

**CITY OF WEST RICHLAND  
RESOLUTION NO. 22-20**

**A RESOLUTION OF THE CITY OF WEST RICHLAND, WASHINGTON,  
AUTHORIZING THE MAYOR TO SIGN AND EXECUTE A TRANSPORTATION  
IMPACT FEE MITIGATION AGREEMENT**

**WHEREAS**, the City Council has adopted Ordinance No. 12-92 codified as West Richland Municipal Code Chapter 16.14 to insure that impacts on the City's transportation system will be mitigated as development occurs so that the citizens of the City, both those present and those moving into the City, will continue to enjoy the high quality of life and living environment which currently exists, and

**WHEREAS**, the expansion and improvement of the City's transportation system are necessary to meet demands prompted by development; and

**WHEREAS**, the City Council has adopted Ordinance 02-10, establishing and implementing requirements and formulas for use in mitigating development impacts on the City's transportation system; and

**WHEREAS**, Ordinance 02-10, section 7. Credits, establishes credits against the Developer's Transportation Impact Fee for the value of dedicated land and constructed roadway improvements that are included in the City's Six-Year Transportation Improvement Plan and or serve the goals and objectives of the Transportation Element of the Capital Improvement Plan; and

**NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF WEST RICHLAND, WASHINGTON,** does hereby resolve as follows:

**Section 1.** The City Council of West Richland, Washington authorizes the Mayor to sign and execute the Transportation Impact Fee Mitigation Agreement as shown in exhibit 'A'.

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately.

**PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON,** this 19th day of May, 2020.

  
\_\_\_\_\_  
Brent Gerry, Mayor

ATTEST:

  
\_\_\_\_\_  
Julie Richardson, City Clerk

APPROVED TO FORM:

  
\_\_\_\_\_  
WSBA# 33673  
Bronson Brown, City Attorney

**WHEN RECORDED RETURN TO:**  
**City of West Richland**  
**3100 Belmont Blvd., Suite 106**  
**West Richland, WA 99353**

**TRANSPORTATION IMPACT FEE  
MITIGATION AGREEMENT**

**The Heights at Red Mountain Ranch, Phases 1 - 5**

**Benton County Parcel Nos. 1-0297-100-0001-010**

THIS AGREEMENT is entered into this 19 day of May, 2020, by and between the **City of West Richland**, Hereinafter referred to as the "City", and Frank Tiegs LLC and Aho Construction I, Inc., collectively referred to as the "Developer".

This agreement covers a portion, phases 1 thru 5 (292 single family residential units), of the development known as "The Heights at Red Mountain Ranch" ("Plat") which was granted preliminary plat approval by the City on August 20, 2019, and comprises those lands currently identified by the Benton County Assessor as Parcel Nos. 1-0297-100-0001-009, 1-0297-100-0001-010, 1-0297-100-0001-013 and 1-0297-100-0001-014. Collectively these parcels comprise approximately 184 acres and will be developed in ten phases. At final build-out, the Plat is estimated to accommodate 2,249 residents (based on the construction and occupancy of 5 duplex lots, 558 single family residential units and 226 multi-family residential units) that would, absent any mitigation, directly and negatively impact the City's adopted level of service standards for the city's and WSDOT's transportation systems as a consequence of the proposed development.

It is not the intent of this agreement to assign credits/ debits to the Developer for the cost of road right-of-way dedication, grading, improvements, and so forth; additionally, this agreement does not address what transportation impact fees are normally charged in the city. Instead, this agreement outlines the requirements needed to mitigate for the impacts of a portion, phases 1 thru 5 (292 single family residential units), of the development known as "The Heights at Red Mountain Ranch", and address the needs of the community based on the established Levels of Service (LOS) standards.

This agreement addresses condition of approval #19 for phases 1 thru 5 of the Plat, as approved by the City on August 20, 2019, which states:

*"The developer shall be responsible for fully mitigating all impacts to the City's transportation system and / or WSDOT's transportation system identified with the Red Mountain Center Traffic Impact Analysis (scope outlined per PBS memo dated April 26, 2019). Phasing of any identified mitigation measures shall be determined by City Engineer, if not included in a Transportation Impacts Development Agreement and / or Transportation Impact Fee Mitigation Agreement."*

This agreement also addresses condition of approval #35 for phases 1 thru 5 of the Plat, as approved by the City on August 20, 2019, which states:

*“Mitigation requirements under the modified SEPA MDNS decision issued July 29, 2019, shall apply as conditions to the plat.”*

The purpose of the PBS Traffic Impact Analysis (TIA) dated January 21, 2020 was to determine the impacts of the traffic generated by the overall Red Mountain Center development on the City’s and WSDOT’s transportation systems specifically including the analysis of thirteen intersections. The Red Mountain Center development consists of 265 acres composed of several land use zones, medium density residential (RM-6), commercial general (CG), light industrial (LI), combined commercial / light industrial (CLI) and multifamily residential (MR). The TIA identified mitigation measures to meet the City’s and WSDOT’s adopted level of service standards for the City’s and WSDOT’s transportation systems impacted by the Red Mountain Center development.

The TIA was supplemented by a PBS memo dated March 27 and April 20, 2020 to identify phase 1 thru 5 (292 single family residential units) of the development known as “The Heights at Red Mountain Ranch” portion / fair share of the overall mitigation measures for the Red Mountain Center development. Section 5.3 of the TIA estimates each new weekday PM peak trip generated by the Red Mountain Center development results in the need for approximately \$1,642.25 in transportation mitigation measures. The 292 single family residential units in phase 1 thru 5 of the development known as “The Heights at Red Mountain Ranch” are estimated to generate 277 PM trips hence are responsible for \$454,900 (rounded to nearest \$100) in transportation mitigation measures.

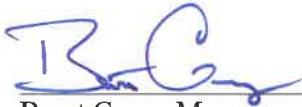
Therefore, under the terms of this agreement, the parties do hereby agree as follows:

- 1) The 292 single family residential units in phase 1 thru 5 of the development known as “The Heights at Red Mountain Ranch” is responsible for a portion of the traffic impact generated by the overall Red Mountain Center development and hence is responsible for \$454,900 in transportation mitigation measures.
- 2) Developer shall receive a \$142,400 credit against the aforementioned transportation mitigation measure balance for the following items;
  - (a) Prior to the final plat of each phase, Developer shall construct Keene Road along the frontage of each phase as a 46’ wide asphalt pavement roadway (3” HMA, 4” CSTC, 10” of CSBC with Mirafi HP370 geotextile or City Engineer approved equal) with separated 5’ concrete sidewalks on western side of Keene Road, 12’ wide asphalt pavement pathway (2” HMA & 4” CSTC) on eastern side of Keene Road, concrete curb and gutter, storm drainage, streetlights, etc. per City standards. Credit based only on difference between local roadway standard section and aforementioned Keene Road

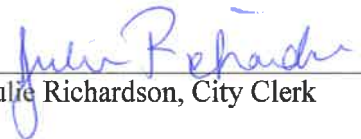
section. Credit also based on difference between 5' concrete sidewalk and 12' wide asphalt pathway.

- 3) The balance of the transportation mitigation measures for the 292 single family residential units for phases 1 -5, The Heights at Red Mountain Ranch, shall be \$312,500 or \$1,070 per single family residential unit payable as a Traffic Impact Fee with the issuance of each building permit.
- 4) Once the items listed in Section 2 and 3 have been completed by the Developer, the impacts to the City's and WSDOT's transportation systems for Phase 1 -5 of the Heights at Red Mountain Ranch shall be considered fully mitigated for the 292 single family residential units.

City of West Richland

  
Brent Gerry, Mayor

ATTEST:

  
Julie Richardson, City Clerk

APPROVE TO FORM:

  
WSBA# 33673  
Bronson Brown, City Attorney

Frank Tiegs, LLC

  
Frank Tiegs, President

Aho Construction I, Inc.

  
Melvin Aho, President

STATE OF WASHINGTON )

:ss

County of Franklin )

On this day personally appeared before me FRANK TIEGS, to me known to be the President of FRANK TIEGS, LLC, Washington State limited liability company that executed the foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument on behalf of said limited liability company.

GIVEN under my hand and official seal this 6<sup>th</sup> day of May, 2020



NOTARY PUBLIC in and for the State of Washington residing

at Richland

My Commission Expires: 4-29-22

*Teresa M. Fritz*

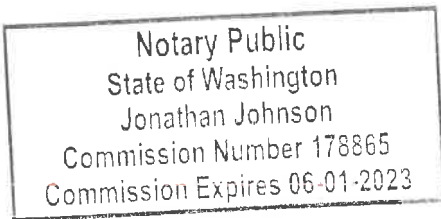
STATE OF WASHINGTON )

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County of Clark )

On this day personally appeared before me MELVIN AHO, to me known to be President of Aho Construction I, Inc, Washington State corporation that executed the foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument on behalf of said limited liability company.

GIVEN under my hand and official seal this 30<sup>th</sup> day of April, 2020



NOTARY PUBLIC in and for the State of Washington residing

at Vancouver

My Commission Expires: 6-01-2023

*Jonathan Johnson*