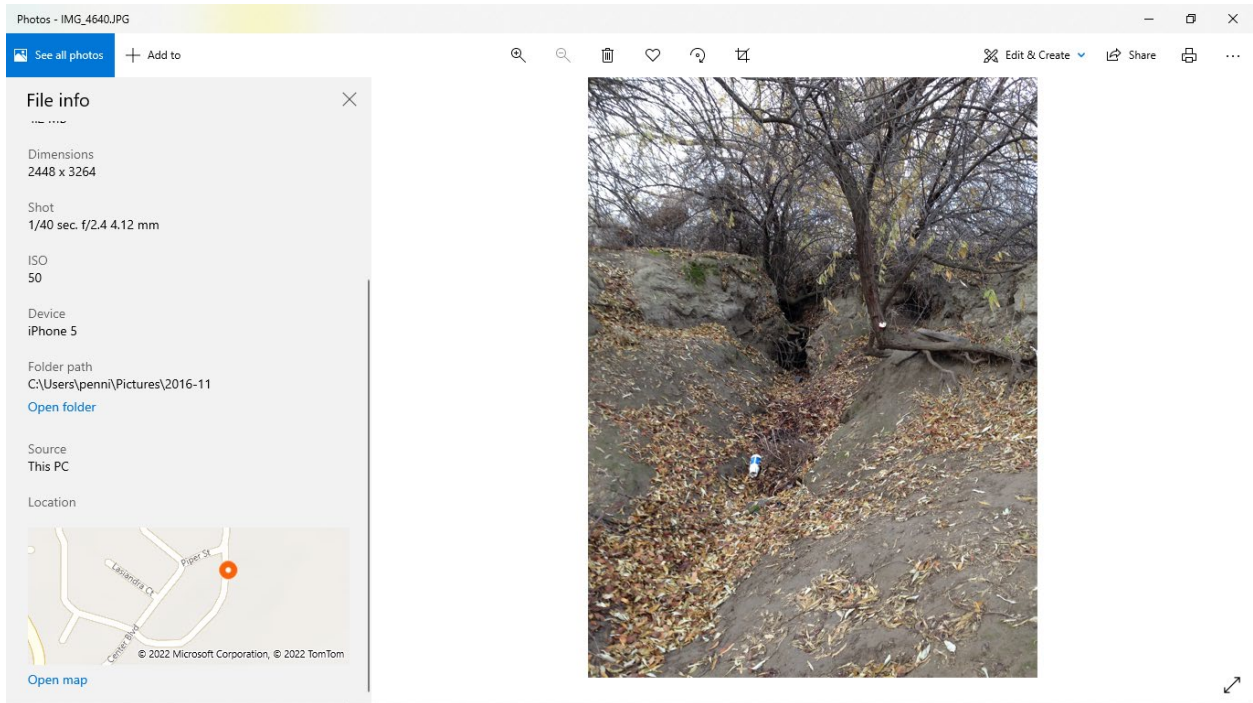


Figure 1. Site is highly susceptible to erosion

3.3 Checklist Item B.1.g (Environmental Elements/Earth): About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Checklist Question:

About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

WDOE Guidance:

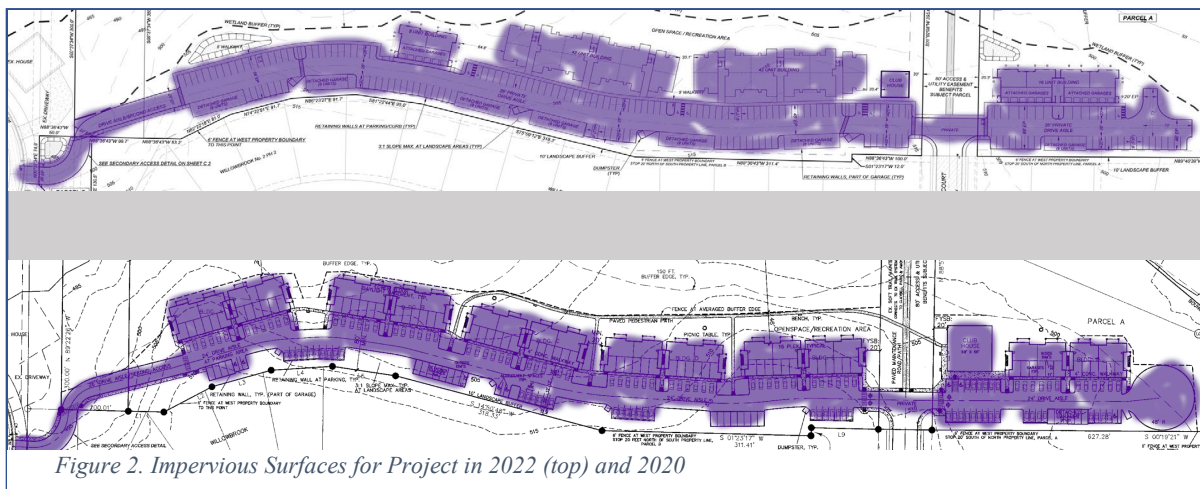
Include any square foot where rain cannot percolate into the ground such as building footprints, asphalt and concrete areas, covered or capped ground, and lined ditches or ponds. Include areas of impervious soil cover during and / or after project construction. Stockpile areas and pit floors often become impervious surface. Other examples of impervious or nearly impervious surfaces include paved roads, piling supported structures, bridges and pier, and hard packed grass, roads and parking lots.

Applicants response:

The same response in both the 2021 and 2020 checklists:

Approximately 20% of the subject property will be covered with impervious surface after buildout of the apartment buildings.

It can be seen below in [Figure 2](#) that significant changes in the project have occurred and that a new estimate of the impervious surface percentage is warranted and would be useful for citizens and agencies to substantively comment on the project.



From Figure 1 it also clear that the percentage of impervious surfaces encompasses more than 20% of the project site when the wetland buffer is excluded. It is misleading to use wetland buffer in the calculation since there are no impervious surfaces in the buffer; stormwater does not need treatment within the buffer, and stormwater facilities cannot be placed in the buffer. This distorted calculation makes it impossible for citizens and agencies to determine the extent of stormwater handling required for the project.

3.4 Checklist Item B.3.c.1 (Environmental Elements/Water/Water runoff): Describe the sources of runoff and method of collection and disposal, if any.

Checklist Question:

Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

The applicant gave the same response in both the 2021 and 2020 checklists:

Stormwater runoff will be disposed of through conventional drywells and grassy swales in accordance with the City of Richland and the State of Washington Department of Ecology standards and regulations. This includes stormwater from driveways, sidewalks, streets and roofs. Pollutants contained in the stormwater will be mitigated and/or removed through the grassy swales prior to entering drywells. This water is not anticipated to flow into other waters.

Guidance from Ecology:

Describe the following: source runoff; intended management systems; where and how the runoff will be discharged off the project site; and where and how the runoff will flow to ground or surface waters:

This answer does not reflect the plans in the packet. Currently, there are no grassy swales and no dry wells are shown. The current site plans show three on-site stormwater ponds. Yet no mention of these in the response. This area is also in a wellhead protection area. Roads will be needed to access stormwater facilities, which would need to accommodate very large Vector-type trucks. There is no mention of how these storm water facilities will be maintained nor the roads required for those services.

As a concerned citizen, which source do I go with? Discrepancies between the SEPA Checklist response show me that a detailed stormwater engineering site plan should be required for clarification for the contractor and for the public.

3.5 Checklist Item B.3.c.2 (Environmental Elements/Water/Water runoff): Could waste materials enter ground or surface waters? If so, generally describe.

Applicant's response:

There is a minimal risk that, post-construction, residential users could potentially have waste materials and/or household chemicals that enter the ground.

Guidance from WDOE:

Consider potential sources of contamination such as parking lots, equipment storage, agricultural practices, lawn and landscaping maintenance, animal waste, treated wood, eroding soils, etc., as well as any treatment provided, and where runoff will flow or be discharged. Describe the type and source of potential contamination and the water body or aquifer where it is likely to end up. If located in a wellhead protection area, describe the area where the groundwater flows to the water supply well or other type of groundwater protection area.

Applicant's response: "No".

Omitted is that Amon Creek is a Type F fish bearing stream according to WAC 222-16-030. Again, stormwater drainage plans are not detailed enough for informed substantive comments by the public. This is particularly troublesome because one of the major threats to this ecosystem is stormwater runoff. We have reported stormwater violations to Ecology that actually went through some these parcels that came from uphill and drained into the wetlands. Due to the amount of ground disturbance and slope contouring, vegetation removal, and grade and fill work for viable on-site stormwater ponds the applicant did not, but must, identify the possibility of intentional or inadvertent filling of, or runoff to Amon Creek wetlands Priority Habitats and the

Biodiversity Corridor. Neither plans nor preliminary drawings showing type of activity and mitigation are included.

Consequently, if detailed stormwater engineering plans are not completed before this project is approved there are grave concerns that the public will be left out of the public process regarding stormwater decisions; and functions and values will be adversely impacted.

4. SEPA Checklist Section A: Background

4.1 A.8: List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

The WDOE gives the following guidance for this question⁶ (emphasis added):

Applicants must provide all relevant environmental informational including:

- Studies, surveys, evaluations, and maps
- *Relevant SEPA and National Environmental Policy Act (NEPA) documents*
- *Information specific to the project or prepared for similar projects*
- City or county planning information

Applicants seeking to revise a reclamation permit or plan for a surface mining project must convey if and when their plan was reviewed under SEPA.

The applicant responded:

A Critical Area Report and Buffer Averaging Plan as well as a Wildlife Habitat Assessment Report have been prepared by Wetland Resources, Inc. for the subject property and the proposed project. Both reports have been submitted to the City of Richland for review.

The applicant failed to list the following SEPA documents, studies, and relevant documents:

1. 2014 SEPA Checklist⁷
2. Comments on 2014 Project from the Department of Ecology⁸

⁶ WDOE, *SEPA checklist guidance, Section A: Background*, <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-A-Background>

⁷

<https://apps.ecology.wa.gov/separ/Main/SEPA/Document/DocumentOpenHandler.ashx?DocumentId=60235>

⁸

<https://apps.ecology.wa.gov/separ/Main/SEPA/Document/DocumentOpenHandler.ashx?DocumentId=60227>

3. City of Richland's letter regarding 2014 application materials⁹
4. Response to WDOE comments regarding 2014 application¹⁰
5. Revised SEPA checklist, 2014¹¹
6. 2014 Wetland Delineation¹²
7. 2014 Wildlife Study¹³
8. Determination of Significance (DS/Scoping) issued by City of Richland in 2016 for 2014 application¹⁴
9. Department of Ecology letter on 2016 Threshold Determination¹⁵
10. 2018 SEPA Checklist¹⁶
11. WDOE comment letter on 2018 application¹⁷
12. 2019 Mitigated Determination of Non-Significance issued by City of Richland for 2018 application¹⁸

9

<https://apps.ecology.wa.gov/separ/Main/SEPA/Document/DocumentOpenHandler.ashx?DocumentId=60227>

10

<https://apps.ecology.wa.gov/separ/Main/SEPA/Document/DocumentOpenHandler.ashx?DocumentId=60240>

11

<https://apps.ecology.wa.gov/separ/Main/SEPA/Document/DocumentOpenHandler.ashx?DocumentId=60241>

12

<https://apps.ecology.wa.gov/separ/Main/SEPA/Document/DocumentOpenHandler.ashx?DocumentId=60241>

13

<https://apps.ecology.wa.gov/separ/Main/SEPA/Document/DocumentOpenHandler.ashx?DocumentId=60244>

¹⁴ <https://apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=201600373>

15

<https://apps.ecology.wa.gov/separ/Main/SEPA/Document/DocumentOpenHandler.ashx?DocumentId=52711>

16

<https://apps.ecology.wa.gov/separ/Main/SEPA/Document/DocumentOpenHandler.ashx?DocumentId=42356>

17

<https://apps.ecology.wa.gov/separ/Main/SEPA/Document/DocumentOpenHandler.ashx?DocumentId=42960>

18

<https://apps.ecology.wa.gov/separ/Main/SEPA/Document/DocumentOpenHandler.ashx?DocumentId=42355>

- 13. 2018 Buffer Averaging Exhibit¹⁹
- 14. 2018 Critical Areas Report²⁰

4.2 A.10: Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

WDOE guidance for this question:

List all needed government permits, funding, leases, approvals, certificates, and letters of availability for public services or utilities. These permits could be needed from the lead agency or another local government, or state or federal agency. List the agency and type of needed permit, action or decision.

Applicant's response:

A Multi-Family Site Plan Review Application will need to be reviewed and approved by the City of Richland as well as the necessary construction permits for the installation of utilities and infrastructure to serve the project. Utilities and infrastructure include domestic and irrigation water, sanitary sewer, stormwater facilities and street improvements. The Multi-Family Site Plan Review Application has been submitted concurrently with this Checklist.

The Applicant should have listed, at the least, these required approvals: HPA permit from WDFW or wetlands, Ecology Stormwater permits, City Grading. See SEPA 2018 for other possible required permits.

5. Environmental Elements

5.1 Item B. Earth

5.1.1 Item B.1.a: General description of the site: (circle one): Flat, rolling, hilly, steep slopes, mountainous, other.

Guidance from WDOE²¹:

Describe hazardous slopes, including slope percentage and vertical height. Identify any large, deep-seated slumps, unstable areas, and any mass wasting features.

Applicant's response:

¹⁹

<https://apps.ecology.wa.gov/separ/Main/SEPA/Document/DocumentOpenHandler.ashx?DocumentId=42357>

²⁰

<https://apps.ecology.wa.gov/separ/Main/SEPA/Document/DocumentOpenHandler.ashx?DocumentId=42358>

²¹ WDOE, *SEPA checklist guidance, Section B: Earth*. <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-Earth>

The project is hilly and slopes from West to East at less than 10% average grade.

I think the grade of 10% is misleading and steeper geologically hazardous areas that are unstable are omitted.

5.1.2 B.1.h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Guidance from WDOE:

General mitigation possibilities include:

- Avoidance (stay away from the area).
- Alternative on-the-ground operational systems.
- Removing unstable material.
- Engineering to reinforce the slope, drain water, etc.
- Vegetation management (such as mulching, grass seeding, slash placement).
- Reducing slopes.
- Ripping or tilling compacted area.
- Road design, drainage structures, and water dispersion or fill armoring techniques.
- Silt curtains for in-water work.

Control methods to defray the potential erosion effects:

- Minimizing vegetation removal or actions in disturbed areas during construction and operation, especially steep slopes or previous destabilized areas.
- Planting or maintaining vegetative cover.
- Moistening exposed soils or applying stabilizing compounds.
- Placing straw, rip rap, or other materials to reduce exposure to the elements.
- Putting roads and structures away from unstable areas or geological hazards.
- Managing stormwater after construction is completed.

Applicant's Response:

Engineering standard BMPs, ESC measures and common accepted construction practices will be used to reduce and/or control erosion risk. A TESC and BMP plan will be submitted to the City of Richland for review and approval prior to construction.

This is an incomplete answer. It should be made clear and listed in the answer how the Erosion and Sediment control plan will address erosion, both in the design of the development, all erosion due to construction, and on-going erosion controls post-construction. This response should list measures to include in the ESC Plan to address issues identified in item B.1.f. BMP's should at least be outlined so the reader doesn't have to guess a what the applicant is talking about. We believe that Stormwater engineering design plans should be required because the danger of runoff getting into the wetland is high according to what we see on this application.

5.2 Item B.3.a Surface Water

5.2.1 Item B.3.a.1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names, if appropriate, state what stream or river it flows into.

Guidance from WDOE²²:

Water bodies include year round and seasonal streams, saltwater, lakes, ponds, wetlands, domestic water intakes, or any forested or un-forested wetlands on the site, or downstream or down slope. Please identify possible fish-bearing streams. An intermittent stream might have fish present for a few weeks or months when stream flows are high.

Also note the presence of seeps, springs, wetlands or artificial water bodies. The site may appear dry but include areas that are transitional between open water and uplands. It may be periodically inundated or saturated.

Identify any water quality issues such as a Total Maximum Daily Load — a locally-focused scientific study that calculates the pollution a water body can receive and still meet water quality standards. It provides information about existing conditions and a watershed's sensitivity to additional development impacts.

Describe any water-based invasive species in the area (e.g., water milfoil, New Zealand mud snails, yellow flag iris, Brazilian elodea) and steps taken to avoid their spread during the project.

Applicant's Response:

There are wetlands located on the subject property. They are located east of the proposed building envelopes. Reference is made to the Critical Area Report that has been prepared and has been submitted to the City of Richland as a part of this proposed project.

In 2014 SEPA Checklist and revised checklist:

There is one Category 3 wetland.

In 2018 SEPA Checklist:

²² <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Surface-water>

There are wetlands located on the subject property. They are located east of the proposed site.

The responses do not identify the name of Amon Creek, the springs, the source of the wetland, or that the wetland confluences with the Yakima River.

Our comments: Not noted is that the project is Type 4 fish-bearing stream. No description of how the water body will be protected from the project or during or after construction.

Item B.3.a.2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Guidance from WDOE:

Any part of the project, plan, or other proposal that impacts the water body's shoreline is identified in this answer. Include grading, fill, or excavation; installation, construction, or demolition; paving; painting or maintenance activities; storage of materials; planting or removing vegetation; etc. if it will occur within 200 feet of the water and describe where the activities will take place in relation to the water body.

You must identify the possibility of intentional or inadvertent filling of, or runoff to streams, wetlands or other water bodies. Attach plans (or preliminary schematic drawing with all water bodies included), if appropriate for the type of activity. If the project involves impacts to aquatics lands, you may need a hydraulic project approval (HPA) from the state Department of Fish and Wildlife, shoreline permits from the local government and possibly a use authorization from the Department of Natural Resources.

Describe any water-based invasive species known to exist in the area (e.g., water milfoil, New Zealand mud snails, yellow flag iris, Brazilian elodea) and steps taken to avoid their spread during the project. Refer to the resources listed below for information:

Describe any measures that will be taken to ensure that the equipment being used is not introducing or spreading invasive species. The Washington Invasive Species Council has developed prevention protocols to be used when working in or near water. For the removal or placement of in-water structures, describe how the material either to be removed or placed has been checked for invasive species and how any invasive species found will be removed and disposed of appropriately.

WDOE also has included 9 Additional Resources and their website links.

Applicant's response:

There will be work within 200' of the wetlands. In accordance with Richland Municipal Code 22.10.110, a 150' wetland buffer has been proposed for this project. This is discussed in detail in the *Critical Area Report* that has been submitted for this project to the City of Richland, and reference is made to said report for additional information.

Since nearly all development will occur within 200 ft. of a wetland, all of the items given in Ecology's guidance should be addressed here. Again, an imprecise reference to the buffer detailed in the Critical Area Report does not touch on what specific impacts and mitigations we expect the report to address. Missing are soil descriptions of areas near the wetlands, vegetation removal quantities and locations and disposal. There is no information on revegetation and

stated mitigations resulting from disturbances. There is no information on post-construction direct and indirect impacts from a high density of people and their pets on the wetlands, their buffers or the biodiversity areas and corridor. The impairing of waters from the dumping of yard waste and other trash into wetland buffers is not mentioned. This project does appear to involve impacts to aquatics lands. It appears that the applicant may need a hydraulic project approval (HPA) from the Department of Fish and Wildlife and a permit to work in wetlands from Ecology.

5.2.2 Item B.3.a.6. Does the proposal involve any discharge of waste materials into surface waters?

Guidance from WDOE:

Include waste or contaminants associated with industrial wastewater; domestic sewerage; agricultural runoff; stormwater drainage from parking lots, equipment storage areas, chemically-treated lawns and landscaping; etc. Describe the source, the likely contaminants, and quantities if known. Waste materials means hot or very cold water, sediments, chemical by-products, wash water, sewage, stormwater and other pollutants.

Discharge includes seeping or dripping of hot or very cold water; sediment filled water, controlled runoff, or liquid by-products of an activity, such as bore hole drilling waste products.

Water bodies include year round and seasonal streams, saltwater, lakes, ponds, wetlands, domestic water intakes, or any forested or un-forested wetlands on the site or downstream/down slope. Please identify possible fish bearing streams and note that an intermittent stream might have fish present for a few weeks or months of the year during periods of high flow.

Applicant's response: "No".

Information is missing on this checklist is that Amon Creek is a Type F fish bearing stream according to WAC 222-16-030. Stormwater drainage details are not detailed enough therefore they are not adequate for substantive comments. This omission is particularly troublesome because one of the major threats to this ecosystem is stormwater runoff. Due to the amount of ground disturbance and slope contouring, fill to create the correct elevations of stormwater ponds and vegetation removal, the applicant did not, but must, identify the possibility of unintentional or inadvertent filling of, or causing runoff to the Amon Creek wetlands and the Biodiversity Corridor. Neither plans nor preliminary drawings showing the type of activity or mitigation are included. Because the applicant is not submitting detailed stormwater plans until after this approval, we have grave concerns that the public will be left out of the process regarding stormwater decisions and unanticipated damage because the applicant is seeking an approval using *conceptual designs* that have not been vetted.

5.3 Item B.3.b. Groundwater

5.3.1 Item B.3.b.1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well? Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

Guidance from WDOE²³:

... For water discharges to ground, remember to consider how stormwater runoff collected from impervious surfaces is managed onsite. Is the project in a drinking water wellhead protection area, the area where groundwater flows to a water supply well? The state Department of Health has a web tool—Source Water Assessment Program Maps—that can be used to locate wellhead areas in each county.

Applicant's response:

No ground water will be withdrawn. Stormwater will be disposed of into the ground in accordance with the City of Richland standards and requirements, as well as those of the State of Washington Department of Ecology.

In the 2014 SEPA Checklist, the applicant responded:

Yes. Storm water infiltrated within the infiltration ponds will eventually reach ground water, although there will be separation between the bottom of the pond and the ground water table.

The applicant fails to note that the project area is in Zone 1 (6-month time-of-travel) for “Willowbrook Well”, DOH ID 72250 (Figure 5).

²³ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Groundwater>

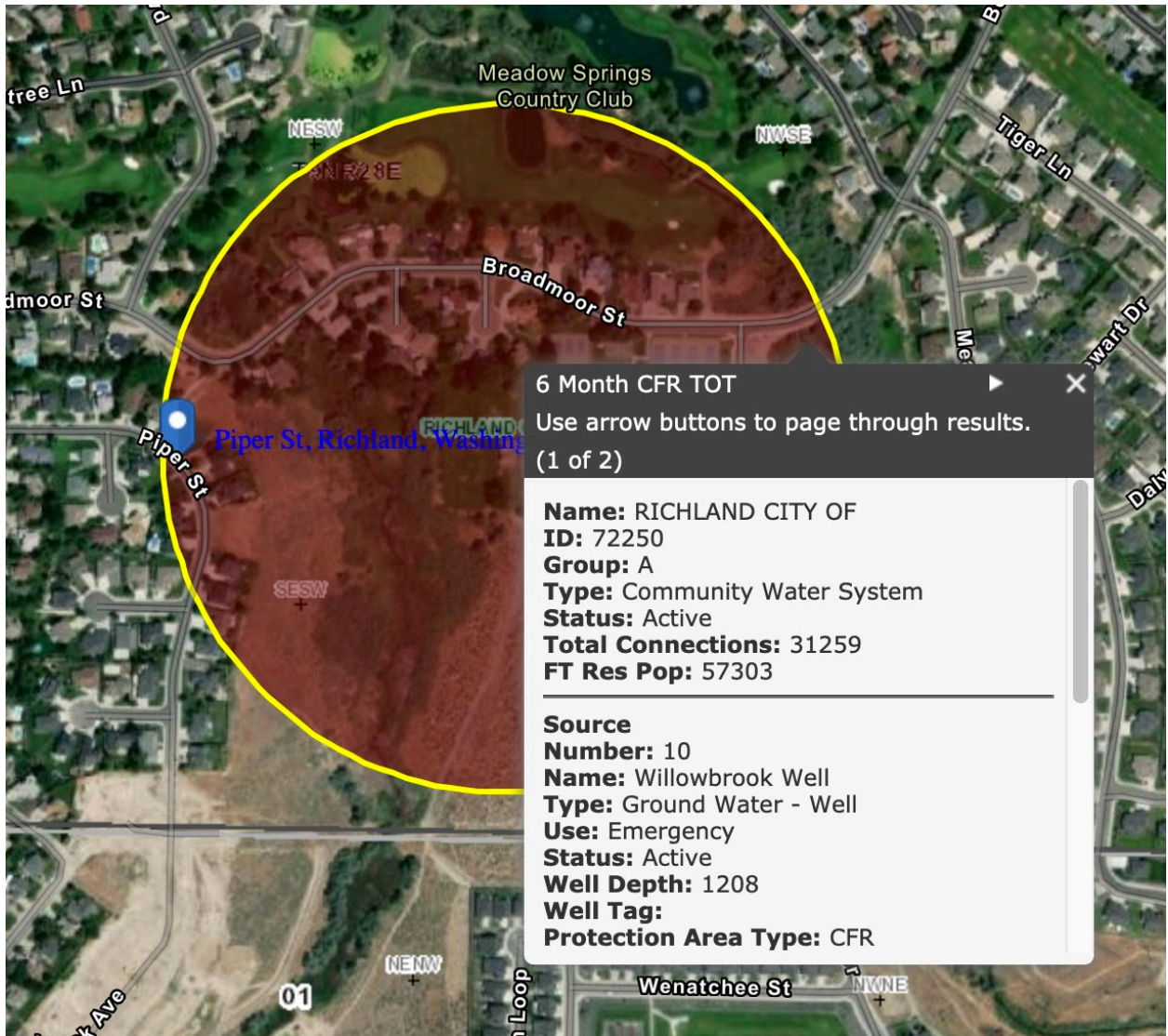


Figure 3. Surface Water Collection zone for Ground Water Well²⁴

5.3.2 Item B.3.b.2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any.

Guidance from Ecology:

Waste material includes chemicals, sediments, agricultural runoff involving pesticides, herbicides, and fertilizers, wash water, logging slash, log booming or storage debris, treated wood pilings, and oil or other fuels from equipment used for construction or operational activities.

²⁴ Generated by Washington Department of Health (WDOH) *Source Water Assessment Program (SWAP) Mapping Tool*, <https://fortress.wa.gov/doh/swap/index.html>

While septic systems are a primary source of waste discharges to ground, unlined ponds or trenches used for discharge or storage of liquid waste such as manure, food processing waste, and contaminated waters, should also be considered. Remember to include size and quantities and describe the known nature and characteristics of the waste.

When applicable, include discharges to injection wells such as dry wells. Injection wells are those in which water or other fluids are injected back into the ground. Injection may be directly to a groundwater aquifer or to unsaturated substrate overlying an aquifer. Mention any unlined ponds or trenches that store or discharge waste. Include size, quantities and type of waste. If the project is located above a sole source aquifer, that needs to be mentioned.

Applicant's response:

No waste material will be discharged into the ground.

This response contradicts the applicant's response regarding stormwater, which states that stormwater runoff "will be disposed of through conventional drywells...".²⁵

5.4 Item B.3.c Water runoff (including stormwater)

5.4.1 Item B.3.c.1. Describe the sources of runoff and method of collection and disposal, if any.

Guidance from WDOE:

Describe the following: source runoff; intended management systems; where and how the runoff will be discharged off the project site; and where and how the runoff will flow to ground or surface waters:

Applicant's response:

Stormwater runoff will be disposed of through conventional drywells and grassy swales in accordance with the City of Richland and the State of Washington Department of Ecology standards and regulations. This includes stormwater from driveways, sidewalks, streets and roofs. Pollutants contained in the stormwater will be mitigated and/or removed through the grassy swales prior to entering drywells. This water is not anticipated to flow into other waters.

Our comment :

This answer does not match with the plans in the packet. It appears that updating the checklist was a low priority to the applicant. Currently, there are no grassy swales on the site plans this time around. These discrepancies show that stormwater engineering site plans are needed and the SEPA checklist needs serious updating for clarification.

²⁵ A drywell is an injection well. See, e.g., WAC 173-218-040.

5.4.2 Item B.3.c.2. Could waste materials enter ground or surface waters? If so, generally describe.

Guidance from WDOE:

Consider potential sources of contamination such as parking lots, equipment storage, agricultural practices, lawn and landscaping maintenance, animal waste, treated wood, eroding soils, etc., as well as any treatment provided, and where runoff will flow or be discharged. Describe the type and source of potential contamination and the water body or aquifer where it is likely to end up. If located in a wellhead protection area, describe the area where the groundwater flows to the water supply well or other type of groundwater protection area.

Applicant's Response:

There is a minimal risk that, post-construction, residential users could potentially have waste materials and/or household chemicals that enter the ground.

The applicant fails to disclose that, as shown in Figure 5, the project is located on Zone 1²⁶ of a wellhead protection area. No discussion of effects on the water supply is shown. The site is located on a Critical Aquifer Recharge Area (CARA)²⁷. RMC 22.10.330 states that:

Reports for CARAs shall be submitted to the administrator by the applicant when a development proposal activity not otherwise exempted as provided in RMC [22.10.320](#) is proposed on a parcel within an aquifer recharge area.

5.5 The proposed project does not meet the criteria for exemption, and so a CARA report is required; this should be noted in the checklist. Item B.3.c.3. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe?

Guidance from WDOE:

Identify any effects the proposal would have on drainage patterns, including effects on existing groundwater resources.

Applicant's Response:

No.

Because grading and contouring average to steep slopes and grading 10, 000 cu yards of soils and vegetation it would a significant factor in changing drainage patterns. The answer should

²⁶ WDOH, *Washington State Wellhead Protection Program Guidance Document*, June 2010, p. 2. <https://www.doh.wa.gov/Portals/1/Documents/Pubs/331-018.pdf>

²⁷ RMC 22.10.300.A states that CARAs include "Those areas designated as 'wellhead protection areas' Wellhead protection areas ... include the identified recharge areas associated with either Group A public water supply wells". See Figure 5. Also see City of Richland, "Wellhead Protection Program" Map, Appendix R: Wellhead Protection Program p. 17. <https://www.ci.richland.wa.us/home/showdocument?id=4609>

have been “Yes” with details and descriptions. It is highly likely that 10, 000 cu yards of soil for fill is low considering there is now on site stormwater ponds that need a gradient to operate correctly.

5.5.1 Item B.3.d. Proposed measures to reduce or control surface, ground, runoff water, and drainage pattern impacts, if any.

Guidance from WDOE:

Provide a description of the measures to avoid, minimize or counter adverse environmental impacts to groundwater from discharges, surface runoff, drainage patterns.

Applicant’s response:

Grassy swales and other BMPs, as approved, will be utilized to control surface and runoff water.

The answer is incomplete. Grassy swales are from the last application.

WDOE Comment letter February, 10, 2016 for this site states²⁸:

Potential impacts from the project on previously situated wetland mitigation/preservation areas should be described and shown on site maps. Increased impacts from human and pet use of the localized area from this high-intensity development should also be discussed.

5.6 Item B.4. Plants

5.6.1 Item B.4.a. Check the types of vegetation found on the site:

Guidance from WDOE²⁹:

Please list and further describe the types of vegetation at the site including: Deciduous trees, including hardwoods and flowering trees such as alder, maple, and cottonwoods Evergreen trees such as firs, cedars, pines, and other shrubs Orchards, vineyards or other permanent crops. Grass, weeds, and other cleared-land vegetation. Pasture, agricultural crops, or gardens. Wet soil plants such as cattail, buttercup, bulrush, and skunk cabbage. Water plants such as water lily, eelgrass, and milfoil.

Applicant’s response:

☐_Deciduous tree: alder, maple, aspen. other
☐_evergreen tree: fir, cedar, pine, other
☒_X_shrubs

²⁸

<https://apps.ecology.wa.gov/separ/Main/SEPA/Document/DocumentOpenHandler.ashx?DocumentId=60227>

²⁹ WDOE, *SEPA checklist guidance, Section B: Plants*, accessed October 28, 2020.

<https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-4-Plants>

- ☒_X_grass
- ☐_pasture
- ☐_crop or grain
- ☐_Orchards, vineyards or other permanent crops.
- ☒_X_wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐_water plants: water lily, eelgrass, milfoil, other
- ☒_X_other types of vegetation

Reference is made to the Critical Area Report and Buffer Averaging Plan.

Response should include further descriptions of where plants occur in the project site and the location of different plant types in the proposed development. Also the mention of PHS habitats is required.

5.6.2 Item B.4.b. What kind and amount of vegetation will be removed or altered?

Guidance from WDOE:

Describe the total area of land clearing involved with all aspects of the proposal. This includes listing the total area or amount of vegetation to be removed, in acres or square footage. If selective removal or alteration of a relatively small number of individual trees or other plant(s) is planned, please list number of plants. If harvesting timber, include information on board feet as well as total acreage involved. Describe measures to ensure plant material or soils brought in or leaving the site are free of invasive plants, pests, and diseases.

Information on the size and quality of the buffer area (such as a comparison of percent cover of native and non-native vegetation, percent slope and soil composition) should be provided. (Soil information such as drainage class, etc. may be pertinent to the hydrologic study questions below.).

Applicant's response:

All existing native grasses and vegetation will be removed within the construction area and during the construction process.

Need more for substantive comments here. Need to know what amount of acreage will be cleared, exactly where that will occur, how the vegetation be disposed of, and how much land contours/slopes will change. Additionally, the percentage of native species and invasive species in and adjacent to the project area. This should be specified. The required plan for revegetation and buffer enhancement and a monitoring plan. It should include the plants that will be removed and what native plants will replace them. Additionally, the methods used to control the spread of invasive plants during and after construction should be detailed.

Ecology's 2019 Stormwater Management Manual for Eastern Washington, Chapter 3 - Page 131 states:

(That) Core assessment and management objectives for a project located in a drainage basin with a wetland designated as high quality and sensitive and not used as flow control or treatment should include the following:

- Protect mature native riparian vegetation and soils.
- Protect diverse native stream habitat characteristics to support the native assemblage of stream life.
- Maintain predevelopment hydrology.

5.6.3 Item B.4.c. List threatened and endangered species known to be on or near the site.

Guidance from WDOE:

The Washington Department of Natural Resources has information about rare, threatened, and endangered plant species in our state.

Applicant's response:

Reference is made to the Wildlife Habitat Assessment Report prepared by Wetland Resources, Inc. and submitted to the City of Richland as a part of this application.

If there are threatened or endangered species of plants, they should be listed right here. How hard is this? (The response seems to indicate that there *are* threatened or endangered plants on the site, otherwise not just state that none were found?)

5.7 Item B.4.d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Guidance from WDOE:

If land disturbance planned, provide a summary about the re-vegetation plan. This can include avoiding or minimizing disturbance, new plantings, removing invasive species, and reseeded. Protection, replacement, or enhancement of critical or otherwise valuable habitat and plant species is particularly important. Provide a reference and summarize applicable local development regulations, including how proposal with complies with these requirements.

Applicant's Response:

A Conceptual Landscape Plan has been submitted to the City of Richland as part of this project. A Formal Landscape Plan will be prepared and submitted to the City of Richland for review and approval prior to construction during the Plan Review process. All landscaping will be in accordance with the City of Richland standards and requirements, this includes all common areas, street trees and general landscaping.

Ecology 2016 Comment Letter:

Potential impacts from the project on previously situated wetland mitigation/preservation areas should be described and shown on site maps.

The "Formal Landscaping Plan" is not included in the project packet and should be part of this packet that should be part of this public review process. Nor are there any details on how re-

vegetation will be done after construction. Our concerns that landscaping plans will consist of the traditional high-water use of non-native plants that replace and destroy the native habitat. This will increase pressure on water resources and stress the conditions required for native plants and animals to survive and breed successfully.

5.8 Item B.4.e. List all noxious weeds and invasive species

Guidance from WDOE:

Describe if plant species present on site or used in the project are listed as noxious or invasive.

Applicant's response:

Reference is made to the Critical Area Report and the Wildlife Habitat Assessment Report, both of which have been submitted to the City of Richland as part of this project.

This checklist should include the relevant information about noxious weeds here, not give an imprecise reference to another document. Referring to Reports is not adequate use of the SEPA checklist. The written answers *from* those reports should be *in* the SEPA Checklist. These are simple questions.

5.9 Item B.5. Animals

5.9.1 Item B.5.a. List any birds and other animals, which have been observed on or near the site or are known to be on or near the site. Examples include a short list of Birds, Mammals and Fish.

Guidance from WDOE³⁰:

Information about animal species is available from the Washington Department of Fish and Wildlife (WDFW). Describe if any animal species on site are listed as prohibited, regulated, or invasive. With Additional Resources web links of:

Washington Species and Habitats (Washington Department of Fish and Wildlife)

Priority Habitats and Species (Washington Department of Fish and Wildlife)

Applicant's response:

Native animal/mammals include the Black-Tailed Jackrabbit, Eastern Cottontail and Douglas Squirrel.

Fish: None observed. Removed from this current checklist.

³⁰ WDOE, *SEPA checklist guidance, Section B: Animals*. Accessed October 28, 2020.
<https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-5-Animals>

No birds are listed. WDOE's references to WDFW resources would have directed the applicant to WDFW's Priority Habitat and Species (PHS) mapping, which indicates Chinook Salmon adjacent to the site.³¹

The site is immediately adjacent to west fork of Amon Creek and the Amon Creek Natural Preserve. Animals that have been documented in the creek and preserve (and therefore 'near' the site) include Beaver, Black-tailed Jackrabbit, Mink, and Otter.³² Other documented species include Side-blotched lizard, Cinnamon Teal, Great Blue Heron (State Monitored), Muskrat, White-tailed deer, Raccoon, Coyote, Northern Harrier, Pied-billed Grebe, Wood Duck, Bank Swallow, Black-crowned Night Heron, Cooper's Hawk, Blue-winged Teal, and Yellow-headed Blackbird.³³

5.9.2 Item B.5.b. List any threatened and endangered species known to be on or near the site:

Guidance from WDOE:

Threatened and endangered species lists are available at:

- Priority Habitats and Species (Washington Department of Fish and Wildlife)
- Critical Habitat Information (NOAA Fisheries)
- Washington Endangered Species list (U.S. Fish & Wildlife Service)
- StreamNet (Pacific Northwest fish data)
- Natural Heritage Program (Washington Department of Natural Resources)

Applicant's response:

Reference is made to the Wildlife Habitat Assessment Report submitted to the City of Richland as a part of this application.

If there are threatened or endangered species of animals they should be listed here. (The response seems to indicate that there are threatened or endangered animals on the site, otherwise not just state that none were found).

³¹ WDFW, *PHS on the Web*, accessed October 28, 2020. <https://geodataservices.wdfw.wa.gov/hp/phs/>

³² Tapteal Greenway Webcam footage, <https://tapteal.org/parks-preserves/amon-creek-natural-preserve/>

³³ City of Richland, *Wildlife Report for the Rachel Road Alignment Study in Richland, Benton County, Washington*, February 3, 2017.
<https://www.richlandparksandrec.com/Home/ShowDocument?id=4416>

Additional note: The City should create an additional SEPA checklist to be filled out with questions regarding items specific to Richland, such as listing all PHS species and habitats.

5.9.3 Item B.5.c. Is the site part of a migration route?

Guidance from WDOE:

Consider birds, fish, and other wildlife when identifying affected migration routes. Your proposal could have an adverse impacts if the affected area includes rare or unique habitat, wildlife corridors, fish-bearing rivers and streams, lakes, ponds, or other areas where migrating birds are likely to stop.

Applicant's Response:

Yes, Richland is within the Pacific Flyway. No other migration route is known. Reference is made to the Wildlife Habitat Assessment Report submitted to the City of Richland as a part of this application.

The applicant fails to list numerous migratory species that are present on the site during migration, either here or in the Habitat Assessment Report. The ACNP and the biodiversity area and corridor show this as a critical "stopover site" for these twice-yearly migrating birds needing food and shelter as well as the numerous breeding birds documented for this area. High buildings such as apartments located near a wetland and riparian area are documented to incur a high amount of window strikes by birds. There needs to be mitigations to address this bird mortality issue.

Terrestrial migrants and focal species are: beaver (*Castor canadensis*) and black-tailed Jackrabbits (*Lepus californicus*). For beaver this is a critical corridor that prevents the species from being isolated genetically from other populations.

Other terrestrial vertebrate migrants using the wetlands and the wildlife Biodiversity Corridor are: Mink (*Neovison vison*), Mule Deer (*Odocoileus hemionus*), North American Porcupine (*Erethizon dorsatum*), River Otter (*Lontra canadensis*), Striped Skunk (*Mephitis mephitis*), Northern Raccoon (*Procyon lotor*), Coyote (*Canis latrans*), Muskrat (*Ondatra zibethicus*), Townsend's Ground Squirrel (*Urocitellus townsendii*), Red Fox (*Vulpes vulpes*), American Badger (*Taxidea taxus*), and Cottontail species (*Sylvilagus* spp.).

WDFW PHS mapping documents that Chinook salmon, an aquatic migrant, are present on the site.

eBird, a website used to document avian species observed at Amon Creek--Willowbrook section documents current and historic bird species³⁴. The eBird observations include 97 migratory birds using the ACNP; Of these species, 8 are neotropical migrants whose populations are experiencing large declines of 45%-76%³⁵.

The 97 migratory bird species included in the eBird observations are: Snow Goose, Cackling Goose, Canada Goose, Trumpeter Swan, Wood Duck, Blue-winged Teal, Cinnamon Teal, Northern Shoveler, Gadwall, American Wigeon, Mallard, Northern Pintail, Green-winged Teal, Redhead, Ring-necked Duck, Greater Scaup, Lesser Scaup, Bufflehead, Common Goldeneye, Hooded Merganser, Common Merganser, Pied-billed Grebe, Mourning Dove, Common Nighthawk, Black-chinned Hummingbird, Virginia Rail, American Coot, Sandhill Crane, Black-necked Stilt, Killdeer, Long-billed Curlew, Least Sandpiper, Wilson's Snipe, Spotted Sandpiper, Greater Yellowlegs, Double-crested Cormorant, American White Pelican, Great Blue Heron, Great Egret, Black-crowned Night-Heron., Osprey, Golden Eagle, Northern Harrier, Sharp-shinned Hawk, Cooper's Hawk, Northern Goshawk, Bald Eagle, Swainson's Hawk, Red-tailed Hawk, Rough-legged Hawk, Western Screech-Owl, Great Horned Owl, Belted Kingfisher, Downy Woodpecker, Hairy Woodpecker, Northern Flicker, American Kestrel, Merlin, Prairie Falcon, Western Wood-Pewee, Say's Phoebe, Western Kingbird, Eastern Kingbird, Northern Shrike, Black-billed Magpie, American Crow, Common Raven, Black-capped Chickadee, Horned Lark, Northern Rough-winged Swallow, Tree Swallow, Violet-green Swallow, Bank Swallow, Barn Swallow, Cliff Swallow, Golden-crowned Kinglet, Ruby-crowned Kinglet, Red-breasted Nuthatch, Pacific Wren, Marsh Wren, Bewick's Wren, European Starling, Gray Catbird, Varied Thrush, Hermit Thrush, American Robin, Cedar Waxwing, House Sparrow, American Pipit, House Finch, Cassin's Finch, Pine Siskin, Lesser Goldfinch, American Goldfinch and Chipping Sparrow.

³⁴ Cornell University, eBird Hotspot Report.
https://ebird.org/hotspot/L832224?yr=all&m=&rank=mrec&hs_sortBy=taxon_order&hs_o=asc.

³⁵ American Bird Conservancy, *Saving Migratory Birds for Future Generations: The Success of the Neotropical Migratory Bird Conservation Act*. May 2009. http://abcbirds.org/wp-content/uploads/2015/05/act_songbirds.pdf

5.9.4 Item B.5.d. Proposed measures to preserve or enhance wildlife, if any.

Guidance from WDOE:

Types of mitigation for adverse effects to animals could include:

Habitat restoration (native plantings, maintaining water quality and hydrology including temperature, stream flows, protection from human and domestic animal intrusion or noise, light, and glare).

- Measures to preserve or restore fish and wildlife corridors.
- Monitoring and ongoing stewardship of habitat with performance measures for adaptive management.
- Measures to control or eradicate invasive species coming into and leaving the site.

Additional Resources

- Priority Habitats and Species (Washington Department of Fish and Wildlife)
- Aquatic Invasive Species (Washington Department of Fish and Wildlife)
- Noxious Weed Control Board
- Invasive Species Council

Applicant's response:

Reference is made to the Wildlife Habitat Assessment Report submitted to the City of Richland as a part of this application.

We have to go all the way to the wildlife assessment document to find that no, there are no mitigations for wildlife or plants anywhere in this packet.

Item B.5.e. List any invasive animal species known to be on or near the site.

Guidance from WDOE:

Check the current list of invasive animal species to see if they are known to live in the area of the proposal.

Invasive Species List ([link](#))

Applicant's Response:

Reference is made to the Wildlife Habitat Assessment Report submitted to the City of Richland as a part of this application.

Comment: List them here, not there.

5.10 Item B.7.a Environmental Health - General

5.10.1 Item B.7.a.4. Describe special emergency services that might be required:

Guidance from WDOE³⁶:

³⁶ WDOE, *SEPA checklist guidance, Section B: Environmental health*, <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA->

Thinking ahead and planning for emergencies can help prevent a small hazardous waste spill from turning into a dangerous, expensive contamination problem. The proposal could require a special response plan for potential hazardous waste emergencies including:

- Capabilities and proper use of emergency equipment including communications and alarm systems.
- Responding to fires, explosions, spills, releases to air, and ground water contamination incidents.
- Procedures for using, inspecting, repairing and replacing your emergency equipment (and monitoring equipment, such as temperature or pressure indicators, if you have any).
- Details of any automatic waste feed cut-off systems.
- Steps for shutting down operations.

Special services involving hazardous materials can include:

- In the event of a fire, call the fire department or attempt to extinguish the fire.
- In the event of a spill, contain the flow as possible, clean up the waste and any contaminated materials as soon as practicable, and call 1-800-SPILL-911.
- If a fire, explosion or other release could threaten human health or could reach state waters, call 1-800-SPILL-911 and the National Response Center at 1-800-424-8802.

Applicant's response:

None anticipated during or after construction, other than normal emergency services.

Our comment: Post-construction emergency services must be addressed in detail here.

Richland has a track record of requiring access that should've been addressed in this planning stage. The result has shown adverse impacts and costly mitigations. Although a utilities (sewer) line within the ACNP may not qualify as an emergency service, it is a good example of costly mitigations that occur when not considered in the planning process. This must be addressed at the planning stage right here in this proposal.

5.11 Item B.8. Land and Shoreline Use

5.11.1 Item B.8.a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Guidance from WDOE³⁷:

checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-7-Environmental-health

³⁷ WDOE, SEPA checklist guidance, Section B: Land & shoreline use.

<https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA->

Provide information about past, present, and future foreseeable land uses affected by the proposal. Be sure to address:

- Agricultural uses
- Residential uses
- Commercial uses
- Community and public services
- Industrial uses
- Natural resource uses
- Recreational activities

Applicant's Response:

The project site currently vacant. The property to the East and South is wetlands, and the property to the West is developed as Residential. The proposed land uses are similar and compatible with the surrounding existing uses.

Applicant fails to mention the adjacent Amon Creek Natural Preserve, which is used for community and recreational activities.

5.11.2 Item B.8.h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Guidance from WDOE:

Indicate if the proposed site has any special protection designation — such as critical area. Other areas designated as protected areas or reserves could also be within or adjacent to the proposed site. Local jurisdictions may designate a "critical area" restriction for development for wetlands, streams and surface water bodies, aquifer recharge areas, frequently-flooded areas, geologic hazards, and fish and wildlife habitat conservation areas.

Ecology Comment Letter Feb. 10, 2016:

Potential impacts from the project on previously situated wetland mitigation/preservation areas should be described and shown on site maps. Increased impacts from human and pet use of the localized area from this high-intensity development should also be discussed.

Applicant's Response:

Per the Geotechnical and Hydrogeological Site Evaluation Report submitted herewith, no portion of the proposed development is located within a City or County designated CARA.

Our Comments: The applicant fails to list WDFW PHS Shrub-steppe Biodiversity Corridor, Wetlands, WDFW PHS Shrub-steppe, Eastside steppe, Geologic Hazard Area, Type F, Fish-bearing stream, WDFW PHS Black-tailed Jackrabbit habitat.

The checklist and Geotechnical report both falsely state the project is not located on a CARA. It is located on a CARA as shown in [Figure 4](#).

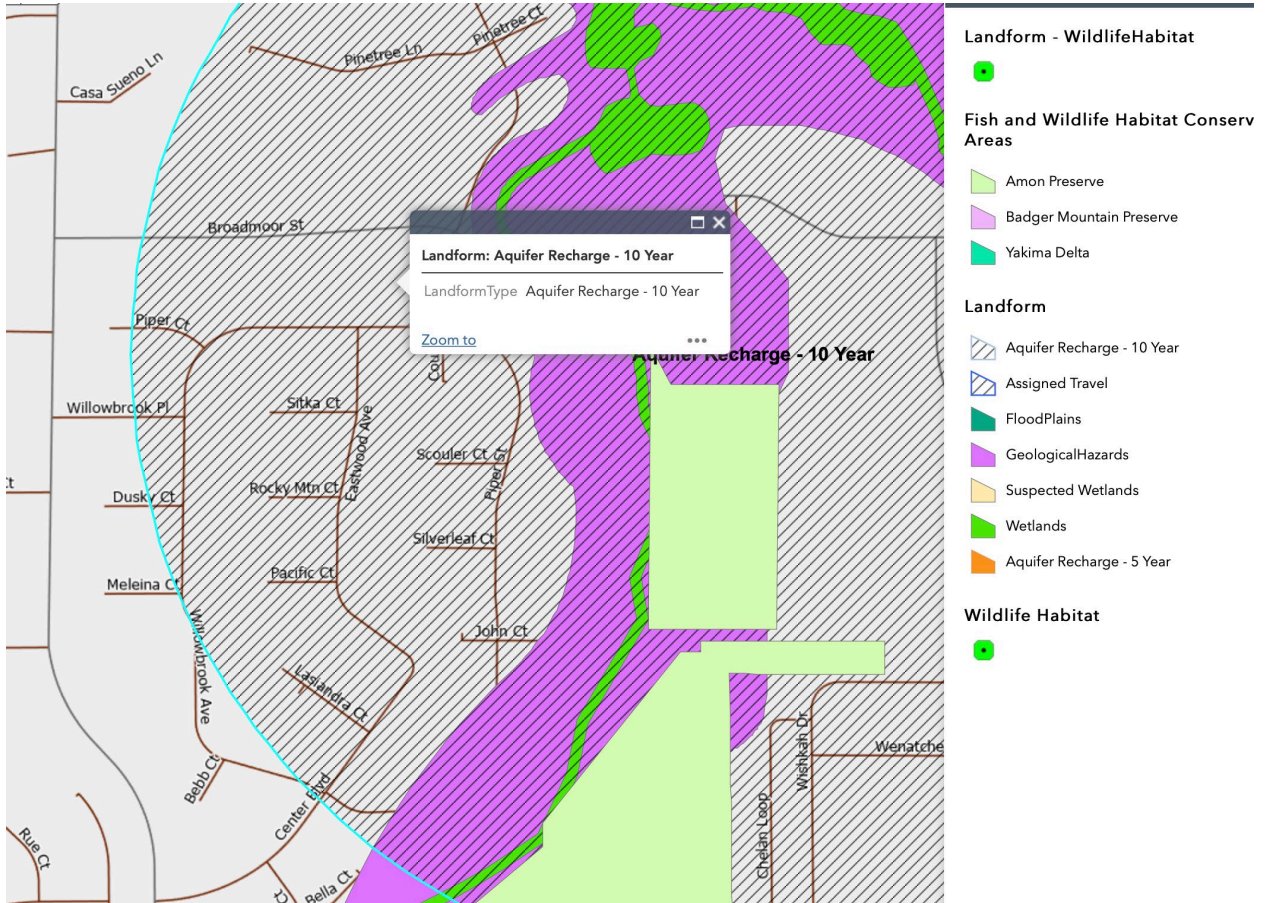


Figure 4. City of Richland Critical Areas Map shows project located on CARA

5.11.3 tem B.10.a. What is the tallest height of any proposed structure(s), not including antennas; what is the principle exterior building material(s) proposed?

Guidance from WDOE³⁸:

The applicant should address building height and exterior material of new structures. This include:

- Building height. Although antennas are excluded, other appurtenances should be included such as smoke stacks, chimneys, and vents.

³⁸ WDOE, *SEPA checklist guidance, Section B: Aesthetics*. <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-10-Aesthetics>

- Exterior material of new structures associated with or will occur as an indirect result of the proposal. Describe materials, color, and total window area.

Applicant's Response:

Multi-story units are proposed to be a maximum height of 40' from average ground level, in accordance with the City of Richland standards.

On the drawings we can see the words Daylight Basement in the current plans as well as in the drawings for previous SEPAs submittals. Clarify how with a decrease of buildings and a height of 40'

5.11.4 Item B.10.b. What views in the immediate vicinity would be altered or obstructed?

Ecology:

Describe both scenic and non-scenic views that will change. Answer "none" only if the appearance of the site will remain unchanged.

Applicant's Response:

The subject property is located on a small hillside located downhill from adjacent residential uses, therefore, there will be minimal obstruction to views from existing residences.

SEPA 2016 and 2018 Applicant Checklists:

No greater than 40'. The building materials will be those typical to multifamily residential construction. The expectation is that roofing will be asphalt composition shingles and siding will be wood.

Our comments: Views from residences on the bench on the east side will no longer be able to see much of the ACNP.

5.12 Item B.11 Light and Glare

5.12.1 Item B.11.a. What type of light or glare will the proposal produce? What time of day will it mainly occur?

Guidance from WDOE³⁹:

Describe the types of light and glare the proposal would produce either directly or indirectly. Include the time of day and frequency that each source produces light and/or glare. The following information should be included:

- Indoor lighting that may be seen through windows.

³⁹ WDOE, *SEPA checklist guidance, Section B: Light & glare*. <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-11-Light-glare>

- Fixed outdoor lighting such as street lights, signage, and parking lots.
- Vehicles.
- Mirrored and un-mirrored glass as well as other reflective surfaces.

Applicant's response:

Minimal light glare will be produced from lights on the apartments and street lights that will be used for lighting the parking lot and travelways. This glare will be during evening and nighttime hours.

The Applicant is creating light pollution sources where none existed previously and it should be mitigated. Nocturnal and diurnal wildlife will be displaced by the presence of constant sources of light and activities in this area. The WDOE list above provides bullets so you can answer the questions.

A short list of known nocturnal species are: Black-tailed Jackrabbit, Great-horned Owl, Black-crowned Night Heron, Beaver, Muskrat, Mink, Striped Skunk, River Otter, Coyote, Mule Deer, Screech Owl, Raccoon and Porcupine. RMC Table 22.10.115(D) has "Required Mitigation to Minimize Impacts to Wetlands from Changes in Land Uses with High Impacts. Stating "Direct lights away from wetland." This needs to be addressed!

5.12.2 Item B.11.b. Could light or glare from the finished project be a safety hazard or interfere with views?

Guidance from WDOE:

Consider potential safety impacts to motorists, boaters, air traffic, and pedestrians both on and off the site. Identify safety and / or view impacts to nearby residents, area workers, tourists, wildlife, and domestic animals.

Applicant's response:

No safety hazard is anticipated from light glare.

Applicant should list bird strikes to windows during night migration and during daylight hours.

5.13 Item B.11.c. What existing off-site sources of light or glare may affect your proposal?

Guidance from WDOE:

- What are the current conditions surrounding the area regarding light and glare?
- How will this affect the construction or operation of the project?

- How will the combined level of light and glare from the proposal and the surrounding area create additional light pollution impacts?

Applicant's Response: "N/A"

The combined level of light from the proposal and the surrounding area will flood critical areas that were previously dark. The light will displace wildlife and allow human incursion and activities in areas previously untouched at night. The introduction of light in this area will be just one cut of a thousand cuts that will systematically degrade and then destroy these areas for the wildlife that are intended to be protected under the GMA and Richland's Critical Areas Ordinance.

5.14 Item B.12. Recreation

5.14.1 Item B.12.a. What designated and informal recreational opportunities are in the immediate vicinity?

Guidance from WDOE⁴⁰:

This information helps reviewers better understand a development project's community impacts. Applicants should be specific and address possible impacts to formally-designated recreation areas as well as other uses such as access to state shorelines and common fishing spots. Other examples include:

- Walking, hiking, biking, and picnicking
- Dirt biking, dune buggies, and horseback riding
- Playground, ball field, tennis or basketball courts, and golf courses
- Recreation centers, swimming areas or pools, boating, rafting, fishing, and beach combing
- Parks, stadiums, museums, aquariums, zoos, and wildlife viewing opportunities
- Theaters, fairs, convention centers, and other public facilities

Applicant's Response:

The Amon Wasteway Drainage and Claybell Park are located in the immediate vicinity of the proposed project.

⁴⁰ WDOE, *SEPA checklist guidance, Section B: Recreation*. <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-12-Recreation>

No effort was made to state that this area is named the Amon Creek Natural Preserve. It is a protected ecosystem used for educational projects and documented scientific data collection which is vast and publicly available.

5.14.2 Item B.12.b. Would the proposed project displace any existing recreational uses?

Guidance from WDOE:

Consider how a proposal will directly impede, interfere, or prevent current and reasonably-foreseeable future recreational uses. These could include:

- Shoreline access
- Shellfish harvesting
- Swimming, boating, and other water activities
- Wildlife viewing
- Hiking, camping, horseback riding, and skiing

Applicant's response:

No

Wildlife viewing will be spatially curtailed due to buildings, restricted access to the ACNP and paving over native habitat. Wildlife displacement will occur due to loss of habitat noise, lights, high intensity human activity and the trash that follows. Consequently, there will be less wildlife to view. The Applicant does not share the recreational values of this area of the general public.

5.14.3 Item B.12.c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.

Guidance from WDOE:

These measures could include:

- Development or improvement of a playground
- Recreation center
- Donation of park land or facilities to a recreation agency
- Donation of land to create a park facility, club house, or public access to a beach and shorelines.

Including five links for Additional Resources

Applicant's response:

There is a proposed pedestrian pathway/trail that will front the wetlands/open space. This trail could be used for a variety of recreational activities including walking, jogging, hiking, scenic viewing, etc... The applicant also has proposed a paved trailway that will connect to the existing trail in Claybell Park thus providing a safe walking connection for students attending Amon Creek Elementary.

A proposed paved Trail is a 100% impervious surface and should be avoided. It has not been accounted for in the proposal. Since a gravel path exists, no additional trails should be placed on the eastside of the apartments or within 1500 feet of the wildlife Biodiversity Corridor to protect the ACNP. A paved crossing of Amon Creek is an additional concern, increasing the potential of problems with runoff, etc.

5.15 Item B.13. Historic and cultural preservation

WDOE gives the following overall guidance for this section⁴¹:

Overview

A community's cultural and historic resources tell the distinct story of its past. From lumber mills to schools, sacred landscapes to archeological sites, rustic cabins to office towers, these environmental elements are unique, non-renewable resources.

Federal, state, and local environmental laws and review processes typically require consideration be given to protecting significant historic, archeological, and traditional cultural sites. The state Department of Archaeology and Historic Preservation (DAHP), local historic preservation organizations, and tribal governments work with agencies, private citizens, and developers to identify and develop strategies to protect Washington's cultural heritage.

Compliance programs reviewed by tribal governments, cultural resource agencies, and private organizations:

- Section 106 of the National Historic Preservation Act — Requires federal agencies to consider cultural resources in their licensing, permitting, and funding decisions. Federal agencies consult with state and local governments to identify cultural resources and receive formal opinions about the significance of an affected area and probable impacts.
- State Environmental Policy Act — Requires agencies to consider impacts to cultural resources during the environmental review process. DAHP and others provide technical expertise and may issue formal opinions to local governments and other state agencies regarding impacts.
- Forest Practices Act — Sets forest practice standards for timber harvest, pre-commercial thinning, road construction, fertilization, and forest chemical application activities. The rules help protect historic and cultural sites while maintaining a viable timber industry.

⁴¹ WDOE, *SEPA checklist guidance, Section B: Historic & cultural preservation*, <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-13-Historic-cultural-p>

- Governor's Executive Order 05-05 — Requires all state agencies with capital improvement projects to integrate DAHP, Governor's Office of Indian Affairs, and tribal governments into their planning process to protect historic and cultural sites.
- State Shoreline Management Act — Requires local governments issuing development permits in areas with archeological sites to have them inspected or evaluated by professional archeologists in partnership with affected tribal governments before issuing permits.

5.15.1 Item B.13.b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

Guidance from WDOE:

Historical and archeological places include significant locations, structures, or other evidence containing material remains of human life or activity. These can include sites associated with important historical personalities, sites or events—even when no physical evidence remains.

SEPA rules require environmental review decisions be based on sufficient information and that threshold determinations sufficiently evaluate a proposal's environmental impact. Describe the process for incorporating historic and archeologic research and surveys, tribal consultation, and data gathering. The reference "near the site" is not limited to "adjacent to the site" since associated impacts may extend beyond a site's boundaries.

Applicant's response:

None known, reference is made to the Cultural Resources submitted herewith.

Where is this in the packet? The applicant does not describe the process used for determining whether cultural resources at the site, despite the multitude of resources described by WDOE. This answer is incomplete; especially since this site is near a stream bed in an area that has a long cultural and tribal history.

5.16 Item B.13.c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Guidance from WDOE:

Each Indian tribe is a sovereign nation with its own definition of appropriate consultation. However, here are some materials to assist with consultation efforts:

- Role of the Tribal Historic Preservation Officer in the Section 106 Process
- Tribal Consultation: Best Practices in Historic Preservation
- Centennial Accord

Other tribal government resources:

- DAHP Tribal Contact List for THPO's and Cultural Resource Staff
- Federally Recognized Tribes of Washington State Map
- Governor's Office of Indian Affairs Tribal Contact Directory
- Local and National Heritage Organizations

Applicant's response:

A cursory review of available GIS data and online resources was conducted.

The applicant fails to use the resources recommended by WDOE; it is clear that the survey of cultural resources is inadequate, leaving the SEPA checklist incomplete. A 'cursory' review of these potential impacts is disrespectful to the values of people who are integral to and valued in our community.

5.17 Item B.14. Transportation

5.17.1 Item B.14.a. Identify public streets and highways serving the site or affected geographic area, and describe proposed access to the existing street system. Show on site plans, if any:

Guidance from WDOE⁴²:

Review agencies will need to know if a proposal will contribute to existing safety, noise, dust, maintenance, or other transportation problems. This includes increasing road use. Describe site access roads and provide a public street or vicinity map showing access to the site. Highways or other listed major arterials do not need to directly access the site but these roads are likely to be used by employees, customers, or residents as well as transport materials or goods on and off the project.

Applicant's response:

Proposed primary access to the subject property will be from Piper Street and John Court, which are public rights-of-way maintained by the City of Richland. A secondary access is proposed to connect to Broadmoor Street.

Roads for high volumes of traffic will have to be designed and built to access the project. Additional stoplights and other traffic control infrastructure should also be documented here. Also, it is not clear whether the secondary access is blocked to regular traffic. If it is not, the street will go through a platted development. Roads for Stormwater maintenance must be included. More clarification is needed on this issue.

⁴² WDOE. *SEPA checklist guidance, Section B: Transportation*. <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-14-Transportation>

5.17.2 Item B.14.b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Guidance from WDOE:

Include details about types of public transportation as well as proximity to nearest train stations and / or bus stops.

Additional resources:

- Transportation and Traffic Information
- Public Transit
- Washington Metropolitan Planning Organizations

Applicant's response:

The Ben Franklin Transit system serves the City of Richland. The nearest transit routes are the 123 and 110 routes.

Applicant needs to state locations of the Stops. They could be miles away from this project.

5.17.3 Item B.14.c. How many additional parking spaces would the completed project or nonproject proposal have? How many would the project or proposal eliminate?

Guidance from WDOE:

Include the following information:

- Type of designated parking lot
- Number and configuration of spaces
- Number of spaces to be eliminated
- How parking plan complies with local requirements

Additional resources include three links.

Applicant's response:

The proposed project will have approximately 239 total parking spaces. No parking spaces will be eliminated.

An excessive amount of parking and impervious surfaces for the units served.

5.17.4 Item B.14.e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe:

Guidance from WDOE:

Describe the adequacy of available facilities and services. Include information about how the proposal will use air, water, and / or rail transportation. Provide information about:

- Transport of raw materials

- Product delivery
- Waste disposal
- Employee or residential commutes

Additional resources include Public Transit link

Applicant's response:

No.

This answer was important be read thoroughly and answered completely because it asks the Applicant to "Describe the adequacy of available facilities and services." It's true no air, water or rail transportation are involved in the project, but omitting the description of available facilities and services was crucial for substantive agency and public comment on the project. These omissions render the answer incomplete.

5.17.5 Item B.14.h. Proposed measures to reduce or control transportation impacts, if any: Identify public streets and highways serving the site, and describe proposed access to the existing street system.

Guidance from WDOE:

Mitigation includes avoiding, reducing, or countering environmental impacts including:

- Providing additional parking
- Road improvements such as widening, or adding signs, signals, and turn-lanes
- A transportation plan to reduce commute trips per day, particularly during peak hours
- In lieu fees
- Consolidating trips by providing mixed-use development
- Alternative modes of transportation
- Pedestrian-friendly design, including smaller set-backs, parking behind buildings, and building sidewalks

Additional resources shows 3 links.

Applicant's response:

No specific measures are proposed at this time. The project will generate additional tax base and revenue, as well as Transportation Impact Fees that will help to offset any additional traffic impacts. A Traffic Impact Analysis has been prepared and is submitted as a part of the proposed project.

5.18 Item B.16. Utilities

5.18.1 Item B.16.a. List the utilities currently available at the site: Electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:

Guidance from WDOE⁴³:

Applicants should include utilities that are accessible at the proposed site and note which services and / or lines will need to be connected or installed to serve the project.

Applicant's response:

Electricity, natural gas, water, refuse service, telephone, sanitary sewer are all available to serve the subject property and are located immediately adjacent to the site.

The location of all utilities, stormwater facilities, etc. should be shown on submitted site plans for public review. Stormwater facilities should not be located within wetland buffers in accordance with the Eastern Washington Stormwater Manual. Nor should stormwater facilities be located within the Biodiversity Corridor or its buffers. A requirement upon approval must include a prohibition on utilities (or other infrastructure) from using the wetlands and biodiversity corridor or their buffers for any part of their routing.

6. References

Other Authorities

- American Bird Conservancy, *Saving Migratory Birds for Future Generations: The Success of the Neotropical Migratory Bird Conservation Act*. May 2009. http://abcbirds.org/wp-content/uploads/2015/05/act_songbirds.pdf 29
- City of Richland, "Wellhead Protection Program" Map, Appendix R: Wellhead Protection Program p. 17. <https://www.ci.richland.wa.us/home/showdocument?id=4609> 22
- City of Richland, *Wildlife Report for the Rachel Road Alignment Study in Richland, Benton County, Washington*, February 3, 2017. <https://www.richlandparksandrec.com/Home/ShowDocument?id=4416> 27
- Cornell University, eBird Hotspot Report. https://ebird.org/hotspot/L832224?yr=all&m=&rank=mrec&hs_sortBy=taxon_order&hs_o=asc 29

⁴³ WDOE, *SEPA checklist guidance, Section B: Utilities*. <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-16-Utilities>

Tapteal Greenway Webcam footage, https://tapteal.org/parks-preserves/amon-creek-natural-preserve/	27
WDFW, <i>PHS on the Web</i> , accessed October 28, 2020. https://geodataservices.wdfw.wa.gov/hp/phs/	27
WDOE, <i>SEPA checklist guidance, Section B: Aesthetics</i> . https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-10-Aesthetics	33
WDOE, <i>SEPA checklist guidance, Section B: Animals</i> . Accessed October 28, 2020. https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-5-Animals	26
WDOE, <i>SEPA checklist guidance, Section B: Environmental health</i> , https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-7-Environmental-health	31
WDOE, <i>SEPA checklist guidance, Section B: Historic & cultural preservation</i> , https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-13-Historic-cultural-	38
WDOE, <i>SEPA checklist guidance, Section B: Land & shoreline use</i> . https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-8-Land-shoreline-use	32
WDOE, <i>SEPA checklist guidance, Section B: Light & glare</i> . https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-11-Light-glare	34
WDOE, <i>SEPA checklist guidance, Section B: Plants</i> , accessed October 28, 2020. https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-4-Plants	23
WDOE, <i>SEPA checklist guidance, Section B: Recreation</i> . https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-12-Recreation	36
WDOE, <i>SEPA checklist guidance, Section B: Utilities</i> . https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-16-Utilities	43

WDOE. <i>SEPA checklist guidance, Section B: Transportation</i> . https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-14-Transportation	40
WDOH, <i>Washington State Wellhead Protection Program Guidance Document</i> , June 2010, p. 2. https://www.doh.wa.gov/Portals/1/Documents/Pubs/331-018.pdf	22

Stevens, Mike

From: Paul Johnson <paul.johnson53@outlook.com>
Sent: Wednesday, May 25, 2022 3:13 PM
To: Stevens, Mike
Subject: Comments: Environmental Review, Willowbrook Apartments - M2020-101 & EA2020-114

As a resident of Richland and a voter in every election I have major concerns with the proposed Willowbrook Apartment project in the Amon Creek Basin. As the Regional Consulting Biologist for the Central Washington and Columbia Basin Chapters of Safari Club International, I also represent the decision of both local chapters and over three hundred members that oppose the project. I have conferred with representatives of the Washington Department of Fish & Wildlife (WDF&W) and they find no argument with my points in opposition to the proposed project.

INTRODUCTION

Amon Creek, the largest tributary of the Lower Yakima River, is a F-1 “fish-bearing stream” as identified by the WDF&W. It arises from snowmelt in the Horse Heaven Hills that has traveled through an aquifer to the area in question where it comes to the surface through a series of natural springs that provide cold, clear water year-round to the wildlife that depend on it. Both the East and West Forks of Amon Creek are year-round streams that form the main stem just downstream from the proposed project where it flows north to drain into the Yakima River Delta – another critical habitat. The creek and its surrounding habitat have been identified as Category 2 Wetlands – the highest rating normally received by Eastern Washington wetland habitats.

AN “AREA OF BIODIVERSITY”

The WDF&W has identified the Amon Creek Basin, including the fourteen acres in question as an “Area of Biodiversity”. The Department further defines this area - ***“identified as biologically diverse and provides a corridor of relatively undisturbed and unbroken tracts of vegetation that connect fish and wildlife habitat conservation areas and priority habitats.”***

- This is a wildlife corridor, allowing for the movement of wildlife from the Yakima Delta to the Horse Heaven Hills – everything from salamanders to mule deer utilize this vital corridor. There is so much wildlife utilizing this corridor that an inter-agency committee has been formed to reduce wildlife/vehicle mortality on the Columbia Trail Road between the Yakima River Delta and the Amon Creek Basin.
- The proposed project will permanently block this essential corridor and yet there is no address of the “Area of Biodiversity” in the developer’s proposal or how they plan to mitigate the environmental damage that would occur if the project were allowed to progress.

SHRUB-STEPPE HABITAT

This proposal requires the bulldozing of the entire Shrub-Steppe Habitat on the north side of Amon Creek’s West Fork.

- Shrub-Steppe Habitat has been identified by the WDF&W as the highest at-risk habitat in Eastern Washington. The Department announced a fully-funded initiative earlier this year to assist Eastern Washington landowners – public, private, tribal – in restoring Shrub-Steppe Habitat.
- The City of Richland spent tens of thousands of taxpayer dollars to replant native Shrub-Steppe Habitat on the south side of the West Fork in 2010 for the benefit of the native wildlife.
- The City of Richland now endorses a plan to bulldoze the same existing native habitat on the north side, destroying the best habitat for quail, rabbit, and many other species.
- As in their 2020 proposal, the latest submission from the builder incorrectly measures the distance from the homes on Piper Street to the wetland border to determine the space for buildings, roads, parking, etc. Correct

measurements conducted by field biologists using Leopold RX-2 laser rangefinders have determined that the **current project will encroach twelve yards into the required wetlands buffer at the north end of the project.**

WATER QUALITY & TEMPERATURE

Water quality and even more important, water temperature are the biggest impediments to spawning salmon and steelhead from entering the Yakima River. Higher water temperatures in the Summer due to irrigation run-off have made the Lower Yakima River a less desirable passageway for anadromous species.

- Benton County is spending thousands of taxpayer dollars to implement initiatives to mitigate this issue.
- Amon Creek, as the largest tributary of the Lower Yakima River, drains into the Yakima 3F cooler than the river itself due to the spring-fed nature of the creek. River temperature changes as low as 2-3°F will impact salmon migration. The developer has offered no mitigation for increased water temperature and degraded water quality from the effects of construction or long-term effects of run-off from parking lots, planting areas and roads.
- Fertilizer, insecticides, herbicides from the landscaping and motor oil, brake fluid and anti-freeze from the projected 250 automobiles in the hardscape parking areas will, over time, have a serious detrimental impact on the water quality and temperature of both Amon Creek and the Yakima River.
- The “swales” mentioned in the developer’s proposal are completely insufficient to reduce the impact of the above pollutants. The Washington State Department of Ecology requires much greater prevention strategies considering the soil type, steep slope and short distance to the Category 2 wetlands.

SALMON & STEELHEAD

WDF&W has listed Amon Creek as a “Salmon Spawning Stream” with both Chinook Salmon and federally threatened Mid-Columbia Steelhead spawning in Amon Creek approximately one hundred yards downstream from this proposed project.

- The developer makes no mention of spawning salmon and steelhead in their proposal as it is not “on the premises.” No reasonable person can believe that the short and long-term pollution discussed above under Water Quality & Temperature will not have a long-term detrimental effect on these spawning grounds just downstream.
- Approving this project also exposes the City (and its taxpayers) to potential lawsuits from Indigenous nations and their NGO’s, sport fishing organizations, commercial fishing organizations and conservation organizations who will all oppose high-impact projects this close to a salmon spawning stream. As other communities in Washington have discovered, the cost in litigation and settlement is not worth the minor increase in the tax base these projects can produce.

THREATENED/ENDANGERED SPECIES

As one would infer from the WDF&W’s designation of “Area of Biodiversity”, The Amon Creek Basin is teeming with wildlife – from insects to Mule Deer. The 14 acres that encompass the developer’s proposal include some of the best habitat in the Basin as exemplified by the animals that reside there. All of these sightings within the boundary of the proposed project have been verified by 100’s of hours of observation by professional biologists from September 2020 thru May 2022. The developer’s multiple submissions have downplayed or even omitted the presence of any significant wildlife populations.

- Multiple species of Amphibians and Reptiles and freshwater Fish, including the Columbia Spotted Frog and Sagebrush Lizard, both WDF&W candidates for endangered species listing.
- More species of birds that can be listed, but including Redwing Black Birds, Goldfinch and Threatened Sagebrush Sparrow make the 14 acres their home.
- Great Blue Heron, Great Egret, Mallard, Wood Duck, Cinnamon Teal, Green Winged Teal and other migratory species rely on the spring-fed open water from October thru March when other bodies of water are frozen over. The 2 beaver ponds on the north end are a magnet for these birds. The developer does not mention the ponds, birds, or the impact that multi-story buildings will have on the ingress and egress of migratory birds. However, the developer’s submission does minimize, without any explanation, the impact of noise and light pollution from the buildings, roads, and parking lots.
- Six nesting hen pheasants (2 roosters), 2 separate coveys of California Quail, and Mourning Dove are year-round residents of the area and would no longer have a home if this project sees the light of day.

- Raptors abound with plentiful prey – Rough-Legged Hawks (2), Redtail hawks, a Nesting pair of Merlin Falcons, Kestrels, and at least 3 Burrowing Owls (Candidate for Endangered Species) are regularly sighted within the fourteen acres. A one-time sighting of the federally endangered Ferruginous Hawk occurred in March 2022. The developer’s report only suggests the possibility of any raptor species.
- In addition to the beaver responsible for the two beaver ponds mentioned above, there is a plethora of Mammals. Mule Deer use the area as their wildlife corridor from the Horse Heaven Hills down to the Yakima River Delta. Otter, Mink, Badger, Cottontail Rabbit and multiple species of rodents and voles are native to this acreage. WDF&W’s candidates for endangered species that make their home here include the Black-Tailed Jackrabbit and Townsend’s Ground Squirrel. Again, the developer’s proposal is silent on the presence of these mammal species.
- Approval of this project would change the nature of this area from a living laboratory of native animals to a cemetery, complete with cement headstones in the shape of apartment buildings.

OPTIONS

The City of Richland has not lived up to its **Strategic Leadership Plan**. We have better options.

- Core Focus #4, Objective – ***“consider properties to improve park and recreational facilities in natural areas”***. No area in our city is more “natural” and deserving of protection from development than the Amon Basin.
- Core Focus #4, Outcomes – ***“balanced private and public interests in conservation and preservation of sensitive areas”***. No area within Richland is more “sensitive” and deserving of preservation than the Amon Creek Basin.
- The city, in its Strategic Leadership Plan also discusses the placement of multi-family residences – not sandwiched between a wetland and a residential neighborhood, but where the location is more conducive to the needs of the future residents with amenities that do not exist in the Amon Basin.

Consider the locations that have:

- 1) immediate access to arterials
- 2) quick access to freeway on-ramps
- 3) close access to amenities such as restaurants, shopping, theaters, etc.
- 4) no environmental concerns
- Where these locations exist:
 - 1) The lands around Dallas Road and the I-82.
 - 2) Numerous vacant lots around Keene Road and Duportail Street.
 - 3) George Washington Way, north of the I-82 (mentioned in the Strategic Plan).

As you can observe from my comments the Amon Creek Basin deserves preservation - preserving part of it and allowing high-impact development in other parts dooms the entire Basin. We have options – options that are better in every aspect for our community, the developer, and the future apartment residents. The community has already filed its first lawsuit against the developer, blocking the project for the time being. There are already plans and a legal fund to introduce additional lawsuits to block this unwise and unwanted project. There is also the real potential for conservation organizations to become litigants, increasing the costs to both City and developer.

We have two options:

- 1) Spending thousands of dollars for another two decades, pitting the community against City and developer with the only winner being the lawyers. The project will never be built and the trust between the City and its residents will be in ruins.
- 2) Place the apartment complex in a location that is much more suitable for all parties while we work together to develop a long-term plan for the conservation of the Amon Creek Basin.

“RIVERS, STREAMS, AND THEIR SURROUNDING AREAS PROVIDE CRITICAL NATURAL HABITAT, WATER AND PROTECTIVE COVER FOR FISH AND WILDLIFE, AND THEIR MOVEMENTS FROM ONE AREA TO ANOTHER. AMON CREEK AND ITS SURROUNDING AREA PROVIDE THE ONLY NATURAL CONNECTION BETWEEN THE BALSALT RIDGES BORDERING THE TRI-CITIES AND THE THREE RIVERS THAT JOIN IN THE IMMEDIATE AREA. AS SUCH, IT IS A CRUCIAL CORRIDOR ALLOWING FOR THE MOVEMENT OF WILDLIFE FROM THE SURROUNDING DESERT TO THE RIVERS.

THE YAKIMA RIVER AND WATERSHED IS RECOGNIZED AS ONE OF THE MOST DIVERSE, SCENIC AND BIOLOGICALLY PRODUCTIVE SYSTEMS IN THE ENTIRE PACIFIC NORTHWEST. THE WETLANDS ON THE WEST FORK OF AMON CREEK HAVE BEEN IDENTIFIED AS THE HIGHEST RATED "VALUE" WETLANDS IN SOUTHEASTERN WASHINGTON – AS SUCH, IT IS ABLE TO SUPPORT A GREAT DIVERSITY OF WILDLIFE.

THE ENVIRONMENTAL PROTECTION AGENCY (EPA) HAS ELEVATED THE STATUS OF THE COLUMBIA RIVER BASIN TO THAT OF ONE OF OUR NATION'S GREAT WATER BODIES – JOINING CHESAPEAKE BAY, GREAT LAKES, GULF OF MEXICO, PUGET SOUND, LONG ISLAND SOUND AND SOUTH FLORIDA ECOSYSTEM. THE OVERALL ECOLOGICAL HEALTH OF A LARGE WATER BODY DEPENDS ON THE HEALTH OF ITS TRIBUTARIES AND RESPECTIVE WATERSHEDS.

PRESERVING THE ECOLOGICAL HEALTH OF THE AMON BASIN IS NOT ONLY IMPORTANT ON A LOCAL SCALE, BUT A VITAL CONNECTION TO THE OVERALL HEALTH OF THE COLUMBIA RIVER BASIN."

I would like to take credit for this incredibly accurate statement, but it is City of Richland signage at the Amon Creek Nature Preserve and at Claybell Park, right across the Creek from the proposed project.

Respectfully submitted,

Paul Arthur Johnson, MS, MSED
Regional Consulting Biologist
SAFARI CLUB INTERNATIONAL



Central Washington Chapter
Columbia Basin Chapter
paul.johnson53@outlook.com

Stevens, Mike

From: paul presby <ppresby@ix.netcom.com>
Sent: Tuesday, May 24, 2022 4:49 PM
To: Stevens, Mike
Subject: Willowbrook Apartments and access on Broadmoor Street

Mr. Stevens,

I am again writing to comment against the proposed Willowbrook Apartment project that has somehow resurfaced again. I have lived on Broadmoor Street for 46 years and have grown to be very disappointed with the traffic/speeding problems especially in the past few years. With the expansion of Claybell Park, the new Amon Creek elementary and housing development surrounding and continuing to be built, our street has become a major arterial though our residential neighborhood with no visible city enforcement of speed limits. I've read through the applications for the apartments and the studies associated with it. As someone who drives on Broadmoor everyday and lives on the street, I believe the traffic study is not accurate. Currently there are traffic backups everyday from traffic coming from the school and park where cars are often 10-15 deep waiting to turn onto Leslie Rd. It really is a minor miracle that no child has been hit by speeding cars by the many school bus stops on our street and poor parking situation by Claybell Park. The thought of putting in an access road on the blind "S" curve for the apartments onto Broadmoor is a bad idea. The thought of having 500+ MORE car trips down Broadmoor, than the 1500+ we have daily is frightening to me and irresponsible of the city. I strongly urge that this access road not be installed onto a road that is already being used as a cut through by many to the school (which is in Kennewick), Steptoe and Clearwater Streets. I often have to wait for 5-10 cars to pass my house in order to back out of my driveway which was never the case in the past.

Thanks for your consideration on this issue, it is very important to me, my family and my neighbors.

Paul Presby
209 Broadmoor Street
Richland, Wa 99352
509-947-6801

Stevens, Mike

From: Perry Roper <roperpf@gmail.com>
Sent: Tuesday, May 24, 2022 8:41 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

Dear Mike Stevens,

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

I am a Willowbrook Neighborhood homeowner, and I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

My family has lived here in Willowbrook since 2003, and I am familiar with the Amon Creek area where the proposed Apartment complex would be located. Its simply not possible to develop such without causing unacceptable and illegal impact to the wildlife of that area of the creek. The buffer Zone between the apartments and the creek can hardly be adequate to protect the creek from the drain-off and other impacts of the construction activities.

Wildlife come and go through the area, birds, birds of prey, upland birds, waterfowl, beaver, raccoon, opossum, porcupine, skunk, rabbits, coyote and even deer. These animals need room on either side of the creek for both home and cover, there has to be space for the animals to move through the area. Squeezing that area off, will eventually force the wildlife out, no question. I would also add the possibility of beavers over time flooding the Amon Creek Reserve in the area and reducing the size of the buffer between the creek and the apartments. A short walk of the site is all one needs to confirm the area is simply not able to support the proposed project.

In addition, the traffic impact is excessive, the neighborhood roads are narrow, twisty and not striped. People park on the side of the street and there are a lot of kids. Many people walk the neighborhood and during the nice weather when sprinklers are on, people will step into the street to avoid getting wet. If there is a car parked the people will walk around the car, which hasn't been an issue with current traffic volume. But if traffic is increased as much as has been estimated, that will create a hazard that these streets weren't designed for. The proposed traffic demands require wider streets and lane striping. Our son is an adult with developmental disabilities, and he walks the neighborhood sometimes several times a day... and he walks in the street if sprinklers are hitting the sidewalk. The proposed action and traffic it will bring introduces a traffic hazard that is deeply concerning.

The proposed new drive off Broadmoor is frankly laughable, it's about the same width as the driveways in many of the Willowbrook Homes. How can this possibly support the projected traffic? All roads in Willowbrook have sidewalks on both sides of the road, why doesn't this new drive have sidewalks on both sides of the road (like the proposed entrance off Center Blvd)? The way the proposed drive weaves around property borders (an S turn) must create a barrier for emergency vehicle access?

Has the Willowbrook Homeowner Association approved the designs as meeting all of the HOA requirements?

I am aware of other submissions that address the issues in a legal context, citing both local and Federal compliance issues. I trust your team will address each concern and not allow anything illegal or non-compliant to be approved.

Thank you,

Perry Roper

2644 Willowbrook Ave

509-539-3740

Stevens, Mike

From: JAN PRZYBYLSKI <iluvlpnp@msn.com>
Sent: Saturday, May 14, 2022 4:38 PM
To: Stevens, Mike
Subject: Willowbrook Apartments

Dear Mr. Stevens,

I am a Richland resident living in Willowbrook Heights, across Leslie from Willowbrook.

I am against the proposed apartments in Willowbrook.

I have already seen and felt

The negative impacts from the Kennewick huge badger Mountain apartment complex near my Home and I can't even pull onto Leslie without a huge wait. The noise factor is awful as well.

The Traffic generated in a residential neighborhood ...

The Covenants that are being broken...

The Zoning being twisted...

The Wildlife being killed.

This is not the life I want in South Richland and I urge you to vote against this.

Thank you.

Mark and Jan Przybylski
2768 Rue Court
Richland, WA 99352

Get [Outlook for iOS](#)

Get [Outlook for iOS](#)

**CITY OF RICHLAND
PUBLIC WORKS ENGINEERING
DEVELOPMENT COMMENTS**

DATE: May 23, 2022

TO: MIKE STEVENS, PLANNING MANAGER

SITE PLAN REVIEW BY: JASON REATHAFORD, ENGINEERING TECH 4
PETE ROGALSKY, PUBLIC WORKS DIRECTOR
JOHN DESKINS, TRAFFIC ENGINEER
JOHN WHITTIER, CIVIL ENGINEER 1

PROJECT NAME: WILLOWBROOK PLACE APARTMENTS (M2020-101)

PROJECT LOCATION: EAST OF THE PLAT OF WILLOWBROOK 2, SOUTH OF BROADMOOR STREET

The Public Works Engineering Division has reviewed the Site Plan received in this office on April 28, 2022 for the above referenced property and has 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 final acceptance of the project.
2. A copy of the construction drawings shall be submitted for review to the appropriate jurisdictions by the developer and his engineer. All required comments / conditions from all appropriate reviewing jurisdictions (e.g.: Benton County, any appropriate irrigation districts, other utilities, etc.) shall be incorporated into one comprehensive set of drawings and resubmitted (if necessary) for final permit review and issuance. Any and all necessary permits that may be required by jurisdictional entities outside of the City of Richland shall be the responsibility of the developer to obtain.
3. Any work within the public right-of-way or easements or involving public infrastructure will require the applicant to obtain a right-of-way construction permit prior to beginning work, per RMC Chapter 12.08. The applicant shall pay a plan review fee based on a cost-per-sheet of engineering infrastructure plans. This public infrastructure plan review fee shall apply each time a project is submitted for review. This fee will be different for commercial projects versus subdivision projects. Please visit the Public Works Private Development page on the City's webpage to find the current per-sheet fee. A permit fee in the amount equal to 3% of the construction costs of the work within the right-of-way or easement will be collected at the time the construction permit is issued. A stamped, itemized Engineers estimate (Opinion of probable cost) and a copy of the material submittals shall be submitted along with the approved plan submittal.
4. Public utility infrastructure located on private property will require recording of a City standard form easement prior to acceptance of the infrastructure and final acceptance of the project. The City

requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of final occupancy. Once received, the City will prepare the easement document and provide it to the developer. The developer shall record the easement at the Benton County Assessor and return a recorded original document to the City prior to application for final occupancy.

5. A pre-construction conference will be required prior to the start of any work within the public right-of-way or easement. Contact the Public Works Engineering Division at 942-7500 to schedule a pre-construction conference.
6. All plan sheets involving construction of public infrastructure shall have the stamp of a current Washington State licensed professional engineer.

Design Standards:

7. Public improvement design shall follow the following general format:
 - A. All materials and workmanship shall be in conformance with the latest revision of the City of Richland Standard Specifications and Details, Public Infrastructure Design Guidelines and the current edition of the State of Washington Standard Specifications for Road, Bridge, and Municipal Construction. Please confirm that you have the latest set of standard specs and details by visiting the City's web page.
 - B. Fire hydrant location shall be reviewed and approved by the City Fire Marshal.
 - C. All utilities shall be extended to the adjacent property (properties) at the time of construction.
 - D. The minimum centerline finish grade shall be no less than 0.30% and the maximum centerline finish grade shall be no more than 10.0% for local streets. 12% can be allowed for local streets for short distances.
 - E. The minimum centerline radius for local streets shall be 100-feet.
 - F. Final design of the public improvements shall be approved at the time of the City's issuance of a Right-of-way Construction Permit for the proposed construction.
 - G. All public improvements shall comply with the State of Washington and City of Richland requirements, standards and codes.
 - H. The contractor shall be responsible for any and all public infrastructure construction deficiencies for a period of one year from the date of the letter of acceptance by the City of Richland.
8. If the project will be built in phases the applicant shall submit a master plan for the sanitary sewer, domestic water, storm drainage, electrical, street lighting and irrigation system for the entire project prior to submitting plans for the first phase to assure constructability of the entire project. This includes the location and size of any storm retention ponds that may be required to handle runoff.
9. If the City Fire Marshal requires a secondary emergency vehicle access, it shall be included in the construction plan set and be designed to the following standards:
 - A. 2-inches compacted gravel, minimum (temp. SEVAs only).
 - B. 2% cross-slope, maximum.
 - C. 5% slope, maximum. Any access road steeper than 5% shall be paved or be approved by the Fire Marshal.
 - D. Be 20-feet in width.
 - E. Have radii that are accommodating with those needed for City Fire apparatus.

Secondary emergency vehicles accesses (SEVA's) shall be 20-feet wide, as noted. Longer secondary accesses can be built to 12-feet wide with the approval of the City of Richland Fire Marshal, 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.

10. **SURVEY MONUMENT DESTRUCTION:**

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

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

When a monument must be removed during an activity that might disturb or destroy it, a licensed Engineer or Land Surveyor must complete, sign, seal and file a permit with the DNR. It shall be the responsibility of the designing Engineer to identify the affected monuments on the project plans and include a construction note directing them to the DNR permit.

Traffic & Streets:

- 11. The City's Traffic Engineer has reviewed the traffic analysis report and finds that the Trip Generation and Distribution is in concurrence with past recommendations. Count volumes have been updated during days that are more representative of normal traffic. Section 6.1 of the report suggests that an annual growth rate of 1.8% was applied to the 2022 Existing Counts to obtain the 2032 Baseline. Checks on the numbers suggest that the actual growth rates applied between Figures 3 & 4 are higher than the 1.8% suggested. Therefore, the estimated LOS and delay are likely overestimated and conservative. We believe the project satisfies concurrency.
- 12. The proposed project is subject to Richland Municipal Code Section 12.03, requiring the payment of traffic impact fees. These fees will be due at the time of building permit issuance.
- 13. The entrance to the development off of the east end of John Court (a public right-of-way) shall be delineated with a standard commercial driveway. This proposed entrance and access road is on property that is owned by a separate owner than the project applicant. Permission to construct these improvements (and any necessary easements) shall be obtained by the applicant from the property owner prior to construction.
- 14. The private driveway onto Broadmoor Street shall be constructed per City of Richland commercial driveway standard details. The vision-clearance triangle at the Broadmoor Street driveway needs to be shown on the construction plans and be designed in accordance with RMC Chapter 12.11.020. Since the intersection is in a curve it will have to be evaluated per AASHTO guidelines.
- 15. "No Parking" signs shall be posted along the drive aisles and parking areas as required. Sufficient travel width needs to be maintained for larger vehicles and Fire Dept. apparatus.

16. 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.
17. The proposed access points onto Broadmoor Street and John Court are acceptable for this project, but any proposed changes to said driveways will be subject to approval by the City Engineer.
18. The on-site drive aisles shall be constructed to provide for adequate fire truck & solid waste collection truck access & turnaround movements.
19. If the project is to be constructed in phases the private driveway out to Broadmoor Street shall be constructed with the first phase. This roadway shall be designed to be passable by fire apparatus and solid waste collection vehicles.
20. Any dead-end drive aisles or parking areas longer than 150-feet (that will be continued later) need to have temporary turnarounds built at the end of them. The temporary turnaround will need to have a 50-foot radius and will require an easement over it.
21. There is a sewer maintenance & trail easement over the existing sewer maintenance access road that bisects the southern half of this property. Access over this roadway / trail shall be maintained during construction. The roadway / trail shall be restored to original condition after construction.

Domestic Water:

22. The closest domestic water mains to this project are located in Broadmoor Street to the north and John Court to the west. It shall be the responsibility of the developer to loop a water main through this property to serve domestic water at the time of project construction. Easements will be needed for this water main where it is outside of the public right-of-way. This water main shall be sized to adequately supply domestic water and fire flows to the proposed development. Looping of the water system provides redundancy and helps to eliminate stagnant water.
23. The developer will be required to demonstrate that all phases are capable of delivering adequate fire flows prior to construction plans being accepted for review. This may require looping of the watermain from off-site locations, or oversizing of the main where needed.
24. The fire hydrant layout shall be approved by the City Fire Marshal.
25. In accordance with RMC Chapter 18.13 and WAC 246-290 regarding Cross Connections, premise isolation backflow assemblies are required to be installed on the domestic water services of all new commercial/industrial buildings immediately downstream of the City's water meter. This will be a requirement on the construction plans. Please note this on the plans, and indicate where the backflow device is to be installed.

Sanitary Sewer:

26. The closest sanitary sewer available for the northern half of this development is located to the north in Broadmoor Street, and to the south of it in the adjacent property that is under separate ownership. The southern half of this property has an existing city sewer main running through it already. It shall be the responsibility of the developer to extend a sewer main to this property at the time of project construction.
27. 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:

28. 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.
29. The proposed storm drainage and grading of all areas within the proposed development shall be shown on the plans (most grading and drainage plans must be prepared by a licensed civil engineer). If site contains at least 1,000 sq.ft. of new asphalt, and/or contains 30% or more impervious surfaces, storm drainage calculations from a licensed civil engineer are required. Stormwater shall be kept on-site (on the developing property that generated it). Stormwater shall not be flowed onto adjacent properties, or to the public Right-of-Way, without first obtaining written permission.
30. The private on-site storm drainage system 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. The applicant's design shall provide runoff protection to downstream property owners.
31. 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.
32. If there are any natural drainage ways across the proposed project, the engineered construction plans shall address it in accordance with Richland Municipal code 24.16.170 ("Easements-watercourses").
33. Any proposed storm drainage retention facilities within the boundary of the proposed project shall not adversely affect neighboring properties.
34. 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.
35. Any discharge of storm water into the adjacent waterway ("Amon creek") will have to be permitted by any or all agencies with jurisdiction over it. These agencies may include (but not be limited to); Kennewick Irrigation District, Bureau of Reclamation, National Marine Fisheries Service, U.S. Fish

and Wildlife, State of Washington Dept. of Fish and Wildlife, Department of Ecology, and Army Corps of Engineers.

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

Solid Waste:

37. Any solid waste enclosures installed as part of this project shall be constructed to City standard details.
38. The solid waste enclosure must be shown on the construction plans and will have to be placed so that it is accessible by City solid waste collection vehicles.

Project Acceptance Requirements:

39. 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 final acceptance of the project.
40. 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 occupancy. Off-site ("third party") easements or right-of-ways for City infrastructure are the responsibility of the developer to obtain. Once received, the City will prepare the easement document and provide it to the developer. The developer shall record the easement at the Benton County Assessor and return a recorded original document to the City prior to application for final occupancy.
41. 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 project construction and prior to final acceptance by the City.

Stevens, Mike

From: Rachel Racicot <evergreen2917@gmail.com>
Sent: Tuesday, May 24, 2022 8:03 PM
To: Stevens, Mike
Subject: Willowbrook Apartments, No thanks

WE DO NOT want the proposed Willowbrook Apartments building. It will largely disrupt the native wildlife, which we've frequently seen in that area specifically. As well as greatly impact our neighborhood in measurably negative ways: traffic, overcrowding, noise pollution, etc.

This is an awful proposal, and again, we DO NOT want it.

Rachel R.

P.S. That area is home to a pheasant, known to us as Sir Charles Partridge, the Pleasant Pheasant. The building of these apartments would destroy his home and take him away from us.

Stevens, Mike

From: Rachel Racicot <rachelane7@gmail.com>
Sent: Monday, May 23, 2022 5:26 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Stevens, Mike

From: acta <acta@frontier.com>
Sent: Wednesday, May 25, 2022 7:53 AM
To: Stevens, Mike

mstevens@ci.richland.wa.us NO to Willowbrook ApartmentsI strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

RANDY SMITH

From Rsmith2244@Frontier.com
Sent from my U.S.Cellular© Smartphone

May 23, 2022

RE: Proposed Willowbrook Apartments—Environmental Noncompliance

In spite of the 347-page-length of the Site Plan Review application submitted to the City of Richland, the developer is hoping the City will disregard several important laws. The most fundamental law they want the City to ignore is the law of gravity, by claiming that the stream and wetlands that form the eastern side of the project site will be protected by a 150 foot “buffer zone” from the massive earth-moving and construction activities throughout the west side of the site. The simple fact that is apparent to anyone who either walks the site, or looks carefully at the site topographic maps, is that the entire project site is in the immediate watershed of the stream and wetlands, and that natural stormwater, as well as water used for dust control and other land forming and construction activities, carrying particulates and other pollutants, will be drawn by gravity downhill across the “buffer zone” and into the wetlands and stream.

The developer’s application includes consultant reports on certain ecological aspects of the site. Those reports confirm that the stream drains north into the Yakima River and then directly into the Columbia River, that it is surrounded by adjacent wetlands that have been extensively delineated based on soils and vegetation, and that the stream and wetlands are therefore Waters of the United States under the jurisdiction of the Federal Clean Water Act and corresponding state laws. In particular, the reports confirm that the stream and wetlands are habitat for the Spring Chinook and Coho salmon species that are protected by the Endangered Species Act. The reports also confirm that the site is habitat for at least several species of migratory birds, which are protected under Federal law.

However, the application fails to take the next logical step to address the significant environmental law, regulation and permitting requirements that are triggered by the special character of the site and its wildlife:

1. The developers have totally ignored the requirement to comply with requirements for a stormwater pollution prevention permit, which is required because the site is adjacent to, and drains into, a stream and its adjacent wetlands which are Waters of the United States protected under the Section 402 NPDES Permit requirements of the Clean Water Act. The permit program in Washington is administered by the Washington

Department of Ecology, and includes a mandatory 30 day public comment period.

2. The developers have failed to address the requirement to obtain a necessary permit from the US Army Corps of Engineers under Section 404 of the Clean Water Act, since construction on the site will deposit soils into a stream and wetlands that are Waters of the United States.
3. The CWA Section 404 requirements include preparation by the Corps of Engineers of an environmental impact analysis under the Federal National Environmental Policy Act, separate and apart from any State Environmental Policy Act analysis adopted by the City of Richland. NEPA requires examination of all potentially applicable laws and regulations, both state and Federal.
4. The stream and wetlands affected by construction on the site are habitat for Chinook and Coho salmon protected under the Federal Endangered Species Act. The potential impact on these species must be analyzed under the standards of the ESA, and the project may not then proceed without negotiation of a Federal Habitat Conservation Plan under Section 10 of the ESA, that must be approved by the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration.
5. While a contractor for the site owner identified many bird species on the site on March 19 of 2021, the contractor failed to address the requirements of the Federal Migratory Bird Treaty Act, which makes it a Federal crime to harm any migratory bird or its eggs. A single March site visit fails to identify all the migratory bird species which may visit the site over the full course of the spring and summer months, some coming from thousands of miles away. Biologists working for the U.S. Department of Energy at the Hanford Site have documented that Benton County hosts dozens of species which nest on the ground, and others on structures, such as cliff swallows that use mud (such as that available in the wetlands on the project site) to build nests on walls and the frames of new buildings under construction, including the massive Hanford Waste Treatment Plant. MBTA compliance will not be complete until a comprehensive survey is conducted over the spring and summer of 2022, followed by negotiation with the US Fish & Wildlife Service Portland regional office to obtain the applicable permits for

incidental “take” of protected birds and eggs that may occur during the construction and operation of the apartment complex.

6. The contractor reports have confirmed the presence on the site of Burrowing Owls, which are a species which the State of Washington has identified as declining significantly in its population, surviving in Washington mainly within Benton County, and therefore measures to protect the Burrowing Owl from the impacts of the construction and operation of the site must be analyzed and adopted to satisfy the State Environmental Policy Act.
7. In light of the substantial environmental compliance and permitting issues identified above, the SEPA does not allow the City of Richland to authorize construction to proceed without completing a full environmental impact analysis to justify its action. Furthermore, since the facts trigger the application of the Clean Water Act, the Migratory Bird Treaty Act, and the Endangered Species Act, Federal law requires prior completion of a full environmental impact analysis under the National Environmental Policy Act, with public participation and hearings. If the City attempts to authorize the project to proceed without compliance with Federal law, both the City and the applicant may be subject to civil and criminal enforcement actions by these Federal agencies, and civil lawsuits brought by citizens to enjoin the action. Rather than assume legal responsibility for the developer’s disregard of environmental protection laws, the City of Richland should direct the developer to negotiate with all of the state and Federal agencies cited above and demonstrate that their project has been brought into full compliance with all applicable laws, including the requirement of both SEPA and NEPA for a full analysis of the applicable requirements and opportunities for public comment and hearings on their draft decision documents, as well as on relevant permits.

Submitted by Raymond Takashi Swenson,
Lt. Colonel, USAF (Retired); JD, LL.M Environmental Law
Licensed in Washington (#27844), Utah (#3174), California (#164137), and
the US District Court for the Eastern District of Washington.
103 Hillview DR, Richland, WA 99352
509-713-0966, RaymondTSwensonLaw@gmail.com

Raymond Takashi Swenson earned his BA degree in mathematics and Juris Doctor (JD) degree at the University of Utah, and a Master of Laws (LLM) in Environmental Law at George Washington University Law School in Washington, DC, where he served at the Pentagon with the Deputy General Counsel of the Air Force for Installations and Environment, and with the General Counsel for the White House Council on Environmental Quality. He served as Chief of Environmental Law for Strategic Air Command, and Air Force Regional Counsel for the Western United States. After several years with law firms in San Francisco and Salt Lake City representing cities negotiating to receive the transfer of closing military bases, he began 22 years of service as environmental law counsel for Bechtel and then CH2M HILL/Jacobs at the Idaho National Laboratory and the Hanford Site, retiring in 2019. Since 2010 he has been on the adjunct faculty of Washington State University, teaching students in Pullman, Vancouver and the Tri-Cities, in environmental policy and law and hazardous waste management.

Stevens, Mike

From: Rebecca Rawson <rawsonrebecca1@gmail.com>
Sent: Tuesday, May 24, 2022 11:22 PM
To: Stevens, Mike
Subject: Oppose Willowbrook Place Apartments

Dear Sir,

I am the president of the Fairway Five Homeowners Association on Greenbrook Blvd near the proposed apartment complex. The homeowners of our association strongly oppose the Willowbrook Place apartment project proposed for our neighborhood.

Here are our reasons for this opposition:

- 1) Traffic Volume and pedestrian safety- This area has many people walking and bike riding which makes this a future scenario for high risk of pedestrian harm. The proposed road is at a point on Broadmoor at an "S" curve. This will not be an easy area for a driver to stop suddenly if need be. In winter time this low spot on the road gets icy as well. The traffic study shows that 60% of the apartment traffic will enter from this access. Broadmoor is already at a high traffic volume as it feeds to Claybell park. Increasing the traffic volume by putting in this road is not a responsible development for the neighborhood but a clear disregard for pedestrian safety.
- 2) This project is in direct violation of the CC&R's of 2 homeowners associations. Homeowners purchased their homes with the comfort of knowing that there were covenants to protect their home values. This project with the proposed road and increased traffic clearly reduces home values to the neighboring properties.
- 3) Environmental- Myself and others in our HOA walk regularly through the Amon Creek Natural Preserve. There are more than 150 species of birds, otter, coyote, beaver, black-tailed jack rabbits, and more that need protection. The slope of the area makes it such that gravity will pull pollutants down into this precious wetland and cause irreparable damage. A high density project like the one proposed will be detrimental to this precious area. The city of Richland has a duty to preserve this sensitive natural area for future generations.

In closing, it is clear that this project must be stopped. We know that more housing is needed in Richland but the placement of this project is not in the best interest of the neighbors, or the critical wetlands, flora and fauna of the area. We urge you to disapprove this project.

Very sincerely,

Rebecca Rawson, president
Fairway Five Homeowners Association

Stevens, Mike

From: Buechler, Ken
Sent: Thursday, April 28, 2022 6:39 PM
To: Stevens, Mike
Cc: VanBeek, Michael; Jordon, Joshua
Subject: RE: M2020-100 Willowbrook Apartments Public Hearing and SEPA

Mike,

Fire is good with this. I'll have to dust off all the notes from the first time around. It looks to be the same.



Kenneth L Buechler
Fire Marshal 172

625 Swift Blvd., MS-16 | Richland, WA 99352
(509) 942-7556
(509) 578-9321

From: Stevens, Mike <mstevens@CI.RICHLAND.WA.US>
Sent: Thursday, April 28, 2022 3:52 PM
To: Anthony Muai <anthony.muai@ci.kennewick.wa.us>; Anthony Von Moos <anthony.vonmoos@co.benton.wa.us>; Ashley Morton <AshleyMorton@ctuir.org>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Benton PUD, Broadband <osp@noanet.net>; Benton PUD, Electrical <engservice@bentonpud.org>; Bill Barlow <bbarlow@bft.org>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Carrie Thompson <carrie.thompson@bnsf.com>; Casey Barney, Yakama Nation <Casey_Barney@Yakama.com>; Catherine Dickson <catherinedickson@ctuir.org>; Clark Posey <clark.posey@co.benton.wa.us>; Corrine Camuso, Yakama Nation <Corrine_Camuso@Yakama.com>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAHP SEPA Reviews <sepa@dahp.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; Davis, Deanna <d.davis@bces.wa.gov>; Deborah Rodgers <dxrodders@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; Eric Mendenhall <emendenhall@westrichland.org>; FormerOrchards@ecy.wa.gov; Greg Wendt <greg.wendt@co.benton.wa.us>; Gwen Clear <gcle461@ecy.wa.gov>; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jason McShane <jmcsbane@kid.org>; Jennings, Tyler <tjennings@CI.RICHLAND.WA.US>; Jerrod Macpherson <Jerrod.Macpherson@co.benton.wa.us>; Jessica Lally, Yakama Nation <Jessica_Lally@Yakama.com>; John Lyle <john.lyle@bentoncleanair.org>; Jordon, Joshua <jojordon@CI.RICHLAND.WA.US>; Joseph Cichy, Ziply <joseph.cichy@ziply.com>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; M. Deklyne <mjddeklyne@bpa.gov>; Map BCES <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Noah Lee <noah.lee@bentoncleanair.org>; Noah Oliver, Yakama Nation <Noah_Oliver@Yakama.com>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathafor, Jason <JReathafor@CI.RICHLAND.WA.US>; Review Team <reviewteam@commerce.wa.gov>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Rick Dawson <rickd@bfhd.wa.gov>; Robin Priddy <robin.priddy@bentoncleanair.org>; Sarah Gates <s.gates@bces.wa.gov>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; SEPA Center <sepacenter@dnr.wa.gov>; SEPA Register <separegister@ecy.wa.gov>; SEPA Unit <sepaunit@ecy.wa.gov>; Seth DeFoe <SDeFoe@kid.org>; South Central Region Planning

<scplanning@wsdot.wa.gov>; T.S. "Max" Platts <PlattsT@wsdot.wa.gov>; Tyutyunnik, Ruvim <rtutyunnik@CI.RICHLAND.WA.US>; WA Dept of Fish & Wildlife <lopezla@dfw.wa.gov>; WA Dept of Fish & Wildlife <rittemwr@dfw.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; William Simpson <william.simpson@commerce.wa.gov>

Subject: M2020-100 Willowbrook Apartments Public Hearing and SEPA

Attention:

Below is a link to the referral packet for the Willowbrook Apartments project located in Richland, WA. Included you will see the Notice of Application & Optional DNS, SEPA Checklist and all relevant application materials. Please review and submit any comments back to me by 5:00 PM, Wednesday, May 25, 2022.

Here's a OneDrive link to [M2020-101 June 13 Referral Packet.pdf](#).



Mike Stevens

Planning Manager

625 Swift Blvd., MS-35 | Richland, WA 99352

(509) 942-7596

Disclaimer: Emails and attachments sent to or from the City of Richland are public records subject to release under the Washington Public Records Act, Chapter 42.56 RCW. Sender and Recipient have no expectation of privacy in emails transmitted to or from the City of Richland.

Stevens, Mike

From: R&M Billen <rmgbillen@gmail.com>
Sent: Wednesday, May 25, 2022 4:20 PM
To: Stevens, Mike
Subject: Comments on Proposed Multifamily Development in Willowbrook

Dear Mr. Stevens:

As residents of the Willowbrook neighborhood we wanted to express our concerns related to the proposed multifamily development (M2020-101 & EA2020-114). Our understanding is that the main parcels proposed for development are part of the original Willowbrook plat (Tracts A, B, and F) and were intended to be developed as single family homes similar to the rest of the subdivision. As these are the final undeveloped tracts of the neighborhood, we would like to see any development completed in a well-thought-out manner. We believe that if this area is going to build, single family homes would be a much better alternative for the following reasons:

- The primary access road through Piper Street to the property is a local access street and not suitable for the hundreds of additional daily vehicle trips anticipated as part of this development. A plat with single family homes consisting of 20 – 25 homes would generate significantly less traffic as compared to the proposed multifamily development.
- While the proposed private access road onto Broadmoor would alleviate some of the trips through the Willowbrook neighborhood, this road looks dangerous and somewhat unbuildable due to the tight horizontal curves, steep grades from the property leading down into the curves, and tapers which narrow the access road and create a pinch point in the point of reverse curvature. Also, the roadway cross slope at the pinch point would need to be >6% to match the existing grades on either side of the road. Due to limited property ownership it does not appear that the cross slope could be reduced by grading out from the back of curb/sidewalk.
- We are concerned about traffic volumes through the neighborhood, including Piper Street and especially Willowbrook Place (the existing roadway). There are many kids in the neighborhood, and traffic/speeding is already a concern. The traffic report prepared by Kimley Horn shows that Willowbrook Place east of Leslie Road has a peak ADT of 1,198 per Figure 3 of the traffic report. This means that Willowbrook place already exceeds the recommended traffic volume for a local street (typical threshold of 1,000 trips).
- Per Figure 5 of the traffic report, the traffic volume on Willowbrook Place is projected to grow to 1,650 trips in the future with the addition of the multifamily development and remaining lots in Willowbrook 2. This is an increase of nearly 500 trips and is potentially an undercount since the traffic model assumes only 10% of trips from the multifamily development allocated in this direction. In addition, the 2032 traffic volumes at Center Street is shown as 1364 trips, from 859 currently. This is above the desired threshold for both local access streets and neighborhood collectors as stated in RMC 12.02. Since Willowbrook Place is a relatively steep local street this increase would create a significant traffic issue for the neighborhood, particularly the residents on Willowbrook Place that are trying to back out of their driveways.
- From a regional traffic perspective, the intersection of Leslie and Gage Blvd. is very congested during the PM peak hour in the northbound direction. The nearly 800 trips associated with the multifamily development will exacerbate the congestion at this location.

In summary, this proposed development is not consistent with the original plat for the neighborhood and will generate an unacceptable amount of trips on Piper Street and Willowbrook Place (well above City threshold guidelines), and increase traffic on Leslie. We also understand that the Willowbrook Community Association (HOA) has retained a traffic expert and critical areas expert to evaluate traffic conditions and wetland/habitat ratings and provide written reports on

their findings. We hope the City will review and consider the information provided by these reports when they are completed along with other community feedback so that development of the property can accommodate the property owner/developer, Willowbrook neighborhood, and City of Richland.

Thank you,

Billen Family

Stevens, Mike

From: Rob Kopenec <rkopenec@live.com>
Sent: Monday, May 23, 2022 6:41 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Robert Kopenec

Please protect our public land.

Get [Outlook for Android](#)

Stevens, Mike

From: Bob Byrd <byrd64b@gmail.com>
Sent: Wednesday, May 25, 2022 3:06 PM
To: Stevens, Mike
Subject: Fwd: Oppose Willowbrook Place Apartments & Roads

Dear Sir,

I'm A resident in the Meadow Heights neighborhood, my neighbors and I strongly oppose the new apartments and roadways that would be needed,

Here are our reasons for this opposition:

1) Traffic Volume and pedestrian safety- This area has many people walking and bike riding which makes this a future scenario for high risk of pedestrian harm. The proposed road is at a point on Broadmoor at an "S" curve. This will not be an easy area for a driver to stop suddenly if need be. In winter time this low spot on the road gets icy as well. The traffic study shows that 60% of the apartment traffic will enter from this access. Broadmoor is already at a high traffic volume as it feeds to Claybell park. Increasing the traffic volume by putting in this road is not a responsible development for the neighborhood but a clear disregard for pedestrian safety.

2) This project is in direct violation of the CC&R's of 2 homeowners associations. Homeowners purchased their homes with the comfort of knowing that there were covenants to protect their home values. This project with the proposed road and increased traffic clearly reduces home values to the neighboring properties.

3) Environmental- Myself and others in our HOA walk regularly through the Amon Creek Natural Preserve. There are more than 150 species of birds, otter, coyote, beaver, black-tailed jack rabbits, and more that need protection. The slope of the area makes it such that gravity will pull pollutants down into this precious wetland and cause irreparable damage. A high density project like the one proposed will be detrimental to this precious area. The city of Richland has a duty to preserve this sensitive natural area for future generations.

In closing, it is clear that this project must be stopped. We know that more housing is needed in Richland but the placement of this project is not in the best interest of the neighbors, or the critical wetlands, flora and fauna of the area. We urge you to disapprove this project.

Thanks for your attention in this matter
Robert Byrd

Stevens, Mike

From: Robin Wojtanik <robin36@gmail.com>
Sent: Wednesday, May 25, 2022 9:00 AM
To: Stevens, Mike
Subject: Willowbrook Apartment Project

Hi Mike - Please include my comments to the hearing examiner.

This project is too much, too late. The window for development was missed. While the lot is zoned for multi-family residential, and has been for years, the landowner and the city have been complacent in protecting access to the property. The only remaining options include violating HOA covenants, environmental laws, city comprehensive plan, etc;

If this land is to be developed, all involved should go back to the drawing board to find a less impactful solution to traffic, habitat and wastewater. If this project was a priority to the city or the landowner/developer, access should have been protected and planned for during all development that has occurred, and especially over the last two decades, in the neighboring communities of Willowbrook, Amon Creek, and Meadow Springs. Shoehorning it in with a road between homes sets a dangerous precedent for all future development within Richland and sends a message that we will build no matter the cost to wildlife, residents, or traffic - no matter if we didn't properly prepare for a project that should have been expected long ago. Please do not sign off on the project as is and demand revisions that protect wildlife, the overall environment and pedestrians who utilize the neighboring communities.

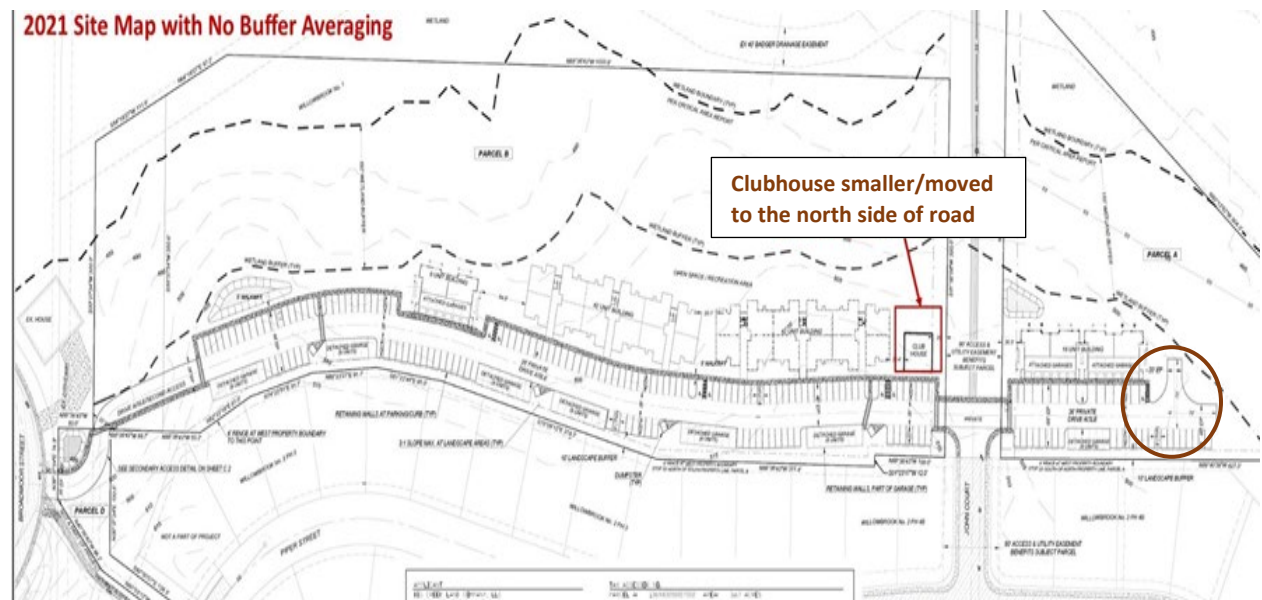
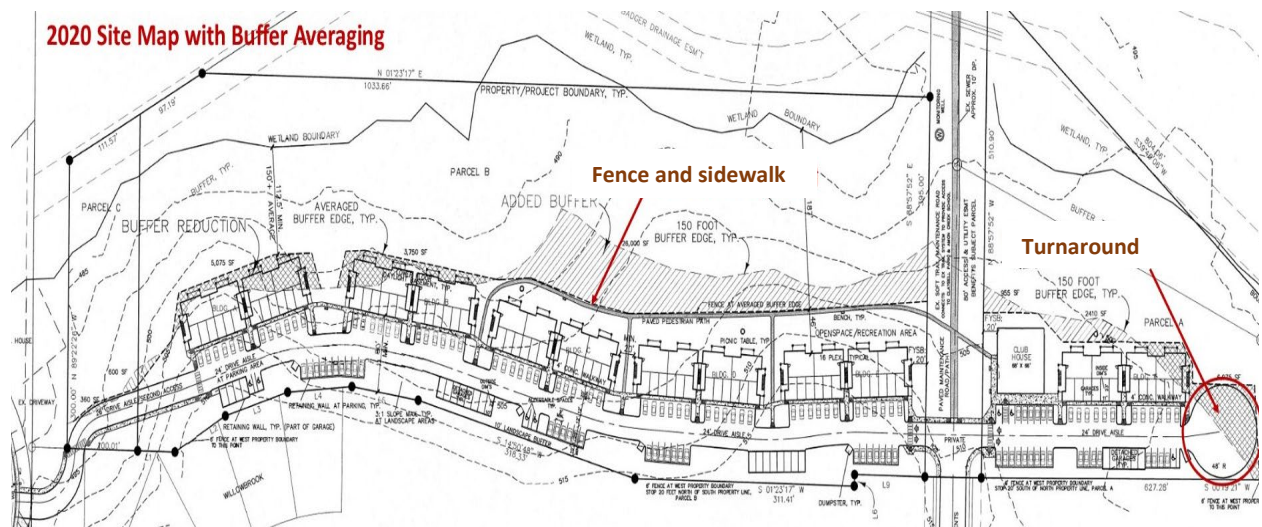
Robin Wojtanik

Dear Mr. Stevens:

The following comments are provided out of great concern and opposition to **M2020-101 & EA2020-114 (ie. WILLOWBROOK PLACE APARTMENTS)**. The following areas of concern/opposition to this proposed development includes the following issues:

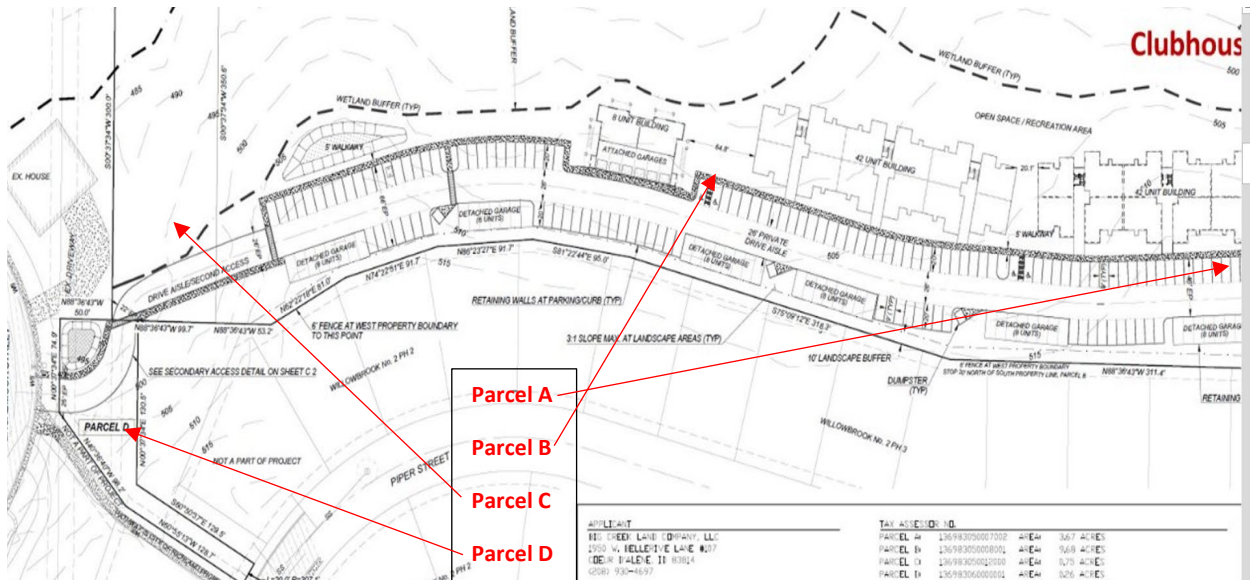
1. General site design conditions
2. Inappropriate zoning
3. Traffic volumes
4. Traffic safety
5. HOA covenants & restrictions violations
6. Environmental concerns

Each of these are addressed below:

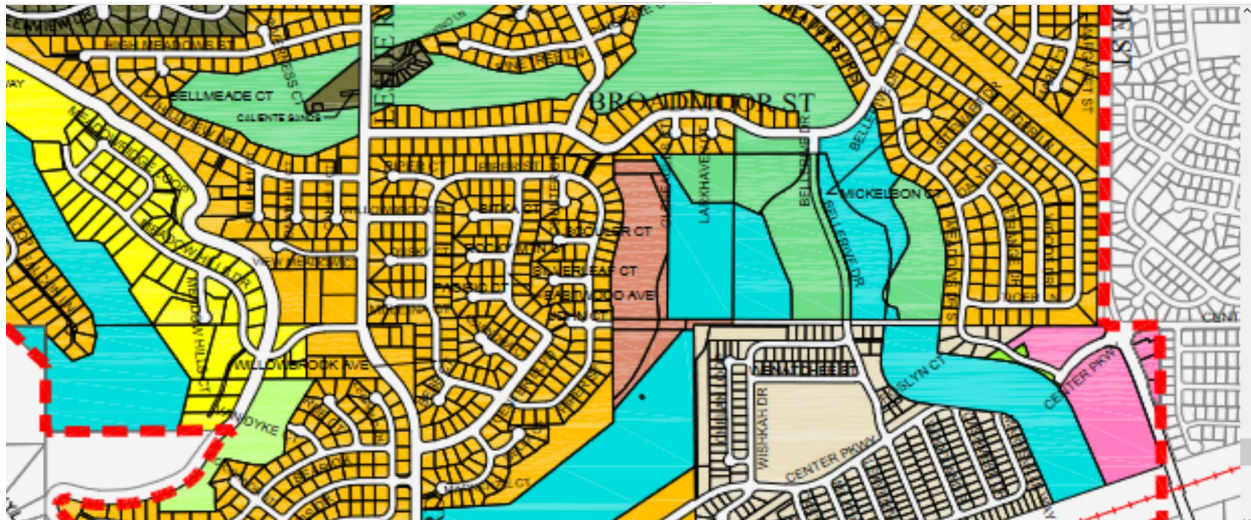


General Site Design Conditions:

1. The fence that separated buildings and apartment open areas from wetland buffer in 2020 design is now gone (east side of property)
2. The sidewalk next to the fence is now gone (east side of property)
3. The number of apartment units in the 2020 design increased from 96 units to 108 units in 2021 design (**12.5% increase**)-



- Parcel A = 3.67 Acres (**Zoned as R-3, Multiple Family Residential**)
- Parcel B = 9.68 Acres (**Zoned as R-3, Multiple Family Residential**)
- Parcel C = 0.75 Acres (**Zoned as R-3, Multiple Family Residential**)
- Parcel D = 0.26 Acres (**Zoned as R-1, Single Family Residential**)



Parcel D is shown next to an existing home, on Broadmoor Street. It is zoned for a single family residence, but is being used for a road-access, in violation of the HOA covenants.

Parcel D includes a thin slide of land that extends up to Piper Street. If the City of Richland can authorize/approve a road/street access to Broadmoor, what would prevent the owner from also asking for a road access to Piper Street? In either case, this precedent is in clear violation of HOA covenants, that if allowed to stand, will embolden residents to challenge other HOA covenants (based on precedence). This is clearly an overreach of City management and should be stopped immediately.

1. Was Parcel D recently purchased (or always owned by Big Creek Land Co.)?
2. Is the proposed road extension to Broadmoor, considered a public or private street/road?
3. If public, will the City of Richland manage the road (cleaning, snow removal, paving, etc.) or is it the owner's responsibility?
4. Is the City or owner required to provide lighting for the street/road off Broadmoor?
5. Is the City going to provide traffic lights and crosswalks where the road intersects Broadmoor?

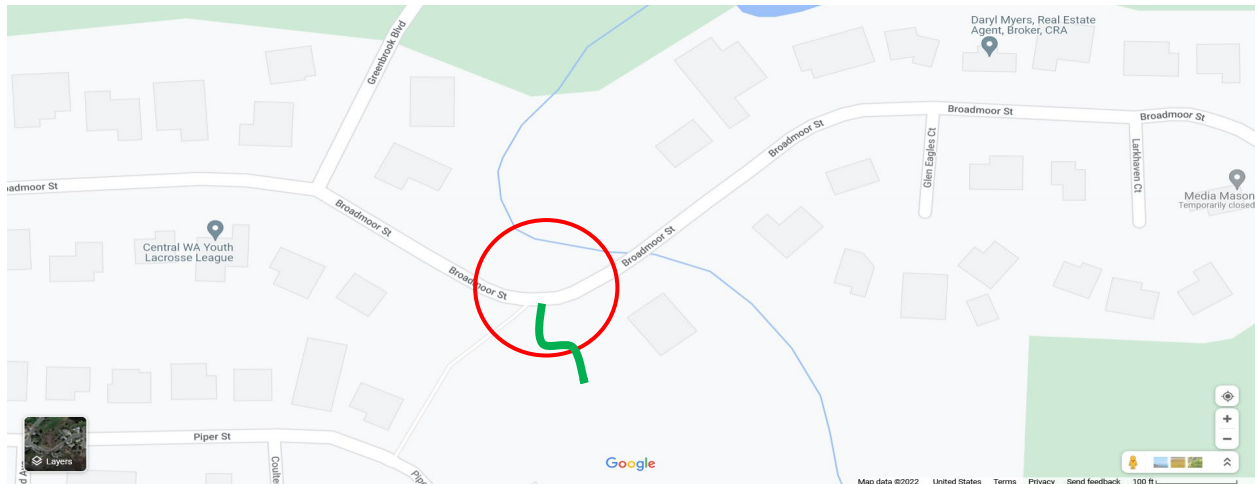
Traffic Impact Analysis (TIA) by Kimley-Horn (March 2022)

- The TIA was conducted during COVID, which makes many of the conclusions invalid (due to working from home, school occupancy patterns, etc.)
- The TIA states the following: "Intersection level of service analysis has been performed for the AM peak-hour, ***the highest four consecutive 15-minute periods between 7:00 AM and 9:00 AM***, and the PM peak-hour, ***the highest four consecutive 15-minute periods between 4:00 PM and 6:00 PM***".
- The IDAX raw data for many of the road intersection notes that average peak intersection activity is not occurring at the hours noted. For instance:
 - Leslie Road going north from Broadmoor Street intersection: ***AM Peak = 10AM – Noon, PM Peak = 3PM – 5 PM***
 - Broadmoor Street going east from Leslie Road intersection: ***PM Peak = 3PM – 5 PM***
 - Willowbrook Avenue going east from Leslie Road intersection: ***PM Peak = 3PM – 5 PM***
 - Center Blvd going east from Leslie Road intersection: ***PM Peak = 3PM – 5 PM***
 - Leslie Road going south from Center Blvd intersection: ***PM Peak = 3PM – 5 PM***
 - There are a few intersections that exhibited peak periods, that were closer to noon (12:00 PM), which again, calls into question the noted peak period times for which traffic impacts were based upon.
- <https://www.smatstraffic.com/2021/07/26/level-of-service/> This link provides excellent information regarding "Level of Service" (LOS) definitions and how different roadways are evaluated. Scroll down to "Urban Street Segments":
 - "Level of Service (LOS) ***does not offer the most in-depth or complex information, making it less than 100% accurate***, but it is easy to translate and understand, allowing decision makers to determine general service quality and how likely any changes are to create perceived improvements for travelers"
 - "Ultimately, ***LOS scores should not be the only factor taken into consideration when considering future changes***, but it can offer a helpful overview."
- The TIA fails to account for the Badger Canyon Apartments being constructed on Ridgeline Drive (more apartments are to be completed/occupied this summer), likely resulting in more traffic on **Leslie Road** than was measured by the TIA report/study.

Road-Route	Daily Traffic Volume	RMC 12.02 Range (Trips)
Leslie - North	12,372	5,000 – 15,000
Broadmoor - West	1,473	500 – 2,000
Broadmoor - East	1,926	500 – 2,000
Willowbrook Place	1,198	0 – 1,000
Center Blvd	859*	0 – 1,000
Leslie - South	9,788	5,000 – 15,000

The data above is from Figure 3 in the TIA report. Here are some key takeaways:

1. ***Center Blvd** data in the TIA indicates that the daily traffic volume is **237** (from Table 7), but the daily traffic volume is **859** (as noted from Figure 3), indicating a discrepancy in the TIA report
2. **Willowbrook Place** and **Center Blvd** are either above the allowable daily traffic volume or about to exceed the allowable daily traffic volume (per RMC 12.02)
3. Once the other homes are built out (along the **Piper Street** development), it is logical to anticipate an increase in daily trip numbers (for both **Willowbrook Place** and **Center Blvd**)
4. The TIA report fails to note the other traffic challenges for **Willowbrook Place**, **Center Blvd** and the planned road extension from the planned apartments, out to Broadmoor:
 - **Center Blvd** approaches **Leslie Road** on a level plane. The TIA reports that 75% of all monitored traffic heading southbound on Leslie Road were traveling between 40-50 miles per hour. **Leslie Road** is a straight, slightly uphill incline as **Leslie Road** routes south to north from **Rachel Road** to **Center Blvd**.
 - The TIA documents that 68% of all monitored traffic heading southbound on **Leslie Road** were traveling between 40-50 miles per hour. **Leslie Road** is designed with an “S” curve north of **Center Blvd**. The “S” curve creates a natural blind spot for drivers who are trying to exit from **Center Blvd** while turning left onto **Leslie Road** (to head south). This is creating challenges and near-misses as cars attempt to merge onto **Leslie Road**.
 - **Willowbrook Place** approaches **Leslie Road** on a steep incline, making entry to **Leslie Road** a slower effort from uphill movement. This is exacerbated during conditions when snow/ice/water/oil slick roads are present.
 - The TIA report fails to document what percentage of all monitored traffic heading southbound or northbound were traveling between 40-50 miles per hour on **Leslie Road** as it approaches **Willowbrook Place** (the TIA report doesn’t document any analysis for this intersection – not sure why). This omission is concerning as safety of residents is paramount and increased traffic flows will result in drivers who will abandon caution as they are in a hurry, especially if traffic flows back up.
 - Given the data that was noted for traffic on **Leslie Road** where it approaches **Center Blvd**, one can assume that the percentages for the speeds noted (40-50 miles per hour) are likely the same (or higher) where **Leslie Road** intersects **Willowbrook Place**.



Conclusions:

1. Broadmoor and the access road to the planned apartments in Willowbrook do not account for the hazards from a road that exits onto Broadmoor (see map above, **red circle**). The road will exit onto Broadmoor where two “S” curves approach from the east and west. These “S” curves include blind spots that will contribute to vehicle accidents (**injury and death**) on Broadmoor.
2. Leslie Road (and the cross streets noted in the TIA report) are already approaching the maximum volume of daily trips as noted in Figure 3 of the TIA (measured in February 2022 during COVID slowdowns). This is likely to increase above the maximum range values allowed by RMC 12.02, further increasing the potential for vehicle accidents (**injury and death**) from heavier traffic flows, especially near **Center Blvd** as cars attempt to merge near the “S” curve (blind spot).
3. The report notes the LOS for all monitored locations is at level “B” (or better) and is anticipated to decrease to level “C” with the planned new apartments in Willowbrook. This report should acknowledge the additional traffic increases from other nearby housing (apartments on **Badger Canyon Road**, etc.) as Leslie Road and Broadmoor will continue to see increased growth as more apartments are completed at the Badger Canyon Road location.
4. The data in the TIA report is questionable at best, as the data was derived during COVID when many employees were still working from home, many schools had modified schedules and Claybell Park use is limited (compared to Spring-Fall time periods). The data for Center Blvd was grossly under-reported for daily traffic volume and should be corrected.

SEPA and Critical Area Report Comments

General Comments:

The site map indicates “Private” as one traverses east on John Court to the main entrances for the apartments. If this is true, how are City of Richland residents that live west of the proposed development, supposed to gain access to the wildlife areas, as well as access to Claybell Park?

- In the SEPA Site Plan Review General comments, the property (all parcels) is listed as being zoned for R-3 (multiple family apartments). However, Parcel D has always been zoned as R-1 (single family residence), so the SEPA document includes mis-leading information at the start.

- General notes in the SEPA document, indicate that Parcel C and Parcel D are subject to “covenants, easements, restrictions, reservations”. This seems to be a statement that will doom the outcome of this project and should have been already noted as a deal-breaker (legal issue).
- **What is the City of Richland’s stance on this legal issue? Whose interests does the City of Richland have on this matter (their citizens/residents or a business/family that does not reside here locally, let alone in this state)?**

SEPA Environmental Checklist Comments (SEPA wording noted in italics)

1. Background

B. Environmental Elements

Earth, Air, Water and Plant Elements are discussed (**1 through 4**):

Will the design for the multi-family apartments include rain-water collection and diversion to city sewer or other approved storm-water management systems?

The City of Richland Storm Water Management Plan (SWMP – updated 2022) should be required for the owner/contractor to respond to, prior to formal City approval. The link below is to the City of Richland’s, 2022 stormwater management plan.

<https://www.ci.richland.wa.us/home/showpublisheddocument/13275/637826077283470000>

From the SWMP document:

As part of the City’s SWMP, an ongoing program is in place to ensure that construction site stormwater runoff is being controlled at both public and privately funded construction projects. The City has adopted regulations, located in the Richland Municipal Code (RMC), which require construction sites to comply with City of Richland Standard Design Guidelines and the Stormwater Management Manual for Eastern Washington. Furthermore, all projects are required to have a Stormwater Pollution Prevention Plan (SWPPP) prepared prior to construction commencing. The portion of the RMC which applies to construction site stormwater runoff is found in Title 16, Chapter 16.06 and is published at this website, <http://www.codepublishing.com/WA/Richland/>

- The SWPPP is not listed in the SEPA Checklist but is still a requirement (prior to construction). The City of Richland should ask for this from the owner/contractor ASAP.
- Due to the sensitive nature of the proposed multi-family dwelling and close proximity to the Amon Creek/Tapteal Greenway/Chamna Natural Preserve, it seems reasonable and prudent for the City of Richland to make the SWPPP part of the checklist to demonstrate the City’s commitment to the protection of the City’s treasured water and land resources (as noted in the City of Richland’s Strategic Plan - <https://www.ci.richland.wa.us/i-want-to-view/city-strategic-plan>) as noted below:

The City of Richland developed its first strategic plan in 2008 and has continued to build upon it. Key goals are referenced as Core Focus Areas. ***The 6-Core Focus Areas organize our goals as follows:***

1. Promote Financial Stability and Operational Effectiveness

2. Manage & Maintain Infrastructure & Facilities
3. Increase Economic Vitality
- 4. Manage Our Natural Resources**
5. Maximize Community Amenities
6. Enhance Neighborhoods & Community Safety

5. Animals (List birds and animals)

The SEPA Checklist states “**None observed**” (which is totally ridiculous!). The Critical Area Report (prepared by *Wetland Resources, Inc.*) briefly notes the following fish, birds and animals:

Spring Chinook and Coho both are presumed within the Amon Wasteway. Amon Creek is a fish-bearing stream and a water of the state flowing through a portion of the site, within the Amon wasteway wetland.

Burrowing Owl

Black-tailed jackrabbits

American badgers

side-blotched lizards

Squirrels

Other animals and birds that have been seen by local residents (as well as me) included: coyote, raccoons, hawks, ducks, geese and other waterfowl and wildlife. It was very disappointing to read a report that was woefully inadequate where scholarly details should be expected.

6. Energy and Natural Resources

The SEPA Checklist notes Electricity and Natural Gas. However, the Washington State energy code will forbid the use of natural gas energy for new construction of residential and multifamily residences (**after July 2023 – 14 months from now**); <https://www.energyindepth.org/washington-states-shortcut-to-ban-natural-gas/>

This may have severe consequences for the apartment designs and should be taken into consideration by both the City of Richland as well as the owner. The owner also noted that their apartment designs will not include any energy-efficiency improvements or any energy-efficient efforts. This seems shortsighted by the City of Richland, if allowed.

10. Aesthetics

Multi-story units are proposed to be a maximum height of 40' from average ground level, in accordance with the City of Richland standards. The subject property is located on a small hillside located downhill from adjacent residential uses, therefore, there will be minimal obstruction to views from existing residences.

This statement should really be asked of the residential property owners whose homes border the proposed project site to respond to (not the apartment owner). In my opinion, the subject property will provide obstruction of views to existing residents. Their views of the designated wildlife area, the Amon Creek and any wildlife that might inhabit the wildlife and Amon Creek spaces will all be impeded!

12. Recreation

There is a proposed pedestrian pathway/trail that will front the wetlands/open space. This trail could be used for a variety of recreational activities including walking, jogging, biking, scenic viewing, etc... The applicant also has proposed a paved trailway that will connect to the existing trail in Claybell Park thus providing pedestrian access to the park and providing a safe walking connection for students attending Amon Creek Elementary.

The latest site designs do not include the pedestrian pathway for Claybell Park or for Amon Creek.

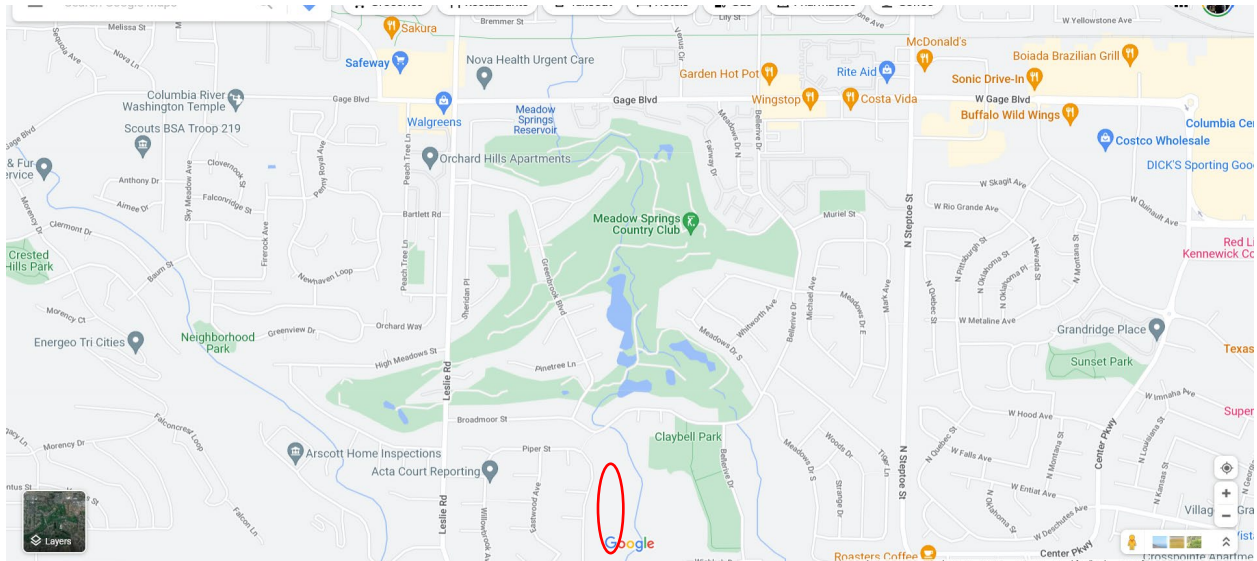
Will the existing gravel road that is currently connected to Piper Street (where the new John Court is proposed) provide the access? What will the project do with this existing (public) access to Claybell Park and to the wetlands/open spaces?

14. Transportation

Proposed primary access to the subject property will be from Piper Street and John Court, which are public rights-of-way maintained by the City of Richland. A secondary access is proposed to connect to Broadmoor Street.

While this description brings many challenges that the TIA report and other documents are trying to address, the Broadmoor Street access is very, very concerning from the standpoint of safety

- Two “S” curves with blind spots and close proximity to Claybell Park creates more traffic in the spring, summer and fall. This was not measured during the TIA report in February 2022. Claybell Park is heavily used year-round, but especially during spring to fall periods. The City of Richland recently made several improvements to the Park’s capabilities. This includes:
 - Multiple soccer fields
 - Multiple baseball fields
 - Walking paths for people and pets
 - Running paths
 - Bike paths
 - Two playgrounds
 - Tennis courts
 - Pickle ball courts
- This project will combine to make even greater hazards to vehicle traffic and pedestrians who use Broadmoor to play, walk, run and take their pets along these roads that do not include



The proposed apartment complex site (**red oval**) is more than 1 mile (walking or driving) from retail services (food, gas, other services) that normally accompany apartment complex installations.

Google Maps shows the distance from 321 Broadmoor (house next to the apartment complex) is 0.9 miles driving distance to Safeway (on Gage) and 1.2 miles to Bonefish Grill (on Gage). Since the apartment complex is further south, the distances are likewise longer than Google Maps shows.

When evaluating other City of Richland apartment complexes and their proximity to retail services, it was noted that most are < 0.25 miles from retail services while some might be < 0.5 miles from retail services. The reasons for this are many but close proximity to retail services enable apartment residents to walk safely/quickly to obtain services. The Willowbrook location does not support this aspect and the City of Richland should address this problem.

With anticipated residents from low-middle income and rising gas prices being felt by everyone, how will the City of Richland deter residents from walking through neighborhoods (most likely Meadow Springs) in an effort to obtain retail services located near Gage and Leslie?

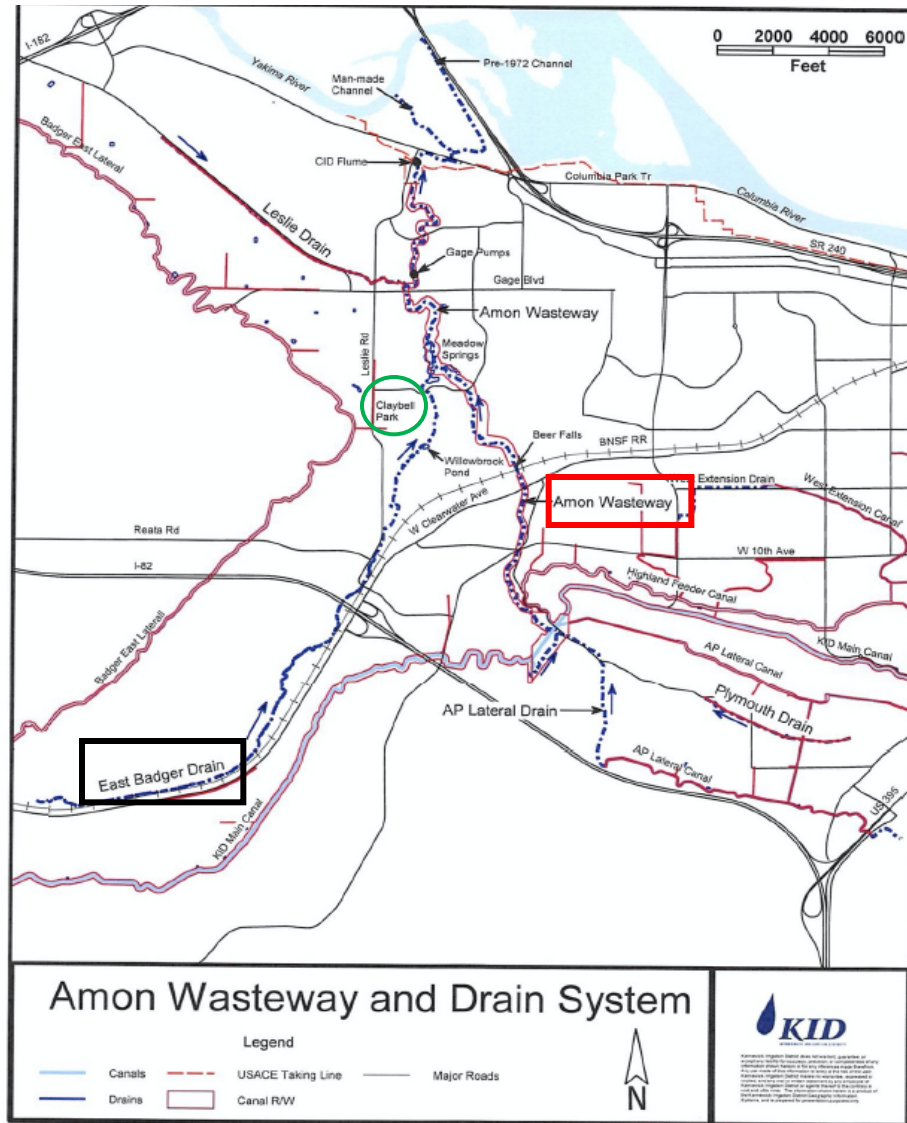


Figure 1 - KID Map – Amon Wasteway and Drain System

The **Critical Area Report** as well as the **Wildlife Habitat Report** and some of the other documents err in their descriptions of the Amon Creek, referring to water as part of the **Amon Wasteway** that is fed by KID wastewater flows, even stating that the water flows dry up in the winter.

This is false and misleading for technical reports that should be scholarly and accurate.

The reports also make use of Kennewick Irrigation District (KID) maps. The use of KID maps (shown above – Figure 1 in the report) shows why this is problematic:

The East Badger Drain (https://en.wikipedia.org/wiki/Amon_Creek) is noted by others as being part of the Amon Creek and the longest tributary of the Lower Yakima River. It is highlighted above (**Black Box**). The Amon Wasteway (KID wastewater) is highlighted above (**Red Box**). Finally, Claybell Park (**Green Circle**) is noted as being just off of **Leslie Road** (where the Willowbrook Residences are located). Claybell Park is located between the Amon Creek (East Badger Drain) and the Amon Wasteway, so this map is in error and should not be used in technical/scholarly reports.

Thus, many of the reports produced for this project err when they reference the wasteway or refer (in error) to the Amon Wasteway. This brings into doubt, many of the conclusions.

Conclusions:

5. The failure to note the R-1 listing in the general SEPA documents for Parcel D and also acknowledging that the project will abide by the existing covenants and regulations of the Homeowner's Association is troubling (mutually exclusive statements, or oxy-moronic at best)
6. The City of Richland's 2022 Storm Water Management Plan (SWMP) which was recently updated, should be used to better evaluate this project and how the owner/contractor will manage storm water as well as other flows that occur from the construction and long-term operations and maintenance of the site.
7. The very limited listing of birds, fish and animals is woefully inadequate and demonstrates that the report generation was performed inadequately
8. The listing of natural gas as one of the energy sources (and the stated lack of any energy-efficient technologies) demonstrates that the owner is not in touch with current state rulings and directives regarding energy-efficiency
9. The 40-foot elevation of the apartment complex will have a devastating impact on existing homeowners and their views of both Claybell Park, Amon Creek and the wildlife spaces. This will also have a long-term (negative) impact on home values, resulting in decreased taxation values for the City of Richland.
10. The use of KID maps and mis-leading information from those maps is unfortunate at best, but again, demonstrates a lack of attention to details that are pertinent to critical outcomes and should draw everyone's attention to poor reporting for something that should be considered critical.
11. The remoteness of this proposed apartment location from retail services, will bring many challenges to those living in the apartments as well as neighboring residences. This (apartments located so remote from retail services) has never happened before in any other City of Richland apartment complex development.

Stevens, Mike

From: Ronda Medina <rmed262@gmail.com>
Sent: Wednesday, May 25, 2022 9:20 AM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sent from my iPhone

Stevens, Mike

From: Grama Son <gramason1@gmail.com>
Sent: Tuesday, May 24, 2022 7:09 PM
To: Stevens, Mike
Subject: Proposed Apartments in Willowbrook.

Hello
I saw the story Willowbrook
I don't live in that area but I'd like to way in as a Long time Tri- Citian.
Please help preserve our wildlife waterways, surely we can find a critter or waterfowl or salmon that we need to help preserve. We need to be good stewards of our land we need to preserve anything near waterways.
You know where there's humans there is destruction.
Not to mention **weather** catastrophes in our future.
PLEASE Don't sell out!
It's always about money.
This stuff about growth is ruining the
Tri- Cities.
As it is everything is being neglected everywhere you go.
I say let's fill in other desolate areas near town.
NO TO BUILDING ANYTHING IN WILDLIFE, STREAMS, CREEKS AREAS.
Save our Earth.

THANK YOU
S. Ayala

Stevens, Mike

From: Samuel Dechter <sdechter@charter.net>
Sent: Friday, May 20, 2022 12:05 PM
To: Stevens, Mike
Subject: Opposition to Willowbrook Place M2020-101 & EA2020-114

Dear Mr. Stevens,

I am writing to express my opposition to the proposed apartment complex to be located immediately east of Willowbrook. Several features of the proposal jump right out to me as significant concerns.

- The proposed exit route onto Broadmoor Blvd obtained by constructing a roadway through two Willowbrook lots violates our Willowbrook Covenants that permit only single family housing on the lots. I do not believe that the City has the authority to rezone the properties and authorize a road on them, thereby violating our Covenants.
- Dumping the traffic exiting from the proposed 108 units of the apartment complex onto Broadmoor right at a blind curve bend is a significant traffic safety concern and must be resolved prior to granting any approval for the developer to proceed. Police and Emergency Services must agree with and approve any proposed resolution.
- The additional hundreds of vehicles daily exiting the apartments onto Broadmoor Blvd will severely tax, if not overload the capacity of this residential street (Broadmoor is not a collector or feeder street) and threaten residents walking in the area to and from Claybell Park and will pose a threat to children playing and riding bicycles and other items along the street. The same hazardous concerns will be true for any traffic exiting onto Piper, Center, and Willowbrook Pl. within Willowbrook.
- The utter disregard for the wetlands of the Amon Creek Natural Preserve and the probable damage to its flora and fauna is apparent in the proposal. Without a barrier between the apartment complex roadways and walkways and the Amon area, significant damage to the Preserve is probable. Contractors not familiar with the area and not concerned with protecting wildlife habitat typically destroy the lands adjacent to the construction area (sewer line project, Hayden Homes housing project). Persistence by the developer in identifying the waterway as the Amon Wasteway and ignoring the fact that it is the Amon Creek Natural Preserve, a city owned public park documents the developer's negative attitude.

Perhaps the City could alleviate this entire problem by arranging a land swap with the developer so the acreage adjacent to Willowbrook can remain open and available for recreation and the developer can build his apartments on a section of land not adjacent to a single-family residential area and with direct access to appropriate feeder and collector streets designed for the increased traffic flow. Also, this approach would mitigate the several traffic safety concerns associated with the Willowbrook location.

Thank you for receiving and reading my letter.

Sincerely,

Samuel J Dechter
113 Bebb Ct
Richland, WA 99352

509-627-0950
sam.dechter@gmail.com

Stevens, Mike

From: Sara Allington <sara.allington@gmail.com>
Sent: Thursday, May 19, 2022 5:44 AM
To: Stevens, Mike
Subject: Willowbrook Apartments

Good morning,

I was wondering, has a traffic impact study been completed by Richland since Claybell Park has been improved? That leads into my second question which is when were traffic studies done for the Willowbrook Apartments? Before or after the park improvements? Same question for wildlife impact studies before and after park improvements. Unless these studies have been redone recently I believe the results are grossly inaccurate. I won't let my kids walk to the park now because that road is dangerous as it is. I want to go on record that I am opposed to the development of this complex. That monstrosity doesn't make sense in our dense neighborhood.

Thanks for your time,

Sara Allington

Stevens, Mike

From: Sara Hager <s0hager2@gmail.com>
Sent: Wednesday, May 25, 2022 4:45 PM
To: Stevens, Mike
Subject: Opposition to Proposed Willowbrook Development/Apartments

This is my opposition to Willowbrook development by the Amon Creek Preserve. My major concern is for the traffic safety of residents walking to and from Claybell Park. There are a mixture of retirees and new families living in this neighborhood. At all times of the day, you can see senior citizens, young children, and/or mothers pushing their stroller on the roadway. The sidewalks are not used because the pavement at the end of driveways are steeply sloped making it cumbersome on body joints. It is my concern that the risk of a pedestrian being injured on Broadmoor Street will increase with the addition of traffic from the proposed Willowbrook multi-family units.

In my opinion, there is a lot of congestion created on evenings where people are utilizing the park. Instead of using the Park's parking lot, people park on Broadmoor street. This is already treacherous on evenings when drivers have the sun in their eyes. I can't imagine how congested this will become with the projected increase of traffic. With the recent updates that have been made on the pickle ball courts, Broadmoor street is now congested during the day as well because retirees are utilizing the courts during the day. If you decide to allow the developer to build this complex, please fix the issues. Replace the ends of driveways with user-friendly sidewalks, and install no parking zones on both sides of Broadmoor Street by Claybell Park.

When my husband and I purchased our home, the interior of the house was not the selling point. It was the location. The house butted up next to a park and nature preserve! We envisioned that we would be able to walk out our backyard gate to enjoy Claybell Park and Amon Creek Natural Preserve's hiking trails with our unconceived child. It was lovely to see the geese waddling, quail scurrying along with their offspring in our backyard and listening to the coyotes at night. It is so serene taking a stroll in the park and seeing the view of Little Badger Mountain. We hoped that we would continue to enjoy the unobstructed views for several decades. That hope is quickly dwindling. With the expansion/upgrades of the Claybell Park and construction of the Hayden home development, the sightings of wildlife have greatly decreased. It saddens me because my little girl never got the opportunity to see geese and quail in our backyard. Now, my daughter and neighboring children have to be cautious when vehicles whip into the cul de sac because drivers make u-turns off of Broadmoor Street. Currently, we have three children who are on the Autism spectrum in our cul de sac. They don't always remember to watch out for vehicles. Please don't approve this construction to keep that amount of traffic on Broadmoor to a minimum for the safety of your residents.

Sara Hager

345 Glen Eagles Ct

Richland

Stevens, Mike

From: Sara Lindberg <sara.m.lindberg23@gmail.com>
Sent: Saturday, May 21, 2022 11:38 PM
To: Stevens, Mike
Subject: Willowbrook apartments

Mike,

I am very much against the proposal of the apartment complex being built behind willowbrook. It will increase traffic in and around our neighborhood. It will also lower the values of the homes nearby. Please do what you can to prevent this from being done. Thank you for your help.

Sara Lindberg

Sent from my iPhone

Stevens, Mike

From: shellene smedley <shellenesmedley@yahoo.com>
Sent: Wednesday, May 25, 2022 9:21 AM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Stevens, Mike

From: Sheri <slrdra86@gmail.com>
Sent: Tuesday, May 24, 2022 1:27 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Stevens, Mike

From: Sorcha Fox <sorcha_fox@yahoo.com>
Sent: Wednesday, May 25, 2022 12:24 PM
To: Stevens, Mike
Subject: Willowbrook Place apartments application
Attachments: Willowbrook Apartments--Environmental Noncompliance--May 23 2022.docx

Dear Mr. Stevens,

I am again writing to place my trust in you to protect our neighborhood and the Amon Creek reserve in your consideration for the Willowbrook Place apartments application. I appreciate that you yourself are not responsible for the application, but you are the person with the power to protect our wildlife and human community, as well as the planet—as this is of course a significant environmental concern.

As I'm sure you know, it is bizarre and extremely troubling to local homeowners that the application should ever get this far. Any reasonable person can see that (1) the zoning is in error and completely out of date for any property next to such an important natural resource, and (2) the proposed access roads are still completely inadequate and inappropriate for the surrounding neighborhoods. I agree wholeheartedly with the attached memorandum provided by Ray Swenson, an Environmental Law attorney and WSU professor. Rather than re-hash it here in my own words, I urge you to review his document in detail if you have not already done so. His summary is extremely well researched and explained with great clarity.

However, I will call out specifically that I trust you to correctly address the many issues of zoning, traffic volume and safety, fire safety, city code and HOA Covenant violations, and environmental impact—without putting everyone through repeated charades of further poorly thought out proposals and hearings. We should not have to continuously spend our time and money fighting against something so completely unreasonable and detrimental to the community and environment. As I have stated in my previous letters, I have a deep respect for the traditions of urban planning and development, and I hope you will do the right thing in your very important duty. And as also previously mentioned in my previous letters, I invite you to visit the site from my property on 312 Piper Street, from which you'll see for yourself how ridiculously close the wetlands are to the proposed site. Of course this is only one of the many issues that I and several others have already brought to your attention.

Thanks again for your consideration,

Sorcha Fox

May 23, 2022

RE: Proposed Willowbrook Apartments—Environmental Noncompliance

In spite of the 347-page-length of the Site Plan Review application submitted to the City of Richland, the developer is hoping the City will disregard several important laws. The most fundamental law they want the City to ignore is the law of gravity, by claiming that the stream and wetlands that form the eastern side of the project site will be protected by a 150 foot “buffer zone” from the massive earth-moving and construction activities throughout the west side of the site. The simple fact that is apparent to anyone who either walks the site, or looks carefully at the site topographic maps, is that the entire project site is in the immediate watershed of the stream and wetlands, and that natural stormwater, as well as water used for dust control and other land forming and construction activities, carrying particulates and other pollutants, will be drawn by gravity downhill across the “buffer zone” and into the wetlands and stream.

The developer’s application includes consultant reports on certain ecological aspects of the site. Those reports confirm that the stream drains north into the Yakima River and then directly into the Columbia River, that it is surrounded by adjacent wetlands that have been extensively delineated based on soils and vegetation, and that the stream and wetlands are therefore Waters of the United States under the jurisdiction of the Federal Clean Water Act and corresponding state laws. In particular, the reports confirm that the stream and wetlands are habitat for the Spring Chinook and Coho salmon species that are protected by the Endangered Species Act. The reports also confirm that the site is habitat for at least several species of migratory birds, which are protected under Federal law.

However, the application fails to take the next logical step to address the significant environmental law, regulation and permitting requirements that are triggered by the special character of the site and its wildlife:

1. The developers have totally ignored the requirement to comply with requirements for a stormwater pollution prevention permit, which is required because the site is adjacent to, and drains into, a stream and its adjacent wetlands which are Waters of the United States protected under the Section 402 NPDES Permit requirements of the Clean Water Act. The permit program in Washington is administered by the Washington

Department of Ecology, and includes a mandatory 30 day public comment period.

2. The developers have failed to address the requirement to obtain a necessary permit from the US Army Corps of Engineers under Section 404 of the Clean Water Act, since construction on the site will deposit soils into a stream and wetlands that are Waters of the United States.
3. The CWA Section 404 requirements include preparation by the Corps of Engineers of an environmental impact analysis under the Federal National Environmental Policy Act, separate and apart from any State Environmental Policy Act analysis adopted by the City of Richland. NEPA requires examination of all potentially applicable laws and regulations, both state and Federal.
4. The stream and wetlands affected by construction on the site are habitat for Chinook and Coho salmon protected under the Federal Endangered Species Act. The potential impact on these species must be analyzed under the standards of the ESA, and the project may not then proceed without negotiation of a Federal Habitat Conservation Plan under Section 10 of the ESA, that must be approved by the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration.
5. While a contractor for the site owner identified many bird species on the site on March 19 of 2021, the contractor failed to address the requirements of the Federal Migratory Bird Treaty Act, which makes it a Federal crime to harm any migratory bird or its eggs. A single March site visit fails to identify all the migratory bird species which may visit the site over the full course of the spring and summer months, some coming from thousands of miles away. Biologists working for the U.S. Department of Energy at the Hanford Site have documented that Benton County hosts dozens of species which nest on the ground, and others on structures, such as cliff swallows that use mud (such as that available in the wetlands on the project site) to build nests on walls and the frames of new buildings under construction, including the massive Hanford Waste Treatment Plant. MBTA compliance will not be complete until a comprehensive survey is conducted over the spring and summer of 2022, followed by negotiation with the US Fish & Wildlife Service Portland regional office to obtain the applicable permits for

incidental “take” of protected birds and eggs that may occur during the construction and operation of the apartment complex.

6. The contractor reports have confirmed the presence on the site of Burrowing Owls, which are a species which the State of Washington has identified as declining significantly in its population, surviving in Washington mainly within Benton County, and therefore measures to protect the Burrowing Owl from the impacts of the construction and operation of the site must be analyzed and adopted to satisfy the State Environmental Policy Act.
7. In light of the substantial environmental compliance and permitting issues identified above, the SEPA does not allow the City of Richland to authorize construction to proceed without completing a full environmental impact analysis to justify its action. Furthermore, since the facts trigger the application of the Clean Water Act, the Migratory Bird Treaty Act, and the Endangered Species Act, Federal law requires prior completion of a full environmental impact analysis under the National Environmental Policy Act, with public participation and hearings. If the City attempts to authorize the project to proceed without compliance with Federal law, both the City and the applicant may be subject to civil and criminal enforcement actions by these Federal agencies, and civil lawsuits brought by citizens to enjoin the action. Rather than assume legal responsibility for the developer’s disregard of environmental protection laws, the City of Richland should direct the developer to negotiate with all of the state and Federal agencies cited above and demonstrate that their project has been brought into full compliance with all applicable laws, including the requirement of both SEPA and NEPA for a full analysis of the applicable requirements and opportunities for public comment and hearings on their draft decision documents, as well as on relevant permits.

Submitted by Raymond Takashi Swenson,
Lt. Colonel, USAF (Retired); JD, LL.M Environmental Law
Licensed in Washington (#27844), Utah (#3174), California (#164137), and
the US District Court for the Eastern District of Washington.
103 Hillview DR, Richland, WA 99352
509-713-0966, RaymondTSwensonLaw@gmail.com

Raymond Takashi Swenson earned his BA degree in mathematics and Juris Doctor (JD) degree at the University of Utah, and a Master of Laws (LLM) in Environmental Law at George Washington University Law School in Washington, DC, where he served at the Pentagon with the Deputy General Counsel of the Air Force for Installations and Environment, and with the General Counsel for the White House Council on Environmental Quality. He served as Chief of Environmental Law for Strategic Air Command, and Air Force Regional Counsel for the Western United States. After several years with law firms in San Francisco and Salt Lake City representing cities negotiating to receive the transfer of closing military bases, he began 22 years of service as environmental law counsel for Bechtel and then CH2M HILL/Jacobs at the Idaho National Laboratory and the Hanford Site, retiring in 2019. Since 2010 he has been on the adjunct faculty of Washington State University, teaching students in Pullman, Vancouver and the Tri-Cities, in environmental policy and law and hazardous waste management.

Stevens, Mike

From: Staci Cheatham <staci@cheatham.cc>
Sent: Monday, May 23, 2022 8:19 AM
To: Stevens, Mike
Subject: Opposition to Willowbrook Apartments

Dear Mr. Stevens:

We are very alarmed about the plan that City of Richland has for **M2020-101 & EA2020-114 (ie. WILLOWBROOK PLACE APARTMENTS)**. We are strongly opposed to these apartments and all of the problems that their construction and proposed physical access **will cause**. Our opposition to this proposed development includes major concerns regarding the following issues: inappropriate zoning, traffic volumes and safety, fire safety, blatant City of Richland code violations, HOA covenants & restriction violations and environmental concerns. Each of these are addressed below:

Zoning

The zoning of the proposed property was designated as high density decades ago when access to this property was essentially uninhabited. Indeed, the plan was to provide adequate access to this property. Unfortunately, over the years, either through intention or poor planning on the part of the city, the access has been severely reduced by the city of Richland. No known attempt was made by the city or property owner to protect the access to this property. As a result, the city and developers find themselves in a predicament where the available access to this property does not readily support its proposed use of a high density apartment complex. The current attempts to force a project where it no longer fits clearly poses several concerns, violates city code and HOA covenants and is an attempt to maximize profit at the expense of citizen safety and of the environment. I assert that the previous zoning designation is inappropriate and should be modified to better suit the restriction to access created by the city of Richland.

Traffic Volume and Safety

There are only two proposed access options to this property, and both are problematic.

1. A meandering course through small neighborhood streets (Center Blvd and Piper St.) and
2. Access to Broadmoor St. via an illegal street being placed on multiple properties subject to the HOA covenants and restrictions of two HOAs.

You may already be aware of several issues related to this restricted access:

Broadmoor St. is already at or near maximum capacity for its designation and the proposed additional volume is not appropriate. In addition, the location and position of the proposed intersection poses several safety concerns. Often, Broadmoor access to Leslie Road is already backed up with 20 cars for long periods of time. The apartment build will greatly exacerbate this traffic issue. In addition, the Claybell Park area on Broadmoor (including the city's recent pickleball court expansion) is an extreme safety and traffic hazard. We have observed accidents and many near-accidents at this location.

Center Blvd and Piper St are not adequately suited for high volume traffic and pose clear traffic safety hazards for motorists and pedestrians (especially young children). The safety issues are impossible to ignore.

We understand that there was an updated traffic study, as the previous study was out of date. The new study confirms the listed concerns and it is now admitted in the study that the primary access (60% of volume) to these apartments will

be on Broadmoor on a roadway that was initially planned as a emergency access point and then a secondary access. This proposed road is 23 feet at its most narrow point, which also happens to be on an “S-curve”, located at a crosswalk, and does not plan for a retaining wall on this sloped land. Building a road in this location is of extreme safety and traffic concern.

Fire Safety

Access and maneuverability of larger emergency vehicles would be very difficult with the proposed dimensions of the access road even with no other vehicles present. It is also noted that previous plans had this road designated as a protected emergency access, but with subsequent applications this has evolved into a full access road intended to support the majority of the access to these apartments. This demonstrates unsafe conditions for the potential residents of these proposed apartments and the residents of adjacent properties.

City Code & HOA Covenant Violations

In a city with a “Code Enforcement” department that can issue citations and accompanying fines and property liens for vegetation that is too tall, it is flagrantly hypocritical that the city itself does not even attempt to follow its own codes. This demonstrates a blatant disregard of the city’s own codes. This is readily apparent when reviewing the proposed dimensions of the access road to Broadmoor. It is clear that the developer is in need of additional access and is limited by dimensions of the properties it owns. It is unfathomable that this could be considered “up to code” and the approval of such a road is extremely ill-advised and inconsistent with a rational approach to safe and ample access.

In addition, the northern access road to Broadmoor utilizes several properties that are subject to covenants & restrictions of 2 Homeowners Associations. You may be aware of pending lawsuits against the developers asserting the appropriate usage of these HOA properties. I am certain the owners of these properties signed the acknowledgement of HOA covenants and restrictions on these properties when they were purchased. Although it has always been apparent that development of the larger property was possible, it could not have been anticipated that a road would be developed on lots designated for single family dwellings only. I believe this is unfair to the members of the HOA and residents

of adjacent properties who have invested their money in properties believing that the HOA covenants would protect the usage of its properties from inappropriate development.

Environmental

This high density project is adjacent to the Amon Creek Natural Preserve. This development will negatively impact and potentially destroy this rare and unique natural preserve entrusted to the City of Richland. The Preserve is home to diverse species of wildlife and enjoyed by many residents for recreational and educational activities. The preservation of this natural area is consistent with the City of Richland’s strategic plan in which the fourth focus area to “manage our natural resources” by “Balancing private and public interests in conservation and preservation of sensitive areas.”

Summary

In summary, the currently proposed development is not consistent with the City’s own strategic plan. The plan blatantly violates established city codes and HOA covenants. It poses clear hazards to residents’ safety, efficient traffic patterns, and the environment and overall is an inappropriate use of the land. It is unfathomable that the proposed development could be approved given all of these issues. The flagrant disregard for these issues, if the project were approved by the city, would display an utter disregard towards its citizens, community, and environment or, at best, severe incompetence in proper planning and execution of the city’s duties as it pertains to appropriate development in our community.

Sincerely,

Staci Cheatham
103 Fairwood Court
Richland WA 99352

Stevens, Mike

From: Steve Liston <liston100@yahoo.com>
Sent: Friday, May 20, 2022 8:37 PM
To: Stevens, Mike
Subject: Proposed Willowbrook Place Apartments

The proposed Willowbrook Place Apartments will put neighborhood children and grandchildren due to increased traffic and therefore speeders. Particularly where I live @208 Piper wher Willowbrook Ave , Piper St, and Piper Ct meet.

This

Is

a

Bad

Idea.

Sincerely,

Steve Liston

[Sent from Yahoo Mail for iPad](#)

Stevens, Mike

From: Steven Smedley <smedsms@yahoo.com>
Sent: Wednesday, May 25, 2022 5:55 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Stevens, Mike

From: SJA <runningmom71@yahoo.com>
Sent: Tuesday, May 24, 2022 9:10 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Sincerely,

Susan Arola
Willowbrook Resident

Susan Miller
1920 Harris Ave.
Richland, WA 99354

Mike Stevens, Planning Manager
City of Richland
625 Swift Blvd.
Richland, WA 99352

May 23.2022

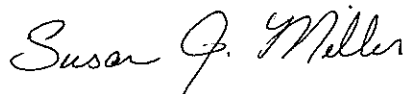
Dear Mr. Stevens,

I strongly object to the plans for the Willowbrook Place Apartments. I think the City of Richland should abandon this project. This is too great a disruption to the Amon Creek Natural Preserve and the land we call the "wild area". I'm concerned about the wildlife. I would like to have more wildlife, not less. My husband and I don't live near this land, but we enjoy walking there nonetheless. We enjoy walking in the shrub steppe habitat that has been restored. Thank you for that restoration.

My husband and I live on the Columbia River. We've lived in this house about 35 years. We've seen the habitat change and the wildlife diminish here. The homes along Piper Street enjoy more diversity of wildlife than we have now.

The homes around the land were built and bought so their owners could enjoy the wild area. Now that will be destroyed for them. Isn't there another parcel of land where these developers could build?

Sincerely,

A handwritten signature in cursive script that reads "Susan J. Miller". The signature is written in dark ink and is positioned above the printed name.

Susan Miller

Stevens, Mike

From: Suzanne Norris <suenorris22@gmail.com>
Sent: Thursday, May 19, 2022 9:10 AM
To: Stevens, Mike
Subject: Broadmore intersection/Willow Brook Apts.

City of Richland Officials,

I live less than a half mile from the City of Richland's proposed road intersecting at Broadmoor Street not far from Claybell Park in Richland. I walk this road nearly every day with my spouse and experience moderate traffic speeding down this road every morning from Broadmoor Street by Claybell park all the way up to Leslie Road. Speeding traffic along with heavy street parking at Claybell Park concerns me. Not only is this a huge safety issue for walkers and the hundreds of people utilizing our beautiful Claybell Park (with the new pickleball courts, basketball, tennis, soccer, toddler playground, walking paths) the significant increase of traffic along this route will make it even more difficult to pull out onto Leslie Road when driving west. I've been caught at this stop sign during after school rush, unable to enter Leslie Road from Broadmoor for several minutes with a line of traffic over 12 cars long (Add a school bus & the matter becomes nearly unbearable).

I do NOT support adding an intersection anywhere along Broadmoor Street. We already struggle with the traffic conditions on Broadmoor Street which is a perfectly nice neighborhood street, where lots of families live and play. What a shame to devalue these homes on Broadmoor by making it a thoroughfare that can never be reversed. Please find a different route for this proposed apartment complex that is SAFER and makes sense!!

Suzanne Norris
124 Hillview Drive
Richland, Wa

Stevens, Mike

From: Charter <tamisings@charter.net>
Sent: Monday, May 23, 2022 3:18 PM
To: Stevens, Mike
Subject: Proposed road at Broadmore

Please reconsider allowing another road access on Broadmore. The road is already congested especially on Saturday and Sunday due to the park down the street. I walk that street every morning and have only seen one traffic counter for about one week during the winter months. That short time was not a good enough indication of what the traffic will be if an apartment complex driveway is built. It is much busier on the weekends and during the summer months. All of the side roads will be congested also and are not built to accommodate such traffic, along with the golf traffic that is pedestrian along Greenbrook and Leslie Tamilyn Rawlins

Sent from my iPhone



PO Box 2002
Richland, WA 99352
www.tapteal.org

May 24, 2022

Mike Stevens, Planning Manager
City of Richland
625 Swift Blvd., MS-35
Richland, WA 99352

Dear Mike:

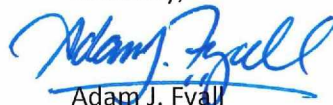
Tapteal Greenway has reviewed the site plan, environmental (SEPA) checklist, and associated reports regarding the revised and re-submitted Willowbrook Apartments Site Plan Review application (M2020-101 & EA2020-114) and wishes to submit the following comments. We believe the proposed development will negatively impact the adjacent west fork of Amon Creek, its associated wetlands and Amon Creek Natural Preserve. Therefore, a Determination of Significance should be issued although with extensive mitigation a MDNS might be applicable.

- The applicant's response to SEPA Checklist question 8.h does not mention that the Critical Areas map in the Comprehensive Plan designates a portion of the site as a Geological Hazards (Steep Slopes) area. This should be noted in the checklist with reference to the submitted GEOTECHNICAL & HYDROGEOLOGICAL SITE EVALUATION REPORT.
- The applicant's response to SEPA Checklist question 8.L states "The project is compatible with existing surrounding land uses ..." The west side of the project is bordered by single family residences. The east and south sides of the property are bordered by Amon Creek Natural Preserve which is designated natural open space. We do not find the proposed development to be compatible with these two land uses.
- The applicant's response to SEPA Checklist question 10.b states that there will be minimal obstruction of views from existing residences. The west edge of the site is at an elevation of 515'. The footprints of the proposed apartments fall on elevations of 495' to 505'. With no adjustment of elevations due to grading and a building height of 40' portions of the buildings would rise 30' above the west edge of the property. This creates much more than a minimal obstruction of views to the adjacent homes. This does not take in account the proposed landscaping plan that calls for the extensive planting of trees including adjacent to the western edge of the site.
- The applicant's response to SEPA Checklist question 12.a does not mention the presence of Amon Creek Natural Preserve which is adjacent to the property and provides significant recreational opportunities.
- The applicant's response to SEPA Checklist question 12.c proposes a paved trail to connect with the existing trail in Claybell Park. To make this connection the paved trail would pass through Amon Creek Natural Preserve. There is an existing soft surface trail along the proposed path of the paved trail. This proposed paved trail is not necessary nor is it compatible with the function and purpose of the preserve which is a designated fish and wildlife habitat conservation area.

- The submitted CRITICAL AREA REPORT FOR WILLOWBROOK ignores an important requirement of RMC 22.10.110: *"If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided."* There is a sewer line/access road that runs south along Parcel A to the KID irrigation pond. This access road is 20' wide. The sewer line and a second gravel path then head west across the south end of the parcel. Each of these gravel paths is 10' wide. These graveled paths are located within the buffer zone for this parcel. As they are devoid of vegetation and therefore can't provide the required buffer function the buffer should be widened to compensate for this. This increases the required minimum buffer width for this parcel from 150' to 170'.
- The submitted WILDLIFE HABITAT ASSESSMENT REPORT FOR WILLOWBROOK divides the site into three habitat units. A large portion of the buffer area is comprised of Habitat Unit B which is described as moderately disturbed shrub-steppe comprised of common rabbitbrush, Russian thistle, Canada thistle, desert parsley, Indian ricegrass, western yarrow, cheatgrass, and tumbled mustard. Four of the listed plants are invasive species (Russian thistle, Canada thistle, cheatgrass, and tumbled mustard) which likely degrade the functionality of the buffer area. Habitat Unit B comprises most of the buffer area in Parcel A which is also compromised by the presence of graveled paths. A vegetation enhancement plan that includes success monitoring should be required for the Habitat Unit B areas within the buffer.
- The site plan shows a paved maintenance road/path that passes through the buffer area at the north end of Parcel A and crosses the west fork of Amon Creek. The impact of this impervious surface on the buffer and the creek has not been accounted for. This impact needs to be assessed and either eliminated or mitigated for. As a gravel path already exists, the need for a paved path has not been demonstrated.
- Measures need to be taken to prevent encroachment into the buffer area during and after construction.
- This is essentially the same proposal that was submitted in 2018 for which the City issued a Mitigated Determination of Non-Significance (EA2018-119). The first three mitigation measures should also be required now: silt fencing at edge of buffer before any construction activity, permanent fence at edge of buffer with signage, shielded outdoor lighting.

As always, we appreciate the opportunity to review significant, substantive, landscape-altering proposals such as this. Please contact me directly on 942-0354 or taptealgreenway@gmail.com if there are further questions for the Tapteal Greenway.

Sincerely,



Adam J. Fyall

President, Tapteal Greenway

Stevens, Mike

From: Terry Miller <tnmiller@owt.com>
Sent: Tuesday, May 10, 2022 12:17 PM
To: Stevens, Mike
Cc: Jeff Reiten; Craig Walker
Subject: M2020-101 & EA2020-114

Mr. Stevens,

Please confirm that all of the comments and objections submitted leading up to the scheduled hearing in December 2020 are still part of the record and that it is not necessary to resubmit those.

The Notice and application are objectionable:

1. The Notice does not include the completeness date. RCW 36.70B.110(2)(a).
2. There is no proof that the owners, Duane & Cheryl Smith, know of or consent to the application. No one signed for the other owners.
3. The property description does not include the Meadows Springs Second Nine lot that is part of the project.
4. The zoning for the lots in Willowbrook 2 and the Second Nine are not reflected.

Thank you for your professional courtesies,
Terry Miller

Sent from [Mail](#) for Windows

Stevens, Mike

From: Tighe Racicot <tighe.racicot@icloud.com>
Sent: Wednesday, May 25, 2022 2:13 PM
To: Stevens, Mike
Subject: No Willowbrook Apartments

Mr. Stevens,

I emphatically disapprove of the Willowbrook Place Apartments proposal. My family purchased our home in this community just two months ago, and our property line would be adjacent to the proposed parking lot and access road at John Ct. Our realtor informed us there would be no further developments, and had the seller been transparent about this ongoing dispute—that apartments would be built behind us—I would have steered clear of the area. Having lived in apartment complexes for years after college, I know they will be greatly detrimental to our home and this community.

Apartments would significantly increase traffic and congestion passing right next to our home at the terminus of John Ct. This will endanger our children as they play outside. This will increase noise in various forms, loud vehicles with subwoofers or engines, loud groups of people, undoubtedly smokers will be smoking in the parking lot instead of the building, which will waft into our homes and yards as we try to enjoy the fresh air. It will increase noise and light at night, it will remove a substantial area of natural habitat and walking trails used by numerous people for health and recreation.

With so much land freely available in the Richland area, why is the builder trying to squeeze an apartment complex into a quiet and disproving community? I and my family ask you to prevent this from happening, and preserve our happy and quiet neighborhood and habitat.

Please direct the builder to develop elsewhere.

Thank you,

Tighe

Stevens, Mike

From: Tori Shiozaki <torishiozaki@yahoo.com>
Sent: Wednesday, May 25, 2022 4:57 PM
To: Stevens, Mike
Subject: NO to Willowbrook Apartments

I strongly oppose and object to the proposed development of the Willowbrook Apartments, east of the Willowbrook neighborhood. This development is inconsistent with our community covenants, it would create serious traffic problems due to insufficient roadways, and it would destroy our nature preserve, which not only protects local wildlife but also provides essential walking and running paths.

Please protect our public land.

Tori Y. Shiozaki
(562) 221-0908

[Sent from Yahoo Mail for iPhone](#)

Stevens, Mike

From: Tracy Wilson <gowilson5@yahoo.com>
Sent: Saturday, May 21, 2022 6:50 AM
To: Stevens, Mike
Subject: Willowbrook apts

In viewing the road to broodmoor that was created by purchasing housing lots to now make a road seem very unsafe. That curve road is not very visible as it is. Adding all of that propane traffic (and a traffic study done during COVID and many people still working and going to school at home) is the least it will be.

I understand a lawsuit from the willowbrook homeowners association is active and converting lots into roads goes against the interests of the homeowners association.

When that parcel of land was identified as multi family how could the city planners not have a road access already in place?

It would seem a better road access would be so be paved along the back of claybell/Clearwater creek to exit onto that arterial there. Exit to claybell. Exiting to broodmoor is not a safe plan. Or was it even foreseeable for the homeowners

Apartments all over Richland always exit to an arterial and never through an existing neighborhood or by purchasing lots. I'm very concerned about the lot conversion situation. Is that really even legal?

Please reconsider the access road to a non residential path. Or perhaps find a land swap to allow the apartments to be relocated in a better situation.

I'm not opposed to having the housing just seems unbelievable that secluded parcel is really zoned that way. I suspect even claybell park additions changed possible access roads to this area

Please do not allow the access roads be onto Piper and Broodmoor

Tracy Wilson

Sent from my iPhone



State of Washington
Department of Fish and Wildlife
Habitat Program
2620 North Commercial Avenue, Pasco, WA 99301
Phone: (509) 543-3319, E-mail, Michael.Ritter@dfw.wa.gov

May 25, 2022

Mike Stevens
Planning Manager
City of Richland Planning Department
625 Swift Blvd MS-35
Richland, WA 99352

Subject: Willowbrook Apartments: (M2020-101 & EA2020-114)

Dear Mike,

Based on the City of Richland Municipal Code (RMC) 22.10.185 (A)(2), data collected within the project boundary and presented in the Wildlife Habitat Assessment Report, and the Washington Department of Fish and Wildlife's (WDFW) knowledge of the project site and adjacent Amon Nature Preserve, WDFW Priority Habitats and Species (PHS) will be permanently impacted (lost) from the development of the proposed Willowbrook project. PHS that will be permanently impacted include shrubsteppe habitat and at least two animal species; Sagebrush sparrow and Black-tailed jackrabbit.

We are also concerned that the project may impact the adjacent Amon creek/wasteway, which is a central feature of the immediately adjacent WDFW Priority Amon Creek Biodiversity Area and Corridor. We wish to reiterate our concerns and recommendations from our October 2020 comment letter. In that letter we recommended:

- An erosion control plan should not only be maintained throughout the construction of the project but until suitable vegetation is established on the site (1-3 years) to prevent sediment or sediment laden water from entering the riparian buffer or the Amon Watercourse.
- All storm water from the site during and post construction should not be allowed to enter the adjacent buffer and wetland. Stormwater treatment facilities must not be located within the buffer.

We look forward to working with the City of Richland, the project, and others in support of RMC 22.10.220 to develop and implement mitigation that fully accounts for the permanent loss of priority habitat, its functions and values, and impacts to priority species.

Please contact me with any questions at Michael.ritter@dfw.wa.gov or at 509-543-3319.

Sincerely,

A handwritten signature in black ink that reads "Michael Ritter". The script is fluid and cursive, with the first name "Michael" and last name "Ritter" clearly legible.

Michael Ritter

Habitat Biologist

Statewide Technical Lead: Wind and Solar

Stevens, Mike

From: At & t <kitchenwa@aol.com>
Sent: Wednesday, May 25, 2022 4:58 PM
To: Stevens, Mike
Subject: Willowbrook Apartments

2737 Chelan Loop
Richland, Washington 99352

May 25, 2022

Mike Stevens
mstevens@ci.richland.wa.us
Richland, WA 99352

SUBJECT: PROPOSED WILLOWBROOK PLACE APPARTMENT COMPLEX

Mr. Stevens,

This letter is a follow-up to my October 2020 letter to you. The intent of this letter is to again provide my opposition to the proposed Willowbrook Place apartment complex project.

Have you ever seen a great white egret swoop down from just above your house and fly into the watery marsh? I did and oh what a sight it was. My assumption is that it landed where the nest is with eggs ready to hatch. Have you ever seen a whole family of four coyote pups and their parents cautiously walking past in an area with sparse shrubbery where the young ones will learn how to hunt for their food and build small caves for their homes? Have you ever seen an owl land on my neighbor's house peak and sit for hours as a lookout to protect its babies and gather rodents for food? I'm sure most people would find it difficult to answer these three questions affirmatively but for me it is common place living in the Clearwater Creek area. All three examples are of wildlife present in the area or adjacent to the area being proposed as the construction area for the Willowbrook Place apartment complex.

I could expand on many of the beautiful wildlife present but I am sure you will receive input from a few professional experts on the negative environmental impacts of the subject project. So I move to an area where I am greatly concerned; the pending traffic dangers of this project.

Much of the traffic issues that will be brought on by this project are exasperated by the continued growth of, and the greatly expanded activities of, Claybell Park. The

Clearwater Creek area can easily be viewed as one of the jewels of Richland community planning. With walking trails, separation of possible high traffic areas by cul-de-sacs and “mini neighborhoods”, and the placement of a large elementary school exemplify sound planning. Having Claybell Park nearby also establishes an area where many young and older neighbors enjoy. To date the traffic in these residential areas seems to be under control but it is at a critical level that is fragile to additional traffic that could feed Broadmoor Street or Bellerive Drive.

Since spring and the completion of the pickle ball courts, the number of vehicles parked in the area has, at least, doubled. The park is used by so many folks, from babies to older adults. Then the use of the soccer fields present shows the parking of vehicles where no parking should occur. In addition to all of this activity are the baseball/softball fields that will be used shortly throughout the day. Since the completion of the pickle ball courts, cars are parked correctly on the road but present a difficult and unsafe situation when meeting on-coming traffic and when a car door is opened. I travel this area at about 15 mph to be sure no accidents occur.

With the additional traffic from this proposed project, I fear it presents scenarios of accidents waiting to happen. I have also driven and parked at the point where the project would enter onto Broadmoor Street. This is obviously the worse possible location for this entry point. The driver’s vision to exit the area is greatly hampered and any vehicles turning left into the entry drive would be difficult for the oncoming and for traffic the vehicle waiting to turn.

With well-planned neighborhoods already in this area it would seem that Richland would want to save this jewel of an area as a focal point of our overall community. I cannot believe there isn’t another area available to provide a better location or a reduced-sized building for the design of this project. The design of the project seems a bit out of synch with today’s styles and I don’t understand why such a monstrosity has to be built as it will certainly be an eye-sore when completed. I’m sure this will meet a community need but I object to the size, the design, the location, and the lack of safety and environmental considerations.

Should you have any need to contact me, feel free to call me at (509) 308-9060.

Sincerely,

William Kitchen

Stevens, Mike

From: Cichy, Katherine <katherine.cichy@ziply.com>
Sent: Monday, May 9, 2022 3:03 PM
To: Stevens, Mike
Subject: RE: M2020-100 Willowbrook Apartments Public Hearing and SEPA

Mike,

Ziply would potentially like to get service here if this goes through, other than that we do not have any comments.

Thank you,

Katherine Cichy
OSP Engineer
509-410-5035
katherine.cichy@ziply.com



From: Stevens, Mike <mstevens@CI.RICHLAND.WA.US>
Sent: Thursday, April 28, 2022 3:52 PM
To: Anthony Muai <anthony.muai@ci.kennewick.wa.us>; Anthony Von Moos <anthony.vonmoos@co.benton.wa.us>; Ashley Morton <AshleyMorton@ctuir.org>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Benton PUD, Broadband <osp@noanet.net>; Benton PUD, Electrical <engservice@bentonpud.org>; Bill Barlow <bbarlow@bft.org>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Carrie Thompson <carrie.thompson@bnsf.com>; Casey Barney, Yakama Nation <Casey_Barney@Yakama.com>; Catherine Dickson <catherinedickson@ctuir.org>; Clark Posey <clark.posey@co.benton.wa.us>; Corrine Camuso, Yakama Nation <Corrine_Camuso@Yakama.com>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAHP SEPA Reviews <sepa@dahp.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; Davis, Deanna <d.davis@bces.wa.gov>; Deborah Rodgers <dxrogers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; Eric Mendenhall <emendenhall@westrichland.org>; FormerOrchards@ecy.wa.gov; Greg Wendt <greg.wendt@co.benton.wa.us>; Gwen Clear <gcle461@ecy.wa.gov>; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jason McShane <jmcsbane@kid.org>; Jennings, Tyler <tjennings@CI.RICHLAND.WA.US>; Jerrod Macpherson <Jerrod.Macpherson@co.benton.wa.us>; Jessica Lally, Yakama Nation <Jessica_Lally@Yakama.com>; John Lyle <john.lyle@bentoncleanair.org>; Jordon, Joshua <jojordon@CI.RICHLAND.WA.US>; Cichy, Joseph <joseph.cichy@ziply.com>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Cichy, Katherine <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; Map BCES <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Tovey, Michael <michael.tovey@ziply.com>; Noah Lee <noah.lee@bentoncleanair.org>; Noah Oliver, Yakama Nation <Noah_Oliver@Yakama.com>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathafor, Jason <JReathafor@CI.RICHLAND.WA.US>; Review Team <reviewteam@commerce.wa.gov>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Rick Dawson <rickd@bfhd.wa.gov>; Robin Priddy <robin.priddy@bentoncleanair.org>; Sarah Gates <s.gates@bces.wa.gov>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; SEPA Center <sepacenter@dnr.wa.gov>; SEPA Register <separegister@ecy.wa.gov>;

SEPA Unit <sepaunit@ecy.wa.gov>; Seth DeFoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; T.S. "Max" Platts <PlattsT@wsdot.wa.gov>; Tyutyunnik, Ruvim <rtutyunnik@CI.RICHLAND.WA.US>; WA Dept of Fish & Wildlife <lopezlal@dfw.wa.gov>; WA Dept of Fish & Wildlife <rittemwr@dfw.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; William Simpson <william.simpson@commerce.wa.gov>

Subject: M2020-100 Willowbrook Apartments Public Hearing and SEPA

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Attention:

Below is a link to the referral packet for the Willowbrook Apartments project located in Richland, WA. Included you will see the Notice of Application & Optional DNS, SEPA Checklist and all relevant application materials. Please review and submit any comments back to me by 5:00 PM, Wednesday, May 25, 2022.

Here's a OneDrive link to [M2020-101 June 13 Referral Packet.pdf](#).



Mike Stevens
Planning Manager
625 Swift Blvd., MS-35 | Richland, WA 99352
(509) 942-7596

Disclaimer: Emails and attachments sent to or from the City of Richland are public records subject to release under the Washington Public Records Act, Chapter 42.56 RCW. Sender and Recipient have no expectation of privacy in emails transmitted to or from the City of Richland.