



## **NOTICE OF DECISION**

**PURSUANT TO RICHLAND MUNICIPAL CODE SECTION 19.60.080 NOTICE IS HEREBY GIVEN THAT THE CITY OF RICHLAND HEARINGS EXAMINER, ON OCTOBER 17, 2022 APPROVED THE PRELIMINARY PLAT OF HALARA HILLS (CITY FILE NO. S2022-102) SUBJECT TO CONDITIONS CONTAINED IN THE HEARING EXAMINER REPORT (ATTACHED):**

**DESCRIPTION  
OF ACTION:**

Preliminary plat of "Halara Hills" subdividing 59.29-acres into 82 lots for single-family residential construction and eight (8) tracts.

**SEPA REVIEW:**

The above referenced action was reviewed in compliance with the requirements of the State Environmental Policy Act (RCW 43.21c) and the City issued a Determination of Non-Significance (EA2021-101) dated September 8, 2022.

**APPROVED:**

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

**PROJECT LOCATION:**

The project site is located immediately west of the westerly terminus of Strawberry Lane and south of Highway I-182 upon Benton County Assessor Parcel Nos. 1209840000400, 12098400000300 and 12098400000200.

**APPEALS:**

Appeals to the above described action may be made to the Benton County Superior Court by any Party of Record. Appeals must be filed within 21 days of issuance of this notice, which is October 18, 2022.

Mike Stevens  
Planning Manager

October 18, 2022  
Date



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

**FINDINGS, CONCLUSIONS AND  
DECISION ON APPLICATION FOR  
PRELIMINARY PLAT OF HALARA HILLS**

**FILE NUMBER:** S2022-102

**APPLICANT:** PAHLISCH HOMES

**APPLICATION:** TO SUBDIVIDE 59+ ACRES INTO 82 SINGLE FAMILY RESIDENTIAL LOTS AND EIGHT (8) TRACTS, IN AN R-1-12 (SINGLE-FAMILY RESIDENTIAL ZONE) WITH ASSOCIATED INFRASTRUCTURE IMPROVEMENTS.

**LOCATION:** IMMEDIATELY WEST OF THE CURRENT WESTERLY TERMINUS OF STRAWBERRY LANE, AND SOUTH OF INTERSTATE 182. THE PROJECT SITE IS CURRENTLY VACANT, COMPRISED OF THREE (3) 20-ACRE PARCELS ON AND BELOW THE NORTH SLOPE OF BADGER MOUNTAIN. TO THE EAST, THE AREA COMMONLY KNOWN AS "COUNTRY RIDGE" IS GENERALLY DEVELOPED WITH SINGLE FAMILY HOMES ON LARGE LOTS.

**PARCEL NUMBERS:** BENTON COUNTY ASSESSOR PARCEL NOS. 12098400000400, 12098400000300, AND 12098400000200)

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

**SUMMARY OF DECISION:** *APPROVAL, SUBJECT TO CONDITIONS*

**DATE OF DECISION:** OCTOBER 17, 2022

## **I. CONTENTS OF RECORD.**

**Exhibits:** Staff Report. City of Richland Development Services Division Staff Report and recommendation of approval to the Hearing Examiner regarding the “Halara Hills” Preliminary Plat, File No. S2022-102, dated September 15, 2022 (31 pages); (PDF File of ‘Complete Halara Hills Staff Report’ with exhibits available to the public on the City’s website before the public hearing totaling more than 600 pages);

1. Application materials;
2. Preliminary Plat Map;
3. Title Report;
4. Critical Areas Report / Fish and Wildlife Habitat Conservation Area Report;
5. Geotechnical Report;
6. Traffic Impact Analysis;
7. Public Notice & Affidavits;
8. Environmental Checklist and SEPA Determination of Non-Significance;
9. Agency Comments;
10. Public Comments.

Supplement to Staff Report, dated September 30, 2022, from the Planning Manager to the Hearing Examiner (as authorized and requested during the public hearing) addressing timing of proposed development and additional information regarding SEVA (Secondary Emergency Vehicle Access) issues raised during the public hearing, with additional exhibits numbered and described on page 2 of the supplement as follows:

11. AKS Engineering (applicant’s agent) supplemental narrative [submitted at the public hearing by the applicant team during their presentation];
12. AKS PowerPoint Presentation [copies of slides presented during the public hearing];
13. Applicant & Fire Department Correspondence [regarding SEVA issues];
14. SEVA Proposal – Kenneth Katzaroff, Attorney [representing the applicant];
15. SEVA Proposal – Tom Huntington, Fire Chief [for the City of Richland].

Because much of the hearing testimony, and most of the post-hearing exhibits, related to SEVA issues, and the Fire Marshal provided testimony relying upon the City’s most current Fire Department Standard, captioned “Secondary Emergency Vehicle Access Standard”, a true and correct copy of such standard is hereby added into the Record and shall be maintained as Exhibit 16.

16. “Secondary Emergency Vehicle Access Standard”, issued by the Richland Fire Department, updated August 11, 2021. *(Available for public review on the City’s website, under Fire and Emergency Services, Fire Marshal/Fire Prevention*

*Division, Developer Information, Standards, Secondary Emergency Vehicle Access Standard).*

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

1. Mike Stevens, Planning Manager, for the City of Richland;
2. Joey Shearer, AICP, Land Use Planner, primary hearing representative for the applicant, submitted *Ex. 11*, letter with package of consultant memos providing applicant's point of view on several project issues, including wildlife and natural resources, proposed modifications to two proposed conditions, including one addressing SEVA requirement or sprinklers in all dwellings. Mr. Shearer offered additional testimony in response to public comments, notably including confirmation that the applicant agrees that it will not commence any sort of construction work on the project site until such time as the SEVA issue is resolved as required by proposed condition 54. Mr. Shearer and Mr. Bittner both offered follow-up testimony after public comments, noting that the Halara Hills project has fewer lots, larger lots, buffers, more open space, and a pocket park, in contrast with the previous Ladera application. They argued that pre-existing deficiencies in adjacent neighborhoods were not their responsibility.
3. Cory Bittner, co-owner of Pahlisch Homes, the applicant;
4. Joe Bessman, PE, Applicant's traffic engineer with Transight Consulting, LLC, addressed need for off-site signal at Country Ridge Dr. and Keene Rd., even without project, in two years or so, other traffic issues associated with the project;
5. Stacey Reed, Sr. Biologist, Applicant's Critical Areas consultant, summarized her coordination with WDFW official who offered negative comments about the Ladera application, summarized her findings regarding the absence of protected wildlife on the site, and that WDFW reviewed her report and believes the project is feasible so long as performance standards are applied, how proposed mitigation for this application is different than that previously proposed for Ladera, and how she believes such measure go beyond applicable requirements, including seeding portions of the site with native grasses.
6. Jon Putz, Country Ridge neighborhood resident, spoke regarding access concerns/traffic, how the neighborhood has no sidewalks;
7. Nick Kooiker, Strawberry Lane resident, expressed concerns about pedestrian safety, suggested that sidewalks are needed from area where he lives all the way to Foxtrot, remembers fire in the area, has fire safety concerns, wants access out to Dallas Road;
8. Ron Brunke, Country Ridge resident, expressed concerns about SEVA and possible sprinkler option mentioned by the applicant, traffic, odors emitting from existing sewer line near the project site that serves the Badger Mountain community;
9. Max Schneider, Country Ridge resident, one of several people who were contacted met with Pahlisch Homes agents after the Ladera project was denied, and before this application was submitted, noted that there are six HOAs in the area and that he does not speak for others, expressed different recollection of such meeting than the applicant suggested, noted that a pocket-park is the only big change he sees in the re-design;
10. Mike Evans, local resident, expressed concerns about emergency incidents based on his background in Fire Service and National Incident Management Team, noted SEVA & Fire safety concerns, believes that sprinkler option is "ridiculous";

11. Shawndell Wilson, Strawberry Lane resident, expressed concerns about school children using bus stop in front of her corner lot, general traffic and pedestrian safety concerns, general concerns that connections to trail network on upper Badger Mountain might increase crime in her neighborhood;
12. Lydia McMillin, local resident, walks the neighborhood frequently, expressed concerns with increased traffic, noted that drivers go faster headed downhill and the project is at higher elevation than the access route through her neighborhood, raised general life-safety and SEVA concerns;
13. Stan Bensussen, local resident, expressed concerns that money should not offset risks to children, bikers, walkers, dogs in the area, that Country Ridge was more open and now has too many cars/too much traffic, so the new project needs an alternate access point;
14. Kathy Hertz, local resident, expressed general concerns about traffic, how the neighborhood has curves in street so cars cut corners, general concerns that trailhead/trail system connections would increase crime;
15. Luay Ailabouni, local resident, expressed general concerns for children, traffic, young drivers, believes streets are narrow, fire safety concerns;
16. Brian Cable, read a text from Chad Hatfield re: meeting with Pahlisch, believes that sprinklers will not protect people, that a SEVA is needed, that application is deficient in addressing the SEVA issue;
17. Mandy Kooiker, recent Strawberry Lane resident, expressed general traffic concerns
18. Brock Anderson, local resident for a year, echoed previous comments about children, traffic, believes that developer has no SEVA options;
19. Trey Barton, local resident, generally questioned how effective notices or developer outreach might have been, raised general traffic concerns, opposes the project;
20. John-Paul Blair, Country Ridge resident, opposes project, reiterated previous comments and general traffic concerns and need for a SEVA, noted that he walks the area and that the existing sewer system smells;
21. James Carmody, Attorney for Friends of Country Ridge, explained that he believes provisions in the state subdivision statute (RCW 58.17.110(2)) require a SEVA determination to be made at the preliminary plat stage, takes exception with sidewalk analysis on page 10 of the Staff Report, noting that if there are inadequate sidewalks and problems with pedestrian safety, or other required items that are not/cannot be adequately provided or mitigated by the applicant, then the project should be denied, and that certain RMC standards will not be met by this project;
22. Don McMillin, longtime Country Ridge resident, expressed general traffic and fire safety concerns.
23. Ken Buechler, City of Richland Fire Marshal spoke re: SEVA, International Fire Code and city Fire Standards, offered evidence of fire hazards and emergency response needs for the project that cannot be adequately addressed with fire sprinklers in new homes, emphasized the need for a SEVA to serve the new plat, explained reasons why he would not approve fire sprinklers for homes in the new plat as an alternative to a secondary access route [SEVA] for the project, referenced stricter City Fire Standard for SEVA, noted that the most restrictive of standards should apply, requested that the plat not be approved until after a SEVA is identified;
24. Carlo D' Alessandro, transportation engineer in the City's Public Works Department, agreed that the original proposed condition #48 in the staff report should be deleted, noting that he generally agrees with the applicant's TIA prepared for the project;

The Examiner held the record open to provide the applicant with an opportunity to provide additional information regarding the secondary access [SEVA] issues raised during the public hearing, with any Staff (including Fire Department) response due by September 29, 2022. The Examiner received a copy of a Supplemental Staff Report with additional exhibits noted above on September 30<sup>th</sup>. The Record is now closed, and this Decision is in order.

## **II. APPLICABLE LAW.**

This application for preliminary plat approval was filed and vested under City of Richland development regulations in effect in June of 2022. The Examiner takes notice that relevant City codes and development regulations were not amended after the application materials were filed, on or about June 1, 2022, and August 18, 2022, the date on which public notices regarding a complete application for preliminary plat approval was mailed to property owners within 300-feet of the project, effectively verifying that the application materials were deemed complete for purposes of vesting and further review (*See Ex. 7, Notice Materials, confirming mailing on Aug. 18, posting on Aug. 19, and publication on Aug. 21, 2022; Staff Report, on page 8*). Under applicable provisions of the Richland Municipal Code (RMC), this preliminary plat<sup>1</sup> application is first subject to review and approval by city staff with respect to the engineering elements of said plat, then the Hearing Examiner is responsible for conducting an open record public hearing followed by a final written Decision. A preliminary plat application is a Type III procedure. RMC 19.20.010(C)(1).

As explained in RMC 24.12.050(A), the hearing examiner shall consider any preliminary plat application and shall conduct an open record public hearing in accordance with Chapter 19.60 RMC. After the public hearing and review of materials in the record, the hearing examiner shall determine whether the preliminary plat is in accordance with the comprehensive plan and other applicable code requirements and shall either make a decision of approval or disapproval. The same provision of the city's code (RMC 24.12.050(A)) provides that any approval of the preliminary plat shall not be given by the hearing examiner without the prior review and approval of the city manager or her designee with respect to the engineering elements of said plat including the following:

1. Adequacy of proposed street, alley, right-of-way, easement, lighting, fire protection, drainage, and utility provisions [emphasis added];
2. Adequacy and accuracy of land survey data;
3. The submittal by the applicant of a plan for the construction of a system of street lights within the area proposed for platting, including a timetable for installation; provided, that in no event shall such a plan be approved that provides for the dedication of such a system of lighting to the city later than the occupancy of any of the dwellings within the subdivision.

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<sup>1</sup> In this Decision and exhibits included in the Record, preliminary plat and preliminary subdivision mean the same thing, and use of one term should be read to apply to the other to the extent anyone views the terms to have distinct meanings, which for the purposes of this Decision, they do not.

The City's decision criteria for preliminary plat approval are substantially similar to state subdivision mandates found in RCW 58.17.110(2)<sup>2</sup> and reads as follows:

***Richland Municipal Code 24.12.053 Preliminary plat – Required findings.***

*The hearing examiner shall not approve any preliminary plat application, unless the approval is accompanied by written findings that:*

*A. The preliminary plat conforms to the requirements of this title;*

*B. Appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;*

*C. The public use and interest will be served by the platting of such subdivision and dedication; and*

*D. The application is consistent with the requirements of RMC 19.60.095 (addresses transportation concurrency considerations).*

And RMC 19.60.095 mandates the following additional findings:

***19.60.095 Required findings.***

*No development application for a Type II or Type III permit shall be approved by the city of Richland unless the decision to approve the permit application is supported by the following findings and conclusions:*

*A. The development application is consistent with the adopted comprehensive plan and meets the requirements and intent of the Richland Municipal Code.*

*B. Impacts of the development have been appropriately identified and mitigated under Chapter 22.09 RMC.*

*C. The development application is beneficial to the public health, safety and welfare and is in the public interest.*

*D. The development does not lower the level of service of transportation facilities below the level of service D, as identified in the comprehensive plan; provided, that if a development application is projected to decrease the level of service lower than level of service D, the development may still be approved if improvements or strategies to raise the level of service above the minimum level of service are made concurrent with development. For the purposes of this section, "concurrent with development" means that required improvements or strategies are in place at the time of occupancy of the project, or a financial commitment is in place to complete the required improvements within six years of approval of the development.*

*E. Any conditions attached to a project approval are as a direct result of the impacts of the development proposal and are reasonably needed to mitigate the impacts of the development proposal.*

The burden of proof rests with the applicant, and any decision to approve or deny a preliminary plat must be supported by a preponderance of evidence. *RMC 19.60.060 and Hearing*

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<sup>2</sup> "A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication. []" RCW 58.17.110(2).

*Examiner Rules of Procedure, Sec. 3.08.* The application must be supported by proof that it conforms to the applicable elements of the city's development regulations, comprehensive plan and that any significant adverse environmental impacts have been adequately addressed. RMC 19.60.060.

The hearing examiner's decision regarding this preliminary plat application shall be final, subject to judicial appeal in the time and manner as provided in RMC 19.70.060 and Ch. 36.70C RCW (*The city's final decision on land use application may be appealed by a party of record with standing to file a land use petition in Benton County Superior Court. Such petition must be filed within 21 days of issuance of the decision*). See RMC 24.12.050(B).

### **III. ISSUE PRESENTED.**

Whether a preponderance of evidence demonstrates that the applicant has met its burden of proof to satisfy the criteria for preliminary plat approval?

*Short Answer:* Yes, subject to conditions of approval.

Based on all the evidence, testimony, codes, policies, regulations, environmental documentation, and other information contained in the Record, the Examiner issues the following findings, conclusions, and Decision approving the pending application for the Halara Hills Preliminary Plat, subject to conditions, as set forth below.

### **IV. FINDINGS OF FACT.**

1. Any statements in previous or following sections of this document that are deemed findings are hereby adopted as such.
2. A public hearing is not a popularity contest, where a hearing examiner asks for a show of hands to reach a decision on a particular matter, instead, every application stands on its own two feet, and every applicant must demonstrate compliance with applicable approval criteria. The Rules of Procedure for the Richland Hearing Examiner explain that the Examiner is not to be concerned with the popularity of a matter presented but whether it meets the requirements of the applicable code, policy or regulation. The examiner's decision must be based on the record of the proceedings before the examiner. (*Richland Hearing Examiner Rules of Procedure, Introduction, at page 2*).
3. The Examiner has visited the road network that would serve the proposed new development and vicinity of the proposed plat on multiple occasions, before and after the public hearing, and is fully advised on matters at issue herein, including without limitation adjacent developments and land uses, applicable law, application materials, and relevant comprehensive plan provisions.



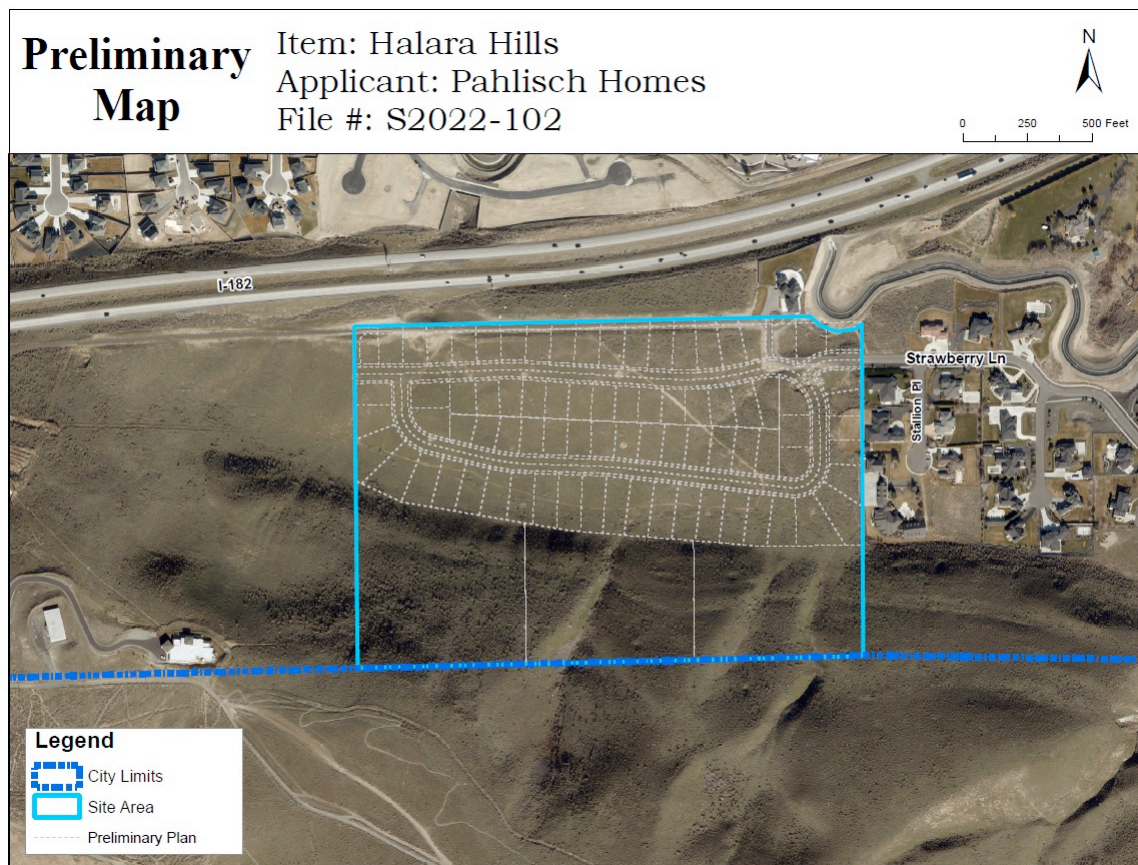
4. Here, the Examiner is convinced that the quality of presentations during the public hearing process, including all testimony and exhibits offered during the public hearing, post-hearing submittals from the applicant and staff as authorized at the hearing, and in written comments from surrounding residents with specific concerns about the pending application, provide the decision maker with sufficient details, facts, arguments, expressions of specific local concerns, and analysis of applicable regulations, all needed to reach a fair decision. In this instance, the project opponents did not submit a preponderance of evidence, including any reports from their own qualified professionals, that would rebut reports from the applicant's qualified professional consultants on traffic, geotech issues, critical areas, wildlife, and other issues of concern expressed during public testimony.
5. The Staff Report and recommendation of approval includes a number of specific findings and conditions that establish how the underlying plat application, as conditioned, satisfies provisions of applicable law, is consistent with the city's Comprehensive Plan, and is designed or conditioned to comply with applicable development standards and guidelines. During the public hearing, Mr. Stevens corrected an error in the Staff Report, on page 8, where it should state that seventy-seven (77) of the 82 proposed lots are equal to or greater than 12,000 square feet, satisfying code requirements for developments in the zoning district.
6. Based on evidence in the record, some conditions have been modified by the Examiner to ensure that this project is developed in a manner than complies with applicable development regulations and standards,

***Project Description, background.***

7. The applicant, Pahlisch Homes LLC , submitted this pending preliminary plat application on or about June 1, 2020. (*Ex. 1, Preliminary Plat Application materials; Staff Report, page 8*). Staff deemed the application materials complete for purposes of vesting at some point on or before August 18, 2022, when they issued the first of several notices informing the public of the pending application and public hearing. (*Staff Report, page 10; Ex. 7, public hearing notices and confirmation materials, with mailings on Aug. 18<sup>th</sup>, posting on Aug. 19<sup>th</sup>, and publication on Aug. 21*).
8. The proposed subdivision would divide a 59+ acre site into 82 single family residential lots and eight (8) tracts, with associated infrastructure improvements, to be known as the Halara Hills Subdivision. The property is zoned R-1-12 (Single Family Residential), and the plat has been designed to conform with the density and development standards associated with such zone. (*Staff Report, pages 1-3; Ex. 1, application materials*).
9. As discussed in the application materials and the Staff Report, the same applicant, Pahlisch Homes, had a previous preliminary plat application for the same property, then known as the Ladera project, a 101-lot proposal that sought to use density transfer standards and more generous R-1-10 zoning standards, which was denied by the Hearing Examiner in a Decision issued in June of 2021, under File No. S2020-103. As noted above, this new application for the Halara Hills project is for fewer lots and uses the zoning standards assigned to the

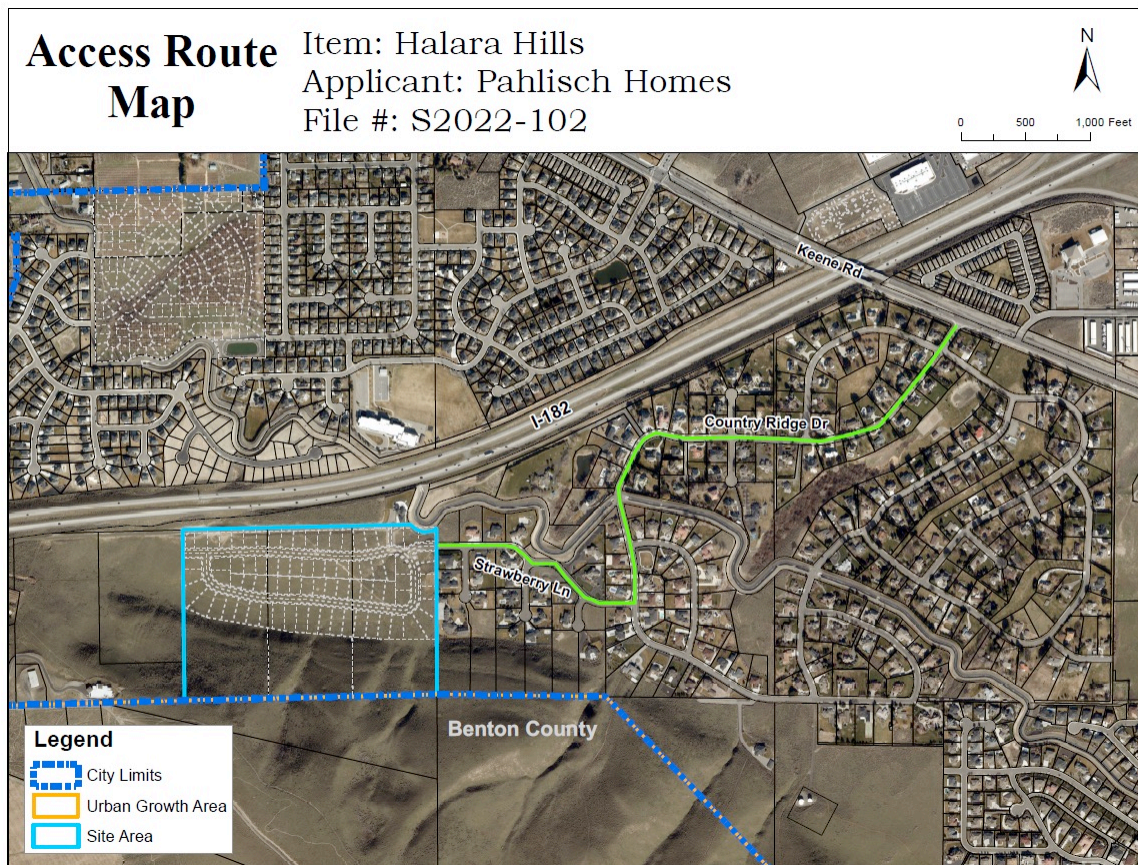
property (R-1-12 zoning standards). As discussed below, it also proposes to dedicate 23-acres of the steepest (southern) portions of the project site as mitigation for critical areas impacts associated with the project.

10. The project site is currently vacant, comprised of three (3) roughly 20-acre parcels on and below the north slope of Badger Mountain, immediately west of the current westerly terminus of Strawberry Lane, and south of Interstate 182. To the east, the area commonly known as “Country Ridge” is generally developed with single family homes on large lots. *(Staff Report; Ex. 1, application materials; Vicinity maps; Site visits).*
11. The three adjacent parcels are currently assigned Benton County Assessor Parcel Nos. 12098400000400, 12098400000300, and 12098400000200.
12. The proposed plat would be served by City utilities, with new a public street that will form a loop inside the new plat, extending into the Halara plat towards the west from the current west end point of Strawberry Lane into the project site that will tee into a loop road formed by new roads, identified as Lamont Street and Redtail Loop. The Staff Report notes that while the plat is designed with a street forming a loop, it offers opportunities for a westerly extension through properties that are not part of this application. *(Staff Report, page 2).* A copy of the proposed plat, as shown on page 2 of the Staff Report, is provided below.





13. As proposed, the Halara Hills plat would have only one fully accessible point of ingress and egress, that would be its single connection with Strawberry Lane. The “Access Route Map” for the proposed Halara Hills plat is found on page 11 of the Staff Report and is republished below. The single access route is the same for this proposal as it was for the Ladera application.



14. The Examiner takes official notice of the Decision and record for the applicant’s previous plat application for a development on the same three parcels of property, known as the Ladera Preliminary Plat, assigned File No. S2020-103, which sought to use density transfer provisions for a design based on more generous zoning standards (R-1-10) instead of the R-1-12 zoning that applies to the site. That application was denied by the Hearing Examiner for several reasons, including without limitation failure to satisfy density transfer requirements and critical area protections found in state and city regulations. The Ladera decision stands as issued, because it was never appealed.

15. Portions of the Ladera record remain relevant to this new application, which once again proposes to build well over 16 homes in a project that only has a single access route. For instance, the Staff Report, Fire Marshal comments, portions of the applicant's Critical Areas Report, and WDFW comments provided in the Ladera matter all directed attention to facts that made fire safety considerations of special concern on the Ladera site – and again in this Halara Hills application – including the following statements referenced in the Ladera Decision, republished below. (*See Ladera Staff Report, pages 14-15, Recommended Conditions 59-63; Fire Marshall Comments on Ladera .pdf pages 386-389; Ladera Ex. 5, Applicant's Critical Areas Report, on .pdf pages 230, 233, 239, 240, and 244*).

“It is worth noting that approximately 250 acres on the south side of Badger Mountain caught fire in 2010.” (*Ex. 5, .pdf page 230*).

“... [F]ire access requirements dictate that the subdivision have an alternate access during emergency situations. To meet this requirement, the applicant will utilize the existing gravel road that extends west from the subdivision and terminates at Dallas Road (Figure 4). It is likely that some pullouts or turnaround along the side of the gravel road will be required to meet the code requirements.” (*Ex. 5, .pdf page 233, with map showing location of “Fire Access Road” on Figures 3 and 4, .pdf pages 239 and 240*).

“Throughout the site are signs of past fires as evidenced by burnt sage brush stumps (Picture 7).” (*WDFW comments on .pdf pages 244 and 407*).

***Fire Safety, SEVA requirement for the Halara Hills application.***

16. The unrebutted Staff Report for the Halara Hills application includes the following observations regarding the project site:

This general area is one of the driest climates within the Columbia Plateau with annual precipitation averaging between 7 to 10 inches. The present-day landscape is characterized by sagebrush steppe grasslands in addition to irrigated agriculture lands and to a much smaller extent, developed urban lands. The absence of shrub cover and dominance of non-native grasses often points to fire or historic agriculture disturbance. It is worth noting that approximately 250 acres on the south side of Badger Mountain caught fire in 2010. City Planning staff observed evidence of past brush fire(s) in the form of burned stumps and burned bunchgrass tufts. (*Staff Report, on page 4*)

17. The Staff Report (on pages 11 and 12) also includes a summary of Fire Safety concerns associated with this proposed plat, which reads as follows:

**FIRE SAFETY**

Portions of the plat are adjacent to undeveloped properties over 5-acres in size and so are subject to the City's wildland fire protection requirements. [Wild land Fire Protection requirements are found at RMC 20.02.029]. The City has wild-land fire protection requirements that apply to homes built on or adjacent to steep slopes. Recommended conditions of approval #'s 51-55, require compliance with these wildland fire protection requirements in addition to other specific requirements related to installation of fire hydrants and residential fire sprinkler systems. With respect to the urban-wildland interface, one physical feature mitigating wildland fire danger is the fact that homes will be below the steep hillside. As fire runs

uphill much more rapidly than downhill, the homes will be less vulnerable to the drying/pre-heating physics of fire behavior as compared to hillside or hilltop developments.

The Richland Fire Department has charged Halara Hills with providing a secondary emergency vehicle access (SEVA) route. This requirement is iterated as approval condition # 62. SEVAs are typically private easements, which may be gated, and are not typically available for general use by the public, which shall meet specific improvement standards. As of yet, the applicants for Halara Hills have not successfully establish an acceptable SEVA route across privately-owned land and as a result, the Fire Marshall has indicated that: “The Fire Marshal’s Office does not recommend approval of the preliminary plat for Halara.”

The Fire Marshal also stated: “The new Halara Preliminary Plat submitted for review does not address the SEVA. We feel that by moving forward without answers to the SEVA requirement will put the City in a position to be pressured into approving a less than desirable approach later into the project..... For these reasons we feel it is best to resolve the SEVA issue before approval of the preliminary plat.”

To ensure the SEVA requirement is properly conveyed to the applicant and any subsequent developers, staff developed [proposed] condition # 54 contained in the set of plat approval conditions included at the end of this report should the Hearing Examiner not be in agreement with the City’s Fire Marshal and require the applicants to address the SEVA issue prior to preliminary plat approval.

18. The City’s special requirements for developments in Wildland Areas that face wildfire hazards are found in RMC 20.02.029, which reads as follows:

RMC 20.02.029 Wildland areas.

Wildland areas are areas which are undeveloped, uncultivated or unfit for cultivation, or are considered by the city of Richland to be wasteland or desert, or which are any combination of these descriptions and definitions and which are deemed by the city of Richland as a hazard for wild fire purposes. The following requirements apply to buildings and structures constructed on, in, or near wild-land areas:

A. All structures within 30 feet of a property line adjoining a wildland area shall have noncombustible siding, soffit, and skirting on the side adjacent to the wildland area when the wildland area is in excess of five contiguous acres. This requirement shall not apply to interior lots of platted parcels of land and development phases whose streets are accessible and whose water system is operational.

B. Decks or porches 36 inches or less in height shall have skirting if within 30 feet of adjacent wildland areas when the wildland area is in excess of five contiguous acres. Skirting shall be sufficiently constructed so as not to allow the accumulation of combustible material under the deck or porch. The area under the deck or porch shall not be used for storage.

C. When determined by the fire marshal, noncombustible siding or soffit material shall be required on the downhill side(s) of a structure or building that is within 30 feet of a grade that is 15 percent or greater in steepness. The grade shall be determined by the predominant slope on the downhill side measured from the structure or building and extending a maximum of 300 feet.

19. There is no credible dispute that the project site is exposed to wildfire hazards, and that the City's special Wildland Area requirements should be applied to portions of this project. Accordingly, Conditions of Approval have been included as part of this Decision to ensure compliance with the City's Wildland Area requirements. (*See Conditions of Approval 51-53*).
20. During the public hearing for this matter, the proposed Halara Hills plat, the City's Fire Marshall, Ken Buechler, appeared in person and offered a preponderance of credible and un rebutted testimony regarding the fire and life safety hazards at issue with this project, given its location and only one proposed access route to serve the new plat. He emphasized that sprinklers in new homes would do nothing to address the need for a second emergency vehicle access route (a "SEVA") during real emergency situations, when residents need to be evacuated and the primary access route might be blocked. He requested that this plat not be approved until a "SEVA" is identified and confirmed for the site.
21. The Fire Marshal testified regarding provisions of the International Fire Code (IFC) that are adopted in the City of Richland at RMC 20.02.010, including without limitation the 2018 IFC, Appendix D, and a more restrictive City of Richland Fire Standard, captioned "Secondary Emergency Vehicle Access [SEVA] Standard" which the Examiner has included in the Record as *Exhibit 16*.
22. The City's SEVA Fire Standard reads as follows:

The purpose of this standard is to provide the requirements for secondary emergency vehicle access (SEVA) for residential developments.

o A residential development that serves more than sixteen (16) dwelling units and each lot is less than one acre in size, shall be provided with an approved SEVA.

o A residential development that serves more than fifty (50) dwelling units and each lot is more than one acre in size, shall be provided with an approved SEVA.

o The number of dwelling units within a residential development served by a single fire apparatus access road may be increased without a permanent SEVA by the Fire Code Official, if the fire apparatus road will connect to a future development with separate access points that would omit the need for a SEVA within a 12-month window. Binding legal agreements, easements and future phased plans shall be provided to the Fire Code Official for determination if a temporary (less than 12 month) or permanent (greater than 12 months) SEVA access is required.

o Temporary SEVA roads allowed during continued development stages/phases lasting greater than 12 months and permanent SEVA roads must be paved with 12-inch minimum shoulders to support the imposed loads of 75,000 pounds. Temporary SEVA roads lasting less than 12 months shall have a minimum surface of two (2) inches of compacted gravel and support-imposed loads of 75,000 pounds.

o When a SEVA is required by this Standard, it must be separated from the primary access point by enough distance to avoid a situation where both would be blocked or unavailable simply because they are too close together. All dwelling units must be able to be accessed from two completely separate access routes. These separate access routes shall be placed a distance apart equal to not less than one-half the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between the accesses, as determined by the Fire Code Official.

- o All SEVA roads shall have a twenty (20) foot unobstructed road width, meet the turning radius requirements listed in the Richland Fire Department Subdivision and Street Requirement Standard and a vertical clearance of thirteen feet six inches (13'6").
- o Long SEVA roads may be reduced, if approved by the Fire Code Official, to twelve (12) feet in width, provided 20' total road width and 35' long turnouts are present every 400 feet to accommodate the passage of emergency vehicles in both directions.
- o SEVA road slope shall not exceed 12% longitudinal or 2% cross-slope.
- o Bollards placed at potential access points where the Fire Code Official determines emergency access for structure fires, urban interface, wildland fires or where EMS access may be needed, shall be standardized as releasing with a 1/4 turn release mechanism using a 5-sided AWWA hydrant wrench, 32" standard height with less than 4" collapse height and painted in safety yellow. Bollards shall not be interconnecting by hardware such as cables, chains or other devices. Typical applications would include bollards placed at SEVA accesses, fire lanes, alleyways, bike paths, trailheads, school grounds, playgrounds, commercial buildings, and parking areas. Additional applications may be required by the Fire Code Official.
- o The primary fire apparatus access road for the development must meet all the design requirements of the International Fire Code, Section D and Fire Department Standards, whichever is most restrictive as determined by the Fire Code Official.
- o When the dwelling units on a single access fire apparatus road exceed 16, but remain less than 50 and a NFPA 13, 13R or 13D sprinkler system is installed throughout all dwelling units, the fire code official may consider omitting the SEVA requirement. [emphasis added]. Consideration to omit the SEVA requirement by the Fire Code Official shall not consider monetary developer considerations or a lack neighboring property access. The determination to omit the SEVA requirement must heavily weigh the need for EMS as well as fire response needs and should be on an extremely limited basis. (Ex. 16).

23. The Examiner finds that the Fire Marshal provided credible, sworn, and un rebutted testimony during the public hearing establishing the need for a SEVA to serve the new plat, and that a fire-sprinkler option is not viable for this project and would not be in the public interest.
24. The applicant's hearing presentation (Ex. 12) referenced a portion of the 2018 International Fire Code, Appendix D107.1, which requires a second fire access road or an automatic sprinkler system. The Fire Marshall directed attention to RMC 20.02.010, and the City's more restrictive Fire Standard addressing SEVA issues. RMC 20.02.010 expressly adopts Appendix D, but it also provides in relevant part as follows: "In the event of a conflict between code provision(s) and an existing standard, including an existing city of Richland standard, the most restrictive of the two authorities will apply as determined by the fire code official. [...] (Emphasis added).
25. Before the public hearing closed, the Examiner held the record open to allow the applicant and Fire Department staff to offer responses to hearing testimony or additional information regarding the SEVA issues at hand. Based on post-hearing submittals from City Staff and the applicant it appears as though the applicant and Fire Department officials met and made efforts to reach a joint suggestion on how a proposed condition of approval addressing the



SEVA issue (proposed Condition No. 54) should be worded. (*Supplement to Staff Report, Sept. 30, 2022 memo from Planning Manager to the Examiner, with new Exhibits 13, 14, and 15*).

26. The post-hearing exhibits include a detailed email message from the City's Fire Chief to the applicant, summarizing the Chief's position on the SEVA issue, which reads in relevant part as follows:

[...] As we discussed, the City of Richland has an adopted standard regarding SEVA requirements and may on *an extremely limited basis* omit the SEVA requirement. When evaluating the possibility of omitting the SEVA requirement there are several factors for this project that must be considered.

- A SEVA provides access not only for structure fires but for any type of emergency or natural disaster. Structure fires account for less than 1% of our annual call volume and EMS accounts for nearly 70% of emergency responses within the City of Richland, additionally wildland fire interface areas are an increasing challenge for fire agencies in the region.
- This project will be within a Wildland Urban Interface setting. Should a wildland fire occur in this area there could be a need to evacuate this subdivision. The SEVA provides emergency access without impeding evacuation routes, as well as secondary community egress to expedite evacuation should the primary route be compromised.
- The Country Ridge development itself is single access off of Keene Rd, which further compounds the access and evacuation issues related to the SEVA and, in conjunction with the factors listed above, moves this scenario out of consideration for omission of the requirement.

We understand that this project could take a considerable amount of time before any construction of the subdivision happens and that you would like to have that time to consider and potentially develop additional options. During this time codes and standards could change (emphasis added), although there is no current indication that any leniency would be added into the SEVA requirement. The Fire Marshal's office agrees to the language that you proposed with a minor clarification, which we discussed at our meeting: "*A SEVA shall be required before any approvals and/or permits for any construction of the subdivision and, if requested, the Fire Marshal may approve alternatives to a SEVA if allowed.*".

Currently, the Fire Marshal's office sees no viable option outside of an approved SEVA to address the public safety issues specific to this project prior to construction and final plat approval; however, we remain available to work with you towards a successful resolution for your project needs in alignment with our commitment to the public safety needs of our community. [...].

(*Ex. 15, email correspondence dated Sept. 22, 2022 from City of Richland Fire Chief, Thomas Huntington, to Applicant representative, Jerry Jones, re: Pahlisch Homes Meeting Follow-up, addressing SEVA issues for project*).

27. While the Examiner appreciates the parties' suggested language for revisions to the proposed SEVA Condition of Approval, far more than a preponderance of evidence in this record,



including substantial public comments and testimony by the Fire Marshal on the SEVA issue, warrants a more stringent condition on the subject, and must include provisions to ensure that any final determination by the Fire Department to eliminate a SEVA to serve this project, must be made as a revision to this plat, or as an administrative decision that is subject to appeal. The public's input on this topic was substantial and should not be ignored.

28. This Decision is based upon applicable codes and development regulations in effect at the time this application was deemed complete for purposes of vesting and further review, i.e. at some point after the filing date (June 1, 2022) and when public notices were issued by the City seeking comments on the application (August 18, 2022). While the Fire Chief's correspondence notes that "codes and standards could change" before subdivision construction begins, a preliminary plat application is not considered based upon future codes or regulations (including City Fire Standards) that may exist at some point into the future. Hearing Examiners are required to evaluate an applicant's proposal under regulations in effect when an application is filed. A developer cannot selectively benefit from old and new regulations. (*See East County Reclamation Co. v. Bjornsen*, 125 Wn. App. 432, 105 P.3d 94 (2005)(noting there is no authority for an applicant to "cherry pick" regulations under which its project is evaluated).
29. Applying the current SEVA Fire Standard to this project establishes that this proposal – for 82 single family homes that will be served by a single access road – is ineligible for consideration of a fire sprinkler alternative to a secondary access route, or SEVA. The City's Fire Standard applicable to this application (*Ex. 16*) only allows for consideration of NFPA sprinkler systems in lieu of a SEVA requirement "*When the dwelling units on a single access fire apparatus road exceed 16, but remain less than 50...*". Presumably, sprinklers can only be considered if the plat is reduced to have fewer than 50 dwelling units. Such a modification could be deemed a revision to this plat, and public interest in this issue warrants that such determination be made as a Type I permit approval as a "minor revision" to this preliminary plat (which is appealable to the Hearing Examiner), or as a Type III permit approval as a "major revision" to this preliminary plat (requiring public notice and public hearing associate with Type III review process detailed in city codes). (*See RMC 19.20.010(A)(5, 12) and (C); and RMC 19.20.020, captioned "Determination of proper type of procedure"*).
30. As in the Ladera matter, and again in this Halara Hills matter, brought forward by the same applicant, ample evidence in the record shows that development on the site with more than 50 homes should be required to include a Secondary Emergency Vehicle Access (SEVA) route meeting Fire and Public Works standards for such roads. And, consistent with other plats approved in recent years, a permanent SEVA must be paved with 2-inches of asphalt over 4-inches of gravel, at a minimum.
31. The applicant is correct in arguing that the final location of any SEVA route can be addressed after preliminary plat approval and imposed as a requirement that must be satisfied before final plat approval. (*See JZ Knight v. The City of Yelm et al.*, 173 Wn.2d 325; 267 P.3d 973 (2011)(Washington Supreme Court decision holding that RCW 58.17.110(2), part of the state's subdivision statute, which requires the City to make findings that: "Appropriate

provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school...” (*emphasis added by the Examiner*) must be fully satisfied before final plat approval and cannot delay the showing until the building permit stage, but may remain less-than-certain at the preliminary plat phase).

32. Multiple public comments suggested denial of this application because a SEVA route has not been identified or secured via easements or other legal rights to use a particular access route. This position is not supported by applicable law (including the *Knight* case referenced above). The record shows that there may be several options for a SEVA route. Some of these routes might provide benefits to adjacent property owners who later choose to develop their properties.
33. The applicant may want to explore using a “latecomer agreement” to recover some costs from other property owners that might later derive a benefit from any SEVA, roadway, pedestrian path, or new sidewalks eventually constructed as part of this project.<sup>3</sup>
34. The Examiner notes that an access/connection point from the west, towards Dallas Road, instead of via Strawberry Lane to the east, may present itself before the time of final plat approval – which could be up to five years away – and that such a change could be deemed a revision to this preliminary plat approval, triggering a Type I permit approval as a Minor Revision to this preliminary plat (*See RMC 19.20.010(A)(5)*), or a Type III permit approval as a Major Revision to this preliminary plat (*See RMC 19.20.010(C)(1)*).<sup>4</sup> Type I permit approvals are subject to appeal to the Hearing Examiner, and Type III permit approvals require full public notice and a pre-decision hearing before the City’s Hearing Examiner. (*See RMC 19.20.030, Project permit application framework*). If such a revision is proposed before Final Plat approval, staff must determine if additional environmental information or reviews are required, in accord with application SEPA regulations.

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

<sup>4</sup> RMC 19.20.020, captioned “Determination of proper type of procedure,” reads in relevant part as follows: “A. Determination by Director. The deputy city manager for community and development services or his/her designee (hereinafter the “director”) shall determine the proper procedure for all development applications. If there is a question as to the appropriate type of procedure, the director shall resolve it in favor of the higher procedure type number.”

### ***Transportation.***

35. The new plat would comply with city development regulations mandating curbs, gutter and sidewalks on public rights-of-way within the plat boundaries. Staff recommended conditions for some additional off-site improvements deemed appropriate and supported by evidence in the record, although the applicant questioned the necessity of some transportation/sidewalk related improvements. (*Ex. 11, Applicant's written comments submitted at the public hearing*). In the end, the Examiner finds there is a preponderance of evidence in the record to support all of the transportation related conditions of approval proposed by public works staff, except as modified by the City's transportation engineer, Mr.D'Alessandro during his hearing testimony [striking proposed condition 48].
36. If residents of the neighboring Country Ridge neighborhood genuinely desire sidewalks or pedestrian pathways to be constructed along existing roadways or other route(s) connecting this plat with Keene Road or the like, they may wish to pursue creation of a local improvement district to fund some or all of such project, which could require participation by Halara Hills' property owners to the extent (if any) they may be deemed specially benefitted by such improvement(s). (*See Ch. 3.12 of the Richland Municipal Code, regarding Local Improvements, formation of local improvement districts*).
37. An additional condition of approval has been added to ensure that legitimate neighborhood concerns are addressed, regarding routing of construction related traffic, consistent with plat approvals for other projects in the City of Richland. (*Condition "H"*).

### ***Critical Areas.***

38. The bottom (southernmost) parts of the three parcels included in this project feature very steep slopes, and steep slopes are specifically designated as a geologically hazardous areas, subject to the City's Critical Areas regulations, found in RMC 22.10.240-.295. The site is also designated by WDFW as Priority Habitat for shrub-steppe habitat and is adjacent to a City-designated Fish and Wildlife Habitat Conservation Area (the Badger Mountain Preserve). On this subject, there is no dispute. (*Halara Staff Report, page 13*).
39. The Ladera Staff Report and the Examiner's site visits confirm that the southern portions of all three tax lots included in this preliminary plat proposal have some slopes that approach a grade of 1:1, which forms the lower portions of Badger Mountain itself. (*Ladera Staff Report, page 4*).
40. In accord with City codes, including RMC 22.10.270 and .280 (re: staff determination that proposal may be near a geologically hazardous area triggering requirement that applicant obtain a professional geologic study and report for the site), the applicant engaged the AKS Engineering firm to prepare a Critical Areas Assessment and Fish and Wildlife Habitat

Conservation Area Plan (*Ex. 4*) (hereinafter referenced as “Critical Areas Report”), and Geotechnical Report prepared by PBS Engineering (*Ex. 5*) regarding the project site.

41. The applicant’s new environmental consultants, from the AKS firm, prepared a project Narrative that is included as part of the application materials, which includes a general summary of several Critical Areas issues that led to denial of the previous Ladera application, but are addressed differently in the Halara Hills application, which includes the following passages:

- The Hearings [sic] Examiner determined that the previous plan conflicted with the public interest by leaving substantial acreage of non-buildable steep slopes under individual private ownership, creating the potential for many individual code-enforcement problems for City staff if private property owners developed portions of the steep slopes. The current plan removes the critical steep slopes from the rear yards of lots and protects them as permanent open space in three large tracts. The applicable standards for Geologically Hazardous Areas are addressed in the responses to Chapter 22.10, below.
- The Hearings [sic] Examiner found conflicts in the Critical Areas Report relative to other evidence and testimony in the record, specifically from Michael Ritter, the Washington Department of Fish and Wildlife (WDFW) habitat biologist who visited the site and commented on the application. Consequently, the Applicant hired a new consultant, AKS Engineering & Forestry, to prepare a new Critical Areas Assessment and Fish and Wildlife Habitat Conservation Area Plan, included under Tab 6 in the application package. The new report identifies all habitat areas on the site and confirms that adequate on-site mitigation ensures no net loss of priority habitat functions. The new report was sent to Michael Ritter with WDFW for review. As stated in an email from Mr. Ritter, dated March 4, 2022 (included under Tab 7 in the application package),

“The Critical Areas Report describes the habitat within the project site as shrubsteppe and that mitigation will be in the form of conservation of the 23 acres on the stepper [sic] southern slope. WDFW supports this action as mitigation for the permanent loss of shrubsteppe habitat that will result from the development of the Halara Hills project. Also, we appreciate that the project is wiling [sic] to consider additional voluntary restoration via seeding in selected areas of the steep slopes”.

*(Ex. 1, Application Materials, Narrative prepared by AKS on page 4, .pdf page 41/602, and tab 7, WDFW/Mr. Ritter comment in support of conservation of 23-acres as mitigation for the project).*

42. The Staff Report favorably summarizes how the project has been designed to address critical areas on the site, including lot configurations that avoid steep portions of the site and reservation of steep slopes as non-buildable tracts, as recommended in the applicant’s Critical Areas Report. (*Staff Report, page 13*).
43. As designed and conditioned by this Decision, the Examiner finds and concludes that this revised plat proposal, known as the Halara Hills Preliminary Plat, is in accord with applicable Critical Areas regulations.

### ***Cultural Resource Issues.***

44. The Washington Department of Archaeology and Historic Preservation (DAHP) submitted an un rebutted written comment explaining that this project is located at the foot of Badger Mountain, a landform with significance to several Tribes, including the Yakama Nation.

DAHP noted how the scale of construction activities associated with this project may be destructive to any archaeological or cultural resources present, and that identification during construction is not a recommended detection method because inadvertent discoveries often result in costly construction delays and damage to the resource. Therefore, DAHP recommended that a professional archaeological survey of the project area be conducted prior to ground disturbing activities. DAHP also recommend consultation with the concerned Tribes' cultural committees and staff regarding cultural resource issues. (*Ex. 9, Agency Comments, Letter from Washington Department of Archaeology and Historic Preservation (DAHP)*). A specific Condition of Approval (No. 58) is included as part of this Decision, to address cultural resource concerns expressed by DAHP and local tribes.

***Public Hearing.***

45. The open-record public hearing for the application occurred on September 15, 2022, wherein the undersigned Examiner presided, and all persons wishing to provide comments were heard, providing testimony under oath. The hearing was conducted using a ‘hybrid’ format with the Examiner and many participants appearing in person at City Hall, and others appearing via the Zoom online platform coordinated by Staff. Brief summaries of key topics raised during public testimony is provided in another part of this Decision.
46. The Staff Report and recommendation of approval includes a number of specific findings and conditions that partially establishes how the underlying plat application, as conditioned, can satisfy provisions of applicable law, be consistent with the city’s Comprehensive Plan, and designed or conditioned to comply with applicable development standards and guidelines.
47. Additional conditions of approval have been added by the Examiner to ensure that all staff and future developer representatives fully understand and appreciate that the burden is on the applicant to show compliance with applicable provisions of the Richland Municipal Code at every stage of development, whether or not such provisions are enumerated or referenced in the approved preliminary plat plans, in the staff report, or in this Decision.

***Compliance with city development regulations achieves consistency with the Comprehensive Plan***

48. RMC 24.04.020 explains that the purpose of the City’s platting and subdivision codes is “*in furtherance of the comprehensive plan of the city*” and that such regulations contained in the city’s platting and subdivision codes “*are necessary for the protection and preservation of the public health, safety, morals and the general welfare, and are designed, among other things, to encourage the most appropriate use of land throughout the municipality; to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote the coordinated development of unbuilt areas; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; and to facilitate the adequate*

*provision of transportation, water, sewerage and other public uses and requirements.” The effect of this provision boils down to this: compliance with the City’s Comprehensive Plan can be established, or at least partially established, through compliance with the city’s platting and subdivision regulations found in Title 24 of the Richland Municipal Code. In this matter, a preponderance of evidence in the record establishes compliance by the proposed plat (as conditioned herein) with the city’s land platting regulations that are applicable to this project, thus implementing and complying with the City’s Comprehensive Plan. (See Staff Report, all Findings).*

***As Conditioned, the proposed plat will provide public benefits.***

49. The applicant’s submittals established that some aspects of the new subdivision will provide a public benefit, including without limitation, new housing inventory and options fulfilling the city’s goals and policies set forth in the Comprehensive Plan, construction of new internal roads and sidewalks, an attractive internal street system to serve the new plat, off-site improvements where the primary access road intersects Keene Road, payment of park impact fees, and other features that will serve to promote health benefits of a more walkable, pedestrian-friendly community.

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

50. The record contains a preponderance of evidence to demonstrate that, as conditioned, the proposed plat makes appropriate provisions for:
- A. The public health, safety, and general welfare: *See Staff Report; all Findings above; Conditions of Approval;*
  - B. Open Spaces: *Findings above, Conditions of approval. This project will conserve 23-acres of land as open space.*
  - C. Drainage Ways: the project will be consistent with all applicable standards for stormwater system design, including without limitation the Department of Ecology Stormwater Management Manual for Eastern Washington. *Staff Report; Storm Water conditions 30-40.*
  - D. Streets or roads, alleys, other public ways: the proposed plat has been reviewed by the City for compliance with applicable street system design requirements and has been deemed consistent with all applicable city standards for city roads, streets, driveways, access, circulation, transportation concurrency and the like. The Halara Hills preliminary plat lies within the boundary of the South Richland Collector Street Financing Plan (RMC 12.03). This plat shall therefore be subject to the fees administered by the finance plan for any phase submitted for approval. *(Staff Report, pages 16 and 18).* Additional conditions of approval have been added to mitigate

construction traffic, *Conditions of Approval H, 14-21, and others addressing aspects of Traffic and Streets.*

- E. Transit stops: To the extent transit stops are or may be located nearby to serve residents of the proposed plat, or Richland residents generally, the subdivision design, access and internal circulation patterns, as conditioned, are appropriate to allow for pedestrians and vehicles to access arterials and other routes that could direct users to existing or future transit stops and facilities. The proposed plat is within the Ben Franklin Transit service area, with bus route 123 running along Keene Road about 1.5 miles to the east. (*Staff Report, page 15*).
- F. Potable water supplies: The new subdivision will receive its domestic water supply from the City of Richland. Staff confirms that adequate capacity is available within the city's water supply system to provide domestic water. Irrigation water is available from at least two providers. *Staff Report, page 15; Domestic Water Conditions 22-28.*
- G. Sanitary systems: The City's sewer system has capacity to serve the proposed plat and will do so. *Staff Report, at page 15, Sanitary Sewer Condition 29*
- H. Parks and recreation, playgrounds, schools: The Staff Report explains that the park mitigation fees will be paid for each dwelling unit constructed within the plat. 23-acres will be dedicated as permanent open space. Richland Schools serve the area and provided no comments indicating they would be unable to adequately serve students who might reside in the new plat.
- I. Planning features to assure safe walking conditions for students: The proposed plat includes internal sidewalks that will enhance safe walking routes and conditions for school children and other pedestrians in the new plat. The record established that the nearest school is situated across an interstate highway, with a lengthy route by foot, so students are not likely to be walking to/from this plat to school, but the internal sidewalks included as part of this project should help make conditions safer for children and others walking between homes for visits, carpools and the like. As noted above, the City has Local Improvement District options in its code (*Ch. 3.12 RMC*), that allow for portions of costs associated with additional sidewalks or similar pedestrian pathways to be assessed on property owners who are deemed 'specially benefitted' by such improvements.

45. Except as modified in this Decision, all Findings, and statements of fact contained in the Staff Report are incorporated herein by reference as Findings of the undersigned hearing examiner.<sup>5</sup>

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<sup>5</sup> For purposes of brevity, only certain Findings from the Department's Recommendation are highlighted for discussion in this Decision, and others are summarized, but any mention or omission of particular findings should not be viewed to diminish their full meaning and effect, except as modified herein.

46. Based on all evidence, exhibits and testimony in the record, the undersigned Examiner specifically finds that the proposed plat, as conditioned below, makes appropriate provisions for the considerations detailed in applicable law, including without limitation RMC 24.12.050, .053, and 19.60.095, and that the public use and interest will be served by the proposed plat and associated dedications and improvements.

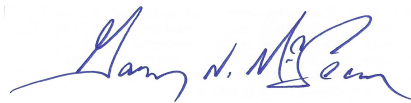
#### **V. CONCLUSIONS OF LAW.**

1. Based on the Findings as summarized above, the undersigned examiner concludes that the proposed plat, as conditioned below, conforms to all applicable zoning and development regulations appropriately mitigates adverse environmental impacts. Upon reaching such findings and conclusions as noted above, the preliminary plat meets the standards necessary to obtain approval by the City.
2. The proposed conditions of approval as set forth in the Staff Report and as modified by the Examiner in this Decision, are reasonable, supported by the evidence, and capable of accomplishment.
3. Any Finding or other statements in previous or following sections of this document that are deemed Conclusions are hereby adopted as such.

#### **VI. DECISION.**

Based upon the preceding Findings of Fact and Conclusions of Law, evidence presented through the course of the open record hearing, all materials contained in the contents of the record, and the Examiner's site visits to the project site and surrounding neighborhoods, **the undersigned Examiner APPROVES** the "**Halara Hills**" **Preliminary Plat** application, subject to the Conditions of Approval set forth below and adopted herein as part of this Decision.

Decision issued: October 17, 2022.



Gary N. McLean  
Hearing Examiner for the City of Richland



**CONDITIONS OF APPROVAL  
FOR THE  
PRELIMINARY PLAT OF HALARA HILLS  
FILE NO. S2022-102**

***General Conditions:***

- A. Development of the plat shall be substantially consistent with drawings provided in the Preliminary Plat Survey map included as part of the application materials, subject to modifications necessary to comply with these conditions of approval.
- B. Preliminary Plat approval shall be null and void if any condition enumerated herein is not satisfied.
- C. No construction or site development activities related to the plat may be undertaken until required city approvals become effective, and the City and other regulatory authorities with jurisdiction issue applicable permits.
- D. The applicant shall comply with all professional report conclusions and recommendations submitted in connection with the preliminary plat and engineering reviews, as approved and/or amended by the City.
- E. Applicant shall be responsible for consulting with state and federal agencies, and tribal entities with jurisdiction (if any) for applicable permit or other regulatory requirements. Approval of a preliminary plat does not limit the applicant's responsibility to obtain any required permit, license or approval from a state, federal, or other regulatory body. Any conditions of regulatory agency permits, licenses, or approvals shall be considered conditions for this project.
- F. The final engineering plans and submittals necessary to obtain final approvals for each phase of the plat shall conform to all applicable provisions of the Richland Municipal Code and the Conditions of Approval herein.
- G. The preliminary plat shall comply with all applicable provisions of the Richland Municipal Code, whether or not such provisions are enumerated or referenced in the approved preliminary plat plans, in the staff report or in this Decision. The burden is on the applicant to show compliance with applicable provisions of the City's code and these conditions at every stage of development.
- H. ***Right of Way Permit for Construction Traffic.*** Based on previous plat approvals where conditions are presented that demonstrate a need for specific conditions to reduce the impacts of construction-related traffic that will move through surrounding neighborhood streets as the new plat is developed and homes are constructed therein, and under authority granted in development regulations found in the Richland Municipal Code, including without limitation RMC Chapter 12.08 (Right of Way Permits) and the purpose and intent of erosion, dust, traffic, pedestrian-safety and water-pollution control regulations set forth in other provisions of the RMC, the following Condition shall be satisfied prior to issuance of any clearing and grading, building, demolition, or other construction permit associated with development of or within the new plat that the Public Works Director determines is likely to have a material impact on any segment(s) of the city's existing public street network that will be used to obtain access to and from the plat-development site(s):

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

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

In addition, access on existing public streets shall be provided at all times during the construction process, except when specific construction activities such as shoring, foundation work, and construction of frontage improvements prevents access. General materials storage and contractor convenience are not reasons for preventing access along streets, sidewalks or other portions of the city street system surrounding the new plat.

## PUBLIC WORKS

### PRE-PLAT SPECIFIC CONDITIONS:

1. The preliminary plat is not showing any phase lines, so the plat shall be developed in a single phase unless revised in accord with RMC 19.20.010. ~~Phasing is not required but if the project is to be phased during construction the phasing lines need to be shown on the pre-plat map.~~
2. The street names as provided on the preliminary plat map are not approved or vested at this time. Approval of proposed street names occurs during the construction phase of the project.

### GENERAL CONDITIONS:

3. All final, approved plans for public improvements shall be submitted prior to pre-con on a 24" x 36" hardcopy format and also electronically in .dwg format compatible with the City's standard CAD software. Addendums are not allowed, all information shall be supplied in full size (and electronic) format. Electronic copies of the construction plans are required prior to the pre-con meeting along with the multiple sets of paper drawings. When construction of the public infrastructure has been substantially completed, the applicant shall provide paper and electronic record drawings in accordance with the City's "Record Drawing Requirements". The electronic record drawings shall be submitted in an AutoCAD format compatible with the City's standard CAD software. The final record drawings shall be submitted and approved by the City before the final punchlist inspection will be performed. All final punchlist items shall be completed or financially guaranteed prior to recording of the final plat.

4. 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.
5. 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.
6. Public utility infrastructure located on private property will require recording of a City standard form easement prior to acceptance of the infrastructure and release of the final plat. The City requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of plat acceptance. Once received, the City will prepare the easement document and provide it to the developer. The developer shall record the easement at the Benton County Assessor and return a recorded original document to the City prior to application for final plat acceptance.
7. A pre-construction conference will be required prior to the start of any work within the public right-of-way or easement. Contact the Public Works Engineering Division at 942-7500 to schedule a pre-construction conference.
8. All plan sheets involving construction of public infrastructure shall have the stamp of a current Washington State licensed professional engineer.
9. 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.
10. A copy of the preliminary plat shall be supplied to the Post Office and all locations of future mailbox clusters approved prior to final platting.

DESIGN STANDARDS:

11. Public improvement design shall follow the following general format:
  - A. All materials and workmanship shall be in conformance with the latest revision of the City of Richland Standard Specifications and Details, Public Infrastructure Design Guidelines and the current edition of the State of Washington Standard Specifications for Road, Bridge, and Municipal Construction. Please confirm that you have the latest set of standard specs and details by visiting the City's web page.
  - B. Fire hydrant location shall be reviewed and approved by the City Fire Marshal.
  - C. All utilities shall be extended to the adjacent property (properties) at the time of construction.
  - D. The minimum centerline finish grade shall be no less than 0.30% and the maximum centerline finish grade shall be no more than 10.0% for local streets. 12% can be allowed for local streets for short distances.
  - E. The minimum centerline radius for local streets shall be 100-feet.

- F. Final design of the public improvements shall be approved at the time of the City's issuance of a Right-of-way Construction Permit for the proposed construction.
  - G. All public improvements shall comply with the State of Washington and City of Richland requirements, standards and codes.
  - H. The contractor shall be responsible for any and all public infrastructure construction deficiencies for a period of one year from the date of the letter of acceptance by the City of Richland.
12. If the project will be built in phases the applicant shall submit a master plan for the sanitary sewer, domestic water, storm drainage, electrical, street lighting and irrigation system for the entire project prior to submitting plans for the first phase to assure constructability of the entire project. This includes the location and size of any storm retention ponds that may be required to handle runoff.
13. If the City Fire Marshal requires a secondary emergency vehicle access, it shall be included in the construction plan set and be designed to the following standards:
- A. 2-inches compacted gravel, minimum (temp. SEVAs only).
  - B. 2% cross-slope, maximum.
  - C. 5% slope, maximum. Any access road steeper than 5% shall be paved or be approved by the Fire Marshal.
  - D. Be 20-feet in width.
  - E. Have radii that are accommodating with those needed for City Fire apparatus.

Secondary emergency vehicles accesses (SEVA's) shall be 20-feet wide, as noted. Longer secondary accesses can be built to 12-feet wide with the approval of the City of Richland Fire Marshal, however turn-outs are required at a spacing acceptable to the Fire Dept. Temporary SEVA's shall be constructed with 2-inches of compacted gravel, at a minimum. Permanent SEVA's shall be paved with 2-inches of asphalt over 4-inches of gravel, at a minimum.

#### SURVEY MONUMENT DESTRUCTION:

All permanent survey monuments existing on the project site shall be protected. If any monuments are destroyed by the proposed construction the applicant shall retain a professional land surveyor to replace the monuments and file a copy of the record survey with the City.

- A. No survey monument shall be removed or destroyed (*the physical disturbance or covering of a monument such that the survey point is no longer visible or readily accessible*) before a permit is obtained from the Department of Natural Resources (DNR). (WAC 332-120-030(2) and RCW 58.09.130).
- B. Any person, corporation, association, department, or subdivision of the state, county or municipality responsible for an activity that may cause a survey monument to be removed or destroyed shall be responsible for ensuring that the original survey point is perpetuated. (WAC 332-120-030(2)).
- C. Survey monuments are those monuments marking local control points, geodetic control points, and land boundary survey corners. (WAC 332-120-030(3)).

When a monument must be removed during an activity that might disturb or destroy it, a licensed Engineer or Land Surveyor must complete, sign, seal and file a permit with the DNR. It shall be the responsibility of the designing Engineer to identify the affected monuments on the project plans and include a construction note directing them to the DNR permit.

### **Traffic & Streets:**

14. The “Halara Hills” preliminary plat is subject to RMC 12.03, the City’s traffic impact fee program.
15. The developer shall install both a traffic signal at the intersection of Keene Road and Country Ridge Drive, and also new sidewalk along both sides of Country Ridge Drive between Keene Road and Foxtrot Lane as recommended by the traffic impact analysis dated May 30, 2022. The latter improvement shall include curbs, gutters, sidewalks, storm drainage and street light improvements meeting City standards, a re-stripe of the roadway section to provide two outbound lanes, and pedestrian connectivity to the trail on the north side of Keene Road. The scope of the required intersection improvements will also include a 100-foot-long right-turn taper on Keene Road for eastbound traffic. The traffic signal shall include fiber optic connectivity to the City’s fiber optic network. The described improvements shall be developed as a single project and shall be designed and installed no later than the phase that constructs the 50<sup>th</sup> lot.
16. Both “Redtail Loop” and “Lamont Street” have straight road segments that are approximately 1,500-feet long. This is likely to induce travel speeds that exceed the speed thresholds of Resolution No. 28-11, which is 35 miles per hour. Each street should be mitigated with two speed humps each to help control speeds to levels under the threshold of Resolution 28-11.
17. Sidewalks shall be installed along all public right-of-way frontages that building lots do not front on during construction of those phases (e.g., storm drainage ponds, parks, HOA tracts, etc.).
18. The developer and his engineer shall demonstrate on the construction plans that all future driveway entrances, sidewalks and pedestrian ramps will meet City and ADA requirements.
19. All pedestrian ramps, driveway entrances and sidewalks shall be designed to current City standard details and A.D.A. standards. Adequate right-of-way shall be provided at corners to allow for at least 1-foot of ROW behind the ped. ramp landing. Crosswalks between pedestrian ramps shall be designed to City standards. Crosswalks at stop-controlled intersections shall have cross-slopes less than 2%. Crosswalks crossing thru-streets shall have cross-slopes less than 5%. The road profiles shall be designed to accommodate this.
20. The vision-clearance triangle needs to be shown on all corner lots on both the construction plans and the final plat document, in accordance with RMC Chapter 12.11.020. If the intersection is in a curve, it will have to be evaluated per AASHTO guidelines. This information may need to be designed by the engineer of record and supplied to the surveyor of record for inclusion into the final plat document.
21. Per current city standards, any roads narrower than 34-feet shall have parking restricted on one side, and any roads 27-feet or narrower shall have parking restricted on both sides. Street signs indicating restricted parking shall be installed prior to final platting at the developer’s expense. The restricted parking areas shall be indicated on the construction plans and the final plat. All signage will be installed by the developer prior to final platting.

### **Domestic Water:**

22. The proposed preliminary plat is located within the “Tapteal 3” water pressure zone. The closest Tapteal 3 watermain is located in Strawberry Lane. It shall be the responsibility of the developer to extend a watermain to and through this property to serve domestic water at the time of plat construction. This water

main shall be sized to adequately supply domestic water and fire flows to the proposed development and for future development to the west.

23. This development is located at the far west end of the Tapteal 3 pressure zone. The City desires that a secondary source of supply be established from Dallas Road for system reliability and resiliency. The developer shall cooperate with the City in efforts to complete this connection.
24. In accordance with municipal code, domestic water mains shall be extended to the adjoining properties adjacent to the preliminary plat.
25. 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.
26. There is an existing watermain on this property that may need to be rerouted so it will be within the proposed roadway alignment.
27. The fire hydrant layout shall be approved by the City Fire Marshal.
28. In accordance with Richland Municipal Code Chapter 18.16.080, an irrigation source and distribution system, entirely separate from the City's domestic water system, shall be provided for this development. *Construction plans will not be accepted for review until adequate and viable proof of an irrigation source is made available by the developer.* The designing Engineer shall submit plans for the proposed irrigation system to the Irrigation District with jurisdiction over the property at the same time that they are submitted to the City for construction review. Plans shall be reviewed and accepted by said irrigation district prior to issuance of a Right-of-Way permit by the City. Easements shall be provided on the final plat for this system where needed.

#### **Sanitary Sewer:**

29. A 10-foot-wide exclusive sanitary sewer easement shall be provided for any sewer main that is outside of the public Right-of-Way. Wider easements are required for mains that are buried deeper than 10-feet. If any manholes are located outside of the public Right-of-Way, maintenance truck access to said structure may be required.

#### **Storm Water:**

30. 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.

31. All public storm drainage systems shall have their flow rate and storage capacity designed by a professional engineer following the core elements defined in the latest editions of the Stormwater Management Manual for Eastern Washington, the current Richland municipal codes, the Phase II Municipal Stormwater Permit, and the City's "Public Infrastructure Construction Plan Requirements and Design Guidelines". The storm water calculations shall be stamped by a professional engineer and shall include a profile of the storm system showing the hydraulic grade line. The calculations should include an accurate delineation of the contributing drainage area to accurately size the stormwater facilities. Passing the storm water downhill to an existing storm system will require an analysis of the downstream storm system to determine its capability of accepting the storm water without being overwhelmed. The applicant's design shall provide runoff protection to downstream property owners.
32. 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.
33. If there are any natural drainage ways across the proposed pre-plat, the engineered construction plans shall address it in accordance with Richland Municipal code 24.16.170 ("Easements-watercourses").
34. Natural runoff channels ("gulleys") located uphill from this preliminary plat need to be taken into consideration when designing the storm drainage system for this plat. Storm water running off the hill should be intercepted and put into the on-site storm drainage system and/or conveyed through the project to a pre-existing drainage channel. The storm drainage system for this development, both its conveyance and retention / infiltration components, shall be designed to effectively manage runoff from upstream properties that can be anticipated to convey stormwater onto this property because of a pre-development runoff condition. Additionally, as this property is upslope of developed properties the stormwater system shall include provisions for possible discharge of runoff onto downslope properties from storms in excess of the design storm as described above. Those provisions may be required to include off-site downslope conveyance facilities and/or flowage easements allowing for the conveyance of stormwater to and across downslope properties.
35. The amount of post-development storm runoff from the proposed site shall be in compliance with RMC Chapter 16.06.
36. Any proposed storm drainage retention facilities constructed as part of the proposed preliminary plat shall not adversely affect neighboring properties.
37. Prior to or concurrent with the submittal of the first phase the developer shall provide a Geotechnical report including the percolation rate of the soils in the area of any storm retention ponds. If the project constructs a storm retention pond, then the engineer will need to demonstrate that the pond will drain itself within 72 hours after the end of a storm event, and not have standing water in it longer than that. Engineering solutions are available for retention ponds that do not percolate within 72 hours.
38. The parcel occupied by the stormwater basin shall be identified as a separate parcel or tract on the final plat and shall be dedicated to the City stormwater utility. The design of the basin shall include access features meeting the city's needs for maintenance.
39. The developer shall consider the long-term appearance of the storm basin, particularly if it will occupy a prominent location in the development. The City's typical storm pond maintenance practices consist of semi-annual vegetation trimming and silt and debris removal. If the pond location is deemed by City staff as being in a prominent location the developer shall design and install fencing and/or landscaping to mitigate the pond's visible character for the surrounding properties. If the City requires this type of

treatment to the pond site, the developer may propose landscaping treatments consistent with the development and establish maintenance responsibilities to remain with the development. These maintenance responsibilities shall be noted on the final plat. Basins designed as detention and evaporative basins need to include plantings that will tolerate or thrive in standing water. Planting designs for areas not routinely exposed to water shall include plants that will thrive without irrigation unless the developer intends to maintain an irrigated pond site. At a minimum the landscaping plan should be consistent with the City's intended maintenance standard as described above.

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

#### **Final Platting Requirements:**

41. When the construction is substantially complete a paper set of "record drawings" shall be prepared by a licensed surveyor and include all changes and deviations. Please reference the Public Works document "RECORD DRAWING REQUIREMENTS & PROCEDURES" for a complete description of the record drawing process. All final punchlist items shall be completed or financially guaranteed prior to recording of the final plat.
42. 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.
43. Any off-site easements or permits necessary for this project shall be obtained and secured by the applicant and supplied to the City at the time of plat construction and prior to final plat acceptance by the City.
44. Ten-foot-wide public utility easements will be required on the final plat along both sides of all Right-of-Ways within the proposed plat.
45. The vision-clearance triangle needs to be shown on all corner lots on the final plat document, in accordance with RMC Chapter 12.11.020. If the intersection is in a curve, it will have to be evaluated per AASHTO guidelines. This information may need to be designed by the engineer of record and supplied to the surveyor of record for inclusion into the final plat document.
46. Street signs indicating restricted parking shall be installed prior to final platting at the developer's expense. The restricted parking areas shall be indicated on the final plats.
47. All landscaped areas within the plat that are in the public Right of Way shall be the responsibility of the homeowners to maintain.



48. ~~A one-foot “No access easement” will be required along the north side of the “Lamont” Street right of way. Lamont is proposed to be a single frontage street and access is only allowed on one side. (Deleted for reasons explained by Staff during the public hearing).~~
49. The intended use and ownership of all tracts within the plat shall be noted on the final plat.
50. Property with an unpaid L.I.D. assessment towards it must be paid in full or segregated per Richland Municipal Code 3.12.095.

#### **FIRE DEPARTMENT**

51. Wild-land areas are areas which are undeveloped, uncultivated or unfit for cultivation, or considered by the city of Richland to be wasteland or desert, or which are any combination of these descriptions, and which are deemed by the city of Richland as a hazard for wild fire purposes. The following requirements apply to buildings and structures constructed on, in, or near wild-land areas:
- a) All structures within 30 feet of a property line adjoining a wild-land area shall have noncombustible siding, soffit, and skirting on the side adjacent to the wild-land area when the wild-land area is in excess of five contiguous acres. This requirement shall not apply to interior lots of platted parcels of land and development phases whose streets are accessible and whose water system is operational.
  - b) Decks and porches 36 inches or less in height shall have skirting if within 30 feet of adjacent wild-land areas when the wild-land area is in excess of five contiguous acres. Skirting shall be sufficiently constructed so as not to allow the accumulation of combustible material under the deck or porch. The area under the deck or porch shall not be used for storage.
52. Subsequent final plat(s) shall contain a note advising future buyers of lots 22-41, as numbered on the preliminary plat, of the following construction-related requirements:
- a) *All structures within 30 feet of a property line adjoining a wild-land area shall have noncombustible siding, soffit, and skirting on the side adjacent to the wild-land area.*
  - b) *Decks and porches 36 inches or less in height shall have skirting if within 30 feet of adjacent wild-land areas.*
  - c) *Skirting shall be sufficiently constructed so as not to allow the accumulation of combustible material under the deck or porch. The area under the deck or porch shall not be used for storage.*
53. As determined by the Fire Marshal, noncombustible siding or soffit material shall be required on the downhill side(s) of a structure that is within 30 feet of a grade that is 15 percent or greater in steepness. The grade shall be determined by the predominate slope on the downhill side measured from the structure or building and extending a maximum of 300 feet.
54. Evidence that an easement or other legal rights securing a secondary emergency vehicle access (SEVA) route shall be provided to the City prior to or concurrent with the first set of construction drawings submitted for any aspect of this development, including without limitation grading permits. Any proposed SEVA route shall be subject to review and approval by the Richland Fire Marshal. It is expressly understood that no city permits or approvals for land clearing, grading, utility installation or other aspects of subdivision development can be issued until an appropriate SEVA route has been approved in writing by the Fire Marshall. Revisions to this Condition of Approval or the proposed plat that would eliminate the need for a SEVA to serve the new plat shall require either a Type I Permit under RMC 19.20.010(A)(5)

or 12); or a Type III Permit under RMC 19.20.010(C), as determined by the Planning Manager under authority granted in RMC 19.20.020.

55. The SEVA shall be improved to the satisfaction of the Richland Fire Marshal.

## **PLANNING DEPARTMENT**

56. Minimum lot width for all lots shall be no less than 90 feet.
57. As mitigation for permanent impacts to and loss of shrub-steppe habitat, Tracts “A”, “B”, & “C” as labeled on the preliminary plat shall be permanently reserved as natural open space by way of deed restriction, the language of which shall be approved by the Planning Manager prior to recording.
58. Prior to initiating any earthwork on the site, an archaeological survey shall be performed and provided to the Yakama Indian Nation, Confederated Tribes of the Umatilla Indian Reservation, Department of Archaeology and Historic Preservation (DAHP) and the Richland Planning Department. A professional archaeological survey of the project area must be conducted and a report discussing any findings must be submitted to the City’s Planning Manager for review and approval prior to ground disturbing activities on the project site. The applicant must share the survey report with the Washington State Department of Archaeology & Historic Preservation and potentially affected tribal organizations. Further, before undertaking any ground disturbance activities on the project site, the applicant must submit written confirmation of consultation(s) it has undertaken with local Tribes' cultural committees and staff regarding cultural resource issues. The Planning Manager shall have authority to impose additional conditions that are consistent with those recommended in the archaeological survey report for the project area and/or consultation(s) with local Tribe(s). The applicant must ensure that the DAHP Project Number for this project is shared with any hired cultural resource consultants and is attached to any communications or submitted reports.
59. A six (6) foot tall masonry wall shall be constructed along the eastern property boundary and along the southern property boundary (proposed lots 22 – 41), with the exception of Tract “D”.

## **Notice of Rights to Request Reconsideration or Appeal This Decision**

### ***Reconsideration –***

Sec. 2.22(a) of the Richland Hearing Examiner Rules of Procedure reads as follows:

(a) The Hearing Examiner may reconsider a decision or recommendation on an application, if it is filed in writing within 7 calendar days of the date of issuance. Only parties of record have standing to seek reconsideration. Any request for reconsideration shall be served on all parties of record and to any party's designated representative or legal counsel on the same day as the request is delivered to the Hearing Examiner. The Examiner will seek to accept or reject any request for reconsideration within 3 business days of receipt. If the Examiner decides to reconsider a decision, the appeal period will be tolled (placed on hold) until the reconsideration process is complete and a new decision is issued. If the Examiner decides to reconsider a recommendation made to the City Council, the transmittal to the City Council shall be withheld until the reconsideration process is complete and a new recommendation is issued. If the Examiner decides to reconsider a decision or recommendation, all parties of record shall be notified. The Examiner shall set a schedule for other parties to respond in writing to the reconsideration request and shall issue a decision no later than 10 business days following the submittal of written responses. A new appeal period shall run from the date of the Hearing Examiner's Order on Reconsideration.

### ***Appeal –***

The hearing examiner's decision regarding this preliminary plat application shall be final, subject to judicial appeal in the time and manner as provided in RMC 19.70.060 and Ch. 36.70C RCW (*The city's final decision on land use application may be appealed by a party of record with standing to file a land use petition in Benton County Superior Court. Such petition must be filed within 21 days of issuance of the decision*). See RMC 24.12.050(B).

**NOTE:** The Notice provided on this page is only a short summary, and is not a complete explanation of fees, deadlines, and other filing requirements applicable reconsideration or appeals. Individuals should confer with advisors of their choosing and review all relevant codes, including without limitation the city code provisions referenced above and the Land Use Petition Act (Chapter 36.70C RCW) for additional information and details that may apply.