



## Agenda

### **RICHLAND PLANNING COMMISSION MEETING NO. 6-2012**

Richland City Hall - 505 Swift Boulevard - Council Chamber

**WEDNESDAY, July 25, 2012**

**7:00 p.m.**

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**COMMISSION MEMBERS:** Marianne Boring, Chair; James Utz, Vice-Chair; Debbie Berkowitz; Clifford Clark; Stanley Jones; Carol Moser; Kent Madsen and James Wise

**LIAISONS:** Rick Simon, Planning and Development Services Manager  
Jeff Rolph, Senior Planner  
Phil Lemley, City Council

**Regular Meeting, 7:00 p.m.**

**Welcome and Roll Call**

**Approval of the Agenda**

**Approval of June 27, 2012 Meeting Minutes**

**Public Hearing Explanation**

#### **New Business – Public Hearings**

**1. TMT CONSTRUCTION (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.**

**2. CITY OF RICHLAND (Z2012-102)**

**Request: CONSIDERATION OF APPROPRIATE ZONING DISTRICT(S) FOR A 137 ACRE PROPOSED ANNEXATION.**

**Location: SOUTH OF REATA ROAD, WEST OF LESLIE ROAD, NORTH OF I-82 AND EAST OF THE KENNEWICK IRRIGATION DISTRICT.**

**3. CITY OF RICHLAND (M2012-107)**

**Request: AMENDMENTS TO TITLE 19 – DEVELOPMENT REGULATION ADMINISTRATION**

**Location: CITYWIDE**

#### **\*Quasi-Judicial Hearing Items**

Planning Commission Workshop Meeting, Wednesday, August 8, 2012

Planning Commission Regular Meeting – Wednesday, August 22, 2012

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City Clerk's Office at 509-942-7388.



## **Other New Business**

### **1. CITY OF RICHLAND (M2012-108)**

**Request: SURPLUS OF 11,747 SQUARE FEET OF CITY PARK PROPERTY IN ORDER TO EXCHANGE FOR 9,190 SQUARE FEET OF ADJACENT PRIVATE PROPERTY.**

**Location: TRAILHEAD PARK**

## **Communications**

## **Commission/Staff/Liaison Comments**

## **Adjournment**

Planning Commission Workshop Meeting, Wednesday, August 8, 2012

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## **MINUTES**

### **RICHLAND PLANNING COMMISSION MEETING No. 05-2012**

Richland City Hall – 550 Swift Boulevard – Council Chamber

**WEDNESDAY, June 27, 2012**

**7:00 p.m.**

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#### **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.

#### **Approval of Agenda:**

**Chairman Boring** presented the June 27, 2012 meeting agenda for approval. She noted that a correction was needed in the agenda to place the approval of the agenda before the approval of the minutes.

**A motion was made by Commissioner Jones and seconded by Commissioner Clark to approve the agenda as amended.**

**The motion carried, 8-0.**

#### **Approval of Minutes**

**Chairman Boring** presented the meeting minutes of the May 23, 2012 regular meeting for approval. **Commissioner Berkowitz** asked that her comments regarding her concerns of the proposed Transportation Improvement Program (TIP) be added as part of the record.

**A motion was made by Commissioner Moser and seconded by Commissioner Jones to approve the meeting minutes of the May 23, 2012 regular meeting as amended.**

**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. No issues were identified.

## Old Business:

### 1. URM STORES, INC (M2012-100)

A motion was made by Commissioner Moser and seconded by Commissioner Jones to take Agenda Item 1, URM Stores, Inc., from the table.

The motion carried, 8-0.

The item returning to the Commission was an approval for a commercial site plan approval for the development of a neighborhood shopping center. **Jeff Rolph, Senior Planner** summarized the Commission's reasons for tabling the agenda item in February and reviewed the applicant's efforts in addressing the landscaping and wetlands issues that arose at the previous hearing; the Parks Department and the Department of Ecology have worked with the applicant to resolve those issues. Other items addressed in the Staff Report were:

- Conforming to Central Business District (CBD) design guidelines;
- SEPA related environmental concerns;
- Additional public notice;
- Relocation of a City drain line;
- Screening roof-top mechanical equipment;
- Maximum parking lot size; and
- Proposed off-site signage.

Based on the Findings and Conclusion, staff recommended approval of the commercial site plan subject to the conditions that set forth in the Technical Advisory Report dated June 20, 2012.

**Chairman Boring** opened the Public Hearing at 7:21 PM and invited the applicant to make a presentation.

**Mike Winger [URM]** (7511 N Freya, Spokane, WA): [Mr. Winger swore to tell the truth.] "My title is Vice-President of Store Development. We work with Yoke's and roughly 120-some different retailers in four states. With Yoke's, we've had three different developments in your community: one in Kennewick, one in Pasco and one in West Richland. I'm just here to speak a little bit for Yoke's; we also have another representative that's an employee – store manager at the Kennewick location. They're very much looking forward to having a fourth location in Richland and our expectation is, and I'm sure yours, is when we develop a store, the grocer very much becomes a part of the community and we found that with the other three Yoke's developments. They are excellent corporate citizens. We have developed in many different communities and I think they really have gone the extra mile trying to get this site plan to a point where you'd be comfortable. The big issue that's spent a lot of time with is the Department of Ecology. The presentation Jeff [Rolph] gave, I think, hit the nail on the head – we're doing everything that they've asked us to do and rightfully so. We've had to do away with the pedestrian link from the pathway right in front of the store, but that was because

of the Ecology department's request. I believe that every other item we've complied with and the landscaping portion of this is critical from what I understand the prior meeting. This is probably as extensive and robust of a plan that we've ever seen, so I'm hoping that it meets your expectation. I can tell you, Yoke's is in a position, if we can advance this, that they're very excited, as I say, to have this opportunity to develop in your community. I don't have a lot else to say other than hopefully we've addressed your concerns."

**Chairman Boring** asked if there were any other comments. Seeing none, she closed the public hearing at 7:23 PM.

#### **Commission Discussion:**

**Commissioner Jones** asked who would be responsible for the maintenance of the swale. The developer, **Glen Engelhard** (330 Greenbrook Place, Richland) came forward and testified under oath that the business owners in the proposed development would be responsible for maintaining the swale. He gave examples of other developments he had part in that have successfully maintained their landscaping requirements.

**Commissioner Wise** expressed his concern for the depth of the parking lot, which he felt could create pedestrian and store employee safety hazards.

**Commissioner Moser** thanked the developer for addressing the issues that arose at the public hearing in February. She asked about the lack of access between the development's parking lot and that of Badger Mountain Park and wondered if staff had reviewed that option. **Mr. Winger** explained that there was concern for vehicles using the access between Badger Mountain Park and the shopping center parking lot to avoid the signaled intersection which would create unnecessary congestion and traffic hazards. He also explained how store statistics, pedestrian access and Department of Ecology landscaping requirements influenced the proposed size and depth of the parking lot. **Gary Hall** (Hall Engineering, Kennewick) gave more detail regarding the proposed extension of Engelwood Drive and pedestrian access to the Yoke's site.

**Steve Beckman** (8180 W. 4<sup>th</sup>, Kennewick), store manager for the Kennewick Yoke's, responded under oath to questions regarding employee safety. Mr. Beckman noted that in his many years as a store manager he had never had an employee assaulted. He explained his policy of escorting employees to their vehicles and ensuring that employees who work before and after regular store hours are encouraged to park close to the building. Mr. Beckman added that other grocery stores in the area had parking lots that are of similar size or larger.

**Commissioner Utz** asked about item 2 of the Technical Advisory Committee (TAC) Report dated June 20, 2012, specifically the terms of deferral of the landscaping requirements for the perimeter of Badger Mountain Park. **Mr. Engelhard** described in more detail the proposed landscaping schedule as retailers construct their buildings on the site. He assured the Commission that trees along the perimeter of the site would be

installed at the onset of development. It was noted by the Commission and staff that an amendment to TAC item 2 was needed to ensure the perimeter landscaping could not be deferred to a later time.

**Commissioner Utz** expressed concern that development would not progress as quickly as planned and areas of the site that are planned to be landscaped would revert to native scrub brush. He asked for a deadline for development completion to avoid an unattractive development site. **Mr. Engelhard** explained that progress on the site would move forward and can have restrictions placed upon it once the site has been subdivided and each parcel given a separate tax parcel number and legal description. **Mr. Rolph** concurred with Mr. Engelhard's explanation of the timing of the landscaping in relation to development. He added that placing an arbitrary deadline for landscaping would not ensure the economy had improved by the time the deadline arrived. Mr. Rolph assured the Commission that as plans come forward for additional buildings to be added to the site, they would be required to adhere to the guidelines approved for the site at this meeting.

**Commissioner Berkowitz** thanked Commissioner Utz for his comments and the Department of Ecology for their work on developing the buffer requirements. She asked for clarification on the location of the wetlands as the Findings of Facts (item 5) included a statement that wetlands were not located on the proposed development site; staff confirmed that statement. Commissioner Berkowitz expressed concern regarding how landscape requirements, especially in areas of wetlands, would be enforced. **Mr. Rolph** said that the Department of Ecology has the right to enforce the landscaping requirements. **Rick Simon, Planning Manager** added that provisions in the lease between the City and the developer, as well as current development regulations, provide the tools needed to enforce the landscaping requirements.

**Chairman Boring** thanked the applicant for working to address the Commission's concerns with the original site plan. She noted that the proposed parking lot was similar in size, if not smaller, than the Winco retail center.

**Commissioner Clark** also thanked the applicant for the improvements made to the site plan.

**A motion was made by Commissioner Utz and seconded by Commissioner Berkowitz to amend the second sentence of item 2 of the Technical Advisory Committee Report dated June 20, 2012 to read: "The remaining interior and perimeter landscaping with the exception of the required buffer tree plantings within Badger Mountain Park as shown on the approved site plan may be deferred until development of the adjoining building pad sites and associated parking."**

**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.**

**A motion was made by Commissioner Clark and seconded by Commissioner Utz that the Planning Commission concurred with the Findings and Conclusions set forth in the Staff Report (M2012-100A) and the supplemental findings and conclusions in support of SEPA Determination EA 13-12 and approve the commercial site plan for the proposed neighborhood shopping center subject to the conditions of approval listed in the Technical Advisory Committee Report dated June 20, 2012, as amended.**

**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.**

**New Business:**

## **2. GRAMOR DEVELOPMENT WASHINGTON, LLC (M2012-102)**

The agenda item before the Commission was an approval for a building height increase from 35 feet to 55 feet within the Waterfront (WF) Zoning District. The project is located at 355 Bradley Boulevard and consists of a four-story La Quinta hotel with a tower feature. **Mr. Rolph** explained to the Commission that the zoning code allows for an increase in height of up to 55 feet in the WF provided certain criteria are met. He reviewed the proposed building plan, noting that the site currently is heavily treed which essentially blocks any view of the river to property owners further inland. Additionally, other structures in the area exceed the 35-foot height restriction.

Based on the Findings and Conclusion, staff recommended approval of an increase of building height to a maximum of 55 feet with a tower feature not to exceed 68.75 feet for the proposed hotel in the WF zone.

**Chairman Boring** opened the Public Hearing at 8:12 PM and invited the applicant to make a presentation.

**Dale Sweeney (143<sup>rd</sup> Place, Bellevue, WA):** "I don't have a lot to add to that except to point out, too, that George Washington Boulevard [sic], there's a pretty good drop of grade there that will kind of be in back of the hotel. It's probably about – I don't know exactly, but maybe about 10 to 12 feet of drop there, so already it's kind of in a depression off of George Washington Boulevard. As mentioned, there are buildings across the street from the development that are similar in height already; they're

actually closer to the waterfront. The tower height just gives us a little bit more regal appearance as opposed to three-stories and allows a little more – a smaller footprint for some additional landscaping. We'll likely put some sort of landscape feature [indicating on site plan] here. The smaller footprint just allows more area for landscape features; we just felt that it would be consistent with what else was in the area and not blocking any views.”

**Chairman Boring** asked if there were any other comments. Seeing none, she closed the public hearing at 8:14 PM.

**Commission Discussion:**

**Commissioner Utz** asked staff for height information on a building across Bradley Boulevard from the proposed project as it did not show on the aerial photograph included in the information packet. **Mr. Rolph** said it was a single-story building.

**Commissioner Moser** thanked the developer for the design of the building and his efforts to maintain the view corridor. She added that the proposed height increase of the building would make it similar in height to other buildings in the area.

**Commissioner Wise** concurred with Commissioner Moser's comments regarding the building design and view corridor. He added that he had visited the building site and calculated the view blockage and felt the blocking of views that would occur were acceptable. Commissioner Wise commented that future consideration should be given to potential blocking of solar panels if neighboring buildings were to install solar energy collection systems.

**Commissioner Madsen** also agreed with Commissioner Moser's comments and noted he was in favor of the proposal.

**A motion was made by Commissioner Moser and seconded by Commissioner Madsen to concur with the Findings and Conclusions set forth in the Staff Report M2012-102 and approve the request for an increase in main building height up to a maximum of 55 feet and a tower feature height not to exceed 68.75 feet and to approve the development as proposed.**

**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.**

**3. FAIRCHILD CINEMAS (M2012-103)**

The item before to the Commission was an approval for a commercial site plan for the development of a multi-plex theater and two future retail/office buildings. The proposed project is located north of I-182 and south of Duportail Street behind Gold's Gym, Wal-

Mart and Home Depot. **Mr. Rolph** reviewed the commercial site plan noting the proposed project was located in the C-2 (Retail Business) zone and covers approximately 11 acres. The proposed development would have sidewalks and parking lot access that ties into the existing retail developments north of the project site.

Based on the Findings and Conclusion, staff recommended approval of the application.

**Chairman Boring** opened the Public Hearing at 8:26 PM and invited the applicant to make a presentation.

**Jeff Fairchild** (5020 Convention Drive, Pasco, WA): "One of the site plans you didn't mention was the continuation of - the driveway in front of the theater will continue on out to Keene Road, just past the new overpasses they're putting in. There's a 'right in' and a 'right out', so that will also connect to there. The orientation of the building - we tried to be - we faced it toward the freeway and the homes with the idea of, hopefully they'd rather look at that than the back of Home Depot. The tallest part of our building was facing that way [indicating north on the site plan], sloping to the back towards Home Depot to help screen any visual because some of the homes are up higher, looking down towards our site, so that would help screen any evidence of our rooftop activity up there - HVAC and so forth."

**Chairman Boring** asked if there were any other comments. Seeing none, she closed the public hearing at 8:27 PM.

#### **Commission Discussion:**

**Commissioner Clark** commented that the proposed project was an excellent use of the land in that area and appreciated the developer's efforts to screen parts of the building from the freeway and nearby homes.

**Commissioner Wise** agreed with Commissioner's Clark's comments. Referring to the SEPA, he asked for additional information on how the number of vehicle trips per day had been calculated. **Mr. Fairchild** explained that the number was based on an average of the total number of admissions from the Fairchild multi-plex in Pasco divided by 2.5 persons per car.

**Commissioner Wise** commented that the Pasco theater location received a higher-than-average number of police call outs. **Mr. Fairchild** explained that the Pasco theater was immediately adjacent to large neighborhoods with teens, as well as it being centrally located with other businesses that share common driveways.

**Commissioner Wise** expressed concern for the possibility of vehicle emissions and other pollutants entering through the building's air intake system. **Mr. Fairchild** explained that the air intake vents were located on the roof of the building which is 25 feet above ground level.

**Commissioner Moser** thanked the developer for his choice of location for the theater and hoped the new development would encourage restaurants such as Froyo and Bruschi's to locate there as well.

**Commissioner Madsen** agreed with Commissioner Moser's comments and thanked the developer for his confidence in Richland.

**Commissioner Jones** asked staff if the Police Department had reviewed the site plan. He expressed concern that the close proximity of three large parking lots would encourage gatherings that might lead to criminal activity. **Mr. Rolph** said that site plans are not typically reviewed by the police. **Commissioner Jones** suggested police review on future site plan applications.

**Commissioner Utz** asked staff if the right turn from Keene Road would be used to bypass Duportail Street and create an unintentional road. **Jeff Peters, City Engineer**, said it is a possibility but shouldn't impact traffic congestion on Keene Road at that intersection. **Mr. Fairchild** added that as part of his sales agreement with the property owner, Kennewick Irrigation District (KID), he was required to extend a 30-foot wide road from the site location to Keene Road for truck delivery access. Speed bumps would be installed by Mr. Fairchild if he felt it was necessary. **Mr. Peters** noted that the road is on private property and the City could not require the property owner to make additional improvements.

**Commissioner Clark** asked if the road would extend behind the building between the theater and Home Depot. **Mr. Fairchild** explained that, although KID had requested a 30-foot wide road, the location of a power vault prevented such a road. Delivery access will be added with landscaping and curbing to prevent driving over the vault.

**Commissioner Berkowitz** agreed that the location of the proposed theater was a good choice.

**A motion was made by Commissioner Madsen and seconded by Commissioner Moser to concur with the Findings and Conclusions set forth in Staff Report M2012-103, and approve the commercial site plan for the proposed multi-plex theater and two future office/retail buildings, subject to the conditions of approval listed in the Technical Advisory Committee report dated June 21, 2012.**

**Discussion:**

**Commissioner Jones** requested the site plan be reviewed by the Police Department and asked for an amendment to the motion to reflect that request.

**Commissioner Moser** asked staff if police review of a commercial site plan was typical. **Mr. Simon** said police review of commercial site plans has not been typical but felt it was a positive requirement. He explained that there had not been sufficient police staff available in the past to review site plans but an officer is now available. **Commissioner**

**Moser** noted that a review of this sort would need to occur in a timely manner so as not to delay the developer's application process; **Commissioner Wise** agreed.

**Commissioner Utz** suggested *asking* the Police if they felt a review was needed instead of *requiring* a review [emphasis added], neither of which would require a return to the Planning Commission for further approval; **Commissioners Clark** and **Madsen** agreed with Commissioner Utz, adding that this was an item that staff should determine if further review by Police was needed.

**Commissioner Jones** declined amending the motion

**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.**

#### **4. CITY OF RICHLAND (M2012-105)**

The item before the Commission was amendment to RMC Title 12 and Title 24 pertaining to citywide street and sidewalk design standards. **Mr. Simon** reviewed the current code which requires sidewalk development for new development but has no provisions for bringing sidewalks up to current standards when improvements are made in areas that have previously been developed. The proposed code amendments are intended to address those circumstances and set a financial threshold to trigger required sidewalk improvements. Mr. Simon noted two corrections to the staff report regarding RCM 12.02.080 and RMC 24.16.100; he distributed copies of the corrections to those present.

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

**Chairman Boring** opened the Public Hearing at 8:54 PM and invited the public to provide comments on the proposed amendments. Seeing none, she closed the public hearing at 8:54 PM.

#### **Commission Discussion:**

**Commissioner Clark** asked staff why, if the City desired sidewalk improvements within business districts, a lower figure was not used when determining the financial threshold for improvement requirements. Mr. Simon explained that staff's intent was to find a balance between funding infrastructure and supporting local businesses.

**Commissioner Moser** and **Chairman Boring** asked for clarification on RMC12.10.020 (b), specifically what determines the valuation of the building or property. **Mr. Peters** said that it generally refers to the value of the property plus any improvements. **Mr. Simon** explained that the term "valuation" pertains to the fair market value of the proposed improvement and is a common tool used in issuing building permits. He

agreed that additional language was needed because the section also refers to a percentage of the property value.

**Commissioner Clark** expressed concern for the possibility that business owners would only make small improvements and not reach the financial threshold for requiring sidewalk improvement. **Mr. Peters** reminded the Commission that the proposed amendments could be changed at the Commission's discretion. **Commissioner Clark** thought that perhaps the City should pay for the improvements through a different funding source. **Mr. Simon** stated that the City relies on new development to fund sidewalk improvements and suggested revisiting the threshold amount if the Commission felt it was too high.

**Commissioner Utz** questioned how the threshold amounts had been determined.

Regarding residential remodel requirements, **Commissioner Jones** was concerned that the accumulation of contracts, costs and other details might deter property owners from making improvements to their property in order to avoid the sidewalk improvement requirement.

**Commissioner Moser** disagreed with Commissioner Jones' comments stating that property owners are not being forced by the City to make substantial improvements to their homes and, as property owners, they have a responsibility to maintain the right-of-way adjacent to their property. She reminded the Commission that this was an item at a recent workshop and much thought and consideration had been put into determining the financial threshold that would trigger required sidewalk improvements.

**Mr. Simon** provided new language for RMC 12.10.020 (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 \$100,000.00, whichever is less; . . ." Mr. Simon explained that the code amendment was primarily meant for areas such as the Central Business District (CBD) where sidewalk standards had been upgraded and now require wider sidewalks; the sidewalk requirements for residential areas have not changed for many years and would only apply to residences that do not have sidewalks currently. Additionally, the Public Works director has the ability to waive the sidewalk requirement.

**Commissioner Madsen** remarked that more attention should be given to Local Improvement Districts (LIDs) in order to improve sidewalk conditions citywide.

**A motion was made by Commissioner Moser and seconded by Commissioner Madsen to concur with the Findings and Conclusions set forth in Staff Report M2012-105, and recommend to the City Council adoption of the proposed amendments to Sections 12.02.080, with corrections, 12.10.010, 12.10.020 with the change of language in subsection (b) from "valuation" to "assessed value as**

determined by the Benton County Assessor”, 24.08.210, 24.08.230, 24.16.070, and 24.16.100, with corrections, of the Richland Municipal Code.

**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.**

## **5. CITY OF RICHLAND (M2012-106)**

The final item before the Commission was recommendation of approval of the updated Tri-Cities Enhancement Council (TREC) Rivershore Master Plan. **Mr. Simon** presented the staff report and reminded the Commission that this item had been on the agenda for the joint public hearing with the Richland Parks Commission on June 14, 2012. He added that it is a regional plan and should be viewed as a starting point for more detailed planning along shorelines.

Based on the Findings and Conclusion, staff recommended the general adoption of the TREC Rivershore Master Plan to be implemented in Richland’s planning process as much as is practicable.

**Chairman Boring** opened the Public Hearing at 9:24 PM and invited the public to provide comments on the proposed amendments. Seeing none, she closed the public hearing at 9:24 PM.

### **Commission Discussion:**

**Commissioner Utz** asked if some of the way-finding standards in TREC plan would become part of Richland’s Shoreline Master Plan. **Mr. Simon** said it was possible that information found in the TREC document could be used in a variety of Richland plans such as the Parks Master Plan or the Comprehensive Plan as well as the Shoreline Master Program.

**Commissioner Berkowitz** noted that major parts of the proposed plan involved Kennewick and Pasco but not Richland. She questioned how the plan could be adopted as a whole if parts of it are relevant to areas other than Richland. **Mr. Simon** explained that the recommendation to council could contain language that supports only the parts of the TREC plan that pertains to Richland.

Noting that many of the guidelines in the TREC plan were vague and not clearly defined, **Commissioner Berkowitz** asked for clarification regarding the term “adoption”. **Mr. Simon** acknowledged that the TREC plan is not a regulatory document and “adoption” means that staff would take the document into consideration when developing plans involving shoreline areas.

**Commissioner Clark** suggested rewording the motion to “recommend to the City Council that they accept and consider the updated Rivershore Master Plan, as it pertains to the City of Richland, in developing specific objectives through the Strategic Plan and Comprehensive Plan.”

**Commissioner Moser** expressed concern that Richland’s approval of a regional plan could be skewed to improve another jurisdiction’s opportunity to receive state and federal funding. She noted the plan did not take into consideration cities other than Richland, Kennewick and Pasco, and any areas along the Yakima River and therefore did not reflect a true master plan of the region’s rivershores. Commissioner Moser felt the Commission should approve of the guidelines of the plan, but not the plan as a whole.

**Commissioner Madsen** commented that the plan should be renamed the Columbia Rivershore Master Plan as it only contains information on the Columbia River.

**Commissioner Jones** voiced his concern about Richland possibly being viewed by other jurisdictions as not wholly supporting a document that it participated in drafting. Staff commented that City of Pasco’s resolution to approve the TREC plan only supported guidelines that pertained to Pasco and was not an approval of the plan in its entirety. **Commissioner Jones** suggested tabling the item to allow the Commission time to identify plan guidelines that are appropriate for Richland.

**Mr. Simon** offered revised language for the Commission’s recommendation: “To accept and consider the concepts and recommendations embodied within the Tri-Cities Rivershore Master Plan as it pertains to the Columbia River shorelines located within the City of Richland. The Plan should be used as guidance as the City works to further update and define its Strategic Plans and its Shoreline Master Program.” The revised language was agreeable to members of the Commission and would not affect recommendations from other advisory bodies.

**A motion was made by Commissioner Clark and seconded by Commissioner Utz to accept and consider the concepts and recommendations embodied within the Tri-Cities Rivershore Master Plan as it pertains to the Columbia River shorelines located within the City of Richland. The Plan should be used as guidance as the City works to further update and define its Strategic Plans and its Shoreline Master Program.**

**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.**

**Communications:**

**Commissioner Jones**

- Restated his desire to include police review on commercial site plans.

**Commissioner Berkowitz**

- Suggested including maximum parking lot size outside of the Central Business District and sign ordinances to the 2013 work plan.

**Commissioner Wise**

- Agreed with comments made by Commissioners Jones and Berkowitz.

**Commissioner Moser**

- Thanked staff for information provided at tonight's meeting.

**Commissioner Clark**

- Appreciated additional training the Commission had received and comments provided by other commissioners.

**Commissioner Utz**

- Also appreciated training received by the Commission.
- Noted that a mission statement was not included in the Planning Commissioner's handbook and could not be located on the web site.

**Chairman Boring**

- Thanked all who participated at tonight's meeting.

**ADJOURNMENT:**

The June 27, 2012, Richland Planning Commission Regular Meeting 05-2012 was adjourned at 9:49 PM. The next regular meeting of the Planning Commission will be held on July 25, 2012.

PREPARED BY: Pam Bykonen, Secretary, Planning & Development

REVIEWED BY:

\_\_\_\_\_  
Rick Simon, Secretary  
Richland Planning Commission

## 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](mailto: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.

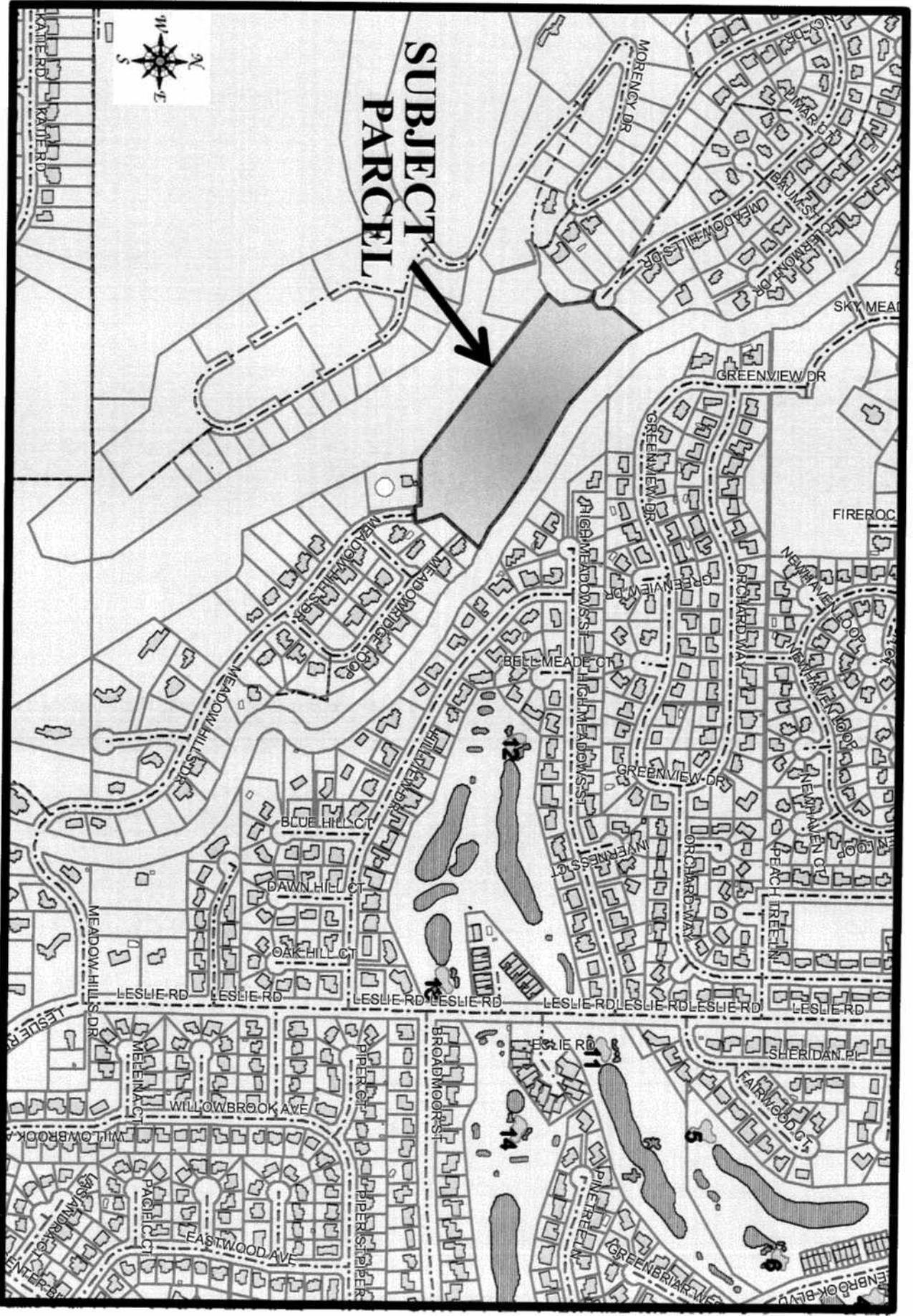
Copies of the staff report and recommendation will be available in the Development Services Center, 840 Northgate Drive and at the Richland Public Library beginning Friday July 20, 2012.

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.

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Rick Simon,  
Development Services Manager

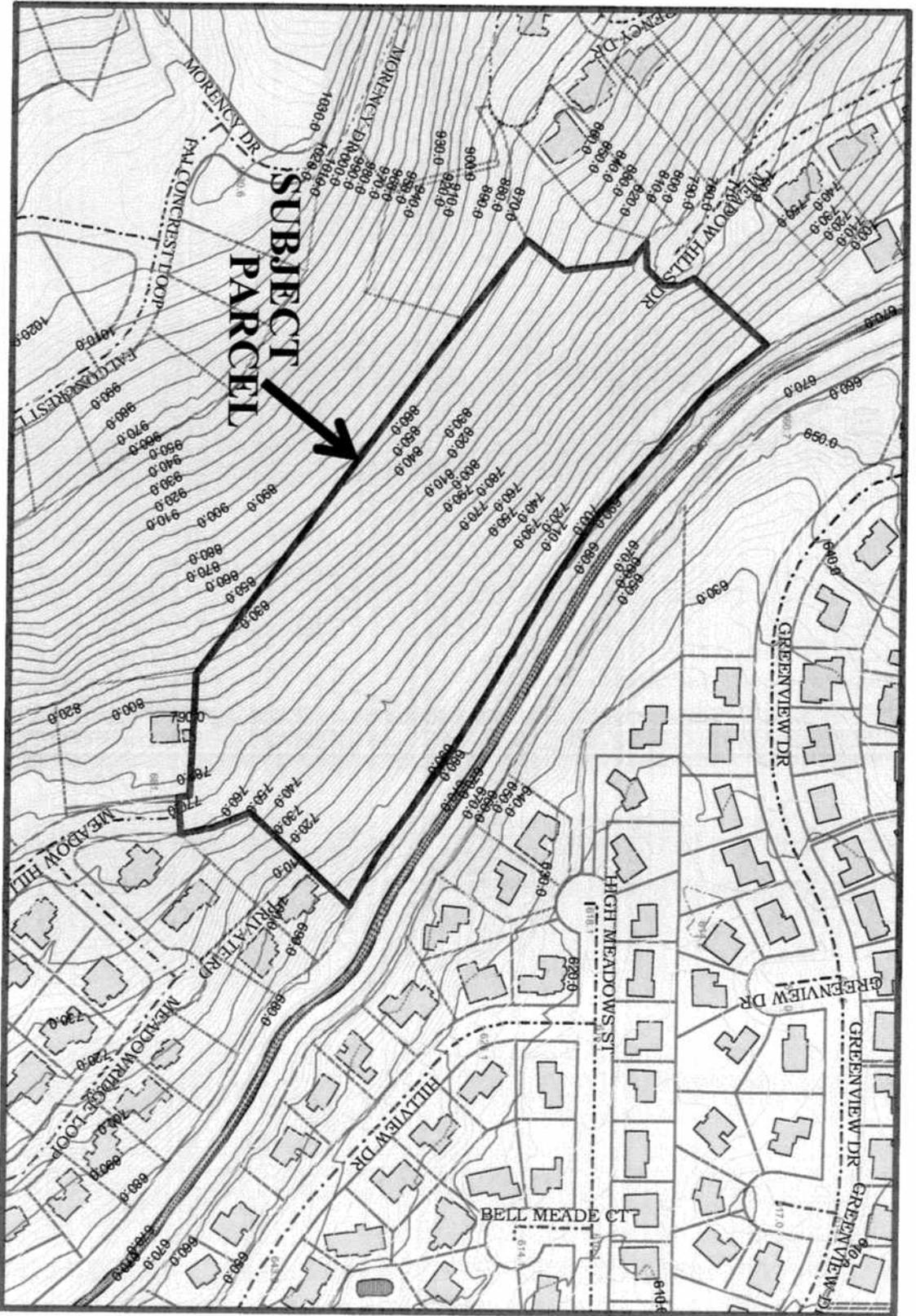
# MEADOW HILLS III PUD



# VICINITY MAP



# 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 4<sup>th</sup> 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:

**None**

Do 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
<b>Part B • Environmental Elements</b>	
<b>Earth</b>	
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:	
<b>Steep slope</b>	
What is the steepest slope on the site (approximate percent slope)? <b>+20%</b>	<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)? <b>Sandy Loan</b>	
If you know the classification of agricultural soils, specify them and note any prime farmland: <b>None</b>	
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: <b>None</b>	
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)? <b>31%</b>	

<b>Air</b>	<b>For Agency Use Only</b>
<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><b>Negligible amount as developer will implement dust control during construction and excavation.</b></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: <b>Normal dust control measures.</b></p>	
<p><b>Water</b></p>	
<p><b>Surface</b></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:  <b>N/A</b></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:  <b>N/A</b></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><b>For Agency Use Only</b></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><b>Ground</b></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><b>N/A</b></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><b>N/A</b></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><b>City Sewer</b></p>	
<p><b>Water Runoff (including storm water).</b></p>	
<p>Describe the source of runoff (including storm water), and method of collection and disposal, if any (including quantities, if known).</p> <p><b>Storm water which will be collected in adjoining Meadow Hills Phase 2 retention system.</b></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>	

<p>Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:</p> <p><b>Connect to existing Meadow Hills Phase 2 storm water collection</b></p>	<p><b>For Agency Use Only</b></p> <p><i>Sage brush &amp; native species typical of Shrub-Steppe habitat</i></p>
<p><b>Plants</b></p>	
<p>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)  <b>None</b></p>	
<p>Evergreen tree: cedar <input type="checkbox"/> fir <input type="checkbox"/> pine <input type="checkbox"/> other <input type="checkbox"/> (list)  <b>None</b></p>	
<p>Shrubs <input checked="" type="checkbox"/> grass <input type="checkbox"/> pasture <input type="checkbox"/> crop or grain <input type="checkbox"/></p>	
<p>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) <b>None</b></p>	
<p>Water plants: eelgrass <input type="checkbox"/> milfol <input type="checkbox"/> water lily <input type="checkbox"/> other types of vegetation <input type="checkbox"/>          (list) <b>None</b></p>	
<p>What kind and amount of vegetation will be removed or altered:  <b>Shrubs within the residential building foot prints and along the new roadway.</b></p>	
<p>List threatened or endangered species known to be on or near the site:  <b>No threatened or endangered species are know to be on or near the site.</b></p>	
<p>Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:  <b>Xeriscape landscape plantings immediately adjacent to the residential structures</b></p>	
<p><b>Animals</b></p>	
<p>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) <b>Geese, pheasants, seagulls, ducks, magpies</b></p>	
<p>Mammals: bear <input type="checkbox"/> beaver <input type="checkbox"/> deer <input type="checkbox"/> elk <input type="checkbox"/> other <input checked="" type="checkbox"/> (list) <b>Rabbits Field Mice</b></p>	
<p>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)  <b>None</b></p>	
<p>List any threatened or endangered species known to be on or near the site:  <b>None known</b></p>	
<p>Is the site part of a migration route? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If so, explain:  <b>This general area of the Columbia River is considered to be part of the Pacific Flyway migration route.</b></p>	
<p>Proposed measures to preserve or enhance wildlife, if any:  <b>Roughly 69% of land will be preserved as natural open space.</b></p>	

<b>Energy and Natural Resources</b>	<b>For Agency Use Only</b>
<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><b>Use will be normal residential use</b></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? <b>N/A</b></p>	
<p>List other proposed measures to reduce or control energy impacts, if any: <b>N/A</b></p>	
<b>Environmental Health</b>	
<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: <b>N/A</b></p>	
<p>Proposed measures to reduce or control environmental health hazards, if any: <b>N/A</b></p>	
<b>Noise</b>	
<p>What types of noise exist in the area that may affect your project (for example: traffic, equipment, operations, other?): <b>None</b></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><b>Normal residential construction during working hours</b></p>	<p><b>For Agency Use Only</b></p>	
<p>Indicate the hours noise would come from the site:</p> <p><b>7:00 am – 7:00 pm</b></p>		
<p>Proposed measures to reduce or control noise impacts, if any:</p> <p><b>N/A</b></p>		
<p><b><i>Land and Shoreline Use</i></b></p>		
<p>What is the current use of the site and adjacent properties?</p> <p><b>Currently undeveloped land flanked by low density residential</b></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><b>None</b></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><b>R-1-12 Single Family Residential and R-1-10 – Single Family Residential</b></p>		
<p>What is the current comprehensive plan designation of the site?</p> <p><b>Low Density Residential</b></p>		
<p>If applicable, what is the current shoreline master program designation of the site?</p> <p><b>N/A</b></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>		

<p>Approximately how many people would reside or work in the completed project?</p> <p><b>44 families</b></p>	<p><b>For Agency Use Only</b></p>
<p>Approximately how many people would the completed project displace?</p> <p><b>None</b></p>	
<p>Proposed measures to avoid or reduce displacement impacts, if any:</p> <p><b>N/A</b></p>	
<p>Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:</p> <p><b>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.</b></p>	
<p><b>Housing</b></p>	
<p>Approximately how many units would be provided, if any? <b>44</b>  Check the type of housing: High <input checked="" type="checkbox"/> Middle <input type="checkbox"/> Low-income <input type="checkbox"/></p>	
<p>Approximately how many housing units, if any, would be eliminated?</p> <p><b>None</b></p>	
<p>Check the type of housing: High <input type="checkbox"/> Middle <input type="checkbox"/> Low-income <input type="checkbox"/></p> <p><b>N/A</b></p>	
<p>Proposed measures to reduce or control housing impacts, if any:</p> <p><b>N/A</b></p>	
<p><b>Aesthetics</b></p>	
<p>What is the tallest height of any proposed structure(s), not including antennas?  <b>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.</b></p>	<p>Building height between 40'-50' as measured per Richland zoning and Building codes.</p> <p>Views toward hillside from lower elevation will be altered as underdeveloped area is developed.</p>
<p>What is the principal exterior building material(s) proposed?</p> <p><b>Stucco with metal roofing</b></p>	
<p>What views, in the immediate vicinity, would be altered or obstructed?</p> <p><b>None</b></p>	
<p>Proposed measures to reduce or control aesthetic impacts, if any:</p> <p><b>N/A</b></p>	

<b>Light and Glare</b>	<b>For Agency Use Only</b>
What type of light or glare will the proposal produce?	
<b>Normal residential type lighting</b>	
What time of day would it mainly occur?	
<b>Dusk to 10:00 pm</b>	
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?	
<b>None</b>	
Proposed measures to reduce or control light and glare impacts, if any:	
<b>Dark Sky Exterior Lighting</b>	
<b>Recreation</b>	
What designated and informal recreational opportunities are in the immediate vicinity?	
<b>None</b>	
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:	
<b>N/A</b>	
<b>Historic and Cultural Preservation</b>	
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:	
<b>N/A</b>	
Proposed measure to reduce or control impacts, if any:	
<b>N/A</b>	

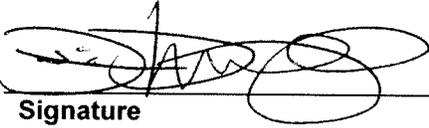
<i>Transportation</i>	<b>For Agency Use Only</b>
Identify public streets and highways serving the site:  <b>Meadow Hills Drive</b>	
Describe proposed access to the exiting street system. Show on site plans, if any. <b>Residential driveway access</b>	
Is site currently served by public transit? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If no, what is the approximate distance to the nearest transit stop?  <b>Approximately 1 mile.</b>	
How many parking spaces would the completed project have? <b>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.</b>	
How many parking spaces would the project eliminate?  <b>None</b>	
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 : <b>Extension of city street, Meadow Hills Drive, between Meadow Hills Phase 2 and Crested Hills No. 3 and No. 10.</b>	
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?  <b>Normal residential traffic for 44 families.</b>	
If known, indicate when peak volumes would occur:  <b>N/A</b>	
Proposed measures to reduce or control transportation impacts, if any:  <b>N/A</b>	

*Traffic impact fees will be required.*

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:  <b>No more than already anticipated by the City for a low density residential development.</b></p>	
<p>Proposed measures to reduce or control direct impacts on public services, if any:  <b>N/A</b></p>	
<p><b>Utilities</b></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"/>  <b>City of Richland</b></p>	
<p>Gas <input type="checkbox"/>  <b>Cascade Natural Gas</b></p>	
<p>Other <input checked="" type="checkbox"/>  <b>Irrigation – Badger Mountain Irrigation District</b></p>	
<p>Phone <input checked="" type="checkbox"/>  <b>Verizon</b></p>	
<p>Refuse Service <input checked="" type="checkbox"/>  <b>City of Richland</b></p>	
<p>Sanitary Sewer <input checked="" type="checkbox"/>  <b>City of Richland</b></p>	
<p>Septic System <input type="checkbox"/>  <b>N/A</b></p>	
<p>Water <input checked="" type="checkbox"/>  <b>City of Richland</b></p>	
<p>Describe the general construction activities on the site or in the immediate vicinity which may be needed:  <b>Residential Construction</b></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

6-20-12

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**

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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**

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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**

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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.

- 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 Probel 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 Reidel<sup>1</sup>. Both Reidel and Fecht accompanied me during the construction of the test pits. The clay layer, with slickensides 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 slickensided 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

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<sup>1</sup> 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

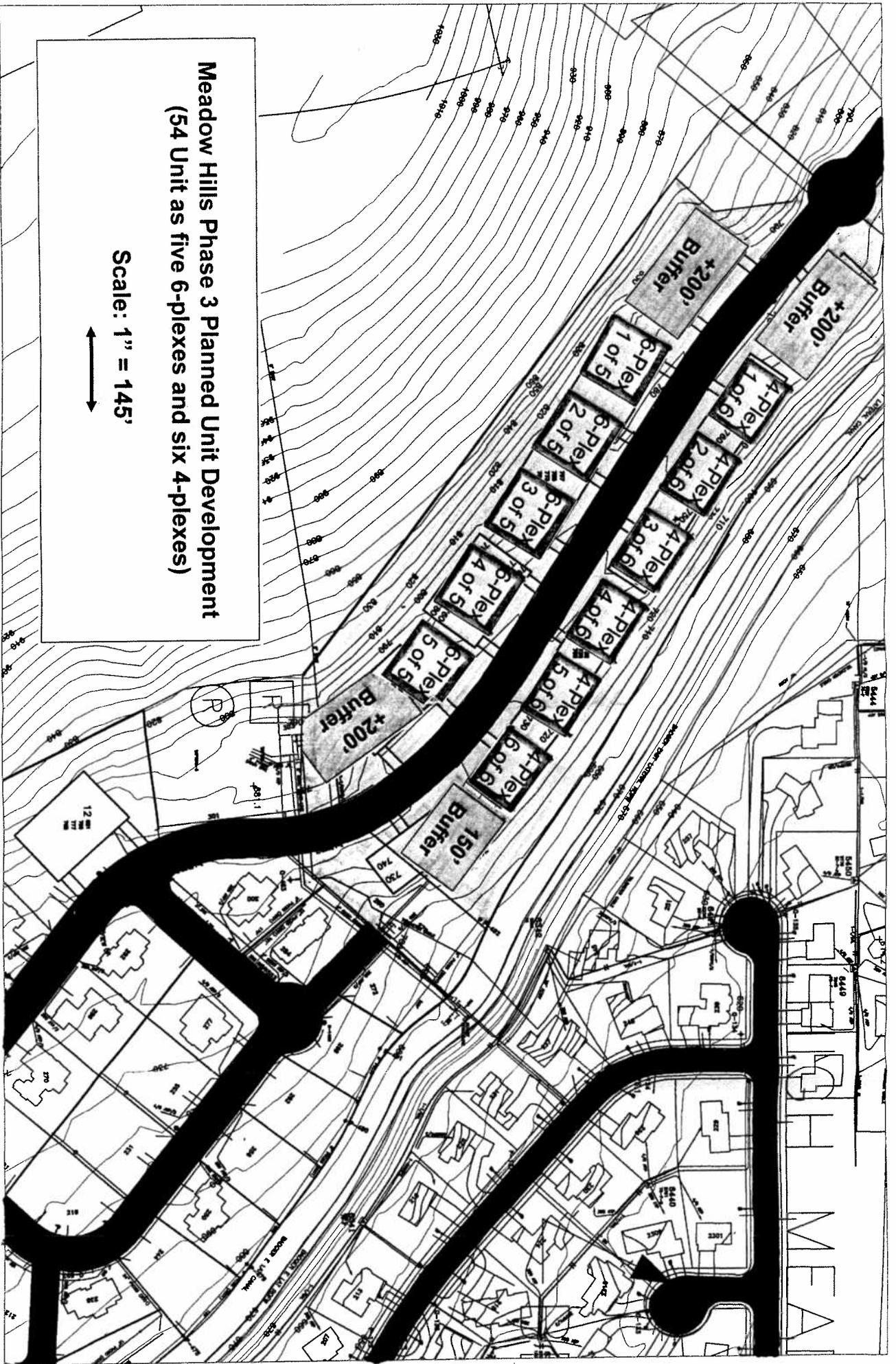
Respectfully Yours,



Michael Black, P.E.

*Columbia Engineers and Constructors, LLC*





**Meadow Hills Phase 3 Planned Unit Development  
(54 Unit as five 6-plexes and six 4-plexes)**

Scale: 1" = 145'





## **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 2<sup>nd</sup>. 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 10<sup>th</sup> 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.



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](http://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

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**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](http://www.richlandparksandrec.com)





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## 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

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**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](mailto:RHiles@kid.org)

**Rolph, Jeff**

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**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) [<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.

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**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](http://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

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**George E. Telquist • John S. Ziobro • Robert G. McMillen**  
**Chip Giles • Richard D. Whaley**

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www.ci.richland.wa.us

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 [sstairs@ci.richland.wa.us](mailto:sstairs@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](http://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 [sstairs@ci.richland.wa.us](mailto:sstairs@ci.richland.wa.us).

I look forward to hearing from you soon.

Sincerely,

*Steve Stairs*  
Steve Stairs, P.E.  
Civil Engineer III

Enclosure



**Richland**

505 Swift Boulevard, P.O. Box 190 Richland, WA 99352  
Telephone 509-942-7390, Fax 509-942-5666

[www.ci.richland.wa.us](http://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 10<sup>th</sup> 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

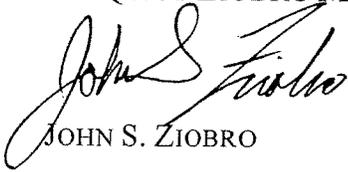
1333 Columbia Park Trail, Suite 110 • Richland, WA 99352

(509) 737-8500 • Toll Free (877) 789-LAW1 • Fax (509) 737-9500 • [www.tzmlaw.com](http://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](http://www.tzmlaw.com)

22012-101

Planning & Development Services Division • Current Planning Section

840 Northgate Drive • Richland, WA 99352

General Information: 509/942-7598 • Fax: 509/942-7764

**PLANNED UNIT DEVELOPMENT (PUD) APPLICATION**

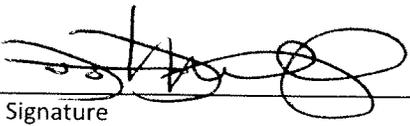
The purpose of this application is to determine the general overall scope of the Planned Unit Development (PUD) the applicant is proposing. This application should be submitted, with PUD filing fee, at the time the Preliminary PUD Plan is submitted to the Physical Planning Commission for review and approval.

Applicant Name – <b>Terence L. Thornhill Architect Inc. P.S.</b>					
Address – <b>9221 Sandifur Parkway, Suite A</b>			City - <b>Pasco</b>		State - <b>WA</b>
Zip - <b>99301</b>					
Phone Number – <b>(509) 547.8854</b>		Fax Number – <b>(509) 547.8912</b>		Other – <b>(509) 851.4147 (cell)</b>	
<b>Development Information –</b> <b>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.</b>					
Accurate legal description of Total PUD site for which approval is requested – <b>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</b>					
Total acreage of PUD site – <b>10.24 acres</b>			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 – <b>4<sup>th</sup> Quarter 2016</b>			Other comments – <b>The development will be completed in four phases with each cluster of townhouses consisting of one phase.</b>		
If development will be in phases, approximate timetable for completing each phase:					
Phase 1 <b>4<sup>th</sup> Quarter 2013</b>	Phase 2 <b>4<sup>th</sup> Quarter 2014</b>	Phase 3 <b>4<sup>th</sup> Quarter 2015</b>	Phase 4 <b>4<sup>th</sup> Quarter 2016</b>	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) <b>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.</b>					
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 each phase) <b>Low Density Residential PUD townhouses, 10.24 acres with 44 dwelling units</b>					
Plans for maintenance and preservation of all open space uses: <b>Developer will maintain open space and buffer zones in their natural state until a townhouse association is established.</b>					
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**

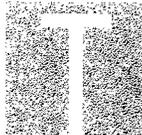
Application received by Current Planning Section and PUD filing fee paid \_\_\_\_\_

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/landuse/roads.htm>

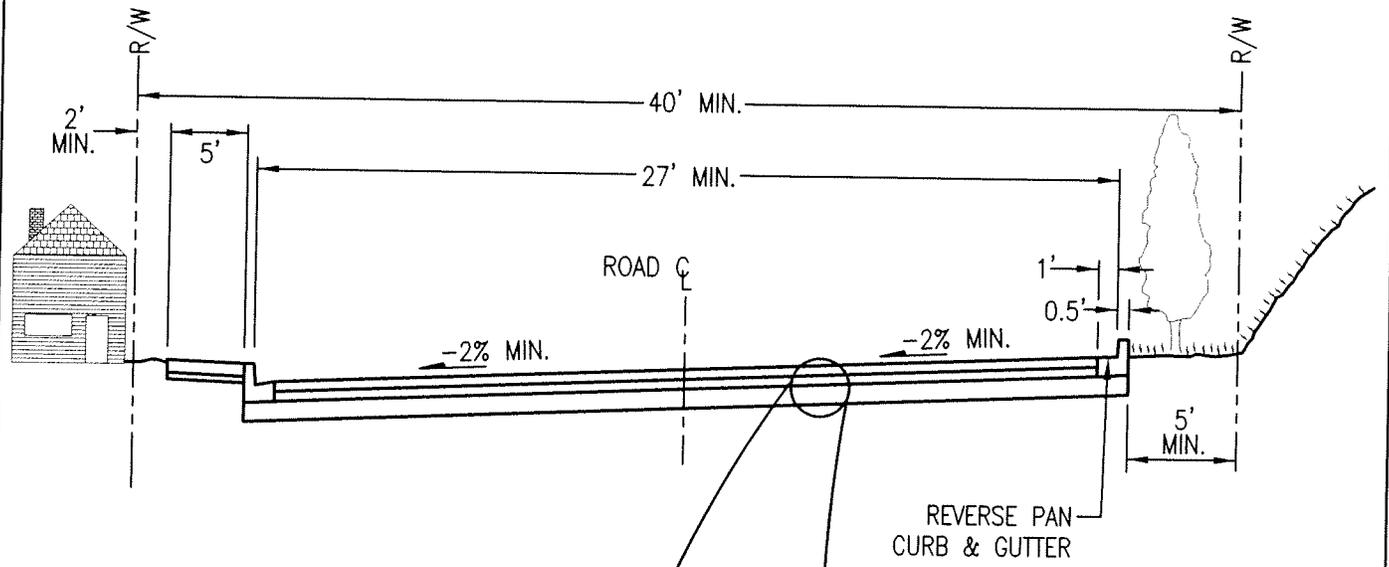
Roadway section detail ST-14 shall be revised to add a 36" wide landscape strip adjacent to the 60" sidewalk, between the sidewalk and the street.

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.

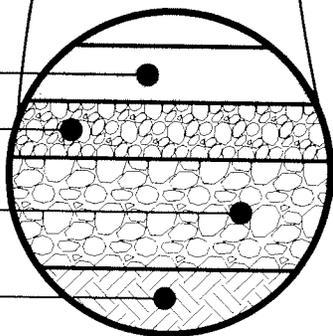
If you have any additional questions or require any further detail or explanation, please do not hesitate to contact me.

Regards,

Terence L. Thornhill, AIA  
President  
Terence L. Thornhill, Architect Inc. P.S.

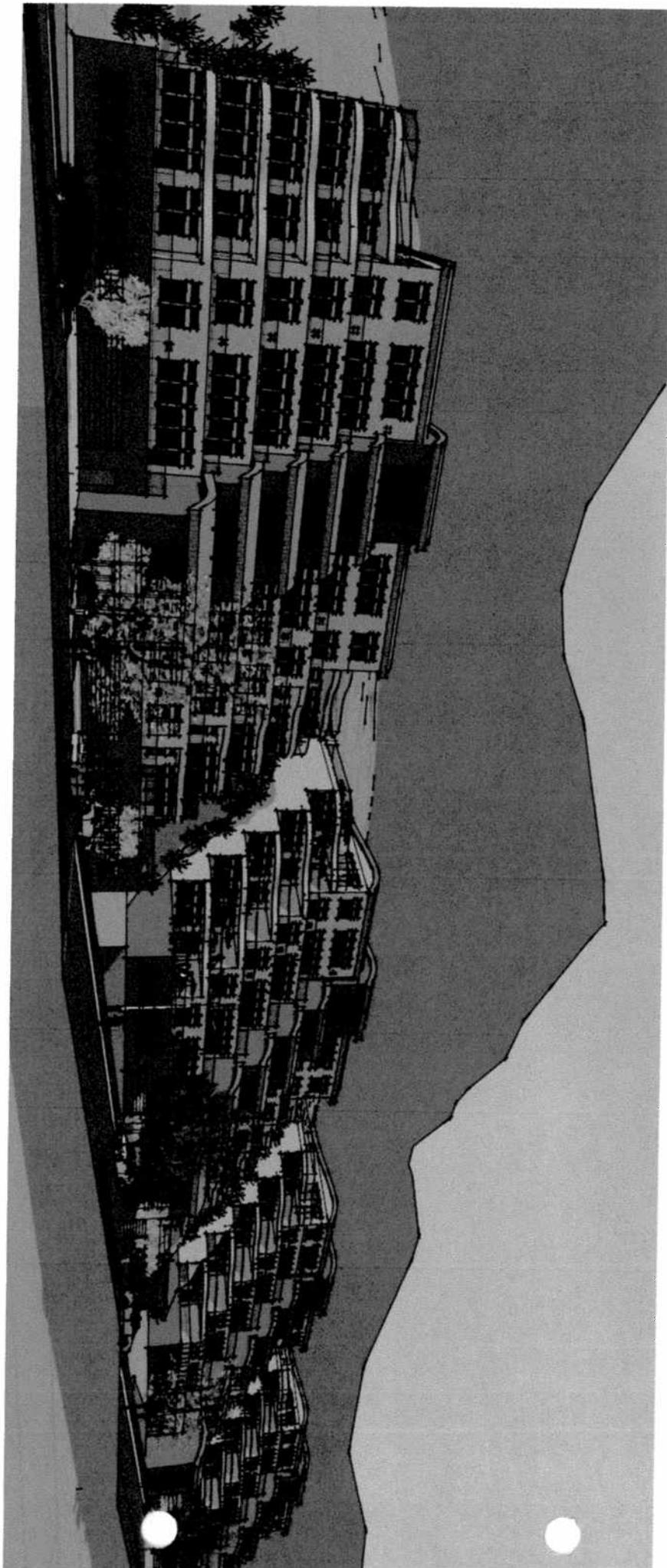


- 2" HMA CL. 1/2 IN., PG. 64-28
- 2" CSTC
- 4" CSBC
- COMPACTED SUBGRADE

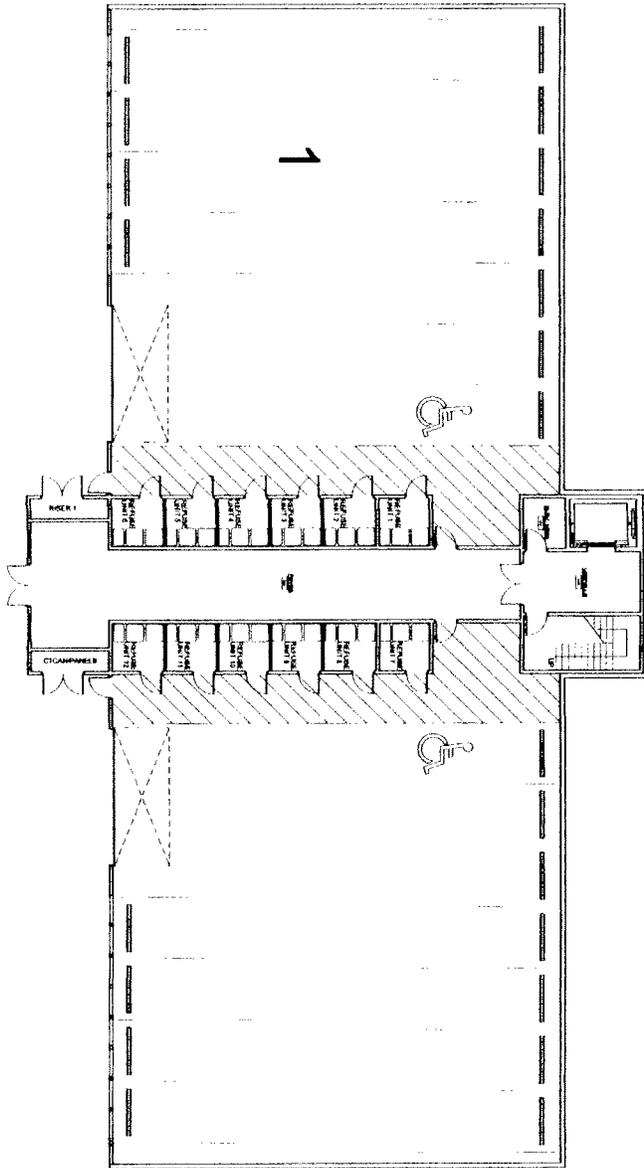


## LOCAL STREET (SINGLE FRONTAGE)

CIVIL & UTILITY ENGINEERING	
APPR. BY: PKR	DATE: 12.10
DRAWN BY: LD	DWG: ST14
CAD FILE: 2012_ST14_12_2010	







**FIRST LEVEL FLOOR PLAN**  
 7/10/12 12:00 PM 1202-PLN05



**TERRENCE L. THORNHILL ARCHITECT**  
 2715 ST. ANDREW'S LODGE  
 SUITE 200  
 SCARSDALE, NY 11757  
 (516) 486-1884

**MEMBER**  
 AMERICAN INSTITUTE OF ARCHITECTS  
 100 EAST 47th STREET  
 NEW YORK, NY 10017  
 TEL: 212-691-1800 FAX: 212-691-1802  
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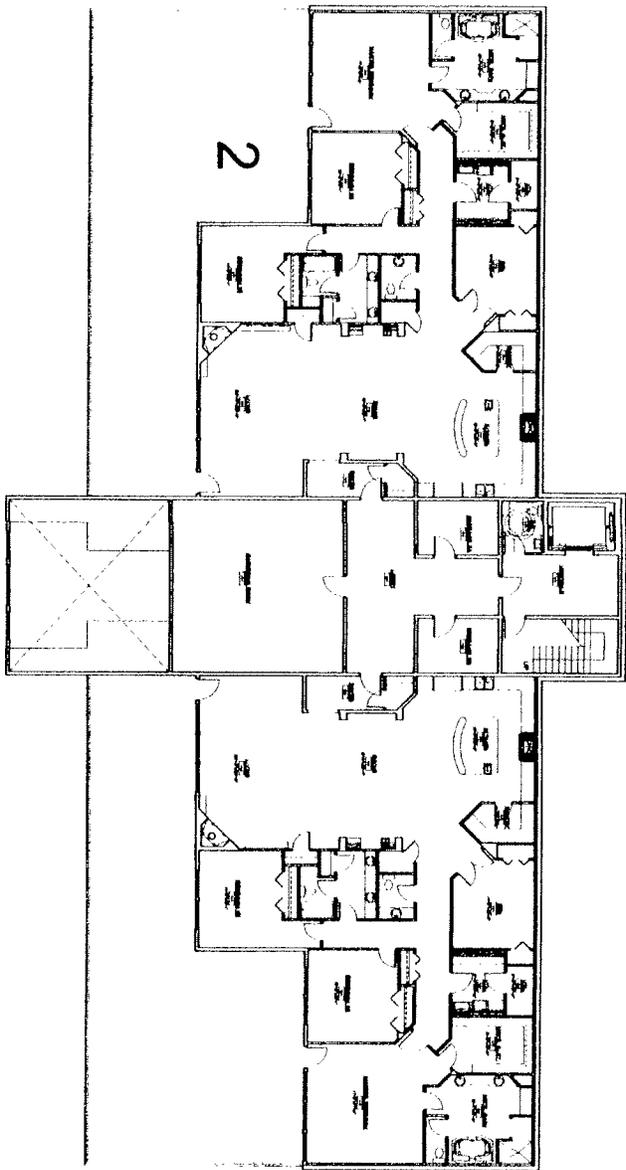
**DRAWN BY:** JT  
**CHECKED BY:** JT  
**PHASE:** SD  
**REVISION NO:**



**MEADOW HILLS III TOWNHOUSES**

RICHLAND, WA

**FIRST LEVEL FLOOR PLAN**  
**3.1**  
 211-002  
 MAY 23, 2012  
 1202-PLN05



○ SECOND LEVEL FLOOR PLAN  
 SECOND FLOOR PLAN 8' 11" x 120'  
 LIVING AREA PLAN 5' 11" x 120'  
 CONDO AREA 24' 0" x 120'



TERENCE L. THORNHILL ARCHITECT  
 2715 ST. ANDREWS LOOP  
 SUITE 200  
 PASCO, WA 99301

208-547-1884  
 208-547-7802  
 Email: info@terence-thornhill.com  
 A Professional Service Corporation

MEMBER  
 NATIONAL ARCHITECTS ASSOCIATION



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This drawing was prepared by me or under my direct supervision and I am a duly Licensed Architect in the State of Washington. I hereby certify that this drawing complies with the provisions of the Washington State Building Code and the Washington State Professional Engineers and Surveyors Act.

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 CHECKED BY: TT  
 PHASE: II  
 REVISION NO.



MEADOW HILLS III TOWNHOUSES  
 RICHLAND, WA

SECOND LEVEL FLOOR PLAN  
**3.2**  
 212-002  
 MAY 23, 2012  
 1202-PLN05



**TERENCE L. THORNHILL ARCHITECT**  
 2715 ST ANDREW'S LOOP  
 PASCO, WA 99301

656-874854  
 FAX: 509-547-7812  
 tla@terence-thornhill.com  
 A Professional Service Corporation



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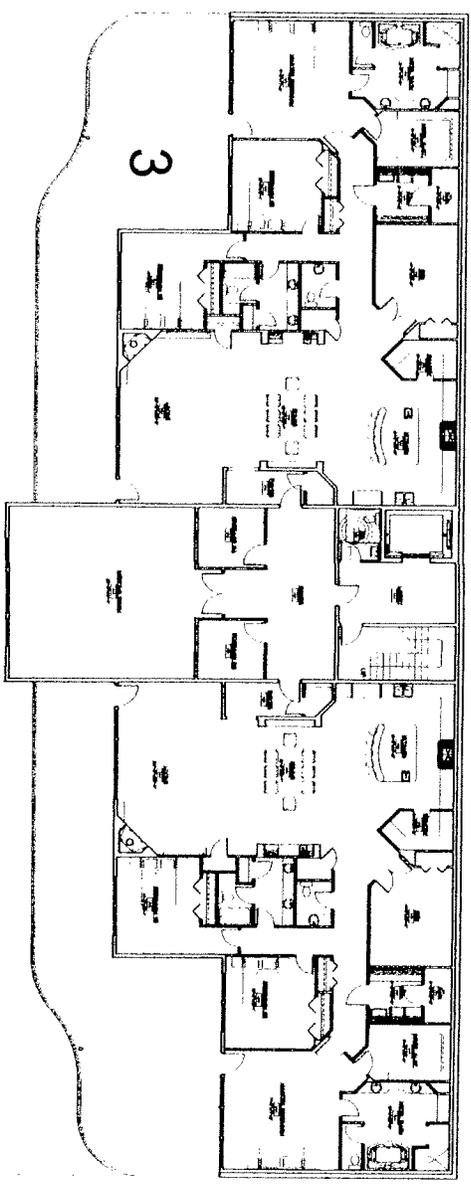


MEADOW HILLS III  
 TOWNHOUSES

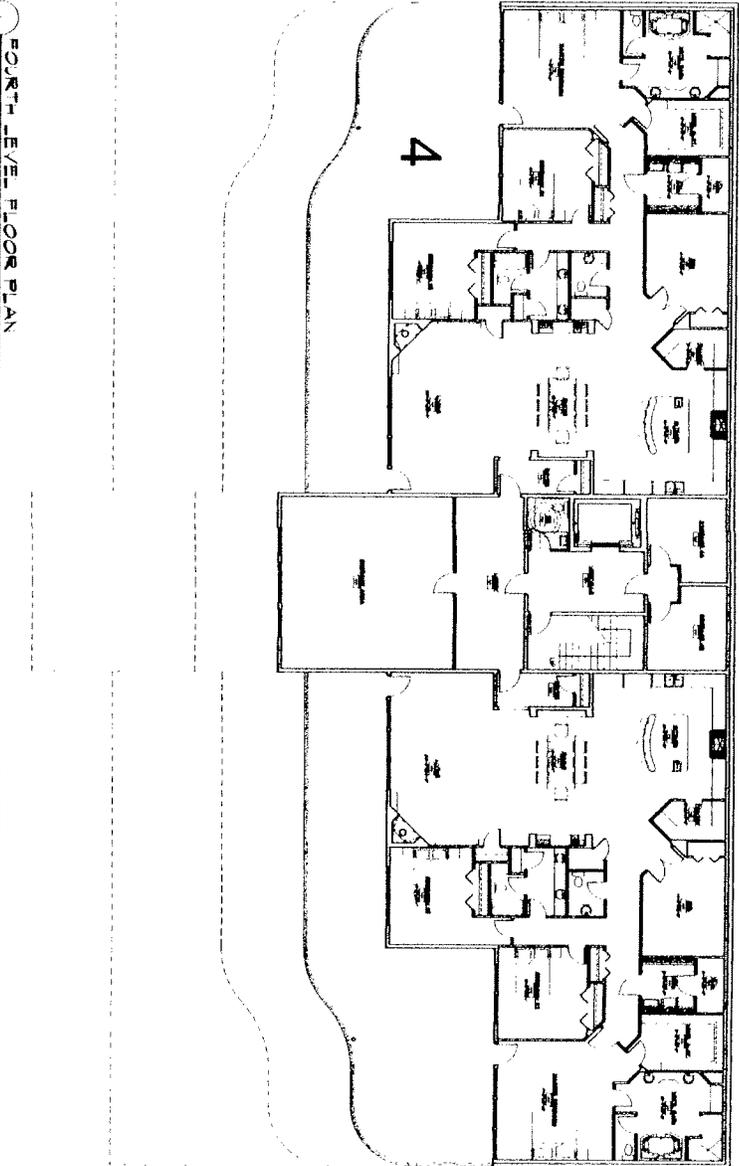
RICHLAND, WA

THIRD LEVEL  
 FLOOR PLAN

**3.3**  
 212-002  
 MAY 23, 2012  
 1202-PLN05



**1 THIRD LEVEL FLOOR PLAN**  
 THIRD LEVEL FLOOR PLAN  
 2012-002-PLN05  
 MAY 23, 2012



① **FOURTH LEVEL FLOOR PLAN**  
 TOTAL AREA: 5,000 sq. ft.  
 CONCRETE AREA: 1,500 sq. ft.

**TERENCE L. THORNHILL ARCHITECT**  
 2715 ST. ANDREW'S LOOP  
 SUITE "A"  
 PASCO, WA 99011  
 509-547-8864  
 FAX: 509-547-2812  
 Email: [terence@terencehill.com](mailto:terence@terencehill.com)  
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**MEMBER**  
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 (Seal of the American Institute of Architects)

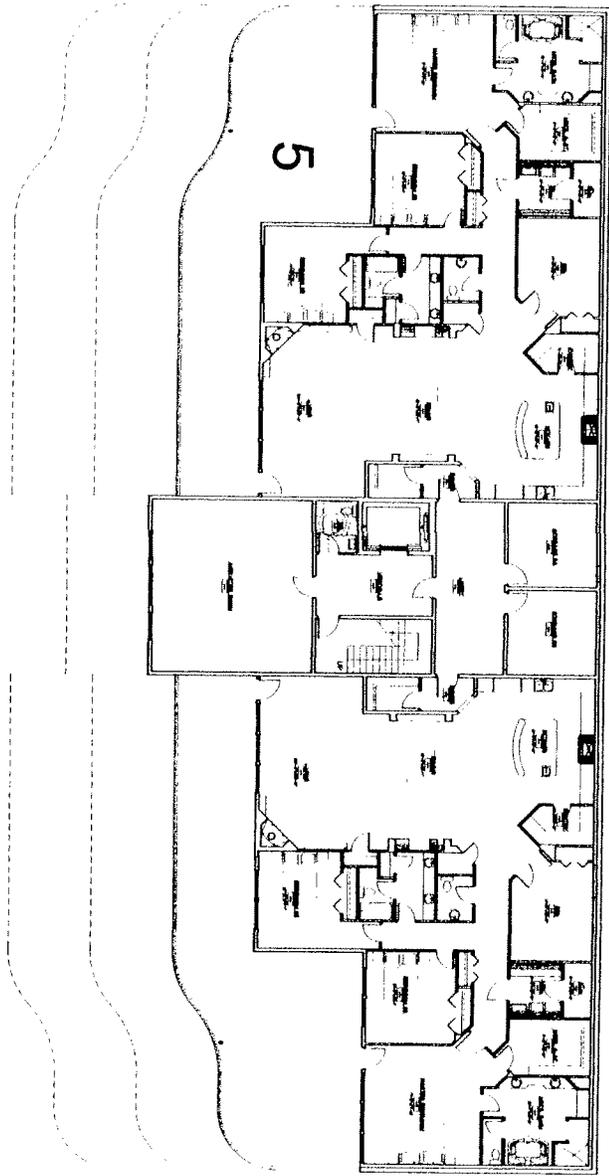
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 CHECKED BY: TT  
 PHASE: SO  
 REVISION NO.

**MEADOW HILLS III TOWNHOUSES**  
 RICHLAND, WA

**FOURTH LEVEL FLOOR PLAN**  
**3.4**  
 212-002  
 MAY 23, 2012  
 1202-PLN05

1 FIFTH LEVEL FLOOR PLAN

DATE: 05/23/12  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 REVISION NO: [Number]



**TERRENCE L. THORNHILL ARCHITECT**  
 2715 ST. ANDREW'S LOOP  
 FALLS CHURCH, VA 22031

598.447.8844 FAX 598.447.8612  
 dtornhill@terrencearch.com  
 A Professional Service Corporation



AMERICAN INSTITUTE OF ARCHITECTS

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 CHECKED BY: [Name]  
 PHASE: [Phase]  
 REVISION NO: [Number]



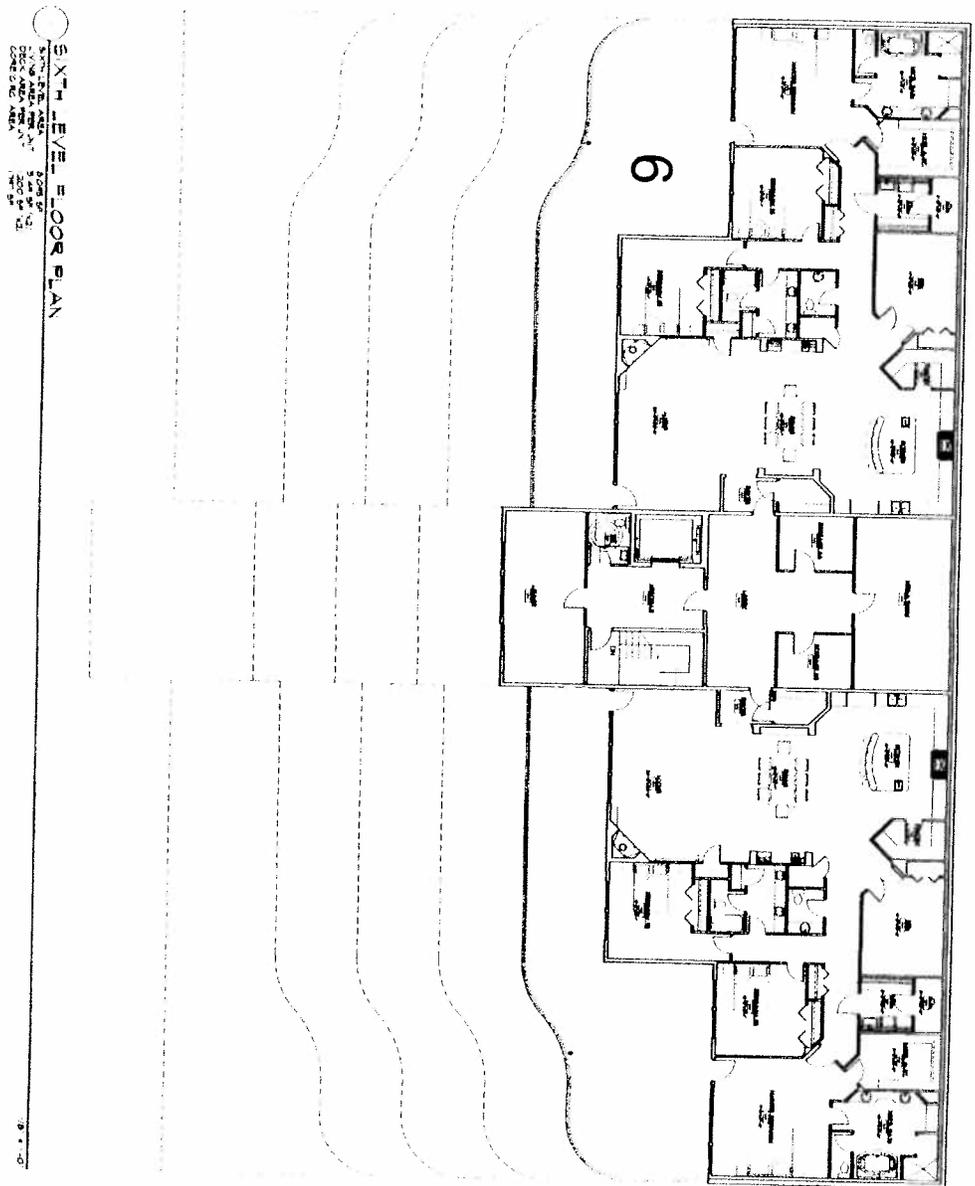
MEADOW HILLS III TOWNHOUSES

RICHLAND, VA

FIFTH LEVEL FLOOR PLAN

3.5

212-002  
 MAY 23, 2012  
 1202-PLN05



**SIXTH LEVEL FLOOR PLAN**  
 508 S 47th St  
 Tacoma, WA 98404  
 2007  
 1202-PLN05



**TERENCE L. THORNHILL ARCHITECT**  
 2715 ST. ANGELES LOOP  
 SUITE 100  
 PASCO, WA 99011

509-547-8854  
 FAX 509-547-7812  
 terence@terencearch.com  
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 WA STATE



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 SU  
 REVISION NO.

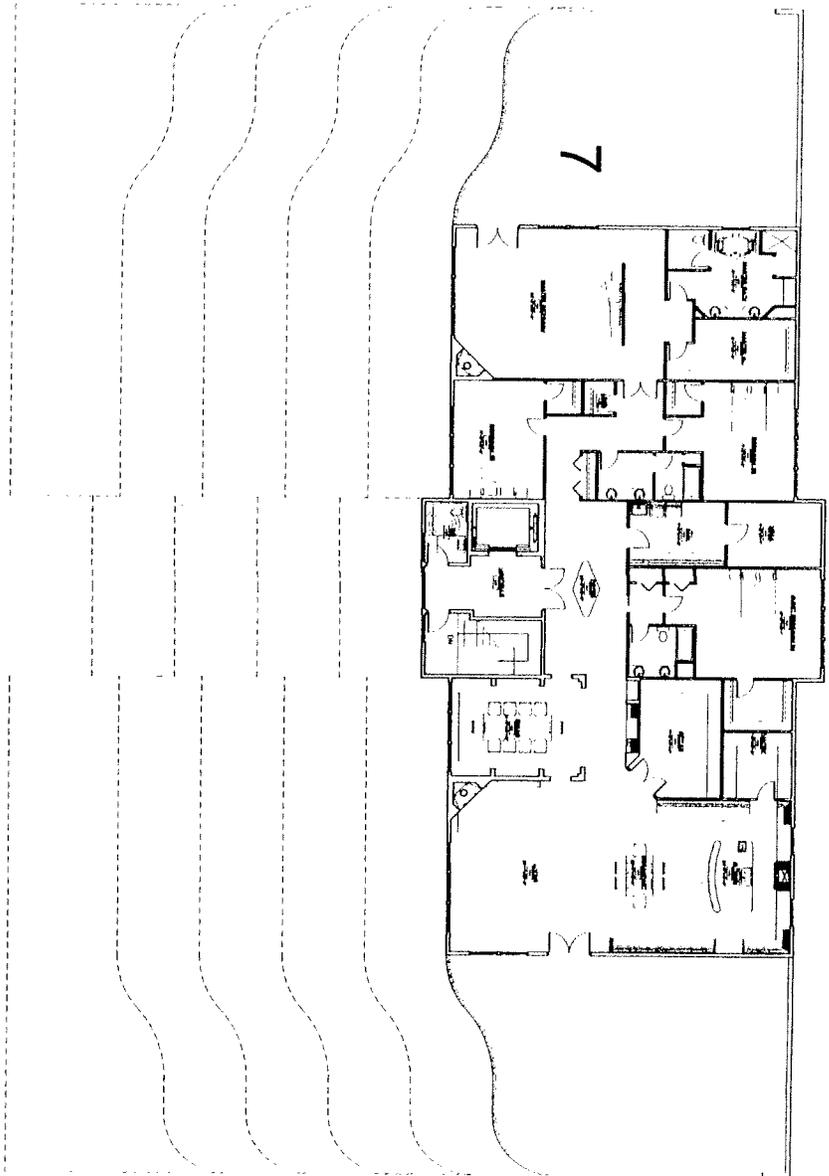


**MEADOW HILLS III TOWNHOUSES**

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 5655 SF

1/8" = 1'-0"



TERENCE L.  
 THORNHILL  
 ARCHITECT

2115 ST. ANDREW'S LOOP  
 SUITE 201  
 PASCO, WA  
 99401

509-547-3804  
 509-547-3805  
 slthorn@thornhillarch.com

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MEMBER



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 OF  
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 REVISION NO.



MEADOW HILLS  
 III  
 TOWNHOUSES

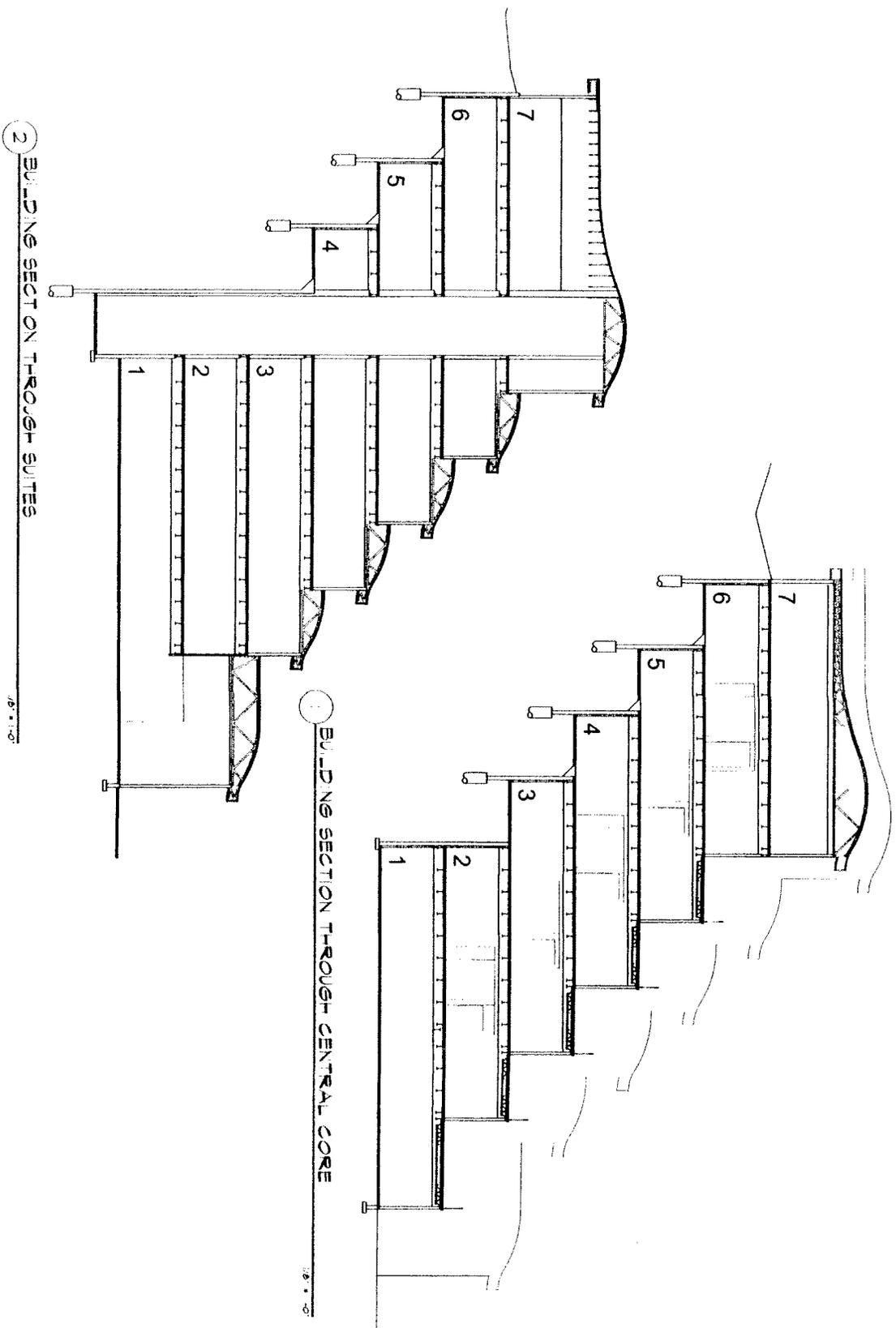
RICHLAND, WA

SEVENTH LEVEL  
 FLOOR PLAN

3.7

212-002

MAY 23, 2012  
 1202-PLN05



2 BUILDING SECTION THROUGH SUITES

1/8" = 1'-0"

1 BUILDING SECTION THROUGH CENTRAL CORE

1/8" = 1'-0"



**TERENCE L. THORNHILL ARCHITECT**  
 2715 ST. ANDREW'S LOOP  
 PASADENA, WA 98071

2004/17/2004  
 10/2004/17/2004

A Professional Service Corporation

MEMBERS



AMERICAN INSTITUTE OF ARCHITECTS

These drawings are prepared by me or under my direct supervision and to the best of my knowledge and belief they conform with the provisions of the Uniform Building Code, International Building Code, and applicable laws, codes, regulations and ordinances.

DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PHASE: [Phase]  
 REVISION NO. [Number]



MEADOW HILLS III 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  
244 Meadowridge Loop  
Richland, WA 99352  
T 509.627.1985

[dale.atkinson@ymail.com](mailto:dale.atkinson@ymail.com)  
[sophia.atkinson@charter.net](mailto:sophia.atkinson@charter.net)

July 18, 2012

Rick Simon, Planning Manager  
City of Richland  
205 Swift Boulevard  
P.O. Box 190  
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 not 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.

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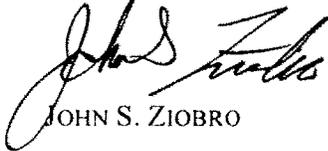
- Neighborhood Meeting Comment Attribution: The Applicant failed to disclose that three of its agents signed attendance sheet as "Property Owners" even though they are not residents and appear to have filled out the survey sheets and provided written comments. 3 out of 23 registered attendees represents 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

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George E. Telquist • John S. Ziobro • Robert G. McMillen • Eric B. Eisinger

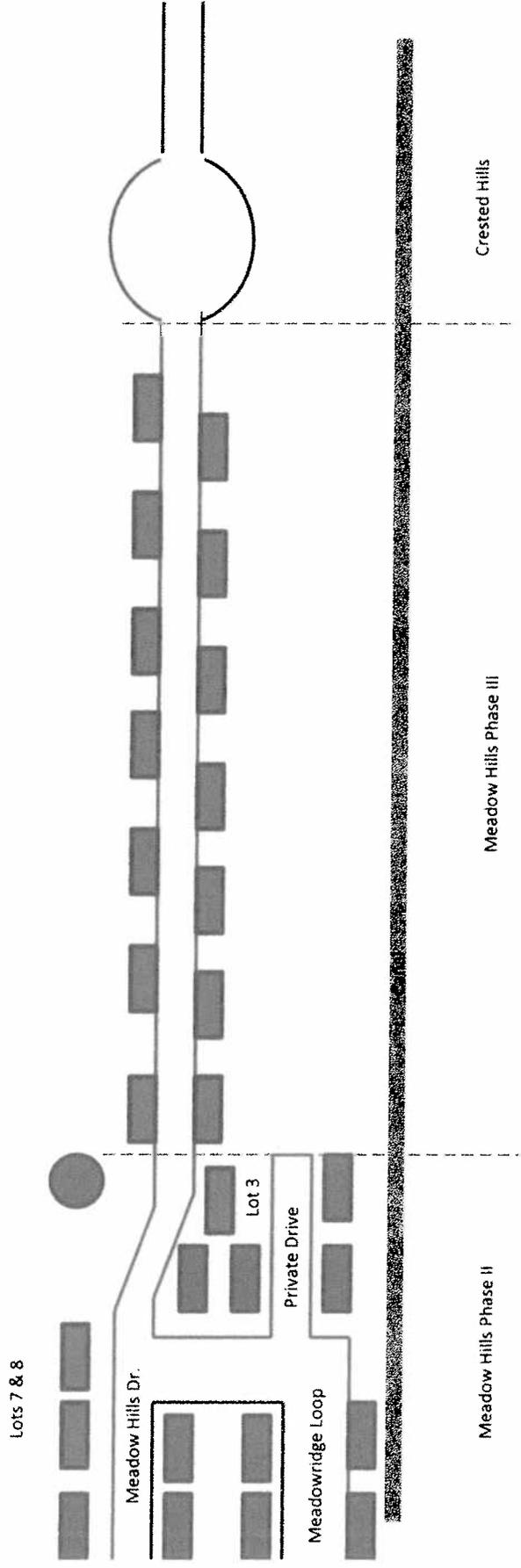
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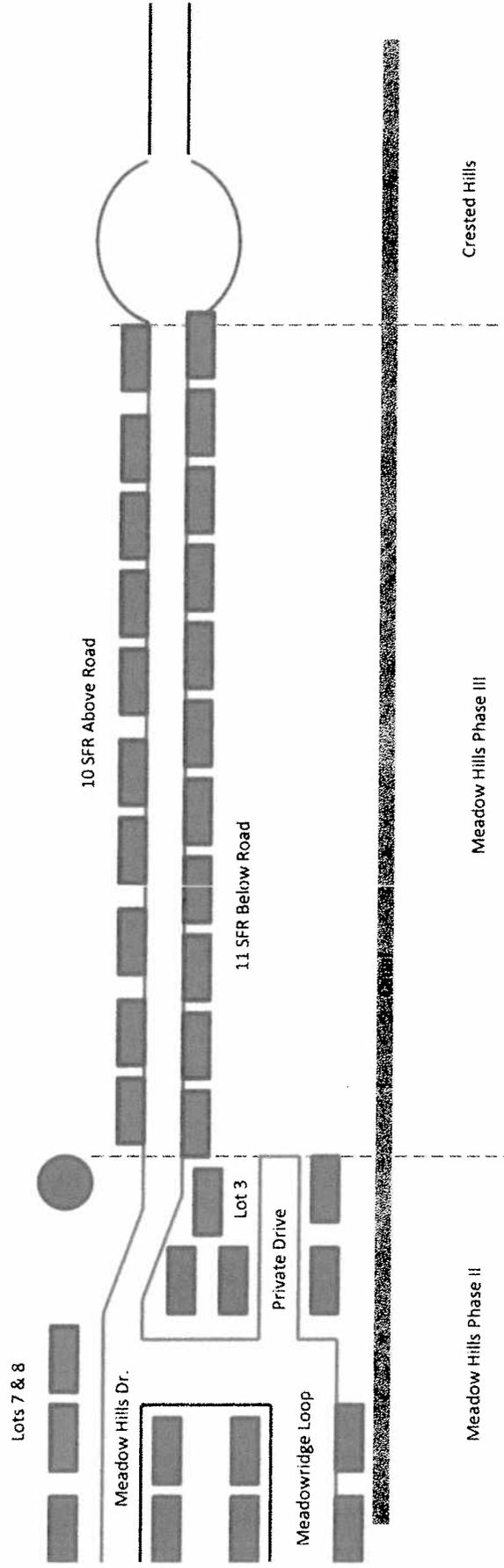
**Plan View and Photographs of  
Proposed 60 Unit PUD in  
Meadow Hills Phase III**

**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



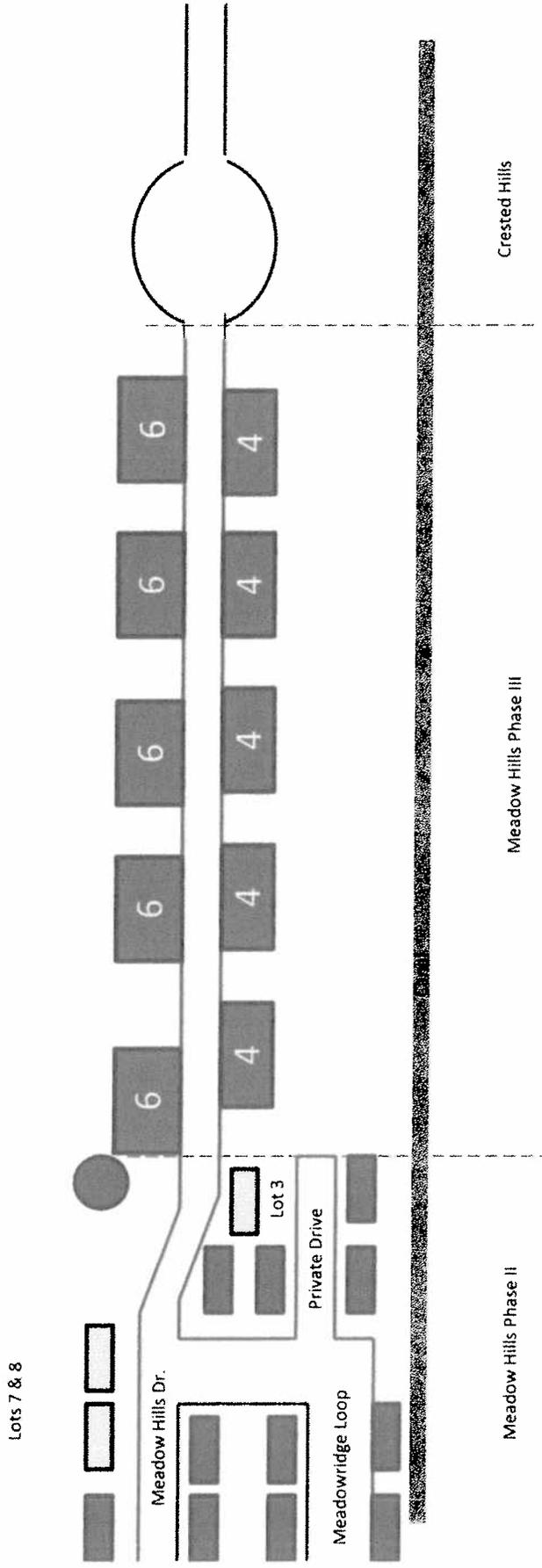
21 SFR can be constructed on  
10.5 acres of MH III at 2 families/acre  
but probably not 12,000 sq ft lots





# Concern No. 1

Lots 3, 7 & 8 are integrated SFR inside  
MH Phase 2 and should stay that way





**Memorandum**  
City Attorney's Office

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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,
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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.) Northem 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 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?



## 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 10<sup>th</sup> 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.



## 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. McMinn 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 2<sup>nd</sup>. 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.

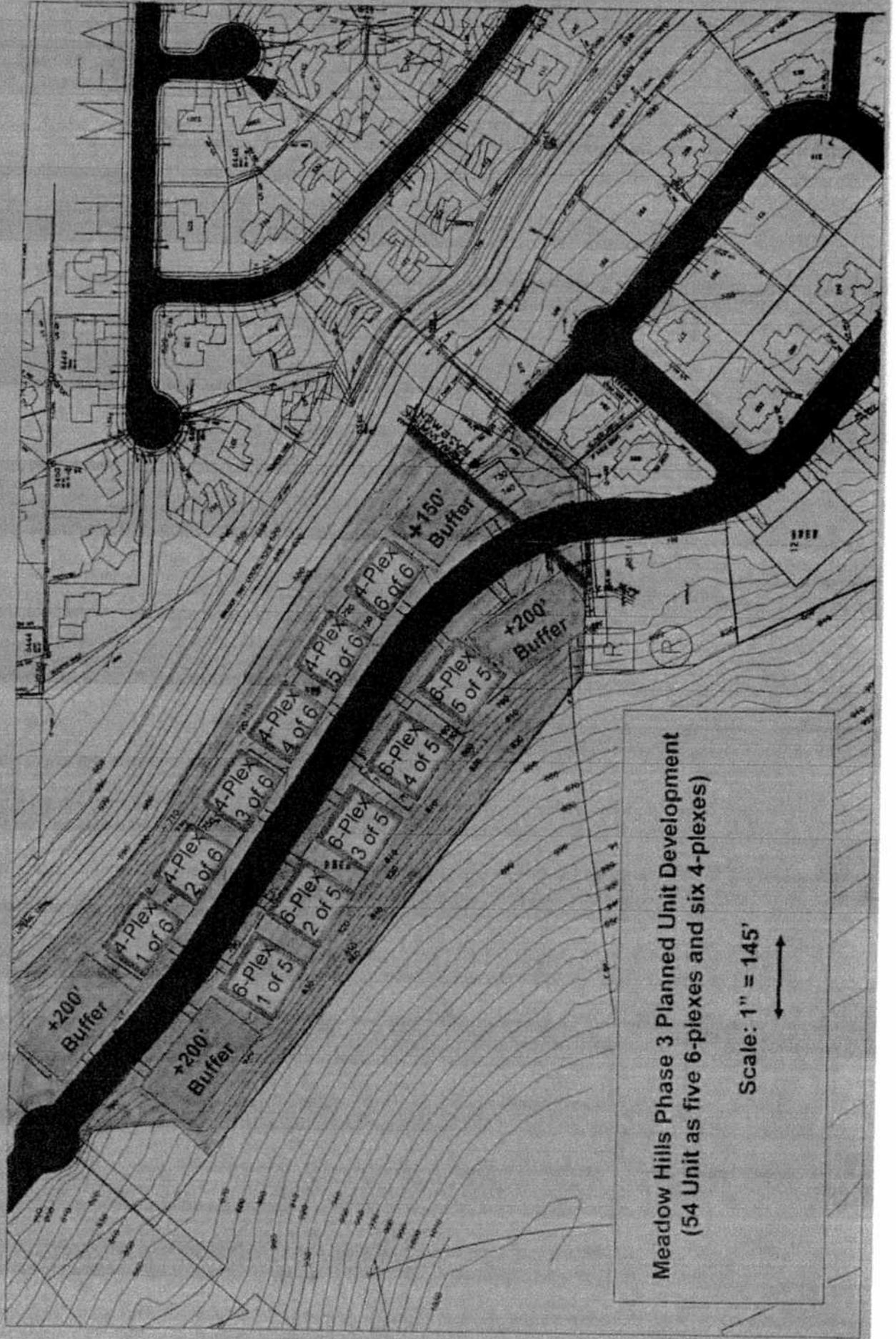
Mr. McMinn acknowledged that dismissing lots 7 and 8 is a concession. The location of these lots is separated from the other property and they thought that maybe this would be the source of concern of the neighbors. So it was decided to concede those lots in order to address the concern of proximity.

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](http://www.SecondNine.org)

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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



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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

## STAFF REPORT

TO: PLANNING COMMISSION  
FILE NO.: Z2012-102

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

### GENERAL INFORMATION:

APPLICANT: CITY OF RICHLAND (Z2012-102)

REQUEST: ADOPTION OF ZONING CLASSIFICATION(S) FOR PROPERTY PROPOSED FOR ANNEXATION INTO THE CITY OF RICHLAND.

LOCATION: LANDS LOCATED SOUTH OF REATA ROAD, WEST OF LESLIE ROAD, NORTH OF I-82 AND EAST OF THE KENNEWICK IRRIGATION DISTRICT CANAL.

### REASON FOR REQUEST:

The City is currently considering the annexation of properties along Reata Road. City Council has recently authorized the annexation process to begin on this proposed 137 acre annexation. The City needs to determine which city zoning designations should be applied to this property.

### FINDINGS AND CONCLUSIONS

Staff has completed its review of the request for zoning assignment (Z2012-102) and submits that:

1. The site is within the City of Richland's Urban Growth Area boundary as those boundaries were established with the adoption of the Benton County Comprehensive Plan in 1998;
2. The City's comprehensive plan designates portions of area as suitable for commercial land uses and other portions as suitable for residential land uses;
3. Existing land uses within the proposed annexation area include a variety of land uses ranging from a landscape business, mini-storage facilities, RV storage facilities a topsoil business, and a church; however; the majority of property is currently undeveloped;
4. Lands to the north and to the west of the subject parcels are located outside of the City's urban growth area and are developed with low density single family residential uses. I-82 forms the southern boundary of the

proposed annexation area and railroad right-of-way forms the eastern boundary of the proposed annexation area;

5. Application of C-3 General Business zoning is appropriate for the eastern ½ of the site as it is the zoning district that would accommodate the existing commercial uses (landscape business and mini-storage facilities) that are present there;
6. Application of R-1-10 Single Family Residential zoning is appropriate for the western half of the site as it is in keeping with the comprehensive plan designation of low density residential. This zoning does provide for churches but not RV storage facilities. That facility would be considered a non-conforming use.
7. Application of C-1 Neighborhood Retail zoning is the most appropriate designation for the property located north of Reata Road, as that site abuts an existing single family neighborhood. Uses permitted within the C-1 district are intended to be compatible with residential neighborhoods, limiting retail uses to smaller buildings, with greater setbacks and less intensive commercial uses, when compared to other commercial zoning districts.
8. Based on the above findings and conclusions, assignment of C-3 General Business, C-1 Neighborhood Retail and R-1-10 Single Family Residential zoning for the proposed annexation area would be 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 (Z2012-102) and recommend to the City Council assignment of C-3 General Business, C-1 Neighborhood Retail and R-1-10 Single Family Residential zoning. Further, there is a comprehensive plan amendment application that is pending on a parcel within the proposed annexation area, which may result in changes to this zoning plan. Until the completion of the 2012 comprehensive plan amendment cycle, the recommended zoning for this annexation area should be viewed as an interim plan.

#### ATTACHMENTS

- A. Supplemental Information
- B. Vicinity Map
- C. Table 1 – Summary of Reata Road Annexation Area Uses
- D. Chapter 23.18 of the Richland Municipal Code – Residential Zones
- E. Chapter 23.22 of the Richland Municipal Code – Commercial Zones
- F. Land Use Plan Map
- G. Recommended Zoning Map

## SUPPLEMENTAL INFORMATION

### BACKGROUND

The City is evaluating a proposal to annex approximately 137 acres of land located along the southern boundary of the City. The area is bounded by Reata Road on the north, the Kennewick Irrigation District Canal on the west, I-82 on the south and Leslie Road on the east.

The City Council passed a resolution on June 19th authorizing the annexation proceedings to begin. The next steps include filing an application with the Benton County Boundary Review Board and for the Commission to consider what zoning designation(s) would be appropriate if the property were to be annexed. Following those steps, a formal annexation petition would be circulated and if property owners representing at least 60% of the assessed valuation of the proposed annexation area sign the petition, a public hearing would be scheduled before the City Council and they could take action to formally annex the property into the City.

### SITE DATA

**Size:** Approximately 137 acres.

**Ownership:** There are a total of 18 parcels that comprise the potential annexation area with 10 separate owners.

**Current Use:** The majority of the site consists of undeveloped land. There are however, a number of uses including an RV storage facility, a mini-storage facility, a church, a landscape business and a business selling topsoil.

**Comprehensive Plan:** The site is within the City of Richland's adopted Urban Growth Area (UGA) boundary. The eastern half of the site has been designated as suitable for commercial land uses and the western half for low density residential land uses by the City's comprehensive plan.

**Existing County Zoning:** The east half of the area is zoned General Commercial and the west half is zoned Urban Growth Area Residential under the Benton County zoning code.

## SURROUNDING LAND USES

**North:** Properties have been developed with large lot single family residences.

**South:** Property immediately south of the site is developed with I-82.

**East:** A railroad right-of-way is located immediately to the east.

**West:** Lands to the west of the Kennewick Irrigation District Canal are developed with large lot single family residences.

## PROPOSED ZONING

There are a number of commercial zoning designations that could be applied to the property that would implement the commercial comprehensive plan designation. A copy of the commercial zoning codes are attached which provide a comparison of the City's various commercial zones. For the residential portions of the site, the City's R-1-10 and R-1-12 zones would both conform to the Low Density Residential land use designation contained in the comprehensive plan. A copy of the residential zoning codes are also attached.

## ANALYSIS

The existing commercial businesses (the mini-storage facility and the landscape business) would require C-3 zoning. The C-3 zone is intended to provide for retail business that may have incidental shop work, storage, warehousing, light manufacturing and/or extensive outdoor storage or display. The character of the area, with its visibility from I-82 and its relative separation from the homes on the north side of Reata Road make the C-3 zone a logical choice.

For the property located north of Reata Road, C-3 zoning would not be appropriate given the site's proximity to a residential neighborhood. On this site, a C-1 zone would be more appropriate as it is intended primarily to provide for retail products and services for convenience of nearby neighborhoods with minimal impacts to surrounding residences.

The western half of the site with a low density residential land use designation under the comprehensive plan would require residential zoning. The R-1-10 zone is the zoning that is in place over the great majority of the single family residential neighborhoods in South Richland. It provides marginally greater density than the R-1-12 zone that would also be consistent with the comprehensive plan. Both residential zones permit churches. However, RV storage facilities are not permitted within residential zoning, so the existing business would be considered a nonconforming use. Upon annexation, the use could continue to operate but

could not be expanded, unless the comprehensive plan and zoning were amended.

### SUMMARY

Application of the C-3 General Business, C-1 Neighborhood Retail and R-1-10 zoning represents the most appropriate zoning designations for the proposed annexation area, given the existing uses and comprehensive plan designations in place on the site.



## POTENTIAL REATA ROAD ANNEXATION VICINITY MAP

**SUMMARY OF REATA ROAD ANNEXATION AREA PROPERTIES**

	<b>Address</b>	<b>Owner</b>	<b>Existing Use</b>	<b>Acres</b>	<b>Comprehensive Plan Designation</b>	<b>Proposed Zoning</b>	<b>Existing Use Permitted in Proposed Zone</b>
<b>1</b>	317 Reata Road	Kennewick Irrigation District	Vacant	0.28	Low Density Residential	R-1-10	NA
<b>2</b>	305 Reata Road	Richard & Carol Rogers	Vacant	1.38	Low Density Residential	R-1-10	NA
<b>3</b>	311 Reata Road	Richard & Carol Rogers	Vacant	3.21	Low Density Residential	R-1-10	NA
<b>4</b>	277 Reata Road	Steve Westermeyer, Russell & Tina Gregory	Steve's Reata RV Storage Facility	14.99	Low Density Residential	R-1-10	No Nonconforming Use
<b>5</b>	283 Reata Road	End-Ira Inc.	St. John's Orthodox Church	9.23	Low Density Residential	R-1-10	Yes
<b>6</b>	253 Reata Road	DJG Land, LLC	Vacant	5.00	Low Density Residential	R-1-10	NA
<b>7</b>	265 Reata Road	Steve Westermeyer, Russell & Tina Gregory	Vacant	5.00	Low Density Residential	R-1-10	NA
<b>8</b>	241 Reata Road	Thom Fields Ministries	Vacant	10.00	Low Density Residential	R-1-10	NA
<b>9</b>	Reata Road	Steven & Susan McDonald	Topsoil Sales	20.13	Low Density Residential*	R-1-10	No Nonconforming Use
<b>10</b>	225 Reata Road	Del Ray Development Co.	Badger Mt. Mini Storage Facility	21.27	Commercial	C-3	Yes
<b>11</b>	151 Reata Road	Darrell & Shirley McLaughlin	Earthworks Plus Landscape Business	11.00	Commercial	C-3	Yes
<b>12</b>	143 Reata Road	Darrell & Shirley McLaughlin	Vacant	5.00	Commercial	C-3	NA

	<b>Address</b>	<b>Owner</b>	<b>Existing Use</b>	<b>Acres</b>	<b>Comprehensive Plan Designation</b>	<b>Proposed Zoning</b>	<b>Existing Use Permitted in Proposed Zone</b>
<b>13</b>	135 Reata Road	Darrell & Shirley McLaughlin	Vacant	5.25	Commercial	C-3	NA
<b>14</b>	4401 Leslie Road	Aspen Properties LTD Partnership	Vacant	10.13	Commercial	C-3	NA
<b>15</b>	101 Reata Road	Aspen Properties LTD Partnership	Vacant	6.58	Commercial	C-3	NA
<b>16</b>	4201 Leslie Road	Aspen Properties LTD Partnership	Vacant	2.00	Commercial	C-3	NA
<b>17</b>	4101 Leslie Road	Aspen Properties LTD Properties	Vacant	2.00	Commercial	C-3	NA
<b>18</b>	3901 Leslie Road	John & Renee Michel	Vacant	4.10	Commercial	C-1	NA

\*Pending application to amend comprehensive plan to a commercial land use designation.

## Chapter 23.22 COMMERCIAL ZONING DISTRICTS

### Sections:

- 23.22.010 Purpose of commercial use districts.
- 23.22.020 Performance standards and special requirements.
- 23.22.030 Commercial use districts permitted land uses.
- 23.22.040 Site requirements and development standards for commercial use districts.
- 23.22.050 Parking standards for commercial use districts.

### **23.22.010 Purpose of commercial use districts.**

A. The limited business use district (C-LB) is a zone classification designed to provide an area for the location of buildings for professional and business offices, motels, hotels, and their associated accessory uses, and other compatible uses serving as an administrative district for the enhancement of the central business districts, with regulations to afford protection for developments in this and adjacent districts and in certain instances to provide a buffer zone between residential areas and other commercial and industrial districts. This zoning classification is intended to be applied to some portions of the city that are designated either commercial or high-density residential under the city of Richland comprehensive plan.

B. The neighborhood retail business use district (C-1) is a limited retail business zone classification for areas which primarily provide retail products and services for the convenience of nearby neighborhoods with minimal impact to the surrounding residential area. This zoning classification is intended to be applied to some portions of the city that are designated commercial under the city of Richland comprehensive plan.

C. The retail business use district (C-2) is a business zone classification providing for a wide range of retail business uses and services compatible to the core of the city and providing a focal point for the commerce of the city. All activities shall be conducted within an enclosed building except that off-street loading, parking, and servicing of automobiles may be in the open and except that outdoor storage may be permitted when conducted in conjunction with the principal operation which is in an enclosed adjoining building. This zoning classification is intended to be applied to some portions of the city that are designated commercial under the city of Richland comprehensive plan.

D. The general business use district (C-3) is a zone classification providing a use district for commercial establishments which require a retail contact with the public together with incidental shop work, storage and warehousing, or light manufacturing and extensive outdoor storage and display, and those retail businesses satisfying the essential permitted use criteria of the C-2 use district. This zoning classification is intended to be applied to some portions of the city that are designated commercial under the city of Richland comprehensive plan.

E. The waterfront use district (WF) is a special commercial and residential zoning classification providing for the establishment of such uses as marinas, boat docking facilities, resort motel and hotel facilities, offices, and other similar commercial,

apartment, and multifamily uses which are consistent with waterfront oriented development, and which are in conformance with RMC Title 26, Shoreline Management, and with applicable U.S. Corps of Engineers requirements. This zoning classification encourages mixed special commercial and high-density residential uses to accommodate a variety of lifestyles and housing opportunities. Any combination of listed uses may be located in one building or one development (i.e., related buildings on the same lot or site). This zoning classification is intended to be applied to those portions of the city that are designated waterfront under the city of Richland comprehensive plan.

F. The central business district (CBD) is a special mixed use zoning classification designed to encourage the transformation of the central business district from principally a strip commercial auto-oriented neighborhood to a more compact development pattern. The central business district is envisioned to become a center for housing, employment, shopping, recreation, professional service and culture. The uses and development pattern will be integrated and complementary to create a lively and self-supporting district. Medium rise buildings will be anchored by pedestrian oriented storefronts on the ground floor with other uses including housing on upper floors. Projects will be well designed and include quality building materials. Appropriate private development will be encouraged via public investments in the streetscape and through reduction in off-street parking standards. Uses shall generally be conducted completely within an enclosed building, except that outdoor seating for cafes, restaurants, and similar uses and outdoor product display is encouraged. Buildings shall be oriented to the fronting street or accessway, to promote a sense of enclosure and continuity along the street or accessway. This zoning classification is intended for those portions of the city that are designated as central business district, as well as some properties designated as commercial and waterfront, under the Richland comprehensive plan. The central business district zone contains overlay districts titled medical, parkway, and uptown. The overlay districts implement varying site development requirements.

G. The commercial recreation district (CR) is a special commercial district providing for the establishment of such uses as marinas, boat docking facilities, resort motel and hotel facilities, and other commercial uses which are consistent with waterfront oriented development, and which are in conformance with RMC Title 26, Shoreline Management, and with the U.S. Corps of Engineers requirements, and providing for regulations to protect the business and residents of the city from objectionable influences, building congestion and lack of light, air and privacy. This zoning classification is intended for those portions of the city that are designated as waterfront or commercial under the Richland comprehensive plan.

H. The commercial winery use district (CW) is a zone classification designed to provide an area for the operation of commercial wineries, including all aspects of the wine making industry, from the raising of crops to the production, storage and bottling of wine and the retail sales of wine and related products. Other uses, which support winery-related tourism, such as restaurants, entertainment venues, retail services such as gift shops and bed and breakfast facilities are also permitted, along with other uses that are compatible with wineries. [Ord. 28-05 § 1.02; Ord. 04-09].

**23.22.020 Performance standards and special requirements.**

A. Commercial Limited Business. Residential uses permitted in the C-LB district must comply with the following standards except as provided by footnote (6) of RMC 23.22.040:

1. Minimum Yard Requirements.

a. Front Yard. Twenty feet except as provided by footnote (3) of RMC 23.18.040;

b. Side Yards. Each side yard shall provide one foot of side yard for each three feet or portion thereof of building height;

c. Rear Yards. Twenty-five feet.

2. Required Court Dimensions. Each court on which windows open from any room other than a kitchen, bathroom or a closet, shall have all horizontal dimensions measured at right angles from the windows to any wall or to any lot line other than a front lot line equal to not less than the height of the building above the floor level of the story containing the room, but no dimension shall be less than 20 feet.

3. Distance Between Buildings. No main building shall be closer to any other main building on the lot than a distance equal to the average of their heights. This provision shall not apply if no portion of either building lies within the space between the prolongation of lines along any two of the opposite walls of the other building, but in any such situation the buildings shall not be closer to each other than a distance of 10 feet.

4. Percentage of Lot Coverage. Apartment buildings in a C-LB district shall cover not more than 33 percent of the area of the lot.

B. Neighborhood Retail Business. All uses permitted in a C-1 district must comply with the following performance standards:

1. All business, service, repair, processing, or merchandise display shall be conducted wholly within an enclosed building, except for off-street automobile parking, the sale of gasoline, and self-service car washes. Limited outdoor display of merchandise is permitted; provided, that such display shall include only those quantities sold in a day's operation.

2. Outdoor storage areas incidental to a permitted use shall be enclosed with not less than a six-foot-high fence and shall be visually screened from adjoining properties. All storage areas shall comply with building setbacks.

3. Not more than three persons shall be engaged at any one time in fabricating, repairing, cleaning, or other processing of goods other than food preparation in any establishment. All goods produced shall be primarily sold at retail on the premises where produced.

4. Lighting, including permitted illuminated signs, shall be shielded or arranged so as not to reflect or cause glare to extend into any residential districts, or to interfere with the safe operation of motor vehicles.

5. Noise levels resulting from the operation of equipment used in the conduct of business in the C-1 district shall conform to the requirements of Chapter 173-60 WAC, Maximum Environmental Noise Levels.

6. No single retail business, except for a food store, shall operate within a building space that exceeds 15,000 square feet in area, unless approved by the planning commission through the issuance of a special use permit upon the finding that

the proposed retail business primarily serves and is appropriately located within the surrounding residential neighborhoods.

C. General Business. All permitted commercial business uses may be located in the C-3 district, provided their performance is of such a nature that they do not inflict upon the surrounding residential areas, smoke, dirt, glare, odors, vibration, noise, excessive hazards or water pollution detrimental to the health, welfare or safety of the public occupying or visiting the areas. The maximum permissible limits of these detrimental effects shall be as herein defined and upon exceeding these limits they shall be as herein considered a nuisance, declared in violation of this title and shall be ordered abated.

1. Smokestacks shall not emit a visible smoke except for one 10-minute period each day, when a new fire is being started. During this period, the density of the smoke shall not be darker than No. 2 of the Ringlemann Chart as published by the U.S. Bureau of Mines.

2. No visible or invisible noxious gases, fumes, fly ash, soot or industrial wastes shall be discharged into the atmosphere from any continuous or intermittent operation except such as is common to the normal operations of heating plants or gasoline or diesel engines in cars, trucks or railroad engines.

3. Building materials with high light reflective qualities shall not be used in the construction of buildings in such a manner that reflected sunlight will throw intense glare to areas surrounding the C-3 district.

4. Odors of an intensity greater than that of a faint smell of cinnamon which can be detected by persons traveling the roads bordering the lee side of the C-3 district, when a 10 mph wind or less is blowing, are prohibited.

5. Machines or operations which generate air or ground vibration must be baffled or insulated to eliminate any sensation of sound or vibration outside the C-3 district.

D. Waterfront. It is the intent of this section that:

1. Uses should be oriented primarily to the waterfront and secondarily to the public street to facilitate public access to the waterfront; and

2. Public pedestrian access shall include clearly marked travel pathways from the public street through parking areas to primary building entries.

E. Central Business District. New buildings shall conform to the following design standards:

1. The maximum setback area shall only be improved with pedestrian amenities including but not limited to: landscaping, street furniture, sidewalks, plazas, bicycle racks, and public art.

2. Building facades facing streets shall include:

a. Glass fenestration on 50 percent to 80 percent of the ground floor of the building facade. A window display cabinet, work of art, decorative grille or similar treatment may be used to cover an opening for concealment and to meet this standard on those portions of the ground floor facade where the applicant can demonstrate that the intrusion of natural light is detrimental to the ground floor use. Examples of such uses include, but are not limited to, movie theaters, museums, laboratories, and classrooms.

b. At least two of the following architectural elements:

i. Awnings;

ii. Wall plane modulation at a minimum of three feet for every wall more than 50 feet in length;

iii. Pilasters or columns;

iv. Bays;

v. Balconies or building overhangs; or

vi. Upper story windows (comprising a minimum of 50 percent of the facade).

3. At least one pedestrian, nonservice entrance into the building will be provided on each street frontage or provided at the building corner.

4. Variation of exterior building material between the ground and upper floors of multi-story buildings.

5. All buildings with a flat roof shall use a modulated height parapet wall for wall lengths greater than 50 feet. The modulation of parapet heights is encouraged to identify building entrances.

6. All new buildings that utilize parapet walls shall include a projecting cornice detail to create a prominent edge.

7. Public street and sidewalk improvements are required per Richland Municipal Code to implement approved street cross-sections. Curb cuts are encouraged to be located adjacent to property lines and shared with adjacent properties, via joint access agreement.

8. Service bays, loading areas, refuse dumpsters, kitchen waste receptacles, outdoor storage locations, and rooftop mechanical equipment shall be located away from public rights-of-way via site planning and screened from view with landscaping, solid screening or combination.

9. Alternative Design. In the event that a proposed building and/or site does not meet the literal standards identified in this section, or the maximum setback standards set forth in RMC 23.22.040 or the maximum parking standards set forth in RMC 23.22.050, a project representative may apply to the Richland planning commission for a deviation from these site design standards. The Richland planning commission shall consider said deviation and may approve any deviation based on its review and a determination that the application meets the following findings:

a. That the proposal would result in a development that offers equivalent or superior site design than conformance with the literal standards contained in this section; and

b. The proposal addresses all applicable design standards of this section in a manner which fulfills their basic purpose and intent; and

c. The proposal is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity. [Ord. 28-05 § 1.02; Ord. 07-06; Ord. 04-09; Ord. 07-10 § 1.01; amended during 2011 recodification; Ord. 32-11 § 4].

### **23.22.030 Commercial use districts permitted land uses.**

In the following chart, land use classifications are listed on the vertical axis. Zoning districts are listed on the horizontal axis.

A. If the symbol “P” appears in the box at the intersection of the column and row, the use is permitted, subject to the general requirements and performance standards required in that zoning district.

B. If the symbol “S” appears in the box at the intersection of the column and row, the use is permitted subject to the special use permit provisions contained in Chapter 23.46 RMC.

C. If the symbol “A” appears in the box at the intersection of the column and the row, the use is permitted as an accessory use, subject to the general requirements and performance standards required in the zoning district.

D. If a number appears in the box at the intersection of the column and the row, the use is subject to the general conditions and special provisions indicated in the corresponding note.

E. If no symbol appears in the box at the intersection of the column and the row, the use is prohibited in that zoning district.

Land Use	C-LB	C-1	C-2	C-3	CBD	WF	CR	CW
<b>Agricultural Uses</b>								
Raising Crops, Trees, Vineyards								P
<b>Automotive, Marine and Heavy Equipment</b>								
Automotive Repair – Major				P				
Automotive Repair – Minor		P	P	P	S			
Automotive Repair – Specialty Shop		S	P	P	S			
Automobile Service Station		P1	P1	P1	S1			
Auto Part Sales		P	P	P	S			
Boat Building				P				
Bottling Plants				P				P28
Car Wash – Automatic or Self-Service		P2	P2	P2	S2			
Equipment Rentals			P	P				
Farm Equipment and Supplies Sales				P				
Fuel Station/Mini Mart	S	P	P	P	P			
Heavy Equipment Sales and Repair				P				
Manufactured Home Sales Lot				P				
Marinas						P	P	
Marine Equipment Rentals				P		P	P	

Land Use	C-LB	C-1	C-2	C-3	CBD	WF	CR	CW
<b>Agricultural Uses</b>								
Raising Crops, Trees, Vineyards								P
Marine Gas Sales						A	A	
Marine Repair				P		P	P	
Towing, Vehicle Impound Lots				S3				
Truck Rentals			P	P				
Truck Stop – Diesel Fuel Sales			S	P				
Truck Terminal				P				
Vehicle Leasing/Renting			P4	P	S4			
Vehicle Sales			P4	P	S4			
Warehousing, Wholesale Use				P				
<b>Business and Personal Services</b>								
Animal Shelter				S5				
Automatic Teller Machines	P	P	P	P	P	P		P
Commercial Kennel				P5				
Contractors' Offices		P	P	P	P			
Funeral Establishments			P	P				
General Service Businesses	A	P	P	P	P	P		
Health/Fitness Facility	A	P	P	P	P	A	P	
Health/Fitness Center			P	P	P		P	
Health Spa		P	P	P	P	P		P
Hospital/Clinic – Large Animal				S5				
Hospital/Clinic – Small Animal			S5	P5	P			
Laundry/Dry Cleaning, Com.				P	P29			
Laundry/Dry Cleaning, Neighborhood		P	P	P	P			
Laundry/Dry Cleaning, Retail	P	P	P	P	P	P		
Laundry – Self-Service		P	P	P	P			

Land Use	C-LB	C-1	C-2	C-3	CBD	WF	CR	CW
<b>Agricultural Uses</b>								
Raising Crops, Trees, Vineyards								P
Mini-Warehouse				P <sup>6</sup>				
Mailing Service	P	P	P	P	P	P		
Personal Loan Business	P	P	P	P	P			
Personal Services Businesses	A	P	P	P	P	P		
Photo Processing, Copying and Printing Services	P	P	P	P	P	P		
Telemarketing Services	P		P	P	P			
Video Rental Store		P	P	P	P	P		P
<b>Food Service</b>								
Cafeterias	A		A	A	A	A	A	
Delicatessen	P	P	P	P	P	P	P	P
Drinking Establishments		P <sup>7</sup>	P	P	P	P	P	P
Micro-Brewery			P	P	P	P	P	P
Portable Food Vendors <sup>26</sup>	A <sup>27</sup>	A <sup>27</sup>	A <sup>27</sup>	A <sup>28</sup>				
Restaurants/Drive-Through		S <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	S <sup>8, 9</sup>	S <sup>8, 9</sup>		
Restaurants/Lounge		P <sup>7</sup>	P	P	P	P	P	P
Restaurants/Sit Down	A	P	P	P	P	P	P	P
Restaurants/Take Out		P	P	P	P	P		P
Restaurants with Entertainment/Dancing Facilities		P <sup>7</sup>	P	P	P	P	P	P
Wineries – Tasting Room		P <sup>7</sup>	P	P	P	P	P	P
<b>Industrial/Manufacturing Uses</b>								
Laundry and Cleaning Plants				P				P <sup>28</sup>
Light Manufacturing Uses				P				P <sup>28</sup>
Warehousing and Distribution Facilities				P				P <sup>28</sup>
Wholesale Facilities and Operations				P				P <sup>28</sup>

Land Use	C-LB	C-1	C-2	C-3	CBD	WF	CR	CW
<b>Agricultural Uses</b>								
Raising Crops, Trees, Vineyards								P
Wineries – Production				P				P
<b>Office Uses</b>								
Financial Institutions	P	P/S22	P	P	P/S22	P		
Medical, Dental and Other Clinics	P	P	P	P	P	P		
Newspaper Offices and Printing Works			P	P	P			
Office – Consulting Services	P	P	P	P	P	P		P28
Office – Corporate	P		P	P	P	P		P28
Office – General	P	P	P	P	P	P		P28
Office – Research and Development	P		P	P	P			P28
Radio and Television Studios			P	P	P			
Schools, Commercial	P		P	P	P	P		
Schools, Trade			P	P	P			P28
Travel Agencies	P	P	P	P	P	P		
<b>Public/Quasi-Public Uses</b>								
Churches	P10	P10	P10	P10	P	P10		
Clubs or Fraternal Societies	P10	P10	P10	P10	P10	P10		
Cultural Institutions	P10	P10	P10		P10	P10		P10
General Park O&M Activities	P	P	P	P	P	P	P	P
Hospitals	P		P	P	P			
Homeless Shelter				P				
Passive Open Space Use	P	P	P	P	P	P	P	P
Power Transmission and Irrigation Wasteway Easements and Utility Uses	P11	P11	P11	P11	P11	P11	P11	P11
Public Agency Buildings	P	P	P	P	P	P	P	
Public Agency Facilities	P11	P11	P11	P11	P11	P11	P11	P11

Land Use	C-LB	C-1	C-2	C-3	CBD	WF	CR	CW
<b>Agricultural Uses</b>								
Raising Crops, Trees, Vineyards								P
Public Campgrounds				S			S	
Public Parks	P	P	P	P	P		P	P
Schools	P12	P12	P12	P12	P12	P12		
Schools, Alternative	P13	P13	P13	P13	P13			
Special Events Including Concerts, Tournaments and Competitions, Fairs, Festivals and Similar Public Gatherings	P	P	P	P	P	P	P	P
Trail Head Facilities	P	P	P	P	P	P	P	P
Trails for Equestrian, Pedestrian, or Nonmotorized Vehicle Use	P	P	P	P	P	P	P	P
<b>Recreational Uses</b>								
Art Galleries			P	P	P	P	P	P
Arcades		P	P	P	P	P	P	
Boat Mooring Facilities						P	P	
Cinema, Indoor			P	P	P	P	P	
Cinema, Drive-In			P	P				
Commercial Recreation, Indoor		S7	P	P	P	P	P	
Commercial Recreation, Outdoor			P	P		P	P	
House Banked Card Rooms				P14	P14	P14	P14	
Recreational Vehicle Campgrounds				S15			S15	
Recreational Vehicle Parks				S16			S16	
Stable, Public				S17				
Theater		P7	P	P	P	P	P	P
<b>Residential Uses</b>								
Accessory Dwelling Unit		A	A	A	A	A		A
Apartment, Condominium (3 or more units)	P		P18		P	P		

Land Use	C-LB	C-1	C-2	C-3	CBD	WF	CR	CW
<b>Agricultural Uses</b>								
Raising Crops, Trees, Vineyards								P
Assisted Living Facility	P		P		P18	P		
Bed and Breakfast	P	P	P	P	P	P	P	P
Day Care Center	P19	P19	P19	P19	P19	P19		
Dormitories, Fraternities, and Sororities	P				P	P		
Dwelling, One-Family Attached						P25		
Dwelling, Two-Family Detached						P		
Dwelling Units for a Resident Watchman or Custodian				A				P28
Family Day Care Home	P19					P19		
Houseboats						P	P	
Hotels or Motels	P		P	P	P	P	P	P
Nursing or Rest Home	P		P		P18	P		
Recreational Club	A				A	A		
Senior Housing	P				P18	P		
Temporary Residence	P20	P20	P20	P20	P20	P20		P
<b>Retail Uses</b>								
Adult Use Establishments				P21				
Apparel and Accessory Stores		P	P	P	P	P		P
Auto Parts Supply Store		P	P	P	P			
Books, Stationery and Art Supply Stores	A	P	P	P	P	P		P
Building, Hardware, Garden Supply Stores		P	P	P	P			
Department Store			P	P	P			
Drug Store/Pharmacy	A	P/S22	P	P	P	P		
Electronic Equipment Stores		P	P	P	P	P		
Food Stores		P	P	P	P	P		

Land Use	C-LB	C-1	C-2	C-3	CBD	WF	CR	CW
<b>Agricultural Uses</b>								
Raising Crops, Trees, Vineyards								P
Florist		P	P	P	P	P		P
Furniture, Home Furnishings and Appliance Stores		P	P	P	P			
Landscaping Material Sales			A	P				
Lumberyards				P				
Nursery, Plant				P				P
Office Supply Store	A	P	P	P	P	P		
Outdoor Sales				P				
Parking Lot or Structure	P	P	P	P	A	P		P
Pawn Shop				P				
Pet Shop and Pet Supply Stores		P	P	P	P			
Retail Hay, Grain and Feed Stores				P				
Secondhand Store			P	P	P	P		
Specialty Retail Stores		P	P	P	P	P		P
<b>Miscellaneous Uses</b>								
Bus Station				P	P			
Bus Terminal				P	P			
Bus Transfer Station	P		P	P	P		P	
Cemetery	P		P	P				
Community Festivals and Street Fairs	P	P	P	P	P	P	P	P
Convention Center	P		P	P	P	P	P	
Micro- and Macro-Antennas	P	P	P	P	P	P	P	P
Monopole			S23	P/S23	S23			
On-Site Hazardous Waste Treatment and Storage	A	A	A	A	A	A	A	A
Outdoor Storage		A24	A24	P24				

Land Use	C-LB	C-1	C-2	C-3	CBD	WF	CR	CW
<b>Agricultural Uses</b>								
Raising Crops, Trees, Vineyards								P
Storage in an Enclosed Building	A	A	A	A	A	A	A	A28

1. RMC 23.42.280
2. RMC 23.42.270
3. RMC 23.42.320
4. RMC 23.42.330
5. RMC 23.42.040
6. RMC 23.42.170
7. RMC 23.42.053
8. RMC 23.42.047
9. RMC 23.42.055
10. RMC 23.42.050
11. RMC 23.42.200
12. RMC 23.42.250
13. RMC 23.42.260
14. RMC 23.42.100
15. RMC 23.42.230
16. RMC 23.42.220
17. RMC 23.42.190
18. Use permitted on upper stories of multi-story buildings, if main floor is used for commercial or office uses.
19. RMC 23.42.080
20. RMC 23.42.110
21. RMC 23.42.030
22. Use permitted, requires special use permit with drive-through window.
23. Chapter 23.62 RMC
24. RMC 23.42.180
25. RMC 23.18.025
26. See definition, RMC 23.06.780
27. RMC 23.42.185
28. Activities permitted only when directly related to and/or conducted in support of winery operations.
29. Within the central business district (CBD), existing commercial laundry/dry cleaning uses, established and operating at the time the CBD district was established, are allowed as a permitted use. All use of the land and/or buildings necessary and incidental to that of the commercial laundry/dry cleaning use, and existing at the effective date of the CBD district, may be continued. Commercial laundry/dry cleaning uses not established and operating at the time the CBD district was established are prohibited.

[Ord. 28-05 § 1.02; Ord. 15-07; Ord. 04-09; Ord. 07-10 § 1.02; amended during 2011 recodification; Ord. 32-11 § 5].

**23.22.040 Site requirements and development standards for commercial use districts.**

In the following chart, development standards are listed on the vertical axis. Zoning districts are listed on the horizontal axis. The number appearing in the box at the intersection of the column and row represents the dimensional standard that applies to that zoning district.

Standard	C-LB	C-1	C-2	C-3	CBD	WF	CR	CW
Minimum Lot Area	None	None	None	None	None	None	None	None
Maximum Density – Multifamily Dwellings (units/square feet)	1:1,500	N/A	N/A	N/A	None	1:1,500	N/A	N/A
Minimum Lot Width – One-Family Attached Dwellings	N/A	N/A	N/A	N/A	N/A	30 feet	N/A	N/A
Minimum Front Yard Setback <sup>14</sup>	20 feet	45 feet <sup>1</sup>	0 feet <sup>2</sup>	0 feet <sup>2</sup>	CBD, Parkway, Uptown Districts: 0 feet min. – 20 feet max. <sup>3, 11, 13</sup> Medical District: 0 feet min.	Note 4,5	Note 4	20 feet
Minimum Side Yard Setback	0 feet <sup>6</sup>	0 feet <sup>7</sup>	None	None	0 feet <sup>6,8</sup>	0 feet <sup>5,9</sup>	0 feet	0 feet <sup>6,8</sup>
Minimum Rear Yard Setback	0 feet <sup>6,8</sup>	0 feet <sup>7</sup>	None	None	0 feet <sup>6,8</sup>	0 feet <sup>5,8,10</sup>	0 feet	0 feet <sup>6,8</sup>
Maximum Building Height <sup>14</sup>	55 feet	30 feet	80 feet	80 feet	CBD – 110 feet Medical – 140 feet Parkway – 50 feet Uptown – 50 feet	35/55 feet <sup>12</sup>	35/55 feet <sup>12</sup>	35 feet
Minimum Dwelling Unit Size (in square feet, excluding porches, decks, balconies and basements)	500 feet	N/A	N/A	N/A	500 feet	500 feet	N/A	N/A

<b>Standard</b>	<b>C-LB</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>CBD</b>	<b>WF</b>	<b>CR</b>	<b>CW</b>
Minimum Lot Area	None	None	None	None	None	None	None	None
Maximum Density – Multifamily Dwellings (units/square feet)	1:1,500	N/A	N/A	N/A	None	1:1,500	N/A	N/A

1. Each lot shall have a front yard 45 feet deep or equal to the front yards of existing buildings in the same C-1 district and within the same block.
2. No setback required if street right-of-way is at least 80 feet in width. Otherwise, a minimum setback of 40 feet from street centerline is required.
3. Unless a greater setback is required by Chapter 12.11 RMC, Intersection Sight Distance.
4. Front and Side Street. No building shall be closer than 40 feet to the centerline of a public right-of-way. The setback area shall incorporate pedestrian amenities such as increased sidewalk width, street furniture, landscaped area, public art features, or similar features.
5. In the case of attached one-family dwelling units, setback requirements shall be as established for attached dwelling units in the medium-density residential small lot (R-2S) zoning district. Refer to RMC 23.18.040.
6. In any commercial limited business (C-LB), central business (CBD) or in any commercial winery (CW) zoning district that directly abuts a single-family zoning district, the following buffer, setback and building height regulations shall apply to all structures:
  - a. Within the commercial limited business (C-LB), the central business district (CBD) and the commercial winery (CW) districts, buildings shall maintain at least a 35-foot setback from any property that is zoned for single-family residential use. Single-family residential zones include R-1-12 – single-family residential 12,000, R-1-10 – single-family residential 10,000, R-2 – medium-density residential, R-2S – medium-density residential small lot, or any residential planned unit development that is comprised of single-family detached dwellings.
  - b. Buildings that are within 50 feet of any property that is zoned for single-family residential use in commercial limited business (C-LB) and the commercial winery (CW) districts and buildings that are within 50 feet of any property that is zoned for and currently developed with a single-family residential use in the central business district (CBD) (as defined in footnote (6)(a)) shall not exceed 30 feet in height. Beyond the area 50 feet from any property that is zoned for single-family residential use, building height may be increased at the rate of one foot in building height for each additional one foot of setback from property that is zoned for single-family residential use to the maximum building height allowed in the C-LB, CW and CBD zoning districts, respectively.
  - c. A six-foot-high fence that provides a visual screen shall be constructed adjacent to any property line that adjoins property that is zoned for single-family residential use, or currently zoned for and developed with a single-family residential use

in the CBD district. Additionally, a 10-foot landscape strip shall be provided adjacent to the fence. This landscape strip may be used to satisfy the landscaping requirements established for the landscaping of parking facilities as identified in RMC 23.54.140.

d. In the C-LB and CW districts, a 20-foot setback shall be provided for any side yard that adjoins a street.

7. Side yard and rear yard setbacks are not required except for lots adjoining a residential development, residential district, or a street. Lots adjoining either a residential development or residential district shall maintain a minimum 15-foot setback. Lots adjoining a street shall maintain a minimum 20-foot setback. Required side or rear yards shall be landscaped or covered with a hard surface, or a combination of both. No accessory buildings or structures shall be located in such yards unless otherwise permitted by this title.

8. No minimum required, except parking shall be set back a minimum of five feet to accommodate required landscape screening as required under RMC 23.54.140.

9. Side Yard. No minimum, except parking shall be set back a minimum of five feet, and buildings used exclusively for residences shall maintain at least one foot of side yard for each three feet or portion thereof of building height. Side yards adjoining a residential district shall maintain setbacks equivalent to the adjacent residential district.

10. No minimum, except parking shall be set back a minimum of five feet. Rear yards adjoining a residential district shall maintain setbacks equivalent to the adjacent residential district.

11. Commercial developments such as community shopping centers or retail centers over 40,000 square feet in size and typically focused around a major tenant, such as a supermarket grocery, department store or discount store, and supported with smaller "ancillary" retail shops and services located in multiple building configurations, are permitted front and street side maximum setback flexibility for the largest building. Maximum setback standards on any other new buildings may be adjusted by the planning commission as part of the alternative design review as set forth in the performance standards and special requirements of RMC 23.22.020(E)(9).

12. All buildings that are located in both the waterfront (WF) district and that fall within the jurisdictional limits of the Shoreline Management Act shall comply with the height limitations established in the Richland shoreline master program (RMC Title 26). Buildings in the WF district that are not subject to the Richland shoreline master program shall not exceed a height of 35 feet; unless the planning commission authorizes an increase in building height to a maximum height of 55 feet, based upon a review of the structure and a finding that the proposed building is aesthetically pleasing in relation to buildings and other features in the vicinity and that the building is located a sufficient distance from the Columbia River to avoid creating a visual barrier.

13. Physical additions to existing nonconforming structures are not subject to the maximum front yard setback requirements.

14. The medical, uptown and parkway districts of the CBD zoning district are established as shown by Plates 23.22.040(1), (2) and (3).



# PLATE NO. 1 - 23.22.040

## PLATE 1



## CBD - MEDICAL DISTRICT





# PLATE NO. 2 - 23.22.040

## PLATE 2



### CBD - UPTOWN DISTRICT



# PLATE NO. 3 - 23.22.040

## PLATE 3



### CBD - THE PARKWAY DISTRICT

[Ord. 28-05 § 1.02; Ord. 04-09; Ord. 07-10 § 1.03; amended during 2011 recodification; Ord. 32-11 § 6].

**23.22.050 Parking standards for commercial use districts.**

A. Off-street parking space shall be provided in all commercial zones in compliance with the requirements of Chapter 23.54 RMC.

B. Central Business District Off-Street Parking. All uses have a responsibility to provide parking. The parking responsibility for any new use or change in use shall be determined in accordance with the requirements of Chapter 23.54 RMC. The maximum number of parking spaces provided on site shall not exceed 125 percent of the minimum required parking as specified in Chapter 23.54 RMC; provided, that any number of parking spaces beyond the established maximum may be approved by the planning commission subject to RMC 23.22.020(E)(9) (Alternative Design).

1. The off-street parking requirement may be reduced as follows:

a. The planning commission may reduce the parking responsibility as provided by RMC 23.54.080, joint use; and/or

b. Within a 600-foot radius of the property, and within the CBD zoning district, a 25 percent credit will be provided for each on-street parking space and/or for each off-street parking space located in a city-owned public parking lot. The allowed combined reduction in required off-street parking shall not exceed 50 percent of the overall off-street parking requirement (including any reductions contained in RMC 23.54.080). Example: one off-street space will be credited if four on-street spaces are located within 600 feet of the property. Parking space dimensions are found in RMC 23.54.120. Only those streets designated for on-street parking shall be considered for the credit. Curb cuts, driveways, hydrant frontages, and similar restricted parking areas shall be excluded from the calculation.

2. Any parking lot that has frontage on a public street or accessway shall be screened with a combination of trees planted at no less than 30 feet on center and shrubs planted to form a uniform hedge within five years. A masonry wall not lower than 18 inches and not higher than 36 inches may be substituted for the shrubs. The landscaping and masonry wall, if used, shall be at no greater setback than the maximum setback for a front or street side (RMC 23.22.040). Masonry walls are subject to the performance standards found in RMC 23.22.020(E), and must be granted approval by the public works director for compliance with vision clearance requirements for traffic safety before installation. [Ord. 28-05 § 1.02; Ord. 04-09; Ord. 07-10 § 1.02; amended during 2011 recodification].

## Chapter 23.18 RESIDENTIAL ZONING DISTRICTS

### Sections:

- 23.18.010 Purpose of residential use districts.
- 23.18.020 Residential performance standards and special requirements.
- 23.18.025 Single-family residential design standards.
- 23.18.030 Residential use districts permitted land uses.
- 23.18.040 Site requirements for residential use districts.
- 23.18.050 Parking standards for residential use districts.

### **23.18.010 Purpose of residential use districts.**

Five residential zone classifications permit a variety of housing and population densities without conflict. Protection is provided against hazards, objectionable influences, traffic, building congestion and lack of light, air and privacy. Certain essential and compatible public service installations are permitted in residential use districts.

A. The 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. Certain essential and compatible public service facilities and institutions are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated low-density residential (zero to five dwellings per acre) under the city of Richland comprehensive plan.

B. The single-family residential – 10,000 (R-1-10) is a residential zone classification requiring a low density of population, providing protection against hazards, objectionable influences, building congestion, and lack of light, air, and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated low-density residential (zero to five dwellings per acre) under the city of Richland comprehensive plan.

C. The medium-density residential (R-2) is a residential zone classification permitting a higher density of population including the establishment of duplex dwellings and providing for these single-and two-family residences a high degree of protection from hazards, objectionable influences, building congestion and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated medium-density residential (5.1 to 10 dwellings per acre) under the city of Richland comprehensive plan.

D. The medium-density residential small lot (R-2S) is a residential zone classification permitting a higher density of population, encouraging small lot development conducive to energy conservation and to other factors contributing to the production of affordable housing, and including the establishment of duplex dwellings and providing for these one- and two-family residences a high degree of protection from hazards, objectionable influences, building congestion and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district. This

zoning classification is intended to be applied to some portions of the city that are designated medium-density residential (5.1 to 10 dwellings per acre) under the city of Richland comprehensive plan.

E. The multiple-family residential use district (R-3) is a residential zone classification allowing for the location of multiple-family dwellings, duplexes and attached and detached one-family dwellings and providing a high degree of protection for such uses and adjacent low-density residential development. This classification shall be designed to give protection from hazards, objectionable influences, building congestion, and lack of light, air, and privacy. Certain essential and compatible public service facilities and installations are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated high-density residential (10.1 or more dwellings per acre) under the city of Richland comprehensive plan. [Ord. 28-05 § 1.02].

### **23.18.020 Residential performance standards and special requirements.**

A. High-Density Residential Small Lot Special Requirements. In order to assure consistency with the purpose of the R-2S district, as stated in RMC 23.18.010(D), and further to avoid potential negative and undesirable effects that may result from the higher density of development afforded in an R-2S zone, the following special requirements and provisions shall apply:

1. Any application for reclassification of land to R-2S shall be accompanied by an application for preliminary plat approval submitted in accordance with RMC 24.12.010. In addition, the following information shall be submitted with the application for preliminary plat:

- a. A street landscaping plan showing the location and type of landscaping proposed;
- b. Information showing the location, dimensions and character of recreational facilities and/or open space, including paths and trails; and
- c. Utilization of curvilinear, cul-de-sac and/or loop streets or other appropriate design solutions to assist in modulating the interface of the residential buildings with the streets.

2. The planning commission and city council may, in keeping with the intent of this section, impose requirements and conditions on the approval of the preliminary plat or zoning reclassification as deemed appropriate. These conditions may include, but are not limited to, architectural design parameters, screening and buffering treatments, and supplemental open space and/or recreational facility requirements. Compliance with these conditions shall be demonstrated precedent to final plat and/or building permit approval as appropriate.

3. A combined front yard setback configuration and street-facing residential architectural elevation may be repeated continuously on no more than five lots before a different combination must be utilized. Regardless of the street facing architectural elevation, a front yard setback configuration may be repeated on no more than 10 lots before a different setback configuration must be utilized. The administrative official may approve variations to this requirement which, in his judgment, accomplish the intent of avoiding a monotonous interface of the residential buildings with the streets, or are

necessary due to constraints or unique characteristics of the site. This requirement shall be satisfied at the time of building permit application.

B. Multiple-Family Residential Use District Special Requirements. In any multifamily residential (R-3) zoning district that directly abuts a single-family zoning district, the following buffer, setback and building height regulations shall apply to all multifamily residential structures:

1. Buildings shall maintain at least a 35-foot setback from any property that is zoned for single-family residential use. Single-family residential zones include R-1-12 – single-family residential, R-1-10 – single-family residential, R-2 – medium-density residential, R-2S – medium-density residential small lot or any residential planned unit development that is comprised of single-family detached dwellings.

2. Buildings that are within 50 feet of any property that is zoned for single-family residential use (as defined in subsection (B)(1) of this section) shall not exceed 30 feet in height. Beyond the area 50 feet from any property that is zoned for single-family residential use, building height may be increased at the rate of one foot in building height for each additional one foot of setback from property that is zoned for single-family residential use to the maximum building height allowed in the multifamily zoning district.

3. A six-foot-high fence that provides a visual screen shall be constructed adjacent to any property line that adjoins property that is zoned for single-family residential use. Additionally, a 10-foot landscape strip shall be provided adjacent to the fence. This landscape strip may be used to satisfy the landscaping requirements established for the landscaping of parking facilities as identified in RMC 23.54.140.

4. Recreational vehicle parks are permitted in the multifamily residential district (R-3) subject to the issuance of a special use permit meeting the requirements of RMC 23.42.220 and 23.42.240. Further, applicants must demonstrate that their proposed recreational vehicle parks are immediately adjacent to a state highway and that appropriate provisions are put in place to protect adjacent land uses. [Ord. 28-05 § 1.02].

### **23.18.025 Single-family residential design standards.**

Any one-family attached dwelling, one-family detached dwelling or designated manufactured home shall meet the following minimum requirements:

A. All dwellings shall be placed on permanent foundations.

B. At the time of construction, all new single-family dwellings shall be new, not having been previously titled to a retail purchaser and not meeting the definition of a “used mobile home” as defined in RCW 82.45.032(2). [Ord. 28-05 § 1.02].

### **23.18.030 Residential use districts permitted land uses.**

In the following chart, land use classifications are listed on the vertical axis. Zoning districts are listed on the horizontal axis.

A. If the symbol “P” appears in the box at the intersection of the column and row, the use is permitted, subject to the general requirements and performance standards required in that zoning district.

B. If the symbol “S” appears in the box at the intersection of the column and row, the use is permitted subject to the special use permit provisions contained in Chapter 23.46 RMC.

C. If the symbol “A” appears in the box at the intersection of the column and the row, the use is permitted as an accessory use, subject to the general requirements and performance standards required in the zoning district.

D. If a number appears in the box at the intersection of the column and the row, the use is subject to the general conditions and special provisions indicated in the corresponding note.

E. If no symbol appears in the box at the intersection of the column and the row, the use is prohibited in that zoning district.

Land Use	R-1-12	R-1-10	R-2	R-2S	R-3
<b>Residential Uses</b>					
Accessory Apartments	A1	A1	A1	A1	A1
Accessory Buildings <sup>14</sup>	A	A	A	A	A
Adult Family Home	P	P	P	P	P
Apartment/Condominium (3 or More Units)					P
Assisted Living Facility					P
Bed and Breakfast	S2	S2	S2	S2	P
Day Care Center	S3	S3	S3	S3	P3
Designated Manufactured Home	P4	P4	P4	P4	P4
Dormitories, Fraternities and Sororities					P
Dwelling, One-Family Attached			P4	P4	P4
Dwelling, One-Family Detached	P4	P4	P4	P4	P4
Dwelling, Two-Family Detached			P	P	P
Home Occupations	A5	A5	A5	A5	A5
Family Day Care Home	A3	A3	A3	A3	A3
Manufactured Home Park			S6	S6	S6
Playground Developed in Conjunction with School, Park or Community Clubhouse	P	P	P	P	P
Nursing or Rest Home					P
Rental of Rooms to Not More Than Four Persons Other Than the Family Occupying the Single-Family Dwelling	A	A	A	A	A

Land Use	R-1-12	R-1-10	R-2	R-2S	R-3
<b>Residential Uses</b>					
Accessory Apartments	A1	A1	A1	A1	A1
Private Swimming Pools	A7	A7	A7	A7	A7
Recreational Club	P8	P8	P8	P8	P8
Senior Housing					P
<b>Public/Quasi-Public Uses</b>					
Churches	P9	P9	P9	P9	P9
Clubs or Fraternal Societies	P9	P9	P9	P9	P9
Cultural Institutions	P9	P9	P9	P9	P9
General Park Operations and Maintenance Activities	P	P	P	P	P
Golf Courses	P	P	P	P	P
Power Transmission and Irrigation Wasteway Easements and Utility Uses	P10	P10	P10	P10	P10
Public Agency Buildings	P10	P10	P10	P10	P10
Public Agency Facilities	P10	P10	P10	P10	P10
Public Parks	P	P	P	P	P
Schools	P11	P11	P11	P11	P11
Special Events Including Concerts, Tournaments and Competitions, Fairs, Festivals and Similar Public Gatherings	P	P	P	P	P
Trail Head Facilities	P	P	P	P	P
<b>Miscellaneous Uses</b>					
Micro- and Macro-Antennas	P	P	P	P	P
Parking Lots	P	P	P	P	P
Raising Crops, Trees, Vineyards	P	P	P	P	P
Recreational Vehicle Parks					S12,13

1. RMC 23.42.020
2. RMC 23.42.045

- 3. RMC 23.42.080
- 4. RMC 23.18.025
- 5. RMC 23.42.090
- 6. RMC 23.42.140
- 7. RMC 23.42.300
- 8. RMC 23.42.210
- 9. RMC 23.42.050
- 10. RMC 23.42.200
- 11. RMC 23.42.250
- 12. RMC 23.42.220
- 13. RMC 23.18.020(B)(4)
- 14. Accessory buildings and structures are subject to RMC 23.38.020 – 23.38.070 [Ord. 28-05 § 1.02; Ord. 04-09].

**23.18.040 Site requirements for residential use districts.**

In the following chart, development standards are listed on the vertical axis. Zoning districts are listed on the horizontal axis. If a number appears in the box at the intersection of the column and row, that number represents the dimensional standard that applies to that zoning district.

Standard	R-1-12	R-1-10	R-2	R-2S	R-3
Minimum Lot Area Requirement – One-Family Detached Dwelling	10,000 feet <sup>1</sup>	8,000 feet	6,000 feet	4,000 feet	4,000 feet
Minimum Lot Area Requirement – Two-Family Detached Dwelling	N/A	N/A	10,000 feet	7,000 feet	7,000 feet
Minimum Lot Area Requirement – One-Family Attached Dwellings	N/A	N/A	N/A	3,000 feet	3,000 feet
Maximum Density – Multifamily Dwellings (Units/Square Foot)	N/A	N/A	N/A	N/A	1:3,000
Minimum Lot Width – One-Family Detached Dwelling	90 feet	70 feet	50 feet	42 feet	42 feet
Minimum Lot Width – Two-Family Detached Dwelling	N/A	N/A	70 feet	64 feet	64 feet
Minimum Lot Width – One-Family Attached Dwellings	N/A	N/A	N/A	30 feet	30 feet
Average Lot Size Requirement <sup>2</sup>	12,000	10,000	None	None	None
Minimum Front Yard Setback <sup>3</sup>	20 feet	20 feet	20 feet	15 feet/ <sup>18</sup> feet <sup>4</sup>	20 feet <sup>6,10</sup>
Minimum Side Yard Setback	10 feet	10 feet	6 feet	6 feet <sup>5</sup>	6,10

Standard	R-1-12	R-1-10	R-2	R-2S	R-3
Minimum Lot Area Requirement – One-Family Detached Dwelling	10,000 feet <sup>1</sup>	8,000 feet	6,000 feet	4,000 feet	4,000 feet
Minimum Lot Area Requirement – Two-Family Detached Dwelling	N/A	N/A	10,000 feet	7,000 feet	7,000 feet
Minimum Rear Yard Setback	25 feet	25 feet	25 feet	20 feet/3 feet <sup>7</sup>	25 feet <sup>6,10</sup>
Maximum Lot Coverage <sup>8</sup>	40%	40%	40%	50%	33%/45% <sup>9,10</sup>
Maximum Building Height – Main Building	30 feet	30 feet	30 feet	30 feet	40 feet <sup>10</sup>
Maximum Building Height – Detached Accessory Buildings <sup>11</sup>	16 feet	16 feet	16 feet	16 feet	16 feet

1. The minimum lot size in existing residential neighborhoods shall be based on the mean average lot size of existing platted R-1-12 lots within a radius of 500 feet of the property proposed for subdivision. However, in no case shall the minimum lot requirement exceed 12,000 square feet, nor be less than 10,000 square feet.

2. Minimum average lot area per subdivision, exclusive of the area of streets and lots designated for nonresidential uses. In calculating average lot size, at least 35 percent of all lots shall be larger than the average lot size requirement.

3. Front yard setbacks are required from all street rights-of-way adjoining a lot as shown in the table above, except as follows:

a. In single-family residence districts and in R-2 and R-3 districts where more than 50 percent of the normal or average-size lots in a block fronting on one side of the street are developed with existing buildings, other than accessory buildings, with front-yard setbacks less than that required for the district, a new single-family or duplex dwelling shall adopt a minimum front yard setback dimension which is the average of the setbacks of the buildings on the two adjoining lots, existing prior to July 22, 1960, but in no case shall this dimension be less than 15 feet nor need it exceed 30 feet.

b. Residential Districts. In any R district, or any combination therewith, on any corner lot where there is provided a side yard along the interior side lot line at least equal in width to the minimum depth of the rear yard required for the district, the main building may encroach upon the required rear yard up to a line where the remaining rear yard is no less in depth than the minimum width of the side yard required for the district. No accessory buildings may be located in said side yard, except a patio shelter enclosed on no more than two sides by walls or other enclosures and in conformity with the other provisions of this title.

4. Front yards shall not be less than 15 feet in front of living areas, up to a maximum of 55 percent of the front lot line, and not less than 18 feet in front of all other areas.

5. Detached one-family or detached two-family dwellings shall have two side yards with each side yard having a width of not less than six feet. A nonattached side of

an attached one-family dwelling shall have a side yard having a width of not less than six feet.

6. For multiple-family dwellings and other allowable uses other than one-family attached and one-family and two-family detached dwellings, front yards shall be 20 feet, side yards shall be equal to one foot of side yard for each three feet or portion thereof of building height, and rear yards shall be 25 feet, except as required by RMC 23.18.020(B) when multifamily development is located adjacent to a single-family residential zoning district or development.

7. Rear yards shall be not less than 20 feet in back of living areas and three feet in back of garages or carports up to a maximum of 60 percent of the rear lot line for the garage or carport portion of the rear yard.

8. Lot coverage includes all buildings, including accessory buildings or structures on any lot in a residential district, exclusive of patios without roof coverings or patios with only open lattice or similar type roof construction.

9. Buildings in an R-3 district shall cover not more than 33 percent of the area of the lot except one-family attached dwellings, which may cover up to 45 percent of the area of the lot.

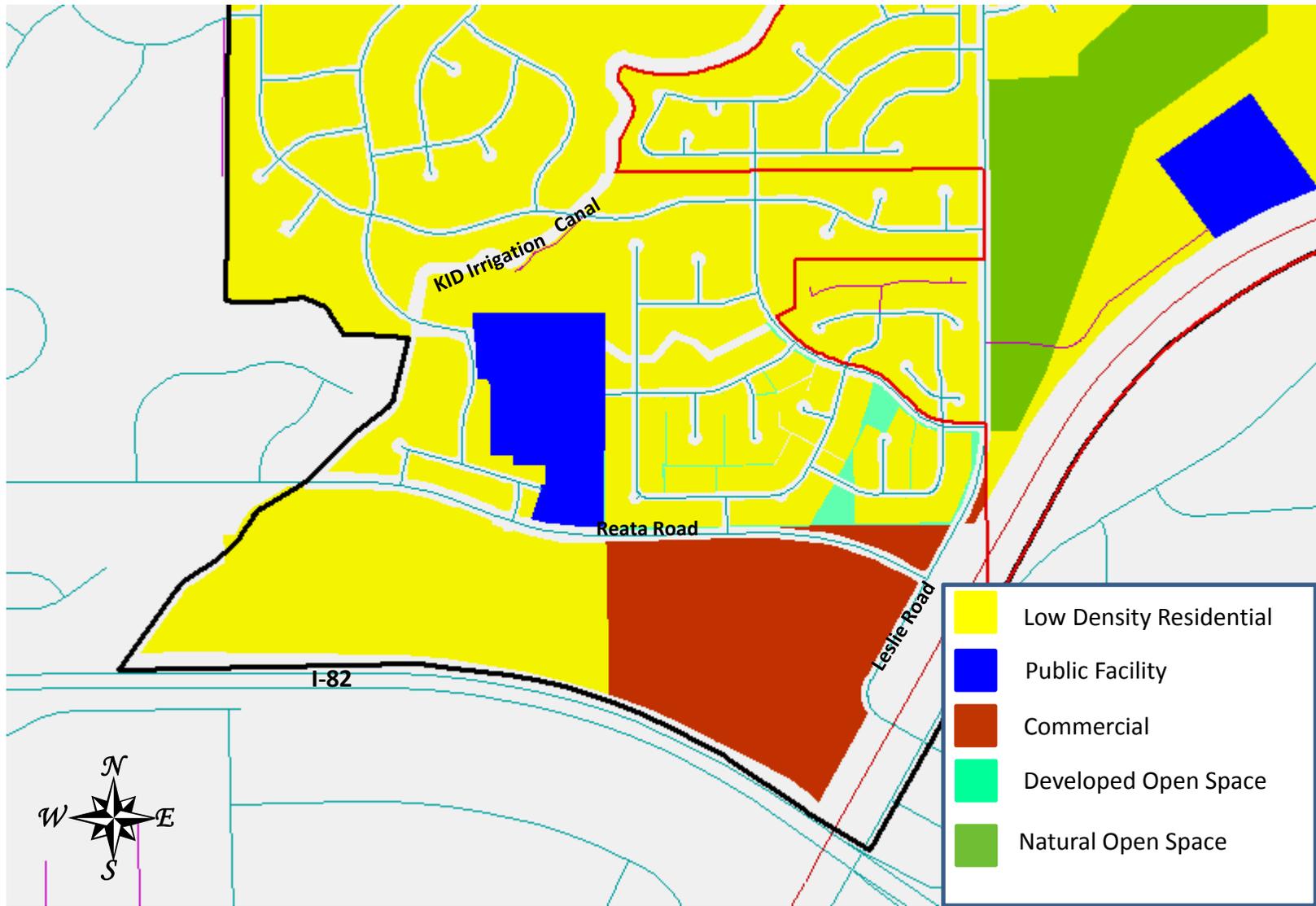
10. Setbacks, building heights, and lot coverage requirements for one-family attached, one-family detached and two-family detached dwellings in the R-3 zoning district shall be the same as those set forth for development in the R-2S zoning district.

11. Detached accessory structures built pursuant to the setback provisions of RMC 23.38.020 are limited to one story.

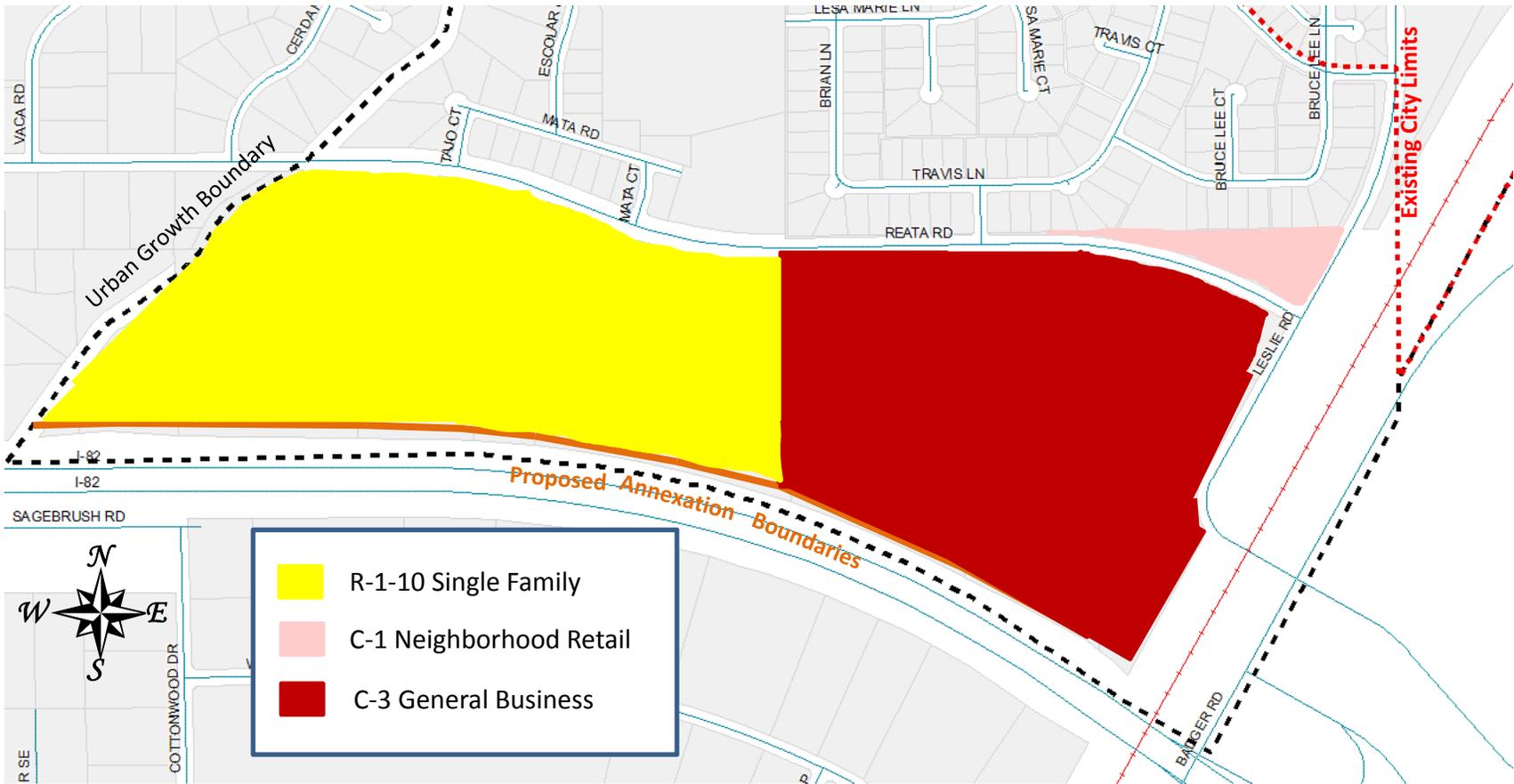
[Ord. 28-05 § 1.02; Ord. 04-09; Ord. 20-10 § 1.01; amended during 2011 recodification; Ord. 14-11 § 1.01; Ord. 32-11 § 3].

### **23.18.050 Parking standards for residential use districts.**

Off-street parking space shall be provided in all residential zones in compliance with the requirements of Chapter 23.54 RMC. [Ord. 28-05 § 1.02].



REATA ROAD – LAND USE PLAN



POTENTIAL REATA ROAD ANNEXATION  
RECOMMENDED ZONING MAP

## 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 are 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.

## Title 19 DEVELOPMENT REGULATION ADMINISTRATION

Note: Proposed amendments are shown with *italicized, underlined text* and ~~strikethroughs~~.

### 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. [Ord. 12-96; Ord. 40-10 § 1.02].

#### **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. [Ord. 12-96; Ord. 40-10 § 1.02].

#### **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. [Ord. 12-96; Ord. 40-10 § 1.02].

### **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. [Ord. 40-10 § 1.02].

## **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 IV 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 Developments
  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
  2. Large Binding Site Plans
  3. Site Plan Approvals
  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 Approvals
- C. Type III permits include the following types of permit applications:
  - 1. Preliminary Plats
  - 2. Site Specific Rezones
  - 3. Planned Unit Developments – Preliminary Approvals
  - 4. Development Agreements

**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. [Ord. 12-96; Ord. 31-03].

**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

<b>-DECISIONS</b>				
<b>TYPE I</b>	<b>TYPE II</b>	<b>TYPE III</b>	<b>TYPE IV</b>	<b>TYPE V</b>
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

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

**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. [Ord. 12-96].

#### **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. [Ord. 12-96].

#### **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. [Ord. 12-96].

#### **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. [Ord. 12-96].

**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. [Ord. 12-96].

**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. [Ord. 12-96].

### **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. 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~~; (Note: This is a reference to an old RCW, that no longer exists – need to delete or find updated code section to reference.)

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. Comments may be mailed, personally delivered or sent by facsimile. Comments should be as specific as possible. [Ord. 12-96; Ord. 31-03].

**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. [Ord. 12-96].

**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. [Ord. 12-96; Ord. 02-00].

#### **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. 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. 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. 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. The city shall also review the application under RMC Title 22 (Environment). [Ord. 12-96].

### **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. [Ord. 12-96].

## **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. [Ord. 12-96].

### **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 decision. [Ord. 12-96; Ord. 02-00].

### **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. [Ord. 12-96].

**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. [Ord. 12-96].

**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. [Ord. 12-96].

**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. [Ord. 12-96].

**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. [Ord. 12-96].

**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. [Ord. 12-96].

**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. [Ord. 12-96].

**19.60.095 Required findings.**

No development application for a Type II, Type III or Type IV 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. [Ord. 02-00].

**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. [Ord. 12-96].

**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. [Ord. 12-96].

**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). [Ord. 12-96].

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. 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 or by fax before 5:00 p.m. on the last business day of the appeal period.

C. 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. 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. 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. 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). [Ord. 12-96].

#### **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. [Ord. 12-96].

### **Chapter 19.80 APPLICATION AND APPEALS FEES**

#### Sections:

- 19.80.010 Payment of fees required.
- 19.80.020 Schedule of fees.
- 19.80.030 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. [Ord. 12-96].

**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
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[Ord. 12-96; Ord. 55-99].

### **19.80.030 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. [Ord. 12-96].

## **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. [Ord. 12-96].

#### **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. [Ord. 12-96].

#### **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. [Ord. 12-96].

**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. [Ord. 12-96].

**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. [Ord. 12-96; Ord. 31-03].

**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. [Ord. 12-96].

**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. [Ord. 12-96].

# MEMORANDUM

*Community and Development Department  
Planning & Development Services Division*

**TO:** PLANNING COMMISSION

**FROM:** RICK SIMON, DEVELOPMENT SERVICES MANAGER

**DATE:** JULY 25, 2012

**RE:** **RECOMMENDATION TO SURPLUS PROPERTY – M2012-108**

The City has been approached by a property owner who is requesting a land trade with the City concerning property that is currently a part of Trailhead Park. Trailhead Park is a 40 acre park site that abuts the Badger Mountain Preserve Area. The park serves as trailhead to provide access to the pedestrian trails in the Badger Mountain Preserve. It includes landscaped areas, restroom facilities, and parking improvements, but the great majority of Trailhead Park is in natural open space.

The portion of the park property that is proposed for the land trade lies along the southerly boundary of the park, near White Bluffs Street. When the plat of "The Plateau" was completed it included lot 31, which is a long and narrow lot, almost 400 feet wide, but only 116 feet deep at its widest point. (Refer to the attached plat map.) The owner of this lot is proposing a trade in which the owner would gain 11,747 square feet of Trailhead Park in exchange for 9,180 square feet of frontage along White Bluffs Street. The City would also receive \$4,000 for this trade. (See the attached plot plan.)

The property owner would be left with a large building lot that would be much more usable than if left in its current configuration. The City would gain land that is immediately adjacent to its parking area and to White Bluffs Street.

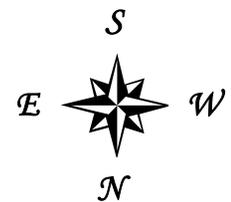
Chapter 3.06 of the Richland Municipal Code sets forth procedural requirements for the surplussing of City property for eventual sale or lease. The City Council has authority to declare a property surplus only after it has received recommendations from the Economic Development Advisory Committee, the Parks and Recreation Commission and the Planning Commission.

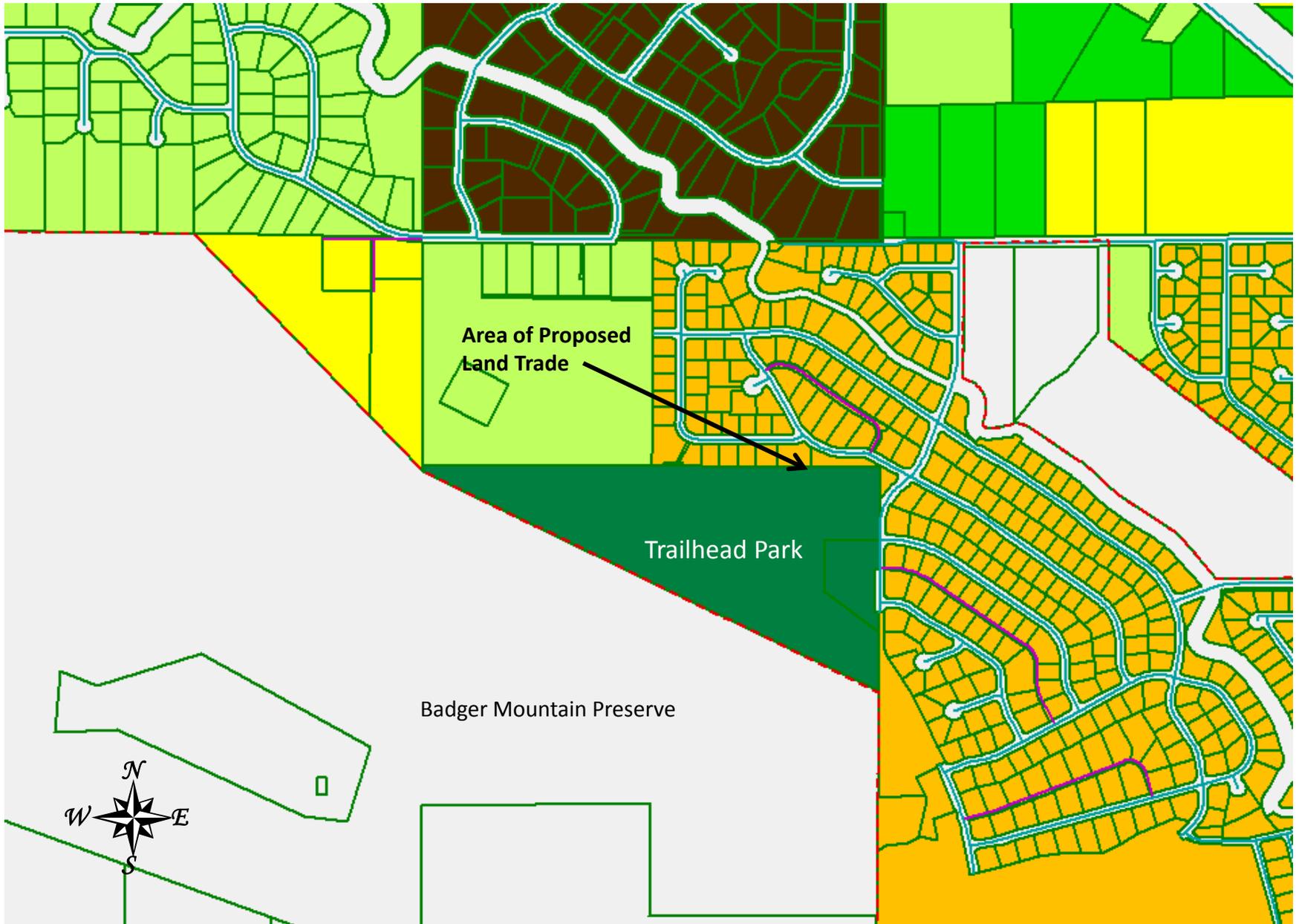
The Parks and Recreation Commission have reviewed the proposal and have recommended denial. They noted that they have a philosophical objection to trading park land; that the proposed land trade would result in a visual intrusion into the park in an area where there is now a clear delineation between the park and the adjacent neighborhood and they noted that that the trade would provide limited value for the expansion of the existing parking lot.

Staff notes that the property within Trailhead Park is zoned PPF- Parks and Public Facilities, while the land that is part of "The Plateau" subdivision is zoned R-1-10 – Single Family Residential. If the land trade is completed, the land owner will need to re-zone the property so that his entire lot would be within the R-1-10 zone.



## PROPOSED TRAILHEAD PARK LAND TRADE



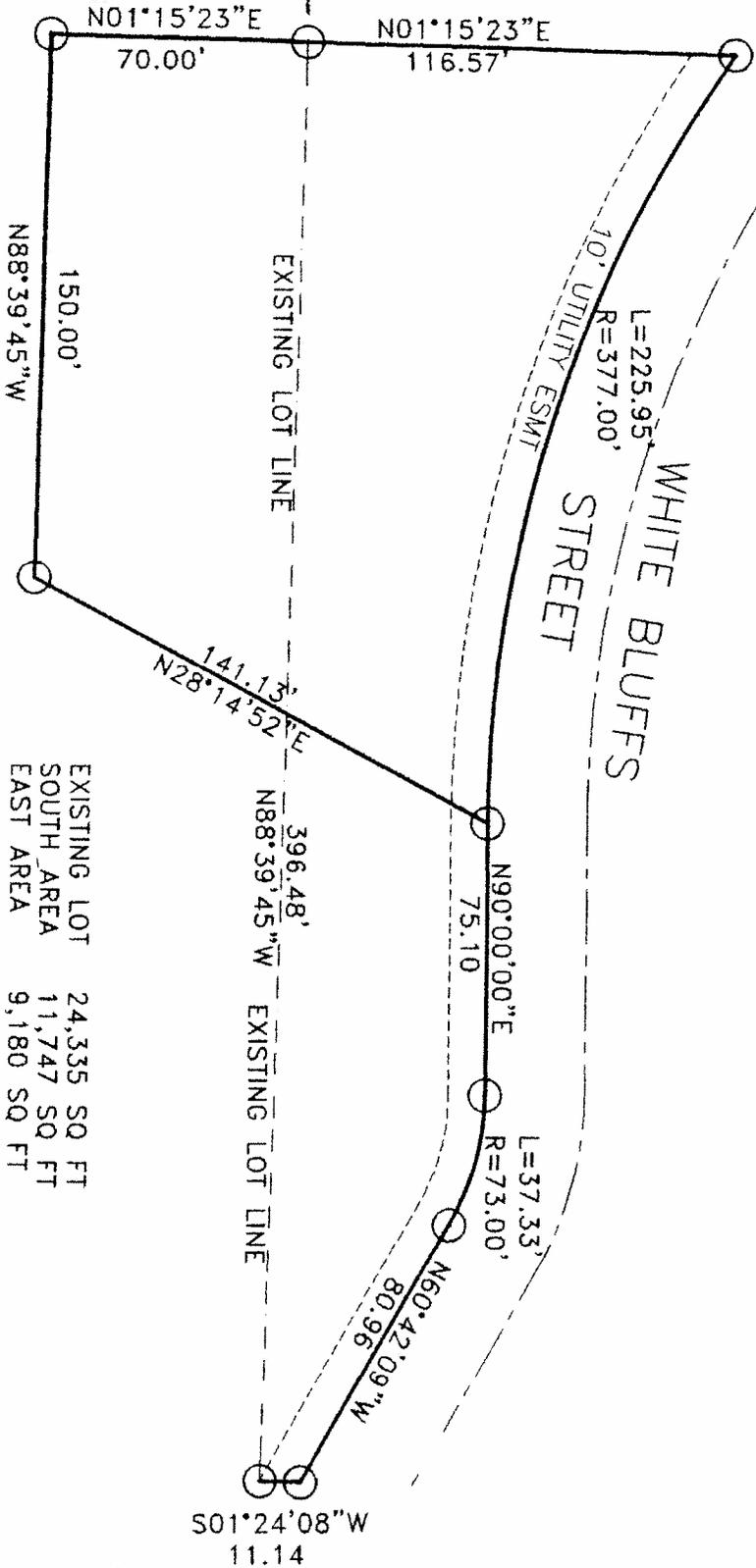
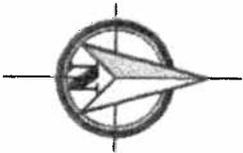


TRAILHEAD PARK – PROPOSED LAND TRADE VICINITY MAP

THE PLATEAU PHASE 1  
 LOT 31  
 PAR. #  
 1277 WHITE BLUFFS ST  
 RICHLAND, WA

# PLOT PLAN

SCALE: 1" = 50'-0"



EXISTING LOT SOUTH AREA 24,335 SQ FT  
 EAST AREA 11,747 SQ FT  
 9,180 SQ FT

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<p>Drafting &amp; Design        2015 1st Floor, Greenleaf, WA 99022        Phone: 509-838-1100 Fax: 509-838-1100        Email: info@ddesign.com Website: www.ddesign.com</p>	LOT LINE ADJUSTMENT		THE PLATEAU #1		
	SHANE GENTRY		LOT 31		
DATE: 07/06/15	PROJECT: 15-00062	DATE: 07/06/15	PROJECT: 15-00062.0100W	DATE: 07/06/15	<h1>C1.1</h1>
BY: [Signature]	BY: [Signature]	BY: [Signature]	BY: [Signature]	BY: [Signature]	