



## **NOTICE OF DECISION**

**PURSUANT TO RICHLAND MUNICIPAL CODE SECTION 19.60.080 NOTICE IS HEREBY GIVEN THAT THE CITY OF RICHLAND HEARING EXAMINER, ON JULY 21, 2025 APPROVED THE PRELIMINARY PLAT OF QUAIL RIDGE III – 3255 STATE ROUTE 240 (CITY FILE NO. PLN-T3-2025-00001) SUBJECT TO CONDITIONS CONTAINED IN THE HEARING EXAMINER REPORT (ATTACHED):**

**DESCRIPTION**

**OF ACTION:** Preliminary plat of “QUAIL RIDGE III” subdividing 19.1 acres into 75 residential lots.

**SEPA REVIEW:**

The above referenced action was not subject to environmental review as the preliminary plat is within the Horn Rapids Master Plan EIS, dated 1993.

**APPROVED:**

The subdivision approval is subject to the conditions contained in the Hearing Examiner Decision (attached).

**PROJECT LOCATION:**

The project site is located at 3255 State Route 240 (3100 Village Parkway), which is located south of WA State Route 240, north and west of Village Parkway, and east of Emory Ave. The affected Assessor’s Parcel Numbers: 120083000009023, 120083020010000, and part of 120082020003000.

**APPEALS:**

Appeals to the above-described action may be made to the Benton County Superior Court by any Party of Record. Appeals must be filed within 21 days of issuance of this notice.

A handwritten signature in blue ink, appearing to read 'Mike Stevens', is written over a horizontal line.

Mike Stevens  
Planning Manager

July 24, 2025  
Date



---

**BEFORE THE HEARING EXAMINER  
FOR THE  
CITY OF RICHLAND**

**FINDINGS, CONCLUSIONS AND  
DECISION APPROVING  
PRELIMINARY PLAT OF QUAIL RIDGE III**

**FILE NUMBER:** PLN-T3-2025-00001

**APPLICANT/OWNER'S AGENT:** AKS ENGINEERING & FORESTRY, LLC

**OWNER:** PAHLISCH HOMES AT HORN RAPIDS LIMITED PARTNERSHIP

**APPLICATION:** TO SUBDIVIDE APPROXIMATELY 19.1-ACRES INTO 75 (SEVENTY-FIVE) SINGLE FAMILY RESIDENTIAL LOTS AND SEVERAL TRACTS, WITH ASSOCIATED INFRASTRUCTURE IMPROVEMENTS.

**LOCATION:** SE OF THE INTERSECTION OF SR-240 AND TWIN BRIDGES ROAD, IN THE HORN RAPIDS COMMUNITY IN THE FAR NORTH END OF THE CITY OF RICHLAND, NORTH OF VILLAGE PARKWAY, ABUTTING PARTS OF PREVIOUSLY APPROVED PLATS KNOWN AS QUAIL RIDGE I AND QUAIL RIDGE II.

**PARCEL NUMBERS:** PORTIONS OF THREE PARCELS NUMBERED 120083020010000, 12008302000009023, AND 120082020003000 [*\*NOTE: FINAL PLAT APPROVAL WILL BE SUBJECT TO REVIEW BY THE ASSESSOR'S OFFICE TO ENSURE THAT CORRECT PARCEL NUMBERS ARE USED ON RECORDED INSTRUMENTS*].

**REVIEW PROCESS:** TYPE III, PRELIMINARY PLAT,  
HEARING EXAMINER DECISION

**SUMMARY OF DECISION:** APPROVE, SUBJECT TO CONDITIONS

**DATE OF DECISION:** JULY 21, 2025

## **I. RECORD.**

**Exhibits:** Staff Report. City of Richland Development Services Division Staff Report and recommendation of approval to the Hearing Examiner regarding “Quail Ridge III Preliminary Plat, File No. PLN-T3-2025-00001 (27 pages);

1. Application Materials: large package of reports, maps, subject matter summaries of relevant information and explanations of how proposal, as conditioned, can satisfy relevant approval criteria and city development regulations, identified, and numbered as follows, referenced in this Decision as *Ex. 1.1, 1.2, etc.*:

1. Land Use Narrative
2. Title Reports
3. Preliminary Plat
4. Vehicle Trip Accounting Letter
5. Cultural Resources Report
6. Inadvertent Discovery Plan
7. Geotechnical Engineering Letter
8. EIS Addendum for the Horn Rapids Master Planned Community, dated April 28, 1993
9. Critical Areas Report

2. Proposed Preliminary Plat maps;
3. Public Notices & materials confirming same;
4. Agency comments – including without limitation, letter from City engineers with comments on aspects of project, requested conditions on certain issues; letter from WSDOT requesting certain mitigation measures; and letter from WDFW disputing some findings in the applicant’s Critical Areas Report, *Ex. 1.9.*
5. Applicant’s slide presentation at the hearing; and
6. Decision approving Quail Ridge II Preliminary Plat in October of 2021, with Condition of Approval “J”, which Staff and the applicant asked to have applied to this plat as well. [*\*Added by the Examiner, to complete the hearing record*].

**Testimony/Comments:** The following persons were sworn and provided testimony under oath at the open-record hearing:

1. Ryan Nelson, Planner, for the City of Richland, summarized Staff Report, recommendation of approval; and

2. Joey Shearer, with AKS Engineering, served as the applicant's hearing representative, summarizing merits of application and responding to questions; agreed with findings and analysis provided in the Staff Report, and proposed conditions, noted that the applicant would like to include "Condition J" from the previous Quail Ridge II plat approval Decision by the hearing examiner, issued in 2021, addressing special emergency planning considerations that apply to developments in the area.

No one appeared during the public hearing to offer testimony or written statements opposing the pending plat application; written comments received before the hearing are included as part of the record. Some issues were not fully addressed by Staff or the applicant during the hearing, so written comments from WSDOT and WDFW serve as a basis to add specific conditions of approval on some topics.

The record for this matter remained open after the public hearing closed, due to public noticing issues that were corrected. No one submitted any additional written comments after the hearing, during the extended public notice period. The Examiner supplemented the record to include materials regarding special emergency planning issues that apply to all development projects in the area, with the applicant and staff requesting language in conditions of approval for this matter to be consistent with other approvals issued in the same area. With such additions to the record, this application is deemed complete. Having confirmed no additional comments were received, the record for this matter is closed, and this Decision is now in order.

## **II. APPLICABLE LAW.**

Under applicable provisions of the Richland Municipal Code (RMC), this preliminary plat<sup>1</sup> application is first subject to review and determination by city staff with respect to its general consistency with development regulations and transportation concurrency issues. (*See RMC 19.50.010*). A preliminary plat application is a Type III procedure, and the Hearing Examiner is designated as the hearing body responsible for conducting review and approval of Type III applications. (*See RMC 19.20.010(C)(1), and RMC 19.20.030*).

As explained in RMC 24.50.040, the hearing examiner holds an open record hearing on all preliminary subdivision applications, to assure conformance to the general purposes of the City's comprehensive plan, zoning, and other development regulations and standards that apply to projects in the area. Decisions of the Examiner must be in writing, with finding and conclusions to support such decision. (*RMC 24.50.040*).

RMC 24.50.050 mandates that, prior to approving any preliminary subdivision, the hearing examiner shall determine and make written findings of fact that the public interest will be served by the subdivision, the proposed subdivision is in conformity with all applicable development code provisions and that appropriate provisions are made for the following:

- A. The public health, safety, and general welfare;
- B. Open spaces;

---

<sup>1</sup> In this Decision and exhibits included in the Record, preliminary plat and preliminary subdivision mean the same thing, and use of one term should be read to apply to the other to the extent anyone views the terms to have distinct meanings, which for the purposes of this Decision, they do not.

- C. Drainage ways/stormwater;
- D. Streets or roads, alleys, sidewalks, multi-use pathways, and other public ways;
- E. Transit stops;
- F. Public potable water supplies and irrigation water right-of-way and distribution facilities;
- G. Sanitary sewer;
- H. Parks and recreation;
- I. Playgrounds, schools and school grounds;
- J. Sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.

RMC 19.60.095 mandates the following additional findings:

***19.60.095 Required findings.***

*No development application for a Type II or Type III 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.*

The burden of proof rests with the applicant, and any decision to approve or deny a preliminary plat must be supported by a preponderance of evidence. *RMC 19.60.060 and Hearing Examiner Rules of Procedure, Sec. 3.08.* The 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. RMC 19.60.060.

The hearing examiner's decision regarding this preliminary plat application shall be final<sup>2</sup>, subject to judicial appeal in the time and manner as provided in RMC 19.70.060 and Ch. 36.70C RCW. (*"...[T]he city's final decision on land use 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."* RMC 19.70.060).

---

<sup>2</sup> RMC 24.50.040.D provides that the decision of the hearing examiner is final unless a timely appeal is filed.

### **III. ISSUE PRESENTED.**

Whether a preponderance of evidence demonstrates that the applicant has met its burden of proof to satisfy the criteria for preliminary plat approval?

*Short Answer:* Yes, subject to conditions.

Based on all the evidence, testimony, codes, policies, regulations, environmental documentation, and other information contained in the Record, the Examiner issues the following findings, conclusions and Decision approving the Quail Ridge III Preliminary Plat, subject to conditions.

### **IV. FINDINGS OF FACT.**

1. Any statements in previous or following sections of this document that are deemed findings are hereby adopted as such.
2. The Examiner has visited the road network and vicinity of the proposed plat on multiple occasions over the past few years in connection with other applications in or around the Horn Rapids Community, and is fully advised on matters at issue herein, including without limitation adjacent developments and land uses, applicable law, application materials, and relevant comprehensive plan provisions.
3. The Staff Report and recommendation of approval includes a number of specific findings and conditions that establish how most aspects of the underlying plat application, as conditioned, satisfy provisions of applicable law, is consistent with the city's Comprehensive Plan, and is designed or conditioned to comply with applicable development standards and guidelines. As discussed below, the Examiner has added additional conditions of approval to correct some mistaken assumptions, and to assure compliance with state and federal regulations that apply to this project, including without limitation those addressing mitigation for impacts on critical areas and emergency management.

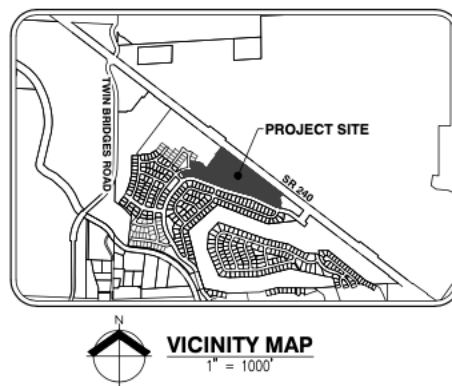
#### ***Project Description.***

4. Pahlisch Homes at Horn Rapids, Limited Partnership, is the owner of 19.1-acres located on several parcels that are subject to this pending preliminary plat application submitted earlier this year. (*Ex. 1, Preliminary Plat Application materials; Staff Report, page 8*). The owner's agents and permit consultants from the AKS Engineering firm are listed as the applicant in the Staff Report, but the application materials name the owner as the applicant. For purposes of this Decision, AKS and Pahlisch Homes are both referenced as the project applicant, or Applicant.

5. Staff deemed the application materials complete for purposes of vesting on or about April 18, 2025, when they issued the first of several notices informing the public of the pending application and public hearing. (*Staff Report, page 15; Ex. 3, public hearing notices and confirmation materials*). A second round of notices were issued in late April, due to a misnumbered parcel included as part of the preliminary plat application. The Examiner held the record open after the public hearing occurred for a period of time to allow a sufficient written comment period to run after corrected notices were issued.
6. The applicant's project narrative explains that AKS Engineering & Forestry, LLC (AKS) submitted this Preliminary Subdivision application to the City of Richland (City) on behalf of Pahlisch Homes, Inc. (Applicant) to divide ±19.1 acres within the approved Horn Rapids Master Plan community into 75 lots for future detached single-family homes, to be known as the Quail Ridge III preliminary plat. (*Ex. 1.1, Applicant's Narrative*).
7. The project includes associated streets and infrastructure improvements. (*Staff Report, pages 1-2; Ex. 1, application materials*).
8. The application materials explain that this Quail Ridge III proposal will connect to, and build upon, the existing Quail Ridge I and II subdivisions, that were both subject to hearings before the Examiner and approved by the City in recent years. (*Ex. 1.1*). The subdivision is designed to provide safe and attractive internal streets and sidewalks that will connect outward to existing open spaces and amenities within the larger Horn Rapids community.
9. The application includes:
  - 75 lots intended to satisfy the City's R-3 zoning standards for future detached, single-family homes;
  - Dedication and full-street improvements to applicable City standards for the internal public street network serving the community and providing circulation to adjacent properties;
  - Extension of City water and sewer and all other necessary utilities to serve the community;
  - Open space tracts planned to be owned and maintained by the Homeowners Association (HOA);
  - Construction of a stormwater system providing on-site management and detention and meeting applicable City and Department of Ecology standards;
  - Continuation of the uses, housing types, and general development pattern of adjacent phases of Quail Ridge and Horn Rapids;
  - Aspects that the applicant believes to be consist with the original Horn Rapids master planned community, which was the subject of an Environmental Impact Statement (EIS) and Traffic Impact Study previously approved by the City. (*Ex. 1.1, summary on page 2*).
10. The application materials include reports generated by qualified professionals, Preliminary Plans, a Vehicle Trip Accounting Letter, a Cultural Resources Report, an Inadvertent Discovery Plan, a copy of the 32-year-old EIS Addendum for the Horn Rapids community, a Critical Areas Report (credibly questioned in a written comment from WDFW), a Geotechnical Engineering Report, and other written documentation addressing aspects of the project. (*Exs. 1.1-1.9*).
11. The project site consists of several parcels and is about 19.1 acres in size. Given numbering discrepancies that appeared in initial notices for this matter, and others that have arisen

during reviews of similar applications in the City, the properly assigned parcel numbers shall be verified by Benton County officials, before any phases of this plat are recorded. The site is currently addressed as 3012 Village Parkway, Richland, WA 99352. The entire project site is in the City's R-3 residential zone, which allows for the type of housing proposed in this application. (*Staff Report, page 9; Ex. 1.1, page 2*).

12. The site is mostly flat with some gentle rolling slopes and no major landscape features. The site is not developed and contains sagebrush, wild grasses, and other vegetation commonly found in the region. (*Ex. 1.1; site visits*).
13. The site has frontage to Village Parkway to the south. Village Parkway is a public road and is designated as a minor collector, so lots fronting Village Parkway will not have driveways with access onto such street. City Planners recommend that a one foot no access/screening easement should be required for Lots 1-32, and a note on the plat should explain that such lots shall not have direct access onto Village Parkway. (*Staff Report, page 20, recommended Conditions 2 and 5*).
14. State Route 240 (SR 240) bounds the site to the north. SR 240 is a state highway, and this project will not obtain direct access onto 240. All traffic must enter the Quail Ridge III project via Village Parkway. Consistent with other recent projects along the increasingly busy SR 240 corridor, WSDOT officials will not allow additional access points along SR 240 for this development. (*Ex. 4, WSDOT written comment*). Staff recommends conditions of approval confirming no access, no direct access, and screening measures where the project abuts SR 240. (*Staff Report, page 20, proposed conditions 3 and 4*).
15. The application materials include a vicinity map, showing the proposed plat and surrounding road network, a copy of which is republished below:

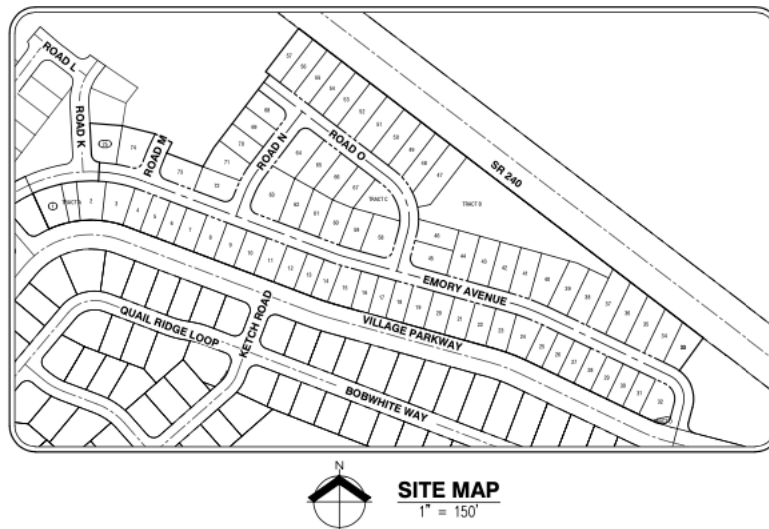


(Screenshot of Vicinity Map, provided as part of Preliminary Plat Cover Sheet, Sheet P01, included in the record as Ex. 1.3, on .pdf page 83 of 465 in the consolidated project file).



16. The proposed plat design is included in the record as *Exhibit 1.3*, and a screenshot of the proposed plat with new lots identified by number is found on Sheet P01 and republished below:

## QUAIL RIDGE III PRELIMINARY PLAT



17. While the application materials and the Staff Report note that this proposed plat lies within the Horn Rapids master planned community, which was the subject of a lengthy Environmental Impact Statement prepared for the City of Richland in 1993 (*See Ex. 1.8, EIS Addendum for the Horn Rapids Master Planned Community, issued 32 years ago, on or about April 28, 1993*), language from the EIS Addendum itself, Emergency Management considerations, and controlling Washington caselaw, serve as a basis to add additional conditions of approval to this project, to ensure that Federal and State mandated regulations are satisfied, including without limitation those that apply based on the project location near a nuclear power plant, and critical areas regulations.

### ***Emergency Management issues.***

18. The Examiner takes official notice of prior development approvals issued in the Horn Rapids Community and other sites in an officially designated Emergency Planning Zone (“EPZ”), subject to emergency preparation and response measures coordinated by the Benton County Emergency Management office (sometimes referenced as BCEM, or BCES). The entire area of the Horn Rapids Master Planned Community is located within the 10-mile EPZ for the Columbia Generating Station. This area is designated as Section 3B of the Emergency Planning zone, and as such may be subject to evacuation in the event there is a radiological emergency at the Columbia Generation Station, and other development requirements may apply, including those mandated by Benton County Emergency Management officials. The

EIS Addendum, included in the record for this matter, includes detailed reference to the project location, and Emergency preparation and response mitigation measures that should be implemented for projects in the Horn Rapids Community. *(See, for example and without limitation Ex. 1.8, on pages 6, and 41-44).*

19. To assure consistency with previous development approvals issued for projects located in the 10-mile EPZ, the Planning Manager should be empowered to include alarms, signals, speakers, special signage, or other notification devices or strategies as part of the building permit review and approval process, all in consultation with Benton County Emergency Management officials to identify and utilize current best practices and devices as appropriate.
20. Staff and the applicant agreed that conditions of approval similar to those included for projects in the same area – addressing Emergency Management and emergency response measures for residential uses near the local nuclear power plant – should be included for this project as well. Specifically, staff and the applicant requested language found in Condition of Approval “J” for the Examiner’s Decision approving the Quail Ridge II Preliminary Plat in October of 2021. A condition of approval has been added to ensure compliance with current requirements for development in the designated EPZ.

#### ***Critical Areas.***

21. The Staff Report mistakenly states that: “The requirements of RMC Chapter 22.10 [re: Critical Areas] are not applicable, as they were reviewed and considered during the 1993 Final EIS.” *(Staff Report, on page 15, under caption reading “Critical Areas”).* This statement, and others to this effect, are in error, factually and as a matter of law.
22. First, language in the EIS Addendum issued over 30 years ago for the Horn Rapids Master Plan, included in the record as *Ex. 1.8*, includes the following passage addressing “Sensitive Areas”, noting that the City was in the process of developing Critical Areas regulations pursuant to the Growth Management Act, and that such Critical Area maps and regulations were not yet adopted when the EIS was issued:

#### ***Sensitive Areas***

**No portions of the Horn Rapids Master Planned Community site are currently designated as environmentally sensitive. The City of Richland is currently in the process of developing its Interim Regulations for Critical Areas and Resource Lands pursuant to the Growth Management Act. Critical Area maps and regulations have not been adopted.**

*(Ex. 1.8, on page 51).*

23. As a matter of fact, given that the City’s Critical Areas regulations were not adopted when the EIS was issued over 30 years ago, it was not possible for them to be reviewed and considered as part of the 1993 EIS.

24. As a matter of law, and as acknowledged in the EIS itself in the quotation provided in a previous finding, the state's Growth Management Act (GMA) requires local jurisdictions to adopt regulations to protect critical areas. In short, Critical Areas regulations are mandated by state law and are not standard zoning or development regulations that may or may not be adopted as a matter of local discretion.
25. Although not all cities and counties are required to plan under the GMA, all cities and counties in the state are required to adopt development regulations to protect critical areas, and to periodically review those regulations. (*See RCW 36.70A.060(2): "Each county and city shall adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170."; RCW 36.70A.170 and RCW 36.70A.172, mandating that critical areas regulations shall include best available science to protect the functions and values of critical areas*).
26. Further, Critical Areas codes and various pollution control regulations are not subject to vesting. While "land use control ordinances" that are adopted as a matter of local discretion are subject to vesting, ordinances addressing critical areas and storm water regulations, which are mandated by state legislation, are not subject to vesting, as they are not local land use control ordinances. *Snohomish County, et al., v. Pollution Control Hearings Board*, 187 Wn.2d 346, 386 P.2d 1064 (2016). As stated in *Snohomish County, et al.*, an applicant "does not have a legitimate expectation that pollution control measures will be frozen in time to outdated or ineffective measures." *Id.* at 373. The Washington Supreme Court concluded that "land use control ordinances" mean only those adopted as a matter of local discretion, not ordinances implementing a state mandate.
27. Another Washington Supreme Court case is of particular relevance to this application, where the proposal appears to be based upon the mistaken assumption that review of Critical Areas code consistency is not required, as such review presumably occurred and/or vested as to codes or approvals issued over 30 years ago, as part of the Horn Rapids Master Plan.
28. Even if the Master Plan, or even this preliminary plat, were deemed to have vested under old Critical Areas codes and policies (again, which could not have ever occurred because they were not even adopted when the Horn Rapids EIS was issued over 30 years ago), there is no vesting as to Critical Areas codes that will apply to subsequent development permit approvals required to construct and build out homes and related infrastructure that are envisioned in this plat application. See *Alliance Investment Group of Ellensburg, LLC v. City of Ellensburg*, 189 Wn. App. 763, 358 P.3d 1227 (2015).
29. In the Ellensburg case, a landowner sought judicial review of a city planning commission's decision that the city's approval of a short plat of the landowner's property in 2007 did not vest in the landowner the right to have future development proposals for the land considered under the city's critical areas ordinance in effect in 2007. On appeal, the Superior Court for Kittitas County entered a judgment in favor of the city. The Court of Appeals held that the landowner did not have a vested right in the 2007 critical areas ordinance, and the Washington Supreme Court affirmed such judgment. (*Id.*).

30. Here, that means – at most – this preliminary plat is subject to the zoning-related provisions and residential uses allowed in the Horn Rapids Master Plan, but buildings and infrastructure to support those uses will need to conform to the building standards and associated ordinances *such as the City's Critical Areas Codes* existing at the time subsequent building, grading, and land-development permit applications are submitted. (*Id.*, see ¶20 and ¶21, which reads: “The superior court correctly concluded that the 2007 CAO did not apply to any future building permits that may be sought.”)
31. Again, for reasons discussed above, including language in the Horn Rapids Master Plan EIS Addendum, as a matter of fact and law, this preliminary plat application could not and did not vest as to any City Critical Areas regulations when the EIS was issued, because they were not adopted at such time. Even if the plat were to be approved without consideration of current Critical Areas codes, which would be a mistake, the *Ellensburg* case makes it crystal clear that subsequent development permit applications will be required to satisfy all current Critical Areas regulations in effect at the time such permit applications might be submitted.
32. So, to comply with applicable law, and to avoid uncertainty going forward, this application, and future preliminary plat approvals for projects in the Horn Rapids Master Plan area (if any) should include conditions of approval addressing relevant Critical Areas considerations on the project site.
33. The Washington Department of Fish and Wildlife submitted an un rebutted written comment as part of the record, generally questioning the applicant’s critical areas report (*Ex. 1.9*), and suggesting further consultation with the applicant and city staff to explore mitigation measures that might address relevant critical area issues, particularly the presence of shrub-steppe habitat on the project site. (*WDFW Comment letter, dated May 2, 2025, included as part of Ex. 4*). The WDFW letter reads in part as follows:

[T]he site is within 10 km of a Ferruginous Hawk (FEHA) nest site, which classifies it as Management Zone B – Home Range according to WDFW’s 2024 Management Recommendations for Washington’s Priority Species: Ferruginous Hawk (<https://wdfw.wa.gov/publications/02511>). Based on this information, WDFW asserts that the proposed plot meets the definition of a Fish and Wildlife Habitat Conservation Area under Richland Municipal Code 22.10.185. As Richland Municipal Code 22.10.220 states that “adverse impacts to habitat functions and values shall be mitigated to the extent feasible and reasonable,” WDFW offers the following recommendations:

1. WDFW’s management strategy for FEHA Management Zone B areas that lack ground squirrel colonies are as follows: “If possible, avoid disturbances in areas associated with Ferruginous Hawk. If strict avoidance is not possible, minimize disturbance, and provide compensatory mitigation for unavoidable disturbance.” If avoidance as outlined in Richland Municipal Code 22.10.220 will not be possible for the project, WDFW proposes that a 2:1 ratio be applied for all areas of disturbance. This project, as proposed, will be impacting 19.89 acres, but WDFW acknowledges that there is approximately 1.5 acres of existing disturbance along the southern edge of the parcel. As such, WDFW proposes the project be required to provide mitigation equal to a least 37 acres of habitat containing equal or greater shrubsteppe functions and values.

2. WDFW mitigation Policy (POL-M5002) prioritizes avoidance, minimization and on-site mitigation, but if this is not possible for this project, we recommend off-site in-kind mitigation. It is preferred that off-site shrubsteppe mitigation be directed at acquiring additional parcels adjacent to large remaining contiguous blocks of shrubsteppe, or providing or protecting, functional wildlife connectivity corridors between remaining blocks of shrubsteppe. WDFW also recommends that the applicant and the city consult with us prior to finalizing the mitigation plan for this project to ensure it is consistent with current best science and mitigation practices.

3. Many birds local to our area as well as active nests are protected under the Migratory Bird Treaty Act as well as being listed as “protected wildlife” under RCW 77.12.020(3). To avoid impacts to protected songbird species, vegetation removal on the site should occur outside of the spring or summer nesting seasons (February 1 – July 31). WDFW also recommends that building on the site begin outside of the February 1 – July 31 timing window, as any birds that move into an area with pre-existing construction noise and activities are often more acclimated to the noise and therefore less likely to experience disturbance due to construction.

34. Based on evidence in the record, the Examiner finds and concludes that complete avoidance of critical areas impacts is not possible, and that development of the project site was envisioned and anticipated through approval of the Horn Rapids Master Plan and other City planning documents, including the Comprehensive Plan. So, some form of mitigation is appropriate and required by applicable city codes adopted under state mandates to protect Critical Areas functions and values. *See RMC 22.10.220.*
35. Based on authority provided in applicable city codes, including without limitation RMC 19.60.095.E, the Examiner has added a condition of approval, requiring the applicant to confer with WDFW and Richland staff, for purposes of developing a proposed mitigation plan to address Critical Areas impacts, subject to approval by the Planning Manager. Such mitigation plan must be approved before any site work can commence, including without limitation grading. This additional condition is imposed as a direct result of unaddressed impacts on critical areas and is reasonably needed to mitigate impacts associated with this project. It is based on evidence in the record, and is capable of being accomplished.
36. The City’s Critical Areas code provides some flexibility as to how impacts on protected habitat can be mitigated, and reads in relevant part as follows:

**RMC 22.10.220 Fish and wildlife habitat conservation area alteration.**

A. Adverse impacts to habitat functions and values shall be mitigated to the extent feasible and reasonable. Mitigation actions by an applicant or property owner shall occur in the following preferred sequence:

1. Avoiding the impact altogether by not taking a certain action or parts of actions;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

- 4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- 5. Compensating for the impact by replacing, enhancing, or providing similar substitute resources or environments. Preference shall be given to measures that replace the impacted functions on site or in the immediate vicinity of the impact;
- 6. Monitoring the impact over time and taking corrective measures to minimize additional impacts.

B. Where impacts cannot be avoided, the applicant or property owner shall seek to implement other appropriate mitigation actions in compliance with the intent, standards and criteria of this section. In an individual case, these actions may include consideration of alternative site plans and layouts, reductions in the density or scope of the proposal, and/or implementation of the performance standards listed in RMC 22.10.210.

- 37. In developing a mitigation plan for this project, the applicant may focus attention on existing open space on its project site, as well as dedicated open space, stormwater facilities, trails, utility corridors, and the like, that are part of this plat as well as the larger Horn Rapids Master Plan community.
- 38. The EIS notes that shrub-steppe habit is to be retained in open space areas, and that wildlife habitat should be incorporated into utility corridors, stormwater facilities, trails, and other areas in the planned community, as mitigation for certain significant impacts identified in the 1993 document, where it reads as follows<sup>3</sup>:

SIGNIFICANT IMPACTS	<p>Vegetation within the developed areas of the Horn Rapids Master Planned Community will be destroyed during land clearing activities. Over the twenty-year buildout period for the project, approximately 570 acres of vegetation will be cleared for building sites, roads, parking and other facilities.</p> <p>Direct impacts of these activities on plants and animals include elimination of habitat and displacement or loss of resident wildlife populations. The magnitude of the impacts depends on the location and density of development. As habitat is eliminated, wildlife must relocate to new areas. Since most habitats are assumed to be at their capacity to support wildlife, displaced animals may perish or displace other animals.</p>
---------------------	---

---

<sup>3</sup> Excerpts from the 1993 EIS Addendum for the Horn Rapids Master Planned Community, included in the record as *Ex. 1.8*, on pages 39 and 40.

## MITIGATION MEASURES

Based on recommendations made by the Washington Department of Wildlife for the associated Horn Rapids Golf Course project, the following measures will be incorporated into project design and construction in order to mitigate impacts to wildlife on the planned community site:

**Building Setbacks** Set back lots and buildings from the edge of the bluff adjacent to the Yakima River and its associated floodplain in order to retain an area of shrub-steppe habitat, and reduce impacts to the floodplain.

**Phased Development** Phase the development, and related vegetative clearing, to retain natural vegetation and defer impacts as long as possible.

**Project Design** Plan, develop, and construct sites, buildings, and other improvements to minimize the destruction of natural vegetation. Remnants of the shrub-steppe habitat should be retained in planned open space between clusters of residential development.

**Revegetation** To the extent possible, revegetate disturbed areas with native species and landscape with trees and shrubs that are useful to wildlife.

**Habitat** Incorporate wildlife habitat into utility corridors, stormwater facilities, trails, and other areas in the planned community.

39. The EIS explains that the original Master Plan would include over 267 acres of active and passive recreation and open space areas, or about 32% of the total project site. (*Ex. 1.8, on page 58*). While the golf course was included in this calculation, the Master Plan includes greenbelts, trail corridors, and other open spaces, some of which might provide opportunities for enhancing, protecting, replanting or conserving shrub-steppe habitat that could be part of a mitigation plan that is based on best available science and real-life on-site conditions in the Horn Rapids community.
40. The 267-acres set aside for recreation and open space was intended to mitigate impacts associated with clearing about 570-acres of vegetation in the Horn Rapids development. (*See Ex. 1.8, the EIS, on pages 39 and 40, republished in previous finding above*). The Planning Manager may provide a credit for the share of mitigation already provided in the Horn Rapids EIS that is attributable to the size of vegetation clearing that was presumed to occur as part of this plat. For instance, if this project could result in vegetation clearing (i.e. shrub-steppe habitat clearing/removal) of 19-acres, and 19 is 3.33% of the 570-acres projected to be cleared in the Horn Rapids Master Plan, then this plat should receive credit for 3.33% of the 267-acres set aside as part of that Master Plan, or 8.89-acres. So, any mitigation plan should start with a calculation to determine how much mitigation acreage will be required. If the ratio is to be 2:1, and the final plat design shows 19 acres to be cleared then 8.89 acres should be given as credit for mitigation already provided, leaving 10.11 acres to be mitigated, which should be the number used to calculate the total area addressed in any mitigation plan, if 2:1, it would be about 20.22, instead of the 37 suggested in the WDFW letter. The figures used in this finding are intended to serve as examples, with final numbers to be determined by the

Planning Manager, based on evidence in reports from qualified experts or existing documents, like a survey for this proposed plat, possibly showing more precise measurements and calculations.

41. If supported by information from qualified professionals (perhaps through a supplement to the applicant's Critical Areas report), shrub-steppe enhancement, replanting, or conservation opportunities, may be satisfied if sufficient acreage is available on this project site in combination with the larger Horn Rapids Master Plan open space areas identified in the EIS. For example, some areas of open space may have been replanted with non-native trees or landscaping shrubs, where genuine shrub-steppe replanting opportunities may be possible. If not, the Mitigation Plan should include off-site mitigation measures. Further, if the applicant determines that contributions to a bona-fide shrub-steppe habitat protection/restoration project or fund, recognized by the City and/or WDFW, would be preferable to replanting/restoration measures within the Horn Rapids community, the Planning Manager shall have the discretion and authority to consider and approve such proposal, with conditions to ensure compliance with relevant codes and enforcement. The mitigation plan may include a combination of on-site [i.e. Horn Rapids Master Plan area] mitigation measures, off-site mitigation, and/or contributions to recognized shrub-steppe habitat restoration project(s).

***WSDOT comments to address potential impacts of adjacent SR 240 highway corridor.***

42. WSDOT submitted a written comment letter, suggesting several mitigation measures that should be considered to address impacts on State Route 240, which runs along the northern boundary of this proposed plat, reading in part as follows:



We have reviewed the proposed project and have the following comments.

- The subject property is adjacent to State Route 240 (SR 240), a partially controlled limited access facility with a posted speed limit of 55 miles per hour. WSDOT has acquired all access rights to the highway from the abutting properties. Access to SR 240 is restricted solely to existing public road intersection (Twin Bridges Rd & Village Parkway Blvd). Private direct access to the highway is prohibited.
- We are not opposed to the proposed subdivision; however, we are concerned with the cumulative impact developments are having on the SR 240 corridor. We recommend the city assess a proportionate share contribution from the proponent for future corridor improvements.
- The proponent and future residents should be aware this is an area with existing traffic noise. They should also expect traffic noise to continue to grow into the future. It is the developer's responsibility to dampen or deflect any traffic noise for this project.
- Any proposed lighting should be directed down towards the site and away from SR 240.
- Residential subdivisions adjacent to highways increase the likelihood of safety concerns with children and pets. To mitigate this, the proponent is required to construct a minimum six-foot tall fence or wall (no gates) on their property along SR 240 right-of-way.

(Ex. 4, Agency comments, specifically the WSDOT written comment letter dated May 1, 2025).

43. The proposed plat design already addresses some concerns raised by WSDOT, including a design that allows for no direct access from the new plat onto SR 240. (*See Conditions of Approval 3 and 4; Staff Report, on page 20*). To the extent comments from the City's Public Works and Engineering staff did not already touch upon mitigation measures suggested by WSDOT, the Examiner has included specific conditions of approval to minimize or reduce potential impacts along the SR 240 corridor, including a six-foot tall fence or wall with no gates along the plat frontage abutting SR 240 – intended to reduce road noise and address safety concerns related to children and pets living in the new subdivision, among other things; and a lighting condition, preventing “fugitive light” that might be directed towards the highway, requiring lights to be directed down towards this site.

#### ***Environmental review.***

44. While this project and future projects in the Horn Rapids Master Plan area should probably include an updated SEPA Checklist, and some sort of supplement or addendum to existing environmental documents addressing possible environmental impacts in the area, given that the Master Plan was envisioned for a 20 year buildout, and the EIS is now over 30 years old, the record for this matter and controlling legal authority provides a basis for additional conditions of approval to mitigate issues not fully addressed in the application materials and the Staff Report, including those addressing Emergency Management, Critical Areas, and

Transportation (WSDOT) concerns. With such Conditions included as part of this project approval, relevant SEPA codes and policies can be satisfied, and the Examiner is able to reach an informed decision that will prevent or appropriately mitigate potential adverse impacts associated with this proposed plat.

45. Consistent with guidance from relevant Washington caselaw, the Examiner finds and concludes that SEPA does not demand a particular substantive result in government decision making; rather it ensures that environmental values are given appropriate consideration. (See *Glasser v. City of Seattle*, 139 Wn. App. 728, 742 (2007)). The additional conditions included as part of this Decision demonstrate that relevant environmental values were given appropriate consideration.

***How the application, with conditions, satisfies applicable city codes and policies.***

46. The Staff Report summarizes how the proposed plat has been designed to comply with density limits, goals, and policies found in Comprehensive Plan Policies and Zoning code provisions that apply to properties included in this preliminary plat application, confirming that R-3 zoning supersedes any inconsistent land use designations that might otherwise apply to the site. (*Staff Report, page 18*).
47. During the open-record public hearing for this application, only City staff and Applicant representatives appeared at the hearing, with no one from the general public asking to speak. No one opposed this application during the public hearing. The Examiner is familiar with the site conditions and those of the surrounding area, having visited the site of the proposed project, and public roads leading to and from the vicinity of the proposed plat on several occasions in the last few years.
48. Without the additional conditions added by the Examiner, this application should be denied, as it would be incomplete, and fail to address applicable Emergency Management and Critical Areas considerations. With additional conditions explained in this Decision, the application can satisfy applicable approval criteria, including Emergency Management and Critical Areas codes.
49. The Staff Report explains that various public services, including City utility services, are readily accessible and available to serve the proposed new plat. (*Staff Report, pages 12-15*).
50. As required by RMC 24.50.040, the hearing examiner reviewed this application – and added additional conditions of approval – to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan or other official growth management controls of the city, and to assure conformance to city planning standards, zoning, and specifications. The hearing examiner inquired into the public use and interest proposed to be served by the subdivision and any dedications associated therewith. Based on the record, and with additional conditions, the hearing examiner finds and concludes that this application makes appropriate provisions for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets, alleys, irrigation water right-of-way and distribution

facilities, multi-use pathways, and other public ways, transit stops, public potable water supplies, sanitary sewer, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features, that assure safe walking conditions for students who walk to and from school, and determine whether the public interest will be served by the subdivision and dedications.

***Compliance with city development regulations achieves consistency with the Comprehensive Plan***

51. RMC 24.20.010 explains that the purpose of the City’s platting and subdivision codes, now known as “Land Division Regulations,” found in Title 24 of the Richland Municipal Code, is “K. *To ensure consistency with and to further the goals and policies of the comprehensive plan*” and that the regulations in Title 24 “*are necessary to: A. Promote the health, safety, and general welfare in accordance with standards established by the state and the city; B. Promote effective use of land by preventing the overcrowding or scattered development which would be detrimental to health, safety, or the general welfare due to the lack of water supplies, sanitary sewer, drainage, transportation, or other public services, or excessive expenditure of public funds for such services; C. Avoid congestion and promote safe and convenient travel by the public on streets, highways, sidewalks, and multi-use pathways through the proper planning and coordination of new streets within subdivisions with existing and planned streets in the surrounding community; D. Provide for adequate light and air; E. Provide for adequate water, sewage, drainage, parks and recreational areas, transit, sites for schools and school grounds, and other public requirements; F. Provide for proper ingress and egress; G. Provide for housing and commercial needs of the community; H. Require uniform monumentation of land divisions and conveyance of accurate legal descriptions; I. Protect environmentally sensitive areas; [and] J. Provide for flexibility in site design to accommodate view enhancement and protection, protection of streams and wetlands, protection of steep slopes, and other environmentally significant or sensitive areas [...]*”. The effect of this provision is that compliance with the City’s Comprehensive Plan can be established, or at least partially established, through compliance with the city’s platting and subdivision regulations found in Title 24 of the Richland Municipal Code. In this matter, a preponderance of evidence in the record establishes compliance by the proposed plat (as conditioned herein) with the city’s land platting regulations that are applicable to this project, thus implementing and complying with the City’s Comprehensive Plan.
52. The applicant’s proposed plat design, as modified by conditions of approval, merits approval.

//

//

***A preponderance of evidence in the record demonstrates that the proposed project, as conditioned, satisfies approval criteria.***

53. As required by RMC 24.50.050, the record contains a preponderance of evidence to demonstrate that, as conditioned, the proposed plat makes appropriate provisions for the following considerations, with additional findings provided in italics:

A. The public health, safety, and general welfare

- *Additional conditions have been added to address Emergency Management, Critical Areas, and WSDOT concerns. With these conditions, and others proposed by Staff and the applicant team, the proposed plat is designed or conditioned to make appropriate provisions for the public health, safety, and general welfare.*

B. Open spaces

- *Tract A and C are designated public open spaces. The project is part of the larger master planned community, which already includes large open space areas, including walking paths, and a golf course.*

C. Drainage ways/stormwater

- *Tract B is a designated stormwater facility. The project will be consistent with all applicable standards for stormwater system design, including without limitation the Department of Ecology Stormwater Management Manual for Eastern Washington. See Stormwater Conditions of Approval 35-43.*

D. Streets or roads, alleys, sidewalks, multi-use pathways, and other public ways

- *Proposed roads and sidewalks are to be designed to City standards. Provisions have been made for a multi-use pathway or other public way through proposed Tract A. The proposed plat has been reviewed by the City for compliance with applicable street system design requirements, and, subject to compliance with specific conditions of approval, can be consistent with all applicable city standards for city roads, streets, driveways, access, circulation, transportation concurrency and the like. See Staff Report, proposed findings regarding transportation issues; Conditions of approval.*

E. Transit stops

- *While the local transit agency (Ben Franklin Transit) has no plan to serve the Horn Rapids area with a fixed bus route in the foreseeable future, to the extent transit stops are or may be located nearby to serve residents of the proposed plat, or Richland residents generally, the subdivision design, access and internal circulation patterns, as conditioned, are appropriate to allow for pedestrians and vehicles to access arterials and other routes that could direct users to existing or future transit stops and facilities. Access to possible carpool vehicles is enhanced with the pedestrian access features included in this project.*

F. Public potable water supplies and irrigation water right-of-way and distribution facilities.

- *Proposed to be installed underground and throughout the plat area. The new subdivision will receive its domestic water supply from the City of Richland. Staff confirms that adequate capacity is available within the city's water supply system to provide domestic water service to the new plat, with extensions into the new plat used to provide service. (Staff Report, page 13).*

G. Sanitary sewer

- *Proposed to be installed underground and throughout the plat area. Consistent with City development standards, the plat will be connected to the City's sanitary sewer system. See Staff Report discussion of sewer issues on page 13; Sanitary Sewer Conditions of Approval 32-34.*

H. Parks and recreation

- *Tract C will be a designated open space tract. Features of this tract will be determined at a later date. The Horn Rapids Master Plan Community has an existing 18-hole golf course.*

I. Playgrounds, schools and school grounds

- *The plat is within the Richland School District. Existing schools, all more than 2-miles away from the site, serve students living in the Horn Rapids Community. The Richland School District has no future plans for adding a school within the Horn Rapids area. There is a large city park located east of the project site, across SR 240, and the Horn Rapids community includes the golf course, and some recreational venues to serve residents.*

J. Sidewalks and other planning features that assure safe walking conditions who only walk to and from school

- *The proposed plat will have sidewalks, constructed to City standards, and the posted speed limit along local and collector roads will be set at 25 miles per hour, except for Village Parkway, which has an established speed limit of 30 miles per hour.*

54. Based on all evidence, exhibits and testimony in the record, the undersigned Examiner specifically finds that the proposed plat, as conditioned below, makes appropriate provisions for the considerations detailed in applicable law, including without limitation RMC 24.50.040, 24.50.050, and 19.60.095, and that the public use and interest will be served by the proposed plat and associated dedications and improvements.

## **V. CONCLUSIONS OF LAW.**

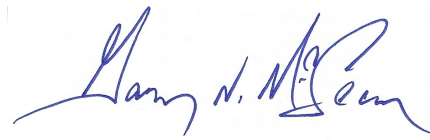
1. Based on the Findings as summarized above, the undersigned examiner concludes that the proposed plat, as conditioned below, conforms to all applicable zoning and land use requirements and appropriately mitigates adverse environmental impacts. Upon reaching such findings and conclusions as noted above, the preliminary plat meets the standards necessary to obtain approval by the City.

2. The conditions of approval imposed as part of this Decision are reasonable, supported by the evidence, and capable of accomplishment.
3. Any Finding or other statements in previous or following sections of this document that are deemed Conclusions are hereby adopted as such.

## **VI. DECISION.**

Based upon the preceding Findings of Fact and Conclusions of Law, evidence presented through the course of the open record hearing, all materials contained in the contents of the record, and the Examiner's site visits to the area, **the undersigned Examiner APPROVES the "Quail Ridge III" Preliminary Plat** application, as identified in the application materials, all subject to the following Conditions of Approval.

Decision issued: July 21, 2025.



Gary N. McLean  
Hearing Examiner for the City of Richland

**CONDITIONS OF APPROVAL  
FOR THE  
PRELIMINARY PLAT OF QUAIL RIDGE III  
FILE NO. PLN-T3-2025-00001**

***General Conditions:***

- A. Development of the plat shall be substantially consistent with drawings provided in the Preliminary Plat maps included as part of the application materials (*Ex. 1.3*), subject to modifications necessary to comply with these conditions of approval.
- B. Preliminary Plat approval shall be null and void if any condition enumerated herein is not satisfied.
- C. No construction or site development activities related to the plat may be undertaken until required city approvals become effective, and the City and other regulatory authorities with jurisdiction issue applicable permits.
- D. The applicant shall comply with all professional report conclusions and recommendations submitted in connection with the preliminary plat and engineering reviews, as approved and/or amended by the City.
- E. Applicant shall be responsible for consulting with state and federal agencies, and tribal entities with jurisdiction (if any) for applicable permit or other regulatory requirements. Approval of a preliminary plat does not limit the applicant's responsibility to obtain any required permit, license or approval from a state, federal, or other regulatory body. Any conditions of regulatory agency permits, licenses, or approvals shall be considered conditions for this project.
- F. The final engineering plans and submittals necessary to obtain final approvals for each phase of the plat shall conform to all applicable provisions of the Richland Municipal Code and the Conditions of Approval herein.
- G. The preliminary plat shall comply with all applicable provisions of the Richland Municipal Code, whether or not such provisions are enumerated or referenced in the approved preliminary plat plans, in the staff report or in this Decision. The burden is on the applicant to show compliance with applicable provisions of the City's code and these conditions at every stage of development.
- H. ***Mitigation Plan for impacts to critical areas.*** The applicant shall confer with relevant City staff, WDFW, and qualified professionals of its choosing, for purposes of developing a mitigation plan to address Critical Areas impacts associated with this project. Such plan is subject to review and approval by the Planning Manager. The Mitigation Plan must be approved before any site work can commence, including without limitation grading. Findings providing guidance and options to consider in preparing the mitigation plan are provided in this Decision, including without limitation Findings 36-41.
- I. ***Condition requiring compliance with Inadvertent Discovery Plan:*** A copy of the Inadvertent Discovery Plan (IDP) included in the record as *Ex. 1.6*, subject to updates and additional provisions or mandatory contacts that may be imposed by the City's Planning Manager, including current names and contact numbers, must be provided to all contractors and be available on-site for reference throughout all phases of the development process that might involve ground disturbance work. If ground-disturbing activities uncover or reveal objects that might appear to be protected resources during the course of construction, then all activity will cease that could cause further disturbance to such items, until

notifications are made to appropriate parties, as detailed in the IDP and as may be mandated by the City's Planning Manager.

- J. ***Emergency Planning Zone (EPZ) Requirements*** – To assure consistency with previous development approvals issued for projects located in the 10-mile EPZ, the Planning Manager is authorized and directed to include alarms, signals, speakers, special signage, or other notification devices or strategies as part of the building permit review and approval process, all in consultation with Benton County Emergency Management officials, to identify and utilize current best practices and devices as appropriate.
- K. ***Condition to address WSDOT comments.*** To minimize or reduce potential impacts along the SR 240 corridor, the applicant shall construct a six-foot tall fence or rock wall with no gates along the plat frontage abutting SR 240 – intended to reduce road noise and address safety concerns related to children and pets living in the new subdivision, among other things. Any lighting features to be installed as part of the plat development shall be designed and installed to retain light onsite, directed downwards, to prevent or minimize “fugitive light” that might extend onto the highway.

#### ***Planning conditions.***

1. Move Tract A to between Lots 12 and 13 or Lots 13 and 14.
2. A one (1) foot no access/screening easement along Village Parkway shall be required for Lots 1 – 32.
3. A one (1) foot no access/screening easement along State Route 240 shall be required for Lots 33 – 37, Tract B, and Lots 47 – 57.
4. Add note: Lots 33 – 37 and 47 – 57, including Tract B, shall not have direct access to State Route 240.
5. Add note: Village Parkway is classified as a “Collector Road.” Lots 1 – 32 shall not have direct access to Village Parkway.
6. Add note: Setbacks, building heights, and lot coverage limits for single-family detached dwellings shall be set forth in the site requirements for residential use districts table (RMC 23.18.040), including footnote #10, which states “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.”
7. Add note: All landscaped areas within this plat that are in the public right-of-way shall be the responsibility of the homeowners to maintain.
8. Shall follow the Inadvertent Discovery Plan, as detailed in the submitted Critical Areas Report and report any archeological materials to the appropriate agencies and affected tribes. [*\*See Condition I, above, with additional details and requirements for how to use the IDP*].

#### **Addressing**

9. Street names will be reviewed when construction drawings are submitted to the Public Works Department. When construction drawings are submitted, please include two (2) street name options for each of the new street segments and the City will review to determine acceptable street names. Reference RMC Chapter 12.01.060 to determine acceptable street designations.



10. Addressing buckets [. . .] are needed on all lots and tracts.

## ***Public Works***

### General Conditions

11. All final, approved plans for public improvements shall be submitted prior to pre-construction on a 24” x 36” hardcopy format and also electronically. Addendums are not allowed, all information shall be supplied in full size (and electronic) format. When construction of the public infrastructure has been substantially completed, the applicant shall provide electronic record drawings in accordance with the City’s “Record Drawing Requirements”. The electronic record drawings shall be submitted in an AutoCAD format compatible with the City’s CAD software. The final 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 final plat.
12. 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 from all appropriate reviewing jurisdictions (e.g.: Benton County, any appropriate irrigation districts, other utilities, etc.) shall be incorporated into one comprehensive set of drawings and resubmitted (if necessary) for final permit review and issuance. 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.
13. Any work within the public right-of-way or easements or involving public infrastructure will require the applicant to obtain a right-of-way construction permit prior to beginning work, per RMC Chapter 12.08. The applicant shall pay a plan review fee based on a cost-per-sheet of engineering infrastructure plans. This public infrastructure plan review fee shall apply each time a project is submitted for review. Please visit the published fee schedule on the City’s webpage to find the current per-sheet fee. A permit fee in the amount equal to 3% of the construction costs of the work within the right-of-way or easement will be collected at the time the construction permit is issued.
14. Public utility infrastructure located on private property will require recording of a City standard form easement prior to final acceptance of the infrastructure. The City requires preparation of the easement legal description by the developer four (4) weeks prior to the scheduled date of final platting. Once received, the City will prepare the easement document and provide it to the developer. The developer shall be responsible for payment of the recordation fees.
15. A pre-construction conference shall be required prior to the start of any work within the public right-of-way or easement. Contact the Public Works Engineering Division at 509- 942-7500 to schedule a pre-construction conference.
16. The contractor and developer shall be responsible for any and all public infrastructure construction deficiencies for a period of one (1) year from the date of the letter of acceptance by the City of Richland.
17. A copy of the preliminary plat shall be supplied to the Post Office and all locations of future mailbox clusters approved prior to installation or final platting. Approval from the United States Postal Service shall be supplied to the City as part of final plat approval.

### Design Standards

18. Public improvement design shall follow the following general format:

- a. All public improvements, materials and workmanship shall be in conformance with the latest revision of the City of Richland Standard Specifications and Details, Public Infrastructure Design Guidelines, Richland Municipal Code, and the current edition of the State of Washington Standard Specifications for Road, Bridge, and Municipal Construction. Please confirm that you have the latest set of standard specs and details by visiting the City's web page.
- b. Fire hydrant location shall be reviewed and approved by the City Fire Marshal.
- c. All utilities shall be extended to the adjacent property (properties) at the time of construction.
- d. The minimum centerline finish grade shall be no less than 0.30% and the maximum centerline finish grade shall be no more than 10% for local streets. 12% can be allowed for local streets for short distances.
- e. The minimum centerline radius for local streets shall be 100-feet.
- f. 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.

#### 19. 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) and 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 then 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

- 20. The Village Parkway frontage shall be completed to current City standards at the time that the phase which constructs the lots adjacent to it are developed. The frontage shall be completed by the developer at the time that each phase that fronts on Village Parkway is constructed.

21. 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, HOA tracts, etc.).
22. Pedestrian ramps shall be designed to current City Standard Details and PROWAG Standards to be compliant with federal ADA Standards. Adequate right-of-way shall be provided at corners to allow for at least 1-foot of ROW behind the concrete pedestrian ramp landing. Crosswalks between pedestrian ramps shall be designed to City standards. The road profile shall be designed to accommodate this.
23. Vision-clearance triangles shall be shown at all corner lots on both the construction plans and the final plat document, in accordance with RMC Chapter 12.11.020. If the intersection is in a curve, it will have to be evaluated per AASHTO guidelines.
24. Any roadways narrower than 32-feet shall have parking restricted on one side, and any roads narrower than 27-feet shall have parking restricted on both sides. Street signs indicating restricted parking shall be installed prior to final platting at the developer's expense. The restricted parking areas shall be indicated on the construction plans and the final plat.
25. All roads shall be constructed to provide for adequate fire truck & solid waste collection truck access & turnaround movements.
26. 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 turnarounds built at the end of them. If the temporary turnaround is not located within the final plat an easement with a 50-foot radius will be required.

#### Domestic Water

27. It shall be the responsibility of the developer to extend a watermain to and through this property to serve domestic water at the time of plat construction. This water main shall be sized to adequately supply domestic water and fire flows to the proposed development.
28. In accordance with municipal code, domestic water mains shall be extended to the adjoining properties adjacent to the preliminary plat, provided they are in the correct pressure zone.
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 or oversizing of the main where needed.
30. The fire hydrant layout shall be approved by the City Fire Marshal.
31. In accordance with Richland Municipal Code Chapter 18.16.080, an irrigation source and distribution system, entirely separate from the City's domestic water system, shall be provided for this development.

#### Sanitary Sewer

32. It shall be the responsibility of the developer to extend a sewer main to and through this property to serve sanitary sewer to all parcels at the time of plat construction.
33. A 10-foot wide exclusive sanitary sewer easement shall be provided for any sewer main that is outside of the public Right-of-Way. Wider easements are required for mains that are buried deeper than 10-feet. If any manholes are located outside of the public Right-of-Way, maintenance truck access to said structure may be required.
34. Sanitary sewer shall be extended to the adjoining properties adjacent to the preliminary plat.

### Storm Water

35. All construction projects that don't meet the exemption requirements, outlined in Richland Municipal Code Section 16.06, shall comply with the requirements of the Washington State Department of Ecology issued Eastern Washington NPDES Phase II Municipal Stormwater Permit. The Developer shall be responsible for compliance with the permit conditions. All construction activities subject to this title shall be required to comply with the standards and requirements set forth in the Stormwater Management Manual for Eastern Washington (SWMMEW) and prepare a Stormwater Site Plan. In addition, a Stormwater Pollution Prevention Plan (SWPPP) or submission of a completed erosivity waiver certification is required at the time of plan submittal. The City has adopted 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. The project will require detailed erosion control plans.
36. All public storm drainage collection systems shall have their flow rate and storage capacity designed by a professional engineer following the core elements defined in the latest editions of the Stormwater Management Manual for Eastern Washington, the current Richland Municipal Code (RMC), the Phase II Municipal Stormwater Permit, and the City's "Public Infrastructure Construction Plan Requirements and Design Guidelines". The storm water calculations shall be stamped by a professional engineer and shall include a profile of the storm system showing the hydraulic grade line. The calculations should include an accurate delineation of the contributing drainage area to accurately size the stormwater facilities. Passing the storm water downhill to an existing storm system will require an analysis of the downstream storm system to determine its capability of accepting the storm water without being overwhelmed. The applicant's design shall provide runoff protection to downstream property owners.
37. Any proposed storm drainage retention facilities within the boundary of the proposed preliminary plat shall not adversely affect neighboring properties.
38. Per RMC Chapter 24.100.240 and the City of Richland's Comprehensive Stormwater Management Plan, the storm drainage system installed as part of this plat may need to be oversized in order to handle the additional flow from future developments in the vicinity. The storm drainage system for this development, both its conveyance and retention / infiltration components, shall be designed to effectively manage runoff from upstream properties that can be anticipated to convey stormwater onto this property because of a pre-development runoff condition, or as a result of flows discharged that are in excess of the design storm from the upstream property. Additionally, as this property is upslope of developed properties the stormwater system shall include provisions for possible discharge of runoff onto downslope properties from storms in excess of the design storm as described above. Those provisions may be required to include off-site downslope conveyance facilities and/or flowage easements allowing for the conveyance of stormwater to and across downslope properties.
39. The amount of post-development storm runoff from the proposed site shall be in compliance with RMC Chapter 16.06.
40. Stormwater collection pipes shall be extended to the adjoining properties adjacent to the plat.
41. The parcel occupied by the stormwater basin shall be identified as a separate parcel or tract on the final plat and shall be dedicated to the City stormwater utility. The design of the basin shall include access features meeting the City's needs for maintenance.

42. The developer shall consider the long-term appearance of the storm basin, particularly if it will occupy a prominent location in the development. The City's typical storm pond maintenance practices consist of semi-annual vegetation trimming and silt and debris removal. If the pond location is deemed by City staff as being in a prominent location the developer shall design and install fencing and/or landscaping to mitigate the pond's visible character for the surrounding properties. If the City requires this type of treatment to the pond site the developer may propose landscaping treatments consistent with the development and establish maintenance responsibilities to remain with the development. These maintenance responsibilities shall be noted on the final plat. Basins designed as detention and evaporative basins need to include plantings that will tolerate or thrive in standing water. Planting designs for areas not routinely exposed to water shall include plants that will thrive without irrigation unless the developer intends to maintain an irrigated pond site. At a minimum the landscaping plan should be consistent with the City's intended maintenance standard as described above.
43. The developer shall be responsible for landscaping the storm pond and for its maintenance and the plantings through the one-year infrastructure warranty period. At eleven (11) months after the final acceptance date the developer shall clean the storm system and basin of all accumulated oil, sediment, and debris. After this maintenance is completed and inspected the City will begin routine maintenance of the system and basin. The developer shall replace any plantings that have failed to survive the warranty period. The developer shall also perform trimmings required to control weeds in excess of 18-inches in height for the 12-months following the date of final plat acceptance.

#### Final Platting / Project Acceptance Requirements

44. When the construction is substantially complete, a set of "record drawings" shall be prepared by a licensed surveyor and include all changes and deviations. Please reference the Public Works document "RECORD DRAWING REQUIREMENTS & PROCEDURES" for a complete description of the record drawing process. All final punchlist items shall be completed or financially guaranteed prior to recording of the final plat.
45. Public utility infrastructure located on private property will require recording of a City standard form easement prior to acceptance of the infrastructure and release of a certificate of occupancy. The City requires preparation of the easement legal description by the developer two (2) weeks prior to the scheduled date of final acceptance. Off-site ("third party") easements or right-of-ways for City infrastructure are the responsibility of the developer to obtain. 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 occupancy.
46. Any off-site easements or permits necessary for this project shall be obtained and secured by the applicant and supplied to the City prior to permit issuance.
47. Ten-foot wide public utility easements will be required on the final plat along both sides of all right-of-ways within the proposed plat. They will also be required where the plat is adjacent to an existing right-of-way.
48. The vision-clearance triangle needs to be shown on all corner lots on the final plat document, in accordance with RMC Chapter 12.11.020. If the intersection is in a curve, it will have to be evaluated per AASHTO guidelines. This information may need to be designed by the engineer of record and supplied to the surveyor of record for inclusion into the final plat document.
49. The intended use and ownership of all tracts within the plat shall be noted on the final plat.

50. Property with an unpaid L.I.D. assessment towards it must be paid in full or segregated per Richland Municipal Code 3.12.095.

**Advisory Notes**

1. *Energy Services*: There are a couple of vaults at the east entrance of this project that may have to be relocated.
2. *Public Works*: The Quail Ridge III preliminary plat is subject to the City's traffic impact fee program (RMC 12.03). Since this property is included within the traffic impact fee program, and since staff analysis indicates the project will create no unusual or unanticipated traffic impacts, it is exempt from the SEPA-related traffic study requirement (TIA).
3. *Public Works*: Street names are not reviewed or vested until construction plans are submitted for review. The street names included on the pre-plat may not be approved or available during the construction plan review process.
4. *Public Works*: If the City Fire Marshal requires a secondary emergency vehicle access (SEVA), it shall be included in the construction plan set and be designed to the following standards:
  - a. 2-inches compacted gravel, minimum (temp. SEVAs only).
  - b. Permanent SEVA's shall be paved with 2-inches of asphalt, minimum.
  - c. 2% cross-slope, maximum.
  - d. 5% slope, maximum. Any access road steeper than 5% shall be paved or be approved by the Fire Marshal.
  - e. Be 20-feet in width.
  - f. Have radii that are accommodating with those needed for City Fire apparatus

Any secondary emergency vehicle access (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 City Fire Department

**NOTE – In the event of a need for clarification regarding the application or interpretation of any term or condition of approval set forth above, either the applicant or the city can invoke the jurisdiction of the Hearing Examiner to issue a written clarification of a particular term or condition, through a written request detailing the matter, and the basis for such request. Such request shall be made as a Request for Reconsideration, submitted within seven (7) calendar days of the date this Decision is issued.**

## **Notice of Rights to Request Reconsideration or Appeal This Decision**

### ***Reconsideration –***

Sec. 2.22(a) of the Richland Hearing Examiner Rules of Procedure reads as follows:

(a) The Hearing Examiner may reconsider a decision or recommendation on an application, if it is filed in writing within 7 calendar days of the date of issuance. Only parties of record have standing to seek reconsideration. Any request for reconsideration shall be served on all parties of record and to any party's designated representative or legal counsel on the same day as the request is delivered to the Hearing Examiner. The Examiner will seek to accept or reject any request for reconsideration within 3 business days of receipt. If the Examiner decides to reconsider a decision, the appeal period will be tolled (placed on hold) until the reconsideration process is complete and a new decision is issued. If the Examiner decides to reconsider a recommendation made to the City Council, the transmittal to the City Council shall be withheld until the reconsideration process is complete and a new recommendation is issued. If the Examiner decides to reconsider a decision or recommendation, all parties of record shall be notified. The Examiner shall set a schedule for other parties to respond in writing to the reconsideration request and shall issue a decision no later than 10 business days following the submittal of written responses. A new appeal period shall run from the date of the Hearing Examiner's Order on Reconsideration.

### ***Appeal –***

The hearing examiner's decision regarding this preliminary plat application shall be final, subject to judicial appeal in the time and manner as provided in RMC 19.70.060 and Ch. 36.70C RCW (*"The city's final decision on land use 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."* RMC 19.70.060).

**NOTE:** The Notice provided on this page is only a short summary, and is not a complete explanation of fees, deadlines, and other filing requirements applicable reconsideration or appeals. Individuals should confer with advisors of their choosing and review all relevant codes, including without limitation the city code provisions referenced above and the Land Use Petition Act (Chapter 36.70C RCW) for additional information and details that may apply.