



City of West Richland

Community Development Department
3100 Belmont Blvd., Suite 104, West Richland, WA 99353
Phone (509) 967-5902 Fax (509) 967-2419

NOTICE OF DECISION

File No: PLAT-008-2022

Date of Complete Application: 07/01/2022	Date of Decision: 09/20/2022
Date Decision Posted/Mailed: 09/23/2022	Deadline for Appeal: 10/14/2022

Application For:

Preliminary Plat Approval—Paradise Townhomes

Description of Proposal:

Stan Nuxall, applicant, together with Harms Engineering, submitted a Preliminary Plat application on behalf of West Richland Group LLC, property owner, to divide approximately 2.4 acres into 20 townhome residential lots. Utilities will include domestic water, storm water, and sewer (City of West Richland), electric services (Benton REA), and telecommunications. The submittal was deemed complete for processing on July 1, 2022.

Applicant:

Stan Nuxall with Harms Engineering

Location of Proposal:

The project site is located on the corner of 50th Ave and Norma St. The legal description is Willamette Heights Section 6, Lot 210, parcel numbers 1-0698-402-0210-001.

Date of Open Record Hearing:

08/11/2022

Hearing Before:

Planning Commission

Date of Closed Record Hearing:

09/20/2022

Hearing Before:

City Council

Decision:

Approved with Conditions.

FINDINGS OF FACT

1. All submittal and processing requirements are met:
 - a. Stan Nuxall, applicant, with Harms Engineering submitted a Preliminary Plat application on behalf of West Richland Group LLC in order to divide approximately 2.4 acres into 20 residential lots.
 - b. The City of West Richland deemed the application complete for processing on July 1, 2022. The project is vested to that date.
 - c. In accordance with WRMC Chapter 14.03, notice of the public hearings were posted to the City's website, at the three official posting places, and mailed to property

owners within 600 feet of the subject property on July 20, 2022. Public notice was posted to the subject site on July 20, 2022.

- d. On July 18, 2022, the City of West Richland Community Development Department issued a SEPA Threshold of Mitigated Determination of Non-Significance (MDNS) with a comment period that concluded on August 1, 2022. There were no appeals of the SEPA (see attachment 4).
 - e. One written comment letter was submitted by August 4, 2022 when the staff report was prepared (see attachment 2).
 - f. The City's Planning Commission held an open record public hearing on August 11, 2022 where the project proponent and members of the public were provided the opportunity to testify and provide comments on the proposal. The Planning Commission subsequently voted to recommend approval of the preliminary plat.
2. The development's site location, features and characteristics have been considered:
- a. The site is Willamette Heights Section 6, Lot 210, parcel number 1-0698-402-0210-001.
 - b. The site is designated by the City's Comprehensive Plan as MD-RES (Medium Density Residential) and the proposed use is consistent with that designation.
 - c. The site is zoned RM-6 Medium Density Residential. The RM-6 zoning district requires a minimum lot area of 1,800 sf for townhome lots, not to exceed nine units per acre. The average residential lot area proposed is 4,532 sf. The proposed uses and lot sizes are consistent with the zoning code requirements.
 - d. The steepest areas of the project site are 22 percent slope.
 - e. The Benton County soil survey indicates that the property contains BbC (Burbank loamy fine sand).
 - f. The site is currently vacant with native shrubs and plants.
 - g. The site does not contain any areas that are designated for protection or consideration by the city's Critical Areas Ordinance.
 - h. Domestic water mains are available within 500 feet of the parcel to be subdivided (in both Norma St and 50th Ave).
 - i. Public sanitary sewer is available within 500 feet of the parcel to be subdivided (on the adjoining property to the east).
 - j. Measures will be in place for the purposes of assuring the public use and public interest is supported, addressing the proper and necessary timing of requirements and improvements needed for orderly and sensible neighborhood development.
3. Development impacts and necessary measures to address impact mitigation have been considered:
- a. Measures necessary to mitigate any real and/or perceived noise and visual impacts from the arterial roadways to single family development areas have been determined.
 - b. The plat is estimated to accommodate 57 residents at build-out that would directly and negatively impact the City's adopted level of service standard for parks, trails and open space as a consequence of the proposed development without mitigation. The developer shall pay parks and recreation impact mitigation fees per WRMC 16.14.100.
 - c. Public health will not be negatively impacted by this proposal as the development will be served by municipal sewer and water.
 - d. The significant impacts of the development on the surrounding transportation system or other public facilities can be mitigated through improvements and dedications as identified in the SEPA MDNS, and will be subject to impact mitigation fees per WRMC 16.14.200.

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- e. The development is not expected to result in any public health, safety, or general welfare impacts that are not sufficiently mitigated by the conditions of this recommendation or through the SEPA determination.
 - f. The proposed preliminary plat is designed in a manner that is compatible with the physical characteristics of the subject property and the proposed preliminary plat contributes to the orderly development and land use patterns in the area.
4. Utilities, public services and community needs have been properly addressed:
 - a. The project will result in an increase demand for fire protection and policing. Police protection is provided by the West Richland Police Department and Fire protection is provided by Benton County Fire District #4.
 - b. The project will result in an increase demand to the public school system. The development is located within the Richland School District.
 - c. The City's water and sewer systems will be extended to the development and service connections will be provided to each lot. Conditions for the systems, including the placement and design of water mains and fire hydrants are necessary to ensure orderly development.
 - d. Public health, safety, or welfare requires the connection of an electrical system to each lot. Written conditions for the system ensure orderly development.
 - e. Public health, safety, or welfare requires connection to a communication system to each lot with telephone service. Written conditions for the system ensure orderly development.
 - f. The developer has the option of providing a complete communication system with cable TV, internet and telephone service.
 - g. The developer has the option of providing a complete Cascade Natural Gas (CNG) natural gas system serving each lot.
 5. Approval of the plat is in the public interest:
 - a. Development and approval of the final plat(s) will conform to the standards, requirements and regulations contained in City Code, including those ordinances codified in Title 15, Title 16, Title 17 and Title 18.
 - b. The developer will complete public improvements, such as roads, city water extension, city sewer extension, creation of an irrigation system, installation of fire hydrants, and parks/open space/trail improvements, all to benefit the public use and interest of this area.
 - c. The proposed plat will provide for additional housing in the City.
 - d. The proposed plat, with mitigation as outlined in this report's conditions and through the MDNS, is consistent with the City's Comprehensive Plan and current zoning regulations, and the public interest will be served by the subdivision and dedications. Specifically, appropriate provisions are made for public health, safety and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary waste, parks, playgrounds, schools and school grounds.

CONDITIONS OF APPROVAL

1. WRMC 16.04.030 B) requires that each lot within a subdivision shall adjoin a public street that is improved to City Standards by the landowner/developer.
 - a. City Standards for 50th Ave along the western boundary and Norma St along the northern boundary of the parcel would include 25' of road right-of-way with a 12' utility easement. 25' of road-of-way was previously dedicated to the City of West

Richland. Landowner/Developer shall dedicate 12' of utility easement along the frontage of the S 50th Ave and Norma St right-of-way. The developer is responsible for constructing all local city roadways within the development as 36' wide asphalt pavement roadway (3" HMA and 8" of CSTC) with curb and gutter, storm drainage, streetlights, ADA handicap ramps, etc. per City standards. S 50th and Norma St are both constructed as part of a previous development. Any items out of current standard guidelines shall be retrofitted to meet City Standards. Existing ADA ramp at the corner of S 50th Ave and Norma St is out of compliance. Developer shall reconstruct meeting current PROWAG requirements. Any sidewalk not meeting 5' width will require turnouts or replacement per PROWAG requirements.

- b. Landowner / Developer responsible constructing a 26' wide Fire Apparatus Access Roadway meeting Appendix D of the International Fire Code, or as amended by Fire Marshal. All private roadways shall be constructed with a minimum of 2" of ACP with 6" of crushed rock. Note shall be placed on the face of the plat noting the private drive is a public Fire Apparatus Access Roadway and as such the City of West Richland accepts no maintenance responsibility for said roadway. One 40' driveway will be permitted off Norma St to serve the development.
- c. The developer shall install street lights per City Standard Detail 6-2; Type II poles with 300' spacing for local streets and local intersections. Developer shall revise the intersection street lighting to meet City Standard. The existing street light shall be relocated north approximately 25' north of street crossing, and a new light shall be installed 25' south of the southern crossing on the east side of the S. 50th Ave. There are existing street lights on S 50th Ave and Norma St. within the 300' spacing.
- d. Landowner/developer will be required to design pedestrian facilities within this preliminary plat to meet the United States Access Board's Accessibility Guidelines for Public Right of Way (PROWAG). When pedestrian facility designs cannot be constructed to full PROWAG design requirements they shall be built to conform to the maximum extent possible. Developer's engineer shall draft an engineering report identifying the location(s) this occurs and justify why full PROWAG compliance is not possible (utilizing WSDOT templates for documenting these instances) for the City Engineer's review and approval.
- e. All roadway construction plans to be designed by a Washington State licensed engineer and submitted to the City Engineer for approval
- f. Stormwater design from each lot of the development shall be collected and treated on-site with a piped emergency overflow when required by City Engineer. Said system shall be required to meet Department of Ecology's NPDES Phase II requirements, the 2019 Stormwater Manual for Eastern Washington, and City of West Richland regulations. Stormwater from Fire Apparatus Access Roadway and development shall be collected and treated on-site with a piped emergency overflow when required by City Engineer. Standard City note to be placed on face of plat stating that each lot is collectively responsible for the operation and maintenance of the private stormwater drainage system.
- g. Factor of safety of 3 shall be used for design of all stormwater facilities.
- h. Engineer is required to register all UIC's related to this development with the Department of Ecology a minimum of 60 days prior to them being installed. All City

owned UIC's will be registered as City owned, with the City's NPDES permit number. Registration of these UIC's will be required prior to plan approval.

2. WRMC 16.04.040 requires the landowner/developer to connect to the sanitary sewer system if the sanitary sewer is within 500' of the parcel to be subdivided. Developer responsible for providing proposed preliminary plat with a complete sanitary sewer system serving each proposed lot. There is a sanitary sewer manhole located in the southeast corner of the adjacent lot. Developer shall extend the sewer main in order to provide water services to each proposed lot of the development.
 - a. Sanitary sewer construction plans to be designed by a Washington State licensed engineer and submitted to the City Engineer for approval.
 - b. For sanitary sewer mains not constructed in road ROW, Developer shall provide dedicated 20' minimum sewer easement centered over sewer mains. Landowner/Developer shall locate the existing sewer service and provide sewer easement over sewer service.
 - c. The landowner /developer responsible for payment of the developer's portion of the Sewer System Development Fee per the City's Master Fee Schedule for each of the newly created lots.
 - d. WRMC 16.04.050 requires the landowner / developer to connect to the water system if the water system is within 500' of the parcel to be subdivided with fire hydrants at each intersection and every 400'. There is an existing 8" PVC waterline stub at the southern boundary of the lot. The mainline shall run down the private drive with services off of that line to service each of the lots, with a hydrant at the end, as well as providing services to each of the lots fronting S 50th Ave. There are two existing fire hydrants, one on the property at the corner of S 50th Ave and Norma and one on the north side of Norma near the northeast corner of the property.
 - e. A private 5' waterline easement will be required where private water services run through adjacent lots.
 - f. Developer responsible for the cost for a consultant to hydraulically model proposed water main system for the development (this cost is in addition to the construction plan review fee).
 - g. Water main construction plans to be designed by a Washington State licensed engineer and submitted to the City Engineer for approval.
 - h. The landowner / developer shall be responsible for payment of the developer's portion of the Water System Development Fee per the City's Master Schedule for each of the newly created lots.
 - i. Provide dedicated 10' minimum water easement centered over water main, fire hydrants and water services not located within road ROW.
3. WRMC 16.04.060 requires that the landowner/developer install an irrigation system whether or not the parcel is in an irrigation district. Parcel is not located within an irrigation district. Landowner/Developer required to install irrigation services to proposed lots

meeting City and CID standards. Irrigation services and service lines shall be located with 10' irrigation easement in the back of each lot.

Public Works Director recommends the Community Development Director approve a deviation for the irrigation system construction requirements of WRMC 16.04.060 conditioned on the landowner executing and recording with Benton County Auditor a City Waiver of Right to Protest Local Improvement District for said irrigation system improvements for a period of ten years (waiver of protest agreement to be provided by City Attorney).

4. Transportation Impact Fee shall apply per West Richland Municipal Code Chapter 16.14 and the City's Master Fee Schedule (Ordinance #2-10 and as amended by Ordinance #13-16, Ordinance #26-19 and as amended by City Council).
5. Park Impact Fee shall apply per West Richland Municipal Code Chapter 16.14 and the City's Master Fee Schedule.
6. The City has determined that public health, safety or welfare requires connection to an electrical system, the development shall be provided with a complete electrical transmission and distribution system serving each lot. Design of electrical system shall require the approval of the City Engineer and comply with Benton Rural Electric Association's Franchise Agreement (Ordinance 09-15) and provisions of any applicable city and or Benton Rural Electric Associate codes, ordinances, regulations, standards, procedures, policies, permits, approvals, as from time to time amended; provided, however, that in the event of a conflict or inconsistency between any such provision and said Franchise Agreement, the express terms and conditions of the Franchise Agreement shall govern. Existing service shall be located and within a 10' easement when not on property.
7. The City has determined that public health, safety or welfare requires connection to a communication system, the development shall be provided with a complete communication system serving each lot with cable TV, internet and telephone service. Design of communication system shall require the approval of the City Engineer and comply with Charter's Franchise Agreement (Ordinance 08-96) and provisions of any applicable city and or Charter codes, ordinances, regulations, standards, procedures, policies, permits, approvals, as from time to time amended; provided, however, that in the event of a conflict or inconsistency between any such provision and said Franchise Agreement, the express terms and conditions of the Franchise Agreement shall govern.
8. Developments shall have the option of providing a complete Frontier communication system and/or complete Cascade Natural Gas natural gas system serving each lot. If the Development chooses to provide a complete Frontier communication system, the design of the communication system shall require the approval of the City Engineer and comply with provisions of any applicable city and or Frontier codes, ordinances, regulations, standards, procedures, policies, permits, approvals, as from time to time amended. If the Development chooses to provide a complete Cascade Natural Gas natural gas system, the design of the natural gas system shall require the approval of the City Engineer and comply with Cascade Natural Gas's Franchise Agreement (Ordinance 37-13) and provisions of any applicable city and or Cascade Natural Gas codes, ordinances, regulations, standards, procedures, policies, permits, approvals, as from time to time amended; provided, however, that in the event of a conflict or inconsistency between any such provision and said Franchise Agreement, the express terms and conditions of the Franchise Agreement shall govern.

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9. Plat's survey to be tied into a minimum of two City control monuments shown on Record of Survey #3910 and established per Washington South (3602) State plane (NAD 83/91) coordinates and NAVD 88 elevations.
 10. Plat Map information – all lines require bearings, curve require all pertinent information, tie survey into monumentation, basis of bearing and basis of elevation.\
 11. Street Signs to be purchased and installed by the City. City Engineer to determine type, location and when signs will be installed. Developer to reimburse the City for said work prior to Final Plat.
 12. Landowner/developer shall be required to comply with the City of West Richland's Public Infrastructure Construction Plan Requirements and Design Guidelines dated July 2018, or as revised by the City Engineer. Copy of document is available on the City's website, www.westrichland.org.
 13. No grading, excavating and or filling on the proposed plat property shall occur until the Developer has approved construction plans and or a grading permit issued by the city.
 14. Developer responsible for purchasing and installing mailbox cluster units. Developer to coordinate this work and the location of the mailbox cluster units with the US Postal Office. Location of mailbox cluster units shall be located within the proposed development.
 15. The placement of fill materials on lots exceeding 24" shall be placed and compacted in accordance with the latest version of the International Building Code (IBC). The developer shall be responsible for hiring an independent materials testing company to complete and document compaction tests and a licensed professional engineer to certify that the fill placed on lots is buildable meeting the latest version of the IBC. A copy of this certification shall be provided to the City Engineer and Building Inspector prior to final plat approval.
 16. Native vegetation removal shall be minimized, by avoiding grading outside of right-of-way and utilities. Vegetation that is scrubbed from the land shall be removed from the site and disposed of at an authorized facility. Scrubbed vegetation shall not be buried on site.
 17. Prior to excavation and infrastructure development, a dust control plan shall be submitted to the city for approval by the Community Development Director. Dust control during construction shall be closely monitored and utilized as necessary to minimize fugitive dust. At the completion of grading and road/utility construction, all disturbed soil areas shall be treated with tackifier.
 18. Prior to final plat approval, the developer shall provide a Maintenance Bond to the city to be held for one year from acceptance as a guarantee on materials and workmanship (5% of the value of improvements). The amount of the maintenance bond will be calculated by the City Engineer and is to be held for one year from the date of council acceptance of the public improvements.
 19. The construction plans and installations for all public improvements shall be reviewed, inspected, and approved by the Public Works Department, pursuant to WRMC 16.16.360. The plan review fee and construction inspection fee follows the master fee schedule found on our website: www.westrichland.org. Developer shall work with the Public Works Department to coordinate the review and inspection process for the public improvements required for this plat. Inspection fees will apply and must be paid prior to construction.

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20. Per City of West Richland Municipal Code 12.04.050, developer shall post a separate bond or cashier's check on construction costs related to work within City Right of Way. The person constructing the work within City Right of Way shall maintain liability insurance at least as broad as Insurance Services Office (ISO) occurrence form Commercial General (CG) 00 01 and shall cover liability arising from premises, operations, independent contractors, products-completed operations, stop gap liability, personal injury and advertising injury, and liability assumed under an insured contract. The Commercial General Liability insurance shall be endorsed to provide a per project general aggregate limit using ISO form CG 25 03 05 09 or an equivalent endorsement. There shall be no exclusion for liability arising from explosion, collapse or underground property damage. The City of West Richland shall be named as an additional insured under the contractor's Commercial General Liability insurance policy with respect to the work performed for the City of West Richland using ISO Additional Insured endorsement CG 20 10 10 01 and Additional Insured-Completed Operations endorsement CG 20 37 10 01 or substitute endorsements providing at least as broad coverage. The Commercial General Liability policy shall be maintained for the duration of the construction of the frontage improvements and until frontage improvements are accepted by the City as complete. Bond and proof of insurance will be required before notice to proceed will be given.
 21. The developer shall construct roads, clear and grub property, backfill trenches, grade the site, prepare the site, and conduct other related activities in accordance to and consistent with the recommendations and conclusions contained in a geotechnical report to be provided to the City prior to any ground disturbing work unless amended by the City Engineer or City's Building Official.
 22. The final plat(s) shall be submitted for City Council approval within five (5) years, unless extended by the process outlined in WRMC 16.04.130(A).
 23. The street address for each lot shall be indicated on the face of the final plat(s). The City reserves the right to confirm the actual address at the time a building permit is issued.
 24. Appropriate street name(s) for all public and private streets, approved by the City, shall be drafted on the face of the final plat(s). No street name shall be used which will duplicate or be confused with the names of existing streets in Benton or Franklin County, except extensions of existing streets may be permitted. The name Paradise Lane will not be permitted as the name Paradise is a duplicate and is not an extension of Paradise Way. The street shall be a court per WRMC 12.13.060.C which states that dead end streets less than 1,000 feet in length shall be designated a court.
 25. Appropriate water, sewer, irrigation, and utility easements shall be indicated on copies of the proposed final plat. Franchise utility companies will be provided up to fifteen (15) days to review the proposed final plat map prior to City approval.
 26. Mitigation requirements under the SEPA MDNS decision issued July 18, 2022, shall apply as conditions to the plat.
 27. The developer shall be responsible for determining if the project needs to obtain coverage under a Construction Stormwater General Permit (CSWGP) from the Washington State Department of Ecology and obtaining said permit prior to beginning any grading and/or construction activities.

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28. Should archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) or human remains be observed during project activities, all work in the immediate vicinity shall stop. The State Department of Archaeology and Historic Preservation (360-586-3065), the City's Community Development Department, the City's Public Works Department, the affected Tribe(s) and the county coroner (if applicable) shall be contacted immediately in order to help assess the situation and determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) is required.
 29. Construction equipment shall be properly maintained to meet emission standards. Construction vehicles shall be turned off when not in use to limit emissions caused by idling, and unnecessary noise.
 30. All easements, rights-of-way, and encumbrances shall be shown and noted on the final plat(s) as identified in Benton Franklin Title Company's latest title report/subdivision guarantee report for said property.
 31. Nothing in this approval shall limit the developer's ability to request to revise the plat under a plat revision, reducing the number of authorized residential lots, in order to sell property for primary and secondary permitted uses (i.e., churches/similar places of worship, schools, minor utility facilities, and uses allowed only under an approved conditional use permit) to enhance the neighborhood. All uses shall be limited to those allowed as primary or secondary permitted or conditional uses in the zoning district. Plat revisions are processed per WRMC 16.04.140.
 32. The landowner/developer of the proposed plat may seek a variance from the requirements of WRMC Chapter 16 by submitting a written request to the Community Development Director stating the reason for a variance per WRMC 16.16.380. The basis for such a variance from the strict application of the requirements of this chapter is undue and unnecessary hardship on the property owner. No variance from these requirements shall be authorized by the Community Development Director unless the Director finds:
 - a. That exceptional or extraordinary circumstances or conditions exist to the division of the property or to the intended use of the property that do not apply generally to other properties similarly situated.
 - b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the property owner /developer or is necessary for the reasonable and acceptable development of the property. Financial hardship is not a basis for variance from these requirements.
 - c. The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.
 - d. That the variance from the provisions and requirements of this chapter do not grant a special privilege to the applicant.

The Community Development Director approves a deviation for the irrigation system construction requirements of WRMC 16.04.060 conditioned on the landowner executing and recording with Benton County Auditor a City Waiver of Right to Protest Local Improvement District for said irrigation system improvements for a period of ten years

(waiver of protest agreement to be provided by City Attorney) and dedicating a 10' irrigation easements connecting each lot in back of lots.

The Community Development Director approves a 10 percent deviation from the density maximum of 9 units per acre as outlined in WRMC 17.54.020.1 Residential Site Development Standards Table. The deviation is approved per WRMC 17.54.100.C.

Right to Appeal:

As the application was approved by the City Council, there is no local appeal option. Any appeal must be filed within 21 days with Benton County Superior Court per RCW 36.70C.

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