



MINUTES

RICHLAND PLANNING COMMISSION MEETING No. 2-2014

Richland City Hall – 550 Swift Boulevard – Council Chamber

WEDNESDAY, February 26, 2014

7:00 PM

Call to Order:

Chairman Utz called the meeting to order at 7:00 PM

Attendance:

Present: Commissioners Berkowitz, Boring, Clark, Jones, Madsen, Wallner, Wise, Vice-Chair Moser and Chairman Utz. Also present were City Council Liaison Phil Lemley, Deputy City Manager Bill King, Development Services Manager Rick Simon, Senior Planner Aaron Lambert and Recorder Penny Howard.

Approval of Agenda:

Chairman Utz presented the February 26, 2014 meeting agenda for approval.

The agenda was approved as written.

Approval of Minutes

Chairman Utz presented the meeting minutes of the January 22, 2013 regular meeting for approval.

A motion was made by Commissioner Wise and seconded by Commissioner Clark to approve the meeting minutes of the January 22, 2014 regular meeting as amended.

The motion carried, 9-0.

Public Comment

Chairman Utz asked for public comment on any item not on the agenda. Seeing none, he closed this portion of the meeting.

PUBLIC HEARING

Public Hearing Explanation: **Ms. Howard** 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.

Commissioner Berkowitz disclosed her affiliation with the Friends of Badger Mountain organization that the Applicant for Agenda Item 3 made donations to. The Board had no concern with conflicts of interest.

Unfinished Business

A motion was made by Commissioner Madsen and seconded by Commissioner Jones to remove the update of the City Shoreline Master Program (M2014-100) from the table.

MOTION CARRIED 9-0.

- 1. Update of the City Shoreline Master Program, consisting of a proposed new “Shoreline Management” section of the Comprehensive Plan; amendments to Title 26 of the Richland Municipal Code – Shoreline Management; amendments to Title 19 – Development Regulation Administration; amendments to Title 23 – Zoning; and amendments to Title 22 – Sensitive Areas Ordinance, all as they relate to shoreline areas within the City of Richland. (M2014-100)**

Mr. Simon summarized the changes made since the January 22 meeting. The only unresolved issue identified was related to Amon Basin and whether or not it should be under the shoreline jurisdiction which would be determined by the Washington Department of Ecology. If they determine Amon Basin is a shoreline, the document would require additional work by the Planning Commission. **Mr. Simon** pointed out the Planning Commission would need to be follow up on the preservation of view corridors and amendments for zoning codes in the future.

Chairman Utz opened the Public Hearing at 7:15 PM.

Seth Defoe, Kennewick Irrigation District, 12 West Kennewick Avenue, Kennewick: “KID, early in, was kind of more heavily involved early in this process. We provided a lot of information; a lot of data on the Amon system to the City to use to help the Commission and the City officials make a decision on SMP status for the Amon area. We did miss out on a few meetings, but I wanted to come here tonight to kind of answer a few of the questions that I saw; some of the discussion that came up in the January 22 meeting that I thought could be clarified through KID participation and answer questions that any of the Commissioners had if that’s part of the process. As I said, we have provided a wealth of information. I do have a letter that I’d like to submit for the record, for the Commissioners to read. I’m not gonna read from it right now, but it

basically, kind of, summarizes some of the points in the huge ream of information that we gave and if you'd take a look at it, I'd appreciate it. I also understand that the ball's kind of in the Department of Ecology's court at this point. It looks like they're gonna make the call on this and we understand that. So, um, KID's official position is that we would oppose an SMP designation for the Amon Basin. The entire main wasteway that KID refers to as the Amon Wasteway, to others is known as the East Fork of Amon Creek for our operational spill. We have a, we've had an easement on that, a federally designated easement since the irrigation system went in back in 1955 to operate and maintain that wasteway through that area down to near the CID flume is where our jurisdiction ends. And the other area that KID calls the East Badger Drain, which is known as the West Fork Amon Creek, we don't have operational spill in there, but we do have return flows that seep up from the ground as springs in that area, that from all studies that we've done, come from applied irrigation and canal seepage. We do have drainage easements in that area as well to get in there and clean it out. Over the years, as you've seen, that we haven't really done that so wetland vegetation has formed in that area and is highly valuable to the community. KID recognizes that. We recognize the ecological services that the wetlands provide in that area. So, going back, I don't know if; I didn't bring any of the photos with me, but I know there's photos going back that show the channelized nature of both east and west Amon when they were constructed to use as: one) an operation spillway, the other to convey drainage away from the low spots there. Over time, this has grown up, urbanization has filled in, more irrigation has been applied and these wetland habitats have formed.

There was a couple comments from the January 22nd meeting that I did want to address briefly. One gentleman named Mark Kraft, made a comment about 'maybe KID's interested because we'd like access to get into the drains to maintain them if needed'. And, yes, we do have a concern about that, especially in the main Amon wasteway. As development encroaches upon areas around the wasteway, ah – especially during water on season, we could run into problems with flooding and potentially washing out homes and streets. We do have a scenario currently, apparently where the channel has shifted from its original position due to, a movements in sand across the area and it's formed a new channel. And, as development occurs in that area, we want to be able to get in that area to maintain it and ensure that channel doesn't endanger any homes or property.

And, I'll just reiterate, I know that some of the testimony from Tapteal focused on how the wasteway is not a year around spillway and that's absolutely true. But, KID's interest does not only lie in the operational spillway, we also have an interest in that east fork, because it's our water that has created those wetlands. We're fortunate it's in an area where it's appreciated and not flooding people's homes. But, we have drainage easements in there and I know it was also mentioned by the consultant in some of the materials that the water that's in there is KID's water to re-appropriate. Many of you are probably aware of the Gage pumps which are located down the basin. KID has a pump station there. We collect some of that water and serve about 1500 customers.

So, I will just close with, because it's a complex system, but in the end it was dry before the onset of irrigation. KID's stance is that it's a constructed system; we have lots of evidence of that. It actually works pretty well. I think we've been a fairly good steward of it because a lot of those values that are causing some conflict are because it's because it's such a valuable area. But, we don't believe that state regulation and SMP designation is correct for a constructed drainage area. But we are interested in being good neighbors and working with interested parties to balance KID's rights to operate and maintain a drain with those community values that are found in Amon. So, thank you for your time tonight."

Chairman Utz closed the Public Hearing at 7:22 PM.

Discussion:

Commissioner Berkowitz shared the Department of Ecology's definition of stream: 'An area where open surface water produces a defined channel or bed, not including irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial water courses unless they are used by salmonids or are used to convey a water course naturally occurring prior to construction.' She stated that since salmonids were in Amon, that should be considered by the Department of Ecology.

Commissioner Berkowitz pointed out that one of the Washington Administrative Codes state residential developments, structures and uses should be set back from steep slopes and shorelines vulnerable to erosion so additional protective structures would not be required. She stated there were residential developments and wanted to confirm that the buffers were sufficient. **Mr. Simon** confirmed the sufficiency of those buffers.

A motion was made by Commissioner Madsen and seconded by Commissioner Boring to concur with the findings and conclusions set forth in Staff Report (M2014-100) and recommend to the City Council adoption of the proposed updates to the Richland Shoreline Master Program.

Vice-Chair Moser thanked the staff, consultant, and commissioners for their hard work on the Shoreline Master Plan. She specifically commended Commissioners Berkowitz and Wise for their intense review and expressed her happiness with the final product.

Chairman Utz thanked the staff, consultant and the Kennewick Irrigation District for their contributions, communication and a good final document.

MOTION CARRIED 9-0.

New Business

1. Preliminary plat approval to subdivide an approximately 4.75 acre parcel into 14 residential lots known as The Dwellings (S2014-101)

Mr. Lambert reviewed the staff report, with pictures on the overhead, for a preliminary plat request for The Dwellings, pointing out that it would provide a new connection for Melissa Street. The plat of approximately 4.75 acres would be divided into 14 residential lots surrounded, generally, by single family structures. Since driveways are not permitted on Melissa Street, per the Richland Municipal Code, the lots would share access drives. Although Brantingham Road and Melissa Street will not be connected, a sidewalk was recommended between the two roadways. Letters from the Peyton family provided letters requested a maximum height barrier and staff recommended a six foot fence along the north property line to help alleviate light and glare from vehicles on the proposed shared access drives.

Chairman Utz opened the Public Hearing at 7:34 PM.

Aaron Magula, Applicant, Dream Builders, 674 Big Sky Drive: "Everything that we've gone over on this with the City, in the pre-application meeting, with them was fine and agreeable. As they said, the private access road was their idea. I'd prefer to do; the six lots have their own driveways. And, the City had since changed that to an arterial collector street and had asked for the private drive, which was... You know, that's fine. The only thing that came up, that we hadn't talked about, was the fence along the back. I just ask that that's a shorter fence, rather than the maximum height to close in the lots that are there. I prefer to do, either a 3 foot block fence to help, since there is an elevation change between this lot and the lots below. I know, one concern was the cars driving into their yards. And, so, I'd prefer just to do a block wall there, 3 foot tall. Something a little more stable than just a wood fence as they'd asked for."

Chairman Utz closed the Public Hearing at 7:36 PM.

Discussion:

Vice-Chair Moser shared her iPad google map showing driveways that access Melissa Street, asking why driveways were not allowed when they clearly existed. **Mr. Peters** confirmed that there were driveways on the collector street and explained that for some reason, the previous developer was allowed to construct driveways emptying onto Melissa Street, which meant they would not have received the collector fee (reimbursement for roadway construction). They try to minimize the number driveways on an arterial collector street because it becomes a residential roadway. **Vice-Chair Moser** pointed out driveways to the east and west of the property and stated that it was confusing and a strange configuration for the neighborhood.

Vice-Chair Moser asked if Brantingham Road was going to go through or end as a cul-de-sac. **Mr. Peters** confirmed that it would end in a cul-de-sac due to a past decision to do so. Also in the past, Melissa Street was designated as a collector street with no direct access. He agreed that it did not make a lot of sense, rather executing past decisions.

Vice-Chair Moser suggested that since there were many driveways on Melissa Street, that decision had also been made and asked what other roadblocks there might be. **Mr. Peters** stated that it might be possible, but there is a solution to minimize that and it tends to be a domino effect. If exceptions are made, they are made everywhere. **Vice-Chair Moser** stated her support for the Applicant's original design, but could not support the current proposal.

An in-depth discussion followed, covering a number of concerns about traffic safety, future roadway plans, topography, lot size, easements, fencing, and other options for provided by the Applicant for the property.

Commissioner Jones suggested that the group table the item for now, return it to staff and allow them to take another look at the proposal.

A motion was made by Vice-Chair Moser and seconded by Commissioner Berkowitz to ask staff to work with developer to come up with an alternative option that keeps Melissa as an arterial collector, but creates better driveway access.

Vice-Chair Moser changed her motion to the original staff report recommendation with the following condition changes: Eliminate the first sentence of TAC report condition 22 under Traffic & Streets to read: Lots 1 & 2 and lots 3 & 4 and lots 5 & 6 would have three shared driveways accessing Melissa Street. Also, strike the TAC report condition 1 under the Planning Department related to fencing on the northern property line.

The Commissioners and the Applicant were agreeable to the changed motion.

Discussion on the Motion:

Commissioner Berkowitz asked how surface water drainage would be dealt with additional irrigation. **Mr. Lambert** informed that would be addressed when civil engineering did their review.

Commissioner Berkowitz noted the Migratory Bird Act would probably need to be enforced if cutting down trees during nesting season not allowed. **Mr. Lambert** agreed that it would need to be enforced if nests were identified.

Commissioner Madsen offered his support of the motion.

THE MOTION CARRIED 9-0.

2. Text amendments to the Land Use Development Regulations for the Badger Mountain South master planned community (Z2014-100)

Mr. Simon reviewed the staff report summarizing 42 proposed changes to various sections of the Land Use Development Regulations which were developed in 2010 and first amended in 2012. Highlighted changes proposed were:

- Identification of the green belt with a 20 foot wide green space between the roadway and the 8 foot sidewalk.
- A map that would eliminate secondary trails in the open space areas.
- A regulated plan for streets, with a sidewalk and planting strip for streets adjoining the open spaces. A proposed standard for no sidewalk on the green space side, which already has a primary trail, and different type of landscaping.
- A standard for a primary trail to have a 2 foot wide paved trail surface with a 2 foot wide gravel shoulder. There should be a 1 foot gravel shoulder one side and a 2 foot wide gravel shoulder on the other.
- A new configuration for duplex garages with living areas in front and garages toward the rear of the property.
- An updated housing photograph to better match the description in the text.
- A photo that better depicts the 20 foot wide green space standard.

Mr. Simon recommended approval of the amendments.

Chairman Utz opened the Public Hearing at 8:34 PM.

Loren Combs, Applicant: "I agree with everything that Mr. Simon said. There is a mistake on exhibit 3 that we will fix and he pointed that out to you. The intent was there, the drafting wasn't. So, we will correct that before it goes to Council. It's a scrivener's error. There was a change that was made that was from a sidebar conference with one of the Commissioners at the last workshop. And, she brought to my attention that one of the recommended treatments for outdoor furniture was teakwood. Well, unbeknownst to me, that is not a good thing to have outdoors anymore because it is in a threatened tree species and we shouldn't be using it in an area that's supposed to be geared for sustainability. So, we struck teak out of there. So, if any one of you want it back, we did not discuss that. But, I did strike it out in this proposal. So, teak would not be used in the outdoor furniture. Other than that, I'd be glad to answer any questions. One of the big issues that we came up with; we were house cleaning; but in trying to respect the topography, and especially in the smaller lots with alley load. It just didn't allow us to do some of the things that we needed to do there and we thought that the main thing was to have alley loaded houses. Because, by gosh, we do not want those curb cuts on those primary arterials. So, we want to encourage alley load, and, so we had to make

some changes to take care of the terrain difference that has to take place on the very small lots. I'd be glad to answer any questions that you may have for me."

Chairman Utz closed the Public Hearing at 8:37 PM.

Discussion:

A motion was made by Commissioner Madsen and seconded by Commissioner Boring to concur with the findings and conclusions set forth in Staff Report (Z2014-100) and recommend to the City Council adoption of the proposed amendments to the Badger Mountain South Land Use Development Regulations.

Discussion on the Motion:

Commissioner Berkowitz brought up the concern that without the trail and sidewalk would make it less bike-friendly.

Vice-Chair Moser expressed gratitude for all of the changes that had been made since the workshop and thanked Mr. Combs for keeping the sustainability standards feeling it was important to maintain Badger Mountain South as a sustainable development.

MOTION CARRIED 9-0.

3. Preliminary plat approval to subdivide 126.8 acres into 281 lots and 14 tracts known as the plat of South Orchard I (S2014-100)

Mr. Lambert presented the staff report requesting preliminary plat approval to allow for development of a proposed 281 lot subdivision for single family and multi-family development including a 14 acre future school site, a 6 acre City park site and a storage lot to be utilized by the residents. The 127 acre area located in the southeastern corner of the Badger Mountain Community and overhead photos were displayed. The proposal was found to be consistent with the master agreement and the planned action environmental ordinance for the Badger Mountain South Community. Mr. Lambert verbally corrected page 3 of the staff report, where a 214 acre parcel should have been stated as a 14 acre parcel to be occupied by the school district.

Chairman Utz opened the Public Hearing at 8:44 PM.

Loren Combs, Applicant "I'm pleased to be bringing forward before you another plat and I did some calculations here. If we spend as much time on that 3.75 acre plat that you just dealt with and we take an hour for breakfast, lunch and dinner; and breakfast on Friday, we could break before noon on Friday, based on this plat; based on the same number of acres. But, the discussion was good because the issues that you were struggling with are dealt with in this plat. And, we have taken the LUDR amendments

that you just recommended and some of them appear in this plat because of the surfaces that we're dealing with and the grades that we're dealing with. But there are no alley; or, excuse me, the houses are alley loads on that primary collector, because it makes it... It lets the traffic move, it lets the bicycles move and you don't have as much car interference. It's interesting, one of the notes the other Aaron, the other developer that was here today mentioned, I thought was really interesting: 'The alley load product makes for a nicer streetscape.' I don't know if you caught that because you were focused on the driveways, but he acknowledged that when you do alley loads, it makes a better looking front of the house. And, so, we have a lot of alley load in this product. We have a lot of safe pedestrian corridors. To clear up one item that Mr. Lambert brought up, Kennewick School District actually owns the land and you'll see they're one of the applicants for this. Because, they are entitled to the 20 acre parcel and as part of this platting process, 6 acres of that will be cut off and conveyed to the City of Richland for the area of the community park. So, you'll have the 14 acre elementary school site bordering a 6 acre City owned park. That's all I have. I concur with the staff report and the recommended findings and conclusions and would ask you to approve it and send it on to the Council for action. Thank you."

Chairman Utz closed the Public Hearing at 8:47 PM.

Discussion:

A motion was made by Commissioner Madsen and seconded by Commissioner Jones to concur with the findings and conclusions set forth in Staff Report (S2014-100) and recommend that the City Council approve the proposed preliminary plat of South Orchard 1 subject to the conditions of approval set forth in the Technical Advisory Committee Report dated January 28, 2014.

Discussion on the Motion:

Commissioner Jones asked for clarity on where the irrigation lines connect. **Mr. Combs** assumed the irrigation would follow the same method as that being used to irrigate the West Vineyard trees, but didn't have specifics. He guaranteed they would be watered, but did not know the exact method. **Commissioner Jones** suggested an indication on the drawings of the irrigation source for the Planners. **Mr. Lambert** informed all that irrigation would be provided by Badger Mountain Irrigation District.

Commissioner Madsen congratulated Mr. Combs and supported the project. He asked about when the project would tie in with the current construction. **Mr. Combs** explained that the water line was put through entire development early on due to poor flow from the Badger Mountain Irrigation District and a requirement by the Fire Marshall. Then, sewer and water became available sooner. Since utilities were made available on both ends, they began development began on both ends of the project. He pointed out on overhead maps that the water lines would follow the road. **Mr. Combs** anticipated the

roadway tie in would occur in 2017. He also commented that he was glad the Planning Commission liked the plan, because they helped with the design.

MOTION CARRIED 9-0.

Communications:

Mr. Simon

- Reminded the Commission of the workshop on March 12.

Mr. King

- Attended a City Council workshop the previous night and reported that they asked the Planning Commission to proceed in developing more specific regulations regarding the production and sale of marijuana. Additional public hearings and work would be forthcoming.

Mr. Peters

- Appreciated all the comments and discussion on traffic issues.

Commissioners Madsen, Boring, Wise Berkowitz and Clark

- Congratulated Chairman Utz on conducting his first Planning Commission meeting.

Commissioners Wallner and Wise

- Commented that the staff reports were clearer and more concise which made it easier to go through.

Commissioner Clark

- Appreciated Mr. Peters' patience in dealing with property pieces that are left after other developments have gone in.

Vice-Chair Moser

- Commented on the wonderful vision of the Badger Mountain South community and thought of Mr. Combs as a great developer.
- Reflected on the recent loss of Robert Young, a great developer in Richland who had a lot of influence, specifically in commercial development.

Commission Boring

- Buzzed in extra tonight since she hadn't been able to in the last two years.

Chairman Utz

- Commented that running the meeting was a bit like juggling and thanked all for their patience.

ADJOURNMENT:

The February 26, 2014 Richland Planning Commission Regular Meeting 1-2014 was adjourned at 9:05 PM. The next regular meeting of the Planning Commission will be held on March 26, 2014.

PREPARED BY: Penny Howard, Recorder, Planning and Development

REVIEWED BY:

Rick Simon, Secretary
Richland Planning Commission