

## WEST RICHLAND AGENDA ACTION ITEMS

<i>AGENDA ITEM:</i>	7a & 7b	<i>TYPE OF ACTION NEEDED</i>			
<i>MEETING DATE:</i>	January 7, 2020	<i>Execute Contract</i>		<i>Consent Agenda</i>	
<i>SUBJECT:</i>	Public Hearing & RES ___-20 Granting a frontage improvement waiver – Hughes Short Plat 2019-06 Application – Van Giesen (SR 224).	<i>Pass Resolution</i>	X	<i>Public Hearing</i>	X
		<i>Pass Ordinance</i>		<i>1st Discussion</i>	
<i>Prepared by:</i>	Roscoe C. Slade III, PW Director <i>RS</i>	<i>Pass Motion</i>		<i>2nd Discussion</i>	
<i>Reviewed by:</i>	Brent Gerry, Mayor <i>BG</i>	<i>Other</i>		<i>Other</i>	

### ATTACHMENTS:

- Resolution 43-19 setting public hearing date
- Draft Resolution \_\_\_-20 granting frontage improvement waiver – Van Giesen
- Copy of Hughes’s frontage improvement waiver petition letter dated 10/31/19 (rec’d 11/15/19)
- Copy of Short Plat 2019-06 Map
- Copy of notice.

### BACKGROUND INFORMATION:

Ordinances 27-18 and 30-18 codified in Chapter 12.04 of the West Richland Municipal Code, Frontage Improvements Required, establishes the method for property owners / developers to petition City Council for a frontage improvement waiver.

The City Council is required to adopt a resolution fixing a time when the public hearing for the frontage improvement waiver petition will be heard and determined. Said time shall not be more than 90 days nor less than 21 days after the passage of the resolution. Attached Resolution 43-19 establishes Tuesday, January 7, 2020 City Council meeting as the time when the public hearing will occur on said petition. At the January 7, 2020 City Council meeting, Council will take public comment on the issue and then, determine if a frontage improvement waiver will or will not be granted. If the frontage improvement waiver is approved, Council may place conditions on the waiver. Per WRMC, notices were mailed to abutting property owners within 600 feet of the subject property, the subject property was posted, and notices were posted in several locations around the City as required. The City also notified WSDOT of the frontage waiver petition.

### SUMMARY:

Mr. D. Keith Hughes has petitioned the City Council for a frontage improvement waiver for specific improvements to Van Giesen (SR 224) associated with Short Plat Application 2019-06 and future building permit applications (have not been submitted). Please see Hughes’s frontage improvement waiver petition dated October 31, 2019.

Per WRMC section 12.04.060, a waiver from the application of any of the provisions of this chapter may be granted by the City Council by resolution with or without conditions upon the findings that a waiver from the terms or requirements of this chapter will in no way be detrimental to the best interests of the city, will not be contrary to its intent or to the public interest, safety, health and welfare and where due to special conditions or exceptional characteristics of the subject property, a literal enforcement of this chapter would result in practical difficulties or unnecessary hardships.

### RECOMMENDATION:

Staff recommends that City Council pass Resolution \_\_\_-20 granting Mr. Hughes a frontage improvement waiver for the following required frontage improvements to Van Giesen (SR 224) associated with Short Plat Application 2019-06 and associated future building permits as follows:

- 1) curb, gutters, ADA handicap ramps and sidewalks, 2) Storm drainage facilities including low impact development facilities and/or underground facilities, 3) widening the street from its preexisting edge to the new curb line 4) milling and asphalt pavement overlayment of the existing public street to its centerline, 5) LED street lights, 6) construction of new streets within dedicated

road right-of-way, 7) dedication of sufficient road right-of-way for the classification of the street abutting the property 8) roadway striping, and 9) signage.

Staff recommends the granting of the frontage improvement waiver be conditioned on the following:

- 1) Developer shall also dedicate to City 20' of road right of way (in addition to the existing 30' of road right of way for Van Giesen (SR 224) along the entire frontage of Short Plat Application 2019-06. **Condition previously met via AF#2012-039792 & AF#2014-000510.**
- 2) Developer shall dedicate to City a 12' utility easement abutting the Van Giesen (SR 224) and Paradise Way road right of way. Condition previously partially met with a 10' utility easement AF#2012-039792 & AF#2014-000510 (developer to dedicate an additional 2' of utility easement with short plat).
- 3) State Route 224 (commonly known as Van Giesen) is a Class 3 managed access facility and as such no direct access to Van Giesen will be allowed for the proposed lots of short plat application 2019-06 without prior City Engineer approval. Requests for access to Van Giesen and Belmont for these lots shall be development/ site plan specific and will require an engineering analysis that is signed and sealed by a qualified registered professional engineer. The City and WSDOT encourage internal road/street networks and joint access connection and as such, 1) no more than one access connection may be provided to an individual parcel or to contiguous parcels under the same ownership, unless it can be shown via an engineering analysis that additional access connections will not adversely affect the safety or operation of Van Giesen and or Belmont Blvd (with or without mitigation), 2) the minimum distance to another public or private access point is 330 feet on the same side of the roadway (Belmont Blvd is 200 feet), and 3) joint access points shall be utilized. The City Engineer may require additional mitigation measures to ensure the access will not adversely affect the safety or operation of Van Giesen or Belmont Blvd.

**ALTERNATIVES:**

As amend by Council. Council may elect to amend frontage improvement waiver conditions listed above. Council may also elect to approve a front improvement waiver for the short plat application and deny the frontage improvement waiver for future building permits (require property owner to reapply waiver with building permit application).

**FISCAL IMPACT (Indicate amount, fund and impact on budget):**

Mr. Hughes is responsible for payment of frontage improvement waiver fee and associated postage per the City's Master Fee Schedule to cover City's estimated administrative costs of processing said petition.

**MOTION:**

**I move to pass RES \_\_\_-20 Granting a frontage improvement waiver for frontage improvements to Van Giesen (SR 224) per WRMC 12.04.060 for Short Plat Application 2019-06 and associated future building permits.**

**CITY OF WEST RICHLAND  
RESOLUTION NO. \_\_\_- 20**

**A RESOLUTION OF THE CITY OF WEST RICHLAND, WASHINGTON,  
GRANTING A FRONTAGE IMPROVEMENT WAIVER FOR FRONTAGE  
IMPROVEMENTS TO VAN GIESEN (SR 224) PER WRMC 12.04.060  
FOR SHORT PLAT APPLICATION 2019-06 AND ASSOCIATED FUTURE  
BUILDING PERMITS.**

**(Benton County parcel #1-0197-202-0000-003)**

**WHEREAS**, pursuant to Resolution No. 43-19 passed by the City Council on December 3, 2019, setting forth the City's intention to consider granting a frontage improvement waiver for specific frontage improvements to Van Giesen (SR 224) associated with Short Plat Application 2019-06 and associated future building permits, a public hearing was held before the City Council of the City of West Richland on January 7, 2020; and

**WHEREAS**, written notice of the City's intention to consider granting a frontage improvement waiver for specific frontage improvements to Van Giesen (SR 224) associated with Short Plat Application 2019-06 and associated future building permits together with a statement of the time and place affixed for a hearing before the West Richland City Council to determine whether said frontage improvement waiver shall be granted has been posted in three public places in the City, posted on the proposed property the frontage improvement waiver is sought for, WSDOT notified and the owners of the property with 600 feet of said property were notified according to law; and

**WHEREAS**, all other steps and proceedings required by law to grant a frontage improvement waiver have been duly taken and performed;

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF WEST RICHLAND,  
WASHINGTON**, does ordain as follows:

**Section 1.** Mr. D. Keith Hughes is hereby granted a frontage improvement waiver for the following required frontage improvements to Van Giesen (SR 224) associated

with Short Plat Application 2019-06 and future building permits as follows:

- 1) Curb, gutters, ADA handicap ramps and sidewalks along Van Giesen (SR 224) frontage of Short Plat Application 2019-06 shall not be required with Short Plat Application 2019-06 or associated future building permits.
- 2) Storm drainage facilities including low impact development facilities and/or underground facilities for Van Giesen (SR 224) shall not be required with Short Plat Application 2019-06 or associated future building permits.
- 3) Widening of Van Giesen (SR 224) from its preexisting edge to the new curb line shall not be required with Short Plat Application 2019-06 or associated future building permits.
- 4) Installation of additional LED Street Lights on Van Giesen (SR 224) shall not be required with Short Plat Application 2019-06 or associated future building permits.
- 5) Milling and asphalt pavement overlayment of Van Giesen (SR 224) to the centerline shall not be required with Short Plat Application 2019-06 or associated future building permits.
- 6) Additional road row dedication for Van Giesen (SR 224) shall not be required with Short Plat Application 2019-06 or associated future building permits.
- 7) Additional roadway striping and or signage for Van Giesen (SR 224) shall not be required with Short Plat Application 2019-06.

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**Section 2.** The City Council hereby conditions the granting of said frontage improvement waiver for frontage improvements to Van Giesen (SR 224) for Short Plat Application 2019-06 and associated future building permits on the following:

- 1) Developer shall dedicate to City a 12' utility easement abutting the Van Giesen (SR 224) and Paradise Way road right of way. Condition previously partially met with a 10' utility easement AF#2012-039792 & AF#2014-000510 (developer to dedicate an additional 2' of utility easement with short plat.
- 2) State Route 224 (commonly known as Van Giesen) is a Class 3 managed access facility and as such no direct access to Van Giesen will be allowed for the proposed lots of short plat application 2019-06 without prior City Engineer approval. Requests for access to Van Giesen and Belmont for these lots shall be development/ site plan specific and will require an engineering analysis that is signed and sealed by a qualified registered professional engineer. The City and WSDOT encourage internal road/street networks and joint access connection and as such, 1) no more than one access connection may be provided to an individual parcel or to contiguous parcels under the same ownership, unless it can be shown via an engineering analysis that additional access connections will not adversely affect the safety or operation of Van Giesen and or Belmont Blvd (with or without mitigation), 2) the minimum distance to another public or private access point is 330 feet on the same side of the roadway (Belmont Blvd is 200 feet), and 3) joint access points shall be utilized. The City Engineer may require additional mitigation measures to ensure the access will not adversely affect the safety or operation of Van Giesen or Belmont Blvd.

**Section 3.** City Council hereby finds that granting a frontage improvement waiver from the requirements of West Richland Municipal Code Chapter 12.04 with the conditions in Section 2 will in no way be detrimental to the best interests of the city, will not be contrary to its intent or to the public interest, safety, health and

welfare and where due to special conditions or exceptional characteristics of the subject property, a literal enforcement of this chapter would result in practical difficulties or unnecessary hardships for Mr. D. Keith Hughes.

**Section 4.** This resolution shall be in effect immediately upon approval.

**PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND,  
WASHINGTON,** this 7th day of January, 2020.

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Brent Gerry, Mayor

ATTEST:

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Julie Richardson, City Clerk

APPROVED AS TO CONTENT AND FORM:

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Bronson Brown, City Attorney



CITY OF WEST RICHLAND  
PUBLIC WORKS DEPARTMENT  
3100 BELMONT BLVD., SUITE 102  
WEST RICHLAND, WA 99353  
(509) 967-5434 FAX: (509) 967-2419

## **NOTICE OF PUBLIC HEARING BEFORE THE WEST RICHLAND CITY COUNCIL**

**Notice is hereby given that Resolution 43-19 was passed by the City of West Richland's City Council on December 3, 2019 setting the date for a Public Hearing to consider a petition from Mr. D. Keith Hughes for a frontage improvement waiver for specific frontage improvements to Van Giesen (SR 224) associated with their proposed short plat application and future commercial building permit application.**

**Per Resolution 43-19, an open Public Hearing will be held at the West Richland City Council Chambers located at 3100 Belmont Blvd, West Richland, on January 7, 2020, at 6:00pm to consider Mr. D Keith Hughes' petition for a frontage improvement waiver per West Richland Municipal Code Chapter 12.04. Please see attached petition letter, vicinity map and copy of Resolution 43-19.**

**The petition requests a waiver for the following frontage improvements to Van Giesen (SR 224): 1) curb, gutters, ADA handicap ramps and sidewalks, 2) Storm drainage facilities including low impact development facilities and/or underground facilities, 3) widening the street from its preexisting edge to the new curb line 4) milling and asphalt pavement overlayment of the existing public street to its centerline, 5) LED street lights, 6) construction of new streets within dedicated road right-of-way, 7) dedication of sufficient road right-of-way for the classification of the street abutting the property 8) roadway striping, and 9) signage. Anyone for or objecting to the proposed frontage improvement waiver should attend the public hearing or send a letter to the City Clerk, Julie Richardson, indicating his or her opinion prior to the public hearing date. Written comments must be received by the City Clerk no later than 3:00pm, January 7, 2020. Letters should be addressed to the City Clerk at the following address: 3100 Belmont Blvd Suite 106, West Richland, Washington 99353 or via email to [julie@westrichland.org](mailto:julie@westrichland.org).**

**Please contact the West Richland Public Works Department at 967-5434 with any questions regarding the proposed frontage improvement waiver.**

**Roscoe C. Slade III, P.E.  
City of West Richland  
Director of Public Works**

**CITY OF WEST RICHLAND  
RESOLUTION NO. 43-19**

**A RESOLUTION OF THE CITY OF WEST RICHLAND, WASHINGTON,  
SETTING THE PUBLIC HEARING DATE TO CONSIDER A PETITION FOR A  
FRONTAGE IMPROVEMENT WAIVER PER WRMC 12.04.060**

**WHEREAS**, West Richland Municipal Code 12.04, Frontage Improvements Required, requires property owners/developers to construct frontage improvements, as defined by WRMC section 12.04.030(a), along the full abutting street frontage of property when developed; and

**WHEREAS**, Mr. D. Keith Hughes has submitted a petition for a frontage improvement waiver dated October 31, 2019 requesting a waiver for specific frontage improvements to Van Giesen (SR 224) associated with their proposed short plat application and future commercial building permit application; and

**WHEREAS**, the City Council is required to adopt a resolution fixing a time when the petition will be heard and determined; and

**WHEREAS**, said time shall not be more than 90 days nor less than 21 days after the passage of the resolution;

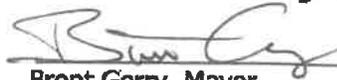
**NOW, THEREFORE**, the City Council of the City of West Richland, Washington does hereby resolve as follows:

**Section 1.** There shall be a public hearing to consider the petition for a frontage improvement waiver before the City Council of the City of West Richland, Washington, at its regularly scheduled meeting to be held on the 7th day of January, 2020 at 6:00pm.

**Section 2.** The proposed frontage improvements to Van Giesen (SR 224) petitioned to be waived include all frontage improvements described in section A of WRMC 12.04.060 as follows: 1) curb, gutters, ADA handicap ramps and sidewalks, 2) Storm drainage facilities including low impact development facilities and/or underground facilities, 3) widening the street from its preexisting edge to the new curb line 4) milling and asphalt pavement overlayment of the existing public street to its centerline, 5) LED street lights, 6) construction of new streets within dedicated road right-of-way, 7) dedication of sufficient road right-of-way for the classification of the street abutting the property 8) roadway striping, and 9) signage.

**Section 3.** This resolution shall be in effect immediately upon approval.

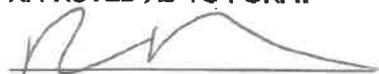
**PASSED** by the City Council of the City of West Richland, Washington, this 3rd day of December, 2019.

  
Brent Gerry, Mayor

ATTEST:

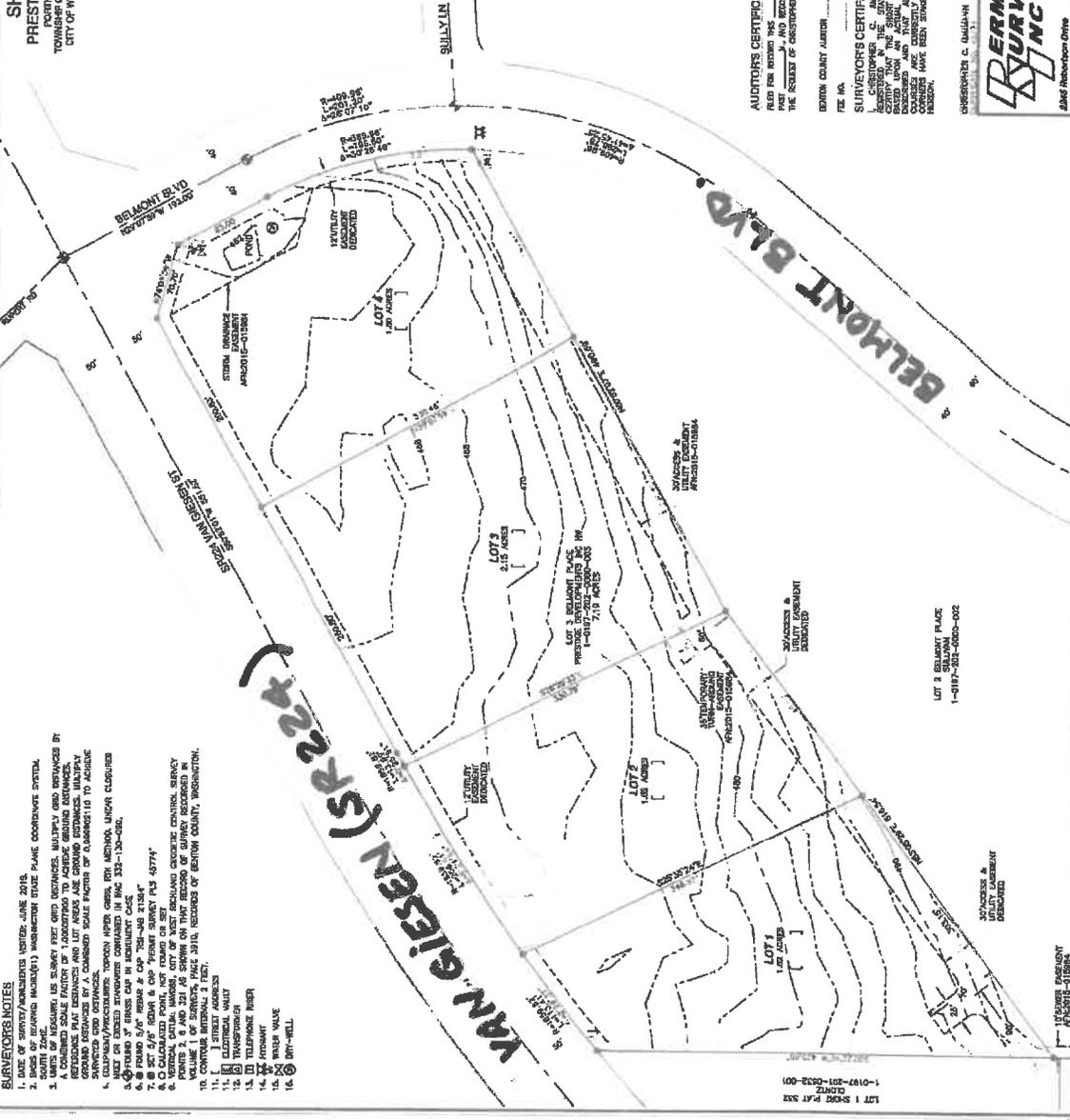
  
Julie Richardson, City Clerk

APPROVED AS TO FORM:

  
Bronson Brown, City Attorney

**RUPPERT RD.**

**SHORT PLAT NO.**  
**PRESTIGE DEVELOPMENTS, INC. NW**  
 PORTION OF THE NE 1/4 OF THE NW 1/4 SECTION 1,  
 TOWNSHIP 6 NORTH, RANGE 27 EAST, WILLAMETTE MERIDIAN,  
 CITY OF WEST HOLLAND, BENTON COUNTY, WASHINGTON



- SURVEYOR'S NOTES**
1. DATE OF RECORDING INSTRUMENT: JUNE 2018
  2. DATE OF RECORDING INSTRUMENT: WASHINGTON STATE PLATE COORDINATE SYSTEM
  3. SOUTH ZONE
  4. CURVED BOUNDARIES: THE SURVEY WAS CONDUCTED USING A TOTAL STATION WITH A COMBINED SCALE FACTOR OF 1.000000 TO 1.000000. ALL DISTANCES WERE MEASURED IN METERS AND CONVERSION TO FEET WAS MADE USING THE FACTOR 1.093613. ALL DISTANCES WERE MEASURED TO THE CENTER OF THE INSTRUMENT.
  5. CURVED BOUNDARIES: THE SURVEY WAS CONDUCTED USING A TOTAL STATION WITH A COMBINED SCALE FACTOR OF 1.000000 TO 1.000000. ALL DISTANCES WERE MEASURED IN METERS AND CONVERSION TO FEET WAS MADE USING THE FACTOR 1.093613. ALL DISTANCES WERE MEASURED TO THE CENTER OF THE INSTRUMENT.
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  16. CURVED BOUNDARIES: THE SURVEY WAS CONDUCTED USING A TOTAL STATION WITH A COMBINED SCALE FACTOR OF 1.000000 TO 1.000000. ALL DISTANCES WERE MEASURED IN METERS AND CONVERSION TO FEET WAS MADE USING THE FACTOR 1.093613. ALL DISTANCES WERE MEASURED TO THE CENTER OF THE INSTRUMENT.

**AUDITOR'S CERTIFICATE**  
 I HEREBY CERTIFY THAT THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE WASHINGTON SURVEYING ACT AND THE RULES OF THE BOARD OF SURVEYING AND MAPPING. THE SURVEY WAS CONDUCTED ON THE DATE OF 11/15/19 AT THE LOCATION OF THE SHORT PLAT, PAGE \_\_\_\_\_ OF VOLUME \_\_\_\_\_ OF THE RECORDS OF BENTON COUNTY, WASHINGTON.



**SURVEYOR'S CERTIFICATE**  
 I, \_\_\_\_\_, SURVEYOR, DO HEREBY CERTIFY THAT THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE WASHINGTON SURVEYING ACT AND THE RULES OF THE BOARD OF SURVEYING AND MAPPING. THE SURVEY WAS CONDUCTED ON THE DATE OF 11/15/19 AT THE LOCATION OF THE SHORT PLAT, PAGE \_\_\_\_\_ OF VOLUME \_\_\_\_\_ OF THE RECORDS OF BENTON COUNTY, WASHINGTON.

DATE: 11/15/19  
 SCALE: 1"=60'  
 DRAWN BY: CCA  
 APPROVED BY: CCA  
 PROJECT: 19005  
 SHEET 1 OF 2

**HERMIT SURVEYING INC.**  
 2140 Robinson Drive  
 Richland, Washington 99354  
 Phone: 509-874-4183  
 Fax: 509-874-0939



October 31, 2019

Drew Woodruff  
City Engineer  
City of West Richland

**WAIVER PETITION for Frontage Improvements for Tax Parcel #1-0197-202-0000-003 (145 Belmont Blvd., West Richland, WA)**

The D. Keith & Betty Jo Hughes Family Trust formally request the waiving of all frontage improvements described in Section A of WRMC 12.04.060 for the Western boundary of Tax Parcel #1-0197-202-0000-003 along State Route 224. This waiver should include both short plat development and future building permits.

This waiver is being requested for the specific reason of; the State D.O.T. does not plan to widen Hwy 224 in the time frame of the planned development of said parcel, this would then have road improvements that will end up being removed upon the State D.O.T. right of ways when the state does the future improvements. This would basically be a situation of throw away improvements, simply for compliance with the referenced code.

Sincerely,



D. Keith Hughes  
Trustee For  
D. Keith & Betty Jo Hughes Family Trust



NOV 15 2019

RECEIVED