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

Regarding the:)
)
Sienna Hills Preliminary Plat Application,)
to subdivide a 98+ acre site into 285 lots,)
with associated infrastructure improvements)
including an extension of Queensgate Drive)
from the north, new internal streets and)
tracts for open space, infrastructure,)
stormwater management, and future)
development, submitted by the property)
owner,)
)
**SIENNA HILLS DEVELOPMENT, LLC ON)
BEHALF OF RICHLAND PROPERTIES, LLC)
(GREG JOHNSON),)
)
Applicant)
_____)**

File No. S2019-101

**FINDINGS OF FACT,
CONCLUSIONS AND
RECOMMENDATION**

I. SUMMARY OF RECOMMENDATION.

The applicant, Sienna Hills Development, LLC, acting on behalf of the property owner Richland Properties, LLC (Greg Johnson), can meet its burden of proof to demonstrate that its application to approve the Preliminary Plat of Sienna Hills merits approval, subject to conditions. This preliminary plat was reviewed in connection with a rezone application for the same area, assigned File No. Z2019-106. Accordingly, approval of this preliminary plat can only occur if the City Council first approves the connected Sienna Hills Rezone application for the affected property. As explained below, and in the separate Recommendation regarding the rezone, both the rezone and this preliminary plat applications should be approved because they are each in conformance with the Badger Mountain Subarea Plan and relevant City development regulations.

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**GARY N. MCLEAN
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CITY HALL – 505 SWIFT BOULEVARD
RICHLAND, WASHINGTON 99352**

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II. BACKGROUND and APPLICABLE LAW.

This application for preliminary plat approval was filed and vested under City of Richland development regulations in effect in October of 2019. Amendments to the city’s plat review process included in Ordinance No. 51-19 took effect on, and apply to applications filed after, November 11, 2019. (*Ord. No. 51-19, Sec. 11, and publication date noted on page 9, explaining effective date as the day following publication, which occurred on Nov. 10, 2019*). While the final decision-maker in the process changed, the substantive approval criteria remain unchanged. So, under applicable provisions of the Richland Municipal Code (RMC) in effect in October of 2019, this preliminary plat¹ 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 recommendation to the City Council. 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 recommendation for approval or disapproval to the city council. The same provision of the city’s code (RMC 24.12.050(A)) provides that any recommendation for 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;
- 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.

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

¹ In this Recommendation 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 Recommendation, they do not.

² “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).

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Richland Municipal Code 24.12.053 Preliminary plat – Required findings.

The hearing examiner shall not recommend approval of 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 evidence that is substantial when viewed in light of the whole record. RCW 36.70C.130(1)(c); and RMC 19.60.060. 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.

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III. QUESTION PRESENTED.

Whether substantial evidence demonstrates that the applicant has satisfied its burden of proof to satisfy the criteria for preliminary plat approval?

Short Answer: Yes, subject to conditions.

IV. RECORD.

Exhibits entered into evidence as part of the record, and an audio recording of the public hearing, are maintained by the City of Richland, and may be examined or reviewed by contacting the City Clerk’s Office. The Notices issued for this Sienna Hills Preliminary Plat application (File No. S2019-101) and the connected Sienna Hills Rezone application (File No. Z2019-106) were combined. (See Ex. 2, notice materials included in Rezone application file; and Ex. 4, notice materials included in Preliminary Plat application file). The criteria for approval of each application are different. Accordingly, the public hearing first sought to focus on the Rezone matter, followed by a separate hearing segment devoted to consideration of the Preliminary Plat application.

However, given the number of public comments made during the public hearing and the spill-over that many comments presented – talking about one matter while standing at the microphone during time devoted to the other matter – the Examiner finds and concludes that it is prudent to consider all public comments made during each portion of the public hearing together, rather than exclude someone’s remarks because they chose to make them in the wrong part of the hearing held on the same night. This Recommendation of approval for the Preliminary Plat application, as well as the separate Recommendation of approval for the requested Rezone, are based on all comments and materials included in the record for both matters. Key aspects of the full hearing record are summarized below, noting that several comments overlapped and covered the same ground, and that none of the comments presented a legal or factual basis to deny the requested preliminary plat approval, subject to appropriate conditions.

Hearing Testimony: The following individuals presented testimony under oath at the duly noticed public hearing for the underlying application, held on December 9, 2019:

1. Mike Stevens, Planning Manager for the City of Richland;
2. Shane O’Neill, Senior Planner for the City of Richland;
3. Jason Mattox, applicant’s project engineer and primary hearing representative;
4. Rebecca Clapperton, lives in home south of the Sienna Hills site, outside the Richland City limits;
5. John Becker, lives in home to the south of the Sienna Hills site, outside the Richland City limits;
6. Sean Flinders, lives in home on Clover, to the south of the Sienna Hills site, outside the Richland City limits;
7. Stacy Fveum, lives in home to the south of the Sienna Hills site, outside the Richland City limits;
8. Tony Waldo, lives in home on Clover, to the south of the Sienna Hills site, outside

- the Richland City limits;
9. Joe Angingh, local resident
10. David Shelbourne, lives in home on Bermuda, south of the Sienna Hills site;
11. Brooks Bayne, local resident;

Exhibits: The Development Services Division Staff Report for the Sienna Hills Preliminary Plat, including a recommendation of approval, was provided to the Examiner in the week before the hearing. The Staff Report was revised shortly before the hearing, and several additional exhibits were transmitted to the Examiner after the public hearing. All references made in this Recommendation to the term Staff Report and REVISED Staff Report mean the REVISED Staff Report. The Examiner held the record open for submittal of written materials from the applicant and Staff in order to address several questions and subjects discussed at the public hearing. The list of exhibits accepted into the record includes the REVISED Staff Report, and the following materials:

1. Application materials, received on or about Sept. 6, 2019, apparently deemed complete for purposes of vesting and review on October 8, 2019 (See pg. 8 of Staff Report);
2. Preliminary Plat Map;
3. Site Photos;
4. Public Notice & Affidavits;
5. Comprehensive Plan Transportation Map T-11;
6. Environmental Checklist;
7. Determination of Non-Significance, issued on December 2, 2019;
8. Agency Comments;
9. Public Comments, includes all written comments received before and during the hearing;
10. Electrical Service Schematic;
11. WAC 246-272A-0210, re: minimum horizontal separations for aspects of onsite sewage systems;
12. Existing Easements;
13. Title Report;
14. PBS Soils Report;
15. Water System Plan;
16. Preliminary Plat Overall Plan;
17. Preliminary Off-Site Gage Blvd Improvements;
18. PBS Geotechnical Report;
19. Traffic Plan;
20. Sewer Basin Analysis;
21. Street Plan and Profile;
22. Queensgate Dedication Deed;
23. Traffic Impact Analysis Scoping Meeting Summary, dated Dec. 6, 2019, for Dec. 4th meeting between applicant's engineer and Benton County staff;
24. A. First version of proposed new condition 23;
B. Second version of proposed new condition 23, re: 8-foot wide sidewalk/pedestrian amenity running east-west through the plat;
25. Post-Hearing, Pedestrian Trail Exhibit, prepared by the applicant following request

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conveyed by Examiner through staff, depicting general alignment of east-west trail amenity below C Street running through the plat. Received by the Examiner on February 13, 2020;

26. Public Works Department's REVISED comments and recommended conditions of approval on public works and engineering topics, including without limitation sewer system conditions, dated and received by the Examiner on January 31, 2020; and
27. Copy of Badger Mountain Subarea Plan, part of the City's Comprehensive Plan addressing area that includes the Sienna Hills site. **NOTE: Page 19 of the Plan features Figure 1, the Badger Mountain Subarea – Land Use Plan map, which is the official city Comp. Plan land use map for the area;*

The Examiner has visited the road network and vicinity of the proposed plat on multiple occasions over the past few years in connection with other applications, 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. The official record closed last week, following communication with Staff to confirm that the requested plat can move forward in a manner consistent with the Recommendation of Approval for the Sienna Hills Rezone, addressed in a separate document issued for consideration by the City Council earlier this week, which would modify the requested rezone boundaries to be more consistent with the Badger Mountain Subarea Plan and city code provisions.

V. FINDINGS OF FACT.

Based upon the record, the undersigned Examiner issues the following Findings of Fact.

1. Any statements in previous or following sections of this document that are deemed findings are hereby adopted as such.
2. The REVISED Staff Report, the modified sewer system conditions and other revisions provided in the updated Public Works comments, all include 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 – particularly the Badger Mountain South Subarea Plan provisions that apply to the Sienna Hills site – and is designed or can be conditioned to comply with applicable development standards and guidelines. As explained below, and subject to limited modifications and conditions of approval, the Examiner concurs. Accordingly, the Examiner recommends approval of the Sienna Hills Preliminary Plat application.

Location.

3. The site of the proposed Sienna Hills Rezone and Preliminary Plat applications is a 98+ acre portion of the much larger Badger Mountain Subarea, an almost 2,000-acre area located south and east of the Badger Mountain Centennial Preserve and north of Interstate 82. (*Staff Report, vicinity map on page 2; Badger Mountain Subarea Plan, Introduction on page 1*). The proposed Sienna Hills Preliminary Plat is located on a single tax parcel, Benton County Assessor Parcel No. 134983000001005, which is west of the draw connecting Badger Mountain and Little Badger

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1 Mountain. The property was previously used as a fruit orchard that was recently removed in
2 preparation for selling the property. (*Staff Report, page 6; Ex. 1, application form, property*
3 *information*).

4 4. The Sienna Hills site was part of an almost 1,900-acre annexation into the City of Richland
5 that took effect in 2010, through passage of Ordinance No. 41-10.

6 ***Application.***

7 5A. The applicant proposes to subdivide the 98+ acre site with up to 285 (two hundred eighty-
8 five) lots, with 12 tracts, in accord with applicable city development regulations and zoning standards
9 for portions of the proposed plat that would be zoned R-1-10, R-2 and C-LB. As noted above, Staff
10 confirmed that the proposed plat will be able to move forward if the connected Sienna Hills Rezone
11 Recommendation is first approved by the City Council.

12 5B. This Recommendation now includes a condition of approval that would require development
13 of an 8-foot wide pedestrian sidewalk/trail located just south of the main street, labeled “C” Street on
14 the proposed plat map, which runs in an east-west direction through the Sienna Hills property, in an
15 alignment that is substantially similar to and consistent with that depicted by the green line shown
16 through the Sienna Hills site on the Badger Mountain Subarea Land Use Plan map. Development of
17 such a wide sidewalk/trail through the Sienna Hills site would be fully consistent with the City’s
18 Comprehensive Plan policies and vision for the area. (*See Ex. 5 of the Rezone matter, at page 19,*
19 *BMS Land Use Plan map, which includes “trails” in the Legend for Civic uses shown in green; and*
20 *on page 30, Sec. 5.7 re: Badger Mountain Civic Uses*).

21 5C. As explained in the Sienna Hills Rezone Recommendation, which was reviewed in
22 conjunction with this preliminary plat application, the Sienna Hills Preliminary Plat is designed to
23 include street alignments that appear to be based on logical topographical and other site-specific
24 conditions, particularly including an east-west roadway identified as “C-Street”. The rezone
25 recommendation would modify the proposed rezone boundaries to follow the C-Street alignment in
26 this proposed plat, to the fullest extent possible, in keeping with guidelines that list the centerline of
available streets as the first rule for placement of zoning district boundaries. (*See RMC 23.08.050(A),
discussed above*).

5D. Consistent with the Rezone Recommendation, the small node of Commercial / C-LB zoning
in the western part of this proposed plat should be moved to the northeast corner of the future
intersection of C-Street (the east-west roadway) and Bent Road (the extension of a north-south
roadway running through the proposed plat). This move is further supported by the placement of the
wide-trail/walkway that will be required to run along the southern alignment of C-Street, meaning
pedestrians or non-motorized forms of transportation could easily access the small C-LB site.

5E. The Examiner recognizes that the Final Plat may need to be revised in order to ensure that
lots are properly sized and comply with other standards applicable to the zoning district boundaries
explained in the Rezone Recommendation, but this is the case with any preliminary subdivision,
where Final Plat site plans reflect changes in lot sizes and configurations based on engineering reviews

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1 or other subsequent analysis mandated by city codes. But, because the zoning boundaries addressed
2 in the Rezone Recommendation are largely based upon the C Street alignment proposed in this plat
3 application, many lots shown on Exhibit 2 (the proposed Sienna Hills Preliminary Plat site plan) are
4 larger than the minimum lot sizes ordinarily required for various areas, and the plat includes 12 rather
5 large tracts, it is unlikely that the final “lot-count” realized upon Final Plat approval will be
6 significantly less than 285. Recommended Conditions of Approval are included with this
7 Recommendation, repeating recommended zoning district boundaries included in the connected
8 Sienna Hills Rezone matter, directing modifications before Final Plat approval to lots sizes and
9 configurations that may be necessary to conform with zoning districts assigned to particular portions
10 of the proposed plat.

6 6. The new plat would be served by new internal streets and public utilities, most all of which
7 will require extensions and connections with existing infrastructure surrounding the site. Planned
8 access points into the proposed plat include: an extension of Queensgate Drive (sometimes called
9 Bermuda Road) from the north, which connects with newer neighborhoods in the City of Richland;
10 extensions/connections with Bent Road and Clover Road from the south boundary of the plat,
11 connecting with existing neighborhoods and developed properties to the south of the new plat in
unincorporated Benton County; and a new segment of Gage Boulevard that will be constructed, and
eventually connect with future developments in portions of the Badger Mountain Subarea located to
the west in the City of Richland. *(See proposed street layout in Preliminary Plat maps, included in
the Record as Ex. 2; See Conditions of Approval 16-29 re: Traffic and Streets).*

12 7. To avoid a situation where a new city neighborhood is only accessible via county streets
13 serving existing properties to the south of the Sienna Hills site, it should be expressly understood and
14 required that no portion or phase of the proposed plat can receive Final Plat approval until after the
Queensgate/Bermuda roadway extension is constructed to provide access into the Sienna Hills
Preliminary Plat from the north. *(See Condition of Approval No. H4).*

15 ***Key issues raised in written comments and public testimony.***

16 8. The Staff Report credibly summarizes public agency comments made regarding various
17 aspects of the proposed plat. None of the agency comments provided any factual or legal basis to
18 deny the requested plat approval. Where appropriate, conditions of approval have been included to
address the matter raised by a particular agency.

19 9. For instance, the County’s Public Works staff requested a Traffic Impact Analysis (TIA) to
20 determine the level of impacts that would occur on the County’s roads and intersections as a result of
21 the Sienna Hills plat development. Exhibit 23 is a memorandum generated by the applicant’s engineer
22 memorializing the intersections to be studied and the scope of a TIA to be provided by the applicant.
23 The memo was not rebutted, as County officials offered no evidence or testimony at the public
24 hearing. Accordingly, conditions of approval have been included for this project, mandating a TIA
to address items detailed in Ex. 23, and delegating authority to the Public Works Director to require
the applicant to construct certain off-site improvements and/or implement other transportation related
measures needed to mitigate significant impacts that may be shown in the final Traffic Impact
Analysis. *(See Condition of Approval, No. 65).*

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1 10. Stormwater comments provided by County Public Works staff, the Benton Franklin Health
2 District, the Kennewick Irrigation District, and the Department of Ecology are addressed in the Staff
3 Report, and specific conditions of approval mandating compliance with applicable state and local
4 stormwater system design and performance standards should be sufficient to ensure that the plat can
5 be developed in a manner that does not result in significant stormwater impacts on the surrounding
6 area, including without limitation adjacent septic systems and irrigation district infrastructure. (*See*
7 *Conditions 39-52*). As with virtually every plat of this size in the state of Washington, the
8 development/construction process will be subject to compliance with NPDES stormwater permit
9 requirements to control runoff, erosion, sedimentation and the like throughout the construction
10 process. The applicant's engineer, Mr. Mattox, confirmed that the plat has been designed to provide
11 100% on-site retention of stormwater, with an emergency overflow option onto public right of way,
12 to prevent impacts on downhill properties, mostly those located to the south of the Sienna Hills
13 project.

14 11. Some comments, including those made by the applicant's engineer, focused on sewer system
15 requirements that should apply to the new subdivision. Based on these comments and questions, staff
16 and the applicant requested additional time after the public hearing to refine sewer infrastructure
17 requirements and/or options to serve the area. Those items took quite some time and the final sewer
18 system recommendations, supported by both staff and the applicant, are reflected in the Public Works'
19 Department's revised comments, transmitted to the Examiner on the last day of January. (*See Ex. 26,*
20 *Public Works' Revised comments, dated Jan. 31, 2020; Email from Mr. Stevens of same date,*
21 *transmitting document to the Examiner, noting the applicant's review and agreement with such*
22 *revisions; See Sanitary Sewer Conditions 35-37).*

23 12. Comments made by surrounding residents, in writing and at the public hearing, raised
24 questions about stormwater detention that is designed to be placed along the southern portions of the
25 new plat. Again, the applicant's engineer, Mr. Mattox, credibly explained how the plat design and
26 compliance with applicable stormwater permit requirements – which will entail a thorough technical
engineering review and approval before any final plat approval can be granted – should be adequate
to prevent adverse stormwater impacts on surrounding properties. (*See Stormwater Conditions 39-*
52).

13 13. Other comments by adjacent homeowners living to the south of the proposed plat sought to
14 have the applicant provide a buffer of some sort between their lots to the south and the new plat.
15 Some people suggested a “green belt” or “green space” between their homes and the Sienna Hills site.
16 Others suggested an equestrian trail, or some other major trail corridor to serve as a buffer. Some
17 comments asked for visual buffering along the southern boundary of the new plat.

18 14. One of the most explicit requests for a “visually consistent buffer” along the southern
19 boundary of the proposed plat admits that the adjacent Hidden Hills Homeowner's Association (for
20 the neighborhood located south of Sienna Hills) currently prohibits privacy fences, as support for their
21 request that the Sienna Hills developer should be required to provide visual buffering of some sort.
22 (*Ex. 9, collection of written public comments, Nov. 26, 2019 letter and 'analysis' from Ms.*
23 *Clapperton, Mr. Cron and Ms. Rokyta, on page 10, requested condition no. 3).* Such a request is not
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1 compelling, as it appears to be partly based on an alleged problem that might be addressed if the
2 Hidden Hills Homeowner’s Association amended their private association covenants to allow
residents to build their own privacy fences if they do not wish to see into the Sienna Hills development
site.

3 15. In the end, the Examiner finds and concludes that comments from local residents were not
4 supported by sufficient factual evidence or any legal authority that would support a requirement for
5 the applicant to provide a buffer between the new subdivision and their existing lots. The Examiner
6 finds and concludes that the proposed plat design is consistent with the Badger Mountain Subarea
7 Plan, by using low-density residential (R-1-10) zoning standards for all lots located along the project’s
8 southern boundary, where most people providing comments reside, which will itself serve as a buffer
9 of sorts between existing development to the south of the new plat and medium density (R-2) zoned
lots located in the upper portion of the new plat. As explained in the Staff Report, complex easements
for irrigation system infrastructure in the area already serve to restrict development in portions of the
southern portion of the new plat, and several stormwater tracts or utility easements are located in the
southern portion of the new plat, further separating and buffering residents to the south from the new
Sienna Hills subdivision.

10 16. Furthermore, it is worth noting that fencing, screening, buffering, and the like, are not
11 expressly mandated in City or state subdivision codes. Instead, fencing around ponds may be required
12 to enhance public safety; visual screening may be required where certain commercial or multifamily
13 uses abut single-family residential zoned properties; and vegetation screening may be required to
protect certain critical areas, and shoreline areas (*See for example RMC 26.20.040 captioned*
“Shoreline vegetation conservation”). Again, there is no code authority to support a request for visual
buffering in this matter.

14 17. None of the public testimony was supported by professional reports regarding stormwater,
15 soils, or other aspects of the proposed plat, to rebut or credibly challenge the professional reports
16 provided by the applicant’s engineers and design experts. Staff credibly confirmed that all notice and
comment requirements associated with this application were fully satisfied. No one submitted timely
17 comments questioning or seeking to appeal the SEPA threshold determination issued for this project.

18 18. The pedestrian pathway/trail for the proposed plat will be located in an alignment that is
19 consistent with the Badger Mountain Subarea Plan, and will be better-able to serve new residents in
the Sienna Hills subdivision if it is retained along the C-Street alignment instead of along the southern
boundary for the new plat, as some public comments suggested.

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

21 19. RMC 24.04.020 explains that the purpose of the City’s platting and subdivision codes is “*in*
22 *furtherance of the comprehensive plan of the city*” and that such regulations contained in the city’s
23 platting and subdivision codes “*are necessary for the protection and preservation of the public health,*
24 *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

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1 *undue concentration of population; to promote the coordinated development of unbuilt areas; to*
2 *secure an appropriate allotment of land area in new developments for all the requirements of*
3 *community life; to conserve and restore natural beauty and other natural resources; and to facilitate*
4 *the adequate provision of transportation, water, sewerage and other public uses and requirements.”*

5 The effect of this provision boils down to this: compliance with the City’s Comprehensive Plan can
6 be established, or at least partially established, through compliance with the city’s platting and
7 subdivision regulations found in Title 24 of the Richland Municipal Code. In this matter, substantial
8 evidence in the record clearly establishes compliance by the proposed plat (as conditioned herein)
9 with the city’s land platting regulations that are applicable to this project, including policies and goals
10 explained in the Badger Mountain South Subarea Plan (like the trail generally running along the C
11 Street alignment through the project), thus implementing and complying with the City’s
12 Comprehensive Plan. (*See Staff Report, all Findings above*).

13 ***Proposed plat will provide public benefits.***

14 20. The applicant’s submittals established that multiple aspects of the new subdivision will
15 provide public benefits, including without limitation, new housing inventory and options fulfilling the
16 city’s goals and policies set forth in the Comprehensive Plan, construction of new roads, sidewalks,
17 an attractive street system to serve the new plat, a wide sidewalk/pedestrian pathway along the C-
18 Street alignment to provide connections with surrounding development envisioned in the Badger
19 Mountain Subarea, and other features that will serve to promote health benefits of a walkable,
20 pedestrian-friendly community.

21 ***Substantial evidence demonstrates the proposed project, as conditioned, satisfies approval criteria.***

22 21. The record contains substantial evidence to demonstrate that, as conditioned, the proposed
23 plat makes appropriate provisions for:

24 A. The public health, safety, and general welfare: *See Staff Report, particularly explanation on*
25 *pages 12 and 13; all Findings above.*

26 B. Open Spaces: *Staff Report, discussion on pages 12 and 13;*

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. In accordance with City development standards, storm water
drainage would have to be retained and managed on-site. The proposed plat design includes three
(3) tracts totaling 2.64-acres for storm water management. See proposed plat site plans,
recommended Storm Water Conditions 39-52.

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 planned extension of the Queensgate/Bermuda roadway section
to/from the north of the plat will provide access to the proposed subdivision, and must be constructed

1 before any phase of the preliminary plat can receive final plat approval. The plat will also establish
2 connections to Bent Road and Clover Road. Streets located within the proposed plat will include
3 curbs, gutters and sidewalks built in conformance with City right-of-way development standards. The
4 extension of Queensgate Drive is part of the plat, furthering construction of the arterial roadway
5 network in the vicinity as identified in the City's Comprehensive Plan. Specific conditions are
6 included to require compliance with city street standards, and to implement mitigation measures that
7 may be based upon the Transportation report discussed above, subject to final review and approval
8 of the City's Public Works Director. See Conditions 16-29 and 65.

9
10 E. Transit stops: To the extent transit stops are or may be located nearby to serve residents of the
11 proposed plat, or Richland residents generally, the subdivision design, access and internal circulation
12 patterns, as conditioned, are appropriate to allow for pedestrians and vehicles to access arterials and
13 other routes that could direct users to existing or future transit stops and facilities. The proposed
14 plat is within the Ben Franklin Transit service area, though no bus service is currently provided for
15 the neighborhood. The transit agency was given lawful notice of the proposed plat and did not
16 provide any comments or feedback for consideration as part of the record in this matter. The nearest
17 bus service is now along Keene Road and Gage Blvd., approximately 3.5 miles to the east.

18
19 F. Potable water supplies: The new subdivision will receive its domestic water supply from the City
20 of Richland. Staff confirms that adequate capacity is available within the city's water supply system
21 to provide both domestic water and fire flow service to the new plat. An irrigation source and
22 distribution system, entirely separate from the City's domestic water system, will be provided for this
23 development. See recommended Domestic Water conditions, 30-34, and Condition 10 re: irrigation
24 water.

25
26 G. Sanitary systems: The City's sewer system has capacity to serve the proposed plat and will do
so. Connections and infrastructure improvements associated with sewer service for the new plat are
addressed in recommended Sanitary Sewer conditions (and options) that were the subject of post-
hearing discussions that resulted in a joint recommendation from the applicant and city staff on the
subject. See Ex. 26 and Conditions 35-37.

H. Parks and recreation, playgrounds, schools: The Staff Report and site plans show that the project
includes provisions for new open space, advancing the Badger Mountain Subarea Plan vision of
pedestrian connections, including trails/pathways. The Richland School District was given the
opportunity to comment. Following their review of the proposed preliminary plat the District
indicated they have no specific concerns or requirements relative to the plat. Two future schools are
planned within the Badger Mountain South area to the west of the Sienna Hills plat.

I. Planning features to assure safe walking conditions for students: The proposed plat includes
extensive walking paths and sidewalks that will adequately provide safe walking routes and
conditions for school children.

22. Except as modified in this Recommendation, all Findings, and statements of fact contained
in the REVISED Staff Report, are incorporated herein by reference as Findings of the undersigned

FINDINGS OF FACT, CONCLUSIONS AND
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1 hearing examiner.³

2 23. Based on all evidence, exhibits and testimony in the record, the undersigned Examiner
3 specifically finds that the proposed plat, as conditioned below, makes appropriate provisions for the
4 considerations detailed in applicable law, including without limitation RMC 24.12.050, .053,
5 19.60.095, and relevant provisions found in the Badger Mountain Subarea Plan, and that the public
6 use and interest will be served by the proposed plat and associated dedications and improvements.

7 **VI. CONCLUSIONS of LAW.**

8 1. Based on the Findings provided above and in the REVISED Staff Report, the undersigned
9 Examiner concludes that the proposed plat, as conditioned below, conforms to all applicable zoning
10 and land use requirements and appropriately mitigates adverse environmental impacts. Upon
11 reaching such findings and conclusions as noted above, the preliminary plat meets the standards
12 necessary to obtain approval by the City.

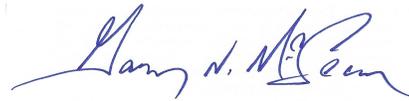
13 2. The proposed conditions of approval reflected in the Staff Report, as revised in the Public
14 Works Comments submitted on January 31, 2020 (Exhibit 26), are reasonable, supported by the
15 evidence, and capable of accomplishment.

16 3. Any Finding or other statements in previous or following sections of this document that are
17 deemed Conclusions are hereby adopted as such.

18 **VII. RECOMMENDATION.**

19 Based upon the preceding Findings of Fact and Conclusions of Law, evidence presented
20 through the course of the open record hearing, all materials contained in the contents of the record,
21 and the Examiner's site visit, **the undersigned Examiner recommends that the City Council**
22 **APPROVE** the "**Sienna Hills**" Preliminary Plat application, subject to the attached Conditions of
23 Approval, as recommended by Staff and modified by the Examiner.

24 Recommendation issued: March 10, 2020.

25 

26 Gary N. McLean
Hearing Examiner for the City of Richland

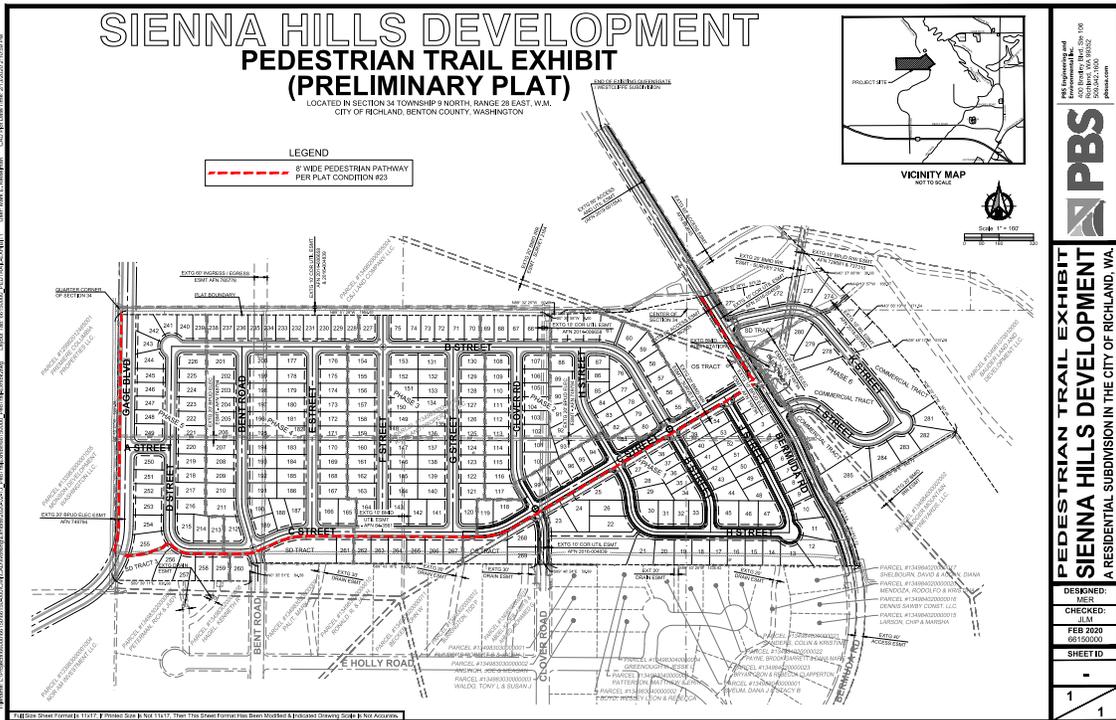
27 ³ For purposes of brevity, only certain Findings from the Department's Recommendation are highlighted for discussion in this
28 Recommendation, and others are summarized, but any mention or omission of particular findings should not be viewed to diminish their
29 full meaning and effect, except as modified herein.

**Conditions of Approval
Sienna Hills Preliminary Plat
File No. S2019-101**

Conditions added by the Hearing Examiner.

H1. Intent and Purpose – It is the intent and purpose of these conditions to fully implement and apply zoning district standards using zoning district boundaries ultimately approved by the City Council for portions of the Sienna Hills area. These conditions are written to apply recommended boundaries reflected in the connected Sienna Hills Rezone matter, File No. Z2019-106. In the event the City Council chooses to apply different boundaries, some of the Conditions included in this preliminary plat recommendation may require modification. As modified by these Conditions of Approval, the Sienna Hills Preliminary Plat should be approved to authorize subdivision of the Sienna Hills site, located on Benton County Assessor Parcel No. 134983000001005, into no more than 285 lots and 12 tracts.

H2. Trail/Pedestrian Pathway Requirement – Consistent with, and to effectuate development of a “civic use,” i.e. a pedestrian trail alignment running through the rezone area, as addressed in the Badger Mountain Subarea Plan, this Preliminary Plat shall include dedication and development of a pedestrian pathway/trail/sidewalk at least 8-foot wide, generally running along the south-side of an east/west street alignment in the rezone area, between the property’s western boundary and Bermuda Road on the east. Construction of a trail substantially similar to that described in Condition No. 23 below as depicted on Exhibit 25, republished below, subject to review and approval by the Director as part of final engineering design review, shall satisfy this Condition of Approval.



Ex. 25, from Sienna Hills Preliminary Plat, File No. S2019-101

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1
2 **H3. Final Plat must be revised to ensure that lot sizes, configurations, and other standards are**
3 **consistent with those applicable to zoning districts assigned to portions of the Sienna Hills site, as reflected**
4 **in the Sienna Hills Rezone Recommendation, File No. Z2019-106.**

5 A. Lower Portion of Preliminary Plat, zoned R-1-10, low-density Single Family Residential –
6 Using the final centerline of the proposed C-Street alignment in the Sienna Hills Preliminary Plat,
7 shown in the image of Ex. 25 above, as reviewed and approved by the Director following final
8 engineering design review, property to the south of such line from Bermuda Road on the east to D
9 Street on the west, then continuing to the rezone-area’s western boundary along the northern lot-line
10 for stormwater Tract 3, shall conform with standards applicable to the R-1-10 (Single Family
11 Residential) zoning district;

12 B. Except for the small Commercial node, the Upper Portion of Rezone Site Should be designed
13 to comply with R-2, Medium Density Residential, zoning district standards – Using the C-
14 Street/northern lot line for stormwater Tract 3 boundary described above, except for the small
15 Commercial area addressed below, property to the north of such line from Bermuda Road on the east
16 to the rezone-area’s western boundary shall conform with standards applicable to the R-2 (Medium
17 Density Residential) zoning district;

18 C. Commercial Node – Using final centerlines of public streets constructed on the site as the
19 east, west, and southern boundary, and lot lines approved for any final plat phase addressing relevant
20 portions of the rezone-area as the northern boundary, property located between Bent Road on the west,
21 E Street on the east, C Street on the south, and final lot lines on the north, for an area at least 7.5 acres
22 (noting original proposal was for 7.83 acres of Commercial land area), shall conform with standards
23 applicable to the C-LB (Commercial, Limited Business) zoning district;

24 D. Area East of Bermuda Road Alignment – Using the final centerline of Bermuda Road as
25 depicted on the Sienna Hills Preliminary Plat map shown on Ex. 25 above, the area east of Bermuda
26 Road to the rezone area’s eastern boundary shall conform with R-1-10 (Single Family Residential)
zoning standards on the northern and southern portions of such area, with C-LB (Commercial, Limited
Business) zoning standards applying to the central portion of such area, as depicted on page 4, Figure
2.1, of the Rezone Staff Report, the original rezone application map.

18 **H4. Queensgate/Bermuda Extension must be constructed before final plat approval of any phase of**
19 **the Sienna Hills Plat** – It is expressly understood and required that no portion or phase of the proposed plat can
20 receive Final Plat approval until after the Queensgate/Bermuda roadway extension to/from the north of the plat
21 is constructed and opened to provide access into the Sienna Hills Preliminary Plat from the north.

21 *Conditions Derived from Staff Report and Public Works Comments.*

22 **General Conditions:**

- 23 1. All final, approved plans for public improvements shall be submitted prior to pre-con on a 24” x 36”
24 hardcopy format and also electronically in .dwg format compatible with the City’s standard CAD
25 software. Addendums are not allowed, all information shall be supplied in full size (and electronic)
26 format. Electronic copies of the construction plans are required prior to the pre-con meeting along

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1 with the multiple sets of paper drawings. When construction of the public infrastructure has been
2 substantially completed, the applicant shall provide paper and electronic record drawings in accordance
3 with the City's "Record Drawing Requirements". The electronic record drawings shall be submitted
4 in an AutoCAD format compatible with the City's standard CAD software. The final record drawings
5 shall be submitted and approved by the City before the final punchlist inspection will be performed.
6 All final punchlist items shall be completed or financially guaranteed prior to recording of the final
7 plat.

- 8 2. Any and all necessary permits that may be required by jurisdictional entities outside of the City of
9 Richland shall be the responsibility of the developer to obtain.
- 10 3. A copy of the construction drawings shall be submitted for review to the appropriate jurisdictions by
11 the developer and his engineer. All required comments / conditions from all appropriate reviewing
12 jurisdictions (e.g.: Benton County, any appropriate irrigation districts, other utilities, etc.) shall be
13 incorporated into one comprehensive set of drawings and resubmitted (if necessary) for final permit
14 review and issuance.
- 15 4. Any work within the public right-of-way or easements or involving public infrastructure will require
16 the applicant to obtain a right-of-way construction permit prior to beginning work, per RMC Chapter
17 12.08. The applicant shall pay a plan review fee based on a cost-per-sheet of engineering infrastructure
18 plans. This public infrastructure plan review fee shall apply each time a project is submitted for review.
19 This fee will be different for commercial projects versus subdivision projects. Please visit the Public
20 Works Private Development page on the City's webpage to find the current per-sheet fee. A permit
21 fee in the amount equal to 3% of the construction costs of the work within the right-of-way or easement
22 will be collected at the time the construction permit is issued. A stamped, itemized Engineers estimate
23 (Opinion of probable cost) and a copy of the material submittals shall be submitted along with the
24 approved plan submittal.
- 25 5. Public utility infrastructure located on private property will require recording of a City standard form
26 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 plat acceptance.
6. 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.
7. Site plan drawings which involve the construction of public infrastructure shall be drawn on a standard
24" x 36" drawing format to a scale which shall not be less than 1"=40'.
8. All plan sheets involving construction of public infrastructure shall have the stamp of a current
Washington State licensed professional engineer.
9. All construction plan sheets shall include the note "CALL TWO WORKING DAYS BEFORE YOU
DIG 1-800-424-5555 (or "811")." Or: <http://www.call811.com/>
10. 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*

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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.

11. A copy of the preliminary plat shall be supplied to the Post Office and all locations of future mailbox clusters approved prior to final platting.

Design Standards:

12. Public improvement design shall follow the following general format:
- A. All materials and workmanship shall be in conformance with the latest revision of the City of Richland Standard Specifications and Details 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. Water lines shall be aligned on the south and east side of street centerlines.
 - C. Sanitary sewer shall be aligned on the north and west side of street centerlines.
 - D. Storm sewer shall be aligned on the south and east side of street centerlines.
 - E. Any sewer or storm manholes that are installed outside of public Right of Way shall have an acceptable 12-foot wide gravel access road (minimum) provided from a public street for maintenance vehicles.
 - F. 10-foot horizontal spacing shall be maintained between domestic water and sanitary sewer mainlines and service lines.
 - G. Watermains larger than 8-inches in diameter shall be ductile iron.
 - H. Watermains installed outside of the City Right of Way or in very rocky native material, shall be ductile iron and may need restrained joints.
 - I. All watermains outside areas zoned R1 shall be ductile iron.
 - J. Fire hydrant location shall be reviewed and approved by the City Fire Marshal.
 - K. Sewer mains over 15-feet deep shall be constructed out of SDR26 PVC or C900 PVC. The entire main from manhole to manhole shall be the same material.
 - L. Water valves and manholes installed on private property shall be placed so as to avoid parked cars whenever feasible.
 - M. All utilities shall be extended to the adjacent property (properties) at the time of construction.
 - N. 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.
 - O. The minimum centerline radius for local streets shall be 100-feet.
 - P. Any filling of low areas that may be required within the public Right of Way shall be compacted to City standards.
 - Q. An overall, composite utility plan shall be included in the submitted plan set if the project is phased. This comprehensive utility plan benefits all departments and maintenance groups involved in the review and inspection of the project.
 - R. A detailed grading plan shall be included in the submitted plan set.
 - S. For public utilities not located within public street rights-of-way the applicant shall provide maintenance access acceptable to the City and the applicant shall provide an exclusive 10-foot wide public utility easement (minimum) to be conveyed to the City of Richland.
 - T. 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.
 - U. All public improvements shall comply with the State of Washington and City of Richland

requirements, standards and codes.

- 1 V. All cul-de-sacs shall have a minimum radius of 48-feet to the face of curb to allow for
adequate turning radius of fire trucks and solid waste collection vehicles.
- 2 W. Curb returns at minor intersections shall have a minimum radius of 25-feet. Curb returns at
major intersections should have minimum radius of 30-feet but should be evaluated on a case
3 by case basis.
- 4 X. All public streets shall meet design requirements for sight distance (horizontal, vertical and
intersectional).
- 5 Y. The final engineered construction plans shall identify locations for irrigation system, street
lighting, gas service, power lines, telephone lines, cable television lines, street trees and mail
6 boxes. All electrical appurtenances such as transformers, vaults, conduit routes, and street
lights (including their circuit) need to be shown in the plan view.
- 7 Z. Construction plans shall reference all City of Richland standard details necessary to construct
all public improvements which will be owned, operated, maintained by the City or used by
the general public.
- 8 AA. 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
9 Richland.

10 13. 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
11 prior to submitting plans for the first phase to assure constructability of the entire project. This includes
the location and size of any storm retention ponds that may be required to handle runoff.

- 12 14. 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:
- 13 A. 2-inches compacted gravel, minimum (temp. SEVA only).
- 14 B. 2% cross-slope, maximum.
- 15 C. 5% slope, maximum. Any access road steeper than 5% shall be paved or be approved by the Fire
Marshal.
- 16 D. Be 20-feet in width.
- 17 E. Have radii that are accommodating with those needed for City Fire apparatus.

18 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
19 required at a spacing acceptable to the Fire Dept. Temporary SEVA's shall be constructed with 2-inches of
20 compacted gravel, at a minimum. Permanent SEVA's shall be paved with 2-inches of asphalt over 4-inches of
21 gravel, at a minimum.

22 15. 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.
-

23 A. No survey monument shall be removed or destroyed (*the physical disturbance or covering of a
monument such that the survey point is no longer visible or readily accessible*) before a permit is obtained from
the Department of Natural Resources (DNR). WAC 332-120-030(2) states "It shall be the responsibility of the
24 governmental agency or others performing construction work or other activity (including road or street
resurfacing projects) to adequately search the records and the physical area of the proposed construction work

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1 or other activity for the purpose of locating and referencing any known or existing survey monuments.” (RCW
2 58.09.130).

3 B. Any person, corporation, association, department, or subdivision of the state, county or municipality
4 responsible for an activity that may cause a survey monument to be removed or destroyed shall be responsible
5 for ensuring that the original survey point is perpetuated. (WAC 332-120-030(2)).

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

8 ***When a monument must be removed during an activity that might disturb or destroy it, a licensed Engineer
9 or Land Surveyor must complete, sign, seal and the file a permit with the DNR.***

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

12 **Traffic & Streets:**

13 16. The Sienna Hills preliminary plat lies within the boundary of the South Richland Collector Street
14 Financing Plan (RMC 12.03). This plat shall therefore be subject to the fees administered by the
15 finance plan for any phase submitted for approval. Since this property is included within the Financing
16 Plan, it is exempt from the SEPA-related traffic study requirement (TIA). The developer of this
17 proposed project shall receive “credits” for construction of Gage Blvd. and Bermuda Road as allowed
18 under the City’s South Richland Collector Street Financing Plan.

19 17. Bermuda Road shall be constructed full-width within the boundaries of the pre-plat in accordance with
20 City standard detail ST-11 (Arterial Collector) at the same time that phase 1 is constructed. The
21 Bermuda improvements shall include curb, gutter and sidewalk on both sides. A ten-foot public utility
22 easement shall be provided adjacent to its right-of-way on the face of the final plat. The portion of
23 Bermuda that is to the north and is outside of the boundaries of the preliminary-plat shall be constructed
24 as a rural road section, in accordance with City standard detail ST-15.

25 18. Gage Blvd. shall be constructed full-width in accordance with City standard detail ST-10 (Minor
26 Arterial) at the same time that phase 5 is constructed, or concurrent with any phase that will result in a
total number of single family lots greater than 250. The Gage improvements shall include curb, gutter
and sidewalk on both sides. A ten-foot public utility easement shall be provided adjacent to its right-
of-way on the face of the final plat.

19 19. Due to the hilly nature of the preliminary plat and the surrounding properties, Gage Blvd. outside of
20 the preliminary plat shall be conceptually designed to the north up to its intersection with Queensgate.
21 Gage shall also be conceptually designed 500-feet southwest of the Sienna Hills pre-plat boundary.
22 This conceptual design shall include both plan and profile design, including approximate boundaries
23 of cut and fill areas using readily available topographic information.

24 20. The proposed street layout will create higher traffic volumes on C, B and F Street, Bent Road and on
25 Clover Road. In an effort to curtail speeds through the development, the following intersections will
26 require traffic calming treatments (such as traffic circles)

- a. C Street & Clover Road
- b. C Street & Bent Road
- c. B Street & F Street

24 The specific calming treatments will be determined by the Public Works Director in consultation with the

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1 designing engineer. Adequate right-of-way shall be designed for at these locations and provided on the final
2 plats. Landscaping designs can be proposed for the interior of these traffic circles, but all landscaping shall be
3 maintained by the developer or the future HOA.

4 21. The maximum centerline grade for the proposed Gage Blvd. and Bermuda Road shall be no more than
5 8%.

6 22. A note will be shown on the face of the future final plats stating that Gage Blvd. and Bermuda Road
7 are both classified as "Collector streets". Subsequently, no driveways accessing single family lots will
8 be allowed directly onto them.

9 23. The Badger Mountain Subarea Plan indicates a pedestrian trail is required through this preliminary
10 plat. A widened 8-foot wide sidewalk shall be constructed at the following locations:

- 11 • The west side of Gage Blvd. to the plat boundary
- 12 • The west side of Bermuda Road to the plat boundary
- 13 • The south side of "C" Street from Bermuda Road to Bent Road, then the south side of "D"
14 Street from Bent Road to "Storm Drain Tract 3", then across Storm Drain Tract 3 to Gage
15 Blvd.

16 These sections of sidewalk shall be constructed by the developer concurrent with the phase that constructs the
17 corresponding section of roadway.

18 24. There appear to be multiple access easements crossing the proposed preliminary plat which will be
19 displaced by single family lots. The developer of the preliminary plat shall reconcile all access issues
20 with all parties named in the easements prior to issuance of a right-of-way construction permit.

21 25. Sidewalks shall be installed along all public Right of Way frontages that building lots do not front on
22 during construction of those phases (e.g., storm drainage ponds, parks, HOA tracts, etc.).

23 26. Pedestrian ramps shall be designed to current City standard details and A.D.A. guidelines. Adequate
24 Right-of-Way shall be provided at corners to allow for at least 1-foot of ROW behind the ped. ramp
25 landing. Crosswalks between pedestrian ramps shall be designed to City guidelines and A.D.A.
26 guidelines. Crosswalks at stop-controlled intersections shall have cross-slopes less than 2%.
27 Crosswalks crossing thru-streets shall have cross-slopes less than 5%. The road profile shall be
28 designed to accommodate this.

29 27. The vision-clearance triangle needs to be shown on all corner lots on both the construction plans and
30 the final plat document, in accordance with RMC Chapter 12.11.020. If the intersection is in a curve,
31 it will have to be evaluated per AASHTO guidelines. This information may need to be designed by
32 the engineer of record and supplied to the surveyor of record for inclusion into the final plat document.

33 28. The proposed intersections onto Bermuda and Gage are acceptable for this project, but any proposed
34 changes to them will be subject to approval by the Public Works Director.

35 29. If the project is to be constructed in phases, all dead-end streets longer than 150-feet that will be
36 continued later need to have temporary turn-arounds built at the end of them. If the temporary
turnaround is not located within the final plat an easement with a 50-foot radius will be required.

Domestic Water:

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1 30. The proposed preliminary plat is located within the Tapteal 4 water pressure zone. The closest Tapteal
2 4 water main is located in Bermuda Road to the north. It shall be the responsibility of the developer
3 to extend a water main to this property to serve domestic water at the time of plat construction. This
4 water main shall be sized as 12-inch diameter in accordance with the City's Water System Plan.

5 31. In accordance with the City's Water System Plan, a portion of the "Tapteal 4 Zone Connection" water
6 main is designed to run through this plat. The future water mains in C street, D street from Bent Road
7 to A Street, A Street and Gage Boulevard shall be 12-inch in diameter. The 12-inch water main in
8 Gage Boulevard shall be installed in the full length of the street. This water main shall be extended to
9 the property to the west of the proposed preliminary plat.

10 32. In accordance with municipal code, domestic water mains shall be extended to the adjoining properties
11 adjacent to the preliminary plat, provided they are in the correct pressure zone.

12 33. The developer will be required to demonstrate that all phases are capable of delivering adequate fire
13 flows prior to construction plans being accepted for review. This may require looping of the watermain
14 from off-site locations, or oversizing of the main where needed.

15 34. The fire hydrant layout shall be approved by the City Fire Marshal.

16 **Sanitary Sewer:**

17 35. There are two sanitary sewer mains available to serve this development. Both options require the
18 construction of off-site infrastructure and a sewer pump station. Those two choices are as follows:

- 19 • Design this subdivision to flow by gravity to a planned sewer pump station located to the west within
20 the Badger Mountain South master planned development. The plan for this sewer pump station is
21 included in the City's General Sewer Plan. Since this planned sewer pump station does not yet exist
22 the developer of this project must construct it along with the necessary off-site piping and have it
23 accepted by the City for service prior to completion of the first phase.
- 24 • Design a sewer pump station located within this development that discharges to an existing sewer pipe
25 in Queensgate Drive to the north. Based on a 2017 and 2020 study of that pipe and this property's
26 sewer service needs this sewer pump station and its piping shall be designed for a peak flow
corresponding to 423 single family residences, 1 clubhouse and 120 units (multi-family), plus the
capacity required for the commercially zoned property identified within this preliminary plat. This
design criteria includes the undeveloped properties upslope of it. This option shall include a design
feature allowing for the future bypass of this sewer pump station with a gravity pipeline to the
southwest toward the Badger Mountain South master planned development. The feature shall include
a planned pipeline route and adequate easements to enable implementation.

In accordance with municipal code the developer will be eligible for a latecomer agreement in either scenario.
This agreement will help to recover a portion of the costs from future users of the sewer pump station and any
necessary oversized pipelines.

36. 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 shall be provided as approved by the Public Works Director.

37. In accordance with municipal code, sanitary sewer shall be extended to the appropriate adjoining

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properties adjacent to the preliminary plat.

Ground Water:

38. A master grading plan completed by a licensed engineer shall be submitted along with the first submission of construction plans. The grading plan and accompanying geotech report shall make provisions for the existing neighboring landowners and address any impacts that the proposed grading and/or groundwater impacts will have on them. It shall also include a means for managing groundwater or subsurface springs if any are encountered during grading or construction.

Storm Water:

39. This project requires coverage under the Washington State General NPDES Permit for Construction projects. The Developer shall be responsible for compliance with the permit conditions. 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.

40. All storm drainage systems shall be designed following the core elements defined in the latest edition of the Stormwater Management Manual for Eastern Washington. The Hydrologic Analysis and Design shall be completed based on the following criteria: Washington, Region 2, Benton County; SCS Type 1A – 24 Hour storm for storm volume. The applicant's design shall provide runoff protection to downstream property owners.

41. The flow-rate of the public storm drainage system shall be designed using the 2-Year, 3-Hour short duration Eastern Washington storm for pipe and inlet sizing using SCS or Santa Barbra method; no modifying or adding time of concentration; no surcharge allowed. Calculations shall be stamped by a registered professional engineer and shall include a profile of the system showing the hydraulic grade line. The calculations should include a 50-foot wide strip behind each right of way line to represent drainage from private property into the City system. Of that area, 50% shall be considered pervious and 50% impervious. Calculations shall include a profile for the design showing the hydraulic grade line for the system. Passing the storm downhill to an existing system will require a downstream storm system capable of accepting the water without being overwhelmed.

42. 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. 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.

43. If any existing storm drainage or ground water seepage drains onto the proposed project, said 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.

44. 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").

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- 1 45. Any proposed storm drainage retention facilities within the boundary of the proposed preliminary plat shall not adversely affect neighboring properties.
- 2 46. 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 48 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 perk within 48 hours.
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- 5 47. As per RMC chapter 24.20.070 and the City of Richland's Comprehensive Stormwater Management Plan, the storm drainage system installed as part of this plat may need to be oversized in order to handle the additional flow from future developments in the vicinity. The storm drainage system for this development, both its conveyance and retention / infiltration components, shall be designed to effectively manage runoff from upstream properties that can be anticipated to convey stormwater onto this property because of a pre-development runoff condition, or as a result of flows discharged that are in excess of the design storm from the upstream property. Additionally, as this property is upslope of developed properties the stormwater system shall include provisions for possible discharge of runoff onto downslope properties from storms in excess of the design storm as described above. Those provisions may be required to include off-site downslope conveyance facilities and/or flowage easements allowing for the conveyance of stormwater to and across downslope properties.
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- 11 48. The amount of post-development storm runoff from the proposed site shall not exceed the amount of pre-development runoff.
- 12 49. Stormwater collection pipes shall be extended to the adjoining properties adjacent to the plat.
- 13 50. If the storm drain pond slopes are greater than 25% or deeper than 4-feet, then a 6-foot fence will be required around the perimeter of the pond with a minimum 12-foot wide gate for maintenance vehicles. A maintenance road from the public Right of Way to the bottom of the pond is also needed (2-inches of compacted gravel, minimum). The City's maintenance of the pond in the future will consist of trimming weeds to maintain compliance with fire and nuisance codes, and maintaining the pond for functionality.
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- 16 51. The developer shall be responsible for landscaping the storm pond and for its maintenance through the one-year infrastructure warranty period. At a minimum the landscaping plan should be consistent with the City's intended maintenance standard as described above. If the developer wishes for the pond to be landscaped and visually appealing, then the homeowners association should be considered for maintenance responsibilities. This will require an irrigation meter and sprinkler system (including a power source), and responsibility for maintaining the landscaping.
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- 20 52. The developer of record shall maintain the public storm drainage system for one year from the date of final acceptance by The City of Richland (as determined by the issuance of the "Letter of Final Acceptance"). Said developer shall also thoroughly clean the entire system, including structures, pipelines and basins prior to the City warranty inspection, conducted 11 months after the Letter of Final Acceptance.
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23 **Final Platting / Project Acceptance Requirements:**

- 24 53. 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

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document "RECORD DRAWING REQUIREMENTS & PROCEDURES" for a complete description of the record drawing process. All final punchlist items shall be completed or financially guaranteed prior to recording of the final plat of the project.

54. 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 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.
55. 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.
56. 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.
57. 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.
58. The final plat shall include notes identifying all common areas including the private streets and tracts and acknowledging the ownership and maintenance responsibility by the homeowners association.
59. All landscaped areas within the plat that are in the public Right of Way shall be the responsibility of the property owners to maintain.
60. A one-foot "No access / screening easement" will be required along the Bermuda Road and Gage Blvd. Rights-of-Way where single family lots are adjacent. No single-family driveways will be allowed directly onto either of those streets.
61. The intended use and ownership of all tracts within the plat shall be noted on the final plat.
62. Property with an unpaid L.I.D. assessment towards it must be paid in full or segregated per Richland Municipal Code 3.12.095.
63. Any restricted parking areas shall be indicated on the final plats.

Energy Services Condition

64. Subsequent final plat surveys shall provide ten-foot (10') public utility easements adjacent to all lots and tracts adjoining public roadways.

Planning Conditions

65. The applicant must complete a Transportation Impact Analysis (TIA) covering the scope and addressing items detailed in Exhibit No. 23, the Traffic Impact Analysis Scoping Meeting Summary, dated Dec. 6, 2019, for the Dec. 4th meeting between applicant's engineer and Benton County staff.

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The final TIA shall be subject to review and approval by the City’s Public Works Director, who shall have full authority and discretion to require the applicant to construct certain off-site improvements and/or implement other transportation related measures needed to mitigate significant impacts that may be identified in the final TIA. Mitigation measures agreed to be necessary by both the County and the City of Richland shall be deemed conditions of approval for this preliminary plat and are incorporated herein by this reference. Written confirmation of any specific mitigation measures imposed as a result of the TIA shall occur in writing and shall be provided to the Planning Division to maintain in the official file for this matter and distribution to parties of record, which may be achieved by posting such requirements on the City’s publicly available website information for this preliminary plat development.

- 66. Based on known cultural resources on or near the work site, an archaeological monitor must be present for all ground disturbing activities. Consistent with guidance provided by the State’s Department of Archaeology & Historic Preservation the monitor must be a professional archaeologist who meets the Secretary of the Interior’s standards for prehistoric archaeology. This condition can be satisfied if the applicant uses the services of a qualified monitor from the Confederated Tribes of the Umatilla Indian Reservation (“CTUIR”) to provide on-site observation of ground-disturbing work associated with this project and document any archaeological resources observed during such monitoring.
- 67. An 8-foot-wide sidewalk shall extend from the southwest corner of the plat (SD Tract 3), along the south side of "C Street" connecting to Bermuda Road. The sidewalk shall extend from "C Street" through "SD Tract 3" and connect to the west property line of the parent parcel. Undeveloped areas on either side of said sidewalk shall be treated with live vegetation and/or decorative rock. In the event that language from this condition and Condition Nos. H2 and/or 23 addressing the same 8-foot wide sidewalk/pathway through the new plat are read in conflict with one another, the Planning Manager shall have full discretion and authority to issue a written determination resolving such conflicts and interpreting such condition(s).

Building Conditions

- 68. Grading shall be permitted by the City and performed in accordance with the Geotechnical Engineering report by PBS and with Appendix J [IBC 2015]. Any specific geotechnical requirements regarding foundations and/or site slopes shall be noted on the plat along with reference to the geotechnical investigation report.
- 69. Site grading permitting shall be contingent upon a geotechnical report providing specific soil load-bearing capacities and lot-specific recommendations as necessary.
- 70. Street designations shall be as set forth in RMC 12.01.060. Prior to submitting for the final plat, please submit three (3) street name options for each the following street segments: A Street, B Street, C Street, D Street, E Street, F Street, G Street, H Street, J Street, K Street, and L Street.
- 71. Addressing brackets [] are needed on all lots and tracts in subsequent final plat submittals.
- 72. Prior to submitting for the final plat, provide which lots, if any, will allow construction of multi-family (duplex) dwellings. Addressing will be generated accordingly.