AGENDA
City Council Special Meeting

5:30 PM - Monday, April 20, 2026
Pasco City Hall, Council Chambers & Microsoft Teams Webinar

Page

1. **MEETING INSTRUCTIONS for REMOTE ACCESS** - Individuals, who would like to provide public comment remotely, may continue to do so by filling out the online form via the City's website (www.pasco-wa.gov/publiccomment) to obtain access information to comment. Requests to comment in meetings must be received by 4:00 p.m. on the day of this meeting.

To listen to the meeting via phone, call 1-332-249-0718 and use access code 433 513 441#.

City Council meetings are broadcast live on PSC-TV Channel 191 on Charter/Spectrum Cable in Pasco and Richland and streamed at www.pasco-wa.gov/psctvlive and on the City's Facebook page at www.facebook.com/cityofPasco.

Audio equipment available for the hearing impaired; contact the Clerk for assistance.

Servicio de intéprete puede estar disponible con aviso. Por favor avisa la Secretaria Municipal dos dias antes para garantizar la disponiblidad. (Spanish language interpreter service may be provided upon request. Please provide two business day's notice to the City Clerk to ensure availability.)

2. **CALL TO ORDER**

3. **ROLL CALL**

(a) **Pledge of Allegiance**

4. **HEARINGS AND COUNCIL ACTION ON ORDINANCES AND RESOLUTIONS RELATING THERETO**

3 - 620 **(a)** ***Q Closed Record Appeal - Madison Park North Phase 1 FP2025-006 Closed Record Appeal (APPL 2025-003) (8 minute staff**

presentation)

(1) CONDUCT A CLOSED RECORD APPEAL HEARING;

(2) DENY AND DISMISS THE APPEAL AND AFFIRM THE MADISON PARK NORTH PHASE 1 FINAL PLAT AS APPROVED BY STAFF AND RECORDED BY APPLICANTS DAVID SWISHER AND FARM 2005, LLC; AND

(3) EXCLUDE FROM THE FINAL PLAT APPEAL CLOSED RECORD PAGES NUMBERED CC 172-571.

MOTION: I move that the City Council:

(1) deny and dismiss the appeal by appellants Dave Swisher and Farm 2005, LLC and affirm the City of Paso's approval of the Madison Park North ("MPN") Phase 1 Final Plat ("MPN Final Plat"); and

(2) exclude from the final plat appeal closed record the pages numbered CC 172-571.

5. ADJOURNMENT

AGENDA REPORT

FOR: City Council — March 13, 2026

TO: Harold Stewart, City Manager — City Council Special Meeting: 4/20/26

FROM: Haylie Matson, Director
Community & Economic Development

SUBJECT: *Q Closed Record Appeal - Madison Park North Phase 1 FP2025-006 Closed Record Appeal (APPL 2025-003) (8 minute staff presentation)

I. ATTACHMENT(S):

Document #s 1 - 35 (#28 omitted) CC
Appendix 1-LUPA Order
Appendix 2-Letter
Power Point Presentation

II. ACTION REQUESTED OF COUNCIL / STAFF RECOMMENDATIONS:

(1) CONDUCT A CLOSED RECORD APPEAL HEARING;

(2) DENY AND DISMISS THE APPEAL AND AFFIRM THE MADISON PARK NORTH PHASE 1 FINAL PLAT AS APPROVED BY STAFF AND RECORDED BY APPLICANTS DAVID SWISHER AND FARM 2005, LLC; AND

(3) EXCLUDE FROM THE FINAL PLAT APPEAL CLOSED RECORD PAGES NUMBERED CC 172-571.

MOTION: I move that the City Council:

(1) deny and dismiss the appeal by appellants Dave Swisher and Farm 2005, LLC and affirm the City of Paso's approval of the Madison Park North ("MPN") Phase 1 Final Plat ("MPN Final Plat"); and

(2) exclude from the final plat appeal closed record the pages numbered CC 172-571.

III. FISCAL IMPACT:

None.This item is a closed record appeal and does not involve the

authorization of expenditures or revenues.

IV. HISTORY AND FACTS BRIEF:

Background:

On March 24, 2025, the Pasco Hearing Examiner issued the Findings of Fact, Conclusions of Law, Decision and Conditions of Approval of the Madison Park North Preliminary Plat ("MPN Preliminary Plat"). Doc. # 27, CC 77-105 . The Hearing Examiner's Decision approved the MPN Preliminary Plat drawings. Doc. #29, CC 114-22.

On April 18, 2025, Dave Swisher and Farm 2005, LLC filed a Land Use Petition Act (LUPA) appeal of the MPN Preliminary Plat in Franklin County Superior Court. The LUPA Petition challenged Conditions of Approval Nos. 3, 17, 19 and 21.

On May 30, 2025, the City issued a written civil engineering plan approval and a Right-of-Way Permit authorizing Swisher and Farm 2005, LLC to construct the physical improvements required by the MPN Preliminary Plat. Doc. # 30, CC 123-45. Swisher and Farm 2005 did not appeal issuance of the civil engineering plan approval or Right-of-Way Permit.

During the summer of 2025, the applicants constructed the majority of the physical improvements authorized by the civil engineering plan approval and Right-of-Way Permit. On October 14, 2025, applicants Swisher and Farm 2005 submitted their Madison Park North Phase 1 Final Plat application. Doc. #1, CC 1. The City determined that the application was complete for purposes of processing on October 23, 2025. Doc. #4, CC 8. On November 14, 2025, the City issued a memorandum requesting revisions to the final plat submittal. Doc. #12, CC 22.

On November 19, 2025, applicant Swisher submitted revised final plat materials in person, including a physical survey, cover sheet, bond estimate, LID 152 assessment documentation, memorandum response, and payment in the form of a personal check from applicant Swisher. Doc. #13, CC 23-28. Additional materials were transmitted electronically on November 21, 2025. Doc. #14, CC 29. However, applicants did not provide the digital survey document along with their revised final plat materials, but subsequently provided it on November 28, 2025. Doc. #20, CC 60-62. Unfortunately, the bond amount was not correct (it was too much -- $559,566.25), and it was in a form (personal check) that the City does not accept. Doc. #22, CC 66.

In addition, on November 24, 2025, a person e-mailing with an address of "Cheryl" (representative for Swisher) informed the City that "our bank returned two of the checks we wrote to the City of Pasco, one for $58,895.81 for the

water and the $121,676.32 payment for the LID. I am going to write new checks today and Fed Ex them directly to you." Doc. #15, CC 30-31. The next day, November 25, 2025, the City's Finance Department also notified City planning staff that two previously submitted checks had been returned by the applicant's bank, one related to a Local Improvement District (LID) payment and one related to water rights. While the LID payment could be addressed separately, payment for water rights was required prior to final plat approval.

On November 26, 2025, City staff notified appellant Swisher that "[t]o receive bond approval for the Madison Park North Phase 1 Final Plat, the City will require a bond or cashier's check in the amount of $441,296.88. Once the bond or cashier's check is submitted, the final plat will be eligible for administrative review and signature." Doc. #16, CC 33. The City's letter further explained that the bond amount "was based on 125% of the most recent estimate submitted on 11/21/2025 via email." The purpose of the bond was to assure construction of a list of minor, "punch list" items whose completion was required by the MPN Preliminary Plat, civil engineering plans and Right-of-Way Permit. The items included in the completion bond estimate were those items identified by Swisher's contractor as not yet complete, with specific dollar amount estimates to be included in the completion bond calculation. Doc.# 13, CC 24. The Pasco Municipal Code ("PMC") Section 21.30.060 requires that final plat approval "shall only be approved if the administrative review process finds that the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, and said subdivision meets the requirements of Chapter 58.17 RCW, other applicable state laws and this title which requirements were in effect on the date of submission of a fully completed preliminary plat application." And, by code, the completion bond amount was to be 125% of the estimated amount ($353,037.50 x 125 = $441,296.88). City planning staff subsequently checked to determine whether the list and cost of identified, incomplete items was correct, and other outstanding items were addressed. Doc. #18 (CC 34-36); #20 (CC 60-62; #21 (CC 63-64); #s 31-34 (CC 146-63).

Required fees and financial assurances were subsequently satisfied as follows:

- A portion of the traffic impact fee required under Hearing Examiner Condition of Approval No. 17 was paid on November 7, 2025
- The Water rights fee was paid on December 3, 2025
- The required subdivision bond in the amount of $441,296.88 was submitted on December 17, 2025

On December 18, 2025, after confirming that all applicable conditions and financial requirements had been satisfied, City staff provided written confirmation via email to Swisher's representative, Jon Padvorac, that the MPN Final Plat was approved and ready for recording. Doc. #23 (CC 68). Thereafter, Mr. Padvorac and/or Mr. Swisher picked up the final plat that had been signed by the required City representatives (City Manager Harold Stewart, Community

& Economic Development Director Haylie Matson, and City Engineer Mary Heather Ames), as well as the County Treasurer and Assessor and utility easement grantor Franklin County Public Utility District. Doc. # 26, CC 76. On December 19, 2025, the applicant recorded the MPN Phase 1 Final Plat with the Franklin County Auditor, under Recording No. 2007214. Doc. #26, CC 75.

On December 29, 2025, the Applicants filed a Notice of Appeal of Administrative Approval of Final Plat, Madison Park North Phase 1 ("Appeal"). Doc. #28, CC 106-113. The Appeal does not challenge the final plat's compliance with any of the statutory or City code requirements. Instead, the Appeal states that as of the date of appellants' submittal of the application for final plat approval on October 14, 2025, "[a]ll required improvements were constructed or bonded." Doc. #35, CC 168 (Appeal at 4, ¶4.8).

Instead of challenging whether the final plat reflected completion and/or bonding of construction, the Appeal raises the same legal issues raised in the Applicants' LUPA Petition. The Appeal states: "[e]ach of the issues presented herein are [sic] subject to pending determinations by Franklin County Superior Court in Swisher and Farm 2005, LLC v. City of Pasco, Superior Court Cause No. 25-2-50360-11." Doc. #35, CC 169. The Notice of Appeal seeks to add to those issues, by attaching various appendices and re-statements of Applicant's issues. It also seeks to supplement the record, by attaching 390 pages of additional "Exhibits" many of which are brand-new and not included in the record compiled before the Hearing Examiner being reviewed along with Applicant's LUPA Petition.

A short time after Applicants filed their Notice of Appeal to the City Council, the Franklin County Superior Court ruled. On January 16, 2026, Franklin County Superior Court Judge Diana Ruff issued an Order on LUPA Appeal, Motion to Strike Supplemental Record and Motion to Dismiss ("LUPA Order") **(Appendix 1)**.[1] The LUPA Order concluded that Appellants' challenges to Conditions 3, 19 and 21 were moot as they pertain to the dedications of rights-of-way for Burns Road and Road 52, for the MPN Phase 1 Final Plat, construction of road improvements in those streets for the MPN Final Plat, and the agreement not to protest formation of Local Improvement Districts, because appellants had already constructed the improvements in question, dedicated the rights-of-way and recorded the "no protest" agreement via the recorded MPN Final Plat. Judge Ruff also concluded that to the extent the challenges to the Burns Road dedication and street improvements were not moot, the dedication was proposed by the appellants themselves, and the street improvement requirements were imposed by the City under Condition 19 to mitigate a direct impact of MPN Preliminary Plat, bore a substantial nexus and were roughly proportional to those impacts and therefore complied with applicable tests imposed by the United States Supreme Court and were not an unconstitutional taking in violation of the Fifth Amendment to the U.S. Constitution or RCW 82.02.020. Judge Ruff then affirmed the Hearing Examiner's Conclusion of

Law No. 4 and Condition No. 19.

Appellants moved for reconsideration of Judge Ruff's decision. Their motion was denied on February 23, 2026. Appellants then filed a Notice of Appeal to Division III of the Washington Court of Appeals, where it currently remains pending.

[1] The City Council may take judicial notice of Judge Ruff's decision. *See Fusato v. Washington Interscholastic Activities Ass'n*., 93 Wn.App. 762, 772, 970 P.2d 774 (Div. III 1999), *quoting CLEAN v. State*, 130 Wn.2d 782, 809, 928 P.2d 1054 (1996) (judicial notice appropriate for "those facts capable of immediate and accurate demonstration by resort to easily accessible sources of indisputable accuracy and verifiable certainty."). The Notice of Appeal requests this, stating that the issues in the MPN final plat appeal "are subject to pending determinations by Franklin County Superior Court in *Swisher and Farm 2005, LLC v. City of Pasco*, Superior Court Cause No. 25-2-50360-11." Doc. #35, CC 169.

Impact (other than fiscal):
Approval of the staff recommendation to deny and dismiss the appeal would affirm the administrative approval of the already-recorded Madison Park North Phase 1 Final Plat, which remains in effect. The conditions of Final Plat approval challenged in the Appeal before the City Council originate from the MPN Preliminary Plat decision, which is currently the subject of Swisher's and Farm 2005's appeal pursuant to LUPA in Division III of the Washington Court of Appeals.

V. DISCUSSION:

Staff Analysis and Response to Appellants' Notice of Appeal:
Staff has reviewed the appellants Notice of Appeal ("Appeal"). The Appeal's primary issues relate to conditions and requirements set forth in with the MPN Preliminary Plat, rather than in any conditions of administrative approval of the MPN Phase 1 Final Plat. The Appeal should be dismissed for several reasons, discussed below.

1. The Appeal Should Be Dismissed Because It Fails to Challenge the MPN Final Plat's Compliance With Statutory and City Code Requirements for Final Plat Approvals.

The first reason that the Appeal should be dismissed is because it fails to challenge the MPN Final Plat's compliance with any applicable statutory and City code legal criteria.

Pursuant to PMC 21.30.060 and Chapter 58.17 RCW, final plat approval is an administrative, ministerial action limited to determining whether the final plat conforms to the conditions of the approved preliminary plat and applicable laws. Ch. RCW 58.17 contains a short list of essentially administrative requirements for final plats. First, a final plat must contain the approval

signatures of:

- the agency supply sewage disposal and water;
- the planning official with responsibility of reviewing plats and subdivisions, as to compliance with all terms of the preliminary plat approval; and
- the city engineer.

RCW 58.17.150.

Second, a final plat must also:

- contain a statement of approval from the city engineer as to the layout of streets, alleys and other rights-of-way, sewage and water systems, and other structures;
- be accompanied by a complete survey of the section or sections in which the final plat is located;
- be acknowledged by the county auditor; and
- contain a certification by the county treasurer that all taxes and delinquent assessments for which the property may be liable have been duly paid.

RCW 58.17.155.

Next, a final plat must contain a certificate giving a correct legal description of the final plat, include a statement that the final plat has been made with the free consent of the owner(s) and, if the plat is subject to a dedication, the certificate as to the dedication of all streets and other areas to the public or to any private corporation along with a waiver of all claims for damages against the city arising out of the construction of any street or road.

RCW 58.17.160.

Finally, if the approving authority finds that a proposed final plat "*conforms to all terms of the preliminary plat approval*, and that said subdivision meets the requirements of this chapter, other applicable state laws, and any local ordinances adopted under [Ch. 58.17 RCW] that were in effect at the time of preliminary plat approval," the approving authority "shall suitably inscribe and execute its written approval on the face of the plat," and the original final plat "shall be filed for record with the county auditor. . . ." RCW 58.17.170 (italics added). The statutory final plat process does not provide for reconsideration or modification of discretionary decisions made at the preliminary plat stage.

The Pasco Municipal Code provisions are to the same effect. PMC 21.30.020 requires a final plat to be prepared by a professional land surveyor, in a specified scale and format. PMC 21.30.030 specifies the contents of a final plat, and requires signatures by the City Manager, City Planner, City Engineer, the Franklin County PUD or other utility provider, and the County Assessor,

Treasurer and Auditor.

And, "[p]rior to approval of a final plat, all required infrastructure improvements, including as-built drawings and data of all underground utilities necessary to serve said plat, must be constructed and accepted by the City Engineer. In lieu of actually completing all improvements, the developer may provide the City with a bond, cash or irrevocable letter of credit in an amount equal to 125 percent of the City Engineer's estimate of the cost to complete the required infrastructure improvements." PMC 21.30.050.

Because of the administrative nature of these requirements, the City's code specifies that "[t]he final approval of a plat is *an administrative function not requiring action by the City Council*." PMC 21.30.060 (italics added). Like RCW 58.17.170, the City code provides that a final plat "shall only be approved if the administrative review process finds the subdivision proposed for final plat *approval conforms to all terms of the preliminary plat app*roval, and said subdivision meets the requirements of Chapter 58.17 RCW, other applicable state laws and this title which requirements were in effect on the date of submission of a fully completed preliminary plat application." PMC 21.30.060 (italics added).

As with the statutory process, the final plat approval process under the PMC does not provide for reconsideration or modification of discretionary decisions made at the preliminary plat stage. Instead, final plat approval is limited to consideration of whether the final plat *complies with* the terms of preliminary plat approval, and a handful of other technical, ministerial details. If the final plat conforms to the preliminary plat and those requirements, it *must* be approved.

This process makes sense because of the binding nature of preliminary plat approval. As the Washington Supreme Court has explained,

> [T]he preliminary plat process "is not merely an insignificant stage of the proceedings without real consequence." [Citations omitted] *Any modifications included in a conditional approval of the preliminary plat are binding on the party seeking approval and the local decision-making body granting conditional approval. [Citation omitted] A local decision-making body cannot conditionally approve a preliminary plat and then disapprove a final plat application for a project that conforms to the conditions of the preliminary approval*.

Knight v. City of Yelm, 173 Wn.2d 325, 344, 267 P.3d 973 (2011) (italics added).

The Appeal here does not challenge the MPN Final Plat's compliance with *any* of the statutory or City code requirements. In fact, the Appeal states that as of the date of appellants' submittal of the application for final plat approval on

October 14, 2025, "[a]ll required improvements were constructed or bonded." Doc. #35, CC 168 (Appeal at 4, ¶4.8). And, the documents in MPN Final Plat closed record show that the statutory and City code requirements were complied with. Doc. #26, CC 75-76 (recorded MPN Phase 1 Final Plat).

Instead, the Appeal essentially challenges several Conditions 3, 19 and 21 of the MPN *Preliminary* (not final)Plat, and the civil engineering plans and Right-of-Way Permit. See Doc. #35, CCP 168-69 (Appeal at 5-6, Issues 1-4, esp. Issue No. 2 ("Based on *Examiner's Decision*, the City staff required construction of a three-lane Burns Road section. . .") (italics in original) and Issue No. 3 ("*Hearing Examiner required* waiver-of-protest language to be placed on the face of the final plat"). But, the MPN Preliminary Plat was reviewed by Franklin County Superior Court pursuant to the Land Use Petition Act, and Franklin County Superior Court Judge Diana Ruff dismissed appellants' challenges to Conditions 3, 19 and 21 as moot. To the extent the challenges to Condition 19 requiring dedication of Burns Road right-of-way and construction of Burns Road improvements were not moot, Judge Ruff affirmed Condition 19. **See App. 1.** Further,Appellantsfailed to appeal the civil engineering plan and Right-of-Way Permit approval, and any challenge to those approvals is now too late, and time-barred. Because of this, the scope of the City Council's review in this appeal is limited to the administrative final plat approval, and does not extend to reconsideration of MPN Preliminary Plat Conditions 3, 19 or 21, or to the prior civil engineer plan or Right-of-Way Permit approvals. Because of this, and because appellants did not challenge any aspect of the MPN Final Plat's compliance with final plat approval criteria in RCW 58.17.150 - .170 or PMC 21.30.020 - .060, the Appeal must be dismissed.

2. Appellants' Challenges to MPN Preliminary Plat Conditions of Approval Are Governed by the Outcome of Their LUPA Petition, Which Has Already Been Denied.

Because the gist of appellants' challenges is aimed at MPN Preliminary Plat Conditions of Approval, rather than the MPN Final Plat, their challenges are governed by the outcome of the LUPA Petition challenging the MPN Preliminary Plat. The Appeal acknowledges this. It states: "Each of the issues presented herein *are subject to pending determinations by Franklin County Superior Court* in Swisher and Farm 2005, LLC v. City of Pasco, Superior Court Cause No. 25-2-50360-11." Doc. #35, CP 169 (Appeal at 6) (italics added). As noted above, however, Superior Court Judge Diana Ruff has already ruled against appellants, dismissing their challenges as moot and/or as in compliance with RCW 82.02.020 and the "nexus" and "rough proportionality" takings tests applied by the U.S. Supreme Court in *Nollan v. California Coastal Commission* and *Dolan v. City of Tigard*. See **App. 1** at 3-10 (Findings 3.1 – 3.38 and Concl. of Law 4.1 – 4.9; *see also* App. 1 at 18-21 (Concl. of Law 6.7 – 6.18). Even if appellants' challenges could be considered in the context of their

appeal of the MPN Final Plat, the Appeal must be rejected because its arguments are subject to the Franklin County Superior Court's rejection of appellants' LUPA Petition.

3. Appellants' Appeal Is Moot.

In addition, the appellants' challenges to the MPN Final Plat are moot. Appellants have already recorded dedications of Burns Road and Road 52 rights-of-way, constructed the physical street improvements on both of those roadways, installed the school speed zone advance warning signs, flashing beacons and Rectangular Rapid Flashing Beacon, and recorded an agreement not to protest LID formation. Appellants' builder has also begun advertising the individual lots for sale. *See* https://www.hayden-homes.com/new-homes/washington/tri-cities/pasco/madison-park-north.[2] When an appellant constructs the physical improvements, completes permitting and occupancy and begins to sell the property at issue, their challenge to prior land use decisions related to the project become moot. *See Harbor Lands v. City of Blaine*, 146 Wn.App. 589, 191 P.3d 1282 (2008); *Jones v. Snohomish County*, *unpublished* but cited pursuant to GR 14.1, 31 Wn. App. 2d 1005, 2024 WL 1994700 (2024); *Rimmer v. City of Edmonds* 2026 WL 734475 (Div. I March 16, 2026) (where city issued building permit as ordered, appellant sold parcel of land in question, city issued new permit without challenged conditions to new property owner, who constructed a residence for which city issued its certificate of occupancy, original owner's legal challenge and city appeal were both moot). Judge Ruff has already ruled to similar effect. **App. 1** at 3-10.

Here, because appellants have already constructed the very street improvements whose legality they challenge, and already recorded right-of-way dedications and a "no LID protest" agreement they also challenged, there is no relief that the City Council can provide. This renders the Appeal moot and requires it be dismissed. When a claim is moot, a reviewing body lacks jurisdiction, and must dismiss the appeal. *Harbor Lands*, 146 Wn.App. at 592 (mootness goes to reviewing body's jurisdiction), at 595 (moot appeal requires vacatur of prior decisions); *Rimmer*, 2026 WL 734475 at *1 (dismissing appeal as moot).

[2] The City Council may take judicial notice of the ongoing, publicly-advertised sale of MPN Phase 1 lots. *Fusato,* 93 Wn. App. at 772 (judicial notice appropriate for "those facts capable of immediate and accurate demonstration by resort to easily accessible sources of indisputable accuracy and verifiable certainty.").

4. LUPA Bars the Appeal's Attempt to Use the Appeal of the MPN Final Plat to Challenge Conditions of the MPN Preliminary Plat.

Even if not the Appeal was not otherwise required to be dismissed, as discussed above, LUPA prevents the Appeals' attempts to challenge the MPN

Preliminary Plat Conditions of Approval using the vehicle of the MPN Final Plat. Washington law is very clear that a final land use decision (whether timely appealed or not) may not be collaterally attacked in a later proceeding. *Habitat Watch v. Skagit County*, 155 Wn.2d 397, 410-11,120 P.3d 56 (2005) (challenge to a grading permit was an improper collateral attack on a previously-issued Special Use Permit); *James v. Kitsap County*, 154 Wn.2d 574, 586, 115 P.3d 286 (2005)(imposition of impact fees as a condition of building permit approval was unreviewable absent a timely challenge to the underlying building permit); *Chelan County v. Nykreim*, 146 Wn.2d 904, 940, 53 P.3d 1 (2002) (LUPA's statutory time limits prevent the county from revoking an improperly granted boundary line adjustment); *Wenatchee Sportsmen Ass'n v. Chelan County*, 141 Wn.2d 169, 173, 4 P.3d 123 (2000) (challenge to a development permit was an improper collateral attack on a prior, underlying rezone land use decision); *Grundy v. Brack Family Trust*, 116 Wn.App. 625, 633, 67 P.3d 500 (2003) (public nuisance claim cannot be predicated on an allegedly invalid Shoreline Development Permit where the plaintiff failed to timely challenge the permit under LUPA), *rev'd sub nom., Grundy v. Thurston County*, 155 Wn.2d 1, 117 P.3d 1089 (2005); *Blomenkamp v. City of Edmonds*, unpublished cited pursuant to GR 14.1, 9 Wash.App.2d 1068, 2019 WL 3285704 at *1, *3 (2019) (challenge to tree cutting was impermissible collateral attack on previously-issued site and utility permits; subsequent LUPA challenge to five certificates of occupancy was likewise impermissible collateral attack on prior site and utility permits); *rev. denied* 194 Wn.2d 1021 (2020).

Appellants' challenge to the MPN Final Plat is an impermissible, untimely collateral attack on the civil engineering plan approvals and Right-of-Way Permit, which authorized appellants to physically construct the utility and street improvements on which they later based their application for MPN Final Plat approval. The civil engineering plan approvals and Right-of-Way Permit were not appealed, and are final. The Appeal is also an impermissible collateral attack, and a "second bite at the apple," challenging the MPN *Preliminary* Plat conditions of approval, which were the subject of appellants' LUPA appeal, and which the Franklin County Superior Court has already upheld.

5. The Appeal is Barred By Res Judicata and/or Collateral Estoppel.

The Appeal is also barred by two doctrines of judicial precedent, known by their Latin names as "*res judicata*" and "*collateral estoppel*." Together, these doctrines prohibit an appellant from a "second bite at the apple." Once a final decision has been reached on an issue or claim, or even in a matter when a similar claim *could have been raised but was not*, the appellant is prohibited from raising the same argument or claim in a subsequent proceeding.

The doctrine of *res judicata* applies when a prior judgment has what is known as a "concurrence of identity," in four respects, with a subsequent action. *Rains v. State*, 100 Wn.2d 660, 663, 674 P.2d 165 (1983). There must be identity of

(1) subject matter; (2) cause of action; (3) persons and parties; and (4) the quality of the persons for or against whom the claim is made. *Id*. *Res judicata* applies in the quasi-judicial administrative land use context, because the principles underlying it apply equally to the quasi-judicial administrative land use context as they do to judicial proceedings. *Hilltop Terrace Homeowner's Ass'n v. Island County*, 126 Wn.2d 22, 31, 35, 891 P.2d 29 (1995); *Davidson v. Kitsap County*, 86 Wn.App. 673, 680–81, 937 P.2d 1309 (1997); *DeTray v. City of Olympia*, 121 Wn.App. 777, 790, 90 P.3d 1116 (2004). As our Supreme Court explained, "The law of *res judicata* ... consists entirely of an elaboration of the obvious principle that a *controversy should be resolved once, not more than once*." *Hilltop Terrace*, 126 Wn.2d at 30 (quoting 4 KENNETH C. DAVIS, ADMINISTRATIVE LAW TREATISE § 21:9, at 78 (2d ed. 1983)) (italics added). "The most purely public purpose served by *res judicata* lies in preserving the acceptability of judicial dispute resolution against the corrosive disrespect that would follow if the same matter were twice litigated to inconsistent results. . . ." *Id*. (quoting 18 CHARLES A. WRIGHT, ET AL., FEDERAL PRACTICE AND PROCEDURE § 4403, at 12–15 (1981)).

Similar principles underlie the rule barring a subsequent collateral attack on prior land use decisions made earlier in an iterative land use planning and permitting process. *See, e.g., BD Lawson Partners, LP v. City of Black Diamond*, 165 Wn. App. 677, 690, 269 P.3d 300 (2011); *Habitat Watch*, 155 Wn.2d at 410-11; *Wenatchee Sportsmen*, 141 Wn.2d 169, 180-82.

In this case, appellants raised each of the Appeal issues in their challenge to the MPN Preliminary Plat. The parties are exactly the same, as are the Appellants' "causes of action," which are the constitutional and RCW 82.02.020 legal claims they raised in the LUPA matter, and seek to again here. They litigated each of those issues to a final judgment (the LUPA Order). They are not permitted to litigate them again, in a challenge to the Final Plat, in attempt to assemble a different record while raising the exact same issues. The Appeal is barred by *res judicata* and *collateral estoppel*, and as such the Council should dismiss it.

6. Appellants Did Not "Reserve Their Rights" To Repeat or Reargue Their Preliminary Plat Claims.

The Appeal repeatedly states that they somehow "proceeded under protest" or "proceeded under reservation of rights" while applying for and obtaining civil engineering plan, Right-of-Way Permit and Final Plat approvals. Doc. #35, CP 166 (Appeal at 3, ¶¶ 4.3(b), 4.5). That is just not the case. As the Council can see from the Final Plat record, appellants did not submit any communications indicating they were proceeding under "reservation of rights" or "under protest." This is the case even where the City's communications expressly directed appellants in specific ways. For example, in its comments on the final plat application (Doc. #1), the City directed appellants to remove the statement "subject to the outcome of current litigation" from Note 1 of the Final Plat, which

contains appellants' agreement to waive for a period of 10 years any protest or objection to formation of an LID. Doc #12, CC 22 (note 4). The City also directed appellants to add the school speed zone advance warning signs on Burns Road to the plans, and to add Steve West as property owner as a signatory to the road dedications. Doc. #12, CC 22 (notes 3 and 9). Appellants complied with these directions, without protest or reservation of any kind, stating simply "removed," or "Noted. Developer will coordinate with contractor for installation, and the cost thereof is included in the above referenced bond and estimate." Doc. #13, CC 23 and 27-28. Rather than reserving any rights, appellants cooperated with the City in order to build the final plat as approved by the Preliminary Plat and civil engineering drawings. Appellants' proposed final plat included the Burns Road and Road 52 dedications in the required widths, and Appellants constructed the physical improvements to both streets, without protest of any kind.

Appellants raised the same arguments (that they proceeded "under protest") before Judge Ruff, who also rejected them. The LUPA Order states "Petitioners' statement that they proceeded with these improvements under a "reservation of rights" and/or "under protest" is not supported by any evidence other than Petitioner Swisher's statement in his declaration, and the plain language of final plat contains no such reservation of rights." **App. 1** at 10, ¶ 4.6. The City Council should reject the argument here.

7. The City Council Should Decline to Consider the Notice of Appeal's Appendices and Exhibits.

As a final matter, the City Council should decline to consider the documents attached as "Appendices" and "Exhibits" to the Notice of Appeal, at Doc. #35, CC 172-571. The Council is considering this matter as a "closed record appeal" under PMC 4.02.100. With the exception of the MPN Final Plat itself, and the Hearing Examiner's decision (CC 183-215) the Exhibits are entirely comprised of documents that were not presented to City administrative staff as part of the MPN Final Plat, and were not considered by them in any way in determining to approve the MPN Final Plat. As such, they are not properly considered part of the final plat appeal "closed record," may not be considered by the Council on the appeal. Appellants should not be permitted to improperly expand the scope of a "closed record" by simply attaching hundreds of new documents to their Notice of Appeal, in the hope of belatedly affecting the already-closed record in both this case and the LUPA matter pending on appeal. The Appendices suffer the same flaw; they cite to and quote from the documents improperly attached as "Exhibits." The City Council should disregard CC 172-571, and its decision on the final plat should indicate that such documents are not part of the final plat appeal closed record and formed no part of its decision. For additional details, please refer to the letter dated March 31, 2026 from Bob C. Sterbank to Daniel P. Kenny and James Carmody, attached as **Appendix 2** and incorporated by reference.

Conclusion & Recommendation

For the reasons discussed above, the Appeal seeking to challenge the City's MPN Phase 1 Final Plat, does not present a valid basis for appeal within the limited scope of final plat review. The City was and is required to approve the MPN Final Plat in a form conforming to the MPN Preliminary Plat. The Appellants agree that it *does* conform, and that all improvements have been constructed or bonded for. Doc. #35, CC 167 (Appeal at ¶ 4.8). The Appeal agrees that Appellant's appeal issues are controlled by the outcome of appellants' LUPA Petition in Franklin County Superior Court, and Judge Ruff has already rejected appellants' appeal and affirmed the Preliminary Plat with respect to the issues raised by appellants here. Principles of finality in Washington land use law (LUPA), and the appellate doctrines of *res judicata* and *collateral estoppel*, bar the appellants from a "second bite at the apple through attempts to raise the same issues in a challenge to Final Plat approval that they raised in their LUPA Petition challenging the Preliminary Plat.

Because the conditions associated with the MPN Final Plat originate from the Hearing Examiner's March 24, 2025 MPN Preliminary Plat decision which is already currently under appellate review, and from the civil engineering plan approval which was *not* appealed, the December 29, 2025 appeal does not raise any valid appeal issues related to the underlying MPN Final Plat decision.

Accordingly, staff recommends that the City Council adopt a motion: (1) denying and dismissing the Appeal, and (2) excluding from the final plat appeal closed record pages numbered CC 172-571.

Next Steps:

The City Council's decision on the closed record appeal will be the City's final land use decision on the final plat and final plat appeal, appealable only by a person or entity with standing and only to Franklin County Superior Court pursuant to and in compliance with the requirements of the Land Use Petition Act, Ch. 36.70C RCW.

Docusign Envelope ID: 99DA1DFE-3782-4D17-A850-9859C6AF0769

City of Pasco
Community & Economic Development Department
PO Box 293, 525 N 3rd Ave, Pasco, WA 99301
P: 509.545.3441 / F: 509.545.3499

CITY OF PASCO
FINAL PLAT APPLICATION

Master File # _____ Date Submitted: 10/14/2025

Applicant Info	Owner Info (if different than applicant)
Name: Dave Swisher (Managing Member, Farm 2005 LLC)	Name:
Address: Farm 2005 LLC 250 NW Franklin Ave Suite 401 Bend, OR 97703	Address:
Phone: 541.788.8971	Phone:
Email: dave@daveswisher.com	Email:

Project Address: NE from corner of Road 52 & Burns

Project Parcel Number: 114250018

Current Zoning: R-1

Number of lots proposed: 63

Source of domestic water: Municipal potable water

Method of sewage disposal: Municipal sewer

☒ Final Plat ☒ Electronic copy of plat and .dwg ☒ Title Report ☒ Bond Estimate (if applicable)

DocuSigned by:
Dave Swisher
2027D445B1EC48F...
Applicant Signature

10/14/2025
Date

Owner Signature

10/24/25
Date

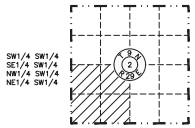
Updated August 2021

CC 1

MADISON PARK NORTH PHASE 1

CC 2

LOCATED IN THE SW 1/4 OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 29 EAST, W.M., FRANKLIN COUNTY, WASHINGTON



Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CH. BRNG.	CHORD
C1	95.99	1000.00	5°30'00"	N86°23'32"E	95.96
C2	96.25	1000.00	5°30'53"	S86°23'58"W	96.21
C3	32.21	200.00	9°13'34"	N13°27'22"W	32.17
C4	38.32	200.00	10°58'44"	S12°34'47"E	38.27
C5	40.04	25.00	91°46'03"	S44°58'27"E	35.90
C6	38.81	950.00	2°20'27"	N87°58'19"E	38.81
C7	52.38	950.00	3°09'33"	N85°13'19"E	52.38
C8	45.81	25.00	104°58'53"	N34°25'17"E	39.66
C9	32.44	25.00	74°20'38"	S53°40'16"E	30.21
C10	46.20	25.00	105°52'20"	S34°52'01"W	39.90
C11	40.63	25.00	93°06'24"	S45°38'37"E	36.30
C12	39.27	25.00	90°00'00"	N45°54'35"E	35.36
C13	34.12	25.00	78°11'38"	N49°59'36"W	31.53
C14	39.27	25.00	90°00'00"	S44°05'25"E	35.36
C15	39.27	25.00	90°00'00"	N45°54'35"E	35.36
C16	39.27	25.00	90°00'00"	S45°54'35"W	35.36
C17	39.27	25.00	90°00'00"	S44°05'25"E	35.36
C18	59.92	1050.00	3°16'12"	S85°16'38"W	59.92
C19	28.79	230.00	7°10'22"	S14°28'58"E	28.77
C20	39.27	25.00	90°00'00"	S45°54'35"W	35.36

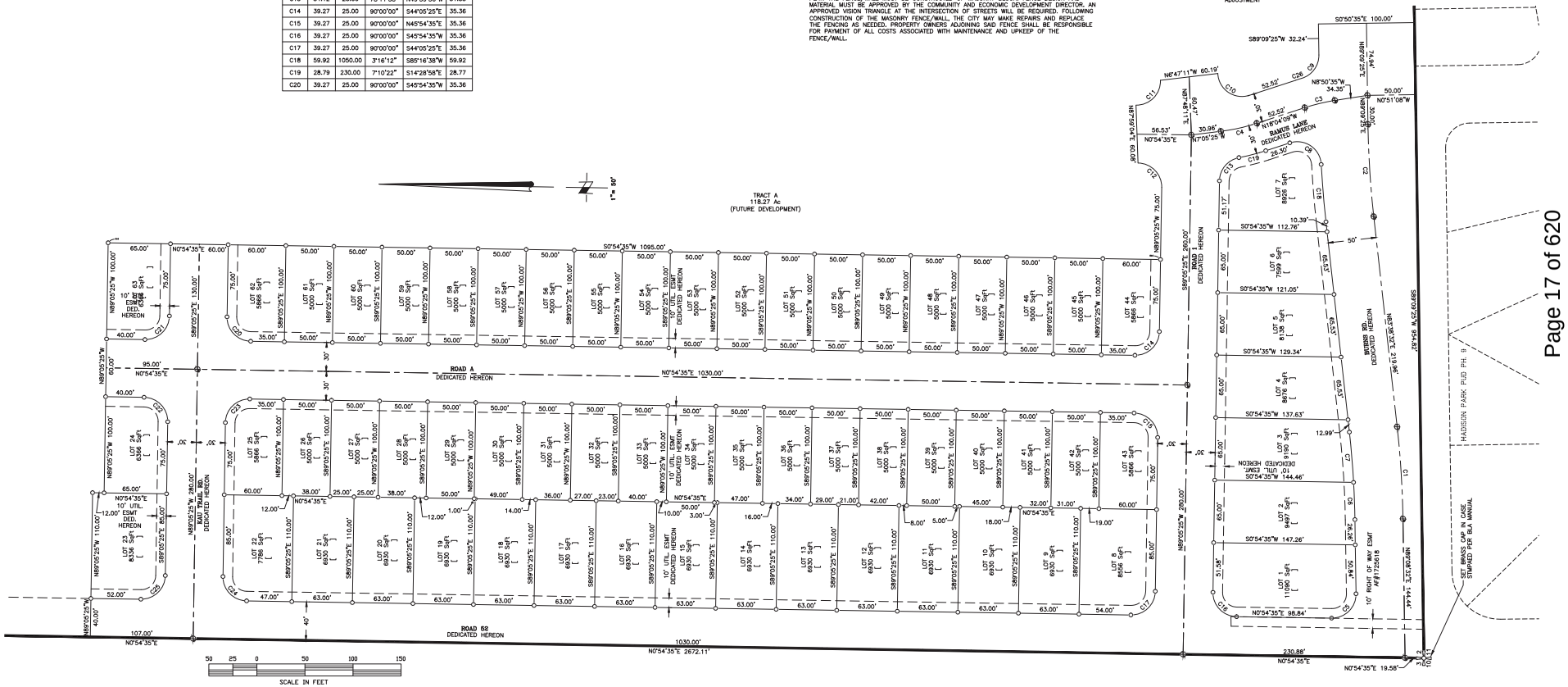
Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CH. BRNG.	CHORD
C21	39.27	25.00	90°00'00"	S44°05'25"E	35.36
C22	39.27	25.00	90°00'00"	N45°54'35"E	35.36
C23	39.27	25.00	90°00'00"	N44°05'25"W	35.36
C24	39.27	25.00	90°00'00"	S45°54'35"W	35.36
C25	39.27	25.00	90°00'00"	S44°05'25"E	35.36
C26	6.30	230.00	1°34'12"	N17°17'03"W	6.30

CITY OF PASCO NOTES:

1. SUBJECT TO THE OUTCOME OF CURRENT LITIGATION, AS A CONDITION OF APPROVAL OF THIS PLAT, PURSUANT TO RCW 35.43.182 THE OWNER HEREBY WAIVES FOR A PERIOD OF TEN (10) YEARS FROM THE DATE OF APPROVAL OF THIS PLAT THE RIGHT TO PROTEST THE FORMATION OF A LOCAL IMPROVEMENT DISTRICT (LID) OR UTILITY LOCAL IMPROVEMENT DISTRICT (ULID) FOR THE FINANCING AND CONSTRUCTION OF TRANSPORTATION AND/OR UTILITY IMPROVEMENTS THAT SPECIALLY BENEFIT PROPERTY OWNER(S) WITHIN THIS PLAT AND ARE IDENTIFIED IN THE CAPITAL FACILITIES ELEMENT OF THE CITY OF PASCO'S COMPREHENSIVE PLAN, OR DOCUMENTS ADOPTED AND INCORPORATED BY REFERENCE THEREIN. THIS WAIVER SHALL BE LIBERALLY CONSTRUED IN ACCORDANCE WITH AND TO ACCOMPLISH THE PURPOSES OF RCW 35.43.182.
2. THE INDIVIDUAL OR COMPANY MAKING IMPROVEMENTS ON A LOT OR LOTS OF THEIS PLAT IS RESPONSIBLE FOR PROVIDING AND INSTALLING ALL TRENCH, CONDUIT, PRIMARY VAULTS, SECONDARY JUNCTION BOXES, AND BACKFILL FOR THE PUD'S PRIMARY AND SECONDARY DISTRIBUTION SYSTEM IN ACCORDANCE WITH PUD SPECIFICATIONS; SAID INDIVIDUAL OR COMPANY WILL MAKE FULL ADVANCE PAYMENT OF LINE EXTENSION FEES AND WILL PROVIDE ALL NECESSARY UTILITY EASEMENTS PRIOR TO PUD CONSTRUCTION AND,OR CONNECTION OF ANY ELECTRICAL SERVICE TO OR WITH THE PLAT.
3. PROPERTY WITHIN THIS PLAT MAY BE SUBJECT TO VARYING NOISE LEVELS AND VIBRATIONS DUE TO PROXIMITY TO THE TRI-CITIES AIRPORT. PROPERTIES NEAR THE AIRPORT MAY BE LOCATED WITHIN HEIGHT AND USE RESTRICTION ZONES AS DESCRIBED AND ILLUSTRATED BY FEDERAL STANDARDS AND REGULATIONS AND THE CITY OF PASCO ZONING REGULATIONS. THERE IS THE POTENTIAL THAT STANDARD FLIGHT PATTERNS WILL RESULT IN AIRCRAFT PASSING OVER THE PROPERTIES AT LOW ALTITUDES AND DURING ALL HOUSE OF THE DAY. FUTURE AIRPORT EXPANSION INCLUDING RUNWAY EXTENSIONS MAY IMPAT THE SIZE AND NUMBER OF AIRCRAFT UTILIZING THE AIRPORT.DEVELOPMENTS NEAR THE AIRPORT SHOULD ASSUME THAT AT ANY GIVEN TIME THERE WILL BE SOME IMPACT FROM AIR TRAFFIC.
4. EXISTING REGULATION REGARDING SIGHT DISTANCE, FENCE HEIGHTS, AND SETBACKS MAY AFFECT THE PLACEMENT OF FENCES AND DRIVEWAYS ON ANY CORNER LOTS.
5. THE DEVELOPER SHALL INSTALL A COMMON "ESTATE" TYPE FENCE/WALL SIZE FEE IN HEIGHT ALONG BURNS ROAD AS PART OF THE INFRASTRUCTURE IMPROVEMENTS ASSOCIATED WITH THE PLAT. THE FENCE/WALL MUST BE CONSTRUCTED OF MASONRY BLOCK. FENCE DESIGN AND MATERIAL MUST BE APPROVED BY THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR. AN APPROVED VISION TRIANGLE AT THE INTERSECTION OF STREETS WILL BE REQUIRED. FOLLOWING CONSTRUCTION OF THE MASONRY FENCE/WALL, THE CITY MAY MAKE REPAIRS AND REPLACE THE FENCING AS NEEDED. PROPERTY OWNERS ADJOINING SAID FENCE SHALL BE RESPONSIBLE FOR PAYMENT OF ALL COSTS ASSOCIATED WITH MAINTENANCE AND UPKEEP OF THE FENCE/WALL.

SURVEYOR'S NOTES:

1. BASIS OF BEARING IS GRID, WASHINGTON STATE PLANE, SOUTH ZONE, NAD83(11), BASED ON GPS OBSERVATIONS. DISTANCES ARE "GROUND" SCALED FROM GRID USING A COMBINED FACTOR OF 1.0000914700.
2. ○ = DENOTES SET 5/8" REBAR WITH ORANGE PLASTIC CAP STAMPED "RSI DPB 41028"
3. ● =DENOTES FOUND 5/8" REBAR WITH ORANGE PLASTIC CAP STAMPED "RSI DPB 41028" OR MONUMENT AS NOTED.
4. (M) = MEASURED (R) = RECORD OF SURVEY AF#1967124 (R2) = RECROD OF SURVEY AF#805416 (C) = COMPUTED
5. EQUIPMENT AND PROCEDURES USED: MULTI FREQUENCY GNSS RECEIVERS USING REAL TIME KINEMATIC METHODS.
6. 9.THIS SURVEY MEETS OR EXCEEDS THE ACCURACY REQUIREMENTS DESCRIBED IN WAC 332-130-085. ANALYSIS METHOD: MULTIPLE INDEPENDENT RTK GNSS TIES AND LEAST SQUARES ADJUSTMENT



SURVEYOR'S CERTIFICATION

I DAVID P. BAALMAN, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF WASHINGTON, (REG. 41028) HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION, THAT THE DISTANCES, COURSES AND ANGLES ARE SHOWN TRUE AND CORRECT THEREON, AND THAT THE MONUMENTS HAVE BEEN SET AND LOT CORNERS STAKED ON THE GROUND AS SHOWN ON THE MAP.

PRELIMINARY

DAVID P. BAALMAN

DATE

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS ____ DAY OF _____, 20___, AT _____M,
IN BOOK _____ OF PLATS, AT PAGE _____, AT THE REQUEST OF EE PROPERTIES LLC.

FRANKLIN COUNTY AUDITOR

FEE NUMBER

BY DEPUTY

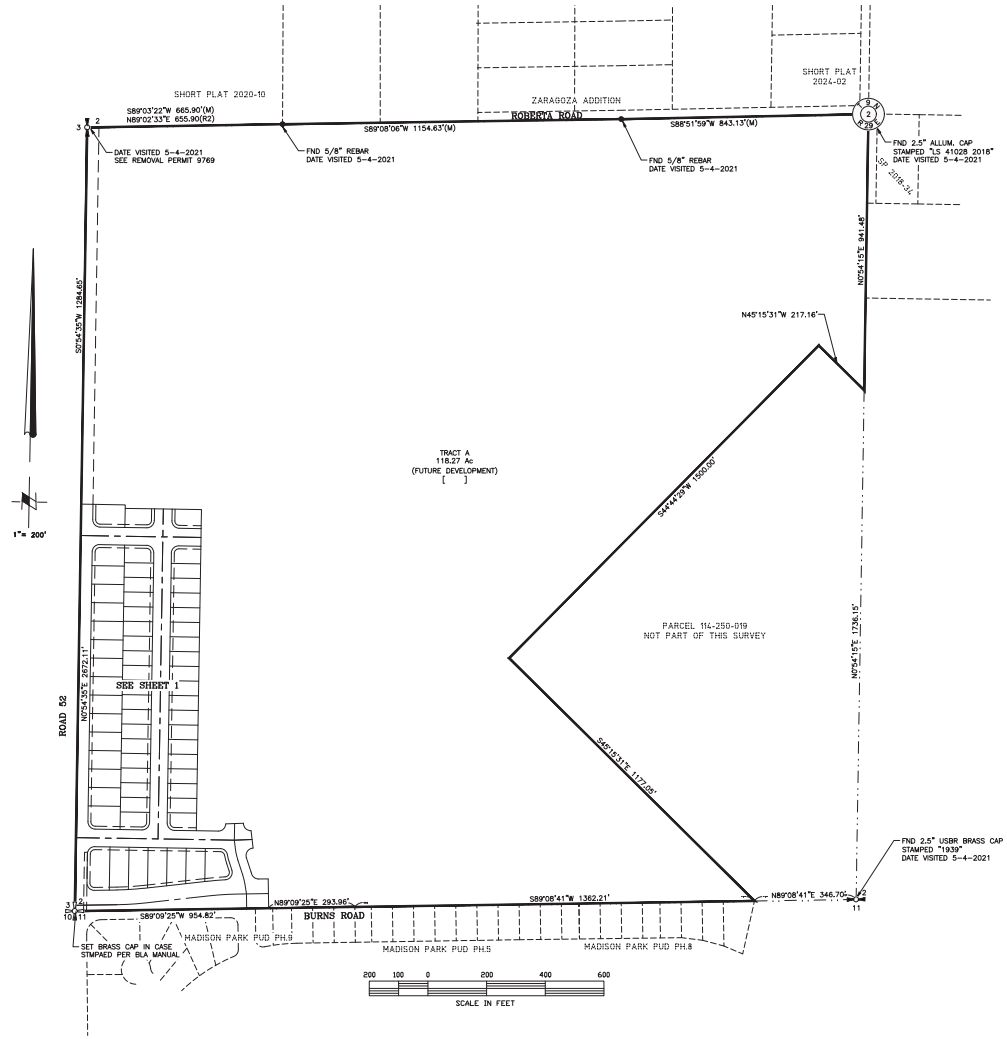
SHEET 1 OF 2

RSI ROGERS SURVEYING INC., P.S.
1405 COLUMBIA PARK TRAIL
RICHLAND, WA. 99352
PHONE (509) 783-4141
FAX: (509) 783-0904
www.rogerssurveying.com

06225-PLAT.DWG 6-12-25 DCP

MADISON PARK NORTH PHASE 1

LOCATED IN THE SW 1/4 OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 29 EAST, W.M., FRANKLIN COUNTY, WASHINGTON



DEDICATION

I, DAVID SWISHER, AUTHORIZED REPRESENTATIVE OF EE PROPERTIES, LLC, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE TRACT OF LAND DESCRIBED HEREON AND THAT WE HAVE CAUSED SAID LAND TO BE SURVEYED AND PLATTED INTO LOTS AS SHOWN HEREON AND THE STREET RIGHTS OF WAY AND UTILITY EASEMENTS ARE HEREBY DEDICATED TO THE USE OF THE PUBLIC AND THAT SAID SUBDIVISION SHALL HEREAFTER BE DESIGNATED BY THE NAME OF "MADISON PARK NORTH, PHASE 1".

AUTHORIZED REPRESENTATIVE OF
FARM 2005, LLC

ACKNOWLEDGMENT

STATE OF _____
COUNTY OF _____ } S.S.

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____ IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE _____ OF FARM 2005, LLC, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

NOTARY PUBLIC IN AND FOR THE STATE OF _____
RESIDING AT _____
MY COMMISSION EXPIRES _____

LEGAL DESCRIPTIONS:

THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 29 EAST, W.M., FRANKLIN COUNTY, WASHINGTON.

EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 2; THENCE NORTH 0°54'15" EAST 1736.16 FEET ALONG THE MID-SECTION LINE OF SAID SECTION 2 TO THE NORTHEASTERLY BOUNDARY OF THAT EASEMENT DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 1952537, RECORDS OF FRANKLIN COUNTY, WASHINGTON; THENCE NORTH 45°15'31" WEST 217.16 FEET ALONG SAID NORTHEASTERLY BOUNDARY; THENCE SOUTH 44°44'29" WEST 1500.00 FEET ALONG THE NORTHWESTERLY BOUNDARY OF SAID EASEMENT; THENCE SOUTH 45°15'31" EST 1177.05 FEET ALONG THE SOUTHWESTERLY BOUNDARY OF SAID EASEMENT TO THE SOUTH LINE OF SAID SECTION 2; THENCE NORTH 89°08'41" EAST 346.70 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

CONTAINS 132.52 ACRES, MORE OR LESS.

APPROVALS

CITY OF PASCO

EXAMINED AND APPROVED THIS____DAY OF_____, 20___.

CITY PLANNER

CITY ENGINEER DATE

CITY MANAGER OR DESIGNEE DATE

FRANKLIN COUNTY P.U.D.

THE UTILITY EASEMENTS SHOWN ARE HEREBY APPROVED.

FRANKLIN COUNTY P.U.D. TITLE

COUNTY ASSESSOR

EXAMINED AND APPROVED THIS_____DAY OF _____, 20___A.D.

FRANKLIN COUNTY ASSESSOR

COUNTY TREASURER

I HEREBY CERTIFY THAT ALL TAXES AND ASSESSMENTS AGAINST THE LAND DESCRIBED HEREON HAVE BEEN PAID IN FULL TO AND INCLUDING THE YEAR 20 A.D. PARCEL NUMBER: 114-250-018

FRANKLIN COUNTY TREASURER

DAVID P. BAALMAN, STATE OF WASHINGTON, 41028, REGISTERED PROFESSIONAL LAND SURVEYOR

PRELIMINARY

DAVID P. BAALMAN

SHEET 2 OF 2

ROGERS SURVEYING INC., P.S.
1405 COLUMBIA PARK TRAIL
RICHLAND, WA. 99352
PHONE (509) 783-4141
FAX: (509) 783-0904
www.rogerssurveying.com

06225-PLAT.DWG 6-12-25 DCP

SUBDIVISION

Issued By: COMMONWEALTH LAND TITLE INSURANCE COMPANY
by its agent:

TICOR TITLE COMPANY

Guarantee/Certificate Number:

472530481

COMMONWEALTH LAND TITLE INSURANCE COMPANY, a corporation, herein called the Company,

GUARANTEES

, and each successor in ownership of the indebtedness secured by the insured mortgage, except a successor who is an obligor under the provisions of Section 12 (c) of the Conditions

herein called the Assured, against actual loss not exceeding the liability amount stated in Schedule A which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

LIABILITY EXCLUSIONS AND LIMITATIONS

1. No guarantee is given nor liability assumed with respect to the identity of any party named or referred to in Schedule A or with respect to the validity, legal effect or priority of any matter shown therein.
2. The Company's liability hereunder shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurance herein set forth, but in no event shall the Company's liability exceed the liability amount set forth in Schedule A.

Please note carefully the liability exclusions and limitations and the specific assurances afforded by this guarantee. If you wish additional liability, or assurances other than as contained herein, please contact the Company for further information as to the availability and cost.

Commonwealth Land Title Insurance Company

By:

Michael J. Nolan, President

Attest:

Marjorie Nemzura, Secretary

Ticor Title Company
8101 W Grandridge Blvd., Suite 110
Kennewick, WA 99336

Countersigned By:

Dylan Strait
Authorized Officer or Agent

COMMONWEALTH LAND TITLE INSURANCE COMPANY CORPORATE SEAL

ISSUING OFFICE:
Title Officer: Nefty Maldonado Ticor Title Company 8101 W Grandridge Blvd., Suite 110 Kennewick, WA 99336 Main Phone: (509)579-7020 Email: Nefty.Maldonado@ticortitle.com

SCHEDULE A

Liability	Premium	Tax
$1,000.00	$350.00	$30.45

Effective Date: October 7, 2025 at 12:00 AM

The assurances referred to on the face page are:

That, according to those public records which, under the recording laws, impart constructive notice of matter relative to the following described property:

For APN/Parcel ID(s): 114250018

THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 29 EAST, W.M., FRANKLIN COUNTY, WASHINGTON.

EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 2; THENCE NORTH 0°54'15" EAST 1736.16 FEET ALONG THE MID-SECTION LINE OF SAID SECTION 2 TO THE NORTHEASTERLY BOUNDARY OF THAT EASEMENT DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 1952537, RECORDS OF FRANKLIN COUNTY, WASHINGTON; THENCE NORTH 45°15'31" WEST 217.16 FEET ALONG SAID NORTHEASTERLY BOUNDARY; THENCE SOUTH 44°44'29" WEST 1500.00 FEET ALONG THE NORTHWESTERLY BOUNDARY OF SAID EASEMENT; THENCE SOUTH 45°15'31" EAST 1177.05 FEET ALONG THE SOUTHWESTERLY BOUNDARY OF SAID EASEMENT TO THE SOUTH LINE OF SAID SECTION 2; THENCE NORTH 89°08'41" EAST 346.70 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

(Also known as Parcel B of Survey recorded under Auditor's File No. 1967124)

Title to said real property is vested in:

Farm 2005, LLC, a Washington limited liability company, who acquired title as Farm 2005, LLC

subject to the matters shown below under Exceptions, which Exceptions are not necessarily shown in the order of their priority.

END OF SCHEDULE A

SCHEDULE B

SPECIAL EXCEPTIONS

1. This item intentionally deleted

2. General and special taxes and charges, payable February 15, delinquent if first half unpaid on May 1, second half delinquent if unpaid on November 1 of the tax year (amounts do not include interest and penalties):

Year:	2025
Tax Account No.:	114250018
Levy Code:	106
Assessed Value-Land:	$8,131,700.00
Assessed Value-Improvements:	$0.00

General and Special Taxes:	
Billed:	$4,623.92
Paid:	$4,623.92
Unpaid:	$0.00

3. Terms, covenants and conditions contained in application for Current Use Classification, entered into pursuant to RCW 84.34 (including potential liability for future applicable taxes, special benefit assessments levied by local governments, penalties and interest upon breach of, or withdrawal from, said classification); notice of approval being recorded, under Auditor's File No. 423282:
Classification: Farm and agricultural

4. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Burlington Northern Inc.
Purpose: Construction, Reconstruction, use and maintenance of proposed roads
Recording Date: April 30, 1981
Recording No.: 410159
Affects: A strip of land 30 feet in width

5. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Public Utility District No. 1 of Franklin County
Purpose: Electric Distribution lines
Recording Date: October 9, 2008
Recording No.: 1725618

6. Charter Franchise Agreement, Acceptance of Franchise Resolution 2009-102 recorded April 27, 2009 under Auditor's File No. 1733461.

7. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, encroachments, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Survey:

   Recording No: 1967124

8. Any unrecorded leaseholds, right of vendors and holders of security interests on personal property installed upon the Land and rights of tenants to remove trade fixtures at the expiration of the terms.

SCHEDULE B
(continued)

9. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below.

Limited Liability Company: Farm 2005, LLC

a. A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.

b. If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendment thereto with the appropriate filing stamps.

c. If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.

d. A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created

e. If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

10. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

11. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to:	Port of Pasco
Purpose:	Avigation easement and right of way
Recording Date:	December 8, 2021
Recording No.:	1952536 and 1952537

12. A pending court action:

Petitioner:	Dave Swisher and Farm 2005 LLC
Respondent:	City of Pasco, a municipality of the State of Washington
County:	Franklin
Court:	Superior
Cause No.:	25-2-50360-11
Nature of Action:	Land Use Petition
Attorney for Petitioner:	James Cortland Carmody

END OF SCHEDULE B

Community & Economic Development Department
PO Box 293, 525 N 3rd Ave, Pasco, WA 99301
P: 509.545.3441 / F: 509.545.3499

CITY OF PASCO
NOTICE OF COMPLETE APPLICATION

MASTER FILE #: **FP2025-006**

APPLICANT: Farm 2005 LLC
C/O Dave Swisher
250 NW Franklin Ave Suite 401
Bend, OR 97703

PROPOSAL: **Final Plat:** Madison Park North Phase 1

It has been determined that your application for a Final Plat is complete for processing by the City of Pasco. Comments will be provided to the applicant listed on the submitted application within 30 business days of the date of this letter.

Questions can be addressed to the Pasco Community & Economic Development Department at (509) 544-4146 or to barragani@pasco-wa.gov referencing the file # above.

Date Issued: 10/23/2025

Signature: Jean Barragan

Title: Planner III

From: David Payne
To: Ivan Barragan
Subject: RE: MADISON PARK
Date: Monday, October 27, 2025 2:35:04 PM
Attachments: 06225-plat.dwg

[**NOTICE:** This message originated outside of City of Pasco -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

sure here ya go

David Payne
Rogers Surveying
(509) 783-4141

From: Ivan Barragan <barragani@pasco-wa.gov>
Sent: Monday, October 27, 2025 2:32 PM
To: David Payne <dpayne@rogerssurveying.com>
Subject: RE: MADISON PARK

Do you have the dwg file?

Ivan Barragan | Planner III | (509) 544-4146 | 525 N. 3rd Avenue | Pasco, WA 99301 | barragani@pasco-wa.gov
Notice of Public Disclosure: This e-mail and any response may be public record under Washington State law and subject to inspection and copying by the public upon request. Accordingly, there can be no expectation of privacy.

From: David Payne <dpayne@rogerssurveying.com>
Sent: Thursday, October 16, 2025 7:45 AM
To: Ivan Barragan <barragani@pasco-wa.gov>
Subject: MADISON PARK

[**NOTICE:** This message originated outside of City of Pasco -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Good morning,

I'm checking to see that you got everything you need for Madison park plat review
I dropped it off 2 days ago, tried to call yesterday and wasn't able to reach anyone,
If I'm suppose to talk to someone else please let me know

the lady I dropped it off with mentioned your name,
That's why I'm contacting you

thanks

David Payne
Rogers Surveying
(509) 783-4141

From: Casey Roberts
To: Ivan Barragan
Subject: RE: FP2025-006 Madison Park North Phase 1
Date: Tuesday, October 28, 2025 1:05:43 PM
Attachments: ~WRD2091.jpg
image001.jpg

[**NOTICE:** This message originated outside of City of Pasco -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello Ivan,

We require a 15' easement along Road 52, so that would be Lot 1 and Lots 8 - 23. They sent me a CAD file with this easement in place so I'm surprised to see it missing here.

Casey Roberts
Field Engineer II
(O)509-546-5952
(C)509-412-4034

Logo

From: Ivan Barragan <barragani@pasco-wa.gov>
Sent: Thursday, October 23, 2025 9:55 AM
Subject: FP2025-006 Madison Park North Phase 1

> **External:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. When in doubt, report it as phishing for further analysis.

Good morning,

Please find attached the Final Plat application for Madison Park North Phase 1, located on Parcel No. 114250018 in Pasco, WA. The proposal includes 63 lots within the R-1 (Low Density Residential) zoning district.

Engineering: Please provide a water rights estimate.

ROW Inspectors: Please prepare a punch list identifying any outstanding items related

to required right-of-way improvements, if applicable.

Please submit any comments or feedback by **November 6, 2025.**

Thank you,

Ivan Barragan
Planner III



O: 509-544-4146
barragani@pasco-wa.gov | www.pasco-wa.gov
City Hall, 525 N. 3rd Avenue, Pasco, WA 99301



This e-mail and any response to this e-mail may be a public record under Washington State Law and subject to inspection and copying by the public upon request. Accordingly, there can be no expectation of privacy.

If you think you have received this email in error, please notify the sender immediately by email and delete this email and any attachments from your system. Additionally, any correspondence exchanged with Franklin PUD, including emails, are public records. Public records may be produced for third-party requesters under the Public Records Act.

FP2025-006
Madison Park North Phase 1
6-Nov-25

City of Pasco Washington

LOT #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
LOT SQFT	11090	9497	9190	8676	8138	7599	8926	8556	6930	6930	6930	6930	6930	6930	6930
LOT #	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
LOT SQFT	6930	6930	6930	6930	6930	6930	7786	5866	5000	5000	5000	5000	5000	5000	5000
LOT #	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45
LOT SQFT	5000	5000	5000	5000	5000	5000	5000	5000	5000	5000	5000	5000	5866	5866	5000
LOT #	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60
LOT SQFT	5000	5000	5000	5000	5000	5000	5000	5000	5000	5000	5000	5000	5000	5000	5000
LOT #	61	62	63												
LOT SQFT	5000	5866	6366												

TOTAL SQFT	379,378	=	8.71	ACRES
BASE WATER RIGHTS	$517.50 PER UNIT	=	$32,602.50	(63 Units)
WATER RIGHTS ACQUISITION FEE	.5 X ACRES X 3.5 X $1,725	=	$26,293.31	
	TOTAL FEE	=	$58,895.81	

From: Kaleb Casey
To: Ivan Barragan
Cc: Robin Moug
Subject: RE: [EXTERNAL] FP2025-006 Madison Park North Phase 1
Date: Thursday, November 6, 2025 9:11:54 AM
Attachments: COP_FP2025-006 Madison Park North Phase 1.docx
Verification of Parcel Numbers - DRAFT.doc

> You don't often get email from kcasey@franklincountywa.gov. Learn why this is important

[**NOTICE:** This message originated outside of City of Pasco -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Good morning,

Please see attached for the Assessor's office comments and Parcel Verification form.

Regards,

Kaleb Casey
Franklin County Assessors Office
GIS Technician
P: (509) 545-2508
E: kcasey@franklincountywa.gov

From: Ivan Barragan <barragani@pasco-wa.gov>
Sent: Thursday, October 23, 2025 9:55 AM
Subject: [EXTERNAL] FP2025-006 Madison Park North Phase 1

> You don't often get email from barragani@pasco-wa.gov. Learn why this is important

CAUTION: This email originated from outside of Franklin County. Be careful when following links or opening attachments.

Good morning,

Please find attached the Final Plat application for Madison Park North Phase 1, located on Parcel No. 114250018 in Pasco, WA. The proposal includes 63 lots within the R-1 (Low Density Residential) zoning district.

Engineering: Please provide a water rights estimate.

ROW Inspectors: Please prepare a punch list identifying any outstanding items related to required right-of-way improvements, if applicable.

Please submit any comments or feedback by **November 6, 2025.**

Thank you,

Ivan Barragan
Planner III

O: 509-544-4146
barragani@pasco-wa.gov | **www.pasco-wa.gov**
City Hall, 525 N. 3rd Avenue, Pasco, WA 99301

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Memo

Assessor's Office
GIS/Mapping

To: Ivan Barragan, Planner, City of Pasco

From: Kaleb Casey, GIS Technician, Assessor's Office

cc: Robin Moug, GIS Specialist, Assessor's Office

Date: November 6, 2025

Re: FP2025-006 Madison Park North Phase 1

Good afternoon/morning,

The Assessor's office has reviewed the Final Plat application that was submitted. Please see below for our written comments regarding the proposed Final Plat.

1. Assessor's Parcel Verification Form (attached) signed by the Assessor and Treasurer offices

2. Approval letter from the City of Pasco's Planning & Economic Development department.

3. Survey needs to be signed by all departments listed under approvals section and notarized

4. Survey needs to be recorded

5. Parcel is in current use. Owners need to contact Agriculture Appraisers at assessorag@franklincountywa.gov to complete current use paperwork.

Verification of Parcel Number(s)

*Note: Long plats will be removed from open space when applicable. Taxes as well as the open space removal amounts must be paid prior to the Treasurer's signature on plat.

Circle one:

Plat Short Plat Blinding Site Plan

Parcel Number:	Land Value	Improvement Value
1.	Market Land:	Market Imp:
	Assessed Land:	Assessed Imp:
2.	Market Land:	Market Imp:
	Assessed Land:	Assessed Imp:
3.	Market Land:	Market Imp:
	Assessed Land:	Assessed Imp:
4.	Market Land:	Market Imp:
	Assessed Land:	Assessed Imp:

Signatures:

_____

GIS/Deputy Assessor Date:

_____

Treasurer Date:

From: Jon Padvorac
To: Ivan Barragan
Subject: Re: Madison Park North - Phase 1 final plat fees
Date: Thursday, November 13, 2025 3:52:02 PM

[**NOTICE:** This message originated outside of City of Pasco -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Ivan,

My understanding is that the City's code being in violation with the RCWs does not give the city more review time, the final plat still needs to approved, disapproved, or comments returned within 30 days of when it was submitted. Sometimes statues explicitly give cities the ability to modify specific "default" statues, I don't believe that to be the case here.

Best regards,



On Thu, Nov 13, 2025 at 15:40 Ivan Barragan <barragani@pasco-wa.gov> wrote:

> We have 28 days to determine completeness per PMC Title 4, specifically PMC 4.02.060. The application was deemed complete on October 23, 2025. After that date, the City has 30 days to issue comments, and you will receive them as soon as they are available.
>
> You, along with several others, have been reaching out, so I kindly ask for your patience.
>
> Thank you,
>
> **Ivan Barragan | Planner III | (509) 544-4146 | 525 N. 3rd Avenue | Pasco, WA 99301 | barragani@pasco-wa.gov**
> Notice of Public Disclosure: This e-mail and any response may be public record under Washington State law and subject to inspection and copying by the public upon request. Accordingly, there can be no expectation of privacy.
>
> ---
>
> **From:** Jon Padvorac <jon@padvorac-consulting.com>
> **Sent:** Thursday, November 13, 2025 2:44 PM
> **To:** Ivan Barragan <barragani@pasco-wa.gov>

Subject: Re: Madison Park North - Phase 1 final plat fees

[**NOTICE:** This message originated outside of City of Pasco -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Ivan,

Regarding our Madison Park North final plat, we had dropped the final plat off on 10/14, so my understanding is that today is the 30th day of the review process. Per RCW 58.17.140(2) the final plat needs to be approved, disapproved, or comments retuned no later than 30 days from the date of filing. Can you try to get the comments sent over by end of day today? We have had a lot of delays on our project and really need to get the final plat moving forward.

Best regards,



On Thu, Nov 6, 2025 at 08:35 Jon Padvorac <jon@padvorac-consulting.com> wrote:

> Hi Ivan,
>
> Thanks for preparing these, I appreciate you fitting this in to your week. The next critical thing will be for us to get final plat comments, it sounded like it would likely be 2-3 days after the internal comment period is over. If you need anything else from me to move this forward please feel free to reach out.
>
> On another topic, I will be stopping by tomorrow to pay the SEPA MDNS mitigation for traffic impacts. Is there anything that needs to be done on your end so that the folks at the counter can process the payment and track it properly? Our MDNS is attached for your reference.
>
> Best regards,



On Thu, Nov 6, 2025 at 08:25 Ivan Barragan <barragani@pasco-wa.gov> wrote:

> Hi Jon,
>
> Here's the water rights estimate.
>
> I apologize for not including the block numbers earlier, but I've confirmed that they haven't changed from what Caleb previously sent you.
>
> Please let me know if you need anything else.
>
> Thank you,
>
> **Ivan Barragan | Planner III | (509) 544-4146 | 525 N. 3rd Avenue | Pasco, WA 99301 | barragani@pasco-wa.gov**
> Notice of Public Disclosure: This e-mail and any response may be public record under Washington State law and subject to inspection and copying by the public upon request. Accordingly, there can be no expectation of privacy.
>
> ---
>
> **From:** Ivan Barragan
> **Sent:** Wednesday, November 5, 2025 5:01 PM
> **To:** Jon Padvorac <jon@padvorac-consulting.com>
> **Cc:** Dave Swisher <dave@daveswisher.com>; Cheryl Kerry <cheryl@daveswisher.com>; Craig Raymond <raymondc@pasco-wa.gov>
> **Subject:** Madison Park North - Phase 1 final plat fees
>
> Good afternoon,

I apologize for the delayed response.

To obtain City of Pasco signatures on the final plat for recording, the following fees will need to be addressed (please note there are in lieu of options):

- Water rights must either be deeded to the City or an in-lieu fee paid prior to recording of the final plat. I received a water rights estimate from Engineering, but it reflected the current fee in code not the old one that's referenced in the HE report. I'll send one reflecting the correct amount as soon as I have it available.
- Right-of-way improvements and associated documentation must be completed, or an in-lieu bond or cashier's check provided to ensure the City can complete any remaining right-of-way improvements, if applicable. This is still under review.

I will also include a note regarding LID fees, stating that Madison Park is part of LID 152. I saw you reached out to Griselda, which is great — she's the person I coordinate with on those fees. My understanding is that paying them early can result in some savings compared to paying after each lot is created.

Thank you,

Ivan Barragan
Planner III

O: 509-544-4146
barragani@pasco-wa.gov | www.pasco-wa.gov
City Hall, 525 N. 3rd Avenue, Pasco, WA 99301

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City of Pasco
Community Development Department
PO Box 293, 525 N 3rd Ave, Pasco, WA 99301
P: 509.545.3441 / F: 509.545.3499

MEMORANDUM

DATE: November 14, 2025

TO: Farm 2005, LLC

FROM: Ivan Barragan, Planner III

SUBJECT: Madison Park North Phase 1 Final Plat

The following notes/requirements have been submitted by City staff regarding this project.

Planning Division:

1. An addressing packet has been prepared. Please add the assigned lot addresses to the face of the final plat. In addition, the approved road names must be included on the face of the plat to ensure consistency with the City's Street naming standards.
2. All required right-of-way improvements shall be completed—or a bond provided in lieu of completion—in accordance with PMC 21.30.050. Additionally, any existing water rights associated with the subject property shall be transferred to the City. If no water rights are available, payment in lieu of water rights must be made prior to submitting the Final Plat for signatures, in accordance with PMC 21.05.120.
3. Pursuant to Condition of Approval No. 21, it has been identified that the required advanced warning signs on Burns Road were not included in the civil plans (SDIV2025-005). Please add these signs to the civil plans and ensure they are installed upon approval or bonded for, as noted in Planning Division Comment No. 2 above.
4. Under City of Pasco Notes No. 1, please remove the phrase "Subject to the outcome of current litigation."
5. Under City of Pasco Notes No. 2, please add a slash between "and.or".
6. Under City of Pasco Notes No. 3, please correct "impat" to "impact." Additionally, add a period after "airport" and before "Developments" within the same note.
7. Under City of Pasco Notes No. 4, please correct "regulation" to "regulations" and remove the letter "s" from "heights" within the same note.
8. Under City of Pasco Notes No. 5, please correct the typo "size fee" to "six feet."
9. Under the Dedication section, Dave Swisher is listed; however, he is not identified as an authorized representative of Farm 2005, LLC according to the Department of Revenue. Please update the dedication to reflect Steve or Judy West.

Franklin PUD:

1. A 15-foot easement is required along Road 52, affecting Lot 1 and Lots 8 through 23.

Franklin County Assessors:

1. Please see the attached memo and the verification of parcel numbers sheet.

To: Ivan Barragan, Planner III, City of Pasco

Cc: Dave Swisher, Farm 2005 LLC
Haylie Matson, Community & Economic Development Director, City of Pasco

From: Jon Padvorac, Development Consultant, Padvorac Consulting, LLC

Date: November 19, 2025

Subject: Madison Park North Phase 1 Final Plat

Dear Mr. Barragan,

To help move our project along, we are delivering a signed copy of the final plat along with a cash bond. We had not heard back on the bid bond estimated we had submitted back on 10/14/2025, so to keep our project moving forward we:

- Updated the bid bond for the work estimated to be done as of 11/24/2025, and sent it to you on 11/18/2025.
- Included a cash performance bond for the remaining work of $353,037.50, plus the 25% contingency required per PMC 21.30.050, plus an additional 20% contingency to account for minor comments the City may have on the bid bond estimate, as we have not received feedback on the unit prices submitted on 10/14/2025. Thus the total cash bid bond
- Brought a check to pay the LID cost allocated to this specific phase, which has already been delivered to finance.

If you have any questions as you process this document, please contact me so we can keep this process moving forward.

Sincerely,

Jonathan Padvorac

Sharpe & Preszler Construction Co., Inc.

605 E Kennewick Ave. Lic. # SHARPPC280JF Telephone 509-586-1138
Kennewick, WA 99336 Fax 509-586-9141

Madison Park North, Phase I
Completion Bond Breakdown

57 EA	Adjust valve box	330.00	18,810.00
6 EA	Adjust manhole	430.00	2,580.00
LS	Concrete mobe		1,100.00
1,982 SF	4” sidewalk	6.25	12,387.50
36 EA	Handicap ramp	2,035.00	73,260.00
175 SF	6” driveway	7.60	1,330.00
LS	Prep work for concrete flatwork		14,400.00
26 EA	Streetlight	5,400.00	140,400.00
1 EA	RRFB		17,935.00
2 EA	School flashing beacon		16,995.00
15 EA	Monuments	400.00	6,000.00
4 EA	Guard post (air/vac)	340.00	1,360.00
9 EA	Stop sign with street names	950.00	8,550.00
1 EA	Stop sign only		795.00
1 EA	35 MPH “Speed Limit” sign		500.00
1 EA	“End School Zone” sign		500.00
12 EA	Type III barricade	825.00	9,900.00
LS	Asphalt striping		24,635.00
LS	Sign/striping mobe		1,600.00
			$ 353,037.50

LID 152 Assessment for Madison Park North
Parent Parcel No. 114-250-018

Property Description	Acres	Total Assessment	Interest	Payoff
Madison Park Nort, lot 1	0.25	$ 3,319.10	$ 197.18	$ 3,516.28
Madison Park North, lot 2	0.22	$ 2,920.64	$ 173.16	$ 3,093.80
Madison Park North, lot 3	0.21	$ 2,787.81	$ 165.15	$ 2,952.96
Madison Park North, lot 4	0.2	$ 2,655.48	$ 158.14	$ 2,813.62
Madison Park North, lot 5	0.19	$ 2,522.66	$ 150.14	$ 2,672.80
Madison Park North, lot 6	0.17	$ 2,257.01	$ 134.12	$ 2,391.13
Madison Park North, lot 7	0.2	$ 2,655.48	$ 158.14	$ 2,813.62
Madison Park North, lot 8	0.2	$ 2,655.48	$ 158.14	$ 2,813.62
Madison Park North, lot 9	0.16	$ 2,124.18	$ 126.11	$ 2,250.29
Madison Park North, lot 10	0.16	$ 2,124.18	$ 126.11	$ 2,250.29
Madison Park North, lot 11	0.16	$ 2,124.18	$ 126.11	$ 2,250.29
Madison Park North, lot 12	0.16	$ 2,124.18	$ 126.11	$ 2,250.29
Madison Park North, lot 13	0.16	$ 2,124.18	$ 126.11	$ 2,250.29
Madison Park North, lot 14	0.16	$ 2,124.18	$ 126.11	$ 2,250.29
Madison Park North, lot 15	0.16	$ 2,124.18	$ 126.11	$ 2,250.29
Madison Park North, lot 16	0.16	$ 2,124.18	$ 126.11	$ 2,250.29
Madison Park North, lot 17	0.16	$ 2,124.18	$ 126.11	$ 2,250.29
Madison Park North, lot 18	0.16	$ 2,124.18	$ 126.11	$ 2,250.29
Madison Park North, lot 19	0.16	$ 2,124.18	$ 126.11	$ 2,250.29
Madison Park North, lot 20	0.16	$ 2,124.18	$ 126.11	$ 2,250.29
Madison Park North, lot 21	0.16	$ 2,124.18	$ 126.11	$ 2,250.29
Madison Park North, lot 22	0.18	$ 2,389.83	$ 142.13	$ 2,531.96
Madison Park North, lot 23	0.19	$ 2,522.66	$ 150.14	$ 2,672.80
Madison Park North, lot 24	0.15	$ 1,991.37	$ 118.11	$ 2,109.48
Madison Park North, lot 25	0.13	$ 1,725.72	$ 102.09	$ 1,827.81
Madison Park North, lot 26	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 27	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 28	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 29	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 30	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 31	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 32	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 33	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 34	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 35	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 36	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 37	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 38	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 39	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 40	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 41	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 42	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 43	0.13	$ 1,725.72	$ 102.09	$ 1,827.81

LID 152 Assessment for Madison Park North
Parent Parcel No. 114-250-018

Property Description	Acres	Total Assessment	Interest	Payoff
Madison Park North, lot 44	0.13	$ 1,725.72	$ 102.09	$ 1,827.81
Madison Park North, lot 45	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 46	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 47	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 48	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 49	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 50	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 51	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 52	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 53	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 54	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 55	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 56	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 57	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 58	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 59	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 60	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 61	0.11	$ 1,460.56	$ 87.08	$ 1,547.64
Madison Park North, lot 62	0.13	$ 1,725.72	$ 102.09	$ 1,827.81
Madison Park North, lot 63	0.15	$ 1,991.37	$ 118.11	$ 2,109.48
Madison Park North,Tract A	118.3	$ 1,570,191.52	$ 93,260.01	$ 1,663,451.53
	Total	**$ 1,685,036.67**	**$ 100,091.18**	**$ 1,785,127.85**

Rogers Surveying, Inc.,P.S.
1455 Columbia Park Trail
Richland, WA 99352
http://www.rogerssurveying.com
Phone: (509) 783-4141

November 19, 2025

Ivan Barragan, Planner III
City of Pasco

RE: Madison Park North Phase 1, Plat Review Comment Memo Response

Mr. Barragan:

Our team is in receipt of your review memo dated November 14, 2025.

1. An addressing packet has been prepared. Please add the assigned lot addresses to the face of the final plat. In addition, the approved road names must be included on the face of the plat to ensure consistency with the City's Street naming standards.

Applicant's Response: Addresses & street names have been added as shown.

2. All required right-of-way improvements shall be completed—or a bond provided in lieu of completion— in accordance with PMC 21.30.050. Additionally, any existing water rights associated with the subject property shall be transferred to the City. If no water rights are available, payment in lieu of water rights must be made prior to submitting the Final Plat for signatures, in accordance with PMC 21.05.120.

Applicant's Response: Construction is ongoing and a bid bond estimate was submitted on 10/14/2025. As of the date of the writing of this letter no comments from the city regarding the bid bond estimate have been provided. An updated estimate based on progress to date was provided on 11/18/2025 and is attached for reference. A cash bond check for the estimated amount, plus the city required 25% contingency, plus an additional 20% contingency to cover possible minor comments from the city on the bond estimate unit prices associated with our bond estimate as the city had not yet provided review comments on our bond estimate, is included with this submittal.

3. Pursuant to Condition of Approval No. 21, it has been identified that the required advanced warning signs on Burns Road were not included in the civil plans (SDIV2025-005). Please add these signs to the civil plans and ensure they are installed upon approval or bonded for, as noted in Planning Division Comment No. 2 above.

Applicant's Response: Noted. Developer will coordinate with contractor for installation, and the cost thereof is included in the above referenced bond and estimate.

4. Under City of Pasco Notes No. 1, please remove the phrase "Subject to the outcome of current litigation."

Applicant's Response: Removed.

5. Under City of Pasco Notes No. 2, please add a slash between "and.or".

Applicant's Response: Added.

6. Under City of Pasco Notes No. 3, please correct "impat" to "impact." Additionally, add a period after "airport" and before "Developments" within the same note.

Applicant's Response: Corrected, also note several other spelling errors were corrected as well.

7. Under City of Pasco Notes No. 4, please correct "regulation" to "regulations" and remove the letter "s" from "heights" within the same note.

Applicant's Response: Changed.

8. Under City of Pasco Notes No. 5, please correct the typo "size fee" to "six feet."

Applicant's Response: Corrected.

9. Under the Dedication section, Dave Swisher is listed; however, he is not identified as an authorized representative of Farm 2005, LLC according to the Department of Revenue. Please update the dedication to reflect Steve or Judy West.

Applicant's Response: Corrected.

Franklin PUD:
1. A 15-foot easement is required along Road 52, affecting Lot 1 and Lots 8 through 23.

Applicant's Response: Changed.

Franklin County Assessors:
1. Please see the attached memo and the verification of parcel numbers sheet.

Applicant's Response: Noted. We don't believe there is anything that needs to happen with this until recording time based on past plats we've completed.

Additional note from surveyor:

Since the previous submittal an additional easement has been recorded through the subject property, which is shown on the plat. It doesn't affect any of the lots, and I'm told it's using the same easement language as another recently completed easement nearby.

Regards,

David P. Baalman, PLS CFedS
Rogers Surveying Inc., P.S.

From: Jon Padvorac
To: Ivan Barragan
Cc: Brian Cartwright; Haylie Matson; Dave Swisher; Kent McCue
Subject: digital copy of MPN memo
Date: Friday, November 21, 2025 12:58:42 PM
Attachments: MPN PH1 Final Plat Memo.pdf

[**NOTICE:** This message originated outside of City of Pasco -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Ivan,

Attached is a digital copy of the memo and updated bond estimate that we dropped off with you when we met on Wednesday. It had been long enough that the bond estimate we submitted on 10/14 was fairly out of date, so we submitted a new estimate based on work that will be complete as of 11/24/2025.

As described in the memo - we provided a cash performance bond check to you on Wednesday for the estimated construction value, plus the City's standard 25% contingency, plus an additional 20% to cover possible issues that may arise when the City reviews the bond estimate.

Final plat review is typically a quick turn-around activity, will you be able to get through review early this upcoming week?

Best regards,



From: Cheryl Kerry
To: Ivan Barragan
Subject: RE: Madison Park North - Phase 1 final plat fees
Date: Monday, November 24, 2025 12:01:00 PM

[**NOTICE:** This message originated outside of City of Pasco -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hey Ivan. Not sure why this happened but our bank returned two of the checks we wrote to the City of Pasco, one for $58,895.81 for the water and the $121,676.32 payment for the LID. I am going to write new checks today and Fed Ex them directly to you. So sorry for the hassle, still trying to figure out what happened, but will get new checks off to you today.

From: Ivan Barragan <barragani@pasco-wa.gov>
Sent: Thursday, November 6, 2025 8:25 AM
To: Jon Padvorac <jon@padvorac-consulting.com>
Cc: Dave Swisher <dave@daveswisher.com>; Cheryl Kerry <cheryl@daveswisher.com>; Craig Raymond <raymondc@pasco-wa.gov>
Subject: RE: Madison Park North - Phase 1 final plat fees

Hi Jon,

Here's the water rights estimate.

I apologize for not including the block numbers earlier, but I've confirmed that they haven't changed from what Caleb previously sent you.

Please let me know if you need anything else.

Thank you,

Ivan Barragan | Planner III | (509) 544-4146 | 525 N. 3rd Avenue | Pasco, WA 99301 | barragani@pasco-wa.gov
Notice of Public Disclosure: This e-mail and any response may be public record under Washington State law and subject to inspection and copying by the public upon request. Accordingly, there can be no expectation of privacy.

From: Ivan Barragan
Sent: Wednesday, November 5, 2025 5:01 PM
To: Jon Padvorac <jon@padvorac-consulting.com>
Cc: Dave Swisher <dave@daveswisher.com>; Cheryl Kerry <cheryl@daveswisher.com>; Craig Raymond <raymondc@pasco-wa.gov>
Subject: Madison Park North - Phase 1 final plat fees

Good afternoon,

I apologize for the delayed response.

To obtain City of Pasco signatures on the final plat for recording, the following fees will need to be addressed (please note there are in lieu of options):

- Water rights must either be deeded to the City or an in-lieu fee paid prior to recording of the final plat. I received a water rights estimate from Engineering, but it reflected the current fee in code not the old one that's referenced in the HE report. I'll send one reflecting the correct amount as soon as I have it available.
- Right-of-way improvements and associated documentation must be completed, or an in-lieu bond or cashier's check provided to ensure the City can complete any remaining right-of-way improvements, if applicable. This is still under review.

I will also include a note regarding LID fees, stating that Madison Park is part of LID 152. I saw you reached out to Griselda, which is great — she's the person I coordinate with on those fees. My understanding is that paying them early can result in some savings compared to paying after each lot is created.

Thank you,

Ivan Barragan
Planner III

O: 509-544-4146
barragani@pasco-wa.gov | **www.pasco-wa.gov**
City Hall, 525 N. 3rd Avenue, Pasco, WA 99301

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From: Craig Raymond
To: Jon Padvorac; Dave Swisher
Cc: Brian Cartwright; Ivan Barragan
Subject: MPN
Date: Monday, November 24, 2025 10:10:00 AM
Importance: High

Jon, as we navigate our way through the process of the MPN final plat, please be sure to keep myself on each email communication that you have with the city. You should also be sure to keep Ivan Barragan and Brian Cartwright copied as well. This will help us ensure we are all on the same page and can most efficiently complete our review.
The current status update of the review is that we continue to work through it as fast as we can but we are experiencing a high volume of work and issues we are working through at the same time. This is a priority and we are doing the best we can to get this completed as soon as possible.

Thanks,

Craig Raymond

Deputy Director, Community & Economic Development

O: 509-545-3451 **M:** 509-802-6583
raymondc@@pasco-wa.gov | www.pasco-wa.gov
City Hall, 525 N. 3rd Avenue, Pasco, WA 99301

This e-mail and any response to this e-mail may be a public record under Washington State Law and subject to inspection and copying by the public upon request. Accordingly, there can be no expectation of privacy.

City of Pasco
Community Development Department
PO Box 293, 525 N 3rd Ave, Pasco, WA 99301
P: 509.545.3441 / F: 509.545.3499

November 26, 2025

Farm 2005, LLC
250 NW Franklin Ave, Suite 401
Bend, OR 97703

Dear Dave,

To receive bond approval for the Madison Park North Phase 1 Final Plat, the City will require a bond or cashier's check in the amount of **$441,296.88**[1]. Once the bond or cashier's check is submitted, the final plat will be eligible for administrative review and signature.
Given the unique circumstances surrounding this submittal, please be advised that additional securities may be required prior to the City's final signature on the plat.

If you have any further questions, please contact me at (509) 544-4146 or barragani@pasco-wa.gov.

Sincerely,

Ivan Barragan

Ivan Barragan
Planner III

cc: Brian Cartwright, Development Review Manager
Dan Jacobsen, Senior Inspector

[1] Amount based on 125% of the most recent estimate submitted on 11/21/2025 via email.

From: Brian Cartwright
To: Ivan Barragan
Cc: Craig Raymond; Dan Jacobsen; Tyler Johnson
Subject: RE: digital copy of MPN memo
Date: Wednesday, November 26, 2025 1:44:59 PM
Attachments: image001.jpg

The cost estimates for the items on the itemized list are acceptable. The inspector would be the appropriate person to verify any additional outstanding work. You can let the developer know that any items not included on the list, and not completed before the date they wish to pick up the signed plat, will require additional securities.
I can only verify the costs for the items that are identified on the bond estimate. I am not always aware of deficiencies in the field.

Brian Cartwright | Development Services Manager | (509) 545-3445 | 525 N. 3rd Avenue | Pasco, WA 99301 | cartwrightb@pasco-wa.gov

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From: Ivan Barragan <barragani@pasco-wa.gov>
Sent: Wednesday, November 26, 2025 12:58 PM
To: Brian Cartwright <cartwrightb@pasco-wa.gov>
Cc: Craig Raymond <raymondc@pasco-wa.gov>
Subject: RE: digital copy of MPN memo

As mentioned in the email sent to you and Tyler on November 19, 2025, I confirmed that no bond was provided to me in person over 40 days ago, as has been stated by Jon. The only record of the estimate is the email received on November 18, 2025.

On November 20, 2025, you forwarded an email thread from Dan Jacobsen outlining several items—specifically the estate fence along Burns—that need to be accounted for in the bond estimate.

At this point, I need to determine whether the provided bond estimate is acceptable. If it is not, I will notify the applicant and request a clear breakdown of what is missing. Based on the conversation with Dan and your note regarding the estate fence, if the estimate is deemed insufficient, I will forward that information and indicate that the estimate is not acceptable because these items must be included.

As a reminder I have a check over $500K sitting on my desk waiting for this to be resolved.

Thank you,

Ivan Barragan | Planner III | (509) 544-4146 | 525 N. 3rd Avenue | Pasco, WA 99301 | barragani@pasco-wa.gov
Notice of Public Disclosure: This e-mail and any response may be public record under Washington State law and subject to inspection and copying by the public upon request. Accordingly, there can be no expectation of privacy.

From: Brian Cartwright <cartwrightb@pasco-wa.gov>
Sent: Friday, November 21, 2025 2:24 PM
To: Ivan Barragan <barragani@pasco-wa.gov>
Cc: Craig Raymond <raymondc@pasco-wa.gov>
Subject: FW: digital copy of MPN memo

This is the second time that Jon has mentioned a bond estimate that was supplied on 10/14. I looked back through my emails and did not receive anything from him in that time period nor did I receive a previous bond estimate prior to what you sent on 11/19. Was something sent to you on 10/14? If not, you may want to politely let him know that you have no record of receiving the estimate…so at least it has been stated for the record.

Brian Cartwright | Development Services Manager | (509) 545-3445 | 525 N. 3rd Avenue | Pasco, WA 99301 | cartwrightb@pasco-wa.gov
Notice of Public Disclosure: This e-mail and any response may be public record under Washington State law and subject to inspection and copying by the public upon request. Accordingly, there can be no expectation of privacy.

From: Jon Padvorac <jon@padvorac-consulting.com>
Sent: Friday, November 21, 2025 12:58 PM
To: Ivan Barragan <barragani@pasco-wa.gov>
Cc: Brian Cartwright <cartwrightb@pasco-wa.gov>; Haylie Matson <matsonh@pasco-wa.gov>; Dave Swisher <dave@daveswisher.com>; Kent McCue <MCCUEK@pasco-wa.gov>
Subject: digital copy of MPN memo

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Hi Ivan,

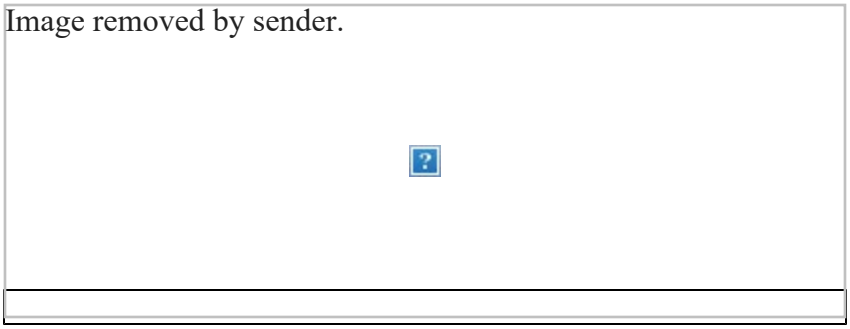
Attached is a digital copy of the memo and updated bond estimate that we dropped off with you when we met on Wednesday. It had been long enough that the bond estimate we submitted on 10/14 was fairly out of date, so we submitted a new estimate based on work that will be complete as of 11/24/2025.

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City reviews the bond estimate.

Final plat review is typically a quick turn-around activity, will you be able to get through review early this upcoming week?

Best regards,



Name: LOT 1

North: 350305.6170' East: 1979776.0105'

Segment #1 : Line

Course: S0°54'35"W Length: 147.261'
North: 350158.3746' East: 1979773.6724'

Segment #2 : Line

Course: S89°08'32"W Length: 50.838'
North: 350157.6135' East: 1979722.8401'

Segment #3 : Curve

Length: 40.041' Radius: 25.000'
Delta: 91°46'03" Tangent: 25.783'
Chord: 35.896' Course: N44°58'27"W
Course In: N0°51'28"W Course Out: N89°05'25"W
RP North: 350182.6107' East: 1979722.4658'
End North: 350183.0072' East: 1979697.4692'

Segment #4 : Line

Course: N0°54'35"E Length: 98.841'
North: 350281.8358' East: 1979699.0385'

Segment #5 : Curve

Length: 39.270' Radius: 25.000'
Delta: 90°00'00" Tangent: 25.000'
Chord: 35.355' Course: N45°54'35"E
Course In: S89°05'25"E Course Out: N0°54'35"E
RP North: 350281.4388' East: 1979724.0354'
End North: 350306.4355' East: 1979724.4321'

Segment #6 : Line

Course: S89°05'25"E Length: 51.585'
North: 350305.6164' East: 1979776.0106'

Perimeter: 427.835' Area: 11090.23 Sq. Ft.
Error Closure: 0.0006
Course: S10°43'01"E
Error North: -0.00055 East: 0.00010

Precision 1: 699626.667

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****
Name: LOT 2

End North: 350160.1412' East: 1979838.7088'

Segment #1 : Curve

Length: 38.811' Radius: 950.000'
Delta: 2°20'27" Tangent: 19.408'
Chord: 38.808' Course: S87°58'19"W
Course In: N3°11'54"W Course Out: S0°51'28"E
RP North: 351108.6614' East: 1979785.7059'
End North: 350158.7678' East: 1979799.9251'

Segment #2 : Line

Course: S89°08'32"W Length: 26.256'
North: 350158.3747' East: 1979773.6720'

Segment #3 : Line

Course: N0°54'35"E Length: 147.261'
North: 350305.6172' East: 1979776.0101'

Segment #4 : Line

Course: S89°05'25"E Length: 65.000'
North: 350304.5852' East: 1979841.0019'

Segment #5 : Line

Course: S0°54'35"W Length: 144.462'
North: 350160.1414' East: 1979838.7083'

Perimeter: 421.789' Area: 9496.53 Sq. Ft.
Error Closure: 0.0005
Course: N67°33'01"W
Error North: 0.00021 East: -0.00050

Precision 1: 843574.000

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****
Name: LOT 3

North: 350165.9420' East: 1979903.8091'

Segment #1 : Line

Course: S83°38'32"W Length: 12.986'
North: 350164.5040' East: 1979890.9029'

Segment #2 : Curve

Length: 52.383' Radius: 950.000'
Delta: 3°09'33" Tangent: 26.198'
Chord: 52.376' Course: S85°13'19"W
Course In: N6°21'28"W Course Out: S3°11'54"E
RP North: 351108.6613' East: 1979785.7032'
End North: 350160.1412' East: 1979838.7090'

Segment #3 : Line

Course: N0°54'35"E Length: 144.462'
North: 350304.5850' East: 1979841.0026'

Segment #4 : Line

Course: S89°05'25"E Length: 65.000'
North: 350303.5530' East: 1979905.9944'

Segment #5 : Line

Course: S0°54'35"W Length: 137.628'
North: 350165.9424' East:
1979903.8093'

Perimeter: 412.459' Area: 9189.92
Sq. Ft.
Error Closure: 0.0004
Course: N26°16'27"E
Error North: 0.00039 East:
0.00019

Precision 1: 1031130.000

****
****
Name: LOT 4

North: 350302.5212' East:
1979970.9859'

Segment #1 : Line

Course: S0°54'35"W Length: 129.339'
North: 350173.1985' East:
1979968.9324'

Segment #2 : Line

Course: S83°38'32"W Length: 65.526'
North: 350165.9423' East:
1979903.8094'

Segment #3 : Line

Course: N0°54'35"E Length: 137.628'
North: 350303.5530' East:
1979905.9945'

Segment #4 : Line

Course: S89°05'25"E Length: 65.000'
North: 350302.5210' East:
1979970.9863'

Perimeter: 397.494' Area: 8676.45
Sq. Ft.
Error Closure: 0.0004
Course: S67°02'31"E
Error North: -0.00017 East:
0.00041

Precision 1: 993732.500

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****
Name: LOT 5

North: 350301.4892' East:
1980035.9777'

Segment #1 : Line

Course: S0°54'35"W Length: 121.050'
North: 350180.4545' East:
1980034.0558'

Segment #2 : Line

Course: S83°38'32"W Length: 65.526'
North: 350173.1984' East:
1979968.9328'

Segment #3 : Line

Course: N0°54'35"E Length: 129.339'
North: 350302.5211' East:
1979970.9863'

Segment #4 : Line

Course: S89°05'25"E Length: 65.000'
North: 350301.4891' East:
1980035.9781'

Perimeter: 380.916' Area: 8137.66
Sq. Ft.
Error Closure: 0.0004
Course: S67°02'31"E
Error North: -0.00017 East:
0.00041

Precision 1: 952287.500

****
****
Name: LOT 6

North: 350300.4573' East:
1980100.9695'

Segment #1 : Line

Course: S0°54'35"W Length: 112.761'
North: 350187.7105' East:
1980099.1792'

Segment #2 : Line

Course: S83°38'32"W Length: 65.526'
North: 350180.4544' East:
1980034.0562'

Segment #3 : Line

Course: N0°54'35"E Length: 121.050'
North: 350301.4891' East:
1980035.9781'

Segment #4 : Line

Course: S89°05'25"E Length: 65.000'
North: 350300.4571' East:
1980100.9699'

Perimeter: 364.338' Area: 7598.87
Sq. Ft.
Error Closure: 0.0004
Course: S67°02'31"E
Error North: -0.00017 East:
0.00041

Precision 1: 910842.500

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****
Name: LOT 7

End North: 350279.3739' East:
1980176.2879'

Segment #1 : Curve

Length: 28.793' Radius: 230.000'
Delta: 7°10'22" Tangent: 14.415'
Chord: 28.774' Course: S14°28'58"E
Course In: N79°06'12"E Course Out:
S71°55'51"W
RP North: 350322.8528' East:
1980402.1409'
End North: 350251.5143' East:
1980183.4839'

Segment #2 : Line

Course: S18°04'09"E Length: 26.299'
North: 350226.5123' East:
1980191.6410'

Segment #3 : Curve

Length: 45.807' Radius: 25.000'
Delta: 104°58'53" Tangent: 32.570'
Chord: 39.663' Course: S34°25'17"W
Course In: S71°55'51"W Course Out:
S3°05'16"E
RP North: 350218.7582' East:
1980167.8739'
End North: 350193.7942' East:
1980169.2205'

Segment #4 : Curve

Length: 59.924' Radius: 1050.000'
Delta: 3°16'12" Tangent: 29.970'
Chord: 59.916' Course: S85°16'38"W
Course In: S3°05'16"E Course Out:
N6°21'28"W
RP North: 349145.3186' East:
1980225.7796'
End North: 350188.8610' East:
1980109.5079'

Segment #5 : Line

Course: S83°38'32"W Length: 10.393'
North: 350187.7101' East:
1980099.1788'

Segment #6 : Line

Course: N0°54'35"E Length: 112.761'
North: 350300.4569' East:
1980100.9691'

Segment #7 : Line

Course: S89°05'25"E Length: 51.172'
North: 350299.6445' East:
1980152.1347'

Segment #8 : Curve

Length: 34.118' Radius: 25.000'
Delta: 78°11'38" Tangent: 20.315'
Chord: 31.532' Course: S49°59'36"E
Course In: S0°54'35"W Course Out:
N79°06'12"E
RP North: 350274.6476' East:
1980151.7378'
End North: 350279.3733' East:
1980176.2872'

Perimeter: 369.267' Area: 8925.94
Sq. Ft.
Error Closure: 0.0009
Course: S44°20'59"W
Error North: -0.00067 East:
-0.00066

Precision 1: 400566.667

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****
Name: LOT 8

North: 350445.8153' East:
1979701.6421'

Segment #1 : Line

Course: S89°05'25"E Length:
110.000'
North: 350444.0689' East:
1979811.6283'

Segment #2 : Line

Course: S0°54'35"W Length: 19.000'
North: 350425.0713' East:
1979811.3266'

Segment #3 : Line

Course: S0°54'35"W Length: 60.000'
North: 350365.0788' East:
1979810.3740'

Segment #4 : Line

Course: N89°05'25"W Length: 85.000'
North: 350366.4284' East:
1979725.3847'

Segment #5 : Curve

Length: 39.270' Radius: 25.000'
Delta: 90°00'00" Tangent: 25.000'
Chord: 35.355' Course: N44°05'25"W
Course In: N0°54'35"E Course Out:
N89°05'25"W
RP North: 350391.4252' East:
1979725.7816'
End North: 350391.8219' East:
1979700.7850'

Segment #6 : Line

Course: N0°54'35"E Length: 54.000'
North: 350445.8151' East:
1979701.6424'

Perimeter: 367.270' Area: 8555.87
Sq. Ft.
Error Closure: 0.0003
Course: S44°05'25"E
Error North: -0.00024 East:
0.00024

Precision 1: 1211183.333

****
****
Name: LOT 9

North: 350508.8074' East:
1979702.6423'

Segment #1 : Line

Course: S89°05'25"E Length:
110.000'
North: 350507.0609' East:
1979812.6285'

Segment #2 : Line

Course: S0°54'35"W Length: 32.000'
North: 350475.0650' East:
1979812.1204'

Segment #3 : Line

Course: S0°54'35"W Length: 31.000'
North: 350444.0689' East:
1979811.6282'

Segment #4 : Line

Course: N89°05'25"W Length: 110.000'
North: 350445.8153' East: 1979701.6421'

Segment #5 : Line

Course: N0°54'35"E Length: 63.000'
North: 350508.8074' East: 1979702.6423'

Perimeter: 346.000' Area: 6930.00 Sq. Ft.
Error Closure: 0.0000
Course: N90°00'00"W
Error North: 0.00000 East: -0.00000

Precision 1: 346000000.000

****
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Name: LOT 10

North: 350571.7995' East: 1979703.6425'

Segment #1 : Line

Course: S89°05'25"E Length: 110.000'
North: 350570.0530' East: 1979813.6287'

Segment #2 : Line

Course: S0°54'35"W Length: 45.000'
North: 350525.0587' East: 1979812.9142'

Segment #3 : Line

Course: S0°54'35"W Length: 18.000'
North: 350507.0609' East: 1979812.6284'

Segment #4 : Line

Course: N89°05'25"W Length: 110.000'
North: 350508.8074' East: 1979702.6423'

Segment #5 : Line

Course: N0°54'35"E Length: 63.000'
North: 350571.7995' East: 1979703.6425'

Perimeter: 346.000' Area: 6930.00 Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East: 0.00000

Precision 1: 346000000.000

****
****
Name: LOT 11

North: 350634.7915' East: 1979704.6427'

Segment #1 : Line

Course: S89°05'25"E Length: 110.000'
North: 350633.0450' East: 1979814.6288'

Segment #2 : Line

Course: S0°54'35"W Length: 8.000'
North: 350625.0461' East: 1979814.5018'

Segment #3 : Line

Course: S0°54'35"W Length: 50.000'
North: 350575.0524' East: 1979813.7080'

Segment #4 : Line

Course: S0°54'35"W Length: 5.000'
North: 350570.0530' East: 1979813.6286'

Segment #5 : Line

Course: N89°05'25"W Length: 110.000'
North: 350571.7995' East: 1979703.6425'

Segment #6 : Line

Course: N0°54'35"E Length: 63.000'
North: 350634.7915' East: 1979704.6427'

Perimeter: 346.000' Area: 6930.00 Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East: 0.00000

Precision 1: 346000000.000

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Name: LOT 12

North: 350697.7836' East: 1979705.6429'

Segment #1 : Line

Course: S89°05'25"E Length: 110.000'
North: 350696.0371' East: 1979815.6290'

Segment #2 : Line

Course: S0°54'35"W Length: 21.000'
North: 350675.0398' East: 1979815.2956'

Segment #3 : Line

Course: S0°54'35"W Length: 42.000'
North: 350633.0450' East: 1979814.6288'

Segment #4 : Line

Course: N89°05'25"W Length: 110.000'
North: 350634.7915' East: 1979704.6426'

Segment #5 : Line

Course: N0°54'35"E Length: 63.000'
North: 350697.7836' East: 1979705.6429'

Perimeter: 346.000' Area: 6930.00 Sq. Ft.
Error Closure: 0.0000
Course: N90°00'00"W
Error North: 0.00000 East: -0.00000

Precision 1: 346000000.000

****
****
Name: LOT 13

North: 350760.7756' East: 1979706.6431'

Segment #1 : Line

Course: S89°05'25"E Length: 110.000'
North: 350759.0292' East: 1979816.6292'

Segment #2 : Line

Course: S0°54'35"W Length: 34.000'
North: 350725.0335' East: 1979816.0894'

Segment #3 : Line

Course: S0°54'35"W Length: 29.000'
North: 350696.0371' East: 1979815.6290'

Segment #4 : Line

Course: N89°05'25"W Length: 110.000'
North: 350697.7836' East: 1979705.6428'

Segment #5 : Line

Course: N0°54'35"E Length: 63.000'
North: 350760.7756' East: 1979706.6431'

Perimeter: 346.000' Area: 6930.00 Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East: 0.00000

Precision 1: 346000000.000

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Name: LOT 14

North: 350823.7677' East: 1979707.6433'

Segment #1 : Line

Course: S89°05'25"E Length: 110.000'
North: 350822.0212' East: 1979817.6294'

Segment #2 : Line

Course: S0°54'35"W Length: 47.000'
North: 350775.0272' East: 1979816.8832'

Segment #3 : Line

Course: S0°54'35"W Length: 16.000'
North: 350759.0292' East: 1979816.6292'

Segment #4 : Line

Course: N89°05'25"W Length: 110.000'
North: 350760.7756' East: 1979706.6430'

Segment #5 : Line

Course: N0°54'35"E Length: 63.000'
North: 350823.7677' East: 1979707.6433'

Perimeter: 346.000' Area: 6930.00 Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East: 0.00000

Precision 1: 346000000.000

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Name: LOT 15

North: 350886.7598' East: 1979708.6435'

Segment #1 : Line

Course: S89°05'25"E Length: 110.000'
North: 350885.0133' East: 1979818.6296'

Segment #2 : Line

Course: S0°54'35"W Length: 10.000'
North: 350875.0145' East: 1979818.4708'

Segment #3 : Line

Course: S0°54'35"W Length: 50.000'
North: 350825.0208' East: 1979817.6770'

Segment #4 : Line

Course: S0°54'35"W Length: 3.000'
North: 350822.0212' East: 1979817.6293'

Segment #5 : Line

Course: N89°05'25"W Length: 110.000'
North: 350823.7677' East: 1979707.6432'

Segment #6 : Line

Course: N0°54'35"E Length: 63.000'
North: 350886.7598' East: 1979708.6435'

Perimeter: 346.000' Area: 6930.00 Sq. Ft.
Error Closure: 0.0000
Course: N90°00'00"W
Error North: 0.00000 East: -0.00000

Precision 1: 346000000.000

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Name: LOT 16

North: 350949.7518' East: 1979709.6436'

Segment #1 : Line

Course: S89°05'25"E Length: 110.000'
North: 350948.0053' East: 1979819.6298'

Segment #2 : Line

Course: S0°54'35"W Length: 23.000'
North: 350925.0082' East: 1979819.2646'

Segment #3 : Line

Course: S0°54'35"W Length: 40.000'
North: 350885.0133' East: 1979818.6295'

Segment #4 : Line

Course: N89°05'25"W Length: 110.000'
North: 350886.7598' East: 1979708.6434'

Segment #5 : Line

Course: N0°54'35"E Length: 63.000'
North: 350949.7518' East: 1979709.6436'

Perimeter: 346.000' Area: 6930.00 Sq. Ft.
Error Closure: 0.0000
Course: N90°00'00"W
Error North: 0.00000 East: -0.00000

Precision 1: 346000000.000

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Name: LOT 17

North: 351012.7439' East: 1979710.6438'

Segment #1 : Line

Course: S89°05'25"E Length: 110.000'
North: 351010.9974' East: 1979820.6300'

Segment #2 : Line

Course: S0°54'35"W Length: 36.000'
North: 350975.0019' East: 1979820.0584'

Segment #3 : Line

Course: S0°54'35"W Length: 27.000'
North: 350948.0053' East: 1979819.6297'

Segment #4 : Line

Course: N89°05'25"W Length: 110.000'
North: 350949.7518' East: 1979709.6436'

Segment #5 : Line

Course: N0°54'35"E Length: 63.000'
North: 351012.7439' East: 1979710.6438'

Perimeter: 346.000' Area: 6930.00 Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East: 0.00000

Precision 1: 346000000.000

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Name: LOT 18

North: 351075.7359' East: 1979711.6440'

Segment #1 : Line

Course: S89°05'25"E Length: 110.000'
North: 351073.9895' East: 1979821.6302'

Segment #2 : Line

Course: S0°54'35"W Length: 49.000'
North: 351024.9956' East: 1979820.8522'

Segment #3 : Line

Course: S0°54'35"W Length: 14.000'
North: 351010.9974' East: 1979820.6299'

Segment #4 : Line

Course: N89°05'25"W Length: 110.000'
North: 351012.7439' East: 1979710.6438'

Segment #5 : Line

Course: N0°54'35"E Length: 63.000'

North: 351075.7359' East: 1979711.6440'

Perimeter: 346.000' Area: 6930.00 Sq. Ft.
Error Closure: 0.0000
Course: N90°00'00"W
Error North: 0.00000 East: -0.00000

Precision 1: 346000000.000

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Name: LOT 19

North: 351138.7280' East: 1979712.6442'

Segment #1 : Line

Course: S89°05'25"E Length: 110.000'
North: 351136.9815' East: 1979822.6303'

Segment #2 : Line

Course: S0°54'35"W Length: 12.000'
North: 351124.9830' East: 1979822.4398'

Segment #3 : Line

Course: S0°54'35"W Length: 50.000'
North: 351074.9893' East: 1979821.6460'

Segment #4 : Line

Course: S0°54'35"W Length: 1.000'
North: 351073.9895' East: 1979821.6301'

Segment #5 : Line

Course: N89°05'25"W Length: 110.000'
North: 351075.7359' East: 1979711.6440'

Segment #6 : Line

Course: N0°54'35"E Length: 63.000'
North: 351138.7280' East: 1979712.6442'

Perimeter: 346.000' Area: 6930.00 Sq. Ft.
Error Closure: 0.0000
Course: N90°00'00"W
Error North: 0.00000 East: -0.00000

Precision 1: 346000000.000

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Name: LOT 20

North: 351201.7201' East: 1979713.6444'

Segment #1 : Line

Course: S89°05'25"E Length: 110.000'
North: 351199.9736' East: 1979823.6305'

Segment #2 : Line

Course: S0°54'35"W Length: 25.000'
North: 351174.9767' East: 1979823.2336'

Segment #3 : Line

Course: S0°54'35"W Length: 38.000'
North: 351136.9815' East: 1979822.6303'

Segment #4 : Line

Course: N89°05'25"W Length: 110.000'
North: 351138.7280' East: 1979712.6441'

Segment #5 : Line

Course: N0°54'35"E Length: 63.000'
North: 351201.7201' East: 1979713.6444'

Perimeter: 346.000' Area: 6930.00 Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East: 0.00000

Precision 1: 346000000.000

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Name: LOT 21

North: 351264.7121' East: 1979714.6446'

Segment #1 : Line

Course: S89°05'25"E Length: 110.000'
North: 351262.9656' East: 1979824.6307'

Segment #2 : Line

Course: S0°54'35"W Length: 38.000'
North: 351224.9704' East: 1979824.0274'

Segment #3 : Line

Course: S0°54'35"W Length: 25.000'
North: 351199.9736' East: 1979823.6305'

Segment #4 : Line

Course: N89°05'25"W Length: 110.000'
North: 351201.7201' East: 1979713.6443'

Segment #5 : Line

Course: N0°54'35"E Length: 63.000'
North: 351264.7121' East: 1979714.6446'

Perimeter: 346.000' Area: 6930.00 Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East: 0.00000

Precision 1: 346000000.000

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Name: LOT 22

North: 351336.3061' East: 1979740.7845'

Segment #1 : Line

Course: S89°05'25"E Length: 85.000'
North: 351334.9566' East: 1979825.7738'

Segment #2 : Line

Course: S0°54'35"W Length: 60.000'
North: 351274.9642' East: 1979824.8212'

Segment #3 : Line

Course: S0°54'35"W Length: 12.000'
North: 351262.9657' East: 1979824.6307'

Segment #4 : Line

Course: N89°05'25"W Length: 110.000'
North: 351264.7121' East: 1979714.6445'

Segment #5 : Line

Course: N0°54'35"E Length: 47.000'
North: 351311.7062' East: 1979715.3907'

Segment #6 : Curve

Length: 39.270' Radius: 25.000'
Delta: 90°00'00" Tangent: 25.000'
Chord: 35.355' Course: N45°54'35"E
Course In: S89°05'25"E Course Out: N0°54'35"E
RP North: 351311.3093' East: 1979740.3876'
End North: 351336.3059' East: 1979740.7843'

Perimeter: 353.270' Area: 7785.87 Sq. Ft.
Error Closure: 0.0003
Course: S45°54'35"W
Error North: -0.00024 East: -0.00024

Precision 1: 1164516.667

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Name: LOT 23

North: 351471.9394' East: 1979827.9488'

Segment #1 : Line

Course: S0°54'35"W Length: 12.000'
North: 351459.9409' East: 1979827.7583'

Segment #2 : Line

Course: S0°54'35"W Length: 65.000'
North: 351394.9491' East: 1979826.7263'

Segment #3 : Line

Course: N89°05'25"W Length: 85.000'
North: 351396.2987' East: 1979741.7370'

Segment #4 : Curve

Length: 39.270' Radius: 25.000'
Delta: 90°00'00" Tangent: 25.000'
Chord: 35.355' Course: N44°05'25"W
Course In: N0°54'35"E Course Out: N89°05'25"W
RP North: 351421.2955' East: 1979742.1339'
End North: 351421.6922' East: 1979717.1373'

Segment #5 : Line

Course: N0°54'35"E Length: 52.000'
North: 351473.6856' East: 1979717.9629'

Segment #6 : Line

Course: S89°05'25"E Length: 110.000'
North: 351471.9392' East: 1979827.9490'

Perimeter: 363.270' Area: 8335.87 Sq. Ft.
Error Closure: 0.0003
Course: S44°05'25"E
Error North: -0.00024 East: 0.00024

Precision 1: 1197850.000

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Name: LOT 24

North: 351459.9409' East: 1979827.7583'

Segment #1 : Line

Course: S89°05'25"E Length: 100.000'
North: 351458.3532' East: 1979927.7457'

Segment #2 : Line

Course: S0°54'35"W Length: 40.000'
North: 351418.3583' East: 1979927.1106'

Segment #3 : Curve

Length: 39.270' Radius: 25.000'
Delta: 90°00'00" Tangent: 25.000'
Chord: 35.355' Course: S45°54'35"W

Course In: N89°05'25"W Course Out: S0°54'35"W
RP North: 351418.7552' East: 1979902.1138'
End North: 351393.7586' East: 1979901.7171'

Segment #4 : Line

Course: N89°05'25"W Length: 75.000'
North: 351394.9494' East: 1979826.7265'

Segment #5 : Line

Course: N0°54'35"E Length: 65.000'
North: 351459.9412' East: 1979827.7585'

Perimeter: 319.270' Area: 6365.87 Sq. Ft.
Error Closure: 0.0003
Course: N45°54'35"E
Error North: 0.00024 East: 0.00024

Precision 1: 1051183.333

****
Name: LOT 25

North: 351273.3766' East: 1979924.8086'

Segment #1 : Line

Course: N89°05'25"W Length: 100.000'
North: 351274.9643' East: 1979824.8212'

Segment #2 : Line

Course: N0°54'35"E Length: 60.000'
North: 351334.9568' East: 1979825.7739'

Segment #3 : Line

Course: S89°05'25"E Length: 75.000'
North: 351333.7660' East: 1979900.7644'

Segment #4 : Curve

Length: 39.270' Radius: 25.000'
Delta: 90°00'00" Tangent: 25.000'
Chord: 35.355' Course: S44°05'25"E
Course In: S0°54'35"W Course Out: S89°05'25"E
RP North: 351308.7692' East: 1979900.3675'
End North: 351308.3725' East: 1979925.3641'

Segment #5 : Line

Course: S0°54'35"W Length: 35.000'
North: 351273.3769' East: 1979924.8084'

Perimeter: 309.270' Area: 5865.87 Sq. Ft.
Error Closure: 0.0003
Course: N44°05'25"W
Error North: 0.00024 East: -0.00024

Precision 1: 1017850.000

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Name: LOT 26

North: 351223.3829' East: 1979924.0148'

Segment #1 : Line

Course: N89°05'25"W Length: 100.000'
North: 351224.9706' East: 1979824.0274'

Segment #2 : Line

Course: N0°54'35"E Length: 38.000'
North: 351262.9659' East: 1979824.6308'

Segment #3 : Line

Course: N0°54'35"E Length: 12.000'
North: 351274.9643' East: 1979824.8213'

Segment #4 : Line

Course: S89°05'25"E Length: 100.000'
North: 351273.3766' East: 1979924.8087'

Segment #5 : Line

Course: S0°54'35"W Length: 50.000'
North: 351223.3829' East: 1979924.0148'

Perimeter: 300.000' Area: 5000.00 Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East: 0.00000

Precision 1: 300000000.000

****
Name: LOT 27

North: 351173.3892' East: 1979923.2210'

Segment #1 : Line

Course: N89°05'25"W Length: 100.000'
North: 351174.9769' East: 1979823.2336'

Segment #2 : Line

Course: N0°54'35"E Length: 25.000'
North: 351199.9738' East: 1979823.6306'

Segment #3 : Line

Course: N0°54'35"E Length: 25.000'

North: 351224.9706' East:
1979824.0275'

Segment #4 : Line

Course: S89°05'25"E Length:
100.000'
North: 351223.3829' East:
1979924.0149'

Segment #5 : Line

Course: S0°54'35"W Length: 50.000'
North: 351173.3892' East:
1979923.2210'

Perimeter: 300.000' Area: 5000.00
Sq. Ft.
Error Closure: 0.0000
Course: S75°57'50"W
Error North: -0.00000 East:
-0.00000

Precision 1: 300000000.000

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Name: LOT 28

North: 351123.3955' East:
1979922.4272'

Segment #1 : Line

Course: N89°05'25"W Length:
100.000'
North: 351124.9832' East:
1979822.4398'

Segment #2 : Line

Course: N0°54'35"E Length: 12.000'
North: 351136.9817' East:
1979822.6304'

Segment #3 : Line

Course: N0°54'35"E Length: 38.000'
North: 351174.9769' East:
1979823.2337'

Segment #4 : Line

Course: S89°05'25"E Length:
100.000'
North: 351173.3892' East:
1979923.2211'

Segment #5 : Line

Course: S0°54'35"W Length: 50.000'
North: 351123.3955' East:
1979922.4272'

Perimeter: 300.000' Area: 5000.00
Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East:
0.00000

Precision 1: 300000000.000

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****
Name: LOT 29

North: 351073.4018' East:
1979921.6334'

Segment #1 : Line

Course: N89°05'25"W Length:
100.000'
North: 351074.9895' East:
1979821.6460'

Segment #2 : Line

Course: N0°54'35"E Length: 50.000'
North: 351124.9832' East:
1979822.4399'

Segment #3 : Line

Course: S89°05'25"E Length:
100.000'
North: 351123.3955' East:
1979922.4273'

Segment #4 : Line

Course: S0°54'35"W Length: 50.000'
North: 351073.4018' East:
1979921.6334'

Perimeter: 300.000' Area: 5000.00
Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East:
0.00000

Precision 1: 300000000.000

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****
Name: LOT 30

North: 351023.4081' East:
1979920.8396'

Segment #1 : Line

Course: N89°05'25"W Length:
100.000'
North: 351024.9958' East:
1979820.8522'

Segment #2 : Line

Course: N0°54'35"E Length: 49.000'
North: 351073.9897' East:
1979821.6302'

Segment #3 : Line

Course: N0°54'35"E Length: 1.000'
North: 351074.9895' East:
1979821.6461'

Segment #4 : Line

Course: S89°05'25"E Length:
100.000'
North: 351073.4018' East:
1979921.6335'

Segment #5 : Line

Course: S0°54'35"W Length: 50.000'

North: 351023.4081' East: 1979920.8396'

Perimeter: 300.000' Area: 5000.00 Sq. Ft.
Error Closure: 0.0000
Course: S0°00'00"E
Error North: -0.00000 East: 0.00000

Precision 1: 300000000.000

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****
Name: LOT 31

North: 350973.4145' East: 1979920.0458'

Segment #1 : Line

Course: N89°05'25"W Length: 100.000'
North: 350975.0021' East: 1979820.0584'

Segment #2 : Line

Course: N0°54'35"E Length: 36.000'
North: 351010.9976' East: 1979820.6300'

Segment #3 : Line

Course: N0°54'35"E Length: 14.000'
North: 351024.9958' East: 1979820.8523'

Segment #4 : Line

Course: S89°05'25"E Length: 100.000'
North: 351023.4081' East: 1979920.8397'

Segment #5 : Line

Course: S0°54'35"W Length: 50.000'
North: 350973.4145' East: 1979920.0458'

Perimeter: 300.000' Area: 5000.00 Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East: 0.00000

Precision 1: 300000000.000

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Name: LOT 32

North: 350923.4208' East: 1979919.2520'

Segment #1 : Line

Course: N89°05'25"W Length: 100.000'
North: 350925.0085' East: 1979819.2646'

Segment #2 : Line

Course: N0°54'35"E Length: 23.000'
North: 350948.0056' East: 1979819.6298'

Segment #3 : Line

Course: N0°54'35"E Length: 27.000'
North: 350975.0021' East: 1979820.0585'

Segment #4 : Line

Course: S89°05'25"E Length: 100.000'
North: 350973.4144' East: 1979920.0459'

Segment #5 : Line

Course: S0°54'35"W Length: 50.000'
North: 350923.4208' East: 1979919.2520'

Perimeter: 300.000' Area: 5000.00 Sq. Ft.
Error Closure: 0.0000
Course: S0°00'00"E
Error North: -0.00000 East: 0.00000

Precision 1: 300000000.000

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****
Name: LOT 33

North: 350873.4271' East: 1979918.4582'

Segment #1 : Line

Course: N89°05'25"W Length: 100.000'
North: 350875.0148' East: 1979818.4708'

Segment #2 : Line

Course: N0°54'35"E Length: 10.000'
North: 350885.0135' East: 1979818.6296'

Segment #3 : Line

Course: N0°54'35"E Length: 40.000'
North: 350925.0084' East: 1979819.2647'

Segment #4 : Line

Course: S89°05'25"E Length: 100.000'
North: 350923.4208' East: 1979919.2521'

Segment #5 : Line

Course: S0°54'35"W Length: 50.000'
North: 350873.4271' East: 1979918.4582'

Perimeter: 300.000' Area: 5000.00 Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E

Error North: 0.00000 East: 0.00000

Precision 1: 300000000.000

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****
Name: LOT 34

North: 350823.4334' East: 1979917.6644'

Segment #1 : Line

Course: N89°05'25"W Length: 100.000'
North: 350825.0211' East: 1979817.6770'

Segment #2 : Line

Course: N0°54'35"E Length: 50.000'
North: 350875.0148' East: 1979818.4709'

Segment #3 : Line

Course: S89°05'25"E Length: 100.000'
North: 350873.4271' East: 1979918.4583'

Segment #4 : Line

Course: S0°54'35"W Length: 50.000'
North: 350823.4334' East: 1979917.6644'

Perimeter: 300.000' Area: 5000.00 Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East: 0.00000

Precision 1: 300000000.000

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****
Name: LOT 35

North: 350773.4397' East: 1979916.8706'

Segment #1 : Line

Course: N89°05'25"W Length: 100.000'
North: 350775.0274' East: 1979816.8832'

Segment #2 : Line

Course: N0°54'35"E Length: 47.000'
North: 350822.0214' East: 1979817.6295'

Segment #3 : Line

Course: N0°54'35"E Length: 3.000'
North: 350825.0211' East: 1979817.6771'

Segment #4 : Line

Course: S89°05'25"E Length: 100.000'
North: 350823.4334' East: 1979917.6645'

Segment #5 : Line

Course: S0°54'35"W Length: 50.000'
North: 350773.4397' East: 1979916.8706'

Perimeter: 300.000' Area: 5000.00 Sq. Ft.
Error Closure: 0.0000
Course: S0°00'00"E
Error North: -0.00000 East: 0.00000

Precision 1: 300000000.000

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****
Name: LOT 36

North: 350723.4460' East: 1979916.0768'

Segment #1 : Line

Course: N89°05'25"W Length: 100.000'
North: 350725.0337' East: 1979816.0894'

Segment #2 : Line

Course: N0°54'35"E Length: 34.000'
North: 350759.0294' East: 1979816.6293'

Segment #3 : Line

Course: N0°54'35"E Length: 16.000'
North: 350775.0274' East: 1979816.8833'

Segment #4 : Line

Course: S89°05'25"E Length: 100.000'
North: 350773.4397' East: 1979916.8707'

Segment #5 : Line

Course: S0°54'35"W Length: 50.000'
North: 350723.4460' East: 1979916.0768'

Perimeter: 300.000' Area: 5000.00 Sq. Ft.
Error Closure: 0.0000
Course: N90°00'00"W
Error North: 0.00000 East: -0.00000

Precision 1: 300000000.000

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****
Name: LOT 37

North: 350673.4523' East: 1979915.2830'

Segment #1 : Line

Course: N89°05'25"W Length: 100.000'

North: 350675.0400' East:
1979815.2956'

Segment #2 : Line

Course: N0°54'35"E Length: 21.000'
North: 350696.0373' East:
1979815.6291'

Segment #3 : Line

Course: N0°54'35"E Length: 29.000'
North: 350725.0337' East:
1979816.0895'

Segment #4 : Line

Course: S89°05'25"E Length:
100.000'
North: 350723.4460' East:
1979916.0769'

Segment #5 : Line

Course: S0°54'35"W Length: 50.000'
North: 350673.4523' East:
1979915.2830'

Perimeter: 300.000' Area: 5000.00
Sq. Ft.
Error Closure: 0.0000
Course: S0°00'00"E
Error North: -0.00000 East:
0.00000

Precision 1: 300000000.000

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****
Name: LOT 38

North: 350623.4586' East:
1979914.4892'

Segment #1 : Line

Course: N89°05'25"W Length:
100.000'
North: 350625.0463' East:
1979814.5018'

Segment #2 : Line

Course: N0°54'35"E Length: 8.000'
North: 350633.0453' East:
1979814.6288'

Segment #3 : Line

Course: N0°54'35"E Length: 42.000'
North: 350675.0400' East:
1979815.2957'

Segment #4 : Line

Course: S89°05'25"E Length:
100.000'
North: 350673.4523' East:
1979915.2831'

Segment #5 : Line

Course: S0°54'35"W Length: 50.000'
North: 350623.4586' East:
1979914.4892'

Perimeter: 300.000' Area: 5000.00
Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East:
0.00000

Precision 1: 300000000.000

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****
Name: LOT 39

North: 350573.4649' East:
1979913.6954'

Segment #1 : Line

Course: N89°05'25"W Length:
100.000'
North: 350575.0526' East:
1979813.7080'

Segment #2 : Line

Course: N0°54'35"E Length: 50.000'
North: 350625.0463' East:
1979814.5019'

Segment #3 : Line

Course: S89°05'25"E Length:
100.000'
North: 350623.4586' East:
1979914.4893'

Segment #4 : Line

Course: S0°54'35"W Length: 50.000'
North: 350573.4649' East:
1979913.6954'

Perimeter: 300.000' Area: 5000.00
Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East:
0.00000

Precision 1: 300000000.000

****
****
Name: LOT 40

North: 350523.4712' East:
1979912.9016'

Segment #1 : Line

Course: N89°05'25"W Length:
100.000'
North: 350525.0589' East:
1979812.9142'

Segment #2 : Line

Course: N0°54'35"E Length: 45.000'
North: 350570.0532' East:
1979813.6287'

Segment #3 : Line

Course: N0°54'35"E Length: 5.000'
North: 350575.0526' East:
1979813.7081'

Segment #4 : Line

Course: S89°05'25"E Length: 100.000'
North: 350573.4649' East: 1979913.6955'

Segment #5 : Line

Course: S0°54'35"W Length: 50.000'
North: 350523.4712' East: 1979912.9016'

Perimeter: 300.000' Area: 5000.00 Sq. Ft.
Error Closure: 0.0000
Course: S75°57'50"W
Error North: -0.00000 East: -0.00000

Precision 1: 300000000.000

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****
Name: LOT 41

North: 350473.4775' East: 1979912.1078'

Segment #1 : Line

Course: N89°05'25"W Length: 100.000'
North: 350475.0652' East: 1979812.1204'

Segment #2 : Line

Course: N0°54'35"E Length: 32.000'
North: 350507.0611' East: 1979812.6285'

Segment #3 : Line

Course: N0°54'35"E Length: 18.000'
North: 350525.0589' East: 1979812.9143'

Segment #4 : Line

Course: S89°05'25"E Length: 100.000'
North: 350523.4712' East: 1979912.9017'

Segment #5 : Line

Course: S0°54'35"W Length: 50.000'
North: 350473.4775' East: 1979912.1078'

Perimeter: 300.000' Area: 5000.00 Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East: 0.00000

Precision 1: 300000000.000

****
****
Name: LOT 42

North: 350423.4838' East: 1979911.3140'

Segment #1 : Line

Course: N89°05'25"W Length: 100.000'
North: 350425.0715' East: 1979811.3266'

Segment #2 : Line

Course: N0°54'35"E Length: 19.000'
North: 350444.0691' East: 1979811.6283'

Segment #3 : Line

Course: N0°54'35"E Length: 31.000'
North: 350475.0652' East: 1979812.1205'

Segment #4 : Line

Course: S89°05'25"E Length: 100.000'
North: 350473.4775' East: 1979912.1079'

Segment #5 : Line

Course: S0°54'35"W Length: 50.000'
North: 350423.4838' East: 1979911.3140'

Perimeter: 300.000' Area: 5000.00 Sq. Ft.
Error Closure: 0.0000
Course: S0°00'00"E
Error North: -0.00000 East: 0.00000

Precision 1: 300000000.000

****
****
Name: LOT 43

End North: 350388.4882' East: 1979910.7584'

Segment #1 : Curve

Length: 39.270' Radius: 25.000'
Delta: 90°00'00" Tangent: 25.000'
Chord: 35.355' Course: S45°54'35"W
Course In: N89°05'25"W Course Out: S0°54'35"W
RP North: 350388.8851' East: 1979885.7615'
End North: 350363.8885' East: 1979885.3648'

Segment #2 : Line

Course: N89°05'25"W Length: 75.000'
North: 350365.0793' East: 1979810.3743'

Segment #3 : Line

Course: N0°54'35"E Length: 60.000'
North: 350425.0717' East: 1979811.3269'

Segment #4 : Line

Course: S89°05'25"E Length: 100.000'
North: 350423.4840' East: 1979911.3143'

Segment #5 : Line

Course: S0°54'35"W Length: 35.000'
North: 350388.4884' East: 1979910.7586'

Perimeter: 309.270' Area: 5865.87 Sq. Ft.
Error Closure: 0.0003
Course: N45°54'35"E
Error North: 0.00024 East: 0.00024

Precision 1: 1017850.000

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****
Name: LOT 44

North: 350420.9436' East: 1980071.2939'

Segment #1 : Line

Course: S0°54'35"W Length: 60.000'
North: 350360.9512' East: 1980070.3412'

Segment #2 : Line

Course: N89°05'25"W Length: 75.000'
North: 350362.1419' East: 1979995.3507'

Segment #3 : Curve

Length: 39.270' Radius: 25.000'
Delta: 90°00'00" Tangent: 25.000'
Chord: 35.355' Course: N44°05'25"W
Course In: N0°54'35"E Course Out: N89°05'25"W
RP North: 350387.1388' East: 1979995.7476'
End North: 350387.5355' East: 1979970.7510'

Segment #4 : Line

Course: N0°54'35"E Length: 35.000'
North: 350422.5311' East: 1979971.3067'

Segment #5 : Line

Course: S89°05'25"E Length: 100.000'
North: 350420.9434' East: 1980071.2941'

Perimeter: 309.270' Area: 5865.87 Sq. Ft.
Error Closure: 0.0003
Course: S44°05'25"E
Error North: -0.00024 East: 0.00024

Precision 1: 1017850.000

****
****
Name: LOT 45

North: 350470.9373' East: 1980072.0877'

Segment #1 : Line

Course: S0°54'35"W Length: 50.000'
North: 350420.9436' East: 1980071.2938'

Segment #2 : Line

Course: N89°05'25"W Length: 100.000'
North: 350422.5313' East: 1979971.3064'

Segment #3 : Line

Course: N0°54'35"E Length: 50.000'
North: 350472.5250' East: 1979972.1003'

Segment #4 : Line

Course: S89°05'25"E Length: 100.000'
North: 350470.9373' East: 1980072.0877'

Perimeter: 300.000' Area: 5000.00 Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East: 0.00000

Precision 1: 300000000.000

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****
Name: LOT 46

North: 350520.9310' East: 1980072.8815'

Segment #1 : Line

Course: S0°54'35"W Length: 50.000'
North: 350470.9373' East: 1980072.0876'

Segment #2 : Line

Course: N89°05'25"W Length: 100.000'
North: 350472.5250' East: 1979972.1002'

Segment #3 : Line

Course: N0°54'35"E Length: 50.000'
North: 350522.5187' East: 1979972.8941'

Segment #4 : Line

Course: S89°05'25"E Length: 100.000'
North: 350520.9310' East: 1980072.8815'

Perimeter: 300.000' Area: 5000.00 Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E

Error North: 0.00000 East: 0.00000

Precision 1: 300000000.000

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****
Name: LOT 47

North: 350570.9247' East: 1980073.6753'

Segment #1 : Line

Course: S0°54'35"W Length: 50.000'
North: 350520.9310' East: 1980072.8814'

Segment #2 : Line

Course: N89°05'25"W Length: 100.000'
North: 350522.5187' East: 1979972.8940'

Segment #3 : Line

Course: N0°54'35"E Length: 50.000'
North: 350572.5124' East: 1979973.6879'

Segment #4 : Line

Course: S89°05'25"E Length: 100.000'
North: 350570.9247' East: 1980073.6753'

Perimeter: 300.000' Area: 5000.00 Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East: 0.00000

Precision 1: 300000000.000

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****
Name: LOT 48

North: 350620.9184' East: 1980074.4691'

Segment #1 : Line

Course: S0°54'35"W Length: 50.000'
North: 350570.9247' East: 1980073.6752'

Segment #2 : Line

Course: N89°05'25"W Length: 100.000'
North: 350572.5124' East: 1979973.6878'

Segment #3 : Line

Course: N0°54'35"E Length: 50.000'
North: 350622.5061' East: 1979974.4817'

Segment #4 : Line

Course: S89°05'25"E Length: 100.000'
North: 350620.9184' East: 1980074.4691'

Perimeter: 300.000' Area: 5000.00 Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East: 0.00000

Precision 1: 300000000.000

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****
Name: LOT 49

North: 350670.9121' East: 1980075.2629'

Segment #1 : Line

Course: S0°54'35"W Length: 50.000'
North: 350620.9184' East: 1980074.4690'

Segment #2 : Line

Course: N89°05'25"W Length: 100.000'
North: 350622.5061' East: 1979974.4816'

Segment #3 : Line

Course: N0°54'35"E Length: 50.000'
North: 350672.4998' East: 1979975.2755'

Segment #4 : Line

Course: S89°05'25"E Length: 100.000'
North: 350670.9121' East: 1980075.2629'

Perimeter: 300.000' Area: 5000.00 Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East: 0.00000

Precision 1: 300000000.000

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****
Name: LOT 50

North: 350720.9058' East: 1980076.0567'

Segment #1 : Line

Course: S0°54'35"W Length: 50.000'
North: 350670.9121' East: 1980075.2628'

Segment #2 : Line

Course: N89°05'25"W Length: 100.000'
North: 350672.4998' East: 1979975.2754'

Segment #3 : Line

Course: N0°54'35"E Length: 50.000'

North: 350722.4935' East:
1979976.0693'

Segment #4 : Line

Course: S89°05'25"E Length:
100.000'
North: 350720.9058' East:
1980076.0567'

Perimeter: 300.000' Area: 5000.00
Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East:
0.00000

Precision 1: 300000000.000

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****
Name: LOT 51

North: 350770.8995' East:
1980076.8505'

Segment #1 : Line

Course: S0°54'35"W Length: 50.000'
North: 350720.9058' East:
1980076.0566'

Segment #2 : Line

Course: N89°05'25"W Length:
100.000'
North: 350722.4935' East:
1979976.0692'

Segment #3 : Line

Course: N0°54'35"E Length: 50.000'
North: 350772.4872' East:
1979976.8631'

Segment #4 : Line

Course: S89°05'25"E Length:
100.000'
North: 350770.8995' East:
1980076.8505'

Perimeter: 300.000' Area: 5000.00
Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East:
0.00000

Precision 1: 300000000.000

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****
Name: LOT 52

North: 350820.8932' East:
1980077.6443'

Segment #1 : Line

Course: S0°54'35"W Length: 50.000'
North: 350770.8995' East:
1980076.8504'

Segment #2 : Line

Course: N89°05'25"W Length:
100.000'
North: 350772.4872' East:
1979976.8630'

Segment #3 : Line

Course: N0°54'35"E Length: 50.000'
North: 350822.4809' East:
1979977.6569'

Segment #4 : Line

Course: S89°05'25"E Length:
100.000'
North: 350820.8932' East:
1980077.6443'

Perimeter: 300.000' Area: 5000.00
Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East:
0.00000

Precision 1: 300000000.000

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****
Name: LOT 53

North: 350870.8869' East:
1980078.4381'

Segment #1 : Line

Course: S0°54'35"W Length: 50.000'
North: 350820.8932' East:
1980077.6442'

Segment #2 : Line

Course: N89°05'25"W Length:
100.000'
North: 350822.4809' East:
1979977.6568'

Segment #3 : Line

Course: N0°54'35"E Length: 50.000'
North: 350872.4746' East:
1979978.4507'

Segment #4 : Line

Course: S89°05'25"E Length:
100.000'
North: 350870.8869' East:
1980078.4381'

Perimeter: 300.000' Area: 5000.00
Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East:
0.00000

Precision 1: 300000000.000

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****
Name: LOT 54

North: 350920.8806' East:
1980079.2319'

Segment #1 : Line

Course: S0°54'35"W Length: 50.000'
North: 350870.8869' East:
1980078.4380'

Segment #2 : Line

Course: N89°05'25"W Length:
100.000'
North: 350872.4746' East:
1979978.4506'

Segment #3 : Line

Course: N0°54'35"E Length: 50.000'
North: 350922.4683' East:
1979979.2445'

Segment #4 : Line

Course: S89°05'25"E Length:
100.000'
North: 350920.8806' East:
1980079.2319'

Perimeter: 300.000' Area: 5000.00
Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East:
0.00000

Precision 1: 300000000.000

****
****
Name: LOT 55

North: 350970.8743' East:
1980080.0257'

Segment #1 : Line

Course: S0°54'35"W Length: 50.000'
North: 350920.8806' East:
1980079.2318'

Segment #2 : Line

Course: N89°05'25"W Length:
100.000'
North: 350922.4683' East:
1979979.2444'

Segment #3 : Line

Course: N0°54'35"E Length: 50.000'
North: 350972.4620' East:
1979980.0383'

Segment #4 : Line

Course: S89°05'25"E Length:
100.000'
North: 350970.8743' East:
1980080.0257'

Perimeter: 300.000' Area: 5000.00
Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East:
0.00000

Precision 1: 300000000.000

****
****
Name: LOT 56

North: 351020.8680' East:
1980080.8195'

Segment #1 : Line

Course: S0°54'35"W Length: 50.000'
North: 350970.8743' East:
1980080.0256'

Segment #2 : Line

Course: N89°05'25"W Length:
100.000'
North: 350972.4620' East:
1979980.0382'

Segment #3 : Line

Course: N0°54'35"E Length: 50.000'
North: 351022.4557' East:
1979980.8321'

Segment #4 : Line

Course: S89°05'25"E Length:
100.000'
North: 351020.8680' East:
1980080.8195'

Perimeter: 300.000' Area: 5000.00
Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East:
0.00000

Precision 1: 300000000.000

****
****
Name: LOT 57

North: 351070.8617' East:
1980081.6133'

Segment #1 : Line

Course: S0°54'35"W Length: 50.000'
North: 351020.8680' East:
1980080.8194'

Segment #2 : Line

Course: N89°05'25"W Length:
100.000'
North: 351022.4557' East:
1979980.8320'

Segment #3 : Line

Course: N0°54'35"E Length: 50.000'
North: 351072.4494' East:
1979981.6259'

Segment #4 : Line

Course: S89°05'25"E Length:
100.000'
North: 351070.8617' East:
1980081.6133'

Perimeter: 300.000' Area: 5000.00 Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East: 0.00000

Precision 1: 300000000.000

****
****
Name: LOT 58

North: 351120.8554' East: 1980082.4071'

Segment #1 : Line

Course: S0°54'35"W Length: 50.000'
North: 351070.8617' East: 1980081.6132'

Segment #2 : Line

Course: N89°05'25"W Length: 100.000'
North: 351072.4494' East: 1979981.6258'

Segment #3 : Line

Course: N0°54'35"E Length: 50.000'
North: 351122.4431' East: 1979982.4197'

Segment #4 : Line

Course: S89°05'25"E Length: 100.000'
North: 351120.8554' East: 1980082.4071'

Perimeter: 300.000' Area: 5000.00 Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East: 0.00000

Precision 1: 300000000.000

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****
Name: LOT 59

North: 351170.8491' East: 1980083.2009'

Segment #1 : Line

Course: S0°54'35"W Length: 50.000'
North: 351120.8554' East: 1980082.4070'

Segment #2 : Line

Course: N89°05'25"W Length: 100.000'
North: 351122.4431' East: 1979982.4196'

Segment #3 : Line

Course: N0°54'35"E Length: 50.000'
North: 351172.4368' East: 1979983.2135'

Segment #4 : Line

Course: S89°05'25"E Length: 100.000'
North: 351170.8491' East: 1980083.2009'

Perimeter: 300.000' Area: 5000.00 Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East: 0.00000

Precision 1: 300000000.000

****
****
Name: LOT 60

North: 351220.8428' East: 1980083.9947'

Segment #1 : Line

Course: S0°54'35"W Length: 50.000'
North: 351170.8491' East: 1980083.2008'

Segment #2 : Line

Course: N89°05'25"W Length: 100.000'
North: 351172.4368' East: 1979983.2134'

Segment #3 : Line

Course: N0°54'35"E Length: 50.000'
North: 351222.4305' East: 1979984.0073'

Segment #4 : Line

Course: S89°05'25"E Length: 100.000'
North: 351220.8428' East: 1980083.9947'

Perimeter: 300.000' Area: 5000.00 Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East: 0.00000

Precision 1: 300000000.000

****
****
Name: LOT 61

North: 351270.8365' East: 1980084.7885'

Segment #1 : Line

Course: S0°54'35"W Length: 50.000'
North: 351220.8428' East: 1980083.9946'

Segment #2 : Line

Course: N89°05'25"W Length: 100.000'
North: 351222.4305' East: 1979984.0072'

Segment #3 : Line

Course: N0°54'35"E Length: 50.000'
North: 351272.4242' East:
1979984.8011'

Segment #4 : Line

Course: S89°05'25"E Length:
100.000'
North: 351270.8365' East:
1980084.7885'

Perimeter: 300.000' Area: 5000.00
Sq. Ft.
Error Closure: 0.0000
Course: N0°00'00"E
Error North: 0.00000 East:
0.00000

Precision 1: 300000000.000

****
****
Name: LOT 62

North: 351330.8289' East:
1980085.7410'

Segment #1 : Line

Course: S0°54'35"W Length: 60.000'
North: 351270.8365' East:
1980084.7884'

Segment #2 : Line

Course: N89°05'25"W Length:
100.000'
North: 351272.4242' East:
1979984.8010'

Segment #3 : Line

Course: N0°54'35"E Length: 35.000'
North: 351307.4198' East:
1979985.3567'

Segment #4 : Curve

Length: 39.270' Radius: 25.000'
Delta: 90°00'00" Tangent: 25.000'
Chord: 35.355' Course: N45°54'35"E
Course In: S89°05'25"E Course Out:
N0°54'35"E
RP North: 351307.0228' East:
1980010.3536'
End North: 351332.0195' East:
1980010.7502'

Segment #5 : Line

Course: S89°05'25"E Length: 75.000'
North: 351330.8287' East:
1980085.7408'

Perimeter: 309.270' Area: 5865.87
Sq. Ft.
Error Closure: 0.0003
Course: S45°54'35"W
Error North: -0.00024 East:
-0.00024

Precision 1: 1017850.000

****
****
Name: LOT 63

North: 351455.8132' East:
1980087.7255'

Segment #1 : Line

Course: S0°54'35"W Length: 65.000'
North: 351390.8214' East:
1980086.6935'

Segment #2 : Line

Course: N89°05'25"W Length: 75.000'
North: 351392.0121' East:
1980011.7030'

Segment #3 : Curve

Length: 39.270' Radius: 25.000'
Delta: 90°00'00" Tangent: 25.000'
Chord: 35.355' Course: N44°05'25"W
Course In: N0°54'35"E Course Out:
N89°05'25"W
RP North: 351417.0090' East:
1980012.0999'
End North: 351417.4057' East:
1979987.1033'

Segment #4 : Line

Course: N0°54'35"E Length: 40.000'
North: 351457.4006' East:
1979987.7384'

Segment #5 : Line

Course: S89°05'25"E Length:
100.000'
North: 351455.8129' East:
1980087.7258'

Perimeter: 319.270' Area: 6365.87
Sq. Ft.
Error Closure: 0.0003
Course: S44°05'25"E
Error North: -0.00024 East:
0.00024

Precision 1: 1051183.333

****
****
Name: TRACT A

North: 351330.8289' East:
1980085.7410'

Segment #1 : Line

Course: N0°54'35"E Length: 60.000'
North: 351390.8214' East:
1980086.6936'

Segment #2 : Line

Course: N0°54'35"E Length: 65.000'
North: 351455.8132' East:
1980087.7257'

Segment #3 : Line

Course: N89°05'25"W Length:
100.000'

North: 351457.4009' East: 1979987.7383'

Segment #4 : Line

Course: N89°05'25"W Length: 60.000'
North: 351458.3535' East: 1979927.7458'

Segment #5 : Line

Course: N89°05'25"W Length: 100.000'
North: 351459.9412' East: 1979827.7584'

Segment #6 : Line

Course: N0°54'35"E Length: 12.000'
North: 351471.9397' East: 1979827.9489'

Segment #7 : Line

Course: N89°05'25"W Length: 110.000'
North: 351473.6861' East: 1979717.9628'

Segment #8 : Line

Course: N89°05'25"W Length: 40.000'
North: 351474.3212' East: 1979677.9679'

Segment #9 : Line

Course: N0°54'35"E Length: 1284.655'
North: 352758.8143' East: 1979698.3643'

Segment #10 : Line

Course: N89°03'22"E Length: 665.899'
North: 352769.7838' East: 1980364.1729'

Segment #11 : Line

Course: N89°08'06"E Length: 1154.626'
North: 352787.2146' East: 1981518.6674'

Segment #12 : Line

Course: N88°51'59"E Length: 843.133'
North: 352803.8951' East: 1982361.6353'

Segment #13 : Line

Course: S0°54'15"W Length: 941.483'
North: 351862.5294' East: 1982346.7787'

Segment #14 : Line

Course: N45°15'31"W Length: 217.160'
North: 352015.3900' East: 1982192.5319'

Segment #15 : Line

Course: S44°44'29"W Length: 1500.000'
North: 350949.9533' East: 1981136.6699'

Segment #16 : Line

Course: S45°15'31"E Length: 1177.050'
North: 350121.4184' East: 1981972.7181'

Segment #17 : Line

Course: S89°08'41"W Length: 1362.207'
North: 350101.0849' East: 1980610.6629'

Segment #18 : Line

Course: S89°09'25"W Length: 293.958'
North: 350096.7597' East: 1980316.7367'

Segment #19 : Line

Course: N0°50'35"W Length: 100.000'
North: 350196.7489' East: 1980315.2654'

Segment #20 : Line

Course: S89°09'25"W Length: 32.239'
North: 350196.2745' East: 1980283.0299'

Segment #21 : Curve

Length: 32.439' Radius: 25.000'
Delta: 74°20'38" Tangent: 18.957'
Chord: 30.210' Course: N53°40'16"W
Course In: N0°50'35"W Course Out: S73°30'03"W
RP North: 350221.2718' East: 1980282.6620'
End North: 350214.1715' East: 1980258.6918'

Segment #22 : Curve

Length: 6.302' Radius: 230.000'
Delta: 1°34'12" Tangent: 3.151'
Chord: 6.302' Course: N17°17'03"W
Course In: S73°30'03"W Course Out: N71°55'51"E
RP North: 350148.8512' East: 1980038.1623'
End North: 350220.1890' East: 1980256.8194'

Segment #23 : Line

Course: N18°04'09"W Length: 52.525'
North: 350270.1236' East: 1980240.5280'

Segment #24 : Curve

Length: 44.596' Radius: 25.072'
Delta: 101°54'48" Tangent: 30.914'
Chord: 38.946' Course: N36°45'51"E
Course In: N75°48'27"E Course Out: N2°16'45"W
RP North: 350276.2707' East: 1980264.8347'
End North: 350301.3234' East: 1980263.8380'

Segment #25 : Line

Course: N6°47'11"W Length: 60.193'
North: 350361.0947' East: 1980256.7252'

Segment #26 : Curve

Length: 40.625' Radius: 25.000'
Delta: 93°06'24" Tangent: 26.394'
Chord: 36.301' Course: N45°38'37"W
Course In: N2°11'49"W Course Out: N89°05'25"W
RP North: 350386.0763' East: 1980255.7668'
End North: 350386.4734' East: 1980230.7698'

Segment #27 : Line

Course: S87°59'04"W Length: 60.078'
North: 350384.3604' East: 1980170.7289'

Segment #28 : Curve

Length: 39.270' Radius: 25.000'
Delta: 90°00'00" Tangent: 25.000'
Chord: 35.355' Course: S45°54'35"W
Course In: N89°05'25"W Course Out: S0°54'35"W
RP North: 350384.7574' East: 1980145.7321'
End North: 350359.7608' East: 1980145.3354'

Segment #29 : Line

Course: N89°05'25"W Length: 75.000'
North: 350360.9515' East: 1980070.3448'

Segment #30 : Line

Course: N0°54'35"E Length: 60.000'
North: 350420.9440' East: 1980071.2975'

Segment #31 : Line

Course: N0°54'35"E Length: 50.000'
North: 350470.9377' East: 1980072.0913'

Segment #32 : Line

Course: N0°54'35"E Length: 50.000'
North: 350520.9314' East: 1980072.8852'

Segment #33 : Line

Course: N0°54'35"E Length: 50.000'
North: 350570.9251' East: 1980073.6790'

Segment #34 : Line

Course: N0°54'35"E Length: 50.000'
North: 350620.9188' East: 1980074.4729'

Segment #35 : Line

Course: N0°54'35"E Length: 50.000'
North: 350670.9125' East: 1980075.2667'

Segment #36 : Line

Course: N0°54'35"E Length: 50.000'
North: 350720.9062' East: 1980076.0606'

Segment #37 : Line

Course: N0°54'35"E Length: 50.000'
North: 350770.8998' East: 1980076.8544'

Segment #38 : Line

Course: N0°54'35"E Length: 50.000'
North: 350820.8935' East: 1980077.6483'

Segment #39 : Line

Course: N0°54'35"E Length: 50.000'
North: 350870.8872' East: 1980078.4421'

Segment #40 : Line

Course: N0°54'35"E Length: 50.000'
North: 350920.8809' East: 1980079.2360'

Segment #41 : Line

Course: N0°54'35"E Length: 50.000'
North: 350970.8746' East: 1980080.0298'

Segment #42 : Line

Course: N0°54'35"E Length: 50.000'
North: 351020.8683' East: 1980080.8237'

Segment #43 : Line

Course: N0°54'35"E Length: 50.000'
North: 351070.8620' East: 1980081.6175'

Segment #44 : Line

Course: N0°54'35"E Length: 50.000'
North: 351120.8557' East: 1980082.4114'

Segment #45 : Line

Course: N0°54'35"E Length: 50.000'

North: 351170.8494' East:
1980083.2052'

Segment #46 : Line

Course: N0°54'35"E Length: 50.000'
North: 351220.8431' East:
1980083.9991'

Segment #47 : Line

Course: N0°54'35"E Length: 50.000'
North: 351270.8368' East:
1980084.7929'

Segment #48 : Line

Course: N0°54'35"E Length: 60.000'
North: 351330.8293' East:
1980085.7455'

Perimeter: 11500.439' Area:
5151898.92 Sq. Ft.
Error Closure: 0.0045
Course: N85°37'33"E
Error North: 0.00034 East:
0.00449

Precision 1: 2552071.111

From:	Dave Baalman
To:	Ivan Barragan; Dave Swisher; Jon Padvorac
Cc:	Craig Raymond; Brian Cartwright; Haylie Matson; Dan Jacobsen
Subject:	RE: Madison Park North Phase 1 Final Plat Counter Submittal (FP2025-006)
Date:	Friday, November 28, 2025 8:09:36 AM
Attachments:	~WRD3157.jpg 06225-plat-2025-11-28.pdf

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Ivan:

PDF is attached.

Dave

David P. Baalman, PLS CFedS

Principal

Rogers Surveying Inc., P.S.

1455 Columbia Park Trail, Suite 201
Richland, WA 99352
O: 509.783.4141
D: 509.505.1664

From: Ivan Barragan <barragani@pasco-wa.gov>
Sent: Wednesday, November 26, 2025 4:07 PM
To: Dave Swisher <dave@daveswisher.com>; Jon Padvorac <jon@padvorac-consulting.com>
Cc: Dave Baalman <dbaalman@rogerssurveying.com>; Craig Raymond <raymondc@pasco-wa.gov>; Brian Cartwright <cartwrightb@pasco-wa.gov>; Haylie Matson <matsonh@pasco-wa.gov>; Dan Jacobsen <jacobsend@pasco-wa.gov>
Subject: Madison Park North Phase 1 Final Plat Counter Submittal (FP2025-006)

Good afternoon,

On Wednesday, November 19, 2025, I was handed multiple documents by Dave and Jon, along with another individual whose name I unfortunately did not catch. The materials included the final plat with signatures, a personal check in the amount of $529,556.25 (which Dave photographed), a response memo, and a cover letter from Padvorac Consulting, LLC with an attached bond estimate for $353,037.50.

First, the check provided is not a cashier's check. While the code specifies that the City may accept a bond, cash, or an irrevocable letter of credit, historically we have accepted

cashier's checks in lieu of cash—but not personal checks. For reference, the code states: *"In lieu of actually completing all improvements, the developer may provide the City with a bond, cash, or irrevocable letter of credit in an amount equal to 125 percent of the City Engineer's estimate of the cost to complete the required infrastructure improvements."*

The bond estimate submitted on November 21, 2025, at 12:58 PM is acceptable. However, in addition to being submitted with a personal check instead of a cashier's check, the amount tendered included not only the required 125% but also an arbitrary additional 20%. Therefore, we request that you provide a cashier's check in the correct amount (see attached bond letter). Please also be aware that any items not included in the approved bond estimate—and not completed before you pick up the signed plat—will require additional securities.

It was stated both at the counter and in your email correspondence, as well as in the documents provided in person, that the bond estimate had been submitted on October 14, 2025. After verifying our records, no such submittal was received on that date. The earliest record we have is an email from November 18, 2025, at 7:09 AM, and that estimate is $10,000.00 **less than** the estimate ultimately accepted by Brian from November 21, 2025.

Lastly, I kindly ask Dave Baalman to provide a PDF copy of the final plat that was handed to me on November 19, 2025, as having a digital file greatly streamlines the review process.

Once these corrections have been addressed, we will be happy to proceed with the review.

Thank you,

Ivan Barragan
Planner III

O: 509-544-4146
barragani@pasco-wa.gov | www.pasco-wa.gov
City Hall, 525 N. 3rd Avenue, Pasco, WA 99301

This e-mail and any response to this e-mail may be a public record under Washington State Law and subject to inspection and copying by the public upon request. Accordingly, there can be no expectation of privacy.

From: Ivan Barragan
To: Brian Cartwright; Haylie Matson; Harold Stewart
Cc: Craig Raymond; Mary Heather Ames; Kurtis Schliebe; Bob.Sterbank@Foster.com
Subject: RE: Madison Park North Phase 1 (FP2025-006) Final Signature
Date: Thursday, December 18, 2025 1:15:35 PM

Of course.

An update to all—first, I really appreciate the quick turnaround, as we are all under pressure to get this out.

Both Harold and Haylie have signed. Thank you both.

Bob, [redacted]

After sending this email, I will call and email the applicant to let him know this is ready for pickup and recording.

Thank you,

Ivan Barragan | Planner III | (509) 544-4146 | 525 N. 3rd Avenue | Pasco, WA 99301 | barragani@pasco-wa.gov
Notice of Public Disclosure: This e-mail and any response may be public record under Washington State law and subject to inspection and copying by the public upon request. Accordingly, there can be no expectation of privacy.

From: Brian Cartwright <cartwrightb@pasco-wa.gov>
Sent: Thursday, December 18, 2025 11:31 AM
To: Ivan Barragan <barragani@pasco-wa.gov>; Haylie Matson <matsonh@pasco-wa.gov>; Harold Stewart <Stewarth@pasco-wa.gov>
Cc: Craig Raymond <raymondc@pasco-wa.gov>; Mary Heather Ames <amesm@pasco-wa.gov>; Kurtis Schliebe <schliebek@pasco-wa.gov>
Subject: Re: Madison Park North Phase 1 (FP2025-006) Final Signature

Ivan, can you update Bob regarding the status of this FP? I don't see him in this email chain.

I know there is a separate chain with Bob, [redacted] I feel this information is pertinent to him.

Thanks

Brian Cartwright
City of Pasco
Development Services Manager
Cartwrightb@pasco-wa.gov

From: Ivan Barragan <barragani@pasco-wa.gov>
Sent: Thursday, December 18, 2025 8:55:20 AM
To: Haylie Matson <matsonh@pasco-wa.gov>; Harold Stewart <Stewarth@pasco-wa.gov>
Cc: Brian Cartwright <cartwrightb@pasco-wa.gov>; Craig Raymond <raymondc@pasco-wa.gov>; Mary Heather Ames <amesm@pasco-wa.gov>; Kurtis Schliebe <schliebek@pasco-wa.gov>
Subject: RE: Madison Park North Phase 1 (FP2025-006) Final Signature

UPDATE
I received this back from Kurtis after Mary Heather signed. I appreciate both of you.

To be clear, this doesn't need to go in any particular order, but I wanted to provide this update since we now only need two signatures.

Thank you,

Ivan Barragan | Planner III | (509) 544-4146 | 525 N. 3rd Avenue | Pasco, WA 99301 | barragani@pasco-wa.gov
Notice of Public Disclosure: This e-mail and any response may be public record under Washington State law and subject to inspection and copying by the public upon request. Accordingly, there can be no expectation of privacy.

From: Ivan Barragan
Sent: Wednesday, December 17, 2025 12:58 PM
To: Kurtis Schliebe <schliebek@pasco-wa.gov>; Maria Serra <serram@pasco-wa.gov>; Haylie Matson <matsonh@pasco-wa.gov>; Harold Stewart <Stewarth@pasco-wa.gov>
Cc: Brian Cartwright <cartwrightb@pasco-wa.gov>; Craig Raymond <raymondc@pasco-wa.gov>
Subject: Madison Park North Phase 1 (FP2025-006) Final Signature
Importance: High

Good afternoon,

I received the physical copy of the subject Final Plat on Wednesday, November 19, 2025. At the time of submittal, it was made clear to the applicant that several items still needed to be addressed, which have now been resolved.

I would also like to note that, as a condition unique to the overall preliminary plat, the applicant is required to complete a minor adjustment pursuant to Condition of Approval No. 19 of the Hearing Examiner's Decision. The applicant submitted the minor adjustment on November 11, 2025. Upon review, it was determined that the adjustment affected three lots within the submitted Phase 1 Final Plat. As a result, Jon elected to withdraw the minor adjustment and resubmit it at a later date, at which time I will ensure it does not affect this Final Plat.

Additionally, and unique to this plat, both Kurtis and I have already completed our review. I will still provide the Final Plat to Kurtis so it can be relayed to Brian and ultimately to Maria for signature.

After Maria signs, it will be returned to me so I can take it to Haylie for her signature. Following Haylie's sign-off, I will forward the plat to management for the final City signature.

Our goal is to complete this process within five business days, although the applicant has indicated a preference to have it completed by the end of the week.

Thank you,

Ivan Barragan
Planner III

O: 509-544-4146
barragani@pasco-wa.gov | www.pasco-wa.gov
City Hall, 525 N. 3rd Avenue, Pasco, WA 99301

This e-mail and any response to this e-mail may be a public record under Washington State Law and subject to inspection and copying by the public upon request. Accordingly, there can be no expectation of privacy.

From: Craig Raymond
To: Jon Padvorac; Ivan Barragan
Cc: Dave Swisher; DAVE BAALMAN; Brian Cartwright; Haylie Matson; Dan Jacobsen; Cheryl Kerry
Subject: RE: Madison Park North Phase 1 Final Plat Counter Submittal (FP2025-006)
Date: Monday, December 1, 2025 6:25:00 AM
Attachments: ~WRD0000.jpg

Hi Jon, we don't require the bond to review documents.
We'll check on the wire transfer question and get back to you.
Thanks,

Craig Raymond
Deputy Director, Community & Economic Development
O: 509-545-3451 M: 509-802-6583
raymondc@@pasco-wa.gov | www.pasco-wa.gov
City Hall, 525 N. 3rd Avenue, Pasco, WA 99301

This e-mail and any response to this e-mail may be a public record under Washington State Law and subject to inspection and copying by the public upon request. Accordingly, there can be no expectation of privacy.

From: Jon Padvorac <jon@padvorac-consulting.com>
Sent: Sunday, November 30, 2025 9:47 PM
To: Ivan Barragan <barragani@pasco-wa.gov>
Cc: Dave Swisher <dave@daveswisher.com>; DAVE BAALMAN <dbaalman@rogerssurveying.com>; Craig Raymond <raymondc@pasco-wa.gov>; Brian Cartwright <cartwrightb@pasco-wa.gov>; Haylie Matson <matsonh@pasco-wa.gov>; Dan Jacobsen <jacobsend@pasco-wa.gov>; Cheryl Kerry <cheryl@daveswisher.com>
Subject: Re: Madison Park North Phase 1 Final Plat Counter Submittal (FP2025-006)

[**NOTICE:** This message originated outside of City of Pasco -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Ivan,

Does the City accept wired funds? This would be the fastest way for us to keep things moving forward. If not, we will get you a cashier's check.

To confirm - can you be reviewing the CAD file provided by our surveyor while we sort out the bonding logistics? I may have mis-understood your email, I don't think it is typical for the City to require payment of the bond in order to review the plat.

Best regards,

Image removed by sender.

On Wed, Nov 26, 2025 at 4:06 PM Ivan Barragan <barragani@pasco-wa.gov> wrote:

> Good afternoon,
>
> On Wednesday, November 19, 2025, I was handed multiple documents by Dave and Jon, along with another individual whose name I unfortunately did not catch. The materials included the final plat with signatures, a personal check in the amount of $529,556.25 (which Dave photographed), a response memo, and a cover letter from Padvorac Consulting, LLC with an attached bond estimate for $353,037.50.
>
> First, the check provided is not a cashier's check. While the code specifies that the City may accept a bond, cash, or an irrevocable letter of credit, historically we have accepted cashier's checks in lieu of cash—but not personal checks. For reference, the code states: *"In lieu of actually completing all improvements, the developer may provide the City with a bond, cash, or irrevocable letter of credit in an amount equal to 125 percent of the City Engineer's estimate of the cost to complete the required infrastructure improvements."*
>
> The bond estimate submitted on November 21, 2025, at 12:58 PM is acceptable. However, in addition to being submitted with a personal check instead of a cashier's check, the amount tendered included not only the required 125% but also an arbitrary additional 20%. Therefore, we request that you provide a cashier's check in the correct amount (see attached bond letter). Please also be aware that any items not included in the approved bond estimate—and not completed before you pick up the signed plat—will require additional securities.
>
> It was stated both at the counter and in your email correspondence, as well as in the documents provided in person, that the bond estimate had been submitted on October 14, 2025. After verifying our records, no such submittal was received on that date. The earliest record we have is an email from November 18, 2025, at 7:09 AM, and that estimate is $10,000.00 **less than** the estimate ultimately accepted by Brian from November 21, 2025.
>
> Lastly, I kindly ask Dave Baalman to provide a PDF copy of the final plat that was handed to me on November 19, 2025, as having a digital file greatly streamlines the review process.
>
> Once these corrections have been addressed, we will be happy to proceed with the review.
>
> Thank you,
>
> **Ivan Barragan**

Planner III

O: **509-544-4146**
barragani@pasco-wa.gov | www.pasco-wa.gov
City Hall, 525 N. 3rd Avenue, Pasco, WA 99301

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From:	Ivan Barragan
To:	Dave Swisher; Jon Padvorac
Bcc:	Craig Raymond; bob.sterbank@foster.com; Balvina Guzman; Kylee Magana; Nichole Sarmiento
Subject:	Madison Park North Phase 1 Final Plat Phase 1
Date:	Thursday, December 18, 2025 3:47:00 PM

Good afternoon,

Following up on our phone call, Jon.

The Madison Park North Final Plat, Phase 1, is ready to be picked up and recorded by the applicant's team at the County. This plat is at the permitting counter in between Mina and Ashley.

Thank you,

Ivan Barragan
Planner III

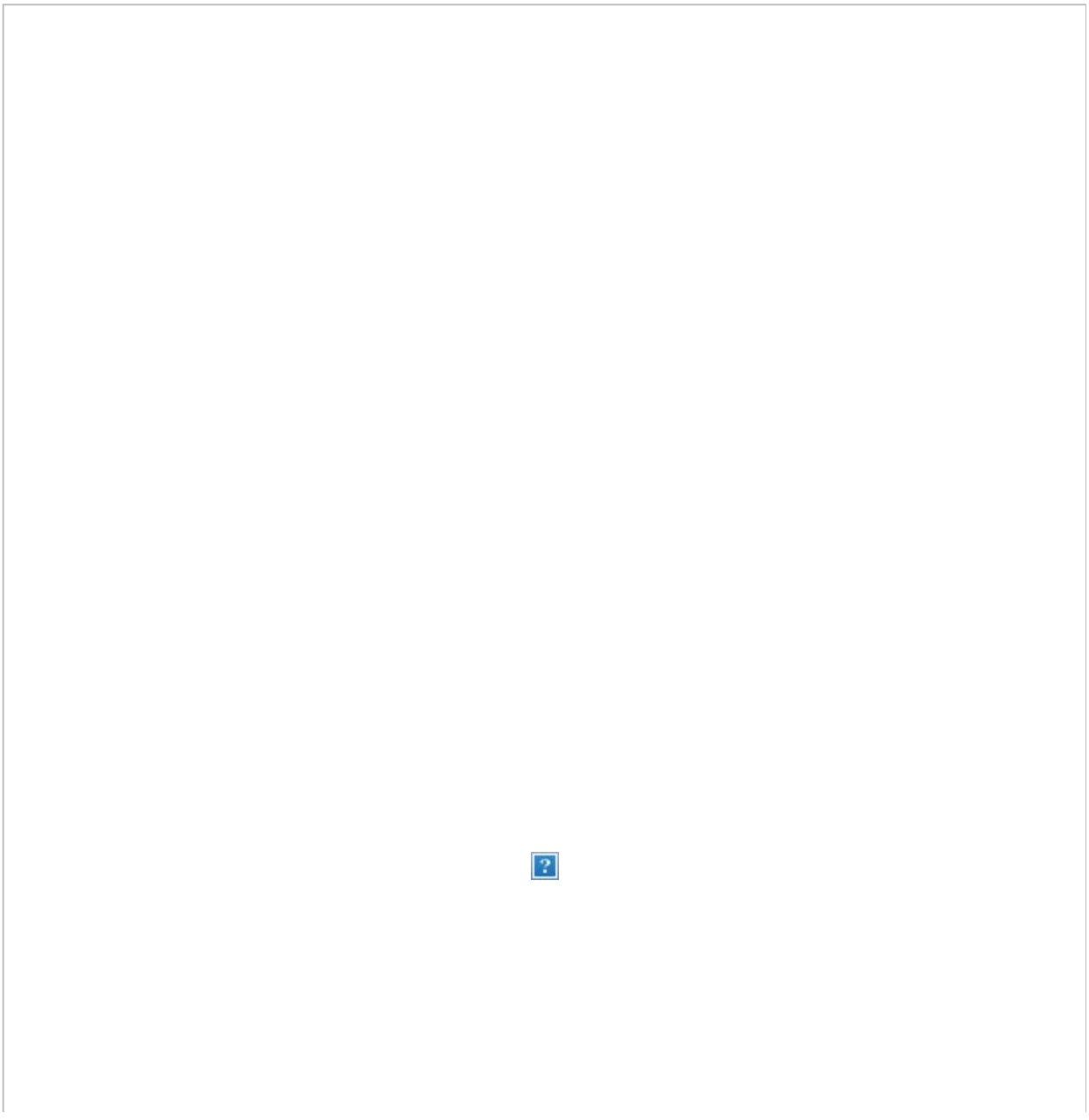
O: 509-544-4146
barragani@pasco-wa.gov | www.pasco-wa.gov
City Hall, 525 N. 3rd Avenue, Pasco, WA 99301

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From: Precilla Jimenez
To: Griselda Garcia; Felix Farias
Cc: Craig Raymond; Ivan Barragan; Desiree Thrasher
Subject: Returned Checks - Farm 2005 LLC
Date: Wednesday, December 17, 2025 11:58:30 AM
Attachments: image001.png

Padvorac Consulting came in to pay 2 returned check fees. Didn't say what for. One was in Trak-it, the other in Finance. Customer would not leave without a receipt. Due to misunderstanding, Craig and I thought the check that I receipted today was the original payment and not the replacement payment for LID 152. Customer paid the $25 fee in Trak-it, at our direction. Then Felix found the 2 bounced checks. Craig is asking to write-off the 2nd $25 returned check fee for LID 152 payment. I agree.

Griselda – Is that ok? If so, where is the $25 NSF fee billed at so that we can remove it?



Precilla Jiménez
UTILITY BILLING MANAGER

PHONE/FAX: 509-545-3431
jimenezp@pasco-wa.gov | **www.pasco-wa.gov**
City Hall, 525 N. 3rd Avenue, Pasco, WA 99301

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From: Jon Padvorac
To: Ivan Barragan
Cc: CED - Planning; Dave Swisher; Haylie Matson
Subject: Re: FW: Madison Park North - park construction timing?
Date: Wednesday, December 17, 2025 12:40:13 PM
Attachments: ~WRD0004.jpg

[**NOTICE:** This message originated outside of City of Pasco -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Ivan,

As a follow up to our phone call today, we just learned today that either we could withdraw the minor plat adjustment or submit the updated minor plat adjustment, in which case case the minor adjustment would be processed before the Phase 1 final plat. I don't agree with this position and it seems unnecessarily bureaucratic.

The final plat is time sensitive, more so than the minor plat adjustment. We withdraw our application for the preliminary plat minor adjustment, please process our Phase 1 final plat as soon as possible without further delay.

Best regards,

On Tue, Nov 11, 2025 at 21:02 Jon Padvorac <jon@padvorac-consulting.com> wrote:

> Hi Craig,
>
> In accordance with our condition of approval, attached is our proposed preliminary plat adjustment to accommodate the county subdivisions to the North of Madison park North. Based on feedback from one of our builders we also distributed lots a little differently - before we had some groups of either 55' or 62' or 50' wide lots segregated from each other, but a builder asked that we evenly distribute lot sizes (outside the airport overlay zone of course) so they could fit a wider variety of product types throughout the subdivision. Except for aligning with the County roads to the North, we do not modify road alignments - we just made minor adjustments to lot widths to more evenly distribute the various lot sizes throughout the subdivision.
>
> It can be tricky visually picking up minor changes to a plat, so we took the new layout in green, and overlaid it over the original plat layout in black so it is easy to see what changed and what stayed the same, which will hopefully make the review process easier on your end.
>
> Our intention was to meet the criteria of a minor adjustment as described in PMC 21.25.080, which can be performed administratively. Can you work with your team to review the updated plat and let us know if you have any comments?
>
> Best regards,
>
> On Wed, Jan 8, 2025 at 11:09 AM Craig Raymond <raymondc@pasco-wa.gov> wrote:
>
> > Hi Jon, we can accept the revised language pertaining to the park construction and reimbursement of the bonds. That works for us. At this hour I'm not sure how we stitch that into a revised document. Mr. Kottcamp will have to direct that traffic. As to the other conditions in your email:
> >
> > Condition 19- Now that I have had a few more moments to take a look at the preliminary revision to the prelim plat you sent I would agree that this will most likely qualify as a minor change again, subject to a detailed review in the future. Generally speaking, I have zero interest in starting this all over again due to those adjustments.
> >
> > Condition 13- I'm not certain we actually have an issue here. I believe the city will be handling upsizing consistent with our usual policy. You raise some technical questions though that I'm not prepared to answer and so would not be at liberty to comment or agree to your specific requested language modification. I think this just requires more specific discussion to see if we're on the same page or not.
> >
> > Condition 7- We may not actually have an issue here, this may just require some clarification and further discussion so I'm not at liberty to provide affirmative resolution this morning.
> >
> > Craig Raymond
> > Deputy Director, Community & Economic Development
> > O: 509-545-3451 M: 509-802-6583
> > raymondc@@pasco-wa.gov | www.pasco-wa.gov
> > City Hall, 525 N. 3rd Avenue, Pasco, WA 99301
> > This e-mail and any response to this e-mail may be a public record under Washington State Law and subject to inspection and copying by the public upon request. Accordingly, there can be no expectation of privacy.
>
> **From:** Jon Padvorac <jon@padvorac-consulting.com>

Sent: Monday, January 6, 2025 10:06 PM
To: Craig Raymond <raymondc@pasco-wa.gov>
Cc: Jacob Gonzalez <gonzalezjb@pasco-wa.gov>; Richa Sigdel <sigdelr@pasco-wa.gov>; Dave Swisher <dave@daveswisher.com>; bob.sterbank@foster.com; James Carmody <carmody@mftlaw.com>
Subject: Re: FW: Madison Park North - park construction timing?

[**NOTICE:** This message originated outside of City of Pasco -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Craig,

Sure thing, I appreciate the open dialog. I spoke with Dave, and he is alright with waiting until the park is fully built to receive the corresponding impact fee credit. Below is a draft of language that we would be alright with - if you have any adjustment that you would like feel free to reach out. Rather than try to say "the phase after the phase containing the 232nd lot" in a way that wasn't confusing, I opted to say that the park would be fully complete prior to the developer recording the final plat for the phase containing the 240th lot.

> *For phases built before improvements are performed on the park or before land is dedicated, the Developer may bond for the per-lot park impact fees. When the Developer completes the entire park (frontage improvements and park amenities), the Developer may then submit a comprehensive impact fee credit request, and settle accounts with the City regarding the previously submitted park impact fee bonds. The Developer will complete the park prior to recording the final plat for the phase containing the 240th lot.*

There are a few other items that have outstanding questions, can you take a look at these and see if you can provide feedback on them as well? It would be great if we could work through some or all of these items in advance of the 1/8 hearing. They are addressed in more detail in Exhibit H01c (attached for your reference).

Condition 19 (street alignments): I submitted proposed language on 12/11 to clarify in more detail what modifications would be needed, and asking that the proposed changes I sent you on 12/5 would be a "minor adjustment" so we would not have to start the preliminary plat process all over again for a segment of the project. It would be great if you could check the proposed language and see if you are comfortable with the more detailed description of the adjustments needed, and the designation of "minor adjustment", subject of course to a more detailed review in the future to ensure compliant lot geometries.

Condition 13: I asked Tyler about upsize agreement eligibility on 12/14, can you follow up internally and see if the City is offering upsize agreement for irrigation and potable water piping? Most of the larger piping the City wants installed isn't in the City's comp plans, but is based on some stand-alone studies by RH2 that aren't readily available (check with Kurtis about this if you have questions), which is problematic in a number of ways. The developer had no way to anticipate these costs. Additionally, the cost differential to go from standard pipe size (8") to the upsized pipe (12" to 16") is for a regional/city benefit above and beyond what is needed to serve the development, so the nexus and proportionality question comes up. We would be alright with the City proposed language in the 1/8 staff report and installing the pipe sizes the City has requested as long as upsize agreements are provided for the cost of the larger pipe materials (the developer would pay the additional labor to install the larger pipe).

Condition 7: It looked like the proposed conditions that Bob Sterbank recommended in his 12/27 filing weren't incorporated into the City's 1/8 staff report. We are alright with the conditions proposed by the City on 12/27, if you are we could check this one off the list as well.

Best regards,

Jon Padvorac
Owner, Padvorac Consulting LLC
Cell: (509) 713-6365
Email: jon@padvorac-consulting.com

On Mon, Jan 6, 2025 at 5:42 PM Craig Raymond <raymondc@pasco-wa.gov> wrote:

> Hi Jon, thanks for clarifying and giving us a starting point to work from and I suspect we'll be able to bring to a close one outstanding issue. I think we can get behind the concept of park construction midway through the development. We'll be meeting internally tomorrow to discuss so I can't provide any final closure on the park development subject but the one thing I would note that would likely be problematic or at least something to expand on is the term "any portion of the park" as being eligible to reimburse a portion of the bond. In principle, I think we get it and don't disagree in concept but what I want to prevent is a nickel and dime approach to reimbursing for the bond due to the time-consuming nature of that process. Is there language that you could propose that would maximize efficiency in all of our work so that we don't end up with several or multiple small bond reimbursement requests?
>
> Also, obviously I'm not going to specifically comment on the language regarding transportation credits or reductions. That will be addressed by Hearing's Examiner I assume.
>
> Thanks for your consideration,
>
> **Craig Raymond**
> **Deputy Director, Community & Economic Development**
> O: 509-545-3451 M: 509-802-6583
> raymondc@@pasco-wa.gov | www.pasco-wa.gov
> City Hall, 525 N. 3rd Avenue, Pasco, WA 99301
> This e-mail and any response to this e-mail may be a public record under Washington State Law and subject to inspection and copying by the public upon request. Accordingly, there can be no expectation of privacy.

From: Jon Padvorac <jon@padvorac-consulting.com>
Sent: Sunday, January 5, 2025 2:29 PM
To: Craig Raymond <raymondc@pasco-wa.gov>
Cc: Jacob Gonzalez <gonzalezjb@pasco-wa.gov>; Richa Sigdel <sigdelr@pasco-wa.gov>; Dave Swisher <dave@daveswisher.com>; bob.sterbank@foster.com; James Carmody <carmody@mftlaw.com>
Subject: Fwd: FW: Madison Park North - park construction timing?

[**NOTICE:** This message originated outside of City of Pasco -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Inadmissible under ER 408

For Settlement Purposes

Hi Craig,

I was forwarded the below email from James Carmody regarding the timing of park construction, and he asked me to reach out to you to coordinate the details. It is a good point to make sure that everybody is on the same page with respect to the timing of park construction, I appreciate that the City brought this up. Our plan has been to dedicate the park land and build the frontage improvements for the park by mid-build out (so 232 lots in), then finish construction of the park before recording the final plat for the subsequent phase. The developer has no interest in overly-delaying park construction, as when this happens, among other things, lot prices aren't reflective of the future park but the developer is still eventually out the cost of building a park. Likewise, I'm sure the City would not want a developer to save the park for the very end. That being said, the first few phases will be needed so the developer can build up the cash reserves needed to construct the park, which is estimated to cost around $1 million dollars.

Regarding our general phasing approach, we plan to start at the southwest corner of the Preliminary Plat, build up to Kau Trail along Road 52, then work our way to the East. This is the most logical sequence with respect to the necessary road and utility improvements so that each phase has the needed infrastructure. We plan to include the park frontage improvements in the phase that is roughly in the "middle" of our build-out, which is when we would have worked our way over to the park. After the middle phase is recorded, and we move on to performing the next phase of frontage improvements, we will have the time to install the park features (irrigation system, trees, ball courts, playground, etc.). The developer does not have a set-in-stone phasing plan as the number of lots built each year will be dependent on market conditions.

Given the short amount of time between now and the project hearing, I drafted proposed language to reflect our current sequencing plan for your consideration. Feel free to reach out if you want to discuss or have any additional questions. I was not sure the best place to put the park sequencing language and did not want to mess up the existing condition numbering, so added it to Condition 18, which also had reference to the contested transportation impact fee credit topic. To avoid confusion about the Applicant's position I included the entirety of the applicant-proposed Condition 18 language, but I do understand that our current discussion is focused on the timing of park construction.

Cumulative Applicant-Requested Modifications to Condition of Approval 18:

> Traffic, Park, and School impact fees at the then-applicable impact fee rate will be collected for each lot at the time of issuance of building permits for new residences, with traffic impact fees of $328,976 payable prior to the issuance of the first building permit. Credits and reductions to the Park impact fees will be provided commensurate with the value of the park land and improvements as determined by the Director in accordance with RCW 82.02.060(5), ~~PMC 3.40.090 and PMC 3.50.070 and the Conditions of Approval of this Preliminary Plat~~.
>
> For phases built before improvements are performed on the park or before land is dedicated, the Developer may bond for the per-lot park impact fees. When the Developer constructs any portion of the park (frontage improvements, or the park itself) and actual costs are known, the bond for the earlier phases of park would be reimbursed to the Developer in part or in full based on the construction costs. The Developer will construct the frontage improvements for the park in the phase that includes the 232nd lot, and the park will be completed prior to recording the final plat of the subsequent phase.
>
> Credits and reductions to the Transportation Impact Fees will be provided commensurate with the value of the land and improvements for the Burns Road and Road 52 corridors in accordance with RCW 82.02.060(5).

Best regards,

Jon Padvorac
Owner, Padvorac Consulting LLC
Cell: (509) 713-6365
Email: jon@padvorac-consulting.com

From: Bob C. Sterbank <Bob.Sterbank@Foster.com>
Sent: Thursday, January 02, 2025 3:25 PM
To: James Carmody <Carmody@mftlaw.com>
Cc: Jacob Gonzalez <gonzalezjb@pasco-wa.gov>; Craig Raymond <raymondc@pasco-wa.gov>; Richa Sigdel <sigdelr@pasco-wa.gov>
Subject: Madison Park North - park construction timing?

Inadmissible under ER 408

For Settlement Purposes

Hi Jamie,

Happy New Year. I'm checking in on the above issue, which was raised by one of Mr. Podvorac's proposed modifications to recommended plat conditions.

City staff have been discussing internally, and would like to convene a call among the appropriate City staff and Mr. Swisher (and/or Podvorac) to discuss avenues by which to provide more specificity on this condition. The City is uncomfortable with Applicants' proposed language, that seems to allow park construction to be deferred until the very end of plat construction. On the other hand, the City would like more information about the applicants' proposed phasing in order to craft something workable for both sides.

Can you please consult with your folks and let me know when they might be available? If we could work out an agreed resolution in advance of next Wednesday, we could take at least one issue off the table.

Thanks in advance for your consideration.

Bob

Bob C. Sterbank
Counsel

Tel: (206) 816-1354 • *Fax:* (206) 447-9700
bob.sterbank@foster.com

Foster Garvey PC
1111 Third Avenue, Suite 3000

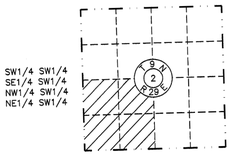
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MADISON PARK NORTH PHASE 1

LOCATED IN THE SW 1/4 OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 29 EAST, W.M., FRANKLIN COUNTY, WASHINGTON



Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CH. BRNG.	CHORD
C1	95.99	1000.00	5°30'00"	N86°23'32"E	95.96
C2	96.25	1000.00	5°30'53"	S86°23'58"W	96.21
C3	32.21	200.00	9°13'34"	N13°27'22"W	32.17
C4	38.32	200.00	10°58'44"	S12°34'47"E	38.27
C5	40.04	25.00	91°46'03"	S44°58'27"E	35.90
C6	38.81	950.00	2°20'27"	N87°58'19"E	38.81
C7	52.38	950.00	3°09'33"	N85°13'19"E	52.38
C8	45.81	25.00	104°58'53"	N34°25'17"E	39.66
C9	32.44	25.00	74°20'38"	S53°40'16"E	30.21
C10	46.20	25.00	105°52'20"	S34°52'01"W	39.90
C11	40.63	25.00	93°06'24"	S45°38'37"E	36.30
C12	39.27	25.00	90°00'00"	N45°54'35"E	35.36
C13	34.12	25.00	78°11'38"	N49°59'36"W	31.53
C14	39.27	25.00	90°00'00"	S44°05'25"E	35.36
C15	39.27	25.00	90°00'00"	N45°54'35"E	35.36
C16	39.27	25.00	90°00'00"	S45°54'35"W	35.36
C17	39.27	25.00	90°00'00"	S44°05'25"E	35.36
C18	59.92	1050.00	3°16'12"	S85°16'38"W	59.92
C19	28.79	230.00	7°10'22"	S14°28'58"E	28.77
C20	39.27	25.00	90°00'00"	S45°54'35"W	35.36

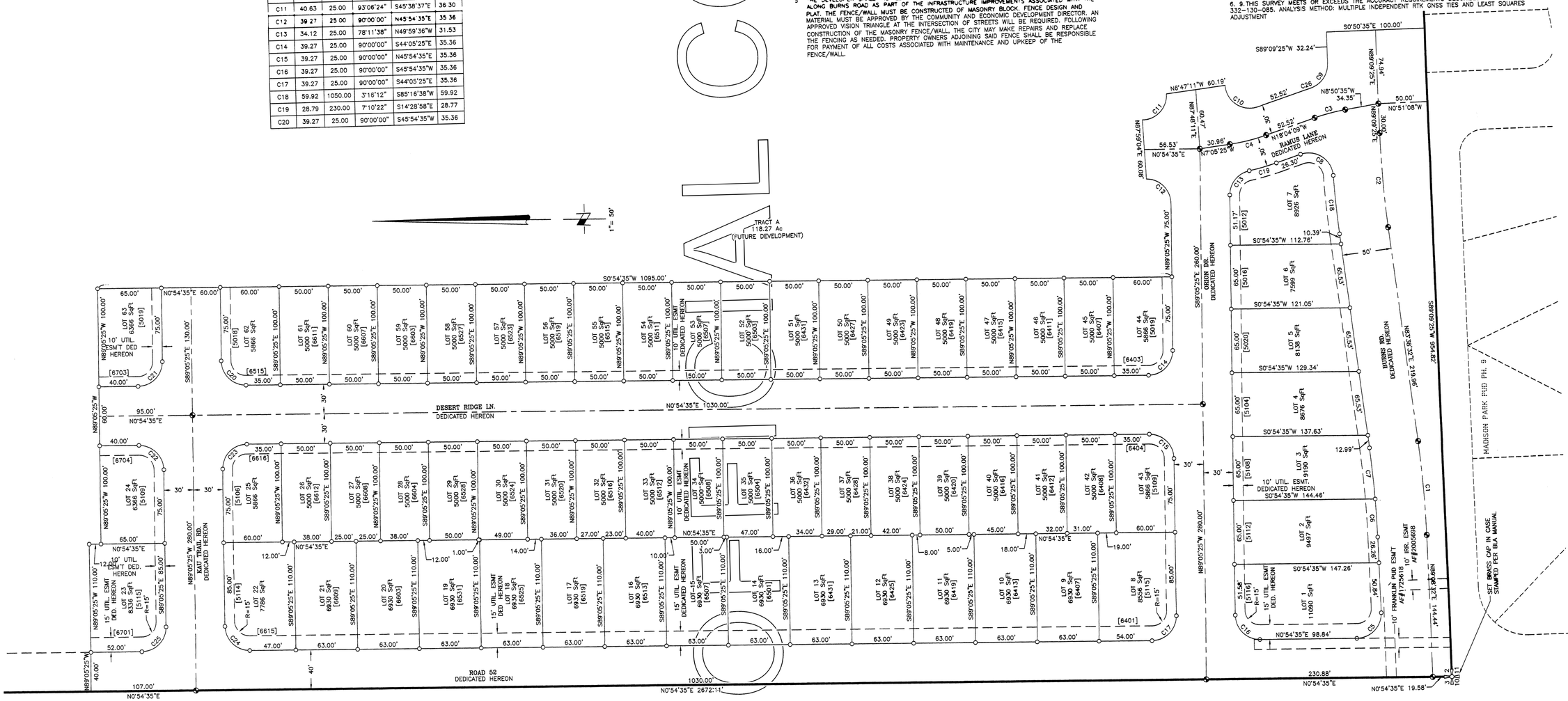
Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CH. BRNG.	CHORD
C21	39.27	25.00	90°00'00"	S44°05'25"E	35.36
C22	39.27	25.00	90°00'00"	N45°54'35"E	35.36
C23	39.27	25.00	90°00'00"	N44°05'25"W	35.36
C24	39.27	25.00	90°00'00"	S45°54'35"W	35.36
C25	39.27	25.00	90°00'00"	S44°05'25"E	35.36
C26	6.30	230.00	1°34'12"	N17°17'03"W	6.30

CITY OF PASCO NOTES:

1. A CONDITION OF APPROVAL OF THIS PLAT, PURSUANT TO RCW 35.43.182 THE OWNER HEREBY WAIVES FOR A PERIOD OF TEN (10) YEARS FROM THE DATE OF APPROVAL OF THIS PLAT THE RIGHT TO PROTEST THE FORMATION OF A LOCAL IMPROVEMENT DISTRICT (LID) OR UTILITY LOCAL IMPROVEMENT DISTRICT (ULID) FOR THE FINANCING AND CONSTRUCTION OF TRANSPORTATION AND/OR UTILITY IMPROVEMENTS THAT SPECIALLY BENEFIT PROPERTY OWNER(S) WITHIN THIS PLAT AND ARE IDENTIFIED IN THE CAPITAL FACILITIES ELEMENT OF THE CITY OF PASCO'S COMPREHENSIVE PLAN, OR DOCUMENTS ADOPTED AND INCORPORATED BY REFERENCE THEREIN. THIS WAIVER SHALL BE LIBERALLY CONSTRUED IN ACCORDANCE WITH AND TO ACCOMPLISH THE PURPOSES OF RCW 35.43.182.
2. THE INDIVIDUAL OR COMPANY MAKING IMPROVEMENTS ON A LOT OR LOTS OF THIS PLAT IS RESPONSIBLE FOR PROVIDING AND INSTALLING ALL TRENCH, CONDUIT, PRIMARY VAULTS, SECONDARY JUNCTION BOXES, AND BACKFILL FOR THE PUD'S PRIMARY AND SECONDARY DISTRIBUTION SYSTEM IN ACCORDANCE WITH PUD SPECIFICATIONS; SAID INDIVIDUAL OR COMPANY WILL MAKE FULL ADVANCE PAYMENT OF LINE EXTENSION FEES AND WILL PROVIDE ALL NECESSARY UTILITY EASEMENTS PRIOR TO PUD CONSTRUCTION AND/OR CONNECTION OF ANY ELECTRICAL SERVICE TO OR WITH THE PLAT.
3. PROPERTY WITHIN THIS PLAT MAY BE SUBJECT TO VARYING NOISE LEVELS AND VIBRATIONS DUE TO PROXIMITY TO THE TRI-CITIES AIRPORT. PROPERTIES NEAR THE AIRPORT MAY BE LOCATED WITHIN HEIGHT AND USE RESTRICTION ZONES AS DESCRIBED AND ILLUSTRATED BY FEDERAL STANDARDS AND REGULATIONS AND THE CITY OF PASCO ZONING REGULATIONS. THERE IS THE POTENTIAL THAT STANDARD FLIGHT PATTERNS WILL RESULT IN AIRCRAFT PASSING OVER THE PROPERTIES AT LOW ALTITUDES AND DURING ALL HOUSE OF THE DAY. FUTURE AIRPORT EXPANSION INCLUDING RUNWAY EXTENSIONS MAY IMPACT THE SIZE AND NUMBER OF AIRCRAFT UTILIZING THE AIRPORT. DEVELOPMENTS NEAR THE AIRPORT SHOULD ASSUME THAT AT ANY GIVEN TIME THERE WILL BE SOME IMPACT FROM AIR TRAFFIC.
4. EXISTING REGULATIONS REGARDING SIGHT DISTANCE, FENCE HEIGHT, AND SETBACKS MAY AFFECT THE PLACEMENT OF FENCES AND DRIVEWAYS ON ANY CORNER LOTS.
5. "THE DEVELOPER SHALL INSTAL A COMMON "ESTATE" TYPE FENCE/WALL, SIX FEET" IN HEIGHT" ALONG BURNS ROAD AS PART OF THE INFRASTRUCTURE IMPROVEMENTS ASSOCIATED WITH THE PLAT. THE FENCE/WALL MUST BE CONSTRUCTED OF MASONRY BLOCK. FENCE DESIGN AND MATERIAL MUST BE APPROVED BY THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR. AN APPROVED VISION TRIANGLE AT THE INTERSECTION OF STREETS WILL BE REQUIRED. FOLLOWING CONSTRUCTION OF THE MASONRY FENCE/WALL, THE CITY MAY MAKE REPAIRS AND REPLACE THE FENCING AS NEEDED. PROPERTY OWNERS ADJOINING SAID FENCE SHALL BE RESPONSIBLE FOR PAYMENT OF ALL COSTS ASSOCIATED WITH MAINTENANCE AND UPKEEP OF THE FENCE/WALL.

SURVEYOR'S NOTES:

1. BASIS OF BEARING IS GRID, WASHINGTON STATE PLANE, SOUTH ZONE, NAD83(11), BASED ON GPS OBSERVATIONS. DISTANCES ARE "GROUND" SCALED FROM GRID USING A COMBINED FACTOR OF 1.0000914700.
2. ○ = DENOTES SET 5/8" REBAR WITH ORANGE PLASTIC CAP STAMPED "ROGERS SURVEYING BAALMAN 41028" TO BE SET AT COMPLETION OF CONSTRUCTION.
3. ⊙ =DENOTES 3" BRASS CAP IN MONUMENT CASE STAMPED "41028" TO BE SET AT COMPLETION OF CONSTRUCTION.
4. (M) = MEASURED (R) = RECORD OF SURVEY AF#1967124
   (R2) = RECORD OF SURVEY AF#805416 (C) = COMPUTED
5. EQUIPMENT AND PROCEDURES USED: MULTI FREQUENCY GNSS RECEIVERS USING REAL TIME KINEMATIC METHODS
6. 9. THIS SURVEY MEETS OR EXCEEDS THE ACCURACY REQUIREMENTS DESCRIBED IN WAC 332-130-085. ANALYSIS METHOD: MULTIPLE INDEPENDENT RTK GNSS TIES AND LEAST SQUARES ADJUSTMENT



SCALE IN FEET

SURVEYOR'S CERTIFICATION

I DAVID P. BAALMAN, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF WASHINGTON, (REG. 41028) HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION, THAT THE DISTANCES, COURSES AND ANGLES ARE SHOWN TRUE AND CORRECT THEREON, AND THAT THE MONUMENTS HAVE BEEN SET AND LOT CORNERS STAKED ON THE GROUND AS SHOWN ON THE MAP.

DAVID P. BAALMAN

11-18-2025
DATE

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 19TH DAY OF December 2025, AT 9:23 A.M.
IN BOOK D OF PLATS, AT PAGE 752 AT THE REQUEST OF EE PROPERTIES LLC.

Matt Beaton
FRANKLIN COUNTY AUDITOR

20072114
FEE NUMBER

BY DEPUTY

SHEET 1 OF 2

ROGERS SURVEYING INC., P.S.
1455 COLUMBIA PARK TRAIL
RICHLAND, WA. 99352
PHONE (509) 783-4141
FAX: (509) 783-8994
www.rogerssurveying.com

06225-PLAT.DWG 6-12-25 DCP

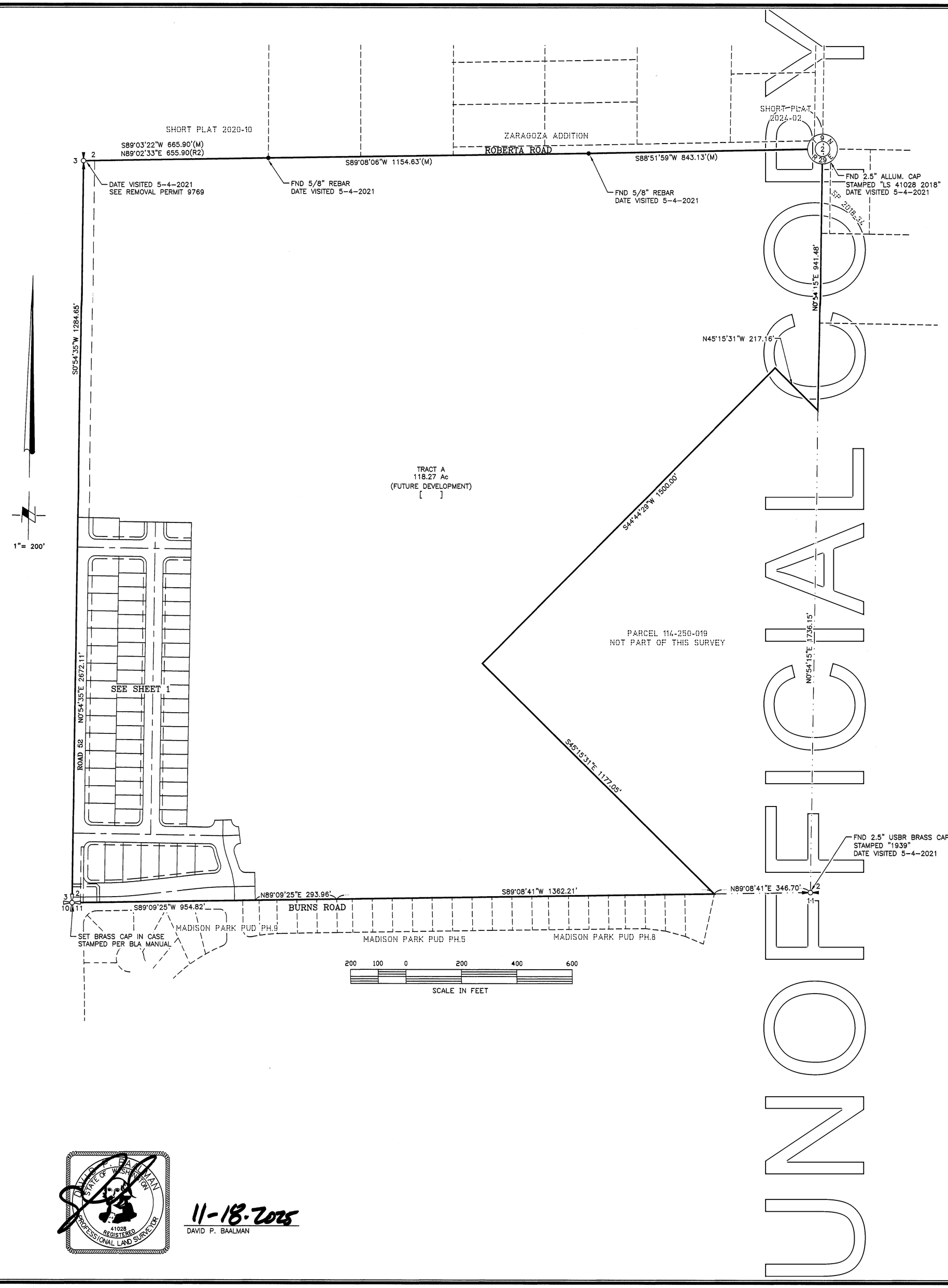
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Franklin Co. WA

Doc # 2007214 PLAT Recorded 12/19/2025 09:23 AM Page: 1 of 2 Filing Instrument
Fee: $428.50 Matt Beaton, Auditor, Franklin County, WA. PADVORAC CONSULTING, LLC

MADISON PARK NORTH PHASE 1

LOCATED IN THE SW 1/4 OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 29 EAST, W.M., FRANKLIN COUNTY, WASHINGTON



DEDICATION

I, STEVE WEST, AUTHORIZED REPRESENTATIVE OF FARM 2005, LLC, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE TRACT OF LAND DESCRIBED HEREON AND THAT WE HAVE CAUSED SAID LAND TO BE SURVEYED AND PLATTED INTO LOTS AS SHOWN HEREON AND THE STREET RIGHTS OF WAY AND UTILITY EASEMENTS ARE HEREBY DEDICATED TO THE USE OF THE PUBLIC AND THAT SAID SUBDIVISION SHALL HEREAFTER BE DESIGNATED BY THE NAME OF "MADISON PARK NORTH, PHASE 1".

STEVE WEST, AUTHORIZED REPRESENTATIVE OF FARM 2005, LLC

PENELOPE BAYUK NOTARY PUBLIC No. 24036578 COMMISSION EXPIRES DECEMBER 2, 2028 STATE OF WASHINGTON

ACKNOWLEDGMENT

STATE OF Washington
COUNTY OF Benton } S.S.

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT STEVE WEST, IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE Owner of FARM 2005, LLC, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

Penelope Bayuk
NOTARY PUBLIC IN AND FOR THE STATE OF Washington
RESIDING AT Kennewick, WA
MY COMMISSION EXPIRES 12/02/2028

LEGAL DESCRIPTIONS:

THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 29 EAST, W.M., FRANKLIN COUNTY, WASHINGTON.

EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 2; THENCE NORTH 0°54'15" EAST 1736.16 FEET ALONG THE MID-SECTION LINE OF SAID SECTION 2 TO THE NORTHEASTERLY BOUNDARY OF THAT EASEMENT DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 1952537, RECORDS OF FRANKLIN COUNTY, WASHINGTON; THENCE NORTH 45°15'31" WEST 217.16 FEET ALONG SAID NORTHEASTERLY BOUNDARY; THENCE SOUTH 44°44'29" WEST 1500.00 FEET ALONG THE NORTHWESTERLY BOUNDARY OF SAID EASEMENT; THENCE SOUTH 45°15'31" EAST 1177.05 FEET ALONG THE SOUTHWESTERLY BOUNDARY OF SAID EASEMENT TO THE SOUTH LINE OF SAID SECTION 2; THENCE NORTH 89°08'41" EAST 346.70 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

CONTAINS 132.52 ACRES, MORE OR LESS.

APPROVALS

CITY OF PASCO

EXAMINED AND APPROVED THIS 19th DAY OF DECEMBER, 20 25

CITY PLANNER

CITY ENGINEER — DATE 12/18/2025

CITY MANAGER OR DESIGNEE — DATE 12-18-2025

FRANKLIN COUNTY P.U.D.

THE UTILITY EASEMENTS SHOWN ARE HEREBY APPROVED.

FRANKLIN COUNTY P.U.D. — TITLE Engineering & Operations Director — 11-18-25

COUNTY ASSESSOR

EXAMINED AND APPROVED THIS 19th DAY OF December, 2025 A.D.

Kathy Casey for John Rosenau
FRANKLIN COUNTY ASSESSOR

COUNTY TREASURER

I HEREBY CERTIFY THAT ALL TAXES AND ASSESSMENTS AGAINST THE LAND DESCRIBED HEREON HAVE BEEN PAID IN FULL TO AND INCLUDING THE YEAR 2025 A.D. PARCEL NUMBER: 114-250-018

for Josie Koelzer
FRANKLIN COUNTY TREASURER

STATE OF WASHINGTON DAVID P. BAALMAN 41028 REGISTERED PROFESSIONAL LAND SURVEYOR

11-18-2025
DAVID P. BAALMAN

SHEET 2 OF 2

ROGERS SURVEYING INC., P.S.
1455 COLUMBIA PARK TRAIL
RICHLAND, WA. 99352
PHONE (509) 783-4141
FAX: (509) 783-8994
www.rogerssurveying.com

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12/19/2025 09:23 AM
Page 1 of 2 Fees: $428.50
Matt Beaton, Auditor
Franklin Co. WA

Matt Beaton, Auditor, Franklin County, WA. AFN # 2007214 Recorded 12/19/2025 09:23 AM DocType: PLAT Page: 2 of 2 Filing Instrument $428.50 PADVORAC CONSULTING, LLC

CITY OF PASCO LAND USE HEARING EXAMINER

In the Matter of: MADISON PARK NORTH PRELIMINARY PLAT	Tax Parcel No. 114-2500-016 File No. PP 2022-007 HEARING EXAMINER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the City of Pasco Hearing Examiner on January 22, 2025, the Hearing Examiner having taken testimony and admitted exhibits and other evidence, hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. General Timeline:

1.1. April 11, 2023: Preliminary Plat Application, PP2022-007, and SEPA Environmental Checklist, SEPA2023-032, Submitted.

1.2. April 14, 2023: Notice of Application with Optional SEPA Determination of Non-significance Issued.

1.3. April 17, 2023: Application Deemed Complete; Public Comment Received from the Confederated Tribes and Bands of the Yakima Nation.

1.4. April 27, 2023: Public Comment received from the Washington State Department of Ecology (Ecology), and Washington State Department of Transportation (WSDOT).

1.5. April 28, 2023: Public Comment received from the Washington State Department of Archeology and Historic Preservation (DAHP).

1.6. May 2, 2023: Application Deemed Incomplete.

1.7. February 20, 2024: Public Comment received from WSDOT.

1.8. July 2, 2024: Notice of Public Hearing PP2022-007 scheduled for July 24, 2024, posted on the City of Pasco website and mailed to properties within 300 feet of proposed subdivision.

1.9. July 7, 2024: Notice of Public Hearing for PP2022-007 Published in

Tri-City Herald Newspaper.

1.10. July 9, 2024: SEPA Mitigated Determination of Non-Significance (MDNS) Issued for Madison Park N Preliminary Plat.

1.11. July 23, 2024: SEPA2023-032 MDNS Appealed, APPL2024-003, by Applicant.

1.12. September 13, 2024: SEPA2023-032 MDNS Withdrawn by City of Pasco SEPA Responsible Official.

1.13. November 4, 2024: SEPA MDNS Issued for Madison Park N Preliminary Plat with a comment period ending November 18, 2024 and appeal Period ending November 25, 2024. No appeal filed.

1.14. November 14, 2024: Public Comment were received from Ecology.

1.15. November 18, 2024: Public Comment received from the Franklin County Planning & Building Department, and the Confederated Tribes of the Colville Reservation.

1.16. November 25, 2024: Notice of Public Hearing PP2022-007 scheduled for December 11, 2024, posted on the City of Pasco website and mailed to properties within 300 feet of proposed subdivision.

1.17. November 27, 2024: Notice of Public Hearing for PP2022-007 published in Tri-City Herald Newspaper.

1.18. December 4, 2024: Staff report distributed to Project Applicant, Property owner and parties of record.

1.19. January 22, 2025: Public Hearing.

1.20. March 24, 2025: Hearing Examiner Decision Issued.

2. Application: Applicants Dave Swisher and Farm 2005, LLC (also the Property owner) filed preliminary plat application 2022-007 with City of Pasco on April 7, 2023 proposing to subdivide an undeveloped 129.9 acre parcel into 461 single-family residential lots. Exhibit C-1.

2.1. Legal: The subject property is legally described as follows:

THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 29 EAST, W.M., FRANKLIN COUNTY, WASHINGTON.

EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 2; THENCE NORTH 0°54'15" EAST 1736.16 FEET ALONG THE MID-SECTION LINE OF SAID SECTION 2 TO THE NORTHEASTERLY BOUNDARY OF THAT EASEMENT DESCRIBED IN DEED RECORDED UNDER

AUDITOR'S FILE NUMBER 1952537, RECORDS OF FRANKLIN COUNTY, WASHINGTON; THENCE

NORTH45°15'31" WEST217.16 FEET ALONG SAID

NORTHEASTERLY BOUNDARY; THENCE SOUTH 44°44'29" WEST 1500.00 FEET ALONG THE NORTHWESTERLY BOUNDARY OF SAID EASEMENT; THENCE SOUTH 45°15'31" EAST 1177.05 FEET ALONG THE SOUTHWESTERLY BOUNDARY OF SAID EASEMENT TO THE SOUTH LINE OF SAID SECTION 2; THENCE NORTH 89°08'41" EAST 346. 70 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING. (Also known as

Parcel B of Survey recorded under Auditor's File No. 1967124)

The above-described property is referred to in these Findings of Fact, Conclusions of Law and Decision as "the Property" or, alternatively, the Madison Park North preliminary plat.

2.2. General Location: The subject parcel is Assessor Parcel No. 114-250-018 in Pasco, Washington.

2.3. Annexation: The Property was annexed into the City of Pasco on March 21, 2022 pursuant to Ordinance No. 4574A and a petition for annexation signed by Owner Farm 2005, LLC. Exhibits C-15 and 16.

3. Access: The property has access from Burns Road, Road 52, Deseret Drive, Road 44 and Roberta Road.

4. Utilities: Municipal water is available and will be extended to the property from the southwest; municipal sewer will be provided by connections to the new sewer main running East/West through the parcel that was installed as part of the East UGA Sewer Local Improvement District ("LID").

4.1. LID Formation. The LID was formed pursuant to Ordinance No. 4592, adopted by the Pasco City Council on May 23, 2022 ("LID Formation Ordinance"). Ex. C-12. The LID Formation Ordinance ordered the construction of sanitary sewer gravity and force mains, a lift station, manholes and other appurtenances necessary to provide sewer service to the Property and other recently-annexed in the East Pasco Urban Growth Area. It also established LID No. 152, whose boundaries are shown on the map attached as Exhibit A to the Ordinance and included the Property. The LID Formation Ordinance did not impose or levy a special assessment or other monetary tax, fee or charge of any kind against the Property or any other properties in LID No. 152.

4.2. Property Owner Steve West executed an LID Evaluation and Pre-Formation Agreement with the City of Pasco effective on November 1, 2021. Ex. C-11. Relevant to the contentions of the Applicants in the Madison Park North preliminary plat proceedings, the Agreement provided that Mr. West "shall not protest or in any way attempt to block or stall the creation of the LID. . . ."

4.3. The sanitary sewer improvements called for by the LID Formation Ordinance have been constructed and accepted by the Pasco City Council. Ex. C-23 – C-27.

5. Land Use and Zoning: The property is currently being used for agricultural uses.

5.1. The site has historically been used as farmlands and is otherwise undeveloped. The project will involve the construction of a network of roads within and

adjacent to the proposed plat, to provide access to the new lots and appropriate circulation within the plat and distribution of trips to the City's roadway network.

5.2. Zoning: The property is zoned R-1 Low Density Residential. Zoning, and current use of surrounding properties:

North: Franklin County Zoning RR-1; Rural Residential !/Single Family

Homes East: Franklin County Zoning RR-1; Rural Residential 1/Single

Family Homes

South: RS-1/PDD Suburban Planned Density Development/Single Family Homes

West: R-1/R-3 Low and Medium Density Residential/Irrigated Agriculture

5.3. Comprehensive Plan: The City of Pasco Comprehensive Plan designates this site as Low Density Residential. The Low-Density Residential Land Use designation is described as a variety of residential housing at a density of 3 to 6 dwelling units per acre. R-1 Low Density Residential is an implementing zoning district. PMC 25.215.15

6. Environmental Determination: The City of Pasco is the SEPA lead agency for this project. Based on the SEPA Environmental Checklist (SEPA2022-032), the adopted City Comprehensive Plan, City development regulations, and other applicable local, state, or federal laws or rules and other information, threshold environmental determinations were issued or withdrawn as shown below:

6.1. SEPA Responsible Official issued an initial Mitigated Determination of Non-Significance (Optional DNS Process) for Madison Park North Preliminary Plat on July 9, 2024 for this project under WAC 197-11-355. Ex. A-46. The *Madison Park North MDNS* included the following mitigations:

6.1.1. An archaeological survey prior to ground disturbing activities.

6.1.2. Park and open spaces totaling 4.76 acres of land.

6.1.3. Traffic impacts mitigated with a "to be determined" proportionate share of the following intersections/projects:

6.1.3.1. Burns Road Extension (TSMP EXP6, TIP 5.02)-up to $1,050,000

6.1.3.2. Burns Road & Road 68 Intersection (TSMP EXP 6, TIP 5.02) - up to $472,500

6.1.3.3. Burns Road & Road 60 Intersection - up to 25%

6.1.3.4. Sandifur Parkway & Convention Drive Intersection (TSMP INT 2, TIP 5.15)- up to 22%

6.1.3.5. Burden Boulevard & Road 68 Intersection/ Road 76 Overpass (TSMP INT 3 & EXT 2, TIP 5.08)-up to $624,750.

6.2. Applicants filed a timely Notice of Appeal of the *Madison Park North MDNS* on July 23, 2024. Applicants filed a dispositive motion (Ex. A-49) arguing that the MDNS SEPA mitigation fees were duplicative of traffic impact fees in violation of RCW 43.21C.065.

6.3. In an effort to resolve the Applicants' appeal, the City withdrew the *Madison Park North MDNS* on September 16, 2024. Ex. C-7. Applicants then withdrew their SEPA appeal.

6.4. The City issued a revised SEPA Mitigated Determination of Non-Significance for Madison Park North Preliminary Plat (SEPA 2023-032) on November 4, 2024. The *Revised MDNS* (Ex. C-8) included the following mitigations:

6.4.1. The applicant shall pay mitigation to the City of Pasco for impacts on the City roadway system. The mitigation required is $709.00 per residential unit. The project will result in 464 residential units. Thus, $709 X 464 = $328,976.00. Payment of traffic mitigation fees to the City is required prior to the issuance of the first building permit.

6.4.2. A cultural resources survey prior to ground disturbing activities

6.5. The *Revised MDNS* was not appealed and became final on November 25, 2024.

7. Plat Layout: A revised plat layout was submitted by the applicant dated July 8, 2024. The proposed plat layout is contained in the Staff Report, admitted as Ex. C-35. Sheets 1 and 4-7 depicted proposed street and lot layouts, including a proposed dedication of a 100-foot-wide right-of-way for Burns Road, extending across the southern boundary of the Property. Sheet 7 sets forth "Typical Sections" for Burns Road, Road 52 and Deseret Drive adjacent to the proposed Madison Park North plat.

8. Traffic Concurrency: A traffic concurrency evaluation was conducted and completed to determine the proposal's impacts on the transportation system network. A Traffic Impact Analysis (TIA) was required by the City and prepared by Transpo Group based on agreed scope of study and intersection designations. Transpo Group submitted a final updated TIA to the City in April, 2024. The TIA was subject to peer review by City's consulting engineers - PBS Engineering & Environmental.

8.1. The TIA was prepared based upon scoping established by City with input from Transpo Group. Data was collected from ten (10) identified intersections and trip generation and distribution estimates were prepared by Transpo Group and reported in the TIA submitted on November 6, 2023.

8.2. The TIA (Ex. A-32) concluded that at the time the last phase of the Madison Park North plat is constructed, 177 AM peak hour trips and 246 PM peak hour trips from the proposed plat would utilize Road 52 north of the intersection of Road 52 and Burns Road. At the time the last phase is completed, this project trips represent 69% (177 out of 257) AM peak hour trips and 73% (246 out of 336) PM peak hour trips on Road 52 north of Burns/Rd 52 intersection.

8.3. The TIA also reports that the proposed plat will generate 30 AM peak hour trips and 42 PM peak hour trips using the portion of Burns Road east of the Burns/Road 52 intersection. At the time construction of the last phase is completed, these trips represent 30% (30 out of I 00) AM peak hour trips east

of Burns/Rd. 52 intersection, and 39% (42 out of I07) PM peak hour trips anticipated to use that portion of Burns Road, which is the section fronting the south edge of the proposed subdivision. Additional public trips will pass through these corridors from future developments not included in the project forecast.

8.4. The TIA states on page 1 that the frontage improvements are proposed along the project frontages (Burns Road, Road 52 and Deseret Drive) as required by the Pasco Municipal Code, and that the project will dedicate right-of-way (ROW) to allow for the City's future extension of Burns Road between Road 52 and Glade Road, which is identified as a planned improvement on the City's 6-year TIP (TIP project 5.02). The City's Capital Improvement Program ("CIP") shows that the Burns – Glade Road Extension Project is anticipated in the near term; it programs $8.8 million starting in expenditures starting in 2028 for project engineering and right-of-way acquisition, according to testimony by Jacob Gonzalez and Ex. C-33 at 5. The City's expert traffic engineer witness, Jessica Brackin, testified that the project's frontage improvements are required in order to allow project residents to access the City's roadway network.

8.5. The TIA also indicates that there are numerous planned transportation improvement projects within the study area including roadway widening, intersection traffic control revisions, and roadway extensions. The TIA includes many of these projects in the TIA's interim or full buildout condition analysis, as shown in the planned improvement section in Table 3.

8.6. The TIA also included at page 17, Figure 6, a distribution of the Project's vehicle trips across the City's transportation network. Figure 6 showed significant project trips (15% of the total estimated 4,108 daily trips) distributed to the north and east of the Madison Park North site. The TIA's "sensitivity analysis" distribution (Figure 10) showed that 10% of project trips would use the Burns extension to access I-182, thereby reducing project trip impacts to most TIA study intersections including those in the immediate project vicinity.

8.7. The TIA indicated that in accordance with the City's codified concurrency process in PMC 12.36.080, the result of the analysis performed in the TIA was that the development's impact on the transportation network would be fully mitigated by payment of the Traffic Impact Fee. The City's peer transportation engineer, PBS Engineering, indicated that its review of the TIA was complete on May 17, 2024. The TIA did not include any proportionate share contributions for the Burns Road – Glade Road extension, for example, despite the sensitivity analysis distribution showing the need for extensive use of that roadway segment by Project trips.

8.8. The TIA also indicated that a significant number of project vehicle trips would be distributed to and impact other off-site intersections and roadway segments for which City transportation planning documents a need for improvement. Testimony of traffic engineer Jessica Brackin, and Exhibit C-20, illustrated the connection between the Project's vehicle trips and needed future projects. The City's Transportation System Master Plan shows a significant funding need for

these projects, and that there is an anticipated $293 million funding shortfall. Condition of Approval No. 3, which does not require any monetary payment but does require the proposed plat to include a statement indicating the owners' agreement not to protest future formation of an LID to fund future transportation or utility projects in the Capital Facilities Element of the City's Comprehensive Plan, is reasonably related and roughly proportional to the Project's impact to these intersections and roadway segments.

8.9. The TIA summarizes the mitigation measures needed for the Madison Park North plat on page 29, as follows:

8.9.1. The TIA provides an initial estimate of fees; however, the actual fees will be coordinated with City staff. The applicant will pay transportation impact fees (TIF) estimated to be $154,562 for the interim condition (cumulative Phases 1-5) and a total cumulative fee of $326,140 for the full build out condition.

8.9.2. Credit will be provided for the ROW dedication and frontage improvements for Burns Road and Road 52 corridors, but only relative to any *additional* mitigation fees paid by the applicant.

9. History: The site was annexed into the City in 2022 via *Ordinance 4574 and 4574A (Ex. C-16)* and subsequently assigned the R-1 (Low Density Residential) zoning designation via *Ordinance 4584.* The site is undeveloped and has historically been used as farmland.

10. Lot and Right-of Way Layout:

10.1. The proposed plat would create 461 lots, with approximately 2.07 acres set aside for construction of a privately-owned neighborhood park that would be developed with basketball and pickleball courts, a sun shelter and picnic table area, and play equipment, all of which would be open to the public.

10.2. The proposed lots vary in size from 5,000 sq. ft. to 37,637 sq. ft. It should be noted that a portion of the plat falls within the "Zone 4 - Outer Approach/Departure Zone" designation which requires residential density at a minimum of the RS-20 zoning. The lots within this airport zone designation have been designed to have a minimum of 20,000 sq. ft. of lot size attributing to the variety of lot sizing within the proposed plat.

10.3. The site has a City of Pasco Comprehensive Plan Land Use Designation of Low Density Residential, requiring a density between 3 and 5 dwelling units per acre (du/ac). The plat provides a density of approximately 3.6 du/ac meeting the requirements of PMC and the intent of the Comprehensive Plan.

10.4. The lot and right-of-way layout complies with applicable City subdivision development standards.

10.5. An internal network of streets would be dedicated and improved to City Code and Design and Construction Standard to provide adequate access to all lots and to ensure access for future development. The plat also includes multiuse paths

(MUPs) for pedestrians and cyclists adjacent to Burns Road, Road 52, and Deseret Drive, and right-of-way dedications and street improvements to each of those named roads, as shown on Sheets 1-7 of the preliminary plat proposed by the Applicants, with the "Typical Sections" showing the Applicants' proposed street improvements for each on Sheet 7. Testimony of Jon Padvorac demonstrated that the street improvements and right-of-way widths provided for Madison Park North are consistent and match up with the street improvements and right-of-way widths provided by other nearby projects, including Glacier Park and Raven's Place subdivisions and the nearby new Pasco High School Project, with the exception of Burns Road, where the Applicants are proposing to provide the full, 100 feet of right-of-way width because the property to the south developed without providing a roadway. Applicant David Swisher led a group of other owners to develop Madison Park South, and Mr. Swisher elected not to provide an extension of Burns Road at that time. The proposed project frontage improvements to Burns Road, Road 52 and Deseret Drive are not included as system improvements in the Capital Facilities Element of the Pasco Comprehensive Plan.

11. Notice of the public hearing was sent to property owners within 300 feet of the subject property on July 2, 2024, and published in the Tri-City Herald newspaper on July 7, 2024, and posted on site on July 3, 2024.

12. A Notice of Application with the stated intent to issue a SEPA Optional Determination of Non-Significance or SEPA Optional Determination of Mitigated Non-Significance was issued on April 14, 2023.

13. The subdivision to the South is fully developed with the Madison Park South subdivision developed by Applicant David Swisher. To the East of Ramus, lots along the South side of the future Burns Road alignment do not front on Burns Road, they front on Corinth Drive. No additional access from Burns Road would be possible into the Madison Park South subdivision from east of Ramus due to the existing street network, in addition to the local topography (the lots along Corinth Drive are approximately 10 feet above the future Burns Road alignment).

14. Water and sewer services will be extended to and through the development to provide municipal services to the new lots. The Applicants intend to seek City approval of a latecomer's reimbursement agreement pursuant to Ch. 14.25 of the Pasco Municipal Code.

15. Franklin PUD above-ground powerlines on the West side of Road 52 are located on adjacent property (Raven Place). Jon Padvorac testified that there is an existing overhead power line extending from the Franklin PUD line across Road 52 and serving the Madison Park North Property. The Applicants plan to abandon that line, and seek to construct underground power lines connecting to the Franklin PUD system at the southwest corner of the Property. All power serving the Madison Park North plat will be required to be underground, as required by the Pasco Municipal Code.

16. Water rights shall be either deeded to the City or an in-lieu-of fee paid prior to recording of any final plat in accordance with PMC 21.05.120. Although fees-in-lieu are not subject to vesting, the City has agreed to allow the Applicants to pay only the in-lieu fee rates set by PMC 3.35.160 in effect at time of preliminary plat application, which are lower than current rates. Those rates were as follows:

16.1. Base water right acquisition fee per residential unit: $517.50.

16.2. Portable water irrigation fee: 50 percent of the acreage of the parcel to be served times 3.5 acre-feet of water times $1,725 per acre foot.

16.3. Water rights transfer fee: $1,000.

17. Provision of park facilities is addressed by preliminary plat. The City of Pasco Parks, Recreation and Open Space Master Plan has established a Level of Service (LOS) of two (2) acres of neighborhood park land and 2.1 acres of community park land per 1,000 population. Based on the anticipated population that would be generated by the development (1,632 people, assuming an average household size of 3.54 persons per household) a total of 3.26 acres of parkland is required to meet the neighborhood park LOS goal.

17.1 The proposed plat provides a 2.07 acre neighborhood park, privately-owned but developed and open to the public park. Madison Park North also provides a total 1.35 acres of Mixed Use Paths (MUPs), with an additional 0.54 acres of active recreation park land to be provided by the sports field being developed as part of the new Pasco High School located to the West of the proposed plat.

17.2 Madison Park North park and multi-use paths together with associated Pasco High School active recreation park meet City neighborhood park LOS.

18. The MDNS calls for Applicants to pay a transportation impact fee (TIF) of $709 per lot ($328,976 total for all 464 lots) in full prior to first building permit. As discussed in the Conclusions of Law and Conditions of Approval below, payment of impact fees is required at the time of building permit issuance, in amounts calculated at the then-applicable impact fee rate.

19. Park, Traffic, and School impact fees at the then-applicable impact fee rate will be collected for each lot at the time of issuance of building permits for new residences, with traffic impact fees of $328,976 payable prior to the issuance of the first building permit in accordance with the SEPA MDNS.

19.1. Credits and reductions to the Park impact fees will be provided commensurate with the value of the park land and improvements in accordance with PMC 3.50.070 and RCW 82.02.060(5).

19.2. For phases built before improvements are performed on the park or before land is dedicated, the City has determined to allow Developer to bond for the per-lot park impact fees. When the Developer completes the entire park (frontage improvements and park amenities), the Developer may then submit a comprehensive impact fee credit request, and settle accounts with the City regarding the previously submitted park impact fee bonds. The Developer will complete the park prior to recording the final plat for the phase containing the 240th lot.

20. The Hearing Examiner is required to make specific finding regarding subdivisions as set forth in PMC 21.25.060 and RCW 58.17.110. These findings are as follows:

20.1. Subject to the Conditions of Approval required below, adequate provisions are made for the public health, safety and general welfare and for open spaces,

drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, transit stops, schools and school grounds, sidewalks for safe walking conditions for students, and other public needs;

20.1.1. The proposed subdivision will be serviced by City emergency services and proposes to develop a privately-owned park, open to the public, approximately 2 acres in size.

20.1.2. The proposal is also dedicating right-of-way along Deseret Drive, Road 52 and Burns Road, in the widths shown on Sheets 1-7 of the proposed plat, and will construct the frontage improvements as shown on Sheet 7 of the proposed plat, in accordance with the requirements of Pasco Municipal Code 21.15.030(1) and the Pasco Design and Construction Standards. (The Design and Construction Standards Section 4.1 provides that in the event of any conflict between City Code and the Design and Construction Standards, the most restrictive provision or the provision imposing the highest standard shall control.) These improvements include the construction of new sidewalks adjacent to the right-of-way for safe pedestrian travel as well as multi-use paths (MUPs) along the north side of the Burns Road right-of-way, the south side of the Deseret Drive right-of-way, and along Road 52.

20.1.3. Utilities such as municipal water and sewer are required to be extended to and through the right-of-way to provide access to all lots within the proposed subdivision.

20.1.4. In accordance with Revised MDNS and applicable Traffic Impact, Ordinance (PMC Ch. 3.40), Madison Park North shall pay as traffic impact fee of $328,976 in a lump sum prior to issuance of the first building permit, along with any traffic impact fees at the then-applicable rate at the time of building permit issuance.

20.1.5. Park, and School impact fees at the then-applicable impact fee rate will be collected for each lot at the time of issuance of building permits for new residences, with traffic impact fees of $328,976 payable prior to the issuance of the first building permit. Credits and reductions to the Park impact fees will be provided commensurate with the value of the park land and improvements as determined by the Director in accordance with RCW 82.02.060(5). For phases built before improvements are performed on the park or before land is dedicated, the Developer may bond for the per-lot park impact fees. When the Developer completes the entire park (frontage improvements and park amenities), the Developer may then submit a comprehensive impact fee credit request and settle accounts with the City regarding the previously submitted park impact fee bonds. The Developer will complete the park prior to recording the final plat for the phase containing the 240th lot.

20.1.6. Above-ground powerlines and utilities serving the subdivision and located within the preliminary plat shall be located and/or relocated underground in accordance with PMC 21.35.100.

20.1.7. Subdivision development includes appropriate provision for drainage

ways and stormwater management in accordance with applicable municipal development standards.

20.1.8. Street lighting, signs and channelization will include all required traffic regulatory signs, street name signs, street striping, channelization, and lighting in accordance with applicable development standards and requirements.

20.1.9. All sidewalks within the preliminary plat provide safe walking conditions for students and pedestrians. Madison Park North also is providing multi-use pathways for the benefit of pedestrians, bicyclists, and other members of the public.

20.1.10. Madison Park North was subject to concurrency review and City determined that the proposed subdivision complies with applicable concurrency standards. PMC 12.36.090.

20.2. **The proposed subdivision contributes to the orderly development and land use patterns in the area;**

20.2.1. The proposed development includes various types of residential single family dwellings and will match the single family dwelling pattern within the vicinity. Subdivision development is consistent with applicable density standards. While the range of lot sizes vary greatly due to the proximity to Airport Zone 4 designated lands each lot will be developed to comply with the zoning code of Low Density Residential and will be in conformance with the underlying land use designation of Low Density Residential which applies for all of the lands in the general vicinity.

20.2.2. The development is also required to construct right-of-way improvements such as curb, gutter, storm drainage, sidewalk, street lighting for safe pedestrian travel and internal road network for the welfare of the plat's residents. The right-of-way improvements are consistent with and match up with new developments to the west and north of the Project, and with respect to Burns Road, allow for future widening as needed to continue to serve the Madison North plat.

20.2.3. Multi-use pathways (MUPs) will also be provided on Burns Road, Road 52, and Deseret Lane which will connect to the MUPs of nearby and adjacent developments.

20.3. **The proposed subdivision conforms to the policies, maps and narrative text of the Comprehensive Plan;**

Pasco's Comprehensive Plan Future Land Use Map designates the land as "Low Density Residential" which allows for a variety of residential housing at a density of 3 to 6 dwelling units per acre. Madison Park North is consistent with the zoning designation and proposed density of 6 dwelling units per acre conforms with the Comprehensive Plan. Further, the proposal aligns with the policies of the Comprehensive Plan such as:

20.3.1. **Housing Policy H-3-A: Encourage innovative techniques in the design of residential neighborhoods and mixed-use areas to provide character and variety in the community.** The proposed plat includes a

variety of lot sizes ranging from lot sizes typical in the R-1 zoning designation and the RS-20 zoning designation. Further, the plat will provide a private park and MUPs for recreation and walkability.

20.3.2. **Land Use Policy LU-2-E: Discourage the siting of incompatible uses adjacent to Pasco (Tri Cities) Airport and other essential public facilities.** The proposal adheres to the requirements of the Airport Overlay District by providing the necessary lot sizes within each compatibility zone. The development has accounted for the siting to ensure it is compatible with the adjacent airport and is in conformance with the Airport Overlay District.

20.3.3. **Land Use Policy LU-4-E: Encourage the orderly development of land by emphasizing connectivity and efficiency of the transportation network.**

The proposal provides a network of roads in conformance with Pasco Municipal Code and requirements and sufficient to address the number and distribution of vehicle trips generated by the proposed plat, as shown in the Applicants Traffic Impact Analysis. The proposal also provides MUPs that will serve to connect the development to adjacent developments and major roadways.

20.3.4. **Capital Facilities Policy CF-3-A: Assure land development proposals provide land and/or facilities or other mitigation measures to address impacts on traffic, parks, recreational facilities, schools, and pedestrian and bicycle trails.** The proposal will provide impact fees during the permitting process to address the impacts on traffic, parks, and schools. Further, a concurrency evaluation and traffic impact analysis were completed as a portion of the review and to maintain concurrency the development will construct frontage improvements on Burns Road, Deseret Drive, Burns Road, Road 42, provide a local access street network interior to their preliminary plat as shown in the plat map, as well as provide payment of the fall transportation impact fee for the entire subdivision upfront, in order to provide near-term funding to enable the City to construct necessary improvements. The development will also construct MUPs that may be used for pedestrian and bicycle travel to and around the area.

21. **Transportation Policy TR-1-F: Develop an interconnected network of streets, trails, and other public ways during the development process while preserving neighborhood identity.** By constructing street improvements and mixed-use paths as shown on Sheets 1-7, the proposal will develop a network of roads and MUPs that match and connect to major travel corridors and adjacent developments. The street improvements and paths are reasonably necessary as a direct result of the proposed development, and are needed to provide pedestrian, bicycle and vehicle access to plat residents at adopted levels of service now and into the future.

21.1. **The proposed subdivision conforms to the general purposes of any applicable policies or plans which have been adopted by the City Council;**

The City Council has adopted the Pasco Comprehensive Plan which contains

various goals and policies of which the proposal conforms to, see example policies under (3) of this section. Further, the proposal conforms with some Council's 2022-2023 goals such as:

21.1.1. **Economic Vitality: Implementation of the Comprehensive Land Use Plan through related actions including zoning code changes, phased sign code update, and development regulations and standards.** In November of 2023 the City Council passed Ordinance 4700 relating to residential design standards. These standards provide various housing types, lot sizes, frontage widths etc. which the proposed plat will conform to and use.

21.1.2. **The proposed subdivision conforms to the general purposes of this title;**

Title 2 I "Pasco Urban Area Subdivision Regulations" contains requirements and procedures for various subdivision types. Requirements include those for streets, lots and blocks, and application materials for each type of subdivision action. The proposed subdivision meets the requirements a/Title 21 in all respects.

21.1.3. **The public use and interest will be served by approval of the proposed subdivision.**

The proposed plat, if approved and if conditioned as recommended below, will be developed in accordance with all City codes and standards designed to ensure the health, safety and general welfare of the community are met. The Comprehensive Plan will be implemented through development of this plat. These factors will ensure the public use and interest are served.

22. All overhead power lines serving Madison Park North shall be placed underground within the preliminary plat area, in accordance with and subject to all conditions of PMC 21.35.100. Madison Park North is not required to underground off-site power lines along the west side of Road 52.

23. Open Record Hearing: An open record hearing was called to order on December 8, 2024, and was subsequently continued to January 12, 2025. The open record hearing on January 12, 2025 was then continued to January 22, 2025. That hearing lasted approximately 4.5 hours, with testimony and attorney presentation.

23.1. Testimony: Appearing and testifying on behalf of the Applicant was Jon Padvorac (former City employee) and James Carmody. Appearing and testifying on behalf of the City was Jacob Gonzalez (City employee), Craig Raymond (City employee), and Jessica Brackin (Fehr & Peers, former City employee). A member of the public, Paul Knutzen, Owner of Knutzen Engineering, spoke on behalf of the school district regarding a variety of offsite improvements that would increase pedestrian safety around the School to the South of Road 52 and Burns. The meeting was approximately 4.5 hours long, and a transcript was provided by the applicant which has been incorporated into the record.

23.2. Applicant Exhibits: The exhibits that were admitted into the record on behalf of the Applicant are attached hereto as Attachment A.

23.2.1. The Declaration of Jon Padvorac attached as Attachment C to

Appellant's (applicant's) Disclosure of Rebuttal Witnesses and Exhibits, dated January 13, 2023 (actually 2025) was withdrawn.

23.3. City Exhibits: The exhibits that were admitted into the record on behalf of the City are attached hereto as Attachment B.

24. The Hearing Examiner finds, as supported by the testimony of Jessica Brackin, that the waiver of objection to the formation of a Local Improvement District set forth in Condition of Approval number 3 is related to the traffic and other impacts directly caused by this development. The fact that the LID may also result in benefits to residents does not diminish these traffic impacts.

25. The requirement for the Local Improvement District is also supported by the criteria set forth in RCW 58.17.110 and Pasco Municipal Code 21.25.060.

26. The testimony from Jacob Gonzalez and Craig Raymond included facts that the City of Pasco has a long history of requiring subdivisions to include a statement by the owners agreeing not to protest the formation of a local improvement district for transportation and/or utility improvements.

27. The testimony provided by City witnesses, outweighs the testimony provided by the applicant witnesses, and the Hearing Examiner finds that the applicants are not entitled to credits against traffic impact fees for the value of real property and/or construction costs incurred in frontage approvements along Burns Road, Road 52, or Deseret Drive. The Hearing Examiner finds that the applicants themselves propose to make these improvements and it was the applicants own traffic impact analysis findings and conclusions that were premised upon the applicants construction of these improvements. The need for these frontage improvements are directly caused by the development proposed by the applicant.

28. The Transportation System Management Plan of the City of Pasco is not adopted or incorporated by reference into the Pasco Comprehensive Plan. The Comprehensive Plan has been amended several times since 2021 and none of those amendments adopted or incorporated the Transportation System Management Plan by reference.

29. The Applicant's traffic improvements for the plat's frontage improvements along Burns Road, Road 52, and Deseret Drive are not "system improvements" as contemplated by the City's Transportation System Master Plan.

30. The City of Pasco's Transportation Improvement Plan does not include any of Madison Park North's frontage improvements. Nor does the City of Pasco Improvement Plan which is also incorporated in the Facilities Element.

31. Table T-11 of the Transportation Element (Exhibit A-14) is not included int the Facilities Element. The Hearing Examiner finds that table T-11 is not controlling on the issue of improvement credits or offsets.

32. **Additional Facts Supporting 100 ft. right-of-way Dedication:**

32.1. The applicant's proposed plat provides the 100 ft. wide right-of-way dedication.

32.2. The applicant's TIA acknowledges this proposed right-of-way width, which concedes it is needed to allow future expansion and extension of the road to a five-lane section, to accommodate project traffic trips and reduce their

impact when combined with future anticipated growth.

32.3. The 100 ft. right-of-way width is necessary to complete the existing future and street pattern, both to the East and West of Madison Park North. The right-of-way width is justified by the project's extensive vehicle trip impacts, and the need to connect with, and accommodate, planned transportation improvements, and to provide for future trip impact reduction from Madison North Plat.

32.4. The right-of-way dedication meets all the criteria set forth in PMC 21.15.010(3)(d).

33. Paul Knutzen, of Knutzen Engineering, testified on behalf of the Pasco School District. He testified consistent with his January 8, 2025 comment letter to the City of Pasco. His January 8, 2025 comment letter provided factual evidence that the applicant's project is located near Rosalind Franklin STEM Elementary School at 6010 N. Road 52. He testified that additional pedestrian protections for the school zones are necessary, including advanced warning signs, flashing beacons, and rectangular rapid flashing beacons (RRFB).

34. The City of Pasco did not object to adding the Pasco School District's request as a condition of approval.

35. Any Conclusion of Law that is more correctly a Finding of Fact is here by incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has legal authority under RCW 58.17.110, PMC 2.50.080 and .100 and PMC 21.25.060 to render this decision, including the Conditions of Approval.

2. The City has both a factual and legal basis for imposition of a condition requiring that the Madison Park North plat include a statement indicating the owners' agreement not to protest the formation of a Local Improvement District (LID) or Utility Local Improvement District (ULID). Well-established legal authority from both the United States Supreme Court and Washington Supreme Court holds that formation of an LID does not guarantee that a special assessment will be imposed, nor involve a deprivation of a property interest. Therefore, constitutional regulatory takings "nexus / rough proportionality" tests are not required. Formation of an LID also does not result in an "in kind" or other tax, fee or charge, so RCW 82.02.020 does not apply. Even if those tests applied, they are met. There is a reasonable nexus between the traffic impacts from the Madison North plat and other intersections and roadway segments for which future improvements are required, and the statement of agreement not to protest is reasonably aimed at addressing those impacts by facilitating use of a funding mechanism (an LID) to pay for projects resolving those impacts. The "no protest" agreement is a minimal, non-monetary obligation that is at least than at least roughly proportional to the extent of the plat's impacts. Therefore, the City proposed "No Protest" agreement is lawfully allowed.

3. Applicants are not entitled to credits against the Traffic Impact Fees applicable to the proposed preliminary plat for the cost of right-of-way dedication and construction of street improvements on Burns Road, Road 52, or Deseret Drive. Those dedications and street improvements are proposed by the Applicants as project frontage improvements. They are not included as "system improvements" in the Capital Facilities Element of the City's Comprehensive Plan, or in any document that is expressly adopted or incorporated by reference into the Plan. References to those projects in the Transportation Element, as "developer" funded, reflects

their status as "project improvements," and not "system improvements." Inclusion of references to those projects in the Transportation System Master Plan ("TSMP") also does not entitle Applicants to impact fee credits, because the TSMP is not adopted or incorporated by reference in the Capital Facilities Element of the Comprehensive Plan.

4. The City has established a factual and legal basis for requiring Madison Park North to dedicate a full 100-foot right-of-way for Burns Road Extension or to construct a three- lane road segment over the Burns Road Extension from Ramus Road to the eastern boundary of the subdivision. As discussed in the Findings of Fact above, the Applicants' Traffic Impact Analysis shows that Project vehicle trips will represent 69% of a.m. peak hour trips and 73% of p.m. peak hour trips on Road 52 north of Burns/Rd 52 intersection. Similarly, Project vehicle trips will generate 30% of the a.m. peak hour trips and 39% of the p.m. peak hour trips using Burns Road east of the Burns/Rd. 52 intersection, which is the section fronting the south edge of the proposed subdivision. The Applicants' own plat application proposed to dedicate these rights-of-way and build these street improvements, and the Applicants' TIA was predicated on the Applicants' dedication and construction of these road segments, which evidence established are necessary for the plat's residents to safely and adequately access and return from the City's roadway network. Such access includes connection of a substantial portion of Project trips to I-182 using the Burns Road – Glade Road extension, which is planned to be constructed in the reasonably foreseeable future in the City's 6-year TIP and CIP, and to which the Applicants' Burns Road project frontage improvements will connect. The City has specifically established that the right-of-way dedications and street improvements proposed by the Applicants and shown on Sheets 1-7 of the plat meet the nexus and rough proportionality requirements established by federal constitution and RCW 82.02.020.

5. As conditioned and subject to the preceding legal determinations, this project is consistent with the Pasco Comprehensive Plan and Pasco Municipal Code.

6. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. CONDITIONS OF APPROVAL

1. The Madison Park North subdivision shall be developed in substantial conformance with the submitted Plat. The subdivision shall contain 461 residential lots.

2. All improvements shall be in accordance with the Pasco Municipal Code. The Pasco Municipal Code adopts the most recent versions of the City of Pasco Standard Specifications, the Washington State Department of Transportation Standard Specifications for Road, Bridges, and Municipal Construction, the International Building Code, and International Fire Code. If there are any conflicting regulations in any of these documents, the more stringent regulation shall apply.

3. The face of the final plat shall include this statement: "As a condition of approval of this plat, pursuant to RCW 35.43.182 the owner hereby waives for a period of ten (10) years from the date of approval of this plat the right to protest the formation of a Local Improvement District (LID) or Utility Local Improvement District (ULID) for the financing and construction of transportation and/or utility improvements that specially benefit property owner(s) within this plat and are identified in the Capital Facilities Element of the City of Pasco's Comprehensive Plan, or documents adopted and incorporated by reference therein. This waiver shall be liberally construed in accordance with and to accomplish the purposes of RCW 35.43.182."

4. The face of the final plat shall include this statement: "The individual or company making improvements on a lot or lots of this plat is responsible for providing and installing all trench, conduit, primary vaults, secondary junction boxes, and backfill for the PUD's primary and secondary distribution system in accordance with PUD specifications; said individual or company will make full advance payment of line extension fees and will provide all necessary utility easements prior to PUD construction and/or connection of any electrical service to or within the plat."

5. The face of the final plat shall include this statement: "Property within this plat may be subject to varying noise levels and vibrations due to proximity to the Tri-Cities Airport. Properties near the airport may be located within height and use restriction zones as described and illustrated by federal standards and regulations and the City of Pasco Zoning Regulations. There is the potential that standard flight patterns will result in aircraft passing over the properties at low altitudes and during all hours of the day. Future airport expansion including runway extensions may impact the size and number of aircraft utilizing the airport. Developments near the airport should assume that at any given time there will be some impact from air traffic."

6. Per PMC 21.05.120, water rights shall be either deeded to the City or an in-lieu-of fee paid prior to recording of any final plat. Per PMC 3.35.160 in affect at time of preliminary plat application:

   6.1. The base water right acquisition fee per residential unit is $517.50.

   6.2. The portable water irrigation fee is equal to 50-percent of the acreage of the parcel to be served times 3.5 acre-feet of water times $1,725 per acre foot

   6.3. The water rights transfer fee is $1,000.

7. Only City and other utilities with franchise agreements are allowed within and under travel lanes in the public right-of-way. All other utilities may be allowed in the public right-of-way only outside of all travel lanes and only following full compliance with Ch. 12.24 PMC, and only following issuance of a right-of-way use permit under PMC 12.24.010 including a condition requiring that if any privately-owned utility located in the right-of-way interferes with the actual construction of any public improvement, that utility shall be relocated at the right-of-way at permittee's expense.

8. It shall be the responsibility of the property owner/developer to contact all utility owners to determine their system improvement requirements. Prior to subdivision construction plan submittal and/or review, the property owner/developer shall provide the City of Pasco written support/approval of the proposed development from all outside utilities, public and private.

9. All fee payments for bonding of Right-Of-Way improvements and Water Rights must be paid at or before the time of final plat being submitted for signatures.

10. Street lighting will be required per City standards.

11. All stormwater is required to be maintained and treated on site in accordance with Washington State Department of Ecology and City of Pasco Standards.

12. All utilities to be extended to-and-through the property being developed. All utilities shall be installed to City of Pasco standards and meet at least the minimum sizes specified in the Comprehensive Plan or other applicable Water or Sewer System Plans. The additional costs of installing utility sizes in excess of the minimum sizes needed to serve the subdivision will be

reimbursed to the Applicant in accordance with the procedures described in Chapter 1, Section 12 of the City's design and construction standards. In accordance with PMC 14.25.030(3)(c), a developer reimbursement agreement (also known as a latecomer) shall not be permitted until a determination has been made by the City for payment of utility upsizing costs or reimbursement of the developer for the construction costs of all or a portion of the improvements.

13. The final plat shall detail existing conditions, such as the names of neighboring subdivisions and property lines of all adjacent properties.

14. The final plat shall include a comment stating: "Existing regulations regarding sight distance, fence height, and setbacks may affect the placement of fences and driveways on any comer lots."

15. The face of the final plat shall include this statement: "The developer shall install a common "Estate" type fence/wall six feet in height along Burns Road as part of the infrastructure improvements associated with the plat. The fence/wall must be constructed of masonry block. Fence design and material must be approved by the Community and Economic Development Director. An approved vision triangle at the intersection of streets will be required. Following construction of the masonry fence/wall, the City may make repairs or replace the fencing as needed. Property owners adjoining said fence shall be responsible for payment of all costs associated with maintenance and upkeep of the fence/wall."

16. The developer/builder shall pay the City a "common area fee" pursuant to PMC 25.180.060(6) and PMC 3.100, in an amount of $218,975. The fee shall be paid proportionately on a per lot basis at the time of issuance of building permits for homes. These funds shall be placed in a fund per PMC 3.I00 and used to finance the maintenance of arterial boulevard strips. The City shall not accept maintenance responsibility for the landscaping abutting said streets until such time as all fees are collected for each phase that abut said streets. In lieu of $218,975 the Developer and/or successors and assigns may elect to maintain the boulevard "common area" in perpetuity.

17. Park, Traffic, and School impact fees at the then-applicable impact fee rate will be collected for each lot at the time of issuance of building permits for new residences, with traffic impact fees of $328,976 payable prior to the issuance of the first building permit. Credits and reductions to the Park impact fees will be provided commensurate with the value of the park land and improvements as determined by the Director in accordance with RCW 82.02.060(5), PMC 3.40.090 and PMC 3.50.070 and the Conditions of Approval of this Preliminary Plat. Credits and reductions to the Transportation Impact Fees are not required.

18. The Applicant will complete the park construction prior to recording the final plat for the phase containing the 240th lot.

19. Applicant shall ensure all proposed road alignments are designed and constructed in compliance with PMC 21.15.030(1) and (2), Street Standards, and the City's codes and standards in relationship to adjoining plats and their streets. Specifically, the streets of the proposed plat shall be adjusted to align with the two already-approved County subdivisions to the North: Zargoza Addition (Road 47) and Towers landing (Road 51). The concept of re-alignment of Road 47 and 51 presented by the applicant on 12/6/2024, may be implemented as a minor adjustment as opposed to major adjustment to the preliminary plat in accordance with PMC 21.25.080.

20. All overhead power lines serving Madison Park North shall be placed underground within the preliminary plat area, in accordance with and subject to all conditions of PMC 21.35.100. Madison Park North is not required to underground off-site power lines along the west side of Road 52.

21. The Pasco School District has demonstrated, by the testimony of Paul Knutson at the open record public hearing, and the January 8, 2025 comment letter that there are direct impacts to the school district regarding school children at or near Pasco School District Property. Because of these impacts, the developer shall work with the School District to address these direct impacts, by adding advanced warning signs on both Burns Road and Road 52, adding flashing beacons on North bound and South bound Road 52, and upgrade the existing crosswalk at the non-controlled intersection of Santa Cruz Lane and Road 52, to include a RRFB.

IV. DECISION

Based on the above Findings of Fact and Conclusions of Law, and subject to the above Conditions of Approval, the Madison Park North Preliminary Plat located on Parcel #114-250018, Pasco, WA is hereby **APPROVED.**

Dated this 24 day of March, 2025

CITY OF PASCO HEARING EXAMINER

Andrew L. Kottkamp,

Absent a timely appeal, this decision is final.[1]

[1] See Ch. 36.70C RCW (establishing a 21 day appeal period to superior court, and setting forth necessary review contents, along with filing and service requirements).

ATTACHMENT A

APPLICANTS DAVID SWISHER AND FARM 2005, LLC'S FINAL LIST OF EXHIBITS

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Excluded)
A-01	Index of Exhibits		Admitted
A-02	Project Timeline		EXCLUDED IN ORDER ON MOTION IN LIMINE
A-03	Background of Contested Conditions		Admitted
A-04	City & Applicant Requested Conditions of Approval		Admitted
A-05	Jon Padvorac Resume		Admitted
A-07	Kassi Leingang Resume		Admitted
A-10	Transpo Group Madison Park Proposed Transportation Mitigation Fee Memo, dated September 19, 2024		Admitted
A-11	2014 0616 - Resolution 3562 - Madison Park PUD		Admitted
A-12	Ordinance No. 4537, dated June 7, 2021, adopting 2018-2038 Pasco Comp Plan		Admitted
A-13	2018-2038 Comprehensive Plan Vol. I, dated June 7, 2021		Admitted
A-14	2018-2038 Comprehensive Plan Vol. 2, dated June 7, 2021		Admitted
A-14.1	Comp Plan Map Folio Supplement		Admitted
A-15	Pasco City Council Meeting Packet For Transportation System Master Plan, dated August 1, 2022		Admitted
A-16	2022 08 01 - Resolution 4220 TSMP		Admitted
A-17	2022 08 01 - Excerpts from TSMP Rd 52 & Burns Road		Admitted

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Excluded)
A-18	Pages from Resolution 4220 TSMP - Plan Purpose		Admitted
A-19	2022-2028 7-Year CIP Council Packet	N/A	EXCLUDE CONSISTENT WITH ORDER ON MOTION IN LIMINE
A-20	Res. No. 4261, adopting 2022-2028 CIP	N/A	EXCLUDE CONSISTENT WITH ORDER ON MOTION IN LIMINE
A-21	Excerpts from 2022-2028 Capital Improvement Plan, dated October 23, 2022		EXCLUDE CONSISTENT WITH ORDER ON MOTION IN LIMINE
A-22	Fehr & Peers TIF study Kickoff Presentation		Admitted
A-23	2023 05 02 Determination of lncompleteness		Admitted
A-24	Res. 4356, adopting 2024-2029 Six-Year TIP		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-25	City Council meeting packet 2024–2029 Six-Year TIP		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-26	TIA Scoping Letter - City Comments, dated August 18, 2023		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-27	TIA City Response to TIA Scoping Letter		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-28	PBS TIA Review Obtained via Records Request, dated March 18, 2024		Admitted
A-29	Concurrency Process Concerns Email & Memo		Admitted
A-30	Executed Fehr & Peers Concurrency Review Contract		Admitted
A-31	Determination of Completeness, dated April 17, 2024		Admitted
A-32	Madison Park North Traffic Impact Analysis ("TIA")		Admitted
A-33	Mitigations from Madison Park North TIA, dated May 17, 2024		Admitted
A-34	Memo from PBS regarding Madison Park North TIA dated May 17, 2024		Admitted

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Excluded)
A-35	Excerpt from TIA Showing TIP Projects, dated May 17, 2024		Admitted
A-36	Parks Requirements Memo to City, dated May 21, 2024		Admitted
A-37	Council Workshop Packet TIP Projects Removed		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-38	Highlights from Concurrency Meeting, dated May 29, 2024		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-39	Transcript from Concurrency Meeting, dated May 29, 2024		Admitted
A-40	Road 52 Credit Request Email & Memo, dated June 3, 2024		Admitted
A-41	LID Waiver, Blvd Maintenance, Burns Credit Email & Memos dated June 13, 2024		Admitted
A-42	City of Pasco Agenda Report regarding Development Fees, dated June 13, 2024 for June 17, 2024 City Council meeting		Admitted
A-43	Preliminary Plat Madison Park North Draft Hearing Examiner Packet, dated June 22, 2024	Ex. C13	Admitted
A-44	City Council Meeting regarding Development Fees, June 17, 2024		Admitted
A-45	2024 06 24 - Resolution 4464 - 2025-2030 TIP		Admitted
A-46	2024 07 09 - Madison Park North MDNS Issued		Admitted
A-47	Email dated July 22, 2024 from Brian Cartwright regarding Utility Undergrounding		Admitted
A-48	City Council Workshop Packet Proposed 2025-2032 CIP, July 24, 2024		Admitted
A-49	David Swisher Motion for Invalidation of MDNS, dated September 3, 2024		Admitted
A-50	SEPA MDNS for Madison Park North Preliminary Plat (Withdrawn) dated September 16, 2024		Admitted

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Excluded)
A-51	Applicant Response to City Motion to Dismiss Raven Place MDNS Appeal, dated October 1, 2024		Admitted
A-52	Hearing Examiner Order on City Motion to Dismiss Swisher PSD High School No. 3 MDNS Appeal, dated October 9, 2024		Admitted
A-53	Hearing Examiner Order on City Motion to Dismiss Swisher Glacier Park MDNS Appeal, dated October 9, 2024		Admitted
A-54	Hearing Examiner Order on City Motion to Dismiss Raven Place MDNS Appeal, dated October 9, 2024		Admitted
A-55	SEPA MDNS for Madison Park North Preliminary Plat, dated November 4, 2024		Admitted
A-56	City of Pasco Staff Report for Raven Place Preliminary Plat, dated November 13, 2024	Ex. C18	Admitted
A-57	City Staff Report, Glacier Park Preliminary Plat dated November 15, 2024	Ex. C19	Admitted
A-58	Follow-Up E-mail and Memo from David Swisher to Richa Sigdel, dated November 22, 2024		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-59	E-mail from Richa Sigdel dated November 23, 2024	Ex. C14	Admitted
A-60	Raven Place Preliminary Plat Hearing Examiner Determination		Admitted
A-61	E-mail from Bob C. Sterbank dated December 4, 2024 at 09:26 a.m.		Admitted
A-62	E-mail dated December 4, 2024 from City of Pasco Planner Jennifer Ballard enclosing link to Madison Park North Preliminary Plat Hearing Examiner Packet		Admitted

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Excluded)
A-63	Letter dated December 4, 2014 from Bob Sterbank to David Swisher	Ex. C01	Admitted
A-64	E-mail dated December 5, 2024 from Richa Sigdel to Jon Padvorac	Ex. C15	Admitted
A-65	E-mail dated December 6, 2024 from Jon Padvorac attaching "Meeting Minutes"	Ex. C16	EXCLUDED BY ORDER ON MOTION IN LIMINE
A-66	Emails with Craig Raymon regarding Impact Fee Credits dated December 9, 2024		Admitted
A-67	Glacier Park Preliminary Plat Hearing Examiner Determination dated December 20, 2024		Admitted
A-68	Email from Jon Padvorac to Casey Roberts of Franklin County Public Utility District dated December 30, 2024		Admitted
A-69	Letter from David Swisher dated January 1, 2025		Withdrawn
A-70	Dept. of Commerce Capital Facilities Planning Guidebook		Admitted
A-71	Excerpts from Washington State Six- Year Transportation Improvement Program 2024-2027		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-72	City of Pasco Six-Year Transportation Improvement Program 2024-2027		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-73	Map of Appealed Projects		Admitted
A-74	Mitigated Determination of Nonsignificance dated December 24, 2024 for Columbia Basin College Dorm		Admitted

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Excluded)
A-75	2024-2029 TIP vs 2025-2030 TIP & MDNS		EXCLUDE CONSISTENT WITH ORDER ON MOTION IN LIMINE
A-76	Power Undergrounding Logistics Graphic		Admitted
A-77	Example Utility Upsize Agreement		Admitted
A-78	Exhibit Northwest Commons initial plat 2005		Admitted
A-79	Historic I-182 Fund Usage		Admitted
A-80	Email Input from City on Proposed Conditions 7, 13, 18, 19		Admitted
A-81	Tierra Vida III Site Plan dated December 28, 2023		Admitted
A-82	Project Hawk Roadway Extension Schematic Plan, dated January 3, 2024		Admitted
A-83	Excerpts from Ordinance 4457 - Street Standards		Admitted
A-84	2024 11 04 - MPN MDNS		Admitted
A-85	Preliminary Plat of Seven Sisters Phase 1 - 3RD SUB - APP 2	N/A	Admitted
A-86	City of Pasco Staff Report to Hearing Examiner dated December 11, 2024	N/A	Admitted
A-87	City of Pasco Staff Report to Hearing Examiner dated July 24, 2024	N/A	Admitted

ATTACHMENT B

CITY OF PASCO
FINAL LIST OF EXHIBITS

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Denied)
C-1	Preliminary Plat Application dated April 7, 2023 for File No. PP2022-007, "Madison Park North"	A	Admitted
C-2	Notice of Appeal of SEPA Mitigated Determination of Nonsignificance for Madison Park North preliminary plat, dated July 23, 2024, SEP2023-0032 and PP2022-007	B	Admitted
C-3	Notice of Appeal of SEPA Mitigated Determinations of Nonsignificance for Raven's Place and Glacier Park Phase I proposed preliminary plats and Pasco High School proposed special permit, dated July 23, 2024	C	Admitted
C-4	Hearing Examiner's Decision on City's Motion to Dismiss for Lack of Standing dated October 9, 2024, for Raven's Place Preliminary Plat PP2022-006	D	EXCLUDED BY ORDER ON MOTION IN LIMINE
C-5	Hearing Examiner's Decision on City's Motion to Dismiss for Lack of Standing dated October 9, 2024, for Glacier Park Phase I Preliminary Plat PP2022-003	E	EXCLUDED BY ORDER ON MOTION IN LIMINE
C-6	Hearing Examiner's Decision on City's Motion to Dismiss for Lack of Standing dated October 9, 2024, for proposed Pasco High School Special Permit, SP2022-013	F	EXCLUDED BY ORDER ON MOTION IN LIMINE
C-7	Withdrawal Notice of Mitigated Determination of Nonsignificance, dated	G	Admitted

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Denied)
	September 16, 2024		
C-8	Revised SEPA Mitigated Determination of Nonsignificance, dated November 4, 2024	H	Admitted
C-9	Findings of Fact, Conclusions of Law, Decision and Conditions of Approval, dated November 21, 2024, for Raven's Place Preliminary Plat PP2022-006	I	Admitted
C-10	Findings of Fact, Conclusions of Law, Decision and Conditions of Approval, dated November 21, 2024, for Glacier Park Phase I Preliminary Plat PP2022-003	J	Admitted
C-11	East UGA LID Preformation and Evaluation Agreement, dated November 1, 2021 between the City of Pasco and West Enterprises	K	Admitted
C-12	City of Pasco Ordinance No. 4592 Establishing Local Improvement District No. 152	L	Admitted
C-13	Agenda Report dated June 19, 2024 from Community & Economic Development Director Jacob Gonzalez to City Manager Adam Lincoln and attachments thereto	M	Admitted
C-14	Farm 2005, LLC Annual Report, dated April 15, 2024	N	Admitted
C-15	Pasco City Council Special Meeting Agenda and pages 3-32 of Agenda Packet materials for January 24, 2022	O	Admitted
C-16	City of Pasco Ordinance No. 4574A, Annexing Olberding and Farm 2005 properties	P	Admitted
C-17	Resolution No. 4464 Adopting 2025-2030 Six-Year Transportation Improvement	Q	Admitted

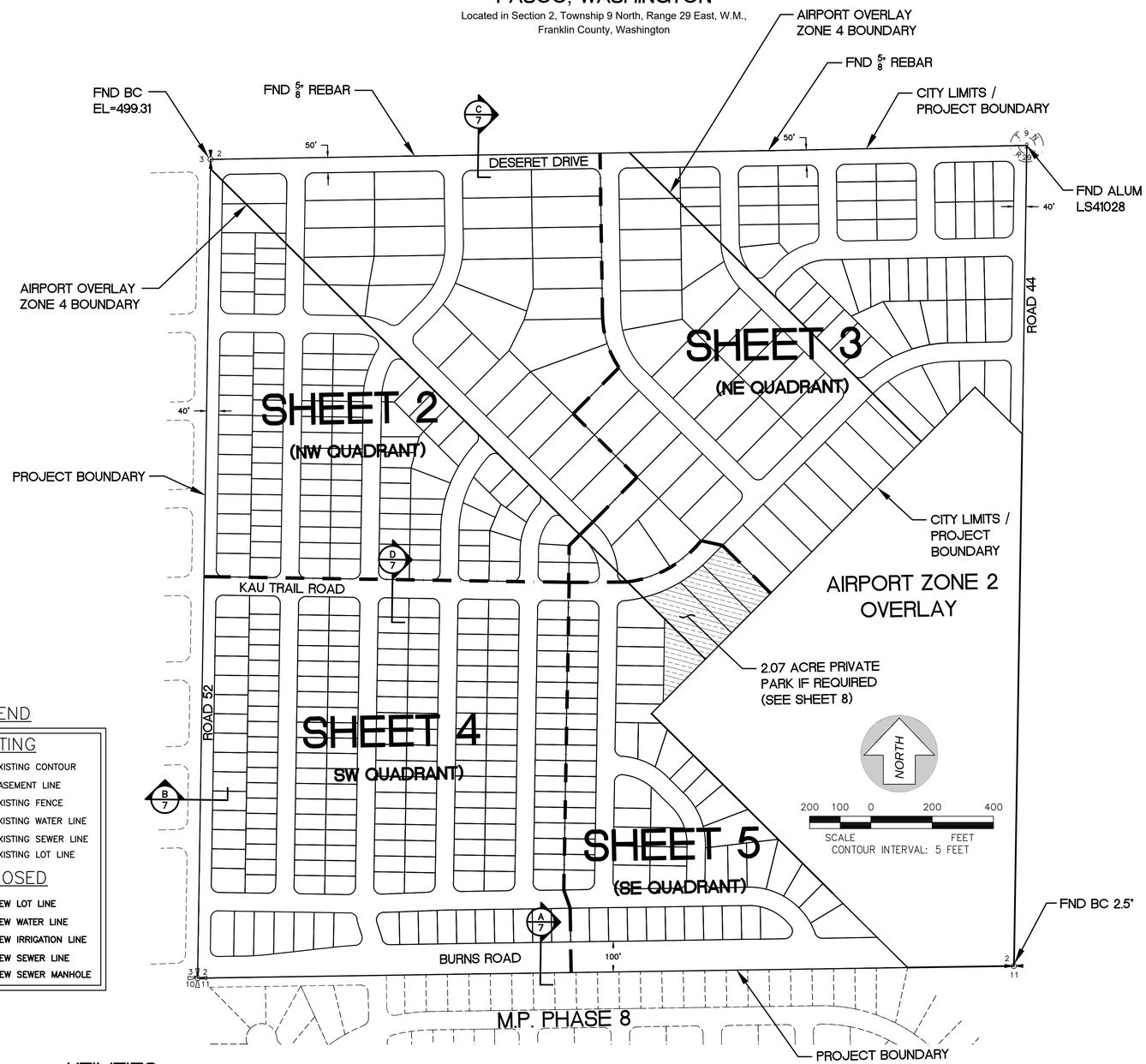
Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Denied)
	Program		
C-18	Resume of Jessica Brackin of Fehr & Peers	R	Admitted
C-19	Excerpts from the Revised Traffic Impact Analysis, dated April, 2024, by Transpo Group	S	Admitted
C-20	Overlay of Transportation System Master Plan projects with Revised Traffic Impact Analysis Trip Distribution	T	Admitted
C-21	June 28, 2021 Agenda Report for 2022-2027 Transportation improvement Program	U	Withdrawn
C-22	Excerpts of Agenda Report for 2022 Capital Improvement Program, dated August 19, 2022	V	Withdrawn
C-23	Resolution 4434 – East UGA Phase 2 Accept Work	N/A	Admitted
C-24	Resolution 4458 – East UGA LID No. 152 Phase 1 Project Accept	N/A	Admitted
C-25	Resolution 4525 – East UGA Phase 4 Accept Work w Apollo	N/A	Admitted
C-26	Resolution 4524 – East UGA Phase 3 Accept Work w DW Excavating Inc.	N/A	Admitted
C-27	Apollo Physical Completion Letter – East UGA LID, Phase 4	N/A	Admitted
C-28	City Council April 13, 2023 Agenda Report	N/A	Admitted
C-29	April 17, 2023 Council Meeting Minutes		Admitted
C-30	City Council October 7, 2024 Agenda Report	N/A	Admitted
C-31	Ordinance No. 4730 Adopting the New Heritage Future Land Use Amendment	N/A	Admitted
C-32	February 20, 224 Email between Jon Padvorac and	N/A	Admitted

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Denied)
	Richa Sigdel		
C-33	Resolution 4505 – CIP for 2025-2030 Projects	N/A	Admitted
C-34	Excerpts from Agenda Packet for October 7, 2024 City Council meeting related to adoption of 2025-2030 CIP		Admitted
C-35	City of Pasco Staff Report for Madison Park North Preliminary Plat, dated January __, 2025, and attachments thereto	N/A	Admitted
C-36	City Proposed Conditions of Approval	N/A	Admitted

PRELIMINARY PLAT OF MADISON PARK NORTH

PASCO, WASHINGTON

Located in Section 2, Township 9 North, Range 29 East, W.M., Franklin County, Washington



LEGEND

EXSITING

- 795 — EXISTING CONTOUR
- EASEMENT LINE
- x – x – x – x — EXISTING FENCE
- W — EXISTING WATER LINE
- SS — EXISTING SEWER LINE
- EXISTING LOT LINE

PROPOSED

- NEW LOT LINE
- 8"W — NEW WATER LINE
- IRR — NEW IRRIGATION LINE
- 8"SS — NEW SEWER LINE
- NEW SEWER MANHOLE

811 Know what's **Call** before you dig. below.

48 HOURS NOTICE REQUIRED

OVERALL SITE PLAN

UTILITIES

POTABLE WATER:	CITY OF PASCO
IRRIGATION WATER:	CITY OF PASCO
SEWER:	CITY OF PASCO
SOLID WASTE:	CITY OF PASCO
POWER:	FRANKLIN PUD
GAS:	CASCADE NATURAL GAS CO.
TELEPHONE:	CENTURY LINK
SCHOOL DISTRICT:	CITY OF PASCO
FIRE DISTRICT:	CITY OF PASCO

OWNER/DEVELOPER

Name: EE RESOURCES, LLC
DAVE SWISHER
Contact: 250 NW FRANKLIN, SUITE 402
Address: BEND, OREGON 97701

Phone: (541)330-4312

ENGINEER

G2 ENGINEERING
GABE GALLINGER
1414 E. ENOCH LANE
DEER PARK, WA 99006

(509)991-9033



VICINITY MAP

INDEX OF DRAWINGS

SHEET NO.	DESCRIPTION
1	COVER
2	PRELIMINARY PLAT (NW QUADRANT)
3	PRELIMINARY PLAT (NE QUADRANT)
4	PRELIMINARY PLAT (SW QUADRANT)
5	PRELIMINARY PLAT (SE QUADRANT)
6	OVERALL GRADING AND AIRPORT OVERLAY
7	TYPICAL STREET CROSS SECTIONS
8	PARK PLAN

PRELIMINARY PLAT INFORMATION

INFORMATION	NEW PROJECT DATA
PARCEL NUMBER	114250018
SITE ADDRESS	NE CORNER OF ROAD 52 & BURNS ROAD
TOTAL AREA	132.5± ACRES
PUBLIC ROAD AREA	35.3± ACRES
PRIVATE PARK AREA, IF REQ'D	2.07± ACRES
LOT AREA	95.1± ACRES
PROPOSED USE	SINGLE FAMILY RESIDENTIAL
NUMBER OF LOTS	461 LOTS (IF PARK REQ'D) 464 LOTS (IF PARK NOT REQ'D)
GROSS DENSITY	3.5 UNITS PER ACRE
NET DENSITY	4.8 UNITS PER ACRE
EXISTING ZONE	R-1, LOW DENSITY RESIDENTIAL DISTRICT
PROPOSED ZONE	R-1, LOW DENSITY RESIDENTIAL DISTRICT
MINIMUM LOT SIZE	4,000 S.F.
MAXIMUM LOT SIZE	37,637 S.F.
AVERAGE LOT SIZE	8,989 S.F.

GENERAL NOTES:

1. BASIS OF BEARING IS GRID, WASHINGTON STATE PLANE, NORTH ZONE, NAD83, US FOOT, BASED ON GPS OBSERVATIONS. DISTANCES ARE "GROUND" SCALED FROM GRID USING A COMBINED FACTOR OF 0.99995506 (1.00004494).
2. ELEVATION DATUM IS BASED ON UPON GPS STATIC OBSERVATION PROCESSED USING NATIONAL GEODETIC SURVEY ONLINE POSITIONAL USER SERVICE (OPUS).
3. THERE WILL BE NO DIRECT VEHICLE ACCESS FROM ANY LOT IN THE PROJECT TO BURNS ROAD.
4. IN CONFORMANCE WITH PMC 21.35.100, ALL UTILITY LINES SERVING THE SUBDIVISION, INCLUDING BUT NOT LIMITED TO POWER, TELEPHONE AND TELEVISION CABLES, SHALL BE INSTALLED UNDERGROUND.
5. THE PROJECT WILL BE COMPLETED IN PHASES. THE FINAL PHASE LINES WILL BE DETERMINED IN THE FUTURE BASED ON MARKET CONDITIONS AND FEASIBILITY.
6. PROPERTY WITHIN THIS PLAT MAY BE SUBJECT TO VARYING NOISE LEVELS AND VIBRATIONS DUE TO PROXIMITY TO THE TRI-CITIES AIRPORT. PROPERTIES NEAR THE AIRPORT MAY BE LOCATED WITHIN HEIGHT AND USE RESTRICTION ZONES AS DESCRIBED AND ILLUSTRATED BY FEDERAL STANDARDS AND REGULATIONS AND THE CITY OF PASCO ZONING REGULATIONS. THERE IS THE POTENTIAL THAT STANDARD FLIGHT PATTERNS WILL RESULT IN AIRCRAFT PASSING OVER THE PROPERTIES AT LOW ALTITUDES AND DURING ALL HOURS OF THE DAY. FUTURE AIRPORT EXPANSION INCLUDING RUNWAY EXTENSIONS MAY IMPACT THE SIZE AND NUMBER OF AIRCRAFT UTILIZING THE AIRPORT. DEVELOPMENTS NEAR THE AIRPORT SHOULD ASSUME THAT AT ANY GIVEN TIME THERE WILL BE SOME IMPACT FROM AIR TRAFFIC.

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GABE R. GALLINGER — STATE OF WASHINGTON — 40370 — REGISTERED PROFESSIONAL ENGINEER
7-8-24

MADISON PARK NORTH
PRELIMINARY PLAT

COVER SHEET

CITY OF PASCO, WASHINGTON
ENGINEERING DIVISION
SECOND FLOOR
525 N. THIRD AVE.
PASCO, WA 99301

VERTICAL DATUM - NGVD29

C.O.P. PSM21-2
3" BRASS CAP IN MONUMENT CASE
EL. 502.21

#	DATE	BY	REVISION
-	3-01-23	GRG	ORIGINAL SUBMITTAL
1	2-26-24	GRG	REVISED PER CITY OF PASCO COMMENTS
2	4-1-24	GRG	REVISED PER CITY OF PASCO COMMENTS
3	6-7-24	GRG	REVISED PER CITY OF PASCO COMMENTS
4	7-8-24	GRG	REVISED PER COORDINATION WITH CITY OF PASCO - PARK TO BE PRIVATE IF PROVIDED

SCALE
HOR. 1"=200'
VERT. N/A

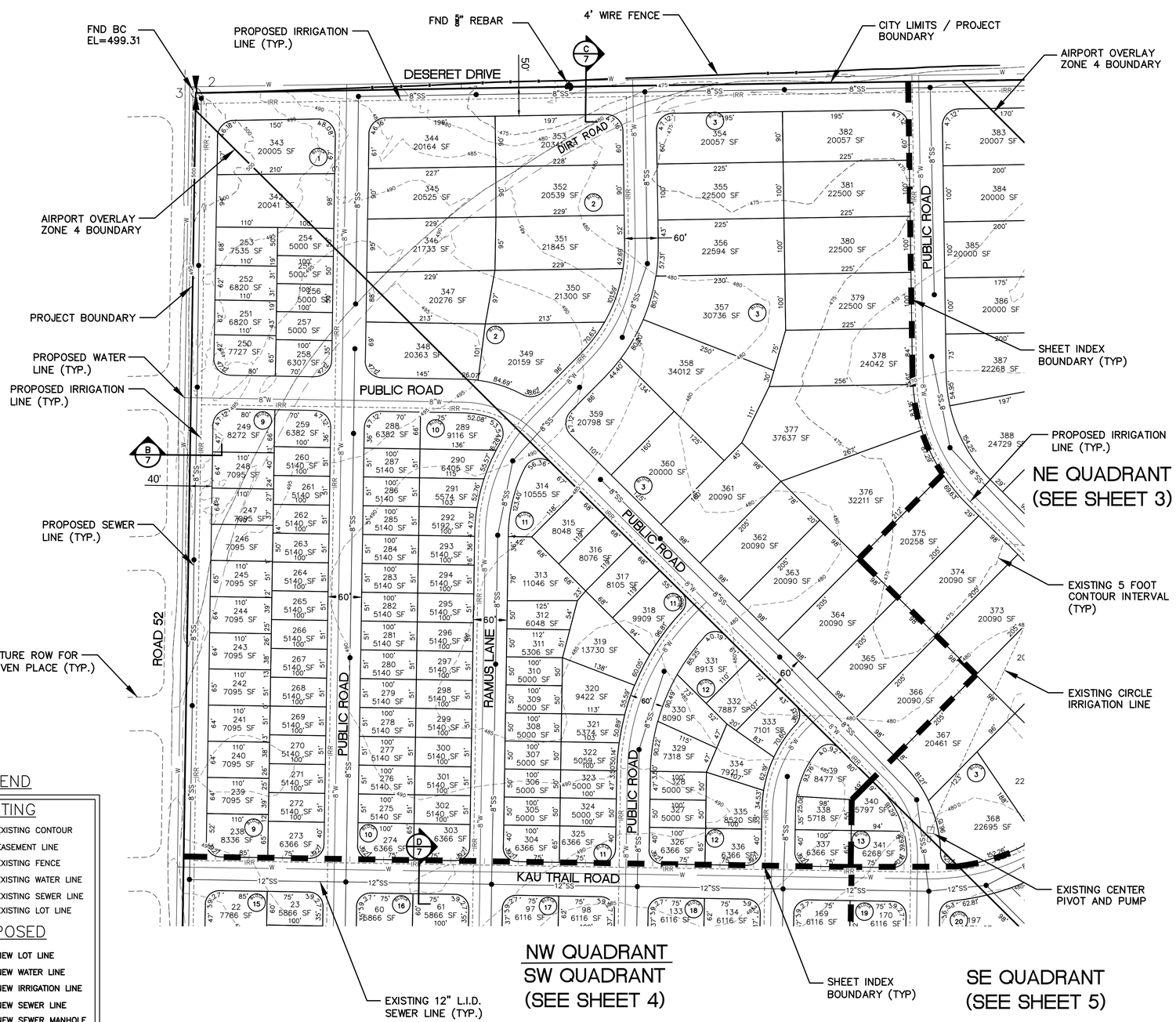
PROJECT #: 23-001
DESIGNED BY: GRG
CHECKED BY: GRG

COVER
1 OF 8

PRELIMINARY PLAT OF MADISON PARK NORTH

PASCO, WASHINGTON

Located in Section 2, Township 9 North, Range 29 East, W.M.,
Franklin County, Washington





PRELIMINARY PLAT INFORMATION

INFORMATION	NEW PROJECT DATA
PARCEL NUMBER	114250018
SITE ADDRESS	NE CORNER OF ROAD 52 & BURNS ROAD
TOTAL AREA	132.5± ACRES
PUBLIC ROAD AREA	35.3± ACRES
PRIVATE PARK AREA, IF REQ'D	2.07± ACRES
LOT AREA	95.1± ACRES
PROPOSED USE	SINGLE FAMILY RESIDENTIAL
NUMBER OF LOTS	461 LOTS (IF PARK REQ'D) 464 LOTS (IF PARK NOT REQ'D)
GROSS DENSITY	3.5 UNITS PER ACRE
NET DENSITY	4.8 UNITS PER ACRE
EXISTING ZONE	R-1, LOW DENSITY RESIDENTIAL DISTRICT
PROPOSED ZONE	R-1, LOW DENSITY RESIDENTIAL DISTRICT
MINIMUM LOT SIZE	4,000 S.F.
MAXIMUM LOT SIZE	37,637 S.F.
AVERAGE LOT SIZE	8,989 S.F.

UTILITIES

POTABLE WATER:	CITY OF PASCO
IRRIGATION WATER:	CITY OF PASCO
SEWER:	CITY OF PASCO
SOLID WASTE:	CITY OF PASCO
POWER:	FRANKLIN PUD
GAS:	CASCADE NATURAL GAS CO.
TELEPHONE:	CENTURY LINK
SCHOOL DISTRICT:	CITY OF PASCO
FIRE DISTRICT:	CITY OF PASCO

OWNER/DEVELOPER

Name: EE RESOURCES, LLC
DAVE SWISHER
Contact: 250 NW FRANKLIN, SUITE 402
Address: BEND, OREGON 97701

Phone: (541)330-4312

ENGINEER

G2 ENGINEERING
GABE GALLINGER
1414 E. ENOCH LANE
DEER PARK, WA 99006

(509)991-9033

GENERAL NOTES:

1. BASIS OF BEARING IS GRID, WASHINGTON STATE PLANE, NORTH ZONE, NAD83, US FOOT, BASED ON GPS OBSERVATIONS. DISTANCES ARE "GROUND" SCALED FROM GRID USING A COMBINED FACTOR OF 0.99995506 (1.00004494).
2. ELEVATION DATUM IS BASED ON UPON GPS STATIC OBSERVATION PROCESSED USING NATIONAL GEODETIC SURVEY ONLINE POSITIONAL USER SERVICE (OPUS).
3. ALL NEW ROADS ARE PROPOSED TO BE PUBLIC ROADS AND WILL BE DESIGNED AND CONSTRUCTED PER CHAPTER 8 OF THE PASCO DESIGN AND CONSTRUCTION STANDARDS. THERE WILL BE NO DIRECT VEHICLE ACCESS FROM ANY LOT IN THE PROJECT TO BURS ROAD.
4. THE PROJECT WILL BE COMPLETED IN PHASES. THE FINAL PHASE LINES WILL BE DETERMINED IN THE FUTURE BASED ON MARKET CONDITIONS AND FEASIBILITY.

STORM, SEWER, WATER NOTES:

1. STORM DRAINAGE FACILITIES WILL BE DESIGNED AND INSTALLED PER CHAPTER 7 OF THE PASCO DESIGN AND CONSTRUCTION STANDARDS.
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3. SANITARY SEWER IMPROVEMENTS WILL BE DESIGNED AND CONSTRUCTED PER CHAPTER 6 OF THE PASCO DESIGN AND CONSTRUCTION STANDARDS AND IN GENERAL CONFORMANCE WITH THIS PLAN.
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GABE R. GALLINGER — STATE OF WASHINGTON — 40377 — REGISTERED PROFESSIONAL ENGINEER
7-8-24

MADISON PARK NORTH
PRELIMINARY PLAT

NW QUADRANT
PRELIMINARY PLAT MAP

CITY OF PASCO, WASHINGTON
ENGINEERING DIVISION
SECOND FLOOR
525 N. THIRD AVE.
PASCO, WA 99301

VERTICAL DATUM - NGVD29
COP PSM21-2
3" BRASS CAP, IN MONUMENT CASE
EL. 500.24'

#	DATE	BY	REVISION
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4	6-7-24	GRG	REVISED PER CITY OF PASCO COMMENTS
5	7-8-24	GRG	REVISED PER COORDINATION WITH CITY OF PASCO - PARK TO BE PRIVATE IF PROVIDED

SCALE
HOR. 1"=100'
VERT. N/A

PROJECT #: 23-001
DESIGNED BY: GRG
CHECKED BY: GRG

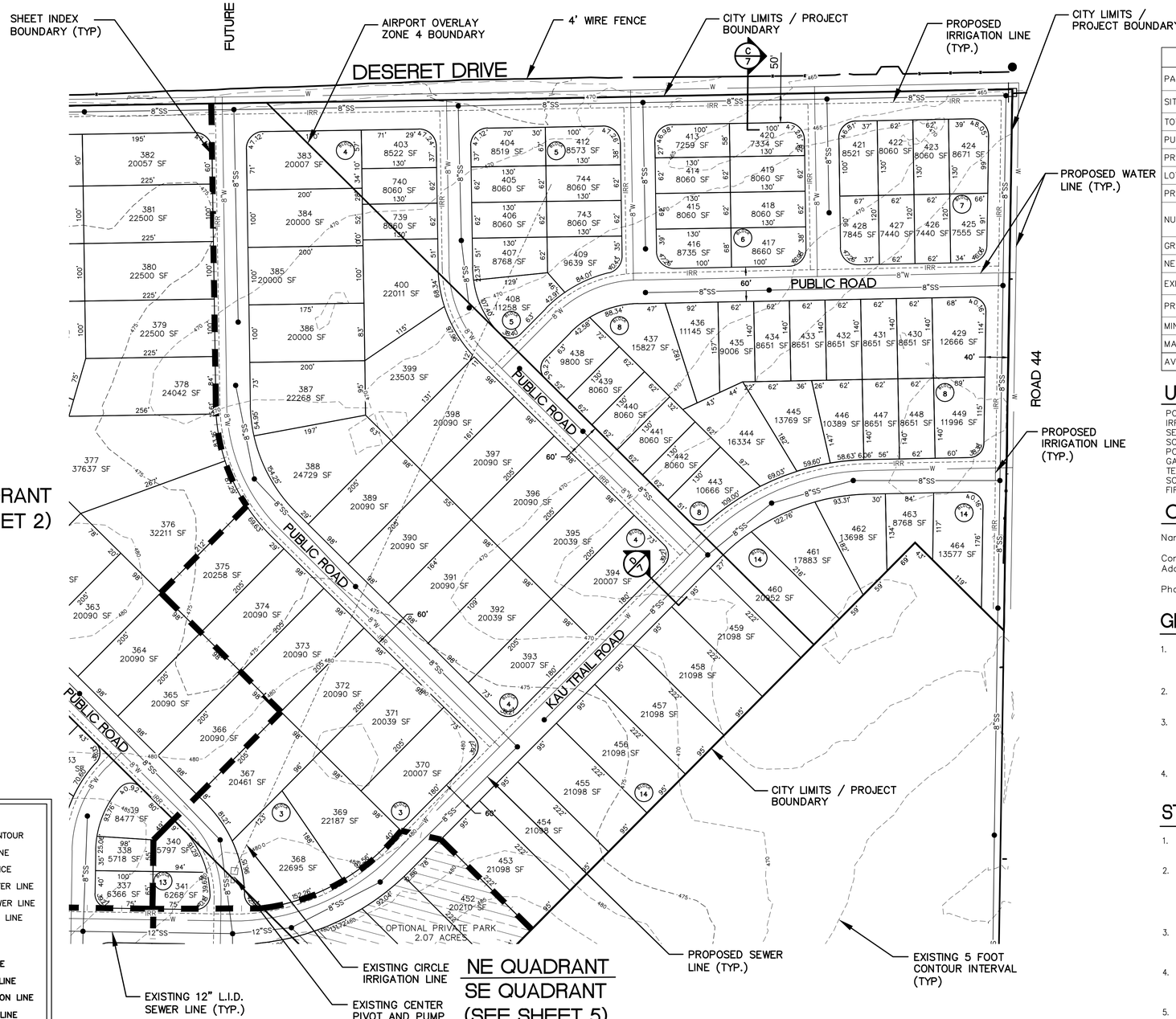
NW QUAD

2 OF 8

PRELIMINARY PLAT OF MADISON PARK NORTH

PASCO, WASHINGTON

Located in Section 2, Township 9 North, Range 29 East, W.M.,
Franklin County, Washington



NORTH

100 50 0 100 200

SCALE FEET

CONTOUR INTERVAL: 5 FEET

LEGEND

EXSITING

- 795 — EXISTING CONTOUR
- EASEMENT LINE
- x — x — x — x — EXISTING FENCE
- W — EXISTING WATER LINE
- SS — EXISTING SEWER LINE
- EXISTING LOT LINE

PROPOSED

- NEW LOT LINE
- 8"W — NEW WATER LINE
- IRR — NEW IRRIGATION LINE
- 8"SS — NEW SEWER LINE
- NEW SEWER MANHOLE

PRELIMINARY PLAT INFORMATION

INFORMATION	NEW PROJECT DATA
PARCEL NUMBER	114250018
SITE ADDRESS	NE CORNER OF ROAD 52 & BURNS ROAD
TOTAL AREA	132.5± ACRES
PUBLIC ROAD AREA	35.3± ACRES
PRIVATE PARK AREA, IF REQ'D	2.07± ACRES
LOT AREA	95.1± ACRES
PROPOSED USE	SINGLE FAMILY RESIDENTIAL
NUMBER OF LOTS	461 LOTS (IF PARK REQ'D) 464 LOTS (IF PARK NOT REQ'D)
GROSS DENSITY	3.5 UNITS PER ACRE
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IRRIGATION WATER:	CITY OF PASCO
SEWER:	CITY OF PASCO
SOLID WASTE:	CITY OF PASCO
POWER:	FRANKLIN PUD
GAS:	CASCADE NATURAL GAS CO.
TELEPHONE:	CENTURY LINK
SCHOOL DISTRICT:	CITY OF PASCO
FIRE DISTRICT:	CITY OF PASCO

OWNER/DEVELOPER

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DAVE SWISHER
Contact: 250 NW FRANKLIN, SUITE 402
Address: BEND, OREGON 97701

Phone: (541)330-4312

ENGINEER

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GABE R. GALLINGER — STATE OF WASHINGTON — 40371 REGISTERED PROFESSIONAL ENGINEER
7-8-24

MADISON PARK NORTH
PRELIMINARY PLAT

NE QUADRANT
PRELIMINARY PLAT LAYOUT

CITY OF PASCO, WASHINGTON
ENGINEERING DIVISION
SECOND FLOOR
525 N. THIRD AVE.
PASCO, WA 99301

VERTICAL DATUM - NGVD29

C.O.P. PSM#21-2
3" BRASS CAP IN MONUMENT CASE
EL. 1042.21

#	DATE	BY	REVISION
1	3-01-23	GRG	ORIGINAL SUBMITTAL
2	2-26-24	GRG	REVISED PER CITY OF PASCO COMMENTS
3	4-1-24	GRG	REVISED PER CITY OF PASCO COMMENTS
4	6-7-24	GRG	REVISED PER CITY OF PASCO COMMENTS
5	7-8-24	GRG	REVISED PER COORDINATION WITH CITY OF PASCO - PARK TO BE PRIVATE IF PROVIDED

SCALE
HOR. 1"=100'
VERT. N/A

PROJECT #: 23-001
DESIGNED BY: GRG
CHECKED BY: GRG

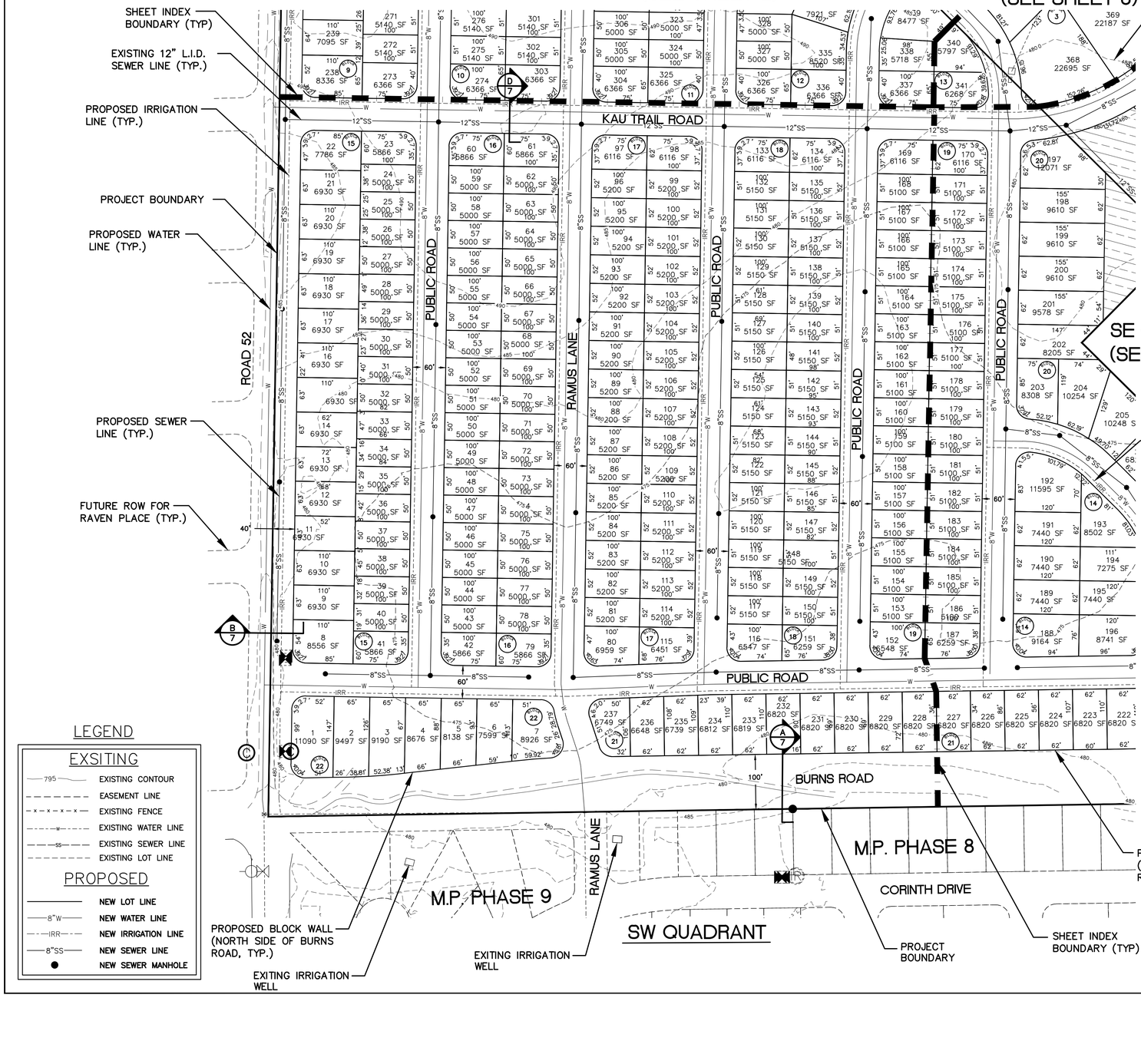
NE QUAD

3 OF 8

PRELIMINARY PLAT OF MADISON PARK NORTH

PASCO, WASHINGTON

Located in Section 2, Township 9 North, Range 29 East, W.M.,
Franklin County, Washington



NORTH

100 50 0 100 200

SCALE FEET
CONTOUR INTERVAL: 5 FEET

PRELIMINARY PLAT INFORMATION

INFORMATION	NEW PROJECT DATA
PARCEL NUMBER	114250018
SITE ADDRESS	NE CORNER OF ROAD 52 & BURNS ROAD
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PUBLIC ROAD AREA	35.3± ACRES
PRIVATE PARK AREA, IF REQ'D	2.07± ACRES
LOT AREA	95.1± ACRES
PROPOSED USE	SINGLE FAMILY RESIDENTIAL
NUMBER OF LOTS	461 LOTS (IF PARK REQ'D) 464 LOTS (IF PARK NOT REQ'D)
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MINIMUM LOT SIZE	4,000 S.F.
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IRRIGATION WATER:	CITY OF PASCO
SEWER:	CITY OF PASCO
SOLID WASTE:	CITY OF PASCO
POWER:	FRANKLIN PUD
GAS:	CASCADE NATURAL GAS CO.
TELEPHONE:	CENTURY LINK
SCHOOL DISTRICT:	CITY OF PASCO
FIRE DISTRICT:	CITY OF PASCO

OWNER/DEVELOPER

Name: EE RESOURCES, LLC
DAVE SWISHER
Contact: 250 NW FRANKLIN, SUITE 402
Address: BEND, OREGON 97701

Phone: (541)330-4312

ENGINEER

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DEER PARK, WA 99006

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GENERAL NOTES:

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LEGEND

EXSITING

- 795 — EXISTING CONTOUR
- EASEMENT LINE
- x – x – x – x – EXISTING FENCE
- W — EXISTING WATER LINE
- SS — EXISTING SEWER LINE
- EXISTING LOT LINE

PROPOSED

- NEW LOT LINE
- 8"W — NEW WATER LINE
- IRR — NEW IRRIGATION LINE
- 8"SS — NEW SEWER LINE
- NEW SEWER MANHOLE

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GABE R. GALLINGER — STATE OF WASHINGTON — 40371 REGISTERED PROFESSIONAL ENGINEER
7-8-24

MADISON PARK NORTH
PRELIMINARY PLAT

SW QUADRANT
PRELIMINARY PLAT LAYOUT

CITY OF PASCO, WASHINGTON
ENGINEERING DIVISION
SECOND FLOOR
525 N. THIRD AVE.
PASCO, WA 99301

VERTICAL DATUM - NGVD29

C.O.P. PSI#21-2
3" BRASS CAP, MONUMENT CASE
EL. 1,092.21

#	DATE	BY	REVISION
-	3-01-23	GRG	ORIGINAL SUBMITTAL
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SCALE
HOR. 1"=100'
VERT. N/A

PROJECT #: 23-001
DESIGNED BY: GRG
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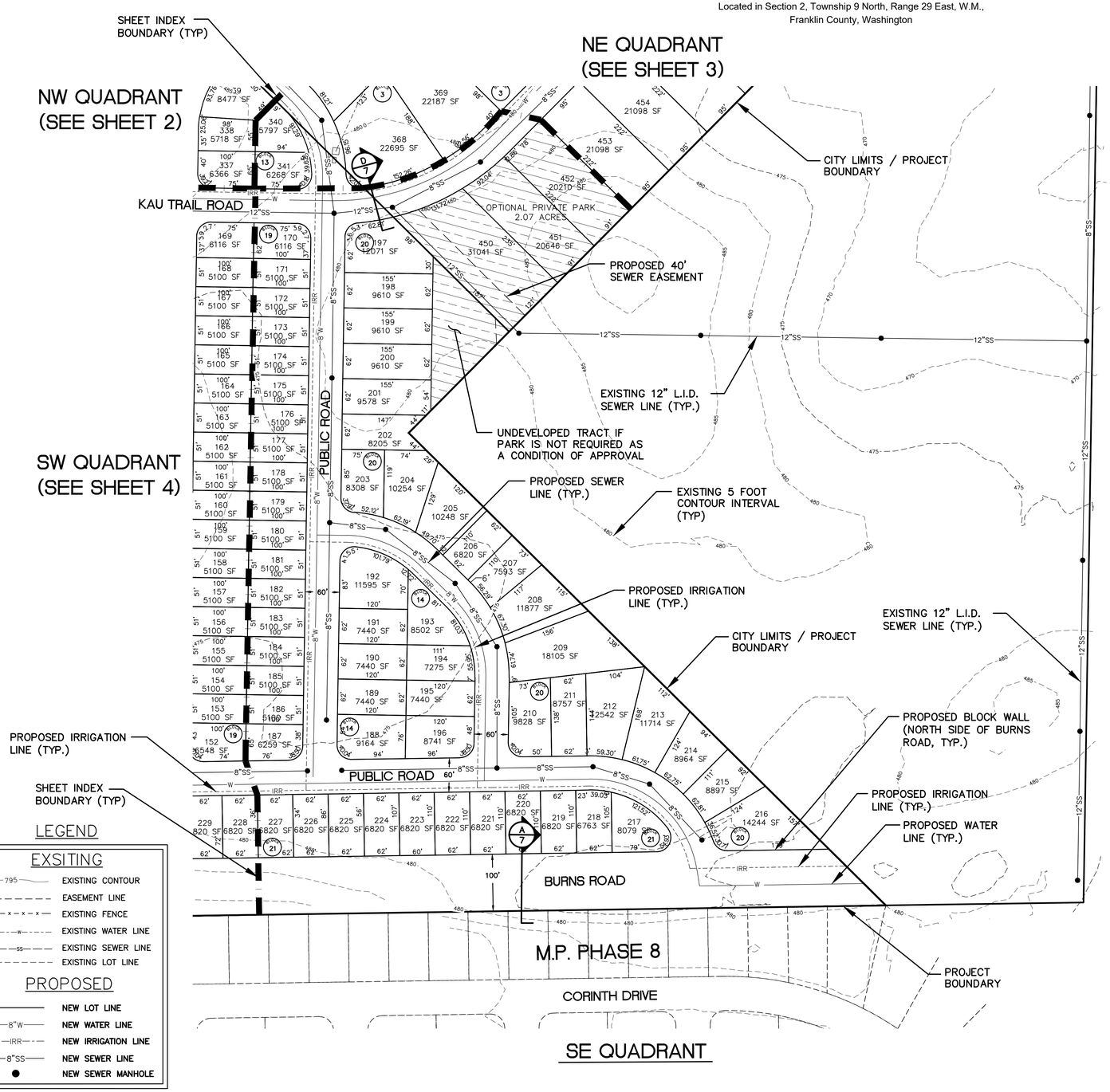
SW QUAD

4 OF 8

PRELIMINARY PLAT OF MADISON PARK NORTH

PASCO, WASHINGTON

Located in Section 2, Township 9 North, Range 29 East, W.M.,
Franklin County, Washington



LEGEND

EXSITING

- 795 — EXISTING CONTOUR
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PROPOSED

- NEW LOT LINE
- 8"W NEW WATER LINE
- IRR NEW IRRIGATION LINE
- 8"SS NEW SEWER LINE
- ● NEW SEWER MANHOLE

NORTH

100 50 0 100 200

SCALE FEET

CONTOUR INTERVAL: 5 FEET

PRELIMINARY PLAT INFORMATION

INFORMATION	NEW PROJECT DATA
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GENERAL NOTES:

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GABE R. GALLINGER — STATE OF WASHINGTON — 40371 — REGISTERED PROFESSIONAL ENGINEER
7-8-24

MADISON PARK NORTH
PRELIMINARY PLAT

SE QUADRANT
PRELIMINARY PLAT LAYOUT

CITY OF PASCO, WASHINGTON
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VERTICAL DATUM - NGVD29
C.O.P. PSM21-2
3" BRASS CAP IN PAVEMENT CASE
EL. 502.27

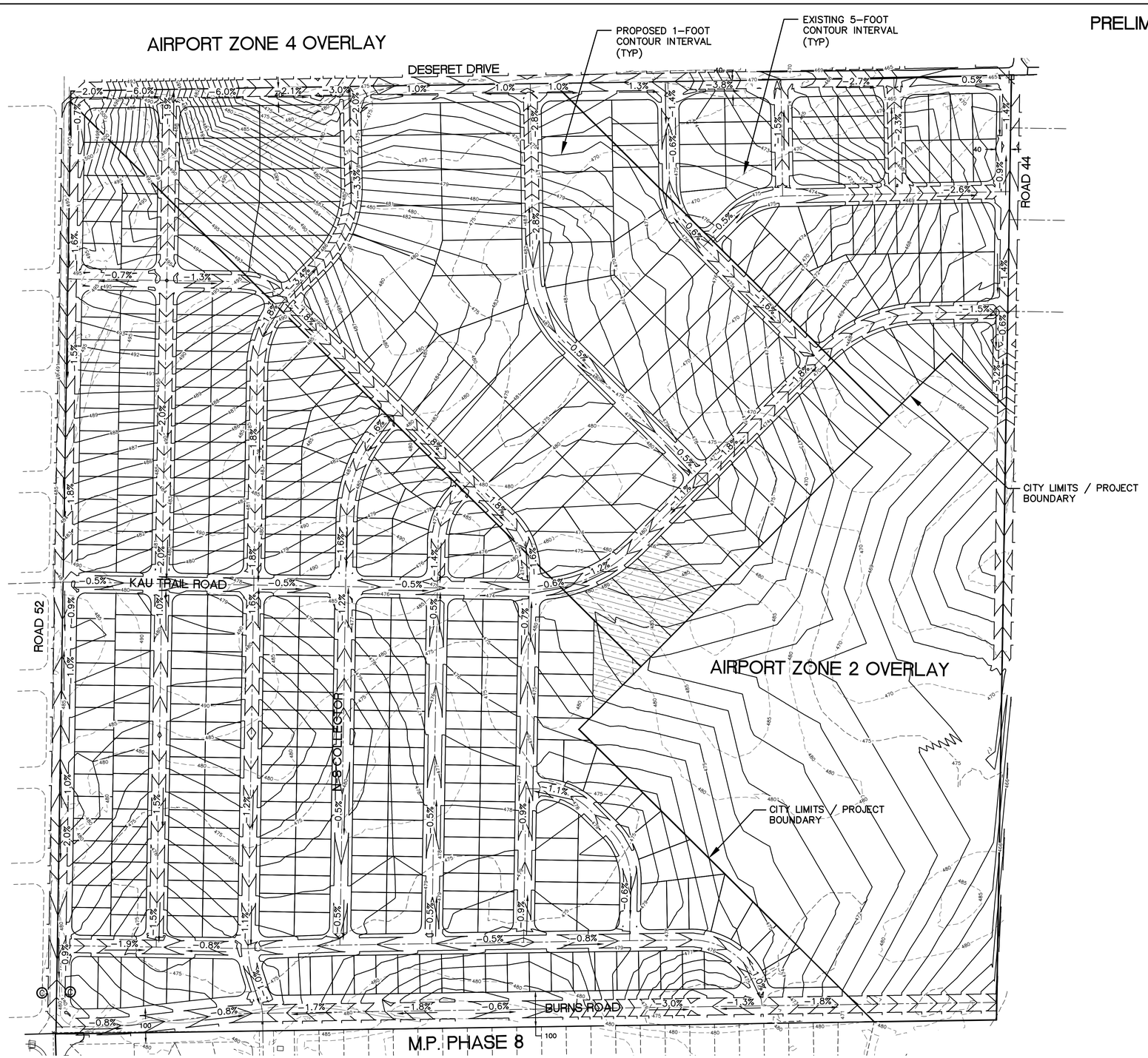
#	DATE	BY	REVISION
-	3-01-23	GRG	ORIGINAL SUBMITTAL
1	2-26-24	GRG	REVISED PER CITY OF PASCO COMMENTS
2	4-1-24	GRG	REVISED PER CITY OF PASCO COMMENTS
3	6-7-24	GRG	REVISED PER CITY OF PASCO COMMENTS
4	7-8-24	GRG	REVISED PER COORDINATION WITH CITY OF PASCO - PARK TO BE PRIVATE IF PROVIDED

SCALE
HOR. 1"=100'
VERT. N/A

PROJECT #: 23-001
DESIGNED BY: GRG
CHECKED BY: GRG

SE QUAD

5 OF 8



PRELIMINARY PLAT OF MADISON PARK NORTH
PASCO, WASHINGTON

Located in Section 2, Township 9 North, Range 29 East, W.M.,
Franklin County, Washington

NORTH

150 75 0 150 300
SCALE FEET
DATUM: CITY OF PASCO DATUM

PRELIMINARY PLAT INFORMATION

INFORMATION	NEW PROJECT DATA
PARCEL NUMBER	114250018
SITE ADDRESS	NE CORNER OF ROAD 52 & BURNS ROAD
TOTAL AREA	132.5± ACRES
PUBLIC ROAD AREA	35.3± ACRES
PRIVATE PARK AREA, IF REQ'D	2.07± ACRES
LOT AREA	95.1± ACRES
PROPOSED USE	SINGLE FAMILY RESIDENTIAL
NUMBER OF LOTS	461 LOTS (IF PARK REQ'D) 464 LOTS (IF PARK NOT REQ'D)
GROSS DENSITY	3.5 UNITS PER ACRE
NET DENSITY	4.8 UNITS PER ACRE
EXISTING ZONE	R-1, LOW DENSITY RESIDENTIAL DISTRICT
PROPOSED ZONE	R-1, LOW DENSITY RESIDENTIAL DISTRICT
MINIMUM LOT SIZE	4,000 S.F.
MAXIMUM LOT SIZE	37,637 S.F.
AVERAGE LOT SIZE	8,989 S.F.

UTILITY PROVIDERS

POTABLE WATER:	CITY OF PASCO
IRRIGATION WATER:	CITY OF PASCO
SEWER:	CITY OF PASCO
SOLID WASTE:	CITY OF PASCO
POWER:	FRANKLIN PUD
GAS:	CASCADE NATURAL GAS CO.
TELEPHONE:	CENTURY LINK
SCHOOL DISTRICT:	CITY OF PASCO
FIRE DISTRICT:	CITY OF PASCO

OWNER/DEVELOPER

Name: EE RESOURCES, LLC
DAVE SWISHER
Contact: 250 NW FRANKLIN, SUITE 402
Address: BEND, OREGON 97701

Phone: (541)330-4312

ENGINEER

G2 ENGINEERING
GABE GALLINGER
1414 E. ENOCH LANE
DEER PARK, WA 99006

(509)991-9033

AIRPORT OVERLAY AREA

PROPERTY WITHIN THIS PLAT MAY BE SUBJECT TO VARYING NOISE LEVELS AND VIBRATIONS DUE TO PROXIMITY TO THE TRI-CITIES AIRPORT. PROPERTIES NEAR THE AIRPORT MAY BE LOCATED WITHIN HEIGHT AND USE RESTRICTION ZONES AS DESCRIBED AND ILLUSTRATED BY FEDERAL STANDARDS AND REGULATIONS AND THE CITY OF PASCO ZONING REGULATIONS. THERE IS THE POTENTIAL THAT STANDARD FLIGHT PATTERNS WILL RESULT IN AIRCRAFT PASSING OVER THE PROPERTIES AT LOW ALTITUDES AND DURING ALL HOURS OF THE DAY. FUTURE AIRPORT EXPANSION INCLUDING RUNWAY EXTENSIONS MAY IMPACT THE SIZE AND NUMBER OF AIRCRAFT UTILIZING THE AIRPORT. DEVELOPMENTS NEAR THE AIRPORT SHOULD ASSUME THAT AT ANY GIVEN TIME THERE WILL BE SOME IMPACT FROM AIR TRAFFIC.

G2 ENGINEERING
1414 e. enoch lane
deer park, wa 99006
509.991.9033

GABE R. GALLINGER — STATE OF WASHINGTON — 40370 — REGISTERED PROFESSIONAL ENGINEER
7-8-24

MADISON PARK NORTH
PRELIMINARY PLAT MAP

OVERALL GRADING PLAN AND AIRPORT OVERLAY ZONE

CITY OF PASCO, WASHINGTON
ENGINEERING DIVISION
SECOND FLOOR
525 N. THIRD AVE.
PASCO, WA 99301

VERTICAL DATUM - NGVD29

C.O.P. PSI#21-2
3" BRASS CAP IN MONUMENT CASE
EL. 1052.21

#	DATE	BY	REVISION
-	3-01-23	GRG	ORIGINAL SUBMITTAL
1	2-26-24	GRG	REVISED PER CITY OF PASCO COMMENTS
2	4-1-24	GRG	REVISED PER CITY OF PASCO COMMENTS
3	6-7-24	GRG	REVISED PER CITY OF PASCO COMMENTS
4	7-8-24	GRG	REVISED PER COORDINATION WITH CITY OF PASCO - PARK TO BE PRIVATE IF PROVIDED

SCALE
HOR. 1"=150'
VERT. N/A

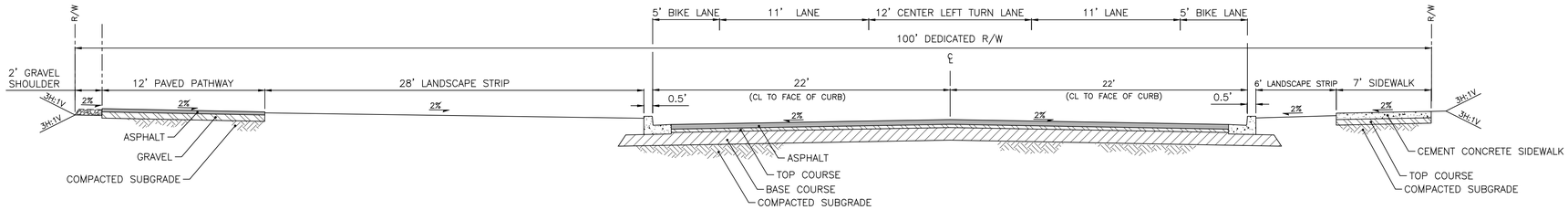
PROJECT #: 22-001
DESIGNED BY: GRG
CHECKED BY: GRG

GRADING

6 OF 8

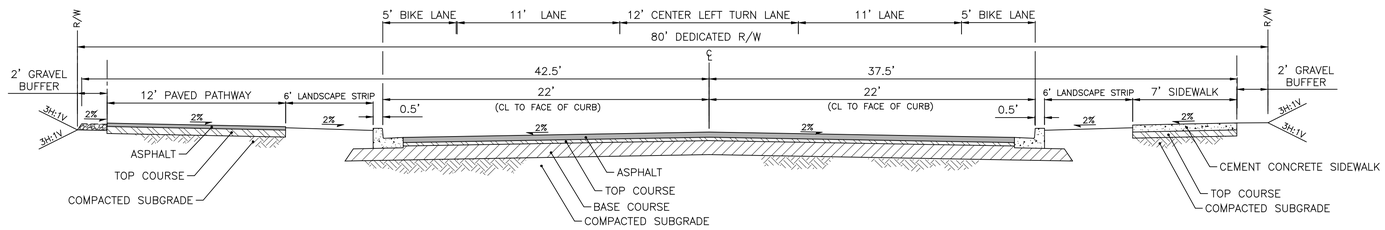
PRELIMINARY PLAT OF MADISON PARK NORTH
PASCO, WASHINGTON

Located in Section 2, Township 9 North, Range 29 East, W.M.,
Franklin County, Washington



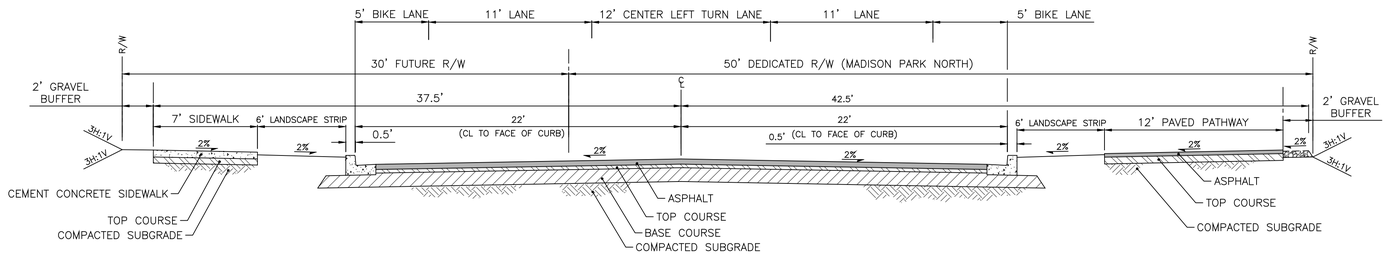
BURNS ROAD TYPICAL SECTION (A, 4,5)

NOT TO SCALE



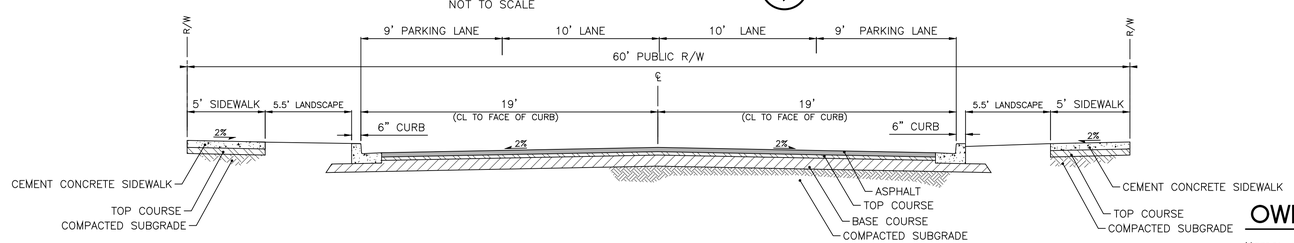
ROAD 52 TYPICAL SECTION (B, 2,4)

NOT TO SCALE



DESERET DRIVE TYPICAL SECTION (C, 2,3)

NOT TO SCALE



KAU TRAIL ROAD TYPICAL SECTION (D, 2,3)

NOT TO SCALE

NOTES:

1. IMPROVEMENTS TO BE CONSTRUCTED IN ACCORDANCE WITH THE HE CITY OF PASCO DESIGN AND CONSTRUCTION STANDARDS, PER DIMENSIONS SHOWN ON TYPICAL SECTION.
2. AT A MINIMUM, A PARTIAL ROAD SECTION WILL BE PROVIDED AS THE ASSOCIATED FRONTAGE IMPROVEMENTS ARE CONSTRUCTED.
3. MIXED USE PATHS WILL BE INSTALLED AS SHOWN ON THE TYPICAL STREET CROSS SECTIONS AND ARE SPECIFICALLY REQUIRED ON THE SOUTH SIDE OF DESERET DRIVE, NORTH SIDE OF BURNS ROAD, AND THE WEST SIDE OF ROAD 44.

OWNER/DEVELOPER

Name: EE RESOURCES, LLC
DAVE SWISHER
Contact: 250 NW FRANKLIN, SUITE 402
Address: BEND, OREGON 97701

Phone: (541)330-4312

ENGINEER

G2 ENGINEERING
GABE GALLINGER
1414 E. ENOCH LANE
DEER PARK, WA 99006

(509)991-9033

G2 ENGINEERING
1414 e. enoch lane
deer park, wa 99006
509.991.9033

GABE R. GALLINGER — STATE OF WASHINGTON — 40370 — REGISTERED PROFESSIONAL ENGINEER
7-8-24

MADISON PARK NORTH
PRELIMINARY PLAT MAP

TYPICAL STREET CROSS SECTIONS

CITY OF PASCO, WASHINGTON
ENGINEERING DIVISION
SECOND FLOOR
525 N. THIRD AVE.
PASCO, WA 99301

VERTICAL DATUM - NGVD29

C.O.P. PS#21-2
3" BRASS CAP IN PAVEMENT CASE
EL. = 430.21

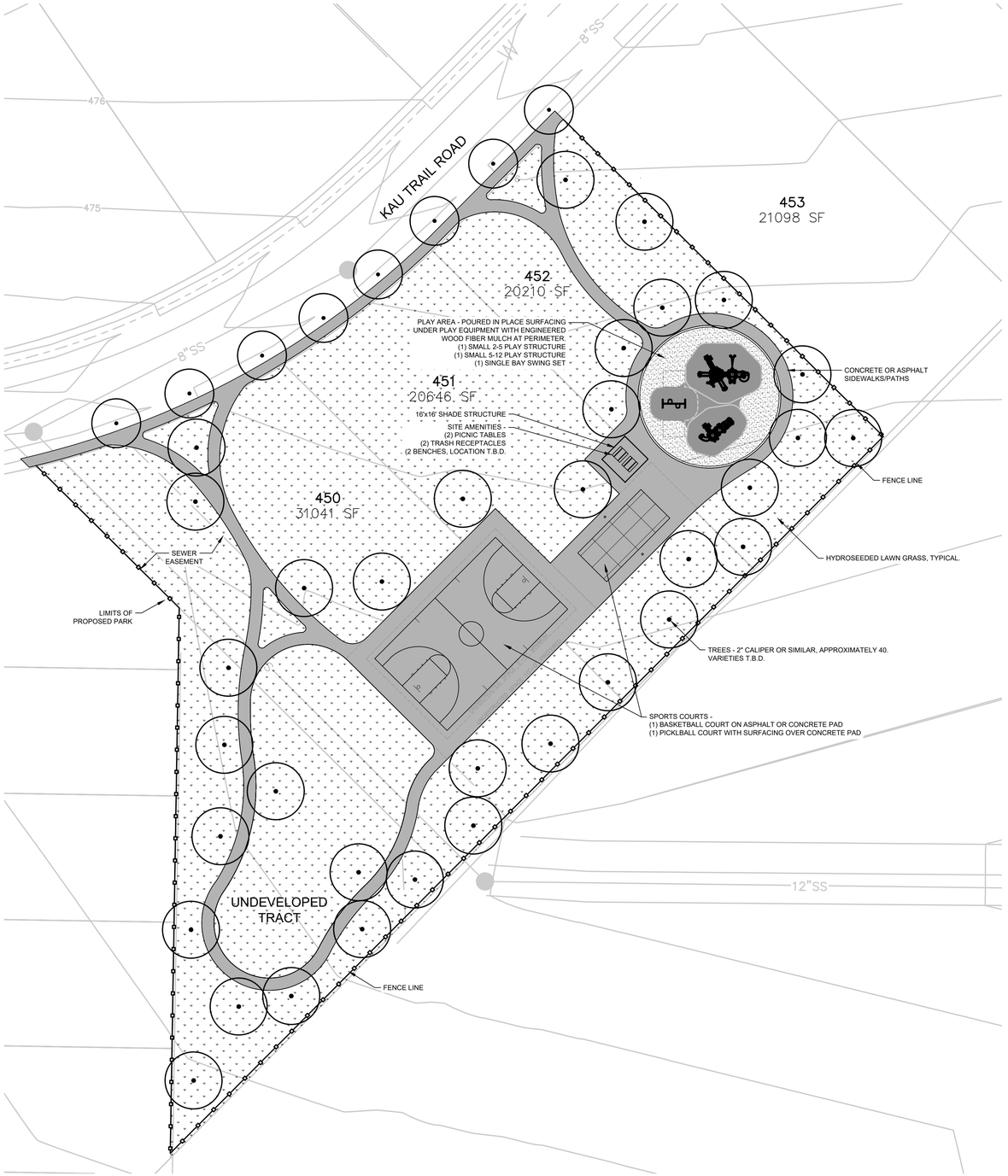
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4	7-8-24	GRG	REVISED PER COORDINATION WITH CITY OF PASCO - PARK TO BE PRIVATE IF PROVIDED

SCALE
HOR. NTS
VERT. N/A

PROJECT #: 22-001
DESIGNED BY: GRG
CHECKED BY: GRG

DETAILS

7 OF 8



REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION	QTY
	SIDEWALKS AND PAVEMENT	18,258 SF
	ENGINEERED WOOD FIBER SAFETY SURFACING	1,809 SF
	HYDROSEEDED LAWN	69,862 SF
	POURED IN PLACE SAFETY SURFACE	1,859 SF

NOTES:

1. THIS PARK WILL BE ADA COMPLIANT.
2. IMPROVEMENTS WILL BE OF SIMILAR COMPOSITION AND QUALITY TO THOSE RECENTLY INSTALLED BY THE CITY AS PART OF THEIR PALOMINO PARK PROJECT.
3. THE CITY'S CAPITAL FACILITIES PLAN FOR PARKS (PARKS, RECREATION, & OPEN SPACE MASTER PLAN) AND THE CITY'S COMPREHENSIVE PLAN FORECAST THE NEED FOR PARK INFRASTRUCTURE IN UNDEVELOPED AREAS BY ESTABLISHING LEVEL OF SERVICE CRITERIA. THE PROPOSED PARK, IF REQUIRED AS A CONDITION OF APPROVAL OF THIS PRELIMINARY PLAT, WILL BE CONSTRUCTED AND OPERATED AS A PRIVATELY OWNED PUBLIC OPEN SPACE, PROVIDING PARK FACILITIES TO PASCO RESIDENTS BOTH INSIDE AND OUTSIDE THE EXTENTS OF THE PROPOSED DEVELOPMENT. THIS PARK WOULD MEET THE CITY'S NEED FOR ADDITIONAL PUBLIC PARK FACILITIES AS IDENTIFIED IN THE CITY'S CAPITAL FACILITIES PLAN FOR PARKS AND WOULD BENEFIT CITY RESIDENTS BOTH INSIDE AND OUTSIDE THE PROPOSED DEVELOPMENT.

   IF CONSTRUCTION OF THIS PARK IS REQUIRED BY THE CITY AS A CONDITION OF APPROVAL FOR THIS PRELIMINARY PLAT:

   - THE PARK WILL BE OWNED AND OPERATED BY A HOMEOWNERS ASSOCIATION.
   - THE DEVELOPER WILL CONSTRUCT THE SHOWN PARK AND MAKE IT AVAILABLE FOR PUBLIC USE.
   - THE PARK WILL INCLUDE THE NEIGHBORHOOD PARK FEATURES IDENTIFIED IN PMC 3.50.060 (LAWN, AN IRRIGATION SYSTEM, PATHWAYS, TREES, PLAYGROUND EQUIPMENT, BALL COURTS AND SUN SHELTERS).
4. IF REQUIRED AS A CONDITION OF APPROVAL FOR THIS PRELIMINARY PLAT, THE SHOWN PARK WILL BE CONSTRUCTED. IF NOT REQUIRED AS A CONDITION OF APPROVAL FOR THE THIS PRELIMINARY PLAT, THE SHOWN PARK WILL NOT BE CONSTRUCTED, AND INSTEAD LOTS 450, 451, 452 WILL BE INCLUDED IN THE APPROVAL ALONG WITH THE UNDEVELOPED TRACT IN THE SOUTHWEST CORNER OF THE SITE.

A PRELIMINARY PARK LAYOUT
SCALE: AS SHOWN

0 30' 60'
SCALE: 1" = 30'-0"

NORTH

811

G2 ENGINEERING
1414 e. enoch lane
deer park, wa 99006
509.991.9033

GABE R. GALLINGER
STATE OF WASHINGTON
40377
REGISTERED PROFESSIONAL ENGINEER
7-8-24

MADISON PARK NORTH
PRELIMINARY PLAT MAP

PUBLIC NEIGHBORHOOD PARK LAYOUT

CITY OF PASCO, WASHINGTON
ENGINEERING DIVISION
SECOND FLOOR
525 N. THIRD AVE.
PASCO, WA 99301

VERTICAL DATUM - NGVD29
C.O.P. PSM1--2
3" BRASS CAP IN MONUMENT CASE
EL. 502.21

#	DATE	BY	REVISION
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3	6-7-24	GRG	REVISED PER CITY OF PASCO COMMENTS
4	7-8-24	GRG	REVISED PER COORDINATION WITH CITY OF PASCO - PARK TO BE PRIVATE IF PROVIDED

SCALE
HOR.
VERT.

PROJECT #: 22-001
DESIGNED BY: HH
CHECKED BY: JCW

DETAILS
8 OF 8

CITY OF PASCO
RIGHT-OF-WAY WORK PERMIT

PERMIT NO: ROW25-0230

ANY CONTRACTOR OR SUBCONTRACTOR PERFORMING WORK IN THE CITY OF PASCO RIGHT-OF-WAY MUST BE LICENSED AND BONDED TO WORK IN THE CITY OF PASCO PUBLIC RIGHT-OF-WAY.

APPLICANT: Jonathan Padvorac

CONTACT PERSON: _____ **TELEPHONE NO:** (509) 713-6365

APPROXIMATE START DATE: _____ **APPROXIMATE COMPLETION DATE:** _____

LOCATION

On BURNS RD Street, Avenue, Alley Between RD 52 Street, Avenue
At _____ Address (if applicable) And _____ Street, Avenue

TYPE OF WORK

CHECK ALL THAT APPLY

- ☐ Pavement/Concrete Cut
- ☐ Open Trench Excavation
- ☐ Boring/Directional Boring
- ☐ Grading/Landscaping/Restoration
- ☐ Utility Installation
- ☐ Street/Sidewalk Construction
- ☐ Sign/Pole Installation
- ☒ Other-Work: UNDERGROUND UTILITIES/ROADS/ST

ALL WORK TO BE DONE IN ACCORDANCE WITH CITY OF PASCO CONSTRUCTION STANDARDS - AVAILABLE AT WWW.PASCO-WA.GOV.

INSPECTIONS ARE REQUIRED FOR EACH ITEM CHECKED BELOW. THE HOMEOWNER/CONTRACTOR IS RESPONSIBLE TO SCHEDULE ALL REQUIRED INSPECTIONS.

REQUIRED INSPECTIONS

- ☐ Compaction Testing
- ☐ Concrete Form Placed
- ☐ Concrete Special Instructions
- ☐ Concrete Finish
- ☐ Utility Specific Inspections
- ☐ Restoration
- ☐ Other: _____
- ☐ Final inspection

Your Inspector is:

☒ **Casey Devoir 509-539-9850** ☐ **Chandler Newell 509-405-5210** ☐ **Cynthia Valdez 509-727-2247**

COMMENTS:

Applicant hereby acknowledges the obligation to and does hereby agree to provide temporary traffic control in accordance with all laws and applicable ordinances, regulations, and in particular, the provisions found in the Federal Highway Administration's Manual on Uniform Traffic Control Devices for Streets and Highways available at mutcd.fhwa.dot.gov. Traffic control plans require approval prior to the start of any work. All street closures require notice to SECOMM at 509-628-0333.

_____ _____
APPLICANT'S SIGNATURE DATE

KS1 05/30/2025
PERMIT APPROVED BY DATE

PATCH DEPOSIT: $ _____

KYM 06/02/2025
PERMIT ISSUED BY DATE

FEE: $ 50.00

48-HOUR NOTICE REQUIRED FOR INSPECTION

INSPECTIONS ARE REQUIRED FOR ALL WORK

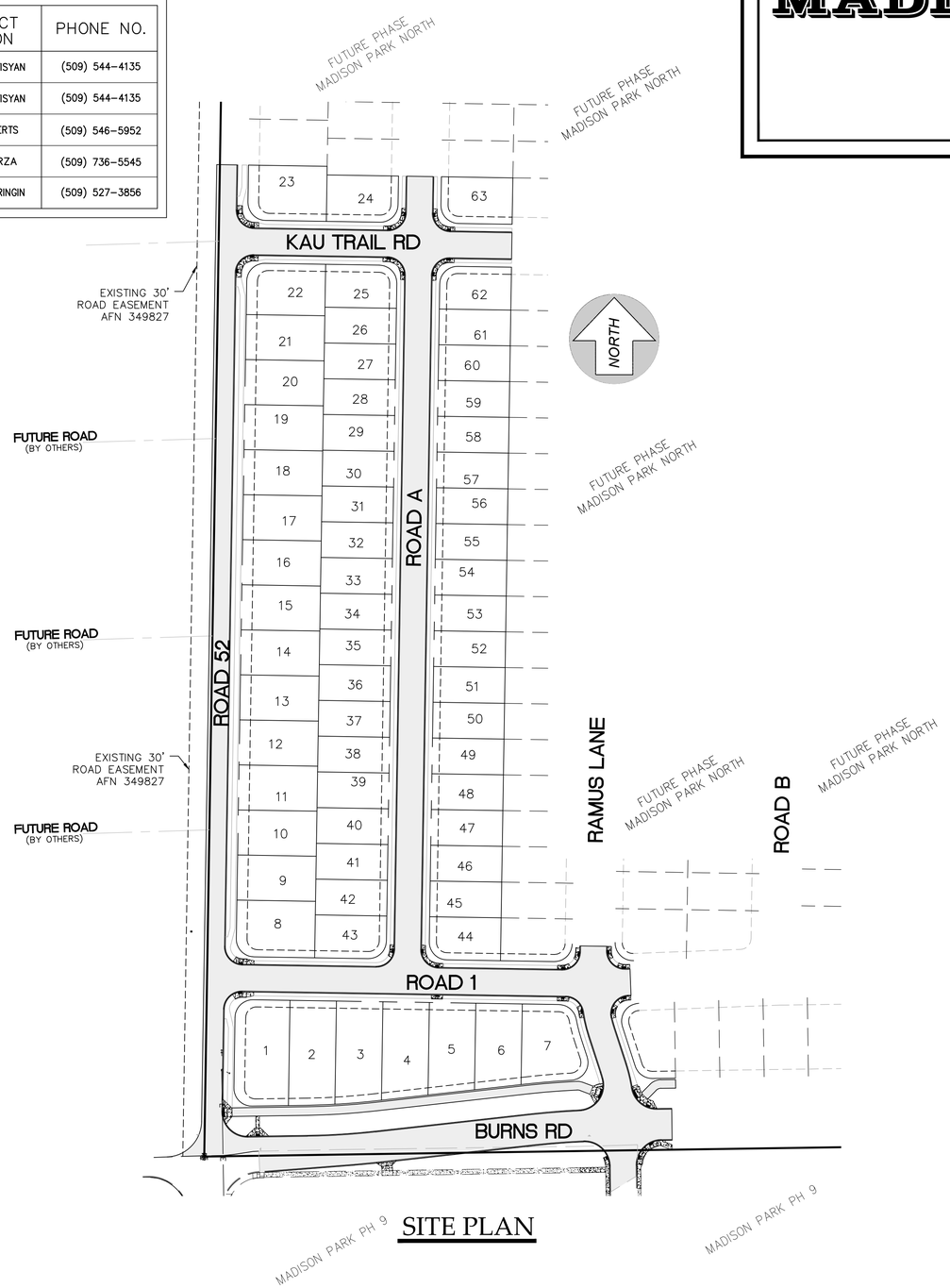
Please call engineering division (545-3441) for inspection appointments, 525 N. 3rd, Pasco, WA 99301

Expires 120 calendar days from date of issue.

MADISON PARK NORTH
PHASE 1

SECTION 2, T. 09N., R. 29E., W.M.

UTILITY	PURVEYOR	ADDRESS	CONTACT PERSON	PHONE NO.
WATER	CITY OF PASCO	2ND FLOOR, 525N. THIRD AVE. PASCO, WA. 99301	ANDREY AVETISYAN	(509) 544-4135
SEWER	CITY OF PASCO	2ND FLOOR, 525N. THIRD AVE. PASCO, WA. 99301	ANDREY AVETISYAN	(509) 544-4135
ELECTRIC	FRANKLIN COUNTY PUD	1411 W. CLARK ST. PASCO, WA. 99302	CASEY ROBERTS	(509) 546-5952
GAS	CASCADE NATURAL GAS	200 N. UNION STREET KENNEWICK, WA. 99336	ARNIE GARZA	(509) 736-5545
PHONE/INTERNET	ZIPLY FIBER	RICHLAND, WA 99352	RANDY SWEARINGIN	(509) 527-3856



SITE PLAN

I AM CERTIFYING THAT I HAVE CONTACTED ALL OF THE IMPACTED OUTSIDE UTILITY PROVIDERS ASSOCIATED WITH THIS PROJECT. FURTHERMORE, I WILL WORK WITH THOSE UTILITIES TO ENSURE THAT THEIR INFRASTRUCTURE WILL BE ADDRESSED PRIOR TO START OF CONSTRUCTION WITHOUT CHANGE TO THE CITY APPROVED PLANS

INDEX OF DRAWINGS

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	GENERAL NOTES AND LEGEND
3	GRADING PLAN
4	BURNS ROAD DEMOLITION PLAN
5	BURNS ROAD 1+00 TO 5+00
6	BURNS ROAD 5+00 TO 8+00
7	ROAD 1 1+00 TO 5+00
8	ROAD 1 5+00 TO 8+60
9	KAU TRAIL ROAD 1+00 TO 5+40
10	ROAD 52 1+00 TO 5+20
11	ROAD 52 5+20 TO 10+40
12	ROAD 52 10+40 TO 15+60
13	ROAD A 1+00 TO 5+00
14	ROAD A 5+00 TO 9+00
15	ROAD A 9+00 TO 13+00
16	RAMUS LANE
17	TYPICAL ROAD SECTIONS
18	INTERSECTION DETAILS
19	INTERSECTION DETAILS
20	LIGHTING, SIGNAGE AND STRIPING PLAN
21	BURNS ROAD STRIPING PLAN
22	OFF-SITE SIGNAGE PLAN



VICINITY MAP

UTILITY STATEMENT

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED AS ACCURATELY AS POSSIBLE FROM FIELD SURVEY AND EXISTING DRAWINGS. G2 ENGINEERING MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHER, WE DO NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN EXACT LOCATION INDICATED, ALTHOUGH WE DO CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.

City of Pasco
Plan Review for Codes & Standards Compliance

05/30/2025

The City of Pasco C&ED Engineering Department review is for general compliance with City Design Standards, Codes, and Ordinances for improvements within the right of way or City maintained easements. Omissions of compliance discovered after plan review does not relieve the developer/property owner of the responsibility to comply with all requirements and may be enforced in the field even if they were not included in the approved plans.
On site facilities are reviewed primarily for stormwater compliance.

OWNER/DEVELOPER
DAVE SWISHER
EMERALD RESOURCES, LLC
250 NW FRANKLIN AVE.,
SUITE 401
BEND, OR 97701
PHONE: (541)382-8223

ENGINEER
GABE GALLINGER, P.E.
G2 ENGINEERING
1414 ENOCH LANE
DEER PARK, WA 99006
PHONE: 509-991-9033

811 Know what's **Call** before you dig. 48 HOURS NOTICE REQUIRED

G2 ENGINEERING
1414 s. enoch lane
deer park, wa 99006
509.991.9033

GABE R. GALLINGER — STATE OF WASHINGTON — 40577 — REGISTERED PROFESSIONAL ENGINEER — 5-23-25

MADISON PARK NORTH
PHASE 1

COVER SHEET

HORIZONTAL DATUM-NAD83(11) — WASHINGTON STATE PLANE, SOUTH ZONE BASED ON GPS OBSERVATIONS

VERTICAL DATUM - NAVD88 — G.P.S. STATIC OBSERVATION PROCESSED USING NGS OPUS

#	DATE	BY	REVISION
1	-	-	-

SCALE
HOR. N/A
VERT. N/A

PROJECT #: 24-113
DESIGNED BY: GRG
CHECKED BY: GRG

COVER

1 OF 22

GENERAL CONSTRUCTION NOTES

1. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN A CURRENT COPY OF THE CITY OF PASCO CONSTRUCTION STANDARDS. ALL CONSTRUCTION WORK AND INSTALLATIONS SHALL CONFORM TO THE CITY STANDARDS AND SPECIFICATIONS, AND ALL WORK SHALL BE SUBJECT TO THE APPROVAL OF THE CITY. ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE "WASHINGTON DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD, BRIDGE AND MUNICIPAL CONSTRUCTION," CURRENT EDITION, AS AMENDED BY THE CITY OF PASCO, AND THE CITY OF PASCO DESIGN AND CONSTRUCTION STANDARDS.

2. NO CONSTRUCTION SHALL BE STARTED WITHOUT PLANS APPROVED BY THE CITY COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT. THE CONTRACTOR SHALL SCHEDULE A PRE-CONSTRUCTION MEETING WITH THE CITY OF PASCO ASSIGNED INSPECTOR TWO WEEKS PRIOR TO START OF ANY CONSTRUCTION ACTIVITY. THE CITY PUBLIC WORKS DEPARTMENT AND THE DESIGN ENGINEER SHALL BE NOTIFIED AT LEAST 48 HOURS PRIOR TO THE START OF CONSTRUCTION. ANY CONSTRUCTION WORK DONE WITHOUT APPROVED PLANS AND PRE-CONSTRUCTION MEETING WITH THE CITY OR PRIOR NOTIFICATION TO THE CITY PUBLIC WORKS DEPARTMENT WILL BE REJECTED AND WILL BE DONE AT THE OWNER'S AND/OR CONTRACTOR'S RISK.

3. THE CONTRACTOR AND ALL SUBCONTRACTORS SHALL BE LICENSED AND BONDED BY THE STATE OF WASHINGTON AND HAVE A CITY OF PASCO ENDORSEMENT.

4. CONTRACTOR SHALL VERIFY ALL CONDITIONS ON THE JOB SITE INCLUDING ALL DIMENSIONS, GRADES, ELEVATIONS, EXTENT AND COMPATIBILITY TO THE EXISTING SITE CONDITIONS, AND WITH THE WORK DESCRIBED ON THE ENGINEER'S DRAWINGS. ANY DISCREPANCIES OR UNEXPECTED CONDITIONS THAT AFFECT OR CHANGE THE WORK DESCRIBED IN THE CONTRACT DOCUMENTS SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION IMMEDIATELY. CONTRACTOR SHALL NOT PROCEED WITH ANY OF THE WORK IN THE AREA OF DISCREPANCIES UNTIL ALL SUCH DISCREPANCIES ARE RESOLVED. IF THE CONTRACTOR CHOOSES TO DO SO, THEN IT IS UNDERSTOOD THAT THE CONTRACTOR IS CHOOSING TO PROCEED AT THE CONTRACTOR'S OWN RISK AND SHALL INCUR ALL COSTS, IF ANY, TO RESOLVE THE ISSUES TO THE SATISFACTION OF THE ENGINEER.

5. A CITY INSPECTOR ACTING ON BEHALF OF THE CITY MAY REQUIRE REVISIONS IN PLANS TO SOLVE UNFORESEEN PROBLEMS THAT MAY ARISE IN THE FIELD. ALL REVISIONS SHALL BE SUBJECT TO THE APPROVAL OF THE DEVELOPER'S ENGINEER & CITY OF PASCO.

6. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CONTACT "UNDERGROUND LOCATE SERVICE" AT 1-800-424-5555 AT LEAST 48 BUSINESS-DAY HOURS PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR WILL ALSO BE RESPONSIBLE FOR CONTACTING THE APPROPRIATE PUBLIC AGENCY FOR THE LOCATION OF UNDERGROUND FACILITIES.

7. ALL UTILITIES SHOWN ARE ACCURATE TO THE EXTENT OF AVAILABLE RECORDS AND KNOWLEDGE. THE CONTRACTOR HAS THE TOTAL RESPONSIBILITY TO VERIFY THE LOCATION OF EXISTING UNDERGROUND UTILITIES AND TO NOTIFY THE UTILITY COMPANIES WHEN WORKING IN THEIR PROXIMITY. CONTRACTOR TO VERIFY LOCATION OF EXISTING UTILITIES PRIOR TO CONSTRUCTION.

8. ALL GRADING SHALL BE IN CONFORMANCE WITH THE CURRENT CITY STANDARDS AND SPECIFICATIONS. ALL SUBGRADE MATERIAL SHALL BE CONSIDERED CLASS A AND COMPACTED TO 95% OF OPTIMUM DENSITY IN THE ZONE BETWEEN FINISHED SUBGRADE AND ONE FOOT BELOW. ALL MATERIAL IN FILL SECTIONS BELOW THE ZONE MENTIONED ABOVE SHALL BE COMPACTED TO 95% RELATIVE COMPACTION PER THE CITY TESTING REQUIREMENTS. 98% WITHIN RIGHT-OF-WAY PURSUANT TO ASTM D 698. TRENCHLINES LOCATED IN THE RIGHT-OF-WAY SUBGRADE ARE SUBJECT TO COMPACTION TESTS AS DETAILED BY C.O.P. AMENDMENT 2.03.3(14)D.

9. ALL FINAL CUT SLOPES SHALL NOT EXCEED A GRADE OF 3 TO 1 VERTICAL UNLESS OTHERWISE APPROVED. FILL SLOPES SHALL NOT EXCEED A GRADE OF 3 HORIZONTAL TO 1 VERTICAL UNLESS OTHERWISE APPROVED.

10. THE CONTRACTOR SHALL EMPLOY ALL LABOR, MATERIALS, EQUIPMENT, AND METHODS REQUIRED TO PREVENT DUST IN AMOUNTS DAMAGING TO PROPERTY, CULTIVATED VEGETATION AND DOMESTIC ANIMALS OR CAUSING A NUISANCE TO PERSONS OCCUPYING BUILDINGS IN THE VICINITY OF THE JOB SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE CAUSED BY DUST RESULTING FROM CONSTRUCTION. EROSION, SEDIMENT AND AIR QUALITY SHALL COMPLY WITH FRANKLIN COUNTY AIR QUALITY ORDINANCE.

11. THE CONTRACTOR SHALL FOLLOW ALL APPLICABLE INDUSTRIAL SAFETY REGULATIONS. THE CITY, FRANKLIN COUNTY AND THEIR OFFICIALS, THE ENGINEER, AND THE OWNER SHALL NOT BE RESPONSIBLE FOR ENFORCING SAFETY REGULATIONS. THE CITY SHALL HAVE THE AUTHORITY TO ISSUE A STOP WORK ORDER IF ANY UNSAFE ACTS ARE OBSERVED THAT PRESENT AN EMINENT DANGER TO HUMAN LIFE.

12. AT ALL TIMES DURING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTROLLING ON-SITE EROSION DUE TO WIND AND RUNOFF.

13. SIGNAGE AND STRIPING SHALL CONFORM TO THE CURRENT APPROVED VERSION OF THE M.U.T.C.D. UNLESS OTHERWISE NOTED.

14. THE CONTRACTOR SHALL REMOVE ALL DEBRIS FROM THE SITE. NO BURNING WILL BE ALLOWED. THE CONTRACTOR SHALL BE REQUIRED TO SECURE AND OPERATE THEIR OWN WASTE DISPOSAL SITE AT THEIR OWN EXPENSE FOR THE DISPOSAL OF ALL UNSUITABLE MATERIALS, ASPHALT, CONCRETE, DEBRIS, WASTE MATERIAL AND ANY OTHER OBJECTIONABLE MATERIALS WHICH IS DIRECTED TO WASTE. THE CONTRACTOR SHALL COMPLY WITH THE STATE OF WASHINGTON REGULATIONS REGARDING DISPOSAL OF WASTE MATERIALS AS OUTLINED IN WAC 173-304, SUBCHAPTER 461.

15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL CONSTRUCTION DEFICIENCIES FOR A PERIOD OF ONE YEAR FROM THE DATE OF WARRANTY LETTER ISSUED BY THE CITY OF PASCO.

16. CONTRACTOR TO ADJUST NEW AND EXISTING VALVE BOXES TO GRADE AFTER PAVING.

17. ALL SANITARY SEWER PIPING SHALL BE PVC SDR 35 ASTM D3034. ANY SEWER WITH GREATER THAN 12 FEET OF COVER SHALL BE PVC SDR 26 ASTM D3034

18. ALL STORM DRAIN PIPING SHALL BE PVC SDR 35 ASTM D3034.

19. ALL IRRIGATION PIPING SHALL BE PVC DR 18 C-900.

20. COST FOR GENERAL CONSTRUCTION ITEMS WHICH ARE NOT SHOWN ON THESE PLANS, BUT ARE NECESSARY AND NORMAL FOR THE COMPLETION OF THIS PROJECT, SHALL BE CONSIDERED INCIDENTAL AND SHALL BE INCLUDED IN THE CONTRACTOR'S UNIT PRICES AND/OR LUMP SUMS BID FOR THIS PROJECT.

21. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANING DIRT, MUD & OTHER CONSTRUCTION DEBRIS, WHICH MAY ACCUMULATE ON PAVED STREETS ADJACENT TO THE SITE AS A RESULT OF THE CONSTRUCTION ACTIVITY. CLEANING SHALL BE ON A DAILY BASIS. NO MATERIAL SHALL BE ALLOWED TO SET DRY OR BE WASHED INTO THE COP STORM DRAINAGE SYSTEM.

22. STORM INLET PROTECTION SHALL BE INSTALLED IN ALL CATCH BASINS WITHIN THE RIGHT OF WAY. INLET PROTECTION SHALL NOT BE REMOVED UNTIL INSTRUCTED BY CITY OF PASCO TO DO SO. INSERT SHALL BE KEPT IN GOOD WORKING ORDER WITH NO RIPS, TEARS OR ACCUMULATION OF SEDIMENT ON TOP OF FABRIC.

23. PER CITY OF PASCO STANDARD SPECIFICATIONS 7-04.3(1)A, ALL STORM PIPING SHALL HAVE A TELEVISION INSPECTION.

RECORD DRAWING NOTE:

THE CITY OF PASCO REQUIRES THAT ALL NEW DEVELOPMENTS CREATE RECORD DRAWINGS OF THE UTILITY IMPROVEMENTS INSTALLED DURING DEVELOPMENT. RECORD DRAWINGS SHALL BE CREATED IN ACCORDANCE WITH THE RECORD DRAWING REQUIREMENTS DETAILED IN THE RECORD DRAWING REQUIREMENTS AND PROCEDURE FORMS SIGNED BY THE DEVELOPER PRIOR TO PLAN APPROVAL. THE DEVELOPER IS RESPONSIBLE TO SOLICIT THE SERVICES OF A PROFESSIONAL SURVEYOR TO GATHER TOPOGRAPHIC DATA AND TO COORDINATE BETWEEN HIS ENGINEERING FIRM AND SURVEYOR TO CREATE THE RECORD DRAWINGS.

THE ENGINEERING FIRM IS RESPONSIBLE TO CREATE RECORD DRAWINGS THAT INCORPORATE ALL DESIGN CHANGES AND CHANGES MADE IN THE FIELD BY THE CONTRACTOR. THESE DRAWINGS SHOULD BE CREATED WITH THE LATEST REVISION OF THE APPROVED CONSTRUCTION DRAWINGS AS A BASE AND SHOW ALL DIFFERENCES BETWEEN THE APPROVED DRAWINGS AND WHAT WAS ACTUALLY CONSTRUCTED IN THE FIELD.

THE SURVEYOR IS RESPONSIBLE TO GATHER TOPOGRAPHIC DATA OF THE INSTALLED UTILITIES AS DETAILED IN RECORD DRAWING REQUIREMENTS AND PROCEDURE FORM. THE ELEVATIONS ON THE SURVEY DATA MUST USE THE SAME VERTICAL DATUM AS THE APPROVED CONSTRUCTION DRAWINGS. THE SURVEY DATA MUST THEN BE INCORPORATED INTO THE DRAWINGS CREATED BY THE DEVELOPER'S CONSULTANT.

CITY OF PASCO WILL NOT ACCEPT THE PROJECT UNTIL RECORD DRAWINGS ARE COMPLETE. RECORD DRAWINGS MUST MEET THE CRITERIA ESTABLISHED BY THE CITY OF PASCO ENGINEERING DEPARTMENT AND CITY OF PASCO G.I.S. DEPARTMENT.

UTILITY STATEMENT

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LEGEND

- 2353 — EXISTING CONTOUR
- EASEMENT LINE
- BT — EXISTING BURIED TELEPHONE
- G — EXISTING BURIED GAS PIPELINE
- OE — EXISTING OVERHEAD ELECTRICAL
- EXISTING FENCE
- W — EXISTING WATER LINE
- SS — EXISTING SEWER LINE
- SD — EXISTING STORM DRAIN LINE
- EXISTING WATER VALVE
- EXISTING WATER LINE FITTING (TYP.)
- EXISTING FIRE HYDRANT
- EXISTING WATER METER
- EXISTING SIGN
- EXISTING SANITARY SEWER MANHOLE
- PLAT BOUNDARY
- LOT LINE
- W — NEW WATER LINE
- SS — NEW SANITARY SEWER LINE
- SD — NEW STORM DRAIN LINE
- NEW DITCH LINE
- NEW ASPHALT PAVEMENT
- NEW WATER VALVE
- NEW CONCRETE THRUST BLOCK
- NEW WATER LINE FITTING (TYP.)
- NEW FIRE HYDRANT
- NEW WATER METER
- NEW SANITARY SEWER MANHOLE
- NEW STORM DRAIN MANHOLE
- NEW STORM DRAIN CATCH BASIN
- NEW SIGN

City of Pasco
Plan Review for Codes & Standards Compliance

05/30/2025

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On site facilities are reviewed primarily for stormwater compliance.

811 Know what's Call before you dig. below.
48 HOURS NOTICE REQUIRED

G2 ENGINEERING
1414 s. enoch lane
deer park, wa 99006
509.991.9033

GABE R. GALLINGER — STATE OF WASHINGTON — 40577 — REGISTERED PROFESSIONAL ENGINEER — 5-23-25

MADISON PARK NORTH PHASE 1

GENERAL NOTES AND LEGENDS

HORIZONTAL DATUM-NAD83(11): WASHINGTON STATE PLANE, SOUTH ZONE BASED ON GPS OBSERVATIONS

VERTICAL DATUM - NAVD88: G.P.S. STATIC OBSERVATION PROCESSED USING NGS OPUS

#	DATE	BY	REVISION
1	-	-	-

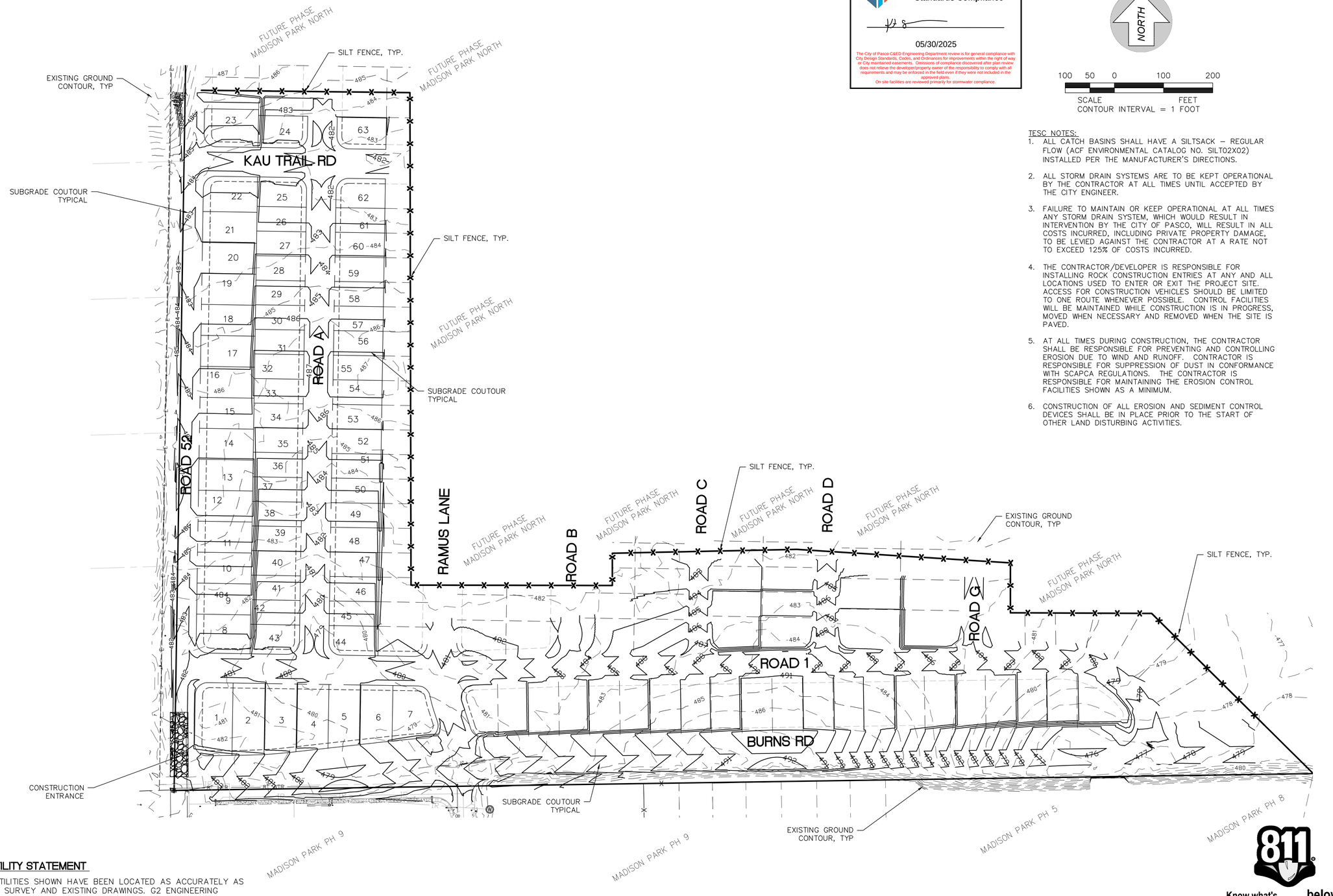
SCALE
HOR. N/A
VERT. N/A

PROJECT #: 24-113
DESIGNED BY: GRG
CHECKED BY: GRG

NOTES

2 OF 22

MADISON PARK NORTH PHASE 1
S. 02, T.09N., R.29E., W.M.



City of Pasco
Plan Review for Codes & Standards Compliance

05/30/2025

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NORTH

100 50 0 100 200
SCALE FEET
CONTOUR INTERVAL = 1 FOOT

TESC NOTES:

1. ALL CATCH BASINS SHALL HAVE A SILTSACK – REGULAR FLOW (ACF ENVIRONMENTAL CATALOG NO. SILT02X02) INSTALLED PER THE MANUFACTURER'S DIRECTIONS.
2. ALL STORM DRAIN SYSTEMS ARE TO BE KEPT OPERATIONAL BY THE CONTRACTOR AT ALL TIMES UNTIL ACCEPTED BY THE CITY ENGINEER.
3. FAILURE TO MAINTAIN OR KEEP OPERATIONAL AT ALL TIMES ANY STORM DRAIN SYSTEM, WHICH WOULD RESULT IN INTERVENTION BY THE CITY OF PASCO, WILL RESULT IN ALL COSTS INCURRED, INCLUDING PRIVATE PROPERTY DAMAGE, TO BE LEVIED AGAINST THE CONTRACTOR AT A RATE NOT TO EXCEED 125% OF COSTS INCURRED.
4. THE CONTRACTOR/DEVELOPER IS RESPONSIBLE FOR INSTALLING ROCK CONSTRUCTION ENTRIES AT ANY AND ALL LOCATIONS USED TO ENTER OR EXIT THE PROJECT SITE. ACCESS FOR CONSTRUCTION VEHICLES SHOULD BE LIMITED TO ONE ROUTE WHENEVER POSSIBLE. CONTROL FACILITIES WILL BE MAINTAINED WHILE CONSTRUCTION IS IN PROGRESS, MOVED WHEN NECESSARY AND REMOVED WHEN THE SITE IS PAVED.
5. AT ALL TIMES DURING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR PREVENTING AND CONTROLLING EROSION DUE TO WIND AND RUNOFF. CONTRACTOR IS RESPONSIBLE FOR SUPPRESSION OF DUST IN CONFORMANCE WITH SCAPCA REGULATIONS. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING THE EROSION CONTROL FACILITIES SHOWN AS A MINIMUM.
6. CONSTRUCTION OF ALL EROSION AND SEDIMENT CONTROL DEVICES SHALL BE IN PLACE PRIOR TO THE START OF OTHER LAND DISTURBING ACTIVITIES.

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GABE R. GALLINGER — STATE OF WASHINGTON — 40577 — REGISTERED PROFESSIONAL ENGINEER — 5-23-25

MADISON PARK NORTH PHASE 1

GRADING PLAN

HORIZONTAL DATUM-NAD83(11) — WASHINGTON STATE PLANE, SOUTH ZONE BASED ON GPS OBSERVATIONS

VERTICAL DATUM - NAVD88 — G.P.S. STATIC OBSERVATION PROCESSED USING NGS OPUS

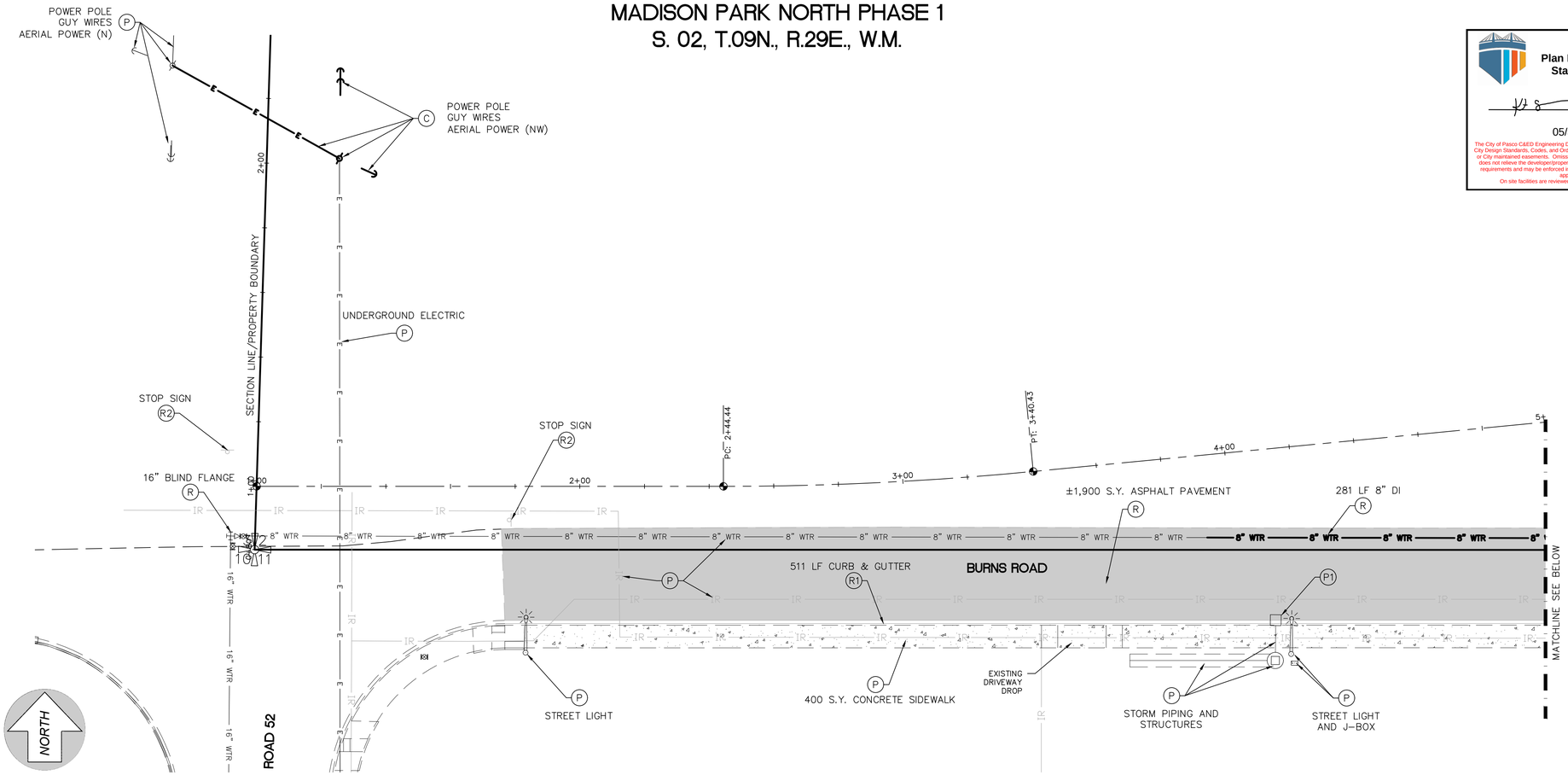
#	DATE	BY	REVISION
-	-	-	-

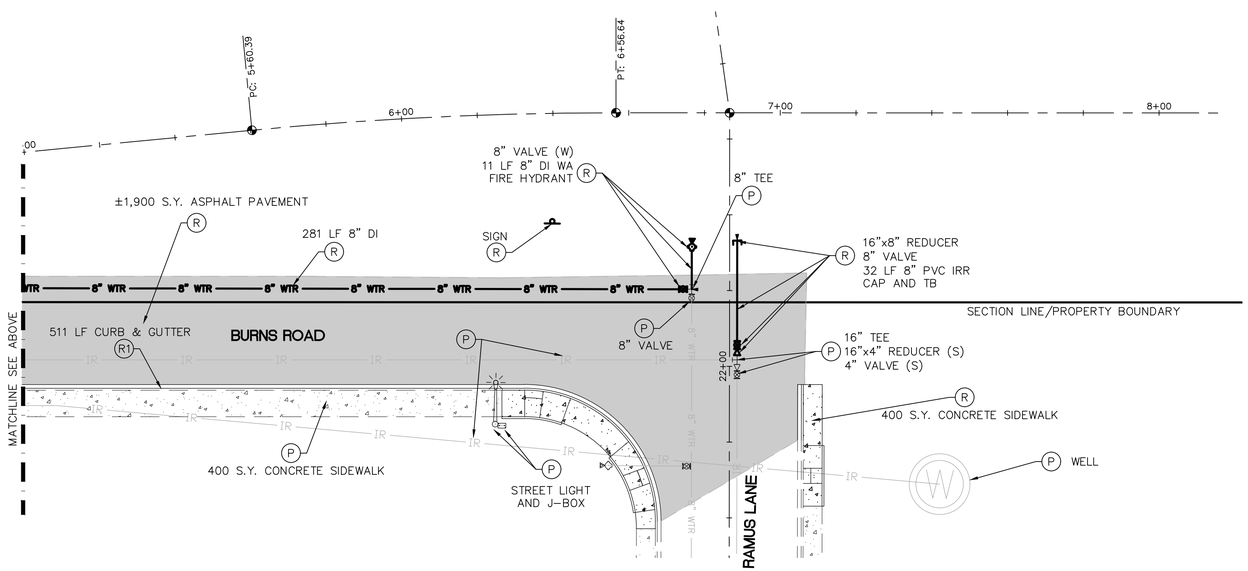
SCALE
HOR. 1"=100'
VERT. N/A

PROJECT #: 24-113
DESIGNED BY: GRG
CHECKED BY: GRG

GRADING
3 OF 22

MADISON PARK NORTH PHASE 1
S. 02, T.09N., R.29E., W.M.





20 10 0 20 40
SCALE FEET

DEMOLITION LEGEND

- (R) REMOVE AND DISPOSE OF LEGALLY OFF SITE
- (R1) REMOVE AND DISPOSE OF LEGALLY OFF SITE. IF REMOVAL OF CURB AND GUTTER DAMAGES CONCRETE SIDEWALK, SIDEWALK SHALL BE REPLACED PER CITY STANDARDS. IF SIDEWALK NEEDS TO BE REPLACED, MEANDER THE SIDEWALK TO MEET PROPOSED PEDESTRIAN RAMP AT RAMUS LANE. SEE SHEET 6.
- (R2) RELOCATE EXISTING SIGN, SEE SHEET 20
- (P) PROTECT IN PLACE
- (P1) INSTALL SOLID LID AND ADJUST TO FINISH GRADE
- (C) COORDINATE WITH FRANKLIN PUD TO UNDERGROUND AERIAL POWER LINE NORTHWEST AND REMOVE POLE, GUY WIRES AND ALL APPURTENANCES.

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City of Pasco
Plan Review for Codes & Standards Compliance

05/30/2025

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deer park, wa 99006
509.991.9033

GABE R. GALLINGER — STATE OF WASHINGTON — 40577 — REGISTERED PROFESSIONAL ENGINEER
5-23-25

MADISON PARK NORTH PHASE 1

BURNS ROAD DEMOLITION PLAN

HORIZONTAL DATUM-NAD83(11) — WASHINGTON STATE PLANE, SOUTH ZONE BASED ON GPS OBSERVATIONS

VERTICAL DATUM - NAVD88 — G.P.S. STATIC OBSERVATION PROCESSED USING NGS OPUS

#	DATE	BY	REVISION
1			

SCALE
HOR. 1"=20'
VERT. N/A

PROJECT #: 24-113
DESIGNED BY: GRG
CHECKED BY: GRG

DEMOLITION

4 OF 22

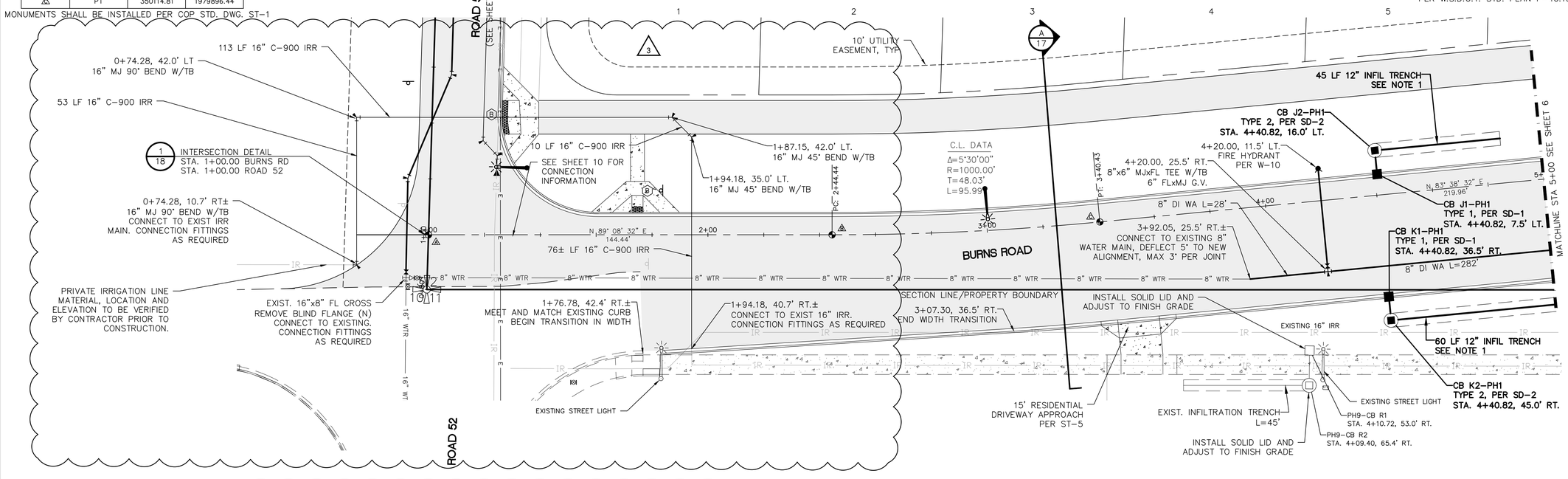
MADISON PARK NORTH PHASE 1
S. 02, T.09N., R.29E., W.M.

MON. ID	MON. TYPE	NORTHING	EASTING
A	INT	350106.61	1979656.25
B	PC	350108.77	1979800.67
C	PT	350114.81	1979896.44

MONUMENTS SHALL BE INSTALLED PER COP STD. DWG. ST-1

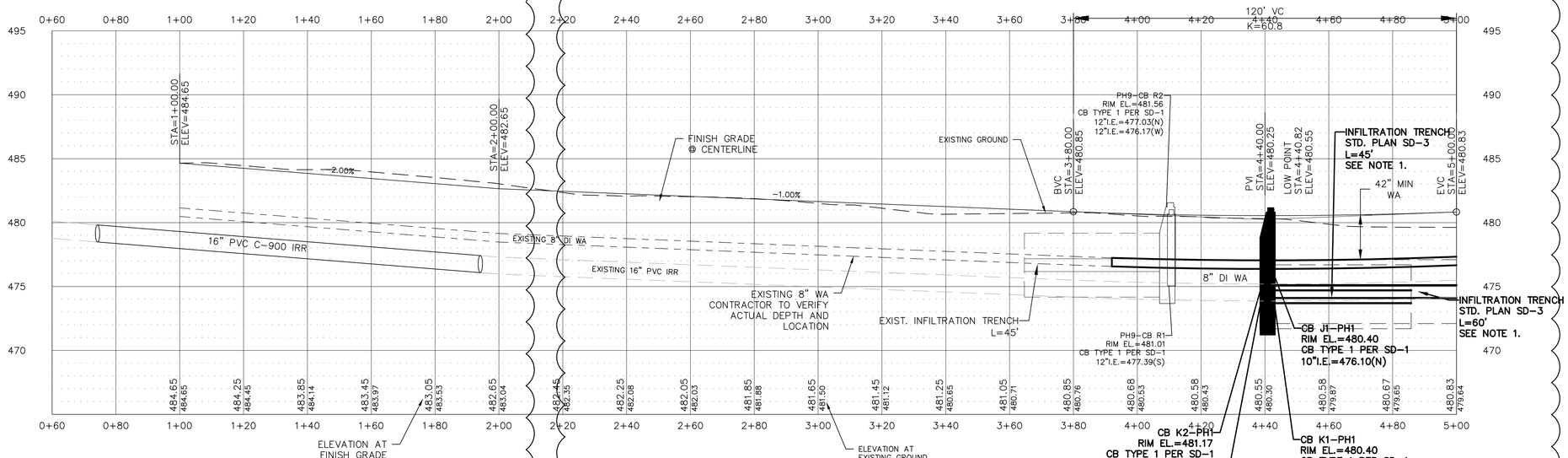
SIDEWALK RAMP SCHEDULE

(B) SIDEWALK RAMP TYPE PERPENDICULAR A PER W.S.D.O.T. STD. PLAN F-40.15-04





20 10 0 20 40
SCALE FEET



NOTES:
1. INFILTRATION TRENCH LENGTH SHOWN INCLUDES 5 L.F. OF SOLID PVC PIPE PER C.O.P. STD. PLAN SD-3.
2. ALL CURB RETURN RADII ARE 25 FEET TO FACE OF CURB UNLESS SHOWN DIFFERENT.
3. MAINTAIN A MINIMUM 10' HORIZONTAL AND 18" VERTICAL SEPARATION BETWEEN WATER LINES AND ALL OTHER NON-POTABLE UTILITIES. WATER LINES SHALL BE OVER OTHER UTILITIES OR BE PROTECTED IN ACCORDANCE WITH C.O.P. STANDARDS AND DOH REGULATIONS.
4. CONTRACTOR SHALL INSTALL NEW WATER SERVICES OVER NEW INFILTRATION TRENCHES, MAINTAINING MINIMUM COVER ON WATER SERVICE.
5. CONTRACTOR TO INSTALL DOMESTIC WATER SERVICES PER C.O.P. STD. PLAN W-2.

SEWER NOTES:
1. TYPICAL SEWER STUB INSTALLATION SHALL SHALL BE PER CITY OF PASCO STD DRAWING NO. SS-6.
2. DEEP SEWER MAINLINE SHALL BE ASTM D-3034 SDR 26 PVC PIPE.

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City of Pasco
Plan Review for Codes & Standards Compliance
Brian Cartwright
09/03/2025
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REVISED

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1414 s. enoch lane
deer park, wa 99006
509.991.9033
GABE R. GALLINGER
STATE OF WASHINGTON
40577
REGISTERED
PROFESSIONAL ENGINEER
8-25-25

MADISON PARK NORTH PHASE 1

BURNS ROAD
STA. 1+00 TO STA. 5+00

HORIZONTAL DATUM-NAD83(11) — WASHINGTON STATE PLANE, SOUTH ZONE BASED ON GPS OBSERVATIONS

VERTICAL DATUM - NAVD88 — G.P.S. STATIC OBSERVATION PROCESSED USING NGS GPVS

#	DATE	BY	REVISION
1	06/27/25	GRG	BURNS PROFILE AND RESTRAINTS
2	08/04/25	GRG	IRRIGATION IN ROAD 52
3	08/25/25	GRG	PRIVATE IRRIGATION IN BURNS

SCALE
HOR. 1"=20'
VERT. 1"=5'

PROJECT #: 24-113
DESIGNED BY: GRG
CHECKED BY: GRG

ROAD
5 OF 22

MADISON PARK NORTH PHASE 1
S. 02, T.09N., R.29E., W.M.

MON. ID	MON. TYPE	NORTHING	EASTING
⚠	PC	350139.17	1980115.05
⚠	PT	350145.21	1980211.07
⚠	INT	350145.65	1980241.06

MONUMENTS SHALL BE INSTALLED PER COP STD. DWG. ST-1

SIDEWALK RAMP SCHEDULE

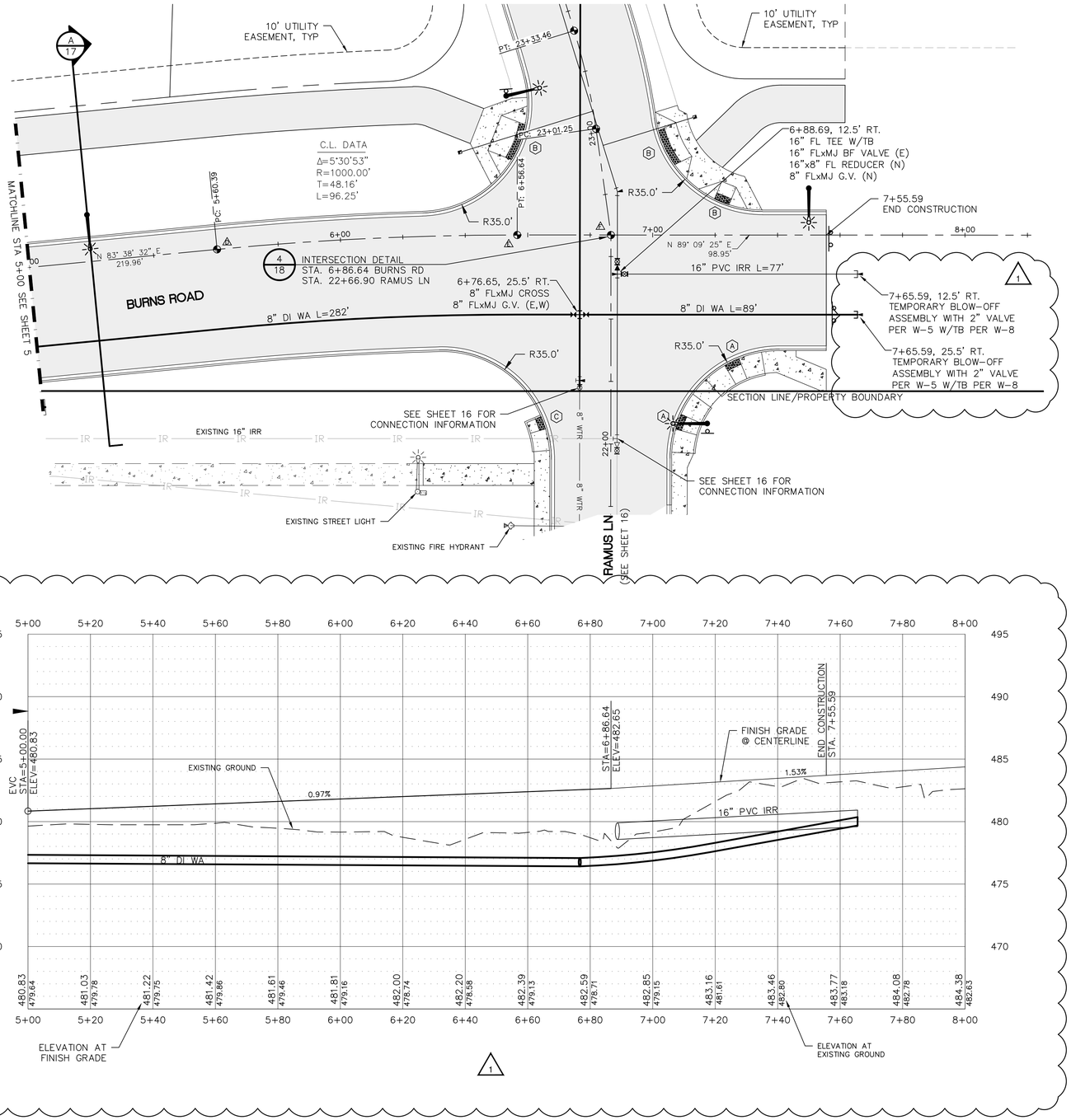
(A) SIDEWALK RAMP TYPE PARALLEL A PER W.S.D.O.T. STD. PLAN F-40.12-03

(B) SIDEWALK RAMP TYPE PERPENDICULAR A PER W.S.D.O.T. STD. PLAN F-40.15-04

(C) SIDEWALK RAMP TYPE PARALLEL B PER W.S.D.O.T. STD. PLAN F-40.12-03

NOTES:
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City of Pasco
Plan Review for Codes & Standards Compliance
Brian Cartwright
07/10/2025
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1414 s. enoch lane
deer park, wa 99006
509.991.9033
GABE R. GALLINGER STATE OF WASHINGTON 40377 REGISTERED PROFESSIONAL ENGINEER 6-27-25

MADISON PARK NORTH PHASE 1

BURNS ROAD STA. 5+00 TO STA. 8+00

HORIZONTAL DATUM-NAD83(11) — WASHINGTON STATE PLANE, SOUTH ZONE BASED ON GPS OBSERVATIONS

VERTICAL DATUM - NAVD88 — C.O.P.S. STATIC OBSERVATION PROCESSED USING NGS OPUS

#	DATE	BY	REVISION
⚠	06/27/25	GRG	BURNS PROFILE AND RESTRAINTS

SCALE
HOR. 1"=20'
VERT. 1"=5'

PROJECT #: 24-113
DESIGNED BY: GRG
CHECKED BY: GRG

ROAD
6 OF 22

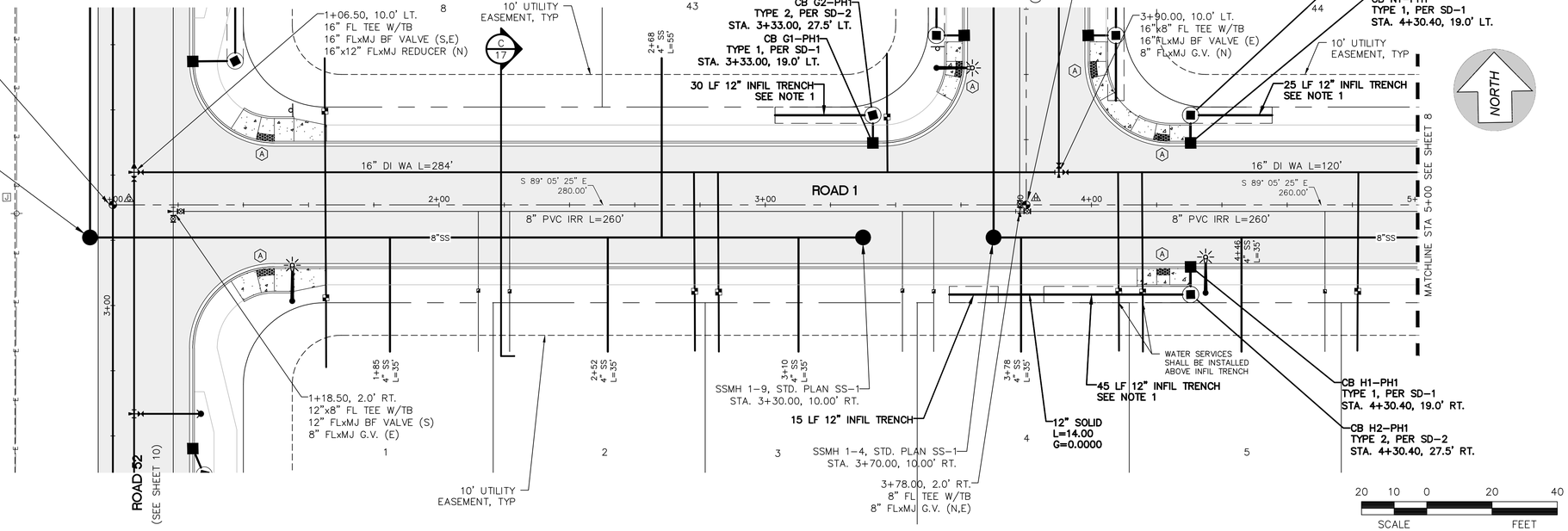
MON. ID	MON. TYPE	NORTHING	EASTING
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A	INT	350333.02	1979939.88

MONUMENTS SHALL BE INSTALLED PER COP STD. DWG. ST-1

MADISON PARK NORTH PHASE 1
S. 02, T.09N., R.29E., W.M.

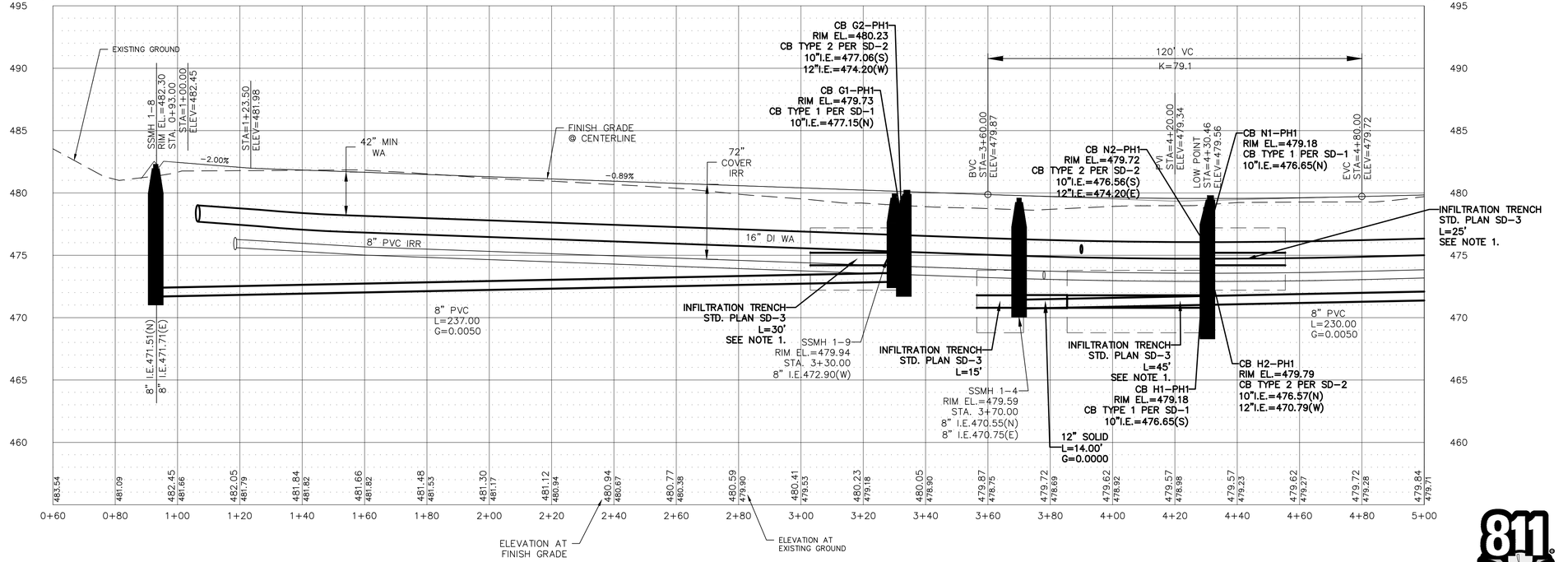
SIDEWALK RAMP SCHEDULE

(A) SIDEWALK RAMP TYPE PARALLEL A PER W.S.D.O.T. STD. PLAN F-40.12-03



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City of Pasco
Plan Review for Codes & Standards Compliance

05/30/2025

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MADISON PARK NORTH PHASE 1

ROAD 1
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HORIZONTAL DATUM-NAD83(11) — WASHINGTON STATE PLANE, SOUTH ZONE BASED ON GPS OBSERVATIONS
VERTICAL DATUM - NAVD88 — G.P.S. STATIC OBSERVATION PROCESSED USING NGS OPUS

#	DATE	BY	REVISION
1	-	-	-

SCALE
HOR. 1"=20'
VERT. 1"=5'

PROJECT #: 24-113
DESIGNED BY: GRG
CHECKED BY: GRG

ROAD
7 OF 22

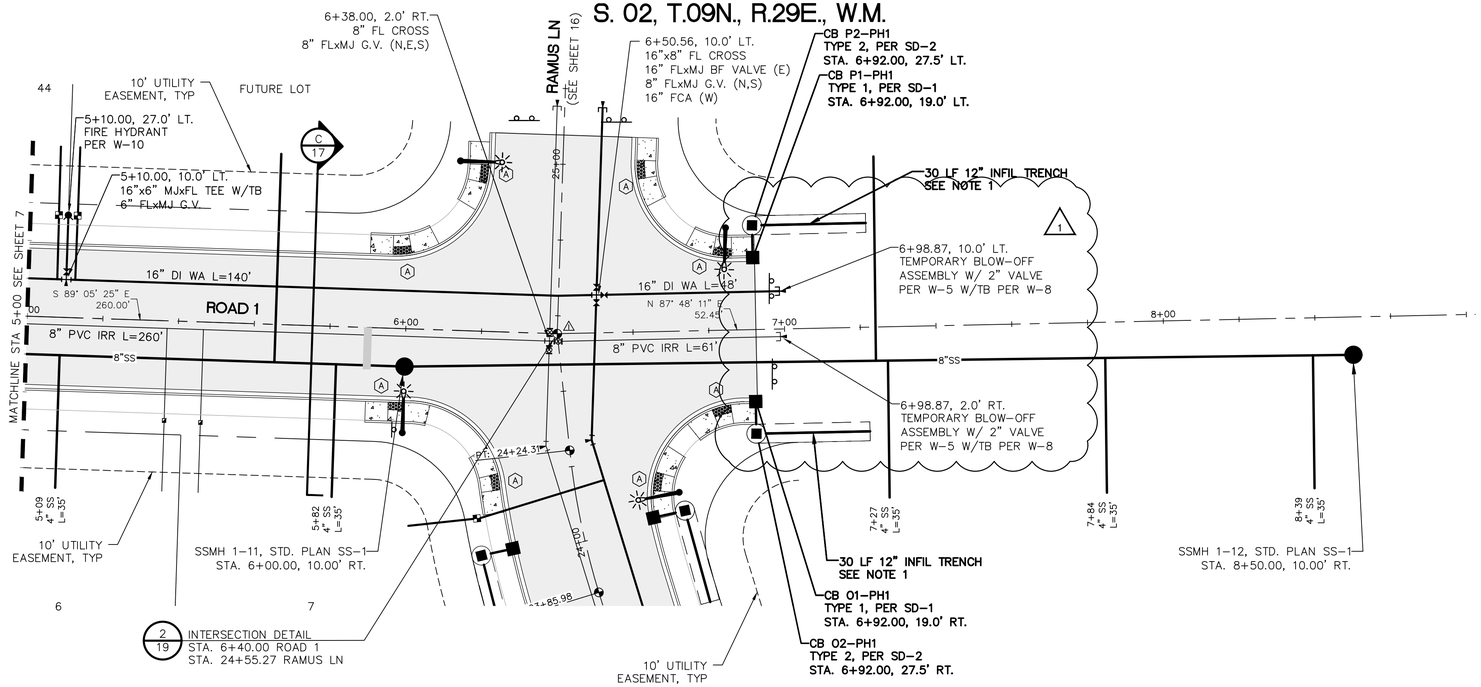
MON. ID	MON. TYPE	NORTHING	EASTING
⚠	INT	350328.89	1980199.85

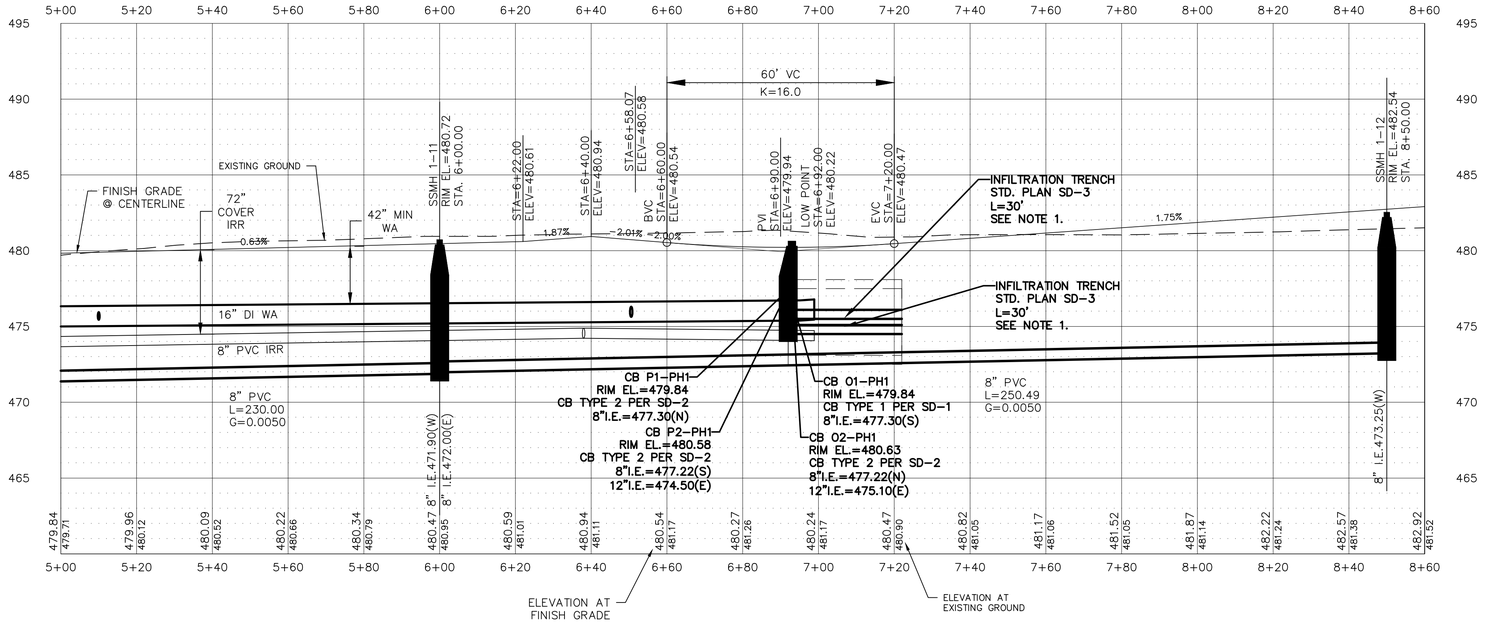
MONUMENTS SHALL BE INSTALLED PER COP STD. DWG. ST-1

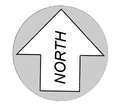
SIDEWALK RAMP SCHEDULE

(A) SIDEWALK RAMP TYPE PARALLEL A PER W.S.D.O.T. STD. PLAN F-40.12-03

MADISON PARK NORTH PHASE 1
S. 02, T.09N., R.29E., W.M.







20 10 0 20 40
SCALE FEET

NOTES:
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SEWER NOTES:
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City of Pasco
Plan Review for Codes & Standards Compliance
Brian Cartwright
07/10/2025
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REVISED

811 Know what's **below.** **Call** before you dig.
48 HOURS NOTICE REQUIRED

G2 ENGINEERING
1414 s. enoch lane
deer park, wa 99006
509.991.9033
GABE R. GALLINGER 40377 REGISTERED PROFESSIONAL ENGINEER STATE OF WASHINGTON 6-27-25

MADISON PARK NORTH PHASE 1

ROAD 1
STA. 5+00 TO STA. 8+60

HORIZONTAL DATUM-NAD83(11) — WASHINGTON STATE PLANE, SOUTH ZONE BASED ON GPS OBSERVATIONS
VERTICAL DATUM - NAVD88 — G.P.S. STATIC OBSERVATION PROCESSED USING NGS OPUS

#	DATE	BY	REVISION
⚠	06/27/25	GRG	BURNS PROFILE AND RESTRAINTS

SCALE
HOR. 1"=20'
VERT. 1"=5'

PROJECT #: 24-113
DESIGNED BY: GRG
CHECKED BY: GRG

ROAD
8 OF 22

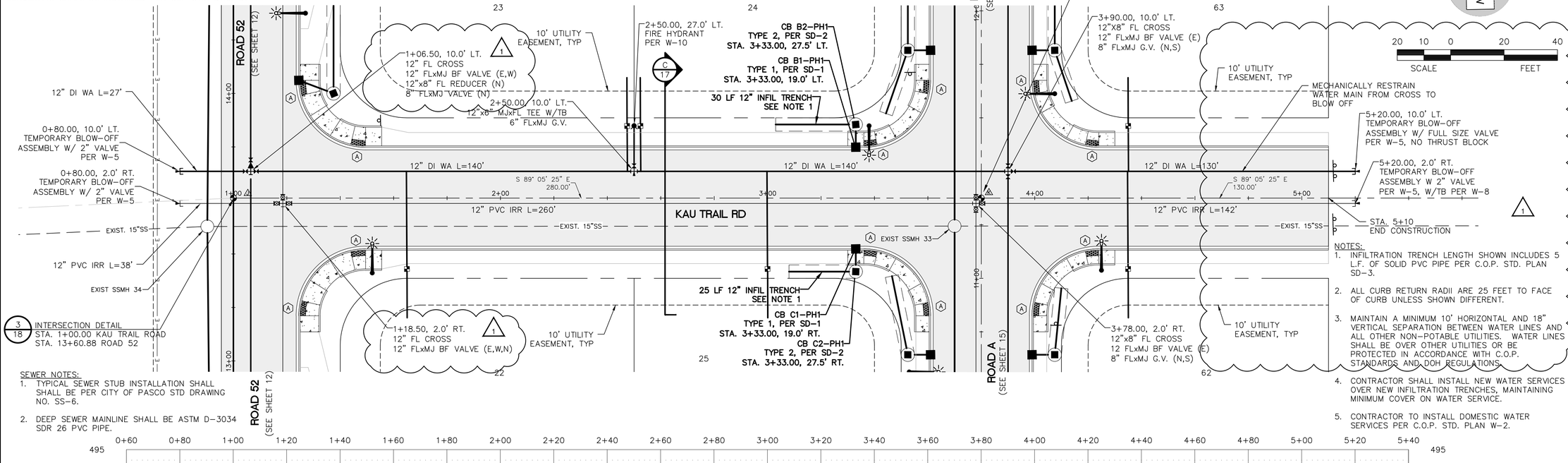
MON. ID	MON. TYPE	NORTHING	EASTING
⚠	INT	351367.33	1979676.27
⚠	INT	351362.89	1979956.23

MONUMENTS SHALL BE INSTALLED PER COP STD. DWG. ST-1

SIDEWALK RAMP SCHEDULE

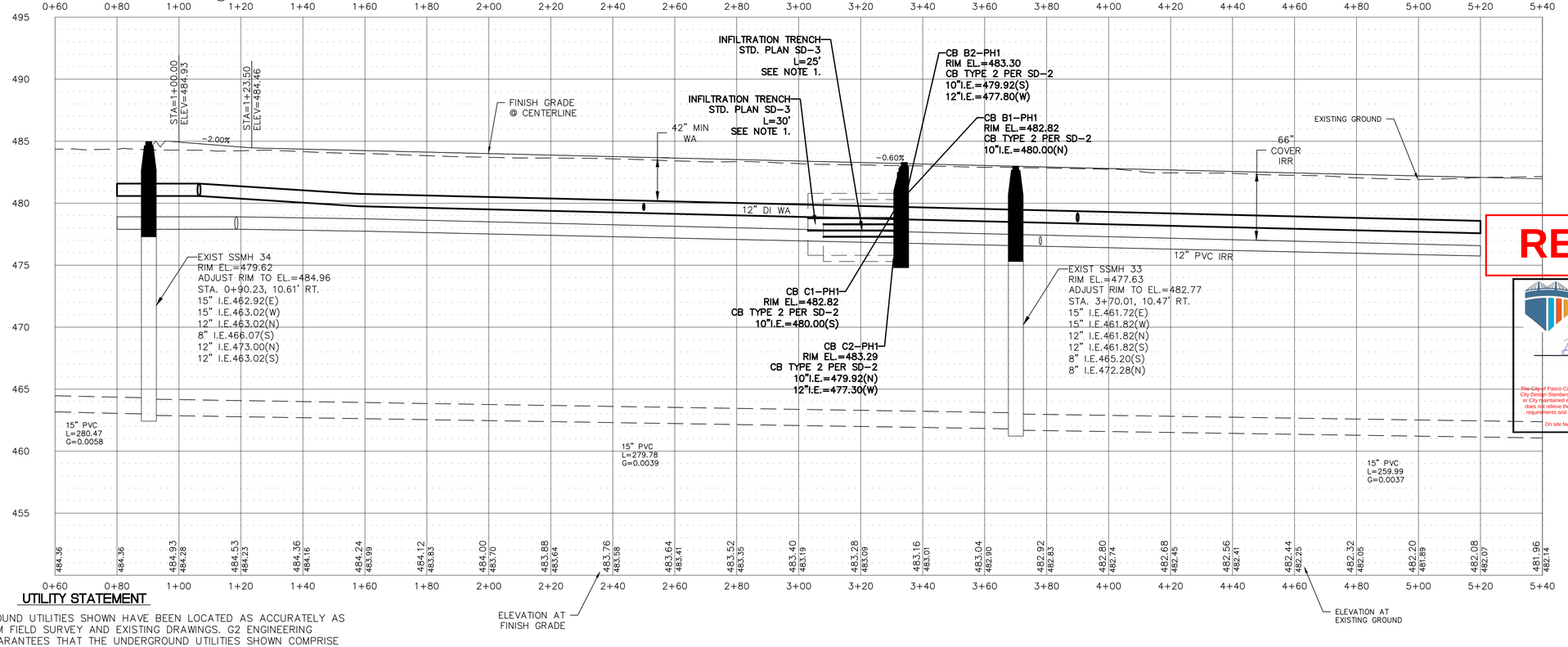
(A) SIDEWALK RAMP TYPE PARALLEL A PER W.S.D.O.T. STD. PLAN F-40.12-03

MADISON PARK NORTH PHASE 1
S. 02, T.09N., R.29E., W.M.



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REVISED

City of Pasco
Plan Review for Codes & Standards Compliance
L70
Brian Cartwright
07/10/2025
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1414 s. enoch lane
deer park, wa 99006
509.991.9033
GABE R. GALLINGER
STATE OF WASHINGTON
40377
REGISTERED
PROFESSIONAL ENGINEER
6-27-25

MADISON PARK NORTH PHASE 1

KAU TRAIL ROAD
STA. 1+00 TO STA. 5+40

HORIZONTAL DATUM-NAD83(11) — WASHINGTON STATE PLANE, SOUTH ZONE BASED ON GPS OBSERVATIONS

VERTICAL DATUM - NAVD88 — G.P.S. STATIC OBSERVATION PROCESSED USING NGS OPUS

#	DATE	BY	REVISION
1	06/27/25	GRG	BURNS PROFILE AND RESTRAINTS

SCALE
HOR. 1"=20'
VERT. 1"=5'

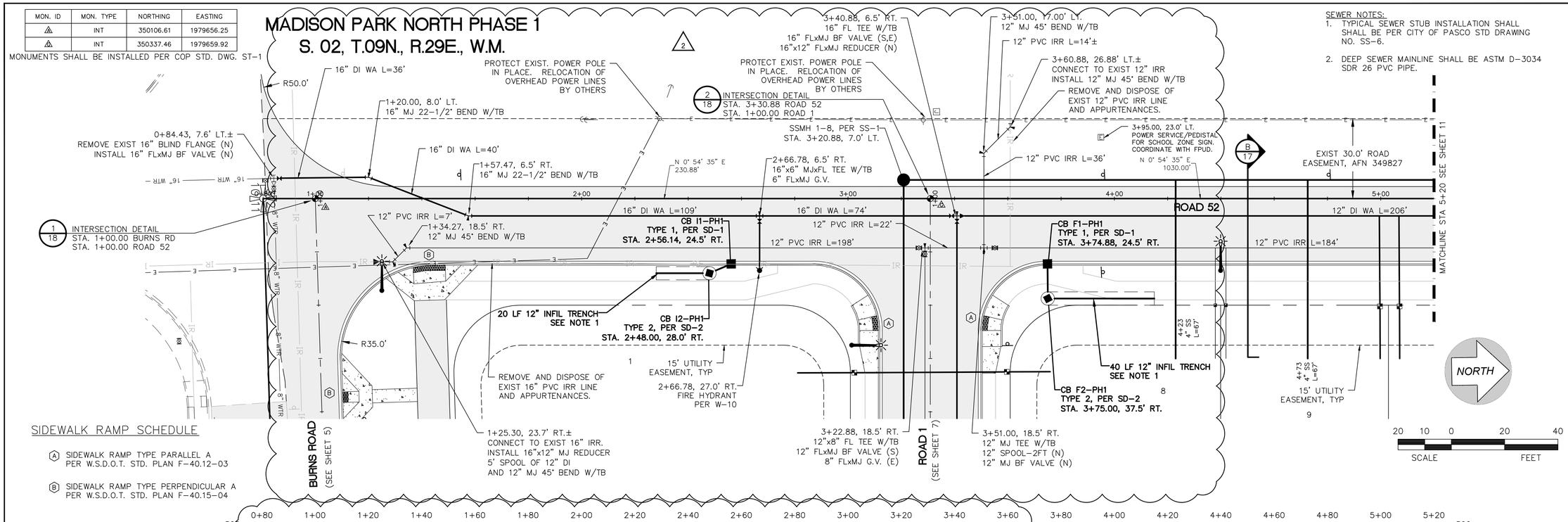
PROJECT #: 24-113
DESIGNED BY: GRG
CHECKED BY: GRG

ROAD
9 OF 22

MON. ID	MON. TYPE	NORTHING	EASTING
1	INT	350106.61	1979656.25
2	INT	350337.46	1979659.92

MONUMENTS SHALL BE INSTALLED PER COP STD. DWG. ST-1

MADISON PARK NORTH PHASE 1
S. 02, T.09N., R.29E., W.M.



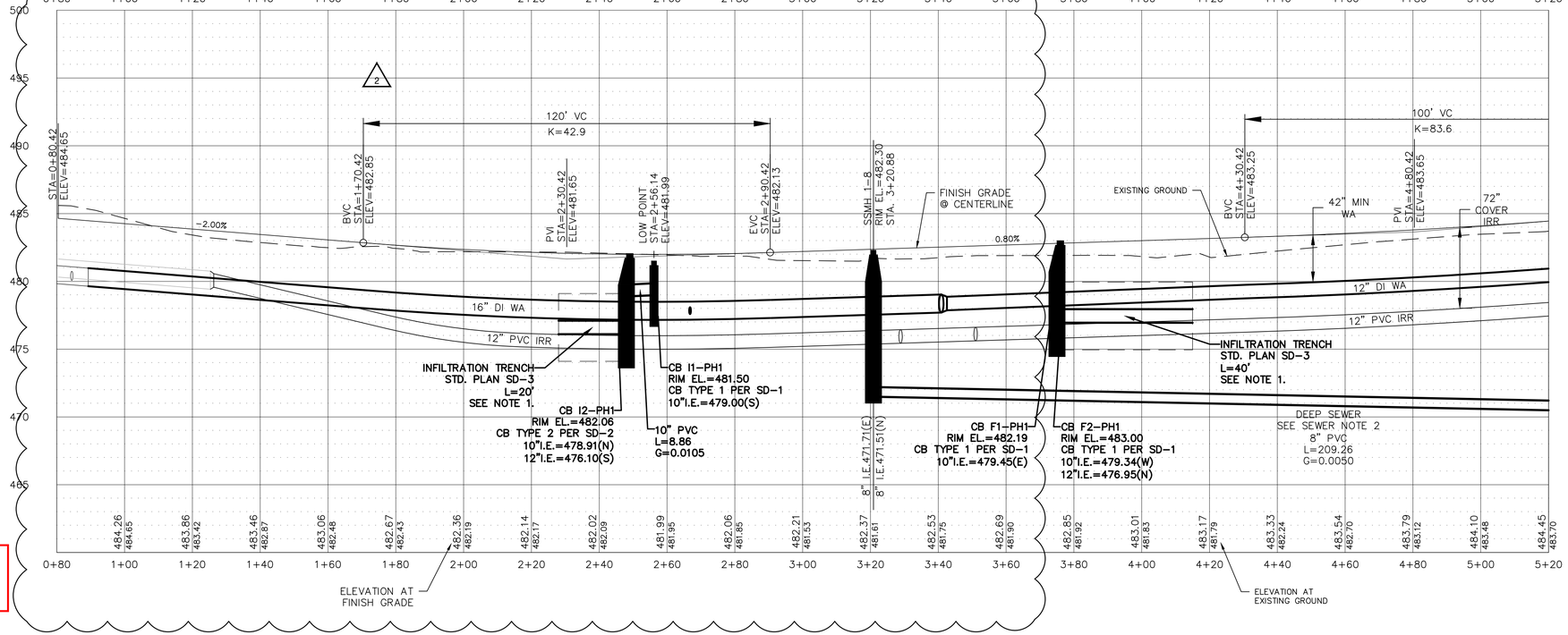
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SIDEWALK RAMP SCHEDULE

(A) SIDEWALK RAMP TYPE PARALLEL A PER W.S.D.O.T. STD. PLAN F-40.12-03

(B) SIDEWALK RAMP TYPE PERPENDICULAR A PER W.S.D.O.T. STD. PLAN F-40.15-04

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City of Pasco
Plan Review for Codes & Standards Compliance

Brian Cartwright

08/04/2025

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REVISED

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1414 s. enoch lane
deer park, wa 99006
509.991.9033
GABE R. GALLINGER — STATE OF WASHINGTON — 40377 — REGISTERED PROFESSIONAL ENGINEER

MADISON PARK NORTH PHASE 1

ROAD 52
STA. 1+00 TO STA. 5+20

HORIZONTAL DATUM-NAD83(11) — WASHINGTON STATE PLANE, SOUTH ZONE BASED ON GPS OBSERVATIONS
VERTICAL DATUM - NAVD88 — G.P.S. STATIC OBSERVATION PROCESSED USING NGS OPUS

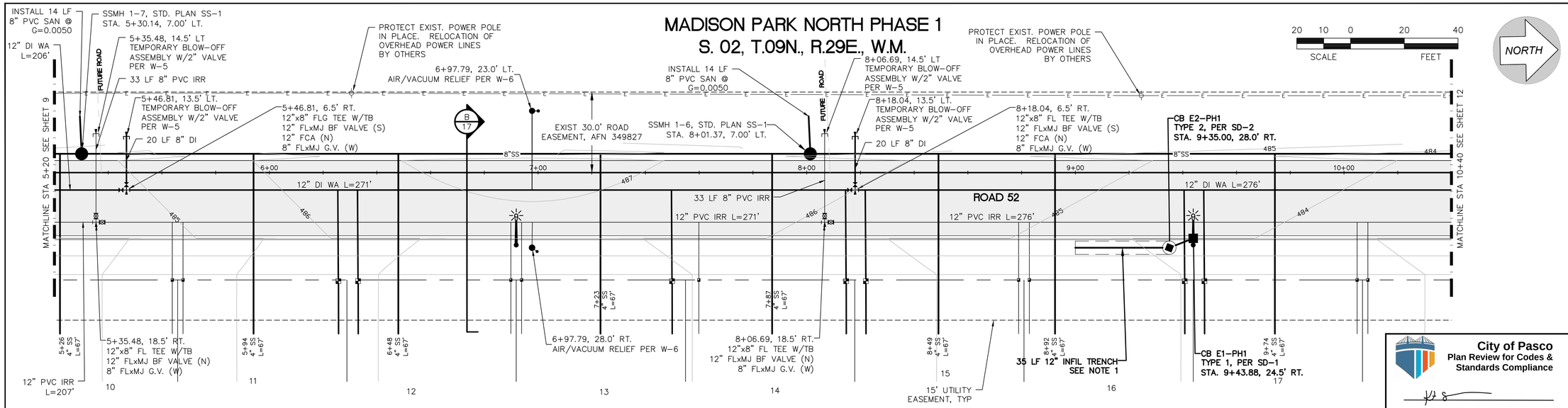
#	DATE	BY	REVISION
1	06/27/25	GRG	BURNS PROFILE AND RESTRAINTS
2	08/04/25	GRG	IRRIGATION IN ROAD 52

SCALE
HOR. 1"=20'
VERT. 1"=5'

PROJECT #: 24-113
DESIGNED BY: GRG
CHECKED BY: GRG

ROAD
10 OF 22

MADISON PARK NORTH PHASE 1
S. 02, T.09N., R.29E., W.M.

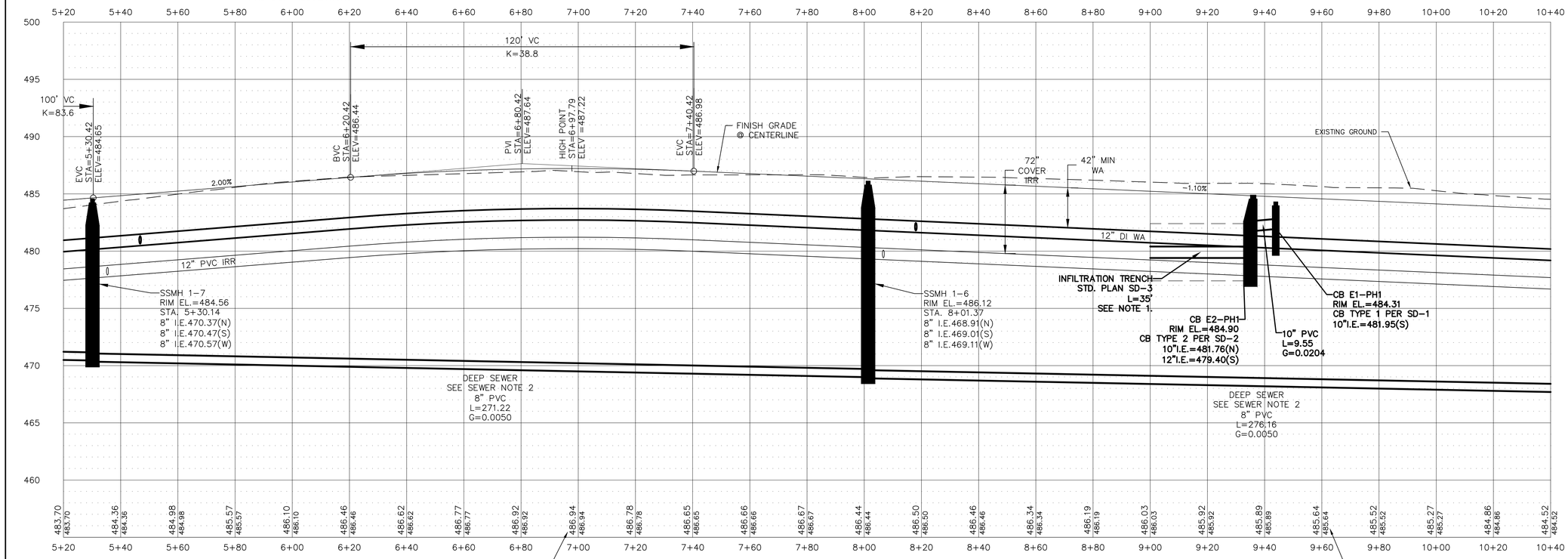


20 10 0 20 40
SCALE FEET

City of Pasco
Plan Review for Codes & Standards Compliance
05/30/2025
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509.991.9033

GABE R. GALLINGER — STATE OF WASHINGTON — 40577 — REGISTERED PROFESSIONAL ENGINEER — 5-23-25

MADISON PARK NORTH PHASE 1

ROAD 52
STA. 5+20 TO STA. 10+40

HORIZONTAL DATUM-NAD83(11)
WASHINGTON STATE PLANE, SOUTH ZONE BASED ON GPS OBSERVATIONS

VERTICAL DATUM - NAVD88
G.P.S. STATIC OBSERVATION PROCESSED USING NGS DATA

#	DATE	BY	REVISION
1	-	-	-

SCALE
HOR. 1"=20'
VERT. 1"=5'

PROJECT #: 24-113
DESIGNED BY: GRG
CHECKED BY: GRG

ROAD

11 OF 22

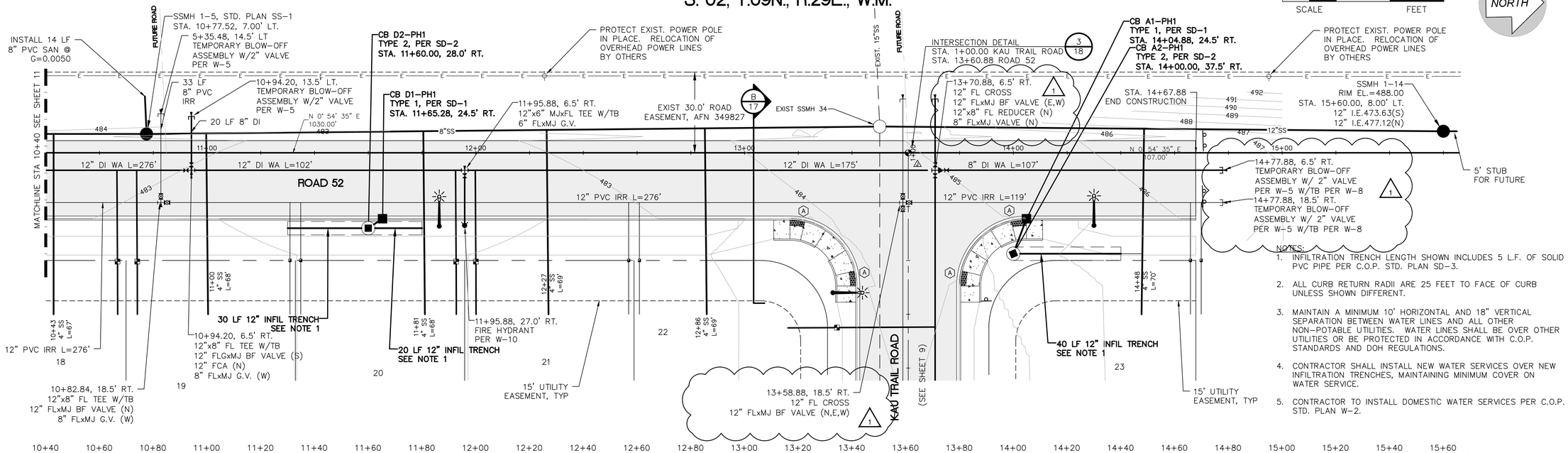
MON. ID	MON. TYPE	NORTHING	EASTING
⚠	INT	351367.33	1979676.27

MONUMENTS SHALL BE INSTALLED PER COP STD. DWG. ST-1

MADISON PARK NORTH PHASE 1
S. 02, T.09N., R.29E., W.M.

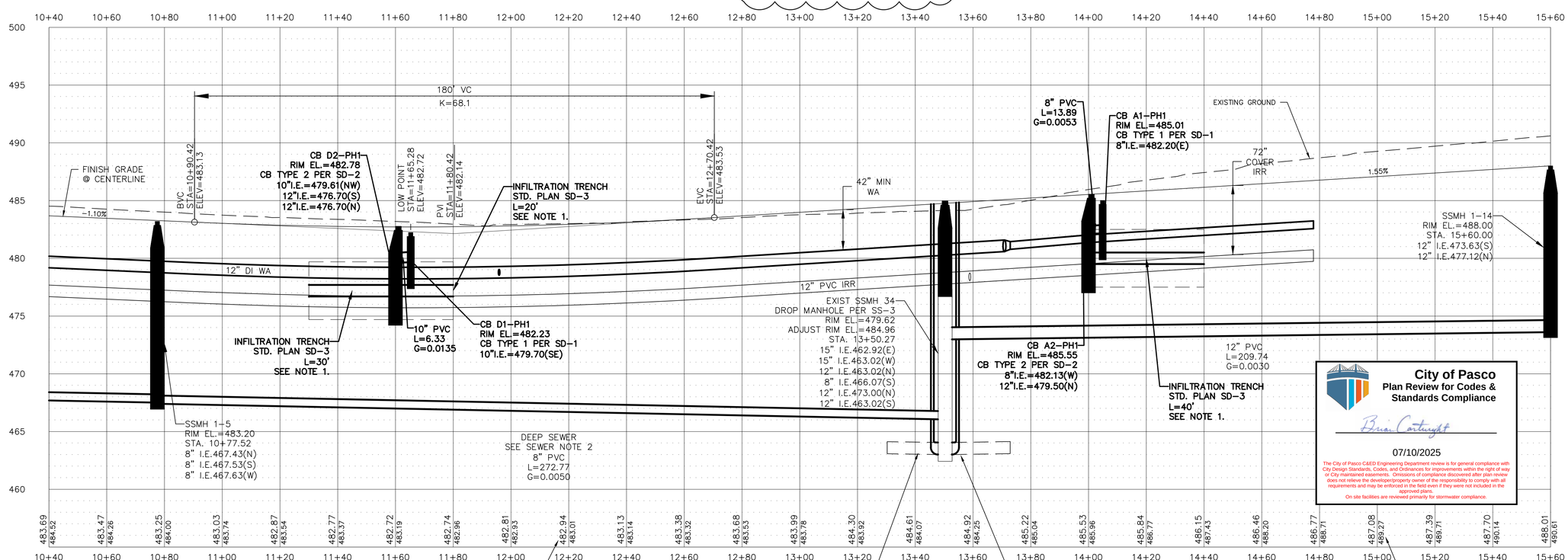
SCALE 20 10 0 20 40 FEET

NORTH



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ELEVATION AT FINISH GRADE

REMOVE APPROX. 20 LF OF EXISTING 12" PVC

REMOVE APPROX. 20 LF OF EXISTING 12" PVC

ELEVATION AT EXISTING GROUND

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SIDEWALK RAMP SCHEDULE

Ⓐ SIDEWALK RAMP TYPE PARALLEL A PER W.S.D.O.T. STD. PLAN F-40.12-03

REVISED

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GABE R. GALLINGER STATE OF WASHINGTON 40377 REGISTERED PROFESSIONAL ENGINEER 6-27-25

MADISON PARK NORTH PHASE 1

ROAD 52
STA. 10+40 TO STA. 15+60

HORIZONTAL DATUM-NAD83(11) — WASHINGTON STATE PLANE, SOUTH ZONE BASED ON GPS OBSERVATIONS
VERTICAL DATUM - NAVD88 — G.P.S. STATIC OBSERVATION PROCESSED USING NGS OPUS

#	DATE	BY	REVISION
⚠	06/27/25	GRG	BURNS PROFILE AND RESTRAINTS

SCALE
HOR. 1"=20'
VERT. 1"=5'

PROJECT #: 24-113
DESIGNED BY: GRG
CHECKED BY: GRG

ROAD
12 OF 22

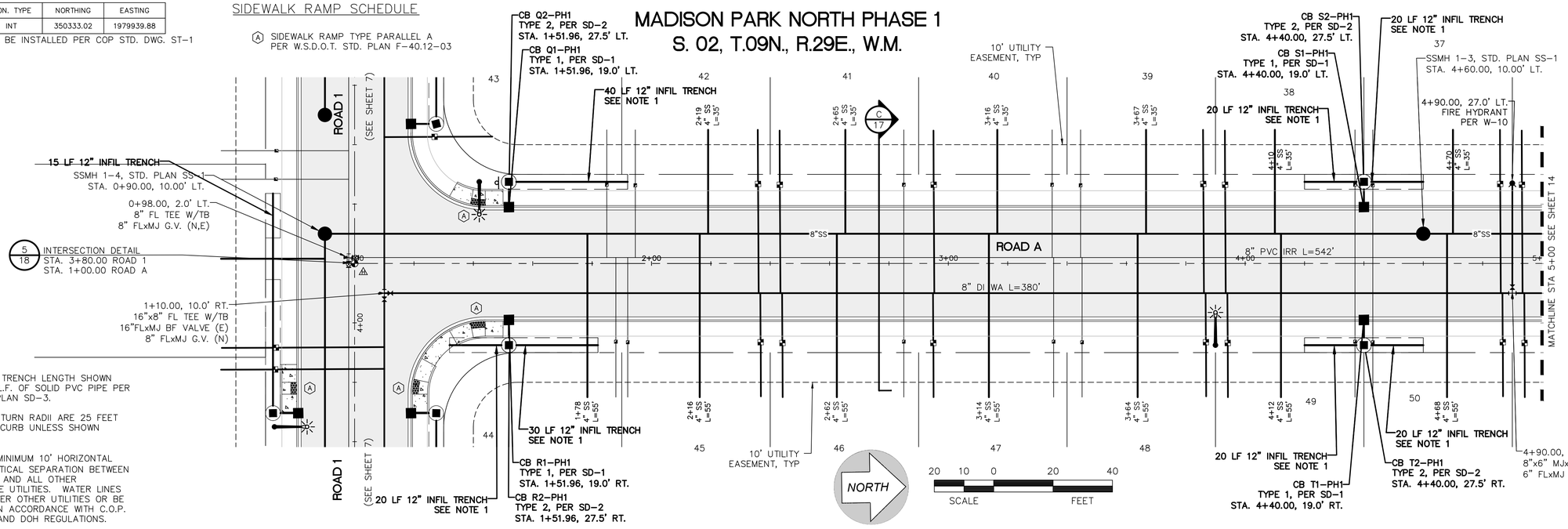
MON. ID	MON. TYPE	NORTHING	EASTING
⚠	INT	350333.02	1979939.88

MONUMENTS SHALL BE INSTALLED PER COP STD. DWG. ST-1

MADISON PARK NORTH PHASE 1
S. 02, T.09N., R.29E., W.M.

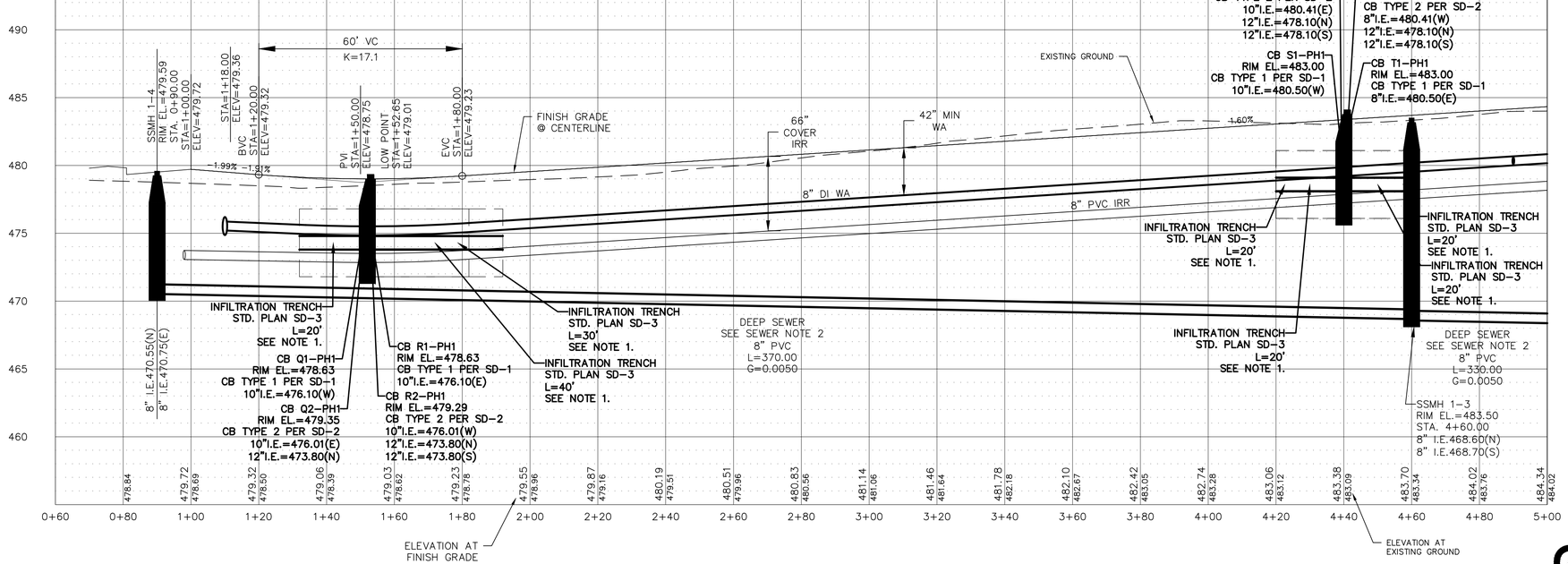
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City of Pasco
Plan Review for Codes & Standards Compliance

05/30/2025

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509.991.9033

GABE R. GALLINGER — STATE OF WASHINGTON — 40577 — REGISTERED PROFESSIONAL ENGINEER — 5-23-25

MADISON PARK NORTH PHASE 1

ROAD A
STA. 1+00 TO STA. 5+00

HORIZONTAL DATUM-NAD83(11) — WASHINGTON STATE PLANE, SOUTH ZONE BASED ON GPS OBSERVATIONS

VERTICAL DATUM - NAVD88 — G.P.S. STATIC OBSERVATION PROCESSED USING NGS OPUS

#	DATE	REVISION	BY
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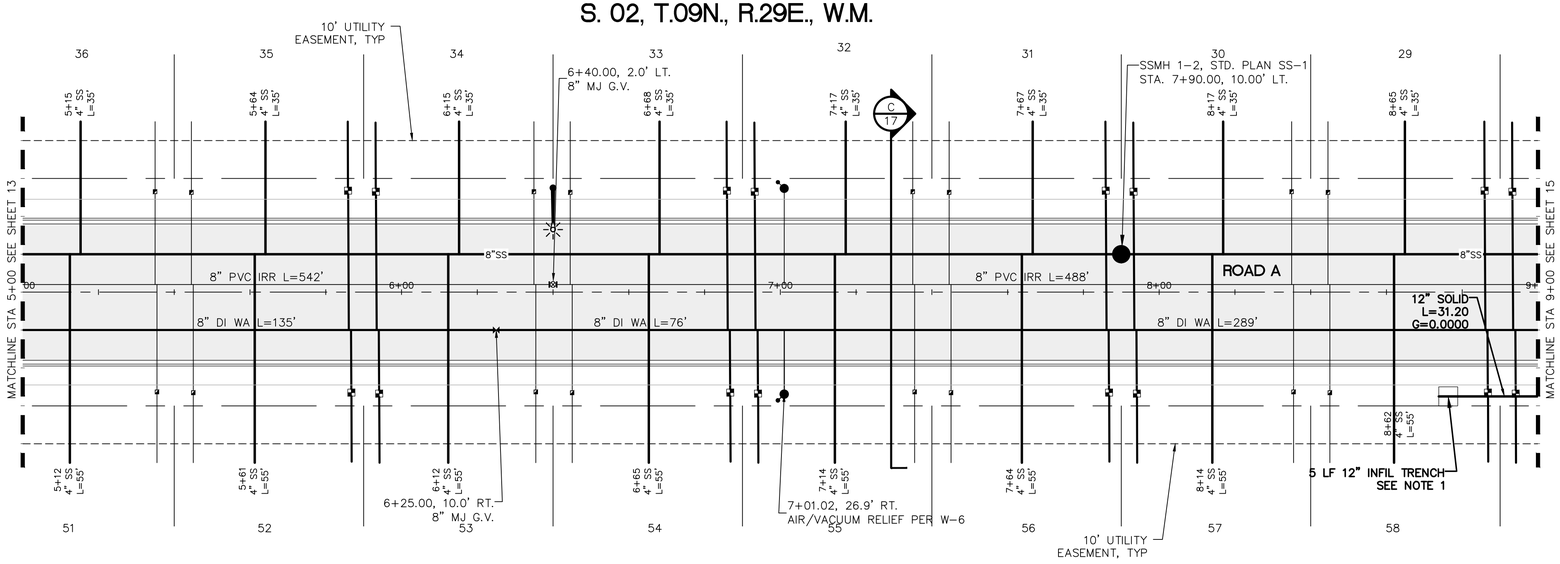
PROJECT #: 24-113
DESIGNED BY: GRG
CHECKED BY: GRG

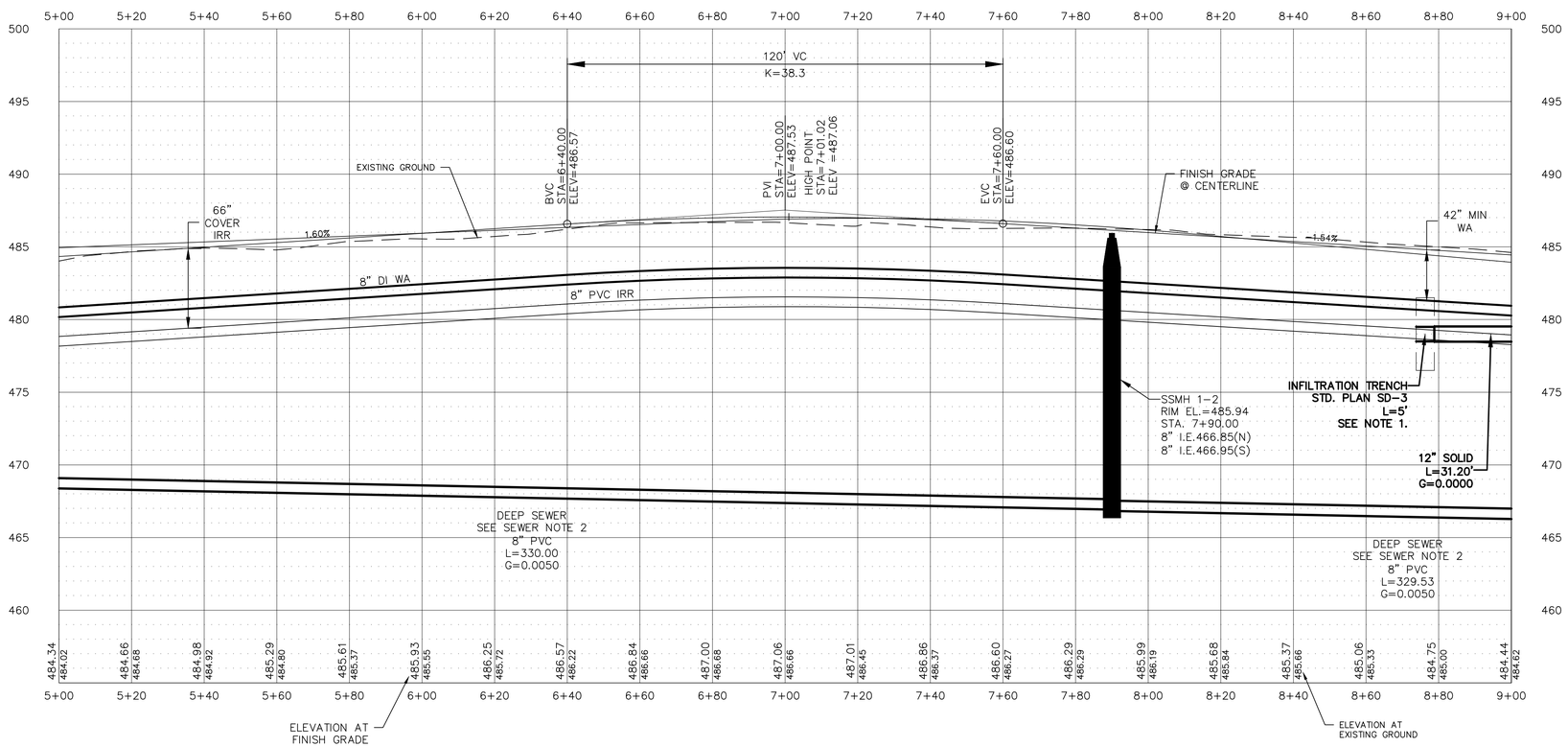
ROAD
13 OF 22

MADISON PARK NORTH PHASE 1
S. 02, T.09N., R.29E., W.M.

NOTES:
1. INFILTRATION TRENCH LENGTH SHOWN INCLUDES 5 L.F. OF SOLID PVC PIPE PER C.O.P. STD. PLAN SD-3.
2. ALL CURB RETURN RADII ARE 25 FEET TO FACE OF CURB UNLESS SHOWN DIFFERENT.
3. MAINTAIN A MINIMUM 10' HORIZONTAL AND 18" VERTICAL SEPARATION BETWEEN WATER LINES AND ALL OTHER NON-POTABLE UTILITIES. WATER LINES SHALL BE OVER OTHER UTILITIES OR BE PROTECTED IN ACCORDANCE WITH C.O.P. STANDARDS AND DOH REGULATIONS.
4. CONTRACTOR SHALL INSTALL NEW WATER SERVICES OVER NEW INFILTRATION TRENCHES, MAINTAINING MINIMUM COVER ON WATER SERVICE.
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SEWER NOTES:
1. TYPICAL SEWER STUB INSTALLATION SHALL SHALL BE PER CITY OF PASCO STD DRAWING NO. SS-6.
2. DEEP SEWER MAINLINE SHALL BE ASTM D-3034 SDR 26 PVC PIPE.





City of Pasco
Plan Review for Codes & Standards Compliance

05/30/2025

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G2 ENGINEERING
1414 s. enoch lane
deer park, wa 99006
509.991.9033

GABE R. GALLINGER — STATE OF WASHINGTON — 40577 — REGISTERED PROFESSIONAL ENGINEER — 5-23-25

MADISON PARK NORTH PHASE 1

ROAD A
STA. 5+00 TO STA. 9+00

#	DATE	BY	REVISION
1	-	-	-

HORIZONTAL DATUM-NAD83(11) — WASHINGTON STATE PLANE, SOUTH ZONE BASED ON GPS OBSERVATIONS
VERTICAL DATUM - NAVD88 — G.P.S. STATIC OBSERVATION PROCESSED USING NGS OPUS

SCALE
HOR. 1"=20'
VERT. 1"=5'

PROJECT #: 24-113
DESIGNED BY: GRG
CHECKED BY: GRG

ROAD
14 OF 22

MADISON PARK NORTH PHASE 1
S. 02, T.09N., R.29E., W.M.

MON. ID	MON. TYPE	NORTHING	EASTING
A	INT	351362.89	1979956.23

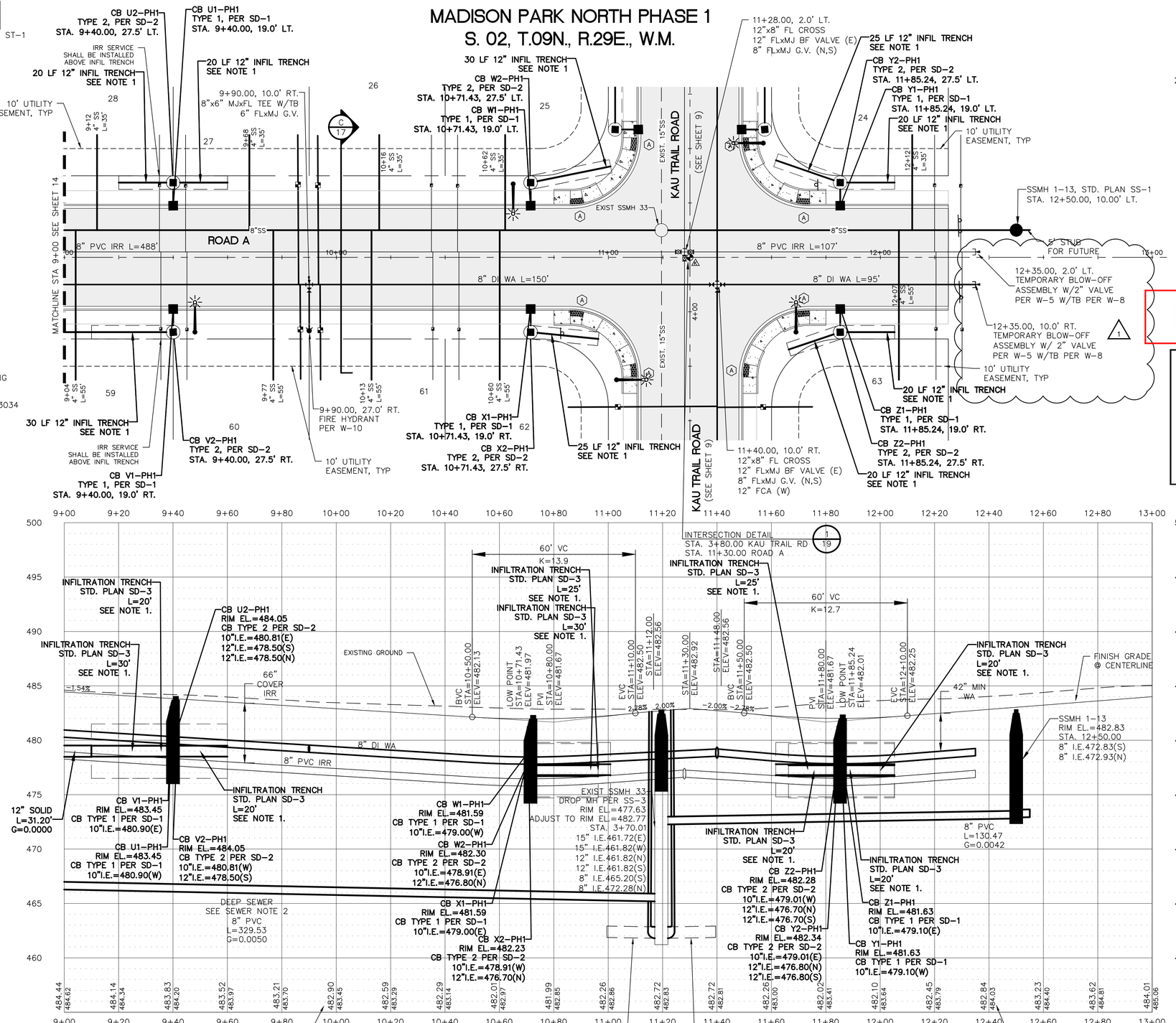
MONUMENTS SHALL BE INSTALLED PER COP STD. DWG. ST-1

SIDEWALK RAMP SCHEDULE

(A) SIDEWALK RAMP TYPE PARALLEL A PER W.S.D.O.T. STD. PLAN F-40.12-03

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REVISED

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Brian Cartwright
07/10/2025

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6-27-25

MADISON PARK NORTH PHASE 1

ROAD A STA. 9+00 TO STA. 13+00

HORIZONTAL DATUM-NAD83(11) — WASHINGTON STATE PLANE, SOUTH ZONE BASED ON GPS OBSERVATIONS

VERTICAL DATUM - NAVD88 — G.P.S. STATIC OBSERVATION PROCESSED USING NGS OPUS

#	DATE	BY	REVISION
1	06/27/25	GRG	BURNS PROFILE AND RESTRAINTS

SCALE
HOR. 1"=20'
VERT. 1"=5'

PROJECT #: 24-113
DESIGNED BY: GRG
CHECKED BY: GRG

ROAD
15 OF 22

MADISON PARK NORTH PHASE 1
S. 02, T.09N., R.29E., W.M.

MON. ID	MON. TYPE	NORTHING	EASTING
1	INT	350145.65	1980241.06
2	PC	350179.60	1980235.78
3	PT	350210.88	1980228.30
4	PC	350260.82	1980212.00
5	PT	350298.17	1980203.67
6	INT	350328.89	1980199.85

MONUMENTS SHALL BE INSTALLED PER COP STD. DWG. ST-1

SIDEWALK RAMP SCHEDULE

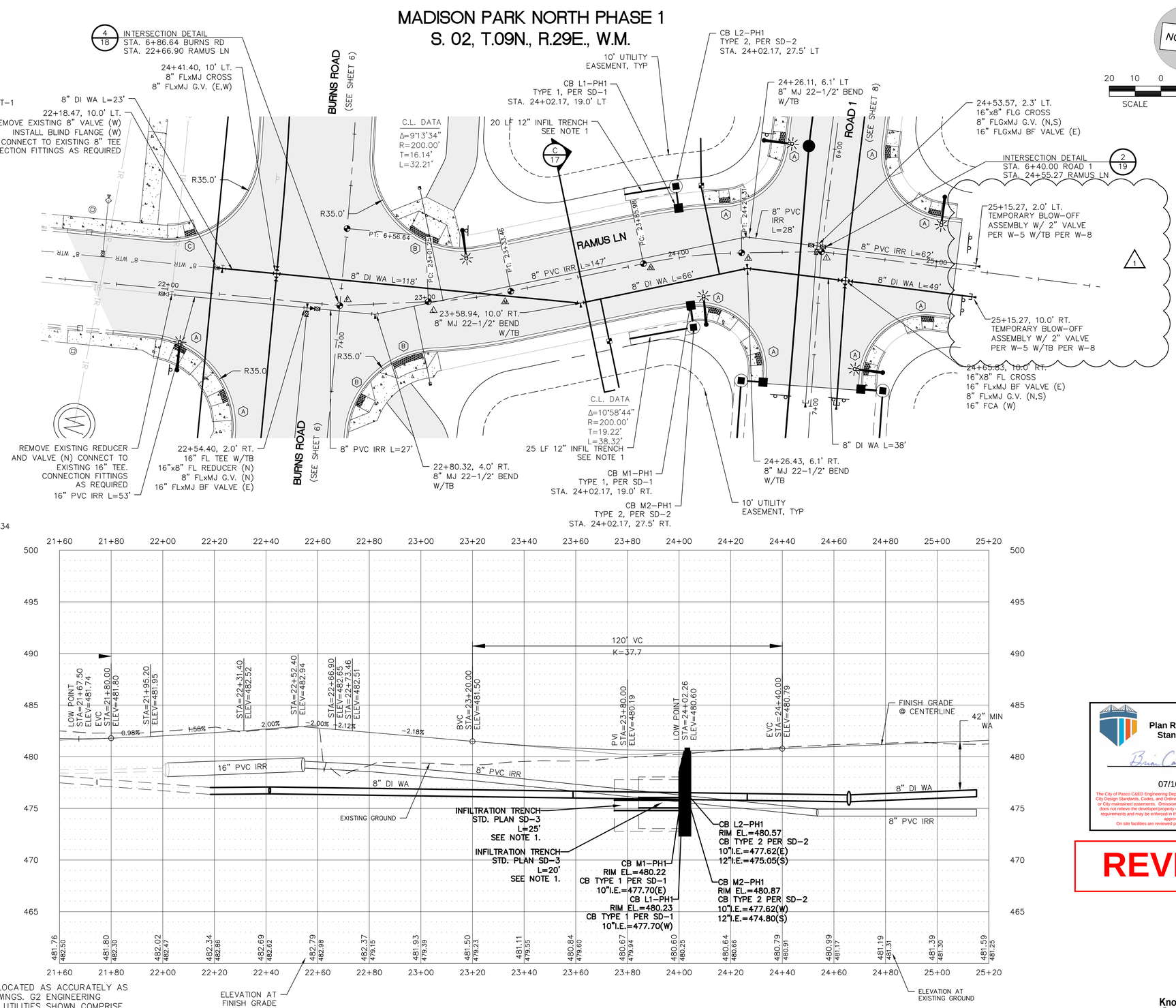
(A) SIDEWALK RAMP TYPE PARALLEL A PER W.S.D.O.T. STD. PLAN F-40.12-03

(B) SIDEWALK RAMP TYPE PERPENDICULAR A PER W.S.D.O.T. STD. PLAN F-40.15-04

(C) SIDEWALK RAMP TYPE PARALLEL B PER W.S.D.O.T. STD. PLAN F-40.12-03

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REVISED

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GABE R. GALLINGER STATE OF WASHINGTON 40577 REGISTERED PROFESSIONAL ENGINEER 6-27-25

MADISON PARK NORTH PHASE 1

RAMUS LANE

HORIZONTAL DATUM-NAD83(11) — WASHINGTON STATE PLANE, SOUTH ZONE BASED ON GPS OBSERVATIONS

VERTICAL DATUM - NAVD88 — U.S.C.G.S. STATIC OBSERVATION PROCESSED USING NGS OPUS

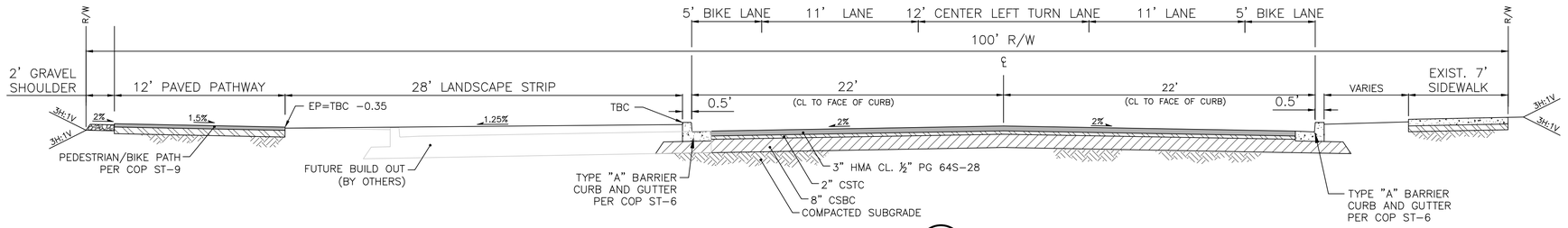
#	DATE	BY	REVISION
1	06/27/25	CRG	BURNS PROFILE AND RESTRAINTS

SCALE
HOR. 1"=20'
VERT. 1"=5'

PROJECT #: 24-113
DESIGNED BY: CRG
CHECKED BY: CRG

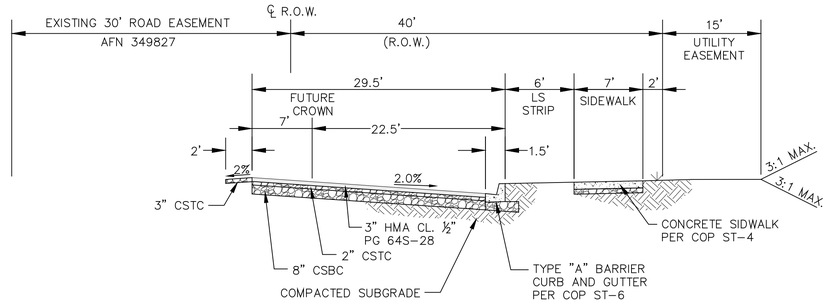
ROAD

16 OF 22



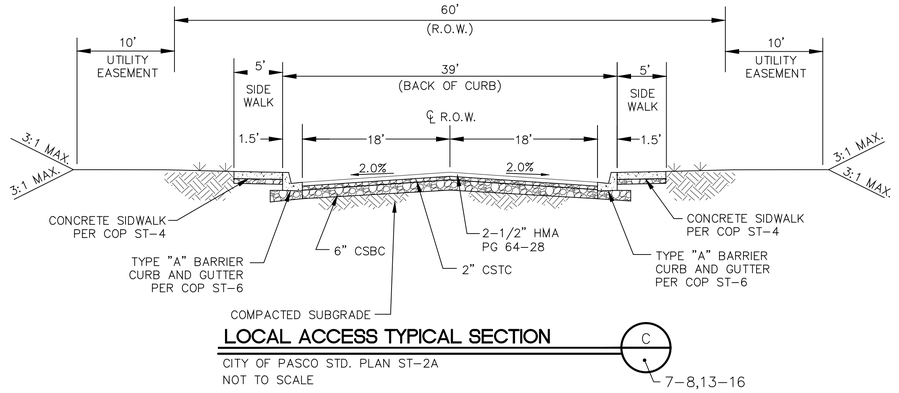
BURNS ROAD TYPICAL SECTION (A / 5-6)

NOT TO SCALE



ROAD 52 TYPICAL SECTION (B / 10-12)

NOT TO SCALE



LOCAL ACCESS TYPICAL SECTION (C / 7-8,13-16)

CITY OF PASCO STD. PLAN ST-2A

NOT TO SCALE

City of Pasco
Plan Review for Codes & Standards Compliance

05/30/2025

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5-23-25

MADISON PARK NORTH PHASE 1

TYPICAL ROAD SECTIONS

HORIZONTAL DATUM-NAD83(11) — WASHINGTON STATE PLANE, SOUTH ZONE BASED ON OPS OBSERVATIONS

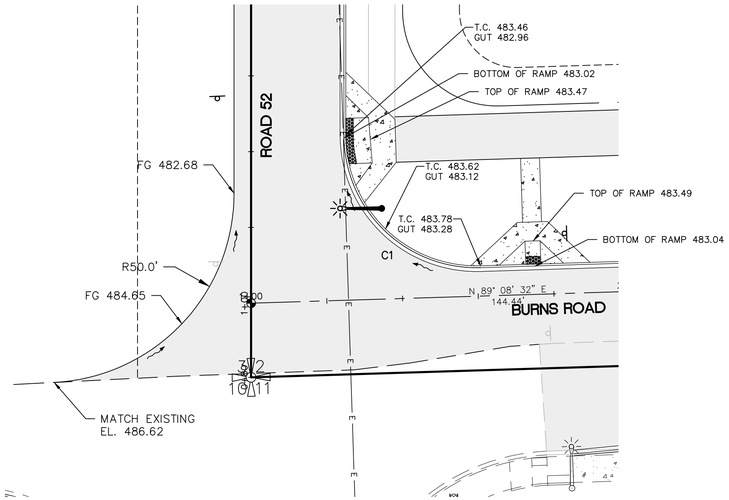
VERTICAL DATUM - NAVD88 — G.P.S. STATIC OBSERVATION PROCESSED USING NGS OPUS

#	DATE	BY	REVISION
1	-	-	-

SCALE
HOR. N/A
VERT. N/A

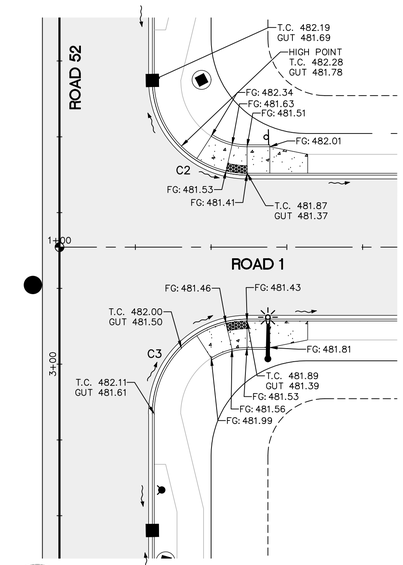
PROJECT #: 24-113
DESIGNED BY: GRG
CHECKED BY: GRG

DETAILS
17 OF 22



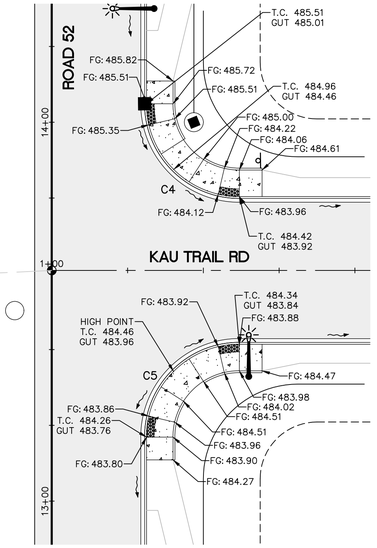
NORTH

INTERSECTION DETAIL 1
SCALE 1"=20' — 5,10



NORTH

INTERSECTION DETAIL 2
SCALE 1"=20' — 7,10



NORTH

INTERSECTION DETAIL 3
SCALE 1"=20' — 9,12

CURVE TABLE (THIS SHEET ONLY)				
CURVE	RADIUS	DELTA	LENGTH	TANGENT
C1	35.00'	91°46'03"	56.06'	36.10'
C2	25.00'	90°00'00"	39.27'	25.00'
C3	25.00'	90°00'00"	39.27'	25.00'
C4	25.00'	90°00'00"	39.27'	25.00'
C5	25.00'	90°00'00"	39.27'	25.00'
C6	35.00'	102°29'29"	62.61'	43.60'
C7	35.00'	81°46'48"	49.96'	30.31'
C8	35.00'	89°55'12"	54.93'	34.95'
C9	25.00'	91°33'48"	55.93'	35.97'
C10	25.00'	90°00'00"	39.27'	25.00'
C11	25.00'	90°00'00"	39.27'	25.00'

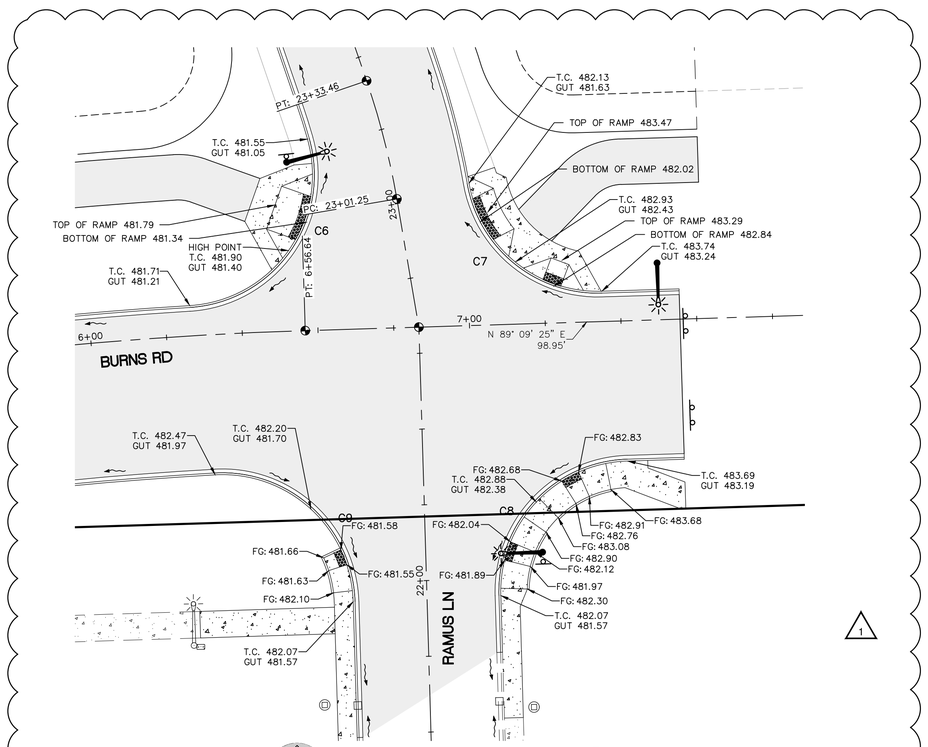
REVISED

City of Pasco
Plan Review for Codes & Standards Compliance

Brian Cartwright

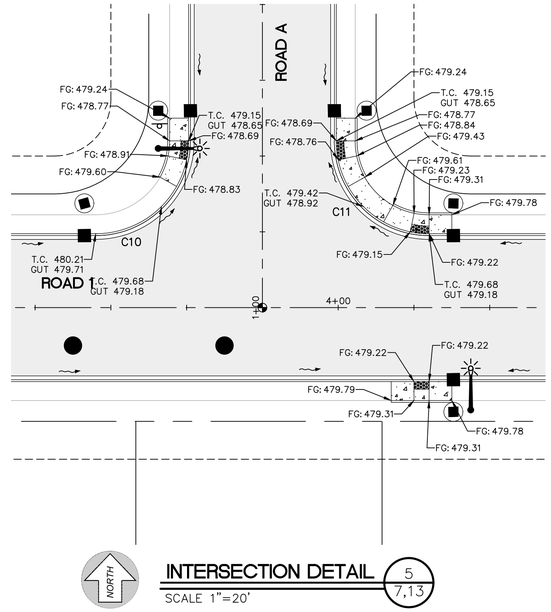
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NORTH

INTERSECTION DETAIL 4
SCALE 1"=20' — 6,16



NORTH

INTERSECTION DETAIL 5
SCALE 1"=20' — 7,13

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MADISON PARK NORTH PHASE 1

INTERSECTION DETAILS

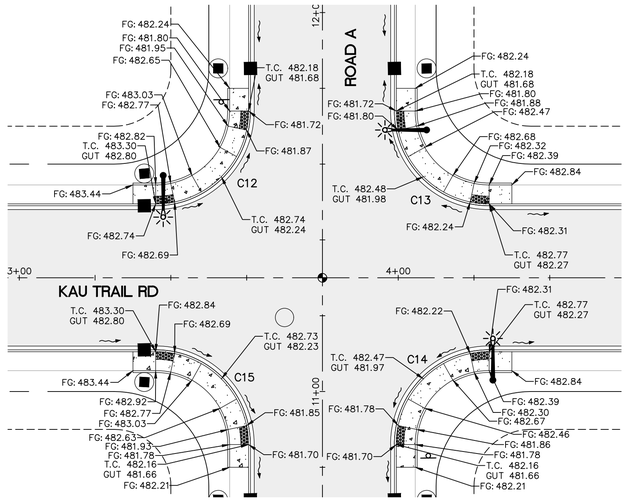
HORIZONTAL DATUM-NAD83(11) — WASHINGTON STATE PLANE, SOUTH ZONE BASED ON GPS OBSERVATIONS
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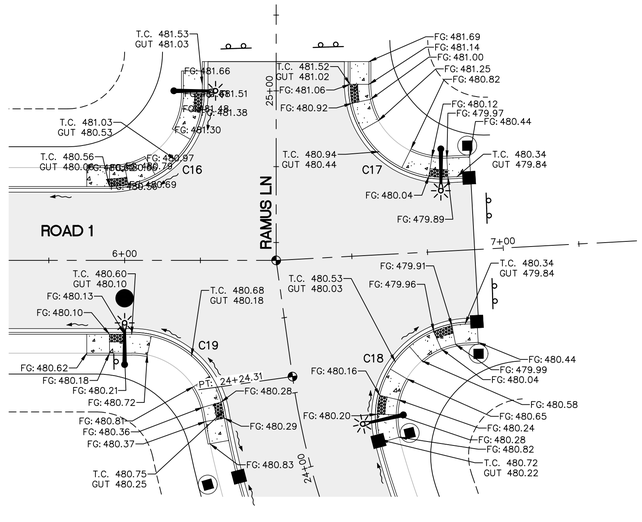
SCALE
HOR. 1"=20'
VERT. N/A

PROJECT #: 24-113
DESIGNED BY: GRG
CHECKED BY: GRG

DETAILS
18 OF 22



INTERSECTION DETAIL 1
SCALE 1"=20' 9,15



INTERSECTION DETAIL 2
SCALE 1"=20' 8,16

CURVE TABLE (THIS SHEET ONLY)				
CURVE	RADIUS	DELTA	LENGTH	TANGENT
C12	25.00'	90°00'00"	39.27'	25.00'
C13	25.00'	90°00'00"	39.27'	25.00'
C14	25.00'	90°00'00"	39.27'	25.00'
C15	25.00'	90°00'00"	39.27'	25.00'
C16	25.00'	90°00'00"	39.27'	25.00'
C17	25.00'	93°06'24"	40.63'	26.39'
C18	25.00'	101°09'59"	44.14'	30.42'
C19	25.00'	80°17'07"	35.03'	21.08'

City of Pasco
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05/30/2025

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MADISON PARK NORTH
PHASE 1

INTERSECTION DETAILS

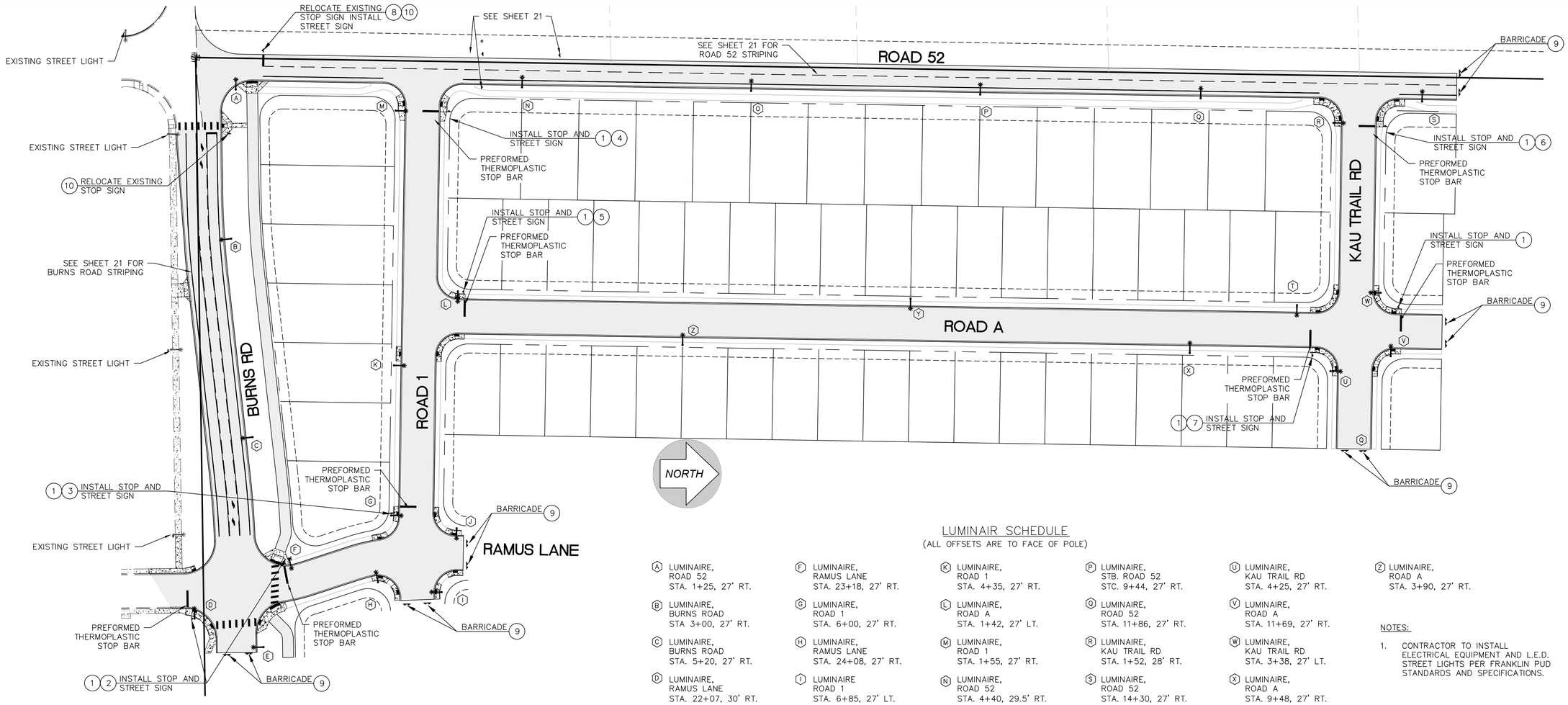
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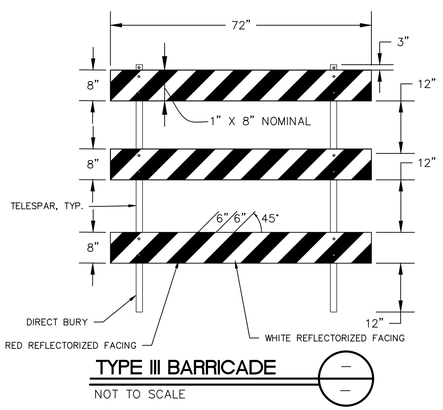
#	DATE	BY	REVISION
1			

SCALE
HOR. 1"=20'
VERT. N/A

PROJECT #: 24-113
DESIGNED BY: GRG
CHECKED BY: GRG

DETAILS
19 OF 22





TYPE III BARRICADE

NOT TO SCALE

NOTE: BARRICADE STRIPES SHALL SLOPE FROM TOP TO BOTTOM LEFT AT A 45° ANGLE TO THE LEFT IF TRAFFIC IS TO DETOUR TO THE LEFT OF THE BARRICADE, AND SLOPE FROM TOP TO BOTTOM AT A 45° ANGLE TO THE RIGHT IF TRAFFIC IS TO DETOUR TO THE RIGHT OF THE BARRICADE.

WHERE A BARRICADE EXTENDS ENTIRELY ACROSS A ROADWAY, IT IS DESIRABLE THAT THE STRIPES SLOPE DOWNWARD IN THE DIRECTION TOWARD WHICH TRAFFIC MUST TURN IN DETOURING. WHERE BOTH RIGHT AND LEFT TURNS ARE PROVIDED FOR, THE CHEVRON STRIPING MAY SLOPE DOWNWARD IN BOTH DIRECTIONS FROM THE CENTER OF THE BARRICADE.

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LUMINAIR SCHEDULE

(ALL OFFSETS ARE TO FACE OF POLE)

- (A) LUMINAIRE, ROAD 52 STA. 1+25, 27' RT.
- (B) LUMINAIRE, BURNS ROAD STA 3+00, 27' RT.
- (C) LUMINAIRE, BURNS ROAD STA. 5+20, 27' RT.
- (D) LUMINAIRE, RAMUS LANE STA. 22+07, 30' RT.
- (E) LUMINAIRE, BURNS ROAD STA. 7+50, 15' LT.
- (F) LUMINAIRE, RAMUS LANE STA. 23+18, 27' RT.
- (G) LUMINAIRE, ROAD 1 STA. 6+00, 27' RT.
- (H) LUMINAIRE, RAMUS LANE STA. 24+08, 27' RT.
- (I) LUMINAIRE ROAD 1 STA. 6+85, 27' LT.
- (J) LUMINAIRE RAMUS LANE STA. 25+00, 27.5' LT.
- (K) LUMINAIRE, ROAD 1 STA. 4+35, 27' RT.
- (L) LUMINAIRE, ROAD A STA. 1+42, 27' LT.
- (M) LUMINAIRE, ROAD 1 STA. 1+55, 27' RT.
- (N) LUMINAIRE, ROAD 52 STA. 4+40, 29.5' RT.
- (O) LUMINAIRE, ROAD 52 STA. 6+92, 27' RT.
- (P) LUMINAIRE, STB. ROAD 52 STC. 9+44, 27' RT.
- (Q) LUMINAIRE, ROAD 52 STA. 11+86, 27' RT.
- (R) LUMINAIRE, KAU TRAIL RD STA. 1+52, 28' RT.
- (S) LUMINAIRE, ROAD 52 STA. 14+30, 27' RT.
- (T) LUMINAIRE, ROAD A STA. 10+65, 27' LT.
- (U) LUMINAIRE, KAU TRAIL RD STA. 4+25, 27' RT.
- (V) LUMINAIRE, ROAD A STA. 11+69, 27' RT.
- (W) LUMINAIRE, KAU TRAIL RD STA. 3+38, 27' LT.
- (X) LUMINAIRE, ROAD A STA. 9+48, 27' RT.
- (Y) LUMINAIRE, ROAD A STA. 6+40, 27' LT.
- (Z) LUMINAIRE, ROAD A STA. 3+90, 27' RT.

NOTES:

1. CONTRACTOR TO INSTALL ELECTRICAL EQUIPMENT AND L.E.D. STREET LIGHTS PER FRANKLIN PUD STANDARDS AND SPECIFICATIONS.

#	MUTCD SIGN CODE	MESSAGE	NOTES
1	R1-1	STOP	30" STOP SIGN
2	CITY SPEC 8-21	BURNS ROAD RAMUS LANE	DOUBLE SIDED SIGN
3	CITY SPEC 8-21	ROAD 1 RAMUS LANE	DOUBLE SIDED SIGN
4	CITY SPEC 8-21	ROAD 52 ROAD 1	DOUBLE SIDED SIGN
5	CITY SPEC 8-21	ROAD 1 ROAD A	DOUBLE SIDED SIGN
6	CITY SPEC 8-21	ROAD 52 KAU TRAIL ROAD	DOUBLE SIDED SIGN
7	CITY SPEC 8-21	KAU TRAIL ROAD ROAD A	DOUBLE SIDED SIGN
8	CITY SPEC 8-21	ROAD 52 BURNS ROAD	DOUBLE SIDED SIGN
9	SEE DETAIL, THIS SHEET	TYPE III BARRICADE	
10		RELOCATE EXISTING STOP SIGN, SEE SHEET 4	

City of Pasco
Plan Review for Codes & Standards Compliance

05/30/2025

The City of Pasco C&ED Engineering Department review is for general compliance with City Design Standards, Codes, and Ordinances for improvements within the right of way or City maintained easements. Omissions of compliance discovered after plan review does not relieve the developer/property owner of the responsibility to comply with all requirements and may be enforced in the field even if they were not included in the approved plans.
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811 Know what's **below.** Call before you dig.
48 HOURS NOTICE REQUIRED

G2 ENGINEERING
1414 s. enoch lane
deer park, wa 99006
509.991.9033

GABE R. GALLINGER — STATE OF WASHINGTON — 40577 — REGISTERED PROFESSIONAL ENGINEER — 5-23-25

MADISON PARK NORTH PHASE 1

LIGHTING, SIGNAGE AND STRIPING PLAN

HORIZONTAL DATUM-NAD83(11) — WASHINGTON STATE PLANE, SOUTH ZONE BASED ON GPS OBSERVATIONS

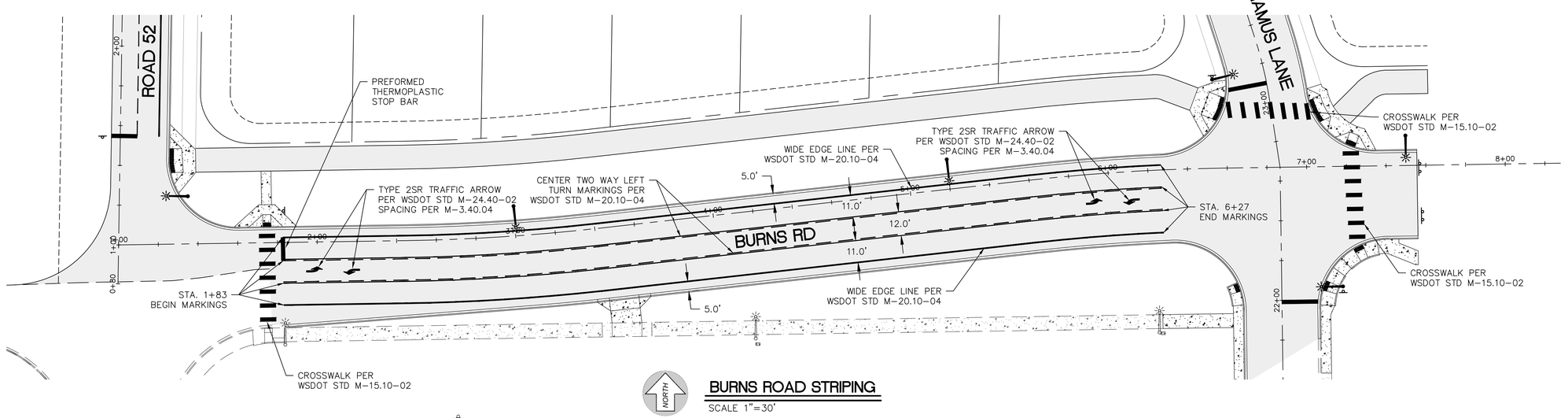
VERTICAL DATUM - NAVD88 — G.P.S. STATIC OBSERVATION PROCESSED USING TBS OPUS

#	DATE	BY	REVISION
1			

SCALE
HOR. N/A
VERT. N/A

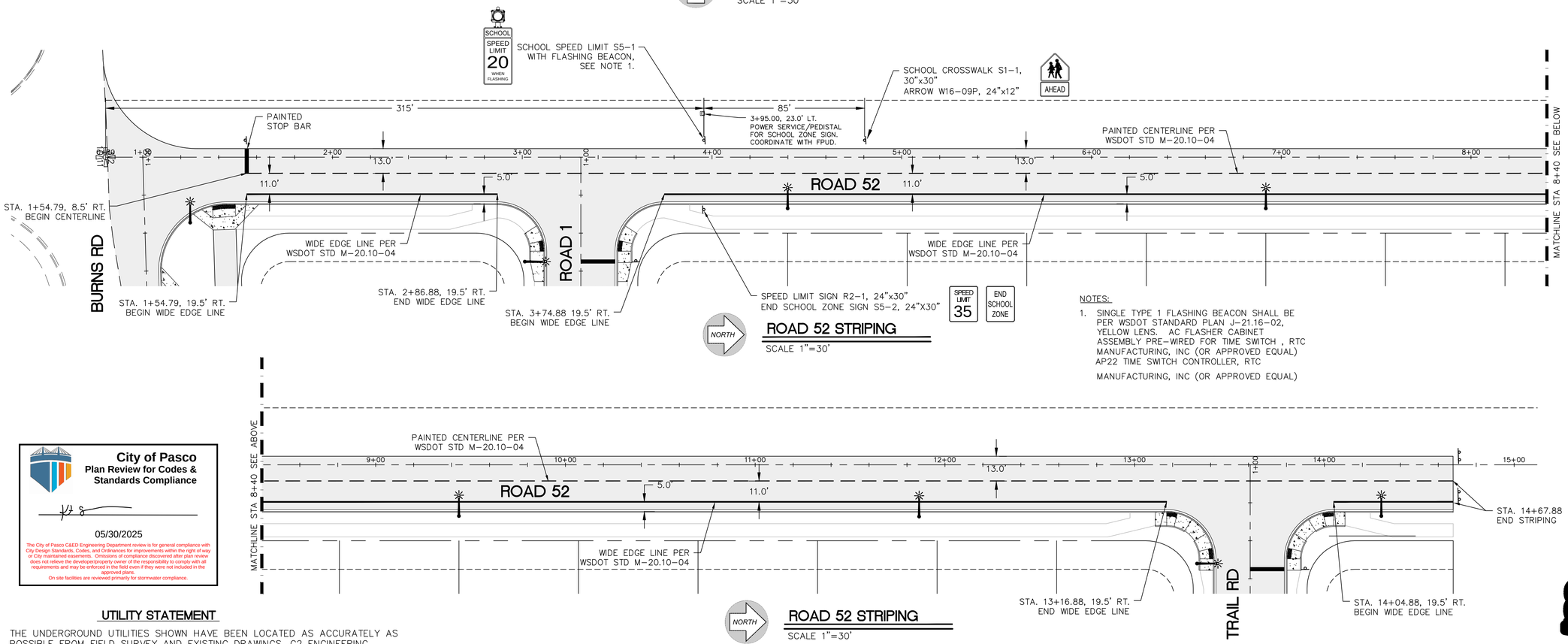
PROJECT #: 24-113
DESIGNED BY: GRG
CHECKED BY: GRG

DETAILS
20 OF 22



BURNS ROAD STRIPING

SCALE 1"=30'



ROAD 52 STRIPING

SCALE 1"=30'

NOTES:

1. SINGLE TYPE 1 FLASHING BEACON SHALL BE PER WSDOT STANDARD PLAN J-21.16-02, YELLOW LENS. AC FLASHER CABINET ASSEMBLY PRE-WIRED FOR TIME SWITCH , RTC MANUFACTURING, INC (OR APPROVED EQUAL) AP22 TIME SWITCH CONTROLLER, RTC MANUFACTURING, INC (OR APPROVED EQUAL)

ROAD 52 STRIPING

SCALE 1"=30'

City of Pasco
Plan Review for Codes & Standards Compliance

05/30/2025

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UTILITY STATEMENT

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED AS ACCURATELY AS POSSIBLE FROM FIELD SURVEY AND EXISTING DRAWINGS. G2 ENGINEERING MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHER, WE DO NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN EXACT LOCATION INDICATED, ALTHOUGH WE DO CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.

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deer park, wa 99006
509.991.9033

GABE R. GALLINGER — STATE OF WASHINGTON — 40377 — REGISTERED PROFESSIONAL ENGINEER — 5-23-25

MADISON PARK NORTH PHASE 1

BURNS ROAD AND ROAD 52 STRIPING PLAN

HORIZONTAL DATUM-NAD83(11)
WASHINGTON STATE PLANE, SOUTH ZONE BASED ON GPS OBSERVATIONS

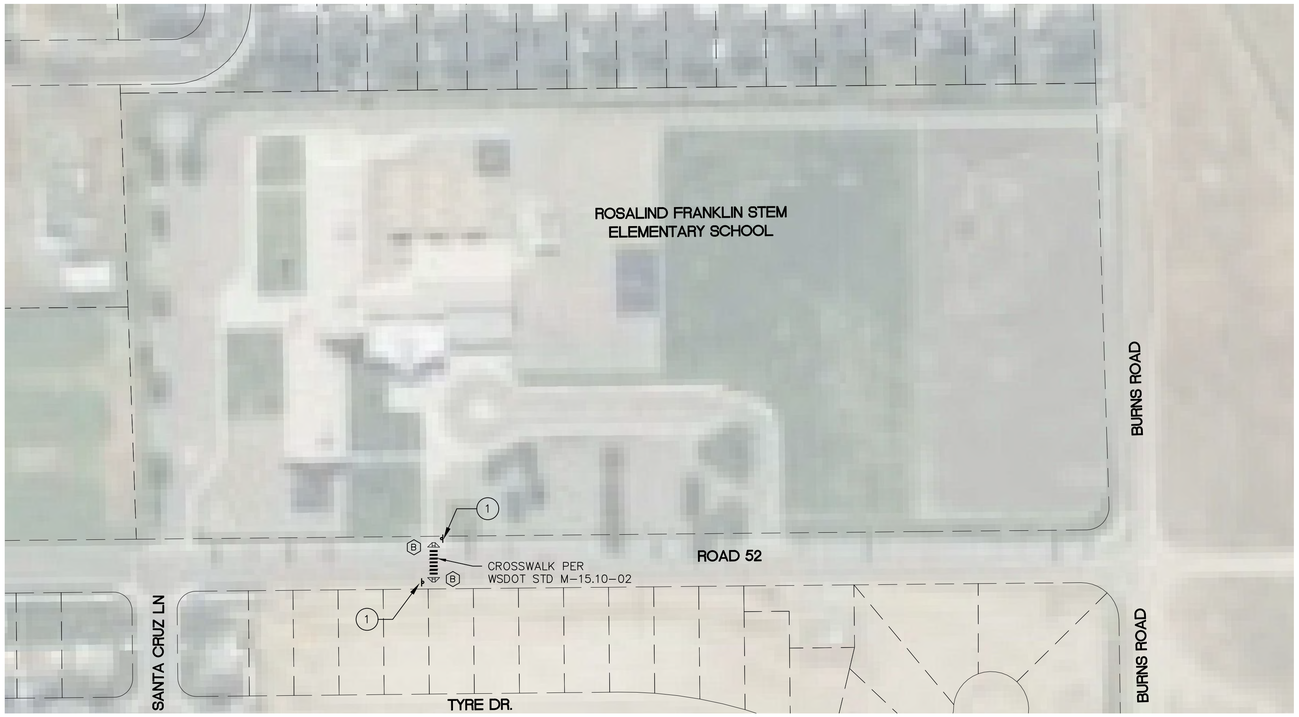
VERTICAL DATUM - NAVD88
G.P.S. STATIC OBSERVATION PROCESSED USING NGS OPUS

#	DATE	REVISION	BY
1			

SCALE
HOR. 1"=30'
VERT. N/A

PROJECT #: 24-113
DESIGNED BY: GRG
CHECKED BY: GRG

DETAILS
21 OF 22



NORTH

ROAD 52 OFF-SITE SIGNAGE

NTS

OFF-SITE SIGN SCHEDULE

(1) INSTALL SCHOOL CROSSWALK S1-1, 30"x30" BI-DIRECTIONAL FLASHING BEACON AND ARROW W16-07, 24"x12"
ENTIRE RRFB ASSEMBLY SHALL BE THE FOLLOWING, OR APPROVED EQUAL.
DUAL SIDED/BI-DIRECTIONAL FLASHING BEACONS SHALL BE TAPCO BRAND MOUNTED ON A 4-1/2" ALUMINUM PELCO POLE WITH PELCO BASE AND 2 FOOT ROUND BY 4 FEET DEEP CONCRETE FOUNDATION. PUSH BUTTON SHALL BE POLARA XAV2-LED AUDIBLE PUSH BUTTON STATION ON RAMP SIDE OF POLE.



SIDEWALK RAMP SCHEDULE

(B) SIDEWALK RAMP TYPE PERPENDICULAR A PER W.S.D.O.T. STD. PLAN F-40.15-04
FIELD LOCATE PEDESTRIAN RAMPS TO ALIGN WITH SIDEWALK LEADING TO THE FRONT OF ROSALIND FRANKLIN STEM ELEMENTARY SCHOOL.

Location of crosswalk has been reviewed and acceptable. Coordinate with assigned inspector for sidewalk ramps for ADA compliance. If City Inspector determines civil plans are needed, Contractor to work with Engineer for design and submittal to City for review and approval before work can continue on this crossing.

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City of Pasco
Plan Review for Codes & Standards Compliance

05/30/2025

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IMAGE PROVIDED BY BING

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1414 s. enoch lane
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509.991.9033

GABE R. GALLINGER — STATE OF WASHINGTON — 40577 — REGISTERED PROFESSIONAL ENGINEER
5-23-25

MADISON PARK NORTH PHASE 1

OFF-SITE SIGNAGE PLAN

HORIZONTAL DATUM=NAD83(11) — WASHINGTON STATE PLANE, SOUTH ZONE BASED ON GPS OBSERVATIONS
VERTICAL DATUM - NAVD88 — G.P.S. STATIC OBSERVATION PROCESSED USING NGS OPUS

#	DATE	BY	REVISION
1	-	-	-

SCALE
HOR. 1"=30'
VERT. N/A

PROJECT #: 24-113
DESIGNED BY: GRG
CHECKED BY: GRG

DETAILS
22 OF 22

From: Brian Cartwright
To: Ivan Barragan
Cc: Tyler Johnson; Dan Jacobsen
Subject: RE: Madison Park North Phase 1 Final Plat Memo (FP2025-006)

I would need confirmation that what is on the bond estimate is actually what is missing. It seems logical, understanding the order of construction. They are paving today, so it makes sense that they didn't want to include the HMA. Prices are appropriate. Having the list come from Sharp and Preszler is reassuring. They are a quality contractor that is on the up and up.

Brian Cartwright | Development Services Manager | (509) 545-3445 | 525 N. 3rd Avenue | Pasco, WA 99301 | cartwrightb@pasco-wa.gov
Notice of Public Disclosure: This e-mail and any response may be public record under Washington State law and subject to inspection and copying by the public upon request. Accordingly, there can be no expectation of privacy.

From: Ivan Barragan <barragani@pasco-wa.gov>
Sent: Wednesday, November 19, 2025 12:03 PM
To: Brian Cartwright <cartwrightb@pasco-wa.gov>
Cc: Tyler Johnson <johnsonty@pasco-wa.gov>
Subject: RE: Madison Park North Phase 1 Final Plat Memo (FP2025-006)

They also mentioned that a bond estimate had been provided 40 days ago; however, I can confirm that it was not provided to me in person, and the only record I have of the estimate is the email that was sent yesterday.

Thank you,

Ivan Barragan | Planner III | (509) 544-4146 | 525 N. 3rd Avenue | Pasco, WA 99301 | barragani@pasco-wa.gov
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From: Ivan Barragan
Sent: Wednesday, November 19, 2025 11:58 AM
To: Brian Cartwright <cartwrightb@pasco-wa.gov>
Cc: Tyler Johnson <johnsonty@pasco-wa.gov>
Subject: FW: Madison Park North Phase 1 Final Plat Memo (FP2025-006)
Importance: High

I believe Tyler is currently acting as the interim inspector, but earlier today Jon and Dave stopped by and provided several items, including the final plat, a bond check in the amount of $529,556.25, and a couple of letters they said they would also send electronically. It was an uncomfortable situation, and while I understand they are eager to move the plat forward, I made it clear that the physical copy of the final plat cannot be approved until the bond estimate is formally accepted and the memorandum provided to them addresses all of the comments. For reference, the check appears to reflect 125% plus the additional 20%. I also told them I could not issue a receipt at that time. In hindsight, I am not certain whether the

check provided was a cashier's check.

In any case, I want to ensure we proceed correctly. Please review the estimate they submitted and feel free to respond directly to Jon or copy me. I also want to note that I previously requested a punch list from Engineering a few weeks ago, and Tyler mentioned in person that paving had not yet occurred, so the punch list would be extensive. I understand there has been some turnover, so no worries—I'd just like to provide Jon with an accurate response.

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From: Jon Padvorac <jon@padvorac-consulting.com>
Sent: Tuesday, November 18, 2025 10:10 AM
To: Ivan Barragan <barragani@pasco-wa.gov>
Cc: Dave Swisher <dave@daveswisher.com>; Craig Raymond <raymondc@pasco-wa.gov>; DAVE BAALMAN <dbaalman@rogerssurveying.com>
Subject: Re: Madison Park North Phase 1 Final Plat Memo (FP2025-006)

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Hi Ivan,

Attached is the updated bond estimate.

Best regards,



On Tue, Nov 18, 2025 at 09:25 Jon Padvorac <jon@padvorac-consulting.com> wrote:

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I had though this estimate included the required PSD signage for Burns Road, it turns out it does not. I am having it revised and will send it to you as soon as it is ready.

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On Fri, Nov 14, 2025 at 15:13 Ivan Barragan <barragani@pasco-wa.gov> wrote:

> Please find the attached Final Plat Memorandum along with pertinent supporting documents for your use and reference.
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> At this time, a resubmittal is required. Please review the comments outlined in the memo, and don't hesitate to reach out if you have any questions or concerns.
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> **Planner III**
>
> 
>
> **O: 509-544-4146**
> barragani@pasco-wa.gov | www.pasco-wa.gov
> City Hall, 525 N. 3rd Avenue, Pasco, WA 99301
>
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From:	Brian Cartwright
To:	Dan Jacobsen
Subject:	FW: Madison Park North Phase 1 Final Plat Memo (FP2025-006)
Attachments:	Bond breakdown 11-18.pdf
Importance:	High

Can you let me know if the list of missing items looks ok.

Brian Cartwright | Development Services Manager | (509) 545-3445 | 525 N. 3rd Avenue | Pasco, WA 99301 | cartwrightb@pasco-wa.gov
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From: Ivan Barragan <barragani@pasco-wa.gov>
Sent: Wednesday, November 19, 2025 11:58 AM
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Cc: Tyler Johnson <johnsonty@pasco-wa.gov>
Subject: FW: Madison Park North Phase 1 Final Plat Memo (FP2025-006)
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City Hall, 525 N. 3rd Avenue, Pasco, WA 99301

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From: Dan Jacobsen
To: Brian Cartwright
Subject: RE: Madison Park North Phase 1 Final Plat Memo (FP2025-006)
Date: Thursday, November 20, 2025 7:56:23 AM

Not sure if these are valid items for a bond, but here are my comments:

1. Asbuilts/record drawings
2. Property pins
3. Catch basin protection
4. Hydroseeding
5. Landscaping

Dan Jacobsen, Senior Inspector
City of Pasco
525 North Third Avenue
Pasco, Washington 99301
Cell: 509-430-5951
jacobsend@pasco-wa.gov



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From: Brian Cartwright <cartwrightb@pasco-wa.gov>
Sent: Wednesday, November 19, 2025 1:38 PM
To: Dan Jacobsen <jacobsend@pasco-wa.gov>
Subject: FW: Madison Park North Phase 1 Final Plat Memo (FP2025-006)
Importance: High

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City Hall, 525 N. 3rd Avenue, Pasco, WA 99301



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From: Brian Cartwright
To: Ivan Barragan
Subject: FW: Madison Park North Phase 1 Final Plat Memo (FP2025-006)

See Dan's list below. I am not sure that #3 or #4 or required elements of the plat, but are standard construction requirements. In addition, the buffering fence on Burns is a HE required condition. That needs to be accounted for.

Brian Cartwright | Development Services Manager | (509) 545-3445 | 525 N. 3rd Avenue | Pasco, WA 99301 | cartwrightb@pasco-wa.gov
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From: Dan Jacobsen <jacobsend@pasco-wa.gov>
Sent: Thursday, November 20, 2025 7:56 AM
To: Brian Cartwright <cartwrightb@pasco-wa.gov>
Subject: RE: Madison Park North Phase 1 Final Plat Memo (FP2025-006)

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2. Property pins
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4. Hydroseeding
5. Landscaping

Dan Jacobsen, Senior Inspector
City of Pasco
525 North Third Avenue
Pasco, Washington 99301
Cell: 509-430-5951
jacobsend@pasco-wa.gov



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From: Brian Cartwright <cartwrightb@pasco-wa.gov>
Sent: Wednesday, November 19, 2025 1:38 PM
To: Dan Jacobsen <jacobsend@pasco-wa.gov>

Subject: FW: Madison Park North Phase 1 Final Plat Memo (FP2025-006)
Importance: High

Can you let me know if the list of missing items looks ok.

Brian Cartwright | Development Services Manager | (509) 545-3445 | 525 N. 3rd Avenue | Pasco, WA 99301 | cartwrightb@pasco-wa.gov
Notice of Public Disclosure: This e-mail and any response may be public record under Washington State law and subject to inspection and copying by the public upon request. Accordingly, there can be no expectation of privacy.

From: Ivan Barragan <barragani@pasco-wa.gov>
Sent: Wednesday, November 19, 2025 11:58 AM
To: Brian Cartwright <cartwrightb@pasco-wa.gov>
Cc: Tyler Johnson <johnsonty@pasco-wa.gov>
Subject: FW: Madison Park North Phase 1 Final Plat Memo (FP2025-006)
Importance: High

I believe Tyler is currently acting as the interim inspector, but earlier today Jon and Dave stopped by and provided several items, including the final plat, a bond check in the amount of $529,556.25, and a couple of letters they said they would also send electronically. It was an uncomfortable situation, and while I understand they are eager to move the plat forward, I made it clear that the physical copy of the final plat cannot be approved until the bond estimate is formally accepted and the memorandum provided to them addresses all of the comments. For reference, the check appears to reflect 125% plus the additional 20%. I also told them I could not issue a receipt at that time. In hindsight, I am not certain whether the check provided was a cashier's check.

In any case, I want to ensure we proceed correctly. Please review the estimate they submitted and feel free to respond directly to Jon or copy me. I also want to note that I previously requested a punch list from Engineering a few weeks ago, and Tyler mentioned in person that paving had not yet occurred, so the punch list would be extensive. I understand there has been some turnover, so no worries—I'd just like to provide Jon with an accurate response.

Thank you,

Ivan Barragan | Planner III | (509) 544-4146 | 525 N. 3rd Avenue | Pasco, WA 99301 | barragani@pasco-wa.gov
Notice of Public Disclosure: This e-mail and any response may be public record under Washington State law and subject to inspection and copying by the public upon request. Accordingly, there can be no expectation of privacy.

From: Jon Padvorac <jon@padvorac-consulting.com>
Sent: Tuesday, November 18, 2025 10:10 AM
To: Ivan Barragan <barragani@pasco-wa.gov>
Cc: Dave Swisher <dave@daveswisher.com>; Craig Raymond <raymondc@pasco-wa.gov>; DAVE BAALMAN <dbaalman@rogerssurveying.com>
Subject: Re: Madison Park North Phase 1 Final Plat Memo (FP2025-006)

[**NOTICE:** This message originated outside of City of Pasco -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Ivan,

Attached is the updated bond estimate.

Best regards,



On Tue, Nov 18, 2025 at 09:25 Jon Padvorac <jon@padvorac-consulting.com> wrote:

> Ivan,
>
> I had though this estimate included the required PSD signage for Burns Road, it turns out it does not. I am having it revised and will send it to you as soon as it is ready.
>
> Best regards,
>
> 
>
> On Tue, Nov 18, 2025 at 07:08 Jon Padvorac <jon@padvorac-consulting.com> wrote:
>
> > Hi Ivan,
> >
> > When we had originally completed our bond estimates we used an earlier forecast date,

and since then quite a bit of work has been completed. If you have reviewed our prior bond estimate please provide those comments and we will incorporate them. If you haven't yet reviewed our bond estimate, please review the attached updated estimate. This is quite a bit shorter and should save some time on your end.

Best regards,



On Mon, Nov 17, 2025 at 07:35 Jon Padvorac <jon@padvorac-consulting.com> wrote:

> Hi Ivan,
>
> Thanks for sending these over. Do you have any comments on the cost estimate we submitted as a basis for our bond?
>
> Best regards,
>
> 
>
> On Fri, Nov 14, 2025 at 15:13 Ivan Barragan <barragani@pasco-wa.gov> wrote:
>
> > Please find the attached Final Plat Memorandum along with pertinent supporting documents for your use and reference.
> >
> > At this time, a resubmittal is required. Please review the comments outlined in the memo, and don't hesitate to reach out if you have any questions or concerns.

Thank you,

Ivan Barragan
Planner III

O: 509-544-4146
barragani@pasco-wa.gov | www.pasco-wa.gov
City Hall, 525 N. 3rd Avenue, Pasco, WA 99301

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RECEIVED
DEC 29 2025
BY:

NOTICE OF APPEAL

OF

ADMINISTRATIVE APPROVAL OF FINAL PLAT

MADISON PARK NORTH PHASE 1

Related to PP 2022-007

Dave Swisher and Farm 2005, LLC final plat approval of (collectively, "Madison Park North" or "Appellant") appeals the City of Pasco's final plat approval of the Madison Park North Phase 1 Final Plat requiring (1) dedication of right-of-way exceeding constitutional and statutory limits; (2) construction of three-lane "Principal Arterial" road segment; 3) waiver of statutory right of protest for any future LID or ULID; and (4) construction of off-site pedestrian improvement. The City's approved the final plat on December 18, 2025, as evidenced by signature of City Manager, City Engineer, and City Planner. A copy of the executed final plat of Madison Park North Phase 1 is attached as ***Exhibit A1***.

This Notice of Appeal is filed pursuant to PMC 21.30.060 and PMC 4.02.100 and shall be heard *de novo* by City Council.

1. DECISION / APPLICABLE ACTION BEING APPEALED (FINAL PLAT OF MADISON PARK NORTH PHASE 1)

The decision being appealed is the City's approval as conditioned and required, of the Madison Park North Phase 1 Final Plat, evidenced by the City's signature/execution on December 18, 2025. The City did not issue a separate written administrative approval of the final plat apart from executing the recording. In separate sworn statement, City Planner Ivan Barragan stated that the final plat was approved and "ready to be picked up and recorded by the applicant's team at the County." The final plat and authorizing final plat was recorded on December 19, 2025. An appeal was to be filed by December 29, 2025. This appeal is timely filed.

2. JURISDICTION & AUTHORITY (PMC 21.30.060 + 4.02.100)

City Council has jurisdiction pursuant to PMC 21.30.060 to hear appeals of administrative determinations on applications for final plats. Appeals are processed within accordance procedures set forth in PMC 4.02.100, which includes:

> The body or bodies with appellate jurisdictions shall hold a joint closed recorded appeal. An open record appeal may be held for matters for which no open record hearing has been previously held.

PMC 4.02.100(1)(f). No previous open record hearing was provided for the final plat.

3. APPELLANT INFORMATION

Appellant:

Dave Swisher and Farm 2005, LLC
250 NW Franklin Ave. Suite 401
Bend, OR 97703
(541) 788-8971
dave@daveswisher.com

Appellant Representatives:

James C. Carmody
Meyer, Fluegge & Tenney, P.S.
230 South 2nd Street
Yakima, WA 98901
(509) 575-8500
carmody@mftlaw.com

Jon Padvorac
Padvorac Consulting, LLC
108725 E 228 PR SE
Kennewick, WA 99338
jon@padvorac-consulting.com

Appellant is the final plat applicant and property owner (or authorized owner representative) for Madison Park North Phase 1 and is directly aggrieved by the conditions and exactions challenged in this appeal.

4. FACTUAL BACKGROUND

4.1. Madison Park North (PP 2022-007) is a 461-lot residential subdivision that received preliminary plat approval on March 24, 2025. ("*Examiner Decision*") ***Exhibit A2***. As it relates to this appeal, Hearing Examiner imposed the following development exactions, conditions, and requirements on the preliminary plat:

(a) Dedication of 100-foot wide right-of-way "…to complete the existing future and street pattern, both to the East and West of Madison Park North." *Examiner's Decision Finding 32 and Conclusion 4.*

(b) Madison Park North is required "…to dedicate a full 100-foot right-of-way for Burns Road Extension or to construct a three-lane road segment over the Burns Road Extension

from Ramus Road to the eastern boundary of the subdivision." *Examiner's Decision Conclusion 4.*

(c) Madison Park is required to include on final plats a note requiring waiver of the right to protest the formation of a Local Improvement District (LID) or Utility Local Improvement District (ULID) pursuant to RCW 35.43.182. *Examiner's Decision Condition 3.*

(d) The developer shall work with Pasco School District by adding advanced warning signs, flashing beacons, and upgrading "…crosswalk at the non-controlled intersection of Santa Cruz Lane and Road 52, to include a RRFB." *Examiner's Decision Condition 21.*

4.2. Following preliminary plat approval, the Appellant filed a timely Land Use Petition Act (LUPA) petition with Franklin County Superior Court requesting review of specific exactions and conditions imposed by Hearing Examiner. ***Exhibit A3.*** A final decision on the land use petition is currently pending in Franklin County Superior Court Cause No. 25-2-50360-11.

4.3. The City set forth requirements for review and approval of the proposed final plat for Phase 1 of Madison Park North. The City required that the proposed final plat include right-of-way dedications and infrastructure improvements required by *Examiner's Decision* including dedications for Road 52 and Burns Road right-of-way, construction of three-plane "Principal Arterial" road segment for partial extension of Burns Road, and acceleration of offsite improvements imposed through Condition 21.

(a) The City Staff did not make an independent determination with respect to Phase 1 as to the impact associated with the proposed 63-lot initial development phase.

(b) Appellant objected to the exactions and conditions and proceeded "under protest". The City advised that they would not proceed and issue a final plat for the initial phase without dedication required right-of-way and construction of specific frontage improvements. Any further delay or denial of final plat in the project would result in damages to the Appellant exceeding $7,400,000. Appellant proceeded "under protest".

4.4. The City required preparation of construction plans for (a) right-of-way dedication and frontage improvements for extension and expansion of Burns Road from Road 52 to Ramus Lane, (b) a three-lane Burns Road cross-section with a center turn lane (as interpreted by the City), (c) dedication of right-of-way for Road 52 to support future "collector" street section; and (d) construction of Pasco School District-requested safety improvements along Road 52 and at Santa Cruz Lane. Appellant proceeded with preparation of plans.

4.5. Following review of construction and improvement plans, the City required Phase 1 infrastructure improvements to be constructed or bonded for as a prerequisite to final plat approval and recordation. PMC 21.30.050. Appellant objected but proceeded under reservation of rights to mitigate the unlawful and unconstitutional exactions. The City advised that it would

deny the final plat application for Phase 1 if conditions were not satisfied. The City processed Phase 1 civil plans for these improvements through a right-of-way work permit process.

4.6. Phase 1 civil plan approval and issuance of the right-of-way work permit authorizing construction of Phase 1 improvements was issued on May 30, 2025. The approved plans incorporate the Burns Road right-of-way and three-lane road section, Road 52 frontage and road improvements, and off-site pedestrian improvements required by *Examiner's Decision.*

4.7. Appellant proceeded with infrastructure construction and final plat processes for Phase 1 while preserving objections to the challenged exactions. By late 2025, Appellant had invested approximately $4 million in Phase 1 infrastructure and was under contract to sell the Phase 1 lots to a homebuilder, with a scheduled closing dependent on timely recording of the final plat.

4.8. Appellant filed formal application for Phase 1 final plat approval on October 14, 2025. All required construction improvements were constructed or bonded. Appellant also fully mitigated transportation impajcts through payment of $709.00 per residential unit for the entire 461-units at the approved preliminary plat as required by the *Revised MDNS* (*Exhibit A27)* and *Examiner's Decision.* The total upfront payment was $328,976. In addition, cash security for bonding was deposited as required by the City.

4.9. The City approved the final plat for Phase 1 on December 18, 2025. The City's approval was executed through the signing of the Madison Park North Phase 1 Final Plat. The City does not issue an administrative approval letter separate from the signing of the plat. With the signing of the final plat, the City authorized recording of the final plat.

4.10. The Phase 1 Final Plat was recorded on December 19, 2025, under Auditor File No.: 2007214 records of Franklin County, Washington. The recording included dedication of the required right-of-way for extension and expansion of Burns Road and Road 52. Appellant proceeded under protest and with a full reservation of its rights.

4.11. This appeal is filed under PMC 21.30.060 and PMC 4.02.100 requesting City Council review of the administrative final plat approval and to seek relief that Council can grant post-recording, including correction of the recorded plat and clarification regarding the disputed requirements. PMC 21.30.060.

4.12 Attached as Section II – Exhibits are documents relevant to appeal issues contained in the records relating to Madison Park North as well as public records relevant to the issues presented in this appellate proceeding. All documents were known and available to the City during the final plat review process. Appellant reserves the right to supplement exhibits relevant to this appeal.

5. ISSUES PRESENTED / GROUNDS FOR APPEAL

Appellant appeals the following four conditions/exactions, each of which was required by the City for final plat approval of Phase 1 of Madison Park North Subdivision. The City Council sits in an appellate capacity with independent authority and responsibility to review and determine the validity of exactions and conditions imposed by administrative staff on the final plat of Phase 1 of Madison Park North. PMC 21.30.060. The Council does not sit in a legislative capacity but rather serves in a quasi-judicial capacity that requires review of the facts and consideration of applicable law with respect to the issues presented herein.

The Council's role on this appeal is to determine whether the challenged requirements were lawful conditions and exactions as applied to the proposed 63-lot final plat of Phase 1 of Madison Park North. "No dedication, provision of public improvements, or impact fees … shall be allowed that constitutes an unconstitutional taking of private property." RCW 58.17.110. The Fifth Amendment requires that dedication of property or construction of system improvements must be authorized by law and have a direct relationship ("nexus") to the development's impacts and be "roughly proportional" to those impacts. See also RCW 82.02.020. If a requirement is not connected to an unmitigated project impact, or if it requires improvements that primarily serve existing or future system needs, it is not a lawful exaction to impose on the property owner through final plat approval. The City Council takes an oath to support the constitution, laws of the state, and adopted municipal ordinances.

Issue 1 – Burns Road Right-of-Way Dedication. The City required Madison Park North to dedicate sufficient land to establish a 100-foot right-of-way corridor for extension and expansion of Burns Road, including an approximate 28.5-foot undeveloped landscape strip for future expansion of Burns Road to a five-lane Principal Arterial. This dedication is implemented through the recorded plat dedication language and is therefore no longer hypothetical. The required dedication and exaction is an unconstitutional taking of property without just compensation under both federal and state constitutions. The exaction also violates RCW 82.02.020, RCW 58.17.110 and unlawful under City of Pasco Municipal Code. The City Council is required to determine that the dedication is valid.

Issue 2 – Burns Road Three-Lane Build-Out Exceeds Phase 1 Impacts. Based on *Examiner's Decision,* the City Staff required construction of a three-lane Burns Road section (including a center turn lane and associated frontage improvements) as a prerequisite to Phase 1 final plat recordation, even though Phase 1 traffic volumes are low and the City's standard "local access" street roadway section would have provided adequate circulation and safety for Phase 1 residents and visitors. The required road construction extends only from Road 52 to Ramus Lane. The roadway segment is built or substantially complete, so the impact of the exaction is no longer hypothetical. The Staff determination and requirement to construct a three-lane road section for extension and expansion of Burns Road east of Road 52 for a future "Principal Arterial" is an

unlawful exaction in violation of federal and state constitutions, RCW 82.02.020, and Pasco Municipal Code.

Issue 3 – LID/ULID Waiver of Protest Statement on the Recorded Plat. The Hearing Examiner required LID waiver-of-protest language to be placed on the face of the final plat. RCW 35.43.182 does not authorize "involuntary waivers" of the statutory right to protest and *Revised SEPA MDNS* and *Madison Park North TIA* both found that payment of SEPA traffic impact fees fully mitigated traffic impact from the project. Staff required placement of the waiver on the final plat. As a result, the waiver is recorded against the Phase 1 lots and affects title and statutory protest rights, including the rights of all future homeowners within the subdivision. A blanket waiver of statutory protest rights is not a lawful condition of final plat approval and is both unrelated and disproportionate to Madison Park North Phase 1 impacts.

Issue 4 – City Staff Accelerated School Improvements into Phase 1. The City Staff accelerated improvements required by Condition 21 (including advanced warning signs, flashing beacons, and RRFB-type improvements) as part of the Phase 1 construction/recordation timeline. Preliminary plat approval contemplated and authorized phasing of the project. The required improvements are constructed, and their costs are fully allocated to Phase 1 even though the improvements address system-level school-area safety needs serving multiple developments and existing traffic. The acceleration of such improvements to Phase 1 is not related to an identified unmitigated impact arising from or related to Phase 1 of the project. The imposition of these improvement requirements is contrary to law including statutory, ordinance and constitutional exactions. The City Council should determine that the condition was unlawful as applied to Phase 1 while reserving any monetary remedy to the courts.

Each of the issues presented herein are subject to pending determinations by Franklin County Superior Court in *Swisher and Farm 2005 LLC v. City of Pasco*, Superior Court Cause No. 25-2-50360-11. Appellant adopts and incorporates by reference all legal and constitutional challenges, authorities, and arguments set forth in such proceeding. The issue statement are also supplemented in Section III – Appendices.

6. REQUESTED RELIEF

Phase 1 of Madison Park North was recorded with reservation of rights and under protest as to the unlawful and unconstitutional exactions and requirements. For that reason, the requested relief focuses on the City Council's appellate obligations: (1) determine if the exactions, including dedications, were lawful and complied with constitutional requirements; (2) direct record-correcting actions where possible (particularly for recorded plat notes); and (3) prevent repetition of unlawful or disproportionate requirements in future phases.

6.1 **Related Superior Court Proceeding.** The land use petition filed with respect to the preliminary plat of Madison Park North (PP 2022-007) is currently pending in Franklin County Superior Court, Cause No. 25-2-50360-11. The court heard the matter on the merits on

December 3, 2025, and a decision is pending. This City Council appeal is not intended to duplicate the court's role; instead, it addresses the City's position that the lawful processing of an application for final plat approval forfeits rights and renders the serious legal issues moot. Appellants filed this appeal to clearly and unambiguously preserve its lawful rights and secure timely appellate review by the City Council in accordance with procedures established through PMC 21-30.060 ("The final plat applicant may appeal a determination of the administrative review process by a closed record appeal to the City Council pursuant to PMC 4.02.100.")

6.2 **City Council Role in Review of Final Plat.** The City Council's role is to determine whether a dedication, exaction, or other requirement imposed on a final plat is lawful, constitutional, and supportable based on the administrative record. The Council is not being asked to determine or quantify damages, award compensation, or formulate equitable resolutions to unlawful or unconstitutional exactions, conditions, or other requirements. Those determinations are made in a separate court proceeding in accordance with applicable law. Appellant expressly reserves all rights and remedies.

6.3 **Appellant's Requested Relief.** Appellant requests the following relief:

(a) A determination that the City's required dedication of right-of-way sufficient to establish a 100-foot right-of-way for extension and expansion of Burn's Road from Road 52 to Ramus Lane is an unconstitutional taking and exaction of property under federal and state constitutions; a violation of RCW 82.02.020; and unlawful under local ordinance.

(b) A determination that the City's required construction of a three-lane "Principal Arterial" road section from Road 52 to Ramus Lane is an unconstitutional taking and exaction under federal and state constitutions; an unlawful exaction under RCW 82.02.020; and unlawful under applicable ordinance provisions.

(c) A determination that the imposition of a mandatory waiver of protest by both current and future property owners within Phase 1 of Madison Park North is contrary to law and unconstitutional taking and exaction under federal and state constitutions. Upon further request that the City Council direct that the filed plat of Madison Park North be amended to remove Note requiring waiver of protest of the formation of future local improvement districts.

(d) A determination that the requirement to construct system improvements required under Condition 21 of *Hearing Examiner's Findings of Fact, Conclusions, Decision and Conditions* is contrary to law and an unconstitutional taking and exaction under federal and state constitutions.

6.4 **Additional Argument and Documents**. Attached are summary arguments on the issues presented by this appeal and documents from the record to be included in City Council's review of this appeal. Appellant reserves the right to supplement these summary statements.

7. Request for Open Record Hearing.

PMC 21.30.060 provides that "…[t]he final plat applicant may appeal a determination of the administrative review process by a closed record appeal to the City Council pursuant to PMC 4.02.100." Appellants file this appeal in accordance with such ordinance requirements. A "closed record appeal" is defined as follows:

> "Closed record appeal" means an administrative appeal on the record following an open record hearing on project permit application, when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

PMC 4.02.030. An open record appeal may be held for matters for which no open record hearing has been previously held. PMC 4.02.100(1)(f). If an acceptable record for closed record appeal cannot be established, appellant requests and is entitled to an open record appeal before the City Council.

DATED this 29 day of December 2025.

Dave Swisher (Dec 29, 2025 12:29:20 PST)

Dave Swisher, Individually and as Authorized Member of Farm 2005, LLC

- Pasco City Manager
  City of Pasco
  525 N. 3rd Avenue
  Pasco, WA 99301
- Pasco City Clerk
  City of Pasco
  525 N. 3rd Avenue
  Pasco, WA 99301
- Haylie, Community & Economic Development Director
  City of Pasco
  525 N. 3rd Avenue
  Pasco, WA 99301

II - APPENDIX

ISSUE 1

BURNS ROAD EXPANSION AND EXTENSION

Overview of Final Plat for Phase 1 of Madison Park North.

Appellant filed a complete application for final plat of Phase 1 of Madison Park North on October 14, 2025. The final plat proposed creation of sixty-three (63) single-family residential lots located in the southwest corner of the Madison Park North Preliminary Plat. ***Exhibit A1.*** City Staff required the dedication of additional right-of-way for expansion and extension of Burns Road from Road 52 to Ramus Lane. There was an existing 30-foot right-of-way adjacent to Madison Park South that served as access to that subdivision. ***Exhibit A4.*** An additional 70-foot right-of-way was required for the development of a future "Principal Arterial" extension of Burns Road to the east. The required dedication terminated at Ramus Lane.

City Staff required construction of a three-lane road section, dedication of 28.5-foot landscaping strip, sidewalks, and construction of multi-use pathway and other frontage improvements. Each of these exactions are the subject of the pending Land Use Petition Act (LUPA) appeal pending before Franklin County Superior Court. The Court has not issued a final decision.

The dedication of right-of-way and construction (or bonding) of improvements were required for final plat approval. Pasco Municipal Code requires construction *before* final plat approval. PMC 21.30.050. No independent determination or analysis was undertaken with respect to impacts from the proposed Phase 1 final plat. Significantly, no lots have direct access to Burns Road or Road 52 and no evidence is included that the extension and expansion of either roadway is required to serve lots within Phase 1 of Madison Park North. The exactions, dedications, and construction requirements are unconstitutional and violate state law.

City Staff understood that the exaction was unconstitutional. ***Exhibit A12*** and ***A13.*** It was recognized that a public contribution was required but the City did not have funds to make its contribution without further budgetary action by the City Council. ***Exhibit A12.*** Staff then changed as the parties approached the hearing on the preliminary plat. Dave Swisher summarized the new position and dilemma as follows:

> Staff previously indicated compensation [for the public share] would be required for any dedication or improvements for the southern half of Burns Road. You now offer two options that are completely different than our understanding: Full right-of-way dedication with improvements, or significant delays while you seek City Council funding for a purchase prior to my project getting approve. As I mentioned in the meeting, I feel this is a "sneaky" way to try and force me to concede to the City's demands. I am sorry that hurts your feelings, I honestly

> don't want that. I would like to have a cordial relationship with you and the City in the future, but this reversal and opinion is too much, especially known Burns Road wasn't even conceived as a road when Madison Park South was built and my current development only needs a partial road section.

Exhibit A11. City Staff did not dispute these facts. More significantly, the City found a way to contribute one-half of the cost of road extensions for an adjacent project sponsored by a City Council member. ***Exhibit A10*** (confirming that the parties "…came to an agreement that the City would contribute equally towards the construction costs of extending Convention Drive from its current location through the Glacier Park subdivision at its current angle"). The City also contributed to upsizing of road improvements in other projects. ***Exhibit A20.*** Madison Park was treated in a different way.

City Staff's Requirement for Dedication and Improvement of Burns Road is Unconstitutional and Violates State Law.

The constitutionality and legality of this exaction is pending before the court in *Swisher v. City of Pasco*, Franklin County Superior Court Cause No. 25-2-50360-11. A developer is entitled to proceed with final plat processes under protest and with reservation of rights to be determined in the pending litigation. City Staff accepted and processed the application for final plat with full knowledge of the pending litigation and our objections to the exactions and conditions. The court in *Koontz v. St. John's River Water Mgmt. Dist.,* 570 U.S. 595, 606 (2013) recognized that the imposition of this choice was unconstitutional:

> The principles that undergird our decisions in *Nollan* and *Dolan* do not change depending on whether the government *approves* a permit on conditions that the applicant turn over property or *denies* a permit because the applicant refuses to do so….A contrary rule would be especially untenable in this case because it would enable the government to evade the limitations of *Nollan* and *Dolan* simply by phrasing its demands as conditions precedent to permit approval.

Id. (Italics original). The court went on to hold that "…[e]xtortionate demands for property in this land-use permitting context run afoul of the Takings Clause not because they take property but because they impermissibly burden the right not to have property taken without just compensation." *Id.* Any further delays in the permit process would result in damages to the developer exceeding $7,400,000. The developer proceeded, as it is its right, under protest and with a reservation of its constitutional and statutory rights.

Nollan and *Dolan* "involve a special application" of the unconstitutional conditions doctrine that protects the Fifth Amendment right to just compensation for property the government takes when owners apply for land-use permits. *Dolan,* 512 U.S. at 385. Justice Alito recognized the realities of the permitting process and stated as follows:

> Our decisions in those cases reflect two realities of the permitting process. The first is that land-use permit applicants are especially vulnerable to the type of coercion that the unconstitutional conditions doctrine prohibits because the government often has broad discretion to deny a permit that is worth far more than property it would like to take. By conditioning a building permit on the owner's deeding over a public right-of-way, for example, the government can pressure an owner into voluntarily giving up property for which the Fifth Amendment would otherwise require just compensation. So long as the building permit is more valuable than any just compensation the owner could hope to receive for the right-of-way, the owner is likely to accede to the government's demand, no matter how unreasonable. Extortionate demands of this sort frustrate the Fifth Amendment right to just compensation, and the unconstitutional conditions doctrine prohibits them.

Koontz, 570 U.S. at 604-05. Madison Park North cannot be penalized or delayed because it asserts its constitutional rights under the Fifth Amendment.

Nollan and *Dolan* have clearly and unequivocally held that the government may not condition the approval of a land-use permit on the owner's relinquishment of a portion of his property unless there is a nexus and rough proportionality between the government's demand and the effects of the proposed land use. Under *Nollan* and *Dolan,* the government may choose whether and how a permit applicant is required to mitigate the impacts of a proposed development, but it may not leverage its legitimate interest in mitigation to pursue governmental ends that lack an essential nexus and rough proportionality to those impacts. In this case, the City has impermissibly leveraged its position to exact excessive right-of-way dedications in order to pursue a broader purpose of developing a new "Principal Arterial" to serve the future needs of the public. Once of the principle purposes of the Takings Clause is "to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole." *Dolan,* 512 U.S. at 384. In this case, the City has shifted the entire burden to a single developer to dedicate right-of-way and construct a "Principal Arterial" to serve the community.

The City bears the burden to establish nexus and rough proportionality through an individualized determination applicable to the project proposal. The City has failed to make that individualized determination and the administrative record does not support the scope and extent of the exaction and construction requirements in this case.

The State of Washington has affirmed these principles through both legislative action and case authorities. RCW 83.02.020 (prohibiting dedications of land or construction of improvements that exceed those reasonably necessary as a direct result of the proposed development or plat). In the context of subdivisions, the legislature has provided that "…[n]o dedication, provision of public improvements, or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be

allowed that constitutes an unconstitutional taking of private property." RCW 58.17.110. And requiring dedication and construction of frontage improvements unsupported by substantial evidence are unlawful and unconstitutional. See e.g. *Benchmark Land Company v. City of Battleground,* 94 Wn.App. 537, 972 P.2d 944, aff'd 146 Wn.2d 685 (2002). Each of these legal principles has been fully briefed and argued before the superior court.

The City Council should not perpetuate this unconstitutional exaction and declare the City Staff's actions to be unconstitutional and unlawful.

APPENDIX

ISSUE 2

CONSTRUCTION OF THREE-LANE PRINCIPAL ARTERIAL

Overview of Road Construction Improvements.

Burns Road and Road 52 are existing "local access" streets. The City has required that right-of-way be dedicated for both roadways to meet future community-wide transportation needs and requirements as a "Principal Arterial" and "Collector" roadway, respectively. Also included in final plat approval was the requirement to construct transportation facilities for both roadways. PMC 21.15.030 limits developer responsibility for installing improvements to "...half of the right-of-way width abutting the property being developed." There is no authority to expand the scope of the improvement exaction.

With respect to Road 52, the City required dedication of 40-foot right-of-way for a "Collector" street with frontage improvements consistent with adopted Design and Construction Standards. Appellant does not object to the application of construction improvement requirements but does object to oversizing of the road right-of-way. This requirement is patently unconstitutional.

Burns Road expansion and extension presents a different issue. In addition to requiring dedication of right-of-way sufficient to establish a future 100-foot corridor, the City also required construction of a three-lane (two travel lanes and a center turn lane) from Road 52 to Ramus Lane. Also required was development of a 28.5-foot landscaping strip, multi-use pathway, and frontage improvements on both sides of the road. Based on the *Madison Park North TIA,* Phase 1 will contribute, worst case, peak hour – approximately one-vehicle every 10 minutes. On an average daily basis, Phase 1 contributes less than 0.18% of the traffic over the "Primary Arterial."

Neither Phase 1 lots nor developed parcels within Madison Park South have direct access to the Burns Road extension. The City failed to undertake any specific analysis with respect to the direct impacts from Phase 1 or trip generation assessments in order to support the exaction. The *Madison Park North Traffic Impact Analysis* does not support a need for development of a "Principal Arterial" because of Madison Park North subdivision, or specifically Phase 1.

Overview of Constitutional and Statutory Violations.

As with right-of-way dedication, an exaction requiring construction of public improvements to adjacent roadways is subject to the *Nollan/Dolan* test requiring "nexus" and "rough proportionality". The City has the burden of proving constitutional compliance through a project specific assessment of the impacts created by the proposed project. Phase 1 does not support oversizing of either Burns Road or Road 52 to support project impacts. The exaction is required to meet the City's goals for development of regional transportation system corridors through

"Collector" and "Principal Arterial" street system. There is no legal basis to place 100% of the cost of constructing a regional transportation component on a single developer.

APPENDIX

ISSUE 3

INVOLUNTARY WAIVER OF RIGHT TO PROTEST FORMATION OF LID OR ULID

Overview of Involuntary Waiver of Right to Protest.

The City Staff required inclusion of the following note on the final plat for Phase 1 of Madison Park North:

> 1. A CONDITION OF APPROVAL OF THIS PLAT, PURSUANT TO RCW 35.43.182 THE OWNER HEREBY WAIVES FOR A PERIOD OF TEN (10) YEARS FROM THE DATE OF APPROVAL OF THIS PLAT THE RIGHT TO PROTEST THE FORMATION OF A LOCAL IMPROVEMENT DISTRICT (LID) OR UTILITY LOCAL IMPROVEMENT DISTRICT (ULID) FOR THE FINANCING AND CONSTRUCTION OF TRANSPORTATION AND/OR UTILITY IMPROVEMENTS ESPECIALLY BENEFIT PROPERTY OWNER(S) WITHIN THIS PLAT AND ARE IDENTIFIED IN THE CAPITAL FACILITIES ELEMENT OF THE CITY OF PASCO'S COMPREHENSIVE PLAN, OR DOCUMENTS ADOPTED AND INCORPORATED BY REFERENCE THEREIN. THIS WAIVER SHALL BE LIBERALLY CONSTRUED IN ACCORDANCE WITH AND TO ACCOMPLISH THE PURPOSES OF RCW 35.43.182.

The legality of this plat condition is presently pending before Franklin County Superior Court. The City required inclusion of the involuntary waiver as a condition to approving the final plat. Appellant registered objections and proceeded with the full reservation of its rights with respect to this condition. Contrary to City arguments, this waiver requirement was not requested or imposed on Madison Park South and adjacent developers "agreed" to the waiver.

Overview of Legal Issues With Respect to the Waiver of Protest.

The City has imposed this involuntary waiver based upon authority under RCW 35.43.182. The legislature allowed waiver of the statutory right to protest, however, only where (1) an owner of property enters into an agreement waiving his right to protest under RCW 35.43.180; (2) the agreement identifies improvements to be financed by the district; and (3) the effective term does not exceed ten (10) years. The statutory waiver provisions of RCW 35.43.182 do not authorize a local jurisdiction to impose an *involuntary waiver* of the statutory right as a condition to approval of an application for final plat.

The City has failed to establish that the waiver directly addresses an identified but unmitigated transportation or utility impact. See e.g. RCW 58.17.110; *Isla Verde International Holdings, Inc. v. City of Camas,* 146 Wn.2d 740, 763-64 (2002); and *Southwick, Inc. v. City of Lacey,* 58

Wn.App. 886, 893 (1990) ("For more than twenty years, these statutes have been interpreted by the courts to give local government authority to impose conditions upon development that are intended to mitigate the problems caused by the particular use."). The City's transportation expert – Jessica Brackin – was unable to identify a specific project impact that was mitigated by the waiver. *Tr. 171:20-21.*

And as a final point, the involuntary imposition of a waiver of protest violates the doctrine of unconstitutional conditions and RCW 82.02.020. Each of these legal constraints and requirements are more fully developed in the briefing and files in the pending LUPA litigation. Our briefing is available and will be provided upon request.

APPENDIX

ISSUE 4

ACCELERATION OF OFF-SITE SCHOOL IMPROVEMENTS

Overview of Unlawful Acceleration of Off-Site Improvements.

City Staff required that appellant construct off-site pedestrian improvements imposed by Hearing Examiner through Condition 21. The off-site improvements required to be constructed are located in the vicinity of Road 52 and Santa Cruz Road, as well as Burns Road between Road 52 and Road 60. ***Exhibit A7.*** The administrative record contains no facts or evidence to establish that these improvements were required as a direct result of Phase 1 of Madison Park North.

Acceleration and Requirement to Construct Off-Site Improvements Required by Condition 21 is Not Factually or Legally Supportable.

The record is void of any facts or findings that development of sixty-three (63) single-family residential lots within Phase 1 of Madison Park North requires construction of all of the off-site improvements required by Condition 21. The imposition of off-site pedestrian improvements is contrary to law. Pasco School District was provided an opportunity to comment during the preliminary plat and environmental review process but registered no comment or objections to the project proposal. ***Exhibit A16.*** A failure to comment is to be construed as a lack of objection to any environmental impacts, including pedestrian and transportation, from the project proposal. WAC 197-11-545(1). Pasco School District did not identify specific pedestrian improvements until April 3, 2025. ***Exhibit A7.***

As with other exactions and requirements, Madison Park North was singled out for disparate treatment. The City did not require proportionate contributions to such impacts even through they contributed more than 900 new residential units utilizing the same roads and facilities.

And as a final point, the courts have recognized that a subdivision developer is not required to address or correct preexisting deficiencies. *Benchmark Land Co.,* 146 Wn.2d at 695.

III. EXHIBITS

Copies of public records contained in or relevant to issues presented herein are attached. Appellant reserves the right to supplement the record.

No.	Description of Documents
A1	Madison Park North Phase 1 Final Plat
A2	MPN Hearing Examiner Decision (PP 2022-007)
A3	Second Amended Land Use Petition
A4	Plat Madison Park North Initial Layout
A5	Madison Park South Phase 9
A6	2022 12 23 Burns Road 100' ROW & Bike Ped Path
A7	2025 04 03 PSD Requested Safety Improvements Map
A8	2025 04 03 PH1 Plan Review Comment Ltr
A9	2025 02 03 Email from Brian C, Plan Review Agreement
A10	2024 03 13 Email Harpster Lincoln Convention Drive
A11	Email 2024 10 04 Email from Harpster to Sigdel
A12	2024 11 22 - Follow-Up Memo from Swisher to Sigdel
A13	2024 12 06 - Email with 12 04 Meeting Minutes
A14	2025 01 05 Personal Email Letter from Swisher to City Manager and City Council
A15	2025 01 14 Declaration of Dave Swisher
A16	SEPA2023-032 NOA Madison Park North
A17	2005 Northwest Commons plat and map
A18	2014 06 16 - Resolution 3562 -Madison Park PUD
A19	2023 06 20 - Resolution 4356 - 2024-2029 Six-Year TIP
A20	2023 08 02 Wernett Ridge Road Upsize
A21	2024 05 17 - Madison Park North TIA - Approved - Excerpts
A22	2024 05 17 Memo from PBS Approval of MPN TIA
A23	2024 05 29 - Transcript from Concurrency Meeting
A24	2024 06 17 City Council Mgt Excerpts - Fees

A25	2024 07 09 Madison Park North Prelim Plat
A26	2024 07 24 HE Staff Report excerpts
A27	2024 11 04 - Madison Park North SEPA MDNS
A28	2024 11 25 - Raven Place HE Determination
A29	2024 12 11 HE MPN Staff Report Excerpts
A30	2024 12 20 - Glacier Park HE Determination
A31	2022 11 21 Burns to Glade Memo
A32	HE Determination PP 2020-002 Burns Road fee dispute

U:\Erica\EE Properties, LLC - Madison Park Development\Madison Park North\Final Plat Appeal\Notice of Appeal_12.2025.docx

A-1

MADISON PARK NORTH
PHASE 1 FINAL PLAT

AOW # 2007214 PLAT Recorded 12/19/2025 09:23 AM Page: 1 of 2 Filing Instrument
$428.50 Matt Beaton, Auditor, Franklin County, WA. PAGWORAC COMPUTERIZING, LLC

UNOFFICIAL COPY

MADISON PARK NORTH PHASE 1

CC 184

LOCATED IN THE SW 1/4 OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 29 EAST, W.M., FRANKLIN COUNTY, WASHINGTON

CITY OF PASCO NOTES:

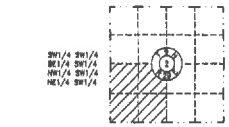
1. A CONDITION OF APPROVAL OF THIS PLAT, PURSUANT TO RCW 58.17.195, THE OWNER HEREBY WAIVES FOR A PERIOD OF TEN (10) YEARS FROM THE DATE OF APPROVAL OF THIS PLAT THE RIGHT TO PROTEST THE FORMATION OF A LOCAL IMPROVEMENT DISTRICT (LID) OR UTILITY LOCAL IMPROVEMENT DISTRICT (ULID) FOR THE FINANCING AND CONSTRUCTION OF TRANSPORTATION AND/OR UTILITY IMPROVEMENTS THAT SPECIALLY BENEFIT PROPERTY OWNER(S) WITHIN THIS PLAT AND ARE IDENTIFIED IN THE CAPITAL FACILITIES ELEMENT OF THE CITY OF PASCO'S COMPREHENSIVE PLAN, OR DOCUMENTS ADOPTED AND INCORPORATED BY REFERENCE THEREIN. THIS WAIVER SHALL BE LIBERALLY CONSTRUED IN ACCORDANCE WITH AND TO ACCOMPLISH THE PURPOSES OF RCW 58.17.195.
2. THE INDIVIDUAL OR COMPANY MAKING IMPROVEMENTS ON A LOT OR LOTS OF THIS PLAT IS RESPONSIBLE FOR PROVIDING AND INSTALLING ALL TRENCH, CONDUIT, PRIMARY VAULTS, SECONDARY JUNCTION BOXES, AND BACKFILL FOR THE PUD'S PRIMARY AND SECONDARY DISTRIBUTION SYSTEM IN ACCORDANCE WITH PUD SPECIFICATIONS. SAID INDIVIDUAL OR COMPANY WILL MAKE FULL ADVANCE PAYMENT OF LINE EXTENSION FEES AND WILL PROVIDE ALL NECESSARY UTILITY EASEMENTS PRIOR TO PUD CONSTRUCTION AND/OR CONNECTION OF ANY ELECTRICAL SERVICE TO OR WITH THE PLAT.
3. PROPERTY WITHIN THIS PLAT MAY BE SUBJECT TO VARYING NOISE LEVELS AND VIBRATIONS DUE TO PROXIMITY TO THE TRI-CITIES AIRPORT. PROPERTIES NEAR THE AIRPORT MAY BE LOCATED WITHIN HEIGHT AND USE RESTRICTION ZONES AS DESCRIBED AND ILLUSTRATED BY FEDERAL STANDARDS AND REGULATIONS AND THE CITY OF PASCO ZONING REGULATIONS. THERE IS THE POTENTIAL THAT STANDARD FLIGHT PATTERNS WILL RESULT IN AIRCRAFT PASSING OVER THE PROPERTIES AT LOW ALTITUDES AND DURING ALL HOURS OF THE DAY. FUTURE AIRPORT EXPANSION INCLUDING RUNWAY EXTENSIONS MAY IMPACT THE SIZE AND NUMBER OF AIRCRAFT UTILIZING THE AIRPORT. DEVELOPMENTS NEAR THE AIRPORT SHOULD ASSUME THAT AT ANY GIVEN TIME THERE WILL BE SOME IMPACT FROM AIR TRAFFIC.
4. EXISTING REGULATIONS REGARDING SIGHT DISTANCE, FENCE HEIGHT, AND SETBACKS MAY AFFECT THE PLACEMENT OF FENCES AND DRIVEWAYS ON ANY CORNER LOTS.
5. THE DEVELOPER SHALL INSTALL A COMMON "ESTATE" TYPE FENCE/WALL 5-6 FEET in HEIGHT ALONG BURNS ROAD AS PART OF THE INFRASTRUCTURE IMPROVEMENTS ASSOCIATED WITH THE PLAT. THE FENCE/WALL MUST BE CONSTRUCTED OF MASONRY BLOCK. FENCE DESIGN AND MATERIAL MUST BE APPROVED BY THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR. AN APPROVED VISION TRIANGLE AT THE INTERSECTION OF STREETS WILL BE REQUIRED. FOLLOWING CONSTRUCTION OF THE MASONRY FENCE/WALL, THE CITY MAY MAKE REPAIRS AND REPLACE THE FENCING AS NEEDED. PROPERTY OWNERS ADJOINING SAID FENCE SHALL BE RESPONSIBLE FOR PAYMENT OF ALL COSTS ASSOCIATED WITH MAINTENANCE AND UPKEEP OF THE FENCE/WALL.

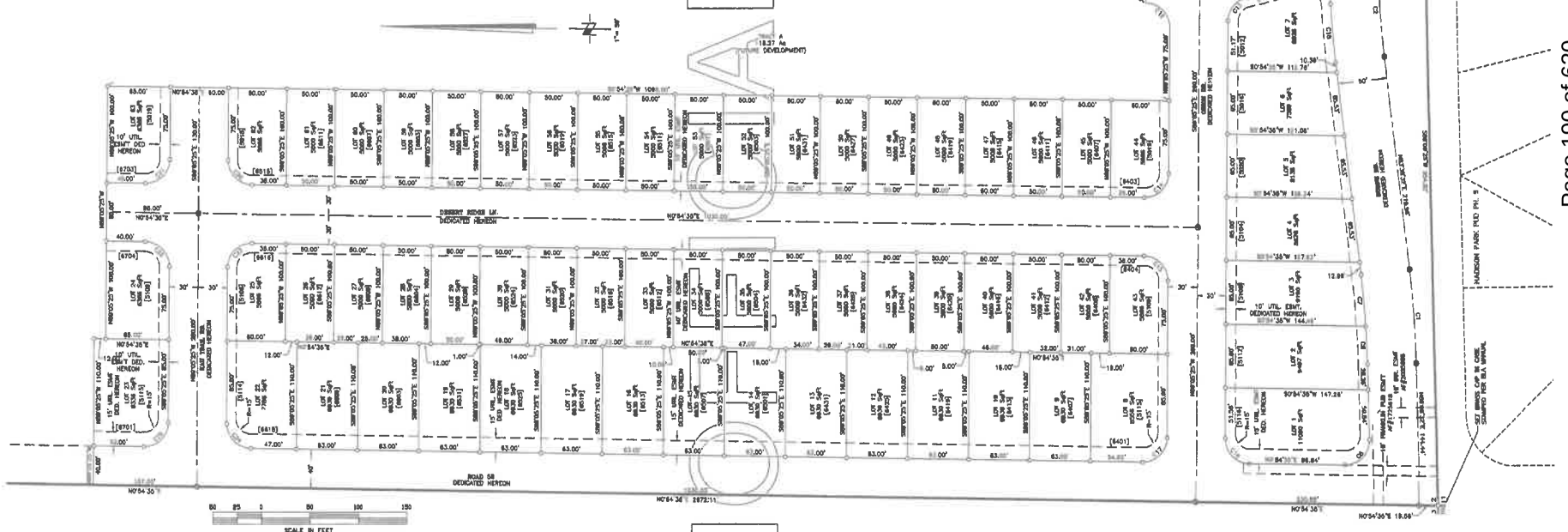
SURVEYOR'S NOTES:

1. BASIS OF BEARING IS GRID, WASHINGTON STATE PLANE, SOUTH ZONE, NAD83(11), BASED ON GPS OBSERVATIONS. DISTANCES ARE "GROUND" SCALED FROM GRID USING A COMBINED FACTOR OF 1.0000914700.
2. ○ = DENOTES SET 5/8" REBAR WITH ORANGE PLASTIC CAP STAMPED "ROGERS SURVEYING BAALMAN 41028" TO BE SET AT COMPLETION OF CONSTRUCTION.
3. ● =DENOTES 3" BRASS CAP IN MONUMENT CASE STAMPED "41028" TO BE SET AT COMPLETION OF CONSTRUCTION.
4. (M) = MEASURED (R) = RECORD OF SURVEY AF#1987124
   (R2) = RECORD OF SURVEY AF#8606418 (C) = COMPUTED
5. EQUIPMENT AND PROCEDURES USED: WAAS FREQUENCY GNSS RECEIVERS USING REAL TIME KINEMATIC METHODS
6. S-THIS SURVEY MEETS OR EXCEEDS THE ACCURACY REQUIREMENTS DESCRIBED IN WAC 332-130-090. ANALYSIS METHOD: MULTIPLE INDEPENDENT RTK GNSS TIES AND LEAST SQUARES ADJUSTMENT

Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CH. BRNG.	CHORD
C1	99.99	1000.00	5°30'00"	N88°23'33"E	99.96
C2	99.25	1000.00	5°30'53"	S88°23'58"W	99.21
C3	32.21	200.00	9°13'34"	N13°27'22"W	32.17
C4	38.32	200.00	10°58'44"	S12°34'47"E	38.27
C8	40.04	25.00	91°48'03"	S44°58'37"E	35.90
C6	38.61	950.00	2°20'27"	N87°58'19"E	38.61
C7	52.36	950.00	3°09'33"	N86°13'19"E	52.36
C8	46.81	25.00	104°56'53"	N34°25'17"E	39.68
C9	33.44	25.00	74°20'38"	S53°40'16"E	30.81
C10	46.30	25.00	106°82'20"	S34°52'01"W	39.90
C11	40.63	25.00	93°06'24"	S43°38'37"E	36.30
C12	39.27	25.00	90°00'00"	N43°54'38"E	35.36
C13	34.12	25.00	78°11'38"	N46°59'38"W	31.53
C14	39.27	25.00	90°00'00"	S44°06'35"E	35.36
C15	39.27	25.00	90°00'00"	N45°54'35"E	35.36
C16	39.27	25.00	90°00'00"	S46°54'38"W	35.36
C17	39.27	25.00	90°00'00"	S44°05'25"E	35.36
C18	56.92	1050.00	3°16'12"	S85°16'38"W	56.93
C19	28.79	230.00	7°10'22"	S14°28'06"E	28.77
C20	39.27	25.00	90°00'00"	S45°54'35"W	35.36

Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CH. BRNG.	CHORD
C21	39.27	25.00	90°00'00"	S44°06'28"E	35.36
C22	39.27	25.00	90°00'00"	N45°54'38"E	35.36
C23	39.27	25.00	90°00'00"	N44°06'28"W	35.36
C24	39.27	25.00	90°00'00"	S45°54'38"W	35.36
C25	39.27	25.00	90°00'00"	S44°06'28"E	35.36
C26	6.30	230.00	1°34'18"	N17°17'03"W	6.30





SURVEYOR'S CERTIFICATION

I DAVID P. BAALMAN, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF WASHINGTON, (REG. 41028) HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION, THAT THE DISTANCES, COURSES AND ANGLES ARE SHOWN TRUE AND CORRECT THEREON, AND THAT THE MONUMENTS HAVE BEEN SET AND LOT CORNERS STAKED ON THE GROUND AS SHOWN ON THE MAP.

DAVID P. BAALMAN

11-18-2025
DATE

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 19th DAY OF December, 2025, AT 9:28 A.M.
IN BOOK D OF PLATS, AT PAGE 192, AT THE REQUEST OF EE PROPERTIES LLC.

Matt Beaton
FRANKLIN COUNTY AUDITOR

2007214
FEE NUMBER

BY DEPUTY

SHEET 1 OF 2

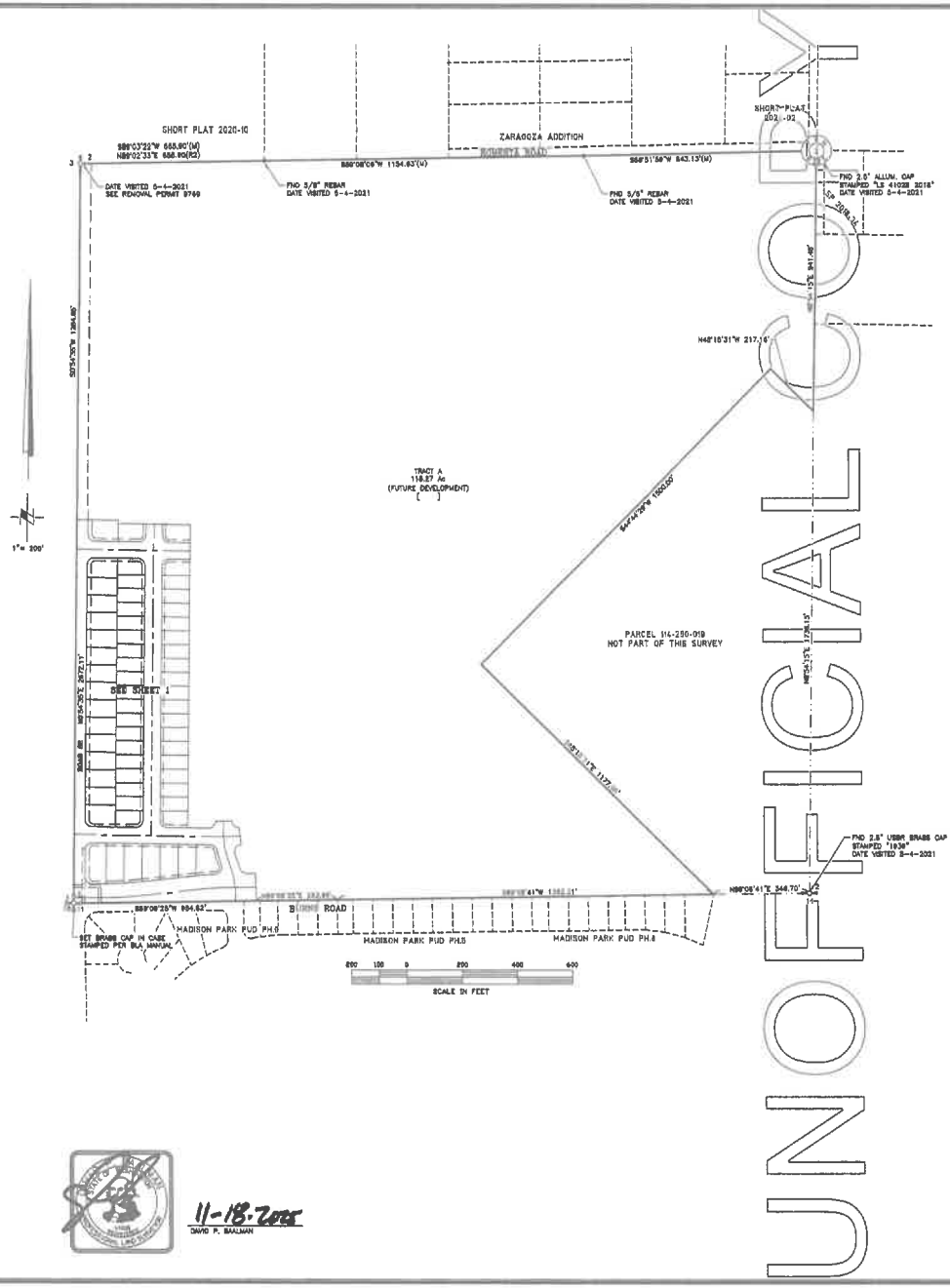
RSI ROGERS SURVEYING INC., P.S.
1468 COLUMBIA PARK TRAIL
RICHLAND, WA. 99352
PHONE (509) 783-6141
FAX (509) 783-6994
www.rogerssurveying.com

06228-PLAT.DWG 8-12-25 DCP

MADISON PARK NORTH PHASE 1

LOCATED IN THE SW 1/4 OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 29 EAST, W.M., FRANKLIN COUNTY, WASHINGTON

CC 185



DEDICATION

I, STEVE WEST, AUTHORIZED REPRESENTATIVE OF FARM 2008, LLC, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE TRACT OF LAND DESCRIBED HEREON AND THAT WE HAVE CAUSED SAID LAND TO BE SURVEYED AND PLATTED INTO LOTS AS SHOWN HEREON AND THE STREET RIGHTS OF WAY AND UTILITY EASEMENTS ARE HEREBY DEDICATED TO THE USE OF THE PUBLIC AND THAT SAID SUBDIVISION SHALL HEREAFTER BE DESIGNATED BY THE NAME OF "MADISON PARK NORTH, PHASE 1".

STEVE WEST, AUTHORIZED REPRESENTATIVE OF FARM 2008, LLC

PENELOPE BAYNE NOTARY PUBLIC No. 24038678 STATE OF WASHINGTON DECEMBER 2, 2028

ACKNOWLEDGMENT

STATE OF Washington
COUNTY OF Benton } S.S.

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT STEVE WEST, IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE [illegible] OF FARM 2008, LLC, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

Penelope Bayne
NOTARY PUBLIC IN AND FOR THE STATE OF Washington
RESIDING AT Kennewick, WA
MY COMMISSION EXPIRES 12/02/2028

LEGAL DESCRIPTIONS:

THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 29 EAST, W.M., FRANKLIN COUNTY, WASHINGTON.

EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 2; THENCE NORTH 0°54'18" EAST 1738.18 FEET ALONG THE MID-SECTION LINE OF SAID SECTION 2 TO THE NORTHEASTERLY BOUNDARY OF THAT EASEMENT DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 1883837, RECORDS OF FRANKLIN COUNTY, WASHINGTON; THENCE NORTH 48°15'31" WEST 217.16 FEET ALONG SAID NORTHEASTERLY BOUNDARY; THENCE SOUTH 44°44'29" WEST 1800.00 FEET ALONG THE NORTHWESTERLY BOUNDARY OF SAID EASEMENT; THENCE SOUTH 48°15'31" EAST 1177.06 FEET ALONG THE SOUTHWESTERLY BOUNDARY OF SAID EASEMENT TO THE SOUTH LINE OF SAID SECTION 2; THENCE NORTH 89°08'41" EAST 344.70 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

CONTAINS 133.52 ACRES, MORE OR LESS.

APPROVALS

CITY OF PASCO

EXAMINED AND APPROVED THIS 18th DAY OF December, 20 25

CITY ENGINEER — DATE 12/18/2025

CITY MANAGER OR DESIGNEE — DATE 12-18-2025

FRANKLIN COUNTY P.U.D.

THE UTILITY EASEMENTS SHOWN ARE HEREBY APPROVED.

FRANKLIN COUNTY P.U.D. — TITLE Engineering + Operations Director — 11-18-25

COUNTY ASSESSOR

EXAMINED AND APPROVED THIS 19th DAY OF December, 2025 A.D.

Kelly Casey for John Rowan
FRANKLIN COUNTY ASSESSOR

COUNTY TREASURER

I HEREBY CERTIFY THAT ALL TAXES AND ASSESSMENTS AGAINST THE LAND DESCRIBED HEREON HAVE BEEN PAID IN FULL TO AND INCLUDING THE YEAR 2026 A.D. PARCEL NUMBER: 114-280-018

for Jose Kaelzer
FRANKLIN COUNTY TREASURER

UNOFFICIAL DOCUMENT

11-18-2025
DAVID P. BALLMAN

SHEET 2 OF 2

RSI ROGERS SURVEYING INC., P.S. 466 COLUMBIA PARK TRAIL RICHLAND, WA. 99352 PHONE (509) 628-4141 FAX (509) 628-9864 www.rogerssurveying.com

0625PLAT.DWG 8-12-25 DCP

Matt Beaton, Auditor, Franklin County, WA. APN # 2007214 Recorded 12/19/2025 09:31:31 AM Document Type: PLAT Page: 2 of 2 Filing Instrument: 4428.50 PAPYRUS Consulting, LLC

A-2

MPN HEARING EXAMINER DECISION
(PP 2022-007)

CITY OF PASCO LAND USE HEARING EXAMINER

In the Matter of: MADISON PARK NORTH PRELIMINARY PLAT	Tax Parcel No. 114-2500-016 File No. PP 2022-007 HEARING EXAMINER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the City of Pasco Hearing Examiner on January 22, 2025, the Hearing Examiner having taken testimony and admitted exhibits and other evidence, hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. General Timeline:

1.1. April 11, 2023: Preliminary Plat Application, PP2022-007, and SEPA Environmental Checklist, SEPA2023-032, Submitted.

1.2. April 14, 2023: Notice of Application with Optional SEPA Determination of Non-significance Issued.

1.3. April 17, 2023: Application Deemed Complete; Public Comment Received from the Confederated Tribes and Bands of the Yakima Nation.

1.4. April 27, 2023: Public Comment received from the Washington State Department of Ecology (Ecology), and Washington State Department of Transportation (WSDOT).

1.5. April 28, 2023: Public Comment received from the Washington State Department of Archeology and Historic Preservation (DAHP).

1.6. May 2, 2023: Application Deemed Incomplete.

1.7. February 20, 2024: Public Comment received from WSDOT.

1.8. July 2, 2024: Notice of Public Hearing PP2022-007 scheduled for July 24, 2024, posted on the City of Pasco website and mailed to properties within 300 feet of proposed subdivision.

1.9. July 7, 2024: Notice of Public Hearing for PP2022-007 Published in

Tri-City Herald Newspaper.

1.10. July 9, 2024: SEPA Mitigated Determination of Non-Significance (MDNS) Issued for Madison Park N Preliminary Plat.

1.11. July 23, 2024: SEPA2023-032 MDNS Appealed, APPL2024-003, by Applicant.

1.12. September 13, 2024: SEPA2023-032 MDNS Withdrawn by City of Pasco SEPA Responsible Official.

1.13. November 4, 2024: SEPA MDNS Issued for Madison Park N Preliminary Plat with a comment period ending November 18, 2024 and appeal Period ending November 25, 2024. No appeal filed.

1.14. November 14, 2024: Public Comment were received from Ecology.

1.15. November 18, 2024: Public Comment received from the Franklin County Planning & Building Department, and the Confederated Tribes of the Colville Reservation.

1.16. November 25, 2024: Notice of Public Hearing PP2022-007 scheduled for December 11, 2024, posted on the City of Pasco website and mailed to properties within 300 feet of proposed subdivision.

1.17. November 27, 2024: Notice of Public Hearing for PP2022-007 published in Tri-City Herald Newspaper.

1.18. December 4, 2024: Staff report distributed to Project Applicant, Property owner and parties of record.

1.19. January 22, 2025: Public Hearing.

1.20. March 24, 2025: Hearing Examiner Decision Issued.

2. Application: Applicants Dave Swisher and Farm 2005, LLC (also the Property owner) filed preliminary plat application 2022-007 with City of Pasco on April 7, 2023 proposing to subdivide an undeveloped 129.9 acre parcel into 461 single-family residential lots. Exhibit C-1.

2.1. Legal: The subject property is legally described as follows:

THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 29 EAST, W.M., FRANKLIN COUNTY, WASHINGTON.

EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 2; THENCE NORTH 0°54'15" EAST 1736.16 FEET ALONG THE MID-SECTION LINE OF SAID SECTION 2 TO THE NORTHEASTERLY BOUNDARY OF THAT EASEMENT DESCRIBED IN DEED RECORDED UNDER

AUDITOR'S FILE NUMBER 1952537, RECORDS OF FRANKLIN COUNTY, WASHINGTON; THENCE

NORTH45°15'31" WEST217.16 FEET ALONG SAID

NORTHEASTERLY BOUNDARY; THENCE SOUTH 44°44'29" WEST 1500.00 FEET ALONG THE NORTHWESTERLY BOUNDARY OF SAID EASEMENT; THENCE SOUTH 45°15'31" EAST 1177.05 FEET ALONG THE SOUTHWESTERLY BOUNDARY OF SAID EASEMENT TO THE SOUTH LINE OF SAID SECTION 2; THENCE NORTH 89°08'41" EAST 346. 70 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING. (Also known as

Parcel B of Survey recorded under Auditor's File No. 1967124)

The above-described property is referred to in these Findings of Fact, Conclusions of Law and Decision as "the Property" or, alternatively, the Madison Park North preliminary plat.

2.2. General Location: The subject parcel is Assessor Parcel No. 114-250-018 in Pasco, Washington.

2.3. Annexation: The Property was annexed into the City of Pasco on March 21, 2022 pursuant to Ordinance No. 4574A and a petition for annexation signed by Owner Farm 2005, LLC. Exhibits C-15 and 16.

3. Access: The property has access from Burns Road, Road 52, Deseret Drive, Road 44 and Roberta Road.

4. Utilities: Municipal water is available and will be extended to the property from the southwest; municipal sewer will be provided by connections to the new sewer main running East/West through the parcel that was installed as part of the East UGA Sewer Local Improvement District ("LID").

4.1. LID Formation. The LID was formed pursuant to Ordinance No. 4592, adopted by the Pasco City Council on May 23, 2022 ("LID Formation Ordinance"). Ex. C-12. The LID Formation Ordinance ordered the construction of sanitary sewer gravity and force mains, a lift station, manholes and other appurtenances necessary to provide sewer service to the Property and other recently-annexed in the East Pasco Urban Growth Area. It also established LID No. 152, whose boundaries are shown on the map attached as Exhibit A to the Ordinance and included the Property. The LID Formation Ordinance did not impose or levy a special assessment or other monetary tax, fee or charge of any kind against the Property or any other properties in LID No. 152.

4.2. Property Owner Steve West executed an LID Evaluation and Pre-Formation Agreement with the City of Pasco effective on November 1, 2021. Ex. C-11. Relevant to the contentions of the Applicants in the Madison Park North preliminary plat proceedings, the Agreement provided that Mr. West "shall not protest or in any way attempt to block or stall the creation of the LID. . . ."

4.3. The sanitary sewer improvements called for by the LID Formation Ordinance have been constructed and accepted by the Pasco City Council. Ex. C-23 – C-27.

5. Land Use and Zoning: The property is currently being used for agricultural uses.

5.1. The site has historically been used as farmlands and is otherwise undeveloped. The project will involve the construction of a network of roads within and

adjacent to the proposed plat, to provide access to the new lots and appropriate circulation within the plat and distribution of trips to the City's roadway network.

5.2. Zoning: The property is zoned R-1 Low Density Residential. Zoning, and current use of surrounding properties:

North: Franklin County Zoning RR-1; Rural Residential !/Single Family

Homes East: Franklin County Zoning RR-1; Rural Residential 1/Single

Family Homes

South: RS-1/PDD Suburban Planned Density Development/Single Family Homes

West: R-1/R-3 Low and Medium Density Residential/Irrigated Agriculture

5.3. Comprehensive Plan: The City of Pasco Comprehensive Plan designates this site as Low Density Residential. The Low-Density Residential Land Use designation is described as a variety of residential housing at a density of 3 to 6 dwelling units per acre. R-1 Low Density Residential is an implementing zoning district. PMC 25.215.15

6. Environmental Determination: The City of Pasco is the SEPA lead agency for this project. Based on the SEPA Environmental Checklist (SEPA2022-032), the adopted City Comprehensive Plan, City development regulations, and other applicable local, state, or federal laws or rules and other information, threshold environmental determinations were issued or withdrawn as shown below:

6.1. SEPA Responsible Official issued an initial Mitigated Determination of Non-Significance (Optional DNS Process) for Madison Park North Preliminary Plat on July 9, 2024 for this project under WAC 197-11-355. Ex. A-46. The *Madison Park North MDNS* included the following mitigations:

6.1.1. An archaeological survey prior to ground disturbing activities.

6.1.2. Park and open spaces totaling 4.76 acres of land.

6.1.3. Traffic impacts mitigated with a "to be determined" proportionate share of the following intersections/projects:

6.1.3.1. Burns Road Extension (TSMP EXP6, TIP 5.02)-up to $1,050,000

6.1.3.2. Burns Road & Road 68 Intersection (TSMP EXP 6, TIP 5.02) - up to $472,500

6.1.3.3. Burns Road & Road 60 Intersection - up to 25%

6.1.3.4. Sandifur Parkway & Convention Drive Intersection (TSMP INT 2, TIP 5.15)- up to 22%

6.1.3.5. Burden Boulevard & Road 68 Intersection/ Road 76 Overpass (TSMP INT 3 & EXT 2, TIP 5.08)-up to $624,750.

6.2. Applicants filed a timely Notice of Appeal of the *Madison Park North MDNS* on July 23, 2024. Applicants filed a dispositive motion (Ex. A-49) arguing that the MDNS SEPA mitigation fees were duplicative of traffic impact fees in violation of RCW 43.21C.065.

6.3. In an effort to resolve the Applicants' appeal, the City withdrew the *Madison Park North MDNS* on September 16, 2024. Ex. C-7. Applicants then withdrew their SEPA appeal.

6.4. The City issued a revised SEPA Mitigated Determination of Non-Significance for Madison Park North Preliminary Plat (SEPA 2023-032) on November 4, 2024. The *Revised MDNS* (Ex. C-8) included the following mitigations:

6.4.1. The applicant shall pay mitigation to the City of Pasco for impacts on the City roadway system. The mitigation required is $709.00 per residential unit. The project will result in 464 residential units. Thus, $709 X 464 = $328,976.00. Payment of traffic mitigation fees to the City is required prior to the issuance of the first building permit.

6.4.2. A cultural resources survey prior to ground disturbing activities

6.5. The *Revised MDNS* was not appealed and became final on November 25, 2024.

7. Plat Layout: A revised plat layout was submitted by the applicant dated July 8, 2024. The proposed plat layout is contained in the Staff Report, admitted as Ex. C-35. Sheets 1 and 4-7 depicted proposed street and lot layouts, including a proposed dedication of a 100-foot-wide right-of-way for Burns Road, extending across the southern boundary of the Property. Sheet 7 sets forth "Typical Sections" for Burns Road, Road 52 and Deseret Drive adjacent to the proposed Madison Park North plat.

8. Traffic Concurrency: A traffic concurrency evaluation was conducted and completed to determine the proposal's impacts on the transportation system network. A Traffic Impact Analysis (TIA) was required by the City and prepared by Transpo Group based on agreed scope of study and intersection designations. Transpo Group submitted a final updated TIA to the City in April, 2024. The TIA was subject to peer review by City's consulting engineers - PBS Engineering & Environmental.

8.1. The TIA was prepared based upon scoping established by City with input from Transpo Group. Data was collected from ten (10) identified intersections and trip generation and distribution estimates were prepared by Transpo Group and reported in the TIA submitted on November 6, 2023.

8.2. The TIA (Ex. A-32) concluded that at the time the last phase of the Madison Park North plat is constructed, 177 AM peak hour trips and 246 PM peak hour trips from the proposed plat would utilize Road 52 north of the intersection of Road 52 and Burns Road. At the time the last phase is completed, this project trips represent 69% (177 out of 257) AM peak hour trips and 73% (246 out of 336) PM peak hour trips on Road 52 north of Burns/Rd 52 intersection.

8.3. The TIA also reports that the proposed plat will generate 30 AM peak hour trips and 42 PM peak hour trips using the portion of Burns Road east of the Burns/Road 52 intersection. At the time construction of the last phase is completed, these trips represent 30% (30 out of I 00) AM peak hour trips east

of Burns/Rd. 52 intersection, and 39% (42 out of 107) PM peak hour trips anticipated to use that portion of Burns Road, which is the section fronting the south edge of the proposed subdivision. Additional public trips will pass through these corridors from future developments not included in the project forecast.

8.4. The TIA states on page 1 that the frontage improvements are proposed along the project frontages (Burns Road, Road 52 and Deseret Drive) as required by the Pasco Municipal Code, and that the project will dedicate right-of-way (ROW) to allow for the City's future extension of Burns Road between Road 52 and Glade Road, which is identified as a planned improvement on the City's 6-year TIP (TIP project 5.02). The City's Capital Improvement Program ("CIP") shows that the Burns – Glade Road Extension Project is anticipated in the near term; it programs $8.8 million starting in expenditures starting in 2028 for project engineering and right-of-way acquisition, according to testimony by Jacob Gonzalez and Ex. C-33 at 5. The City's expert traffic engineer witness, Jessica Brackin, testified that the project's frontage improvements are required in order to allow project residents to access the City's roadway network.

8.5. The TIA also indicates that there are numerous planned transportation improvement projects within the study area including roadway widening, intersection traffic control revisions, and roadway extensions. The TIA includes many of these projects in the TIA's interim or full buildout condition analysis, as shown in the planned improvement section in Table 3.

8.6. The TIA also included at page 17, Figure 6, a distribution of the Project's vehicle trips across the City's transportation network. Figure 6 showed significant project trips (15% of the total estimated 4,108 daily trips) distributed to the north and east of the Madison Park North site. The TIA's "sensitivity analysis" distribution (Figure 10) showed that 10% of project trips would use the Burns extension to access I-182, thereby reducing project trip impacts to most TIA study intersections including those in the immediate project vicinity.

8.7. The TIA indicated that in accordance with the City's codified concurrency process in PMC 12.36.080, the result of the analysis performed in the TIA was that the development's impact on the transportation network would be fully mitigated by payment of the Traffic Impact Fee. The City's peer transportation engineer, PBS Engineering, indicated that its review of the TIA was complete on May 17, 2024. The TIA did not include any proportionate share contributions for the Burns Road – Glade Road extension, for example, despite the sensitivity analysis distribution showing the need for extensive use of that roadway segment by Project trips.

8.8. The TIA also indicated that a significant number of project vehicle trips would be distributed to and impact other off-site intersections and roadway segments for which City transportation planning documents a need for improvement. Testimony of traffic engineer Jessica Brackin, and Exhibit C-20, illustrated the connection between the Project's vehicle trips and needed future projects. The City's Transportation System Master Plan shows a significant funding need for

these projects, and that there is an anticipated $293 million funding shortfall. Condition of Approval No. 3, which does not require any monetary payment but does require the proposed plat to include a statement indicating the owners' agreement not to protest future formation of an LID to fund future transportation or utility projects in the Capital Facilities Element of the City's Comprehensive Plan, is reasonably related and roughly proportional to the Project's impact to these intersections and roadway segments.

8.9. The TIA summarizes the mitigation measures needed for the Madison Park North plat on page 29, as follows:

8.9.1. The TIA provides an initial estimate of fees; however, the actual fees will be coordinated with City staff. The applicant will pay transportation impact fees (TIF) estimated to be $154,562 for the interim condition (cumulative Phases 1-5) and a total cumulative fee of $326,140 for the full build out condition.

8.9.2. Credit will be provided for the ROW dedication and frontage improvements for Burns Road and Road 52 corridors, but only relative to any *additional* mitigation fees paid by the applicant.

9. History: The site was annexed into the City in 2022 via *Ordinance 4574 and 4574A (Ex. C-16)* and subsequently assigned the R-1 (Low Density Residential) zoning designation via *Ordinance 4584*. The site is undeveloped and has historically been used as farmland.

10. Lot and Right-of Way Layout:

10.1. The proposed plat would create 461 lots, with approximately 2.07 acres set aside for construction of a privately-owned neighborhood park that would be developed with basketball and pickleball courts, a sun shelter and picnic table area, and play equipment, all of which would be open to the public.

10.2. The proposed lots vary in size from 5,000 sq. ft. to 37,637 sq. ft. It should be noted that a portion of the plat falls within the "Zone 4 - Outer Approach/Departure Zone" designation which requires residential density at a minimum of the RS-20 zoning. The lots within this airport zone designation have been designed to have a minimum of 20,000 sq. ft. of lot size attributing to the variety of lot sizing within the proposed plat.

10.3. The site has a City of Pasco Comprehensive Plan Land Use Designation of Low Density Residential, requiring a density between 3 and 5 dwelling units per acre (du/ac). The plat provides a density of approximately 3.6 du/ac meeting the requirements of PMC and the intent of the Comprehensive Plan.

10.4. The lot and right-of-way layout complies with applicable City subdivision development standards.

10.5. An internal network of streets would be dedicated and improved to City Code and Design and Construction Standard to provide adequate access to all lots and to ensure access for future development. The plat also includes multiuse paths

(MUPs) for pedestrians and cyclists adjacent to Burns Road, Road 52, and Deseret Drive, and right-of-way dedications and street improvements to each of those named roads, as shown on Sheets 1-7 of the preliminary plat proposed by the Applicants, with the "Typical Sections" showing the Applicants' proposed street improvements for each on Sheet 7. Testimony of Jon Padvorac demonstrated that the street improvements and right-of-way widths provided for Madison Park North are consistent and match up with the street improvements and right-of-way widths provided by other nearby projects, including Glacier Park and Raven's Place subdivisions and the nearby new Pasco High School Project, with the exception of Burns Road, where the Applicants are proposing to provide the full, 100 feet of right-of-way width because the property to the south developed without providing a roadway. Applicant David Swisher led a group of other owners to develop Madison Park South, and Mr. Swisher elected not to provide an extension of Burns Road at that time. The proposed project frontage improvements to Burns Road, Road 52 and Deseret Drive are not included as system improvements in the Capital Facilities Element of the Pasco Comprehensive Plan.

11. Notice of the public hearing was sent to property owners within 300 feet of the subject property on July 2, 2024, and published in the Tri-City Herald newspaper on July 7, 2024, and posted on site on July 3, 2024.

12. A Notice of Application with the stated intent to issue a SEPA Optional Determination of Non-Significance or SEPA Optional Determination of Mitigated Non-Significance was issued on April 14, 2023.

13. The subdivision to the South is fully developed with the Madison Park South subdivision developed by Applicant David Swisher. To the East of Ramus, lots along the South side of the future Burns Road alignment do not front on Burns Road, they front on Corinth Drive. No additional access from Burns Road would be possible into the Madison Park South subdivision from east of Ramus due to the existing street network, in addition to the local topography (the lots along Corinth Drive are approximately 10 feet above the future Burns Road alignment).

14. Water and sewer services will be extended to and through the development to provide municipal services to the new lots. The Applicants intend to seek City approval of a latecomer's reimbursement agreement pursuant to Ch. 14.25 of the Pasco Municipal Code.

15. Franklin PUD above-ground powerlines on the West side of Road 52 are located on adjacent property (Raven Place). Jon Padvorac testified that there is an existing overhead power line extending from the Franklin PUD line across Road 52 and serving the Madison Park North Property. The Applicants plan to abandon that line, and seek to construct underground power lines connecting to the Franklin PUD system at the southwest corner of the Property. All power serving the Madison Park North plat will be required to be underground, as required by the Pasco Municipal Code.

16. Water rights shall be either deeded to the City or an in-lieu-of fee paid prior to recording of any final plat in accordance with PMC 21.05.120. Although fees-in-lieu are not subject to vesting, the City has agreed to allow the Applicants to pay only the in-lieu fee rates set by PMC 3.35.160 in effect at time of preliminary plat application, which are lower than current rates. Those rates were as follows:

16.1. Base water right acquisition fee per residential unit: $517.50.

16.2. Portable water irrigation fee: 50 percent of the acreage of the parcel to be served times 3.5 acre-feet of water times $1,725 per acre foot.

16.3. Water rights transfer fee: $1,000.

17. Provision of park facilities is addressed by preliminary plat. The City of Pasco Parks, Recreation and Open Space Master Plan has established a Level of Service (LOS) of two (2) acres of neighborhood park land and 2.1 acres of community park land per 1,000 population. Based on the anticipated population that would be generated by the development (1,632 people, assuming an average household size of 3.54 persons per household) a total of 3.26 acres of parkland is required to meet the neighborhood park LOS goal.

17.1 The proposed plat provides a 2.07 acre neighborhood park, privately-owned but developed and open to the public park. Madison Park North also provides a total 1.35 acres of Mixed Use Paths (MUPs), with an additional 0.54 acres of active recreation park land to be provided by the sports field being developed as part of the new Pasco High School located to the West of the proposed plat.

17.2 Madison Park North park and multi-use paths together with associated Pasco High School active recreation park meet City neighborhood park LOS.

18. The MDNS calls for Applicants to pay a transportation impact fee (TIF) of $709 per lot ($328,976 total for all 464 lots) in full prior to first building permit. As discussed in the Conclusions of Law and Conditions of Approval below, payment of impact fees is required at the time of building permit issuance, in amounts calculated at the then-applicable impact fee rate.

19. Park, Traffic, and School impact fees at the then-applicable impact fee rate will be collected for each lot at the time of issuance of building permits for new residences, with traffic impact fees of $328,976 payable prior to the issuance of the first building permit in accordance with the SEPA MDNS.

19.1. Credits and reductions to the Park impact fees will be provided commensurate with the value of the park land and improvements in accordance with PMC 3.50.070 and RCW 82.02.060(5).

19.2. For phases built before improvements are performed on the park or before land is dedicated, the City has determined to allow Developer to bond for the per-lot park impact fees. When the Developer completes the entire park (frontage improvements and park amenities), the Developer may then submit a comprehensive impact fee credit request, and settle accounts with the City regarding the previously submitted park impact fee bonds. The Developer will complete the park prior to recording the final plat for the phase containing the 240th lot.

20. The Hearing Examiner is required to make specific finding regarding subdivisions as set forth in PMC 21.25.060 and RCW 58.17.110. These findings are as follows:

20.1. Subject to the Conditions of Approval required below, adequate provisions are made for the public health, safety and general welfare and for open spaces,

drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, transit stops, schools and school grounds, sidewalks for safe walking conditions for students, and other public needs;

20.1.1. The proposed subdivision will be serviced by City emergency services and proposes to develop a privately-owned park, open to the public, approximately 2 acres in size.

20.1.2. The proposal is also dedicating right-of-way along Deseret Drive, Road 52 and Burns Road, in the widths shown on Sheets 1-7 of the proposed plat, and will construct the frontage improvements as shown on Sheet 7 of the proposed plat, in accordance with the requirements of Pasco Municipal Code 21.15.030(1) and the Pasco Design and Construction Standards. (The Design and Construction Standards Section 4.1 provides that in the event of any conflict between City Code and the Design and Construction Standards, the most restrictive provision or the provision imposing the highest standard shall control.) These improvements include the construction of new sidewalks adjacent to the right-of-way for safe pedestrian travel as well as multi-use paths (MUPs) along the north side of the Burns Road right-of-way, the south side of the Deseret Drive right-of-way, and along Road 52.

20.1.3. Utilities such as municipal water and sewer are required to be extended to and through the right-of-way to provide access to all lots within the proposed subdivision.

20.1.4. In accordance with Revised MDNS and applicable Traffic Impact, Ordinance (PMC Ch. 3.40), Madison Park North shall pay as traffic impact fee of $328,976 in a lump sum prior to issuance of the first building permit, along with any traffic impact fees at the then-applicable rate at the time of building permit issuance.

20.1.5. Park, and School impact fees at the then-applicable impact fee rate will be collected for each lot at the time of issuance of building permits for new residences, with traffic impact fees of $328,976 payable prior to the issuance of the first building permit. Credits and reductions to the Park impact fees will be provided commensurate with the value of the park land and improvements as determined by the Director in accordance with RCW 82.02.060(5). For phases built before improvements are performed on the park or before land is dedicated, the Developer may bond for the per-lot park impact fees. When the Developer completes the entire park (frontage improvements and park amenities), the Developer may then submit a comprehensive impact fee credit request and settle accounts with the City regarding the previously submitted park impact fee bonds. The Developer will complete the park prior to recording the final plat for the phase containing the 240th lot.

20.1.6. Above-ground powerlines and utilities serving the subdivision and located within the preliminary plat shall be located and/or relocated underground in accordance with PMC 21.35.100.

20.1.7. Subdivision development includes appropriate provision for drainage

ways and stormwater management in accordance with applicable municipal development standards.

20.1.8. Street lighting, signs and channelization will include all required traffic regulatory signs, street name signs, street striping, channelization, and lighting in accordance with applicable development standards and requirements.

20.1.9. All sidewalks within the preliminary plat provide safe walking conditions for students and pedestrians. Madison Park North also is providing multi-use pathways for the benefit of pedestrians, bicyclists, and other members of the public.

20.1.10. Madison Park North was subject to concurrency review and City determined that the proposed subdivision complies with applicable concurrency standards. PMC 12.36.090.

20.2. **The proposed subdivision contributes to the orderly development and land use patterns in the area;**

20.2.1. The proposed development includes various types of residential single family dwellings and will match the single family dwelling pattern within the vicinity. Subdivision development is consistent with applicable density standards. While the range of lot sizes vary greatly due to the proximity to Airport Zone 4 designated lands each lot will be developed to comply with the zoning code of Low Density Residential and will be in conformance with the underlying land use designation of Low Density Residential which applies for all of the lands in the general vicinity.

20.2.2. The development is also required to construct right-of-way improvements such as curb, gutter, storm drainage, sidewalk, street lighting for safe pedestrian travel and internal road network for the welfare of the plat's residents. The right-of-way improvements are consistent with and match up with new developments to the west and north of the Project, and with respect to Burns Road, allow for future widening as needed to continue to serve the Madison North plat.

20.2.3. Multi-use pathways (MUPs) will also be provided on Burns Road, Road 52, and Deseret Lane which will connect to the MUPs of nearby and adjacent developments.

20.3. **The proposed subdivision conforms to the policies, maps and narrative text of the Comprehensive Plan;**

Pasco's Comprehensive Plan Future Land Use Map designates the land as "Low Density Residential" which allows for a variety of residential housing at a density of 3 to 6 dwelling units per acre. Madison Park North is consistent with the zoning designation and proposed density of 6 dwelling units per acre conforms with the Comprehensive Plan. Further, the proposal aligns with the policies of the Comprehensive Plan such as:

20.3.1. **Housing Policy H-3-A: Encourage innovative techniques in the design of residential neighborhoods and mixed-use areas to provide character and variety in the community.** The proposed plat includes a

variety of lot sizes ranging from lot sizes typical in the R-1 zoning designation and the RS-20 zoning designation. Further, the plat will provide a private park and MUPs for recreation and walkability.

20.3.2. **Land Use Policy LU-2-E: Discourage the siting of incompatible uses adjacent to Pasco (Tri Cities) Airport and other essential public facilities.** The proposal adheres to the requirements of the Airport Overlay District by providing the necessary lot sizes within each compatibility zone. The development has accounted for the siting to ensure it is compatible with the adjacent airport and is in conformance with the Airport Overlay District.

20.3.3. **Land Use Policy LU-4-E: Encourage the orderly development of land by emphasizing connectivity and efficiency of the transportation network.**

The proposal provides a network of roads in conformance with Pasco Municipal Code and requirements and sufficient to address the number and distribution of vehicle trips generated by the proposed plat, as shown in the Applicants Traffic Impact Analysis. The proposal also provides MUPs that will serve to connect the development to adjacent developments and major roadways.

20.3.4. **Capital Facilities Policy CF-3-A: Assure land development proposals provide land and/or facilities or other mitigation measures to address impacts on traffic, parks, recreational facilities, schools, and pedestrian and bicycle trails.** The proposal will provide impact fees during the permitting process to address the impacts on traffic, parks, and schools. Further, a concurrency evaluation and traffic impact analysis were completed as a portion of the review and to maintain concurrency the development will construct frontage improvements on Burns Road, Deseret Drive, Burns Road, Road 42, provide a local access street network interior to their preliminary plat as shown in the plat map, as well as provide payment of the fall transportation impact fee for the entire subdivision upfront, in order to provide near-term funding to enable the City to construct necessary improvements. The development will also construct MUPs that may be used for pedestrian and bicycle travel to and around the area.

21. **Transportation Policy TR-1-F: Develop an interconnected network of streets, trails, and other public ways during the development process while preserving neighborhood identity.** By constructing street improvements and mixed-use paths as shown on Sheets 1-7, the proposal will develop a network of roads and MUPs that match and connect to major travel corridors and adjacent developments. The street improvements and paths are reasonably necessary as a direct result of the proposed development, and are needed to provide pedestrian, bicycle and vehicle access to plat residents at adopted levels of service now and into the future.

21.1. **The proposed subdivision conforms to the general purposes of any applicable policies or plans which have been adopted by the City Council;**

The City Council has adopted the Pasco Comprehensive Plan which contains

various goals and policies of which the proposal conforms to, see example policies under (3) of this section. Further, the proposal conforms with some Council's 2022-2023 goals such as:

21.1.1. **Economic Vitality: Implementation of the Comprehensive Land Use Plan through related actions including zoning code changes, phased sign code update, and development regulations and standards.** In November of 2023 the City Council passed Ordinance 4700 relating to residential design standards. These standards provide various housing types, lot sizes, frontage widths etc. which the proposed plat will conform to and use.

21.1.2. **The proposed subdivision conforms to the general purposes of this title;**

Title 2 I "Pasco Urban Area Subdivision Regulations" contains requirements and procedures for various subdivision types. Requirements include those for streets, lots and blocks, and application materials for each type of subdivision action. The proposed subdivision meets the requirements a/Title 21 in all respects.

21.1.3. **The public use and interest will be served by approval of the proposed subdivision.**

The proposed plat, if approved and if conditioned as recommended below, will be developed in accordance with all City codes and standards designed to ensure the health, safety and general welfare of the community are met. The Comprehensive Plan will be implemented through development of this plat. These factors will ensure the public use and interest are served.

22. All overhead power lines serving Madison Park North shall be placed underground within the preliminary plat area, in accordance with and subject to all conditions of PMC 21.35.100. Madison Park North is not required to underground off-site power lines along the west side of Road 52.

23. Open Record Hearing: An open record hearing was called to order on December 8, 2024, and was subsequently continued to January 12, 2025. The open record hearing on January 12, 2025 was then continued to January 22, 2025. That hearing lasted approximately 4.5 hours, with testimony and attorney presentation.

23.1. Testimony: Appearing and testifying on behalf of the Applicant was Jon Padvorac (former City employee) and James Carmody. Appearing and testifying on behalf of the City was Jacob Gonzalez (City employee), Craig Raymond (City employee), and Jessica Brackin (Fehr & Peers, former City employee). A member of the public, Paul Knutzen, Owner of Knutzen Engineering, spoke on behalf of the school district regarding a variety of offsite improvements that would increase pedestrian safety around the School to the South of Road 52 and Burns. The meeting was approximately 4.5 hours long, and a transcript was provided by the applicant which has been incorporated into the record.

23.2. Applicant Exhibits: The exhibits that were admitted into the record on behalf of the Applicant are attached hereto as Attachment A.

23.2.1. The Declaration of Jon Padvorac attached as Attachment C to

Appellant's (applicant's) Disclosure of Rebuttal Witnesses and Exhibits, dated January 13, 2023 (actually 2025) was withdrawn.

23.3. City Exhibits: The exhibits that were admitted into the record on behalf of the City are attached hereto as Attachment B.

24. The Hearing Examiner finds, as supported by the testimony of Jessica Brackin, that the waiver of objection to the formation of a Local Improvement District set forth in Condition of Approval number 3 is related to the traffic and other impacts directly caused by this development. The fact that the LID may also result in benefits to residents does not diminish these traffic impacts.

25. The requirement for the Local Improvement District is also supported by the criteria set forth in RCW 58.17.110 and Pasco Municipal Code 21.25.060.

26. The testimony from Jacob Gonzalez and Craig Raymond included facts that the City of Pasco has a long history of requiring subdivisions to include a statement by the owners agreeing not to protest the formation of a local improvement district for transportation and/or utility improvements.

27. The testimony provided by City witnesses, outweighs the testimony provided by the applicant witnesses, and the Hearing Examiner finds that the applicants are not entitled to credits against traffic impact fees for the value of real property and/or construction costs incurred in frontage approvements along Burns Road, Road 52, or Deseret Drive. The Hearing Examiner finds that the applicants themselves propose to make these improvements and it was the applicants own traffic impact analysis findings and conclusions that were premised upon the applicants construction of these improvements. The need for these frontage improvements are directly caused by the development proposed by the applicant.

28. The Transportation System Management Plan of the City of Pasco is not adopted or incorporated by reference into the Pasco Comprehensive Plan. The Comprehensive Plan has been amended several times since 2021 and none of those amendments adopted or incorporated the Transportation System Management Plan by reference.

29. The Applicant's traffic improvements for the plat's frontage improvements along Burns Road, Road 52, and Deseret Drive are not "system improvements" as contemplated by the City's Transportation System Master Plan.

30. The City of Pasco's Transportation Improvement Plan does not include any of Madison Park North's frontage improvements. Nor does the City of Pasco Improvement Plan which is also incorporated in the Facilities Element.

31. Table T-11 of the Transportation Element (Exhibit A-14) is not included int the Facilities Element. The Hearing Examiner finds that table T-11 is not controlling on the issue of improvement credits or offsets.

32. **Additional Facts Supporting 100 ft. right-of-way Dedication:**

32.1. The applicant's proposed plat provides the 100 ft. wide right-of-way dedication.

32.2. The applicant's TIA acknowledges this proposed right-of-way width, which concedes it is needed to allow future expansion and extension of the road to a five-lane section, to accommodate project traffic trips and reduce their

impact when combined with future anticipated growth.

32.3. The 100 ft. right-of-way width is necessary to complete the existing future and street pattern, both to the East and West of Madison Park North. The right-of-way width is justified by the project's extensive vehicle trip impacts, and the need to connect with, and accommodate, planned transportation improvements, and to provide for future trip impact reduction from Madison North Plat.

32.4. The right-of-way dedication meets all the criteria set forth in PMC 21.15.010(3)(d).

33. Paul Knutzen, of Knutzen Engineering, testified on behalf of the Pasco School District. He testified consistent with his January 8, 2025 comment letter to the City of Pasco. His January 8, 2025 comment letter provided factual evidence that the applicant's project is located near Rosalind Franklin STEM Elementary School at 6010 N. Road 52. He testified that additional pedestrian protections for the school zones are necessary, including advanced warning signs, flashing beacons, and rectangular rapid flashing beacons (RRFB).

34. The City of Pasco did not object to adding the Pasco School District's request as a condition of approval.

35. Any Conclusion of Law that is more correctly a Finding of Fact is here by incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has legal authority under RCW 58.17.110, PMC 2.50.080 and .100 and PMC 21.25.060 to render this decision, including the Conditions of Approval.

2. The City has both a factual and legal basis for imposition of a condition requiring that the Madison Park North plat include a statement indicating the owners' agreement not to protest the formation of a Local Improvement District (LID) or Utility Local Improvement District (ULID). Well-established legal authority from both the United States Supreme Court and Washington Supreme Court holds that formation of an LID does not guarantee that a special assessment will be imposed, nor involve a deprivation of a property interest. Therefore, constitutional regulatory takings "nexus / rough proportionality" tests are not required. Formation of an LID also does not result in an "in kind" or other tax, fee or charge, so RCW 82.02.020 does not apply. Even if those tests applied, they are met. There is a reasonable nexus between the traffic impacts from the Madison North plat and other intersections and roadway segments for which future improvements are required, and the statement of agreement not to protest is reasonably aimed at addressing those impacts by facilitating use of a funding mechanism (an LID) to pay for projects resolving those impacts. The "no protest" agreement is a minimal, non-monetary obligation that is at least than at least roughly proportional to the extent of the plat's impacts. Therefore, the City proposed "No Protest" agreement is lawfully allowed.

3. Applicants are not entitled to credits against the Traffic Impact Fees applicable to the proposed preliminary plat for the cost of right-of-way dedication and construction of street improvements on Burns Road, Road 52, or Deseret Drive. Those dedications and street improvements are proposed by the Applicants as project frontage improvements. They are not included as "system improvements" in the Capital Facilities Element of the City's Comprehensive Plan, or in any document that is expressly adopted or incorporated by reference into the Plan. References to those projects in the Transportation Element, as "developer" funded, reflects

their status as "project improvements," and not "system improvements." Inclusion of references to those projects in the Transportation System Master Plan ("TSMP") also does not entitle Applicants to impact fee credits, because the TSMP is not adopted or incorporated by reference in the Capital Facilities Element of the Comprehensive Plan.

4. The City has established a factual and legal basis for requiring Madison Park North to dedicate a full 100-foot right-of-way for Burns Road Extension or to construct a three- lane road segment over the Burns Road Extension from Ramus Road to the eastern boundary of the subdivision. As discussed in the Findings of Fact above, the Applicants' Traffic Impact Analysis shows that Project vehicle trips will represent 69% of a.m. peak hour trips and 73% of p.m. peak hour trips on Road 52 north of Burns/Rd 52 intersection. Similarly, Project vehicle trips will generate 30% of the a.m. peak hour trips and 39% of the p.m. peak hour trips using Burns Road east of the Burns/Rd. 52 intersection, which is the section fronting the south edge of the proposed subdivision. The Applicants' own plat application proposed to dedicate these rights-of-way and build these street improvements, and the Applicants' TIA was predicated on the Applicants' dedication and construction of these road segments, which evidence established are necessary for the plat's residents to safely and adequately access and return from the City's roadway network. Such access includes connection of a substantial portion of Project trips to I-182 using the Burns Road – Glade Road extension, which is planned to be constructed in the reasonably foreseeable future in the City's 6-year TIP and CIP, and to which the Applicants' Burns Road project frontage improvements will connect. The City has specifically established that the right-of-way dedications and street improvements proposed by the Applicants and shown on Sheets 1-7 of the plat meet the nexus and rough proportionality requirements established by federal constitution and RCW 82.02.020.

5. As conditioned and subject to the preceding legal determinations, this project is consistent with the Pasco Comprehensive Plan and Pasco Municipal Code.

6. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. CONDITIONS OF APPROVAL

1. The Madison Park North subdivision shall be developed in substantial conformance with the submitted Plat. The subdivision shall contain 461 residential lots.

2. All improvements shall be in accordance with the Pasco Municipal Code. The Pasco Municipal Code adopts the most recent versions of the City of Pasco Standard Specifications, the Washington State Department of Transportation Standard Specifications for Road, Bridges, and Municipal Construction, the International Building Code, and International Fire Code. If there are any conflicting regulations in any of these documents, the more stringent regulation shall apply.

3. The face of the final plat shall include this statement: "As a condition of approval of this plat, pursuant to RCW 35.43.182 the owner hereby waives for a period of ten (10) years from the date of approval of this plat the right to protest the formation of a Local Improvement District (LID) or Utility Local Improvement District (ULID) for the financing and construction of transportation and/or utility improvements that specially benefit property owner(s) within this plat and are identified in the Capital Facilities Element of the City of Pasco's Comprehensive Plan, or documents adopted and incorporated by reference therein. This waiver shall be liberally construed in accordance with and to accomplish the purposes of RCW 35.43.182."

4. The face of the final plat shall include this statement: "The individual or company making improvements on a lot or lots of this plat is responsible for providing and installing all trench, conduit, primary vaults, secondary junction boxes, and backfill for the PUD's primary and secondary distribution system in accordance with PUD specifications; said individual or company will make full advance payment of line extension fees and will provide all necessary utility easements prior to PUD construction and/or connection of any electrical service to or within the plat."

5. The face of the final plat shall include this statement: "Property within this plat may be subject to varying noise levels and vibrations due to proximity to the Tri-Cities Airport. Properties near the airport may be located within height and use restriction zones as described and illustrated by federal standards and regulations and the City of Pasco Zoning Regulations. There is the potential that standard flight patterns will result in aircraft passing over the properties at low altitudes and during all hours of the day. Future airport expansion including runway extensions may impact the size and number of aircraft utilizing the airport. Developments near the airport should assume that at any given time there will be some impact from air traffic."

6. Per PMC 21.05.120, water rights shall be either deeded to the City or an in-lieu-of fee paid prior to recording of any final plat. Per PMC 3.35.160 in affect at time of preliminary plat application:

   6.1. The base water right acquisition fee per residential unit is $517.50.

   6.2. The portable water irrigation fee is equal to 50-percent of the acreage of the parcel to be served times 3.5 acre-feet of water times $1,725 per acre foot

   6.3. The water rights transfer fee is $1,000.

7. Only City and other utilities with franchise agreements are allowed within and under travel lanes in the public right-of-way. All other utilities may be allowed in the public right-of-way only outside of all travel lanes and only following full compliance with Ch. 12.24 PMC, and only following issuance of a right-of-way use permit under PMC 12.24.010 including a condition requiring that if any privately-owned utility located in the right-of-way interferes with the actual construction of any public improvement, that utility shall be relocated at the right-of-way at permittee's expense.

8. It shall be the responsibility of the property owner/developer to contact all utility owners to determine their system improvement requirements. Prior to subdivision construction plan submittal and/or review, the property owner/developer shall provide the City of Pasco written support/approval of the proposed development from all outside utilities, public and private.

9. All fee payments for bonding of Right-Of-Way improvements and Water Rights must be paid at or before the time of final plat being submitted for signatures.

10. Street lighting will be required per City standards.

11. All stormwater is required to be maintained and treated on site in accordance with Washington State Department of Ecology and City of Pasco Standards.

12. All utilities to be extended to-and-through the property being developed. All utilities shall be installed to City of Pasco standards and meet at least the minimum sizes specified in the Comprehensive Plan or other applicable Water or Sewer System Plans. The additional costs of installing utility sizes in excess of the minimum sizes needed to serve the subdivision will be

reimbursed to the Applicant in accordance with the procedures described in Chapter 1, Section 12 of the City's design and construction standards. In accordance with PMC 14.25.030(3)(c), a developer reimbursement agreement (also known as a latecomer) shall not be permitted until a determination has been made by the City for payment of utility upsizing costs or reimbursement of the developer for the construction costs of all or a portion of the improvements.

13. The final plat shall detail existing conditions, such as the names of neighboring subdivisions and property lines of all adjacent properties.

14. The final plat shall include a comment stating: "Existing regulations regarding sight distance, fence height, and setbacks may affect the placement of fences and driveways on any comer lots."

15. The face of the final plat shall include this statement: "The developer shall install a common "Estate" type fence/wall six feet in height along Burns Road as part of the infrastructure improvements associated with the plat. The fence/wall must be constructed of masonry block. Fence design and material must be approved by the Community and Economic Development Director. An approved vision triangle at the intersection of streets will be required. Following construction of the masonry fence/wall, the City may make repairs or replace the fencing as needed. Property owners adjoining said fence shall be responsible for payment of all costs associated with maintenance and upkeep of the fence/wall."

16. The developer/builder shall pay the City a "common area fee" pursuant to PMC 25.180.060(6) and PMC 3.100, in an amount of $218,975. The fee shall be paid proportionately on a per lot basis at the time of issuance of building permits for homes. These funds shall be placed in a fund per PMC 3.100 and used to finance the maintenance of arterial boulevard strips. The City shall not accept maintenance responsibility for the landscaping abutting said streets until such time as all fees are collected for each phase that abut said streets. In lieu of $218,975 the Developer and/or successors and assigns may elect to maintain the boulevard "common area" in perpetuity.

17. Park, Traffic, and School impact fees at the then-applicable impact fee rate will be collected for each lot at the time of issuance of building permits for new residences, with traffic impact fees of $328,976 payable prior to the issuance of the first building permit. Credits and reductions to the Park impact fees will be provided commensurate with the value of the park land and improvements as determined by the Director in accordance with RCW 82.02.060(5), PMC 3.40.090 and PMC 3.50.070 and the Conditions of Approval of this Preliminary Plat. Credits and reductions to the Transportation Impact Fees are not required.

18. The Applicant will complete the park construction prior to recording the final plat for the phase containing the 240th lot.

19. Applicant shall ensure all proposed road alignments are designed and constructed in compliance with PMC 21.15.030(1) and (2), Street Standards, and the City's codes and standards in relationship to adjoining plats and their streets. Specifically, the streets of the proposed plat shall be adjusted to align with the two already-approved County subdivisions to the North: Zargoza Addition (Road 47) and Towers landing (Road 51). The concept of re-alignment of Road 47 and 51 presented by the applicant on 12/6/2024, may be implemented as a minor adjustment as opposed to major adjustment to the preliminary plat in accordance with PMC 21.25.080.

20. All overhead power lines serving Madison Park North shall be placed underground within the preliminary plat area, in accordance with and subject to all conditions of PMC 21.35.100. Madison Park North is not required to underground off-site power lines along the west side of Road 52.

21. The Pasco School District has demonstrated, by the testimony of Paul Knutson at the open record public hearing, and the January 8, 2025 comment letter that there are direct impacts to the school district regarding school children at or near Pasco School District Property. Because of these impacts, the developer shall work with the School District to address these direct impacts, by adding advanced warning signs on both Burns Road and Road 52, adding flashing beacons on North bound and South bound Road 52, and upgrade the existing crosswalk at the non-controlled intersection of Santa Cruz Lane and Road 52, to include a RRFB.

IV. DECISION

Based on the above Findings of Fact and Conclusions of Law, and subject to the above Conditions of Approval, the Madison Park North Preliminary Plat located on Parcel #114-250018, Pasco, WA is hereby **APPROVED.**

Dated this 24 day of March, 2025

CITY OF PASCO HEARING EXAMINER

Andrew L. Kottkamp,

Absent a timely appeal, this decision is final.[1]

[1] See Ch. 36.70C RCW (establishing a 21 day appeal period to superior court, and setting forth necessary review contents, along with filing and service requirements).

ATTACHMENT A

APPLICANTS DAVID SWISHER AND FARM 2005, LLC'S FINAL LIST OF EXHIBITS

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Excluded)
A-01	Index of Exhibits		Admitted
A-02	Project Timeline		EXCLUDED IN ORDER ON MOTION IN LIMINE
A-03	Background of Contested Conditions		Admitted
A-04	City & Applicant Requested Conditions of Approval		Admitted
A-05	Jon Padvorac Resume		Admitted
A-07	Kassi Leingang Resume		Admitted
A-10	Transpo Group Madison Park Proposed Transportation Mitigation Fee Memo, dated September 19, 2024		Admitted
A-11	2014 0616 - Resolution 3562 - Madison Park PUD		Admitted
A-12	Ordinance No. 4537, dated June 7, 2021, adopting 2018-2038 Pasco Comp Plan		Admitted
A-13	2018-2038 Comprehensive Plan Vol. I, dated June 7, 2021		Admitted
A-14	2018-2038 Comprehensive Plan Vol. 2, dated June 7, 2021		Admitted
A-14.1	Comp Plan Map Folio Supplement		Admitted
A-15	Pasco City Council Meeting Packet For Transportation System Master Plan, dated August 1, 2022		Admitted
A-16	2022 08 01 - Resolution 4220 TSMP		Admitted
A-17	2022 08 01 - Excerpts from TSMP Rd 52 & Burns Road		Admitted

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Excluded)
A-18	Pages from Resolution 4220 TSMP - Plan Purpose		Admitted
A-19	2022-2028 7-Year CIP Council Packet	N/A	EXCLUDE CONSISTENT WITH ORDER ON MOTION IN LIMINE
A-20	Res. No. 4261, adopting 2022-2028 CIP	N/A	EXCLUDE CONSISTENT WITH ORDER ON MOTION IN LIMINE
A-21	Excerpts from 2022-2028 Capital Improvement Plan, dated October 23, 2022		EXCLUDE CONSISTENT WITH ORDER ON MOTION IN LIMINE
A-22	Fehr & Peers TIF study Kickoff Presentation		Admitted
A-23	2023 05 02 Determination of Incompleteness		Admitted
A-24	Res. 4356, adopting 2024-2029 Six-Year TIP		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-25	City Council meeting packet 2024–2029 Six-Year TIP		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-26	TIA Scoping Letter - City Comments, dated August 18, 2023		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-27	TIA City Response to TIA Scoping Letter		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-28	PBS TIA Review Obtained via Records Request, dated March 18, 2024		Admitted
A-29	Concurrency Process Concerns Email & Memo		Admitted
A-30	Executed Fehr & Peers Concurrency Review Contract		Admitted
A-31	Determination of Completeness, dated April 17, 2024		Admitted
A-32	Madison Park North Traffic Impact Analysis ("TIA")		Admitted
A-33	Mitigations from Madison Park North TIA, dated May 17, 2024		Admitted
A-34	Memo from PBS regarding Madison Park North TIA dated May 17, 2024		Admitted

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Excluded)
A-35	Excerpt from TIA Showing TIP Projects, dated May 17, 2024		Admitted
A-36	Parks Requirements Memo to City, dated May 21, 2024		Admitted
A-37	Council Workshop Packet TIP Projects Removed		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-38	Highlights from Concurrency Meeting, dated May 29, 2024		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-39	Transcript from Concurrency Meeting, dated May 29, 2024		Admitted
A-40	Road 52 Credit Request Email & Memo, dated June 3, 2024		Admitted
A-41	LID Waiver, Blvd Maintenance, Burns Credit Email & Memos dated June 13, 2024		Admitted
A-42	City of Pasco Agenda Report regarding Development Fees, dated June 13, 2024 for June 17, 2024 City Council meeting		Admitted
A-43	Preliminary Plat Madison Park North Draft Hearing Examiner Packet, dated June 22, 2024	Ex. C13	Admitted
A-44	City Council Meeting regarding Development Fees, June 17, 2024		Admitted
A-45	2024 06 24 - Resolution 4464 - 2025-2030 TIP		Admitted
A-46	2024 07 09 - Madison Park North MDNS Issued		Admitted
A-47	Email dated July 22, 2024 from Brian Cartwright regarding Utility Undergrounding		Admitted
A-48	City Council Workshop Packet Proposed 2025-2032 CIP, July 24, 2024		Admitted
A-49	David Swisher Motion for Invalidation of MDNS, dated September 3, 2024		Admitted
A-50	SEPA MDNS for Madison Park North Preliminary Plat (Withdrawn) dated September 16, 2024		Admitted

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Excluded)
A-51	Applicant Response to City Motion to Dismiss Raven Place MDNS Appeal, dated October 1, 2024		Admitted
A-52	Hearing Examiner Order on City Motion to Dismiss Swisher PSD High School No. 3 MDNS Appeal, dated October 9, 2024		Admitted
A-53	Hearing Examiner Order on City Motion to Dismiss Swisher Glacier Park MDNS Appeal, dated October 9, 2024		Admitted
A-54	Hearing Examiner Order on City Motion to Dismiss Raven Place MDNS Appeal, dated October 9, 2024		Admitted
A-55	SEPA MDNS for Madison Park North Preliminary Plat, dated November 4, 2024		Admitted
A-56	City of Pasco Staff Report for Raven Place Preliminary Plat, dated November 13, 2024	Ex. C18	Admitted
A-57	City Staff Report, Glacier Park Preliminary Plat dated November 15, 2024	Ex. C19	Admitted
A-58	Follow-Up E-mail and Memo from David Swisher to Richa Sigdel, dated November 22, 2024		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-59	E-mail from Richa Sigdel dated November 23, 2024	Ex. C14	Admitted
A-60	Raven Place Preliminary Plat Hearing Examiner Determination		Admitted
A-61	E-mail from Bob C. Sterbank dated December 4, 2024 at 09:26 a.m.		Admitted
A-62	E-mail dated December 4, 2024 from City of Pasco Planner Jennifer Ballard enclosing link to Madison Park North Preliminary Plat Hearing Examiner Packet		Admitted

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Excluded)
A-63	Letter dated December 4, 2014 from Bob Sterbank to David Swisher	Ex. C01	Admitted
A-64	E-mail dated December 5, 2024 from Richa Sigdel to Jon Padvorac	Ex. C15	Admitted
A-65	E-mail dated December 6, 2024 from Jon Padvorac attaching "Meeting Minutes"	Ex. C16	EXCLUDED BY ORDER ON MOTION IN LIMINE
A-66	Emails with Craig Raymon regarding Impact Fee Credits dated December 9, 2024		Admitted
A-67	Glacier Park Preliminary Plat Hearing Examiner Determination dated December 20, 2024		Admitted
A-68	Email from Jon Padvorac to Casey Roberts of Franklin County Public Utility District dated December 30, 2024		Admitted
A-69	Letter from David Swisher dated January 1, 2025		Withdrawn
A-70	Dept. of Commerce Capital Facilities Planning Guidebook		Admitted
A-71	Excerpts from Washington State Six- Year Transportation Improvement Program 2024-2027		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-72	City of Pasco Six-Year Transportation Improvement Program 2024-2027		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-73	Map of Appealed Projects		Admitted
A-74	Mitigated Determination of Nonsignificance dated December 24, 2024 for Columbia Basin College Dorm		Admitted

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Excluded)
A-75	2024-2029 TIP vs 2025-2030 TIP & MDNS		EXCLUDE CONSISTENT WITH ORDER ON MOTION IN LIMINE
A-76	Power Undergrounding Logistics Graphic		Admitted
A-77	Example Utility Upsize Agreement		Admitted
A-78	Exhibit Northwest Commons initial plat 2005		Admitted
A-79	Historic I-182 Fund Usage		Admitted
A-80	Email Input from City on Proposed Conditions 7, 13, 18, 19		Admitted
A-81	Tierra Vida III Site Plan dated December 28, 2023		Admitted
A-82	Project Hawk Roadway Extension Schematic Plan, dated January 3, 2024		Admitted
A-83	Excerpts from Ordinance 4457 - Street Standards		Admitted
A-84	2024 11 04 - MPN MDNS		Admitted
A-85	Preliminary Plat of Seven Sisters Phase 1 - 3RD SUB - APP 2	N/A	Admitted
A-86	City of Pasco Staff Report to Hearing Examiner dated December 11, 2024	N/A	Admitted
A-87	City of Pasco Staff Report to Hearing Examiner dated July 24, 2024	N/A	Admitted

ATTACHMENT B

CITY OF PASCO
FINAL LIST OF EXHIBITS

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Denied)
C-1	Preliminary Plat Application dated April 7, 2023 for File No. PP2022-007, "Madison Park North"	A	Admitted
C-2	Notice of Appeal of SEPA Mitigated Determination of Nonsignificance for Madison Park North preliminary plat, dated July 23, 2024, SEP2023-0032 and PP2022-007	B	Admitted
C-3	Notice of Appeal of SEPA Mitigated Determinations of Nonsignificance for Raven's Place and Glacier Park Phase I proposed preliminary plats and Pasco High School proposed special permit, dated July 23, 2024	C	Admitted
C-4	Hearing Examiner's Decision on City's Motion to Dismiss for Lack of Standing dated October 9, 2024, for Raven's Place Preliminary Plat PP2022-006	D	EXCLUDED BY ORDER ON MOTION IN LIMINE
C-5	Hearing Examiner's Decision on City's Motion to Dismiss for Lack of Standing dated October 9, 2024, for Glacier Park Phase I Preliminary Plat PP2022-003	E	EXCLUDED BY ORDER ON MOTION IN LIMINE
C-6	Hearing Examiner's Decision on City's Motion to Dismiss for Lack of Standing dated October 9, 2024, for proposed Pasco High School Special Permit, SP2022-013	F	EXCLUDED BY ORDER ON MOTION IN LIMINE
C-7	Withdrawal Notice of Mitigated Determination of Nonsignificance, dated	G	Admitted

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Denied)
	September 16, 2024		
C-8	Revised SEPA Mitigated Determination of Nonsignificance, dated November 4, 2024	H	Admitted
C-9	Findings of Fact, Conclusions of Law, Decision and Conditions of Approval, dated November 21, 2024, for Raven's Place Preliminary Plat PP2022-006	I	Admitted
C-10	Findings of Fact, Conclusions of Law, Decision and Conditions of Approval, dated November 21, 2024, for Glacier Park Phase 1 Preliminary Plat PP2022-003	J	Admitted
C-11	East UGA LID Preformation and Evaluation Agreement, dated November 1, 2021 between the City of Pasco and West Enterprises	K	Admitted
C-12	City of Pasco Ordinance No. 4592 Establishing Local Improvement District No. 152	L	Admitted
C-13	Agenda Report dated June 19, 2024 from Community & Economic Development Director Jacob Gonzalez to City Manager Adam Lincoln and attachments thereto	M	Admitted
C-14	Farm 2005, LLC Annual Report, dated April 15, 2024	N	Admitted
C-15	Pasco City Council Special Meeting Agenda and pages 3-32 of Agenda Packet materials for January 24, 2022	O	Admitted
C-16	City of Pasco Ordinance No. 4574A, Annexing Olberding and Farm 2005 properties	P	Admitted
C-17	Resolution No. 4464 Adopting 2025-2030 Six-Year Transportation Improvement	Q	Admitted

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Denied)
	Program		
C-18	Resume of Jessica Brackin of Fehr & Peers	R	Admitted
C-19	Excerpts from the Revised Traffic Impact Analysis, dated April, 2024, by Transpo Group	S	Admitted
C-20	Overlay of Transportation System Master Plan projects with Revised Traffic Impact Analysis Trip Distribution	T	Admitted
C-21	June 28, 2021 Agenda Report for 2022-2027 Transportation improvement Program	U	Withdrawn
C-22	Excerpts of Agenda Report for 2022 Capital Improvement Program, dated August 19, 2022	V	Withdrawn
C-23	Resolution 4434 – East UGA Phase 2 Accept Work	N/A	Admitted
C-24	Resolution 4458 – East UGA LID No. 152 Phase 1 Project Accept	N/A	Admitted
C-25	Resolution 4525 – East UGA Phase 4 Accept Work w Apollo	N/A	Admitted
C-26	Resolution 4524 – East UGA Phase 3 Accept Work w DW Excavating Inc.	N/A	Admitted
C-27	Apollo Physical Completion Letter – East UGA LID, Phase 4	N/A	Admitted
C-28	City Council April 13, 2023 Agenda Report	N/A	Admitted
C-29	April 17, 2023 Council Meeting Minutes		Admitted
C-30	City Council October 7, 2024 Agenda Report	N/A	Admitted
C-31	Ordinance No. 4730 Adopting the New Heritage Future Land Use Amendment	N/A	Admitted
C-32	February 20, 224 Email between Jon Padvorac and	N/A	Admitted

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Denied)
	Richa Sigdel		
C-33	Resolution 4505 – CIP for 2025-2030 Projects	N/A	Admitted
C-34	Excerpts from Agenda Packet for October 7, 2024 City Council meeting related to adoption of 2025-2030 CIP		Admitted
C-35	City of Pasco Staff Report for Madison Park North Preliminary Plat, dated January __, 2025, and attachments thereto	N/A	Admitted
C-36	City Proposed Conditions of Approval	N/A	Admitted

A-3

SECOND AMENDED LAND USE PETITION

IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THE COUNTY OF FRANKLIN

DAVE SWISHER, an unmarried person, and FARM 2005, LLC, a Washington limited liability company	NO. 25-2-50360-11
Petitioners, v. CITY OF PASCO, a municipality of the State of Washington, PASCO SCHOOL DISTRICT NO. 1, a public school district Respondents.	SECOND AMENDED LAND USE PETITION

I. PETITION FOR REVIEW

1.1 Land Use Petition. Dave Swisher and Farm 2005, LLC ("Petitioners") hereby petition this court for review of City of Pasco *Hearing Examiner*'s *Findings of Fact, Conclusions of Law, Decision and Conditions of Approval ("Hearing Examiner Decision")* dated March 24, 2025. A true and correct copy of *Hearing Examiner's Decision* is attached as *Attachment A*. *Hearing Examiner's Decision* is a land use decision and the Land Use Petition Act (LUPA) provides the exclusive means for judicial review of such decisions. RCW 36.70C.030.

1.2 Overview of Decision. *Hearing Examiner Decision* approved Petitioner's application for preliminary plat authorization for the development of a 129.9-acre parcel of unimproved property into 461 single-family residential lots including privately owned but publicly available parks, public roads and associated improvements and extensions of utilities

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and associated public services. The preliminary plat complied with all adopted development standards, including traffic concurrency and subdivision regulations.

Hearing Examiner adopted Findings of Fact, Conclusions of Law, and Conditions of Approval related to approval of the preliminary plat. The land use decision, including specifically Conditions of Approval and exactions, imposed requirements on Petitioners and the preliminary plat that were erroneous as a matter of law, not supported by substantial evidence, clearly erroneous applications of facts to law, and violative of federal and state constitutional protections. The Superior Court for Franklin County has exclusive jurisdiction for review of the land use decision and is authorized to grant relief from the decision and applicable conditions pursuant to RCW 36.70C.130(1)(a)(b), (c), (d) and (f).

1.3 **Hearing Examiner Decision.** City of Pasco Hearing Examiner is vested with authority to hear and issue final decisions on preliminary plat applications. PMC 21.25.060. Hearing Examiner is required to enter findings from the record and conclusions thereof based upon the following six (6) standards:

a. Adequate provisions are made for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, transit stops, schools and school grounds, sidewalks for safe walking conditions for students, and other public needs;

b. The proposed subdivision contributes to the orderly development and land use patterns in the area;

c. The proposed subdivision conforms to the policies, maps and narrative text of the Comprehensive Plan;

d. The proposed subdivision conforms to the general purposes of any applicable policy and plans which have been adopted by the City Council;

e. The proposed subdivision conforms to the general purposes of this title;

f. The public use and interest will be served by approval of the proposed subdivision.

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PMC 21.25.060. Hearing Examiner found that the proposed preliminary plat met all applicable development standards and requirements but imposed twenty-one (21) Conditions of Approval, together with additional development exactions required by the City.

1.4 Primary Issues for Hearing. The primary issues presented to the Hearing Examiner related to the following conditions and exactions required by City of Pasco and directed by Hearing Examiner.

a. Hearing Examiner imposed requirement that property owners waive statutory rights to protest future formation of any and all future Local Improvement Districts (LID) or Utility Local Improvement Districts (ULID). The condition imposed was as follows:

> 3. The face of the final plat shall include this statement: "As a condition of approval of this plat, pursuant to RCW 35.43.*182 the owner hereby waives for a period of ten (10) years from the date of approval of this plat the right to protest the formation of a Local Improvement District (LID) or Utility Local Improvement District (ULID)* for the financing and construction of transportation and/or utility improvements that specially benefit property owner(s) within this plat and are identified in the Capital Facilities Element of the City of Pasco's Comprehensive Plan, or documents adopted and incorporated by reference therein. This waiver shall be liberally construed in accordance with and to accomplish the purposes of RCW 35.43.182."

b. Hearing Examiner denied property owner the statutory and ordinance right to credits against local transportation impact fees as allowed by PMC 3.40.080 and RCW 82.02.060(5). This determination was based on the following legal conclusion.

> 3. Applicants are not entitled to credits against the Traffic Impact Fees applicable to the proposed preliminary plat for the cost of right-of-way dedication and construction of street improvements on Burns Road, Road 52, or Deseret Drive. Those dedications and street improvements are proposed by the Applicants *as project frontage improvements.* They are not included as *system improvements* in the Capital Facilities Element of the City's Comprehensive Plan, or in any document that is expressly adopted or incorporated by reference into the plan.

c. Hearing Examiner also affirmed City's requirement that Petitioners dedicate and construct a principle arterial extension of Burns Road including full 100-foot right-of-way and three (3) lane road segment. The unconstitutional exaction was based on the following legal conclusion.

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4. The City has established a factual and legal basis for requiring Madison Park North to dedicate a full 100-foot right-of-way for Burns Road Extension or to construct a three-lane road segment over Burns Road Extension from Ramus Road to the eastern boundary of the subdivision....The City has specifically established that the right-of-way dedications and street improvements proposed by Applicants and Shown on Sheets 1-7 of the plat meet the nexus and rough proportionality requirements established by federal constitution and RCW 82.02.020.

While there are additional issues for appeal, the issues presented during the open-record hearing and incorporated into the *Hearing Examiner's Decision* focused primarily upon the above issues. Hearing Examiner's determinations for each of these determinations lack support of substantial evidence, are contrary to law, are clearly erroneous, and violate federal and state constitutional requirements.

II. PARTIES, JURISDICTION AND VENUE

2.1 Petitioners. Dave Swisher and 2005 Farms, LLC (collectively "Petitioners") were applicants for preliminary plat authorizing subdivision of a 129.9-acre parcel of undeveloped land situate within the municipal subdivision of City of Pasco, Washington which is legally described as follows:

THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 29 EAST, W.M., FRANKLIN COUNTY, WASHINGTON.

EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 2; THENCE NORTH 0°54'15" EAST 1736.16 FEET ALONG THE MID-SECTION LINE OF SAID SECTION 2 TO THE NORTHEASTERLY BOUNDARY OF THAT EASEMENT DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 1952537, RECORDS OF FRANKLIN COUNTY, WASHINGTON; THENCE NORTH 45°15'31" WEST217.16 FEET ALONG SAID NORTHEASTERLY BOUNDARY; THENCE SOUTH 44°44'29" WEST 1500.00 FEET ALONG

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THE NORTHWESTERLY BOUNDARY OF SAID EASEMENT; THENCE SOUTH 45°15'31" EAST 1177.05 FEET ALONG THE SOUTHWESTERLY BOUNDARY OF SAID EASEMENT TO THE SOUTH LINE OF SAID SECTION 2; THENCE NORTH 89°08'41" EAST 346. 70 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

(Also known as Parcel B of Survey recorded under Auditor's File No. 1967124). Record title to the subject property is held in the name of Farm 2005, LLC, a Washington limited liability company.

Petitioner Dave Swisher's address is as follows:

Dave Swisher
250 NW Franklin, Suite 402
Bend, OR 97701

Petitioner Farm 2005, LLC address is as follows:

Farm 2005, LLC
2699 N. Road 68
Pasco, WA 99301

Petitioners' Attorney. Petitioners' attorney and his mailing address is:

James C. Carmody
Meyer, Fluegge & Tenney, P.S.
230 South Second St.
P.O. Box 22680
Yakima, WA 98907

2.2 **Respondent – City of Pasco.** The City of Pasco, Washington is a municipality of the State of Washington. The City of Pasco, through its Community Development Department, rendered the land use decision which is the subject of this petition.

Respondent's Address: The mailing address for City of Pasco ("City") is:

City of Pasco
525 N. 3rd Ave.
PO Box 293
Pasco, WA 99301

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Respondent's Attorney: Respondent's Attorney and his mailing address is:

Bob C. Sterbank
Foster Garvey PC
1111 Third Avenue, Suite 3000
Seattle, WA 98101

2.3 **Respondent – Pasco School District No. 1.** Pasco School District No. 1 is a public school district in the State of Washington. Pasco School District has an interest in the land use decision and is a party in interest in this Land Use Petition.

Respondent's Address: The mailing address for Pasco School District No. 1 ("School District") is:

Pasco School District No. 1
1215 W. Lewis St.
Pasco, WA 99301

Respondent's Attorney: Respondent's Attorney and her mailing address is:

Shweta Jayawardhan
Pacifica Law Group
401 Union Street, Suite 1600
Seattle, WA 98101-2668

2.3 **Jurisdiction.** This court has jurisdiction over this action as conferred by the Land Use Petition Act, RCW 36.70C.030.

2.4 **Venue.** Venue lies in Superior Court of Franklin County under PMC 2.50.120.

III. STANDING

3.1 **Dave Swisher.** Dave Swisher is an applicant and owner of property subject to the *Hearing Examiner's Decision.* The *Hearing Examiner's Decision* is a final "land use decision". RCW 36.70C.020. Dave Swisher has standing pursuant to RCW 36.70C.060(1).

3.2 **Farm 2005, LLC.** Farm 2005, LLC is an applicant and title owner of property subject to *Hearing Examiner's Decision.* The *Hearing Examiner's Decision* is a final "land use decision". RCW 36.70C.020. Farm 2005 has standing pursuant to RCW 36.70C.060(1).

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IV. FACTUAL BACKGROUND

4.1 Preliminary Plat Application. Dave Swisher and Farm 2005, LLC filed a Preliminary Plat Application (PP2022-007) with City of Pasco on April 7, 2023 proposing to subdivide an undeveloped 129.9-acre parcel into 461 single-family residential lots. The project is known as "Madison Park North". The proposed plat would create 461 lots, with approximately 2.07 acres set aside for construction of a privately-owned neighborhood park that would be developed with basketball and pickleball courts, a sun shelter and picnic table area, and play equipment, all of which would be open to the public.

a. **General Location:** The subject parcel is Assessor Parcel No. 114-250-018 in Pasco, Washington. The Property was annexed into the City of Pasco on March 21, 2022, pursuant to Ordinance No. 4574 and 4574A. The site has historically been used as farmland and is otherwise undeveloped. The project will involve the construction of a network of roads within and adjacent to the proposed plat, including required extensions of Burns Road, Road 52 and Deseret Drive.

b. **Proposed Lots:** The proposed lots vary in size from 5,000 square feet to 37,637 square feet. A portion of the plat is within the "Zone 4 – Outer Approach/Departure Zone" designation within the Airport Safety Overlay which requires residential density at a minimum of the RS-20 zoning. The lots within this airport zone designation were designed to have a minimum of 20,000 sq. ft. of lot size.

c. **Density:** The proposed plat provides a density of approximately 3.6 du/ac which complies with City of Pasco Comprehensive Plan ("Comprehensive Plan") permitted

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densities within the Low-Density Residential land use designation permitting residential densities between 3 and 6 dwelling units per acre (du/ac).

d. **Lot and Right-of-Way:** The lot and right-of-way layout complies with applicable City subdivision development standards with an internal network of street dedicated and improved to City Code and Design and Construction Standards, including multi-use paths (MUPs) for pedestrians and cyclists adjacent to Burns Road, Road 52, and Deseret Drive.

e. **Variance and Adjustments:** The Preliminary Plat Application for Madison Park North did not request any variances or administrative adjustments to applicable development standards.

4.2 **Comprehensive Plan and Zoning.** Comprehensive Plan land use designation and zoning of subject property is as follows:

a. **Comprehensive Plan:** The City of Pasco *Comprehensive Plan 2018-2038* designates this site as Low Density Residential. The Low-Density Residential land use designation is described as a variety of residential housing at a density of 3 to 6 dwelling units per acre. PMC 25.215.015. R-1 Low Density Residential is an implementing zoning district.

b. **Zoning:** The property is zoned R-1 Low Density Residential. Zoning, and current use of surrounding properties:

North: Franklin County Zoning RR-1; Rural Residential 1/Single Family Homes

East: Franklin County Zoning RR-1; Rural Residential 1/Single Family Homes

South: RS-1/PDD Suburban Planned Density Development/Single Family Homes

West: R-1/R-3 Low and Medium Density Residential/Irrigated Agriculture

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4.3 **Traffic Concurrency.** City of Pasco required preparation of a traffic concurrency evaluation to determine the proposal's impacts on the transportation system network. A Traffic Impact Analysis (TIA) was prepared by TranspoGroup based on scope of study and intersection designations directed by City. Data was collected at the City's direction from ten (10) intersections and trip generation and distribution analysis prepared in accordance with applicable engineering standards and requirements. TranspoGroup submitted a complete Tier 2 TIA to the City on November 6, 2023. City failed to provide timely comment on the Tier 2 TIA. TranspoGroup prepared an updated Tier 2 TIA in April of 2024 to incorporate updated traffic data. The TIA was subject to peer review by City's consulting engineers - PBS Engineering & Environmental.

a. The TIA concluded that at the time the last phase of the Madison Park North plat is completed, 177 AM peak hour trips and 246 PM peak hour trips from the proposed plat would utilize Road 52 north of the intersection of Road 52 and Burns Road.

b. The TIA also reports that the proposed plat will generate 30 AM peak hour trips and 42 PM peak hour trips using the portion of Burns Road east of Burns/Road 52 intersection. This road section fronts the south edge of the proposed subdivision.

c. Hearing Examiner found that there were numerous planned transportation improvement projects within the study area including roadway widening, intersection traffic control revisions, and roadway extensions. The TIA included and considered many of these projects in the TIA's interim or full buildout condition analysis. The TIA was prepared in accordance with the City's codified concurrency review process, which is described in PMC 12.36.

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d. The TIA also included a distribution of the Project's vehicle trips across the City's transportation network. Figure 6 showed project trips (15% of the total estimated 4,108 daily trips) distributed to the north and east of the Madison Park North site.

e. The TIA concluded that, in accordance with the City's codified concurrency process in PMC 12.36.080, the result of the analysis performed in the TIA was that the development's impact on the transportation network would be fully mitigated by payment of the Traffic Impact Fee. The City's peer transportation engineer, PBS Engineering, indicated that its review of the TIA was complete and acceptable on May 17, 2024.

f. The TIA also indicated that project vehicle trips would be distributed to but not adversely impact other off-site intersections and roadway segments or result in intersection and segment functions below adopted level of service standards, as these off-site intersections were on the TIP, and assumed constructed per the City's concurrency standards in PMC 12.36.080 provided the transportation impact fee is paid.

g. Despite City's peer engineer verified findings that the project met concurrency standards and payment of impact fees fully mitigated traffic impacts, the City arbitrarily required that Madison Park North property owners waive all statutory rights to protest the formation of an LID or ULID. The City's expert engineer could not and did not express an opinion that the LID was reasonably related or roughly proportional to the Project's impact to any identified intersections and roadway segments.

h. The TIA summarized the mitigation measures needed for the Madison Park North plat, as follows:

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- The TIA provides an initial estimate of fees; however, the actual fees will be coordinated with City staff. The applicant will pay transportation impact fees (TIF) estimated to be $154,562 for the interim condition (cumulative Phases 1-5) and a total cumulative fee of $326,140 for the full build out condition.

- As the study intersections meet the operational standards for the future with project conditions, the project's payment of the traffic impact fees mitigate its impact on the transportation system and no additional proportionate share contributions are necessary. This is consistent with PMC 12.36.080.

- Credit will be provided for the ROW dedication and frontage improvements for Burns Road and Road 52 corridors, relative to any *additional* mitigation fees paid by the applicant.

The City's peer review transportation engineers concurred with these findings.

4.4 **Environmental Review.** Petitioners filed a complete SEPA Checklist with the Preliminary Plat Application. A Notice of Application with Optional SEPA Determination of Non-Significance was issued on April 14, 2023. Comments were received from agencies and the public. No comments were received from Pasco School District.

a. **Mitigated Determination of Non-Significance:** SEPA Responsible Official issued an initial Mitigated Determination of Non-Significance (Optional DNS Process) ("*Initial MDNS*") for Madison Park North Preliminary Plat on July 9, 2024. The *Initial MDNS* ignored the findings in the Madison Park North TIA and based mitigation on consolidated traffic impact analysis that included four (4) unrelated projects. The *Initial MDNS* included the following requirements:

i. An archaeological survey prior to ground disturbing activities.
ii. Park and open spaces totaling 4.76 acres of land.

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iii. Traffic impacts mitigated with a "to be determined" proportionate share of the following intersections/projects:

1. Burns Road Extension (TSMP EXP6, TIP 5.02)-up to $1,050,000.

2. Burns Road & Road 68 Intersection (TSMP EXP 6, TIP 5.02) - up to $472,500.

3. Burns Road & Road 60 Intersection - up to 25%.

4. Sandifur Parkway & Convention Drive Intersection (TSMP INT 2, TIP 5.15)- up to 22%.

5. Burden Boulevard & Road 68 Intersection/ Road 76 Overpass (TSMP INT 3 & EXT 2, TIP 5.08)-up to $624,750.

The SEPA transportation mitigation was required in addition to payment of traffic impact fees under PMC 3.40.050. The exaction was directly in conflict with and prohibited by RCW 43.21C.065.

b. **Appeal:** Applicants filed a timely Notice of Appeal of the *Madison Park North MDNS* on July 23, 2024. Applicants filed a dispositive motion (Ex. A-49) arguing that the MDNS SEPA transportation mitigation fees were duplicative payment of traffic impact fees and in violation of RCW 43.21C.065. The City did not dispute or refute the substance of the motion or the violation of RCW 43.21C.065.

c. **Withdrawal of Appeal:** Based on the clear violation of RCW 43.21C.065, the City withdrew the *Initial MDNS* on September 16, 2024. With the withdrawal, the appeal was moot and Applicants then withdrew their SEPA appeal.

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d. **Changes to Six-Year Transportation Plan (TIP).** Subsequent to the appeal of the *Initial MDNS*, the City amended its Six-Year Transportation Plan (TIP) to remove improvements to Road 52 and Burns other roadway segments and intersections based on unspecified developer contributions.

e. **Revised MDNS:** The City issued a revised *SEPA Mitigated Determination of Non-Significance* (*"Revised MDNS"*) for Madison Park North Preliminary Plat (SEPA 2023-032) on November 4, 2024. The *Revised MDNS* included the following mitigations:

1. The applicant shall pay mitigation to the City of Pasco for impacts on the City roadway system. The mitigation required is $709.00 per residential unit. The project will result in 464 ~~residential units. Thus, $709 X 464 = $328,976.00. Payment~~ of traffic mitigation fees to the City is required prior to the issuance of the first building permit.

2. A cultural resources survey prior to ground disturbing activities.

Hearing Examiner found that "…the MDNS calls for Applicants to pay *transportation impact fee* (TIF) of $709 per lot ($328,976 total for all 464 lots) in full prior to first building permit." This requirement accelerated the ordinance period for payment and memorialized a verbal agreement between the Applicant and the City to vest the Applicant to current transportation impact rates and in exchange for accelerated payment of transportation impact fees. The accelerated payment provided additional funds to the city for transportation system improvements.

f. **Finalization:** The *Revised MDNS* was not appealed and became final on November 25, 2024.

4.5 **Deseret Drive, Road 44, Burns Road and Road 52.** During review of the preliminary plat, the City required inclusion of Deseret Drive, Road 44, Burns Road, and Road 52 as an arterial and collector road network required to serve the region. Road 52 and Deseret

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Drive were classified as "Collector" roads. Burns Road was classified as a "Principle Arterial". The extent to which these corridors were required to extend and the width of these corridors was beyond the local access street network that would have been required to serve the subdivision.

4.6 **Madison Park South.** The subdivision to the south is fully developed with the Madison Park South subdivision. To the east of Ramus, lots along the south side of the future Burns Road alignment do not front on Burns Road, they front on Corinth Drive. No additional access from Burns Road would be possible into the Madison Park South subdivision from east of Ramus due to the existing street network, in addition to the local topography (the lots along Corinth Drive are approximately 10 feet above the future Burns Road alignment).

4.7 **Water and Sewer.** Water and sewer services will be extended to and through the development to provide municipal services to the new lots. The Applicants intend to seek City approval of a latecomer's reimbursement agreement pursuant to Ch. 14.25 of the Pasco Municipal Code.

4.8 **Park Facilities.** Provision of park facilities is addressed by preliminary plat. The City of Pasco Parks, Recreation and Open Space Master Plan has established a Level of Service (LOS) of two (2) acres of neighborhood park land and 2.1 acres of community park land per 1,000 population. Based on the anticipated population that would be generated by the development (1,632 people, assuming an average household size of 3.54 persons per household) a total of 3.26 acres of parkland is required to meet the neighborhood park LOS goal.

a. The proposed plat provides a 2.07 acre neighborhood park, privately-owned but developed and open to the public park. Madison Park North also provides a total 1.35 acres of Mixed Use Paths (MUPs), with an additional 0.54 acres of active recreation

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park land to be provided by the sports field being developed as part of the new Pasco High School located to the West of the proposed plat.

b. Madison Park North park and multi-use paths together with associated Pasco High School active recreation park meet established City neighborhood park levels of service (LOS).

4.9 The Proposed Subdivision Conforms to the Policies, Maps and Narrative Text of the Comprehensive Plan. Pasco s Comprehensive Plan Future Land Use Map designates the land as "Low Density Residential" which allows for a variety of residential housing at a density of 3 to 6 dwelling units per acre. Madison Park North is consistent with the zoning designation and proposed density of 3.6 dwelling units per acre conforms with the Comprehensive Plan. Further, the proposal aligns with the policies of the Comprehensive Plan such as:

- **Housing Policy H-3-A:** Encourage innovative techniques in the design of residential neighborhoods and mixed-use areas to provide character and variety in the community. The proposed plat includes a variety of lot sizes ranging from lot sizes typical in the R-1 zoning designation and the RS-20 zoning designation. Further, the plat will provide a private park and MUPs for recreation and walkability.

- **Land Use Policy LU-2-E:** Discourage the siting of incompatible uses adjacent to Pasco (Tri Cities) Airport and other essential public facilities. The proposal adheres to the requirements of the Airport Overlay District by providing the necessary lot sizes within each compatibility zone. The development has accounted for the siting to ensure it is compatible with the adjacent airport and is in conformance with the Airport Overlay District.

- **Land Use Policy LU-4-E:** Encourage the orderly development of land by emphasizing connectivity and efficiency of the transportation network. The proposal provides a network of roads in conformance with Pasco Municipal Code and requirements and is sufficient to address the number and distribution of vehicle trips generated by the proposed plat, as shown in the Applicants Traffic Impact Analysis. The proposal also provides MUPs that will serve to connect the development to adjacent developments and major roadways.

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- **Capital Facilities Policy CF-3-A:** Assure land development proposals provide land and/or facilities or other mitigation measures to address impacts on traffic, parks, recreational facilities, schools, and pedestrian and bicycle trails. The proposal will provide impact fees during the permitting process to address the impacts on traffic, parks, and schools. Further, as the Developer will provide payment of the full transportation impact fee for the entire subdivision upfront, in order to provide near-term funding to enable the City to construct necessary improvements. The development will also construct MUPs that may be used for pedestrian and bicycle travel to and around the area.

- **Transportation Policy TR-1-F:** Develop an interconnected network of streets, trails, and other public ways during the development process while preserving neighborhood identity. By constructing street improvements and mixed-use paths as shown on Sheets 1-7, the proposal will develop a network of roads and MUPs that match and connect to major travel corridors and adjacent developments.

- **Comprehensive Plan Table T-11:** Table T-11 in Volume II of the *Comprehensive Plan* shows the segments of Road 52, Burns Road, and Deseret Drive adjacent to the proposed preliminary plat as being long-term regional transportation infrastructure improvements. These corridors are collectors and arterials, which provide the grid type backbone of thoroughfares needed to ensure an efficient transportation network as the City continues to grow. Provision of adequate right-of-way and improvement of these regional improvements was required by the City during the plat review process and is reflected in the proposed preliminary plat layout.

4.10 **Open Record Hearing.** An open record hearing was held on December 8, 2024, which was subsequently continued to January 12, 2025. The open record hearing on January 12, 2025, was continued to January 22, 2025.

a. **Testimony:** Appearing and testifying on behalf of the Applicant was Jon Padvorac (former City employee) and James Carmody. Appearing and testifying on behalf of the City was Jacob Gonzalez (City employee), Craig Raymond (City employee), and Jessica Brackin (Fehr & Peers, former City employee). A member of the public, Paul Knutzen, Owner of Knutzen Engineering, spoke on behalf of the school district regarding a variety of offsite improvements that would increase pedestrian safety around the school to the South of Road 52 and Burns. The meeting was approximately 4.5 hours long, and a transcript was provided by the

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applicant which has been incorporated into the record.

b. **Applicant Exhibits:** Applicant submitted 87 exhibits at the open record hearing. Hearing Examiner excluded through *Order on Motion in Limine* Exhibits A-02, A-19-21, A-24-27, A-37-38, A-58, A-65, A-71-72 and A-75. Petitioners take exception to the exclusion of such documents.

c. **City Exhibits:** Hearing Examiner admitted all City exhibits except Exhibits C-4-6.

V. FINDINGS OF FACT – EXCEPTIONS AND ISSUES

5.1 **Findings of Fact:** Petitioners take exception to the following Findings of Fact. The Findings of Fact, at times, also include legal conclusions and conditions. The errors may include erroneous interpretations of law, are clearly erroneous applications of law to facts, and determinations that violate Petitioners' constitutional rights. Petitioners reserve the right to challenge findings based on all review standards, including RCW 36.70C.130(1)(a), (b), (c), (d) and (f).

- **Finding 4.1:** Hearing Examiner found that a "LID Formation Ordinance did not impose or levy a special assessment or other monetary tax, fee, or charge of any kind against the property…". This legal conclusion is contrary to law and not supported by substantial evidence. It is also misleading – a later step in the LID process (the final assessment roll hearing) is where total costs are allocated, and passed via ordinance, at which point the assessments become a lien on each parcel.

- **Finding 4.2:** Hearing Examiner found that an unrelated property owner signed a preformation agreement for the creation of the East UGA Sewer LID. The finding and conclusions are not supported by substantial evidence and irrelevant to this proceeding.

- **Finding 6.3:** The administrative record does not support a finding that City withdrew *Madison Park North MDNS* "…in an effort to resolve the Applicants' appeal."

- **Finding 7:** City required "…dedication of 100-foot-wide right-of-way for Burns Road, extending across the southern boundary of the Property." Sheet 7 does not propose development of full "Typical Sections" for Burns Road, Road 52 and Deseret Drive adjacent to the proposed Madison Park North Plat.

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- **Finding 8.3:** Record contains no evidence that "…public trips will pass through these corridors from future developments not included in the project forecast.

- **Finding 8.4:** This finding is not supported by substantial evidence.

- **Finding 8.5:** Record indicates as stated that the TIA also indicates that there are numerous planned transportation improvement projects within the study area including roadway widening, intersection traffic control revisions, and roadway extensions. The TIA includes many of these projects in the TIA's interim or full buildout condition analysis, as shown in the planned improvement section in Table 3. However, the record also shows that the Cities codified concurrency review process in PMC 12.36.080 allows use of projects on the TIP by a developer during their concurrency determination provided the developer pays the transportation impact fee, which was stated by the applicant in their TIA and confirmed by the third party independent reviewer. As such, the current Finding 8.5 is incomplete.

- ~~**Finding 8.6:** This finding is not supported by substantial evidence.~~

- **Finding 8.7:** The City's independent transportation engineer, PBS Engineering, confirmed that the TIA was complete and compliant with concurrency standards.

- **Finding 8.8:** This finding is not supported by substantial evidence.

- **Finding 8.9:** This finding is an incomplete summary of mitigation measures set forth in the Madison Park North TIA and not supported by substantial evidence.

- **Finding 10.5:** This finding is not supported by substantial evidence.

- **Finding 13:** This finding is not supported by substantial evidence.

- **Finding 18:** This finding is not supported by substantial evidence and, to the extent that it includes a conclusion of law, is contrary to applicable law.

- **Finding 19:** The SEPA MDNS stated that transportation system impacts will be mitigated by payment of the standard transportation impact fee ($709 per lot) payable prior to issuance of first building permit. SEPA MDNS set the amount and time of payment of transportation impact fees. This determination is consistent with and implements PMC 3.40.070 which requires payment at the time of issuance of development permit.

- **Finding 19.1**: There is a conflict between RCW 82.02.060(5) and PMC 3.50.070 with respect to how park impact fee credits should be calculated. RCW 82.02.060(5) requires that the credits be commensurate with the value of the land and

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improvements, whereas PMC 3.50.070 has a different manner of calculating a partial credit irrespective of the value of land and improvements. The Hearing Examiner stated that the credit will be commensurate with the value of land and improvements (consistent with RCW 82.02.060), but left in reference to PMC 3.50.070, confusing the matter. The reference to PMC 3.50.070 should be removed.

- **Finding 20:** Finding 20 (and its subset findings) references a subset of findings that are not supported by substantial evidence, are contrary to law, or violate Petitioners' constitutional rights.

- **Finding 20.1.2:** This finding is not supported by substantial evidence and is contrary to applicable law.

- **Finding 20.1.4:** This finding is not supported by substantial evidence and is contrary to applicable law.

- **Finding 20.1.5:** This finding is not supported by substantial evidence and is contrary to law.

- **Finding 24:** This finding is not supported by substantial evidence, contrary to law, clearly erroneous, and violates Petitioenrs' constitutional rights.

- **Finding 25:** This finding is not supported by substantial evidence and, to the extent that it includes a legal conclusion, is contrary to applicable law.

- **Finding 26:** This finding is not supported by substantial evidence and irrelevant to issues before Hearing Examiner.

- **Finding 27:** This finding is not supported by substantial evidence, contrary to law, clearly erroneous, and violates Petitioners' constitutional rights.

- **Finding 28:** This finding is not supported by substantial evidence, and to the extent that it includes a legal conclusion, is contrary to applicable law.

- **Finding 29:** This finding is not supported by substantial evidence, and to the extent that it includes a legal conclusion, is contrary to applicable law.

- **Finding 30:** This finding is not supported by substantial evidence, and to the extent that it includes a legal conclusion, is contrary to applicable law.

- **Finding 31:** This finding is not supported by substantial evidence, and to the extent that it includes a legal conclusion, is contrary to applicable law.

- **Finding 32:** This finding is not supported by substantial evidence.

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- **Finding 32.1:** This finding is not supported by substantial evidence.
- **Finding 32.2:** This finding is not supported by substantial evidence.
- **Finding 32.3:** This finding is not supported by substantial evidence.
- **Finding 32.4:** This finding is a legal conclusion that is contrary to law and not supported by substantial evidence.
- **Finding 33:** This finding is not supported by substantial evidence.
- **Finding 34:** This finding is not supported by substantial evidence.

VI. CONCLUSIONS OF LAW – ERRORS AND ISSUES

6.1 **Conclusions of Law.** Hearing Examiner's "Conclusions of Law" are not supported by substantial evidence, include erroneous interpretations of the law, are a clearly erroneous application of the law to the facts, violate Petitioners' constitutional rights and exceed his jurisdictional authority. RCW 36.70C.130(1)(a)(b), (c), (d) and (f).

a. **Conclusion of Law 1:** Conclusion of Law 1 includes erroneous interpretation of the law, is not supported by substantial evidence, is a clearly erroneous application of law to the facts and violates Petitioners' constitutional rights. Hearing Examiner lacked jurisdictional authority to make constitutional determinations.

b. **Conclusion of Law 2:** Conclusion of Law 2 includes erroneous interpretation of the law, is not supported by substantial evidence, is a clearly erroneous application of law to the facts and violates Petitioners' constitutional rights. Hearing Examiner lacked jurisdictional authority to make constitutional determinations.

c. **Conclusion of Law 3:** Conclusion of Law 3 includes erroneous interpretation of the law, is not supported by substantial evidence, is a clearly erroneous application of law to the facts and violates Petitioners' constitutional rights.

d. **Conclusion of Law 4:** Conclusion of Law 4 includes erroneous interpretation of the law, is not supported by substantial evidence, is a clearly erroneous application of law to the facts and violates Petitioners' constitutional rights. Hearing Examiner lacked jurisdictional authority to make constitutional determinations.

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e. **Conclusion of Law 5:** Conclusion of Law 5 includes erroneous interpretation of the law, is not supported by substantial evidence, is a clearly erroneous application of law to the facts and violates Petitioners' constitutional rights.

VII. CONDITIONS OF APPROVAL – ERRORS AND ISSUES

7.1 **Conditions of Approval.** The following conditions of approval include erroneous interpretations of the law, are not supported by substantial evidence, include clearly erroneous application of the law to facts, and violate Petitioners' constitutional rights:

a. **Condition of Approval 3:** The Hearing Examiner Condition of Approval 3 provides:

> The face of the final plat shall include this statement: "As a condition of approval of this plat, pursuant to RCW 35.43.182 the owner hereby waives for a period of ten (10) years from the date of approval of this plat the right to protest the formation of a Local Improvement District (LID) or Utility Local Improvement District (ULID) for the financing and construction of transportation and/or utility improvements that specially benefit property owner(s) within this plat and are identified in the Capital Facilities Element of the City of Pasco's Comprehensive Plan, or documents adopted or incorporated by reference therein. This waiver shall be liberally construed in accordance with and to accomplish the purposes of RCW 35.43.182."

Condition 3 is not supported by substantial evidence, is contrary to applicable law, clearly erroneous, and violates Petitioners' constitutional rights.

b. **Condition of Approval 17:** Hearing Examiner imposed Condition 17 which provides as follows:

> Park, Traffic, and School impact fees at the then-applicable impact fee rate will be collected for each lot at the time of issuance of building permits for new residences, *with traffic impact fees of $328,976 payable prior to the issuance of the first building permit.* Credits and reductions to the Park Impact Fees will be provided commensurate with the value of park land and improvements as determined by the Director in accordance with RCW 82.02.060(5), PMC 3.40.090 and PMC 3.50.070 and the Conditions of Approval of this Preliminary Plat. *Credits and reductions to the Transportation Impact Fees are not required.*

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Hearing Examiner's denial of credits and reduction of Transportation Impact Fees is not supported by substantial evidence, is contrary to law, clearly erroneous and violates Petitioners' constitutional rights.

c. Condition of Approval 19: Hearing Examiner imposed condition 17 which provides as follows:

> Applicant shall ensure all proposed road alignments are designed and constructed in compliance with PMC 21.15.030(1) and (2), Street Standards, and the City's codes and standards in relationship to adjoining plats and their streets. Specifically, the streets of the proposed plat shall be adjusted to align with the two already-approved County subdivisions to the North: Zargoza Addition (Road 47) and Towers landing (Road 51). The concept of realignment of Road 47 and 51 presented by the applicant on 12/6/2024, may be implemented as a minor adjustment as opposed to major adjustment to the preliminary plat in accordance with PMC 21.25.080.

Condition 19 sets forth inconsistent and incomplete statement of applicable street and improvement standards and requirements for three-quarter street standards, is inconsistent with adopted standards and is not supported by substantial evidence.

d. Condition of Approval 21: Hearing Examiner required and imposed Condition 21 which provides as follows:

> The Pasco School District has demonstrated, by the testimony of Paul Knudson at the open record public hearing, and the January 8, 2025, comment letter that there are direct impacts to the school district regarding school children at or near Pasco District Property. Because of these impacts, the developer shall work with the School District to address these direct impacts, by adding advanced warning signs on both Burns Road and Road 52, adding flashing beacons on the Northbound and Southbound Road 52, and upgrade the existing crosswalk at the non-controlled intersection of Santa Cruz Lane and Road 52, to include a RRFB.

Condition 21 is not supported by substantial evidence, is contrary to applicable law and clearly erroneous, and violates Petitioners' constitutional rights.

VIII. HEARING EXAMINER EXCEWEDED JURISDICTIONAL AUTHORITY

8.1 <u>Hearing Examiner Jurisdiction</u>. Hearing Examiner determinations set forth in the land use decision relating to constitutional rights and violations is outside his authority and jurisdiction and prohibited by RCW 36.70C.130(a)(e).

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8.2 **Constitutional Determinations.** Hearing Examiner determined without jurisdictional authority that the imposition of a mandatory requirement that the applicant and property owners waive the statutory right to protest the formation of a Local Improvement District (LID) or Utility Local Improvement District (ULID) and is consistent with constitutional requirements, including that "…[t]he 'no protest' agreement is a minimal, non-monetary obligation that is at least…roughly proportional to the extent of the plat's impacts."

8.3 **Burns Road Extension.** Hearing Examiner required that Madison Park North dedicate a full 100-foot right-of-way for Burns Road Extension or to construct a three-lane road segment over Burns Road Extension from Ramus Road to the eastern boundary of the subdivision. No public contribution was to be made for the dedication and right-of-way dedication. Hearing Examiner determined that the exaction met all constitutional requirements and specifically stated:

> Such access included connection of a substantial portion of Project trips to I-182 using the Burns Road-Glade Road extension, which is planned to be constructed in the reasonably foreseeable future in the City's Six-Year TIP and CIP, an to which the Applicants' Burns Road project frontage improvements will connect. *The City has specifically established that the right-of-way dedications and street improvements proposed by the Applicants and shown on Sheets 1-7 of the plat meet the nexus and rough proportionality requirements established by federal constitution and RCW 82.02.020.*

Hearing Examiner did not have jurisdiction under local ordinance or applicable law to make constitutional determinations.

8.4 Hearing Examiner's Determinations Were Made Without Jurisdictional Authority and Violate RCW 36.70C.130(1)(a) and (e).

IX. PRAYER FOR RELIEF

WHEREFORE, Petitioners pray for the following relief:

9.1 For order allowing supplementation of the record for matters improperly excluded or outside the jurisdiction of the officer that made the decision pursuant to RCW 36.70C.120(2)(b) and (c) and (3).

9.2 For order declaring Hearing Examiner lacked jurisdiction to make constitutional determinations under RCW 36.70C.130(1)(a) and (e).

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9.3 For order that Findings of Fact identified herein are not supported by substantial evidence when viewed in light of the whole record before the court under RCW 36.70C.130(1)(c).

9.4 For order that land use decision violates Petitioners' constitutional rights including nexus and rough proportionality requirements applicable to regulatory exactions under the Fifth and Fourteenth Amendment of the United States Constitution under RCW 36.70C.130(1)(f).

9.5 For order declaring that the land use decision is a clearly erroneous application of law to the facts under RCW 36.70C.130(1)(d).

9.6 For order declaring that Condition 3, which requires waiver of statutory rights to protest the formation of a Local Improvement District (LID) or Utility Local Improvement District (ULID) is invalid, unlawful, and contrary to applicable law.

9.7 For order declaring that City of Pasco's requirement that Petitioners dedicate full 100 feet of right-of-way for extension of Burns Road, together with construction of a three-lane road section, is invalid, unlawful, and violates Petitioners' constitutional rights with respect to unlawful regulatory exactions and requirements of nexus and rough proportionality.

9.8 For order declaring that Hearing Examiner's decision denying ordinance and statutory right to a credit, not to exceed the Transportation Impact Fee otherwise payable, or the actual value of any dedication of land for, improvement to, or new construction of any transportation system improvements provided by the developer as authorized by PMC 3.40.080 and RCW 82.02.060(5).

9.9 For order declaring that Condition 21 is unlawful, contrary to law, and not supported by substantial evidence.

9.10 For judgment in favor of Petitioners, and against Respondents, for Petitioners' cost of suit, for an equitable assessment of costs pursuant to RCW 36.70C.120, and for such other and further reasonable attorneys' fees and costs as otherwise may be allowable pursuant to either law or equity.

9.11 For such other relief as the Court deems just and appropriate.

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IX. CERTIFICATION

The undersigned representative of Petitioners has read the foregoing and believes the contents to be true.

DATED this 23rd day of May, 2025.

MEYER, FLUEGGE & TENNEY, P.S.

JAMES C. CARMODY, WSBA #5205
Attorneys for Petitioners

Attachment A: *Hearing Examiner's Findings of Fact, Conclusions of Law, Decision and Conditions of Approval*

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ATTACHMENT A

City of Pasco
Community Development Department
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NOTICE OF HEARING EXAMINER DECISION

Date of Notice:	March 25, 2025
File Number/Name:	PP2022-007/Madison Park North
Type of Application:	Preliminary Plat
Applicant:	**Dave Swisher**
Date of Decision:	**March 24, 2025**

Pursuant to Pasco Municipal Code (PMC) 2.50.110 enclosed is the City of Pasco Land Use Hearing Examiner's decision regarding application PP2022-007, Madison Park North Preliminary Plat.

APPEAL

All decisions of the Hearing Examiner shall be final and conclusive unless a timely appeal thereof is filed with the Superior Court of Franklin County by an aggrieved party within 21 calendar days from the date of issuance of the decision in the manner required by law per PMC 2.50.120.

Enc. Hearing Examiner's Decision, dated 3/24/2025
Ecc. Parties of Record

CITY OF PASCO LAND USE HEARING EXAMINER

In the Matter of: MADISON PARK NORTH PRELIMINARY PLAT	Tax Parcel No. 114-2500-016 File No. PP 2022-007 HEARING EXAMINER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the City of Pasco Hearing Examiner on January 22, 2025, the Hearing Examiner having taken testimony and admitted exhibits and other evidence, hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. General Timeline:

1.1. April 11, 2023: Preliminary Plat Application, PP2022-007, and SEPA Environmental Checklist, SEPA2023-032, Submitted.

1.2. April 14, 2023: Notice of Application with Optional SEPA Determination of Non-significance Issued.

1.3. April 17, 2023: Application Deemed Complete; Public Comment Received from the Confederated Tribes and Bands of the Yakima Nation.

1.4. April 27, 2023: Public Comment received from the Washington State Department of Ecology (Ecology), and Washington State Department of Transportation (WSDOT).

1.5. April 28, 2023: Public Comment received from the Washington State Department of Archeology and Historic Preservation (DAHP).

1.6. May 2, 2023: Application Deemed Incomplete.

1.7. February 20, 2024: Public Comment received from WSDOT.

1.8. July 2, 2024: Notice of Public Hearing PP2022-007 scheduled for July 24, 2024, posted on the City of Pasco website and mailed to properties within 300 feet of proposed subdivision.

1.9. July 7, 2024: Notice of Public Hearing for PP2022-007 Published in

Tri-City Herald Newspaper.

1.10. July 9, 2024: SEPA Mitigated Determination of Non-Significance (MDNS) Issued for Madison Park N Preliminary Plat.

1.11. July 23, 2024: SEPA2023-032 MDNS Appealed, APPL2024-003, by Applicant.

1.12. September 13, 2024: SEPA2023-032 MDNS Withdrawn by City of Pasco SEPA Responsible Official.

1.13. November 4, 2024: SEPA MDNS Issued for Madison Park N Preliminary Plat with a comment period ending November 18, 2024 and appeal Period ending November 25, 2024. No appeal filed.

1.14. November 14, 2024: Public Comment were received from Ecology.

1.15. November 18, 2024: Public Comment received from the Franklin County Planning & Building Department, and the Confederated Tribes of the Colville Reservation.

1.16. November 25, 2024: Notice of Public Hearing PP2022-007 scheduled for December 11, 2024, posted on the City of Pasco website and mailed to properties within 300 feet of proposed subdivision.

1.17. November 27, 2024: Notice of Public Hearing for PP2022-007 published in Tri-City Herald Newspaper.

1.18. December 4, 2024: Staff report distributed to Project Applicant, Property owner and parties of record.

1.19. January 22, 2025: Public Hearing.

1.20. March 24, 2025: Hearing Examiner Decision Issued.

2. Application: Applicants Dave Swisher and Farm 2005, LLC (also the Property owner) filed preliminary plat application 2022-007 with City of Pasco on April 7, 2023 proposing to subdivide an undeveloped 129.9 acre parcel into 461 single-family residential lots. Exhibit C-1.

2.1. Legal: The subject property is legally described as follows:

THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 29 EAST, W.M., FRANKLIN COUNTY, WASHINGTON.

EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 2; THENCE NORTH 0°54'15" EAST 1736.16 FEET ALONG THE MID-SECTION LINE OF SAID SECTION 2 TO THE NORTHEASTERLY BOUNDARY OF THAT EASEMENT DESCRIBED IN DEED RECORDED UNDER

AUDITOR'S FILE NUMBER 1952537, RECORDS OF FRANKLIN COUNTY, WASHINGTON; THENCE

NORTH45°15'31" WEST217.16 FEET ALONG SAID

NORTHEASTERLY BOUNDARY; THENCE SOUTH 44°44'29" WEST 1500.00 FEET ALONG THE NORTHWESTERLY BOUNDARY OF SAID EASEMENT; THENCE SOUTH 45°15'31" EAST 1177.05 FEET ALONG THE SOUTHWESTERLY BOUNDARY OF SAID EASEMENT TO THE SOUTH LINE OF SAID SECTION 2; THENCE NORTH 89°08'41" EAST 346. 70 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING. (Also known as

Parcel B of Survey recorded under Auditor's File No. 1967124)

The above-described property is referred to in these Findings of Fact, Conclusions of Law and Decision as "the Property" or, alternatively, the Madison Park North preliminary plat.

2.2. General Location: The subject parcel is Assessor Parcel No. 114-250-018 in Pasco, Washington.

2.3. Annexation: The Property was annexed into the City of Pasco on March 21, 2022 pursuant to Ordinance No. 4574A and a petition for annexation signed by Owner Farm 2005, LLC. Exhibits C-15 and 16.

3. Access: The property has access from Burns Road, Road 52, Deseret Drive, Road 44 and Roberta Road.

4. Utilities: Municipal water is available and will be extended to the property from the southwest; municipal sewer will be provided by connections to the new sewer main running East/West through the parcel that was installed as part of the East UGA Sewer Local Improvement District ("LID").

4.1. LID Formation. The LID was formed pursuant to Ordinance No. 4592, adopted by the Pasco City Council on May 23, 2022 ("LID Formation Ordinance"). Ex. C-12. The LID Formation Ordinance ordered the construction of sanitary sewer gravity and force mains, a lift station, manholes and other appurtenances necessary to provide sewer service to the Property and other recently-annexed in the East Pasco Urban Growth Area. It also established LID No. 152, whose boundaries are shown on the map attached as Exhibit A to the Ordinance and included the Property. The LID Formation Ordinance did not impose or levy a special assessment or other monetary tax, fee or charge of any kind against the Property or any other properties in LID No. 152.

4.2. Property Owner Steve West executed an LID Evaluation and Pre-Formation Agreement with the City of Pasco effective on November 1, 2021. Ex. C-11. Relevant to the contentions of the Applicants in the Madison Park North preliminary plat proceedings, the Agreement provided that Mr. West "shall not protest or in any way attempt to block or stall the creation of the LID. . . ."

4.3. The sanitary sewer improvements called for by the LID Formation Ordinance have been constructed and accepted by the Pasco City Council. Ex. C-23 – C-27.

5. Land Use and Zoning: The property is currently being used for agricultural uses.

5.1. The site has historically been used as farmlands and is otherwise undeveloped. The project will involve the construction of a network of roads within and

adjacent to the proposed plat, to provide access to the new lots and appropriate circulation within the plat and distribution of trips to the City's roadway network.

5.2. Zoning: The property is zoned R-1 Low Density Residential. Zoning, and current use of surrounding properties:

North: Franklin County Zoning RR-1; Rural Residential !/Single Family

Homes East: Franklin County Zoning RR-1; Rural Residential 1/Single

Family Homes

South: RS-1/PDD Suburban Planned Density Development/Single Family Homes

West: R-1/R-3 Low and Medium Density Residential/Irrigated Agriculture

5.3. Comprehensive Plan: The City of Pasco Comprehensive Plan designates this site as Low Density Residential. The Low-Density Residential Land Use designation is described as a variety of residential housing at a density of 3 to 6 dwelling units per acre. R-1 Low Density Residential is an implementing zoning district. PMC 25.215.15

6. Environmental Determination: The City of Pasco is the SEPA lead agency for this project. Based on the SEPA Environmental Checklist (SEPA2022-032), the adopted City Comprehensive Plan, City development regulations, and other applicable local, state, or federal laws or rules and other information, threshold environmental determinations were issued or withdrawn as shown below:

6.1. SEPA Responsible Official issued an initial Mitigated Determination of Non-Significance (Optional DNS Process) for Madison Park North Preliminary Plat on July 9, 2024 for this project under WAC 197-11-355. Ex. A-46. The *Madison Park North MDNS* included the following mitigations:

6.1.1. An archaeological survey prior to ground disturbing activities.

6.1.2. Park and open spaces totaling 4.76 acres of land.

6.1.3. Traffic impacts mitigated with a "to be determined" proportionate share of the following intersections/projects:

6.1.3.1. Burns Road Extension (TSMP EXP6, TIP 5.02)-up to $1,050,000

6.1.3.2. Burns Road & Road 68 Intersection (TSMP EXP 6, TIP 5.02) - up to $472,500

6.1.3.3. Burns Road & Road 60 Intersection - up to 25%

6.1.3.4. Sandifur Parkway & Convention Drive Intersection (TSMP INT 2, TIP 5.15)- up to 22%

6.1.3.5. Burden Boulevard & Road 68 Intersection/ Road 76 Overpass (TSMP INT 3 & EXT 2, TIP 5.08)-up to $624,750.

6.2. Applicants filed a timely Notice of Appeal of the *Madison Park North MDNS* on July 23, 2024. Applicants filed a dispositive motion (Ex. A-49) arguing that the MDNS SEPA mitigation fees were duplicative of traffic impact fees in violation of RCW 43.21C.065.

6.3. In an effort to resolve the Applicants' appeal, the City withdrew the *Madison Park North MDNS* on September 16, 2024. Ex. C-7. Applicants then withdrew their SEPA appeal.

6.4. The City issued a revised SEPA Mitigated Determination of Non-Significance for Madison Park North Preliminary Plat (SEPA 2023-032) on November 4, 2024. The *Revised MDNS* (Ex. C-8) included the following mitigations:

6.4.1. The applicant shall pay mitigation to the City of Pasco for impacts on the City roadway system. The mitigation required is $709.00 per residential unit. The project will result in 464 residential units. Thus, $709 X 464 = $328,976.00. Payment of traffic mitigation fees to the City is required prior to the issuance of the first building permit.

6.4.2. A cultural resources survey prior to ground disturbing activities

6.5. The *Revised MDNS* was not appealed and became final on November 25, 2024.

7. Plat Layout: A revised plat layout was submitted by the applicant dated July 8, 2024. The proposed plat layout is contained in the Staff Report, admitted as Ex. C-35. Sheets 1 and 4-7 depicted proposed street and lot layouts, including a proposed dedication of a 100-foot-wide right-of-way for Burns Road, extending across the southern boundary of the Property. Sheet 7 sets forth "Typical Sections" for Burns Road, Road 52 and Deseret Drive adjacent to the proposed Madison Park North plat.

8. Traffic Concurrency: A traffic concurrency evaluation was conducted and completed to determine the proposal's impacts on the transportation system network. A Traffic Impact Analysis (TIA) was required by the City and prepared by Transpo Group based on agreed scope of study and intersection designations. Transpo Group submitted a final updated TIA to the City in April, 2024. The TIA was subject to peer review by City's consulting engineers - PBS Engineering & Environmental.

8.1. The TIA was prepared based upon scoping established by City with input from Transpo Group. Data was collected from ten (10) identified intersections and trip generation and distribution estimates were prepared by Transpo Group and reported in the TIA submitted on November 6, 2023.

8.2. The TIA (Ex. A-32) concluded that at the time the last phase of the Madison Park North plat is constructed, 177 AM peak hour trips and 246 PM peak hour trips from the proposed plat would utilize Road 52 north of the intersection of Road 52 and Burns Road. At the time the last phase is completed, this project trips represent 69% (177 out of 257) AM peak hour trips and 73% (246 out of 336) PM peak hour trips on Road 52 north of Burns/Rd 52 intersection.

8.3. The TIA also reports that the proposed plat will generate 30 AM peak hour trips and 42 PM peak hour trips using the portion of Burns Road east of the Burns/Road 52 intersection. At the time construction of the last phase is completed, these trips represent 30% (30 out of I 00) AM peak hour trips east

of Burns/Rd. 52 intersection, and 39% (42 out of 107) PM peak hour trips anticipated to use that portion of Burns Road, which is the section fronting the south edge of the proposed subdivision. Additional public trips will pass through these corridors from future developments not included in the project forecast.

8.4. The TIA states on page 1 that the frontage improvements are proposed along the project frontages (Burns Road, Road 52 and Deseret Drive) as required by the Pasco Municipal Code, and that the project will dedicate right-of-way (ROW) to allow for the City's future extension of Burns Road between Road 52 and Glade Road, which is identified as a planned improvement on the City's 6-year TIP (TIP project 5.02). The City's Capital Improvement Program ("CIP") shows that the Burns – Glade Road Extension Project is anticipated in the near term; it programs $8.8 million starting in expenditures starting in 2028 for project engineering and right-of-way acquisition, according to testimony by Jacob Gonzalez and Ex. C-33 at 5. The City's expert traffic engineer witness, Jessica Brackin, testified that the project's frontage improvements are required in order to allow project residents to access the City's roadway network.

8.5. The TIA also indicates that there are numerous planned transportation improvement projects within the study area including roadway widening, intersection traffic control revisions, and roadway extensions. The TIA includes many of these projects in the TIA's interim or full buildout condition analysis, as shown in the planned improvement section in Table 3.

8.6. The TIA also included at page 17, Figure 6, a distribution of the Project's vehicle trips across the City's transportation network. Figure 6 showed significant project trips (15% of the total estimated 4,108 daily trips) distributed to the north and east of the Madison Park North site. The TIA's "sensitivity analysis" distribution (Figure 10) showed that 10% of project trips would use the Burns extension to access I-182, thereby reducing project trip impacts to most TIA study intersections including those in the immediate project vicinity.

8.7. The TIA indicated that in accordance with the City's codified concurrency process in PMC 12.36.080, the result of the analysis performed in the TIA was that the development's impact on the transportation network would be fully mitigated by payment of the Traffic Impact Fee. The City's peer transportation engineer, PBS Engineering, indicated that its review of the TIA was complete on May 17, 2024. The TIA did not include any proportionate share contributions for the Burns Road – Glade Road extension, for example, despite the sensitivity analysis distribution showing the need for extensive use of that roadway segment by Project trips.

8.8. The TIA also indicated that a significant number of project vehicle trips would be distributed to and impact other off-site intersections and roadway segments for which City transportation planning documents a need for improvement. Testimony of traffic engineer Jessica Brackin, and Exhibit C-20, illustrated the connection between the Project's vehicle trips and needed future projects. The City's Transportation System Master Plan shows a significant funding need for

these projects, and that there is an anticipated $293 million funding shortfall. Condition of Approval No. 3, which does not require any monetary payment but does require the proposed plat to include a statement indicating the owners' agreement not to protest future formation of an LID to fund future transportation or utility projects in the Capital Facilities Element of the City's Comprehensive Plan, is reasonably related and roughly proportional to the Project's impact to these intersections and roadway segments.

8.9. The TIA summarizes the mitigation measures needed for the Madison Park North plat on page 29, as follows:

8.9.1. The TIA provides an initial estimate of fees; however, the actual fees will be coordinated with City staff. The applicant will pay transportation impact fees (TIF) estimated to be $154,562 for the interim condition (cumulative Phases 1-5) and a total cumulative fee of $326,140 for the full build out condition.

8.9.2. Credit will be provided for the ROW dedication and frontage improvements for Burns Road and Road 52 corridors, but only relative to any *additional* mitigation fees paid by the applicant.

9. History: The site was annexed into the City in 2022 via *Ordinance 4574 and 4574A (Ex. C-16)* and subsequently assigned the R-1 (Low Density Residential) zoning designation via *Ordinance 4584*. The site is undeveloped and has historically been used as farmland.

10. Lot and Right-of Way Layout:

10.1. The proposed plat would create 461 lots, with approximately 2.07 acres set aside for construction of a privately-owned neighborhood park that would be developed with basketball and pickleball courts, a sun shelter and picnic table area, and play equipment, all of which would be open to the public.

10.2. The proposed lots vary in size from 5,000 sq. ft. to 37,637 sq. ft. It should be noted that a portion of the plat falls within the "Zone 4 - Outer Approach/Departure Zone" designation which requires residential density at a minimum of the RS-20 zoning. The lots within this airport zone designation have been designed to have a minimum of 20,000 sq. ft. of lot size attributing to the variety of lot sizing within the proposed plat.

10.3. The site has a City of Pasco Comprehensive Plan Land Use Designation of Low Density Residential, requiring a density between 3 and 5 dwelling units per acre (du/ac). The plat provides a density of approximately 3.6 du/ac meeting the requirements of PMC and the intent of the Comprehensive Plan.

10.4. The lot and right-of-way layout complies with applicable City subdivision development standards.

10.5. An internal network of streets would be dedicated and improved to City Code and Design and Construction Standard to provide adequate access to all lots and to ensure access for future development. The plat also includes multiuse paths

(MUPs) for pedestrians and cyclists adjacent to Burns Road, Road 52, and Deseret Drive, and right-of-way dedications and street improvements to each of those named roads, as shown on Sheets 1-7 of the preliminary plat proposed by the Applicants, with the "Typical Sections" showing the Applicants' proposed street improvements for each on Sheet 7. Testimony of Jon Padvorac demonstrated that the street improvements and right-of-way widths provided for Madison Park North are consistent and match up with the street improvements and right-of-way widths provided by other nearby projects, including Glacier Park and Raven's Place subdivisions and the nearby new Pasco High School Project, with the exception of Burns Road, where the Applicants are proposing to provide the full, 100 feet of right-of-way width because the property to the south developed without providing a roadway. Applicant David Swisher led a group of other owners to develop Madison Park South, and Mr. Swisher elected not to provide an extension of Burns Road at that time. The proposed project frontage improvements to Burns Road, Road 52 and Deseret Drive are not included as system improvements in the Capital Facilities Element of the Pasco Comprehensive Plan.

11. Notice of the public hearing was sent to property owners within 300 feet of the subject property on July 2, 2024, and published in the Tri-City Herald newspaper on July 7, 2024, and posted on site on July 3, 2024.

12. A Notice of Application with the stated intent to issue a SEPA Optional Determination of Non-Significance or SEPA Optional Determination of Mitigated Non-Significance was issued on April 14, 2023.

13. The subdivision to the South is fully developed with the Madison Park South subdivision developed by Applicant David Swisher. To the East of Ramus, lots along the South side of the future Burns Road alignment do not front on Burns Road, they front on Corinth Drive. No additional access from Burns Road would be possible into the Madison Park South subdivision from east of Ramus due to the existing street network, in addition to the local topography (the lots along Corinth Drive are approximately 10 feet above the future Burns Road alignment).

14. Water and sewer services will be extended to and through the development to provide municipal services to the new lots. The Applicants intend to seek City approval of a latecomer's reimbursement agreement pursuant to Ch. 14.25 of the Pasco Municipal Code.

15. Franklin PUD above-ground powerlines on the West side of Road 52 are located on adjacent property (Raven Place). Jon Padvorac testified that there is an existing overhead power line extending from the Franklin PUD line across Road 52 and serving the Madison Park North Property. The Applicants plan to abandon that line, and seek to construct underground power lines connecting to the Franklin PUD system at the southwest corner of the Property. All power serving the Madison Park North plat will be required to be underground, as required by the Pasco Municipal Code.

16. Water rights shall be either deeded to the City or an in-lieu-of fee paid prior to recording of any final plat in accordance with PMC 21.05.120. Although fees-in-lieu are not subject to vesting, the City has agreed to allow the Applicants to pay only the in-lieu fee rates set by PMC 3.35.160 in effect at time of preliminary plat application, which are lower than current rates. Those rates were as follows:

16.1. Base water right acquisition fee per residential unit: $517.50.

16.2. Portable water irrigation fee: 50 percent of the acreage of the parcel to be served times 3.5 acre-feet of water times $1,725 per acre foot.

16.3. Water rights transfer fee: $1,000.

17. Provision of park facilities is addressed by preliminary plat. The City of Pasco Parks, Recreation and Open Space Master Plan has established a Level of Service (LOS) of two (2) acres of neighborhood park land and 2.1 acres of community park land per 1,000 population. Based on the anticipated population that would be generated by the development (1,632 people, assuming an average household size of 3.54 persons per household) a total of 3.26 acres of parkland is required to meet the neighborhood park LOS goal.

17.1 The proposed plat provides a 2.07 acre neighborhood park, privately-owned but developed and open to the public park. Madison Park North also provides a total 1.35 acres of Mixed Use Paths (MUPs), with an additional 0.54 acres of active recreation park land to be provided by the sports field being developed as part of the new Pasco High School located to the West of the proposed plat.

17.2 ~~Madison Park North park and multi-use paths together with associated~~ Pasco High School active recreation park meet City neighborhood park LOS.

18. The MDNS calls for Applicants to pay a transportation impact fee (TIF) of $709 per lot ($328,976 total for all 464 lots) in full prior to first building permit. As discussed in the Conclusions of Law and Conditions of Approval below, payment of impact fees is required at the time of building permit issuance, in amounts calculated at the then-applicable impact fee rate.

19. Park, Traffic, and School impact fees at the then-applicable impact fee rate will be collected for each lot at the time of issuance of building permits for new residences, with traffic impact fees of $328,976 payable prior to the issuance of the first building permit in accordance with the SEPA MDNS.

19.1. Credits and reductions to the Park impact fees will be provided commensurate with the value of the park land and improvements in accordance with PMC 3.50.070 and RCW 82.02.060(5).

19.2. For phases built before improvements are performed on the park or before land is dedicated, the City has determined to allow Developer to bond for the per-lot park impact fees. When the Developer completes the entire park (frontage improvements and park amenities), the Developer may then submit a comprehensive impact fee credit request, and settle accounts with the City regarding the previously submitted park impact fee bonds. The Developer will complete the park prior to recording the final plat for the phase containing the 240th lot.

20. The Hearing Examiner is required to make specific finding regarding subdivisions as set forth in PMC 21.25.060 and RCW 58.17.110. These findings are as follows:

20.1. Subject to the Conditions of Approval required below, adequate provisions are made for the public health, safety and general welfare and for open spaces,

drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, transit stops, schools and school grounds, sidewalks for safe walking conditions for students, and other public needs;

20.1.1. The proposed subdivision will be serviced by City emergency services and proposes to develop a privately-owned park, open to the public, approximately 2 acres in size.

20.1.2. The proposal is also dedicating right-of-way along Deseret Drive, Road 52 and Burns Road, in the widths shown on Sheets 1-7 of the proposed plat, and will construct the frontage improvements as shown on Sheet 7 of the proposed plat, in accordance with the requirements of Pasco Municipal Code 21.15.030(1) and the Pasco Design and Construction Standards. (The Design and Construction Standards Section 4.1 provides that in the event of any conflict between City Code and the Design and Construction Standards, the most restrictive provision or the provision imposing the highest standard shall control.) These improvements include the construction of new sidewalks adjacent to the right-of-way for safe pedestrian travel as well as multi-use paths (MUPs) along the north side of the Burns Road right-of-way, the south side of the Deseret Drive right-of-way, and along Road 52.

20.1.3. Utilities such as municipal water and sewer are required to be extended to and through the right-of-way to provide access to all lots within the proposed subdivision.

20.1.4. In accordance with Revised MDNS and applicable Traffic Impact, Ordinance (PMC Ch. 3.40), Madison Park North shall pay as traffic impact fee of $328,976 in a lump sum prior to issuance of the first building permit, along with any traffic impact fees at the then-applicable rate at the time of building permit issuance.

20.1.5. Park, and School impact fees at the then-applicable impact fee rate will be collected for each lot at the time of issuance of building permits for new residences, with traffic impact fees of $328,976 payable prior to the issuance of the first building permit. Credits and reductions to the Park impact fees will be provided commensurate with the value of the park land and improvements as determined by the Director in accordance with RCW 82.02.060(5). For phases built before improvements are performed on the park or before land is dedicated, the Developer may bond for the per-lot park impact fees. When the Developer completes the entire park (frontage improvements and park amenities), the Developer may then submit a comprehensive impact fee credit request and settle accounts with the City regarding the previously submitted park impact fee bonds. The Developer will complete the park prior to recording the final plat for the phase containing the 240th lot.

20.1.6. Above-ground powerlines and utilities serving the subdivision and located within the preliminary plat shall be located and/or relocated underground in accordance with PMC 21.35.100.

20.1.7. Subdivision development includes appropriate provision for drainage

ways and stormwater management in accordance with applicable municipal development standards.

20.1.8. Street lighting, signs and channelization will include all required traffic regulatory signs, street name signs, street striping, channelization, and lighting in accordance with applicable development standards and requirements.

20.1.9. All sidewalks within the preliminary plat provide safe walking conditions for students and pedestrians. Madison Park North also is providing multi-use pathways for the benefit of pedestrians, bicyclists, and other members of the public.

20.1.10. Madison Park North was subject to concurrency review and City determined that the proposed subdivision complies with applicable concurrency standards. PMC 12.36.090.

20.2. **The proposed subdivision contributes to the orderly development and land use patterns in the area;**

20.2.1. The proposed development includes various types of residential single family dwellings and will match the single family dwelling pattern within the vicinity. Subdivision development is consistent with applicable density standards. While the range of lot sizes vary greatly due to the proximity to Airport Zone 4 designated lands each lot will be developed to comply with the zoning code of Low Density Residential and will be in conformance with the underlying land use designation of Low Density Residential which applies for all of the lands in the general vicinity.

20.2.2. The development is also required to construct right-of-way improvements such as curb, gutter, storm drainage, sidewalk, street lighting for safe pedestrian travel and internal road network for the welfare of the plat's residents. The right-of-way improvements are consistent with and match up with new developments to the west and north of the Project, and with respect to Burns Road, allow for future widening as needed to continue to serve the Madison North plat.

20.2.3. Multi-use pathways (MUPs) will also be provided on Burns Road, Road 52, and Deseret Lane which will connect to the MUPs of nearby and adjacent developments.

20.3. **The proposed subdivision conforms to the policies, maps and narrative text of the Comprehensive Plan;**

Pasco's Comprehensive Plan Future Land Use Map designates the land as "Low Density Residential" which allows for a variety of residential housing at a density of 3 to 6 dwelling units per acre. Madison Park North is consistent with the zoning designation and proposed density of 6 dwelling units per acre conforms with the Comprehensive Plan. Further, the proposal aligns with the policies of the Comprehensive Plan such as:

20.3.1. **Housing Policy H-3-A: Encourage innovative techniques in the design of residential neighborhoods and mixed-use areas to provide character and variety in the community.** The proposed plat includes a

variety of lot sizes ranging from lot sizes typical in the R-1 zoning designation and the RS-20 zoning designation. Further, the plat will provide a private park and MUPs for recreation and walkability.

20.3.2. **Land Use Policy LU-2-E: Discourage the siting of incompatible uses adjacent to Pasco (Tri Cities) Airport and other essential public facilities.** The proposal adheres to the requirements of the Airport Overlay District by providing the necessary lot sizes within each compatibility zone. The development has accounted for the siting to ensure it is compatible with the adjacent airport and is in conformance with the Airport Overlay District.

20.3.3. **Land Use Policy LU-4-E: Encourage the orderly development of land by emphasizing connectivity and efficiency of the transportation network.**

The proposal provides a network of roads in conformance with Pasco Municipal Code and requirements and sufficient to address the number and distribution of vehicle trips generated by the proposed plat, as shown in the Applicants Traffic Impact Analysis. The proposal also provides MUPs that will serve to connect the development to adjacent developments and major roadways.

20.3.4. **Capital Facilities Policy CF-3-A: Assure land development proposals provide land and/or facilities or other mitigation measures to address impacts on traffic, parks, recreational facilities, schools, and pedestrian and bicycle trails.** The proposal will provide impact fees during the permitting process to address the impacts on traffic, parks, and schools. Further, a concurrency evaluation and traffic impact analysis were completed as a portion of the review and to maintain concurrency the development will construct frontage improvements on Burns Road, Deseret Drive, Burns Road, Road 42, provide a local access street network interior to their preliminary plat as shown in the plat map, as well as provide payment of the fall transportation impact fee for the entire subdivision upfront, in order to provide near-term funding to enable the City to construct necessary improvements. The development will also construct MUPs that may be used for pedestrian and bicycle travel to and around the area.

21. **Transportation Policy TR-1-F: Develop an interconnected network of streets, trails, and other public ways during the development process while preserving neighborhood identity.** By constructing street improvements and mixed-use paths as shown on Sheets 1-7, the proposal will develop a network of roads and MUPs that match and connect to major travel corridors and adjacent developments. The street improvements and paths are reasonably necessary as a direct result of the proposed development, and are needed to provide pedestrian, bicycle and vehicle access to plat residents at adopted levels of service now and into the future.

21.1. **The proposed subdivision conforms to the general purposes of any applicable policies or plans which have been adopted by the City Council;**

The City Council has adopted the Pasco Comprehensive Plan which contains

various goals and policies of which the proposal conforms to, see example policies under (3) of this section. Further, the proposal conforms with some Council's 2022-2023 goals such as:

21.1.1. **Economic Vitality: Implementation of the Comprehensive Land Use Plan through related actions including zoning code changes, phased sign code update, and development regulations and standards.** In November of 2023 the City Council passed Ordinance 4700 relating to residential design standards. These standards provide various housing types, lot sizes, frontage widths etc. which the proposed plat will conform to and use.

21.1.2. **The proposed subdivision conforms to the general purposes of this title;**

Title 2 I "Pasco Urban Area Subdivision Regulations" contains requirements and procedures for various subdivision types. Requirements include those for streets, lots and blocks, and application materials for each type of subdivision action. The proposed subdivision meets the requirements a/Title 21 in all respects.

21.1.3. **The public use and interest will be served by approval of the proposed subdivision.**

The proposed plat, if approved and if conditioned as recommended below, will be developed in accordance with all City codes and standards designed to ensure the health, safety and general welfare of the community are met. The Comprehensive Plan will be implemented through development of this plat. These factors will ensure the public use and interest are served.

22. All overhead power lines serving Madison Park North shall be placed underground within the preliminary plat area, in accordance with and subject to all conditions of PMC 21.35.100. Madison Park North is not required to underground off-site power lines along the west side of Road 52.

23. Open Record Hearing: An open record hearing was called to order on December 8, 2024, and was subsequently continued to January 12, 2025. The open record hearing on January 12, 2025 was then continued to January 22, 2025. That hearing lasted approximately 4.5 hours, with testimony and attorney presentation.

23.1. Testimony: Appearing and testifying on behalf of the Applicant was Jon Padvorac (former City employee) and James Carmody. Appearing and testifying on behalf of the City was Jacob Gonzalez (City employee), Craig Raymond (City employee), and Jessica Brackin (Fehr & Peers, former City employee). A member of the public, Paul Knutzen, Owner of Knutzen Engineering, spoke on behalf of the school district regarding a variety of offsite improvements that would increase pedestrian safety around the School to the South of Road 52 and Burns. The meeting was approximately 4.5 hours long, and a transcript was provided by the applicant which has been incorporated into the record.

23.2. Applicant Exhibits: The exhibits that were admitted into the record on behalf of the Applicant are attached hereto as Attachment A.

23.2.1. The Declaration of Jon Padvorac attached as Attachment C to

Appellant's (applicant's) Disclosure of Rebuttal Witnesses and Exhibits, dated January 13, 2023 (actually 2025) was withdrawn.

23.3. City Exhibits: The exhibits that were admitted into the record on behalf of the City are attached hereto as Attachment B.

24. The Hearing Examiner finds, as supported by the testimony of Jessica Brackin, that the waiver of objection to the formation of a Local Improvement District set forth in Condition of Approval number 3 is related to the traffic and other impacts directly caused by this development. The fact that the LID may also result in benefits to residents does not diminish these traffic impacts.

25. The requirement for the Local Improvement District is also supported by the criteria set forth in RCW 58.17.110 and Pasco Municipal Code 21.25.060.

26. The testimony from Jacob Gonzalez and Craig Raymond included facts that the City of Pasco has a long history of requiring subdivisions to include a statement by the owners agreeing not to protest the formation of a local improvement district for transportation and/or utility improvements.

27. The testimony provided by City witnesses, outweighs the testimony provided by the applicant witnesses, and the Hearing Examiner finds that the applicants are not entitled to credits against traffic impact fees for the value of real property and/or construction costs incurred in frontage approvements along Burns Road, Road 52, or Deseret Drive. The Hearing Examiner finds that the applicants themselves propose to make these improvements and it was the applicants own traffic impact analysis findings and conclusions that were premised upon the applicants construction of these improvements. The need for these frontage improvements are directly caused by the development proposed by the applicant.

28. The Transportation System Management Plan of the City of Pasco is not adopted or incorporated by reference into the Pasco Comprehensive Plan. The Comprehensive Plan has been amended several times since 2021 and none of those amendments adopted or incorporated the Transportation System Management Plan by reference.

29. The Applicant's traffic improvements for the plat's frontage improvements along Burns Road, Road 52, and Deseret Drive are not "system improvements" as contemplated by the City's Transportation System Master Plan.

30. The City of Pasco's Transportation Improvement Plan does not include any of Madison Park North's frontage improvements. Nor does the City of Pasco Improvement Plan which is also incorporated in the Facilities Element.

31. Table T-11 of the Transportation Element (Exhibit A-14) is not included int the Facilities Element. The Hearing Examiner finds that table T-11 is not controlling on the issue of improvement credits or offsets.

32. **Additional Facts Supporting 100 ft. right-of-way Dedication:**

32.1. The applicant's proposed plat provides the 100 ft. wide right-of-way dedication.

32.2. The applicant's TIA acknowledges this proposed right-of-way width, which concedes it is needed to allow future expansion and extension of the road to a five-lane section, to accommodate project traffic trips and reduce their

impact when combined with future anticipated growth.

32.3. The 100 ft. right-of-way width is necessary to complete the existing future and street pattern, both to the East and West of Madison Park North. The right-of-way width is justified by the project's extensive vehicle trip impacts, and the need to connect with, and accommodate, planned transportation improvements, and to provide for future trip impact reduction from Madison North Plat.

32.4. The right-of-way dedication meets all the criteria set forth in PMC 21.15.010(3)(d).

33. Paul Knutzen, of Knutzen Engineering, testified on behalf of the Pasco School District. He testified consistent with his January 8, 2025 comment letter to the City of Pasco. His January 8, 2025 comment letter provided factual evidence that the applicant's project is located near Rosalind Franklin STEM Elementary School at 6010 N. Road 52. He testified that additional pedestrian protections for the school zones are necessary, including advanced warning signs, flashing beacons, and rectangular rapid flashing beacons (RRFB).

34. The City of Pasco did not object to adding the Pasco School District's request as a condition of approval.

35. Any Conclusion of Law that is more correctly a Finding of Fact is here by incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has legal authority under RCW 58.17.110, PMC 2.50.080 and .100 and PMC 21.25.060 to render this decision, including the Conditions of Approval.

2. The City has both a factual and legal basis for imposition of a condition requiring that the Madison Park North plat include a statement indicating the owners' agreement not to protest the formation of a Local Improvement District (LID) or Utility Local Improvement District (ULID). Well-established legal authority from both the United States Supreme Court and Washington Supreme Court holds that formation of an LID does not guarantee that a special assessment will be imposed, nor involve a deprivation of a property interest. Therefore, constitutional regulatory takings "nexus / rough proportionality" tests are not required. Formation of an LID also does not result in an "in kind" or other tax, fee or charge, so RCW 82.02.020 does not apply. Even if those tests applied, they are met. There is a reasonable nexus between the traffic impacts from the Madison North plat and other intersections and roadway segments for which future improvements are required, and the statement of agreement not to protest is reasonably aimed at addressing those impacts by facilitating use of a funding mechanism (an LID) to pay for projects resolving those impacts. The "no protest" agreement is a minimal, non-monetary obligation that is at least than at least roughly proportional to the extent of the plat's impacts. Therefore, the City proposed "No Protest" agreement is lawfully allowed.

3. Applicants are not entitled to credits against the Traffic Impact Fees applicable to the proposed preliminary plat for the cost of right-of-way dedication and construction of street improvements on Burns Road, Road 52, or Deseret Drive. Those dedications and street improvements are proposed by the Applicants as project frontage improvements. They are not included as "system improvements" in the Capital Facilities Element of the City's Comprehensive Plan, or in any document that is expressly adopted or incorporated by reference into the Plan. References to those projects in the Transportation Element, as "developer" funded, reflects

their status as "project improvements," and not "system improvements." Inclusion of references to those projects in the Transportation System Master Plan ("TSMP") also does not entitle Applicants to impact fee credits, because the TSMP is not adopted or incorporated by reference in the Capital Facilities Element of the Comprehensive Plan.

4. The City has established a factual and legal basis for requiring Madison Park North to dedicate a full 100-foot right-of-way for Burns Road Extension or to construct a three- lane road segment over the Burns Road Extension from Ramus Road to the eastern boundary of the subdivision. As discussed in the Findings of Fact above, the Applicants' Traffic Impact Analysis shows that Project vehicle trips will represent 69% of a.m. peak hour trips and 73% of p.m. peak hour trips on Road 52 north of Burns/Rd 52 intersection. Similarly, Project vehicle trips will generate 30% of the a.m. peak hour trips and 39% of the p.m. peak hour trips using Burns Road east of the Burns/Rd. 52 intersection, which is the section fronting the south edge of the proposed subdivision. The Applicants' own plat application proposed to dedicate these rights-of-way and build these street improvements, and the Applicants' TIA was predicated on the Applicants' dedication and construction of these road segments, which evidence established are necessary for the plat's residents to safely and adequately access and return from the City's roadway network. Such access includes connection of a substantial portion of Project trips to I-182 using the Burns Road – Glade Road extension, which is planned to be constructed in the reasonably foreseeable future in the City's 6-year TIP and CIP, and to which the Applicants' Burns Road project frontage improvements will connect. The City has specifically established that the right-of-way dedications and street improvements proposed by the Applicants and shown on Sheets 1-7 of the plat meet the nexus and rough proportionality requirements established by federal constitution and RCW 82.02.020.

5. As conditioned and subject to the preceding legal determinations, this project is consistent with the Pasco Comprehensive Plan and Pasco Municipal Code.

6. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. CONDITIONS OF APPROVAL

1. The Madison Park North subdivision shall be developed in substantial conformance with the submitted Plat. The subdivision shall contain 461 residential lots.

2. All improvements shall be in accordance with the Pasco Municipal Code. The Pasco Municipal Code adopts the most recent versions of the City of Pasco Standard Specifications, the Washington State Department of Transportation Standard Specifications for Road, Bridges, and Municipal Construction, the International Building Code, and International Fire Code. If there are any conflicting regulations in any of these documents, the more stringent regulation shall apply.

3. The face of the final plat shall include this statement: "As a condition of approval of this plat, pursuant to RCW 35.43.182 the owner hereby waives for a period of ten (10) years from the date of approval of this plat the right to protest the formation of a Local Improvement District (LID) or Utility Local Improvement District (ULID) for the financing and construction of transportation and/or utility improvements that specially benefit property owner(s) within this plat and are identified in the Capital Facilities Element of the City of Pasco's Comprehensive Plan, or documents adopted and incorporated by reference therein. This waiver shall be liberally construed in accordance with and to accomplish the purposes of RCW 35.43.182."

4. The face of the final plat shall include this statement: "The individual or company making improvements on a lot or lots of this plat is responsible for providing and installing all trench, conduit, primary vaults, secondary junction boxes, and backfill for the PUD's primary and secondary distribution system in accordance with PUD specifications; said individual or company will make full advance payment of line extension fees and will provide all necessary utility easements prior to PUD construction and/or connection of any electrical service to or within the plat."

5. The face of the final plat shall include this statement: "Property within this plat may be subject to varying noise levels and vibrations due to proximity to the Tri-Cities Airport. Properties near the airport may be located within height and use restriction zones as described and illustrated by federal standards and regulations and the City of Pasco Zoning Regulations. There is the potential that standard flight patterns will result in aircraft passing over the properties at low altitudes and during all hours of the day. Future airport expansion including runway extensions may impact the size and number of aircraft utilizing the airport. Developments near the airport should assume that at any given time there will be some impact from air traffic."

6. Per PMC 21.05.120, water rights shall be either deeded to the City or an in-lieu-of fee paid prior to recording of any final plat. Per PMC 3.35.160 in affect at time of preliminary plat application:

   6.1. The base water right acquisition fee per residential unit is $517.50.

   6.2. The portable water irrigation fee is equal to 50-percent of the acreage of the parcel to be served times 3.5 acre-feet of water times $1,725 per acre foot

   6.3. The water rights transfer fee is $1,000.

7. Only City and other utilities with franchise agreements are allowed within and under travel lanes in the public right-of-way. All other utilities may be allowed in the public right-of-way only outside of all travel lanes and only following full compliance with Ch. 12.24 PMC, and only following issuance of a right-of-way use permit under PMC 12.24.010 including a condition requiring that if any privately-owned utility located in the right-of-way interferes with the actual construction of any public improvement, that utility shall be relocated at the right-of-way at permittee's expense.

8. It shall be the responsibility of the property owner/developer to contact all utility owners to determine their system improvement requirements. Prior to subdivision construction plan submittal and/or review, the property owner/developer shall provide the City of Pasco written support/approval of the proposed development from all outside utilities, public and private.

9. All fee payments for bonding of Right-Of-Way improvements and Water Rights must be paid at or before the time of final plat being submitted for signatures.

10. Street lighting will be required per City standards.

11. All stormwater is required to be maintained and treated on site in accordance with Washington State Department of Ecology and City of Pasco Standards.

12. All utilities to be extended to-and-through the property being developed. All utilities shall be installed to City of Pasco standards and meet at least the minimum sizes specified in the Comprehensive Plan or other applicable Water or Sewer System Plans. The additional costs of installing utility sizes in excess of the minimum sizes needed to serve the subdivision will be

reimbursed to the Applicant in accordance with the procedures described in Chapter 1, Section 12 of the City's design and construction standards. In accordance with PMC 14.25.030(3)(c), a developer reimbursement agreement (also known as a latecomer) shall not be permitted until a determination has been made by the City for payment of utility upsizing costs or reimbursement of the developer for the construction costs of all or a portion of the improvements.

13. The final plat shall detail existing conditions, such as the names of neighboring subdivisions and property lines of all adjacent properties.

14. The final plat shall include a comment stating: "Existing regulations regarding sight distance, fence height, and setbacks may affect the placement of fences and driveways on any comer lots."

15. The face of the final plat shall include this statement: "The developer shall install a common "Estate" type fence/wall six feet in height along Burns Road as part of the infrastructure improvements associated with the plat. The fence/wall must be constructed of masonry block. Fence design and material must be approved by the Community and Economic Development Director. An approved vision triangle at the intersection of streets will be required. Following construction of the masonry fence/wall, the City may make repairs or replace the fencing as needed. ~~Property owners adjoining said fence shall be responsible for payment of all costs~~ associated with maintenance and upkeep of the fence/wall."

16. The developer/builder shall pay the City a "common area fee" pursuant to PMC 25.180.060(6) and PMC 3.100, in an amount of $218,975. The fee shall be paid proportionately on a per lot basis at the time of issuance of building permits for homes. These funds shall be placed in a fund per PMC 3.I00 and used to finance the maintenance of arterial boulevard strips. The City shall not accept maintenance responsibility for the landscaping abutting said streets until such time as all fees are collected for each phase that abut said streets. In lieu of $218,975 the Developer and/or successors and assigns may elect to maintain the boulevard "common area" in perpetuity.

17. Park, Traffic, and School impact fees at the then-applicable impact fee rate will be collected for each lot at the time of issuance of building permits for new residences, with traffic impact fees of $328,976 payable prior to the issuance of the first building permit. Credits and reductions to the Park impact fees will be provided commensurate with the value of the park land and improvements as determined by the Director in accordance with RCW 82.02.060(5), PMC 3.40.090 and PMC 3.50.070 and the Conditions of Approval of this Preliminary Plat. Credits and reductions to the Transportation Impact Fees are not required.

18. The Applicant will complete the park construction prior to recording the final plat for the phase containing the 240th lot.

19. Applicant shall ensure all proposed road alignments are designed and constructed in compliance with PMC 21.15.030(1) and (2), Street Standards, and the City's codes and standards in relationship to adjoining plats and their streets. Specifically, the streets of the proposed plat shall be adjusted to align with the two already-approved County subdivisions to the North: Zargoza Addition (Road 47) and Towers landing (Road 51). The concept of re-alignment of Road 47 and 51 presented by the applicant on 12/6/2024, may be implemented as a minor adjustment as opposed to major adjustment to the preliminary plat in accordance with PMC 21.25.080.

20. All overhead power lines serving Madison Park North shall be placed underground within the preliminary plat area, in accordance with and subject to all conditions of PMC 21.35.100. Madison Park North is not required to underground off-site power lines along the west side of Road 52.

21. The Pasco School District has demonstrated, by the testimony of Paul Knutson at the open record public hearing, and the January 8, 2025 comment letter that there are direct impacts to the school district regarding school children at or near Pasco School District Property. Because of these impacts, the developer shall work with the School District to address these direct impacts, by adding advanced warning signs on both Burns Road and Road 52, adding flashing beacons on North bound and South bound Road 52, and upgrade the existing crosswalk at the non-controlled intersection of Santa Cruz Lane and Road 52, to include a RRFB.

IV. DECISION

Based on the above Findings of Fact and Conclusions of Law, and subject to the above Conditions of Approval, the Madison Park North Preliminary Plat located on Parcel #114-250018, Pasco, WA is hereby **APPROVED.**

Dated this 24 day of March, 2025

CITY OF PASCO HEARING EXAMINER

Andrew L. Kottkamp,

Absent a timely appeal, this decision is final.[1]

[1] See Ch. 36.70C RCW (establishing a 21 day appeal period to superior court, and setting forth necessary review contents, along with filing and service requirements).

ATTACHMENT A

APPLICANTS DAVID SWISHER AND FARM 2005, LLC'S FINAL LIST OF EXHIBITS

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Excluded)
A-01	Index of Exhibits		Admitted
A-02	Project Timeline		EXCLUDED IN ORDER ON MOTION IN LIMINE
A-03	Background of Contested Conditions		Admitted
A-04	City & Applicant Requested Conditions of Approval		Admitted
A-05	Jon Padvorac Resume		Admitted
A-07	Kassi Leingang Resume		Admitted
A-10	Transpo Group Madison Park Proposed Transportation Mitigation Fee Memo, dated September 19, 2024		Admitted
A-11	2014 0616 - Resolution 3562 - Madison Park PUD		Admitted
A-12	Ordinance No. 4537, dated June 7, 2021, adopting 2018-2038 Pasco Comp Plan		Admitted
A-13	2018-2038 Comprehensive Plan Vol. I, dated June 7, 2021		Admitted
A-14	2018-2038 Comprehensive Plan Vol. 2, dated June 7, 2021		Admitted
A-14.1	Comp Plan Map Folio Supplement		Admitted
A-15	Pasco City Council Meeting Packet For Transportation System Master Plan, dated August 1, 2022		Admitted
A-16	2022 08 01 - Resolution 4220 TSMP		Admitted
A-17	2022 08 01 - Excerpts from TSMP Rd 52 & Burns Road		Admitted

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Excluded)
A-18	Pages from Resolution 4220 TSMP - Plan Purpose		Admitted
A-19	2022-2028 7-Year CIP Council Packet	N/A	EXCLUDE CONSISTENT WITH ORDER ON MOTION IN LIMINE
A-20	Res. No. 4261, adopting 2022-2028 CIP	N/A	EXCLUDE CONSISTENT WITH ORDER ON MOTION IN LIMINE
A-21	Excerpts from 2022-2028 Capital Improvement Plan, dated October 23, 2022		EXCLUDE CONSISTENT WITH ORDER ON MOTION IN LIMINE
A-22	Fehr & Peers TIF study Kickoff Presentation		Admitted
A-23	2023 05 02 Determination of Incompleteness		Admitted
A-24	Res. 4356, adopting 2024-2029 Six-Year TIP		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-25	City Council meeting packet 2024–2029 Six-Year TIP		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-26	TIA Scoping Letter - City Comments, dated August 18, 2023		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-27	TIA City Response to TIA Scoping Letter		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-28	PBS TIA Review Obtained via Records Request, dated March 18, 2024		Admitted
A-29	Concurrency Process Concerns Email & Memo		Admitted
A-30	Executed Fehr & Peers Concurrency Review Contract		Admitted
A-31	Determination of Completeness, dated April 17, 2024		Admitted
A-32	Madison Park North Traffic Impact Analysis ("TIA")		Admitted
A-33	Mitigations from Madison Park North TIA, dated May 17, 2024		Admitted
A-34	Memo from PBS regarding Madison Park North TIA dated May 17, 2024		Admitted

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Excluded)
A-35	Excerpt from TIA Showing TIP Projects, dated May 17, 2024		Admitted
A-36	Parks Requirements Memo to City, dated May 21, 2024		Admitted
A-37	Council Workshop Packet TIP Projects Removed		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-38	Highlights from Concurrency Meeting, dated May 29, 2024		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-39	Transcript from Concurrency Meeting, dated May 29, 2024		Admitted
A-40	Road 52 Credit Request Email & Memo, dated June 3, 2024		Admitted
A-41	LID Waiver, Blvd Maintenance, Burns Credit Email & Memos dated June 13, 2024		Admitted
A-42	City of Pasco Agenda Report regarding Development Fees, dated June 13, 2024 for June 17, 2024 City Council meeting		Admitted
A-43	Preliminary Plat Madison Park North Draft Hearing Examiner Packet, dated June 22, 2024	Ex. C13	Admitted
A-44	City Council Meeting regarding Development Fees, June 17, 2024		Admitted
A-45	2024 06 24 - Resolution 4464 - 2025-2030 TIP		Admitted
A-46	2024 07 09 - Madison Park North MDNS Issued		Admitted
A-47	Email dated July 22, 2024 from Brian Cartwright regarding Utility Undergrounding		Admitted
A-48	City Council Workshop Packet Proposed 2025-2032 CIP, July 24, 2024		Admitted
A-49	David Swisher Motion for Invalidation of MDNS, dated September 3, 2024		Admitted
A-50	SEPA MDNS for Madison Park North Preliminary Plat (Withdrawn) dated September 16, 2024		Admitted

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Excluded)
A-51	Applicant Response to City Motion to Dismiss Raven Place MDNS Appeal, dated October 1, 2024		Admitted
A-52	Hearing Examiner Order on City Motion to Dismiss Swisher PSD High School No. 3 MDNS Appeal, dated October 9, 2024		Admitted
A-53	Hearing Examiner Order on City Motion to Dismiss Swisher Glacier Park MDNS Appeal, dated October 9, 2024		Admitted
A-54	Hearing Examiner Order on City Motion to Dismiss Raven Place MDNS Appeal, dated October 9, 2024		Admitted
A-55	SEPA MDNS for Madison Park North Preliminary Plat, dated November 4, 2024		Admitted
A-56	City of Pasco Staff Report for Raven Place Preliminary Plat, dated November 13, 2024	Ex. C18	Admitted
A-57	City Staff Report, Glacier Park Preliminary Plat dated November 15, 2024	Ex. C19	Admitted
A-58	Follow-Up E-mail and Memo from David Swisher to Richa Sigdel, dated November 22, 2024		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-59	E-mail from Richa Sigdel dated November 23, 2024	Ex. C14	Admitted
A-60	Raven Place Preliminary Plat Hearing Examiner Determination		Admitted
A-61	E-mail from Bob C. Sterbank dated December 4, 2024 at 09:26 a.m.		Admitted
A-62	E-mail dated December 4, 2024 from City of Pasco Planner Jennifer Ballard enclosing link to Madison Park North Preliminary Plat Hearing Examiner Packet		Admitted

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Excluded)
A-63	Letter dated December 4, 2014 from Bob Sterbank to David Swisher	Ex. C01	Admitted
A-64	E-mail dated December 5, 2024 from Richa Sigdel to Jon Padvorac	Ex. C15	Admitted
A-65	E-mail dated December 6, 2024 from Jon Padvorac attaching "Meeting Minutes"	Ex. C16	EXCLUDED BY ORDER ON MOTION IN LIMINE
A-66	Emails with Craig Raymon regarding Impact Fee Credits dated December 9, 2024		Admitted
A-67	Glacier Park Preliminary Plat Hearing Examiner Determination dated December 20, 2024		Admitted
A-68	Email from Jon Padvorac to Casey Roberts of Franklin County Public Utility District dated December 30, 2024		Admitted
A-69	Letter from David Swisher dated January 1, 2025		Withdrawn
A-70	Dept. of Commerce Capital Facilities Planning Guidebook		Admitted
A-71	Excerpts from Washington State Six- Year Transportation Improvement Program 2024-2027		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-72	City of Pasco Six-Year Transportation Improvement Program 2024-2027		EXCLUDED BY ORDER ON MOTION IN LIMINE
A-73	Map of Appealed Projects		Admitted
A-74	Mitigated Determination of Nonsignificance dated December 24, 2024 for Columbia Basin College Dorm		Admitted

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Excluded)
A-75	2024-2029 TIP vs 2025-2030 TIP & MDNS		EXCLUDE CONSISTENT WITH ORDER ON MOTION IN LIMINE
A-76	Power Undergrounding Logistics Graphic		Admitted
A-77	Example Utility Upsize Agreement		Admitted
A-78	Exhibit Northwest Commons initial plat 2005		Admitted
A-79	Historic I-182 Fund Usage		Admitted
A-80	Email Input from City on Proposed Conditions 7, 13, 18, 19		Admitted
A-81	Tierra Vida III Site Plan dated December 28, 2023		Admitted
A-82	Project Hawk Roadway Extension Schematic Plan, dated January 3, 2024		Admitted
A-83	Excerpts from Ordinance 4457 - Street Standards		Admitted
A-84	2024 11 04 - MPN MDNS		Admitted
A-85	Preliminary Plat of Seven Sisters Phase 1 - 3RD SUB - APP 2	N/A	Admitted
A-86	City of Pasco Staff Report to Hearing Examiner dated December 11, 2024	N/A	Admitted
A-87	City of Pasco Staff Report to Hearing Examiner dated July 24, 2024	N/A	Admitted

ATTACHMENT B

CITY OF PASCO
FINAL LIST OF EXHIBITS

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Denied)
C-1	Preliminary Plat Application dated April 7, 2023 for File No. PP2022-007, "Madison Park North"	A	Admitted
C-2	Notice of Appeal of SEPA Mitigated Determination of Nonsignificance for Madison Park North preliminary plat, dated July 23, 2024, SEP2023-0032 and PP2022-007	B	Admitted
C-3	Notice of Appeal of SEPA Mitigated Determinations of Nonsignificance for Raven's Place and Glacier Park Phase I proposed preliminary plats and Pasco High School proposed special permit, dated July 23, 2024	C	Admitted
C-4	Hearing Examiner's Decision on City's Motion to Dismiss for Lack of Standing dated October 9, 2024, for Raven's Place Preliminary Plat PP2022-006	D	EXCLUDED BY ORDER ON MOTION IN LIMINE
C-5	Hearing Examiner's Decision on City's Motion to Dismiss for Lack of Standing dated October 9, 2024, for Glacier Park Phase I Preliminary Plat PP2022-003	E	EXCLUDED BY ORDER ON MOTION IN LIMINE
C-6	Hearing Examiner's Decision on City's Motion to Dismiss for Lack of Standing dated October 9, 2024, for proposed Pasco High School Special Permit, SP2022-013	F	EXCLUDED BY ORDER ON MOTION IN LIMINE
C-7	Withdrawal Notice of Mitigated Determination of Nonsignificance, dated	G	Admitted

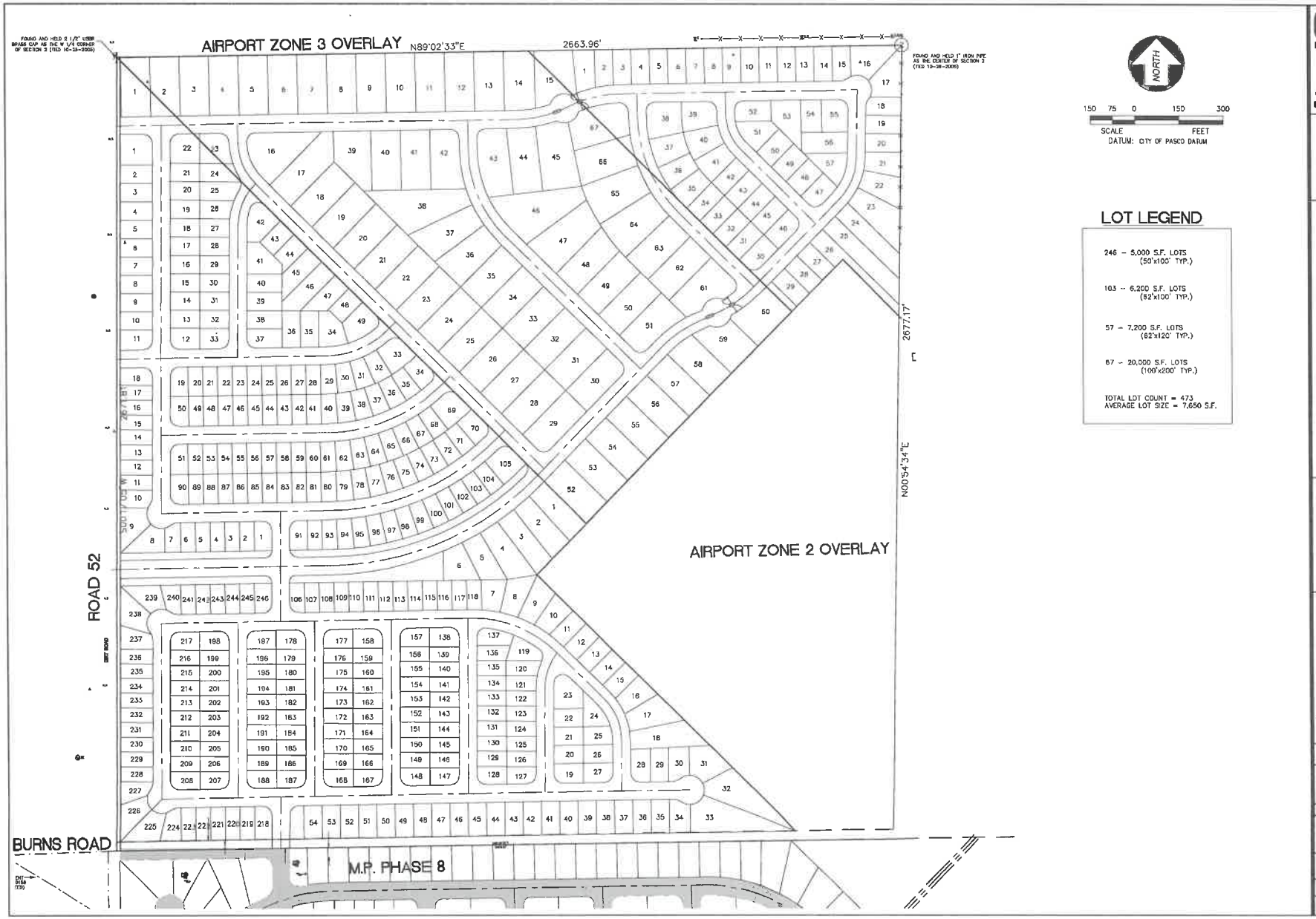
Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Denied)
	September 16, 2024		
C-8	Revised SEPA Mitigated Determination of Nonsignificance, dated November 4, 2024	H	Admitted
C-9	Findings of Fact, Conclusions of Law, Decision and Conditions of Approval, dated November 21, 2024, for Raven's Place Preliminary Plat PP2022-006	I	Admitted
C-10	Findings of Fact, Conclusions of Law, Decision and Conditions of Approval, dated November 21, 2024, for Glacier Park Phase I Preliminary Plat PP2022-003	J	Admitted
C-11	East UGA LID Preformation and Evaluation Agreement, dated November 1, 2021 between the City of Pasco and West Enterprises	K	Admitted
C-12	City of Pasco Ordinance No. 4592 Establishing Local Improvement District No. 152	L	Admitted
C-13	Agenda Report dated June 19, 2024 from Community & Economic Development Director Jacob Gonzalez to City Manager Adam Lincoln and attachments thereto	M	Admitted
C-14	Farm 2005, LLC Annual Report, dated April 15, 2024	N	Admitted
C-15	Pasco City Council Special Meeting Agenda and pages 3-32 of Agenda Packet materials for January 24, 2022	O	Admitted
C-16	City of Pasco Ordinance No. 4574A, Annexing Olberding and Farm 2005 properties	P	Admitted
C-17	Resolution No. 4464 Adopting 2025-2030 Six-Year Transportation Improvement	Q	Admitted

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Denied)
	Program		
C-18	Resume of Jessica Brackin of Fehr & Peers	R	Admitted
C-19	Excerpts from the Revised Traffic Impact Analysis, dated April, 2024, by Transpo Group	S	Admitted
C-20	Overlay of Transportation System Master Plan projects with Revised Traffic Impact Analysis Trip Distribution	T	Admitted
C-21	June 28, 2021 Agenda Report for 2022-2027 Transportation Improvement Program	U	Withdrawn
C-22	Excerpts of Agenda Report for 2022 Capital Improvement Program, dated August 19, 2022	V	Withdrawn
C-23	Resolution 4434 – East UGA Phase 2 Accept Work	N/A	Admitted
C-24	Resolution 4458 – East UGA LID No. 152 Phase 1 Project Accept	N/A	Admitted
C-25	Resolution 4525 – East UGA Phase 4 Accept Work w Apollo	N/A	Admitted
C-26	Resolution 4524 – East UGA Phase 3 Accept Work w DW Excavating Inc.	N/A	Admitted
C-27	Apollo Physical Completion Letter – East UGA LID, Phase 4	N/A	Admitted
C-28	City Council April 13, 2023 Agenda Report	N/A	Admitted
C-29	April 17, 2023 Council Meeting Minutes		Admitted
C-30	City Council October 7, 2024 Agenda Report	N/A	Admitted
C-31	Ordinance No. 4730 Adopting the New Heritage Future Land Use Amendment	N/A	Admitted
C-32	February 20, 224 Email between Jon Padvorac and	N/A	Admitted

Exhibit	Document Description	Previous Exhibit Designation	Status (Admitted/Withdrawn/Denied)
	Richa Sigdel		
C-33	Resolution 4505 – CIP for 2025-2030 Projects	N/A	Admitted
C-34	Excerpts from Agenda Packet for October 7, 2024 City Council meeting related to adoption of 2025-2030 CIP		Admitted
C-35	City of Pasco Staff Report for Madison Park North Preliminary Plat, dated January __, 2025, and attachments thereto	N/A	Admitted
C-36	City Proposed Conditions of Approval	N/A	Admitted

A-4

PLAT MADISION PARK NORTH INITIAL LAYOUT



LOT LEGEND

246 – 5,000 S.F. LOTS (50'x100' TYP.)

103 – 6,200 S.F. LOTS (62'x100' TYP.)

57 – 7,200 S.F. LOTS (62'x120' TYP.)

67 – 20,000 S.F. LOTS (100'x200' TYP.)

TOTAL LOT COUNT = 473
AVERAGE LOT SIZE = 7,650 S.F.

G2 ENGINEERING
1414 s. crapp lane
deer park, wa 99006
509.991.9033

MADISON PARK NORTH
PLANNED DENSITY DEVELOPMENT

PRELIMINARY PLAT MAP

CITY OF PASCO, WASHINGTON
ENGINEERING DIVISION
SECOND FLOOR
525 N. 3RD AVE.
PASCO, WA 99301

VERTICAL DATUM – NGVD29
C.G.P. PNW1-2
3" BRASS C.G.P. W MONUMENT CASE
C.G.P. 0001

#	DATE	BY	REVISION
-	1-13-23	GNS	ORIGINAL SUBMITTAL

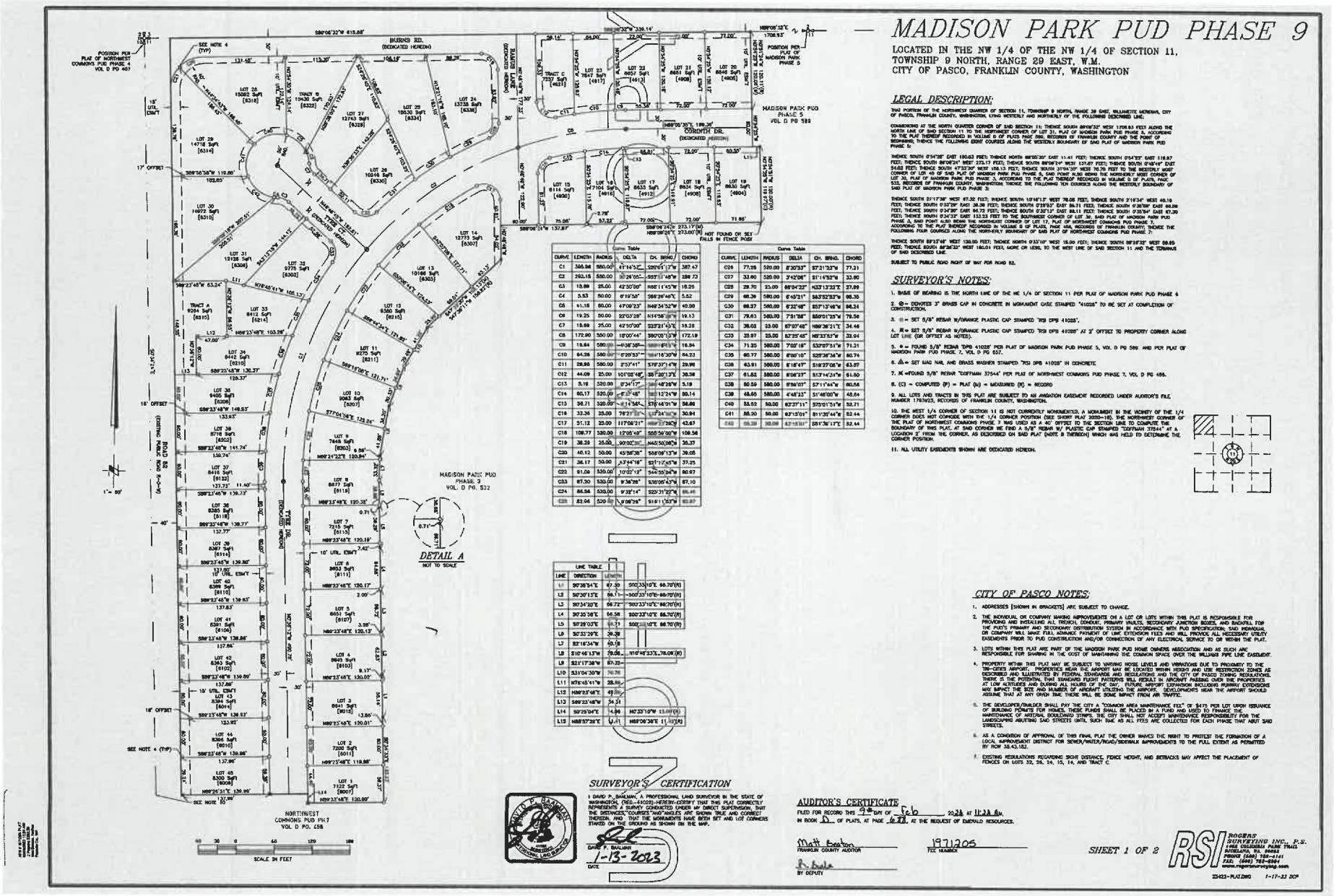
SCALE
HOR. 1"=50'
VERT. N/A

PROJECT #: 22-007
DESIGNED BY: GNS
CHECKED BY: GNS

LAOUT
1 OF 4

A-5

MADISON PARK SOUTH
PHASE 9



MADISON PARK PUD PHASE 9

LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 11, TOWNSHIP 9 NORTH, RANGE 29 EAST, W.M.
CITY OF PASCO, FRANKLIN COUNTY, WASHINGTON

LEGAL DESCRIPTION:

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 9 NORTH, RANGE 29 EAST, WILLAMETTE MERIDIAN, CITY OF PASCO, FRANKLIN COUNTY, WASHINGTON, LYING WESTERLY AND NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 11; THENCE SOUTH 89°08'32" WEST 1708.93 FEET ALONG THE NORTH LINE OF SAID SECTION 11 TO THE NORTHWEST CORNER OF LOT 31, PLAT OF MADISON PARK PUD PHASE 5, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME D OF PLATS PAGE 588, RECORDS OF FRANKLIN COUNTY AND THE POINT OF BEGINNING; THENCE THE FOLLOWING EIGHT COURSES ALONG THE WESTERLY BOUNDARY OF SAID PLAT OF MADISON PARK PUD PHASE 5:

THENCE SOUTH 0°54'28" EAST 180.63 FEET; THENCE NORTH 88°05'30" EAST 11.41 FEET; THENCE SOUTH 0°54'28" EAST 116.67 FEET; THENCE SOUTH 86°09'24" WEST 373.19 FEET; THENCE SOUTH 89°09'34" WEST 137.67 FEET; THENCE SOUTH 0°48'49" EAST 54.62 FEET; THENCE SOUTH 47°33'30" WEST 158.13 FEET; THENCE SOUTH 31°04'30" WEST 76.79 FEET TO THE WESTERLY MOST CORNER OF LOT 45 OF SAID PLAT OF MADISON PARK PUD PHASE 5, SAID POINT ALSO BEING THE NORTHERLY MOST CORNER OF LOT 30, PLAT OF MADISON PARK PUD PHASE 3, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME D OF PLATS, PAGE 533, RECORDS OF FRANKLIN COUNTY, WASHINGTON; THENCE THE FOLLOWING TEN COURSES ALONG THE WESTERLY BOUNDARY OF SAID PLAT OF MADISON PARK PUD PHASE 3:

THENCE SOUTH 31°17'30" WEST 67.32 FEET; THENCE SOUTH 10°46'13" WEST 78.05 FEET; THENCE SOUTH 2°16'34" WEST 40.19 FEET; THENCE SOUTH 0°32'29" EAST 38.39 FEET; THENCE SOUTH 0°29'03" EAST 84.71 FEET; THENCE SOUTH 0°26'09" EAST 66.00 FEET; THENCE SOUTH 0°34'28" EAST 66.72 FEET; THENCE SOUTH 0°30'14" EAST 84.11 FEET; THENCE SOUTH 0°35'04" EAST 67.39 FEET; THENCE SOUTH 0°34'33" EAST 133.53 FEET TO THE SOUTHWEST CORNER OF LOT 30, SAID PLAT OF MADISON PARK PUD PHASE 3, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 17, PLAT OF NORTHWEST COMMONS PUD PHASE 7, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 8 OF PLATS, PAGE 456, RECORDS OF FRANKLIN COUNTY; THENCE THE FOLLOWING FOUR COURSES ALONG THE NORTH-ERLY BOUNDARY OF SAID PLAT OF NORTHWEST COMMONS PUD PHASE 7:

THENCE SOUTH 88°23'48" WEST 130.00 FEET; THENCE NORTH 0°33'10" WEST 15.00 FEET; THENCE SOUTH 88°26'32" WEST 60.85 FEET; THENCE SOUTH 46°26'32" WEST 180.01 FEET, MORE OR LESS, TO THE WEST LINE OF SAID SECTION 11 AND THE TERMINUS OF SAID DESCRIBED LINE.

SUBJECT TO PUBLIC ROAD RIGHT OF WAY FOR ROAD 82.

SURVEYOR'S NOTES:

1. BASIS OF BEARING IS THE NORTH LINE OF THE NE 1/4 OF SECTION 11 PER PLAT OF MADISON PARK PUD PHASE 6
2. ⊙= DENOTES 3" BRASS CAP IN CONCRETE IN MONUMENT CASE STAMPED "41028" TO BE SET AT COMPLETION OF CONSTRUCTION.
3. ⊙ = SET 5/8" REBAR W/ORANGE PLASTIC CAP STAMPED "RSI EPS 41028".
4. ⊠= SET 5/8" REBAR W/ORANGE PLASTIC CAP STAMPED "RSI EPS 41028" AT 2' OFFSET TO PROPERTY CORNER ALONG LOT LINE (OR OFFSET AS NOTED).
5. ● = FOUND 5/8" REBAR "DPS 41028" PER PLAT OF MADISON PARK PUD PHASE 5, VOL D PG 589 AND PER PLAT OF MADISON PARK PUD PHASE 7, VOL D PG 837.
6. ⚠= SET MAG NAIL AND BRASS WASHER STAMPED "RSI DPS 41028" IN CONCRETE
7. ⊠ =FOUND 5/8" REBAR "COFFMAN 37544" PER PLAT OF NORTHWEST COMMONS PUD PHASE 7, VOL D PG 456.
8. (C) = COMPUTED (P) = PLAT (M) = MEASURED (R) = RECORD
9. ALL LOTS AND TRACTS IN THIS PLAT ARE SUBJECT TO AN INGRESS EASEMENT RECORDED UNDER AUDITOR'S FILE NUMBER 1793923, RECORDS OF FRANKLIN COUNTY, WASHINGTON.
10. THE WEST 1/4 CORNER OF SECTION 11 IS NOT CURRENTLY MONUMENTED, A MONUMENT IN THE VICINITY OF THE 1/4 CORNER DOES NOT COINCIDE WITH THE 1/4 CORNER POSITION (SEE SHORT PLAT 2020-18). THE NORTHWEST CORNER OF THE PLAT OF NORTHWEST COMMONS PHASE 7 WAS USED AS A 40' OFFSET TO THE SECTION LINE TO COMPUTE THE BOUNDARY OF THIS PLAT, AT SAID CORNER WE FIND A 5/8" REBAR W/ PLASTIC CAP STAMPED "COFFMAN 37544" AT A LOCATION 2' FROM THE CORNER, AS DESCRIBED ON SAID PLAT (NOTE 8 THEREON) WHICH WAS HELD TO DETERMINE THE CORNER POSITION.
11. ALL UTILITY EASEMENTS SHOWN ARE DEDICATED HEREON.

CITY OF PASCO NOTES:

1. ADDRESSES [SHOWN IN BRACKETS] ARE SUBJECT TO CHANGE.
2. THE INDIVIDUAL OR COMPANY MAKING IMPROVEMENTS ON A LOT OR LOTS WITHIN THIS PLAT IS RESPONSIBLE FOR PROVIDING AND INSTALLING ALL TRENCH, CONDUIT, PRIMARY VAULTS, SECONDARY JUNCTION BOXES, AND BACKFILL FOR THE PUD'S PRIMARY AND SECONDARY DISTRIBUTION SYSTEM IN ACCORDANCE WITH PUD SPECIFICATION. SAID INDIVIDUAL OR COMPANY WILL MAKE FULL ADVANCE PAYMENT OF LINE EXTENSION FEES AND WILL PROVIDE ALL NECESSARY UTILITY EASEMENTS PRIOR TO PUD CONSTRUCTION AND/OR CONNECTION OF ANY ELECTRICAL SERVICE TO OR WITHIN THE PLAT.
3. LOTS WITHIN THIS PLAT ARE PART OF THE MADISON PARK PUD HOME OWNERS ASSOCIATION AND AS SUCH ARE RESPONSIBLE FOR SHARING IN THE COST OF MAINTAINING THE COMMON SPACE OVER THE VILLAGE PIPE LINE EASEMENT.
4. PROPERTY WITHIN THIS PLAT MAY BE SUBJECT TO VARYING NOISE LEVELS AND VIBRATIONS DUE TO PROXIMITY TO THE TRI-CITIES AIRPORT. PROPERTIES NEAR THE AIRPORT MAY BE LOCATED WITHIN HEIGHT AND USE RESTRICTION ZONES AS DESCRIBED AND ILLUSTRATED BY FEDERAL STANDARDS AND REGULATIONS AND THE CITY OF PASCO ZONING REGULATIONS. THERE IS THE POTENTIAL THAT STANDARD FLIGHT PATTERNS WILL RESULT IN AIRCRAFT PASSING OVER THE PROPERTIES AT LOW ALTITUDES AND IN DOING ALL HOURS OF THE DAY. FUTURE AIRPORT EXPANSION INCLUDING RUNWAY EXTENSIONS MAY IMPACT THE SIZE AND NUMBER OF AIRCRAFT UTILIZING THE AIRPORT. DEVELOPMENTS NEAR THE AIRPORT SHOULD ASSUME THAT AT ANY GIVEN TIME THERE WILL BE SOME IMPACT FROM AIR TRAFFIC.
5. THE DEVELOPER/BUILDER SHALL PAY THE CITY A "COMMON AREA MAINTENANCE FEE" OF $475 PER LOT UPON ISSUANCE OF BUILDING PERMITS FOR HOMES. THESE FUNDS SHALL BE PLACED IN A FUND AND USED TO FINANCE THE MAINTENANCE OF ARTERIAL BOULEVARD STRIPS. THE CITY SHALL NOT ACCEPT MAINTENANCE RESPONSIBILITY FOR THE LANDSCAPING ABUTTING SAID STREETS UNTIL SUCH TIME AS ALL FEES ARE COLLECTED FOR EACH PHASE THAT ABUT SAID STREETS.
6. AS A CONDITION OF APPROVAL OF THIS FINAL PLAT THE OWNER WAIVES THE RIGHT TO PROTEST THE FORMATION OF A LOCAL IMPROVEMENT DISTRICT FOR SEWER/WATER/ROAD/SIDEWALK IMPROVEMENTS TO THE FULL EXTENT AS PERMITTED BY RCW 35.43.182.
7. EXISTING REGULATIONS REGARDING SIGHT DISTANCE, FENCE HEIGHT, AND SETBACKS MAY AFFECT THE PLACEMENT OF FENCES ON LOTS 32, 26, 24, 15, 14, AND TRACT C.

SURVEYOR'S CERTIFICATION

I DAVID P. SMALLMAN, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF WASHINGTON, (REG.-#41028)-HEREBY-CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION, THAT THE DISTANCES,"COURSES"AND"ANGLES ARE SHOWN TRUE AND CORRECT THEREON, AND THAT THE MONUMENTS HAVE BEEN SET AND LOT CORNERS STAKED ON THE GROUND AS SHOWN ON THE MAP.

DAVID P. SMALLMAN
1-13-2023
DATE

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 9th DAY OF Feb 2023 AT 11:23 A.M.
IN BOOK D OF PLATS, AT PAGE 678, AT THE REQUEST OF EMERALD RESOURCES.

Matt Beaton
FRANKLIN COUNTY AUDITOR

1971205
FEE NUMBER

BY DEPUTY

SHEET 1 OF 2

ROGERS SURVEYING INC., P.S.
1402 COLUMBIA PARK TRAIL
RICHLAND, WA. 99352
PHONE (509) 783-1141
FAX: (509) 783-0369
www.rogerssurveying.com

25423-PLAT.DWG 1-17-23 DCP

MADISON PARK PUD PHASE 9

LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 11,
TOWNSHIP 9 NORTH, RANGE 29 EAST, W.M.
CITY OF PASCO, FRANKLIN COUNTY, WASHINGTON

APPROVALS

CITY OF PASCO

EXAMINED AND APPROVED THIS 9th DAY OF FEB, 2023

CITY PLANNER

CITY ENGINEER — DATE 2/9/23

CITY MANAGER OR DESIGNEE — DATE 2/9/23

FRANKLIN COUNTY P.U.D.

THE UTILITY EASEMENTS SHOWN ARE HEREBY APPROVED.

FRANKLIN COUNTY P.U.D. — TITLE Engineering Director 1/23/23

COUNTY ASSESSOR

EXAMINED AND APPROVED THIS 9th DAY OF Feb, 2023 A.D.

FRANKLIN COUNTY ASSESSOR

COUNTY TREASURER

I HEREBY CERTIFY THAT ALL TAXES AND ASSESSMENTS AGAINST THE LAND DESCRIBED HEREON HAVE BEEN PAID IN FULL TO AND INCLUDING THE YEAR 20 23 A.D. PARCEL NUMBER: 116-351-400

FRANKLIN COUNTY TREASURER

DEDICATION

I, DAVID SWISHER, AUTHORIZED REPRESENTATIVE OF EZ PROPERTIES, LLC, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE TRACT OF LAND DESCRIBED HEREON AND THAT WE HAVE CAUSED SAID LAND TO BE SURVEYED AND PLATTED INTO LOTS AS SHOWN HEREON AND THE STREET RIGHTS OF WAY AND UTILITY EASEMENTS ARE HEREBY DEDICATED TO THE USE OF THE PUBLIC AND THAT SAID SUBDIVISION SHALL HEREAFTER BE DESIGNATED BY THE NAME OF "MADISON PARK PUD, PHASE 9".

DAVID SWISHER, AUTHORIZED REPRESENTATIVE OF EZ PROPERTIES LLC

ACKNOWLEDGMENT

STATE OF OR
COUNTY OF Deschutes } S.S.

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT DAVID SWISHER, IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE MANAGING MEMBER OF EZ PROPERTIES LLC, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

NOTARY PUBLIC IN AND FOR THE STATE OF OR
RESIDING AT 2010 NW Lemolo Oak Bend OR 97703
MY COMMISSION EXPIRES 4-14-2025

OFFICIAL STAMP
SHELLEY LYNN KUHL
NOTARY PUBLIC-OREGON
COMMISSION NO. 1019108
MY COMMISSION EXPIRES APRIL 14, 2025

UNOFFICIAL COPY

1-13-2023
DATE

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 9th DAY OF Feb, 2023, AT 11:24 A.M.
IN BOOK D OF PLATS, AT PAGE 139 AT THE REQUEST OF EMERALD RESOURCES.

Matt Beaton
FRANKLIN COUNTY AUDITOR

1971205
FEE NUMBER

BY DEPUTY

SHEET 2 OF 2

ROGERS SURVEYING INC., P.S.
1402 COLUMBIA PARK TRAIL
RICHLAND, WA. 99352
PHONE (509) 735-4141
FAX (509) 735-8964
www.rogerssurveying.com

28422-PLAT.DWG 8-30-22 DCP

Page 283 of 620
CC 277
Matt Beaton, Auditor, Franklin County, WA. API # 1971205 Recorded 02/09/2023
11:24 AM DocType: PLAT Page: 2 of 2 Filing Instrument $232.50 EMERALD RESOURCES, LLC

A-6

2022 12 23 BURNS ROAD 100' ROW & BIKE PED PATH

From: "Dave Swisher" <dave@daveswisher.com>
To: "Jon Padvorac" <jon@padvorac-consulting.com>
"James Carmody" <carmody@mftlaw.com>
Date: 8/24/2025 6:04:02 AM
Subject: Fwd: FW: NE Burns Development Coordination
Attachments: NE Burns Road Plan.pdf
NE Burns Road Plan w Bike Ped.pdf
Burns Road Street Section.pdf
Road 60 Street Section.pdf
Convention Dr Deseret Dr Road 52 Road Section.pdf
Neighborhood Collector & Local Access Street Section.pdf

Good morning Jon, Here's an email from you regarding a letter from Jessica
---------- Forwarded message ---------
From: **Jon Padvorac** <padvoracj@pasco-wa.gov>
Date: Fri, Dec 23, 2022 at 2:22 PM
Subject: FW: NE Burns Development Coordination
To: dave@daveswisher.com <dave@daveswisher.com>

From: Jessica Brackin <brackinj@pasco-wa.gov>
Sent: Friday, December 16, 2022 5:34 PM
To: Paul@knutzenengineering.com; caleb@aqtera.com; John@jfengineering.pro; Steve Bauman <Steve@b4land.com>; Peter Harpster <pharpster@aqtera.com>; cperkins@aqtera.com; amanda@knutzenengineering.com
Cc: Jon Padvorac <padvoracj@pasco-wa.gov>; Rick White <WHITER@pasco-wa.gov>; Jacob Gonzalez <gonzalezjb@pasco-wa.gov>
Subject: NE Burns Development Coordination

All,

To help simplify the coordination process regarding ROW improvements, a diagram showing the location of the mixed-use path has been developed, along with dimensions of ROW improvements for each road in the area being developed. Note that this information is intended to be interpreted by the developers as how the City envisions their standards being applied to this area, and this is by no means the final engineering design. The developer's engineer is responsible for verifying the site condition and developing the roadway design. Details like intersections between new and existing roads will need to be designed by the developer's engineer, as is typical for development. For reference, the road plan you previously received is attached to this email.

Mixed Use Path Location Diagram Notes:

1. The City took many factors into account when determining the required location of the mixed-use paths including:
    a. Minimizing uneven sharing between adjacent property owners of ROW dedication
    b. Compatibility with existing infrastructure already in place
    c. Safe routes to school – what will be in place when the school opens to make sure that students can safely get to school
    d. Sharing the cost of the mixed-use path as equally as possibly between the developments

ROW Section Diagram Notes:

1. The transition from the existing Burns Road section to the new road section at Convention will need to be developer designed
2. The developer is to verify all onsite conditions, and confirm that there are not obstructions that would prohibit the shown ROW components from being installed where indicated
3. The City did not request ROW dedication more than what is allowed per the development standards
4. The intent of the standards is that the bike lane is independent of the gutter. Due to the addition of the mixed-use path on arterials and a lack of having an updated standard that would allow additional ROW designation to accommodate the mixed use path, for the time being at this location the bike lane can be inclusive of gutters on Burns.

5. Road 60 (a minor arterial) can be built out as a 3-lane road, as the need for a full 5 lane build out may be beyond the useful life of the road. The City's expectation is that the sidewalks, stormwater infiltration trenches, etc. are located such that they will not need to be replaced when the road is widened to 5 lanes. Note that this will require careful elevation control of the sidewalks so that they are compatible with a widened road section.

Burns Road

Burns Road is a principal arterial which will be a 5-lane roadway in future final buildout. The current required need, however, is a 3-lane roadway. A 100-foot ROW is required. In an effort to coordinate the many plats along this partially built existing roadway, city staff took a preemptive review of this road. Existing, Burns is a partial road with curb and offset sidewalk on the south side. The location of the south ROW line adjusts along the length of Burns road. The location of the south curb line is a relatively 24 feet south of the quarter-section line. Staff based the road section components off the south curb line and provided distances of the components from the face of the south curb. The mixed-use path will be built on the north side of the roadway and in its final buildout location to avoid later relocation. Both the full build out and today's build out sections are provided. Location and measurements will need to be verified with survey

Road 60

Road 60 is a minor arterial which will be a 5-lane roadway in future final buildout. The current required need, however, is a 3-lane roadway. A 100-foot ROW is required. The centerline of Road 60 extension will align with the centerline of existing Road 60. The mixed-use path will be built on the west side of the roadway. The multi-use path and sidewalk will be built in its final buildout location to avoid later relocation. Both the full build out and today's build out sections are provided.

Convention Drive

Convention Drive is a collector and a 3-lane roadway. An 80-foot ROW is required.

A roadway section is provided however placement of each component will need to be coordinated with interaction with power infrastructure.

Road 52

Road 52 is a collector and a 3-lane roadway. The mixed-use path will be built on the west side of the roadway.

Deseret Drive

Deseret Drive is a collector and a 3-lane roadway. The mixed-use path will be built on the north side of the roadway.

Neighborhood Collector and Local Access

Two options for sidewalk location are shown.

Sincerely,

Jessica Brackin

Long Range Plan Coordinator

525 N. 3rd Avenue

Pasco, WA 99301

Office: 509-545-3451

brackinj@pasco-wa.gov

www.pasco-wa.gov

This email and your response are considered a public record and will be subject to disclosure under Washington's Public Records Disclosure Act. (42.56 RCW)



STREET CLASSIFICATION:

- INTERSTATE
- OTHER FREEWAYS & EXPRESSWAYS
- RAMP
- PRINCIPAL ARTERIAL
- PRINCIPAL ARTERIAL, FUTURE
- MINOR ARTERIAL
- MINOR ARTERIAL, FUTURE
- COLLECTOR
- COLLECTOR, FUTURE
- NEIGHBORHOOD COLLECTOR
- NEIGHBORHOOD COLLECTOR, FUTURE
- LOCAL

FUNCTIONAL CLASSIFICATION	RECOMMENDED MAXIMUM SPACING*
PRINCIPAL ARTERIAL	1 to 2 miles
MINOR ARTERIAL	1 mile
COLLECTOR	½ mile
NEIGHBORHOOD COLLECTOR	½ mile
LOCAL STREET	300–500 feet
BICYCLE AND PEDESTRIAN FACILITIES	300 feet

*Recommended maximum spacing refers to distance between facilities with the same or higher functional classification. Deviations from the recommended maximum spacing are subject to approval by the City engineer

Principal Arterial - 100FT ROW (bike/ped corridor per TSMP)
Burns Rd

Minor Arterial - 100FT ROW (bike/ped corridor per TSMP)
Road 60

Collector - 80FT ROW (bike/ped corridor per TSMP)
Convention Dr
Road 52
Road 44
Deseret Dr

Neighborhood Collector - 60FT ROW
Local Access - 60FT ROW

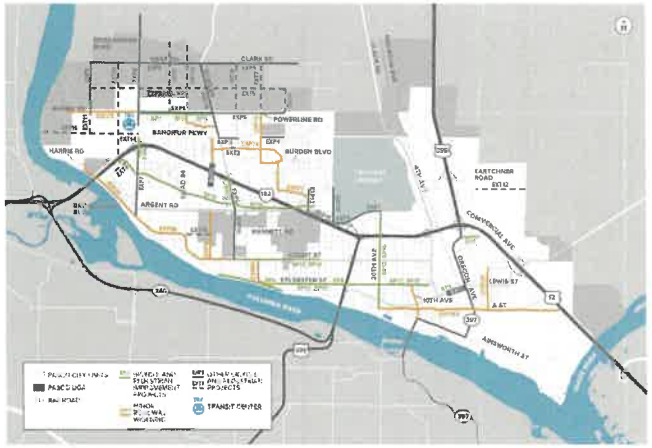
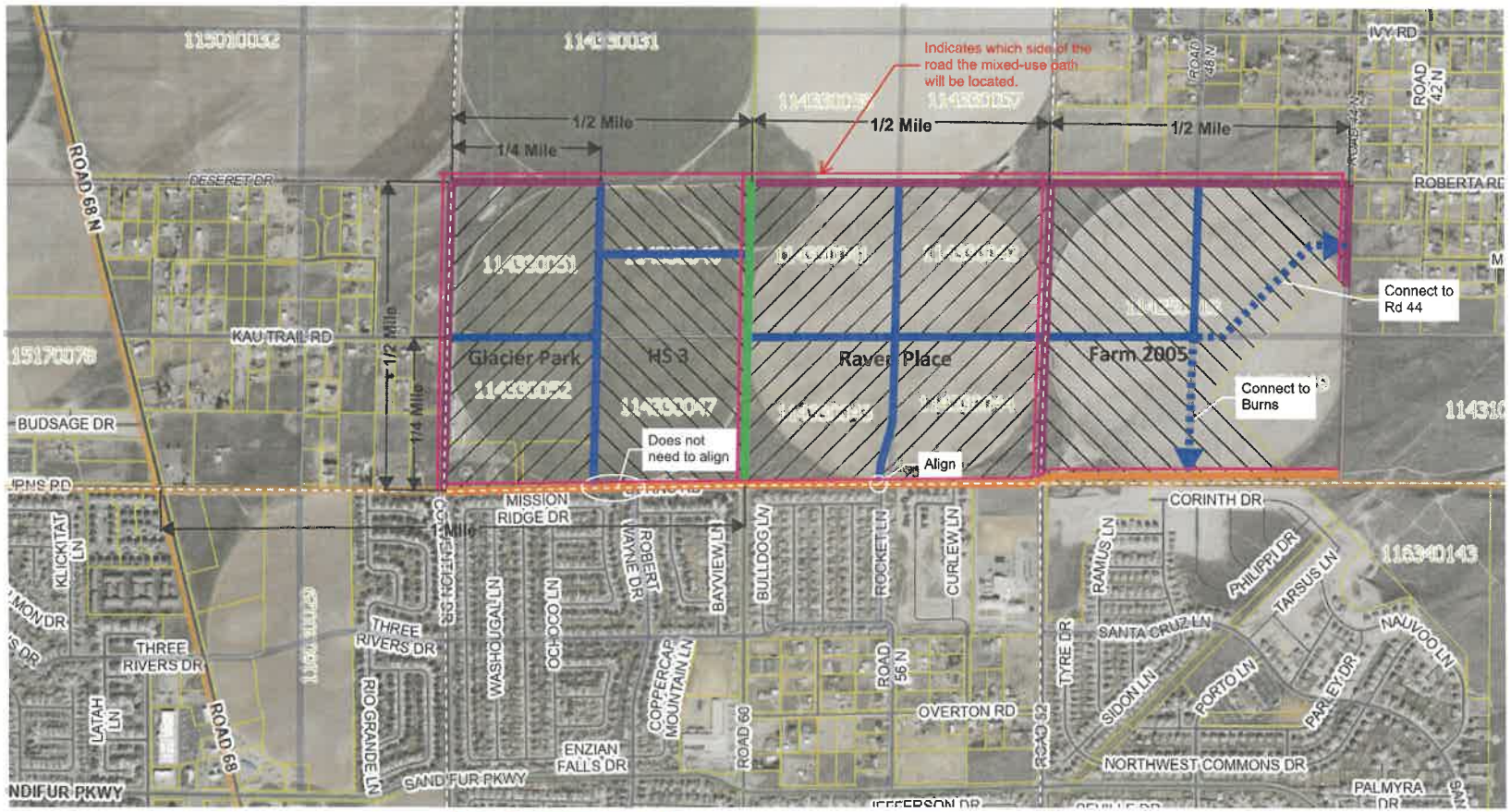


FIGURE 14. BICYCLE AND PEDESTRIAN PROJECTS

ID	NAME	EXTENTS	DESCRIPTION	COST
EXT5	Future East-West Connection (Deseret Drive)	Dent Road to Road 52	Construct a 3-lane roadway and upgrade existing segments of Deseret Drive; construct two-way stop control intersection at Deseret Drive/Dent Road, Deseret Drive/Future North-South Connection (Halfway between Broadmoor Boulevard and Dent Road), Deseret Drive/Convention Drive, and Deseret Drive/Road 60; install new signals at Broadmoor Boulevard/Deseret Drive and Road 68/Deseret Drive; construct new 1-lane roundabout at Deseret Drive/ Road 90 and Deseret Drive/Road 84	$63,640,000
EXT6	Road 52 Extension	Burns Road through to UGA	Construct a 3-lane roadway	$24,885,000
EXT7	Road 60 Extension	Burns Road through to UGA	Construct a 3-lane roadway; install two-way stop control at Clark Road/Road 60	$24,270,000
EXT8	Convention Drive Extension	Burns Road through to UGA	Construct a 3-lane roadway; install two-way stop control at Clark Road/ Convention Drive; restripe northbound approach at Burns Road/Convention Drive to include a dedicated left turn lane	$24,330,000
EXT9	Road 90 Extension	Burns Road through to UGA	Construct a 3-lane roadway; install a traffic signal at Road 90/Burns Road; construct a 1-lane roundabout at Road 90/Dent Road	$26,795,000
EXT10	Future North-South Connection (Halfway between Broadmoor Boulevard and Dent Road)	Harris Road to Dent Road	Construct a 3-lane roadway; install two-way stop control at Future North-South Connection/Harris Road and Future North-South Connection/Dent Road; install a traffic signal at Future North-South Connection/Burns Road	$28,105,000
EXT11	Dent Road Extension	Burns Road to Harris Road	Construct a 3-lane roadway; install a traffic signal at Dent Road/Burns Road	$14,505,000
EXT12	Hillsboro Rd Extension	King Avenue to UGA	New road from east of King Ave to UGA	$34,940,000
EXT13	Wernett Rd Extension	Road 76 to Road 84	New road from Rd 76 to Road 84	$6,075,000
EXT14	Sandifur Parkway Extension - Phase 1	Broadmoor Boulevard to Future North-South Connection (Between Broadmoor Boulevard and Dent Road)	Construct a 5-lane roadway; realign Harris Road to Sandifur Parkway Extension as 2-lane road and close the existing Harris Road/Broadmoor Boulevard intersection; construct a 2-lane roundabout at Sandifur Parkway Extension/ Harris Road and a 1-lane roundabout at Sandifur Parkway/Future North-South Connection (Between Broadmoor Boulevard and Dent Road) with a westbound right turn slip lane	$12,140,000
EXT15	Sandifur Parkway Extension - Phase 2	Future North-South Connection (Between Broadmoor Boulevard and Dent Road) and Shoreline	Construct a 3-lane roadway; construct a 1-lane roundabout at Sandifur Parkway/ Dent Road; install two-way stop control at Sandifur Parkway/Shoreline	$23,740,000
EXT16	Road 84 Extension	Burns Road to UGA	Construct a 3-lane roadway; install a traffic signal at Road 84/Burns Road; construct a 1-lane roundabout at Road 84/Dent Road	$25,585,000
EXP6	Burns Road Improvements	Broadmoor Boulevard to Road 44	Widen to 3 lanes, construct new 3-lane roadway between Road 68 and Rio Grande Lane; install all-way stop control at Road 52/Burns Road intersection; install a traffic signal at Burns Road/Road 68	$13,804,000



STREET CLASSIFICATION:

- INTERSTATE
- OTHER FREEWAYS & EXPRESSWAYS
- RAMP
- PRINCIPAL ARTERIAL
- PRINCIPAL ARTERIAL, FUTURE
- MINOR ARTERIAL
- MINOR ARTERIAL, FUTURE
- COLLECTOR
- COLLECTOR, FUTURE
- NEIGHBORHOOD COLLECTOR
- NEIGHBORHOOD COLLECTOR, FUTURE
- LOCAL
- Mixed Use Path

FUNCTIONAL CLASSIFICATION	RECOMMENDED MAXIMUM SPACING*
PRINCIPAL ARTERIAL	1 to 2 miles
MINOR ARTERIAL	1 mile
COLLECTOR	½ mile
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Burns Rd

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Road 60

Collector - 80FT ROW (bike/ped corridor per TSMP)
Convention Dr
Road 52
Road 44
Deseret Dr

Neighborhood Collector - 60FT ROW
Local Access - 60FT ROW

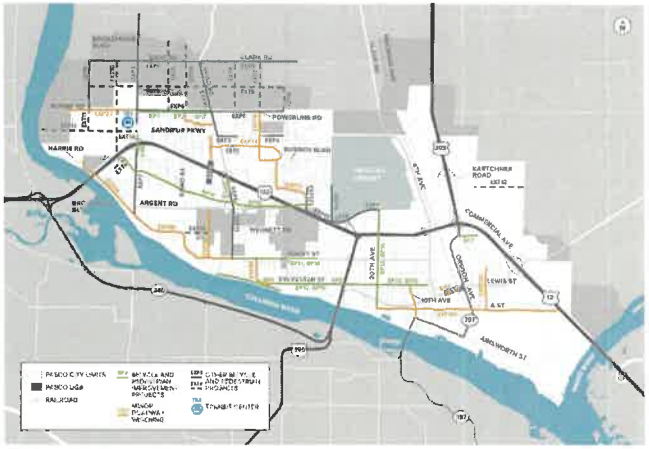


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Burns Road

*Required build today is 3 lane road section plus bike lanes and sidewalk/multi-use

Prinicpal Arterial

Future Final Build Out

Distance from S face of Curb [ft]	Width [ft]	ROW Component
84.5	2	Mixed use path buffer
72.5	12	Mixed use path
66	6.5	Curb & Landscape Buffer (including mixed use path buffer)
61	5	Bike Lane (including gutter)
50	11	Thru traffic lane
39	11	Thru traffic lane
27	12	Center turn lane
16	11	Thru traffic lane
5	11	Thru traffic lane
	5	Bike Lane (including gutter)
	6.5	Curb & Landscape Buffer
	7	Sidewalk

ROW Width	100
Burns Road Face of south curb to north ROW	86.5
BOC	67

Today's Build Out

Distance from S face of Curb [ft]	Width [ft]	ROW Component
84.5	2	Mixed use path buffer
72.5	12	Mixed use path
44	28.5	Curb & Landscape Buffer (including mixed use path buffer)
39	5	Bike Lane (including gutter)
28	11	Thru traffic lane
16	12	Center turn lane
5	11	Thru traffic lane
	5	Bike Lane (including gutter)
	6.5	Landscape Buffer
	7	Sidewalk

ROW Width	100
Burns Road Face of south curb to north ROW	86.5
BOC	45

Convention Drive, Deseret Dr & Road 52

Collector 3-lane

Width [ft]	ROW Component
2	Mixed use path buffer
12	Mixed use path
6.5	Curb & Landscape Buffer (including mixed use path buffer)
1	Gutter
4	Bike Lane
11	Thru traffic lane
12	Center turn lane
11	Thru traffic lane
4	Bike Lane
1	Gutter
6.5	Curb & Landscape Buffer
7	Sidewalk
2	Buffer

ROW Width	80
BOC	45

Neighborhood Collector / Local Access - Option 1

Width [ft]	ROW Component
5	Sidewalk
6	Curb & Landscape Buffer
1	Gutter
8	Parking
10	Thru traffic lane
10	Thru traffic lane
8	Parking
1	Gutter
6	Curb & Landscape Buffer
5	Sidewalk

ROW Width	60
BOC	39

Neighborhood Collector / Local Access - Option 2

Width [ft]	ROW Component
5.5	Landscape
5.5	Curb & Sidewalk
1	Gutter
8	Parking
10	Thru traffic lane
10	Thru traffic lane
8	Parking
1	Gutter
5.5	Curb & Sidewalk
5.5	Landscape

ROW Width	60
BOC	39

Road 60

Arterial

Future Final Build Out

Width [ft]	ROW Component
2	Mixed use path buffer
12	Mixed use path
6.5	Curb & Landscape Buffer (including mixed use path buffer)
5	Bike Lane (inclusive of gutter)
11	Thru traffic lane
11	Thru traffic lane
12	Center turn lane
11	Thru traffic lane
11	Thru traffic lane
5	Bike Lane (inclusive of gutter)
6.5	Curb & Landscape Buffer
7	Sidewalk

ROW Width	100
BOC	67

Today's Build Out

Width [ft]	ROW Component
2	Mixed use path buffer
12	Mixed use path
13	Curb & Landscape Buffer (including mixed use path buffer)
1	Gutter
5	Bike Lane
11	Thru traffic lane
12	Center turn lane
11	Thru traffic lane
5	Bike Lane
1	Gutter
20	Curb & Landscape Buffer
7	Sidewalk

ROW Width	100
BOC	47

A-7

2025 04 03 PSD REQUESTED SAFETY IMPROVEMENTS MAP

From: "Amanda Whitehead" <amanda@knutzenengineering.com>
To: "Paul Knutzen" <paul@knutzenengineering.com>
Date: 4/3/2025 12:13:34 PM
Subject: RE: 20042-FW: School improvements
Attachments: Rosalind Franklin STEM ES - School Signage Improvements-.pdf
17056C400.pdf
MUTCD School Area Signs.gif

Paul,

Here is an exhibit that illustrates what improvements I had recommended. I also attached our plans that we did for Rey Reynolds.

Thanks,

Amanda

From: Paul Knutzen <paul@knutzenengineering.com>
Sent: Tuesday, April 1, 2025 6:43 AM
To: Amanda Whitehead <amanda@knutzenengineering.com>
Subject: 20042-FW: School improvements

Is this something that we can help put together for them without designing it for them? Just an overall showing where we think things should go and perhaps a copy of an asbuilt for the same equipment on another project, such as Ray Reynolds? Didn't you already do something like this I thought even? Thanks, paul

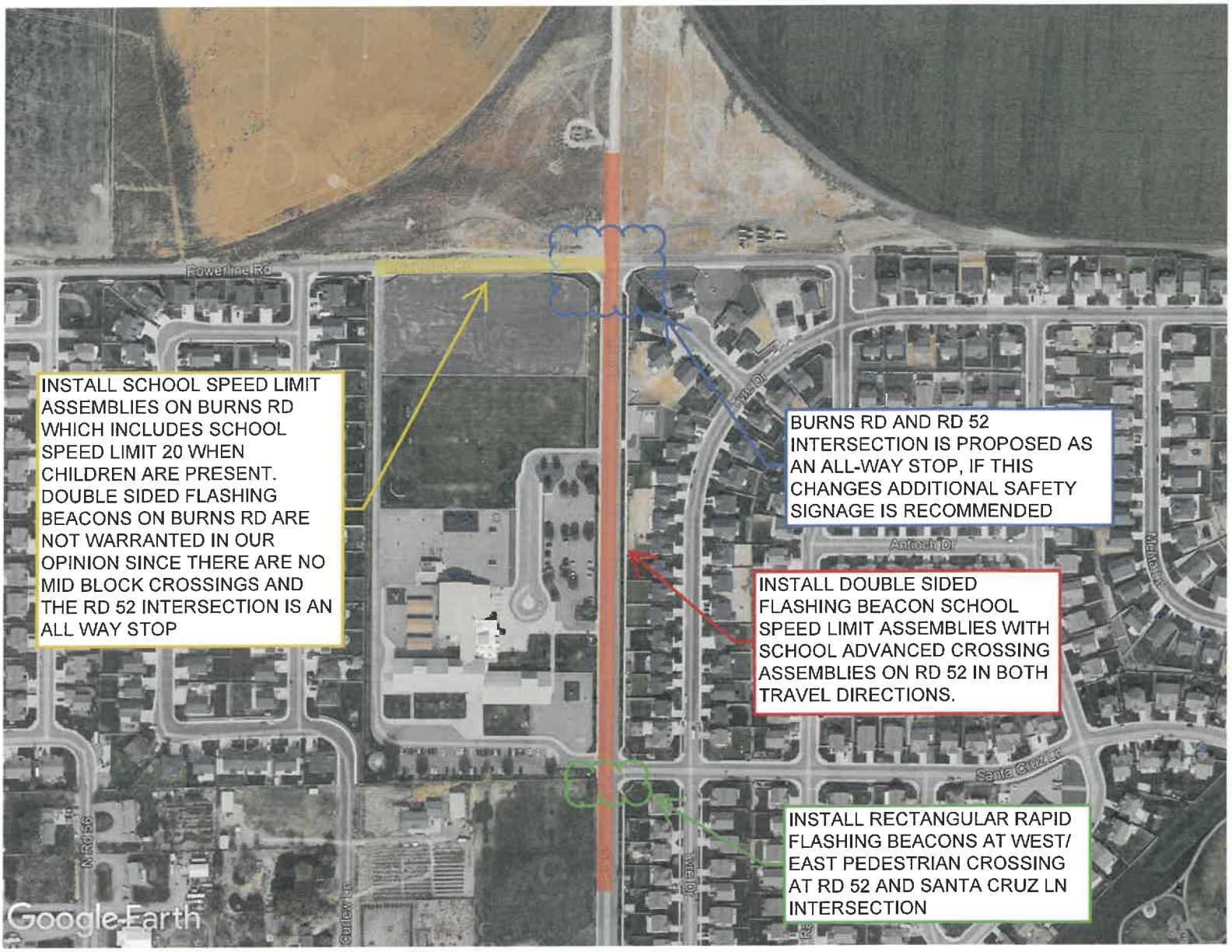
From: Jon Padvorac <jon@padvorac-consulting.com>
Sent: Monday, March 31, 2025 7:12 AM
To: Paul Knutzen <paul@knutzenengineering.com>
Subject: School improvements

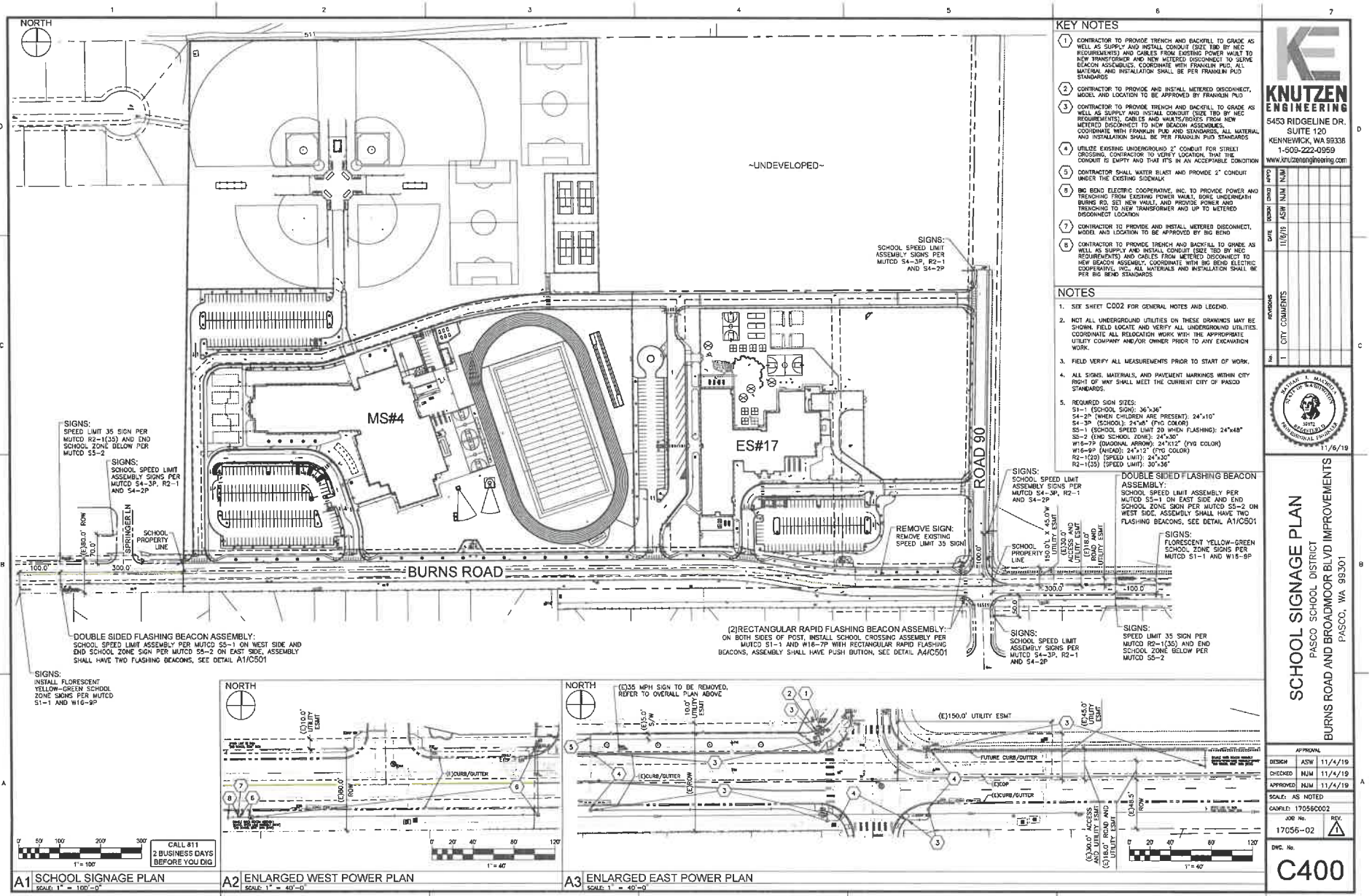
Hi Paul,

See attached screenshot, the hearing examiner incorporated the school district's requests with respect to Madison park north offsite improvements for school safety. There isn't a lot to work from, would you be able to provide example drawings of these features, and perhaps a sketch of some sorts showing what was intended?

Best regards,

Jon Padvorac
Owner, Padvorac Consulting LLC
Cell: (509) 713-6365
Email: jon@padvorac-consulting.com


INSTALL SCHOOL SPEED LIMIT ASSEMBLIES ON BURNS RD WHICH INCLUDES SCHOOL SPEED LIMIT 20 WHEN CHILDREN ARE PRESENT. DOUBLE SIDED FLASHING BEACONS ON BURNS RD ARE NOT WARRANTED IN OUR OPINION SINCE THERE ARE NO MID BLOCK CROSSINGS AND THE RD 52 INTERSECTION IS AN ALL WAY STOP
BURNS RD AND RD 52 INTERSECTION IS PROPOSED AS AN ALL-WAY STOP, IF THIS CHANGES ADDITIONAL SAFETY SIGNAGE IS RECOMMENDED
INSTALL DOUBLE SIDED FLASHING BEACON SCHOOL SPEED LIMIT ASSEMBLIES WITH SCHOOL ADVANCED CROSSING ASSEMBLIES ON RD 52 IN BOTH TRAVEL DIRECTIONS.
INSTALL RECTANGULAR RAPID FLASHING BEACONS AT WEST/ EAST PEDESTRIAN CROSSING AT RD 52 AND SANTA CRUZ LN INTERSECTION
Powerline Rd
Antioch Dr
Santa Cruz Ln
N Rd 56
Google Earth



KEY NOTES

1. CONTRACTOR TO PROVIDE TRENCH AND BACKFILL TO GRADE AS WELL AS SUPPLY AND INSTALL CONDUIT (SIZE TBD BY NEC REQUIREMENTS) AND CABLES FROM EXISTING POWER VAULT TO NEW TRANSFORMER AND NEW METERED DISCONNECT TO SERVE BEACON ASSEMBLIES. COORDINATE WITH FRANKLIN PUD. ALL MATERIAL AND INSTALLATION SHALL BE PER FRANKLIN PUD STANDARDS
2. CONTRACTOR TO PROVIDE AND INSTALL METERED DISCONNECT, MODEL AND LOCATION TO BE APPROVED BY FRANKLIN PUD
3. CONTRACTOR TO PROVIDE TRENCH AND BACKFILL TO GRADE AS WELL AS SUPPLY AND INSTALL CONDUIT (SIZE TBD BY NEC REQUIREMENTS), CABLES AND VAULTS/BOXES FROM NEW METERED DISCONNECT TO NEW BEACON ASSEMBLIES. COORDINATE WITH FRANKLIN PUD AND STANDARDS, ALL MATERIAL AND INSTALLATION SHALL BE PER FRANKLIN PUD STANDARDS
4. UTILIZE EXISTING UNDERGROUND 2" CONDUIT FOR STREET CROSSING, CONTRACTOR TO VERIFY LOCATION, THAT THE CONDUIT IS EMPTY AND THAT IT'S IN AN ACCEPTABLE CONDITION
5. CONTRACTOR SHALL WATER BLAST AND PROVIDE 2" CONDUIT UNDER THE EXISTING SIDEWALK
6. BIG BEND ELECTRIC COOPERATIVE, INC. TO PROVIDE POWER AND TRENCHING FROM EXISTING POWER VAULT, BORE UNDERNEATH BURNS RD. SET NEW VAULT, AND PROVIDE POWER AND TRENCHING TO NEW TRANSFORMER AND UP TO METERED DISCONNECT LOCATION
7. CONTRACTOR TO PROVIDE AND INSTALL METERED DISCONNECT, MODEL AND LOCATION TO BE APPROVED BY BIG BEND
8. CONTRACTOR TO PROVIDE TRENCH AND BACKFILL TO GRADE AS WELL AS SUPPLY AND INSTALL CONDUIT (SIZE TBD BY NEC REQUIREMENTS) AND CABLES FROM METERED DISCONNECT TO NEW BEACON ASSEMBLY. COORDINATE WITH BIG BEND ELECTRIC COOPERATIVE, INC. ALL MATERIALS AND INSTALLATION SHALL BE PER BIG BEND STANDARDS

NOTES

1. SEE SHEET C002 FOR GENERAL NOTES AND LEGEND.
2. NOT ALL UNDERGROUND UTILITIES ON THESE DRAWINGS MAY BE SHOWN. FIELD LOCATE AND VERIFY ALL UNDERGROUND UTILITIES. COORDINATE ALL RELOCATION WORK WITH THE APPROPRIATE UTILITY COMPANY AND/OR OWNER PRIOR TO ANY EXCAVATION WORK.
3. FIELD VERIFY ALL MEASUREMENTS PRIOR TO START OF WORK.
4. ALL SIGNS, MATERIALS, AND PAVEMENT MARKINGS WITHIN CITY RIGHT OF WAY SHALL MEET THE CURRENT CITY OF PASCO STANDARDS.
5. REQUIRED SIGN SIZES:
   S1-1 (SCHOOL SIGN): 36"x36"
   S4-2P (WHEN CHILDREN ARE PRESENT): 24"x10"
   S4-3P (SCHOOL): 24"x8" (FYG COLOR)
   S5-1 (SCHOOL SPEED LIMIT 20 WHEN FLASHING): 24"x48"
   S5-2 (END SCHOOL ZONE): 24"x30"
   W16-7P (DIAGONAL ARROW): 24"x12" (FYG COLOR)
   W16-9P (AHEAD): 24"x12" (FYG COLOR)
   R2-1(20) (SPEED LIMIT): 24"x30"
   R2-1(35) (SPEED LIMIT): 30"x36"

No.	REVISIONS	DATE	DESIGN	CHECKED	APPD
1	CITY COMMENTS	11/6/19	ASW	NJM	NJM

KNUTZEN ENGINEERING
5453 RIDGELINE DR.
SUITE 120
KENNEWICK, WA 99338
1-509-222-0959
www.knutzenengineering.com

NATHAN J. MACHOLL — STATE OF WASHINGTON — 19971 — REGISTERED PROFESSIONAL ENGINEER
11/6/19

SCHOOL SIGNAGE PLAN

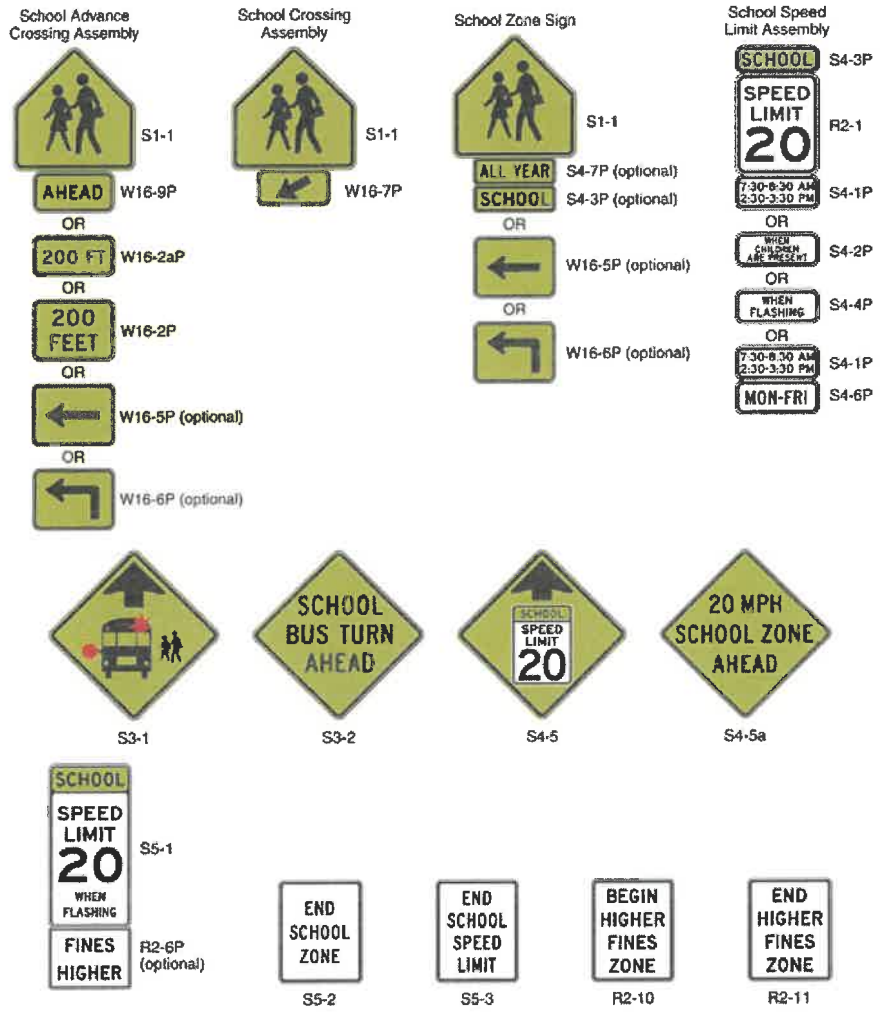
PASCO SCHOOL DISTRICT
BURNS ROAD AND BROADMOOR BLVD IMPROVEMENTS
PASCO, WA 99301

APPROVAL		
DESIGN	ASW	11/4/19
CHECKED	NJM	11/4/19
APPROVED	NJM	11/4/19

SCALE: AS NOTED
CADFILE: 17056C002
JOB No. 17056-02
REV. 1
DWG. No. C400

A1 SCHOOL SIGNAGE PLAN — SCALE: 1" = 100'-0"
A2 ENLARGED WEST POWER PLAN — SCALE: 1" = 40'-0"
A3 ENLARGED EAST POWER PLAN — SCALE: 1" = 40'-0"

Figure 7B-1. School Area Signs



A-8

2025 04 03 PH 1 PLAN REVIEW COMMENT LTR

City of Pasco
COMMUNITY AND ECONOMIC DEVELOPMENT
ENGINEERING - DEVELOPMENT (509) 545-3441
PO Box 293/525 North 3rd Ave. Pasco, WA 99301/www.pasco-wa.gov

Memo

To: Gabe Gallinger, PE – G2 Engineering
CC: Dave Swisher – Developer; Jon Padvorac – Padvorac Consulting LLC; Brian Cartwright – City of Pasco; Craig Raymond – City of Pasco

From: Kurtis Schliebe, Development Services Lead – City of Pasco

Date: 4/3/2025

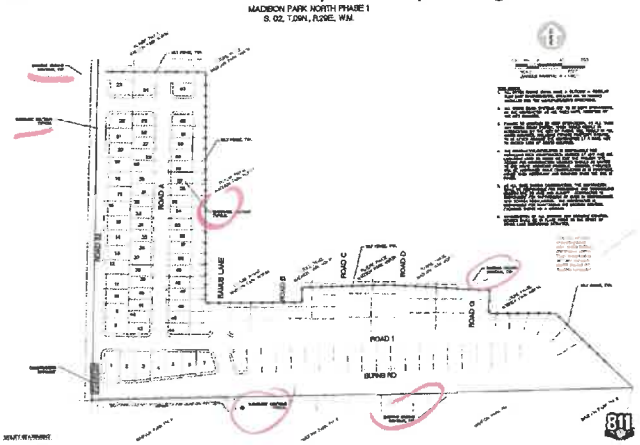
Subject: Madison Park North Phase 1 Subdivision (SDIV2025-005)

If there are any questions regarding the comments below, please contact the associated department.

- Fire, Troy Hendren (509) 543-5736
- Planning Division, Jennifer Ballard (509) 545-3441
- Engineering Dept., Kurtis Schliebe (509) 544-4148

Planning Comments:

- Submit the draft phasing and road alignments for the entire project per Condition of Approval No. 19 of Hearing Examiner Decision for PP2022-007 dated March 24, 2025 and Pasco Municipal Code (PMC) 21.25.040(c)(i)-(ii) & 21.25.040(c)(vii)(F)-(G).
- Please illustrate on the plans all of the advanced warning signs/flashing beacons/cross walk upgrades required per Condition of Approval No. 21 of Hearing Examiner Decision for PP2022-007 dated March 24, 2025.
- Do not install any landscaping (other than ground cover/vegetation for soil stabilization) in the Burns Road right-of-way prior to a landscape plan submitted to and approved by the City of Pasco.
- Sheet 3 of 20:
  I don't see what the labels in pink are pointing to?



Engineering Comments:

- Please see redlines for comments at the link below:

https://pascofileshare.com/link/U0k8Z3gsDrMA42el2nLlz8

- A summary of the redline markups are also available at the link below:

https://pascofileshare.com/link/h16VpdNUzaMOXF8Xx7DN0r

- Links Expire: 4/17/2025

If issues with link, please request reviewed redline comments to Developmentreview@pasco-wa.gov.

Please, submit two full size sets of plans addressing these comments for review and approval of the Engineering Department. Plans must be stamped, signed and dated by a Professional Engineer licensed in the State of Washington. Alternately, an electronic submittal may be excepted if it meets the City's requirements in lieu of the full set of plans.

A-9

2025 02 03 EMAIL FROM BRAIN C, PLAN REVIEW AGREEMENT

From: "Brian Cartwright" <cartwrightb@pasco-wa.gov>
To: "Jon Padvorac" <jon@padvorac-consulting.com>
"Development Review" <developmentreview@pasco-wa.gov>
CC: "Dave Swisher" <dave@daveswisher.com>
"Kurtis Schliebe" <schliebek@pasco-wa.gov>
"Tyler Johnson" <johnsonty@pasco-wa.gov>
"Gabe Gallinger" <gabe@g2-eng.com>
"Craig Raymond" <raymondc@pasco-wa.gov>
Date: 2/3/2025 4:56:19 PM
Subject: RE: ROWI submittal for Madison Park North PH1
Attachments: Madison Park Plan Review Request Response-Signed.pdf
PLAN REVIEW FEES DEV LTR-2024-10-18V.pdf

Hi Jon,

I hope this email finds you well.

See that attached letter regarding your submittal for the Madison Park North Phase 1 plan set. Also attached is the Plan Review and Inspection Fee agreement referenced in #3 of the attached letter.

Please return a signed copy of each at your earliest convenience.

Brian Cartwright | Development Services Manager | (509) 545-3445 | 525 N. 3rd Avenue | Pasco, WA 99301 | cartwrightb@pasco-wa.gov
Notice of Public Disclosure: This e-mail and any response may be public record under Washington State law and subject to inspection and copying by the public upon request. Accordingly, there can be no expectation of privacy.

From: Jon Padvorac <jon@padvorac-consulting.com>
Sent: Saturday, January 25, 2025 11:12 AM
To: Development Review <developmentreview@pasco-wa.gov>
Cc: Dave Swisher <dave@daveswisher.com>; Kurtis Schliebe <schliebek@pasco-wa.gov>; Tyler Johnson <johnsonty@pasco-wa.gov>; Brian Cartwright <cartwrightb@pasco-wa.gov>; Gabe Gallinger <gabe@g2-eng.com>
Subject: ROWI submittal for Madison Park North PH1

[**NOTICE:** This message originated outside of City of Pasco -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Brian, Tyler, and Kurtis,

Attached are the right-of-way improvement plans for Madison Park North Phase 1, along with the stormwater report. We recognize that final approval of the preliminary plat has not been issued, so we understand that final plan approval

must be obtained prior to plan approval so the City can confirm consistency between the plans and the conditions of approval.

Upsize Determination
The standards require an upsize determination before plan approval. The City's draft conditions indicate the project will receive upsize agreements for utilities exceeding the minimum sizes needed to serve the subdivision. We interpret this as a positive upsize determination sufficient to proceed with plan review. If the City does not view this constituting an upsize determination, please advise on the necessary steps to formally document the City's determination.

Latecomers
There appears to be a timing conflict between 14.25.030(1) and 14.25.030(1)(c)(vi) regarding submission of the latecomer application—requiring it both before civil plan approval and after construction plans or as-built drawings are available. To avoid future complications, we prefer to submit latecomer applications prior to plan approval unless we hear otherwise from the City. The attached plans are for review only. Once utility and road requirements have been reviewed and those components of the plans deemed mutually agreeable, we will submit the latecomer applications before plan approval. Please pay extra attention to the utility and road components along Road 52, so that once we receive the first round of plan review comments we can converge on a solution and provide the corresponding latecomer applications.

Burns Road Responsibility
Separately, we are working with the City on financial responsibility for construction and realignment of portions of Burns Road.

Permit Review Promptness
Overall, the timeframe requirements for processing of the Madison Park North preliminary plat and SEPA applications have far exceeded maximums established by the State, and the Developer is being faced with significant damages due to delays and softening market conditions. A prompt and comprehensive review of the civil plans would be much appreciated so we can start construction as soon as possible following project approval.

Please let me know if you have any questions or need additional information.

Best regards,

Jon Padvorac
Owner, Padvorac Consulting LLC

Cell: (509) 713-6365
Email: jon@padvorac-consulting.com

City of Pasco
Community Development Department
PO Box 293, 525 N 3rd Ave, Pasco, WA 99301
P: 509.545.3441 / F: 509.545.3499

Mr. Jon Padvorac
Padvorac Consulting
108735 E. 228 Pr Se
Kennewick, WA. 99338

February 3, 2025

Dear Mr. Padvorac,

This letter is in response to your e-mail on Saturday, January 25, 2025 at 11:12 a.m. The e-mail attached what the e-mail labels "right-of-way improvement plans for Madison Park North Phase 1," along with a stormwater report. The e-mail acknowledges that the Madison Park North preliminary plat has not yet been approved, but appears to request that the City begin civil engineering plan review in advance of plat approval, because the plat applicants would like to start construction as soon as possible following preliminary plat approval and are concerned about "softening market conditions."

As you may know, the City has previously offered to other development applicants a "courtesy" review of civil design plans prior to plat approval, in order to assist in identifying potential issues early in the process and to facilitate a smoother transition to the next stages of development. The City pleased to offer the same opportunity to the Madison Park North plat applicant, subject to several important conditions:

1. Non-Binding Review: The City's review and comment on proposed civil design plans prior to preliminary plat approval does not imply or constitute approval of the civil design plans or the preliminary plat. The civil plan drawings will not be stamped or signed by the City, nor will notice to proceed be granted to begin construction. Final approval of the civil design plans, and the issuance of any permits required for the work, will only occur after the preliminary plat has been formally approved by the City's Hearing Examiner and any applicable appeal period has expired.

2. Type of Review: The proposed civil design plans will be reviewed as a request for SUBDIV permits, and entered in the City's permit review system accordingly. Your January 25 e-mail refers to the submittal as "ROWI," which refers to a right-of-way improvement permit review, which is available only for work done in the right of way, which the property will not be at this point prior to final plat approval.

City of Pasco
Community Development Department
PO Box 293, 525 N 3rd Ave, Pasco, WA 99301
P: 509.545.3441 / F: 509.545.3499

3. Plan Review Fee: The Applicants must acknowledge and agree to pay the applicable fees set out in the City's plan review fee schedule by signing the mandatory Plan Review and Inspections Fee agreement. The Applicant will be responsible for the costs of all staff time at the prevailing rates outlined in the Agreement, along with the costs of any necessary outside third-party expert review, regardless of the outcome of the platting process. The Agreement must be executed by Applicants and accepted by the City prior to the City's commencement of the plan review process.

4. Risk Responsibility: The Madison Park North Applicants must also agree to accept responsibility for the cost and risk of any changes to the proposed civil designs due to right-of-way alignments, conditions of plat approval, or other factors that may arise subsequent to City plan review as a result of the Hearing Examiner's preliminary plat decision. Any modifications to the civil design plans necessary to comply with the preliminary plat or final plat approval requirements must be made at the Applicants' expense.

In this regard, please note that the City rejects the implication in the January 25, 2025 that the City is somehow responsible for delays in the SEPA environmental review process or preliminary plat process, or for "softening market conditions." The Applicants have voluntarily chosen to aggressively litigate multiple steps of the environmental review and plat process, adding significant delay, and the Applicants (and you, individually) repeatedly filed multiple, lengthy submissions that resulted in Hearing Examiner continuances of the plat hearing. The Applicants themselves are responsible for any delay in the process, and of course, as developers, bear all risks associated with either "rising" or "softening" market conditions.

5. Coordination: The Applicants encouraged to maintain close communication with City staff throughout this process. Any design elements that require clarification or adjustment should be discussed and resolved promptly to avoid delays.

6. Utility Upsizing. Your January 25 e-mail states that "The [City] standards require an upsize determination before plan approval." It is correct that PMC 14.25.030(3)(c) requires that "The City shall not permit a developer reimbursement agreement under this subsection *until determination has been made by the City* for payment of utility oversizing costs or reimbursement of the developer for the construction costs of all or a portion of the improvements." (Italics added). It is incorrect to characterize this as requiring a City determination *prior to* a developer's submission of an *application* for a developer reimbursement agreement.

City of Pasco
Community Development Department
PO Box 293, 525 N 3rd Ave, Pasco, WA 99301
P: 509.545.3441 / F: 509.545.3499

The criteria for submitting an *application* for a developer reimbursement agreement (aka "latecomers") are set for in PMC 14.25.030(1)(c). The process by which the City may make either a "preliminary determination," or a final City Council determination (if a hearing is requested), is set forth in different sections of the Code, PMC 14.25.040 and .050. This preliminary and final determination occurs only following the developer's completion of construction of utility improvements and certification of costs to the City, per PMC 14.25.030(3)(b)(iiii)(H) (within 120 days of the completion of utility system improvements, developer must submit the total cost of the utility system improvements to the City. This information will be used as the basis for determining reimbursements by future users who benefit from the water or sewer improvements).

While your e-mail states your belief that the City has already made a "positive upsize determination," such determination is not made until later in the process, as described in the code sections referenced above. While the City is willing to begin initial plan review under the conditions stated in this letter, the determination referenced in City code and in the City's recommended Condition of Approval No. 13 will not be made until following completion of the required utility improvements.

If you are referring to a determination as to the size and location of utilities, please refer to recommended Condition of Approval No. 13. Although Applicants did not contest recommended Condition No. 13, it will not become a binding Condition of Approval governing the preliminary plat until issuance of the Hearing Examiner's decision.

7. Latecomers Application. Your January 25 e-mail states that there is a contradiction in the City Code regarding whether an application for approval of a latecomer agreement is required before civil plan approval or after construction plans or as-built drawings are available. There is no contradiction in the Code. PMC 14.25.030(1)(c)(vi) requires that an application include either "[c]onstruction drawings or as-built drawings as required by the Public Works Department." If you submit a latecomer application prior to approval of the construction plans, the City will not be able to process or approve the latecomer agreement, the latter which is dependent upon a determination of the reimbursement area – which in turn is dependent upon the City's review of the actual, completed utility improvements and their final costs. See PMC 14.25.030(3)(b)(iii)(H) and .030(3)(c).

8. Burns Road. The January 25 e-mail states that "separately, we are working with the City on financial responsibility for construction and realignment of portions of Burns Road." We are not aware of any discussions between the Applicants and the City for an agreement allocating financial responsibility for Burns Road. The preliminary plat application proposes that the Applicants construct Burns Road as shown on the plans, as do the civil plans attached to your January 25 e-mail. City conditional review of those plans as provided in this letter is based on that understanding.

We appreciate your cooperation and look forward to working with you to ensure the successful development of your project. If you wish to proceed with City review of the civil plans submitted with

City of Pasco
Community Development Department
PO Box 293, 525 N 3rd Ave, Pasco, WA 99301
P: 509.545.3441 / F: 509.545.3499

your January 25, 2025 e-mail, please confirm in the space provided below the Applicants' agreement that the City do so in accordance with the conditions set forth above. If you have any questions or need further assistance, please do not hesitate to contact me at (509) 545-3445 or cartwrightb@pasco-wa.gov.

Sincerely,

Brian Cartwright
Development Review Manager
City of Pasco

Agreed and accepted:
MADISON PARK NORTH APPLICANTS

DAVID SWISHER AND FARM 2005, LLC

_____
By: Jon Padvorac, Applicants' Representative
Owner, Padvorac Consulting LLC
Cell: (509) 713-6365
Email: jon@padvorac-consulting.com

City of Pasco
COMMUNITY AND ECCONOMIC DEVELOPMENT
ENGINEERING - DEVELOPMENT (509)545-3441
PO Box 293/525 North 3rd Ave. Pasco, WA 99301/www.pasco-wa.gov

Plan Review and Inspection Fee Application

The Department of Community and Economic Development oversees the plan review and inspection of all Public Works improvements made by private developers. The City of Pasco charges fees for these plan review and inspection services. Please note that these fees are not included in the Building Permit review and are in addition to fees charged by the Building Division.

All fees for plan review and inspection are based on the prevailing engineering hourly rate set by the City of Pasco (PMC 3.35.180). Billing for these services is issued monthly, with a 30-day payment cycle. It is required that all accounts remain current.

Delinquent accounts for projects under plan review will result in an immediate suspension of the review process. Once the account is brought current, the review will resume; however, the project will lose its place in the queue, and the review timeline will restart.

Delinquent accounts for projects under construction, will result in the issuance of a Stop Work Order, immediately halting all inspection services. Any work performed after a Stop Work Order is issued will be subject to fines. In addition to levying fines, any improvements made while the Stop Work Order is in effect will be required to be removed at the responsible party's expense.

The Responsible Party will be financially liable for all costs associated with plan review and inspection fees detailed above. Please provide the following information:

Responsible Party: _____
Parcel Number(s): _____
Project Address: _____
Address: _____
_____
Phone Number: _____
Email: _____
Engineer of Record: _____

By signing below, you acknowledge and agree to the fees outlined above and understand that you are responsible for all fees associated with your development. In addition to the actions mentioned above, non-payment may result in further actions to collect outstanding debts, including placing liens on the improvements and/or developed property.

Responsible Party: _____ **Date:** _____
SIGNATURE

A-10

2024 03 13 EMAIL HARPSTER LINCOLN CONVENTION DRIVE

From: DAVID GREENO <ccolre@aol.com>
Sent: Tuesday, January 23, 2024 11:34 AM
To: Adam Lincoln <lincolna@pasco-wa.gov>
Cc: Richa Sigdel <sigdelr@pasco-wa.gov>
Subject: Convention Drive Extension

You don't often get email from ccolre@aol.com. Learn why this is important

[**NOTICE:** This message originated outside of City of Pasco -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Mr. Lincoln,

I wanted to circle back on the extension of Convention Drive at our Glacier Park subdivision north of Burns Road in Pasco.

You may recall that Brad Seabaugh and I met with you, Richa, Jacob, and Jon on September 26th and came to an agreement that the City would contribute equally towards the construction costs of extending Convention Drive from its current location north through the Glacier Park subdivision at its current angle.

Based on bids from our contractor at the time of our discussion the total cost is $1,025,841.28.

Now that our pre-plat application has been resubmitted and I anticipate starting construction near the end of the year, I would like to formally document and execute our agreement. When we met in September, Staff's suggestion was that an Upsize Agreement would be the appropriate mechanism.

Please let me know if you would like Eric to prepare the documentation or if you would like our attorney to do so.

I certainly look forward to working with the City on this project that will bring several hundred homes to the Pasco real estate market.

Sincerely,

Dave Greeno

Big Sky Developers

Sent from my iPhone

A-11

EMAIL 2024 10 04 EMAIL FROM HARPSTER TO SIGDEL

From: "Peter Harpster" <peter@harpsterld.com>
To: "Richa Sigdel" <sigdelr@pasco-wa.gov>
"Jacob Gonzalez" <gonzalezjb@pasco-wa.gov>
"Adam Lincoln" <lincolna@pasco-wa.gov>
"Craig Raymond" <raymondc@pasco-wa.gov>
"Maria Serra" <serram@pasco-wa.gov>
CC: "Dave Greeno" <ccolre@aol.com>
"Brad Seabaugh" <brad.seabaugh@fsbwa.com>
Date: 10/4/2024 3:47:53 AM
Subject: Re: Glacier Park SEPA Appeal

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Richa,

That's what I was anticipating so I've already calendared a reminder for me to reach back out so we can discuss.

Thanks for the follow up,
Peter

Peter Harpster
(509) 212-9596

From: Richa Sigdel <sigdelr@pasco-wa.gov>
Sent: Thursday, October 3, 2024 10:55:13 PM
To: Peter Harpster <peter@harpsterld.com>; Jacob Gonzalez <gonzalezjb@pasco-wa.gov>; Adam Lincoln <lincolna@pasco-wa.gov>; Craig Raymond <raymondc@pasco-wa.gov>; Maria Serra <serram@pasco-wa.gov>
Cc: Dave Greeno <ccolre@aol.com>; Brad Seabaugh <brad.seabaugh@fsbwa.com>
Subject: RE: Glacier Park SEPA Appeal

Hi Peter,
We discussed with our team here and there is not much we can do at this time till the Hearings Examiner makes a decision on our motion to dismiss the appeal. The date is scheduled for 15th but our hope is that he will make the decision earlier than that. We are working on all the possible outcomes so we are ready when decisions are made. We appreciate your patience.
Thank you.

Richa Sigdel
Deputy City Manager

City of Pasco

O: 509-544-3080
sigdelr@pasco-wa.gov | **www.pasco-wa.gov**
City Hall, 525 N. 3rd Avenue, Pasco, WA 99301

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From: Peter Harpster <peter@harpsterld.com>
Sent: Wednesday, October 2, 2024 12:51 PM
To: Richa Sigdel <sigdelr@pasco-wa.gov>; Jacob Gonzalez <gonzalezjb@pasco-wa.gov>; Adam Lincoln <lincolna@pasco-wa.gov>; Craig Raymond <raymondc@pasco-wa.gov>; Maria Serra <serram@pasco-wa.gov>
Cc: Dave Greeno <ccolre@aol.com>; Brad Seabaugh <brad.seabaugh@fsbwa.com>
Subject: RE: Glacier Park SEPA Appeal

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Richa,

There is no "up to number", that's what we're looking for. I understand the City cannot charge more than what is listed in the SEPA mitigation but that's what we're trying to clarify here – what that amount will be...beyond just a percentage.

Thanks for your efforts look forward to hearing more on the 11th.

Peter Harpster | Project Manager
Harpster Land Development
10211 Cottonwood Dr. Kennewick, WA 99338
(509) 212-9596

Harpster Land Development
CONSULTING SERVICES

From: Richa Sigdel <sigdelr@pasco-wa.gov>
Sent: Wednesday, October 2, 2024 12:34 PM
To: Peter Harpster <peter@harpsterld.com>; Jacob Gonzalez <gonzalezjb@pasco-wa.gov>; Adam Lincoln <lincolna@pasco-wa.gov>; Craig Raymond <raymondc@pasco-wa.gov>; Maria Serra <serram@pasco-wa.gov>
Cc: Dave Greeno <ccolre@aol.com>; Brad Seabaugh <brad.seabaugh@fsbwa.com>
Subject: RE: Glacier Park SEPA Appeal

Hi Peter,
The up to number is the ceiling as we had discussed. This was done to account for the fact that there is certain level of certainty for developers but also allow for reduction if the project costs come in lower. The intention of the City is not to charge more that the amount listed on SEPA. Give us till 10/11 and we will come back with next steps that might provide higher level of certainty for all parties.
Thank you.

Richa Sigdel
Deputy City Manager

City of Pasco

O: 509-544-3080
sigdelr@pasco-wa.gov | **www.pasco-wa.gov**
City Hall, 525 N. 3rd Avenue, Pasco, WA 99301

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From: Peter Harpster <peter@harpsterld.com>
Sent: Wednesday, October 2, 2024 11:35 AM
To: Jacob Gonzalez <gonzalezjb@pasco-wa.gov>; Adam Lincoln <lincolna@pasco-wa.gov>; Richa Sigdel <sigdelr@pasco-wa.gov>; Craig Raymond <raymondc@pasco-wa.gov>; Maria Serra <serram@pasco-wa.gov>
Cc: Dave Greeno <ccolre@aol.com>; Brad Seabaugh <brad.seabaugh@fsbwa.com>
Subject: RE: Glacier Park SEPA Appeal

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My best-educated guess, based on a similar proposed project is the Rd 68/Burns Rd

signalization/pedestrian facilities...2022-2028 CIP plan listed it at $2.5MM, that would mean: 1% = $25,000 and 13% = $325,000. So we're now looking at total mitigation of $1.6MM. Am I close?

Peter Harpster | Project Manager
Harpster Land Development
10211 Cottonwood Dr. Kennewick, WA 99338
(509) 212-9596

Harpster Land Development
CONSULTING SERVICES

From: Peter Harpster
Sent: Wednesday, October 2, 2024 11:15 AM
To: Jacob Gonzalez <gonzalezjb@pasco-wa.gov>; Adam Lincoln <lincolna@pasco-wa.gov>; Richa Sigdel <sigdelr@pasco-wa.gov>; Craig Raymond <raymondc@pasco-wa.gov>; Maria Serra <serram@pasco-wa.gov>
Cc: Dave Greeno <ccolre@aol.com>; Brad Seabaugh <brad.seabaugh@fsbwa.com>
Subject: RE: Glacier Park SEPA Appeal

Good morning all,

Regarding SEPA Mitigation for Glacier Park...the 1% contribution for Burns Rd/Road 60 signalization, and 13% contribution for Convention/Sandifur signalization presents a problematic scenario being that there are no actual dollar amounts established.

Does the City have estimates on what these projects are going to cost? These projects were never contemplated to be a part of our mitigation until the Fehr and Peers study...we're past that now, but really need to have fixed dollar amounts. Please advise.

Thanks,

Peter Harpster | Project Manager
Harpster Land Development
10211 Cottonwood Dr. Kennewick, WA 99338
(509) 212-9596

Harpster Land Development
CONSULTING SERVICES

From: Peter Harpster
Sent: Thursday, September 26, 2024 2:35 PM
To: Jacob Gonzalez <gonzalezjb@pasco-wa.gov>; Adam Lincoln <lincolna@pasco-wa.gov>; Richa Sigdel <sigdelr@pasco-wa.gov>; Craig Raymond <raymondc@pasco-wa.gov>
Cc: Dave Greeno <ccolre@aol.com>; Brad Seabaugh <brad.seabaugh@fsbwa.com>
Subject: RE: Glacier Park SEPA Appeal

Perfect, that's what I was hoping. I didn't think that'd be a big hurdle either, being that everything was ready to go for the July HE meeting.

Peter Harpster | Project Manager
Harpster Land Development
10211 Cottonwood Dr. Kennewick, WA 99338
(509) 212-9596

Harpster Land Development
CONSULTING SERVICES

From: Jacob Gonzalez <gonzalezjb@pasco-wa.gov>
Sent: Thursday, September 26, 2024 2:28 PM
To: Peter Harpster <peter@harpsterld.com>; Adam Lincoln <lincolna@pasco-wa.gov>; Richa Sigdel <sigdelr@pasco-wa.gov>; Craig Raymond <raymondc@pasco-wa.gov>
Cc: Dave Greeno <ccolre@aol.com>; Brad Seabaugh <brad.seabaugh@fsbwa.com>
Subject: RE: Glacier Park SEPA Appeal

No specifics on timing, but our intent is to get this (and the other) applications to the next available Hearing Examiner meeting in November. If the SEPAs can proceed as issued, then I don't see why that would be a difficult target date to maintain.

Jacob B. Gonzalez

O: 509-544-4136 M: 509-802-7289
gonzalezjb@@pasco-wa.gov | www.pasco-wa.gov
City Hall, 525 N. 3rd Avenue, Pasco, WA 99301

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From: Peter Harpster <peter@harpsterld.com>
Sent: Thursday, September 26, 2024 1:34 PM
To: Jacob Gonzalez <gonzalezjb@pasco-wa.gov>; Adam Lincoln <lincolna@pasco-wa.gov>; Richa Sigdel <sigdelr@pasco-wa.gov>; Craig Raymond <raymondc@pasco-wa.gov>
Cc: Dave Greeno <ccolre@aol.com>; Brad Seabaugh <brad.seabaugh@fsbwa.com>
Subject: RE: Glacier Park SEPA Appeal

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Received, thanks. With regards to my last paragraph, any thoughts on timing?

Sincerely,

Peter Harpster | Project Manager
Harpster Land Development
10211 Cottonwood Dr. Kennewick, WA 99338
(509) 212-9596

Harpster Land Development
CONSULTING SERVICES

From: Jacob Gonzalez <gonzalezjb@pasco-wa.gov>
Sent: Thursday, September 26, 2024 10:31 AM
To: Peter Harpster <peter@harpsterld.com>; Adam Lincoln <lincolna@pasco-wa.gov>; Richa Sigdel <sigdelr@pasco-wa.gov>; Craig Raymond <raymondc@pasco-wa.gov>

Cc: Dave Greeno <ccolre@aol.com>; Brad Seabaugh <brad.seabaugh@fsbwa.com>
Subject: RE: Glacier Park SEPA Appeal

Peter,

Please see attached motions for Raven Place and Pasco School District.

Staff is working on the TIF Fee and TIF Credits that can be authorized under our current PMC and RCWs.

Thank you.

Jacob B. Gonzalez

City of Pasco

O: 509-544-4136 **M:** 509-802-7289
gonzalezjb@@pasco-wa.gov | **www.pasco-wa.gov**
City Hall, 525 N. 3rd Avenue, Pasco, WA 99301

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From: Peter Harpster <peter@harpsterld.com>
Sent: Thursday, September 26, 2024 10:25 AM
To: Adam Lincoln <lincolna@pasco-wa.gov>; Richa Sigdel <sigdelr@pasco-wa.gov>; Jacob Gonzalez <gonzalezjb@pasco-wa.gov>; Craig Raymond <raymondc@pasco-wa.gov>
Cc: Dave Greeno <ccolre@aol.com>; Brad Seabaugh <brad.seabaugh@fsbwa.com>
Subject: RE: Glacier Park SEPA Appeal

[**NOTICE:** This message originated outside of City of Pasco -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Good morning,

Big Sky's legal counsel is working on a response in support of the City's Dismissal Motion on Glacier Park that Mr. Harper and Mr. Kottkamp should see come across their desks by COB tomorrow.

Richa and I spoke on the phone this week regarding this whole issue. An item of concern for Big Sky was that the City was going to collect both TIF fees and SEPA mitigation for the same project, which is prohibited by statute. Richa explained that the City does *not* intend to do so...can someone provide some detail for us as to what specific projects we can anticipate paying TIF fees on?

Can you clarify that a parallel Motion was filed for Raven Place and the School District?

I believe that our only concern left is Mr. Harper's open-ended request for "briefing schedules" related to the motion, and suspension of all dates in the Scheduling Order. As you can imagine, we don't want to see any further delays and we believe the November hearing dates should be maintained, regardless of any new briefing schedules for the motion. In speaking with Richa it sounds like the position of City Staff is to move these three projects (Raven Place, Glacier Park, and HS#3) along as quick as possible...especially given the fact that we all have a SEPA determination and are ready for the preliminary plat public hearing. Please advise on this particular item.

Thank you,

Peter Harpster | Project Manager
Harpster Land Development
10211 Cottonwood Dr. Kennewick, WA 99338
(509) 212-9596

Harpster Land Development
CONSULTING SERVICES

From: Peter Harpster
Sent: Tuesday, September 24, 2024 8:59 AM
To: Adam Lincoln <lincolna@pasco-wa.gov>; Richa Sigdel <sigdelr@pasco-wa.gov>; Jacob Gonzalez <gonzalezjb@pasco-wa.gov>; Craig Raymond <raymondc@pasco-wa.gov>
Cc: Dave Greeno <ccolre@aol.com>; Brad Seabaugh <brad.seabaugh@fsbwa.com>
Subject: Glacier Park SEPA Appeal

Good morning all,

It should go without saying, but I want to make it clear that I am reaching out as a

representative of Big Sky Developers and **NOT** as a Councilmember.

My client, Big Sky Developers, has become increasingly frustrated by what is unfolding with Dave Swisher's appeal of the four projects (High School #3, Madison Park, Raven Place, and Glacier Park) north of Burns Rd. Big Sky's legal counsel has tried, to no avail, to talk with the City's legal representation, Ken Harper, and can't even get a call returned. Big Sky's legal counsel has however been able to check in with Swisher's legal counsel, Jamie Carmody, who has evidently had multiple conversations with Staff regarding this issue. Collectively Big Sky's representatives (myself and Mark Fickes) have only been able to discuss this issue for a total of a few minutes with Staff.

As of this morning, we understand that Mr. Swisher has withdrawn his SEPA appeal of the Madison Park project, the City has withdrawn the SEPA determination for the Madison Park project, and the City plans to file a motion to dismiss the other three appeals. In this scenario, an unfair situation would occur in which Madison Park gets their mitigation reduced significantly, or even potentially eliminated, while the other three projects proceed with their mitigation, and the "orphan share" of Madison Park's mitigation is either absorbed by the City or distributed between the other three projects.

City Staff should be treating all the developers similarly and not cutting "deals" (or at least creating the appearance of cutting deals) with certain developers while the rest are left wondering what happened. Big Sky Developers has always been respectful and fair to Staff and the City and done the right thing...including acquiring over 5 acres of land next door to Glacier Park to extend Convention Drive (another situation that was a fiasco but that we've been able to work out) but now they're being treated unfairly.

We request that the City immediately **withdraw the MDNS for Glacier Park**.

As Staff should be aware by now, the City cannot legally collect GMA-based TIFs *and* require additional monetary contributions under SEPA. City Staff ignored peer-reviewed TIAs from PBS and the Transpo Group, and is making three of four developers pay for road improvements that should have been done by the school district, or where there were already existing deficient conditions that were not caused by the projects. The City should have absorbed a good portion of the costs, rather than allocating those costs to the 4 projects.

Please respond in a timely manner so we know what our next steps will be.

Sincerely,

Peter Harpster | Project Manager
Harpster Land Development
10211 Cottonwood Dr. Kennewick, WA 99338

(509) 212-9596

Harpster Land Development

CONSULTING SERVICES

A-12

2024 11 22 - FOLLOW-UP MEMO FROM SWISHER TO SIGDEL

Subject: Follow up letter from this weeks meeting regarding Madison Park North
From: Dave Swisher <dave@daveswisher.com>
Date: 11/22/2024, 4:34 PM
To: Richa Sigdel <sigdelr@pasco-wa.gov>
CC: lincolna@pasco-wa.gov, raymondc@pasco-wa.gov, Jon Padvorac <jon@padvorac-consulting.com>

Hi Richa,

I have attached a letter with my thoughts regarding our meeting this week.

Feel free to reach out if you want to discuss,

Dave
541.788.8971

—Attachments:

mem_2024 11 20 follow up email to Richa (1).docx 19.3 KB

Date: 11/22/2024

To: Richa Sigdel, Deputy City Manager, City of Pasco

From: Dave Swisher, EE Resources LLC & Emerald Resources LLC

CC: Adam Lincoln, City Manager, City of Pasco
Craig Raymond, Deputy CED Director, City of Pasco

RE: Madison Park North Preliminary Plat Path Forward

Dear Richa,

Our meeting the other day didn't go so well. I have to admit, the tone of the meeting set me back on my heels, I wasn't quite expecting this result after all we have worked through so far. Hopefully, we can find a path forward in a couple weeks and past commitments will be honored, even though you just revisited several items despite having previously agreed-upon paths forward.

Throughout this process over the last several months, I have raised what I would consider legitimate concerns and provided detailed memos outlining the flaws in the City's practices. Essentially, the City asks for things from developers that aren't okay to ask for. When the City pivoted on the proportionate share from where my approved TIA said I only needed to pay traffic impact fees, the City ordered a new report that was shoved down everyone's throat. As you recall in that meeting where you said there would be winners and losers, I voiced my concern multiple times to no avail. Additionally, whenever I would raise that concern with you personally, you always said, Dave if you don't like what the City is doing you can just appeal the decision. So, after a ton of money spent on attorneys and consultants and delays we arrive at a point where it turns out I was correct and the issue was resolved I should be the one that is upset, not you. I have had to endure costs and delays due to the path you chose to take. My efforts to resolve these issues diplomatically have repeatedly been met with resistance or silence.

Below, I have outlined each key topic discussed in our meeting this week, including context, prior agreements, and the City's current position or at least how I perceived the City's current position. When we meet in a couple of weeks, I hope we can converge on a reasonable path forward to prevent the unnecessary delays and costs associated with further appeals, already the damages are racking up.

Boulevard Perpetual Maintenance Fee

The City's current practice is to require a Boulevard Perpetual Maintenance Fee otherwise the City won't take over landscaping outside estate fences that frequently run along arterials and some collectors. PMC 3.100.010 is clear that the fee can only be spent for the maintenance of designated boulevards, which appear to be designated in PMC 25.180.060. This was confirmed during our meeting when you said that the beautiful boulevards benefit all the citizens, so developers should all have to pay their part towards boulevard maintenance. You said you plan to calculate my boulevard perpetual maintenance fee by determining the cost to perpetually maintain the mow strips outside estate fences along major roads.

I sent a memo to you in June of 2024 describing in detail why I believe the City's practice is wrong. Additionally, your plan for how to calculate my fee seems inconsistent with the legal use of the Boulevard Perpetual Maintenance fund. Using costs associated with landscape strips outside estate walls to determine your estimate of my responsibility to maintain specific designated boulevards

throughout the city is arbitrary and just looks like a far-fetched creative attempt at taking more of my money.

In our meeting I mentioned that I would be willing to consider paying the fee as long as we were in some mutual agreement on the remainder of the items. After our meeting it was apparent that we were not in agreement on any of the items we discussed.

Water Rights In-Lieu Fee

The City previously informed me in writing that vested developments qualified for pre-update rates. However, in our meeting, you mentioned that without an email specifically from you, I wouldn't receive the pre-update rates. I take issue with that change in stance and hope that you will review your notes and prior commitments and reflect the correct change on the plat conditions. Your current position is inconsistent with what the City told me, staff, and council members during the recent update to the water rights in-lieu fees.

Private Water Line Along the North Side of Burns

Based on prior discussions with you, you felt it was reasonable that I could take the same approach to the Eickmeyr irrigation that runs along the North side of Burns as the City allowed the High School to implement (in the ROW, under the mixed-use path, permitted and built to City standards). Now, instead of the same response, you said you are having your legal team review the request. How I interpreted that was if there was a way to get out of it, you would. My expectation is that you take the practical path forward that the City has already allowed others to implement for the same water line, and allow me to utilize the same solution as the High School. I don't understand how a drop of water can go across public property across high school property, but for some reason that same drop of water can't go across public property in front of my property.

Mandatory LID Waiver

I sent a memo to you in June of 2024 describing why the City's mandatory LID waiver did not appear to be legal, and I am yet to receive a response. You acknowledged that the current projects were mitigating their impacts, but said that the LID waiver had been applied to everybody recently, making it hard to not apply it to me at this point. You are attempting to take my future rights to protest an LID that I feel is unfair or illegal as a condition of project approval. As you stated, my impacts are fully mitigated, I am not comfortable writing the City a blank check for any future LIDs. The City has shown little regard for the law, my project, or treating me fairly. Your proposed LID waiver has the potential for the City exacting unlimited funds from me or my homebuyers for needs of the overall City, despite the basic tenants of nexus and proportionality clearly showing that because my impacts are mitigated I don't owe the City any additional compensation. I will not be waiving my right to protest an LID as a condition of development, and you have no legal or fair reason for trying to take my rights.

South Half of Burns Road

Staff previously indicated compensation would be required for any dedication or improvements for the southern half of Burns Road. You now offer two options that are completely different than our understanding: full right-of-way dedication with improvements, or significant delays while you seek City Council funding for a purchase prior to my project getting approved. As I mentioned in the meeting, I feel

this is a "sneaky" way to try and force me to concede to the City's demands. I am sorry that hurts your feelings, I honestly don't want that. I would like to have a cordial relationship with you and the City in the future, but this reversal in opinion is too much, especially that knowing Burns road wasn't even conceived as a road when Madison Park South was built and my current development only needs a partial road section. You mentioned the rules are not as clear on your side regarding this matter, but at your direction the City is looking at the TSMP, TIP, TIAs, Comp Plan, and anything else that can be thought of to see if you can require full right-of-way dedication with improvements. If you lack clear ability to require something of me, I implore you to exercise restraint.

Park Impact Fee Credits

My understanding of our previous agreement was that we would move away from a percentage calculation of park impact fees and I would just build the park and pay no park fees, as the value of the park I was building and the land it was built on would exceed the fees the City would otherwise charge. When I agreed to allow the HOA to take over the cost of maintaining the park, I did that with the understanding we had agreed on no double dipping which would mean no park impact fees if I built the park. Again, my understanding of what we had previously agreed that if park improvements exceeded required fees, those fees would be waived as long as I kept the park in the HOA so the City wouldn't have to worry about maintenance, as you stated that current staffing levels are inadequate for maintaining small parks. I was seeking to find some middle ground so my project could move forward. My position this entire time is that the City doesn't have the means of legally requiring dedication and construction of park space, but that I would build a park on reasonable terms. Staff strongarmed me and wouldn't take my project to the hearing examiner until I showed a park, and my preference is to build one on reasonable terms, so one is currently shown in my preliminary plat drawings. Now, you said that your staff will need some time to calculate how much credit I would be entitled to which means I would be dedicating the land, paying for the park, and still paying Park Impact fee of some amount. Argg.

Credit for Right-of-Way Dedication & Improvements

I submitted memos outlining credit requests for Road 52 and Burns Road back in June, which the City agreed to review. I have still not received a response describing why you don't think you should provide these credits. Even though you have had these memos for months, you now require additional weeks to assess these requests. I feel like the City has delayed my project long enough and the costs associated with these delays are becoming astronomical. Please, I ask you to see the situation from my perspective just a little and not try and see if there is some way to make me pay for appealing the SEPA. I want a good relationship with you. It's important to me and I will work really hard to make that happen, but sticking it to me is not a good way to start.

Sincerely,

Dave Swisher

A-13

2024 12 06 - EMAIL WITH 12 04 MEETING MINUTES

Subject: minutes from 12/4 meeting
From: Jon Padvorac <jon@padvorac-consulting.com>
Date: 12/6/2024, 7:53 AM
To: "lincolna@pasco-wa.gov" <lincolna@pasco-wa.gov>, sigdelr@pasco-wa.gov, Craig Raymond <raymondc@pasco-wa.gov>, Dave Swisher <dave@daveswisher.com>, "sjwest33@hotmail.com" <sjwest33@hotmail.com>

Hi All,

Thank you for meeting to discuss the Madison Park North preliminary plat. I have prepared the attached meeting minutes for your review. Please let me know if you have any comments, corrections, or additions.

Best regards,

Jon Padvorac
Owner, Padvorac Consulting LLC
Cell: (509) 713-6365
Email: jon@padvorac-consulting.com

—Attachments:

min 2024 12 04 Meeting Minutes.docx 41.5 KB

Subject: RE: minutes from 12/4 meeting
From: Richa Sigdel <sigdelr@pasco-wa.gov>
Date: 12/8/2024, 1:01 PM
To: Jon Padvorac <jon@padvorac-consulting.com>, Adam Lincoln <lincolna@pasco-wa.gov>, Craig Raymond <raymondc@pasco-wa.gov>, Dave Swisher <dave@daveswisher.com>, "sjwest33@hotmail.com" <sjwest33@hotmail.com>

Thank you Jon. This is received, though I have not reviewed it for agreement.

Richa Sigdel
Deputy City Manager/Interim Community & Economic Development Director

Image

O: 509-544-3080
sigdelr@pasco-wa.gov | www.pasco-wa.gov
City Hall, 525 N. 3rd Avenue, Pasco, WA 99301
FacebookLinkedInYouTubeInstagram

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Meeting Minutes

Meeting: EE Properties (Dave Swisher)/City Coordination – Madison Park North Prelim Plat
Date/Time: 12/4/2024 @ 4pm
Location: MS Teams

Attendees:

Name	Organization	Role
Adam Lincoln	City of Pasco	City Manager
Richa Sigdel	City of Pasco	Deputy City Manager
Craig Raymond	City of Pasco	Deputy CED Director
Dave Swisher	EE Properties LLC	Developer, Property Owner
Jon Padvorac	Padvorac Consulting LLC	Developer's Consultant
Steve West	Farm 2005 LLC	Property Owner

MINUTES

Parks

Background:

- 5/21/2024: Dave sent a memo expressing concerns with the City's approach to park requirements.
- 12/4/2024:City's legal counsel provided a 7-page letter addressing several memos that had been sent to the City between March and June of 2024. The memo stated among other things that:
    - The City was willing to provide a credit for park land dedication/improvement, but took the position that the RCWs mentioning "credit" does not specify "full credit", and indicated that credits would in general be calculated in accordance with PMC 3.50.060.
    - The City is willing to consider some credit for the value of land and cost of improvements, but did not clarify if this was a 1:1 credit for costs incurred, or if the City would attempt to limit the credit using the provisions of PMC 3.50.060.

Dave: Is the intent to provide full credit, or just the credit allowed per the PMCs?
Richa: The park is too small to be dedicated, the City doesn't want to be responsible for maintenance of a lot of small parks, unless Adam has a different approach. The park and mixed use paths would be considered to be "open recreational area" in the credit calculation [a reference to the provisions of PMC 3.50.060].

> [A lengthy discussion followed. Dave expressed concern that requiring the adequate park space to meet level of service standards while still requiring park impact fees is double dipping]

Dave: Let's consider a hypothetical scenario. If the park costs about $1 mil for me to build, and the impact fees are around $650k, I would receive a waiver for my $650k, but I would not receive any reimbursement for the park cost in excess of the fee credit ($350k).
Richa: That is what we are proposing, correct. In this scenario you would not pay any impact fees, but you would not get a reimbursement. But we would need to review the actual as-built costs associated with the park to determine how much credit would be provided.
Richa: Also, there would be standards for how the park would need to be built.
Jon: We addressed that in our plat drawings, we coordinated with City staff and converged on a plan, and we added language that we would use similar composition to the most recently City built park, Palomino Park.
Richa: If the park were HOA maintained, the City wouldn't be too worried about it's composition, but if it were a City maintained park there would be more careful review.
Dave: My goal is to avoid another few-year headache like the Madison Park South park, staff kept making requirements more strict after they had been agreed upon, and took years to finally approve something.
Jon: Something to think about is how to address fees for the initial phases of construction, before the park is built. It likely makes the most sense to bond or do something like that before the park is built, then after the park is built, the bond could be returned.
Craig: Aren't bonds only good for a couple of years, and the park would be built maybe a few years in?
Jon: That is a good point, a cash bond wouldn't have those limitations. I would need to coordinate with Dave to see if this would work with him.

Boulevard Perpetual Maintenance Fee

Background:

- 6/13/2024: Dave sent Richa and Jacob Gonzalez a memo expressing concerns with the City's custom of charging a boulevard perpetual maintenance fee.
- 12/4/2024: City's legal counsel provided a 7-page letter addressing several memos that had been sent to the City between March and June of 2024. The memo stated among other things that:
    - The fee would be assessed via a voluntary agreement as a condition of subdivision approval.
    - The developer would have the choice of either paying the fee via a voluntary agreement or losing their preliminary plat approval.

Dave: I didn't appreciate how your lawyer phrased his letter – that I have to pay your "voluntary" fee or not get subdivision approval. I chuckled when I read that, that is exactly how Pasco seems to operate. You have to do what they want or they don't approve your project.
Richa: I had said we would calculate your specific fee, but that calculation is still in progress. I can say though, it will far exceed what we used to charge of $475 per lot. I'm willing to provide you the fee we used to charge of $475/lot, or you could have your HOA maintain the landscaping. But you have to decide now, the plat conditions need to be sent to the hearing examiner in the morning.

Dave: Can you leave both options in so I don't have to decide on the fly?
Richa: Sure, we can do that.

Waiver of Right to Contest LID

Background:

- 6/13/2024: Dave sent a memo to Richa and Jacob Gonzalez expressing concerns about the City's typical practice of mandating the right to contest formation of an LID as a condition of receiving final plat.
- 11/22/2024: Dave sent a memo to Richa stating among other things that if a developer's impact is fully mitigated (which Richa said was the case), the City does not have basis for taking his ability to contest a completely undefined financial burden in the future.
- 12/4/2024: City's legal counsel provided a 7-page letter addressing several memos that had been sent to the City between March and June of 2024. The memo stated among other things that:
    - The City can make provisions to ensure that appropriate provisions are made for public infrastructure.
    - PMC 21.25.060(1)-(6) provides the City broad authority to condition a subdivision approval, including requiring meeting other legal or financial conditions, such as a waiver of protest to future formation of an LID.
    - Since the LID formation is potential, not certainty, it does not constitute a "tax, fee, or charge, either direct or indirect"
    - The developer's position that impacts being fully mitigated is inaccurate, because mitigation fees and impact fees are designed to impose fees for impacts or burdens that result from a project, while an LID imposes fees calculated based on the special benefits.
    - The case of Tiffany Family Trust vs. City of Kent was cited, a case where the Tiffany family trust failed to use the mandatory statutory procedure for challenging LID assessments, and sought unsuccessfully to have the finalized assessment deemed an unconstitutional taking.

Richa: We will be moving forward with the LID waiver language prepared by our lawyer.
Dave: You may feel strongly about this, but remember that this recently happened with the SEPA proportionate share contributions. Our team is confident you cannot force me to give up my right to contest formation of an LID, it sounds like we'll just have to take this up with the hearing examiner.

Burns Road ROW & ROW Credits

Background:

- 6/13/2024: Dave sent a memo to Richa and Jacob Gonzalez requesting the City look into if credit would be owed for dedicated right-of-way and improvements along the Burns Road right-of-way.

- 12/4/2024: City's legal counsel provided a 7-page letter addressing several memos that had been sent to the City between March and June of 2024. The memo stated among other things that:
    - The City's position is that the City's STIP is the capital facilities element of the comp plan, and neither Road 52 or this segment of Burns Road are included in the City's STIP, so no credit is owed.
    - A three-quarters street which shall include a curb, gutter, and sidewalk on the developed side and a minimum of two complete traffic lanes (one in each direction) would be required.
    - City is willing to consider a credit for the cost of the improvements south of travel lanes along the southerly edge of Burns Road.

Craig: It will be important for the developer to read the letter from the City's legal counsel, it makes an important differentiation of how system improvements are defined. There is a big difference between project improvements and system improvements.
Richa: The City's position is that we can require a ¾ road. It is important that this street goes through in the long-term for the City's transportation infrastructure to function correctly. We are just trying to follow our code, you will need to meet code requirements.
Dave: I just want to follow the rules and do what everybody else does, I don't think the City can require the that, I would just have to build the two lanes and sidewalk and such on my side of the road.
Richa: Dave – but one of the things that some people think is that since it was your development on the South, you should be on the hook to finish out the road that you didn't build when you built Madison Park South.
Dave: That is entirely unfair, I was willing to build the road, the City told me not to. Besides, that was a different set of financial partners and owners, now this set of financial partners needs to build a full road just because I am the developer for both projects? This is why you are coming after me and trying to bend the rules to make me do things – you think I owe you something because my other project didn't build that section of Burns Road.
Richa: I don't appreciate that, I have consistently conducted myself with openness and transparency.
Dave: I can tell you are upset, I am upset too. The City held onto my application for almost two years, and state law said it would need to be processed in way less time than it took. Then you didn't listen to my concerns and forced me into a SEPA appeal process, which didn't turn out well for you, and you had to drop my proportionate share contributions. Then you dropped this letter on me today, and told me I need to read it and decide now in the meeting how my project will proceed, when I gave you memos in March, April, May, June, and July that were completely ignored until hours before my plat conditions need to be finalized? If the tables were turned and I did this to you I am positive that would not go well for me.
Richa: You are right, it wouldn't.
Jon: The code has some conflicting terms, when the code is referring to is the City's standard partial street detail on pg 112 of the City's design and construction standards. That is the detail that has been used by every subdivision in Pasco that I know of. Why would the City need a special for-Dave provision for right-of-way improvements on Burns?

[The City displayed the detail, and the group discussed it]

Jon: We may be over-thinking this, why wouldn't Dave do what Raven Place did next door? I am looking at Raven Place's plat conditions, and there was no mention of how much road improvements would be require, just a generic statement about following codes and standards. Do we need to figure this out tonight, or is it something that would need to be figured out as we move forward into the development of civil plans? It can be risky to try and draft a custom condition that hadn't been used before, and get everything right. If you are just trying to make Dave follow the codes and standard, is there really need to do that?

Craig: We can take a look at using the generic statement about following codes and standards.

[more discussion about this]

Craig: Regarding credits for your improvements and right-of-way dedication, the question is what projects are in the capital facilities plan. This segment of Burns Road isn't, but some other roads are.

Steve West: To clarify, are we only talking about possible dedication and improvements on the Madison Park North parcel, or is the City proposing to extend these requirements into my parcel to the East?

[Group discussed location of parcel and reviewed it on the screen]

Craig: We are only looking at applying requirements to the Madison Park North parcel.

Richa: Dave, what you want is something we can't give you right now. Council needs to make a decision about how we are handling right-of-way credits, and that won't be happening until January. Would you want to delay your project until January when we can have this detail and other details more ironed out?
Dave: That might sound easy enough on the City's side, but I have a builder waiting to go, a contractor waiting to go, and my application has been in process for almost 2 years. It needs to go to hearing. I had sent these memos months ago and they were ignored until the very last minute, which is the City's fault, and I shouldn't have to suffer more delays.

[more discussion about this]

Richa: We are willing to provide a credit for the southern portion of Burns Road, for the land and improvements.
Jon: It would be good to define what "credit" means. If transportation impact fees will total around $336k, but the southern portion of the road might cost around $1 million, how would that work? Would Dave receive credit up to the amount of the impact fees, while still covering the remainder out-of-pocket?

Richa: We'll need a cost estimate to know more of where we are at, that would be the next step.

Note: These minutes represent a summarized paraphrase of the discussions and viewpoints expressed during the meeting. They are not a verbatim transcript, but rather an effort to capture the key points and conclusions. If you have comments or proposed corrections, please submit them by 5pm on December 9, 2024, to ensure their consideration.

A-14

2025 01 05 PERSONAL EMAIL LETTER FROM SWISHER TO CITY MANAGER AND CITY COUNCIL

Date: January 5, 2025

To: Adam Lincoln, City Manager, City of Pasco

From: Dave Swisher, EE Resources LLC & Emerald Resources LLC

CC: Andy Kottkamp, City of Pasco Hearing Examiner, Kottkamp Yedinak & Esworthy
Richa Sigdel, Deputy City Manager, City of Pasco
Craig Raymond, C&ED Deputy Director & SEPA Official, City of Pasco
Bob Sterbank, Foster Garvey PC (Counsel for City of Pasco)
Jacob Gonzalez, Land Use and SEPA Advisor, City of Pasco
Pete Serrano, Mayor & Council Member District 4, City of Pasco
David Milne, Mayor Pro-Tem & Council Member District 5, City of Pasco
Charles Grimm, Council Member District 2, City of Pasco
Leo Perales, Council Member District 3, City of Pasco
Melissa Blasdel, Council Member District 6, City of Pasco
Peter Harpster, Council Member At Large, City of Pasco
Jon Padvorac, Applicant's Consultant, Padvorac Consulting LLC

RE: Ongoing Mistreatment & Arbitrary Conduct Affecting Madison Park North

Dear Adam,

I'm writing to share my perspective about the City's mishandling of my Madison Park North Preliminary Plat and SEPA application. I am compelled to write this letter given the unfounded, slanderous, and outrageous accusations leveled in the City's brief sent to the Hearing Examiner on 12/27/2024. The first three pages and the primary focus of this document is a blistering character attack by the City's attorney in an attempt to bias the Hearing Examiner against me and my project. This attack on my personal integrity and reputation made on the behalf of the City by the City's legal team is utterly false and cannot go unanswered – and, at the end of the day, is wholly the responsibility of City staff.

I am saddened that months of effort to interact professionally with the City and to create a good working relationship with new City staff by raising our concerns well in advance was disregarded. Not only are City staff retaliating against me because of outcomes that they themselves have caused, but my relationships with other developers have become strained because the City's poor attempt to lump several projects together, leading to everyone's projects getting put on hold while that was sorted out.

For many months, the City's actions have gone well beyond the usual regulatory oversight and have crossed into arbitrary and sometimes retaliatory behavior. These ongoing actions undermine fair treatment, transparency, and professional conduct that we should be able to expect from a municipality.

I care deeply about this city. I've built over 600 lots in Pasco over the last twenty years. To put this into perspective, roughly 2.3% of Pasco's current residents live on a lot that I built, and I have been working to have the opportunity to build 461 more. I have always partnered productively with City staff, even when those interactions felt unjust. That said, the City's severe mishandling of the Madison Park North application, the personal attacks, and the blatant attempt to coerce me into submitting to unreasonable, inequitable, and unenforceable requirements cannot go unaddressed.

City's Intimidation & Strong-Arm Tactics (December 4th Letter & Meeting)

I remained in contact with the City regarding my application with little to no progress during the first 11 months following my application. I began documenting contacts with the City staff in earnest beginning in March 2024. I hoped to resolve questionable City practices well in advance, yet staff waited until the very day my plat conditions were supposedly "final" to offer a comprehensive or substantive response.

In addition to this, the City's attorney sent a letter addressed directly to me – knowing full well that I was represented by legal counsel at the time – hours before a crucial meeting that you attended. At that meeting, the City dismissed months of attempted correspondence and tried to force me into making quick, uninformed decisions on the spot or be faced with further, and possibly indefinite, delays. The attorney's tone in the letter was aggressive, dismissive of my concerns, and demanded I concede to the City's demands or else I would face loss of project approval. As the recipient of the letter I can say it felt very much like an attempted old-fashioned shakedown. Adam, you personally witnessed that Zoom call, so you know how frustrated I was.

The attorney's letter (see Attachment A and excerpt below) puts the City's position toward me and my project into writing. It clearly states that "voluntary" agreements, in their eyes, meant I either accept the City's ultimatum or lose my plat approval. In development, that is not how "voluntary" works, your team used a bluffing tactic to try and force me into submission, as loss of my approval would cause significant financial losses in addition to those I have already experienced. We have already indebted our property with millions of dollars on an LID for a regional sewer fix which was supposed to happen in conjunction with my development to help offset the cost of the LID, only to be threatened with either signing off on some unknown future LID assessment or not developing at all. That's not a voluntary agreement in any stretch of the imagination.

> *The term "voluntary agreement" means that a fee may be imposed via a mandatory condition of subdivision approval, because Washington courts interpret "voluntary" as meaning that a developer may voluntarily agree to comply with the condition, or forego the development:*
>
> *The word "voluntary" means precisely that the developer has the choice of either (1) paying for those reasonably necessary costs which are directly attributable to the developer's project or (2) losing preliminary plat approval. The fact that the developer's choices may not be between perfect options does not render the agreement "involuntary" under the statute.*
>
> *Trimen Development Co. v. King County, 124 Wn.2d 261877 P.2d 187 (1994) (italics in original), quoting Cobb v. Snohomish County, 64 Wn.App. 451, 457–58, 829 P.2d 169. (1991).*
>
> *– Bob Sterbank, City's Legal Counsel, December 4th Letter*

This is outrageous – the City cannot arbitrarily require me to waive my rights and the rights of future owners to protest the creation of potential undefined, future projects. It is important to note that removing this mandatory waiver does not mean that the City cannot go through the normal process of trying to create an LID in the future, or mean that I or a future property owner would not participate in an LID in the future. It simply allows me and/or future owners the right to contest the formation of an LID if desired, which is a right protected by state law. I am concerned that the City is simply trying to

extract additional funds from me or my future homeowners that the City failed to obtain through other means.

Staff drafted final conditions before the December 4, 2024, meeting with you and City staff started; however, they did not send me the conditions until hours before the meeting. Despite the short notice, we managed to agree on a few things at the meeting. That evening your team sent me conditions that did not reflect the consensus we had reached. Staff then declared that these conditions were "final" when we brought up that the conditions were not what had been agreed to in the meeting.

During the meeting, when I expressed how unfair it felt to get such a last-minute response on items I'd identified months ago, City staff admitted that if the roles were reversed, and I gave the City a legal letter hours before a critical decision had to be made "it wouldn't go well" for me—and she was right. There is no way the City would tolerate this sort of unbalanced, unfair, and aggressive approach if it had been attempted by a developer.

Ironically, when my legal counsel later took a deeper look at this last-minute letter, it was found to express a fairly poorly formulated position lacking any substantive legal basis, and seems to have been designed to intimidate me in the 11th hour with something that looked like a legitimate legal position. This was made obvious when the City released plat conditions for the December 11, 2024, meeting that varied significantly from their attorney's stated position.

Worse still, City staff wrote different conditions of approval for my project than similar, neighboring projects (involving construction of the same corridors). Our project contains the same paragraph as the other developments, but with a couple of crucial words removed that appear to try to eliminate only my project's ability to receive an impact fee credit. They also tried forcing me to bury overhead power lines for an adjacent project outside my property or footprint of improvements, even though internal emails show that staff knew that this was beyond what the City code required. This singling out feels like a punitive response to not bowing to the City's coercive behavior.

Subsequently, staff didn't send me the finalized plat conditions they had submitted to the Hearing Examiner. Luckly, my team stumbled across them on the City's website the weekend before the project hearing and we were able to scramble together a response in just a matter of days. Staff repeated this behavior for our next hearing as well. After sending documents and emails indicating one thing, they quietly posted something else on the City's website mere days before the project hearing, leaving my team once again very little time to scramble together a response. The City's abuse of power and strategic withholding of key information in an attempt to hamstring my team of consultants and attorneys is frustrating and unprofessional. We have all had to work many late nights, early mornings, and weekends in order to formulate a response to last-minute information that was intentionally withheld in order to impede our ability to respond effectively. To add insult to injury, Mr. Bob Sterbank accused my team of intentionally submitting documents right before the deadline when the reason for our last-minute submission is the incredibly narrow window of time we had to respond to the City's documents.

City's Pre-Hearing Brief (December 27th): Personal Attacks & Inaccuracies

On December 27, 2024, the City's counsel, Mr. Bob Sterbank, filed a pre-hearing brief that, frankly, any reasonable person would have found highly insulting (see Attachment B and excerpts below). It unfairly

painted me as dishonest and self-serving, misrepresenting my actions in an attempt to sway the Hearing Examiner's final decision.

False Claim That I "Caused My Own Delays"

Mr. Sterbank claimed that the:

> *"Applicants' themselves caused the delay of their own project appealing first their own SEPA Mitigated Determination of Nonsignificance ('MDNS'), then the MDNSes for multiple other preliminary plats in which Applicants' had no legal interest..."*
>
> *– Bob Sterbank, City's Legal Counsel on 12/27*

Okay, that is just absurd. In reality, I repeatedly warned staff that the City's approach to imposing proportionate-share fees through SEPA was flawed and wouldn't work because it wasn't legal. Staff repeatedly told me, "If you don't like it, you can always appeal." As staff were not willing to work together to find a solution, the only option I was left with was to appeal. The City then withdrew the exact conditions I had challenged. The City has stopped imposing this type of condition on subsequent project approvals, which proves my appeal valid.

Regarding Bob Sterbank's claim that we "had no legal interest", the City itself had previously admitted in a formal legal filing (motion to dismiss by Ken Harper on 9/24/2024) that I had a valid basis to appeal the other three projects until the City withdrew my own project's mitigations to sever that link. Now they claim I "had no legal interest" when I filed these appeals in an attempt to undermine my character and make me seem irrational, unreasonable, or reckless. This is simply untrue; the "no legal interest" only occurred after the city withdrew my project's mitigations.

Accusing Me of "Hoping to Reap More Financial Gains"

> *"Applicants apparently hoped by their late submission to reap more financial gains, by claiming impact fee credits to which they [are] not entitled ..."*
>
> *– Bob Sterbank, City's Legal Counsel on 12/27*

At a minimum this is mis-informed. I have been raising these concerns for months, as acknowledged in the same memo sent on December 4, 2024, stating that it was in response to a series of separate memoranda sent over the last year. Staff's typical answers were "That's how we've done it recently so we can't change now," or, "If you don't like it, you can always appeal."

No late submission on my behalf was ever intended. After a lot of back and forth, staff didn't send me the conditions they finally converged upon. My team was never informed of their completion, but happened to find them on the City's website mere days before the hearing.

I have certainly not enjoyed some big financial victory. Rather, I merely stopped the City from taking something that was not rightfully theirs. The City's untimely processing of my application and unwillingness to discuss the legality of some of the proposed requirements left me no option but to appeal to have my concerns addressed. This has cost me a substantial amount of time, effort, and money.

Claiming a SEPA-Appeal "Financial Windfall"

> *"Emboldened by the SEPA Appeal-generated financial windfall, Applicants now demand – at the 11th hour – more changes to the Project's conditions of approval."*
> *– Bob Sterbank, City's Legal Counsel on 12/27*

I haven't had any windfall. The notion that I am emboldened by some big payoff is insulting. My "benefit" for attempting to get fair, equitable treatment has been months of delays, large expenses, and a now deteriorating market.

In regards to the 11th Hour claim, it was never my intention to submit documents last minute. My team was given very little time to respond and worked around the clock to be able to respond by the deadline. My recommended plat conditions are consistent with the memos I sent several months ago, which were completely ignored.

City's Fehr & Peers "Concurrency Review" & SEPA MDNS Mishaps

- In April 2024, after I notified City staff that they were far past mandatory review timeframes, they hired Fehr & Peers for a so-called "concurrency review" that conflicted with the results of my City approved TIA as well as the TIAs of the three other projects. The TIA that we paid to have conducted for the Madison Park North project was prepared by Transpo, a reputable firm that the City frequently uses for the same type of work. The new 11-page approach provided by Fehr & Peers conflicted with the City's codified concurrency review process, was inconsistent with the several-hundred pages of detailed analysis performed by developers at the City's request (some of which were already City-approved), and implemented an approach that staff had been informed – both verbally and in writing – was not consistent with the law.
- I wasn't given much time to review the City's draft study, but I immediately flagged errors and concerns that incorrectly assigned me mitigations associated with impacts of neighboring projects. Staff either ignored or dismissed these concerns. Then on July 9, 2024, the City issued an MDNS—without giving me the final Fehr & Peers concurrency review, which was completed on July 3rd. I requested this document in writing, the City did not reply with the document until July 18th, only five days before my SEPA appeal deadline of July 23rd, and weeks after the City had already finalized it.
- Your staff left me no choice but to appeal the MDNS to protect my project and to correct how the City had assigned mitigations not associated with my project's impacts. The City never offered a solid defense of its position; instead, it withdrew my MDNS to silence my appeal. The City used this to claim that their withdrawal also severed my legitimate link to other impacted projects, causing the City to claim I "lacked standing" to continue those appeals. My project was on indefinite hold while other developments sailed ahead and received their approvals. The newly revised MDNS for my project wasn't reissued for another month and a half. When I asked City staff when my MDNS would be issued, she said, "when the dust settles."
- As mentioned, all four projects had completed traffic studies prior to the Fehr and Peers study and all the parties would have enthusiastically accepted the outcome of their respective TIAs, likely totaling over $10 million dollars. Why on earth did the City move forward with a study that

put all that funding in jeopardy, delayed several projects, and ultimately cost the City millions of dollars in project funding? That choice and its consequences is on you and your staff. I did not create the loss. Mismanagement of the situation, and your staff's incorrect assumption that I would be silenced if they ignored me or threatened my project is the reason you are in the present situation. Hundreds of thousands of dollars were spent on something that could have been rectified in that one recorded meeting with all the developers in the room. It's a must listen if you haven't already taken the time to listen to hear everyone's concerns, including mine, during that meeting. I attached highlights for your reference, and the actual video can be downloaded at the link provided in Attachment C. Link: https://www.dropbox.com/scl/fi/zagg2s80ostihivqq8b16/20240528170131-RecordID-23933706-Burns_Road_Developments_Concurrency_Update-20240523_015607-Meeting_Recording-1.mp4?rlkey=16jv84rl704pyzsr7jol1n339&st=bj1mned8&dl=0

- After fighting for months to try and keep the proportionate share contributions through procedural gymnastics during the SEPA appeal process, the City gave up millions of dollars in project funding during the project approvals for Glacier Park and Raven Place – offering them significantly less mitigations than their TIAs indicated and which the applicants had indicated willingness to pay. Again, this is on the City, not the fault of my project.

Additional Arbitrary Actions & Retaliatory Conduct

This is not an isolated, one-off situation. A consistent pattern has emerged from recent staff actions:

- **Zero Regard for Processing Timelines**:
  Despite clear RCW provisions and municipal deadlines, staff initiated the Fehr & Peers "concurrency review" after the projects in question had already paid to conduct thorough concurrency reviews and well after timeframes had lapsed, in a clear attempt to lump all four projects together to extract more money and resources from my project. City staff had stated in a recorded meeting that there would be "some winners and some losers" in this process, with me being the only loser.

- **Manipulative and Aggressive Pressure Tactics**:
  Staff imposed false deadlines, withheld crucial data, pushed me to make hasty decisions, and used lawyers to try to intimidate me.

- **Refusing Inquiries & Legal Clarifications**:
  Because of staff's "if you don't like it, you can always appeal it" approach to handling questions about the legality of their actions, I have incurred a six-figure bill for my team of consultants and lawyers when staff should have easily seen the obvious legal flaws in their approach and modified their course of action. Even after all this, City responses remain "we have done it this way in the past and can't change now" and "if you don't like it, you can always appeal it."

- **Disparate Treatment – My Rights vs. Neighboring Developments**:
  The City provided other developments along the same corridors TIF credit entitlements in their conditions, but eliminated this condition from mine. The City is trying to single me out and omit mention of these credits from only my plat conditions.

- **Painting Me as a "Profiteer"**:
  In the December 27, 2024, brief, the City suggests I'm out for personal gains at taxpayers' expense, which ignores the facts that staff reversed its stance precisely because my concerns are valid. It was the City's mismanagement of this situation that has potentially cost taxpayers millions of dollars, not my insistence that my project be fairly assessed.

- **Ex Parte Letter & Aggressive Pressure Tactics:**
  The City attorney sent a strongly worded letter directly to me, sidestepping my attorney of 20+ years, hours before a key meeting, a bold attempt to force me to concede. The City knows I am represented by Jamie Carmody, we literally just argued the SEPA issues weeks earlier. The letter in my opinion was 100% the City's attorney doing their best to intimidate me prior to the meeting that occurred later that day where you were present. I felt the pressure the second I read his letter as well as in the meeting when your staff said the lawyer was on standby and could join the call if needed to go over why the City was right.

- **Broken Promises on Sewer LID:**
  During the East UGA Sewer LID formation, staff told me I'd be flushing toilets by LID completion. Instead, they re-phased the project to support other interests (Darigold), then delayed processing of my application. Our understanding at the time the LID was proposed was that both the LID and the applications would work in "parallel" with each other, which did not happen. The LID moved forward as planned, despite some broken promises, and which will indebt my property for over $2 million dollars, but my application has been sitting on hold for over a year while your staff tries to figure out how to get more money out of me through whatever means they can.

Reaching My Limit

For decades, I have worked patiently with prior City staff and City Managers, even when we disagreed. I didn't always agree with Dave McDonald when he was at the City, but we worked it out. When Dave Zabel was the City manager we didn't always agree, but we worked it out. This time, not so much. The folks at the City seem to be genuinely good people and are nice in person, but they have completely mishandled my project and ignored numerous warnings that what they were doing was not legal.

The City's repeated disregard for the issues I have raised – whether ignoring concurrency laws or trying to coerce me into "voluntary" agreements has gone too far. The two recent letters from the City's legal counsel on December 4, 2024, and December 27, 2024, have pushed me over the edge. I will not quietly allow the City to bully me any longer.

While I respect legitimate fees and conditions, I refuse to be a victim of aggressive, manipulative, or unlawful tactics. The City's actions show that staff isn't interested in doing what is right or legal, rather they are interested in defeating me, damaging my reputation, charging excessive fees, and preserving their status quo.

I'm not refusing to pay what's legitimately owed, nor am I looking for freebies. I want to be able to conduct my business in accordance with the protections offered me by the law without, retaliation, financial harm, interreference with my business affairs, arbitrary and capricious actions by City, or attacks on my character.

Appeal to Leadership

Thank you for taking the time to read this. My deepest hope is that the City's leadership will recognize the seriousness of this situation and behave in a respectful, legal manner moving forward.

I have developed a few thousand lots, multiple commercial buildings, and several RV parks over the years; I know that developers and City staff often have different interests and priorities, but it has been my experience that we can work together in a respectful manner to reach mutually agreeable solutions. I want to have a relationship with the City of Pasco, and I wanted you to know my perspective of this situation.

My patience has all but gone, but I remain open to resetting our relationship if the City acts fairly, consistently, and respectfully.

Sincerely,

Dave Swisher
Emerald Resources LLC
(541) 788-8971
dave@daveswisher.com

A-15

2025 01 14 DECLARATION OF DAVE SWISHER

CITY OF PASCO HEARING EXAMINER

IN RE:	File No. PP 2022-007
MADISON PARK NORTH	DECLARATION OF DAVE SWISHER

I, Dave Swisher, hereby state and declare as follows:

1. I am over 18 years of age, am competent to testify herein, and make this declaration based on personal knowledge.

2. I am the Applicant in this proceeding. I provide this declaration in support of our preliminary plat application for the development of a 464 lot residential subdivision known as Madison Park North. I am providing this declaration as testimony to be considered by the Hearing Examiner in the open record hearing on our land use application scheduled for January 22, 2025.

3. I am providing this declaration in lieu of testimony because of the continuance of the scheduled open record hearing which was set for January 8, 2025. The hearing was initially rescheduled upon the agreement of the parities to January 21, 2025. Subsequent to the agreed hearing date, the City of Pasco informed the Hearing Examiner that there was a conflict in scheduling of the hearing room and the hearing needed to be rescheduled to January 22, 2025.

4. I am not available to attend the open record hearing on January 22, 2025. Because of the considerable and continuing delays in the processing of our land use application, I agreed that the hearing could proceed on January 22 and I would provide testimony through a written declaration. That is the purpose for this declaration.

A. **Business and Development History.**

5. Madison Park North is being developed by EE Properties, LLC, a Washington limited liability company. EE Properties was formed on July 28, 2004 for the purpose of extending our residential development activities into the State of Washington. Emerald Resources, LLC, a separately owned company, is the sole member for EE Properties, LLC, of which I am the managing member.

6. By way of background, I have been involved in residential and commercial development for more than twenty-five (25) years. I have developed several thousand residential and commercial lots, multiple commercial buildings, and several RV parks over the years. We expanded our development activities to Pasco in 2004. About 2.3 percent of Pasco's current residents live on a lot that I built. I am familiar with residential development including plat, environmental, and mitigation rules and requirements.

7. A primary focus of our development work in Pasco focused on two large parcels of unimproved farmland lying east of Road 52. At that time Burns Road provided a westerly connection to the transportation system but had a terminus just to the east of Road 52 (Ramus Road). The aggregate acreage of the parcels was approximately 386 acres. The properties had a potential for development of more than one thousand residential parcels

8. The development of the farmland property presented a significant number of challenges. A portion of the property was originally zoned as farmland and was partially located outside of Pasco's Urban Growth Area (UGA). We worked on a collaborative basis with Franklin County and the City of Pasco on comprehensive plan amendments, UGA extensions, and ultimately annexation of the property.

9. Our initial project was submitted in 2005 as Northwest Commons and subsequently became known as Madison Park PUD or Madison Park South. The preliminary plat was located on the east side of Road 52 and south of potential easterly extension of Burns Road. The City of Pasco approved Madison Park PUD through Resolution No. 2896 on September 6, 2005. Development rights were extended through Resolution No. 3562 on July 16, 2014.

10. Resolution No. 3562 included three relevant preliminary plat determinations that bear upon the current land use application:

(a) The City of Pasco did not require extension of Burns Road beyond Ramus as a condition to preliminary plat approval. I had proposed extending Burns Road to the east in the original application, but the City required me to update the drawings to terminate Burns road at Ramus because the City didn't want Burns to extend beyond Ramus for perpetuity. A north-south local access was required that connected with the eastern terminus of Burns Road (ramus).

The final plats established a common boundary with the remaining EE Properties land which is the subject of the Madison Park North Preliminary Plat Application.

(b) Madison Park South Preliminary Plat required payment of a "traffic impact fee" as set forth in Condition 6 as follows:

> The developer/builder shall pay the "traffic impact fee" established by ordinance at the time of issuance of building permits for homes. Fees collected shall be placed in a fund and used to finance signalization and other improvements necessary to mitigate traffic impacts on the circulation system within the I-182 Corridor.

This contribution was to use impact fee funds for improvements within the Burns Road and Road 52 corridors.

(c) The preliminary plat approval for Madison Park South did not include a condition or obligation to "waive" future rights of protest to the formation of Local Improvement Districts (LID) or Utility Local Improvement Districts (ULID).

11. Madison Park South was constructed in nineteen (19) phases. Nine (9) were in the first masterplan and the remaining ten (10) phases in the second master plan. Madison Park South is now complete and recorded plats for 613 residential lots. The last final plat was finally signed on January 8, 2025 just prior to the scheduled hearing. The development included the installation of all abutting roads and utilities including water, sewer and irrigation lines, streets, streetlights and stormwater retention facilities. The development also improved and dedicated a park site to the City as approved by the City. All transportation impact fees were paid and the final plat included conditions related to a recorded Avigation Easement related to the Airport Safety Compatibility zones identified in the land use decision.

B. **Madison Park North Preliminary Plat Application.**

12. I submitted an application for a proposed preliminary plat to develop the remaining portion of the farmland lying north of Madison Park South that would create approximately 464 residential building lots within the R-1 Low Density Residential Zoning District. The application was filed on April 11, 2023, and included a SEPA Environmental Checklist (SEPA 2023-032). The City accepted the land use application and circulated a Notice of Application with Optional SEPA Determination of Non-Significance on April 14, 2023. The

City deemed the application to be "complete" on April 17, 2023, and made explicit mention that this status was provided even though a TIA had not yet been submitted.

13. The City accepted the application without the TIA because they wanted to process the preliminary plat application in conjunction with a contemporary utility LID application that was going to run a parallel timeline.

14. On May 2, 2023, the City unexpectantly withdrew the determination of completeness and deemed the application "incomplete". The City deemed it incomplete for processing. The City deemed it incomplete because they changed their minds and now wanted the Transportation Impact Analysis (TIA). We had already contracted with TranspoGroup (Transpo) to prepare the TIA. They were familiar with Pasco processes and requirements.

(a) The first step in the TIA process was for Transpo to coordinate with City staff and agree upon the scope of the analysis including specific intersections and road segments subject to the transportation impact analysis. A TIA scoping letter was sent to the City on June 23, 2023. Scoping was critical to preparation of the report because it identified intersections and segments to be studied.

(b) The City did not return comments on the TIA scoping letter until September 15, 2023 around three months after it was submitted. With the scope of the study determined, Transpo could begin with traffic counts and the gathering of information for the report.

(c) Transpo completed work and submitted a Tier 2 TIA to the City on November 6, 2023. We received no response or comments from the City on the TIA.

(d) I contacted the City in November to ask about the status of the review of the TIA and was told we were next up for review. Months passed, however, without any response from the City. We finally reached a point where we submitted a public records request in order to determine that status of the TIA. On March 18, 2024, we were provided with public records that included TIA review comments prepared by PBS (the City's peer review consultant) that were dated December 21, 2023. This information was withheld by the City for four months while my project was on hold waiting for the TIA to be finalized.

(e) Additional time passed and there was still no formal comments on the TIA. Since the TIA hadn't been accepted by the City and upon further review we found a some discrepancies in the report we asked Jacob Gonzalez (SEPA official, director of Community and Economic Development) for permission to have Transpo update the TIA, and he said we could. A portion of the update to included an update to background traffic counts. On April 26, 2024 we submitted the updated TIA. The City had appointed PBS Engineering to provide a peer review of the TIA.

(f) PBS Engineering approved the Madison Park North TIA on May 17, 2024. PBS Engineering confirmed that proportionate-share contributions would not be required for TIP listed projects under PMC 12.36.080(4).

C. **SEPA Environmental Review and SEPA Appeal.**

15. Madison Park North TIA was approved by the City. The TIA included the following conclusions:

> This TIA provides an initial estimate of fees; however, the actual fees will be coordinated with City Staff. The applicant will pay transportation impact fees (TIF) estimated to be $154,562.00 for the interim condition (cumulative Phases I -5) and a total cumulative fee of $326,140.00 for the full buildout condition.

> As the study intersections meet the operational standards under the future with project conditions, the project's payment of the traffic impact fees mitigates its impact on the transportation system and no additional proportionate share contributions are necessary. This is consistent with P MC 12.36.080.

➢ Credit will be provided for the ROW dedication and frontage improvements for the Burns Road and Road 52 corridors relative to any additional mitigation fees paid by the applicant.

PBS Engineering approved the TranspoGroup TIA on May 17, 2024. PBS Engineering stated that "...[t]he updated TIA addressed all comments sufficiently, and no further errors or concerns were found in the additional information in the TIA. PBS has no further additional comments on the report." The City accepted this determination.

16. The City issued a Mitigated Determination of Non-Significance (Optional DNS Process) on July 9, 2024. The MDNS came as a surprise. Despite the commitment to pay traffic

impact fees and acceptance of our TIA, the City arbitrarily added approximately $4,000,000.00 in additional SEPA based exactions. The MDNS included additional mitigation "to be determined" related to traffic impacts to the following intersections/projects:

i. **Burns Road Extension (TSMP EXP6, 2024-2029 TIP 5.02)** - Extend Burns Road as a three- lane minor arterial, from Road 68 to Rio Grande Lane (up to $1,050,000).

ii. **Burns Road & Road 68 Intersection (TSMP EXP6, 2024-2029 TIP 5.10)** - Convert intersection from side street stop control to signalized (up to $472,500).

iii. **Burns Road & Road 60 Intersection** - Convert intersection from side street stop control to signalized (up to 25%).

iv. **Sandifur Parkway & Convention Drive Intersection (TSMP INT 2, 2024-2029TIP 5.15)** - Convert intersection from side street stop control to signalized (up to 22%).

v. **Burden Boulevard & Road 68 Intersection / Road 76 Overpass (TSMP INT 3 & EXT 2, 2024-2029 TIP 5.08)** - Contribute to the Road 76 Overpass as a mitigation for impacts to Burden Boulevard & Road 68 intersection (up to $624,750).

17. The imposition of additional SEPA based mitigation related to transportation system improvements violated SEPA's rules regarding prohibition on imposition of transportation impact fees under SEPA where the municipality has an adopted traffic impact fee ordinance, redundance with the transportation impact fee, and the City's codified concurrency review process.

18. Madison Park North filed a timely Notice of Appeal of Mitigated Determination of Non-Significance Madison Park North Preliminary Plat (SEPA 2023-032/PP 2022-07) on July 23, 2024. The appeal specifically identified the imposition of improper transportation mitigation charges based upon RCW 43.21C.065, which provides as follows:

> A person required to pay an impact fee for system improvements pursuant to RCW 82.02.050 through 82.02.090 shall not be required to pay a fee pursuant to RCW 43.21 C.060 for those same system improvements.

19. On September 2, 2024, Madison Park North filed a *Motion for Order Invalidating Mitigated Determination of Non-Significance (MDNS) for Madison Park North Preliminary Plat.* The basis of the motion was that the Madison Park North MDNS violated RCW 43.21 C.065. The City did not provide a substantive response to the motion but voluntarily withdrew the Madison Park North MDNS on September 16, 2024. The appeal was also dismissed because the issue had become moot because of the voluntary withdrawal.

20. The City reissued its revised SEPA Mitigated Determination of Non-Significance on November 4, 2024. The City's SEPA Responsible Official "determined that this proposal, as

a condition, will not have a probable significant adverse impact on the environment." It was further recognized that the MDNS previously issued for the project on July 9, 2024 "was withdrawn on September 16, 2024, and is hereby replaced with this MDNS." The MDNS included the following two (2) mitigation measures:

1. The applicant shall pay mitigation to the City of Pasco for impacts to City roadway system. The mitigation required its $709.00 per residential unit. The project will result in 464 residential units. Thus, $709 X 464 =$328,976.00 total traffic mitigation required. Payment of traffic mitigation fees to the City is required prior to the issuance of the first building permit.

2. Prior to any ground disturbing activity, a cultural resources survey shall be completed and submitted to the Washington State Department of Archeology and Historic Preservation (DAHP) in the City of Pasco. If the survey uncovers any archeological resources, a permit must be obtained from DAHP prior to any ground disturbing activity that removes or alters Native American human remains or archaeological resources.

Ayd appeal of this SEPA determination was required to be filed by 5:00 p.m. on November 25, 2024. No appeals were filed and the MDNS is final at this point.

D. City Imposition of Proposed Preliminary Plat Conditions.

21. It took nearly five (5) months for the City to schedule a hearing on our plat application. Madison Park North met with City staff regarding the project application at 4:00 p.m. on December 4, 2024. The purpose of the meeting was to discuss potential conditions of approval.

22. Earlier on the day of December 4, 2024, I received a multi-page letter from Bob Sterbank (Foster Garvey), the City's new legal counsel, which was directed to me and my consultant, but not my legal counsel which the City had been interfacing with on matters related to my application.

(a) The purpose of the letter was stated to be that the City's legal counsel "addressed the claims you have made in a series of separate memoranda you sent over the last year, regarding issues pertaining to the proposed preliminary plat." The letter addressed a number of issues including specific response to

questions that I had raised more than six (6) months earlier in the preliminary plat review process. This was the first formal response that I received from the City regarding the identified issues.

(b) The response specifically provided comment on two specific concerns that had gone unaddressed for nearly nine (9) months: (1) the demand and requirement that Madison Park North waive the right to protest the City's potential formation of a Local Utility District "LID" under RCW Ch. 35.43 ; and (2) the City's denial of any credit against traffic impact fees related to system improvements including dedications and improvements to Burns Road and Road 52. This was the first response that I had received from the City with regard to these issues.

23. By way of background, the original Staff Report prepared on or about July 9, 2024 for the July hearing included the following condition with respect to transportation impact fee credits for improvements to the transportation systems within the scope of the adopted traffic impact fee ordinance. PMC 3.40.040.

> 16. Traffic, park, and school impact fees will be collected for each lot being issued for new residences. Credits and reductions to the Traffic and Park impact fees will be provided when and where appropriate in accordance with PMC 3.40,090 and PMC 3.50.070.

This condition was identical to conditions imposed on preliminary plats approved by the Hearing Examiner related to Raven Place and Glacier Park.

24. After our successful appeal of the SEPA MDNS, which removed duplicate mitigation fees for transportation system improvements, the City subsequently revised the proposed condition for Madison Park North. We were first advised of the new condition the evening after our meeting of December 4, 2024. The new condition was as follows:

> Traffic, Park and School impact fees at the then-applicable impact fee rate shall be collected for each lot at the time of issuance of building permits for new residences, with traffic impact fees of $328,976 payable prior to issuance of the first building permit. Credits and reductions to the Park impact fees will be provided commensurate with the value of the park land and improvements as determined by the Director in accordance with RCW 82.02.060(5), PMC

3.40.090 and PMC 3.50.070 and the Conditions of Approval of this Preliminary Plat.

This change accelerated payment of traffic impact fees of $328,976 to the issuance of the first building permit, which we were alright with so that the City could have the funds upfront to construct the required infrastructure. However, the condition removed provisions recognizing credits and reduction to transportation impact fees under PMC 3.40.050(5) and PMC 3.40.080.

(a) The change and treatment of credits against transportation impact fees is discriminatory and retaliatory. There is no factual basis to treat Madison Park North in a manner different from Raven Place and Glacier Park preliminary plats.

(b) Staff and legal counsel took the position that Madison Park North was not entitled to credits against the transportation impact fee because improvements to Road 52 and Burns Road were not systems improvements identified in the City's Six-year Transportation Improvement Plan ("TIP"). If this were the case, the same argument would apply to Raven Place, the adjacent subdivision being built along the same corridors.

(c) The City provided no facts or basis for the disparate treatment. The change feels retaliatory, particularly in light of legal counsel's personal attack in the Pre-Hearing Brief of December 27, 2024.

(d) The City response did advise, however, that it ". . .is willing to consider providing a credit for the cost of improvements south of the travel lanes along the southerly edge of Burns Road adjacent to Madison Park North but, again, needs additional information concerning the potential cost of land and improvements." Note that language of this nature never made it into staff's recommended conditions of approval. This reference is to the City imposed requirement that Madison Park North dedicate the full width right-of-way for development of Burns Road as a primary arterial adjacent to the southern boundary of the development. This requirement is contrary to the City's determination in Madison Park PUD in which it was determined that Burns Road would not be extended east of Road 52 other than a truncated local access to serve Madison Park South.

25. The City also required that Madison Park North waive rights to protest any future Local Improvement District ("LID") or Utility Local Improvement District ("ULID"). The condition does not identify the specific local improvement district proposal or set forth any identified project impact that requires the imposition of this condition. The City took the position that it could arbitrarily impose the waiver of protest condition under the broad authority of RCW 58.17.110 and the case of Tiffany Family Trust corp. v. City of Kent, 155 Wn.2d 225, 232-33 (2005). Neither authorizes the unilateral imposition of the waiver of protest condition.

E. Response to City Attacks Included in its Pre-Hearing Brief of December 27, 2024.

26. I feel compelled to respond to the inflammatory comments set forth in the City's Pre-Hearing Brief filed December 27, 2024. I was troubled by the tenor of the letter and that it was directed only to me. The City knew full well that I was represented by legal counsel.

27. In the Pre-Hearing Brief, legal counsel claims that:

> "Applicants' themselves caused the delay of their own project appealing first their own SEPA Mitigated Determination of Nonsignificance (MDNS), then the MDNSes for multiple other preliminary plats in which Applicants ' had no legal interest...,,

Madison Park North filed a timely appeal of the initial Mitigated Determination of Non-Significance (MDNS) issued for our development. The appeal was filed because the City had sought to impose illegal mitigation fees under SEPA for transportation system improvements. The City acknowledged the legal error and withdrew the Madison Park North MDNS. There was no delay caused by Madison Park North's filing of the appeal. The delay was caused by the City's effort to impose illegal exactions on the development, despite frequent warnings well in advance of the City's action that the City's course of action was not consistent with the law.

28. Legal counsel for the City then argued as follows:

> "Applicants apparently hoped by their late submission to reap more financial gains, by claiming impact fee credits to which they [are] not entitled.... "

Madison Park North raised concerns regarding the City's current practice of not providing impact fee credits in the spring of 2024. Legal counsel's correspondence of December 4, 2024 was written in response to my memoranda dated June 3 and June 11, 2024. The City's response came more than six (6) months after I specifically addressed these issues. And there is no financial gain to be received by following the law.

29. The City then accuses me of attempting to secure a "financial windfall" through our filing of a supportable SEPA appeal on July 23, 2024. The argument is as follows:

> "Emboldened by the SEPA Appeal-generated financial windfall, Applicants now demand — at the 11th hour — more changes to the Project's conditions of approval.,,

Madison Park North did not generate a "financial windfall" from its SEPA appeal. The SEPA Appeal confirmed the invalidity of the additional transportation mitigation requirements and exactions. The delay was caused by the City's improper use of SEPA mitigation authority and specifically its violation of RCW 82.02.065.

30. Madison Park North has not generated a "financial windfall" because of the City's effort to impose traffic mitigation fees through illegal and unlawful means. While issues of delay are not the subject of this land use proceeding, because these issues were brought up by the City's legal counsel I need to clarify that Madison Park North's actions are to assure timely and appropriate imposition of exactions on the proposed preliminary plat with such processes being compliant with applicable law. There is nothing unlawful or improper about simply requiring that land use applications be decided upon applicable law and process requirements.

31. Preliminary plats of any proposed subdivision are required to be approved or disapproved within 90 days from the date of filing. RCW 58.17.140. SEPA applications are required to be approved or disapproved within 90 days from filing. RCW 58.17.140(1). Growth Management Act (GMA) sets an outside limit on land use permit processing of 120 days. RCW 36.70B.080(1). We have not consented to any extension of the required review period. Quite the opposite, we have frequently reminded staff both verbally and in writing that they have passed review timeframe thresholds and our application needs to be processed immediately. Since the date of filing, this preliminary plat application has languished for 644 days.

I declare, under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at Pasco, Washington this 14 day of January, 2025.

Dave Swisher
Dave Swisher (Jan 14, 2025 14:19 PST)

Dave Swisher

leG\EEProperties, LLC - Madison Park Development\Madison Park North\Appeal\Madison Park\Swisher Declaration.docx

A-16

SEPA2023-032 NOA MADISON PARK NORTH

City of Pasco
Community Development Department
PO Box 293, 525 N 3rd Ave, Pasco, WA 99301
P: 509.545.3441 / F: 509.545.3499

NOTICE OF APPLICATION/SEPA DETERMINATION
(Optional DNS Process)

Si necesita ayuda para entender este aviso o necesita más información, por favor llame al Departamento de Desarrollo Comunitario y Económico de la Ciudad de Pasco a 509-545-3441.

SEPA Comment Period Deadlines: **April 28, 2023**

Proposal: Dave Swisher on behalf of Farm 2005, LLC, has submitted a SEPA Checklist (SEPA2023-032) for a 460-lot single family subdivision on approximately 132.5 acres. The location is parcel #114-250-018 in Pasco, WA 99301 said property off Burns Road. The proposal is subject to regulations contained in the Pasco Municipal Code.

Public Comment Period: Written comments must be submitted to the Community Development Department by 5:00 p.m. on **April 28, 2023**. Only comments received by the referenced date will be included in the SEPA record. If you have questions on the proposal, contact the Planning Division at (509) 545-3441 or via e-mail to: barragani@pasco-wa.gov.

Open Record Hearing: No public hearing is required. The SEPA determination will be established administratively by the Pasco SEPA Administrator.

Determination of Completeness: The application has been declared complete for the purpose of processing.

Environmental Documents and/or Studies Applicable to this Application: Environmental Determination No. **SEPA2023-032** has been assigned to this proposal. The SEPA comment period will end **April 28, 2023.** It is probable that a Determination of Non-Significance or Mitigated Determination of Non-Significance will be issued for this proposal (WAC 197.11.355 optional DNS process). This may be the only opportunity to comment on the environmental impacts of this proposal or to appeal any State Environmental Policy Act related decisions. A copy of the subsequent threshold determination and any other information concerning this action may be obtained by contacting the City of Pasco Planning Department.

Required Permits: A building permit and right-of-way permit will be required before any ground disturbing activities begin.

Preliminary Determination of Regulations Used for Project Mitigation: To evaluate the impacts of the proposed project, the following may be used for mitigation, consistency, and the development of findings and conclusions:

- Title 12 (Streets and Sidewalks), Title 16 (Buildings and Construction), Title 25 (Zoning), regulations of the Pasco Municipal Code, and the land use policies contained in the Pasco Comprehensive Plan;
- Regulations of the Washington State Department of Fish and Wildlife, Washington State Department of Ecology, and Washington State Department of Natural Resources;
- Other required agency evaluations, approvals, permits, and mitigations as necessary.

Estimated Date of the Decision: A DNS or MDNS will be issued following the close of the comment period on **April 28, 2023.**

To Receive Notification of the Environmental Determination: Contact the Pasco Planning Division at the address or telephone number below.

Appeals: You may appeal the subsequent threshold determination by submitting an appeal to the address below within 10 days of issuance. The appeal must be in written form, contain a concise statement of the matter being appealed and the basic rationale for the appeal. A fee is required per the City's Fee Resolution. Please note that failure to file a timely and complete appeal shall constitute a waiver of all rights to an administrative appeal under City code. All comments or appeals are to be directed to the City of Pasco Planning Department, PO Box 293, Pasco, WA, 99301, Attn: Rick White.

Prepared April 14, 2023 by: *Ivan Barragan*, Planner I, PO Box 293 Pasco, WA 99301 (509) 545-3441

A-17

2005 NORTHWEST COMMONS PLAT AND MAP

RESOLUTION NO. 2896

A RESOLUTION APPROVING A PRELIMINARY PLAT FOR NORTHWEST COMMONS.

WHEREAS, RCW 58.17 enables the City to uniformly administer the process of subdividing property for the overall welfare of the community; and,

WHEREAS, owners and developers of property situated in the Northwest quarter, the west half of the northeast quarter, the north half of the northwest quarter of the southeast quarter of Section 11, Township 9 North, Range 29 East W.M.

WHEREAS, the Planning Commission has reviewed said preliminary plat which is named Northwest Commons; and

WHEREAS, following a public hearing, the Planning Commission found the proposed plat promoted the general welfare of the community and recommended said preliminary plat be approved with conditions; **NOW THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PASCO:

That the preliminary plat for Northwest Commons located in the Northwest quarter, the west half of the northeast quarter, the north half of the northwest quarter of the southeast quarter of Section 11, Township 9 North, Range 29 East W.M. is hereby approved with the following conditions:

1) Prior to final plat approval the developer must establish a home owners association and Conditions, Covenants and Restrictions subject to the written approval of the Community and Economic Development Director, binding the owners of each lot to share in the perpetual management, maintenance and upkeep of all common properties and amenities, including, but not limited to fencing, parking areas, tot lots, recreation areas, storm ponds, management buildings, roundabouts, pools and landscaping within the PUD/Plat.

2) All common open space, recreation areas and parks must be clearly identified on the final plats.

3) Specific improvement plans and schedules for all common areas (recreation areas, parks, open space, RV storage and trails) must be approved by the Community and Economic Development Director prior to final plat approval.

4) At the time lots are developed all abutting roads and utilities shall be developed to City standards. This includes but is not limited to water, irrigation and sewer lines, streets, storm water, fire hydrants and streetlights. All type, size and installation of any City utility shall be according to the latest City of Pasco Construction Standards or as approved by the City Engineer. Sidewalks must be installed no later than the time each lot is developed with a house. All handicapped sections must be completed with the street

and curb improvements prior to final plat approval. Water utility improvements shall include necessary utility extensions/looping as approved by the City Engineer for each phase. Any crossing of the gas line easement will require approved sleeving to the satisfaction of the gas company and the City of Pasco prior to construction.

5) Lots abutting Road 52, Road 44, Powerline Road and Sandifur Parkway shall not have direct access to said roads. Access shall be prohibited by means of deed restrictions or statements on the face of the final plat. Phase one shall be permitted a temporary outlet to Road 44 until such time as a connection is made to Sandifur Parkway. This temporary outlet shall be constructed as directed by the City Engineer as to layout, curb radii and other necessary improvements.

6) Sandifur Parkway shall have an 80 foot Right of Way and be completed to a future improved width of 48 feet. The development of this road shall be to a ¾ street standard including curb, gutter & sidewalk. This shall include a modified arterial section type road with 8 inch base material, 4 inch top course material and 2 inch asphalt. This modified section must be built with the first phase of development starting at the southerly most end of the current Road 44 end of pavement through the intersection of Road 52. A 2 percent cross slope with no crown is required. (If the southern half of Sandifur Parkway is already developed then it shall be constructed as directed by the City Engineer). The developer will be required to provide a deposit for an additional 2 inch lift to be overlaid when the remainder of Sandifur Parkway between Road 44 & Road 52 is completed. All intersecting roads along Sandifur Parkway shall have a zero percent toe slope to the intersecting street. At the time of development of Sandifur Parkway if there is no available access to the west or south of the intersection of Road 52 then a paved cul-de-sac turn around will be required for emergency vehicle use. All curb radii abutting Sandifur Parkway shall be approved by the City Engineer. The northeast corner of the intersection of Sandifur Parkway & Road 52 shall provide for a 55 foot curb radius. The final design and location of Sandifur Parkway is to be approved by the City Engineer.

7) Road 52 shall have an 80 foot Right of Way and be completed to a future improved width of 48 feet. The development of this road shall be to a ¾ street standard including curb, gutter and sidewalk. This shall include 8 inch base material, 4 inch top course and 2 inch asphalt. A 2 percent cross slope with no crown is required. The developer will be required to provide a deposit for an additional 2 inch lift to be overlaid when Road 52 is completed from Sandifur Parkway to the Northwest corner of the proposed plat. A temporary 8 inch gravel road is to be constructed with the first phase from Sandifur Parkway to the Tract in the northwest corner of the plat. The permanent Road 52 is to be built as each phase abutting this road develops. If any phase abutting Road 52 develops that does not provide connection to Sandifur Parkway then Road 52 must be built all the way to Sandifur Parkway with that phase being developed. The City of Pasco reserves the right to adjust phasing as deemed appropriate/necessary to include the dedication and construction of adjoining roads. All intersecting roads to Road 52 shall have a zero percent toe slope to the intersecting street. An access point, approved by the City Engineer, from Road 52 to the proposed Tract in the northwest corner of the plat is to be provided. Existing intersections along Road 52 shall be rebuilt to provide access to the county roads west of the plat. All curb radii abutting Road 52 shall be approved by the City Engineer. The

northeast corner of the intersection of Sandifur Parkway & Road 52 shall provide for a 55 foot curb radius. The final design and location of Road 52 must be approved by the City Engineer and Franklin County Public Works.

8) Powerline Road will require a 40 foot dedication. The development of this road shall include curb, gutter and sidewalk along with a 4 inch base and 2 inch asphalt. No lots abutting this road shall have direct access. All intersecting roads along Powerline Road shall have zero percent toe slope to the intersecting street. All abutting curb radii to be approved by the City Engineer. Powerline Road to be built as each phase abutting road is developed. The City of Pasco reserves the right to adjust phasing as deemed appropriate/necessary to include the dedication and construction of adjoining roads. Each phase of road to have a paved turned around on the west and east end of the road. An access point, approved by the City Engineer, from Powerline Road to the proposed Tract in the northwest corner of the plat is to be provided. The final design and location of Powerline Road to be approved by the City Engineer and Franklin County Public Works.

9) Beginning with the first phase, each phase shall have two access points one of which must be Sandifur Parkway. Two access points to Sandifur Parkway are required after development exceeds 200 lots.

10) Street grades for all arterial and collector roads shall not exceed 6 percent. Interior local access street grades shall not exceed 10 percent. All local access streets or cul-de-sacs with extreme slopes greater than 2 percent as they approach an intersection need to be designed to 2 percent or less.

11) All intersections will require setback lines for appropriate traffic sight distances. No fences, utility vaults, pedestals or other obstructions will be allowed in this area. Minimum angle of intersection of streets shall be 70 degrees pursuant to PMC 26.12.020.

12) Proposed connection to Santa Fe Lane in Desert Estates 3 is to be utilized for residential traffic only. All development/construction traffic must utilize the temporary access (as noted above in condition 4) point at the southwest corner of proposed Phase 1. This access is to be utilized until a permanent connection point to Sandifur Parkway or Road 52 can be completed with future phases. At that time the temporary road is to be removed and those lots affected by the placement of the temporary road are to be restored to saleable condition as approved by the City of Pasco.

13) Due to storm water run off concerns all lots that abut streets with steep grades shall be raised above the sidewalk/curb line a minimum of 2 foot.

14) All temporary streets will be required to have a paved turnaround at the end of the street to the satisfaction of the City Engineer.

15) The final plat shall contain 10 foot utility easements parallel to all streets or as approved by utility providers.

16) All existing/proposed power lines shall be installed underground at the owner/developer's expense. All lots/roads within a final plat that currently have overhead power lines will be required to install those lines underground prior to the approval of the final plat for that phase.

17) All fire hydrants, street lights and utility vaults or pedestals shall be installed behind the sidewalk or as directed by the City Engineer.

18) All sewer mainlines must have a minimum of 7' of cover. No cleanouts are allowed at the end of sewer mainlines. All sewer easements must be approved by the City Engineer. All easements must be provided with a minimum 15 foot paved pathway (designed for truck traffic) for maintenance. Fencing shall be required along the easements consistent with City Code. All sewer lines must be extended through the length of the proposed plat and each proposed phase. All sewer services are to be located in the middle portion of the lot. Sewer crossings of the gas main require the signed approval of Williams Pipeline and the City of Pasco before construction. All sewers must maintain a minimum of 10 foot horizontal and 18 inch vertical separation from domestic water lines. All sewers are to be located on the south or east side of the roadway a minimum of 7 foot from the center line of the roadway.

19) All sewers must ultimately flow to Porto Lane in Casa Del sol & Sandifur Parkway. This may require a dual piping system be installed simultaneously to allow for the future flow of sewer to this intersection. Any construction of sewers that require the cutting of existing roadways will require the overlaying of those roadways affected by construction. Only one sewer lift station will be allowed to be used.

20) A maximum of 23 lots will be allowed to direct sewer to the Road 36 Lift Station. Prior to any construction/extension of the sewer located in Sante Fe Lane those proposed lots are to be approved by the City Engineer.

21) The only lift station allowed will be required to have a minimum 15 foot paved pathway to the lift station. This road shall consist of 8 inch base material, 2 inch top course and four inch asphalt. This roadway cannot exceed 6 percent grade. Near the base of the lift station an asphalt pad sufficient for maintenance vehicles, approximately 50 feet by 50 feet, will be required to be constructed utilizing the same road layout as noted above. Fencing will be required around the lift station and along the paved path. The lift station will need to be constructed in such a manner as to prevent storm water from entering the station.

22) All water lines are to be located on the north or west side of the proposed roadway a minimum of 15 feet from the centerline; maintain a minimum of 42 inches of cover, and must be extended through the length of each proposed phase. No phase can be left for more than 6 months without the subsequent looping of each system with the existing City of Pasco water system. The developer will be required to deposit funds for any non-looped system left longer than 6 months with the City of Pasco to insure completion of the water system. All water lines are to be of sufficient size to provide adequate fire flow to each and every location within the plat as required by all City, State, Federal or other

applicable requirements or codes. Crossing of the gas line easement will require approved sleeving to the satisfaction of Williams Pipeline Company and the City of Pasco prior to construction. All water lines in cul-de-sacs are to have blow offs located at the edge of the asphalt near the curb or shoulder line. All water services and associated meter boxes to be installed in the front corner of each lot behind the sidewalk or abutting the Right of Way, opposite the irrigation service as directed by the City Engineer. All hydrants require a minimum of 50 feet unobstructed sight distance for all emergency vehicles in any direction. No fire hydrant to be installed within 10 feet of a water/sewer service or any appurtenance that requires a thrust block.

23) All plat phases, beginning with the first phase, will be required to provide irrigation water to each lot from the well currently located in the proposed 3.25 acre neighborhood park site. The transmission of this water to each phase shall occur through a 16 inch connection from this well to the 16 inch line in Road 52. All associated piping, appurtenances, electrical systems, necessary easements and any additional requirements to transmit the water from this well to each lot are to be installed by the developer per City of Pasco Construction Standards. All irrigation mainlines must be extended through the length of each phase.

24) Water usage for the City Right of Way landscaping along Sandifur Parkway and Road 52 shall come from a source as approved by the City of Pasco with the connection and meter fees paid by the developer.

25) All water rights associated with the entire plat along with any wells, pumps, pipe, associated electrical systems and appurtenances shall be conveyed to the City of Pasco prior to subdivision construction plan approval of the first phase. This includes processing the Department of Ecology's Water Rights Assignment form and the Application for Change/Transfer of Water Rights. If no water rights are available to transfer to the City the property owner/developer must pay a water right fee of $1,500 per acre in lieu thereof. The Public Works Director may waive the fee if the developer mixes a soil additive in the ground that provides 30% retention of irrigation water. If the current owner/developer wishes to continue to utilize water from the well for farming purposes an agreement may be negotiated with the City of Pasco for the water usage.

26) City of Pasco irrigation water is not to be used for pastures, fields, or crops. Water is to only be utilized for lawn/landscape areas immediately adjacent to or abutting a home. Alternative sources, such as an exempt well, may be utilized for those purposes.

27) A 16 inch irrigation mainline is required to be installed along Road 52 the full length of the proposed plat. Dedication to the City of Pasco of the necessary right of way for Road 52 and associated easements is required in conjunction with the installation of this pipe. This pipe shall connect to the existing 16 inch lines located at the intersection of Sandifur Parkway and Road 52. A 16 inch irrigation mainline is required to be installed along Sandifur Parkway from the proposed entrance to this plat to the intersection of Road 52 and connected with all existing irrigation lines in the intersection of Road 52 and Sandifur Parkway. In addition, this line shall be connected with the irrigation line in Casa

Del Sol Subdivision. Both pipes, along Sandifur Parkway and Road 52, are to be installed with the first phase of development.

28) Any existing irrigation pipe not in use is to be removed at the owner/developer's expense to the satisfaction of the City Engineer. Any existing pipe that is desired to be utilized must be located as directed by the City Engineer.

29) The final plat shall contain the following statement "Irrigation service lines are currently available to lots within this plat; however, water for the irrigation system may not currently be available. The City of Pasco is constructing its irrigation infrastructure on an ongoing basis. The use of the system will become available as time and resources permit the expansion and connection of new systems to the existing irrigation supply".

30) All storm water shall be disposed of through means approved by the City Engineer. All methods and locations utilized to capture and dispose of storm water shall be approved by the City Engineer before approval of the proposed subdivision construction plans.

31) The developer shall be responsible for all costs associated with construction inspection service expenses incurred by the City of Pasco Engineering Department.

32) The developer/builder shall pay the "traffic mitigation fee" established by ordinance at the time of issuance of building permits for homes. Fees collected shall be placed in a fund and used to finance signalization and other improvements necessary to mitigate traffic impacts on the circulation system within the I-182 corridor.

33) The developer shall insure active and ongoing dust and litter abatement activities occur during the construction of the subdivision and construction of the houses thereon.

34) All engineering designs for infrastructure and final plat drawings shall utilize the published City of Pasco Vertical Control Datum.

35) The developer will be required to provide a deposit to the City of Pasco to allow the City of Pasco to hire a surveying company to perform topographic surveys of the constructed utilities including manhole lids and flow line elevations, location of sewer stubs, water valves, water meters, irrigation valves, irrigation services, storm water catch basins, street lights, fire hydrants, monuments and other pertinent information deemed necessary, to the satisfaction of the City of Pasco. The developer will be required to provide as-built drawings for the remainder of the improvements. The City of Pasco contracted surveyor will be given an acceptable electronic copy of the design drawings to then insert their findings from the topographic survey. No as- built/record drawings will be accepted and approved by the City of Pasco until such time as they meet the requirements of and are to the satisfaction of the City Engineer. Until such time that the as-built/record drawings are accepted and approved by the City of Pasco, pursuant to PMC 26.28.050 a certificate of occupancy will not be issued for any structure nor will any subsequent bonding be released.

36) All final plat phases shall contain the following Franklin County Public Utility District statement: "The individual or company making improvements on a lot or lots of this plat is responsible for providing and installing all trench, conduit, primary vaults, secondary junction boxes, and backfill for the PUD's primary and secondary distribution system in accordance with PUD specifications; said individual or company will make full advance payment of line extension fees and will provide all necessary utility easements prior to PUD construction and/or connection of any electrical service to or within the plat."

37) All corner lots and other lots that present difficulties for the placement of yard fencing shall be identified in the notes on the face of the final plat(s).

38) The developer/builder shall pay the City a "common area maintenance fee" of $365 per lot upon issuance of all building permits for homes. These funds shall be placed in a fund and used to finance the maintenance of lands along Sandifur Parkway, Road 52 and Powerline Road. The City shall not accept maintenance responsibility for the landscaping abutting said streets until such time as all homes are permitted in each phase that but said street.

39) Excess right-of-way along Sandifur Parkway and Road 52 must be landscaped. Said landscaping shall include turf and Bradford pear trees or approved equal spaced at 50 foot intervals. All landscaping plans shall be reviewed and approved by the Parks Department prior to installation. Improvements along Powerline Road shall include the referenced trees and a ground cover as approved by the Parks Department. An irrigation system designed to City standards must be included with the landscaping.

40) The developer shall install a common solid fence 6 feet in height adjacent the rear line of all lots backing on Sandifur Parkway Road 52 and Powerline Road as a part of the infrastructure improvements associated with each phase abutting said streets. Said fence must be approved by the City prior to installation. Consideration must be given to the vision triangle at the intersection of streets. A concrete mow strip shall be installed under the fence as approved by the City. The City may make repairs or replace the fencing as needed. Property owners adjoining said fence shall be responsible for payment of all costs associated with maintenance and upkeep. These fencing requirements shall be noted clearly on the face of the final plat (s).

41) The street names shall be compatible with the theme for the neighborhood.

42) A note shall be placed on the face of all final plats for those phases adjacent the west property line of the actively operating Tri-Cities Airport and as such this plat will periodically experience airport noise.

43) A minimum 40 foot by 40 foot parcel located along Road 52 in the northwest corner of the plat, identified as the 3 acre tract, shall be dedicated to the City prior to subdivision construction approval of the first phase.

44) The City will not accept through dedication or other means the areas identified as open space, parks, Tot lots of RV storage, linear parks, community parks or other common

areas. Development of these areas shall be the sole responsibility of the developer. Maintenance of these areas shall be the responsibility of the PUD home owners association and not the City of Pasco. This information shall be clearly noted on all phases of the final plats.

45) The developer shall install landscaping and irrigation within the gas line easement and the Home Owners Association shall maintain said landscaped area. A note shall be placed on the plat explaining the obligation of the Home Owners Association to maintain the gas line easement landscaping.

46) All areas identified as open space, parks, Tot lots of RV storage, linear parks, community parks or other common areas shall be identified as a Tract (Tract A, B, C etc) and a note shall be placed on final plats explaining said Tracts are owned in common by the Home Owners Association and the Home Owners Association is responsible for maintenance.

47) Development of the plat shall conform to the requirements of the easement for utilities, waterline and wells under Auditor file #485528.

48) A "revised" preliminary plat incorporating all changes and modifications, including phasing, approved by the City shall be submitted within 30 days of plat approval. The documents must be submitted both in paper and electronic format acceptable to the City Engineer.

49) Only 372 sewer connections will be permitted in the plat. Septic tanks and drain fields will be permitted on lots within Phases III, IX, XII, X,XVI and XV as identified in the Preliminary plat dated June 2005 and recommended for approval by the Planning Commission on August 18, 2005. Permits can be issued for said lots without sewer connection waivers.

Passed by the City Council of the City of Pasco this 6th day of September, 2005.

Michael L. Garrison
Mayor

ATTEST:

Sandy L. Kenworthy
Deputy City Clerk

APPROVED AS TO FORM:

Leland B. Kerr
City Attorney

TENTATIVE PLAT

NORTHWEST COMMONS

LOCATED IN SECTION 11, T.9N., R.29E., W.M.

PASCO, FRANKLIN COUNTY, WASHINGTON

FRANKLIN COUNTY



VICINITY MAP

NORTH
SCALE: NTS

DATE:	MARCH 4, 2005
ZONE:	R-S-20 SUBURBAN DISTRICT (REZONE TO) R-1 LOW DENSITY RES DISTRICT
LOCATION:	TAX LOTS 116-340-030, 116-350-010 SEC. 11, T9N, R29E WM
TOTAL AREA:	254 ACRES
LOT SIZE RANGE:	7200 SQUARE FEET - 24,000 SQUARE FEET
NUMBER OF LOTS:	509 SINGLE FAMILY LOTS, 40 ATTACHED UNITS

UTILITIES:

WATER:	CITY OF PASCO
SEWER:	CITY OF PASCO
SOLID WASTE:	CITY OF PASCO
POWER:	FRANKLIN PUD
GAS:	-
TELEPHONE:	QWEST
SCHOOL DISTRICT:	CITY OF PASCO
FIRE DISTRICT:	CITY OF PASCO

PROJECT PROFORMA / PHASING

PHASE	YEAR	ACREAGE	LOTS	R/W AREA	PARKS AREA
1	2005-06	12.13 AC	33	4.14 AC	-
2	2005-06	6.03 AC	21	2.58 AC	-
3	2006-07	20.79 AC	37	6.29 AC	-
4	2006-07	15.46 AC	28	2.38 AC	-
4(b)	2006-07	8.17 AC	1	0.84 AC	-
5	2007-08	21.52 AC	28	5.42 AC	9.14 AC (COMM PARK)
6	2007-08	14.43 AC	33	4.74 AC	1.16 AC
7	2008-09	20.51 AC	47	8.01 AC	3.95 AC
8	2008-09	26.65 AC	35	5.59 AC	2.35 AC
9	2009-10	11.74 AC	13	3.31 AC	- "
10	2009-10	8.56 AC	13	1.77 AC	1.60 AC
11	2010-11	21.67 AC	34	3.48 AC	2.12 AC
12	2010-11	16.83 AC	19	2.94 AC	2.13 AC
13	2011-12	11.58 AC	41	2.70 AC	0.60 AC
14	2011-12	13.63 AC	51	3.59 AC	-
15	2012-13	19.82 AC	42	5.98 AC	3.30 AC (RV PARKING)
16	2012-13	13.61 AC	21	3.94 AC	-
TOTALS 17	8 YEARS	254 AC	549 *	65.50 AC	25.37 AC

DEED OWNER / APPLICANT

Name: EE RESOURCES, LLC
Contact: LARRY KING
Address: 250 NW FRANKLIN SUITE 402
BEND, OREGON 97701

Phone: (541) 617 - 1599
Fax: (541) 617 - 1589

PLANNER / ENGINEER / SURVEYOR

Name: DAVID EVANS AND ASSOCIATES, INC.
Contact: DAVID OLSEN
709 NW WALL STREET
BEND, OREGON 97701

Phone: (541) 389-7614
Fax: (541) 389-7623

NOTES:
- TOPOGRAPHIC DATA AND BOUNDARY PREPARED MY MINISTER & GLAESER SURVEYING
6303 BURDEN BLVD., SUITE B, PASCO, WA 99301
PASCO PHONE: 509-544-7802 FAX: 509-544-7862
2000 E. EVERGREEN BLVD., VANCOUVER, WA 98661
360-694-3313 FX: 360-694-8410

- THERE WILL BE NO DIRECT VEHICLE ACCESS FROM ANY LOT IN THE PROJECT TO SANDIFUR PARKWAY, ROAD 44, ROAD 52 OR POWERLINE ROAD.

PRELIMINARY PLAT

NORTHWEST COMMONS
PASCO, WASHINGTON

DAVID EVANS AND ASSOCIATES, INC.
709 NW Wall Street, Suite 102
Bend, Oregon 97701 (541) 389-7614

SITE PLAN 3-04-05
LAYOUT REVISED 06/28/05

REVISIONS

DESIGN: BPO CHECKED:
DRAWN:
DATE: MARCH 2005
SCALE: 1" = 200'
FILE: NWCOMM-TP.DWG

SHEET 1 OF 2

A-18

2014 06 16 - RESOLUTION 3562 -MADISON PARK PUD

RESOLUTION NO. 3562

A RESOLUTION APPROVING A PRELIMINARY PLAT FOR MADISON PARK PLANNED DENSITY DEVELOPMENT.

WHEREAS, RCW 58.17 enables the City to uniformly administer the process of subdividing property for the overall welfare of the community; and,

WHEREAS, owners and developers of property situated in the northeast quarter of Section 9, Township 9 North, Range 29 East, W.M., have requested approval of a preliminary plat; and,

WHEREAS, the Planning Commission has reviewed said preliminary plat which is named Madison Park Planned Density Development; and,

WHEREAS, following a public hearing, the Planning Commission found the proposed plat promoted the general welfare of the community and recommended said preliminary plat be approved with conditions; **NOW THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PASCO:

That the preliminary plat for Madison Park Planned Density Development, located in the north half of Section 11, Township 9 North, Range 29 East W.M., is hereby approved with the following conditions:

1) At the time lots are developed, all abutting roads and utilities shall be installed to City standards as approved by the City Engineer. This includes, but is not limited to water, sewer and irrigation lines, streets, street lights and storm water retention. The handicapped accessible pedestrian ramps must be completed with the street and curb improvements prior to final plat approval. All proposed utilities must be installed underground by the developer at the developer's expense including any power lines along Road 52.
2) Santa Cruz Lane between Porto Lane and Tyre Lane shall be constructed with the first phase of the development.
3) The developer shall install a properly designed irrigation system with stubs to all lots in the subdivision for future irrigation needs. All easements/rights-of-way necessary to convey the irrigation system to and through the proposed plat must be conveyed to the City of Pasco. The irrigation lines shall run in easements/rights-of-way as directed by the City Engineer.
4) Excess right-of-way along Power Line Road and Road 52 must be landscaped. Said landscaping shall include irrigation, turf and trees. Trees shall be planted at 50 foot intervals. The species of the trees will be determined by the Parks Department. All landscaping and irrigation plans shall be reviewed and approved by the Parks Department prior to installation. Water usage for City right-of-way landscaping shall come from a source as approved by the City of Pasco with the connection and meter fees paid for by the developer.

5) The developer/builder shall pay the City a "common area maintenance fee" of $475 per lot upon issuance of building permits for homes. These funds shall be placed in a fund and used to finance the maintenance of arterial boulevard strips. The City shall not accept maintenance responsibility for the landscaping abutting said streets until such time as all fees are collected for each phase that abut said streets.

6) The developer/builder shall pay the "traffic impact fee" established by ordinance at the time of issuance of building permits for homes. Fees collected shall be placed in a fund and used to finance signalization and other improvements necessary to mitigate traffic impacts on the circulation system within the I-182 corridor.

7) The developer shall be responsible for improving and dedicating the park site to the City. The park improvement plans must be reviewed and approved by the Parks Division prior to construction. The park must be built and dedicated before permits have been issued for 250 houses. The community park fee must be collected with the issuance of a building permit for each house.

8) The developer/builder shall mitigate impacts to the Public School System by the "school impact fee" established by Ordinance at the time of issuance of building permits for homes.

9) No utility vaults, pedestals, or other obstructions will be allowed at street intersections.

10) All corner lots and other lots that present difficulties for the placement of yard fencing shall be identified in the notes on the face of the final plat(s).

11) All storm water is to be disposed of per City and State codes and requirements.

12) The developer shall insure active and ongoing dust, weed and litter abatement activities occur during the construction of the subdivision and construction of dwellings thereon.

13) The developer shall prepare a dust, weed and erosion control plan to be approved by the City prior to approval of any construction drawings for the first phase of the subdivision.

14) The developer shall be responsible for the creation of record drawings. All record drawings shall be created in accordance with the requirements detailed in the Record Drawing Requirements and Procedure form provided by the Engineering Division. This form shall be signed by the developer prior to construction plan approval.

15) All engineering designs for infrastructure and final plat(s) drawings shall utilize the published City of Pasco Vertical Control Datum and shall be identified on each such submittal.

16) The final plat(s) shall contain a 10-foot utility easement parallel to all streets unless otherwise required by the Franklin County PUD. Depending on load needs the PUD will need 15 foot easements for select streets to be determined at the design stage of the development.

17) The final plat(s) shall contain the following Franklin County Public Utility District statement: "The individual or company making improvements on a lot or lots of this Plat is responsible for providing and installing all trench, conduit, primary vaults, secondary junction boxes, and backfill for the PUD's primary and secondary distribution system in accordance with PUD specifications; said individual or company will make full advance payment of line extension fees and will provide all necessary utility easements prior to PUD construction and/or connection of any electrical service to or within the plat".

18) Street lighting must be installed to the City of Pasco/Franklin County PUD standards and as directed by the City Engineer. Residential street lights are typically installed every 300

feet, and collector/arterial type street lights are typically installed every 150 feet. Street light positioning is alternating and is measured along the centerline of the road.

19) Prior to the City of Pasco accepting construction plans for review the developer must enter into a Storm Water Maintenance Agreement with the City. The developer will be responsible for obtaining the signatures of all parties required on the agreement and to have the agreement recorded with the Franklin County Auditor. The original signed and recorded copy of the agreement must be presented to the City of Pasco at the intake meeting for construction plans.

20) The developer will be required to conform to all conditions set forth in the Storm Water Maintenance Agreement including, but not limited to, regular cleaning and maintenance of all streets, gutters, catch basins and catch basin protection systems. Cleaning shall occur on a regular basis to ensure that no excess buildup of sand, trash, grass clippings, weeds or other debris occurs in any portion of the streets, gutters, or storm water collection facilities. Cleaning and upkeep of the streets, gutters, and storm water collection facilities must be to the satisfaction of the City Engineer. The developer will be responsible for operating and maintaining the storm drain system in accordance with the Storm Water Maintenance Agreement for a period of up to five years from the date of final plat(s) approval depending on the build out schedule for homes on the lots.

21) The developer will be required to comply with the City of Pasco Civil Plan Review process.

22) The developer shall install a common Estate type masonry wall/fence 6 feet in height adjacent the rear line of all lots backing on Road 52 and Power Line Road as a part of the infrastructure improvements associated with each phase abutting said streets. Prior to installation the City must approve said wall/fence. Consideration must be given to the vision triangle at the intersection of streets. The City may make repairs or replace the fencing as needed. Property owners adjoining said fence shall be responsible for payment of all costs associated with maintenance and upkeep. These fencing requirements shall be noted clearly on the face of the final plat(s). A concrete mow strip shall be installed under any common fence as directed by the City Parks Division and shall be approved by the Parks Department prior to installation.

23) The developer shall install landscaping (turf) and irrigation within the gas line easement and the Home Owners Association established for the plat shall maintain said landscaped area. A note shall be place on all final plats explaining the obligation of the Home Owners Association to maintain the gas line easement landscaping.

24) The developer shall install a common Estate type masonry wall/fence 6 feet in height around the City well site on Road 52. Said wall must match the wall constructed along Road 52. Property owners adjoining said fence shall be responsible for payment of all costs associated with maintenance and upkeep. These fencing requirements shall be noted clearly on the face of the final plat(s).

25) The developer shall install a common Estate type masonry wall/fence 6 feet in height around the irrigation well sites abutting Power Line Road. Said walls must match the wall constructed along Road 52 and conform to all front yard setback provisions. Property owners adjoining said fence shall be responsible for payment of all costs associated with maintenance and upkeep. These fencing requirements shall be noted clearly on the face of the final plat(s). Required front yard setbacks must be maintained along all interior streets.

26) Lots abutting Power Line Road and Road 52 shall not have direct access to said streets. Access shall be prohibited by means of deed restrictions or statements on the face of the final plat(s).

27) The following note shall be placed on all final plats: This plat is within an Avigation Easement which requires compliance with airspace restrictions and other identified concerns such as smoke, noise, electrical interference and other conditions associated with normal Tri-Cities Airport operations.

28) All lots within Avigation Easement "C" as determined by the Port of Pasco must be graded to comply with airspace height restrictions for said easement. Grading plans for the impacted lots must be reviewed by the Port prior to submittal to the Engineering Division.

29) An FAA Form 7460-1 must be submitted to the Port of Pasco and the FAA for the construction of any structure within 20 feet of the height limitations set forth in PMC 25.81.070.

30) The following statement must appear on all final plats within Airport Safety Compatibility Zone Three, the Horizontal Zone, Transitional Zone and the Approach Zone: "Property within this plat may be subject to varying noise levels and vibrations due to proximity to the Tri-Cities Airport. Properties near the airport may be located within height and use restriction zones as described and illustrated by Federal standards and regulations and the City of Pasco Zoning Regulations. There is the potential that standard flight patterns will result in aircraft passing over the properties at low altitudes and during all hours of the day. Future airport expansion including runway extensions may impact the size and number of aircraft utilizing the airport. Developments near the airport should assume that at any given time there will be some impact from air traffic."

Passed by the City Council of the City of Pasco this 16th day of June, 2014.

Matt Watkins, Mayor

ATTEST:

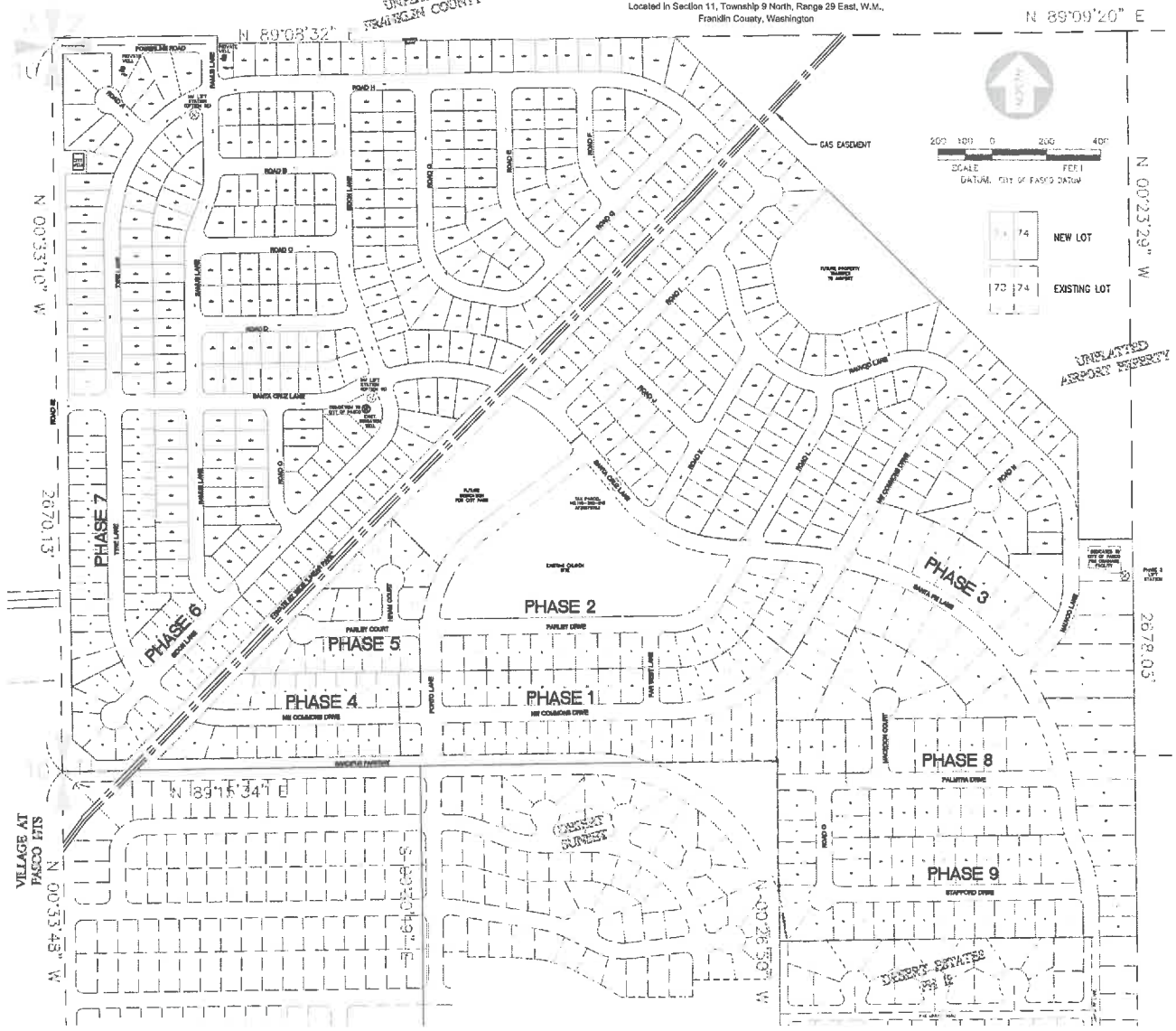
Debra L. Clark, MMC
City Clerk

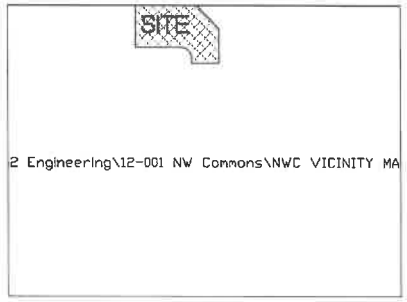
APPROVED AS TO FORM:

Leland B. Kerr, City Attorney

PRELIMINARY PLAT OF MADISON PARK - PLANNED DENSITY DEVELOPMENT
PASCO, WASHINGTON

Located in Section 11, Township 9 North, Range 29 East, W.M., Franklin County, Washington





VICINITY MAP

INDEX OF DRAWINGS

SHEET NO.	DESCRIPTION
1	PRELIMINARY PLAT MAP
2	CONTOUR MAP
3	WATER AND DRAINAGE MAP
4	SANITARY SEWER MAP

PRELIMINARY PLAT INFORMATION

INFORMATION	NEW PROJECT DATA
PARCEL NUMBER	TAX LOTS 110-240-230, 16-235-010
SITE ADDRESS	ROAD 52 & LINDSAY PKWY
AREA	127.5± ACRES
OPEN SPACE AREA	13.7± ACRES
PUBLIC ROW AREA	27.3± ACRES
LOT AREA	±84.52 ACRES
PROPOSED USE	SINGLE FAMILY
NUMBER OF LOTS	581 LOTS
GROSS DENSITY	3.6 UNITS PER ACRE
NET DENSITY	4.6 UNITS PER ACRE
EXISTING ZONE	R-1, PRD SUBURBAN DISTRICT
PROPOSED ZONE	R-1, PDD SUBURBAN DISTRICT
MINIMUM LOT SIZE	6,004 S.F.
MAXIMUM LOT SIZE	21,343 S.F.
AVERAGE LOT SIZE	10,097 S.F.

UTILITIES

WATER:	CITY OF PASCO
SEWER:	CITY OF PASCO
SOLID WASTE:	CITY OF PASCO
POWER:	FRANKLIN PUD
GAS:	CASCADE NATURAL GAS
TELEPHONE:	CENTURY LINK
IRRIGATION DISTRICT:	CITY OF PASCO
FIRE DISTRICT:	CITY OF PASCO

OWNER

Name: EP RESOURCES, LLC
Contact: DANE SWINDLER
Address: 250 NW FRANKLIN, SUITE 402
BEND, OREGON 97701
Phone: (541)330-4372

SPONSOR

G2 ENGINEERING
1414 E. LINCOLN LANE
DEER PARK, WA 99006
(509)991-9033

GENERAL NOTES:

1. TOPOGRAPHIC DATA AND BOUNDARY PREPARED BY WINSTED & OLAESEN SURVEYING 8309 BURDEN BLVD., SUITE B, PASCO, WA 99301, PASCO PHONE: 509-544-7862 509-544-7862, 2306 E. EVERGREEN BLVD., VANCOUVER, WA 98661 360-694-6402.
2. THERE WILL BE NO DIRECT VEHICLE ACCESS FROM ANY LOT IN THE PROJECT TO SANDIFUR PARKWAY, ROAD 44, ROAD 52 OR POWERLINE ROAD.
3. A 6 FOOT BLOCK WALL WILL BE CONSTRUCTED ALONG THE PLAT BOUNDARY ADJACENT TO ROAD 52 AND POWERLINE ROAD. THE WALL WILL MATCH THE EXISTING BLOCK WALL AND BE CONSTRUCTED IN PHASES ADJACENT TO ROAD 52 AND POWERLINE ROAD.
4. THE PROJECT WILL BE CONSTRUCTED IN PHASES. THE FINAL PHASE LINES WILL BE DETERMINED IN THE FUTURE BASED ON MARKET CONDITIONS AND FEASIBILITY.

G2 ENGINEERING
1414 e. lincoln lane
deer park, wa 99006
509.991.9033

MADISON PARK
PLANNED DENSITY DEVELOPMENT

PRELIMINARY PLAT MAP

CITY OF PASCO, WASHINGTON
ENGINEERING DIVISION
525 N 3RD AVE
PASCO, WA 99301
(509) 545-3441

VERTICAL DATUM - NGVD29
TBM #1
5" BRASS CAP IN CONC CURB
ELEV. = 403.31

#	DATE	BY	REVISION
1	3-27-14	GRG	ORIGINAL SUBMITTAL

SCALE
HOR. 1"=200'
VERT. N/A

PROJECT #: M-012
DESIGNED BY: GRG
DRAWN BY: GRG

MAP
1 of 4

A-19

2023 06 20 - RESOLUTION 4356 - 2024-2029 SIX-YEAR TIP

RESOLUTION NO. 4356

A RESOLUTION OF THE CITY OF PASCO, ADOPTING THE 2024-2029 SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM FOR THE CITY OF PASCO FOR THE PURPOSE OF GUIDING THE DEVELOPMENT, DESIGN, AND CONSTRUCTION OF LOCAL AND REGIONAL TRANSPORTATIONS IMPROVEMENTS.

WHEREAS, RCW 35.77.010 provides for annual revision and extension of the comprehensive transportation program of each city and town, after public hearing thereon; and

WHEREAS, the City shall annually review the work accomplished under the program and determine current city transportation needs and from these findings shall prepare and adopt a revised and extended comprehensive transportation program before July 1 of each year; and

WHEREAS, on June 20, 2023, the City Council held a public hearing on the revision and extension of the comprehensive transportation program, received and evaluated all comments; and

WHEREAS, it is now time to revise and extend the comprehensive transportation program as identified as the Six-Year Transportation Improvement Program (TIP); and

WHEREAS, the City has determined, based on an assessment of the work accomplished under this program and the current City transportation needs, that this revised comprehensive transportation program adequately addresses the City's future transportation needs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PASCO, WASHINGTON:

That the City of Pasco hereby adopts the revision and extension of the comprehensive transportation program for the ensuing six years as attached hereto as **Exhibit A** and labeled "*Six-Year Transportation Improvement Program 2024-2029*" incorporated by this reference as though fully set forth herein; and

Be It Further Resolved, that the comprehensive transportation program shall be filed with the Benton-Franklin Council of Governments and the Washington State Department of Transportation.

PASSED by the City Council of the City of Pasco, Washington, on this 20th day of June, 2023.

Blanche Barajas
Mayor

ATTEST:

Debra Barham
City Clerk

APPROVED AS TO FORM:

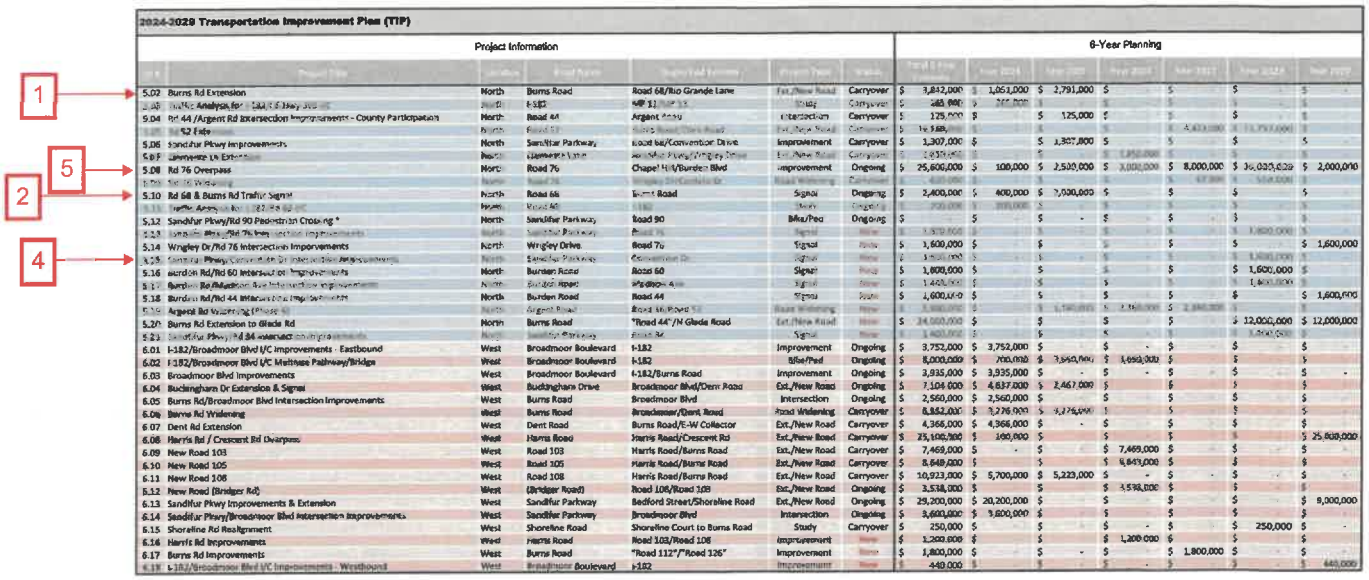
Kerr Ferguson Law, PLLC
City Attorneys

2024-2029 Transportation Improvement Plan (TIP)

	Project Information						6-Year Planning						
1.01	Annual Pavement Preservation	City Wide	Multiple Locations	Multiple Locations	Maintenance	Ongoing	$ 6,664,000	$ 1,030,000	$ 1,061,000	$ 1,093,000	$ 1,126,000	$ 1,160,000	$ 1,194,000
1.02	City Wide Traffic Signal Improvements (Phase 3)	City Wide	Multiple Locations	Multiple Locations	Signal	Ongoing	$ 2,119,545	$ -	$ -	$ 2,119,545	$ -	$ -	$ -
2.01	W 'A' St/6th Ave Pedestrian Crossing	Central	A Street	6th Ave	Bike/Ped	Ongoing	$ 552,000	$ 552,000	$ -	$ -	$ -	$ -	$ -
2.03	Lewis Street Corridor Improvements (Phase 1)	Central	Lewis Street	2nd Ave/ 5th Ave	Bike/Ped	Ongoing	$ 7,000,000	$ 500,000	$ 6,500,000	$ -	$ -	$ -	$ -
2.04	Lewis Street Corridor Improvements (Phase 2)	Central	Lewis Street	5th Ave/10th Ave	Bike/Ped	Carryover	$ 5,200,000	$ -	$ 400,000	$ 382,000	$ 1,690,000	$ 2,000,000	$ -
2.05	South 4th Ave (Festival Street Improvements)	Central	S 4th Avenue	Lewis Street / Columbia Street	Bike/Ped	Carryover	$ 500,000	$ -	$ 50,000	$ 450,000	$ -	$ -	$ -
2.06	Sylvester St Overpass Pedestrian/Bicycle Access	Central	Sylvester Street	US 395 Overpass	Bike/Ped	Ongoing	$ 3,735,000	$ 545,560	$ 3,189,540	$ -	$ -	$ -	$ -
2.07	Sylvester St Safety Improvements	Central	Sylvester Street	Road 54/3rd Ave	Bike/Ped	Ongoing	$ 1,357,987	$ 1,357,987	$ -	$ -	$ -	$ -	$ -
2.08	Sylvester St/US 395 NB Off Ramp Intersection Improvements	Central	Sylvester Street	US 395 NB Off Ramp	Signal	Carryover	$ 1,600,000	$ 150,000	$ 1,450,000	$ -	$ -	$ -	$ -
2.09	Clark St Improvements	Central	Clark Street	10th St/2nd St	Bike/Ped	Carryover	$ 1,000,000	$ -	$ -	$ -	$ 250,000	$ 750,000	$ -
2.10	Columbia St Improvements	Central	Columbia Street	10th St/2nd St	Bike/Ped	Carryover	$ 1,000,000	$ -	$ -	$ -	$ 250,000	$ 750,000	$ -
3.01	James St Improvements	East	James Street	Oregon Ave/Frontier Ln	Improvement	Ongoing	$ 1,653,000	$ -	$ 1,653,000	$ -	$ -	$ -	$ -
3.02	Lewis St Overpass	East	Lewis Street	Oregon Ave/2nd Ave	Improvement	Ongoing	$ 1,900,000	$ 1,500,000	$ -	$ -	$ -	$ -	$ -
3.03	Lewis St/Heritage Blvd Intersection Improvements	East	Lewis Street	Heritage Blvd	Signal	Carryover	$ 1,900,000	$ -	$ 400,000	$ 1,500,000	$ -	$ -	$ -
3.05	Traffic Analysis for US 12	East	US 12	A /Tank Farm Road	Study	Carryover	$ 200,000	$ 200,000	$ -	$ -	$ -	$ -	$ -
3.06	Rd 40 E Extension	East	Road 40 East	'A' Street/ East Lewis Place	Ext./New Road	Ongoing	$ 3,225,000	$ 1,230,000	$ 1,995,000	$ -	$ -	$ -	$ -
3.07	Ramer Ave/Ketchner St Intersection Improvements	East	Ramer Ave	Ketchner	Signal	Carryover	$ 1,235,000	$ -	$ 140,000	$ 1,080,000	$ -	$ -	$ -
3.09	Rd 40 East Pathway	East	Road 40 East	Sacajawea Park/East Lewis Place	Bike/Ped	Carryover	$ 316,500	$ 316,500	$ -	$ -	$ -	$ -	$ -
3.10	Sacajawea Park Rd Pedestrian/Bicycle Pathway - WSDOT	East	Sacajawea Park Road	Sacajawea Park/US 12	Bike/Ped	Carryover	$ 1,557,000	$ 1,557,000	$ -	$ -	$ -	$ -	$ -
3.11	Heritage Blvd Extension	East	Heritage Boulevard	A Street/Burbank Rd	Ext./New Road	Carryover	$ 7,361,000	$ -	$ 3,680,500	$ 3,680,500	$ -	$ -	$ -
3.12	Cedar Ave Extension	East	Cedar Avenue	A Street/Burbank Rd	Ext./New Road	Carryover	$ 7,015,000	$ -	$ -	$ 3,507,500	$ 3,507,500	$ -	$ -
3.13	South Elm Ave Extension	East	South Elm Avenue	A Street/Burbank Rd	Ext./New Road	Carryover	$ 3,582,000	$ -	$ 2,388,000	$ 1,194,000	$ -	$ -	$ -
3.14	New Road (Burbank Rd)	East	(Burbank Road)	S Elm Street/Road 40 E	Ext./New Road	Carryover	$ 14,728,000	$ -	$ 8,473,000	$ 6,255,000	$ -	$ -	$ -
3.15	New Road (East C St)	East	(C Street)	S Elm Street/Heritage Blvd	Ext./New Road	Carryover	$ 6,255,000	$ -	$ -	$ 3,127,500	$ 3,127,500	$ -	$ -
3.17	Sacajawea Park Rd Realignment	East	Sacajawea Park Road	Road 40 E/US 12	Improvement	Carryover	$ 12,199,000	$ -	$ -	$ -	$ -	$ 12,199,000	$ -
3.18	US 12/Tank Farm Rd Connection	East	US 12	Tank Farm Road	Ext./New Road	Carryover	$ 7,387,500	$ -	$ -	$ -	$ 7,387,500	$ -	$ -
3.19	Commercial Ave Extension	East	Commercial Avenue	Venture Road/Tank Farm Road	Ext./New Road	Carryover	$ 22,150,000	$ -	$ -	$ -	$ 7,383,333	$ 7,383,333	$ 7,383,333
4.01	Argent Rd Pedestrian / Bike Pathway	South	Argent Road	Road 68/Road 70th Place	Bike/Ped	Ongoing	$ 500,000	$ -	$ 500,000	$ -	$ -	$ -	$ -
4.02	Argent Rd/Rd 88 Pedestrian Crossing *	South	Argent Road	Road 88	Bike/Ped	Ongoing	$ 1,099,056	$ 157,008	$ 942,048	$ -	$ -	$ -	$ -
4.03	Court St/Rd 68 Intersection Improvements	South	Court Street	Road 68	Intersection	Ongoing	$ 3,212,550	$ 3,212,550	$ -	$ -	$ -	$ -	$ -
4.05	Court St Safety Improvements	South	Court Street	Road 40/Road 68	Bike/Ped	Carryover	$ 270,000	$ -	$ 270,000	$ -	$ -	$ -	$ -
4.06	Crescent Rd Extension	South	Crescent Road	Road 108/Chapel Hill	Ext./New Road	Carryover	$ 400,000	$ 60,000	$ 340,000	$ -	$ -	$ -	$ -
4.07	Franklin County Irrigation District Canal Bicycle/Pedestrian Pathway	South	N/A	Road 100/Road 76	Bike/Ped	Carryover	$ 870,000	$ -	$ 450,000	$ 420,000	$ -	$ -	$ -
4.08	Rd 100 Widening	South	Road 100	Court St/Chapel Hil Blvd	Road Widening	Carryover	$ 7,900,000	$ 375,000	$ 950,000	$ 3,250,000	$ 3,325,000	$ -	$ -
4.09	Sacajawea Heritage Trail Levee Lowering	South	Sacajawea Heritage Trail	Road 54/Road 72	Bike/Ped	Carryover	$ 2,522,000	$ -	$ -	$ 522,000	$ 2,000,000	$ -	$ -
4.10	Rd 68 Widening	South	Road 68	Chapel Hill Blvd/Argent Road	Road Widening	Carryover	$ 5,500,000	$ -	$ -	$ -	$ 5,500,000	$ -	$ -
4.11	Court St Improvements	South	Court Street	Road 96/Harris Road	Bike/Ped	New	$ 7,200,000	$ 100,000	$ 1,840,900	$ 3,456,000	$ 2,804,000	$ -	$ -
4.12	Warnett Rd Extension	South	Warnett Rd	Road 76/Road 84	Ext./New Road	New	$ 6,400,000	$ -	$ -	$ -	$ -	$ 1,280,000	$ 5,120,000
4.13	Court St/Rd 68 Intersection Improvements	South	Court St	Rd 68	Signal	New	$ 1,600,000	$ -	$ -	$ -	$ -	$ -	$ 1,600,000

* Projects 4.02 and 5.13 have been combined to be one project. Refer to Project 4.02 for combined cost and schedule information

NOTE: Projects and timeframes identified in the TIP are to be considered estimates only that may change due to a variety of circumstances and are not intended by the City to be relied upon by property owners or developers in making development decisions.

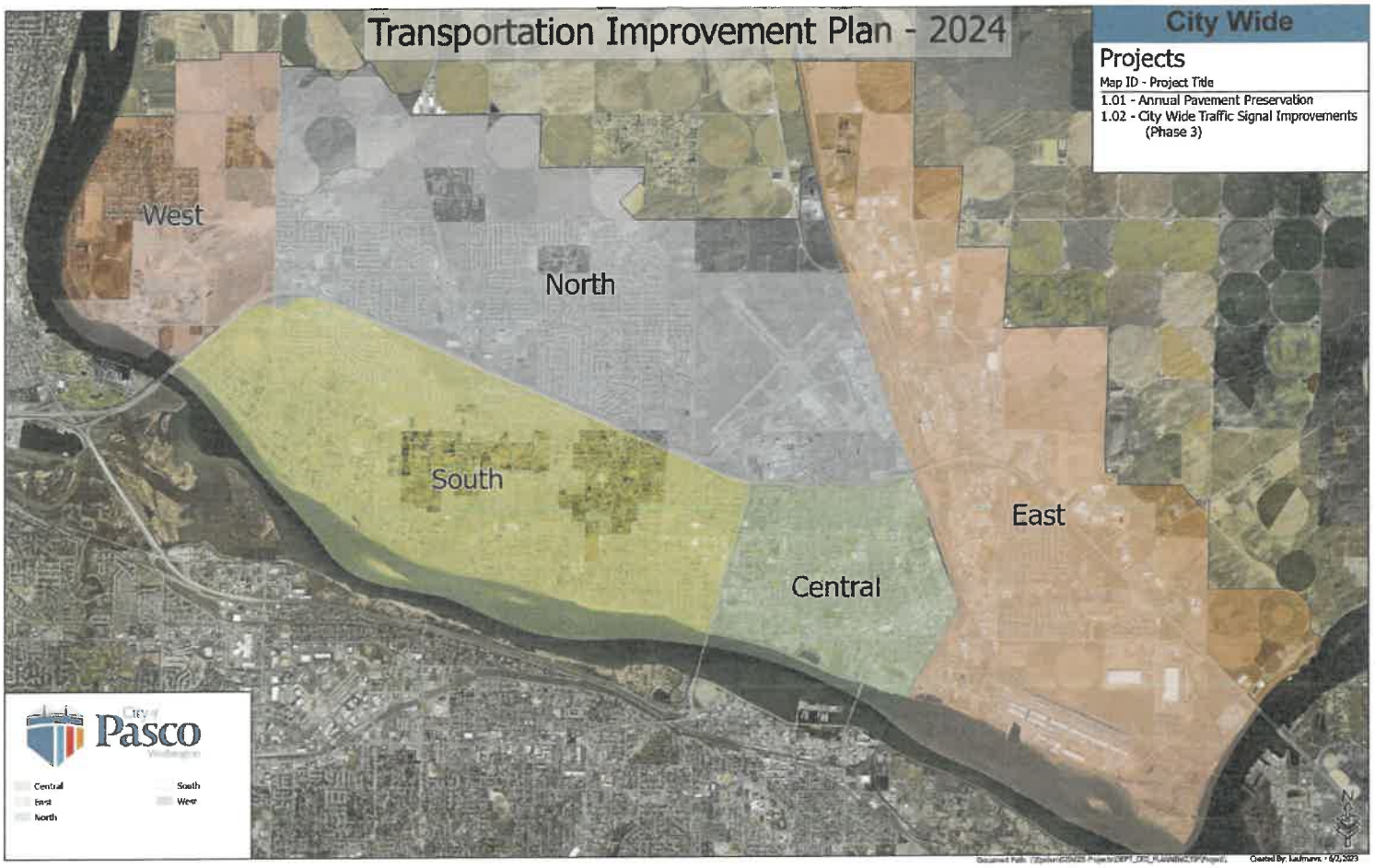


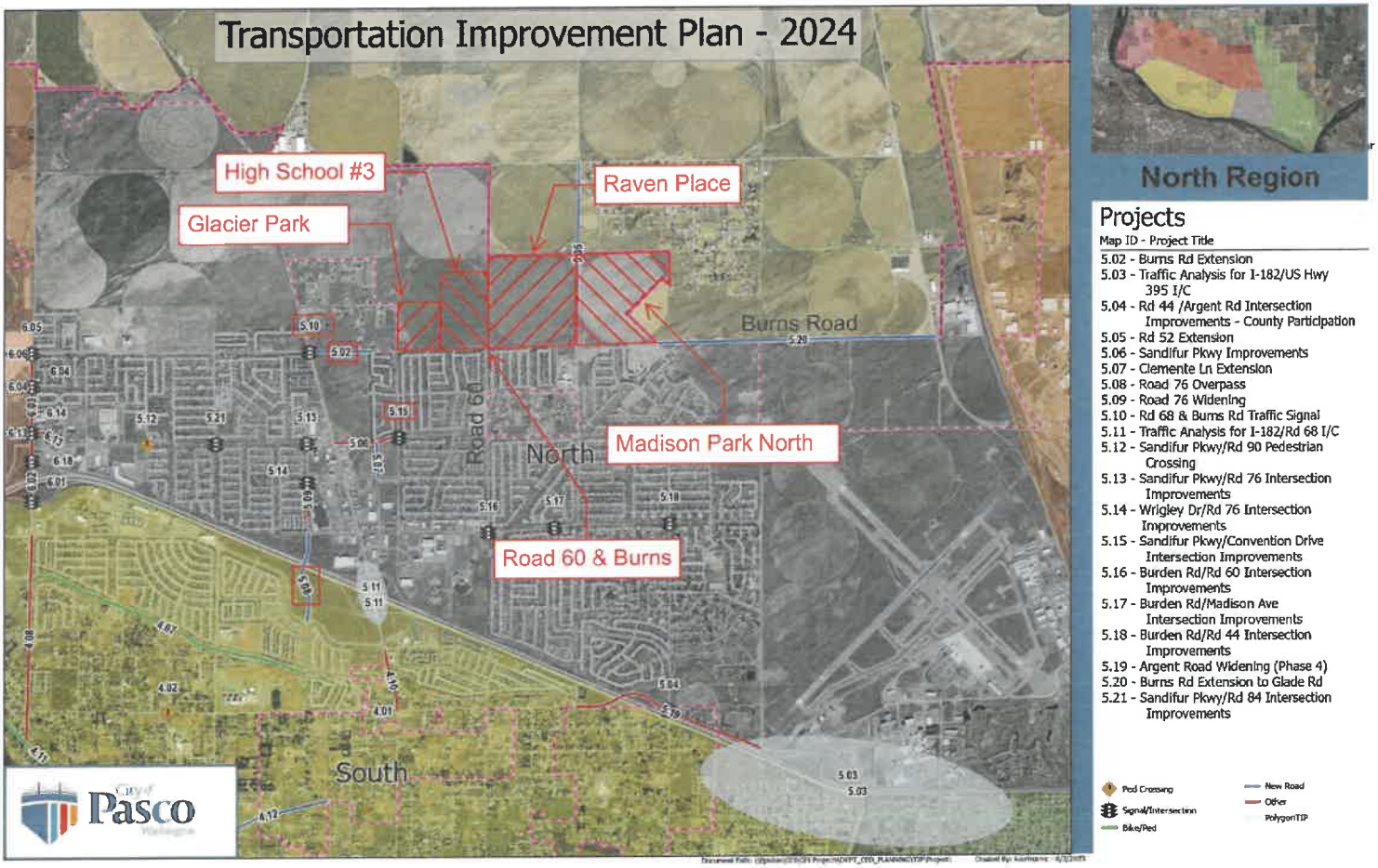
2024-2029 Transportation Improvement Plan (TIP)

	Project Information						6-Year Planning						
							Total 6 Year Estimate	Year 2024	Year 2025	Year 2026	Year 2027	Year 2028	Year 2029
1	5.02 Burns Rd Extension	North	Burns Road	Road 68/Rio Grande Lane	Ext./New Road	Carryover	$ 3,842,000	$ 1,051,000	$ 2,791,000	$ -	$ -	$ -	$ -
	[illegible] Analysis for I-182/I-82 Hwy Jct	North	I-182	HP 11 [illegible]	Study	Carryover	$ 385,000	$ 385,000					
	5.04 Rd 44 /Argent Rd Intersection Improvement - County Participation	North	Road 44	Argent Road	Intersection	Carryover	$ 125,000	$ -	$ 125,000	$ -	$ -	$ -	$ -
	[illegible] 52 Fide	North	Road 52	[illegible]	Ext./New Road	Carryover	$ 16,589,000	$ -	$ -	$ -	$ -	$ 4,831,000	$ 11,757,000
	5.06 Sandifur Pkwy Improvements	North	Sandifur Parkway	Road 68/Convention Drive	Improvement	Carryover	$ 1,307,000	$ -	$ 1,307,000	$ -	$ -	$ -	$ -
	5.07 [illegible] Ln Extension	North	[illegible] Lane	[illegible] Pkwy/Wrigley Drive	Ext./New Road	Carryover	$ 2,850,000	$ -	$ -	$ -	$ 1,850,000	$ -	$ -
5	5.08 Rd 76 Overpass	North	Road 76	Chapel Hill/Burden Blvd	Improvement	Ongoing	$ 25,600,000	$ 100,000	$ 2,500,000	$ 3,000,000	$ 8,000,000	$ 10,000,000	$ 2,000,000
	[illegible]	North	Road 76	[illegible]	Road Widening	Carryover	$ 600,000	$ -	$ -	$ -	$ -	$ 600,000	$ -
2	5.10 Rd 68 & Burns Rd Traffic Signal	North	Road 68	Burns Road	Signal	Ongoing	$ 2,400,000	$ 400,000	$ 2,000,000	$ -	$ -	$ -	$ -
	[illegible]	North	Road 60	[illegible]	Study	Ongoing	$ 800,000	$ 800,000	$ -	$ -	$ -	$ -	$ -
	5.12 Sandifur Pkwy/Rd 90 Pedestrian Crossing *	North	Sandifur Parkway	Road 90	Bike/Ped	Ongoing	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	[illegible]	North	Sandifur Parkway	[illegible]	Signal	New	$ 1,800,000	$ -	$ -	$ -	$ -	$ 1,800,000	$ -
4	5.14 Wrigley Dr/Rd 76 Intersection Improvements	North	Wrigley Drive	Road 76	Signal	New	$ 1,600,000	$ -	$ -	$ -	$ -	$ -	$ 1,600,000
	[illegible]	North	Sandifur Parkway	Convention Dr	Signal	New	$ 1,800,000	$ -	$ -	$ -	$ -	$ 1,800,000	$ -
	5.16 Burden Rd/Rd 60 Intersection Improvements	North	Burden Road	Road 60	Signal	New	$ 1,800,000	$ -	$ -	$ -	$ -	$ 1,600,000	$ -
	[illegible]	North	Burden Road	Road 68	Signal	New	$ 1,400,000	$ -	$ -	$ -	$ -	$ 1,400,000	$ -
	5.18 Burden Rd/Rd 44 Intersection Improvements	North	Burden Road	Road 44	Signal	New	$ 1,600,000	$ -	$ -	$ -	$ -	$ -	$ 1,600,000
	[illegible]	North	Argent Road	Road 68/Road 72	Road Widening	New	$ 3,840,000	$ -	$ 1,760,000	$ 2,080,000	$ 2,840,000	$ -	$ -
	5.20 Burns Rd Extension to Glada Rd	North	Burns Road	"Road 44"/N Glada Road	Ext./New Road	New	$ 24,000,000	$ -	$ -	$ -	$ -	$ 12,000,000	$ 12,000,000
	[illegible]	North	Sandifur Parkway	Road 90	Signal	New	$ 1,800,000	$ -	$ -	$ -	$ -	$ 1,800,000	$ -
	6.01 I-182/Broadmoor Blvd I/C Improvements - Eastbound	West	Broadmoor Boulevard	I-182	Improvement	Ongoing	$ 3,752,000	$ 3,752,000	$ -	$ -	$ -	$ -	$ -
	6.02 I-182/Broadmoor Blvd I/C Multiuse Pathway/Bridge	West	Broadmoor Boulevard	I-182	Bike/Ped	Ongoing	$ 8,000,000	$ 700,000	$ 3,660,000	$ 1,692,000	$ -	$ -	$ -
	6.03 Broadmoor Blvd Improvements	West	Broadmoor Boulevard	I-182/Burns Road	Improvement	Ongoing	$ 3,935,000	$ 3,935,000	$ -	$ -	$ -	$ -	$ -
	6.04 Buckingham Dr Extension & Signal	West	Buckingham Drive	Broadmoor Blvd/Dent Road	Ext./New Road	Ongoing	$ 7,104,000	$ 4,637,000	$ 2,467,000	$ -	$ -	$ -	$ -
	6.05 Burns Rd/Broadmoor Blvd Intersection Improvements	West	Burns Road	Broadmoor Blvd	Intersection	Ongoing	$ 2,560,000	$ 2,560,000	$ -	$ -	$ -	$ -	$ -
	6.06 Burns Rd Widening	West	Burns Road	Broadmoor/Dent Road	Road Widening	Carryover	$ 8,852,000	$ 3,276,000	$ 3,276,000	$ -	$ -	$ -	$ -
	6.07 Dent Rd Extension	West	Dent Road	Burns Road/E-W Collector	Ext./New Road	Carryover	$ 4,366,000	$ 4,366,000	$ -	$ -	$ -	$ -	$ -
	6.08 Harris Rd / Crescent Rd Overpass	West	Harris Road	Harris Road/Crescent Rd	Ext./New Road	Carryover	$ 25,100,000	$ 100,000	$ -	$ -	$ -	$ -	$ 25,000,000
	6.09 New Road 103	West	Road 103	Harris Road/Burns Road	Ext./New Road	Carryover	$ 7,469,000	$ -	$ -	$ 7,469,000	$ -	$ -	$ -
	6.10 New Road 105	West	Road 105	Harris Road/Burns Road	Ext./New Road	Carryover	$ 8,649,000	$ -	$ -	$ 8,649,000	$ -	$ -	$ -
	6.11 New Road 108	West	Road 108	Harris Road/Burns Road	Ext./New Road	Carryover	$ 10,923,000	$ 5,700,000	$ 5,223,000	$ -	$ -	$ -	$ -
	6.12 New Road (Bridger Rd)	West	(Bridger Road)	Road 108/Road 109	Ext./New Road	Ongoing	$ 3,538,000	$ -	$ -	$ 3,538,000	$ -	$ -	$ -
	6.13 Sandifur Pkwy Improvements & Extension	West	Sandifur Parkway	Bedford Street/Shoreline Road	Ext./New Road	Ongoing	$ 29,200,000	$ 20,200,000	$ -	$ -	$ -	$ -	$ 9,000,000
	6.14 Sandifur Pkwy/Broadmoor Blvd Intersection Improvements	West	Sandifur Parkway	Broadmoor Blvd	Intersection	Ongoing	$ 3,600,000	$ 3,600,000	$ -	$ -	$ -	$ -	$ -
	6.15 Shoreline Rd Realignment	West	Shoreline Road	Shoreline Court to Burns Road	Study	Carryover	$ 250,000	$ -	$ -	$ -	$ -	$ 250,000	$ -
	6.16 Harris Rd Improvements	West	Harris Road	Road 103/Road 108	Improvement	New	$ 1,200,000	$ -	$ -	$ 1,200,000	$ -	$ -	$ -
	6.17 Burns Rd Improvements	West	Burns Road	"Road 112"/"Road 126"	Improvement	New	$ 1,800,000	$ -	$ -	$ -	$ 1,800,000	$ -	$ -
	[illegible] I-182/Broadmoor Blvd I/C Improvements - Westbound	West	Broadmoor Boulevard	I-182	Improvement	New	$ 440,000	$ -	$ -	$ -	$ -	$ -	$ 440,000

* Projects 4.02 and 5.13 have been combined to be one project. Refer to Project 4.02 for combined cost and schedule information.

NOTE: Projects and timeframes identified in the TIP are to be considered estimates only that may change due to a variety of circumstances and are not intended by the City to be relied upon by property owners or developers in making development decisions.


Transportation Improvement Plan - 2024
City Wide
Projects
Map ID - Project Title
1.01 - Annual Pavement Preservation
1.02 - City Wide Traffic Signal Improvements (Phase 3)
West
North
South
East
Central
City of Pasco
Central
East
North
South
West


Transportation Improvement Plan - 2024
High School #3
Raven Place
Glacier Park
Burns Road
Road 60
North
Madison Park North
Road 60 & Burns
South
City of Pasco
North Region
Projects
Map ID - Project Title
5.02 - Burns Rd Extension
5.03 - Traffic Analysis for I-182/US Hwy 395 I/C
5.04 - Rd 44 /Argent Rd Intersection Improvements - County Participation
5.05 - Rd 52 Extension
5.06 - Sandifur Pkwy Improvements
5.07 - Clemente Ln Extension
5.08 - Road 76 Overpass
5.09 - Road 76 Widening
5.10 - Rd 68 & Burns Rd Traffic Signal
5.11 - Traffic Analysis for I-182/Rd 68 I/C
5.12 - Sandifur Pkwy/Rd 90 Pedestrian Crossing
5.13 - Sandifur Pkwy/Rd 76 Intersection Improvements
5.14 - Wrigley Dr/Rd 76 Intersection Improvements
5.15 - Sandifur Pkwy/Convention Drive Intersection Improvements
5.16 - Burden Rd/Rd 60 Intersection Improvements
5.17 - Burden Rd/Madison Ave Intersection Improvements
5.18 - Burden Rd/Rd 44 Intersection Improvements
5.19 - Argent Road Widening (Phase 4)
5.20 - Burns Rd Extension to Glade Rd
5.21 - Sandifur Pkwy/Rd 84 Intersection Improvements
Ped Crossing
Signal/Intersection
Bike/Ped
New Road
Other
PolygonTIP

4.10 Rd 68 Widening

This project will widen Road 68 to 5 lanes from Chapel Hill Boulevard to Argent Road. This project will continue the widening of Road 68 from I-182 to Chapel Hill Boulevard that was completed in 2021.

4.11 Court Street Improvements - NEW

This project will improve Court Street from Road 96 to Harris Road to include bike and pedestrian facilities and traffic calming features. This will extend bike and pedestrian facilities from where the Sacajawea riverfront trail connects to Court Street to the proposed bike and pedestrian facilities planned for in the Broadmoor Area as described in the adopted Broadmoor Masterplan. This would provide a cross-city bike and pedestrian connection.

4.12 Wernett Rd Extension - NEW

This project will extend Wernett Road along the USA CORPS property from Road 76 to Road 84 as a collector, completing an east-west connection in this area of Pasco from Road 28 to Road 84.

4.13 Court St/Rd 60 Intersection Improvements - NEW

This project will install a traffic signal at the intersection of Court St and Road 60 and include any necessary ADA improvements.

North Projects:

5.02 Burns Rd Extension

This project will extend Burns Road, as a 3-lane minor arterial, from Road 68 to Rio Grande Lane and a new traffic signal at the intersection of Road 68 and Burns Road. This is a critical connection that currently doesn't exist and impedes the ability for residential traffic to access an important commercial area. Surrounding property is undeveloped, these improvements will be largely accomplished through developer improvement.

5.03 Traffic Analysis for I-182/US Hwy 395 I/C

This project will analyze the I-182/US 395 Interchange for improvements.

5.04 Rd 44 /Argent Rd Intersection Improvements - County Participation

This project will improve the intersection of Road 44 and Argent Road and include any necessary ADA improvements.

5.05 Rd 52 Extension

This project will construct a 3-lane collector roadway to extend Road 52, north to Clark Road. Due to anticipated development in an area in which adequate fire coverage does not exist, a connection to this area would allow for Franklin County Fire Station No. 36 to assist in responding to emergency calls in this area.

5.06 Sandifur Pkwy Improvements

This project will complete missing elements such as a 3-lane road section, curbs, and sidewalks of the Sandifur Parkway road section from Road 68 to Convention Drive. This project will eliminate a pinch point at this location on Sandifur Parkway by completing the road section. It will complete the missing link in designated pedestrian facilities and allow for more transportation options across Road 68.

5.07 Clemente Ln Extension

This project will extend Clemente Lane from Wrigley Drive to Sandifur Parkway. When this property is developed, this project will provide a connection from Burns Road to Burden Road. This increases connectivity and improves traffic capacity and management by allowing for alternative routes.

5.08 Rd 76 Overpass

This project will extend Road 76 north from Chapel Hill Blvd to Burden Blvd by constructing an overpass across I-182 to connect communities north and south of the existing interstate. This project will include bicycle and pedestrian facilities.

5.09 Rd 76 Widening

This project will construct the east side of Road 76 between Cordero Drive and Wrigley Drive, to provide a consistent road width.

5.10 Rd 68 & Burns Rd Traffic Signal

This project will provide for the installation of a traffic signal at the intersection of Road 68 and Burns Road, along with pedestrian facilities.

5.11 Traffic Analysis for I-182/Rd 68 I/C

This project will analyze the I-182 and Rd 68 interchange for improvements.

5.12 Sandifur Pkwy/Rd 90 Pedestrian Crossing

This project will provide for pedestrian crossing including median refuge island (standard – 6' wide, on Sandifur Parkway) on the east leg of the intersection, marked crosswalk, pedestrian scale illumination, ADA curb ramp (north side), RRFBs (3), crossing advance stop bars.

5.13 Sandifur Pkwy/Rd 76 Intersection Improvements - NEW

This project will install a traffic signal at the intersection of Sandifur Parkway and Road 76 and include any necessary ADA improvements.

5.14 Wrigley Dr/Rd 76 Intersection Improvements - NEW

This project will install a traffic signal at the intersection of Wrigley Drive and Road 76 and include any necessary ADA improvements.

5.15 Sandifur Pkwy/Convention Drive Intersection Improvements - NEW

This project will install a traffic signal at the intersection of Sandifur Parkway and Convention Drive and include any necessary ADA improvements.

A-20

2023 08 02 WERNETT RIDGE ROAD UPSIZE

City of Pasco
Community Development Department
PO Box 293, 525 N 3rd Ave, Pasco, WA 99301
P: 509.545.3441 / F: 509.545.3499

MEMORANDUM

DATE: August 2nd, 2023

TO: Adam Lincoln – City Manager

FROM: Jon Padvorac, PE – City Engineer on behalf of Jacob Gonzalez – CED Director

SUBJECT: Contract Award – Wernett Ridge Road Upsize Agreement with Big D's

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On April 4th, 2022, the City of Pasco approved civil site plans for the Wernett Ridge subdivision, which is on the South side of W. Wernett Road between Road 56 and Road 52. This portion of W. Wernett Road is an old county road that was not constructed in accordance with current standards, and was at the end of its useful life. The civil site plans included replacement of the southern side of the road, in accordance with the City's standards.

In 2023 City staff were contacted by resident who lived on W. Wernett Road directly to the North of the Wernett Ridge subdivision. This resident expressed concern that only fixing half of the deteriorated roadway would lead to a lot of maintenance issues, as the remaining road would fail along the centerline until it was subsequently replaced.

This concern was validated based on coordination with Steve Worley (Public Works Director) and Kent McCue (Construction Manager).

Steve Worley (Public Works Director) was consulted regarding this process, and clarified that road resurfacing for the Northern side of the road could be considered a "road upsize".

Jon Padvorac coordinated with Big D's, the contractor performing the paving work for the Wernett Ridge subdivision, to obtain a quote to "upsize" the pavement project to include the northern portion of W. Wernett Road between approximately Road 56 and Road 52, where the southern portion of the road will be replaced by the developer as part of the improvements associated with the Wernett Ridge subdivision. The quote including an itemized schedule of values was reviewed by Kent McCue and determined to be reflective of current market conditions.

Procurement logistics associated with AO 470 and RCW 35.23.352 for second class cities were reviewed, and the solicitation requirements were reviewed. Staff determined that it was in compliance with AO 470 and RCW 35.23.252 to directly contract with a single contractor.

While the bid was being prepared and the contract processed, the Contractor acted at risk without direction from the City and demolished the entirety of W. Wernett Road. City Staff recommend prompt approval of the contract to pave the North side of W. Wernett Road adjacent to the Wernett Ridge subdivision.

SMALL WORKS CONTRACT

Wernett Ridge Road Upsize (Approx. Extents Rd 54 to Rd 52)

THIS CONTRACT is made and entered into this 28th day of July, 2023, by and between the City of Pasco, Washington, a Municipal Corporation, hereinafter referred to as "City", and Big D's Construction of the Tri-Cities, Inc., hereinafter referred to as "Contractor."

WHEREAS, the Project qualifies under RCW 39.04.155 as a small works roster contract, or a limited public works contract; and

WHEREAS, the City having sought and secured quotations from its small works roster, and the Contractor being duly qualified as a Contractor on the small works roster having submitted a quotation acceptable to the City.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. **Description of Work.** The Contractor shall furnish all equipment, labor, tools, materials and appurtenances and perform all services in a workmanlike manner and in accordance with the City of Pasco municipal code, the City of Pasco Design and Construction Standards and Specifications for Public Works Improvements, and the plans attached hereto as Exhibit A.

2. **Compensation.** Compensation for the performance of the service and materials as described in the Description of Work and Exhibit A shall be a lump sum of $54,000 plus tax.

3. **Time of Completion.** The work covered by this Contract shall be completed with all respects within 30 calendar days from the date of the Notice to Proceed. Once the work is commenced, the Contractor shall diligently pursue the work to completion within the time specified in this Contract.

4. **Warranty of Contractor.** Contractor warrants that it is qualified to be awarded a public works contract in compliance with RCW 39.04.350; and further agrees to comply with all State and Federal laws relating to the employment and wage rates to be paid.

5. **Indemnification.**

   5.1 The Contractor shall defend, indemnify, and hold harmless the City, its officers, officials, agents, employees, and volunteers from any and all claims and causes of action, including, but not limited to, actions of law or administrative proceedings for all injuries to persons or damages to property, and all losses, damages, demands, suits, judgments, including attorney fees, arising out of, or as a result of, or in connection with the work performed under this Agreement, and caused or occasioned in whole or in part by reason of errors, negligent acts or omissions of the Consultant or its subcontractors in the performance of this Agreement, except

for injuries and damages caused by the sole negligence of the City, its officers, employees, agents, and volunteers.

5.2 Should a Court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injuries or damages to property caused by or resulting from the concurrent negligence of the Contractor, and the City, its officers, employees, agents and volunteers, the Contractor's liability and obligation to defend hereunder shall only be the proportionate extent of the Contractor's negligence.

5.3 It is further agreed that the indemnification provided herein constitutes the Contractor's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification.

5.4 No liability shall attach to the City by reason of entering into this Agreement except as expressly provided herein.

5.5 This indemnification shall include damages, penalties and attorney fees sustained as a result of Contractor's delayed or failed performance.

5.6 This waiver has been mutually negotiated by the parties, and the provisions of this section shall survive the expiration or termination of this Agreement.

6. **Insurance**. The Contractor shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives, employees, or subcontractors.

6.1 Minimum Scope of Insurance. Contractor shall obtain insurance of the types described below:

6.1.1 Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

6.1.2 Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named as an insured under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the City using an additional insured endorsement at least as broad as ISO endorsement form CG 20 26.

6.1.3 Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

6.1.4 Professional Liability insurance appropriate to the Contractor's profession.

6.2 Minimum Amounts of Insurance. Contractor shall maintain the following insurance limits:

6.2.1 Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of $1,000,000 per accident.

6.2.2 Commercial General Liability insurance shall be written with limits no less than:

☐ $2,000,000 each occurrence;
☒ $2,000,000 general aggregate; or
☐ $_____ each occurrence; and $_____ general aggregate

6.2.3 Professional Liability insurance shall be written with limits no less than:

☐ $2,000,000 per claim;
☐ $2,000,000 policy aggregate limit; or
☐ $_____ per claim; and $_____ per policy aggregate limit

6.3 Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability and Commercial General Liability insurance:

6.3.1 The Contractor's insurance coverage shall be primary insurance as respects the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Contractor's insurance and shall not contribute with it.

6.3.2 The Contractor's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

6.4 Acceptability of Insurers. Insurance is to placed with insurers with a current A.M. Best rating of not less than A:VII.

6.5 Verification of Coverage. Contractor shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Contractor before commencement of the work.

7. Retainage and Performance Bond.

7.1 A performance bond will not be required for this work.

7.2 The City shall withhold five percent (5%) of the money due to the Contractor for the work performed under this Contact until completion and/or acceptance of the

Contract as provided by RCW 60.28.011. Contractor may elect an option for management of the statutory retainage by notice to the City of the elected option under RCW 60.28.011.

8. **Work Site Conditions.** The work performed under this Contract is done at the Contractor's risk and that Contractor is familiar with the conditions present and other contingencies likely to affect the work and has submitted their quote accordingly. The Contractor will assume the responsibility and risk of all loss or damage to materials or work which may arise prior to completion.

The Contractor shall keep the work site in a neat, orderly condition and after completion of the work, the Contractor shall, at its expense, clean up and remove all refuse and unused materials of any kind resulting from the work.

9. **General Provisions.**

9.1 For the purpose of this Contract, time is of the essence.

9.2 Notice. Notice provided for in this Contract shall be sent by:

9.2.1 Personal service upon the Project Administrators.

9.2.2 Certified mail to the physical address of the parties, or by electronic transmission to the e-mail addresses designated for the parties below.

9.3 The Project Administrator for the purpose of this Contract shall be:

9.3.1 For the City:
Jon Padvorac, or his/her designee
Department of Community & Economic Development
City Engineer
525 North 3rd
Pasco WA 99301
padvoracj@pasco-wa.gov

9.3.2 For the Contractor:
Duane Howard
Big D's Construction
3902 N. Swallow Ave
Pasco, WA 99301
duane@big-ds.com

10. **Dispute Resolution.** This Contract has been and shall be construed as having been made and entered into and delivered within the State of Washington, and it is agreed by each party hereto that this Agreement shall be governed by the laws of the State of Washington.

In the event of a dispute regarding the enforcement, breach, default or, interpretation of this Contract, said dispute shall be resolved by arbitration pursuant to RCW 7.04A, as amended, with both parties waiving the right of a jury trial upon trial de novo, with venue placed in Pasco, Franklin County, Washington. The substantially prevailing party shall be entitled to its reasonable attorney fees and costs as additional award and judgment against the other.

IN WITNESS WHEREOF, the parties have executed by their duly authorized official this Contract in triplicate, each of which being deemed an original on the date first written above.

CITY OF PASCO, WASHINGTON

By: _____
Adam R. Lincoln, City Manager

CONTRACTOR

By: _____
Duane Howard

PUBLIC WORKS PAYMENT BOND

To City of Pasco, Washington

Bond No. _____

The City of Pasco, Washington, City has awarded to ____Big D's Construction of the Tri Cities, Inc._____ (Principal), a contract for the construction of the project designated as **Wernett Ridge Road Upsize**, in Pasco, Washington (Contract), and said Principal is required under the terms of that Contract to furnish a payment bond in accord with Title 39.08 Revised Code of Washington (RCW).

The principal, and _____ (Surety), a corporation organized under the laws of the State of _____ and licensed to do business in the State of Washington as surety and named in the current list of "Surety Companies Acceptable in Federal Bonds" as published in the Federal Register by the Audit Staff Bureau of Accounts, U.S. Treasury Dept., are jointly and severally held and firmly bound to the City, in the sum of _____ US Dollars ($_____) Total Contract Amount, subject to the provisions herein.

This statutory payment bond shall become null and void, if and when the Principal, its heirs, executors, administrators, successors, or assigns shall pay all persons in accordance with RCW Titles 39.08, and 39.12 including all workers, laborers, mechanics, subcontractors, and material suppliers for the carrying on of such work, and all taxes incurred on said Contract under Title 50 and 51 RCW an all taxes imposed on the Principal under Title 82 RCW; and if such payment obligations have not been fulfilled, this bond shall remain in full force and effect.

The Surety for value received agrees that no change, extension of time, alteration or addition to the terms of the Contract, the specifications accompanying the Contract, or to the work to be performed under the Contract shall in any way affect its obligation on this bond, except as provided herein, and waives notice of any change, extension of time, alteration or addition to the terms of the Contract or the work performed. The Surety agrees that modifications and changes to the terms and conditions of the Contract that increase the total amount to be paid the Principal shall automatically increase the obligation of the Surety on this bond and notice to Surety is not required for such increased obligation.

This bond may be executed in two (2) original counterparts, and shall be signed by the parties' duly authorized officers. This bond will only be accepted if it is accompanied by a fully executed and original power of attorney for the officer executing on behalf of the surety.

PRINCIPAL		SURETY	
_____		_____	
Principal Signature	Date	Surety Signature	Date
_____		_____	
Printed Name		Printed Name	
_____		_____	
Title		Title	

Name, address, and telephone of local office/agent of Surety Company is:

Approved as to form:

_____		_____
Signature	Title	Date

PREVAILING WAGE RATE REFERENCE

The State of Washington prevailing wage rates applicable for this public works project, which is located in Franklin County, may be found at the following website address of the Department of Labor & Industries: https://fortress.wa.gov/lni/wagelookup/prvwagelookup.aspx

Based on the bid submittal deadline for this project, the applicable effective date for prevailing wages for this project is June 8th, 2023. A copy of the applicable prevailing wage rates are also available for viewing at the office of the City Engineer, located at 525 North 3rd Ave, Pasco, Washington. Upon request, the City will mail a hard copy of the applicable prevailing wages for this project. Please forward your request in writing to the address above, or by calling (509) 545-3444.

CERTIFICATION OF COMPLIANCE WITH WAGE PAYMENT STATUTES

The bidder hereby certifies that, within the three-year period immediately preceding the bid solicitation date **(6/7/2023)**, that the bidder is not a "willful" violator, as defined in RCW 49.48.082, of any provision of chapters 49.46, 49.48, or 49.52 RCW, as determined by a final and binding citation and notice of assessment issued by the Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Big D's Construction
Contractor

Duane Howard
Signature of Authorized Official*

Duane Howard
Printed Name

President
Title

7/28/23 Pasco WA
Date City State

Check one:

☐ Individual ☐ Partnership ☐ Joint Venture ☒ Corporation

State of Incorporation, or if not a corporation, State where business entity was formed:

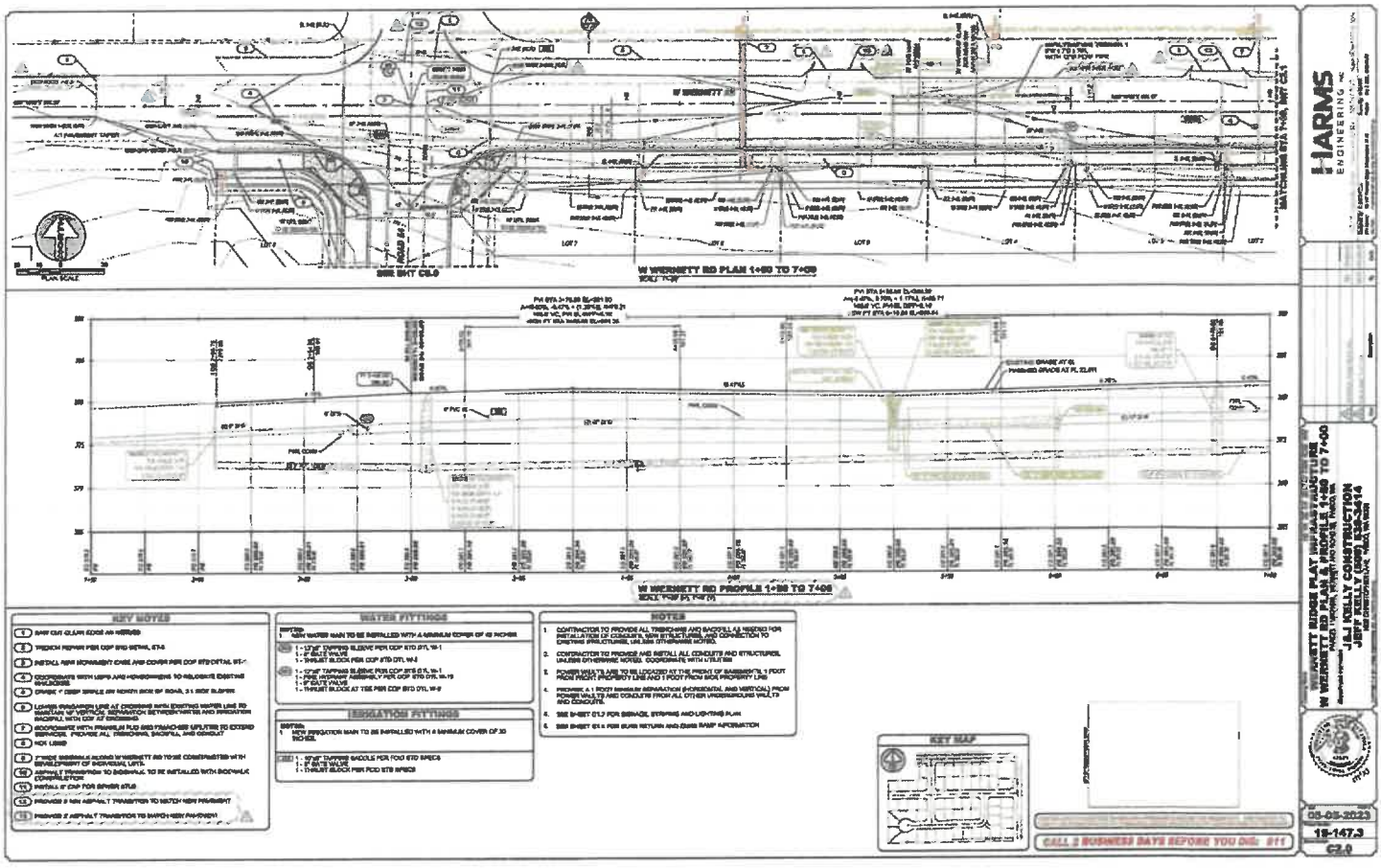
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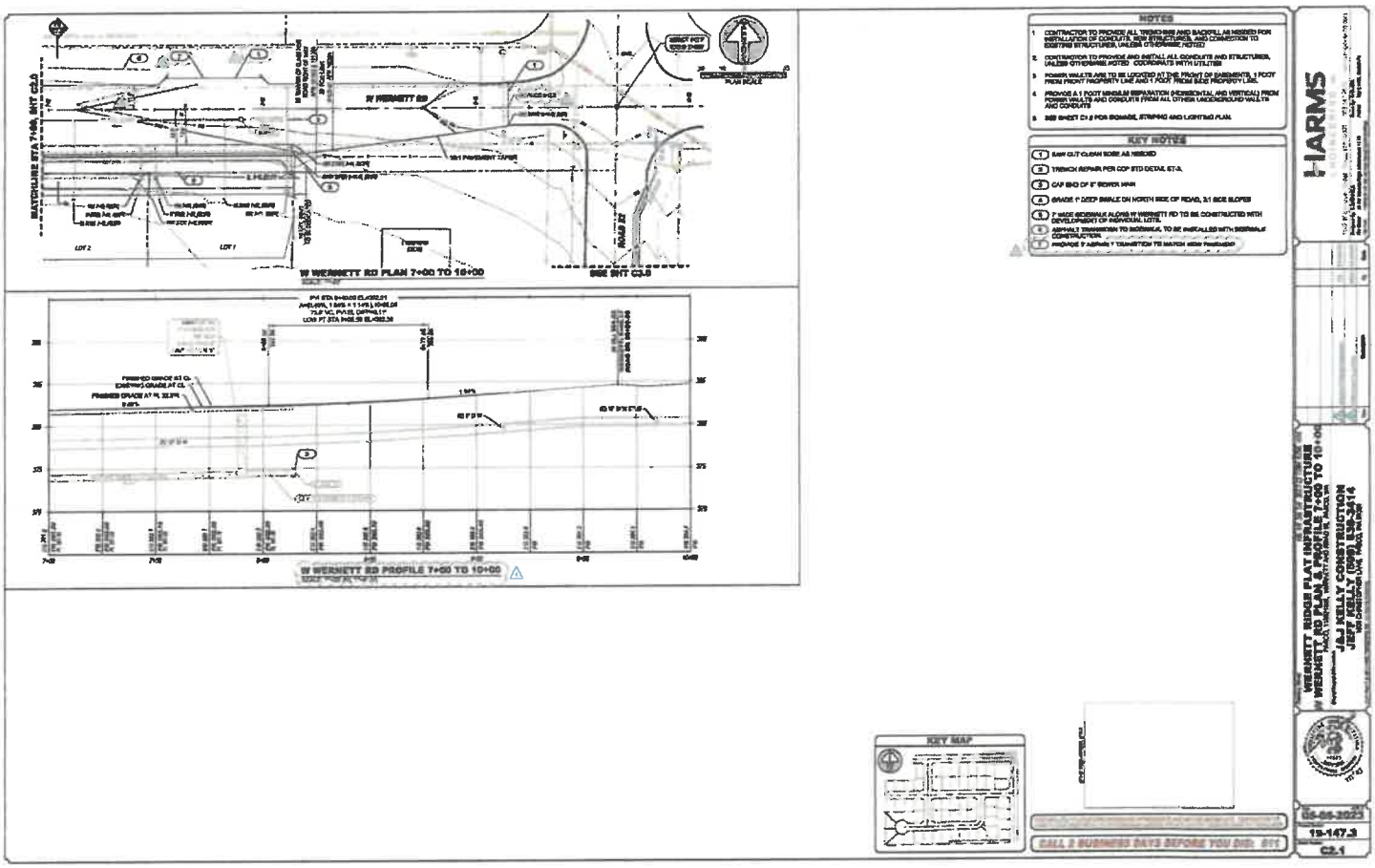
If a Co-partnership, give firm name under which business is transacted:

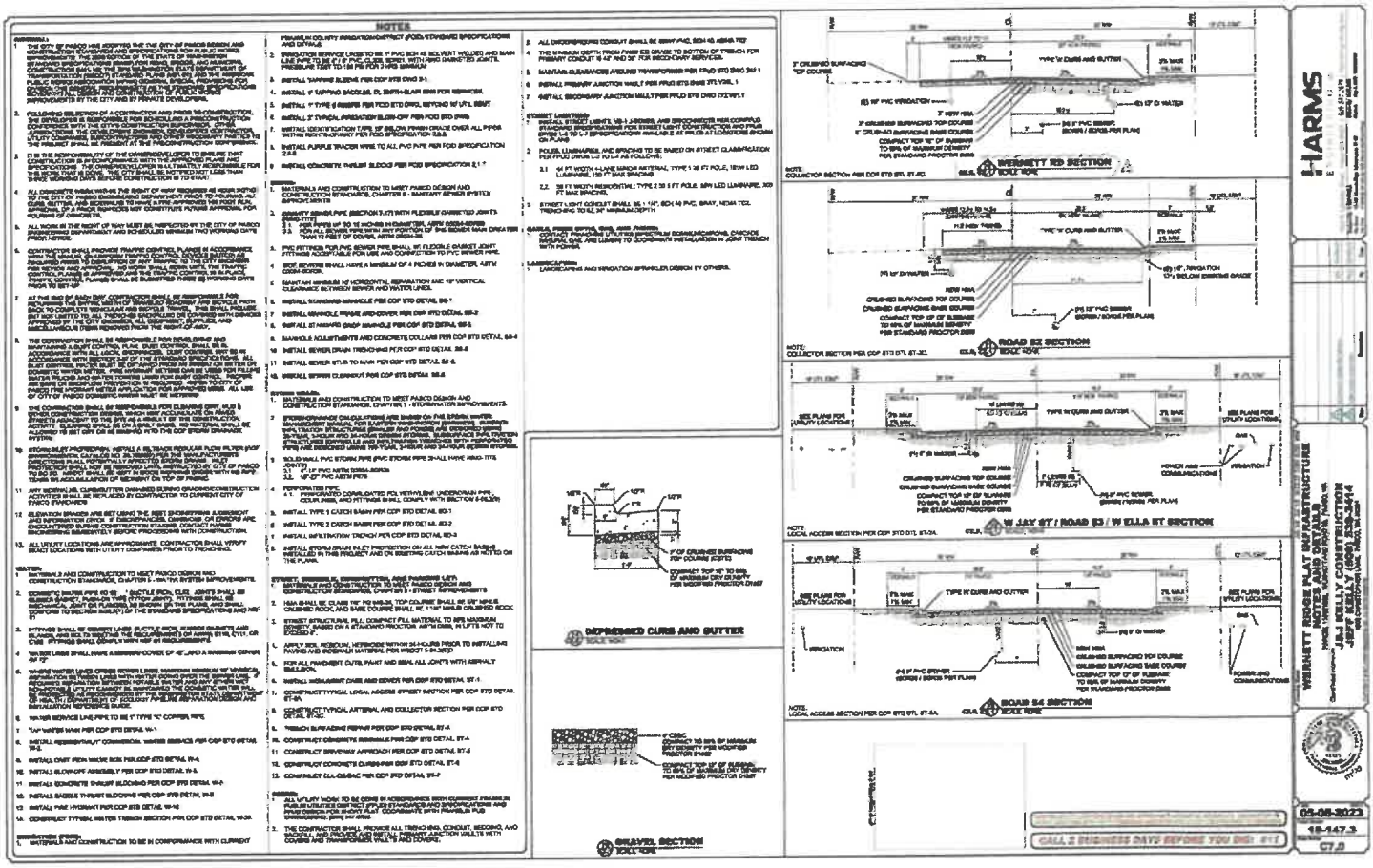
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* If a corporation, proposal must be executed in the corporate name by the president or vice-president (or any other corporate officer accompanied by evidence of authority to sign). If a co-partnership, proposal must be executed by a partner.

EXHIBIT A


W WERNETT RD PLAN 1+00 TO 7+00
W WERNETT RD PROFILE 1+00 TO 7+00
KEY NOTES
WATER FITTINGS
IRRIGATION FITTINGS
NOTES
KEY MAP
HARMS ENGINEERING
W WERNETT RD PLAN & PROFILE 1+00 TO 7+00
J&J KELLY CONSTRUCTION
JEFF KELLY (406) 579-3414
05-05-2023
19-147.3
C2.0
CALL 2 BUSINESS DAYS BEFORE YOU DIG: 811


W WERNETT RD PLAN 7+00 TO 10+00
SEE SHT C3.0
W WERNETT RD PROFILE 7+00 TO 10+00
NOTES
KEY NOTES
KEY MAP
HARMS
WERNETT RIDGE PLAT INFRASTRUCTURE
W WERNETT RD PLAN & PROFILE 7+00 TO 10+00
J&J KELLY CONSTRUCTION
05-05-2023
19-147.3
C2.1


NOTES
WERNETT RIDGE PLAT INFRASTRUCTURE
NOTES AND DETAILS
J&J KELLY CONSTRUCTION
HARMS
WERNETT RD SECTION
ROAD E2 SECTION
W JAY ST / ROAD E3 / W ELLS ST SECTION
ROAD S4 SECTION
DEPRESSED CURB AND GUTTER
GRAVEL SECTION
05-08-2023
19-147.3
C7.0
CALL 2 BUSINESS DAYS BEFORE YOU DIG 811

A-21

2024 05 17 MADISON PARK NORTH TIA APPROVED EXCERPTS

Revised Traffic Impact Analysis

MADISON PARK NORTH

Prepared for:
Emerald Resources, LLC

April 2024

Prepared by:

transpogroup
WHAT TRANSPORTATION CAN BE.

12131 113th Avenue NE, Suite 203
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www.transpogroup.com

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RECORD 1429

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Introduction

This traffic impact analysis (TIA) identifies potential transportation-related impacts associated with the construction of the proposed residential development. As necessary, mitigation measures are identified that would reduce or offset significant transportation related impacts that the project may have on the surrounding transportation system.

Project Description

The proposed Madison Park North residential development (parcel # 114250018) is bounded by Burns Road (Powerline Road), Road 52, Deseret Drive (proposed east/west road along the north side of the site), and Road 44 in Pasco, replacing existing farmland. The site vicinity is shown on Figure 1. Frontage improvements are proposed along the project frontages as required by the Pasco Municipal Code and the project will dedicate right-of-way (ROW) to allow for the City's future extension of Burns Road between Road 52 and Glade Road, which is identified below as a planned improvement on the TIP (TIP project 5.02).

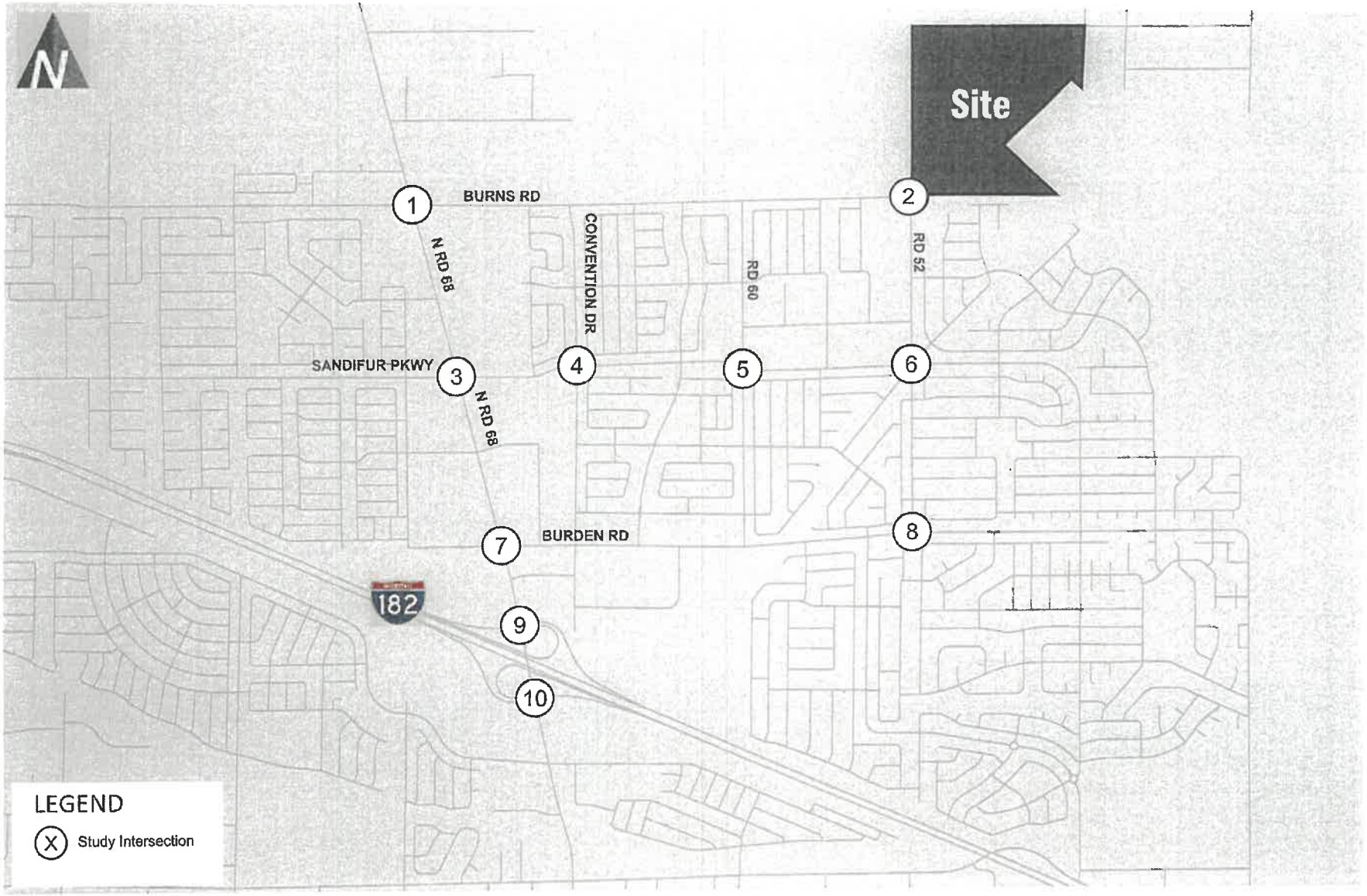
The project would construct 460 single family homes. The project is split into 13 phases, being developed over 12 years with an average of 38 lots being constructed per year.[1] The phasing is shown in Table 1.

Table 1. Phasing Plan

Phase	1	2	3	4	5	6	7	8	9 &10	11	12	13
Lots per Phase	60	51	42	30	35	34	34	41	44	35	29	25
Cumulative Number of Lots	60	111	153	183	218	252	286	327	371	406	435	460
Anticipated Year	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
Analysis Years					INTERIM							FULL BUILDOUT

Access to the development includes access points along all bounding roadways. The preliminary site plan with phasing details is shown on Figure 2.

[1] Note the identified phasing and timing of development described and illustrated in Table 1 reflects the current estimation for the project and is subject to change.



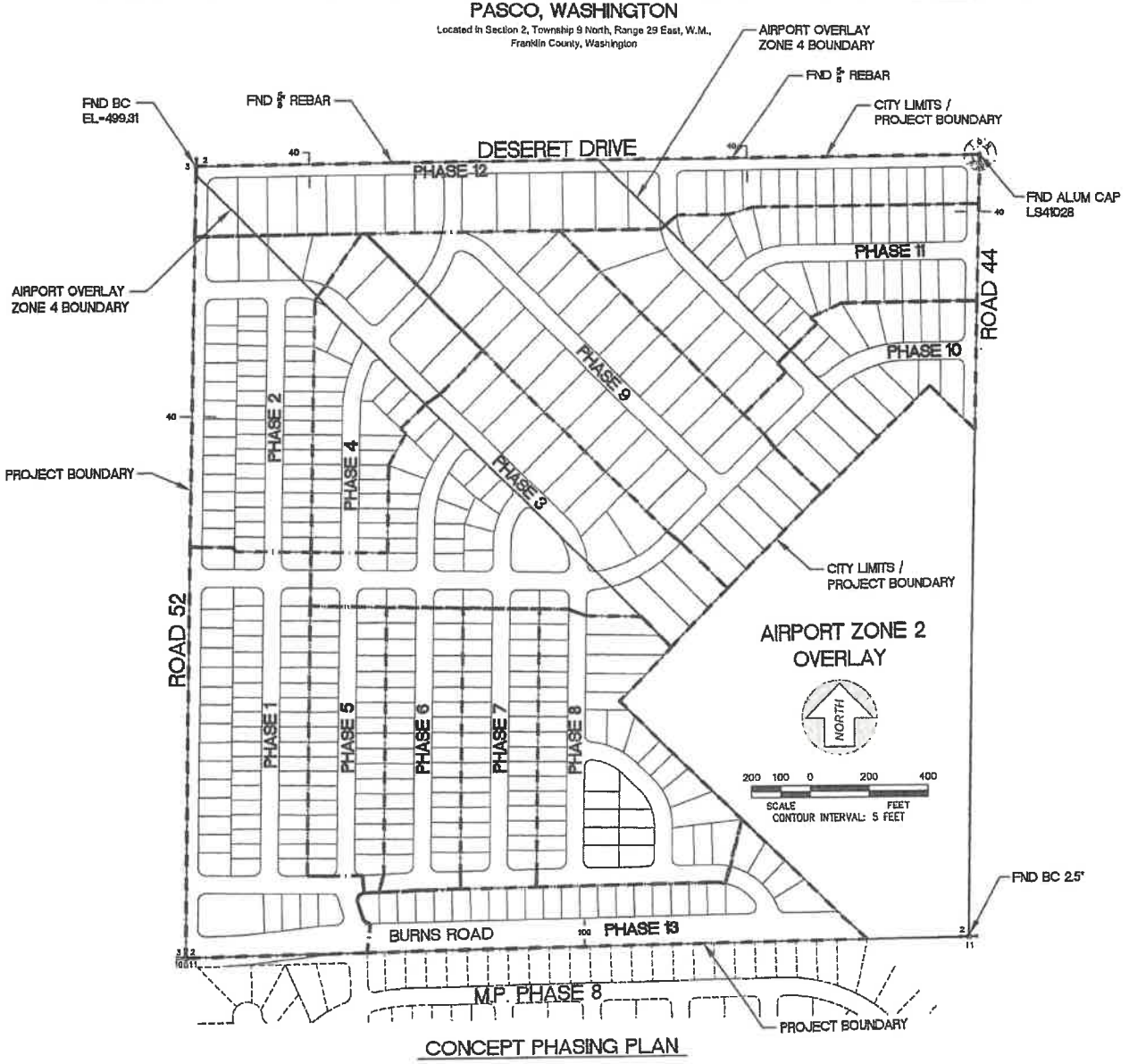
Site Vicinity and Study Intersections

Madison Park North

FIGURE 1

transpogroup

RECORD 1433



Preliminary Site Plan and Phasing Plan

Madison Park North

FIGURE **2**

transpogroup RECORD 1434

Study Scope

As coordinated with City of Pasco staff and based on the anticipated vehicular impacts of the proposed project, the following intersections were selected for analysis:

1. Road 68/Burns Road
2. Road 52/Burns Road
3. Road 68/Sandifur Parkway
4. Convention Drive/Sandifur Parkway
5. Road 60/Sandifur Parkway
6. Road 52/Sandifur Parkway
7. Road 68/Burden Road
8. Road 52/Burden Road
9. Road 68/I-182 WB Ramps
10. Road 68/I-182 EB Ramps

The scope of the analysis includes a review of existing and future without-project conditions in the vicinity of the project site under weekday AM and PM peak hour conditions. Two future horizon years are evaluated: (1) interim conditions corresponding to a 2029 horizon year and (2) full buildout conditions corresponding to a 2036 horizon year. These horizon years and the corresponding project cumulative development are shown in Table 1 on the previous page.

This report includes a review of the surrounding street system, transit service, non-motorized facilities, existing and future without-project weekday peak hour traffic volumes, traffic operations, and traffic safety. Future (2029 & 2036) with-project conditions were estimated by adding site-generated traffic to future without-project volumes. The project's impacts on the surrounding transportation system were identified by comparing the future with-project conditions to the future without-project conditions.

There are numerous planned transportation improvement projects within the study area including roadway widening, intersection traffic control revisions, and roadway extensions. The inclusion of these projects in the interim or full buildout condition analysis is identified in the planned improvement section (see Table 3).

Existing and Future Without-Project Conditions

This section describes the existing and future (2029 & 2036) without-project conditions within the study area. Characteristics are provided for the roadway network, non-motorized facilities, transit service, traffic volumes, traffic operations, and traffic safety.

Roadway Network

The primary roadways within the study area are described below. The roads south of the project are predominantly 2 lane local roads today with planned increases in their functional classification and widening to occur in the future. Note that existing classifications are described per the *Pasco Comprehensive Plan - Map Last Updated May 14, 2020: Existing Street Functional Classification System* and future classifications are based on information provided by City of Pasco staff. The existing and future classifications are shown in Table 2.

Table 2. Roadway Classification

Roadway	Extents *(as applicable)*	Road Classification[1]	
		Current	Future
Burns Road	*west of Road 68*	Collector	Principal arterial
	east of Road 68	Local	Principal arterial
Road 60		Local	minor arterial
Sandifur Parkway	*east of Road 68*	Minor arterial	Minor arterial
	west of Road 68	Collector	Minor arterial
Road 68		Minor arterial	Principal arterial
Convention Drive		Local	Collector
Road 52		Local	Collector
Burden Road		Collector	Minor arterial
Deseret Drive		-	Collector
Road 44		-	Collector

1. Note that existing classifications are described per the Pasco Comprehensive Plan - Map Last Updated May 14, 2020: Existing Street Functional Classification System and future classifications are based on information provided by City of Pasco staff.

- **Burns Road** is the project's southern fronting roadway. Under existing conditions, Burns Road extends east to Road 68 with an offset sidewalk on the south side and is classified as a collector. In the near future, Burns Road will be extended east of Road 68 and will be classified as a principal arterial with a 3-lane roadway section. A mixed-use path will be built on the north side of the roadway and in its final buildout location to avoid relocation with the anticipated future widening of the roadway to 5-lanes.
- **Road 60** is currently classified as a local roadway. In the future, Road 60 will be classified as a minor arterial with a 3-lane roadway section. A mixed-use path will be built on the west side of the roadway. The multi-use path and sidewalk will be built in its final buildout location to avoid relocation with the anticipated future widening of the roadway to 5-lanes.
- **Sandifur Parkway** is classified as a minor arterial east of Road 68 and a collector west of Road 68. In the future, Sadifur Parkway would be classified as a minor arterial both east and west of Road 68.
- **Road 68** is currently classified as a minor arterial and serves as a connection to the I-182 ramps and the central connection to Pasco south of I-182. In the future, Road 68 will be classified as a principal arterial.

- **Convention Drive** is currently classified as a local roadway. In the future, Convention Drive will be a 3-lane collector, which will include a mixed-use path (location to be determined through coordination with power infrastructure).
- **Road 52** is the project's western fronting roadway. It is currently classified as a local roadway. In the future, Road 52 will be a 3-lane collector. A mixed-use path will be built on the west side of the roadway.
- **Deseret Drive** is the project's northern fronting roadway. It will be classified as a collector and will be a 3-lane roadway. A mixed-use path will be built on the north side of the roadway.
- **Road 44** will be classified as a collector north of Burns Road and will include a mixed-use path. Road 44 is the project's eastern fronting roadway.

Although there is some indication of planned improvements described above based on coordination with City staff, a more detailed review of planned improvements in the study area was conducted based on the City of Pasco's 2024-2029 Improvement Plan (TIP), WSDOT's Statewide Transportation Improvement Program (STIP), and projects identified in the City of Pasco Transportation System Master Plan (TSMP). The identified planned improvements are summarized in Table 3 below.

As shown in Table 3, the Pasco TIP projects are generally assumed in the analysis under both horizon years as identified in the table.[2] Note that a sensitivity analysis under the future with-project condition is completed that includes the Burns Road Extension to Glade Road to provide an understanding of the planned extensions affect on traffic volumes in the study area.[3]

Additionally, there are projects identified in the Pasco TSMP, which are described but not included in the analysis as the development of these projects is currently unknown.

[2] Note that the Burden Rd/Rd 60 improvements were not assumed in the analysis as this is not a study intersection.

[3] The TIP funding currently is identified in 2028-2029, the end of the current TIP timeframe, and given this timing, the sensitivity analysis was completed to confirm the affect of the project and providing a conservative primary analysis.

Table 3. Planned Improvements

ID#	Project Name	Description	Completion Year	Project Reference Source[1]	Assumed in Analysis?
5.02	Burns Rd Extension	This project will extend Burns Road, as a 3-lane minor arterial, from Road 68 to Rio Grande Lane and a new traffic signal at the intersection of Road 68 and Burns Road. This is a critical connection that currently doesn't exist and impedes the ability for residential traffic to access an important commercial area. Surrounding property is undeveloped, these improvements will be largely accomplished through developer improvement.	2025	Pasco TIP WSDOT STIP	Yes (Interim and Full buildout)
5.05	Rd 52 Extension	This project will construct a 3-lane collector roadway to extend Road 52, north to Clark Road. Due to anticipated development in an area in which adequate fire coverage does not exist, a connection to this area would allow for Franklin County Fire Station No. 36 to assist in responding to emergency calls in this area.	2028	Pasco TIP	Yes (Interim and Full buildout)
5.06	Sandifur Pkwy Improvements	This project will complete missing elements such as a 3-lane road section, curbs, and sidewalks of the Sandifur Parkway road section from Road 68 to Convention Drive. This project will eliminate a pinch point at this location on Sandifur Parkway by completing the road section. It will complete the missing link in designated pedestrian facilities and allow for more transportation options across Road 68.	2025	Pasco TIP	Yes (Interim and Full buildout)
5.08	Road 76 Overpass	This project will extend Road 76 north from Chapel Hill Blvd to Burden Blvd by constructing an overpass across I-182 to connect communities north and south of the existing interstate. This project will include bicycle and pedestrian facilities.	2029	Pasco TIP	Yes (Interim and Full buildout)
5.10	Road 68 & Burns Road Traffic Signal	This project will provide for the installation of a traffic signal at the intersection of Road 68 and Burns Road, along with pedestrian facilities.	2025	Pasco TIP	Yes (Interim and Full buildout)
5.15	Sandifur Pkwy/Convention Dr Intersection Improvements	This project will install a traffic signal at the intersection of Sandifur Parkway and Convention Drive and include any necessary ADA improvements.	2028	Pasco TIP	Yes (Interim and Full buildout)
5.16	Burden Rd/Rd 60 Intersection Improvements	This project will install a traffic signal at the intersection of Burden Road and Road 60 and include any necessary ADA improvements.	2028	Pasco TIP	No[2]
5.20	Burns Road Extension to Glade Road	This project will extend Burns Road from the approximate alignment of Road 44 to Glade Road.	> 2029	Pasco TIP Pasco TSMP	No (sensitivity analysis only)
Ext7	Rd 60	Construct a 3-lane roadway from Burns Road through to UGA; install two-way stop control at Clark Road/Road 60	> 2029	Pasco TSMP	No
INT1	Road 68/I-182 WB Ramp Terminal Improvements	Expand Capacity of westbound ramp terminal	> 2029	Pasco TSMP	No
INT3	Road 68/Burden Blvd Intersection Improvements	Channelization improvements to reduce queueing on westbound approach and access to I-182	> 2029	Pasco TSMP	No
INT24	I-182/Road 68 Interchange Improvements	Interchange reconstruction, improve on and off capacity for EB and WB traffic, widen bridge structure	> 2029	Pasco TSMP	No
EXP10	Rd 68 Improvements	Widen to 5 lanes from Sandifur Parkway to Clark Road	> 2029	Pasco TSMP	No

1. Planned improvement projects based on Washington State Department of Transportation (WSDOT) 2023-2026 Statewide Transportation Program (STIP), the City of Pasco 2024-2029 Transportation Improvement Plan (TIP), and City of Pasco Transportation Systems Master Plan (TSMP) – Figure 16 Last Updated June, 2022
2. Not a study intersection.

Non-Motorized Facilities

Sidewalks are generally provided on at least 1 side of the roadway today. There are signalized crossings provided at the study intersections of Road 68/Burden Boulevard and Road 68/Sandifur Parkway. Crosswalks are also provided at Road 60/Sandifur Parkway, Road 52/Sandifur Parkway, and Road 60/Burns Road study intersections.

As described above, there are numerous planned roadway improvements. Non-motorized improvements are incorporated with the planned roadway projects. Key non-motorized improvements in the study area include:

- Mixed use paths:
  - Burns Road – to be built on the north side of the roadway
  - Road 60 – to be built on the west side of the roadway
  - Convention Drive – location to be determined
  - Road 52 – to be built on the west side of the roadway
  - Deseret Drive – to be built on the south side of the roadway
  - Road 44 – location to be determined
- 5.06 Sandifur Pkwy Improvements: This project will complete the missing elements that includes curbs and sidewalks of Sandifur Parkway, which will fill in the missing link for designated pedestrian facilities.
- 5.08 Rd 76 Overpass: This project will construct an overpass with bicycle and pedestrian facilities.
- 5.10 Rd 68 & Burns Rd Traffic Signal: This project will install signal and pedestrian facilities.
- 5.15 Sandifur Pkwy/Convention Drive Intersection Improvements: Along with the signal installation, any necessary ADA improvements will be added to the intersection.
- 5.16 Burden Rd/Rd 60 Intersection Improvements: Along with signal installation, any necessary ADA improvements will be added to the intersection.
- Pasco TSMP BP5: Accessibility improvements along Road 68 from Chapel Hill Boulevard to Burden Boulevard

Transit Service

The closest transit service to the project site is operated by Ben Franklin Transit with the stop located approximately 1 mile south at the intersection of Burden Boulevard/Madison Drive. The transit stop is served by Route 225[4], which provides service between the 22nd Avenue Transit Center and the Knight Street Transit Center. Route 225 runs along 20th Avenue, Argent Road, Road 44, Burden Boulevard, Road 76, Sandifur Parkway, and Broadmoor. It operates from approximately 6:30 a.m. to 9:30 p.m. with 30-minute headway on both the weekdays and weekends.

Per the *Pasco Transportation System Master Plan (TSMP)*, construction of a park-and-ride facility is planned near the Broadmoor Boulevard/Sandifur Parkway Road intersection, located approximately 3.5 miles west of the project site.

[4] https://www.bft.org/services/route-225/

Traffic Volumes

The following sections summarize existing and future (2029 & 2036) without-project traffic volumes within the study area.

Existing

Existing weekday AM peak period (7-9 a.m.) and PM peak period (4-6 p.m.) traffic volumes were collected in September 2023. The estimated existing weekday AM and PM peak hour traffic volumes are shown on Figure 3. Volumes are rounded to the nearest 5 vehicles to account for the daily fluctuations in traffic volumes. Detailed traffic counts are provided in Appendix A.

Future Without-Project Traffic Volumes

Future (2029 & 2036) without-project traffic volumes are comprised of background traffic growth, and traffic generated from the planned "pipeline" developments. An annual growth rate of 1.0 percent was applied consistent with nearby pipeline development projects, consideration of the number of pipeline development projects included in forecasts (identified below), and reflection of the further horizon year assumed in the analysis. The annual growth rate was applied to the existing study intersection traffic volumes to estimate both interim and future full buildout conditions (2029 and 2036) background traffic growth.

Traffic from specific pipeline development projects in the vicinity of the project were identified by City staff were also included in the analysis. The projects include:

1. Raven Place – construction of 758-lot subdivision of single-family homes.
2. Seven Sisters – construction of 233-lot subdivision of single-family homes.
3. Pasco High School #3 – construction of public high school that can accommodate up to 2,000 students with 140 employees.
4. Glacier Park Phase 1 Development - construction of 166-lot subdivision of single-family homes.

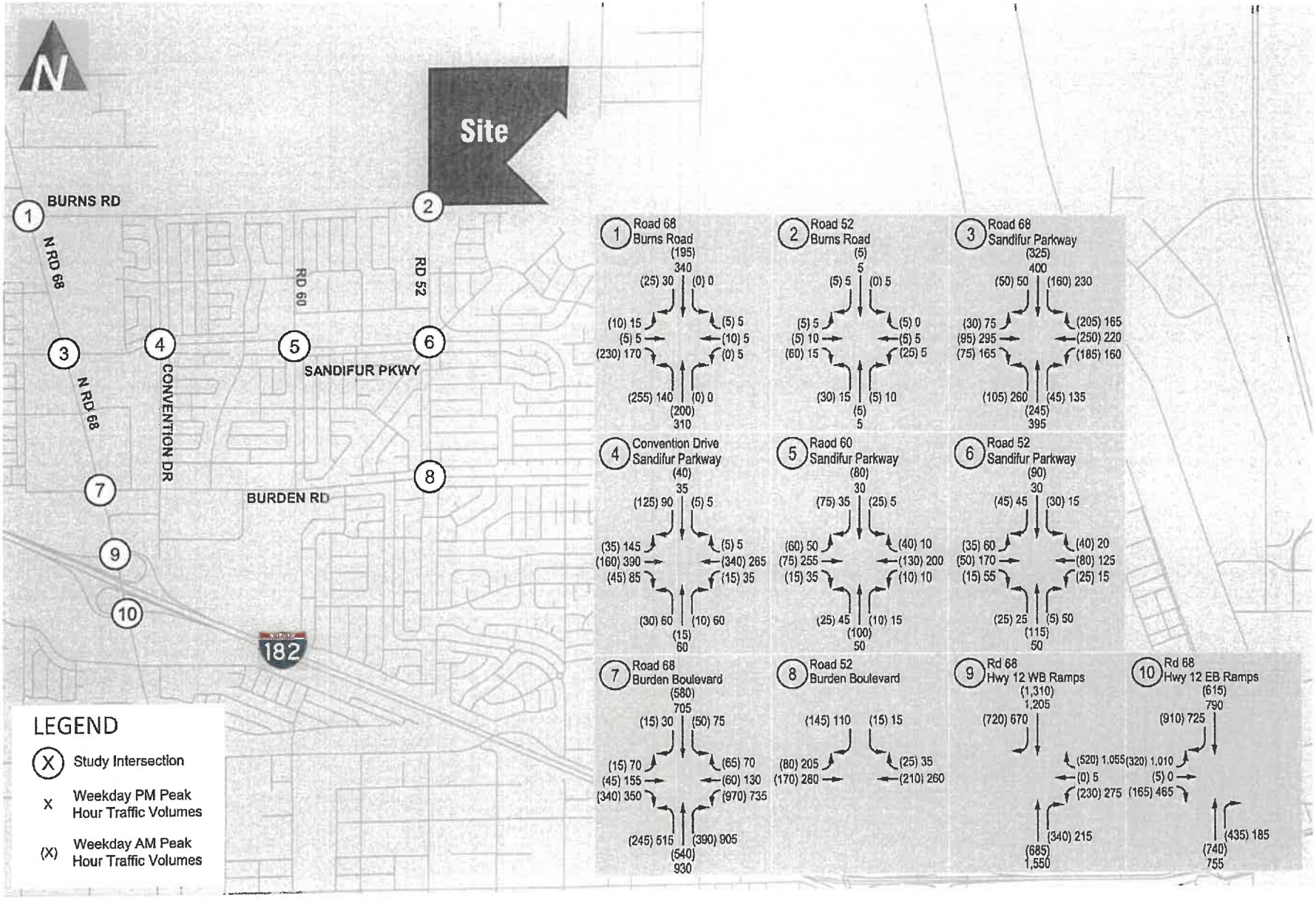
These pipeline projects were included in the interim and full buildout horizon year analyses.

In addition to the growth as described above, shifts in travel patterns were included in the analysis based on the planned improvements identified above under both the 2029 and 2036 horizon years. The traffic volume shifts assumed in each horizon year are related to the following extension projects:

- Burns Road west to Road 68
- Road 76 Overpass between Burden Boulevard and Chapel Hill Boulevard[6]

The forecast future 2029 and 2036 without-project weekday peak hour traffic volumes are shown in Figure 4 and Figure 5, respectively.

[6] The background traffic volume shifts for the Road 76 Overpass were based on the *Road 76 Overcrossing Feasibility Study* (DKS, April 2022) which showed reductions in traffic volumes at the Burden Boulevard/Road 68 intersection of 17 percent on the east/west approaches and 19 percent in the north/south approaches.

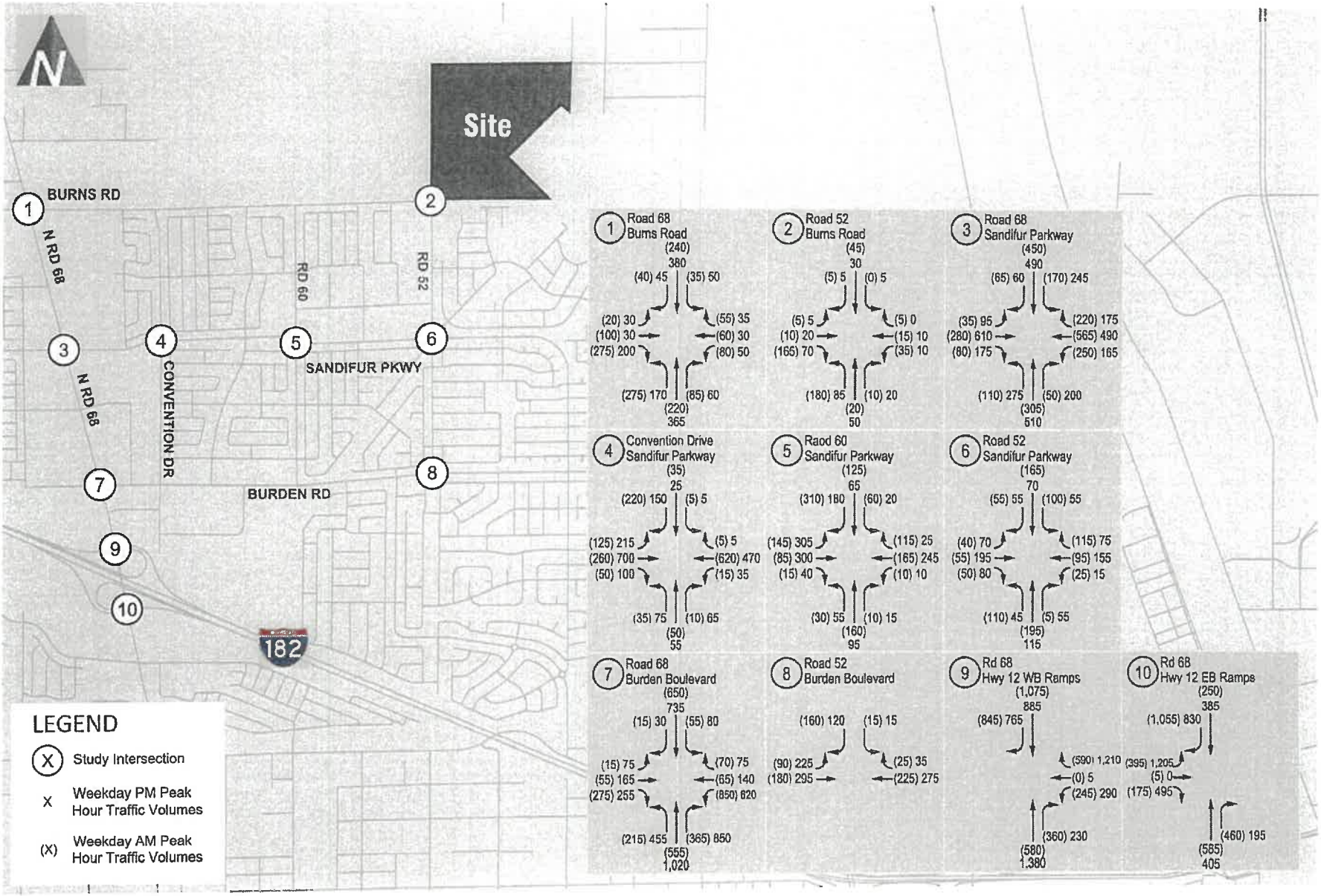


Existing Weekday Peak Hour Traffic Volumes

FIGURE 3

Madison Park North

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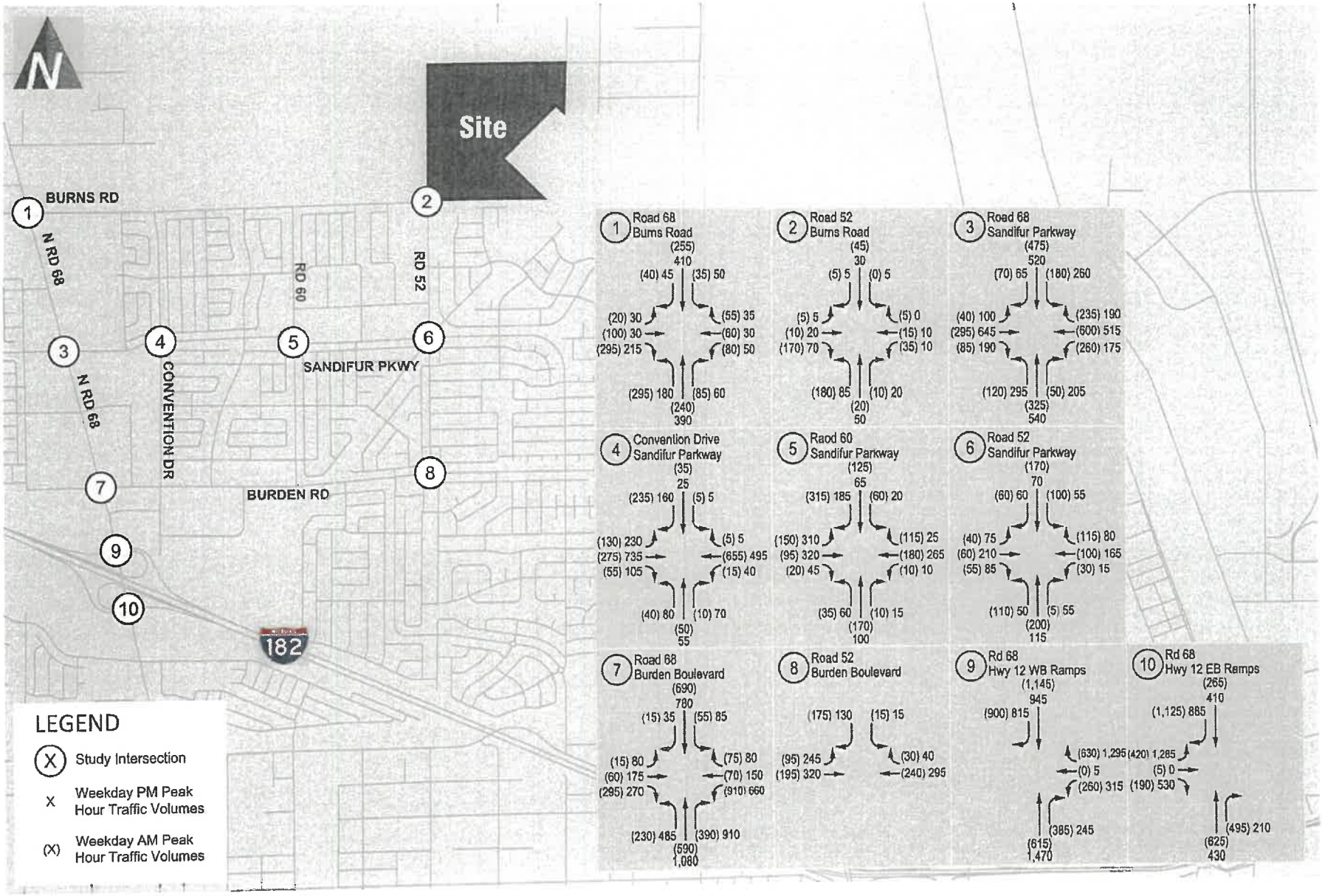


Future (2029) Without-Project Weekday Peak Hour Traffic Volumes

FIGURE 4

Madison Park North

transpogroup RECORD 1442



Future (2036) Without-Project Weekday Peak Hour Traffic Volumes

FIGURE 5

Madison Park North

transpogroup RECORD 1443

Traffic Operations

The operational characteristics of an intersection are determined by calculating the intersection level of service (LOS). At signalized and all-way stop controlled (AWSC) intersections, LOS is measured in average control delay per vehicle and is reported using the intersection delay. At two-way stop-controlled (TWSC) intersections, delay is reported for the worst movement. Traffic operations and average vehicle delay can be described qualitatively with a range of levels of service (LOS A through LOS F), with LOS A indicating free-flowing traffic and LOS F indicating extreme congestion and long vehicle delays. Appendix B contains a detailed explanation of LOS criteria and definitions.

The City of Pasco has a LOS standard based on a roadway classification. If one or more streets at an intersection are classified as a collector or arterial, the standard is LOS D otherwise the standard is LOS C (i.e. both intersecting roads are local streets). As shown in Table 2, all study intersections include a roadway classified as either a collector or arterial and therefore have an LOS D standard with the exception of Road 52/Burns Road (study intersection 2) under existing conditions which has an LOS C standard.

Existing conditions analysis parameters such as lane channelization and signal timing were maintained for future (2029 and 2036) without-project conditions with the exception of adjustments associated with planned improvements. The planned improvements as identified in Table 3 resulted in the following adjustments at the study intersections:

1. **Road 68/Burns Road** – Signalization of the intersection and extension of Burns Road to Road 68. (TIP projects 5.02 and 5.10)
2. **Road 52/Burns Road** – Creating a 4-legged all-way stop controlled intersection. (TIP project 5.05)
4. **Convention Dr/Sandifur Parkway** – Signalization of the intersection and widening of Convention Drive. (TIP projects 5.15 and 5.06)
5. **Road 60/Sandifur Parkway** – Widening of the roadways to 3 lanes. (TIP project 5.06)
6. **Road 52/Sandifur Parkway** – Widening of Road 52 to 3 lanes. (TIP project 5.06)
8. **Road 52/Burden Road** – Widening of Road 52 to 3 lanes. (TIP project 5.05)

Additionally, at the intersections along Burns Road with Road 68 and Road 52 (study intersections 1 and 2), given the additional legs added to the intersection and resulting shifts in travel patterns relative to the existing traffic volumes counts, adjustments to the observed peak hour factors (PHF) were made. The adjustments were based on National Cooperative Highway Research Program (NCHRP) Report 599, which provides recommended default PHF's based on total entering volumes (TEV).[6]

Weekday AM and PM peak hour traffic operations for existing and future (2029 and 2036) without-project conditions were evaluated based on the procedures identified in the *Highway Capacity Manual* (HCM 2016) using *Synchro 11*. *Synchro 11* is a software program that uses *HCM* methodology to evaluate intersection LOS and average vehicle delay. Results for the existing and future without-project operations analyses are summarized in Table 4. Detailed LOS worksheets for each intersection analysis are included in Appendix C.

As shown in Table 4, the study intersections under existing conditions operate acceptably at LOS D or better during both the weekday AM and PM peak hours with the exception of the Convention Drive/Sandifur Parkway intersection during the PM peak hour. The northbound approach of the Convention Drive/Sandifur Parkway two-way stop controlled intersection is shown to operate at LOS F during the weekday PM peak hour. This location has a planned traffic signal, which is reflected in the future conditions operations analysis.

[6] TRB's National Cooperative Highway Research Program (NCHRP) Report 599: *Default Values for Highway Capacity and Level of Service Analyses.* Table 19 assuming the median PHF values based on the TEV.

Table 4. Existing and Future Without-Project Weekday Peak Hour LOS Summary

Intersection	Traffic Control[4]	Existing			2029 Without-Project			2036 Without-Project		
		LOS[1]	Delay[2]	WM[3]	LOS	Delay	WM	LOS	Delay	WM
AM Peak Hour										
1. Rd 68/Burns Rd	TWSC/ *Signal*	C	20	WB	B	19	-	C	21	-
2. Rd 52/Burns Rd	AWSC	A	7	-	A	10	-	A	10	-
3. Rd 68/Sandifur Pkwy	Signal	B	14	-	B	20	-	C	22	-
4. Convention Dr/Sandifur Pkwy	TWSC/ *Signal*	C	21	NB	B	19	-	C	22	-
5. Rd 60/Sandifur Pkwy	AWSC	B	11	-	C	17	-	C	19	-
6. Rd 52/Sandifur Pkwy	AWSC	A	9	-	B	13	-	B	14	-
7. Rd 68/Burden Rd	Signal	D	54	-	D	51	-	D	49	-
8. Rd 52/Burden Rd	TWSC	B	11	SB	B	13	SBL	B	13	SBL
9. Rd 68/I-182 WB Ramps	Signal	A	9	-	A	9	-	B	10	-
10. Rd 68/I-182 EB Ramps	Signal	A	8	-	B	11	-	B	19	-
PM Peak Hour										
1. Rd 68/Burns Rd	TWSC/ *Signal*	C	25	WB	B	16	-	B	17	-
2. Rd 52/Burns Rd	AWSC	A	7	-	A	8	-	A	8	-
3. Rd 68/Sandifur Pkwy	Signal	B	17	-	C	31	-	D	37	-
4. Convention Dr/Sandifur Pkwy	TWSC/ *Signal*	F	163	NB	B	20	-	C	23	-
5. Rd 60/Sandifur Pkwy	AWSC	B	13	-	C	20	-	C	23	-
6. Rd 52/Sandifur Pkwy	AWSC	A	10	-	B	13	-	B	14	-
7. Rd 68/Burden Rd	Signal	D	54	-	D	50	-	D	47	-
8. Rd 52/Burden Rd	TWSC	B	12	SB	C	17	SBL	C	19	SBL
9. Rd 68/I-182 WB Ramps	Signal	A	7	-	B	10	-	C	22	-
10. Rd 68/I-182 EB Ramps	Signal	B	14	-	B	19	-	C	32	-

Note: TWSC = two-way stop controlled. AWSC = all-way stop-controlled. Shading indicates operating below standard.
1. Level of Service (A – F) as defined by the *Highway Capacity Manual* (TRB, 6th Edition)
2. Average delay per vehicle in seconds
3. Worst Movement shown for two-way stop controlled intersections. WB = westbound, NB = northbound, SB = southbound, SBL = southbound left-turn.
4. Traffic Control reflects existing / *future* where there are identified planned improvements.

Under future (2029 and 2036) without-project conditions, the study intersections are forecast to operate acceptably at LOS D or better during both the weekday AM and PM peak hours.[7] The limited increase in forecast delay at the intersections between the future horizon years is related to the planned shift in traffic volumes with the planned roadway extensions identified above.

[7] Note the standard as identified above is LOS D with the exception of Rd 52/Burns Rd which has an LOS C standard under existing conditions. This intersection operates at LOS A under all conditions as shown in Table 4 and therefore, meets the operational standard as indicated.

Traffic Safety

The five most recent years of collision records (January 1, 2018 to December 31, 2022) provided by the Washington State Department of Transportation (WSDOT) were reviewed within the study area to identify any existing traffic safety issues at the study intersections. A summary of the total and average annual number of reported collisions at the study intersections and roadway segment adjacent to the project site are provided in Table 5.

Table 5. Five-Year Collision Summary (2018-2022)

Location	Number of Collisions					Total	Annual Average
	2018	2019	2020	2021	2022		
1. Rd 68/Burns Rd	1	0	1	1	1	4	0.8
2. Rd 52/Burns Rd	0	0	0	0	0	0	0.0
3. Rd 68/Sandifur Pkwy	7	5	2	4	0	18	3.6
4. Convention Dr/Sandifur Pkwy	2	3	0	1	0	6	1.2
5. Rd 60/Sandifur Pkwy	0	2	0	3	0	5	1.0
6. Rd 52/Sandifur Pkwy	2	1	0	1	0	4	0.8
7. Rd 68/Burden Road	26	18	13	15	17	89	17.8
8. Rd 52/Burden Road	0	1	1	1	2	5	1.0
9. Rd 68/I-182 WB Ramps	10	8	5	11	11	45	9.0
10. Rd 68/I-182 EB Ramps	15	16	6	25	20	82	16.4

Source: WSDOT September 2023. *Under 23 U.S. Code § 148 and 23 U.S. Code § 407, safety data, reports, surveys, schedules, lists compiled or collected for the purpose of identifying, evaluating, or planning the safety enhancement of potential crash sites, hazardous roadway conditions, or railway-highway crossings are not subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in such reports, surveys, schedules, lists, or data.*
Note: shading indicates greater

The study intersections generally had an average of 1 collision per year or less with the exception of 4 intersections along Road 68 (Road 68 at Sandifur Parkway, Burden Road, I-182 WB ramps, and I-182 EB ramps) each of which are described in greater detail below. At the remaining 6 intersections, the most common collision type at these unsignalized intersections was entering at an angle collisions, which mostly resulted in property damage only.

The 4 signalized study intersections along Road 68 have high volumes ranging between 30,000 to 50,000 average daily total entering vehicles at the intersections. Corresponding to these higher volumes, the average number of reported collisions per year ranged between 4 and 18 collisions. The most common collision type at these locations were rear-end collisions, which mostly resulted in property damage only. Rear-end collisions are consistent with congestion conditions where there is stop-and-go traffic. There are numerous planned improvements in the study area including planned extensions of Burns Road (both east and west) and Road 76 across I-182, which are anticipated to result in shifts in traffic patterns away from Road 68 by providing alternative routes and connectivity in the area.

There were no pedestrian or bicyclist collision reported at any of the study intersections, nor were there any collisions reported that resulted in a fatality.

Project Impacts

The following sections summarize the proposed project's impacts on the surrounding street system under both interim and full buildout conditions. First, traffic volumes generated by the proposed project are estimated and then distributed and assigned to adjacent roadways within the study area. Next, project trips are added to future without-project traffic volumes and the potential impact to traffic operations are identified.

Trip Generation

Trip generation for the proposed project was calculated based the Institute of Transportation Engineers (ITE) *Trip Generation Manual* (11th Edition, 2021) assuming ITE's Single Family Home (LU 210) land use. The regression equation was assumed for the analysis based on the cumulative number of units for each phase. Table 6 shows the estimated weekday vehicle trips generated by development phase. No credit was given for the existing trips related to the farmland. The detailed trip generation calculations of the interim and full buildout conditions are included in Appendix D.

Table 6. Estimated Weekday Vehicle Trip Generation

Phase	Year	Total Dwelling Units	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
				In	Out	Total	In	Out	Total
1	2025	60	631	12	35	47	38	23	61
2	2026	111	1,111	21	61	82	69	41	110
3	2027	153	1,492	28	82	110	93	55	148
4	2028	183	1,759	32	97	129	110	65	175
5 (INTERIM)	2029	218	2,067	38	113	151	130	77	207
6	2030	252	2,362	43	130	173	149	88	237
7	2031	286	2,653	49	145	194	168	99	267
8	2032	327	3,001	55	164	219	191	112	303
9 &10	2033	371	3,371	62	184	246	215	126	341
11	2034	406	3,662	67	200	267	234	137	371
12	2035	435	3,902	71	213	284	249	147	396
13 (FULL BUILDOUT)	2036	460	4,108	75	224	299	263	154	417

Note: du = dwelling unit.
1. Estimated based on fitted curve equations from ITE *Trip Generation Manual*, 11th Edition (2021).

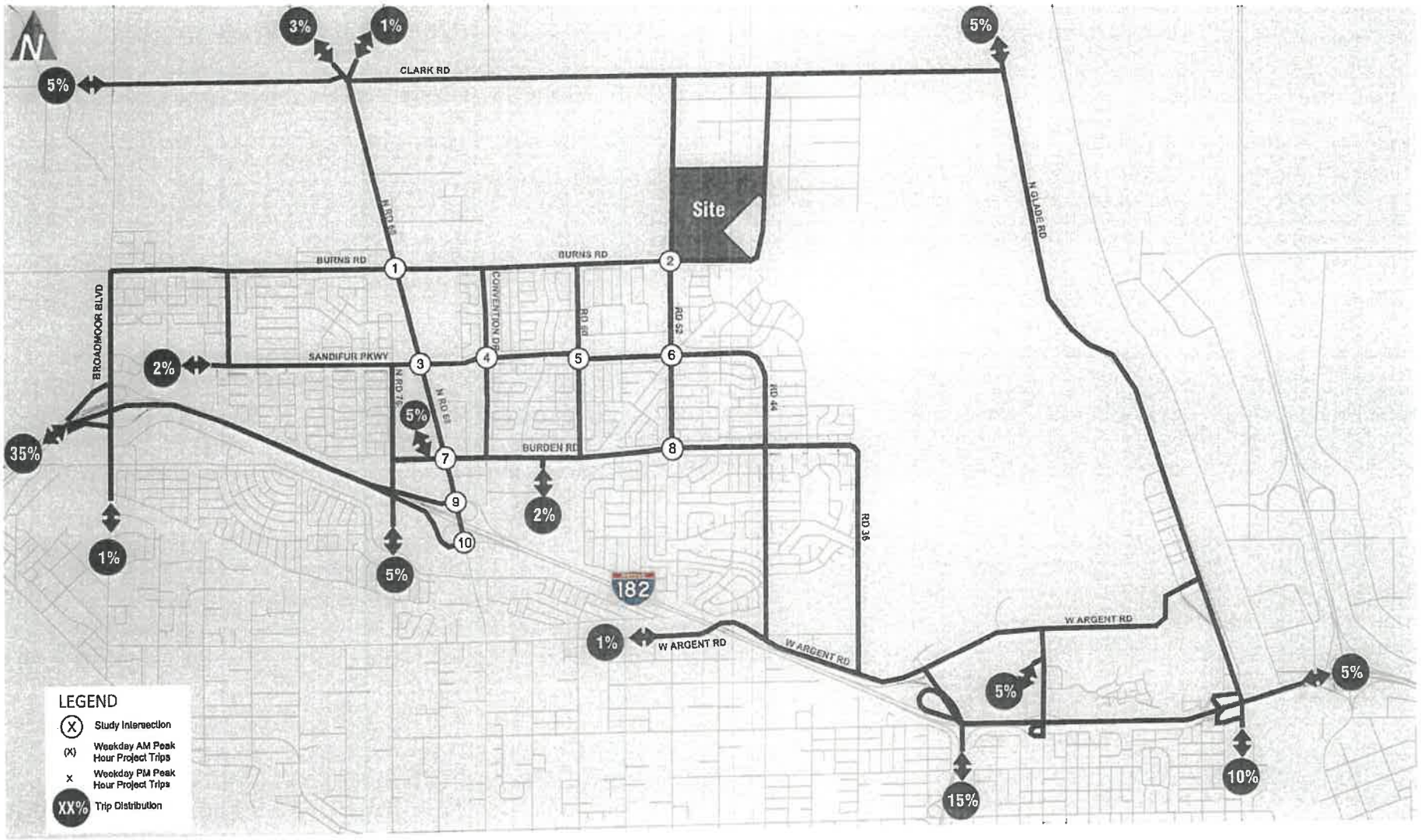
As shown in Table 6, under interim conditions, the project is estimated to generate 2,067 daily trips with 151 occurring in the weekday AM peak hour and 207 occurring in the weekday PM peak hour. Under full build conditions, the proposed project is estimated to generate 4,108 weekday daily trips with 299 occurring in the weekday AM peak hour and 417 occurring in the PM peak hour.

Trip Distribution and Assignment

Trip distribution patterns were based on the Benton-Frankling Council of Government (BFCOG) transportation model (see model plots included in Appendix E). Consistent with the noted background shifts discussed above in the without-project traffic volumes section, the roadway extension projects assumed under both horizon year are as follows:

- Burns Road west to Road 68, TIP 5.02
- Road 76 Overpass between Burden Boulevard and Chapel Hill Boulevard, TIP 5.08

The project trip distribution is shown on Figure 6.



Project Trip Distribution

Madison Park North

FIGURE 6

transpogroup

RECORD 1448

The interim and full buildout project trip generation was assigned to the study intersections based on the project trip distribution and the resulting weekday AM and PM peak hour assignment is reflected on Figure 7 and Figure 8 for the interim and full buildout conditions, respectively.

Traffic Volume Impact

The estimated project weekday peak hour trips were added to future without-project volumes at study intersections to form the basis of the with-project analysis. The future (2029 & 2036) with-project peak hour traffic volumes are illustrated on Figure 9 and Figure 10, respectively.

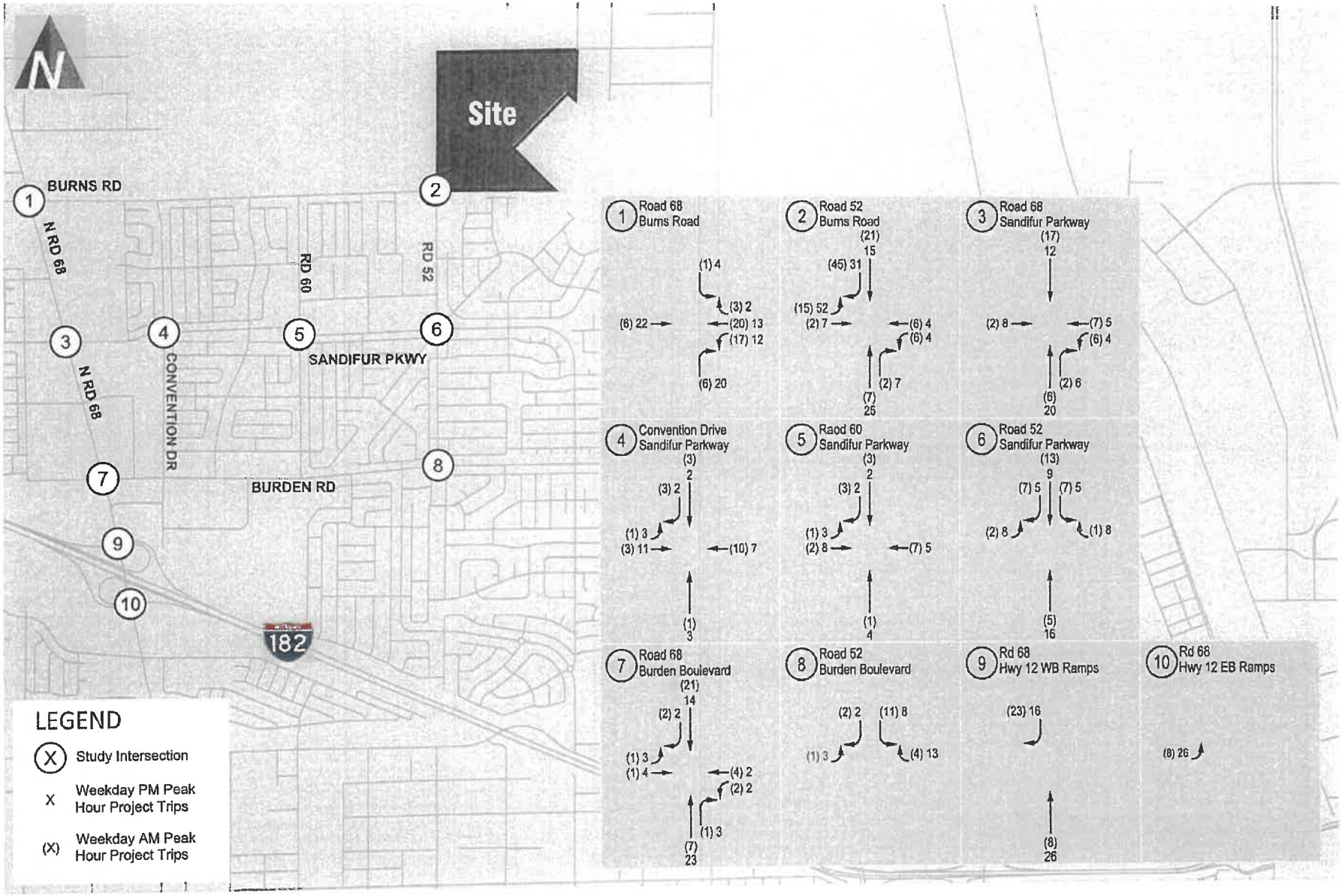
Table 7 summarizes the anticipated increase in total entering traffic at the study intersections as well as the percent of future with-project traffic volumes attributable to the proposed project under the future (2029 and 2036) conditions during AM and PM peak hours.

Table 7. Future Weekday Peak Hour Traffic Volume Impacts

	Weekday AM Peak Hour				Weekday PM Peak Hour			
	Total Entering Vehicles			Percent Project Share[1]	Total Entering Vehicles			Percent Project Share
Intersection	Without-Project	Project Trips	With-Project		Without-Project	Project Trips	With-Project	
Interim (2029)								
1. Rd 68/Burns Rd	1,485	53	1,538	3.4%	1,445	73	1,518	4.8%
2. Rd 52/Burns Rd	495	104	599	17.4%	310	145	455	31.9%
3. Rd 68/Sandifur Pkwy	2,580	40	2,620	1.5%	3,490	55	3,545	1.6%
4. Convention Dr/Sandifur Pkwy	1,430	21	1,451	1.4%	1,900	28	1,928	1.5%
5. Rd 60/Sandifur Pkwy	1,230	17	1,247	1.4%	1,355	24	1,379	1.7%
6. Rd 52/Sandifur Pkwy	1,010	35	1,045	3.3%	985	51	1,036	4.9%
7. Rd 68/Burden Road	3,185	39	3,224	1.2%	4,500	53	4,553	1.2%
8. Rd 52/Burden Road	695	18	713	2.5%	965	26	991	2.6%
9. Rd 68/I-182 WB Ramps	3,695	31	3,726	0.8%	4,766	42	4,807	0.9%
10. Rd 68/I-182 EB Ramps	2,925	8	2,933	0.3%	3,515	26	3,541	0.7%
Full Buildout (2036)								
1. Rd 68/Burns Rd	1,560	105	1,665	6.3%	1,525	146	1,671	8.7%
2. Rd 52/Burns Rd	500	207	707	29.3%	310	288	598	48.2%
3. Rd 68/Sandifur Pkwy	2,735	78	2,813	2.8%	3,700	108	3,808	2.8%
4. Convention Dr/Sandifur Pkwy	1,510	39	1,549	2.5%	2,005	54	2,059	2.6%
5. Rd 60/Sandifur Pkwy	1,285	34	1,319	2.6%	1,420	48	1,468	3.3%
6. Rd 52/Sandifur Pkwy	1,045	71	1,116	6.4%	1,035	101	1,136	8.9%
7. Rd 68/Burden Road	3,395	75	3,470	2.2%	4,790	104	4,894	2.1%
8. Rd 52/Burden Road	750	36	786	4.6%	1,045	50	1,095	4.6%
9. Rd 68/I-182 WB Ramps	3,935	60	3,995	1.5%	5,090	83	5,173	1.6%
10. Rd 68/I-182 EB Ramps	3,125	15	3,140	0.5%	3,750	52	3,802	1.4%

Note: TEV = total entering vehicles
1. Percent project share = project trips TEV / with-project TEV.

As shown in Table 7, the project traffic would be 9 percent or less of the total future traffic volumes under both the interim and full buildout conditions during the weekday AM and PM peak hours with the exception of the Road 52/Burns Road intersection. This intersection is adjacent to the project site and has low volumes compared to other study intersections. Traffic volume impacts at this location range from 17 to 48 percent.



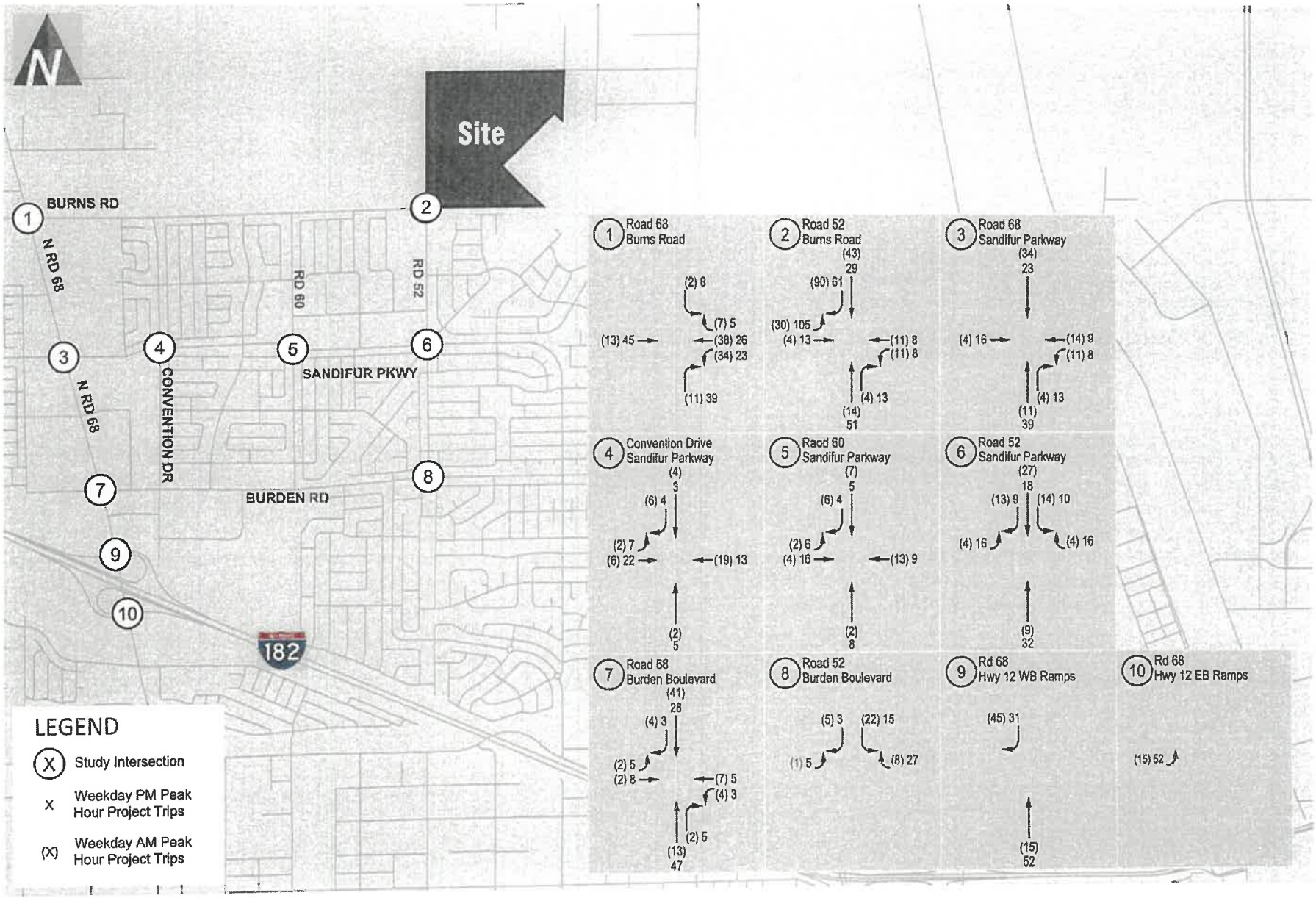
Interim Project Trip Assignment

Madison Park North

FIGURE 7

transpogroup

RECORD 1450

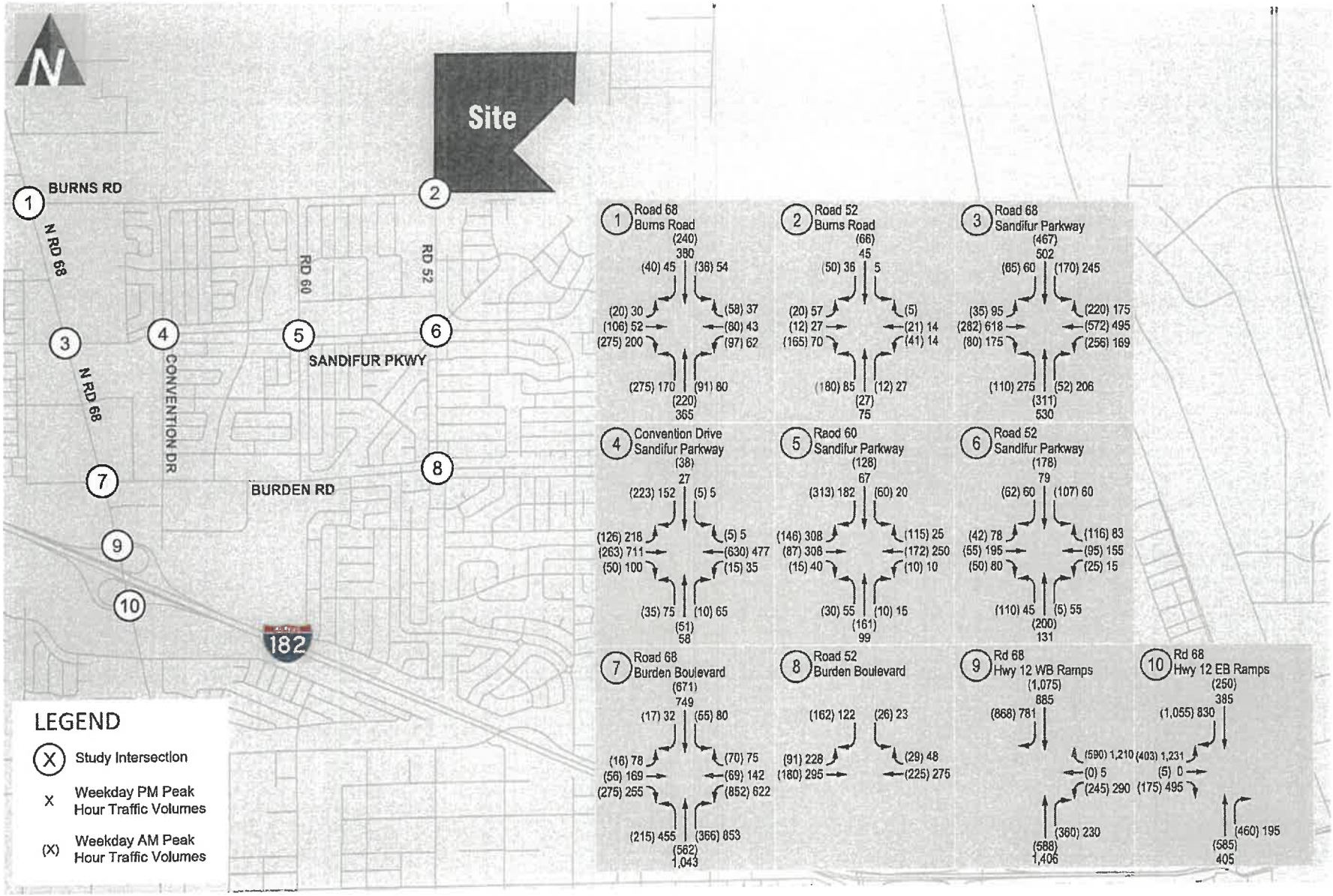


Full Buildout Project Trip Assignment

Madison Park North

FIGURE 8

transpogroup RECORD 1451

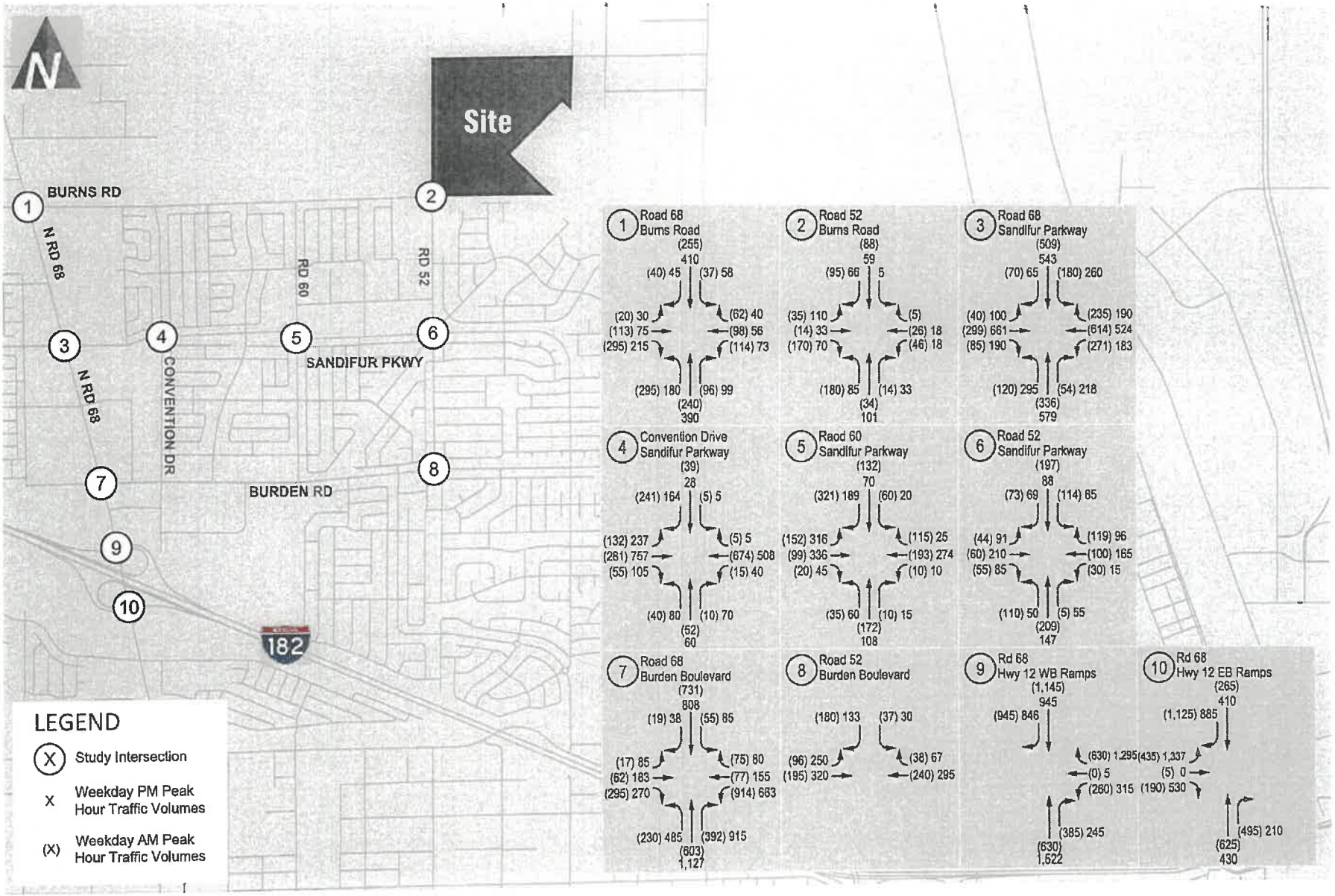


Future (2029) With-Project Weekday Peak Hour Traffic Volumes

FIGURE 9

Madison Park North

transpogroup RECORD 1452



Future (2036) With-Project Weekday Peak Hour Traffic Volumes

FIGURE 10

Madison Park North

transpogroup RECORD 1453

Traffic Operations Impact

The future interim and full buildout (2029 and 2036) with-project level of service analysis was conducted for the weekday peak hours to analyze traffic operations impacts of the proposed project. The same methodologies were applied as described above for the existing and future without-project conditions. All intersection parameters such as channelization, intersection control, and signal timing were consistent with those used in the evaluation of future without-project conditions. A comparison of weekday AM and PM peak hour without-project and with-project weekday peak hour traffic operations are summarized in Table 8 and Table 9 for the future (2029) interim and future (2036) full buildout conditions, respectively. Detailed LOS worksheets are provided in Appendix C.

Table 8. Interim (2029) Weekday AM and PM Peak Hour LOS Summary

Intersection	Traffic Control	Interim (2029) Without-Project			Interim (2029) With-Project		
		LOS[1]	Delay[2]	WM[3]	LOS	Delay	WM
AM Peak Hour							
1. Rd 68/Burns Rd	Signal	B	19	-	B	20	-
2. Rd 52/Burns Rd	AWSC	A	10	-	A	10	-
3. Rd 68/Sandifur Pkwy	Signal	B	20	-	C	20	-
4. Convention Dr/Sandifur Pkwy	Signal	B	19	-	B	20	-
5. Rd 60/Sandifur Pkwy	AWSC	C	17	-	C	18	-
6. Rd 52/Sandifur Pkwy	AWSC	B	13	-	B	13	-
7. Rd 68/Burden Rd	Signal	D	51	-	D	53	-
8. Rd 52/Burden Rd	TWSC	B	13	SBL	B	13	SBL
9. Rd 68/I-182 WB Ramps	Signal	A	9	-	A	10	-
10. Rd 68/I-182 EB Ramps	Signal	B	11	-	B	11	-
PM Peak Hour							
1. Rd 68/Burns Rd	Signal	B	16	-	B	17	-
2. Rd 52/Burns Rd	AWSC	A	8	-	A	9	-
3. Rd 68/Sandifur Pkwy	Signal	C	31	-	C	32	-
4. Convention Dr/Sandifur Pkwy	Signal	B	20	-	C	21	-
5. Rd 60/Sandifur Pkwy	AWSC	C	20	-	C	21	-
6. Rd 52/Sandifur Pkwy	AWSC	B	13	-	B	14	-
7. Rd 68/Burden Rd	Signal	D	50	-	D	53	-
8. Rd 52/Burden Rd	TWSC	C	17	SBL	C	18	SBL
9. Rd 68/I-182 WB Ramps	Signal	B	10	-	A	7	-
10. Rd 68/I-182 EB Ramps	Signal	B	19	-	B	20	-

Note: TWSC = two-way stop controlled. AWSC = all-way stop-controlled. Shading indicates operating below standard.
1. Level of Service (A – F) as defined by the *Highway Capacity Manual* (TRB, 6th Edition)
2. Average delay per vehicle in seconds
3. Worst Movement shown for stop controlled intersections. SBL = southbound left-turn movement.

Table 9. Full Buildout (2036) Weekday AM and PM Peak Hour LOS Summary

Intersection	Traffic Control	Full Buildout (2036) Without-Project			Full Buildout (2036) With-Project		
		LOS[1]	Delay[2]	WM[3]	LOS	Delay	WM
AM Peak Hour							
1. Rd 68/Burns Rd	Signal	C	21	-	C	22	-
2. Rd 52/Burns Rd	AWSC	A	10	-	B	10	
3. Rd 68/Sandifur Pkwy	Signal	C	22	-	C	23	
4. Convention Dr/Sandifur Pkwy	Signal	C	22	-	C	23	-
5. Rd 60/Sandifur Pkwy	AWSC	C	19	-	C	20	-
6. Rd 52/Sandifur Pkwy	AWSC	B	14	-	B	15	-
7. Rd 68/Burden Rd	Signal	D	49	-	D	50	-
8. Rd 52/Burden Rd	TWSC	B	13	SBL	B	14	SBL
9. Rd 68/I-182 WB Ramps	Signal	B	10	-	A	10	-
10. Rd 68/I-182 EB Ramps	Signal	B	19	-	B	19	-
PM Peak Hour							
1. Rd 68/Burns Rd	Signal	B	17	-	B	19	-
2. Rd 52/Burns Rd	AWSC	A	8	-	A	10	-
3. Rd 68/Sandifur Pkwy	Signal	D	37	-	D	42	-
4. Convention Dr/Sandifur Pkwy	Signal	C	23	-	C	24	-
5. Rd 60/Sandifur Pkwy	AWSC	C	23	-	D	25	-
6. Rd 52/Sandifur Pkwy	AWSC	B	14	-	C	16	-
7. Rd 68/Burden Rd	Signal	D	47	-	D	47	-
8. Rd 52/Burden Rd	TWSC	C	19	SBL	C	20	SBL
9. Rd 68/I-182 WB Ramps	Signal	C	22	-	C	23	-
10. Rd 68/I-182 EB Ramps	Signal	C	32	-	C	33	-

Note: TWSC = two-way stop controlled. AWSC = all-way stop-controlled. Shading indicates operating below standard.
1. Level of Service (A – F) as defined by the *Highway Capacity Manual* (TRB, 6th Edition)
2. Average delay per vehicle in seconds
3. Worst Movement shown for stop controlled intersections. SBL = southbound left-turn movement.

As shown in Table 8 and Table 9, the study intersections are generally forecast to operate at the same LOS with the project relative to without project conditions, meeting the LOS D standard under both interim and full buildout weekday AM and PM peak hour conditions.

Site Access

Access to the development is proposed along all bounding roadways including Burns Road (Powerline Road), Road 52, Deseret Drive, and Road 44 in Pasco. The driveways are anticipated to be side-street stop controlled and designed to meet spacing requirements per Pasco Municipal Code (PMC) 21.15.020.

Sensitivity Analysis

To provide a conservative analysis, the primary analysis presented above does not assume the road extension of Burns Road to Glade Road is completed. This sensitivity analysis presents a comparative analysis of the traffic volumes at the study intersections and the affects with and without the future extension project. The project trip distribution shown on Figure 11, assumes the Burns Road extension to Glade Road is complete and operational. The full build project trip assignment assuming the sensitivity project trip distribution is shown in Figure 12. The future full build with-project volumes also assume the background volume shifts for the road extension (see Figure 13).

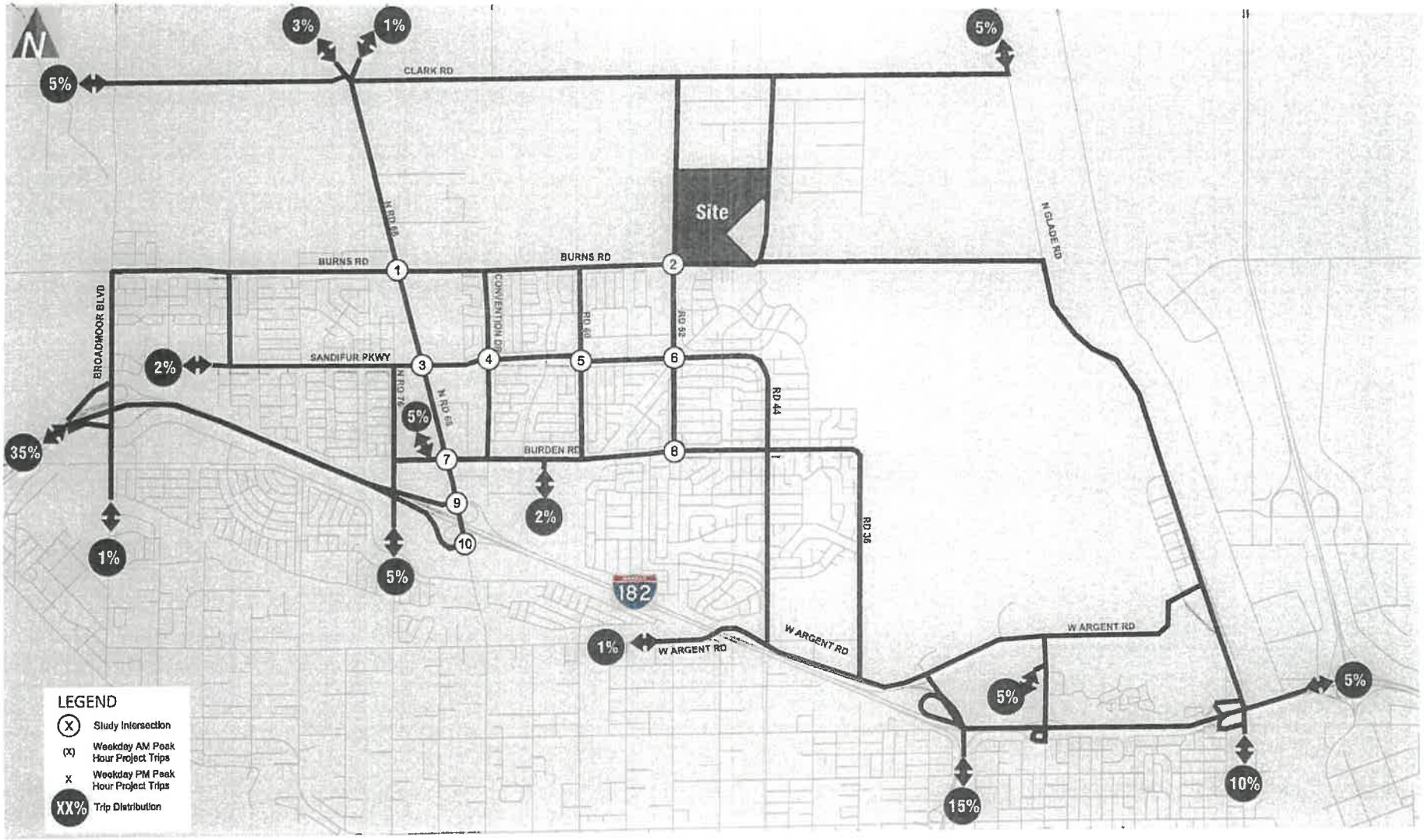
A comparison of the future (2036) weekday PM peak hour traffic volumes both with and without the Burns Road extension to Glade are summarized in Table 10.

Table 10. Weekday Peak Hour Traffic Volume Impacts – With and Without Roadway Extension

	Future (2036) Without Roadway Extension			Future (2036) With Roadway Extension (SENSITIVITY)			Difference in TEV
Intersection	Without-Project	Project Trips	With-Project	Without-Project	Project Trips	With-Project	(With Ex-Without Ex)[1]
AM Peak Hour							
1. Rd 68/Burns Rd	1,560	105	1,665	1,550	102	1,652	-13
2. Rd 52/Burns Rd	500	207	707	500	177	677	-30
3. Rd 68/Sandifur Pkwy	2,735	78	2,813	2,715	64	2,779	-34
4. Convention Dr/ Sandifur Pkwy	1,510	39	1,549	1,510	28	1,538	-11
5. Rd 60/Sandifur Pkwy	1,285	34	1,319	1,285	23	1,308	-11
6. Rd 52/Sandifur Pkwy	1,045	71	1,116	1,045	44	1,089	-27
7. Rd 68/Burden Rd	3,395	75	3,470	3,300	88	3,388	-82
8. Rd 52/Burden Rd	750	36	786	750	29	779	-7
9. Rd 68/I-182 WB Ramps	3,935	60	3,995	3,840	60	3,900	-95
10. Rd 68/I-182 EB Ramps	3,125	15	3,140	3,070	15	3,085	-55
PM Peak Hour							
1. Rd 68/Burns Rd	1,525	146	1,671	1,515	143	1,658	-13
2. Rd 52/Burns Rd	310	288	598	310	246	556	-42
3. Rd 68/Sandifur Pkwy	3,700	108	3,808	3,675	88	3,763	-45
4. Convention Dr/ Sandifur Pkwy	2,005	54	2,059	2,005	37	2,042	-17
5. Rd 60/Sandifur Pkwy	1,420	48	1,468	1,420	32	1,452	-16
6. Rd 52/Sandifur Pkwy	1,035	101	1,136	1,035	62	1,097	-39
7. Rd 68/Burden Rd	4,790	104	4,894	4,680	122	4,802	-92
8. Rd 52/Burden Rd	1,045	50	1,095	1,045	41	1,086	-9
9. Rd 68/I-182 WB Ramps	5,090	83	5,173	4,980	83	5,063	-110
10. Rd 68/I-182 EB Ramps	3,760	52	3,802	3,705	53	3,758	-44

Note: TEV = total entering vehicles
1. With Extension With-Project TEV less Without Extension With-Project TEV.

As shown in the table, the with-project traffic volumes at the study intersections are reduced with the roadway extension relative to the without roadway extension condition during both the weekday AM and PM peak hours. Given the reduced traffic volumes, the operational impacts as shown in the primary analysis above are conservative and no added operational impact is anticipated with the roadway extension.



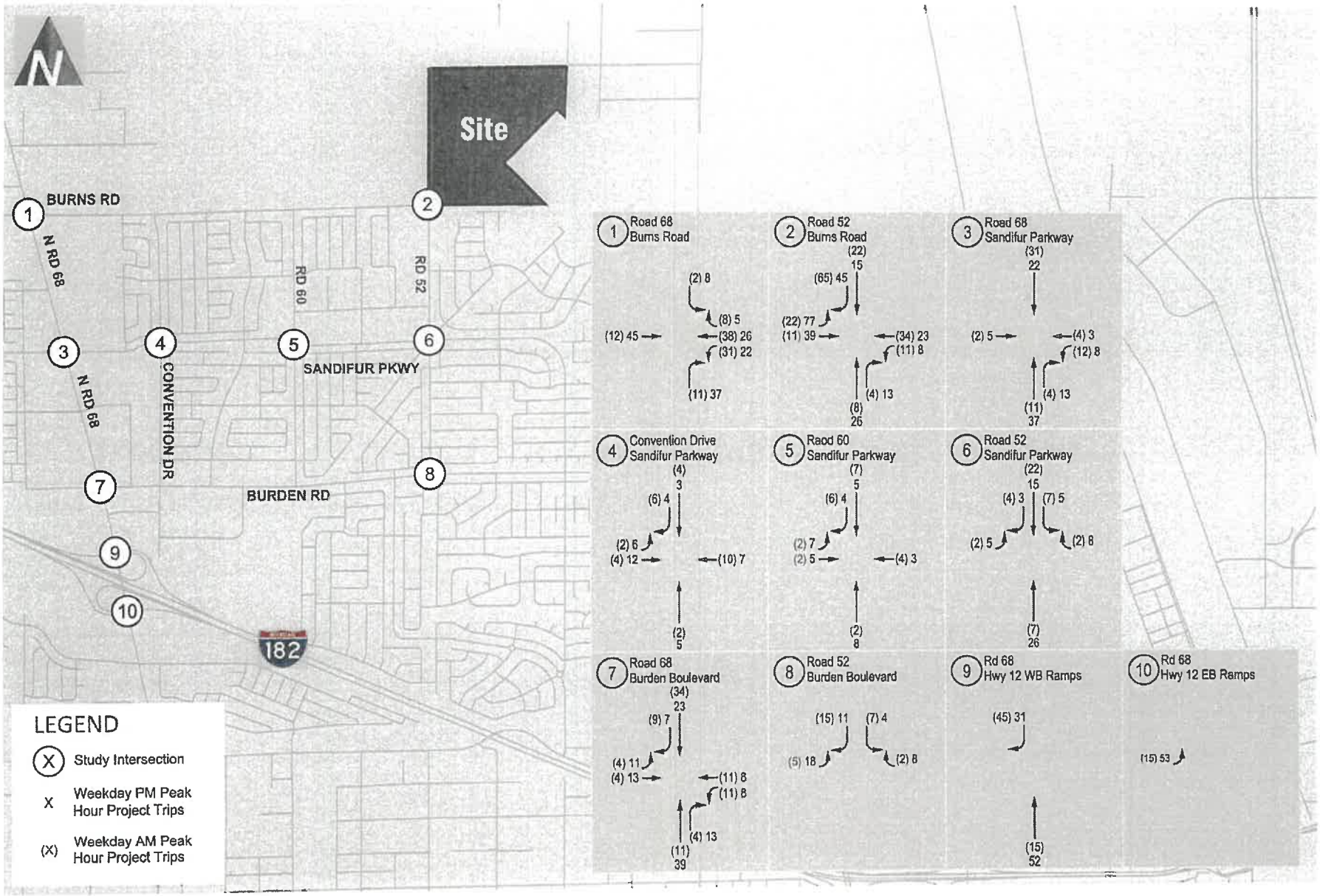
Project Trip Distribution with Glade Road Extension (Sensitivity Analysis)

Madison Park North

FIGURE 11

transpogroup

RECORD 1457



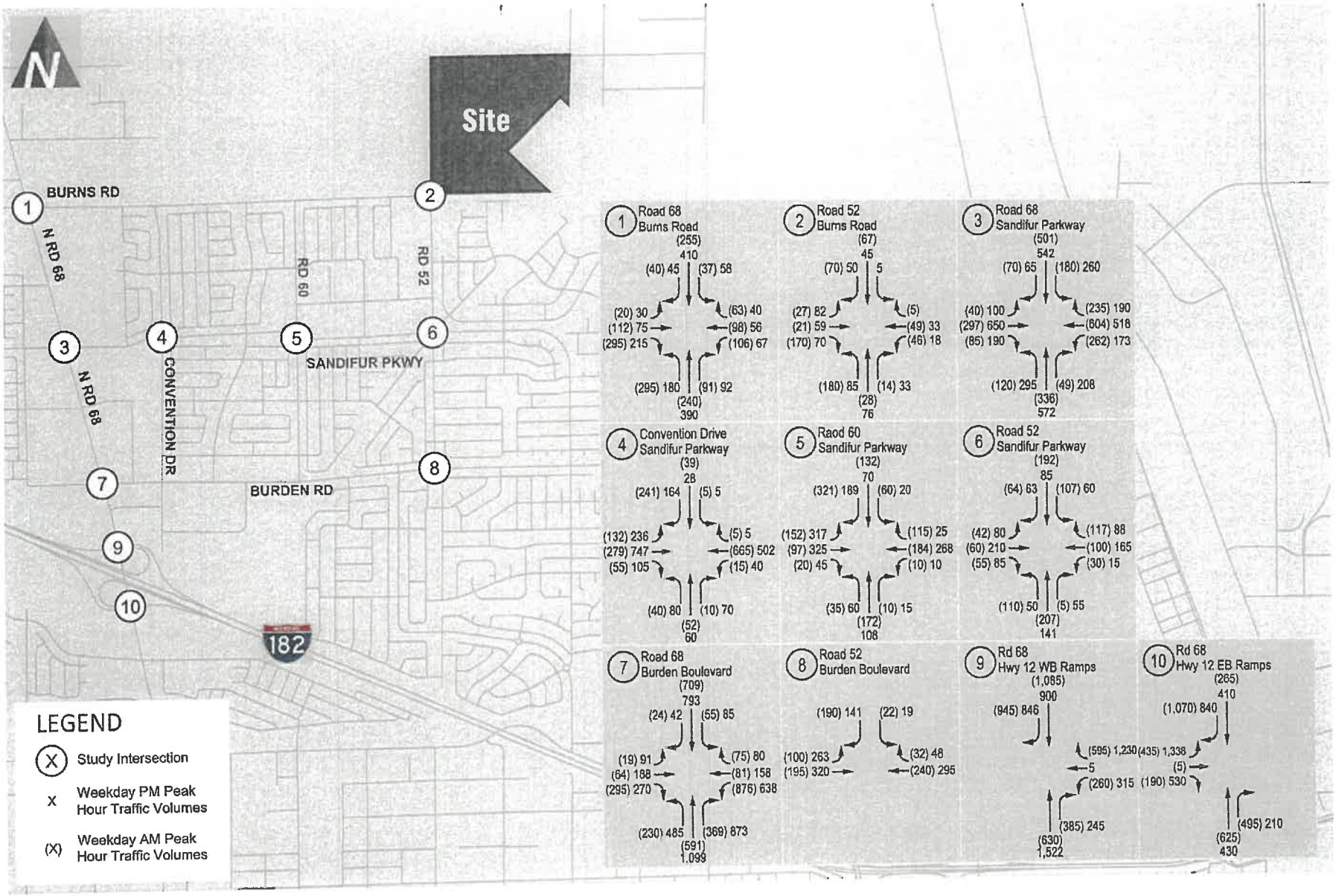
Full Build Project Trip Assignment (Sensitivity Analysis)

FIGURE 12

Madison Park North

transpogroup

RECORD 1458



Future (2036) With-Project Weekday Peak Hour Traffic Volumes (Sensitivity)

FIGURE 13

Madison Park North

transpogroup RECORD 1459

Mitigation

This section summarizes the mitigation measures for the proposed project.

The project shall pay TIFs for the proposed development per Pasco Municipal Code (PMC) 3.35.230, which identifies a fee of $709 per residential unit. The estimated fees for each phase of the development are summarized in Table 11.

Table 11. Estimated Transportation Impact Fee

Phase	Year	Dwelling Units per Phase	Cumulative Total Dwelling Units	Estimated Cumulative Fee[2]	Estimated Fee Per Phase[3]
1	2025	60	60	$42,540	$42,540
2	2026	51	111	$78,699	$36,159
3	2027	42	153	$108,477	$72,318
4	2028	30	183	$129,747	$57,429
5 (INTERIM)	2029	35	218	$154,562	$97,133
6	2030	34	252	$178,668	$81,535
7	2031	34	286	$202,774	$121,239
8	2032	41	327	$231,843	$110,604
9 &10	2033	44	371	$263,039	$152,435
11	2034	35	406	$287,854	$135,419
12	2035	29	435	$308,415	$172,996
13 (FULL BUILDOUT)	2036	25	460	$326,140	$153,144

1. Cumulative fee estimated based on the cumulative du assuming the City's TIF of $709/du as identified in PMC 3.35.230.
2. Cumulative fee of current phase less previous cumulative fee paid.

As shown in the table, the fee is estimated to be $154,562 for the interim condition (cumulative Phases 1-5) and a total cumulative fee of $326,140 for the full buildout condition. The final TIF will be calculated by City staff and be paid at time of permit issuance. Note that the full buildout condition reflects cumulative development, inclusive of the interim development. Therefore, any fees paid for the interim condition should be credited when considering fees for full buildout.

Additionally, as identified above, frontage improvements are proposed along the project frontages as required by the Pasco Municipal Code and the project will dedicate right-of-way (ROW) to allow for the City's future extension of Burns Road between Road 52 and Glade Road (TIP project 5.20). Credit will be provided for the ROW dedication and frontage improvements for the Burns Road and Road 52 corridors in accordance with RCW 39.92.040 and RCW 82.02.060(5).

The above analysis provides the required traffic impact study to assist in the concurrency review as identified in PMC 12.36.070. Consistent with PMC 12.36.080 as well as RCW 82.02.020, as the above analysis shows the study intersections meet the operational standards, the project's payment of the traffic impact fees mitigates its impact on the transportation system and no additional proportionate share contributions are necessary.[8] The proposed project meets requirements (1) through (4) of PMC 12.36.080, fully satisfying the City's concurrency requirements through payment of the Transportation Impact Fee.

[8] Note that the project site and all projects assumed in the interim and full build out scenarios are located within the TIF area as defined in PMC 3.40.030, so in accordance with RCW 82.02.020 (second sentence of second paragraph) no proportionate share contribution is necessary.

Findings and Recommendations

This TIA summarizes the transportation impacts associated with the construction of the Madison Park North residential development located in Pasco, WA. General findings and recommendations include:

Project Description – The project would construct 460 single family homes in 13 phases anticipated to be completed by 2036. Access to the development includes access points along all bounding roadways including Burns Road (Powerline Road), Road 52, Deseret Drive (planned northern east-west roadway), and Road 44 in Pasco. The project site is replacing existing farmland.

Trip Generation – Under interim conditions (development of 218 single family homes under Phases 1-5 by 2029), the project is estimated to generate 2,067 daily trips with 151 occurring in the weekday AM peak hour and 207 occurring in the weekday PM peak hour. With full buildout of the development (460 single family homes by 2036), the project is estimated to generate 4,108 weekday daily trips with 299 occurring in the weekday AM peak hour and 417 occurring in the PM peak hour.

Traffic Operations – The study intersections operate acceptably at LOS D or better during both the weekday AM and PM peak hours with the exception of the Convention Drive/Sandifur Parkway intersection during the PM peak hour under existing conditions. With the future planned improvements in the vicinity, the study intersections are forecast to operate acceptably at LOS D or better under future (2029 and 2036) without-project conditions.

Mitigation – Mitigation is proposed to include the following:

- This TIA provides an initial estimate of fees; however, the actual fees will be coordinated with City staff. The applicant will pay transportation impact fees (TIF) estimated to be $154,562 for the interim condition (cumulative Phases 1-5) and a total cumulative fee of $326,140 for the full buildout condition.
- As the study intersections meet the operational standards under the future with-project conditions, the project's payment of the traffic impact fees mitigates its impact on the transportation system and no additional proportionate share contributions are necessary. This is consistent with PMC 12.36.080.
- Credit will be provided for the ROW dedication and frontage improvements for the Burns Road and Road 52 corridors relative to any additional mitigation fees paid by the applicant.

Appendices (pages 35-189) omitted for the sake of brevity

Appendix A: Traffic Counts

A-22

2024 05 17 MEMO FROM PBS APPROVAL OF MPN TIA

Memorandum

DATE: May 17, 2024

TO: Tyler Johnson, Kurtis Schliebe

FROM: PBS Engineering and Environmental Inc.

PROJECT: 78062.000, Phase 0009, Task Order #9

REGARDING: Second Review of the Madison Park North Traffic Impact Analysis

The updated Madison Park North Traffic Impact Analysis (TIA), submitted for review on 04/26/2024, has been reviewed for completeness in addressing comments on the TIA sent to TranspoGroup on 01/09/2024. Additionally, any additional sections, figures, appendices, or general information added to the updated TIA was also reviewed.

The updated TIA addressed all comments sufficiently, and no further errors or concerns were found in the additional information in the TIA. PBS has no further additional comments on the report.

cc: *John Manix*

A-23

2024 05 29 - TRANSCRIPT FROM CONCURRENCY MEETING

Text of particular interest emphasized using a box around the text.

Transcript of Burns Road Developments Concurrency Update
May 29, 2024

Transcribed by. Alicia Padvorac

Carmen – Recording 'cause we had requests for it.

Man – K

Carmen – For members that could not be here.

Dave – We got some members that can't be here too, so that's, I was was gonna ask you for that anyway.

Carmen – Yeah

Dave – So thank you.

Carmen – Mmm hmm,

Dave – You're two for two today.

Carmen – (laughing) So far. For a Wednesday, that's not too bad.

Dave – Yeah, right. A windy Wednesday.

Carmen – Oh man, talk about some weird weather.

(overlapping, indistinct)

Carmen – It actually stopped and was sunny for about 10 minutes. I got a walk around the building real quick. (laughing)

(Indistinct background noise)

John F. – My wife work works out in south Richland um elementary school and she sent me a video (laughing) just downpouring.

Carmen – Oh yeah, it was pouring here too which....

(Indistinct background noise) (long pause)

(clears throat) (pause)

Trae – I was going to ask you, or call you. Um, for over at the (indistinct... hudsman?) place, for the sewer over there, um, they were asking about, if we wanted to, if you were going to make a contract with the City being secure there...

(Overlapping – A lot of the words are hard to make out)

Carmen – (overlapping) Ok, you can hear and see us, alright...

Trae – The connection

Carmen – No

(chatter)

Carmen – I'm next door if you need anything else.

Paul L. – ... Court memorandum...

– Do you know of anyone else going to be here?

Dave – ... Steve West will be here...

– Ok, alright. Bye.

Dave – ...Dr. appointment

Trae – If we should get a attorney make a contract for that or talk to you for making a contract for that, I guess.

Paul L. – k.

– Uh

– For the

Trae – It's for the Sewer

– Yeah, for the design of it or the

– just for the

– Capacity

Trae – Capacity (jumbled...) securing our spot. So, someone doesn't come in and take, uh

Paul L. – Yeah

Trae – Come in (jumbled) and take those spots

John F. – Yeah, yeah, well I'm, everyone had their emails from the Port it was like, yeah, we can serve you (laughing), and then the City's come, the county came back and wanted something more definitive, I guess from the Port on, on that, uh, like they have for the water and sewer, water system capacity. Um, (jumbled)... formal... sewer for whatever reason they didn't. probably because those projects are septic or something out there.

– yeah

– Um

(indistinct talking in the background)

Richa – Hi I'm Richa, I'm

Dave – Oh Hi Richa

Richa – I'm the Deputy City Manager

Dave – Yep, yep, I'm Dave Swisher. Nice to meet you.

Richa – Dave Swisher, ok I've heard your name. Hi I'm Richa.

– (unclear) So we make a contract for that I guess....

PSD – (unclear) ... Pasco School District

Amanda – Amanda Whitehead (unclear)

Richa – Nice to meet you, I'm Richa.

– (unclear) It should be, yeah, we need to get it put together

(unclear)

– It's nice to meet you. What's your name?

Trae – Trae

Richa – Trae?

Trae – Yes

Richa – Trae, it's nice to meet you.

Paul L. – Paul, (unclear)

Richa – Richa, nice to meet you.

John F. – John... (unclear)

Richa – Yes yeah, we've met before, nice to meet you all. Thanks for coming.

Dave – So Richa, do you say your name like, "Richa?"

Richa – Richa, yep.

Dave – Alright

– We should set up the keyboard.

Richa – You got it exactly right

Dave – I wouldn't have said it that way-

Richa – Yeah its-

Dave – with the way it's spelled.

Richa – Sometimes I respond to Rachel, so ... (laughter) you never have to worry about pronouncing it wrong, I'll, I'll correct you. (laughter)

(unclear)

– you will be corrected (laughter)

Richa – It's just, I actually have a really, uh, really, uh, bad, um, power of remembering faces but forgetting names, which makes it really awkward because I can remember the faces.

John F. – It's like, *you*. (laughter)

Richa – I know, and I should know your name. Yeah.

– Right? Yep. Yep.

Dave – that's better than not knowing either.

– Right

Richa – True, yeah.

– If you know somebody, it's like. It's all good.

(jumbled)

Richa – My husband's almost faced blind, um, so he doesn't remember faces at all. So, between the two of us it's a good coverage. Hi, Peter.

Peter – Hi, Richa.

– Looking at the new ones.

Richa – Hi, Jessica.

Jessica – Hello, can you guys hear me ok?

Richa - Yes (jumbled) clear

Jessica – Perfect.

Dave – Peter Harpster?

Peter – Yeah

Dave – Dave Swisher.

Peter – Oh hey, nice to meet you

Dave – In person actually

Peter – In person actually. ... talk to you enough on the phone.

Jessica – And Richa, are you the one that has the meeting open?

Richa – I do, do you need access?

Jessica – Yep

Richa – Just a minute

(unclear side conversations)

– Hi all.

– In regards to, utility easement

(jumbled... thank you for coming... feel free to sit, there's a seat right here as well...)

Dave – Steve West is going to sit right here.

– Ok

Dave – He should be right here.

Dave – And, and it's, the meeting being recorded?

Richa – Uh no, but, oh, I guess so.

Woman – Yeah

Richa – Um, is it recorded for other people, uh, who could not attend?

Dave – Yeah, uh, er, I'd like that if we can.

Richa – Yeah

– It looks like Elisabeth... (unclear)

Dave – I think it was, I think I heard someone say it was.

– Thank you (unclear)

– Room's full

– That's it now (Laughter)

– Yep

– You don't get a chair

Richa – There's one right there

– Oh, there is

– That's what it was

– Yeah

(laughter)

– Yeah, Paul, Paul's out

– Paul's here too, I guess we do need more chairs

(jumbled... sit in the corner... sit next to you...)

Dave – I was, my partner is going to be here.

Maria – Oh, ok, I can stand up,

Dave – You can ...(unclear) him if you want to. You can say, "hey I kicked you out of your chair."

– I think that would be the right call.

Dave – It would. He's old, he can take it.

– Can I sit by you?

– Of course you can.

(unclear)

– What's happening?

– How's it going

– Good how are you?

(laughter)

– I feel like all my worlds are colliding all at once.

– Right, I know it right

– Jacob, ... (he's on line?)

– Yeah, yeah, he's sick today.

– Oh

Dave – We want to see him to make sure he's not in Hawaii.

(unclear)

Jacob – I promise you, I-, I'm definitely not in Hawaii.

(overlapping, unclear)

Dave – Ok, it would be ok if you were

Richa – Ok. I, I think we're good to start. I, I think we have most people here, and we have it, the meeting recorded, so that way we can share it with everyone-

Dave – Ok

Richa – Later as well

– Text from Kristi

– Krisit grant? Kristi

– That was Kristi.

– Uh,

– It said Kristi on it... (saw a date? Saw it beep?)

– Oh yeah, she's running the (heart?) tonight (laughter)

– Are you, uh, Doug are you?

(unclear)

– Ok. I'll just mute him. There you go.

Richa – Ok, let's get started. Jessica, you wanna? Or, Jacob, you want to go?

Jacob – I am going to pass onto Jessica given the, uh, conditions of my voice. And, uh, I think Jessica can lead us through the agenda and cover all of the topics, so thank you.

Jessica – Sure, I'm just gonna start making sure I can get my screen shared. And all those good things. Can you all see my screen?

– Yes.

Jessica – (unclear, Pepper?) the presentation here. Ok, um, so, welcome everyone. It's a fairly large group. I'm Jessica Brackin. Some of you probably remember me from when I was still working with the City of Pasco, and now I'm working with Fehr & Peers which is a transportation, planning, and consultation firm. Um, gonna go through very brief introduction, and then we'll go around and allow everyone to introduce themselves. I see a lot of familiar faces. I admittedly can't see half of the room, but that's ok, so, um, you know, I'm, yeah, juggling a lot of screens including the, uh, presentation here so please be vocal and waive me down, or flag me down. Kendra said she might help me with that if, uh, if I'm going too fast or not looking up from the presentation enough. Please, please interrupt me. So, Fehr & Peers was tasked by the City to review and coordinate the concurrency of oth- uh, required mitigations for 4 developments north of Burns Road, um, east of Road 68 and that's what were gonna provide an update on, and then, yeah, before we get going, let's do some quick introductions. Um. I already went. I'm Jessica Brackin. I will pass it along to Kendra who's also with Fehr & Peers and then maybe we can do. I guess we could just go around the room. I was going to say City staff and then, um, Development representatives, but go ahead Kendra.

Kendra – Yeah, I'm Kendra Brieland, Principal with Fehr & Peers, so really excited to be here working with all of you today, and also just excited the number of people that are all in the room. I think that that's going to help our process. We're here to get your thoughts. Um, what while we do have some slides to present to all of you today, um, a big portion of this meeting, and really the intention here today, is to listen to you, and to kind of hear your thoughts, get some of your reactions, and ideas, so for us today this is, this is just really, uh, uh, big piece is just kind of in-, information gathering, so we appreciating kind of your time here. And I was just gonna make an alternative recommendation just on the introductions just only um, three people on the phone, actually, I think Jacob already introduced himself, maybe we should just hit the two people on the phone, and then we can do around the table, uh, I just don't want to forget about the two other people on the, on the phone.

Jessica – Good Idea

(unclear, I am ??)

Doug Carl – Carl With Alliance, helping the district.

(clears throat)

– And uh, Jay, are you there?

Jay Simon – Sorry, Jay Simon with the district.

– Great.

Kendra – Thank you, I guess we'll go to, uh, go to the room.

John W. – I'll go first, John Weatherby, Capital Projects, Pasco School District.

Eli – Eli Garza, Pasco School District.

Dave – And, uh, Dave Swisher, uh, we're, Farm 2005, or um, Madison Park North as we call it.

Maria – Maria Serra, Public Works Director.

Richa – Uh, Richa Sigdel, Deputy City Manager.

Raul – Raul Sital, Pasco School District.

Peter – Peter Harpster, uh, Glacier Park North.

Amanda – Amanda Whitehead, with Knutzen Engineering.

Paul – Paul Knutzen, Knutzen Engineering.

Brian – Um, Brian Cartwright, City of Pasco, Interim Development Services Manager. (chuckles)

John F. – John Fetteroff, JF Engineering, with Raven Place.

Paul L. – Paul Lavrentiev, Pro-made, also with Raven Place.

Trae – Uh, Trae Tett with, uh, Pro-made, uh, also with Raven Place.

Jessica – Great, uh, we can, move along here. So, here's a quick overview of the things we're gonna talk about today. Uh, were gonna start with an introduction, uh, um, reviewing some of the aspects of concurrency. Uh, then we'll look at the four developments briefly and their overall impact in terms of trip generation and then we'll, um, review the mitigations that were identified in the TIA's, um, that each development provided. Next, we'll discuss our method for t-, looking at these four developments together as a single master plan type development and why that's benific-, uh, beneficial approach, and then finally we'll have some time for feedback and discussion and talking about next steps, but I do want to rid-, er, reiterate that, feel free to stop me as we, as we're going through here. There's kind of, um, a lot of information, so, you know, by, I don't want to, I want to make sure we're all moving ahead together. So, just to start (unclear, someone coughing) we're all on the same page, um, you know, it's a, the growth management act requires that any transportation improvements or strategies that require to accommodate impacts from development need to be made concurrently with that development. And Jurisdictions set, le-, uh, level of service standards which are used to determine whether the impacts of the proposed development can be met through existing capacity or, and/or decide what level of additional facilities will be required. Um, transportation concurrency specifies denial of a proposed development if the impacts on the local transportation system would result in the level of service

dropping below the adopted standards, and to receive approval, um, new developments must provide im- improvements or strategies to handle the new demand concurrent with the development or provide financial commitment to com-, uh, complete them within six years. And the, uh, critical step with that is, uh, each development has, produced and submitted, uh, transportation impact analysis which we received from the City, we reviewed concurrently with, um, each project and looked at several different things and how we can, um, come about with this determining the each, the proportionate share for each mitigation. But the first step of that was, well, uh, let's go over the p-, the developments themselves. I know you are all familiar with your own developments.

(unclear)

Jessica – Yep

Kendra – I'm gonna pause you here,

Jessica – Yeah,

Kendra – um, is there anyone just on the previous slide, is there anything, like anybody have any questions on concurrency that we can answer? (pause)

– Doing good?

Kendra – (unclear) pausing, we certainly want to move together.

Jessica – I appreciate that, Kendra. So, again, yeah, each of you are obviously very familiar with your own project and, and pretty darn familiar with your neighbor's projects at this point, but I wanted, I don't think we've had a chance to show them as one unified project and the amount of, um, impact this can have to the transp-, transportation system, so, they're kind of arranged as if they are geographically, um, Glacier Park is, uh, their TIA, uh, reported 248 single family detached homes, I do have an astricts on that one because I know, honestly from when I still was at the City, and from hearing from the City that, um, that plan has shifted some in the last, um, several months, so we might want to update that to make sure we have the best information in terms of if that number has gone up and down. Um, Pasco High School #3 is a 2,000 student high school and with 140 employees. Raven Place is a development with 758 single family detached homes and Madison Park North has 460 single family detached homes and that one also seems like it might also be some, um, movement, maybe not as much as Glacier Park, in terms, as they're working through getting their site plans, um, and plats approved. So. Together, as a, as a, um, over a thousand four hundred sixty six homes, or it is a 1,466 homes and a 2,000 student high school, which for transportation, um, concurrency review and impacts and mitigations, and the things that we usually look at the most are trip generation, so, those four developments, all taken together, produce over 17,000 daily trips, around 2,000 am p-, um, peak hour trips, and, uh, around 1,600 pm peak hour trips, and as you can see on the pie chart, the relative, uh, weight of each of those projects. And, we looked at, um, both am and pm, the, the peak hour trips, or the, the times of day when the transportation sy-, system is most taxed, so that's when we, um, that has the best representation of what a project will, um, require from the transportation system. We looked at am and pm together, um, mainly for the fact that this is a mixed development in terms of it has houses and a school, which have different um requirements at the am and pm, largely because the school ha-, uh, schedule does not, uh, align with the overall transportation system peak time, it has a much stronger um influence in the am and then the uh, housing developments have a much longer influence in the pm so by looking at them

both, it's a more of a, um, average and equitable view uh of the total impact of, um, these four developments. It's a good way to be able to compare, um, each other to, to one another. And again, I'll stop to kind of see if that, there's any reaction to that or if there's confusion, or if that's how that feels.

(unclear)

Jessica – Alright

– So, uh, I have a question for you,

Jessica – Yeah, go...

– So, the average am pm trips, did you average that on a seven day, w-, uh, week, or on a five day week?

Jessica – Five day week. It's yeah,

– So why a five day, not seven?

Jessica – Because it's the, going off of a pe-, uh, peak demand, and the peak demand happens on a week day at, um, the morning and the evening commute time. So that's what we would look at, and, the same, the same reference for, um, whether the school was involved or not. Uh, the, the travel demand on weekends i-, is much different on the weekends than on the weekday. The, uh, standard is to look the weekday morning and evening peak periods. Good question though. Ok.

Kendra Breiland – Do, do you all feel like we've characterized each of the four, uh, developments appropriately in terms of quantity of uses that are proposed?

(overlapping, unclear)

... to, to anybody does it feel like it's (unclear) out of proportion (unclear, ... your development) or

I know Raven Place, the lot count has dropped significantly

Ok

From that we're a-, I want to say we're about 50 lots down from that number

Ok

Currently

Richa – So, um 75-,

Overlapping

Richa – Sorry, um from 758, you're at 708?

We're, um, we're actually at 699, now. Closer to 60 lots down.

And that Glacier Park number is now 189 detached, and 122 attached

(unclear)

Jessica – 189 detached, and I missed the second number, uh, Peter.

Peter – Uh, 122 attached

Jessica – Attached, ok

And that being said, with Raven Place, uh, we do have a portion that will, would be attached and then a portion that would be detached as well.

Jessica - Ok, yep, all those

Thank you

Jessica – Um, We'll

It can happen

Jessica – (overlapping, unclear) overall proportions eventually, so, um, we can build in a way to make it a little bit more fluid and adjustable, but as close as we can get at real time right now with what we think will be built, finalized, we'll, as soon as we can, have that information the best, and, and I cut you off, and I want to let you finish. So, there's a, a breakdown of attached and detached for Raven Place

Um, Correct, um, do we have that breakdown or is that something we would?

I'll have to, I'll have to get that back to ya

Yeah, we'll get it to you

Yeah

Jessica – great.

Dave? – For that flux, and due to some changes on the layout that we've been working through with Pasco on park and trails and things, so it's been a moving target for us here completely. But, I think we've, we've settled down, so.

Jessica – Ok. and it is a little tough with that moving target for um, but it makes sense, so, it's just like, you all want the answer, and you want to know what you owe, and we also want to make sure it's, it's fair and equitable so we're tryin' to, um, accommodate both, and we will be able to make it, um, adjustable um should things change, but um we can, once we hear those numbers we can, we'll adjust this, and the, the proportions on this, uh, pie chart will, will change, and this is the overall impact, so this is not broken down by project yet, but this c- gives you the sense of, um, in terms of the scale and size and how many how much different projects are a part of the overall impact to the transportation system in terms of trip generation.

Richa – So, Jessica, would it be accurate to kind of say that this is still a really high level and as we do a little bit of refining since everybody is at different stages of development and I'm sure things will change here and there,

Jessica – Mm hmm,

Richa – Uh, that we'll have to make a decision to make sure that we can do the development. Um, some of the regional projects, it you would see a split for those regional projects i-, in this type of fashion, um, and so as we move forward, uh for projects like, I guess Road 76 overpass is as good as any, um,

whatever the proportion would be for, uh, all of that development up there for that overpass you'll see similar kind of split. Would that be accurate, to say that?

Jessica – for the farther away regional projects, that's accurate. The closer they get into the projects, there is a little bit of, um, weighted split just on how, people travel throughout.

Yep

Jessica – The closer you get to the project, there's al-, there can be some nuance in how of-, much someone might use a particular intersection, but yes, like, overall that would feel very similar and those were some sig-, I, uh, you know, we don't have ta, sometimes it's not worth getting down to the, individual home, but those, we were hearing some pretty good size numbers finds, which probably would move the needle in terms of proportion and we can try to fashion that in the cleanest way we can come up with, um, it is hard, because each, each change does affect your neighbor's change as well because it is, uh, you know, an overall proportion type, um, problem. If that makes sense. (pause) So, if we are feeling ok here, I can move on ta the different mitigations that were identified specifically from the TIAs. (pause) ok. Um, so here is a list of the m-, uh, mitigations, this is probably a really good time, I see that, I can see on the screen that you guys did get the printout. Um, the map, it may be on the back of that, um, It might be helpful. As I, you know, It's hard to see the map and see the list, um, to be able to see the list to be able to look at both at the same time, but the map IS that map. So, um, as I read through them, you, ya know, it might be helpful to understand, but again, these are the mitigations that were reported from the various TIAs um, went through each development, we compiled the list, um, so, these are the, the required mitigations, as reported by the TIAs to necessarily mitigate the impacts of each development. Um, this is an, an all-inclusive list, um, everyth-, um, every mitigation necessary for development, but these are the shared among development impacts, so if things look like frontage improvements and ex-, uh things like that aren't included in this list, those would obviously be done by individual projects, but this is the shared impact list, um, of mitigations. So, we have the Burns Road extension which extends Burns Road from Road 68 to Rio Grande. I'll note, um, on this list that, uh, when applicable, it shows where they, these projects show up in either our planning documents, or the City's planning documents, I should say. I still struggle with that sometimes, uh, Richa (laughing), um, but, uh, the TSMP, um, for this project is TSMP extension 6 or expansion 6 and the TIP um 5.02 project. So, um the second project is also those same projects, they were co-, they're very much linked together, so they are combined together in the planning documents, but it's for Burns Road and Road 68 intersection. That's to convert that intersec-, intersection from a side street stop control, two stop signs on the minor streets, to a signalized, um, intersection, so adding a traffic light and, and improving the intersection to accommodate that. Number 3 is a Burns Road and Road 60 intersection, this is not currently in th-, um, planning documents, so, but this is to was identified as a necessary requirement with the amount of development that is occurring. Um, And that is to convert the intersections, again from a side stop controlled type configuration to a signalized intersection. Uh, Sandifur parkway and Convention Drive, so dropping down a block, um, down to Sandifur parkway, um, this isn't identified in some of our planning documents, the TSMP as intersection 2 and the TIP as project 5.15, um, that would convert this intersection again, to, uh, from side street stop controlled to a signalized type intersection. Um. Number 5 is Sandifur Parkway, you know, heading east along the, the Roadway to Road 60. This intersection i-, uh, was called out as needing to be improved to convert it from, um, all way stop controlled, so four stop signs on all four legs, to a signalized, uh, development, and doing some restriping to um allow for southbound right and eastbound left dedicated movement, sorry for those abbreviations

in there, but again I wanted to point out that that's not in the planning documents, um, but it was identified with, with the review of the intersections that with the development as shown in the TIAs, uh, individual TIAs that that intersection would both drop below um level of service standards and *need* some sort of mitigation. And that was the identified mitigation. Number 6 is Sandifur parkway and Road 52 intersection. Um, so again just keep moving east, um, again, not in, uh, our transportation planning, I keep saying our, but the City's transportation planning documents, um, but that was calling for a restripe for the dedicated northbound left and southbound left lanes to try to get that up to meeting level of service standards after all of these projects go in. And finally, um, Burden Boulevard and Road 68. That you're all very familiar with that intersection, um, I have that kind of lumped together with the Road 76 overpass, um, which is identified as TSMP intersection 3 and extension 2 and TIP 5.08, um, so those very much are in our planning-, or in the City's planning documents and it is those are lumped together because Burden Boulevard and Road 68 i- is effectively built to maximum capacity, there isn't a lot of room to um improve operations there other than building the overpass as, as, as the mitigation requirement, so, contributions to that, uh, Road 76 over-pass was an identified mitigation for all the impacts from Burden Blvd. and Road 68, so, all those projects are from the TIAs so that's compiling and reporting back kind of what each of your um transportation engineers reported to the city, um, and I can go flip over to the next screen which shows the map so that we are all kind of looking at the same thing. But again, I want to pause and see if anything if there's any question about those individual projects, or how they were identified.

Dave – Yeah, I'm Dave Swisher here, so you're talking about, you're looking at all the TIAs that everybod-

Jessica – mmm hmm

Dave – submitted and some of the TIAs don't call for mitigations on some of these things, right? Like for example, my TIA or Steve's and my TIA. Um, but we're just talking about a global fix. H-, how does that get you know, shuffled out, you know what I mean, like if if my TIA doesn't call for me for us to, to do anything or whatever that you're, you're kind of lumping everyone together how does that work?

Jessica – Yeah, so these were like you said um, uh, pulled from all of the individual TIAs so all of the mitigations that were listed were pulled in and because, um, there's four projects that are happening on um the similar timeline, which is kind of unique, the amount of projects that are happening immediately adjacent each other on the similar timeline, um, there each individual project listed would only um be required to produce their proportionate share for uh mitigation, but um, a lot, some of the TIAs were reporting that a project, a mitigation was included, but not listed, or project was included but not listed as a mitigation, because it was assumed to already be built, but these are not built yet so that's its showing that, um if, like, you, that's why we're looking at them all together. I'm trying to explain this in the clearest way I can.

Kendra – Yeah, no if I can

Jessica – Yes, please, Kendra.

Kendra – You, you raise a really good question. I mean that's one of the challenges here, right? All of these TIAs they had slightly different timelines, they had slightly different network assumptions and we'll talk about in a moment kind of the "why" for this effort. And, you know, definitely we want to talk amongst, you know, in this group cause there's definitely different approaches. You could all, you know,

go about your developments on your own, um, and you're gonna each have a different kind of package of mitigations and it's probably not going to lead to a very optimal outcome. Either for your development or for the community of Pasco, so what we're trying to do here is to kind of pull all of these together and look at what is a package of mitigations that makes sense when you consider all of these developments together. And as we'll get to in a, a second, it doesn't mean that all seven of these projects are necessarily being constructed, but as a baseline for our analysis, we wanted to take a look at all of these projects.

Jessica – mmm hmm

Dave – A-, a-, and that makes sense, uh, obviously, but you know, for, I don't know about everyone else in the room, but for us, you know, we've been at this for a few years, and so if you guys just held this, not you guys, if the City just held it for 5 years there would be even more projects to help with it, they you know so, so you guys kinda just came on board, so it's, it's not your issue, but we really haven't been all together on the same timeline. We've all been working really hard for a couple years. Now we're, we been just held off, just you know, just like you can't really do that, but we've just been held off now we are all together, and now we're going through this, so, that is a, you know, obviously I'm a little frustrated with that, you know, it's not you guys' problem because, you're just getting on board and you're trying to do a global solution but these projects should have been approved and moved on a year ago.

Jessica – and in that case, um, there are mechanisms that can be put in place to help capture, um, if say there wasn't u-, um, a 5th development that came in, uh, right after all these projects were, were breaking ground, and getting into place that could, that w-, they were showing to really benefit from these improvements, there's a way to kind of capture that um moving forward, so in a similar vein, yeah, had, had this had this timeline been spread out a little bit further and and some of these were put in place there could be mechanisms that were that could have been put in place, that could have done the same thing for those that came later or earlier and um again like yeah when we start looking at these altogether, I think there is benefit, um, to, to seeing them all together and there can be efficiencies that um, can come out of that which is what we're gonna talk about in a little bit. But on the point, its, you, like each individual project based on their trip generation, on a individual project basis, so it'll vary project to project will, would only be contributing the amount that they are utilizing for that project.

Kendra – Are there any other specific questions, maybe about these projects, um or what we've presented today, because I think Mr. Swisher's brought in some good points. That's exactly where we're going next with this ...

Paul L. – So I do have a question, so um would an-, would there be a possibility that any of these projects falling away, for example, uh, say our project, Raven Place, uh, our TIA didn't consider uh, the uh burns Road extension, so uh, a lot of that traffic was directed down and we had traffic, uh, lights that were being put in; however, the school district for example, they had, they put in that Burns Road does get extended so there's not as much traffic going down, so there's no traffic signals, so, um, is there a possibility that, hey, let's everybody go in one direction or uh – someth- something like that to where now we don't need a traffic si- signal on, on a certain intersection now we could go uh, um maybe stop signs or whatever smaller thing.

Jessica – Yep, yeah, you you're stealing our thunder, you're actually, you uh, your intuition is spot on in terms of what you-you're, um, considering there, and that's one of the efficiencies that we found. Is that

burns Road is really a proven to be, whether your project included it or not, a deciding factor because, um, we'll get into it more, but it changes behavior whether it is included or not and everything that we've looked at shows that that is a really important link if it's built, it's really really popular, and just like you were indicating there's probably remove some of the projects if, if that is built, so if we, um, focus over there, we may be able to reduce some of the mitigations that were identified by individual TIAs by looking at it wholistically.

(sigh)

Kendra – Other comments or questions before we go on?

(pause)

Jessica – Great, so, my, oop, there it goes, it was not advancing, so again looking at this as a master plan approach, you know, this, if you pretend that this is one large project with, um, you know, fourteen hundred homes and a high school, there can be, um, a lot of benefit to that, and its able to um, focus on the transportation that's most beneficial to the community, that's following the planning documentation closest, that's um we can and there's um a more wholistic approach to mitigations instead of spot treatments by each individual projects, um, there's opportunity that we have, um, been looking for for efficiencies and, um, it tur-, it results in a more equit-, equitable distribution of mitigations among the developments, based on proportionate impact, um, yeah, you know, as we were tasked at identifying all of those TIAs and determining the proportionate share of each, um, we thought this would be the best approach is to look at this all together, um, it becomes a more methodical uh way of mitigations as opposed, and less arbitrary.

(pause)

Richa – Is that something that this group would like for us to do? To kind of move together and, and do the master plan?

(pause)

Dave – not for me, not for us. Our traffic impact analysis doesn't call for everything to be done, like everybody else's, and we have some questions also about, you know, we, we are out of the traffic impact fees so with mitigation, how do those get treated, and so, um, yeah, no, for sure,

– ok

Dave – we're.

(pause)

Jessica – And, tha-that, i- I'm trying, I don't want to say that or indicate that there's maybe there was one TIA was correct, or one TIA was wrong for including something or not include something. They all made the assumption that made sense for the individual projects at the time, but looking at this together it can be more wholistic in terms of determining um what mitigations can be proportionally assigned to different projects because *all* the projects *will* benefit from all of them, and if you're not gonna benefit if you're gen-, your trip generation shows that you're, the trips would not utilize that particular intersection, based off of geography and certain things, then your proportionate share will be very small for that project or non-existent. Um, but currently, none of these projects are built, and they have been

shown that with looking at these proj-, these individual ...necessary. (pause) I don't know, I thought I heard someone starting to talk.

Kendra – You, you cut out for just a second.

Jessica – Oh did I?

Kendra – I don't know if anybody needed her to repeat, or we should just keep on, but if there's any questions, I think we've got just, what, a slide or two?

Jessica – Yeah

Kendra – But I think you might have a few pieces that are responsive to some of what the group's raising.

Jessica – Mmm hmm, mhmm. So, this is kind of what we've been talking about, as we've doted in the TIAs thinking more about this master plan approach, there were some nuances that needed to be worked through. The TIAs were not consistent in the transportation system network assumptions, um, e-, some of the TIAs included projects some of them didn't, some of them assumed they were built prior to their project coming online, some of them were not, um, if I wanted to clarify too that with most of these projects, planned or otherwise, are not, are written into our planning documents they would come about with, um, help from development as development occurs so if if you if a, a TIAs assuming a project would be um included, that do- that misses a step of how that project actually comes to fruition, so. Um, each TIA had differences in the the system improv-, uh, improvements that would be included when and by whom, and some of these differences had a marginal affect and overall mitigations, but one in particular had a large affect in whether or not, and that was whether or not Burns Road, uh, missing link was included. As uh, was stated before, uh, the burns Road not being included in some of the TIAs did kind of produce this temporary, um false, I'll call it, Burden on some of the other aspects of the transportation system because, cause of that crucial link being missed, projects uh, er, uh, I'm sorry, trips had to be sent other, other places, um, and that would probably reroute had they, uh, that link been included, and one of the things we want to avoid, is we, we know that that link's gonna happen so-, at some point, we don't want to over build intersections that would eventually not need to be have that kind of capacity in operational standard. So in general we are all pretty familiar obviously with the land uses and geography, you know, I think this, this point was already stated and understood, but just to go through it, uh, by not having that Burns Road missing link uh included, traffic had to, most of the traffic wants to get down towards the south direction on Road 68 so that they were taking, um Convention or Road 60 or Road 52 to get to Sandifur to get to Burden and then over to Road 68. Um, um, and then without the burns connection, uh, tha-, that made certain mitigations be required that might not, not necessarily be needed in the future, particularly mitigation 5 and 6, we kind of pop back up to the map here, um, so by by not having this in place it was sending a lot of traffic, causing a lot of problems that weren't planned for, a-, on a Road that really wasn't built for that and intersections that weren't really built for that, um, to utilize Sandifur and, um, Burden Boulevard, to get to where the different, um, people needed to get so once this kind of becomes in place and pops in and we, we've looked at it in different modeling software, this becomes a really popular, um, resource to get to Road 68 to get to all of the commercial development to get to the interchange to get to the south part of the city, so those are the things that were, w-, we're looking at. Other benefits of Burns Road is it's a more direct connection to Road 68 for all modes. It increases options for walking, biking, rolling, uh, which can be particularly i-, important for a housing development to the commercial uses and for access to the, the school, um, it

allows for, this is with the in-, intersection improvement, it allows for a safer crossing of Road 68, so with that temptation to walk, bike, uh, or roll, as more and more development occurs, there's more temptation to uh, get across, um, Road 68 um, not in a vehicle, so that's a uh important safety mitigation factor, beyond just operationals, uh, it reduces that temporary false demand that I was talking about, on other Roadways to use the system the way it was designed but with uh, so it's not missing that one link and it's causing disruption to other areas of the city, uh it avoids the overbuilding of mitigations for this temporary false demand kind of scenario, and improves operations of Burden and Road 68 by reducing, so this is another important tha-, um, aspect, by reducing that westbound left turn movement, so we go up again the difficult movement that causes a lot of the backup is this left turn by getting people on 68 sooner to be doing thr- through motions or, um, right motions it can help with that operation, so it actually is a benefit to that mitigation as well which can reduce some of the impact that's required over there, and it reflects the long range transportation planning of the area. So, um and when we use the uh, BFCOG travel demand model to show that missing link to see how popular it is which takes into account land uses and destinations, um, it was showing that over half of the trips generated by all four developments, so not individual developments, by all four developments, were using that burns Road missing piece to get to Road 68.

Kendra – So pause here and um let's check in on comments questions folks have.

Dave – Sorry, I have a question (laughs) um, so the, a couple questions. Why this group would we have to fix all of it? I mean it, like it, we're fixing it for the future, for future developments. A-, ar-, aren't we improving it, if we did all this, wouldn't we be improving it to a higher level than it's currently at right now? I mean I see all the nice things there, I mean it totally would be nice, it'd be nice to give everyone a hot meal and everything, and all the way through, it would be a great to have everything, but why this group has to pay for all of it, why doesn't the City pay for part of it or what about traffic impact fees and, and all those things. Why is it that this group in here pays for this?

Kendra – Richa, do you want us to weigh in on that, or would you like to weigh in?

Richa – No, I can weigh in on that, I think Traffic Impact Fees usually have projects associated with them, which these are not the projects that are associated with those Traffic Impact Fees, um, but I would not, I can't really speak to what exactly the City will contribute to but I think there are a few intersections that I've looked at that are already something that requires, um, improvement from the City itself, so, uh, we're not coming to the table with you guys do it all and we're gonna to just sit back and do the project

Dave - Right

Richa – or whatever that looks like at this time I think we need to recognize if you want to do a transportation master plan for this development, and it might include the things that are gonna happen a little bit up north as well, but at least you're at the table with the projects, and so is that an approach that you'd like us to move forward with?

Dave – Uh, uh, I was thinking like our Traffic Impact Fees on our project, how much are those a month, or a-, a-, a lot? Like thirteen hundred bucks? Or something

Richa – I think it's less than that

Dave – maybe a thousand seven hundred

Richa – eight hundred and something

Dave - ... that real quick, I, I, I was thinking, if it's on the capital improvement plan, or the traffic improvement plan, that those fees would go to, to pay for improvements.

Richa – Our traffic impact fees are not sufficient ... (unclear) any of these kinds of projects.

Dave – but they're, they

Richa – They're there

Dave – But they were instituted to do that.

Richa – Yeah

Dave – You guys just, you haven't. You haven't brought 'em up.

Richa – Yes

Dave – So, so I mean, right, I mean, ok, so the City pry needs to, maybe, do whatever you want, but I ...

Richa – (laughing) you might not like that number either.

Dave – ... well, I we wouldn't have to pay it because we already had our application in

Richa – Yeah,

Dave – That would be something the City should have done years ago, so now, you know, we're gonna pay these fees, and then we also are gonna, we're being asked to pay for all these improvements, and, anyway, you know, and our traffic study says we don't need to, so we're in this group, where everybody wants to have us all together and then we need to pay more we don't even think, we think the Traffic Impact Fees should pay, you know, for these improvements, really if the City was doin', you know, like you would have your fee, you would go fix these, these, this transportation because, and then it even comes to a level of service of, of what, like, you know if it were gonna improve this and we all going to build out in this ... and that burns Road extension like this group might be mitigating more than what we impact the system, which that wouldn't be fair either.

Richa – No, and tha- that is where we would look at, the master plan would look at not just these projects. Right now, you're the people that we can talk to, right?

Dave – Totally, totally. I, I'm not

Richa – (overlapping) but there's an area

Dave – I'm not trying to be.

Richa – yeah

Dave – yeah, we've been at this for a couple of years, and so, like you know it's, it's tough right, you know, you and I just met for the first time,

Richa – Yeah.

Dave – two years. We sent memos to everybody, nobody responds, it's, it's brutal. Uh, but, you know, with all that said, I just it seems like us for us to be part of this, to be part of this problem solving and then yet, our traffic engineer saying, we, we don't need to do that.

Mmm hmm

Dave – and then, you know, I but I don't know what the number is.

Richa – Yeah

Dave – If it's some reasonable number and we want to be part of the reindeer games and help the City out, you know, we can help out. Like 19% of the whole fix would be like that would be uh, some and we would think our Traffic Impact Fees should pay for that.

Richa – Well, our Traffic Impact Fees are woefully behind the times. The last time the traffic, and, and I agree

Dave – yeah

Richa – That's a City problem, not a you problem, um, it was updated back I want to say in 2009 or... (unclear) It's been a while.

Dave – It's been a while

Richa – Um and that's something that the staff is, um, looking into, um, and looking into updating

Dave – yeah

Richa – and they're taking it to Council. But that doesn't matter

Dave – Fair enough. I'm not trying to be a burden.

Richa – No, I

Dave - ...we called for this meeting, and I was like you know, everybody would be kumbaya'd to uh solve their traffic problems of Pasco, and I need to say something because it doesn't seem like, like we, anyway, I said it. So.

Richa – No, I recognize what you're saying. And I and I think it wouldn't just be those projects, we would look at the whole region. We can't look at what's already been done but we look at what are the impacts of um, the new people coming in, um, so it wouldn't just be those projects it would be projects up north, probably that region we would define it with Fehr & Peers help and kind of work through and in that process if your projects (were?), and I'm an accountant by nature, so I know where your anxieties are, um, and, and I have less experience in this, um, but you could be looking at signalizing some projects in the neighborhoods, uh, much less the frustrations of the people kind of going down, getting on Road 68 and all of that, if you do the burns Road extension, then they might have a through access to Road 68, much more desirable, or going straight through burns and then getting on 100 which the interchange we're fixing as we speak. And, and that might just take off that project that maybe your project has identified. And um, it might be cheaper and it might be more expensive we're not quite sure, but if you're ok with us kind of taking that chance and uh we are talking about making sure that we come up with some very specific deadlines so that you can work on your business as well, so it does not lag on for

another year. So, our next step would be um to say ok, if you, if we all kind of agree on the overall, we're not asking you to agree on the number, we're asking on our philosophy, if you're good with that. We would like to go out there, define an area, figure out a master plan, figure out what the, what the percentages looks like, and what's basically gonna happen is there's going to be a gap that it's not going to be, we're not collecting it from anybody, it's going to be from future people, the City will go out, deal with some of the key areas and then we would go from there. That that would be the path forward. But also, recognizing that you've been waiting for too long, and so we would need to come out with very doable, but specific deadlines and what the outcomes and expectations on those deadlines are. I can't fix the past, but that's the future that I'm thinking. If you guys are ok with that.

Dave – Yeah, I mean we're-

Jessica – I did want to just clarify one thing, um, with the concept up here with just kind of concurrency in general that these were the projects that were identified from numerous TIAs, um, as being necessary for this development, so had they, had this most of these intersections, except, regarding actually just two, one is number 7 and there's just a slight deficiency on number 4, are currently operating just fine, so I wanted to just clarify, it's not necessarily fixing past problems, its making the ci- transportation network appropriate to handle the impacts of this development, so I just wanted to make that nuance clear.

Paul Knutzen – What uh I-, first off, sorry I haven't said much until now I-, I'd like to... Paul with the school district, helpin' them on the site work there. Um, I, I'm rather alarmed, I mean, I, here we, when we met last, what, two months ago, uh, that my take aways from it and I brought my stuff from the prior meetings, that, hey, good news everybody, we've got, uh, Fehr & Peers here to look at actually delegating, um, you know, looking at the TIAs independently and saying what each project is considering for proportionate shares. I was excited that this meeting was going to be, alright, we've looked at all the TIAs and we've determined and decided that this is the commensurate proportionate share that each of your projects contributes toward each of these improvements, um, I don't, I'm going to go back in time when we first submitted our first traffic study, so this was, uh, July of 2022, so we're coming up on two years here in a month and a half. We've gone through three traffic studies, um, so we're on version number 3. Our third one is not approved. Each study was approximately $40,000, uh, scope was added in each time, I can tell you the first submittal that we were a part of, we, you know, we proactively hired the *City's* traffic engineer at that time, DKS, uh with the intention that, hey, we're gonna get the right answers, cause we are hiring the right traffic engineer to do our study. That study was submitted, the Burns Road connecting piece wasn't included in our study, so these intersections 3, 5, 4, 7, all of those were included in our study. When we got our first review comments, they said no, nope. You need to consider that connector piece, you need to add it, conditioned it to us on our SEPA. We were pushing deadlines at the time trying to get dirt moving because they have to open up the school in September of 2025 or August, of which, and this is another thing, schools don't generate the, the kids. The homes generate the kids, the schools, these kids right now are already getting educated in high school at Chiawana High School, at Delta High School, at Pasco High School. It's just, its other trips in a different location in the overall City network. Um, you know, one of my, my frustrations was, in dealing this was in first to second TIA review was that, the trips, whe-, where's our credit for the trips we have now reduced because we're not bringing them through intersection mitigation number 7, which is the 68 and Burden because these kids don't have to drive across the freeway to go to high school in Chiawana and come back home from Chiawana, twice a day. Um, instead we get hammered with trips for all the, for what

the City thought we were gonna be bringing coming from the south over the freeway up to this new school site, which, clearly, it's not that way, but, yet our mitigation was about $170,000 for that piece. Now I do too, I do agree I, uh, as a whole, wholistically from engineering principals and standpoints, I think the Burns Road connectors piece makes sense 100% sense. All the way around. I don't believe, uh, you know, I appreciate that you're looking at that, and the comment too that some of these other mitigations like intersections 4, 5, and 6, six wasn't a part of our TIA but it affects other people, that those would go away if the Burns Road connecting piece was there. So, that's great. That never was reduced from our original TIA scope so those are still on our docket, and that's, that's what I was expecting to hear today. Here's Burn's Road. These other pieces aren't needed, and here let's divi up the shares this way. What do you think, and give us something to ruminate on over the next couple of weeks. Um, I, you know, from what I hear, it's like, this is another study, so even though we've already been through three studies, the School District itself, and with Madison Park, er, Ma-, is that what it is?

Dave – Yeah,

Greg Knutzen – Raven Place and Glacier Park, that, and I, they've probably been through it just like we have, three different TIA, well I know we've been, the School District, 3 different TIAs. I can't speak for the other developments if they've gone through that much, but it, it, it's just very startling and alarming. We have a schedule we have to meet. We have a SEPA condition now that says we have to have that Burns Road missing link connected, and there's things that are far outside of our control that I-, we're, we're not, the School District is not a City, they cannot declare eminent domain on private property. Um, that's all privately owned. That's someone else's frontage improvement when they decide to sell or when they decide to build. When, there's two owners along that property, I know I looked them up, I had conversations with one of them. They seem open to working with the school district if we had to do something there, but not to where it wouldn't benefit them by being excluded from a future latecomers for example, if the right-of-way was dedicated. So I mean, I guess, I don't know that I'm actually asking a question, but I, I just feel like we took a step backwards and we're not, I mean I agree with what you're sayin', I think that having this study here on that section is great, but I would also then add to that and say that that I, I don't understand why this group at this table should have to necessarily pay for further study when we've done what we were supposed to do every step of the way. We all we've all done our traffic studies, we've gotten the comments back from the City each time. I don't know what the review costs were for those, but I know I've seen other client's review costs for those TIAs and it's almost been as much as the TIA itself. Uh, and so putting another burden on this group, to have to do a study that looks at the overall development I think is great, I'm all for it if, if the City was actually to do it. If the City was to build this section of Burns Road that they have the power to declare eminent domain if it's not given willingly, um you know, the fact there's, when I drove by there one time, there's two main power pole lines that run on either side of it. It used to be powerline Road for a reason, but yeah, we call it Burns Road now, but we forget that's what it used to be. So, it's, it's a very difficult project, and to put that burden on this, you know, small *private* group, I, I know the School District isn't private, but, you know, they're just developing a school to handle the kids that are already out there on their transportation ... So, I, ok, I've said my piece. That's it. (quiet laughter) I'm sorry. Thanks for hearing me.

Jessica – (laughing) And I'm assuming Richa, you may have some comments to reply to that, but I wanted to just, I realized we didn't quite get all the way to the end. So, this might help, and it, we don't have concrete numbers yet, but I think it might help. So, right now, the TIAs, you know, let, let's take it as a group, are saying, you know, what's on screen has to be built to accommodate what is coming. If, by

looking at this approach, we've, we are now considering something that looks a little bit more like this, and this doesn't even take the, the whole picture into account. It is, you know, possibly eliminating these two projects, so that's, you know, in large, round numbers, two million dollars that this group would not have to put in. Don't quote me on that two million dollars, I'm just goin' off of a number,

Kendra – Your curser hasn't been showing, so what you're saying in terms of, oh wait, there it is

Jessica – Yep. Nope, nope, I have two screens that are displayed and I, apparently, I'm using the wrong screen, so thank you Kendra. So, these two projects, 5 and 6, pulled out, and again I said two million dollars, I don't know if it's two million dollars, but, um, so that's out of the project bucket, and the other thing that's not, um, shown, is that this mitigation, i-, which will be, er this project which would be mitigated by this project, the amount that all these projects utilize that and, and effect that one will be reduced. And that's another th-, you know, large, could be large dollar savings. So, I wanted to kind of just get to the good news about this is that it could result in some savings overall for people because that mitigation's less that what was reported on individuals TIAs, potentially. So, I kinda wanted to get going to the end so that we could come back and then, um, talk through some of those, those comments that were just brought through.

Dave – Are 1, 2, 4, and 7, are they on the Traffic Improvement Plan or Capital Improvement Plan at the City of Pasco? Do you know?

Jessica – Um, the, I can tell you whether they are on the TIP and the TSMP not necessarily Capital Improvement Plan, but

Dave – I ... different Cities, so

Kendra – (unclear)...Yeah... plans, the only projects that were not currently on plans were 3, 5, and 6, correct.

Jessica – So let's go back, sorry, flipping around so much, but 3, 5, and 6 are the only ones that are not in a planning document for the transportation system.

Dave – So if they're on the tran-, Transportation Improvement Plan, do-, don't the Traffic Impact Fees pay for those?

Jessica – No, that, that, they're a smaller subset of projects that are um, identified as associated with the Traffic Impact Fee. These are planning documents, tha-, that doesn't mean that they're funded yet, or, they're, um, that they're going to be built, there's always, um, timelines associated with them, and best guesses, but they, these projects, if you can imagine, wouldn't get built until there's a need to build them, so this is the need, and they're identified in the Transportation, um, Plans as having, development contributing contributions to get them built and funded, if that helps clarify things.

Dave – Yeah, totally, and so just, just to be on record that, you know that, we feel that if it's in the Transportation Impact Plan than the Traffic Impact Fees would pay for those, but 'nuf said, I just wanted to be on the record that. I mean you, you had said that there were some planning documents that show that. I'd love to see the planning documents that actually show that, not just, like the City wanting it to be true, but like the State laws and everything like that that show that that it's true. But not, I'm not, I don't want to be combative, I just, you had mentioned earlier that um, that you had, there were some planning documents that showed that. I would, personally, I would love to see those, if we could.

Richa – We could send you the last year's, uh, TIP and also our Capital Improvement Plan.

Dave – Ok

Richa – Our TIP, which is a traffic, or Transportation Improvement Plan is essentially all of the things we would like to and need to, uh, have built.

Dave – Yeah

Richa – To build, uh, uh, uh, a good transportation network then we get into the Capital Improvement Plan, which many Cities don't even have, like we just kind of, we just take your TIP and then you've done the transportation, you capture utilities, and some of the other facilities projects in the CIP, uh, in the CIP we then start really looking at what can we do, what do we have money to do. Traffic Impact Fee, I love your idea of just taking what's in TIP and including that, but that makes it, our, our, Traffic, uh, Impact Fee, our TIF Fees exponentially bigger, and then, also our ability to be able to build it too right, like there's a lot things that we need, but we don't need it right now, and we don't know what the growth patterns are gonna be and when that's gonna come online, so, uh, if we started collecting all of the money, there is a certain problem of governments sitting on people's money and not doing anything with it as well. And so, we, we tried to, though not ideally, clearly, I can hear it and I can hear your frustrations of, especially having to do three $40,000 TIAs

(overlapping)

I think we've all had

I h-

I think we've all been doing that, probably,

Richa – Yeah and I, I, I've heard that. Um, we, we, we would go ahead with this plan, um, and, um, I don't think that my intention was for, uh, all of you to pay for it. I think that there is certain value for this regional effort for the, for the City to do it, but also, I think timeliness. There's money part, and then there's timeliness part. Uh, when quickly can you get it done, so we can start looking at the real the numbers. I know there's... (unclear) right, because then you're gonna (unclear)... look at the numbers and go, ok, what would it have cost me if I, if I was just there by myself, and it was just my TIA two years ago.

Yeah

Richa – And, uh, what would it have cost me as the high school, and it was just me, and you're looking at comparing on what does this regional approach vs my uh my project um, and whether it's cheaper or more expensive. I think there's gonna be some winners and some losers (1:11:08). I think. I'm not knowing the calculations, but if we wanted to go about it in a way that benefits the whole region and the whole development um, then we could, you know, move forward with this. And that way we are going to be collecting proportionate share from other people who have not come on board yet. Um, but we have a process that you all have created, and there's, for people that come after, we, we know pretty quickly what their shares are going to be, um, but I think we need to do this pretty quickly so that we're not delaying you any further. I think the time part is really resonating...

Dave – We, w-, we're all aware of that ...

824 – Yeah...

825 Peter Harpster – Can I add my two cents to that? The timing I think is the most critical piece, we
826 (unclear)... we met March 13th and were told, hey, they're going to do this study, 8 weeks long, half way
827 through, so 4 weeks from when we met, we're all going to meet as individually and talk about progress.
828 Now, it's been two and a half months and it doesn't really seem like there's been much progress. It
829 seems like *now* they're gonna get started, and so just a *clear* timeline

830 Richa – Yes

831 Peter Harpster – Would be super helpful. Um, if we'd been told in that meeting, hey, June is the target
832 for the Hearing Examiner, and that's definitely possible, July seems impossible, August maybe, but if next
833 two months ago how the last two went, then now we're looking at an October Hearing Examiner.

834 Richa – Yeah

835 Peter Harpster – And, um, tha-, that's just the most difficult part to deal with. It's the, the, always

836 Richa – Yeah

837 Peter Harpster – Changing schedule

838 Richa – No, we, we're, we really hear you on that and that's our, that's our number one priority is we, we
839 would like to talk with Fehr & Peers and see what their capacity is, but be able to give you, not just clear
840 deadline, but also what's the expectations on all of those milestones as well. Um, of, how quickly can we
841 discuss all of the, the details and some of it might still be in the range category, right, but, um, we would,
842 we would provide you with at least information that you can kind of be mulling over. And then we would
843 have to have this discussion, and probably, you know, s-, some of you are not going to be happy with it,
844 somebody, some of you might be fine with, you know, what is being proposed and, and we'd kind of
845 have to work through those decisions as well.

846 Raul – So is the City going to take over, uh, creating that Burns connection and letting us know that they
847 are going to take the lead on it? Um, or are you going to let us know that we aren't going to be able to
848 open in August, because we are on a timeline.

849 Mhmm

850 Raul – Because we need to let our community know that the City's not approving our TIA so that we can
851 let the community now know this summer, tha-, that our students that are being directed right now in
852 the next board meeting about whether they are going to open in August. A-, and they're going to be,
853 we're going to let them know, here's your school in August of '25, uh, where all of your students in the
854 community are going.

855 Mhmm

856 Raul – We have two weeks to tell them that, hey, we we're, the boundaries are being set by our board,
857 so we're not going to open, we need to hold back, and pull all those back, and say, we need to stay in our
858 area for another year.

859 Mhmm

Raul – 'cause, like, um, we're going to open our school and the boundaries set and all of the students are being assigned.

Richa – Uh, let me get back to you in the next couple of days

(unclear, overlapping)

Raul – Yeah

Richa – By next Monday

Raul – Yeah

Richa – I can't give you that answer right now.

Raul – Ok, 'cause need to know the TIA's approved 'cause we need to do something, and we're at a point where it's not approved, then fine, let them know so we can go ahead and stop the process.

Richa – Mhmm,

Raul – Right, and that's another issue for somebody else. Right?

John W. – I have a question, so this, going back to the daily trips, you have 17,463 daily trips (clears throat), that's five days a week, 52 weeks a year, is that correct?

Richa – Um, Jessica would be able to answer that.

Jessica – So, is the question, so yes, that's 17,000 trips a day on an average weekday every day of the year. Yes.

John W. – So, we only have school 180 days a year

Jessica – Mhmm

Kendra – (overlapping) I think

Richa – But we would have to build infrastructure.

John W. – I know, I understand that. I understand that. So, what I'm saying is that daily trip number's gonna come down if we're only 180 days.

Kendra – We (overlapping)

John W. – If you do an average.

Kendra – We, we are working to build the capacity to what a typical peak is for the City. That's midweek and that's during the school year. So, you know, we can, you know, argue whether summer should be taken out or not, but quite honestly, you want the capacity to work in an am peak hour, in a pm peak hour. In September, in March, um, so by taking that kind of summer dilution that's not helping conditions during that period, so very typical for a community to be, um, basing these impacts based on a typical peak hour, which is exactly what we're doing here.

Jessica – if it helps, it's very much the, the standard, and we, um actually, when we were collecting data, go through a lot of effort to check school calendars, to make sure that we're collecting data, standard

practice, not just Fehr & Peers, industry standard, *on* a school day so that it's capturing that true peak demand type um situation. So, it, it is just standard practice.

Paul L. – So would the peak hours let's say, um, for a, um, residential development, would the peak hours for residential development be the same peak hours of a school? Schools, what? Get out at 3 o'clock. Peak hours of a subdivision, I would imagine, is closer to 4, 5, 6.

(overlapping)

Kendra – Ye-

Jessica – Yep,

Kendra – Yeah, no. You're raising some incredible questions here. And these are kind of some of the details, so, details that we do need to finalize to kind of move forward. Get as much clarity as we can on the details on your specific developments, and, as you know, we're working hard to kind of come up with figuring out, what is that appropriate nexus. And we're trying to be really thoughtful about it. Um, we recognize that the high schools impacts are definitely am peak hour and then it definitely, there's an afternoon blip that's an absolute peak, but that doesn't tend to coincide with your traditional pm peak hour. Whereas the residential developments are generally developing, are generally generating during those traditional peaks, so we're trying to come up with kind of some, some options to look at what is what is a fair way to look at that nexus, 'cause we recognize that these two different development types that we're thinking are a little different and a little different strains on the network, but again, you know, we are trying to look for how can we work together to fund with the City as well, a package of improvements that provides that necessary mobility, um, hits your concurrency requirements, 'cause again, if we don't go into all of this together, all of these lines and dots on the map are impacts that were identified in the individual TIAs, so a lot of this infrastructure would need to be constructed, it's just quite unclear who would be paying for it and, you know, there would be again, winners and losers, kind of the first man in and the last man in, um, might be kind of caught, kind of paying a disproportionate amount.

(pause)

Paul Knutzen – Can I throw an obvious question out there, 'cause I, I, I, one thing that just really strikes me and bothers me is this connecting piece identified as 1 the Burns Road extension, but *that is someone's frontage*. We're all building our frontages. I mean, I, I, I don't think that it's, I understand it helps the whole network, I mean, I-, I understand what the whole point of it is, I do. But to sit there, to then go to this group and to expect them, uh, who don't have a project that touches that frontage. To go in, to have to pay for that. I-, I, I think, and this is my own two cents here, but, if, if, and I can't speak for the City, I know, but if, I wish the City could go in and say, hey, we're doing a project here, and latecomer it, and there you go, you got, you know, the latecomer on the s-, the south half of the Road on that property, whose ?Hikemeyer? and then I think Columbia Valley Health is the other one. And then if th-, the half piece on the north, then maybe that gets fairly split amongst this development, 'cause those guys are single family homes, you know, it's in the county, um, but at least the City has the power to ask for, t-, to take eminent domain. Um, more so than the District does, more so than the private individuals do.

Richa – I, I think, you know, eminent domain is something that we don't like to do as a matter of business. And, i- it is something that we can do, but I don't think I've known of the City to do eminent domain in, I don't know how long, and

Paul Knutzen – It's not. I-, I understand. But, I mean, I would go back to Raul's comment then, 'cause it was very pointed about what we need to tell the board that school ain't gonna open 'till

Richa – And I

Paul Knutzen – The 26th now. I know you're going to get back to me. But I mean, those are both very unpopular, and it ... pay for it

(overlapping)

Richa – You have to put yourself in their shoes too. If the City got into the business of doing eminent domain whenever it was inconvenient, then you know, you all are developers, you all are land owners, I mean you're all going to be on the other side of that. We don't want to get into the habit of eminent domain. Even for sliver of land. Right now, we have one problem that is (brewing?) that is a sliver of land where we have easement, we have moved heaven and earth to try to get there, not, you know, telling people that we're gonna take their land and just throw the money down, right, I mean, because that's what eminent domain is, people don't wanna, uh, give their land, and we have to essentially take it by force. Without ... (unclear) and sometimes for an all, all good, but, um, but, I-, I, I recognize that it's a land that isn't public, right-of-way, but I think there's avenues to go about it, and, and chat with people, and go about it in a collaborative way.

Paul Knutzen – ... haven't had this conversation with you. ... had it with Jacob, I think it was after the last group was done, but I-, I have had conversations with Mr. Eickman, and he was willing to dedicate the right-of-way t-, to the benefit the school district, but with the caveat that you can't latecomer me

Richa – Mhmm

Paul Knutzen – For that improvement. And, its, I mean, to me, I mean that's just patently unfair that here, if he was developing right, that's his frontage improvement. He's required to do it, just like the school district's required to do all four frontages of its high school parcel that's 65 acres, so I-, I-, I, I know I'm just venting here, and I'm not suggest-, you know, I wish I had a suggestion, I wish I had a crystal ball so we could all just look good, there's no eminent domain, everything is on the up and up, Tri-City Herald, or whoever reports the news 2 years from now is, 'cause they're all digital and I, ah, whoever reports it. It's not on someone's front page somewhere.

Richa - Yep,

Paul Knutzen – Um, I'm, If it was amicable, if it was fair, whereas, his, he has to pay for his appropriate frontages, if maybe it was a, you know, an expense that was borne by developers but yet still tied to a latecomers, so that way he's paying his fair share when he does sell it to someone else and it does get developed. Because, I-, I mean, if I was, ... (unclear) Eickmeyer, I'd be like, this is great. I'm sitting on a good piece. I'm sitting on a gold mine here.

Richa – Yep

Paul Knutzen – They gotta build a Road, they just conditioned to, and so I'm just gonna wait it out and, you know, after it's all done, he'll have a free Road there with all the utilities and the power poles moved and he's in a far better position just by waiting.

Jessica – I see uh Jacob has his hand up. I just wanted to point that out.

Jacob – Um, thank you, Jessica. I will try to keep this short. Um, you guys definitely don't want me in that meeting right now, but I-, I-, I did want to offer, well, one is that the, um, feedback from everybody in the group there is very much appreciated. It's certainly some lessons learned in our development process, and um, something that we will prioritize, obviously. One of the things I wanted to share with the group, and it's something that I'm not familiar with if it's been, um, uh, offered or utilized, at least in my time in the City, um, but one of the things that we are able to do with uh, the provisions of the municipal code for the impact fee is offer credits um, and/or reductions. I think that's something that's worth exploring given the magnitude of potential mitigations and costs and also the benefits, not only, certainly for the future community members, and the network itself, but certainly to serve your own residents, or future you know, um, uh, tenants and, and, and, uh, employers, et cetera. So, I just wanted to share that because I know there's been a little bit thrown out there with respects to the TIF and the Impact fee um, I, I-, It is an option that we have. I think it's certainly worth exploring with all of you in the room, um, so we can assess how that can, um, be applied for all you fairly. I think as we try to expedite the, the rest of this effort, I think we will have a better idea of what those credits or reductions look like, including the methodology used, so I just wanted to share that, uh, with the group this morning, and staff was trying to take a look at, if we've used it in the past how it's been used, um, and if we haven't this is a great opportunity to utilize that effort, or that tool.

Richa – And I would say that Mr. Eickmeyer would, would be part of the proportionate share effort, right, because it's in that ...(unclear) region, but probably he would want pretty penny for his land which would, um, be the credit against the proportionate share. And he can do that because he is in the position to, unless we go the route of, um, condemnation (laughter)

Paul Knutzen – That's a better word.

John W. – So, Uh, speaking of condemnation. What kind of timeline would we be looking at?

Richa – For condemnation?

John W. – Yeah

Richa – I have no idea

John W. – Yeah, so

Richa – We have not done it in a very long time.

John W. – I would imagine, though, it would be

Richa – Years

John W. – Years, yeah

(unclear, overlapping)

John W. – So, if this group has to build that Road, uh, we get every penny we put into it back?

Richa – Um, no. because it would be proportionate shares. So, um. Oh, you mean you would be building?

John W. – Well, I mean, that's kind of what it sounds like, you want us to build that Road.

Richa – No, that is not what I mean, no.

John F. – It is very favorable to have the Road constructed.

Richa – Yes. (laughter) that's a great way to put it.

John F. – Does it have to be there (laughter)? No. You can round everything down with the existing street system, but then you end up with signals, and improved and widened intersections that when the one gets built, you don't need all that other stuff with the other intersections, so you spent a bunch of money fixing things, that's now a Taj Mahal sitting here that doesn't need, but, you know, down the Road, it's not gonna get utilized. So, you're kind of throwing your money away a little bit there.

Richa – Yeah,

John F. – And I understand where you're at, but it's enriching a private party, right? That's what it comes down to because they're not going to allow a latecomers on it. Is that a spot where the District is at a rub that they can't spend their money on somebody else's ground basically to enrich them. Is that a deal breaker for the District? Does 1 does 1 need to come off the board and we figure out what it looks like without involved 1? Short, short question.

Greg Knutzen – 1, from our, from the District's standpoint, 1 wasn't proposed with our first reviewed TIA but it came back and it was conditioned that you shall build it.

Right

Greg Knutzen – And then they added it to the SEPA, so it is a requirement that it gets built on ours, unless the City was willing to amend our SEPA and take that condition off, um, and then, in which case, we would go back to our original study which has some of these temporary, false, uh, I forget the term, (laughter) it was a good term. Temporary false positives. (laughter)

Jessica – False demand, yeah, something like that. Mhmm

Greg Knutzen – Um,

Jessica – And, I do want to caution too, that, you know, again, we take that off, many of the developments didn't use it, and many of them did. So that will also require further study because, uh, several of the developments did assume that that was included. Wasn't defined how it was to be built or funded, but, tho-, that is not the case and those aren't included, it would now have to push more trips in a false, temporary demand type situation. So. (pause) Kind of a delicate balance between the two. So that's why we were looking at the ones that were a part of the overall tra-, transportation plan for the City, pushing towards those, 'cause those have the ultimate result that makes the most sense for the City. Was the direction that we were taking with, with the City, currently, and we are receiving feedback, um, the, the issue with the, um, you know, building something that isn't your frontage, the traditional

way to solve that problem is with the latecomer process. There could be other processes involved, but. (pause)

Paul Knutzen – I-, Is there some other process other than, here's what I see: Eickmeyer conditioning that granting of the land to be not tying himself to a latecomers. Is there any other avenue of it, can you do an LID, for that? You know, because we're 80% of the people benefiting from that Road, but it's on someone else's property does not have to participate. Could we ask for an LID to be built that piece? Or am I thinking outside of, too far outside of the box?

John F. – LID doesn't improve the value of the District's property so we can't, because we, we started that direction, right, but we had to pull back, because building that section doesn't make your property worth more, and it has to be come out as even-Steven in an LID sort of situation, so.

Richa – I-, it might work for Mr. Eickmeyer, but, and uh, Columbia Basin Health. Um.

John F. – Forced into a LID right now(unclear)

(overlapping)

Richa – And they would have to, large part of the project, they also have the right to contest it.

Yeah

Richa – Which it, it needs to be a larger area, so, I mean even if we did the whole of burns Road there, um, I think you might still be a significant owner there to, to deny it.

(unclear)

Richa – I'm lookin', we can look through that process

John F. – I haven't

Richa – It will probably not be successful

(unclear)

Dave – So, you're not asking this group to pay, to pay for anything?

Richa – Pay for what?

Dave – That Burns Road extension?

Richa – No, we're saying, um, we need to look at what's the impact for all of your projects including all of the regional impact going up north, um, if we can get a, a percentage of, you know, what we estimate and project out in future what you're giving us with the actual data and say, is this, is there, this is how much we think it's going to cost, which would have to include um Mr. Eickmeyer's and CBHC's uh cost of the pro- uh cost of the um land, and all of that, and we come up with what the share is for all of us. And there's gonna be a gap and how do we figure out that gap because we are gonna collect from, those future projects. So, um, no, and it would, um, and, and the City would have to participate in some form. I really do not know what that form is right now. (pause) I'm not saying that we're not party to it at all.

Paul L. – At this point, let's say, building out number 1, would, uh, would we be looking at, I mean obviously asphalt, but curbs, gutters, sidewalks, street lights. Are we looking at full improvement or just enough for traffic mitigation and then the rest of the frontage improvement would stay with that landowner?

Paul K. – Our previous discussions when ar-, uh, Jon Padvorac was still here was just a *core* road section (yeah) and a pedestrian walk and it didn't have to be curbed, gu-, sidewalked it could have been, I mean, I thought maybe we talked about maybe an asphalt path or something, right, so core road. And it got weird 'cause where're the utilities gonna go. I mean one, there's not gonna be any sewer there. We, sewer's brought in to the extents that it can be brought from our direction. Uh, water and maybe an irrigation line might be another thing, but ideally, those utilities could be designed to not be under the core road section we build and could be built by the next guy when he does his frontage.

Richa – Uh, are those transmission lines like high voltage? Or are they (overlapping)

– Yeah, they're

John F. – I'm not sure

– Well that's what I was.

John W. – How is that easement in there?

(overlapping, unclear)

Richa – Oh, one side is high, the other one is low.

John W. – How, how, how wide is that easement in there?

Richa – I don't know-

Paul K. – I don't think there is an easement for all of it, I mean they may have their own power, but there's no like access easement or Road easement, for the Ci-, Ci-, I mean that's why it's challenging (overlapping)

John W. – It looks like its BPA and the other side is, uh,

Paul K. – Franklin PUD.

John W. – Yeah, Franklin PUD.

Paul K. – I think you're right.

John W. – I figured they had to have an easement from ... (unclear, overlapping)

Paul K. – They, they may have an easement, but again it's just specific for their utility, more than likely. It's just, ok, we have 10' Franklin PUD's and you're a 30' BPA's in? 'Cause we have (overlapping)

Maria – ... has, has all those rights to Franklin PUD so they ... (unclear) two easements and that now touch each other. Yeah. So.

Paul K. – But it doesn't mean that-

Maria – West side of 68. What used to be BPA is now Franklin PUD and they have control over both.

Paul K. – We recently, this came up on Orion High School, where we thought Franklin PUD had the easement and they said it wasn't theirs so we had to go back to BPA and get a land use agreement with 'um after the fact.

(unclear) isn't it

(unclear)

Paul K. – That's the other tricky part, 'cause the north half of it would be in the County, so it's not really City jurisdiction.

John F. – Goin', going back to the statehood that platted every section line out at 20 feet on each side for roadway.

Paul K. – Just 20 feet there

John F. – 20 plus 20 on either side of it. it's, I think it's 20 on each side of section lines. When the state was created tha- that was for transportation to get around, and

Maria – That sounds right

– Yeah

Maria – In that vicinity,

– Yeah

Maria – For the power lines

(overlapping)

Maria – For the north south line

(overlapping)

John F. – PUD has similar, similar easements reserved, yeah (unclear)

Richa – So would you be open to giving us, um, some direction, it doesn't have to be in this meeting, but uh, I would like it in the next couple of days, if possible, of what, what your desires are in terms of moving forward.

Dave – Um, we can talk in private or whatever,

Richa – Yeah

Dave – but, um, it's probably a better thing to do. But-

Richa – Ok. – I, I, I understand your frustration.

Dave – Yep, yep.

Richa – I hear it. You're working on a project and you're carrying that cost every day, I, I can understand the stress, and, and, uh, and, you know, the repet-, way that the way we've been kind of repetitive with

that process, um, I think we're really trying to figure out how to do it, do this best, because, you're right, like, we're gonna have the Ta-, Taj Mahals in, in the middle of (laughs)

– Right?

Richa – Neighborhoods there, and people are gonna go, "well, why is this here??" Once that connection is built and it's just a matter of time, but we don't have the time, and so we have to compensate for that in some manner. Um, and I agree there's complications to, you know, the fact it's a private land, and, but at the end of the day, if you really think about it, Burns Road *has* to be connected. It's going to, excuse my language, going to look really stupid if we have this main thoroughfare in the City that just had that little gap in the middle and people are having to drive around it, that is going to frustrate people for 100's of years to come and we don't want to create that. And it's not going to happen after development happens, so how do we build that now is, is the question, and it's not going to be just those, you know, people who are on those colored, uh, colored charts, which is all of you here, we would be looking at who in future would be also benefiting from it. Uh, and it's an imperfect map because we don't know if they're gonna come in and build a big 4-story apartment complex, I, I don't know, but really dense housing, or maybe less dense housing and, you know, the-, there might be as much traffic we can *do* our modeling, and see, you know, per our zoning, what it allows, and all of that, um, and do our best, so it's not going to be perfect, but we would also be capturing other people who are going to be benefiting from all of the work that you all are doing here now. Um, and in terms of the question of who takes the lead on, um, building the connection, I'll, I'll get back to you. Um, and have the conversation, um, and then probably out to the larger group by end of next week.

Raul – A-a, and I appreciate your comments, right, 'cause those are comments that we have been waiting for, but, it's probably, instead of us giving you what we want, why don't you tell us what it's gonna take to get a yes.

Richa – Yeah

Raul – Right, and get a yes for all of us 'cause we've been waiting. We've been waiting forever, and every time we, we meet, the goalpost changes. And it's a change, a requirement, and it's another change, a-, a-, and another change, and we've been waiting since the 13th of March to come together and, and hopefully get something so we can move forward.

Richa – Mhmm,

Raul – Right, so it's like, what is it that it's going to take yes that you want, right? It's like we already talked about this. Twice. And we still got, I'm gonna leave today without understanding of what does the City want us to get done so we can move forward and we get a yes from you. Um, and, and if it doesn't cost u-, what is it, so, we can at least go back and say ok- (overlapping)

– (overlapping) Jak- ? ... Right, yeah

Raul – This is what I need. I need to get approval on this to can we actually do it or not. Uh, 'cause, not, this what you want, I can (can't?) afford it 'cause, 'cause this was not part of our bond.

Richa – Mhmm

Raul – Right, so now it's like, ok, now what are we gonna tell the community? So, it's like, um, yes, and we can't sell kids to get that money, right, 'cause it's not homes, so it's like, so we have, again, so it's like, so we need a yes, so we can move forward and get our August done, 'cause August is here.

– Yep. Yeah.

Raul – And it's, it, I don't know how long it takes to build that road, but we got a year.

Richa – How 'bout, no, I agree with that, how 'bout, um, we, we lay out a timeline with clear deliverables on those timelines. I'll send out, send that out to all of you, and then you can tell me whether you wanna, kind of, what your, what your thoughts are on it. I do think that, if you're asking what the City's desires are, I think what, what you see here on this page right now, with those two projects removed, the seven, you really can't do anything with 7 on Burden and 68. No matter what you do, that intersection is *as* improved as it can get, and so then that brings you to Road 76 because that's the only way to improve Road 68. Um, so, we, we have 1, 2, and 7, sorry I can't see far, so I'm gonna squint here, uh, 1, 2, and 7, um, are really the key, key problems. I think the one, that, I think, is a 4 if I work off of my memory on 6o-, yeah Sandifur and Convention, um, we, that is an intersection that, I think, we need to kind of figure out as a city because it's already a, a little bit wonky, um, and, and then we could figure out, and go to our board on what that path looks like, and how much money we have and what's the importance priority, and, and ask them on what their input is, and come back to you.

Paul L. – Uh, one more thing that I would request is, uh, with that timeline, some clarity on, um, I'm assuming that all the regional projects are gonna be headed by the City and uh-

Richa – (overlapping) We will get back to you on that one, absolutely.

Paul L. – Ok

Richa – Yeah. I think that the Burns Road connection is going to be a, a tricky one. I think once we say we're gonna do it, there's a lot of things that needs to be done in there and, you know, if I was, if I was that land owner, I mean, you know, ya sat on that land for so long, and here's the time to cash out, right, and for better or worse, uh, we are the ones on the other side of that transaction. And so, we'll have to figure all of those pieces out and how best to go about it.

John W. – -Tcher, what'cher timeline on 7? Is that actually gonna be 5-10 years out?

Richa – Uh, were, were 5 years out, less than 5 years out, but the challenge, uh, we're, we've done the physical...(unclear) mhmm, uh, we've been asking money for, uh, for our direct congressional spending from all of our, um representatives, uh, every year, for the last 3, 4 years. We have put in for Federal grants. Uh, the steps for it is, uh, we want money for design, so some of it is going to come from people like you, some of it's, uh, more than half of it is going to probably come from Federal grants, or, uh, basically something from grants. And we would design it, and then, you can only go for construction once you've designed it, and so then we would design it and we say, could you give us another $30 million to, to build it. That's, that's the process for it. So, uh, not 30 million that the City just has in its coffers right now, um, so we have to ... (unclear) on grants

Maria – So if the money was available today, which it's not. All the money was available today is through you ...(unclear) 5 year projects. Getting the approvals, to ... (unclear) state infrastructure, to, to work with them on, on timing, and closures, and other things. Um, with the money not being here, it

probably will take this steps as Richa is explaining, right, where you work all your way until you're ready and you can prove to everyone else what your, what your funding needs are for construction and your ... (unclear) be ready for your next phase. And that involves also acquisition of land. Um, so, so that's how projects sometimes take longer than the ...(unclear) ... for bridges specifically, right?

Richa – But we are working on the interchange on 100, and that Burns connection it's really key to that too, uh, because people will avoid 68 and then keep going straight and take that, and that interchange is, is going to be ready for that.

Maria – Yes, the solution to Road 68 is a local network that is reconnected. Building those missing links throughout the city... (unclear) north, south, east, west connections that don't shuffle everybody into specific crossings that are state facilities. That is the solution to 68.

Richa – So, I think our homework is, timeline with milestones, deliverables. Send it all out to you. I owe you on whose going to, well I owe all of you on whose going to take a lead on those projects, uh, especially ones that we think are clearly identified here, uh, the regional ones, uh, and, and we'll have that to you by early next week. And then if we can make a decision on how we want to move forward by end of next week. Uh, depending on what that schedule looks like, we'll talk with Jessica and her team, uh, and make sure that, you know, we have a really clear path forward because doing that connection, and what you guys are telling me, that's gonna be a challenge. Mis-, Mr. Eickmeyer or Columbia Basin Health do not really have to play ball if they don't want to, unless we go that one route. (pause) It's like a Voldemort world around here. (laughter) You just say that out so easily.

Dave – It seems like he's playin' ball (overlapping) Sounds like

Richa – I do not know him, so.

Dave – Like he's, I don't know

Richa – Yeah

Dave – Him either. I've talked to him a couple times, but it seems like not developing his property, and he's willing to give the property to the school, I mean, that seems super cool. I said that last time. Would, would it be fair to say that the, that the proportionate shares that we're all being asked to do, is, is only being asked of us because the Traffic Impact Fee is outdated, if you will?

Richa – Um, I would say that the *level* that you're being asked for, yes, but I think there's always a proportionate share for, we don't include everything in our Traffic Impact Fees, because if we did, then it would be, uh, just so much, for everyone, that development would just hault. Because the need is there, right, like we would add $30,000,000 for Road 76 Overpass, and go, ok, now everybody pay up. But what we do is, we try to limit that. It's way, way too little right now because it's not been updated for so long. Um, but, what we try to do is get, outside funding for our transportation projects *as much* as possible. And Maria here has brought in *significant* amount of money from, for utilities, and for transportation which basically reduces the burden for developers and also our taxpayers, and so we try to bring in those external funding wherever possible so we're not asking people to do, um, to pay this ridiculous amount of money because, you know, we're, to be frank, like, if it was like $50,000 per, per car or, um, per trip, then, sure we just keep charging, and you guys are sweating bullets because it's so high, but for us, it's like, oh, we don't have to go anywhere, we can just, we don't have to play this game of

granting agencies and begging for money, um, but we also understand the value of developers are the ones that build the city, and so, how do we work together to get that done in the most efficient manner. Um, I think that, you probably see a lot more, lack of better words, nickel and diming from the City because some of our impact fees are too low. I would say that that's true, it doesn't mean that if that number was much bigger than it, it is that you would not have any proportionate share at all, it just would be smaller and more unique projects, right, that are more local to your project.

Dave – Is the, a-, a-, and on that line, is the proportionate share, is that required through the concurrency review or is that through SEPA?

Richa – That's a Jacob question, I'm still learning my SEPA and concurrency reviews.

Dave – me too (laughing) I am too, I totally am, I had to take a picture, I'm going, concurrency, SEPA, then I was like, you know, having a proportionate share as opposed to the Traffic Impact Fees pay for it. Is, is that, is it a concurrency thing or is it a SEPA thing?

(overlapping)

– I think Jack-

Jacob – The result comes from the concurrency review, but the proportionate share mitigation would come through the SEPA review.

Dave – So what comes through the concurrency?

John F. – There's a concurrency review itself that

Dave – What'd you say, Jacob?

Jacob – Yeah, the concurrency review helps us identify what the mitigations could be. It, it's, you know, a review of your impacts and determining if it meets concurrency requirements, that helps us identify what the mitigations are and those mitigations, uh, typically end up placed on the SEPA determination, uh, for each project.

Dave – ok, so it's the concurrency review and then they get placed onto the SEPA.

John F. – Right

Jacob – Correct

Dave – Ok, got it. Yep. Thank you.

(long pause)

Richa – Ok, well I, I appreciate all of you coming here and we definitely appreciate the feedback, though, I'll say, it's hard to hear sometimes, but I think that we need to hear, and, but then, act on it too, so I do appreciate that.

Kendra – And I would just say for this group here, we really appreciate the input, we plan to work really closely with the City, and we're ready to move quite aggressively on this project. So, we definitely heard the desire for expedited answers. We will definitely be working closely with the City to make that as po-, uh, you know, get answers to you as quickly as feasible.

(pause)

Richa – Any last comments, questions before we adjourn? (pause) ok, well thank you everyone. Be on the lookout for my email early next week.

– Thank you, Jessica

(background conversations)

– Thank you

– And Kendra

– Hi

– Hey

– Thanks Jacob

End of meeting, video time stamp: 1:51:10

Please note, I have attempted to capture all of the conversations happening during the meeting, but some words were indistinct or unclear due to overlapping conversations or muffled mics. I have tried to include "unclear" or "overlapping" wherever the recording was not clear enough to understand.

To the best of my knowledge, the above record is an accurate reflection of the words spoken during the video-recorded meeting.



Alicia Padvorac

1-14-2025
DATE

A-24

2024 06 17 CITY COUNCIL MGT EXCERPTS - FEES

AGENDA REPORT

FOR: City Council

June 13, 2024

TO: Adam Lincoln, City Manager

City Council Regular Meeting: 6/17/24

FROM: Jacob Gonzalez, Director
Community & Economic Development

SUBJECT: Development Fees (5 minutes)

I. REFERENCE(S):

Presentation
2023 City of Pasco Permit Fees Comparison
2023 Port of Kennewick Permit Fees Comparison

II. ACTION REQUESTED OF COUNCIL / STAFF RECOMMENDATIONS:

Discussion

III. FISCAL IMPACT:

None

IV. HISTORY AND FACTS BRIEF:

Development-related fees are charges imposed by local governments on developers/developments to help cover the costs of public services and infrastructure required due to new development. These fees aim to ensure that the financial burden of growth is balanced between developers and existing residents.

The City of Pasco had adopted a fee structure that address the various permitting, development, and construction activity facilitated and administer by the City. There are several different fees, identified below:

- Permit Fees
  - Charged for processing and reviewing applications, including building permits and land use, zoning, environmental review, traffic analysis, and general planning and development.
- Utility Connection Fees

- Fees for connecting new developments to public utilities like water, sewer, irrigation.

- Impact Fees
  - Impact fees are one-time charges assessed by a local government against a new development project to help pay for new or expanded public capital facilities that will directly address the increased demand for services created by that development. Impact fees are not applicable for each development application.
  - Impact fee revenues cannot be used to help pay for a specific capital project if that project is not listed or referenced within a comprehensive plan's capital facilities element, per RCW 82.02.050(5).

  Impact fees also cannot exceed a proportionate share of the cost of the system improvements: Municipalities must have additional funding sources and may not rely solely on impact fees to fund the system improvements (RCW 82.02.050).
- Mitigation Fees
  - Mitigation fees are assessed only after a nexus has been identified in conjunction with a review of a development application. Mitigations can include fees, studies or further evaluations associated with an application. The intent of the mitigation is to offset the impacts of new development projects, and if fees are determined, are used to mitigate or reduce adverse effects on the environmental, infrastructure, or community resource.

The Pasco Municipal Code (PMC) specifies fees in Chapter 3.35 (Fee Summary) and includes the fees mentioned above. While not explicitly listed, many projects, such as large subdivisions or significant commercial and industrial developments, require reviews by engineering staff to assess impacts and ensure compliance. This may involve the review of traffic studies or multiple rounds of comments. Staff aims to provide comprehensive information to each applicant throughout the development process, particularly early on, to minimize disruptions to project progress.

City of Pasco Impact Fees

The City currently has impact fees for parks, traffic, and also facilitates the collection of school impact fees in coordination with the Pasco School District.

- Park Impact Fee
  - adopted September 2013, Ordinance No. 4119
  - Fee: $1,300 per dwelling
  - Annual increase of 3.25% per PMC 3.35.250
- School Impact Fee
  - adopted March 2012, Ordinance No. 4046
  - Fee: $4,700 per SF dwelling; $4,525 per MF dwelling

    - Collected fees are transferred to Pasco School District
- I-182 Corridor Traffic Impact Fee
    - adopted March 2005, Ordinance No. 3719
    - Fee: $709 per SF dwelling; $435 per MF dwelling; $43 per daily vehicle trip for commercial and industrial trips
    - This fee is only applicable to projects west of 20th Avenue.

On June 9, 2024, the City Council passed Ordinance No. 4716 amending the Pasco Municipal Code related to the assignment of Water Rights. This is not considered an impact fee, as the PMC clearly establishes that the assignment is based on the Amount of Water Rights to be transferred, or Payment in Lieu.

V. DISCUSSION:

Development-related fees, including impact fees, development review fees, and others, play a vital role in managing growth by ensuring that the costs of new infrastructure and public services are shared between developers and existing residents. These fees help maintain the quality of life in growing communities by funding essential public services and infrastructure improvements. It is also important to evaluate the impacts of development related fees, as they can become a barrier for both new development, re-development and investments in existing neighborhoods.

Staff is currently conducting an analysis of permitting applications and fees for the period between January 1, 2020, and May 31, 2024. This detailed permit data will enhance our understanding of development-related fees and provide relevant data for evaluating the city's development strategies. The analysis is expected to be available by the end of July 2024. The results of this evaluation will further support the ongoing collaboration with local developers, builders, and realtors in relation to our Development Review Process Update.

Attached to this report are two reports, comparing fees for neighboring cities, including Pasco, Kennewick, Richland, and West Richland. This comparison was completed in January 2023 and October 2023, and shared with community members and stakeholders in the local development industry. Total cost of development varies with each project type, size, location, and infrastructure needed. When considering major impact fees, development in the City of Pasco is greater than neighboring cities. This disparity is largely due to School Impact Fees which are collected by the City and distributed to Pasco School District. As mentioned before, staff are also looking to streamline development efforts which will result in faster processing and reduced development costs for larger projects. It is also important to note that many of the development fees have not been updated in the last decade, update of the fees will also provide greater clarity, certainty and removal of other development fees collected to mitigate the insufficient fees.

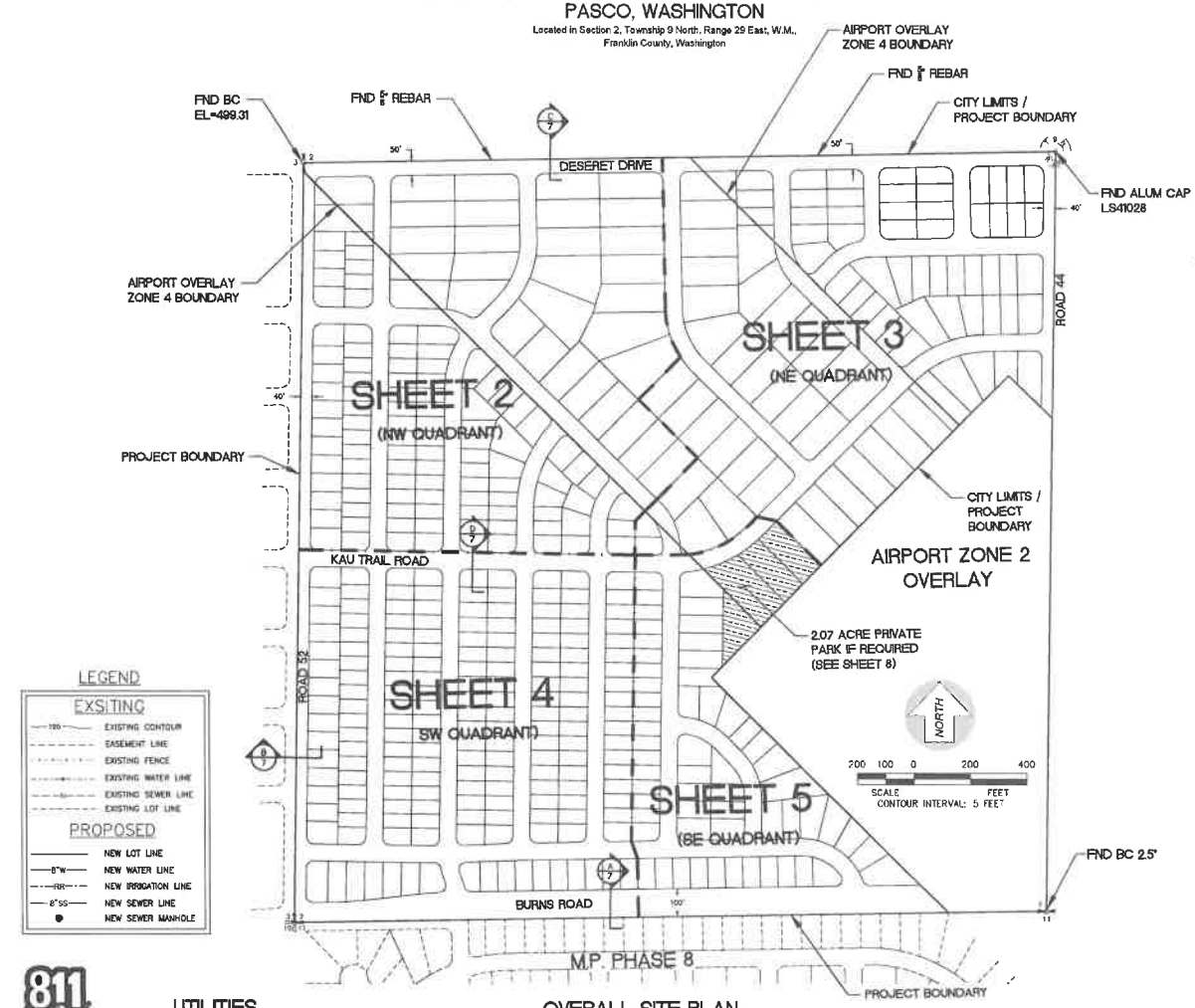
A-25

2024 07 09 MADISON PARK NORTH PRELIM PLAT

PRELIMINARY PLAT OF MADISON PARK NORTH

PASCO, WASHINGTON

Located in Section 2, Township 9 North, Range 29 East, W.M., Franklin County, Washington



OVERALL SITE PLAN

LEGEND

EXSITING

- EXISTING CONTOUR
- EASEMENT LINE
- EXISTING FENCE
- EXISTING WATER LINE
- EXISTING SEWER LINE
- EXISTING LOT LINE

PROPOSED

- NEW LOT LINE
- NEW WATER LINE
- NEW IRRIGATION LINE
- NEW SEWER LINE
- NEW SEWER MANHOLE

811 Know what's below. Call before you dig. 48 HOURS NOTICE REQUIRED

UTILITIES

POTABLE WATER:	CITY OF PASCO
IRRIGATION WATER:	CITY OF PASCO
SEWER:	CITY OF PASCO
SOLID WASTE:	CITY OF PASCO
POWER:	FRANKLIN PUD
GAS:	CASCADE NATURAL GAS CO.
TELEPHONE:	CENTURY LINK
SCHOOL DISTRICT:	CITY OF PASCO
FIRE DISTRICT:	CITY OF PASCO

OWNER/DEVELOPER

Name: EE RESOURCES, LLC
DAVE SWISHER
Contact: 250 NW FRANKLIN, SUITE 402
Address: BEND, OREGON 97701
Phone: (541)330-4312

ENGINEER

GZ ENGINEERING
GABE GALLINGER
1414 E. ENOCH LANE
DEER PARK, WA 99006
(509)991-9033



VICINITY MAP

INDEX OF DRAWINGS

SHEET NO.	DESCRIPTION
1	COVER
2	PRELIMINARY PLAT (NW QUADRANT)
3	PRELIMINARY PLAT (NE QUADRANT)
4	PRELIMINARY PLAT (SW QUADRANT)
5	PRELIMINARY PLAT (SE QUADRANT)
6	OVERALL GRADING AND AIRPORT OVERLAY
7	TYPICAL STREET CROSS SECTIONS
8	PARK PLAN

PRELIMINARY PLAT INFORMATION

INFORMATION	NEW PROJECT DATA
PARCEL NUMBER	114250018
SITE ADDRESS	NE CORNER OF ROAD 52 & BURNS ROAD
TOTAL AREA	132.5± ACRES
PUBLIC ROAD AREA	35.3± ACRES
PRIVATE PARK AREA, IF REQ'D	2.07± ACRES
LOT AREA	95.1± ACRES
PROPOSED USE	SINGLE FAMILY RESIDENTIAL
NUMBER OF LOTS	461 LOTS (IF PARK REQ'D) 464 LOTS (IF PARK NOT REQ'D)
GROSS DENSITY	3.5 UNITS PER ACRE
NET DENSITY	4.8 UNITS PER ACRE
EXISTING ZONE	R-1, LOW DENSITY RESIDENTIAL DISTRICT
PROPOSED ZONE	R-1, LOW DENSITY RESIDENTIAL DISTRICT
MINIMUM LOT SIZE	4,000 S.F.
MAXIMUM LOT SIZE	37,637 S.F.
AVERAGE LOT SIZE	8,989 S.F.

GENERAL NOTES:

1. BASIS OF BEARING IS GRID, WASHINGTON STATE PLANE, NORTH ZONE, NAD83, US FOOT, BASED ON GPS OBSERVATIONS. DISTANCES ARE "GROUND" SCALED FROM GRID USING A COMBINED FACTOR OF 0.99995506 (1.00004494)
2. ELEVATION DATUM IS BASED ON UPON GPS STATIC OBSERVATION PROCESSED USING NATIONAL GEODETIC SURVEY ONLINE POSITIONAL USER SERVICE (OPUS)
3. THERE WILL BE NO DIRECT VEHICLE ACCESS FROM ANY LOT IN THE PROJECT TO BURNS ROAD.
4. IN CONFORMANCE WITH RWC 21.35.100, ALL UTILITY LINES SERVING THE SUBDIVISION, INCLUDING BUT NOT LIMITED TO POWER, TELEPHONE AND TELEVISION CABLES, SHALL BE INSTALLED UNDERGROUND.
5. THE PROJECT WILL BE COMPLETED IN PHASES. THE FINAL PHASE LINES WILL BE DETERMINED IN THE FUTURE BASED ON MARKET CONDITIONS AND FEASIBILITY.
6. PROPERTY WITHIN THIS PLAT MAY BE SUBJECT TO VARYING NOISE LEVELS AND VIBRATIONS DUE TO PROXIMITY TO THE TRI-CITIES AIRPORT. PROPERTIES NEAR THE AIRPORT MAY BE LOCATED WITHIN HEIGHT AND USE RESTRICTION ZONES AS DESCRIBED AND ILLUSTRATED BY FEDERAL STANDARDS AND REGULATIONS AND THE CITY OF PASCO ZONING REGULATIONS. THERE IS THE POTENTIAL THAT STANDARD FLIGHT PATTERNS WILL RESULT IN AIRCRAFT PASSING OVER THE PROPERTIES AT LOW ALTITUDES AND DURING ALL HOURS OF THE DAY. FUTURE AIRPORT EXPANSION INCLUDING RUNWAY EXTENSIONS MAY IMPACT THE SIZE AND NUMBER OF AIRCRAFT UTILIZING THE AIRPORT. DEVELOPMENTS NEAR THE AIRPORT SHOULD ASSUME THAT AT ANY GIVEN TIME THERE WILL BE SOME IMPACT FROM AIR TRAFFIC.

G2 ENGINEERING
1414 e. enoch lane
deer park, wa 99006
509.991.9033

STATE OF WASHINGTON GABRIEL J. GALLINGER 22000 REGISTERED PROFESSIONAL ENGINEER
7-8-24

MADISON PARK NORTH
PRELIMINARY PLAT

COVER SHEET

CITY OF PASCO, WASHINGTON
ENGINEERING DIVISION
SECOND FLOOR
525 N 3RD AVE
PASCO, WA 99301

VERTICAL DATUM - NGVD29
CGP PID# AG4241 CASE
3" BRASS CAP ELEV. 503.21

#	DATE	BY	REVISION
1	3-01-23	GRG	ORIGINAL SUBMITTAL
2	2-29-24	GRG	REVISED PER CITY OF PASCO COMMENTS
3	4-5-24	GRG	REVISED PER CITY OF PASCO COMMENTS
4	6-7-24	GRG	REVISED PER CITY OF PASCO COMMENTS
5	7-9-24	GRG	REVISED PER COORDINATION WITH CITY OF PASCO - PARK TO BE PRIVATE IF PROVIDED

SCALE
HOR. 1"=200'
VERT. N/A

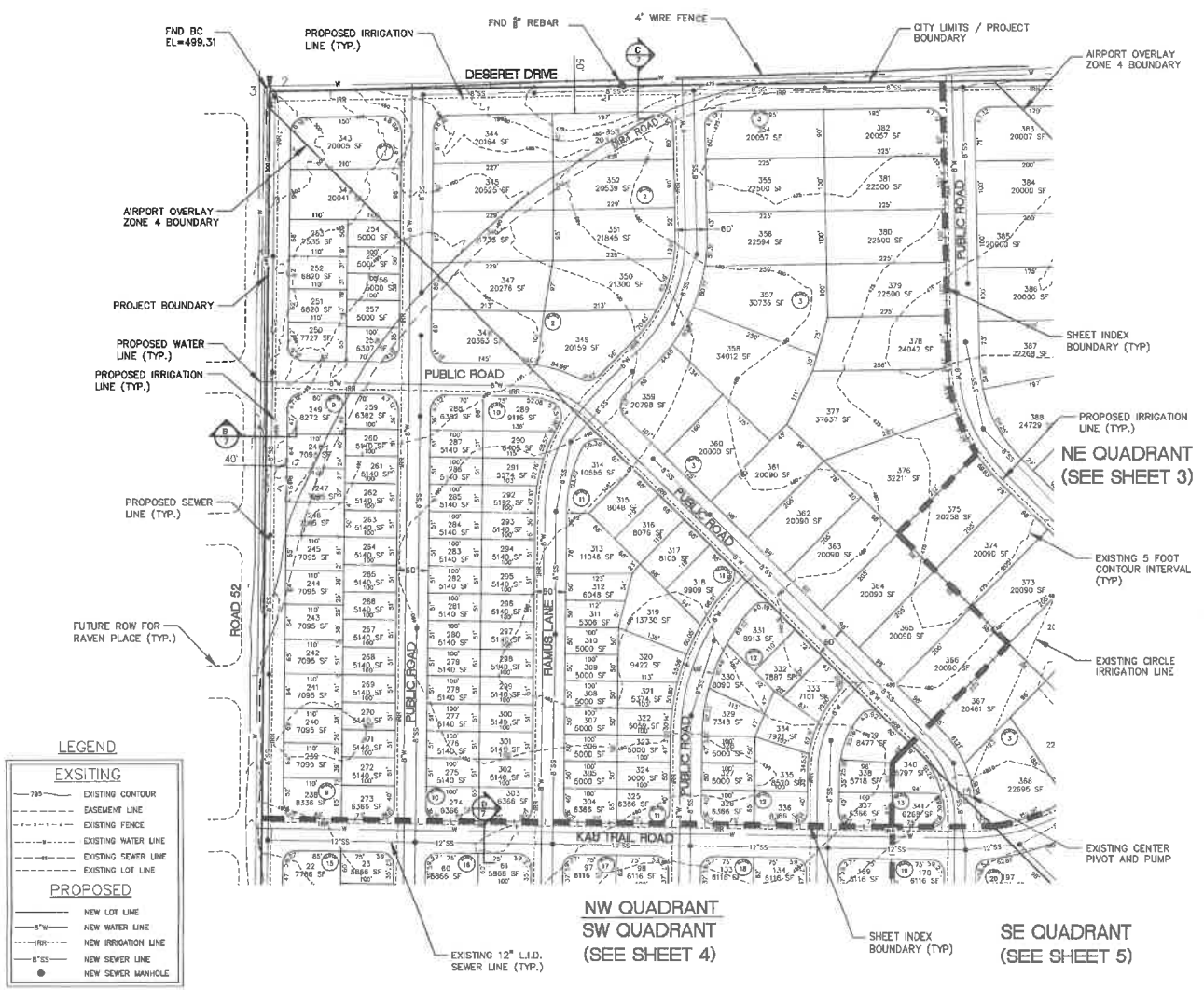
PROJECT #: 23-001
DESIGNED BY: GRG
CHECKED BY: GRG

COVER
1 OF 8

PRELIMINARY PLAT OF MADISON PARK NORTH

PASCO, WASHINGTON

Located in Section 2, Township 9 North, Range 29 East, W.M.,
Franklin County, Washington



LEGEND

EXSITING

- EXISTING CONTOUR
- EASEMENT LINE
- EXISTING FENCE
- EXISTING WATER LINE
- EXISTING SEWER LINE
- EXISTING LOT LINE

PROPOSED

- NEW LOT LINE
- NEW WATER LINE
- NEW IRRIGATION LINE
- NEW SEWER LINE
- NEW SEWER MANHOLE

NORTH

100 50 0 100 200
SCALE FEET
CONTOUR INTERVAL: 5 FEET

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AVERAGE LOT SIZE	8,989 S.F.

UTILITIES

POTABLE WATER:	CITY OF PASCO
IRRIGATION WATER:	CITY OF PASCO
SEWER:	CITY OF PASCO
SOLID WASTE:	CITY OF PASCO
POWER:	FRANKLIN PUD
GAS:	CASCADE NATURAL GAS CO.
TELEPHONE:	CENTURY LINK
SCHOOL DISTRICT:	CITY OF PASCO
FIRE DISTRICT:	CITY OF PASCO

OWNER/DEVELOPER

Name: EE RESOURCES, LLC
DAVE SWISHER
Contact: 250 NW FRANKLIN, SUITE 402
Address: BEND, OREGON 97701

Phone: (541)330-4312

ENGINEER

G2 ENGINEERING
GABE GALLINGER
1414 E. ENOCH LANE
DEER PARK, WA 99006

(509)991-9033

GENERAL NOTES:

1. BASIS OF BEARING IS GRID, WASHINGTON STATE PLANE, NORTH ZONE, NAD83, US FOOT, BASED ON GPS OBSERVATIONS. DISTANCES ARE "GROUND" SCALED FROM GRID USING A COMBINED FACTOR OF 0.99995506 (1.00004494).
2. ELEVATION DATUM IS BASED ON UPON GPS STATIC OBSERVATION PROCESSED USING NATIONAL GEODETIC SURVEY ONLINE POSITIONAL USER SERVICE (OPUS).
3. ALL NEW ROADS ARE PROPOSED TO BE PUBLIC ROADS AND WILL BE DESIGNED AND CONSTRUCTED PER CHAPTER 8 OF THE PASCO DESIGN AND CONSTRUCTION STANDARDS. THERE WILL BE NO DIRECT VEHICLE ACCESS FROM ANY LOT IN THE PROJECT TO BURNS ROAD.
4. THE PROJECT WILL BE COMPLETED IN PHASES. THE FINAL PHASE LINES WILL BE DETERMINED IN THE FUTURE BASED ON MARKET CONDITIONS AND FEASIBILITY.

STORM, SEWER, WATER NOTES:

1. STORM DRAINAGE FACILITIES WILL BE DESIGNED AND INSTALLED PER CHAPTER 7 OF THE PASCO DESIGN AND CONSTRUCTION STANDARDS.
2. THE PROPOSED METHOD OF STORM WATER RUNOFF CONTROL FOR THIS PROJECT IS CATCH BASINS WITH INFILTRATION TRENCHES LOCATED AT INTERSECTIONS, LOW POINTS, AND PERIODICALLY ALONG GRADE. THE INFILTRATION TRENCH CONSISTS OF A 12" PERFORATED PIPE SURROUNDED BY A 5' X 5' GRAVEL ENVELOPE WRAPPED WITH FILTER FABRIC, PER CITY OF PASCO SD-3.
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1414 e. enoch lane
deer park, wa 99006
509.991.9033

7-8-24

MADISON PARK NORTH
PRELIMINARY PLAT

NW QUADRANT
PRELIMINARY PLAT MAP

CITY OF PASCO, WASHINGTON
ENGINEERING DIVISION
SECOND FLOOR
525 N 3RD AVE
PASCO, WA 99301

VERTICAL DATUM - NGVD29

CUP: NGS-2
3" BRASS CAP IN CONC
EL. 502.24

#	BY	DATE	REVISION
1	GRG	3-01-23	ORIGINAL SUBMITTAL
2	GRG	2-26-24	REVISED PER CITY OF PASCO COMMENTS
3	GRG	4-1-24	REVISED PER CITY OF PASCO COMMENTS
4	GRG	7-4-24	REVISED PER CITY OF PASCO COMMENTS REVISED PER COORDINATION WITH CITY OF PASCO - PARK TO BE PRIVATE IF PROVIDED

SCALE
HOR. 1"=100'
VERT. N/A

PROJECT #: 20-001
DESIGNED BY: GRG
CHECKED BY: GRG

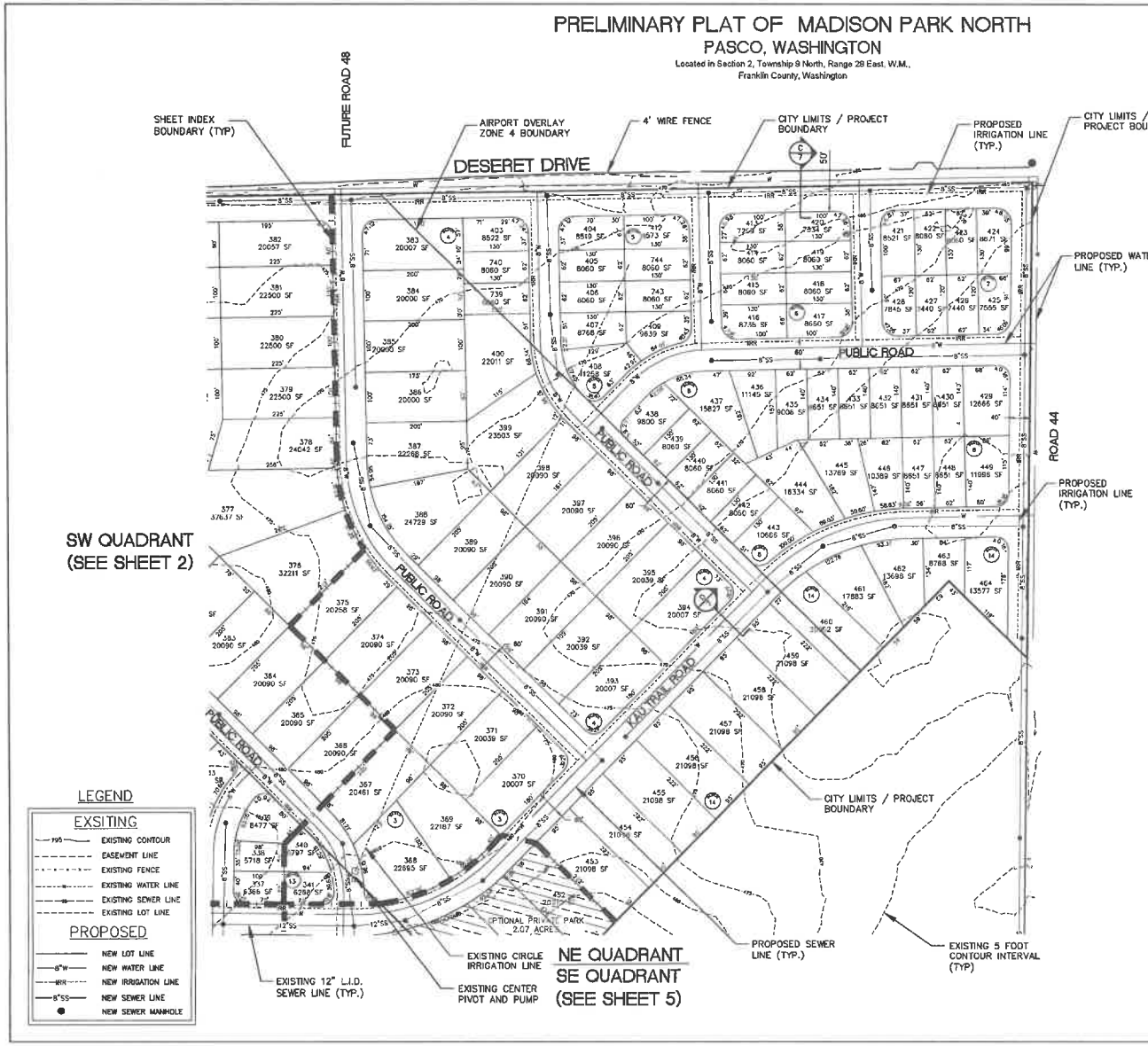
NW QUAD

2 OF 8

PRELIMINARY PLAT OF MADISON PARK NORTH

PASCO, WASHINGTON

Located in Section 2, Township 9 North, Range 28 East, W.M.,
Franklin County, Washington



LEGEND

EXSITING

- EXISTING CONTOUR
- EASEMENT LINE
- EXISTING FENCE
- EXISTING WATER LINE
- EXISTING SEWER LINE
- EXISTING LOT LINE

PROPOSED

- NEW LOT LINE
- NEW WATER LINE
- NEW IRRIGATION LINE
- NEW SEWER LINE
- NEW SEWER MANHOLE

PRELIMINARY PLAT INFORMATION

INFORMATION	NEW PROJECT DATA
PARCEL NUMBER	114250018
SITE ADDRESS	NE CORNER OF ROAD 52 & BURNS ROAD
TOTAL AREA	132.5± ACRES
PUBLIC ROAD AREA	35.3± ACRES
PRIVATE PARK AREA, IF REQ'D	2.07± ACRES
LOT AREA	95.1± ACRES
PROPOSED USE	SINGLE FAMILY RESIDENTIAL
NUMBER OF LOTS	461 LOTS (IF PARK REQ'D) 464 LOTS (IF PARK NOT REQ'D)
GROSS DENSITY	3.5 UNITS PER ACRE
NET DENSITY	4.8 UNITS PER ACRE
EXISTING ZONE	R-1, LOW DENSITY RESIDENTIAL DISTRICT
PROPOSED ZONE	R-1, LOW DENSITY RESIDENTIAL DISTRICT
MINIMUM LOT SIZE	4,000 S.F.
MAXIMUM LOT SIZE	37,637 S.F.
AVERAGE LOT SIZE	8,989 S.F.

UTILITY PROVIDERS

POTABLE WATER:	CITY OF PASCO
IRRIGATION WATER:	CITY OF PASCO
SEWER:	CITY OF PASCO
SOLID WASTE:	CITY OF PASCO
POWER:	FRANKLIN PUD
GAS:	CASCADE NATURAL GAS CO.
TELEPHONE:	CENTURY LINK
SCHOOL DISTRICT:	CITY OF PASCO
FIRE DISTRICT:	CITY OF PASCO

OWNER/DEVELOPER

Name: FE RESOURCES, LLC
DAVE SWISHER
Contact: 250 NW FRANKLIN, SUITE 402
Address: BEND, OREGON 97701

Phone: (541)330-4312

ENGINEER

G2 ENGINEERING
GABE GALLINGER
1414 E. ENOCH LANE
DEER PARK, WA 99006

(509)991-9033

GENERAL NOTES:

1. BASIS OF BEARING IS GRID, WASHINGTON STATE PLANE, NORTH ZONE, NAD83, US FOOT, BASED ON GPS OBSERVATIONS. DISTANCES ARE "GROUND" SCALED FROM GRID USING A COMBINED FACTOR OF 0.99995506 (1.00004494).
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STORM, SEWER, WATER NOTES:

1. STORM DRAINAGE FACILITIES WILL BE DESIGNED AND INSTALLED PER CHAPTER 7 OF THE PASCO DESIGN AND CONSTRUCTION STANDARDS.
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G2 ENGINEERING
1414 e. enoch lane
deer park, wa 99006
509.991.9033

7-8-24

MADISON PARK NORTH
PRELIMINARY PLAT

NE QUADRANT
PRELIMINARY PLAT LAYOUT

CITY OF PASCO, WASHINGTON
ENGINEERING DIVISION
SECOND FLOOR
525 N. 3RD AVENUE
PASCO, WA 99301

VERTICAL DATUM - NGVD29
C&P: PSRS-2
3" BRASS CAP MONUMENT CASE
EL. 562.21

#	DATE	BY	REVISION
1	3-01-23	GRG	ORIGINAL SUBMITTAL
2	2-26-24	GRG	REVISED PER CITY OF PASCO COMMENTS
3	4-12-24	GRG	REVISED PER CITY OF PASCO COMMENTS
4	6-25-24	GRG	REVISED PER CITY OF PASCO COMMENTS
5	7-8-24	GRG	REVISED PER COORDINATION WITH CITY OF PASCO - PARK TO BE PRIVATE IF PROVIDED

SCALE
HOR. 1"=100'
VERT. N/A

PROJECT #: 23-001
DESIGNED BY: GRG
CHECKED BY: GRG

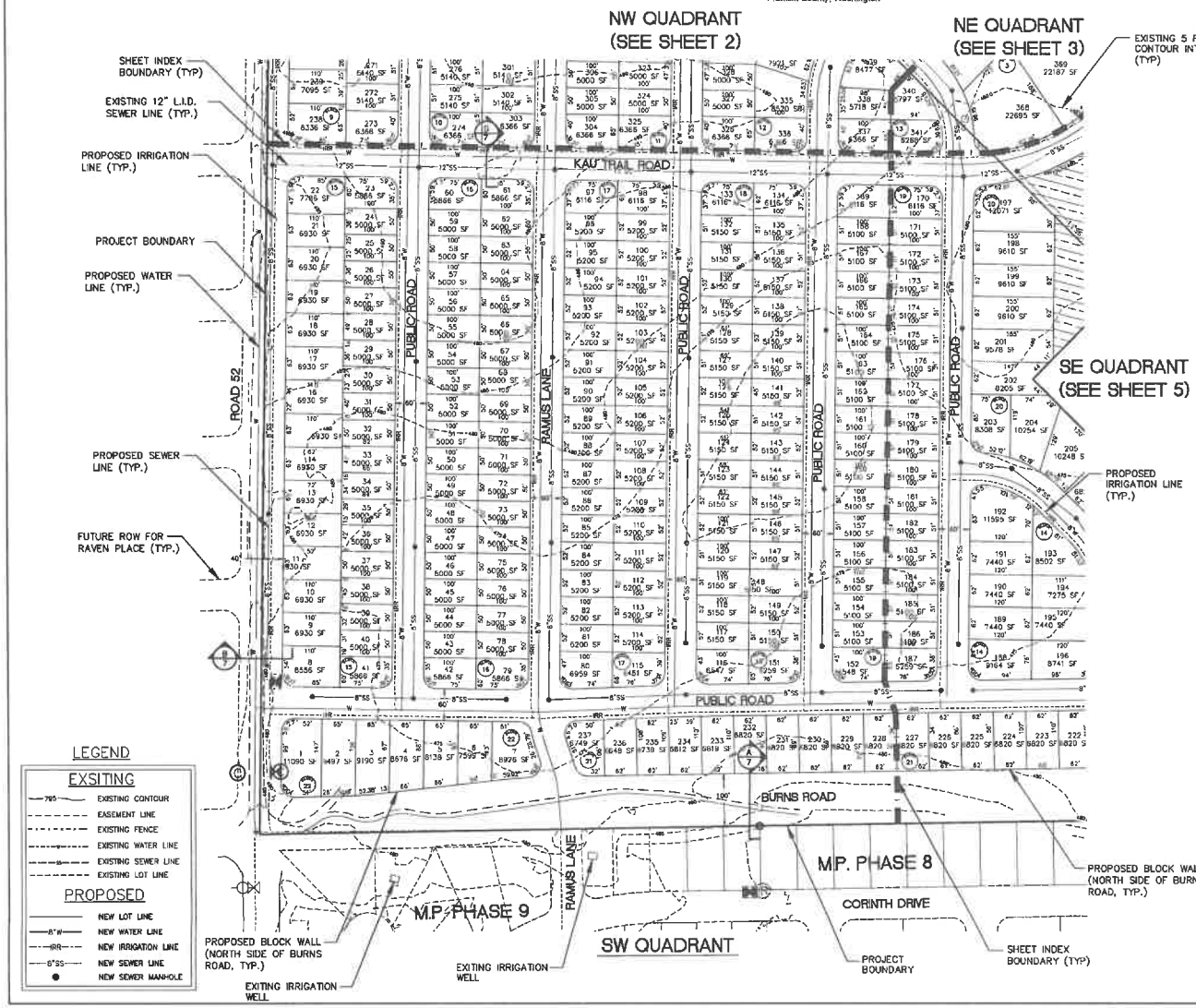
NE QUAD

3 OF 8

PRELIMINARY PLAT OF MADISON PARK NORTH

PASCO, WASHINGTON

Located in Section 2, Township 9 North, Range 29 East, W.M., Franklin County, Washington



NORTH

100 50 0 100 200

SCALE FEET

CONTOUR INTERVAL: 5 FEET

PRELIMINARY PLAT INFORMATION

INFORMATION	NEW PROJECT DATA
PARCEL NUMBER	114250018
SITE ADDRESS	NE CORNER OF ROAD 52 & BURNS ROAD
TOTAL AREA	132.5± ACRES
PUBLIC ROAD AREA	35.3± ACRES
PRIVATE PARK AREA, IF REQ'D	2.07± ACRES
LOT AREA	95.1± ACRES
PROPOSED USE	SINGLE FAMILY RESIDENTIAL
NUMBER OF LOTS	461 LOTS (IF PARK REQ'D) 464 LOTS (IF PARK NOT REQ'D)
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IRRIGATION WATER:	CITY OF PASCO
SEWER:	CITY OF PASCO
SOLID WASTE:	CITY OF PASCO
POWER:	FRANKLIN PUD
GAS:	CASCADE NATURAL GAS CO.
TELEPHONE:	CENTURY LINK
SCHOOL DISTRICT:	CITY OF PASCO
FIRE DISTRICT:	CITY OF PASCO

OWNER/DEVELOPER

Name: EE RESOURCES, LLC
DAVE SWISHER
Contact: 250 NW FRANKLIN, SUITE 402
Address: BEND, OREGON 97701

Phone: (541)330-4312

ENGINEER

G2 ENGINEERING
GABE GALLINGER
1414 E. ENOCH LANE
DEER PARK, WA 99006

(509)991-9033

GENERAL NOTES:

1. BASIS OF BEARING IS GRID, WASHINGTON STATE PLANE, NORTH ZONE, NAD83, US FOOT, BASED ON GPS OBSERVATIONS. DISTANCES ARE "GROUND" SCALED FROM GRID USING A COMBINED FACTOR OF 0.99995508 (1.00004494).
2. ELEVATION DATUM IS BASED ON UPON GPS STATIC OBSERVATION PROCESSED USING NATIONAL GEODETIC SURVEY ONLINE POSITIONAL USER SERVICE (OPUS).
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G2 ENGINEERING
1414 e. enoch lane
deer park, wa 99006
509.991.9033

MADISON PARK NORTH
PRELIMINARY PLAT

SW QUADRANT
PRELIMINARY PLAT LAYOUT

CITY OF PASCO, WASHINGTON
ENGINEERING DIVISION
SECOND FLOOR
525 N. THIRD AVE.
PASCO, WASHINGTON

COE: PSE11-2
3" BRASS CAP, MONUMENT CASE
ON ROAD

VERTICAL DATUM - NGVD29

#	DATE	BY	REVISION
1	2-10-23	GMG	ORIGINAL SUBMITTAL
2	2-26-24	GMG	REVISED PER CITY OF PASCO COMMENTS
3	4-1-24	GMG	REVISED PER CITY OF PASCO COMMENTS
4	6-7-24	GMG	REVISED PER CITY OF PASCO COMMENTS
5	7-8-24	GMG	REVISED PER COORDINATION WITH CITY OF PASCO - PHASE TO BE PRIVATE IF PROVIDED

SCALE
HOR. 1"=100'
VERT. N/A

JOB PROJECT #: 22-001
DESIGNED BY: GMG
CHECKED BY: GMG

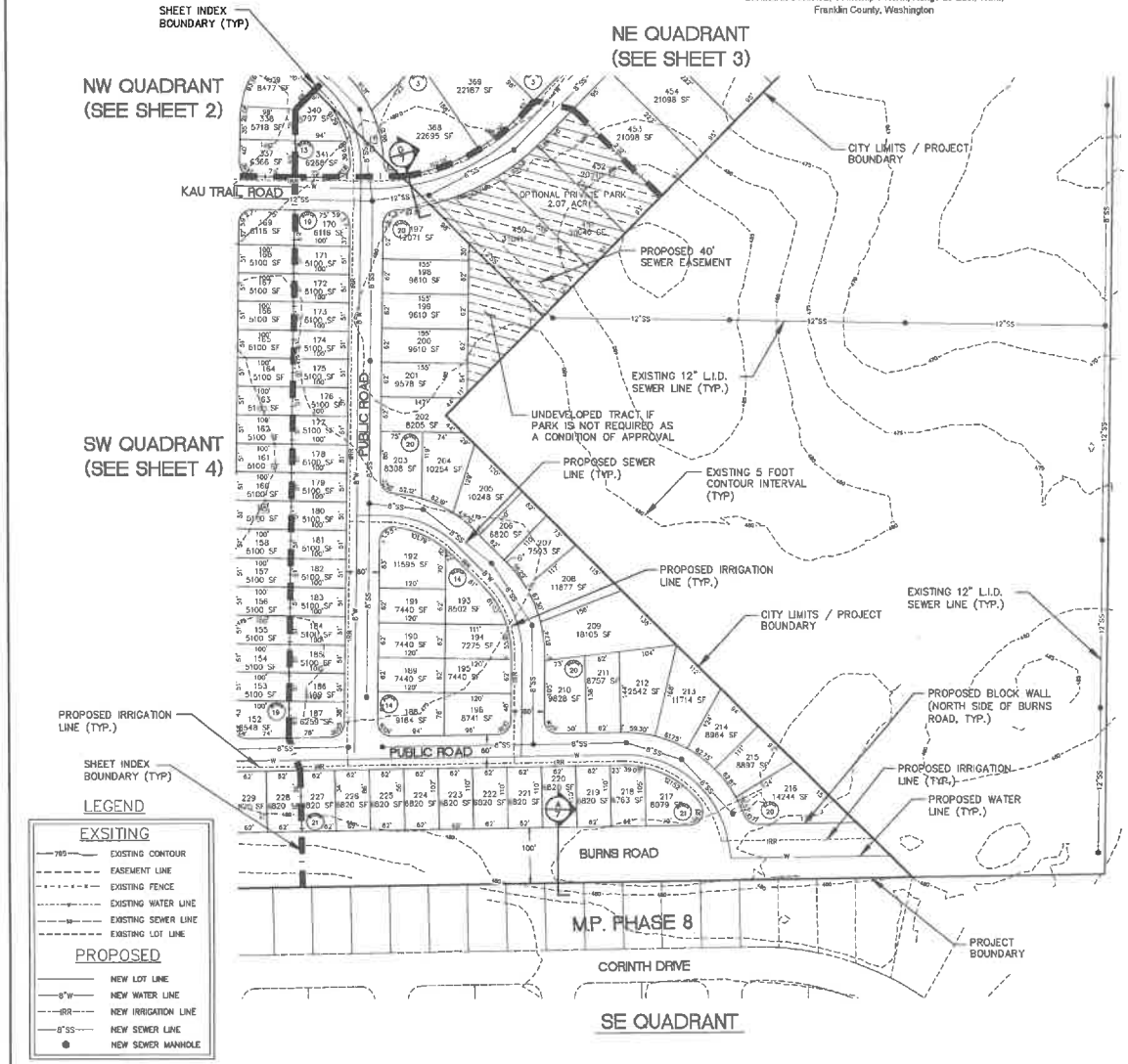
SW QUAD

4 OF 8

PRELIMINARY PLAT OF MADISON PARK NORTH

PASCO, WASHINGTON

Located in Section 2, Township 9 North, Range 29 East, W.M.,
Franklin County, Washington



NORTH

100 50 0 100 200

SCALE FEET
CONTOUR INTERVAL: 5 FEET

PRELIMINARY PLAT INFORMATION

INFORMATION	NEW PROJECT DATA
PARCEL NUMBER	114250018
SITE ADDRESS	NE CORNER OF ROAD 52 & BURNS ROAD
TOTAL AREA	132.5± ACRES
PUBLIC ROAD AREA	35.3± ACRES
PRIVATE PARK AREA, IF REQ'D	2.07± ACRES
LOT AREA	95.1± ACRES
PROPOSED USE	SINGLE FAMILY RESIDENTIAL
NUMBER OF LOTS	461 LOTS (IF PARK REQ'D) 464 LOTS (IF PARK NOT REQ'D)
GROSS DENSITY	3.5 UNITS PER ACRE
NET DENSITY	4.8 UNITS PER ACRE
EXISTING ZONE	R-1, LOW DENSITY RESIDENTIAL DISTRICT
PROPOSED ZONE	R-1, LOW DENSITY RESIDENTIAL DISTRICT
MINIMUM LOT SIZE	4,000 S.F.
MAXIMUM LOT SIZE	37,637 S.F.
AVERAGE LOT SIZE	8,989 S.F.

UTILITY PROVIDERS

POTABLE WATER:	CITY OF PASCO
IRRIGATION WATER:	CITY OF PASCO
SEWER:	CITY OF PASCO
SOLID WASTE:	CITY OF PASCO
POWER:	FRANKLIN PUD
GAS:	CASCADE NATURAL GAS CO.
TELEPHONE:	CENTURY LINK
SCHOOL DISTRICT:	CITY OF PASCO
FIRE DISTRICT:	CITY OF PASCO

OWNER/DEVELOPER

Name: EE RESOURCES, LLC
DAVE SWISHER
Contact: 250 NW FRANKLIN, SUITE 402
Address: BEND, OREGON 97701

Phone: (541)330-4312

ENGINEER

G2 ENGINEERING
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1414 E. ENOCH LANE
DEER PARK, WA 99006

(509)991-9033

GENERAL NOTES:

1. BASIS OF BEARING IS GRID, WASHINGTON STATE PLANE, NORTH ZONE, NAD83, US FOOT, BASED ON GPS OBSERVATIONS. DISTANCES ARE "GROUND" SCALED FROM GRID USING A COMBINED FACTOR OF 0.99995506 (1.00004494).
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deer park, wa 99006
509.991.9033

7-8-24

MADISON PARK NORTH
PRELIMINARY PLAT

SE QUADRANT
PRELIMINARY PLAT LAYOUT

CITY OF PASCO, WASHINGTON
ENGINEERING DIVISION
SECOND FLOOR
525 N. THIRD AVE
PASCO, WA 99301

VERTICAL DATUM - NGVD29
C.O.P. PSEI-2
3" BRASS CAP IN MONUMENT CASE
ELEV. 362.23

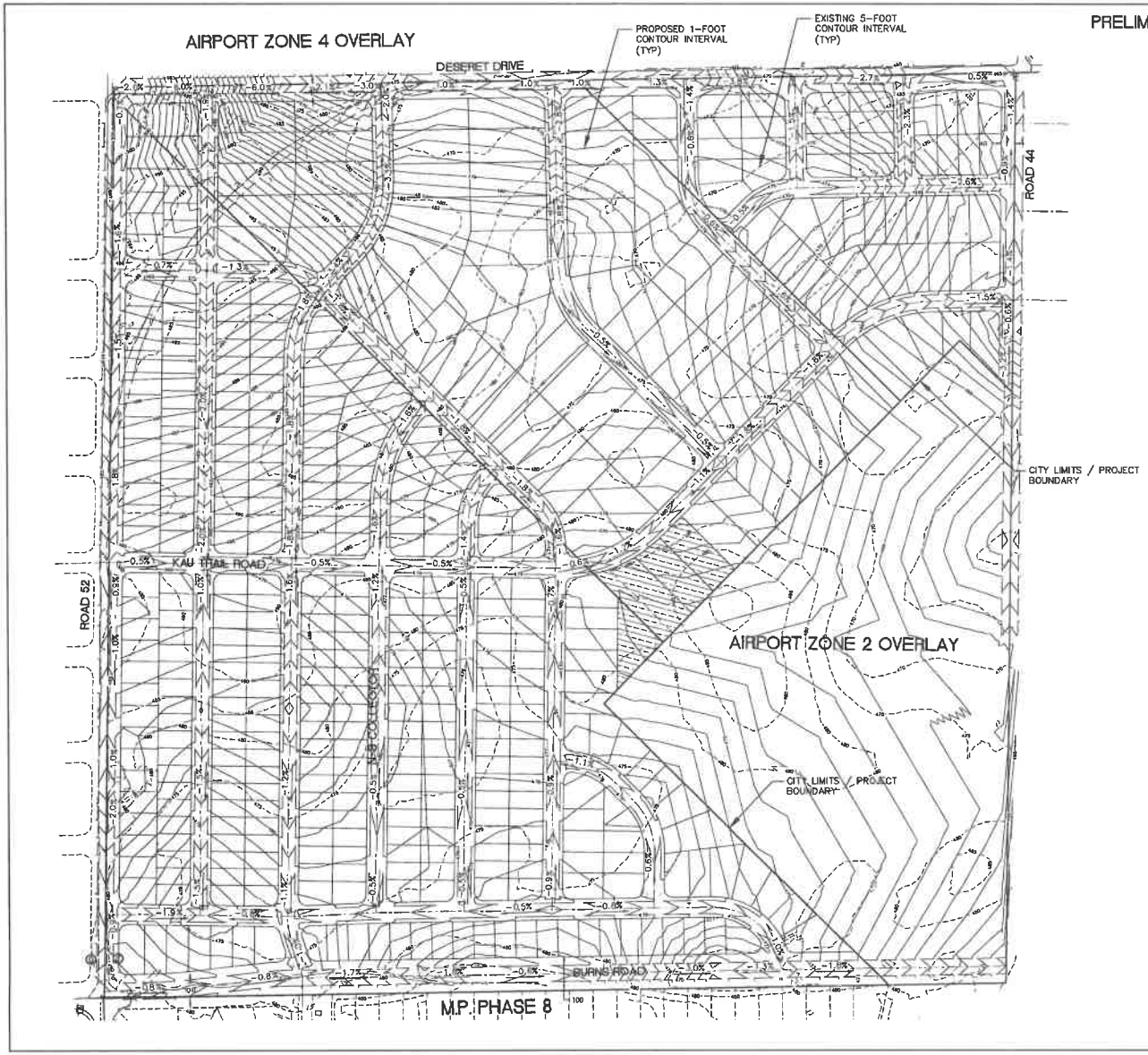
#	DATE	BY	REVISION
1	3-01-23	GRG	EXISTING SUBMITTAL
2	2-26-24	GRG	REVISED PER CITY OF PASCO COMMENTS
3	4-1-24	GRG	REVISED PER CITY OF PASCO COMMENTS
4	6-7-24	GRG	REVISED PER CITY OF PASCO COMMENTS
5	7-8-24	GRG	REVISED PER COORDINATION WITH CITY OF PASCO - PHASE TO BE PRIVATE 2" PAVING

SCALE
HOR. 1"=100'
VERT. N/A

PROJECT #: 23-001
DESIGNED BY: GRG
CHECKED BY: GRG

SE QUAD

5 OF 8



PRELIMINARY PLAT OF MADISON PARK NORTH PASCO, WASHINGTON

Located in Section 2, Township 9 North, Range 29 East, W.M., Franklin County, Washington

NORTH

150 75 0 150 300

SCALE FEET

DATUM: CITY OF PASCO DATUM

PRELIMINARY PLAT INFORMATION

INFORMATION	NEW PROJECT DATA
PARCEL NUMBER	114250018
SITE ADDRESS	NE CORNER OF ROAD 52 & BURNS ROAD
TOTAL AREA	132.5± ACRES
PUBLIC ROAD AREA	35.3± ACRES
PRIVATE PARK AREA, IF REQ'D	2.07± ACRES
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NUMBER OF LOTS	461 LOTS (IF PARK REQ'D) 484 LOTS (IF PARK NOT REQ'D)
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EXISTING ZONE	R-1, LOW DENSITY RESIDENTIAL DISTRICT
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MINIMUM LOT SIZE	4,000 S.F.
MAXIMUM LOT SIZE	37,637 S.F.
AVERAGE LOT SIZE	8,989 S.F.

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IRRIGATION WATER:	CITY OF PASCO
SEWER:	CITY OF PASCO
SOLID WASTE:	CITY OF PASCO
POWER:	FRANKLIN PUD
GAS:	CASCADE NATURAL GAS CO.
TELEPHONE:	CENTURY LINK
SCHOOL DISTRICT:	CITY OF PASCO
FIRE DISTRICT:	CITY OF PASCO

OWNER/DEVELOPER

Name: EE RESOURCES, LLC
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Phone: (541)330-4312

ENGINEER

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GABE GALLINGER
1414 E. ENOCH LANE
DEER PARK, WA 99006

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AIRPORT OVERLAY AREA

PROPERTY WITHIN THIS PLAT MAY BE SUBJECT TO VARYING NOISE LEVELS AND VIBRATIONS DUE TO PROXIMITY TO THE TRI-CITIES AIRPORT. PROPERTIES NEAR THE AIRPORT MAY BE LOCATED WITHIN HEIGHT AND USE RESTRICTION ZONES AS DESCRIBED AND ILLUSTRATED BY FEDERAL STANDARDS AND REGULATIONS AND THE CITY OF PASCO ZONING REGULATIONS. THERE IS THE POTENTIAL THAT STANDARD FLIGHT PATTERNS WILL RESULT IN AIRCRAFT PASSING OVER THE PROPERTIES AT LOW ALTITUDES AND DURING ALL HOURS OF THE DAY. FUTURE AIRPORT EXPANSION INCLUDING RUNWAY EXTENSIONS MAY IMPACT THE SIZE AND NUMBER OF AIRCRAFT UTILIZING THE AIRPORT. DEVELOPMENTS NEAR THE AIRPORT SHOULD ASSUME THAT AT ANY GIVEN TIME THERE WILL BE SOME IMPACT FROM AIR TRAFFIC.

G2 ENGINEERING
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deer park, wa 99006
509.991.9033

GABE R. GALLINGER — STATE OF WASHINGTON — 40377 — REGISTERED PROFESSIONAL ENGINEER
7-8-24

MADISON PARK NORTH
PRELIMINARY PLAT MAP

OVERALL GRADING PLAN AND AIRPORT OVERLAY ZONE

CITY OF PASCO, WASHINGTON
ENGINEERING DIVISION
SECOND FLOOR
525 N. 3RD AVENUE
PASCO, WA 99301

VERTICAL DATUM - NGVD29
CGP: PSBM-7
3" BRASS CAP IN MONUMENT CASE
EL. 362.21

#	DATE	BY	REVISION
1	7-01-23	GRG	ORIGINAL SUBMITTAL
2	2-26-24	GRG	REVISED PER CITY OF PASCO COMMENTS
3	4-1-24	GRG	REVISED PER CITY OF PASCO COMMENTS
4	6-7-24	GRG	REVISED PER CITY OF PASCO COMMENTS
5	7-8-24	GRG	REVISED PER CITY OF PASCO COMMENTS - CITY OF PASCO-PARK TO BE PRIVATE IF PROVIDED

SCALE
HOR. 1"=150'
VERT. N/A

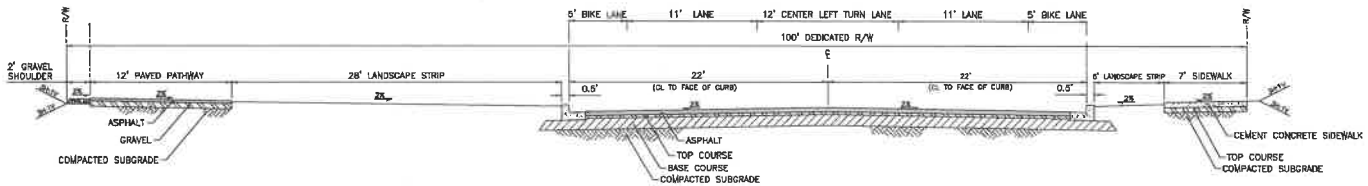
PROJECT #: 22-001
DESIGNED BY: GRG
CHECKED BY: GRG

GRADING

6 OF 8

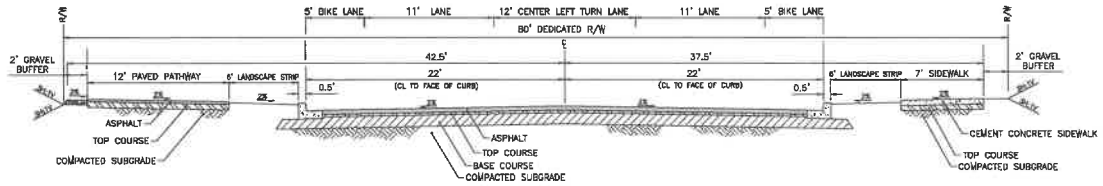
PRELIMINARY PLAT OF MADISON PARK NORTH
PASCO, WASHINGTON

Located in Section 2, Township 9 North, Range 29 East, W.M.,
Franklin County, Washington



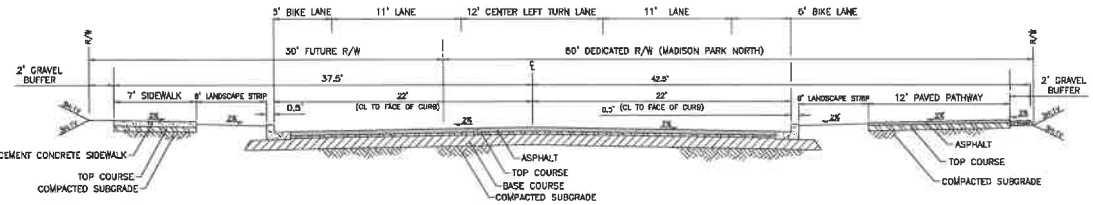
BURNS ROAD TYPICAL SECTION (A / 4,5)

NOT TO SCALE



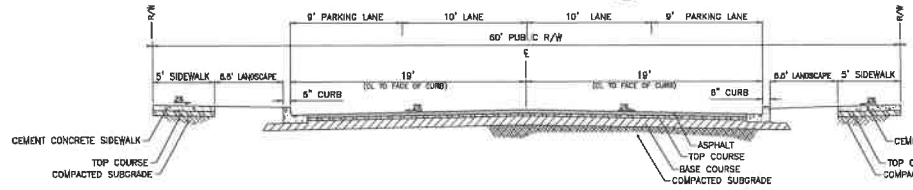
ROAD 52 TYPICAL SECTION (B / 2,4)

NOT TO SCALE



DESERET DRIVE TYPICAL SECTION (C / 2,3)

NOT TO SCALE



KAU TRAIL ROAD TYPICAL SECTION (D / 2,3)

NOT TO SCALE

NOTES:

1. IMPROVEMENTS TO BE CONSTRUCTED IN ACCORDANCE WITH THE NE CITY OF PASCO DESIGN AND CONSTRUCTION STANDARDS, PER DIMENSIONS SHOWN ON TYPICAL SECTION.
2. AT A MINIMUM, A PARTIAL ROAD SECTION WILL BE PROVIDED AS THE ASSOCIATED FRONTAGE IMPROVEMENTS ARE CONSTRUCTED.
3. MIXED USE PATHS WILL BE INSTALLED AS SHOWN ON THE TYPICAL STREET CROSS SECTIONS AND ARE SPECIFICALLY REQUIRED ON THE SOUTH SIDE OF DESERET DRIVE, NORTH SIDE OF BURNS ROAD, AND THE WEST SIDE OF ROAD 44.

OWNER/DEVELOPER

Name: EE RESOURCES, LLC
DAVE SWISHER
Contact: 250 NW FRANKLIN, SUITE 402
Address: BEND, OREGON 97701
Phone: (541)330-4312

ENGINEER

G2 ENGINEERING
GABE DALLINGER
1414 E. ENOCH LANE
DEER PARK, WA 99006
(509)991-9033

G2 ENGINEERING
1414 e. enoch lane
deer park, wa 99006
509.991.9033

GABE R. DALLINGER — 15577 — REGISTERED PROFESSIONAL ENGINEER — 7-8-24

MADISON PARK NORTH
PRELIMINARY PLAT MAP

TYPICAL STREET CROSS SECTIONS

CITY OF PASCO, WASHINGTON
ENGINEERING DIVISION
SECOND FLOOR
525 N. THIRD AVE.
PASCO, WA 99301

VERTICAL DATUM - NGVD29

CUP: FMID-2
3" BRASS CAP IN MONUMENT CASE
ELEV. = 535.23

#	DATE	BY	REVISION
1	1-31-23	GRG	ORIGINAL SUBMITTAL
2	3-28-24	GRG	REVISED PER CITY OF PASCO COMMENTS
3	4-2-24	GRG	REVISED PER CITY OF PASCO COMMENTS
4	6-7-24	GRG	REVISED PER CITY OF PASCO COMMENTS
5	7-8-24	GRG	REVISED PER COORDINATION WITH CITY OF PASCO - PATH TO BE PROVIDED IF PROVIDED

SCALE
HOR. NTS
VERT. N/A

PROJECT #: 22-001
DESIGNED BY: GRG
CHECKED BY: GRG

DETAILS
7 OF 8

G2
MADISON PARK NORTH
PRELIMINARY PLAT MAP
PUBLIC NEIGHBORHOOD PARK LAYOUT
CITY OF PASCO, WASHINGTON
ENGINEERING DIVISION
525 N. THIRD AVE.
PASCO, WA 99301
KETTRICAL CATTLE - HOMES
DETAILS
8 OF 8
REFERENCE NOTES SCHEDULE
NOTES:
PRELIMINARY PLAT LAYOUT
453
21098 SF
452
20210 SF
451
20648 SF
450
31041 SF
UNDEVELOPED TRACT
KAU TRAIL ROAD
FENCE LINE
SEWER EASEMENT
LIMITS OF PROPOSED PARK

A-26

2024 07 24 HE STAFF REPORT EXCERPTS

REPORT TO THE HEARING EXAMINER
City Hall – 525 North Third Avenue – Council Chambers
WEDNESDAY, 24 July 2024
6:00 PM

MASTER FILE #: **PP 2022-007**

APPLICANT: Dave Swisher
250 NW Franklin, Suite 402
Bend, OR 97701

REQUEST: **Preliminary Plat:** Subdivision of a parcel to create 461 lots within the R-1 Low Density Residential zoning district.

Timeline:

7 April 2023	Application Submitted
2 April 2023	Application Deemed Incomplete
17 April 2023	Application Deemed Complete
14 April 2023	Notice of Application with Optional SEPA Determination of Non-significance
9 July 2024	SEPA Mitigated Determination of Non-Significance Issued
7 July 2024	Application Noticed for Public Hearing
17 July 2024	Public Hearing Staff Report Published
22 July 2024	Condition of Approval 17 was amended to reflect the common area fee dollar amount for this subdivision has not been established.

BACKGROUND

1) PROPERTY DESCRIPTION:

Legal: THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 29 EAST, W.M.,FRANKLIN COUNTY, WASHINGTON.
EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 2; THENCE NORTH 0°54'15" EAST 1736.16 FEET ALONG THE MID-SECTION LINE OF SAID SECTION 2 TO THE NORTHEASTERLY BOUNDARY OF THAT EASEMENT DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 1952537, RECORDS OF FRANKLIN COUNTY, WASHINGTON; THENCE NORTH 45°15'31" WEST 217.16 FEET ALONG SAID NORTHEASTERLY BOUNDARY; THENCE SOUTH 44°44'29" WEST 1500.00 FEET ALONG THE NORTHWESTERLY BOUNDARY OF SAID EASEMENT; THENCE SOUTH 45°15'31" EAST 1177.05 FEET ALONG THE SOUTHWESTERLY

BOUNDARY OF SAID EASEMENT TO THE SOUTH LINE OF SAID SECTION 2; THENCE NORTH 89°08'41" EAST 346. 70 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.
(Also known as Parcel B of Survey recorded under Auditor's File No. 1967124)
General Location: Parcel 114-250-018 in Pasco, Washington.
Property Size: 129.09 acres.

2) **ACCESS:** The property has access from Burns Road and Roberta Road.

3) **UTILITIES:** Municipal water is available and will be extended from the southwest, municipal sewer will be extended to the property from the southwest.

LAND USE AND ZONING: The property is zoned R-1 (Low Density Residential) and is currently undeveloped. Zoning, and current use of surrounding properties:

North:	RR-1	Rural Residential 1/Single Family Homes
East:	RR-1	Rural Residential 1/Single Family Homes
South:	RS-1/PDD	Suburban Planned Density Development/Single Family Homes
West:	R-1/R-3	Low and Medium Density Residential/Irrigated Agriculture

4) **COMPREHENSIVE PLAN:** The City of Pasco Comprehensive Plan designates this site as "Low Density Residential." The Low-Density Residential designation is described as a variety of residential housing at a density of 3 to 6 dwelling units per acre, and may be assigned RS-20, RS-12, RS-1, R-1, R-1-A, and R-1-A2 zoning district designations.

6) **ENVIRONMENTAL DETERMINATION:** The City of Pasco is the SEPA lead agency for this project. Based on the SEPA environmental checklist (SEPA2022-032), the adopted City Comprehensive Plan, City development regulations, and other information, a threshold determination resulting in a Mitigated Determination of Non-Significance (MDNS) was issued on July 9, 2024, for this project under WAC 197-11-355.

ANALYSIS

Request

Applicant proposes to subdivide a 129.09-acre parcel into 464 individual lots for single family dwellings within the R-1 Low Density Residential zoning district.

History

The site was annexed into the City in 2022 via Ordinance 4574 and subsequently assigned the R-1 (Low Density Residential) zoning designation via Ordinance 4584. The site undeveloped and has historically been used as farmland.

Lot & Right-of-Way Layout

The proposed plat would create 461 lots, a portion set aside for a private neighborhood park. A network of streets would be dedicated and improved to City code and standards to provide adequate access to all lots and to ensure access for future development. The plat also includes multi-use paths (MUPs) for pedestrians and cyclists adjacent to Burns Road, Road 52, and Deseret Drive.

The proposed lots vary in size from 5,000 sq. ft. to 37,637 sq. ft. It should be noted that a portion of the plat falls within the "Zone 4 – Outer Approach/Departure Zone" designation which requires residential density at a minimum of the RS-20 zoning. The lots within this airport zone designation have been designed to have a minimum of 20,000 sq. ft. of lot size attributing to the variety of lot sizing within the proposed plat. The site

has a City of Pasco Comprehensive Plan Land Use Designation of Low Density Residential, requiring a density between 3 and 5 dwelling units per acre (du/ac). The plat provides a density of approximately 3.6 du/ac meeting the requirements of PMC and the intent of the Comprehensive Plan.

STAFF FINDINGS OF FACT

1) Notice of the public hearing was sent to property owners within 300 feet of the subject property on July 2, 2024, and published in the Tri-City Herald newspaper on July 7, 2024, and posted on site on July 3, 2024.
2) An application for the proposed plat was submitted on April 7, 2023 and determined to be complete on April 17, 2023.
3) A Notice of Application with SEPA Optional Determination of Non-significance was issued on April 14, 2024.
4) The proposed site is Parcel # 114-250-018 in Pasco, WA.
5) The site's Comprehensive Plan designation is Low Density Residential which allows for residential development at a density between 3 and 6 dwelling units per acre.
6) The proposed number of lots equates to approximately 3.6 dwelling units per acre.
7) The site has historically been used as farmlands and is otherwise undeveloped.
8) The project will involve the construction of a network of roads to provide access to the new lots.
9) Water and sewer services will be extended to and through the development to provide municipal services to the new lots.
10) Water rights shall be either deeded to the City or an in-lieu of fee paid prior to recording of any final plat.
11) Per the City of Pasco Parks, Recreation and Open Space Master Plan the goal for Level of Service (LOS) of 2 acres of neighborhood park land and 2.1 acres if community park land per 1,000 population. Based on the anticipated population that would be generated by the development a total of 4.73 acres of parkland are needed to meet LOS goals.
12) The proposed plat provides 2.09 acres of private parklands and 2.1 acres of MUPs, the remaining 0.54 acres of necessary parklands will be serviced by the developing sports field at the new Pasco Highschool developing to the West.
13) A traffic concurrency evaluation was completed to determine the proposal's impacts to the transit network, a proportionate share fee has been determined and assessed to mitigate the impacts.
14) An approximately 2-acre sized private park is proposed within the subdivision that would be accessible to the residents, a park impact fee credit will be applied.
15) Per SEPA 2022-032 MDNS, traffic impacts shall be mitigated with a proportionate share of the following intersections/projects:
    a. Burns Road Extension (TSMP EXP6, TIP 5.02) – Extend Burns Road as a three-lane minor arterial, from Road 68 to Rio Grande Lane (up to $1,050,000).
    b. Burns Road & Road 68 Intersection (TSMP EXP6, TIP 5.02) – Convert intersection from side street stop control to signalized (up to $472,500).
    c. Burns Road & Road 60 Intersection – Convert intersection from side street stop control to signalized (up to 25%).
    d. Sandifur Parkway & Convention Drive Intersection (TSMP INT 2, TIP 5.15) – Convert intersection from side street stop control to signalized (up to 22%).
    e. Burden Boulevard & Road 68 Intersection / Road 76 Overpass (TSMP INT 3 & EXT 2, TIP 5.08) – Contribute to the Road 76 Overpass as a mitigation for impacts to Burden Boulevard & Road 68 intersection (up to $624,750).

16) Traffic, Park, and School impact fees will be collected for each lot prior to building permits being issued for new residences. Credits and reductions to the Traffic and Park impact fees will be provided when and where appropriate in accordance with PMC 3.40.090 and PMC 3.50.070.

TENTATIVE CONCLUSIONS BASED ON FINDINGS OF FACT

As per PMC 21.25.060, Upon conclusion of the open record hearing, the Hearing Examiner shall make and enter findings from the record and conclusions thereof as to whether or not:

(1) Adequate provisions are made for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, transit stops, schools and school grounds, sidewalks for safe walking conditions for students, and other public needs;

The proposed subdivision will be serviced by City emergency services and proposes to develop a private park approximately 2 acres in size. The proposal is also dedicating and constructing adequate right-of-way and will be required to construct the right-of-way to meet the requirements of PMC and the Pasco Design and Construction Standards. These requirements include the construction of new sidewalks adjacent to the right-of-way for safe pedestrian travel as well as multi-use paths (MUPs) along the north side of the Burns Road right-of-way, the south side of the Deseret Drive right-of-way, and along Road 52. Utilities such as municipal water and sewer are required to be extended to and through the right-of-way to provide access to all lots within the proposed subdivision.

Traffic, park, and school impact fees will be collected with each building permit issued for a new dwelling to account for impacts to the transit system, school system, and park land improvements and maintenance. Credits and reductions to the traffic and park impact fees will be provided in accordance with PMC 3.40.090 and PMC 3.50.070.

(2) The proposed subdivision contributes to the orderly development and land use patterns in the area;

The proposed development may contain various types of residential single family dwellings and will match the single family dwelling pattern within the vicinity. While the range of lot sizes vary greatly due to the proximity to Airport Zone 4 designated lands each lot will be developed to comply with the zoning code of Low Density Residential and will be in conformance with the underlying land use designation of Low Density Residential which applies for all of the lands in the general vicinity.

The development will also be required to construct row-of-improvements such as curb, gutter, sidewalk, street lighting, etc. for safe pedestrian travel and for the welfare of the residents. This will differ from many of the surrounding properties as such row-of-way improvements are not present. MUPs will also be provided on Burns Road, Road 52, and Deseret Lane which will connect to the MUPs of nearby and adjacent developments.

(3) The proposed subdivision conforms to the policies, maps and narrative text of the Comprehensive Plan;

Pasco's Comprehensive Plan Future Land Use Map designates the land as "Low Density Residential" which allows for the RS-20, RS-12, RS-1, R-1, R-1-A, and R-1-A2 zoning designations and allows for a variety of residential housing at a density of 3 to 6 dwelling units per acre. The sites zoning designation and proposed density of 6 dwelling units per acre conforms with the Comprehensive Plan. Further, the proposal aligns with the policies of the Comprehensive Plan such as:

- ***Housing Policy H-3-A: Encourage innovative techniques in the design of residential neighborhoods and mixed-use areas to provide character and variety in the community.*** *The proposed plat includes a variety of lot sizes ranging from lot sizes typical in the R-1 zoning designation and the RS-20 zoning designation. Further the plat will provide a private park and MUPs for recreation and walkability.*
- ***Land Use Policy LU-2-E: Discourage the siting of incompatible uses adjacent to Pasco (Tri-Cities) Airport and other essential public facilities.*** *The proposal adheres to the requirements of the Airport*

Overlay District by providing the necessary lot sizes within each compatibility zone. The development has accounted for the siting to ensure it is compatible with the adjacent airport and is in conformance with the Airport Overlay District.

- ***Land Use Policy LU-4-E: Encourage the orderly development of land by emphasizing connectivity and efficiency of the transportation network.*** *The proposal provides a network of roads in conformance with Pasco's code and requirements. The proposal also provides MUPs that will serve to connect the development to adjacent developments and major roadways.*
- ***Capital Facilities Policy CF-3-A: Assure land development proposals provide land and/or facilities or other mitigation measures to address impacts on traffic, parks, recreational facilities, schools, and pedestrian and bicycle trails.*** *The proposal will provide impact fees during the permitting process to address the impacts on traffic, parks, and schools. Further, a concurrency evaluation and traffic analysis were completed as a portion of the review and the development will contribute fees proportionate to their impacts to the transportation network. The development will also construct MUPs that may be used for pedestrian and bicycle travel to and around the area.*
- ***Transportation Policy TR-1-F: Develop an interconnected network of streets, trails, and other public ways during the development process while preserving neighborhood identity.*** *The proposal will develop a network of roads and MUPs that responsibly connect it to major travel corridors and adjacent developments.*

(4) The proposed subdivision conforms to the general purposes of any applicable policies or plans which have been adopted by the City Council;

The City Council has adopted the Pasco Comprehensive Plan which contains various goals and policies of which the proposal conforms to, see example policies under (3) of this section. Further, the proposal conforms with some Council's 2022-2023 goals such as:

- ***Economic Vitality: Implementation of the Comprehensive Land Use Plan through related actions including zoning code changes, phased sign code update, and development regulations and standards.*** *In November of 2023 the City Council passed Ordinance 4700 relating to residential design standards. These standards provide various housing types, lot sizes, frontage widths etc. which the proposed plat will conform to and use.*

(5) The proposed subdivision conforms to the general purposes of this title;

Title 21 "Pasco Urban Area Subdivision Regulations" contains requirements and procedures for various subdivision types. Requirements include those for streets, lots and blocks, and application materials for each type of subdivision action. The proposed subdivision meets the requirements of Title 21 in all respects.

(6) The public use and interest will be served by approval of the proposed subdivision.

The proposed plat, if approved, will be developed in accordance with all City codes and standards designed to ensure the health, safety and general welfare of the community are met. The Comprehensive Plan will be implemented through developed of this plat. These factors will ensure the public use and interest are served.

APPROVAL CONDITIONS

1) The Madison Park North subdivision shall be developed in substantial conformance with the submitted Plat. The subdivision shall contain 461 residential lots.
2) All improvements shall be in accordance with the Pasco Municipal Code. The Pasco Municipal Code adopts the most recent versions of the City of Pasco Standard Specifications, the Washington State Department of Transportation Standard Specifications for Road, Bridges, and Municipal Construction, the International Building Code, and International Fire Code. If there are any conflicting regulations in any of these documents, the more stringent regulation shall apply.

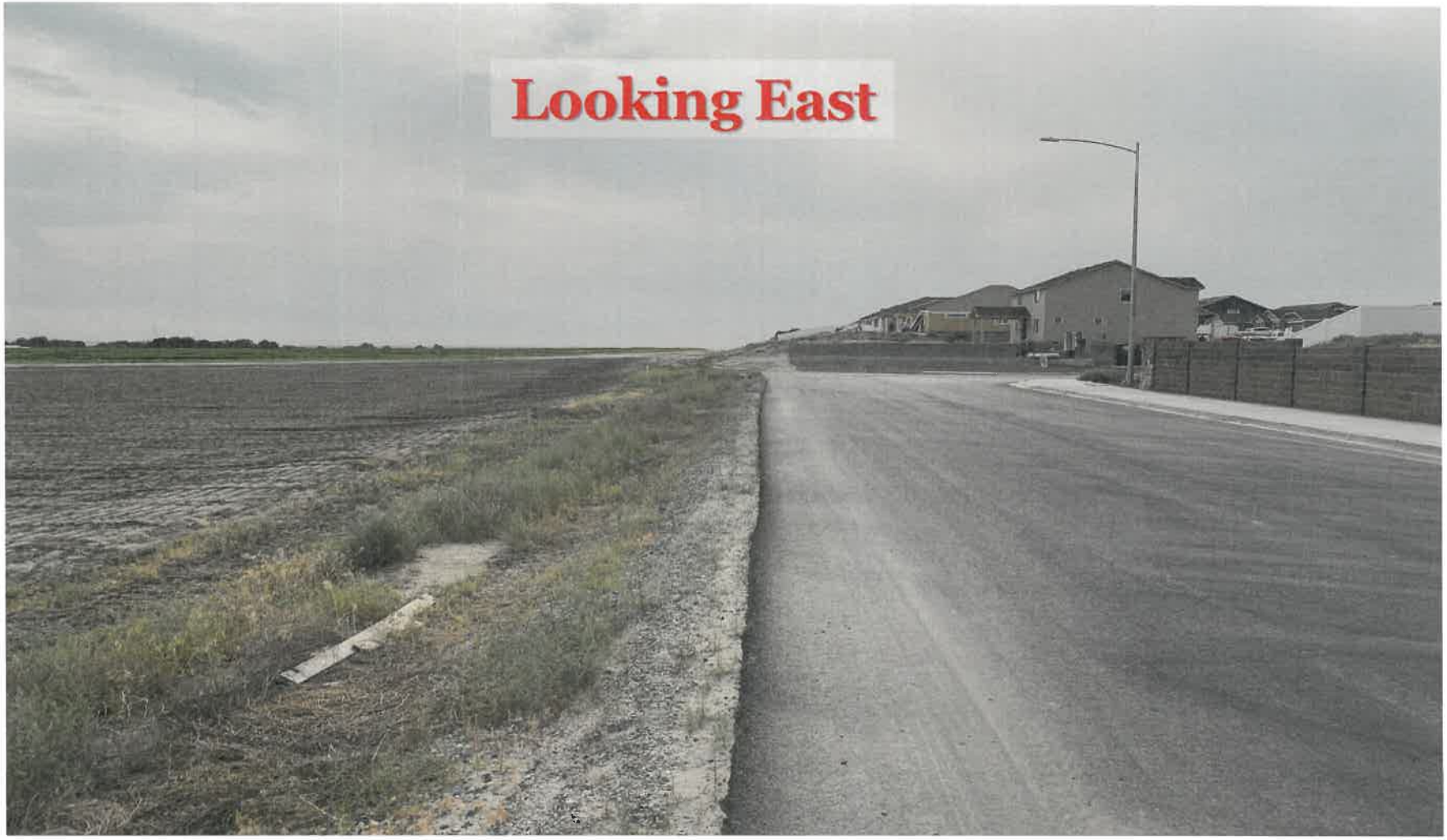
3) The face of the final plat shall include this statement: "As a condition of approval of this plat the owner has waived the right to protest the formation of a Local Improvement District for right-of-way and utility improvements to the full extent as permitted by RCW 35.43.182."
4) The face of the final plat shall include this statement: "The individual or company making improvements on a lot or lots of this plat is responsible for providing and installing all trench, conduit, primary vaults, secondary junction boxes, and backfill for the PUD's primary and secondary distribution system in accordance with PUD specifications; said individual or company will make full advance payment of line extension fees and will provide all necessary utility easements prior to PUD construction and/or connection of any electrical service to or within the plat."
5) The face of the final plat shall include this statement: "Property within this plat may be subject to varying noise levels and vibrations due to proximity to the Tri-Cities Airport. Properties near the airport may be located within height and use restriction zones as described and illustrated by federal standards and regulations and the City of Pasco Zoning Regulations. There is the potential that standard flight patterns will result in aircraft passing over the properties at low altitudes and during all hours of the day. Future airport expansion including runway extensions may impact the size and number of aircraft utilizing the airport. Developments near the airport should assume that at any given time there will be some impact from air traffic."
6) Any existing water rights associated with the subject property shall be transferred to the City as a condition of approval. If no water rights are available then the property owner, in accordance with PMC 21.05.120, shall pay to the City, in lieu thereof, a water rights acquisition fee as established in the City Fee Summary Ordinance as identified in PMC 3.35.
7) Only City and other utilities with franchise agreements are allowed in the public right-of-way.
8) Any and all overhead power is required to be re-routed below ground, unless the applicant can demonstrate that such undergrounding is technically or financially unfeasible.
9) It shall be the responsibility of the property owner/developer to contact all utility owners to determine their system improvement requirements. Prior to subdivision construction plan submittal and/or review, the property owner/developer shall provide the City of Pasco written support/approval of the proposed development from all outside utilities, public and private.
10) All fee payments for bonding of Right-Of-Way improvements and Water Rights must be paid at or before the time of final plat being submitted for signatures.
11) Street lighting will be required per City standards.
12) All stormwater is required to be maintained and treated on site in accordance with Washington State Department of Ecology and City of Pasco Standards.
13) All utilities to be extended to-and-through the property being developed.
14) The final plat shall detail existing conditions, such as the names of neighboring subdivisions and property lines of all adjacent properties.
15) The final plat shall include a comment stating: "Existing regulations regarding sight distance, fence height, and setbacks may affect the placement of fences and driveways on any corner lots."
16) The face of the final plat shall include this statement: "The developer shall install a common "Estate" type fence/wall six feet in height along Burns Road as part of the infrastructure improvements associated with the plat. The fence/wall must be constructed of masonry block. Fence design and material must be approved by the Community and Economic Development Director. An approved vision triangle at the intersection of streets will be required. Following construction of the masonry fence/wall, the City may

make repairs or replace the fencing as needed. Property owners adjoining said fence shall be responsible for payment of all costs associated with maintenance and upkeep of the fence/wall."

17) The developer/builder shall pay the City a "common area fee" pursuant to PMC 25.180.060(6) and PMC 3.100, upon issuance of building permits for homes. These funds shall be placed in a fund per PMC 3.100, and used to finance the maintenance of arterial boulevard strips. The City shall not accept maintenance responsibility for the landscaping abutting said streets until such time as all fees are collected for each phase that abut said streets.
18) In accordance with PMC 3.50.070, relating to park impact fee reductions, the development shall be credited a 39.55% reduction in park impact fees for the construction of the private park and MUPs. This reduction shall apply at fee assessment during the building permit process.
19) Traffic, Park, and School impact fees will be collected for each lot prior to building permits being issued for new residences. Credits and reductions to the Traffic and Park impact fees will be provided when and where appropriate in accordance with PMC 3.40.090 and PMC 3.50.070.

RECOMMENDATION

Staff recommends approval of the Madison Park North Preliminary Plat located on Parcel # 114-250-018, Pasco, WA with conditions per above.


Looking East

A-27

2024 11 04 - MADISON PARK NORTH SEPA MDNS

City of Pasco
Community Development Department
PO Box 293, 525 N 3rd Ave, Pasco, WA 99301
P: 509.545.3441 / F: 509.545.3499

SEPA MITIGATED DETERMINATION OF NON-SIGNIFICANCE

Issuance Date: November 4, 2024

Lead Agency: City of Pasco

Agency Contact: Craig Raymond, Community and Economic Development Deputy Director

Project Name: Madison Park North Preliminary Plat

Project Number: SEPA 2023-032/PP 2022-007

Proponent: Dave Swisher
250 NW Franklin, Suite 402
Bend, OR 97701

Applicant: Dave Swisher
250 NW Franklin, Suite 402
Bend, OR 97701

Description of Proposal: The applicant, Dave Swisher, proposes to subdivide a 129.09-acre parcel into 464 individual lots for single family dwellings within the R-1 Low Density Residential Zoning District.

The proposed plat would create 464 residential building lots, along with a tract that is currently proposed to remain undeveloped. A network of streets would be dedicated and improved to City code standards to provide adequate access to all lots and to ensure access for future development. The plat also includes multi-use paths (MUPs) for pedestrians and cyclists adjacent to Burns Road, Road 52, and Deseret Drive.

The proposed lots vary in size from 5,000 sq. ft. to 37,637 sq. ft. It should be noted that a portion of the proposed plat falls within Airport Safety Compatibility Zone (ASCZ) "Zone 4-Outer Approach/Departure Zone" designation, which limits residential density within that area to that allowed in the RS-20 zoning district. The proposed density of the portion of the proposed plat within the ASCZ Zone 4 is 1.7 dwelling units per acre (du/ac), which is less than the 2.18 maximum du/ac allowed in RS-20, meeting the requirements of the ASCZ Zone 4. The site has a City of Pasco Comprehensive Land Use designation of Low Density Residential, requiring a density between 3 and 5 du/ac. The plat provides a density of approximately 3.6 du/ac, meeting the requirements of the PMC Chapter 25.215 and the intent of the Comprehensive Plan.

Location of Proposal: Northeast corner of the intersection of Burns Road and Road 52, and south of Roberta Road; Parcel # 114-250-018 in Pasco, Franklin County, WA.

RECORD 1762

Notice of Non-Significance: The City of Pasco has determined that this proposal, as conditioned, will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other supplemental and additional information on file with the City of Pasco. This information is available to the public upon request.

An MDNS was previously issued for this project on July 9, 2024. That MDNS was withdrawn on September 16, 2024, and is hereby replaced with this MDNS.

This MDNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date issued. This MDNS is issued with a comment period specified below.

Mitigation Measures:

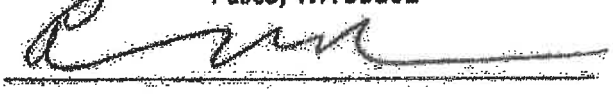
1. The applicant shall pay mitigation to the City of Pasco for impacts to the City roadway system. The mitigation required is $709.00 per residential unit. The project will result in 464 residential units. Thus, $709 X 464 = $328,976.00 total traffic mitigation required. Payment of traffic mitigation fees to the City is required prior to the issuance of the first building permit.
2. Prior to any ground disturbing activity, a cultural resources survey shall be completed and submitted to the Washington State Department of Archeology and Historic Preservation (DAHP) and the City of Pasco. If the survey uncovers any archeological resources, a permit must be obtained from DAHP prior to any ground disturbing activity that removes or alters Native American human remains or archeological resources.
   Description: *DAHP's statewide predictive model indicates that there is a high probability of encountering cultural resources within the proposed project area. Further, the scale of the proposed ground disturbing actions would destroy any archaeological resources present. Therefore, a professional archaeological survey of the project area must be conducted.*
   In the event that any archaeological or cultural resources are uncovered during site work, the applicant shall immediately halt work in the area of discovery and notify DAHP. Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.

Comment Period: Interested persons may comment on this MDNS. Comments must be submitted by 5:00 p.m. on November 18, 2024, to the Responsible Official at City of Pasco, 525 N. 3rd Ave., Pasco, WA 99301, or by email to raymondc@pasco-wa.gov. Upon review of any timely comments received during the comment period, the Responsible Official will, in accordance with WAC 197-11-340(2) and (3), reconsider the MDNS and may retain or modify the MDNS or, if the Responsible Official determines that significant adverse impacts are likely, withdraw the MDNS.

RECORD 1763

Appeals: An appeal of this determination may be submitted to the City of Pasco Community and Economic Development Department at 525 N. 3rd Ave., Pasco, WA 99301 within twenty-one (21) calendar days of the date of issuance indicated above. Apppeals must be received by the City no later than 5:00 p.m. on November 25, 2024. Appeals must conform to and shall be conducted consistent with PMC 23.35.070, and all other applicable SEPA statutes and regulations, including as set forth in WAC 197-11-680. Any required fees pursuant to PMC 23.35.070 shall be paid at the time of appeal submittal.

Responsible Official:	Craig Raymond
Position/Title:	Community and Economic Development Deputy Director
Phone	(509) 545-3451
Address:	525 N. 3rd Ave. Pasco, WA 99301

Signature:  **Date:** 11/4/24

RECORD 1764

A-28

2024 11 25 - RAVEN PLACE HE DETERMINATION

City of Pasco
Community Development Department
PO Box 293, 525 N 3rd Ave, Pasco, WA 99301
P: 509.545.3441 / F: 509.545.3499

NOTICE OF DECISION

Date of Notice:	November 25, 2024
File Number(s):	PP2022-006
Type of Application:	Preliminary Plat
Applicant:	Pro Made Homes, Paul Lavrentiev
Date of Decision:	**November 21, 2024**

Pursuant to Pasco Municipal Code (PMC) 2.50.110 enclosed is the City of Pasco Land Use Hearing Examiner's decision regarding Application PP2022-006 Raven Place.

APPEAL

This decision will be considered final if no appeals are filed with the Superior Court of Franklin County within the allowed time frame described in PMC 2.50.120.

Enc. Hearing Examiner's Decision, dated 11/21/2024

Cc. Parties of Record

CITY OF PASCO
LAND USE HEARING EXAMINER

IN THE MATTER OF	)	**FINDINGS OF FACT,**
	)	**CONCLUSIONS OF LAW, AND**
PP2022-006	)	**DECISION AND**
Raven Place	)	**CONDITIONS OF APPROVAL**

THIS MATTER having come on for hearing in front of the City of Pasco Hearing Examiner on November 13, 2024, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. Legal: That parcel of land located in a portion of that certain parcel of land conveyed as Parcel C by deed recorded under Auditor's File No. 1838729 records of Franklin County, Washington, located in a portion of Section 3, Township 9 North, Range 29 East, Willamette Meridian, Franklin County, Washington, described as follows:

   1.1. Beginning at the Northwest corner of the Southeast quarter of said Section 3; Thence South 01 °55'20" West along the West line of said deeded Parcel C, 772.18 feet; Thence South 01 °09'09" West along the West line of said deed Parcel C, 574.63 feet to the South line of the Northwest quarter of said Southeast quarter; Thence North 89°26'04" East along the South line of said Northwest quarter, 1323.71 feet to the Southeast corner thereof; Thence North 01 °55'38" East along the East line of said Northwest quarter, 1346.19 feet to the North line of said deeded Parcel C; Thence North 89°02'15" West along the North line of said deeded Parcel C, 406.65 feet; Thence South 88°49'09" West along the North line of said deeded Parcel C, 925.06 feet to the Point of Beginning.

   1.2. General Location: Parcel 114-330-041 in Pasco, Washington.

   1.3. Property Size: 41.23 acres.

2. Legal: That parcel of land located in a portion of that certain parcel of land conveyed as Parcel C by deed recorded under Auditor's File No. 1838729 records of Franklin County, Washington, located in a portion of Section 3, Township 9 North, Range 29 East, Willamette Meridian, Franklin County, Washington, described as follows:

   2.1. Beginning at the Northeast corner of the Southeast quarter of said Section 3; Thence South 01 °55'56"

   2.2. West along the East line of said Southeast quarter, 1336.10 feet to the Southeast corner of the Northeast quarter of said Southeast quarter; Thence South 89° 26'04" West along the South line of said Northeast quarter of said Southeast quarter, 1331.43 feet to the Southwest corner thereof; Thence North 01 °55'38" East along the West line of said Northeast quarter of the Southeast quarter, 1346.19 feet to the North line of said deeded Parcel C; Thence South 89°02'15" East along the North line of said deeded Parcel C,

203.61 feet; Thence North 89°40'16" East along the North line of said deeded Parcel C, 1127.58 feet to the Point of Beginning.

2.3. General Location: Parcel 114-330-042 in Pasco, Washington.

2.4. Property Size: 40.90 acres.

3. Legal: That parcel of land located in a portion of that certain parcel of land conveyed as Parcel C by deed recorded under Auditor's File No. 1838729 records of Franklin County, Washington, located in a portion of Section 3, Township 9 North, Range 29 East, Willamette Meridian, Franklin County, Washington, described as follows:

3.1. Beginning at the Southwest corner of the Southeast quarter of said Section 3; Thence North 89°11 '53" East along the South line of said Southeast quarter 1331.56 feet to the Southeast corner of the Southwest quarter of said Southeast quarter; Thence North 01 °55'38" East along the East line of said Southwest quarter of the Southeast quarter, 1341.60 feet to the Northeast corner thereof; Thence South 89°26'04" West along the North line of said Southwest quarter of the Southeast quarter of the Southeast quarter, 1323.71 feet to the West line of said deeded Parcel C; Thence South 01°09'09" West along the West line of said deeded Parcel C, 525.68 feet; Thence South 02°57'09" West along the West line of said deeded Parcel C, 821.93 feet to the Point of Beginning.

3.2. General Location: Parcel 114-330-043 in Pasco, Washington.

3.3. Property Size: 40.77 acres.

4. Legal: That parcel of land being the Southeast quarter of the Southeast quarter of Section 3, Township 9 North, Range 29 East, Willamette Meridian, Franklin County, Washington, described as follows:

4.1. Beginning at the Southeast corner of said Southeast quarter of Section 3; Thence North 01 °55'56" East along the East line of said Southeast quarter of the Southeast quarter, 1336.10 feet to the Northeast corner thereof; Thence South 89°26'04" West along the North line of said Southeast quarter of the Southeast quarter, 1331.43 feet to the Northwest corner thereof; Thence South 01 °55'38" West along the West line of said Southeast quarter of the Southeast quarter, 1341.60 feet to the Southwest corner thereof; Thence North 89°11'53" East along the South line of said Southeast quarter of the Southeast quarter, 1331.56 feet to the Point of Beginning.

4.2. General Location: Parcel 114-330-044 in Pasco, Washington.

4.3. Property Size: 40.88 acres.

5. ACCESS: The property fronts along and has access from Burns Road and Road 60 (currently under construction).

6. UTILITIES: Municipal water is available and will be extended from the south, municipal sewer will be extended to the property from the south.

7. ZONING AND LANDUSE: The property's northern 129 acres are zoned R-1 Low Density Residential and the southern 34.9 acres are zoned R-3 Medium Density Residential. The property is currently undeveloped and used for growing crops. Per PMC 25.215.015, Low

Density Residential zoning allows residential housing at a density of 3 to 6 dwelling units per acre, and Medium Density Residential zoning allows residential housing at a density of 6 to 20 dwelling units per acre.

8. Zoning and current use of surrounding properties

   8.1. North: AP-20 Agricultural Production 20, Irrigated Agriculture (property in Franklin County, outside of Pasco City Limits and outside of Pasco's Urban Growth Boundary)

   8.2. East: R-1 Low Density Residential, Irrigated Agriculture

   8.3. South: RS-1 Suburban District, R-1 Low Density Residential, Single-Family Homes and an Elementary School

   8.4. West: R-1 Low Density Residential, Irrigated Agriculture and a Public High School Under Construction

9. COMPREHENSIVE PLAN: The City of Pasco Comprehensive Plan, adopted in 2021, designates this property as Low Density Residential and Medium Density Residential land use. The description and purpose of Low Density Residential in the comprehensive plan is "single family residential development at a density of 2 to 5 dwelling units per acre." Zoning districts with this comprehensive plan future land use designation are R-S-20, R-S-12, R-S-1, R-1, R-1-A, and R-1-A2. The description and purpose of Medium Density Residential in the comprehensive plan is "single-family dwellings, patio homes, townhouses, apartments, and condominiums at a density of 6 to 20 dwelling units per acre." Zoning districts with this comprehensive plan future land use designation are R-2 through R-4, and RP.

10. ENVIRONMENTAL DETERMINATION: The City of Pasco (City) is the State Environmental Policy Act (SEPA) lead agency for this project. Based on SEPA environmental checklist SEPA 2022-073, the adopted City Comprehensive Plan, City development regulations, and other information, a Mitigated Determination of Non-Significance (MDNS) was issued on July 9, 2024, for this project under WAC 197-11-355. The MDNS was appealed on July 24, 2024 and the appeal was dismissed on October 9, 2024. The MDNS is now final.

11. The Applicant proposes to subdivide four parcels with a combined acreage of 163.78 acres into 690 individual lots for single family dwellings within the R-1 Low Density Residential and R-3 Medium Density Residential zoning districts.

12. History

   12.1. The site was annexed into the City in 2022 via Ordinance 4574A and subsequently assigned the R-1 Low Density Residential and R-3 Medium Density Residential zoning designation via Ordinance 4584. The site is undeveloped and has historically been used as irrigated farmland.

13. Lot & Right-of-Way Layout

   13.1. The proposed plat would create 690 residential lots, a 5.02-acre tract for a community park, three tracts for mid-block pedestrian access, and a tract for utilities. A network of streets would be dedicated and improved to City code standards to provide adequate access to all lots and to ensure access for future development. The three blocks that exceed a block length of 1,320 feet have mid-block pedestrian access ways. The plat

also includes multi-use paths (MUPs) for pedestrians and cyclists adjacent to Burns Road, L Drive, and Deseret Drive.

13.2. For the portions of the proposed plat in the R-1 zoning district, lots vary in size from 7,200 square feet to 11,121 square feet. For the portions of the proposed plat in the R-3 zoning district, lots vary in size from 3,000 square feet to 10,690 square feet. Double-frontage lots along Burns Road and Road 60, and lots that do not have access via their own road frontage, are due to the estate wall required along arterial streets. The plat layout has a generally symmetrical design, which creates double and triple fronted lots and lots not accessed via their own road frontage on Road 52 and Deseret Drive, which are classified as collectors.

14. An application for the proposed plat was submitted on July 15, 2022, and determined to be complete on July 27, 2022.

15. A Notice of Application with SEPA Optional Determination of Non-significance was issued on December 7, 2022.

16. A revised plat layout was submitted by the Application and a new Notice of Application with SEPA Optional Determination of Non-significance was issued on March 28, 2023.

17. The proposed site is composed of Parcels 114-330-041, 114-330-042, 114-330-043, and 114-330-044 in Pasco, WA.

18. The site's zoning districts are R-1 Low Density Residential, which allows for residential development at a density between 3 and 6 dwelling units per acre, and R-3 Medium Density Residential, which allows for a density between 6 and 20 dwelling units per acre under PMC 25.215.015.

19. The proposed number of lots equates to approximately 3.5 dwelling units per acre for the portion of the proposed plat in the R-1 zoning district, and 6.7 dwelling units per acre for the portion of the proposed plat in the R-3 zoning district.

20. The site has historically been used as farmland and is otherwise undeveloped.

21. The project will involve the construction of a network of roads to provide access to the new lots.

22. Water and sewer services will be extended to and through the development to provide municipal services to the new lots.

23. Per PMC 21.05.120, water rights shall be either deeded to the City or an in-lieu-of fee paid prior to recording of any final plat. Per PMC 3.35.160 in affect at time of preliminary plat application:

23.1. The base water right acquisition fee per residential unit is $517.50.

23.2. The portable water irrigation fee is equal to 50-percent of the acreage of the parcel to be served times 3.5 acre-feet of water times $1,725 per acre foot

23.3. The water rights transfer fee is $1,000.

24. A traffic concurrency evaluation was completed to determine the proposal's impacts to the transportation network.

25. A MDNS for the proposed plat was issued on July 9, 2024, that included an "up to" fee to mitigate the impacts of the proposed development on the City's transportation network. In accordance with this MDNS, traffic impacts shall be mitigated via compliance with the City's traffic impact fee ordinance. The mitigation required is $709.00 per residential unit. The project will result in 690 residential units. Thus, $709 X 690 = $489,210.00 total traffic mitigation required. The payment of $489,210.00 satisfies the mitigation required by the MDNS.

26. Notice of the public hearing to be originally held on July 24, 2024, was sent to property owners within 300 feet of the subject property on July 10, 2024, published in the Tri-City Herald newspaper on July 7, 2024, and posted on site on July 3, 2024.

27. The MDNS for the proposed plat was appealed on July 24, 2024.

28. The Hearing Examiner granted the City's motion to dismiss the appeal of the MDNS for the proposed plat on October 9, 2024. The MDNS is now final.

29. Notice of the public hearing for PP 2022-006 scheduled for November 13, 2024, was posted on proposed subdivision property, advertised on the City of Pasco website, and mailed to properties within 300 feet of proposed subdivision on October 25, 2024.

30. Notice of the public hearing for PP 2022-006 was published in the Tri-City Herald on October 30, 2024.

31. Traffic, park, and school impact fees will be collected prior to issuance of individual building permits for each new dwelling after final plat recordation. Credits and reductions to the traffic and park impact fees will be provided when and where appropriate in accordance with PMC 3.40.090 and PMC 3.50.070.

32. Pursuant to PMC 21.25.060, upon conclusion of the open record hearing, the Hearing Examiner shall make and enter findings from the record and conclusions thereof as to whether or not:

    32.1. Adequate provisions are made for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, transit stops, schools and school grounds, sidewalks for safe walking conditions for students, and other public needs;

        32.1.1. The proposed subdivision will be serviced by City emergency services and proposes to develop a public park approximately 5 acres in size. The proposal is also dedicating and constructing adequate right-of-way and will be required to construct the right-of-way to meet the requirements of PMC and the Pasco Design and Construction Standards. These requirements include the construction of new sidewalks adjacent to the right-of-way for safe pedestrian travel, as well as multi-use paths (MUPs) along the north side of the Burns Road right-of-way, the south side of the Deseret Drive right-of-way, and along L Drive.

        32.1.2. Utilities such as municipal water and sewer are required to be extended to and through the right-of-way to provide access to all lots within the proposed subdivision.

32.1.3. Traffic, park, and school impact fees will be collected for each lot at the time building permits are issued. Potable water irrigation fees are collected prior to recordation of the final plat. Credits and reductions to the traffic and park impact fees will be provided in accordance with PMC 3.40.090 and PMC 3.50.070.

32.2. The proposed subdivision contributes to the orderly development and land use patterns in the area;

32.2.1. The proposed development may contain attached and detached single family dwellings and will match the single-family dwelling pattern within the vicinity. Each lot will be developed to comply with the zoning code of Low Density Residential or Medium Density Residential depending on each lot's underlying zone, and will be in conformance with the underlying land use designation of each lot of Low Density Residential or Medium Density Residential.

32.2.2. The development will also be required to construct right-of-way improvements such as curb, gutter, sidewalk, street lighting, etc., for safe pedestrian travel and for the welfare of the residents. The MUPs provided on Burns Road and Deseret Drive will connect to the MUPs of nearby and adjacent developments.

32.2.3. The proposed road network of the development will connect to and extend the roads in adjacent developments: Rocket Lane/L Drive, Curlew Lane/N Drive; Kau Trail Road, Lane G/Road A, and Deseret Drive.

32.3. The proposed subdivision conforms to the policies, maps and narrative text of the Comprehensive Plan;

32.3.1. Pasco's Comprehensive Plan Future Land Use Map designates portions of the land as "Low Density Residential" which allows for the RS-20, RS-12, RS-1, R-1, R-1-A, and R-1-A2 zoning designations and allows for a variety of residential housing at a density of 2 to 5 dwelling units per acre and portions of the land as "Medium Density Residential" which allows for R-2 through R-4 and RP zoning designations and allows for 6 to 20 dwelling units per acre. The site's zoning designation and proposed density of 3.5 dwelling units per acre for the land zoned Low Density Residential and 6.7 dwelling units per acre for the land zoned Medium Density Residential conforms with the Comprehensive Plan. Further, the proposal aligns with the policies of the Comprehensive Plan such as:

32.3.1.1. Housing Policy H-3-A: Encourage innovative techniques in the design of residential neighborhoods and mixed-use areas to provide character and variety in the community. The proposed plat includes a variety of lot sizes and both attached and detached single family dwellings. Further the plat will provide park land, MUPs, and mid-block pedestrian ways for recreation and walkability.

32.3.1.2. Land Use Policy LU-4-E: Encourage the orderly development of land by emphasizing connectivity and efficiency of the transportation network. The proposed plat provides a network of roads in conformance with Pasco's code and requirements. The proposed plat also provides MUPs and mid-block pedestrian ways that will serve to connect the development to adjacent developments and major roadways.

32.3.1.3. Capital Facilities Policy CF-3-A: Assure land development proposals provide land and/or facilities or other mitigation measures to address impacts on traffic, parks, recreational facilities, schools, and pedestrian and bicycle trails. The proposed plat will provide impact fees during the permitting process to address the impacts on traffic, parks, and schools. Further, a concurrency evaluation and traffic analysis was completed as a portion of the review and the development will contribute fees proportionate to their impacts to the transportation network. The development will also construct MUPs and mid-block pedestrian ways that may be used for pedestrian and bicycle travel to and around the area.

32.3.1.4. Transportation Policy TR-1-F: Develop an interconnected network of streets, trails, and other public ways during the development process while preserving neighborhood identity. The proposed plat will develop a network of roads, MUPs, and mid-block pedestrian ways that responsibly connect it to major travel corridors and adjacent developments.

32.4. The proposed subdivision conforms to the general purposes of any applicable policies or plans which have been adopted by the City Council;

32.4.1. The City Council adopted the Pasco Comprehensive Plan on June 7, 2021, which contains various goals and policies to which the proposal conforms, see example policies under (3) of this section.

32.5. The proposed subdivision conforms to the general purposes of this title;

32.5.1. Title 21 "Pasco Urban Area Subdivision Regulations" contains requirements and procedures for various subdivision types. Requirements include those for streets, lots and blocks, and application materials for each type of subdivision action. The proposed subdivision meets the requirements of Title 21 in all respects.

32.6. The public use and interest will be served by approval of the proposed subdivision.

32.6.1. The proposed plat, if approved, will be developed in accordance with all City codes and standards designed to ensure the health, safety and general welfare of the community are met. The Comprehensive Plan will be implemented through development of this plat. These factors will ensure the public use and interest are served.

33. An open record public hearing was held, after legal notice, on November 13, 2024.

34. Appearing and testifying on behalf of the Applicant was John Fetterolf. Mr. Fetterolf testified that he was an agent authorized to appear and speak on behalf of the property owner and Applicant. Mr. Fetterolf stated that they agreed with the representations set forth within the staff report. Further, they agreed with all of the proposed Conditions of Approval with the exception of proposed Condition of Approval number 21. He stated that they did not want any "rear load" lots because there is no market for those. He stated that there's low traffic volume and he did not see the risk of accident as significant.

35. No member of the public testified at the hearing.

36. The following exhibits were admitted into the record:
37. The City of Pasco Hearing Examiner considered all evidence within the record in rendering this decision.
38. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted the authority to render this decision.
2. As conditioned, this project is consistent with the Pasco Comprehensive Plan and Pasco Municipal Code.
3. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, PP2022-006 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

1. The Raven Place subdivision shall be developed in substantial conformance with the submitted plat. The subdivision shall contain 690 residential building lots.
2. All improvements shall be in accordance with the Pasco Municipal Code effective at time of application submittal. The Pasco Municipal Code adopts the most recent versions of the City of Pasco Standard Specifications, the Washington State Department of Transportation Standard Specifications for Road, Bridges, and Municipal Construction, the International Building Code, and International Fire Code. If there are any conflicting regulations in any of these documents, the more stringent regulation shall apply.
3. The face of the final plat shall include this statement: "As a condition of approval of this plat the owner has waived the right to protest the formation of a Local Improvement District for right-of-way and utility improvements to the full extent as permitted by RCW 35.43.182."
4. The face of the final plat shall include this statement: "The individual or company making improvements on a lot or lots of this plat is responsible for providing and installing all trench, conduit, primary vaults, secondary junction boxes, and backfill for the PUD's primary and secondary distribution system in accordance with PUD specifications; said individual or company will make full advance payment of line extension fees and will provide all necessary utility easements prior to PUD construction and/or connection of any electrical service to or within the plat."
5. The face of the final plat shall include this statement: "Property within this plat may be subject to varying noise levels and vibrations due to proximity to the Tri-Cities Airport. Properties near the airport may be located within height and use restriction zones as

described and illustrated by federal standards and regulations and the City of Pasco Zoning Regulations. There is the potential that standard flight patterns will result in aircraft passing over the properties at low altitudes and during all hours of the day. Future airport expansion including runway extensions may impact the size and number of aircraft utilizing the airport. Developments near the airport should assume that at any given time there will be some impact from air traffic."

6. Any existing water rights associated with the subject property shall be transferred to the City as a condition of approval. If no water rights are available then the property owner, in accordance with PMC 21.05.120, shall pay to the City, in lieu thereof, a water rights acquisition fee as established in the City Fee Summary Ordinance as identified in PMC 3.35.
7. Only City and other utilities with franchise agreements are allowed in the public right-of-way.
8. Any and all overhead power is required to be re-routed below ground, unless the applicant can demonstrate that such undergrounding is technically or financially unfeasible.
9. It shall be the responsibility of the property owner/developer to contact all utility owners to determine their system improvement requirements. Prior to subdivision construction plan submittal and/or review, the property owner/developer shall provide the City of Pasco written support/approval of the proposed development from all outside utilities, public and private.
10. All fee payments for bonding of right-of-way improvements, and all fee payments for water rights must be paid at or before the time of final plat being submitted for signatures.
11. Street lighting will be required per City standards.
12. The pedestrian ways either contained within or shown as Tracts C, D & E shall be dedicated as right-of-way not less than 10 feet in width.
13. All stormwater is required to be maintained and treated on site in accordance with Washington State Department of Ecology and City of Pasco standards.
14. All utilities are to be extended to-and-through the property being developed. All utilities should be installed per City of Pasco standards and follow the City Comprehensive Plan for required sizing and locations.
15. All roads shall be designed per their functional classification designation.
16. Civil plans shall reflect existing conditions, including but not limited to:
    - 16.1. LID shows sewer roughly 20 feet east of planned location
    - 16.2. Water main is six feet east of road centerline per Pasco Highschool #3 plans
17. The final plat shall detail existing conditions, such as the names of neighboring subdivisions and property lines of all adjacent properties and be in conformance with Chapter 21.30 PMC.
18. The face of the final plat shall include a comment stating: "Regulations regarding sight distance, fence height, and setbacks may affect the placement of fences and driveways on any corner lots."

19. The face of the final plat shall include this statement: "The developer shall install a common 'Estate' type fence/wall six feet in height along Burns Road and Road 60 as part of the infrastructure improvements associated with the plat. The fence/wall must be constructed of masonry block. Fence design and material must be approved by the Community and Economic Development Director. An approved clear view triangle at the intersection of streets will be required. Following construction of the masonry fence/wall, the City may make repairs or replace the fencing as needed. Property owners adjoining said fence shall be responsible for payment of all costs associated with maintenance and upkeep of the fence/wall."
20. The developer/builder shall pay the City a common area fee pursuant to PMC 25.180.060(6) and PMC 3.100, upon issuance of building permits for homes, that shall be placed in a fund per PMC 3.100, and used to finance the maintenance of arterial boulevard planting strips. The City shall not accept maintenance responsibility for the landscaping abutting said streets until such time as all fees are collected for each phase that abut said streets.
21. MUPs along estate walls must have a 1-foot landscape buffer between the base of wall and the edge of the path. MUPs should not be crossed by driveways as there is a risk to the path users due to vehicle movement. Lots 638 through 643 should either be rear loaded (i.e., use a dedicated rear alley to provide vehicular lot access), or in an alternative approved configuration, provide vehicular lot access that does not result in residential driveways crossing the MUP.
22. In accordance with PMC 3.50.070, relating to park impact fee reductions, the development shall have the impact fee waived with the dedication of a fully developed five-acre neighborhood park. If proposed Tract A will be dedicated as park land but not as a fully developed park, the development shall be credited an 88 percent reduction in park impact fees for the dedication of the park and construction of MUPs. This reduction shall apply at fee assessment during the building permit process.
23. Traffic impact fees in the amount of $489,210.00 shall be paid.
24. Traffic, park, and school impact fees will be collected prior to issuance of individual building permits for each new dwelling after final plat recordation. Credits and reductions to the traffic and park impact fees will be provided when and where appropriate in accordance with PMC 3.40.090 and PMC 3.50.070.

Dated this 21 day of November, 2024

City of Pasco HEARING EXAMINER



Andrew L. Kottkamp

Absent a timely appeal, this Decision is final[1]

[1] See Ch. 36.70C RCW (establishing a 21 day appeal period to superior court, and setting forth necessary review contents, along with filing and service requirements).

A-29

2024 12 11 HE MPN STAFF REPORT EXCERPTS

REPORT TO THE HEARING EXAMINER
City Hall – 525 North Third Avenue – Council Chambers
WEDNESDAY, 11 December 2024
6:00 PM

MASTER FILE #: **PP2022-007**

APPLICANT: Dave Swisher
250 NW Franklin, Suite 402
Bend, OR 97701

REQUEST: **Preliminary Plat**: Subdivision of a parcel to create 464 residential building lots within the R-1 Low Density Residential zoning district.

Timeline:

April 11, 2023	Preliminary Plat Application, PP2022-007, and SEPA Environmental Checklist, SEPA2023-032, Submitted
April 14, 2023	Notice of Application with Optional SEPA Determination of Non-significance Issued
April 17, 2023	Application Deemed Complete; Public Comment Received from the Confederated Tribes and Bands of the Yakima Nation
April 27, 2023	Public Comment received from the Washington State Department of Ecology (Ecology), and Washington State Department of Transportation (WSDOT)
April 28, 2023	Public Comment received from the Washington State Department of Archeology and Historic Preservation (DAHP)
May 2, 2023	Application Deemed Incomplete
February 20, 2024	Public Comment received from WSDOT

July 2, 2024	Notice of Public Hearing PP2022-007 scheduled for July 24, 2024, posted on the City of Pasco website and mailed to properties within 300 feet of proposed subdivision
July 7, 2024	Notice of Public Hearing for PP2022-007 Published in Tri-City Herald Newspaper
July 9, 2024	SEPA Mitigated Determination of Non-Significance (MDNS) Issued for Madison Park N Preliminary Plat
July 23, 2024	SEPA2023-032 MDNS Appealed, APPL2024-003, by Applicant
September 13, 2024	SEPA2023-032 MDNS Withdrawn by City of Pasco SEPA Responsible Official
November 4, 2024	SEPA MDNS Issued for Madison Park N Preliminary Plat with a comment period ending November 18, 2024 and appeal Period ending November 25, 2024.
November 14, 2024	Public Comment were received from Ecology
November 18, 2024	Public Comment received from the Franklin County Planning & Building Department, and the Confederated Tribes of the Colville Reservation
November 25, 2024	Notice of Public Hearing PP2022-007 scheduled for December 11, 2024, posted on the City of Pasco website and mailed to properties within 300 feet of proposed subdivision
November 27, 2024	Notice of Public Hearing for PP2022-007 published in Tri-City Herald Newspaper
December 4, 2024	Staff report distributed to Project Applicant, Property owner and parties of record

BACKGROUND

1) PROPERTY DESCRIPTION:

Legal: THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 29 EAST, W.M.,FRANKLIN COUNTY, WASHINGTON.
EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 2; THENCE NORTH 0°54'15"

EAST 1736.16 FEET ALONG THE MID-SECTION LINE OF SAID SECTION 2 TO THE NORTHEASTERLY BOUNDARY OF THAT EASEMENT DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 1952537, RECORDS OF FRANKLIN COUNTY, WASHINGTON; THENCE
NORTH 45°15'31" WEST 217.16 FEET ALONG SAID NORTHEASTERLY BOUNDARY; THENCE SOUTH 44°44'29" WEST 1500.00 FEET ALONG THE NORTHWESTERLY BOUNDARY OF SAID EASEMENT; THENCE SOUTH 45°15'31" EAST 1177.05 FEET ALONG THE SOUTHWESTERLY BOUNDARY OF SAID EASEMENT TO THE SOUTH LINE OF SAID SECTION 2; THENCE NORTH 89°08'41" EAST 346. 70 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.
(Also known as Parcel B of Survey recorded under Auditor's File No. 1967124)
General Location: Parcel 114-250-018 in Pasco, Washington.
Property Size: 132.5 acres.

2) **ACCESS:** The property has access from Burns Road and Roberta Road.

3) **UTILITIES:** Municipal water is available and will be extended to the property from the southwest; municipal sewer will be extended to the property from the southwest.

LAND USE AND ZONING: The property is zoned R-1 Low Density Residential and is currently undeveloped. Zoning, and current use of surrounding properties:

North: Franklin County Zoning RR-1; Rural Residential 1/Single Family Homes
East: Franklin County Zoning RR-1; Rural Residential 1/Single Family Homes
South: RS-1/PDD Suburban Planned Density Development/Single Family Homes
West: R-1/R-3 Low and Medium Density Residential/Irrigated Agriculture

4) **COMPREHENSIVE PLAN:** The City of Pasco Comprehensive Plan designates this site as Low Density Residential. The Low-Density Residential Land Use designation is described as a variety of residential housing at a density of 3 to 6 dwelling units per acre PMC 25.215.15, and may be assigned RS-20, RS-12, RS-1, R-1, R-1-A, and R-1-A2 zoning district designations.

7) **ENVIRONMENTAL DETERMINATION:** The City of Pasco is the SEPA lead agency for this project. Based on the SEPA environmental checklist (SEPA2022-032), the adopted City Comprehensive Plan, City development regulations, and other applicable local, state, or federal laws or rules and other information, a threshold determination resulting in a Mitigated Determination of Non-Significance (MDNS) was issued on July 9, 2024, for this project under WAC 197-11-355. The MDNS was subsequently withdrawn, and based on the SEPA environmental checklist (SEPA2022-032), the adopted City Comprehensive Plan, City development regulations, and other applicable local, state, or federal laws or rules and other information, a revised MDNS was issued on November 4, 2024.

ANALYSIS

Request

Applicant proposes to subdivide a 129.09-acre parcel into 461 individual lots for single family dwellings and a park within the R-1 Low Density Residential zoning district.

History

The site was annexed into the City in 2022 via Ordinance 4574 and subsequently assigned the R-1 (Low Density Residential) zoning designation via Ordinance 4584. The site undeveloped and has historically been used as farmland.

Lot & Right-of-Way Layout

The proposed plat would create 461 lots, with approximately 2.07 acres set aside for construction of a privately-owned neighborhood park that would be developed with basketball and pickleball courts, a sun shelter and picnic table area, and play equipment, all of which would be open to the public. A network of streets would be dedicated and improved to City code and standards to provide adequate access to all lots and to ensure access for future development. The plat also includes multi-use paths (MUPs) for pedestrians and cyclists adjacent to Burns Road, Road 52, and Deseret Drive, and right-of-way dedications and street improvements to each of those named roads.

The proposed lots vary in size from 5,000 sq. ft. to 37,637 sq. ft. It should be noted that a portion of the plat falls within the "Zone 4 – Outer Approach/Departure Zone" designation which requires residential density at a minimum of the RS-20 zoning. The lots within this airport zone designation have been designed to have a minimum of 20,000 sq. ft. of lot size attributing to the variety of lot sizing within the proposed plat. The site has a City of Pasco Comprehensive Plan Land Use Designation of Low Density Residential, requiring a density between 3 and 5 dwelling units per acre (du/ac). The plat provides a density of approximately 3.6 du/ac meeting the requirements of PMC and the intent of the Comprehensive Plan.

STAFF FINDINGS OF FACT

1) Notice of the public hearing was sent to property owners within 300 feet of the subject property on July 2, 2024, and published in the Tri-City Herald newspaper on July 7, 2024, and posted on site on July 3, 2024.
2) An application for the proposed plat was submitted on April 7, 2023 and determined to be complete on April 17, 2023.
3) A Notice of Application with SEPA Optional Determination of Non-significance was issued on April 14, 2024.
4) The proposed site is Parcel # 114-250-018 in Pasco, WA.
5) The site's Comprehensive Plan designation is Low Density Residential which allows for residential development at a density between 3 and 6 dwelling units per acre.
6) The proposed number of lots equates to approximately 3.6 dwelling units per acre.
7) The site has historically been used as farmlands and is otherwise undeveloped.
8) The project will involve the construction of a network of roads within and adjacent to the proposed plat, to provide access to the new lots and appropriate circulation within the plat and distribution of trips to the City's roadway network.
9) Water and sewer services will be extended to and through the development to provide municipal services to the new lots.

10) Per PMC 21.05.120, water rights shall be either deeded to the City or an in-lieu-of fee paid prior to recording of any final plat. The in-lieu fee rates set by PMC 3.35.160 in effect at time of preliminary plat application were as follows:
    a. Base water right acquisition fee per residential unit: $517.50.
    b. Portable water irrigation fee: 50 percent of the acreage of the parcel to be served times 3.5 acre-feet of water times $1,725 per acre foot
    c. Water rights transfer fee: $1,000.

11) Per the City of Pasco Parks, Recreation and Open Space Master Plan the goal for Level of Service (LOS) of 2 acres of neighborhood park land and 2.1 acres if community park land per 1,000 population. Based on the anticipated population that would be generated by the development (1,632 people, assuming an average household size of 3.54 persons per household) a total of 3.26 acres of parkland are needed to meet the neighborhood park LOS goal.
12) The proposed plat provides a 2.07 acre, privately-owned but developed and open to the public park and a total 1.35 acres of Mixed Use Paths (MUPs), with an additional 0.54 acres of active recreation park land to be provided by the sports field being developed as part of the new Pasco High School located to the West of the proposed plat.
13) A traffic impact analysis (TIA) dated April, 2024 was prepared by the Applicant's consultant, Transpo Group, to determine the proposal's impacts to the transportation network. The TIA indicated that 177 AM peak hour trips and 246 PM peak hour trips from the proposed plat will utilize Road 52 north of the intersection of Road 52 and Burns Road, which is the section of Road 52 fronting the proposed Madison Park North development. This project trips represent 69% (177 out of 257) AM peak hour trips and 73% (246 out of 336) PM peak hour trips on Road 52 north of Burns/Rd 52 intersection. The TIA also indicates that the proposed plat will generate 30 AM peak hour trips and 42 PM peak hour trips using the portion of Burns Road east of the Burns/Road 52 intersection. These trips represent 30% (30 out of 100) AM peak hour trips east of Burns/Rd. 52 intersection, and 39% (42 out of 107) PM peak hour trips anticipated to use that portion of Burns Road, which is the section fronting the south edge of the proposed subdivision.
14) To ensure that the proposed plat makes appropriate provision for contribution of a proportionate share to the capital costs of capital improvements necessary to provide transportation, school, parks, recreational open space and related amenities for residents of the City of Pasco, Traffic, Park, and School impact fees at the then-applicable impact fee rate will be collected for each lot at the time of building permit issuance for any new residence, with traffic impact fees of $328,976 to be payable prior to the issuance of the first building permit. Credits and reductions to the Park impact fees will be provided, commensurate with the value of the park land and cost of park improvements installed, at the appropriate time as determined by the Director in accordance with RCW 82.02.060(5), PMC 3.40.090 and PMC 3.50.070 and the Conditions of Approval of this Preliminary Plat.
15) To ensure the proposed plat makes appropriate provision for contribution towards the cost of continued maintenance of the landscaped areas to be dedicated as public rights-of-way of major streets adjacent to the proposed plat, the Applicant shall provide a common area maintenance fee in the amount determined by the Director based on areal extent and maintenance cost of

proposed major rights-of-way. The fee shall be paid at the time of substantial completion of construction of the major street rights-of-way and landscaped areas.

16) In order to make appropriate provision for financing potential future City transportation and utility improvements that will serve and provide a special benefit to residents of the proposed plat, the face of the plat should include the following statement: "As a condition of approval of this plat, pursuant to RCW 35.43.182 the owner hereby waives for a period of ten (10) years from the date of approval of this plat the right to protest the formation of a Local Improvement District (LID) or Utility Local Improvement District (ULID) for the financing and construction of transportation and/or utility improvements that specially benefit property owner(s) within this plat and are identified in the Capital Facilities Element of the City of Pasco's Comprehensive Plan, or documents adopted and incorporated by reference therein. This waiver shall be liberally construed in accordance with and to accomplish the purposes of RCW 35.43.182."

TENTATIVE CONCLUSIONS BASED ON FINDINGS OF FACT

As per PMC 21.25.060, Upon conclusion of the open record hearing, the Hearing Examiner shall make and enter findings from the record and conclusions thereof as to whether or not:

(1) Adequate provisions are made for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, transit stops, schools and school grounds, sidewalks for safe walking conditions for students, and other public needs;

The proposed subdivision will be serviced by City emergency services and proposes to develop a privately-owned park, open to the public, approximately 2 acres in size. The proposal is also dedicating and constructing adequate right-of-way along Deseret Drive, Road 52 and Burns Road, and will construct the right-of-way in accordance with the requirements of PMC and the Pasco Design and Construction Standards. These improvements are necessary to address the transportation impacts detailed in the Applicant's TIA, and also include the construction of new sidewalks adjacent to the right-of-way for safe pedestrian travel as well as multi-use paths (MUPs) along the north side of the Burns Road right-of-way, the south side of the Deseret Drive right-of-way, and along Road 52. Utilities such as municipal water and sewer are required to be extended to and through the right-of-way to provide access to all lots within the proposed subdivision.

Traffic, park, and school impact fees will be collected with each building permit issued for a new dwelling to account for impacts to the transportation system, school system, and park land improvements and maintenance. Credits and reductions to the traffic and park impact fees will be provided in accordance with PMC 3.40.090 and PMC 3.50.070. The plat owner will waive protest to the formation of a Local Improvement District and/or Utility Local Improvement District to the fullest extent allowed by RCW 35.43.182.

(2) The proposed subdivision contributes to the orderly development and land use patterns in the area;

The proposed development may contain various types of residential single family dwellings and will match the single family dwelling pattern within the vicinity. While the range of lot sizes vary greatly due to the proximity to Airport Zone 4 designated lands each lot will be developed to comply with the zoning code of Low Density Residential and will be in conformance with the underlying land use designation of Low Density Residential which applies for all of the lands in the general vicinity.

The development will also be required to construct row-of-improvements such as curb, gutter, sidewalk, street lighting, etc. for safe pedestrian travel and for the welfare of the residents. This will differ from many of the surrounding properties as such right-of-way improvements are not present. MUPs will also be provided on Burns Road, Road 52, and Deseret Lane which will connect to the MUPs of nearby and adjacent developments.

(3) The proposed subdivision conforms to the policies, maps and narrative text of the Comprehensive Plan;

Pasco's Comprehensive Plan Future Land Use Map designates the land as "Low Density Residential" which allows for the RS-20, RS-12, RS-1, R-1, R-1-A, and R-1-A2 zoning designations and allows for a variety of residential housing at a density of 3 to 6 dwelling units per acre. The sites zoning designation and proposed density of 6 dwelling units per acre conforms with the Comprehensive Plan. Further, the proposal aligns with the policies of the Comprehensive Plan such as:

- ***Housing Policy H-3-A: Encourage innovative techniques in the design of residential neighborhoods and mixed-use areas to provide character and variety in the community.*** *The proposed plat includes a variety of lot sizes ranging from lot sizes typical in the R-1 zoning designation and the RS-20 zoning designation. Further the plat will provide a private park and MUPs for recreation and walkability.*
- ***Land Use Policy LU-2-E: Discourage the siting of incompatible uses adjacent to Pasco (Tri-Cities) Airport and other essential public facilities.*** *The proposal adheres to the requirements of the Airport Overlay District by providing the necessary lot sizes within each compatibility zone. The development has accounted for the siting to ensure it is compatible with the adjacent airport and is in conformance with the Airport Overlay District.*
- ***Land Use Policy LU-4-E: Encourage the orderly development of land by emphasizing connectivity and efficiency of the transportation network.*** *The proposal provides a network of roads in conformance with Pasco's code and requirements and sufficient to address the number and distribution of vehicle trips generated by the proposed plat, as shown in the Applicant's Traffic Impact Analysis. The proposal also provides MUPs that will serve to connect the development to adjacent developments and major roadways.*
- ***Capital Facilities Policy CF-3-A: Assure land development proposals provide land and/or facilities or other mitigation measures to address impacts on traffic, parks, recreational facilities, schools, and pedestrian and bicycle trails.*** *The proposal will provide impact fees during the permitting process to address the impacts on traffic, parks, and schools. Further, a concurrency evaluation and traffic impact analysis were completed as a portion of the review and the development will construct improvements proportionately addressing the plat's impacts to the transportation network. The development will also construct MUPs that may be used for pedestrian and bicycle travel to and around the area.*
- ***Transportation Policy TR-1-F: Develop an interconnected network of streets, trails, and other public ways during the development process while preserving neighborhood identity.*** *The proposal will develop a network of roads and MUPs that responsibly connect it to major travel corridors and adjacent developments.*

(4) The proposed subdivision conforms to the general purposes of any applicable policies or plans which have been adopted by the City Council;

The City Council has adopted the Pasco Comprehensive Plan which contains various goals and policies of which the proposal conforms to, see example policies under (3) of this section. Further, the proposal conforms with some Council's 2022-2023 goals such as:

- ***Economic Vitality: Implementation of the Comprehensive Land Use Plan through related actions including zoning code changes, phased sign code update, and development regulations and standards.*** *In November of 2023 the City Council passed Ordinance 4700 relating to residential design standards. These standards provide various housing types, lot sizes, frontage widths etc. which the proposed plat will conform to and use.*

(5) The proposed subdivision conforms to the general purposes of this title;

Title 21 "Pasco Urban Area Subdivision Regulations" contains requirements and procedures for various subdivision types. Requirements include those for streets, lots and blocks, and application materials for each type of subdivision action. The proposed subdivision meets the requirements of Title 21 in all respects.

(6) The public use and interest will be served by approval of the proposed subdivision.

The proposed plat, if approved and if conditioned as recommended below, will be developed in accordance with all City codes and standards designed to ensure the health, safety and general welfare of the community are met. The Comprehensive Plan will be implemented through development of this plat. These factors will ensure the public use and interest are served.

APPROVAL CONDITIONS

1) The Madison Park North subdivision shall be developed in substantial conformance with the submitted Plat. The subdivision shall contain 461 residential lots.
2) All improvements shall be in accordance with the Pasco Municipal Code. The Pasco Municipal Code adopts the most recent versions of the City of Pasco Standard Specifications, the Washington State Department of Transportation Standard Specifications for Road, Bridges, and Municipal Construction, the International Building Code, and International Fire Code. If there are any conflicting regulations in any of these documents, the more stringent regulation shall apply.
3) The face of the final plat shall include this statement: "As a condition of approval of this plat, pursuant to RCW 35.43.182 the owner hereby waives for a period of ten (10) years from the date of approval of this plat the right to protest the formation of a Local Improvement District (LID) or Utility Local Improvement District (ULID) for the financing and construction of transportation and/or utility improvements that specially benefit property owner(s) within this plat and are identified in the Capital Facilities Element of the City of Pasco's Comprehensive Plan, or documents adopted and incorporated by reference therein. This waiver shall be liberally construed in accordance with and to accomplish the purposes of RCW 35.43.182."
4) The face of the final plat shall include this statement: "The individual or company making improvements on a lot or lots of this plat is responsible for providing and installing all trench, conduit, primary vaults, secondary junction boxes, and backfill for the PUD's primary and secondary distribution system in accordance with PUD specifications; said individual or company will make full advance payment of line extension fees and will provide all necessary utility

easements prior to PUD construction and/or connection of any electrical service to or within the plat."

5) The face of the final plat shall include this statement: "Property within this plat may be subject to varying noise levels and vibrations due to proximity to the Tri-Cities Airport. Properties near the airport may be located within height and use restriction zones as described and illustrated by federal standards and regulations and the City of Pasco Zoning Regulations. There is the potential that standard flight patterns will result in aircraft passing over the properties at low altitudes and during all hours of the day. Future airport expansion including runway extensions may impact the size and number of aircraft utilizing the airport. Developments near the airport should assume that at any given time there will be some impact from air traffic."
6) Per PMC 21.05.120, water rights shall be either deeded to the City or an in-lieu-of fee paid prior to recording of any final plat. Per PMC 3.35.160 in affect at time of preliminary plat application:
    a. The base water right acquisition fee per residential unit is $517.50.
    b. The portable water irrigation fee is equal to 50-percent of the acreage of the parcel to be served times 3.5 acre-feet of water times $1,725 per acre foot
    c. The water rights transfer fee is $1,000.

7) Only City and other utilities with franchise agreements are allowed in the public right-of-way.
8) Any and all overhead power is required to be re-routed below ground, unless the applicant can demonstrate that such undergrounding is technically or financially unfeasible.
9) It shall be the responsibility of the property owner/developer to contact all utility owners to determine their system improvement requirements. Prior to subdivision construction plan submittal and/or review, the property owner/developer shall provide the City of Pasco written support/approval of the proposed development from all outside utilities, public and private.
10) All fee payments for bonding of Right-Of-Way improvements and Water Rights must be paid at or before the time of final plat being submitted for signatures.
11) Street lighting will be required per City standards.
12) All stormwater is required to be maintained and treated on site in accordance with Washington State Department of Ecology and City of Pasco Standards.
13) All utilities to be extended to-and-through the property being developed.
14) The final plat shall detail existing conditions, such as the names of neighboring subdivisions and property lines of all adjacent properties.
15) The final plat shall include a comment stating: "Existing regulations regarding sight distance, fence height, and setbacks may affect the placement of fences and driveways on any corner lots."
16) The face of the final plat shall include this statement: "The developer shall install a common "Estate" type fence/wall six feet in height along Burns Road as part of the infrastructure improvements associated with the plat. The fence/wall must be constructed of masonry block. Fence design and material must be approved by the Community and Economic Development

Director. An approved vision triangle at the intersection of streets will be required. Following construction of the masonry fence/wall, the City may make repairs or replace the fencing as needed. Property owners adjoining said fence shall be responsible for payment of all costs associated with maintenance and upkeep of the fence/wall."

17) The developer/builder shall pay the City a "common area fee" pursuant to PMC 25.180.060(6) and PMC 3.100, in an amount of $218,975. The fee shall be paid proportionately on a per lot basis at the time of issuance of building permits for homes. These funds shall be placed in a fund per PMC 3.100 and used to finance the maintenance of arterial boulevard strips. The City shall not accept maintenance responsibility for the landscaping abutting said streets until such time as all fees are collected for each phase that abut said streets. In lieu of $218,975 the Developer and/or successors and assigns may elect to maintain the boulevard "common area" in perpetuity.
18) Traffic, Park, and School impact fees at the then-applicable impact fee rate will be collected for each lot at the time of issuance of building permits for new residences, with traffic impact fees of $328,976 payable prior to the issuance of the first building permit. Credits and reductions to the Park impact fees will be provided commensurate with the value of the park land and improvements as determined by the Director in accordance with RCW 82.02.060(5), PMC 3.40.090 and PMC 3.50.070 and the Conditions of Approval of this Preliminary Plat.
19) Applicant shall ensure all proposed road alignments are designed and constructed compliance with PMC 21.15.030(1) and (2) Street Standards in relationship to adjoining plats and their streets.

RECOMMENDATION

Staff recommends approval of the Madison Park North Preliminary Plat located on Parcel # 114-250-018, Pasco, WA with conditions per above.

Burns Road

*Required build today is 3 lane road section plus bike lanes and sidewalk/multi-use

Prinicpal Arterial

Future Final Build Out

Distance from S face of Curb [ft]	Width [ft]	ROW Component
84.5	2	Mixed use path buffer
72.5	12	Mixed use path
66	6.5	Curb & Landscape Buffer (including mixed use path buffer)
61	5	Bike Lane (including gutter)
50	11	Thru traffic lane
39	11	Thru traffic lane
27	12	Center turn lane
16	11	Thru traffic lane
5	11	Thru traffic lane
	5	Bike Lane (including gutter)
	6.5	Curb & Landscape Buffer
	7	Sidewalk

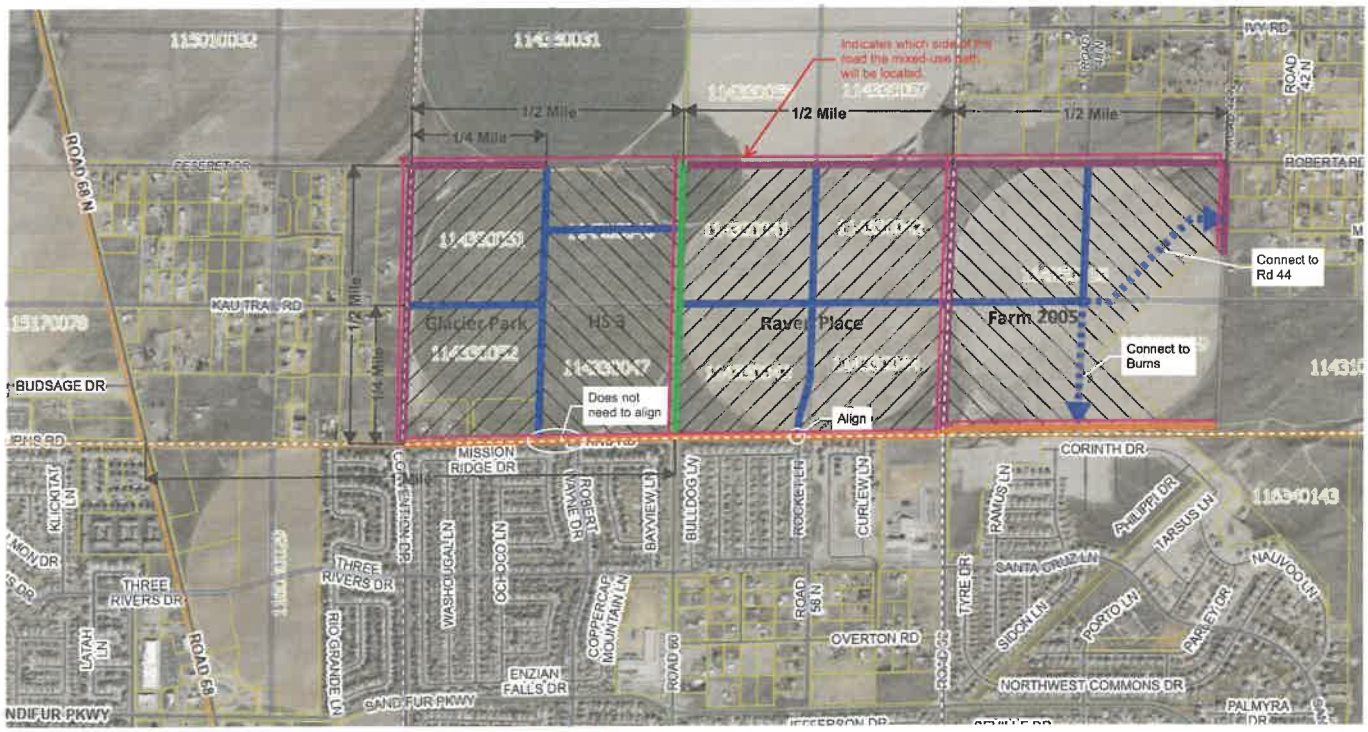
ROW Width	100
Burns Road Face of south curb to north ROW	86.5
BOC	67

Today's Build Out

Distance from S face of Curb [ft]	Width [ft]	ROW Component
84.5	2	Mixed use path buffer
72.5	12	Mixed use path
44	28.5	Curb & Landscape Buffer (including mixed use path buffer)
39	5	Bike Lane (including gutter)
28	11	Thru traffic lane
16	12	Center turn lane
5	11	Thru traffic lane
	5	Bike Lane (including gutter)
	6.5	Landscape Buffer
	7	Sidewalk

ROW Width	100
Burns Road Face of south curb to north ROW	86.5
BOC	45

Convention Drive, Deseret Dr & Road 52	Collector	3-lane	
		Width [ft]	ROW Component
		2	Mixed use path buffer
		12	Mixed use path
		6.5	Curb & Landscape Buffer (including mixed use path buffer)
		1	Gutter
		4	Bike Lane
		11	Thru traffic lane
		12	Center turn lane
		11	Thru traffic lane
		4	Bike Lane
		1	Gutter
		6.5	Curb & Landscape Buffer
		7	Sidewalk
		2	Buffer
	ROW Width	80	
	BOC	45	



STREET CLASSIFICATION:

- INTERSTATE
- OTHER FREEWAYS & EXPRESSWAYS
- RAMP
- PRINCIPAL ARTERIAL
- PRINCIPAL ARTERIAL, FUTURE
- MINOR ARTERIAL
- MINOR ARTERIAL, FUTURE
- COLLECTOR
- COLLECTOR, FUTURE
- NEIGHBORHOOD COLLECTOR
- NEIGHBORHOOD COLLECTOR, FUTURE
- LOCAL
- Mixed Use Path

FUNCTIONAL CLASSIFICATION	RECOMMENDED MAXIMUM SPACING*
PRINCIPAL ARTERIAL	1 to 2 miles
MINOR ARTERIAL	1 mile
COLLECTOR	½ mile
NEIGHBORHOOD COLLECTOR	¼ mile
LOCAL STREET	300–500 feet
BICYCLE AND PEDESTRIAN FACILITIES	¼ mile

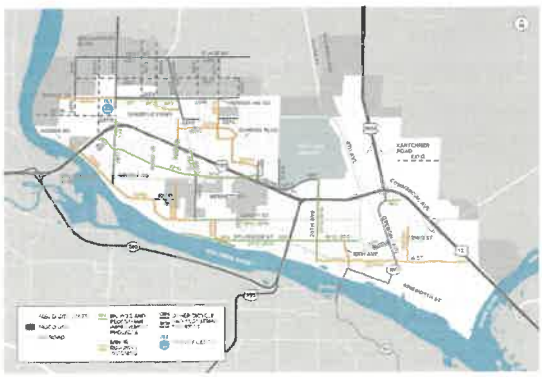
* Recommended maximum spacing refers to distance between facilities with the same or higher functional classification. Deviations from the recommended maximum spacing are subject to approval by the City Engineer.

Principal Arterial - 100FT ROW (bike/ped corridor per TSMP)
Burns Rd

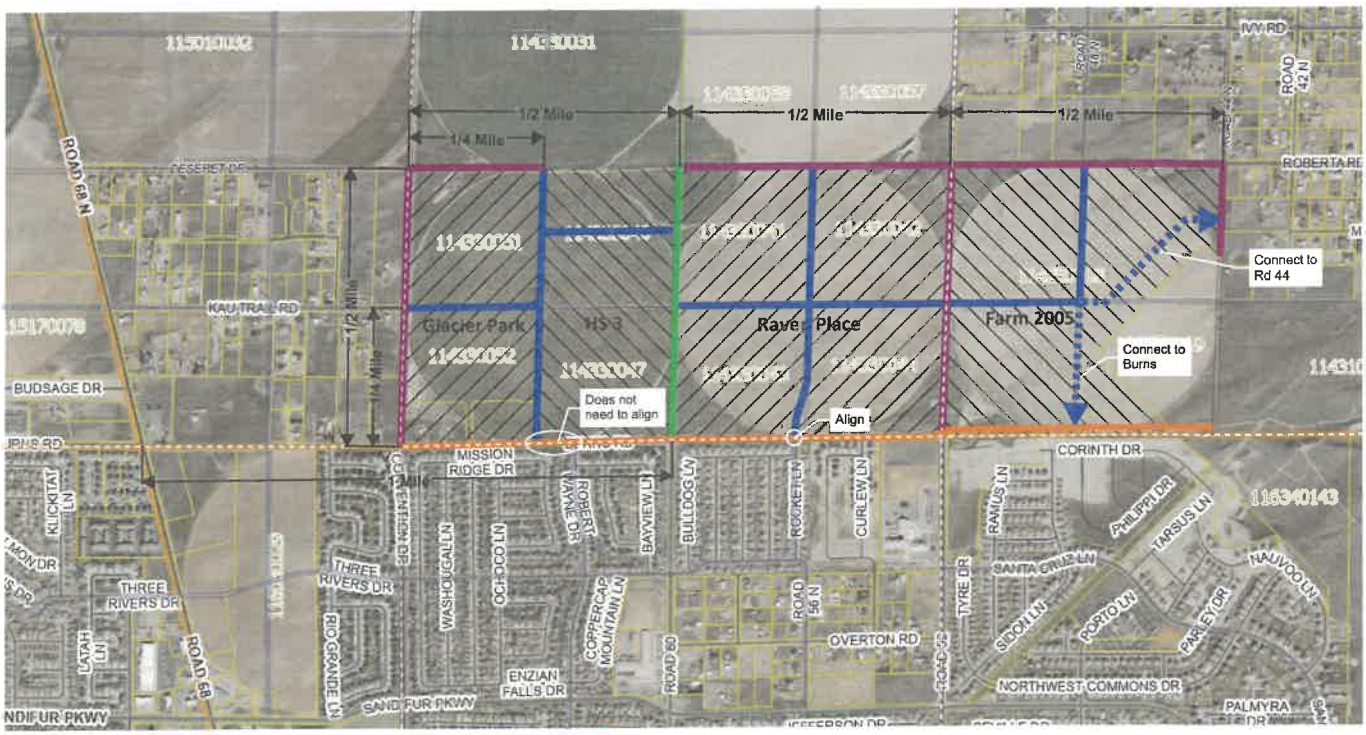
Minor Arterial - 100FT ROW (bike/ped corridor per TSMP)
Road 60

Collector - 80FT ROW (bike/ped corridor per TSMP)
Convention Dr
Road 52
Road 44
Deseret Dr

Neighborhood Collector - 60FT ROW
Local Access - 60FT ROW



ID	NAME	EXTENTS	DESCRIPTION	COST
EXT5	Future East-West Connection (Deseret Drive)	Dent Road to Road 52	Construct a 3-lane roadway and upgrade existing segments of Deseret Drive; construct two-way stop control intersection at Deseret Drive/Dent Road, Deseret Drive/Future North-South Connection (Halfway between Broadmoor Boulevard and Dent Road), Deseret Drive/Convention Drive, and Deseret Drive/Road 60; install new signals at Broadmoor Boulevard/Deseret Drive and Road 68/Deseret Drive, construct new 1-lane roundabout at Deseret Drive/ Road 90 and Deseret Drive/Road 84	$63,640,000
EXT6	Road 52 Extension	Burns Road through to UGA	Construct a 3-lane roadway	$24,855,000
EXT7	Road 60 Extension	Burns Road through to UGA	Construct a 3-lane roadway; install two-way stop control at Clark Road/Road 60	$24,270,000
EXT8	Convention Drive Extension	Burns Road through to UGA	Construct a 3-lane roadway; install two-way stop control at Clark Road/ Convention Drive; restripe northbound approach at Burns Road/Convention Drive to include a dedicated left turn lane	$24,330,000
EXT9	Road 90 Extension	Burns Road through to UGA	Construct a 3-lane roadway; install a traffic signal at Road 90/Burns Road; construct a 1-lane roundabout at Road 90/Dent Road	$26,795,000
EXT10	Future North-South Connection (Halfway between Broadmoor Boulevard and Dent Road)	Harris Road to Dent Road	Construct a 3-lane roadway, install two-way stop control at Future North-South Connection/Harris Road and Future North-South Connection/Dent Road; install a traffic signal at Future North-South Connection/Burns Road	$28,105,000
EXT11	Dent Road Extension	Burns Road to Harris Road	Construct a 3-lane roadway; install a traffic signal at Dent Road/Burns Road	$14,505,000
EXT12	Hillsboro Rd Extension	King Avenue to UGA	New road from east of King Ave to UGA	$34,940,000
EXT13	Wernett Rd Extension	Road 76 to Road 84	New road from Rd 76 to Road 84	$6,075,000
EXT14	Sandifur Parkway Extension - Phase 1	Broadmoor Boulevard to Future North-South Connection (Between Broadmoor Boulevard and Dent Road)	Construct a 5-lane roadway; realign Harris Road to Sandifur Parkway Extension as 2-lane road and close the existing Harris Road/Broadmoor Boulevard intersection; construct a 2-lane roundabout at Sandifur Parkway Extension/ Harris Road and a 1-lane roundabout at Sandifur Parkway/Future North-South Connection (Between Broadmoor Boulevard and Dent Road) with a westbound right turn slip lane	$12,140,000
EXT15	Sandifur Parkway Extension - Phase 2	Future North-South Connection (Between Broadmoor Boulevard and Dent Road) and Shoreline	Construct a 3-lane roadway; construct a 1-lane roundabout at Sandifur Parkway/ Dent Road; install two-way stop control at Sandifur Parkway/Shoreline	$23,740,000
EXT16	Road 84 Extension	Burns Road to UGA	Construct a 3-lane roadway; install a traffic signal at Road 84/Burns Road; construct a 1-lane roundabout at Road 84/Dent Road	$25,585,000
EXP1	Burns Road Improvements	Broadmoor Boulevard to Road 44	Widen to 3 lanes; construct new 3-lane roadway between Road 68 and Rio Grande Lane; install all-way stop control at Road 52/Burns Road intersection; install a traffic signal at Burns Road/Road 68	$13,804,000



STREET CLASSIFICATION:

- INTERSTATE
- OTHER FREEWAYS & EXPRESSWAYS
- RAMP
- PRINCIPAL ARTERIAL
- PRINCIPAL ARTERIAL, FUTURE
- MINOR ARTERIAL
- MINOR ARTERIAL, FUTURE
- COLLECTOR
- COLLECTOR, FUTURE
- NEIGHBORHOOD COLLECTOR
- NEIGHBORHOOD COLLECTOR, FUTURE
- LOCAL

PRINCIPAL ARTERIAL	1 to 2 miles
MINOR ARTERIAL	
COLLECTOR	½ mile
NEIGHBORHOOD COLLECTOR	
LOCAL STREET	300–500 feet
BICYCLE AND PEDESTRIAN FACILITIES	

Principal Arterial - 100FT ROW (bike/ped corridor per TSMP)
Burns Rd

Minor Arterial - 100FT ROW (bike/ped corridor per TSMP)
Road 60

Collector - 80FT ROW (bike/ped corridor per TSMP)
Convention Dr
Road 52
Road 44
Deseret Dr

Neighborhood Collector - 60FT ROW
Local Access - 60FT ROW

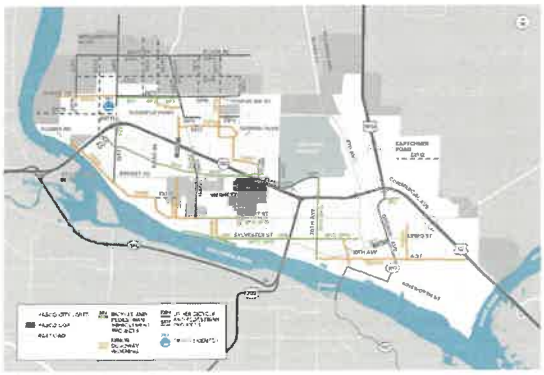


FIGURE 16: BICYCLE AND PEDESTRIAN PROJECTS

ID	NAME	EXTENTS	DESCRIPTION	COST
EXT6	Future East-West Connection (Deseret Drive)	Dent Road to Road 52	Construct a 3-lane roadway and upgrade existing segments of Deseret Drive; construct two-way stop control intersection at Deseret Drive/Dent Road, Deseret Drive/Future North-South Connection (Halfway between Broadmoor Boulevard and Dent Road), Deseret Drive/Convention Drive, and Deseret Drive/Road 60; install new signals at Broadmoor Boulevard/Deseret Drive and Road 68/Deseret Drive, construct new 1-lane roundabout at Deseret Drive/ Road 90 and Deseret Drive/Road 84	$63,640,000
EXT16	[illegible]	Burns Road through to UGA	Construct a 3-lane roadway	$24,325,000
EXT17	[illegible]	Burns Road through to UGA	Construct a 3-lane roadway; install two-way stop control at Clark Road/Road 60	$24,270,000
EXT8	Convention Drive Extension	Burns Road through to UGA	Construct a 3-lane roadway; install two-way stop control at Clark Road/ Convention Drive; restripe northbound approach at Burns Road/Convention Drive to include a dedicated left turn lane	$24,330,000
EXT9	Road 90 Extension	Burns Road through to UGA	Construct a 3-lane roadway; install a traffic signal at Road 90/Burns Road; construct a 1-lane roundabout at Road 90/Dent Road	$26,795,000
EXT10	Future North-South Connection (Halfway between Broadmoor Boulevard and Dent Road)	Harris Road to Dent Road	Construct a 3-lane roadway; install two-way stop control at Future North-South Connection/Harris Road and Future North-South Connection/Dent Road; install a traffic signal at Future North-South Connection/Burns Road	$28,105,000
EXT11	Dent Road Extension	Burns Road to Harris Road	Construct a 3 lane roadway; install a traffic signal at Dent Road/Burns Road	$14,505,000
EXT12	Hillsboro Rd Extension	King Avenue to UGA	New road from east of King Ave to UGA	$34,940,000
EXT13	Wernett Rd Extension	Road 76 to Road 84	New road from Rd 76 to Road 84	$6,075,000
EXT14	Sandifur Parkway Extension - Phase 1	Broadmoor Boulevard to Future North-South Connection (Between Broadmoor Boulevard and Dent Road)	Construct a 5-lane roadway; realign Harris Road to Sandifur Parkway Extension as 2-lane road and close the existing Harris Road/Broadmoor Boulevard intersection; construct a 2-lane roundabout at Sandifur Parkway Extension/ Harris Road and a 1 lane roundabout at Sandifur Parkway/Future North-South Connection (Between Broadmoor Boulevard and Dent Road) with a westbound right turn slip lane	$12,140,000
EXT15	Sandifur Parkway Extension - Phase 2	Future North-South Connection (Between Broadmoor Boulevard and Dent Road) and Shoreline	Construct a 3-lane roadway; construct a 1-lane roundabout at Sandifur Parkway/ Dent Road; install two-way stop control at Sandifur Parkway/Shoreline	$23,740,000
EXT16	Road 84 Extension	Burns Road to UGA	Construct a 3-lane roadway; install a traffic signal at Road 84/Burns Road; construct a 1-lane roundabout at Road 84/Dent Road	$25,585,000
EXP5	Burns Road Improvements	Broadmoor Boulevard to Road 44	Widen to 3 lanes; construct new 3-lane roadway between Road 68 and Rio Grande Lane; install all-way stop control at Road 52/Burns Road intersection; install a traffic signal at Burns Road/Road 68	$13,804,000

Neighborhood Collector / Local Access - Option 1

Width [ft]	ROW Component
5	Sidewalk
6	Curb & Landscape Buffer
1	Gutter
8	Parking
10	Thru traffic lane
10	Thru traffic lane
8	Parking
1	Gutter
6	Curb & Landscape Buffer
5	Sidewalk

ROW Width	60
BOC	39

Neighborhood Collector / Local Access - Option 2

Width [ft]	ROW Component
5.5	Landscape
5.5	Curb & Sidewalk
1	Gutter
8	Parking
10	Thru traffic lane
10	Thru traffic lane
8	Parking
1	Gutter
5.5	Curb & Sidewalk
5.5	Landscape

ROW Width	60
BOC	39

Road 60

Arterial

Future Final Build Out

Width [ft]	ROW Component
2	Mixed use path buffer
12	Mixed use path
6.5	Curb & Landscape Buffer (including mixed use path buffer)
5	Bike Lane (inclusive of gutter)
11	Thru traffic lane
11	Thru traffic lane
12	Center turn lane
11	Thru traffic lane
11	Thru traffic lane
5	Bike Lane (inclusive of gutter)
6.5	Curb & Landscape Buffer
7	Sidewalk

ROW Width	100
BOC	67

Today's Build Out

Width [ft]	ROW Component
2	Mixed use path buffer
12	Mixed use path
13	Curb & Landscape Buffer (including mixed use path buffer)
1	Gutter
5	Bike Lane
11	Thru traffic lane
12	Center turn lane
11	Thru traffic lane
5	Bike Lane
1	Gutter
20	Curb & Landscape Buffer
7	Sidewalk

ROW Width	100
BOC	47

A-30

2024 12 20 - GLACIER PARK HE DETERMINATION

CITY OF PASCO
LAND USE HEARING EXAMINER

IN THE MATTER OF	)	**FINDINGS OF FACT,**
	)	**CONCLUSIONS OF LAW, AND**
PP2022-003	)	**DECISION AND**
GLACIER PARK	)	**CONDITIONS OF APPROVAL**

THIS MATTER having come on for hearing in front of the City of Pasco Hearing Examiner on November 15, 2024, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. Abbreviated Legal: Lots 2, 3 & 4, Record of Survey AFN 1964751
2. General Location: Located north of Burns Road, east of Convention Drive, and west of Robert Wayne Drive, (Parcels 114330052, 114330053, and 114330054) in Pasco, Washington.
3. Property Size: 41.979 Acres (1,828,589 Square feet).
4. ACCESS: The property has access from Burns Road and Kau Trail Road. Future access will be via Convention Drive and Road 64.
5. UTILITIES: Municipal water and sewer services are available along Burns Road.
6. LAND USE AND ZONING: The site is zoned R-3 Medium-Density Residential, and is part of a farming crop circle. Two vacant manufactured homes are being removed from the site. Surrounding properties are zoned and developed as follows:
   - 6.1. North: R-1, Vacant; farming
   - 6.2. East: R-1, Pasco School District High School #3 (Under Construction)
   - 6.3. South: R-1, Single Family Dwellings on .25-acre, or smaller, lots
   - 6.4. West: RS-40 Franklin County Zoning Designation, Single family homes on 5-acre, or larger, lots.
7. COMPREHENSIVE PLAN: The Comprehensive Plan designates this site as both Medium-Density Residential (Parcel 114330052 to the north) and Mixed Residential/Commercial (Parcels 114330052(portion), 114330053 and 114330054 to the south).
   - 7.1. The Medium-Density Residential designation allows for a variety of residential housing at a density of 6 to 20 dwelling units per acre and may be zoned R-2 through R-4, Medium- and High-Density Residential, and RP Residential Park.
   - 7.2. The Mixed Residential/Commercial designation accommodates a diverse range of housing at a density of 5 to 29 dwelling units per acre, as well as nonresidential uses such as commercial, neighborhood retail, office uses, parks and recreation areas, and civic uses,

and allows R-1 through R-4 Low- Medium- and High-Density Residential, C-1 Retail Business, O Office, and MU Mixed-Use (formerly Waterfront) zoning districts.

8. ENVIRONMENTAL DETERMINATION: The City of Pasco is the State Environmental Policy Act (SEPA) lead agency for this project. Based on SEPA checklist SEPA 2022-016, the adopted City Comprehensive Plan, City development regulations, and other information, a Mitigated Determination of Non-Significance (MDNS) was issued on July 9, 2024, for this project under WAC 197-11-355. The MDNS was appealed on July 24, 2024, and the appeal was dismissed on October 9, 2024. The MDNS is now final.

9. Applicant proposes to subdivide an approximately 42-acre site into 250 lots for 311 residential units.

10. The site was annexed into the City of Pasco in 2022 via Ordinance 4574-A, and subsequently assigned R-3 zoning (Parcel 114330052 to the north) and C-1 zoning (Parcels 114330053, 114330054, and the southern portion of Parcel 114330052, to the south) via Ordinance 4584. On April 17, 2023, Council approved Ordinance 4652, changing the Comprehensive Plan Future Land Use Map designation of Parcels 114330053, 114330054, and the southern portion of Parcel 114330052 from Commercial to Mixed Residential/Commercial. In 2023, City Council rezoned Parcel 114330053 and parts of Parcels 114330052 and 114330054 from C-1 Retail Business to R-3 Medium-Density Residential via Ordinance 4691. In 2024 City Council rezoned the balance of parcel 114330054 from C-1 to R-3 via Ordinance 4715. The entire site is now zoned R-3.

11. State law (RCW 58.17.110) and the Pasco Municipal Code require the Hearing Examiner to develop Findings of Fact as to how this proposed subdivision will protect and enhance the health, safety and general welfare of the community. The following is a listing of proposed "Findings of Fact":

12. Prevent Overcrowding:

12.1. Density requirements of the R-3 zone are designed to address overcrowding concerns. As noted above, the Medium-Density Residential designation allows for a variety of residential housing at a density of 6 to 20 dwelling units per acre. The Mixed Residential/Commercial designation accommodates a diverse range of housing at a density of 5 to 29 dwelling units per acre.

12.2. The proposed density is 7.4 dwelling units per acre, which falls within the lower range of allowable density for both the Medium-Density Residential and the Mixed Residential/Commercial Comprehensive Plan land use designations. The proposed lots vary in size from 2,912 to 5,976 square feet, with an average lot size of 3,824 square feet. The proposed plat would create 250 lots, distributed as follows:

12.2.1. Table 1 - Glacier Park Lots

Phase	Square Feet	Acres	Lots	Units	Density
Overall Plat	**1,828,589**	**41.98**	**250**	**311**	**7.4**

Desert Flats A & B	**434,425**	**9.97**	**61**	**122**	**12.2**
Glacier Park 1 & 2	**1,384,067**	**31.77**	**189**	**189**	**5.9**

13. Parks Opens Space/Schools: The City is required by RCW 58.17.110 to make a finding that adequate provisions are being made to ameliorate the impacts of the proposed subdivision on schools. At the request of the Pasco School District, the City enacted a school impact fee in 2012. The imposition of this impact fee addresses the requirement to ensure there are adequate provisions for schools. A school impact fee will be charged for each new dwelling unit and will be collected prior to issuance of the first building permit for any new structure in the proposed plat as provided for in PMC 3.45.

14. Effective Land Use/Orderly Development: The proposed plat is laid out for single-family attached and detached development as identified in the Comprehensive Plan. The Comprehensive Plan designates this site as both Medium-Density Residential (Parcel 114330052 to the north) and Mixed Residential/Commercial (Parcels 114330053, 114330054, and part of Parcel 114330052 to the south).

    14.1. The Medium-Density Residential designation allows for a variety of residential housing at a density of 6 to 20 dwelling units per acre and may be zoned R-2 through R-4 (Medium- and High-Density Residential), and RP (Residential Park);

    14.2. The Mixed Residential/Commercial designation accommodates a diverse range of housing at a density of 5 to 29 dwelling units per acre, as well as nonresidential, commercial, neighborhood retail, and office uses, parks and recreation areas, and civic uses, and allows R-1 through R-4, Low- Medium- and High-Density Residential, C-1 Retail Business, O Office, and MU Mixed-Use zones.

15. Safe Travel & Walking Conditions: The proposed plat will connect to the community through a network of streets, sidewalks, and multi-use paths. Sidewalks are to be installed at the time homes are built on individual lots. The sidewalks will be constructed to current City standards and to the standards of the Americans with Disabilities Act (ADA). The ADA ramps at the corners of all intersection will be installed with the construction of the road improvements.

    15.1. Twelve-foot mixed-use paths will be installed along the north right-of-way line of Burns Road and the east right-of-way line of Convention Drive.

16. Adequate Provision of Municipal Services: All lots within the proposed plat will be provided with water, sewer and other utilities.

17. Provision of Housing for Residents: This proposed plat contains 250 residential building lots, providing an opportunity for the construction of 311 new dwelling units in Pasco.

18. Adequate Air and Light: The maximum lot coverage limitations and building setbacks will assure that adequate movement of air and light is available to each lot.

19. Proper Access & Travel: The streets through and adjoining the proposed plat have been or will be paved and developed to City standards to assure proper access is maintained to each lot. All single-family building lots will be provided access to public right-of-way. All public streets within the plat will be constructed to the requirements and standards of the Pasco Municipal

Code, and Pasco Design and Construction Standards, and are proposed at the required 60 feet width for local access streets and 80-100 feet for arterial streets.

19.1. In addition to the planned internal streets, the subdivision will be connected to the community by way of Burns Road, Kau Trail Road, and future Roads 64 and 66, and the extension of Convention Drive. The interconnection of neighborhood streets is necessary for utility connections (looping) and the provision of emergency services.

20. ITE Trip Generation Modeling: The number of trips generated by the site is based on the ITE Trip Generation Manual, 11th Edition (2021). The Glacier Park development lots are herein treated as "Single-Family Detached Housing" (ITE land use code 210), with each lot representing a dwelling unit. The site trips are presented for the average weekday, as well as the AM peak hour between 7:00 am and 9:00 am, and the PM peak hour between 4:00 pm and 6:00 pm. Formula is as follows: Number of Dwelling units * Average Trips Multiplier = Total Trips:

20.1. Table 2 - ITE Trip Generation Estimates for Glacier Park

Phase	Lots	Units	Weekday Trips	AM Peak trips	PM Peak Trips	Weekday Multiplier	AM Peak Multiplier	PM Peak Multiplier
Glacier Park 1 & 2	189	189	1,782	142	12	9.43	.75	.99
Desert Flats "A"	33	66	444.84	31.02	6.81	6.74	0.47	0.57
Desert Flats "B"	28	56	377.44	26.32	7.18	6.74	0.47	0.57
Overall Plat	**250**	**311**	**2,605**	**199**	**26**			

20.2. The number of trips generated by the Desert Flats component of Glacier Park development is based on ITE land use code 220, which is herein treated as "Multi-Family Housing (Low-Rise), with each lot representing 2 dwelling units. These site trips are also presented for the average weekday, as well as the AM peak hour between 7:00 am and 9:00 am, and the PM peak hour between 4:00 pm and 6:00 pm.

20.2.1. The Desert Flats component of Glacier Park development with 122 units is anticipated to generate 822 average net new trips on a typical weekday, including 57 average trips during the AM peak hour and 70 average trips during the PM peak hour.

20.3. The Preliminary Plat was submitted to the Transit Authority for review. (The discussion under "Safe Travel" above applies to this section also.)

21. An application for the proposed plat was submitted on February 11, 2022, and determined to be complete on March 16, 2022.

22. A Notice of Application with SEPA Optional Determination of Non-Significance was issued on February 13, 2024.

23. The proposed site (Property) is composed of Parcels 114330052, 114330053, and 114330054.

24. The Property's zoning district is R-3 Medium-Density Residential, which allows for a variety of residential housing at a density of 6 to 20 dwelling units per acre.

25. The density of the proposed preliminary plat is 7.4 dwelling units per acre.

26. An MDNS for the proposed plat was issued on July 9, 2024, that included an "up to" fee to mitigate the impacts of the proposed development on the City's transportation network. In accordance with this MDNS, traffic impacts shall be mitigated via compliance with the City's traffic impact fee ordinance. The mitigation required is $709.00 per residential unit. The project will result in 311 residential units. Thus, $709 X 311 = $220,499.00 total traffic mitigation required. Payment of $220,499.00 satisfies the mitigation required by the MDNS.

27. The MDNS for the proposed plat was appealed on July 24, 2024.

28. The Hearing Examiner granted the City's motion to dismiss the appeal of the MDNS for the proposed plat on October 9, 2024. The MDNS is now final.

29. The site is within the Pasco Urban Growth Boundary.

30. The State Growth Management Act requires urban growth and urban densities to occur within the Urban Growth Boundaries.

31. The site is part of a farming crop circle and is vegetated with a combination of cultivated crops and native and non-native grasses and other vegetation.

32. The site is not considered a critical area, a mineral resource area, or a wetland.

33. Notice of the public hearing to be originally held on July 24, 2024, was sent to property owners within 300 feet of the subject property on July 2, 2024, published in the Tri-City Herald newspaper on July 7, 2024, and posted on the site on July 3, 2024.

34. Notice of the public hearing for PP 2022-003 scheduled for November 15, 2024, was posted on the proposed subdivision property, advertised on the City of Pasco website, and mailed to properties within 300 feet of the proposed subdivision on October 25, 2024.

35. Notice of the public hearing for PP 2022-003 was published in the Tri-City Herald newspaper on October 30, 2024.

36. Traffic, park, and school impact fees will be collected prior to issuance of individual building permits for each new dwelling after final plat recordation. Credits and reductions to the traffic and park impact fees will be provided when and where appropriate in accordance with PMC 3.40.090 and PMC 3.50.070.

37. Pursuant to PMC 21.25.060, upon conclusion of the open record hearing, the Hearing Examiner shall make and enter findings from the record and conclusions thereof as to whether or not:

    37.1. Adequate provisions are made for the public health, safety, and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, transit stops, schools and school grounds, sidewalks for safe walking conditions for students, and other public needs;

        37.1.1. The proposed plat will be required to develop under the standards of the Pasco Municipal Code and the standard specifications of the City Engineering Division. These standards for streets, sidewalks, and other infrastructure improvements were designed to ensure the public health, safety, and general welfare of the community are secured. These standards include provisions for streets, drainage, water and sewer

service and the provision for dedication of right-of-way. The preliminary plat was forwarded to the Franklin County PUD, the Pasco School District, Cascade Gas, Charter Cable and Ben-Franklin Transit Authority with the proposal's Notice of Application..

37.1.2. The subdivision will be located directly west of the new Pasco High School #3 currently under construction.

37.1.3. The proposed subdivision will be serviced by City emergency services and shall dedicate land for a neighborhood park. The proposal is also dedicating and constructing adequate right-of-way, and will be required to construct the right-of-way to meet the requirements of PMC and the Pasco Design and Construction Standards. These requirements include the construction of new sidewalks way for safe pedestrian travel and twelve-foot multi-use paths along both Burns Road and Convention Drive. Utilities such as municipal water and sewer are required to be extended to and through the right-of-way adjacent each lot in the subdivision, to provide access to all lots within the proposed subdivision.

37.1.4. Traffic, park, and school impact fees will be collected prior to issuance of individual building permits for each new dwelling after final plat recordation. Credits and reductions to the traffic and park impact fees will be provided in accordance with PMC 3.40.090 and PMC 3.50.070 (See table below for park fee credit estimates):

37.1.5. Table 3 - Glacier Park I Estimates for Park Fee Credit

Glacier Park	**Dwelling Units:**	**311.00**		
Type	**Area (sf)**	**Area/du**	**Credit %**	**Cost Per Dwelling**
Recreation Improvement Area	71,124.00	154.62	15.46	$1,562.27
Open Recreation Area (MUP)	33,157.80	106.62	10.66	$1,365.24
	Est. Amounts:			
Total Development Cost w/ no credit:	$574,728.00			
Total Development Cost w/ credit:	$424,589.44			
Credit Total:	**$150,138.56**			

37.2. The proposed subdivision contributes to the orderly development and land use patterns in the area;

37.2.1. The proposed development will contain various types of residential single-family and multi-family dwellings and will complement the single-family dwelling pattern within the vicinity. While the lot sizes are smaller than those typically found in the immediate vicinity, each lot will be developed to comply with the R-3 (Medium-Density Residential) zoning designation and will be in conformance with the underlying Medium-Density Residential and Mixed Residential/ Commercial land use designations.

37.2.2. The development will also be required to construct right-of-way improvements such as curb, gutter, sidewalks, street lighting, etc. for safe pedestrian travel and for the welfare of the residents. This will match the Low-Density Residential properties to the south, which are fully developed with right-of-way improvements. The site will differ from County properties to the west where right-of-way improvements are largely lacking.

37.3. The proposed subdivision conforms to the policies, maps, and narrative text of the Comprehensive Plan;

37.3.1. The overall proposed density is 7.4 dwelling units per acre which falls within the lower range of allowable density for both the Medium-Density Residential and the Mixed Residential/Commercial Comprehensive Plan land use designations. The proposed lots vary in size from 2,912 to 5,976 square feet, with an average lot size of 3,824 square feet. Further, the proposal aligns with the policies of the Comprehensive Plan such as:

37.3.1.1. Land Use Goal LU-4: Increase community accessibility through proper land use planning. The development will be required to construct right-of-way improvements and twelve-foot multi-use path along both Burns Road and Convention Drive, for safe pedestrian travel and for the welfare of the residents.

37.3.1.2. Land Use Goal LU-5: Maintain a broad range of residential land use designations to accommodate a variety of lifestyles and housing opportunities. The site has both the Medium-Density Residential and the Mixed Residential/Commercial Comprehensive Plan land use designations. The Medium-Density Residential designation allows for a variety of residential housing and may be zoned R-2 through R-4 (Medium- and High-Density Residential), and RP (Residential Park). The Mixed Residential/Commercial designation accommodates a diverse range of housing, as well as nonresidential uses such as commercial, neighborhood retail, and office uses, parks and recreation areas, and civic uses, and allows R-1 through R-4 (Low- Medium- and High-Density Residential), C-1 (Retail Business), O (Office), and MU (Mixed-Use) zones.

37.3.1.3. Land Use Policy LU-5-A: Allow a variety of residential densities throughout the UGA. The site has both the Medium-Density Residential and the Mixed Residential/Commercial Comprehensive Plan land use designations. The Medium-Density Residential designation allows for residential housing at a density of 6 to 20 dwelling units per acre. The Mixed Residential/Commercial designation accommodates a diverse range of housing at a density of 5 to 29 dwelling units per acre.

37.3.1.4. Housing Goal H-1: Encourage housing for all economic segments of the city's population consistent with the local and regional market. The site has both the Medium-Density Residential and the Mixed Residential/Commercial Comprehensive Plan land use designations.

37.3.1.5. Housing Policy H-1-A: Allow for a full range of housing including single family homes, townhouses, condominiums, apartments, and manufactured housing, accessory dwelling units, zero lot line, planned unit developments etc. The Comprehensive Plan designates this site as both Medium-Density Residential (Parcel 114330052 to the north) and Mixed Residential/Commercial (Parcels # 114330053 and 114330054 to the south).

37.3.1.5.1. The Medium-Density Residential allows for a variety of residential housing at a density of 6 to 20 dwelling units per acre and may be zoned R-2 through R-4 (Medium- and High-Density Residential), and RP (Residential Park);

37.3.1.5.2. The Mixed Residential/Commercial designation accommodates a diverse range of housing at a density of 5 to 29 dwelling units per acre, as well as nonresidential uses such as commercial uses, neighborhood retail and office uses, parks and recreation areas, and civic uses, and allows R-1 through R-4 (Low- Medium- and High-Density Residential), C-1 (Retail Business), O (Office), and MU (Mixed-Use) zones

37.3.1.6. Housing Goal H-4: Support efforts to provide affordable housing to meet the needs of the community. The site has both the Medium-Density Residential and the Mixed Residential/Commercial Comprehensive Plan land use designations. The Medium-Density Residential designation allows for a variety of residential housing. The Mixed Residential/Commercial designation accommodates a diverse range of housing, as well as nonresidential uses such as commercial, neighborhood retail, and office uses, parks and recreation areas, and civic uses.

37.3.1.7. Utilities Policy UT-1-A: Ensure that public water and sewer services are available concurrently with development in the urban growth area. Public water is located in Burns Road to the south. The City has recently initiated the development of a Sewer Local Improvement District (LID) which will benefit this development, as well as the adjacent Pasco School District High School #3, and the Madison Park North and Raven Place subdivisions to the east. The proposal would bring public water and sewer to and through the property for each lot and provide a closer access point for existing properties that may want to connect or bring utilities to their property.

37.4. The proposed subdivision conforms to the general purposes of any applicable policies or plans which have been adopted by the City Council;

37.4.1. The City Council has adopted the Pasco Comprehensive Plan, which contains various goals and policies to which the proposal conforms (see example policies under (3) of this section). Further, the proposal conforms with some of Council's 2022-2023 goals such as:

37.4.1.1. Economic Vitality: Implementation of the Comprehensive Land Use Plan through related actions including zoning code changes, phased sign code update, and development regulations and standards. In November of 2023 the City

Council passed Ordinance 4700 relating to residential design standards. These standards provide various housing types, lot sizes, frontage widths, etc., which the proposed plat will conform to and implement.

37.5. The proposed subdivision conforms to the general purposes of this title;

37.5.1. Title 21 "Pasco Urban Area Subdivision Regulations" contains requirements and procedures for various subdivision types. Requirements include those for streets, lots and blocks, and application materials for each type of subdivision action. The proposed subdivision meets the requirements of Title 21 at time of application, in virtually all respects.

37.6. The public use and interest will be served by approval of the proposed subdivision.

37.6.1. The proposed plat, if approved, will be developed in accordance with all City codes and standards designed to ensure the health, safety and general welfare of the community are met. The Comprehensive Plan will be implemented through development of this plat. These factors will ensure the public use and interest are served.

38. An open record public hearing was held, after legal notice, on November 15, 2024.

39. Appearing and testifying on behalf of the Applicant was Peter Harpster. Mr. Harpster testified that he was an agent authorized to appear and speak on behalf of the property owner and Applicant. Mr. Harpster stated the applicant agreed with all the representations within the staff report and had no objections to any of the proposed conditions of approval. He also stated that an archeological survey had been performed.

40. No member of the public testified at the hearing.

41. The following exhibits were admitted into the record:

41.1.	Exhibit 1	Reused Staff Report;
41.2.	Exhibit 2	Application;
41.3.	Exhibit 3	Maps, Photos, Site Plan;
41.4.	Exhibit 4	Comments, Noticing Docs;
41.5.	Exhibit 5	SEPA docs – Entire;
41.6.	Exhibit 6	File of Record.

42. The City of Pasco Hearing Examiner considered all evidence within the record in rendering this decision.

43. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted the authority to render with decision

2. As conditioned, this project is consistent with the Pasco Comprehensive Plan and Pasco Municipal Code.

3. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, PP2022-003 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

1. The Glacier Park subdivision shall be developed in substantial conformance with the submitted plat. The Glacier Park subdivision shall contain up to 250 residential lots and 311 residential units.
2. All improvements shall be in accordance with the Pasco Municipal Code effective at time of complete application submittal. The Pasco Municipal Code adopts the most recent versions of the City of Pasco Standard Specifications, the Washington State Department of Transportation Standard Specifications for Road, Bridges, and Municipal Construction, the International Building Code, and International Fire Code. If there are any conflicting regulations in any of these documents, the more stringent regulation shall apply.
3. No utility vaults, pedestals, or other obstructions will be allowed at street intersections.
4. The face of the final plat shall include this statement: "As a condition of approval of this plat the owner has waived the right to protest the formation of a Local Improvement District for right-of-way and utility improvements to the full extent as permitted by RCW 35.43.182."
5. The face of the final plat shall include this statement: "The individual or company making improvements on a lot or lots of this plat is responsible for providing and installing all trench, conduit, primary vaults, secondary junction boxes, and backfill for the PUD's primary and secondary distribution system in accordance with PUD specifications; said individual or company will make full advance payment of line extension fees and will provide all necessary utility easements prior to PUD construction and/or connection of any electrical service to or within the plat."
6. Water rights associated with the Property sufficient to serve the proposed development shall be transferred to the City as a condition of approval in accordance with PMC 3.35.160 and 21.05.120 . If insufficient water rights are available, then the property owner, in accordance with PMC 21.05.120, shall pay to the City, in lieu thereof, a water rights acquisition fee as established in the City Fee Summary Ordinance as identified in PMC 3.35.
7. Only City utilities and other utilities with franchise agreements are allowed in the public right-of-way.
8. Per PMC 21.35.100, all utilities serving the subdivision, including overhead power, are required to be re-routed below ground. This does not apply to high-voltage overhead transmission lines not serving the subdivision.

9. It shall be the responsibility of the property owner/developer to contact all utility owners to determine their system improvement requirements. Prior to subdivision construction plan submittal and/or review, the property owner/developer shall provide the City of Pasco written support/approval of the proposed development from all outside utilities, public and private.
10. All fee payments for bonding of right-of-way improvements and water rights must be paid at or before the time of approval of final plat.
11. Street lighting will be required per City standards.
12. All stormwater is required to be maintained and treated on site in accordance with Washington State Department of Ecology and City of Pasco Standards.
13. All utilities are to be extended to-and-through the property being developed.
14. Lots below 4,000 sq. ft. shall be developed with structures as permitted in Table 25.22.030 (1) of the PMC. Minor lot line adjustments may be permitted on the final plat to adjust lot sizing. Proposals for minor adjustments shall be submitted to Pasco Community and Economic Development Department for review in accordance with PMC 21.25.080.
15. All lots without frontage on a public street shall comply with and meet the requirements of PMC 21.20.060.
16. The final plat shall detail existing conditions, such as the names of neighboring subdivisions and property lines of all adjacent properties.
17. All corner lots and other lots that present difficulties for the placement of yard fencing shall be identified in the notes on the face of the final plat(s). The final plat(s) shall include a comment stating: "Existing regulations regarding sight distance, fence height, and setbacks may affect the placement of fences and driveways on any corner lots."
18. The developer shall install a 6-foot tall common "estate type" masonry fence adjacent to the rear line of all lots backing Burns Road and Convention Drive. The wall details must be included on the subdivision construction drawings. All final plat(s) shall include a note that clearly indicates the maintenance responsibility for the estate fence is the responsibility of the property owners adjoining the fence. A concrete mow strip shall be installed under any common fence as directed by the City Parks Division and shall be approved by the Parks Department prior to installation.
19. The developer/builder shall pay the City a "common area maintenance fee" pursuant to PMC 25.180.060 and PMC 3.00 not to exceed $475 per lot, upon issuance of building permits for homes. These funds shall be placed in a fund per PMC 3.00, and be used to finance the maintenance of arterial boulevard strips. The City shall not accept maintenance responsibility for the landscaping abutting said streets until such time as all fees are collected for each phase that abut said streets.
20. The final plat(s) shall contain a 10-foot utility easement parallel to all streets unless otherwise required by the Franklin County PUD.
21. Lots abutting Burns Road and Convention Drive shall not have direct access to Burns Road or Convention Drive. Access shall be prohibited by means of deed restrictions or statements on the face of the final plat(s).

22. A 12-foot multi-use asphalt pathway shall be provided fronting both Burns Road and Convention Drive.
23. Kau Trail Road from the west right-of-way line of the future extension of Convention Drive to the east right-of-way line of Road 68 shall meet the street improvement standards of Franklin County Code, as directed by the Franklin County Public Works Program Manager.
24. Applicant shall work with the Pasco School District (PSD) Construction Project Manager to provide an enhanced mid-block crossing at Road 64 between the Glacier Park subdivision and the new PSD High School #3. The cost of the enhanced mid-block crossing will be split between PSD and Glacier Park.
25. Traffic impact fees in the amount of $220,199.00 shall be paid.
26. Traffic, park, and school impact fees will be collected prior to issuance of individual building permits for each new dwelling after final plat recordation. Credits and reductions to the traffic and park impact fees will be provided when and where appropriate in accordance with PMC 3.40.090 and PMC 3.50.070.

Dated this 20 day of November, 2024

CITY OF PASCO HEARING EXAMINER

Andrew L. Kottkamp

Absent a timely appeal, this Decision is final[1]

[1] See Ch. 36.70C RCW (establishing a 21 day appeal period to superior court, and setting forth necessary review contents, along with filing and service requirements).

A-31

2022 11 21 BURNS TO GLADE MEMO

DKS 720 SW WASHINGTON STREET, SUITE 500, PORTLAND, OR 97205 • 503.243.3500 • DKSASSOCIATES.COM

BURNS EXTENSION TRAFFIC ANALYSIS

DATE: November 21, 2022

TO: Jon Padvorac | City of Pasco

FROM: Aaron Berger | DKS
Garth Appanaitis | DKS

SUBJECT: Burns Extension Project #22024-025

INTRODUCTION

This memorandum summarizes the travel demand modeling analysis performed to assess the high-level traffic benefits of the following potential future roadway extension projects within the City of Pasco:

- Burns Extension from Road 52 to Glade Road
- Burns Extension from Road 52 to SR 395 at Foster Wells Road

This analysis also includes an assessment of the appropriate Burns Road extension cross sections to support long-term traffic needs in the area.

ASSUMPTIONS

The Burns Extension analysis was performed using the BFCOG regional travel demand model, focusing on year 2045 projected land use and expected roadway system. The analysis baseline (No-Build) assumptions included the Transportation System Master Plan (TSMP) projects. These TSMP projects are needed to support the 2045 project land use. The key baseline projects most directly effecting this analysis effort are shown on Figure 1 in green and are summarized as follows:

- Project 1 - Burns Road Extension from Rio Grande Lane to Road 68
- Project 2 – Deseret Drive Completion from Road 52 to Dent Road
- Project 3 – Convention Drive Extension from Burns Road to Clark Road
- Project 4 – Road 60 Extension from Burns Road to Clark Road
- Project 5 – Road 52 Extension from Burns Road to Deseret Drive

- Project 6 – Road 76 extension from Chapel Hill Blvd to Burden Blvd



FIGURE 1: BURNS EXTENSION NETWORK ASSUMPTIONS

The travel demand model assumptions for Projects 1 through 5 include sufficient capacity to meet 2045 projected travel demand without impactful capacity constraints.

The Burns Extension to Glade Road network assumptions are shown in Figure 1 in blue (and include all the Baseline projects as well), and include the two following projects:

- Project A – Burns Extension from Road 52 to Glade Road (assume as a 5-lane, 45 mph facility)
- Project B – Road 36 Extension from Burden Boulevard to Clark Road (assumed as a 3-lane, 40 mph facility)

The Burns Extension to SR 395 is shown in purple on Figure 1 as Project C, and is assumed to be a 5-lane, 45 mph facility. This scenario also includes the Baseline (green) and extension to Glade (blue) projects.

The 2045 land use assumptions for the project area are summarized in Figure 2 (Housing Growth) and Figure 3 (Employment Growth). This land use assumptions remain consistent with the 2045 BFCOG RTP Scenario and accommodate the land use projections used for the City of Pasco 2018-2038 Comprehensive Plan Update. Some key growth projections with impacts to the Burns Road Extension area are summarized as follows:

- More than 2,000 new housing units are projected to be built between Burns Road, Clark Road, Road 68, and Road 36 in the next 20-25 years
- Nearly 3,000 additional housing units are projected north of Burns Road and east of Road 68
- About 1,400 jobs are projected between Road 68, Clark Road, Burns Road, and the railroad tracks

- More than 4,000 jobs (mainly industrial) are projected east of the rail yard and along SR 395 between Kartchner Street and Clark Road



FIGURE 2: 2019-2045 PROJECT HOUSEHOLD GROWTH

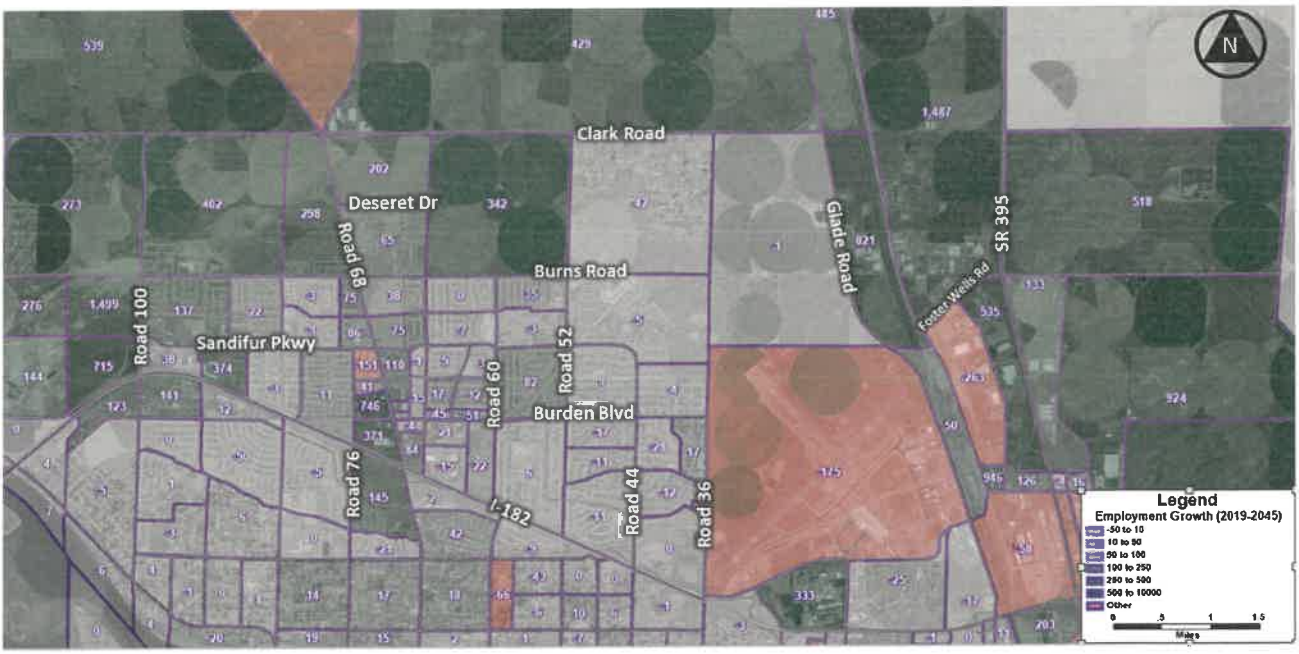


FIGURE 3: 2019-2045 EMPLOYMENT

The most recent changes to the Pasco Urban Growth Area (UGA) also include modifications to housing density plans for the currently undeveloped areas north of Burns Road. These most recent changes have not yet been incorporated into the BFCOG 2045 travel demand model scenarios. However, the net growth in the areas north of Burns Road is not projected to change, and as this analysis is macroscopic in nature, focusing on the Burns Road corridor cross section need as a whole (3-lane vs 5-lane), land use reallocations between traffic analysis zones in the areas north of Burns Road are not anticipated to have an impact on the final recommendation.

TRAFFIC MODELING FINDINGS

The 2045 Baseline, Burns to Glade Extension, and Burns to SR 395 scenarios were run in the BFCOG travel demand model, and the model outputs were reviewed. The analysis focused on the 4-6 PM time period, the worst-case traffic operations time period in the model.

BURNS EXTENSION – ROAD 52 TO GLADE RESULTS

The results for the Burns Extension to Glade Road scenario are broken down by individual project (Burns Extension, Road 36 Extension south of Burns Road, Road 36 Extension north of Burns Road) and summarized as follows:

- *Burns Extension (Road 52 to Glade Road)*
  - Pulls trips away from:
    - Argent Road
    - I-182
    - Clark Road
    - Burden Blvd from Road 36 to Road 52
  - Improves operations at:
    - Argent/20th Ave
    - I-182 Eastbound Ramps and I-182/SR 395
- *Road 36 south extension (Burden to Burns)*
  - Pulls trips away from:
    - I-182
    - Road 68 north of I-182, south of Burns
    - Burden Blvd from Road 36 to Road 52
    - Road 52 from Burden to Burns
  - Improves operations at:
    - Road 68/I-182 Eastbound Ramps
    - Road 68/Burden
    - Road 52/Burden
- *Road 36 north extension (Burns to Clark)*
  - Pulls trips away from:

    - Road 68 north of Burns
    - Glade Road north of Burns
  - Improves operations at:
    - Road 68/Sandifur
    - Road 68/Burns
    - Glade Road/Clark Road
- *Key Combined Benefits*
  - Up to 9% traffic volume reduction on Road 68 north of Sandifur
  - 2-4% reduction at the Road 68 interchange
  - 2% on I-182 between SR 395 and Road 68
  - 10-25% reduction on Argent east of SR 395
  - 30-50% reduction on Road 52 from Burden to Burns

The volume to capacity (forecasted congestion) and volume change compared to the No-Build conditions plots are included in Attachment A.

BURNS EXTENSION – ROAD 52 TO SR 395 RESULTS

The new connection provides significant congestion relief to the following corridors forecasted to experience significant congestion (Peak Hour volume exceeds available capacity) under 2045 conditions:

- I-182 from SR 395 to Road 68
- Clark Road from Glade Road to Road 68 – Although Clark Road is not technically expected to experience over capacity conditions in 2045, the projected Baseline volume on this corridor is well above the volume thresholds intended for this type of rural, county owned facility
- Road 68 from Clark Road to I-182

In addition, the Burns Extensions provides particularly PM peak period relief to some specific key congestion bottleneck locations compared to the 2045 Baseline conditions, including:

- Road 68/I-182 interchange – particularly the westbound off-ramp (14% volume reduction), and highly congested southbound Road 68 (4% volume reduction) approach
- Road 100/I-182 interchange – particularly the westbound off-ramp (15% volume reduction), and highly congested southbound Broadmoor Blvd (4% volume reduction) approach
- 4th Avenue/I-182 interchange – 18% decrease in freeway ramp volumes

The congestion relief expected from the Burns Extension includes potential PM peak period travel time improvements to the following corridors:

- Road 68 (Clark Road to I-182) – 17% reduction in northbound delay, 29% reduction in southbound delay
- Road 100 (Burns Road to I-182) – 12% reduction in northbound delay, 13% reduction in southbound delay
- I-182 (SR 395 to Road 100) – 8% reduction in eastbound delay, 25% reduction in westbound delay

The volume to capacity (forecasted congestion) and volume change for the Burns Extension from road 52 to SR 395 compared to the No-Build conditions plots are included in Attachment B.

The PM peak hour volumes projected along the Burns corridor are estimated to exceed 1,600 vehicles per hour in the highest volume direction (westbound) at the highest volume location (between Road 36 and Road 52). Overall, westbound PM peak hour volumes are expected to exceed 1,200 vehicles per hour along the entire corridor from SR 395 to Road 68. These expected volumes would need a five-lane cross section to provide safe and adequate levels of service through the corridor. With the other cross section elements associated with a five-lane arterial roadway, 100' of Right-of-Way is recommended to be allocated to the Burns Corridor from Road 68 to Glade Road, in order to support a potential future connection to SR 395.

ATTACHMENTS

ATTACHMENT A: BURNS TO GLADE EXTENSION MODEL PLOTS

ATTACHMENT B: BURNS TO GLADE EXTENSION MODEL PLOTS

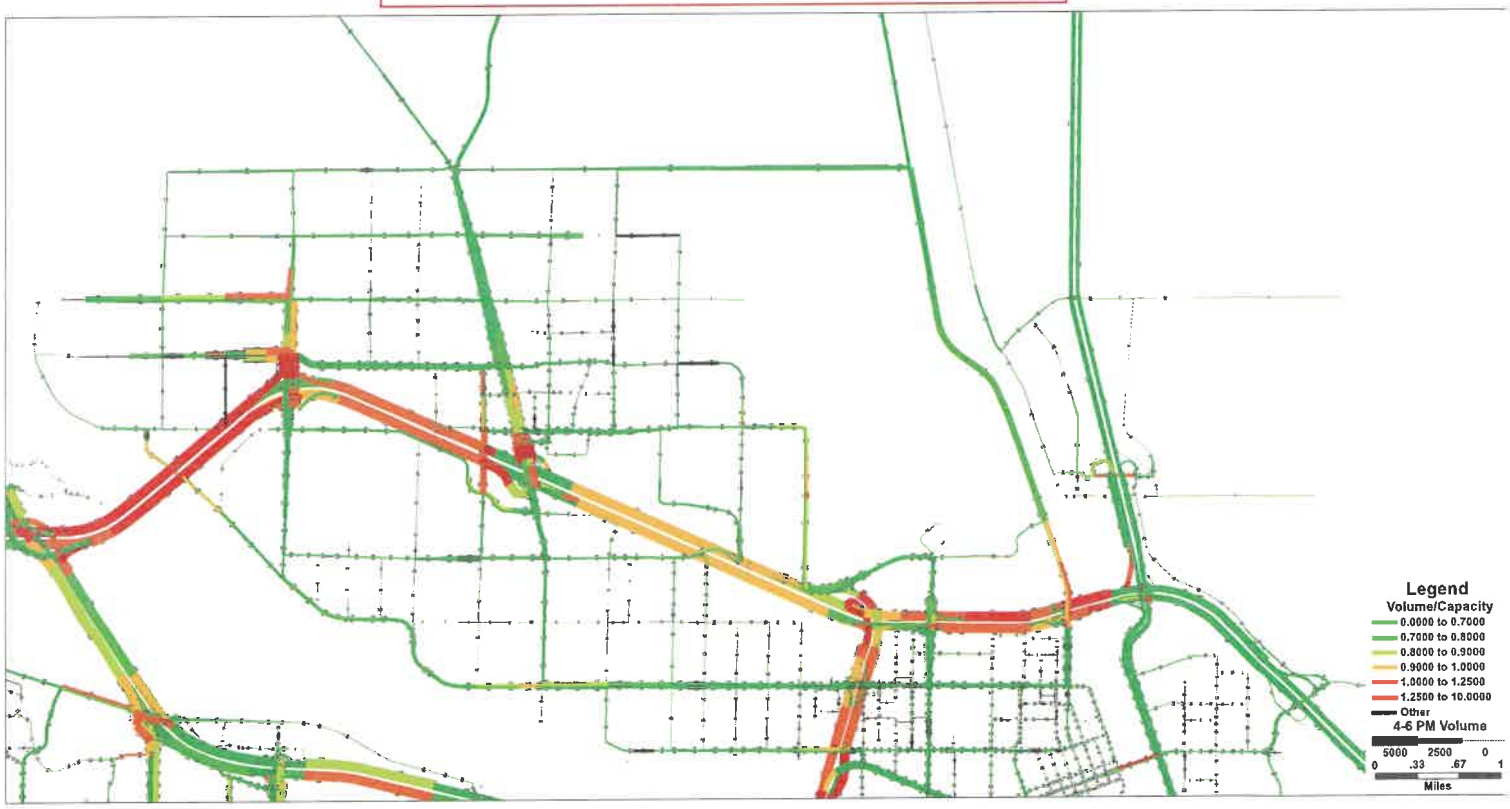
ATTACHMENT A: BURNS TO GLADE EXTENSION MODEL PLOTS

ATTACHMENT A-1: 2045 BASELINE 4-6 PM VOLUME TO CAPACITY PLOT

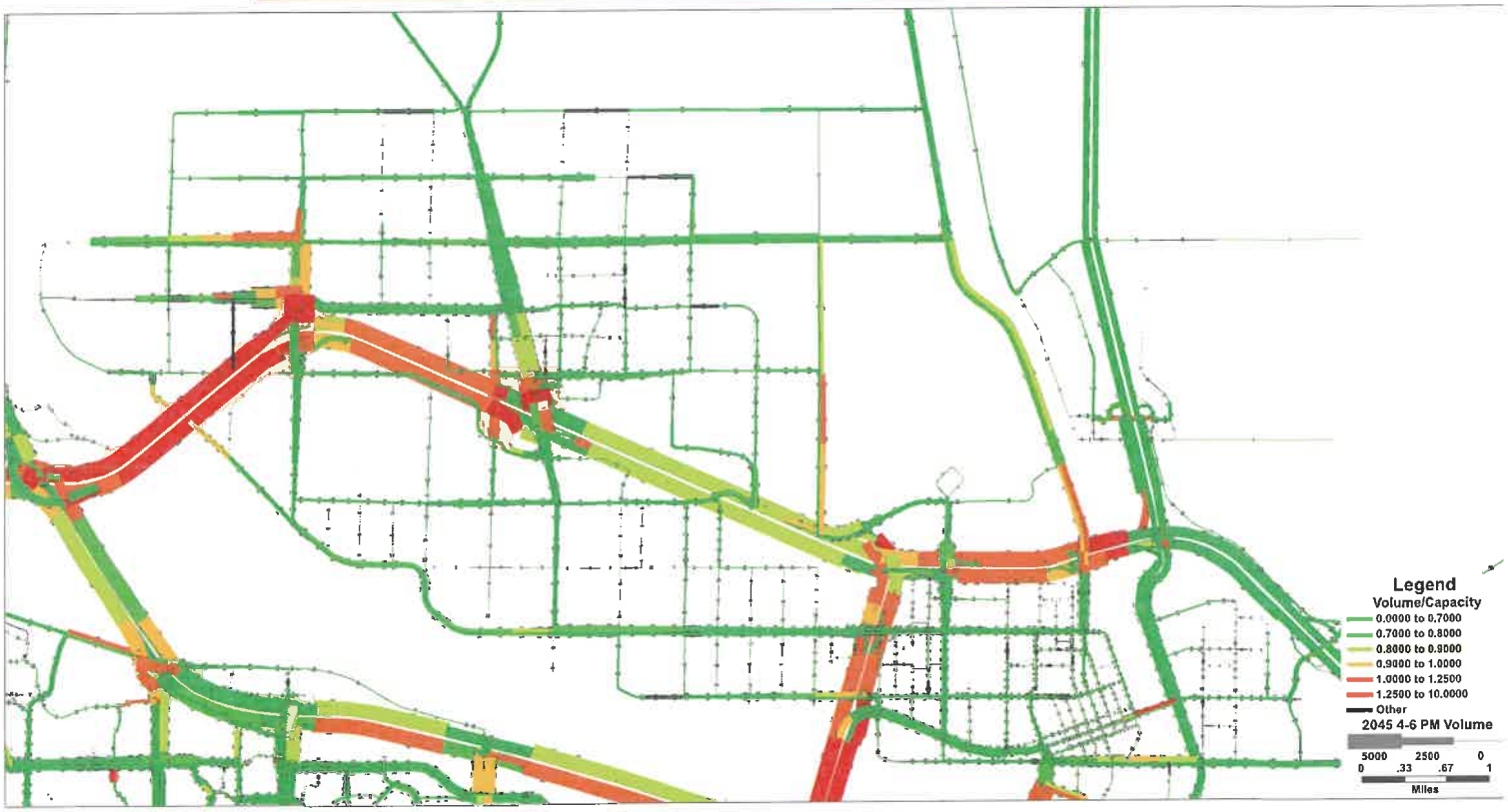
ATTACHMENT A-2: 2045 BURNS TO GLADE EXTENSION 4-6 PM VOLUME TO CAPACITY PLOT

ATTACHMENT A-3: 2045 BURNS TO GLADE EXTENSION TO BASELINE 4-6 PM VOLUME DIFFERENCE PLOT

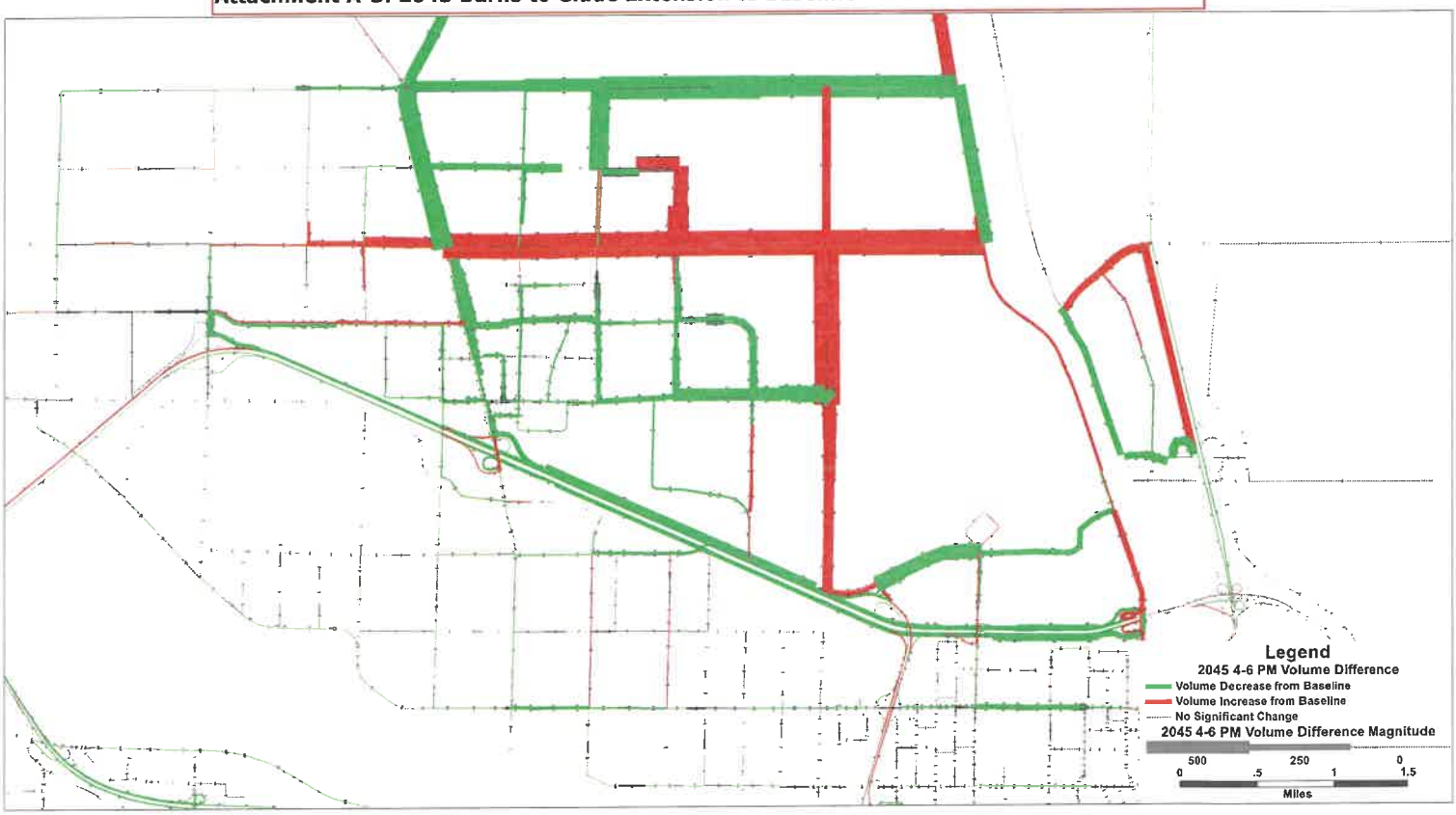
Attachment A-1: 2045 Baseline 4-6 PM Volume to Capacity Plot



Attachment A-2: 2045 Burns to Glade Extension 4-6 PM Volume to Capacity Plot



Attachment A-3: 2045 Burns to Glade Extension to Baseline 4-6 PM Volume Difference Plot

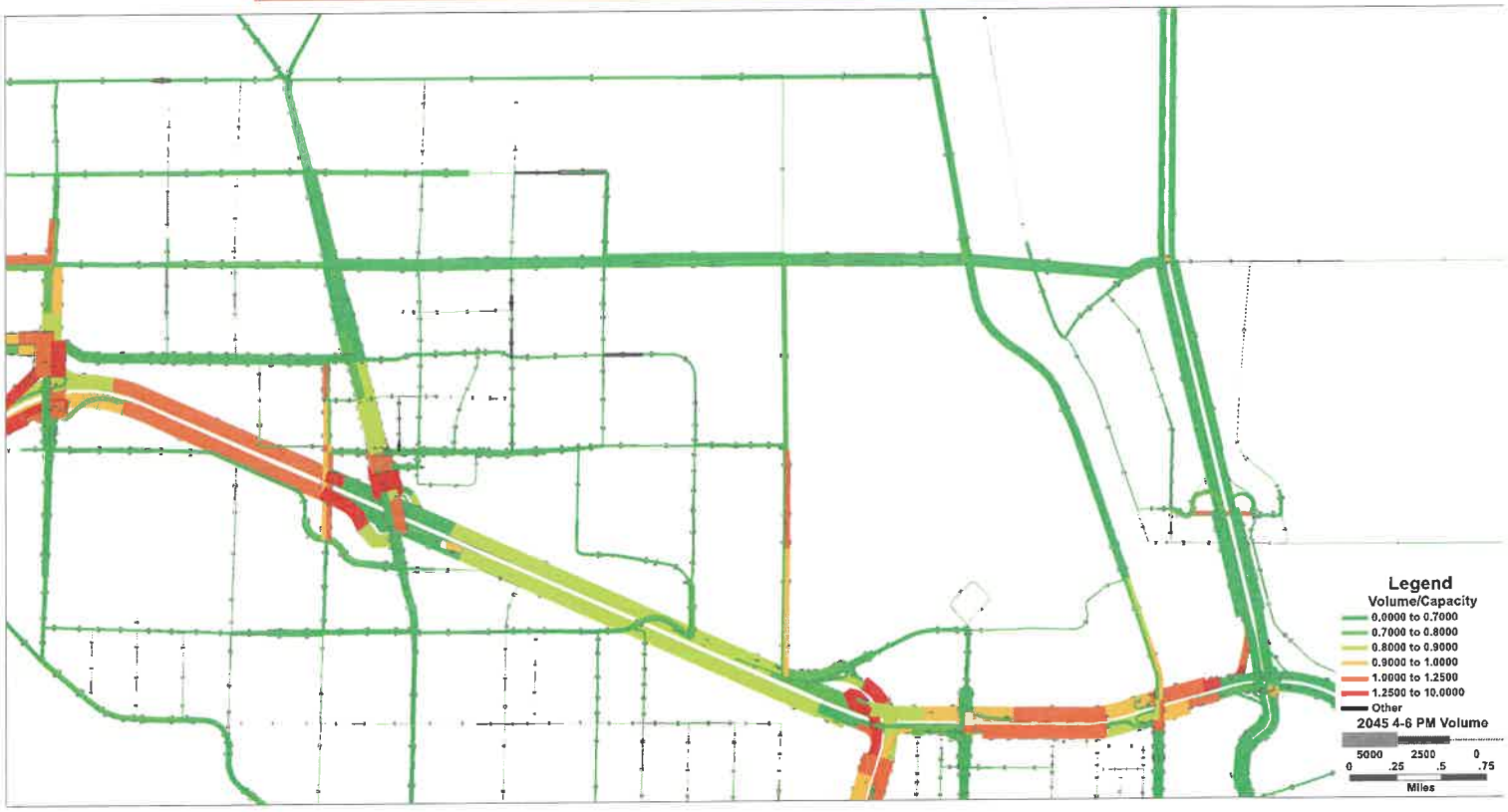


ATTACHMENT B: BURNS TO GLADE EXTENSION MODEL PLOTS

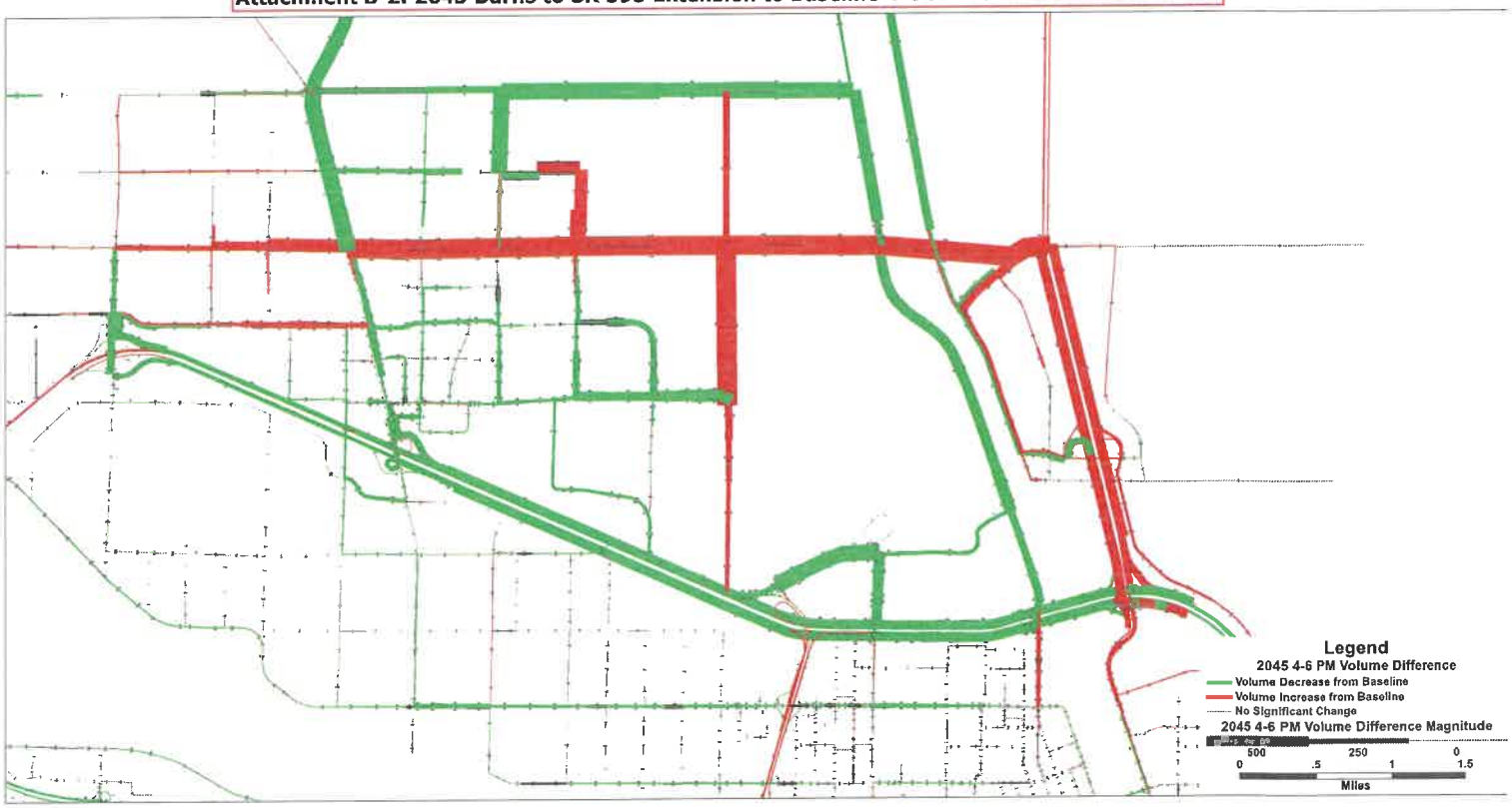
ATTACHMENT B-1: 2045 BURNS TO SR 395 EXTENSION 4-6 PM VOLUME TO CAPACITY PLOT

ATTACHMENT B-2: 2045 BURNS TO SR 395 EXTENSION TO BASELINE 4-6 PM VOLUME DIFFERENCE PLOT

Attachment B-1: 2045 Burns to SR 395 Extension 4-6 PM Volume to Capacity Plot



Attachment B-2: 2045 Burns to SR 395 Extension to Baseline 4-6 PM Volume Difference Plot



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HE DETERMINATION PP 2020-002 BURNS ROAD FEE DISPUTE

CITY OF PASCO HEARING EXAMINER
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

Burns Road Duplexes, PP 2020-002
SEPA Appeal and Preliminary Plat Decision

December 30, 2020

I. FINDINGS OF FACT

1. Background

Proposal. 123 multi-family duplex / zero lot line lots on a vacant 13.15-acre site with no critical areas.

Applicant. Big Sky Developers, LLC, 12406 Eagle Ranch Court, Pasco, WA 99301.

Location. 10181 / 10315 Burns Road, Pasco, WA 99301. Assessor Parcel Nos. 115-180-066 and 115-180-067.[1]

2. SEPA (State Environmental Policy Act, Ch. 43.21C RCW) Appeal Hearing.

2.1 MDNS Issuance. The Department issued a Mitigated Determination of Non-Significance on June 26, 2020.[2] The Applicant appealed on July 6, objecting to two MDNS conditions, one requiring a traffic impact analysis, and another requiring a fire mitigation fee.

2.2 Hearing Overview. An open record appeal hearing was held remotely on December 9, 2020, before the preliminary plat was heard. The parties included:

Department. The City of Pasco Planning Department was represented by Craig Briggs and Jeffrey Briggs, Kerr Ferguson Law, 7025 W. Grandridge Blvd., Ste. A, Kennewick, WA 99336-7826. Mr. Gonzalez provided sworn testimony.

Appellant/Applicant: Big Sky Developers, LLC was represented by Mr. Fickes, Halverson Northwest Law Group, 405 E. Lincoln, Yakima, WA, 98907-2550. Mr. Fickes provided sworn testimony and legal argument.

2.3 Record. Admitted exhibits are the SEPA Staff Report and attachments, including the MDNS, the Applicant's pre-hearing brief, the appeal, the plat Staff Report submitted before the hearing, and the updated plat map submitted just before the hearing. Documents submitted after the hearing were not admitted for the SEPA appeal, but were accepted in reviewing the plat.

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[1] The Staff Report contains the legal description.
[2] The hearing was initially opened on April 8, 2020, but the Examiner continued it as SEPA had not been completed.

2.4 Record Supplementation. The Department argues in comment submitted after the hearing that it should be able to submit information into the record on fire impacts to substantiate its arguments. Allowing that would be unfair to the Applicant/Appellant.

At the hearing, the parties had the opportunity to present their cases. This included presenting legal argument, calling witnesses, and offering exhibits. The Appellant has the burden of proof, so presented its case first, elaborating on its pre-hearing brief. The Department then had the opportunity to present its case. The Department provided no substantive evidence to support the fire mitigation fee, although this is a central requirement for imposing mitigation through SEPA. The Applicant's counsel asked that the SEPA record be closed, and the Examiner agreed it should be.

The plat proceeding is different. That record was kept open post-hearing. The Applicant raised concerns, and the Examiner clarified that per her ruling at the hearing, the extension was not for the SEPA appeal, but for the plat matter. Fire response adequacy must be addressed with the plat, which the Examiner must independently assess. However, in an appeal setting, an appellant makes their case, the respondent addresses the appeal, and there is then an opportunity for rebuttal. The case in chief cannot be made after the hearing closes. This removes the purpose of the hearing, and is unfair to the party who had prepared.

2.5 Fire Fee Condition. The Applicant, through Mr. Fickes, focused on fee illegality under Ch. 82.02 RCW and Ch. 43.21C RCW, and the lack of record support for the fee. He stated the MDNS does not identify the impact specific to the project being addressed or the SEPA policy the mitigation is based on.

The Department's legal counsel agreed with Mr. Fickes that without an impact fee ordinance the Department lacks authority under Ch. 82.02 RCW to impose the fire fee. However, SEPA can be used to mitigate impacts to the built environment. There need not be a code structure as with impact fee ordinances, but there must be a policy and reference to an environmental review document that shows project impacts. Counsel did not detail the impact being addressed, and Mr. Gonzales testified that the $390 per unit fire mitigation fee would need to be revised. Department staff are preparing an environmental document to identify the proportionate share of costs. He referenced the Staff Report, p. 3, which indicates it would be later provided. On legality, he deferred to legal counsel.

Mr. Fickes countered there does seem to be consensus on much of this, excepting whether the Department can impose the fire mitigation fee through SEPA based on this limited record. He argued that as this is an appeal, and there is nothing in the record supporting the fee, fee imposition is not sustainable. The record cannot be kept open to allow the Department to substantiate its position post-hearing. There is no SEPA policy, no fire station in a capital facilities plan, or any evidence to support the fee. Mr. Fickes asked the Examiner to approve or deny the mitigation fee appeal based on this record.

The Department's counsel had been under impression there was a document entitled Fire Mitigation Fee Analysis and Estimate. However, no such document was submitted, and as it still being drafted, it does not yet exist.

2.6 Traffic Impact Analysis Condition. Following MDNS issuance in June, the Applicant provided a traffic impact analysis to the Department, and the Department approved it. As the issue was resolved, the Examiner asked the parties if it was moot. The parties did not dispute the issue had been mooted with the City's acceptance and approval of the traffic impact analysis. Even if the plat included a blanket incorporation of MDNS conditions, that condition has been complied with, so would require nothing further from the Applicant. There is nothing for the Examiner to resolve so any ruling would be advisory. This issue should be dismissed.

3. Preliminary Plat

3.1 Land Use Designations/Site and Surrounding Area. The site, within the Pasco Urban Growth Boundary, is zoned R-4 (High Density Residential). There is no minimum density requirement, but there are minimum lot size requirements. "4,000 square feet of lot area for single-family dwellings and 1,500 square feet of lot area for multiple-family dwellings and dwellings part of zero-lot-line developments."[3] The 2018-2038 Comprehensive[4] indicates the site is intended for Medium-High Residential at a density of 8-15 dwelling units per acre. The proposed plat has a density of 9.4 dwelling units per acre, so is consistent. Surrounding zoning and land uses are:

North:	RS-1, vacant
East:	R-1, single-family homes
South:	RT, vacant
West:	R-1, vacant

3.2 Evidence Reviewed. The Examiner admitted the Community and Economic Development Department's ("Department") Preliminary Plat Staff Report and SEPA Staff Report, with Attachments A-D. Different versions of the plat map were submitted, with the most recent submittal on December 9, 2020. The Staff Report was also revised on multiple occasions. The Examiner utilized the most recent December 15, submittal, which included an e-mail, and attached correspondence from the City Fire Department, and the current plat map.

3.3 Hearing – Preliminary Plat. An open record public hearing was held December 9, 2020. Due to COVID-19 restrictions, the hearing was conducted remotely, with the Examiner, Department, and Applicant calling in. Access information was available to the public to allow citizens to call-in. There were no reported technical difficulties during the call or afterwards. However, in case any citizens who wished to comment had difficulty calling in,[5] and also to allow the Department to coordinate with the Applicant on the revised conditions, which they had seemed close to agreement on, the record was kept open through December 15.

A revised staff report was submitted December 15, which the Applicant raised concerns with due the lack of time to review it. The Examiner elected to keep the record open through December 21, to ensure this consultation could happen, if the parties were amenable.[6] The

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[3] PMC 25.50.070(3).
[4] The Department indicated the County is expected to certify the Plan in January of 2021.
[5] The record for all public hearings on permits (not appeals), is being kept open for remote hearings, in case there is any citizen technical difficulty with participating.
[6] This extension did not change the day the Examiner entered the decision, as the decision was entered within ten business days of December 15.

Examiner explained her rationale for the extension, which was to allow for any "minor disagreements and/or errors on the plat" to be called to her attention. It is preferable for documents submitted to the Examiner to be accurate, and for there to be adequate review time to ensure all errors are identified. The statement did not preclude other comments.[7] As stated, the plat record was kept open for citizens, the Department, and Applicant.[8]

The extension served its intended purpose, with an updated and corrected Staff Report provided on December 21st. The Applicant raised objections, primarily to the Fire Department's submissions, but most other disputed questions were resolved.

At the hearing, the Department, through Mr. Gonzalez, identified key points from the Staff Report. Mr. White confirmed fire service availability, though outside the six minute target response time. The Applicant, through Mr. Stromsted, presented, along with Applicant's counsel, Mr. Fickes. Mr. Bowman was the only individual from the public. He voiced his support for the positions taken by Mr. Fickes and Mr. Stromsted. No other person from the public indicated a wish to testify.

3.4 Notice. Hearing notice was mailed to property owners within 300 feet and published in the Tri-City Herald November 29, 2020. Notice requirements were met.[9]

3.5 Agency Comment. The proposal was circulated to various agencies, and is summarized below: [10]

Washington State Department of Transportation. The project is not adjacent to I-182, but WSDOT expects a majority of the traffic generated from the proposed development to utilize the Road 100 / Broadmoor Blvd (Exit 7) interchange. WSDOT indicated it is to the benefit of the City, State and future developers to preserve interchange efficiency and notes that it currently operates within acceptable safety and operational standards.

Confederated Tribes of the Colville Reservation. The project lies near the traditional territory of the Palus Tribe, represented by the Colville Confederated Tribes of the Colville Reservation and governed by the Colville Business Council. An archaeological assessment and/or investigation is requested with results submitted prior to commencement of the project.

3.6 Layout. The plat contains 123 multi-family duplexes with zero-lot line configurations. Lots range from 2,773 to 5,189 square feet, with an average of 3,443. The plat can comply with height, lot coverage, landscaping, and other development standards of the R-4 zone.[11]

3.7 Access/Transportation. Burns Road provides access. When developed, the subdivision will generate approximately 715 vehicle trips per day. Traffic impact fees will be paid consistent with code requirements.[12] Both the Comprehensive Plan and City Code provide

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[7] *See* e-mail comment from City counsel (December 21, 2020), paragraph three.
[8] The Examiner addressed this distinction during the SEPA appeal hearing as well, during a colloquy with the Applicant's counsel.
[9] PMC 21.25.050; updated Staff Report, p. 5.
[10] Updated Staff Report, pp. 10-11.
[11] PMC 25.70.050.
[12] Ch. 3.40 PMC.

for a convenient and interconnected street network, which supports multi-modal and pedestrian circulation, and comports with standard requirements, such as block sizing.[13] The original lay-out did not adequately address code requirements, as detailed in the original staff report, but as addressed in the updated Staff Report, and at the hearing, the updated Plat map addresses these requirements. Access and circulation are detailed on the updated Plat map, which has been designed to interconnect with the surrounding street system. And, transit can support the project. Ben Franklin Transit's Routes 66, 67 and 225 have stops about 0.58 mile southeast of the site on Sandifur Parkway.

3.8 Schools. Pasco School District is completing construction of new elementary and middle schools approximately 0.33 mile east of the proposed plat on Burns Road. Maya Angelou Elementary School on Road 84 is approximately 1.25 miles east of the site. Delta High School is 0.39 mile south on Broadmoor Boulevard. The Staff Report provides background on School District impact fees, which ensure facility adequacy to support new development. By paying school impact fees, adequate provision will be made to address school impacts, as required.[14]

3.9 Safe Travel and Walking Conditions. The plat includes adequate streets and sidewalks. Curb, gutter, and sidewalk will be installed and constructed to City standards and consistent with ADA requirements.

3.10 Utilities. Municipal water is available in Burns Road. The site will be served by a future sewer/trunk-line along Harris Road and will connect to Burns Road as part of the Northwest Sewer LID. Big Bend Electric will serve the plat.

Construction of municipal services and infrastructure (i.e., fire hydrants and streetlights) shall be constructed per the PMC and the latest version of the Pasco Design and Construction Standards.

An existing Franklin County Irrigation District main is at the intersection of Burns Road and Broadmoor Boulevard, approximately 343 feet east of the proposed plat.

The assignment of water rights is a requirement for subdivision approval per PMC.[15] If no water rights are available to transfer to the City, the property owner/developer must pay a water right fee in lieu thereof.

3.11 Parks/Open Space. Vintage Park is approximately 1.4 miles east of the proposed plat on Road 84 south of Burns Road. Chiawana Park is approximately 3.25 miles south on West Court Street and Road 94. Access to the Sacajawea River Trail is 2.46 miles south on West Court Street north of Road 111. Access to the City bicycle/pedestrian trail is one-half mile south at Broadmoor Boulevard and Sandifur Parkway. Park impact fees will be collected at the time of permitting, per code requirements, to address the project's park impacts and ensure adequate provision for park facilities is made.[16]

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[13] Updated Staff Report, pp. 8-9; Ch. 12.15 PMC (Complete Streets Ordinance); PMC 21.15.010(1).
[14] RCW 58.17.110; PMC 21.25.060 and Ch. 3.45 PMC; updated Staff Report, pp. 3-4.
[15] PMC 21.05.120; PMC 3.35.160.
[16] RCW 58.17.110; PMC 21.25.060; Ch. 3.50 PMC.

3.12 Phasing. At the hearing, the Applicant addressed a wish to phase infrastructure improvements. Limited detail on the phasing request was provided. The Staff Report does not include the requested condition due to safety and travel/access concerns.[17] A key issue with phasing is ensuring required infrastructure is built. Right-of-way improvements are central to traffic and pedestrian safety, and should be required consistent with code (PMC 12.36.050).

3.13 Fire Impacts. Any fire mitigation would be imposed not through Ch. 80.20 RCW or Ch. 43.21C RCW, but through Ch. 58.17 RCW and the City implementing regulations, and the Fire Code, Ch. 16.65 PMC. Through whatever authority imposed, mitigation must stem from project impacts.

The City Fire Department wishes to improve response times, and it has provided documentation on its goals and planning to accomplish that. Though not referenced by the Fire Department, the Comprehensive Plan adopts a travel time goal of six minutes or less for the first apparatus on scene, to be met 90% of the time, which the Fire Department meets 62% of the time.[18] The Fire Department provided a more current 2019 response time map. Although project location was not marked on the map, it appears to show adjacent areas as being met greater than 62% of the time, and more likely over 76% of the time. So, while area response times do not meet planning objectives, they appear to be an improvement over the average response time identified in the Comprehensive Plan.

The Comprehensive Plan includes a map of 2014-15 incidents. There do not appear to be any immediately proximate to the development area.[19] If the mapping is correct, this suggests that a residential plat in this area should on average generate few fire response calls. However, the Fire Department comment conflicts with this data.

> In an effort to meet that goal in the western part of Pasco, particularly between Road 44 and Road 100, a fire station was relocated to Road 76 and Sandifur. In our constant reviews of our performance that area has a very high call frequency and draws available resources from not only our new station on Sandifur, but from stations in other areas of the city when the Sandifur station is already committed.[20]

This comment indicates there is "very high call frequency" but suggests there is a fire station nearby, and that it was newly installed, so should further improve response times to the area the plat is within. The comment suggests there are other areas which may need a new fire station, to ensure the nearby station has sufficient capacity. The comment does not provide average call frequency for a residential plat in this area. Also, it is not clear what constitutes a

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[17] Department cover e-mail (December 15, 2020); PMC 12.36.050.
[18] Comprehenisve Plan, Vol. II, p. 85. This does not include the two minute turn-around time, which is the time required to leave the station following receipt of a call. Even this goal, which is based on the Fire Department's internal response procedures, is only met 67% of the time, although the goal is to meet it 90% of the time. The Plan goal is greater than the 85% metric the Fire Department references in its comment, referring to Resolution 2938, adopted 14 years ago.
[19] Comprehensive Plan, Vol. II, p. 85.
[20] City Fire Department comment (December 21, 2020).

"high call frequency. The letter does not provide evidence supporting the need for a fire station as a result of this plat,[21] but requests general funding to serve the area west of Road 100:

> Developing Fire and Emergency Medical services to serve the area west of Road 100 is in the planning stage. A location for an additional fire station on Road 100 has been purchased and design of a station will commence in 2021. However, the funding source, approximately $5 Million, for the actual capital construction has not been identified as noted in our current 2021-2026 Capital Improvement Plan which was adopted by the City Council earlier this year.[22]

To address this comment, the Department proposed a condition which states, "Final Plat shall not be approved until … completion of Fire Station 83." The Examiner cannot impose such a condition. Fire Station 83 is not being built to serve only this plat, but an entire service area, and it appears from comment, that that the plat may not be within what should be considered the primary service area. This one project is not responsible for this funding gap. Further, based on the materials the Fire Department submitted, and the City's Comprehensive Plan, it is evident that fire service can be provided to the plat.

Fire departments (or the fire marshal in counties) often comment on development proposals. Comment is always focused on the project under review, not generalized funding issues. Comments typically addresses fire access, fire hydrant location, and other fire code requirements. The Fire Department did not identify concerns with the Applicant's ability to meet these requirements.[23] The Fire Department will have a further opportunity to ensure these requirements are met, as fire code requirements must be met at the building permit stage. These requirements reduce the plat's fire risks:

> There is adopted by the City Council of the City, pursuant to the provisions of RCW 35.21.289 and Chapter 19.27 RCW, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code and standards known as the International Fire Code, … as amended by the Washington State Building Code Council and published as Chapters 51-34 and 51-35 WAC, … are adopted...[24]

Based on the record provided, the Fire Department can provide fire service to the plat consistent with how it currently provides service throughout the City. And, to minimize fire risks, and the need for such services, plat development must comply with the fire code. If a fire station should be added to serve the area west of Road 100, then then this is a broader issue for the City rather than being the responsibility of a single project.

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[21] A fee amount of $390 was proposed for SEPA purposes, but nothing was provided (in either the SEPA or plat record) showing how this figure was calculated. No such mitigation was requested for an adjacent plat, which the Examiner also held a hearing on, on December 9.
[22] City Fire Department comment (December 21, 2020).
[23] Typically that comment is received not after a plat hearing, but during the notice of application and/or SEPA comment periods. That allows an applicant sufficient time to address concerns. Here, no such comments were submitted.
[24] PMC 16.65.010(1).

3.14 Staff Report/Conditions. To ensure project development consistent with City requirements and findings, the Department's proposed conditions should be imposed, largely without substantive revision. The Condition 7 phrase holding up plat finalization until the fire station is built, is removed. Also, the MDNS date reference in Condition 6 requires correction from July to June. The preliminary plat is subject to all PMC requirements, including code time limits for submitting the final plat and completing required improvements. Except as this Decision revises it, the updated Staff Report is incorporated.

II. CONCLUSIONS

1. SEPA Appeal. The Examiner has jurisdiction over the SEPA appeal.[25] The Appellant has the burden of proof, with "substantial weight" owed to the decision maker.[26] The traffic impact analysis condition is moot, and the fire mitigation fee condition is not sustainable. A local authority does have broad authority to address mitigation issues through SEPA, but the statute does include certain basic requirements for imposing mitigation.

> Any governmental action may be conditioned or denied pursuant to this chapter: PROVIDED, That such conditions or denials shall be based upon policies identified by the appropriate governmental authority and incorporated into regulations, plans, or codes which are formally designated by the agency (or appropriate legislative body, in the case of local government) as possible bases for the exercise of authority pursuant to this chapter. ... **Such action may be conditioned only to mitigate specific adverse environmental impacts which are identified in the environmental documents prepared under this chapter.** ... Mitigation measures shall be reasonable and capable of being accomplished.[27]

The project impact was not specifically identified in the MDNS, and no SEPA policy identified. The Appellant met its burden of proof, and overcame the substantial deference owed the decision maker in a SEPA appeal, as no evidence supporting the condition was provided. Even if the Examiner could admit the additional materials on fire impacts for SEPA purposes,[28] they do not support the condition. SEPA requires the impact be specifically addressed and the SEPA policy identified.[29] The materials do not do that, providing only generalized information. There must be a SEPA impact to mitigate. With or without the post-hearing materials, one was not identified. The MDNS does not meet these requirements.

2. Preliminary Plat. The Examiner may approve a preliminary plat if:

> (1) Adequate provisions are made for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, transit stops, schools and

[25] PMC 23.35.070.
[26] RCW 43.21C.075(3)(d); PMC 23.35.070(5).
[27] RCW 43.21C.060; WAC 197-11-660.
[28] Even if admitted, the materials submitted do not sufficiently support the fee. However, these materials are addressed in the plat section of this Decision only.
[29] RCW 43.21C.060.

school grounds, sidewalks for safe walking conditions for students and other public needs;

(2) The proposed subdivision contributes to the orderly development and land use patterns in the area;

(3) The proposed subdivision conforms to the policies, maps and narrative text of the Comprehensive Plan;

(4) The proposed subdivision conforms to the general purposes of any applicable policies or plans which have been adopted by the City Council;

(5) The proposed subdivision conforms to the general purposes of this title;

(6) The public use and interest will be served by approval of the proposed subdivision.[30]

As the Findings and Staff Report detail, the preliminary plat is consistent with these criteria and should be approved. This conclusion is based on compliance with City engineering and street improvement requirements, and payment of all code required traffic, school, and park impact fees. This, coupled with required improvements and code compliance, adequately provides for open space, drainage, public ways, water and waste, parks, transit, schools, and sidewalks for safe walking conditions. As these issues are addressed, adequate provision is made for the public health, safety and welfare, and the plat will contribute to the orderly development of the area. As the Staff Report addresses, as mitigated the plat is consistent with the Comprehensive Plan, and conforms to City adopted policies, Title 21 purposes, and serves the public use and interest.

DECISION

The Hearing Examiner grants the appeal with respect to the fire mitigation fee condition, which is stricken, and finds the appeal moot with respect to the traffic impact analysis condition. As the SEPA determination otherwise stands, the Examiner approves the preliminary plat, subject to these conditions:

1. All improvements shall be in accordance to the Pasco Municipal Code. The Pasco Municipal Code adopts the most recent versions of the City of Pasco Standard Specifications, the Washington State Department of Transportation Standard Specifications for Road, Bridges, and Municipal Construction, the International Building Code, and the International Fire Code. If there are any conflicting regulations in any of these documents, the more stringent regulation shall apply.

2. The face of the plat shall include this statement: "As a condition of approval of this preliminary plat the owner waives the right to protest the formation of a Local

[30] PMC 21.25.060.

Improvement District for sewer/water/road/sidewalk improvements to the full extent as permitted by RCW 35.43.182.

3. Any existing water rights associated with the subject property shall be transferred to the City as a condition of approval. If no water rights are available then the property owner, in accordance with PMC 21.05.120, shall pay to the City, in lieu thereof, a water rights acquisition fee as established in the City Fee Summary Ordinance as identified in PMC 3.35.

4. Only City and other utilities with franchise agreements compliant with the Pasco Design and Construction Standards are allowed in the public right of way. Overhead utilities shall be placed underground.

5. It shall be the responsibility of the property owner/developer to contact all utility owners to determine their system improvement requirements. Prior to subdivision construction plan submittal and/or review, the property owner/developer shall provide to the City of Pasco written support/approval of the proposed development from all outside utilities, public and private.

6. Completion of Inadvertent Discovery Protocol as indicated in the SEPA Determination (MDNS) issued 6/26/2020.

7. Final Plat shall not be approved until availability of sewer utilities (Northwest Sewer LID).

The final plat must be submitted within code time limits.[31] While clarification may be requested, absent a timely appeal, this Decision is final.[32]

DECISION entered December 30, 2020.

City of Pasco Hearing Examiner
Susan Elizabeth Drummond

[31] *See* PMC 21.30.010 (five years to submit final plat).
[32] *See* Ch. 36.70C RCW (establishing 21 day appeal period to superior court, and setting forth necessary petition for review contents, along with filing and service requirements).

Index of Madison Park North Phase 1 Final Plat Record

DATE	TITLE	DOCUMENT NUMBER	BATES NUMBER
10-14-2025	Final Plat Application	1	CC 1
10-14-25 (Created) 10-23-25 (Modified)	Proposed Madison Park North Phase 1 Final Plat, FP2025-006	2	CC 2 - CC 3
10-13-2025	Title Report	3	CC 4 – CC 7
10-23-2025	FP2025-006 Notice of Complete Application	4	CC 8
10-27-2025	E-mail from D. Payne, Rogers Surveying, to I. Barragan transmitting plat CAD (.dwg) file	5	CC 9 – CC 10
10-28-2025	E-mail from C. Roberts, Franklin County Public Utility District to I. Barragan re: easement requirement	6	CC 11 – CC 12
11-6-2025	MPN Phase 1 Water Rights Estimate	7	CC 13
11-6-2025	E-mail from K. Casey, Franklin County Assessor's Office, to I. Barragan re parcel verification	8	CC 14 – CC 15
11-6-2025	Memo from Franklin County Assessor's Office re final plat application comments	9	CC 16
11-6-2025	Franklin County Verification of Parcel Numbers form	10	CC 17
11-13-2025	E-mail from J. Padvorac re final plat fees	11	CC 18 – CC 21
11-14-2025	Memo from I. Barragan to Farm 2005, LLC re City comments on proposed final plat	12	CC 22
11-19-2025	Memo from Padvorac Consulting to I. Barragan, re response to MPN Phase 1 Final Plat Memo	13	CC 23 – CC 28
11-21-2025	E-mail from J. Padvorac to I. Barrigan with MPN PH1 Final Plat Memo (duplicate digital copy)	14	CC 29
11-24-2025	Email from C. Kerry to I. Barrigan re: returned checks	15	CC 30 – CC 31
11-24-2025	E-mail from C. Raymond to J. Padvorac and D. Swisher	16	CC 32
11-26-2025	Letter from I. Barragan to D. Swisher regarding bond approval	17	CC 33
11-26-2025	E-mail from B. Cartwright to I. Barragan re bond cost estimates	18	CC 34 – CC 36
Undated	FP2025-006 Lot Report	19	CC 37 – CC 59

DATE	TITLE	DOCUMENT NUMBER	BATES NUMBER
11-28-2025	E-mail D. Baalman from Rogers Surveying – I. Barragan re FP2025-006 plat counter submittal transmitting .pdf of final plat	20	CC 60 – CC 62
11-28-2025 (Created) 12-1-2025 (Modified)	Proposed Final Plat	21	CC 63 – CC 65
12-1-2025	E-mail from C. Raymond re-wired bond funds	22	CC 66 – CC 67
12-18-2025	E-mail from I. Barrigan – J. Padvorac / D. Swisher re MPN Phase 1 final plat ready to be picked up	23	CC 68
12-17-2025	E-mail from P. Jimenez – G. Garcia re returned checks	24	CC 69 – CC 70
12-17-2025	E-mail from J. Padvorac – I. Barragan withdrawing minor modification request	25	CC 71 – CC 74
12-19-2025	MPN Phase 1 Final Plat Recorded FP2025-006	26	CC 75 – CC 76
3–24-2025	Hearing Examiner's Findings of Fact, Conclusions of Law, Decision and Conditions of Approval, Madison Park North Preliminary Plat, PP22-0007	27	CC 77 – CC 105
~~12-29-2025~~	~~Notice of Appeal of Administrative Approval of Final Plat, Madison Park North Phase 1~~	~~28*~~	~~CC 106 – CC 113~~
03-24-2025	Approved MPN Preliminary Plat (Sheets 1-8)	29	CC 114 – CC 122
05-30-2025	Approved Civil Engineering Plans, Madison Park North Phase 1.	30	CC 123 – CC 145
11-19-2025	B. Cartwright email 11-19-2025 re proposed bond estimate	31	CC 146 – CC 149
11-19-2025	B. Cartwright email to Jacobsen re proposed bond estimate	32	CC 150 – CC 153
11-20-2025	D. Jacobsen email re proposed bond estimate	33	CC 154 – CC 158
11-20-2025	B. Cartwright email to Barrigan 11.20.2025 re proposed bond estimate	34	CC 159 – CC 163

DATE	TITLE	DOCUMENT NUMBER	BATES NUMBER
12-29-2025	Notice of Appeal of Administrative Approval of Final Plat, Madison Park North Phase 1 with Appendices and Exhibits	35* – Replaces stricken Doc 28	CC 164 – CC 571

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR FRANKLIN COUNTY

DAVE SWISHER, an unmarried person, and FARM 2005, LLC, a Washington Limited Liability Company, Petitioners, v. CITY OF PASCO, a Washington municipal corporation; PASCO SCHOOL DISTRICT NO. 1, a public school district, Respondents.	No. 25-2-50360-11 ORDER ON LUPA APPEAL, MOTION TO STRIKE SUPPLEMENTAL RECORD, AND MOTION TO DISMISS FOR MOOTNESS

This case comes before the Court for determination on Petitioners' LUPA appeal of a decision by the City of Pasco Hearing Examiner dated March 24, 2025 on the Petitioners' preliminary plat application for Madison Park North (hereinafter MPN). The Court heard the argument of counsel on December 3, 2025 and has reviewed the record and pleadings submitted in this matter. The Hearing Examiner's decision approved a preliminary plat application with conditions for MPN, which is a proposed residential housing subdivision within the City of Pasco. The Petitioner challenged several of the Hearing Examiner's Findings, Conclusions of Law, and Conditions of Approval on the preliminary plat application.

After timely filing a LUPA appeal, on September 9, 2025 the Petitioner filed a 164 page "Supplemental Administrative Record." Respondent objected to the Court reviewing that filing and moved to strike the Supplemental Administrative Record. Petitioners' filed a response to the City's Motion to Strike. The City filed a strict reply.

On December 2, 2025, Respondent City of Pasco filed a "Supplemental Brief Regarding Mootness," arguing that Petitioners' actions developing MPN subsequent to the LUPA appeal rendered several of the Petitioners' complained-of conditions of the preliminary plat moot. Petitioner filed a response to the Brief Regarding Mootness; Respondent filed a strict reply.

While Petitioner appealed numerous Findings of Fact, Conclusions of Law and Conditions of Approval in their Amended LUPA petition, their briefing and argument at oral argument focused on objections to Conditions of Approval (COA) 3, 17, 19 and 21. This Court likewise focuses this ruling on those issues, for "unsubstantiated assignments of error are deemed abandoned[,]" *Kittitas County v. Kittitas County Conserv. Coal.*, 176 Wn.App. 38, 54 (2013), and "unchallenged conclusions become the law of the case." *Rush v. Blackburn*, 190 Wn.App. 945, 956 (2015). This includes Petitioners' unsubstantiated objection to Hearing Examiner's Conclusions of Law 1 and 5 and any Findings of Fact not discussed in more detail below.

The Court hereby makes the following findings and conclusions on the issues before it.

I. FINDINGS OF FACT RE: MOTION TO STRIKE SUPPLEMENTAL ADMINISTRATIVE RECORD

1.1 This action is a Land Use Petition filed under the Land Use Petition Act (LUPA), RCW 36.70C. This Court has jurisdiction on the issues before it pursuant to RCW 36.70C.040(1).

1.2 On June 2, 2025 a Case Schedule Order (LUPA) was filed setting the date for the Record to be submitted as July 28, 2025, and Petitioners' opening brief was due September 2, 2025.

1.3 On September 9, 2025, Petitioners filed a document titled "Supplemental Administrative Record" with the Clerk of the Court consisting of 164 pages, citing RCW 36.70C.120(2) and (4).

1.4 The Court did not request from, or grant permission to, either party to provide supplemental evidence, nor did the Court have a hearing with all parties present on any request from any party to file any supplemental evidence.

1.5 RCW 36.70C.120(5) states: "...*If the court allows the record to be supplemented*, the court shall require the parties to disclose before the hearing or trial on the merits the specific evidence they intend to offer." (emphasis added).

1.6 RCW 36.70C.130(1) states: "The superior court, acting without a jury, shall review the record *and such supplemental evidence as is permitted* under RCW 36.70C.120." (emphasis added).

II. CONCLUSIONS OF LAW RE: MOTION TO STRIKE SUPPLEMENTAL ADMINISTRATIVE RECORD

2.1 A plain reading of RCW 36.70C.120 and .130 show that Court permission is required before supplemental evidence should be filed and considered in a LUPA appeal. Such permission could be granted after a hearing with all parties and careful consideration of the arguments by the Court to determine if the proffered evidence meets the criteria for supplementation pursuant to RCW 36.70C.120.

2.2 In this case, no such hearing was held nor was permission of the Court sought prior to the Petitioner filing the "Supplemental Administrative Record" on September 9, 2025, approximately five (5) weeks after the due date for submitting the Record to Superior Court and after the due date for Petitioners' Opening Brief.

2.3 Because the Petitioners did not obtain Court permission to supplement the record in this case, and due process was denied to the Respondents on the issue, the Court will **GRANT** the Respondent's motion to strike the September 9, 2025 filing of the Petitioner titled "Supplemental Administrative Record" and will not consider it in reaching its further decisions.

III. FINDINGS OF FACT RE: MOOTNESS FOR CONDITIONS OF APPROVAL 3, 19 AND 21 AND CONCLUSION OF LAW 2

3.1 On April 7, 2023 Petitioners submitted a Preliminary Plat Application and SEPA Environmental Checklist with the City of Pasco, asking for approval to subdivide a

129.9-acre parcel of former farmland into 461 single-family residential lots for a project known as "Madison Park North." AR 2732-33.

3.2 The subject parcel is Assessor Parcel No. 114-250-018 located in the City of Pasco, Franklin County, Washington.

3.3 Petitioners are the property owners for Parcel No. 114-250-018 and have standing for this LUPA appeal pursuant to RCW 36.70C.060(1).

3.4 Because the parcel is undeveloped and former farmland, the parcel will require significant development by way of roads, utilities, sewer, and water to be fit for residential purposes.

3.5 A Local Improvement District (hereinafter LID) was formed for the purposes of bringing sewer connection to the parcel in 2022 and sewage is not at issue in this LUPA appeal. AR 2813-17.

3.6 Municipal water is expected to be extended to the parcel from the southwest and is also not at issue in this LUPA appeal.

3.7 Provisions for utilities to the property were provided for in the Hearing Examiner's approval of the Preliminary Plat application and were not appealed and are thus not at issue in this LUPA appeal.

3.8 Road development and dedication is an issue in this appeal to be discussed further *infra*.

3.9 The parcel is bounded by, and would propose to have access from, Burns Road on the south, Road 52 on the west, Deseret Drive on the north, and Road 44 on the east. AR 2733.

3.10 Petitioners' preliminary plat application included a proposed dedication of a 100-foot-wide right-of-way (hereinafter ROW) for Burns Road along the southern boundary of the parcel. *See* AR 3170, 3171; AR 815.

3.11 The SEPA application related to this parcel is not at issue in this LUPA appeal. A revised Mitigated Determination of Non-Significance (MDNS) for Madison Park North Preliminary Plat was issued by the City of Pasco on November 4, 2024 and was not appealed and is final as of November 25, 2024. AR 2778.

3.12 The City of Pasco required Petitioners to conduct a Traffic Impact Analysis (hereinafter TIA) to determine the proposal's impacts on the City's transportation system network as part of MPN's preliminary plat application. Petitioners hired Transpo Group to prepare the TIA. Transpo Group submitted a final TIA to the City in April 2024. AR 1430.

3.13 The TIA was then peer reviewed by the City's consulting engineers, PBS Engineering & Environmental. PBS indicated that the TIA was reviewed for completeness, and that no errors or concerns were found. AR 1464.

3.14 The TIA made recommendations for mitigation of any traffic impact from MPN's development, including payment of the standard per-lot traffic impact fee (TIF) of $709 pursuant to Pasco Municipal Code (PMC) 3.35.230; and frontage improvements with a ROW dedication to allow for future extension of Burns Road between Road 52 and Glade Road with a recommendation for credit to be given to the developer for the ROW dedication and frontage improvements. AR 1460.

3.15 The TIA recognizes that Burns Road is slated to be classified as a "principal arterial" road in the future with eventual widening to a 5-lane roadway consistent with a principal arterial classification. AR 1436; AR 1182; AR 1059.

3.16 Funding for improvements to Burns Road to eventually develop it into a principal arterial are defined in the City's Transportation Element of their 2021 Comprehensive Plan – Volume II as coming from "Arterial Street Fund, I-182 Corridor Impact Fund, Developer, Fed STBG grant." AR 1074.

3.17 The City of Pasco adopted a Transportation System Master Plan (TSMP) as a supplement to the 2018-2038 Pasco Comprehensive Plan by Resolution 4220 of City Council on August 1, 2022. AR 1132-33. The City's TSMP shows near-term projects for relevant areas of Burns Road to include widening it to three (3) lanes from Broadmoor Boulevard to Road 44 and installing an all-way stop control at Road 52 and Burns Road. AR 1174. While it lists a projected cost for improvements to Burns Road, the TSMP does not specify who would pay for those listed improvements. *Id.*

3.18 Resolution 4220 recites that City Council adopted their 2018-2038 Comprehensive Plan on June 7, 2021 as required by the state's Growth Management Act (GMA). The GMA requires cities to have a "transportation element" of their Comprehensive Plan, and that that transportation element must contain "goals, policies, and evaluation of criteria that define a vision for a city's transportation future[.]" The Resolution further recites that the TSMP contains the "operational and safety performance of the City's existing and future transportation system to support growth through the year 2040," and the TSMP conforms to the City's goals related to the Community Transportation Network. The Resolution does not contain language which would incorporate by reference the TSMP into the Comprehensive Plan or any other plan. AR 1132.

3.19 A public hearing on the MPN preliminary plat application was held before a City of Pasco Hearing Examiner on January 22, 2025.

3.20 The Hearing Examiner approved the MPN Preliminary Plat application in a decision that encompassed 35 Findings of Fact (with many subparts), six (6) Conclusions of Law and 21 Conditions of Approval.

3.21 Petitioner timely appealed the decision, appealing numerous Findings, Conclusions, and Conditions. At issue for the purposes of Respondent City of Pasco's motion to find certain appealed conditions moot are Conditions of Approval 3, 19 and 21. *Resp. City's Reply in Support of Supplemental Brief Re: Mootness*, p. 27, filed 12/24/25.

3.22 Condition of Approval 3 to the Hearing Examiner's decision states as follows: "The face of the final plat shall include this statement: 'As a condition of approval of this plat, pursuant to RCW 35.43.182 the owner hereby waives for a period of ten (10) years from the date of approval of this plat the right to protest the formation of a Local Improvement District (LID) or Utility Local Improvement District (ULID) for the financing and construction of transportation and/or utility improvements that specially benefit property owner(s) within this plat and are identified in the Capital Facilities Element of the City of Pasco's Comprehensive Plan, or documents adopted and incorporated by reference therein. This waiver shall be liberally construed in accordance with and to accomplish the purposes of RCW 35.43.182.'" AR 866.

3.23 Related to Condition of Approval 3, Conclusion of Law 2 stated that there was a legal and factual basis for a requirement that the face of the plat include a no-protest provision on formation of a LID or ULID. AR 865.

3.24 Condition of Approval 19 to the Hearing Examiner's decision states as follows: "Applicant shall ensure all proposed road alignments are designed and constructed in compliance with PMC 21.15.030(1) and (2)[1], Street Standards, and the City's codes and standards in relationship to adjoining plats and their streets. Specifically, the streets of the proposed plat shall be adjusted to align with the two already-approved County subdivisions to the North: Zaragoza Addition (Road 47) and Towers landing (Road 51). The concept of re-alignment of Road 47 and 51 presented by the applicant on 12/6/24, may be implemented as a minor adjustment as opposed to a major adjustment to the preliminary plat in accordance with PMC 21. 25.080." AR 868.

3.25 Condition of Approval 21 to the Hearing Examiner's decision states as follows: "The Pasco School District has demonstrated, by the testimony of Paul Knutson at the open record public hearing, and the January 8, 2025 comment letter that there are direct impacts to the school district regarding school children at or near Pasco School District Property. Because of these impacts, the developer shall work with the School District to address these direct impacts, by adding advanced warning signs on both Burns Road and

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[1] PMC 21.15.030(1): "Adequate and proper right-of-way improvements shall be required at the time adjoining property is developed and shall be required on all property. As a minimum a three-quarter street standard will be required if the property being developed only fronts on one side of the street."

PMC 21.15.030(2): "Adequate and proper right-of-way improvements shall include curb, gutter, sidewalk, illumination, traffic control devices, drainage control, engineered road bases, asphalt driving and parking lanes, nonmotorized facilities for bicyclists and pedestrians, and monumentation. All such improvements shall be approved by the City prior to construction and acceptance. The three-quarter street standard shall include curb, gutter and sidewalk on the developed side and a minimum of two complete traffic lanes."

Road 52, adding flashing beacons on North bound and South bound Road 52, and upgrade the existing crosswalk at the non-controlled intersection of Santa Cruz Lane and Road 52, to include a RRFB [rectangular rapid flashing beacon]." AR 869.

3.26 As part of the approval of the preliminary plat application for MPN, MPN was required to dedicate and improve half the required ROW on Road 52, and an abutting residential development, Raven Place, was required to dedicate the other half of the ROW for Road 52. Tr. 87-88; 182.

3.27 As part of the preliminary plat approval, MPN was required to dedicate between 70' to 100' of land on the southern parcel boundary for future development of Burns Road. AR 866, COL 4. The abutting residential development to the south, Madison Park South, was only required to dedicate 30' feet of ROW for Burns Road as far east as Ramus Lane when Madison Park South was developed, so MPN was required to dedicate an additional 70' between Road 52 and Ramus Lane, and then a full 100' dedication from Ramus Lane to Road 44 to create a contiguous and relatively straight 100' wide roadway for Burns Road to be built into a principal arterial in the future. *Id.*

3.28 Subsequent to the LUPA appeal, there is no dispute that Petitioner continued forward with development of MPN. *See Dec. of Swisher*, Dec. 17, 2025.

3.29 Petitioner sought approval of its civil engineering plans for Phase 1 and Right-of-Way work Permit to allow Petitioner to begin frontage improvements. The engineering plans show Burns Road extended to Road 44 at a maximum width of 100 feet. *Ex. A to Cartwright Dec.*, Dec. 2, 2025.

3.30 There is no dispute that in order to have an approved final plat, the Petitioner would have to construct certain infrastructure improvements to the parcel, pursuant to PMC 21.30.050. There is no dispute that the City required construction and dedication of frontage improvements (i.e. road building) on a small portion of Road 52 and Burns Road for both the preliminary plat approval and final plat approval for Phase 1 of MPN, which is located in the southwest corner of the parcel. *Ex. F to Barragan Dec.*, Dec. 24, 2025.

3.31 There is no dispute that subsequent to their LUPA appeal and before the end of 2025, Petitioners had built the frontage improvements on Road 52 and Burns Road necessary for Phase 1, as well as the school improvements required through Condition of Approval 21 to their Preliminary Plat application, and MPN received an approved final plat from the City. Petitioners contend that they did all of that "under protest" and with "full reservation of rights." *Swisher Dec.*, pg. 5-6.

3.32 No evidence, other than Swisher's statement that the final plat was recorded "under protest" and "with full reservation of rights" was submitted in support of Swisher's statement that any development of MPN subsequent to the LUPA appeal was done "under protest."

3.33 Petitioners' do not dispute that they have installed school zone improvements at Road 52 and Santa Cruz Lane to include a rectangular rapid flashing beacon and sidewalk and signage improvements meant to improve safety for students accessing Pasco School District property. Part of the required infrastructure development for approval of a final plat for MPN Phase 1 was the off-site school access improvements to Pasco School District properties (i.e. the nearby high school and elementary school). The final plat for Phase 1 of MPN incorporates these infrastructure improvements, as they were a requirement of the preliminary plat approval. AR 860-61, 869; *Padvorac Dec.*, ¶ 17, Dec. 17, 2025.

3.34 Petitioners moved forward with development and recording a final plat for MPN Phase 1 because if they did not do so by the end of calendar year 2025, they would lose out on an opportunity to sell the land to a developer and would have to refund a $4 million dollar deposit to the buyer. If the final plat was recorded and the sale done before the end of 2025, the Petitioner stood to make $3.4 million in profit. *Swisher Dec.* pg. 6-7, Dec. 17, 2025.

3.35 Petitioners acknowledge that they chose to move forward with development despite a pending LUPA appeal because if they did not do so, they would suffer financial consequences from losing the sale to a buyer. *Swisher Dec.* Para. 12. They also acknowledged that a decision about moving forward with a final plat application and further development took time and consideration because of the pending LUPA litigation. *Swisher Dec.* ¶ 11-12, Dec. 17, 2025.

3.36 A final plat has been accepted and recorded by the City for MPN, Phase 1. The face of the final plat for Phase 1 contains the following language:

3.36.1 "Dedication. I, Steve West, Authorized Representative of Farm 2005, LLC, hereby certify that we are the owners of the tract of land described hereon and that we have caused said land to be surveyed and platted into lots as shown hereon and the street rights of way and utility easements are hereby dedicated to the use of the public and that said subdivision shall hereafter be designated by the name of "Madison Park North, Phase 1." *Ex. F to Barragan Dec.*, Dec. 24, 2025.

3.36.2 "City of Pasco Notes: 1. A condition of approval of this plat, pursuant to RCW 35.43.182 the owner hereby waives for a period of ten (10) years form the date of approval of this plat the right to protest the formation of a local improvement district (LID) or Utility Local Improvement District (ULID) for the financing and construction of transportation and/or utility improvements that specially benefit property owner(s) within this plat and are identified in the Capital Facilities Element of the City of Pasco's Comprehensive Plan, or documents adopted and incorporated by reference therein. This waiver shall be liberally construed in accordance with and to accomplish the purposes of RCW 35.43.182." *Ex. F to Barragan Dec.*, Dec. 24, 2025.

3.37 The dedication of ROW for Burns Road on the final plat for Phase 1 is for a portion of Burns Road from Road 52 to Ramus Lane, not the entirety of Burns Road as it abuts MPN. The remainder of Burns Road from Ramus Lane to Road 44 on the eastern edge of the MPN parcel has not been dedicated to the City or part of a final plat application to the Court's knowledge.

3.38 Petitioners argue that COA 3, 19 and 21 are not moot because this Court can determine the validity of the underlying land use decision, regardless of whether improvements have been made to the land subject to that decision. At oral argument, counsel for Petitioners stated that a decision of this court on the issues would be used in a parallel pending federal case for damages.

IV. CONCLUSIONS OF LAW RE: MOOTNESS ON CONDITIONS OF APPROVAL 3, 19 AND 21 AND CONCLUSION OF LAW 2

4.1 RCW 36.70C empowers Superior Courts to provide "judicial review of land use decisions made by local jurisdictions" and does not apply to claims for monetary damages or compensation. RCW 36.70C.010, .030(1)(c).

4.2 In a LUPA case, the Court's ability to provide "relief" to a party is limited to "affirm[ing] or revers[ing] the land use decision under review or remand[ing] it for modification or further proceedings." RCW 36.70C.140. The Court cannot award damages or compensation to either party, nor can "a grant of relief by itself … be deemed to establish liability for monetary damages or compensation." RCW 36.70C.130.

4.3 Mootness of a claim is an issue that may be raised at any time and directly impacts the Court's jurisdiction to grant relief. *Harbor Lands LP v. City of Blaine*, 146 Wash. App. 589, 592 (2008). "A case is moot if a court can no longer provide effective relief." *Heritage Grove v. Dep't of Health*, 11 Wn. App. 2d 406, 412 (2019). Because the issue of mootness necessarily only arose after the LUPA appeal, the Court cannot base its decision on the issue of mootness only on the LUPA record, as Petitioners' counsel suggests. Both parties had the opportunity to fully brief the issue of mootness for the Court following the oral argument hearing on December 3, 2025 and the Court takes into consideration their briefs and declarations in support thereof in addition to the LUPA record.

4.4 Final plat applications are separate from preliminary plat applications. RCW 58.17.130. A decision on a final plat application would be a final land use decision subject to a LUPA appeal. A final plat is not approved until all improvements are in place or bonded.

4.5 Petitioners appealed requirements imposed by the Hearing Examiner to their preliminary plat application through their LUPA action, but then agreed to and bound themselves to three of those same objected-to conditions in their recorded Final Plat application for Phase 1 of MPN, rendering parts of their LUPA appeal moot, specifically Conditions 3 and 21 and part of Condition 19 of the Hearing Examiner's Decision. Because the Petitioner has recorded a final plat for Phase 1 which supersedes the preliminary plat and which requires it to dedicate land on part of Burns Road and Road 52; requires it to construct school zone improvements off-site; and because the final plat has language on the face in line with Condition of Approval 3 regarding the LID/ULID no-protest provision, this Court can no longer provide any relief to Petitioners in their appeal of those same conditions of approval from the Preliminary Plat application.

4.6 The Petitioners' statement that they proceeded with these improvements under a "reservation of rights" and/or "under protest" is not supported by any evidence other than Petitioner Swisher's statement in his declaration, and the plain language of the final plat contains no such reservation of rights. Since the Petitioner is bound by the final plat to do that which they objected to in the LUPA appeal regarding their preliminary plat, their LUPA as to Conditions of Approval 3 and 21 and part of Condition of Approval 19 of their preliminary plat approval are now moot. Just as Petitioner recognized as a risk of their development in the middle of litigation, "development which occurs after the commencement of litigation is at the developer's risk… [D]evelopers, and especially their lenders, generally are unwilling to assume this risk and hence refrain from development until litigation is concluded…." *Kelly v. County of Chelan*, 167 Wash.2d 867, 871 (2010), *citing* Richard L. Settle, Washington Land Use and Environmental Law and Practice, § 8.7(a), at 252 (1983).

4.7 Just as in *Harbor Lands*, the Petitioner contends that its LUPA appeal as to Conditions 3, 19 and 21 is not moot because the court's decision in this matter could form the basis for compensation in a collateral federal litigation matter. *Harbor Lands*, 146 Wash. App. at 593. Petitioner has no legal right for this Court to issue what amounts to an advisory opinion for use in a different court action; the only right they had was for this court to affirm, reverse or remand the land use decision.

4.8 Because Condition of Approval 3 and 21 are moot as noted above, this Court has no jurisdiction to further address them. Because Condition of Approval 3 is moot, the Petitioners' LUPA appeal as to Conclusion of Law 2 is also moot as they are essentially the same.

4.9 Condition of Approval 19 was rendered partially moot as it pertains to the recorded dedication of Burns Road between Road 52 and Ramus Lane. The remainder of the preliminary plat application which required dedication of land for Burns Road between Ramus Lane and Road 44 is not moot because it is not subject to the Phase 1 final plat, and is discussed further *infra*.

V. FINDINGS OF FACT RE: CONCLUSIONS OF LAW 4 AND CONDITIONS OF APPROVAL 17 AND 19

5.1 Findings of Fact 3.1 – 3.37 *supra* are incorporated herein by reference.

5.2 Petitioner filed a LUPA Petition on April 11, 2025, followed by an Amended LUPA petition filed April 18, 2025 and a Second Amended LUPA petition on May 23, 2025.

5.3 Petitioner formally appealed numerous of the Hearing Examiner's Findings, Conclusions and Conditions of Approval, as follows:

5.3.1 Petitioners took exception to the following Findings of Fact: 4.1, 4.2, 6.3, 7, 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, 8.9, 10.5, 13, 18, 19, 19.1, 20, 20.1.2, 20.1.4, 20.1.5, 24, 25, 26, 27, 28, 29, 30, 31, 32, 32.1, 32.2, 32.3, 32.4, 33, and 34.

5.3.2 Petitioners took exception to the following Conclusions of Law: 1, 2, 3, 4, and 5.

5.3.3 Petitioners took exception to the following Conditions of Approval: 3, 17, 19, 21.

5.4 Petitioners' Opening brief focuses on Petitioners' exceptions to Conclusion of Law 4, and Conditions of Approval 3, 17, 19, and 21. As noted *supra*, exceptions to Conditions of Approval 3 and 21 are moot, and part of Conditions of Approval 19 is moot.

5.5 Conclusion of Law 4 found that the City had established a factual and legal basis for requiring MPN to dedicate the "full 100-foot right-of-way for Burns Road or build a three-land road segment over the Burns Road Extension from Ramus Road to the eastern boundary of the subdivision" based on traffic impact data from MPN's TIA.

5.6 Condition of Approval 17 of the Hearing Examiner's Decision is as follows: "Park, Traffic and School impact fees at the then-applicable impact fee rate will be collected for each lot at the time of issuance of building permits for new residences, with traffic impact fees of $328,976 payable prior to the issuance of the first building permit. Credits and reductions to the Park impact fees will be provided commensurate with the value of the park land and improvements as determined by the Director in accordance with RCW 82.02.060(5), PMC 3.40.090 and PMC 3.50.070 and the Conditions of Approval of this Preliminary Plat. Credits and reductions to the Transportation Impact Fees are not required."

5.7 Finding of Fact 18 relates to COA 17 and states as follows: "The MDNS [mitigated determination of non-significance] calls for Applicants to pay a transportation impact fee (TIF) of $709 per lot ($328,976 total for all 464 lots) in full prior to first building permit. As discussed in the Conclusions of Law and Conditions of Approval below, payment of the impact fees is required at the time of building permit issuance, in amounts calculated at the then-applicable impact fee rate."

5.8 Finding of Fact 20.1.4 relates to COA 17 and states as follows: "In accordance with Revised MDNS and applicable Traffic Impact, Ordinance (PMC Ch. 3.40), Madison Park North shall pay as [sic] traffic impact fee of $328,976 in a lump sum prior to issuance of the first building permit, along with any traffic impact fees at the then-applicable rate at the time of building permit issuance."

5.9 Petitioners' Amended MDNS issued November 4, 2024 stated as follows in regards to payment to mitigate traffic impacts: "1. The applicant shall pay mitigation to the City of Pasco for impacts to the City roadway system. The mitigation required is $709.00 per residential unit. The project will result in 464 residential units. Thus, $709 X 464 = $328,976.00 total traffic mitigation required. Payment of traffic mitigation fees to the City is required prior to the issuance of the first building permit." AR 1763-64.

5.10 Petitioners' LUPA petition and subsequent amended LUPA petitions argue that the "denial of credits and reductions of TIFs is not supported by substantial evidence, is contrary to law, clearly erroneous and violates Petitioners' constitutional rights." Petitioners' Opening Brief suggests that it also takes issue with some ambiguous language in COA 17, suggesting that TIFs are due both at the time of issuance of each new building permit and in full prior to the issuance of the first building permit. Pet's. Opening Brief, pg. 93.

5.11 MPN agreed to dedicate just over 2 acres of land in MPN for purposes of a public park and build recreation facilities on the dedicated park land. Any issues related to the park dedication, building or park impact fees and/or credits are not at issue in the LUPA.

5.12 Credits are due to a developer for "system improvements" as defined by RCW 82.02.060(5). Credits are not required to be given to a developer for improvements which are "project improvements" as defined by RCW 82.02.090(5).

5.13 "Project improvements" is defined in RCW 82.020.090(5) as follows: "'Project improvements' mean site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. An improvement or facility included in a capital facilities plan approved by the governing body of the county, city, or town is not considered a project improvement."

5.14 "System improvement" is defined in RCW 82.02.090(10) as follows: "'System improvements' mean public facilities that are included in the capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements."

5.15 PMC 3.40.080 states: "A credit, not to exceed the amount of the transportation impact fee otherwise required by this chapter, shall be provided for the actual value of any dedication of land for, improvement to, or new construction of a transportation system improvement provided by the developer and identified in the Comprehensive Plan capital facilities element (or other plan expressly adopted by reference therein), and required by the City as a condition of a development approval. A credit shall also be provided in the amount of a transportation impact fee calculated under Ordinance No. 3905 and imposed as a condition of development approval prior to June 25, 2025."

5.16 Future improvements to Burns Road and Road 52 are discussed in the City's Transportation System Master Plan (TSMP) (AR 1163; 1168; 1171; 1174). "Burns Road Extension to Glade Road" is also identified on the Proposed 2025-2030 Transportation Improvement Plan (TIP) as TIP Project 5.02 (AR 1636), which was adopted by Pasco City Council through Resolution 4464 in June 2024. AR 1607-1609.

5.17 The TSMP is not incorporated into the City's Comprehensive Plan or Capital Facilities Element by reference, although it was adopted by the City Council in Resolution 4220 as a "Supplement To The 2018-2038 Pasco Comprehensive Plan." AR 1132-33.

5.18 The Transportation Element of the Comprehensive Plan mentions pedestrian/bicycle improvements along Burns Road; AR 1069; "Capacity Improvements" to Burns Road and Road 52, and "Future Connection: Deseret Drive" (AR 1074).

5.19 It is evident from numerous City transportation planning documents and plans, improvements to Burns Road, Road 52 and to a lesser extent Deseret Drive are noted to be crucial to orderly future transportation development and flow as the City continues to grow.

5.20 The Capital Facilities Element of the City's Comprehensive Plan incorporates the Transportation Element and the City's six-year TIP explicitly by reference. AR 1017.

5.21 MPN will have two (2) ingress and egress access roads on the southern parcel line from Burns Road once it is at full build out. For Phase 1, MPN will have southern parcel ingress and egress from Burns Road at one (1) location, Ramus Lane. Ingress and egress to MPN will be available off Road 52 to the west at three (3) points and eventually from the north off Deseret Drive at six (6) points.

5.22 Burns Road will eventually be extended eastward from MPN to connect with Glade Road to provide faster connection for drivers with Interstate 182 via West Argent Road. AR 1457.

5.23 As a condition of the MPN preliminary plat review, the City required MPN to obtain a Traffic Impact Analysis (TIA). AR 1428. MPN contracted with Transpo Group for the TIA, and a Revised Traffic Impact Analysis report was issued in April 2024. AR 1429. The TIA assumed a dedication by MPN of ROW for Burns Road "to allow for the City's future extension of Burns Road between Road 52 and Glade Road, which is identified below as a planned improvement on the TIP (TIP project 5.02)." AR 1432.

5.24 The TIA conducted traffic studies at certain intersections to gauge existing traffic usages and patterns and make estimates as to future traffic usages once the MPN development was built out, both partially and fully. AR 1429. The TIA also looked at current Level of Service (LOS) for certain intersections and forecast future LOS for those intersections with the MPN project. AR 1445, 1454-55.

5.25 The TIA recognizes that Burns Road is slated to be classified as a "principal arterial" road in the future with eventual widening to a 5-lane roadway consistent with a principal arterial classification for the City. AR 1436; AR 1182; AR 1059.

5.26 The TIA estimated that once MPN is fully built out, MPN residents will contribute "4,108 weekday daily trips with 299 occurring in the weekday AM peak hour and 417 occurring in the PM peak hour." AR 1461.

5.27 The TIA proposed mitigation measures for the increased traffic volume that MPN will contribute to the City's road network in the form of TIFs of $709 per residential unit. Additionally, frontage improvements with a dedication of land for future development of Burns Road was recommended as a mitigation measure. AR 1460.

5.28 The TIA concluded that payment of TIFs and the dedication of frontage along Burns Road "mitigates its [MPN's] impact on the transportation system and no additional proportionate share contributions are necessary." AR 1460. The TIA also recommended that the developer receive a credit for the ROW dedication and frontage improvements to Burns Road and Road 52. AR 1461.

5.29 Respondent City of Pasco had the MPN TIA reviewed by its own independent engineers, PBS. The entirety of PBS's report on the TIA by Transpo Group was two paragraphs and agreed with the MPN TIA with no additional comments. AR 1464.

5.30 To the east of MPN and also abutting Burns Road are two other new residential developments, Raven Place and Glacier Park. AR 902. Both Raven Place and Glacier Park were given credit for their traffic impact fees "when and where appropriate in accordance with PMC 3.40.090 and PMC 3.50.070." AR 1844; AR 1803.

5.31 Principal arterial roads are designed to be five lanes wide and accommodate higher speed traffic with minimal interruptions in flow. AR 1059. Burns Road will eventually be a five lane principal arterial, which requires a dedication of land of 100 feet in width.

5.32 Because Madison Park South was only required to dedicate 30 feet of ROW for future improvement to Burns Road along its parcel, MPN was required to dedicate 70 feet for ROW for Burns Road development between Road 52 and Ramus Lane, and then a full 100 feet dedication as Burns Road moves east from Ramus Lane to Road 44. This dedication was accounted for and engineered in the MPN preliminary plat application. AR 3167.

5.33 In addition to a dedication of a 100' ROW for Burns Road, Petitioner was required to make frontage improvements along Burns Road by building a three-lane section of Burns Road (out of the five eventual lanes), which accounts for 60% of the buildout of the total road surface. PMC 21.15.030 requires build-out of a three-quarter street standard, which is more than 60%.

5.34 The Court incorporates Hearing Examiner's Finding of Fact 8, subparts 8.1 – 8.8 by reference.

VI. CONCLUSIONS OF LAW RE: CONDITION OF APPROVAL 17 AND 19

6.1 The Court may grant relief in a LUPA only if the objecting party has carried the burden of establishing that one of six standards listed in RCW 36.70C.130(1) has been met. *Wenatchee Sportsmen Ass'n v. Chelan County*, 141 Wn. 2d 169, 175 (2000). Those standards are:

- 6.1.a The body or officer that made the land use decision engaged in unlawful procedure or failed to follow a prescribed process, unless the error was harmless;
- 6.1.b The land use decision is an erroneous interpretation of the law, after allowing for such deference as is due the construction of a law by a local jurisdiction with expertise;
- 6.1.c The land use decision is not supported by evidence that is substantial when viewed in light of the whole record before the court;
- 6.1.d The land use decision is a clearly erroneous application of the law to the facts;
- 6.1.e The land use decision is outside the authority or jurisdiction of the body or officer making the decision; or
- 6.1.f The land use decision violates the constitutional rights of the party seeking relief.

6.2 Objections to a hearing examiners decision are reviewed on different standards depending on the nature of the finding.

6.2.1 Standards (a), (b), (e), and (f) present questions of law reviewed *de novo*. *HJS Dev., Inc. v. Pierce County*, 148 Wash.2d 451, 468 (2003). Standard (c) concerns a factual determination that is reviewed for substantial

evidence. *Freeburg v. City of Seattle*, 71 Wash.App. 367, 371 (1993). Standard (d) is self-evident, and is reviewed using the clearly erroneous standard applying the law to the facts.

6.2.2 Objections to Findings of Fact are reviewed for substantial evidence. *Lauer v. Pierce County*, 173 Wn.2d 242, 252-53 (2011). "Substantial evidence" means "there must be a sufficient quantum of evidence in the record to persuade a reasonable person that the declared premise is true." *Phoenix Dev., Inc. v. City of Woodinville*, 171 Wn.2d 820, 829 (2011). The "substantial evidence standard … is 'highly deferential' to the agency fact finder." *Alpha Kappa Lambda Fraternity v. Wash. State Univ.*, 152 Wn.App. 401, 418 (2009).

6.2.3 A decision is "clearly erroneous" when the Court is left with a definite and firm conviction that a mistake has been committed, despite the fact that evidence may exist to support the examiner's finding. *Norway Hill Preservation and Protection Ass'n. v. King County Council*, 87 Wn.2d 267, 274 (1976).

6.2.4 Under a *de novo* standard of review, deference is still to be given to the hearing examiner unless the "reviewing court on the record is left with the definite and firm conviction that a mistake has been committed." *Fuller Style, Inc. v. City of Seattle*, 11 Wn. App. 2d 501, 507 (2019). Harmless error will not result in a land use decision being reversed, however. *Thornton Creek Legal Defense Fund v. City of Seattle,* 113 Wn.App. 34, 54 (2002).

6.3 First, Petitioners' argue that FOF 18, 20.1.4 and COA 17 are ambiguous as to when the TIF of $709/residential unit will be due, or if it is due twice. Objections to Findings of Fact are reviewed for substantial evidence. Petitioner objects to COA 17 under standards (b), (c), and (d), which are reviewed *de novo*, for substantial evidence, and using the clearly erroneous standard, respectively. The Court agrees with Petitioner that FOF 18 and 20.1.4 and COA 17 are ambiguous, could be clearly erroneous, and likely not supported by substantial evidence if the intention of the Hearing Examiner was to require payment of the TIF on each residential lot twice. These FOF and COA require clarification as to whether the TIF is being imposed twice, or if the intent was to impose it one time as per the Amended MDNS.

6.3.1 If the Hearing Examiner intended to impose payment of the per-lot TIF twice, additional Findings and Conclusions must be provided to support such decision.

6.3.2 If the Hearing Examiner intended to impose payment of the per-lot TIF one time, the timing of the payment should be clarified.

6.4 Second, Petitioner argues that COA 17 is not supported by substantial evidence, is contrary to law, clearly erroneous and violates Petitioners' constitutional rights in failing to grant a credit and reduction for the Traffic Impact Fees paid. Regardless of whether the court uses a *de novo*, substantial evidence, or clearly erroneous standard, the Court agrees with Petitioner. The failure to provide a credit and reductions to the TIF for Burns Road, Road 52 and Deseret Drive is contrary to law and clearly erroneous and not supported by substantial evidence, even when giving due deference to the Hearing Examiner. It is clear from the record as a whole that a mistake has been made, and it is not harmless to the Petitioner. The Hearing Examiner erroneously concluded that improvements to Burns Road, Road 52 and Deseret Drive "are not included as 'system improvements' in the Capital Facilities Element of the City's Comprehensive Plan, or in any document that is expressly adopted or incorporated by reference into the Plan." AR 865-66, COL 3. This is not supported by substantial evidence and is clearly erroneous because the TIP and Transportation Element of the Comprehensive Plan, both of which mention improvements to these roads, was expressly incorporated by reference into the Capital Facilities Element of the Comprehensive Plan. AR 1017.

6.5 The Hearing Examiner also erroneously relied on a presumption that because some documents indicate that the City planned on having the "developer" pay for the future road improvements to Burns Road, that that drove the characterization of the improvement as a "project improvement" as opposed to a "system improvement." The definitions of "project improvement" and "system improvement" are silent on who pays for the improvement, so the payor is irrelevant to the improvement's characterization. In this case, substantial evidence shows that development of Burns Road to the east of Road 52, and a northward extension of Road 52 and "future connector" at Deseret Drive are critical to the overall cohesive development of the City of Pasco's transportation system, as recognized in the TIP and the Transportation Element of the Comprehensive Plan. Development of these roads is clearly part of an overall "system improvement" and not a "project improvement" for which credit should be given to the Petitioner. Further evidence of this is the fact that Glacier Park and Raven Place were given credit for their frontage improvements to Burns Road and/or Road 52, but Petitioner was not. If development of Burns Road and/or Road 52 was not a system improvement, then neither Glacier Park nor Raven Place would have been given the credit that Petitioner is denied. Because the required frontage improvement and dedication on Burns Road, Road 52 and Deseret Drive are system improvements as opposed to project improvements, the Petitioner is entitled to credit per RCW 82.02.060(5) and PMC 3.40.080.

6.6 Because this Court finds that the Burns Road, Road 52 and Deseret Drive improvements are "system improvements" since they are identified in the Transportation Element of the Comprehensive Plan and the TIP, the Court **REVERSES** the Hearing Examiner as to COA 17 in the denial of a credit and reduction to the TIF. This Condition is **REMANDED** to the Hearing Examiner for clarification of FF 18 and 20.1.4 and COA 17 as to whether COA 17 requires payment of the TIF in one lump sum of $328,976 *and* again at the time of issuance of

each residential building permit, or only one time in a lump sum; and to reverse the decision on denial of a credit and reduction for TIF for the system improvements along Burns Road, Road 52, and Deseret Drive.

6.7 Next, Petitioner argues that Conclusion of Law 4 and related Condition of Approval 19 is not supported by substantial evidence, is an erroneous interpretation of the law, and violates Petitioners' constitutional rights, and that the Hearing Examiner lacked the jurisdictional authority to make a constitutional determination in imposing a dedication, which is a "taking" under the constitution. Specifically, Petitioner argues that being required to dedicate 100 feet of land for future development of Burns Road into a principal arterial and the requirement to make frontage improvements to Burns Road for a three-lane road (out of a future five-lane road) lacks a nexus to the MPN project and is not roughly proportional to the impact that MPN will have on Burns Road, and therefore the dedication requirement and frontage improvement requirement is an unconstitutional taking.

6.8 Cities are allowed to, and at times required to, engage in land use planning. If a land use decision results in a "taking" of land or money from a landowner, the land use decision must comport with the *Nollan/Dolan* analysis, which is to say that the taking must have an essential nexus to "advancing a legitimate state interest," and must be roughly proportional to the governmental need or interest. *Nollan v. California Coastal Com'n*, 483 U.S. 825, 834 (1987); *Dolan v. City of Tigard*, 512 U.S. 374 (1994). "The government may 'take' private land for public use with or without formal condemnation proceedings. The nature of its conduct may be a physical act such as invading and occupying the land; a legislative act such as enacting a statute, ordinance or regulation; or a quasi-judicial act such as denying or conditioning a development permit." *Burton v. Clark County*, 91 Wash.App. 505, 151 (1998). If the land use decision fails the *Nollan/Dolan* test, the government must pay for the taking pursuant to the Fifth Amendment to the U.S. Constitution.

6.9 "The Takings Clause of the Fifth Amendment to the Unites States Constitution provides that private property shall not be taken for public use without just compensation. [citations omitted] The purpose of the Takings Clause is 'to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole.' *Dolan*, 512 U.S. at 384, 114 S.Ct. 2309 (*quoting Armstrong v. United States*, 364 U.S. 40, 49, 80 S.Ct. 1563, 4L.Ed.2d 1554 (1960)). The Takings Clause applies to the states through the Due Process Clause of the Fourteenth Amendment. *Dolan*, 512 U.S. at 384, 114 S.Ct. 2309; *Sintra [Inc., v. City of Seattle*], 119 Wash.2d 1, 13, 829 P.2d 765 [(1992)]." *Isla Verde Intern. Holdings, Inc. v. City of Camas*, 99 Wash.App. 127, 138 (1999).

6.10 In determining if a taking has a "nexus" to a proposed development project, the Supreme Court articulated that "unless a permit condition serves the same governmental purpose as the development ban, the building restriction is not a valid regulation of land use but 'an out-and-out plan of extortion.'" *Nollan*, 483 U.S. at 837, *quoting J.E.D. Associates, Inc. v. Atkinson*, 121 N.H. 581, 584 (1981). In other

words, "when looking for an 'essential nexus,' we examine the record for evidence of a reasonable relationship between the project and the identified public problem." *Isla Verde*, 99 Wash.App. at 139, *quoting Burton v*, 91 Wash.App. at 526 (1998).

6.11 In determining whether a taking is "roughly proportional" to the land use decision at issue, the Supreme Court provides this guidance: "No precise mathematical calculation is required, but the city must make some sort of individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development." *Dolan*, 512 U.S. at 391.

6.12 As to the first question of a *Nollan/Dolan* analysis: is there an essential nexus between the development of MPN and the need to dedicate land for, and build partial road frontage improvements to, Burns Road, Road 52 and Deseret Drive? The answer is yes, there is clearly a public problem that development of MPN will exacerbate, which is an increase in traffic on the City's transportation network as a result of 461 residential lots being developed and served by Burns Road/Road 52/Deseret Drive, and there is a connection between an increase in traffic and the need to build new roads to serve the traffic. This is especially true with MPN since this project is being constructed on former farmland with no pre-existing roadway access. There is always a nexus between house building and road building to ensure safe and reliable transportation for residents of the new development, so the nexus requirement is met for the imposition of the dedication and frontage improvement.

6.13 The next question for the *Nollan/Dolan* analysis is: does the record show that there has been an individualized determination that the proposed exactions -- a 100-foot dedication of land for future extension and build-out of Burns Road, and dedication and improvement to Road 52 and Deseret Drive -- are roughly proportional to the impact of MPN? Reviewing the record as a whole and giving deference to the Hearing Examiner, substantial evidence does support the Hearing Examiner's finding of rough proportionality for the 100-foot dedication and frontage improvements.

6.14 Both parties to trial are entitled to the benefit of all the evidence in the case, regardless of who introduced it. *Petersen v. Department of Labor & Industries*, 40 Wash.2d 635, 641 (1952). Petitioner is wrong in their argument that because the City did not submit the TIA -- of which the Hearing Examiner heavily relied in support of the finding of rough proportionality for the exactions -- that the City failed in its burden to show substantial evidence to support the individualized determination requirements of *Dolan*. The TIA was admitted into evidence and therefore is available for either side to use or argue in support of its position.

6.15 On reviewing the record as a whole, there is substantial evidence, mostly from Petitioners' own TIA and testimony of its witness, to show that an individualized determination of the traffic impacts of MPN on the City's transportation network took place and shows that MPN will impact and benefit from the City's transportation network and continued expansion of that network; that extension of Burns Road into a principal arterial will happen within the next six years per the TIP (which is

dissimilar to *Burton v. Clark County*, 91 Wash.App. 505 (1998) where a road-dedication exaction was found unconstitutional in part because there was no future timeline for the required road to actually be built); that MPN residents are expected to make up 30-39% of Burns Road traffic east of the Road 52/Burns Road intersection and 69-73% of the morning peak hour trips on Road 52 north of Burns Road, and will contribute over 4,000 daily trips on its access roads once MPN is at full build-out. Unlike in *Burton* and contrary to Petitioners' opening brief, Burns Road will not be a "road to nowhere" for long and will benefit MPN by providing its residents fast and efficient access to the freeway and broader City of Pasco and regional transportation network – a network that the evidence shows they will burden. *Burton*, 91 Wash.App. at 527.

6.16 Further, Petitioners' argument that Burns Road is a "preexisting deficiency" in the City's transportation network that MPN should not be responsible for rectifying ignores the fact that Burns Road east of Ramus Lane does not even exist, since this is all former farmland. The Petitioners' comparison to the facts in *Benchmark Land Co. v. City of Battle Ground*, 146 Wash.2d 685 (2002) is thus comparing apples to oranges. In *Benchmark*, the developer had no direct access to the road they were required to improve and the road had preexisting deficiencies as it was built. *Id.* at 689-690. Here, MPN has direct access to all the roads it is required to improve and dedicate land for, and those roads do not yet exist so cannot have any "preexisting deficiencies" regarding capacity or design. MPN's own TIA and witnesses testify that MPN will burden all the roads it is required to dedicate and improve to varying degrees, unlike in *Benchmark*. The individualized evidence showing detailed trip information about how MPN will burden and benefit from the City's transportation network at its access points as outlined in Finding of Fact 8 of the Hearing Examiner's decision is exactly the type of evidence that is demanded by *Dolan*. The evidence supports the exaction of the 100-foot ROW and frontage improvements for Burns Road, Road 52 and Deseret Drive as they are roughly proportional to the impact of MPN on the City's transportation network, pursuant to *Nollan/Dolan* and in compliance with RCW 82.02.020 and PMC 21.15.010(3).

6.17 As a separate basis to affirm the Hearing Examiner's decision to require the dedication of ROW and provide frontage improvements on Burns Road specifically is the invited error doctrine, since Petitioner proposed to make the 100-foot ROW dedication in their own preliminary plat application. Despite their repeated assertions that they made no such offer, the width of Burns Road at 100 feet is in black and white on their own preliminary plat application and which every person who has laid eyes on the preliminary plat has acknowledged except Petitioner. "The invited error doctrine prohibits a party from setting up an error in the trial court then complaining of it on appeal." *Humbert/Birch Creek Const. v. Walla Walla County*, 145 Wash.App. 185, 192 (2008), *quoting In re Pers. Restraint of Tortorelli*, 149 Wash.2d 82, 94 (2003). The invited error doctrine applies to administrative actions just as in trial court proceedings. *Humbert*, 145 Wash. App. at 192. *See also Colella v. King County*, 14 Wash.App. 247, 252 (1975). Petitioner cannot claim they were unlawfully deprived of property or otherwise denied due process by the government when the

government has agreed to take that which the Petitioner has offered to give. The state is not required to protect the Petitioner from themselves, and Petitioner will not be heard to complain on appeal that they got exactly what they asked for (or rather, gave exactly what they offered to give). The same invited error analysis applies to Petitioners' complaint that the Hearing Examiner addressed the constitutional issue regarding a "taking" under a *Nollan/Dolan* analysis in exactly the way that Petitioner urged the Examiner to do in their briefing and argument to the Examiner. AR 607.

6.18 Accordingly, the Hearing Examiner's decisions regarding Conclusion of Law 4 and the non-moot parts of Conditions of Approval 19 are **AFFIRMED**.

Dated this 16th day of January, 2026.

Hon. Diana N. Ruff
Superior Court Judge

Foster Garvey

1111 Third Avenue
Suite 3000
Seattle, WA 98101

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Direct Phone: 206.816.1354
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March 31, 2026

VIA EMAIL

Mr. Daniel P. Kenny
Ogden Murphy Wallace PLLC
701 Fifth Avenue
Suite 5600
Seattle, WA 98104-7045

Re: Madison Park North Phase 1 Final Plat; Appeal of Dave Swisher and Farm 2005, LLC

Dear Mr. Kenny:

This letter is in follow up to our e-mail exchanges, and in response to the letter dated March 23, 2026 from James Carmody, the attorney for appellants Dave Swisher and Farm 2005, LLC ("Swisher" or "Appellants") in the Madison Park North Phase 1 Final Plat ("MPN Final Plat") appeal, which involves a closed record appeal proceeding before the Pasco City Council.

The March 23 letter seeks to impermissibly broaden the scope of the Council's review, by adding to the record a plethora of documents and communications that significantly pre-date the Appellants' application for final plat approval and which were never considered by City administrative staff in making the determination that is the subject of the MPN Final Plat appeal. For those reasons and others explained below, the City Council should reject the March 23 letter's request, and limit its consideration to those documents previously certified by the City, along with minor additions offered below in response to Appellants' request.

A. Background

This matter concerns the MPN Final Plat. Appellants applied for final plat approval via the Application submitted on October 14, 2025. Appellants and their engineering and other consultants exchanged limited communication with City staff over the next few months, and the MPN Final Plat was approved and signed by the City on December 18, 2025. Staff notified Appellants the final plat was approved and ready to be picked up for recording; Appellants did so, and recorded the MPN Final Plat the next day, on December 19, 2025. Appellants are now actively advertising individual MPN Phase 1 lots for sale. See https://www.hayden-homes.com/new-homes/washington/tri-cities/pasco/madison-park-north.

Although Swisher sought the MPN Final Plat approval, he then appealed it, apparently, because the City called Judge Ruff's attention to the final plat approval during Swisher's LUPA appeal, and Judge Ruff ruled that final plat approval was part of a series of events that rendered a number of LUPA appeal issues moot. Swisher has appealed his loss on the LUPA claims, and appears to seek to use the MPN Final Plat appeal as part of that effort.

Given that apparent intent, Swisher's Notice of Appeal of the MPN Final Plat ("Appeal") requests an open record appeal, and extends to a mammoth 408 pages. In addition to the 8-page Appeal itself, it attaches hundreds of pages of additional documents as "appendices." Every one predates the application for the MPN Final Plat; many predate approval of the MPN Preliminary Plat, and some even predate the *application* for the MPN Preliminary Plat. One of the Appeal's "appendices" is an extended legal argument that includes quotations from the extra-record "exhibits" that Swisher attaches as "Appendix III" to the Appeal.

B. Pasco Municipal Code Closed Record Appeal Limitations.

The MPN Final Plat appeal is governed by the Pasco Municipal Code. PMC 21.30.060 provides that "[t]he final approval of a plat is an administrative function not requiring action by the City Council." Because final plat approval is essentially ministerial, a final plat must be approved "if the administrative review process finds the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, and said subdivision meets the requirements of Chapter 58.17 RCW [and] other applicable state laws. . . ." PMC 21.30.060. "The final plat applicant may appeal a determination of the administrative review process *by a closed record appeal* to the City Council pursuant to PMC 4.02.100."

A "closed record appeal" is an administrative appeal proceeding "when the appeal is on the record *with no or limited new evidence or information allowed to be submitted* and only appeal argument allowed." PMC 4.02.030; see also RCW 36.70B.020(1) (same). By state law, the City is not required to provide for administrative appeals, either open or closed record. RCW 36.70B.110(9). If it does, an administrative appeal of the project decision and of any environmental determination issued at the same time as the project decision, shall be filed within fourteen days after the notice of the decision or after other notice that the decision has been made and is appealable. RCW 36.70C.110(9)). And, the City may provide "no more than one open record hearing and one closed record appeal. . . ." RCW 36.70B.050. Here, the City Council has determined that a final plat is to be determined administratively, without an open record hearing, and that the final plat determination is appealable only in a "closed record appeal to the City Council. PMC 21.30.060.

C. PMC 21.30.060 Requires Denial of Appellants' Request for an Open Record Hearing, and Exclusion of the "Appendices" and Exhibits.

The express terms of PMC 21.30.060 require denial of Appellants' request for an open record hearing, and exclusion of the "Appendices" and "Exhibits" attached to the Notice of Appeal. PMC 21.30.060 allows a "closed record hearing" only – no open record hearing is provided for, or allowed. The Appeal at pages 1 and 8 cites PMC 4.02.100(1)(f) in support of its request for an open record appeal hearing. But, PMC 4.02.100(1) indicates that it does not apply to "plats," which includes the MPN Phase 1 final plat.

Likewise, the March 23 letter cites at page 2 to PMC 4.01.100(d), in support of Appellants' open record hearing request, but this section, too, does not apply to "plats," per PMC 4.02.100(1). PMC 21.30.060's "closed record hearing" limitation for appeals of final plat determinations requires that the City Council deny the request for an "open record hearing."

PMC 21.30.060's "closed record hearing" limitation also requires exclusion of the Appeal's "Appendices" (pages 9-17) and the thirty-two additional "Exhibits" (pages 18-408). Because the appeal is required to be "on the record," this means that it must be based on the record compiled and considered by the City's administrative staff in making the determination to approve the MPN Final Plat, "with no or limited new evidence allowed to be submitted. . . ." PMC 4.02.030 and RCW 36.70B.020(1). Each of the 32 exhibits attached as pages 18-408 are "new" and were not considered by City staff in approving the MPN Final Plat. They therefore must be excluded from the record considered by the City Council during the closed record appeal. In addition, the "Appendices" attached as pages 9-17 must also be excluded. While styled primarily as legal argument, these Appendices are littered with references to and quotations from the "exhibits." Allowing the Appendices would pollute closed record by allowing the Appellants to sneak new records and evidence before the Council simply by attaching it to the Appeal.

D. City Staff Properly Determined the Content of the Record.

The March 23 letter argues, without citation to authority, that an appellant "is allowed to support its arguments and issues with evidence developed through the review process *related to* the final plat," and that it is "City Council's jurisdiction and City Staff does not have the authority" to remove documents from the Notice of Appeal. However, because the administrative determination to approve the MPN Final Plat was made by City Staff, it is Staff (and not the City Council) who know what documents were considered and relied upon during the final plat review and approval process. The Appendices and Exhibits attached to the Notice of Appeal were not reviewed or considered during the final plat approval process, and therefore were properly excluded from the MPN Final Plat record previously distributed to you and Appellants on March 17, 2026. As noted above, allowing an appellant to inject new documents simply by attaching them to a Notice of Appeal would allow an appellant to unilaterally create a one-way, "open" record hearing, by cherry-picking and attaching whatever documents the appellant wished. That danger is exacerbated here, where Appellants seek to expand the

already-extensive record they created during the MPN preliminary plat process by adding additional records predating even that plat. The City Council should reject this effort.

E. Additional Limited Documents Are Appropriate For Inclusion In the Record.

The foregoing notwithstanding, City Staff have double-checked records in the process of assisting in the response to the March 23 letter. A *very limited* number of additional documents may be appropriate for inclusion in the closed record. These include the following:

1. MPN Preliminary Plat drawings (Sheets 1-8), approved by the Pasco Hearing Examiner, and that were included in Ex. C-35 (the staff report) admitted by the Hearing Examiner. Because staff reviewed the proposed final plat to determine its consistency with the preliminary plat, the MPN Preliminary Plat drawings should be included. As shown in the Index previously provided, Doc. #27 is the Hearing Examiner's Findings of Fact, Conclusions of Law, Decision and Conditions of Approval of the Madison Park North Preliminary Plat. The City proposes to add Sheets 1-8 of the Preliminary Plat as Doc. #29.

2. Approved Civil Engineering Plans for Madison Park North Phase 1. These drawings itemize the road, sidewalk, multi-use path and utility improvements that Appellants were authorized to construct, and whose completion was required to obtain final plat approval. City Staff did refer to these drawings in the process of reviewing and approving the MPN Final Plat, and the bond estimate submitted with it. The City proposes to add the approved Civil Engineering Plans as Doc. #30.

3. E-mail dated November 19, 2025 from Brian Cartwright to Ivan Barragan. This communication related to the proposed bond estimate provided by Appellants' consultant Jon Padvorac. The City proposes to add this e-mail as Doc. #31.

4. E-mail dated November 19, 2025 from Brian Cartwright to Dan Jacobsen. This communication related to the proposed bond estimate provided by Appellants' consultant Jon Padvorac. The City proposes to add this e-mail as Doc. #32.

5. E-mail dated November 20, 2025 from Dan Jacobsen to Ivan Barragan. This communication related to the proposed bond estimate provided by Appellants' consultant Jon Padvorac. The City proposes to add this e-mail as Doc. #33.

6. E-mail dated November 20, 2025 from Brian Cartwright to Ivan Barragan. This communication related to the proposed bond estimate provided by Appellants' consultant Jon Padvorac. The City proposes to add this e-mail as Doc. #34.

F. Inclusion of the e-TRAKIT File Is Not Appropriate.

The March 23 letter proposes that the City's entire e-TRAKIT file numbered SDIV2025-005 be included in the record. That is the file containing records related to review pre-dating approval of the civil engineering plans. The Civil Engineering Plans were approved on May 30, 2025, and were not appealed. Other than the approved Civil Engineering Plans themselves, City Staff indicate that no eTRAKIT file documents were considered during review and approval of the MPN Final Plat. They should not be included in the MPN Final Plat appeal closed record, and are not included here.

Appellants assert that without those files "the City Council will not have a complete record from which to determine compliance that appropriate provision has been made for infrastructure improvements." March 23 letter at 3. However, Appellants' own Appeal admits that all required final plat improvements were constructed or bonded for. Notice of Appeal at 4, ¶ 4.8. Appellants do not now argue otherwise. And, unlike the Hearing Examiner considering a preliminary plat, the City Council is not required, as part of the final plat appeal, to make a generalized determination that "appropriate provision has been made for infrastructure." *Compare* PMC 21.25.060 *with* PMC 21.30.060 (final plat approval is administrative function not requiring City Council approval). The only issue for final plat approval is whether "the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, and said subdivision meets the requirements of Chapter 58.17 RCW [and] other applicable state laws. . . ." Where the Appellants themselves do not challenge that final plat conforms to all terms of the preliminary plat approval, *and* where the eTRAKIT file documents relate to a prior approval (civil engineering plans) that was not appealed, inclusion of the eTRAKIT files in a close record hearing would be inappropriate.

G. Attorney-client Privileged Information Should Not Be Included.

The City's production of closed record documents included minor redactions to a single document (#21), are privileged communications between Staff and the undersigned. Rather than exclude the document, the City included it in the record, albeit in redacted form. The undersigned did not participate in any way in the final plat decision, and there is no indication otherwise. The reference to staff communication with the City's attorney by separate e-mail chain is appropriate, but also does not indicate attorney involvement in administrative decision-making, which simply did not occur. If legal counsel for the City Council prefers, letter can be provided in unredacted form for Mr. Kenny's review, but it should not be included in the final plat appeal closed record in unredacted form.

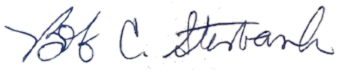
H. Conclusion.

For the foregoing reasons, the City Council should reject Appellants' additional information labeled as "Appendices" and "Exhibits" and attached as pages 9-408 to the Notice of Appeal. Thank you and the City Council in advance for their consideration of the above.

FG: 110257019.1

Very truly yours,

FOSTER GARVEY PC



Bob C. Sterbank
Principal

BCS:bcs
cc: Harold Stewart, City Manager
Haylie Matson, Community & Economic Development Director
Craig Raymond, Deputy Director, Community & Economic Development
Ivan Barragan

FG: 110257019.1

Pasco City Council

Special Meeting

April 20, 2026
5:30 p.m.

City of Pasco
Washington

Pasco City Council

Madison Park North Phase 1 Final Plat (FP2025-006) Closed Record Appeal (APPL2025-003)

April 20, 2026

City of Pasco Washington

Madison Park North ("MPN") Phase 1 Final Plat: City Code Requirements

- PMC 21.30.050 Approval Requirements -- Prior to approval of a final plat, *all required infrastructure improvements*, including as-built drawings and data of all underground utilities necessary to serve said plat, *must be constructed and accepted by the City Engineer*. In lieu of actually completing all improvements, the developer may provide the City with a bond, cash or irrevocable letter of credit in an amount equal to 125 percent of the City Engineer's estimate of the cost to complete the required infrastructure improvements.
- PMC 21.30.060 Administrative approval – The *final approval of a plat is an administrative function* not requiring action by the City Council.
- PMC 21.30.060 Administrative approval -- A final plat shall only be approved if the administrative review process finds the *subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval*, and said subdivision meets the requirements of Chapter 58.17 RCW, other applicable state laws and this title which requirements were in effect on the date of submission of a fully completed preliminary plat application.

Madison Park North ("MPN")
Phase 1 Final Plat: Background

- MPN Preliminary Plat approved by City Hearing Examiner on March 24, 2025.
- Applicants stated they anticipated physical construction in 13 phases.

PRELIMINARY PLAT OF MADISON PARK NORTH

PASCO, WASHINGTON

Located in Section 2, Township 9 North, Range 29 East, W.M., Franklin County, Washington



OVERALL SITE PLAN

LEGEND

EXSITING

- EXISTING CONTOUR
- EASEMENT LINE
- EXISTING FENCE
- EXISTING WATER LINE
- EXISTING SEWER LINE
- EXISTING LOT LINE

PROPOSED

- NEW LOT LINE
- NEW WATER LINE
- NEW IRRIGATION LINE
- NEW SEWER LINE
- NEW SEWER MANHOLE

811 Know what's below. Call before you dig. 48 HOURS NOTICE REQUIRED

UTILITIES

POTABLE WATER:	CITY OF PASCO
IRRIGATION WATER:	CITY OF PASCO
SEWER:	CITY OF PASCO
SOLID WASTE:	CITY OF PASCO
POWER:	FRANKLIN PUD
GAS:	CASCADE NATURAL GAS CO.
TELEPHONE:	CENTURY LINK
SCHOOL DISTRICT:	CITY OF PASCO
FIRE DISTRICT:	CITY OF PASCO

OWNER/DEVELOPER

Name: EE RESOURCES, LLC
DAVE SWISHER
Contact: 250 NW FRANKLIN, SUITE 402
Address: BEND, OREGON 97701
Phone: (541)330-4312

ENGINEER

G2 ENGINEERING
GABE GALLINGER
1414 E. ENDICH LANE
DEER PARK, WA 99006
(509)991-9033



VICINITY MAP

INDEX OF DRAWINGS

SHEET NO.	DESCRIPTION
1	COVER
2	PRELIMINARY PLAT (NW QUADRANT)
3	PRELIMINARY PLAT (NE QUADRANT)
4	PRELIMINARY PLAT (SW QUADRANT)
5	PRELIMINARY PLAT (SE QUADRANT)
6	OVERALL GRADING AND AIRPORT OVERLAY
7	TYPICAL STREET CROSS SECTIONS
8	PARK PLAN

PRELIMINARY PLAT INFORMATION

INFORMATION	NEW PROJECT DATA
PARCEL NUMBER	114250018
SITE ADDRESS	NE CORNER OF ROAD 52 & BURNS ROAD
TOTAL AREA	132.5± ACRES
PUBLIC ROAD AREA	35.3± ACRES
PRIVATE PARK AREA, IF REQ'D	2.07± ACRES
LOT AREA	95.1± ACRES
PROPOSED USE	SINGLE FAMILY RESIDENTIAL
NUMBER OF LOTS	461 LOTS (IF PARK REQ'D) 464 LOTS (IF PARK NOT REQ'D)
GROSS DENSITY	3.5 UNITS PER ACRE
NET DENSITY	4.8 UNITS PER ACRE
EXISTING ZONE	R-1, LOW DENSITY RESIDENTIAL DISTRICT
PROPOSED ZONE	R-1, LOW DENSITY RESIDENTIAL DISTRICT
MINIMUM LOT SIZE	4,000 S.F.
MAXIMUM LOT SIZE	37,637 S.F.
AVERAGE LOT SIZE	8,989 S.F.

GENERAL NOTES:

1. BASIS OF BEARING IS GRID, WASHINGTON STATE PLANE, NORTH ZONE, NAD83, US FOOT, BASED ON GPS OBSERVATIONS. DISTANCES ARE "GROUND" SCALED FROM GRID USING A COMBINED FACTOR OF 0.99995506 (1.00004494).
2. ELEVATION DATUM IS BASED ON UPON GPS STATIC OBSERVATION PROCESSED USING NATIONAL GEODETIC SURVEY ONLINE POSITIONAL USER SERVICE (OPUS).
3. THERE WILL BE NO DIRECT VEHICLE ACCESS FROM ANY LOT IN THE PROJECT TO BURNS ROAD.
4. IN CONFORMANCE WITH PMC 21.35.100, ALL UTILITY LINES SERVING THE SUBDIVISION, INCLUDING BUT NOT LIMITED TO POWER, TELEPHONE AND TELEVISION CABLES, SHALL BE INSTALLED UNDERGROUND.
5. THE PROJECT WILL BE COMPLETED IN PHASES. THE FINAL PHASE LINES WILL BE DETERMINED IN THE FUTURE BASED ON MARKET CONDITIONS AND FEASIBILITY.
6. PROPERTY WITHIN THIS PLAT MAY BE SUBJECT TO VARYING NOISE LEVELS AND VIBRATIONS DUE TO PROXIMITY TO THE TRI-CITIES AIRPORT. PROPERTIES NEAR THE AIRPORT MAY BE LOCATED WITHIN HEIGHT AND USE RESTRICTION ZONES AS DESCRIBED AND ILLUSTRATED BY FEDERAL STANDARDS AND REGULATIONS AND THE CITY OF PASCO ZONING REGULATIONS. THERE IS THE POTENTIAL THAT STANDARD FLIGHT PATTERNS WILL RESULT IN AIRCRAFT PASSING OVER THE PROPERTIES AT LOW ALTITUDES AND DURING ALL HOURS OF THE DAY. FUTURE AIRPORT EXPANSION INCLUDING RUNWAY EXTENSIONS MAY IMPACT THE SIZE AND NUMBER OF AIRCRAFT UTILIZING THE AIRPORT. DEVELOPMENTS NEAR THE AIRPORT SHOULD ASSUME THAT AT ANY GIVEN TIME THERE WILL BE SOME IMPACT FROM AIR TRAFFIC.

G2 ENGINEERING
1414 e. enoch lane
deer park, wa 99006
509.991.9033

7-8-24

MADISON PARK NORTH
PRELIMINARY PLAT

COVER SHEET

CITY OF PASCO, WASHINGTON
ENGINEERING DIVISION
SECOND FLOOR
525 N. 3RD AVENUE
PASCO, WA 99301

VERTICAL DATUM - NGVD29

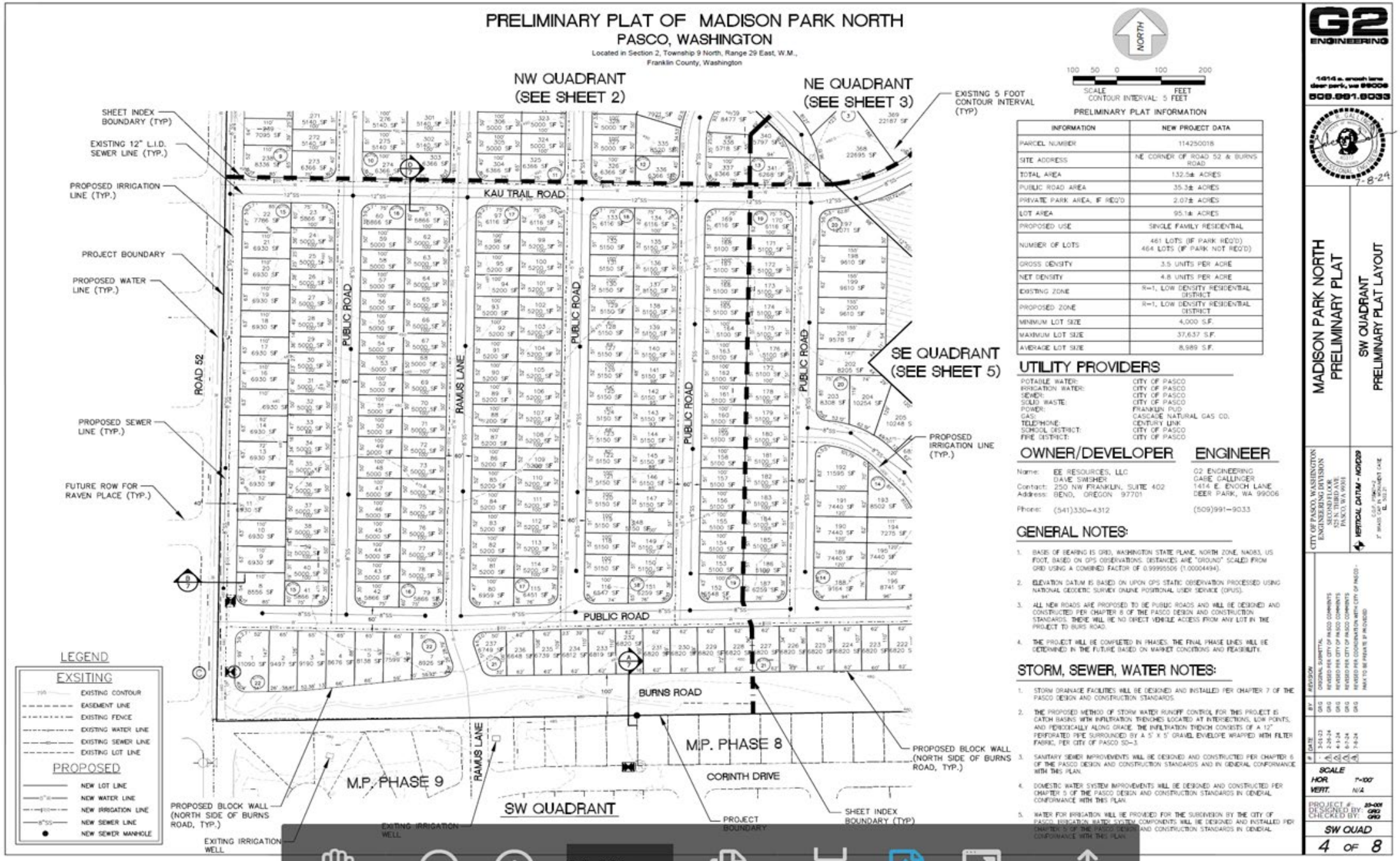
#	DATE	BY	REVISION
1	3-13-23	GRG	ORIGINAL SUBMITTAL
A	2-26-24	GRG	REVISED PER CITY OF PASCO COMMENTS
A	4-1-24	GRG	REVISED PER CITY OF PASCO COMMENTS
A	5-2-24	GRG	REVISED PER COORDINATION WITH CITY OF PASCO - PARK TO BE PRIVATE (IF PROVIDED)
A	7-8-24	GRG	

SCALE
HOR. 1"=200'
VERT. N/A

PROJECT #: 23-001
DESIGNED BY: GRG
CHECKED BY: GRG

COVER

1 OF 8



PRELIMINARY PLAT INFORMATION

INFORMATION	NEW PROJECT DATA
PARCEL NUMBER	114250018
SITE ADDRESS	NE CORNER OF ROAD 52 & BURNS ROAD
TOTAL AREA	132.5± ACRES
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PRIVATE PARK AREA, IF REQ'D	2.07± ACRES
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UTILITY PROVIDERS

POTABLE WATER:	CITY OF PASCO
IRRIGATION WATER:	CITY OF PASCO
SEWER:	CITY OF PASCO
SOLID WASTE:	CITY OF PASCO
POWER:	FRANKLIN PUD
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TELEPHONE:	CENTURY LINK
SCHOOL DISTRICT:	CITY OF PASCO
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Name: EE RESOURCES, LLC
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Phone: (541)330-4312

ENGINEER

G2 ENGINEERING
GABE GALLINGER
1414 E. ENOCH LANE
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GENERAL NOTES:

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2. ELEVATION DATUM IS BASED ON UPON GPS STATIC OBSERVATION PROCESSED USING NATIONAL GEODETIC SURVEY ONLINE POSITIONAL USER SERVICE (OPUS).
3. ALL NEW ROADS ARE PROPOSED TO BE PUBLIC ROADS AND WILL BE DESIGNED AND CONSTRUCTED PER CHAPTER 8 OF THE PASCO DESIGN AND CONSTRUCTION STANDARDS. THERE WILL BE NO DIRECT VEHICLE ACCESS FROM ANY LOT IN THE PROJECT TO BURNS ROAD.
4. THE PROJECT WILL BE COMPLETED IN PHASES. THE FINAL PHASE LINES WILL BE DETERMINED IN THE FUTURE BASED ON MARKET CONDITIONS AND FEASIBILITY.

STORM, SEWER, WATER NOTES:

1. STORM DRAINAGE FACILITIES WILL BE DESIGNED AND INSTALLED PER CHAPTER 7 OF THE PASCO DESIGN AND CONSTRUCTION STANDARDS.
2. THE PROPOSED METHOD OF STORM WATER RUNOFF CONTROL FOR THIS PROJECT IS CATCH BASINS WITH INFILTRATION TRENCHES LOCATED AT INTERSECTIONS, LOW POINTS, AND PERIODICALLY ALONG GRADE. THE INFILTRATION TRENCH CONSISTS OF A 12" PERFORATED PIPE SURROUNDED BY A 5' X 5' GRAVEL ENVELOPE WRAPPED WITH FILTER FABRIC, PER CITY OF PASCO SD-3.
3. SANITARY SEWER IMPROVEMENTS WILL BE DESIGNED AND CONSTRUCTED PER CHAPTER 6 OF THE PASCO DESIGN AND CONSTRUCTION STANDARDS AND IN GENERAL CONFORMANCE WITH THIS PLAN.
4. DOMESTIC WATER SYSTEM IMPROVEMENTS WILL BE DESIGNED AND CONSTRUCTED PER CHAPTER 5 OF THE PASCO DESIGN AND CONSTRUCTION STANDARDS IN GENERAL CONFORMANCE WITH THIS PLAN.
5. WATER FOR IRRIGATION WILL BE PROVIDED FOR THE SUBDIVISION BY THE CITY OF PASCO. IRRIGATION WATER SYSTEM COMPONENTS WILL BE DESIGNED AND INSTALLED PER CHAPTER 5 OF THE PASCO DESIGN AND CONSTRUCTION STANDARDS IN GENERAL CONFORMANCE WITH THIS PLAN.

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deer park, wa 99006
509.991.9033

MADISON PARK NORTH
PRELIMINARY PLAT

SW QUADRANT
PRELIMINARY PLAT LAYOUT

CITY OF PASCO, WASHINGTON
ENGINEERING DIVISION
SECOND FLOOR
525 N. THIRD AVE.
PASCO, WA 99301

VERTICAL DATUM - NGVD29
CUT ARROW
3" BRASS CAP IN MONUMENT CASE
EL. 362.21

#	DATE	BY	REVISION
-	3-01-23	GRG	ORIGINAL SUBMITTAL
A	2-26-24	GRG	REVISED PER CITY OF PASCO COMMENTS
B	4-1-24	GRG	REVISED PER CITY OF PASCO COMMENTS
C	6-7-24	GRG	REVISED PER CITY OF PASCO COMMENTS
D	7-8-24	GRG	REVISED PER COORDINATION WITH CITY OF PASCO - PARK TO BE PRIVATE IF PROVIDED

SCALE
HOR. 1"=100'
VERT. N/A

PROJECT #: 23-001
DESIGNED BY: GRG
CHECKED BY: GRG

SW QUAD

4 OF 8

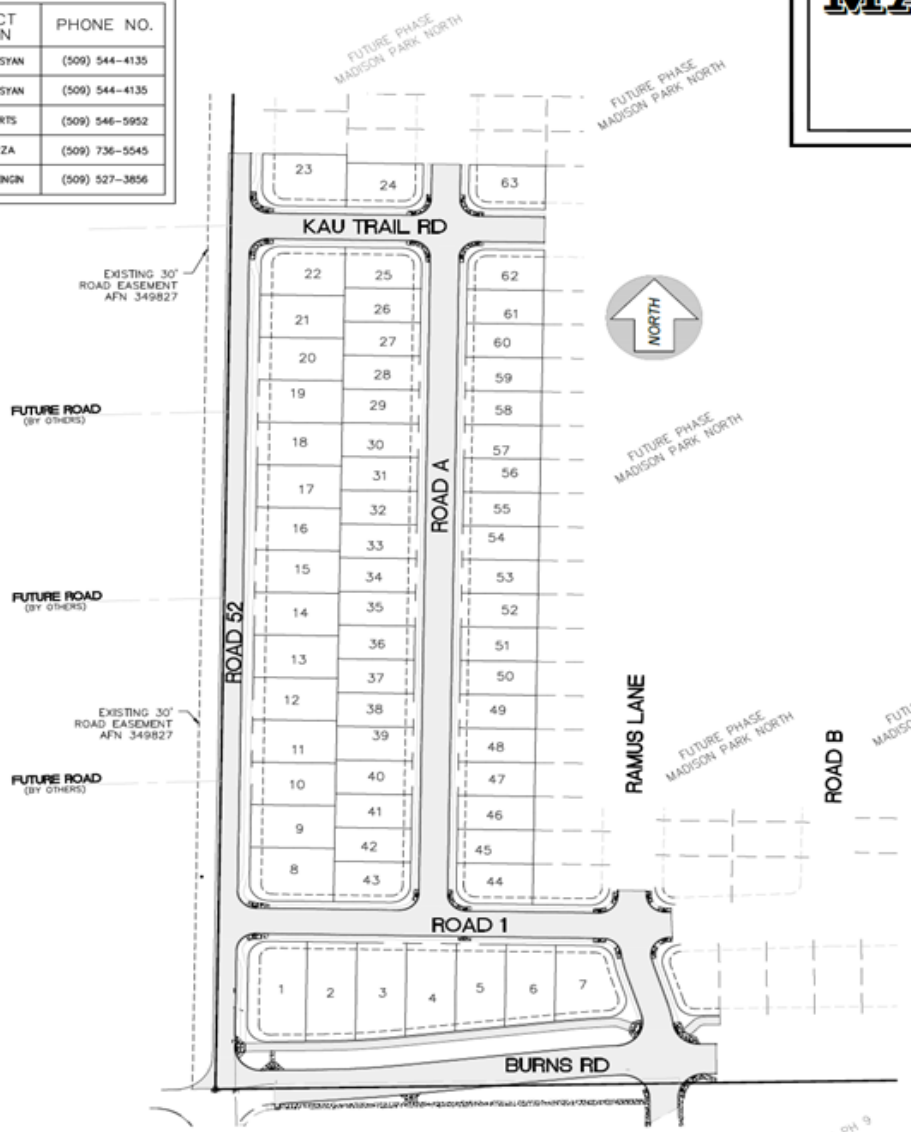
MPN Civil Engineering Plans

- In March, 2025, Applicants Dave Swisher and Farm 2005, LLC requested the City approve Civil Engineering Plans and a Right-of-Way Permit for MPN Phase 1 on May 30, 2025. The Plans and ROW Permit documented the specific water, sewer, stormwater, streets, multi-use path and other infrastructure Applicants desired to construct prior to final plat approval.
- The City approved the Plans and ROW Permit on May 30, 2025. The Plans and Permit authorized Applicants to construct the MPN Phase 1 improvements needed for final plat approval. Applicants did not appeal the Plans / ROW Permit.
- Applicants constructed the Phase 1 final plat infrastructure between June and November, 2025.

MADISON PARK NORTH PHASE 1

SECTION 2, T. 09N., R. 29E., W.M.

UTILITY	PURVEYOR	ADDRESS	CONTACT PERSON	PHONE NO.
WATER	CITY OF PASCO	2ND FLOOR, 525N. THIRD AVE. PASCO, WA. 99301	ANDREY AVETISYAN	(509) 544-4135
SEWER	CITY OF PASCO	2ND FLOOR, 525N. THIRD AVE. PASCO, WA. 99301	ANDREY AVETISYAN	(509) 544-4135
ELECTRIC	FRANKLIN COUNTY PUD	1411 W. CLARK ST. PASCO, WA. 99302	CASEY ROBERTS	(509) 546-5952
GAS	CASCADE NATURAL GAS	200 N. UNION STREET KENNEWICK, WA. 99336	ARNIE GARZA	(509) 736-5545
PHONE/INTERNET	ZIPLY FIBER	" RICHLAND, WA 99352	RANDY SWEARINGIN	(509) 527-3856



SITE PLAN

I AM CERTIFYING THAT I HAVE CONTACTED ALL OF THE IMPACTED OUTSIDE UTILITY PROVIDERS ASSOCIATED WITH THIS PROJECT. FURTHERMORE, I WILL WORK WITH THOSE UTILITIES TO ENSURE THAT THEIR INFRASTRUCTURE WILL BE ADDRESSED PRIOR TO START OF CONSTRUCTION WITHOUT CHANGE TO THE CITY APPROVED PLANS

INDEX OF DRAWINGS

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	GENERAL NOTES AND LEGEND
3	GRADING PLAN
4	BURNS ROAD DEMOLITION PLAN
5	BURNS ROAD 1+00 TO 5+00
6	BURNS ROAD 5+00 TO 8+00
7	ROAD 1 1+00 TO 5+00
8	ROAD 1 5+00 TO 8+60
9	KAU TRAIL ROAD 1+00 TO 5+40
10	ROAD 52 1+00 TO 5+20
11	ROAD 52 5+20 TO 10+40
12	ROAD 52 10+40 TO 15+60
13	ROAD A 1+00 TO 5+00
14	ROAD A 5+00 TO 9+00
15	ROAD A 9+00 TO 13+00
16	RAMUS LANE
17	TYPICAL ROAD SECTIONS
18	INTERSECTION DETAILS
19	INTERSECTION DETAILS
20	LIGHTING, SIGNAGE AND STRIPING PLAN
21	BURNS ROAD STRIPING PLAN
22	OFF-SITE SIGNAGE PLAN



VICINITY MAP

UTILITY STATEMENT

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED AS ACCURATELY AS POSSIBLE FROM FIELD SURVEY AND EXISTING DRAWINGS. G2 ENGINEERING MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHER, WE DO NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN EXACT LOCATION INDICATED, ALTHOUGH WE DO CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.

City of Pasco
Plan Review for Codes & Standards Compliance
05/30/2025

OWNER/DEVELOPER
DAVE SWISHER
EMERALD RESOURCES, LLC
250 NW FRANKLIN AVE., SUITE 401
BEND, OR 97701
PHONE: (541)382-8223

ENGINEER
GABE GALLINGER, P.E.
G2 ENGINEERING
1414 ENOCH LANE
DEER PARK, WA 99006
PHONE: 509-991-9033

811 Know what's Call before you dig. 48 HOURS NOTICE REQUIRED

G2 ENGINEERING
1414 s. enoch lane
deer park, wa 99006
509.991.9033

5-23-25

MADISON PARK NORTH PHASE 1

COVER SHEET

HORIZONTAL DATUM-NAD83(91) WASHINGTON STATE PLANE, SOUTH ZONE BASED ON GPS OBSERVATIONS

VERTICAL DATUM - NAVD88 U.S. STATE GEODETIC PROVIDED USING NGS DATA

#	DATE	BY	REVISION
1			

SCALE
HOR. N/A
VERT. N/A

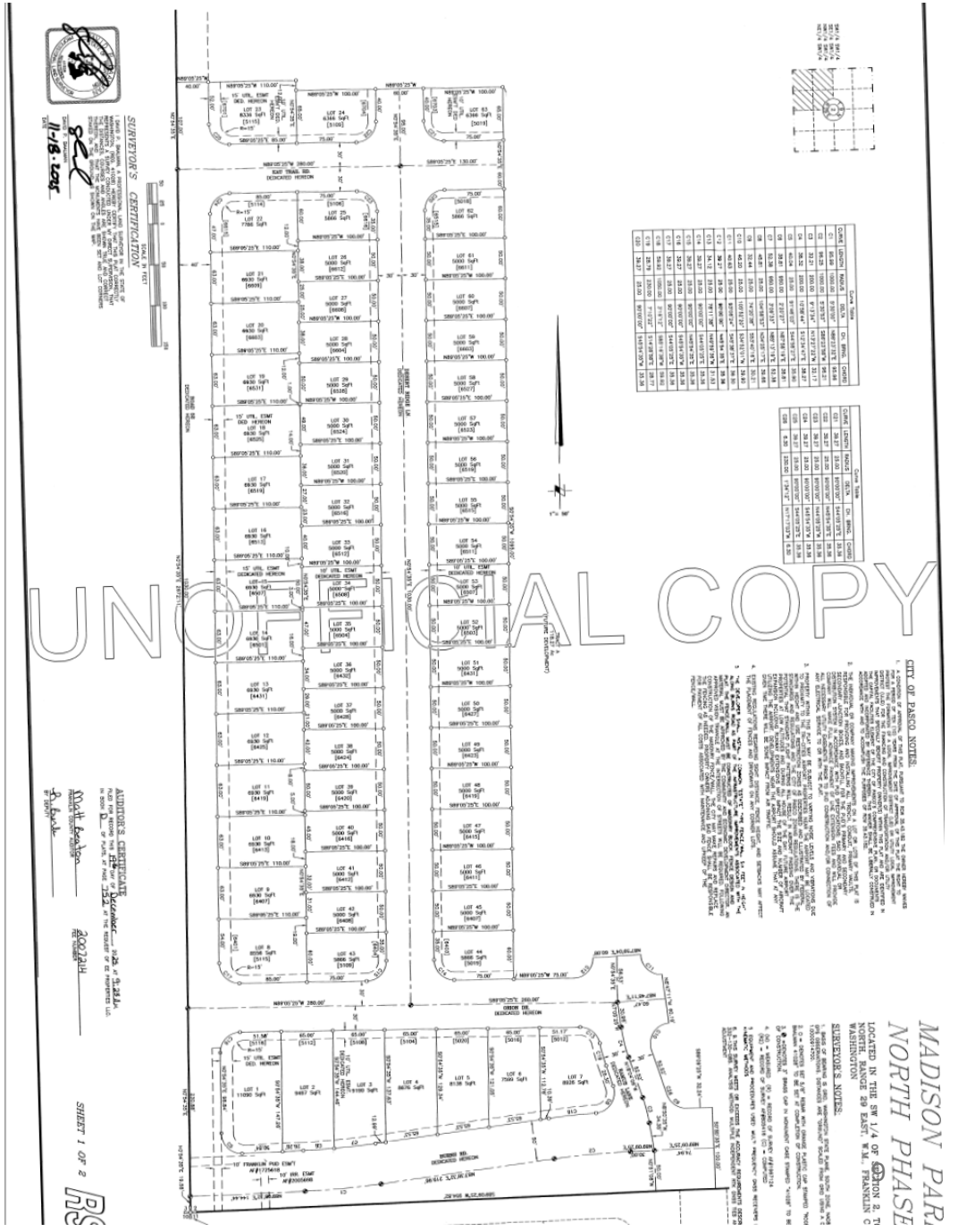
PROJECT #: 24-10
DESIGNED BY: GRG
CHECKED BY: GRG

COVER

1 OF 22

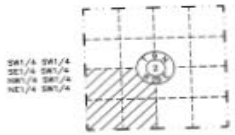
MPN Phase 1 Final Plat:

- Application submitted for MPN Phase 1 final plat approval on October 14, 2025.
- Staff reviewed the submittal and responded with directions for necessary corrections.
- On November 19, 2025, Applicants delivered the requested corrections in person, along with a bond estimate itemizing the construction tasks not completed and their anticipated dollar cost; copies later provided via e-mail on November 21, 2025.
- Staff reviewed internally and confirmed the list of improvements to be bonded, and the correct calculation (125%) of the necessary bond amount.
- The MPN Phase 1 Final Plat was approved and signed by the required City staff on December 18, 2025, and the Applicants informed that the Final Plat was ready for pickup and recording.
- Applicants recorded the MPN Phase 1 Final Plat the following day, on December 19, 2025.



MADISON PARK NORTH PHASE 1

LOCATED IN THE SW 1/4 OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 29 EAST, W.M., FRANKLIN COUNTY, WASHINGTON



Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CH. BRNG.	CHORD
C1	95.99	1000.00	5°30'00"	N86°23'32"E	95.96
C2	99.25	1000.00	5°41'53"	S86°23'56"W	99.21
C3	32.21	200.00	9°13'34"	N13°27'22"W	32.17
C4	38.32	200.00	10°58'44"	S12°34'47"E	38.27
C5	40.04	25.00	91°46'03"	S44°38'27"E	35.90
C6	35.51	950.00	2°20'27"	N87°58'19"E	35.51
C7	52.36	950.00	3°09'33"	N89°13'16"E	52.36
C8	45.51	25.00	104°56'53"	N34°25'17"E	39.66
C9	32.44	25.00	74°20'38"	S53°40'16"E	30.21
C10	46.20	25.00	105°52'20"	S34°53'01"W	39.90
C11	40.63	25.00	93°08'24"	S40°38'31"E	36.30
C12	39.27	25.00	90°00'00"	N45°54'35"E	35.36
C13	34.12	25.00	78°11'38"	N49°59'36"W	31.53
C14	39.27	25.00	90°00'00"	S44°05'25"E	35.36
C15	39.27	25.00	90°00'00"	N45°54'35"E	35.36
C16	39.27	25.00	90°00'00"	S45°54'35"E	35.36
C17	39.27	25.00	90°00'00"	S44°05'25"E	35.36
C18	59.93	1050.00	3°16'13"	S88°16'38"W	59.92
C19	28.79	230.00	7°10'22"	S14°28'58"E	28.77
C20	39.27	25.00	90°00'00"	S45°54'35"E	35.36

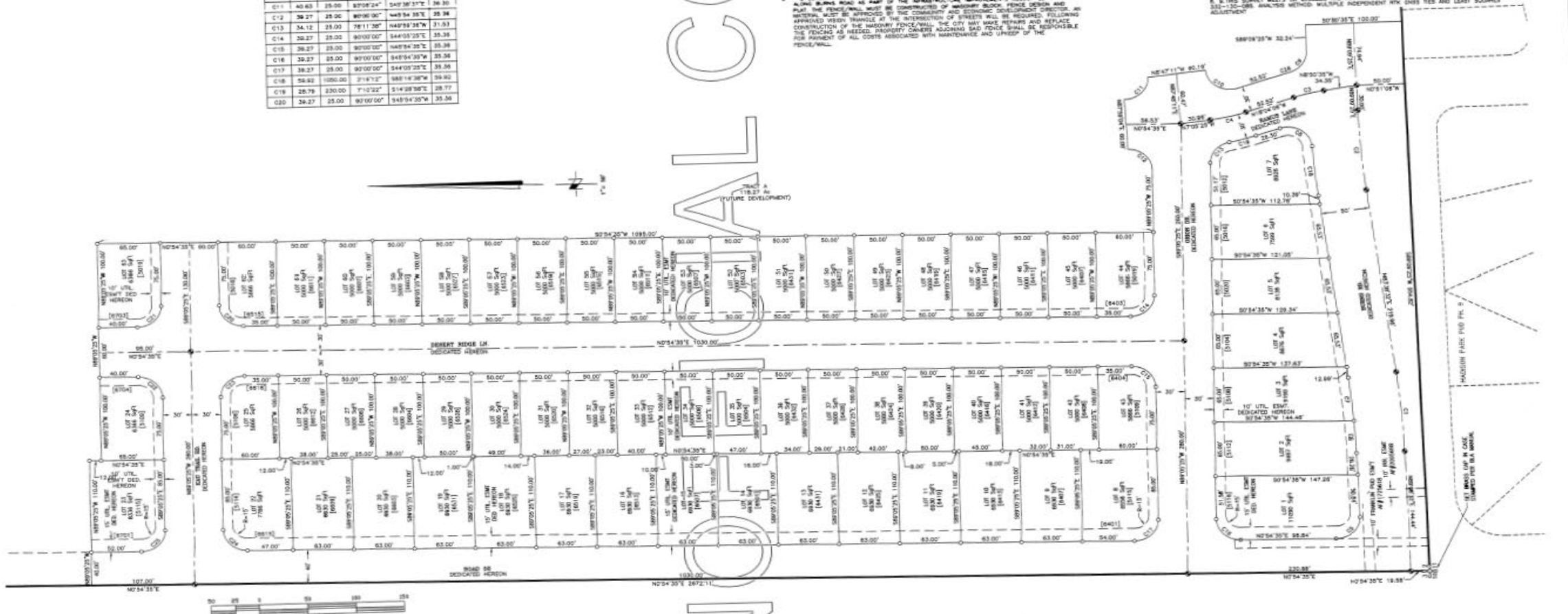
Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CH. BRNG.	CHORD
C21	39.27	25.00	90°00'00"	S44°05'25"E	35.36
C22	39.27	25.00	90°00'00"	N45°54'35"E	35.36
C23	39.27	25.00	90°00'00"	N44°05'25"W	35.36
C24	39.27	25.00	90°00'00"	S45°54'35"W	35.36
C25	39.27	25.00	90°00'00"	S44°05'25"E	35.36
C26	6.30	230.00	1°34'12"	N17°17'03"W	6.30

CITY OF PASCO NOTES:

1. A CONDITION OF APPROVAL OF THIS PLAT, PURSUANT TO RCW 35.43.182, THE OWNER HEREBY WAIVES FOR A PERIOD OF TEN (10) YEARS FROM THE DATE OF APPROVAL OF THIS PLAT THE RIGHT TO PROTEST THE FORMATION OF A LOCAL IMPROVEMENT DISTRICT (LID) OR UTILITY LOCAL IMPROVEMENT DISTRICT (ULID) FOR THE FINANCING AND CONSTRUCTION OF TRANSPORTATION AND/OR UTILITY IMPROVEMENTS THAT SPECIALLY BENEFIT PROPERTY OWNER(S) WITHIN THIS PLAT AND ARE IDENTIFIED IN THE CAPITAL FACILITIES ELEMENT OF THE CITY OF PASCO'S COMPREHENSIVE PLAN, OR DOCUMENTS ADOPTED AND INCORPORATED BY REFERENCE THEREIN. THIS WAIVER SHALL BE LIBERALLY CONSTRUED IN ACCORDANCE WITH AND TO ACCOMPLISH THE PURPOSES OF RCW 35.43.182.
2. THE INDIVIDUAL OR COMPANY MAKING IMPROVEMENTS ON A LOT OR LOTS OF THIS PLAT IS RESPONSIBLE FOR PROVIDING AND INSTALLING ALL TRENCH, CONDUIT, PRIMARY VAULTS, SECONDARY JUNCTION BOXES, AND BACKFILL FOR THE PUD'S PRIMARY AND SECONDARY DISTRIBUTION SYSTEM IN ACCORDANCE WITH PUD SPECIFICATIONS. SAID INDIVIDUAL OR COMPANY WILL MAKE FULL ADVANCE PAYMENT OF LINE EXTENSION FEES AND WILL PROVIDE ALL NECESSARY UTILITY EASEMENTS PRIOR TO PUD CONSTRUCTION AND/OR CONNECTION OF ANY ELECTRICAL SERVICE TO OR WITH THE PLAT.
3. PROPERTY WITHIN THIS PLAT MAY BE SUBJECT TO VARYING NOISE LEVELS AND VIBRATIONS DUE TO PROXIMITY TO THE TRI-CITIES AIRPORT. PROPERTIES NEAR THE AIRPORT MAY BE LOCATED WITHIN HEIGHT AND USE RESTRICTION ZONES AS DESCRIBED AND ILLUSTRATED BY FEDERAL STANDARDS AND REGULATIONS AND THE CITY OF PASCO ZONING REGULATIONS. THERE IS A LE POTENTIAL THAT STANDARD FLIGHT PATTERNS WILL RESULT IN AIRCRAFT PASSING OVER THE PROPERTIES AT LOW ALTITUDES AND DURING ALL HOURS OF THE DAY. FUTURE AIRPORT EXPANSION INCLUDING RUNWAY EXTENSIONS MAY IMPACT THE SIZE AND NUMBER OF AIRCRAFT UTILIZING THE AIRPORT. DEVELOPMENTS NEAR THE AIRPORT SHOULD ASSUME THAT AT ANY GIVEN TIME THERE WILL BE SOME IMPACT FROM AIR TRAFFIC.
4. EXISTING REGULATIONS REGARDING SIGHT DISTANCE, FENCE HEIGHT, AND SETBACKS MAY AFFECT THE PLACEMENT OF FENCES AND DRIVEWAYS ON ANY CORNER LOTS.
5. THE DEVELOPER SHALL INSTALL A COMMON "ESTATE" TYPE FENCE/WALL, SIX FEET IN HEIGHT, ALONG BURNS ROAD AS PART OF THE INFRASTRUCTURE IMPROVEMENTS ASSOCIATED WITH THE PLAT. THE FENCE/WALL MUST BE CONSTRUCTED OF MASONRY BLOCK. FENCE DESIGN AND MATERIAL MUST BE APPROVED BY THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR. AN APPROVED VISION TRIANGLE AT THE INTERSECTION OF STREETS WILL BE REQUIRED. FOLLOWING CONSTRUCTION OF THE MASONRY FENCE/WALL, THE CITY MAY MAKE REPAIRS AND REPLACE THE FENCING AS NEEDED. PROPERTY OWNERS ADJOINING SAID FENCE SHALL BE RESPONSIBLE FOR PAYMENT OF ALL COSTS ASSOCIATED WITH MAINTENANCE AND UPKEEP OF THE FENCE/WALL.

SURVEYOR'S NOTES:

1. BASIS OF BEARING IS GRID, WASHINGTON STATE PLANE, SOUTH ZONE, NAD83(11), BASED ON GPS OBSERVATIONS. DISTANCES ARE "GRIDUND" SCALED FROM GRID USING A COMBINED FACTOR OF 1.0000914700.
2. ○ = DENOTES SET 5/8" REBAR WITH ORANGE PLASTIC CAP STAMPED "ROGERS SURVEYING SNAUMAN 41028" TO BE SET AT COMPLETION OF CONSTRUCTION.
3. ● =DENOTES 3" BRASS CAP IN MONUMENT CASE STAMPED "41028" TO BE SET AT COMPLETION OF CONSTRUCTION.
4. (M) = MEASURED (R) = RECORD OF SURVEY AF#1967124
(R2) = RECORD OF SURVEY AF#2009418 (C) = COMPUTED
5. EQUIPMENT AND PROCEDURES USED WAS T FREQUENCY DASS RECEIVERS USING REAL TIME KINEMATIC METHODS
6. S. S THIS SURVEY MEETS OR EXCEEDS THE ACCURACY REQUIREMENTS DESCRIBED IN WAC 332-130-090. ANALYSIS METHOD: MULTIPLE INDEPENDENT RTK GNSS TIES AND LEAST SQUARES ADJUSTMENT



SURVEYOR'S CERTIFICATION

I DAVID P. SNAUMAN, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF WASHINGTON, (REG. 41028) HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION, THAT THE DISTANCES, COURSES AND ANGLES ARE SHOWN TRUE AND CORRECT THEREON, AND THAT THE MONUMENTS HAVE BEEN SET AND LOT CORNERS STAKED ON THE GROUND AS SHOWN ON THE MAP.

David P. Snauman
11-18-2025
DATE

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 19th DAY OF December, 2025 AT 9:25 A.M.
IN BOOK D OF PLATS, AT PAGE 252 AT THE REQUEST OF EE PROPERTIES LLC.

Matt Beaton
FRANKLIN COUNTY AUDITOR

2007214
FEE NUMBER

B. Burke
BY DEPUTY

SHEET 1 OF 2

RSI ROGERS SURVEYING INC., P.S.
7405 COLUMBIA PARK TRAIL
KENNEWICK, WA. 99336
PHONE (509) 783-4141
FAX: (509) 783-5994
www.rogersurveying.com

08228-PLAT.DWG 8-12-25 DDP

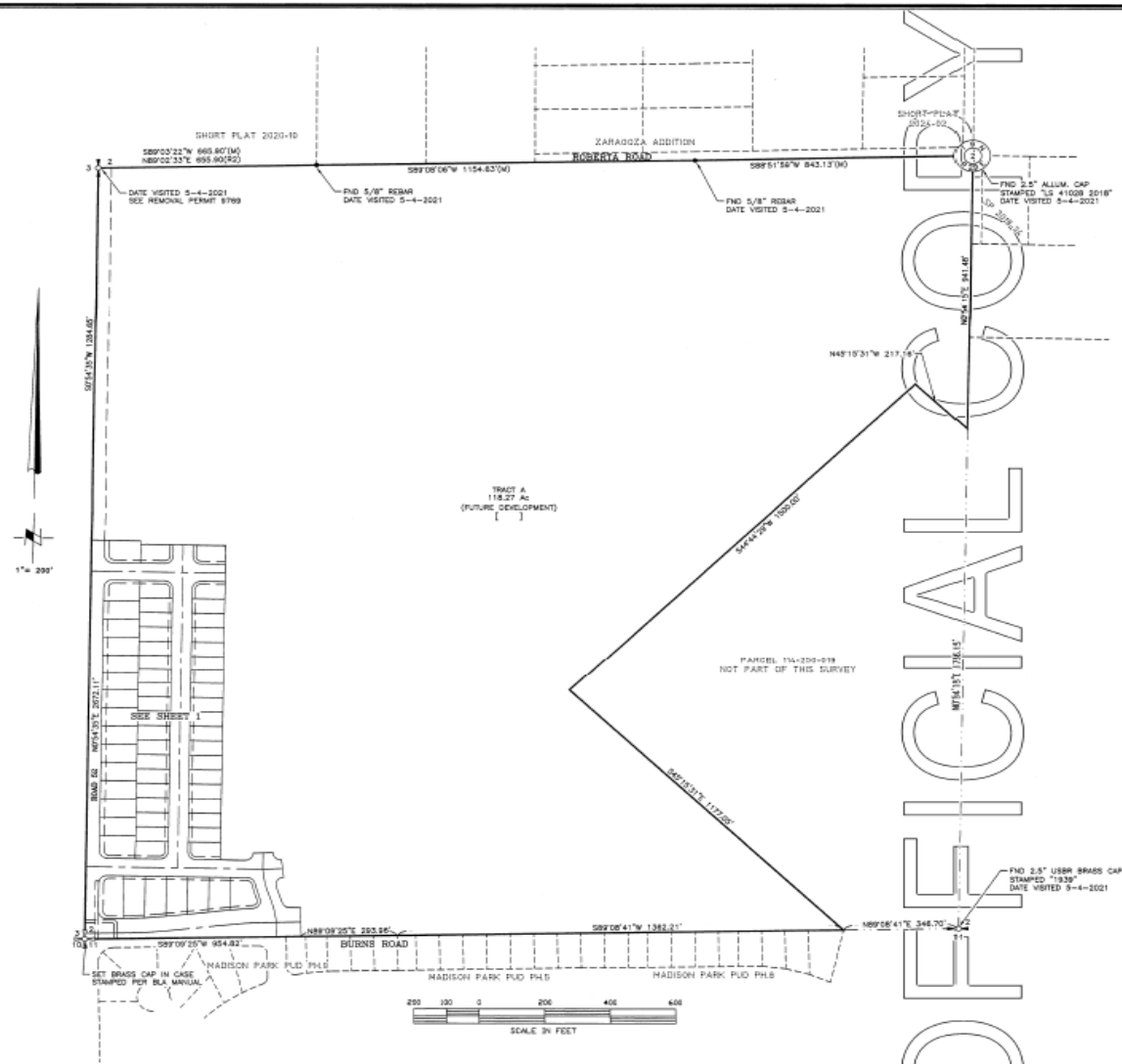
OFFICIAL COPY

Matt Beaton, Auditor, Franklin County, WA.

UNOFFICIAL DOCUMENT

MADISON PARK NORTH PHASE 1

LOCATED IN THE SW 1/4 OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 29 EAST, W.M., FRANKLIN COUNTY, WASHINGTON



DEDICATION

I, STEVE WEST, AUTHORIZED REPRESENTATIVE OF FARM 2005, LLC, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE TRACT OF LAND DESCRIBED HEREON AND THAT WE HAVE CAUSED SAID LAND TO BE SURVEYED AND PLATTED INTO LOTS AS SHOWN HEREON AND THE STREET RIGHTS OF WAY AND UTILITY EASEMENTS ARE HEREBY DEDICATED TO THE USE OF THE PUBLIC AND THAT SAID SUBDIVISION SHALL HEREAFTER BE DESIGNATED BY THE NAME OF "MADISON PARK NORTH, PHASE 1".

STEVE WEST, AUTHORIZED REPRESENTATIVE OF FARM 2005, LLC

PENELOPE BAUM NOTARY PUBLIC No. 24035570 COMMISSION EXPIRES DECEMBER 1, 2028 STATE OF WASHINGTON

ACKNOWLEDGMENT

STATE OF Washington
COUNTY OF Benton } S.S.

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT STEVE WEST IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE MANAGER OF FARM 2005, LLC, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

Penelope Baum
NOTARY PUBLIC IN AND FOR THE STATE OF Washington
RESIDING AT Kennewick, WA
MY COMMISSION EXPIRES 12/02/2028

LEGAL DESCRIPTIONS:

THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 29 EAST, W.M., FRANKLIN COUNTY, WASHINGTON.

EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 2; THENCE NORTH 0°54'15" EAST 1736.16 FEET ALONG THE MID-SECTION LINE OF SAID SECTION 2 TO THE NORTHEASTERLY BOUNDARY OF THAT EASEMENT DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 1852537, RECORDS OF FRANKLIN COUNTY, WASHINGTON; THENCE NORTH 45°15'31" WEST 217.16 FEET ALONG SAID NORTHEASTERLY BOUNDARY; THENCE SOUTH 44°44'29" WEST 1500.00 FEET ALONG THE NORTHWESTERLY BOUNDARY OF SAID EASEMENT; THENCE SOUTH 45°15'31" EAST 1177.05 FEET ALONG THE SOUTHWESTERLY BOUNDARY OF SAID EASEMENT TO THE SOUTH LINE OF SAID SECTION 2; THENCE NORTH 89°08'41" EAST 346.70 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

CONTAINS 132.52 ACRES, MORE OR LESS.

APPROVALS

CITY OF PASCO

EXAMINED AND APPROVED THIS 18TH DAY OF December, 20 25

CITY PLANNER

CITY ENGINEER — DATE 12/19/2025

CITY MANAGER OR DESIGNEE — DATE 12-18-2025

FRANKLIN COUNTY P.U.D.

THE UTILITY EASEMENTS SHOWN ARE HEREBY APPROVED.

FRANKLIN COUNTY P.U.D. — TITLE 11-18-25
Engineering & Operations Director

COUNTY ASSESSOR

EXAMINED AND APPROVED THIS 19th DAY OF December, 2025 A.D.

for John Rozenboom
FRANKLIN COUNTY ASSESSOR

COUNTY TREASURER

I HEREBY CERTIFY THAT ALL TAXES AND ASSESSMENTS AGAINST THE LAND DESCRIBED HEREON HAVE BEEN PAID IN FULL TO AND INCLUDING THE YEAR 20[illegible] A.D. PARCEL NUMBER: 114-250-018

for Josh Kaelzer
FRANKLIN COUNTY TREASURER

11-18-2025
DAVID P. BALMAN

SHEET 2 OF 2

ROGERS SURVEYING INC., P.S.
1455 COLUMBIA PARK TRAIL
RICHLAND, WA 99352
PHONE (509) 783-4141
FAX (509) 783-8894
www.rogersurveying.com

06225-PLAT.DWG 6-12-25 DCP

Matt Beaton, Auditor, Franklin County, WA. APN # 2007214 Recorded 12/19/2025 09:23 AM DocType: PLAT Page: 2 of 2 Filing Instrument 8428.50 PADYOBAC CONSULTING, LLC

Closed Record Appeal

- PMC 21.30.060 Administrative approval – The final plat applicant may appeal a determination of the administrative review process by a closed record appeal to the City Council pursuant to PMC 4.02.100.
- PMC 4.02.030 Definitions – "'Closed record appeal' means an administrative appeal. . . when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed."
- Because final plat approval determination was administrative, no open record hearing was required by PMC 21.30.060.
- The applicant filed a Notice of Appeal on December 29, 2025, in reliance on PMC 21.30.060 and PMC 4.02.100.
- The Notice of Appeal acknowledges that "all required construction improvements were constructed or bonded."
- Pursuant to PMC 4.02.100(2):
  - All City Councilmembers must review the entire final plat record.
  - The final plat record includes documents reviewed by the City staff decisionmakers, or used in the process of approving the final plat. These include the MPN preliminary plat and approved civil engineering drawings, the MPN final plat application and related documents, and memoranda and e-mails exchanged among City staff and the Applicants. There is no video or transcript.
- Pursuant to PMC 4.02.070(1)(c), the time for City Council consideration and decision shall not exceed 60 days from this hearing on a closed record appeal, unless extended by agreement of the parties. As provided in subsection .070(1)(d), any such extension must be mutually agreed upon by the applicant and the Director.

City of Pasco

Questions?