CITY OF RICHLAND DEVELOPMENT SERVICES DIVISION STAFF REPORT TO THE HEARING EXAMINER

GENERAL INFORMATION:

- PROPOSAL NAME: Riverfront Apartments
- LOCATION: 470 Bradley Blvd. upon Assessor's Parcel No. 114981012801001
- APPLICANT: Cedar and Sage Apartments 1, LLC (c/o Knutzen Engineering)
- FILE NO.: SSDP2022-101 & EA2022-105
- DESCRIPTION: Construct a 31,400 ft² apartment building (32 units) with 12,204 ft² of underground parking, above-ground paved parking with drive aisles, necessary utility improvements, and a pedestrian pathway along the north property line to facilitate public access to the waterfront. The application includes a request to increase the building height from 35-feet to 55-feet, pursuant to RMC 26.30.013.
- PROJECT TYPE: Shoreline Master Program Type II Shoreline Substantial Development.
- HEARING DATE: June 13, 2022
- REPORT BY: Mike Stevens, Planning Manager

RECOMMENDED

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ACTION: Denial due to lack of compliance with SMP provisions
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Vicinity Map
Item: Shoreline Substantial Development Permit Applicant: Cedar & Sage Apartments 1, LLC File #: SSDP2022-101 & EA2022-105
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Figure 1 - Vicinity Map

DESCRIPTION OF PROPOSAL

Knutzen Engineering has applied for a Shoreline Management Substantial Development Permit (SSDP) together with a height increase request, on behalf of Cedar & Sage Apartments 1, LLC, to fully construct a 31,400 square-foot multi-family residential apartment building together with 12,204 square-feet of underground parking, lying partially within the jurisdiction of the Shoreline Master Program. As proposed, the apartment building includes 32 residential units. Site plans submitted with the application show a proposed pedestrian pathway connecting to the riverfront pathway together with enhanced landscaping adjacent to the riverfront pathway, as required by the underlying Waterfront (WF) zoning district.

The approximately 47,085 s.f. (1.08 acres) project site lies between the east bank of the Columbia River and Bradley Blvd. but does not directly front on any public road. Access to the site comes by way of easement(s) included in the exhibit materials (Exhibit 5).

SITE DESCRIPTION & ADJACENT LAND USES

The project site is approximately 47,085 s.f. in size (1.08 acres) and is relatively flat. To the northwest of the project site lies the Hampton Inn Hotel, southeast of the site is a residential condominium development, while commercial/office buildings are located to the southwest. The City of Richland waterfront path is located to the northeast between the project site and the Columbia River.

Each of the developments listed above are located within the Waterfront Use Zoning District, as is the subject property. Land located to the northeast between the waterfront path and Columbia River is zoned Parks & Public Facilities (PPF).



Figure 2 – Zoning Map

<u>ZONING</u>

As indicated above, the project site is located within the Waterfront Use Zoning District.

Zoning Purpose

The Waterfront Use district is a special commercial and residential zoning classification providing for the establishment of such uses as marinas, boat docking facilities, resort motel and hotel facilities, offices, and other similar

commercial, apartment, and multifamily uses which are consistent with waterfront oriented development, and which are in conformance with RMC Title 26, Shoreline Management, and with applicable U.S. Corps of Engineers requirements. This zoning classification encourages mixed special commercial and high-density residential uses to accommodate a variety of lifestyles and housing opportunities. Any combination of listed uses may be located in one building or one development (i.e., related buildings on the same lot or site). This zoning classification is intended to be applied to those portions of the city that are designated waterfront under the city of Richland Comprehensive Plan.

RMC 23.22.040 contains the table containing the site requirements and development standards for commercial use districts (Waterfront). Pursuant to the Table 23.22.040 the following site requirements and development standards apply in the Waterfront Use zone:

- Minimum Lot Area = None
- Maximum Density = 1 unit per 1,000 s.f. of lot area (1 unit per 1,500 s.f. of lot area in the Shoreline jurisdiction)
- Minimum Lot Width = N/A for multiple family dwellings
- Minimum Front Yard Setback = N/A
- Minimum Side Yard Setback = No minimum, except parking shall be setback a minimum of 5 feet, and buildings used exclusively for residences shall maintain at least one foot of side yard for each three feet or portion thereof of building height.
- Minimum Rear Yard Setback = No minimum required, except parking shall be setback a minimum of 5 feet to accommodate required landscape screenings as required under RMC 23.54.140.
- Maximum Building Height = 35 feet, 55 feet subject to Richland Shoreline Master Program.
- Minimum Dwelling Unit Size = 500 s.f. excluding porches, decks, balconies and basements.

STAFF RESPONSE:

The project is consistent with the zoning requirements indicated above, with the exception of the minimum side yard setback. A 55' tall building would require a setback of 18.33' from the side (southeast) property line. The site plan submitted indicates a setback along the southeast property line which varies from 25.7' to 10', while the setback along the northwest property line is shown as 10'. The setbacks shown would be required for a 30' tall building.

As proposed, the parking meets the minimum requirements of Chapter 23.54, Off-Street Parking and Landscaping.

COMPREHENSIVE PLAN

The Comprehensive Plan designates the site as being within the Waterfront Land Use Classification.

Land Use Goal 8, Policy 3 of the Land Use Element of the Comprehensive Plan states:

At designated Waterfront land use locations, encourage an active mix of commercial, residential, and marine uses as allowed in the SMP (Shoreline Master Program).



Figure 3 – Comprehensive Plan Map

PUBLIC NOTIFICATION:

| Application Date | February 28, 2022 |
|--|-------------------|
| Request for Additional Information | March 16, 2022 |
| Additional Information Submitted | April 5, 2022 |
| Combined Notice of Application & Hearing Mailed | April 25, 2022 |
| Combined Notice of Application & Hearing Posted | April 29, 2022 |
| Combined Notice of Application & Hearing Published | April 26, 2022 |
| SEPA Mitigated DNS Issued (Optional DNS Process) | May 27, 2022 |
| Public Hearing | June 13, 2022 |

The notice of application and public hearing was provided through posting of the property, mailing of notice to property owners within 300 feet of the site and publication in the *Tri-City Herald* newspaper. Copies of the notices and affidavits are included in Exhibit 6 – Public Notices and Affidavits.

Public Comments

At the time this report was finalized, Planning staff had received 13 comment letters from the public at large. The general comments in the 13 letters received from citizens pertain primarily to the following:

- 1. The proposal does not meet the criteria for an additional height allowance;
- 2. Traffic;
- 3. Landscaping and Open Space; and
- 4. SEPA concerns.

All comments received are provided herein as Exhibit 8.

Agency Comments

At the time this report was finalized, Planning staff had received six (6) comment letters from various entities; they are: Benton Clean Air Authority (BCAA), Washington State Department of Ecology (DOE), Richland Fire Department (RFD), Kennewick Irrigation District (KID), City of Richland Public Works Department (PW) and the Yakama Nation (Yakama). All comment letters are provided herein as Exhibit 8.

UTILITY AVAILABILITY

Domestic water, sewer and electrical power lines are in place to serve the site and have adequate capacity to supply the proposed project.

TRANSPORTATION

Access to the project site comes in the form of easements across adjoining properties. The access easement information is included as part of the application materials provided herein as Exhibit 5. The access easements extend easterly towards the project site from Bradley Boulevard. Comments received from the Richland Fire Department and Public Works Department include suggested conditions of approval should the project be approved.

<u>SEPA</u>

A SEPA checklist (Exhibit 7) addressing potential impacts of the proposed development was included in the project application. On Friday, May 27, 2022 staff issued a Mitigated Determination of Non-Significance (MDNS) (Exhibit 7) after using the Optional DNS process available under the provisions of WAC 197-11-355.

SHORELINE MASTER PROGRAM (SMP)

Richland's Shoreline Master Program (RMC Title 26) implements the Washington State Shoreline Management Act of 1971 (RCW 90.58) which requires permitting for "substantial development", a term generally including projects located within the shoreline jurisdiction valued over \$7,047; among other criteria.

Similar to zoning and land use (Comprehensive Plan), the subject property is located within an area designated by the Shoreline Master Program (SMP) as a Waterfront Use Environment. As a result, the Waterfront Use Environment section of the SMP contains the purpose, designation criteria and management policies for development within this environment.

CHAPTER 26.10 SHORELINE ENVIRONMENT DESIGNATIONS



Figure 4 – SMP Environment Map

26.10.060 WATERFRONT USE ENVIRONMENT

26.10.061 Purpose

The waterfront use environment is a special commercial and residential classification providing for the establishment of such uses as marinas, boat docking facilities, resort motel and hotel facilities, offices, and other similar commercial, apartment, and multifamily uses which are consistent with waterfront-oriented development. This environment encourages mixed special commercial and high-density residential uses to accommodate a variety of lifestyles and housing opportunities and enhances and maintains existing ecological functions of the shoreline and provides for maximum public access and circulation.

26.10.062 Designation criteria

The waterfront use environment designation is applied to shoreline areas inside urban growth areas that are designated by the Comprehensive Plan for waterfront use.

26.10.063 Management Policies

In applying the use chart in the Shoreline Master Program, and the zoning allowed uses, the following shall guide the liberal interpretation of these regulations:

- A. Water-oriented uses shall be given highest priority for waterfront sites.
- B. Mixed use, resort motel and hotel facilities, special commercial and similar uses are encouraged to maximize public access and provide for aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use, and, through location, design, and operation, ensure the public's ability to enjoy the physical and aesthetic qualities of the shoreline.
- C. Physical public access should be provided by the shoreline trail system.
- D. Visual access should be provided by the shoreline trail system and by open space that provides congregating areas for people to enjoy the aesthetic qualities of the shoreline, including seating areas and compatible commercial uses.

CHAPTER 26.20 GENERAL REGULATIONS

26.20.010 Shorelines of statewide significance

B. Decision Criteria.

Every project located on a shoreline of statewide significance shall address the following criteria in order of preference in all permit reviews, in addition to other criteria provided by this program (references to the Yakima River have been removed):

1. Recognize and protect the statewide interest over local interests by:

a. Recognizing and taking into account state agencies' policies, programs, and recommendations in developing and administering use regulations and in approving shoreline permits.

b. Recognizing the following statewide interest specific to the Columbia River:

i. Protect, preserve and restore natural resources and ecological functions, including, but not limited to, those associated with endangered species or state priority species, commercial and recreational fisheries, and tribal fishing rights;

ii. Promote recreational use and public access;

iii. Promote water-dependent port uses consistent with other goals of the program.

2. Preserve the natural character of the shoreline.

a. Designate and administer shoreline environments and use regulations to minimize damage to the ecology and environment of the shoreline as a result of manmade intrusions on shorelines.

b. Upgrade and redevelop those areas where intensive development already exists in order to reduce adverse impact on the environment, and to accommodate future growth rather than allowing high intensity uses to extend into low intensity use or underdeveloped areas.

c. Protect, preserve, and enhance diversity of vegetation and habitat values, wetlands, and riparian corridors associated with shoreline areas.

3. Result in long-term over short-term benefit.

a. Evaluate the short-term economic gain or convenience of developments relative to the long-term potential for impairment of natural shoreline functions.

b. In general, preserve resources and values of shorelines of statewide significance for future generations, and restrict or prohibit development that would irretrievably damage shoreline resources. Actions that would convert resources into irreversible uses or detrimentally alter natural conditions characteristic of shorelines of statewide significance should be severely limited. Restoration should be required where natural resources of statewide importance are diminished over time by cumulative impacts.

c. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities, or general enhancement of shoreline areas.

4. Protect the resources and ecology of the shoreline.

a. Minimize development activity that will interfere with the natural functioning of the shoreline ecosystem, including, but not limited to, stability, drainage, aesthetic values, and water quality.

b. All shoreline development should be located, designed, constructed, and managed to avoid disturbance of and minimize adverse impacts to fish and wildlife resources, including migratory routes and areas used for spawning, nesting, rearing, and habitat.

c. Restrict or prohibit public access onto areas with high ecological value which cannot be maintained in a natural condition under intensive human use.

d. Shoreline materials including, but not limited to, bank substrate, soils, beach sands and gravel bars should be left undisturbed by shoreline development. Gravel mining should be severely limited in shoreline areas.

e. Preserve environmentally sensitive wetlands for use as open space or buffers and encourage restoration of currently degraded areas.

5. Increase public access to publicly owned areas of the shoreline.

a. Retain and enhance public access to the shoreline, including passive enjoyment, recreation, fishing, and other enjoyment of the shoreline and public waters consistent with the enjoyment of property rights of adjacent lands.

b. Give priority to developing a system of linear access consisting of paths and trails for pedestrians and nonmotorized vehicles along the shoreline areas, providing connections across current barriers such as highways and railroads, and connecting to upland parking that enhances access to the community as a whole.

c. Provide multi-purpose nonmotorized trail facilities also serving the mobility impaired wherever feasible.

6. Increase recreational opportunities for the public on the shoreline.

a. Plan for and encourage development of facilities for recreational use of the shoreline, including boat launches, while preserving or mitigating ecological functions.

b. Retain and enhance public open space and parks along the shoreline to maximize public enjoyment while preserving ecological functions.

STAFF RESPONSE:

While the application materials did not specifically address these issues, staff contends that the overall scope of the project complies with the general intent and purpose of RMC 26.20.010.

26.20.020 Ecological Functions, No Net Loss

A. Shoreline land uses and activities that may have adverse impacts on the environment should be minimized during all phases of development (e.g., design, construction, management and use) to ensure no net loss of ecological functions and processes. Permitted uses are designed and conducted to minimize, insofar as feasible, any resultant damage to the ecology and environment. Shoreline ecological functions that shall be protected include, but are not limited to, fish and wildlife habitat, food chain support, and water temperature maintenance. Shoreline processes that shall be protected include, but are not limited to, water flow; erosion and accretion; infiltration; ground water recharge and discharge; sediment delivery, transport, and storage; large woody debris recruitment; organic matter input; nutrient and pathogen removal; and stream channel formation/maintenance. In recognition of the importance of shorelines in an arid environment to a wide range of bird species, new construction and major renovation projects shall incorporate bird-friendly building materials and design features, including, but not limited to, those recommended by the American Bird Conservancy Guidelines for Bird-Friendly Design.

STAFF RESPONSE:

Due to the site's location landward of the existing paved pedestrian pathway as well as the existing condition of the site, which is graveled and highly disturbed, it does not appear that there will be any loss of ecological functions by development of the site.

26.20.030 Sensitive Areas

The subject property is located within, or adjacent to, the following sensitive areas as designated by Chapter 26.60 of the Richland Municipal Code:

Aquifer Recharge Area

The subject property is located within an Aquifer Recharge Area. Pursuant to RMC 26.60.060, Reports and Studies, an Aquifer Recharge Area report shall be submitted to the city by the applicant for a development proposal that is not exempted as provided in RMC 26.60.059.

The Aquifer Recharge Area report should have been provided as part of the application packet for review and use as part of the SEPA review process. However, Planning staff determined that it could be provided as a condition of approval should the Shoreline Substantial Development Permit be approved

based upon the fact that other similar projects in the area have submitted Aquifer Recharge Area reports and they have all determined that no impacts to the underground aquifer will occur as a result of the similar projects. It is highly anticipated that an Aquifer Recharge Area report for this project will result in a similar conclusion. However, staff does recognize the inconsistency between this approach and code and will not make this decision in the future. Staff has required via the MDNS that an Aquifer Recharge Area report be provided and approved by the City prior to permit issuance.

Fish and Wildlife Habitat Areas

The subject property falls within Regulatory Reach "O" per the Regulatory Reaches Map contained within the SMP. As a result, Table 28.60.042, Riparian Buffer Width, indicates that the Riparian Buffer Width between the Ordinary High Water Mark (OHWM) or top of bank and any proposed development shall be 75 feet, except where roadway, canal, paved trail or parking area encroaches, and then waterward edge of facility maintenance area, as applicable. As a result, due to the existence of the paved pedestrian pathway adjacent to the site, the buffer for all new development associated with this proposal shall be the waterward edge of the paved pedestrian pathway. Since the proposed development will all occur landward of the existing paved pedestrian pathway, the requirements for Fish and Wildlife Areas will be met.

A copy of the Regulatory Reach map used to identify the various areas is included herein as Exhibit 10.

STAFF RESPONSE:

As currently proposed and as conditioned by the MDNS, the project will be consistent with the City's Sensitive Areas requirements contained within RMC 26.60.060.

26.20.040 Shoreline Vegetation Conservation

In addition to the sensitive areas standards of Chapter 26.60 RMC, the following shall apply to development on the shoreline:

A. A vegetation management plan for city parks and recreation areas, including both developed and undeveloped lands, that protects ecological functions and results in no net loss of these functions through operations, maintenance, or restoration actions in these areas shall be developed and implemented in coordination with the U.S. Army Corps of Engineers. Include integrated vegetation management for control of invasive weeds and replace existing invasive species with native or compatible species that perform ecological functions similar to native species. Native species are preferred in underdeveloped areas of the shoreline. B. A vegetation management plan shall be required for all sensitive area buffer areas with degraded native vegetation within SMA jurisdiction and shall:

1. Maintain adequate cover of native vegetation including trees and understory. If a portion of the buffer has been cleared, or if tree cover is substantially less than a native climax community, enhancement plantings shall be installed.

2. Provide a dense screen of native trees at the perimeter of the buffer to provide and protect ecological functions and prevent viewing of adjacent development from within the buffer. If existing vegetation or topographic features are not sufficient for these purposes, planting shall be required. Fencing may be required if needed to block headlights or other sources of light or to provide an immediate effective visual screen.

3. Provide an integrated vegetation management plan for control of invasive weeds and replace existing invasive species with native or compatible species.

4. Provide a monitoring and maintenance plan. This provision may be waived for single-family residential lots.

C. In cases where approved development results in unavoidable adverse impacts to existing shoreline vegetation, mitigation shall be required to ensure that there will be no net loss of the ecological functions. Mitigation shall take place on site to the maximum extent feasible. A guarantee, in the form of a bond or other security device, shall be required to assure successful establishment, including an appropriate monitoring period.

D. Mitigation plans shall be completed before initiation of other permitted activities, unless a phased or concurrent schedule assuring completion prior to occupancy is approved.

E. Lawns and other nonnative vegetation maintained within shoreline jurisdiction shall minimize use of chemical fertilizers, pesticides, herbicides, or other similar substances. Such chemical treatments shall be applied in accordance with manufacturer's recommendations and associated local, state, and federal laws and regulations. Applications in solid time release form shall be preferred over liquid or concentrate application. Best management practices (BMPs) shall be implemented in all chemical applications.

F. Aquatic weed management by prevention is the first priority. Where active removal or destruction is necessary, it should be the minimum required to allow water-dependent activities to continue, minimize negative impacts to native plant communities, and include appropriate handling or disposal of weed materials.

1. Aquatic weed control shall only occur when native plant communities and associated habitats are threatened, or where an existing water-dependent

use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards.

2. The control of aquatic weeds by de-rooting, rotovating or other method which disturbs the bottom sediment shall be considered development for which a shoreline permit is required, unless it will maintain existing water depth for navigation in an area covered by a previous permit for such activity, in which case it shall be considered normal maintenance and repair, and therefore exempt from the requirement to obtain a shoreline permit.

3. Use of herbicides to control aquatic weeds shall be prohibited except where no reasonable alternative exists and weed control is demonstrated to be in the public's interest.

STAFF RESPONSE:

As indicated in the landscaping plan provided as part of the permit application the applicants are proposing to plant grass, trees and shrubs between the proposed building and the riverfront trail, between the building and the adjoining condominium development, and within the parking islands and southwestern property boundary. The project itself does not require any mitigation for impacts to existing vegetation as the edge of the required buffer area is waterward of the pathway that separates the site from the Columbia River area. However, staff suggests that if approved, a condition of approval be placed on the project reiterating the requirements of subsection 26.20.040 E, pertaining to the use of chemical fertilizers, pesticides and herbicides on lawns and other nonnative vegetation.

26.20.050 Public access

A. Public access on the Columbia River is currently provided by a nearly continuous riverfront trail system developed by the city on public and private lands. Future public access on public and private lands should be consistent with the overall strategy for providing continuous trails along the shoreline. Future development may be required to reconfigure the existing trail to provide enhanced public access and fit with specific development plans, including public and private open space.

B. Public access on the Yakima River should be guided by the adopted city and regional trail plans. Future public access on public and private lands should be consistent with the overall strategy for providing continuous trails along the shoreline while taking into consideration the range of ecological functions and sensitivities of different areas. Future development shall provide public access consistent with the trail plan and may provide additional trails subsidiary to the main trail, where such opportunities are available to provide enhanced public access and fit with specific development plans, including public and private open space.

C. Physical public access is preferred to solely visual access. Where physical public access is determined not feasible, the applicant shall incorporate visual public access. Visual public access may consist of view corridors, viewpoints, or other means of visual approach to public waters. Physical public access may consist of a dedication of land or easement and a physical improvement in the form of a trail, park, or other area serving as a means of physical approach to public waters.

D. All developments requiring shoreline substantial development or special use permits, and all subdivision or development of more than four lots or residential units, shall provide public access to the shoreline unless criteria in subsections (D)(1) and (2) of this section are met:

1. The applicant demonstrates one or more of the following provisions apply:

a. Unavoidable health or safety hazards to the public would accompany public access that cannot be avoided by application of alternative design features or other solutions;

b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features;

c. The cost of providing the access, easement, or an alternative amenity, or mitigating the impacts of public access, is unreasonably disproportionate to the total long-term cost of the proposed development;

d. Unacceptable environmental harm will result from the public access that cannot be mitigated;

e. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated; or

f. Public access is provided by a public entity through implementation of a public access plan incorporated into its master plan, developed through a public participation process and incorporated into this program.

2. Based on documentation provided by the applicant, the city determines that all reasonable alternatives have been exhausted, including, but not limited to:

a. Limiting the size or placement of public access facilities;

b. Regulating access by such means as maintaining a gate and/or limiting hours of use;

c. Designing separation of uses and activities (e.g., fences, terracing, use of one-way glazing, hedges, landscaping, etc.); and

d. Providing for access at a site geographically separated from the proposal, including contribution to regional trail or public access plans.

E. The following activities generally are not required to provide public access, except as determined on a case-by-case basis as part of development review:

1. Single-family development of four or fewer units;

2. Dredging;

3. Landfill and excavation;

4. Mining;

5. Private docks serving four or fewer units;

6. Minor additions or changes to an existing use that do not change the configuration of the existing use or add substantial facilities; or

7. Ecological restoration or enhancement activities not associated with a development.

F. Specific provisions for public access shall be evaluated on a case-by-case basis to ensure that they are of the kind, quality and scope to provide a substantial public benefit with respect to the Shoreline Management Act's objectives, and do not create a disproportionate impact on landowners.

G. The amount and configuration of public access required shall depend on the proposed use(s), the range of ecological functions and sensitivities of different areas on a site, the shoreline environmental designation, and the following criteria:

1. Any development or use that creates increased demand for public access to the shoreline shall provide public access to mitigate this impact.

2. Any development or use that interferes with an existing public access shall provide public access to mitigate this impact.

3. Development within the waterfront environment is encouraged to provide public access in the form of a public plaza meeting the criteria in RMC 26.30.040(F)(2).

4. Uses and developments that utilize aquatic lands shall provide public access consistent with maintaining the use and public safety. Public access shall be provided generally equivalent to 10 to 20 percent of the public harbor land or aquatic land utilized. Where over-water access is found to be infeasible pursuant to subsection (D) of this section, upland on- and off-site facilities may be approved as an alternative. Single-family residential uses or

uses that are developed with public funding or other public resources are exempt from this criterion.

5. New or expanded dikes and levees shall provide linear public access trails along the facility.

6. Public roads or other public facilities parallel to or crossing shorelines shall provide public access trails or sidewalks within the right-of-way. Additional right-of-way acquisition may be required to provide public access.

7. Public utilities within the shoreline, other than distribution facilities, shall provide public access consistent with maintaining the use and public safety.

H. Public access shall be consistent with the shoreline environmental designation and may consist of a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat-launching ramp, dock or pier area, or other area serving as a means of view and/or physical approach to public waters, and may include interpretive centers and displays. Public access improvements shall meet the following location and design criteria:

1. Public access shall be provided as close (horizontally and vertically) as feasible to the water's edge to provide the general public with opportunity to reach, touch, view, and enjoy the water's edge; provided, that public access does not adversely affect sensitive ecological features or lead to an unmitigated reduction in ecological functions.

2. If open space is provided along the shoreline in the form of sensitive area buffers, and public access can be provided in a manner that will not result in a loss of ecological function, a public pedestrian access walkway along and parallel to the waterfront of the property is the preferred design. The walkway shall be set back from sensitive features and may provide only limited and controlled access to the water's edge. Fencing may be provided to control damage to plants and other sensitive features and shall provide for wildlife movement. Soft surface trails of limited width should be specified, where appropriate, to reduce impacts to ecologically sensitive resources.

3. Public access shall be connected directly to the nearest public street; shall include provisions for physically impaired persons where feasible and where additional impact on ecological functions will not occur; and shall be located adjacent to and connect with other public areas, accesses, and connecting trails.

4. Where physical access to the water's edge is not present or appropriate, a public viewing area shall be provided in cases where views of the water or shoreline are available.

5. In natural open space zones, the need for trails for ADA access should be balanced with the extent of alteration of the natural environment required to accommodate such facilities.

6. Design shall minimize intrusions of privacy for both site users and public access users by avoiding locations adjacent to windows and/or outdoor private open spaces, or by screening or other separation techniques.

7. Design shall provide for the safety of users, including the control of offensive conduct through providing public visibility (not including removal of buffer vegetation), or provision of specific oversight. The administrator may authorize public access to be temporarily closed to develop a program to address offensive conduct. If offensive conduct cannot be reasonably controlled, alternative facilities may be approved as a permit revision.

8. Public amenities appropriate to the use of the public access space shall be provided. These amenities may include, but are not limited to, benches, picnic tables, public docks and sufficient public parking.

9. Public restrooms and facilities for animal waste may be required as part of public access amenities for developments by public entities or commercial developments that attract a substantial number of persons.

I. View Protection.

1. Shoreline development shall be designed to avoid blocking, reducing, or adversely interfering with the public's existing visual access to the water and shorelines.

2. Development and uses on public lands such as parks, open space, street ends, rights-of-way and utilities shall provide visual access corridors where views of water bodies are available from public roadways and public viewpoints to the extent feasible, consistent with facilities for waterdependent use or recreation use and maintenance of native vegetation buffers for sensitive areas.

J. Public access shall be maintained over the life of the use or development. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.

1. Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity, or in accordance with provisions for guaranteeing installation through a performance assurance.

2. Public access provisions shall be recorded as an easement or a dedication to the public on the face of a plat or short plat. Said recording with the Benton

County auditor's office shall occur at the time of building permit approval or plat recordation, whichever comes first.

3. Maintenance of the public access shall be the responsibility of the owner unless expressly accepted by a public or nonprofit agency.

4. The minimum width of public access easements shall be 15 feet, unless the city determines that undue hardship would result. In such cases, easement width may be reduced only to the minimum extent necessary to relieve the hardship.

5. Public access shall be available to the public 24 hours per day unless specific exceptions are granted though the substantial development permit process where safety hazards to users or adjacent uses are substantiated.

6. Public access signs bearing the standard state-approved logo or other approved design shall be installed and maintained by the applicant and owner. The sign(s) must indicate the public's right of access and hours of access and shall be installed in conspicuous locations at public access sites. Signs may display restrictions of public access as approved by a specific condition of permit approval.

K. Public access afforded by shoreline street ends, public utilities and rights-ofway shall be preserved, maintained and enhanced pursuant to RCW 35.79.035 and 36.87.130.

STAFF RESPONSE:

The proposed development includes the construction of an 8' wide paved public pathway to be located within an 8' wide public access easement along the northerly portion of the site. This proposed public pathway will lead to the existing paved pedestrian pathway that already exists along the northeasterly boundary of the site within a variable width public pathway easement. The proposed pathway will be ADA accessible and will provide public access across the property to the existing pedestrian facilities.

This site does not have physical access to the waterfront as the land located between the site and Columbia River is owned by the City of Richland. As a result, the proposal is consistent with the requirements contained within RMC 26.20.050 pertaining to public access.

26.20.060 Signs.

A. All signs shall be located and designed to be compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses. Signs shall minimize interference with vistas, viewpoints, and visual access to the shoreline.

B. All signs shall be permitted in accordance with the procedures of RMC Title 27 in addition to this program.

C. Freestanding commercial signs are prohibited between buildings and the shoreline, except for public information signs.

D. Except where no feasible location outside of SMA jurisdiction is available, signs placed in SMA jurisdiction should be limited to public information signs directly relating to a shoreline use or activity, water navigational signs, and legally required highway and railroad signs necessary for operation, safety and direction.

E. Over-water signs or signs on floats or pilings shall be allowed only when serving a related water-dependent use, and only when the primary users of the facility approach by water and would not be served by land-mounted signs.

F. Lighted signs shall be hooded, shaded, or aimed so that lighting will not result in glare when viewed from public access facilities or watercourses.

G. Conceptual sign plans and design guidelines shall be submitted for review and approval at the time of shoreline permit application and shall be utilized in future review of sign permits for the property.

H. Signs shall not be permitted where their location or design obstructs or otherwise interferes with traffic movement, or where the location or orientation unnecessarily interferes with upland users.

STAFF RESPONSE:

The application materials submitted did not include provisions for signage. Should signage be requested in the future, the requirements herein will be referred prior to permit issuance.

26.20.070 Archaeological areas and historic sites.

Included on Richland's shorelines are areas known to be of significant archaeological and historic value. The Washington State Department of Archaeology and Historic Preservation is recognized as the authority on matters concerning areas recorded as important archaeological or historic sites. In addition, memoranda of understanding with tribes should apply in accordance with the terms of such agreement(s).

A. Prior to approval of any permit requests, city of Richland staff shall consult with the Washington State Department of Archaeology and Historic Preservation for the purpose of identifying potentially valuable archaeological data, and for recommendations concerning preservation or salvage of the data identified.

B. Developers and property owners shall, in the event of discovery of archaeological resources during excavation, immediately stop work and notify the city of Richland and the Washington State Department of Archaeology and Historic Preservation. Development may resume only after approval by the

Department of Archaeology and Historic Preservation (DAHP). The city or DAHP will notify tribes if the nature of the resource so warrants.

C. Where a professional archaeologist or historian recognized by the state of Washington has identified an area or site as having significant cultural value, or where such area is listed on a national, state, or local historic register, the city may require evaluation of the resource and application of appropriate mitigation measures as a condition of permit issuance.

D. Permits for development in shoreline areas documented to contain archaeological resources shall require inspection of the site prior to and during construction by a professional archaeologist in coordination with potentially affected Indian tribes.

STAFF RESPONSE:

The Yakama Nation has indicated that a previously recorded site (45BN24) lies entirely within the proposed development and has requested that no work be approved until the evaluation and project effects can be assessed by the Yakama Nation and Department of Archaeological and Historic Preservation (DAHP). Staff has issued an MDNS requiring the submittal of a detailed archaeological study and successful consultation with the Yakama Nation, Confederated Tribes of the Umatilla Indian Reservation and DAHP prior to any development permits are issued for the site.

26.20.080 Water quality, stormwater, and nonpoint pollution.

A. All development activities approved under this title shall be designed and maintained in a manner consistent with the city's stormwater management plan and adopted engineering design standards. All proposed stormwater control and stormwater discharges shall be in compliance with the latest Department of Ecology Stormwater Manual for Eastern Washington.

B. Shoreline development shall be designed and maintained to minimize the need for chemical treatments, including application of fertilizers, pesticides and herbicides, in order to prevent contamination of surface and ground water resources.

C. All structures placed within water bodies or that may come in contact with water shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals. Materials treated with creosote are prohibited in the shoreline environment.

STAFF RESPONSE:

The City of Richland requires that all stormwater runoff that is generated by the project shall be collected and treated on-site.

26.20.090 Boat and Vessel Facilities STAFF RESPONSE:

No boat or vessel facilities are proposed as part of this project.

CHAPTER 26.30 USE REGULATIONS

26.30.011 Permitted Use

Richland's Shoreline Master Program contains a table of land uses (RMC 26.30.011) which indicates that apartments/condominiums (3 or more units) are a permitted use within the waterfront use environment.

26.30.012 Bulk and Dimension Chart

| Standard | Natural | Recreation Conservancy | Recreation | Rural | Residential | Waterfront | Industrial Conservancy |
|---|--|---------------------------|-----------------|-----------------|-----------------|-------------------------|---------------------------|
| Sensitive Area Buffer Water-Dependent Use | NA ¹ | NA ¹ | NA ¹ | NA ¹ | NA ¹ | NA ¹ | NA ¹ |
| Sensitive Area Buffer Non-Water-Dependent Use | As provided by Table 26.60.024(D), Wetland Buffer Widths, Table 26.60.042, Riparian Buffer Width | | | | | | |
| Minimum Building Setback from OHWM Water-Dependent Use | NA ² | NA ^{1, 2} | NA ¹ | NA ¹ | NA ¹ | NA ¹ | NA ¹ |
| Minimum Building Setback Non-Water-Dependent Use | NA ² 15 feet (except for residential, which is 25 feet) from the edge of the applicable riparian buffer, or 15 feet (except for residential, which is 25 feet) from the landward edge of a roadway, canal, levee, paved trail or parking area, as applicable, as provided in Table 26.60.042 ² | | | | | | |
| Minimum Front Yard Setback | As provided by zoning | | | | | | |
| Minimum Side Yard Setback | As provided by zoning | | | | | | |
| Minimum Rear Yard Setback | As provided by zoning | | | | | | |
| Minimum Lot Width – One- Family Attached Dwellings | As provided by zoning | | | | | | |
| Minimum Lot Area | As provided by zoning | | | | | | |
| Maximum Density – Multifamily Dwellings (units/square feet) | NA | NA | NA | NA | NA | 1:1,500 | NA |
| Maximum Lot Coverage | 0% | 5% | 10% | 10% | 40% | NA | 20% |
| Maximum Building Height | NA ² | 16 feet | 35 feet | 25 feet | 35 feet | 35/55 feet ³ | 35 feet |
| Maximum Building Height – Detached Accessory Buildings | NA ² | 16 feet | 16 feet | 16 feet | 16 feet | 35 feet | 35 feet |

Bulk and dimension chart.

1. No sensitive area buffer or building setback applies to water-dependent elements of a water-dependent use.

2. Buildings are not allowed in the natural open space zoning district.

3. Building height may be increased to up to 55 feet in the waterfront environment subject to the provisions of RMC 26.30.013. [Ord. 25-14 § 1.01; Ord. 12-18 § 1 (Exh. A)].

26.30.013 Provisions for Additional Height in the Waterfront Environment

Structures in the waterfront environment may exceed a height of 35 feet based upon a review of the site plan and structure and compliance with the following criteria:

- A. Additional open space or a plaza is provided on the site that earns bonus floor area in accordance with RMC 26.30.040(F)(2).
- B. The hearing examiner finds that:
 - 1. The increased building height will not obstruct the view of a substantial number of residences on areas adjoining such shorelines;
 - 2. Overriding considerations of the public interest will be served by providing additional public open space and facilities that enhance public enjoyment of the shoreline;
 - 3. The proposed building is aesthetically pleasing in relation to buildings and other features in the vicinity; and
 - 4. The building is located a sufficient distance from the Columbia River to avoid creating a visual barrier.

STAFF RESPONSE: PMC 26 30 040(E)(2) indicates as follo

RMC 26.30.040(F)(2) indicates as follows:

F. Uses within the waterfront environment shall be designed to provide multiple uses that enhance cultural and related commercial facilities to enhance and diversify the public's experience of the shoreline, including tourists, by providing water-oriented and enjoyment uses and community recreational resources and providing public access and view corridors. Uses in this area must meet the following additional criteria:

1. Development is subject to Chapter 23.48 RMC, Site Plan Review, as adopted or subsequently amended.

2. Public open space for public access and to accommodate waterenjoyment uses and other uses allowing public visual access to the waterfront, such as restaurants, is a preferred use and may earn bonus floor area in buildings between 35 and 55 feet in height, subject to the following criteria:

a. Public open space in excess of 15 percent of the area of shoreline jurisdiction on a site may earn one square foot of building floor area for each square foot of open space, up to 20,000 square feet, provided the following criteria are met:

i. The open space area must abut the Riverside Trail on at least half its total width;

ii. The open space must be at the elevation of the Trail;

iii. The open space may extend no further than 50 feet from the edge of the Trail;

iv. The open space must be accessible to the public at all times;

v. The open space must consist of grass turf or other surface that will accommodate pedestrian foot traffic;

vi. At least one bench or table with chairs open to the public must be provided for every 2,000 square feet of open space; and

vii. Planting areas for ornamental vegetation not allowing foot traffic are excluded from the area qualifying for bonus floor area.

b. Public open space plazas may earn additional bonus floor area, of four square feet of building floor area for each square foot of open space, up to 10,000 square feet, in addition to any area earned by subsection (F)(2)(a) of this section, if the facility meets the following criteria:

i. The open space area must abut the Waterfront Trail on at least 20 percent of its total perimeter;

ii. The open space must be at the elevation of the Trail;

iii. The open space may extend no further than 75 feet from the edge of the Trail;

iv. The open space must be accessible to the public at all times;

v. The open space must consist of a hard surface of concrete, brick, pavers, or similar materials. Permeable surfaces are encouraged to the extent feasible;

vi. Shade shall be required by trees planted in grates at grade level allowing pedestrian passage over grates at a minimum ratio of one tree per 1,600 square feet of plaza area;

vii. At least one bench or table with chairs open to the public must be provided for every 2,000 square feet of open space;

viii. The open space must be abutted by building frontage at the same elevation as the plaza, and with ground floor clear vision glass and door access at a spacing of no less than 50 feet on at least 50 percent of its total perimeter;

ix. At least 50 percent of the building perimeter must be retail or restaurant use; and

x. Planting areas for ornamental vegetation at the perimeter of the plaza in areas without clear glass building frontage may be allowed on up to 10 percent of the plaza area if the beds of such landscaping are within 18 inches of the plaza elevation.

xi. Additional bonus area of two square feet of building floor area for each square foot of open space, up to 2,000 square feet in addition to any area earned by the provisions above, may be earned by dedication of an area of outside seating at a restaurant, coffee shop, or similar use. Up to 50 percent of the qualifying bonus area may be devoted to sale of liquor.

c. The administrator may allow interim use of retail or restaurant building frontage for office or other compatible use if the building owner documents a good faith effort to procure retail or restaurant tenants. Such interim use may be approved for a period of up to three years, and may be renewed upon demonstration of meeting the same criteria.

The proposal does not appear to be consistent with the requirements of RMC 26.30.040(F)(2) as the proposal (1) does not include open space that is accessible to the public at all times, (2) consist of grass turf or other surface that will accommodate pedestrian foot traffic and (3) exclude ornamental vegetation not allowing foot traffic from the area qualifying for bonus floor area. Specifically, the landscaping plan clearly indicates that ornamental vegetation will be planted between the grass turf adjacent to the building and the paved pedestrian pathway. The installation of landscaping in this location precludes pedestrians from utilizing the site as open space.

In regard to the required findings for the hearing examiner to make, many of the comments received indicate that the proposed building will obstruct views for residents in the adjacent condominium units. Also, information appears to be lacking indicating how the proposed building will be aesthetically pleasing in relation to buildings and other features in the vicinity. However, these are staff comments and the hearing examiner will need to make specific findings for each of these criteria as part of his overall permit decision.

26.30.090 Residential Development

Policies and regulations for residential development are intended to promote use of the shoreline that acknowledges existing residential patterns and allows residential utilization of shoreline areas without resulting in a net loss of ecological function. A. Single-family residential development is a priority use on the shoreline when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.

B. Residential development in the shoreline shall meet the criteria of no net loss of ecological functions in RMC 26.20.020 and the preferred sequence for mitigation of impacts. The use shall be located and designed to maintain required buffers and maintain or enhance shoreline ecological functions including shoreline geomorphic processes, water quality, fish and wildlife habitat, and the aquatic food chain in general.

C. New residential development shall cluster dwelling units to provide as little alteration to the natural environment as feasible and shall utilize low impact development (LID) techniques to reduce physical and visual impacts on shorelines.

D. Multifamily residential use is not a priority for location on the shoreline under the Shoreline Management Act and is subject to the preference for waterdependent and water-oriented use. It therefore must meet requirements for providing public benefit through ecological restoration and public access. Multifamily development may not be approved if it displaces existing waterdependent uses. Multifamily development uses may be permitted only where it provides significant public benefit with respect to the objectives of the Act by:

1. Restoration of ecological functions, both in aquatic and upland environments, that shall provide native vegetation buffers according to the standards provided for sensitive areas or in accordance with the restoration element of this program; and

2. Provision of public access is required in accordance with RMC 26.20.050.

E. Over-water residences are prohibited.

F. New residential development shall assure that the development will not require shoreline stabilization. Prior to approval, geotechnical analysis of the site and shoreline characteristics shall demonstrate that shoreline stabilization is unlikely to be necessary, setbacks from steep slopes, bluffs, landslide hazard areas, seismic hazard areas, and riparian erosion areas shall be sufficient to protect structures during the life of the lots, and impacts to adjacent, downslope, or down-current properties are not likely to occur during the life of lots created.

G. New residential development shall meet all sensitive area provisions of this program. Filling of, or into, water bodies or their associated wetlands for the purpose of subdivision or multifamily construction shall not be permitted. New subdivisions, short plats, and large lots shall preserve the required buffer in a protective tract, public or private land trust dedication, or be similarly preserved through an appropriate permanent protective mechanism. Each lot owner within

the subdivision, short plat, or other land division shall have an undivided interest in the tract(s) or protective mechanism created.

H. Residential developments, including subdivisions, and planned unit developments of five or more lots/units shall provide improved public access for all residents of the development and the general public, in compliance with public access standards contained in RMC 26.20.050.

I. All new divisions of land shall record a prohibition on new private individual docks on the face of the plat. An area reserved for shared moorage may be designated if it meets all requirements of this program.

J. All development shall be in compliance with all codes and ordinances of the city of Richland, including applicable subdivision, sensitive area and zoning regulations.

STAFF RESPONSE:

The proposed development is not single-family in nature and is therefore considered multifamily residential. As a result, pursuant to RMC 26.30.090(D), "multifamily residential use is not a priority for location on the shoreline under the Shoreline Management Act, and is subject to the preference for water-dependent and water-oriented use.....Multifamily development uses may be permitted only where it provides significant public benefit with respect to the objectives of the Act by:

- 1. Restoration of ecological functions, both in aquatic and upland environments, that shall provide native vegetation buffers according to the standards for sensitive areas or in accordance with the restoration element of this program; and
- 2. Provision of public access is required in accordance with RMC 26.20.050."

As indicated above under 26.20.020 Ecological Functions, No Net Loss, "Due to the site's location landward of the existing paved pedestrian pathway as well as the existing condition of the site, which is graveled and highly disturbed, it does not appear that there will be any loss of ecological functions by development of the site." While there may not be any loss of ecological functions, the project does not contain any provisions required by RMC 26.30.090(D) for the restoration of ecological functions in aquatic and/or upland environments. Without provisions for the restoration of ecological functions, both in aquatic and upland environments, multifamily residential development is not allowed on this site.

26.30.100 Transportation Facilities **STAFF RESPONSE:**

The proposed development is consistent with the intent and requirements of RMC 26.30.100.

26.30.110 Utilities STAFF RESPONSE:

The proposed development is consistent with the intent and requirements of RMC 26.30.110.

CHAPTER 26.50 PERMIT ADMINISTRATION AND ENFORCEMENT

26.50.040 Approval Criteria.

A. Conformance with the Shoreline Management Act of 1971, as amended **STAFF RESPONSE:**

Richland's Municipal Code states that the purpose of Richland's shoreline program is to implement the Shoreline Management Act of 1971. Therefore, if a project is compliant with the City's shoreline regulations, it would also be compliant with the State act.

B. General conformance with the goals of the shoreline program, the general development policies of the plan elements, and the applicable policy statements for the use activity and the shoreline environment **STAFF RESPONSE:**

The proposal appears to be in general conformance with the goals of the SMP and the policy statement of the shoreline environment. However, the proposal is not in conformance with the policy statements for the use activity.

C. Compliance with the applicable environment regulations **STAFF RESPONSE:**

The Waterfront Use environment does not contain any applicable regulations. Rather, the Waterfront Use environment contains a purpose statement, designation criteria, and management policies. With that being said, water-oriented uses are given highest priority for waterfront sites.

D. Compliance with the applicable use activity regulations **STAFF RESPONSE:**

As indicated previously, the project does not contain any provisions required by RMC 26.30.090(D) for the restoration of ecological functions in aquatic and/or upland environments. Without provisions for the restoration of ecological functions, both in aquatic and upland environments, multifamily residential development is not allowed on this site. E. Consideration of the recommendations and comments of the Richland parks and recreation commission as the proposed development will affect and be affected by the goals and objectives of City plans for parks, trail and open spaces

STAFF RESPONSE:

The Richland Parks and Public Facilities Department was invited to comment on this project. By the time the stated comment period expired, no response from Parks had been received. It is unlikely the Parks Department objects to this project as the site already contains a paved pedestrian pathway that is part of the overall riverfront path and impacts to said improvements have not been proposed.

F. General conformance with the provisions of the Richland comprehensive plan

STAFF RESPONSE:

The project does appear to be in general conformance with the provisions of the Richland Comprehensive Plan as the proposed use is allowed via zoning and the SMP provided certain specific requirements can be met. However, in this particular instance, the applicant has not demonstrated how the project complies with several of the applicable zoning and SMP requirements.

G. Consideration of provisions for facilities and improved designs to accommodate and encourage use by the physically handicapped **STAFF RESPONSE:**

The proposed development does provide consideration for the physically handicapped as the project proposed to provide an on-grade pathway across the project site to where it intersects with the existing paved pedestrian pathway fronting the Columbia River.

H. Compliance with the State Environmental Policy Act (SEPA) **STAFF RESPONSE:**

A mitigated determination of non-significance was issued by the City on May 27, 2022, completing the SEPA process.

I. Compliance with applicable provisions of the Richland Municipal Code **STAFF RESPONSE:**

The proposal does not meet the side yard setback requirements of the Waterfront Use zoning district and does not comply with the required multifamily residential requirements of the SMP as they pertain to the restoration of ecological functions. As a result, the project is not in

complete compliance with the applicable provisions of the Richland Municipal Code.

SUGGESTED FINDINGS AND CONCLUSIONS

Staff has completed its review of the request for a Shoreline Substantial Development Permit (SDDP2022-101) to construct a 31,400 square-foot multi-family residential apartment building (32-units) together with 12,204 square-feet of underground parking, lying partially within the jurisdiction of the Shoreline Master Program and recommends DENIAL of the request based on the following:

- 1. Knutzen Engineering has applied for a Shoreline Management Substantial Development Permit (SSDP) together with a height increase request, on behalf of Cedar & Sage Apartments 1, LLC, to fully construct a 31,400 square-foot multi-family residential apartment building together with 12,204 square-feet of underground parking, lying partially within the jurisdiction of the Shoreline Master Program.;
- 2. The site is located at 470 Bradley Boulevard and is approximately 47,085 s.f. (1.08 acres) in size. The site lies between the east bank of the Columbia River and Bradley Blvd. but does not directly front on any public road.
- 3. Access to the site comes by way of easement(s);
- 4. The project site is located within the Waterfront Use Zoning District.
- 5. RMC 23.22.040 contains the table containing the site requirements and development standards for commercial use districts (Waterfront).
- 6. RMC 23.22.040 does not require minimum side yard setback, except parking shall be setback a minimum of 5 feet, and buildings used exclusively for residences shall maintain at least one foot of side yard for each three feet or portion thereof of building height.
- 7. RMC 23.22.040 places a maximum height for structures at 35 feet, except that a height of 55 feet is allowed when approved by the hearing examiner in conjunction with a Substantial Shoreline Development Permit.
- 8. The site plan submitted indicates a setback along the southeast property line which varies from 25.7' to 10', while the setback along the northwest property line is shown as 10'. The setbacks shown would be required for a 30' tall building.
- 9. The Comprehensive Plan designates the site as being within the Waterfront Land Use Classification.

- 10. All required public notification requirements were met.
- 11. After utilizing the Optional DNS Process in WAC 197-11-355, the City of Richland issued a Mitigated Determination of Non-Significance on May 27, 2022.
- 12. The subject property is located within an area designated by the Shoreline Master Program (SMP) as a Waterfront Use Environment.
- 13. The City received 13 comment letters from the public at large and six (6) comment letters from governmental entities.
- 14. Domestic water, sewer and electrical power lines are in place to serve the site and have adequate capacity to supply the proposed project.
- 15. Pursuant to RMC 26.10.063 Management Policies, in applying the use chart in the Shoreline Master Program, and the zoning allowed uses, the following shall guide the liberal interpretation of these regulations:
 - Water-oriented uses shall be given highest priority for waterfront sites.
 - Mixed use, resort motel and hotel facilities, special commercial and similar uses are encouraged to maximize public access and provide for aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use, and, through location, design, and operation, ensure the public's ability to enjoy the physical and aesthetic qualities of the shoreline.
 - Physical public access should be provided by the shoreline trail system.
 - Visual access should be provided by the shoreline trail system and by open space that provides congregating areas for people to enjoy the aesthetic qualities of the shoreline, including seating areas and compatible commercial uses.
- 16. The overall scope of the project complies with the general intent and purpose of RMC 26.20.010.
- 17. In regards to RMC 26.20.020, due to the site's location landward of the existing paved pedestrian pathway as well as the existing condition of the site, which is graveled and highly disturbed, it does not appear that there will be any loss of ecological functions by development of the site.
- 18. As currently proposed and as conditioned by the MDNS, the project will be consistent with the City's Sensitive Areas requirements contained within RMC 26.60.060.

- 19. In regards to RMC 26.20.040, Shoreline Vegetation Conservation, the landscaping plan provided as part of the permit application indicates that the applicants are proposing to plant grass, trees and shrubs between the proposed building and the riverfront trail, between the building and the adjoining condominium development, and within the parking islands and along the southwestern property boundary.
- 20. The proposed development includes the construction of an 8' wide paved public pathway to be located within an 8' wide public access easement along the northerly portion of the site. This proposed public pathway will lead to the existing paved pedestrian pathway that already exists along the northeasterly boundary of the site within a variable width public pathway easement. The proposed pathway will be ADA accessible and will provide public access across the property to the existing pedestrian facilities.
- 21. The site does not have physical access to the waterfront as the land located between the site and Columbia River is owned by the City of Richland. As a result, the proposal is consistent with the requirements contained within RMC 26.20.050 pertaining to public access.
- 22. In regard to RMC 26.20.060, Signs, the application materials submitted did not include provisions for signage.
- 23. In regard to RMC 26.20.070, the Yakama Nation has indicated that a previously recorded site (45BN24) lies entirely within the proposed development and has requested that no work be approved until the evaluation and project effects can be assessed by the Yakama Nation and Department of Archaeological and Historic Preservation (DAHP).
- 24. The City of Richland requires that all stormwater runoff that is generated by the project collected and treated on-site.
- 25. No boat or vessel facilities are proposed as part of this project.
- 26. RMC 26.30.013 contains the requirements for additional height in the Waterfront environment.
- 27. The proposal is not consistent with the requirements of RMC 26.30.040(F)(2) as the proposal (1) does not include open space that is accessible to the public at all times, (2) consist of grass turf or other surface that will accommodate pedestrian foot traffic and (3) exclude ornamental vegetation not allowing foot traffic from the area qualifying for bonus floor area. The landscaping plan clearly indicates that ornamental vegetation will be planted between the grass turf adjacent to the building

and the paved pedestrian pathway. The installation of landscaping in this location precludes pedestrians from utilizing the site as open space.

- 28. The proposed development is not single-family in nature and is therefore considered multifamily residential.
- 29. RMC 26.30.090(D) states that: "multifamily residential use is not a priority for location on the shoreline under the Shoreline Management Act, and is subject to the preference for water-dependent and water-oriented use"
- 30. RMC 26.30.090(D) further states that "Multifamily development uses may be permitted only where it provides significant public benefit with respect to the objectives of the Act by (1) Restoration of ecological functions, both in aquatic and upland environments, that shall provide native vegetation buffers according to the standards for sensitive areas or in accordance with the restoration element of this program and (2) Provision of public access is required in accordance with RMC 26.20.050."
- 31. The project does not contain any provisions required by RMC 26.30.090(D) for the restoration of ecological functions in aquatic and/or upland environments. Without provisions for the restoration of ecological functions, both in aquatic and upland environments, multifamily residential development is not allowed on this site.
- 32. The proposed development is consistent with the intent and requirements of RMC 26.30.100, Transportation Facilities.
- 33. The proposed development is consistent with the intent and requirements of RMC 26.30.110, Utilities.
- 34. RMC 26.50.040, Permit Administration and Enforcement contains nine (9) approval criteria that must be met prior to the issuance of a Shoreline Substantial Development Permit.
- 35. The project does not satisfy all of the shoreline substantial development permit review criteria contained within RMC 26.50.040.
- 36. The proposed use is not consistent with the policies, regulations and standards of RCW 90.58.020 and Richland's shoreline program.
- 37. The proposed use of the site and design of the project is not compatible with other authorized uses within the area and with uses planned for the area under Richland's comprehensive plan and shoreline master program.
- 38. The public interest will suffer substantial detrimental effect as a result of the project should it be approved as currently proposed.

39. The project is not consistent with the provisions of Richland's Shoreline Master Program or applicable zoning regulations and should be denied.

EXHIBIT LIST

- 1. Application
- 2. Additional Height Allowance Request
- 3. Site Plan(s)
- 4. Architectural Drawings
- 5. Parking Access Materials
- 6. Public Notices and Affidavits
- 7. SEPA Checklist and MDNS
- 8. Public & Agency Comments
- 9. Geotechnical Report
- 10. SMP Regulatory Reach Map



Shoreline Master Program Substantial Development Application

| Note: A Pre-Application meeting is required prior to submittal of an application. | | | | |
|---|--|--------------------------------------|---------------|-------------------|
| PROPERTY OWNER INFORMATIO | N | | | Contact Person |
| Owner: Cedar and Sage Apartn | nents 1, LLC | | | |
| Address: 116 N Oakes Ave, Suite B, Cle Elum, WA 98922 | | | | |
| Phone: 509-308-8402 | 19-308-8402 Email: jed@cedarandsagehomes.com | | sagehomes.com | |
| APPLICANT/CONTRACTOR INFOR | MATION (if different) | | | I Contact Person |
| Company: Knutzen Engineering | | | UBI#: 603- | -538-277 |
| Contact: Nathan Machiela | | | | |
| Address: 5401 Ridgeline Dr, Suite 160, Kennewick, WA 99338 | | | | |
| Phone: 509-222-0959 Em | | Email: nathan@knutzenengineering.com | | |
| PROPERTY INFORMATION | | | | |
| Legal Description: See below. | | | | |
| Parcel #: 114981012801001 | | | | |
| Current Zoning: | Current Land Use Designation: | | Shore | line Designation: |
| WF | WTF | | | Waterfront |

DESCRIPTION OF PROJECT (Size of structure(s), amount of grading/filling, impacts to wetlands and/or buffers, etc.)

The project proposes a new 31,400 SF, residential apartment building with a 12, 204 SF underground parking level. A total of 32 residential units are currently proposed. Paved parking, drive aisles, and necessary utility improvements will be constructed in association with the new building. The project will also propose a new pedestrian pathway along the north property line to facilitate public access to the waterfront.

Legal Description: Lot1, Short Plat No. 2801, according to the survey thereof recorded under auditor's File No. 2004-01330, records of Benton County, Washington.

APPLICATION MUST INCLUDE

- 1. Completed application and filing fee
- 2. Title Insurance company certificate, issued no more than 30 days prior to application, showing ownership of the property and all lien holders
- 3. A site plan, drawn to scale, showing all details of the proposal include property lines, easements, building location(s) and dimensions, parking areas, access driveways, landscaping areas, critical area features, fences, signs, storm water control features, existing wells and drainfields, fire hydrants, significant cut or fill areas, etc. See WAC 173-27-180.
- 4. Preliminary layout of building interior (uses and sizes of rooms)
- 5. SEPA Checklist
- 6. Any other information the Administrator deems necessary to determine compliance with applicable codes

I authorize employees and officials of the City of Richland the right to enter and remain on the property in question to determine whether a permit should be issued and whether special conditions should be placed on any issued permit. I have the legal authority to grant such access to the property in question.

I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation pertaining to development activities associated with a permit.

I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

- 1. I have read and examined this permit application and have documented all applicable requirements on the site plan.
- 2. The information provided in this application contains no misstatement of fact.
- I am the owner(s), the authorized agent(s) of the owner(s) of the above referenced property, or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW or I am exempt from the requirements of Chapter 18.27 RCW.
- 4. I understand this permit is subject to all other local, state, and federal regulations.

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.

| Applicant Printed Name: Nathan Machiela | | |
|---|--------|------------|
| Applicant Signature: | Date _ | 12/18/2021 |
EXHIBIT 2



February 15, 2022

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

RE: 470 Bradley Blvd Provisional Height Allowance

Dear Mr. Stevens,

The intent of this letter is to make known our desire to be considered for a provisional height increase, in association with the substantial shoreline permit submitted for the Riverfront Apartments project, located at 470 Bradley Blvd, Richland, WA 99352. Undeveloped waterfront property is very limited in the City of Richland, to take advantage of the location the owner asks the hearing examiner to consider increasing the allowed building height up to 55-feet, in accordance with COR 26.30.013. I will also communicate the developer's intentions to comply with the provisions in COR code 26.30.013, to properly qualify for the additional building height.

Please see the following for how we intend to comply with the provisions in COR 26.30.013.

"26.30.013 Provisions for Additional Height in the Waterfront Environment"

"Structures in the waterfront environment may exceed a height of 35 feet based upon a review of the site plan and structure and compliance with the following criteria:"

"A. Additional open space or a plaza Is provided on the site that earns bonus floor area in accordance with RMC 26.30.040(F)(2)."

Manner of Compliance: The proposed development will preserve the public's access to the waterfront by protecting the existing pedestrian pathway alongside the waterfront. The owner is willing to dedicate an 8-foot public pathway easement along the north side of the building if requested by the City. The area between the building and pathway will be landscaped to enhance the pathway and public benches on the property.

- "B. The hearing examiner finds that:"
 - 1. "The increased building height will not obstruct the view of a substantial number of residences on areas adjoining such shorelines;"

Manner of Compliance: The significant residential development in the immediate vicinity of the proposed building location is to the south of the building along the shoreline. Because the proposed building will be located at a similar setback from the waterfront as the existing buildings, an increased building height will not hinder the residences' existing view of the waterfront.

2. "Overriding considerations of the public interest will be served by providing additional public open space and facilities that enhance public enjoyment of the shoreline;"

Manner of Compliance: Public access to the waterfront will be preserved and additional pathways will be provided as needed. Landscaping and open spaced will be proposed adjacent to the waterfront trail as necessary to protect and enhance the existing pathway.

3. "The proposed building is aesthetically pleasing in relation to building and other features in the vicinity; and"

Manner of Compliance: Building materials will comply with COR code requirements. The proposed apartment will provide high-end residential units and underground parking units. It is in the developer's interest to construct an aesthetically pleasing building to maintain the value of the units. The building will be similar or better quality than existing buildings in the immediate vicinity.

4. "The building is located a sufficient distance from the Columbia River to avoid creatin a visual barrier."

The proposed building location complies with all COR setback requirements, as designated for the Waterfront zoning. The presence of an existing public pathway easement along the waterfront further increases the building setback from the waterfront, which will be respected.

Please feel free to contact me at <u>robert@knutzenengineering.com</u> or 509-222-0959 with any questions you might have.

Thank you,

M MEnd.

Robert McLeod Junior Engineer



470 BRADLEY A PORTION OF THE NE 1/4 OF SEC. 14, TWN. 09 N., RGE. 18 E. W.M. CITY OF RICHLAND, BENTON COUNTY, WASHINGTON.

LEGAL DESCRIPTION

FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT/FILE NO. 4381-3712802 MARCH 29, 2021

LOT 1, SHORT PLAT NO. 2801, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER AUDITOR'S FILE NO. 2004-013300, RECORDS OF BENTON COUNTY, WASHINGTON.

VERTICAL DATUM

NAVD 88 CITY OF RICHLAND VERTICAL BENCHMARK 1589 ELEV: = 360.69

BASIS OF BEARING

WASHINGTON STATE PLANE COORDINATE SYSTEM, NAD 1983/11 SOUTH ZONE PER CITY OF RICHLAND MONUMENTS HORIZONTAL CONTROL HOLDING CITY MONUMENT NUMBERS 1589 AND 1581 POINT NO.1589

N=344470.9770 E=1951350.3680 AT THE INTERSECTION OF BRADLEY W/ AMON PARK DR.

POINT NO.1581 N=345748.6760 E=1951160.3510 AT THE INTERSECTION OF LEE BLVD W/ HOWARD AMON PARK.

UTILITY NOTES

1. SURFACE UTILITY FACILITIES ARE SHOWN HEREON PER FIELD LOCATED VISIBLE EVIDENCE. THERE MAY BE UTILITIES THAT EXIST ON THIS SITE OTHER THAN THOSE GRAPHICALLY DEPICTED HEREON.

2. UNDERGROUND (BURIED) UTILITIES SHOWN HEREON ARE BASED ON COMBINATIONS OF VISIBLE SURFACE EVIDENCE, UTILITY LOCATOR MARKINGS AND RECORD DATA (SUCH AS AS-BUILT OR UTILITY DESIGN DRAWINGS). ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND, IN SOME CASES. ARE SHOWN AS STRAIGHT LINES BETWEEN FIELD LOCATED SURFACE UTILITY FACILITIES. UNDERGROUND UTILITIES MAY HAVE BENDS, CURVES OR CONNECTIONS WHICH ARE NOT SHOWN.

3. ALTHOUGH LOCATIONS OF UNDERGROUND UTILITIES BASED ON UTILITY LOCATOR MARKINGS AND RECORD DATA (SUCH AS AS-BUILT OR UTILITY DESIGN DRAWINGS) ARE DEEMED RELIABLE, AHBL, INC. ASSUMES NO LIABILITY FOR THE ACCURACY OF SAID DATA. 4. CALL 1-800-424-5555 BEFORE ANY CONSTRUCTION.

RELIANCE NOTE

THIS SURVEY WAS PREPARED AT THE REQUEST OF NATHAN MACHIELA FOR THE SOLE AND EXCLUSIVE USE OF KNUTZEN ENGINEERING. RIGHTS TO RELY UPON AND, OR USE THIS SURVEY DO NOT EXTEND TO ANY OTHER PARTY EXCEPT THROUGH EXPRESS RECERTIFICATION BY THE PROFESSIONAL LAND SURVEYOR WHOSE STAMP AND SIGNATURE APPEAR HEREON.

EQUIPMENT USED

3" TOTAL STATION UTILIZING STANDARD FIELD TRAVERSE METHODS FOR CONTROL AND STAKING.

SURVEYOR'S CERTIFICATE

I, JOHN W. BECKER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF WASHINGTON, HEREBY CERTIFY THAT THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION IN JULY 2021 AT THE REQUEST OF KNUTZEN ENGINEERING.

LEGEND

-FOUND 5/8" REBAR

RSI/GBW 30440 0.19 W AND 0.25 S

AND CAP

OF CORNER

10" PVC-

KAr

W/CAP

| | FOUND MONUMENT AS NOTED |
|--------|-------------------------------|
| | FOUND SURFACE MONUMENT AS NOT |
| | BENCHMARK |
| | HUB AND TACK |
| | SET NAIL AND WASHER |
| | SET REBAR AND CAP |
| | FOUND PROPERTY CORNER |
| | BOLLARD |
| | MAIL BOX |
| | SIGN AS NOTED |
| | TEST PIT |
| | SANITARY SEWER CLEANOUT |
| | SANITARY SEWER MANHOLE |
| | STORM CLEANOUT |
| | STORM CATCH BASIN |
| | STORM MANHOLE |
| | |
| | |
| | GAS VALVE |
| | POWER TRANSFORMER |
| | GUY ANCHOR |
| | UTILITY POWER POLE |
| | JUNCTION BOX |
| 1 | |
| | |
| | |
| | FIRE HYDRANT |
| | IRRIGATION CONTROL VALVE |
| | WATER METER |
| , | WATER VALVE |
| > | CONIFEROUS TREE AS NOTED |
| • } | DECIDUOUS TREE AS NOTED |
| | |

JOHN W. BECKER, PLS 38480

DATE





KER RCHITECTURI **Bruce Baker - Architect - AIA** 509.551.7425 PO Box 189, Richland, WA 99352 bakerarchitecture@frontier.com PRELIMINARY NOTFORTON CONSTRUCTION 99352 3 L S SITE PLAN lomes ARTMEN Richland, WA Ω Cedar & Sage RIVERFRONT AP 470 Bradley Landing, Rid ARCHITECTURAL Cedar **REVISIONS**: DATE: JOB NO.: 10/5/2021 21-0614 DRAWN BY: BB AS1.1























FIRST LEVEL FLOOR PLAN

SCALE: 1/8" = 1'-0"



























1-BEDROOM OPTION A

SCALE: 1/4" = 1'-0"





1176 SF







| EXHIBIT 5 | 2009-031966 MULTI 10/27/2009 11:08:41 AM Pages: 24 Fee: \$147.00 River Walk Village Investments Benton County, Benton County Auditor's Office |
|--|---|
| | |
| Return Name and Address: | $\langle \rangle$ |
| River Walk Village | \sim |
| Investments, LLC | |
| 12906 N. Addison St. | |
| Spokane, WA 99218 | $\langle \langle () \rangle$ |
| PLEASE PRINT | F OR TYPE INFORMATION: |
| Document Title: | |
| Reciprocal Easement and Par | king Agreement |
| Grantor(s)(Last name first, first name, midd | le initials): |
| 1.Oakwood Inns, LLC ^{2.} River Walk Village Investm | aents LLC |
| 3. 4. Additional names on nage of docum | easement |
| 1. River Walk Village Invest 2. Oakwood Inns, LLC 3. 4. Additional names on page of docum | ments, LLC |
| Legal description (abbreviated i.e., lot, bloc Section 14 Township, 9 Range LOT 1, 4/20/2004, AF#04-013 RESTRICTIONS, RESERVATIONS Additional legal is on page 22 of docum | ek, plat or section, township, range, qtr./qtr.) 28 Quarter NE: SHORT PLAT #2801, 300. SUBJECT TO EASEMENTS, AND COVENANTS OF RECORD. nent. |
| Reference Number(s) of documents assigned Additional numbers on page of docum | nd or released: |
| Assessor's Property Tax Parcel/Account N | Number: (MUST HAVE 15 DIGITS) |
| $\langle \langle \langle \rangle \rangle$ | |
| Property Tax Parcel ID is not yet assigned. Additional parcel numbers on page of | f document. |
| | |



Filed for Record at Request of and copy returned to: River Walk Village Investments, LLC 12906 N. Addison St. Spokane, WA 99218

RECIPROCAL EASEMENT AND PARKING A GREEMENT

THIS RECIPROCAL EASEMENT AND PARKING AGREEMENT (hereinafter referred to as the "Agreement"), effective as of the date set forth herein below, is made and executed by and between River Walk Village Investments, LLC, a Washington limited liability company (hereinafter "River Walk") and Oakwood Inns, LLC, a Washington limited liability company (hereinafter "Oakwood") (collectively the "Parties").

<u>RECITALS:</u>

A. <u>Ownership</u>. River Walk, its heirs, successors, and assigns, and Oakwood, its heirs, successors, and assigns, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby convey and grant to one another certain easements over, across and upon the real property described herein.

B. <u>Description of Subject Property</u>. The real property subject to this Agreement is legally described in Exhibit "A" and shown as set forth on Exhibit "B"; said Exhibits being attached hereto, and by this reference made a part hereof.

C. <u>Improvement of Subject Property</u>. Building structures currently exist on the Development. The Parties intend that new Buildings will be contructed within the Development. Other than as to portions of the Development which the Parties may hereafter sell, lease or otherwise transfer, the Parties shall retain the right to modify the Buildings and Building Areas in accordance herewith.

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D. <u>Easements</u>. The Parties intend to establish and create for the benefit of each Parcel certain reciprocal easements and rights-of-way for parking, access over and across the Development and utility services to the Buildings within the Development.

E. <u>Intent and Purpose</u>. The Parties intend, by recording this Agreement, to subject the Development and all Buildings and improvements now or hereafter located thereon to the provisions of this Agreement and to impose upon the Development mutually beneficial covenants, restrictions and easements for the benefit of the Owners of all current or future interests in the Development.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Parties hereby agree as follows:

ARTICLE I.

DEFINITIONS

Unless the context clearly indicates otherwise, capitalized terms as used in this Agreement shall have the meanings set forth in this Article:

1.1 <u>Access Area or Areas</u>. The term "Access Area" or "Access Areas" shall mean the area or areas on each Parcel set aside for avenues of pedestrian and vehicular ingress and egress to, over and across the Development and to the public roadways adjacent thereto, including ingress and egress between the contiguous Parcels thereof.

1.2 <u>Agreement</u>. The term "Agreement" shall mean this Reciprocal Easement and Parking Agreement,

1.3 <u>Building or Buildings</u>. The term "Building" or "Buildings" shall mean any structure now or hereafter situated on any portion of the Development.

1.4 <u>Building Area or Areas</u>. The term "Building Area" or "Building Areas" shall mean the area or areas of land in the Development on which any Building is constructed.

1.5 <u>Common Area or Areas</u>. The term "Common Area" or "Common Areas" shall mean and include all of the Access Areas (excluding drive-thru lanes), Parking Areas and Utility Easement Areas within the Development.

1.6 County. The term "County" shall mean the County of Benton, Washington.

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1.7 <u>Development</u>. The term "Development" shall mean the parcels of land described in Exhibist "A" and "B" hereto. If the Development is further subdivided, said term shall include all parcels thereof.

1.8 <u>Floor Area</u>. The term "Floor Area" shall mean the area of a Building measured from exterior surface of exterior walls and from the center of common walls or interior demising partitions.

1.9 <u>Governing Entities</u>. The term "Governing Entities" means any government, authority, department, commission, court, arbitrator, board, bureau, agency, unit, or instrumentality having jurisdiction over any of the Development. The term "Governing Entities" includes, but is not limited to, the United States of America, the State, and the County.

1.10 <u>Landscape Area or Areas</u>. The term "Landscape Area" or "Landscape Areas" shall mean the area or areas within the Development on which grass, shrubs, trees, or other landscaping type items are planted.

1.15 <u>Owner</u>. The term "Owner" shall mean the person or persons who from time to time are the record owner(s) of the fee title to the Development, or of any Parcel in the event the Development is further subdivided.

1.16 <u>Parcel/Parcels</u>. The term "Parcel" shall mean any separate parcel of land as described in Exhibit "A", that may hereafter be subdivided and contained in the Development held by any record Owner(s), The term "Parcels" shall mean the all of the parcels of land as described in Exhibit "A".

1.17 <u>Parking Area or Areas</u>. The term "Parking Area" or "Parking Areas" shall mean the area or areas within the Development set aside for the parking, related maneuvering, and passage of passenger motor vehicles and for passage of pedestrians.

1.18 Plan. The term "Plan" or "Plans" shall mean the conceptual site plan as shown on attached Exhibit "B".

1.19 State. The term "State" shall mean the State of Washington.

1.20 <u>Utility Easement Area or Areas</u>. The term "Utility Easement Area" or "Utility Easement Areas" shall mean the area or areas within the Development set aside for

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the installation, maintenance, and operation of public utility services to the Buildings and or site improvements within and specific to the Development.

ARTICLE II.

LAND USE AND SUBDIVISION

2.1 <u>Common Plan</u>. The Development is to be developed in accordance with general retail development practices, as conceptually depicted on the Plans. The foregoing shall not be construed to prohibit relocation or reconfiguration of the Buildings depicted thereon or changes in the Building Areas, Access Areas and Parking Areas depicted thereon, so long as such relocation or reconfiguration does not interfere with the Parcel and must be in compliance with applicable rules and regulations of Governing Entities and all other requirements of law and the provisions of this Agreement. No such relocation or reconfiguration or reconfiguration or alter the premises occupied by such tenant without the consent of such tenant, unless otherwise specifically provided in such tenant's lease.

ARTICLE III. BUILDING AREAS

3.1 <u>Designation of Building Areas</u> Each Owner shall have the right to determine the portion(s) of its Parcel to be designated as Building Area and the right to change such designation from time to time; provided that at all times adequate Parking Areas, Access Areas, and Utility Easement Areas shall be established and maintained on each Parcel as hereinafter required.

3.2 <u>Building Design and Construction</u>. An Owner shall be entitled to a construction easement for the purpose of constructing improvements within the Development as may be allowed herein. Such construction easement shall include an easement for installation, care, maintenance, and replacement of improvements, provided that each Owner that benefits from such construction easement must abide by the provisions of this Section 3.2. All construction, alteration, and repair work relative to the Development or any Building

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or improvement thereon shall be accomplished in an expeditious manner, in compliance with all laws, rules, regulations, orders, permits, approvals, and licenses of all Governing Entities. Each Owner, and all other persons undertaking such work, shall take all necessary measures to minimize any disruption or inconvenience caused by such work. Such work shall be accomplished in such a manner as to minimize any damage or adverse effect that might be caused by such work to any other occupant of the Development. All Buildings constructed in the Development shall be built in a good workmanlike manner, of the same general quality comparable to those locations or other neighborhood shopping centers in comparable areas of the County or State, and as the Buildings theretofore constructed in the Development, and shall be designed and constructed in a manner which is generally architecturally harmonious with the Buildings theretofore built in the Development.

3.3 <u>Automatic Sprinklers</u>. Every Building in the Development shall be either equipped with automatic sprinkler systems, which meet all the standards of the Insurance Services Office (or comparable organization having jurisdiction), or shall otherwise be constructed in such a manner as not to adversely affect the fire rating of any other Building built upon any other Building Area. The purpose of this provision is to allow Buildings built on each Building Area to be fire rated as separate and distinct units without deficiency charge.

3.4 <u>Building Area Maintenance</u>. Each Owner shall maintain its Buildings (including, but not limited to, any loading docks, truck facilities, or compactor areas) and Building Areas in good, clean, attractive, safe, and sanitary condition, order, and repair, consistent in manner and appearance with other neighborhood shopping centers in comparable areas of the County or State.

3.5 <u>Damage or Destruction</u>. In the event of any damage to or destruction of any Building within the Development, the Owner of that Building shall, with all due diligence, either: (i) restore or replace such Building in a good workmanlike manner; (ii) raze and remove such Building and all debris resulting therefrom, and otherwise clear and restore the Building Area affected by such damage or destruction to a level and clean condition consistent with maintaining the Development as a shopping center of a quality comparable to that maintained and operated by other shopping centers in comparable areas of the County or State. In the event the Owner of the Parcel on which the aforementioned damage or

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destruction has occurred has, through leases, delegated its obligations to rebuild or restore, said Owner shall be given adequate time to enforce as to said tenant or tenants their obligations to repair, restore or raze the damaged or destroyed building.

ARTICLE IV.

EASEMENTS AND EASEMENT AREAS/COMMON AREAS

4.1 <u>Grant and Declaration of Reciprocal Easements</u>. The Parties hereby grant to any future Owners, their successors, assigns, mortgagees, lessees, sublessees, employees, agents, customers, licensees, and business invitees, and declares for the benefit of the Development, permanent, mutual, reciprocal and non-exclusive access, parking and utility easements and rights to use the Access Areas, Parking Areas and Utility Easement Areas for the purposes for which they are intended as provided in this Agreement, as all of such areas presently exist or may hereafter be established in accordance herewith.

4.2 <u>Use of Easements</u>. The easements established by this Agreement shall be for the benefit of and restricted solely to the use of the Owner, its successors, assigns, mortgagees, lessees, sublessees, employees, agents, customers, licensees and business invitees, and the same are not intended and shall not be construed as creating any right in or for the benefit of the general public.

4.3 <u>Management and Maintenance of Common Areas</u>. The Owner of each Parcel in the Development shall, subject to the rights and duties set forth in this Agreement, be responsible, at such Owner's own expense, for the exclusive management and control of such Owner's Parcel (including the Common Areas within such Parcel) and all improvements and landscaping thereon, unless Common Area maintenance duties are otherwise arranged for between the Owner's or as otherwise provided in this Agreement. Each Parcel shall be kept in good, clean, attractive, safe and sanitary condition, order, and repair consistent with a first class retail development. No wall, fence or barrier of any kind shall be constructed or maintained on any Parcel or portion thereof which would prevent or unreasonably impair the use or exercise of any of the easements granted hereunder, or the free access to and movement between Parcels, including without limitation pedestrian and vehicular traffic between

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Parcels. For the purposes of this Paragraph 4.3, a material change in the grade of the shopping center or a Parcel shall be deemed a "barrier." The Owner of each Parcel within the Development shall have the right to exercise control over such Owner's Parcel (including the Common Areas within such Parcel) to: (a) remove any person from such Parcel who is not a business invitee or customer; (b) remove from such Parcel unauthorized vehicles, vendors, salespersons, and/or any individuals who engage in advertising, solicitation, leafleting, hand billing, patrolling, boycotting, picketing (including any "informational" picketing), distributing literature or written materials of any kind, or who otherwise attempt by any means to advise customers, employees or members of the general public of any political cause or candidate, any civil or fraternal organization or cause, or any other issue or dispute; and (c) obtain assistance from any appropriate law enforcement agency and/or judicial authority in order to enforce the foregoing rights.

Maintenance. The Owner of each Parcel shall, at all times and at its sole 4.4 expense, be responsible for all costs and expenses relating to the Common Area within that portion of such Owner's Parcel for the following: (i) all necessary snow and ice removal from the Common Areas; (ii) all necessary removal of debris from the Common Areas; (iii) all necessary maintenance, repair and resurfacing of the Common Areas, including any necessary repaying and restriping; (iv) if pecessary or desired, the installation, operation, and maintenance of lighting for the Common Areas; and (v) all necessary maintenance of landscaping within the Common Areas; provided that the Owners may, by mutual agreement between them, but/shall not be obligated to, appoint a third party (a "Maintenance Manager") as their agent to maintain the Common Areas of the Development. In the event a Maintenance Manager is appointed, each Owner shall reimburse the Maintenance Manager for a proportionate share for the cost of such maintenance. Each Owner's proportionate share of such maintenance expenses shall be determined by multiplying the total maintenance costs by a fraction, the numerator of which is the total square footage of the individual Parcel, and the denominator of which is the total square footage of the entire Development (the "Owner's Proportionate Share").

4.5 <u>Payment of Maintenance Costs</u>. In the event that a Maintenance Manager is appointed, if any part of any maintenance cost billed to an Owner by the Maintenance

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Manager is not paid and received by the Maintenance Manager or its designated agent within ten (10) days after the due date, an automatic late charge equal to ten percent (10%) of the charge (but not less than Ten Dollars [\$10.00]) shall be added to and collected with the charge. Additionally, if any part of any maintenance cost is not paid by the Owner and received by the Maintenance Manager or its designated agent within thirty (30) days after the due date, the total unpaid amount of maintenance costs (including the late charge) shall thereafter bear interest at the rate of eighteen percent (18%) per annum until paid. Each unpaid maintenance cost billing shall constitute a lien on each respective Parcel (a "Maintenance Cost Lien"), prior and superior to all other kiens recorded subsequent to the recordation of the Maintenance Cost Lien, except (1) all taxes, bonds, assessments, and other levies which, by law, would be superior thereto; and (2) labor or materialmen's liens arising under Washington law (timely and duly filed) if the legal effective date is prior to the recording of the Maintenance Cost Lien. Such lien, when delinquent, may be enforced by sale by the Maintenance Manager or its attorney, after failure of the Owner to pay such maintenance cost, in accordance with the provisions of Washington law applicable to the exercise of powers of sale in deeds of trust (with the Maintenance Manager having the right and authority to appoint an independent trustee), or by judicial foreclosure as a mortgage, or in any other manner permitted by Jaw. The Maintenance Manager or any other Owner shall have the power to bid for the Parcel at the foreclosure sale, and to acquire and hold, lease, encumber, and convey the same. The foreclosing party shall have the right to reduce or eliminate any redemption rights of the defaulting Owner as allowed by law. Suit to recover a money judgment for unpaid maintenance costs, rent, interest, costs, penalties, and attorneys' fees shall be maintainable without foreclosing or waiving the lien securing the same.

4.6 Liability Insurance. Each Owner within the Development shall at all times maintain or cause to be maintained comprehensive general public liability insurance against claims for personal injury or death and property damage occasioned by accident occurring upon; in, or on any portion of the Owner's Parcel (including the Common Areas). The limits of liability of such insurance shall be not less than Two Million and No/100 Dollars (\$2,000,000.00) combined single limit coverage for injury to person, loss of life, and damage to property arising out of any single occurrence. At the written request of any Owner, the

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amount of such liability insurance coverage shall be periodically reviewed and if it is reasonably determined that such amount is inadequate, based on then normally accepted industry standards, the minimum amount of such liability insurance coverage shall be increased to conform to the current industry standards. Upon request, each Owner shall provide the other Owner(s) with a copy of a certificate of insurance evidencing such insurance with each Owner naming each other Owner as an additional insured. Notwithstanding the foregoing, the Owner of each Parcel may contractually pass on to a tenant or tenants the obligations contained within this Section 4.6, provided that all Owners within the Development are additional insureds and are noted as such on the policy certificate.

4.7 <u>Taxes</u>. Each Owner shall pay or cause to be paid, prior to delinquency, all real estate taxes and other taxes and assessments which may be levied or assessed against that Owner's Parcel (including the Common Areas), subject to the right of any Owner, lessee, or sublessee to contest such taxes and assessments in the manner provided by law and/or their tenancy agreement.

ARTICLE V. <u>PARKING AREAS</u>

5.1 Designation of Parking Areas. The Owner of each Parcel within the Development shall generally have the right to determine the portion(s) of such Parcel to be designated as Parking Area and the right to change such designation from time to time, provided that at all times following completion of construction or any Building on a Parcel, the Owner thereof shall maintain or cause to be maintained thereon a paved Parking Area or paved Parking Areas, which include parking spaces on each Parcel for not less than the number required under any rules of Governing Entities and other applicable law for such Parcel, it being the specific intent of the Owners that only those parking spaces available entirely within the boundary lines of such Parcel be counted towards satisfying parking requirements of any Governing Entities as to each such Parcel.

5.2 Use of Parking Areas. All Parking Areas shall be available for the purpose of common use thereof by the Owners and their successors, assigns, mortgagees, lessees,

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sublessees, employees, agents, customers, licensees and business invitees for parking, related maneuvering and passage of passenger motor vehicles and for passage of pedestrians; provided that the Owner(s), tenants, and employees of a Parcel shall not park their vehicles on another Parcel without the written consent of the Owner or tenant of such other parcel. Such restriction shall not apply to customers and business invitees of businesses within the Development. No portion of the Parking Areas on Parcels shall be used for storage of goods or storage of any motor vehicle left for service, repair, or sale.

5.3 <u>Parking Area Maintenance</u>. All driving aisles, parking aisles, driveways and parking spaces contained within the Parking Areas shall be properly graded, leveled and paved with concrete or asphalt and shall also be properly marked with painted lines for the orderly flow of traffic and the parking of motor vehicles, except as provided herein. All Parking Areas shall be provided with appropriate access to driving aisles, driveways of adequate width and Access Areas.

5.4 <u>Parking Area Lighting</u>. The Owner of each Parcel in the Development shall at all times cause the Parking Area(s) to be illuminated during business hours occurring during darkness, and for a reasonable period prior and subsequent thereto.

5.5 <u>Changes in Parking Areas</u>. Changes in the sizes, location and arrangement of those portions of each Parcel used for Parking Area and the traffic circulation and flow pattern thereon may be made from time to time in a reasonable manner, so long as the required number of parking spaces is at all times maintained on such Parcel and Access Areas are maintained on such Parcel, as herein required.

5.6 <u>Rules and Regulations</u>. The Owner of each Parcel may make reasonable rules and regulations governing the use of the Parking Area within such Parcel. No Owner may use any portion of the Parking Area(s) in a manner which unreasonably interferes with the use and enjoyment of any other Owner's Parcel.

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ARTICLE VI. ACCESS AREAS

6.1 <u>Designation of Access Areas</u>. Subject to any required approval of Governing Entities, and any other applicable legal requirements, the Owner of each Parcel within the Development shall have the right to determine the portion(s) of such Parcel to be designated as Access Areas and the right to change such designation from time to time; provided, that there shall be maintained at all times a reasonable avenue of ingress and egress for pedestrians and motor vehicles from public roadways to each Parcel in the Development.

6.2 <u>Use of Access Areas</u>. All such Access Areas shall be available for the purpose of common use thereof by the Owners and their successors, assignees, mortgagees, lessees, sublessees, employees, agents, customers, licensees, and business invitees for ingress, egress, and passage of pedestrians and motor vehicles.

6.3 <u>Access Area Maintenance</u>. All Access Areas shall be properly graded, leveled, and paved with concrete or asphalt and shall also be properly marked with painted lines for the orderly flow of traffic.

6.4 <u>Access Area Lighting</u>. The Owner of each Parcel in the Development shall at all times after construction of any Building thereon cause the Access Area within such Owner's Parcel to be illuminated during business hours occurring during darkness, and for a reasonable period prior and subsequent thereto.

6.5 <u>Changes in Access Areas</u>. Changes in the sizes, location and arrangement of those portions of each Parcel used for Access Areas and the traffic circulation and flow pattern thereon may be made from time to time in a reasonable manner, so long as reasonable avenues of ingress and egress are at all times maintained from public roadways to the Development, across each Parcel and between contiguous Parcels; provided that no such non-emergency changes shall take place during the period of November 15 through the following Lemme 15

January 15.

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ARTICLE VII. UTILITY EASEMENT AREAS

7.1 <u>Designation of Utility Easement Areas</u>. The Utility Easement Areas shall be those areas designated as such by the Plan. A Utility Easement Area or Utility Easement Areas shall be maintained on each Parcel to the extent necessary to provide reasonable utility services to all Parcels within the Development, including area on both sides of utility lines as is the ordinary custom and practice to provide for the installation, operation and maintenance of utility lines. The Utility Easement Areas shall be further defined and placed of record in conjunction with installation of utility lines thereon.

7.2 Use of Utility Easement Areas. All such Utility Easement Areas shall be available for the purpose of installation, maintenance, and repair of utility lines servicing the individual Parcels within the Development. No Utility Easement Area shall be used as a Building Area and no Buildings shall be constructed thereon; however, the provisions of this Agreement shall not be construed to prohibit the use of Utility Easement Areas as Parking Areas or for other purposes so long as such use does not unreasonably restrict the availability of Utility Easement Areas for installation, maintenance and repair of utility lines. Such utility lines may, without limitation, include water lines, water sprinkler system lines, fire hydrant water lines, electrical lines, gas lines, sanitary storm and sewer lines, storm drains, telephone lines, cable television lines and lines for any other utility services from time to time available to the Development. Without limiting the generality of the foregoing, the Utility Easement Areas may be used for the installation, operation, maintenance, repair, relocation and removal of any vaults, manholes, meters, pipelines, valves, hydrants, sprinkler controls, conduits and related facilities required for the operation of such utility lines, all of which (except fire hydrants) shall, to the extent reasonably possible, be even with or below the surface of the ground.

7.3 Utility Installation, Maintenance and Repair. No Owner shall have any responsibility for installation, maintenance, or repair of any utility line which provides service to any Parcel owned by any other Owner. If an Owner desires to enter onto any Utility Easement Area on any Parcel for the purpose of installation, maintenance or repair of any

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utility line, such Owner shall provide at least twenty (20) days written notice to the Owner of such Parcel of the intent to do so, except in the case of an emergency, in which case as much notice as is reasonably possible shall be given. All such work shall be done at the sole expense of the Owner of such Parcel serviced by such utility line and shall be done in such a manner as to cause as little disturbance as reasonably possible in the use of the Parcel over which such utility line may run and in conformity with all applicable rules and regulations of Governing Entities. All damage caused by such installation, maintenance or repair shall be promptly repaired in a good workmanlike manner at the sole cost of the Owner of the Parcel serviced by such utility line, which repair shall include resurfacing any paved areas which may be disturbed thereby and replanting of any landscaped areas which may be disturbed thereby.

7.4 Changes in Utility Easement Areas. Changes in the sizes, location and arrangement of those portions of each Parcel used for Utility Easement Areas may be made from time to time in a reasonable manner; provided that such change is consistent with the Plan and all applicable laws, and further provided that if any such change requires relocation of any utility line: (i) the Owner desiring to make such change shall first provide thirty (30) days' written notice of the intent to do so to the Owner of the other Parcel; (ii) such change shall not unreasonably interfere with or diminish availability of utility services to any Parcel or the use of any Building Area or Easement Area on any Parcel; (iii) such change shall be performed at the sole cost of the Owner making the change; (iv) such change shall be made in accordance with and subject to all applicable municipal ordinances, building codes, requirements of the provider of such utility services and other applicable requirements of law; and (v) provided that no such non-emergency changes shall take place during the period of November 15 through the following January 15.

ARTICLE VIII. LANDSCAPE AREAS

8.1 <u>Designation of Landscape Areas</u>. The Landscape Areas within the Development shall consist of the portions, if any, within the Development, on which grass, shrubs, trees or other landscaping type items may from time to time be planted, and as further

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designated by the Plan. All Landscape Areas shall be in substantial conformance with other landscaping in the general area, and shall not interfere with the use of Common Areas, Parking Areas, or Access Areas.

8.2 <u>Landscape Area Maintenance</u>. The Owner of each Parcel in the Development shall at all times provide or cause to be provided in a timely manner all necessary maintenance of the Landscaping Areas, if any, within such Owner's Parcel, including watering and the cutting of grass in a timely manner.

8.3 <u>Changes in Landscape Areas</u>. Changes in the sizes, location, and arrangement of those portions of each Parcel used for Landscape Areas may, from time to time, be made and no Owner of any Parcel shall be required to establish any Landscape Area thereon unless required by law.

ARTICLE IX. CONDEMNATION

9.1 <u>Condemnation</u>. If at any time all or any part of the Development is taken or condemned by any public authority under power of eminent domain, the provisions of this Article shall apply. A voluntary sale or conveyance of all or any part of the Development in lieu of condemnation, but under threat of condemnation, shall be deemed to be a taking by eminent domain.

9.2 <u>Proceeds</u>. Subject to the rights of (i) mortgagees under mortgages, (ii) trustees and beneficiaries under deeds of trust covering any of the Development and (iii) a tenant pursuant to the terms and conditions of it's lease agreement, all compensation, damages, and other proceeds from any such taking by power of eminent domain (hereinafter the "Condemnation Award") attributable to the value of any land within the Development shall be payable only to the Owner(s) thereof and no claim thereon shall be made by the other Owner(s); provided, however, that all other Owner(s) may file collateral claims with the condemning authority over and above the value of the land and improvements located within the Parcel(s) or portion(s) thereof so taken to the extent of any damage suffered by their respective Building Area resulting from severance of the appurtenant portions of the Parcel(s) or Portion(s) thereof so taken. The Owner(s) of the portions of the Development so 2009-031966 Page 16 of 24 10/27/2009 11:08:41 AM

condemned shall promptly repair and restore the remaining portion of the Development so owned by such Owner(s) as near as practicable to the condition of the same immediately prior to the condemnation and without contribution from any other Owner(s); provided, however, that the obligations to repair or reconstruct shall be limited such that the cost thereof shall not exceed the amount of the condemnation award payable to the Owner(s) of the portion of the Development so condemned, less such Owner(s)' costs including, but not limited to, reasonable attorneys' fees and court costs arising out of the condemnation proceedings.

ARTICLE X. APPROVALS

Upon receipt by an Owner(s) of a written request for any approval provided for or required by this Agreement, such Owner(s) shall, within thirty (30) days after receipt of such request for approval, notify in writing the party making such request of any objections thereto (such objections to be specifically stated and shall be reasonable and not unreasonably conditioned or delayed) and such party may within fifteen (15) days thereafter resubmit its request for approval rectifying any such objections to the appropriate Owner(s). The Owner(s) shall then have an additional fifteen (15) days after receipt of such revisions to approve or disapprove the same. Failure to give any written notice of disapproval within the periods provided for above shall constitute approval thereof by such Owner(s). If any consent or approval which is requested hereunder is withheld or denied and a dispute arises as to the reasonableness thereof, such dispute shall be resolved by binding arbitration conducted by, and in accordance with the Commercial Arbitration Rules of the American Arbitration Association. The arbitrators in any such arbitration proceeding shall not have the authority or power to amend, alter or modify any of the terms or provisions of this Agreement. The award in any such arbitration shall be final and binding upon the parties to the arbitration proceeding. The venue of any such arbitration shall be in Spokane County, Washington.

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ARTICLE XI. ENFORCEMENT

11.1 <u>Right to Enforce</u>. The right to enforce the terms, covenants and easements contained herein shall belong only to the Owner(s), lessees of the Owner(s), if any, mortgagees under mortgages covering any of the Development and beneficiaries and trustees under deeds of trust covering any of the Development; provided that the lease or memorandum of lease in favor of such lessee, mortgage in favor of such mortgagee, or deed of trust in favor of such beneficiary and trustee is recorded in the office of the Assessor of Spokane County, State of Washington.

11.2 <u>Violation</u>. In the event of any violation or threatened violation of any term, covenant or provision of this Agreement, any person entitled to enforce this Agreement shall, in addition to all remedies available at law or in equity, and shall have the right to enjoin such violation or threatened violation in a court of competent jurisdiction.

11.3 <u>Force Majeure</u>. If performance of any act or obligation of any person under this Agreement is prevented or delayed by an act of God, war, labor disputes or other cause or causes beyond the reasonable control of such person, the time for the performance of the act or obligation shall be extended for a period that such act or performance is actually so delayed or prevented.

11.4 <u>Attorney Fees</u>. If any suit is brought or legal action is taken for the enforcement of any provision of this Agreement or as the result of any alleged breach thereof or for a declaration of any right or duty hereunder, the party or parties who substantially prevail in such suit or legal action shall be entitled to collect reasonable attorneys' fees from the party or parties who do not substantially prevail, and any judgment or decree rendered shall include an award thereof.

11.5 <u>Invalidation of Lien</u>. A breach or violation of any of the terms, covenants or restrictions of this Agreement will not defeat or render invalid the lien or any Mortgage or Deed of Trust, made in good faith and for value; but such terms, covenants or restrictions will be binding on and be effective against anyone whose title to any portion of the Development is acquired by foreclosure, trustee's sale or otherwise.

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11.6 <u>Remedies</u>. The specified remedies to which any person entitled to enforce this Agreement may resort, under the terms of this Agreement, are cumulative and are not intended to be exclusive of any other remedies or means of redress to which any person entitled to enforce this Agreement may be lawfully entitled in case of any breach or threatened breach of any provision of this Agreement. Failure to insist in any one or more cases upon the strict performance of any of the provisions of this Agreement, or to exercise any remedy herein contained, shall not be construed as a waiver or a relinquishment for the future of such covenant or remedy.

ARTICLE XII. AMENDMENTS OR MODIFICATIONS

12.1 <u>Consent to Modification</u>. This Agreement and any provision, covenant or easement contained herein may be terminated, extended, modified or amended with the written consent of all of the then Owner(s), each mortgagee under mortgages encumbering any of the Development, and each beneficiary and trustee under deeds of trust encumbering any of the Development; provided, however, that no termination, extension, modification or amendment of this Agreement shall be effective unless a written instrument setting forth the terms thereof has been executed as herein provided, acknowledged and recorded in the offices of the Auditor of Bentor County, State of Washington.

12.2 <u>No Consent of Other Persons</u>. Anything in this Article to the contrary notwithstanding, no lessee or licensee or any other person having any interest in the Development other than those persons specifically designated in the foregoing section need consent to any termination, extension, modification or amendment to this Agreement, or any part hereof.

ARTICLE XIII. MISCELLANEOUS

13.1 <u>Not a Public Dedication</u>. Nothing contained in this Agreement shall be deemed to be a dedication of any portion of the Development in the general public or for the

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general public or for any public purposes whatsoever, it being the intention that this Agreement will be strictly limited to and for the purposes expressed herein.

13.2 <u>Severability</u>. If any clause, sentence, or other portion of the terms, covenants, or restrictions of this Agreement becomes illegal, null, or void for any reason, or is held by any court of competent jurisdiction to be so, the remaining portions shall remain in full force and effect.

13.3 <u>Dominant and Servient Estates</u>. Each and all of the easements and rights granted or created herein are appurtenances to the applicable portions of the Development, and none of such easements and rights may be transferred, assigned, or encumbered, except as an appurtenance to such portions. For the purposes of such easements and rights, the property benefited shall constitute the dominate estate, and the particular areas of the Development which respectively are burdened by such easements and rights shall constitute the servient estate.

13.4 <u>Covenants Run with Land</u>. Each and all of the covenants, restrictions and provisions contained in this Agreement (whether affirmative or negative in nature): (i) shall be deemed to be covenants which run with each Parcel of the Development; (ii) are made for the direct, mutual and reciprocal benefit of each such Parcel; (iii) will create mutual equitable servitude upon each Parcel in the Development; (iv) will bind every person having any fee, leasehold mortgage or deed of trust or other interest in any portion of the Development at any time or from time to the extent that such portion is affected or bound by the covenant, restriction or provisions to be performed on such portion; and (v) will inure to the benefit of the Parties and their respective successors and assigns as to the respective Parcels in the Development and to the benefit of mortgagees, lessees and subleases covering the Development or any portion thereof and beneficiaries and trustees under deeds of trust covering the Development or any portion thereof.

13.5 <u>Compliance with Laws</u>. The Parties shall comply promptly with all federal, state and municipal statutes and ordinances, and with all regulations, orders and directives of appropriate governmental agencies pertaining to the use or occupancy of the Development, as such statutes, ordinances, regulations, orders and directives now exist or may hereafter provide.

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13.6 <u>Benefit and Burden</u>. The terms, covenants, and conditions contained herein shall inure to the benefit of and shall be binding upon each Owner, and any other person having any interest in the Development and their respective legal representatives, successors and assigns.

13.7 <u>Intent, Purpose and Waiver</u>. The provisions of this Agreement, and any supplemental or amended Agreement, shall be liberally construed to effectuate the purpose of creating a uniform plan for the development and operation of a neighborhood shopping center of a quality comparable to that maintained and operated in other neighborhood centers in comparable areas of the County or State. Failure to enforce any provision, restriction, covenant, or condition in this Agreement, or in any supplemental or amended Agreement, shall not operate as a waiver of any such provision, restriction, covenant, or condition of any such provision, restriction, covenant, or condition or of any other provisions, restrictions, covenants, or conditions.

13.8 <u>Construction</u>. Wherever used herein, unless the context shall otherwise provide, the singular form shall include the plural, the plural shall include the singular, and the use of any gender will include all genders. The articles and section headings set forth herein are for convenience and reference only and are not intended to describe, interpret, define or otherwise affect the content, meaning or intent of this Agreement or any article, section or provision hereof. The provisions hereof shall be deemed independent and severable, and the invalidity or partial invalidity or unenforceability of any one provision or portion thereof shall not affect the validity or enforceability of any other provision hereof.

13.9 <u>Effective Date</u>. This Agreement shall take effect immediately upon recording.

13.10 <u>Owner(s) Obligations</u>. All obligations of each Owner(s) under and by virtue of the provisions contained in this Agreement shall continue, notwithstanding that such Owner may be leasing, renting, or selling such Owner's Parcel under contract. The Owner(s) shall have no obligation for expenses or other obligations accruing after such Owner conveys the fee title for such Parcel to another party unless such obligation and/or expenses remain outstanding or uncured at the time such conveyance occurs.

13.11 <u>Not a Partnership</u>. The Parties hereto do not by this Agreement, in any way or for any purpose, become partners or joint venturers of or to each other in the conduct of their respective businesses or otherwise.

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13.12 <u>Lender Protection</u>. Except as provided for in section 4.5, this Agreement and the rights, privileges, covenants, agreements and easements hereunder, with respect to each Owner and all Parcels, shall be superior and senior to any lien or encumbrance placed on any Parcel; however, no breach of this Agreement shall defeat, render invalid, diminish or impair the encumbrance of any mortgage or deed of trust made in good faith and for value. The provisions of this Agreement shall be binding upon any person or entity (including any mortgagee or beneficiary under a deed of trust) who acquires title to any Parcel or any portion thereof by foreclosure, trustee's sale, deed in lieu of foreclosure, or otherwise.

13.13 <u>Reciprocal Indemnity</u>. Each Owner ("Indemnifying Owner") shall defend, indemnify, and hold harmless each other Owner and other Owner's tenants from and against all demands, claims, causes of action, or judgments, and all reasonable expenses incurred in investigating or resisting the same, for injury to person, loss of life, or damage to property: (i) occurring on the Indemnifying Owner's Parcel, except to the extent caused by the negligence or willful act or omission in whole or in part of any other Owner or the tenants of such other Owner or the employees, contractors, or agents of such other Owner or tenants; or (ii) occurring on another Owner's Parcel if caused by the sole negligence, willful act, or omission of the Indemnifying Owner or the tenants of such Indemnifying Owner or its tenants.

This Agreement has been entered into by the Parties as of the date first above written.

RIVER WALK VILLAGE INVESTMENTS, LLC a Washington limited liability company

By: RICHARD A. VANDERVERT Managing Member

OAKWOOD INNS, LLC a Washington limited liability company

By: RICHARD A. VANDERVERT Managing Member

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) ss.

)

STATE OF WASHINGTON)

County of Spokane

On this $\underline{\partial} \underline{\partial}^{nd}$ day of October 2009, before me, a Notary Public in and for the State of Washington, personally appeared <u>RICHARD A. VANDERVERT</u>, known or identified to me to be a member of RIVER WALK VILLAGE INVESTMENTS, LLC that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



) ss.

)

Notary Public for: Residing at: My commission expires: 945-2013

STATE OF WASHINGTON)

County of Spokane

On this 20^{12} day of October 2009, before me, a Notary Public in and for the State of Washington, personally appeared **<u>RICHARD A</u>**, <u>VANDERVERT</u>, known or identified to me to be a member of OAKWOOD INNS, LLC that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Lenace & Ha Notary Public for: Was Residing at: 🤇 Spokare My commission expires: 9 15.2013

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EXHIBIT "A"

Legal Description of Development

RIVER WALK PROPERTY

PARCEL A

Lot 1, SHORT PLAT NO. 2801, according to the Survey thereof recorded under Auditor's File No. 2004-013300, records of Benton County, Washington. All situate in the City of Richland, County of Benton, State of Washington.

PARCEL B

Section 14 Township 9 Range 28 Quarter NE; BINDING SITE PLAN #4009, PARCEL B, RECORDED 6/17/2009, UNDER AUDITOR'S FILE NO. 2009-017852. RECORDED IN VOLUME 1 OF SURVEYS, PAGE 4009, RECORDS OF Benton County, Washington.

PARCEL C

Section 14 Township 9 Range 28 Quarter NE; BINDING SITE PLAN #4009, PARCEL A, RECORDED 6/17/2009, UNDER AUDITOR'S FILE NO. 2009-017852. RECORDED IN VOLUME 1 OF SURVEYS, PAGE 4009, RECORDS OF Benton County, Washington.

PARCEL D

Section 14 Township 9 Range 28 Quarter NE; SHORT PLAT #2909, LOT 2, RECORDED 10/27/2005, UNDER AUDITOR'S FILE NO. 2005-037140. RECORDED IN VOLUME 1 OF SHORT PLATS, ON PAGE 2909, RECORDS OF Benton County, Washington

OAKWOOD PROPERTX

PARCEL E

Lot 2, Short Plat No. 2214, according to Short Plat recorded under Benton County Recording No. 95-21197, records of Benton County, Washington. Situate in the City of Richland, County of Benton, State of Washington.

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| | BENTON COUNTY RECORDING COVER SHEET | |
|--------|---|---|
| | NAME AND RETURN ADDRESS: Frontier Title Co. | |
| | B-852626M | FRONTIER TITLE CO. |
| | FORM COMPLETED BY: Gary McGregor PLEASE PRINT OR TYPE INFORMATION: | |
| | DOCUMENT TITLE(S) (or transaction contained the 1. Development Agreement (With Reciprocal Parkin 2. 3. | rein) g and Access Easements) Rerecording to add Previously Omited Exhibits "A", "B", and "C" |
| | GRANTOR(S) (Last name, first name, middle name/ 1. River Walk Village, LLC, a Washington Limited Lin 2. 3. Bv: Richard A. Vandervert (initial) 4. Manager / Member Dated: May . 2015 Additional names on pageof docu | Initials): ability Company Lef A. Machinet ment |
| | GRANTEE(S) (Last name, first name, middle name/i 1. Oakwood Inns, LLC, a Washington Limited Llabiliti 2. 3. By: Richard A. Vandervert (initial) 4. Manager / Member Dated: May . 2015 . Additional names on page | nitials): hy Company. Hend G. Vignelaurt ment |
| | LEGAL DESCRIPTION (Abbreviated: le.lot, block, pl | at or section, township, range) |
| | Additional legal is on pageof docu | ment ment |
| | AUDITOR'S REFERENCE NUMBER(S) 2006-024259 | |
| | ASSESSOR'S PROPERTY TAX PARCEL NUMBER | t |
| | 1-1498-101-2214-001; 1-1498-401-2214-002; 1-1 Additional parcel numbers on page | 498-101-2801-101; 1-1498-101-2909-001 _of document |
| | The Auditor/Recorder will rely on the information prov document to verify the accuracy or completeness of t | vided on this form. The staff will not read the he indexing information |
| \sim | EMERGENCY NONSTA I am requesting an emergency nonstandard recording to RGW 36.18.010. Funderstand that the recording proce obscure some part of the text of the original document. | NDARD REQUEST for an additional fee of \$50.00 as provided in essing requirements may cover up or otherwise |
| | Arise Dance F-K | 7.15 |

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2015-013893 05/19/2015 01:40:05 PM Page 2 of 25



RETURN ADDRESS: Walker & Heye, PLLC P.O. Box 1386 Richland, WA 99352

Bioline Tax not required Bioline County Excise Tax Division Barli Ballin OFTI9/06 Fasement

DOCUMENT TITLE(s) (or transactions contained therein:)

1. Development Agreement (With Reciprocal Parking and Access Easements)

REFERENCE NUMBER(s) OF DOCUMENTS ASSIGNED OR RELEASED:

(on page _____ of document(s))

GRANTOR(s) (Last name first, then first name and initials)

1. River Walk Village, LLC

GRANTEE(s) (Last name first, then first name and initials)

1. Oakwood Inns, LLC

LEGAL DESCRIPTION (abbreviated: i.e. lot, block, plat or section, township, range)

Ptn. Lt. 1 and Ptn. Lt. 2 Short Plat 2214, Ptn. Lt. 1 Short Plat 2801, Ptn. Lt. 1 Short Plat 2909

ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER

1-1498-101-2214-001 1-1498-101-2214-002 1-1498-101-2801-001 1-1498-101-2909-001 2015-013893 05/19/2015 01:40:05 PM Page 3 of 25

EXCISE TAX NOT REQUIRED BENTON COUNTY EXCISE TAX DIVISION BY Ball, Ball, 071 19166

Easement



Development Agreement

(With Reciprocal Parking and Access Easements)

AGREEMENT made this _____ day of May 2005, by and between River Walk Village, LLC, a Washington Limited Liability Company, (herein River Walk) and Oakwood Inns, LLC, a Washington Limited Liability Company, (herein Oakwood) (collectively, "the Parties").

WITNESSETH, THAT:

WHEREAS, the parties are owners of adjoining properties in Richland, Washington, legally described and shown generally on Exhibit "A"; and

WHEREAS, there currently exists along the parties' common boundary a 60' City of Richland right of way in which there are constructed improvements as shown generally on Exhibit "B", and

WHEREAS, in connection with development of the River Walk properties, the City of Richland has agreed to reduce said right of way to:

16 feet, centered on the boundary between Lot 1, Short Plat 2214 and Lot 1, Short Plat 2801, and 24 feet, centered on the boundary between Lot 2, Short Plat 2214 and Lot 1, Short Plat 2909,

which reduced right of way would be as shown on Exhibit "C", and

WHEREAS, the City's agreement is premised upon construction of an 8 foot paved public pathway between Bradley Blvd. and the riverfront trail bordering the Columbia River, and

WHEREAS, the Parties desire to establish certain agreements related to their common boundary in furtherance of the City's agreement to reduce said right of way and conditions related thereto,

NOW, THEREFORE, for and in consideration of benefits accruing to each of the Parties and their adjoining properties,, the Parties agree as follows:

ARTICLEI

DEVELOPMENT ALONG COMMON BOUNDARY

1. <u>Construction of Public Pathway.</u> River Walk will construct the City required 8 foot public pathway entirely within its properties as above described, at its own expense and to City standards. The location of the pathway will be as shown on Exhibit "C".

2. Existing Encroachments. River Walk will remove the parking lot entrance shown on Exhibit "B", and reconstruct boundary landscaping improvements in the area adjoining the removed entrance as shown on Exhibit "C, at its expenses, and to existing standards,

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Maintenance, River Walk, its successors and assigns, shall be responsible for all pathway

maintenance.

ARTICLE II

CREATION OF EASEMENTS AND RESTRICTIONS

1. Parking and Access Easement. The parties each hereby declare, grant and convey to the other, for the use and benefit of such other party's employees, agents, tenants, contractors, licensees, permittees and invitees, a perpetual, nonexclusive parking and access easement in and on those portions of their respective properties as shown on Exhibit "C" (the "Parking and Access Easement Area") for the purpose of vehicular parking thereon, and a perpetual, nonexclusive easement over and across such portions of both properties as may be reasonably necessary for such vehicular and pedestrian ingress to and egress from the Parking and Access Easement Area. This parking and access easement will be subject to any City of Richland easement over and across the same area.

2. Entry Easement. The Parties each hereby declare, grant and convey to the other for the use and benefit of such other party's tenants, employees, agents, contractors, licensees, permittees and invitees, a perpetual access easement upon and across such parts of each others properties as may be reasonably necessary to permit said from time to time owners to perform or have performed any work or activity which may be necessary in connection with the exercise of the rights reserved under the easement granted hereunder, or which may be necessary to cure any breaches with respect to the obligations imposed under this Agreement.

3. <u>Parking Restrictions</u>. The Parties shall comply with all parking requirements of the City of Richland, and such other rules, regulations and ordinances as may then be applicable and in effect.

4. <u>No Structures or Barricades</u>. No structure, barricade, fence or other like obstruction shall be erected or maintained on either property which would have the effect of materially interfering with the easements created hereby..

5. <u>Perpetuity of Easements</u>. The permanent easement and restriction established hereby shall burden the Parties, their successor and assigns, and the properties herein described and shall be perpetual and irrevocable, and shall run with the land and continue forever.

ARTICLE III

COVENANTS

1. <u>Non-Interference</u>. The from time to time owners of the properties subject of this agreement shall not do anything so as to interfere with the reasonable use of the casements herein granted, and shall pay or cause to be paid, prior to delinquency, directly to the appropriate taxing authorities, all real property taxes and assessments which are levied against said from time to time owner's respective property; provided, however, that said from time to time owner shall have the right to contest the imposition of any such taxes and assessments to the full extent permitted by law for so long as said from time to time owner has taken all legal steps necessary to maintain a stay on the foreclosure of its interest in the respective property pursuant to any proceedings instituted against it or its Property for the enforcement of such claim.

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Promptly upon the determination, settlement or other resolution of any such legal proceedings, said from time to time owner bound thereby shall pay any amounts due in respect of the contested taxes or assessments.

2. <u>Indemnification</u>. The from time to time owner of each property affected hereby indemnifies and saves the from time to time owner of the other property harmless for any and all liability, damage, expense, causes of action, suits, claims, or judgments arising from personal injury, death, property damage or the loss of or damage to personal property occurring on its respective property, except if cause by the negligent or intentional act or omission of said from time to time owner of the other property.

ARTICLE IV

ENFORCEMENT

1. **Remailes.** In the event of a default by the from time to time owner of a property hereunder, the other such owner shall be entitled to institute proceedings for full and adequate relief from the consequences of said default, and the unsuccessful owner in any such action shall pay to the prevailing owner, to the extent recoverable under applicable law, such prevailing owner's reasonable attorneys' fees and the expenses of such attorneys.

2. <u>No Waiver</u>. No failure or delay by the from time to time owner of a property hereunder to insist upon the strict performance of any of the terms, conditions of covenants set forth herein shall be deemed a waiver of any such terms, conditions or covenants and, notwithstanding any such delay or failure, such from time to time owner shall have the right to insist upon the strict performance by the from time to time owner of the other property of any and all terms, provisions and covenants which apply to the from time to time owner of the other property. Any waiver hereunder must be explicitly stated in writing, and no such waiver shall be deemed a waiver of other defaults or of the same default in the future.

3. Excuses For Non-Performance. Each from time to time owner of a property shall be excused from performing any covenant or obligation under this Agreement while and for so long as the performance of the obligation is prevented, delayed or otherwise hindered by acts of God, fire, earthquake, floods, explosion, actions of the elements, war, riots, mob violence, inability to procure or a general shortage of labor, equipment, materials or supplies in the open market, failure of transportation, strikes lockouts, action of labor unions, condemnation, court orders, laws, ordinances, governmental regulations or orders of governmental or military authorities or any other cause, whether similar or dissimilar to the foregoing, not within the control of the then owner which has the obligation to perform (other than lack of or inability to procure monies to fulfill its commitments and obligations under this Agreement or inability to procure and supply the evidence of insurance).

ARTICLE V.

MISCELLANEOUS

I. <u>Notices.</u> All notices and approvals required or permitted under this Agreement shall be served personally, by certified mail, return receipt requested, or by overnight courier to the from time to time owner(s) of record of the properties.

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2. Limitation. Any party seeking to enforce the obligations hereunder against the from time to time owners of a property shall look solely to the estate and property of said from time to time owner in the land and buildings comprising its respective property for the collection of any judgment (or other judicial process) requiring the payment of money in the event of any default or breach with respect to any of the terms and provisions of this Agreement to be observed and/or performed by said time to time owner, and no other assets of said from time to time owner (or any partners, venturers, shareholders, officers, or directors of said from time to time owner) shall be subject to levy, execution or other judicial process for the satisfaction of any such judgment.

3. <u>Rights of Successors</u>. The easement, restrictions, benefits and obligations hereunder shall create mutual benefits and servitudes running with the land. This Agreement shall bind and inure to the benefit of the from time to time owners of the properties, and their respective successors and assigns.

IN WITNESS WHEREOF, the Parties, intending to be bound, have executed this Agreement as of the day and year first above written.

RIVER WALK VILLAGE, LLC, a Washington Limited Liability Company

Menso

OAKWOOD INNS, LLC a Washington Limited Liability Company

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2015-013893 05/19/2015 01:40:05 PM Page 7 of 25



STATE OF WASHINGTON)) 58 COUNTY OF BENTON)

On this day personally appeared before me <u>limsty T. Busy</u> to me known to be the individual described herein and which executed the foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of River Walk Village, a Washington limited liability company, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument on behalf of said limited liability company.

| GIVEN Wildin my hand and | l official scal the 12th day of October, 2005 |
|--------------------------|--|
| NIN NON W P | Karol a. Korte |
| | NOTARY PUBLIC in and for the State of Washington residing at the angel of G |
| | My Commission Expires: 1-29-10 |
| HI OF THE CO. 10 STORE | |
| STATE ON MARKINGTON) | |
| COUNTY OF BENFON) | |

On this day personally appeared before me Kulland A Varelynne. I to me known to be the individual described herein and which executed the foregoing instrument and acknowledged said instrument to be the free and voluntary act and dead of Oakwood Inns, a Washington limited liability company, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument on behalf of said limited/liability company.

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| GIVEN under my hand and official seal the day of | Outobor, 2005. |
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| with the state | |
| SATI GUI NOTARY PUBLIC in and i | for the State of |
| NOTARY R My Commission Expires: | Gug. 17, 2007 |
| THE PUBLIC OF | U |
| C WASHING | |
| Saltan > | |
| State Of Washington County of Benton 388 | |
| I, BRENDA CHILTON, Auditor of Benton County, State | |
| instrument is a true and correct copy of the original | |
| IN TESTIMONY WHEREOF, I have hereunto set my | |
| hand and affixed the official seat of my | |
| ogice at Kennewick, Washington, this day of | |
| BRENDA CHILTON, AUDITOR | |
| BENTON COUNTY, WASHINGTON | |
| Fee # By | |
| Amden . | |

2015-013893 05/19/2015 01:40:05 PM Page 8 of 25

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State Of Washington County of Benton 3 88

I, BRENDA CHILTON, Auditor of Benton County, State of Washington, do hereby certify that the foregoing instrument is a true and correct copy of the original thereof now of record in my office. IN TESTIMONY WHEREOF, I have hereunto set my

hand and allowed the official seal of my

office at Kennewick, Washington, this MAY 5 BRENDA CHILTON, AUDITOR BENTON COUNTY, WASHINGTON 2006-Ň. • • •

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COMMENCING AT THE MONUMENT MARKING THE INTERSECTION OF GEORGE THE CENTERLING OF CONSTOCX STREET; THENCE N. GROWT AF LANG THE CENTERLING OF CONSTOCX STREET; THENCE N. GROWT AF LANG POINT OF CURVE; THENCE NORTHCASTERLY ALONG THE NORT OF AT25.00 FOOT RADUS CURVE; THENCE NORTHCASTERLY ALONG THE ARC OF A 725.00 FOOT RADUS CURVE; THENCE NORTHCASTERLY ALONG THE ARC OF A 725.00 FOOT RADUS CURVE; THENCE NORTHCASTERLY ALONG THE ARC OF A 725.00 FOOT RADUS CURVE; THENCE NORTHCASTERLY ALONG THE CONTENSION WITH BRADLET BOULTVARD, THENCE NO.271.275.97 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY, TYLE NORTHEAST, THROUGH A CENTRAL ANGLE OF CURVE CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF CURVE CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF CURVE CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF CURVE CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF CURVE CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF CURVE CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF CURVE CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF CURVE CONCAVE TO THE NORTHEAST, THROUGH A CENTRAL ANGLE OF DISTANCE OF 218.56 FEET; THENCE S.8706'47"M. A DISTANCE OF 90.30 FEET; THENCE S.02'53'13"E. A DISTANCE OF 27.82 FEET; THENCE S.8706'47"M. A DISTANCE OF 163.29 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF BRADLEY BOULEVARD AND THE TRUE POINT OF BEGINNING. FEET TO A POINT OF CURVE, THENCE NORTHWESTERLY, 138.48 FEET ALONG THE ARC OF A 400.00 FOOT PADIUS CURVE CONCAVE TO THE SOUTHWEST THROUGH A CENTRAL ANGLE OF 22.24.50°W, ID A POINT ON CURVE, THE VADIUS POINT OF MINICH BEARS S. 64.24.34°W, AQD.00 FEET, THENCE ON A RADAL BEARING NG F24.34°C, 30.00 FEET TO THE EASTERLY RIGHT OF A RADAL BEARING NG F24.34°C, 30.00 FEET TO THE EASTERLY RIGHT OF WAY OF BRADLEY BOULEYARD AND THE TRUE POINT OF BEGINNING; THENCE VORTHWESTERLY ALONG SAID RIGHT OK WAY 152.73 FEET ON THE ARC OF A VORTHWESTERLY ALONG SAID RIGHT OK WAY 152.73 FEET ON THE ARC OF A VORTHWESTERLY ALONG SAID RIGHT OK WAY 152.73 FEET ON THE ARC OF A JUS TANCE 501637 145'56'30"W. 65'56'59 200412 WAY N. 43 46 49" LE OF 20"21"04" ON A CH RD DISTANCE OF 151.93 FI 756"30"W. A DISTANCE OF DARY S.4105387W. A DISTANCE OF 134.28 FEET; THENCE LEARNES SAID FORTY S.4105387W. A DISTANCE OF T. THENCE S.240200 E. J 565597W. A DISTANCE OF TALSE FEET; THENCE S.240200 E. J NCE OF 218.56 FEET; THENCE S.8708477W. A DISTANCE OF S THENCE S.02733137E. A DISTANCE OF 27.82 FEET; THENCE 6477W. A DISTANCE OF 163.29 FEET TA S THENCE 6477W. A DISTANCE OF 163.29 FEET TA S THENCE IONUMENTED PROJECT BOUNDARY; THENCE S.36'57'57 AKING LINE A DISTANCE OF 898.78 FEET TO U.S.C.E. ID BOUNDARY; THENCE CONTINUING ALONG SAID/TAKII 6'37'E. A DISTANCE OF 134.28 FEET; THENCE LEAVIN HENCE N.81'37'5 SEGMENT OF THE U.S. OF 65.78 FEE A DISTANCE OF 75.01 FEET; A DISTANCE OF 58.96 (PEET: THENCE) NCE OF 75.01, FEET; THENCE N.05'38'20"W, A ET; THENCE N. 18-40'09"W, A DISTANCE OF 228.75 "57"E A DISTANCE OF 343.76 FEET TO A POINT ON THE BEARING OF N.354358 COVERNMENT TAKING LINE, LEAVING SALD RIGHT IGNARY MONUMENT U-12 THENCE ALONG WITH BRADLEY LOCK AND

HAVA MANULOS

41'05'58"W

71.56'

1" = 200"

CONTAINS 456,292 SQUARE FEET OR 10.48 ACRES. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND COVENANTS OF RECORD.

OWNERS CERTIFICATE

WE. THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE TRACT OF LAND DESCRIBED HEREON. THAT WE HAVE CAUSED SAID LAND TO BE SURVEYED AND SHORT PLATTED INTO LOTS AS SHOWN AND THAT THE EASEMENTS ON THE SHORT PLAT AND HEREBY GRANTED FOR THE USES SHOWN HEREON.

FND. U.S.C.E. A MON U-42 (SEE NOTE 5)

Ę MANAGER: JOE SING a ma 3

ACKNOWLEDGEMENT

STATE OF WASHINGTON ? ~ ~

CITY QLERK ATTEST



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EXHIBIT "B"

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EXHIBIT 6



CITY OF RICHLAND NOTICE OF APPLICATION, PUBLIC HEARING AND OPTIONAL DNS (SSDP2022-101 & EA2022-105)

Notice is hereby given that Knutzen Engineering has applied for a Shoreline Management Substantial Development Permit on behalf of Cedar and Sage Apartments 1, LLC, owner, to construct a 31,400 s.f. apartment building (32 units) with 12,204 s.f. of underground parking. The project will also result in above-ground paved parking with drive aisles, necessary utility improvements, and a pedestrian pathway along the north property line to facilitate public access to the waterfront. The applicants are also requesting to increase the building height pursuant to RMC 26.30.013 from 35-feet to 55-feet.

Project Site: 470 Bradley Blvd. upon Assessor's Parcel No. 114981012801001. The legal description of the site is Lot 1 of Short Plat No. 2801, according to the survey thereof recorded under Auditor's File No. 2004-01330, records of Benton County, Washington.

Public Hearing: The Richland Hearings Examiner will conduct a public hearing and review of the application at 6:00 p.m., Monday, June 13, 2022 in the Richland City Hall Council Chambers, 625 Swift Boulevard. All interested parties are invited to attend and present testimony at the public hearing or by visiting the City of Richland website (www.ci.richland.wa.us) and joining via Zoom. Copies of the complete application packet, SEPA Checklist and related materials can be obtained by visiting the City of Richland.wa.us).

Environmental Review: The proposal is subject to environmental review. The City of Richland is lead agency for the proposal under the State Environmental Policy Act (SEPA) and has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of non-significance (DNS) for this project. The optional DNS process in WAC 197-11-355 is being used. This may be your only opportunity to comment on the environmental impacts of the proposed development. The environmental checklist and related file information are available to the public and can be viewed at <u>www.ci.richland.wa.us</u>.

Public Comment: Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Mike Stevens, Planning Manager, 625 Swift Boulevard, MS #35, Richland, WA 99352. Comments may also be emailed to <u>mstevens@ci.richland.wa.us</u>. Written comments should be received no later than 5:00 p.m. on Wednesday, May 25, 2022, to be incorporated into the staff report. Comments received after that date will be entered into the record at the hearing. Written comment will not be accepted after 6 p.m. on Sunday, June 12, 2022; however verbal comments may be presented during the public hearing.

Appeal: The application will be reviewed in accordance with the regulations in RMC Title 19 Development Regulations Administration and Title 26 Shoreline Master Program. Appeal procedures of decisions related to the above referenced application are set forth in RMC Chapter 19.70. Contact the Richland Planning Division at the above referenced address with questions related to the available appeal process.

Vicinity Map

Item: Shoreline Substantial Development Permit Applicant: Cedar & Sage Apartments 1, LLC File #: SSDP2022-101 & EA2022-105 Ν



| 1 | |
|----|---|
| 2 | AFFIDAVIT OF MAILING |
| 3 | |
| 4 | STATE OF WASHINGTON |
| 5 |) ss. COUNTY OF BENTON) |
| 6 | |
| 7 | COMES NOW, Carly Kirkpatrick, who, being first duly sworn upon oath deposes and says: |
| 8 | 1. I am an employee in the Planning & Development Department for the City of Richland. |
| 9 | 2. On the 25 th day of April, 2022, I mailed a copy of the attached NOTICE OF APPLICATION, |
| 10 | individuals via regular USPS or email on the date indicated above. The Richland City Council will |
| 11 | (1 conduct a virtual public hearing at 0.00 p.m. on Tuesday, September 21, 2021. |
| 12 | Signed: Carly Kirkpatrick |
| 13 | |
| 14 | SIGNED AND SWORN to before me this 25 th day of April, 2022 by Lynne Follett. |
| 15 | Bette al mat |
| 16 | Notary Public in and for the State of Washington, |
| 17 | NOTARY PUBLIC #188772 October L. Follett |
| 18 | COMMISSION EXPIRES NOVEMBER 1, 2024 Residing at <u>Wast Richland</u> , WA |
| 19 | My appointment expires: <u>//-/-24</u> |
| 20 | |
| 21 | |
| 22 | |
| 23 | AFFIDAVIT OF MAILING - 1 Notice of Closed Record Hearing attached |
| 24 | Address list attached. |
| 25 | |
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COMMISSION EXPIRES NOVEMBER 1, 2024 STATE OF WASHINGTON VALUES V NOTARY PUBLIC #183772 OCIOPERLFFOLLEII

Service Services • 1.200000 4,3



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| owner | addr_line1 addr | _line2 addr_state | addr_city | addr_zip |
|---|----------------------------------|-------------------|-----------|----------|
| RIVER WALK VILLAGE INVESTMENTS LLC | 12906 N ADDISON ST | WA | SPOKANE | 99218 |
| PSALM 121 LLC | 490 BRADLEY BLVD | WA | RICHLAND | 99352 |
| WALKER PATRICK CRAIG | 464 BRADLEY BLVD | WA | RICHLAND | 99352 |
| RIVER WALK VILLAGE INVESTMENTS LLC | 12906 N ADDISON ST | WA | SPOKANE | 99218 |
| CEDAR AND SAGE APARTMENTS 1 LLC | 116 N OAKES AVE STE B | WA | CLE ELUM | 98922 |
| ANCHORAGE CORPORATE AIRCRAFT CENTER LLC | PO BOX 190869 PMB 25196 | AK | ANCHORAGE | 99519 |
| VANDERVERT DEVELOPMENTS LLC | 12906 N ADDISON ST | WA | SPOKANE | 99218 |
| OAKWOOD INNS LLC | 12906 N ADDISON ST | WA | SPOKANE | 99218 |
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| SRA-CH RICHLAND I LLC | 450 BRADLEY BLVD | WA | RICHLAND | 99352 |
| REKLAW INVESTMENTS LLC | 1333 COLUMBIA PARK TRAIL STE 360 | WA | RICHLAND | 99352 |
| EASTERDAY JODY & ANDREW WILLS | PO BOX 2813 | WA | PASCO | 99303 |
| FREDERICKS JAMES & CATHERINE | 468 BRADLEY BLVD | WA | RICHLAND | 99352 |
| DETIENNE KIM D | 440 BRADLEY BLVD UNIT 9 | WA | RICHLAND | 99352 |
| ADKINS GARY W & JEANETTE K | 456 BRADLEY BLVD UNIT 7 | WA | RICHLAND | 99352 |
| BETZ JANET L & ANDERSON VIOLET M | 458 BRADLEY BLVD | WA | RICHLAND | 99352 |
| GOTTSCHALK TRUSTEES DWIGHT A & MARILYN | PO BOX 10 | WA | RICHLAND | 99352 |
| MANOLOPOULOS PAUL T & LYNN T | 6511 108TH AVE NE | WA | KIRKLAND | 98033 |
| STIPE EDWARD M & MARSHA M | 462 BRADLEY BLVD UNIT 4 | WA | RICHLAND | 99352 |
| DR. EMMANUEL AMINONE EDIBIOKPO TRUST | 8656 W GAGE BLVD STE 101 | WA | KENNEWICK | 99336 |
| SRA-CH RICHLAND I LLC | 450 BRADLEY BLVD | WA | RICHLAND | 99352 |

| 1 | |
|----------|---|
| 2 | AFFIDAVIT OF POSTING |
| 3 | |
| 4 | STATE OF WASHINGTON)) ss. |
| 5 | COUNTY OF BENTON) |
| 6 | COMES NOW, Mike Stevens, who, being first duly sworn upon oath deposes and says: |
| 7 | 1. I am an employee in the Planning Division of the Development Services Department |
| 8 | for the City of Richland. |
| 9 | 2. On the 29 th day of April 2022, I posted the attached NOTICE OF PUBLIC |
| 10 | HEARING, File Number SSDP2022-101 in the following location: |
| 11 12 | At the entrance to 470 Bradley Blvd, Richland WA, Benton County Tax Parcel # 1- 14981012801001 |
| 13 14 | MA FTS Signed: Mike Stevens |
| 15 | SIGNED AND SWORN to before me this 13th day of May 2022, by Mike Stevens. |
| 16 | Carlas |
| 17 | CARLY KIRKPATRICK Signature of Notary |
| 18 | Notary Public State of Washington Commission # 210539 |
| 19 | My Comm. Expires Oct 6, 2023 Printed Name Notary Public in and for the State of Washington, |
| 20 | Residing in Richland, WA |
| 21 | My appointment expires: Oct. 4, 2023 |
| 22 | |
| 23 | AFFIDAVIT OF POSTING - 1 (Master File #: SSDP2022-101) |
| 24 | |
| 23 | |
| | |



Beaufort Gazette Belleville News-Democrat Bellingham Herald Bradenton Herald Centre Daily Times Charlotte Observer Columbus Ledger-Enquirer Fresno Bee The Herald - Rock Hill Herald Sun - Durham Idaho Statesman Island Packet Kansas City Star Lexington Herald-Leader Merced Sun-Star Miami Herald el Nuevo Herald - Miami Modesto Bee Raleigh News & Observer The Olympian Sacramento Bee Fort Worth Star-Telegram The State - Columbia Sun Herald - Biloxi Sun News - Myrtle Beach The News Tribune Tacoma The Telegraph - Macon San Luis Obispo Tribune Tri-City Herald Wichita Eagle

AFFIDAVIT OF PUBLICATION

| Account # | Order Number | Identification | Order PO | Amount | Cols | Depth |
|-----------|--------------|-----------------------------|----------------------|----------|------|-------|
| 36823 | 252657 | Print Legal Ad - IPL0070295 | D2586000 4401 HE PHN | \$236.49 | 2 | 49 L |

Attention: Jana Duncan

CITY OF RICHLAND/LEGALS 625 SWIFT BLVD. MS-05 RICHLAND, WA 99352

CITY OF RICHLAND NOTICE OF PUBLIC HEARING & OPTIONAL DNS (SSDP2022-101 & EA2022-105)

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Environmental Review: The proposal is subject to environmental review. The City of Richland is lead agency for the proposal under the State Environmental Policy Act (SEPA), has reviewed the proposed project for probable adverse environmental impacts, and expects to issue a determination of non-significance (DNS) for this project. The optional DNS process in WAC 197-11-355 is being used. This may be your only opportunity to comment on the environmental impacts of the proposed development. The environmental checklist and related file information are available to the public and can be viewed at www.ci.richland. wa us

Public Comment: Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Mike Stevens, Planning Manager, 625 Swift Boulevard, MS-35, Richland, WA 99352. Comments may also be emailed to <u>mstevens@cirichland.wa.us</u>. Written comments should be received no later than 5:00 p.m. on Wednesday, May 25, 2022, to be incorporated into the staff report. Comments received after that date will be entered into the record at the hearing. Written comments will not be accepted after 6:00 p.m. on Sunday, June 12, 2022; however, verbal comments may be presented during the public hearing.

Appeal: The application will be reviewed in accordance with the regulations in RMC Title 19 Development Regulations Administration and Title 26 Shoreline Master Program. Appeal procedures of decisions related to the above-refeenced application are set forth in RMC Chapter 19.70. Contact the Richland Planning Division at the above-referenced address with questions related to the available appeal process. Published: Tuesday, April 26, 2022

Published: Tuesday, April 26, 2022 IPL0070295 May 26 2022 COUNTY OF BENTON)

STATE OF WASHINGTON)

Keriann Leenerts, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy as it was printed in the regular and entire issue of the Tri-City Herald and not in a supplement thereof, ran 1 time(s) commencing on 05/26/2022, and ending on 05/26/2022 and that said newspaper was regularly distributed to its subscribers during all of this period.

SS

(Signature of Legals Clerk)

Sworn to and subscribed before me this 26th day of April in the year of 2022

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits. Legal document please do not destroy!

| owner | addr_line1 | addr_line2 | addr_state | addr_city | addr_zip |
|---|----------------------------------|------------|------------|-----------|----------|
| RIVER WALK VILLAGE INVESTMENTS LLC | 12906 N ADDISON ST | | WA | SPOKANE | 99218 |
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SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to <u>all parts of your proposal</u>, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the <u>SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D)</u>. Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background [HELP]

1. Name of proposed project, if applicable:

Riverfront Apartments

- 2. Name of applicant: Knutzen Engineering
- 3. Address and phone number of applicant and contact person: 5401 Ridgeline Dr, Suite 160, Kennewick, WA 99338

4. Date checklist prepared:

12/17/2021

- 5. Agency requesting checklist: *City of Richland*
- 6. Proposed timing or schedule (including phasing, if applicable): Construction is expected to begin by 04/01/2022 and will completed in a single phase.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

There are no plans for future additions or expansion. The project will fully develop the property.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

A geotechnical report was prepared for the property by GN Northern, Inc. in July 2021. GNN Project No.221-1411. A cultural resources survey will be performed if required by the City of Richland.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. *None known of.*

10. List any government approvals or permits that will be needed for your proposal, if known. Shoreline Management Substantial Development Permit, Grading Permit, Commercial Construction Permit, and a Building Height Variance. The permits will be obtained through the City of Richland.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The project proposes a new 31,400 SF residential apartment building with a 12,204 SF underground parking level. A total of 32 residential units are currently proposed. Paved parking, drive aisles, and necessary utility improvements are proposed in association with the new building. The project will also propose a new pedestrian pathway along the north property line to facilitate public access to the waterfront.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The project is located at 470 Bradley Blvd, Richland, WA 99352, and encompasses a single parcel. Benton County parcel #114981012801001. Legal Description: Lot1, Short Plat No. 2801, according to the survey thereof recorded under auditor's File No. 2004-01330, records of Benton County, Washington.
B. Environmental Elements [HELP]

1. Earth [help]

a. General description of the site:

(circle one): **<u>Flat</u>**, rolling, hilly, steep slopes, mountainous, other _____

- b. What is the steepest slope on the site (approximate percent slope)? *Approximately 10%. The majority of the site is under 5% slopes.*
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

GN Northern identified the subsurface soil conditions as uniform across the site. Site soils typically consist of Silty Sand with Gravel (SM), Sandy Silty (ML), and Silt with Sand (ML).

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

None known.

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. The site appears to have been previously graded flat in association with previous development of adjacent properties. Footings will be excavated for the proposed building and the site will be graded to ensure proper stormwater drainage. The site is expected to balance on-site without the import or export of materials.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. Erosion could occur on-site but will be minimized through implementation of BMP's during construction, including silt fencing, a construction entrance, ground cover, waddles, site watering for dust control, and catch basin inserts. All stormwater runoff will be contained and managed on-site.
- g.About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? *Approximately* 75% of the site will be covered with impervious surfaces after project construction.
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: Standard erosion control measures will be used, such as catch basin protection, silt fencing, and a stabilized construction entrance. Dust during construction will be controlled by the use of a water truck as necessary.

2. Air [help]

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

During construction, minor amounts of dust and exhaust from equipment activity may occur. The completed project will not affect air quality.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None known.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Dust control measures will be implemented in accordance with recommendations by the Department of Ecology and the Benton Clean Air Authority. Measures include, but are not limited to; watering, lowering speed, limiting construction vehicles, and reducing the number of dust-generating activities on windy days.

- 3. Water [help]
- a. Surface Water: [help]
 - 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.

The property borders the Columbia River waterfront. The closest property line is approximately 40' from the existing shoreline. There is an existing public pathway along the property line bordering the shoreline.

- 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. Yes, the proposed building would be approximately 90 feet from the shoreline.
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. No fill or dredge material will be placed in or removed from surface water or wetlands.
- Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. *No.*
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. *The site is not designated within a floodplain per the COR Critical Areas Map.*
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. *No waste materials will be discharged to surface waters.*

- b. Ground Water: [help]
 - 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.

No groundwater will be withdrawn from a well.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

No waste materials will be discharged into the ground.

- c. Water runoff (including stormwater):
 - 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 new building and impervious surfaces will produce stormwater runoff. The runoff will sheet flow to stormwater ponds and infiltrated on-site. Underground infiltration trenches will be used as necessary to supplement the ponds.

- 2) Could waste materials enter ground or surface waters? If so, generally describe. Waste materials will not enter groundwater. Bio-swales provide pretreatment through surface infiltration. Pre-treatment will be installed on any underground facilities in agreement with the Stormwater Management Manual for Eastern Washington.
- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No, all run-off will be retained and infiltrated on-site.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Stormwater generated from impervious surfaces will infiltrate into underlying soils primarily via surface infiltration in ponds. Underground infiltration structures will be proposed as necessary to supplement the ponds.

4. Plants [help]

- a. Check the types of vegetation found on the site:
 - X deciduous tree: alder, maple, aspen, other
 - ____evergreen tree: fir, cedar, pine, other
 - X_shrubs
 - ____grass
 - ____pasture

 - ____Orchards, vineyards or other permanent crops.
 - _____wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
 - ____water plants: water lily, eelgrass, milfoil, other
 - ____other types of vegetation
- b. What kind and amount of vegetation will be removed or altered? Existing trees and shrubs will be removed as necessary for the proposed construction.
- c. List threatened and endangered species known to be on or near the site. None known per the Washington Department of Fish and Wildlife.
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: Landscaping will be proposed for the new building and parking lot improvements in compliance with City of Richland code requirements.
- e. List all noxious weeds and invasive species known to be on or near the site.

None known per the Washington State Noxious Weed Data Viewer.

5. Animals [help]

a. <u>List any birds and other animals which have been observed on or near the site or are known</u> to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other: mammals: deer, bear, elk, beaver, other: fish: bass, salmon, trout, herring, shellfish, other

Songbirds and waterfowl, such as ducks, herons, and white egrets are common to the Columbia River. The river is also habitat for a numerous fish species.

b. List any threatened and endangered species known to be on or near the site.

None per the Washington Department of Fish and Wildlife.

c. Is the site part of a migration route? If so, explain. Yes, the City of Richland is part of the Pacific Flyway. d. Proposed measures to preserve or enhance wildlife, if any:

The proposed building location will comply with standard building setbacks per City of Richland code. The existing public pathway and associated easement along the Columbia River provides separation from the Shoreline, which will continue to be maintained.

e. List any invasive animal species known to be on or near the site. The Columbia River is host to a variety of invasive fish species, including Carp.

6. Energy and Natural Resources [help]

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

The new building will use electricity for lighting and appliances. Natural gas is available at the site and will likely be used for heating and appliances.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: *The new building will comply with all energy efficient codes as designated by the City of Richland and the IBC.*

7. Environmental Health [help]

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.
 - 1) Describe any known or possible contamination at the site from present or past uses. *None known.*
 - 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. There are natural gas lines in the vicinity of the project, which will be extended to service the new building. The lines are maintained by Cascade Natural Gas Company and are not expected to present a hazard to the project or vicinity.
 - Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. None known.
 - 4) Describe special emergency services that might be required. The project will utilize typical emergency service provided by the City of Richland.
 - 5) Proposed measures to reduce or control environmental health hazards, if any: *None currently.*

- b. Noise
 - 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Normal traffic noise from nearby streets and boats on the Columbia River. The noise is not expected to affect the project.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Short Term: Construction Noise Long Term: Automobile noise from the building's residents.

3) Proposed measures to reduce or control noise impacts, if any: Construction activities will be limited to the working hours of the day in compliance with Benton County and City of Richland noise standards.

8. Land and Shoreline Use [help]

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.

The site is currently an undeveloped lot. Adjacent properties include a Hampton Inn, commercial buildings, and residential townhomes.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?
 - No.
 - Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: No.
- c. Describe any structures on the site. There are no existing structures on-site.
- d. Will any structures be demolished? If so, what? No.
- e. What is the current zoning classification of the site? WF – Waterfront
- f. What is the current comprehensive plan designation of the site? WTF - Waterfront

- g. If applicable, what is the current shoreline master program designation of the site? *Waterfront.*
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. The City of Richland locates the site within a 10 – Year Aquifer Recharge critical area.
- i. Approximately how many people would reside or work in the completed project? Approximately 55 people would reside in the completed project.
- j. Approximately how many people would the completed project displace? *None.*
- k. Proposed measures to avoid or reduce displacement impacts, if any: *Not applicable.*
- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The project will be permitted through the City of Richland, in accordance with all applicable zoning ordinances.

I. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: *Not applicable.*

9. Housing [help]

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
 32 high-end residential units will be provided.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. *None.*
- c. Proposed measures to reduce or control housing impacts, if any: A housing impact fee will be paid to the City of Richland in compliance with City code.

10. Aesthetics [help]

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

The building will be 55' tall maximum, per the maximum height variance allowed by the City of Richland for the Waterfront zoning. Building materials will comply with City of Richland building code and will be harmonious with nearby developments.

b. What views in the immediate vicinity would be altered or obstructed? The view of the Columbia River from the southern-end rooms at the adjacent Hampton Inn will be altered, but not completely blocked. c. Proposed measures to reduce or control aesthetic impacts, if any: Landscaping will be installed in agreement with City of Richland code.

11. Light and Glare [help]

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Parking lot and building exterior building lights will be proposed for the dark times of the day.

- b. Could light or glare from the finished project be a safety hazard or interfere with views? *No.*
- c. What existing off-site sources of light or glare may affect your proposal? *None known.*
- d. Proposed measures to reduce or control light and glare impacts, if any: All outdoor lighting will be shielded downward to prevent glare.

12. Recreation [help]

- a. What designated and informal recreational opportunities are in the immediate vicinity? The Columbia River provides numerous recreational opportunities, including fishing, boating, and kayaking. The site is approximately 450 feet from Howard Amen Park, which provides numerous recreational opportunities.
- b. Would the proposed project displace any existing recreational uses? If so, describe. *No.*
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: *Public access to the shoreline through the property will be provided by a paved 8' public pathway, protected by a public pathway easement dedicated to the City of Richland.*

13. Historic and cultural preservation [help]

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe.

None known.

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.

None known. It's likely the site was examined for architectural resources at a previous time due to the appearance of being previously graded in association with adjacent development. The site is listed as Survey Highly Advised: Very High Risk by the Department of Historical Preservation's WISAARD predictive model.

- 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. Internet search for the project site. Washington State Department of Archeology and Historic Preservation and the National Register of Historic Places in Benton County.
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. Upon any discover of potential or known archeological resources at the project site prior to or during construction, the contractor and/or any other parties involved in construction shall immediately cease all on-site construction, shall act to protect the known historical and cultural resources area from outside intrusion, and shall notify, within a maximum period of twenty-four hours from time of discovery, City of Kennewick officials of said discovery.

14. Transportation [help]

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.

The project site will be accessed off Bradley Blvd and Amon Park Dr, which connect to George Washington Way.

- 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? The nearest Ben Franklin Transit bus stop is located on Bradley Blvd, approximately 190 feet from the site. Stop ID: RC098
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? *The completed project will provide 53 additional parking spaces, including 28 covered parking stalls on the first floor on the building.*
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

The project will propose an 8' pedestrian pathway from the western property line to the existing pedestrian pathway along the shoreline.

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

The project is adjacent to the Columbia River, which is used by barges for the transportation of goods.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

The project is expected to generate approximately 163 vehicular trips on a typical weekday with peak traffic volumes occurring in the evening hours. (Per land use code 220 of the Trip Generation Manual of the ITE.)

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. *No.*
- h. Proposed measures to reduce or control transportation impacts, if any: A Traffic Impact Fee will be payed per City of Richland code.

15. Public Services [help]

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

Yes, the completed project's residents will utilize public services provided by the City of Richland.

b. Proposed measures to reduce or control direct impacts on public services, if any. The project will pay impact fees as determined by the City of Richland. The completed project will also generate additional tax revenue for the City.

16. Utilities [help]

- a. Circle utilities currently available at the site: <u>electricity</u>, <u>natural gas</u>, <u>water</u>, <u>refuse service</u>, <u>telephone</u>, <u>sanitary sewer</u>, septic system, other _____
- c. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

<u>Potable Water</u> – City of Richland, <u>Electricity</u> – City of Richland Energy Services, <u>Sewer</u> – City of Richland, <u>Telephone/Internet</u> – Charter, <u>Natural Gas</u> – CNGC

C. Signature [HELP]

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

| Signature: | Kalt Milecol. |
|------------------|---|
| Name of signee | Robert McLeod |
| Position and Age | ency/Organization Junior Engineer / Knutzen Engineering |

Date Submitted: <u>12/20/2021</u>



<u>CITY OF RICHLAND</u> Mitigated Determination of Non-Significance

| Description of Proposal: | Construction of a 31,400 s.f. apartment building (32 units) with |
|---------------------------------|--|
| | 12,204 s.f. of underground parking. The project will also result |
| | in above-ground paved parking with drive aisles, necessary |
| | utility improvements, and a pedestrian pathway along the |
| | north property line to facilitate public access to the waterfront. |
| | The applicants are also requesting to increase the building height pursuant to RMC 26 30 013 from 35-feet to 55-feet |
| | |

- Proponent:Knutzen Engineering on behalf of Cedar and Sage
Apartments 1, LLC
5401 Ridgeline Dr., Suite 160
Kennewick, WA 99338
- Location of Proposal: 470 Bradley Blvd. upon Assessor's Parcel No. 114981012801001. The legal description of the site is Lot 1 of Short Plat No. 2801, according to the survey thereof recorded under Auditor's File No. 2004-01330, records of Benton County, Washington.
- Lead Agency: City of Richland

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

() There is no comment for the DNS.

() This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for fourteen days from the date of issuance.

(**X**) This MDNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

Responsible Official: Mike Stevens Position/Title: Planning Manager Address: 625 Swift Blvd., MS #35, Richland, WA 99352 Date: May 27, 2022

Signature Mark St

CONDITIONS FOR MITIGATING ENVIRONMENTAL IMPACTS

- 1. An Aquifer Recharge Area Report shall be prepared pursuant to RMC 26.60.060, Reports and Studies and submitted to the City of Richland prior to the issuance of any development permits for the subject property.
- 2. A detailed Archaeological Survey shall be performed by a licensed archaeologist and submitted to the City of Richland, Yakama Nation, Confederated Tribes of the Umatilla Indian Reservation and Department of Archaeological and Historic Preservation prior to issuance of any development permits for the subject property.

EXHIBIT 8

May 25, 2022

1 1

MAY 2 5 2022 Planning &

RECEIVED

Development Services

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

RE: SSDP 2022-101, APN #114981012801001: 470 Bradley Blvd. Project Site

Dear Mr. Stevens,

I am writing to express my view that the application by Knutzen Engineering for Cedar & Sage Apartments 1, LLC does not meet the criteria to receive a height variance to build an apartment building at 470 Bradley Blvd. I own and live in the condominium at 468 Bradley Blvd. which is adjacent on the south side of the proposed 32 unit apartment building.

1.RE: Height variance & views. Page 9 of the SPA checklist asks "What views in the immediate vicinity would be altered or obstructed?" The answer "The view of the Columbia River from the southern-end rooms at the adjacent Hampton will be altered, but not completely blocked." There is no mention of damaging the view from my condo or neighbors. The answer is incomplete and misleading. The additional apartment building height would not be in line with the roof line of the Hampton Inn and River Walk Village condominiums. Additional height throws more shadows along the riverfront trail especially in the afternoon. From my condo with a 55 foot tall building as close as 10 feet from the property line, I will loose not only some river view but that of the sky. My condo has 5 large windows and 5 small windows on the north side which the proposed building will block the river view in the many of them. Furthermore, the windows and decks on the apartment building would be quite close to my condominium creating noise and vision disturbance.

2 RE:Public open space and facilities that enhance the enjoyment of the shoreline. Much of the open space planned is a paved parking lot. The building should be situated further from the Riverfront trail to provide more open space along the river to enjoy. Just because a building can be built within so many feet of the river does not mean that is the ideal distance. Both the Hampton Inn and River Walk condos are set back further from the river than this proposed building. Fisherman, Search & Rescue, Scuba divers and kayakers may use the proposed trail on the north to reach the river where they fish or embark but parking for their vehicles would not be available.

3. RE: Building features. The proposed building is lacking in style and architectural features that would blend in with the River Walk Village condominiums and surrounding buildings. It looks ordinary and plain. It is stated the building will provide "high-end residential units and underground parking units." There are parking spaces in the building but not garages. Parking is not adequate for a building with so many units. Parking in the surrounding business area is already in short supply as vehicles park in the proposed building site regularly especially in evenings. The nine units of the River Walk Condominiums are home to fewer than 15 people. To have about 55 people living in a much smaller area adjacent will change the ambience of the area regarding noise, congestion, parking and traffic.

4.RE: Distance from the Columbia River. Knutzen Engineering state "the proposed building will be located at a similar setback from the waterfront as the existing buildings ." The setback on the drawing C101 shows the southeast corner of the building substantially in front of the corner of my unit. That will block the view from the windows in the northeast corner of my unit (2 floors) which have an exceptional view up the river. Also, the material submitted fails to

recognize the river view from apartments located at 434 Bradley Blvd. which will be blocked by the proposed apartment building. Leaving more open space between my condo at 468 Bradley Blvd. and the proposed apartments at 470 Bradley Blvd. along with increased set back from the river would allow north view of the river. The proposed building location definitely creates a visual barrier and appears to be too large for the small lot.

In summary, it does not appear that the plans meet the criteria for allowing additional height to the building. The building is too large for the lot and is not situated to preserve river views from the nearby residences.

I appreciate your consideration of my comments.

Sincerely,

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т) .

Catherine Fredericks

Catherine Fredericks 468 Bradley Blvd. Richland, WA 99352

| From: | edward stipe <emstipe@gmail.com></emstipe@gmail.com> |
|----------|--|
| Sent: | Tuesday, May 24, 2022 3:13 PM |
| То: | Stevens, Mike |
| Subject: | Proposed riverfront development by Knudsen at 474 Bradley BLVD |

We've lived in the condos at 462 Bradley since they were built 17 years ago. Our 9 units are perhaps the nicest place to live in the Tri-Cities. Our units are very high end 3000+ square foot three bedroom luxury, as evidenced by a recent sale by one of our neighbor's condo for \$1300000.

We always knew that the empty lot next to us would be developed. We had hoped for a project of similar quality to our condos, perhaps retail on a bottom floor and condos for sale above. I'm NOT against eventual development, but I was alarmed to learn that a five story apartment building with 32 units as small at 500 square feet was being planned! There doesn't appear to be any greenspace to warrant an exception to the height restrictions enacted by our city. Since many residents would have two cars, the parking is inadequate for 64 vehicles as well as guest parking. The drive into the development on the Hampton Inn side would not be adequate for this much traffic. The parking for the existing businesses nearby are often overflowing now, with no room for the apartment parking overflow

The public access to the riverfront on the plan appears to compete with the narrow driveway to the development, making it difficult for the many fishermen, walkers, and bikers to have access to the riverfront path. The very narrow set back from our condos would result in loss of river views for our homes and surrounding businesses. Light pollution along the river path would increase as well.

I don't see any evidence that an Environmental Impact Statement has been prepared, nor does it appear that plans have been reviewed with <u>https://dahp.wa.gov/archaeology/tribal-consultation-information</u> as this site may have significant ancient Native American artifacts in the ground being considered. There doesn't appear to be any plans for a very large garbage enclosure that could handle 36 households. The SEPA statement from the developers seems very inadequate as well.

The cities have recently rejected plans to convert the old Shilo Inn and the Clover Island Hotel to micro apartments, since there appear to be enough tiny apartments being planned for our communities. Why would Richland want this choice parcel be developed into more economy housing? Wouldn't this spot be perfect for small shops, kayak/bike rentals, perhaps a coffee shop or restaurant with a patio on the river, as well as luxury condos above? Such a project would be in harmony with our surrounding existing neighborhood.

Thank you for this opportunity to share my thoughts.

Mike Stipe 462 Bradley Blvd Richland, WA 99352

Sent from Mail for Windows

| From: | Gary Adkins <garyadkins.properties@gmail.com></garyadkins.properties@gmail.com> |
|----------|---|
| Sent: | Wednesday, May 25, 2022 3:43 PM |
| То: | Stevens, Mike |
| Subject: | 470 Bradley Blvd |

Dear Mr Stevens:

My name is Gary Adkins and I live at 456 Bradley Blvd. I am one of many people who live in the area that have great concerns about the proposed construction at 470 Bradley Blvd.

1 - The 55' height would block alot of the river view for the people that live in the area.

- 2 Parking, congestion, and overall safety for everyone.
- 3 Green space and close boundary lines seem to be an issue.
- 4 Concerns that an environmental impact study needs to be done.
- 5 The proposed structure does not seem to conform to the neighboring buildings.

Thank you for your time and I hope that you will take this into consideration.

Gary Adkins Cell #: (509) 901-3880

| From: | James Smith <jimbobfreemont4765@gmail.com></jimbobfreemont4765@gmail.com> |
|----------|---|
| Sent: | Tuesday, May 24, 2022 10:37 AM |
| То: | Stevens, Mike |
| Subject: | Proposed Development by Knutson Engineering at 474 Bradley |

As a resident of the River Walk Village Condo's I am writing to express my concerns for the proposed development. 1. The request for a height variance from the current limit of 35 feet to 50 feet or higher will obstruct River views for residents of our condo's and the existing Buisness venue's ; Longship Winery and The Bradley Restaurant.

2. Traffic Impact. In consideration of the proposed 32 unit complex each with two parking spaces in addition to the current traffic from our Village Condo's ,the Hampton Inn and local buisnesses I think a traffic study should be required.
 3. At present I understand that the Shoreline Waterfront Plan was opposed to high occupancy multi family developments

4. As proposed there will be significant noise and lighting affecting adjacent condo's and townhomes.

5. I think an Environmental Impact Study be required.

6. Has the site been evaluated by the Native American Archeology Program?

Regards, James Smith

| From: | Jan Betz <jbetz65@hotmail.com></jbetz65@hotmail.com> |
|----------|--|
| Sent: | Wednesday, May 25, 2022 9:11 AM |
| То: | Stevens, Mike |
| Subject: | Fwd: 470 Bradley Blvd, Richland, WA 99352 |

Sent from my iPhone

Begin forwarded message:

From: Jan Betz <jbetz65@hotmail.com>
Date: May 25, 2022 at 9:00:39 AM PDT
To: mstevens@ci.richland.wa.us
Subject: 470 Bradley Blvd, Richland, WA 99352

Dear Mr Stevens,

Thank you for allowing us, as condo owners of the River Walk Village Association, to give you our thoughts on the proposed High Rise that could be next to our beautiful condos.

1. All Riverfront condos each have a minimum of 600 sq.ft. of lawn & shrubs for outdoor use by their owner, which is typical for all riverfront occupancies from the Hampton to Columbia Point.

2. There are NO multi-family dwellings or apartments.

3. All existing structures have met the current height requirements. This proposal would be the only one that doesn't.

4. ALL dwellings are OWNER occupied which ensures a minimum level of pride and upkeep guaranteeing esthetic appeal. This doesn't work with apartments! The existing density is one occupancy for each 40 ft. of riverfront with virtually No noise or intrusion into neighboring dwellings.

5. Condo associations for the entire Riverwalk from the Hampton to Columbia Point

have maintained an appealing visual portrait as witnessed by the number of

public passerby's that enjoy the access and use...this structure will certainly NOT add to what

the city has envisioned for this area.

I moved into the beautiful River Walk Village Association in 2018 for All of the reasons listed above and cannot see how this project could possibly maintain the wonderful piece of Heaven we currently enjoy, let alone add to it!? None of the nine occupants of this development are in favor of having too small condos/apartments stacked 55' high for neighbors.

We would hope that city of Richland would continue with the "Good Faith" of the existing vision of development, not this one....it does NOT FIT!

Respectfully,

Jan Betz 458 Bradley Blvd Richland, WA 99352 541-571-6596 From: Kathy Nuckolls knuckolls49@gmail.com Subject: Fwd: I'm writing this letter to give you my concerns with the proposed Shoreline Management Substantial Development Permit SSD P 2022-101 and all associated documents.

Date: May 25, 2022 at 2:08:11 PM To: stevens@ci.richland.wa.us

Sent from my iPhone

Begin forwarded message:

From: Kathy Nuckolls <<u>knuckolls49@gmail.com</u>> Date: May 25, 2022 at 11:04:21 AM PDT To: <u>mstevens@cirichard.wa.us</u> Subject: I'm writing this letter to give you my concerns with the proposed Shoreline Management Substantial Development Permit SSD P <u>2022-101</u> and all associated documents.

I live at 466 Bradley Blvd River Walk Condo number 466. After After reading the the proposal development plan submitted by Cedar and Sage Apartment 1 LLC, I have issues with the following.

Having 32 Appartments for multi party residential use. The River front housing units along with River walking path are

Katov Nuckolis addition writing this tell suito give hou my concerns with the proposed Shoroling Management Substantial Developmen Ja

all Condo, single family's owner. The height of the units are 35' or less not the proposed 55' I live in the 2nd Condo on the North end of the the Riverwalk Condo ass.

The apartments planned will obscure my view of the park and boat docs I now have. The large Rivers Boats docking there and their travel down the River is one of many sights I love to watch from my Patio and Deck on the second floor. 32 apartments will cause congestion of people and cars for the small area involved. This is a quiet serene place to live and I would hate to loose that. Having neighbors on the lot will be a pleasant addition if planning is done appropriately. Kathy Nuckolls May 23, 2022

Mr. Michael Stevens, Planning Manager City of Richland Washington 635 Swift Blvd, MS # 35 Richland, WA 99352

Dear Mr. Stevens,

I am writing in regards to the 470 Bradley Blvd development plan submitted to the city. I have several concerns and feel this project should not go on without additional study.

Our Columbia River shoreline is a valuable asset to our Richland community. The city has done a wonderful job with the parks and shoreline preservation. The proposal at 470 Bradley does not seem to meet the intent or the integrity of other projects along the shoreline. The 470 property is one of the last pieces to fill in. It should enhance, not distract, from what has already been developed. The continuation of development with beautiful landscaping, green space, river access and sensitivity to the cultural history and ecology is essential. A high occupancy 30 unit complex with the potential of 60 + renters in that small space doesn't seem compatible with good Columbia shoreline management. This could mean an additional 60 cars feeding into a small area already busy with traffic from the Hampton Inn, The Bradley, Longship's tasting room, Riverwalk Village Town homes, (where I live), Riverwalk three story luxury apartments and the other various offices, hair dressers, etc. Has a traffic study been done? Do we want to have less green space and more parking lots? Has the congestion of pedestrian and car traffic intercepting been studied? Does this exceed the density criteria for river front property?

There is absolutely no reason to allow a height variance for this small piece of property on the shore of the beautiful Columbia River. Whatever is built in this space should be an aesthetically pleasing quality structure which this project does not seem to be. We want to see something built on this lot. My preference would be privately owned quality condos, not small boxy rental apartments. If it is apartments, they should be larger and higher quality than those in this plan. Pride of ownership makes a difference in how people maintain and care for their property. Renters come and go especially of small apartments. We have many small apartment projects going on in Richland currently and I question whether we need another one. The economy is back and it is appropriate to have quality units built on this piece of property that enhance the beauty of the shoreline, not detract. The heart of Richland, especially on the Columbia river needs additional quality projects. A 55 foot structure would disrupt the views along the river and definitely distract from the shoreline experience. This plan should not justify a height variance.

My concerns are represented by these many unanswered questions regarding, density for the size and location of the project, height variance, set back, landscaping, traffic flow, parking for

residence and guests, appropriate public access to the river, density impact on the shoreline and sensitivity to the beauty of the Richland Columbia waterfront.

Thank you for your consideration of my concerns. I look forward to having resolution to these issues.

Marsha Stipe 462 Bradley Blvd Richland, WA 99352 509-946-6168

| From: | Michael Johnson <mdjohnson1492@gmail.com></mdjohnson1492@gmail.com> |
|----------|---|
| Sent: | Monday, May 23, 2022 8:06 PM |
| То: | Stevens, Mike |
| Cc: | jimbobfreemont4765@gmail.com |
| Subject: | Knutzen Engineering project at 470 Bradley |

Hello,

I am writing to express my opposition to the project's height. I strongly believe that the height of the proposal will have a very negative impact, significantly obstructing my view. Our city is crowded enough as it is. There is plenty of room on the other side of the river or upstream.

Regards,

Michael David Johnson Age 52 Resident 434 Bradley Blvd Suite 303 Richland, WA 99352 509-440-0823

May 25, 2022

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

RE: SSDP 2022-101. Applicant: Knutzen Engineering on behalf of Cedar & Sage Apartments 1, LLC

Dear Mr. Stevens,

I am a property owner at 464 Bradley Blvd, immediately to the south of the proposed development by Cedar and Sage Apartments 1, LLC. at 470 Bradley Blvd. Upon review of the application, I am very concerned about the Applicants request for additional height, proposed setbacks and lack of properly following SEPA guidelines:

Height

The criteria for additional height allowance in the Waterfront Environment, RMC 26.30.013, are not met in any instance:

Sec. A. No additional open space has been provided for in accordance with RMC 26.30.040(F)(2a):

(ii) Proposed open space does not appear to be at the elevation of the Riverside Trail

(iv) Proposed open space is not accessible to the public as it is surrounded by ornamental vegetation. Further, does the developer and future tenants really want the public picnicking on their lawn? Who cleans up after them?

(vi) The benches shown in the exhibits are existing and do not represent additional features to satisfy this requirement.

(vii) As shown on Exhibit L-2, a significant area is indicated to include ornamental vegetation, which does not allow foot traffic and as such "is excluded from the area qualifying for bonus floor area."

Sec B. None of the four criterions of this section have been met:

1. Views will be obstructed from adjacent residences, apartments and the hotel.

2. No additional public open space and facilities that enhance public enjoyment of the shoreline are provided;

3. The design as presented is not on par with the surrounding development of the River Walk Condos, the Riverwalk Commercial Village, the River Walk Apartments and/or the Hampton Inn. No design criteria or renderings have not been offered in the application indicating how this proposed project will meet the requirement to be *"aesthetically*"

pleasing in relation to buildings and other features in the vicinity". RCM 23.22.040 (Note 12)

4. The proposed structure is 112 feet wide at the waterfront on a lot that is 129.81 feet wide. This represents a greater than 86% visual barrier to the waterfront and the above grade parking garage is massive, "boxy" and generally unsightly. The east facing side of the structure, along the riverfront trail is a 112-foot ling by ~10 foot high nearly solid wall that cannot be consider aesthetically pleasing by any definition.

Setbacks

RNC 23.22.040(Note 9) explains that setbacks "shall maintain at least one foot of side yard for each three feet or portion thereof of building height". A 55-foot structure would therefore require a ~18 setback on each side and a 35-foot structure would require a ~11.66 side yard setback. More importantly is the east facing set back. As shown on Exhibit C101, a 47.9" set back is proposed from the property line along the river side of the public trail. This puts the southeast corner of the structure nearly 10 feet proud of the adjacent condos to the south and greatly impacts their northern views. Maintaining a setback consistent with that of the condos solves this issue.

SEPA

It is not clear if a Phase 1 has been completed and it appears the Applicant has failed to properly investigate and determine several SEPA Checklist items. A superficial internet search is by no means adequate. Areas of concern are:

Item 7a1: Lack of proper studies with regard to environmental health as this site was formally an access point to a boat launch and this suggest the possibility of contaminated soils.

Item 10b: Views are greatly altered and impacted by proposed development.

Item 11: Light and glare: What studies and criteria have been completed to assure that lighting from the apartments and parking lot do not present a safety hazard or interfere with views or the wonderful dark sky nature of the area currently.

Item 13b: No apparent study has been commissioned to determine possible cultural resources at this site despite the applicant indicating that site is currently listed as, **"Survey Highly Advised: Very High Risk** by the Department of Historical Preservation's WISAARD predictive model. Has the DAHP been directly advised of this proposed project?

In addition to the above there is an entire host of other concerns that must be addressed prior to approval of the project:

- Parking adequacy: No provision for guests, boats, trailers, RV's or the public who desire to access the waterfront
- Greenscape: Too much hard scape will create a horrible heat island in the summer months. More landscaping and trees very important

- Noise: A high density/high occupancy building risks upsetting the peaceful enjoyment of this neighborhood others have come to appreciate.
- Pedestrian safety: Proposed 8' path intersects the site driveway
- Inadequate garbage facilities: small garbage enclosure is not adequate for 32 households.

In short, as presented, this project does not meet the standards and regulations for approval to increase overall building height and proposed setbacks significantly impede views. The proposed building is simply too large for this location. Further, incomplete SEPA analysis supports rejection of a DNS approval for this project.

Thank you for considering my comments,

Mulke

Michael Walker 464 Bradley Blvd Richland, WA. 99352 mlww9@msn.com

RECEIVED MAY 2.5 2022

Planning & Development Services

Mr. Mike Stevens-Planning Manager City of Richland 625 Swift Blvd, MS #35 Richland, WA. 99352 May 25, 2022

RE: SSDP 2022-101. Applicant: Knutzen Engineering on behalf of Cedar & Sage Apartments 1, LLC

Dear Mr. Stevens,

I am a property owner at 464 Bradley Blvd, immediately to the south of the proposed development by Cedar and Sage Apartments 1, LLC. at 470 Bradley Blvd. Upon review of the application, I am very concerned about the Applicants request for additional height, proposed setbacks and lack of properly following SEPA guidelines:

Height

The criteria for additional height allowance in the Waterfront Environment, RMC 26.30.013, are not met in any instance:

Sec. A. No additional open space has been provided for in accordance with RMC 26.30.040(F)(2a):

(ii) Proposed open space does not appear to be at the elevation of the Riverside Trail

(iv) Proposed open space is not accessible to the public as it is surrounded by ornamental vegetation. Further, does the developer and future tenants really want the public picnicking on their lawn? Who cleans up after them?

(vi) The benches shown in the exhibits are existing and do not represent additional features to satisfy this requirement.

(vii) As shown on Exhibit L-2, a significant area is indicated to include ornamental vegetation, which does not allow foot traffic and as such "is excluded from the area qualifying for bonus floor area."

Sec B. None of the four criterions of this section have been met:

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2. No additional public open space and facilities that enhance public enjoyment of the shoreline are provided;

3. The design as presented is not on par with the surrounding development of the River Walk Condos, the Riverwalk Commercial Village, the River Walk Apartments and/or the Hampton Inn. No design criteria or renderings have not been offered in the application indicating how this proposed project will meet the requirement to be *"aesthetically*"

pleasing in relation to buildings and other features in the vicinity". RCM 23.22.040 (Note 12)

4. The proposed structure is 112 feet wide at the waterfront on a lot that is 129.81 feet wide. This represents a greater than 86% visual barrier to the waterfront and the above grade parking garage is massive, "boxy" and generally unsightly. The east facing side of the structure, along the riverfront trail is a 112-foot ling by ~10 foot high nearly solid wall that cannot be consider aesthetically pleasing by any definition.

Setbacks

RNC 23.22.040(Note 9) explains that setbacks "shall maintain at least one foot of side yard for each three feet or portion thereof of building height". A 55-foot structure would therefore require a ~18 setback on each side and a 35-foot structure would require a ~11.66 side yard setback. More importantly is the east facing set back. As shown on Exhibit C101, a 47.9" set back is proposed from the property line along the river side of the public trail. This puts the southeast corner of the structure nearly 10 feet proud of the adjacent condos to the south and greatly impacts their northern views. Maintaining a setback consistent with that of the condos solves this issue.

SEPA

It is not clear if a Phase 1 has been completed and it appears the Applicant has failed to properly investigate and determine several SEPA Checklist items. A superficial internet search is by no means adequate. Areas of concern are:

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Item 11: Light and glare: What studies and criteria have been completed to assure that lighting from the apartments and parking lot do not present a safety hazard or interfere with views or the wonderful dark sky nature of the area currently.

Item 13b: No apparent study has been commissioned to determine possible cultural resources at this site despite the applicant indicating that site is currently listed as, **"Survey Highly Advised: Very High Risk** by the Department of Historical Preservation's WISAARD predictive model. Has the DAHP been directly advised of this proposed project?

In addition to the above there is an entire host of other concerns that must be addressed prior to approval of the project:

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- Greenscape: Too much hard scape will create a horrible heat island in the summer months. More landscaping and trees very important

- Noise: A high density/high occupancy building risks upsetting the peaceful enjoyment of this neighborhood others have come to appreciate.
- Pedestrian safety: Proposed 8' path intersects the site driveway
- Inadequate garbage facilities: small garbage enclosure is not adequate for 32 households.

In short, as presented, this project does not meet the standards and regulations for approval to increase overall building height and proposed setbacks significantly impede views. The proposed building is simply too large for this location. Further, incomplete SEPA analysis supports rejection of a DNS approval for this project.

Thank you for considering my comments,

Mualka

Michael Walker 464 Bradley Blvd Richland, WA. 99352 mlww9@msn.com

| From: | Manolopoulos, Lynn <lynnmanolopoulos@dwt.com></lynnmanolopoulos@dwt.com> |
|----------|--|
| Sent: | Monday, May 23, 2022 10:15 AM |
| То: | Stevens, Mike |
| Cc: | Manolopoulos, Paul |
| Subject: | 470 Bradley Blvd. Shoreline Substantial Development Permit SSDP2022-101/EA2022-105 |

We are writing to provide comments on the Knutzen Engineering project at 470 Bradley. We do not believe the City should issue a DNS for this project. Given its magnitude and potential impacts on the surrounding community, an EIS should be required.

The responses in the SEPA checklist are inadequate to address the various environmental impacts, including:

- Height variance and views: We do not believe this development meets the criteria required to receive a variance. The project will impact views and there is no overriding public interest served by any portion of the project. Rather, it will have a negative impact on the public enjoyment of the shoreline. The checklist claims the only impact to views is to the Hampton but this 5 story building will impact other views, including those of the neighboring condos.
- Possible contamination: The checklist response concerning possible contamination is "None known". Did the applicant do any studies to evaluate potential impacts? It is unwise to build a building without investigating impacts from historical uses such as the boat launch and other past uses that could have caused adverse environmental impacts to the soil or groundwater. These issues should be investigated before a building is built on top of them. This is also the time to require removal of the dock pilings that remain from prior uses.
- Light and glare: This large building is likely to cause light and glare to the surrounding area and to homes across the river. It may also cause impacts to fish, waterfowl and other wildlife that rely on the river habitat.
- Cultural resources: Will the contractor develop a plan and train all workers so that cultural resources are properly identified? This is clearly a sensitive area from a cultural resources perspective.
- Parking: The amount of parking planned is insufficient for the number of units. Boats, trailers and other similar items should be prohibited from parking on the property.
- Quality of units: These are not high end units. These units are much smaller than what has been allowed in other areas of Columbia Point. The high-occupancy nature of the development is likely to attract more transient occupants with less regard for the impact to the community that results when the units deteriorate over time.
- Traffic impacts, flow and ingress/egress to/from the proposed river front apartments: The July 2021 GN
 Northern Geotechnical Report states "The development will be accessed via the Hampton Inn parking lot to the
 northwest" and the Shoreline Master Program Substantial Development Application states "The project will also
 propose a new pedestrian pathway along the north property line to facilitate public access to the waterfront". If
 the pedestrian and vehicle pathways are to intersect, this intersection will create significant safety impacts for
 pedestrians, cyclists, etc. who use the pathway to access the waterfront. In addition, it is unclear what the
 traffic impacts will be on the existing vehicle routes/capacities of the adjacent residential and commercial
 developments if those routes are used for ingress/egress by the residents of the river front apartments. At a
 minimum, the City should require a traffic study to evaluate these impacts.

Thank you for the opportunity to submit these comments.

Paul & Lynn Manolopoulos 444 Bradley Blvd. Richland, WA 99352 (425) 503-1697

| From: | richy rich <richarr1@outlook.com></richarr1@outlook.com> |
|----------|--|
| Sent: | Tuesday, May 24, 2022 3:46 PM |
| То: | Stevens, Mike |
| Subject: | Proposed Development by Knutson Engineering at 474 Bradley |

As a resident of the River Walk Village Condo's I am writing to express my concerns for the proposed development. 1. The request for a height variance from the current limit of 35 feet to 50 feet or higher will obstruct River views for residents of our condo's and the existing Buisness venue's ; Longship Winery and The Bradley Restaurant. 2. Traffic Impact. In consideration of the proposed 32 unit complex each with two parking spaces in addition to the current traffic from our Village Condo's ,the Hampton Inn and local buisnesses I think a traffic study should be required. 3. At present I understand that the Shoreline Waterfront Plan was opposed to high occupancy multi family developments 4. As proposed there will be significant noise and lighting affecting adjacent condo's and townhomes. 5. I think an Environmental Impact Study be required.

6. Has the site been evaluated by the Native American Archeology Program?

Regards, Rich Richardson

Sent from my iPhone

River Walk Village Homeowners Association 464 Bradley Blvd Richland WA 99352

May 24, 2022

Mr. Michael Stevens, Planning Manager 625 Swift Blvd, MS #35 Richland, WA 99352 Delivered via email

Commenting Party: River Walk Village Homeowners Association RE: SSDP 2022-101, APN # 114981012801001

Dear Mr. Stevens,

On behalf of the River Walk Village Homeowners Association, we respectfully submit the following comments regarding the proposed Shoreline Management Substantial Development Permit SSDP2022-101 and all associated documents. Our association owns/operates the condominium development immediately south of the site. All units are privately owned ~3000 sf condos with attached 2-car garages. Much time, effort and expense has been incurred since this development was completed in 2005 to assure that the units, the grounds and the surrounding areas are maintained to provide a positive and top-notch image to the area and those who enjoy the riverfront trail daily. While we recognize that development of this lot may be permitted, the development plan as submitted by Cedar and Sage Apartments 1, LLC does not meet the requirements of the City's Waterfront Development Guidelines as discussed below, specifically:

This applicant has requested an exception to the 35' height limit to 55', a 57% increase, by means of earning "bonus floor area" by providing additional open space or a plaza in accordance with RMC 26.30.013. The site is simply too small for the proposed development. The Applicant should not be allowed to build upward, adversely impacting legally protected waterfront views simply to add more units. This criterion below has not been met:

A. Additional open space or a plaza is provided on the site that earns bonus floor area in accordance with RMC <u>26.30.040</u>(F)(2a i-vii,).

No "additional open space" has been provided. The existing waterfront pedestrian pathway by no means represents "additional" open space given that it is already there. The proposed 8' pathway also does not provide additional "open space" as it is simply a circulation corridor within the setback requirements for the structure and furthermore is redundant to a parallel pathway along the Southside of the Hampton Inn. The public benches described in the application are also existing, providing no net increase in public use.

B. To approve a height increase, the hearing examiner must also find that the following conditions are satisfied:

1. The increased building height will not obstruct the view of a substantial number of residences on areas adjoining such shorelines;

The proposed building height certainly impacts the views from the Hampton Inn and Riverwalk Apartments, the City and the Examiner must also recognize that the proposed structure is positioned such that it extremely limits the northern views from the northern most adjacent condos. As presented, the structure appears to encroach this sightline by ~10 feet and the south facing wall of the structure appears to be a homogeneous massing of an undefined masonry with no interesting fenestration or architectural features. The private decks above further encroach the privacy of the adjacent condo patios and add a concerning noise issue as well. Finally, the extraordinary height is inconsistent with roof lines of the adjacent Hampton Inn to the north and the River Walk condos to the south. The additional height will also cast afternoon shadows on the riverfront trail and riparian zone of the rivershore, adversely impacting the riparian environment.

2. Overriding considerations of the public interest will be served by providing **additional public open space and facilities that enhance public enjoyment** of the shoreline;

Without question, no additional public open space is provided that enhances public enjoyment of the shore line. No public amenities are proposed and in fact, the plan includes a highly landscaped buffer zone between the structure and the existing pathway that would prohibit public access in this zone completely. The minimal improvements are clearly designed to serve the apartment tenants and NOT the public. The landscaping plan as presented does not meet the requirements of RMC 26.30.040 (F)(2a v, vii) specifically.

3. The proposed building is **aesthetically pleasing in relation to buildings and other features in the vicinity**; and

The application misrepresents the ground level parking garage, characterizing it as "underground". The above grade nature of this parking garage provides no detail of how the proposed structure meets the requirement to be "aesthetically pleasing..." or on par with surrounding buildings and development. The approximately **120 foot long, 10-foot-high** solid masonry(?) wall parallel to the exiting river front pedestrian walkway could not be starker and more unaesthetically pleasing. We believe it is imperative that the application provide additional detail of the architectural features and fenestration design of the completed building prior to approval. As presented, this high-density design is better suited for urban core development, not premier Waterfront development.

4. The building is **located a sufficient distance from the Columbia River to avoid creating a visual barrier**. [Ord. 25-14 § 1.01; Ord. 12-18 § 1 (Exh. A)].

The lot in question is 129.81 wide along the east property line adjacent to the river. The width of the proposed building is 112 feet resulting in a visual blockade over 82% with just a very small 10' setback from the north and south property lines, both highly landscaped, further reducing the sight and view lines to the river. Together with the extraordinary mass and building height this presents a significant visual barrier to the river. Two additional zoning notes not to be ignored as follows:

- RMC 23.22.040 (Note 9) explains that setbacks must be: Side Yard. No minimum, except parking shall be set back a minimum of five feet, and buildings used exclusively for residences shall maintain at least <u>one foot of side yard for each three</u> feet or portion thereof of building height. Side yards adjoining a residential district shall maintain setbacks equivalent to the adjacent residential district. This requirement is not met at 35 or 55 ft.
- *RMC 23.22.040 (Note 12) goes on to explain that,* "...a finding that the proposed building is aesthetically pleasing in relation to buildings and other features in the vicinity and that the building is located...". *Little to no documentation in the application packet details the aesthetic features short of explaining it will be "harmonious" with surrounding buildings.*

It is our conclusion that the applicants request to allow for an exception to the 35' height limitation does not meet all or any of the four conditions required to allow for such a building height variance, and should be denied. Under the City's shoreline development regulations, such a tall structure on a small lot simply to increase the number of apartments units should not be allowed.

The above notwithstanding, the SEPA Environmental Checklist included with the Application fails to adequately address many other concerns:

#7(a)(1) Environmental Health: Given that this site was at one time a boat launch, a more comprehensive EIS must be performed to assure contaminated soils are properly mitigated and not simply buried under the proposed structure.

#11 Light & Glare: A photometric lighting study must be performed to assure that nighttime lighting is both adequate as well as non-intrusive to surrounding businesses and homes. The "dark sky" nature of the current evenings is a very desirable attribute of the surrounding area. This important element was completely missed with the updated exterior lights at the Riverfront Hotel to the south of the development and has resulted in significant light pollution to adjacent homes.

#13(b) Historic and Cultural Preservation: As indicated on the Applicants SEPA Checklist, this site has been listed as, "Survey Highly Advised: Very High Risk by the Department of Historical Preservation's WISAARD predictive model". It appears only a very cursory internet review was performed whereas a focused EIS would be the correct way to make this determination. Historically, we understand that previous development inquires conditioned development approvals subject to a comprehensive cultural resources survey.

#14(a)(c) Transportation: Access to the proposed development site is via a Development Agreement (w/ Reciprocal Parking and Access Easements) (2006-024259 & 2009-031966. Ingress & egress is not directly appurtenant to Bradley Blvd or Amon Drive. Access also intersects the proposed 8' pedestrian pathway and likely creates a safety concern for cyclist and pedestrians. Additionally, riverfront access is nearly eliminated for fisherman, Search & Recuse, scuba divers, kayakers, cyclists, pedestrians and others who might choose to use the 8-foot path as there would be no place to park short of adjacent private parking lots, already *inadequate, setting up a potential conflict with the Hampton Inn, The River Walk Village LLC and the River Walk HOA developments.*

In conclusion, Cedar and Sage LLC has simply proposed a much too large development on a much too small of a lot. 32 very small apartments jam-packed on this lot with limited parking and complete lack of green space for families, children, dogs, etc. should not be allowed and the project redesigned accordingly. Nothing in the application design documents indicate how these units qualify as "high-end" apartments, nor do they detail how these unit intend to meet the aesthetic and harmonious design criteria explicitly referenced in both the Comprehensive Plan and the Zoning Requirements

We request that the City staff recommend to the Examiner that the City uphold the 35-foot height limitations of the Waterfront Zoning Code as conditions to consider "bonus area" have clearly not been met. Setbacks must be adjusted as needed to preserve northern river views from the adjacent hotel, condos and apartments. Please reject the DNS request along with all exceptions to RMC 26.30.013.

Respectfully,

Sund Goldwolk

Dwight Gottschalk-President River Walk Village Homeowners Association
Stevens, Mike

| From: | Corrine Camuso <corrine_camuso@yakama.com></corrine_camuso@yakama.com> |
|----------|--|
| Sent: | Friday, April 22, 2022 11:49 AM |
| То: | Stevens, Mike |
| Cc: | Casey Barney; Jessica Lally; Noah Oliver; sepa@dahp.wa.gov |
| Subject: | Re: SSDP2022-101 Riverfront Apartments |

Good morning Mike,

Thank you for contacting the Yakama Nation Cultural Resources Program. The project lies within the ancestral lands of the Yakama, signatory to the Yakama Treaty of 1855 and represented by the Confederated Tribes and Bands of the Yakama Nation.

The application states there are no known sites within the project area. However, previously recorded site 45BN24 lies entirely within the proposed development. Consultation will be required with the Yakama Nation and the Department of Archaeological and Historic Preservation regarding any work within this parcel. The project should not be approved until the evaluation and project effects can be assessed.

Regards,

Corrine Camuso Yakama Nation Cultural Resources Program Archaeologist Office 509-865-5121 ext. 4776

From: Stevens, Mike <mstevens@CI.RICHLAND.WA.US> Sent: Friday, April 22, 2022 9:53 AM

To: Anthony Muai; Anthony Von Moos; Ashley Morton; Badger Mountain Irrigation District; Benton County -Segregations; Benton PUD, Broadband; Benton PUD, Electrical; Bill Barlow; Buechler, Ken; Carrie Thompson; Casey Barney; Catherine Dickson; Clark Posey; Corrine Camuso; Hamilton, Craig; DAHP SEPA Reviews; DAlessandro, Carlo; Darrick Dietrich; Davis, Deanna; Deborah Rodgers; Deskins, John; Eric Mendenhall; FormerOrchards@ecy.wa.gov; Greg Wendt; Gwen Clear; Hill, Kelly; Jason McShane; Jennings, Tyler; Jerrod Macpherson; Jessica Lally; John Lyle; Jordon, Joshua; Joseph Cichy, Ziply; Joseph Cottrell; Junior Campos; Katherine Cichy; Kelly Cooper; Kevin Knodel; Kevin Sliger; KID Development; KID Webmaster; M. Deklyne; Map BCES; Mattheus, Pamela; Michael Tovey; Noah Lee; Noah Oliver; Paul Gonseth; Reathaford, Jason; Review Team; Richard Krasner; USPS Richland Postmaster; Rick Dawson; Robin Priddy; Sarah Gates; Schiessl, Joe; SEPA Center; SEPA Register; SEPA Unit; Seth DeFoe; South Central Region Planning; T.S. "Max"

Platts; Tyutyunnik, Ruvim; WA Dept of Fish & Wildlife; WA Dept of Fish & Wildlife; Westphal, Nichole; William Simpson **Cc:** White, Lori (ECY) **Subject:** SSDP2022-101 Riverfront Apartments

Attention:

Attached to this email you will find a copy of the application materials for a proposed 5-story apartment building near the waterfront (470 Bradley Blvd.) within the City of Richland. A Shoreline Substantial Development Permit and request for height allowance are required for this project. Please review the attached materials and submit any comments back to me by 5:00 PM, Wednesday, May 25, 2022.

Thank you,



Mike Stevens Planning Manager 625 Swift Blvd., MS-35 | Richland, WA 99352 (509) 942-7596

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CITY OF RICHLAND PUBLIC WORKS ENGINEERING DEVELOPMENT COMMENTS

DATE: May 25, 2022

TO: MIKE STEVENS, PLANNING MANAGER

REVIEW BY: JASON REATHAFORD, ENGINEERING TECH 4 PETE ROGALSKY, PUBLIC WORKS DIRECTOR

PROJECT NAME: RIVERFRONT APARTMENTS (SSDP2022-101)

PROJECT LOCATION: 470 BRADLEY BLVD.

The Public Works Engineering Division has reviewed the site plan received in this office on April 22nd 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.
- 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 release of the final 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. 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 rightof-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. 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.
 - E. All public improvements shall comply with the State of Washington and City of Richland requirements, standards and codes.
 - F. 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 City Fire Marshal requires a secondary emergency vehicle access (SEVA), it shall be included in the construction plan set and be designed to the following standards:
 - A. 2-inches compacted gravel, minimum (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.

Traffic & Streets:

- 9. The developer shall determine that adequate access easements exist for this project to utilize the entrances as proposed. If not it shall be the developer's responsibility to obtain access easements.
- 10. The developer and his engineer shall demonstrate on the construction plans that all driveway entrances, sidewalks and pedestrian ramps will meet City and ADA requirements.
- 11. Any access roads narrower than 34-feet shall have parking restricted on one side, and any roads narrower than 27-feet shall have parking restricted on both sides. Signs indicating restricted

parking shall be installed at the developer's expense. The restricted parking areas shall be indicated on the construction plans. All signage will be installed by the developer prior to final acceptance.

12. All access roadways shall be constructed to provide for adequate fire truck & solid waste collection truck access & turnaround movements. See comment below pertaining to dumpster enclosure access.

Domestic Water:

- 13. It shall be the responsibility of the developer to extend a watermain to and through this property to serve domestic water at the time of project construction. This water main shall be sized to adequately supply domestic water and fire flows to the proposed development.
- 14. Looping of the water system provides redundancy and helps to eliminate stagnant water. The developer shall connect to the two existing water mains on either side of the property.
- 15. A 10-foot wide exclusive water easement shall be provided for any City water main.
- 16. 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.
- 17. The fire hydrant layout shall be approved by the City Fire Marshal.
- 18. 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. Yearly test reports shall be provided to the City's Water Quality Inspector. The backflow device shall be on the state approved list, available through the Washington State Dept. of Health.

Sanitary Sewer:

- 19. It shall be the responsibility of the developer to extend a sewer main to this property to serve sanitary sewer at the time of project construction.
- 20. A 10-foot wide exclusive sanitary sewer easement shall be provided for any sewer main. If any manholes are located outside of the public Right-of-Way, maintenance truck access to these structures is required.

Storm Water:

21. 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.

- 22. 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.
- 23. 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.
- 24. 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.
- 25. The amount of post-development storm runoff from the proposed site shall be in compliance with RMC Chapter 16.06.

Solid Waste:

- 26. The proposed parking lot arrangement is creating an obstruction in front of an existing solid waste enclosure. This enclosure belongs to the adjacent property to the east, and it needs to be accessible by city collection vehicles. The developer of this project shall either relocate the existing dumpster enclosure, or redesign his parking lot so as not to block access to this enclosure.
- 27. Any solid waste enclosures installed as part of this project shall be constructed to City standard details.

Final Project Acceptance Requirements:

- 28. 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.
- 29. Public utility infrastructure located on private property will require recording of a City standard form easement prior to acceptance of the infrastructure and release of a certificate of occupancy. The City requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of final acceptance. Off-site ("third party") easements or right-of-ways for City infrastructure are the responsibility of the developer to obtain. Once received, the City will prepare the easement document and provide it to the developer. The developer shall record the easement at the Benton County Assessor and return a recorded original document to the City prior to application for final occupancy.

- 30. 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.
- 31. Any roadways narrower than 34-feet shall have parking restricted on one side, and any roads narrower than 27-feet shall have parking restricted on both sides. Street signs indicating restricted parking shall be installed prior to final acceptance at the developers expense.
- 32. Property with an unpaid L.I.D. assessment towards it must be paid in full or segregated per Richland Municipal Code 3.12.095.
- 33. Any restricted parking areas shall be signed prior to final acceptance.

Stevens, Mike

| From: | Chris Sittman <csittman@kid.org></csittman@kid.org> |
|----------|---|
| Sent: | Monday, April 25, 2022 8:39 AM |
| То: | Stevens, Mike |
| Subject: | RE: SSDP2022-101 Riverfront Apartments |

KID has no comments, this is outside of our District boundaries.

Sincerely,

Chris D. Sittman

Engineering Dept./CAD Specialist Kennewick Irrigation District 2015 S. Ely St. Kennewick, WA 99337 Desk: 509-460-5435 Cell: 509-873-1123

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

Sent: Friday, April 22, 2022 9:53 AM

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

segregations@co.benton.wa.us>;

segregations

segregations@co.benton.wa.us>;
 Benton PUD, Broadband <osp@noanet.net>; Benton PUD, Electrical <engservice@bentonpud.org>; Bill Barlow <bbsrlow@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 <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; Eric Mendenhall <emendenhall@westrichland.org>; FormerOrchards@ecv.wa.gov; Greg Wendt <greg.wendt@co.benton.wa.us>; Gwen Clear <gcle461@ecy.wa.gov>; Hill, Kelly <khill@Cl.RICHLAND.WA.US>; Jason McShane <JMcShane@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>; Development <development@kid.org>; Matthew Berglund <MBerglund@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; Map BCES <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@Cl.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>; Reathaford, Jason <JReathaford@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 <rtyutyunnik@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> Cc: White, Lori (ECY) <lowh461@ECY.WA.GOV> Subject: SSDP2022-101 Riverfront Apartments

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Attention:

Attached to this email you will find a copy of the application materials for a proposed 5-story apartment building near the waterfront (470 Bradley Blvd.) within the City of Richland. A Shoreline Substantial Development Permit and request for height allowance are required for this project. Please review the attached materials and submit any comments back to me by 5:00 PM, Wednesday, May 25, 2022.

Thank you,



Mike Stevens Planning Manager 625 Swift Blvd., MS-35 | Richland, WA 99352 (509) 942-7596

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Stevens, Mike

| From: | Buechler, Ken | | |
|----------|--|--|--|
| Sent: | Wednesday, April 27, 2022 7:04 PM | | |
| То: | Stevens, Mike | | |
| Cc: | VanBeek, Michael; Jordon, Joshua | | |
| Subject: | RE: SSDP2022-101 Riverfront Apartments | | |

Mike,

I don't understand the due date being the day after you sent it out. I hope I'm getting back to you in time.

This project will have access issues through the adjoining property.

The divided Bradley entrance with below standard double arch over it will not meet standards. I don't know how it got through the FM in the first place. Secondly the fountain in the drive lane will have to go or be adjusted for.

You may not need this information for this part, but you could let them know again that it is coming. I shared this with them in the Pre-App Meeting as well.





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: Friday, April 22, 2022 9:53 AM

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 <bs/><bs/>ds/comparing/science 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 <dxrodgers@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@Cl.RICHLAND.WA.US>; Jason McShane <imcshane@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@Cl.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@Cl.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>; Reathaford, Jason <JReathaford@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 <rtyutyunnik@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> Cc: White, Lori (ECY) <lowh461@ECY.WA.GOV> Subject: SSDP2022-101 Riverfront Apartments

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Thank you,



Mike Stevens Planning Manager 625 Swift Blvd., MS-35 | Richland, WA 99352 (509) 942-7596

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BENTON CLEAN AIR AGENCY

April 22, 2022

Planning Manager Mike Stevens 625 Swift Blvd., MS-35 Richland, WA 99352 Re: SSDP2022-101

Applicant/Proponent: Knutzen Engineering Attn: Nathan Machiela 5401 Ridgeline Dr, Suite 160 Kennewick, WA 99338

Dear Mr. Stevens:

It has come to our attention that you are reviewing a proposal for the above named applicant in which a parcel or parcels will be disturbed for development. Because these activities may cause possible fugitive dust emissions, we would like to take this opportunity to provide information to ensure that the applicant takes reasonable steps to control the dust from his/her project.

The Benton Clean Air Agency (BCAA) requires the applicant submit a Proof of Contact: Soil Destabilization Notification for this project prior to any excavation/construction taking place. This will insure that the proponent has the ability and resources to control fugitive dust emissions that may be created as a result of construction activities. This will also inform them of the regulations and requirements of the BCAA. Additionally, a written dust control plan must be developed and maintained for all soil destabilization projects, and must be readily available upon request by the BCAA. Part of this plan is submitting the name of at least one person for the project so that the BCAA has a point of contact should we receive any dust complaints from the project. The Soil Destabilization Notification form can be found and submitted on our website, www.bentoncleanair.org.

Thank you for the opportunity to comment on this proposal. If you have any questions, or would like further information on this subject, please contact us at (509) 783-1304.

Sincerely,

Noah Loo.

Noah Lee Inspector



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 202201904, EA2022-105, SSDP2022-101

Dear Mike Stevens:

Thank you for the opportunity to comment during the Optional Determination of Non Significance process for the Riverfront Apartments building of 32 units and underground parking, proposed by Cedar and Sage Apartments 1, LLC. We have reviewed the documents and have the following comments.

WATER QUALITY

Project with Potential to Discharge Off-Site

If your project anticipates disturbing ground with the potential for stormwater discharge offsite, 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: <u>http://www.ecy.wa.gov/programs/wq/stormwater/construction/</u>. Please submit an

Mike Stevens May 23, 2022 Page **2**

application or contact **Lloyd Stevens Jr.** at the Dept. of Ecology, (509) 571-3866 or email <u>lloyd.stevensjr@ecy.wa.gov</u>, with questions about this permit.

WATER RESOURCES

If the plan to use water for dust suppression at the project site, be sure that they 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 <u>christopher.kossik@ecy.wa.gov</u>.

Sincerely,

Gwen Clear

Gwen Clear Environmental Review Coordinator Central Regional Office (509) 575-2012 crosepa@ecy.wa.gov Exhibit 9



GEOTECHNICAL SITE INVESTIGATION REPORT

PROPOSED RIVER FRONT APARTMENTS 470 BRADLEY BOULEVARD RICHLAND, WASHINGTON

GNN PROJECT NO. 221-1411

JULY 2021

Prepared for

KNUTZEN ENGINEERING 5401 RIDGELINE DRIVE, SUITE 160 KENNEWICK, WASHINGTON 99338

Prepared by

GN NORTHERN, INC. CONSULTING GEOTECHNICAL ENGINEERS KENNEWICK, WASHINGTON (509) 893-9400

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At GN Northern our mission is to serve our clients in the most efficient, cost effective way using the best resources and tools available while maintaining professionalism on every level. Our philosophy is to satisfy our clients through hard work, dedication, and extraordinary efforts from all of our valued employees working as an extension of the design and construction team. July 20, 2021

Knutzen Engineering 5401 Ridgeline Drive, Suite 160 Kennewick, WA 99336

Attn: Nathan Machiela, PE, Principal Engineer

Subject: Geotechnical Site Investigation Report Proposed River Front Apartments 470 Bradley Boulevard Richland, Washington

GNN Project No. 221-1411

Dear Mr. Machiela,

As requested, GN Northern (GNN) has completed a geotechnical site investigation for the proposed River Front Apartments project to be constructed at 470 Bradley Boulevard in the City of Richland, Washington.

Based on the findings of our subsurface study, we conclude that the site is suitable for the proposed development provided that our geotechnical recommendations presented in this report are followed during the design and construction phases of the project.

This report describes in detail the results of our investigation, summarizes our findings, and presents our recommendations regarding remedial earthwork, and the design and construction of foundations on the proposed building lots. It is important that GNN be retained to provide engineering consultation during the design, and field geotechnical monitoring and compaction testing services during remedial earthwork to ensure proper implementation of the geotechnical recommendations.

If you have any questions regarding this report, please contact us at 509-734-9320.

Respectfully submitted,

GN Northern, Inc.

Sum Binofield

Brian W. Binsfield, PE^{U} Geotechnical Engineer



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APPENDICES

APPENDIX I – VICINITY MAP (FIGURE 1), SITE EXPLORATION MAP (FIGURE 2) APPENDIX II – EXPLORATORY TEST-PIT LOGS APPENDIX III – LABORATORY TESTING RESULTS APPENDIX IV – SITE & EXPLORATION PHOTOGRAPHS APPENDIX V – NRCS SOIL SURVEY APPENDIX VI – WASHINGTON DEPARTMENT OF ECOLOGY WELL LOGS

1.0 PURPOSE AND SCOPE OF SERVICES

This report has been prepared for the proposed River Front Apartments project to be constructed in the City of Richland, Washington; site location is shown on the *Vicinity Map* (Figure 1, Appendix I). Our investigation was conducted to collect information regarding subsurface soil/groundwater conditions, present our professional opinion regarding the suitability of the subsurface materials to support the planned development and provide recommendations for geotechnical considerations and bearing capacity for the proposed construction.

GN Northern, Inc. has prepared this report for use by the client and their design consultants in the design of the proposed development. Do not use or rely upon this report for other locations or purposes without the written consent of GNN.

Our study was conducted in general accordance with our *Proposal for Geotechnical Site Investigation Report and Infiltration Testing* dated June 21, 2021; notice to proceed was provided in the form of a signed proposal by Mr. Machiela via email on June 23, 2021.

You provided a *Preliminary Layout* (dated 4/21/2021) showing the proposed development via email on June 17th. Field exploration, consisting of five (5) exploratory test-pits and two (2) infiltration tests, was completed on July 14, 2021. The test-pit locations are shown on the *Site Exploration Map* (Figure 2, Appendix I). Detailed test-pit logs are presented in Appendix II, and results of our laboratory testing are presented in Appendix III.

This report has been prepared to summarize the data obtained during this study and to present our recommendations based on the proposed construction and the subsurface conditions encountered. Results of the field exploration and laboratory testing were analyzed to develop recommendations for site development, earthwork, and foundation bearing capacity. Design parameters and a discussion of the geotechnical engineering considerations related to construction are included.

2.0 PROPOSED SITE DEVELOPMENT

Based on the information provided, we understand that the proposed River Front Apartment development is planned on a 47,061 SF parcel and will consist of a square-shaped 12,550 SF building located on the eastern/northeastern side and a parking lot with 42 parking stalls to the

southwest of the proposed building. The development will be accessed via the Hampton Inn parking lot to the northwest.

The new apartment structure will be four-stories tall and will include 31 units. We anticipate the building to be constructed using wood-frame construction with slab-on-grade. Structural loading information was not available at the time of this report. We estimate wall loads of 3.5 klf and column loads on the order of 50 kips. Settlement tolerances for the structures are assumed to be limited to 1 inch, with differential settlement limited to ½ inch.

3.0 FIELD EXPLORATION

Our field exploration, consisting of five (5) exploratory test-pits and two (2) infiltration tests, was completed on July 14, 2021. The test-pit locations are shown on the *Site Exploration Map* (Figure 2, Appendix I). A local public utility clearance was obtained prior to the field exploration. Test-pits were excavated by DDB, LLC using a Case CX55B excavator to depths of approximately 9.5 and 10 feet below ground surface (BGS). The test-pits were logged by a GNN geotechnical engineer. Upon completion, the test-pits were loosely backfilled with excavated soils. Detailed boring and test-pit logs are presented in Appendix II.

The soils observed during our field exploration were classified according to the Unified Soil Classification System (USCS), utilizing the field classification procedures as outlined in ASTM D2488. A copy of the USCS Classification Chart is included in Appendix II. Photographs of the site and exploration are presented in Appendix IV. Depths referred to in this report are relative to the existing ground surface elevation at the time of our investigation. The surface and subsurface conditions described in this report are as observed at the time of our field investigation.

4.0 LABORATORY TESTING

Representative samples of the subsurface soils obtained from our field exploration were selected for testing to determine the index properties of the soils in general accordance with ASTM procedures. The following laboratory tests were performed:

| Table 1. Laboratory Tests Terrormeu | | | |
|-------------------------------------|---|--|--|
| Test | To determine | | |
| Particle Size Distribution | Soil classification based on proportion of | | |
| (ASTM D6913) | sand, silt, and clay-sized particles | | |
| Natural Moisture Content | Soil moisture content indicative of in-situ | | |
| (ASTM D2216) | condition at the time samples were taken | | |

| Table 1: Laboratory | Tests Performed |
|---------------------|------------------------|
| | |

Results of the laboratory tests are included on the test-pit logs and are also presented in graphic form in Appendix III attached to the end of the report.

5.0 SITE CONDITIONS

The proposed River Front Apartment development consists of an approximate 1.08-acre site located in the City of Richland, Washington. The project site is bounded by Hampton Inn and the associated parking lot to the northwest, a shopping mall titled River Walk Village to the southwest and southeast, and Riverfront Trail to the northeast. The site is situated in the SW ¼ of the SE ¼ of Section 1, Township 8 North and Range 28 East, Willamette Meridian.

5.1 Regional Geology

The site is located in the Tri-Cities area of the Yakima Fold Belt region of the Columbia Basin Plateau. The subsurface stratigraphy of the region is comprised of a thick series of folded, Miocene-age flood basalt lava flows and interbedded sediments (collectively known as the Columbia River Basalt Group [CRBG]) overlain by unconsolidated deposits of late Miocene to recent age. In the Tri-Cities area, the uppermost layers of the CRBG are fractured basalt bedrock. Regionally, the top surface of the local basalt is known to slope to the east toward the Columbia River, although local variations exist in the area. Overlying sediments in the project area include surficial deposits of Quaternary alluvium and Pleistocene-age outburst flood deposits, commonly identified as the Missoula Flood Deposits.

5.2 Seismic Considerations

The Washington Geologic Information Portal identifies the site as having a National Earthquake Hazards Reduction Program (NEHRP) Site Class D designation. The "Site Class" is a classification based on the properties of the upper 100 feet of the soil and bedrock materials at a site. Based on the assumption that subsurface materials underlying those observed during our field exploration have similar qualities, a Site Class D appears appropriate for the site. Therefore, as per the *2018 International Building Code* (IBC), a Site Class 'D' may be used for seismic design purposes. Site Class 'D' corresponds to 'stiff soil'. Table 2 below presents the recommended seismic design parameters in accordance with ASCE 7-16 for a code-based response spectrum with a return period of 2,475 years.

| Seismic Design Parameter | Value (unit) | Definition |
|--------------------------------|------------------|--|
| Ss | 0.414 (g) | MCE spectral response acceleration at short periods |
| S_1 | 0.158 (g) | MCE spectral response acceleration at 1-second period |
| Fa | 1.469 (unitless) | Site coefficient for short periods |
| F _v | 2.283 (unitless) | Site coefficient for 1-second period |
| S _{MS} | 0.608 (g) | MCE spectral response acceleration at short periods as adjusted for site effects |
| S _{M1} | 0.362 (g) | MCE spectral response acceleration at 1-second period as adjusted for site effects |
| S _{DS} | 0.405 (g) | Design spectral response acceleration at short periods |
| S _{D1} | 0.241 (g) | Design spectral response acceleration at 1-second period |
| PGA | 0.184 (g) | MCE _G peak ground acceleration |
| F _{PGA} | 1.432 | Site amplification factor at PGA |
| PGAM | 0.263 (g) | Site modified peak ground acceleration |
| PGA _D | 0.5 | Factored deterministic acceleration value |

Table 2: Code-Based Seismic Design Parameters

5.3 Evaluation of Seismic Induced Soil Liquefaction

The site is currently mapped as having a "Moderate to High" liquefaction susceptibility, identified by the Washington State DNR's *Liquefaction Susceptibility Map of Benton County, Washington* (2004), as shown below. Due to potential risk of liquefaction at the site, to better define the depth of liquefiable soils, a detailed liquefaction analysis should be performed. We recommend conducting one exploratory boring to a depth of 50 feet BGS with continuous STP sampling or advancing a cone penetration test (CPT) probe to a depth of 50 feet BGS to evaluate liquefaction potential at the site.



We assume that the proposed apartment building structure will have fundamental periods of vibration less than 0.5 seconds. If this is not the case we should be notified for reevaluation of Site Class. Per ASCE 7-16, for design of structures having fundamental periods of vibration less than 0.5 seconds on potentially liquefiable sites, site specific response analysis is not required. A detailed liquefaction analysis is beyond the scope of our current services for this project.

6.0 SUBSURFACE CONDITIONS

Based on the findings of our field exploration, subsurface soil conditions across the site are relatively uniform. Site soils typically consist of approximately two feet of undocumented fill soils identified in the field as fine-grained Silty Sand with Gravel (SM) atop Sandy Silt (ML) and Silt with Sand (ML). The soils were observed to have a relative in-place density of 'medium dense' and were typically observed to be 'damp' to 'moist'. Test-pit logs in Appendix II show detailed descriptions and stratification of the soils encountered.

6.1 NRCS Soil Survey

The soil survey map of the site prepared by the Natural Resources Conservation Service (NRCS) identifies the near surface site soils as *Pasco fine sandy loam*, *0 to 2 percent slopes*, The parent material for these soils are described as *alluvium*. According to the NRCS map (Soil Survey, Appendix V), the typical soil profile for these soils is described as *fine sandy loam* over *silt loam*. NRCS data indicates that these units generally consist of *poorly drained* materials.

6.2 Groundwater

Groundwater was not encountered within any of the test pits to a maximum depth of approximately 10 feet BGS. To further assist in our evaluation, we reviewed the Washington Department of Ecology Well Log database of nearby well logs (see Appendix VI) to estimate groundwater levels in the vicinity. Based on our review of nearby well logs, groundwater is believed to be in the range of 9 to 12 feet BGS in the site vicinity. Groundwater levels primarily will be controlled by the adjacent Columbia River water level stage. Ground water levels indicated are for the specific locations at the time of explorations and may not be indicative of other times and/or locations.

7.0 SOIL INFILTRATION TESTING

Soil infiltration testing was performed at two (2) locations as shown on the *Site Exploration Map* (Figure 2, Appendix I) attached to this report. The infiltration tests were conducted using a single ring infiltrometer consisting of a 10-inch diameter steel pipe driven into the ground at the test depth. After an initial pre-soak period, a constant water level was maintained in the ring with the use of a float valve and timed intervals of the water demand volumes were recorded. Continuous readings of the water volumes required to maintain the constant head were recorded until a relatively constant rate was achieved, and the average infiltration rate was recorded. The test location and depth. The following table presents the results of the infiltration tests performed at the site:

| Table 3: Infiltration Te | est Results |
|--------------------------|-------------|
|--------------------------|-------------|

| Test ID | Test Depth | Soil Type | Percent Fines | Field Infiltration Rate |
|---------|--------------|---------------------|------------------|----------------------------|
| TP-4 | 5 feet BGS | Sandy Silt (ML) | 57.1 | 3.3 inches/hour |
| TP-5 | 4.5 feet BGS | Silt with Sand (ML) | 73.2 | 3.1 inches/hour |

The infiltration rates presented herein represents the un-factored field soil infiltration rate. An appropriate factor of safety should be applied to the field infiltration rate to determine long-term design infiltration rate. Determination of safety factors for long-term design infiltration should consider the following: pretreatment, potential for bio-fouling, system maintainability, horizontal and vertical variability of soils, and type of infiltration testing. Typical factors of safety for these soils generally range from 2 to 3.

8.0 GEOTECHNICAL RECOMMENDATIONS

The following geotechnical recommendations are based on our current understanding of the proposed project as described in Section 2.0 of this report. The report is prepared to comply with the 2018 International Building Code Section 1803, Geotechnical Investigations, and as required by Subsection 1803.2, Investigations Required. Please note that Soil Design Parameters and Recommendations presented in this report are predicated upon appropriate geotechnical monitoring and testing of the site preparation and foundation and building pad construction by a representative of GNN's Geotechnical-Engineer-of-Record (GER). Any deviation and

nonconformity from this requirement may invalidate, partially or in whole, the following recommendations. We recommend that we be engaged to review grading plans in order to provide revised, augmented, and/or additional geotechnical recommendations as required.

8.1 Site Development – Grading

Site grading shall incorporate the requirements of IBC 2018 Appendix J. The project GER or a representative of the GER should observe site clearing, grading, and the bottoms of excavations before placing fills. Local variations in soil conditions may warrant increasing the depth of overexcavation and recompaction. Seasonal weather conditions may adversely affect grading operations. To improve compaction efforts and prevent potential pumping and unstable ground conditions, we suggest performing site grading during dryer periods of the year.

Soil conditions shall be evaluated by in-place density testing, visual evaluation, probing, and proof-rolling of the imported fill and re-compacted on-site soil as it is prepared to check for compliance with recommendations of this report. A moisture-density curve shall be established in accordance with the ASTM D1557 method for all onsite soils and imported fill materials used as structural fill. Existing onsite gravelly soils include oversize material that may limits the ability to perform compaction testing and will require proof compaction inspections to confirm a dense and non-yielding condition.

<u>Clearing and Grubbing</u>: At the start of site grading, the construction areas should be cleared and stripped of all vegetation, topsoil, any encountered undocumented fills or trash/debris, and abandoned underground utilities. All topsoil and fine-grained soils with organic material (vegetation and roots) shall be completely removed from the proposed construction areas. Monitoring by a representative of the GER at the time of the site clearing activities may allow reduction in the required quantity of stripping depending upon the encountered depth of organic material (roots) and the organic content of the soils. A representative of the GER should observe site clearing, grading, and the bottoms of excavations before placing fill.

<u>Re-Use of Onsite Soils as Engineered Fill</u>: The onsite silty & sandy native soils and upper gravelly fill soils, free of significant organics, deleterious materials including construction debris and oversize rocks greater than 4-inches in nominal diameter, are generally suitable for use as general

and engineered fill and backfill. Engineered fill should be placed in maximum 8-inch lifts (loose) and compacted to at least 95% relative compaction (ASTM D1557) near its optimum moisture content. The fine-grained silty soils are considered highly moisture-sensitive, and will therefore require compaction to be performed within a strict range of $\pm 1\%$ of optimum moisture to achieve the proper degree of compaction. Compaction should be verified by testing.

<u>Use of Imported Soils as Engineered Fill</u>: If needed, imported fill soils should be non-expansive, granular soils meeting the USCS classifications of SM, SP-SM, or SW-SM with a maximum rock size of 4 inches, minimum 70% passing the No. 4 sieve, and 5 to 20% passing the No. 200 sieve. The GER should evaluate the import fill soils before hauling to the site. The imported fill should be placed in lifts no greater than 8 inches in loose thickness and compacted to at least 95% of the maximum dry density (ASTM D1557) near optimum moisture content.

8.2 Temporary Excavations

It shall be the responsibility of the contractor to maintain safe temporary slope configurations since the contractor is at the job site, able to observe the nature and conditions of the slopes and be able to monitor the subsurface conditions encountered. Unsupported vertical cuts deeper than 4 feet are not recommended if worker access is necessary. The cuts shall be adequately sloped, shored, or supported to prevent injury to personnel from caving and sloughing. The contractor and subcontractors shall be aware of and familiar with applicable local, state, and federal safety regulation including the current OSHA Excavation and Trench Safety Standards, and OSHA Health and Safety Standards for Excavations, 29 CFR Part 1929, or successor regulations.

According to chapter 296-155 of the Washington Administrative Code (WAC), it is our opinion that the near-surface soil encountered at the site is classified as Type C soils. We recommend that temporary, unsupported, open cut slopes shall be no steeper than 1.5 feet horizontal to 1.0 feet vertical (1.5H:1V) in Type C soils. No heavy equipment should be allowed near the top of temporary cut slopes unless the cut slopes are adequately braced. Where unstable soils are encountered, flatter slopes may be required.

8.3 Utility Excavation, Pipe Bedding and Trench Backfill

To provide suitable support and bedding for the pipe, we recommend the utilities be founded on suitable bedding material consisting of clean sand and/or sand & gravel mixture. Pipe bedding and

pipe zone materials shall conform to Section 9-03.12(3) of the Washington State Department of Transportation (WSDOT) 2018 Standard Specifications. Pipe bedding should provide a firm uniform cradle for support of the pipes. A minimum 4-inch thickness of bedding material beneath the pipe should be provided. Prior to installation of the pipe, the pipe bedding should be shaped to fit the lower part of the pipe exterior with reasonable closeness to provide uniform support along the pipe. Pipe bedding material should be used as pipe zone backfill and placed in layers and tamped around the pipes to obtain complete contact. To protect the pipe, bedding material should extend at least 6 inches above the top of the pipe.

Placement of bedding material is particularly critical where maintenance of precise grades is essential. Backfill placed within the first 12 inches above utility lines should be compacted to at least 90% of the maximum dry density (ASTM D1557), such that the utility lines are not damaged during backfill placement and compaction. In addition, rock fragments greater than 1 inch in maximum dimension should be excluded from this first lift. The remainder of the utility excavations should be backfilled and compacted to 95% of the maximum dry density as determined by ASTM D1557.

8.4 Imported Crushed Rock Structural Fill

Imported structural fill shall consist of well-graded, crushed aggregate material meeting the grading requirements of 2018 WSDOT Standard Spec. Section 9-03.9(3) (11/4-inch minus Base Course Material) presented here:

| Table 4: WSDOT Standard Spec. 9-03.9(3) | | |
|---|-----------------------------|--|
| Sieve Size | Percent Passing (by Weight) | |
| 1 ¹ / ₄ Inch Square | 99 - 100 | |
| 1 Inch Square | 80 - 100 | |
| 5/8 Inch Square | 50 - 80 | |
| U.S. No. 4 | 25 - 45 | |
| U.S. No. 40 | 3-18 | |
| U.S. No. 200 | Less than 7.5 | |

Table 4. WODOT 94 10 0.00.0(0)

A fifty (50) pound sample of each imported fill material shall be collected by GNN personnel prior to placement to ensure proper gradation and establish the moisture-density relationship (proctor curve).

8.5 Compaction Requirements for Structural/Engineered Fill

All fill or backfill shall be approved by a representative of the GER, placed in uniform lifts, and compacted to a minimum 95% of the maximum dry density as determined by ASTM D1557. The compaction effort must be verified by a representative of the GER in the field using a nuclear density gauge in accordance with ASTM D6938. The thickness of the loose, non-compacted, lift of structural fill shall not exceed 8 inches for heavy-duty compactors or 4 inches for hand operated compactors.

8.6 Building Pad Preparation

We recommended full removal of surficial undocumented fill soils across the building pad. After excavation and removal of the existing undocumented artificial fill from the building area, the excavation shall be backfilled with imported granular structural fill material to achieve the design grade. Allowance shall be made for placement of a minimum 12-inches of imported crushed rock structural fill beneath all foundations and 9-inches beneath concrete floor slab. Crushed rock structural fill shall be placed in lifts and each lift shall be compacted to a minimum 95% of the maximum dry density as determined by ASTM D1557 method and to a dense and non-yielding surface.

Prior to placement of the crushed rock layer, the exposed subgrade shall be scarified to a minimum depth of 12 inches, then moisture conditioned to near-optimum and re-compacted to at least 95% relative compaction (ASTM D1557) and to a dense and non-yielding surface. Foundation subgrade preparations and crushed rock structural fill should extend laterally a minimum distance of two (2) feet beyond the outer edges of the footings on all sides. Building pad excavations shall expose the native undisturbed Silt with Sand (ML) subgrade. A representative of our geotechnical engineer shall confirm the suitability of the exposed subgrade.

8.7 Foundations Design Parameters and Allowable Bearing Capacity

In our opinion, the proposed apartment building structure may be supported on conventional shallow foundations bearing on a layer of imported crushed rock placed atop recompacted dense subgrade. The minimum footing depth shall be 24 inches below adjacent exterior finished grades for frost protection and bearing capacity considerations.

To provide a uniform bearing support and minimize the risk of differential settlement, all foundations shall bear on a minimum of 12 inches of imported 1¹/₄" minus crushed rock structural fill extending to a re-compacted subgrade.

Footings constructed in accordance with the above recommendations may be designed for an allowable **2,000 pounds per square foot (psf)** bearing pressure. The allowable bearing pressure presented above may be increased by 1/3 for short-term, transient loading conditions. Based on assumed structural loading, we estimate total settlement for footings constructed in accordance with this recommendation to be less than 1-inch. We anticipate differential settlement will be about half of total settlements between adjacent columns and along approximately 20 feet of continuous footings. We assume there is no stress overlap from adjacent footings. Footings located less than two times the footing width (2B) from each other will increase stresses beneath the adjacent footing, resulting in increased settlement. We expect elastic settlements to generally occur as loads are applied.

Lateral forces on foundations from short term wind and seismic loading would be resisted by friction at the base of foundations and passive earth pressure against the buried portions. We recommend an allowable passive earth pressure for compacted onsite fill of **200 pcf**. This lateral foundation resistance value includes a factor of safety of 1.5. We recommend a coefficient of friction of **0.45** be used between cast-in-place concrete and imported crushed rock. An appropriate factor of safety should be used to calculate sliding resistance at the base of footings.

8.8 Slab-on-Grade Floors

Concrete slabs-on-grade shall be supported on 9 inches of imported crushed rock structural fill placed atop a recompacted subgrade in accordance with the grading recommendations of this report. The crushed rock material shall be ¾-inch minus aggregate meeting *WSDOT Specification* section 9-03.9 (3), "Crushed Surfacing Top Course". Prior to placing any slabs, the top 12 inches of the exposed subgrade shall be compacted to a minimum in-place dry density of 95% of the maximum laboratory dry density determined by ASTM D1557. We recommend a modulus of subgrade reaction equal to **120 pounds per cubic inch (pci)** based on a value for gravel presented in the Portland Cement Association publication No. EB075.01D. Slab thickness, reinforcement and joint spacing shall be determined by a licensed engineer based on the intended use and loading.

An appropriate vapor retarder (10-mil polyethylene liner) shall be used (ASTM E1745/E1643) beneath areas receiving moisture sensitive resilient flooring/VCT where prevention of moisture migration through slab is essential. The slab designer should refer to ACI 302 and/or ACI 360 for procedures and cautions regarding the use and placement of a vapor retarder. The architect shall determine the need and use of a vapor retarder.

8.9 Lateral Earth Pressure

We recommend the following lateral earth pressures, in terms of equivalent fluid pressure, for design of retaining walls or below-grade structures, these pressure values assume drained condition:

At-Rest = 60 psf/ft of embedment Active = 40 psf/ft of embedment

We assume that the structural wall backfill is adequately drained to avoid saturation and introduction of hydrostatic pressures. For calculation of active pressures, we assume that the wall can deflect in order to develop an active condition. Use at-rest pressures for restrained or braced walls. The horizontal resultant force (pressure x H/2 where H is height of buried wall) should be applied at an H/3 distance from the base of the wall.

If any surface, surcharge loads are closer than one-half of the wall height (horizontal distance) to the edge of the below-grade and/or retaining wall, increase the design wall pressure by q/2 over the whole area of the retaining wall. In this expression, q is the surface surcharge load in psf. GNN should review anticipated surcharge loading to confirm that the appropriate design values are considered. The horizontal surcharge resultant force (pressure x H where H is height of buried wall) should be applied at an H/2 distance from the base of the wall.

8.10 Flexible Pavement

Based on the findings of our site investigation, we anticipate that the pavement subgrade will consist of gravelly artificial fill soils and native silty soils. After stripping to remove vegetation and roots, the surficial gravelly artificial fill soils may be left in place as a subbase layer. We recommend the exposed subgrade shall be compacted/densified to a dense and non-yielding surface and shall be proof-rolled with a tandem-axle loaded dump truck or a water truck with a minimum 30-ton static weight and minimum 100 psi tire pressure and observe deflections,

pumping and rutting for indications of inadequate subgrade performance. Any soft spots, pumping or yielding areas observed during proof-rolling shall be over-excavated a minimum 12 inches and shall be backfilled with compacted granular structural fill.

Acceptance criteria for proof-rolling shall include no rutting greater than 3/4-inch and no "pumping" of the soil behind the wheels. Permanent rutting in excess of 1-inch shall be considered failure (unsatisfactory compaction). In addition, elastic (rebound) movement or rutting in excess of 1-inch with substantial cracking or substantial lateral movement shall also be considered failure. Adjust the lift thickness, as directed by the geotechnical engineer, until the subgrade exhibits firm unyielding conditions under a loaded dump truck or a water truck. Proof-rolling shall be performed in the presence of a representative of the GNN's geotechnical engineer.

The finished surface shall be smooth, uniform and free of localized weak and soft spots. The subgrade must be graded to the required contours and grade in a manner as will insure a hard, uniform, well compacted surface. All subgrade deficiency corrections and drainage provisions shall be made prior to constructing the aggregate base course. All underground utilities shall be protected prior to grading. The following table presents recommended light duty and heavy-duty pavement sections for this project:

| Traffic | Asphalt Thickness (inches) | Crushed Aggregate Base Course (inches) | Subgrade |
|-----------------------------|----------------------------------|--|---|
| Heavy Duty [†] | 3.5 | 12* | Scarify, moisture conditioned and recompacted to a dense and non-yielding |
| Standard Duty ^{††} | 2.5 | 8* | surface |

 Table 5: Recommended Asphalt Concrete Paving Sections

[†]Heavy duty applies to pavements section for entrance drives, fire truck lane, and trash enclosure drive lanes.

††Standard duty applies to general parking areas, *The upper 2" of crushed rock should be top course rock placed over the base course layer.

Pavement design recommendations assume proper and positive drainage and construction monitoring and are based on AASHTO Design parameters for a 20-year design period. Asphalt pavements tend to develop thermal and fatigue cracking over time from environmental factors and traffic loads. Asphalt, being a viscoelastic material, weakens from temperature influx. Timely preventative measures for continual flexible maintenance such as crack filling and seal coating at 8-10 year intervals to control the progression of surface cracking and distress to prevent water

from infiltrating into the base course and subgrade shall be considered. Performing this intermediate level of maintenance will net at least a 20-year service life/performance.

All fills used to raise low areas shall be approved onsite soils or imported granular fill and shall be placed under engineering control conditions. The finished surface shall be smooth, uniform and free of localized weak/soft spots. All subgrade deficiency corrections and drainage provisions shall be made prior to placing the aggregate base course. All underground utilities shall be protected prior to grading.

The HMAC utilized for the project should be designed and produced in accordance with Section 5-04 Hot Mix Asphalt of the WSDOT 2018 Standards Specifications. Aggregate Base material shall comply with Section 9-03.9(3) Crushed Surfacing of the WSDOT 2018 Standards Specifications. Aggregate base or pavement materials should not be placed when the surface is wet.

8.11 Subgrade Protection

The degree to which construction grading problems develop is expected to be dependent, in part, on the time of year that construction proceeds and the precautions which are taken by the contractor to protect the subgrade. The near-surface fine-grained soils currently present on site may be moisture and disturbance sensitive due to their fines content and may become unstable (pumping) if allowed to increase in moisture content and are disturbed (rutted) by construction traffic if wet. If necessary, the construction access road shall be covered with a layer of ballast or quarry spalls. The soils are also susceptible to erosion in the presence of moving water. The soils shall be stabilized to minimize the potential of erosion into the foundation excavation. The site shall be graded to prevent water from ponding within construction areas and/or flowing into excavations. Accumulated water must be removed immediately along with any unstable soil. Foundation concrete shall be placed and excavations backfilled as soon as possible to protect the bearing grade. We further recommend that soils that become unstable are to be either removed and replaced with structural compacted gravel fill, or mechanically stabilized with a coarse crushed aggregate and compacted into the subgrade.

8.12 Surface Drainage

With respect to surface water drainage, we recommend that the ground surface be sloped to drain away from future structures. Final exterior site grades shall promote free and positive drainage from the building areas. Water shall not be allowed to pond or to collect adjacent to foundations or within the immediate building area. We recommend that a gradient of at least 5% for a minimum distance of 10 feet from the building perimeter be provided, except in paved locations. In paved areas, a minimum gradient of 1% should be provided unless provisions are included for collection/disposal of surface water adjacent to the structure. Catch basins, drainage swales, or other drainage facilities should be aptly located. All surface water such as that coming from roof downspouts and catch basins be collected in tight drain lines and carried to a suitable discharge point, such as a storm drain system. Surface water and downspout water should not discharge into a perforated or slotted subdrain, nor should such water discharge onto the ground surface adjacent to the building. Cleanouts should be provided at convenient locations along all drain lines.

9.0 ADDITIONAL SERVICES

The Client should maintain an adequate program of geotechnical consultation, construction monitoring, and soils testing during the final design and construction phases to ensure compliance with GNN's geotechnical recommendations. For this purpose, GNN, the Geotechnical Engineer-of-Record, shall be retained as the geotechnical consultant from beginning to end of the project to maintain continuity of services.

GNN can provide construction monitoring and testing as additional services. The costs of these services are not included in our present fee arrangement, but can be obtained from our office. The recommended construction monitoring and testing includes, but is not necessarily limited to, the following:

- > Consultation during the design stages of the project.
- Review of the grading and drainage plans to monitor compliance and proper implementation of the recommendations in GNN's Report.
- Observation and quality control testing during site preparation, grading, and placement of engineered fill as required by the local building ordinances.
- > Geotechnical engineering consultation as needed during construction.

10.0 LIMITATIONS OF THE GEOTECHNICAL SITE INVESTIGATION REPORT

This GEOTECHNICAL SITE INVESTIGATION REPORT ("Report") was prepared for the exclusive use of the Client. GN Northern, Inc.'s (GNN) findings, conclusions and recommendations in this Report are based on selected points of field exploration, laboratory testing, and GNN's understanding of the proposed project at the time the Report is prepared. Furthermore, GNN's findings and recommendations are based on the assumption that soil, rock and/or groundwater conditions do not vary significantly from those found at specific exploratory locations. Variations in soil, bedrock and/or groundwater conditions 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.

In many cases the scope of geotechnical exploration and the test locations are selected by others without consultation from the geotechnical engineer/consultant. GNN assumes no responsibility and, by preparing this Report, does not impliedly or expressly validate the scope of exploration and the test locations selected by others.

This Report's findings are valid as of the issued date of this Report. However, changes in conditions of the subject property or adjoining properties can occur due to passage of time, natural processes, or works of man. In addition, applicable building standards/codes may change over time. Accordingly, findings, conclusions, and recommendations of this Report may be invalidated, wholly or partially, by changes outside of GNN's control. Therefore, this Report is subject to review and shall not be relied upon after a period of **five (5) years** from the issued date of the Report.

In the event that any changes in the nature, design, or location of structures are planned, the findings, conclusions and recommendations contained in this Report shall not be considered valid unless the changes are reviewed by GNN and the findings, conclusions, and recommendations of this Report are modified or verified in writing.

This Report is issued with the understanding that the owner or the owner's representative has the responsibility to bring the findings, conclusions, and recommendations contained herein to the
attention of the architect and design professional(s) for the project so that they are incorporated into the plans and construction specifications, and any follow-up addendum for the project. The owner or the owner's representative also has the responsibility to verify that the general contractor and all subcontractors follow such recommendations during construction. It is further understood that the owner or the owner's representative is responsible for submittal of this Report to the appropriate governing agencies. The foregoing notwithstanding, no party other than the Client shall have any right to rely on this Report and GNN shall have no liability to any third party who claims injury due to reliance upon this Report, which is prepared exclusively for Client's use and reliance.

GNN has provided geotechnical services in accordance with generally accepted geotechnical engineering practices in this locality at this time. GNN expressly disclaims all warranties and guarantees, express or implied.

Client shall provide GNN an opportunity to review the final design and specifications so that earthwork, drainage, and foundation recommendations may be properly interpreted and implemented in the design and specifications. If GNN is not accorded the review opportunity, GNN shall have no responsibility for misinterpretation of GNN's recommendations.

Although GNN can provide environmental assessment and investigation services for an additional cost, the current scope of GNN's services does not include an environmental assessment or an investigation for the presence or absence of wetlands, hazardous or toxic materials in the soil, surface water, groundwater, or air on, below, or adjacent to the subject property.



APPENDICES



Appendix I <u>Vicinity Map (Figure 1)</u> <u>Site Exploration Map (Figure 2)</u>



FIGURE 1: VICINITY MAP

PROJECT NO. 221-1411





Appendix II <u>Exploratory Test-Pit Logs</u> <u>Key Chart (for Soil Classification)</u>

| | ¢ | 5 | GN 722 Yak Tele Fax | North N. 16 tima, V ephone :: (509 | ern, Inc. 5th Avenue Suite 31 Washington 98902 e: (509) 248-9798 9) 248-4220 | TEST PIT NUMBER TP-1 PAGE 1 OF 1 | | | | |
|------|-----------------|-----------------------|---------------------------------|--|--|---|--|--|--|--|
| | CLIEN | T Knutz | zen Er | nginee | ering | PROJECT NAME _ New Apartment Development | | | | |
| | PROJE | ECT NUN | IBER | 221- | -1411 | PROJECT LOCATION 470 Bradley Blvd, Richland, WA | | | | |
| | DATE | STARTE | D _7/ | 14/21 | COMPLETED _7/14/21 | GROUND ELEVATION _360 ft TEST PIT SIZE _30 x 72 inches | | | | |
| | EXCA\ | | CONT | RACT | OR DDB, LLC | GROUND WATER LEVELS: | | | | |
| | EXCA\ | ATION | метн | OD (| Case CX55B | AT TIME OF EXCAVATION | | | | |
| | LOGGI | ED BY | BWB | | CHECKED BY IM | AT END OF EXCAVATION | | | | |
| 5.0 | NOTES | - S Appro | x. GF | S Coc | ords.: 46.271308119.268012 | AFTER EXCAVATION | | | | |
| 5 | | - <u> </u> | | 1 | | | | | | |
| | 0 DEPTH (ft) | SAMPLE TYPE NUMBER | U.S.C.S. | GRAPHIC LOG | | MATERIAL DESCRIPTION | | | | |
| | - | | SM | | FILL: SILTY SAND WITH GRAVE | EL, (SM) light brown, fine grained, damp to moist, appears medium dense | | | | |
| ÷ | _ | | | | SANDY SILT. (ML) light brown, m | | | | | |
| Ă | 2.5 | | | | · · · · · · · · · · · · · · · · · · · | | | | | |
| | | | | | | | | | | |
| | | | ML | | - appears medium dense | | | | | |
| | 7.5 | | | | | 350.0 | | | | |
| 13/2 | | | | <u></u> | - Groundwater not encountered at | t time of excavation | | | | |
| | | | | | - referenced elevations are appro | Bottom of test pit at 10.0 feet. | | | | |

| ¢ | 5 | GN 722 Yak Tele Fax | Northe N. 16t ima, V ephone : (509 | ern, Inc. 8th Avenue Suite 31 Washington 98902 e: (509) 248-9798 9) 248-4220 | TEST PIT NUMBER TP-2 PAGE 1 OF 1 |
|------------------------|-----------------------|---------------------------------|--|--|--|
| CLIEN | IT Knutz | zen Er | igineei | ering | PROJECT NAME New Apartment Development |
| PROJ | | IBER | 221-1 | -1411 | PROJECT LOCATION _470 Bradley Blvd, Richland, WA |
| DATE | STARTE | D _7/ [.] | 14/21 | COMPLETED 7/14/21 | GROUND ELEVATION 359 ft TEST PIT SIZE 30 x 72 inches |
| EXCA | | CONT | RACTO | TOR DDB. LLC | GROUND WATER LEVELS: |
| EXCA | VATION | метн | OD C | Case CX55B | AT TIME OF EXCAVATION |
| | | BW/B | <u> </u> | | |
| | | | S C 00 | ords : 46 271388 110 268467 | |
| | | | 3 000 | 13.200407 | |
| DEPTH DEPTH (ft) | SAMPLE TYPE NUMBER | U.S.C.S. | GRAPHIC LOG | | MATERIAL DESCRIPTION |
| | | SM | | FILL: SILTY SAND WITH GRAVE | L, (SM) light brown, fine grained, damp to moist, appears medium dense |
| , | | | | SANDY SILT, (ML) light brown, mo | pist, appears medium dense, (APPARENT NATIVE SOIL) |
| 2.5 | | | | ·. · | |
| 5.0 7.5 | | ML | | | |
| | | | | 10.0 | time of excevation |
| | | | | - Referenced elevations are appro- | ximate and based on Google Earth topography |
| | | | | | Bottom of test pit at 10.0 feet. |

| ₫ | 5 | GN 722 Yak Tele Fax | Northe N. 16t ima, V ephone : (509 | ern, Inc. th Avenue Suite 31 Vashington 98902 e: (509) 248-9798)) 248-4220 | TEST PIT NUMBER TP-3 PAGE 1 OF 1 | | | | | |
|------------|----------------|---------------------------------|--|---|--|--|--|--|--|--|
| CLIE | NT Knut | zen Er | ngineer | ring | PROJECT NAME New Apartment Development | | | | | |
| PROJ | | /IBER | 221-1 | 1411 | PROJECT LOCATION _470 Bradley Blvd, Richland, WA | | | | | |
| DATE | STARTE | D _7/ | 14/21 | COMPLETED _7/14/21 | GROUND ELEVATION _360 ft TEST PIT SIZE _30 x 72 inches | | | | | |
| EXCA | VATION | CONT | RACTO | OR _DDB, LLC | GROUND WATER LEVELS: | | | | | |
| EXCA | VATION | метн | OD_C | Case CX55B | AT TIME OF EXCAVATION | | | | | |
| LOGO | GED BY | BWB | | CHECKED BY IM | AT END OF EXCAVATION | | | | | |
| | S Appro | ox. GP | S Coo | ords.: 46.271165, -119.268627 | AFTER EXCAVATION | | | | | |
| | TYPE | vi | HIC | | | | | | | |
| DEP1 | SAMPLE NUMB | U.S.O | GRAP LOC | | MATERIAL DESCRIPTION | | | | | |
| | - | SM | | FILL: SILTY SAND WITH GRAV with asphalt debris | EL, (SM) light brown, fine grained, damp to moist, appears medium dense, | | | | | |
| 2.5 | - | | | 2.0SANDY SILT, (ML) light brown, i | moist, appears medium dense, (APPARENT NATIVE SOIL) | | | | | |
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| 5.0 | - | | | | | | | | | |
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| 7.5 | - | | | | | | | | | |
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| 5 | | | | | | | | | | |
| | 1 | | | | | | | | | |
| <u>-</u> - | 1 | | | | | | | | | |
| <u>-</u> | + | | | | | | | | | |
| 10.0 | | | | 10.0 Groundwater pet anequitared | at time of exceptation | | | | | |
| 5 | | | | - Groundwater not encountered a | roximate and based on Google Earth topography | | | | | |
| | | | | | Bottom of test pit at 10.0 feet. | | | | | |
| | | | | | | | | | | |
| 8 | | | | | | | | | | |
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| 5 | | | | | | | | | | |

| ¢ | 6 | GN Northern, Inc 722 N. 16th Aver Yakima, Washin Telephone: (509 Fax: (509) 248-4 | :. nue Su gton 98 1) 248-1 1220 | ite 31 3902 9798 | | TEST PIT NUMBER TP-4 PAGE 1 OF 1 | | | | |
|------------|-----------------------|---|---|------------------------|--|--|--|--|--|--|
| CLIEN | IT Knutz | en Engineering | | | | PROJECT NAME New Apartment Development | | | | |
| PROJ | ECT NUM | BER 221-1411 | | | | PROJECT LOCATION 470 Bradley Blvd, Richland, WA | | | | |
| DATE | STARTE | D <u>7/14/21</u> | 0 | OMPLET | ED _7/14/21 | GROUND ELEVATION _357 ft TEST PIT SIZE _30 x 72 inches | | | | |
| EXCA | | | DB, LL | C | | GROUND WATER LEVELS: | | | | |
| EXCA | | IETHOD Case C | X55B | | | AT TIME OF EXCAVATION | | | | |
| | ED BY | 3WB | c | HECKED | BY IM | AT END OF EXCAVATION | | | | |
| | S Appro | x. GPS Coords.: 4 | 6.2715 | 93, -119.2 | 268110 | AFTER EXCAVATION | | | | |
| DEPTH (ft) | SAMPLE TYPE NUMBER | TESTS | U.S.C.S. | GRAPHIC LOG | | MATERIAL DESCRIPTION | | | | |
| | GB | MC = 15% Fines = 57% | SM | | FILL: SILTY SAN | D WITH GRAVEL, (SM) light brown, fine grained, damp to moist, dense | | | | |
| | | | | | - Groundwater not - Referenced elev | t encountered at time of excavation ations are approximate and based on Google Earth topography Bottom of test pit at 10.0 feet. | | | | |

| | ¢ | 6 | GN Northern, Inc 722 N. 16th Aver Yakima, Washing Telephone: (509 Fax: (509) 248-4 | nue Su gton 9) 248- 220 | uite 31 8902 9798 | 1 | TEST PIT NUMBER TP-5 PAGE 1 OF 1 | | | | |
|---|---------------|-----------------------|--|-----------------------------------|-------------------------|--------------------------------|---|--|--|--|--|
| | CLIEN | T Knutz | en Engineering | | | | PROJECT NAME _ New Apartment Development | | | | |
| | PROJE | ECT NUM | BER 221-1411 | | | | PROJECT LOCATION 470 Bradley Blvd, Richland, WA | | | | |
| | DATE | STARTE | D <u>7/14/21</u> | (| COMP | PLETED _7/14/21 | GROUND ELEVATION _359 ft TEST PIT SIZE _30 x 72 inches | | | | |
| | EXCA\ | ATION O | | DB, LI | LC | | _ GROUND WATER LEVELS: | | | | |
| | EXCA\ | ATION N | METHOD Case C | K55B | | | AT TIME OF EXCAVATION | | | | |
| 2 | LOGGI | ED BY _E | BWB | (| CHEC | KED BY IM | AT END OF EXCAVATION | | | | |
| 50.05 | NOTES | Appro | x. GPS Coords.: 46 | 6.2713 | 320, - ⁻ | 119.269064 | AFTER EXCAVATION | | | | |
| | DEPTH (ft) | SAMPLE TYPE NUMBER | TESTS | U.S.C.S. | GRAPHIC LOG | | MATERIAL DESCRIPTION | | | | |
| DRAULET ULVU, WO | | | | | | SILT WITH SANI (APPARENT NA | D, (ML) light brown, moist, appears medium dense, TIVE SOIL) | | | | |
| | | | | | | | | | | | |
| | 5.0 | ™_ GB | MC = 15% Fines = 73% | ML | | - infiltration test p | performed at ~4.5' BGS | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| ני. מ-נ | | | | | | 9.5 | 349.5 | | | | |
| GENERAT BIT IF / WELL - GINI STO US LAB. GDI - 7/19/21 10.1 | | | | | | - Groundwater no | ot encountered at time of excavation vations are approximate and based on Google Earth topography Bottom of test pit at 9.5 feet. | | | | |



KEY CHART

| | RELATIVE DENSITY OR CONSISTENCY VERSUS SPT N-VALUE | | | | | | | | | | |
|---------------|--|--|--------------|--------------|--|--|--|--|--|--|--|
| | COARSE-0 | GRAINED SOILS | | FINE-GRAD | INED SOILS | | | | | | |
| DENSITY | N (BLOWS/FT) | FIELD TEST | CONSISTENCY | N (BLOWS/FT) | FIELD TEST | | | | | | |
| Very Loose | 0-4 | Easily penetrated with ¹ / ₂ -inch reinforcing rod pushed by hand | Very Soft | 0 – 2 | Easily penetrated several inches by thumb | | | | | | |
| Loose | 4 - 10 | Difficult to penetrate with ¹ / ₂ -inch reinforcing rod pushed by hand | Soft | 2-4 | Easily penetrated one inch by thumb | | | | | | |
| Medium -Dense | 10 - 30 | Easily penetrated with ¹ / ₂ -inch rod driven with a 5-lb hammer | Medium-Stiff | 4 - 8 | Penetrated over ¹ / ₂ -inch by thumb with moderate effort | | | | | | |
| Dense | 30 - 50 | Difficult to penetrate with ½-inch rod driven with a 5-lb hammer | Stiff | 8 – 15 | Indented about ¹ /2-inch by thumb but penetrated with great effort | | | | | | |
| Voru Donco | > 50 | penetrated only a few inches with 1/2-inch | Very Stiff | 15 - 30 | Readily indented by thumb | | | | | | |
| very Delise | 230 | rod driven with a 5-lb hammer | Hard | > 30 | Indented with difficulty by thumbnail | | | | | | |

| | | USCS SOIL C | LAS | SIFIC | ATION | | LOGS | SYMBOLS |
|----------------------|---------------------------------|---------------------------|-----|-------|---|--|------|--------------------|
| | MAJOR DIVIS | IONS | | - | GROUP DESCRIPTION | T | 2S | 2" OD Split |
| | Gravel and | Gravel | 62 | GW | Well-graded Gravel | | - | 3" OD Split |
| Coarse- | Gravelly Soils | (with little or no fines) | 12 | GP | Poorly Graded Gravel | | 38 | Spoon |
| Grained | < 50% coarse fraction passes | Gravel | | GM | Silty Gravel | | NS | Non-Standard |
| Soils | #4 sieve | (with >12% fines) | | GC | Clayey Gravel | | | Spiit Spoon |
| <50% | Sand and | Sand | | SW | Well-graded Sand | | ST | Shelby Tube |
| passes #200 | Sandy Soils | (with little or no fines) | | SP | Poorly graded Sand | | CR | Core Run |
| sieve | fraction passes | Sand | | SM | Silty Sand | | DC | Dec Samula |
| | #4 sieve | (with >12% fines) | | SC | Clayey Sand | | ЪС | Bag Sample |
| Fine- | Silt and Clay | | | ML | Silt | | TV | Torvane Reading |
| Grained | Liquid | Limit < 50 | | CL | Lean Clay | T | PP | Penetrometer |
| Sons | × | | | OL | Organic Silt and Clay (low plasticity) | | | Reading |
| >50% | Silt | and Clay | | MH | Inorganic Silt | | NR | No Recovery |
| passes #200 sieve | Liquid | Limit > 50 | | CH | Inorganic Clay | \Box | | |
| 510,00 | | | | OH | Organic Clay and Silt (med. to high plasticity) | | GW | Table |
| | Highly Organic | Soils | Ð | РТ | Peat Top Soil | . L. | | |

| Mod | IFIERS | MOISTURE CONTENT | | | | | |
|-------------------|----------|------------------|--|----|-----|--|--|
| DESCRIPTION RANGE | | DESCRIPTION | FIELD OBSERVATION | | CLA | | |
| Trace | <5% | Dry | Absence of moisture, dusty, dry to the touch | | J | | |
| Little | 5% - 12% | Moist | Damp but not visible water | 1 | Gro | | |
| Some | >12% | Wet | Visible free water | 1. | 010 | | |

| MAJOR DIVISIONS WITH GRAIN SIZE | | | | | | | | | | |
|---------------------------------|---------|--------|-------|------------|--------|--------|---------------|--|--|--|
| SIEVE SIZE | | | | | | | | | | |
| 1 | 2" | 3" 3/4 | 4" 4 | 4 1 | 10 4 | 40 | 200 | | | |
| | | | GRAIN | SIZE (INCH | ES) | | | | | |
| 1 | 2 | 3 0.7 | 75 0. | 19 0.0 | 0.0 | 171 0. | 0029 | | | |
| Pouldars | Cobblas | Gra | avel | | Sand | | Silt and Clay | | | |
| Boulders | Cobbles | Coarse | Fine | Coarse | Medium | Fine | Sint and Cray | | | |

SOIL SSIFICATION **NCLUDES**

- up Name
- Group Symbol 2.
- Color 3.
- 4. Moisture content
- Density / consistency 5.
- 6. Cementation
- 7. Particle size (if applicable)
- 8. Odor (if present)
- 9. Comments

Conditions shown on boring and testpit logs represent our observations at the time and location of the fieldwork, modifications based on lab test, analysis, and geological and engineering judgment. These conditions may not exist at other times and locations, even in close proximity thereof. This information was gathered as part of our investigation, and we are not responsible for any use or interpretation of the information by others.



Appendix III Laboratory Testing Results



C:/USERS/YONG LEE/DROPBOX(5-ACTIVE PROJECTS/221-1411 RIVER FRONT APTS - 470 BRADLEY BLVD, RICHLAND WA/221-1411 LOGS.GPJ 7/19/21 16:07 GDT JESSE. ATE TEMPL



Appendix IV Site & Exploration Photographs



Excavation of TP-1, view looking east



Exposed subsurface soil profile within test pit TP-1



Exposed subsurface soil profile within test pit TP-2





Infiltration test setup within test pit TP-4

Infiltration test setup within test pit TP-5

PLATE 1: SITE & EXPLORATION PHOTOGRAPHS

PROJECT NO. 221-1411



Appendix V <u>NRCS Soil Survey</u>



United States Department of Agriculture

Natural Resources

Conservation

Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Benton County Area, Washington

470 Bradley Boulevard, Richland, WA





Benton County Area, Washington

PaA—Pasco fine sandy loam, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 2bcw Elevation: 250 to 700 feet Mean annual precipitation: 6 to 10 inches Mean annual air temperature: 52 to 55 degrees F Frost-free period: 136 to 190 days Farmland classification: Farmland of statewide importance

Map Unit Composition

Pasco and similar soils: 90 percent Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Pasco

Setting

Landform: Flood plains Parent material: Alluvium

Typical profile

H1 - 0 to 6 inches: fine sandy loam *H2 - 6 to 60 inches:* silt loam

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: About 24 to 36 inches
Frequency of flooding: NoneOccasional
Frequency of ponding: None
Calcium carbonate, maximum content: 5 percent
Maximum salinity: Slightly saline to moderately saline (4.0 to 8.0 mmhos/cm)
Sodium adsorption ratio, maximum: 10.0
Available water capacity: High (about 9.9 inches)

Interpretive groups

Land capability classification (irrigated): 3w Land capability classification (nonirrigated): 6e Hydrologic Soil Group: C Hydric soil rating: No



Appendix VI <u>Washington Department of Ecology Well Logs</u>



Drilling suned: 14 November 1995

RESOURCE PROTECTION WELL REPORT 82451 START CARD NO. <u>R49607</u> Repo BENTON PROJECT NAME: JACKPOT FOODS COUNTY: WELL IDENTIFICATION NO. _________ LOCATION: SEV SE 14 Soc 11 Twn 9N R 28E The Department of Ecology does NOT Warranty the Data and/or the Information on this Well DRILLING METHOD: HSA STREET ADDRESS OF WELL: 500 George Washington Way, Rechland DAILLER: Bran G. Gose WATER LEVEL ELEVATION 10 FIRM: Cascade_Drilling, Inc. N/A GROUND SURFACE ELEVATION: SIGNATURE: CONSULTING FIRM: GeoEngineers -Spokane. INSTALLED: 10/25/00 REPRESENTATIVE: Bruce Williams DEVELOPED: 25 0643 WELL DATA FORMATION DESCRIPTION AS-BUILT 0 - 15 ft. WELL COVER boun sand + silt. CONCRETE SURFACE SEAL $DEPTH = \frac{3}{ft}$ 15 - 27 ft. Brown smal + spavels w/ some silt. "PVC BLANK 2 "x 22" BACKFILL TYPE: hent ft. PVC SCREEN 2"x 5 " SLOT SIZE: , M20 GRAVEL PACK ft. MATERIAL: 2/12 Smid WELL DEPTH 27. 11 SCALE: 1" = __OF_ PAGE ECY 050-12 (Roy. 11/09) 8245/

| ormation on this Well Report. | Please prin RESOURCE PROTECTION V (SUBMIT ONE WELL REPORT PER WEI Construction/Decommission ("x" in box) Construction 276339 Decommission ORIGINAL INSTALLATION Notice of Intent N Consulting Firm Shannon & Wilson Unique Ecology Well IDTag No. WELL CONSTRUCTION CERTIFICATION accept responsibility for construction of this well, and its | t, sign and return VELL REPORT LL INSTALLED) | to the Department of Ecology CURRENT Notice of Intent No. E008007 Type of Well ("x in box) Resource Protection Geotech Soil Boring A Property Owner City of Richland Site Address Comstock Street & Bradley Blvd City Richland County Benton Location NE1/4-1/4 NE1/4 Sec 14 Twn 9N R 28 EWM or WWM Lat/Long (s, t, r Lat Deg Min Sec | | | | |
|--|---|--|---|---------------------|--|--|--|
| ta and/or the In | washington wen construction standards. Interview reported above are true to my best knowledge and belief. ⊠ Driller □ Engineer □ Trainee Name (Print Last, First Name) <u>Harnden, Anisa</u> Driller/Engineer /Trainee Signature Driller or Trainee License No. 2508 If trainee, licensed driller's Signature and I | icense Number: | still REQUIRED) Long DegMinSec Tax Parcel No. <u>114981020564009</u> Cased or Uncased Diameter Static Level Work/Decommission Start Date <u>9/26/07</u> Work/Decommission Completed Date <u>9/26/07</u> | | | | |
| The Department of Ecology does NOT Warranty the Da | Construction Design | Well Drove a retractable stainless steel / F to depth and collect sample. Boring Depth:17 Screen:13-14 Slot Size:oro Type:54aloss S Removed all rods | Data PVC screen down sted a water | G-8 San B-11 S.M | ion Description A B gravel ty Saud | | |
| | | SCALE: 1"= 2/A | PAGE 7 OF | ENTRAL RE | GKNORE | | |

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NOTES:

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1. This information is to be used for planning purposes only. Data is displayed as is and without any guarantee of accuracy or completeness.

Split environment designations are not accurately depicted.
 Aerial image courtesy of ESRI and Bing Maps.



Regulatory Reaches Richland Shoreline Master Program Richland, WA