



# 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-011-2022

Date of Complete Application: 07/15/2022	Date of Decision: 10/25/2022
Date Decision Posted/Mailed: 10/27/2022	Deadline for Appeal: 11/17/2022

### Application For:

Preliminary Plat Approval—Riesling Estates

### Description of Proposal:

Paul Lavrentiev of RP Development, applicant, together with PBS Engineering and Environmental, submitted a Preliminary Plat application on behalf of SG Land Management LLC, property owner, to divide approximately 5.12 acres into 38 townhome residential lots and one tract to be used as a pathway to connect to the pathway system in the Heights at Red Mountain Ranch subdivision. 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 15, 2022.

### Applicant:

RP Development with PBS Engineering and Environmental

### Location of Proposal:

The project site is located on W Van Giesen St, south of Jenna Rd. The legal description is Section 1 Township 9 Range 27 The South 242 Feet of the North 462 Feet of the South Half, Northwest Quarter, Northwest Quarter Except Inland Empire Highway & Except That Portion Thereof Lying East of Inland Empire Highway, parcel numbers 1-0698-402-0210-001.

### Date of Open Record Hearing:

10/13/2022

### Hearing Before:

Planning Commission

### Date of Closed Record Hearing:

10/25/2022

### Hearing Before:

City Council

### Decision:

Approved with Conditions.

### FINDINGS OF FACT

1. All submittal and processing requirements are met:
  - a. Paul Lavrentiev of RP Development, applicant, together with PBS Engineering and Environmental, submitted a Preliminary Plat application on behalf of SG Land Management

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LLC, property owner, to divide approximately 5.12 acres into 38 townhome residential lots and one tract to be used as a trail.

- b. The City of West Richland deemed the application complete for processing on July 15, 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 August 18, 2022. Public notice was posted to the subject site on August 18, 2022. An additional posting and mailing for the second public hearing was sent September 20, 2022.
  - d. On August 9, 2022, the City of West Richland Community Development Department issued a SEPA Threshold of Mitigated Determination of Non-Significance (MDNS) with a comment period set to conclude on August 23, 2022. The Public Works Department requested that mitigation measure 20 be revised. A revised MDNS was issued on August 15, 2022 with the requested revision. The comment period for the revised MDNS concluded on August 29, 2022. There were no appeals of the SEPA (see attachment 4).
  - e. One written comment letter was submitted by September 1, 2022 when the staff report was prepared (see attachment 2).
  - f. The applicant requested a waiver from required street frontage improvements per WRMC 12.04.060.B. Notice of the public hearing to consider the waiver was sent to property owners within 600 feet of the subject property on September 20, 2022.
  - g. The City's Planning Commission held an open record public hearing on September 8, 2022 where the project proponent was provided the opportunity to testify and provide comments on the proposal. Due to an issue with the Municipal Services Facility's alarm system, the front door of the building was accidentally locked and the public was not able enter the building to participate in the meeting.
    - h. The City's Planning Commission rescheduled the open record public hearing held on October 13, 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 the NW quarter of the NW quarter of Section 1, Township 9 North, Range 27 East of the Willamette Meridian, and parcel number 1-0197-200-0006-000.
  - 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 4,407 sf. The proposed uses and lot sizes are consistent with the zoning code requirements.
    - d. The steepest areas of the project site are 10-15 percent slope.
    - e. The Benton County soil survey indicates that the property contains QuE (Quincy loamy sand). The lot also contains stockpiled fill from another location.
    - f. The site is currently vacant with native shrubs and plants.
    - g. The site is within the wellhead protection area for Well #7 and contains areas classified as shrub-steppe by the Washington Department of Fish and Wildlife. The site does not contain any other areas that are designated for protection or consideration by the city's Critical Areas Ordinance.
    - h. Domestic water mains are not available within 500 feet of the parcel to be subdivided. The closest water service is located in the intersection of W Van Giesen St, Belmont Blvd, and Ruppert Rd.
    - i. Public sanitary sewer is available within 500 feet of the parcel to be subdivided (in W

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Van Giesen St).

- 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 109 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.
    - 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. A Homeowners Association (HOA) will be formed to maintain the pathway and associated landscaping.
    - d. 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.
    - e. Public health, safety, or welfare requires the connection of an electrical system to each lot. Written conditions for the system ensure orderly development.
    - f. 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.
    - g. The developer has the option of providing a complete communication system with cable TV, internet and telephone service.
    - h. 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,

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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. Road ROW dedication for proposed cul-de-sac street and north south local roadway shall be 50 feet with a 60 feet radius at end of cul-de-sac with adjacent 12' utility easements provided along both side of Road ROW (grading of 12' utility easement to be a maximum of 8:1 slope). Landowner / Developer also responsible for dedication of a 15' x 15' triangular piece, or as required by design, as road ROW at both sides of the intersection of Van Giesen and cul-de-sac roadway. Dedication of ROW shall be within 60 days of the date on the notice of decision. 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.
  - b. Landowner/Developer responsible for dedicating a total of 50' from centerline on Van Giesen, with 12' utility easement adjacent to that. Dedication of ROW shall be within 60 days of the date on the notice of decision.
  - c. Developer is responsible for widening the west side of Van Giesen along the proposed frontage, constructing a 22' wide (total roadway 44') asphalt pavement roadway. Frontage requirements of curb, gutter, sidewalk, storm drainage and street lights per WSDOT standards, pending the frontage waiver to council.
  - d. Van Giesen is a limited access facility, and as such City Engineer shall approve any access to these streets. Per existing short plat, Short Plat 2880 dated July 2005, only one access is granted for the existing plat. Developer shall provide access off cul-de-sac for existing two lots along the north boundary. Existing access shall be removed and block wall constructed along existing access.
    - i. The developer shall provide the property owners of Short Plat 2880, lots 1 and 2 with ingress and egress from their property throughout the construction of the new access point.
  - e. To mitigate any real and/or perceived noise and visual impacts from the arterial roadways to the single family residential development, the developer/owner shall construct a 6-foot tall CMU block wall or approved equal (color and material to be

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- approved by the City Engineer) along Van Giesen plat frontage.
- i. The construction must be completed along its frontage, prior to the final plat approval.
  - ii. The top of the 6-foot tall CMU block wall shall be a minimum of 6-feet above the center line elevation of the abutting roadway.
  - iii. The terminus of the 6-foot tall CMU block wall shall extend perpendicularly away from the roadway frontage along the residential lot's boundary as directed by City Engineer.
  - iv. The block wall shall extend beyond the north boundary to block existing access to the lots along the north boundary once the local roadway is complete.
  - v. The 6-foot tall CMU block wall shall be located on the outside edge of the 12' utility easement and not at the right-of-way / property line.
  - vi. Developer shall be responsible for installing rock mulch landscaping between the CMU block wall and the edge of curb and gutter or roadway. No trees may be planted within the 12' utility easement (combination of rock, lawn and shrubs acceptable).
- f. The developer shall install street lights per City Standard Detail 6-2; Type II poles with 300' spacing for local streets and local intersections, or as determined by City Engineer. Poles along WSDOT frontage shall meeting WSDOT standard details.
- g. 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.
- h. All roadway construction plans to be designed by a Washington State licensed engineer and submitted to the City Engineer for approval
- i. Stormwater from the development shall be collected and treated on-site with a piped emergency overflow when required by City Engineer. Said system shall still be required to meet Department of Ecology's NPDES Phase II requirements and City of West Richland regulations and Design Guidelines.
- j. Factor of safety of 3 shall be used for design of all storm-water facilities
- k. Developer responsible to obtain WSDOT permits for the work in Van Giesen road right-of-way.

***The City Council has approved the requested frontage improvement waiver for improvements along W Van Giesen St. The specific requirements are as follows: roadway pavement widening; concrete curb and gutter, sidewalks, ADA sidewalk ramps; and storm drainage facilities.***

- 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.

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- a. There is currently a 21" sewer main running along Van Giesen on the eastern boundary of the plat. Developer shall install a saddle manhole and extend an 8" sewer main through development to provide sewer services to each lot. Developer is responsible for retaining and protecting existing service to the two lots on north boundary within an easement, or provide a new service.
  - b. Sewer main construction plans to be designed by a Washington State licensed engineer and submitted to the City Engineer for approval.
  - c. Provide dedicated 20' minimum sewer easement centered over sewer mains not located within road row.
  - d. The developer shall be responsible for payment of the developer's portion of the Sewer System Development Fee per City's Master Fee Schedule for the proposed development prior to the City's approval of the construction plans.
- 3) 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'.
- a. The City has an existing 12" water at the southeast corner of the intersection of SR-224 and Belmont Blvd. Developer responsible extending a minimum of 12" water main, installing a mainline pressure reducing vault, running the 12" water main along SR-224 (Van Giesen) outside of the roadway pavement within road right-of-way, across Van Giesen at the proposed cul-de-sac and providing a complete water main system serving each proposed lot with fire hydrants installed every 400 foot intervals. The City may share in the cost of these improvements to the extent of the difference in cost between the capacity needed to service the development and the capacity required to serve the vicinity. Fire hydrants servicing development to provide a minimum of 1,500 gpm fire flow. Landowner/developer responsible for the installation of a pressure reducing vault to reduce the water pressure to below 80psi (development located within water pressure zone #3, but served water from pressure zone #4).
  - b. 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).
  - c. City standards allow for maximum 400' cul-de-sac, but Developer can obtain special approval from fire marshal, which may require all lots further than 400' from intersecting roadway (Van Giesen) be sprinkled.
  - d. Fire hydrants shall be installed at every intersection and every 400' per City Standards, with 1,500psi in residential areas.
  - e. Water main construction plans to be designed by a Washington State licensed engineer and submitted to the City Engineer for approval.
  - f. The developer shall be responsible for payment of the developer's portion of the Water System Development Fee per City's Master Fee Schedule for the proposed development prior to the City's approval of the construction plans.

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- g. Provide dedicated 10' minimum water easement centered over water main, fire hydrants and water services not located within road row.
  - h. Developer responsible to obtain WSDOT permits for the work in Van Giesen road right-of-way.
- 4) 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, but shall be required to install a dry irrigation system and service to each lot meeting CID standards and City Engineer requirements. Construction plans to be designed by a Washington State licensed engineer and submitted to the City Engineer for approval.
  - 5) 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, Ordinance 24-21 and as amended by City Council).
  - 6) Park Impact Fee shall apply per West Richland Municipal Code Chapter 16.14 and the City's Master Fee Schedule.
  - 7) In order to provide connectivity from the Riesling Estates subdivision to the Heights at Red Mountain Ranch subdivision, the developer shall construct a 10' HMA pathway and landscaping within Tract A. Tract A and the pathway shall be owned and maintained by a homeowner's association.
  - 8) In order to provide connectivity from the Riesling Estates subdivision to the Heights at Red Mountain Ranch subdivision, the developer shall construct a 10' HMA pathway and landscaping within Tract A. Tract A and the pathway shall be owned and maintained by a homeowner's association.
  - 9) 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.
  - 10) 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.
  - 11) Developments shall have the option of providing a complete Ziplly communication system and/or complete Cascade Natural Gas natural gas system serving each lot. If the Development chooses to provide a complete Ziplly communication system, the design of the

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communication system shall require the approval of the City Engineer and comply with provisions of any applicable city and or Ziplly 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.

- 12) 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.
- 13) Plat Map information – all lines require bearings, curve require all pertinent information, tie survey into monumentation, basis of bearing and basis of elevation.
- 14) 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.
- 15) 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](http://www.westrichland.org).
- 16) No grading, excavating and or filling on the proposed subdivision property shall occur until the Developer has approved construction plans and or a grading permit issued by the city.
- 17) Developer responsible for purchasing and installing mailbox cluster units, or as amended by City Engineer. Developer to coordinate this work and the location of the mailbox cluster units with the US Postal Office. Contact West Richland Post Office. Mailbox cluster is not permitted within 50' of an intersection, or on Van Giesen. Developer shall include the two existing homes along the north boundary in the mailbox cluster due to being re-addressed for development.
- 18) 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.
- 19) 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.
- 20) 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



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treated with tackifier.

- 21) 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.
- 22) 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](http://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.
- 23) 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 the Applus Geotechnical Report dated October 21, 2021 unless amended by the City Engineer or City's Building Official.
- 24) 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).
- 25) 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.
- 26) 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 Riesling will not be permitted as the name Riesling is a duplicate.
- 27) Lots 1 and 2 of Short Plat 2880 shall be assigned new addresses off of 'Road A' when the new access has been completed.
- 28) 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.
- 29) Mitigation requirements under the revised SEPA MDNS decision issued August 15, 2022, shall apply as conditions to the plat.
- 30) The developer shall establish an HOA prior to final plat approval and must submit preliminary draft to Community Development for review and approval prior to recording CCRs
- 31) The final plat shall specify the ownership of dedicated tracts (i.e., the developer, the HOA, divided interest, etc.). The HOA shall be responsible for the maintenance of the pathway and associated landscaping.
- 32) Additional tracts and/or easements may be added for monument signage at the neighborhood entrance points. Any said tracts and/or easements must be dedicated to, and

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maintained by, the HOA.

- 33)** The final plat dedication shall state and information shall be provided:  
*The owners of all lots within this subdivision shall be members of the “\_\_\_\_\_” Homeowner’s Association, a homeowners association created by document recorded by the Secretary of State of the State of Washington under UBI Number “\_\_\_\_\_” and subject to the Articles of Incorporation and Bylaws thereof. Also, subject to the DECLARATION OF PROTECTIVE COVENANTS FOR “\_\_\_\_\_”HOMEOWNER’S ASSOCIATION as recorded under Auditor’s Document No. \_\_\_\_\_.*
- 34)** 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.
- 35)** The Department of Archaeology and Historic Preservation recommends a professional archaeological survey of the project area be conducted and a report be produced prior to ground disturbing activities. This report should meet DAHP’s [Standards for Cultural Resource Reporting](#). Due to the location of the project area within the traditional territory of the Yakama Nation the developer shall conduct professional archaeological survey of the project area and produce a report prior to ground disturbing activities. A copy of the report shall be provided to the Yakama Nation for review.
- 36)** 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.
- 37)** 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.
- 38)** 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.
- 39)** 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.
- 40)** In order to receive final plat approval, the total number of units per acre shall not exceed 9 units to the acre.

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***The applicant has requested a 10 percent deviation from this requirement per WRMC 17.54.100.C.***

- 41) A note shall be placed on the face of the plat that all lots with an area of less than 6,000 square feet shall be restricted to the construction of townhomes.
- 42) 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 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.***

***The applicant has requested a frontage improvement waiver for improvements along W Van Giesen St. The specific requirements are as follows: roadway pavement widening; concrete curb and gutter, sidewalks, ADA sidewalk ramps; and storm drainage facilities. Staff recommends approval of this request.***

**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.

**City Staff Contact Person:**  
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