MINUTES
RICHLAND PLANNING COMMISSION MEETING No. 4-2014
Richland City Hall – 550 Swift Boulevard – Council Chamber
WEDNESDAY, April 23, 2014
7:00 PM

Call to Order:

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

Attendance:

Present: Commissioners Boring, Jones, Madsen, Wallner, Wise, Vice-Chair Moser and Chairman Utz. Also present were Land Use Consulting Attorney Ken Harper, Attorney Heather Kintzley, Transportation and Development Manager Jeff Peters, Deputy City Manager Bill King, Development Services Manager Rick Simon, Senior Planner Aaron Lambert and Recorder Penny Howard. Commissioner Berkowitz' absence was excused.

Approval of Agenda:

Chairman Utz presented the April 23, 2014 meeting agenda for approval.

The agenda was approved as written.

Approval of Minutes

Chairman Utz presented the meeting minutes of the March 26, 2014 regular meeting for approval.

A motion was made by Commissioner Madsen and seconded by Vice-Chair Moser to approve the meeting minutes of the March 26, 2014 regular meeting as amended.

The motion carried, 7-0.

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.

Vice-Chair Moser recused herself from the first agenda item.

Commissioner Wise noted his residence was within one half mile of the property under discussion in agenda item one, but had no related correspondence and did not see a need to recuse himself. There were no objections.

New Business

1. **APPLICANT: HAYDEN HOMES (Z2013-106 & S2013-100)**
   APPROVAL OF A REQUESTED CHANGE IN ZONING OF THE MAJORITY OF A 131.9 ACRE SITE, WHICH IS PRESENTLY ZONED AGRICULTURAL. A TOTAL OF 89.6 ACRES IS REQUESTED TO BE ZONED R-2S – MEDIUM DENSITY RESIDENTIAL. ANOTHER 17.6 ACRES IS PROPOSED FOR NOS – NATURAL OPEN SPACE ZONING. THE SITE IS ALSO PROPOSED TO BE DIVIDED THROUGH A PRELIMINARY PLAT KNOWN AS "CLEARWATER CREEK", CONSISTING OF 320 RESIDENTIAL LOTS, A 13.6 ACRE SCHOOL SITE, AND 11 OPEN SPACE TRACTS TOTALLING 32.09 ACRES GENERALLY LOCATED NORTH OF THE BURLINGTON NORTHERN RAILROAD; WEST OF STEPTOE STREET; SOUTH OF CLAYBELL PARK AND THE PLAT OF "THE HEIGHTS AT MEADOW SPRINGS" AND EAST OF THE AMON PRESERVE.

Mr. Simon presented the staff report for the requested zoning change of a 131.9 acre site from agricultural to 89.6 acres R-2S medium density residential and 17.6 acres natural open space. The Clearwater Creek development originally included 460 residential lots, but after revisions was modified to 320 residential lots, a 13.6 acre school site and 11 open space tracts totaling 32.09 acres. He noted the criteria for the zone change was consistent with the Comprehensive Plan and a mitigated determination of non-significance was issued under the State Environmental Policy Act. **Mr. Simon** reported the average density as 4.5 units per acre excluding the open spaces with an average lot size of approximately 6600 square feet. The Comprehensive Plan issued in 1997 identified the majority of the site as low density residential which allows a density range of 0-5 units per acre. The applicant is obligated to pay park mitigation fees and complete the collector street across the development site. However, the exact alignment is not yet known. At some future point when the street is needed, additional studies, planning and public hearings would occur.

Several conditions were included in the mitigated determination of non-significance, such as on-site retention of storm water facilities, preparation and implementation of an

erosion control plan during construction, a dust control plan, re-vegetation of disturbed areas, identification and staking of wetland area buffers, fencing of the western boundary, lighting restrictions for homes adjacent to the nature preserve, a landscape plan within open spaces and a designated trail system outside the wetland area.

Staff recommended that the City and the applicant enter into a property use and development agreement limiting development to detached single family use only and setbacks for lots off Bellerive Drive. The application was consistent with City standards as related to subdivision codes.

Chairman Utz opened the Public Hearing at 7:24 PM.

Applicant: Dennis Murphy, President of Hayden Homes, 1615 Whitely Road, Walla Walla: Thanked the staff and commission for their thankless efforts, then provided a brief history of their company, their First Story non-profit organization and the Friends of Beer Falls forum. The forum was initiated to form a collaborative effort of staff and stakeholders that molded the Clearwater Creek proposal. Mr. Murphy expressed a desire to create a community similar to Hansen Park with affordable housing for respectable Richland residents.

Applicant: Nathan Michiela, Hayden Homes Regional Manager, 74706 East Country Heights Drive, Kennewick: Thanked Mr. Simon and staff for their work on the project and agreed with the findings and conclusions presented in the staff report. **Mr. Michiela** expressed concern for the Amon Basin Preserve, its importance to the community and stated that they would not build on it or harm it during development. He described the assistance and education provided by the Tapteal Greenway Association, commended them for their work and announced the dedication of eight acres of property to the group. Along with property purchased by Tapteal Greenway Association, the property buffering the preserve totaled approximately twelve acres and was intended as permanent open space.

Mr. Michiela offered his assurance that Hayden Homes would work with appropriate parties to realign work in order to resolve the location of the Rachel Road extension. He also clarified the intent of the Technical Advisory Committee report condition items 19.C and 19.D to be the development boundary rather than the site boundary.

Applicant: Stanley Schwartz, Hayden Homes Attorney, 422 West Riverside Avenue, Spokane: Offered his assistance with any questions.

Scott Woodward, Tapteal Greenway Association, 480 Columbia Park Trail: Explained that Amon Creek Natural Preserve is slowly being whittled away, first by a storm water drain, then a sewer line, now an impending development.

Commissioner Jones requested a point of order as Mr. Woodward was addressing the Rachel Road extension rather than the requested zoning changes and preliminary plat.

Chairman Utz asked Mr. Harper for direction on the point of order.

Mr. Harper suggested that the record reflect any public concern related to the general property under discussion for any current or future aspect of its development.

Chairman Utz noted the importance of allowing citizens to add to the official meeting record and reminded all of the limitation of two minutes to present testimony. The meeting resumed.

Mr. Woodward stated that this was "Richland's last chance to protect a community treasure of this magnitude" and believes a public road across the Amon Creek, which the Planning Commission voted to drop in June 2013, would be inconsistent with the use of the property as dedicated open space and a natural public preserve as promised by the City.

Dirk Peterson, Tapteal Greenway Association, 2107 Rainier Avenue: Provided history of Phase 1, in 2006, of the Amon Basin project with a purchase negotiated by the Trust for Public Land of 60 acres of unique wetlands, riparian and shrub steppe habitat with the following funding sources: Energy Facility Site Evaluation Council – over $1,000,000, City of Richland - $180,000, State of Washington Department of Transportation - $75,000 and Tapteal Greenway Association - $40,000 donated by local residents. The Land Use Agreement included the right to construct a public road across Amon Creek and that the City would not make or permit the use of any part of the property that was inconsistent with the use of a public nature preserve.

David Harvey, Tapteal Greenway Association, 1931 Harris Avenue: Provided a brief history of Phase 2, in 2008, when an additional 15.5 acres were added to the preserve and described the partnership between the Tapteal Greenway Association, federal agencies, private businesses and the City of Richland to preserve the Amon Basin. Tapteal Greenway passed title for the property to the City with the stipulation that any future use would be strictly as a public nature preserve and never for residential or commercial uses. The City agreed to the permanent protection of the Amon Creek Preserve.

Karen Sowers, Tapteal Greenway Association, 227 Sitka Court: Described the results of 2010 roadwork on Leslie Road and storm water retention pond system as a non-functioning barren ground that replaced Amon Creek habitat. She noted that although there was an imposed limit of twenty feet to install the Leslie trunk sewer line, measurements taken of the destruction ranged from 38 to 69 feet after a City memo stated, 'care has been taken to pick a route that minimizes the loss of natural vegetation'. The professional mitigation for damage was not very successful and **Ms. Sowers** believes the Future Land Use Agreement to be invalidated by precedence.

Adam File, Tapteal Greenway Association, 1827 Alder Avenue: Explained Phase 3 in 2008 as a concept of creating a central park for the community with a back drop of

shrub steppe habitat with support from the City Council, the Parks Commission, Washington State Department of Ecology, and the Department of Fish and Wildlife. The Phase 3 goal was to add 119 acres to the preserve, but the association fell just short of that goal in a grant competition. They attempted to regroup, but the owner sold the property to Hayden Homes in the meantime.

Kathy Deckter, Tapteal Greenway Association, 113 Bebb Court: Cited 262 individual contributions, countless Eagle Scout projects, citizens donating time, talent and money to clean up, haul trash out, replant and water native plants and care for the property. She invited all to attend a 'Wildland Walk' on May 17th.

Mike Lilga, Tapteal Greenway Association, 317 Fuller Street: Worked tirelessly to restore habitats, build trails and diminish the negative impact on recreational and health benefits. Several meetings with Hayden Homes resulted in the purchase of property that their budget would allow. He asked that Rachel Road be removed from the Transportation Improvement Plan because the residents, Hayden Homes and Tapteal Greenway all believe the extension to be unnecessary.

Jim Deatherage, 8907 West 6th Avenue, Kennewick: Shared his disbelief that anyone could think a road through a nature preserve would not disturb the nature. He stated that no one in attendance supported the road and urged all to consider the legacy they would leave behind.

George Last, 1938 Harris Avenue: Expressed concern about the geological hazard analysis and geotechnical reports, stating that he did not think the water issues were properly addressed. He noted that there had been mammoth fossils found in that area in 1978, believed the property to be a significant cultural resource and suggested an additional condition to monitor paleontological findings.

Tom McClelland, 39507 East Ridgecrest Drive: Concurred with the previous speakers and spoke out against Rachel Road due to assured negative impact on the natural preserve.

Jill Sheffer, Forterra NW, 409 North Pine Street, Ellensburg: Informed all that Forterra NW owns the mineral rights underlying the site and requested fair consideration. She informed those in attendance that the rezoning would negatively impact the market value of their mineral rights.

Chrissy Malson, 2360 Mark Avenue: Requested information about the proposed school funding and the median price of the proposed housing.

Ernie Crediford, 1422 Florida Avenue: Expressed appreciation for the work done by Hayden Homes and the Tapteal Greenway Association to lessen the impact on the area and suggested the road be placed near the Bonneville Power Association station.

Brad Evans, 3605 South Bermuda Road: Shared his strong objection to the Clearwater Creek development and the extension of Rachel Road through the Amon Wasteway as it was foolish to threaten the wildlife there.

Therese Howe, 2777 Rue Court: Suggested greater value in the property near the wetland area as a source of economic development rather than a residential development. She also spoke against the Rachel Road extension.

Chuck Wajnowski, 223 Lasiandra Court: Cautioned all that leaving the area in its natural state was a rare opportunity and believed the density of the proposed neighborhood would negatively impact the neighboring preserve.
Robert Benedetti, 400 Broadmoor Street: Concurred with the previous speakers, suggested that Rachel Road was in place to serve people who don't currently live in that area and expressed concern about the water table. He expressed concern about pumping of 3000 gallons of water per minute in order to install the sewer line in that area and a lack of analyzing an existing aquifer.

Jim Crosslin, 2638 Willowbrook Avenue: Shared his viewpoint that with the multitude of housing developments under way, there did not seem to be a need for one in that location.

Dorothea Ferris-Narum, 224 High Meadows Street: Shared her concern with safety issues created by increased traffic and the loss of the Amon Preserve as a refuge for residents. She encouraged decision makers to step back and take their time making this important decision and remove Rachel Road from the plan.

Bobbie Bull, 1928 Meadows Drive North: Concurred with the previous speakers, warned against the damage construction would cause to Amon Creek and asked the City to keep their promise by not extending Rachel Road across the Amon Preserve.

Hayley Mann, 1003 South Young Street, Kennewick: Asked that there be no development next to the Amon Preserve.

Gene Wirth, 2406 Greenbrook: Stated his belief that the proposal involves a community resource and should be treated as such.

Nancy Doran, 1516 Johnston Ave: Cautioned the group that there would be no second chances on this decision and that once a road is built in the area, it would no longer have a unique feature. She recommended weighing the issues and looking for another solution.

Patricia Haggerty, 763 Meadows Drive South: Expressed concern that too high of a density would cause an inordinate impact on the Amon Basin and surrounding communities. She also spoke against the extension of Rachel Road.

Terry Widergren, 94806 East Granada Court, Kennewick: Agreed with previous speakers and said, “Please, no Rachel Road”.

Mickie Chamness, 4255 Tami Street, Native Plant Society: Shared their goal to increase awareness and appreciation of native plants and ecosystems and expressed appreciation for the work done by Hayden Homes and the Tapteal Greenway Association. The Native Plant Society would have preferred that the entire property be natural open space, but requested that the developers do their best to minimize damage.

Brook DuBois, 300 Columbia Point Drive: Asked Commissioners to remove the Rachel Road condition from the proposal.

Craig Cameron 432 Melissa Street: Concurred with previous speakers, reiterated the importance of the unique area, its ability to attract people to the area and the commendable cooperation thus far. He expressed concern that any little thing chipped off the site affects the viability and sustainability of the ecosystem.

David Orcutt, 2632 Eastwood: Suggested seizing the opportunity where parties agree, save money and balance public and private areas.

John McCoy, 211 South Bermuda Road, Kennewick: Believed our residents were lucky to have Tapteal Greenway Association who created a vision and believed it to be the City’s responsibility to remove obstacles and allow that vision to grow. He urged the removal of the Rachel Road condition.

Lana Franklin, Encore Realty, 226 Williams Boulevard: Informed those in attendance that they own property to the south of the site and would continue to work with the Cities of Richland and Kennewick to relocate the road to one of two alternate locations.

Gail Olson, 2951 Sedona Circle: Expressed disappointment with attendees who were pleased by cooperative efforts when she considered losing any of the property a loss. She characterized her living experience on less than ¼ acre with homes five feet from the property line as “not a very friendly way to live” and open spaces as very welcome.

Sandy Trine, 525 Blue Street: Shared her enjoyment of the unique property with a stream next to dry land and the diverse wildlife found in the Amon Preserve. She cautioned that once it was gone, it would be gone forever.

Robert Wegeng, 2603 Harris Avenue: Opposed the right of way for Rachel Road across the Amon Creek Natural Preserve, believed it was no longer necessary and could not imagine it being done without significant damage to the surrounding property.

Lauren Caslin, 8720 West Falls Avenue, Kennewick: Advocated for the preservation of the area, the many animals that live there and urged the commission to vote against rezoning.

Lori McCutcheon, 789 Meadows Drive South: Believed that Hayden Homes purchased the property with full knowledge that it was not zoned for their purposes and it should not be changed.

Christopher Childers, Willowbrook Homeowner Association President, 217 Sitka Court: Stated that he had not spoken with one person in his neighborhood in favor of the development and admonished the commission to strike Rachel Road from the proposal.

Bill Kinner, 122 Center Boulevard: Lent his agreement to the previous speakers and shared his experience watching the marsh hawks. He asked our leaders to preserve our local gem.

Patricia Adams, 781 Meadow Drive South: Shared her contention that the proposed development with lower end homes would have a negative impact to the upper end developments and their property values. She urged the Commission to follow the original Comprehensive Plan.

Laurie Ness, 2235 Davison Ave: Expressed adamant opposition to Clearwater Creek, Rachel Road or any development in the low area. She was specifically concerned about the effects of herbicides and pesticides on wildlife.

Applicant: Stanley Schwartz, Hayden Homes Attorney: Reminded all that the zone changes were required to follow zoning laws and the Comprehensive Plan. He stated that the staff report confirmed all appropriate provisions had been made for public health and safety, and Richland Municipal Code requirements had been met. **Mr. Schwartz** noted that the considerable concerns on Rachel Road would be addressed after Phase 7. He also recognized Forterra as the owner of mineral rights and shared Hayden Homes' intent to work with them through the process.

Chairman Utz closed the Public Hearing at 9:30 PM.

Discussion:

Chairman Utz asked Mr. Harper for process clarifications. **Mr. Harper** reminded those in attendance that if the Rachel Road project became part of an application, they should consider participating in that public process. He generally agreed with Mr. Schwartz that there was a mineral rights severance, but did not see how those rights factored into the issues of the proposal. **Chairman Utz** also stated that the Transportation Improvement Plan was reviewed annually and suggested that roadway changes might be better addressed there.

Commissioner Wise requested clarification on the R-2S zoning. **Mr. Simon** explained that the plat application includes lots with an average lot size of 6600 square feet with 32 acres of open space which lowers that density.

Commissioner Wise asked for clarification of the Rachel Road right of way condition and the reason for its inclusion. **Mr. Simon** informed that prior to the section being built, the City would initiate a study that could result in the road being elsewhere, but the verbiage is designed to allow flexibility rather than locking in the road location as shown on the proposed plan.
Commissioner Madsen complemented the audience and the Chairman on their meeting conduct and described the application as one of the most thorough he has worked on. He reminded all that the commission has a responsibility to apply the codes and regulations to the application and asked how storm water would be taken care of. **Travis Johnson, PLS Engineering, 4904 Northeast 47th Avenue, Vancouver WA,** explained that the site splits down the middle and drains to the northeast and northwest. **Mr. Simon** assured that storm water would be addressed as part of the platting process and there were several conditions in the Technical Advisory Committee report specific to storm water runoff.

Commissioner Madsen asked what the price range would be for the affordable housing. **Mr. Murphy** expected the prices to be between $150,000 and $300,000 based on a similar development.

Commissioner Boring inquired if discovered paleo natural and cultural resources were covered under City ordinances. **Mr. Simon** stated that discovering such resources was covered under condition 29 of the mitigated determination of non-significance. **Commissioner Boring** also asked for clarification on the phase delineation and any agreements made. **Mr. Simon** confirmed that those phases pertained to the Amon Preserve itself rather than the development.

Commissioner Boring commented that the entire area was a gem, but with agricultural zoning it could have been bulldozed at any time. She shared her opinion that the cooperation and buffering was helpful and believed the proposal had demonstrated conformance.

Mr. King provided some history on the formation of the Amon Preserve with Phase 1 characterized as the heart of it and an addition made in Phase 2. In the use agreement, because the regional transportation plan had identified the need for a collector street prior to the establishment of the preserve, it included language reserving the potential for a street to go across the preserve.

Commissioner Jones stated that he was impressed with the depth and integrity of the State Environmental Policy Act checklist submitted by Hayden Homes.

Chairman Utz referenced page six of the Technical Advisory Committee report discussing a water line and asked if the line was intended to cross the preserve. **Mr. Simon** explained that two water pressure zones existed in the area, but there was no requirement to run a line across the preserve since other options were available. **Mr. Peters** concurred that the document simply outlines minimum requirements for the site. **Mr. Johnson** expressed their willingness to work with the City to resolve the issue in the future.

Chairman Utz asked for clarification on the average numbers in low density residential areas and how the open space was factored in. **Mr. Simon** stated the average, including the open space, was 3.1 units per acre; with the open space excluded, the average was 4.5 units per acre. There were 32 acres of open space proposed and 17 of those acres were outside of the wasteway.

Chairman Utz inquired how the property would be used if the Kennewick School District chose not to build a school there. **Mr. Simon** reported that the applicant would need to return to with a new proposal for the property.

Chairman Utz asked for more information about the water table in the area. **Mr. Peters** reported that groundwater was encountered and significant pumping took place while installing the sewer line at a significant depth. He did not know the groundwater level, but did not expect the developer to encounter groundwater while building. The storm water and infiltration would be addressed as phases were brought forward and all criteria met.

Chairman Utz commented that he was struggling with the decision due to density levels, traffic concerns and groundwater issues.

Mr. Simon informed all that groundwater was addressed in comment 40 of the Public Works Engineering memo dated March 20, 2014 and on page six of the GNS report provided just prior to the meeting.

Commissioner Wise discussed the environmental reviews, specifically noise and low frequency vibration with a railway line nearby; natural landscape versus built landscape views; light pollution; impact to farmland; transportation issues and recreational impact. **Commissioner Wise** commented the he could not support the project due to concerns.

Commissioner Jones informed all that in Kennewick along Yellowstone, homes butted up next the railroad without any problems.

A motion was made by Commissioner Madsen and seconded by Commissioner Jones to concur with the findings and conclusions set forth in Staff Report Z2013-106 & S2013-100 and recommend that City Council approve the proposed change in zoning subject to the draft Property Use and Development Agreement and also approve the preliminary plat of Clearwater Creek subject to the

conditions of approval set forth in the Technical Advisory Committee Report date April 23, 2014 including attachments A-N.

Discussion on the Motion:
Commissioner Boring asked for clarification or a possible change to the general conditions on page 5, item 19.C discussing the boundary. **Mr. Peters** stated that Public Works recommended the proposal as is because it secures the construction of the roadway at some future point.

Commissioner Wallner asked to clarify if the Kennewick Irrigation District supplemental information received just prior to the meeting was to be included in the motion. **Mr. Simon** confirmed that staff asked that it be included as condition 10 of the Technical Advisory Committee report. **Chairman Utz** expressed concern about receiving information just prior to meeting without time for review.

Commissioner Madsen amended the motion to add the Kennewick Irrigation District report and Commissioner Wallner seconded the motion.

Chairman Utz called a five minute recess to review the Kennewick Irrigation District supplement.

Chairman Utz pointed out that the supplement was not a final document and asked if it should be included in the motion. **Mr. Harper** agreed that it seemed more appropriate to include the supplement in the record, rather than the amendment. **Mr. Simon** believed the Technical Advisory Committee report, condition number 9 provided sufficient compliance requirements to move forward without adding the supplement to the motion.

Commissioner Madsen withdrew the amendment.

Further discuss motion:

Chairman Utz commented on the desire to weigh the idea of property rights versus citizen needs. He believed the property could be developed for residential purposes, but expressed concern over the density and believed it needed to be reduced.

Mr. Simon shared the definition of low density in the comprehensive plan was zero to five homes per acre which had been met.

Commissioner Boring commented on the low density standard as met by the proposal.

Commissioner Wise expressed deep concerns for health, safety and general welfare that had not been covered by the environmental review.

Commissioner Madsen commented that affordable housing is something the City is supposed to provide and the proposal offered that opportunity.

Mr. Simon highlighted information from the environmental review that railroad impacts were minimized in part due to a fairly high berm that separated the railroad from a portion of the proposed site and the mitigated determination of non-significance included a condition indicating notice for future lot purchasers advising of railroad location and possible impacts. The mitigated determination of non-significance also included a condition for light shielding immediately adjacent to the Amon Preserve and the standard good neighbor shielding. He also reported that the Agricultural zoning was used to hold the property in 1975 until its future use was determined. The property owner had not used the site as farmland. **Mr. Simon** pointed out that the proposed expanded trail system would increase the recreational value of the site.

THE MOTION CARRIED 4-2 with Commissioner Wise and Chairman Utz voting against.

Communications:

Mr. Simon

- Reminded the group about the next workshop scheduled for May 14, 2014.

Commissioner Wise

- Reported his appointment to the Mid-Columbia Initiative, Sustainability Plan Task Force and looked forward to the work as the lack of such a plan negatively impacts development in our area.

Mr. King

- Reported that during the City Council retreat the previous day, there was a decision to focus on and revitalize the core area.

Mr. Harper

- Commented on the results of the motion vote and believed Mr. Simon was correct. A quorum of the body was required (stated as majority of a quorum) to forward the zoning application. **Therefore, the final results were: No recommendation for the zone change; A favorable recommendation for the preliminary plat approval. Mr. Simon** concurred.

Commissioners Jones, Madsen, Boring, Wise, Wallner and Chairman Utz

- Thanked Ms. Howard for taking the minutes for the lengthy meeting.

ADJOURNMENT:

The April 23, 2014 Richland Planning Commission Regular Meeting 4-2014 was adjourned at 10:59 PM. The next regular meeting of the Planning Commission will be held on May 28, 2014.

PREPARED BY: Penny Howard, Recorder, Planning and Development

REVIEWED BY: _____

Rick Simon, Secretary
Richland Planning Commission