

*Please return to:*

*Executive Assistant  
Kennewick Irrigation District  
12 West Kennewick Avenue  
Kennewick, WA 99336*

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## **KENNEWICK IRRIGATION DISTRICT RESOLUTION 2016-35**

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### **Approving The Ridge at Hansen Park Voluntary Mitigation Development Agreement**

A **RESOLUTION** of the Board of Directors of Kennewick Irrigation District (KID), Benton County, Washington, for the purpose of approving a development agreement with HFRP LLC, a Washington limited liability company (hereinafter “Developer”),

**WHEREAS**, the Board of Directors of KID (the Board) met in regular session on October 4, with a quorum present, and

**WHEREAS**, property is proposed for subdivision into a development known as “The Ridge at Hansen Park” (“Subdivision”) consisting approximately 38.25 acres, of which approximately 36.02 acres is classified as irrigable, which are proposed to be subdivided into 84 lots legally described in the “The Ridge at Hansen Park Voluntary Mitigation Development Agreement”, hereinafter referred to as the “Property.”

**WHEREAS**, the Subdivision is within the City of Kennewick boundaries; and

**WHEREAS**, the Property is owned by the Developer and has an allotment of irrigation water from KID; and

**WHEREAS**, RCW 58.17.310 requires that irrigation water rights-of-way be provided for each parcel of land, and also requires that, if the subdivision lies within land within an irrigation district classified as irrigable, completed irrigation water distribution facilities for such land may be required by the irrigation district by resolution as a condition for approval of the short plat or final plat by the legislative authority of the city, town, or county; and

**WHEREAS**, KID Resolution 86-15A requires completed irrigation facilities as a condition for approval of the short plat or final plat; and

**WHEREAS**, KID Policy 4.19 “Standard Specifications” specifies what comprises completed irrigation facilities; and

**WHEREAS**, KID submitted a comment letter on September 15, 2015 requesting that the City of Kennewick incorporate certain conditions into its final decision approving the Subdivision; and

**WHEREAS**, the City of Kennewick approved the Subdivision subject to further discussions between KID and Developer concerning KID's requested conditions; and

**WHEREAS**, KID appealed the City of Kennewick's decision approving the Subdivision in Benton County Superior Court, cause no 15-2-02880-1 ("LUPA Appeal"); and

**WHEREAS**, the Developer agrees to make irrigation improvements on the Property, to provide pressurized irrigation water to the subdivision as a completed irrigation facility; and

**WHEREAS**, the Developer and KID mutually agree that it is in each of their best interest for the Developer to contribute funds towards KID's planned regional system or provide other agreed upon contributions to service the Subdivision with irrigation water; and

**WHEREAS**, the Developer and the KID mutually agree to allow the Developer to contribute approved off-site irrigation improvements, detailed in the agreement, valued at the mutually agreed cost of constructing completed irrigation facilities, and benefiting and serving the properties detailed in the agreement; and

**WHEREAS**, to protect the Subdivision and mitigate its impacts on the adjoining canal, the KID and the Developer have mutually agreed that the Developer will make in-kind contributions towards the lining of the canal adjacent to the Subdivision if and when KID elects to construct and install canal lining, which contribution has been determined to be adequate and proportional mitigation.

**WHEREAS**, the Developer and the KID mutually agree to allow the Developer to contribute to a future canal lining project in the form of construction of approved mass and fine grading designed by KID on the canal within the easement adjacent to the Subdivision in preparation for the canal lining as the Developer's cost share of the lining; and

**WHEREAS**, the KID agrees to construct and install canal lining upon completion of the approved grading performed by the Developer; and

**WHEREAS**, the KID cannot issue and sign an irrigation district certificate for any Final Plat phases of the Subdivision unless completed on-site irrigation systems are installed or bonded for, or the KID Board of Directors approves by resolution an acceptable security that creates a lien against the Property; and

**WHEREAS**, the parties desire to set forth their agreements on how Developer's contributions to irrigation facilities serving the Subdivision will be constructed, operated, maintained, and replaced;

**NOW, THEREFORE, BE IT RESOLVED** that the attached "The Ridge at Hansen Park Voluntary Mitigation Development Agreement" is approved and the attached "Memorandum of Agreement" shall be recorded with the County records office.

**RESOLUTION 2016-35 IS HEREBY ADOPTED** by the Board of Directors of Kennewick Irrigation District, Benton County, Washington, at a regular open public meeting thereof this 4<sup>th</sup> day of October, 2016.

  
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**David McKenzie, President**

  
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**Gene Huffman, Vice-President**

  
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**Patrick McGuire, Director**

  
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**Kirk Rathbun, Director**

  
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**Dean Dennis, Director**