



Agenda
REGULAR CITY COUNCIL MEETING
Richland City Hall ~ 505 Swift Boulevard
Tuesday, September 04, 2012

City Council Pre-Meeting, 7:00 p.m.

(Discussion Only - Annex Building)

City Council Meeting, 7:30 p.m.

(City Hall Council Chamber)

Welcome and Roll Call:

Pledge of Allegiance:

Approval of Agenda:

(Approved by Motion)

Presentations:

1. Hanford Reach Interpretive Center Update (15 minutes)
- Bill King, Deputy City Manager

Richland Report:

(Mayor and Council Members)

Comments:

(Please Limit Public Comments to 2 Minutes)

1. Public Comments
2. Reports of Board, Commission, and Committees
3. Report of Visiting Officials

Consent Calendar:

(Approved in its entirety by single vote or Council may pull Consent items and transfer to Items of Business)

Minutes - Approval:

1. Council Meeting Held August 21, 2012
- Jon Amundson, Assistant City Manager

Ordinances - First Reading:

2. Ordinance No. 26-12, Amending RMC Title 18: Water, Implementing Rate Increases
- Pete Rogalsky, Public Works Director

Ordinances - Passage:

3. Ordinance No. 27-12, Amending RMC Title 12: Streets and Sidewalks
- Pete Rogalsky, Public Works Director
4. Ordinance No. 28-12, Amending RMC Title 24: Plats and Subdivisions
- Pete Rogalsky, Public Works Director
5. Ordinance No. 29-12, Revisions to RMC Title 19, Development Regulation Administration
- Bill King, Community and Development Services Director

Resolutions - Adoption:

6. Resolution No. 72-12, Reappointments to the Utility Advisory Committee: Roy Keck and Hank Kosmata
- Jon Amundson, Assistant City Manager
7. Resolution No. 73-12, Reappointments to the Parks and Recreation Commission: Maria Gutierrez, Nancy Doran and Jakcie Valentino
- Jon Amundson, Assistant City Manager
8. Resolution No. 74-12, Appointments to the Arts Commission: Dori Luzzo-Gilmour, Andrea Prignano, Anneke Rachinski and Albert Chang
- Jon Amundson, Assistant City Manager

Items for Approval:

9. Approval of Agreement with Washington State Department of Transportation for Stevens/Duportail Extension
- Pete Rogalsky, Public Works Director
10. Approval of Consultant Agreement with IRZ Consulting, LLC for Horn Rapids Irrigation Pump Station
- Pete Rogalsky, Public Works Director

Expenditures - Approval:

11. August 13, 2012 - August 24, 2012, for \$5,271,837.88, including Check Nos. 193572-194001, Wire Nos. 5111-5119, Payroll Check Nos. 98555-98570, and Payroll Wire Nos. 7714-7725
- Dan Underwood, Finance Manager

Items of Business:

1. Ordinance No. 30-12, Rezoning 10.24 Acres from R1-12 and R1-10 to Planned Unit Development (Closed Record) (First Reading)
- Bill King, Community and Development Services Director
2. Resolution No. 76-12, Trailhead Park Property Exchange
- Phil Pinard, Interim Parks and Recreation Director
3. Ordinance No. 23-12, Establishing the Preliminary Assessment Roll for Delaware Avenue LID No. 195 (second reading and passage)
- Pete Rogalsky, Public Works Director

Reports and Comments:

1. City Manager
2. City Attorney
3. Council Members
4. Mayor

Adjournment

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Council Agenda Coversheet

Council Date: 09/04/2012

Category: Consent Calendar

Agenda Item: C1

Key Element: Key 1 - Financial Stability and Operational Effectiveness

Subject: COUNCIL MEETING MINUTES

Department: Assistant City Manager

Ordinance/Resolution:

Reference: 08/21/12

Document Type: General Business Item

Recommended Motion:

Approve the minutes of the Council Workshop held on August 21, 2012

Summary:

None.

Fiscal Impact?

☐ Yes ☒ No

Attachments:

1) Draft August 21, 2012 Council Minutes

City Manager Approved:

Amundson, Jon
Aug 31, 10:16:08 GMT-0700 2012



MINUTES
RICHLAND CITY COUNCIL REGULAR MEETING
Richland City Hall ~ 505 Swift Boulevard
Tuesday, August 21, 2012

Pre-Meeting Workshop:

Mayor Fox called the pre-meeting workshop to order at 6:45 p.m. in the City Manager's Conference Room in the Annex building.

Attendance:

Mayor Fox, Mayor Pro Tem Rose, Council Members Anderson, Christensen, Kent, Lemley and Thompson were present.

Also present were City Manager Johnson, Deputy City Manager King, Public Works Director Rogalsky, Richland Public Facility District Executive Director Toomey and City Clerk Hopkins.

1. Renegotiation of the Richland Public Facility District Sublease (20 minutes)
 - Bill King, Deputy City Manager

Mr. King reviewed the Hanford Reach Interpretive Center's reduced scope of project, the operating budget, the Federal grant status, the re-bid on Phase One and the current sublease default dates. He suggested that Council consider a renegotiation of the sublease in light of the significant changes that have occurred in the management, as well as the scope of the project.

Pre-Meeting:

Mayor Fox called the pre-meeting to order at 7:05 p.m. in the City Manager's Conference Room in the Annex Building.

Attendance:

Mayor Fox, Mayor Pro Tem Rose, Council Members Anderson, Christensen, Kent, Lemley and Thompson were present.

Also present were City Manager Johnson, Deputy City Manager King, Acting City Attorney Brown, Public Works Director Rogalsky and City Clerk Hopkins.

Council and staff briefly reviewed the proposed agenda scheduled for the regular meeting.

Regular Meeting:

Mayor Fox called the City Council meeting to order at 7:30 p.m. in the Council Chamber at City Hall.

Welcome to Those in Attendance:

Mayor Fox welcomed those in the audience and expressed appreciation for their attendance.

Roll Call:

Mayor Fox, Mayor Pro Tem Rose, Council Members Anderson, Christensen, Kent, Lemley and Thompson were present.

Also present were City Manager Johnson, Deputy City Manager King, Acting City Attorney Brown, Human Resources Director Beecher, Public Works Director Rogalsky, Fire Services Director Baynes, Police Services Director Skinner, Energy Services Director Hammond, Interim Parks and Recreation Director Pinard and City Clerk Hopkins.

Pledge of Allegiance:

Mayor Fox led the Council and audience in the recitation of the Pledge of Allegiance.

Approval of Agenda:

MAYOR PRO TEM ROSE MOVED AND COUNCIL MEMBER THOMPSON SECONDED THE MOTION TO APPROVE THE AGENDA AS PUBLISHED. THE MOTION CARRIED 7-0.

Presentations:

1. Mid-Year Financial Review (20 minutes)
 - Dan Underwood, Finance Manager

Mr. Underwood noted the mid-year review is through July 31, 2012, and then gave a detailed review of the City's taxes, revenues and expenditures. He concluded with a four-year financial projection and the ongoing revenue and expenditure comparison.

2. Presentation of Letter and Plaque to Retiring Finance Manager Dan Underwood
 - Mayor Fox

Mayor Fox read a letter and presented a plaque of appreciation to retiring Finance Manager Underwood.

Finance Manager Underwood expressed his gratitude to his staff and said he enjoyed his tenure with the City.

3. City View Video: Richland Shield
 - Chris Skinner, Police Services Director

Chief Skinner introduced the Richland Shield video.

Richland Report: (Mayor and Council Members Report)

Council Member Lemley attended a ribbon-cutting ceremony for the new K and S Boutique on Gage Boulevard and he served as the official starter for the Richland Parks and Recreation Soap Box Derby, which had 40 youth in attendance.

Public Hearing:

City Clerk Hopkins read the public hearing and public comments procedures.

1. Amending the 2012-2017 Transportation Improvement Program, Obligating Surface Transportation Program Funds for Center Parkway Project - Resolution No. 70-12
- Pete Rogalsky, Public Works Director

Public Works Director Rogalsky gave the details of adding secured Federal Surface Transportation Program funds to the Center Parkway Extension project that will enable those funds to be spent in 2012 to complete the Stevens Drive Extension project.

Mayor Fox opened the public hearing at 8:02 p.m. and closed it at 8:02:15 p.m. as no public comments were made.

Comments:

Mayor Fox reminded citizens that the Meadow Hills Condominium project is a closed record and no additional public input can be heard. That issue will be on the September 4 Council meeting agenda.

Mayor Fox asked that due to the number of citizens wishing to speak about the Richland Community Center, to please decide on a spokesperson for the group.

1. Public Comments:

Joe Divens, 708 Coast Street, Richland, WA, vice-president of the American Contract Bridge League, said that four groups play bridge at the Richland Community Center and one group has left to play elsewhere. The members are requesting a workshop with Council to discuss their concerns with the management and operation of the Community Center. He said Interim Parks and Recreation Director Pinard has met with Mr. Seaver regarding these concerns, but they would like to have a workshop as well.

City Manager Johnson said she has received communication from Mr. Seaver and Mr. Lang and has forward the information to Council. She said she has a meeting scheduled with them to go over their concerns.

Mayor Fox noted there seemed to be a great deal of miscommunication surrounding the Community Center and the City will get the correct information out to the public. He is confident that the issue will be resolved favorably.

2. Reports of Board and Commission Representatives:

No reports.

3. Reports of Visiting Officials:
No reports.

Consent Calendar:

City Clerk Hopkins read the Consent items.

Minutes - Approval:

1. Council Meeting Held August 7, 2012
- Jon Amundson, Assistant City Manager

Ordinances - First Reading:

2. Ordinance No. 27-12, Amending RMC Title 12: Streets and Sidewalks
- Pete Rogalsky, Public Works Director
3. Ordinance No. 28-12, Amending RMC Title 24: Plats and Subdivisions
- Pete Rogalsky, Public Works Director
4. Ordinance No. 29-12, Amending RMC Title 19: Development Administration Regulations
- Bill King, Community and Development Services Director

Ordinances - Passage:

5. Ordinance No. 24-12, Annexing 51 Acres Known as the "Queensgate Annexation"
- Rick Simon, Development Services Manager

Resolutions - Adoption:

6. Resolution No. 68-12, Endorsing the Tri-City Regional Chamber of Commerce Effort to Amend Washington's Energy Independence Act
- Bob Hammond, Energy Services Director
7. Resolution No. 70-12, Amending the 2012-2017 Transportation Improvement Program, Obligating Surface Transportation Program Funds for Center Parkway Project
- Pete Rogalsky, Public Works Director
8. Resolution No. 71-12, Approval of the Tri-Cities Rivershore Master Plan
- Bill King, Deputy City Manager

Items for Approval:

9. Approval of Coordinated Prevention Grant Agreement with Washington State Department of Ecology for Expansion of the Horn Rapids Landfill Compost Facility and Purchase of Portable Trommel Screen
- Pete Rogalsky, Public Works Director
10. Grant Application to Washington State Parks and Recreation Commission
- Phil Pinard, Interim Parks and Recreation Director
11. Approval of the Final Subdivision Plat of Lexington Heights, Phase 4
- Rick Simon, Development Services Manager

Expenditures - Approval:

12. July 30, 2012 - August 10, 2012, for \$3,520,279.92, including Check Nos. 193080-193571, Wire Nos. 5097-5110, Payroll Check Nos. 98539-98554, and Payroll Wire Nos. 7694-7713
- Dan Underwood, Finance Manager

COUNCIL MEMBER KENT MOVED AND MAYOR PRO TEM ROSE SECONDED THE MOTION TO APPROVE THE CONSENT CALENDAR AS PUBLISHED. THE MOTION CARRIED 7-0.

Items of Business:

1. TABLED AT AUGUST 7, 2012, COUNCIL MEETING: Resolution No. 64-12, WA State Department of Enterprise Services' Agreement for Investment Grade Audit with Apollo Solutions Group
- Bob Hammond, Energy Services Director

COUNCIL MEMBER THOMPSON MOVED AND COUNCIL MEMBER KENT SECONDED THE MOTION TO TAKE RESOLUTION NO. 64-12 FROM THE TABLE. THE MOTION CARRIED 7-0.

Mr. Hammond said following the discussion with City Council on August 7, 2012, whereupon this item was tabled, staff contacted the Department of Enterprise Service (DES) regarding the termination fee in the existing Inter-agency Agreement and asked to negotiate that to a lower value. DES staff responded that the fee covers anticipated costs during the IGA phase and is non-negotiable. With that clarification and recognizing that there are other options the City can consider for accomplishing these facility improvements, it is the staff's recommendation that Council not approve moving forward with this project.

COUNCIL MEMBER THOMPSON MOVED AND MAYOR PRO TEM ROSE SECONDED TO REJECT RESOLUTION NO. 64-12. THE MOTION CARRIED 7-0.

Reports and Comments:

1. City Manager Johnson reminded Council of the workshop on August 21 and read the workshop's agenda.

Public Works Director Rogalsky said the George Washington Way street project is on time and within budget. He discussed the upcoming phases of the project.

2. Acting City Attorney Brown no comments.

3. Council Member Kent noted the Benton Franklin Fair was opening August 22 and thanked City staff for being fiscally responsible.

Council Members congratulated Mr. Schiessl on being selected for the Parks and Recreation Director position and thanked Mr. Pinard for his excellent work as Interim Parks and Recreation Director.

Council Member Lemley said the Richland Rotary Club will be selling duck race tickets and elephant ears at the fair this year. He said he attended a Tri-Cities Visitor and Convention Bureau's press conference where the "Taste and Tote" promotion was unveiled. The promotion enables a person who buys a case of wine, to ship it free on Alaska Airlines out of Yakima, Richland or Walla Walla. Enterprise Rental Car is offering a rental car from Richland to Yakima with no drop-off fee as part of this promotion as well.

Council Member Christensen said he attended the Energy Communities Alliance meeting in Los Alamos, New Mexico and gave details of the meeting discussion including the subject of not having a high level repository, the current administration's delay on developing Yucca Mountain as a repository and looking at alternative sites. He said committee work is being done on getting position papers in place on how to approach the administration after the election regarding the Yucca Mountain repository.

Mayor Pro Tem Rose reminded citizens that school will start August 28 and to be aware of driving in school and pedestrian zones. He also noted the City offices will be closed September 3 to observe the Labor Day holiday.

City Manager Johnson said Mr. Schiessl will begin as Parks and Recreation Director effective September 1. She thanked Mr. Pinard for his excellent service as interim Parks and Recreation Director. She also spoke about the Richland Community Center issue and detailed the efforts she has taken to address the issue.

4. Mayor Fox said he would like to make the dissolution of the Richland Housing Authority a priority issue.

ADJOURNMENT:

Mayor Fox adjourned the meeting at 8:40 p.m.

Respectfully Submitted,

Marcia Hopkins
City Clerk

FORM APPROVED:

John Fox
Mayor

DATE APPROVED:



Council Agenda Coversheet

Council Date: 09/04/2012

Category: Consent Calendar

Agenda Item: C2

Key Element: Key 1 - Financial Stability and Operational Effectiveness

Subject: ORDINANCE AMENDING RMC TITLE 18: WATER, IMPLEMENTING IRRIGATION RATE INCREASE

Department: Public Works

Ordinance/Resolution: 26-12

Reference:

Document Type: Ordinance

Recommended Motion:

Give first reading by title only to Ordinance No. 26-12, amending RMC Title 18: Water, implementing an irrigation service rate increase effective January 2013 and clarifying application of potable water rates.

Summary:

In early 2012, HDR Engineering, Inc. conducted a review of the Water Utility's irrigation service finances. The review considered an irrigation system plan prepared by IRZ Consulting, LLC, which identified a capital improvement program for the upcoming five-year period. The review also considered the City's operating cost history for several of its irrigation systems and estimates of operating costs for the Horn Rapids system. The Horn Rapids system is currently operated by a lease operator as part of an agriculture lease. HDR's review compiled the described inputs to prepare a proposed uniform rate schedule for irrigation service across the City.

The Horn Rapids system will be undergoing significant changes prior to the 2013 season. City staff is proposing to assume full operational control and responsibility for the system, with customers ranging from leased farm circles, City parks and landfill, the Horn Rapids golf course, various commercial and industrial properties, and residential properties in the Horn Rapids development. In order to prepare for the 2013 season staff is implementing capital improvements intended to improve the system's reliability. A separate item on tonight's agenda proposes an engineering contract to support the capital improvement project.

The HDR Engineering, Inc. rate study considered irrigation system expenses through 2016. The proposed rate structure is anticipated to provide adequate revenues through that planning period. The proposed rate structure represents a 41% increase to the typical residential customer. The attached chart shows that with the proposed increase Richland's rates for pressurized service are relatively low in comparison with nearby service providers. Current customers in Horn Rapids and Meadow Springs will experience the 41% increase. Customers in Columbia Point will experience varying increases because the current rate structure for Columbia Point is an assessment based on total parcel size and does not reflect the rate design recommended in the HDR study. Larger parcels in Columbia Point will experience reduced rates while some smaller parcels will experience large increases. The smaller parcels in Columbia Point will be charged the base rate of \$280 per year.

The Utility Advisory Committee reviewed the proposed rates at its May 8, 2012 meeting and recommended adoption by the City Council.

Fiscal Impact?

☒ Yes ☐ No

The proposed 2013 rate increase is estimated to generate approximately \$231,000 in additional revenue to the Water Utility.

Attachments:

- 1) Proposed Ordinance No. 26-12
- 2) Irrigation Rate Comparison

City Manager Approved:

Amundson, Jon
Aug 31, 10:17:01 GMT-0700 2012

ORDINANCE NO. 26-12

AN ORDINANCE OF THE CITY OF RICHLAND
Amending Title 18: Water, relating to water rates in the
Richland Municipal Code.

WHEREAS, the City desires to have equitable and cost-based rates for customers served by the City's utilities; and

WHEREAS, the City's water utility provides untreated irrigation water to residents and businesses in several areas; and

WHEREAS, the City completed irrigation system infrastructure plans and financial analyses in early 2012; and

WHEREAS, the 2012 system plan and financial analyses were the first such reviews completed on a comprehensive City-wide basis; and

WHEREAS, irrigation service rates were last updated in April 2008; and

WHEREAS, additional revenues are needed to sustain recommended maintenance programs, to make capital improvements, and to fund ongoing operations of the various irrigation systems; and

WHEREAS, the Utility Advisory Committee has thoroughly reviewed the Water Utility's finances, projected revenue requirements and rate structures, including the expenses and revenues specific to the irrigation service; and

WHEREAS, City staff has identified the need for improved clarity in the municipal code sections related to application of water rates; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Richland as follows:

Section 1.01 Richland Municipal Code Title 18: Water is hereby amended to read as follows:

Chapter 18.08
DEFINITIONS

Sections:

- [18.08.010](#) Definitions.
- [18.08.020](#) Backflow.
- [18.08.030](#) Commercial and industrial users.
- [18.08.040](#) Condominium.

- [18.08.050](#) Cross-connection.
- [18.08.060](#) Department.
- [18.08.070](#) Director.
- [18.08.080](#) Large user.
- [18.08.090](#) Master utility account.
- [18.08.100](#) Mixed-use.
- [18.08.110](#) Multifamily residence.
- [18.08.120](#) Person.
- [18.08.130](#) Point of delivery.
- [18.08.140](#) Residential user.

18.08.010 Definitions.

The following words and phrases, when used in this title, shall have the meanings ascribed to them in this chapter. [Ord. 80].

18.08.020 Backflow.

“Backflow” means the flow of water or other liquids from any source, back into the potable water supply within a facility and/or public water supply. If the connected source is contaminated, the potable supply could become contaminated also. [Ord. 06-04; Ord. 29-08].

18.08.030 Commercial and industrial users.

“Commercial and industrial users” means any business, whether or not conducted for private gain, that is not a residence. “Commercial users” includes, but is not limited to, ~~multifamily residences,~~ [municipal](#), boardinghouses, motels, hotels, rooming houses and mobile home park offices, as well as restaurants, cafes, taverns, bars, grocery stores, schools, churches, hardware stores, specialty stores, etc. [Ord. 80; Ord. 06-04; Ord. 29-08].

18.08.040 Condominium.

“Condominium,” also known as condo or townhouse, is a single-family dwelling which may be connected or adjacent to other condos in a facility that shares parking lot area and often shares utility services such as refuse and water. Condominiums can be identified as privately owned buildings and are recorded as such with the Benton County auditor’s office. The parcel the condo resides within is jointly owned by the individual condo owners. [Ord. 29-08].

18.08.050 Cross-connection.

“Cross-connection” means any physical arrangement whereby a public water supply is connected, directly or indirectly, with a nonpotable or unapproved water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, liquid, gases, sewage, or other waste, of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary, permanent or potential connections through which, or because of which, backflow could occur, are considered to be cross-connections. However, this list of connections is not deemed exclusive. [Ord. 06-04; Ord. 29-08].

18.08.060 Department.

“Department” means the public works department of the city of Richland. [Ord. 80; Ord. 14-80; Ord. 29-98; Ord. 06-04; Ord. 29-08].

18.08.070 Director.

“Director” means the public works director or his designee. [Ord. 06-04; Ord. 29-08].

18.08.080 Large user.

“Large user” refers to a customer that has an average annual consumption in excess of 1,000,000 gallons per day, served through one meter. Typically industrial, retail or manufacturing customers, not wholesale water sales. [Ord. 07-05; Ord. 29-08].

18.08.090 Master utility account.

“Master utility account” refers to a customer’s account that contains charges for the main meter or house meter, or the base charges for the utilities. For residential customers there is typically only one customer account. Customers may have two or more electric or water meters so the master account would be the account housing the main consumption meters. [Ord. 06-08; Ord. 29-08].

18.08.100 Mixed-use.

“Mixed-use” refers to customers that are both residential and commercial and share a utility service. For example, a facility that has commercial businesses on the street level and residential units above the businesses. [Ord. 29-08].

18.08.110 Multifamily residence.

“Multifamily residence” means any building or establishment [located on a single parcel or multiple parcels under common ownership](#) in which more than two families can be housed, including but not limited to such structures as apartments, condominiums and townhouses. ~~Also see “Commercial and industrial users” above.~~ [Ord. 07-05; Ord. 29-08].

18.08.120 Person.

“Person,” wherever used in this title, means and includes natural persons, associations, partnerships, and corporations whether acting by themselves or by a servant, agent, or employee. [Ord. 80; Ord. 29-08].

18.08.130 Point of delivery.

“Point of delivery” means the point at which the customer’s service line meets the downstream leg of the water meter. In residential areas where meters are located in basements/homes, point of delivery is at the property line. [Ord. 80; Ord. 06-04; Ord. 29-08].

18.08.140 Residential user.

“Residential user” includes the following:

“Residence” means any dwelling unit that houses an individual family or is rented as a separate living facility, including but not limited to mobile home units, manufactured homes and duplexes, with separate kitchen and bathroom facilities. [Ord. 80; Ord. 06-04; Ord. 07-05; Ord. 29-08].

Chapter 18.24
DOMESTIC WATER RATES AND CHARGES

Sections:

- [18.24.010](#) Delinquency.
- [18.24.020](#) ~~Residential and commercial~~ [W](#)water rate schedule (metered).
- [18.24.030](#) Water – Economic development rate.
- [18.24.040](#) Users outside of city limits – Contracts authorized.
- [18.24.050](#) Water facilities assessment.
- [18.24.060](#) Effective date of assessment.
- [18.24.070](#) Imposition of adjusted facilities assessment.
- [18.24.075](#) Latecomer agreements.
- [18.24.080](#) Severability.

18.24.010 Delinquency.

Bills are due and payable upon receipt, and are delinquent after 20 days from date of billing. Late fees and interest will be charged on all delinquent accounts according to RMC [3.30.040](#). Failure to receive bill will not release customer from payment of the obligation due. [Ord. 06-04; Ord. 22-11 § 1.01].

18.24.020 ~~Residential and commercial~~ [W](#)water rate schedule (metered).

A. Residential, multifamily, commercial and ~~municipal~~ [large user](#) customers serviced through a water meter will be charged for metered water consumption on the basis of Table 1 below which includes applicable taxes:

TABLE 1

Water Rates (Metered)

**RESIDENTIAL, MULTIFAMILY &
COMMERCIAL RATES**

Meter Size	2012 Rate
1" or less	\$25.00
1 1/2"	83.35
2"	133.35
3"	250.00
4"	416.65
6"	833.35
8" or larger	1,333.35

Additional charge per 100 cf	2012 Rate
Residential	\$0.95
Multifamily and Irrigation	0.85
Commercial/Municipal	0.70

LARGE~~R~~ USER RATES

Meter Size	2012 Rate
1" or less	\$220.00
1 1/2"	733.33
2"	1,173.33
3"	2,200.00
4"	3,666.67
6"	7,333.33
8" or larger	11,733.33
Additional charge per 100 cf over 500-cf:	0.67

B. The city may furnish water to customers at locations outside the corporate limits of the city. The monthly rates for water furnished to out-of-city customers shall be the rates set forth in this title for the applicable class of service plus 50 percent of such rates.

C. Residential customers serviced through a single meter will be billed at the one-inch or less base rate per living unit, plus consumption charges. Consumption charges will be billed to the account to which the meter is addressed.

D. Commercial and mixed-use customers serviced through a single meter, where multiple units are served, will be billed the appropriate commercial rate, plus consumption charges. This utility charge, including all consumption charges, will be billed to the one account where the meter is addressed.

E. Condominiums and townhouses, which share a single meter, will be billed at the multifamily rate~~as identified in subsection (D) of this section~~, with the bill going to a homeowner's association or like account. Condos and townhouses which are individually metered will be billed at the residential rate~~as identified in subsection (A) of this section~~ with charges based on the meter size.

F. The rates for water supplied to the residential customers qualifying as low income senior citizens or low income disabled citizens shall be discounted by 60 percent. Additional rate information regarding low

income senior citizens and low income disabled citizens can be found in Chapter [3.29](#) RMC (Utility Low Income Program).

G. Commercial customers utilizing the domestic water system for irrigation purposes as described in RMC [18.12.086](#) and not having a non-potable irrigation water source available as described in Chapters [18.36](#) and [18.37](#) RMC will be charged the appropriate commercial rates for usage during the months of March through October of each year. [Ord. 80; Ord. 609; Ord. 36-74; Ord. 62-77; Ord. 42-79; Ord. 63-82; Ord. 19-84; Ord. 43-84; Ord. 19-85; Ord. 29-90; Ord. 7-92; Ord. 19-93; Ord. 54-94; Ord. 29-95; Ord. 47-96; Ord. 29-98; Ord. 17-03; Ord. 06-04; Ord. 07-05; Ord. 05-06; Ord. 06-08; Ord. 29-08; Ord. 22-11 § 1.01].

Chapter 18.37 **IRRIGATION WATER RATES AND CHARGES**

Sections:

[18.37.010](#) Delinquency.

[18.37.020](#) ~~Columbia Point irrigation rates.~~ [Irrigation Service Rates](#)

~~[18.37.030](#) Horn Rapids irrigation rates.~~

~~[18.37.040](#) Meadow Springs irrigation rates.~~

18.37.010 Delinquency.

Bills are due and payable upon receipt and are delinquent after 20 days from the date of billing. Late fees and interest will be charged on all delinquent accounts according to RMC [3.30.040](#). Failure to receive a bill does not release the customer from payment of the obligation due. [Ord. 06-05].

~~18.37.020 Columbia Point irrigation rates.~~

~~These rates are specifically for the area of the city designated as "Columbia Point" and the member properties of the Columbia Point Master Association (CPMA). The following table identifies annual irrigation charges for each property. Beginning on April 1, 2008, all property assessments will be charged one-twelfth of the annual irrigation assessment on the customer's monthly utility bill:~~

PROPERTY	SIZE (ACRES)	IRRIGATION UTILITY ASSESSMENT
Tract A	16.98	\$2,222.14
Tract B-1	0.52	68.05
Tract B-2	1.02	133.49
Tract B-3	1.00	130.87
Tract B-4	1.59	208.08
Tract B-5	1.59	208.08
Tract C	2.98	389.99

Tract D	16.17	2,116.14
Tract E	4.38	573.77
Tract F	3.88	510.87
Tract G	4.44	581.05
Tract H	4.88	638.64
Tract I-1	3.86	505.15
Tract I-2	1.73	226.40
Tract I-3	0.77	100.77
Tract J-1	2.05	268.28
Tract J-2	2.49	325.86
Tract J-3	1.59	208.08
Tract K	2.62	342.87
Tract L	3.08	403.07
Tract M	3.13	409.62
Tract N	5.21	681.82
Tract O—L1	2.11	276.13
Tract O—L2	1.16	151.81
Tract O—L3	2.91	380.83
Tract O—L4	0.52	68.05

[Ord. 06-05; Ord. 06-08].

18.37.030 ~~020~~ ~~Horn Rapids~~ Irrigation ~~Service R~~ates.

These rates apply to all City serviced irrigation customers in the following service areas: Horn Rapids, Columbia Point, Meadow Springs/Willowbrook, Smartpark and the Innovation Center. ~~are specifically for the area of the city designated as "Horn Rapids." Rates will apply to those customers served by the city through its share of water diverted into the Horn Rapids irrigation system.~~ The annual irrigation rate for ~~Horn Rapids~~ irrigation customers shall be as follows:

Customer Type	1 Acre or Less	Each Additional Irrigated Acre
Residential	\$197.68 <u>280.00</u>	N/A
Commercial, Industrial, Golf Courses, etc.	\$197.68 <u>280.00</u>	\$46.80 <u>115.00</u>

~~In 2008 this charge will become effective on April 1st, therefore, for 2008 only irrigation charges will be billed at a rate of one-ninth of the annual charge beginning with the April utility bills. This charge will be assessed on the customer's monthly master utility account.~~

~~Beginning with the January 2009 utility bills, Horn Rapids Irrigation will be assessed on the customer's monthly master utility account at a rate of one-twelfth of the annual rate. [Ord. 06-08].~~

~~18.37.040 Meadow Springs irrigation rates.~~

~~These rates are specifically for the area of the city designated as "Meadow Springs irrigation district." Rates will apply to those customers served by the city through the Willowbrook well. The annual irrigation rate for Meadow Springs irrigation customers shall be as follows:~~

Customer Type	Each Additional	
	1 Acre or Less	Irrigated Acre
Residential	\$197.68	N/A
Commercial, Industrial, Golf Courses, etc.	\$197.68	\$46.80

~~Beginning with the January 2011 utility bills, Meadow Springs irrigation will be assessed on the customer's monthly master utility account at a rate of one-twelfth of the annual rate. [Ord. 44-10 § 1.01].~~

Section 1.02 The rate changes in this ordinance shall take effect on the first utility bill issued beginning January 1, 2013.

PASSED by the City Council of the City of Richland, at a regular meeting on the _____ day of _____, 2012.

JOHN FOX
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

THOMAS O. LAMPSON
City Attorney

Date Published: _____

Irrigation Rate Comparison

As of April 2012

Service Provider	Residential	Commercial & Agriculture – First Acre	Commercial & Agriculture – per Additional Acre
Richland – current rate*	\$197.68	\$197.68	\$46.80
Richland – Proposed rate	280.00	280.00	115.00
Columbia Irrigation District	360.00	360.00	70.00
Badger Mtn Irrigation District	445.00	445.00	190.00
Franklin County Irrigation	241.00	241.00	134.00
City of Pasco Irrigation	182.00	530.67	530.67
Kennewick Irrigation District	352.00	455.00	204.00
* Current irrigation rates for Columbia Point & Richland School District are by special rate structures			



Council Agenda Coversheet

Council Date: 09/04/2012

Category: Consent Calendar

Agenda Item: C3

Key Element: Key 2 - Infrastructure & Facilities

Subject: AMENDING RMC TITLE 12: STREETS AND SIDEWALKS, RELATING TO VARIOUS CLARIFICATIONS

Department: Public Works

Ordinance/Resolution: 27-12

Reference:

Document Type: Ordinance

Recommended Motion:

Give second reading and pass Ordinance No. 27-12, amending the Richland Municipal Code Title 12: Streets and Sidewalks, clarifying the location of the official Street Functional Classification map and clarifying the requirements for upgrading existing sidewalks.

Summary:

RMC Section 12.02.080 designates the location of the official Street Functional Classification System map. It currently references an Exhibit A that is attached to the Ordinance. This exhibit has never been available when viewing the code.

Federal Highway Administration (FHWA) Directive 23 CFR 470 states that the State transportation agency has the primary responsibility for developing and updating a statewide highway functional classification in rural and urban areas to determine functional usage of the existing roads and streets. The State transportation agency is to cooperate with responsible local officials in developing and updating the functional classification. The results of the functional classification is to be mapped and submitted to FHWA for approval and when approved, serve as the official record for Federal-aid highways and the basis for designation of the National Highway System.

The proposed amendment clarifies the location of the official map by referencing the Functional Classification System map that is maintained by the Washington State Department Of Transportation (WSDOT).

RMC Section 12.10.010 discusses the construction requirements for sidewalks for new construction, and RMC Section 12.10.020 discusses the construction requirements for sidewalks for improved properties. In reviewing development plan submittals, it has become apparent that additional clarification is needed to address sidewalk construction in situations where new construction or redevelopment of existing buildings is taking place. This will assist in the implementation of the City's transportation plan and will help ensure that an effective network of street improvements and pedestrian walkways are put in place.

The proposed amendments to Section 12.02.020 provide some reasonable exceptions to the requirements in situations where only minor improvements are proposed based on either assessed value or square footage of improvement. This relief is included so as to not overburden minor construction projects.

The proposed code amendments were considered in workshop and formal Planning Commission meetings. At its June 27, 2012, meeting the Planning Commission recommended adoption of the proposed code amendments.

First reading was given at the August 21, 2012 City Council meeting.

Fiscal Impact?

☐ Yes ☒ No

Attachments:

1) ORD 27-12 Amend RMC Title 12

City Manager Approved:

Amundson, Jon
Aug 31, 10:13:32 GMT-0700 2012

ORDINANCE NO. 27-12

AN ORDINANCE OF THE CITY OF RICHLAND amending Title 12: Streets and Sidewalks of the Richland Municipal Code regarding Street Functional Classification and clarifying the requirements for upgrading existing sidewalks.

WHEREAS, Richland Municipal Code Section 12.02.080 designates the official location of the Functional Classification System map for the City of Richland; and

WHEREAS, the existing reference to Exhibit A within Section 12.02.080 cannot be attached in the code; and

WHEREAS, Richland Municipal Code Section 12.10.010 discusses sidewalks for new construction; and

WHEREAS, Richland Municipal Code Section 12.10.020 discusses sidewalks for improved properties; and

WHEREAS, staff has identified a number of minor adjustments to RMC 12.10.010 and 12.10.020 to clarify the requirements for upgrading existing sidewalks that do not meet current City standards; and

WHEREAS, these code changes were brought before the Planning Commission on June 27, 2012; and

WHEREAS, the Planning Commission recommended adoption of said changes as amended.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Richland as follows:

Section 1. Section 12.02.080 of the Richland Municipal Code Title 12: Streets and Sidewalks, is hereby amended to read as follows:

12.02.080 Implementation.

Street functional classification shall be as designated ~~on Exhibit A attached to the ordinance codified in this chapter, the City of Richland Street Functional Classification System map,~~ in the latest adopted version of the Tri-Cities Urbanized Area Functional Classification System as it pertains to the City of Richland. The city engineer is directed to implement the street classifications described in this chapter through the use of appropriate street design standards, traffic control devices and access regulations. [Ord. 10-01].

Section 2. Section 12.10.010 and 12.10.020 of the Richland Municipal code Title 12: Streets and Sidewalks, are hereby amended to read as follows:

12.10.010 Sidewalks for new construction.

Whenever a building permit application is made for construction of a new residential or commercial structure within the city, the person seeking such permit shall also make application for a permit as provided for under this chapter, and as a portion of such construction there shall be built sidewalks, curbs and gutters on all sides of such property that may adjoin property dedicated as a public street, in conformance herewith, and such sidewalks, curbs and gutters shall extend the full distance that such property is sought to be occupied as a building site for residential or commercial construction, or as parking area for commercial construction, that may adjoin property dedicated as a public street. If the paved width of the adjacent public street does not include curbs and gutters and is not wide enough to construct the curbs, gutters, and sidewalks in accordance with the planned roadway width, as determined by the City Engineer and the City's street functional classifications system as established in RMC 12.02, the application for right of way construction shall include widening of the paved street to conform with the width specified by the City Engineer and street lights and storm drain system improvement as needed to complete the street in accordance with City standards; provided, that the provisions of this section may be waived temporarily by the public works director when application is made for the construction of a new residential or commercial structure on a previously improved street, which previously improved street did not include sidewalks or curbs and gutters on the effective date of the ordinance codified herein.

In determining whether the provisions of this section will be waived temporarily, the public works director shall consider the number and proximity of developed lots abutting such street, whether those developed lots include sidewalks or curbs and gutters, and whether waiver of this section would adversely affect the uniform construction of sidewalks, curbs and gutters in the general area in which the new construction application is made. [Ord. 390 § 1.01; Ord. 781 § 1.01; Ord. 40-83 § 1.03].

12.10.020 Sidewalks for existing improved property.

~~Within two years from the effective date of the ordinance codified in this chapter, sidewalks, curbs and gutters shall be installed on all improved property in commercial zones in the same areas as are set forth in RMC 12.10.010. [Ord. 390 § 1.01].~~

Whenever a building permit application is made for alterations or repairs to a residential or commercial property within the city, the person seeking such a permit shall install improvements as required in RMC 12.10.010; except that the requirements for installation of such improvements shall be waived if one of the following criteria are met:

- a) The total alterations or repairs to a residential property are less than \$50,000 in valuation within any 2 year period;

b) The total alterations or repairs to a commercial property are less than 50% of the assessed valuation as determined by the Benton County Assessor or \$100,000, whichever is less; provided that no waiver shall be granted for any building that adds 20% or more to its gross floor area within any 2 year period.

Section 3. This ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

PASSED by the City Council of the City of Richland, at a regular meeting on the _____ day of _____, 2012.

JOHN FOX
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

THOMAS O. LAMPSON
City Attorney

Date Published: _____



Council Agenda Coversheet

Council Date: 09/04/2012

Category: Consent Calendar

Agenda Item: C4

Key Element: Key 2 - Infrastructure & Facilities

Subject: AMENDING RMC TITLE 24: PLATS AND SUBDIVISION, RELATING TO DEFINITIONS AND STANDARDS

Department: Public Works

Ordinance/Resolution: 28-12

Reference:

Document Type: Ordinance

Recommended Motion:

Give second reading and pass Ordinance No. 28-12, amending the Richland Municipal Code Title 24: Plats and Subdivision, clarifying the definitions of major and minor streets, and street design standards.

Summary:

RMC Section 24.08.210 defines major streets and Section 24.08.230 defines minor streets. However, these definitions currently do not correlate to the City of Richland Standard Street Sections and Construction requirements as defined by the City Engineer. This can lead to confusion by developers, consulting engineers, and Public Works staff. The proposed amendment clarifies which Standard Street Sections are to be classified as "major" streets and which are to be classified as "minor" streets.

RMC Section 24.16.070 defines the design requirements for the horizontal alignments of streets and Section 24.16.100 defines the design requirements for street grades. The proposed amendments to these sections would update the design standards to use not only the established local standards, but would also rely upon American Association of State Highway and Transportation Officials (AASHTO) standards for design criteria. In doing so, the City's street design standards would employ a national standard that is familiar to civil engineers and is a widely accepted and used standard for public street design.

The Planning Commission reviewed the proposed code changes at its June 27, 2012, meeting and recommended adoption by City Council.

1st reading was given at the August 21, 2012 City Council meeting.

Fiscal Impact?

☐ Yes ☒ No

Attachments:

1) ORD 28-12 Amend RMC Title 24

City Manager Approved:

Amundson, Jon
Aug 31, 10:13:55 GMT-0700 2012

ORDINANCE NO. 28-12

AN ORDINANCE OF THE CITY OF RICHLAND
amending Title 24: Plats and Subdivision of the Richland
Municipal Code regarding clarifications to the definitions of
major and minor streets, and street design standards.

WHEREAS, Richland Municipal Code Section 24.08.210 defines major streets;
and

WHEREAS, Richland Municipal Code Section 24.08.230 defines minor streets;
and

WHEREAS, clarifications are necessary to correlate these definitions with City
Standard Details; and

WHEREAS, Richland Municipal Code Section 24.16.070 presents design
requirements for street alignments; and

WHEREAS, Richland Municipal Code Section 24.16.100 presents design
requirements for street grades; and

WHEREAS, staff has identified the need to update these design requirements to
more closely align with American Association of State Highway and Transportation
Official (AASHTO) standards; and

WHEREAS, these code changes were brought before the Planning Commission
on June 27, 2012; and

WHEREAS, the Planning Commission recommended adoption of said changes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of
Richland as follows:

Section 1. Section 24.08.210 of the Richland Municipal Code Title 24: Plats
and Subdivision, is hereby amended to read as follows:

24.08.210 Street, major defined.

“Major street” means a street primarily for fast, through and heavy traffic,
minimizing intersecting streets and direct access to abutting properties and primarily for
the purpose of accommodating general traffic circulation of the community. Major
streets are classified Urban Principal Arterial, Urban Minor Arterial, Urban Arterial
Collector, and Neighborhood Collector.

Section 2. Section 24.08.230 of the Richland Municipal Code Title 24: Plats
and Subdivision, is hereby amended to read as follows:

24.08.230 Street, minor defined.

“Street, minor” means a street, usually of limited continuity, which serves primarily to provide the principal means of access to abutting property only. Minor streets are classified Local Street, Local Street – Single Frontage, and Rural Street.

Section 3. Section 24.16.070 of the Richland Municipal Code Title 24: Plats and Subdivision, is hereby amended to read as follows:

24.16.070 Streets – Alignment.

Connecting street centerlines deflecting from each other at any one point more than 10 degrees shall be connected by a horizontal curve. ~~of at least 100 feet radius for minor streets and at least 300 feet radius for major streets.~~ For minor streets, the minimum curve radius shall be 100 feet. For major streets, the minimum curve radius shall meet current AASHTO requirements, unless otherwise approved by the City Engineer. A tangent section at least 100 feet long shall be introduced between curves on arterial streets.

Section 4. Section 24.16.100 of the Richland Municipal Code Title 24: Plats and Subdivision, is hereby amended to read as follows:

24.16.100 Streets – Grades.

Streets shall conform closely to the natural contour of the land, except where a different grade has been established by the city authorities or the agency furnishing municipal services to the community. Grades shall be not less than ~~0.300.50~~ percent on any street and shall meet AASHTO maximum requirements for major streets and ~~not more than six percent for major streets or a maximum of 10 percent for minor streets,~~ unless otherwise approved by the City Engineer. Changes in grades shall be connected by easy vertical curves.

Section 5. This ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

PASSED by the City Council of the City of Richland, at a regular meeting on the _____ day of _____, 2012.

JOHN FOX
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

THOMAS O. LAMPSON
City Attorney

Date Published: _____



Council Agenda Coversheet

Council Date: 09/04/2012

Category: Consent Calendar

Agenda Item: C5

Key Element: Key 1 - Financial Stability and Operational Effectiveness

Subject: ORDINANCE NO. 29-12, AMENDING RMC TITLE 19: DEVELOPMENT ADMINISTRATION REGULATIONS

Department: Community and Development Services

Ordinance/Resolution: 29-12

Reference:

Document Type: Ordinance

Recommended Motion:

Give second reading by title only and pass Ordinance No. 29-12, Amending Title 19: Development Administration Regulation.

Summary:

RMC Title 19: Development Administration Regulation, sets forth rules for processing development applications and includes provisions for the general steps necessary to take an application from the point of initial submittal, to a final permit decision. It identifies the public notification requirements for each type of land use application, sets forth standards for the conduct of public hearings and procedures, and for filing appeals of land use decisions.

Amendments to these regulations are desirable to fix some gaps in the current procedures. Specifically, the proposed amendments would more clearly define development review procedures and would expand public notification requirements. For applications that require public hearings, notice would be provided by: posting notice on the property; publishing notice in the paper; mailing notice to property owners within 300 feet of a development site; and by posting notice on the City's web page.

Perhaps the most significant amendment is that a notice of decision will be mailed to surrounding property owners for administrative decisions (Type I permits as defined in the code), giving the public an opportunity to monitor and potentially appeal permit decisions that do not require public hearings. This provision will correct a deficiency found in our code in which citizens did not have the opportunity to receive information concerning permits that were administratively issued.

The City Council was briefed on these code amendments at the July 24 workshop. The Planning Commission also reviewed the proposed code amendments at two previous workshops and held a public hearing on July 25, in which they unanimously recommended adoption of the amendments to RMC Title 19. Council gave first reading to the adopting ordinance on August 21.

Fiscal Impact?

☒ Yes ☐ No

The proposed amendments will not significantly increase City costs of processing permits; however, the new requirement for mailed notice of administrative decisions will increase the costs of permit applications that are reviewed administratively.

Attachments:

- 1) Draft Ordinance No. 29-12
- 2) Report to Planning Commission
- 3) Planning Commission Minutes

City Manager Approved:

Amundson, Jon
Aug 31, 10:12:58 GMT-0700 2012

ORDINANCE NO. 29-12

AN ORDINANCE of the City of Richland
amending Title 19 – Development Regulation
Administration.

BE IT ORDAINED by the City Council of the City of Richland as follows:

Section 1.01 Title 19 of the Richland Municipal Code, as enacted by Ordinance Nos. 12-96, 55-99, 02-00, 31-03 and 40-10 is hereby amended to read as follows:

Chapters:

- 19.10 General Provisions**
- 19.20 Types of Project Permit Applications**
- 19.30 Type I – IV Project Permit Applications**
- 19.40 Public Notice**
- 19.50 Consistency with Development Regulations and SEPA**
- 19.60 Open Record Public Hearings**
- 19.70 Closed Record Decisions and Appeals**
- 19.80 Application and Appeals Fees**
- 19.90 Comprehensive Plan and Development Regulation Amendments**

**Chapter 19.10
GENERAL PROVISIONS**

Sections:

- 19.10.010 Purpose.
- 19.10.020 Conflict with other ordinances.
- 19.10.030 Severability.
- 19.10.040 Master planned communities.

19.10.010 Purpose.

This title is required by the Regulatory Reform Act, Chapter 347, 1995 Laws of Washington, for the processing of project permit applications.

19.10.020 Conflict with other ordinances.

If at any point in the Richland Municipal Code (RMC) there is conflict with a prior ordinance setting forth procedures and substance relative to the subject matter of this title, this title shall supersede such ordinance and any conflict between this title and other titles in the RMC shall be resolved in favor of this title.

19.10.030 Severability.

If any section, sentence, clause or phrase of this title should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this title.

19.10.040 Master planned communities.

A development agreement entered by the city under the authority of RCW 36.70B.170 through 36.70B.210, governing development of a master planned community, may provide that the procedures, standards and other provisions of the agreement shall supersede or otherwise modify the provisions of this title. For purposes of this section, "master planned community" shall mean an integrated development over 1,000 acres in size, developed under unified control according to a master plan, that provides for a mix of residential, commercial, civic, and recreational uses.

Chapter 19.20 TYPES OF PROJECT PERMIT APPLICATIONS

Sections:

- 19.20.010 Procedures for processing development permits.
- 19.20.020 Determination of proper type of procedure.
- 19.20.030 Project permit application framework.
- 19.20.040 Joint public hearings.
- 19.20.050 Legislative decisions.
- 19.20.060 Legislative enactments not restricted.
- 19.20.070 Exemptions from project permit application processing.

19.20.010 Procedures for processing development permits.

For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I, Type II, or Type III, ~~or Type IV~~. Legislative decisions are Type I actions, and are addressed in RMC 19.20.050. Exclusions from the requirements of project permit application processing are contained in RMC 19.20.070.

A. Type I permits include the following types of permit applications:

1. Minor Revisions to Planned Unit Developments
2. Final Approvals of Planned Unit Developments¹
3. Short Plats
4. Small Binding Site Plans
5. Minor Revisions to Preliminary Plats
6. Minor Revisions to Site Plans
7. Minor Revisions to Special Use Permits
8. Minor Revisions to Shoreline Substantial Development Permits
9. Accessory Dwelling Units

B. Type II permits include the following types of permit applications:

1. Shoreline Substantial Development Permits or major revisions thereof
2. Large Binding Site Plans
3. Site Plan Approvals or major revisions thereof
 4. Building Height Exceptions
 5. Design Review – Acceptance of Alternative Design Standards
 6. Schools on Small Sites
 7. Extension of Preliminary Plat Approvals
 8. Joint Use Parking Reductions
 9. Special Sign Permits
 10. Planned Unit Development – Final Approvals¹
 11. Special Use Permits or major revisions thereof
- C. Type III permits include the following types of permit applications:
 1. Preliminary Plats or major revisions thereof
 2. Site Specific Rezones
 3. Planned Unit Developments – Preliminary Approvals
 4. Development Agreements
- D. Type IV permits include the following types of permit applications:
 1. Zoning code text and zoning district amendments;
 2. Adoption of development regulations and amendments;
 3. Areawide rezones to implement new city policies;
 4. Adoption of the comprehensive plan and any plan amendments; and
 5. Annexations.

¹Review of final Planned Unit Development is undertaken by either the Administrative Official or the Planning Commission, depending upon the conditions of approval attached to the preliminary approval of a PUD application per RMC 23.50.040(D)

19.20.020 Determination of proper type of procedure.

A. Determination by Director. The deputy city manager for community and development services or his/her designee (hereinafter the “director”), shall determine the proper procedure for all development applications. If there is a question as to the appropriate type of procedure, the director shall resolve it in favor of the higher procedure type number.

B. Optional Consolidated Permit Processing. An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by the code. The applicant may determine whether the application shall be processed collectively or individually. If the application is processed under the individual procedure option, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure.

C. Decision-Maker(s). Applications processed in accordance with subsection (B) of this section which have the same highest numbered procedure but are assigned different hearing bodies shall be heard collectively by the highest decision-maker(s). The city council is the highest, followed by the board of

adjustment or planning commission, as applicable, and then the director. Joint public hearings with other agencies shall be processed according to RMC 19.20.040.

19.20.030 Project permit application framework.

-ACTION TYPE					
PROJECT PERMIT APPLICATION TYPE AND PROCEDURE					
	TYPE I	TYPE II	TYPE III	TYPE IV	TYPE V
Recommendation made by:	N/A	N/A	Physical Planning Commission (PPC)	N/A	PPC
Final decision made by:	Director	Board of Adjustment (BOA) or PPC	City Council (CC)	CC	CC
Notice of application:	No	Yes	Yes	No	No
Open record public hearing:	Yes, if appealed to BOA or PPC	Yes before BOA or PPC	Yes before PPC	No	Yes before both PPC and CC
Closed record appeal/final decision:	No	Yes, before CC on appeal	Yes, closed record final decision by CC	No	No
Judicial appeal:	Yes	Yes	Yes	Yes	Yes

-DECISIONS				
TYPE I	TYPE II	TYPE III	TYPE IV	TYPE V
Permitted uses not requiring other land use review	Shoreline permits	Site-specific rezone	Final plats	
Home occupation approvals	Binding site plans > 200,000 sq. ft.	Planned unit development		Development regulations
Minor amendments to PUD	Special-use permits	Preliminary plats		Zoning text amendments
Floodplain development permit	Site plan approvals			Annexations
Short plats	Binding site plan < 200,000 sq. ft.			Areawide rezones

<u>PROJECT PERMIT APPLICATION TYPE AND PROCEDURE</u>				
	<u>Type I</u>	<u>Type II</u>	<u>Type III</u>	<u>Type IV</u>
<u>Recommendation made by:</u>	<u>N/A</u>	<u>N/A</u>	<u>Planning Commission</u>	<u>Planning Commission</u>
<u>Permit Decision made by:</u>	<u>Director</u>	<u>Board of Adjustment or Planning Commission¹</u>	<u>City Council</u>	<u>City Council</u>
<u>Notice of Application:</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>
<u>Notice of Decision:</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>
<u>Notice of Hearing</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Open Record Public Hearing</u>	<u>No</u>	<u>Yes before Board of Adjustment or Planning Commission¹</u>	<u>Yes before Planning Commission</u>	<u>Yes before both Planning Commission and City Council</u>
<u>Open Record Appeal Hearing</u>	<u>Yes, before Board of Adjustment or Planning Commission</u>	<u>No</u>	<u>No</u>	<u>N/A</u>
<u>Closed Record Appeal Hearing</u>	<u>Yes, before City Council</u>	<u>Yes, before City Council</u>	<u>Yes, before City Council</u>	<u>N/A</u>
<u>Judicial Appeal</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>

¹RMC 23.46.025 defines the specific special use permit applications for which the Planning Commission or Board of Adjustment is designated as the hearing body.

19.20.040 Joint public hearings.

A. Director's Decision to Hold Joint Public Hearings. The director may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency, on the proposed action, as long as:

1. The hearing is held within the city limits; and
2. The requirements of subsection (C) of this section are met.

B. Applicant's Request for a Joint Hearing. The applicant may request that the public hearing on a permit application be combined as long as the joint hearing can be held within the time periods set forth in this title. In the alternative, the applicant may agree to a particular schedule if that additional time is needed in order to complete the hearing.

C. Prerequisites to Joint Public Hearing. A joint public hearing may be held with another local, state, regional, federal or other agency and the city, as long as:

1. The other agency is not expressly prohibited by statute from doing so;

2. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and
3. The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the local government hearing.

19.20.050 Legislative decisions.

A. Decisions. The following decisions are legislative, and are not subject to the procedures in this chapter, unless otherwise specified:

1. Zoning code text and zoning district amendments;
2. Adoption of development regulations and amendments;
3. Areawide rezones to implement new city policies;
4. Adoption of the comprehensive plan and any plan amendments; and
5. Annexations.

B. ~~Physical~~ Planning Commission. The ~~physical~~ planning commission shall hold a public hearing and make recommendations to the city council on the decisions listed in subsection (A) of this section. The public hearing shall be held in accordance with the requirements of Chapter 19.60 RMC.

C. City Council. The city council may consider the ~~physical~~ planning commission's recommendation in a public hearing held in accordance with the requirements of Chapter 19.60 RMC.

D. Public Notice. Notice of the public hearing or public meeting shall be provided to the public as set forth in Chapter 19.40 RMC.

E. Implementation. The city council's decision shall become effective by passage of an ordinance.

19.20.060 Legislative enactments not restricted.

Nothing in this chapter or the permit processing procedures shall limit the authority of the city council to make changes to the city's comprehensive plan, as part of an annual revision process, or to make changes to the city's development regulations.

19.20.070 Exemptions from project permit application processing.

A. Whenever a permit or approval in the RMC has been designated as a Type I, II, III, or IV permit, the procedures in this title shall be followed in project permit processing. The following permits or approvals are, however, specifically excluded from the procedures set forth in this title:

1. Landmark designations;
2. Street vacations;
3. Street use permits;
4. Variances processed in accordance with Chapter 23.70 RMC;
5. Final plats processed in accordance with Chapter 24.12 RMC.

B. Pursuant to RCW 36.70B.140(2), building permits, boundary line adjustments, other construction permits, or similar administrative approvals which are categorically exempt from environmental review under SEPA (Chapter

43.21C RCW) and RMC Title 22 (Environment), or permits/approvals for which environmental review has been completed in connection with other project permits, are excluded from the following procedures:

1. Determination of completeness (RMC 19.30.030(A));
 2. Notice of application (RMC 19.30.040);
 3. Except as provided in RCW 36.70B.140, optional consolidated project permit review processing (RMC 19.20.020(B));
 4. Joint public hearings (RMC 19.20.040);
 5. Single report stating all the decisions and recommendations made as of the date of the report that do not require an open record hearing (RMC 19.50.020(C)): *and*
 6. Notice of decision (RMC 19.60.080); *and*
 7. ~~Completion of project review within any applicable time periods (including the 120-day permit processing time) (RMC 19.60.080 and 19.60.090).~~
- ~~[Ord. 12-96; Ord. 28-05 § 1.07].~~

Chapter 19.30

TYPE I – ~~IV~~ PROJECT PERMIT APPLICATIONS

Sections:

- 19.30.010 Optional preapplication conference.
- 19.30.020 Development permit application.
- 19.30.030 Submission and acceptance of application.
- 19.30.040 Notice of application.
- 19.30.050 Referral and review of development permit applications.

19.30.010 Optional preapplication conference.

A. Prior to submittal of applications for project permit actions applicants may schedule a preapplication conference. The purpose of the preapplication conference is to acquaint the applicant with the requirements of the RMC.

B. The conference shall be held within 15 days of the request.

C. At the conference or within five working days of the conference, the applicant may request that the following be provided:

1. A form which lists the requirements for a completed application;
2. A general summary of the procedures to be used to process the application;
3. The references to the relevant code provisions or development standards which may apply to the approval of the application; and
4. The city's design guidelines.

D. It is impossible for the conference to be an exhaustive review of all potential issues. The discussions at the conference or the form sent by the city to the applicant under subsection (C) of this section shall not bind or prohibit the city's future application or enforcement of all applicable law.

19.30.020 Development permit application.

Applications for project permits shall be submitted upon forms provided by the director. An application shall consist of all materials required by the applicable development regulations, and shall include the following general information:

- A. A completed project permit application form;
- B. A verified statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all owners of the affected property;
- C. A property and/or legal description of the site for all applications, as required by the applicable development regulations; and
- D. The applicable fee.

19.30.030 Submission and acceptance of application.

A. Determination of Completeness. Within 28 days after receiving a project permit application, the city shall mail or personally provide a determination to the applicant which states either:

- 1. That the application is complete; or
- 2. That the application is incomplete and what is necessary to make the application complete.

B. Identification of Other Agencies with Jurisdiction. To the extent known by the city, other agencies with jurisdiction over the project permit application shall be identified in the city's determination required by subsection (A) of this section.

C. Complete Application/Additional Information. A project permit application is complete for purposes of this section when it meets the submission requirements in RMC 19.30.020, as well as the submission requirements contained in the applicable development regulations. This determination of completeness shall be made when the application is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The city's determination of completeness shall not preclude the city from requesting additional information or studies either at the time of the notice of completeness or at some later time, if new information is required or where there are substantial changes in the proposed action.

D. Incomplete Application Procedure.

1. If the applicant receives a determination from the city that an application is not complete, the applicant shall have 90 days to submit the necessary information to the city. Within 14 days after an applicant has submitted the requested additional information, the city shall make the determination as described in subsection (A) of this section, and notify the applicant in the same manner.

2. If the applicant either refuses in writing to submit additional information or does not submit the required information within the 90-day period, the director shall make findings and issue a decision, according to the Type I procedure in RMC 19.20.030, that the application is denied based upon the lack of information necessary to complete the review.

3. In those situations where the director has denied an application because the applicant has failed to submit the required information within the necessary time period, the applicant may request a refund of the application fee unrelated to the city's determination of completeness.

E. City's Failure to Provide Determination of Completeness. A project permit application shall be deemed complete under this section if the city does not provide a written determination to the applicant that the application is incomplete as provided in subsection (A) of this section.

F. Date of Acceptance of Application. When the project permit application is complete, the director shall accept it and note the date of acceptance.

19.30.040 Notice of application.

A. Generally. A notice of application shall be issued on all Type II and III project permit applications. To the extent possible, notice of application and any required notice of public hearing shall be combined.

~~B. SEPA (State Environmental Protection Act) Exempt Projects. A notice of application shall not be required for project permits that are categorically exempt under SEPA, unless a public comment period or an open record predecision hearing is required.~~

~~C.~~ B. Contents. The notice of application shall include:

1. The date of application, the date of the notice of completion for the application and the date of the notice of application;
2. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70A.440
3. The identification of other permits not included in the application, to the extent known by the city;
4. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;
5. A statement of the limits of the public comment period, which shall be not less than 14 nor more than 30 days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;
6. The date, time, place and type of hearing, if applicable and scheduled at the date of notice of the application;
7. A statement of the preliminary determination of consistency, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation and of consistency as provided in Chapter 19.50 RMC;
8. Any other information determined appropriate by the city, such as the city's threshold determination, if complete at the time of issuance of the notice of application.

D. Time Frame and Method of Issuance of Notice of Application.

1. Within 14 days after the city has made a determination of completeness of a project permit application, the city shall issue a notice of application.

2. If any open record predecision hearing is required for the requested project permit(s), the notice of application shall be provided at least 15 days prior to the open record hearing.

3. To the extent possible, notice of application will be combined with the notice of public hearing otherwise required by the city's development regulations. If regulatory requirements prevent combined notice, notice of application shall be issued by the following methods:

a. Posting of notice in a conspicuous manner on the property upon which the project is proposed to be located;

b. Publishing notice in the city's official newspaper;

c. Mailing of notice to property owners of record within 300 feet of the subject site; and

d. Posting of notice on the city's webpage.

E. Public Comment of the Notice of Application. All public comments received on the notice of application must be received in the community and development services group, planning and development services, by 5:00 p.m. on the last day of the comment period in order to be included with the staff report that is distributed to hearing body members prior to the hearing. Comments received after the comment period but before the public hearing will be distributed to hearing body members at the public hearing. Comments may be mailed, personally delivered or sent by facsimile or e-mail. Comments should be as specific as possible.

19.30.050 Referral and review of development permit applications.

Within 10 days of accepting a complete application, the director shall do the following:

A. Transmit a copy of the application, or appropriate parts of the application, to each affected agency and city department for review and comment, including those responsible for determining compliance with state and federal requirements. The affected agencies and city departments shall have 15 days to comment. The referral agency or city department is presumed to have no comments if comments are not received within the specified time period. The director shall grant an extension of time for comment only if the application involves unusual circumstances. Any extension shall only be for a maximum of three additional days.

B. If a Type II or III procedure is required, notice of hearing shall be provided as set forth in Chapter 19.40 RMC. [Ord. 12-96].

Chapter 19.40 PUBLIC NOTICE

Sections:

19.40.010 Notice of public hearing.

19.40.010 Notice of public hearing.

A. Time Frame and Method of Providing Notice of Public Hearing. Notice of public hearing shall be given by the methods and within the time limits specified by the city's adopted development regulations, RMC Titles 23 (zoning), 24 (Plats and Subdivision) and 26 (Shoreline Management).

B. Content of Notice of Public Hearing for All Types of Applications. The notice given of a public hearing required in this chapter or elsewhere in city development regulations shall at a minimum contain:

1. The name of the applicant;
2. The nature of the proposed use or development;
3. Description of the affected property, which may be in the form of either a vicinity map or written description, reasonably sufficient to inform the public of its location;
4. The date, time and place of the hearing;
5. A statement that all interested persons may appear and provide testimony and the location where information may be examined prior to the hearing.

Chapter 19.50

CONSISTENCY WITH DEVELOPMENT REGULATIONS AND SEPA

Sections:

- 19.50.010 Determination of consistency.
- 19.50.020 Initial SEPA analysis.
- 19.50.030 Categorically exempt and planned actions.

19.50.010 Determination of consistency.

A. Purpose. When the city receives a project permit application, consistency between the proposed project and the applicable regulations and comprehensive plan should be determined through the process in this chapter and the city's adopted SEPA ordinance, Chapter 22.09 RMC.

B. Consistency. During project permit application review, the city shall determine whether the items listed in this subsection are defined in the development regulations applicable to the proposed project. In the absence of applicable development regulations, the city shall determine whether the items listed in this subsection are defined in the city's adopted comprehensive plan. This determination of consistency shall include the following:

1. The type of land use permitted at the site, including uses that may be allowed under certain circumstances, if the criteria for their approval have been satisfied;
2. The level of development, such as units per acre, density of residential development in urban growth areas, or other measures of density;
3. Availability and adequacy of infrastructure and public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by Chapter 36.70A RCW; and
4. Character of the development, such as development standards.

C. Concurrency. For Type II, ~~and~~ Type III and Type IV applications, a concurrency review shall be completed by the city. The review shall consist of an evaluation of the transportation impacts created by the proposed project on the city street system. The city shall make a determination as to whether the transportation impacts of the proposed project will cause the level of service on the city street system to drop below the level of service adopted in the city's comprehensive plan. In the event that a proposed project is anticipated to create a drop in the level of service below the standard adopted in the comprehensive plan, the city shall identify mitigation measures that could be implemented to prevent the projected decline in the level of service. Nothing in this section would prevent an applicant from modifying his proposal to avoid a projected decline in the level of service. Mitigation measures may not be necessary if the city has a transportation project listed in its adopted six-year plan that, if implemented, would prevent the decline in the projected level of service.

19.50.020 Initial SEPA analysis.

A. The city shall also review the project permit application under the requirements of the State Environmental Policy Act ("SEPA"), Chapter 43.21C RCW; the SEPA rules, Chapter 197-11 WAC; and RMC Title 22 (Environment), and shall:

1. Determine whether the applicable regulations require studies that adequately analyze all of the project permit application's specific probable adverse environmental impacts;
2. Determine if the applicable regulations require measures that adequately address such environmental impacts;
3. Determine whether additional studies are required and/or whether the project permit application should be conditioned with additional mitigation measures;
4. Provide prompt and coordinated review by government agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan or development regulation level.

B. In its review of a project permit application, the city may determine that the requirements for environmental analysis, protection and mitigation measures in the applicable development regulations, comprehensive plan and/or in other applicable local, state or federal laws provide adequate analysis of the mitigation for the specific adverse environmental impacts of the application.

~~C. If the city bases or conditions its approval of the project permit application on compliance with the requirements or mitigation measures described in subsection (A) of this section, the city shall not impose additional mitigation under SEPA during project review.~~

~~D~~**C.** A comprehensive plan, development regulation or other applicable local, state or federal law provides adequate analysis of and mitigation for the specific adverse environmental impacts of an application when:

1. The impacts have been avoided or otherwise mitigated; or

2. The city has designated as acceptable certain levels of service, land use designations, development standards or other land use planning required or allowed by Chapter 36.70A RCW.

~~E~~D. In its decision whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with jurisdiction with environmental expertise with regard to a specific environmental impact, the city shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the city shall base or condition its project approval on compliance with these other existing rules or laws.

~~F~~E. Nothing in this section limits the authority of the city in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by Chapter 43.21C RCW.

~~G~~F. The city shall also review the application under RMC Title 22 (Environment).

19.50.030 Categorically exempt and planned actions.

A. Categorically Exempt. Actions categorically exempt under RCW 43.21C.110(1)(a) do not require environmental review or the preparation of an environmental impact statement. An action that is categorically exempt under the rules adopted by the Department of Ecology (Chapter 197-11 WAC) may not be conditioned or denied under SEPA.

B. Planned Actions.

1. A planned action does not require a threshold determination or the preparation of an environmental impact statement under SEPA, but is subject to environmental review and mitigation under SEPA.

2. A "planned action" means one or more types of project action that:

- a. Are designated planned actions by an ordinance or resolution adopted by the city;
- b. Have had the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with:
 - i. A comprehensive plan or subarea plan adopted under Chapter 36.70A RCW; or
 - ii. A fully contained community, a master planned resort, a master planned development or a phased project;
- c. Are subsequent or implementing projects for the proposals listed in subsection (B)(2)(b) of this section;
- d. Are located within an urban growth area, as defined in RCW 36.70A.030;
- e. Are not essential public facilities, as defined in RCW 36.70A.200; and
- f. Are consistent with the city's comprehensive plan adopted under Chapter 36.70A RCW.

C. Limitations on Planned Actions. The city shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the city, and may limit a planned

action to a time period identified in the environmental impact statement or the adoption of this chapter.

D. During project review, the city shall not reexamine alternatives to or hear appeals on the items identified in RMC 19.50.010(B), except for issues of code interpretation.

E. Project review shall be used to identify specific project design and conditions relating to the character of development, such as the details of site plans, curb cuts, drainage ~~sales~~ swales, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts.

Chapter 19.60 OPEN RECORD PUBLIC HEARINGS

Sections:

- 19.60.010 General.
- 19.60.020 Responsibility of director for hearing.
- 19.60.030 Conflict of interest, ethics, open public hearing meetings, appearance of fairness.
- 19.60.040 Ex parte communications.
- 19.60.050 Disqualification.
- 19.60.060 Burden of proof.
- 19.60.070 Order of proceedings.
- 19.60.080 Decision and notice of decision.
- 19.60.090 Calculation of time periods for issuance of notice of final decision.
- 19.60.095 Required findings.

19.60.010 General.

Public hearings on all Type II, III and IV project permit applications and on all open record appeal hearings of Type I permit decisions shall be conducted in accordance with this chapter.

19.60.020 Responsibility of director for hearing.

The director shall:

- A. Schedule an application for review and public hearing.
- B. Give notice.

C. Prepare the staff report on the application, which shall be a single report stating all of the decisions made as of the date of the report, including recommendations on project permits in the consolidated permit process that do not require an open record predecision hearing. The report shall state any mitigation required or proposed under the development regulations or the city's authority under SEPA. If the threshold determination other than a determination of significance has not been issued previously by the city, the report shall include or append this determination. In the case of a Type II, Type III or Type IV permit application, the report shall include the results of a concurrency analysis that indicates whether the proposal will or will not result in a decrease of the level of

service on any portion of the city's street system. This analysis may also list mitigation measures that, if implemented, would prevent a decline in the level of service. In the case of a Type I permit application, this report may be the approved permit.

D. Prepare the notice of decision, if required by the hearing body, and/or mail a copy of the notice of decision to those required by this code to receive such notice of decision.

19.60.030 Conflict of interest, ethics, open public hearing meetings, appearance of fairness.

The hearing body shall be subject to the code of ethics (RCW 42.23.070), prohibitions on conflict of interest (Chapter 42.23 RCW), open public meetings (Chapter 42.30 RCW), and appearance of fairness (Chapter 42.36 RCW) as the same now exist or may hereafter be amended; provided that the appearance of fairness doctrine applies to quasi-judicial actions but not to legislative actions per RCW 42.36.010.

19.60.040 Ex parte communications.

A. No member of the hearing body may communicate, directly or indirectly, regarding any issue in a proceeding before him or her, other than to participate in communications necessary to procedural aspects of maintaining an orderly process, unless he or she provides notice and opportunity for all parties to participate; except as provided in this section:

1. The hearing body may receive advice from legal counsel;
2. The hearing body may communicate with staff members.

B. If, before serving as the hearing body in a quasi-judicial proceeding, any member of the hearing body receives an ex parte communication of a type that could not properly be received while serving, the member of the hearing body, promptly after starting to serve, shall disclose the communication as described in subsection (C) of this section.

C. If the hearing body receives an ex parte communication in violation of this section, he or she shall place on the record:

1. All written communications received;
2. All written responses to the communications;
3. State the substance of all oral communications received, and all responses made;
4. The identity of each person from whom the examiner received any ex parte communication.

The hearing body shall advise all parties that these matters have been placed on the record. Upon request made within 10 days after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a rebuttal statement on the record.

D. The prohibitions on ex parte communications listed above, apply specifically to quasi-judicial proceedings, not to legislative actions.

19.60.050 Disqualification.

A. A member of the hearing body who is disqualified shall be counted for purposes of forming a quorum. Any member who is disqualified may do so only by making full disclosure to the audience, abstaining from voting on the proposal, vacating the seat on the hearing body and physically leaving the hearing.

B. If all members of the hearing body are disqualified, all members present after stating their reasons for disqualification shall be requalified and shall proceed to resolve the issues.

C. Except for Type **V** actions, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or decision unless the member has reviewed the evidence received.

19.60.060 Burden of proof.

Except for Type **V** actions, the burden of proof is on the proponent. The project permit application must be supported by proof that it conforms to the applicable elements of the city's development regulations, comprehensive plan and that any significant adverse environmental impacts have been adequately addressed.

19.60.070 Order of proceedings.

The order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate:

A. Before receiving information on the issue, the following shall be determined:

1. Any objections on jurisdictional grounds shall be noted on the record and if there is objection, the hearing body has the discretion to proceed or terminate.

2. Any abstentions or disqualifications shall be determined.

B. The presiding officer may take official notice of known information related to the issue, such as:

1. A provision of any ordinance, resolution, rule, officially adopted development standard or state law;

2. Other public records and facts judicially noticeable by law.

C. Matters officially noticed need not be established by evidence and may be considered by the hearing body in its determination. Parties requesting notice shall do so on the record. However, the hearing body may take notice of matters listed in subsection (B) of this section if stated for the record. Any matter given official notice may be rebutted.

D. The hearing body may view the area in dispute with or without notification to the parties, but shall place the time, manner and circumstances of such view on the record.

E. Information shall be received from the staff and from proponents and opponents. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. Unless the presiding officer specifies

otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony.

F. When the presiding officer has closed the public hearing portion of the hearing, the hearing body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.

19.60.080 Decision and notice of decision.

A. Following the hearing procedure described in RMC 19.60.070, the hearing body shall approve, conditionally approve, or deny the application. If the hearing is an appeal, the hearing body shall affirm, reverse or remand the decision that is on appeal.

B. The hearing body's written decision shall be issued within 10 days after the hearing on the project permit application. The notice of final decision shall be issued within 120 days after the city notifies the applicant that the application is complete. ~~The time frames set forth in this section and RMC 19.60.090 shall apply to project permit applications filed on or after April 1, 1996.~~

C. The city shall provide a notice of decision that also includes a statement of any threshold determination made under SEPA (Chapter 43.21C RCW) and the procedures for administrative appeal, if any.

D. The notice of decision shall be provided to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application.

E. For Type I permits, the notice of decision shall be provided to the applicant and to all property owners of record within a radius of 300 feet of the exterior areas of the subject property.

~~E.~~ F. If the city is unable to issue its final decision on a project permit application within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of decision.

19.60.090 Calculation of time periods for issuance of notice of final decision.

A. In determining the number of days that have elapsed after the local government has notified the applicant that the application is complete for purposes of calculating the time for issuance of the notice of final decision, the following periods shall be excluded:

1. Any period during which the applicant has been requested by the city to correct plans, perform required studies, or provide additional required information, including any additional information requested by a city hearing or decision-making body. The period shall be calculated from the date the city notifies the applicant of the need for additional information until the earlier of the date the local government determines whether the additional information satisfies the request for information or 14 days after the date the information has been provided to the city;

2. If the city determines that the information submitted by the applicant under subsection (A)(1) of this section is insufficient, it shall notify the applicant of the deficiencies and the procedures under subsection (A)(1) of this section shall apply as if a new request for studies had been made;

3. Any period during which an environmental impact statement is being prepared following a determination of significance pursuant of Chapter 43.21C RCW, if the city ordinance has established time periods for completion of environmental impact statements, or if the local government and the applicant in writing agree to a time period for completion of an environmental impact statement;

4. Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed. The time period for consideration and decision on appeals shall not exceed:

- a. Ninety days for an open record appeal hearing;
- b. Sixty days for a closed record appeal.

The parties may agree to extend these time periods;

5. Any extension of time mutually agreed upon by the applicant and the local government; and

a. The time limits established in this title do not apply if a project permit application:

- i. Requires an amendment to the comprehensive plan or a development regulation;
- ii. Requires approval of the siting of an essential public facility as provided in RCW 36.70A.200;
- iii. Is an application for a permit or approval described in RMC 19.20.070; or
- iv. Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete. ~~under RCW 36.70A.440.~~

19.60.095 Required findings.

No development application for a Type II, Type III or Type IV ~~IV~~ II permit shall be approved by the city of Richland, unless the decision to approve the permit application is supported by the following findings and conclusions:

A. The development application is consistent with the adopted comprehensive plan and meets the requirements and intent of the Richland Municipal Code.

B. Impacts of the development have been appropriately identified and mitigated under Chapter 22.09 RMC.

C. The development application is beneficial to the public health, safety and welfare and is in the public interest.

D. The development does not lower the level of service of transportation facilities below the level of service D, as identified in the comprehensive plan; provided, that if a development application is projected to decrease the level of service lower than level of service D, the development may still be approved if improvements or strategies to raise the level of service above the minimum level of service are made concurrent with development. For the purposes of this

section, “concurrent with development” means that required improvements or strategies are in place at the time of occupancy of the project, or a financial commitment is in place to complete the required improvements within six years of approval of the development.

E. Any conditions attached to a project approval are as a direct result of the impacts of the development proposal and are reasonably needed to mitigate the impacts of the development proposal.

Chapter 19.70 CLOSED RECORD DECISIONS AND APPEALS

Sections:

- 19.70.010 Appeals of administrative decisions.
- 19.70.020 Consolidated appeals.
- 19.70.030 Standing to initiate administrative appeal.
- 19.70.040 Closed record decisions and appeals – Type II project permit decisions.
- 19.70.050 Procedure for closed record decisions and appeals.
- 19.70.060 Judicial appeals.

19.70.010 Appeals of administrative decisions.

Project permit applications shall be appealable as provided in the framework in RMC 19.20.030.

19.70.020 Consolidated appeals.

A. All appeals of project permit application decisions, other than an appeal of determination of significance (DS), shall be considered together in a consolidated appeal.

B. Appeals of environmental determinations under SEPA, Chapter 22.09 RMC, shall proceed as provided in that chapter.

19.70.030 Standing to initiate administrative appeal.

A. Limited to Parties of Record. Only parties of record may initiate an administrative appeal of a Type I or II decision on a project permit application.

B. Definition. The term “parties of record,” for the purposes of this chapter, shall mean:

1. The applicant;
2. Any person who testified at the open record public hearing on the application; and/or
3. Any person who submitted written comments concerning the application at the open record public hearing (excluding persons who have only signed petitions or mechanically produced form letters).

C. Appeals of Type I decisions may be filed by any party aggrieved by the permit decision.

19.70.040 Closed record decisions and appeals – Type II project permit decisions.

Appeals of the hearing body's decision on a Type II project permit application shall be governed by the following:

~~A. Standing. Only parties of record have standing to appeal the hearing body's decision of a Type II permit application. Any party may appeal a Type I permit decision.~~

~~B.~~ **A.** Time to File. An appeal of the hearing body's Type I or Type II permit decision must be filed within 10 calendar business days following issuance of the hearing body's written decision. Appeals may be delivered to the ~~planning and inspection~~ development services division by mail, personal delivery, e-mail or by fax before 5:00 p.m. on the last business day of the appeal period.

~~C.~~ **B.** Computation of Time. For the purposes of computing the time for filing an appeal, the day the hearing body's decision is rendered notice of decision is mailed shall not be included. The last day of the appeal period shall be included unless it is a Saturday, Sunday, a day designated by RCW 1.16.050 or by the city's ordinances as a legal holiday; then it also is excluded and the filing must be completed on the next business day.

~~D.~~ **C.** Content of Appeal. Appeals shall be in writing, be accompanied by an appeal fee, and contain the following information:

1. Appellant's name, address and phone number;
2. Appellant's statement describing his or her standing to appeal;
3. Identification of the application which is the subject of the appeal;
4. Appellant's statement of grounds for appeal and the facts upon which the appeal is based;
5. The relief sought, including the specific nature and extent;
6. A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.

~~E.~~ **D.** Effect. The timely filing of an appeal shall stay the effective date of the hearing body's decision until such time as the appeal is adjudicated by the council or withdrawn. In the case of an appeal of a Type I permit decision, the timely filing of an appeal shall stay the effective date of the administrative decision until such time as the appeal is adjudicated by the Planning Commission or Board of Adjustment or withdrawn.

~~F.~~ **E.** Notice of Appeal. The director shall provide public notice of the appeal to any party required to receive notice of hearing on the underlying permit as set forth elsewhere in the city's adopted development regulations and to those persons entitled to notice of decision as set forth in RMC 19.60.080(D).

19.70.050 Procedure for closed record decisions and appeals.

A. The following sections of this title shall apply to a closed record decisions and appeals meeting: RMC 19.60.030; 19.60.040; 19.60.050; 19.60.060; 19.60.070(A), (B), (C), (D), and (F) and 19.60.080.

B. The closed record decisions and appeals meeting shall be on the record before the hearing body, and no new evidence may be presented. No new evidence shall be presented before the City Council in a closed record appeal.

Only those persons who participated in the open record hearing before the Planning Commission or Board of Adjustment may address the Council in a closed record appeal meeting. Comments made at a closed record appeal meeting must be in the nature of summary argument only, based on and limited to facts in the written and oral record developed during the open record hearing. If any speaker at a closed record appeal meeting presents comments that are not based on facts in the record, anyone present at the meeting may make an objection. If an objection is made, the speaker will stop until the issue of the objection is resolved.

19.70.060 Judicial appeals.

The city's final decision on an application may be appealed by a party of record with standing to file a land use petition in Benton County superior court. Such petition must be filed within 21 days of issuance of the decision, as provided in Chapter 36.70C RCW.

Chapter 19.80 APPLICATION AND APPEALS FEES

Sections:

- 19.80.010 Payment of fees required.
- ~~19.80.020 Schedule of fees.~~
- 19.80.03~~20~~ Provisions for update of fees.

19.80.010 Payment of fees required.

No development permit application or appeal of a decision relating to such application shall be accepted or processed for action until such fees as ~~required~~ by ~~RMC 19.80.020~~, or as otherwise set forth in the RMC, have been paid in full.

~~19.80.020 Schedule of fees.~~

~~The schedule of fees for development permit applications and appeals is as follows:~~

Application for Threshold Determination (SEPA Review)	\$125 no notification
	\$250 notification required
Zone Change	\$700
Zoning Text Amendment	\$500
Comprehensive Plan Change	\$700
Planned Unit Development	\$20/acre; \$500/min.; \$1,000/max.

Site Plan Review	\$500
Variance	\$250
Special Use Permit	\$300
Short Plat	\$300
Preliminary Plat	\$30/lot; \$650/min.; \$1,500/max.
Final Plat	\$250
Binding Site Plan	\$50/lot; \$250/min.; no max.
Plat Exemption/Boundary Line Adjustment	\$25
Plat Vacation or Alteration	\$350
Shoreline Management Permit	\$700
Shoreline Program Amendment	\$500
Appeal of Administrative Decisions	\$100
Appeal of Board of Adjustment or Planning Commission Action to Council	\$100 + costs of transcript preparation
Annexation Petition	\$700

19.80.03~~20~~ Provisions for update of fees.

The schedule of fees set forth in ~~RMC 19.80.020~~ shall be reviewed and updated as part of the annual budget process. Adjustment to the fees shall be based mainly on changes in the Consumer Price Index – Urban Wage and Clerical Workers (CPI-U) for the Seattle/Tacoma area using 1996 as the base year. Other factors affecting the cost of processing applications and appeals shall also be considered when making adjustments to the schedule of fees.

Chapter 19.90 COMPREHENSIVE PLAN AND DEVELOPMENT REGULATION AMENDMENTS

Sections:

- 19.90.010 Purpose.
- 19.90.020 Type of action.

- 19.90.030 Suggesting amendment.
- 19.90.040 Identified deficiencies.
- 19.90.050 Docketing suggested amendments.
- 19.90.060 Timing and order of consideration of suggested amendments.
- 19.90.070 Public participation.

19.90.010 Purpose.

The purpose of this chapter is to establish the type of action and procedures for suggesting amendments and encouraging public participation for comprehensive plan, subarea plans and development regulation amendments.

19.90.020 Type of action.

A comprehensive plan, subarea plan or development regulation amendment is a Type **V** (legislative) action and shall be considered in accordance with the procedures for such actions as set forth in this chapter and elsewhere in this title.

19.90.030 Suggesting amendment.

Amendments to the comprehensive plan, a subarea plan, or development regulations may be suggested by any person, including applicants, citizens, commissioners and staff of other agencies by providing the following written information on a form approved by the director to meet the docketing requirements of this chapter:

- A. Name, address and telephone number of the person, business, agency or other organization suggesting the amendment;
- B. Citation of the specific text, map or other illustration suggested to be amended;
- C. The suggested amendment;
- D. If a suggested amendment is to a plan or to both a plan and a development regulation, a statement of how the amendment:
 - 1. Promotes the public health, safety and welfare;
 - 2. Is consistent with or in conflict with other portions of the comprehensive plan or subarea plan; and complies with Chapter 36.70A RCW, also known as the Growth Management Act and the Benton County countywide planning policies;
- E. If a suggested amendment is only to the development regulations, a statement as to how the amendment complies with the comprehensive plan.

19.90.040 Identified deficiencies.

If during the review of any project permit application the city identifies any deficiencies in plans or development regulations, the identified deficiencies shall be docketed on a form as provided in RMC 19.90.030, for possible future plan or development regulation amendments. "Deficiency" as used herein means the absence of required or potentially desirable contents of a comprehensive plan, subarea plan, or development regulation.

19.90.050 Docketing suggested amendments.

The community and development services group, planning and development services, shall compile and maintain for public review a list of suggested amendments and identified deficiencies to the comprehensive plan, subarea plans and the city's development regulations by appropriate classification and in the order in which such suggested amendments were received.

19.90.060 Timing and order of consideration of suggested amendments.

A. Suggested amendments to the comprehensive plan, subarea plan or development regulations shall be considered at least once each calendar year, but the comprehensive plan shall be amended no more often than once each calendar year, except that amendments may be considered more frequently for the initial adoption of a subarea plan, the adoption of a shoreline master program, in cases of emergency, or to resolve an appeal of an adopted comprehensive plan filed with a growth management board or with the court. The city council shall initiate consideration of suggested amendments by motion requesting the ~~physical~~ planning commission to prepare a recommendation.

B. Suggested amendments shall generally be considered by the ~~physical~~ planning commission in the order received, although suggestions which concern the same property, group of properties, subarea, or land use topic may be combined.

19.90.070 Public participation.

The public shall be made aware of the opportunity to suggest amendments and to comment on suggested amendments through methods including but not limited to newspaper articles, legal advertisements and notices posted in public places. Public notice requirements shall be as set forth in Chapter 19.40 RMC.

Section 1.02 This ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

PASSED by the City Council of the City of Richland at a regular meeting on the _____ day of _____, 2012.

JOHN FOX
Mayor

ATTEST:

MARSHA HOPKINS
City Clerk

APPROVED AS TO FORM:

THOMAS O. LAMPSON
City Attorney

Date Published: _____

STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: M2012-107

PREPARED BY: RICK SIMON
MEETING DATE: JULY 25, 2012

GENERAL INFORMATION:

APPLICANT: CITY OF RICHLAND M2012-107

REQUEST: AMENDMENTS TO TITLE 19 – DEVELOPMENT REGULATION
ADMINISTRATION

LOCATION: CITYWIDE

REASON FOR REQUEST:

Staff has identified a number of desirable adjustments to the municipal code to clarify the requirements for the processing of land use applications and to standardize and increase public notification requirements.

FINDINGS AND CONCLUSIONS

Staff has completed its review of the proposed amendments to the city's development regulations and submits that:

1. The existing code language does not specifically categorize all permit types in the code, leaving some question as to the appropriate process to use for certain types of applications. The proposed code language would explicitly categorize all permit types and in so doing would clarify the permit procedures that apply to each type of application.
2. The proposed code amendments would provide some uniformity to the types of public notification that are required for various permit types. Additionally, the proposed amendments would provide for a new form of public notice, requiring that the City post notices on its webpage.
3. The proposed code amendments require that a notice of decision be mailed to adjacent property owners when an administrative decision on a permit application has been made. This both informs the public of permit decisions and provides an opportunity for aggrieved parties to appeal administrative decisions.

4. The proposed code amendments provide for modified closed record hearing procedures, giving the City Council the ability to hear limited, summary arguments from parties of record during a closed record appeal hearing.
5. The proposed code amendments would delete an outdated application fee schedule.
6. In total, the proposed code amendments would eliminate some uncertainty in the code, standardize public notification procedures, expand notification requirements and in so doing would increase the opportunity for public involvement in permit decisions and increase the City's transparency in making permit decisions.
7. Based upon the above findings and conclusions, the adoption of the proposed amendments to Title 19 of the Richland Municipal is in the best interest of the community of Richland.

RECOMMENDATION

Staff recommends the Planning Commission concur with the findings and conclusions set forth in Staff Report (M2012-107) and recommend to the City Council adoption of the proposed amendments to Title 19 of the Richland Municipal Code.

ATTACHMENTS

1. Supplemental Information
2. Draft Ordinance Language

SUPPLEMENTAL INFORMATION

BACKGROUND

Title 19 of the City code sets forth rules for the processing of development applications and includes provisions for the general steps necessary to take an application from the point of initial submittal to a final permit decision; it identifies the public notification requirements for each type of land use application, and sets forth standards for the conduct of public hearings and procedures and for the filing of appeals of land use decisions.

Current Title 19 regulations were put in place largely as a result of requirements that were established under the growth management act. The act attempted to resolve a number of issues that were prevalent in a variety of jurisdictions throughout the state. First, there were permitting systems in some communities that required reviews by multiple boards, each one potentially requiring multiple public hearings. Also there were no controls regarding the time it took jurisdictions to process applications and in some jurisdictions it took months if not years to secure the approvals needed for a project to be developed. Another issue was that the provision of public notice for development proposals was not always provided or was not provided in a timely manner, effectively eliminating the public from the review process. The legislature adopted rules to address these issues, mandating that a development proposal could only go through a single open record public hearing process; that the process had to be completed within 120 days and that effective public notice had to be provided. The City responded to these state mandates in 1996 adopting the regulations that now comprise Title 19.

EXISTING CODE

The existing code classifies permit applications into one of five broad categories. Type I permits are those that are administratively issued; Type II permits are those which are issued by the Planning Commission or Board of Adjustment following a public hearing; Type III permits are those permits that are issued by the City Council following a public review process and recommendation by the Planning Commission; Type IV permits are a limited category of permits consisting only of final plats and Type V permits are legislative matters that include public hearings before both the Planning Commission and City Council.

In the existing code, not all types of permits were identified as belonging to a specific category, which creates some uncertainties.

Based on the categorization of permits, public notification procedures are established, as well as procedures for public hearings and appeal processes.

PROPOSED AMENDMENTS

The Table in Section 19.20.020 has also been amended to provide some additional clarity concerning procedures for each permit category.

Section 19.30.040 provides requirements for public notice. It has been amended to provide for additional notifications. All notices will be posted on the property; mailed to adjacent property owners; published in the newspaper and posted on the City's webpage. Posting on the webpage is a form of notice that up to this point has not been a code requirement.

Several code sections were amended (including 19.60.010, 19.60.080, 19.70.030, 19.70.040) to provide an appeal opportunity for persons aggrieved by an administrative decision. The existing code does not provide any notification of administrative decisions. The proposed amendments call for a notice of decision to be mailed to property owners within 300 feet of the subject site and provide for appeal procedures for aggrieved parties to appeal an administrative decision to the Planning Commission.

Section 19.70.050 was amended to modify the closed record hearing procedures that Council has used in recent years. The modifications allow for parties of record to address Council and make summary arguments.

The fee schedule included in Title 19 is outdated and so would be deleted. Other provisions in code provide for annual adjustments in the fee schedule, based on changes in the CPI.

ANALYSIS

The Commission held a discussion on the proposed code amendments at two previous workshops. Based on comments made at the last workshop, accessory dwelling units were added to the list of Type I permits and the appeal period for the notice of decision was changed from 10 calendar days to 10 business days.

The proposed amendments are useful in that they will eliminate several gaps in the existing code. For some permits, which were not mentioned in Title, the process is unclear. The proposed revisions would clarify that situation. Additionally, public notification procedures would be expanded and standardized, giving the public additional opportunities to be informed of proposed projects and giving them an opportunity to appeal administrative decisions.

SUMMARY

The proposed amendments to Title 19 are desirable in that they will fill in some existing gaps in the code; increase transparency of the City's permit decisions; standardize public notification requirements and increase the level of public notice that is provided to Richland citizens.



MINUTES - EXCERPT

RICHLAND PLANNING COMMISSION MEETING No. 06-2012

Richland City Hall – 550 Swift Boulevard – Council Chamber

WEDNESDAY, July 25, 2012

7:00 p.m.

Call to Order:

Chairman Boring called the meeting to order at 7:00 p.m.

Attendance:

Present: Chairman Boring, Commission Members Berkowitz, Clark, Jones, Madsen, Moser, Utz and Wise. Also present were Planning Manager Rick Simon, Senior Planner Jeff Rolph and Recorder Pam Bykonen.

CITY OF RICHLAND AMENDMENTS TO TITLE 19 (M2012-107)

Mr. Simon presented the staff report for the final item on the agenda to amend Title 19 of the Richland Municipal Code, Development Regulation Administration. The proposed amendments are meant to clarify permit procedures and notification requirements, categorize different land use permit types, and general housekeeping items.

Mr. Simon noted a significant change to Type I permits regarding notification of the right to appeal a decision. Currently only the applicant is notified. The amendment would require the City to notify property owners within 300 feet of the subject property of the decision and their right to appeal. Mr. Simon also discussed a change to Planning Commission items that require approval by City Council that would allow citizens who had testified before the Planning Commission to summarize their comments at the council meeting, as long as they did not provide new information.

Based on the Findings and Conclusion, staff recommended adoption of the proposed amendments.

Chairman Boring opened the Public Hearing at 10:42 PM and invited the public to provide comments on the proposal. Seeing none, she closed the public hearing at 10:42 PM.

Commission Discussion:

There was general discussion regarding typographical errors and formatting issues. It was suggested to list add Type IV permits to the list on page 3/22.

A motion was made by Commissioner Moser and seconded by Commissioner Clark that the Planning Commission concurs with the Findings and Conclusions set forth in Staff Report M2012-107 and recommend to the City Council adoption of the proposed amendments to Title 19 of the Richland Municipal Code as further amended at this meeting.

Discussion: None

Called for a vote: Commissioner Berkowitz: Yes; Commissioner Clark: Yes; Commissioner Jones: Yes; Commissioner Madsen: Yes; Commissioner Moser: Yes; Commissioner Utz: Yes; Commissioner Wise: Yes; Chairman Boring: Yes.

MOTION CARRIED 8-0.



Council Agenda Coversheet

Council Date: 09/04/2012

Category: Consent Calendar

Agenda Item: C6

Key Element: Key 1 - Financial Stability and Operational Effectiveness

Subject: REAPPOINTMENTS TO THE UTILITY ADVISORY COMMITTEE: ROY KECK AND HANK KOSMATA

Department: Assistant City Manager

Ordinance/Resolution: 72-12

Reference:

Document Type: Resolution

Recommended Motion:

Adopt Resolution No.72-12, reappointing Roy Keck and Hank Kosmata to the Utility Advisory Committee (UAC) to Position Nos. 2 and 6 respectively.

Summary:

The UAC terms for Position Nos.2 and 6 expire on September 19, 2012. Mr. Keck has served on the UAC since November 1, 2004. Mr. Kosmata has served on the UAC since June 27, 2000 and has reached the 12-year term limit. However, the Richland Municipal Code (RMC) 2.04.110D states, "Term Limits. All commission or committee members . . . shall serve no more than 12 consecutive years on the same commission or committee . . . The council may waive this limitation for any member of any board, commission or committee for one term."

Vice Chair Arneson submitted a recommendation on behalf of the UAC to reappoint Roy Keck to Position No. 2 and Hank Kosmata to Position No.6 for another three-year term or until September 19, 2015.

Fiscal Impact?

☐ Yes ☒ No

Attachments:

- 1) Proposed Resolution
- 2) Recommendation and Applications

City Manager Approved:

Amundson, Jon
Aug 31, 10:11:58 GMT-0700 2012

RESOLUTION NO. 72-12

A RESOLUTION of the City of Richland confirming the position reappointments of Roy Keck and Hank Kosmata to the Utility Advisory Committee

BE IT RESOLVED by the City Council of the City of Richland that the following appointment/reappointment to the Parks and Recreation Commission are hereby confirmed:

<u>NAME</u>	<u>ADDRESS</u>	<u>POSITION NO.</u>	<u>TERM ENDING</u>
Roy Keck	411 Columbia Point Dr.	2	9/19/15
Hank Kosmata	2620 Harris Ave.	6	9/19/15

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

ADOPTED by the City Council of the City of Richland, at a regular meeting on the 4th day of September 2012.

JOHN FOX
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

THOMAS O. LAMPSON
City Attorney

Barham, Debby

From: Steve Arneson <sarneson@gmail.com>
Sent: Monday, August 13, 2012 11:30 AM
To: Barham, Debby; Edgemon, Sandi
Cc: Daniel Porter
Subject: Appointment of Members to the Utility Advisory Committee

Richland City Council Members-

This is to recommend the reappointment of Mr. Roy Keck and Mr. Hank Kosmata as members of the UAC when their current terms expire. Both men are highly valued members of the UAC and particularly well qualified to participate in advising the Council on utility matters. While Mr. Kosmata has reached the normal term limit on Committee membership his expertise in utility operations and financing justifies requesting that he be extended as a member in accordance with the City Code permitting the Council to reappoint him for one additional term. We believe this is especially important in this early period of operation under the new power supply contracts with their much more expensive supply terms. We are also facing the need to raise the costs to the Richland customers by significant amounts in the relatively near term and both gentlemen will make significant contributions to the UAC's analysis of alternatives and development of Council recommendations.

It should be noted that no other applications were received for these positions and the UAC Chairman, Mr. Dan Porter, personally surveyed the members of the UAC to assure that they were satisfied with the reappointment of both Messer's Keck and Kosmata. The Council liaisons to the UAC were also contacted to gain their support for the recommended appointments.

Sincerely,
Steve Arneson, Vice Chair
Utility Advisory Committee

Utility Advisory Committee Application

First Name: Roy

Last Name: Keck

Street Address: 411 Columbia Point Drive

City,State,Zip: Richland WA. 99352

Contact Number: 509-947-5325

Alternate Number: 509-943-6133

Email Address: rdkeck@frontier.com

Length of Residency in City of Richland: 61 years

Occupation: Port Commissioner / Retired ENW Manager

Education: 14 years, CBC WSU

Experience Applicable to the City Board, Commission or Committee to which you are applying: 35 years with Energy Northwest (WPPSS) as Project Manager including regional energy planning for WNP-1, WNP-2 (Columbia Generating Station) and WNP-3 with NWPPC & BPA

Are you currently serving on a Board, Commission, or Committee?: Yes

If yes, which: Utility Advisory Committee

Have you served on a Board, Commission, or Committee before?: Yes

If yes, which:: Economic Development Committee

I accept: checked

A resume may not be required, however it is highly recommended.: [KeckResume.doc](#)

RECEIVED

JUL 20 2012

RICHLAND CITY CLERK

ROY D. KECK

411 Columbia Point Drive
Richland, WA 99352

Home: (509) 943-6133
Cell: (509) 947-5325

rdkeck@verizon.net

PROFILE

Organized, efficient **Project Manager/Finance Professional** with extensive experience in estimating, contracting, and budget aspects of large public projects. Strengths include:

- Planning
- Management
- Leadership
- Problem solving
- Vision
- Analysis
- Negotiation
- Oral and written presentation

Gets to core of situations quickly and crisply. Critiques programs in logical, objective way. Organizes products, processes, and people to achieve goals. Demonstrated proficiency in negotiating complex transactions and agreements among multiple public and private stakeholders. Strong community connections. Earned reputation for getting things done.

PROFESSIONAL EXPERIENCE

ENERGY NORTHWEST, RICHLAND WA

1977 – 2007

Public agency for construction and operation of regional electrical generation projects.

Senior Business and Financial Analyst, 1999 – 2007

Managed financial planning and administration for four partially completed WNP-1/4 and WNP-3/5 nuclear power plants and Hanford Generating Project.

- Prepared WNP-1 construction restart, completion, and site restoration estimates and plans, providing solid basis for regional decision to terminate facility.
- Prepared business plans and developed pro formas for multiple business initiatives, providing solid foundations for effective resource allocation and management decision-making.
- Developed facilities master plan for 900,000 sq. ft. of office and shop facilities, providing mechanism for establishing maintenance priorities and preparing annual budgets.
- Directed WNP-1/4 site multi-discipline operations and maintenance crew and supervised Columbia Generation Station industrial area maintenance crew, significantly raising morale, crew task ownership, and quality of work outcomes.
- Prepared termination and site restoration plan for WNP-1/4, obtaining agreement from Bonneville Power Administration, Washington State Energy Facilities Site Evaluation Council, US Dept. of Energy, and Energy Northwest.

Senior Project Manager, 1995 – 1999

Performed strategic analysis and planning for WNP-1/4 and WNP-3/5 partially completed nuclear power facilities; negotiated agreements among multiple stakeholders for disposition of assets.

- Developed and executed transfer of WNP-3/5 projects to Grays Harbor County, successfully completing three year process with full assent from multiple stakeholders (both public and private).

- Oversaw all financial planning, analysis, and reporting for the WNP-3/5 (Satsop), WNP-1/4 (Hanford), and Hanford Generating Project, supporting effective decision-making and resource management on \$800 million annual budgets.
- Prepared annual budgets for four WNP-1/4 and WNP-3/5 nuclear power plants, and Hanford Generating Project consistently gaining approval from company senior management, board of directors, executive board, and Bonneville Power Administration.
- Negotiated with Benton County and Port of Benton agreement and plans for WNP-1/4 site redevelopment, restoration and remediation.

Project Controller, 1987 – 1995

Performed budgeting, financial analysis, long-range planning, and developed reporting systems and processes.

- Managed finances for all maintenance programs for mothballed power plants, WNP-1/4, WNP-3/5, and HGP, fulfilling all statutory requirements.
- Provided financial data support for complex litigation following on WNP-4/5 bond default, resolving all outstanding claims and successfully reentering bond market.
- Provided company input to Northwest Power Planning Council, presenting data on operating programs, construction cost, plant capacities, and risk analysis to support effective executive decision making.

Senior Budget Specialist, 1982 – 1986

Contract Const and Pricing Management Specialist, 1981

Lead Estimator, 1977 – 1981

ADDITIONAL ACCOMPLISHMENTS

- Chaired economic development committee that managed planning and development of Columbia Point in Richland laying foundation for \$220 million in development.
- Project manager for development of Richland Yacht Club new \$2 million, 120 slip marina and clubhouse.

EDUCATION AND TRAINING

Associate Degree in Applied Science, Columbia Basin College
Manager Certification, NMA-ICPM
Project Management Certification, Washington State University, Tri-Cities

COMMUNITY ACTIVITIES

Richland Rotary, Centennial Project Manager/Member, 2004 - present
Richland Utility Advisory Board, Board Member, 2001 – present
Leadership Tri-Cities (Class 4), Board Member/Treasurer, 1994 – present
Richland Yacht Club, Construction Project Manager/Treasurer, 1993 – 2005
Richland Economic Development Board, Board Member/Chairman, 1994 – 2004
Richland Chamber of Commerce (RCOC), Board Member, 2001 – 2004
RCOC, Economic Development Committee, Board Member/Chairman 2001 – 2004
Workforce Development Council, Employer Linkage Committee Member, 2000 – 2004



APPLICATION FORM BOARD ~ COMMISSION ~ COMMITTEE

BOARD/COMMISSION/COMMITTEE FOR WHICH APPLYING: _____

NAME: Hank Kosmata Contact Telephone: 375 8119

ADDRESS: 2620 Harris Alternate Telephone: _____

CITY, STATE, ZIP: Richland WA 99354 E-mail: hr.kosmata@charter-net

Parks & Recreation Applicants Only: → Adult: ☒ Youth / Grade: _____

LENGTH OF RESIDENCE IN RICHLAND: 58

OCCUPATIONAL AND EDUCATIONAL BACKGROUND: BS Chem E MBA

40+ yrs ~~BA~~ GE / DUN / WPSS —

EXPERIENCE RELATED TO THE BOARD/COMMISSION/COMMITTEE, WHICH YOU ARE APPLYING FOR: _____

12⁺ yrs — UAC

ARE YOU CURRENTLY SERVING ON A BOARD, COMMISSION, OR COMMITTEE? IF YES, WHICH: UAC

HAVE YOU SERVED ON A BOARD, COMMISSION, OR COMMITTEE BEFORE? IF YES, WHICH: EDC

As an applicant for the above position for the City of Richland, I hereby waive my right to privacy with respect to the information contained in my application and any supporting documents attached thereto. The City, its officials, or employees are authorized to make my application and supporting documents available for public inspection, including inspection by members of the press and media. *In addition, I certify that I am in compliance with the qualification requirements of this appointment.*

Date: 7/23/12 Signature: H Kosmata

Note: A resume may not be required, however it is highly recommended.

Return to:

Office of the City Clerk, P.O. Box 190 MS-05,
975 George Washington Way, Richland, WA 99352
Phone: 942-7388 Fax: 942-7379

RECEIVED

JUL 23 2012

RICHLAND CITY CLERK



Council Agenda Coversheet

Council Date: 09/04/2012

Category: Consent Calendar

Agenda Item: C7

Key Element: Key 1 - Financial Stability and Operational Effectiveness

Subject: REAPPOINTMENTS TO THE PARKS AND RECREATION COMMISSION

Department: Assistant City Manager

Ordinance/Resolution: 73-12

Reference:

Document Type: Resolution

Recommended Motion:

Adopt Resolution No. 73-12, reappointing Maria Gutierrez, Nancy Doran and Jackie Valentino to the Parks and Recreation Commission (PRC) to Position Nos. 1, 4 and 5 respectively.

Summary:

The term for Position Nos. 1, 4 and 5 expired on August 31, 2012. PRC Chair Fyall is recommending the reappointment of Maria Gutierrez, Nancy Doran and Jackie Valentino for another three-year term until August 31, 2015.

Chair Fyall also interviewed Kevin Smith for a position on the PRC.

Fiscal Impact?

☐ Yes ☒ No

Attachments:

- 1) Proposed Resolution
- 2) Recommendation and Applications

City Manager Approved:

Amundson, Jon
Aug 31, 10:37:53 GMT-0700 2012

RESOLUTION NO. 73-12

A RESOLUTION of the City of Richland confirming the position reappointments of Maria Gutierrez, Nancy Doran and Jackie Valentino to the Parks and Recreation Commission.

BE IT RESOLVED by the City Council of the City of Richland that the following reappointments to the Parks and Recreation Commission are hereby confirmed:

<u>NAME</u>	<u>ADDRESS</u>	<u>POSITION NO.</u>	<u>TERM ENDING</u>
<i>Reappointment</i>			
Maria Gutierrez	109 Falley St.	1	8/31/15
Nancy Doran	1516 Johnston Ave.	4	8/31/15
Jackie Valentino	496 Anthony Dr.	5	8/31/15

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

ADOPTED by the City Council of the City of Richland, at a regular meeting on the 4th day of September 2012.

JOHN FOX
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

THOMAS O. LAMPSON
City Attorney

Barham, Debby

From: Adam Fyall <Adam.Fyall@co.benton.wa.us>
Sent: Tuesday, August 28, 2012 11:01 AM
To: Barham, Debby
Cc: Schiessl, Joe; Strand, Laurel; Pinard, Phil
Subject: PRC Vacancies

Hello Debby,

This note is to inform yourself and Council of my recommendation to re-appoint **Maria Gutierrez, Nancy Doran,** and **Jackie Valentino** to their respective positions on the Richland Parks and Recreation Commission for three-year terms ending in August 2015.

All three of these commissioners have performed at a high level during their tenures on the Commission. Their backgrounds, interests, and perspectives all lend a great deal to our collective discourse and evaluation of programs, policy, and projects.

There was a fourth applicant, Kevin Smith, whom was interviewed. I believe that Mr. Smith would also bring a lot to the Commission and we had a nice discussion about parks, the community, and other matters. Unfortunately, four pegs do not fit into three holes. At this time, given the quality of our incumbent candidates and the fact that the Commission (and Parks Department) has had significant turnover and recalibration over the recent past, my recommendation is to opt for continuity and stability, particularly as Parks staff continues its transitions.

Respectfully submitted,

Adam J. Fyall, Chair

Adam J. Fyall
Benton County Commissioners' Office
7122 West Okanogan Place
Kennewick, Washington 99336
509-736-3053

Parks & Recreation Commission Application

First Name:: Nancy

Last Name:: Doran

Street Address:: 1516 Johnston Ave

City,State,Zip: Richland WA 99354

Contact Number:: 509946-1175

Alternate Number::

Email Address:: nhdoran@charter.net

Length of Residency in City of Richland:: since August 1976

Occupation:: retired

Education:: B.A. (English literature) Marymount Manhattan College

Experience Applicable to the City Board, Commission or Committee to which you are applying:: I've been serving as a commissioner since November 2009, filling the vacancy created when Mr. Lemley joined City Council. Since joining, I've served as liaison with the Mid-Columbia Community Forestry Council, and briefly served as liaison last fall with the Dog Park Society. This year, I've been attending the Arts Commission meetings in that same role. These activities all increase my understanding of how the Commission relates to other organizations within and without the city. I am, additionally, an avid park user - today as a walker on various trails but in earlier years as a parent using playgrounds and as a soccer coach using the sports fields. Having experienced the parks from these different roles helps me understand the needs of some of the park system's constituencies.

In addition, as the chair of a local arts organization I have considerable experience in workings with other volunteers for a common goal.

Are you currently serving on a Board, Commission, or Committee?: Yes

If yes, which:: Parks & Recreation Commission

Have you served on a Board, Commission, or Committee before?: No

If yes, which::

I accept:: checked

A resume may not be required, however it is highly recommended.: [ndresume.pdf](#)

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JUL 05 2012

RICHLAND CITY CLERK

Nancy Doran
1516 Johnston Ave
Richland WA99354
509 -946 -1175
nhdoran@charter.net

Education

B.A.
Marymount Manhattan College
221 East 71 St
New York, NY 10021

Employment:

Retired	5/2012
Information Specialist Pacific Northwest National Laboratory Richland WA 99352	12/1976-5/2012
Children's Librarian Salt Lake City Public Library Salt Lake City UT	12/1971-8/1976
Librarian New Haven Free Public Library New Haven CT	9/1970-8/1971

Volunteer Experience

Commissioner Richland Parks & Recreation commission Richland WA 99352	11/2009-Present
Board Member, Treasurer, currently Chair Camerata Musica PO Box 615 Richland WA	1987-present



APPLICATION FORM

BOARD ~ COMMISSION ~ COMMITTEE

BOARD/COMMISSION/COMMITTEE FOR WHICH APPLYING: Parks and Recreation
NAME: Maria Gutierrez Contact Telephone: (509) 539-8305
ADDRESS: 109 Falley St. Alternate Telephone: _____
CITY, STATE, ZIP: Richland, WA 99352 E-mail: perublossom@yahoo.com

Parks & Recreation Applicants Only: → Adult: ☒ Youth / Grade: _____

LENGTH OF RESIDENCE IN RICHLAND: 9 years

OCCUPATIONAL AND EDUCATIONAL BACKGROUND: Secondary English Teacher
in the Pasco School District for nine years.
Masters in Education / Professional Teaching Certificate - Heritage University
Bachelor of Arts in English / Teaching Certificate - Eastern Wa. Univ.

EXPERIENCE RELATED TO THE BOARD/COMMISSION/COMMITTEE, WHICH YOU ARE APPLYING FOR: _____

I have served on the PRC for the past 6 years. During this time
I have become familiar with the workings and process of city
government as it pertains to Parks and Rec. In addition I am a
very active user of a broad range of the cities parks and rec. service

ARE YOU CURRENTLY SERVING ON A BOARD, COMMISSION, OR COMMITTEE? IF YES, WHICH: _____

Yes, Parks and Recreation Commission

HAVE YOU SERVED ON A BOARD, COMMISSION, OR COMMITTEE BEFORE? IF YES, WHICH: As a

teacher I have served on community involvement committees.

As an applicant for the above position for the City of Richland, I hereby waive my right to privacy with respect to the information contained in my application and any supporting documents attached thereto. The City, its officials, or employees are authorized to make my application and supporting documents available for public inspection, including inspection by members of the press and media. ***In addition, I certify that I am in compliance with the qualification requirements of this appointment.***

Date: 7/7/2012 Signature: Maria Gutierrez

Note: A resume may not be required, however it is highly recommended.

RECEIVED

JUL 13 2012

RICHLAND CITY CLERK

Return to:

Office of the City Clerk, P.O. Box 190 MS-05,
975 George Washington Way, Richland, WA 99352
Phone: 942-7388 Fax: 942-7379



APPLICATION FORM

BOARD ~ COMMISSION ~ COMMITTEE

BOARD/COMMISSION/COMMITTEE FOR WHICH APPLYING:

Parks & Recreation

NAME: Jackie Valentino

Contact Telephone: 509-205-4677

ADDRESS: 496 Anthony DR

Alternate Telephone: _____

CITY, STATE, ZIP: Richland WA 99352

E-mail: jacklrv@hotmail.com

Parks & Recreation Applicants Only: → Adult: ☒ Youth / Grade: _____

LENGTH OF RESIDENCE IN RICHLAND: 11 years

OCCUPATIONAL AND EDUCATIONAL BACKGROUND:

Currently - Personal Trainer

2001-2012 - OFFICE MANAGER FOR SK Real Estate

Art Institute of Houston - Degree in Interior Design

EXPERIENCE RELATED TO THE BOARD/COMMISSION/COMMITTEE, WHICH YOU ARE APPLYING FOR: _____

2011-2012 - Parks & Recreation Commissioner

ARE YOU CURRENTLY SERVING ON A BOARD, COMMISSION, OR COMMITTEE? IF YES, WHICH: _____

Yes - Parks & Recreation

HAVE YOU SERVED ON A BOARD, COMMISSION, OR COMMITTEE BEFORE? IF YES, WHICH: _____

Not Prior to PRC.

As an applicant for the above position for the City of Richland, I hereby waive my right to privacy with respect to the information contained in my application and any supporting documents attached thereto. The City, its officials, or employees are authorized to make my application and supporting documents available for public inspection, including inspection by members of the press and media. ***In addition, I certify that I am in compliance with the qualification requirements of this appointment.***

Date: 6/28/12

Signature: Jackie Valentino

Note: A resume may not be required, however it is highly recommended.

Return to:

Office of the City Clerk, P.O. Box 190 MS-05,
975 George Washington Way, Richland, WA 99352
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JUN 29 2012

RICHLAND CITY CLERK



Council Agenda Coversheet

Council Date: 09/04/2012

Category: Consent Calendar

Agenda Item: C8

Key Element: Key 1 - Financial Stability and Operational Effectiveness

Subject: APPOINTMENTS TO THE ARTS COMMISSION: LUZZO-GILMOUR, PRIGNANO, RACHINSKI, AND CHANG

Department: Assistant City Manager

Ordinance/Resolution: 74-12

Reference:

Document Type: Resolution

Recommended Motion:

Adopt Resolution No. 74-12, Reappointing Dori Luzzo-Gilmour and Albert Chang to Position Nos. 2 and 8 on the Arts Commission and appointing Andrea Prignano and Anneke Rachinski to Position Nos. 3 and 5 respectively.

Summary:

Position No. 3 has been vacant since April 2012 when Richard Reuther resigned and Position Nos. 2, 5, and 8 terms expired on August 31, 2012.

Arts Commission Vice Chair Tomaszewski and Council Liaison Lemley interviewed the three new candidates for the open positions on August 22, 2012.

The Arts Commission is recommending the following:

1. Reappointments of Dori Luzzo-Gilmour and Albert Chang to Position Nos. 2 and 8 respectively for another three-year term until August 31, 2015.
2. Appointment of Andrea Prignano to fulfill the unexpired term to Position No. 3, which expires on August 31, 2013.
3. Appointment of Anneke Rachinski, replacing Sandip Dasverma, to Position No.5, for a three-year term until August 31 ,2015.

The applications of Sandip Dasverma and Eric Edvalson were also considered.

Fiscal Impact?

☐ Yes ☒ No

Attachments:

- 1) Proposed Resolution
- 2) Recommendation and Applications

City Manager Approved:

Amundson, Jon
Aug 31, 10:15:57 GMT-0700 2012

RESOLUTION NO. 74-12

A RESOLUTION of the City of Richland confirming the position appointments of Dori Luzzo-Gilmour, Andrea Prignano, Anneke Rachinski, and Albert Chang to the Arts Commission.

BE IT RESOLVED by the City Council of the City of Richland that the following appointment/reappointment to the Arts Commission are hereby confirmed:

<u>NAME</u>	<u>ADDRESS</u>	<u>POSITION NO.</u>	<u>TERM ENDING</u>
<i>Reappointment</i>			
Dori Luzzo-Gilmour	2051 Howell Ave.	2	8/31/15
Albert Chang	560 Spengler St.	8	8/31/15
<i>Appointment</i>			
Andrea Prignano	1612 Elementary St.	3	8/31/13
Anneke Rachinski	2455 George WA Way	5	8/31/15

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

ADOPTED by the City Council of the City of Richland, at a regular meeting on the 4th day of September 2012.

JOHN FOX
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

THOMAS O. LAMPSON
City Attorney

Barham, Debby

From: Ellen T <ellen@etcpress.info>
Sent: Tuesday, August 28, 2012 3:37 PM
To: Barham, Debby
Subject: Arts Commission Summary of Applications

Hi Debby,

The Arts Commission interview panel completed their selection process and have chosen the following applicants/positions:

Position 2 – Dori Luzzo-Gilmour
Position 3 – Andrea Prignano
Position 5 – Anneke Rachinski
Position 8 – Albert Chang

Ellen

Ellen Tomaszewski
Richland Arts Commission
<http://www.Richlandart.org>
Literary Art Subcommittee
509-628-8626

From: Barham, Debby
Sent: Thursday, August 23, 2012 1:40 PM
To: Stephanie Hartwig
Cc: Schiessl, Joe; Bykonen, Pamela
Subject: RE: Arts Commission Summary of Applications

Dear Stephanie,

I need the written recommendation (an email is fine) from you with a cc to Council Liaison Lemley and Staff Liaison Schiessl.

Please call me if you have any questions.

Kind Regards,





APPLICATION FORM

BOARD ~ COMMISSION ~ COMMITTEE

BOARD/COMMISSION/COMMITTEE FOR WHICH APPLYING: Arts Commission

NAME: Albert C.S. Chang Contact Telephone: 206 854 4808

ADDRESS: 560 Spengler St. Unit S Alternate Telephone: _____

CITY, STATE, ZIP: Richland WA 99354 E-mail: albert.c.s.chang@gmail.com

Parks & Recreation Applicants Only: → Adult: _____ Youth / Grade: _____

LENGTH OF RESIDENCE IN RICHLAND: 3 years

OCCUPATIONAL AND EDUCATIONAL BACKGROUND: Environmental (Regulatory) Engineer for the WA State Dept. of Ecology; Violinist in the Mid Columbia Symphony; Musician's Board Rep to the Mid Columbia Symphony Board; B.S. Chem Eng, Minor in Music, M. Public Admin,

EXPERIENCE RELATED TO THE BOARD/COMMISSION/COMMITTEE, WHICH YOU ARE APPLYING FOR: _____

Served on the Arts Commission for the last two years, Violinist in the Mid Columbia Symphony, M. Public Admin (UW, 2009), Have Performed in the past with Richland's Academy of Children's Theater, Seattle's Lyric Opera NW, & the UW Symphony.

ARE YOU CURRENTLY SERVING ON A BOARD, COMMISSION, OR COMMITTEE? IF YES, WHICH: _____

Yes, the Arts Commission.

HAVE YOU SERVED ON A BOARD, COMMISSION, OR COMMITTEE BEFORE? IF YES, WHICH: _____

Yes, the Arts Commission, Mid Columbia Symphony Board,

As an applicant for the above position for the City of Richland, I hereby waive my right to privacy with respect to the information contained in my application and any supporting documents attached thereto. The City, its officials, or employees are authorized to make my application and supporting documents available for public inspection, including inspection by members of the press and media. *In addition, I certify that I am in compliance with the qualification requirements of this appointment.*

Date: Aug 7th, 2012 Signature: [Signature]

Note: A resume may not be required, however it is highly recommended.

Return to:
Office of the City Clerk, P.O. Box 190 MS-05,
975 George Washington Way, Richland, WA 99352
Phone: 942-7388 Fax: 942-7379

RECEIVED

AUG 08 2012

RICHLAND CITY CLERK

2/28/12

Arts Commission Application

First Name:: Dori

Last Name:: Luzzo-Gilmour

Street Address:: 2051 Howell Ave

City,State,Zip: Richland, WA, 99354

Contact Number:: 509-366-9706

Alternate Number::

Email Address:: wine_woman_13@yahoo.com

Length of Residency in City of Richland:: 23 years

Occupation:: Stay at home mom

Education:: B.S. Viticulture/Enology, Certified Vocational Teacher Radio/Telvision, Radio Broadcasting Degree

Experience Applicable to the City Board, Commission or Committee to which you are applying:: Very interested in public art displays and a long time art lover. As a resident of Richland I am interested in maintaining and improving the arts for our area.

Are you currently serving on a Board, Commission, or Committee?: No

If yes, which::

Have you served on a Board, Commission, or Committee before?: No

If yes, which::

I accept:: checked

A resume may not be required, however it is highly recommended.:No file was uploaded

REACTIVATED
RECEIVED
~~JUN 10 2011~~ 8/7/12
~~7/15/11~~ 11/11/11
RICHLAND CITY CLERK



APPLICATION FORM BOARD ~ COMMISSION ~ COMMITTEE

BOARD/COMMISSION/COMMITTEE FOR WHICH APPLYING: Arts Commission
NAME: Andrea L. Prignano Contact Telephone: 727-8924
ADDRESS: 1612 Elementary Street Alternate Telephone: 627-0630
CITY, STATE, ZIP: Richland, WA 99352 E-mail: andes59@charter.net
Parks & Recreation Applicants Only: → Adult: _____ Youth / Grade: _____

LENGTH OF RESIDENCE IN RICHLAND: 26 yrs

OCCUPATIONAL AND EDUCATIONAL BACKGROUND: Ph.D. Chemistry
25 yrs various Hanford Site Contractors
9 months @ Washington State, Dept of Ecology

EXPERIENCE RELATED TO THE BOARD/COMMISSION/COMMITTEE, WHICH YOU ARE APPLYING FOR: _____

stage manager, sound board operator, box office for Richland Players;
stage hand-professional/summer stock theatre; parent of child involved
in summer program at Academy of Children's Theatre; dedicated/
longtime patron of performing arts in the Tri-Cities.

ARE YOU CURRENTLY SERVING ON A BOARD, COMMISSION, OR COMMITTEE? IF YES, WHICH: NO

HAVE YOU SERVED ON A BOARD, COMMISSION, OR COMMITTEE BEFORE? IF YES, WHICH: ~~NO~~

Professional Societies (Academy of Certified Hazardous Materials
Managers, American Chemical Society) - various board positions
including president.

As an applicant for the above position for the City of Richland, I hereby waive my right to privacy with respect to the information contained in my application and any supporting documents attached thereto. The City, its officials, or employees are authorized to make my application and supporting documents available for public inspection, including inspection by members of the press and media. *In addition, I certify that I am in compliance with the qualification requirements of this appointment.*

Date: 8/7/2012 Signature: [Signature]

Note: A resume may not be required, however it is highly recommended.

Return to:
Office of the City Clerk, P.O. Box 190 MS-05,
975 George Washington Way, Richland, WA 99352
Phone: 942-7388 Fax: 942-7379

RECEIVED

AUG 08 2012

RICHLAND CITY CLERK 2/28/12

ANDREA L. PRIGNANO, Ph.D.

1612 Elementary Street, Richland, WA 99352/509-727-8924/andes59@charter.net

SUMMARY

Inorganic chemist (Ph.D) with over 20 years experience in regulatory permitting, environmental management, waste management and process support. Subject Matter Expert for TSCA, RCRA, and DOE Order 435.1. Skilled at regulatory interpretation, facility compliance, waste designation, environmental data collection, preparing environmental documentation, developing analytical laboratory procedures. Certified Hazardous Materials Manager.

ACCOMPLISHMENTS

- Coordinated and ensured on-time completion of the draft Hanford Facility Dangerous Waste Permit for the Washington State Department of Ecology.
- Responsible for ensuring permit modifications met regulations and were completed in a timely manner.
- Have represented both Department of Energy contractors and Department of Ecology in interface meetings.
- Principal Author for several Resource Conservation and Recovery Act of 1976 (RCRA) documents including Part B Permit Applications, closure plans, and data evaluation reports (e.g. 216-B-3 Expansion Ponds, 300 Area Solvent Evaporator, 4843 Alkali Metal Storage Facility).
- Prepared and obtained EPA approval on multiple Toxic Substances Control Act of 1976 (TSCA)/PCB Risk-Based Disposal Approvals and PCB 30-day notifications (e.g. Solidification of K-Basin North Loadout Pit Sludge).
- Led team developing PCB Hanford Site Users Guide, a first-of-a-kind document for implementing regulations consistently across the Hanford Site.
- Waste Management Representative for planning and designation per Federal and Washington state hazardous/dangerous waste requirements, and management, disposal, inter-facility transfer, and recycling of waste and materials.
- Subject Matter Expert for TSCA PCB regulations (40 CFR 761) and for DOE Order 435.1 "Radioactive Waste Management".
- Prepared Data Quality Objectives and Sampling and Analysis Plans for buildings undergoing demolition under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980.
- Developed scientific and regulatory guidance for Sampling and Analyses Plans.
- Developed process for monitoring compliance with DOE Order 435.1.
- Provided on-site training for TSCA/PCB regulatory compliance, DOE Order 435.1 compliance, and Analytical Data Review such as understanding of validation and verification qualifiers.
- Prepared annual TSCA PCB reports and Document Logs and submitted them to the EPA.
- Performed environmental compliance assessments at on-site facilities.
- Developed laboratory-scale methods for improving waste processing: for example, ammonia destruction in gaseous effluents, use of ion exchange resins for cesium and strontium removal.

ANDREA L. PRIGNANO, Ph.D.

1612 Elementary Street, Richland, WA 99352/509-727-8924/andes59@charter.net

WORK HISTORY

- November 2011 – present: Washington State Department of Ecology.
- November 1986 – September 2011, Hanford Project Contractors such as CH2M Hill, Fluor Daniel, Waste Management, Westinghouse, and Rockwell:
 - 11/2009 – 9/2011 Waste Support Services
 - 8/2007 – 11/2009 Soil and Groundwater Remediation
 - 6/1990 – 8/2007 Environmental Protection
 - 11/1986 – 6/1990 Applied Technology Group

EDUCATION/CERTIFICATIONS

- Ph.D., Chemistry; M.S., Chemistry, Northwestern University, Evanston, IL. Dissertation: *Homogeneous and Heterogeneous Phosphine Complexes of Palladium and Platinum.*
- Sc.B. with Honors in Chemistry, Brown University, Providence, RI.
- Certified Hazardous Materials Manager (#11187), since March 2002.
- Hazardous Waste Worker (24-hour).
- Radiation Worker 1 Qualified.
- Hanford Waste Designation Qualified.
- Hanford Waste Management Representative Qualified.
- PCB training, (EPA Region X, 3-day short course) various years

AWARDS/HONORS

- Outstanding Team Award, Professional Development Committee, Mid-Columbia Leadership Development Association of the National Management Association (2011).
- First Place, Best Poster, Waste Management 2008 Symposium, *Generating the Right PCB Data: Determination of Aroclors Versus PCB Congeners* (2008).
- Champion of Excellence Award, National Academy of Certified Hazardous Materials Managers (ACHMM) (2005, 2006, 2007, and 2008).
- Excellence in Hazardous Materials Management (2002 and 2005); Outstanding Service Award (2004 and 2008); Meritorious Achievement (2007), Eastern Washington Chapter/ACHMM.
- Certificate of Appreciation from DOE-RL for developing PCB Hanford Site Users Guide (2001).

PROFESSIONAL SOCIETIES

- Academy of Certified Hazardous Materials Managers, 2002 – present (various local Board Positions since 2002, including 2007 Chapter President).
- National Management Association, 1987 – 2012 (various committees).
- American Chemical Society, 1981 – 2006 (various local Board Positions 1987-1991, 1998).

ANDREA L. PRIGNANO, Ph.D.

1612 Elementary Street, Richland, WA 99352/509-727-8924/andes59@charter.net

PUBLICATIONS LIST

- Example of a Risk-Based Disposal Approval: Solidification of Hanford Site Transuranic Waste, *Waste Management Symposium, 2008*, Barnes, B.M.; Hyatt, J.E.; Martin, P.M.; Prignano, A.L. (2008).
- Generating the Right PCB Data: Determination of Aroclors Versus PCB Congeners, *Waste Management Symposium, 2008*, Prignano, A.L.; Narquis, C.T.; Hyatt, J.E. (2008).
- Kinetics and Mechanism of Axial Ligand Substitution in Ferric Tetraphenyl-porphyrin Complexes, Replacement of Imidazole Ligands by Tri-n-butylphosphine. *J. Chem. Soc., Dalton Trans.* 605-607, Levey, A.G.; Sweigart, D.A.; Jones, J.G.; Prignano, A.L. (1992)
- Silica Supported Bis(trialkylphosphine)Platinum Oxalates. Photogenerated Catalysts for Hydrosilation of Olefins. *Journal of the American Chemical Society*, 3586-3595, Prignano, A.L.; Trogler, W.C. (1987)
- Quenching of Excited State Reactivity of Oxalatobis(triethylphosphine)Platinum(II) by Water. *Inorg. Chem.*, 4454-4456, Prignano, A.L.; Trogler, W.C. (1986)
- Silica Anchored Bis(trialkylphosphine)Platinum Oxalate, *Monatshefte Fur Chemie*, 617-619, Prignano, A.L.; Trogler, W.C. (1986)
- Photochemical Generation of Bis(phosphine)Palladium and Bis(phosphine)Platinum Equivalents. *Organometallics*, 4, 647-657, Paonessa, R.S.; Prignano, A.L.; Trogler, W.C. (1985)

SELECTED DEPARTMENT OF ENERGY PUBLICATIONS LIST as Principal Author

- Data Quality Objectives Summary Report for the 209E Facility, DD-048234, (2011)
- Central Plateau Industrial Building D4 Project Waste DQO and Sampling and Analysis Plan, DOE/RL-2010-57, (2010)
- Request for Amendment of the North Loadout Pit Sludge Treatment System Risk-based Disposal Approval (2007)
- Risk Based Disposal Approval Application for Storage of Two Water Tower Tanks on the Hanford Site, (2007)
- Sampling and Analysis Plan for K Basin Debris, HNF-6495, (2005)
- TSCA Application for Risk-Based Disposal Approval for Treatment of Polychlorinated Biphenyls (PCB) from the Hanford K-Basins North Loadout Pit in T Plant, HNF-25697, (2005)
- Toxic Substances Control Act Application for Risk-Based Disposal Approval for Storage of Polychlorinated Biphenyls (PCBs), Hanford 340 Facility Aboveground Storage Tanks, (2005)
- Application for Risk-Based Disposal Approval for Polychlorinated Biphenyls – Hanford 200 Area Liquid Waste Processing Facilities, DOE/RL-2002-02, (2004)
- Hanford Facility Dangerous Waste Closure Plan – Plutonium Finishing Plant Treatment Unit Glovebox HA-20MB, DOE/RL-2003-32, (2004)
- Plutonium Finishing Plant Treatment and Storage Unit Interim Status Closure Plan, HNF-6563, (2000)
- The 4843 Alkali Metal Storage Facility Closure Plan, DOE/RL-90-49, (1995)
- Concrete Characterization for the 300 Area Solvent Evaporator Closure Site, WHC-SD-EN-TI-296, (1995)
- Soil Characterization at the 300 Area Solvent Evaporator Closure Site, WHC-SD-EN-TI-273, (1994)
- 216-B-3 Expansion Ponds Closure Plan, DOE/RL-89-28, (1994)

Select the Board, Commission, or Committee applying for:: Arts Commission

First Name: Anneke

Last Name: Rachinski

Street Address: 2455 George Washington Way

City,State,Zip: Richland, WA 99354

Contact Number: 720-998-6164

Alternate Number:

Email Address: anneke.maia@gmail.com

Length of Residency in City of Richland: 17 years (with a 4 year break)

Occupation: Program Assistant - WSUTC

Education: B.A. Anthropology

Experience Applicable to the City Board, Commission or Committee to which you are applying: Worked for the past 5 years in arts and cultural/ non-profit organizations, with fundraising, planning, and board development.

Are you currently serving on a Board, Commission, or Committee?: No

If yes, which:

Have you served on a Board, Commission, or Committee before?: No

If yes, which:

I accept: checked

A resume may not be required, however it is highly recommended.: Anneke Rachinski.docx

Additional Information:

Form submitted on: 8/5/2012 8:04:53 PM

Submitted from IP Address: 71.83.254.177

Anneke M. Rachinski
517 Shaw Street
Richland, WA 99354
anneke.mala@gmail.com
(720) 998-6164

Profile

Excellent communication and analytical skills
Can execute a number of projects simultaneously
Highly proficient in Microsoft Word, Excel, PowerPoint, Publisher and numerous other software applications

Experience

September 2011- March 2012

Jewish Family Service of Colorado Denver, CO

Development Database Manager

- manage all aspects of database and donor information for agency with annual budget of 10 million dollars
- track and report financials for all outgoing mail appeals, annual campaigns, and fundraising events
- work closely with accounting department to code and report all incoming monies
- create mailing lists for solicitations
- track board participation and prospect soliciting
- work with development team on fundraising events

September 2010 – May 2011

Make-A-Wish Foundation of Southern Nevada Las Vegas, NV

Administrative/ Development Assistant

- in charge of all aspects of Raiser's Edge database including data entry, reconciliation with finance department, facilitating transition to Financial Edge software, running monthly and weekly reports for President and Director of Development
- assisted in planning and production of special events
- generated thank you letters and donor recognition materials for all incoming donations

July 2008 – August 2010

Lied Discovery Children's Museum, Las Vegas, NV

Membership and Database Coordinator

- maintained and administered Raiser's Edge database and managed membership tab of software including data integrity and accuracy
- maintained and documented all membership activities and donor contributions to Lied Discovery Children's Museum under \$1,000
- facilitated and coordinated production of membership cards, reports, general outreach, correspondence with members, member events, member files
- maintained database on all donors and prospects as well as paper files of grant requests, receipts, acknowledgements and correspondence with donors
- provided customer support including providing information and answering questions about membership program, regulating reciprocity program, handling customer complaints, and developing personal relationships with current and potential members
- helped plan and put on member events as well as large scale annual fundraising gala
- assisted in development of capital campaign including prospect research and categorization, funding development, and grant research

Education

BACHELOR OF ARTS/ANTHROPOLOGY

2008

Western Washington University, Bellingham, WA

Cumulative GPA 3.5



Council Agenda Coversheet

Council Date: 09/04/2012

Category: Consent Calendar

Agenda Item: C9

Key Element: Key 2 - Infrastructure & Facilities

Subject: STEVENS EXTENSION - AGREEMENT FOR APPRAISAL REVIEW

Department: Public Works

Ordinance/Resolution:

Reference:

Document Type: Contract/Agreement/Lease

Recommended Motion:

Authorize the City Manager to sign and execute a consultant agreement with the Real Estate Division of the Washington State Department of Transportation (WSDOT) for the review of appraisals completed by LEH Appraisal Services for the purpose of acquiring street right-of-way for the Stevens Drive South Extension project.

Summary:

In June of this year, staff advertised a "Request for Statements of Qualifications" (RFQ) from real estate appraisers qualified to produce fair market value appraisals as required by the Federal Highway Administrations (FHWA) right-of-way (ROW) acquisition procedures. The firm of LEH Appraisal Services was selected and a contract was approved at the July 17, 2012 Council meeting.

The completed appraisals will be used to initiate negotiations with the affected property owners. FHWA procedures require the appraisals will go through a review process to ensure the appraisals are fair and equitable. WSDOT staff is available to complete the required reviews. Since WSDOT will also review the procedures to acquire ROW for ROW project certification, WSDOT staff appraisal review is desirable to achieve ROW certification.

Staff estimates the ROW acquisition will take 4-6 months. Funding for the appraisals and WSDOT tasks are in the Capital Improvement Plan. Funding is not yet in place to proceed with construction. Staff intends to seek construction funding from upcoming grant programs for the first phase of the project - Stevens Drive Extension Phase II - Wellsian Way to Lee Boulevard.

Fiscal Impact?

☒ Yes ☐ No

The contract costs are \$30,000 and will be funded from the existing Stevens Drive South Extension capital budget. (Capital Improvement Plan, Page 85). There is \$381,203 currently available in this budget.

Attachments:

1) Duportail Stevens Extension WSDOT ROW TASK ASSIGNMENT

City Manager Approved:

Amundson, Jon
Aug 31, 10:15:26 GMT-0700 2012

TASK ASSIGNMENT

(Pursuant to Paragraph II-A of Government Agreement, GCA-6136)

Project Title: Duportail Drive Extension Phase I – Wellsian Way to Robert Avenue

Stevens Drive Extension Phase II – Wellsian Way to Lee Boulevard

Project Description: The project proposes to construct a 46 foot wide street with curb/gutter, sidewalks, storm improvements, underground utilities, street lights and traffic signals at Wellsian Way. This project will impact thirty (30) properties of which right of way will need to be acquired.

Task Description – APPRAISAL REVIEW, RELOCATION AND CERTIFICATION REVIEW: The City of Richland is contracting with the Washington State Department of Transportation, South Central Region, Real Estate Services Office to perform the appraisal reviews, relocation and certification reviews on the parcels needed for the project. The authority to start work was initiated by the City of Richland's email request for services dated August 9, 2012.

It is estimated that the total manpower expenditures to provide the above referenced services will not exceed \$30,000.00. Any costs by Real Estate Services in excess of the above referenced estimate, plus 25 percent, will require additional written authorization by the City of Richland.

The following will be provided by the **CITY OF RICHLAND:**

- Copies of all appraisals with title reports.
- An approved and signed set of Right of Way Plans.
- Any additional maps or exhibits relevant to the subject properties.
- A list of the property owners names, addresses, and phone numbers, if available.

The following will be the responsibility of the **WASHINGTON STATE DEPARTMENT OF TRANSPORTATION:**

- Provide 2 copies of the Appraisal Review and Certificate of Value for concurrence by the City of Richland.
- Relocation review and certification review of the relocation plan, relocation files & acquisition files.

The undersigned agree to the conditions and responsibilities set forth herein and hereby agree to provide these services in the manner described in the before mentioned GCA 6136 Agreement.

Submitted this _____ day of _____, 2012.

City of Richland

CYNTHIA JOHNSON
City Manager

Accepted and Approved this _____ day of _____, 2012

**STATE OF WASHINGTON
DEPARTMENT OF TRANSPORTATION**

Bill Hicks
Manager, Real Estate Services



Council Agenda Coversheet

Council Date: 09/04/2012

Category: Consent Calendar

Agenda Item: C10

Key Element: Key 2 - Infrastructure & Facilities

Subject: HORN RAPIDS IRRIGATION PUMP STATION - CONSULTANT AGREEMENT WITH IRZ CONSULTING, LLC

Department: Public Works

Ordinance/Resolution:

Reference:

Document Type: Contract/Agreement/Lease

Recommended Motion:

Authorize the City Manager to sign and execute a Consultant Agreement with IRZ Consulting, LLC for engineering design for the rehabilitation of the Horn Rapids Irrigation Pump Station in an amount not to exceed \$65,000.

Summary:

A project for upgrading the Horn Rapids system river pump station was included in the City's Irrigation Water System Plan completed by IRZ Consulting in January 2012. The plan identified the need for electrical upgrades to raise electrical equipment above the Columbia River flood stage and the need for intake screen replacements. A Capital Improvement Plan amendment was completed in April 2012 for all of the projects identified in the Irrigation Water System Plan through 2014.

In July 2012, staff selected IRZ Consulting, LLC from its professional services roster and worked with their staff to develop the scope of work for engineering design services and permitting related to these projects. IRZ Consulting, LLC was selected based on their successful history of project performance on work related to the City's irrigation systems and their specific expertise with irrigation system pump stations. Staff also signed an agreement with D. Hittle and Associates to support IRZ's efforts. D. Hittle and Associates will provide controls and electrical engineering design services for the project. The contract scope of work includes two separate projects: 1) Relocation of electrical equipment and pump motors on the river intake pump station; and 2) Replacement of the intake screens on the river intake pump station. The electrical work is scheduled for completion before the 2013 spring startup. The intake screen work requires extensive permitting that will delay completion beyond this winter.

The Horn Rapids system will undergo a major change for the 2013 season. The system is owned by the City, but is presently operated by a farmer, with the City receiving and delivering a portion of the water to its customers. With the long term farm lease expiring in 2012, staff is proposing that the City operate the entire system and supply water to both the leased farm properties and its current customers. Staff believes this approach is in the City's best interest to preserve and maintain the systems' assets for long term reliability.

Staff has scheduled the pump station improvements to be completed prior to irrigation system startup in early March, 2013. Approval of this consultant agreement is on the critical path to fulfilling that schedule.

Council will consider a proposed ordinance increasing irrigation service rates on tonight's agenda. The proposed rates provide the revenue package necessary to fund the proposed capital improvements and this engineering contract.

Fiscal Impact?

☒ Yes ☐ No

On April 3, 2012, Council approved the Irrigation System Improvements capital plan which amended the 2012 CIP and authorized bond funds to be utilized. There is currently \$282,251 available in the Irrigation Utility Capital Improvements budget.

Attachments:

1) IRZ Consultant Agreement

City Manager Approved:

Amundson, Jon
Aug 31, 10:15:38 GMT-0700 2012

AGREEMENT BETWEEN CITY AND CONSULTANT

THIS AGREEMENT, entered into this _____ day of _____, 20__ by and between the City of Richland, 505 Swift Ave., Richland, Washington, (hereinafter called the "City"), and IRZ Consulting, LLC (hereinafter called the "Consultant").

WITNESSETH:

1) SCOPE OF WORK

- a) The Consultant shall furnish all services, labor and related equipment necessary to conduct and complete the work as designated in this Agreement. The Consultant shall provide engineering design services for the Horn Rapids Irrigation Pump Station.
- b) The following Exhibits are attached hereto and made a part of this agreement:
 - (i) Exhibit "A": Services to be provided are detailed in the attached Proposal titled Horn Rapids River Pump Station Rehabilitation.

2) GENERAL REQUIREMENTS

- a) The Consultant shall attend coordination meetings, progress and presentation meetings with the City or such Federal, community, State, City, or County officials, groups or individuals as may be requested by the City. The City will provide the Consultant sufficient notice prior to meetings requiring Consultant participation.
- b) The Consultant shall prepare a monthly progress report if requested, in a form approved by the City, that will outline in written and graphical form the various phases and the order of performance of the work in sufficient details so that the progress of the work can easily be evaluated.

3) TIME FOR BEGINNING AND COMPLETION

- a) The Consultant shall not begin any work under the terms of this Agreement until authorized in writing by the City. Consultant agrees to use best efforts to complete all work described under this Agreement by August 1, 2013.

4) PAYMENT

- a) The Consultant shall be paid on a time and materials basis not to exceed with not to exceed limits as detailed in the scope of work/schedule of values (attached as Exhibit "A"), by the City to complete the services rendered under this Agreement. Such payment shall be full compensation for all work performed or services rendered, and for all labor, materials, supplies, equipment, and incidentals necessary to complete the work specified in Section 1, Scope of Work.
- b) Invoices not in dispute by the City will be paid net thirty (30) days and shall reference the contract number and/or purchase order applicable to the work. The invoice shall provide sufficient detail on the work being billed and include detailed receipts for any invoices
- c) Partial payments to cover the percentage of work completed may be requested by the Consultant. These payments shall not be more than one (1) per month.

- d) Travel, meals and lodging will be reimbursed at cost and only when consultant travels at least 150 miles per one way trip. Reimbursable expenses include only coach airfare, ground transportation(taxi, shuttle, car rental), hotel at the government rate. Personal or company auto at the then current federal mileage rate. Meals at the current federal per-diem meal allowance or up to the current federal per-diem with detailed receipts, no alcohol and 20% maximum gratuity
- e) Reimbursement for reproduction services, phone, postage etc. will not be allowed.
- f) The Consultant will allow access to the City, the State of Washington, the Federal Grantor Agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records which are directly pertinent to the specific contract for the purpose of making audit, examination, excerpts, and transcriptions. Unless otherwise provided, said records must be retained for three years from the date of receipt of final payment. If any litigation, claim, or audit arising out of, in connection with, or relating to this contract is initiated before the expiration of the three-year period, the records shall be retained until such litigation, claim, or audit involving the records is completed.

5) INDEPENDENT CONTRACTOR

- a) Any and all employees of the Consultant or other persons while engaged in the performance of any work or services required of the Consultant under this Agreement are independent contractors and shall not be considered employees of the City. Any and all claims that may or might arise under any Workmen's Compensation Act on behalf of said employees or other persons while so engaged, and any and all claims made by a third party as a consequence of any act or omission on the part of the Consultant's employees or other persons while so engaged on any of the work or services provided to be rendered herein, shall be the sole obligation and responsibility of the Consultant.

6) OTHER PARTIES

- a) It is mutually agreed that this Agreement is not transferable by either signatory to a third party without the consent of the other principal party.

7) OWNERSHIP OF DOCUMENTS

- a) All designs, drawings, specifications, documents, reports and other work products prepared pursuant to this Agreement, will become the property of the City upon payment to the Consultant of his fees as set forth in this Agreement. The City acknowledges the Consultant's plans and specifications, including all documents on electronic media, as instruments of professional services. The plans and specifications prepared under this Agreement shall become the property of the City upon completion of the services and payment in full of all payment due to the Consultant. The City may make or permit to be made any modifications to the plans and specifications without the prior written authorization of the Consultant. The City agrees to waive any claim against the Consultant arising from any unauthorized reuse of the plans and specifications and to indemnify and hold the Consultant harmless from any claim, liability or cost arising or allegedly arising out of any reuse of the plans and specifications by the City or its agent not authorized by the Consultant.

8) TERMINATION

- a) This Agreement may be terminated by either party upon thirty (30) days written notice, by registered mail, or mailed to the other party at his usual place of business. In the event this

contract is terminated by the Consultant, the City will be entitled to reimbursement of costs occasioned by such termination by the Consultant. In the event the City terminates this Agreement, the City shall pay the Consultant for the work performed, an amount equal to the percentage of completion of the work as mutually agreed between the City and the Consultant.

- b) If any work covered by this Agreement shall be suspended or abandoned by the City before the Consultant has completed the assigned work, the Consultant shall be paid for services performed down to the time of such termination or suspension an amount equal to the costs incurred at the date of termination as mutually agreed upon between the City and the Consultant.

9) DISPUTE RESOLUTION

- a) The City and the Consultant agree to negotiate in good faith for a period of thirty (30) days from the date of notice of all disputes between them prior to exercising their rights under this Agreement, or under law.
- b) All disputes between the City and the Consultant not resolved by negotiation between the parties may be arbitrated only by mutual agreement of the City and the Consultant. If not mutually agreed to resolve the claim by arbitration, the claim will be resolved by legal action.

10) DEBARMENT CERTIFICATION

- a) The Consultant certifies that neither the Consultant nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this Contract by any Federal or State department or agency. Further, the Consultant agrees not to enter into any arrangements or contracts related to this proposal with any party that is on the "General Service Administration List of Parties Excluded from Federal Procurement or Non-procurement Programs" which can be found at:
www.epls.gov and
<http://www.lni.wa.gov/TradesLicensing/PrevWage/AwardingAgencies/default.asp>

11) VENUE, APPLICABLE LAW AND PERSONAL JURISDICTION

- a) In the event that either party deems it necessary to institute legal action or proceedings to enforce any right or obligation under this Agreement, the parties hereto agree that any such action shall be initiated in the Superior Court of the State of Washington, situated in Benton County. The parties hereto agree that all questions shall be resolved by application of Washington law and that the parties to such action shall have the right of appeal from such decision of the Superior Court in accordance with the laws of the State of Washington. The Consultant hereby consents to the personal jurisdiction of the Superior Court of the State of Washington, situated in Benton County.

12) ATTORNEY'S FEES

- a) Attorney's fees which are reasonable and costs, including those on appeal, if appeal is taken, shall be allowed to the prevailing party by any court hearing a dispute under this Agreement.

13) INSURANCE

- a) The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in

connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

- b) **No Limitation.** Consultant's maintenance of insurance as required by the Agreement shall not be construed to limit the liability of the Consultant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

Minimum Scope of Insurance

- c) Consultant shall obtain insurance of the types described below:
 - (i) Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
 - (ii) Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named as an insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed by the City.
 - (iii) Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
 - (iv) Professional Liability insurance when requested by the City appropriate to the Consultant's profession

Minimum Amounts of Insurance

- d) Consultant shall maintain the following insurance limits:
 - (i) Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
 - (ii) Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
 - (iii) Professional Liability Insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit

Other Insurance Provisions

- e) The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability and Commercial General Liability insurance:
- f) The Consultant's insurance coverage shall be primary insurance as respect the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.
- g) The Consultant's insurance shall be endorsed to state that the coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

Acceptability of Insurers

- h) Insurance is to be placed with insurers with a current A.M. best rating of not less than A:VII.

Verification of Coverage

- i) Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.

14) INDEMNIFICATION / HOLD HARMLESS

- a) Consultant shall defend, indemnify, and hold the City, its officers, officials, employees and volunteers harmless from claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the negligence of the City.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, and volunteers, the Consultant's liability hereunder shall be only to the extent of the Consultant's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

15) STANDARD OF CARE

- a) The professional services will be furnished in accordance with the care and skill ordinarily used by members of the same profession practicing under similar conditions at the same time and in the same locality. The Consultant makes no warranties express or implied, under this Agreement or otherwise, in connection with the Consultant's services.

16) SUCCESSORS OR ASSIGNS

- a) All of the terms, conditions and provisions hereof shall inure to the benefit of and be binding upon the parties hereto, and their respective successors and assigns; provided, however, that no assignment of the Agreement shall be made without written consent of the parties to the Agreement.

17) EQUAL OPPORTUNITY AGREEMENT

- a) The Consultant agrees that he will not discriminate against any employee or job applicants for work on this Agreement for reasons of race, sex, nationality or religious creed.

18) PARTIAL INVALIDITY

- a) Any provision of this Agreement which is found to be invalid or unenforceable shall be ineffective to the extent of such invalidity or unenforceability, and the invalidity or

unenforceability of such provision shall not affect the validity or enforceability of the remaining provisions hereof.

19) CHANGES OF WORK

- a) The Consultant shall make such changes and revisions in the completed work of this Agreement as necessary to correct or revise any errors, omissions, or other deficiencies in the design, drawings, specifications, reports, and other similar documents which the Consultant is responsible for preparing or furnishing under this Agreement, when required to do so by the City, without additional compensation thereof.
- b) Should the City find it desirable for its own purposes to have previously satisfactorily completed work or parts thereof changed or revised, the Consultant shall make such revisions as directed by the City. This work shall be considered as Extra Work and will be paid for as herein provided under Section 20, Extra Work.

20) EXTRA WORK

- a) The City may desire to have the Consultant perform work or render additional services within the general scope of this Agreement. Such work shall be considered as Extra Work and will be specified in a written supplement to this Agreement which will set forth the nature of the scope, schedule for additional work, additional fees and the method of payment. Work under a supplemental Agreement shall not proceed until authorized in writing by the City.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

CITY OF RICHLAND, WASHINGTON

CYNTHIA JOHNSON
City Manager

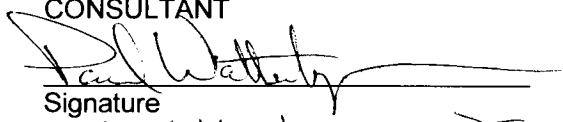
ATTEST:

MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

THOMAS O. LAMPSON
City Attorney

CONSULTANT



Signature

Paul Wattenburger PE
IRZ Consulting, LLC

Printed Name & Title

505 East Main Street

Hermiston, OR 97838

Address

Phone: 541-567-0252

Phone

Email: paul@irz.com

Email

Fax: 541-567-4239

Fax



EXHIBIT A
CITY OF RICHLAND
HORN RAPIDS RIVER PUMP STATION REHABILITATION
SCOPE OF WORK

Background

The City of Richland owns the irrigation pump station located at the end of Horn Rapids Road on the Columbia River. When the Columbia River reaches near or at flood stage this pump station becomes inundated with flood waters. These flood waters force the pulling of the pump motors and the transformer to prevent them from shorting out, resulting in serious damage to all the electrical components at the pump station. In order to prevent this from occurring in the future the various pump station components need to be raised.

Also, the intake screens located at this pump station are also in need of rehabilitation. These screens have been inspected and they are seriously damaged in a number of places. These screens need to be replaced with modern screens that meet all fishery requirements, and provide an efficient intake for the pump station.

Phase Approach

In order to efficiently perform the work required on this project a phased approach is recommended. There are three phases that this project can be broken down into:

Phase 1 will cover all the design work needed to move forward with raising all the electrical components at the pump station so that they will be protected from future flooding. The designs required to do this work are as follows:

1. Raising the transformer.
2. Raising the floor and roof of the building housing the pump panels.
3. Raising the pump panels.
4. Relocating and lengthening the electrical wires serving the transformer, pumps and panels.
5. Raising the pump motors.
6. Designing an elevated walkway capable of serving the panel building, and pump motors at flood stage.

To facilitate this work the first task will be to establish the design elevation of the electrical transformer, control building floor and roof, and pump motors through coordination with the Port of Benton, Columbia River Operations Authority, and Lampson Crane. The deliverables for this phase will be construction drawings and specifications for bid for each of the six components. It is proposed that tasks 1, 3, and 4 would be performed by D Hittle and Associates, Inc. and tasks



2, 5, and 6 would be performed by IRZ Consulting, LLC under separate contracts. IRZ Consulting will be responsible for assembling final bid documents for a single bid package conforming to City document standards.

The cost for IRZ's portion of this work is \$15,000 and shall not be exceeded without written permission. Any required construction management will be negotiated under a separate agreement.

Phase 2 will cover all the preliminary work required to replace the existing intake screens with updated screens. This phase would include a bathymetric survey, preliminary design, cultural resource survey, biological assessment and all permitting. This will include meeting with all the parties to insure all factors are considered.

IRZ intends to use Rogers Surveying of Richland, WA. for the bathymetric survey, Reiss-Landreau Research of Yakima, WA. for the cultural resource survey, and Pacific Habitat Services of Wilsonville, OR. for biological assessment. IRZ does reserve the right to use alternate, equally qualified sub-contractor if need be.

The deliverables for this phase will be a contour map of the river bed, general design drawings, and cultural resource and biological assessment reports. Also the JARPA permitting process will be completed, and the associated approvals obtained.

The cost to complete this work will be up to \$50,000, depending upon the cost of the Biological Assessment, and shall not be exceeded without written permission. The final fee will be adjusted based upon that final Biological Assessment cost.

Phase 3 will cover the final design for the replacement of the intake screens. Based upon the findings of Phase 2 the final design with associated drawings and specifications, along with construction management will be determined. A fee scheduled based upon Phase 2 findings will be prepared prior to commencing Phase 3.

The deliverables for this phase will be construction drawings and specifications ready for bid to replace the intake screens. The associated construction management as agreed to will be performed.

This phase of the project is to be negotiated under a separate agreement. Until the final permitting is completed, the scope of the final design cannot be determined.



Council Agenda Coversheet

Council Date: 09/04/2012

Category: Consent Calendar

Agenda Item: C11

Key Element: Key 1 - Financial Stability and Operational Effectiveness

Subject: EXPENDITURES FROM AUGUST 13, 2012, TO AUGUST 24, 2012, FOR \$5,271,837.88

Department: Administrative Services

Ordinance/Resolution:

Reference:

Document Type: General Business Item

Recommended Motion:

Approve the expenditures from August 13, 2012, through August 24, 2012, in the amount of \$5,271,837.88.

Summary:

Breakdown of expenditures:

Check Nos.	193572 - 194001	1,626,969.65
Wire Nos.	5111 - 5119	2,609,275.53
Payroll Check Nos.	98555 - 98570	21,665.74
Payroll Wire Nos.	7714 - 7725	1,013,926.96
TOTAL		\$5,271,837.88

Fiscal Impact?
☒ Yes ☐ No

Total Disbursements: \$5,271,837.88. Disbursement (wire transfer) includes Purchase Power Bill of \$2,414,937.

Attachments:

- 1) Wire Transfers
- 2) Voucher Listing Report

City Manager Approved:

Amundson, Jon
Aug 31, 10:12:15 GMT-0700 2012

VOUCHER LISTING REPORT
SUMMARY OF WIRE TRANSFERS
AUGUST 13, 2012 - AUGUST 24, 2012

Payee	Wire Description	Amount
Claim Wires - Wire No. 5111 to 5119		
AW Rehn Insurance	Fire Health Reimbursement Account	19,312.50
Bonneville Power Administration	Purchase Power	2,414,937.00
Conover	Section 125	4,749.54
LEOFF Trust	Fire Health Premiums	58,210.74
Zenith Administrators/Matrix/Sedgwick	Insurance Claims	112,065.75
	Total Claim Wire Transfers	\$ 2,609,275.53
Payroll Wires - Wire No. 7714 to 7725		
Payroll Wires *see description below	Total Payroll Wire Transfers	\$ 1,013,926.96
Total Claim & Payroll Wires		<u>\$ 3,623,202.49</u>

*Payroll Wires - transactions represent; employee payroll, payment of benefits, payroll taxes and other related



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
FUND 001 GENERAL FUND					
Division: 001 CITY COUNCIL					
PARADISE BOTTLED WATER CO		7/12-CITYATTORNEY	193667	BOTTLED WATER JULY 2012	\$22.94
				CITY COUNCIL TOTAL ****	\$22.94
Division: 100 CITY MANAGER					
EVERETT, GAIL		060812	193967	RETIREMENT REFRESHMENTS-CA	\$62.18
STRATEGIC GOVERNMENT RESOURCES INC		6105	193911	SGR-P&R DIR INTERVIEW QUESTION	\$500.00
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$74.14
				CITY MANAGER TOTAL ****	\$636.32
Division: 101 CITY CLERK					
CODE PUBLISHING INC		41336	193812	RMC UPDATES ORD 15-12/20-12	\$1,714.61
		41407		RMC SUPPLEMENT #4	\$185.84
PARADISE BOTTLED WATER CO		7/12-CITYATTORNEY	193667	BOTTLED WATER JULY 2012	\$5.73
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$47.58
				CITY CLERK TOTAL ****	\$1,953.76
Division: 102 CITY ATTORNEY					
CITY OF RICHLAND		080912	193729	NOTICE OF LIEN-BANK UNITED	\$63.00
				NOTICE OF LIEN-P LACEY	\$63.00
PARADISE BOTTLED WATER CO		7/12-CITYATTORNEY	193667	BOTTLED WATER JULY 2012	\$5.73
PRONTO PROCESS SERVICE INC		2012006818	193676	MESSENGER SERVICE JULY 2012	\$40.00
XEROX CORPORATION		063231017	193943	PRINTER-PRINT USAGE JULY	\$55.50
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$75.85
				CITY ATTORNEY TOTAL ****	\$303.08
Division: 110 ASSISTANT CITY MANAGER					
PARADISE BOTTLED WATER CO		7/12-CITYATTORNEY	193667	BOTTLED WATER JULY 2012	\$5.73
XEROX CORPORATION		063231017	193943	PRINTER BASE CHG JULY	\$368.49
				PRINTER-PRINT USAGE JULY	\$118.92
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$48.95
				ASSISTANT CITY MANAGER TOTAL ****	\$542.09
Division: 111 PUBLIC INFORMATION					
TRI CITY HERALD	S014588	7/12-825	193701	APPLY OR NOMINATE AN ECO-CANDI	\$275.52
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$0.26
				PHONE CHARGES 7/23-8/22/12	\$18.66
				PUBLIC INFORMATION TOTAL ****	\$294.44
Division: 112 CABLE COMMUNICATIONS					
THE BUSKE GROUP	S013905	13605	193697	CABLE TV CONSULTING	\$2,943.07
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$19.83
				CABLE COMMUNICATIONS TOTAL ****	\$2,962.90



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
Division: 113 HANFORD COMMUNITIES					
LARSEN, PAM BROWN		081312	193980	MANHATTEN PROJECT REFRESHMENTS	\$159.49
		12-284		ECA MTG/HOTEL/CAR RENTAL/BAGS	\$650.46
PARADISE BOTTLED WATER CO		7/12-CITYATTORNEY	193667	BOTTLED WATER JULY 2012	\$2.87
XEROX CORPORATION		063231017	193943	PRINTER-PRINT USAGE JULY	\$29.07
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$11.91
HANFORD COMMUNITIES TOTAL ****					\$853.80
Division: 120 FIRE					
BENTON RURAL ELECTRIC ASSOCIATION		7/12-74170526	193591	COLLINS RD RADIO TOWER ELECTRI	\$27.08
CITY OF RICHLAND		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$3,119.74
FRONTIER		8/12-509-NW4-2023	193829	SILVER CLOUD PHONE LINE	\$56.20
JT AUTOMOTIVE PARTS INC DBA		266495	193642	CAR POLISH	\$18.39
OXARC INC		F270326	193879	EXTINGUISHER SERVICE/RECHARGE	\$108.85
POCKETINET COMMUNICATIONS INC	P051625	241580	193988	STA 71 INTERNET CHARGES (SEPTE	\$44.25
	P051625	241881		STA 72 INTERNET CHARGES (SEPTE	\$44.25
	P051625	241882		STA 73 INTERNET CHARGES (SEPTE	\$51.75
	P051625	244289		LATE FEE ASSESSMENT	\$2.81
PROSSER FIRE DISTRICT 3		2012-10	193889	RICK LASKY SEMINAR (GOULD)	\$125.00
REGION 8 FIRE COUNCIL		06-438	193892	FF11 TESTING-HARDGROVE	\$150.00
		06-446		ROPE RESCUE COURSE CLASS FEE	\$1,500.00
RICHLAND ACE HARDWARE		31993	193895	POWER INSERTS	\$16.00
		32032		PAINT/PAIS	\$20.10
		32054		CARWASH/GARMENT HOOK	\$32.99
		32126		PAINTREMOVER/SANDPAPER/PAINT	\$26.49
		32223		KEYS/FASTENERS/TONGS	\$37.11
		32277		PLIERS/HAMMER/UTILITY KNIFE	\$84.96
SANTIAM EMERGENCY EQUIP INC	P051331	22774	193684	#STC-L22009, STC / LION MARSHA	\$654.11
	P051331			FREIGHT AND INSURANCE	\$64.98
	P051331			#SE-S25943K, S25 ULTRAMOTION C	\$2,469.65
	P051331			ADJUST FOR TAX	\$0.01
	P051331			#SE-S35943K, S35 ULTRAMOTION P	\$1,633.40
STAPLES CONTRACT & COMMERCIAL INC	S014563	8022418097	193691	PADS/FOLDERS/CLIPS/HILITERS	\$97.63
STOKER, SKIP B		12-336 STOKER	193998	TRNG OFFICERS MTG/FEDERAL WAY	\$83.35
TRI CITIES CHAPLAINCY		3RD QTR 2012	193921	CHAPLAIN SERVICES 3RD QTR 2012	\$225.00
UPTOWN CLEANERS		27584	193926	LAUNDRY SERVICES	\$266.85
		27669		LAUNDRY SERVICES	\$279.03
		27781		LAUNDRY SERVICES	\$291.76
		27827		LAUNDRY SERVICES	\$360.09
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$271.16
FIRE TOTAL ****					\$12,162.99



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
Division: 130 POLICE					
101 CLEANERS		7/12-9427360	193572	UNIFORM LAUNDRY SERVICE	\$666.23
ACCESS DATA GROUP LLC	P051346	28577	193574	MOBILE PHONE EXAMINER PLUS CAB	\$230.68
	P051346			SHIPPING & HANDLING	\$4.95
	P051346			FTK ADD-ON: VISUALIZATION -1 Y	\$215.30
	P051346			FTK STANDALONE SMS (SOFTWARE	\$645.90
	P051346			MOBILE PHONE EXAMINER PLUS	\$645.90
	P051346			FTK ADD-ON: VISUALIZATION	\$768.16
	P051346			MOBILE PHONE EXAMINER PLUS SOF	\$2,306.79
	P051346			MOBILE PHONE EXAMINER PLUS CAB	\$92.27
BERGER-OLSSON, KEVIN		12-314 BERGER	193592	ANTI HUMAN TRAFFICKING/SPOKANE	\$17.00
BLUMENTHAL UNIFORM CO	P051504	937062	193791	#74326-750 PANT MENS CARGO PDU	\$51.97
	P051504			SHIPPING	\$11.37
	P051445	943426/5078/6031	193594	TACLITE PRO PANTS #74273-070 3	\$54.14
	P051445			1"X5" DARK NAVY BKGRD & BRDR	\$30.11
	P051445			SHIPPING	\$33.57
	P051445			HLSTR SHRD BLK QT#20102073	\$276.00
	P051504	949166	193791	#8131-1 BLAUER DARK NAVY POLO	\$99.61
	P051504			SHIPPING	\$11.37
	P051504	949789		CLASS B NAMETAG 1"X5" DARK NAV	\$7.53
	P051504			SHIPPING	\$2.17
CAR WASH PARTNERS INC DBA		35000034-080312	193799	VEHICLE WASH JULY 2012	\$13.99
CITY OF RICHLAND		12-012	193810	WSCP CONF/BOOK/VER STEEG	\$9.78
		12-163 SHEPHERD		CRASH INVEST/GRESHAM/SHEPHERD	\$840.40
		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$2,677.96
DOMESTIC VIOLENCE SERVICES		22765	193618	DV SERVICES JULY 2012	\$888.50
FASTENERS INC		S3396395.001	193827	FAST ORANGE HAND CLEANER	\$18.40
FIANDER & ASSOCIATES LLC DBA		120716-1	193609	EXERCISE EQUIPMENT SRVC CALL	\$81.23
FRONTIER	S014597	8/12-253-003-5792	193740	TELEPHONE CHARGE 8/8/12-9/6/12	\$640.90
GOLDEN ENGINEERING INC	P051487	31680	193834	#4250555 ADAPTER CABLE SPECIAL	\$50.00
	P051487			SHIPPING CHARGE	\$10.00
HD FOWLER COMPANY INC		C281419	193840	MP ROTATORS RETURNED	(\$52.12)
LEGACY LONG DISTANCE INT'L INC		733713	193651	COLLECT CALL CHARGES	\$20.71
OXARC INC		R143956	193879	OXYGEN TANK RENTAL	\$7.26
PROFORCE MARKETING INC DBA	P051465	145370	193888	HANDLING CHARGE	\$59.51
	P051465			#26523 TSR X26E YLW/BLK DPM	\$13,109.72
RECALL SECURE DESTRUCTION SERVICES INC		7346028896	193890	DESTRUCTION SRVCS JULY 2012	\$58.61
RIVER CITY TOWING INC		12048A	193681	EXTRA TOW CHGS FOR BURNED CAR	\$118.04
		12145		TOW CHARGES	\$48.74
		12148		TOW CHARGES	\$48.74
		12149		TOW CHARGES	\$48.74



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
RIVER CITY TOWING INC		12156	193681	TOW CHARGES	\$48.74
SAN DIEGO POLICE EQUIPMENT CO	S014450	603013	193902	FEDERAL .223 55GR FMJ-BT CS/50	\$2,698.67
SENSKE LAWN & TREE CARE	S014589	5152002	193906	FIRE SAFETY: PRIVATE PROPERTY	\$157.04
	S014589			FIRE SAFETY: PRIVATE PROPERTY	\$211.19
STAPLES CONTRACT & COMMERCIAL INC	S014606	3177123909	193909	3 TIER POCKET LEAFLET	\$46.95
	S014563	8022436452	193691	INK PADS/TAPE w/DISP/STAPLES	\$79.21
	S014563			SHARPIE MARKERS	\$22.72
TELCO WIRING & REPAIR INC		19486	193696	TERMINATE ROBOT FIBER CABLE	\$99.70
UNITED PARCEL SERVICE		00002654EE302	193703	SHIPPING CHARGE	\$6.48
		00002654EE312		SHIPPING CHARGE	\$107.04
	S014578	0000986641292		GROUND PKG TO INTOXIMETERS FOR	\$9.09
	S014578			GROUND PKG TO LEED FOR POLICE	\$7.31
	S014590	0000986641312		GROUND PKG TO FREE LINC FOR PO	\$7.28
VER STEEG, CARMEN K		072712	193704	DISPLAY HOLDERS	\$129.03
WASHINGTON ASN OF CODE ENFORCEMENT	P051564	2012 WACE	193933	WACE 2012 FALL CONF REGISTRATI	\$500.00
WASHINGTON STATE PATROL		I13000665	193937	BACKGROUND CHECKS JULY 2012	\$49.50
		T1200161	193936	LEAF MARIHUANA ID REGISTRATION	\$236.00
WEHNER, A P JR		12-291 WEHNER	193713	PIP/YAKIMA/WEHNER	\$13.00
XEROX CORPORATION		063146784	193943	WCP238 COPIER BASE CHGS JULY	\$255.61
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$440.04
				PHONE CHARGES 7/23-8/22/12	\$9.87
POLICE TOTAL ****					\$30,004.60
Division:	210	ADMINISTRATIVE SERVICES			
DALESSI ENTERPRISES INC DBA		4481	193818	PSHOP COIL MACHINE/SUPPLIES	\$1,107.56
DEPARTMENT OF ENTERPRISE SERVICES	P051481	I177788	193616	TAX	\$11.06
	P051481			VisioStd 2010 SNGL MVL	\$133.26
LEAF FUNDING INC DBA		3994489	193862	OCE 9220/6520 PRT SHOP COPIER	\$928.39
PARADISE BOTTLED WATER CO		7/12-ADMIN SRVCS	193667	BOTTLED WATER JULY 2012	\$9.90
UNITED PARCEL SERVICE	S014578	0000986641302	193703	GROUND PKG TO CENTRAL SAW WORK	\$9.68
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$37.07
				PHONE CHARGES 7/23-8/22/12	\$29.15
ADMINISTRATIVE SERVICES TOTAL ****					\$2,266.07
Division:	211	FINANCE			
CITY OF RICHLAND		080912	193729	DIME ROLL SHORT	\$0.10
COLLECTORSOLUTIONS INC		2011652	193813	MERCHANT SRVC CHARGES/JULY	\$15,077.05
GARDA CL NORTHWEST INC		183-826012	193831	ARMORED CAR SERVICES AUG 2012	\$389.70
OCE IMAGISTICS INC DBA		297051	193663	W3000 MAINTENANCE JULY 2012	\$11.83
PARADISE BOTTLED WATER CO		7/12-ADMIN SRVCS	193667	BOTTLED WATER JULY 2012	\$19.80
				BOTTLED WATER JULY 2012	\$19.80
		7/12-FINANCE		BOTTLED WATER JULY 2012	\$38.65



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
PARADISE BOTTLED WATER CO		7/12-UTILITY BILL	193667	BOTTLED WATER JULY 2012	\$34.53
PRINTER TECH SERVICE & SUPPLIES		14840	193675	PRINTER SERVICE-FINANCE	\$135.38
REDSSON LTD		182595	193678	PORTAL SERVICE LOCATES-JULY	\$258.00
RETAIL LOCKBOX INC		1207 4812	193679	UB PYMT PROCESSING JULY 2012	\$2,424.86
STAPLES CONTRACT & COMMERCIAL INC	S014563	3177784963	193691	CALC ROLLS/NOTE PADS/TONER	\$867.41
	S014606	3178729654	193909	BANKERS BOXES	\$156.34
SUCHY, BRANDON		12-301 SUCHY	193912	BARS TRNG COURSE/ELLENSBURG	\$122.10
XEROX CORPORATION		063146791	193943	WC5030 BASE CHRNG JULY 2012	\$131.26
		063146800		W5655 BASE CHGS JULY 2012	\$178.83
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$193.76
				PHONE CHARGES 7/23-8/22/12	\$90.91
FINANCE TOTAL ****					\$20,150.31
Division:	212	PURCHASING			
CITY OF RICHLAND		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$626.03
OFFICE DEPOT	S014605	619721182001	193878	CD LABELS/BOX BOTTOM FOLDERS	\$101.61
TECH PRODUCTS INC	S014554	56613	193915	TAGS,EVERLAST 1" HORIZONTAL	\$32.00
	S014554			TAGS, EVERLAST, 1" HORIZONTAL	\$32.00
	S014554			TAGS, EVERLAST, 1" HORIZONTAL	\$32.00
	S014554			TAGS, EVERLAST, 1" HORIZONTAL	\$32.00
UNITED PARCEL SERVICE	S014578	0000986641292	193703	WEEKLY SERVICE CHARGE 07/21/1	\$20.00
	S014578	0000986641302		WEEKLY SERVICE CHARGE 07/28/1	\$10.00
	S014590	0000986641312		WEEKLY SERVICE CHARGE 08/04/1	\$20.00
	S014608	0000986641322	193925	WEEKLY SERVICE CHARGE 08/11/1	\$20.00
XEROX CORPORATION	S014609	063146769	193943	XEROX FAX MACHINE MO MAINT AUG	\$63.68
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$83.67
				PHONE CHARGES 7/23-8/22/12	\$64.93
PURCHASING TOTAL ****					\$1,137.92
Division:	213	INFORMATION TECHNOLOGY			
BUILDERADIUS INC	P051546	5366	193796	Blue Prince Permitting SW Rene	\$6,500.00
CASELLE INC	P050689	44108	193598	Contract Support Charges for t	\$169.33
CDW GOVERNMENT INC	P051528	N701133	193801	Symnatec Endpoint Protection -	\$5,772.55
CERIUM NETWORKS INC	P051464	027990	193599	SMARTNET 8X5XNBD CAT 2960S STK	\$334.38
	P051464			CATALYST 2960S STACK 24 GIG E4	\$2,011.07
DEPARTMENT OF ENTERPRISE SERVICES	P051497	I177764	193616	SQL SVRSTD CORE ALNG LicSAPK M	\$13,622.19
FRONTIER	P050660	8/12-206-020-1276	193741	CHARGES FOR BRODADBAND DEDICAT	\$748.62
MID COLUMBIA ENGINEERING INC	P050726	ST004824	193657	RICH AUSTILL, IT AS/400 PROGRA	\$315.88
	P050726	ST004881		RICH AUSTILL, IT AS/400 PROGRA	\$299.25
PARADISE BOTTLED WATER CO		7/12-SHOPS	193880	BOTTLED WATER JULY 2012	\$31.00
POCKETINET COMMUNICATIONS INC	P050659	242886	193674	10 MBPS DEDICATED INTERNET ACC	\$850.00
SINGLEWIRE SOFTWARE LLC	P051545	9330	193686	3 YR MNTNC-PER END POINT LICEN	\$2,100.00



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
XEROX CORPORATION		063146786	193943	BASE CHG ALL IN ONE L99-030752	\$141.38
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$365.99
INFORMATION TECHNOLOGY TOTAL ****					\$33,261.64
Division:	220	HUMAN RESOURCES			
ANOVAWORKS		3179	193783	DS-NIDA	\$56.00
		3307		DS-NIDA	\$81.00
		3340		DS-NIDA	\$193.00
				PRE-EMPLOYMENT PHYSICAL	\$223.00
		3443		PRE EMPLOYMENT PHYSICAL	\$439.00
				DS NIDA	\$56.00
		3770		PRE-EMPLOYMENT-NIDA	\$81.00
CABOT DOW ASSOCIATES INC		081412	193798	LABOR MEDIATION-POLICE	\$3,241.00
COLUMBIA INDUSTRIES SUPPORT LLC		115651	193815	ON SITE SHREDDING 64 GALLON	\$41.04
COURTYARD BY MARRIOTT		66968	193816	FOLIO#66968 LODGING CABOT DOW	\$132.76
DEPARTMENT OF LABOR & INDUSTRIES		70025900-2012	193822	RIGHT TO KNOW 2012 FEE ASSESS	\$1,177.50
HARRINGTON'S TROPHIES		68906	193838	RETIREMENT PLAQUE-KUKLINSKI	\$63.36
				RETIREMENT PLAQUE-UNDERWOOD	\$63.35
MILLER, KATHY		073112	193872	MILLER/BUSINESS MEAL/2 GUESTS	\$61.93
MOON, TAE-IM PHD		SC15343/JULY 2012	193874	PRE-EMPLOY PYSCH EVALUATION	\$700.00
OCE IMAGISTICS INC DBA		281768	193877	COPIER RENT BASE/COPY USAGE	\$185.23
		89966A		STAPLES	\$60.65
OFFICEMAX INC	S014593	288267	193664	TABLETS/POSTIT NOTES	\$55.38
PARADISE BOTTLED WATER CO		7/12-SHOPS	193880	BOTTLED WATER JULY 2012	\$30.61
SOCIETY FOR HUMAN RESOURCE MANAGEMENT		9004722279	193687	SHRM-PARKER 9/1/12-8/31/13 DUE	\$180.00
STAPLES CONTRACT & COMMERCIAL INC	S014563	3178361737	193691	FOLDERS	\$90.91
	S014606	3178655716	193909	BANKER BOXES/HP TONER CART	\$311.52
WASHINGTON STATE PATROL		113000643	193937	BACKGROUND CHECKS JULY 2012	\$80.00
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$102.15
HUMAN RESOURCES TOTAL ****					\$7,706.39
Division:	300	COMMUNITY &DEVELOPMENT SERVICE			
PARADISE BOTTLED WATER CO		7/12-CITYATTORNEY	193667	BOTTLED WATER JULY 2012	\$5.73
STAPLES CONTRACT & COMMERCIAL INC	S014563	8022418097	193691	HP TONER CART	\$112.17
XEROX CORPORATION		063231017	193943	PRINTER-PRINT USAGE JULY	\$23.78
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$29.39
COMMUNITY &DEVELOPMENT SERVICE TOTAL ****					\$171.07
Division:	301	DEVELOPMENT SERVICES			
WASHINGTON CITIES INSURANCE AUTHORITY		JULY 2012	193707	RICHLAND REVOLVING ACCOUNT	\$2,527.65
WATER SOLUTIONS INC	P050578	5402	193711	DSC (703) BUILDING WATER UNIT	\$16.25
	P050578			DSC (703) BUILDING WATER UNIT	\$39.52



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$163.86
				PHONE CHARGES 7/23-8/22/12	\$29.45
DEVELOPMENT SERVICES TOTAL****					\$2,776.73
Division:	302	PLANNING & REDEVELOPMENT			
ARCHIBALD-LITTLE-DILLMAN ARCHITECTS P.S.	P050946	14-12/JULY	193580	CONTRACT #SC12-19 ARCHITECTURA	\$3,570.00
	P051419	59-12/JULY		PROFESSIONAL SERVICES TO REVIE	\$2,486.25
	P051498	64-12		DESIGN & CONSTRUCTION DOCS FOR	\$4,300.00
XEROX CORPORATION		063146782	193943	WCP238 BASE CHARGE JULY	\$226.37
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$9.27
				PHONE CHARGES 7/23-8/22/12	\$29.10
PLANNING & REDEVELOPMENT TOTAL ****					\$10,620.99
Division:	331	PARKS & REC - RECREATION			
A & A MOTORCOACH INC		52269	193774	SR TRIP TRANSPORTATION	\$628.49
CHALLENGER SPORTS CORP		0003428-IN	193957	SOCCER CAMP 7/16-7/20/12	\$544.00
CITY OF RICHLAND		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$2,771.01
J BROGAN ENTERPRISES LLC		SC10-24/JAN 2012	193850	WINTER ART CLASSES-JAN 2012	\$233.10
		SC10-24/SUMMER'12		SUMMER ART CLASSES JUN-AUG'12	\$3,570.00
MID COLUMBIA ENGINEERING INC	P051264	ST004827	193657	SPECIAL EVENTS - 2012 GEORGE P	\$362.12
	P051265	ST004828		SWIM LESSONS - 2012 GEORGE PRO	\$3,054.04
	P051266	ST004829		OPEN SWIM - 2012 GEORGE PROUT	\$3,057.68
	P051267	ST004830		LAP SWIM - 2012 GEORGE PROUT	\$120.70
	P051263	ST004831		SWIM TEAM - 2012 GEORGE PROUT	\$486.46
	P050654	ST004856		RP2 FITNESS/ DANCE 2012	\$592.39
	P051264	ST004859		SPECIAL EVENTS - 2012 GEORGE P	\$76.81
	P051265	ST004860		SWIM LESSONS - 2012 GEORGE PRO	\$3,043.06
	P051266	ST004861		OPEN SWIM - 2012 GEORGE PROUT	\$3,048.53
	P051267	ST004862		LAP SWIM - 2012 GEORGE PROUT	\$87.80
	P051263	ST004863		SWIM TEAM - 2012 GEORGE PROUT	\$691.27
	P050654	ST004882		RP2 FITNESS/ DANCE 2012	\$1,549.81
	P051264	ST004885		SPECIAL EVENTS - 2012 GEORGE P	\$54.86
	P051265	ST004886		SWIM LESSONS - 2012 GEORGE PRO	\$2,819.94
	P051266	ST004887		OPEN SWIM - 2012 GEORGE PROUT	\$3,002.82
	P051267	ST004888		LAP SWIM - 2012 GEORGE PROUT	\$84.13
	P051263	ST004889	193870	SWIM TEAM - 2012 GEORGE PROUT	\$205.70
	P051263			C/O SWIM TEAM - 2012 GEORGE P	\$489.22
OXARC INC		2478UPS	193879	HELIUM FOR RCC ACTIVITIES	\$140.78
		R143678		HELIUM CYLINDER RENTAL	\$7.26
RICHLAND ACE HARDWARE		031207	193895	SILICONE	\$9.74
		31937		WALL CLOCK	\$29.23
SKYHAWKS SPORTS ACADEMY INC		249221327	193907	TENNIS CAMP 7/16-7/20/12	\$860.00



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
STAPLES CONTRACT & COMMERCIAL INC	S014563	3177978646	193691	LAMINATING POURCH/TONER	\$248.09
	S014606	3178690049	193909	ASTROBRITE PAPER/ENVELOPES	\$205.79
SZENDRE, JOLENE		SC05036/JULY 2012	193913	YOGA CLASS #6074 JULY 2012	\$32.20
		SC05036/JUNE 2012		YOGA CLASS #6073 JUNE 2012	\$109.00
THRASHER, BEVERLY		SC11-1/AUG 2012	193918	FOOTCARE CLASS #6142 AUG 2012	\$386.40
URM STORES INC		C30545354	193927	COFFEE SUPPLIES FOR RCC	\$29.31
WASHINGTON STATE PATROL		I13000643	193937	BACKGROUND CHECKS JULY 2012	\$30.00
XEROX CORPORATION		063146781	193943	PRINTER LEASE JULY 2012	\$214.07
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$9.25
				PHONE CHARGES 7/23-8/22/12	\$55.61
				PHONE CHARGES 7/23-8/22/12	\$142.10
PARKS & REC - RECREATION TOTAL****					\$33,082.77
Division:	335	PARKS & REC - PARKS&FACILITIES			
ABM JANITORIAL NORTHWEST		4193329	193777	POOL CLEANING JULY 2012	\$1,010.71
		4194060		DECOB CITY HALL ANNEX	\$68.82
				CLEAN CARPETS 703 BUILDING	\$2,346.00
		4197814		JANITORIAL SRVCS CITY ANNEX	\$74.53
		4197815		JANITORIAL SRVCS FIRE ST 1	\$282.65
		4197816		FIRE ST 2&3 CARPET CLEANING	\$71.06
				FIRE ST 2&3 CARPET CLEANING	\$71.05
APPLIED INDUSTRIAL TECH INC		40693554	193785	LUBRICANT	\$41.64
		40693618		SINGLE ROW BALL BEARINGS	\$207.73
ARAMARK UNIFORM SERVICES INC	S014586	7/12-15030000	193579	LINEN CHARGES FOR JULY 2012	\$308.44
BENJAMIN'S CARPET ONE		CG203518	193788	MINI BLINDS	\$216.60
CENTRAL HOSE & FITTINGS INC		350629	193803	INFLATOR GAUGE	\$51.66
CITY OF RICHLAND		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$276.23
				CITY UTILITY BILLS JULY 2012	\$277.80
				CITY UTILITY BILLS JULY 2012	\$305.05
				CITY UTILITY BILLS JULY 2012	\$307.38
				CITY UTILITY BILLS JULY 2012	\$312.39
				CITY UTILITY BILLS JULY 2012	\$323.05
				CITY UTILITY BILLS JULY 2012	\$326.46
				CITY UTILITY BILLS JULY 2012	\$337.47
				CITY UTILITY BILLS JULY 2012	\$275.76
				CITY UTILITY BILLS JULY 2012	\$354.40
				CITY UTILITY BILLS JULY 2012	\$240.60
				CITY UTILITY BILLS JULY 2012	\$363.82
				CITY UTILITY BILLS JULY 2012	\$371.66
				CITY UTILITY BILLS JULY 2012	\$372.04
				CITY UTILITY BILLS JULY 2012	\$401.95
				CITY UTILITY BILLS JULY 2012	\$412.75



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
CITY OF RICHLAND		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$416.65
				CITY UTILITY BILLS JULY 2012	\$446.35
				CITY UTILITY BILLS JULY 2012	\$474.20
				CITY UTILITY BILLS JULY 2012	\$495.26
				CITY UTILITY BILLS JULY 2012	\$500.41
				CITY UTILITY BILLS JULY 2012	\$339.13
				CITY UTILITY BILLS JULY 2012	\$178.00
				CITY UTILITY BILLS JULY 2012	\$124.45
				CITY UTILITY BILLS JULY 2012	\$129.25
				CITY UTILITY BILLS JULY 2012	\$133.35
				CITY UTILITY BILLS JULY 2012	\$141.19
				CITY UTILITY BILLS JULY 2012	\$146.10
				CITY UTILITY BILLS JULY 2012	\$152.45
				CITY UTILITY BILLS JULY 2012	\$163.88
				CITY UTILITY BILLS JULY 2012	\$164.96
				CITY UTILITY BILLS JULY 2012	\$170.07
				CITY UTILITY BILLS JULY 2012	\$172.67
				CITY UTILITY BILLS JULY 2012	\$275.30
				CITY UTILITY BILLS JULY 2012	\$176.00
				CITY UTILITY BILLS JULY 2012	\$502.55
				CITY UTILITY BILLS JULY 2012	\$185.35
				CITY UTILITY BILLS JULY 2012	\$189.45
				CITY UTILITY BILLS JULY 2012	\$197.88
				CITY UTILITY BILLS JULY 2012	\$208.50
				CITY UTILITY BILLS JULY 2012	\$214.10
				CITY UTILITY BILLS JULY 2012	\$224.34
				CITY UTILITY BILLS JULY 2012	\$235.83
				CITY UTILITY BILLS JULY 2012	\$238.75
				CITY UTILITY BILLS JULY 2012	\$537.51
				CITY UTILITY BILLS JULY 2012	\$250.00
				CITY UTILITY BILLS JULY 2012	\$175.85
				CITY UTILITY BILLS JULY 2012	\$1,731.55
				CITY UTILITY BILLS JULY 2012	\$1,091.06
				CITY UTILITY BILLS JULY 2012	\$1,121.26
				CITY UTILITY BILLS JULY 2012	\$1,123.11
				CITY UTILITY BILLS JULY 2012	\$1,189.80
				CITY UTILITY BILLS JULY 2012	\$1,191.16
				CITY UTILITY BILLS JULY 2012	\$1,273.40
				CITY UTILITY BILLS JULY 2012	\$1,275.95
				CITY UTILITY BILLS JULY 2012	\$1,277.85
				CITY UTILITY BILLS JULY 2012	\$1,330.47



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
CITY OF RICHLAND		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$506.65
				CITY UTILITY BILLS JULY 2012	\$1,672.82
				CITY UTILITY BILLS JULY 2012	\$944.72
				CITY UTILITY BILLS JULY 2012	\$1,793.60
				CITY UTILITY BILLS JULY 2012	\$1,919.45
				CITY UTILITY BILLS JULY 2012	\$1,954.08
				CITY UTILITY BILLS JULY 2012	\$2,157.14
				CITY UTILITY BILLS JULY 2012	\$2,318.52
				CITY UTILITY BILLS JULY 2012	\$3,090.99
				CITY UTILITY BILLS JULY 2012	\$4,163.60
				CITY UTILITY BILLS JULY 2012	\$4,402.74
				CITY UTILITY BILLS JULY 2012	\$5,135.85
				CITY UTILITY BILLS JULY 2012	\$6,091.50
				CITY UTILITY BILLS JULY 2012	\$1,396.65
				CITY UTILITY BILLS JULY 2012	\$766.60
				CITY UTILITY BILLS JULY 2012	\$535.40
				CITY UTILITY BILLS JULY 2012	\$353.81
				CITY UTILITY BILLS JULY 2012	\$591.70
				CITY UTILITY BILLS JULY 2012	\$655.33
				CITY UTILITY BILLS JULY 2012	\$659.32
				CITY UTILITY BILLS JULY 2012	\$675.35
				CITY UTILITY BILLS JULY 2012	\$675.58
				CITY UTILITY BILLS JULY 2012	\$692.42
				CITY UTILITY BILLS JULY 2012	\$707.39
				CITY UTILITY BILLS JULY 2012	\$719.85
				CITY UTILITY BILLS JULY 2012	\$1,049.65
				CITY UTILITY BILLS JULY 2012	\$739.69
				CITY UTILITY BILLS JULY 2012	\$1,016.70
				CITY UTILITY BILLS JULY 2012	\$768.30
				CITY UTILITY BILLS JULY 2012	\$776.80
				CITY UTILITY BILLS JULY 2012	\$782.10
				CITY UTILITY BILLS JULY 2012	\$805.93
				CITY UTILITY BILLS JULY 2012	\$808.25
				CITY UTILITY BILLS JULY 2012	\$849.90
				CITY UTILITY BILLS JULY 2012	\$915.39
				CITY UTILITY BILLS JULY 2012	\$917.25
				CITY UTILITY BILLS JULY 2012	\$938.46
				CITY UTILITY BILLS JULY 2012	\$123.30
				CITY UTILITY BILLS JULY 2012	\$737.42
				CITY UTILITY BILLS JULY 2012	\$27.55
				CITY UTILITY BILLS JULY 2012	\$36.05



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
CITY OF RICHLAND		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$22.21
				CITY UTILITY BILLS JULY 2012	\$22.64
				CITY UTILITY BILLS JULY 2012	\$25.00
				CITY UTILITY BILLS JULY 2012	\$25.56
				CITY UTILITY BILLS JULY 2012	\$16.47
				CITY UTILITY BILLS JULY 2012	\$26.70
				CITY UTILITY BILLS JULY 2012	\$14.58
				CITY UTILITY BILLS JULY 2012	\$27.91
				CITY UTILITY BILLS JULY 2012	\$28.16
				CITY UTILITY BILLS JULY 2012	\$29.25
				CITY UTILITY BILLS JULY 2012	\$29.82
				CITY UTILITY BILLS JULY 2012	\$33.50
				CITY UTILITY BILLS JULY 2012	\$35.79
				CITY UTILITY BILLS JULY 2012	\$26.28
				CITY UTILITY BILLS JULY 2012	\$9.39
				CITY UTILITY BILLS JULY 2012	\$115.10
				CITY UTILITY BILLS JULY 2012	(\$3.55)
				CITY UTILITY BILLS JULY 2012	\$0.04
				CITY UTILITY BILLS JULY 2012	\$5.26
				CITY UTILITY BILLS JULY 2012	\$8.62
				CITY UTILITY BILLS JULY 2012	\$17.51
				CITY UTILITY BILLS JULY 2012	\$8.88
				CITY UTILITY BILLS JULY 2012	\$24.40
				CITY UTILITY BILLS JULY 2012	\$9.49
				CITY UTILITY BILLS JULY 2012	\$10.29
				CITY UTILITY BILLS JULY 2012	\$10.37
				CITY UTILITY BILLS JULY 2012	\$11.33
				CITY UTILITY BILLS JULY 2012	\$13.66
				CITY UTILITY BILLS JULY 2012	\$14.38
				CITY UTILITY BILLS JULY 2012	\$8.83
				CITY UTILITY BILLS JULY 2012	\$74.55
				CITY UTILITY BILLS JULY 2012	\$108.37
				CITY UTILITY BILLS JULY 2012	\$96.29
				CITY UTILITY BILLS JULY 2012	\$95.00
				CITY UTILITY BILLS JULY 2012	\$84.20
				CITY UTILITY BILLS JULY 2012	\$74.29
				CITY UTILITY BILLS JULY 2012	\$68.96
				CITY UTILITY BILLS JULY 2012	\$65.62
				CITY UTILITY BILLS JULY 2012	\$50.50
				CITY UTILITY BILLS JULY 2012	\$50.27
				CITY UTILITY BILLS JULY 2012	\$49.65



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
CITY OF RICHLAND		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$48.03
				CITY UTILITY BILLS JULY 2012	\$42.00
				CITY UTILITY BILLS JULY 2012	\$41.89
				CITY UTILITY BILLS JULY 2012	\$91.74
				CITY UTILITY BILLS JULY 2012	\$40.30
COLUMBIA ELECTRIC SUPPLY		5858-676497	193608	SMC MOTOR CONTROLLER	\$2,116.02
DEPARTMENT OF LABOR & INDUSTRIES		139209	193965	LIBRARY ELEVATOR OP PERMITS	\$228.20
G & R AG PRODUCTS INC		2128593-0001-02	193628	TEEJET TIP CAPS/GASKETS	\$35.03
		2128600-0001-02		COUPLING/ADAPTER	\$12.98
GRAINGER	S014574	9883705320	193631	EXPANSION TANK ITEM #3GVU8	\$67.57
	S014574	9884831760		PUMP ITEM #3P732	\$127.80
HARBOR FREIGHT TOOLS USA INC	S014596	514643	193837	WELDING HELMET	\$58.02
	S014596	515039		RATCHET TIE DOWNS	\$35.72
	S014596	518273		AIR BLOW GUN, 5PC QC BRASS COU	\$10.82
	S014596	523376		SCRAPER FLOOR	\$19.48
JT AUTOMOTIVE PARTS INC DBA		261734	193642	MOIST AB/SPARK PLUGS	\$23.73
		266834	193853	BEARINGS	\$72.93
		267253		PLIERS	\$41.53
		267297		AIR FILTER/OIL	\$57.49
KENNEWICK IND & ELECTRICAL SUPPLY		582846	193647	FLUSH CONNECTION/ELBOWS	\$199.16
		585336		TUBE STOP BATH/HANDLE	\$19.78
		586015		FULL CIRCLE ROTORS	\$104.56
		586687		4" ROTORS	\$192.12
		588807		JUMBO LID	\$13.87
MARK VINCENT CONSTRUCTION LLC	P050937	787	193653	RECOAT HARDWOOD FLOORS SHEDULE	\$5,723.66
	P050937			TAX	\$438.66
MCDONALD'S & ASSOCIATES INC		072712	193656	2-14 YD LOAD TOPSOIL DELIVERED	\$292.41
OCE IMAGISTICS INC DBA		301513	193877	COPIER RENTA/USAGE FEES	\$33.24
OXARC INC		1244UPS	193665	CO2 BULK	\$194.01
		2690UPS	193879	CO BULK FOR POOL	\$196.29
		F275524	193665	FIRE EXT ANNUAL INSPECTION	\$228.10
		R143915		OXYGEN	\$171.59
		R143918		CO2 LIQUID	\$92.60
PAPE' MATERIAL HANDLING		6892802	193666	ANTI-FREEZE	\$61.05
PLATT ELECTRIC SUPPLY INC		2107229	193885	ORANGE WIRE CONNECTORS	\$40.86
		2126364	193987	BALLAST W/DRY FILM	\$222.18
POOL CARE PRODUCTS INC		97095	193887	50 LBS TABS	\$243.68
		97473		ALGEACIDE	\$257.32
		97490		50 LBS JUMBO TABS	\$173.28
		97578		OPD POLUDER	\$33.31
		97645		50 LBS SODA ASH	\$51.98



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
RICHLAND ACE HARDWARE		204572	193895	INSECT REPELLENT	\$18.17
		204577		SPRAY PAINT	\$45.41
		204579		CABLE TIE	\$23.80
		204592		LITHIUM PHOTO BATTERIES	\$36.80
		204597		UTILITY TUB-HINGED LID	\$21.64
		204605		RESTROOM CLEANING SUPPLIES	\$13.28
		204610		3-FIX A FLATS	\$16.21
		204636		MOUSE TRAPS	\$25.95
		31499		HOLD DOWN STRAPS	\$5.39
		31968		DRILL BIT/FASTENERS	\$22.11
		31979		WIRE ROPE CLIPS	\$11.65
		31984		DRAIN	\$27.58
		31996		IRRIGATION PARTS	\$30.04
		31999		HANDLE	\$10.82
		32015		SOFTSOAP	\$10.83
		32020		HTH PH PLUS-POOL CHEMICALS	\$11.90
		32025		IRRIGATION PARTS	\$50.35
		32034		SOFTSOAP	\$5.42
		32039		SPRAY PAINT	\$4.86
		32067		ALKALINE BATTERY	\$6.49
		32112		MORTAR SEALER	\$31.13
		32257		CLAMP/NOZZLES	\$24.08
STONEWAY ELECTRIC SUPPLY		S100221032.001	193692	CEILING SENSORS-HUBBELL	\$251.72
		S100258980.001		RECEPTACLE COVER	\$7.75
		S100258991.001		RECEPTACLE COVER	\$7.75
		S100259108.001		GFCI RECEPTACLE COVERS	\$7.71
TACOMA SCREW PRODUCTS INC		22063837	193914	ELECT TERMINAL/ROLL PIN SCREWS	\$194.72
THE ADVISORS MARKETING GROUP		18219	193916	T-SHIRT/SET UP CHARGE	\$36.90
THE SHERWIN WILLIAMS CO		0873-4	193698	PAINT & SUPPLIES	\$219.23
		8461 -9		SEALER	\$56.06
		8710-9		PAINT & SUPPLIES	\$94.31
		9037-6		PAINT	\$52.56
		9050-9		PAINT & SUPPLIES	\$120.93
		9349-5		PAINT	\$40.02
WALLA WATER INC DBA		9939	193931	BLDG 300 SERVICE CALL	\$138.89
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$143.41
PARKS & REC - PARKS&FACILITIES TOTAL ****					\$101,875.32
Division:	338	PARKS & REC - PROJECT ADMIN			
AMERICAN ROCK PRODUCTS INC		169240	193577	TOP COURSE	\$159.16
BEDROCK SPECIALTY STONE PRODUCTS	P051469	45976	193583	DELIVERY CHARGES	\$54.15
	P051469			25 CUBIC YARDS BROWN 2'-4" BAS	\$676.88



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
CITY OF RICHLAND		12-313 BRYANT	193810	RCO TRAIL MTG/OLYMPIA/BRYANT	\$369.84
PARKS & REC - PROJECT ADMIN TOTAL****					\$1,260.03
Division:	900	NON-DEPARTMENTAL			
ARBAUGH & ASSOCIATES INC		1141	193786	ARBAUGH-LEG-SRVCS-JULY	\$1,344.38
CITY OF PASCO		M081412	193806	ANIMAL SHELTERING AUGUST 2012	\$18,926.22
DEPARTMENT OF HUMAN SERVICES		2ND QTR 2012	193617	2ND QTR 2012 LIQUOR/TAXES/PROF	\$4,041.54
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$64.88
NON-DEPARTMENTAL TOTAL ****					\$24,377.02
GENERAL FUND Total ***					\$288,423.18
FUND 101		CITY STREETS			
Division:	401	STREETS MAINTENANCE			
A & B ASPHALT INC		0000052045	193775	ASPHALT	\$164.72
AMERICAN ROCK PRODUCTS INC		169314	193577	CONCRETE	\$379.49
		169514	193780	CONCRETE	\$168.95
BENTON PUD		8/12-7286300000	193590	ELECTRIC/STREET LIGHTING SRVCS	\$53.84
CITY OF RICHLAND		7/12-27	193809	#27 STREETS LANDFILL FEES	\$188.92
		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$210.77
				CITY UTILITY BILLS JULY 2012	\$741.75
				CITY UTILITY BILLS JULY 2012	\$1,364.04
GRANITE CONSTRUCTION		345692	193632	ASPHALT	\$302.28
		345746		ASPHALT	\$51.36
HARBOR FREIGHT TOOLS USA INC	S014596	509296	193837	4" ENGINE CYLINDER HONE	\$21.65
	S014596	518891		SLIVER TARP	\$43.30
	S014596	522894		ELECTRIC CHAINSAW	\$59.55
HERTZ EQUIPMENT RENTAL CORP		26382290-001	193636	LIQUID PROPANE	\$45.80
		26385764-001	193843	LIQUID PROPANE	\$28.95
HOME DEPOT CREDIT SERVICES	S014615	2085992	193971	TGGLE BOLTS	\$6.43
INLAND ASPHALT CO		32-1724370	193640	ASPHALT	\$1,584.80
OCE IMAGISTICS INC DBA		301513	193877	COPIER RENTA/USAGE FEES	\$33.24
PATRIOT DIAMOND INC	S014567	A00779	193670	12" ASPHALT BLADES ITEM #SDA12	\$365.48
RICHLAND ACE HARDWARE		204593	193895	DRILL BIT	\$12.99
		31997		SPRAYER	\$11.90
		32008		PUNCH PINS	\$7.35
		32045		GRASS SEED	\$15.15
		32050		KNIFE BLADES	\$8.21
TRAFFIC SAFETY SUPPLY CO INC	S014558	959812/959989	193699	PIPE POST CAP, 2-3/8" ROUND WI	\$201.33
VERDUZCO, FRANK		080912	193929	VERDUZCO/SUPPLIES	\$9.75
WASHINGTON CITIES INSURANCE AUTHORITY		JULY 2012	193707	RICHLAND REVOLVING ACCOUNT	\$820.00
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$37.07



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
ZUMAR INDUSTRIES INC	S014555	0156931	193947	EXTRUDED ALUMINUM SIGN BLANK,	\$974.70
	S014555			.080" ALUMINUM SIGN BLANK, 18"	\$233.93
STREETS MAINTENANCE TOTAL ****					\$8,147.70
Division:	402	ARTERIAL STREETS			
AEGIS ITS INC	P049929	3242	193778	TRAFFIC MANAGEMENT SYSTEM SOFT	\$9,421.53
	P049929			C/O #1 CENTRACS LOCAL EDITION	\$5,000.00
CITY OF RICHLAND		7/12-27	193809	#27 STREETS LANDFILL FEES	\$187.27
F & AO, USAED, WALLA WALLA	P051585	836363	193624	HANFORD REACH FACIL-USACE COST	\$1,300.00
IMT INC		3848	193974	GWV OVERLAY M12203	\$3,274.75
		3876	193844	KEENE RD PH3B TESTING M11303	\$4,066.75
SIERRA ELECTRIC INC.	P051343	C74-12/PYMT 1	193997	KEENE / ELEMENTARY TRAFFIC SIG	\$19,336.30
TAPANI UNDERGROUND INC	P048113	C138-10/RETAINAGE	193770	LESLIE RD IMPROVEMENTS PH	\$18,835.20
	P048113			C/O #5 ROADWAY ISSUED FOR OVER	\$31,611.08
TRI CITY HERALD	S014588	7/12-825	193701	IT'S WORTH IT..ACCESS IS AVAIL	\$293.28
	S014588			IT'S WORTH IT..ACCESS IS AVAIL	\$188.24
ARTERIAL STREETS TOTAL ****					\$93,514.40
CITY STREETS Total ***					\$101,662.10
FUND	110	LIBRARY			
Division:	303	LIBRARY			
CITY OF RICHLAND		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$3,860.59
COLUMBIA INDUSTRIES SUPPORT LLC		115903	193815	DOCUMENT SHREDDING SERVICES	\$82.08
FRONTIER	S014597	8/12-509-943-3152	193740	TELEPHONE CHARGE 8/4/12-9/3/12	\$495.56
HARVARD UNIVERSITY		HCLI00004490	193839	ILL #91756380	\$25.00
MINNESOTA HISTORICAL SOCIETY		ILL-0011	193873	INTER LIBRARY LOAN	\$5.50
RESEARCH TECHNOLOGY INTL CO		168127	193894	DISC CLEANING PADS	\$429.95
SECRETARY OF STATE		00001574	193905	K20 NETWORK 2ND QTR 2012	\$3,453.38
STAPLES CONTRACT & COMMERCIAL INC	S014563	8022418097	193691	PENS/UNDER DESK KEYBD TRAY	\$580.57
	S014563	8022419459		TAPE/ERASER	\$269.82
UNIQUE MANAGEMENT SERVICES INC		226180	193924	MONTHLY COLLECTIONS JULY 2012	\$304.30
WASHINGTON LIBRARY ASSOCIATION		07312012-1	193935	2013 INSTITUTIONAL DUES	\$783.00
XEROX CORPORATION		701549924	193943	COPIER BASE/METER JUNE 2012	\$669.84
		701549925		COPIER BASE/METER JUNE 2012	\$435.76
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$224.47
LIBRARY TOTAL ****					\$11,619.82
LIBRARY Total ***					\$11,619.82
FUND	112	INDUSTRIAL DEVELOPMENT FUND			
Division:	305	BUSINESS & ECONOMIC DEV ADMIN			
ARBAUGH & ASSOCIATES INC		1141	193786	ARBAUGH-LEG-SRVCS-JULY	\$137.18



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
CITY OF RICHLAND		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$219.20
PARADISE BOTTLED WATER CO		7/12-CITYATTORNEY	193667	BOTTLED WATER JULY 2012	\$8.60
TRI CITY HERALD	S014588	7/12-825	193701	FUNDING OPPORTUNITIES CITY OF	\$244.40
TRIDEC		17267	193702	C40-12 PYMT RECRUITMENT AUGUST	\$3,000.00
XEROX CORPORATION		063231017	193943	PRINTER-PRINT USAGE JULY	\$37.00
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$39.63
BUSINESS & ECONOMIC DEV ADMIN TOTAL ****					\$3,686.01
Division:	306	ECONOMIC DEVELOPMENT PROJECTS			
CITY OF RICHLAND		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$27.19
ECONOMIC DEVELOPMENT PROJECTS TOTAL ****					\$27.19
INDUSTRIAL DEVELOPMENT FUND Total ***					\$3,713.20
FUND 113		I-NET			
Division:	202	CABLE COMMUNICATIONS/I-NET			
CITY OF RICHLAND		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$173.52
CABLE COMMUNICATIONS/I-NET TOTAL ****					\$173.52
I-NET Total ***					\$173.52
FUND 150		HOTEL/MOTEL FUND			
Division:	307	HOTEL/MOTEL TAX			
KENNEWICK IND & ELECTRICAL SUPPLY		562778	193647	LATC 12-01 GEO COIN SUPP	\$51.44
TRI CITIES VISITOR & CONVENTION BUREAU		151481	193922	MONTHLY DUES AUGUST 2012	\$15,365.85
HOTEL/MOTEL TAX TOTAL ****					\$15,417.29
HOTEL/MOTEL FUND Total ***					\$15,417.29
FUND 151		SPECIAL LODGING ASSESSMENT			
Division:	339	TOURISM PROMOTION AREA			
TRI CITIES VISITOR & CONVENTION BUREAU		JULY 2012	193922	SPECIAL LODGING ACCESS JULY'12	\$25,908.51
TOURISM PROMOTION AREA TOTAL ****					\$25,908.51
SPECIAL LODGING ASSESSMENT Total ***					\$25,908.51
FUND 153		CDBG FUND			
Division:	308	CDBG PROGRAM			
CITY OF RICHLAND		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$7.70
IWI INC		50794	193849	O/O REHAB-1104 PERKINS/REDMOND	\$16,623.99
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$9.54
				PHONE CHARGES 7/23-8/22/12	\$9.27
CDBG PROGRAM TOTAL ****					\$16,650.50



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
CDBG FUND Total ***					\$16,650.50
FUND 154	HOME FUND				
Division:	309	HOME PROGRAM			
CASCADE TITLE COMPANY OF BENTON		309-823-11	193800	HABITAT 2010 CHDO/507 S JEAN	\$1,764.95
CITY OF PASCO	P051624	JUN12	193807	PASCO DPA/NUNEZ/1119 BEECH	\$250.00
	P051624			PASCO REHAB/2103 N 19TH	\$203.69
	P051624			PASCO INFILL REHAB/2116 N 18TH	\$139.21
	P051624			PASCO DPA/TOWNSEND & FARIAS/25	\$250.00
	P051624			PASCO INFILL/120 N OWEN	\$369.19
	P051624			PASCO INFILL/524 S WALDEMAR	\$1,113.89
	P051624			PASCO DPA/FLAHERTY/4212 W AGAT	\$5,179.03
	P051624			PASCO ADMIN FROM 2012 PROG INC	\$4,676.96
	P051624			PASCO INFILL/533 S OWEN	\$9,801.69
	P051624			PASCO INFILL NSP REHAB/404 N 1	\$27,605.58
TAYLOR CONSTRUCTION & BUIDING LLP	P050288	309-695-10/PYMT 3	193695	HOME Const. Single Family Home	\$22,745.96
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$9.54
HOME PROGRAM TOTAL ****					\$74,109.69
HOME FUND Total ***					\$74,109.69
FUND 380	PARK PROJECT CONSTRUCTION				
Division:	337	PARKS & REC PROJECTS			
NORTHWEST PLAYGROUND EQUIPMENT INC	P051427	34611	193662	MODEL SP305R, WABASH 6' BENCH	\$1,555.19
	P051427			FREIGHT	\$1,209.66
	P051427			MODEL SP310, ROUND POST PACKAG	\$763.52
	P051427			MODEL 10193 REPLACEMENT ARM, C	\$318.40
	P051427			MODEL MC102, ROUND MOUNTING PL	\$74.73
	P051427			ADJUST SALES TAX	(\$0.01)
	P051427			8.00% DISCOUNT	(\$216.95)
SWCA INC	P050778	13087	193693	C/O #1 CHARGES FOR ADDITIONAL	\$335.28
PARKS & REC PROJECTS TOTAL ****					\$4,039.82
PARK PROJECT CONSTRUCTION Total ***					\$4,039.82
FUND 401	ELECTRIC UTILITY FUND				
Division:	000				
ESSEX GROUP INC	P051512	3188689	193623	LUBRICANT, SILICONE, DOW #4	\$761.91
GENERAL PACIFIC INC	P051477	1165725	193969	PREFORMED GUY GRIP, DE, 7/16	\$449.45
	P051477			PREFORMED TIE, 336 ACSR, DIST	\$368.22
	P051305	1166667	193832	METER,FRM 2S,240V,CL320,1PH,	\$8,317.44
	P051305	1166668		METER,FRM 5S,120-480V,CL20,	\$1,884.42



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
GENERAL PACIFIC INC	P051477	1166866	193969	PREFORMED VIBRATION DAMPER,	\$606.48
	P051305	1168076	193832	METER,FRM 2S,240V,CL200,1PH,	\$7,872.46
HD SUPPLY UTILITIES LTD	P051537	2063382-00	193841	GUY GRIP 7/16" LONG BAIL UTIL.	\$751.06
PARAMOUNT SUPPLY COMPANY	P051463	587014	193881	LUBRICANT, CORROSION-X	\$128.50
PLASTIC DIP MOLDINGS INC	P051453	62546	193884	ADJUST SHIPPING	\$0.02
	P051453			XFMR, BUSHING COVER, PDM4227	\$915.06
PLATT ELECTRIC SUPPLY INC	S014548	2131625	193885	PULLING LUBE LIQUID 1GAL,PJ128	\$930.51
	S014559	2199801		TIE, CABLE, 11" MIN, HVY DUTY	\$284.61
	S014559	S014559		TIE, CABLE, 5.9" MIN, BLACK	\$82.31
	S014559			TIE, CABLE, 7.9" MIN, BLACK	\$253.42
SCHWEITZER ENGINEERING LABORATORIES INC	P051361	2474-8946	193904	FAULT INDICATOR, UNDERGROUND	\$1,516.20
	P051361	2474-9079		V DISPLAY LEXAN COVER KIT	\$203.06
TRAFFIC PARTS INC	S014561	354079	193920	LAMP TRAFFIC, 150W,PAR46,115V	\$734.40
WESCO DISTRIBUTION INC	S014547	377912	193940	INHIBITOR DE-OX, OXIDE INHIBIT	\$74.86
	S014547	377913		PADLOCK EQUIPMENT FARGO GM-322	\$1,533.53
TOTAL ****					\$27,667.92
Division:	501	ENERGY SERVICES ADMINISTRATION			
ARBAUGH & ASSOCIATES INC		1141	193786	ARBAUGH-LEG-SRVCS-JULY	\$768.22
CITY OF RICHLAND		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$426.41
MID COLUMBIA ENGINEERING INC	P051211	ST004858	193657	PENNY HOWARD, OFFICE ASSISTANT	\$372.40
	P051211	ST004884		PENNY HOWARD, OFFICE ASSISTANT	\$391.02
NEWSDATA CORPORATION		7262018DP	193660	DISPATCH NEWS SUB RENEWAL 2013	\$4,602.75
XEROX CORPORATION	P050592	063146792	193943	RENTAL AND COPIES FOR W5655 XE	\$112.30
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$79.17
ENERGY SERVICES ADMINISTRATION TOTAL ****					\$6,752.27
Division:	502	ELECTRICAL ENGINEERING			
CITY OF RICHLAND		2012-002285	193603	ROW FEE-829 GOETHALS DRIVE	\$75.00
		2012-002286		ROW FEE-615 SNOW AVE	\$75.00
D HITTLE & ASSOCIATES INC	P047710	9018	193614	PREPARE CONSTRUCTION RECORD	\$900.00
	P050125	9065		RICHLAND SWITCH AND FIRST STRE	\$872.79
WATER SOLUTIONS INC	P050578	5402	193711	DSC (703) BUILDING WATER UNIT	\$13.55
XEROX CORPORATION	P050592	063146789	193943	RENTAL AND COPIES FOR XEROX W5	\$60.95
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$148.63
ELECTRICAL ENGINEERING TOTAL ****					\$2,145.92
Division:	503	POWER OPERATIONS			
BENTON PUD	P050620	8/12-5743127752	193953	TREE TRIMMING EXPERT SERVICES	\$2,308.32
		8/12-7286300000	193590	ELECTRIC/STREET LIGHTING SRVCS	\$11.42
BOYD'S TREE SERVICE LLC	P051223	2371	193595	2012 TREE PRUNING	\$7,225.63
	P051223	2379	193954	2012 TREE PRUNING	\$7,225.63



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
BOYD'S TREE SERVICE LLC	P051223	2384	193954	2012 TREE PRUNING	\$7,225.63
	P051223	2392		2012 TREE PRUNING	\$7,225.63
CITY OF RICHLAND		7/12-1901	193960	#1901 DROP BOX DISP/HAULING	\$812.50
		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$253.04
				CITY UTILITY BILLS JULY 2012	\$2,646.31
					\$3,701.00
COLUMBIA RURAL ELECTRIC ASSN INC	P050629	2558	193611	SAFETY TRAINNING SERVICES FOR	\$3,701.00
DENNY'S		072812	193821	OVERTIME MEALS 7/28/12	\$23.70
		080112		OVERTIME MEALS 8/1/12	\$30.58
		080912		OVERTIME MEALS 8/9/12	\$38.93
					\$5,043.53
HD SUPPLY UTILITIES LTD	S014569	2064130-00	193841	CONDUX 110 VOLT PLUS CABLE PUL	\$5,043.53
HERTZ EQUIPMENT RENTAL CORP		26370341-001	193843	CRANE TRUCK RENTAL	\$435.37
HOME DEPOT CREDIT SERVICES	S014615	2030011	193971	2X6-10 CONST, 2X4-8 PT/CS	\$15.53
	S014615	2030015		2X6-8 CONST	\$7.87
	S014615	8033831		2X4-8 PT/CS, PALLET FEE	\$5.71
	S014615	8037067		9"X4/5T	\$48.64
	S014615	83747		9"X4/5T	\$64.98
	S014615	9033744		2X6-8 CONST, 92-5/8 STUD	\$10.55
					\$376.55
KELLEY'S TELE-COMMUNICATIONS INC	P050623	022408012012	193646	ANSWERING SERVICE FOR 2012	\$376.55
OCE IMAGISTICS INC DBA		301513	193877	COPIER RENTA/USAGE FEES	\$33.23
PARADISE BOTTLED WATER CO		7/12-POWER OPS	193880	BOTTLED WATER JULY 2012	\$52.28
SAGEBRUSH CONCRETE SAWING & DRILLING INC		T012-A8-004	193901	SLAB SAW MANSFIELD ST	\$1,083.11
STAPLES CONTRACT & COMMERCIAL INC	S014606	3178655717	193909	HP INJET TONER CART'S	\$463.18
TAPANI UNDERGROUND INC	P048113	C138-10/RETAINAGE	193770	C/O #5 ELECTRICAL ADDITIONAL	\$956.81
TECH PRODUCTS INC	S014554	56613	193915	TAG HOLDER POLYETHYLENE,	\$588.20
TSE INTERNATIONAL INC	S014426	400745	193923	3/8" X 3,000' POLYPROPYLENE RO	\$380.00
	S014426			3/8" X 3,000' POLYPROPYLENE RO	\$380.00
	S014426			3/8" X 3,000' POLYPROPYLENE RO	\$380.00
	S014426			3/8" X 3,000' POLYPROPYLENE RO	\$380.00
	S014426			FREIGHT CHARGES	\$269.03
WESCO DISTRIBUTION INC	S014520	377911	193940	5/16" ALLEN RACHET, FARGO #GP2	\$136.26
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$186.57
POWER OPERATIONS TOTAL ****					\$50,025.72
Division:	504	SYSTEMS DIVISION			
AZTECH ELECTRIC INC	P045667	SB10-015/PYMT 6	193723	C/O #1 ISSUED TO INCREASE DOLL	\$23,996.78
	P045667			C/O #2 RE-ROUTE GATAWAY	\$31,582.45
	P045667			REMOVE EXISTING SWITCHGEAR UNI	\$62,446.19
CITY OF RICHLAND		7/12-28	193960	#28 1ST ST ARC CHUTE DISPOSAL	\$28.00
		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$1,304.24
D HITTLE & ASSOCIATES INC	P041208	9063	193614	TASK ORDER NO.091102	\$1,342.50
	P050125	9065		RICHLAND SWITCH AND FIRST STRE	\$363.70
	P050125			RICHLAND SWITCH AND FIRST STRE	\$706.01



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
ELR CONSULTING INC	P051398	2139	193621	2012 SOFTWARE INTEGRATION SUPP	\$3,618.42
FRONTIER	S014597	8/12-509-375-7422	193740	TELEPHONE CHARGE 8/4/12-9/3/12	\$100.48
IMT INC	S014264	3924	193639	TESTING FOR FIRST STREET METAL	\$189.00
ITRON INC	P051091	254961	193848	ADDITION TO PO	\$232.77
	P051091			PO FOR 2012 ITRON HAND HELD RE	\$844.82
	P050639	256294		HANDHELD TECHNICAL SUPPORT	\$877.32
MEIER ENTERPRISES INC		11447	193869	ESTIMATING PROJECT 11-6728	\$90.00
OCE IMAGISTICS INC DBA		301513	193877	COPIER RENTA/USAGE FEES	\$33.23
OXARC INC		1339UPS	193665	NITROGEN GAS CYLINDER	\$53.04
		1979UPS	193879	NITROGEN GAS CYLINER	\$53.04
		R143917		SPECIALTY GAS CYLINDERS	\$162.45
RICHLAND ACE HARDWARE		204622	193895	CAULKING/WINDOW INSULATION	\$9.74
		32205		PIPE TEES/ELBOWS	\$69.76
		32239		OUTLET BOX/NIPPLES	\$23.52
		32241		INSULATED FEMALE DISCONNECT	\$14.07
SCHNEIDER AUTOMATION	P051530	92901505	193903	CONTRACT#A5AU023259 EXPIRES	\$1,500.00
UNITED PARCEL SERVICE	S014578	0000986641292	193703	GROUND PKG TO ITRON FOR SYSTEM	\$6.56
	S014578	0000986641302		GROUND PKG TO SD MYERS FOR SYS	\$13.81
	S014578			2 GROUND PKGS TO ABB FOR SYSTE	\$35.00
	S014578			5 GROUND PKGS TO MYERS POWER	\$60.55
	S014608	0000986641322	193925	GROUND PKG TO POWERMETRIX FOR	\$16.44
	S014608			GROUND PKG TO ABB FOR SYSTEMS	\$17.33
UTILITIES UNDERGROUND LOCATION CENTER	S014100	2070178	193928	UTILITIES LOCATE SERVICE FOR	\$137.70
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$177.97
SYSTEMS DIVISION TOTAL ****					\$130,106.89
Division:	505	POWER AND RESOURCE MGMT			
AGNEW, STEPHEN		APPL REBATE	193575	APPL REBATE-2303 HARRIS AVE	\$25.00
ALBERT, THOMAS W			193576	APPL REBATE-1531 THAYER DR	\$30.00
APOLLO SHEET METAL INC		101701	193578	HP/PTCS EE REBATE/1120 BRIDLE	\$900.00
BENTON COUNTY AUDITOR/WEATHERWISE	P051561	11220 RELEASE	193584	RELEASE LIEN; J.SOLA AC#11220	\$62.00
	P051561	122360		RECORD LIEN; F.KUHLMAN AC#1223	\$62.00
	P051561	132480 RELEASE		RELEASE LIEN; E.NAKIC AC#13248	\$62.00
	P051561	183120		RECORD LIEN; K.GABEL AC#183120	\$62.00
	P051561	200290 RELEASE		RELEASE LIEN; M.FISH AC#200290	\$62.00
	P051561	221280 RELEASE		RELEASE LIEN; V.CHAPMAN AC#221	\$62.00
	P051561	230540		RECORD LIEN; D.GROSSARTH AC#23	\$62.00
	P051561	251660		RECORD LIEN; R.RHODES AC#25166	\$62.00
	P051561	252100 ADD LIEN		RECORD LIEN; D.VARGO AC#252100	\$62.00
	P051561	301840 RELEASE		RELEASE LIEN; W.MCCUE AC#30184	\$62.00
	P051561	350640		RECORD LIEN; J.HOSIER AC#35064	\$62.00
	P051561	391680		RECORD LIEN; C.SHOEMAKE AC#391	\$62.00



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
BENTON COUNTY AUDITOR/WEATHERWISE	P051580	420800 RELEASE	193584	RELEASE LIEN; K.JOLLEY AC#4208	\$62.00
	P051580	640520 RELEASE		RELEASE LIEN; K.KRAEMER AC#640	\$62.00
	P051561	651620		RECORD LIEN; L.SEGO AC#651620	\$62.00
	P051561	711540 RELEASE		RELEASE LIEN; R.LEWIS AC#71154	\$62.00
	P051561	72100		RECORD LIEN; P.THOMSEN AC#7210	\$62.00
	P051561	740160		RECORD LIEN; R.STRICKLAND AC#7	\$62.00
	P051561	751380 ADD LIEN		RECORD LIEN; R.VALDOVINOS AC#7	\$62.00
	P051561	811000		RECORD LIEN; T.ERWIN AC#811000	\$62.00
	P051561	830360 RELEASE		RELEASE LIEN; M.MILLS AC#83036	\$62.00
BRUCE INC	P051490	12-0721	193795	CONSERVATION LOAN: KATHY KNOX	\$8,709.49
CHINOOK HEATING & AIR INC	P051570	12834	193805	CONSERVATION LOAN: REBECCA GRE	\$8,837.28
CITY OF RICHLAND		12-214 BOOTH	193604	MID C SEMINAR/WENATCHEE/BOOTH	\$171.59
		72100	193601	131 COTTONWOOD-HP REBATE COR	\$1,000.00
DELTA HEATING & COOLING INC		20403	193819	HP/EE REBATE/320 BARTH	\$1,000.00
		20404	193615	HP/EE REBATE/1104 BENHAM ST	\$500.00
		20526	193819	HP/EE REBATE/1584 CIMMARON	\$1,000.00
EFFICIENCY SOLUTIONS LLC		7-12	193620	7/12-CONSERV INSPECTS	\$782.00
ELITE RENOVATIONS LLC		2141-W	193825	WINDOWS/EE REBATE/77 MCMURRAY	\$1,576.50
ENNIS, DICK	P051558	1895 FOWLER	193622	COMM LIGHTING PROJECT: 1895 FO	\$6,160.00
GLASS NOOK INC	P051225	53631	193629	CONSERVATION LOAN: KATHERINE	\$2,108.94
JENSEN, JAMES		APPL REBATE	193641	APPL REBATE-1913 THAYER DR	\$15.00
KANE, CINDI			193644	APPL REBATE-2806 COPPERBUTTE	\$15.00
M CAMPBELL & COMPANY INC		555090	193652	HP/EE REB/1926 EVEREST AVE	\$1,000.00
		555693		HP/PTCS-EE REBATE-115 CENTER	\$900.00
		559200	193866	HP/EE REBATE/1915 MARSHALL	\$1,000.00
	P051494	559909	193652	CONSERVATION LOAN: PETER THOMS	\$10,316.66
		560464	193866	HP/EE REBATE/47 COMPTON LN	\$1,400.00
		560840		HP/PTCS/EE REBATE/806 CHESTNUT	\$900.00
MCCARGAR, CHARLES		APPL REBATE	193654	APPL REBATE-1201 COUNTRYRIDGE	\$30.00
PERFECTION GLASS		9936396456	193671	WINDOW/EE REB/221 SILVERWOOD	\$243.00
		9936397628		WINDOW/EE REBATE/232 PINETREE	\$2,616.42
		9936398195	193883	WINDOWS/EE REBATE/329 SPENGLER	\$868.32
PIEPHO, MELVIN		APPL REBATE	193673	APPL REBATE-2451 PERSHING AVE	\$30.00
ROBERTS CONSTRUCTION INC		2589	193900	WINDOWS/EE REBATE/417 DOUGLAS	\$1,100.00
		2592		WINDOW/EE REBATE/156 VANGIESEN	\$859.20
ROBERTSON, FUMIKO		APPL REBATE	193682	APPL REBATE-102 VIEW MEADOWS	\$20.00
SANTOSA, DANIEL			193685	APPL REBATE-603 PATRICIA CT	\$30.00
SPEARS, BROOK			193688	APPL REBATE-1210 FITCH ST	\$30.00
STAIRET, LINDA			193690	APPL REBATE-2109 SHERIDAN PL	\$30.00
STAPLES CONTRACT & COMMERCIAL INC	S014606	3178729655	193909	FOLDERS/POST IT'S/CLIPS/TAPE	\$255.18
TRANS UNION LLC		07203546	193700	CREDIT REPORT-GIVAN/VARGO	\$7.22



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
WAITE, LINDA		APPL REBATE	193705	APPL REBATE-311 SHAW ST	\$30.00
WASHINGTON CITIES INSURANCE AUTHORITY		100918	193934	NOTARY BOND/SENGER	\$50.00
WASHINGTON STATE TREASURER	P051609	NOTARY-SENGER	193824	NOTARY LICENSE RENEWAL-SENGER,	\$30.00
WATER SOLUTIONS INC	P050578	5402	193711	DSC (703) BUILDING WATER UNIT	\$17.33
WOO, B JIM		APPL REBATE	193717	APPL REBATE-1406 WILSON ST	\$15.00
XEROX CORPORATION	P050592	063146792	193943	RENTAL AND COPIES FOR XEROX W5	\$112.30
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$74.98
POWER AND RESOURCE MGMT TOTAL****					\$56,098.41
Division:	506	TECHNICAL SERVICES			
CITY OF RICHLAND		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$1,224.24
FASTENERS INC		S3393084.002	193827	CLAMPS/CONNECTORS	\$99.42
		S3393084.003		CLAMPS/CONNECTORS	\$25.45
OCE IMAGISTICS INC DBA		301513	193877	COPIER RENTA/USAGE FEES	\$33.23
TECHNICAL SERVICES TOTAL ****					\$1,382.34
ELECTRIC UTILITY FUND Total ***					\$274,179.47
FUND	402	WATER UTILITY FUND			
Division:	000				
BADGER METER INC	S014491	95353801	193582	WATER METER BRONZE DISC 1-1/2"	\$9,514.16
	S014491			ADJUST TAX	(\$0.01)
	S014491			WATER METER BRONZE DISC, 2",	\$5,929.43
CONSOLIDATED SUPPLY CO	P051455	S6088708.001	193613	TUBING, COPPER 1-1/2" TYPE L,	\$486.40
	P051455			TUBING, COPPER 1" TYPE K,	\$2,886.41
HD FOWLER COMPANY INC	P051379	I3181663	193840	METER BOX COVER, LW COMP #37	\$4,094.61
	P051379			METER BOX MID SECTION, 12" #37	\$2,439.78
	P051379			ADJUST SALES TAX	(\$0.01)
	P051379			METER BOX TOP SECTION, 12" #37	\$3,004.68
	P051379	I3195352		FREIGHT	\$687.71
HD SUPPLY WATERWORKS LTD	P051405	5055822	193634	COUP MIP X CTS QUICK JNT, 3/4"	\$95.20
	P051405			COUP MIP X CTS PACK JOINT, 2"	\$986.92
	P051405			INSERT FOR 2" CTS PE TUBING,	\$117.51
	P051405			COUP MIP X GALV PKJNT, 2"	\$253.23
	P051405			VALVE CURB STOP, 1" FIPT,	\$253.86
	P051405			ADJUST SALES TAX	(\$0.02)
	P051405			COUP MIP X CTS PACK JNT 1-1/2"	\$1,693.38
	P051405			VALVE CORP STOP 2" MIP X CTS	\$273.70
	P051405			COUP FIP X CTS PACK JOINT, 2"	\$515.81
	P051405			VALVE CURB STOP, 2 " FIPT	\$833.95
	P051405			ELBOW CTS PACK JOINT, 2"	\$3,427.70
	P051405			ELBOW CTS PACK JOINT, 1-1/2"	\$3,388.71



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
HD SUPPLY WATERWORKS LTD	P051405	5180323	193634	VALVE CURB STOP, 2" CTS PACK	\$388.71
	P051405			METER,SETTER 1-1/2" W/1"BYPASS	\$17,073.50
	P051405			ADJUST SALES TAX	(\$0.01)
TOTAL ****					\$58,345.31
Division:	410	WATER CAPITAL PROJECTS			
FIBER INSTRUMENT SALES INC	P051531	530245	193828	FIBER SPLICE HOUSING FIS#EDC-0	\$412.00
	P051531			PATCH PANEL #CCH-CP12-59	\$156.60
	P051531			SPLICE TRAY #M67-112	\$38.50
	P051531			SC FAN OUT KIT #FAN-BT25-12	\$31.00
	P051531			SHIPPING	\$24.26
	P051531			FIBER PATCH CABLE #D3YYS10FISC	\$33.40
TAPANI UNDERGROUND INC	P048113	C138-10/RETAINAGE	193770	LESLIE RD IMPROVEMENTS PH	\$3,039.10
WATER CAPITAL PROJECTS TOTAL ****					\$3,734.86
Division:	411	WATER ADMINISTRATION			
ARBAUGH & ASSOCIATES INC		1141	193786	ARBAUGH-LEG-SRVCS-JULY	\$493.85
HALL ENGINEERING ASSOCIATES	P051529	12061	193836	CITY/BMID WATER INTERTIE PRV	\$5,840.00
WATER ADMINISTRATION TOTAL ****					\$6,333.85
Division:	412	WATER OPERATIONS			
ARAMARK UNIFORM SERVICES INC	S014586	7/12-15030000	193579	LINEN CHARGES FOR JULY 2012	\$36.66
BENTON FRANKLIN HEALTH DISTRICT		4787	193789	WATER SAMPLES JULY 2012	\$2,160.00
CITY OF RICHLAND		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$54,890.75
				CITY UTILITY BILLS JULY 2012	\$152.50
DEPARTMENT OF LABOR & INDUSTRIES		139209	193965	WTP ELEVATOR OPERATING PERMIT	\$61.10
XEROX CORPORATION		063146794	193943	PRINTER-COPIER BASE CHG JULY	\$38.11
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$93.32
XYLEM WATER SOLUTIONS USA INC	S014528	07695924	193720	UV SENSOR UCD-SEC, #76000000035	\$939.00
WATER OPERATIONS TOTAL ****					\$58,371.44
Division:	413	WATER MAINTENANCE			
ABADAN INC		ARIN036160	193776	COLOR COPYING	\$140.49
ANOVAWORKS		3443	193783	DOT PHYSICAL	\$79.00
BLUE TARP FINANCIAL INC	S014543	26577960	193593	FREIGHT	\$320.84
	S014543			SAND BLAST CABINET, ALLSOURCE	\$2,199.99
CITY OF RICHLAND		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$1,226.43
				CITY UTILITY BILLS JULY 2012	\$66.18
				CITY UTILITY BILLS JULY 2012	\$238.12
				CITY UTILITY BILLS JULY 2012	\$238.12
				CITY UTILITY BILLS JULY 2012	\$940.28
				CITY UTILITY BILLS JULY 2012	\$269.04
				CITY UTILITY BILLS JULY 2012	\$677.06
				CITY UTILITY BILLS JULY 2012	\$1.58



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
GRAINGER	S014574	9890560429	193631	REDUCER ADAPTER ITEM #6AYX8	\$113.94
GREEN RIVER COMMUNITY COLLEGE/WOW		2012/B4096	193633	BAT TEST FEE-CRATER #B4096	\$145.00
HARBOR FREIGHT TOOLS USA INC	S014596	514646	193837	RATCHET TIE DOWN	\$71.43
HD FOWLER COMPANY INC		I3190833	193840	6" MJ CAP	\$27.52
HD SUPPLY WATERWORKS LTD	S014512	5060205	193634	8" MJ KIT	\$165.48
	S014512			12" MJ KIT	\$63.36
	S014512			8" MJ X MJ SOLID SLEEVE	\$222.58
	S014512			501 - 13.55B X 14.40B X 7 12"	\$609.17
	S014512			8" MJ X MJ GATE VALVE	\$784.10
	S014512			12" MJ X MJ BUTTERFLY VALVE (P	\$1,050.99
	S014512			ADJUST FOR TAX	(\$0.01)
	S014512	5097444		8" MJ DI LUGGED RESTRAINER PA	\$417.02
	S014512	5098791		CREDIT FOR RETURNED 8 MJ REGUL	(\$165.94)
NORCO INC		10098643	193661	CYLINDER RENTAL-JULY	\$20.14
OCE IMAGISTICS INC DBA		301513	193877	COPIER RENTA/USAGE FEES	\$33.24
OXARC INC		R143914	193879	CYLINDER RENTAL JULY	\$39.85
RICHLAND ACE HARDWARE		204647	193895	FASTENERS	\$9.53
		31973		TAPE RULER	\$32.46
		32024		BUSHINGS	\$12.22
		32261		FASTENERS	\$23.07
		32282		BARB HOSE/VALL VALVE	\$24.98
SPOKANE INSTRUMENTS INC	S014357	8007	193689	SCREW, PART #P51638	\$160.37
	S014357			DIAPHRAGM, WALLACE AND TIERNAN	\$323.10
	S014357			STEM, PART #U28202	\$302.74
	S014357			FREIGHT	\$17.33
	S014357			ADJUST SALES TAX	\$0.01
	S014357			SEAT, PART #U19788	\$310.97
STAPLES CONTRACT & COMMERCIAL INC	S014606	3178729656	193909	PRINT CARTS/PENS/BINDERS	\$99.32
	S014606	3178729657		BINDERS	\$31.32
	S014563	8022436452	193691	HP TONER CARTS	\$69.28
UTILITIES UNDERGROUND LOCATION CENTER	S014100	2070178	193928	UTILITIES LOCATE SERVICE FOR	\$22.95
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$28.88

WATER MAINTENANCE TOTAL **** \$11,463.53

WATER UTILITY FUND Total *** \$138,248.99

FUND 403 WASTEWATER UTILITY FUND

Division: 420 SEWER ADMINISTRATION

WASHINGTON CITIES INSURANCE AUTHORITY JULY 2012 193707 RICHLAND REVOLVING ACCOUNT \$630.06

SEWER ADMINISTRATION TOTAL **** \$630.06

Division: 421 SEWER CAPITAL PROJECTS



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
CENTRAL HOSE & FITTINGS INC		348620	193803	PIPING FOR POLYMER SYSTEM	\$81.41
		348745		HOSE-FITTINGS FOR POLYMER SYST	\$26.79
		348879		TUBING & HOSES-POLYMER SYSTEM	\$56.94
		348976		HOSES FOR POLYMER SYSTEM	\$6.63
PLATT ELECTRIC SUPPLY INC	P051577	2186448	193885	NEMA 12 ELECTRICAL ENCLOSURE,	\$725.31
PRO-VAC LLC	P050954	120514-021	193763	PRESSURE GROUTING FOR LIFTSTAT	\$5,604.53
RICHLAND ACE HARDWARE		32090	193895	POLYMER SYSTEM VALVES	\$39.05
SHANNON & WILSON INC	P051317	6969	193767	LOGSTON SEWER EXTENSION-	\$38,907.75
STONEWAY ELECTRIC SUPPLY		S100240814.001	193692	POLYMER SYS-RECEPT COVERS/HUBS	\$40.88
		S100240825.001		POLYER SYSTEM-STEEL CONDUIT	\$15.55
TAPANI UNDERGROUND INC	P048113	C138-10/RETAINAGE	193770	C/O#2 SEWER FOR REMOVAL &	\$3,597.14
WHITNEY EQUIPMENT COMPANY INC	P051420	71571	193941	*PUMP #2-Kit, Impeller N HT Co	\$2,759.26
	P051420	71572		*PUMP #3-Kit, Impeller N HT Co	\$2,530.77
SEWER CAPITAL PROJECTS TOTAL****					\$54,392.01
Division:	422	SEWER OPERATIONS			
AMERIGAS PROPANE LP		3009990844	193781	40 GAL PROPANE FOR BOILER	\$111.10
BENTON FRANKLIN HEALTH DISTRICT	P051323	4728	193588	PERCENT MOISTURE	\$56.00
	P051323			CAKE- ADDITIONAL DILUTION MPN	\$49.00
	P051323			WWTP DIGESTER BIOSOLIDS CAKE (\$210.00
	P051428	4845		WWTP DIGESTER BIOSOLIDS CAKE (\$210.00
	P051428			BIO-SOLIDS- ADDITIONAL DILUTIO	\$49.00
	P051428			BIO-SOLIDS- PERCENT SOLIDS	\$56.00
CENTRAL HOSE & FITTINGS INC		349164	193803	HEAT EXCHANGE PARTS	\$75.74
CITY OF RICHLAND		7/12-25	193809	#25 SEWAGE SLUDGE/DROP BOX	\$2,219.08
		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$14,382.14
COLUMBIA ANALYTICAL SERVICES INC DBA	P051390	51-191434-0	193607	WATER- 1631E TOTAL MERCURY	\$60.00
	P051390			WWTP 6-21-12 LOCAL LIMITS SAMP	\$130.00
	P051325	51-192232-0		OTHER DRY- 9056 SULFATE	\$25.00
	P051325			OTHER DRY- 200.7 MODIFIED-META	\$32.00
	P051325			OTHER DRY- ASTM D1426-931 TOT.	\$35.00
	P051325			OTHER DRY- 335.2M CYANIDE, TOT	\$40.00
	P051325			OTHER DRY- 353.2M NITROGEN,	\$25.00
	P051325			OTHER DRY- 350.1M NITROGEN AMM	\$25.00
	P051325			OTHER DRY- TS-MET TOTAL SOLIDS	\$10.00
	P051325			365.3M PHOSPHORUS	\$18.00
	P051325			OTHER DRY- 353.2M NITROGEN, NI	\$25.00
	P051325			COR COMPOST FACILITY BIOSOLIDS	\$140.00
	P051325			OTHER DRY- 1631 APP TOTAL MERC	\$60.00
	P051325			OTHER DRY- 9065 MODIFIED PHENO	\$45.00
	P051288	51-192489-0		WATER- 608 ORGANOCHLOR. PEST./	\$160.00
	P051288			WATER- 1631E TOTAL MERCURY	\$60.00



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
COLUMBIA ANALYTICAL SERVICES INC DBA	P051288	51-192489-0	193607	WATER- 420.1 PHENOLICS	\$45.00
	P051288			WATER- 625 SEMIVOL. ORGANIC CO	\$215.00
	P051288			WATER- 335.4 TOTAL CYANIDE	\$40.00
	P051288			WATER- 624 VOLATILE ORGANIC CO	\$400.00
	P051288			BATTELLE 001 6-5-12 SAMPLING E	\$130.00
	P051327	51-192693-0		WATER- 335.4 TOTAL CYANIDE	\$40.00
	P051327			WATER- 624 VOLATILE ORGANIC CO	\$400.00
	P051327			WATER- 625 SEMIVOL. ORGANIC CO	\$215.00
	P051327			PENFORD 6-20-12 SAMPLING EVENT	\$130.00
	P051327			WATER- 420.1 PHENOLICS	\$45.00
	P051327			WATER- 1631E TOTAL MERCURY	\$60.00
	P051327			WATER- 608 ORGANOCHLOR. PEST./	\$160.00
FEDERAL EXPRESS CORP		7-973-85845	193625	SHIPPING CHARGES	\$4.70
GENSCO INC		6434966	193833	FURNACE CEMENT	\$12.99
GRAINGER	S014574	9881958657	193631	DRAIN VALVE ITEM #6Z948	\$111.07
HARBOR FREIGHT TOOLS USA INC	S014596	514645	193837	JUMPSTART SYSTEM	\$51.97
INDUSTRIAL FABRICS CORPORATION	P051434	400848	193845	PRESS SCREEN, ITEM # 6647,	\$1,604.00
	P051434			PRESS SCREEN, ITEM # 6647,	\$1,199.00
	P051434			FREIGHT	\$218.06
PARADISE BOTTLED WATER CO		7/12-WASTEWATER	193667	BOTTLED WATER WWTF LAB	\$171.80
PARAMOUNT SUPPLY COMPANY		590645	193668	PVC PIPING FOR DIGESTER	\$23.43
PARTSMASTER		20595674	193669	NUTS/DUCT TAPE/HOSE CLAMPS	\$254.54
		20597802		STAIN PLUS	\$686.63
		20599074	193882	CRYOBITS W/FLATS & NO FLATS	\$97.07
RICHLAND ACE HARDWARE		31872	193895	BROOM/BATTERIES	\$31.39
		32247		FILTERS	\$11.90
STONEWAY ELECTRIC SUPPLY		S100242648.001	193692	CONDUIT COVERS	\$10.49
		S100247325.001		DIGESTER CONTROL-REPAIR FUSE	\$58.54
TACOMA SCREW PRODUCTS INC		22063716	193914	DAF-WASHERS/NUTS	\$0.70
		22064089		COLD CHISEL-SHOP TOOL	\$30.57
		22064106		STEEL HEX TAP BOLTS-SHOP TOOLS	\$0.99
UNITED PARCEL SERVICE	S014578	0000986641292	193703	GROUND PKG TO SOILTEST FARM	\$10.39
	S014578	0000986641302		2 GROUND PKGS TO COLUMBIA	\$38.78
	S014590	0000986641312		INTERNATIONAL PKG TO RUGGEDCOM	\$22.25
	S014590			GROUND PKG TO SOILTEST FARM	\$11.33
	S014608	0000986641322	193925	GROUND PKG TO SOILEST FARM	\$10.29
WASHINGTON AIR REPS INC	S014552	0039673-IN	193932	ADJUST FOR TAX	\$0.01
	S014552			CONTROL BOARD ITEM #71027506	\$185.19
	S014552			ESTIMATE FREIGHT	\$8.66
	S014552			REVERSING VALVE ITEM #71089701	\$41.15
WHITNEY EQUIPMENT COMPANY INC	P051397	71631	193715	FREIGHT	\$29.07



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
WHITNEY EQUIPMENT COMPANY INC	P051397	71631	193715	PLUG IN SEAL FOR MIX PUMP 2, P	\$2,585.12
XEROX CORPORATION		063146804	193943	W5135 COPIER BASE CHG JULY	\$120.51
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$150.38
SEWER OPERATIONS TOTAL ****					\$27,981.03
Division:	423	SEWER MAINTENANCE			
CH2O INC		204637	193600	BOILER TESTING-JUL'12 BW LABOR	\$55.50
COLE INDUSTRIAL INC	P051521	269624	193606	36" IGNITION CABLE FOR CLEAVER	\$94.22
	P051521			FREIGHT	\$13.32
HARBOR FREIGHT TOOLS USA INC	S014596	523898	193837	ROLLER SEAT	\$28.15
HD SUPPLY WATERWORKS LTD		5173417	193842	SPLIT COUPLINGS	\$78.04
HOME DEPOT CREDIT SERVICES	S014615	1093208	193971	CABINETS	\$252.67
JT AUTOMOTIVE PARTS INC DBA		266350	193642	BEL BOOT	\$2.16
RICHLAND ACE HARDWARE		030931	193895	BUSHINGS	\$15.23
		204639		TV TRUCK SUPPLIES	\$33.53
		31874		CEMENT	\$28.14
		32052		6' STEP LADDER	\$43.31
UTILITIES UNDERGROUND LOCATION CENTER	S014100	2070178	193928	UTILITIES LOCATE SERVICE FOR	\$22.95
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$1.33
SEWER MAINTENANCE TOTAL ****					\$668.55
WASTEWATER UTILITY FUND Total ***					\$83,671.65
FUND	404	SOLID WASTE UTILITY FUND			
Division:	432	SOLID WASTE COLLECTION			
ANOVAWORKS		3443	193783	DOT PHYSICAL	\$79.00
CITY OF RICHLAND		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$198.53
CLAYTON WARD COMPANY		5703005	193605	CURBSIDE RECYCLING FEES	\$399.11
MID COLUMBIA ENGINEERING INC	P051135	ST004826	193657	CHANTE LUCAS - SCALEHOUSE ASSI	\$585.20
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$30.40
SOLID WASTE COLLECTION TOTAL ****					\$1,292.24
Division:	433	SOLID WASTE DISPOSAL			
ABADAN INC		ARIN036243	193776	ENGINEERING COPIES	\$155.95
ARAMARK UNIFORM SERVICES INC	S014586	7/12-15030000	193579	LINEN CHARGES FOR JULY 2012	\$127.58
CITY OF RICHLAND		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$1,263.16
EAGLE PRINTING & GRAPHIC DESIGN INC		36523	193619	PRINTING-TABLE THROW LOGO	\$337.29
FOLLETT, LYNNE		JULY 2012	193627	FOLLETT/MILEAGE JULY 2012	\$15.54
HARBOR FREIGHT TOOLS USA INC	S014596	509646	193837	1/2DR DEEP IMPACT SKT SAE 13PC	\$23.82
	S014596	522234		FUSE AUTO GLASS, MINI-FUSE	\$33.51
JT AUTOMOTIVE PARTS INC DBA		267797	193853	MAGNETIC PICK-UP & MIRROR SET	\$14.93
METALFAB INC		39142	193984	ROLL OFF LIDS/LANDFILL	\$4,047.17
NORCO INC	S014538	10083984	193661	COOLING VEST, SIZE 2X/3X, HI-V	\$77.94



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
NORCO INC	S014538	10083984	193661	COOLING VEST, SIZE S/M, HI-VIZ	\$25.98
	S014538			FREIGHT	\$11.86
	S014538			COOLING VEST, SIZE L/XL, HI-VI	\$77.94
	S014538			ADJUST SALES TAX	\$0.01
PARADISE BOTTLED WATER CO		7/12-LANDFILL	193667	BOTTLED WATER-JULY 2012	\$127.31
RICHLAND ACE HARDWARE		32244	193895	BATTERIES	\$34.63
STAPLES CONTRACT & COMMERCIAL INC	S014563	3177978647	193691	SUPER GLUE/THERM ROLLS	\$96.39
XEROX CORPORATION		063146809	193943	PRINTER BASE CHG/PRINTS JULY	\$265.61
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$65.29
SOLID WASTE DISPOSAL TOTAL ****					\$6,801.91
SOLID WASTE UTILITY FUND Total ***					\$8,094.15
FUND 405	STORMWATER UTILITY FUND				
Division:	441	STORMWATER			
CITY OF RICHLAND		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$110.71
HD SUPPLY WATERWORKS LTD		5143989	193634	SPLIT COUPLING/SOLID DW	\$264.68
		5195191	193842	18" ADS SPLIT COUPLINGS	\$98.27
REGIONAL DISPOSAL COMPANY		011968	193989	PCS FROM COR STREET FACILITY	\$344.88
TACOMA SCREW PRODUCTS INC		22063769	193914	CABLE TIES	\$10.59
WASHINGTON STATE DEPT OF ECOLOGY		2013-WAR046006	193709	STORMWATER 1ST HALF 2012	\$13,300.67
STORMWATER TOTAL ****					\$14,129.80
STORMWATER UTILITY FUND Total ***					\$14,129.80
FUND 407	MEDICAL SERVICES FUND				
Division:	121	AMBULANCE			
BOUND TREE MEDICAL LLC		59084891	193792	BP CUFFS-ADULT	\$103.12
		59084892		BP CUFFS-ADULT & PEDIATRIC	\$200.02
		59084893		AIRWAY KITS/BIO BAGES/SALINE	\$260.53
		59084894		GERMICIDAL WIPES/HAND WIPES	\$42.70
		80814517		TUBE HOLDERS	\$45.64
		80815935		IV SET/VACUTAINER/SALINE	\$103.40
		80818969		BLOOD TUBES	\$29.59
		80820326		PENROSE TUBING/STERILE PADS	\$18.07
		80820327		EXAM GLOVES	\$307.80
		80826314		BP CUFFS-ADULT	\$51.56
		80827816		BP CUFFS-ADULT	\$51.56
		80830676		LATEX FREE EXAM GLOVES	\$113.72
		80830677		LATEX FREE EXAM GLOVES	\$227.44
		80832373		BVM'S/LARYNGOSCOPE BLADES	\$274.73
		80832374		GERMICIDAL WIPES	\$14.45



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
BOUND TREE MEDICAL LLC		80832375	193792	IV SETS/EXAM GLOVES/SALINE	\$414.21
		80832376		IV SETS/MASIMO SENSORS/SALINE	\$435.61
		80832377		ANTIMICROBIAL WIPES	\$10.51
		80832378		DEFIB PADS/MEGAMOVERS/SALINE	\$187.04
		80836230		O2 BITRAC FACE MASKS/SALINE	\$627.64
		80837722		SHARPS CONTAINER	\$16.70
		80837723		LARYNGOSCOPE BLADES/GLOVES	\$28.65
		80839197		DEFIB PADS/UNISTIK/CANNULAS	\$175.71
		80839198		TUBE HOLDERS/IV SETS/BVM'S	\$337.73
CITY OF RICHLAND		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$550.54
COLUMBIA BASIN COLLEGE	P051623	22585	193962	PARAMEDIC COURSE FEES - SUMMER	\$322.20
	P051623			PARAMEDIC TESTING FEES	\$400.00
HARBOR FREIGHT TOOLS USA INC	S014596	523618	193837	ANTI FATIG FOAM MAT	\$10.82
JT AUTOMOTIVE PARTS INC DBA		266960	193853	HEADLIGHT BULB	\$3.78
OXARC INC		1118UPS	193879	OXYGEN CYLINDER 1 YR LEASE	\$19.62
				OXYGEN CYLINDER 1 YR LEASE	\$165.00
		1668UPS		MEDICAL OXYGEN	\$54.96
		9997TPS		MEDICAL OXYGEN	\$53.94
		1959311		193885	SAWZ ALL BATTERY (M73)
PLATT ELECTRIC SUPPLY INC					
POCKETINET COMMUNICATIONS INC	P051625	241580	193988	STA 71 INTERNET CHARGES (SEPTE	\$14.75
	P051625	241881		STA 72 INTERNET CHARGES (SEPTE	\$14.75
	P051625	241882		STA 73 INTERNET CHARGES (SEPTE	\$17.25
TRI CITIES CHAPLAINCY		3RD QTR 2012	193921	CHAPLAIN SERVICES 3RD QTR 2012	\$1,275.00
AMBULANCE TOTAL ****					\$7,145.16
MEDICAL SERVICES FUND Total ***					\$7,145.16
FUND	408	BROADBAND UTILITY FUND			
Division:	460	BROADBAND ADMINISTRATION			
ID CONSULTING SOLUTIONS LLC	S014436	2012-277	193973	PLP SPLICE TRAY P#8001127	\$1,409.09
	S014436			PLP DOME SPLICE ENCLOSURE	\$1,337.00
	S014436			SHIPPING	\$150.00
	S014436			360 COUNT SINGLEMODE, LOOSE TU	\$88,044.04
BROADBAND ADMINISTRATION TOTAL ****					\$90,940.13
BROADBAND UTILITY FUND Total ***					\$90,940.13
FUND	501	CENTRAL STORES FUND			
Division:	000				
AMSAN	P051457	271110520	193782	SOAP, CARTRIDGE LOTION W/PCMX,	\$860.60
CONSOLIDATED SUPPLY CO	P051336	S6060522.001/002	193613	NIPPLE, GALV. 1 IN X CLOSE	\$10.81
	P051336			NIPPLE, GALV. 3/4 IN X 3 IN	\$5.20



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
CONSOLIDATED SUPPLY CO	P051336	S6060522.001/002	193613	NIPPLE, GALV. 1-1/2 IN X CLOSE	\$6.32
	P051336			PIPE, GALV. 2 IN SCH 40	\$239.21
	P051336			NIPPLE, GALV. 3/4 IN X 4-1/2"	\$6.87
	P051336			NIPPLE, GALV. 1 IN X 3-1/2 IN	\$15.80
	P051336			COUPLING GALV, 3/4 " TAPERED	\$11.40
	P051336			ADJUST UNIT PRICE	\$0.02
	P051336			PIPE, GALV. 1/2 IN SCH 40	\$32.38
	P051336			TEE, REDUCING GALV, 2 X 1	\$15.45
	P051336			NIPPLE, GALV. 2 IN X 2-1/2 IN	\$5.07
	P051336			BUSHING, GALV 1/2 IN X 1/4 IN	\$15.01
	P051336			NIPPLE, GALV. 1 IN X 3 IN	\$14.52
	P051336			BUSHING, GALV 2 IN X 1-1/2 IN	\$11.77
	P051336			CAP, PIPE, GALV 3/4" THREADED	\$10.36
	P051336			CAP, PIPE, GALV 2 ", THREADED	\$30.33
	P051336			PIPE, GALV. 1 IN SCH 40	\$113.44
	P051336			TEE, GALV. 1/2 IN	\$3.50
	P051336			ELBOW GALV, 2 IN, 90 DEGREE	\$155.65
	P051336			NIPPLE, GALV. 1/2 IN X 2 IN	\$3.50
	P051336			NIPPLE, GALV. 1/2 IN X 1-1/2"	\$3.29
	P051336			REDUCER, BELL GALV, 2 X 1	\$19.45
	P051336			ELBOW GALV, 1 IN, 90 DEGREE	\$30.70
	P051336			NIPPLE, GALV. 1 IN X 2-1/2 IN	\$19.65
	P051336			BUSHING, GALV 2 IN X 1 IN	\$20.47
	P051336			COUPLING GALV 1-1/2" TAPERED	\$29.93
	P051336			NIPPLE, GALV. 2 IN X 6 IN	\$25.91
	P051336			ELBOW GALV, 3/4 IN, 90 DEGREE	\$3.31
	P051336			ELBOW GALV, 2 IN, 45 DEGREE	\$22.52
	P051336			CAP, PIPE GALV 1-1/2" THREADED	\$21.66
	P051336			BUSHING, GALV 1 IN X 3/4 IN,	\$31.21
	P051336			NIPPLE, GALV. 2 IN X 5-1/2 IN	\$4.84
	P051336			NIPPLE, GALV. 1 IN X 2 IN	\$17.87
	P051336			PIPE, GALV. 1-1/2 IN SCH 40	\$88.84
	P051336			TEE, GALV. 1-1/2 IN	\$18.40
	P051336			PIPE, GALV. 3/4 IN SCH 40	\$39.07
	P051336			TEE, GALV. 2 IN	\$59.78
	P051336			COUPLING GALV, 2 ", TAPERED	\$87.53
	P051336			PIPE, GALV. 1-1/4 IN SCH 40	\$74.39
	P051336			NIPPLE, GALV. 3/4 IN X CLOSE	\$18.36
	P051336			NIPPLE, GALV. 2 IN X CLOSE	\$75.89
CROWN PAPER & JANITORIAL SUPPLY INC	P051523	153407	193817	WIPES, 1/4 FOLD, POLY WRAPPED	\$1,838.15
	P051523			TOWEL, ROLL, REINFORCED, WHITE	\$1,729.77



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
GRAINGER	S014574	9877175712	193631	SHAMPOO ITEM #2HC08	\$82.48
HOME DEPOT CREDIT SERVICES	S014615	9021890	193971	FAST SET CONCRETE	\$302.94
INSIGHT DISTRIBUTING INC	P051423	0180108	193846	BAG PLASTIC 30 GAL 20"X13"X40"	\$3,068.03
	P051423			BAG PLASTIC 7.5 GAL 15"X9"X24"	\$2,132.43
	P051423			ADJUST TAX	(\$0.01)
	P051423			BAG PLASTIC 55 GAL 21"X15"X60"	\$6,674.75
MARTIN BUSINESS SYSTEMS	P051441	13904	193868	PAPER,UTIL BILL STATEMENT	\$3,422.28
NORCO INC	P051526	10083985	193661	PAINT,MARKING,REGULAR PURPLE	\$33.14
	P051526			PAINT,MARKING,FLUORESCNT GREEN	\$359.99
	P051526			PAINT,MARKING,REGULAR WHITE	\$397.68
	P051526			PAINT,MARKING,REGULAR RED	\$364.54
	P051526			PAINT STICK 32",WHEEL, MARKING	\$83.17
	P051526			PAINT,MARKING,FLUORESCENT BLUE	\$359.99
OFFICEMAX INC	P051501	695161	193664	PAPER BOND, 20#, 8-1/2 X 11",	\$5,967.33
	P051501			PAPER BOND, 20#, 8-1/2 X 11",	\$4,166.52
OXARC INC	P051337	0229UPS	193665	COOLER, 12 PACK ICE CHEST,	\$110.55
	P051337	8148TPS		HARD HAT WIDE BRIM, WHITE,	\$25.99
	P051337			HARD HAT, CAP STYLE, ORANGE,	\$72.13
	P051337			JUG THERMAL, 1 GALLON, BAIL	\$146.21
	P051337			HARD HAT WIDE BRIM, ORANGE,	\$74.34
WALTER E NELSON CO	S014526	218262	193706	TOWEL,SINGLEFOLD, WHITE, 1-PLY	\$805.10
	S014526			FUEL SURCHARGE	\$5.42
	S014526			TISSUE, TOILET LARGE ROLL 2PLY	\$3,073.55

TOTAL ****

\$37,576.75

CENTRAL STORES FUND Total ***

\$37,576.75

FUND 502

EQUIPMENT MAINTENANCE FUND

Division:

214

EQUIPMENT MAINTENANCE

A & E TOWING LLC	4254	193573	TOWING VEH 2305 WO 30398	\$56.86
			TOWING VEH 2306 WO 30433	\$70.39
ALA CART GOLF CARTS LLC	2012-355	193779	STARTER KIT VEH 6557 WO 30403	\$1,081.84
APPLIED INDUSTRIAL TECH INC	40692952	193785	BEARINGS VEH 7200 WO 30409	\$6.56
ARAMARK UNIFORM SERVICES INC	S014586	193579	LINEN CHARGES FOR JULY 2012	\$169.80
BLUELINE EQUIPMENT CO LLC	21916P	193790	PIPE KIT VEH 6528	\$111.20
CENTRAL HOSE & FITTINGS INC	349661	193803	HOSE-FITTINGS VEH 7121 WO30401	\$29.08
CITY OF RICHLAND	JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$3,581.23
COAST CRANE COMPANY	DI/026299	193811	BOOM REPAIR VEH 3251 WO 30293	\$2,942.85
COLUMBIA GRAIN & FEED	108169	193610	REPAIRS VEH 0030 WO 30365	\$123.23
CONNELL OIL INC	0049143-IN	193612	OILS VEH 6545 WO 30273	\$1,113.63
	0049171-IN		BARREL DEPOSIT VEH 7143 29998	\$70.00
	C051966-IN		OILS VEH 7143 WO 29998	\$206.06



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
GROVER DYKES AUTO GROUP INC DBA		316505	193835	ALTERNATOR VEH 0905 WO 30410	\$523.54
		316999		KNOB VEH 2225 WO 30471	\$9.61
		CM316505		CORE RETURN VEH 0905 WO 30410	(\$81.45)
JIM'S PACIFIC GARAGES INC		1156192	193851	TUBE VEH 7135 WO 30498	\$38.66
JT AUTOMOTIVE PARTS INC DBA		266381	193642	FILTERS VEH 3291 WO 30338	\$114.04
		266384		FILTERS VEH 7126 WO 30343	\$116.94
		266545		SHOP TOOLS	\$135.83
		266601		BRKS VEH 2313 WO 30363	\$58.41
		266605		SWAY BAR VEH 2290 WO 30367	\$592.99
		266639		RTRN FILTERS VEH 7126 WO 30343	(\$0.95)
		266643		FILTERS VEH 3286 WO 30332	\$73.23
		266704		SHOP TOOLS	\$132.58
		266727		FILTERS VEH 6565 WO 30376	\$6.61
		266772		SWITCH VEH 7107 WO 30362	\$8.83
		266796		BLADE VEH 3238 WO 30284	\$20.56
		266798		SHOP SUPPLIES	\$72.62
		266815		BATTERY VEH 2299 WO 30387	\$82.57
		266816		BATTERY VEH 0801 WO 30385	\$105.71
		266818		V BELT VEH 7122 WO 30375	\$58.94
		266824		SHOP SUPPLIES	\$288.91
		266864		FILTERS VEH 2380 WO 30390	\$15.81
		266917		BATTERY VEH 2256 WO 30309	\$105.71
		267009	193853	AIR FILTERS VEH 6580 WO 30268	\$36.10
		267075		OIL FILTER VEH 3230 WO 30282	\$7.92
		267076		FILTERS VEH 5032 WO 30263	\$267.80
		267084		ALT/BATTERY VEH 2305 WO 30398	\$259.60
		267101		GASKETS VEH 3230 WO 30412	\$12.97
		267106		BREAKAWAY SWITCH VEH 4098	\$11.90
		267113		CORE DEPOSIT CREDIT VEH 2305	(\$100.11)
		267172		BATTERY VEH 0905 WO 30410	\$105.71
		267173		BATTERY VEH 2347 WO 30406	\$82.57
		267185		WIPER BLADES VEH 0801 WO 30430	\$22.07
		267190		OIL FILTER VEH 3211 WO 30426	\$6.43
		267214		AIR FILTER VEH 3311 WO 30364	\$51.97
		267271		ALTERNATOR VEH 2306 WO 30433	\$190.79
		267282		CORE CREDIT VEH 2306 WO 30433	(\$64.44)
		267301		LOW BEAM BULB VEH 5037 WO30445	\$7.56
		267302		BATTERY VEH 7118 WO 30416	\$107.22
		267306		IGNITION COIL VEH 3245 WO30435	\$115.52
		267373		BULB VEH 3310 WO 30303	\$7.02
		267377		BATTERIES VEH 3295 WO 30441	\$211.42



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
JT AUTOMOTIVE PARTS INC DBA		267378	193853	PS FLUID VEH 3211 WO 30426	\$21.62
		267381		BATTERY VEH 2306 WO 30433	\$82.57
		267514		EXHAUST FLUID VEH 3313 WO30448	\$12.97
		267525		CIRCUIT BRKR VEH 0908 WO 30450	\$4.61
		267558		THREADED ROD VEH 3313 WO30452	\$3.78
		267559		CABIN FILTER VEH 5042 WO30456	\$17.23
		267605	193642	FILTER VEH 7141 WO 30186	\$61.89
		267608	193853	PS FLUID VEH 3211 WO 30426	\$72.60
		267611		OIL FILTER VEH 3211 WO 30426	\$6.43
		267751		BRAKE CLEANER VEH 7143 30429	\$71.56
		267758	193642	BLOWER VEH 2225 WO 30471	\$77.53
		267843	193853	RELAY VEH 5036 WO 30444	\$57.49
		267845	193642	CIRCUIT BRKR VEH 0905 WO 30466	\$4.61
		267855		THERMOSTAT VEH 2342 WO 30493	\$22.30
		267863		WTR PUMP VEH 2342 WO 30493	\$139.88
		267890	193853	SHOP SUPPLIES	\$2.70
		267957		BATTERY VEH 3313 WO 30452	\$107.22
		267958		BATTERY VEH 1002 WO 30458	\$105.71
		267998		BATTERY VEH 9500 WO 30499	\$93.85
		268036		BATTERIES VEH 3285 WO 30269	\$321.65
		268038		WIPERBLADES VEH 3285 WO 30504	\$18.61
		268105		WHEEL BOLTS VEH 2290 WO 30367	\$25.91
		268248		TANK VEH 7141 WO 30460	\$215.24
		268253		FILTERS VEH 3243 WO 30525	\$45.07
		268254		FILTERS VEH 3305 WO 30526	\$16.29
		268255		FILTERS VEH 3304 WO 30527	\$48.97
		268256		FILTERS VEH 0801 WO 30535	\$9.57
		268258		FILTERS VEH 1004 WO 30530	\$9.26
		268259		FILTERS VEH 1005 WO 30531	\$9.26
		268260		FILTERS VEH 1008 WO 30534	\$9.26
		268261		FILTERS VEH 1006 WO 30532	\$9.26
		268262		FILTERS VEH 1007 WO 30533	\$9.26
		268263		FILTERS VEH 3234 WO 30536	\$16.19
		268264		FILTERS VEH 2347 WO 30540	\$11.99
		268265		FILTERS VEH 2360 WO 30541	\$16.30
		268267		FILTERS VEH 2386 WO 30542	\$18.09
		268268		FILTERS VEH 3268 WO 30543	\$17.23
		268269		FILTERS VEH 2343 WO 30544	\$16.30
		268270		FILTERS VEH 3288 WO 30545	\$16.29
		268271		FILTERS VEH 2344 WO 30546	\$17.84
		268272		FILTERS VEH 2349 WO 30547	\$16.78



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
JT AUTOMOTIVE PARTS INC DBA		268274	193853	FILTERS VEH 3222 WO 30548	\$114.04
		268275		FILTERS VEH 3281 WO 30549	\$128.64
		268276		FILTERS VEH 3231 WO 30550	\$71.86
		268279		FILTERS VEH 1378 WO 30537	\$12.55
		268280		FILTERS VEH 2400 WO 30555	\$16.29
		268281		FILTERS VEH 3247 WO 30528	\$20.58
		268287		SHOP SUPPLIES	\$108.06
		268297		RETURN WHEEL STUDS VEH 2290	(\$22.67)
		268429		PRIMARY VEH 3313 WO 30563	\$8.19
		268527		FILTERS VEH 1002 WO 30529	\$9.26
KAMAN INDUSTRIAL TECHNOLOGIES		I212386	193858	CONNECTORS VEH 3292 WO 30395	\$159.89
		I297514		ROLLER LINK VEH 3292 WO 30395	\$330.02
		I297592		GASKET VEH 3219 WO 30472	\$55.06
		I472129		SPROCKET VEH 3291 WO 30437	\$169.40
		I492766		OFFSET LINKS VEH 3292 WO 30395	\$272.46
KENNEWICK IND & ELECTRICAL SUPPLY		588211	193647	110V COVER VEH 4400 WO 30442	\$12.35
KENWORTH NW INC		132955	193648	DRUM VEH 3311 WO 30304	\$1,088.87
		132995		O-RING VEH 3312 WO 30457	\$6.05
LES SCHWAB TIRE CENTER		38900051465	193863	TIRES VEH 5032 WO 30521	\$1,986.02
LESKOVAR LINCOLN MERCURY INC		05153	193864	LAMP ASSY VEH 2346 WO 30470	\$35.79
MONARCH MACHINE & TOOL CO INC		A159184	193659	ALUMINUM VEH 2382 WO 30344	\$32.42
		A159196		ROUND TUBE VEH 3311 WO 30364	\$6.11
		A159205		HR SHEET VEH 3311 WO 30364	\$46.89
		A159234		SOCKET SET VEH 3292 WO 30395	\$119.45
		A159244		MACHINE WORK VEH 3311 WO 30364	\$31.47
		A159259		SOCKET SET VEH 7122 WO 30375	\$119.45
		A159260		SHOP TOOLS	\$119.45
	OXARC INC			R143916	193879
PETERSON PACIFIC CORP		00143784	193672	FILTERS VEH 7143 WO 29982	\$1,162.62
RDO EQUIPMENT CO		P74518	193677	ARM KIT VEH 6566 WO 30265	\$333.03
RMT EQUIPMENT		Q57770	193899	SWITCH VEH 7128 WO 30462	\$83.56
ROWAND MACHINERY CO		114806	193683	BEARINGS VEH 7122 WO 30375	\$656.06
TACOMA SCREW PRODUCTS INC		22063833	193914	HACKSAW BLADES VEH 3282 30320	\$95.97
		22063834		SHOP TOOLS	\$176.68
		22063894		SHOP TOOLS	\$220.32
		22063928		CAP SCREWS VEH 3282 WO 30320	\$37.30
		22064314		PAINT VEH 3283 WO 29272	\$52.77
UNITED PARCEL SERVICE	S014578	0000986641302	193703	GROUND PKG TO FORCE AMERICA FO	\$9.19
WESTERN PETERBILT INC		H193945	193714	WINDOW ASSY VEH 3285 WO 30269	\$242.12
		H194157		PIN-PLATE ASSY VEH 3285 37820	\$76.22
		H194226		SELECTOR VEH 3283 WO 30366	\$577.07



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
WONDRACK DISTRIBUTING INC		0414271	193942	OFF ROAD DYED DIESEL/LANDFILL	\$7,751.14
		0689269	193716	CARDLOCK FUEL 8/1-8/8/12	\$25,416.45
		0689805	193942	CARDLOCK FUEL 8/9-8/15/12	\$21,921.74
WOODPECKER TRUCK & EQUIPMENT INC		1-222190011	193718	MIRROR KITS VEH 5042 WO 30346	\$251.07
		1-222200020		PS PUMP ASSY VEH 3211 WO 30426	\$419.66
XEROX CORPORATION		063146802	193943	W5135PT COPIER LEASE JULY	\$115.23
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$104.04
EQUIPMENT MAINTENANCE TOTAL ****					\$80,090.88
EQUIPMENT MAINTENANCE FUND Total ***					\$80,090.88
FUND 503	EQUIPMENT REPLACEMENT FUND				
Division:	215	EQUIPMENT REPLACEMENT			
FINANCIAL CONSULTANTS INT'L INC	P051575	10996	193626	JUNE & JULY MONTHLY LEASE PAYM	\$651.60
	P051575	11016		AUGUST 2012 MONTHLY LEASE PAYM	\$325.80
	P051574	11017		AUGUST 2012 MONTHLY LEASE PAYM	\$2,932.20
MCCURLEY CHEVROLET	P050679	776352/356/357/58	193655	(4) NEW HUGO BLUE CHEVROLET	\$130,285.25
	P050679			LICENSE FEE	\$297.50
	P050679	776353/6354/6360		(4) NEW HUGO BLUE CHEVROLET	\$97,733.48
EQUIPMENT REPLACEMENT TOTAL ****					\$232,225.83
EQUIPMENT REPLACEMENT FUND Total ***					\$232,225.83
FUND 505	PUBLIC WORKS ADMIN & ENGINEER				
Division:	450	PW ADMIN & ENGINEERING			
ABADAN INC		ARIN036334	193776	ASBUILTS	\$30.83
		ARIN036335		ASBUILTS	\$11.92
		ARIN036336		ASBUILTS	\$128.88
		ARIN036359		ASBUILTS	\$18.35
CITY OF RICHLAND		JULY 2012	193602	CITY UTILITY BILLS JULY 2012	\$593.93
DEPARTMENT OF ENTERPRISE SERVICES	P051479	I178003	193616	Acrobat 10 Pro WIN AOO License	\$193.16
	P051479			TAX	\$16.04
HOLLYTECH INC	P051468	292	193638	LOCATE EQUIP. RECALIBRATION	\$357.50
IMT INC		3820	193844	LEXINGTON HEIGHTS M12226	\$375.20
		3850		W VINEYARD SEWER M12206	\$420.80
		3852		LEXINGTON HEIGHTS M12226	\$819.80
		3869		BMS WATER MAIN M12176	\$527.70
		3917		BMS STERLINGS W M12258	\$569.60
MID COLUMBIA ENGINEERING INC	P050848	ST004825	193657	TOOD LOCATI, ENGINEERING ASSIS	\$612.00
	P050848	ST004857		TOOD LOCATI, ENGINEERING ASSIS	\$612.00
	P050848	ST004883		TOOD LOCATI, ENGINEERING ASSIS	\$612.00
	P051368	ST004891		ALICIA LOVE, ENG ASSISTANT	\$957.60



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
STAPLES CONTRACT & COMMERCIAL INC	S014563	3177784965	193691	MOUSE/SCISSORS	\$122.97
	S014563	3177784967		KEYBOARD/HIGHLIGHTERS	\$115.79
	S014563	3177811188		MOUSE/KEYBOARD	\$168.06
	S014606	3178655718	193909	TAB DIVIDERS/BINDER PKT/ENV	\$65.11
	S014606	3178655719		MAGNIFIER	\$27.43
TRI CITY HERALD	P050575	7/12-1388	193701	WEEKLY ROAD/DETOUR AD:	\$1,955.20
UNITED PARCEL SERVICE	S014578	0000986641292	193703	ADDITIONAL HANDLING FOR PKG TO	\$8.50
	S014578			GROUND PKG TO HOLLYTECH FOR PU	\$11.55
WATER SOLUTIONS INC	P050578	5402	193711	DSC (703) BUILDING WATER UNIT	\$75.80
XEROX CORPORATION	P050576	063146795	193943	COPIER LEASE FOR 2 MACHINES IN	\$154.98
	P050576	063146796		COPIER LEASE FOR 2 MACHINES IN	\$178.83
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$275.16
PW ADMIN & ENGINEERING TOTAL ****					\$10,016.69
PUBLIC WORKS ADMIN & ENGINEER Total ***					\$10,016.69
FUND 520	HEALTH CARE/BENEFITS PLAN				
Division:	222	EMPLOYEE BENEFIT PROGRAM			
LIFE INSURANCE COMPANY OF NORTH AMERICA		8/12-FLI051384	193865	FLI051384 PREMIUMS AUGUST 2012	\$8,613.87
		8/12-LK030278		LK030278 PREMIUMS AUGUST 2012	\$10,332.41
		8/12-OK807703		OK807703 PREMIUMS AUGUST 2012	\$2,409.99
REHN & ASSOCIATES INC		JULY 2012	193893	JULY 2012 HRA ADMIN BILLING	\$283.50
WA STATE DEPT OF ENTERPRISE SERVICES		84-1-3539	193930	LOCAL GOV SELF INS JUL-DEC'12	\$1,202.62
EMPLOYEE BENEFIT PROGRAM TOTAL ****					\$22,842.39
HEALTH CARE/BENEFITS PLAN Total ***					\$22,842.39
FUND 521	UNEMPLOYMENT TRUST FUND				
Division:	223	UNEMPLOYMENT COMPENSATION			
STATE OF WASHINGTON		2ND QTR 2012	193826	2ND QTR 2012 UI TAX #945029109	\$36,912.20
UNEMPLOYMENT COMPENSATION TOTAL ****					\$36,912.20
UNEMPLOYMENT TRUST FUND Total ***					\$36,912.20
FUND 611	FIREMAN'S PENSION				
Division:	216	FIRE PENSION			
CENTER VISION & CONTACT LENS CLINIC INC		81612JG	193802	#7064 DOS 8/16/12	\$44.00
COLLEY, MARIA DEL REFUGIO J		102JT	193731	72 HOURS DOS 8/5-8/6-8/7/12	\$599.76
		103JT	193814	72 HOURS DO S8/12-8/14/12	\$599.76
JONES, MYRNA JO LMP		080712MO	193852	MEDICAL DOS 8/7, 8/14/12	\$200.00
LAHTI, ROGER P		2012CRUZ	193859	MASSAGE THERAPY 1/6-8/10/12	\$919.00
RKSO LLC DBA		041312HC	193766	00394505 DOS 4/13/12	\$1,099.18
TODISH, NICOLE		102JT	193772	96 HOURS DOS 8/8-8/11/12	\$799.68



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
TODISH, NICOLE		103JT	193919	96 HOURS DOS 8/15-8/18/12	\$799.68
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$0.21
FIRE PENSION TOTAL ****					\$5,061.27
FIREMAN'S PENSION Total ***					\$5,061.27
FUND 612	POLICEMEN'S PENSION FUND				
Division:	217	POLICE PENSION			
AUDIOLOGY CENTER INC		81312JMG	193787	#12032 DOS 8/13/12	\$3,198.00
BREIER, MICHAEL D DMD		070312RW	193794	DENTAL DOS 7/03/12	\$752.10
BUNCH, KRISTINA DDS PS DBA		62112JC	193797	DENTAL DOS 6/21/12	\$140.00
CASE, MIKE		031212MC	193597	RX6308620 DOS 3/12/12	\$28.99
		040712MC		RX6308620 DOS 4/7/12	\$28.99
				RX6318434 DOS 4/7/12	\$73.19
		042612MC		MELE MASSAGE DOS 4/26/12	\$67.50
		050212MC		RX6321892 DOS 5/2/12	\$2.70
		051112MC		RX6308620 DOS 5/11/12	\$28.99
		061212MC		RX6318434 DOS 6/12/12	\$37.94
		061312MC		RX6308620 DOS 6/13/12	\$28.99
		062712MC		RX6334480 DOS 6/27/12	\$4.79
		070212MC		RX6308620 DOS 7/2/12	\$28.99
		072012MC		RX6308620 DOS 7/20/12	\$28.99
		51112MC		RX6330661 DOS 5/11/12	\$2.95
DEMYER, JAMES JOHN		Q3-2012 MEDICARE	193820	MEDICARE PREMIUM SEPT-NOV 2012	\$299.70
GANLEY, JOHN M			193830	MEDICARE PREMIUM SEP-NOV 2012	\$299.70
INTEGRATIVE FAMILY MEDICINE		71012JMC	193847	#44035967 DOS 7/10/12	\$220.00
MANUEL, D ART		080912AM	193867	MEDICAL TRAVEL 8/9-8/10/12	\$355.42
MID COLUMBIA HEART INSTITUTE PS		060412RL	193871	#9671 DOS 6/4/12	\$70.16
NAUGHTON & AREND LLC		62312KB	193875	10858 DOS 6/26/12	\$692.00
SPARKS, DAVID W		080912DS	193908	OTC DOS 8/09/12	\$32.48
WASHINGTON, CLARENCE D MD		50912WT	193938	#83195 DOS 5/09/12	\$22.55
XO HOLDINGS LLC DBA		0252453218	193719	PHONE CHARGES 7/23-8/22/12	\$0.21
YOUR PROBLEMS SOLVED INC DBA		235222KT	193946	32TA02 DOS 7/30-8/10/12	\$121.88
POLICE PENSION TOTAL ****					\$6,567.21
POLICEMEN'S PENSION FUND Total ***					\$6,567.21
FUND 641	SOUTHEAST COMMUNICATIONS CTR				
Division:	600	SECOMM OPERATIONS GENERAL			
CENTURYLINK		8/12-313896250	193728	GENERAL PHONE 7/3-8/5/12	\$75.45
CITY OF RICHLAND		2496179	193808	UTILITIES 7/2-8/2/12	\$2,025.53
COLUMBIA INDUSTRIES SUPPORT LLC		115797	193732	SHREDDING BINS	\$164.16



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
COOK PAGING INC		8770317	193733	EMPLOYEE PAGERS AUGUST 2012	\$5.80
		8770335		CIRCUIT CHARGES AUGUST 2012	\$56.87
FRONTIER		3/12-206-188-1060	193740	GENERAL PHONE 3/19-4/18/12	\$472.00
		4/12-206-188-1060		GENERAL PHONE 4/19-5/18/12	\$465.00
		5/12-206-188-1060		GENERAL PHONE 5/19-6/18/12	\$465.00
		6/12-206-188-1060		GENERAL PHONE 6/19-7/18/12	\$465.00
		7/12-206-188-1060		GENERAL PHONE 7/19-8/18/12	\$478.97
		8/12-206-150-0121		GENERAL PHONE 8/1-8/31/12	\$72.49
		8/12-206-188-2381	193968	GENERAL PHONE & E911 8/10-9/9	\$409.99
		8/12-509-628-1472	193740	GENERAL PHONE 8/4-9/3/12	\$55.81
		8/12-509-628-2608		GENERAL PHONE 8/7-9/6/12	\$73.95
		8/12-509-735-2383		GENERAL PHONE 8/7-9/6/12	\$133.52
HEWLETT PACKARD COMPANY	P051510	51563625	193637	ITEM #UM402PE HP 1YEAR POST	\$3,826.02
LANGUAGE LINE SERVICES LLC		2992942	193860	TRANSLATION SRVCS JULY 2012	\$189.06
MID COLUMBIA ENGINEERING INC	P051247	ST004832	193657	JODY PROVENCHER, OFFICE SUPPOR	\$698.25
	P051247	ST004864		JODY PROVENCHER, OFFICE SUPPOR	\$600.50
	P051247	ST004890		JODY PROVENCHER, OFFICE SUPPOR	\$167.58
POCKETINET COMMUNICATIONS INC		242716	193886	WIRELESS TRNS/INTERNET SEPT	\$346.50
RECALL SECURE DESTRUCTION SERVICES INC		4002954306	193890	SHREDDING BIN 7/2/12	\$24.00
THE PERSONAL TOUCH CLEANING INC		31627	193917	JANITORIAL SERVICES JULY 2012	\$873.00
VERIZON WIRELESS		1108050075	194001	EMPLOYEE CELLPHONES-AUGUST	\$285.29
XEROX CORPORATION		063146787	193943	COPIER BASE CHGS JULY 2012	\$51.09
XO HOLDINGS LLC DBA		0252593040	193945	LONG DISTANCE 8/1-8/31/12	\$993.03
SECOMM OPERATIONS GENERAL TOTAL ****					\$13,473.86
Division:	601	E911 OPERATIONS			
CENTURYLINK	P051613	100168702	193804	E911 MAINTENANCE 7/31-12/30/12	\$12,646.90
FRONTIER		8/12-206-188-2381	193968	GENERAL PHONE & E911 8/10-9/9	\$410.00
MOON, TAE-IM PHD		SC15343/AUG 2012	193874	PRE-EMPLOY PSYCH EVALUATION	\$700.00
NETCASTERS INC		41270	193876	TRINCASTER TRNG MGMT-AUG 2012	\$220.00
POCKETINET COMMUNICATIONS INC		242716	193886	WIRELESS TRNS/INTERNET SEPT	\$250.00
STAPLES CONTRACT & COMMERCIAL INC	S014606	3178655715	193909	ENVELOPES/FOLDERS/CDR	\$393.33
E911 OPERATIONS TOTAL ****					\$14,620.23
Division:	602	SECOMM AGENCY			
DESERTGREEN LAWN & TREE CARE LLC		76854	193738	SHRUB BED WEED CONTROL SRVCS	\$336.66
SECOMM AGENCY TOTAL ****					\$336.66
SOUTHEAST COMMUNICATIONS CTR Total ***					\$28,430.75
FUND	642	800 MHZ PROJECT			
Division:	610	800 MHZ			
BENTON PUD		8/12-4843174575	193724	SILLUSI& BADGER UTILITY JULY	\$647.48



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
KLICKITAT COUNTY PUD		8/12-69552623	193751	GOLGOTHA UTILITIES 6/29-7/27	\$193.26
800 MHZ TOTAL ****					\$840.74
Division: 611 MICROWAVE					
CENTURYLINK		8/12-541-922-0703	193956	MICROWAVE LINK 8/8-9/8/12	\$71.95
MICROWAVE TOTAL ****					\$71.95
800 MHZ PROJECT Total ***					\$912.69
FUND 643 EMERGENCY MANAGEMENT					
Division: 620 STATE / LOCAL ASSISTANCE					
POCKETINET COMMUNICATIONS INC		242716	193886	WIRELESS TRNS/INTERNET SEPT	\$148.50
THE PERSONAL TOUCH CLEANING INC		31627	193917	JANITORIAL SERVICES JULY 2012	\$250.00
XO HOLDINGS LLC DBA		0252593040	193945	LONG DISTANCE 8/1-8/31/12	\$450.00
STATE / LOCAL ASSISTANCE TOTAL ****					\$848.50
Division: 621 RADIOLOGICAL EMGCY PREPAREDNES					
CITY OF RICHLAND		2496179	193808	UTILITIES 7/2-8/2/12	\$450.12
THE PERSONAL TOUCH CLEANING INC		31627	193917	JANITORIAL SERVICES JULY 2012	\$121.50
XO HOLDINGS LLC DBA		0252593040	193945	LONG DISTANCE 8/1-8/31/12	\$331.00
RADIOLOGICAL EMGCY PREPAREDNES TOTAL ****					\$902.62
Division: 622 DOE EMERGENCY PREPAREDNESS					
CITY OF RICHLAND		2496179	193808	UTILITIES 7/2-8/2/12	\$450.12
COOK PAGING INC		8770317	193733	EMPLOYEE PAGERS AUGUST 2012	\$17.43
STATE AUDITOR'S OFFICE	P051607	L94592	193910	ANNUAL AUDIT FOR THE MONTH OF	\$4,190.42
THE PERSONAL TOUCH CLEANING INC		31627	193917	JANITORIAL SERVICES JULY 2012	\$121.50
VERIZON WIRELESS		1108050075	194001	EMPLOYEE CELLPHONES-AUGUST	\$57.61
XO HOLDINGS LLC DBA		0252593040	193945	LONG DISTANCE 8/1-8/31/12	\$331.00
DOE EMERGENCY PREPAREDNESS TOTAL ****					\$5,168.08
Division: 623 JURISIDICION					
CALVERT, BRIAN		ANTOINE FIRE	193955	ANTOINE 2 FIRE/MILEAGE/CALVERT	\$215.90
CITY OF RICHLAND		2496179	193808	UTILITIES 7/2-8/2/12	\$450.12
RECALL SECURE DESTRUCTION SERVICES INC		4002954306	193890	SHREDDING BIN 7/2/12	\$24.00
THE PERSONAL TOUCH CLEANING INC		31627	193917	JANITORIAL SERVICES JULY 2012	\$89.00
VERIZON WIRELESS		1108050075	194001	EMPLOYEE CELLPHONES-AUGUST	\$57.61
XEROX CORPORATION		063146787	193943	COPIER BASE CHGS JULY 2012	\$119.18
XO HOLDINGS LLC DBA		0252593040	193945	LONG DISTANCE 8/1-8/31/12	\$331.00
JURISIDICION TOTAL ****					\$1,286.81
EMERGENCY MANAGEMENT Total ***					\$8,206.01



City Of Richland

VL-1 Voucher Listing

From: 8/13/2012 To: 8/24/2012

Vendor	P.O. Number	Invoice Number	Check #	Purpose of Purchase	Invoice Amount
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Invoice Total: ****

\$1,626,969.65

Number of Invoices

Amount

Vouchers In Richland	233	\$39,624.33
Vouchers In Tri Cities	144	\$485,599.28
Vouchers In WA	243	\$490,391.01
Vouchers Outside WA	722	\$611,355.03
Vouchers Final Total.....	1342	\$1,626,969.65

Ob ject Category	Title	Total	Percentage
1	SALARIES	\$93.21	0.01%
2	BENEFITS	\$76,411.43	4.7%
3	SUPPLIES	\$153,531.04	9.44%
4	OTHER SERVICES & CHARGES	\$763,884.83	46.95%
5	INTERGOVERNMENTAL SERVICES	\$11,137.50	0.68%
6	CAPITAL PROJECTS	\$160,676.62	9.88%
	MACHINERY & EQUIPMENT	\$337,380.43	20.74%
9	INTERFUND SERVICES	\$264.61	0.02%
	INVENTORY PURCHASES	\$123,589.98	7.6%
	Total	\$1,626,969.65	



Council Agenda Coversheet

Council Date: 09/04/2012

Category: Items of Business

Agenda Item: B1

Key Element: Key 3 - Economic Vitality

Subject: ORDINANCE NO. 30-12, REZONING 10.24 ACRES FROM R1-12 & R1-10 TO PUD (CLOSED RECORD)

Department: Community and Development Services

Ordinance/Resolution: 30-12

Reference:

Document Type: Ordinance

Recommended Motion:

Give first reading by title only to Ordinance No. 30-12, rezoning 10.24 acres located west of the Plat of Meadow Hills Phase Two and east of the Plat of Crested Hills No. 3 from R1-12 and R1-10 to PUD and approve the Meadow Hills III Preliminary PUD plans subject to the conditions of approval set forth in the Technical Advisory Committee Report, dated July 19, 2012.

Summary:

The proposed project is located between the plats of Meadow Hills Phase Two and Crested Hills No. 3 and would provide for the development of a 44-unit condominium complex consisting of four buildings, with each building being 7 stories high with 11 condominium units per structure on a steeply sloping site. Access would be provided via the extension of Meadow Hills Drive that would be improved to meet City standards for a single loaded frontage street. Parking would be provided in garages located in the lower floor of each building, with additional guest parking in front of the buildings. The buildings would all be located on the uphill side of Meadow Hills Drive, with the downhill side of the property below the street left, as natural open space. In 2010, the applicant submitted a proposal for a PUD that included 54 dwellings units in eleven 3 and 4 story buildings. The Commission recommended denial of the proposal and the applicant subsequently withdrew the application.

The current proposal was considered by the Planning Commission at their July 25th meeting. After public hearing and discussion, a motion to approve the request for PUD zoning and development plans as submitted by the applicant failed with three Commissioners voting in favor and four against. A subsequent motion to recommend approval of the request for rezone and approval of the preliminary PUD plans subject to the conditions recommended in the City's Technical Advisory Committee (TAC) was passed by the Commission on a 5 to 2 vote for approval. The conditions in the TAC report limited the development of the site to either 33 dwelling units in three 7-story buildings or 32 dwelling units in four 5-story buildings. The intent of the condition was to reduce the overall number of dwelling units and overall building mass on the steeply sloping site to provide a more compatible relationship with the surrounding lower density single family detached homes and to correspondingly increase the amount of open space consistent with the purpose and intent of the City's PUD regulations. In making their recommendation at their July meeting, the Commission did not adopt written findings of fact. The matter was taken back to the Commission on August 22nd in a closed record meeting to provide the Commission with the opportunity to adopt formal written findings. Those findings have been incorporated into the draft ordinance that has been prepared for Council's consideration.

Fiscal Impact?

☒ Yes ☐ No

Rezoning of the property may have an impact on the underlying assessed property value. Future development of the site either pursuant to the existing zoning or proposed PUD zoning would increase both the property value and the property tax revenues that would accrue to the City. Future development would also increase the City's costs related to ongoing maintenance of the public infrastructure within the boundaries of the subject site.

Attachments:

- 1) Draft Ordinance No. 30-12
- 2) Planning Commission Minutes of 7/25 & 8/22
- 3) Staff Report to Planning Commission & Attachments
- 4) Project Plans
- 5) Project Rendering
- 6) Correspondence from Applicant

City Manager Approved:

Amundson, Jon
Aug 31, 10:12:32 GMT-0700 2012

WHEN RECORDED RETURN TO:

Richland City Clerk's Office
505 Swift Boulevard
Richland, WA 99352

ORDINANCE NO. 30-12

AN ORDINANCE of the City of Richland relating to land use, zoning classifications and districts and amending the Official Zoning Map of the City by amending Sectional Maps No. 61 and No. 64 so as to change the zoning designation of an approximately 10-acre parcel located west of the Plat of Meadow Hills Phase Two and east of the Plat of Crested Hills No. 3 from Single Family Residential 12,000 (R1-12) and Single Family Residential 10,000 (R1-10) to Planned Unit Development (PUD), contingent upon the recording of a properly executed, delivered and accepted Property Use and Development Agreement. [TMT Homes, LLC]

WHEREAS, on July 25, 2012, the Richland Planning Commission held a properly advertised public hearing to consider a petition to change the zoning of the property hereafter described, said petitioners also filing a SEPA checklist indicating the expected environmental impact anticipated by such zone change; and

WHEREAS, the Richland Planning Commission took action at the July 25, 2012, meeting recommending approval of the requested rezone subject to several conditions; and

WHEREAS, City staff, prior to the Planning Commission's consideration and City Council's consideration of such proposed zone change, has reviewed said SEPA checklist, assessed the environmental impact expected therefrom and has determined that

a previously issued Determination of Non-Significance (EA20-2010) for a similar proposal issued by the City on September 16, 2010 met the environmental review standards for this revised development proposal. On July 19, 2012 the City issued a Notice of Adoption of Existing Environmental Document (EA12-2012) for the proposal; and

WHEREAS, approval of the request for rezone subject to the recommended conditions of approval set forth in the attached Property Use and Development Agreement is subject to the following findings and conclusions:

1. The Richland Comprehensive Land Use Plan Map designates the site as Low Density Residential (0-5 Dwellings/Acre).
2. The subject property is currently zoned for single family residential uses (Single Family Residential 12,000 and Single Family Residential 10,000) and was included within the boundaries of the approved preliminary plat of Meadow Hills that provided for the phased development of a 50-acre site with 70 single family residential lots. The first two phases have been approved and developed with 56 single family residential lots on approximately 38 acres with a gross density of approximately 1.47 dwelling units per acre.
3. The third phase of the original Meadow Hills preliminary plat development which includes the subject property has not been submitted but maintains development rights to 14 additional single family homes on the remaining acreage within the original preliminary plat boundaries. Development pursuant to the existing approved preliminary plat of Meadow Hills would result in development of the subject property with an overall gross density of approximately 1.4 dwelling units per acre.
4. The applicant has submitted an application to rezone the approximately 10-acre subject property that is currently zoned Single Family Residential 12,000 (R1-12) and Single Family Residential 10,000 (R1-10) to Planned Unit Development (PUD) to allow for development of a 44-unit condominium complex with an overall gross density of approximately 4.3 dwelling units per acre.
5. Development of the subject property either pursuant to the existing approved Meadow Hills preliminary plat or pursuant to the proposed Meadow Hills III PUD plans would be consistent with the type (residential) and within the range of density (0-5 Dwellings/Acre) of development envisioned for the property in the City's adopted Comprehensive Land Use Plan Map.
6. Development of the proposed condominium project relies on the requested zone change to PUD. RMC Section 23.50.010 sets forth the purpose of the PUD zoning

classification and RMC Section 23.50.040(B) includes the basis for the Richland Planning Commission to review and formulate a recommendation to the City Council on a proposed PUD application.

7. The purpose of the PUD zoning classification is to achieve economics in development and maintenance while providing privacy, usable open space, safe pedestrian and vehicular circulation, and compatible relationships between different uses.
8. The basis for a Planning Commission recommendation to City Council as to whether to approve or deny an application for PUD includes consideration of whether the proposal is compatible with nearby development and uses and whether it is consistent with the comprehensive plan and the purpose of the PUD district.
9. The subject property is bordered by the plats of Crested Hills No. 3 and Crested Hills No. 10 to the west. Those two developments consist of 27 residential lots on approximately 15.35 acres with a combined gross density of approximately 1.8 dwelling units per acre.
10. The subject property is bordered by the Plat of Meadow Hills Phase Two to the east which was developed with 33 single family residential lots on 21 acres with an overall gross density of approximately 1.57 dwelling units per acre.
11. The lots in the adjoining subdivisions have been developed with primarily one story and two story detached single family homes.
12. The proposed development would include four buildings, each building being 7 stories high with 11 dwelling units per building which are significantly larger than the adjacent single family homes and with an overall gross density that is over 2.5 times greater than the density of the adjacent residential developments.
13. The proposed development would result in an overall gross density of development of approximately 4.3 dwelling units per acre which exceeds the average gross density of 3.5 dwelling units per acre that is envisioned for the Low Density Residential (LDR) land use classification set forth in the adopted Richland Comprehensive Land Use Plan.
14. While maintaining consistency with type of use (residential) and within the range of density (0-5 Dwellings/Acre) depicted on the Comprehensive Land Use Plan Map and potentially achieving economics in development and providing for safe pedestrian and vehicular circulation, the proposed PUD plans with 44 condominium units in four 7-story buildings would allow for development of the subject parcel at a density greater than would otherwise be allowed on the subject property if developed per the provisions of the existing R1-10 and R1-12 zoning district without demonstrating off-setting increase in provision of privacy or otherwise demonstrating compatible relationships between the proposed condominium

development and adjoining lower density residential uses as set forth in RMC Section 23.50.010.

15. With conditions limiting the number of dwelling units and limiting the overall number and/or size, form and massing of the proposed buildings as recommended by the Technical Advisory Committee Report dated July 19, 2012, the development could be considered to demonstrate a compatible relationship with the surrounding lower density residential development while maintaining consistency with the City's adopted Comprehensive Plan and compliance with the purpose and intent of the Planned Unit Development zoning classification as set forth in RMC Section 23.50.010.
16. As required by State law and City Code, the applicant has submitted a State Environmental Policy Act (SEPA) environmental checklist.
17. City staff and other agencies have reviewed the proposal and should the proposal be approved have recommended specific conditions of approval as set forth in the Technical Advisory Committee report, dated July 19, 2012.
18. The City reviewed the submitted checklist and considered the proposal in light of the checklist, the recommended TAC conditions of approval and other information available to the City and determined that, as conditioned approval of the request for the proposed development would not have significant adverse environmental impacts.
19. The City further reviewed the environmental information submitted for the similar request submitted by the applicant in 2010 and determined that the previously issued Determination of Non-Significance (EA20-2010) issued by the City on September 16, 2010 met the environmental review standards for this revised development proposal.
20. On July 19, 2012 the City issued a Notice of Adoption of Existing Environmental Document (EA12-2012) for the proposal.
21. Based on the above findings and conclusions approval of the request for rezone from R1-10 and R1-12 to PUD and approval of the associated preliminary PUD plans as amended by the conditions set forth in the Technical Advisory Committee Report dated July 19, 2012 is warranted as the conditioned development proposal would demonstrate conformance with the purpose, intent and criteria for approval of a PUD per the provisions of the City's PUD ordinance as codified in RMC Chapter 23.50.

WHEREAS, the Richland City Council has considered the recommendations and all reports submitted to it and all comments and arguments made to it at the public hearing.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Richland as follows:

Section 1 It is hereby found, as an exercise of the City's police power, that the best land use classification for the land described below is Planned Unit Development (PUD) when consideration is given to the interest of the general public.

Section 2. Contingent upon the recording, as in Section 4 hereof, and within 90 days of the passage of this ordinance, of a properly executed, delivered and accepted "Property Use and Development Agreement" substantially in the form attached hereto as Exhibit A by the petitioner for rezone of the property (TMT Homes, LLC.), restricting the use and development of such property and in order to provide for Planned Unit Development (PUD) zoning of the approximate 10-acre site more particularly described as

Section 35 Township 9 Range 28. THAT PORTION OF THE SOUTH HALF OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M. BENTON COUNTY, WASHINGTON LYING WESTERLY OF THE KENNEWICK IRRIGATION DISTRICT BADGER EAST LATERAL AND EASTERLY AND SOUTHERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 35: THENCE NORTH 89 DEGREES 34 MINUTES 07 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SECTION 35, FOR 1462.39 FEET TO THE NORTHWEST CORNER OF LOT 4, SHORT PLAT NO. 1166, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER RECORDING NO. 848679, RECORDS OF BENTON COUNTY, WASHINGTON AND THE TRUE POINT OF BEGINNING: THENCE NORTH 31 DEGREES 25 MINUTES 21 SECONDS WEST, FOR 736.19 FEET: THENCE NORTH 60 DEGREES 44 MINUTES 25 SECONDS WEST, FOR 55.94 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 35: THENCE NORTH 89 DEGREES 25 MINUTES 17 SECONDS WEST, ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 35, FOR 143.36 FEET: THENCE NORTH 25 DEGREES 44 MINUTES 48 SECONDS WEST, FOR 592.35 FEET TO THE SOUTHWEST CORNER OF THE CITY OF RICHLAND WATER TANK SITE AS DEEDED UNDER RECORDING NO. 837303, RECORDS OF BENTON COUNTY, WASHINGTON: THENCE NORTH 84 DEGREES 10 MINUTES 45 SECONDS EAST FOR 176.94 FEET TO THE SOUTHEAST CORNER OF SAID CITY OF RICHLAND PARCEL: THENCE NORTH 05 DEGREES 49 MINUTES 15 SECONDS WEST, ALONG THE EAST LINE OF THE CITY OF RICHLAND WATER TANK SITE, FOR 211.97 FEET TO THE

SOUTHEAST CORNER OF THAT PARCEL DEEDED TO MILO B BAUDER UNDER RECORDING NO. 837302, RECORDS OF BENTON COUNTY, WASHINGTON: THENCE NORTH 88 DEGREES 50 MINUTES 13 SECONDS WEST, ALONG THE SOUTH LINE OF SAID BAUDER PARCEL FOR 201.13 FEET: THENCE NORTH 52 DEGREES 16 MINUTES 28 SECONDS WEST FOR 749.00 FEET: THENCE NORTH 39 DEGREES 57 MINUTES 30 SECONDS EAST, FOR 355.01 FEET TO INTERSECT THE WESTERLY RIGHT OF WAY MARGIN OF SAID KENNEWICK IRRIGATION DISTRICT BADGER EAST LATERAL AND TERMINUS OF SAID LINE: EXCEPT ANY PORTION LYING WITHIN THE PLAT OF MEADOW HILLS, PHASE ONE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 14 OF PLATS, PAGE 120, RECORDS OF BENTON COUNTY, WASHINGTON. TO BE COMBINED WITH: THAT PORTION OF THE SOUTH HALF OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 28 EAST, 2 W.M. RICHLAND, BENTON COUNTY, WASHINGTON, LYING WESTERLY OF THE KENNEWICK IRRIGATION DISTRICT BADGER EAST LATERAL AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 35: THENCE NORTH 89 DEGREES 34 MINUTES 07 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 35, FOR 1462.39 FEET TO THE NORTHWEST CORNER OF LOT 4, SHORT PLAT NO. 1166, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER AUDITOR'S FILE NO. 848679, RECORDS OF BENTON COUNTY WASHINGTON: THENCE NORTH 31 DEGREES 25 MINUTES 21 SECONDS WEST FOR 736.19 FEET: THENCE NORTH 60 DEGREES 44 MINUTES 25 SECONDS WEST FOR 55.94 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 35: THENCE NORTH 89 DEGREES 25 MINUTES 17 SECONDS WEST, ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 35, FOR 143.36 FEET: THENCE NORTH 25 DEGREES 44 MINUTES 48 SECONDS WEST FOR 592.35 FEET TO THE SOUTHWEST CORNER OF THE CITY OF RICHLAND WATER TANK SITE AS DEEDED UNDER AUDITOR'S FILE NO. 837303, RECORDS OF BENTON COUNTY, WASHINGTON: THENCE NORTH 84 DEGREES 10 MINUTES 45 SECONDS EAST FOR 176.94 FEET TO THE SOUTHEAST CORNER OF SAID CITY OF RICHLAND PARCEL: THENCE NORTH 05 DEGREES 49 MINUTES 15 SECONDS WEST, ALONG THE EAST LINE OF THE CITY OF RICHLAND WATER TANK SITE, FOR 211.97 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL DEEDED TO MILO B BAUDER UNDER AUDITOR'S FILE NO. 837302, RECORDS OF BENTON COUNTY, WASHINGTON: THENCE NORTH 88 DEGREES 50 MINUTE 13 SECONDS WEST, ALONG THE SOUTH LINE OF SAID BAUDER PARCEL FOR 201.49 FEET: THENCE NORTH 52 DEGREES 16 MINUTES 28 SECONDS WEST FOR 749.00 FEET: THENCE NORTH 39 DEGREES 57 MINUTES 30 SECONDS EAST FOR 380.06 FEET TO INTERSECT THE WESTERLY RIGHT OF WAY MARGIN OF SAID KENNEWICK IRRIGATION DISTRICT BADGER EAST LATERAL AND THE TRUE POINT OF BEGINNING: THENCE SOUTH 39 DEGREES 57 MINUTES 30 SECONDS WEST FOR 380.06 FEET: THENCE NORTH 52 DEGREES 16 MINUTES 28 SECONDS WEST FOR 302.70 FEET TO THE EASTERLY BOUNDARY OF THE PROPOSED PLAT OF "CRESTED HILLS": THENCE NORTH 41 DEGREES 49 MINUTES 27 SECONDS EAST, ALONG SAID EASTERLY BOUNDARY OF THE PROPOSED PLAT OF "CRESTED HILLS" FOR 426.98 FEET TO INTERSECT THE WESTERLY RIGHT OF WAY MARGIN OF THE KENNEWICK IRRIGATION DISTRICT BADGER EAST LATERAL ON A 336.50 FOOT RADIUS CURVE TO THE NORTHEAST (THE RADIUS BEARS NORTH 62 DEGREES 13 MINUTES 27 SECONDS EAST) THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 18 DEGREES 58 MINUTES 37 SECONDS FOR AN ARC DISTANCE OF 111.45 FEET TO THE POINT OF TANGENCY: THENCE SOUTH 46 DEGREES 45 MINUTES 10 SECONDS EAST, ALONG SAID WESTERLY RIGHT OF WAY MARGIN, FOR 180.67 FEET TO THE TRUE POINT OF BEGINNING. EXCEPT THAT PORTION OF THE SOUTH HALF OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M. RICHLAND BENTON COUNTY, WASHINGTON, LYING WESTERLY OF THE KENNEWICK IRRIGATION DISTRICT BADGER EAST LATERAL AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 7, BLOCK 2 OF CRESTED HILLS NO. 3 AS RECORDED IN VOLUME 15 OF PLATS, PAGE 114, RECORDS OF BENTON COUNTY, WASHINGTON AND BEING THE NORTHWESTERLY CORNER OF RECORD SURVEY NO. 2575 AS RECORDED IN VOLUME 1 OF SURVEYS, PAGE 2575, RECORDS OF BENTON COUNTY, WASHINGTON: THENCE SOUTH 41 DEGREES 49 MINUTES 27 SECONDS WEST ALONG THE SOUTHEASTELRY LINE OF SAID LOT 7 AND THE NORTHWESTERLY LINE OF SAID RECORD SURVEY NO. 2575 A DISTANCE OF 268.07 FEET TO THE SOUTHWESTERLY RIGHT

OF WAY OF MEADOW HILLS DRIVE AND BEING THE TRUE POINT OF BEGINNING: THENCE LEAVING SAID RIGHT OF WAY SOUTH 50 DEGREES 02 MINUTES 55 SECONDS EAST A DISTANCE OF 49.90 FEET: THENCE SOUTH 06 DEGREES 24 MINUTES 15 SECONDS EAST A DISTANCE OF 116.76 FEET: THENCE SOUTH 42 DEGREES 34 MINUTES 01 SECONDS WEST A DISTANCE OF 74.31 FEET TO THE SOUTHWESTERLY LINE OF SAID RECORD SURVEY NO. 2575: THENCE ALONG SAID SOUTHWESTERLY LINE NORTH 52 DEGREES 16 MINUTE 28 SECONDS WEST A DISTANCE OF 136.34 FEET TO THE SOUTHWESTERLY CORNER OF SAID RECORDS SURVEY NO. 2575: THENCE NORTH 41 DEGREES 49 MINUTES 27 SECONDS EAST ALONG SAID NORTHWESTERLY LINE A DISTANCE OF 160.20 FEET TO THE TRUE POINT OF BEGINNING. AND EXCEPT THAT PORTION DEDICATED PER PLAT OF CRESTED HILLS NO. 3, THAT PORTION OF THE SOUTH HALF OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M. RICHLAND, BENTON COUNTY, WASHINGTON, LYING WESTERLY OF THE KENNEWICK IRRIGATION DISTRICT BADGER EAST LATERAL AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEASTELRY CORNER OF LOT 7, BLOCK TWO OF CRESTED HILLS NO. 3 AS RECORDED IN VOLUME 15 OF PLATS, PAGE 114, RECORDS OF BENTON COUNTY, WASHINGTON AND BEING THE NORTHWESTERLY CORNER OF RECORD SURVEY NO. 2575 AS RECORDED IN VOLUME 1 OF SURVEYS, PAGE 2575, RECORDS OF BENTON COUNTY, WASHINGTON: THENCE SOUTH 41 DEGREES 49 MINUTES 27 SECONDS WEST ALONG THE SOUTHEASTERLY LINE OF SAID LOT 7 AND THE NORTHWESTERLY LINE OF SAID SURVEY NO. 2575 A DISTANCE OF 268.07 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY OF MEADOW HILLS DRIVE AND BEING ON A POINT OF A 50.00 FOOT RADIAL CUL DE SAC WHICH BEARS NORTH 30 DEGREES 13 MINUTES 58 SECONDS EAST AND BEING THE TRUE POINT OF BEGINNING: THENCE NORTH 41 DEGREES 49 MINUTES 27 SECONDS EAST A DISTANCE OF 96.97 FEET TO A POINT ON THE NORTHEASTELRY RIGHT OF WAY OF SAID MEADOW HILLS DRIVE CAL DE SAC: THENCE ALONG A CURVE HAVING A CENTRAL ANGLE OF 156 DEGREES 49 MINUTES 01 SECONDS A RADIUS OF 50.00 FEET A CHORD BEARING OF SOUTH 41 DEGREES 49 MINUTES 27 SECONDS WEST AND A CHORD DISTANCE OF 96.97 FEET TO THE TRUE POINT OF BEGINNING. EXCEPT MEADOW HILLS PHASE TWO, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 150. (4/29/2002 MERGE AF#2002-016715)

CONTAINS 10.24 ACRES.

Such land is rezoned from Single Family Residential (R1-10) and Single Family Residential 12,000 (R1-12) to Planned Unit Development (PUD).

Section 3 Title 23 of the City of Richland Municipal Code and the Official Zoning Map of the City as adopted by Section 23.08.040 of said title, are amended by amending Sectional Maps No. 61 and 64 which are two of a series of maps constituting said Official Zoning Map, as shown on the attached Sectional Maps No. 61 and 64 bearing the number and date of passage of this ordinance and by this reference made a part of this ordinance and of the Official Zoning Map of the City.

Section 4 Upon receipt of a properly executed "Property Use and Development Agreement," as contemplated in Section 2 hereof, the City Manager is authorized to

accept the same for and on behalf of the City, and upon such acceptance is authorized and directed to indicate such acceptance thereon, and, to cause said agreement to be recorded in the records of the Benton County Auditor, and to file said recorded agreement with the City Clerk.

Section 5 The City Clerk is directed to file with the Auditor of Benton County, Washington a copy of this ordinance and the attached amended Sectional Maps No. 61 and 64, duly certified by the Clerk as a true copy.

Section 6 This ordinance shall take effect on the day following the date of its publication in the official newspaper of the City.

PASSED by the City Council of the City of Richland on this _____ day of _____, 2012.

JOHN FOX
Mayor

ATTEST:

MARCIA HOPKINS
City Clerk

APPROVED AS TO FORM:

THOMAS O. LAMPSON
City Attorney

Date Published: _____

EXHIBIT A

PROPERTY USE AND DEVELOPMENT AGREEMENT

THIS AGREEMENT made and entered into this ____ day of _____, 2012, by and between the CITY OF RICHLAND and TMT Homes, LLC. a Washington Limited Liability Company (Petitioner).

W-I-T-N-E-S-S-E-T-H:

WHEREAS, the City of Richland is currently entertaining an application by TMT Homes, LLC, (hereinafter "Petitioner") for a change of zone covering a 10-acre parcel located in Benton County, Washington (hereinafter "Property") and more particularly described in Ordinance No. _____.

NOW, THEREFORE, it is agreed that if the subject Property is rezoned from Single Family Residential 12,000 (R1-12) and Single Family Residential 10,000 (R1-10) to Planned Unit Development (PUD) pursuant to said application, Petitioner for himself and for and on behalf of his heirs, successors and assigns, covenants and agrees as follows:

1. Final PUD plans shall be submitted for approval in accordance with Richland Municipal Code (RMC) Section 23.50.050. As allowed for in RMC Section 23.50.040(D) final PUD development plans shall be submitted to the Planning Commission for review and approval. All development and use shall be in substantial compliance with the Final PUD development plans.
2. Development of the 10.24 acre site shall be limited to either: 1) a maximum of 32 dwelling units in four separate 5-story buildings with overall total building footprint not to exceed 72,000 square feet of the site; or, 2) a maximum of 33 dwelling units in three separate 7-story buildings with overall total building footprint not to exceed 60,200 square feet of the site. The intent of the condition being to limit overall gross density to more closely align with the average density of development of 3.5 dwelling units per acre as envisioned in the City's adopted Comprehensive Land Use Plan for the underlying Low Density Residential

(LDR) land use designation while also recognizing the overall gross density of the adjoining subdivisions of approximately 1.65 dwelling units per acre.

3. In order to minimize disruption to the steep slopes, the total impervious area will not exceed 30% of the site. Further every effort will be made to limit the height and length of retaining walls and no exposed retaining wall in excess of six feet in height will be permitted.
4. General building location and minimum setbacks shall be as generally shown on the preliminary PUD site/landscape plan submittal of the Meadow Hills III Townhouses PUD dated July 2, 2012 and in accordance with subsequent City approved final PUD plans that are submitted in accordance with Richland Municipal Code Section 23.50.050.
5. A minimum of two on-site garage parking spaces shall be provided per dwelling unit in each of the proposed condominium buildings.
6. The proposed development is subject to the provisions of RMC Section 21.01.030 Wild-Land Areas, with exterior construction materials limited to non-combustible siding, soffits, and non-combustible construction of other projections and appurtenances to the building.
7. Prior to submittal of final PUD plans a project specific geotechnical report consistent with City's Sensitive Areas Ordinance RMC Chapter 12.10 and the requirements of the Richland Building Official and City Engineer shall be submitted for review by the City. The final PUD plans shall be compliant with all recommendations set forth in said geotechnical report.
8. Final PUD plans shall include detailed landscape plans as required by RMC Section 23.50.050. The landscape plan shall utilize xeriscape plantings with an irrigation system with low water volume and low delivery pressure system to reduce potential hazards given the steep slopes on site.
9. Prior to or concurrent with the issuance of building permits for the proposed residential units, park fees shall be paid in accordance with the requirements of RMC Chapter 22.12.

General Conditions:

10. All final plans for public improvements shall be submitted prior to pre-con on a 24" x 36" hardcopy format and also electronically in .dwg format compatible with the City's standard CAD software. Addendums are not allowed, all information shall be supplied in the specified 24 x 36 (and electronic) format. When construction of the infrastructure has been substantially completed, the applicant shall provide 3 mil mylar and electronic record drawings to the City. The electronic as-built record drawings shall be submitted in a AutoCAD format compatible with the City's

standard CAD software. Electronic copies of the construction plans are required prior to the pre-con meeting, along with the multiple sets of paper drawings. The record drawings shall be submitted and approved by the City before the final punchlist inspection will be performed. All final punchlist items shall be completed or financially guaranteed prior to recording of the final plat (or recording of the short plat). Mylar record drawings of the street lights are also required prior to the final inspection.

11. Any work within the public right-of-way or easements or involving public infrastructure will require the applicant to obtain a right-of-way permit prior to construction. A plan review and inspection fee in the amount equal to 5% of the construction costs of the work within the right-of-way or easement will be collected at the time the permit is issued. A stamped, itemized Engineers estimate (Opinion of probable cost) and a copy of the material submittals shall be submitted along with the final plan submittal.
12. Public utility infrastructure located on private property will require recording of a City standard form easement prior to acceptance of the infrastructure. The City requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of acceptance. Once received, the City will prepare the easement document and provide it to the developer. The developer shall record the easement at the Benton County Assessor and return a recorded original document to the City prior to application for acceptance.
13. A pre-construction conference will be required prior to the start of any work within the public right-of-way or easement. Contact the Civil and Environmental Engineering Division at 942-7500 to schedule a pre-construction conference.
14. Site plan drawings which involve the construction of public infrastructure shall be drawn on a standard 24" x 36" drawing format to a scale which shall not be less than 1"= 40'.
15. All plan sheets involving construction of public infrastructure shall have the stamp of a current Washington State licensed professional engineer.
16. All construction plan sheets shall include the note "CALL TWO WORKING DAYS BEFORE YOU DIG 1-800-424-5555 (or "811")." Or: <http://www.call811.com/>
17. An irrigation source and distribution system, entirely separate from the City's domestic water system, shall be provided for this development. *Construction plans will not be accepted for review until adequate and viable proof of an irrigation source is made available by the developer.* The designing Engineer shall submit

plans for the proposed irrigation system to the Irrigation District with jurisdiction over the property at the same time that they are submitted to the City for construction review. Plans shall be reviewed and accepted by said irrigation district prior to issuance of a Right-of-Way permit by the City. Easements shall be provided on the final plat (or short plat) for this system where needed.

18. Any and all necessary permits that may be required by jurisdictional entities outside of the City of Richland shall be the responsibility of the developer to obtain.
19. A copy of the construction drawings shall be submitted for review to the appropriate jurisdictions by the developer and his engineer. All required comments / conditions shall be incorporated into one set of drawings and resubmitted (if necessary) for final permit review and issuance.
20. A copy of the preliminary plat shall be supplied to the Post Office and all locations of future mailbox clusters approved prior to recordation of the plat or short plat.

Design Standards:

21. Public improvement design shall follow the following general format:
 - A. Sanitary sewer shall be aligned on the north and west side of street centerlines.
 - B. Storm sewer shall be aligned on the south and east side of street centerlines.
 - C. Any sewer or storm manholes that are installed outside of public Right of Way shall have an acceptable 12-foot wide gravel access road (minimum) provided from a public street for maintenance vehicles.
 - D. 10-feet horizontal spacing shall be maintained between domestic water and sanitary sewer mainlines and service lines.
 - E. Water lines shall be aligned on the south and east side of street centerlines.
 - F. Watermains larger than 8-inches in diameter shall be ductile iron.
 - G. Watermains installed outside of the City Right of Way or in very rocky native material, shall be ductile iron and may need restrained joints.
 - H. All watermains outside areas zoned R1 shall be ductile iron.

- I. Fire hydrant location shall be reviewed and approved by the City Fire Marshal.
- J. Sewer mains over 15-feet deep shall be constructed out of SDR26 PVC, C900 PVC or ductile iron. The entire main from manhole to manhole shall be the same material. Private sewer service lines over 15-feet deep shall also be constructed of the same material, then transition to regular sewer piping above 15-feet.
- K. Valves and manholes installed on private property shall be placed so as to avoid parked cars whenever feasible.
- L. All utilities shall be extended to the adjacent property (properties) at the time of construction.
- M. The minimum centerline finish grade shall be no less than 0.30 % and the maximum centerline finish grade shall be no more than 10.0 % for local streets.
- N. The minimum centerline radius for local streets shall be 100-feet.
- O. Any filling of low areas that may be required within the public Right of Way shall be compacted to City standards.
- P. A overall, composite utility plan shall be included in the submitted plan set if the project is phased. This comprehensive utility plan benefits all departments and maintenance groups involved in the review and inspection of the project.
- Q. A detailed grading plan shall be included in the submitted plan set.
- R. For public utilities not located within public street rights-of-way the applicant shall provide maintenance access acceptable to the City and the applicant shall provide an exclusive 10-foot wide public utility easement (minimum) to be conveyed to the City of Richland.
- S. Final design of the public improvements shall be approved at the time of the City's issuance of a Right-of-way Construction Permit for the proposed construction.
- T. All public improvements shall comply with the State of Washington and City of Richland requirements, standards and codes.

- U. All cul-de-sacs shall have a minimum radius of 45-feet to the face of curb to allow for adequate turning radius of fire trucks and solid waste collection vehicles.
 - V. Curb returns at minor intersections shall have a minimum radius of 25-feet. Curb returns at major intersections should have minimum radius of 30-feet but should be evaluated on a case by case basis.
 - W. All public streets shall meet design requirements for sight distance (horizontal, vertical and intersectional).
 - X. All intersections with public streets shall meet horizontal, vertical and intersectional design requirements for sight distance (A.K.A. the Vision Clearance Triangle).
 - Y. All driveways shall be City standard driveways. Radius-style driveways are not allowed.
 - Z. The final engineered construction plans shall identify locations for irrigation system, street lighting, gas service, power lines, telephone lines, cable television lines, street trees and mail boxes. All electrical appurtenances such as transformers, vaults, conduit routes, and street lights (including their circuit) need to be shown in the plan view.
 - AA. Construction plans shall provide or reference all standard drawings or special details that will be necessary to construct all public improvements which will be owned, operated, maintained by the City or used by the general public (Commercial Driveway, Curb, Gutter, Sidewalk, Water, Sewer, Storm, Street and Street lighting etc.).
 - BB. The developer of record shall maintain the public storm drainage system for one year from the date of final acceptance by The City of Richland (as determined by the issuance of the "Letter of Final Acceptance"). Said developer shall also thoroughly clean the entire system, including structures, pipelines and basins prior to the City warranty inspection, conducted 11 months after the Letter of Final Acceptance.
 - CC. The contractor shall be responsible for any and all public infrastructure construction deficiencies for a period of one year from the date of the letter of acceptance by the City of Richland.
22. If the project will be built in phases the applicant shall submit a master plan for the sanitary sewer, domestic water, storm drainage, electrical, street lighting and

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

23. If the City Fire Marshal requires a secondary emergency vehicle access, it shall be included in the construction plan set and be designed to the following standards:
- A. 2-inches compacted gravel, minimum (temp. SEVA only).
 - B. 2% cross-slope, maximum.
 - C. 5% slope, maximum. Any access road steeper than 5% shall be paved or be approved by the Fire Marshal.
 - D. Be 20-feet in width.
 - E. Have radii that are accommodating with those needed for City Fire apparatus.

Secondary emergency vehicles accesses (SEVA's) shall be 20-feet wide, as noted. Longer secondary accesses can be built to 12-feet wide with the approval of the City of Richland Fire Marshal, however turn-outs are required at a spacing acceptable to the Fire Dept. Temporary SEVA's shall be constructed with 2-inches of compacted gravel, at a minimum. Permanent SEVA's shall be paved with 2-inches of asphalt over 4-inches of gravel, at a minimum.

24. SURVEY MONUMENT DESTRUCTION:

All permanent survey monuments existing on the project site shall be protected. If any monuments are destroyed by the proposed construction, the applicant shall retain a professional land surveyor to replace the monuments and file a copy of the record survey with the City.

- A. No survey monument shall be removed or destroyed (*the physical disturbance or covering of a monument such that the survey point is no longer visible or readily accessible*) before a permit is obtained from the Department of Natural Resources (DNR). WAC 332-120-030(2) states "It shall be the responsibility of the governmental agency or others performing construction work or other activity (including road or street resurfacing projects) to adequately search the records and the physical area of the proposed construction work or other activity for the purpose of locating and referencing any known or existing survey monuments." (RCW 58.09.130).
- B. Any person, corporation, association, department, or subdivision of the state, county or municipality responsible for an activity that may cause a survey

monument to be removed or destroyed shall be responsible for ensuring that the original survey point is perpetuated. (WAC 332-120-030(2)).

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

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

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

Traffic & Streets:

25. The traffic impact analysis completed for this project by City staff has concluded that connecting Meadow Hills Drive on either end of the proposed PUD will mitigate an existing traffic volume concern in the existing Crested Hills neighborhood. The traffic study prepared for the preliminary plat of "The Crest" estimated that approximately 50 PM peak hour trips would use the Meadow Hills Drive connection to Leslie Road if this portion of Meadow Hills Drive was constructed. Staff estimates 26 PM peak hour trips from the Meadow Hills 3 PUD project will travel to Gage Blvd. through Crested Hills. This results in a net reduction of 24 PM peak hour trips through Crested Hills to Gage Blvd. at build-out of the project. The Level of Service at Meadow Hills Dr. & Leslie Road is anticipated to be LOS "D". Given these traffic study results, no further study or mitigation is required beyond payment of traffic impact fees identified in Item 26 below.
26. The Meadow Hills 3 PUD preliminary plat lies within the boundary of the South Richland Collector Street Financing Plan (RMC 12.03). This property shall therefore be subject to the fees administered by the finance plan for any phase submitted for approval. Since this property is included within the Financing Plan, it is exempt from the SEPA-related traffic study requirement (TIA).
27. The Meadow Hills Drive Right-of-Way corridor shall be dedicated to the City in its entirety (from the plat of Meadow Hills 2 to the plat of Crested Hills ph.3) concurrent with the completion and acceptance of phase 1.
28. Meadow Hills Drive shall be physically constructed in its entirety and connected at both ends concurrent with construction of the second building (phase 2). The roadway and associated utility improvements shall be shall be accepted by this

department or financially secured prior to the issuance of occupancy for the second building (phase 2).

29. The preliminary PUD plat needs to show the correct Right-of-Way width for the road section being proposed. A 40-foot wide Right-of-Way is the standard for a 27-foot wide street section.
30. All proposed Right of Ways that are narrower than 54-feet shall have parking restricted, as per City standards. Street signs indicating restricted parking shall be installed prior to final platting (or short platting) at the developers expense. The restricted parking areas shall be indicated on the final plats (or short plats).
31. Meadow Hills Drive within the proposed PUD is currently functioning as a Secondary Emergency Vehicle Access for both Meadow Hills and Crested Hills. It shall continue to function as a SEVA until such time as it is completely paved and a dedicated City street.
32. If the project is to be constructed in phases, all dead-end streets longer than 150-feet that will be continued later need to have temporary turn-arounds built at the end of them. The radius of these turn-arounds shall be 45-feet minimum, and shall be constructed of 2-inches of compacted top course gravel for slopes less than 5%, or of 2-inches of asphalt atop 2-inches of gravel for slopes greater than 5%. If the temporary turn around is not located within the final plat an easement with a 50-foot radius will be required.
33. The Local Street (Single Frontage) standard section may be used for this portion of Meadow Hills Drive with the sidewalk located on the south side of the street. Sidewalks shall be installed along the entire length of the roadway during construction of those phases.
34. Sidewalks shall be installed along all public Right of Way frontages that building lots do not front on during construction of those phases (e.g., storm drainage ponds, parks, etc.). If the particular road section selected for this property only requires sidewalk on one side, the other side of the road shall be exempt from this comment.

Domestic Water:

35. The developer shall provide a 20-foot domestic water & drainage easement along the eastern boundary of the property and north of Meadow Hills Drive to help facilitate the relocation of an existing City watermain & drain line.

36. The existing City domestic water reservoir, its associated pump station, and the fence surrounding it may be within the boundaries of phase 1 of this proposed project. The final plat of phase 1 (or short plat for phase 1) shall have a separate parcel included within it that is large enough to provide a 10-foot buffer around the fenced area, and can be dedicated to the City upon recordation of phase 1.
37. The existing 12-inch PVC watermain that crosses through this property shall remain in service during this project and shall be protected with a minimum of 4-feet of cover over it. If the new proposed roadway (Meadow Hills Drive) will lower the grade over the existing main, a new watermain shall be installed and put into service prior to impacting the existing water main. This new main will have 4-feet of cover over it.
38. The developer will be required to demonstrate that all phases are capable of delivering adequate fire flows prior to construction plans being accepted for review. This may require looping of the watermain from off-site locations.
39. The fire hydrant layout shall be approved by the City Fire Marshal.
40. In accordance with WAC 246-290, buildings three stories and taller need to have backflow devices installed on their domestic water service lines. This will be a requirement on the construction plans. The backflow device shall be on the state approved list.

Sanitary Sewer:

41. It shall be the responsibility of the developer to extend a City sewer main to this property to serve sanitary sewer at the time of project construction.

Storm Water:

42. This project may require coverage under the Washington State General NPDES Permit for Construction projects. The Developer shall be responsible for compliance with the permit conditions. The City intends to adopt revised standards affecting the construction of new stormwater facilities in order to comply with conditions of its NPDES General Stormwater Permit program. This project, and each phase thereof, shall comply with the requirements of the City's stormwater program in place at the time each phase is engineered.
43. A storm sewer system shall be designed to contain or pass a 25-year storm. The applicant shall provide storm drainage calculations based on a 24-hour, 25-year storm. Calculations shall be stamped by a professional Civil Engineer licensed in

the State of Washington. Prior to discharging any storm drainage waters from paved surfaces into drainage ditches, groundwater or a public system, an oil/water separator must be installed. The applicant's design shall provide runoff protection to downstream property owners. The project will require detailed erosion control plans.

- A. Prior to or concurrent with the submittal of the first phase the developer shall provide a Geotechnical report including the percolation rate of the soils in the area of any storm retention ponds. The engineer may need to demonstrate that the pond will drain itself after a storm event, and not have standing water in it longer than necessary.
44. If any existing storm drainage or ground water seepage empties onto the proposed site, said storm drainage shall be considered an existing condition, and it shall be the responsibility of the property developer to design a system to contain or treat and release the off-site storm drainage.
45. If the storm drain ponds slopes are greater than 25% or deeper than 4-feet, then a 6-foot fence will be required around the perimeter of the pond with a minimum 12-foot wide gate for maintenance vehicles. A maintenance road from the public Right of Way to the bottom of the pond is also needed (2-inches of compacted gravel, minimum). The city's maintenance of the pond in the future will consist of trimming weeds to maintain compliance with fire and nuisance codes, and maintaining the pond for functionality.
46. The developer shall be responsible for landscaping the storm pond and for its maintenance through the one-year infrastructure warranty period. At a minimum the landscaping plan should be consistent with the City's intended maintenance standard as described above. If the developer wishes for the pond to be landscaped and visually appealing, then the homeowners association should be considered for maintenance responsibilities. This will require an irrigation meter and sprinkler system (including a power source), and responsibility for maintaining the landscaping.

Final Platting (or Short Platting) Requirements:

47. Public utility infrastructure located on private property will require recording of a City standard form easement prior to acceptance of the infrastructure. The City requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of acceptance. Once received, the City will prepare the easement document and provide it to the developer. The developer shall record

the easement at the Benton County Assessor and return a recorded original document to the City prior to application for final acceptance.

48. Any off-site easements or permits necessary for this project shall be obtained and secured by the applicant and supplied to the City at the time of project construction and prior to final acceptance by the City.
49. Ten-foot wide public utility easements will be required on the final plat (or short plat) along both sides of all Right-of-Ways within the proposed project boundaries.
50. All landscaped areas within the project boundaries that are in the public Right of Way shall be the responsibility of the homeowners to maintain.
51. The intended use and ownership of all tracts within the plat shall be noted on the final plat (or short plat).
52. Property with an unpaid L.I.D. assessment towards it must be paid in full or segregated per Richland Municipal Code 3.12.095.
53. Any restricted parking areas shall be indicated on the final plats (or short plat).

This agreement shall be placed of record and the terms and conditions thereof shall be a covenant running with the land and included in each deed and real estate contract executed by Petitioners with respect to the subject Property or any part thereof. The City of Richland shall be deemed a beneficiary of this covenant without regard to whether it owns any land or interest therein in the locality of the subject Property and shall have the right to enforce this covenant in any court of competent jurisdiction.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

CITY OF RICHLAND

Cindy Johnson
City Manager

TMT Homes, LLC
Petitioner

APPROVED AS TO FORM:

THOMAS O. LAMPSON
City Attorney

STATE OF WASHINGTON)
:
County of Benton)

On this _____ day of _____, 2012 before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Cindy Johnson to me known to be the City Manager of City of Richland, the corporation that executed the foregoing instrument, and acknowledged the said Instrument to be the free and voluntary act and deed of the said corporation, for the uses and purposes therein mentioned and on oath stated that he is authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.

NOTARY PUBLIC in and for the State of
Washington, residing at: _____
My Commission Expires: _____

STATE OF WASHINGTON)
:
County of Benton)

On this _____ day of _____, 2012, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____ on behalf of TMT Homes, LLC. a Washington Limited Liability Company to me known to be the person who executed the foregoing instrument and acknowledged the said instrument to be his free and voluntary act and deed for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.

NOTARY PUBLIC in and for the State of
Washington, residing at: _____
My Commission Expires: _____



MINUTES - EXCERPT

RICHLAND PLANNING COMMISSION MEETING No. 06-2012

Richland City Hall – 550 Swift Boulevard – Council Chamber

WEDNESDAY, July 25, 2012

7:00 p.m.

Call to Order:

Chairman Boring called the meeting to order at 7:00 p.m.

Attendance:

Present: Chairman Boring, Commission Members Berkowitz, Clark, Jones, Madsen, Moser, Utz and Wise. Also present were City Council Liaison Phil Lemley, Planning Manager Rick Simon, Senior Planner Jeff Rolph and Recorder Pam Bykonen.

Approval of Agenda:

Chairman Boring presented the July 25, 2012 meeting agenda for approval.

A motion was made by Commissioner Moser and seconded by Commissioner Berkowitz to approve the agenda as presented.

The motion carried, 8-0.

Approval of Minutes

Chairman Boring presented the meeting minutes of the June 27, 2012 regular meeting for approval.

A motion was made by Commissioner Clark and seconded by Commissioner Madsen to approve the meeting minutes of the June 27, 2012 regular meeting as presented.

The motion carried, 8-0.

PUBLIC HEARING

Public Hearing Explanation: **Pam Bykonen** explained the public hearing notice and appeal process and asked Commissioners to identify any conflicts of interest, ex-parte contact or any other appearance of fairness issues. **Vice-Chairman Utz** asked to recuse himself on Agenda Item 1 on an appearance of fairness issue.

New Business:

1. TMT Homes (Z2012-101)

The first item before the Commission was an approval for a zone change from R1-10 (single-family residential 10,000) and R1-12 (single-family residential 12,000) to a Planned Unit Development (PUD), and approval of a preliminary PUD plan to allow for the development of a 44-unit condominium complex. The proposed development would be located along Meadow Hills Drive near the plats of Crested Hills (Phases 3 and 10) and Meadow Hills (Phase 2). **Jeff Rolph, Senior Planner** presented the staff report on the proposed development. He reviewed the zoning history of the property which was annexed to the City of Richland in 1991 with a preliminary plat for single-family residential lots approved by Benton County prior to the annexation. In 2010, the applicant had requested a rezone from R1-10 to a PUD to accommodate a 60-unit condominium development on 12+ acres. The proposal had been rejected by the Planning Commission and the applicant withdrew the application before it was forwarded to City Council. The current proposal consists of four seven-story buildings with 11 units in each building on a 10.24-acre site.

Based on the Findings and Conclusion, staff recommended denial of the rezone from R1-10 and R1-12 to PUD and the proposed construction of a 44-unit condominium development due to the density of the project, the steep slopes located on the subject property and the size and mass of the proposed structures. The Technical Advisory Committee (TAC) had provided recommendations for a scaled-back project if the Planning Commission felt the PUD was appropriate for the location.

Chairman Boring opened the Public Hearing at 7:19 PM and invited the applicant to make a presentation.

Elizabeth Tellessen, Winston & Cashatt [attorney for the applicant], (601 W Riverside Avenue, Spokane, WA): "We are pleased to be here today to ask you to vote for recommending approval of this new application for the clustered townhomes in this third phase of Meadow Hills.

First, I wanted to, very briefly, take a couple of issues off the table that I don't think really warrant consideration here today. First and foremost, this is a new application. There are a number of materials in the record that relate to the prior application and TMT Homes has worked very hard to address the concerns that were raised at that time and have submitted this application for the purpose of having it approved because it is consistent with the PUD requirements found in the Richland code, and it's consistent with Richland's Comprehensive Plan. It is compatible with neighboring uses and in no way constitutes an illegal spot-zone. You may hear about those things later on, and if they come up, I'm happy to discuss them more with you, but at this point what I really want to focus on is this application and this project because I think it's suitable, not only for the area, but for the City of Richland and its planning going forward, and its dedication is identified in the Comp Plan of having a variety of densities, a variety of living options for its citizens of all ages, of all economic means.

The neighboring homeowners first will complain that this comes, maybe, as a surprise to them. I'd like to remind you today, and you have in the packet I submitted earlier, the complete CCRs for Meadow Hills Phases 2 and 3, which states at minimum five times

that the developer – the declarant – reserves the right in its sole discretion to build multi-family units in this area. Those became notice to the world, and particularly to those people who took an interest in the property in 2002. It's ten years later. TMT Homes has worked very hard to put forward a plan and an application that's suitable for this area and for this neighboring uses.

The density seems to be the primary focus, and I'll remind you that at [RMC] 23.50.060 the density is based on gross density, the acreage of the parcel and the total number of living units. Considering that, the density this particular parcel is 4.7. The density that's allowed in the low-density residential area is anywhere from zero to five units per acre. The Comprehensive Plan urges its citizens and its Council to achieve an average 3.5 density in low-density residential. Now, as you all know, an average takes more than one analysis; statistically, at least three. When you take the neighboring projects, Crested Hills and Meadow Hills, and average those developments with their detached dwellings with this, you end up with an average density of less than three units per acre. Particularly with just Meadow Hills by itself, considering its three phases, you're down to about 2.0 units per acre.

Now, the purpose of a PUD is to allow some flexibility in design to accommodate the resources in this instance, particularly open space water conservation. A prior question was raised, 'Well, why not build just single-families? Why not build detached buildings?' Because it will take up that whole ten acres. It will require irrigation of about 35 individual lots. The plan for this is xeriscaping. Minimum irrigation requirements, minimum landscaping requirements. The construction, as you saw, and Mr. Thornhill will be presenting later, sinks into the hillside leaving at minimum, just the very minimum, five acres of open space with the intent that trails will come down. The Ridges to Rivers open space network has a trail established, I believe, further up the hill and TMT Homes' intent is to allow that to connect into the trails that could be built on this property. An open space is a public benefit; it's recognized all over the Comprehensive Plan, it's recognized across the state. In clustering developments together so that open space remains so that people have a place to recreate, viewscapes are protected, and other natural resources aren't encumbered by the built environment.

Particularly in regard to the PUD requirements and purposes: As I've mentioned, this is a flexible tool that you guys have in your toolbox to allow a developer, allow the land use to change with the needs of the people. To recognize the priorities of having open space and not having 35 individual landscaped yards that are going to deplete resources, they're going to take up the viewscape much like the neighboring developments have. The countywide plan discourages sprawl. It encourages clustering these types of developments together. This fits with that. It wants to ensure privacy. These structures, once built, will not be any closer than 280 feet to the nearest house. That's almost, I'm totally guessing here, but I would say at least four or five times the distance between two neighbors right now. There is a lot of space around this development and will ensure the privacy, more so than likely having houses stacked on top of each other. Usable open space is a whole five acres, you all know and I suppose

get outside probably as much as I do hiking, biking, walking around, just enjoying not having to be on streets all the time. That exists here, and the opportunity for it exists. The pedestrian and vehicular circulation will be enhanced by the final completion of Meadow Hills Drive, and the extension through this development to connect with the existing developments, and the compatibility – these are still just houses. They look different, and they're situated a little different than what we're used to, but the purpose is the same: to favor the resources; to favor the purposes of the PUD code; and to allow a different kind of opportunity for the citizens of Richland.

Here with me today are Anthony Wolf, Tony Tahvilli, and Terrence Thornhill, the architect that has done all the renderings that you'll see today. Each of them have some short additional comments to make and then we would, I think, entertain questions at the end as they come up. We want to really thank you for your time – we know that you dedicate a lot of your personal time to being commissioner and that this is important to you, and just know that it's important to us as well and we ask that you vote to recommend approval of this application. Thank you all so much."

Anthony Wolf (8903 W Bruneau Avenue, Kennewick, WA): "We're asking today for this Planning Commission to recommend approval of the 44-dwelling Planned Unit Development as it meets all four of the City's criteria for approval of a Planned Unit Development as set forth in Richland Municipal Code 23.50.040(b). Specifically, that code states that the PUD district will be compatible with nearby developments and uses, peripheral treatment ensures proper transition between PUD uses and nearby external uses, and the development will be consistent with the Comprehensive Plan, and the purpose of the PUD district and the development can be completed within a reasonable period of time.

So first, the proposal is compatible with the nearby developments and uses. The neighboring developments surrounding the PUD are all low-density residential developments, just like the PUD. The only difference, as we mentioned before, is the surrounding developments are comprised of single-family detached houses, and the other big difference is they don't include any open, natural space. While the PUD zoning code does not provide specific parameters for buffer zones, I think you can glean from Richland Municipal Code 23.18.020 which deals with multi-family housing adjacent or immediately abutting single-family housing, that code addresses specific height and setback restrictions. We took those into consideration when working with our architect, Terrence Thornhill, who will come up a little bit later to talk more about the scope of the project and show you more of the vision of the plan, but specifically focusing on making sure that we provided that adequate buffer zone and provided trail – given the size of the buildings, that being a 79-foot buffer zone is the minimum requirement between Phase 1 of the development and then between Phase 4 of the development, a 65-foot buffer. And again if you look at the buffer zones as presented they're well within those means.

Really, when it comes to the compatibility of the developments, I've brought just three examples I want to share with this group [Mr. Wolf displayed an aerial photo of the

Meadow Brook Patio Homes located on Greenbrook Place, adjacent to Greenbrook Boulevard]. One of the things I thought was interesting about this development and why I wanted to point it out to you when it comes to thinking about compatibility because this is an example of something that was deemed compatible in the past. These high-density residential developments are separated only by a city street from the low-density single-family houses across the street from them. Also, this Greenbrook Boulevard is – puts the high-density residential development in the middle of the low-density residential development meaning that vehicle egress has to travel through these low-density residential developments for the residents within the high-density.

This example, here, is another image taken off of Bing.com. [Mr. Wolf displayed an image of the Village @ Meadow Springs apartment complex on Gage Boulevard.] This is the apartments on Gage Boulevard. This is an example of a high-density development that has been approved in the South Richland area that immediately abuts a medium-density single-family detached houses. What I thought was really interesting about this particular development is these are four-story buildings towering over top of these single-family homes and the only thing that separates them is this small walking path.

The third of many examples I could have brought to you today is an example of a low-density multi-family dwellings immediately adjacent to low-density single-family detached houses. [Mr. Wolf displayed an aerial photo of the Birchfield Meadows development located on Rosemary Street, east of Penny Royal Avenue.] So, again, there's numerous circumstances of numerous instances within the City of Richland where you'll see residential adjacent to residential as being deemed compatible.

Second, peripheral treatments have been provided to create a proper transition between the PUD uses and external uses and developments and, again, we talked about the buffer zones as gleaming instead since the PUD district isn't specific in requiring minimum buffer zones, gleaming instead from Richland code where it pertains to multi-family adjacent to single-family residences. The other thing that we also focused on was screening as it comes to landscape plantings. One of the things we really wanted to focus on in this particular development is water conservation. Washington State University's Department of Horticulture, they provide a list of hardy plants for waterwise landscape suitable in the USDA Zone 5 area, and so that's really where we went to look to be able to find appropriate trees and shrubs that we could use within this development to provide some additional peripheral landscaping screening techniques to be able to allow these buildings to more seamlessly transition from the single-family developments into the multi-family developments.

As Elizabeth had mentioned, we're estimating the open space conservation at somewhere between five and seven acres; seven acres would be about 69% of the total development that would be preserved with natural open space.

The third bullet point we wanted to focus on is the development is consistent with the Comprehensive Plan. Again, when you look at the Comprehensive Plan and

comprehensive planning map, it shows this area as yellow. The color code indicates that yellow means low-density residential which is defined by the City of Richland as zero to five dwellings per acre. It allows for an average density of 3.5 dwellings per acre. When you look at this particular development, 44 townhouses on 10.24 acres, that really equates to 4.3 dwellings per acre. If you subtract out the land underneath the road extension and use a net density, it's still 4.7. Again, if you average the density between this development, Meadow Hills Phase 3, with the rest of the short plat for Phase 1 and 2, you end up with an average of two dwellings per acre, again, all below the City's minimum requirements or minimum standards of 3.5 dwellings per acre. One of the groups I'm sure you're familiar is the Ridges to Rivers Open Space Network. They've presented their vision for open space conservation and trail connectivity [sic] in the mid-west and one of the appendices in their book, they use a process of growing greener in conservation by design. [Mr. Wolf showed examples of increased density developments that provided more open space than standard residential lots and discussed each example.]

If you look at this particular development, it's currently zoned R1-10/R1-12. There's 10.24 acres. Richland Municipal Code dictates under 23.18.040 that the minimum lot area for R1-12 – for the average – is 12,000 square feet with a minimum 10,000 square feet, and R-10 being average of 10,000 square feet with an average at 8[,000]. So at 10.24 acres, we have over 450,000 square feet of land. If you divide that into 12, it comes out to about 36 single-family home sites that could potentially be developed under its current zoning. Obviously with the steep slopes, it's going to be restricted on how we can divide roads within that area. So even if you just take an extension of Meadow Hills Drive, you've got roughly 1,400 extension of Meadow Hills Drive. That same code, 23.18.040, dictates that the minimum lot width is 90 feet for R1-12 and 70 feet for R1-10. So if you take the 1,400 foot roadway extension, you could presumably put 18 houses on the downhill side of the street and 18 houses on the uphill side of the street, meeting that minimum lot requirement. So again, coming in at about 35, 36 houses.

At 44 units is what we're asking for; 44 is a 25% increase in that 35 dwellings which we could do if we were doing it under single-family homes which is consistent with what's been presented to the City in the past as something to consider for adoption when it comes to encouraging developers to be more conservation efforted [sic] in their use of creating more open space. If you look back at the City's plan, the City's plan goal that the second paragraph of the [Comprehensive Plan] Housing Element talks about the fact that the City of Richland in its efforts to increase multi-family and single-family homes, and encouraging single-family homes in the outer areas. [Mr. Wolf read the section.] So again, when we're looking at this particular development, we went to the City of Richland's Comprehensive Plan; we looked at the various goals and policies that the City of Richland has adopted in trying to achieve and saw where this plan meets many of those goals and purposes to be able to increase densification to be able to provide a variety of housing types and, again, these four clusters of eleven townhouses totaling 44 dwellings on the 10.24 acres certainly is consistent with the City of Richland's Comprehensive Plan. With that, again, we just really want you to look at this

plan, see it as it is – it's compatible with the area in meeting the four requirements of the PUD district and the recommending a vote in favor of the 44-unit development."

Terrence Thornhill (4005 Riverhaven, Pasco, WA): "I think Jeff did a great job of explaining things architecturally. He's been doing this a long time so he's pretty experienced at it, but I'll go over a view additional details – not in great detail, as much as I could do, we all have time constraints – but I did want to touch a couple of additional items. I met with Phil Pinard, your Director of Parks and Recreation, on April 23rd (my birthday) this year, and in that meeting we talked extensively – I wanted to query him about trail connectivity because that's a real important thing that we really wanted to try to do. He explained to me the litany of deals that you're all trying to put together to enhance and to make that trail connection more than just Badger Mountain, and maybe it can flow through the ridge above this area. He explained to me in that meeting that the most that our property could hope for was connections to the main trail. So what I'm representing on the plan [Mr. Thornhill placed a site plan on the document projector], as Jeff also pointed out, I'm showing connections through and around the project. Those are, at this point, absolutely hypothetical. They don't exist; we don't know what the connections are going to be – Phil didn't know – so I'm representing a concept more than anything there. I wanted to make that clear. Along that trail would be the xeriscape landscape that we talked about that would probably need some degree of drip irrigation for the first couple of years until it got established, then it's on its own from the natural habitat standpoint.

We're also trying to promote the idea of connection between units. I just talked about trail connectivity, but I'm also trying to establish the idea of linking between units from a neighborhood perspective. So let's say, someone from the fifth floor of this building is good friends with someone that's on the second floor of this building [indicated two different buildings on the rendering]. They wouldn't have to go down through the central core - which I'll show you in a moment - go down to the lobby, down the road, into another lobby, up, and then into the second floor. They could walk down a trail-type system that would connect the buildings between the buildings so that there's sort of a macro-connectivity and a micro-connectivity. I think, as far as the rest of the site plan, I think Jeff did a great job of explaining things. We do have our buffers, basically, on the ends of the project, and of course, the area adjacent to the canal across the street is completely undeveloped with the exception of potential trails.

Briefly, I wanted to share with you some detail on the floor plans. [Referring to images on the document projector, Mr. Thornhill reviewed the garage level and floors two and seven and discussed the amenities, similarities and differences of each level, as well as cross sections and profiles of the proposed structures.]

I am available, also, for additional questions, when we get to that point, if you have any. Thank you for your time."

Chairman Boring asked if there were any other comments in support of the project. Seeing none, she asked for comments opposing the project.

Dale Atkinson (244 Meadow Ridge Loop, Richland, WA): “Appreciate the opportunity to speak to you. I think you may recall that I was here last time and here we are again. I guess I’d like to point out first that we’ve been spending a fair bit of time as non-professionals in the zoning business trying to figure out how all this works, and appreciate the support, the educational opportunities with your staff. Fundamentally, though, what I’m here to discuss is that we do support the staff’s recommendations to deny. Recall, we were here last time, there was a recommendation to deny and at that time the buildings were proposed to be shorter than these. Admittedly, they were above and below the road before but now they are concentrated above and now they’re seven stories, even if they are ‘caressing the landscape’. I have to feel that we likely may be here again if this isn’t approved, the next time – by this trend, they’ll be one 28-story building or something. The logic just doesn’t make sense that’s being portrayed here. The idea that by creating these things - which are obviously inconsistent with the surrounding homes at which now it’s on all four sides – that these somehow are compatible; it’s in the eye of the beholder from that regard, but clearly I can tell you the folks around there don’t see it that way.

We’ve also had a lot of talks as neighbors and there’s not a push to prevent development there. We all moved there expecting that area to be developed, and in fact we’ve had a problem in the past where we had a fire in that area from fireworks from folks that were utilizing it inappropriately. We also understand the motivation to build a road and, great – but the problem is not at any cost, and it just seems like what’s happened here is the developer has come in, trying to come up with a more economical way to make additional margin on the construction at the expense of the folks around it.

We brought up last time – the last time, we brought a lawyer; we do have a lawyer again but we decided to give our own talk here this time and we’ll engage him as appropriate, but the discussion last time was around whether or not this constituted illegal spot zoning. I don’t know – the lawyer that we used tend to think so – but as a layman I just go back to what appears to be the fundamental purpose for the PUD and I guess I’d cite your own staff’s observations from last time. What they had in the report of October 21, 2010, in the memo to the Planning Commission wrapped up with a final sentence that said, ‘A fundamental question in the entire matter is does the rezone application request an action that primarily serves a private interest and not the community as a whole.’ The last time you denied it, we actually think this is, again, instead of being the smaller units that were proposed before, they’re even larger now. We think it’s clearly just an economy of construction scale that’s driving this whole issue. There’ve been a lot of other characterizations about, kind of ‘good ones’ sort of characterizations: the trails and the water usage and all that. I heard the young lady earlier talking about some trails at the top of the hill. Well, I’ve been at the top of the hill; there’s not a trail up there. There’s another development of single-family homes at the top of the hill, but immediately above this, it’s not up there.

As homeowners, yes, we had covenants; we moved in and we looked at this. I can tell you personally that the expression by the folks selling the property, Tony’s

representation, was that this was going to be built in single-family homes consistent with the other construction. I understand the wording in the covenants that suggests that something else can be done, but it's not done at the builder's discretion; it's done through a process like this. The creation of multi-units at seven stories high is – it doesn't pass a reasonableness test.

Since we were here last time, not only were, at that time, there were single-family homes on three sides – now they're on four sides, above as well – and we think that just strengthens the argument that this is a spot zoning; it's stuffing some high-density individual units that are seven stories tall adjacent to single-family homes that are typically one or two stories tall.

The fundamental circumstances that were – we discussed last time, resulted in a denial – it hasn't changed. There's nothing fundamentally changed except, perhaps, the buildings are even taller now. I've also heard some of the discussion about water conservation and all, and honestly, if that were the goodness argument, then build that into the covenants for Phase 3 – it might be a good idea there.

So, fundamentally, what I wanted to just build on here is, we've kind of been down this road before. We, as the neighbors, are not anti-development; we're all for it. We think, right now, the right solution is single-family homes, and the only thing that's been represented to us is the drive to build these really large structures is economy and to make money for the builder. I'll go back to that previous statement, the memo to the Planning Commission, and remind you that the recommendation you've received from your staff is not to approve this, is that does this application primarily serve a private interest? I'll tell you it does. It's not there because there're a whole bunch of people asking for it. It's there because a developer is trying to get the highest margin possible on his land. I actually don't begrudge him that; as a developer he ought to be able to make a buck on his development. But this is over the top, and so I guess I'd just like to leave you with that vision. We think that this is actually taller, even more dense in the very finite area that it's located in. We understand the discussion about its proximity to the neighbors and some margin being provided there. But it's not reasonable.

I looked at how this whole process works; there's a lot of advocating about the strict compliance with requirements. I've heard the arguments on both sides of the long-range plan and the density and all that, and it's all math so you figure out how much land you want to include when you do the math. But when you really look at it, these are four very large buildings, entirely inconsistent with the neighborhood on all four sides, and is a change from what was originally applied for. I'd like to leave it at that and please request that you do as you did last time and deny this. If the builder wants to talk about something that's not going to get neighborhood opposition, I'd invite him to come talk to us about it. Thank you."

Mike Fleming (2348 Morency Drive): "Me and my wife, we moved into – we built a new house on Morency and we moved in this February. One of the reasons we moved into this neighborhood was because the type of neighborhood that it is; it's single-family

dwelling and it just has a really great feel. One of the things we don't like about the neighborhood is that there's an awful lot of traffic right now on Morency down through Gage; that's the only way in and out of that neighborhood right now is down Gage through Morency. If this is passed, the connection there, it's going to increase the amount of traffic that goes through there, and we've seen quite a bit of traffic increase just due to the construction on Falcon Ridge (is that what that's called?) to the point where we've got concrete trucks running down in front of my house doing 35-40 [mph] in a 25. That's another topic. I'm curious what the increase in traffic is going to be, both for Meadow Hills Drive which is another small, sloped road just like Morency. Additionally, I think Mr. Atkinson touched on this a little bit, but I believe single-family dwellings will help retain the value of all of the neighborhoods around. Plus, there's variety; there's a variety of neighborhoods around and the gentleman had some examples of other neighborhoods in south Richland where they have high-density and low-density mixed, and I would say that just because you have that doesn't mean necessarily what the neighborhood needs and what Richland needs. It's a good thing to have variety where you have a certain area that is segregated; a lot of people like that. And a lot of people that live in that neighborhood, that's why they live there."

Talmadge Jones (2274 Morency Drive): "The first woman who spoke in behalf of in favor for it, she spoke about how circulation would be going up and one of the problems is Gage Boulevard is the only exit to our subdivision. As we've seen from long-boarders and the concrete trucks which are currently passing my house every day, which are quite loud, there's the problem with adding 44 more people with, probably two cars a family. That's 88 cars passing through that subdivision every day. And that will increase traffic on a small subdivision road which is incapable of handling this. The problem with this is it really doesn't handle the fact that Gage is not big enough for this. It is a single-family homes where my little sister goes out in the street with her friends and plays soccer there every day. Kids are just constantly walking off and going over to the park across the street. With this many more cars going through because of a huge, well, as they say, it is small family and it is not necessarily high-density. It does add a lot more circulation there and it wouldn't be beneficial to the safety of the subdivision in that, Gage is not large enough to handle this much traffic. That's all I really had to say."

Chairman Boring asked if there were any other comments. Seeing none, she invited the applicant to rebut testimony given in opposition.

Elizabeth Telleson: "To hit some of the concerns, first and foremost this is not high-density. High-density is a definition that's found in your Comprehensive Plan and it's found in your zoning code, and this isn't it. This is 44 units on 10 acres. This is low-density. The purpose is to have open space and that is accomplished and it is favored because it is for the public benefit. People have preferences, there's no question about that, but your city, the city that this development's being proposed within, has identified what those preferences are for low-density residential, and that's zero to five units per acre. This is less than that; and on average, it's far less than that. The level of service issue as far as traffic is concerned has not been a concern of the staff, has not been a concern of the Technical Advisory Committee, and Mr. Wolf will address it in a little bit more detail with you. Those changes will happen regardless of what this development looks like; there are going to be people moving on to this property. And in this instance,

Anthony will have some information for you from the Urban Land Institute that studies built environments across the nation and educates people on how best to infill and how best to construct these developments, and their research shows that in multi-family clustered developments, most families that reside there have one car or less. They aren't two car families. So these concerns, they're nothing but concerns – there are no facts establish for this record and for this application that those are detriments that can be actually proven. The benefits are shown, the public benefits are recognized repeatedly in the Comprehensive Plan and we won't bore you unless you want us to, on each portion of the Comprehensive Plan that favors this development. This isn't a reasonableness standard.

You guys have four considerations to make: Is it compatible? In a recent case involving the City of Richland, plaintiff Vogel complained about a higher-density townhouse being constructed next to single-family residential – detached dwellings. And the Court of Appeals concluded that those are compatible uses. They may not like them – the Vogels didn't like it one bit and they took it all the way to the Court of Appeals, and the Court of Appeals said, 'They're the same.' These uses are the same. The City of Richland has identified six different land uses – I won't rattle them off, they're [RMC] 23.14 through 23.30, I believe, and only one of them is residential. The Comprehensive Plan clusters residential developments together; clusters low-density residential development together, and encourages a 3.5 [du/acre] average. This addition to Meadow Hills still is consistently below that.

This issue of fundamental change – I think there may be a common misconception that the applicant's burden is to establish that there has been some change in circumstance that justifies this application, or prevents it from being a illegal spot-zone [sic]. Presuming first that this Preliminary Plat was approved in 1989, there have been changes. There have been changes to the City of Richland, there have been changes to the Tri-Cities, and there have been changes to the State on how we develop our property, and this fits. This acknowledges those changes, and this is consistent with those changes as is replete through your Comprehensive Plan. But when a proposed Planned Unit Development is consistent with the Comprehensive Plan, that analysis isn't necessary, and the [Supreme] Court in *Anderson* [*Anderson vs. Island County*, 1972] recognized that and that was back in the 1970s. The Court in *Anderson* reminds us that an illegal spot-zone - and why they are so terrible, because they are - is a cement mixing plant in the middle of a neighborhood – nobody, and not even the Court, is going to find that that is a compatible use. That's not what we're dealing with here. We're dealing with a different type of residence that falls within your Comprehensive Plan, is following the purposes of the PUD code, and we ask that you vote for approval. The density is satisfied. It's a four-year build-out to accommodate the absorption, which is reasonable and consistent with the construction industry.

I don't suppose you'll have questions at this point, but I would just ask you to, I know, give this your thoughtful consideration, I know that you guys are skilled in these applications; you've reviewed many these over your period of service on the Commission, and I ask that you do the same here. The staff has recommended denial

based on a relatively arbitrary analysis of the required density. They don't like the 4 – they don't like the 4.7 [du/acre]. They can't say – and they won't say – it's not allowed because it is. And the average is just that – an average. There's no guidance on how you take that average, but we know it has to be more than one project; we know it has to be more than one parcel, and the averages we suggest all lead to a conclusion of under three, under three units per acre. We believe that this application has addressed the concerns of the prior application quite handily and we ask that you consider these regardless of the prior conclusions and find that this is consistent with your code and consistent with your Comprehensive Plan and a beneficial and useful development for this area. Thank you very much.”

Anthony Wolf: “Elizabeth did a good job, I thought, in addressing some of the traffic issues. When it comes to the public benefits, there's obviously innumerable representations of the public benefit associated with open space. We look at the City of Richland's Comprehensive Plan and you look at the Planning Use Goals, there's a number of benefits that this does to achieve and work through those goals. I'm not going to focus on that, but I am going to address the question or the concern about meeting with the homeowners. We've had several meetings with homeowners, both in a public forum at the Meadow Springs Country Club where we've met and we discussed our vision for this project, getting their feedback and that's really why the project has evolved from what you saw in the initial application with 60 dwellings down to where we have it now at 44 dwellings. Obviously we're not able to please everybody but if you look at the Atkinson's letter and a lot of the individuals that they reference in that letter and the supporting documents from that letter are all based on the 2010 application which, of course, was a different application from this by including no buffer zone, by including no screening techniques, by putting these multi-family dwellings immediately adjacent to the single-family homes. Again, we've addressed those concerns thanks to numerous meetings with the individuals, both on a one-on-one basis and in those public forums at the Meadow Springs Country Club.

With that, again, I just really want to focus on – [Mr. Wolf place an excerpt of the Comprehensive Plan on the document projector and read UD Goal 3]. Again, focusing on the different policies with hillside development should blend with the natural shape and texture of the land. And with these developments, again, with these buildings mirroring the contour of the hillside; with these buildings mirroring the low-density residential nature of the developments immediately abutting it; and with this development embracing the ability to maximize the preservation of open space, we again ask that you recommend approval of our application for 44 dwellings on this 10.24-acre site as a low-density residential development PUD. Thank you.'

Terrence Thornhill: “I just wanted to touch on the comment that was made that this was a developer going an inexpensive route trying to maximize profits. The nature of this building in that it's a multi-story type structure exceeds the height requirements where we can use standard timber frame construction. Timber frame construction is what you see on a single-family residence – two-by-sixes, two-by-fours, wood roof trusses - and we can't do those things on this project because of the IBC, the

International Building Code, that we're bound to uphold and design to. In addition to that, the building will be fully sprinklered from a life/safety standpoint. It will be NFPA 13R, which is a residential standard for the residential areas, but it will be a full-blown NFPA 13 system in the garage area which is a cast iron pipe, pre-fabricated system. Building 11 units at one time is a more costly approach and it will be a financial burden to the contractor, developer in this case, so it is not an inexpensive way to go necessarily. And it employs more people, and in this day and age that's an important consideration. Thank you."

Chairman Boring asked if there were any other comments. Seeing none, she closed the public hearing at 8:14 PM.

Commission Discussion:

Commissioner Wise asked those who spoke in opposition if they were representing the homeowners association or speaking as individuals. **Mr. Fleming** and **Mr. Jones** spoke as individuals; **Mr. Atkinson** explained that, while he spoke on behalf of several residents in the Meadow Hills area, he was not speaking in any capacity for the homeowners association. **Commissioner Wise** asked if the homeowners association had taken a vote or an official position on the proposed development. **Mr. Atkinson** said they had not as the HOA did not feel it was appropriate since Mr. Tahvilli was also a member of the HOA and the Architectural Committee.

Regarding the examples shown of other neighborhoods with single-family units abutting multi-family units, **Commissioner Moser** asked how tall the multi-family structures were. **Mr. Rolph** said they were two-story structures.

Commissioner Jones asked staff if a traffic analysis for this project had been completed. **Jeff Peters, City Engineer**, explained that a previous traffic study for Crested Hills had been completed and was included in the Technical Advisory Committee report for this project. It was estimated that the proposed project would add 26 trips per day to Gage Boulevard. **Commissioner Madsen** confirmed with staff that there were two exit points from the proposed development.

Commissioner Madsen commented the current application addressed concerns that arose from the original application in 2010 and complied with Richland's current codes and definitions. He also questioned staff's recommendation to deny the application and the alternative of reducing the number of floors since the proposed structures are built into a hillside. As a homeowner in a neighborhood that abuts a four-story building, Commissioner Madsen found it difficult to deny this application based on density requirements or implied spot-zoning.

Commissioner Clark acknowledged that everyone involved in the project will have a perception, positive or negative. He noted that the buildings will "stand out" against the hillside and thought something could be done to lessen the visual impact.

Chairman Boring commented that she did not see this proposal as spot-zoning and is consistent with Richland's goals and policies. She asked the applicant when the extension of Meadow Hills Drive would occur. **Mr. Thornhill** explained how the extension of Meadow Hills Drive would be built in phases as the construction of the buildings are constructed to utilize fill material excavated from the construction site to build up the road bed. Construction is estimated to take four years to complete.

Chairman Boring noted a reference to an improperly installed water main. **Mr. Wolf** explained that the existing water easement is located on the proposed construction site but the developer is amicable to redirecting the easement to accommodate the water main.

Commissioner Wise expressed concern about the emphasis on xeriscaping as a benefit, the potential for increased traffic, and the form and mass of the proposed buildings. He also felt there were too many units in the proposed project and could not support the project without reducing the number of units.

Commissioner Moser thanked the developer for addressing the Commission's concerns that arose from the application submitted in 2010. She noted that Richland's lack of hillside development standards could create a negative visual impact. She agreed with Commissioner Wise's comments regarding size, scale and number of units as well as concerns about neighborhood compatibility.

Commissioner Berkowitz asked if a large structure similar to what has been proposed would be as affected by seismic activity as a wood structure. **Mr. Simon** explained that there are strict seismic requirements that multi-story buildings must conform to.

Commissioner Berkowitz asked about trails and trail connections on the north side of Little Badger Mountain. **Mr. Simon** said that Milo Bauder had discussed setting aside open space on the north side of Little Badger but no plans for trail construction have been made as yet. **Commissioner Berkowitz** noted that the slope had been deemed by the Friends of Badger Mountain as too steep to construct trails and asked the developer if he was aware of additional information. **Mr. Thornhill** responded that the trails shown on the site plan were hypothetical illustrations as he did not have definite information regarding trail/future trail locations. He added that the drawings of the buildings that were presented were representations of what the buildings would look like along a hillside and not an actual photograph or replica of the site.

Commissioner Madsen asked where the starting point would be for the road extension. **Mr. Wolf** said it would be at the east end of the development and would include a turn-around for emergency access.

Commissioner Madsen commented that a lack of hillside development standards should not be used as a reason to deny a development application that has met other requirements. He urged commission members to consider the current application and not get sidetracked by trails, landscaping, etc.

Commissioner Clark asked if there were plans to develop the downhill side of the road extension. **Mr. Wolf** explained that the area in question would be designated open space.

Commissioner Clark questioned the response of “sandy loam” for soil type on the SEPA and asked how the developer planned to mitigate the impact created by the excavation of rock. **Mr. Wolf** explained that the geotech report determined that the site was primarily sandy loam. Each building will have a separate geotech report and will give more detail as to how much of the site is sandy loam and how much is rock. The developer understands the need to mitigate construction noise and traffic.

Commissioner Berkowitz took exception to the claim that the development was preserving open space, noting that the construction site is planned in an area of shrub/steppe habitat and the designated open space contains weeds. She also expressed concern about the lack of connectivity to other open spaces. Commissioner Berkowitz commented that the lack of hillside development standards should not preclude the commission from discussing what Richland’s hillsides should look like and suggested the developer return with a project that is of a smaller scale.

Commissioner Madsen asked staff if there were any plans for developing the land above the proposed condominium site. **Mr. Simon** said there were none at this time adding that the property in question belongs to Mr. Bauder who had discussed designating it open space but is under no obligation to do so.

Commissioner Jones commented that he liked the design of the proposed buildings and the energy conservation measures used.

Commissioner Moser acknowledged that development of residences and a road will occur on the proposed site but felt that the TAC recommendation of fewer units was preferable over what was proposed and suggested postponing the decision; Commissioner **Clark** agreed with her comments.

Commissioner Wise expressed concern about privacy for homeowners located further down the hillside from the proposed development as well as potential contrast with the ridgeline behind the buildings.

Commissioner Madsen restated his support for the proposal as presented.

A motion was made by Commissioner Jones and seconded by Commissioner Madsen to accept the design as presented.

Discussion: None.

Called for a vote: Commissioner Berkowitz: No; Commissioner Clark: No; Commissioner Jones: Yes; Commissioner Madsen: Yes; Commissioner Moser: No; Commissioner Wise: No; Chairman Boring: Yes.

MOTION FAILED 3-4.

A motion was made by Commissioner Moser and seconded by Commissioner Clark to recommend to City Council that, if the Council adopts the proposed development, they use the recommendations contained in the Technical Advisory Committee report dated July 19, 2012 to determine the number of units to be built.

Discussion: None.

Called for a vote: Commissioner Berkowitz: Yes; Commissioner Clark: Yes; Commissioner Jones: Yes; Commissioner Madsen: No; Commissioner Moser: Yes; Commissioner Wise: Yes; Chairman Boring: No.

MOTION CARRIED 5-2.



MINUTES - EXCERPT

RICHLAND PLANNING COMMISSION MEETING No. 07-2012

Richland City Hall – 550 Swift Boulevard – Council Chamber

WEDNESDAY, August 22, 2012

7:00 p.m.

Call to Order:

Chairman Boring called the meeting to order at 7:00 p.m.

Attendance:

Present: Chairman Boring, Commission Members Berkowitz, Clark, Jones, Madsen, Moser, Utz, Wallner and Wise. Also present were City Council Liaison Phil Lemley, Planning Manager Rick Simon, Senior Planner Jeff Rolph and Recorder Pam Bykonen.

Old Business (Closed Record):

1. TMT Homes (Z2012-101) – Adoption of Finding of Fact

Rick Simon, Planning Manager, summarized the purpose for revisiting the TMT Homes proposed development on Meadow Hills Drive which is to adopt the Findings of Fact associated with the Commission's recommendation to Council. A public hearing had been conducted at the July 25, 2012 Planning Commission meeting and no further testimony will be heard on this item. Mr. Simon added that only the commission members present at the July meeting could vote on this item.

Staff had drafted a set of findings for the Commission's consideration.

Discussion:

Referring to item 21 of the draft Findings of Fact, **Commissioner Moser** asked if that item could be used as a basis of the motion to approve. **Mr. Simon** said it could.

Commissioner Berkowitz asked Mr. Simon if it would be reasonable to add a finding that reflected the Commission's opinion that the scale, as proposed, was beyond what was expected in a single-family neighborhood and a reduced scale would be more appropriate. **Mr. Simon** said it would if it was reflective of the Commission's action at the prior meeting.

Commissioner Wise agreed with Commissioner Berkowitz's statement. He stressed the importance of relaying to the developer and City Council the message that the project could fit better on the site through design and wanted to allow the developer the flexibility needed to achieve that better design.

Commissioner Clark commented that the discussion of reducing the number of units, size and scale of the project appeared to be covered in item 15 of the Findings of Fact

which refers to the Technical Advisory Committee's recommendation and was part of the Commission's recommendation to Council. **Commissioner Moser** concurred and felt there was no need to amend the Findings of Facts as presented.

Commissioner Wise suggested adding the word "form" to the second line of item 15 to read, "...and/or size, form and massing."

Commissioner Berkowitz asked if it would be appropriate at this time to require the developer to restore the open space to its natural state by replanting native vegetation as a condition of the PUD. **Mr. Simon** cautioned against adding conditions to the PUD which could be viewed as revisiting the decision. He added that the PUD process consists of two steps and there would be an opportunity to weigh in on this item at the final approval of the PUD.

A motion was made by Commissioner Moser and seconded by Commissioner Madsen to adopt the Findings of Fact dated August 22, 2012 in support of the Planning Commission decision on July 25, 2012 for TMT Construction (Z2012-101) with the addition of the word "form" in the second line of item 15.

Discussion:

Commissioner Madsen asked for clarification on the word "form" and the necessity of adding it to the Findings of Fact. **Commissioner Wise** explained that the phrase "size, form and mass" is standard architecture language that refers to different architectural techniques and gave examples of how they differ.

Called for a vote: Commissioner Berkowitz: Yes; Commissioner Clark: Yes; Commissioner Jones: Yes; Commissioner Madsen: Yes; Commissioner Moser: Yes; Commissioner Wise: Yes; Chairman Boring: Yes.

MOTION CARRIED 7-0.

STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: Z2012-101

PREPARED BY: JEFF ROLPH
MEETING DATE: JULY 25, 2012

GENERAL INFORMATION:

APPLICANT: TMT HOMES, LLC (Z2012-101)

REQUEST: ZONE CHANGE FROM SINGLE FAMILY RESIDENTIAL 10,000 (R1-10) AND SINGLE FAMILY RESIDENTIAL 12,000 (R1-12) TO PLANNED UNIT DEVELOPMENT (PUD) AND APPROVAL OF A PRELIMINARY PUD PLAN TO ALLOW FOR THE DEVELOPMENT OF A 44-UNIT CONDOMINIUM COMPLEX (MEADOW HILLS III PUD).

LOCATION: ALONG MEADOW HILLS DRIVE, ADJACENT TO AND WEST OF THE PLAT OF MEADOW HILLS PHASE TWO AND EAST OF THE PLATS OF CRESTED HILLS NO. 3 AND CRESTED HILLS NO. 10.

REASON FOR REQUEST

The applicant is requesting approval of Planned Unit Development zoning in order to construct a 44 unit residential condominium complex on property that is currently zoned for detached single family residential use.

FINDINGS AND CONCLUSIONS

Staff has completed its review of the request for zone change and preliminary PUD plan approval and submits:

1. The Richland Comprehensive Land Use Plan Map designates the site as Low Density Residential (0-5 Dwellings/Acre).
2. The subject property is currently zoned for single family residential uses (Single Family Residential 12,000 and Single Family Residential 10,000) and was included within the boundaries of the approved preliminary plat of Meadow Hills that provided for the phased development of a 50-acre site with 70 single family residential lots. The first two phases have been approved and developed with 56 single family residential lots on approximately 38 acres with a gross density of approximately 1.47 dwelling units per acre.
3. The third phase of the original Meadow Hills preliminary plat development which includes the subject property has not been submitted but maintains development

rights to 14 additional single family homes on the remaining acreage within the original preliminary plat boundaries. Development pursuant to the existing approved preliminary plat of Meadow Hills would result in development of the subject property with an overall gross density of approximately 1.4 dwelling units per acre.

4. The applicant has submitted an application to rezone the approximately 10-acre subject property that is currently zoned Single Family Residential 12,000 (R1-12) and Single Family Residential 10,000 (R1-10) to Planned Unit Development (PUD) to allow for development of a 44-unit condominium complex with an overall gross density of approximately 4.3 dwelling units per acre.
5. Development of the subject property either pursuant to the existing approved Meadow Hills preliminary plat or pursuant to the proposed Meadow Hills III PUD plans would be consistent with the type (residential) and within the range of density (0-5 Dwellings/Acre) of development envisioned for the property in the City's adopted Comprehensive Land Use Plan Map.
6. Development of the proposed condominium project relies on the requested zone change to PUD. RMC Section 23.50.010 sets forth the purpose of the PUD zoning classification and RMC Section 23.50.040(B) includes the basis for the Richland Planning Commission to review and formulate a recommendation to the City Council on a proposed PUD application.
7. The purpose of the PUD zoning classification is to achieve economics in development and maintenance while providing privacy, usable open space, safe pedestrian and vehicular circulation, and compatible relationships between different uses.
8. The basis for a Planning Commission recommendation to City Council as to whether to approve or deny an application for PUD includes consideration of whether the proposal is compatible with nearby development and uses and whether it is consistent with the comprehensive plan and the purpose of the PUD district.
9. The subject property is bordered by the plats of Crested Hills No. 3 and Crested Hills No. 10 to the west. Those two developments consist of 27 residential lots on approximately 15.35 acres with a combined gross density of approximately 1.8 dwelling units per acre.
10. The subject property is bordered by the Plat of Meadow Hills Phase Two to the east which was developed with 33 single family residential lots on 21 acres with an overall gross density of approximately 1.57 dwelling units per acre.

11. The lots in the adjoining subdivisions have been developed with primarily one story and two story detached single family homes.
12. The proposed development would include four buildings, each building being 7 stories high with 11 dwelling units per building which are significantly larger than the adjacent single family homes and with an overall gross density that is over 2.5 times greater than the density of the adjacent residential developments.
13. The proposed development would result in an overall gross density of development of approximately 4.3 dwelling units per acre which exceeds the average gross density of 3.5 dwelling units per acre that is envisioned for the Low Density Residential (LDR) land use classification set forth in the adopted Richland Comprehensive Land Use Plan.
14. While maintaining consistency with type of use (residential) and within the range of density (0-5 Dwellings/Acre) depicted on the Comprehensive Land Use Plan Map and potentially achieving economics in development and providing for safe pedestrian and vehicular circulation, the proposed PUD plans would allow for development of the subject parcel at a density greater than would otherwise be allowed on the subject property if developed per the provisions of the existing R1-10 and R1-12 zoning district without demonstrating off-setting increase in provision of privacy or otherwise demonstrating compatible relationships between the proposed condominium development and adjoining lower density residential uses as set forth in RMC Section 23.50.010.
15. As required by State law and City Code, the applicant has submitted a State Environmental Policy Act (SEPA) environmental checklist.
16. City staff and other agencies have reviewed the proposal and should the proposal be approved have recommended specific conditions of approval as set forth in the Technical Advisory Committee report, dated July 19, 2012.
17. The City reviewed the submitted checklist and considered the proposal in light of the checklist, the recommended TAC conditions of approval and other information available to the City and determined that, as conditioned approval of the request for the proposed development would not have significant adverse environmental impacts.
18. The City further reviewed the environmental information submitted for the similar request submitted by the applicant in 2010 and determined that the previously issued Determination of Non-Significance (EA20-2010) issued by the City on September 16, 2010 met the environmental review standards for this revised development proposal.

19. On July 19, 2012 the City issued a Notice of Adoption of Existing Environmental Document (EA12-2012) for the proposal.
20. Based on the above findings and conclusions denial of the request for rezone from R1-10 and R1-12 to PUD and denial of the associated preliminary PUD plans as submitted is warranted as the application does not demonstrate conformance with the purpose, intent or criteria for approval of a PUD per the provisions of the City's PUD ordinance as codified in RMC Chapter 23.50.

RECOMMENDATION

Staff recommends the Planning Commission concur with the findings and conclusions set forth in the Staff Report (Z2012-101) and recommend that City Council deny the request for zone change from R1-10 and R1-12 to PUD to allow for development of 44 unit condominium complex (Meadow Hills III PUD).

ATTACHMENTS

- A - Supplemental Information
- B - Technical Advisory Committee Report
- C - Notice of Public Hearing with Vicinity Map
- D - Aerial Photo & Contour Map
- E - RMC Chapter 23.50
- F - SEPA Checklist & Notice of Adoption of Existing Environmental Document
- G - Geotechnical Study Update Letter from Columbia Engineers & Constructors, LLC
Dated 8-4-11
- H - Approved Preliminary Plat of Meadow Hills
- I - 2010 Proposed Meadow Hills Phase 3 PUD Plan
- J - Planning Commission Minutes 19-22-10 and 10-27-10
- K - Memorandums from Building Official and Parks Planning & Construction Manager
- L - Review Letters from Badger Mountain and Kennewick Irrigation Districts
- M - Public Comment Letters
 - Daniel Carr 7-18-12
 - John Ziobro 7-19-12
 - Thomas Cowan 7-18-12
- N - Application & PUD Plans

SUPPLEMENTAL INFORMATION

DESCRIPTION OF PROPOSAL

The proposed rezone and preliminary PUD plans would provide for development of approximately 10 acre site with a 44-unit condominium complex. The complex would consist of 4 buildings with each building being 7-stories high with 11 condominium dwelling units per structure. With the information submitted to date it is not possible to determine the overall height of the buildings per the City's building height definition. The buildings appear to be approximately 40 to 50-feet in height as measured by Richland Building and Zoning codes with height measured from the highest roof line of the structure to the average finished grade adjacent to the structure.

Access would be provided from Meadow Hills Drive that as proposed would be improved to meet the City standards for a single frontage local street section. Parking for the condominium units would be provided by garages located in the lower floor of each building with additional guest parking provided in front of the proposed buildings.

Some formal landscape plantings are shown near the Meadow Hills entrance to the condominiums with some proposed xeriscaping landscape plantings located elsewhere on the site. The downhill side of the property between Meadow Hills Drive and the KID canal is depicted as being retained as natural open space.

PLANNED UNIT DEVELOPMENT PROCESS

Richland Municipal Code Section 23.50.010 (Attachment E) allows for use of flexible design and development standards when projects are processed as planned unit developments in accordance with the PUD procedures and review criteria set forth in RMC Sections 23.50.030 and 23.50.040. The PUD process results in a custom zoning designation with allowable uses and development regulations as set forth in the approved rezone ordinance and associated approved PUD plans.

The PUD process is set up to occur in two stages with the initial stage involving approval of a more general or preliminary PUD plan that sets forth the allowable uses and general development criteria. If ultimately approved and a rezone ordinance passed by City Council, an applicant has one year to bring in the more detailed final PUD plan for review and approval. The requirements for the detailed final PUD plans are set forth in RMC Section 23.50.050. Final PUD plans are reviewed administratively; however, the Planning Commission does have the authority to adopt a condition specific to the Preliminary PUD approval to require the final PUD plans to be brought back before the commission for review and approval.

Revisions to an approved PUD plan are reviewed administratively when such revisions are deemed to be minor per the criteria set forth in RMC Section 23.50.070.

GENERAL INFORMATION

SITE DATA

Size: 10.24 acres.

Physical Features: The subject property is rectangular in shape and stretches from the westerly boundary of the plat of Meadow Hills Phase Two to the easterly boundary of the plats of Crested Hills No. 3 and No. 10. The site has steep slopes with a majority of the site having slopes in excess of 20 percent with areas of the site exceeding 45 percent. A narrow unimproved road along the proposed extension of Meadow Hills Drive connects the existing Meadow Hills development to the Crested Hills development to the west.

Zoning and Development History: The subject property was annexed to the City in 1991. At the time of annexation the preliminary plat of Meadow Hills (Attachment H) had been approved by Benton County. The preliminary plat provided for the phased development of a 50-acre site that included a majority of the 10.2 acre subject property with 70 residential lots for development with detached single family homes. In 1992 the City approved the final plat of Meadow Hills Phase One. That plat created 23 residential lots from 17 acres of the larger 50 acre site. The final plat of Meadow Hills Phase Two was approved by the City in 2001. That final plat created an additional 33 residential lots on approximately 21 acres.

In 2010, the applicant submitted a request for zone change to PUD to allow for the development of a 60-unit condominium complex on a 12-acre site that included the 10-acre subject parcel and three undeveloped platted lots that were in the adjoining Meadow Hills Phase 2 subdivision. During the review process that application was modified, removing the three undeveloped lots in Meadow Hills Phase 2 from the proposal resulting in a proposed eleven building 54 dwelling unit condominium complex on a 10+ acre site (Attachment I). The Planning Commission took action to recommend denial of the request (Attachment J). Subsequent to the Planning Commission action and prior to consideration of the Planning Commission recommendation by City Council the applicant withdrew the request.

No additional development activity has occurred on the site to date. The subject property maintains development rights for an additional 14 single family lots pursuant to the original preliminary plat of Meadow Hills.

SURROUNDING ZONING AND LAND USES

- North -** Property across the KID irrigation canal is zoned R1-10 and PUD and developed with detached single family homes in the Meadow Springs Second Nine Phase 3 and Orchard Hills No. 4 subdivisions.
- South -** Undeveloped property zoned R1-10 with the approved preliminary plat of The Crest zoned R1-10 located further to the south.

- East -** Property zoned R1-12 and developed with single family detached homes in the Meadow Hills Phase Two subdivision.
- West -** Property zoned R1-10 and developed with single family detached homes in the Crested Hills No. 3 and Crested Hills No. 10 subdivisions.

ANALYSIS

Comprehensive Plan: The subject property is designated as Low Density Residential (0-5 Dwellings/Acre) by the City's adopted Comprehensive Plan Land Use Plan Map. The Low Density Residential land use category provides for a variety of single family residential uses with an overall average density of 3.5 dwellings per acre. The proposed condominium complex with 44-dwelling units located on just over 10 acres of land would be approximately 4.3 dwelling units per acre, which is within the range of density anticipated for the Low Density Residential land use designation.

Conformance with RMC Chapter 23.50 Planned Unit Development: RMC Chapter 23.50 sets forth the purpose and procedures for Planned Unit Developments. The purpose of the PUD zoning is to allow for use of flexible design and development standards and is intended to achieve economics in development and maintenance while providing privacy, usable open space, safe pedestrian and vehicular circulation, and compatible relationships between different uses.

In this instance the proposal is to develop the site with condominium residential dwellings in four separate 7 story buildings with each building containing 11 dwelling units. With the severe physical constraints to development posed by the very steep topography on the property, the use of flexible design and development standards does warrant consideration. However, the location of the property surrounded on all sides by very low density (less than 2 units per acre) detached single family homes provides an argument against the significant increase in density and the larger structures that are proposed in the application.

The adjacent Meadow Hills and Crested Hills residential developments have been developed with detached single family homes on large lots. Crested Hills No. 3 has an overall gross density of approximately 1.9 dwelling units per acre with an overall average lot size of approximately 17,650 square feet. Crested Hills No. 10 was developed with an overall average gross density of approximately 1.63 dwelling units per acre with an overall average lot size of 24,000 square feet. The Meadow Hills Phase Two subdivision was developed with an overall gross density of approximately 1.57 dwelling units per acre with an overall average lot size of 19,816 square feet.

The proposed PUD would have an overall gross density of 4.3 dwelling units per acre which is over 2 ½ times the gross density of the adjoining residential developments to the east and the west. Given the significant increase in density and increase in building height and mass that would result from the proposed condominium development, the

plan does not demonstrate provision of compatible relationship with the adjacent single family homes as required by the PUD regulations.

Assuming that 20% to 25% of the gross land area of a typical residential subdivision is encumbered by public street rights of way, utilities and storm water retention facilities, etc., development of the 10.24 acre site pursuant to the existing R1-10 and R1-12 zoning with lot sizes averaging 10,000 and 12,000 square feet could be expected to accommodate between 30 and 34 single family homes. This lot count calculation also assumes a more standard development parcel without the steep slope limitations that would further constrain the density of development achievable on the subject parcel.

Staff's recommendation is for denial of the zone change and associated preliminary PUD plans as submitted. However, should the Planning Commission determine that the PUD zoning is appropriate; a recommended condition of approval in the Technical Advisory Committee (TAC) report would limit the overall development to either 32 or 33 dwelling units. The recommended condition would require either the four proposed buildings being reduced to 5-stories in height and 8 dwelling units per building with 32 total dwelling units or alternatively, one of the proposed 7-story buildings (11 dwelling units) being eliminated resulting in a three building 33-dwelling unit condominium complex.

Either of these options would provide for an overall dwelling unit density more similar to the number that could be expected from development of an approximately 10-acre site pursuant to standard R1-10 or R1-12 zoning regulations and would maintain an overall density that would be closer to the overall average of 3.5 dwelling units per acre envisioned for the Low Density Residential land use classification as set forth in the Comprehensive Plan.

State Environmental Policy Act (SEPA)/Sensitive Areas Review: As required by City code and State law, the applicant's application included a new SEPA Checklist. The 2010 application included a geotechnical report that had been prepared in 1998 for the extension of Meadow Hills Drive and included some preliminary geotechnical recommendations on what apparently was to be construction of single family homes anticipated at that time. A letter (Attachment G) has been submitted from the engineer that prepared the original report updating and amending the previous report and recommendation based on the revised proposal.

Staff has recommended a number of conditions of approval should the proposed PUD be approved by the City. Among the conditions is a recommended requirement for a project specific geotechnical study that would provide an analysis and recommendations consistent with the City's Sensitive Areas Ordinance RMC Chapter 22.10 and the requirements of the City Building Official and City Engineer prior to bringing forth final PUD plans for review and approval.

The City reviewed the revised SEPA Checklist and determined that the project and expected environmental impacts were similar to those reviewed for the proposal in 2010. Based on this the City has adopted the previous Determination of Non-

Significance (EA20-2010) to satisfy the requirements of the State Environmental Policy Act. A copy of the environmental checklist and SEPA determination are attached.

Park and Dedication or Payment of Fees-in-lieu-of: RMC Chapter 22.12 requires that when property is developed with residential uses, the developers either dedicate parkland to the City or pay a fee in lieu thereof based on a formula set forth in code. The City's Park and Recreation Staff have recommended (Attachment K) that park fees be collected in this situation. A condition of approval has been included in the TAC report that would require park fees to be paid as building permits are issued for the project should the development be approved.

CONCLUSION

Staff remains of the opinion that given the severe topographical constraints found on the subject property, utilization of the flexible design and development standards provided for in the City's PUD process would be appropriate. However, the PUD plans as proposed with the increased density and significantly a larger building size does not meet the purpose and intent of the City's adopted PUD regulations.

**RICHLAND PLANNING COMMISSION
TECHNICAL ADVISORY COMMITTEE REPORT
JULY 19, 2012**

APPLICANT: TMT HOMES, LLC

REQUEST: ZONE CHANGE FROM SINGLE FAMILY RESIDENTIAL 10,000 (R1-10) AND SINGLE FAMILY RESIDENTIAL 12,000 (R1-12) TO PLANNED UNIT DEVELOPMENT (PUD) AND APPROVAL OF A PRELIMINARY PUD PLAN TO ALLOW FOR THE DEVELOPMENT OF A 44-UNIT CONDOMINIUM COMPLEX (MEADOW HILLS III PUD).

LOCATION: ALONG MEADOW HILLS DRIVE, ADJACENT TO AND WEST OF THE PLAT OF MEADOW HILLS PHASE TWO AND EAST OF THE PLATS OF CRESTED HILLS NO. 3 AND CRESTED HILLS NO. 10.

TECHNICAL ADVISORY COMMITTEE RECOMMENDATIONS

The Technical Advisory Committee conducted a review of the subject request and recommends that if the preliminary PUD plans are approved, such approval be subject to the following conditions:

1. Final PUD plans shall be submitted for approval in accordance with Richland Municipal Code (RMC) Section 23.50.050. As allowed for in RMC Section 23.50.040(D) final PUD development plans shall be submitted to the Planning Commission for review and approval. All development and use shall be in substantial compliance with the Final PUD development plans.
2. Development of the 10.24 acre site shall be limited to either: 1) a maximum of 32 dwelling units in four separate 5-story buildings with overall total building footprint not to exceed 72,000 square feet of the site; or, 2) a maximum of 33 dwelling units in three separate 7-story buildings with overall total building footprint not to exceed 60,200 square feet of the site. The intent of the condition being to limit overall gross density to more closely align with the average density of development of 3.5 dwelling units per acre as envisioned in the City's adopted Comprehensive Land Use Plan for the underlying Low Density Residential (LDR) land use designation while also recognizing the overall gross density of the adjoining subdivisions of approximately 1.65 dwelling units per acre.

3. In order to minimize disruption to the steep slopes, the total impervious area will not exceed 30% of the site. Further every effort will be made to limit the height and length of retaining walls and no exposed retaining wall in excess of six feet in height will be permitted.
4. General building location and minimum setbacks shall be as generally shown on the preliminary PUD site/landscape plan submittal of the Meadow Hills III Townhouses PUD dated July 2, 2012 and in accordance with subsequent City approved final PUD plans that are submitted in accordance with Richland Municipal Code Section 23.50.050.
5. A minimum of two on-site garage parking spaces shall be provided per dwelling unit in each of the proposed condominium buildings.
6. The proposed development is subject to the provisions of RMC Section 21.01.030 Wild-Land Areas, with exterior construction materials limited to non-combustible siding, soffits, and non-combustible construction of other projections and appurtenances to the building.
7. Prior to submittal of final PUD plans a project specific geotechnical report consistent with City's Sensitive Areas Ordinance RMC Chapter 12.10 and the requirements of the Richland Building Official and City Engineer shall be submitted for review by the City. The final PUD plans shall be compliant with all recommendations set forth in said geotechnical report.
8. Final PUD plans shall include detailed landscape plans as required by RMC Section 23.50.050. The landscape plan shall utilize xeriscape plantings with an irrigation system with low water volume and low delivery pressure system to reduce potential hazards given the steep slopes on site.
9. Prior to or concurrent with the issuance of building permits for the proposed residential units, park fees shall be paid in accordance with the requirements of RMC Chapter 22.12.
10. Development is subject to the requirements set forth in the attached memorandum from the Civil and Utility Engineering Division dated July 19, 2012.

**CITY OF RICHLAND
CIVIL AND UTILITY ENGINEERING
DEVELOPMENT COMMENTS**

DATE: July 19, 2012

TO: JEFF ROLPH, SENIOR PLANNER

PROJECT REVIEW BY: JASON REATHAFORD, ENGINEERING TECH 4
PETE ROGALSKY, PUBLIC WORKS DIRECTOR
JEFF PETERS, TRANSPORTATION ENGINEER

PROJECT NAME: MEADOW HILLS 3 TOWNHOUSES (Z2012-101)

PROJECT LOCATION: MEADOW HILLS DRIVE, EAST OF THE PLAT OF CRESTED HILLS, WEST OF
THE PLAT OF MEADOW HILLS

The Civil and Utility Engineering Division has reviewed the revised site plan received in this office on July 18, 2012, for the above referenced property and has the following conditions.

General Conditions:

1. All final plans for public improvements shall be submitted prior to pre-con on a 24" x 36" hardcopy format and also electronically in .dwg format compatible with the City's standard CAD software. Addendums are not allowed, all information shall be supplied in the specified 24 x 36 (and electronic) format. When construction of the infrastructure has been substantially completed, the applicant shall provide 3 mil mylar and electronic record drawings to the City. The electronic as-built record drawings shall be submitted in a AutoCAD format compatible with the City's standard CAD software. Electronic copies of the construction plans are required prior to the pre-con meeting, along with the multiple sets of paper drawings. The record drawings shall be submitted and approved by the City before the final punchlist inspection will be performed. All final punchlist items shall be completed or financially guaranteed prior to recording of the final plat (or recording of the short plat). Mylar record drawings of the street lights are also required prior to the final inspection.
2. Any work within the public right-of-way or easements or involving public infrastructure will require the applicant to obtain a right-of-way permit prior to construction. A plan review and inspection fee in the amount equal to 5% of the construction costs of the work within the right-of-way or easement will be collected at the time the permit is issued. A stamped, itemized Engineers estimate (Opinion of probable cost) and a copy of the material submittals shall be submitted along with the final plan submittal.
3. Public utility infrastructure located on private property will require recording of a City standard form easement prior to acceptance of the infrastructure. The City requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of acceptance. Once received, the City will prepare the easement document and provide it to the developer. The developer shall record the easement at the Benton County Assessor and return a recorded original document to the City prior to application for acceptance.
4. A pre-construction conference will be required prior to the start of any work within the public right-of-way or easement. Contact the Civil and Environmental Engineering Division at 942-7500 to schedule a pre-construction conference.

5. Site plan drawings which involve the construction of public infrastructure shall be drawn on a standard 24" x 36" drawing format to a scale which shall not be less than 1"= 40'.
6. All plan sheets involving construction of public infrastructure shall have the stamp of a current Washington State licensed professional engineer.
7. All construction plan sheets shall include the note "CALL TWO WORKING DAYS BEFORE YOU DIG 1-800-424-5555 (or "811")." Or: <http://www.call811.com/>
8. An irrigation source and distribution system, entirely separate from the City's domestic water system, shall be provided for this development. *Construction plans will not be accepted for review until adequate and viable proof of an irrigation source is made available by the developer.* The designing Engineer shall submit plans for the proposed irrigation system to the Irrigation District with jurisdiction over the property at the same time that they are submitted to the City for construction review. Plans shall be reviewed and accepted by said irrigation district prior to issuance of a Right-of-Way permit by the City. Easements shall be provided on the final plat (or short plat) for this system where needed.
9. Any and all necessary permits that may be required by jurisdictional entities outside of the City of Richland shall be the responsibility of the developer to obtain.
10. A copy of the construction drawings shall be submitted for review to the appropriate jurisdictions by the developer and his engineer. All required comments / conditions shall be incorporated into one set of drawings and resubmitted (if necessary) for final permit review and issuance.
11. A copy of the preliminary plat shall be supplied to the Post Office and all locations of future mailbox clusters approved prior to recordation of the plat or short plat.

Design Standards:

12. Public improvement design shall follow the following general format:
 - A. Sanitary sewer shall be aligned on the north and west side of street centerlines.
 - B. Storm sewer shall be aligned on the south and east side of street centerlines.
 - C. Any sewer or storm manholes that are installed outside of public Right of Way shall have an acceptable 12-foot wide gravel access road (minimum) provided from a public street for maintenance vehicles.
 - D. 10-foot horizontal spacing shall be maintained between domestic water and sanitary sewer mainlines and service lines.
 - E. Water lines shall be aligned on the south and east side of street centerlines.
 - F. Watermains larger than 8-inches in diameter shall be ductile iron.
 - G. Watermains installed outside of the City Right of Way or in very rocky native material, shall be ductile iron and may need restrained joints.
 - H. All watermains outside areas zoned R1 shall be ductile iron.
 - I. Fire hydrant location shall be reviewed and approved by the City Fire Marshal.
 - J. Sewer mains over 15-feet deep shall be constructed out of SDR26 PVC, C900 PVC or ductile iron. The entire main from manhole to manhole shall be the same material. Private sewer service lines over 15-feet deep shall also be constructed of the same material, then transition to regular sewer piping above 15-feet.
 - K. Valves and manholes installed on private property shall be placed so as to avoid parked cars whenever feasible.
 - L. All utilities shall be extended to the adjacent property (properties) at the time of construction.
 - M. The minimum centerline finish grade shall be no less than 0.30 % and the maximum centerline finish grade shall be no more than 10.0 % for local streets.
 - N. The minimum centerline radius for local streets shall be 100-feet.

- O. Any filling of low areas that may be required within the public Right of Way shall be compacted to City standards.
 - P. A overall, composite utility plan shall be included in the submitted plan set if the project is phased. This comprehensive utility plan benefits all departments and maintenance groups involved in the review and inspection of the project.
 - Q. A detailed grading plan shall be included in the submitted plan set.
 - R. For public utilities not located within public street rights-of-way the applicant shall provide maintenance access acceptable to the City and the applicant shall provide an exclusive 10-foot wide public utility easement (minimum) to be conveyed to the City of Richland.
 - S. Final design of the public improvements shall be approved at the time of the City's issuance of a Right-of-way Construction Permit for the proposed construction.
 - T. All public improvements shall comply with the State of Washington and City of Richland requirements, standards and codes.
 - U. All cul-de-sacs shall have a minimum radius of 45-feet to the face of curb to allow for adequate turning radius of fire trucks and solid waste collection vehicles.
 - V. Curb returns at minor intersections shall have a minimum radius of 25-feet. Curb returns at major intersections should have minimum radius of 30-feet but should be evaluated on a case by case basis.
 - W. All public streets shall meet design requirements for sight distance (horizontal, vertical and intersectional).
 - X. All intersections with public streets shall meet horizontal, vertical and intersectional design requirements for sight distance (A.K.A. the Vision Clearance Triangle).
 - Y. All driveways shall be City standard driveways. Radius-style driveways are not allowed.
 - Z. The final engineered construction plans shall identify locations for irrigation system, street lighting, gas service, power lines, telephone lines, cable television lines, street trees and mail boxes. All electrical appurtenances such as transformers, vaults, conduit routes, and street lights (including their circuit) need to be shown in the plan view.
 - AA. Construction plans shall provide or reference all standard drawings or special details that will be necessary to construct all public improvements which will be owned, operated, maintained by the City or used by the general public (Commercial Driveway, Curb, Gutter, Sidewalk, Water, Sewer, Storm, Street and Street lighting etc.).
 - BB. The developer of record shall maintain the public storm drainage system for one year from the date of final acceptance by The City of Richland (as determined by the issuance of the "Letter of Final Acceptance"). Said developer shall also thoroughly clean the entire system, including structures, pipelines and basins prior to the City warranty inspection, conducted 11 months after the Letter of Final Acceptance.
 - CC. The contractor shall be responsible for any and all public infrastructure construction deficiencies for a period of one year from the date of the letter of acceptance by the City of Richland.
13. If the project will be built in phases the applicant shall submit a master plan for the sanitary sewer, domestic water, storm drainage, electrical, street lighting and irrigation system for the entire project prior to submitting plans for the first phase to assure constructability of the entire project. This includes the location and size of any storm retention ponds that may be required to handle runoff.
14. If the City Fire Marshal requires a secondary emergency vehicle access, it shall be included in the construction plan set and be designed to the following standards:
- A. 2-inches compacted gravel, minimum (temp. SEVA only).
 - B. 2% cross-slope, maximum.
 - C. 5% slope, maximum. Any access road steeper than 5% shall be paved or be approved by the Fire Marshal.
 - D. Be 20-feet in width.
 - E. Have radii that are accommodating with those needed for City Fire apparatus.

Secondary emergency vehicles accesses (SEVA's) shall be 20-feet wide, as noted. Longer secondary accesses can be built to 12-feet wide with the approval of the City of Richland Fire Marshal, however turn-outs are required at a spacing acceptable to the Fire Dept. Temporary SEVA's shall be constructed with 2-inches of compacted gravel, at a minimum. Permanent SEVA's shall be paved with 2-inches of asphalt over 4-inches of gravel, at a minimum.

15. **SURVEY MONUMENT DESTRUCTION:**

All permanent survey monuments existing on the project site shall be protected. If any monuments are destroyed by the proposed construction, the applicant shall retain a professional land surveyor to replace the monuments and file a copy of the record survey with the City.

- A. No survey monument shall be removed or destroyed (*the physical disturbance or covering of a monument such that the survey point is no longer visible or readily accessible*) before a permit is obtained from the Department of Natural Resources (DNR). WAC 332-120-030(2) states "It shall be the responsibility of the governmental agency or others performing construction work or other activity (including road or street resurfacing projects) to adequately search the records and the physical area of the proposed construction work or other activity for the purpose of locating and referencing any known or existing survey monuments." (RCW 58.09.130).
- B. Any person, corporation, association, department, or subdivision of the state, county or municipality responsible for an activity that may cause a survey monument to be removed or destroyed shall be responsible for ensuring that the original survey point is perpetuated. (WAC 332-120-030(2)).
- C. Survey monuments are those monuments marking local control points, geodetic control points, and land boundary survey corners. (WAC 332-120-030(3)).

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

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

Traffic & Streets:

- 16. The traffic impact analysis completed for this project by City staff has concluded that connecting Meadow Hills Drive on either end of the proposed PUD will mitigate an existing traffic volume concern in the existing Crested Hills neighborhood. The traffic study prepared for the preliminary plat of "The Crest" estimated that approximately 50 PM peak hour trips would use the Meadow Hills Drive connection to Leslie Road if this portion of Meadow Hills Drive was constructed. Staff estimates 26 PM peak hour trips from the Meadow Hills 3 PUD project will travel to Gage Blvd. through Crested Hills. This results in a net reduction of 24 PM peak hour trips through Crested Hills to Gage Blvd. at build-out of the project. The Level of Service at Meadow Hills Dr. & Leslie Road is anticipated to be LOS "D". Given these traffic study results, no further study or mitigation is required beyond payment of traffic impact fees identified in Item 17 below.
- 17. The Meadow Hills 3 PUD preliminary plat lies within the boundary of the South Richland Collector Street Financing Plan (RMC 12.03). This property shall therefore be subject to the fees administered by the finance plan for any phase submitted for approval. Since this property is included within the Financing Plan, it is exempt from the SEPA-related traffic study requirement (TIA).
- 18. The Meadow Hills Drive Right-of-Way corridor shall be dedicated to the City in its entirety (from the plat of Meadow Hills 2 to the plat of Crested Hills ph.3) concurrent with the completion and acceptance of phase 1.

19. Meadow Hills Drive shall be physically constructed in its entirety and connected at both ends concurrent with construction of the second building (phase 2). The roadway and associated utility improvements shall be accepted by this department or financially secured prior to the issuance of occupancy for the second building (phase 2).
20. The preliminary PUD plat needs to show the correct Right-of-Way width for the road section being proposed. A 40-foot wide Right-of-Way is the standard for a 27-foot wide street section.
21. All proposed Right of Ways that are narrower than 54-feet shall have parking restricted, as per City standards. Street signs indicating restricted parking shall be installed prior to final platting (or short platting) at the developers expense. The restricted parking areas shall be indicated on the final plats (or short plats).
22. Meadow Hills Drive within the proposed PUD is currently functioning as a Secondary Emergency Vehicle Access for both Meadow Hills and Crested Hills. It shall continue to function as a SEVA until such time as it is completely paved and a dedicated City street.
23. If the project is to be constructed in phases, all dead-end streets longer than 150-feet that will be continued later need to have temporary turn-arounds built at the end of them. The radius of these turn-arounds shall be 45-feet minimum, and shall be constructed of 2-inches of compacted top course gravel for slopes less than 5%, or of 2-inches of asphalt atop 2-inches of gravel for slopes greater than 5%. If the temporary turn around is not located within the final plat an easement with a 50-foot radius will be required.
24. The Local Street (Single Frontage) standard section may be used for this portion of Meadow Hills Drive with the sidewalk located on the south side of the street. Sidewalks shall be installed along the entire length of the roadway during construction of those phases.
25. Sidewalks shall be installed along all public Right of Way frontages that building lots do not front on during construction of those phases (e.g., storm drainage ponds, parks, etc.). If the particular road section selected for this property only requires sidewalk on one side, the other side of the road shall be exempt from this comment.

Domestic Water:

26. The developer shall provide a 20-foot domestic water & drainage easement along the eastern boundary of the property and north of Meadow Hills Drive to help facilitate the relocation of an existing City watermain & drain line.
27. The existing City domestic water reservoir, its associated pump station, and the fence surrounding it may be within the boundaries of phase 1 of this proposed project. The final plat of phase 1 (or short plat for phase 1) shall have a separate parcel included within it that is large enough to provide a 10-foot buffer around the fenced area, and can be dedicated to the City upon recordation of phase 1.
28. The existing 12-inch PVC watermain that crosses through this property shall remain in service during this project and shall be protected with a minimum of 4-feet of cover over it. If the new proposed roadway (Meadow Hills Drive) will lower the grade over the existing main, a new watermain shall be installed and put into service prior to impacting the existing water main. This new main will have 4-feet of cover over it.
29. The developer will be required to demonstrate that all phases are capable of delivering adequate fire flows prior to construction plans being accepted for review. This may require looping of the watermain from off-site locations.

30. The fire hydrant layout shall be approved by the City Fire Marshal.
31. In accordance with WAC 246-290, buildings three stories and taller need to have backflow devices installed on their domestic water service lines. This will be a requirement on the construction plans. The backflow device shall be on the state approved list.

Sanitary Sewer:

32. It shall be the responsibility of the developer to extend a City sewer main to this property to serve sanitary sewer at the time of project construction.

Storm Water:

33. This project may require coverage under the Washington State General NPDES Permit for Construction projects. The Developer shall be responsible for compliance with the permit conditions. The City intends to adopt revised standards affecting the construction of new stormwater facilities in order to comply with conditions of its NPDES General Stormwater Permit program. This project, and each phase thereof, shall comply with the requirements of the City's stormwater program in place at the time each phase is engineered.
34. A storm sewer system shall be designed to contain or pass a 25-year storm. The applicant shall provide storm drainage calculations based on a 24-hour, 25-year storm. Calculations shall be stamped by a professional Civil Engineer licensed in the State of Washington. Prior to discharging any storm drainage waters from paved surfaces into drainage ditches, groundwater or a public system, an oil/water separator must be installed. The applicant's design shall provide runoff protection to downstream property owners. The project will require detailed erosion control plans.
 - A. Prior to or concurrent with the submittal of the first phase the developer shall provide a Geotechnical report including the percolation rate of the soils in the area of any storm retention ponds. The engineer may need to demonstrate that the pond will drain itself after a storm event, and not have standing water in it longer than necessary.
35. If any existing storm drainage or ground water seepage empties onto the proposed site, said storm drainage shall be considered an existing condition, and it shall be the responsibility of the property developer to design a system to contain or treat and release the off-site storm drainage.
36. If the storm drain ponds slopes are greater than 25% or deeper than 4-feet, then a 6-foot fence will be required around the perimeter of the pond with a minimum 12-foot wide gate for maintenance vehicles. A maintenance road from the public Right of Way to the bottom of the pond is also needed (2-inches of compacted gravel, minimum). The city's maintenance of the pond in the future will consist of trimming weeds to maintain compliance with fire and nuisance codes, and maintaining the pond for functionality.
37. The developer shall be responsible for landscaping the storm pond and for its maintenance through the one-year infrastructure warranty period. At a minimum the landscaping plan should be consistent with the City's intended maintenance standard as described above. If the developer wishes for the pond to be landscaped and visually appealing, then the homeowners association should be considered for maintenance responsibilities. This will require an irrigation meter and sprinkler system (including a power source), and responsibility for maintaining the landscaping.

Final Platting (or Short Platting) Requirements:

38. Public utility infrastructure located on private property will require recording of a City standard form easement prior to acceptance of the infrastructure. The City requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of acceptance. Once received, the City will prepare the easement document and provide it to the developer. The developer shall record the easement at the Benton County Assessor and return a recorded original document to the City prior to application for final acceptance.
39. Any off-site easements or permits necessary for this project shall be obtained and secured by the applicant and supplied to the City at the time of project construction and prior to final acceptance by the City.
40. Ten-foot wide public utility easements will be required on the final plat (or short plat) along both sides of all Right-of-Ways within the proposed project boundaries.
41. All landscaped areas within the project boundaries that are in the public Right of Way shall be the responsibility of the homeowners to maintain.
42. The intended use and ownership of all tracts within the plat shall be noted on the final plat (or short plat).
43. Property with an unpaid L.I.D. assessment towards it must be paid in full or segregated per Richland Municipal Code 3.12.095.
44. Any restricted parking areas shall be indicated on the final plats (or short plat).

CITY OF RICHLAND

NOTICE OF APPLICATION

AND PUBLIC HEARING (Z2012-101)

Notice is hereby given that TMT Homes, LLC on June 21, 2012 filed application for a zone change (Z2012-101) for an approximately 10.24-acre parcel from the existing Single Family Residential – 10,000 (R1-10) zoning district to a Planned Unit Development (PUD) zoning district to allow for development of a 44-unit condominium complex (Meadow Hills Phase 3 PUD) that would consist of four 11-plex buildings. The site is located generally west of the plat of Meadow Hills Phase Two and east of the plats of Crested Hills No. 3 and Crested Hills No. 10 along the extension of Meadow Hills Drive between those three subdivisions. Pursuant to Richland Municipal Code (RMC) Section 19.30.030 the City of Richland determined the application complete for processing on June 27, 2012.

The Richland Planning Commission, on Wednesday, July 25, 2012, will conduct a public hearing and review of the application at 7:00 p.m. in the Council Chamber, Richland City Hall, 505 Swift Boulevard. All interested parties are invited to attend and present testimony at the public hearing.

Any person desiring to express his views or to be notified of any decisions pertaining to the application should notify Rick Simon, Development Services Manager, 840 Northgate Drive, P.O. Box 190, Richland, WA 99352. Comments may also be faxed to (509) 942-7764 or e-mailed to rsimon@ci.richland.wa.us. Written comments should be received no later than 5:00 p.m. on July 18, 2012.

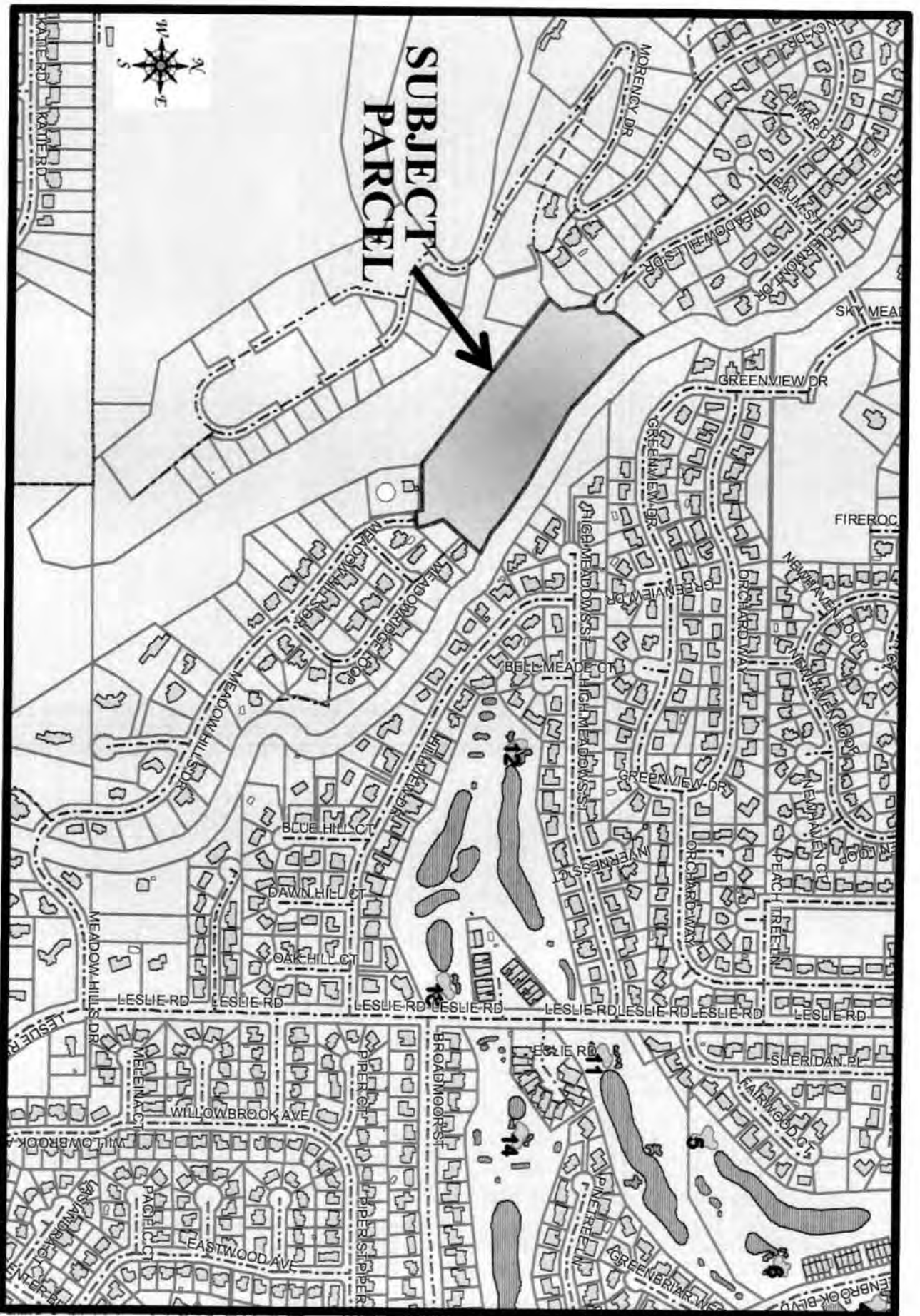
Notice is further given that the applicant has filed an environmental checklist as required by the State Environmental Policy Act (SEPA). Copies of the checklist, proposed preliminary PUD plans, and other information related to the application are available for review at the Richland Development Services Center at 840 Northgate Drive.

Copies of the staff report and recommendation will be available in the Development Services Center, 840 Northgate Drive and at the Richland Public Library beginning Friday July 20, 2012.

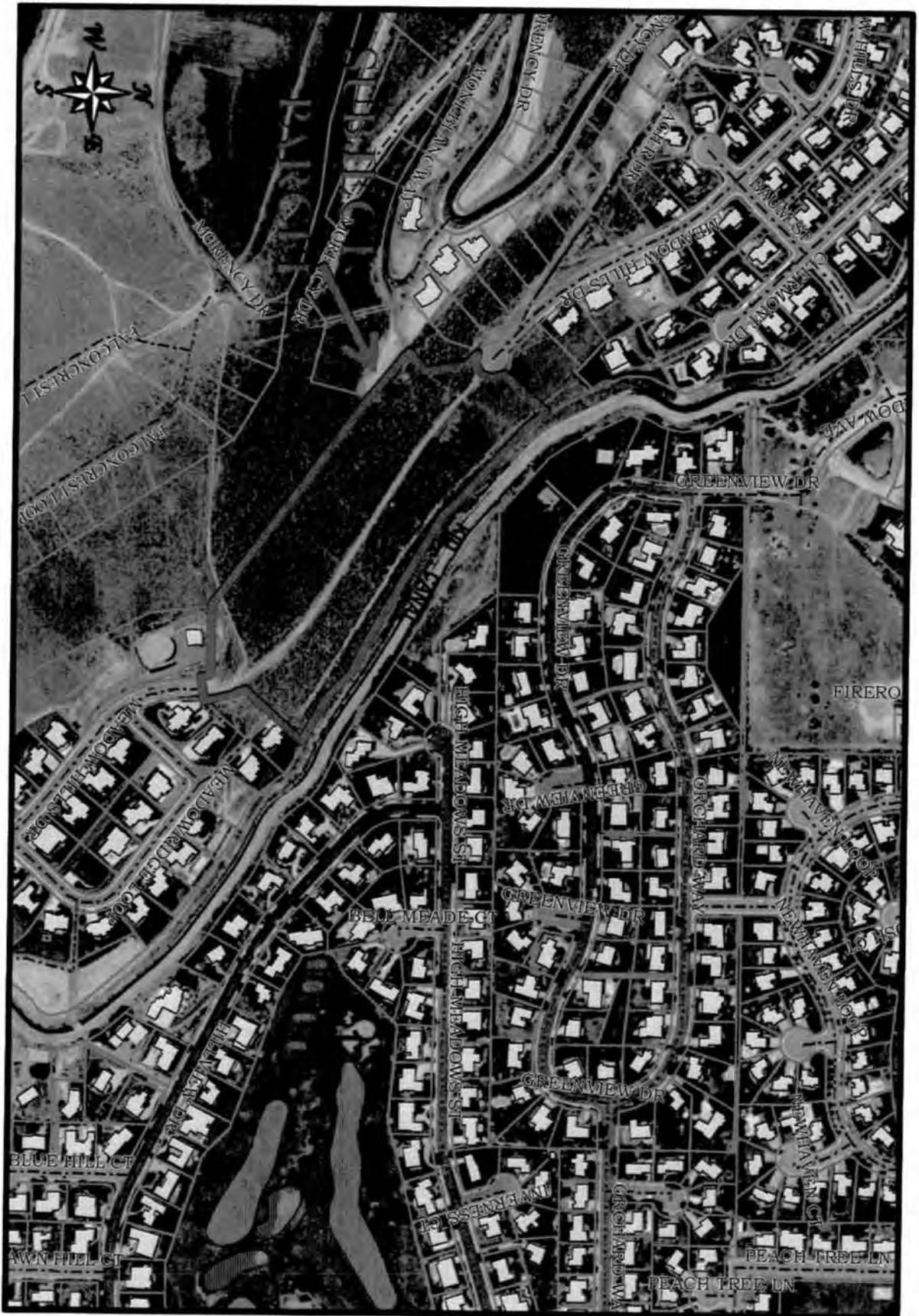
The proposed application will be reviewed in accordance with the regulations in RMC Title 19 Development Regulation Administration and Title 23 Zoning. Appeal procedures of decisions related to the above referenced application are set forth in RMC Chapter 19.70. Contact the Richland Development Services Division at the above referenced address with questions related to the available appeal process.

Rick Simon,
Development Services Manager

MEADOW HILLS III PUD

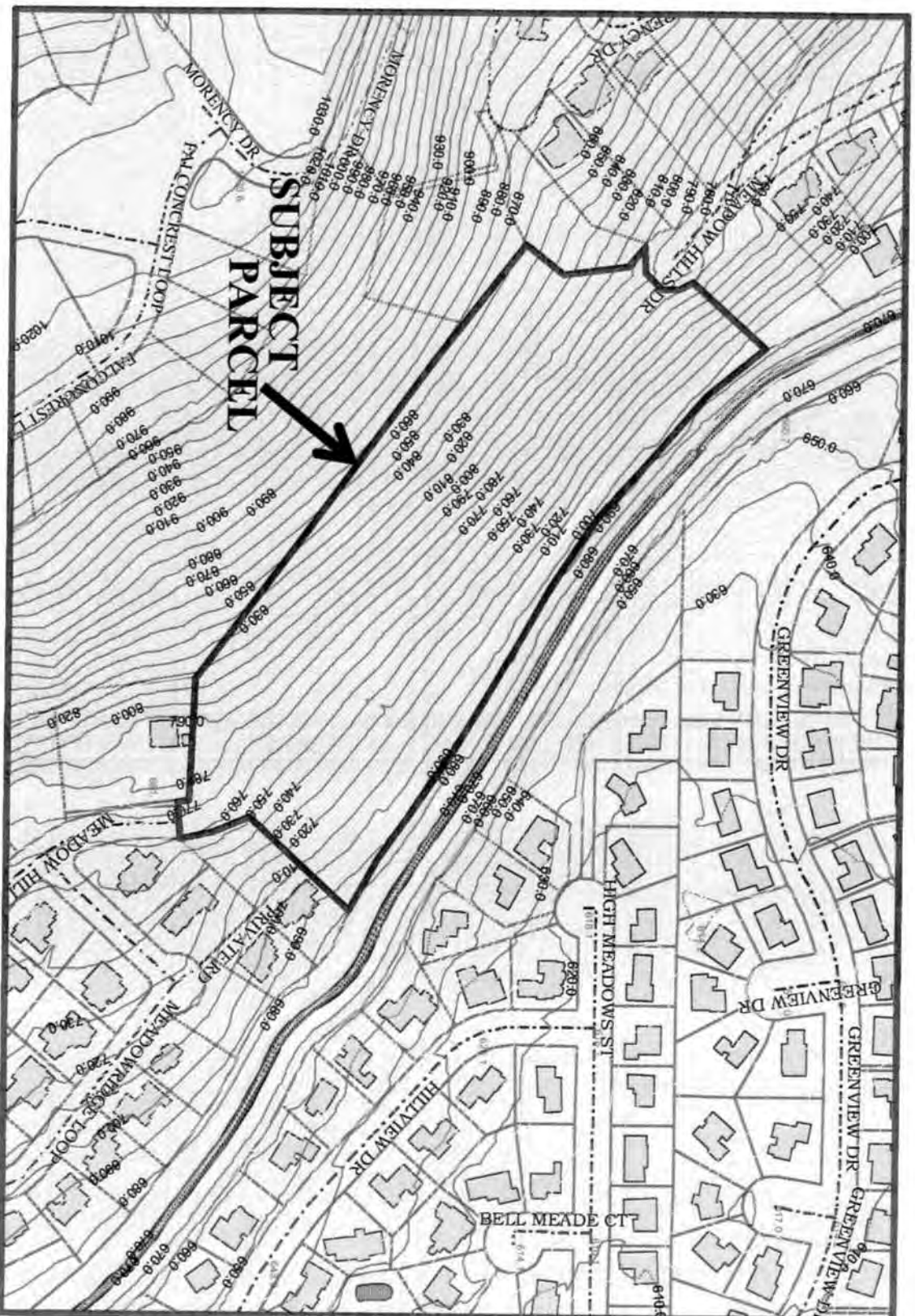


VICINITY MAP



Z2012-101

CONTOUR MAP



Z2012-101

Chapter 23.50 PLANNED UNIT DEVELOPMENT

Sections:

- 23.50.010 Planned unit development – Purpose.
- 23.50.020 Uses permitted.
- 23.50.030 Application procedure.
- 23.50.040 Consideration of reclassification to PUD and preliminary PUD plan.
- 23.50.050 Final PUD plan approval.
- 23.50.060 Standards and requirements.
- 23.50.070 Changes and modifications.
- 23.50.080 Effect of planned unit development approval.

23.50.010 Planned unit development – Purpose.

The purpose of a planned unit development is to provide opportunities to create a more desirable environment through the application of flexible design and development standards to tracts of land under common ownership or control. Planned unit development is intended to encourage the use of new and improved techniques and technology in community development and continued maintenance. It is intended to achieve economics in development and maintenance while providing privacy, usable open space, safe pedestrian and vehicular circulation, and compatible relationships between different uses. [Ord. 28-05 § 1.02].

23.50.020 Uses permitted.

A planned unit development district may be approved for any use or combination of uses listed in Chapters 23.14 through 23.30 RMC. The uses permitted in any specific PUD district shall be enumerated in the ordinance establishing such district. [Ord. 28-05 § 1.02].

23.50.030 Application procedure.

A. Preapplication. The applicant shall submit conceptual or preliminary plan material to the administrative official. The administrative official shall consult with the applicant, and as appropriate, other agencies, departments and/or neighborhood residents or organizations to determine general acceptability of the proposal submitted. The administrative official shall indicate to the applicant in writing the general acceptability of the proposal and shall outline recommended changes or modifications necessary to show compatibility with the ordinance codified hereafter.

B. Application. The applicant shall file a petition for reclassification to PUD and an application for preliminary PUD plan approval with the administrative official. The application shall be accompanied by the following:

1. Such fees as required by RMC 19.80.020;
2. A report from a title insurance company showing ownership of the property involved, an accurate legal description of the property involved, and a list of names and addresses of all owners of property within 300 feet, exclusive of street right-of-way, of the proposed PUD. In addition, the report shall include an accurate key map showing

the property involved and delineating the property within 300 feet of the proposed PUD. Each parcel falling wholly or partly within the 300-foot distance shall be numbered to correspond with the ownership report;

3. At least 32 copies of each of all maps and drawings representing the preliminary plan and a completed SEPA checklist on forms provided by the city;

4. Notice of hearing shall be given in accordance with the requirements of RMC 23.70.200, with mailed notice sent to all owners of record within 300 feet, exclusive of street right-of-way, of the exterior boundaries of the proposed PUD pursuant to the title insurance company report required by subsection (B)(2) of this section. [Ord. 28-05 § 1.02].

23.50.040 Consideration of reclassification to PUD and preliminary PUD plan.

A. Upon receipt of an application for reclassification to PUD and preliminary PUD plan approval, the administrative official shall publish a notice of hearing in a manner consistent with the requirements of Chapter 19.40 RMC and schedule the application for consideration by the commission at the next available regular meeting. The preliminary PUD plan shall indicate:

1. Relationship of the property to the surrounding area, including identification of nearby uses and peripheral treatment of the PUD to maximize compatibility and integration of the PUD with nearby existing or proposed uses;

2. Proposed land uses and approximate building locations or buildable areas;

3. Location, arrangement and width of proposed streets and pedestrian ways, and the design and arrangement of off-street parking areas, loading areas and recreation vehicle storage areas;

4. Location, layout and conceptual design of parks, playgrounds and open spaces;

5. Location and extent of trees, watercourses, rock outcrops and any other features, indicating any significant features to be removed, improved or preserved;

6. Topography at a minimum five-foot contour interval;

7. Building heights and setbacks from property lines;

8. Preliminary architectural plans and elevations of typical buildings and structures, except single-family detached dwellings;

9. Landscape plans for open space, parks, recreation facilities, streets, parking facilities and pedestrian ways;

10. Proposed ownership pattern, including preliminary subdivision plan if property is to be subdivided;

11. The proposed method of maintaining common facilities;

12. Proposed source of water supply, electric supply, sewage disposal, and storm drainage systems;

13. General timetable of development, including a phasing schedule if the project will be developed in phases; or

14. For PUDs containing residential uses, graphic and, where necessary, written description of proposed nonresidential uses and facilities. In addition, a table shall be provided showing the total site acreage, total number of dwelling units proposed, and the dwelling unit density of adjacent subdivisions.

B. The planning commission shall conduct an open record public hearing and review of the request for reclassification to PUD and preliminary PUD plan approval as required by RMC Title 19 for Type III permit application. The planning commission, after public hearing, on the affirmative vote of not less than a majority of the total members of the commission recommend to the city council that the application be granted or denied. Such recommendation shall be based on a commission determination of whether:

1. The PUD district development will be compatible with nearby developments and uses;
2. Peripheral treatment ensures proper transition between PUD uses and nearby external uses and developments;
3. The development will be consistent with the comprehensive plan and with the purpose of the PUD district;
4. The development can be completed within a reasonable period of time.

C. The planning commission's recommendation shall be by recorded motion which shall incorporate the findings of fact of the commission with due consideration to all issues raised pro and con, and the reasons for its action referring expressly to the maps, and other documents constituting the proposed plan and program, and matters of record. Such recorded motion together with findings, maps, staff recommendation and related documents shall be submitted to the city clerk. Where the commission has recommended approval, the city attorney shall prepare an ordinance for council consideration at the same meeting at which the council considers the recommendation of the planning commission. Such ordinance shall provide for the designation of the subject property as a planned unit development district for uses enumerated on the plan subject to the proposal and additional special conditions, if any, recommended by the planning commission. The council may adopt, adopt with modifications or deny the application for reclassification to PUD and preliminary PUD plan approval.

D. Preliminary planned unit development approval shall be effective for one year from date of the second reading of the ordinance conditionally approving the preliminary planned unit development plan. The ordinance authorizing the planned unit development shall only confer development rights upon the applicant or his successor in interest upon submission and approval of a final development plan which shall be in substantial conformity with the preliminary planned unit development plan and must be submitted within one year of passage of the ordinance granting preliminary planned unit development. The petitioner shall submit to the administrative official for review within the provided time limit its final development plan as provided in the final approval section. However, nothing in this section would prohibit the planning commission from requiring the applicant, as a special condition of preliminary PUD approval, to submit final development plans to the planning commission for final approval, instead of the administrative official. In such cases, the planning commission shall approve or disapprove the final development plan; provided, that such final development plan shall only be disapproved if it fails to conform substantially to the plan approved by the city council, or if the final plan conflicts with RMC 23.50.070 (Changes and modifications). In all other cases, the administrative official shall thereupon approve or disapprove the final development plan; provided, that such final plan shall only be disapproved if it fails to conform substantially to the plan approved by the city council, or if the final plan conflicts with RMC 23.50.070 (Changes and modifications). In the event such proposed

plan is disapproved, the petitioner may, at his election, resubmit a modified final plan to the administrative official or the planning commission, if the commission reviewed the original final PUD plan submittal, for further consideration or stand upon his proposed final plan and appeal such ruling to the planning commission. If the planning commission disapproves the final development plan, that decision shall be final unless the petitioner files a notice of appeal. [Ord. 28-05 § 1.02; amended during 2011 recodification].

23.50.050 Final PUD plan approval.

A. After receiving approval of the reclassification to PUD and preliminary PUD plan, the applicant shall prepare a detailed final PUD plan for all or a phase of the development. The detailed final PUD plan shall contain the following information unless specifically waived by the administrative official:

1. A detailed site plan in conformance with the approved preliminary development plan showing land uses and vehicular and pedestrian circulation;
2. Boundary survey of the entire property or the development phase;
3. Width of all streets and pedestrian ways;
4. Location and height of all buildings, indicating either the dimensions or the limits within which the building will be constructed, whichever is required by the council;
5. Preliminary engineering plans for water, sewer, storm drainage, grading, power, telephone and gas showing how each structure and use will be served;
6. Landscape plans for open space, parks, recreation facilities, streets, parking facilities and pedestrian ways;
7. Location, arrangement and dimensions of parking facilities and loading areas;
8. Preliminary architectural plans and elevations of typical buildings and structures, except single-family detached dwellings;
9. Drafts of appropriate restrictive covenants and drafts of documents providing for the maintenance and preservation of any common open space;
10. If land is to be deeded or dedicated to a public agency for ownership and maintenance, a letter or other indication of willingness on the part of the agency to accept the land.

B. Approval of the final PUD plan shall be in accordance with RMC 23.50.040(D).

C. No building permits shall be issued until final approval has been granted. [Ord. 28-05 § 1.02].

23.50.060 Standards and requirements.

The following standards and requirements shall apply. The city council may, on its own initiative or upon recommendation from the planning commission, establish additional requirements when necessary to secure the objectives of the ordinance codified in this chapter. Such additional requirements shall be in the form of special conditions established in the ordinance creating the PUD district.

A. For PUDs containing residential uses, the number of allowable units shall be as established on the approved development plan. Dwelling unit density shall be a net density, calculated by subtracting building and parking areas for nonresidential uses and public or private street right-of-way or easements.

B. Minimum lot area, lot dimension, building height, lot coverage, and yard requirements shall be as established on the approved development plan; provided, that development plans and conditions must clearly demonstrate, where the proposed PUD is adjacent to existing or proposed residential uses, whether separated by a street or not, that the PUD development will be in harmony with nearby residential uses.

C. Performance standards for the various uses within a PUD shall conform with standards established in the Richland Municipal Code. [Ord. 28-05 § 1.02].

23.50.070 Changes and modifications.

A. The administrative official may approve changes to a planned unit development, which in his/her judgment, are minor changes and are consistent with the approved plan. A minor modification to a planned unit development shall be any change from the previously approved plan that meets the following criteria:

1. No increase in the number of principal structures provided for in the approved plan, excluding detached single-family residential structures; and

2. No increase in the number of total dwelling units; and

3. No change in land use types to uses that were not contemplated in the approved plan; and

4. No change in the location provided in the approved plan of any structure, off-street parking or loading area, common open space area, or any area or right-of-way to be conveyed to or reserved for a public body by more than 10 percent in any direction, nor a change in the spacing between any two such structures by more than 10 percent; and

5. No change of more than 10 percent in any nonlocational quantitative specification of the previously approved plan, including:

a. Any dimension of any lot, yard, structure, or pedestrian or vehicular thoroughfare;

b. Decrease in amount of common open space acreage;

c. Utility line capacity, except an increase in utility line capacity to provide for other off-site development projects;

d. Amount of floor area of nonresidential development;

e. Any increase in building lot coverage;

f. Any decrease in the amount of land to be conveyed to or reserved for any public body; and

g. Decrease in amount or dimensions of proposed tree or ground cover, landscaping, or screening; and

6. No increase in building height; and

7. No substantial change in access into the site or in circulation patterns on or adjacent to the site; and

8. No other change that causes the development to fall short of meeting the requirements of the otherwise applicable zoning regulations to any greater degree than already provided on the previously approved plan; and

9. The administrative official may include conditions as a part of an approval of a minor modification to a PUD to ensure conformance with the original purpose and intent of the PUD; and

10. If a change to a condition of approval or a change similar to subsections (A)(1) through (8) of this section could have a significant detrimental impact on adjoining properties, the administrative official shall have discretion in determining that such detrimental impacts warrant review under a major modification process.

B. Any approval of a minor modification to a PUD requires a notice of decision to be mailed to all property owners within the PUD and within 300 feet of the exterior boundaries of the PUD. Such notice shall describe the proposed modifications to the PUD and shall advise the public that the administrative decision may be appealed within 10 business days of the date that such notice is mailed. Appeals of any minor modification to a PUD shall be heard by the planning commission in an open record public hearing, in accordance with the provisions established in RMC Title 19 – Development Regulation Administration. For the purposes of this section, any individual filing an appeal shall be considered a party of record.

C. A major modification to a PUD shall be any modification that does not qualify as a minor modification. A major amendment shall be considered as a new application for preliminary approval. [Ord. 28-05 § 1.02; Ord. 01-12 § 1].

23.50.080 Effect of planned unit development approval.

Preliminary planned unit development approval shall constitute a zone change of the subject property from the former zoning designation to a planned unit development zone. In the event that the application is for a phased planned unit development, commencement of development of any phase of the approved preliminary planned unit development as a result of final approval of a single phase shall thereafter require that the remaining phases approved in preliminary form be developed in conformance with such preliminary planned unit development plan, unless the zoning of the undeveloped phase or phases is changed pursuant to RMC 23.70.180. [Ord. 28-05 § 1.02].



Planning & Development Services Division • Current Planning Section
840 Northgate Drive • Richland, WA 99352 • 509/942-7598 • FAX 509/942-7764
State Environmental Policy Act Checklist

File Number: **EA12-2012**

Purpose of Checklist

The State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Applicant Instructions

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answers, or if a question does not apply to your proposal, write *do not know* or *does not apply*. Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have any problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonable related to determining if there may be significant adverse impact.

Use of Checklist for Nonproject Proposals

Complete this checklist for nonproject proposals, even though questions may be answered *does not apply*. In addition, complete the **Supplemental Sheet for Nonproject Actions (Part D)**.

For nonproject actions, the references in the checklist to the words *project*, *applicant*, and *property* or *site* should be read as *proposal*, *proposer*, and *affected geographic area*, respectively.

Part A • Background

Name of proposed project, if applicable:

Meadow Hills Phase 3

Applicant's Name/Contact Person

Terence L. Thornhill Architect, Inc. P.S./Terence Thornhill

Phone

(509) 547-8854

Address

9221 Sandifur Parkway Suite A

City

Pasco

State

WA

Zip

99301

Date Checklist Prepared

June 20, 2012

Agency Requesting Checklist

City of Richland, Planning & Development Services Division

Proposed timing or schedule (including phasing, if applicable)

Construction of infrastructure and first structure to begin by December, 2012, each subsequent structure will be completed as three individual phases commencing the 4th quarter of each year until the final phase is complete, December, 2016

If you have future plans for additions, expansion, or further activity related to or connected with this proposal, please explain:

See above

List any environmental information you know about that has been prepared, directly related to this proposal:

NoneDo you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? Yes ☐ No ☒ If yes, please explain:Are you aware of any government approval or permits that will be needed for your proposal? Yes ☐ No ☒ If known, please explain:

Give a brief description of your proposal, including the proposed uses and size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal, you need not list them now.

Develop 10.24 acres with an extension of Meadow Hill Drive and four buildings consisting of eleven residential townhouses on the uphill side of the street for a combined 44 units. 40 units will have approximately 3,150 SF of living space and 1,200 SF deck space each. Four penthouse units (one per building) will have approximately 5,650 SF of living space and 2,896 SF of deck space (2 decks each penthouse). Each unit will have 2 dedicated, enclosed parking spaces. Roughly 69% of the 10.24 acres will be preserved as natural open space.

Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, section, township, and range, if known. If a proposal will occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if available. While you should submit any plans required by the agency, you are required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Parcel ID 135983000010001: Section 35 Township 9 Range 28.**The property is rectangular in shape and stretches from the westerly boundary of the plat of Meadow Hills Phase Two and the westerly boundary of the plats of Crested Hills no. 3 and no. 10.**

TO BE COMPLETED BY APPLICANT	For Agency Use Only
Part B • Environmental Elements	
Earth	
General description of the site (check one): Flat <input type="checkbox"/> Hilly <input type="checkbox"/> Mountainous <input type="checkbox"/> Rolling <input checked="" type="checkbox"/> Steep Slopes <input type="checkbox"/> Other:	
Steep slope	
What is the steepest slope on the site (approximate percent slope)? +20%	<i> slopes up to 45% in portions of the site. </i>
What general types of soils are found on the site (for example, clay, gravel, muck, peat, sand)? Sandy Loan	
If you know the classification of agricultural soils, specify them and note any prime farmland: None	
Are there surface indications or history of unstable soils in the immediate vicinity? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, describe:	
Describe the purpose, types, and approximate quantities of any filling or grading proposed, and indicate source of fill: None	
Could erosion occur as a result of clearing, construction, or use? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, generally describe:	
Could erosion occur as a result of clearing, construction, or use: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, generally describe:	
About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? 31%	

Air	For Agency Use Only
<p>Check the types of emissions to the air that would result from the proposal during construction and when the project is completed: Automobile <input type="checkbox"/> Dust <input checked="" type="checkbox"/> Industrial Wood Smoke <input type="checkbox"/> Odors <input type="checkbox"/> If any, generally describe and give approximate quantities, if known.</p> <p>Negligible amount as developer will implement dust control during construction and excavation.</p>	
<p>Are there any off-site sources of emissions or odor that may affect your proposal? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, generally describe:</p>	
<p>Proposed measures to reduce or control emissions or other impacts to air, if any: Normal dust control measures.</p>	
<p>Water</p>	
<p>Surface</p>	
<p>Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, describe type and provide names:</p>	
<p>If appropriate, state what stream or river it flows into:</p> <p>N/A</p>	
<p>Will the project require any work over, in, or adjacent to (within 200-feet) of the described waters? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please describe and attach available plans:</p>	
<p>Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected, indicating the source of fill materials:</p> <p>N/A</p>	
<p>Will the proposal require surface water withdrawals or diversions? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Give general description, purpose, and approximate quantities if known:</p>	

<p>Does the proposal lie within a 100-year floodplain? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, note the location on the site plan.</p>	<p>For Agency Use Only</p>
<p>Does the proposal involve any discharges of waste materials to surface waters? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, describe the type of waste and anticipated volume of discharge</p>	
<p>Ground</p>	
<p>Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities, if known.</p> <p>N/A</p>	
<p>Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: domestic sewage, industrial, containing the following chemicals..... agricultural, etc.).</p> <p>N/A</p>	
<p>Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve:</p> <p>City Sewer</p>	
<p>Water Runoff (including storm water).</p>	
<p>Describe the source of runoff (including storm water), and method of collection and disposal, if any (including quantities, if known).</p> <p>Storm water which will be collected in adjoining Meadow Hills Phase 2 retention system.</p>	
<p>Will this water flow into other waters? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, generally describe:</p>	
<p>Could waste materials enter ground or surface waters? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, generally describe:</p>	

Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:	For Agency Use Only
Connect to existing Meadow Hills Phase 2 storm water collection	
Plants	
Check the types of vegetation found on the site: Deciduous tree: alder <input type="checkbox"/> aspen <input type="checkbox"/> maple <input type="checkbox"/> other <input type="checkbox"/> (list) None	
Evergreen tree: cedar <input type="checkbox"/> fir <input type="checkbox"/> pine <input type="checkbox"/> other <input type="checkbox"/> (list) None	
Shrubs <input checked="" type="checkbox"/> grass <input type="checkbox"/> pasture <input type="checkbox"/> crop or grain <input type="checkbox"/>	<i>Sage brush & native species typical of shrub-steppe habitat.</i>
Wet soil plants: bulrush <input type="checkbox"/> buttercup <input type="checkbox"/> cattail <input type="checkbox"/> skunk cabbage <input type="checkbox"/> other <input type="checkbox"/> (list) None	
Water plants: eelgrass <input type="checkbox"/> milfoil <input type="checkbox"/> water lily <input type="checkbox"/> other types of vegetation <input type="checkbox"/> (list) None	
What kind and amount of vegetation will be removed or altered: Shrubs within the residential building foot prints and along the new roadway.	
List threatened or endangered species known to be on or near the site: No threatened or endangered species are know to be on or near the site.	
Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: Xeriscape landscape plantings immediately adjacent to the residential structures	
Animals	
Check any birds and animals which have been observed on or near the site or are known to be on or near the site: Birds: eagle <input type="checkbox"/> hawk <input type="checkbox"/> heron <input type="checkbox"/> songbirds <input type="checkbox"/> other <input checked="" type="checkbox"/> (list) Geese, pheasants, seagulls, ducks, magpies	
Mammals: bear <input type="checkbox"/> beaver <input type="checkbox"/> deer <input type="checkbox"/> elk <input type="checkbox"/> other <input checked="" type="checkbox"/> (list) Rabbits Field Mice	
Fish: bass <input type="checkbox"/> herring <input type="checkbox"/> salmon <input type="checkbox"/> shellfish <input type="checkbox"/> trout <input type="checkbox"/> other <input type="checkbox"/> (list) None	
List any threatened or endangered species known to be on or near the site: None known	
Is the site part of a migration route? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If so, explain: This general area of the Columbia River is considered to be part of the Pacific Flyway migration route.	
Proposed measures to preserve or enhance wildlife, if any: Roughly 69% of land will be preserved as natural open space.	

Energy and Natural Resources	For Agency Use Only
<p>What type(s) of energy will be used to meet the completed project's energy needs: Electrical <input checked="" type="checkbox"/> Natural Gas <input checked="" type="checkbox"/> Oil <input type="checkbox"/> Solar <input type="checkbox"/> Wood Stove <input type="checkbox"/> Describe whether it will be used for heating, manufacturing, etc.</p> <p>Use will be normal residential use</p>	
<p>Would your project affect the potential use of solar energy by adjacent properties? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, generally describe:</p>	
<p>What kind(s) of energy conservation features are included in the plans of this proposal? N/A</p>	
<p>List other proposed measures to reduce or control energy impacts, if any: N/A</p>	
<p>Environmental Health</p>	
<p>Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, describe:</p>	
<p>Describe special emergency services that may be required: N/A</p>	
<p>Proposed measures to reduce or control environmental health hazards, if any: N/A</p>	
<p>Noise</p>	
<p>What types of noise exist in the area that may affect your project (for example: traffic, equipment, operations, other?): None</p>	

<p>What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example: traffic, construction, operation, other)?</p> <p>Normal residential construction during working hours</p>	<p>For Agency Use Only</p>
<p>Indicate the hours noise would come from the site:</p> <p>7:00 am – 7:00 pm</p>	
<p>Proposed measures to reduce or control noise impacts, if any:</p> <p>N/A</p>	
<p><i>Land and Shoreline Use</i></p>	
<p>What is the current use of the site and adjacent properties?</p> <p>Currently undeveloped land flanked by low density residential</p>	
<p>Has the site been used for agriculture? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, describe:</p>	
<p>Describe any structures on the site:</p> <p>None</p>	
<p>Will any structure(s) be demolished ? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, what?</p>	
<p>What is the current zoning classification at the site?</p> <p>R-1-12 Single Family Residential and R-1-10 – Single Family Residential</p>	
<p>What is the current comprehensive plan designation of the site?</p> <p>Low Density Residential</p>	
<p>If applicable, what is the current shoreline master program designation of the site?</p> <p>N/A</p>	
<p>Has any part of the site been classified as an “environmentally sensitive area”? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, please specify:</p>	

Approximately how many people would reside or work in the completed project? 44 families	For Agency Use Only
Approximately how many people would the completed project displace? None	
Proposed measures to avoid or reduce displacement impacts, if any: N/A	
Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: Proposal is consistent with City of Richland's comprehensive plan of low density residential construction. Additionally, the use of buffer zones and landscaping will create a screen and transition from existing single family dwellings.	
Housing	
Approximately how many units would be provided, if any? 44 Check the type of housing: High <input checked="" type="checkbox"/> Middle <input type="checkbox"/> Low-income <input type="checkbox"/>	
Approximately how many housing units, if any, would be eliminated? None	
Check the type of housing: High <input type="checkbox"/> Middle <input type="checkbox"/> Low-income <input type="checkbox"/> N/A	
Proposed measures to reduce or control housing impacts, if any: N/A	
Aesthetics	
What is the tallest height of any proposed structure(s), not including antennas? The staggered levels of the structures will be configured in such a way that they match the slope of the existing hill and do not exceed 35' aggregate height.	<i>Building height between 40'-50' as measured per Richland zoning and Building codes.</i> <i>Views toward hillside from lower elevation will be altered as underdeveloped area is developed.</i>
What is the principal exterior building material(s) proposed? Stucco with metal roofing	
What views, in the immediate vicinity, would be altered or obstructed? None	
Proposed measures to reduce or control aesthetic impacts, if any: N/A	

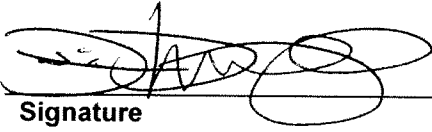
Light and Glare	For Agency Use Only
What type of light or glare will the proposal produce?	
Normal residential type lighting	
What time of day would it mainly occur?	
Dusk to 10:00 pm	
Could light or glare from the finished project be a safety hazard or interfere with views? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
What existing off-site sources of light or glare may affect your proposal?	
None	
Proposed measures to reduce or control light and glare impacts, if any:	
Dark Sky Exterior Lighting	
Recreation	
What designated and informal recreational opportunities are in the immediate vicinity?	
None	
Would the proposed project displace any existing recreational uses? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, describe:	
Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:	
N/A	
Historic and Cultural Preservation	
Are there any places or objects listed on, or proposed for national, state, or local preservation registers known to be on or next to the site? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, generally describe:	
Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site:	
N/A	
Proposed measure to reduce or control impacts, if any:	
N/A	

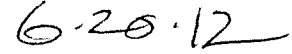
Transportation	For Agency Use Only
Identify public streets and highways serving the site: Meadow Hills Drive	
Describe proposed access to the exiting street system. Show on site plans, if any. Residential driveway access	
Is site currently served by public transit? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If no, what is the approximate distance to the nearest transit stop? Approximately 1 mile.	
How many parking spaces would the completed project have? Twenty-two enclosed residential parking spaces per structure plus 6 guest parking spaces per building, for a total of 88 residential parking spaces for the entire project. There will be an additional 28 off street parking spaces for guests.	
How many parking spaces would the project eliminate? None	
Will the proposal require any new roads, streets, or improvements to existing roads or streets, not including driveways? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If so, generally describe : Extension of city street, Meadow Hills Drive, between Meadow Hills Phase 2 and Crested Hills No. 3 and No. 10.	
Will the new roads, streets, or improvements to existing roads or streets, not including driveways be: Public <input type="checkbox"/> Private <input checked="" type="checkbox"/>	
Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, generally describe:	
How many vehicle trips, per day, would be generated by the completed project? Normal residential traffic for 44 families.	
If known, indicate when peak volumes would occur: N/A	
Proposed measures to reduce or control transportation impacts, if any: N/A	<i>Traffic impact fees will be required.</i>

Public Services	For Agency Use Only
<p>Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, or other)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If so, generally describe: No more than already anticipated by the City for a low density residential development.</p>	
<p>Proposed measures to reduce or control direct impacts on public services, if any:</p> <p>N/A</p>	
<p>Utilities</p>	
<p>Check utilities currently available at the site: Electricity <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/> Phone <input checked="" type="checkbox"/> Refuse Service <input checked="" type="checkbox"/> Sanitary Sewer <input checked="" type="checkbox"/> Septic System <input type="checkbox"/> Water <input checked="" type="checkbox"/></p>	
<p>Check the utilities that are proposed for the project, and list the utility providing the service:</p>	
<p>Electricity <input checked="" type="checkbox"/> City of Richland</p>	
<p>Gas <input type="checkbox"/> Cascade Natural Gas</p>	
<p>Other <input checked="" type="checkbox"/> Irrigation – Badger Mountain Irrigation District</p>	
<p>Phone <input checked="" type="checkbox"/> Verizon</p>	
<p>Refuse Service <input checked="" type="checkbox"/> City of Richland</p>	
<p>Sanitary Sewer <input checked="" type="checkbox"/> City of Richland</p>	
<p>Septic System <input type="checkbox"/> N/A</p>	
<p>Water <input checked="" type="checkbox"/> City of Richland</p>	
<p>Describe the general construction activities on the site or in the immediate vicinity which may be needed: Residential Construction</p>	

Part C • Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.


Signature



Date Submitted

Part D • SUPPLEMENTAL SHEET FOR NONPROJECT ACTION

(Do not use these sheets for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water, emissions to air, production, storage, or release of toxic or hazardous substances, or production of noise?

**The only increase of emissions, storage
or noise would be during construction.**

Proposed measures to avoid or reduce such increases are:

**maintain 7:00 AM to 7:00 PM working
time**

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

**The proposal would not adversely affect
animals plants, fish or marine life.**

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

None

3. How would the proposal be likely to deplete energy or natural resources?

**Through the use of natural construction
products such as wood, and the
utilization of energy**

Proposed measures to protect or conserve energy and natural resources are:

None

4. How would the proposal be likely to use or affect environmentally sensitive area or areas designated (or eligible or under study) for government protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural site, wetlands, floodplains, or prime farmlands?

N/A

Proposed measures to protect such resources or to avoid or reduce impacts are:

N/A

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

N/A

Proposed measures to protect such resources or to avoid or reduce impacts are:

N/A

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

No additional demand beyond originally zoned and anticipated development will be created

Proposed measures to reduce or respond to such demands are:

N/A

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

None known

ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT

Adoption for **X** **DNS** **EIS** **Other**

Description of current proposal: Rezone of an approximately 10-acre parcel from Single Family Residential 12,000 (R1-12) and Single Family Residential 10,000 (R1-10) to Planned Unit Development (PUD) to allow for development of a 44-unit condominium complex.

Proponent City of Richland

Location of current proposal: An approximately 10-acre parcel located along Meadow Hills Drive west of the plat of Meadow Hills Phase Two and east of the plats of Crested Hills No.3 and Crested Hills No. 10.

Title of document being adopted: Environmental Checklist and Determination of Non-Significance EA20-2010.

Agency that prepared document being adopted: City of Richland

Date adopted document was prepared: September 16, 2010

Description of document (or portion) being adopted: Determination of Non-Significance (EA20-2010) for rezone of an approximately 12-acre parcel from Single Family Residential 12,000 (R1-12) and Single Family Residential 10,000 (R1-10) to Planned Unit Development (PUD) to allow for development of a 60-unit condominium complex .

If the document being adopted has been challenged (WAC 197-11-630), please describe: Not applicable

The document is available to be read at (place/time) The City of Richland Planning and Development Services Office, 840 Northgate, Richland during the hours of 8:00 a.m. to 5:00 p.m. Monday-Friday.

We have identified and adopted this document as being appropriate for this proposal after independent review. The document meets our environmental review needs for the current proposal and will accompany the proposal to the decisionmaker.


Name of Agency adopted document: City of Richland

Responsible Official: Rick Simon Phone: 942-7596

Position/Title: Planning Manager

Address: P.O. Box 190, Richland, WA 99352

Date: 7/19/12

Signature: 

CITY OF RICHLAND
Determination of Non-Significance

Description of Proposal Rezone of an approximately 12-acre parcel from Single Family Residential 12,000 (R1-12) and Single Family Residential 10,000 (R1-10) to Planned Unit Development (PUD) to allow for development of a 60-unit condominium complex.

Proponent TMT Homes NW, LLC

Location of Proposal An approximately 12-acre parcel located along Meadow Hills Drive west of the plat of Meadow Hills Phase Two and east of the plats of Crested Hills No. 3 and Crested Hills No. 10.

Lead Agency City of Richland

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

☒ [X] There is no comment for the DNS.

☐ [] This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 15 days from the date below. **Comments must be submitted by** _____.

☐ [] This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

Responsible Official Rick Simon

Position/Title Development Services Manager

Address P.O. Box 190, Richland, WA 99352

Date 9/16/10

Signature

Jeff Probst for Rick Simon

Comments/Conditions _____



Columbia Engineers & Constructors, LLC

August 4, 2011

TMT Homes NW, LLC
8608 W. Clearwater Pl.
Kennewick, WA 99336

Attention: Tony Tahvalli, President

Reference: Black, M.T., *Limited Geotechnical and Engineering Geology Investigation, Meadow Hills Development, Richland, WA*, DWR Consultants, Inc., 9/12/98.

Dear Mr. Tahvalli:

Introduction

This letter report updates and amends the referenced report above. Since 1998, two substantial changes have occurred relative to siting and constructing residences as follows:

1. The Kennewick Irrigation District, on occasion, has required slope stability analysis to determine slide impacts to their canal system.
2. The 1997 Uniform Building Code has been replaced by the 2009 international building and residential codes.

The area of development (Phase 3) remains unchanged, but the nature of the development has changed from individual residences to multi-story condominiums (see attached).

Scope of Work

Determine the validity of the referenced report, provide amendments or augmentation, and determine if further recommendations are required for the development per the attached sketch.

Review

We reviewed the entire report, including the data offered by 14 test pits. These data remain valid. A site visit was also performed to review the area and refresh the 1998 perspective. Furthermore, we reviewed the latest geologic mapping data per Reidel¹. Both Reidel and Fecht accompanied me during the construction of the test pits. The clay layer, with slickenslides in Test Pit No. 13 did demonstrate not only a clay layer but a moving fault line. Both Messrs. Reidel and Fecht concluded the movement was not recent. However, it does represent a weak zone in the area and should be considered. The mapped fault occurs at the base of the topography to the north. The slickenslided indicates either a splay fault or anticline movement at the rate of about 1 meter every 1 million years.

It is our understanding that the stormwater is to be collected and piped off-site to a lower elevation location.

Findings

We judge that the issues with current Code requirements and the Kennewick Irrigation District can be remedied with the following straightforward recommendations:

1. Provide a plot plan of the site placed on a 2 ft. contour map of the entire Phase 3 area. Furthermore, the proposed location of each condominium should be staked by a surveyor with at least one reference elevation hub.
2. Construct geotechnical boreholes to the basalt layer plus 20 ft. in the area of each condominium and at least to boreholes down gradient to provide accurate lithology (layer sequence and depth). This work may require some cat grading for drill rig access.
3. Prepare recommendations for deep foundations (e.g. micropiles and grade beams) for the condominiums.
4. In addition to stormwater diverted off-site, consider placing an under-drain ,adjacent the water supply line, to drain off of the slope area in the event of

¹ Reidel, S.P. and Fecht, K.R., *Geologic Map of the Richland 1:100,000 Quadrangle, Richland, Washington*, Washington Department of Natural Resources, June 1994.

a water line leak. This would serve to substantially mitigate undetected water saturation of the slope.

5. Provide low water or Xeroscape landscaping.

Limitations

It is important that you understand the limitations of our work and this report. The recommendations and conclusions documented in this report have been prepared for specific application to your project based on the scope, budget, and schedule constraints. Further, these recommendations and conclusions have been developed in a manner consistent with the level of care and skill normally exercised by members of the geotechnical engineering profession.

This report is prepared for the use of the CLIENT, design and construction professionals serving the CLIENT, and appropriate regulatory agencies. Columbia Engineers and Constructors, LLC assumes no liability except to the CLIENT and this report remains the property of Columbia Engineers and Constructors, LLC Use of this report by third parties, without our written authorization, is prohibited.

Please contact our office should you have questions or comments, and thank you for your confidence in Columbia Engineers and Constructors, LLC

Respectfully Yours,



Michael Black, P.E.

Columbia Engineers and Constructors, LLC

S.E. 1/4, SEC. 35, T.9 N., R.28 E., ANI
N.E. 1/4, SEC. 2, T.8 N., R.28 E., W.M.
BENTON COUNTY, WASHINGTON

MEADOW HILL

PRELIMINARY PLAT

S.E. 1/4, SEC. 35, T.9 N., R.28 E., ANI
N.E. 1/4, SEC. 2, T.8 N., R.28 E., W.M.
BENTON COUNTY, WASHINGTON

LONG 2.5, 4.5, 6.5, 8.5, 10.5, 12.5, 14.5, 16.5, 18.5, 20.5, 22.5, 24.5, 26.5, 28.5, 30.5, 32.5, 34.5, 36.5, 38.5, 40.5, 42.5, 44.5, 46.5, 48.5, 50.5, 52.5, 54.5, 56.5, 58.5, 60.5, 62.5, 64.5, 66.5, 68.5, 70.5, 72.5, 74.5, 76.5, 78.5, 80.5, 82.5, 84.5, 86.5, 88.5, 90.5, 92.5, 94.5, 96.5, 98.5, 100.5, 102.5, 104.5, 106.5, 108.5, 110.5, 112.5, 114.5, 116.5, 118.5, 120.5, 122.5, 124.5, 126.5, 128.5, 130.5, 132.5, 134.5, 136.5, 138.5, 140.5, 142.5, 144.5, 146.5, 148.5, 150.5, 152.5, 154.5, 156.5, 158.5, 160.5, 162.5, 164.5, 166.5, 168.5, 170.5, 172.5, 174.5, 176.5, 178.5, 180.5, 182.5, 184.5, 186.5, 188.5, 190.5, 192.5, 194.5, 196.5, 198.5, 200.5, 202.5, 204.5, 206.5, 208.5, 210.5, 212.5, 214.5, 216.5, 218.5, 220.5, 222.5, 224.5, 226.5, 228.5, 230.5, 232.5, 234.5, 236.5, 238.5, 240.5, 242.5, 244.5, 246.5, 248.5, 250.5, 252.5, 254.5, 256.5, 258.5, 260.5, 262.5, 264.5, 266.5, 268.5, 270.5, 272.5, 274.5, 276.5, 278.5, 280.5, 282.5, 284.5, 286.5, 288.5, 290.5, 292.5, 294.5, 296.5, 298.5, 300.5, 302.5, 304.5, 306.5, 308.5, 310.5, 312.5, 314.5, 316.5, 318.5, 320.5, 322.5, 324.5, 326.5, 328.5, 330.5, 332.5, 334.5, 336.5, 338.5, 340.5, 342.5, 344.5, 346.5, 348.5, 350.5, 352.5, 354.5, 356.5, 358.5, 360.5, 362.5, 364.5, 366.5, 368.5, 370.5, 372.5, 374.5, 376.5, 378.5, 380.5, 382.5, 384.5, 386.5, 388.5, 390.5, 392.5, 394.5, 396.5, 398.5, 400.5, 402.5, 404.5, 406.5, 408.5, 410.5, 412.5, 414.5, 416.5, 418.5, 420.5, 422.5, 424.5, 426.5, 428.5, 430.5, 432.5, 434.5, 436.5, 438.5, 440.5, 442.5, 444.5, 446.5, 448.5, 450.5, 452.5, 454.5, 456.5, 458.5, 460.5, 462.5, 464.5, 466.5, 468.5, 470.5, 472.5, 474.5, 476.5, 478.5, 480.5, 482.5, 484.5, 486.5, 488.5, 490.5, 492.5, 494.5, 496.5, 498.5, 500.5, 502.5, 504.5, 506.5, 508.5, 510.5, 512.5, 514.5, 516.5, 518.5, 520.5, 522.5, 524.5, 526.5, 528.5, 530.5, 532.5, 534.5, 536.5, 538.5, 540.5, 542.5, 544.5, 546.5, 548.5, 550.5, 552.5, 554.5, 556.5, 558.5, 560.5, 562.5, 564.5, 566.5, 568.5, 570.5, 572.5, 574.5, 576.5, 578.5, 580.5, 582.5, 584.5, 586.5, 588.5, 590.5, 592.5, 594.5, 596.5, 598.5, 600.5, 602.5, 604.5, 606.5, 608.5, 610.5, 612.5, 614.5, 616.5, 618.5, 620.5, 622.5, 624.5, 626.5, 628.5, 630.5, 632.5, 634.5, 636.5, 638.5, 640.5, 642.5, 644.5, 646.5, 648.5, 650.5, 652.5, 654.5, 656.5, 658.5, 660.5, 662.5, 664.5, 666.5, 668.5, 670.5, 672.5, 674.5, 676.5, 678.5, 680.5, 682.5, 684.5, 686.5, 688.5, 690.5, 692.5, 694.5, 696.5, 698.5, 700.5, 702.5, 704.5, 706.5, 708.5, 710.5, 712.5, 714.5, 716.5, 718.5, 720.5, 722.5, 724.5, 726.5, 728.5, 730.5, 732.5, 734.5, 736.5, 738.5, 740.5, 742.5, 744.5, 746.5, 748.5, 750.5, 752.5, 754.5, 756.5, 758.5, 760.5, 762.5, 764.5, 766.5, 768.5, 770.5, 772.5, 774.5, 776.5, 778.5, 780.5, 782.5, 784.5, 786.5, 788.5, 790.5, 792.5, 794.5, 796.5, 798.5, 800.5, 802.5, 804.5, 806.5, 808.5, 810.5, 812.5, 814.5, 816.5, 818.5, 820.5, 822.5, 824.5, 826.5, 828.5, 830.5, 832.5, 834.5, 836.5, 838.5, 840.5, 842.5, 844.5, 846.5, 848.5, 850.5, 852.5, 854.5, 856.5, 858.5, 860.5, 862.5, 864.5, 866.5, 868.5, 870.5, 872.5, 874.5, 876.5, 878.5, 880.5, 882.5, 884.5, 886.5, 888.5, 890.5, 892.5, 894.5, 896.5, 898.5, 900.5, 902.5, 904.5, 906.5, 908.5, 910.5, 912.5, 914.5, 916.5, 918.5, 920.5, 922.5, 924.5, 926.5, 928.5, 930.5, 932.5, 934.5, 936.5, 938.5, 940.5, 942.5, 944.5, 946.5, 948.5, 950.5, 952.5, 954.5, 956.5, 958.5, 960.5, 962.5, 964.5, 966.5, 968.5, 970.5, 972.5, 974.5, 976.5, 978.5, 980.5, 982.5, 984.5, 986.5, 988.5, 990.5, 992.5, 994.5, 996.5, 998.5, 1000.5, 1002.5, 1004.5, 1006.5, 1008.5, 1010.5, 1012.5, 1014.5, 1016.5, 1018.5, 1020.5, 1022.5, 1024.5, 1026.5, 1028.5, 1030.5, 1032.5, 1034.5, 1036.5, 1038.5, 1040.5, 1042.5, 1044.5, 1046.5, 1048.5, 1050.5, 1052.5, 1054.5, 1056.5, 1058.5, 1060.5, 1062.5, 1064.5, 1066.5, 1068.5, 1070.5, 1072.5, 1074.5, 1076.5, 1078.5, 1080.5, 1082.5, 1084.5, 1086.5, 1088.5, 1090.5, 1092.5, 1094.5, 1096.5, 1098.5, 1100.5, 1102.5, 1104.5, 1106.5, 1108.5, 1110.5, 1112.5, 1114.5, 1116.5, 1118.5, 1120.5, 1122.5, 1124.5, 1126.5, 1128.5, 1130.5, 1132.5, 1134.5, 1136.5, 1138.5, 1140.5, 1142.5, 1144.5, 1146.5, 1148.5, 1150.5, 1152.5, 1154.5, 1156.5, 1158.5, 1160.5, 1162



SURVEY FOR

MILLO BAUDER

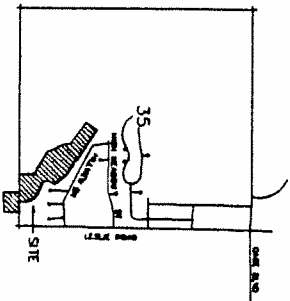
BOB STRATTON SURVEYING

1.500 CALIFORNIA BLVD SUITE 1
DOWNTOWN, WASHINGTON DC 20004

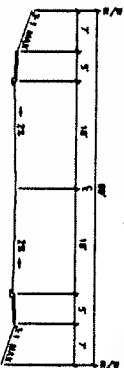
(508) 752-7525

1136-2 BNC

DATE: 10/20/2011



VICINITY MAP



TYPICAL ROAD SECTION 60' R/W

NOT TO SCALE

OWNERSHIP/DEVELOPER

423 ELLINGWOOD BLVD
BROOKLAND, WASHINGTON 98152

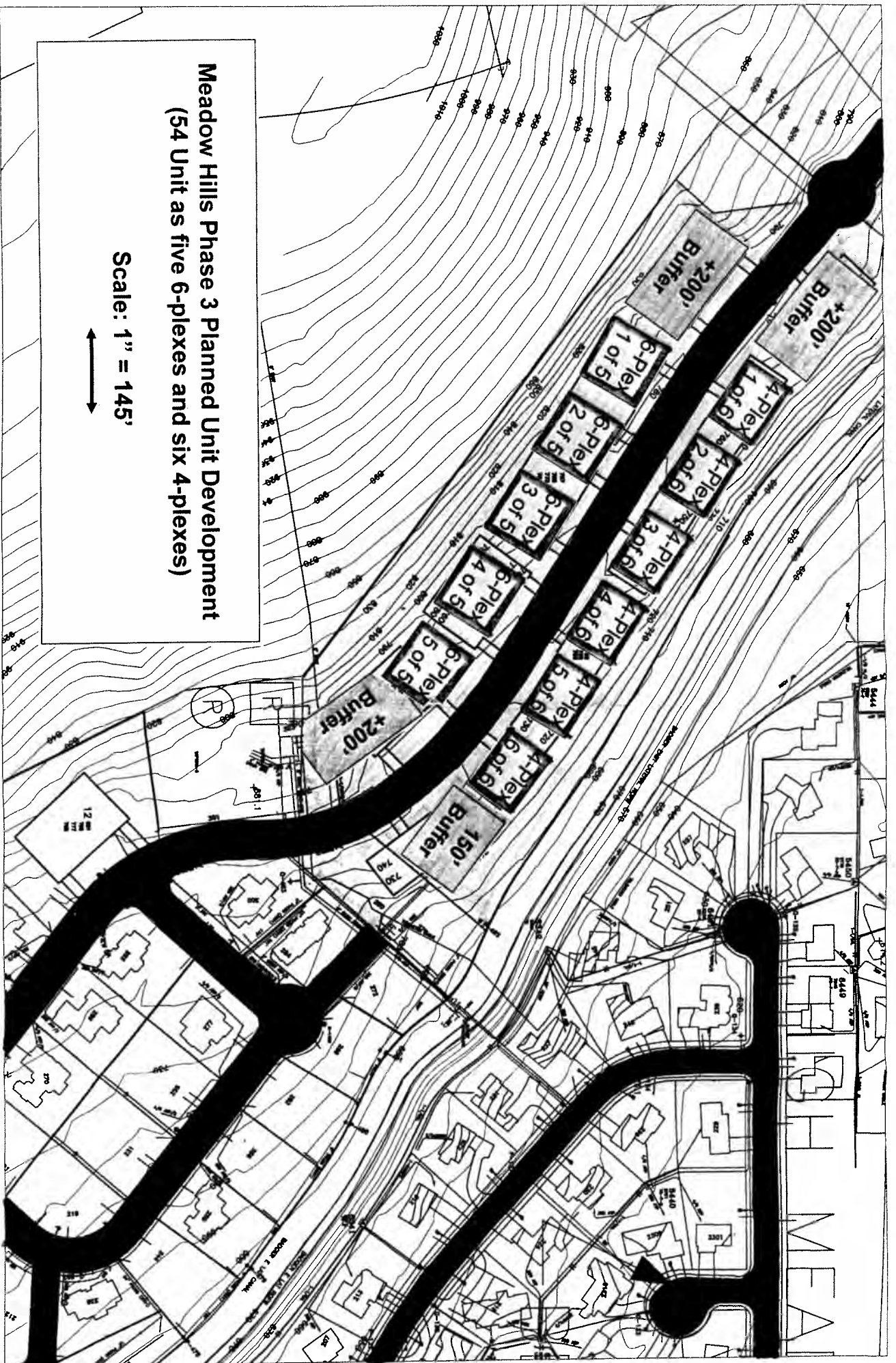
(500) 427-7523

DATA

41.4 ACROSS CROSS
NUMBER OF UNITS 70

MODEL: 532M1UL1 N01A
 AVERAGE LOT SIZE: 71,000 SQ. FT.
 MEDIAN LOT SIZE: 18,000 SQ. FT.





**Meadow Hills Phase 3 Planned Unit Development
(54 Unit as five 6-plexes and six 4-plexes)**

Scale: 1" = 145'



RICHLAND PLANNING COMMISSION
COUNCIL CHAMBERS – RICHLAND CITY HALL
SEPTEMBER 22, 2010 MEETING #9-2010

MINUTES

CALL TO ORDER

Chair Madsen called meeting #9-2010, September 22, 2010, a meeting of the Planning Commission, to order at 7:00 p.m.

ROLL CALL

Members Present: Kent Madsen, Chair Marianne Boring, Vice Chair
 Debbie Berkowitz Stanley Jones
 Carol Moser James Utz

Members Absent: Clifford Clark, Excused
 Mary Jo Coblentz, Excused

Also present were: Rick Simon, Planning Manager; Jeff Rolph, Senior Planner; Steve Stairs, Transportation Engineer; Sheila Sullivan, Council Liaison, Sandra Kent, Council Liaison, and Marla Pierson, Recorder.

The minutes of the August 25, 2010 meeting were approved with the recommended changes.

The Agenda of the September 22, 2010 meeting was approved with the following change. Agenda Item #2 Wolff Enterprises (Z2010-111) has been deferred to a meeting that will be held on October 6, 2010 at 7:00 p.m. in Council Chambers between the Developer and the neighbors. That meeting will be followed by the public hearing to be held on October 13, 2010 at 8:00 p.m. in Council Chambers.

Marla Pierson explained the public hearing process and appeal process and asked Commissioners to identify any conflicts of interest, ex-parte contact or any other appearance of fairness issues.

Commissioner Jones announced that he would recuse himself on Item #2 Washington State University (Z2010-110).

Commissioner Utz announced that he would recuse himself from Item #1 TMT Homes NW, LLC (Z2010-109) and left Chambers.

NEW BUSINESS – PUBLIC HEARING ITEM

TMT HOMES NW, LLC (Z2010-109)

Mr. Rolph presented the Staff Report and recommendation for a rezone of approximately 12 acres from R-1-12 Single Family Residential to a Planned Unit Development authorizing the construction of 60 condominium units. The location is along Meadow Hills Drive, adjacent to and west of the plat of Meadow Hills Phase 2 and east of the Plat of Crested Hills 10.

Mr. Rolph confirmed that notice was issued in accordance with the procedures set forth in the Richland Municipal Code.

Chair Madsen opened the public hearing at 7:21 p.m.

Brian T. McMinn, Attorney at Law, 601 W. Riverside, Spokane, WA, was sworn in. Mr. McGinn introduced himself as attorney representing TMT Homes NW, LLC. He introduced his colleagues, who will also be testifying at tonight's hearing. He gave a brief description of what his colleagues would be testifying to and that he would be providing his comments on some of the legal issues that have been raised as well as some of the criteria that will be discussed.

Anthony Wolff, 8903 W. Bruneau Ave., Kennewick, WA, was sworn in. Mr. Wolff explained that it is the intent of TMT Homes NW, LLC to develop Meadow Hills Phase III as a Planned Unit Development consistent with the City of Richland's Comprehensive Plan. He further explained that this is a change from the original Preliminary Plat which had been approved by Benton County over 20-years ago prior to the City annexing the land. He stated that the development will be Low-Density Residential with less than 5 dwelling units per acre. He believes that keeping plenty of open space surrounding the structures best meets the City's intent. He talked about their original application which was to build 60-units of 6 four-plexes and 6 six-plexes. However, due to neighborhood feedback, they have offered an alternate development which eliminates lots 7 & 8 from the Meadow Hills Phase II as well as one 6-plex. Mr. Wolff recapped that they are asking the Planning Commission to recommend approval of the Technical Advisory Committee's recommendation for this 54-unit development. He announced that this PUD will be compatible with adjacent developments, maximizes open space and help improve safety. He went on to explain how the setbacks, landscaping and buffer zones will provide privacy and a sufficient transition. He feels this development will be an excellent hillside addition consistent with the City's Strategic Plan, helping to fulfill the seventh key to unlock our future. He stated that the PUD meets several of the City's Housing and Neighborhood Five Year Goals and will supply a unique housing plan with luxury, condo-townhome style

and panoramic hillside views. Mr. Wolff thanked the Commission for their time and consideration of their proposal. He recapped that they are asking the commission to pass a motion to recommend approval of the preliminary PUD subject to the conditions of the Richland Planning Commission's Technical Advisory report dated September 16, 2010.

Brian T. McMinn, representing TMT Homes, gave a brief summary of some of the points made in the Memorandum in Support of Application for Zone Change dated September 22, 2010 which has been submitted for consideration. He stated that he is perplexed that Staff would recommend denial based on lack of compatibility when we are comparing an LDR to an LDR. The overall density has not been exceeded and with the dropping of lots 7 and 8 that eliminates the primary objection of having a six-plex in close proximity to homes. Any encroachment that was a concern into lot 3 has been remedied by providing a 150-foot buffer to the property line of the neighboring residents. Mr. McMinn addressed several of the comments and questions set out in Mr. Ziobro's letter of September 14, 2010.

John Ziobro, 1333 Columbia Park Trail, Suite 110, Richland, WA, was sworn in. Mr. Ziobro represents approximately a dozen homeowners and sees this a little differently than Staff does. He stated that he is going to ask the Commission to make some additional findings tonight and believes these findings will have to stand up to the scrutiny of lawyers and judges before this is over. He indicated that he is troubled by the fact that the applicant is trying to combine Meadow Hills Phase II with Meadow Hills Phase III and there are some statutory guidelines that apply when you do this. He feels the applicants are not in compliance with the RCW and would like to see the Commission reject this application and start over. Mr. Ziobro asked that the covenants and CC&R's be made part of the record of tonight's hearing. He then went on to quote several statutes and encouraged the Commission to go back and think about the presentation they just heard because there is a difference between facts that support conclusions and mere conclusions. Mr. Ziobro then presented his proposed Findings and Conclusions, a copy of which has been made a part of the record. He pointed out that the applicant is trying to build more units than he would otherwise be able to build if he were building single family units. He feels the Commission would be naive to leave this fact out of the discussion because that is what the applicant is here for, to maximize his profit margin without any public benefit. He went on to make comments on the Technical Advisory Report and the discrepancies between the Findings made and statute. In conclusion, Mr. Ziobro feels the applicant is hamstrung about where he can build and what he can build and so he trying to turn this into an opportunity which defeats everything that these residents had in mind when they moved to this area.

Dale Atkinson, 244 Meadowridge Loop, Richland, WA, was sworn in. Mr. Atkinson thanked Mr. Simon and staff for their help through this process. As a homeowner in this neighborhood, he stated that they are not anti-development,

they just want the developer to build what was planned and what they believed was going to be built when they purchased their homes. He finds this development totally incompatible with the neighborhood, the appearance, the treatment of buffers and the privacy of the neighboring homeowners. He and his fellow neighbors feel this is simply about money and would like to see this application rejected. The developer needs to proceed as originally planned and build the single family homes. Mr. Atkinson believes the only reasonable option is denial of this application and that the Commission honor Mr. Ziobro's recommendations about what should also be discussed. This is a very emotional issue for this neighborhood and they will use whatever legal means necessary to prevent this matter from going forward as proposed.

Shirley Reese, 414 Meadow Hills Dr., Richland, WA, was sworn in. Ms. Reese and her husband own the property adjacent to this proposed development. She confirmed that she has written a letter that is part of the record but wants to talk about an issue that is very personal to her. She stated that when she and her husband purchased their home in 2008 they researched many subdivisions looking for the perfect combination of a quiet environment, safe neighborhood that had a panoramic view of the Tri-Cities. She felt they had found that combination on Meadow Hills Drive and purchased their home investing a good portion of their retirement. They checked the zoning of the adjacent property prior to purchasing and were assured it was zoned single-family residential. However, had they known that that parcel was going to be the future home of 60 condominiums, they would have continued to look for another home. She expressed her surprise when she found out there were going to be sixty families living next door to them as opposed to 10 which would have been the single-family homes. She urged the Commissions careful consideration of this rezoning request and the impact it will have on their quiet neighborhood as well as the negative potential impact it will have on their home values.

Hans Vogel, 2249 Morency Dr., Richland, WA, was sworn in. Mr. Vogel pointed out that if the Commission were to approve the PUD, including the smaller version, it would likely set a precedent for other PUD's to be considered in the area. He feels this would constitute a segmented approach to the SEPA process and invalidate the determination of no significant findings that are included in the package. Statements that are made in the traffic and street section of the Staff Report which by reference incorporates conditions previously considered by the City with regard to proposed "The Crest" PUD. He stated that if the City were to combine or consider these two proposals, there would be a significant impact that is not addressed in the SEPA review and would invalidate the determination as noted. He believes the traffic study done on "The Crest" should be readdressed and updated as part of this PUD submittal. In closing, he voiced his support of the road that is proposed as it provides a second means of egress from the development out of Crested Hills in case of an emergency.

Dorothea Narum, 224 High Meadows, Richland, WA, was sworn in. Ms. Narum announced that she has lived in this community for 25 years and has come to realize that the peace that she has known for all these years will be severely decreased. She feels the lights from the development and the motion from the cars will decrease the peacefulness she has come to know. She feels sad that the future homeowners will not be able to enjoy the peacefulness that she has known.

Marsha Milliken, 245 High Meadows, Richland, WA, was sworn in. Ms. Milliken identified as a homeowner living in Meadow Springs 2nd. She stated that her development is located just across the KID Irrigation Canal to the north of the proposed development. She went on to state that the environmental checklist states that there will be no increased need for public services such as fire protection, police services, health care, schools or other services. She does not see how introducing 60 homes into this area will not have an impact on services. She feels this proposal is not consistent with the Comprehensive Plan and it will not blend with the natural texture of the land and will cause a spot zone in the middle of single-family homes. Ms. Milliken thanked the Commission for the opportunity to present her concerns but believes many of these concerns will disappear if the area remains zoned as R-1.

Applicant's Rebuttal

Brian T. McMinn addressed the issue of Alteration of Subdivision that was presented by Mr. Ziobro. He stated that this statute applies when you are proposing to do a development that alters the covenants that will result in a violation of the covenants. He clarified that the covenants that he provided specifically authorized Phase III to be developed as a multi-family development and it specifically authorized the declarant to rezone the property. Logic would dictate to him that you cannot possibly have a proposal for a multi-family development that is a violation of the covenants when the covenants expressly authorized that very development. Earlier in the same provision it makes reference to the signature being needed of the persons' having ownership of the lots, tracts or parcels or the portion to be altered. First of all, he explained that Mr. Tahvili owns all the property in question and is unaware of any parcels being altered. He went on to respond to the statutes Mr. Ziobro had quoted in his earlier testimony. As to the reasonable time to develop, he pointed out that Mr. Tahvili's development history is part of the original packet of information and provides you with background information on Mr. Tahvili and his developments. It shows that Mr. Tahvili is a credible developer that you can rely upon. Mr. McMinn stated that they are proposing a very interesting and very positive development that will provide a new housing opportunity.

Anthony Wolff pointed out that one of their goals was to try and create a dialog between the City and neighboring homeowners. It was through that dialog process that they acknowledged the homeowners' concern of the inclusion of lots

7 and 8 and indicated in their initial application that they were willing to move forward with a 54-unit development excluding lots 7 and 8 from the plan. They also acknowledged, based on homeowners' concerns, that we would be willing to narrow the space between the buildings to provide an adequate buffer. He pointed out that this development is compatible with the adjacent developments and maximizes open space and improves safety. In conclusion, he asked the Commission to pass a motion recommending approval of the preliminary PUD as subject to the conditions of the Richland Planning Commission's Technical Advisory Committee report dated September 16, 2010.

Chair Madsen closed the public hearing at 8:48 p.m.

Commissioner Moser has some concerns about the development as presented. She believes the most basic concern is compatibility and who decides what is compatible. She is wondering also why the elimination of lots 7 and 8 was such an easy decision for the developer. Further, she does agree that there is a precedent for concern in building on such a steep slope. She does feel that this is spot zoning as the development is dramatically different than what is in the surrounding neighborhood. In terms of the public benefit of the donation of the open space, she doesn't feel there is a public benefit that has been demonstrated. This land is not connected with the trail system and it is property that is not buildable. Finally, there was a reference made to a homeowner's association meeting that discussed multi-family housing in Phase III and she was wondering why so many of the neighbors are acting so surprised if it was indeed discussed as testified to by Mr. Wolff.

Mr. McMinn acknowledged that dismissing lots 7 and 8 is a concession. The location of these lots is separated from the other property and they thought that maybe this would be the source of concern of the neighbors. So it was decided to concede those lots in order to address the concern of proximity.

Mr. Wolff suggested that if you look at Mr. Ziobro's client list, many of those residents serve on the Meadow Hills Homeowner's Association and they would each testify that they are very much aware that this development has been in the works for a long time. As to the public benefit, he feels if this development moves forward as single-family housing, the entire development, all twelve acres, will be built out with houses and landscaping potentially up to the perimeter of their homes. Their proposal will improve the streets; provide sidewalks for safe pedestrian access as well as street lighting all of which will be of public benefit.

Commissioner Jones asked for the State's definition of density. He commented that in his career density always had to do with the number of things in a particular area. He stated that the applicant is proposing to put a pretty significant number on a very small base. He feels it is a little higher density than what you would expect. He also wants to know if there has been a preliminary Geo-Tech done on what kind of soil there is and how deep they are going to have to go to

get to bedrock. He stated that if you don't put your pilings down to bedrock, you are going to end up with your buildings down the hill.

Mr. Simon answered that he is unaware of any specific definition of the term density in State law. There are several different ways to measure density whether it is net or gross and in this case, we don't have a clear definition.

Mr. Wolff addressed the Geo-Tech question by pointing out that in Attachment B; it states there will be a Geo-Tech study for each specific structure that is developed in Meadow Hills Phase III. As far as understanding the complexity of hillside development, if you look at TMT's history of building 27 luxury homes in Phase II plus hillside lots in Phase I and his experience developing in the panoramic hillside lots in Yakima. It is clear that Tony Tahvili of TMT Homes has experience in building on hillsides and understands the complexity that hillside development creates. He indicated that each Geo-Tech report will be ordered specific to each building and once we get to the preliminary phase but ahead of the final PUD.

Commissioner Berkowitz asked what their options are if we deny this application.

Mr. Simon stated that first of all, they have a valid preliminary plat so they could build out Phase III of Meadow Hills as originally approved with 14 single-family homes. He pointed out that any property owner has the ability to come back and make subsequent proposals after their request for reclassification has been denied. A provision in City Code allows the applicant to resubmit a modified proposal after six-months and go through the process again.

Commissioner Boring stated that she has heard compelling arguments from both the applicant and from the opposition. She understands the applicant's concession for dropping lots 7 and 8 and also understands the homeowners' point of view. She indicated that she has too many questions based on the information provided and would prefer to confer with the City Attorney to get some clarification and questions answered. She is not ready to make a decision tonight.

Mr. Wolff spoke that on August 10th there was a preliminary meeting with the City of Richland. During that round table conversation, each Department was asked what concerns they had with this development. We heard no concerns from, water, electrical, and traffic. There was one concern addressed regarding compatibility because of how close the structures were originally proposed to the single-family residence. He pointed out that when they heard no concern from traffic, he voiced that there is likely to be comments that come up regarding traffic so should we consider a traffic study. Traffic stated, "No, it is not an issue." We again sat down with the Technical Advisory Committee and Staff and again traffic had no concerns.

Mr. Stairs clarified that we did meet at the Pre-App and at the Tech meeting but our comment was that this property lies within the boundaries of our Traffic Impact Fee ordinance and are subject to those impact fees. As such, he stated that a traffic study is not required. However, he did conduct a traffic study on behalf of the project just to make sure the City was on solid ground. He clarified that although we didn't require a traffic study we didn't really say it wasn't a problem at the meetings.

Chair Madsen asked Mr. Simon if Staff's position has changed based on the information presented tonight.

Mr. Simon agrees that the adjustments that have been made to the application are an improvement and they do address some of our concerns. However, given the existing density, with neighborhoods on both sides, and the gross number of units he feels there are still too many units for the site.

Chair Madsen stated that he is interested in the homeowners' meetings and the fact that Mr. Wolff says the possibility of a multi-family development was discussed numerous times.

Mr. Wolff stated that Mr. Atkinson's wife served as Secretary during the time he was Vice-Chair and she can concur that these discussions did take place. He looked around the room and identified several audience members that he remembers being at these meetings where the multi-family development was discussed. He stated that this development is not a surprise to most of these residents.

Sofia Atkinson was sworn in and testified that the multi-family development has never been an agenda item and is not reflected in any meeting minutes. However, it has been mentioned in passing while looking at the covenants but was never discussed.

Chair Madsen asked Ms. Atkinson if it was common knowledge that the development was a potential.

Ms. Atkinson confirmed that it was not a common knowledge although it was mentioned.

Commissioner Jones asked Staff if the SEPA checklist could be updated and made more complete with the current and accurate information.

Commissioner Moser stated that Mr. Ziobro had asked to add some additional Findings regarding RCW 58.17.215 and to add the covenants as part of the record. She wondered what Staff's opinion is on adding these Findings.

Mr. Simon reported that it is his understanding that lots 7, 8 and 3 have now been removed from the proposal that was described to the Commission tonight. He stated that the conflict was between some of the lots being in Phase II and the bulk of the property being in Phase III. He feels that that issue goes away with the revised proposal.

Commissioner Moser asked Mr. Simon for Staff opinion on the Spot Zoning issue.

Mr. Simon conveyed that his definition of a Planned Unit Development is something different than the surrounding area. He explained that from that perspective you could make the argument that any PUD is spot zoning. He suggested that the Commission make its recommendation based on the purpose statement of the PUD ordinance and whether the PUD proposal is compatible with the surrounding neighborhood and meets the intent and purpose of the PUD. He suggested they not try to rely on the spot zoning case law.

Commissioner Moser stated that when it comes down compatibility and if it goes before a Judge, how does the Commission determine what is compatible as opposed to what a Judge would consider compatible. She wondered if it was just subject to the whims of the court and what liability is there for the City if we decide one way and the Court on Appeal reverses the decision.

Mr. Simon does not know that there is any financial liability for the City as long as the City is acting in good faith considering the information that has been presented to it in making Findings that are supported by record.

The Commission and applicant briefly discussed the landscaping for this development and how it is too early in the process to have a final plan as to what will be planted.

Commissioner Berkowitz commented that she heard the applicant say that these condos will be middle income and then high end at a later date. She asked the applicant what the cost of one of these condos will be.

Mr. Wolff explained that the lower units of the 4-plexes will be in the \$350,000 range, and the upper units and the top of the 6-plexes that have the maximum view in the \$450,000 range.

Commissioner Berkowitz commented that this PUD, as designed, is probably too dense. However she likes the idea of clustering and leaving open space, she just doesn't think there is enough open space. She stated that the applicant has the capability of putting in 14 new homes and with the 5 units in the bottom area that would give him a total of 24 homes. She wondered if the applicant would consider reducing the total density and leave more open space in the upper

property as a compromise. If she had her preference, these units would not be stark white but a color that would allow them to blend into the hillside.

Commissioner Jones voiced that with all the legal aspects brought forward tonight, he is uncomfortable in making a decision without the review of the City's Attorney.

COMMISSIONER BORING moved that we postpone the remainder of this application until the Commission's next meeting on October 27, 2010 to provide an opportunity for the City Attorney to review and make clarifications on the conflicting perspective from the attorneys on the RMC sections that have been discussed tonight. Also, questions on the CC&R issues that have been raised. Seconded by Commissioner Jones.

Motion carried on unanimous voice vote.

WASHINGTON STATE UNIVERSITY (Z2010-110)

Commissioner Jones recused himself and left Chambers.

Mr. Simon presented the Staff Report and recommendation for:

(1) Amendment to the Land Use Designation Map of the City Comprehensive Plan, reclassifying 20-acres from Public Facility to High Density Residential and 4-acres from Public Facility to Commercial; and

(2) Request to change the zoning on 20-acres from Parks & Public Facilities to C-LB – Commercial Limited Business and 4-acres from Parks & Public Facilities to C-1 Neighborhood Commercial.

The location is west of and adjacent to George Washington Way, south of Hanford Street and north of Spengler Street.

Mr. Simon confirmed that notice was issued in accordance with the procedures set forth in the Richland Municipal Code.

Chair Madsen opened the public hearing at 9:46 p.m.

Applicant Mel Taylor, representative for Washington State University, was sworn in. Mr. Taylor announced that the reason they are asking for the rezoning is for the purpose of marketing this property. The plan is to sale this property and reinvest the money in the property across the street. He explained that the students have agreed to match the funds that are received from the sale in order to build a Student Union.

**RICHLAND PLANNING COMMISSION
COUNCIL CHAMBERS – RICHLAND CITY HALL
OCTOBER 27, 2010 MEETING #10-2010**

MINUTES

CALL TO ORDER

Chair Madsen called meeting #10-2010, October 27, 2010, a meeting of the Planning Commission, to order at 7:00 p.m.

ROLL CALL

Members Present:	Kent Madsen, Chair	Marianne Boring, Vice Chair
	Debbie Berkowitz	Stanley Jones
	James Utz	Clifford Clark
	Mary Jo Coblentz	

Members Absent: Carol Moser, Excused

Also present were: Rick Simon, Planning Manager; Jeff Rolph, Senior Planner; Pete Rogalsky, Public Works Director; Sandra Kent, Council Liaison, and Marla Pierson, Recorder.

The Agenda of the October 27, 2010 meeting was approved as presented.

Marla Pierson explained the public hearing process and appeal process and asked Commissioners to identify any conflicts of interest, ex-parte contact or any other appearance of fairness issues.

Commissioner Utz announced that he would recuse himself from Item #1 TMT Homes NW, LLC (Z2010-109) and left Chambers.

UNFINISHED BUSINESS – PUBLIC HEARING ITEM

TMT HOMES NW, LLC (Z2010-109)

Mr. Rolph presented the Staff Report and recommendation for a zone change from Single Family Residential 10,000 (R1-10) and Single Family Residential 12,000 (R1-12) to Planned Unit Development (PUD) and approval of a

Preliminary PUD plan to allow for the development of a 54-unit condominium complex (Meadow Hills Phase 3 PUD).

Mr. Rolph confirmed that notice was issued in accordance with the procedures set forth in the Richland Municipal Code.

Commissioner Jones commented that after reading the last sentence in the City Attorney's conclusion, he stated he is leaning toward concurring with the Staff recommendation. In his opinion, he feels it is clear that this serves to benefit a private interest and not the community as a whole.

Commissioner Clark asked if anyone has looked at how many single-family homes could really be built on this piece of property.

Mr. Rolph is not aware of anyone trying to develop a street system other than the single road through there connecting Meadow Hills Dr. He stated the preliminary plat was for a total of 70 single family residential lots, 56 of those lots have been built in Phase 1 and Phase 2, leaving 14 remaining lots.

Commissioner Boring stated that typically when you see multi-family development such as this on hillsides, they are usually at the end of a development where there are houses above or town homes & condos. She doesn't feel she can support this one because it is in the middle of residential and feels the community will be better served if it is left at single-family.

Commissioner Coblenz agrees with Commissioners Jones and Boring and feels that since the response from the community was overwhelmingly negative and building the condos is not serving those existing members of the community.

COMMISSIONER BORING moved that the Planning Commission concur with the Findings and Conclusions set forth in Staff Report Z2010-109(A) and recommend that City Council deny the request for the zone change from R1-10 and R1-12 to PUD to allow for development of a 54 unit condominium complex (Meadow Hills Phase 3 PUD). Seconded by Commissioner Jones.

Commissioner Coblenz asked for confirmation that a yes vote is a denial and a no vote is an approval.

Chair Madsen confirmed that was correct.

Motion carried on the following roll call vote: Yes – Berkowitz, Boring, Clark, Coblenz, Jones, and Madsen. No – None. Absent – Moser. Recused – Utz.



505 Swift Boulevard, P.O. Box 190, Richland, WA 99352
Telephone 509-942-7390, Fax 509-942-5666

www.ci.richland.wa.us

**COMMUNITY DEVELOPMENT DEPARTMENT
Development Permitting Division**

840 Northgate Drive
Richland, WA 99352
Telephone 509-942-7762
Fax 509-942-7764

July 9, 2012

To: Jeff Rolph, Senior Planner

RE: Meadow Hills PUD III (Rezone 10-acre site)

The proposed buildings at this site appear to exceed the number of stories allowed to use wood-frame construction. Because this may affect the overall costs of construction, the City is bringing this issue to the attention of all involved. The City also reminds the developer that fire sprinklers and fire alarms will be required because these proposed structures do not qualify as "townhouses" under the adopted International Residential Code (IRC). The City also has a special ordinance regarding development on a hillside and the types of exterior materials required, including, but not limited to, non-combustible siding, soffits, and non-combustible construction of other projections and appurtenances to the buildings. That ordinance is found in RMC Title 21.01.030 Wild-Land Areas.

Thank you.

Kevin K. Rex

Rolph, Jeff

From: Pinard, Phil
Sent: Thursday, July 05, 2012 9:31 AM
To: Rolph, Jeff
Subject: Meadow Hills III PUD, Z2012-101

Jeff, Dave and I have reviewed the application and have no comments other than they will be subject to park impact fees. Thanks, Phil

Phil Pinard, Planning & Construction Manager

City of Richland, Parks and Recreation

W:509-942-7463 C:509-528-4658

www.richlandparksandrec.com





Badger Mountain Irrigation District

87525 East Reata Road
Kennewick, WA 99338

(509) 628-0777
Fax (509) 628-0112

July 10, 2012

Mr. Jeff Rolph
Development Services Division
City of Richland
P O Box 190
Richland, WA 99352

Sent Via Fax (509)942-7764

RE: Proposed Zone Change and Planned Unit Development:
Meadow Hills III

Jeff:

I previously reviewed your memo concerning this planned development and I now have the added benefit of having been at the meeting today to discuss this matter in greater detail with everyone present.

Comments:

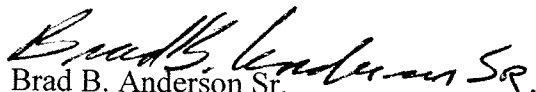
- Existing BMID Irrigation Easement: The existing easement that parallels the northern boundary of this property contains a 6-inch pressurized pipeline that serves the Meadow Hills I and II neighborhoods to the east of this proposed development. I would like to talk to the street department concerning the exact boundaries of the street ROW and the location of the existing BMID easement. It appears that the existing BMID easement will fall outside of the proposed ROW. If possible, I would like to look into the possibility of re-aligning this easement southward to make sure that the pipe is better protected under the new street rather than at the edge of the drop-off towards the KID East Badger Lateral below.
- Both the Meadow Hills neighborhood to the east and the Crested Hill development to the west of this project are within the boundaries of BMID and collectively, are served by this irrigation pipeline. Meadow Hills Phase III is not currently within the boundaries of the District. However, it is eligible to join BMID.
- Due to the relatively small irrigable/landscaped area within this development, I would like to discuss possible options for irrigation further with the developer and the City. Specifically, could the landscaped areas within this development be irrigated with City water?
- I am particularly pleased to learn that the developer is planning on employing a "xeriscape" design through the use of native plants. Xeriscaping employs low water volume, low delivery pressure and efficient application of irrigation water. Xeriscaping should be encouraged for many future developments within Richland

and the greater Tri-City area (where applicable) because of the significantly lower demands for irrigation water. Xeriscaping has the potential to play an increasingly important role in area-wide water conservation efforts. This type of irrigation design is also very advantageous for public safety reasons where the landscaped area is in an area of steep slopes and especially where there are highly urbanized private properties below.

Summary:

The Badger Mountain Irrigation District has no objections to this proposed project. The District would welcome the much-needed side-benefit of seeing the completion of Meadow Hills Drive by connecting Meadow Hills to Crested Hills. The new section of street that would be built through this project will enhance the security and protection of the District's existing pressurized pipeline.

Sincerely,


Brad B. Anderson Sr.
Secretary-Manager

Rolph, Jeff

From: Rebecca Hiles <rhiles@kid.org>
Sent: Thursday, July 12, 2012 12:02 PM
To: Rolph, Jeff
Cc: Jason McShane
Subject: Proposed Zone Change & PUD for Meadow Hills No. 3

Hi Jeff,

KID has no comments or concerns regarding the Proposed Zone Change for Meadow Hills No. 3 (Z2012-101). However, KID does have concerns for potential slides due to the steepness of the slopes along the Badger East Canal. KID's District Engineer will want to evaluate the Geotechnical Report prior to any dwellings being built in this area.

Rebecca S. Hiles, E.I.T.
Staff Engineer
Kennewick Irrigation District
12 W. Kennewick Avenue
Kennewick, WA 99336
(509) 586-9111 ext. 113
RHiles@kid.org

Rolph, Jeff

From: Simon, Rick
Sent: Wednesday, July 18, 2012 4:56 PM
To: Rolph, Jeff
Subject: FW: Comments Re: Z2012-101

From: pamelacarl@charter.net [<mailto:pamelacarl@charter.net>]
Sent: Wednesday, July 18, 2012 4:56 PM
To: Simon, Rick
Subject: Comments Re: Z2012-101

Mr. Simon,

Regarding the zoning change requested by TNT Homes, LLC, I want to comment that I am not in favor of it. The primary reason is that implementing the change would have a negative impact on the value of my house: This is due to the significant increase in traffic, and the reputation Richland, WA is earning around the DOE complex (based on personal communications) for changing zoning to suit the near-term tax roles at the expense of long-term growth in the housing stock.

Daniel E. Carl
484 Meadow Hills Drive



Telquist Ziobro McMillen
Attorneys at Law

RECEIVED

JUL 19 2012

Planning &
Development Services

July 17, 2012

Rick Simon
City of Richland
PO Box 190
Richland, WA 99352

RE: Notice of Application – Z2012-101
Our File No. 10-425

Dear Mr. Simon:

I am providing you, comments on behalf of my clients Terry and Cathy Alton on the above referenced matter. In general my clients are not opposed to the project. However, I am enclosing a letter sent to Mr. Lampson on September 8, 2010 enclosing a Temporary Easement and Indemnity Agreement for a waterline that was improperly located too close the Alton's home. If you review City files, you will find that there is a fairly lengthy history of correspondence between the City, the Alton's, or myself. Among the other concerns of the Alton's are that the waterline is now placed under several feet of fill. If the line were to fail or break it would cost significant damage.

The intent of the parties in 2008 through 2010 was to provide the City an Easement Agreement that included indemnity with an understanding that at some point the line would be removed or rerouted. Our records reflect that the City did not ever execute the Temporary Easement and Indemnity Agreement or respond to the request. If you look at page 3 of the Site Plan, you will see the Alton's home identified as Lot 284. It is my understanding that the City has requested of Mr. Tahvili that the waterline be relocated to his property. In fact, I am enclosing letters from Steve Stairs to Mr. Tahvili dated March 4, 2009 and January 12, 2010 making this request.

I am writing to request that the City use this application as an opportunity to acknowledge that the existing waterline is not within the reserved utility easement on the Alton's property or adjacent properties and find a resolution. The responsible approach is to remedy this situation. With this application there is an opportunity to do so.

George E. Telquist • John S. Ziobro • Robert G. McMillen

Chip Giles • Richard D. Whaley

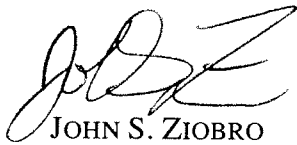
1333 Columbia Park Trail, Suite 110 • Richland, WA 99352
(509) 737-8500 • Fax (509) 737-9500 • www.tzmlaw.com

For your reference, I am enclosing Mr. Stairs' letters to Mr. Tahvili, along with an August 16, 2010 development services comment letter which references the easement relocation for a proposed development of Meadow Hills Phase 3.

If you have any questions about these comments or requests, please feel free to contact me at your earliest convenience.

Very truly yours,

TELQUIST ZIOBRO McMILLEN, PLLC



JOHN S. ZIOBRO

JSZ/mlc

Enclosure

cc: Terry and Cathy Alton
File

George E. Telquist • John S. Ziobro • Robert G. McMillen

Chip Giles • Richard D. Whaley

1333 Columbia Park Trail, Suite 110 • Richland, WA 99352
(509) 737-8500 • Toll Free (877) 789-LAW1 • Fax (509) 737-9500
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505 Swift Boulevard, P.O. Box 190 Richland, WA 99352
Telephone 509-942-7390, Fax 509-942-5666

March 4, 2009

Mr. Tony Tahvili
TMT Homes, Inc.
8608 W. Clearwater Pl, 99336

SUBJECT: TAPTEAL II WATER MAIN EASEMENT

Dear Mr. Tahvili:

The City of Richland is in need of relocating the twelve inch water main and accompanying drain line that run between Meadow Hills Drive and the Kennewick Irrigation District canal to supply and drain the Tapteal II reservoir in South Richland. I would like to discuss with you the possibility of securing a ten-foot easement along the eastern edge of your undeveloped property (Parcel ID 135983000010001) to provide a corridor to re-route these water facilities. If you would be so kind, please call me at your earliest convenience so that we can meet and discuss this issue. I can be reached at (509) 942-7504 or by email at ssstairs@ci.richland.wa.us.

I look forward to hearing from you soon.

Sincerely,

Steve Stairs

Steve Stairs, P.E.
Civil Engineer III



505 Swift Boulevard, P.O. Box 190 Richland, WA 99352
Telephone 509-942-7390, Fax 509-942-5666

www.ci.richland.wa.us
January 12, 2010

Mr. Tony Tahvili
TMT Homes, Inc.
8608 W. Clearwater Place
Kennewick, WA. 99336

SUBJECT: TAPTEAL II WATER MAIN EASEMENT

Dear Mr. Tahvili:

The City of Richland needs to relocate a water main and drain line between Meadow Hills Drive and the Kennewick Irrigation District canal that currently supply and drain the Tapteal II Reservoir in South Richland. I would like to discuss with you the possibility of securing a ten-foot easement along the eastern edge of your undeveloped property to provide a corridor to re-route the pipes. The enclosed map shows the concept we have developed so far.

If you would be kind enough to call me at your earliest convenience so that we can meet to discuss this proposal. I can be reached at (509) 942-7504 or by email at ssstairs@ci.richland.wa.us.

I look forward to hearing from you soon.

Sincerely,



Steve Stairs, P.E.
Civil Engineer III

Enclosure



505 Swift Boulevard, P.O. Box 190 Richland, WA 99352
Telephone 509-942-7390, Fax 509-942-5666

www.ci.richland.wa.us

Development Permitting Division

840 Northgate Drive
Richland, WA 99352
Telephone 509-942-7794
Fax 509-942-7764

August 16, 2010

Anthony Wolf
TMT Homes NW, LLC
8615 West Clearwater Place
Kennewick, WA 99336

RE: Proposed Planned Unit Development – Meadow Hills Phase 3

Dear Mr. Wolf:

This letter is written as a follow-up to the pre-application meeting that you attended on August 10th concerning your Planned Unit Development (PUD) application. At that meeting, representatives from the City Public Works, Building, Planning, Fire Marshal and Energy Services divisions were present to discuss your development concept.

The following is a summary of the comments made at that meeting:

Public Works:

- Noted that traffic mitigation fees would be required at the time of building permit at a rate of \$1,519 per single family residence. (If condominiums have a lower average traffic count than a single family residence, a corresponding reduction would be made to the fee).
- No traffic study would be required.
- The water easement will need to be relocated and a minimum four feet of cover is required over the top of the water main.
- Required street width is 34 feet from curb-to-curb.
- Standard residential garbage collection will be used (no commercial dumpsters on-site).
- No commitments were made whether a gated street would be permitted or not.

Fire Marshal

- 1500 gallons/minute fire flow is required.
- Fire alarm systems for each building will be required.
- There is a 10% maximum slope requirement for driveways.
- If street is to be gated, knox lock box will be required.

Building

- Buildings will need to be fire sprinkled.



Telquist Ziobro McMillen
Attorneys at Law

September 8, 2010

Tom Lampson
Richland City Attorney
505 Swift Boulevard
P.O. Box 190
Richland, WA 99352

Re: *Terrance & Catherine Alton - 284 Meadow Ridge Loop*
Our File No. 08-210

Dear Tom:

I am following-up my letter dated August 28, 2008 and a series of e-mails that have been exchanged since then regarding the above-referenced property. I am enclosing a copy of a draft Temporary Easement and Indemnity Agreement consistent with our correspondence.

The City originally provided a Water Line Easement to the Altons for their execution that included a legal description. It is my belief that this legal description is for the actual location of the water line. Prior to executing and recording the Easement, I request that the city confirm that the legal description provided on page 2 is for a 10-foot easement with 5 feet on either side of the existing water line.

While preparing this Agreement, my clients also became concerned that a storm drain within the easements on their property may not have been fully constructed. We are also requesting that the City confirm that the storm drain within the easement has actually been constructed. Otherwise, my clients are concerned that any extension of the storm drain will require significant excavation on their property.

George E. Telquist • John S. Ziobro • Robert G. McMillen • Eric B. Eisinger

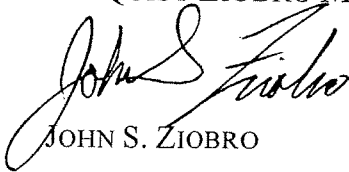
1333 Columbia Park Trail, Suite 110 • Richland, WA 99352

(509) 737-8500 • Toll Free (877) 789-LAW1 • Fax (509) 737-9500 • www.tzmlaw.com

If you have any questions or wish to discuss this matter further, you are welcome to give me a call.

Very truly yours,

TELQUIST ZIOBRO McMILLEN, PLLC



JOHN S. ZIOBRO

Enclosures

JSZ/jr

cc. Terrance & Cathy Alton (w/ enc.)

George E. Telquist • John S. Ziobro • Robert G. McMillen • Eric B. Eisinger

1333 Columbia Park Trail, Suite 110 • Richland, WA 99352

(509) 737-8500 • Toll Free (877) 789-LAW1 • Fax (509) 737-9500 • www.tzmlaw.com

PLANNED UNIT DEVELOPMENT (PUD) APPLICATION

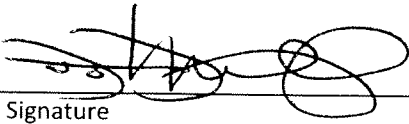
The purpose of this application is to determine the general overall scope of the Planned Unit Development (PUD) the applicant is proposing. This application should be submitted, with PUD filing fee, at the time the Preliminary PUD Plan is submitted to the Physical Planning Commission for review and approval.

Applicant Name – Terence L. Thornhill Architect Inc. P.S.					
Address – 9221 Sandifur Parkway, Suite A			City - Pasco		State - WA
Zip - 99301					
Phone Number – (509) 547.8854		Fax Number – (509) 547.8912		Other – (509) 851.4147 (cell)	
Development Information – Develop 10.24 acres with 4 buildings consisting of eleven residential townhouses each on the uphill side of Meadow Hills Drive for a combined 44 units. 40 units will have approximately 3,150 SF of living space and 1,200 SF of deck space each. Four penthouse units (one per building) will have approximately 5,650 SF of living space and 2,896 SF of deck space (2 decks each penthouse). Each unit will have 2 dedicated, enclosed parking spaces.					
Accurate legal description of <i>Total</i> PUD site for which approval is requested – Parcel ID 135983000010001: Section 35 Township 9 Range 28. THAT PORTION OF THE SOUTH HALF OF SECTION 35, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M. BENTON COUNTY, WASHINGTON LYING WESTERLY OF THE KENNEWICK IRRIGATION DISTRICT					
Total acreage of PUD site – 10.24 acres			Other comments		
If development will begin in phases, acreage of each phase:					
Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Phase 6
Other comments					
Target date for completion of PUD – 4th Quarter 2016			Other comments – The development will be completed in four phases with each cluster of townhouses consisting of one phase.		
If development will be in phases, approximate timetable for completing each phase:					
Phase 1 4th Quarter 2013	Phase 2 4th Quarter 2014	Phase 3 4th Quarter 2015	Phase 4 4th Quarter 2016	Phase 5	Phase 6
Other comments					
Proposed land uses, including acreage (if development will be in phases, specify land uses and acreage for each phase) Less than three acres will be for residential building foot prints and xeriscape landscape plantings immediately adjacent to the townhouses themselves leaving seven acres for open space, walk ways and the city street. As such, over 69% of the land will be preserved as natural open space.					
Residential land use categories (single-family, multi-family, etc.), and the amount of acres and number of dwelling units in each category (if development will be in phases, specify categories, acres, and dwelling units for <i>each</i> phase) Low Density Residential PUD townhouses, 10.24 acres with 44 dwelling units					
Plans for maintenance and preservation of all open space uses: Developer will maintain open space and buffer zones in their natural state until a townhouse association is established.					
Other comments:					

Continued →

I have examined and am familiar with all applicable regulations of Titles 23 and 24, Richland Municipal Code, as they pertain to this application.

The information provided is "said to be true under penalty of perjury by the laws of the State of Washington."


Signature

6.20.12
Date

OFFICE USE ONLY

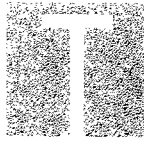
Application received by Current Planning Section and PUD filing fee paid _____

Date of Physical Planning Commission Hearing _____

Action by Physical Planning Commission Minutes No.: _____

Enclosures:

1. Original PUD plan and 32 copies.
 2. 11" x 17" reduction of PUD plan.
 3. Ownership Report from title company listing all owners within 300-feet.
 4. Filing fee.
-



TERENCE L THORNHILL

☐ TRANSMITTAL

☐ FAX

☒ MEMO

TO: JEFF ROLPH
CITY OF RICHLAND
SENIOR PLANNER
PLANNING DEPARTMENT

DATE: JULY 2, 2012

PAGES (INCL. THIS PAGE) 1 OF 1 SHEETS

CC: RICK SIMON
CITY OF RICHLAND
DEVELOPMENT SVCS. MGR.
PLANNING DEPARTMENT

PROJECT #: 209-014

ATTACHED/ENCLOSED ARE SHEET(S):

☒ FOR YOUR INFORMATION

☒ AS YOU REQUESTED

FROM: TERENCE THORNHILL, AIA

☒ FOR YOUR REVIEW & COMMENT

☐ HARD COPY TO FOLLOW

RE: MEADOW HILLS III DEVELOPMENT NARRATIVE

Jeff,

Per our discussion last week, I submit this narrative to better explain the development intentions of TMT homes with regard to the aforementioned project.

The landscaping will be developed per the attached site plan sheet 1.0L. Some species, locations, amounts etc. may change somewhat during final design, however, this plan will serve as a good yardstick with which to evaluate the landscape development intentions of TMT Homes.

The roadway will be developed similar to the City of Richland standard roadway cross section for a local street (single frontage) - detail ST-14 [http://www.ci.richland.wa.us/development/standard%20sections.htm]

Roadway section detail ST-14 shall be revised to add a 36" wide landscape strip adjacent to the 60" sidewalk, between the sidewalk and the street.

Lastly, the roadway shall be constructed in phases, consistent with the develop of the Townhouse blocks in order to utilize excavation material for roadway base.

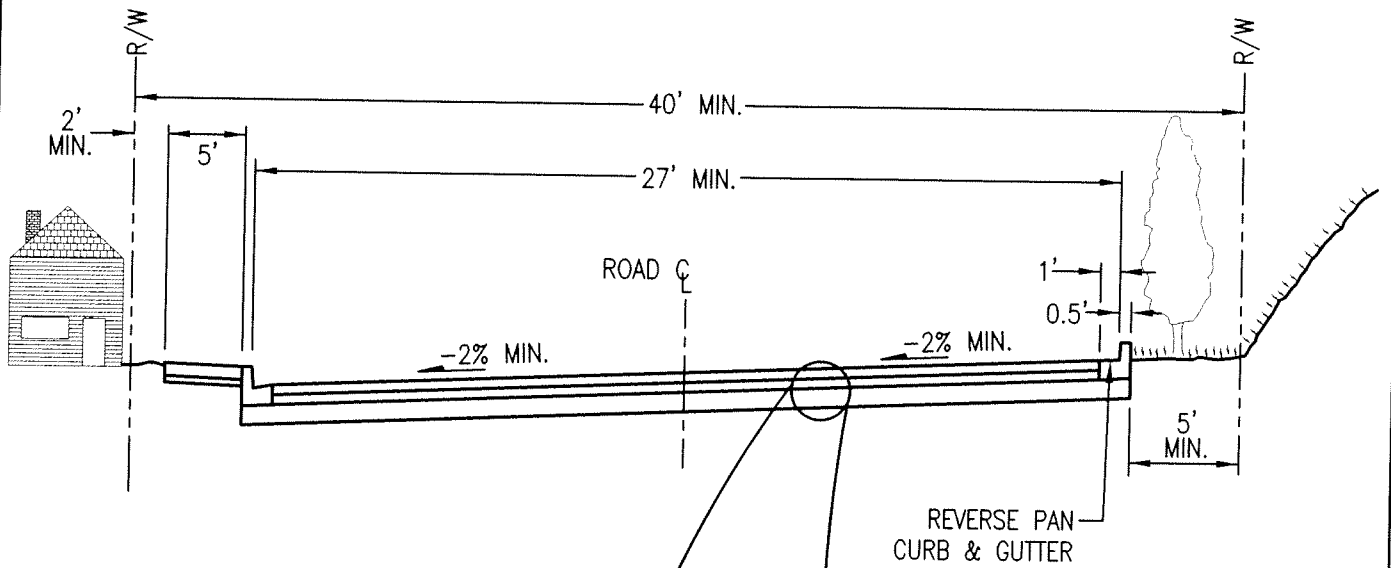
If you have any additional questions or require any further detail or explanation, please do not hesitate to contact me.

Regards,

Terence L. Thornhill, AIA

President

Terence L. Thornhill, Architect Inc. P.S.

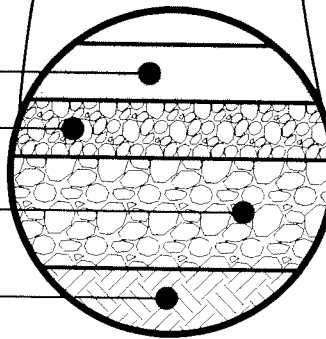


2" HMA CL. 1/2 IN., PG. 64-28

2" CSTC

4" CSBC

COMPACTED SUBGRADE



LOCAL STREET (SINGLE FRONTAGE)

CIVIL & UTILITY ENGINEERING

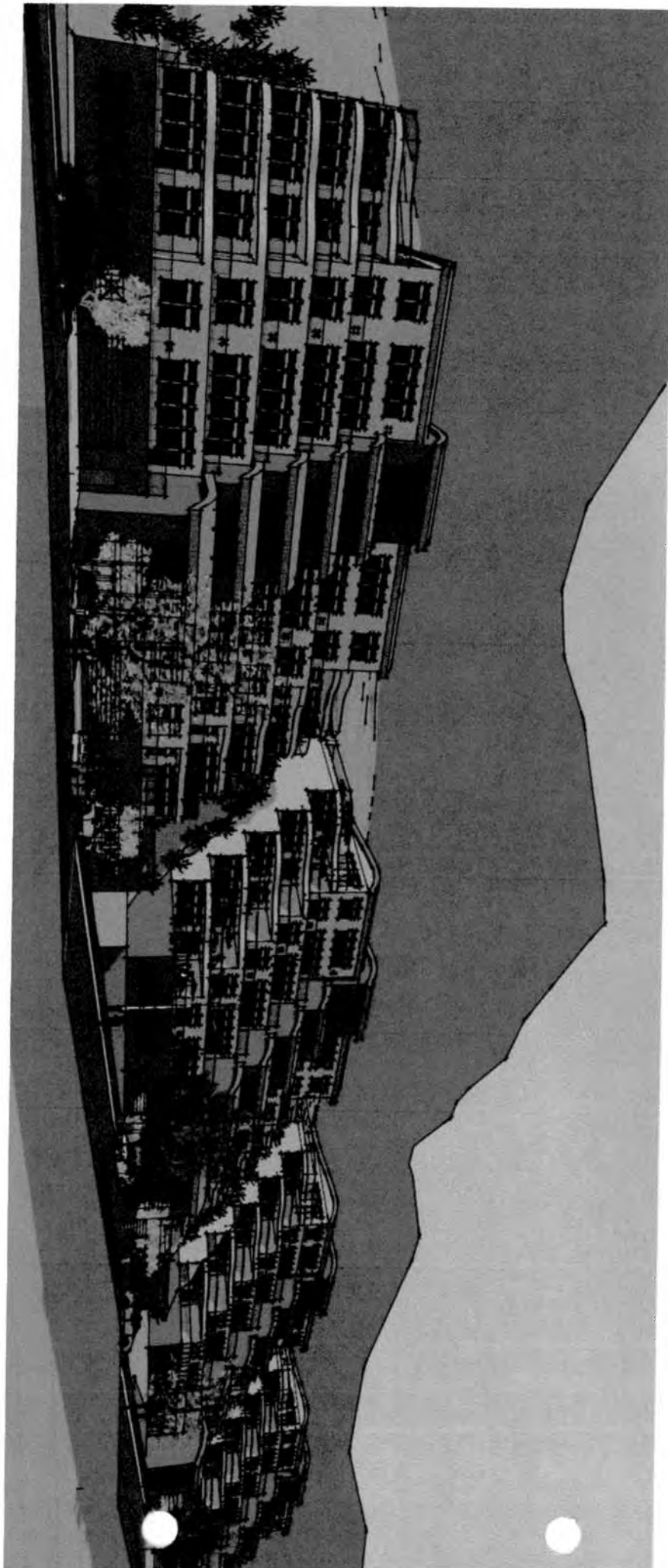
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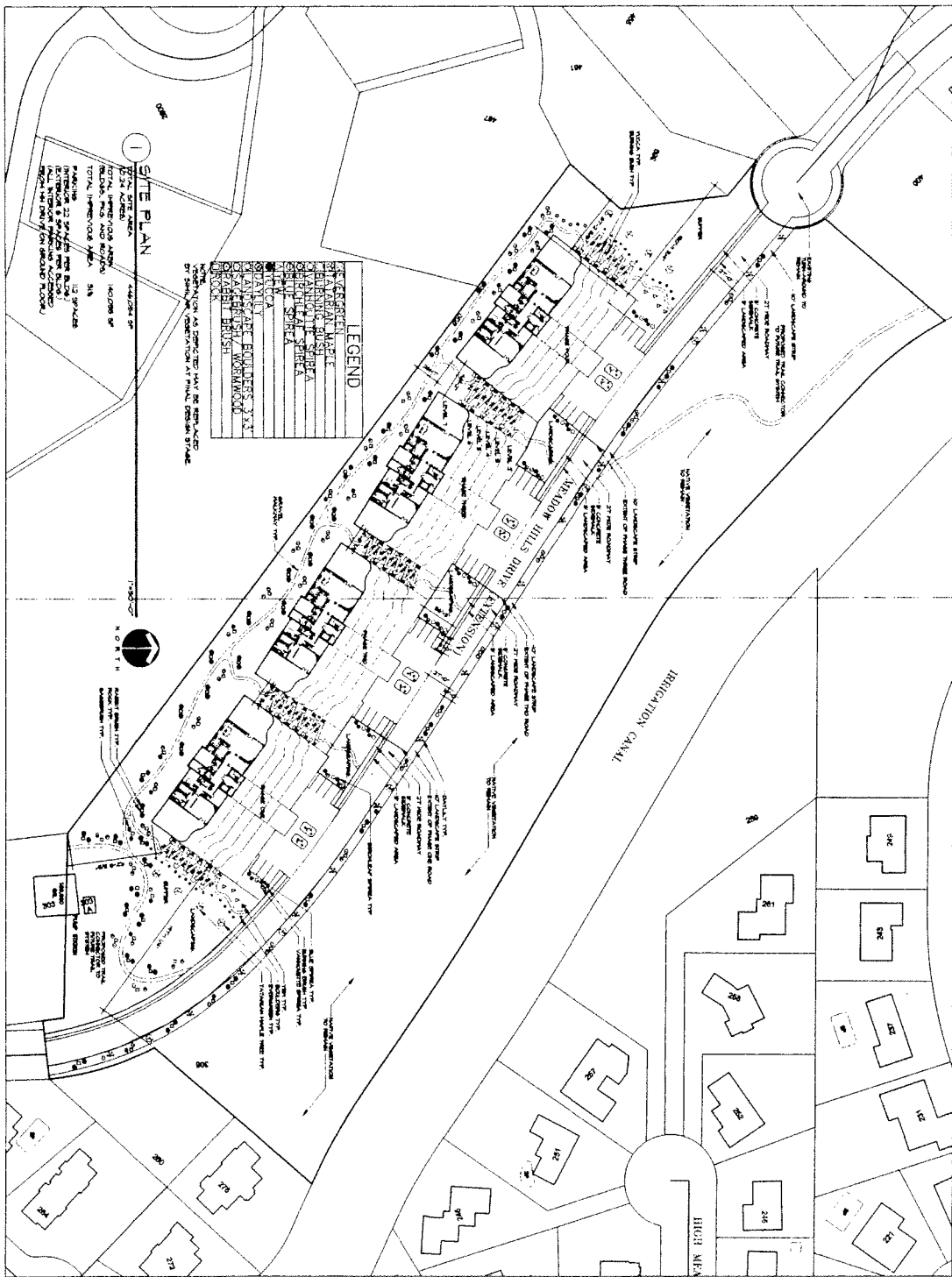
DATE: 12.10

DRAWN BY: LD

DWG: ST14

CAD FILE: 2012_ST14_12_2010





TERENCE L. THORNHILL ARCHITECT

2021 S. 10TH AVENUE, SUITE 100
DENVER, CO 80202
PHONE: 303.733.1000
FAX: 303.733.1001
WWW.TLTHORNHILL.COM

MEMBER
A PROFESSIONAL SERVICE CORPORATION

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These drawings are subject to the terms and conditions of the contract and the architect's standard contract documents, including the AIA Contract Documents, which are incorporated by reference into these drawings.

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CHECKED BY: TT
PHASE: TT
REVISION NO.: 01

MEADOW HILLS III TOWNHOUSES

RICHARD, WA

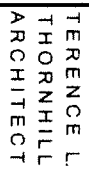
SITE LANDSCAPE PLAN

1.0

212-002

JULY 02, 2012

1202 LANDSCAPING01



2715 ST ANDREWS LOOP
SUITE 'A'

PASCO W/

(continued)

800-247-8854
FAX 509-547-8812

<http://www.23andme.com>

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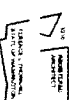
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REVISION NO

MEADOW HILLS
III
TOWNHOUSES

RICHLAND, WA

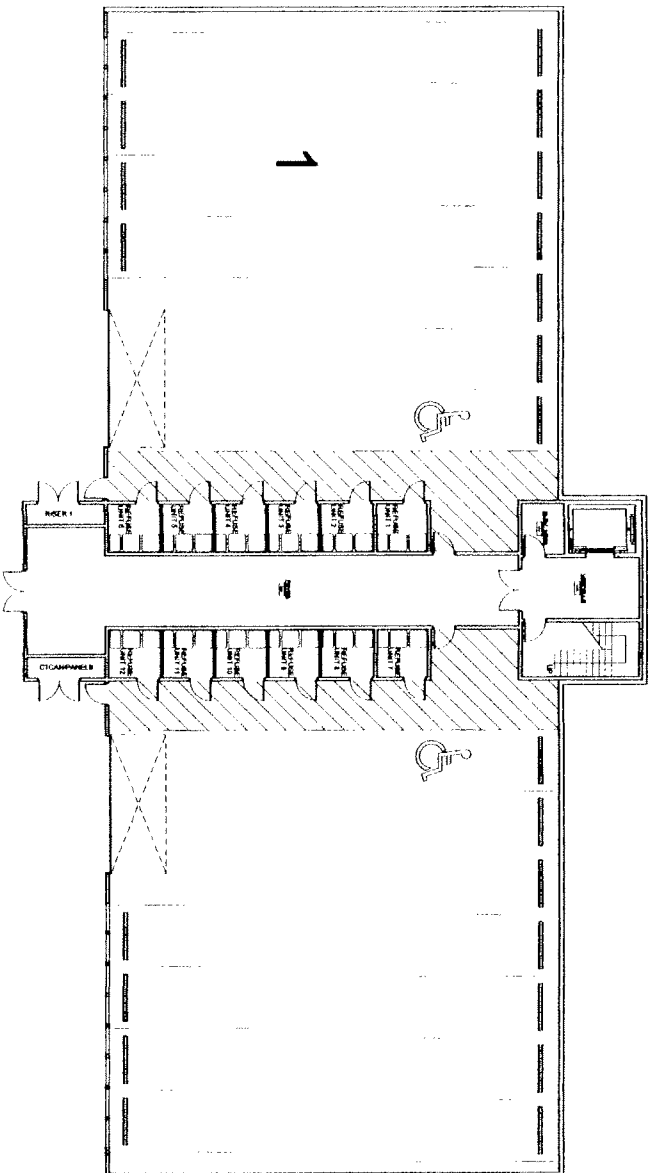
FIRST LEVEL
FLOOR PLAN

3.1

211-002

MAY 23, 2012

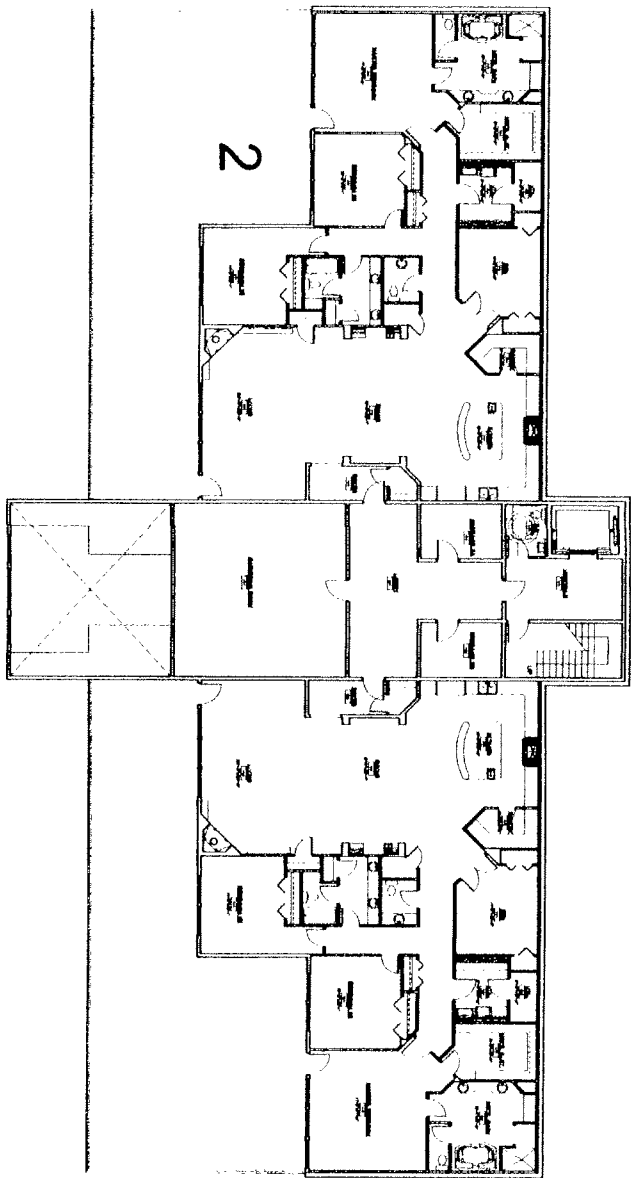
1202-PLN05



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FIRST LEVEL AREA 12009 01

2010



SECOND LEVEL FLOOR PLAN
 SECOND FLOOR AREA: 5,144 S.F.
 TOTAL FLOOR AREA: 10,288 S.F.
 CORNER AREA: 24 S.F.

TERENCE L. THORNHILL ARCHITECT
 2715 ST. ANDREW'S LOOP
 SUITE 2A
 PASADENA, WA 98061
 TEL: 509-447-3612
 FAX: 509-447-3613
 EMAIL: info@terence-thornhill.com
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This drawing is not intended to be used for construction without the approval of the architect. It is the responsibility of the architect to ensure that the drawing is used for the intended purpose and that all necessary permits and approvals are obtained.

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 DRAWN BY: TT
 CHECKED BY: TT
 PHASE: II
 REVISION NO.

MEADOW HILLS III TOWNHOUSES
 RICHLAND, WA

3.2
 212-002
 MAY 23, 2012
 1202-PLN05



TERENCE L.
THORNHILL
ARCHITECT

2715 ST. ANDREW'S LOOP
PASCO, WA
99301

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FAX: 509.647.4812
mailto:info@terence-thornhill.com
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These drawings are prepared by me
and are submitted to the American
Institute of Architects for their review and
approval. I, the undersigned, hereby certify
that the drawings are correct and true
to the best of my knowledge and belief.

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TT
CHECKED BY
TT
PHASE
50
REVISION NO.

1. 1202-PLN05
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MEADOW HILLS
III
TOWNHOUSES

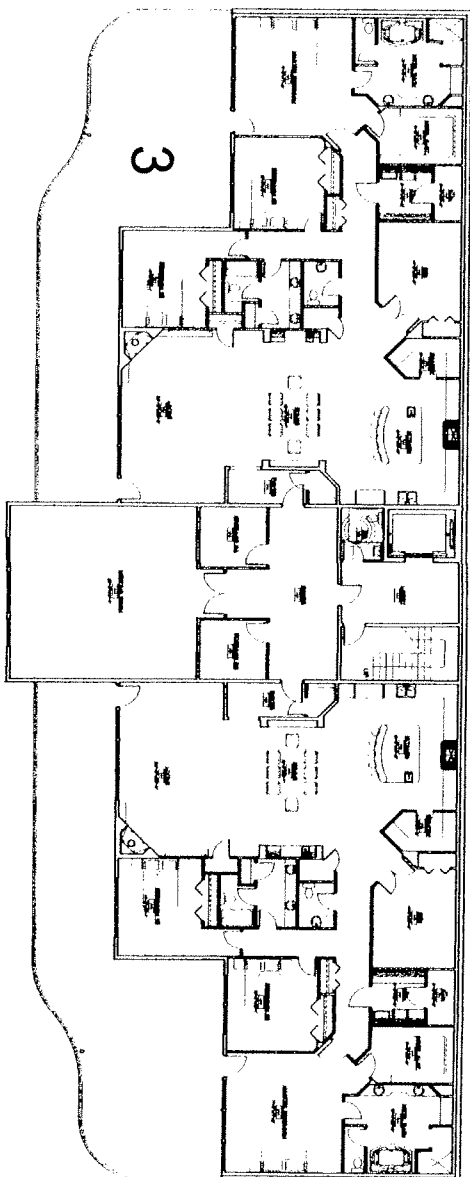
RICHLAND, WA

THIRD LEVEL
FLOOR PLAN

3.3

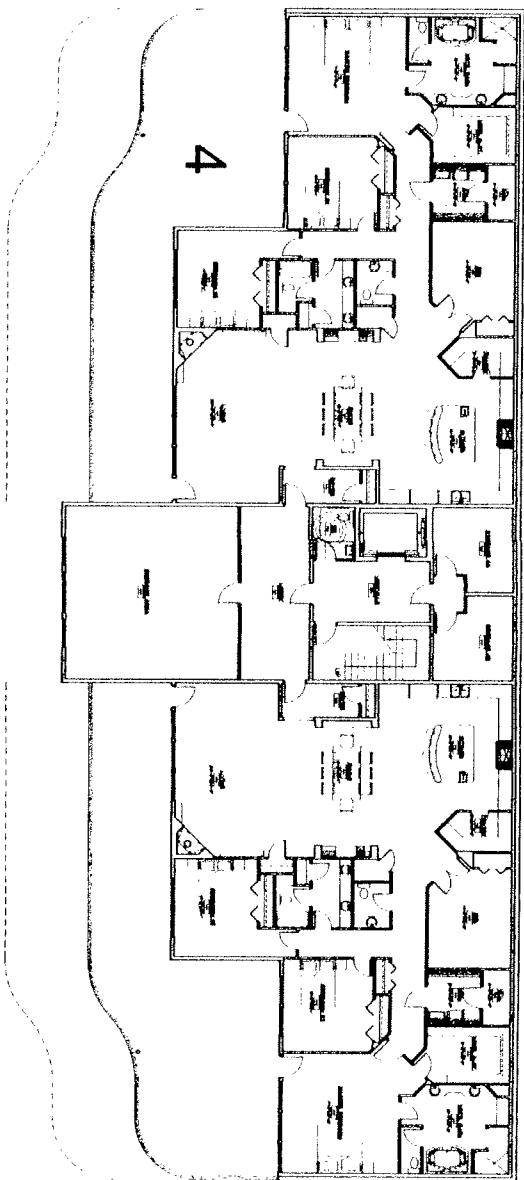
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MAY 23, 2012
1202-PLN05



1. THIRD LEVEL FLOOR PLAN
TOWNHOUSES
MEADOW HILLS
III
RICHLAND, WA
1202-PLN05

1 FOURTH LEVEL FLOOR PLAN
 TOTAL AREA: 10,000 sq. ft.
 CORRELATION AREA: 10,000 sq. ft.



TERENCE L. THORNHILL
 ARCHITECT
 2715 ST. ANDREW'S LOOP
 SUITE 'X'
 PASCO, WA 99301

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 FAX 509-547-2812
 TLR@TERENCELTHORNHILL.COM
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 for the accuracy of the information
 provided by the client.

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TT

CHECKED BY:

TT

PHASE

NO

REVISION NO.



MEADOW HILLS
 III
 TOWNHOUSES

RICHLAND, WA

FOURTH LEVEL
 FLOOR PLAN

3.4

212-002

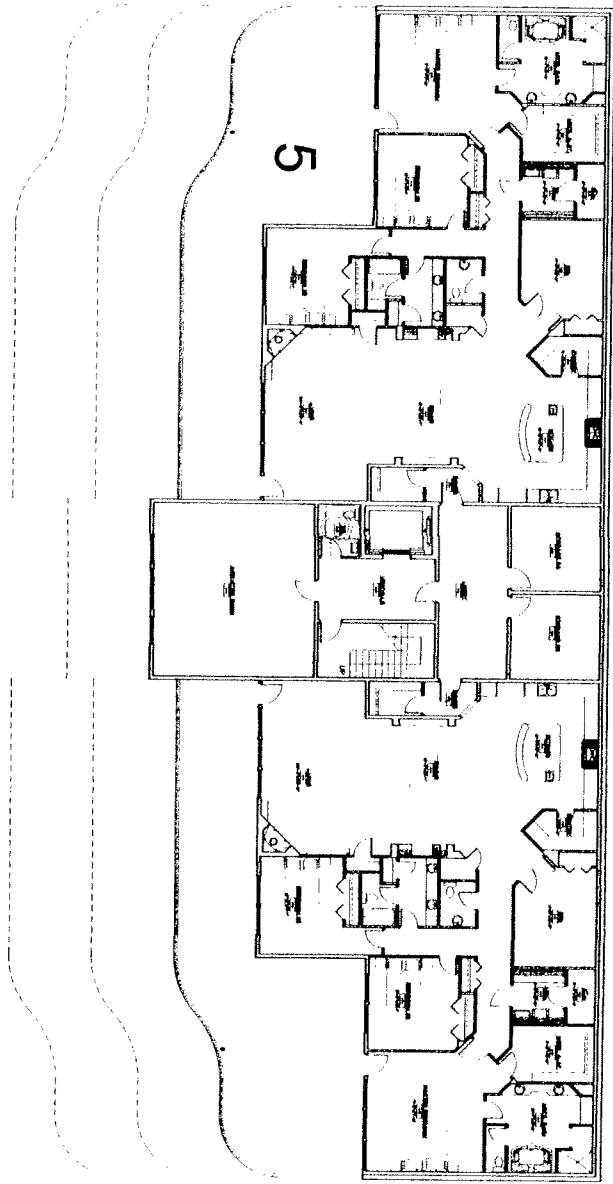
MAY 23, 2012

1202-PLN05

1 FIFTH LEVEL FLOOR PLAN

5th Floor Area: 5,200 sq. ft.
 5th Floor Area: 5,200 sq. ft.
 5th Floor Area: 5,200 sq. ft.

1/8" = 1'-0"



TERENCE L. THORNHILL ARCHITECT
 2715 ST. ANDREWS LOOP
 PASCO, WA 99301

509.447.2804
 FAX 509.447.0612
 Email: Terence@terncorarchitect.com
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These drawings are prepared by me and are not subject to the review and approval of the American Institute of Architects. I, Terence L. Thornhill, Architect, do hereby certify that I am the author of these drawings and that I am a duly licensed architect in the State of Washington.

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 CHECKED BY: TT
 PHASE: 50
 REVISION NO.

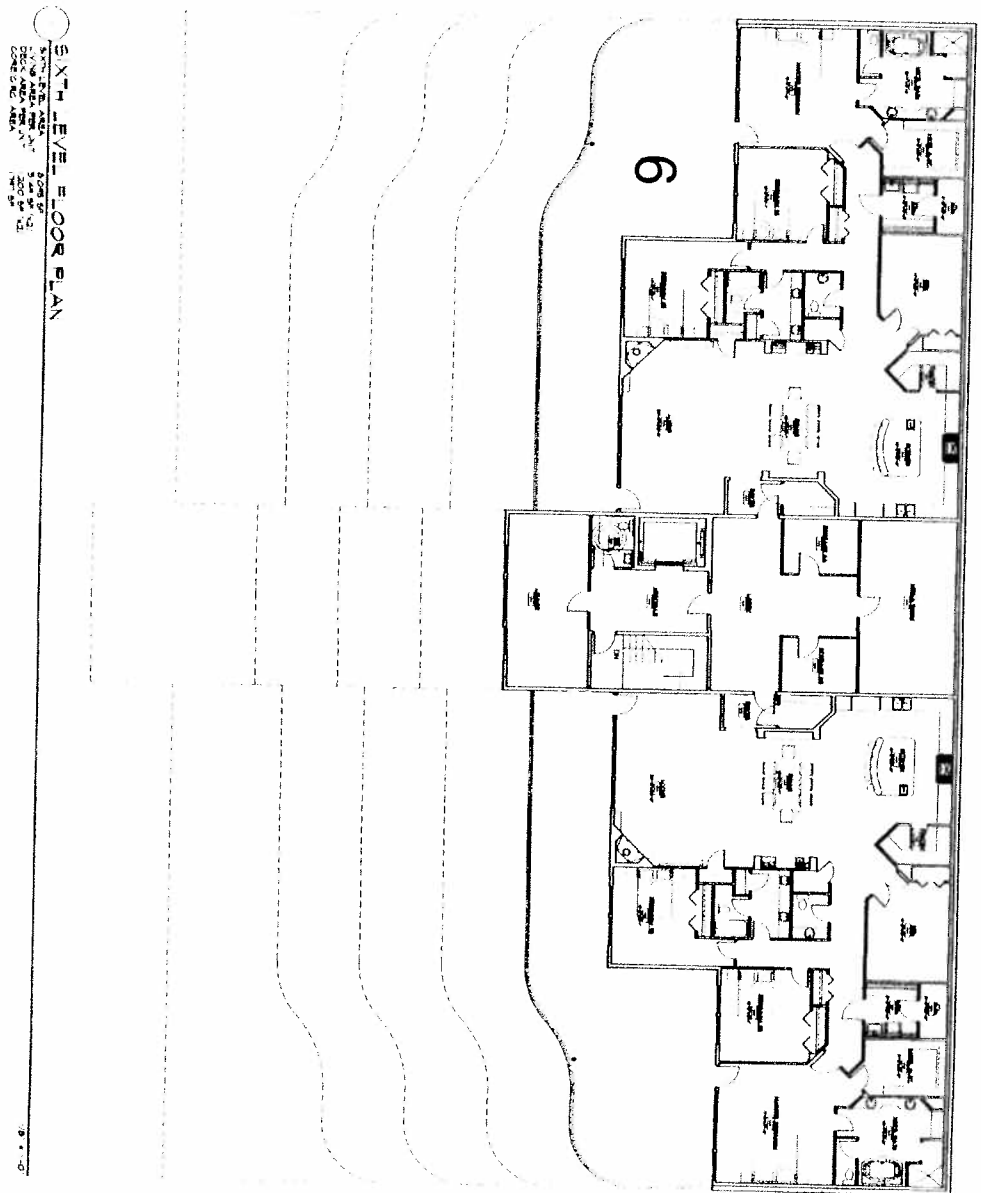


MEADOW HILLS III TOWNHOUSES

RICHLAND, WA

FIFTH LEVEL FLOOR PLAN

3.5
 212-002
 MAY 23, 2012
 1202-PLN05



SIXTH LEVEL FLOOR PLAN
 1/2" = 1'-0"
 1202-PLN05



TERENCE L. THORNHILL
 ARCHITECT
 2715 ST. ANDREW'S LOOP
 SUITE 200
 PASADENA, WA 98061

509-547-8654
 FAX 509-547-7812
 terence@terencearchitect.com
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 client. I am not responsible for the
 accuracy of the information provided by the
 client.

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 JT
 PHASE
 SD
 REVISION NO



MEADOW HILLS
 III
 TOWNHOUSES

RICHLAND, WA

SIXTH LEVEL
 FLOOR PLAN

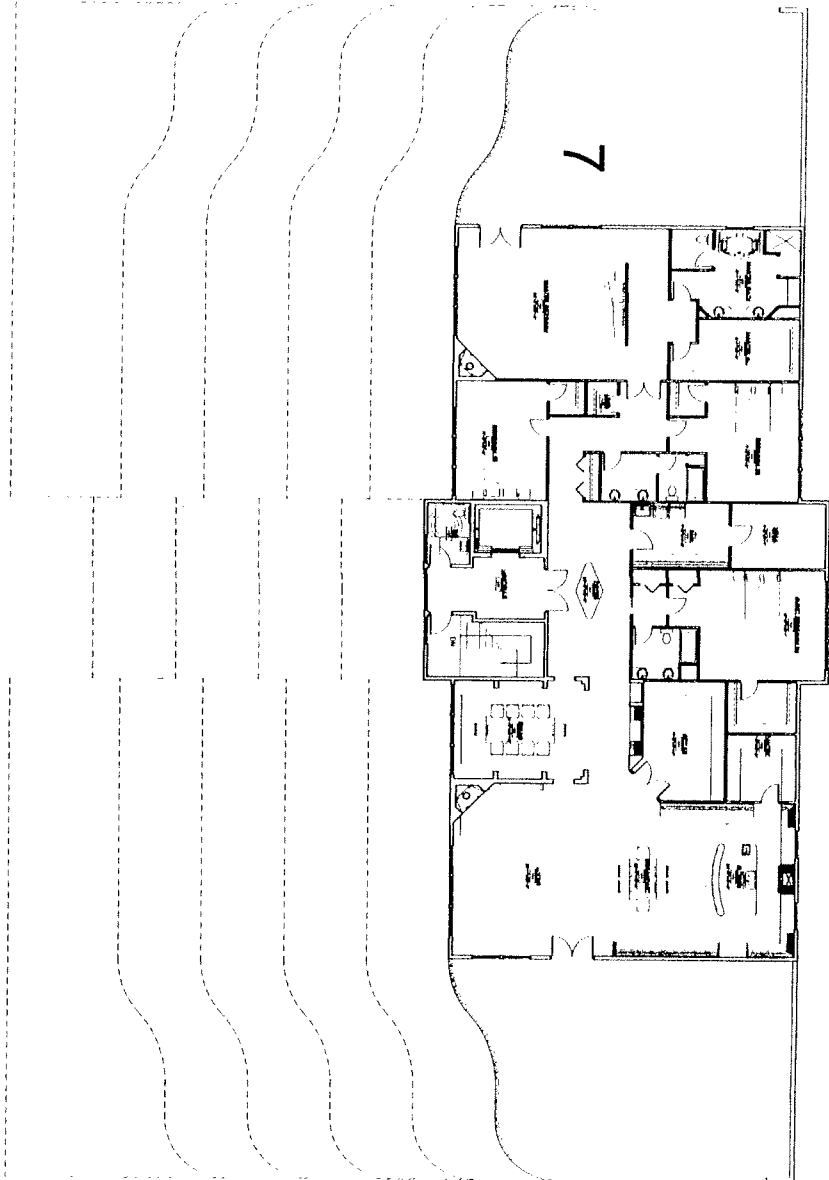
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212-002

MAY 23, 2012
 1202-PLN05

① SEVENTH LEVEL FLOOR PLAN
DECK 1448 SF X 2
LIVING AREA 5655 SF

1/8" = 1'-0"



TERENCE L.
THORNHILL
ARCHITECT

2715 ST. ANDREWS LOOP
SUITE 200
PASADENA, CA 91101

562-347-8884
562-347-8885
tthornhill@earthlink.net

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reproduced in any form without
written consent of Terence L. Thornhill Architect.

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REVISION NO.



MEADOW HILLS
III
TOWNHOUSES

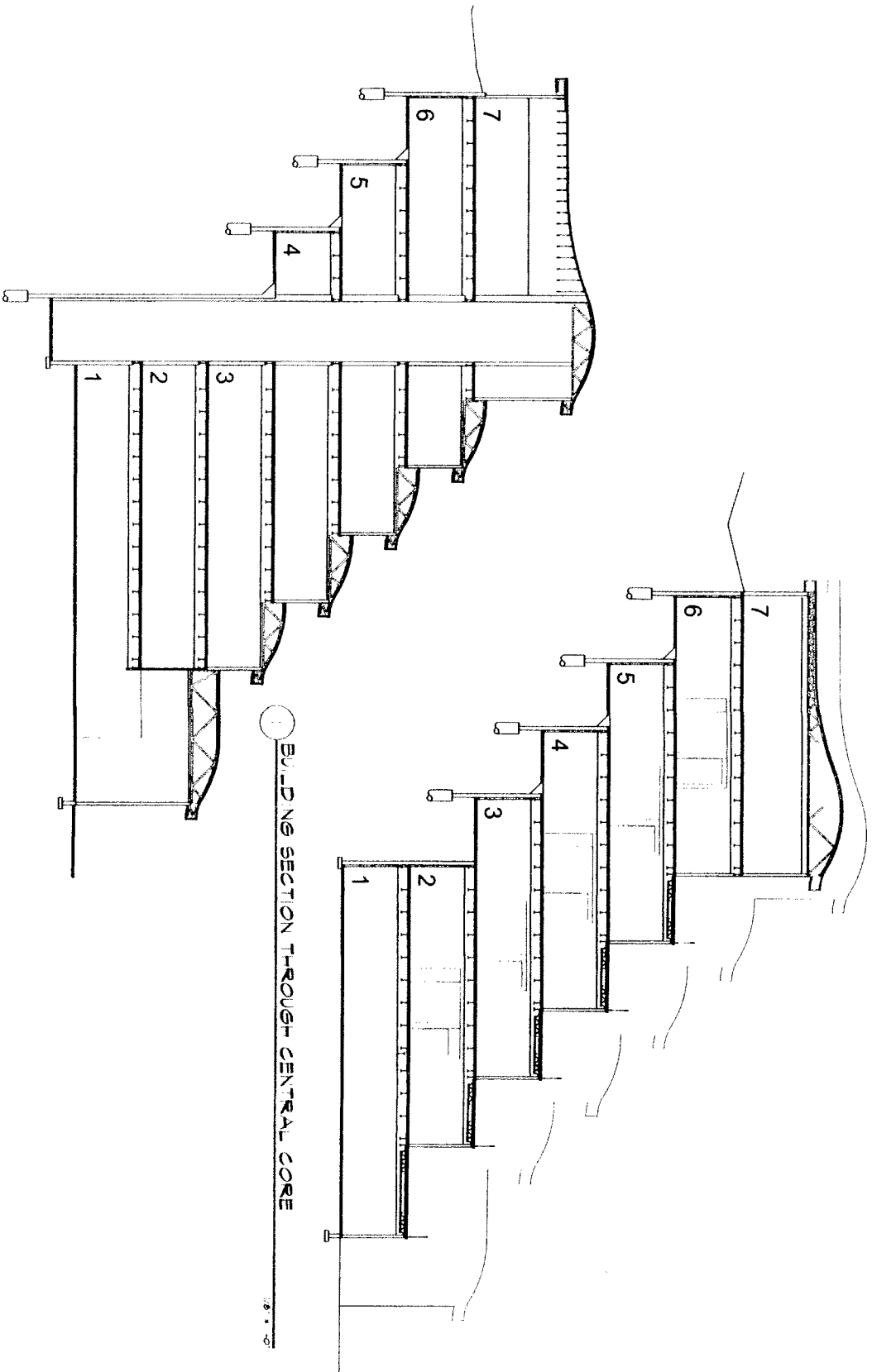
RICHLAND, WA

SEVENTH LEVEL
FLOOR PLAN

3.7

212-002

MAY 23, 2012
1202-PLN05



TERENCE L. THORNHILL ARCHITECT
 2715 ST. ANDREW'S LOOP
 SUITE 'X'
 PASADENA, CA 91101



AMERICAN INSTITUTE OF ARCHITECTS
 1735 K STREET, N.W.
 WASHINGTON, D.C. 20005

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MEMBER

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 CHECKED BY: [Name]
 PHASE: [Phase]
 REVISION NO. [Number]



MEADOW HILLS TOWNHOUSES

KENNEWICK, WA

BUILDING SECTIONS

8.1

212-002

MAY 23, 2012
 1202-SECT03

COWAN MOORE LUKE CARRIER & PETERSON

ATTORNEYS AT LAW

A Professional Limited Liability Company
503 KNIGHT STREET, SUITE A
P.O. BOX 927
RICHLAND, WASHINGTON 99352
TELEPHONE (509) 943-2676
FAX (509) 946-4257

THOMAS A. COWAN
PETER P. MOORE
LUCINDA J. LUKE
TAWNEY L. CARRIER
PAMELA E. PETERSON
ANISSA L. SHOEMAKER
DAVID J. BILLETDEAUX

DARYL D. JONSON
(Retired)

PARALEGALS

KAREN KIRK-BROCKMAN
JULIE HIGUERA
MARY ANNE KROL
DONNA M. SUTHERLAND

RECEIVED

JUL 18 2012

Planning &
Development Services

July 18, 2012

Rick Simon
Planning Manager
205 Swift Boulevard
P. O. Box 190
Richland, WA 99352

Re: Request for Zone Change and PUD Application, Meadow Hills Phase 3
Parcel ID # 135983000010001
Applicant name: Terence L. Thornhill Archtect Inc. P.S.

Dear Mr. Simon:

Enclosed is a response from my clients related to the application for a Planned Unit Development for the property located in Meadows Hills Phase 3. This material is submitted for consideration by the Planning Commission at the meeting scheduled for July 25, 2012.

Please let me know if you need further information from me at this time.

Very truly yours,


Thomas A. Cowan

3119.70

cc: clients

Dale & Sophia Atkinson

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July 18, 2012

Rick Simon, Planning Manager

City of Richland

205 Swift Boulevard

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Richland, WA 99352

SUBJECT: Request for a Zone Change & PUD Application, Meadow Hills Phase 3

Dear Mr. Simon,

We are writing to you on behalf of many Meadow Hills Phases 1 and 2, Crested Hills, and Meadow Springs Second Nine homeowners. We have reviewed the submitted PUD proposal (FILE No. Z2012-101), and we must emphasize that this submittal does not resolve the issues in the previous submittals in September and October 2010, which were the basis for the definitive denial by the City Planning Commission.

The original request in September 2010 by TMT Homes to rezone Meadow Hills Phase 3 from R1-12 low density single family residential development to PUD was denied by the City Planning Staff and City Planning Commission based on the findings and conclusions that the application does not demonstrate conformance with the purpose, intent or criteria for approval of a PUD per the provisions of the City's PUD ordinance as codified in RMC Chapter 23.50.

Furthermore, the City Planning Staff and the City Planning Commissioners concluded based on the City Attorney's Memorandum, the original application contained all the criteria of illegal spot zoning. The current application still serves as a means of increasing the density of development that would otherwise be obtainable on the subject property pursuant to the existing zoning without demonstrating any substantial benefit to the public or meeting the purpose and intent of the PUD regulations as set forth in the specific requirements of RMC Section 23.50.040.

For purposes of reestablishing our standing again, we have referenced the following city documents from 2010 including Findings of Fact and Conclusions of Law by the City Attorney, Mr. Thomas O. Lampson on illegal Spot-Zoning:

1. Letter to Mr. Rick Simon from Mr. John Ziobro of *Telequist Ziobro McMillen Attorneys at Law*, September 14, 2010
2. Memorandum from Thomas O. Lampson, City Attorney, to Richland Planning Commission, October 21, 2010
3. City Staff Report to Planning Commission, October 27, 2010, File No. Z210-109(A)
4. Letter to Mr. Rick Simon from Meadow Springs Second Nine Homeowners, September 8, 2010

It should be noted that we are in favor of a development consistent with the originally approved zoning by the City, which is to build 14 single family homes in R1-12 single family residential zone. In our review, no PUD zones in Richland contain multi-home dwellings except for the ones adjacent to Meadow Springs Golf Course, which are duplexes. Initially, the adjacent Falcon Crest development, which is immediately south of the subject property, was initially approved as a PUD project, which contained condominiums and single family homes. However, this project was revised as the Crest, and now it only contains single family homes by eliminating the condominiums. This recent revision only further strengthens our argument against the proposed zone change and that it constitutes illegal spot zone.

While we appreciate that the preliminary PUD plan shows minor revisions, the fundamental issues still remain. They are: (1.) the proposed Planned Unit Development still constitutes an illegal spot zone, and (2.) the Application also still fails to comply with specific requirements of RMC 23.50.040 (B).

1. The proposed Planned Unit Development still constitutes an illegal spot zone.

In the letter to Mr. Rick Simon on September 14, 2010, Mr. John Ziobro of *Telequist Ziobro McMillen Attorneys at Law* has stated the following:

The State Supreme Court has defined an illegal spot zone as follows:

Illegal spot zoning is an arbitrary and unreasonable zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from and inconsistent with the classification of the surrounding land, not in accordance with the comprehensive plan. Narrows v. Preservation Association v. City of Tacoma, 84 Wn.2d 416 (1974).

A spot zone exists where a discriminatory benefit is granted to one person or a group of owners to the detriment of their neighbors or the community at large without adequate

public advantage or justification. Willapa Grays Harbor Oyster Growers Assn. v. Moby Dick Corp, 115 Wn. App. 417 (2003).

Additionally, the following rules apply to rezone applications:

- (1) There is no presumption of validity favoring the action or rezoning;*
- (2) The proponents of a rezone have a burden of proof in demonstrating that conditions have changed since the original zoning; and*
- (3) The rezone must bear substantial relationship to the public health safety morals or welfare.*

Finally, an inquiry should be made of the Applicant as to whether he can actually build residential units, single family, or multi-family homes on the areas he is dedicating to the City. If the Applicant cannot demonstrate he can construct units on the area that's being dedicated to the City, he is violating the first rule of a spot zone because he will be allowed to construct more units than he otherwise would be entitled to do without any corresponding public benefit.

In Memorandum dated October 21, 2010, Mr. Thomas O. Lampson, City Attorney, addressed the specific issue of illegal spot zoning to Richland Planning Commission,:

...the court determines that the rezone includes one or more of the following: (1) the rezone primarily serves a private interest, (2) the rezone is inconsistent with a comprehensive plan or the surrounding territory, or (3) the rezone constitutes arbitrary and capricious action.

ANALYSIS:

A. Does the rezone application request an action that primarily serves a private interest?

Based on the Moby Dick case, if the court reviews the action of the Planning Commission and City Council to be an action that grants a benefit to one owner to the detriment of the neighbors or the community at large without adequate public advantage or justification, the rezone could be overturned.

- 1. Has the applicant/developer provided explanation or justification to the Commission that there are substantial benefits to the neighbors or public and have these been documented and addressed by the Commission?*
- 2. Has the applicant sufficiently addressed the objections of the neighbors to reasonably demonstrate that the community at large benefits from his proposed rezone?*

3. *Is the Planning Commission able to consider findings of fact and conclusions of law that could demonstrate, on review by a court, that this rezone is beneficial to the community?*

B. *Is the rezone inconsistent with a comprehensive plan or the surrounding territory?*

The Comprehensive Plan for this area of the City provides for low density residential. Under the current zoning and the proposed rezone, the property rezone appears to be consistent with the comprehensive plan.

C. *Does the rezone constitute arbitrary and capricious action?*

As discussed above, arbitrary and capricious action could be the basis for a rezone to be ruled illegal by a court. Such action is impulsive and unpredictable and based on factors in disregard of facts and circumstances. In addressing the requirements of RMC 23.50.040 (B) and (C), and providing for findings of fact and conclusions of law incorporating "with due consideration all issues raised pro and con and the reason for its action referring expressly to the maps and other documents constituting the proposed plan and program and matters for the record," a judicial determination of an illegal rezone based on the 'arbitrary and capricious' criteria should be significantly reduced.

Richland City Staff discusses and answers the above City Attorney's Findings and summarizes their analysis in their Report to Planning Commission dated October 27, 2010 (FILE NO.: Z2010-109(A)) to the City Council:

The City Attorney's memorandum also addresses the issue of spot zoning. As concluded in the memorandum, while it would ultimately be up to a court to determine whether rezoning the property is illegal there are steps the Planning Commission and ultimately City Council can and should take in their review of the request that should ensure that either approval or denial of the request would be upheld by the Courts. The memorandum includes some questions the Planning Commissioners and Council members should consider and reconcile among themselves that would help lead to a legally sustainable decision.

SUMMARY

The proposed PUD, even as revised, appears to be requested largely as a means of increasing the density of development that would otherwise be obtainable on the subject property pursuant to the existing zoning without demonstrating any substantial benefit to the public or meeting the purpose and intent of the PUD regulations as set forth in RMC Section 23.50.010 and the specific requirements of RMC Section 23.50.040.

2. The PUD Application fails to comply with RMC 23.50.040 (B).

The Richland Municipal Code requires the consideration of four criteria:

(1) *The PUD district development will be compatible with nearby developments and uses;*

It takes only a casual observation to notice that condominium structures of this magnitude is not compatible with any nearby development and uses. The subject property is immediately surrounded by Meadow Hills Phases 1 and 2, Crest, Crested Hills, and Meadow Springs Second Nine single-family residential developments.

The subject property is currently zoned for single family residential uses (Single Family Residential 12,000) and was included within the boundaries of the approved preliminary plat of Meadow Hills that provided for the three-phased development of a 50-acre site with 70 single family residential lots. The first two phases (Meadow Hills Phases 1 and 2) have been approved and developed with 56 single family residential lots on approximately 38 acres with a gross density of approximately 1.47 dwelling units per acre.

The third phase (Meadow Hills Phase 3) of the development, which is the subject property, has not been submitted but maintains development rights to 14 additional single family homes on the remaining acreage (approximately 10.5 acres) within the original preliminary plat boundaries, which would result in development of the subject property with an overall gross density of approximately 1.17 dwelling units per acre. The approximate 10.5 acres of the un-platted Meadow Hills Phase 3 would easily support these remaining 14 lots to build single family homes. We are in favor of this original development plan. Importantly, the original circumstance under which the single family R1-12 zone was designated for the subject property has not changed.

The proposed development of 44 townhouses and 116 parking spaces within four 7-story condominium structures is to be built on a 3.17-acre footprint, which would result in 13.75 dwelling units per acre. The overall gross density would be 4.40 dwelling units per acre of if the entire 10.5 acre lot is considered, which still results in 2.6 times greater than the adjacent single family homes and residential developments.

(2) *Peripheral treatment ensures proper transition between PUD uses and nearby external uses and developments;*

The plans do not provide for any substantial peripheral treatment either by landscaping or other screening treatment that would ensure an appropriate buffer or transition between the existing lower density single family residential developments and the proposed condominium development.

A single family residential – 12,000 (R-1-12) is a residential zone classification requiring the lowest density of population within the City, providing protection against hazards, objectionable influences, building congestion and lack of light, air and privacy.

The proposed high density condominium plan is a non-compatible land use here thus requiring sight and sound buffers or transition zones at minimum. The applicant proposes to utilize open space as a buffer. Given the immediate proximity to single family homes and the elevation difference of the proposed structures, an effective buffer or transition may be impractical.

The application proposes FOUR 7-story condominiums with 44 units and 116 parking spaces immediately adjacent to neighborhoods on four sides that are R1-12 single family homes that are restricted to one story with basement. Not only will these heights and density be disruptive to adjoining neighbors by creating lack of privacy, there will be a significant disruption to the sightline of the one of Richland's premier hills which has already been the subject of much controversy in the community.

In addition, the dedicated "open space" does not appear to be integrated into any existing trail system. If the dedicated area is not part of a system, this should be admitted. Otherwise, the existing trail system must be identified.

An inquiry should be made of the applicant as to whether he can actually build any residential units, single family or multi-family homes, on the areas he is dedicating to the City. If the applicant cannot demonstrate he can construct units on the area that's being dedicated to the City, he is violating the first rule of a spot zone because he will be allowed to construct more units than he otherwise would be entitled to do without any corresponding public benefit.

- (3) *The development will be consistent with the comprehensive plan and with the purpose of the PUD district;*

The proposed application is not consistent with the Comprehensive Plan definition, goals, or policies on Planned Unit Development.

This application serves as an example of the applicant using the PUD process to avoid the Comprehensive Plan designations and goals and rendering the existing zoning meaningless.

Comprehensive Plan Land Use Goal 4,

- *Policy I - The City will provide a balanced distribution of residential uses and densities throughout the urban growth area.*

There is no justification for condominiums in Meadow Hills Phase 3. Furthermore, there is no indication that there is a shortage of condominiums within the City of Richland justifying this Application.

Likewise, there is no study or Comprehensive Plan policy which indicates that this particular area of Richland requires condominiums. There are condominiums located along Keene Road in Queensgate Village and around Meadow Hills golf course. Similarly, the City has recently amended the Comprehensive Plan in the area of the proposed Queensgate extension which will allow for condominiums in an area that has been identified as one ripe for transition into higher density residential living. There is no analysis justifying the conversion of low density single family living to higher density condominium development in this area.

Comprehensive Plan Land Use Goal 7,

- *Policy 8 - The City will ensure the use of sight and sound buffers or transition zones between non-compatible uses.*

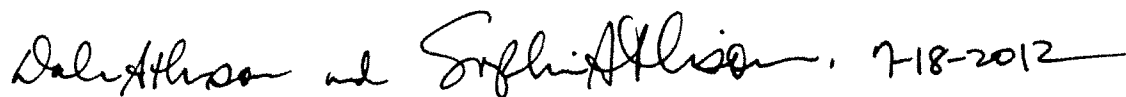
The non-compliant issues with inadequate buffers and transition have been discussed in detail above under *Item (2)*.

(4) The development can be completed within a reasonable period of time.

The application proposes four-year construction plan with three different phases for each year. Although there is no explicit RMC directive on the timeliness, four years of construction immediately adjacent to so many single family residences would be unreasonably disruptive.

Given failure of justification of the zone change and proposed PUD project, failure to meet its RMC approval criteria, and belief the proposed PUD constitutes an illegal spot zone, we respectfully request that the City of Richland deny TMT Homes's PUD Application.

Sincerely yours,



Dale and Sophia Atkinson



Telquist Ziobro McMillen
Attorneys at Law

September 14, 2010

Rick Simon, Planning Manager
City of Richland
205 Swift Boulevard
P.O. Box 190
Richland, WA 99352

Re: *PUD Application - Meadow Hills Phase III*

Dear Rick:

Please be advised that I have been retained by several homeowners related to the above-referenced Application. For your convenience, I have attached a PowerPoint presentation that includes plan view schematics of the proposed application and annotated photographs of the proposed location. On behalf of my clients, I have the following comments as set forth below:

1. The Application fails to comply with RMC 23.50.040(b).

The Richland Code requires the consideration of four criteria:

(1) The proposal is compatible with nearby developments and uses;

Comment: The Applicant, TMT Homes, has failed to comment on compatibility with nearby developments and uses. The City staff has acknowledged in its letter dated August 16, 2010 that the area is "located in an area where the surrounding subdivisions are at a much lower density, making it questionable as to whether the proposal could be viewed as compatible with adjacent developments." As acknowledged by staff, the Comprehensive Plan designates the proposed area as low density. In fact, with the exception of a small commercial area on the intersection of Gage and Leslie, each quarter section surrounding the proposed area is also identified as low density residential. Any casual observation of the

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Comprehensive Plan would demonstrate that condominiums are not compatible with nearby development and uses.

Pertaining to Lots 3, 7 & 8 in Meadow Hills, Phase 2, it should also be noted that the CCR's which the Applicant, executed as the declarant on May 30, 2002 contains explicit restrictions on zoning changes to Meadow Hills Phases 2 and 3. Specifically, Article 6.4 states in part, ". . . In Meadow Hills phase Two, one detached single-family dwelling for single-family occupancy only, not to exceed two stories and daylight or subterranean basement, with a private garage or carport for not more than four standard sized passenger automobiles. . . ."

(2) Peripheral treatment has provided a proper transition between the PUD uses and nearby external uses and developments;

Comment: TMT Homes has provided little, if nothing, to demonstrate that a proper transition between the proposed use and nearby residential homes has been considered. In some instances, the proposed condominiums will be adjacent to existing homes. In this regard, there is no buffering or transition whatsoever. Rather, the proposal would create an abrupt change in land use type and intensity. In particular, those adjacent to the proposed townhomes are concerned that they will experience higher volumes of traffic, affecting their ingress and egress. They will also be directly impacted by street parking and will lose privacy due to the fact that 3 and 4-story condominiums will provide for view over any existing fence line into the backyards and homes of people who would otherwise have privacy.

Proper transition between the PUD and nearby developments addresses three principal concerns of the homeowners that I represent:

a. Density: The application proposes a 250% increase in density from 2 families per acre to 5 families per acre. In addition, the flexibility provisions of a PUD designation allows the Applicant a significant amount of latitude between approved "Preliminary" plans and final "Construction" plans, including significantly increasing the actual construction density while still taking credit for open areas within the PUD which are in reality simply economically unattractive because of steepness and soil stability.

The homeowners on all three sides of the proposed application have made significant investments in their homes, many expecting that Meadow Hills Phase 3 would simply be an extension of Meadow Hills Phase 2 with high-end single family residences. The original plan for Meadow Hills Phases 1, 2 and 3 approved 70 single family residential lots. Meadow Hills Phases 1 and 2 were

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platted into 56, 12,000 sq. ft, single family residence lots thereby leaving 14, 12,000 sq. ft. single family residence lots to be built in Meadow Hills Phase 3. The approximate 10.5 acres of the un-platted Meadow Hills Phase 3 would easily support these remaining 14 lots.

b. Height: The application proposes both 4 story and 3 story condominiums immediately adjacent to neighborhoods on three sides that are restricted to 2 stories. Not only will these heights be disruptive to adjoining neighbors, there will be a significant disruption to the sightline of the one of Richland's premier hills which has already been the subject of much controversy in the community.

c. Buffering: Empty space such as greenways, physical structures such as walls, and landscaping features such as trees adjacent to any existing residences are typical buffers used to provide appropriate transitions. Regardless, any buffering needs to be presented to and approved by the neighboring homeowners. The Applicant makes note of potentially utilizing open space as a buffer in the Neighborhood Meeting Notes from August 20, 2010 but makes no commitments.

The local residents clearly consider the high density housing application to be a non-compatible land use thus requiring sight (and sound) buffers or transition zones in clear conflict with LU Goal 7, Policy 8. Given the immediate proximity to single family homes and the elevation difference of the proposed structures, an effective buffer or transition may be impractical. No solution to this requirement has been provided for in the application. The nominal distance from the proposed units to existing homes provides no buffer. At a minimum, if approved, physical structures need to be required.

(3) The development will be consistent with the Comprehensive Plan;

Comment: In addition to the conflict with LU Goal 7, Policy 8, there is no consistency with the proposed Application and the Comprehensive Plan.

The proposed application is not consistent with the Comprehensive Plan definition, goals, or policies on Planned Unit Development (PUD).

Definition: A residential development that includes a mix of housing types such as single-family, townhouses, and other multi-family, and groups uses to provide common open space or to include recreation such as golfing as part of the development.

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LU Goal 4,

- Policy 1 - The City will provide a balanced distribution of residential uses and densities throughout the urban growth area.
- Policy 4 - The City will encourage conservation of lands identified as "Recreation Resource Conservation Areas" in the City's Parks, Recreation Facilities and Open Space Master Plan, by allowing Applicants to increase densities on adjacent lands. Such projects should occur as Planned Unit Developments.

It is clear that the Applicant's proposed use of PUD is not consistent with the current Comprehensive Plan or already existing PUD development in the city. The proposed application would result in an increase to 20 dwellings units per acre (which is greater than a High Density Residential definition in the Comprehensive Plan of 15 dwelling units per acre) immediately contiguous to a Low Density Residential (average density of 3.5 dwelling units per acre) area.

(4) The development can be completed within a reasonable period of time.

Comment: The build out period for this project is undefined. At the neighborhood meeting on August 20, 2010, the Applicant would only commit to building the structures in phases so that the adjacent neighborhoods would not have unfinished or empty structures in their neighborhoods. At the same time, Meadow Springs, Phase Two, started in 1998 by the same Applicant, still has undeveloped lots. Since no time frame is provided, it is impossible to determine if the Applicant can meet this criterion.

City Planning Commission approved the Phase 2 preliminary Plat in 1997 (ref. Memorandum dated 3/05/1997 from Planning staff to Milo Bauder). It should be noted that an open item on Lots 7 and 8 of Block 1, which is to construct an alternative access to the City's water reservoir site directly from Meadow Hills Drive, still has not been completed.

2. The Planned Unit Development constitutes an illegal spot zone.

The State Supreme Court has defined an illegal spot zone as follows:

Illegal spot zoning is an arbitrary and unreasonable zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from and inconsistent with the classification of the

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surrounding land, not in accordance with the comprehensive plan. *Narrows v. Preservation Association v. City of Tacoma*, 84 Wn.2d 416 (1974).

A spot zone exists where a discriminatory benefit is granted to one person or a group of owners to the detriment of their neighbors or the community at large without *adequate public advantage or justification*. *Willapa Grays Harbor Oyster Growers Assn. v. Moby Dick Corp.*, 115 Wn. App. 417 (2003).

Additionally, the following rules apply to rezone applications:

- (1) There is no presumption of validity favoring the action or rezoning;
- (2) The proponents of a rezone have a burden of proof in demonstrating that *conditions have changed since the original zoning*; and
- (3) The rezone must bear substantial relationship to the public health safety morals or welfare.

Citizens for Mount Vernon v. City of Mount Vernon, 133 Wn.2d 861 (1997).

The growth pattern in the surrounding area demonstrates that large lots with high-end quality homes are being constructed in the surrounding area. No growth pattern exists or has recently emerged indicating conditions have changed at, or anywhere near, this site. By contrast, it is abundantly clear is that the Applicant will be able to construct 60 dwelling units in a 3-acre area. Construing this Application as liberally as possible, the Applicant would be able to average the 60 dwelling units over 12 acres - 5 units per acre. However, the Applicant and staff should recognize the drastic departure from the density in the surrounding area. We believe that the density is closer to 3 units per acre in the area surrounding the Application.

The inherent danger of Planned Unit Developments becoming an illegal spot zone has been recognized by the State Supreme Court which stated:

Spot zoning emphasizes why the Planned Unit Development does not trump underlying zoning; if a Planned Unit Development can be placed at any location within a city regardless of the surrounding zoning . . . it might undermine the overall zoning plan. Planned Unit Developments allow flexibility in planning, in design, or in density. They do not permit ad hoc land use decisions merely because the Applicant has decided to employ the PUD process.

Citizens for Mount Vernon, 133 Wn.2d 875 (1997).

This application serves as an example of the Applicant using the PUD process to avoid the Comprehensive Plan designations and goals and rendering the existing zoning meaningless. On this basis alone, the City must deny this application.

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Finally, an inquiry should be made of the Applicant as to whether he can actually build residential units, single family, or multi-family homes on the areas he is dedicating to the City. If the Applicant cannot demonstrate he can construct units on the area that's being dedicated to the City, he is violating the first rule of a spot zone because he will be allowed to construct more units than he otherwise would be entitled to do without any corresponding public benefit.

3. Other observations.

a. There is no justification for condominiums.

My clients have also inventoried the number of condominiums within the City of Richland. As the City knows, several condominiums have been constructed in the Columbia Point area. There is no indication that there is a shortage of condominiums within the City of Richland justifying this Application. Likewise, there is no study or Comprehensive Plan policy which indicates that this particular area of Richland requires condominiums. There are condominiums located along Keene Road in Queensgate Village and around Meadow Hills golf course. Similarly, the City has recently amended the Comprehensive Plan in the area of the proposed Queensgate extension which will allow for condominiums in an area that has been identified as one ripe for transition into higher density residential living. There is no analysis justifying the conversion of low density single family living to higher density in this area.

b. Concerns related to storm drainage.

We understand that storm water drainage for Phase 3 will utilize the existing drainage for Meadow Hills Phase 2. As a preliminary comment, I believe the Meadow Hills 2 homeowners association manages the common area. I am asking the City to confirm that the Applicant demonstrate he has legal authority to utilize the phase. We are also requesting a capacity analysis by the City to determine if the Phase 2 storm water plan has the capacity for adding an additional phase. Otherwise, we believe the Applicant should be required to treat storm drainage on site, rather than off site.

c. Traffic

The homeowners that I represent recognize that completion of Meadow Hills Drive is desired mitigation for the residents of Crested Hills which will likely double the current traffic on Meadow Hills Drive at the Leslie Intersection which is estimated at ~ 400 trips per day. 14 additional single family residences plus completion of 3 single family residences on lots 3, 7 & 8 would be a negligible increase to traffic. 60 additional families would be an incremental increase of on the order of 250 additional trips per day or 25% increase AFTER the 100% increase due to South bound Crested Hills residents. The proposed application is silent on traffic considerations other than a note describing the concern at the Neighborhood Meeting held on August 20, 2010.

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d. Condominium Heights

The attached PowerPoint presentation includes annotated photographs that scale 3 story and 4 story structures with adjacent 2 story single family residences in the photographs. These appear to be significantly taller than the existing homes. This relates to compatibility of the structures. The renderings presented by the Applicant are also a concern as they depict buildings that have no features common to the existing homes. Although the preliminary renderings show terraced structures, they will nevertheless be 3 stories and 4 stories. These structures will dwarf the immediately adjacent 2 story single family residences to the East, West, and North of the proposed PUD. While the Meadow Hills CC&Rs permit two-story homes, the many of the homes abutting the proposed condominiums are one-story with a basement which magnifies the difference in building size. In addition, these structures will be disruptive to the sightline of Little Badger Mountain which has been the subject of much public controversy in our community.

e. Sensitive Area Ordinance

Critical Area as per Title 22: The proposed area and Block 1 of Phase 2 are Sensitive Areas as per LU Fig 2-5. The developer was recommended by GeoTech Engineering Group in 1998 "for the homes exposed to steep slopes above the home (e.g., Block 1) a barrier is required to ensure that cobbles and boulders rolling down the slope do not expose the homes o people to danger." However, this has never been completed.

Therefore, the residents have very little faith that the same developer will comply with RMC pertaining to the new development in the sensitive areas in the application. Furthermore if the structures are 4-story condos and not single family homes, the residents fear that the unintended detrimental consequences may be magnified.

f. Economic Feasibility of Construction

We believe that the Applicant has made the requests to build condominiums because the steep slope requires expensive enhancements for the foundation of single family homes. We believe the true motivation for conversion to condominiums is that the Applicant can spread the construction cost over more units than he would otherwise be able to do. This clearly is a private benefit. Accordingly we request that the Applicant disclose the economic analysis of his proposal versus his projected margin for single family units. If any lots have been identified as unsuitable for construction or cost prohibitive for construction these lots should also be identified. The GeoTech report, submitted by the Applicant, is explicit on page 8 of 36 that Area 2 (i.e, Meadow Hills Phase 2) can design spread and strip footings but Area 3 (i.e, Meadow Hills Phase 3) will require specific site investigation. It is very likely that structures in Meadow Hills Phase 3 will require micropiles because of the steepness and stability of the slopes, particularly on the Western side of the parcel. Micropiles can be used to stabilize structural footings and are generally placed on 10 foot centers, particularly on the downhill slopes. Costs for micropiles

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vary widely, but \$1,000/micropile is a fair comparison cost. If only the North (downhill) footings required micropiles, a typical Single Family Residence with a 60'x40' foot print might require 6 micropiles or \$6,000 each. On Meadow Hills Phase 3, this might be \$6,000 to be recovered over \$600,000 for each Single Family Residence. Similarly, a typical condominium structure with a 100' x 180' foot print may require 10 micropiles or \$10,000 each. On Meadow Hills Phase 3 (assuming none required on Lots 7&8), this might be \$10,000 to be recovered over \$2,700,000 if each condominium sells for \$450,000. Being able to spread all construction costs, including foundations, land, infrastructure, roads, materials, and labor over a significantly higher revenue makes construction of condominium's significantly more profitable than single family residences, particularly in areas with higher construction costs like Meadow Hills Phase 3 where cost may not be economically feasible for Single Family Residence construction.

Again, the nominal donation of open space and Applicant's ability to construct more units presents an obvious benefit to the Applicant. However, the required benefit to the public is highly questionable. At the same time, there is a clear detriment to the immediate neighboring property owners.

g. Unanswered Questions.

Our review of the application also raises questions due to incomplete or inaccurate information provided by the Applicant. We believe the issues below require clarification.

- We request that the Applicant identify the public benefit of this project.
- The Applicant has the burden of demonstrating circumstances have changed since the zoning in place has been adopted.
- The dedicated "open space" does not appear to be integrated into any existing trail system. If the dedicated area is not part of a system, this should be admitted. Otherwise, the existing trail system must be identified.
- The Applicant was unable to identify the actual footprint of each proposed structure or the planned spacing between structures at the neighborhood meeting on August 20, 2010.
- The Applicant stated at the neighborhood meeting on August 20, 2010 that the un-platted area could be used to build 21 single family residences. The PUD application states the Applicant can construct 24 residences. We believe the Applicant is attempting to set a baseline of seven to ten more homes than are already planned. We believe he was entitled to construct 14 single family units. This should be clarified by the Applicant or staff.
- The Applicant stated unequivocally that Lot 3 was being included in the PUD as a buffer and would not be used for construction. This is inconsistent with the plans produced in the application.
- The Applicant stated unequivocally that the private drive immediately North of Lot 3 and co-owned by the residences of 272, 276, and 284 Meadow Ridge Loop would not be used for construction access or residential access to completed structures, yet the application is silent on construction access.

George E. Telquist • John S. Ziobro • Robert G. McMillen • Eric B. Eisinger

1333 Columbia Park Trail, Suite 110 • Richland, WA 99352

(509) 737-8500 • Toll Free (877) 789-LAW1 • Fax (509) 737-9500 • www.tzmlaw.com

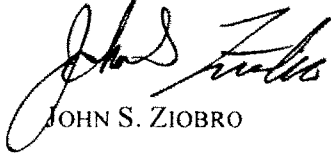
- Neighborhood Meeting Comment Attribution: The Applicant failed to disclose that three of its agents signed attendance sheet as "Property Owners" even though they are not residents and appear to have filled out the survey sheets and provided written comments. 3 out of 23 registered attendees represents a 13%, "Stacking of the Deck" that should be investigated.

4. Conclusion.

Given failure of justification of the project, failure to meet approval criteria, incomplete information, unanswered questions, and belief the PUD constitutes an illegal spot zone, this group of homeowners requests that the City of Richland deny TMT's Planned Unit Development Application for Meadow Hills Phase 3.

Very truly yours,

TELQUIST ZIOBRO McMILLEN, PLLC



JOHN S. ZIOBRO

JSZ/jr

Enclosures

Cc: Meadow Hills Homeowners

George E. Telquist • John S. Ziobro • Robert G. McMillen • Eric B. Eisinger

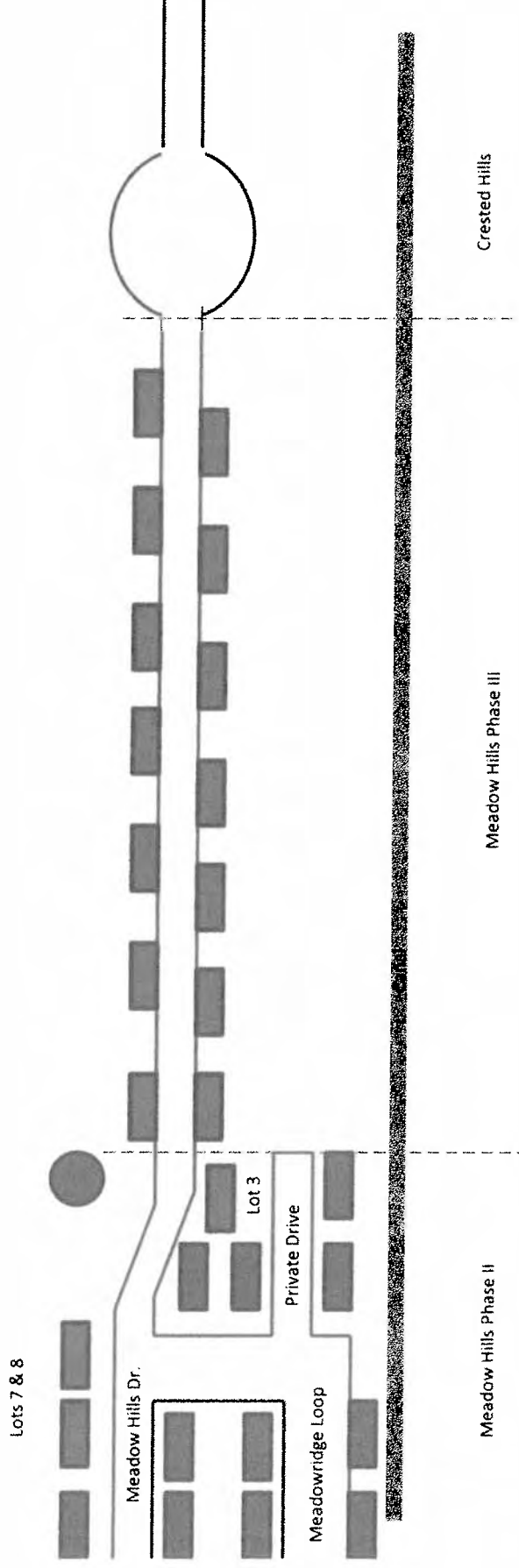
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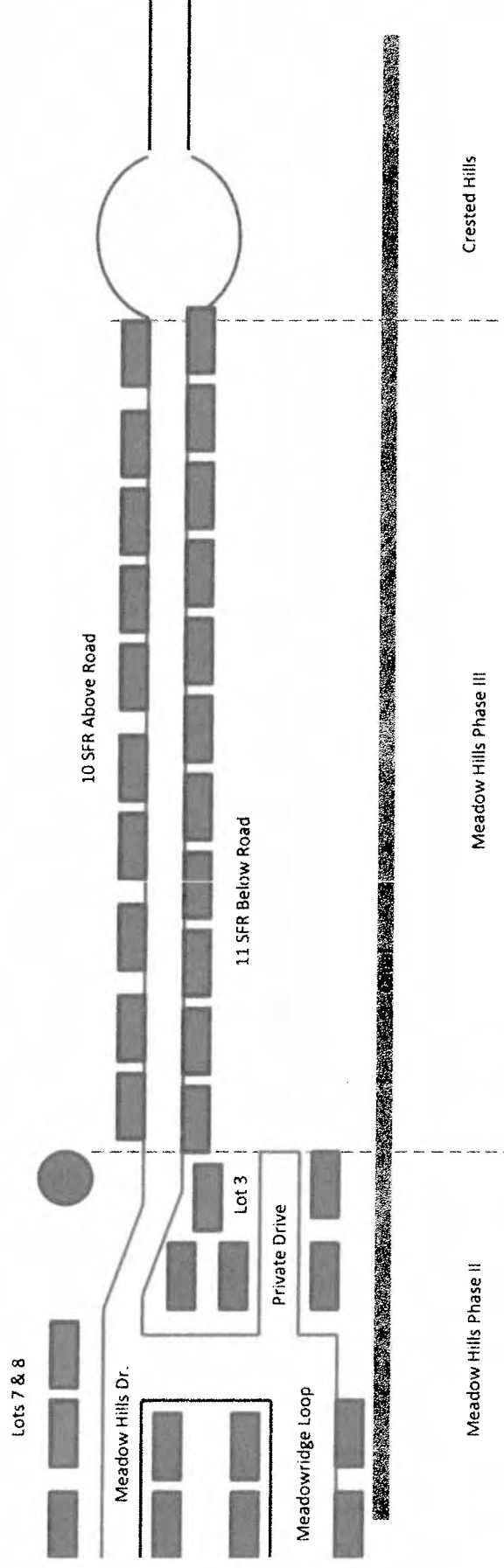
Plan View and Photographs of
Proposed 60 Unit PUD in
Meadow Hills Phase III

September 14, 2010

14 SFR left to be constructed in MH III in Current
Approved Meadow Hills Plan for
70 SFR on 12,000 sq. ft. lots

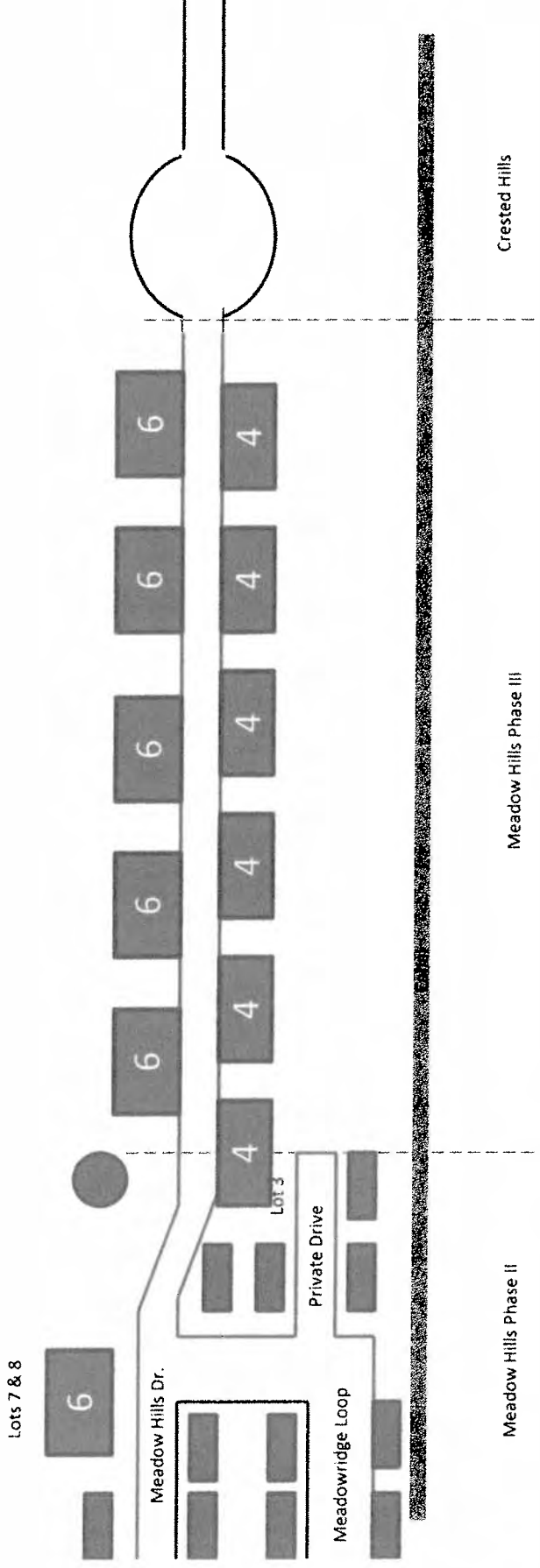


21 SFR can be constructed on
10.5 acres of MH III at 2 families/acre
but probably not 12,000 sq ft lots



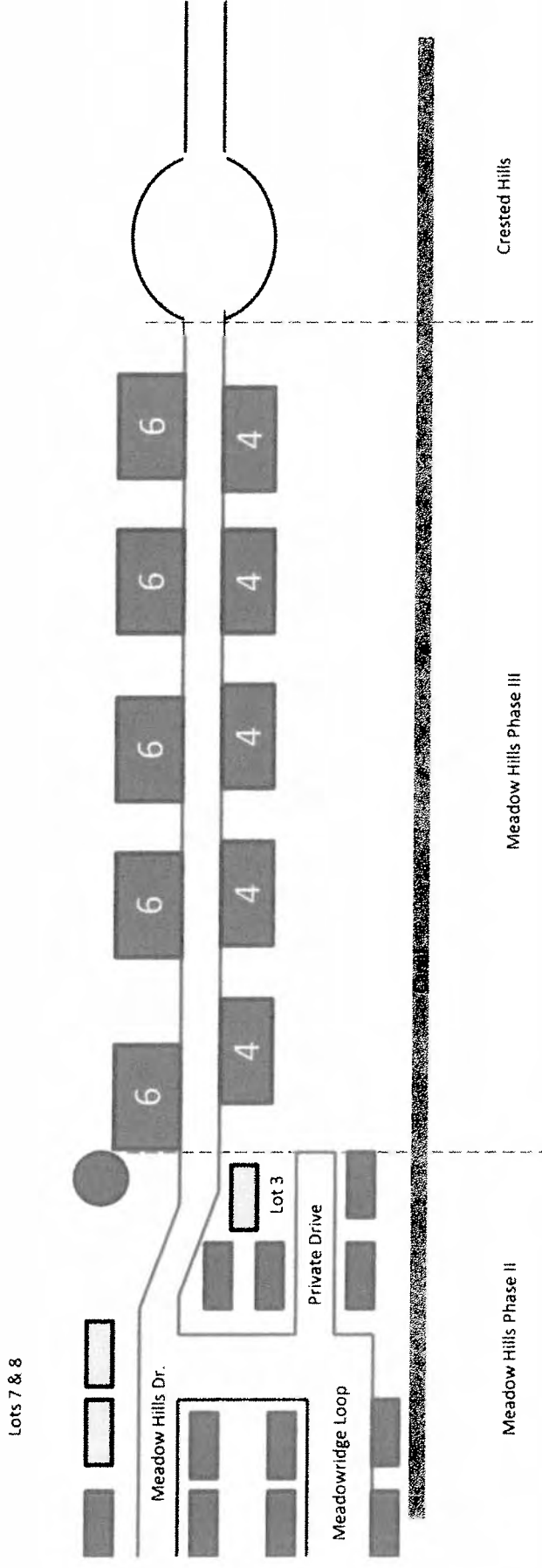
Proposed PUD

6, 4 story-6 plex and 6, 3 story-4 plex Condos



Concern No. 1

Lots 3, 7 & 8 are integrated SFR inside
MH Phase 2 and should stay that way





Memorandum
City Attorney's Office

TO: Richland Planning Commission

FROM: Thomas O. Lampson, City Attorney

DATE: October 21, 2010

RE: Planning Commission Questions Raised Regarding PUD Application- Meadow Hills Phase III

ISSUE 1:

During the Planning Commission meeting of September 22, 2010, the Commission asked staff to provide information on the issue of covenants, conditions and restrictions (CC&Rs). CC&R's are developed, filed and provided by the owner or developer upon the establishment of most if not all new land subdivisions. The City is not involved in the development of the CC&Rs nor does the City enforce the CC&Rs if they are violated by persons living within the development covered by them. It is the position City staff that the contents of the CC&Rs should not be part of the consideration for this zone change. Meeting the requirements of City code are most relevant.

ISSUE 2: Whether the proposed rezone of property from R-1-12 and R-1-10 to PUD with 54 condominium units constitutes 'illegal' spot zoning under Washington law?

FACTS: In this matter, the applicant is seeking to rezone his property from single family zone classifications, R-1-12 and R-1-10, to a planned unit development zone to allow for the development of a condominium complex of 54 total units. The current zoning on this property and the zoning of properties in close proximity of the subject property allows for single family homes on lots of 10,000 to 12,000 square feet. The proposed plan for the condominiums will result in the placement of the 54 units on approximately 10-11 acres.

LAW: Attorneys for the developer and for the neighbors involved argue opposing positions from the same case law. That case law, as basically defined in Narrowsview Preservation Association v. City of Tacoma, 84 Wn.2d 416 (1974), is set out as follow:

"We have recently stated that illegal spot zoning is arbitrary and unreasonable zoning action by which a smaller area is singled out of a larger area or district and specially zoned for use classification totally different from and inconsistent with the classification of the surrounding land, not in accordance with a comprehensive plan."

The above citation was obtained from Smith v. Skagit County, 75 Wash.2d 715, 743 (1969) which additionally reads: "Spot zoning is a zoning for private gain designed to favor or benefit a

particular individual or group and not the welfare of the community as a whole."(emphasis added)

A more recent case considering whether an action to rezone property is an 'illegal spot zoning' action is Willapa Grays Harbor Oyster Growers Association vs. Moby Dick Corporation and Pacific County, 115 Wash. App. 417 (2003). This case considered an action by the decision makers to amend a rezone agreement. The Superior Court held the county's action as an illegal spot zone. The Court of Appeals reversed this decision and determined it was not an illegal spot zone. In the Moby Dick case, the Court of Appeals uses the Smith and Narrowsview definition of spot zoning above but goes on to say, at p. 432, that...

"[t]he main inquiry is whether the zoning action bears a substantial relationship to the general welfare of the affected community. See Parkridge v. City of Seattle, 89 Wash.2d 454, 460, 573 P.2d 359 (1978). Only where the spot zone grants a discriminatory benefit to one or a group of owners to the detriment of their neighbors or the community at large without adequate public advantage or justification will the county's rezone be overturned."

The Moby Dick court goes on to review multiple findings of the County that address the issue of public benefit, including:

- a) utility system capacity being sufficient for the change,
- b) driveway access being sufficient,
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The Court of Appeals, making the final decision in the Moby Dick case, found there "was no illegal spot zone" as the public benefits were adequately addressed in the findings.

What is arbitrary and capricious action? The long-standing definition of arbitrary and capricious action is: *willful [sic] and unreasoning action, in disregard of facts and circumstances*. Action is not arbitrary and capricious when exercised honestly and upon due consideration of the facts and circumstances. (Citations omitted.) Northern Pac. Transp. Co. v. State Utils. & Transp. Comm'n, 69 Wash.2d 472, 478, 418 P.2d 735 (1966).

A rezone action may be overturned by a court when the court determines that the rezone includes one or more of the following: (1) the rezone primarily serves a private interest, (2) the rezone is inconsistent with a comprehensive plan or the surrounding territory, or (3) the rezone constitutes arbitrary and capricious action.

ANALYSIS:

- A. Does the rezone application request an action that primarily serves a private interest?
Based on the Moby Dick case, if the court reviews the action of the Planning Commission and City Council to be an action that grants a benefit to one owner to the detriment of the neighbors or the community at large without adequate public advantage or justification, the rezone could be overturned.

1. Has the applicant/developer provided explanation or justification to the Commission that there are substantial benefits to the neighbors or public and have these been documented and addressed by the Commission?
 2. Has the applicant sufficiently addressed the objections of the neighbors to reasonably demonstrate that the community at large benefits from his proposed rezone?
 3. Is the Planning Commission able to consider findings of fact and conclusions of law that could demonstrate, on review by a court, that this rezone is beneficial to the community?
- B. Is the rezone inconsistent with a comprehensive plan or the surrounding territory?
The Comprehensive Plan for this area of the City provides for low density residential. Under the current zoning and the proposed rezone, the property rezoned appears to be consistent with the comprehensive plan.
- C. Does the rezone constitute arbitrary and capricious action?

As discussed above, arbitrary and capricious action could be the basis for a rezone to be ruled illegal by a court. Such action is impulsive and unpredictable and based on factors in disregard of facts and circumstances. In addressing the requirements of RMC 23.50.040 (B) and (C), and providing for findings of fact and conclusions of law incorporating *"with due consideration all issues raised pro and con and the reason for its action referring expressly to the maps and other documents constituting the proposed plan and program and matters for the record,"* a judicial determination of an illegal rezone based on the 'arbitrary and capricious' criteria should be significantly reduced.

CONCLUSION:

It will take a court to determine whether an action to rezone this property is illegal. However, by thoughtfully reviewing and considering the material provided by staff and participants, the public hearing discussions, developing conclusions of law supported by facts found in the record, and meeting the requirements of RMC 23.50, including RMC 23.50.040 (B) and (C), a rezone or denial of rezone should be upheld. A fundamental question in the entire matter is: Does the rezone application request an action that primarily serves a private interest and not the community as a whole?

STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: Z2010-109(A)

PREPARED BY: JEFF ROLPH
MEETING DATE: OCTOBER 27, 2010

GENERAL INFORMATION:

APPLICANT: TMT HOMES NW, LLC

REQUEST: ZONE CHANGE FROM SINGLE FAMILY RESIDENTIAL 10,000 (R1-10) AND SINGLE FAMILY RESIDENTIAL 12,000 (R1-12) TO PLANNED UNIT DEVELOPMENT (PUD) AND APPROVAL OF A PRELIMINARY PUD PLAN TO ALLOW FOR THE DEVELOPMENT OF A 54-UNIT CONDOMINIUM COMPLEX (MEADOW HILLS PHASE 3 PUD).

LOCATION: ALONG MEADOW HILLS DRIVE, ADJACENT TO AND WEST OF THE PLAT OF MEADOW HILLS PHASE TWO AND EAST OF THE PLATS OF CRESTED HILLS NO. 3 AND CRESTED HILLS NO. 10.

BACKGROUND

The request for a zone change from R1-12 and R1-10 to PUD was considered by the Planning Commission at their September 22, 2010 regular meeting. After conducting the public hearing and discussing the proposal, the Commission postponed action (Attachment B) on the request until the October 27, 2010 meeting to allow time for the City Attorney to provide information regarding the issue of spot zoning and the issue of covenants, conditions and restrictions (CC&R's). The Commission also asked for additional information on Richland Municipal Code Section 23.18.020(B) pertaining to building height and building setback that was referenced in the Technical Advisory Committee Report and had raised some confusion at the September meeting.

The public hearing for this item was opened and closed by the Planning Commission at the September 22, 2010 meeting. As no additional substantive information has been entered into the record as a result of the Commission's request for clarification from the City Attorney, Staff recommends that the public hearing not be reopened and that the Commission continue to deliberate and take action to forward a recommendation to City Council.

ANALYSIS

City Attorney Response: The City Attorney has provided a memorandum (Attachment A) addressing the issues of the CC&R's and of spot zoning. As stated in that memorandum the City is not involved with the development of or a party to the CC&R's and it is the position of City staff that the CC&R's should not be part of the City's consideration of the proposed zone change. Rather, the Planning Commission

Mr. Simon answered that he is unaware of any specific definition of the term density in State law. There are several different ways to measure density whether it is net or gross and in this case, we don't have a clear definition.

Mr. Wolff addressed the Geo-Tech question by pointing out that in Attachment B, it states there will be a Geo-Tech study for each specific structure that is developed in Meadow Hills Phase III. As far as understanding the complexity of hillside development, if you look at TMT's history of building 27 luxury homes in Phase II plus hillside lots in Phase I and his experience developing in the panoramic hillside lots in Yakima. It is clear that Tony Tahvili of TMT Homes has experience in building on hillsides and understands the complexity that hillside development creates. He indicated that each Geo-Tech report will be ordered specific to each building and once we get to the preliminary phase but ahead of the final PUD.

Commissioner Berkowitz asked what their options are if we deny this application.

Mr. Simon stated that first of all, they have a valid preliminary plat so they could build out Phase III of Meadow Hills as originally approved with 14 single-family homes. He pointed out that any property owner has the ability to come back and make subsequent proposals after their request for reclassification has been denied. A provision in City Code allows the applicant to resubmit a modified proposal after six-months and go through the process again.

Commissioner Boring stated that she has heard compelling arguments from both the applicant and from the opposition. She understands the applicant's concession for dropping lots 7 and 8 and also understands the homeowners' point of view. She indicated that she has too many questions based on the information provided and would prefer to confer with the City Attorney to get some clarification and questions answered. She is not ready to make a decision tonight.

Mr. Wolff spoke that on August 10th there was a preliminary meeting with the City of Richland. During that round table conversation, each Department was asked what concerns they had with this development. We heard no concerns from , water, electrical, and traffic. There was one concern addressed regarding compatibility because of how close the structures were originally proposed to the single-family residence. He pointed out that when they heard no concern from traffic, he voiced that there is likely to be comments that come up regarding traffic so should we consider a traffic study. Traffic stated, "No, it is not an issue." We again sat down with the Technical Advisory Committee and Staff and again traffic had no concerns.

Mr. Stairs clarified that we did meet at the Pre-App and at the Tech meeting but our comment was that this property lies within the boundaries of our Traffic

Impact Fee ordinance and are subject to those impact fees. As such, he stated that a traffic study is not required. However, he did conduct a traffic study on behalf of the project just to make sure the City was on solid ground. He clarified that although we didn't require a traffic study we didn't really say it wasn't a problem at the meetings.

Chair Madsen asked Mr. Simon if Staff's position has changed based on the information presented tonight.

Mr. Simon agrees that the adjustments that have been made to the application are an improvement and they do address some of our concerns. However, given the existing density, with neighborhoods on both sides, and the gross number of units he feels there are still too many units for the site.

Chair Madsen stated that he is interested in the homeowners' meetings and the fact that Mr. Wolff says the possibility of a multi-family development was discussed numerous times.

Mr. Wolff stated that Mr. Atkinson's wife served as Secretary during the time he was Vice-Chair and she can concur that these discussions did take place. He looked around the room and identified several audience members that he remembers being at these meetings where the multi-family development was discussed. He stated that this development is not a surprise to most of these residents.

Sofia Atkinson, was sworn in and testified that the multi-family development has never been an agenda item and is not reflected in any meeting minutes. However, it has been mentioned in passing while looking at the covenants but was never discussed.

Chair Madsen asked Ms. Atkinson if it was common knowledge that the development was a potential.

Ms. Atkinson confirmed that it was not a common knowledge although it was mentioned.

Commissioner Jones asked Staff if the SEPA checklist could be updated and made more complete with the current and accurate information.

Commissioner Moser stated that Mr. Ziobro had asked to add some additional Findings regarding RCW 58.17.215 and to add the covenants as part of the record. She wondered what Staff's opinion is on adding these Findings.

Mr. Simon reported that it is his understanding that lots 7, 8 and 3 have now been removed from the proposal that was described to the Commission tonight. He stated that the conflict was between some of the lots being in Phase II and

the bulk of the property being in Phase III. He feels that that issue goes away with the revised proposal.

Commissioner Moser asked Mr. Simon for Staff opinion on the Spot Zoning issue.

Mr. Simon conveyed that his definition of a Planned Unit Development is something different than the surrounding area. He explained that from that perspective you could make the argument that any PUD is spot zoning. He suggested that the Commission make its recommendation based on the purpose statement of the PUD ordinance and whether the PUD proposal is compatible with the surrounding neighborhood and meets the intent and purpose of the PUD. He suggested they not try to rely on the spot zoning case law.

Commissioner Moser stated that when it comes down compatibility and if it goes before a Judge, how does the Commission determine what is compatible as opposed to what a Judge would consider compatible. She wondered if it was just subject to the whims of the court and what liability is there for the City if we decide one way and the Court on Appeal reverses the decision.

Mr. Simon does not know that there is any financial liability for the City as long as the City is acting in good faith considering the information that has been presented to it in making Findings that are supported by record.

Commissioner Berkowitz asked the applicant what the cost of one of these condos will be.

Mr. Wolff explained that the lower units, starting at the 4-plexes in the \$350,000 range and the upper units and the top of the 6-plexes that have the maximum view in the \$450,000 range.

Commissioner Berkowitz commented that this PUD as designed is probably too dense. However she likes the idea of clustering and leaving open space, she just doesn't think there is enough open space. She wondered if the applicant would consider reducing the density and leaving more open space in the upper property.

Commissioner Jones voiced that with all the legal aspects brought forward tonight, he is uncomfortable in making a decision without the review of the City's Attorney.

COMMISSIONER BORING moved that we postpone the remainder of this application until the Commission's next meeting on October 27, 2010 to provide an opportunity for the City Attorney to review and make clarifications on the conflicting perspective from the attorneys on the RMC sections that have been

recommendation and ultimate action by City Council on the request for rezone should be based on the merits of the request and meeting the requirements of City code, in this instance in particular RMC Sections 23.50.040(B) and (C).

The City Attorney's memorandum also addresses the issue of spot zoning. As concluded in the memorandum, while it would ultimately be up to a court to determine whether rezoning the property is illegal there are steps the Planning Commission and ultimately City Council can and should take in their review of the request that should ensure that either approval or denial of the request would be upheld by the Courts. The memorandum includes some questions the Planning Commissioners and Council members should consider and reconcile among themselves that would help lead to a legally sustainable decision.

RMC Section 23.18.020(B): The Technical Advisory Committee Report Conditions #5 and #6 dealing with building height and setbacks raised some confusion during the public hearing in September. As PUD zoning becomes custom zoning with the development parameters spelled out by the adoptive ordinance, items such as density, maximum building height and setbacks must be included in the ordinance. The development plans as originally submitted by the developer were not scaled drawings and building setbacks were not shown. Staff felt that at a minimum if the development was to be approved the setbacks between the proposed condominium buildings and the adjoining single family residential homes should meet the setbacks that are otherwise required in the RMC between multiple family dwellings and single family homes as set forth in RMC 23.18.020. That was the reason for the reference to RMC 23.18.020(B) in Condition #6 of the TAC Report.

With the developer's submittal of a revised 54 unit condominium proposal with setbacks of a minimum of 150 feet that previous condition would no longer be needed. While staff is still not recommending approval of the revised 54 unit development we have revised the TAC Report (Attachment C) to recognize the revised submittal by the applicant with the reduced number of condominium units and increased setbacks should the Planning Commission ultimately decide to recommend approval of the proposal.

SUMMARY

The request to utilize the flexible development standards provided for with the City's PUD zoning regulations merits consideration for development of the subject parcel given the severe topographical constraints of the property. The proposed PUD, even as revised, appears to be requested largely as a means of increasing the density of development that would otherwise be obtainable on the subject property pursuant to the existing zoning without demonstrating any substantial benefit to the public or meeting the purpose and intent of the PUD regulations as set forth in RMC Section 23.50.010 and the specific requirements of RMC Section 23.50.040.

FINDINGS AND CONCLUSIONS

Staff has completed its review of the request for zone change and subject to the recommended conditions of approval set forth in the Technical Advisory Committee report dated September 16, 2010 submits:

1. The Richland Comprehensive Land Use Plan Map designates the site as Low Density Residential (0-5 Dwellings/Acre).
2. The subject property is currently zoned for single family residential uses (Single Family Residential 12,000 and Single Family Residential 10,000) and was included within the boundaries of the approved preliminary plat of Meadow Hills that provided for the phased development of a 50-acre site with 70 single family residential lots. The first two phases have been approved and developed with 56 single family residential lots on approximately 38 acres with a gross density of approximately 1.47 dwelling units per acre.
3. The third phase of the development which includes the subject property has not been submitted but maintains development rights to 14 additional single family homes on the remaining acreage within the original preliminary plat boundaries. Development pursuant to the existing approved preliminary plat of Meadow Hills would result in development of the subject property with an overall gross density of approximately 1.17 dwelling units per acre.
4. The applicant has submitted an application to rezone the approximately 11-acre subject property that is currently zoned Single Family Residential 12,000 (R1-12) and Single Family Residential 10,000 (R1-10) to Planned Unit Development (PUD) to allow for development of a 54-unit condominium complex with an overall gross density of approximately 5 dwelling units per acre.
5. Development of the subject property either pursuant to the existing approved Meadow Hills development plans or pursuant to the proposed PUD plans would be consistent with the type (residential) and density (0-5 Dwellings/Acre) of development envisioned for the property in the City's adopted Comprehensive Land Use Plan Map.
6. Development of the proposed condominium project relies on the requested zone change to PUD. RMC Section 23.50.010 sets forth the purpose of the PUD zoning classification and RMC Section 23.50.040(B) includes the basis for the Richland Planning Commission to review and formulate a recommendation to the City Council on a proposed PUD application.
7. The purpose of the PUD zoning classification is to achieve economics in development and maintenance while providing privacy, usable open space, safe pedestrian and vehicular circulation, and compatible relationships between different uses.

8. The basis for a Planning Commission recommendation to City Council as to whether to approve or deny an application for PUD includes consideration of whether the proposal is compatible with nearby development and uses and whether it is consistent with the comprehensive plan and the purpose of the PUD district.
9. The subject property is bordered by the plats of Crested Hills No. 3 and Crested Hills No. 10 to the west. Those two developments consist of 27 residential lots on approximately 15.35 acres with a combined gross density of approximately 1.8 dwelling units per acre.
10. The subject property is bordered by the Plat of Meadow Hills Phase Two to the east which was developed with 33 single family residential lots on 21 acres with an overall gross density of approximately 1.57 dwelling units per acre.
11. While maintaining consistency with type of use (residential) and gross density (0-5 Dwellings/Acre) depicted on the Comprehensive Land Use Plan Map and potentially achieving economics in development and providing for safe pedestrian and vehicular circulation, the proposed PUD plans would allow for development of the subject parcel at a density greater than would otherwise be allowed on the subject property and currently developed on the adjoining properties without demonstrating provision of privacy, compensating increase in usable open space or demonstrating compatible relationships between the proposed condominium development and the adjoining lower density single family residential uses as set forth in RMC Section 23.50.010.
12. The proposed development includes 3 and 4 story 4-plex and 6-plex condominium structures which are significantly larger than the adjacent single family homes and with an overall gross density that is over 2.5 times greater than the density of the adjacent residential developments. The plans do not provide for any substantial peripheral treatment either by landscaping or other screening treatment that would ensure an appropriate buffer or transition between the existing lower density single family residential developments and the proposed condominium development as required by RMC Section 23.50.040(B) (1) and (2).
13. As required by State law and City Code, the applicant has submitted a State Environmental Policy Act (SEPA) environmental checklist.
14. City staff and other agencies have reviewed the proposal and should the proposal be approved have recommended specific conditions of approval as set forth in the Technical Advisory Committee report, dated September 16, 2010.
15. The City reviewed the submitted checklist and considered the proposal in light of the checklist and other information available to the City and determined that, as conditioned approval of the request for the proposed development would not have significant adverse environmental impacts.

16. On September 16, 2010 the City issued a Determination of Non-Significance (EA20-2010) for the proposal.
17. Based on the above findings and conclusions denial of the request for rezone from R1-10 and R1-12 to PUD and denial of the associated preliminary PUD plans is warranted as the application does not demonstrate conformance with the purpose, intent or criteria for approval of a PUD per the provisions of the City's PUD ordinance as codified in RMC Chapter 23.50.

RECOMMENDATION

Staff recommends the Planning Commission concur with the findings and conclusions set forth in the Staff Report (Z2010-109A) and recommend that City Council deny the request for zone change from R1-10 and R1-12 to PUD to allow for development of 54 unit condominium complex (Meadow Hills Phase 3 PUD).

ATTACHMENTS

- A - Memorandum from City Attorney (October 21, 2010)
- B - Revised TAC Report
- C - Excerpts of Planning Commission Minutes September 22, 2010
- D - Revised Meadow Hills Phase 3 PUD Plan



Memorandum

City Attorney's Office

TO: Richland Planning Commission

FROM: Thomas O. Lampson, City Attorney

DATE: October 21, 2010

RE: Planning Commission Questions Raised Regarding PUD Application- Meadow Hills Phase III

ISSUE 1:

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FACTS: In this matter, the applicant is seeking to rezone his property from single family zone classifications, R-1-12 and R-1-10, to a planned unit development zone to allow for the development of a condominium complex of 54 total units. The current zoning on this property and the zoning of properties in close proximity of the subject property allows for single family homes on lots of 10,000 to 12,000 square feet. The proposed plan for the condominiums will result in the placement of the 54 units on approximately 10-11 acres.

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ANALYSIS

- A. Does the rezoning application request an action that primarily serves a private interest? Based on the Moby Dick case, if the court reviews the action of the Planning Commission and City Council to be an action that grants a benefit to one owner to the detriment of the neighbors or the community at large without adequate public advantage or justification, the rezoning could be overturned.

1. Has the applicant/developer provided explanation or justification to the Commission that there are substantial benefits to the neighbors or public and have these been documented and addressed by the Commission?
 2. Has the applicant sufficiently addressed the objections of the neighbors to reasonably demonstrate that the community at large benefits from his proposed rezone?
 3. Is the Planning Commission able to consider findings of fact and conclusions of law that could demonstrate, on review by a court, that this rezone is beneficial to the community?
- B. Is the rezone inconsistent with a comprehensive plan or the surrounding territory?
The Comprehensive Plan for this area of the City provides for low density residential. Under the current zoning and the proposed rezone, the property rezone appears to be consistent with the comprehensive plan.
- C. Does the rezone constitute arbitrary and capricious action?

As discussed above, arbitrary and capricious action could be the basis for a rezone to be ruled illegal by a court. Such action is impulsive and unpredictable and based on factors in disregard of facts and circumstances. In addressing the requirements of RMC 23.50.040 (B) and (C), and providing for findings of fact and conclusions of law incorporating *"with due consideration all issues raised pro and con and the reason for its action referring expressly to the maps and other documents constituting the proposed plan and program and matters for the record,"* a judicial determination of an illegal rezone based on the 'arbitrary and capricious' criteria should be significantly reduced.

CONCLUSION:

It will take a court to determine whether an action to rezone this property is illegal. However, by thoughtfully reviewing and considering the material provided by staff and participants, the public hearing discussions, developing conclusions of law supported by facts found in the record, and meeting the requirements of RMC 23.50, including RMC 23.50.040 (B) and (C), a rezone or denial of rezone should be upheld. A fundamental question in the entire matter is: Does the rezone application request an action that primarily serves a private interest and not the community as a whole?

**RICHLAND PLANNING COMMISSION
TECHNICAL ADVISORY COMMITTEE REPORT
SEPTEMBER 16, 2010 (REVISED)**

APPLICANT: TMT HOMES NW, LLC

REQUEST: ZONE CHANGE FROM SINGLE FAMILY RESIDENTIAL 10,000 (R1-10) AND SINGLE FAMILY RESIDENTIAL 12,000 (R1-12) TO PLANNED UNIT DEVELOPMENT (PUD) AND APPROVAL OF A PRELIMINARY PUD PLAN TO ALLOW FOR THE DEVELOPMENT OF A ~~60~~ 54-UNIT CONDOMINIUM COMPLEX (MEADOW HILLS PHASE 3 PUD).

LOCATION: ALONG MEADOW HILLS DRIVE, ADJACENT TO AND WEST OF THE PLAT OF MEADOW HILLS PHASE TWO AND EAST OF THE PLATS OF CRESTED HILLS NO. 3 AND CRESTED HILLS NO. 10.

TECHNICAL ADVISORY COMMITTEE RECOMMENDATIONS

The Technical Advisory Committee conducted a review of the subject request and recommends that if the preliminary PUD plans are approved, such approval be subject to the following conditions:

1. Final PUD plans shall be submitted for approval in accordance with Richland Municipal Code (RMC) Section 23.50.050. As allowed for in RMC Section 23.50.040(D) final PUD development plans shall be submitted to the Planning Commission for review and approval. All development and use shall be in substantial compliance with the Final PUD development plans.
2. ~~Lots 7 and 8 of the Plat of Meadow Hills Phase Two which are not contiguous to the larger PUD area shall be removed from the boundaries of the PUD.~~
3. Development shall be limited to a maximum of 54 dwelling units generally as shown on the revised preliminary PUD site plan submittal of the Meadow Hills Phase 3 PUD dated 9/22/10 ~~(excepting the reduced PUD boundary resulting from Condition # 2 above)~~ and in accordance with subsequent City approved final PUD plans that are submitted in accordance with Richland Municipal Code Section 23.50.050.
4. A minimum of two on-site garage parking spaces shall be provided per dwelling unit in each of the proposed condominium buildings.

5. Maximum building height shall be thirty-five.
6. Setbacks shall be as shown of the revised 54-unit Meadow Hills Phase 3 Planned Unit Development Plans. ~~The building height, setback and buffering provisions set forth in RMC Section 23.18.020(B)(1) through (3) will be utilized wherever the PUD boundaries adjoin a single family residential zoning district.~~
7. Other than setbacks required to meet Condition #6 above, minimum building setbacks from the exterior boundaries of the PUD shall be:
 - Front yards (Meadow Hills Drive) – Minimum of 18-feet.
 - Rear yards (south uphill property line and KID right of way line) – Minimum of 25 -feet.
8. Prior to submittal of final PUD plans a project specific geotechnical report consistent with City's Sensitive Areas Ordinance RMC Chapter 12.10 shall be submitted for review by the City. The final PUD plans shall be compliant with all recommendations set forth in said geotechnical report.
9. Final PUD plans shall include detailed landscape plans as required by RMC Section 23.50.050. The landscape plans shall include a landscaping/screening treatment plan along the easterly and westerly PUD property lines to help screen the development as viewed from the single family residential homes to the east and west of the proposed development.
10. Prior to or concurrent with the issuance of building permits for the proposed residential units, park fees shall be paid in accordance with the requirements of RMC Chapter 22.12.
11. Development is subject to the requirements set forth in the attached memorandum from the Civil and Utility Engineering Division dated September 16, 2010.

RICHLAND PLANNING COMMISSION
COUNCIL CHAMBERS – RICHLAND CITY HALL
SEPTEMBER 22, 2010 MEETING #9-2010

MINUTES

CALL TO ORDER

Chair Madsen called meeting #9-2010, September 22, 2010, a meeting of the Planning Commission, to order at 7:00 p.m.

ROLL CALL

Members Present:	Kent Madsen, Chair	Marianne Boring, Vice Chair
	Debbie Berkowitz	Stanley Jones
	Carol Moser	James Utz

Members Absent: Clifford Clark, Excused
Mary Jo Coblentz, Excused

Also present were: Rick Simon, Planning Manager; Jeff Rolph, Senior Planner; Steve Stairs, Transportation Engineer; Sheila Sullivan, Council Liaison; Sandra Kent, Council Liaison; and Marla Pierson, Recorder.

The minutes of the August 25, 2010 meeting were approved with corrections.

The Agenda of the September 22, 2010 meeting was approved with the following change. Agenda Item #2 Wolff Enterprises (Z2010-111) has been deferred to a meeting that will be held on October 6, 2010 at 7:00 p.m. in Council Chambers between the Developer and the neighbors. That meeting will be followed by the public hearing to be held on October 13, 2010 at 8:00 p.m. in Council Chambers.

Marla Pierson explained the public hearing process and appeal process and asked Commissioners to identify any conflicts of interest, ex-parte contact or any other appearance of fairness issues.

Commissioner Jones announced that he would recuse himself on Item #2 Washington State University (Z2010-110).

Commissioner Utz announced that he would recuse himself from Item #1 TMT Homes NW, LLC (Z2010-109).

NEW BUSINESS – PUBLIC HEARING ITEM

TMT HOMES NW, LLC (Z2010-109)

Mr. Rolph presented the Staff Report and recommendation for a rezone of approximately 12 acres from R-1-12 Single Family Residential to a Planned Unit Development authorizing the construction of 60 condominium units. The location is along Meadow Hills Drive, adjacent to and west of the plat of Meadow Hills Phase 2 and east of the Plat of Crested Hills 10.

Mr. Rolph confirmed that notice was issued in accordance with the procedures set forth in the Richland Municipal Code.

Chair Madsen opened the public hearing at 7:21 p.m.

Brian T. McMinn, Attorney at Law, 601 W. Riverside, Spokane, WA, was sworn in. Mr. McGinn introduced himself as attorney representing TMT Homes NW, LLC. He introduced his colleagues, who will also be testifying at tonight's hearing. He gave a brief description of what his colleagues would be testifying to and that he would be providing his comments on some of the legal issues that have been raised as well as some of the criteria that will be discussed.

Anthony Wolff, 8903 W. Bruneau Ave., Kennewick, WA, was sworn in. Mr. Wolff explained that it is the intent of TMT Homes NW, LLC to develop Meadow Hills Phase III as a Planned Unit Development consistent with the City of Richland's Comprehensive Plan. He further explained that this is a change from the original Preliminary Plat which had been approved by Benton County over 20-years ago prior to the City annexing the land. He stated that the development will be Low-Density Residential with less than 5 dwelling units per acre. He believes that keeping plenty of open space surrounding the structures best meets the City's intent. He talked about their original application which was to build 60-units of 6 four-plexes and 6 six-plexes. However, due to neighborhood feedback, they have offered an alternate development which eliminates lots 7 & 8 from the Meadow Hills Phase II as well as one 6-plex. Mr. Wolff recapped that they are asking the Planning Commission to recommend approval of the Technical Advisory Committee's recommendation for this 54-unit development. He announced that this PUD will be compatible with adjacent developments, maximizes open space and help improve safety. He went on to explain how the setbacks, landscaping and buffer zones will provide privacy and a sufficient transition. He feels this development will be an excellent hillside addition consistent with the City's Strategic Plan, helping to fulfill the seventh key to unlock our future. He stated that the PUD meets several of the City's Housing and Neighborhood Five Year Goals and will supply a unique housing plan with luxury, condo-townhome style and panoramic hillside views. Mr. Wolff thanked the Commission for their time.

and consideration of their proposal. He recapped that they are asking the commission to pass a motion to recommend approval of the preliminary PUD subject to the conditions of the Richland Planning Commission's Technical Advisory report dated September 16, 2010.

Brian T. McMinn, representing TMT Homes, gave a brief summary of some of the points made in the Memorandum in Support of Application for Zone Change dated September 22, 2010 which has been submitted for consideration. He stated that he is perplexed that Staff would recommend denial based on lack of compatibility when we are comparing an LDR to an LDR. The overall density has not been exceeded and with the dropping of lots 7 and 8 that eliminates the primary objection of having a six-plex in close proximity to homes. Any encroachment that was a concern into lot 3 has been remedied by providing a 150-foot buffer to the property line of the neighboring residents. Mr. McMinn addressed several of the comments and questions set out in Mr. Ziobro's letter of September 14, 2010.

John Ziobro, 1333 Columbia Park Trail, Suite 110, Richland, WA, was sworn in. Mr. Ziobro represents approximately a dozen homeowners and sees this a little differently than Staff does. He stated that he is going to ask the Commission to make some additional findings tonight and believes these findings will have to stand up to the scrutiny of lawyers and judges before this is over. He indicated that he is troubled by the fact that the applicant is trying to combine Meadow Hills Phase II with Meadow Hills Phase III and there are some statutory guidelines that apply when you do this. He feels the applicants are not in compliance with the RCW and would like to see the Commission reject this application and start over. Mr. Ziobro asked that the covenants and CC&R's be made part of the record of tonight's hearing. He then went on to quote several statutes and encouraged the Commission to go back and think about the presentation they just heard because there is a difference between facts that support conclusions and mere conclusions. Mr. Ziobro then presented his proposed Findings and Conclusions, a copy of which has been made a part of the record. He pointed out that the applicant is trying to build more units than he would otherwise be able to build if he were building single family units. He feels the Commission would be naive to leave this fact out of the discussion because that is what the applicant is here for, to maximize his profit margin without any public benefit. He went on to make comments on the Technical Advisory Report and the discrepancies between the Findings made and statute. In conclusion, Mr. Ziobro feels the applicant is hamstrung about where he can build and what he can build and so he trying to turn this into an opportunity which defeats everything that these residents had in mind when they moved to this area.

Dale Atkinson, 244 Meadowridge Loop, Richland, WA, was sworn in. Mr. Atkinson thanked Mr. Simon and staff for their help through this process. As a homeowner in this neighborhood, he stated that they are not anti-development, they just want the developer to build what was planned and what they believed

was going to be built when they purchased their homes. He finds this development totally incompatible with the neighborhood, the appearance, the treatment of buffers and the privacy of the neighboring homeowners. He and his fellow neighbors feel this is simply about money and would like to see this application rejected. The developer needs to proceed as originally planned and build the single family homes. Mr. Atkinson believes the only reasonable option is denial of this application and that the Commission honor Mr. Ziobro's recommendations about what should also be discussed. This is a very emotional issue for this neighborhood and they will use whatever legal means necessary to prevent this matter from going forward as proposed.

Shirley Reese, 414 Meadow Hills Dr., Richland, WA, was sworn in. Ms. Reese and her husband own the property adjacent to this proposed development. She confirmed that she has written a letter that is part of the record but wants to talk about an issue that is very personal to her. She stated that when she and her husband purchased their home in 2008 they researched many subdivisions looking for the perfect combination of a quiet environment, safe neighborhood that had a panoramic view of the Tri-Cities. She felt they had found that combination on Meadow Hills Drive and purchased their home investing a good portion of their retirement. They checked the zoning of the adjacent property prior to purchasing and were assured it was zoned single-family residential. However, had they known that that parcel was going to be the future home of 60 condominiums, they would have continued to look for another home. She expressed her surprise when she found out there were going to be sixty families living next door to them as opposed to 10 which would have been the single-family homes. She urged the Commissions careful consideration of this rezoning request and the impact it will have on their quiet neighborhood as well as the negative potential impact it will have on their home values.

Hans Vogel, 2249 Morency Dr., Richland, WA, was sworn in. Mr. Vogel pointed out that if the Commission were to approve the PUD, including the smaller version, it would likely set a precedent for other PUD's to be considered in the area. He feels this would constitute a segmented approach to the SEPA process and invalidate the determination of no significant findings that are included in the package. Statements that are made in the traffic and street section of the Staff Report which by reference incorporates conditions previously considered by the City with regard to proposed "The Crest" PUD. He stated that if the City were to combine or consider these two proposals, there would be a significant impact that is not addressed in the SEPA review and would invalidate the determination as noted. He believes the traffic study done on "The Crest" should be readdressed and updated as part of this PUD submittal. In closing, he voiced his support of the road that is proposed as it provides a second means of egress from the development out of Crested Hills in case of an emergency.

Dorothea Narum, 224 High Meadows, Richland, WA, was sworn in. Ms. Narum announced that she has lived in this community for 25 years and has come to

realize that the peace that she has known for all these years will be severely decreased. She feels the lights from the development and the motion from the cars will decrease the peacefulness she has come to know. She feels sad that the future homeowners will not be able to enjoy the peacefulness that she has known.

Marsha Milliken, 245 High Meadows, Richland, WA, was sworn in. Ms. Milliken identified as a homeowner living in Meadow Springs 2nd. She stated that her development is located just across the KID Irrigation Canal to the north of the proposed development. She went on to state that the environmental checklist states that there will be no increased need for public services such as fire protection, police services, health care, schools or other services. She does not see how introducing 60 homes into this area will not have an impact on services. She feels this proposal is not consistent with the Comprehensive Plan and it will not blend with the natural texture of the land and will cause a spot zone in the middle of single-family homes. Ms. Milliken thanked the Commission for the opportunity to present her concerns but believes many of these concerns will disappear if the area remains zoned as R-1.

Applicant's Rebuttal

Brian T. McMinn addressed the issue of Alteration of Subdivision that was presented by Mr. Ziobro. He stated that this statute applies when you are proposing to do a development that alters the covenants that will result in a violation of the covenants. He clarified that the covenants that he provided specifically authorized Phase III to be developed as a multi-family development and it specifically authorized the declarant to rezone the property. Logic would dictate to him that you cannot possibly have a proposal for a multi-family development that is a violation of the covenants when the covenants expressly authorized that very development. Earlier in the same provision it makes reference to the signature being needed of the persons' having ownership of the lots, tracts or parcels or the portion to be altered. First of all, he explained that Mr. Tahvili owns all the property in question and is unaware of any parcels being altered. He went on to respond to the statutes Mr. Ziobro had quoted in his earlier testimony. As to the reasonable time to develop, he pointed out that Mr. Tahvili's development history is part of the original packet of information and provides you with background information on Mr. Tahvili and his developments. It shows that Mr. Tahvili is a credible developer that you can rely upon. Mr. McMinn stated that they are proposing a very interesting and very positive development that will provide a new housing opportunity.

Anthony Wolff, pointed out that one of their goals was to try and create a dialog between the City and neighboring homeowners. It was through that dialog process that they acknowledged the homeowners' concern of the inclusion of lots 7 and 8 and indicated in their initial application that they were willing to move forward with a 54-unit development excluding lots 7 and 8 from the plan. They

also acknowledged, based on homeowners' concerns, that we would be willing to narrow the space between the buildings to provide an adequate buffer. He pointed out that this development is compatible with the adjacent developments and maximizes open space and improves safety. In conclusion, he asked the Commission to pass a motion recommending approval of the preliminary PUD as subject to the conditions of the Richland Planning Commission's Technical Advisory Committee report dated September 16, 2010.

Chair Madsen closed the public hearing at 8:48 p.m.

Commissioner Moser has some concerns about the development as presented. She believes the most basic concern is compatibility and who decides what is compatible. She is wondering also why the elimination of lots 7 and 8 was such an easy decision for the developer. Further, she does agree that there is a precedent for concern in building on such a steep slope. She does feel that this is spot zoning as the development is dramatically different than what is in the surrounding neighborhood. In terms of the public benefit of the donation of the open space, she doesn't feel there is a public benefit that has been demonstrated. This land is not connected with the trail system and it is property that is not buildable. Finally, there was a reference made to a homeowner's association meeting that discussed multi-family housing in Phase III and she was wondering why so many of the neighbors are acting so surprised if it was indeed discussed as testified to by Mr. Wolff.

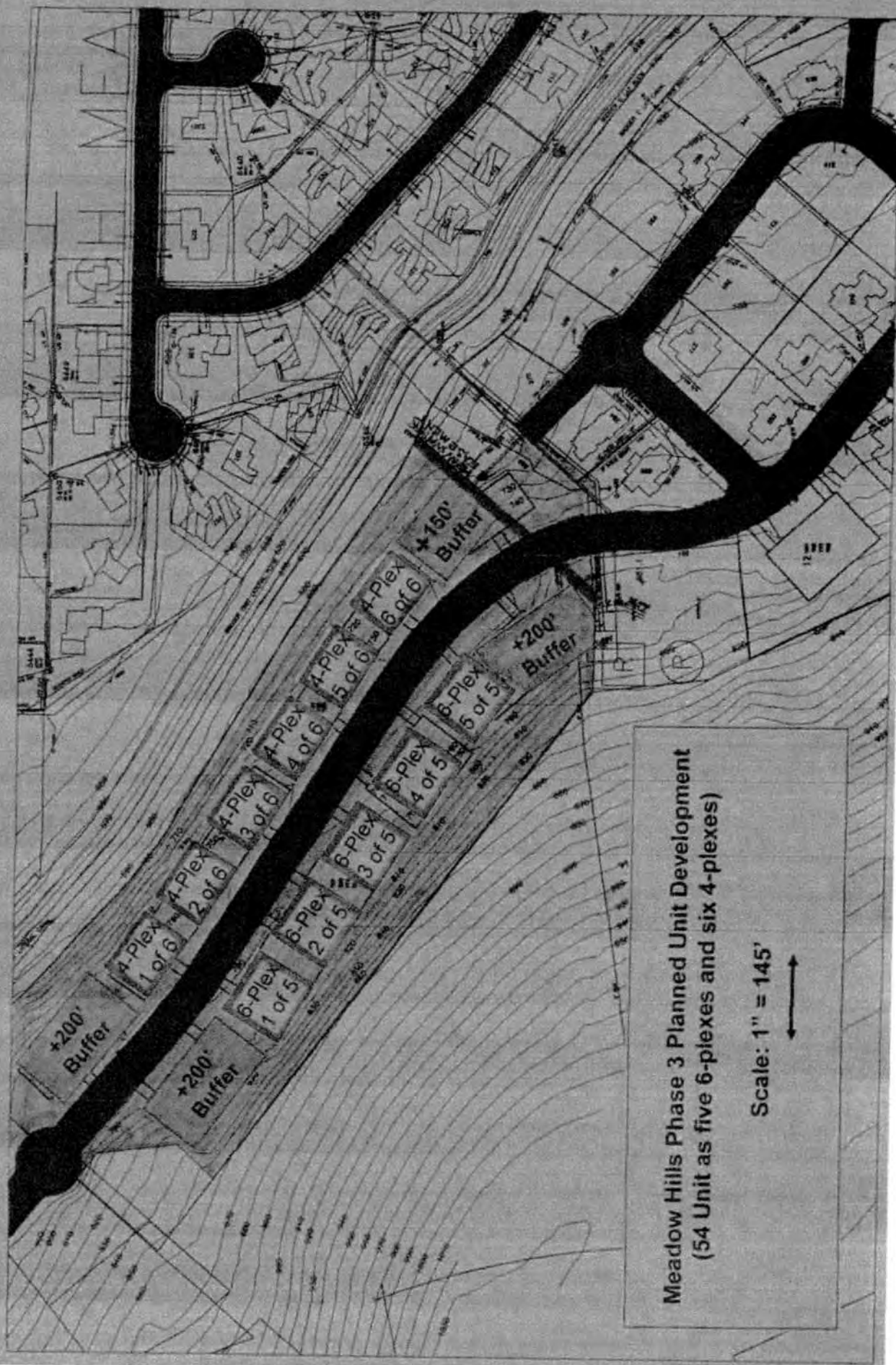
Mr. McMinn acknowledged that dismissing lots 7 and 8 is a concession. The location of these lots is separated from the other property and they thought that maybe this would be the source of concern of the neighbors. So it was decided to concede those lots in order to address the concern of proximity.

Mr. Wolff suggested that if you look at Mr. Ziobro's client list, many of those residents serve on the Meadow Hills Homeowner's Association and they would each testify that they are very much aware that this development has been in the works for a long time. As to the public benefit, he feels if this development moves forward as single-family housing, the entire development, all twelve acres, will be built out with houses and landscaping potentially up to the perimeter of their homes. Their proposal will improve the streets, provide sidewalks for safe pedestrian access as well as street lighting all of which will be of public benefit.

Commissioner Jones asked for the State's definition of density. He commented that in his career density always had to do with the number of things in a particular area. He stated that the applicant is proposing to put a pretty significant number on a very small base. He feels it is a little higher density than what you would expect. He also wants to know if there has been a preliminary Geo-Tech done on what kind of soil there is and how deep they are going to have to go to get to bedrock. He stated that if you don't put your pilings down to bedrock, you are going to end up with your buildings down the hill.

discussed tonight. Also, questions on the CC&R issues that have been raised.
Seconded by Commissioner Jones.

Motion carried on unanimous voice vote.



Meadow Hills Phase 3 Planned Unit Development
(54 Unit as five 6-plexes and six 4-plexes)

Scale: 1" = 145'



Meadow Springs Second Nine Homeowners
143 High Meadows St., Richland, WA 99352
www.SecondNine.org

September 8, 2010

Mr. Rick Simon
P.O. Box 940
Richland, WA 99352

Dear Mr. Simon,

This letter is written in response to the notice for public meeting which called for inputs to the Planning Commission with regard to the proposed development known as Meadow Hills Phase III. The views presented below are those of the Meadow Springs Second Nine Home Owners Association, and have been developed by that organization's Board of Directors with inputs from its members. The Association consists of 229 homeowners in the immediate area and is located just across the KID irrigation canal to the north of the proposed development.

Among the purposes of the Association is "To aid and cooperate with the members of the Association and all property owners in the Subdivision in the enforcement of such conditions covenants, and restrictions on and appurtenant to their property as are now in existence as well as any conditions, covenants, and restrictions as shall hereafter be approved by the Commission and City Council of the City of Richland, having jurisdiction in relation to any zoning that may affect any portion of the subdivision." Thus the following concerns are brought to your attention.

- Construction of up to sixty units in three and four level structures will have an adverse impact on what heretofore has been zoned and developed as a neighborhood of single family dwellings. Significant developments of multi-family dwellings already exist along Keene Road and Leslie Road providing a diverse character to the area. We believe that the proposed development will have an adverse affect on the desirability and value of its neighboring homes.
- We believe that the impact of vehicle traffic during and after the construction period has not been adequately understood or addressed. The flow of construction equipment including heavily loaded trucks through the surrounding neighborhoods will have an adverse impact. Additionally, the addition of normal vehicle traffic, including delivery trucks, refuse trucks, school buses and normal auto traffic following development will significantly burden the existing neighborhood streets. Egress of the additional traffic onto Keene Road and especially Leslie Road from Meadow Hills Drive is likely to result in additional backups and potential for accidents. We are also concerned about the potential of decreased safety for pedestrians and children who use the existing streets.
- The environmental check list states that there will be no increased need for public services such as fire protection, police services, health care, schools or other services. We strongly disagree with this conclusion. Introducing sixty households without having an impact on those services appears to us to be highly unlikely.
- The environmental check list fails to take into account the KID irrigation canal when asking about water issues. This canal, which lies on the north most boundary of the



Meadow Springs Second Nine Homeowners
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www.SecondNine.org

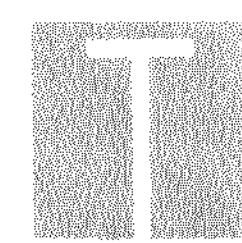
proposed development will be subject to the affects of significant excavation, filling, and compaction during the construction period. The history of failure of similar canals in the surrounding area raises serious concern, particularly for those homes immediately below the project on High Meadows Street and Hillview Drive.

- It is stated that the land surrounding the structures will be returned to "steppe shrub" and zero landscaping will be utilized. No landscaping or other barriers are planned. Without adequate fire breaks provided by landscaping of some nature we are concerned about the safety of the development. The hillside upon which this development is to be built has been the victim of several wildfires in the recent past. These have threatened the existing homes and the proposed development will introduce added risk.

We thank you for the opportunity to present our concerns regarding the proposed development, but believe that many of the concerns disappear if the area remains zoned as residential, R-1.

Sincerely,

Ken Johanning, President
Meadow Springs Second Nine Home Owners Association



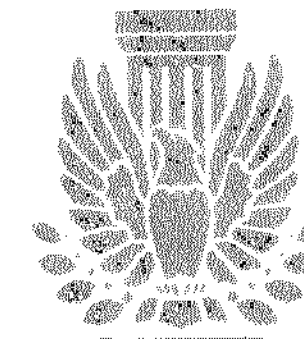
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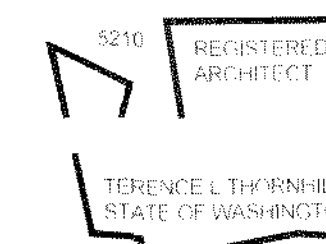
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PHASE
SD

REVISION NO.
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MEADOW
HILLS III
TOWNHOUSES

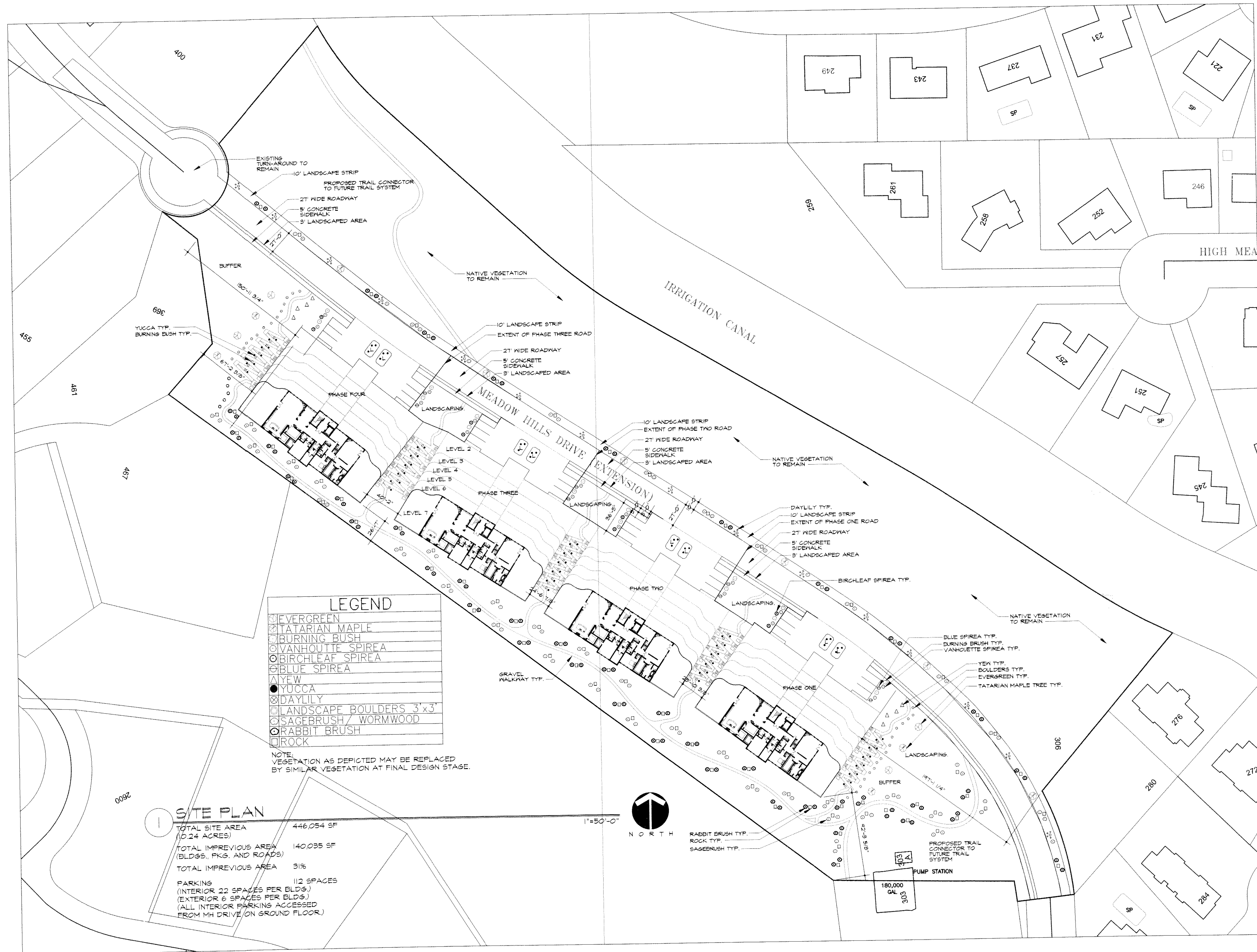
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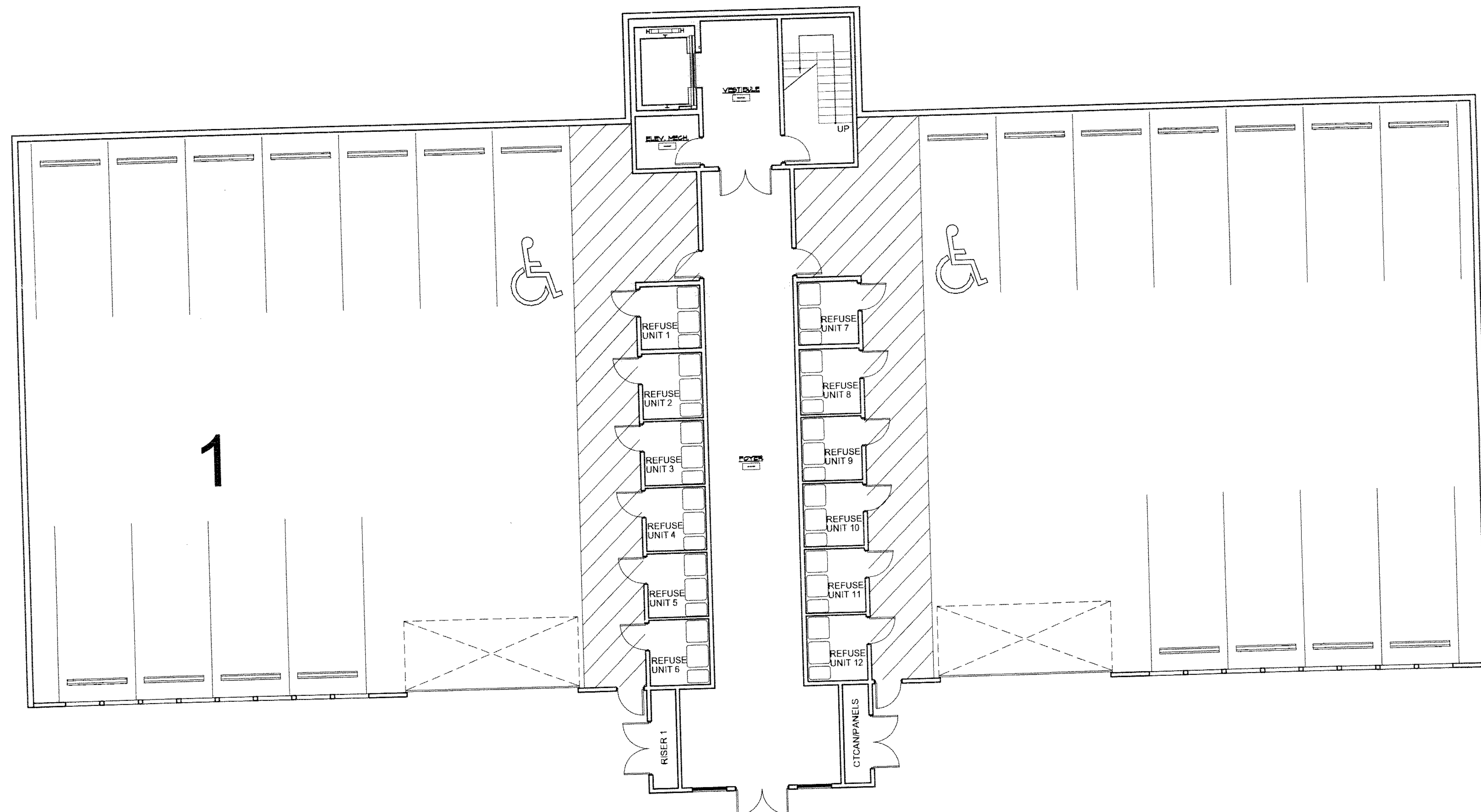
SITE/ LANDSCAPE
PLAN

1.0

212-002

JULY 02, 2012
1202-LANDSCAPING01





1 FIRST LEVEL FLOOR PLAN
FIRST LEVEL AREA 12,053 SF

1/8" = 1'-0"

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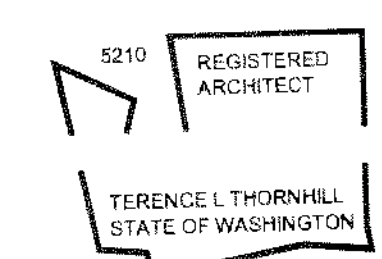
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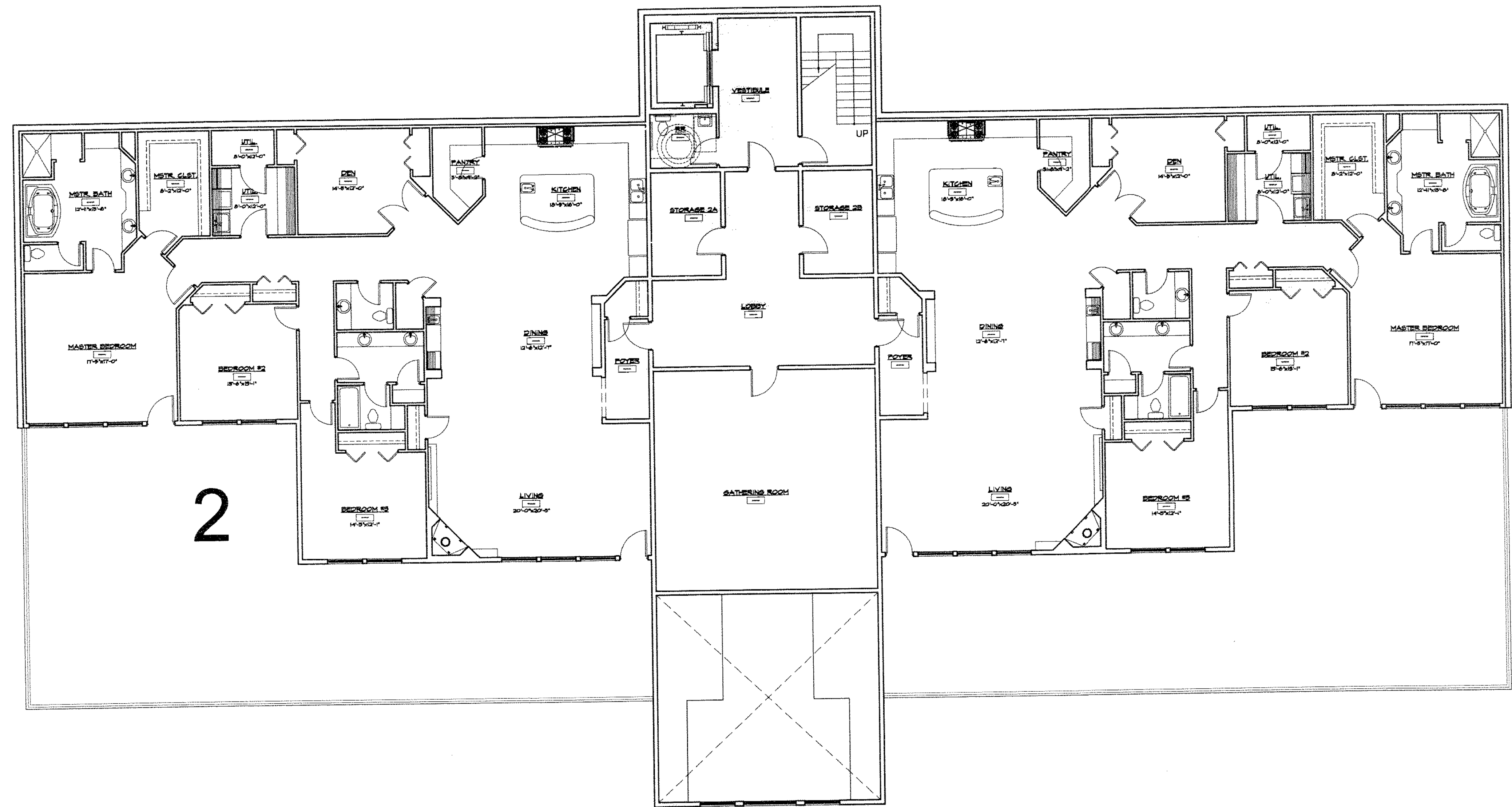
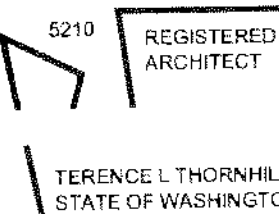
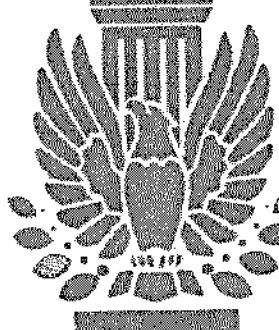
MEADOW HILLS
III
TOWNHOUSES

RICHLAND, WA

FIRST LEVEL
FLOOR PLAN

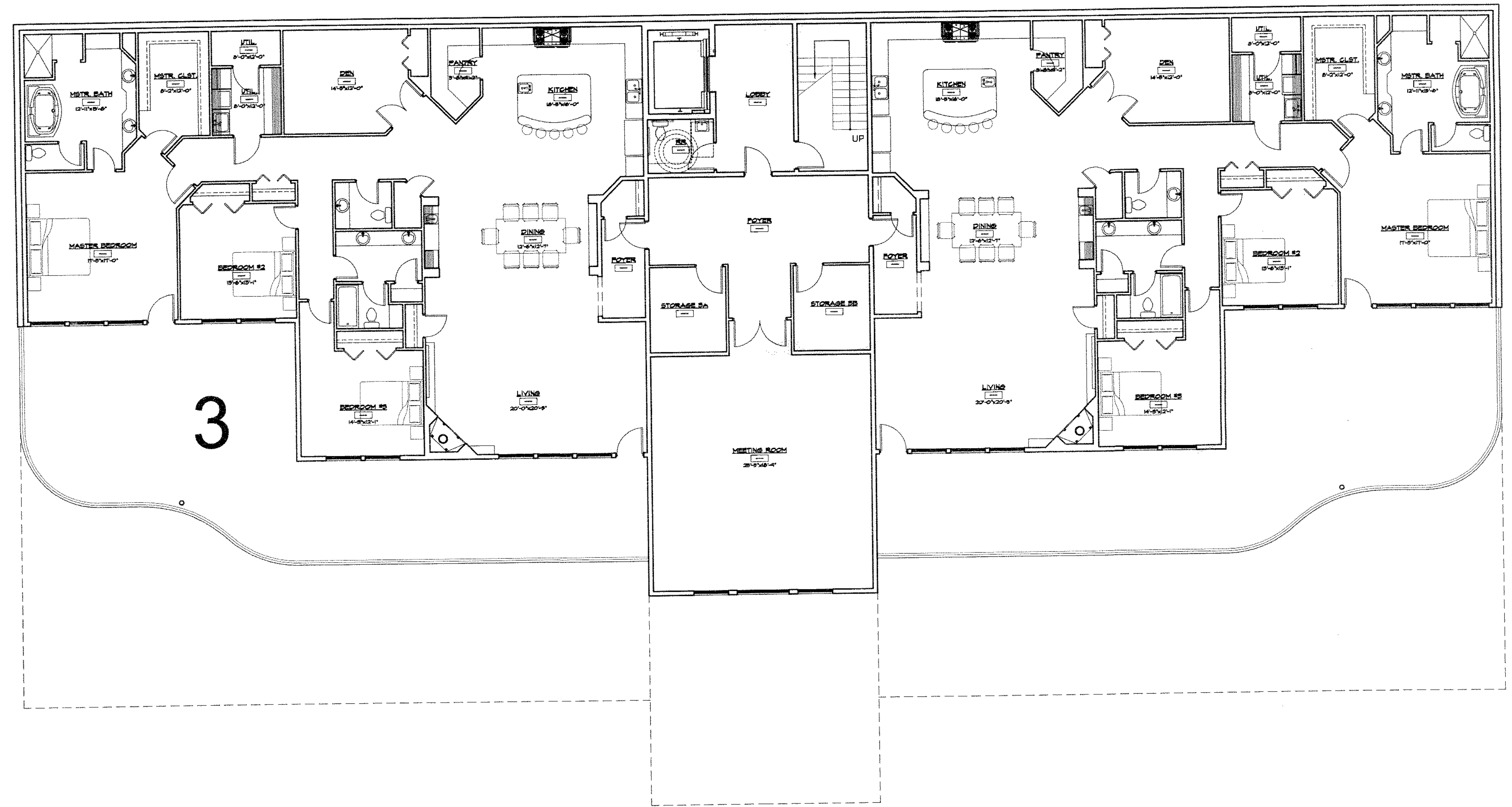
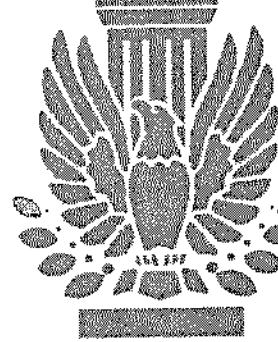
3.1
211-119

MAY 23, 2012
1202-PLN05



1 SECOND LEVEL FLOOR PLAN
SECOND LEVEL AREA 8,709 SF
LIVING AREA PER UNIT 3,149 SF (x2)
DECK AREA PER UNIT 1,658 SF (x2)
CORE/CIRC. AREA 2,411 SF

1/8" = 1'-0"



1 THIRD LEVEL FLOOR PLAN
THIRD LEVEL AREA 8,095 SF
LIVING AREA PER UNIT 3,149 SF (x2)
DECK AREA PER UNIT 1,200 SF (x2)
CORE/CIRC. AREA 1,791 SF
1/8" = 1'-0"

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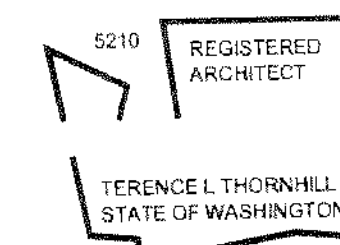
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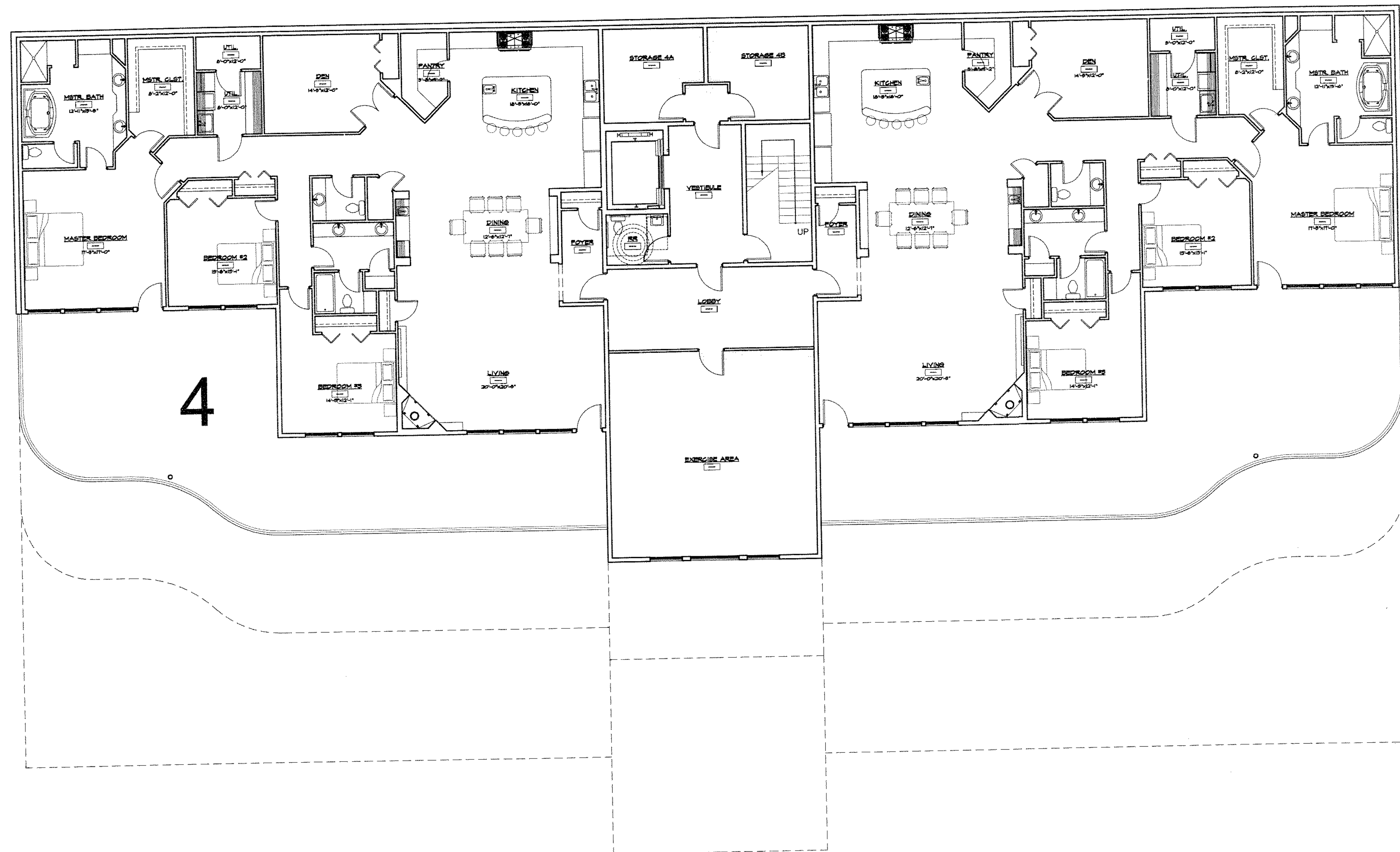
MEADOW HILLS
III
TOWNHOUSES

RICHLAND, WA

FOURTH LEVEL
FLOOR PLAN

3.4
212-002

MAY 23, 2012
1202-PLN05



FOURTH LEVEL FLOOR PLAN		
FOURTH LEVEL AREA	8,095 SF	
LIVING AREA PER UNIT	3,149 SF (x2)	
DECK AREA PER UNIT	1,200 SF (x2)	
CORE/CIRC. AREA	1,791 SF	

1/8" = 1'-0"

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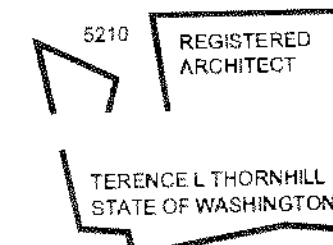
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TT

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TT

PHASE
SD

REVISION NO.



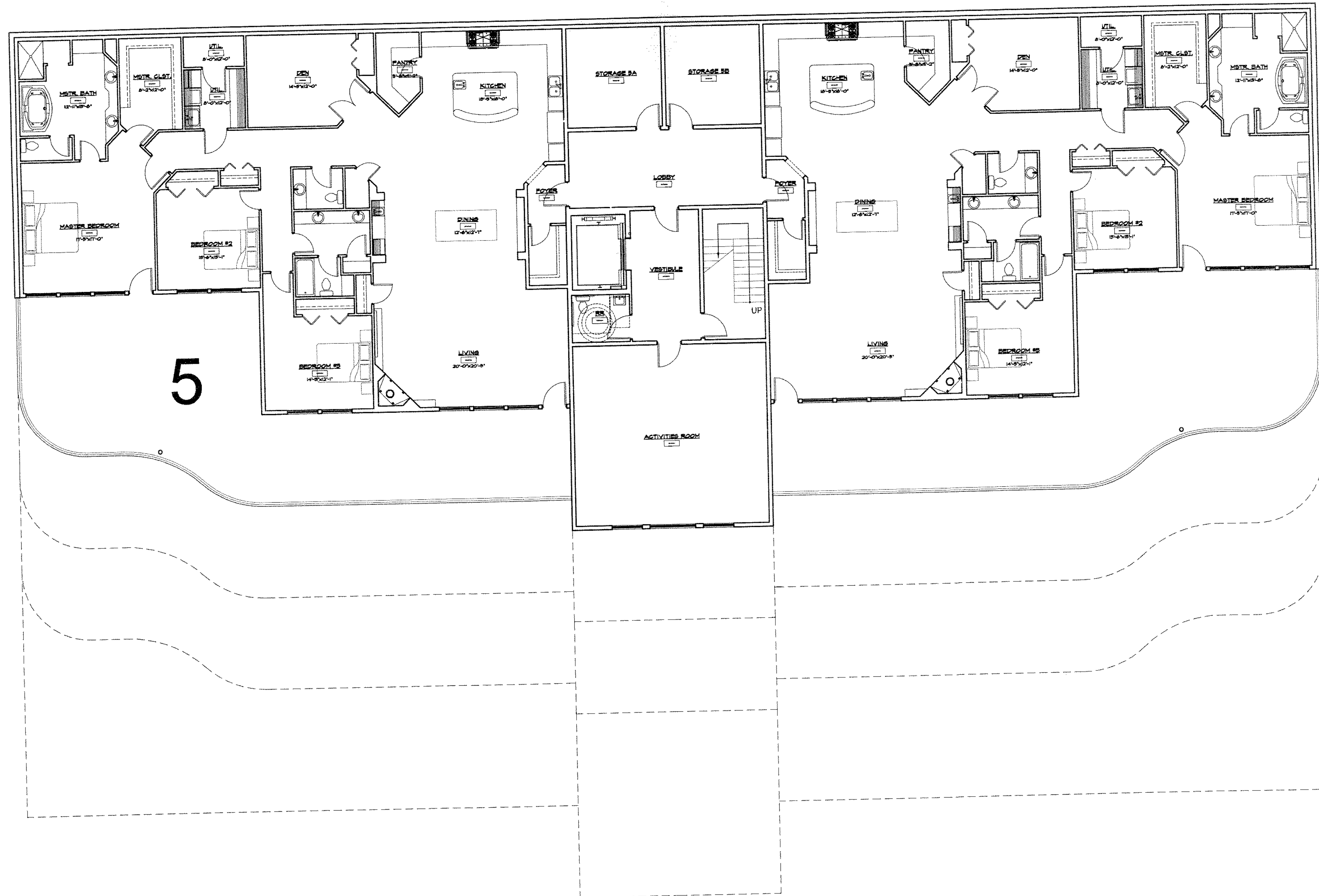
MEADOW HILLS
III
TOWNHOUSES

RICHLAND, WA

FIFTH LEVEL
FLOOR PLAN

3.5
212-002

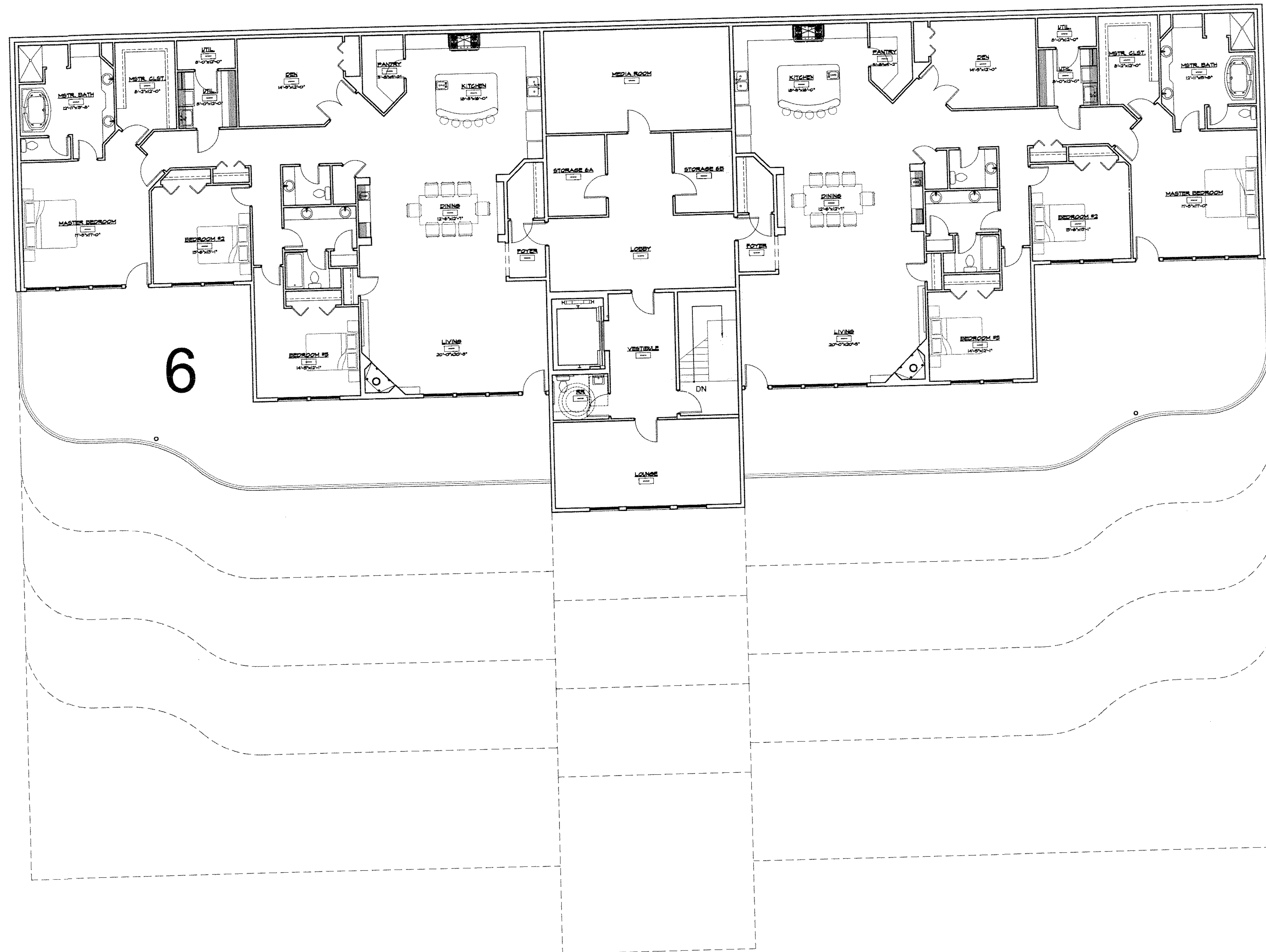
MAY 23, 2012
1202-PLN05



① FIFTH LEVEL FLOOR PLAN

FIFTH LEVEL AREA	8,095 SF
LIVING AREA PER UNIT	3,149 SF (x2)
DECK AREA PER UNIT	1,200 SF (x2)
CORE/CIRC. AREA	1,741 SF

1/8" = 1'-0"



1 SIXTH LEVEL FLOOR PLAN

SIXTH LEVEL AREA	8,045 SF
LIVING AREA PER UNIT	3,144 SF (x2)
DECK AREA PER UNIT	1,200 SF (x2)
CORE/CIRC. AREA	1,791 SF

1/8" = 1'-0"

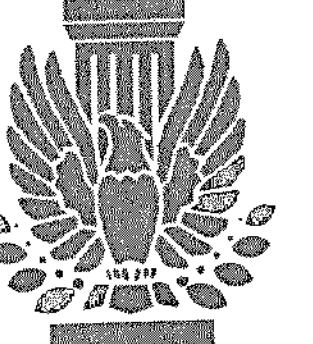
TERENCE L THORNHILL ARCHITECT

2715 ST. ANDREWS LOOP
SUITE "A"
PASCO, WA.
99301

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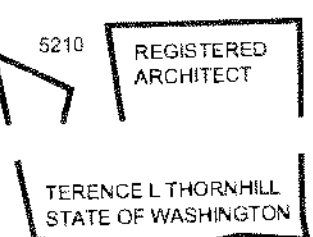
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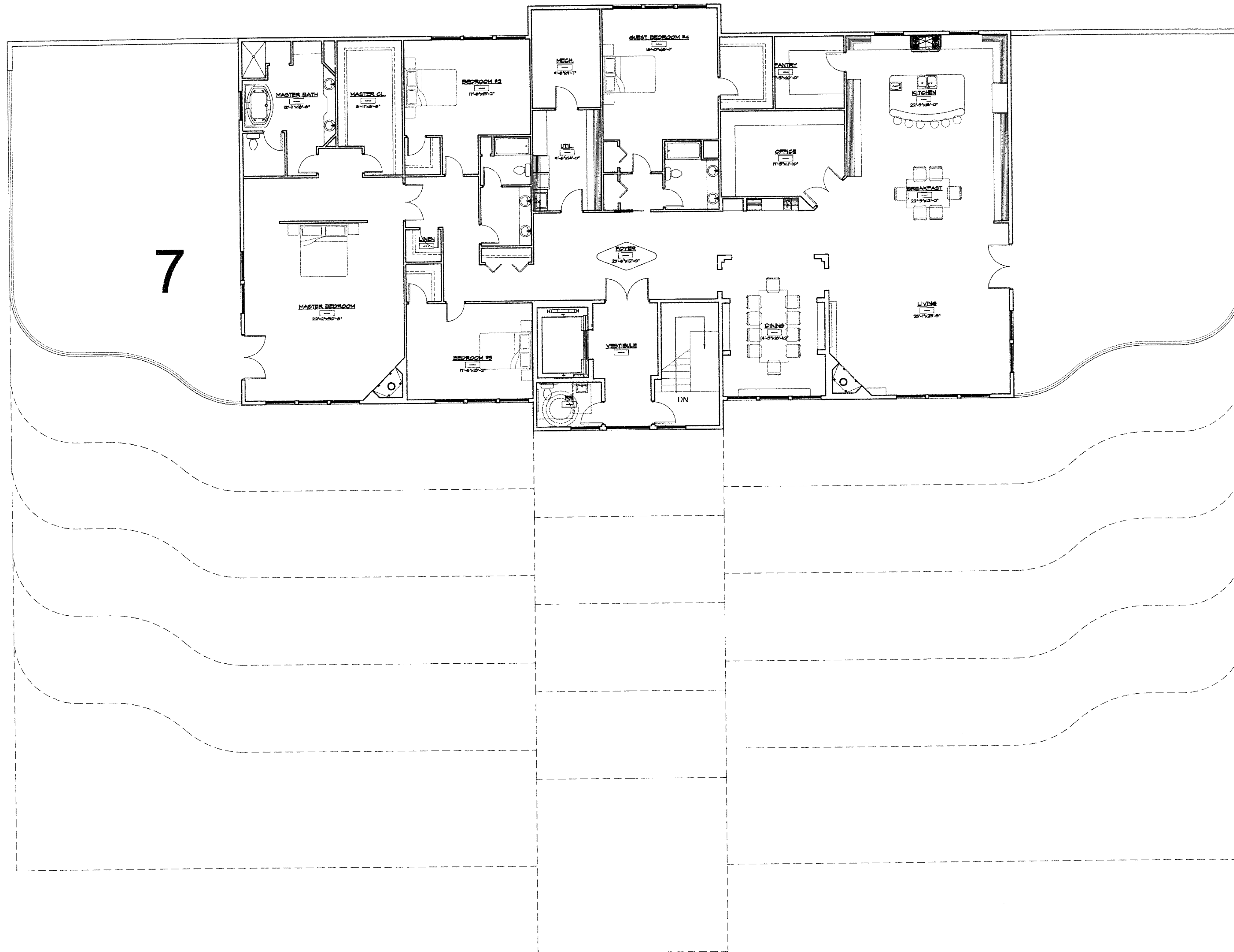
MEADOW HILLS III TOWNHOUSES

RICHLAND, WA

SIXTH LEVEL FLOOR PLAN

3.6
212-002

MAY 23, 2012
1202-PLN05



① SEVENTH LEVEL FLOOR PLAN
DECK 1448 SF x 2
LIVING AREA 5,655 SF

1/8" = 1'-0"

TERENCE L.
THORNHILL
ARCHITECT

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99301

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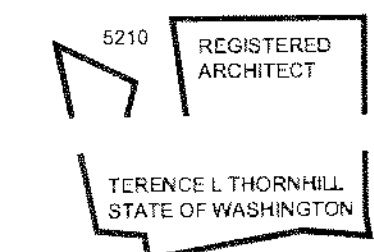
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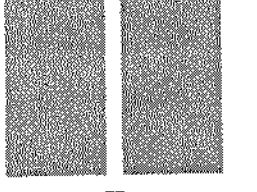
MEADOW HILLS
III
TOWNHOUSES

RICHLAND, WA

SEVENTH LEVEL
FLOOR PLAN

3.7
212-002

MAY 23, 2012
1202-PLN05



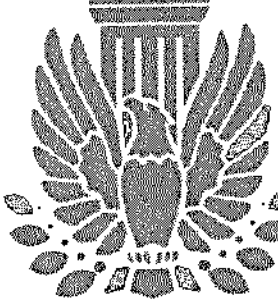
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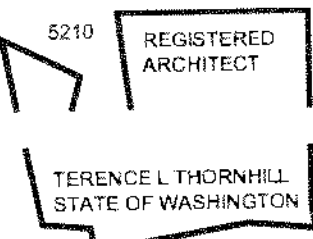
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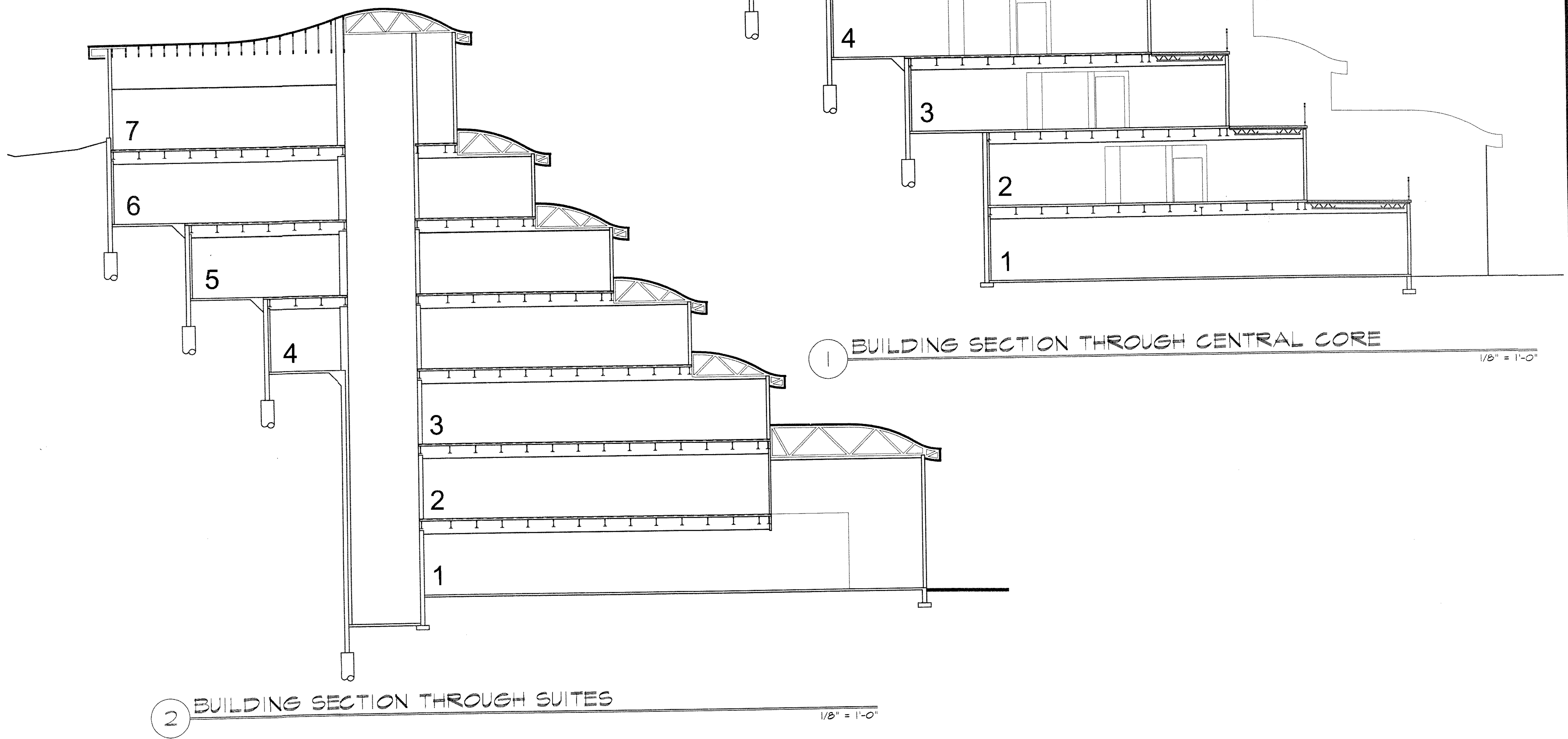
MEADOW HILLS
III
TOWNHOUSES

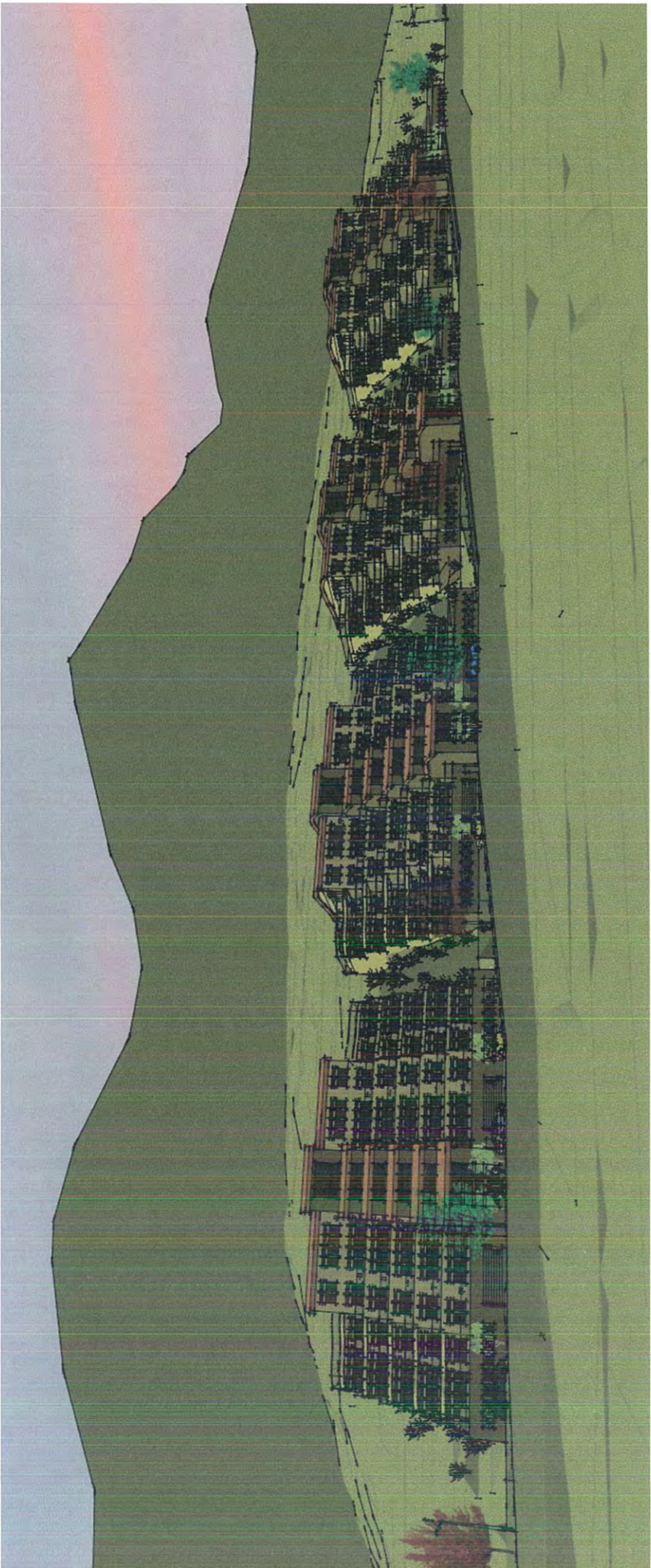
KENNEWICK, WA

BUILDING
SECTIONS

8.1
212-002

MAY 23, 2012
1202-SECT03





Spokane Office
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Winston & Cashatt

L A W Y E R S

A Professional Service Corporation

*Winston & Cashatt has offices in Spokane, Washington
and Coeur d'Alene, Idaho*

July 25, 2012

City of Richland
Richland Planning Commission
840 Northgate Drive
Richland, WA 99352

**Re: TMT Homes, LLC Application for Zone Change
from R1-10/R1-12 to PUD
File No. Z2012-101**

Dear Commissioners:

I represent TMT Homes, LLC in regard to the above referenced application. This letter is submitted as further support for the above referenced application and as a rebuttal to the conclusions drawn in the Staff Report and the letter submitted by Mr. and Mrs. Atkinson (herein "Atkinson Letter"). Neither of these provides a factual or a legal basis for denial of this application. This application satisfies the requirements of the Richland Municipal Code for Planned Unit Developments and Richland's Comprehensive Plan. It does not create an illegal spot zone. TMT Homes therefore requests that the Planning Commission vote in support of this application and recommend that this application be approved by the City Council.

- 1. TMT Homes' proposed development of 44 clustered townhomes satisfies and is consistent with the requirements of RMC Chapter 23.50 and the Comprehensive Plan.**

The City of Richland has approved and adopted the use of planned unit developments (PUD), which are commonly referred to as a "floating zone". The purpose of a PUD is to allow for flexibility by allowing modifications to the customary zoning standards as applied to a particular parcel. Lutz v. City of Longview, 83 Wn.2d 566, 568, 520 P.2d 1374 (1974). By its nature a PUD is a type of spot zone because it singles out a parcel of property and allows modification of

C. Matthew Andersen *ID*
Beverly L. Anderson
Kevin H. Breck *MT*
Patrick J. Cronin *ID*
Kevin J. Curtis *CA*
Greg M. Devlin *ID*
David P. Gardner *ID, MT*
Donald J. Gary, Jr. *CA, ID*
Scott A. Gingras *ID, MT*
Erika B. Grubbs *ID*

Jeffrey A. Herbster *ID*
Michael T. Howard *ID*
Carl E. Hueber *ID*
Collette C. Leland
Casey L. Lund
Brian T. McGinn *ID*
Kammi Mencke Smith *ID*
Sean E. O'Quinn
Lynden O. Rasmussen
James E. Reed

Richard W. Relyea
Elizabeth A. Tellessen *ID*
Lawrence H. Vance, Jr. *ID*
Meriwether D. Williams *ID, WY*
Ryan D. Yahne *ID, CA*

Of Counsel
Courtney R. Beaudoin *ID*
Stephen L. Farnell
Kenneth B. Howard *ID*

Fred C. Pflanz
Lucinda S. Whaley

Retired
Robert P. Beschel
Richard L. Cease
James P. Connelly
Leo J. Driscoll
Tim M. Higgins

the otherwise applicable zoning standards. But, this singling out does not make it illegal, in fact quite the opposite—considering nearly every city and county across the state allows PUDs.

Richland has identified the primary purpose of its PUD regulation “is to provide opportunities to create a more desirable environment through the application of *flexible design and development* standards...” RMC 23.50.010. Inherent in this purpose is that even though a PUD will not match the surrounding properties it nevertheless should be allowed so long as it provides “privacy, usable open space, safe pedestrian and vehicular circulation, and compatible relationships between *different* uses.” The City of Richland has adopted six different zoning classifications that represent six different uses. RMC Chapters 23.14 – 23.30. Only one of which is Residential. RMC Chapter 23.18.

In this case, the fact that the physical appearance of the development is different than the surrounding properties furthers the expressed purposes of the PUD. Most importantly it utilizes the desired flexibility in design and development to conserve resources and reduce the buildable footprint, leaving more open space and conserving water for the benefit of the public health, welfare, and safety. Privacy will be improved because the closest any home will be to the new development is approximately 280 feet (considerably more distance than exists between detached single family dwellings). Moreover, pedestrian and vehicular circulation and connectivity will also be improved with the long awaited extension of Meadow Hills Drive. Finally, the proposed low density residential use is consistent and compatible with the neighboring low density residential developments. “The construction of some townhouses, separated from adjacent subdivisions by a substantial buffer and consistent with other policies of the comprehensive plan can reasonably be viewed as compatible.” Vogel v. City of Richland, 161 Wn. App. 1036 (Not Reported in P.3d) (2011). Thus, any conclusion to the contrary would be arbitrary and unfounded.

Nevertheless, the Atkinson Letter complains the proposed development is incompatible with the neighboring developments. But this argument fails as a matter of law and logic because the proposed PUD is consistent with Richland’s Comprehensive Plan, which by its nature “classifies land within the City into various land use zones”. RMC 23.04.020. The City has organized the land within its boundaries into classifications and compatible uses. To argue or determine that this development is incompatible because its density, while consistent with the Comprehensive Plan, is different than the neighboring developments is to determine that the Comprehensive Plan is wrong and fails in its essential purpose.

Therefore, upon consideration of TMT Homes’ proposal, we ask that you conclude in accordance with RMC 23.50.040 that the evidence presented satisfies the requirements of RMC Chapter 23.50 and that this application warrants your recommendation for approval by the City Council. The Planning Commission should recommend approval of this application and PUD because:

1.1 The development is compatible with nearby developments and uses.

As stated above, the proposed low density residential use is the same as the surrounding low density residential uses and is therefore inherently compatible. Although the surrounding developments have fewer houses per acre, this in no way changes the fact that the proposed development is still low density residential and consistent with Richland's Comprehensive Plan. In an unpublished court of appeals decision that this commission may be familiar with, Vogel v. City of Richland, the court noted that "the construction of some townhouses, separated from adjacent subdivisions by a substantial buffer and consistent with other policies of the comprehensive plan can reasonably be viewed as compatible." 161 Wn. App. 1036 (Not Reported in P.3d) (2011)

There is no evidence that the configuration of the development makes it incompatible with the neighboring uses. The use is the same, the density is allowed, and the configuration is consistent with the express purpose of the PUD to allow flexible design and development standards.

The difference in densities between the existing developments and the proposed development is nothing more than that, an allowable and expected difference in density, fully contemplated by the Comprehensive Plan. If the City had concluded that residential densities of 0-3 units/acre are incompatible with residential densities of 4-5 units/acre then the Comprehensive Plan would not aim to achieve an average density of 3.5 units/acre by allowing 0-5 units per acre in the Low Density Residential areas. (Comp. Plan, Land Use Distribution, LDR; Figure LU-1.)

The conclusion of the Staff Report, which establishes the basis for the recommendation to deny this application, is based solely on an illogical analysis of the allowed "average density of 3.5 dwelling units per acre." By its nature an average requires the consideration of more than one item. The Staff report considers only the proposed density of Phase Three and concludes it exceeds the "average gross density". (Staff Report, Finding No. 13.)

An appropriate analysis would take at a minimum the density of Meadow Hills Phase One, Two and Three and average it to reach the average density of 2.0 units per acre, well below the desired average. The better and sounder analysis would be to take the average of Meadow Hills Phase One, Two and Three and Crested Hills Nos. 3 and 10 for an average density of 2.2 units per acre.

The Staff Report arbitrarily determines that this PUD application should be denied because the proposed development exceeds the "average gross density of 3.5 dwelling units per acre." This conclusion is inherently and undeniably flawed and TMT Homes would encourage the Planning Commission to undertake a more reasoned and mathematically sound analysis to conclude that the average density of the area after this development is far less than the desired 3.5 units per acre and thereafter recommend that this application be approved.

1.2 The setbacks and open space buffers around the development insure the proper transition between the proposed development and the neighboring residences.

The proposed townhomes and a neighboring residence will be approximately 280 feet, a distance greater than the distance between most of the residences in either of the neighboring phases. Further, the westerly side-setback is approximately 67 feet while the easterly side-setback is nearly 200 feet. These setbacks are more than would be required if homes were built in accordance with the present zoning, and thus the proper conclusion is, there is more than sufficient buffer around and transition to the proposed development.

1.3 The development is consistent with Richland's Comprehensive Plan and the purpose of the PUD district.

A thorough review of Richland's Comprehensive Plan reveals a number of goals and policies that this development is consistent with and furthers. The following are just a few¹:

GL-II: Density: A measure of the intensity of development, generally expressed in terms of dwelling units per acre....

- The proposed development will have a density of 4.7 units per acre, resulting in an average density of 2.0 units per acre when averaged with Meadow Hills Phase One, Two and Three.

GL-VII: Planned Unit Development: A residential development that includes a mix of housing types such as single family, townhouses, and other multi-family...

- The proposed development satisfies the intent to have a mix of housing types.

LU Goal 1. The City will establish land uses that encourage cost-effective development.

- Construction of the proposed townhomes will be more efficient to build and less demanding on natural resources such as water and open space.

LU Goal 4. The City will establish a broad range of residential land use designations to accommodate a variety of lifestyles and housing opportunities.

- The proposed townhomes will satisfy this goal in every respect.

Policy 1 – The City will provide a balanced distribution of residential uses and densities throughout the urban growth area.

- This property is located within the urban growth area and its proposed development is consistent with this policy statement.

Policy 2 – The City will encourage residential densification through its land use regulations.

- The proposed townhomes are consistent with this policy statement.

¹ Other Goals and Policies that are consistent with and support approval of this application: ED Goal 6; and Benton County-Wide Planning Policy#1 "... Avoid Sprawl-Avoid the inappropriate conversion of undeveloped land into sprawling, low density development...."

Policy 3 – The City will encourage innovative and non-traditional residential development through expanded use of planned unit developments, density bonuses and multi-use developments.

- This PUD application is consistent with and furthers this policy statement.

LU Goal 7. The City will address unique land use situations in the urban area with policies specific to those situations.

- The proposed development is less invasive and more respectful of the natural landscape and natural resources than construction of detached single-family dwellings would be.

Land Use Distribution-Low Density Residential (LDR). The LDR category includes single-family residential uses with an average density of 3.5 dwelling units per acre.

- After approval of this development the average density for Meadow Hills Phases One, Two and Three will be 2.0 dwelling units per acre, which is consistent with the Low Density Residential classification.
- Further, the density of the proposed development is within the allowed density identified on Figure LU-1.

UD Goal 3. Development, through appropriate siting and orientation of buildings, should recognize and preserve established major vistas, as well as protect natural features such as:...steep slopes...

- The proposed development is less invasive and more respectful of the natural landscape and natural resources than construction of detached single-family dwellings would be.

TE Goal 6. The city will encourage the use of transportation modes that maximize energy conservation, circulation efficiency, and economy.

- This development will facilitate the long awaited extension of Meadow Hills Drive for both pedestrian and vehicle traffic.

Pedestrian and Bicycle Facilities and Public Transportation Strategies 2 & 3

- Extension of Meadow Hills Drive will connect sidewalks, bike paths and roads in furtherance of these strategies.

HE Goal 2. Provide a range of housing types for all economic segments of the Richland Community.

- This PUD application is consistent with and furthers this policy statement.

As explained above this proposal is also consistent with the purpose of the PUD district as it utilizes the desired flexibility in design and development to further the desire for privacy, open space, pedestrian and vehicular traffic, and compatibility with the other residential uses in the area. In light of this, TMT Homes respectfully requests the Planning Commission recommend approval of its application.

1.4 The development will be completed within a reasonable period of time as set forth in the SEPA checklist.

Neither the City Staff nor the Technical Advisory Committee have objected to or raised a concern with TMT Homes' intent to develop this PUD over the next four years. This is likely because such development is reasonable and warranted in these circumstances and serves the needs of the Richland community for upscale townhomes, which do not require the ongoing care and maintenance of a detached single-family dwelling. It cannot be denied that there is a segment of the Richland community that is affluent and would prefer to live in a townhome that does not require them to take care of a yard, driveway or conduct regular maintenance required of a single-family detached dwelling. Although this may not be the largest segment of the community, it does exist and the proposed construction schedule is aimed to and does accommodate that portion of the community.

2. The proposed development is not an illegal spot zone.

Approval of the clustered townhomes proposed by TMT Homes would not constitute illegal spot zoning. Spot zoning exists where an area is singled out and "specially zoned for a use classification **totally different** from and inconsistent" with the surrounding area. The City of Richland has adopted six **totally different** zoning classifications, which identify six **totally different** uses. RMC Chapters 23.14 – 23.30. Only one of which is Residential. RMC Chapter 23.18. The prohibition against spot zoning is directed at preventing two "totally different" uses not at preventing variations on the same use. See Lutz v. City of Longview, 83 Wn.2d 566, 520 P.2d 1374 (1974) [PUD for apartment complex which exceeded allowed detached dwelling density was not illegal spot zone].

There is no evidence in the record that shows how the clustered townhomes are so **totally different** from the surrounding area so to constitute an illegal spot zone. The Staff Report and the Atkinson letter assert the increased density as a basis for the conclusion that this development is totally different. But this conclusion ignores the City's own conclusion that Low Density Residential exists where there are 0-5 units/acre and an average of 3.5 units/acre. Both of these standards are satisfied by this development, which is consistent with the purposes of the PUD and the Comprehensive Plan.

The main question in an illegal spot zoning inquiry is "whether the zoning action bears a substantial relationship to the general welfare of the affected community." Willapa Grays Harbor Oyster Growers Association. v. Moby Dick Co., 115 Wn. App. 417, 432, 62 P.3d 912 (2003). "The public welfare must be considered from the standpoint of the object of the zoning ordinance and all of the property within any particular use district." Anderson v. Island County, 81 Wn.2d 312, 320, 501 P.2d 594 (1972). There is no dispute that this PUD application is a rezone of the property, but there is no evidence that the approval would be a detriment to the public welfare. The proposed development is consistent with the use district and different only in physical appearance, and thus cannot be deemed to be a detriment to the public welfare. If buildings that

looked different were a detriment to the public welfare our cities and towns would be nothing more than cookie cutter houses and store fronts and the architects of the world would go extinct.

Moreover, there is not even a scintilla of evidence that this development would result in a “discriminatory benefit [to the owner] to the detriment of [its] neighbors or the community.” Anderson, 81 Wn.2d at 325. In Anderson the Supreme Court concluded that the approval of a cement batching plant in the middle of a residential zone would provide a discriminatory benefit to the owner and no cognizable public benefit. Id. This situation is not even remotely similar. There are a number of identifiable public benefits arising from this development, to name a few: 5 acres of open space that can be incorporated into the public trail system and attached to the adjacent Natural Open Space; reduced use of water resources due to the use of xeriscaping; connectivity of pedestrian and vehicle traffic between existing developments; and payment of various impact fees. In light of this, the Commission would be remiss to conclude this development is anything but supportive of the general welfare.

Additionally, “[w]here the rezone implements the comprehensive plan, the substantial change rule does not apply.” Vogel, 161 Wn. App. 1036, citing Save our Rural Env’t v. Snohomish County, 99 Wn.2d 363, 370, 662 P.2d 816 (1983). Although it is undeniable there have been substantial changes to the community since the time the Meadow Hills preliminary plat was approved in approximately 1989 because this PUD is consistent with and implements the comprehensive plan, those substantial changes are not pertinent to this analysis.

3. The construction of multi-family structures has been within the contemplation of TMT Homes and known by the owners in Phase Two since May 2002.

After TMT Homes purchased Meadow Hills Phases Two and Three it recorded a Declaration of Covenants, Conditions and Restrictions (herein “Meadow Hills CC&Rs”). Attached. These were recorded May 13, 2002 in the records of Benton County under Instrument number 2002-021575. Once recorded the Meadow Hills CC&Rs immediately became notice to the world, and all those taking an interest in Meadow Hills Phases Two and Three, that Phase Three, at the sole discretion of TMT Homes, would be developed as multi-family residential. See Meadow Hills CC&Rs §§ 6.4, 6.11, 13.2, 13.5, and 15.1. Accordingly, neither the Atkinsons nor any other owner in Meadow Hills Phase Two can complain of a lack of notice or ignorance of the possibility that Phase Three would be developed in a multi-family configuration. Such a contention is disingenuous and should be disregarded by the Planning Commission. And, under no circumstances does such a contention justify denial of this PUD application.

4. TMT Homes asks the Planning Commission to conclude that its application satisfies the PUD requirements and that it recommend the City Council approve this application.

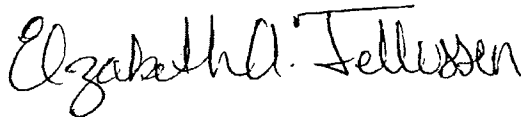
TMT Homes respectfully requests the Commissioners to vote in favor of this application and recommend to the City Council to approve this PUD. TMT Homes urges the Commissioners to carefully evaluate the analysis set forth in the Staff Report and find that the density of this

July 25, 2012

Page 8

proposed development is allowed, consistent and compatible with the surrounding Low Density Residential Area. TMT Homes also asks the Commissioners to find that the objections raised in the Atkinson Letter have been addressed and that those objections do not establish any fact or basis upon which this application could be denied. We sincerely appreciate your thoughtful consideration of these issues and look forward to the opportunity to answer any questions you may have.

Very truly yours,

A handwritten signature in black ink, reading "Elizabeth A. Tellesen". The signature is written in a cursive, flowing style with a large initial "E".

ELIZABETH A. TELLESSEN

EAT:eat

Enclosure

cc: TMT Homes (NW), LLC



2002-021575
Pg: 1 of 20
05/31/2002 03:54P
Benton County

CASCADE TITLE

COV

29.00

Return Address

Name Cascade Title
Address 8203 W. Quinault Ave., STE 10
City, State, Zip Kennewick, WA 99336
Attn. Rachael **CASCADE TITLE CO.**

\$ 28.00
159057

Document Title(s) (or transactions contained therein):

1. Declaration of Covenants
- 2.
- 3.
- 4.

Reference Number(s) of Documents assigned or released:
(on page 20 of documents(s))

Grantor(s) (Last name first, then first name and initials)

1. TMT Homes, Inc.
- 2.
- 3.
- 4.

5. Additional names on page _____ of document.

Grantee(s) (Last name first, then first name and initials)

1. Public
- 2.
- 3.
- 4.

5. Additional names on page _____ of document.

Legal description (abbreviated; i.e. lot, block, plat or section, township, range)

All of Meadow Hill, Block 2 + 3

Additional legal is on page 162 + 17 of document.

Assessor's Property Tax Parcel/Account Number

1-3598-400-0000-0004

Additional legal is on page _____ of document.

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

WASHINGTON STATE COUNTY AUDITOR/RECORDER'S
INDEXING FORM (Cover Sheet)

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF
MEADOW HILLS PHASE TWO and THREE
BENTON COUNTY, WASHINGTON**

THIS DECLARATION is made this 30th day of May, 2002, by TMT Homes, Inc. herein referred to as "Declarant."

DESCRIPTION OF THE LAND

A. Declarant owns certain property located within the state of Washington, which property and improvements are commonly known as Meadow Hills Two and Three, and is herein referred to as the "property". As is more particularly provided in Article 15, the Property may be developed in more than one phase with an appropriate amendment to this Declaration (together with a plat map) being recorded as subsequent phases are completed. The first such completed phase is known as Meadow Hills Two and is located on land more particularly described in Exhibit A attached hereto and incorporated herein. (Meadow Hills Three to be completed at a later date at which time the plat map will be attached and made part herein)

B. For the benefit and protection of the Property, to enhance its value and attractiveness, and as an inducement to lenders and investors to make and purchase loans secured by lots within the property, Declarant agrees to provide herein for a method of use and architectural control within the property.

NOW, THEREFORE, Declarant hereby declares that the lots described herein shall be held, sold, conveyed, encumbered, leased, rented, used, occupied and improved subject to the following uniform covenants, conditions, restrictions, reservations, grants of easement, rights, right-of way, liens, charges and equitable servitudes.

Any conveyance, transfer, sale, assignment, lease, or sublease of a Lot in the Property, shall and hereby is deemed to incorporate by reference all provisions of this Declaration. The provisions of this Declaration shall be enforceable by Declarant, any Lot Owner, the Association, and any first mortgage of any Lot.

ARTICLE

INTERPRETATION

1.1 Liberal Construction. The provisions of this Declaration shall be liberally construed to effectuate its purpose of creating a uniform plan and maintenance of the Property.

1.2 Covenant Running with the Land. It is intended that this Declaration shall be operative as a set of covenants running with the land, or equitable servitudes, binding on Declarant, its successors and assigns, all subsequent owners of the Property, together with their grantees, successors, heirs, executors, administrators, devisees or assigns.

1.3 Captions. Captions given to the various articles and sections herein are for convenience only and are not intended to modify or affect the meaning of any of the substantive provisions hereof.

1.4 Definitions

1.4.1 "Association" shall mean the: Meadow Hills Homeowners Association, a Washington non-profit organization, provided for in Article 3 and its successors and assigns.

1.4.2 "Board" shall mean the Board of Directors of the Association provided for in Article 4.

1.4.3 "Common Area" The Common Areas for maintenance are shown on the Plat Map as Tract A, Tract B located on 2 sides of the private road at the base of the Property, the monument at the entrance to Phase 2 and any area dedicated as Common Area in Phase 3. (Outside the fence Boundries only for Tract A as approved by the City of Richland and all areas of Tract B as approved by the City of Richland.)

1.4.4 "Declarant" shall mean the undersigned and its successors and assigns if such successors or assigns should acquire more than one undeveloped Lot from the Declarant for the purpose of development and by written instrument in recordable form be specifically assigned the rights and duties of Declarant.

1.4.5 "Declaration" shall mean this declaration and any amendments thereto.

1.4.6 "Home" shall mean and refer to any structure located on a Lot or a particular lot, which structure is designed and intended for use and occupancy as residence by a single family or multi family as deemed by the zoning thru the developer of the Phases or which is intended for use in connection with such residence.

1.4.7 "Lot" shall mean and refer to any plot of land shown upon any recorded Plat Map of the Property. Ownership of the Lot shall include ownership of the Home and improvements now or hereafter constructed on such Lot. "Lot" shall not include; any land now or hereafter owned by the Association or land dedicated to the City.

1.4.8 "Mortgage" shall mean a recorded mortgage or deed of trust that creates a lien against a Lot and shall also mean a real estate contract for the sale of a lot and/or home.

1.4.9 "Mortgagee" shall mean the beneficial owner, or the designee of the beneficial owner, of an encumbrance on a Lot created by mortgage or deed of trust and shall also mean the vendor, or the designee of a vendor, of a real estate contract for the sale of a lot and/or home.

1.4.10 "Owner" shall mean and refer to the recorded owner, whether one or more persons or entities, of fee simple title to any Lot which is part of the Property, and, except as may be otherwise expressly provided herein, shall in the case of a Lot which has been sold pursuant to a real estate contract, include any person of record holding a vendee's interest under such real estate contract, to the exclusion of the vendor thereunder. Any person or entity having such an interest merely as security for the performance of an obligation shall not be considered an owner.

1.4.11 "Person" shall include natural persons, partnerships, L.L.C's, corporations, associations and personal representatives.

1.4.12 "Property" shall mean the real estate described in Exhibit A and all improvements and structures thereon, including such additions thereto as may hereafter be brought within the jurisdiction of the Association.

1.4.13 "Plat Map" The Plat of Meadow Hills Two which has been recorded and the future Plat of Meadow Hills 3, to be zoned by Declarant (Owner).

ARTICLE 2

COMMON AREA

2.1 Ownership of Common Area. The entry monument when completed will be conveyed to the Association. Tract A and Tract B which have been dedicated to the City of Richland.

2.2 Owner's Easements of Enjoyment. Each owner shall have a non-exclusive right and easement, in common with all of the Owners, of the enjoyment in and to the Common Area which shall be appurtenant to and it shall pass with the title to every Lot, subject to the following provisions.

2.2.1 The Association may totally bar or restrict the Owners' use of portions of the Common Areas where ordinary use could be dangerous, unreasonably increase Association costs, governmental or code restrictions or be detrimental to the environment.

2.2.2 The Association may suspend the voting rights and right to use of the Common Areas by an Owner for: Any period during which any assessment against his Lot remains unpaid, or any violation of this Declaration or the Association's published rules for which he is responsible remains unabated.

2.2.3 The Association shall have a right to dedicate or transfer all or any portion of the Common Area conveyed to the Association, including easements, to any public agency authority, or utility in accordance with the provisions of the Articles of Incorporation.

2.3 Native Growth and Other Special Areas. Certain portions of the Common Area may have special designations on the Plat, including but not limited to Native Growth Protection Areas or Easements, biofiltration areas, water retention/detention areas, etc. Those areas are subject to any special use restrictions set forth on the Plat and any supplement regulations by the Association consistent with the Plat restrictions.

2.4 Delegation of Use. An Owner may delegate, in accordance with such rules and regulations as the Association shall promulgate, his right of use and enjoyment of the Common Area to the members of his family, his guests, and his tenants.

2.5 Maintenance by Association. The Association shall have full responsibility for the maintenance, repair and improvement of the Common Area. All of the Common Area, including improvements, shall be reasonably maintained for their intended use, subject to applicable governmental restrictions.

2.6 Property Entry Signs. If landscape/entry sign easement(s) are on a lot(s), the Association shall maintain such project entry and identification signs and related landscaping, fencing and improvements, as deemed necessary. The Lot Owners shall have no right to use these easement areas, except to maintain, repair or improve the entry sign and landscaping. The Owners of the lots subject to these easements may not do anything in the easement areas which is inconsistent with, or detrimental to, their intended purpose.

ARTICLE 3

OWNER'S ASSOCIATION

3.1 Establishment. There is hereby created an association to be called Meadow Hills Homeowners Association (referred to hereinafter as the "Association" referring to Meadow Hills Two and Three).

3.2 Form of Association. The Association shall be a nonprofit corporation formed and operated pursuant to Title 24, Revised Code of Washington. In the event of any conflict between this Declaration and the Articles of Incorporation for such non-profit corporation, the provisions of this Declaration shall prevail.

3.3 Membership.

3.3.1 Qualification. Each Owner of a Lot in the Property (including Declarant) shall be a member of the Association and shall be entitled to one membership for each Lot owned. Ownership of a Lot shall be the sole qualification for membership in the Association.

3.3.2 Transfer of Membership. The Association membership of each Owner (including the Declarant) shall be appurtenant to the Lot giving rise to such membership, and shall not be assigned, conveyed, pledged or alienated in any way except upon the transfer of title to said Lot and then only to the transferee of title to such lot. Any attempt to make a prohibited transfer shall be void. Any transfer of title to a Lot shall operate automatically to transfer the membership in the Association appurtenant thereto to the new Owner thereof.

3.4 Voting.

3.4.1 Classes of Voting Membership. The Association shall have classes of voting membership.

Class A: Class A members shall be all Owners except the Declarant. Class A members shall be entitled to one vote for each Lot owned.

Class B: Class B member shall be a Declarant, which shall be entitled to three (3) votes for each lot owned.

The Class B membership shall cease and be converted to Class A membership on the happening of the first of the following events:

- (a) when the total votes outstanding in Class A membership equal the total votes outstanding in the class B membership, or
- (b) Five years after the date of recording of the Declaration.

In determining whether any given proposition shall have been approved by the membership, the total number of Class A and Class B votes shall be combined and the appropriate percentage applied against the combined number.

3.4.2 Number of Votes. Except as provided above, the total voting power of all Owners shall equal the number of Lots at any given time and the total number of votes available to Owners of any on Lot shall be one vote.

3.5 Bylaws of Association. Bylaws for the administration of the Association and the Property, and to further the intent of this Declaration, shall be adopted or amended by the Owners at a regular or special meeting; provided, that the initial bylaws shall be adopted by the Board of Directors. In the event of any conflict between this Declaration and any Bylaws, the provisions of this Declaration shall prevail.

ARTICLE 4

MANAGEMENT OF THE ASSOCIATION

4.1 Administration of the Property. The Owners covenant and agree that the administration of the Property shall be in accordance with the provisions of this Declaration and the Bylaws of the Association which are made a part hereof. Administrative power and authority shall vest in the Board of Directors selected in accordance with the Bylaws.

4.2 Authority and Duties of the Board. On behalf and acting for the Association, the Board, for the benefit of the Property and the Owners, shall have all powers and authority permitted to the Board under this Declaration, including but not limited to the following:

4.2.1 Assessments. Levy, collect, and enforce the collection of, assessment, as more particularly set forth in Article 7 hereof, to defray expenses attributable to carry out the duties and functions of the Association hereunder.

4.2.2 Fidelity Bonds. Require any officer or employee of the Association handling or responsible for Association funds to furnish adequate fidelity bonds, the premiums of such bonds to be paid by the Association.

4.2.3 Maintenance of Rights of Way, etc. To the extent deemed advisable by the Board, pay for the costs of maintaining and landscaping right of way, planter islands or other similar areas which are within or adjacent to the Property boundaries.

4.2.4 Property Management. The Association may enter into agreements with one or more qualified persons which provide for the maintenance and repair of the Common Area, collection of assessments, sending all required notices to Lot owners, operation of the Association meetings, and other regular activities of the Association. Provided that, the Board may not delegate to said persons the duties which it is required by law to perform.

4.2.5 Contracting and Payment for Materials, Services, etc. Contract and pay for any materials, supplies, labor or services which the Board should determine are necessary or proper for carrying out its power and duties under this Declaration, including legal, accounting, management or other services; provided that if for any reason any materials, supplies, labor or services are provided for particular Lots or their Owners, the cost thereof shall be specifically charged to the Owner of such Lots. The Board may pay the Declarants a reasonable fee for any services it performs on behalf of the Association.

4.2.6 Checks, Drafts, etc. All checks, drafts, or other orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Association shall be signed by such officer or officers, agents or agents, of the Association and in such a manner as is from time to time determined by the Board.

4.2.7 Attorney-in-Fact. Each Owner, by the mere act of becoming an Owner, shall irrevocably appoint the Association as his attorney-in-fact, with full power of substitution, to take action as reasonably necessary to promptly perform the duties of the Association and Board hereunder.

4.2.8 Adoption of Rules and Regulations. When and to the extent deemed advisable by the Board, to adopt reasonable rules and regulations governing the maintenance and use of the Common Area and the Property and other matters of mutual concern to the Lot Owners, which rules and regulations are not inconsistent with this Declaration and the Bylaws and which treat all Owners fairly and on non-discriminatory basis.

4.2.9 Additional Powers of Association. In addition to the duties and powers of the Association, as specified herein, and elsewhere in this Declaration, but subject to the provisions of this Declaration, the Association, acting through its Board, shall have the Power to do all other things which may be deemed reasonably necessary to carry out its duties and the purpose of this Declaration.

ARTICLE 5

ARCHITECTURAL CONTROL

5.1 Construction and Exterior Alteration or Repair.

5.1.1 All buildings and structures (including, without limitation, concrete or masonry walls. Rockeries, fences, hedges, swimming pools, if any or structures) to be constructed, erected, placed or altered within the Property, and all exterior alterations and repairs (including, but not limited to, reroofing or repainting) of any buildings or structures on the Property and visible from any public street or other Lot must be approved by the Board of Directors of the Association, or by the Architectural Control Committee (ACC) composed of three (3) or more representatives appointed by the Board only after all of the Lots are sold with homes on them. Until all lots are sold with homes on them, the Declarant shall appoint the members of the ACC. References in this Article 5 to the ACC shall be deemed to include the ACC, the Board, or the Declarant, as circumstances may dictate. Complete plans and specifications of all such proposed buildings, structures, and exterior alterations and repairs, together with detailed plans showing the proposed location of the same on the particular building site and other data requested by the ACC, shall be submitted to the ACC before construction, alteration or repairs is started. Construction, alteration or repair shall not be started until written approval thereof is given by the ACC.

5.1.2 The ACC will review submittals as to the quality of workmanship and materials planned and for conformity and harmony of the external design with proposed or existing structures on neighborhood residential Lots or building sites, and as to location of the building with respect to topography, finish grade elevation and building setback restrictions.

5.1.3 In the event the ACC fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, such approval will be required.

5.1.4 All plans and specifications for approval by the ACC must be submitted in duplicate, at least (30) days prior to the proposed construction or exterior alteration or repair starting date. The maximum height of any building shall be established by the ACC as part of the plan approval and shall be given in writing together with the approval.

5.1.5 The ACC may require that said plans or specifications shall be prepared by an architect or a competent house designer, approved by the ACC. One complete set of said plans and specifications shall in each case be delivered to and permanently left with the ACC. All buildings or structures shall be erected or constructed, and all exterior alterations or repairs made, by contractor, house builder or other person or entity approved by the ACC. The ACC shall have the right to refuse to approve any design, plan or color for such improvements, construction, or exterior alteration or repair visible from a public street or other Lot which is not suitable or desirable, in the ACC's reasonable opinion, aesthetic or otherwise.

5.1.6 In so passing upon such design, the ACC shall have the right to take into consideration the suitability of the proposed building or other structure, and the material of which it is to be built, and the exterior color scheme, to the site upon which it is proposed to erect the same, the harmony thereof with the surroundings, and the effect or impairment that said structures will have on the view or outlook of surrounding building sites, and any and all factors, which, in the ACC's opinion, shall affect the desirability or suitability of such proposed structure, improvements, or exterior alteration or repair.



5.1.7 The ACC shall have the right to disapprove the design or installation of a swimming pool or any other recreational structure or equipment desirable, in the ACC's reasonable opinion, aesthetic or otherwise. In so passing upon such design or proposed installation, the ACC shall have the right to take into consideration the visual impact of the structure and the noise impact of the related activities upon all of the properties located in close proximity. Any enclosure or cover used in connection with such a recreational structure or equipment, whether temporary, collapsible, seasonal, or whatever, shall be treated as a permanent structure for the purposes of these covenants, and shall be subject to all the conditions, restrictions, and requirements as set forth herein for all buildings and structures.

5.1.8 The ACC shall have the right to require, at a Lot Owner's expense, the trimming or topping (or, deemed necessary by the ACC, removal) of any tree, hedge or shrub on a Lot which the ACC determines is unreasonably blocking or interfering with the view or access to sunlight of another Lot.

5.1.9 The ACC shall have the right to specify precisely the size, color and style of mailboxes, and of the post or support on which such mailboxes are affixed, and their location within the Property.

5.1.10 Declarant (including and successor in interest to Declarant's status as Declarant) shall not be subject to the restrictions of this Section 5.1 as to any Lot owned by Declarant, whether or not any Class B membership exists.

5.2 Sales Facilities of Homebuilder(s). Notwithstanding any provision in this Declaration to the contrary, the Homebuilder(s) of said property (its agents, employees and contractors) shall be permitted with authorization from the ACC to maintain during the period of sale of the Lots and/or Homes upon such portion of the Property as the Homebuilder(s) may choose, such facilities of the Homebuilder(s) may be reasonably required, convenient or incidental to the construction, sale or rental of Lots and Homes, including but not limited to, business offices, storage areas, signs, model units, sales offices, and parking area for prospective tenants or purchasers of the Homebuilder or subcontractors and material providers.

ARTICLE 6

USE AND MAINTENANCE OF OWNERS

6.1 Maintenance of Lots. Each Owner, at said Owner's sole cost and expense, shall promptly and continuously maintain, repair and restore said Owner's Lot (including the yard and landscaping), fences, the home, and all other improvements located thereon, in a good, clean, attractive, safe and sanitary condition and in full compliance with all applicable governmental laws, rules and regulations and the provisions of this Declaration and the rules and regulations of the Association.

6.2 Restrictions on Storage. No Owner shall store or allow any occupant or tenant to store any trailers, boats, motor homes, recreational vehicles, trucks over two tons (except those used by Declarant), or any disabled or inoperable motor vehicle on the property (including the streets) for more than forty-eight (48) hours unless they are completely within an enclosed garage, or within such other enclosure as may be approved in advance by the ACC. Violations shall subject such vehicles to public impound, at the expense and risk of the Owner thereof.

6.3 Common Drives. Common drives, walks (if any) and paths (if any) shall be used exclusively for normal transit and no obstructions shall be placed thereon or therein except by express written consent of the Board.

6.4 Residential Use. All Lots and improvements located thereon shall be used, improved and devoted exclusively to residential use. No structures or buildings of any kind shall be erected, altered, placed or permitted to remain on any Lot other than - In Meadow Hills phase Two: one detached single-family dwelling for single-family occupancy only, not to exceed two stories and daylight or subterranean basement, with a private garage or carport for not more than four standard sized passenger automobiles. In Meadow Hills Phase 3: Single-family dwellings or multi-family attached dwellings for Meadow Hills Phase Three, to be zoned by Declarants, at Declarants sole discretion. The Declarant will provide an addendum to these CC& R's when Meadow Hills Phase Three is developed.

6.5 Nuisances. No nuisance shall be permitted to exist or operate upon any Lot or improvement thereon so as to be detrimental to any other Lot or Property in the vicinity thereof or its occupants.

6.6 Restriction on Further Subdivision for Meadow Hills Two. No Lot or portion of a Lot in this plat shall be divided and sold or re-sold, or ownership changed or transferred whereby the ownership of any portion of this plat shall be less than the area required for the use district in which located; provided, the foregoing shall not prohibit deeds of correction, deeds to resolve boundary disputes and/or similar corrective instruments. Lot adjustments and boundary changes can be made at any time by the Declarant, at Declarants sole discretion. Meadow Hills Three: Lot lines, zoning, divisions of lots will be made at Declarants sole discretion.

6.7 Garbage and Trash Removal. No Lot shall be used as a dumping ground for rubbish, trash, lawn and tree trimmings or garbage. Garbage containers shall be buried or shall be located abutting rear or sides of house and shall be contained within an enclosure. No incinerators shall be allowed on any of the Lots. The design and material of said enclosure shall be in keeping with the general appearance of the house and its design must receive prior approval by the Association. (This includes all property with-in Meadow Hills Two and Three and the property owned by Kennewick Irrigation District).

6.8 Pets. No animal, livestock, or poultry of any kind shall be raised, bred, or kept on any Lot, except: that cats, dogs, birds or other household pets may be kept if they are not kept, bred or maintained for any commercial purpose; and that such pets shall not be kept in numbers or under conditions reasonably objectionable in closely built-up residential community or in violation of the reasonable rules and regulations of the Association. Animals shall not be allowed to roam loose, outside the limits of any Lot on which they are kept.

6.9 Signs. No signs shall be displayed to the public view on any Lot except one professional sign of not more than one square foot, one sign of not more than 4 square feet advertising the property for sale or rent, or signs used by Declarant or homebuilder to advertise the property during the construction and sales period.

6.10 Renting and Leasing.

6.10.1 With respect to leasing, renting, or creation of any kind of tenancy of a Lot and improvements thereon by its Owners, such Owner shall be prohibited from leasing or renting less than the entire Lot or improvements thereon, or (with the exception of lender in possession of a Lot and improvements thereon following a default in a first mortgage, foreclosure proceeding or any deed of trust sale or other arrangement in lieu of a foreclosure) for a term of less than thirty (30) days; and all leasing or rental agreements shall be in writing and be subject to the Declaration, Articles and Bylaws (with a default of the tenant in complying with the Declaration, Articles and Bylaws constituting a default under the lease or rental agreement).

6.10.2 If a Lot or Home is rented by its Owner, the Board may collect, and the tenant or lessee shall pay over to the Board, so much of the rent for such Lot or Home as is required to pay any amounts due the Association hereunder, plus interest and costs, if the same are in default over thirty (30) days. The renter or lessee shall not have the right to question payment over to the Board, and such payment will discharge the lessee's or renter's duty of payment to the Owner for rent, to the extent such rent is paid to the Association, but will not discharge the liability of the Owner, and the Lot or Home under the Declaration for assessments and charges, or operate as an approval of the lease. The Board shall not exercise this power where a receiver has been appointed with the respect to the Lot or its Owner; not in derogation of any rights which a mortgagee of such Lot may have with respect to such rents. Other than as stated herein there are no restrictions on the right of any Owner to lease or otherwise rent his Home.

6.10.3 An Owner may not rent or lease a Lot or Home in any manner whatsoever for one year after the date of closing of their purchase without the prior written approval, of the Board of Directors. Provided that, this section shall not apply to mortgages who take title after a default by a Lot Owner.

6.11 Zoning Regulations. Zoning Regulations, building regulations, environmental regulations and other similar governmental regulations applicable to the Properties subject to this Declaration shall be observed. (Meadow Hills Phase Three to be zoned by Declarants at Declarants sole discretion.)

6.12 Business Use. No business of any kind shall be conducted on any Lot with the exception of (a) the business of Declarant in developing and selling Homes on the Lots, and (b) home occupations approved in writing by the Board of Directors which do not create excess traffic, parking problems, noise, or otherwise violate this



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Declaration. The Lot Owners shall comply with all of the requirements of the appropriate local government. No business materials, supplies or equipment shall be stored on any Lot within the view of another Lot, except for items relating to an improvement which is under construction in conformance with this Declaration.

6.13 Temporary Residence. No outbuilding, basement, tent, shack, garage, trailer, motor home, shed or temporary building of any kind shall be used as a residence either temporary or permanently, except for a construction shack used by an Owner's construction contractor during a construction period.

6.14 Antenna, Satellite Dish. No antenna, satellite dish larger than 18 inches in diameter or similar equipment shall be affixed to any exterior wall or roof or otherwise placed on any Lot.

6.15 Building Setback Requirements. All building and other Lot improvements shall comply with all applicable government requirements, including without limitation minimum setback requirements.

6.16 Oil and Mining Operations. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any Lot; nor shall oil wells, tanks, tunnels, mining excavations or shafts be permitted upon or in any Lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any Lot.

6.17 Sewage Disposal. No permanent private water well or septic tank system shall be permitted on any Lot. The cleaning of private catch basins, if any, on individual Lots shall be carried out at least once prior to September 15th of each calendar year.

6.18 Lot Size. No residential structure shall be erected or placed on any Lot which has a lot area less than required by the government entity having appropriate jurisdiction over the property.

6.19 Completion of Improvements. Any improvement constructed on any Lot in the Property shall be completed as to external appearance, including finish painting, within (8) months from the commencement of construction except for acts of God in which case a longer period may be permitted.

6.20 Mailboxes. Each of the mailbox structures shall be jointly owned and maintained by the Lot Owners with mailboxes located therein. All other Owners who share a mailbox structure shall pay an equal portion of the cost of maintaining their mailbox structure in good condition.

6.21 Unightly Conditions. No unsightly conditions shall be permitted to exist on any Lot. Unightly conditions shall include, without limitation, laundry hanging or exposed in view for drying, litter, trash, junk, or other debris; inappropriate, broken, or damaged furniture or plants; undecorative gear, equipment, cans, bottles, ladders, trash barrels, and other such items. No awnings, air conditioning units, or other projections shall be placed on the exterior walls of any Housing Unit unless written approval shall have been obtained from the ACC.

6.22 Landscaping in Right-of-Way. Each Lot owner shall maintain the tree(s) and any other vegetation planted in the right-of-way in front of each Lot. Each Lot owner shall install and maintain an irrigation system in the right-of-way to water vegetation planted by Developer, Homebuilder or Owner. If at any time a Lot owner wishes to add landscaping in the Right Lot owner shall require authorization from the City of Richland.

6.23 Trees and Shrubs. No trees or shrubs shall be planted that block the view of a neighboring property. No Owner shall allow a tree or shrub to grow above 15 feet in height.

6.24 Sidewalks. It shall be the responsibility of each Lot owner to keep clean and maintain the sidewalk in front, on the sides or back of their Lot.

6.25 Private Drives. The owners of Lot 11, Lot 12, Lot 15, Lot 16, Lot 17 of Block 3 shall equally and unconditionally share the costs of maintenance of the private drive located off Meadow ridge Loop, which accesses these properties. The owners Lot 6, Lot 7, Lot 8 of Block 1 shall equally and unconditionally share the maintenance of the private drive located off Meadow Hills Drive, which accesses these properties. The owners Lot 2, Lot 3, Lot 4 and Lot 5 of Block 4 shall equally and unconditionally share the maintenance of the private drive located off Meadow Hills Drive, which accesses these properties.

6.26 Fencing and Pools. The Owners will submit a ACC written request form to install pools and/or fencing. The owner must receive written approval for such changes by the Architectural Control Committee. All fencing and pools will also require the Owner to receive the appropriate governmental permits and approvals. View Fencing is required by the ACC in view areas. View fencing material, location and color will require written approval by the ACC. No chain Link Fencing will be allowed under any circumstances. No Cedar fencing will be allowed in locations that block the view of a neighboring property. The ACC will contact the Owners on each side or adjacent to the Lot for their comments and approval. All fencing and pools must be maintained in satisfactory condition at all times.

ARTICLE 7

ASSESSMENTS

7.1 Creation of the lien and Personal Obligation of Assessment. The Owner for each Lot owned within the Property, hereby covenants, and each Owner of any Lot by acceptance of a deed therefore, whether or not it shall be so expressive in such deed, is deemed to covenant and agree to pay to the Association any assessment duly levied by the Association as provided herein. Such assessments, together with interest, costs, late charges and reasonable attorneys' fees, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each such assessment, together with interest, costs, late charges and reasonable attorney's fees, shall also be the personal obligation of the person who was the Owner of such property at the time when the assessment fell due. The personal obligation for delinquent assessments shall not pass to his successors in title unless the lien for such delinquent assessments had been properly recorded prior to title transfer or unless expressly assumed by them. When ownership of a lot changes, assessments which have been established for the current fiscal year shall be prorated between the Buyer and the Seller based on a 365-day year. The Declarant is exempt from assessments on all Lots owned by the Declarant.

7.2 Liability for Assessments/Uniform Rate. Any assessment which may be levied from time to time pursuant to the authority of the Board as set forth in Section 4.2.1 hereof, shall be fixed at a uniform rate for each Home and/or Lot, except for assessments levied against an Owner for the purpose of reimbursing the Association for costs incurred in bringing the Owner or his Home and/or Lot into compliance with the provisions of this Declaration. Declarant is exempt from assessments on all Lots owned by Declarant. No Owner may exempt himself from liability for his Assessments by abandonment of his Lot.

7.3 Association Budget. The Association shall prepare, or cause the preparation of, an operating budget for the Association at least annually, in accordance with generally accepted accounting principles. The operating budget shall set forth all sums required by the Association, as estimated by the Association, to meet its annual costs and expenses of the Association.

7.4 Levy of General Assessment. In order to meet the costs and expenses projected in its operating budget, the Board shall determine and Levy on every Owner a general assessment. The amount of each Owner's general assessment shall be the amount of the Association's operating budget divided by the total number of Lots in the Property at the beginning of the next assessment year. The Board shall make reasonable efforts to determine the amount of the general assessment payable by each Owner for an assessment period at least thirty (30) days in advance of the beginning of such period. Notice of the general assessment shall thereupon be sent to each Owner subject to assessment; provided, however, that notification to an Owner of the amount of an assessment shall not be necessary to the validity thereof. The omission by the Board, before the expiration of any assessment period, to fix the amount of the general assessment hereunder for the next period, shall not be deemed a waiver or modification in any respect of the provisions of this Article or a release of any Owner from the obligation to pay the general assessment, or any installment thereof, for that or any subsequent assessment period. The general assessment fixed for the preceding period shall continue until a new assessment is fixed. Upon any revision by the Association of the operating budget during the assessment period for which such budget was prepared, the Board shall, if necessary, revise the general assessment levied against the Owner and give notice of the same in the same manner as the initial levy of a general assessment for the assessment period.

7.5 Manner and Time of Payment. Assessments shall be payable in such reasonable manner as the board shall designate. Any assessment or installment thereof which remains unpaid for at least fifteen (15) days after the due date thereof shall bear interest at a rate of twelve percent (12%) per annum, and the Board may also assess a late charge in the amount not exceeding twenty-five percent (25%) of any unpaid assessment which has been delinquent for more than fifteen (15) days.

7.6 Accounts. Any assessments collected by the Association shall be deposited in one or more insured institutional depository accounts established by the Board. The Board shall have exclusive control of such accounts and shall maintain accurate records thereof. No withdrawal shall be made from said accounts except to pay for charges and expenses authorized by the Declaration.

7.7 Lien. In the event any assessment or installation thereof remains delinquent for more than thirty (30) days, the Board may, upon fifteen (15) days' prior written notice to the Owner of such Lot of the existence of the default, accelerate and demand immediate payment of the entire assessment. The amount of any assessment assessed or charged to any Lot plus interest, costs, late charges and reasonable attorney's fees, shall be a lien upon such Lot. A Notice of Assessment may be recorded in the office where real estate conveyances are recorded for the county in which this property is located. Such Notice of Assessment may be filed at any time at least fifteen (15) days following delivery of the notice of default referred to above in this Section. The lien for payment of such assessments and charges shall have priority over all other liens and encumbrances, recorded or unrecorded, limited as provided in Section 10.1. Suite to cover a money judgment for unpaid assessments or charges shall be maintainable without foreclosure or waiver of the lien securing the same.

7.8 Waiver of Homestead. Each Owner hereby waives, to the extent of any liens created pursuant to this Article, the benefit of any homestead or exemption law in effect at the time any assessment or installment thereof becomes delinquent or any lien is imposed pursuant to the terms hereof.

7.9 Special Assessments. In addition to the general assessments authorized by this Article, the Association may levy a special assessment or assessments at any time against all Lot owners, applicable to that year only, or the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, inordinate repair, or replacement of a described capital improvement located upon or forming a part of the Common Areas, including necessary fixtures, and personal property related thereto, or for such other purpose as the Association may consider appropriate; provided, that any such assessment must have the prior favorable vote of Owner's of two-thirds (2/3) of the Lots. The amount of each Owner's special assessment for any year shall be the total special assessment for such year, divided by the total number of Lots in the Property at the time the special assessment is levied.

7.10 Records Financial Statements. The Board shall prepare or cause to be prepared, for any fiscal year in which the Association levies or collects any assessment, shall distribute to all Owners, a balance sheet and an operating (income/expense) statement for the Association, which shall include a schedule of assessments received and receivable, identified by the number of the Lot and the name of the Owner so assessed. The Board shall cause detailed and accurate records of the receipts and expenditures of the Association to be kept specifying and itemizing the maintenance, operating, and any other expenses incurred. Such records, copies of this Declaration, the Articles and Bylaws, and any resolutions authorizing expenditures of Association funds shall be available for examination by any Owner at convenient hours of weekdays.

7.11 Certificate of Assessment. A certificate executed and acknowledged by the treasurer or the president of the Board, or an authorized agent thereof if neither the president nor the treasurer is available, stating the indebtedness for assessments and charges for each Lot thereof secured by the assessment lien upon any Lot shall be conclusive upon the Association as to the amount of such indebtedness on the date of the certificate, in favor of all persons who rely thereon in good faith. Such a certificate shall be furnished to any Owner of any encumbrance of a Lot within a reasonable time after request, in recordable form, at a reasonable fee. Unless otherwise prohibited by law, any encumbrancer holding a lien on a Lot may pay any unpaid assessments or charges with respect to such Lot, and, upon such payment, shall have a lien on such Lot for the amounts paid of the same rank as the lien of his encumbrance.

7.12 Foreclosure of Assessment Lien: Attorneys' Fee and Costs. The Board or authorized agent(s), on behalf of the Association, may initiate action to foreclose the lien of, or collect, any assessment. In any action to foreclose the lien of, or otherwise collect, delinquent assessments or charges, any judgment rendered in favor of the Association shall include a reasonable sum for attorneys' fees and all costs and expenses reasonably incurred in preparation for or in the prosecution of said action, in addition to taxable costs permitted by law.

7.13 Curing of Default. The Board shall prepare and record a satisfaction and release of the lien for which a Notice of Assessment has been filed and recorded in accordance with this Article upon timely payment or other satisfaction of all delinquent assessments set forth in the Notice, and other assessments which have become due and payable following the date of such recordation with respect to the Lot as to which such Notice of Assessment was



2002-021575
Pg: 12 of 20
05/31/2002 03:54P
28.00 Benton County

recorded, together with all costs, late charges and interest which have accrued hereon, A fee of twenty-five dollars (\$25.00) covering preparation and recordation shall be paid to the Association prior to such action. The satisfaction of the lien created by the Notice of Assessment of Assessment shall be executed by the president or treasurer of the Association or by any authorized representative of the Board. For the purposes of this paragraph, the term "costs" shall include costs and expenses actually incurred or expended by the Association in connection with the cost of preparation and recordation of the Notice of Assessment and in efforts to collect the delinquent assessments secured by the lien and a reasonable sum for attorneys' fees.

ARTICLE 8

COMPLIANCE WITH DECLARATION

8.1 Enforcement.

8.1.1 Compliance. Each Owner, Board member and the Association shall comply strictly with the provisions of this declaration and with the Bylaws and administrative rules and regulations adopted by the Association (as the same may be lawfully amended from time to time). Failure to comply shall be grounds for an action to recover sums due for damages, or injunctive relief, or both, maintainable by the Board (acting through its officers on behalf of the Association and the Owners), or by the aggrieved Owner on his own against the party (including an Owner or the Association) failing to comply.

8.1.2 Attorney's Fees. In any action to enforce the provisions of Section 8.1.1 and 8.1.2 or any other provision of this Declaration, the Articles or the Bylaws, the prevailing party in such legal action shall be entitled to an award for reasonable attorneys' fees and all costs and expenses reasonably incurred in preparation for or prosecution of said action, in addition to taxable costs permitted by law.

8.2 No Waiver of Strict Performance. The failure of the Board, or Declarant, as applicable, in any one or more instances to insist upon or enforce the strict performance of any of the terms, covenants, conditions or restrictions of this Declaration, or of any Bylaws or administrative rules or regulations, shall not be construed as a waiver or a relinquishment for the future of such term, covenant, condition or restriction, but such term, covenant, condition or restriction shall remain in full force and effect. No waiver by the Board of any provision hereof shall be deemed to have been made unless expressed in writing and signed by the Board.

8.3 Right of Entry. Violation of any of the provisions hereof shall give to Declarant, its authorized agent(s), its successors, or the Association, the right to enter upon the Property as to which such violation exist and to abate, correct and remove, at the expense of the Owner thereof, any erection, thing or condition that may be or exists thereon contrary to the provisions hereof. Such entry shall be made only after three (3) days' notice to said Owner and with as little inconvenience to the Owner as possible, and any damage caused thereby shall be repaired by the Association. Declarant, its successors, or the Association shall not be deemed guilty of any manner of trespass by such entry, abatement or removal.

8.4 Remedies Cumulative. The remedies provided are cumulative, and the Board may pursue them concurrently, as well as any other remedies which may be available under law although not expressed herein.

ARTICLE 9

LIMITATION OF LIABILITY

9.1 No Personal Liability. So long as a Board member, Association committee member, Association officer, or authorized agent(s) has acted in good faith, without willful or intentional misconduct, upon the basis of such information as may be processed by such person, no such person shall be personally liable to any Owner, or other party, including the Association, for any damage, loss or prejudice suffered or claimed on account of any act, omission, error, negligence (except gross negligence), any discretionary decision, or failure to make a discretionary decision, by such person in such person's official capacity; PROVIDED, that this Section shall not apply where the consequences of such act, omission, error or negligence are covered by insurance or bonds obtained by the Board pursuant to Section 4.2.2 of Article 4 hereof.

9.2 Indemnification. Each Board member or Association committee member, or Association Officer, and their respective heirs and successors, shall be indemnified by the Association against all expenses to which he may be a



party, or in which he may become involved, by reason of being or having held such position at the time such expenses or liabilities are incurred except in such cases wherein such person is adjudged guilty of intentional misconduct, or gross negligence or a knowing violation of law in the performance of his duties, and except in such cases where such person has participated in a transaction from which said person will personally receive a benefit in money, property, or services to which said person is not legally entitled: PROVIDED, that, in the event of a settlement, the indemnification shall apply only when the Board approves such settlement and reimbursement as being in the best interest of the Association. Nothing contained in this Section 9.2 shall, however, be deemed to obligate the Association to indemnify any Member or Owner of a Lot who is or has been a Board member or officer of the Association with respect to any debt or obligations assumed or liabilities incurred by him under and by virtue of the Declaration as a Member or Owner of a Lot.

ARTICLE 10

MORTGAGE PROTECTION

10.1 Priority of Mortgages. Notwithstanding all other provisions thereof, the liens created under this Declaration upon any Lot for assessments shall be subject to tax liens on the Lot in favor of any assessing unit and/or special district and be subject to the rights of the secured party in the case of any indebtedness secured by first lien Mortgages which were made in good faith and for value upon the Lot. Where the Mortgagee of a Lot, or other purchaser of a Lot, obtains possession of a Lot as a result of Mortgage foreclosure or deed in lieu thereof, such possessor and his successors and assigns, shall not be liable for the share of any assessment by the Association chargeable to such Lot which becomes due prior to such possession, but will be liable for any assessment accruing after such possession. Such unpaid share of common expenses or assessments shall be deemed to be common expenses collectible from all of the Lot owners including such possessor, his successor and assigns. For the purpose of this Section, the terms "mortgage" and "mortgagee" shall not mean a real estate contract (or the vendor thereunder), or a mortgage or deed of trust (or mortgage or beneficiary thereunder) securing a deferred purchase price balance owed with respect to a sale by an individual Lot Owner other than Declarant.

10.2 Effect of Declaration Amendments. No amendment of this Declaration shall be effective to modify, change, limit or alter the rights expressly conferred upon Mortgagees in this instrument with respect to any unsatisfied Mortgage duly recorded unless the amendment shall be consented to in writing by the holder of such mortgage. Any provision of this Article conferring rights upon Mortgagees which is inconsistent provisions.

10.3 Right of Lien Holder. A breach of any of the provisions, conditions, restrictions, covenants, easements or reservations herein contained shall not affect or impair the lien or charge of any bona fide Mortgage made in good faith and for value on any Lots; provided, however, that any subsequent Owner of the Lot shall be bound by these provisions whether such Owner's title was acquired by foreclosure or trustee's sale or otherwise.

10.4 Copies of Notices. If the first Mortgage of any Lot has so requested the Association in writing, the Association shall give written notice to such first Mortgage that an Owner/mortgagor of a Lot has for more than sixty (60) days failed to meet any obligation under this Declaration. Any first Mortgage shall, upon written request, also be entitled to receive written notices of all meetings of the Association and be permitted to designate a representative to attend all such meetings.

10.5 Furnishing of Documents. The Association shall make available to prospective purchasers, Mortgagees, insurers, and guarantors, at their request, current copies of the Declaration, Bylaws and other rules governing the Property, and the most recent balance sheet and income/expense statement for the Association, if any has been prepared.

ARTICLE 11

EASEMENTS AND SPECIAL TRACTS

11.1 Association Functions. There is hereby reserved to Declarant and the Association, or their duly authorized agents and representatives, such easements as are necessary to perform the duties and obligations of the Association as are set forth in the Declaration, or in the Bylaws, and rules and regulations adopted by the Association.



11.2 Utility Easement. On each Lot, easements are reserved as provided by the Plat Map and applicable laws, ordinances and other governmental rules and regulations for utility installation and maintenance, including but not limited to, underground electrical power, telephone, water, sewer, drainage, gas and accessory equipment, together with the right to enter upon the Lots at all times for said purposes. Within these easements, no structure, planting, or other material shall be placed or permitted to remain which may damage, interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easement, or which may obstruct or retard the flow of water through drainage channels in the easements, the easement area of each Lot, and all improvements shall be maintained continually by the Owner of the Lot, except for those improvements for which a public authority or utility company is responsible.

11.3 Cul-de-sac Landscape Planters or planting areas. If the cul-de-sac landscape planters or planting areas are installed the abutting owners shall be only responsible for the maintenance of the landscape planters and/or planting areas. The performance of maintenance of the said landscape planters and/or planting areas shall be subject to reasonable rules and regulations of the Association.

ARTICLE 12

ABANDONMENT OF SUBDIVISION STATUS

12.1 Duration of Covenants. The covenant contained herein shall run with and bind the land for the term of twenty (20) years from the date this Declaration is recorded, after which time the covenants shall be automatically extended for successive periods of ten (10) years, unless an instrument executed in accordance with Section 13.1 below shall be recorded, abandoning or terminating this Declaration.

12.2 Abandonment of Subdivision Status. The Association shall not, without the prior written approval of the governmental entity having jurisdiction over the Property and without prior written approval of one hundred percent (100%) of all first Mortgages (based upon one vote for each first Mortgage owned) and Owners (other than the sponsor, developer or builder) of record, seek by act or omission to abandon or terminate the subdivision status of the Property approved by the governmental entity having appropriate jurisdiction over the Property.

ARTICLE 13

AMENDMENT OF DECLARATION.

13.1 Declaration Amendment. Amendment to the Declaration shall be made by an instrument in writing entitled "Amendment to Declaration" which sets forth the entire amendment. Amendments must be approved by Lot Owners, including Declarant, having over seventy five percent (75%) of the vote in accordance with Section 3.4.1.. Amendments may be adopted at a meeting of the Association, or approved in writing by the requisite percentage of Owners. In all events, the amendment shall bear the acknowledged signature of the president of the Association and shall be attested by the secretary, who shall describe the manner of adoption. Amendments once properly adopted shall be effective upon recording in the appropriate governmental offices. Notwithstanding any of the foregoing, the prior written approval of 51% percent of all Mortgagees who have requested from the Association notification of amendments shall be required for any material amendment to the Declaration or the Association's Bylaws of any of the following: voting rights, assessments, assessment liens, and subordination of such liens; reserves for maintenance, repair and replacement of Common Areas, insurance or fidelity bonds; responsibility for maintenance and repair; the boundaries of any Lot; convertibility of Lots into Common Areas or of Common Areas into Lots; leasing of Lots other than as set forth herein; imposition of any restriction on the right of an Owner to sell or transfer his Lot; a decision by the Association to establish self-management when professional management had been required previously by the Mortgagees; or any provision which are for the express benefit of Mortgagees or eligible insurers or guarantors of First Mortgages. It is specifically covenanted and understood that any amendment to this Declaration properly adopted will be completely effective to amend any or all of the covenants, conditions, and restrictions contained herein which may be affected and any or all clauses of this Declaration, unless otherwise specifically provided in the section being amended or the amendment itself.

13.2 Plat Map. The Plat Map may be amended and revised by the Declarant at the Declarant's sole discretion at any time.

13.3 Amendments to Conform to Construction. Declarant, upon Declarant's sole signature, and as an attorney-in-fact for all Lot Owners with an irrevocable power coupled with an interest, may at any time, until all Lots have been sold by Declarant, file an amendment to the Declaration and to the Plat Map to conform data depicted therein to improvements as actually constructed and to establish, vacate and relocate utility easements and access road easements.

13.4 Amendments to Conform to Lending Institution Guidelines. So Long as Declarant continues to own one or more Lots, Declarant, on his signature alone, and as an attorney-in-fact for all Lot Owners with irrevocable power coupled with an interest, may file such amendments to the Declaration and Plat Map as are necessary to meet the then requirements of: Federal National Mortgage Association, Veterans Administration, Federal Home Loan Mortgage Corporation, or other agencies, institutions or lenders providing financing and/or title insurance within the Property; or the governmental agencies having jurisdiction over the Property.

13.5 Article 15 Amendments. Declarant, upon Declarant's sole signature, as an attorney-in-fact for all Lot Owners with the irrevocable power coupled with an interest, may at any time, until all Lots have been sold by Declarant, file such amendments to the Declaration and to the Plat Map as are necessary in the exercise of Declarant's powers under Article 15.

ARTICLE 14

INSURANCE

The Board shall have authority in the exercise of its discretion to obtain and maintain from time to time as a common expense, bonds of fidelity coverage for Association Board members (including Declarant), officers, employees or agents; and such other insurance as the Board may deem advisable or as may be required by the Federal National Mortgage Association, Federal Home Loan Mortgage Association, Veterans Administration or similar agencies or lending institutions.

ARTICLE 15

ANNEXATION OF ADDITIONAL PROPERTIES

15.1 Annexation by Declarant. Although not obligated to do so, Declarant reserves the right to zone and develop Meadow Hills Phase 3 or additional lands that would be nearby the land. At any time within fifteen (15) years of the date of recording of this Declaration, Declarant may cause all or any portion of such Additional Lands to be annexed to the existing Property without the consent and without assent of the members of the Association.

15.2 Non-Declarant Annexations. Annexations of additional properties (other than Declarant; annexations provided for in Section 15.1 hereof) shall require the assent of two-thirds (2/3) of the members of the Association, at a meeting duly called for this purpose, written notice of which shall be sent to all members not less than thirty (30) days or more than sixty (60) days in advance of the meeting setting forth the purpose of the meeting. At this meeting the presence of members or of proxies entitled to cast sixty percent (60%) of the votes shall constitute a quorum. If the required quorum is not forthcoming at any meeting, another meeting may be called subject to the notice requirement set forth above and the required quorum at such subsequent meeting shall be one-half (1/2) of the required quorum of the proceeding meeting. No such subsequent meeting shall be held more than sixty (60) days following the preceding meeting. In the event two-thirds (2/3) of the members are not present in person or by proxy, members not present may give their written consent to the action taken thereat. Until all Class B membership terminates, annexation of Additional Properties under this Section shall also require the prior written approval of the Declarant.

ARTICLE 16

MISCELLANEOUS

16.1 Notices.

16.1.1 Delivery of Notices and Documents. Any written notice, or other document as required by this Declaration, may be delivered personally or by mail. If by mail, such notice, unless expressly provided for herein to the contrary with regard to the type of the notice being given, shall be deemed to have been delivered and received forty-eight (48) hours after a copy thereof has been deposited in the United States mail, postage prepaid, addressed as follows:



2002-021575
Pg: 15 of 20
03/31/2002 03:54P
Benton County

(a) If to an Owner, other than Declarant, to the mailing address of such Owner maintained by the Association, pursuant to the Bylaws.

(b) If to Declarant, whether in its capacity as an Owner, or in any other capacity, the following address (unless Declarant shall have advised the Board in writing of some other address): 258 Meadow Hills Drive, Richland WA 99352.

(c) Prior to the organizational meeting, notices to the Association shall be addressed to the address set forth in (b) above. Thereafter, notices to the Association shall be addressed to an address set forth in (b) above. Thereafter, notices to the Association shall be addressed to an address to be posted by the Association at all times in a conspicuous place, or to the official mailing address furnished by notice from the Association. In addition, from and after the organizational meeting, notice of the address of the Association shall be given by the Board to each Owner, within a reasonable time after the Board has received actual notice of such Owner's purchase of a lot.

16.2 Conveyances; Notice Required. The right of an Owner to sell, transfer, or otherwise convey his Lot shall not be subject to any right of approval, disapproval, first refusal, or similar restriction by the Association or the Board, or anyone acting on their behalf. If a Lot is being sold, the Board shall have the right to notify the purchaser, the title insurance company, and the closing agent of the amount of unpaid assessments and charges outstanding against the Lot, whether or not such information is required.

16.3 Successor and Assigns. The Declaration shall be binding upon and shall insure to the benefit of the heirs, personal, lessees, subleases and assignees of the Owners.

16.4 Joint and Several Liability. In the case of joint ownership of a Lot, the liability of each of the Owners hereof in connection with the liabilities and obligations of Owners, set forth in or imposed by this Declaration, shall be joint and several.

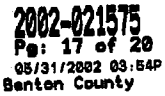
16.5 Mortgagee's Acceptance.

16.5.1 Priority of Mortgage. This Declaration shall not initially be binding upon any Mortgagee of record at the time of recording of said Declaration but rather shall be subject and subordinate to said Mortgage.

16.5.2 Acceptance Upon First Conveyance. Declarant shall not consummate the conveyance of title of any Lot until said Mortgage shall have acceptance the provisions of this Declaration and made appropriate arrangements for partial release of Lots from the lien of said Mortgage. The issuance and recording of the first such partial release by said Mortgagee shall constitute its acceptance of the provisions of this Declaration and the status of the Lots remaining of Lots has been made; provided, that, except as to Lots so released, said Mortgage shall remain in full effect as to the entire Property.

16.6 Severability. The provisions hereof shall be deemed independent and severable, and the invalidity or partial invalidity or unenforceability of any on provision; or portion thereof shall not affect the validity or enforceability of any other provision hereof.

16.7 Effective Date. The Declaration shall take effect upon recording.



Page 16 of 17

EXHIBIT "A"
LEGAL DESCRIPTION
MEADOW HILLS 2

All of Meadow Hills, Phase Two, according to the Plat thereof
recorded in Volume 15 of Plats, Page 150, records of Benton
County, Washington.

"Unofficial Copy"



2002-021575
Pg: 19 of 20
08/31/2002 03:54P
Benton County

EXHIBIT A

That portion of the South half of Section 35, Township 9 North, Range 28 East, N.M., Benton County, Washington, lying Westerly of the Kennewick Irrigation District Badger East Lateral and Easterly and Southerly of the following described line:

Commencing at the Southeast corner of said Section 35;
thence North 89°34'07" West, along the South line of said Section 35, for 1462.39 feet to the Northwest corner of Lot 4, Short Plat No. 1166, according to the Survey thereof recorded under Recording No. 846679, records of Benton County, Washington and the True Point of Beginning;
thence North 31°25'11" West, for 736.19 feet;
thence North 60°44'25" West, for 55.94 feet to the South line of the North half of the Southwest quarter of the Southeast quarter of said Section 35;
thence North 89°25'17" West, along the South line of said North half of the Southwest quarter of the Southeast quarter of said Section 35, for 143.36 feet;
thence North 25°44'48" West, for 592.35 feet to the Southwest corner of the City of Richland water tank site as deeded under Recording No. 837303, records of Benton County, Washington;
thence North 84°10'45" East, for 176.94 feet to the Southeast corner of said City of Richland parcel;
thence North 05°49'15" West, along the East line of the City of Richland water tank site, for 211.97 feet to the Southeast corner of that parcel deeded to Milo B. Bauder under recording No. 837303, records of Benton County, Washington;
thence North 88°50'13" West, along the South line of said Bauder parcel for 201.13 feet;
thence North 52°16'28" West, for 749.00 feet;
thence North 19°57'30" East, for 355.01 feet to intersect the Westerly right-of-way margin of said Kennewick Irrigation District Badger East Lateral and terminus of said line;
EXCEPT any portion lying within the Plat of MEADOW HILLS, PHASE ONE, according to the Plat thereof recorded in Volume 14 of Plats, Page 120, records of Benton County, Washington.

To be combined
with Exhibit
is attached



2002-021575
Pg: 20 of 20
06/31/2002 03:54P
Benton County

Exhibit *X* B

That portion of the South half of Section 35, Township 9 North, Range 28 East, W.M., Richland, Benton County, Washington, lying Westerly of the Kennecick Irrigation District Badger Easter lateral and described as follows:

Commencing at the Southeast corner of said Section 35; thence North $89^{\circ}34'07''$ West along the South line of said Section 35, for 1462.39 feet to the Northwest corner of Lot 4, Short Plat No. 1166, according to the Survey thereof recorded under Auditor's File No. 848679, records of Benton County, Washington; thence North $31^{\circ}25'11''$ West for 736.19 feet; thence North $60^{\circ}44'35''$ West for 55.94 feet to the South line of the North half of the Southwest quarter of the Southeast quarter of said Section 35; thence North $89^{\circ}25'17''$ West, along the South line of said North half of the Southwest quarter of the Southeast quarter of said Section 35, for 143.36 feet; thence North $25^{\circ}44'48''$ West for 591.35 feet to the Southwest corner of the City of Richland Water Tank Site as deeded under Auditor's File No. 837303, records of Benton County, Washington; thence North $84^{\circ}10'45''$ East for 176.94 feet to the Southeast corner of said City of Richland Parcel; thence North $05^{\circ}49'15''$ West, along the East line of the City of Richland Water Tank Site, for 211.97 feet to the Southeast corner of that parcel deeded to MUs B. Bauder under Auditor's File No. 837302, records of Benton County, Washington; thence North $88^{\circ}50'13''$ West, along the South line of said Bauder Parcel for 201.49 feet; thence North $52^{\circ}16'28''$ West for 749.80 feet; thence North $39^{\circ}57'30''$ East for 380.06 feet to intersect the Westerly right of way margin of said Kennecick Irrigation District Badger East Lateral and the true point of beginning; thence South $39^{\circ}57'30''$ West for 380.06 feet; thence North $52^{\circ}16'28''$ West for 302.70 feet to the Easterly boundary of the proposed plat of "Crested Hills"; thence North $41^{\circ}49'27''$ East, along said Easterly boundary of the proposed plat of "Crested Hills" for 426.98 feet to intersect the Westerly right of way margin of the Kennecick Irrigation District Badger East Lateral on a 336.50 foot radius curve to the Northwest (the radius bears North $62^{\circ}13'27''$ East); thence Southeasterly along the arc of said curve to the left, through a central angle of $18^{\circ}58'37''$, for an arc distance of 111.45 feet to the point of tangency; thence South $46^{\circ}45'10''$ East, along said Westerly right of way margin, for 180.67 feet to the true point of beginning. EXCEPT that portion of the South half of Section 35, Township 9 North, Range 28 East, W.M., Richland, Benton County, Washington, lying Westerly of the Kennecick Irrigation District Badger East lateral and described as follows:

Beginning at the Northeastly corner of Lot 7, Block 2, of CRESTED HILLS MO. 3 as recorded in Volume 15 of Plats, Page 114, records of Benton County, Washington and being the Northwestly corner of record Survey No. 2575 as recorded in Volume 1 of Surveys, Page 2575, records of Benton County, Washington; thence South $41^{\circ}49'27''$ West along the Southeastly line of said Lot 7 and the Northwestly line of said record Survey No. 2575 a distance of 268.07 feet to the Southwestly right of way of Meadow Hills Drive and being the true point of beginning; thence leaving said right of way South $50^{\circ}02'55''$ East a distance of 49.90 feet; thence South $06^{\circ}24'15''$ East a distance of 116.76 feet; thence South $42^{\circ}14'01''$ West a distance of 74.31 feet to the Southwestly line of said record Survey No. 2575; thence along said Southwestly line North $62^{\circ}13'27''$ West a distance of 136.34 feet to the Southwestly corner of said record Survey No. 2575; thence North $41^{\circ}49'27''$ East along said Northwestly line a distance of 160.20 feet to the true point of beginning.

AND EXCEPT that portion dedicated per Plat of Crested Hills No. 3, that portion of the South half of Section 35, Township 9 North, Range 28 East, W.M., Richland, Benton County, Washington, lying Westerly of the Kennecick Irrigation District Badger East Lateral and described as follows:

Beginning at the Northeastly corner of Lot 7, Block Two, of Crested Hills No. 3 as recorded in Volume 15 of Plats, Page 114, records of Benton County, Washington and being the Northwestly corner of record Survey No. 2575 as recorded in Volume 1 of Surveys, Page 2575, records of Benton County, Washington; Thence South $41^{\circ}49'27''$ West along the southeastly line of said Lot 7 and the Northwestly line of said record Survey No. 2575 a distance of 268.07 feet to a point on the Southwestly right of way of Meadow Hills Drive and being on a point of a 50.00 foot radial cul-de-sac which bears North $30^{\circ}13'54''$ East and being the true point of beginning; thence North $41^{\circ}49'27''$ East a distance of 96.97 feet to a point on the Northeastly right of way of said Meadow Hills Drive Cal-De-Sac; thence along a curve having a central angle of $156^{\circ}49'03''$, a radius of 50.00 feet a chord bearing of South $41^{\circ}49'27''$ West and a chord distance of 96.97 feet to the True Point of Beginning. EXCEPT Meadow Hills Phase Two, according to the Plat thereof recorded in Volume 10 of Plats, page 150.



Council Agenda Coversheet

Council Date: 09/04/2012

Category: Items of Business

Agenda Item: B2

Key Element: Key 6 - Community Amenities

Subject: TRAILHEAD PARK PROPERTY EXCHANGE

Department: Parks and Recreation

Ordinance/Resolution: 76-12

Reference:

Document Type: General Business Item

Recommended Motion:

Adopt Resolution No. 76-12, declaring the 11,747 square feet of Trailhead Park surplus and authorize the City Manager to complete the property exchange in accordance with Attachment 1 & 2.

Summary:

In June 2012, staff was contacted by Mr. Shane Gentry who is interested in purchasing Lot 31 in the Plat of the Plateau, Phase 1 (Attachment 1). To make the lot more buildable, Mr. Gentry is requesting that 11,747 square feet of park land be exchanged for 9,180 square feet of Lot 31 (Attachment 2) plus a \$4,000 payment to the City.

On June 14, 2012, the Parks and Recreation Commission voted not to recommend the land exchange as it would create a jog in an otherwise straight property line and there is little value in the property the City would be receiving.

On July 23, 2012, the Economic Development Committee voted to recommend approval of the land exchange.

On July 25, 2012, the Planning Commission voted not to recommend approval of the land exchange. Their concerns included: the discrepancy of value of the property exchanged; setting a precedent; and preserving park land.

Staff recommends that the property transfer be approved as the City would acquire property adjacent to the existing parking lot where landscaping can be placed to create a buffer/screen between the parking lot and the adjacent homes and the City would receive \$4,000 for park improvements.

Fiscal Impact?
☒ Yes ☐ No

The City will receive \$4,000 for the land exchange.

Attachments:

- 1) Proposed Resolution No. 76-12
- 2) Proposed land trade map
- 3) Lot 31 Boundary Description

City Manager Approved:

Amundson, Jon
Aug 31, 10:14:50 GMT-0700 2012

RESOLUTION NO. 76-12

A RESOLUTION of the City of Richland declaring certain real property surplus to the City's needs.

WHEREAS, the City of Richland owns and has developed a park in South Richland known as Trailhead Park, and

WHEREAS, the City Council, as legislative authority of the City of Richland, is authorized to declare property surplus per Richland Municipal Code 3.06.030; and

WHEREAS, in June of 2012, City staff was contacted in regards to the exchange of park real property in Trailhead Park to facilitate development of an adjoining residential lot; and

WHEREAS, per the requirements of RMC 3.06.030, the Parks and Recreation Commission voted to not recommend approval of the land exchange citing inadequate value in property to be received by the City; and

WHEREAS, the Economic Development Committee which also reviewed the proposal voted to recommend approval of the land exchange, and

WHEREAS, the Planning Commission voted to not recommend approval of the land exchange citing concerns such as preservation of park lands, setting a precedent of surplus park land adjacent to residential developments and discrepancy of value of the property being exchanged; and

WHEREAS, City staff recommends, following the action of the City Council to surplus the legally described property attached to this resolution, that the City exchange 11,747 square feet of Trailhead Park for 9,180 square feet of the adjacent Lot 31, Plat of the Plateau , including receipt by the City of an additional \$4,000 payment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland, as follows:

Section 1.01 The City Council finds and declares that certain real property as provided in the attached legal description is no longer needed and therefore is surplus to the City's needs.

.

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

ADOPTED by the City Council of the City of Richland at a regular meeting on the _____ day of _____, 2012.

JOHN FOX
Mayor

ATTEST:

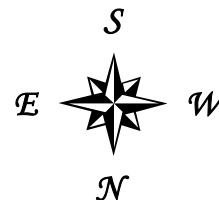
APPROVED AS TO FORM:

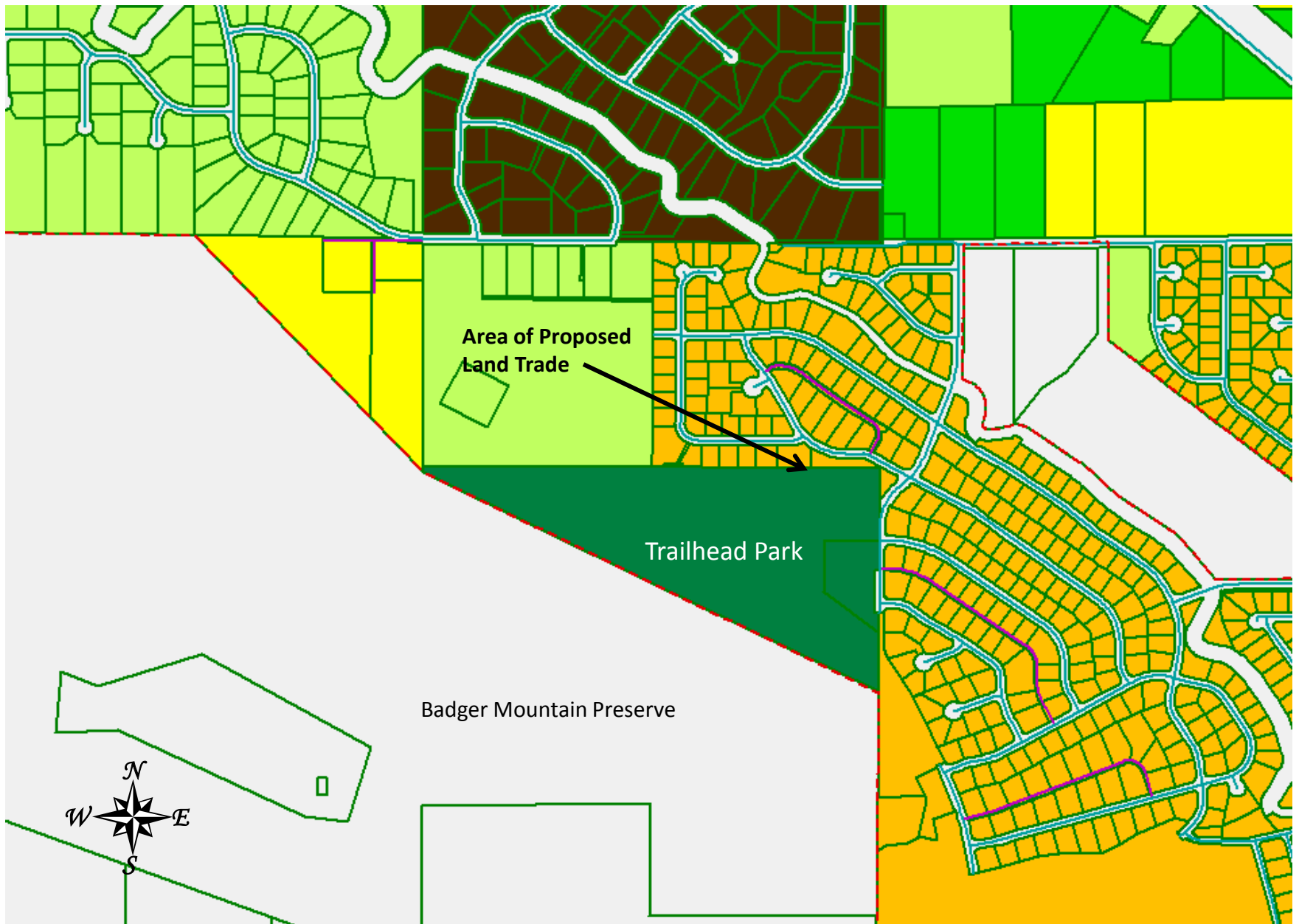
MARCIA HOPKINS
City Clerk

THOMAS O. LAMPSON
City Attorney



PROPOSED TRAILHEAD PARK LAND TRADE



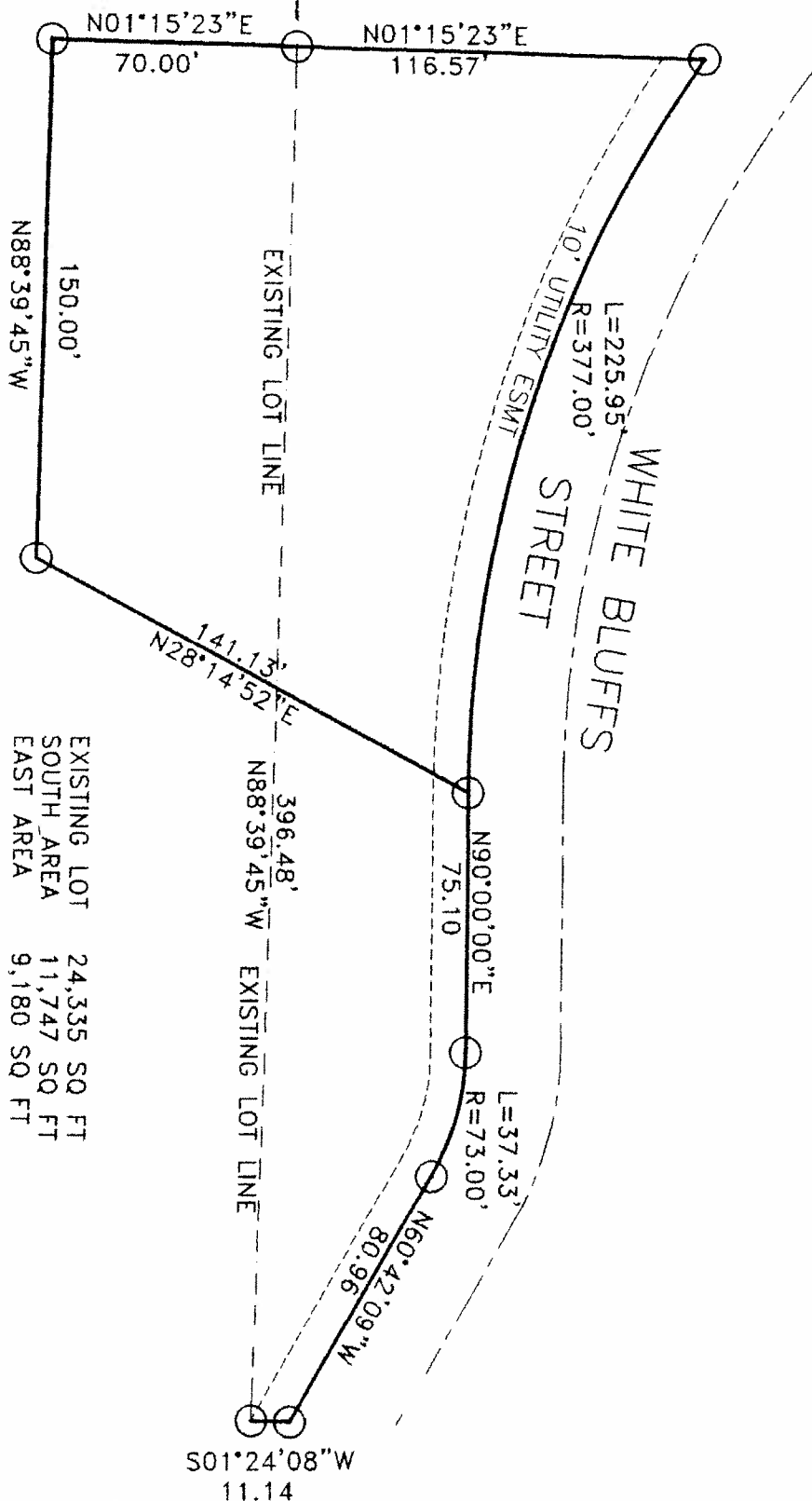
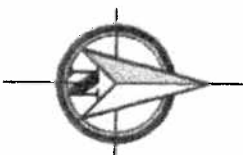
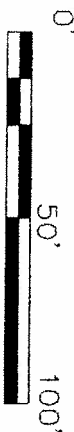


TRAILHEAD PARK – PROPOSED LAND TRADE VICINITY MAP

THE PLATEAU PHASE 1
LOT 31
PAR. #
1277 WHITE BLUFFS ST
RICHLAND, WA

PLOT PLAN

SCALE: 1" = 50'-0"



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VS

Drafting & Design
2010 1st Ave. SE, Green Bay, WA 98827
Phone: (509) 452-1100 Fax: (509) 452-1101
www.draftinganddesign.com

LOT LINE
ADJUSTMENT

SHANE GENTRY

THE PLATEAU #1

LOT 31

C1.1

12/00/02

12/00/02 0.10W

PV 6/2012



Council Agenda Coversheet

Council Date: 09/04/2012

Category: Consent Calendar

Agenda Item: B3

Key Element: Key 2 - Infrastructure & Facilities

Subject: PRELIMINARY ASSESSMENT ROLL FOR THE DELAWARE AVENUE LID NO. 195

Department: Public Works

Ordinance/Resolution: 23-12

Reference:

Document Type: Ordinance

Recommended Motion:

Give second reading and pass Ordinance No. 23-12, establishing the preliminary assessment roll for the Delaware Avenue Local Improvement District (LID) No. 198

Summary:

In May 2012, Public Works Engineering staff received a signed petition from property owners on Delaware Avenue between Fowler Street and Geneva Street requesting construction of curb, gutter, sidewalks, street light, storm drainage facilities and street reconstruction. The property owners who signed the petition represent 69% of the total property owners, based on frontage foot. Staff sent letters to property owners in the area consisting of parcels on Columbia Park Trail, Carolina, Florida, Dakota, Geneva and Delaware, in an attempt to identify additional interest in the LID project. There were only a few responses received that indicates little interest. Since interest in an LID is limited to the owners along Delaware Street, staff is proposing the LID proceed based on the original petition.

As required by State law, a public hearing was held on July 17, 2012. There were three Delaware property owners in attendance. One spoke in support of the LID and two spoke in opposition. The testimony opposed to the LID cited cost as the primary objection. One property is used as a low-income rental house and the LID costs will require the owner to raise the rent to fund the LID. The other property owner described their property as an investment property, seeking increasing value related to future commercial development. The LID would impose a near term payment responsibility that won't be covered by any available income generating activity.

The owner of the rental house submitted a letter objecting to the LID formation after the July 17 public hearing. Staff has prepared a response to the issues raised in this letter and will distribute the response prior to the September 4 Council meeting. Council approved first reading of the proposed ordinance at its August 7, 2012 meeting.

Fiscal Impact?

☒ Yes ☐ No

The total LID construction and engineering costs are estimated to be \$134,654, of which the City will fund \$33,664. The City's funds will come from the LID incentive fund, which has a current available balance of \$136,394. The City will finance the initial construction with repayment by the LID participants over a 15 year period. The initial construction costs will be funded by an interfund loan from the Equipment Replacement Fund with a 1/2% interest rate applied.

Attachments:

1) Ord 23-12P Delaware LID No 195

City Manager Approved:

Amundson, Jon
Aug 31, 10:16:43 GMT-0700 2012

ORDINANCE NO. 23-12

AN ORDINANCE of the City of Richland, Washington, ordering the adoption of the preliminary assessment roll to construct improvements of all in accordance with Resolution No. 52-12 of the City Council; establishing Local Improvement District No. 195 and ordering the carrying out of the proposed improvement; providing that payment for the improvement be made by special assessments upon the property in the District, payable by the mode of "payment by bonds or interfund loans"; and providing for the issuance and sale of local improvement district warrants redeemable in cash or other short-term financing and local improvement district bonds, or interfund loans.

WHEREAS, by Resolution No. 52-12 adopted June 19, 2012, the City Council declared its intention to order the improvement of Delaware Avenue between Fowler Street and Geneva Street, and fixed July 17, 2012 at 7:30 p.m., local time, in the Council Chambers of the City Hall as the time and place for hearing all matters relating to the proposed improvement and all objections thereto and for determining the method of payment for the improvement; and

WHEREAS, the City Engineer caused an estimate to be made of the cost and expense of the proposed improvement and certified that estimate to the City Council, together with all papers and information in his possession touching the proposed improvement, a description of the boundaries of the proposed local improvement district and a statement of what portion of the cost and expense of the improvement should be borne by the property within the proposed district; and

WHEREAS, that estimate is accompanied by a diagram of the proposed improvement showing thereon the lots, tracts, parcels of land, and other property which will be specially benefited by the proposed improvement and the estimated cost and expense thereof to be borne by each lot, tract and parcel of land or other property; and

WHEREAS, due notice of the above hearing was given in the manner provided by law, and the hearing was held by the City Council on the date and at the time above mentioned, and all objections to the proposed improvement were duly considered by the City Council, and all persons appearing at such hearing and wishing to be heard were heard; and

WHEREAS, the City Council has determined it to be in the best interests of the City that the improvement as hereinafter described be carried out and that a local improvement district be created in connection therewith.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Richland, Washington as follows:

Section 1. The City Council of the City of Richland, Washington (the "City"), orders the adoption of the preliminary assessment roll, hereto attached as Exhibit A, for the construction of street improvements that include street reconstruction, curb, gutter, sidewalk, street lights and storm drainage.

All of the foregoing shall be in accordance with the plans and specifications therefor prepared by City Engineer, and may be modified by the City Council as long as such modification does not affect the purpose of the improvement.

Section 2. There is created and established a local improvement district to be called Local Improvement District No. 195 of the City of Richland, Washington (the "District"), the boundaries or territorial extent of the District being more particularly described in Exhibit B, attached hereto and by this reference incorporated herein.

Section 3. The total estimated cost and expense of the improvement is declared to be \$134,654. Approximately \$106,377 of the cost and expense shall be borne by and assessed against the property specially benefited by such improvement included in the District which embraces as nearly as practicable all property specially benefited by such improvement.

Section 4. In accordance with the provisions of RCW 35.44.047, the City may use any method or combination of methods to compute assessments which may be deemed to more fairly reflect the special benefits to the properties being assessed than the statutory method of assessing the properties.

Section 5. Local improvement district warrants or short term interfund loans may be issued in payment of the cost and expense of the improvement herein ordered to be assessed, such warrants or loans to be paid out of the Local Improvement Fund, District No. 195 Construction Fund, hereinafter created and referred to as the Local Improvement Fund 195, and, until the bonds or loans referred to in this section are issued and delivered to the purchaser thereof, to bear interest from the date thereof at a rate to be established hereafter by the City of Richland, as issuing officer, and to be redeemed in cash, local improvement district bonds or interfund loans, herein authorized to be issued, such interest-bearing warrants to be hereafter referred to as "revenue warrants." In the alternative, the City hereafter may provide by ordinance for the issuance of other short-term obligations pursuant to chapter 39.50 RCW.

If the City shall authorize expenditures to be made for such improvement (other than for any cost or expense expected to be borne by the City) prior to the date that any short-term obligations or local improvement district bonds are issued to finance the improvement, from proceeds of interfund loans or other funds that are not, and are not reasonably expected to be, reserved, allocated on a long-term basis or otherwise set aside to pay the cost of the improvement herein ordered to be assessed against the property specially benefited thereby, the City declares its official intent that those expenditures, to the extent not reimbursed with prepaid special benefit assessments, are to be reimbursed from proceeds of interfund loans or local improvement district

bonds that are expected to be issued for the improvement in a principal amount not to exceed \$134,654.

The City is authorized to issue local improvement district bonds or interfund loans for the District which shall bear interest at a rate and be payable on or before a date to be hereafter fixed by ordinance. The bonds or loans shall be issued in exchange for and/or in redemption of any and all revenue warrants or interfund loans issued hereunder or other short-term obligations hereafter authorized and not redeemed in cash within twenty days after the expiration of the thirty-day period for the cash payment without interest of assessments on the assessment roll for the District. The bonds or loans shall be paid and redeemed by the collection of special assessments to be levied and assessed against the property within the District, payable in annual installments, with interest at a rate to be hereafter fixed by ordinance under the mode of "payment by bonds or interfund loan," as defined by law and the ordinances of the City. The exact form, amount, date, interest rate and denominations of such bonds hereafter shall be fixed by ordinance of the City Council. Such bonds shall be sold in such manner as the City Council hereafter shall determine.

Section 6. In all cases where the work necessary to be done in connection with the making of such improvement is carried out pursuant to contract upon competitive bids and the City shall have and reserves the right to reject any and all bids, the call for bids shall include a statement that payment for such work will be made in cash warrants drawn upon the Local Improvement Fund.

Section 7. The Local Improvement Fund for District 195 is created and established in the office of the Finance Manager. The proceeds from the sale of revenue warrants, interfund loans or other short-term obligations drawn against the fund which may be issued and sold by the City and the collections of special assessments, interest and penalties thereon shall be deposited in the Local Improvement Fund. Cash warrants to the contractor or contractors in payment for the work to be done by them in connection with the improvement and cash warrants in payment for all other items of expense in connection with the improvement shall be issued against the Local Improvement Fund.

Section 8. Within 15 days of the passage of this ordinance there shall be filed with the City Clerk the title of the improvement and District number, a copy of the diagram or print showing the boundaries of the District and the preliminary assessment roll or abstract of such roll showing thereon the lots, tracts and parcels of land that will be specially benefited thereby and the estimated cost and expense of such improvement to be borne by each lot, tract or parcel of land. The Finance Manager immediately shall post the proposed assessment roll upon his/her index of local improvement assessments against the properties affected by the local improvement.

Section 9. This ordinance shall take effect on the day following the date of its publication in the official newspaper of the City of Richland.

PASSED by the City Council of the City of Richland, at a regular meeting on the _____ day of _____, 2012.

JOHN FOX
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

THOMAS O. LAMPSON
City Attorney

Date Published: _____

CERTIFICATION

I, the undersigned, City Clerk of the City of Richland, Washington (the "City"), hereby certify as follows:

1. The attached copy of Ordinance No. 23-12 (the "Ordinance") is a full, true and correct copy of an ordinance duly passed at a regular [special] meeting of the City Council of the City of Richland held at the regular meeting place thereof on July 17, 2012, as that ordinance appears on the minute book of the City; and the Ordinance will be in full force and effective five days after the publication of its summary in the City's official newspaper; and

2. A quorum of the members of the City Council was present throughout the meeting and a majority of those members present voted in the proper manner for the passage of the Ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of July, 2012.

CITY OF RICHLAND, WASHINGTON

Marcia Hopkins, City Clerk

DELAWARE AVENUE LID #195

PRELIMINARY ASSESSMENT ROLL - AUGUST 2012

Owner / Mailing Address	Parcel ID #	Street Construction	Engineering Costs	Construction Subtotal	LESS LID Incentive Fund (25% Credit)	Interest & Closing Costs (4%)	TOTAL
1 Michael A Fleming 2348 Morency Drive Richland, WA 99352-9530	1-3099-103-0002-028	\$ 12,577.60	\$2,286.84	\$14,864.44	(3,716.11)	594.58	11,742.91
2 Cheryl Volkman 2612 Saddle Way Richland, WA 99352-7709	1-3099-103-0002-001	14,797.17	2,690.39	17,487.56	(4,371.89)	699.50	13,815.17
3 Gerald D & Deloris M Sleater 104105 E Badger Rd Kennewick, WA 99338-9100	1-3099-103-0002-022	7,398.59	1,345.20	8,743.79	(2,185.95)	349.75	6,907.59
4 Douglas M & Shelli A Oord 331 Adair Drive Richland, WA 99352-8563	1-3099-103-0002-016	22,195.76	4,035.59	26,231.35	(6,557.84)	1,049.25	20,722.76
5 Charles Stack 4204 S Olson Street Kennewick, WA 9937-2644	1-3099-103-0003-002	56,969.13	10,358.02	67,327.15	(16,831.79)	2,693.09	53,188.45
		\$113,938.25	\$20,716.04	\$134,654.29	(\$33,663.58)	\$5,386.17	\$106,376.88

1804

COLUMBIA PARK TRL



DATE: MAY 2012
DRAWN BY: JKS
DWG NAME: LID COL PRK TRL-FOWLER.dwg

LID INTEREST AREA



NO SCALE