

PORT OF KENNEWICK REGULAR COMMISSION MEETING

NOVEMBER 9, 2021 MINUTES

Commission Meeting recordings, with agenda items linked to corresponding audio, can be found on the Port's website at: <https://www.portofkennewick.org/commission-meetings-audio/>

Commission President Commissioner Don Barnes called the Regular Commission Meeting to order at 2:00 p.m. via GoToMeeting Teleconference.

ANNOUNCEMENTS AND ROLL CALL

The following were present:

Board Members: Commissioner Don Barnes, President (via telephone)
Skip Novakovich, Vice-President (via telephone)
Thomas Moak, Secretary (via telephone)

Staff Members: Tim Arntzen, Chief Executive Officer (via telephone)
Tana Bader Inglima, Deputy Chief Executive Officer (via telephone)
Amber Hanchette, Director of Real Estate and Operations (via telephone)
Nick Kooiker, Chief Finance Officer (via telephone)
Larry Peterson, Director of Planning and Development (via telephone)
Lisa Schumacher, Special Projects Coordinator
Bridgette Scott, Executive Assistant (via telephone)
Lucinda Luke, Port Counsel (via telephone)

PLEDGE OF ALLEGIANCE

Commissioner Barnes led the Pledge of Allegiance.

APPROVAL OF THE

MOTION: Commissioner Novakovich moved to approve the Agenda as presented; Commissioner Moak seconded. With no further discussion, motion carried unanimously. All in favor 3:0.

PUBLIC COMMENT

Commissioner Novakovich recently visited with Parliamentarian, Ann McFarland, and learned when an individual is making a public comment, they do not need to provide their address, only name and city.

Commissioner Barnes stated he will continue to ask for name and address until he hears otherwise from Port counsel and thanked Commissioner Novakovich for the information.

No further comments were made.

CONSENT AGENDA

- A. ***Approval of Direct Deposit and E-Payments Dated November 2, 2021***
Direct Deposit and E-Payments totaling \$111,008.34
- B. ***Approval of Warrant Register Dated November 9, 2021***

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Expense Fund Voucher Number 103301 through 103336 for a grand total of \$130,436.33

C. Approval of Regular Commission Meeting Minutes October 26, 2021

MOTION: *Commissioner Novakovich moved to approve the Consent Agenda as presented; Commissioner Moak seconded. With no further discussion, motion carried unanimously. All in favor 3:0.*

EMERGENCY DELEGATION UPDATE

Mr. Arntzen stated the Emergency Delegation has been on the Agenda since April 2020 and he would like to revisit it in January to see if the Commission would like to keep or remove this item from the Agenda.

Ms. Hanchette has nothing further to report.

REPORTS, COMMENTS AND DISCUSSION ITEMS

A. Vista Field

1. Timing to Open Roads

Mr. Arntzen updated the Commission on the timing of opening roads at Vista Field. Mr. Arntzen outlined the events of the construction and close out process for the Vista Field Phase 1A project (*Exhibit A*):

- Total Site Services are completing the punch list to close out the contract;
- The City of Kennewick has not accepted the project/as-built drawings;
- Is this an appropriate time to open the site: water features have been winterized, additional security concerns, and marketing efforts;
- Commission directed deviations from the Work Plan and unanticipated activities arose;
- Unanticipated unavailability of key personnel;

Commissioner Moak thanked Mr. Arntzen for the report and stated he believes Crosswind Boulevard important from a transportation perspective for traffic flow. Commissioner Moak is fine with having a grand opening in the spring, but he does not believe that prohibits the Port from opening the street and thinks they are two separate issues. Furthermore, Commissioner Moak does not think the contractor is doing their due diligence and slowing things down. Commissioner Moak understands we are in COVID, but believes he has not received any reports on what tasks need to be completed and why there is slow down. Commissioner Moak does not want to do anything until the City has completed their review; however, he thinks the City would want to see the road open and completed. Furthermore, he does not believe the additional tasks for staff should have slowed down Total Site Services from completing the project or the City from accepting the project. Commissioner Moak stated he was not aware of the personnel issues and stated had the Commission been aware, they could have re-prioritized some projects. Commissioner Moak is excited for the road to open and believes the public is too; however, he is not in favor of opening the street when the tasks are not complete. Once those tasks are complete, he would like to see it open and then the Port can determine when the grand opening and ribbon cutting should take place.

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Mr. Arntzen stated staff has provided regular reports regarding construction and other aspects of the projects. Furthermore, he has placed several phone calls to Commissioner Moak where we discussed the project in depth and he received nothing but praise and at no point, did he receive the directive to speed things up. Mr. Arntzen has not received any deadlines or timelines from the Commission and until recently, he had not received word from the Commission that they were displeased about the progress and there was a mandate to open the site. Additionally, Mr. Arntzen cannot speak to the Commission about private employee matters, which he alluded to at the last Meeting.

Commissioner Novakovich agrees with Commissioner Moak about wanting to open Vista Field and prioritizing projects; however, on two occasions, he requested staff to give us a list of projects for the Commission to prioritize, but Commissioners Barnes and Moak did not agree with him. The Commission has thrown a lot at staff that is not in the Work Plan and we asked them to accomplish various items including the governance audit. Commissioner Novakovich read an excerpt from the Commission Meeting minutes from March 4, 2021:

“Commissioner Barnes concurs with Commissioner Moak’s comments and supports the three projects outlined by Commissioner Moak.

Commissioner Novakovich agrees with his fellow Commissioners and stated with the caveat that staff is not penalized for not meeting other requirements laid out by the Commission.

Commissioner Barnes stated the Commission is giving clear direction to staff to pursue the three projects with the understanding that this may affect current staff workload going forward.”

Commissioner Novakovich does not see how the Commission can criticize staff when we have not given them clear direction on what order we want to see things accomplished. Furthermore, the Commission needs to remember there are only so many resources that we have to apply and how we want to apply them. This is why Commissioner Novakovich requested a list of staff projects and resources should be allocated, so the Commission could prioritize that; however, there was not a consensus, until now. Commissioner Novakovich thinks it’s unfair to criticize staff for not moving Vista Field forward when we have not given them clear direction and have given them other projects to work on. The Commission also stated in the minutes that we were not going to penalize staff for not seeing projects move forward.

Commissioner Barnes stated this comes down to communication and as he understood it, Commissioner Moak asked for an update on when the roads would open at Vista Field. Commissioner Barnes does not recall Commissioner Moak ever saying that he wanted Mr. Arntzen to “drop the hammer” on anyone or take leave away from an employee. Nor did he hear Commissioner Moak ask that that be placed on the table as a possibility. Commissioner Barnes believes he requested a simple update and where things are. Commissioner Barnes stated when Mr. Arntzen laid all the facts out today, and factored in the contractual

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considerations, and the City's requirements, those are big matters to keep in mind as to when it can be completed. Commissioner Barnes stated if we have communication and maybe tone down some of the threatening elements of the communication. No one is asking anyone to break any laws, no one is asking to divulge personal information, medical or otherwise, about anyone. No one is asking anyone to do that, but he does not think it is unreasonable at all for any Commissioner to ask for an update on where things stand, what are some of the hurdles to getting to the point of where we want to be, can we talk about what could be done to speed things up. Commissioner Barnes has not heard the Commission say for staff to take their time, nor has he heard for it to be done tomorrow. Communication is important and there are areas where all of us can improve our communications. The recount of things we have dealt this, these are elements of real life, and everyone goes through it. And no one is asking for anyone to be penalized or criticized when these kinds of things happen. The recount of some of the items that have slowed our projects, the first thing that was missed in that recount is the anonymous citizen complaint. That could have been handled better and more effectively with less cost and less lost time to the Port. In his opinion, it had a huge impact on the progress that has been made at the Port.

2. *Deschutes Driveway*

a. *Interlocal Agreement with the City of Kennewick*

Mr. Peterson outlined the Deschutes Driveway relocation agreement and Interlocal Agreement with the City of Kennewick.

Commission and staff discussion commenced regarding the elements of the driveway relocation.

PUBLIC COMMENT

Marie Mosley, City of Kennewick City Manager, 210 West 6th Avenue, Kennewick. Ms. Mosley reported that the City Council approved the Interlocal Agreement at the last Council Meeting.

No comments were made.

MOTION: *Commissioner Novakovich moved to approve Resolution 2021-22, adopting the Interlocal Agreement between the Port of Kennewick and the City of Kennewick related to relocation of a driveway serving the property at 6601 West Deschutes Avenue located directly south of the Vista Field Phase #1 redevelopment area; and to take all other action necessary to close this transaction; and further authorizes the CEO to execute an Access Driveway Relocation Agreement with the owners of the property; and ratifies and approves all action by Port officers and employees in furtherance hereof; Commissioner Moak seconded.*

Discussion:

Commissioner Barnes stated a lot of work and effort went into this item and sometimes items like this can come up after the project has begun, where there may have been an oversight or inadvertent consequence to construction activities. Commissioner Barnes commended staff at the Port and City to make this a more acceptable situation to those that were impacted by this.

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With no further discussion, motion carried unanimously. All in favor 3:0.

3. Design Standards

Mr. Peterson presented for Commission consideration, Resolution 2021-23 approving and adopting the Vista Field Design Standards prepared by DPZ Partners.

Commissioner Moak is excited to adopt the Vista Field design standards and appreciates all the work that has gone into the document. Commissioner Moak stated the Commission previously requested staff to ask the City to review the document and inquired if they had any comments.

Mr. Peterson stated the City had one comment related to how a City Municipal Code was referenced; the comment did not change the design standards.

PUBLIC COMMENT

No comments were made.

MOTION: *Commissioner Novakovich moved to approve Resolution 2021-23, approving and adopting the Vista Field Design Standards; and ratify and approve all action by Port officers and employees in furtherance hereof and authorize the Port's CEO to take all action necessary in furtherance hereof; Commissioner Moak seconded. With no further discussion, motion carried unanimously. All in favor 3:0.*

B. Governance and Management Audit

Ms. Scott reported per the Commission's direction, staff worked with Mr. Darling on the procedural and administrative details to advertise the Request for Proposals for the project manager and the governance and management audit. The RFP's have been posted on the Port's website since October 14, 2021 and ads were placed in the *Tri-City Herald* and the *Daily Journal of Commerce*. In addition, the RFP's were directly emailed to the individuals identified by Mr. Darling. The proposals for the Project Manager were due on November 3, 2021, and as of today, no proposals have been received. Honoring the directive for staff and legal counsel to remain out of the process to maintain transparency, staff invited Mr. Darling to attend today's meeting to assist the Commission with possible options.

Mr. Arntzen thanked Ms. Scott for her thorough report.

Mr. Darling echoed Mr. Arntzen's comments and was surprised that the Port did not receive any proposals. Mr. Darling outlined two options for the Commission: reissue and advertise the RFP until December 12, 2021 and reach out to prospective consultants or wait until the Governance and Management Audit RFP closes and let staff manage the process until then. Then, either look for a project manager or have staff manage the project. Mr. Darling recommended waiting until the Commission review the Governance and Management Audit RFP on December 14, 2021 and see what kind of proposals the Port receives and make a call at that point.

Commissioner Barnes stated if it is a nominal cost, other than staff time, he is in favor of

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rerunning the advertisement with a deadline of December 10, 2021. Ms. Scott stated the advertisements are estimated to cost \$600.00.

Commissioner Moak mulled if we reissue the RFP, what are the odds of someone submitting a proposal.

Mr. Darling will reach out to prospective consultants.

Commissioner Moak is comfortable with reissuing the RFP.

Commissioner Novakovich is concerned that with the holidays and believes it may be a bad time to reissue the RFP and suggested waiting until after the first of year when things settle down.

Commissioner Barnes stated Commissioner Moak concurs with reissuing the Project Manager RFP and suggested readvertising with a deadline to submit proposals by December 10, 2021 and for Mr. Darling to reach out to firms regarding the RFP.

The Consensus of the Commission to reissue the RFP for the governance and management audit Project Manager with a deadline of December 10, 2021 with telephone outreach to potential firms by Mr. Darling.

C. Washington Public Ports Association (WPPA) Annual Conference

Ms. Scott stated the WPPA Annual Conference will be held in Bellevue December 1-3; with a Commissioner Training on November 30, 2021 for all newly elected commissioners, as well as existing commissioners who would like to refresh their education. The training agenda is still under development but will feature presentations from Jim Darling and WPPA Counsel Frank Chmelik, Open Public Meetings Act and Public Records Act training, as well as political campaign rules training.

Staff is continuing to take a conservative approach to COVID and is not traveling at this time. As of October 25, 2021, Washington's Public Health Order requires proof of full vaccination or proof of a negative COVID-19 test within the last 72 hours for all event guests. Commissioners will need to provide a copy of your vaccination record or a negative COVID test prior to entry to the Annual Meeting and the surrounding restaurants.

Ms. Scott stated if a Commissioner would like to attend, please let her know as soon as possible. Ms. Scott will reach out to Commissioner Elect Ken Hohenberg.

RECESS

Commissioner Barnes called for a recess for at 3:26 p.m. until 3:29 p.m.

Commissioner Barnes reconvened the meeting at 3:30 p.m.

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PUBLIC HEARING

A. *Levy Certification*

Mr. Kooiker presented Resolution 2021-24 certifying the Port's Levy Certification, which allows the Port to collect taxes in 2022. Resolution 2021-25 allows the Port to take the 1% statutory increase which is approximately \$40,000-\$50,000.

B. *Increase in Tax Capacity*

The increase in tax capacity was discussed with Item A, Levy Certification.

Commissioner Barnes recessed the Regular Meeting at 3:32 p.m. and declared an Open Public Hearing for discussion regarding the Levy Certification and the Tax Capacity.

PUBLIC COMMENTS

No comments were made

Commissioner Barnes closed the Public Hearing at 3:33 p.m. regarding the Levy Certification and the Tax Capacity and reconvened the Regular Commission Meeting.

MOTION: *Commissioner Novakovich moved to approve Resolution 2021-24, certifying the Port of Kennewick's tax levy for 2022 collections, and 2021-25 increasing the Port of Kennewick's tax levy capacity in 2022; Commissioner Moak seconded. With no further discussion, motion carried unanimously. All in favor 3:0.*

REPORTS, COMMENTS AND DISCUSSION ITEMS (continued)

A. *Chief Executive Officer Annual Performance Review*

Ms. Luke reported that the CEO Annual Performance, pursuant to the CEO Employment contract, the evaluation is to be completed by November 15th, and before the Commission is the proposed Resolution as well as the Agenda Report which sets forth the steps that have been taken to date, so far. To date, the CEO's performance evaluation packet for 2021 was delivered to Commissioners on September 30, 2021 and as a subsequent submission on October 6, 2021, was a letter from the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) regarding the CEO. The Commissioners have received all of those materials. Ms. Luke received Commissioners Moak and Novakovich's input on the forms and compiled them into one evaluation form. Ms. Luke, as provided in Exhibit A, that compiled form, along with an attachment that includes Commissioner Barnes evaluation. The language of that evaluation mirrors from the form if you have already reviewed it. These are verbatim input from each Commissioner and not modified in any way. They were simply compiled so that the Commission had everything before them in one document, which is Exhibit A. What the Commission is required to do, other than complete the evaluation process and go through the form and determine finalization of that form, is to also, pursuant to the CEO's employment agreement, determine whether the CEO's performance was satisfactory, above satisfactory, or exceptional for purposes of Section 4 of the employment agreement compensation and benefits. Ms. Luke will not go too much further into the details of the evaluation and what she received from each Commissioner but wants to remind each Commissioner of a few basics of performance evaluations, not only the CEO, but also staff, whose evaluation will also be conducted

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very soon. The basic standards are, that no performance evaluation should be a surprise to the employee. If there have been issues during the year, they should have heard about those issues and been given the opportunity to take corrective action. And, as discussed by Ms. Luke, as well as the Port's insurance carrier's risk management team during past evaluation processes, is a reminder of the Port Commission Rules of Policy and Procedure, as well as the insurance carrier's risk management team's input, that provides that no employee should be retaliated against for making a complaint or for participating in an investigation of such a complaint. Essentially, the Port's Rule 5.2 indicates that no employee will be discharged, threatened, or discriminated against in any manner for follow up on a complaint or for reporting misconduct. Those are some of the guidelines we work within when doing performance evaluations, whether it is CEO or other staff members. Ms. Luke is not going to walk through the evaluation form itself, but allow the Commission to work through that, and if you would like any input from her during that step, please let her know. Also, Ms. Luke inquired if the Commission has any questions before starting.

Commissioner Barnes believes there were statements made by another Commissioner that are false; they are not based on fact. And he would like to propose and if a motion if necessary, he would like to propose, and he is ready to identify those statements, he would like to propose those statements be struck from the CEO evaluation.

Ms. Luke stated it is her understanding that each Commissioner is allowed to provide their own opinions of performance of the CEO, but again, the three Commissioners are to work through that. But it is her understanding that that performance evaluation is a compilation of all input from all three Commissioners.

Commissioner Barnes inquired if it is it too late to provide additional input from one Commissioner.

Ms. Luke stated the compiled draft has been provided to all three Commissioners, late last week. Ms. Luke did not receive anything further, so that we would have an opportunity to discuss, review, and walk through completing the evaluation today. Ms. Luke does not know how much more any Commissioner would like to add, but that may make it challenging to complete the evaluation today and may require to come back at a Special Meeting. Again, Ms. Luke will leave that to the Commission to work through.

Commissioner Moak might agree with the substance of Commissioner Barnes comments, but he believes that each Commissioner is responsible for what he has put in the evaluation. And Commissioner Moak does not necessarily agree with either of the two Commissioners statements, and he expects that they don't agree with what is in his. But he does think the way we are doing things, is that we are each providing our input, whether we think it is correct or incorrect and giving the manager the best information that we have. Commissioner Moak does not feel, even though he might disagree with other's interpretations, he does not believe it is for him to try to correct or in any way edit the opinions of others. Commissioner Moak would not support trying to do anything other than pass the Resolution.

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Commissioner Novakovich asked legal counsel, the Motion says, “I move approval of Resolution...as set forth in Exhibit A or blank alternative.” What does the “blank alternative” mean?

Ms. Luke stated if the Commissioners were to modify Exhibit A or remove pages, or if Commissioner Moak decides to change an unmet to a met or a met to unmet or if Commissioner Novakovich were to change, based on the discussions, or what the Commission had heard prior in the meeting, applicable portion of the evaluation. That gives the Commission the option to modify Exhibit A, although, in her experience, does not believe it has happened in the past. That is, but Ms. Luke is not telling the Commissioners, that they have to adopt the evaluation form in Exhibit A, as presented. The Commission are the policy makers, and the ones to evaluate the CEO’s performance, therefore, have the option to do as you wish with Exhibit A.

Commissioner Novakovich had a few comments and observations: one is as we went through the exercise and the report on Vista Field, he wonders how relevant Commissioner Moak’s comments are, and he does not want to take them out, they are there and he believes Commissioner Moak is correct, we shouldn’t be changing those things, but the fact that we were given good examples of the CEO never really given a directive to open Vista Field, and yet be given all kinds of other assignments to do, just how relevant those comments are. And secondly, Commissioner Barnes seems to talk a lot about the anonymous citizen’s complaint, which really wasn’t anonymous in the first place, but he seems to be dwelling on that and if you look at our policy, once that complaint was filed, our policies state that the person filing it should be anonymous and it also says that our CEO will recuse himself once he turns it over to the attorney. That all happened in 2019, and yet Commissioner Barnes seems to be dwelling on that subject which should have been part of our CEO evaluation in 2020, not 2021. Commissioner Novakovich, thinks that seems retaliatory at this point because it is after the fact and how pertinent is that to a 2021 evaluation.

Commissioner Barnes believes there was significant new information made available to the Port of Kennewick Commission with Judge Kallas’ decision that was issued on December 31, 2020. He believes that was again, new, significant, game changing information. The fact that the Judge ruled that the anonymous citizen complaint was unsubstantiated in its entirety, so there was no opportunity to take that new, significant, information into account, in any prior evaluations.

Commissioner Novakovich stated Commissioner Barnes comments were related to our CEO’s actions after he recused himself in 2019. It does not make any difference what Judge Kallas said, and actually, she only recused Commissioner Barnes, she did not recuse the whole complaint, so that is a false statement. But the fact that the comments that Commissioner Barnes is making are directed towards our CEO, who had nothing to do with that citizen complaint after he recused himself in 2019.

No further Commission discussion continued.

PUBLIC COMMENT

No comments were made.

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MOTION: *Commissioner Novakovich moved to approve Resolution 2021-26, adopting the CEO's Annual Performance Review as set forth in Exhibit A; furthermore, in accordance with the CEO's Employment Agreement, deem the CEO's performance as exceptional; Motion dies for lack of second.*

MOTION: *Commissioner Moak moved to approve Resolution 2021-26, adopting the CEO's Annual Performance Review as set forth in Exhibit A; furthermore, in accordance with the CEO's Employment Agreement, deem the CEO's performance as above satisfactory; Commissioner Novakovich seconded.*

Discussion:

Commissioner Moak finds it very difficult, and he referenced that in evaluation, that he does not like the way this review is done. He finds it very difficult to reconcile three different evaluations, in which they are significantly divergent in terms of their opinions; and to try and come up with a word or two words, above satisfactory or satisfactory, or exceptional, and to be forced to use those words but they aren't his but, they are somebody else's words, to define the work. In my evaluation, there were things that were exceptional and others that weren't. When Commissioner Moak comes up with his recommendation, you have to look at three different evaluations and some of it is totally opposite in terms of the viewpoint and how do you reconcile all that. Commissioner Moak does what he thinks and we have to pass a Resolution and he understands that, and so that is why that Resolution is what he has moved.

With no further discussion, motion carried. All in favor 2 Ayes (Commissioners Moak and Novakovich):1 Nay (Commissioner Barnes).

Mr. Arntzen asked Commissioner Barnes if he could read a statement into the record.

Commissioner Barnes inquired if it is relevant to this Agenda Topic.

Mr. Arntzen stated it is and read a statement into the record (*Exhibit B*).

"Here is my brief reply to my 2021 performance reviews provided by Commissioners Moak and Barnes. Both are retaliatory and unfounded. Let's start with Commissioner Barnes' review first, since much of what he said applies to the review provided by Commissioner Moak as well.

At least Commissioner Barnes is honest when he admits, that prior to January 2019 "everything was fine between us." I agree with this portion of his review. Then he proceeds to comment that his opinion of me changed, essentially overnight, after a certain single event in January of 2019. After that event, according to his review, I suddenly became untrustworthy, incompetent, unethical...you name it. His review is supposed to evaluate my performance in calendar year 2021, not things that happened in 2019 and 2020. Apparently Commissioner Barnes is so displeased with me that he calls for me to be fired. People should read the words that he wrote. It is in the performance review, he said I should be fired at the earliest opportunity. Wow.

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What was the single event in 2019 that caused Commissioner Barnes to develop an intense hatred of me? It was the fact that the Yakima Valley Farmworkers' wanted to buy land to build a \$25,000,000 medical clinic at the gateway to the Port's valued land holdings at Vista Field.

In a private conversation with me, the Commissioner directed me to find a way to keep the clinic out of the Vista Field neighborhood. I told him I could not and would not. I made it clear that blocking the farmworkers from the Vista Field neighborhood was unethical, wrong and I would not participate in that kind of activity in any way, shape, or form. He erupted. In a series of contacts with him after my stand, he instructed me to lie to the Commission related to the project and pursued a continual course of harassing me. He looked for ways to fire me. Obviously, that course of conduct, called retaliation, continues to this day.

And I am sure the Commissioner will tell everyone once again, that in his mind he was "acquitted by a judge" of all past wrongdoing. However, the judge never even considered or likely heard about the "redlining" issue. That was never addressed. But it still flies around our community like a huge albatross.

The second reason Commissioner Barnes has such hatred for me, is that when he made the work environment at the Port so unbearable, that Commissioner Novakovich had to file a complaint pursuant to Port Policy, in an attempt to get Commissioner Barnes to stop tormenting me and my staff. In Commissioner Barnes' performance review, he addresses the complaint by acting as if I filed it. In a sense, he indicates that I should have simply made it go away, rather than forwarding the complaint to the Port attorney as required by Port Policy. A Policy that bears his signature.

Had I acted dishonestly and ran the complaint through the shredder, so to speak, I likely would have been guilty of major wrongdoing. And remember, it was the complaint that ensnared Commissioner Barnes and his colleague, Commissioner Moak. In short, government officials that got caught.

Plainly stated, it's not only Commissioner Barnes who doesn't like me and wants me gone, but Commissioner Moak as well. It seems to me that the two elected officials don't like any oversight and they don't like a CEO that won't look the other way when he senses unethical conduct. Maybe that how it's done in Olympia or Washington D.C.

Commissioner Moak's review is what's called a "pretext." A pretext is a reason given in justification of a course of action that is not the real reason.

He marks me down for not having Vista Field open, but as was stated earlier in this meeting, there are a number of reasons the site isn't open now. One reason is that Commissioner Moak assigned me many tasks throughout the year that took time away from Vista Field. Then, when the site wasn't moving fast enough for him he pounces on me with his negative review. But, this is a pretext because Commissioner Moak,

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like Commissioner Barnes, was incensed at me for not stopping the farmworkers and for not engaging in illegal activity regarding the citizen's complaint.

I view my actions as standing up for what's right. As you can see, there is a price to pay and it looks like I am paying it today. I appreciate this opportunity to offer my perspective."

Commissioner Barnes stated that there are statements that were just made by Mr. Arntzen that are not true, not even close to true. Commissioner Barnes will prepare a response and have it for our next Meeting.

B. Commissioner Meetings (formal and informal meetings with groups or individuals)
Commissioners reported on their respective committee meetings.

C. Non-Scheduled Items

Mr. Kooiker stated Clifton Larson Allen is auditing the 2020 financial statements and should be completed shortly. Furthermore, the State Auditor notified the Port that they will start our 2019-2020 accountability audit.

Commissioner Barnes stated he missed reporting a meeting. He had a brief telephone conversation with Debra at the State Auditor's Office regarding the upcoming audit.

PUBLIC COMMENTS

No comments were made.

ADJOURNMENT

With no further business to bring before the Board; the meeting was adjourned 4:05 p.m.

APPROVED:

**PORT of KENNEWICK
BOARD of COMMISSIONERS**

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DN Barnes
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Don Barnes, President

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Skip Novakovich
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Skip Novakovich, Vice President

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Thomas Moak
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Thomas Moak, Secretary

Memorandum

To: File
From: Tim Arntzen, POK CEO
Date: November 9, 2021
Re: Vista Field Development Timeline

Background:

Vista Field is a 103-acre port-owned parcel of bare land in the heart of Kennewick. It was formerly a small airfield which was closed in 2013 and master planned as a new town center for commercial and residential activities. In March 2019, the port awarded a contract for construction of approximately \$5,500,000 in infrastructure improvements.

Commissioner Moak has asked why the redevelopment project is not open. This memo provides a summary response.

First it is imperative to recognize that the port is a small governmental entity with 12.5 employees. The port has a planner who is the primary staff person in charge of the Vista Field site. It has an operations director who will be the contact for persons wanting to purchase property and who oversees a three-person maintenance team which services all port properties. In short, the port operates “lean” without bureaucratic layers or an overabundance of staffing.

Discussion:

Here are the major reasons the site is not yet “open for business”:

I. **No Contractor Closeout.** Perhaps most importantly, the contractor who has constructed the infrastructure has not “closed out” the \$5,500,000 construction project. A few small items remain on the “punch list.” Per the approved contract the port cannot accept the project until all the items have been completed and the port formally accepts the project (which starts the warranty period, among other things). Rather than litigating and spending thousands on legal fees, only to likely have a judge permit more time to complete the punch list, I have directed staff to work collaboratively with the contractor to close out the project. The port and the contractor are working well together and will close the project out without squabbles or legal wrangling. I believe this is a time for finesse, and a little more patience. Interestingly enough, the contractor submitted our Vista Field project to the state contractor’s association awards competition and was notified that “we” (port and contractor) are receiving a state construction award for site excellence to be awarded in February.

The commission has been advised regularly about this contract closeout process and has not indicated that the CEO should take an adversarial approach to closeout with the contractor, which seems to make sense.

2. No Approval from City. The port does not have approval from the City of Kennewick to close out the project. The city is accepting dedication of millions of dollars of major street and utility infrastructure. Upon dedication, the city will assume all continued maintenance of the infrastructure it “accepts,” and all responsibility and liability, thereafter. This fact is of paramount importance to the port as a means of limiting our liability and maintenance costs. Thus, the port needs to understand and allow city staff the time necessary for it to review and accept the construction and its responsibility for its portion of the infrastructure. Until city acceptance, it would be reckless for the port to open the site. It would also likely damage the mutually beneficial working relationship the port has established with the city.

It should also be noted that Vista Field is not the only construction project happening in the city; and the city also has finite human resources to apply to the many projects they must review, approve and process. Therefore, “repeatedly prompting and pushing” representatives of the agency which holds permit approval and regulatory authority over Vista Field might be deemed unwise if our goal is to also foster a continued, harmonious future relationship. I would hope the commission understands the value a healthy partnership with City of Kennewick and the CEOs collaborative efforts to encourage momentum while still allowing the city to work through required processes to their satisfaction and our mutual benefit.

3. Appropriate Timing. Assuming the port could open the site, for example, when the construction has been closed out, and the city has accepted the work, then the question arises whether it is prudent to open the site to the public now. Here are a few items to consider:

(a) Site Security. Port staff must consider its ability to secure the 80+ undeveloped acres of the site to ensure public safety and to curtail unauthorized public access to portions of the site that remain undeveloped. For example, Phase I is about 20 acres of the 103-acre site. Those are the only acres which will be open to the public. Access has been planned for and when open, access to Phase I will be safe and orderly. This task is in process and is almost complete and it involves the city taking ownership of streets to allow for Kennewick Police Department patrol and response.

(b) Marketing/Grand Opening. Next, we must consider when the optimum time is to open the site. Does the port open the site now, with winter setting in, the *stream and fountains shut off*, and with Covid restrictions in place which limit public assemblies such as ribbon cuttings? Or does the port wait until spring when the weather is more conducive to outdoor events, and when, hopefully, Covid restrictions will be lessened, to allow for a signature, high-profile public event to showcase this tremendous partnership endeavor? This would include creation of saleable lots, design standards in place and so forth. And it has been discussed that too much distance between “opening” and something happening onsite could cast a pall on the area that could lead people to question if the project is really a “dud.”

4. Commission Directed Deviations from Work Plan and Unanticipated Activities. Furthermore, the port commissioners directed deviations from their published work plan and added several significant “new imperative projects” mid-course; without taking any established projects off the list. As stated by the CEO in multiple commission meetings, deviation from the adopted work plan requires a redirection of resources, including staff time from the commission-approved work plan and toward the other “new” objectives. At the time commission indicated its understanding that moving resources from established work plan priorities to new areas of focus would likely slow the progress at Vista Field. Some of those “new directives” include:

(a) **Cyber Attack.** In late fall of 2020, the port was victimized by cyber terrorists who encrypted nearly all the ports computer files and operating systems. The CEO and staff made retrieving and securing information and operating systems the highest priority. Working with insurance carriers, legal counsel, IT consultants and forensic experts took many months of key staff time, including that of the CEO.

(b) **Vista Field Corrective Warranty Work.** As is the case with most sophisticated construction projects, there are corrective work or warranty items that need to be addressed. With respect to Vista Field, a segment of the water feature needed to be reconfigured to correct stream elevations. This took re-mobilization of the stream contractor from Southern California to the site and several months for that work to be completed. Just getting the firm back on site took over a month! And there are a few other minor “corrective” issues with the site that were necessary, and which have largely been completed (street sign, tree replacement, as-built adjustments).

(c) **Biden Build Back Better (BBB) Infrastructure Funds.** In March, the commission directed the CEO to deviate from the approved work plan to apply for Biden BBB Infrastructure funds. These funds are primarily for transportation and housing projects (which are atypical for this port). Implementing this course change required the CEO to re-direct efforts of five key staff members from other projects (including Vista Field) to assist in the submission of multiple, detailed project applications for the BBB, congressional appropriations, and direct-earmark funding. This course deviation took about three months of staff work.

(d) **Governance and Management Audit.** In late January, the commission added a new *priority* project referred to as a “governance audit” which is to be comprehensive audit of all port policies, practices and procedures. Then, there would be “findings” related to things the port is not doing correctly, and a comprehensive remediation process by the audit firm. This included contracting with a consultant to develop a scope of work and to interview commissioners, staff and third parties for input. Procedural work is planned for completion by the end of this year, with the actual audit work beginning in January 2022 and likely consuming all of 2022 and perhaps beyond. Issuing the directive to take on an intensive, two-year undertaking which was not on the work list is staggering. It would be unimaginable to think that issuing this directive would not significantly impede items on the approved work plan, including progress at Vista Field.

(e) **Removal of Squatters at Oak Street House.** As the port attempted to sell its Oak Street residential property, the Governor issued a prohibition on tenant evictions. The state Attorney General indicated that while there were no bona-fide tenants in the port house situated on the land, it viewed those remaining onsite, who were under no rental agreement, nor paying any rent, as “tenants” under the governor’s Covid-19 mandate. This required staff working to provide multiple notices, extend additional time, offer relocation incentives, and diligence in ensuring both compliance with Governor’s Inslee’s pandemic mandates and a compassionate resolution in clearing of that site for auction. This took significant staff time and effort.

(f) **Yacht Club Liveaboard Safety Issue.** An issue arose as to whether members of the yacht club located on Clover Island were using boat houses (built and permitted as sheds) instead as liveaboard houseboat/vacation accommodations. Such use would violate federal and port policies and would create serious life, health and safety issues. The CEO spent countless hours working with the city manager, city fire chief, and city planning staff to address and correct this issue, with the ultimate result

that the club acknowledged liveboard use was not allowed and with the promise to enforce this restriction on its membership. This took a great deal of staff time and effort.

(g) Covid Operating Strategy. In the face of a global pandemic, the port is maintaining its core function and has not received a single complaint regarding its effectiveness or responsiveness—all functions and activities have continued undeterred. Of paramount importance is public safety, including that of the commission and staff and their families. The entire operating environment of the port has changed—Covid has completely disrupted the way we used to do business. There should be a recognition that ongoing pandemic mandates continue to impact projects, plans, and operations established prior to Covid.

5. Unanticipated Unavailability of Key Personnel. Among the port's staff and contract professionals, this year brought the unexpected and tragic death of two of their family members, as well as significant medical issues impacting the health of other family members. Added to this, a key employee required major surgery, which sidelined them for several weeks. The reality is the port's projects require people—those people are our greatest assets, and they are not interchangeable robots. Which means the human resource aspect of management requires patience and understanding, rather than a cold demand that employees just show up and do the job, no matter what.

We have staff policies in place to address such instances, and the port under my leadership has tried to accommodate issues which arise in a reasonable and compassionate manner that helps fosters longevity and reduced staff turnover. I appreciate my staff and contractors and support their exemplary efforts. I hope that commissioners should understand the delicate balance of managing human resources and project outcomes.

6. Commission Statements About Progress: The commission has long articulated the mantra related to Vista Field construction completion by stating it wanted to: “*Get It Right; Not Right Now.*” Meaning this was a directive to the CEO to get the project done thoroughly and correctly rather than racing to complete the project haphazardly aligned to an artificial deadline

Conclusion:

The Vista Field roadways are not yet open for public use. As stated in this memo, there are several reasons why the site cannot realistically be opened immediately. First, the contractor has not closed out its contract. They are finishing up the final punch list items and it would be foolish for the commission to take the responsibility for construction before its official hand-off from contractor to owner (port). Second, the city has not accepted dedication of its portion of the site infrastructure. While one could opine that the city should move faster, the city moves at the pace it deems prudent. There are many pages of detailed plans and construction drawings to review, and I understand that the city must be assured of its satisfaction with construction before it obligates itself to “ownership” of that infrastructure.

Other factors must be considered in determining when it would be appropriate to open the site. Staff can offer comments related to this issue, but the ultimate responsibility for decision-making on these issues rests with the commission as a whole. Perhaps the commission understands that there is

unfinished business related to the improvements contract with Total Site Services and overseen by the City of Kennewick.

And again, the port has experienced external challenges as well, such as staff and contract personnel recovering from medical procedures requiring hospitalization and the grieving and recovery process of losing close family members unexpectedly.

I can understand a commissioner wanting the site open now. But insisting it be opened without first addressing the underlying issues related to that opening for background information first is puzzling. However, as always, I will faithfully implement any directive of the commission as I have done in the past. I only ask that the commission as a body be clear in its direction to me.

###

From: Amber Hanchette <amber@portofkennewick.org>

Sent: Tuesday, November 2, 2021 8:27 PM

To: Tim Arntzen <ta@portofkennewick.org>; Bridgette Scott <bscott@portofkennewick.org>

Subject: Vista Field - Marketing Impacts

Timing and momentum are key factors in marketing a new project or development. When Governor Inslee put the entire state of Washington into a mandatory lockdown mid-March of 2020, it was thought to be temporary. Restrictions and residual effects of the COVID19 global pandemic continue to this day – November 2, 2021.

Looking back, had we started marketing Vista Field anytime in the last 20 months of the COVID19 pandemic we could have faced many roadblocks that would have been entirely out of our control.

Construction came to a halt. The Tri-Cities Home Builders Association had to fight the State of Washington on behalf of its members to get construction workers back onto projects that were in the process of being built just so they could finish homes they had already started. <https://www.tri-cityherald.com/news/local/article242322106.html>



[Tri-Cities construction crews getting back to home building | Tri-City Herald](https://www.tri-cityherald.com/news/local/article242322106.html)

Still, Lexar Homes employees were eager to get back to work and finish Tri-Cities projects, he said. After a meeting Monday to go over the new regulations outlined by the governor's office ...

www.tri-cityherald.com

1. **Businesses were ordered to close for long periods of time.** Retail stores, restaurants, hotels, and service businesses were severely impacted by restrictions leading to questions about the future viability of commercial space. Vista Field is urban mixed use and will rely on private sector investment in commercial space to create 'the reason to visit' and provide services for future Vista Field residents.
2. **Construction costs skyrocketed.** The cost of building materials from lumber to plumbing, electrical and everything in between went up so significantly that some builders put projects on hold mid-hammer or delayed them indefinitely due to the cost. Vista Field land sales will have construction performance clauses where

builders must begin construction within 12 months of deed recording (see Resolution 2020-19). Had there been contracts in place, we may have encountered numerous requests for extensions or even defaults and neither are a good way to start a new development.

3. **Safety and security**. Most of Vista Field is undeveloped. Securing the boundaries of Phase 1 needed to take place post Phase 1 construction and before opening Crosswind Boulevard to keep as many motorized vehicles out of the undeveloped areas as possible for public safety. Security contracts needed to be in place for nightly patrols of the public spaces.
4. **Guiding documents**: Marketing is contingent upon having all our ducks in a row including design standards, owner's association, approved pricing, legal lots of record and marketing materials (electronic and printed). These documents take more time to develop since they will be setting the tone and structure for the project well past phase 1.
5. **Grand opening of roads**: Few meetings are held in-person, including port meetings, and no one is having grand openings or ribbon cuttings in-person. You would be accused of hosting a super-spreader, or no one would come out of fear. Grand openings during fair weather months are important because they create excitement and help build momentum for a project. Opening Crosswind Blvd just to let people drive and walk through while the marketing pieces and guiding documents are finalized is fine until a few weeks or months pass and the public starts to question why "something" hasn't happened yet. Then we have potentially lost momentum from the project being new and any marketing becomes less exciting when received by potential builders.

Would marketing Vista Field on the backside of a global pandemic be a much better strategy in the long run?

[Tim - I understand that my input may be used in documents provided to commissioners and the public. Thank you for asking my opinion.]

Kind Regards,

Amber Hanchette
Director | Real Estate & Operations
Port of Kennewick
509.586.1186

From: Larry Peterson

Sent: Tuesday, November 2, 2021 3:24 PM

To: Tim Arntzen <ta@portofkennewick.org>

Cc: Amber Hanchette <amber@portofkennewick.org>; Bridgette Scott <bscott@portofkennewick.org>

Subject: VISTA FIELD: When Can/Will the Roads be Opened? (Tasks, Timeline & Marketing Considerations)

Tim,

As requested below are some preliminary thoughts and answers related to Commissioner Moak's "why aren't the Vista Field roads open" question which was asked at the last few meetings.

I understand my comments/notes might be referenced in your comments and correspondence to the Commission.

The seemingly simple question of "when will the Vista Field roads be opened" can be answered directly with one of two answers, but the **real question is when should the roads be opened?**

SIMPLE ANSWER #1

The roads could be opened in about an hours' time with the Port's maintenance team simply moving barricades and viola... the roads are open.

Simple Answer #1 could be referred to as "**premature opening**" of the roadways to traffic prior to City acceptance of the improvements which would require the Port, at Port expense to maintain, repair and replace any items damaged between the date of early opening an eventual City acceptance. It could become a vicious cycle of repair, que for acceptance and then repair the damage that occurred while the project is in the City's que and repeat.

Liability for any and all traffic, cycle and pedestrian accidents prior to City acceptance would seem to solely involve the Port as the contractor Total Site Services [TSS] had completed their work and the City would not have accepted the improvements.

Patrol and enforcement would also seem to be a Port responsibility as again the City would have yet to accept the perpetual responsibility to maintenance, repair, replace damage and patrol & enforce traffic, trespassing and safety laws.

Additionally prematurely opening the roads might results in the City observing the function of the road network and reconsidering their agreement to accept the improvements.

Yes there are signed construction plans to which the improvements comply and yes there is a development agreement, but there is also the Life, Health & Safety 'card' which the City has played during this so reconsidering approval just might occur... and at a minimum could yield new

requested tweaks and changes to which the Port could either capitulate or fight.... the later which would further delay and complicate eventual City approval and acceptance.

SIMPLE ANSWER #2

The roads could be opened after the of Kennewick accepts dedication of the Crosswind, Grandridge & Vista Field Boulevards rights-of-way and all associated improvements.

Simple Answer #2 could be referred to as “**getting it right, not necessarily right now**” which has been the Commission mantra from 2015 to the recent past.

The approach which has been shared with the Commission for years and memorialized in the 2017 Development Agreement had the Port making substantial public transportation & utility improvements and the City agreeing to operate and maintain these unique improvements as public-rights-of-way. Nearly \$4M of the \$5.5M improvements would be dedicated to the City, and in this case the word dedicate really means 'transfer of responsibility'.....responsibility for maintenance, responsibility for repair, responsibility for liability, responsibility for law enforcement.

Working backwards the City accepts dedication of the rights-of-way through as deed or platting action, in this case the roads would be officially dedicated when the Binding Site Plan [BSP] which creates the legal lots or record is recorded.

The City will only approve the BSP when all of the details related to the lots and the improvements have been satisfied.

A crucial step is the City approving the as-builts drawings for all the improvements, both shown on the plans and the minor tweaks they request once they actually walk the project have been completed AND these drawings have been submitted, reviewed and corrected to the City's satisfaction.

At present the City has yet to approve the as-built drawings and only 20 days ago identified a deficiency {missing speed limit sign} which the contractor TSS is working to install. [sign must be ordered, made, submitted to the city, reviewed for compliance to standards, tagged with ID#, treated with anti-graffiti coating and then installed]

Per the Port's contract with TSS it is the responsibility of TSS and their survey sub-contractor to survey all the improvements and provide that data to the Port's engineer of record (Parametrix) who compiles the actual as-built drawings.

Parametrix compiled all the information they could in advance of receiving the survey information, however after months of Peterson calling and emailing TSS for this information the survey data was finally provided on June 4, 2021.

Parametrix quickly added that survey detail to the drawings and submitted the as-builts for City review 12 days later on June 16, 2021.

The City took 51 days to review the 150+ drawing sheets and provide their Round #1 comments which were received on August 6, 2021. *{Peterson did check the status with the City every 10-14 days, but should pressure have been applied to the City review staff?}*

Most of the deficiencies involved missing survey points which TSS's survey sub-contractor gathered and returned to Parametrix who then resubmitted the as-builts 14 days later on August 20, 2021.

The City took 53 days to review the 150+ drawing sheets and provide their Round #2 comments which were received on October 12, 2021. *{Peterson did check the status with the City every 10-14 days}*

I could work with Lucinda to review the teeth the contract may contain to compel TSS to expedite the close out process, however over my 17 years with the Port the route typically pursued has been one of focusing on the project itself with a strong litigation avoidance approach. Frankly at this late stage the project is so close to finishing a full court legal press likely would not impact the schedule but could turn the Port/Contractor relationship from partner to adversarial. *{remember TSS submitted our project for an AGC Build Northwest Awards and it won.... so we could be sharing the stage just like we did with Advance American Construction or we could be in court}*

Why the dirt stopped moving in September 2020 or November 2020 {stream correction} yet the as-builts weren't submitted until June 2021, might seem to be a question worth asking.

Again per the contract it is the contractor's responsibility to submit the final billing and the survey data for the as-built drawings...so the ball was always in the TSS court.

Replaying that timeline from November 2020 to June 2021 or the present the following events/issues/factors are worth mentioning/considering;

November 13-15, 2020: Cyber attack crippled the Port's entire electronic network and the focus to rebuild our electronic world started in the finance department and ended up getting to

the Planning & Development Director's universe in early January 2021. Yes I had email during that time but the whole focus was on trying to piece our files back together, not why TSS was 30-60 days slow and submitting the as-built survey info.

February 2021: Overall focus was re-established and outreach to TSS began to close out the Vista Field project resulting in refinement and agreement to the penny on a \$5.5M project that involve 54 change orders, numerous field directives and changes in the installed quantities.

March 2021: Nearly ever moment from late February to late March was spent on identifying, estimating and prioritizing proposals for Commission consideration for submittal to Senator Patty Murray for inclusion in a dreamed **\$4T Build Back Better bill** in congress.

April & May 2021: The **year long waterfront master planning process** was coming to a conclusion when the idea of a partnership with the **Kennewick Housing Authority (KHA) for a vaguely/undefined project** nearly derailing a 12-month public outreach process that was very well received until the last minute when some suddenly considered the process to be wholly tainted. Sprinkled amongst the master plan was further discussion regarding Build Back Better proposals to be submitted to both Senator Maria Cantwell and Representative Dan Newhouse. Focus was directed away from the KHA and back to the master plan, while at the same time numerous emails were sent to TSS about the status and steps necessary to close out the Vista Field project.

May 20-22, 2021: I personally was devastated when **my only sibling suffered a massive stroke and was declared "brain dead."** I dropped everything and focused on family until June 1st.

June 4, 2021: After month of prodding the survey sub-contractor for TSS finally submitted 'enough' survey data to complete the as-built drawings and submit for City review.

June 16, 2021: As-built drawings submitted for City review.

July 5, 2021: First my mother is admitted to the hospital with mystery infections (not COVID 19) and nearly simultaneously my wife developed a heart arrhythmia and is raced to the emergency room.

July 9 thru 15, 2021: I spent a week in Vancouver WA **helping my Dad cope** with his wife/my Mom spending 11+ days in the hospital, many of which were in the ICU. Again I dropped everything and focused on family until July 16th.

August 6, 2021: City issues Round #1 comments on the as-built drawings.

August 20, 2021: TSS survey sub-contractor and Parametrix work to address City comments and resubmit revised as-built drawings.

October 12, 2021: City issues Round #2 comments on the as-built drawings. {at this moment a speed limit sign missed in round #1 comments has yet to be installed}

Throughout the whole timeline: The Anonymous Citizen Complaint/Commissioner Appeal evolving into the Governance Audit consumed time, attention and energy of all staff to varying degrees and although my personal involvement in these matters was lower than others, these matters impacted the overall function of the organization.

REAL/POLICY QUESTION - When SHOULD the Roads be Opened

The Commission as a group should openly and honestly discuss and address this question.

It seems that a great opportunity to couple the grand opening of the roadways with the full-fledged marketing efforts exist.

Surely the private sector would capitalize on such a public relations bonanza where TV, online & print exposure that cannot be bought would be lavished on the project for free.

Imagine the positive impact a springtime (mid-March 2022) event at Vista Field with the water flowing, COVID19 in significant remission thus allowing a large gathering of community members, elected leaders, developers & media and all marketing materials and outlets ready would have on the first phase of development.

Coupled with the change in weather and closure of the stunning and visual water feature the benefit of opening the roadways in Fall/Winter 2021..... primarily to hockey fans leaving the Coliseum after a few beers so they can shave 2 minutes on their return trip home, seem minuscule.

Does Vista Field subtly and quietly open in Fall 2021/early Winter 2022, possibly under 2-feet of snow or is the opening of Vista Field a Spring 2022 event to remember?

But this is THE policy question the Commission should answer:

Simple Answer #1 Open the roads right now?

Simple Answer #2 Open the roads upon City acceptance?

Strategic Answer..... Open the roads after City acceptance and in conjunction with initial market efforts and springtime weather?

THANK YOU

Larry Peterson

Director of Planning & Development

Port of Kennewick

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11/09/21

Here is a brief reply to my 2021 performance reviews provided by Commissioners Moak and Barnes. Both are retaliatory and unfounded. Let's start with Commissioner Barnes' review first, since much of what he said applies to the review provided by Commissioner Moak as well.

At least Commissioner Barnes is honest when he admits, that prior to January of 2019 "everything was fine between us". I agree with this portion of his review. Then he proceeds to comment that his opinion of me changed, essentially overnight, after a certain single event in January of 2019. After that event, according to his review, I suddenly became untrustworthy, incompetent, unethical..... you name it. His review is supposed to evaluate my performance in calendar year 2021, not things that happened in 2019 and 2020. And apparently Commissioner Barnes is so displeased with me that he calls for me to be fired. Wow.

What was that single event in 2019 that caused Commissioner Barnes to develop an intense hatred of me? It was the fact that the Yakima Valley Farmworker's wanted to buy land to build a \$25,000,000 medical clinic at the gateway to the port's valued land holdings at Vista Field.

In a private conversation with me, the commissioner directed me to find a way to keep the clinic out of the Vista Field neighborhood. I told him I could not and would not. I made it clear that blocking the farmworkers from the Vista Field neighborhood was unethical and wrong and I would not participate in that kind of activity in any way, shape or form. He erupted. In a series of contacts with him after my stand, he instructed me to lie to the commission related to the project and pursued a continual course of harassing me. He looked for ways to fire me. Obviously, that course of conduct, called retaliation, continues to this day.

And I am sure the commissioner will tell everyone once again, that in his mind he was "acquitted by a judge" of all past wrongdoing. However the judge never even considered or likely heard about the "redlining" issue. That was never addressed. But it still flies around our community like a huge albatross.

The second reason Commissioner Barnes has such hatred for me, is that when he made the work environment at the port so unbearable, Commissioner Novakovich filed a complaint pursuant to port policy in an attempt to get commissioner Barnes to stop tormenting me and my staff. In Commissioner Barnes' performance review, he addresses the complaint by acting as if I filed it. He in a sense indicates that I should have simply made it go away, rather than forwarding it to the port attorney as required by port policy. A policy that bears his signature.

Had I acted dishonestly and ran the complaint through the shredder, so to speak, I likely would have been guilty of major wrongdoing. And remember, it was the complaint that ensnared Commissioners Barnes and his colleague, Commissioner Moak. In short, government officials that got caught.

Plainly stated, it's not only Commissioner Barnes who doesn't like me and wants me gone, but Commissioner Moak as well. It seems to me that the two elected officials don't like any oversight and they don't like a CEO that won't look the other way when he senses unethical conduct. Maybe that's how it's done in Olympia or Washington DC.

Commissioner Moak's review is what's called a "pretext". A pretext is a reason given in justification of a course of action that is not the real reason.

He marks me down for not having Vista Field open, but as was stated earlier in this meeting, there are a number of reasons the site isn't open now. One reason is that Commissioner Moak assigned me many tasks throughout the year that took time away from Vista Field. Then, when the site wasn't moving fast enough for him he pounces on me with his negative review. But, this is a pretext because Commissioner Moak, like Commissioner Barnes, was incensed with me for not stopping the farmworkers and for not engaging in illegal activity regarding the citizen's complaint.

I view my actions as standing up for what's right. As you can see, there is a price to pay and it looks like I am paying it today. I appreciate this opportunity to offer my perspective.

PORT OF KENNEWICK

Resolution No. 2021-22

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE PORT OF KENNEWICK AUTHORIZING THE PORT CHIEF EXECUTIVE
OFFICER TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF
KENNEWICK FOR CONSTRUCTION FUNDING FOR THE RELOCATION OF
A DRIVEWAY ON DESCHUTES AVENUE IMPACTED BY
THE PORT'S VISTA FIELD PHASE #1 IMPROVEMENTS**

WHEREAS, the City of Kennewick and the Port worked in partnership with the owners of the property at 6601 W. Deschutes Avenue to resolve a driveway turning movement conflict resulting from the approved first phase of improvements at Vista Field; and

WHEREAS, the City will design, bid, construct and manage a project to relocate the driveway serving the properties at 6601 W. Deschutes Avenue; and

WHEREAS, the Port will reimburse the City for actual construction costs associated with this activity and the City will absorb all costs related to design, bidding and construction management; and

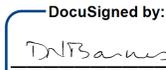
WHEREAS, the Port and City have outlined the general provisions in the Interlocal Agreement and identified as Exhibit A; and

WHEREAS, an Owner's Agreement for relocation of access driveway has been prepared by the Port for the owners of the property at 6601 W. Deschutes Avenue and is identified as Exhibit B.

NOW, THEREFORE; BE IT HEREBY RESOLVED that the Board of Commissioners of the Port of Kennewick approves the Interlocal Agreement and the Owner's Agreement and instructs the Port CEO to execute the Agreements, and take all action necessary to implement the Agreements.

ADOPTED by the Board of Commissioners of the Port of Kennewick on the 9th day of November, 2021.

**PORT OF KENNEWICK
BOARD OF COMMISSIONERS**

By: 
7468DE9530724DC...

DON BARNES, President

By: 
0E53A30E1C8E442...

SKIP NOVAKOVICH, Vice President

By: 
A35176A2D2CD413...

THOMAS MOAK, Secretary

AGREEMENT FOR RELOCATION OF ACCESS DRIVEWAY

THIS AGREEMENT is made as of the ____ day of November, 2021, by and between the Port of Kennewick, a Washington municipal corporation, and following listed unit owners of Deschutes Professional Center, a condominium recorded in Volume C of Condominiums, Page 69, according to the Declaration thereof recorded under Auditor's File No. 2004-022317, and any amendments thereto, records of Benton County, Washington (the "Property"), located at 6601 West Deschutes Avenue, Kennewick, Benton County, Washington:

1. Unit A: Juergens Deschutes, LLC, a Washington limited liability company
2. Unit B: Sullivan Rowell Properties, L.L.C., a Washington limited liability company
3. Unit C: J2 Holdings LLC, a Washington limited liability company
4. Unit D: James Batch and Nancy Jones Batch, husband and wife
5. Unit E: Marvin L. McKenzie and Cinda Klages-McKenzie, husband and wife

Hereinafter the above-listed unit owners shall be referred to collectively as the "Owners". The Port of Kennewick and above-listed unit owners may hereinafter be collectively referenced as the "Parties."

Acceptance of Relocated Access Driveway. As part of Phase 1A of the Port's Vista Field redevelopment project an intersection at Deschutes Avenue and the new Crosswind Boulevard was created. This new intersection results in the need to relocate the access driveway for the Property. The City of Kennewick and the Port of Kennewick have worked with the Owners to identify a new location for the access driveway. The Owners have agreed to the relocation of the existing access driveway from the Northwest corner of the Property to the Southeast corner of the Property, as shown on the diagram marked Exhibit A, attached hereto and incorporated herein. The City of Kennewick and the Port of Kennewick have entered an interlocal agreement related to the project to relocate the access driveway. The Owners understand that they will remain responsible for the maintenance of the new access driveway consistent their obligations for the prior access driveway.

Waiver. The Parties agree that by entering into this contract, the Owners are waiving any objection or claim related to the relocation of their driveway access.

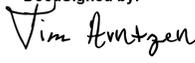
Miscellaneous Terms. The terms of this Agreement are governed by the following miscellaneous terms:

1. This Agreement is binding on and inures to the benefit of the parties hereto and their respective heirs, successors and assigns.
2. In the event of any dispute on account of this Agreement, venue and jurisdiction shall lie exclusively with the State Courts for Benton County and the substantially prevailing party in any such action shall be entitled to the recovery of its costs and reasonable attorney fees.
3. The validity, interpretation, and performance of this Agreement shall be controlled by and construed under the laws of Washington.
4. This Agreement contains the entire agreement of the parties and shall not be modified or changed in any respect except by a writing executed by the parties.
5. The parties may execute this Agreement in counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one and the same instrument. Delivery of an executed counterpart's signature page of this Agreement by email in portable document format, facsimile, or by other electronic means intended to preserve the original graphic and pictorial appearance of the document has the same effect as delivery of an executed original of this Agreement.

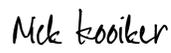
IN WITNESS WHEREOF, the Parties have executed this Agreement as of the above-referenced date.

DATED: _____

Port of Kennewick, a Washington municipal corporation

DocuSigned by:

 11/12/2021
 By 897EAA4F32B4455...
 Tim Arntzen, Chief Executive Officer

Approved:

DocuSigned by:

 11/11/2021
DAC096A4B5BD4FB...

Nick Kooiker, Port Auditor/CFO

Approved as to form:

DocuSigned by:

 11/11/2021
5F8982BDD5964F1...

Lucinda J. Luke, Port Counsel

Juergens Deschutes, LLC, a Washington limited liability company

DATED: 11/8/2021 _____

By: DocuSigned by:
K.C.K. Juergens
D0461135B724481...
K.C.K. Juergens

Sullivan Rowell Properties, L.L.C., a Washington limited liability company

DATED: 11/9/2021 _____

By: DocuSigned by:
Sullivan Rowell Properties, LLC
D76B493695D844A...

J2 Holdings LLC, a Washington limited liability company

DATED: 11/10/2021 _____

By: DocuSigned by:
Jennifer Mitchell
D4904EF53EF6435...

DATED: 11/10/2021 _____

By: DocuSigned by:
James Batch & Nancy Jones - Distinctive Direction Co
8B417C9AAD0046F...
James Batch

DATED: _____

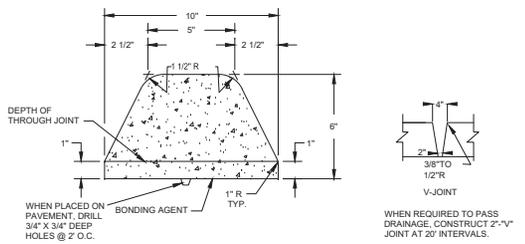
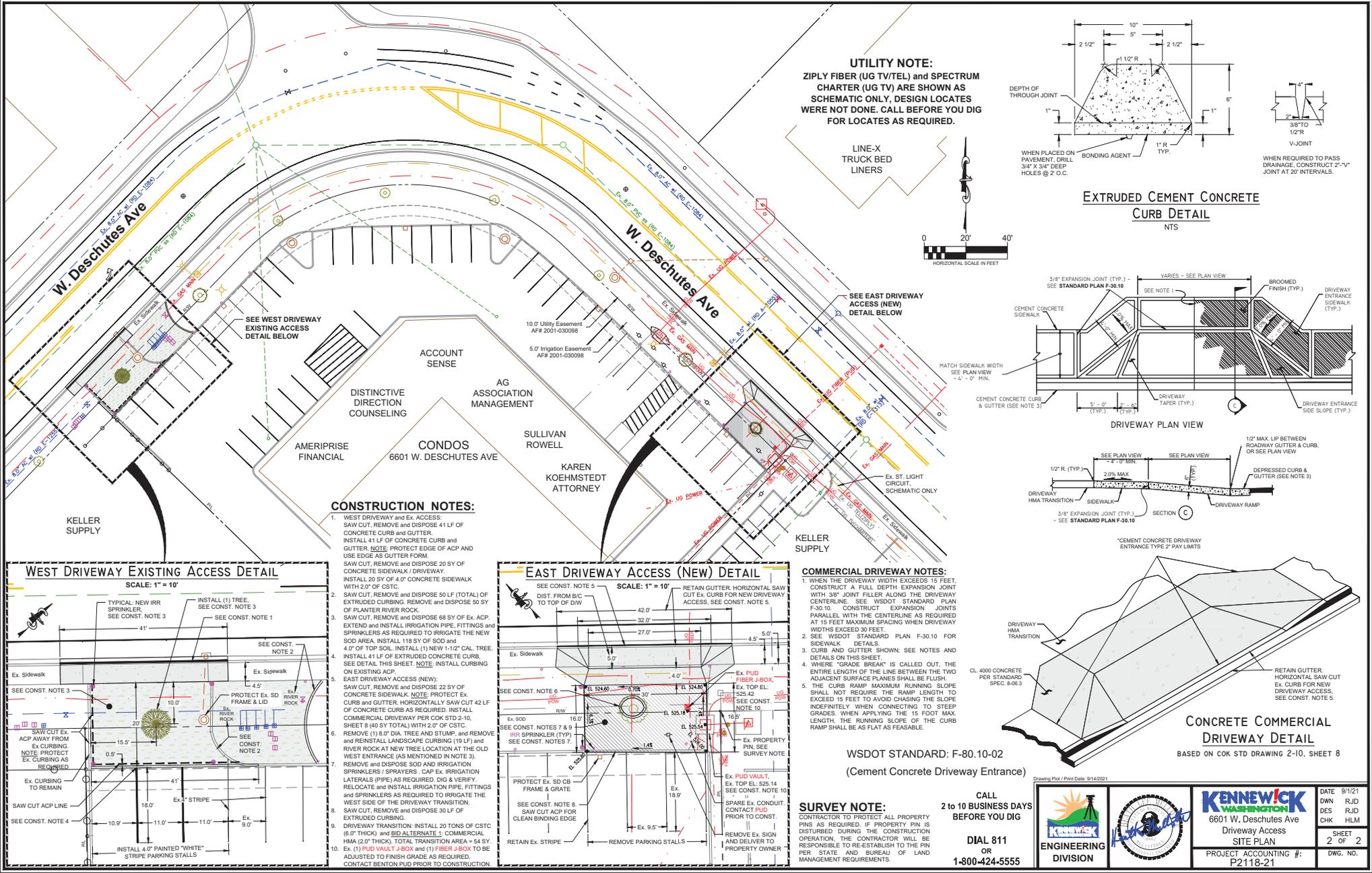
Nancy Jones Batch

DATED: 11/9/2021 _____

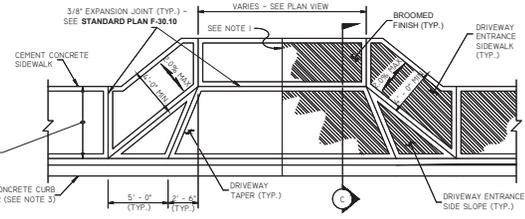
By: DocuSigned by:
Marvin McKenzie - Ameriprise Financial
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Marvin L. McKenzie

DATED: 11/9/2021 _____

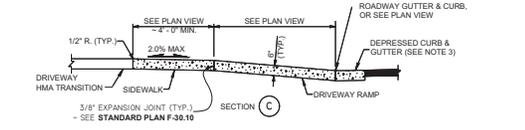
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Cinda Klages-McKenzie
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Cinda Klages-McKenzie



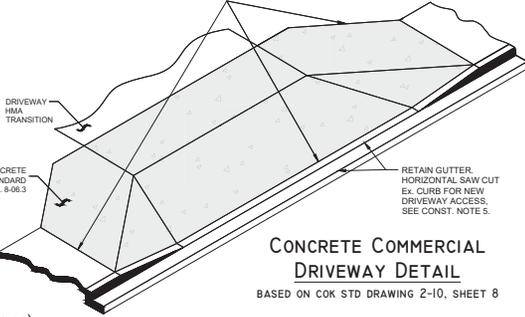
EXTRUDED CEMENT CONCRETE CURB DETAIL
NTS



DRIVEWAY PLAN VIEW



SECTION C



CONCRETE COMMERCIAL DRIVEWAY DETAIL
BASED ON COK STD DRAWING 2-10, SHEET 8

WSDOT STANDARD: F-80.10-02
(Cement Concrete Driveway Entrance)

CALL
2 to 10 BUSINESS DAYS BEFORE YOU DIG
DIAL 811
OR
1-800-424-5555



KENNEWICK WASHINGTON 6601 W. Deschutes Ave Driveway Access SITE PLAN PROJECT ACCOUNTING #: P2118-21	DATE: 9/1/21 DWN: RJD DES: RJD CHK: HLM
	SHEET: 2 OF 2 DWG. NO.

PORT OF KENNEWICK

RESOLUTION No. 2021-23

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE PORT OF KENNEWICK ADOPTING THE
VISTA FIELD DESIGN STANDARDS**

WHEREAS, DPZ CoDesign was contracted to assist the Port with preparation of the Design Standards for the Vista Field Redevelopment project; and

WHEREAS, DPZ CoDesign prepared the Design Standards to complement the City’s underlying Urban Mixed uses (UMU) zoning and the Port adopted 2017 Vista Field Redevelopment Master Plan; and

WHEREAS, the Board of Commissioners has reviewed the Vista Field Design Standards.

NOW, THEREFORE, BE IT RESOLVED that the Port of Kennewick Board of Commissioners hereby approves and adopts the Vista Field Design Standards as prepared and revised by DPZ CoDesign (Exhibit A).

BE IT FURTHER RESOLVED that the Port of Kennewick Board of Commissioners hereby ratify and approve all action by port officers and employees in furtherance hereof; and authorize the Port Chief Executive Officer to take all action necessary in furtherance hereof.

ADOPTED by the Board of Commissioners of Port of Kennewick on the 9th day of November, 2021.

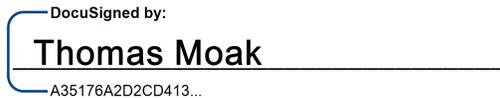
**PORT of KENNEWICK
BOARD of COMMISSIONERS**

By: 
7468DE9530724DC...

DON BARNES, President

By: 
0E53A30E1C8E442...

SKIP NOVAKOVICH, Vice President

By: 
A35176A2D2CD413...

THOMAS MOAK, Secretary



VISTA FIELD DESIGN STANDARDS

Adopted November 9, 2021
Resolution 2021-23 Exhibit A



Michael Mehaffy, Structura Naturalis
Laurence Qamar, Qamar and Associates
Doris S. Goldstein, Walkable Mixed-Use

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VISTA FIELD DESIGN STANDARDS

Contents

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Section 4. Building Types	15
Section 5. Urban Standards.....	33
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Section 8. Thoroughfare Standards	51
Section 9. Design Review Procedure	53

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VISTA FIELD DESIGN STANDARDS

SECTION 1 INTRODUCTION

1.1 GENERAL

The Vista Field Standards produce for the new community a visual identity that emerges from the location, climate and history of its site. The Standards guide the implementation of the Vista Field Master Plan.

The goal of the Master Plan and Design Standards is to enable a walkable, connected community. Workplace, retail and entertainment, and housing for a variety of ages and incomes are all in close proximity, with appealing open spaces and gathering places. Buildings designed individually contribute to a harmonious whole and combined with the Vista Field streets create a comfortable and interesting public realm of shared spaces.

The interface between the private properties and the public realm determines the community's physical character. Perceived in the streets and squares, and in views established for public benefit, this harmony in the public realm is the aim of the urban, architecture, landscape, and thoroughfare standards that follow.

Other goals include sustainability and climate resilience, in consideration of the health of natural systems and human well-being. This is reflected in a master plan and building types intended to reduce use of non-renewable resources: a compact, mixed-use pedestrian friendly plan to reduce automobile dependence for daily activities, buildings scaled to allow cross-ventilation, and construction materials and methods specified for longevity in a dry climate.

These Standards for the first phase of Vista Field intentionally allow room for exploration and experimentation. With the help of the Town Architect, the first buyers and their architects will design buildings and other improvements that carry out the themes established by the Standards. This collaboration will serve as a learning process for the community, further defining what works well with the Master Plan and environment, what creates the community's identity and what is most beautiful. Future iterations of these Design Standards will integrate that wisdom and expand that knowledge to a larger number of lot types than what is available in the first phase.

1.2 LIST OF STANDARDS

The Design Standards for Vista Field consist of eight components to be used together to implement the community vision:

Section 2. Definitions: capitalized terms apply wherever used in the Design Standards.

Section 3. Regulating Plan: a map showing the various lot types, Building Types, location and form of public spaces, including streets and squares.

Section 4. Building Types: graphic design instructions for each Building Type, corresponding to the Urban Standards. For this first phase, there are a limited number of building types.

The illustrations are intended to show possible configurations and to serve as inspiration, with the actual design to be developed by lot owners and their architects in cooperation with the Town Architect.

Section 5. Urban Standards: text that regulates those aspects of buildings which affect the public realm, guiding building placement, configuration, and parking.

Section 6. Architectural Standards: text that specifies the materials and configurations permitted for walls, roofs, openings, and other building elements, intended to produce visual compatibility among disparate building types, and promote a unique identity for the community. These Standards relate to the vernacular building traditions of the region, thus inheriting a suitable response to the climate.

Section 7. Landscape Standards: text that specifies materials and configuration of site improvements, separated into those pertaining to public areas and to private lots, reflecting the overall site goals of creating an ecosystem harmonious with the region, and developing a unified character for the new community with a forestation that is coordinated with the urban fabric.

Section 8. Thoroughfare Standards: text that guides the quality of the pedestrian experience in the streets, alleys, and pedestrian passages than organize community mobility.

Section 9. Design Review Procedures: sample forms for application and review.

Together, the Design Standards address the quality and character of buildings, landscape and public spaces of Vista Field. The relatively high degree of specificity in these Standards will ensure that investments in homes and businesses are supported by consistent and predictable development. The highest quality of design and construction is desired. Poorly proportioned or executed details are unacceptable.

Provisions of all the Standards are activated by "shall" when required; "should" when recommended; and "may" when optional.

1.3 AUTHORITY

The Design Standards, the role of the Town Architect and the requirement for design review are all established under the Declaration of Covenants, Conditions and Restrictions for Vista Field, recorded or to be recorded in the public records of Benton County, Washington (the "Declaration"), which is binding upon all purchasers of property within Vista Field. The Declaration requires review and approval of all plans to build any type of improvements within Vista Field, including choice of materials, and of any modifications of those plans. The Declaration also allows for enforcement.

For the Vista Field development, the Design Standards shall take precedence over other typical regulations. In matters of health and safety, the City of Kennewick, State of Washington and national regulations shall take precedence.

The City of Kennewick, WA Code of Ordinances Mixed-Use Design Standards District that includes standards for street frontage, blocks, site design, and building design, shall prevail in case of difference.

1.4 USES

Vista Field mixes residential and commercial uses within a block and often within a building. The Design Standards anticipate that a well-designed building can have many possible uses, and that uses may evolve over time.

Building Types describe in general terms the kinds of uses expected. Variations from these Building Types shall be subject to TA approval. The Vista Field Declaration of Covenants, Conditions and Restrictions for Commercial Property (the "Commercial Declaration") further regulates types and mixtures of commercial uses.

Temporary exterior commercial uses, seating, dining and displays in shopfront setbacks, where permitted under the Commercial Declaration, shall be subject to approval of TA.

1.5 ADMINISTRATION

As further described in Part VII of the Declaration, the Vista Field Town Architect (TA) shall administer these Standards, and all the approvals required by these Standards. Properties and improvements are required to conform to the Vista Field Design Standards unless an exception is granted in writing.

Exceptions to these Standards may be approved by the Town Architect on the basis of architectural merit, site conditions and/or other extenuating or unusual circumstance, and as described in the Declaration. Where appropriate, the design intention of the Standards and the Regulating Plan may support an exception to the Standards. Each exception should be considered unique and shall not set a precedent for future exceptions. A specific description of each deviation shall be clearly recorded in writing prior to the start of construction.

Sample forms to submit applications for design review may be found in Section 9 of this document.

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SECTION 2 DEFINITIONS

All capitalized words in the Design Standards shall be interpreted as defined below.

Alley: a thoroughfare, or access easement, designated to be a secondary means of vehicular access to the rear or side of properties; an Alley may connect to a vehicular driveway located to the rear of lots providing access to outbuildings, service areas and parking, and may contain utility easements.

Awning: a fixed or movable shading structure, cantilevered or otherwise entirely supported from a building, used to protect outdoor spaces from sun, rain, and other natural conditions. Awnings are typically used to cover outdoor seating for restaurants and cafes.

Blade Sign: a sign made from rigid material mounted perpendicular to a building wall with one side attached or supported by a device extending from a building wall.

Block: the aggregate of private lots, passages, and rear alleys, circumscribed by thoroughfares. **Build-to Line:** a line on the Regulating Plan at which the building Facade is required to be placed.

Building Height: the vertical extent of a building measured in feet or stories. Building Height shall be measured from the sidewalk or if there is no sidewalk from the street pavement at the front of the building, at the centerline of the lot width. Building Height shall be measured to the highest point of the roof for flat roofs; to the midpoint between the eaves and the highest point of the roof for pitched roofs.

Building Type: the categorization of a building according to its location on the master plan and its relationship to public space such as the street it faces.

Civic: the term defining organizations dedicated primarily to community benefit through the arts, culture, education, recreation, government, transport, and municipal parking.

Civic Building: a building operated by an organization dedicated to arts, culture, education, recreation, government, transit, and municipal parking, or other community benefit public use.

Civic Space: an outdoor area dedicated for public use and operated by a Civic organization or by the Vista Field Property Owners Association.

Configuration: the form of a building or a building component based on its relation to the overall building and adjacent public space.

Elevation: an exterior wall of a building not facing a Frontage. See: Facade.

Floor Elevation: the height of a floor level.

Encroachment: any building element that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, or into the public frontage.

Exception: a ruling that would permit a practice that is not consistent with a specific provision of this Code, but that is justified by its intent.

Facade: the exterior wall of a building facing a Frontage Line. See Elevation.

Frontage: the area between a building facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into Private Frontage and Public Frontage which are defined below.

Frontage Line: a lot line bordering a public frontage. Facades facing frontage lines define the public realm and are therefore more regulated than the elevations facing other lot lines. Lots at inter- sections have two Frontage Lines.

Lot: a parcel of land accommodating a building or buildings of unified design.

Lot Coverage: the percentage of Lot area that may be covered by building.

Lot Line: the boundary that legally and geometrically demarcates a Lot.

Lot Width: the length of the principal Frontage Line of a Lot.

Outbuilding: an accessory building, usually located toward the rear or the front of the same Lot as a Principal Building; connected to or separated from the Principal Building.

Parking Lot or Area: A designated space for auto access and arrival, with or without access to a garage, usually detailed as a pedestrian space with garden landscaping and pavement.

Pedestrian Passage: a right-of-way with pedestrian access only.

Porch: An exterior roofed space attached to a Principal Building.

Principal Building: the main building on a lot, usually located to face and be entered from a street.

Principal Frontage: the Private Frontage designated to bear the address and principal entrance to the building, and the measure of minimum lot width.

Private Frontage: the privately held layer between the Frontage Line and the Principal Building Facade.

Public: wherever used in these Design Standards, the word "public" shall refer to areas that are shared with others in the general community but does not mean that the areas are necessarily dedicated to the public nor does it confer any rights in the general public.

Public Frontage: the area between the pavement of the vehicular lanes and the Frontage Line.

Regulating Plan: a map or set of maps that shows general areas of Building Type zones, Civic zones, thoroughfares, special districts if any, and special requirements if any, of areas subject to, or potentially subject to, regulation by the Guidelines.

Setback: the area of a lot measured from the Lot Line to a building Facade or Elevation that is maintained clear of permanent structures, with the exception of Encroachments.

Shopfront: that part of a building that is designed for potential retail use.

Sidewalk: the paved or graveled section of the public frontage dedicated exclusively to pedestrian activity.

Story: a habitable level within a building, excluding an attic or raised basement.

Streetscreen: a freestanding wall built along the Frontage Line, or coplanar with the Façade.

Terminated Vista: a location visible at the end of a street or other public space. Terminated Vistas are often focal points in a community, serving as landmarks or points of interest.

Turning Radius: the curved edge of a thoroughfare at an intersection, measured at the inside edge of the vehicular tracking. The smaller the turning radius, the smaller the pedestrian crossing distance and the more slowly the vehicle is forced to make the turn.

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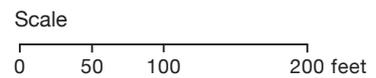
SECTION 3 REGULATING PLAN



Regulating Plan

Vista Field Phase 1

- Phase 1 Boundary
- Build-To-Line
- ← Terminated Vistas
- (I) Type I: Residential
- (II) Type II: Live Work
- (III) Type III: Mixed Use
- (IV) Type IV: Main Street



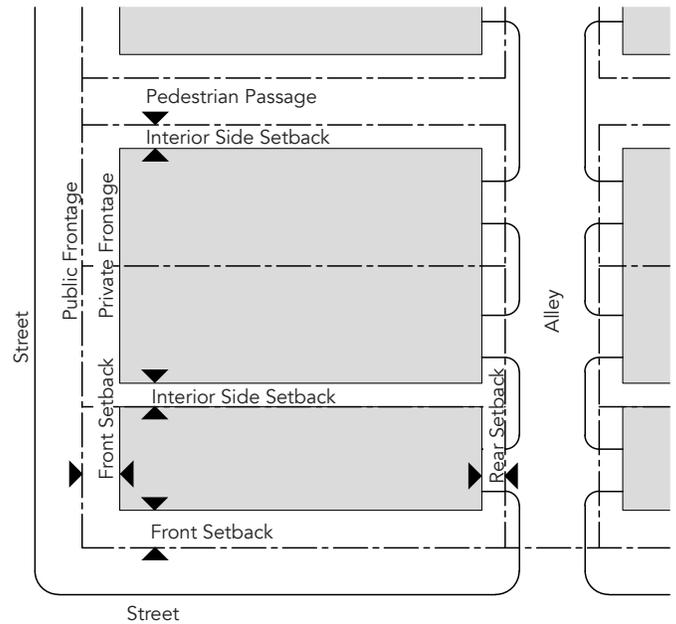
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SECTION 4 PHASE ONE BUILDING TYPES

Type I. Residential: two stories, single-family houses. Townhouses, cottage courts, and small apartment houses may be included in later phases.

Type II. Live Work: two to three stories, with individual identity, business space at ground level, and residential use behind and above.

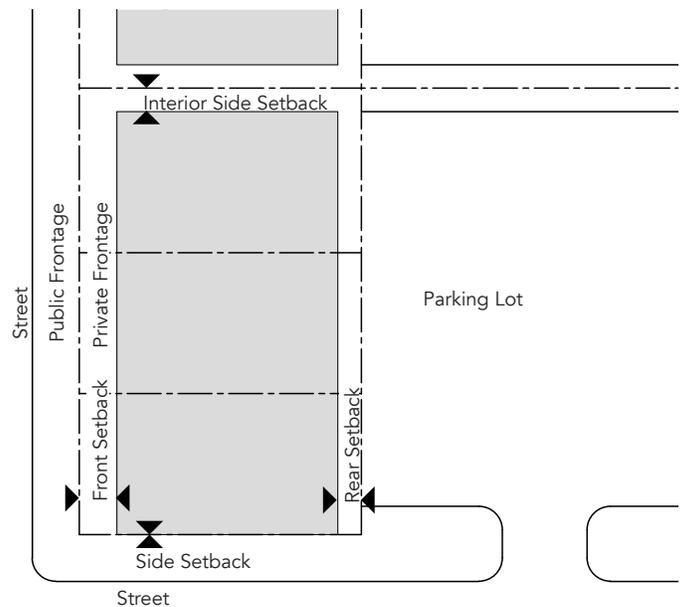
Illustration 4.A. Building Types I & II



Type III. Mixed Use: two to three stories, with restaurant, retail, and service space below, and commercial or residential uses above.

Type IV. Main Street: one to two stories, welcoming a variety of business and residential uses.

Illustration 4.B. Building Types III & IV



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4.1 BUILDING TYPE I: RESIDENTIAL

Type I Residential allows single family houses on a single platted lot, with alley-accessed parking. Townhouses, cottage courts and small apartment buildings may be included in later phases.

Use:	Residential
Lot width:	20' minimum, 100' maximum
Lot depth:	50' minimum, 100' maximum
Lot area:	1,000 sf minimum, 5,000 sf maximum
Building setbacks:	<p>Front: Build-to Line at 8', 50% of Lot width minimum</p> <p>Sides: 0' interior side, and 5' minimum end unit side, including at pedestrian passage</p> <p>Rear: 5' minimum</p>
Building height:	<p>35' maximum (3 stories above basement level)</p> <p>Basement shall not extend above street elevation.</p>
Parking:	Alley access, garage or parking pad

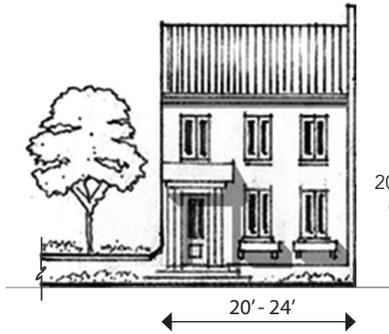
Additional Standards:

- Build-to Lines for individual buildings shall be according to the Regulating Plan.
- Porches, stoops, and lightwells for basement windows may encroach into front setback, and end unit side setback, up to 50%. Balconies and bay windows may encroach into the front, end unit side, and rear setback up to 50%.
- Walls and fences shall be required on internal side property lines, shall not encroach on front and rear setbacks, and shall be a maximum height of 6'.

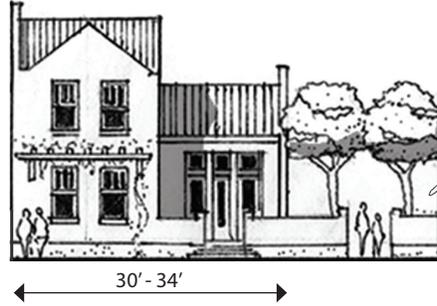


4.1 BUILDING TYPE I: RESIDENTIAL

Illustration 4.1.A. Illustrative Elevations



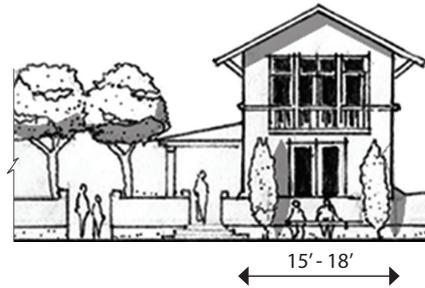
TYPE I
A
20' lot width min.
0' side setback



TYPE I
E
30' lot width min.
0' side setback



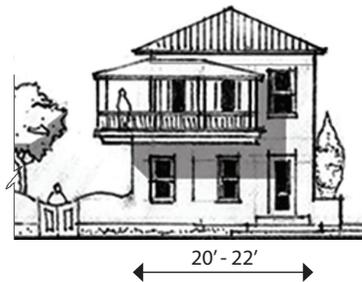
TYPE I
B
20' lot width min.
0' side setback



TYPE I
F
35' lot width min.
5' side setback min.
both sides



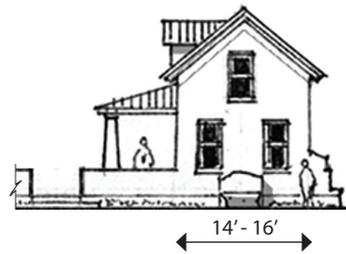
TYPE I
C
25' lot width min.
0' side setback



TYPE I
G
35' lot width min.
5' side setback min.
both sides



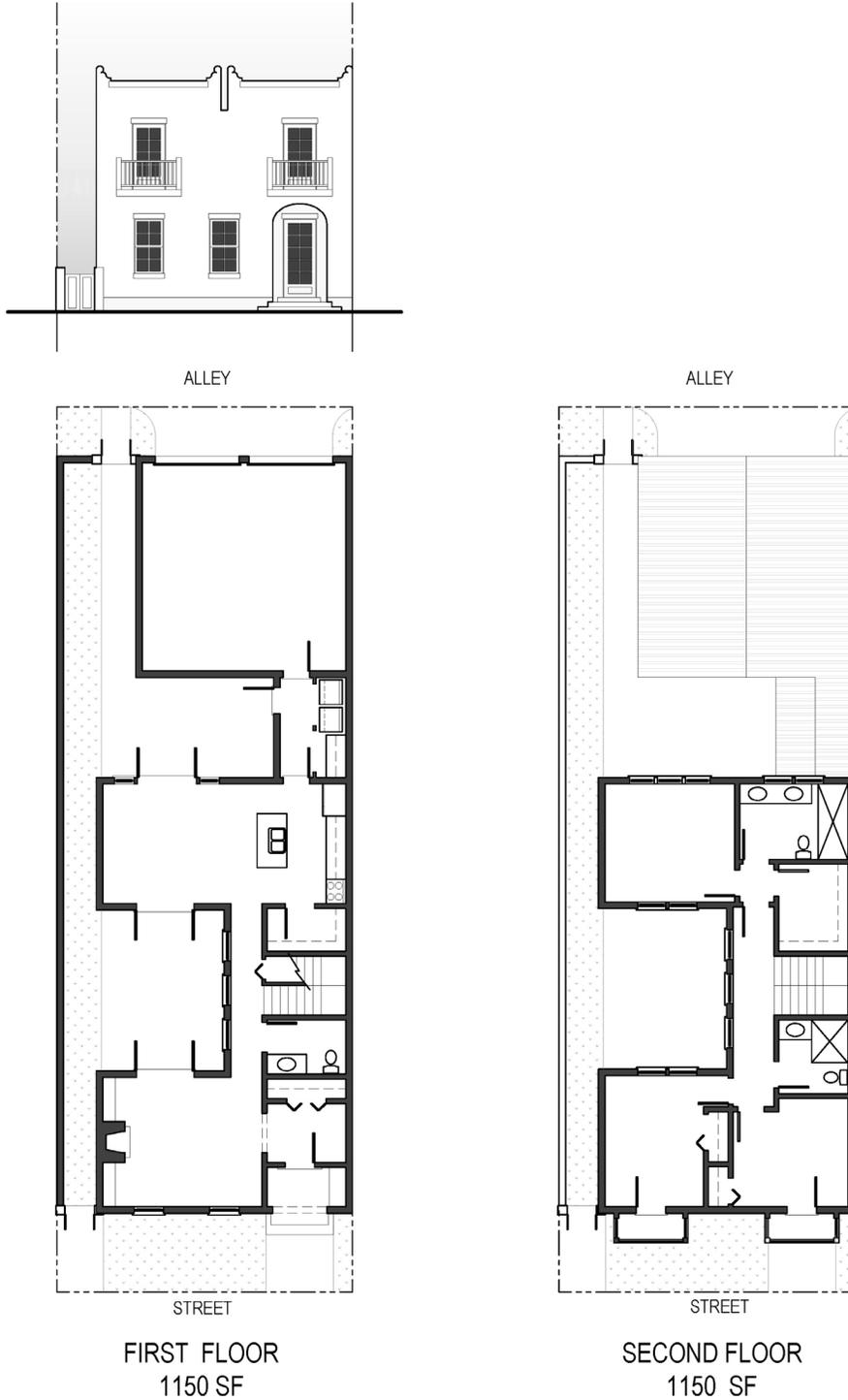
TYPE I
D
30' lot width min.
0' side setback



TYPE I
H
35' lot width min.
5' side setback min.
both sides

4.1 BUILDING TYPE I: RESIDENTIAL

Illustration 4.1.B. Illustrative Elevation and Plans



TYPE I - RESIDENTIAL (1)



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4.2 BUILDING TYPE II: LIVE WORK

Type II Live-Work Building allows residential and commercial uses of a small scale on a single platted lot, with alley-accessed parking. This type serves as a transitional type between commercial and residential uses. It is intended to facilitate working at home, and to encourage incubation of new businesses.

Use:	Residential, commercial
Lot width:	25' minimum, 50' maximum
Lot depth:	50' minimum, 100' maximum
Lot area:	1,250' sf minimum, 5,000' sf maximum

Building setbacks:	Front:	Build-to Line at 8', 50% minimum of Lot width
	Sides:	0' interior side, and 5' minimum end unit side, including at pedestrian passage
	Rear:	5' minimum

Building height:	35' maximum (3 stories above basement level)
	Basement shall not extend above street elevation

Parking:	Alley access, garage or parking pad
-----------------	-------------------------------------

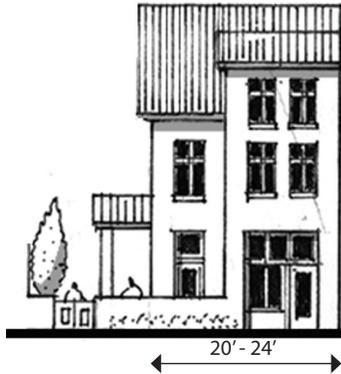
Additional Standards:

- Build-to Lines for individual buildings shall be according to the Regulating Plan.
- Porches, stoops, and light wells for basement windows may encroach into front setback and end unit side setback, up to 50%. Balconies and bay windows may encroach into the front, end unit side, and rear setback up to 50%.
- Walls and fences shall be required on side internal property lines, shall not encroach on front and rear setbacks, and shall be maximum height of 6'.

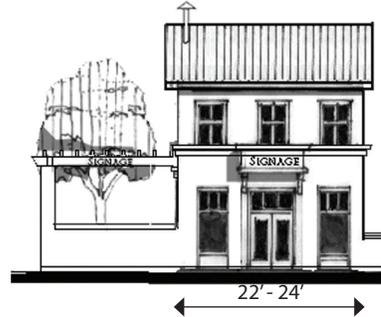


4.2 BUILDING TYPE II: LIVE WORK

Illustration 4.2.A. Illustrative Elevations



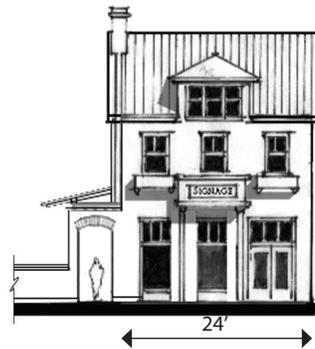
TYPE II
A
30' lot width min.
0' side setback



TYPE II
E
30' lot width min.
0' side setback



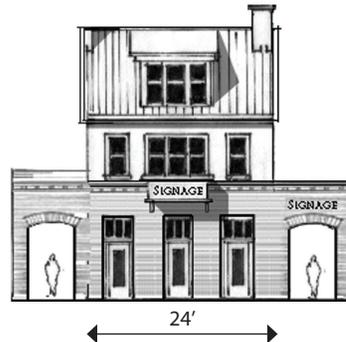
TYPE II
B
25' lot width min.
0' side setback



TYPE II
F
30' lot width min.
0' side setback



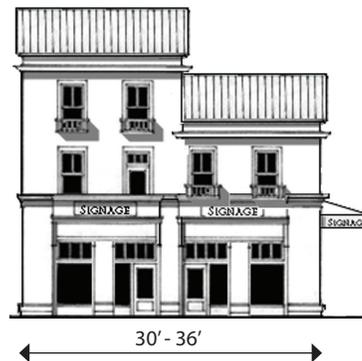
TYPE II
C
25' lot width min.
0' side setback



TYPE II
G
40' lot width min.
0' side setback



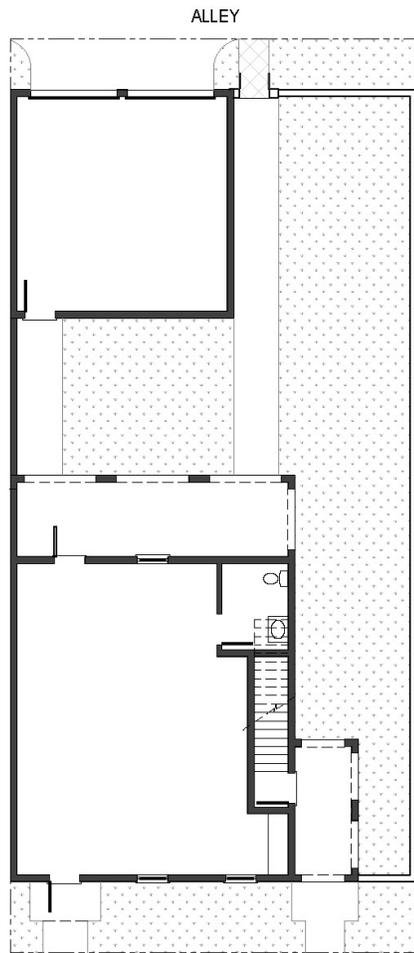
TYPE II
D
30' lot width min.
0' side setback



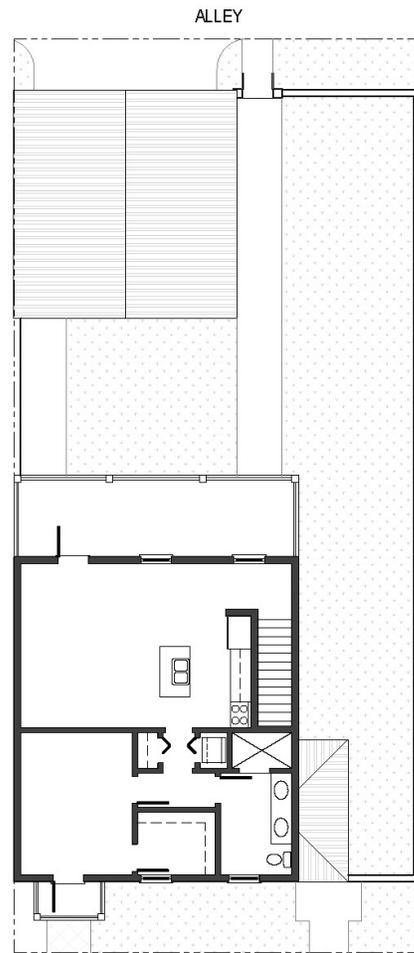
TYPE II
H
30' lot width min.
0' side setback

4.2 BUILDING TYPE II: LIVE WORK

Illustration 4.2.B. Illustrative Elevation and Plans



FIRST FLOOR
1350 SF



SECOND FLOOR
1315 SF

TYPE II : LIVE WORK (1)



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4.3 BUILDING TYPE III: MIXED USE

Type III Mixed Use allows a flexible arrangement of commercial and residential uses with alley access or shared lot parking.

Use:		Retail, office, services, and residential
Lot width:		20' minimum, 150' maximum
Lot depth:		50' minimum, 10,000' maximum
Lot area:		1,000' sf minimum, 15,000' sf maximum
Building setbacks:	Front:	0' or Build-to Line at 8' according to Regulating Plan
	Sides:	0'
	Rear:	5' minimum
Building height:		45' maximum (2 stories minimum and 3 stories maximum above basement level)
		Minimum first floor finished height 14'
		Basement shall not extend above sidewalk elevation
Parking:		Rear access shared parking lot as per Regulating Plan.

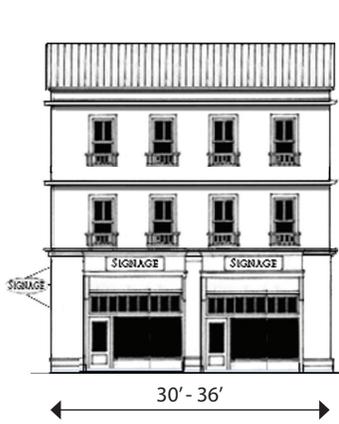
Additional Standards:

- Adjacent to residential Type I, a ground floor residential use with at-grade ADA level entry is acceptable.
- Build-to Lines for individual buildings shall be according to the Regulating Plan.
- Balconies and bay windows may encroach into the front, side, and rear setback up to 50%.
- Retractable awnings may encroach into setbacks and beyond front property line, by approval of the TA.

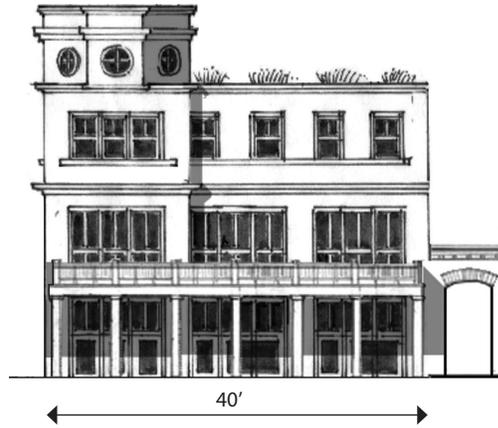


4.3 BUILDING TYPE III: MIXED USE

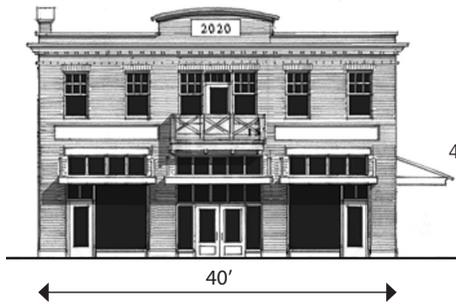
Illustration 4.3.A. Illustrative Elevations



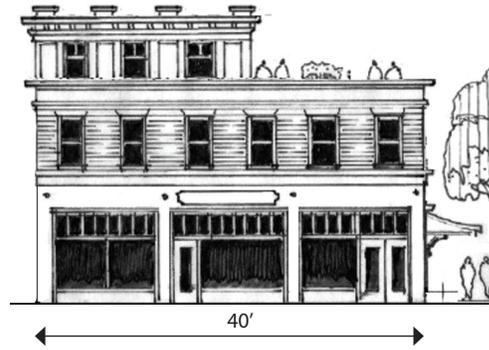
TYPE III
A
30' lot width min.
0' side setback



TYPE III
D
40' lot width min.
0' side setback min.



TYPE III
B
40' lot width min.
0' side setback



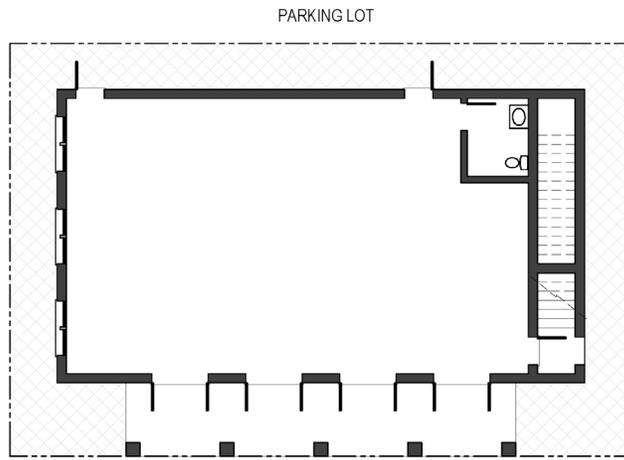
TYPE III
E
40' lot width min.
0' side setback min.



TYPE III
C
45' lot width min.
5' side setback min.

4.3 BUILDING TYPE III: MIXED USE

Illustration 4.3.B. Illustrative Elevation and Plan



PARKING LOT

STREET

TYPE III : MIXED-USE



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4.4 BUILDING TYPE IV: MAIN STREET

Type IV Main Street allows retail use at ground level with or without upper story commercial and residential uses in a single structure, with alley access or shared lot parking.

Use:	First floor retail, office and services
	Second floor office, services, and residential
Lot width:	20' minimum, 100' maximum
Lot depth:	50' minimum, 100' maximum
Lot area:	1,000' sf minimum, 10,000' sf maximum
Building setbacks:	
	Front: 0' or Build-to Line at 8' according to Regulating Plan
	Sides: 0'
	Rear: 5' minimum
Building height:	35' maximum (2 stories above basement level)
	Minimum first floor finished height 14'
	Basement shall not extend above sidewalk elevation.
Parking:	Rear access shared parking lot as per Regulating Plan

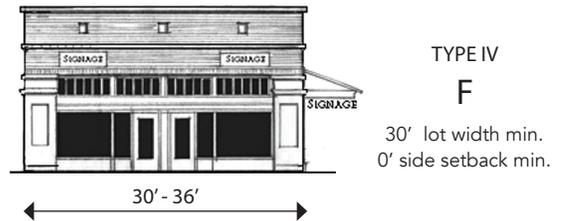
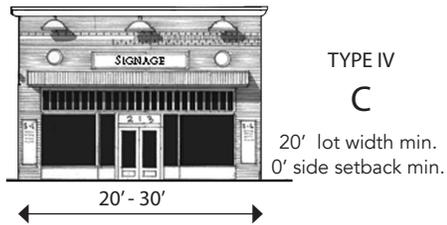
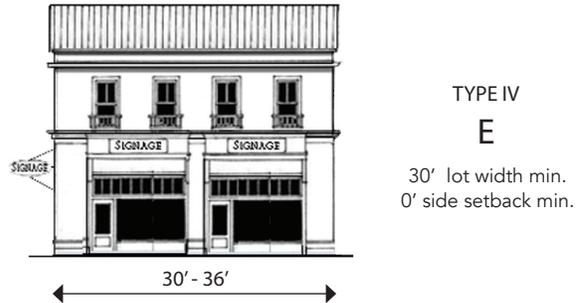
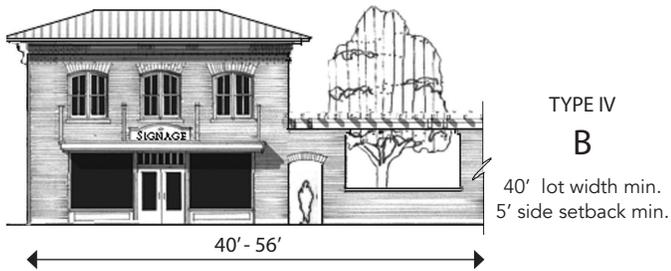
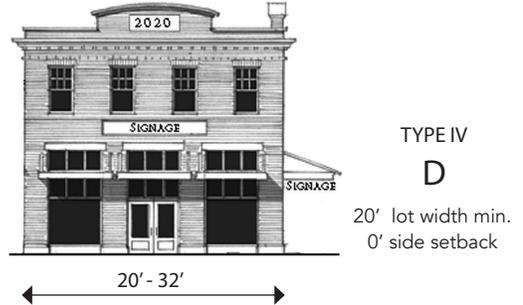
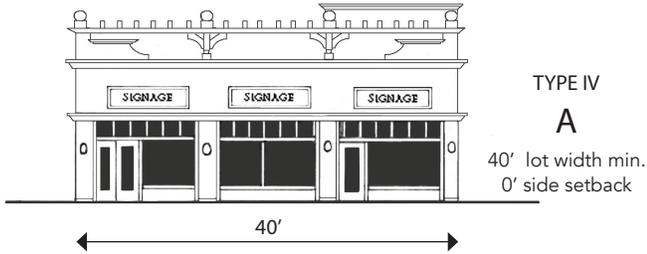
Additional Standards:

- Adjacent to residential Type I, a ground floor residential use with at-grade ADA level entry is acceptable.
- Build-to Lines for individual buildings shall be according to the Regulating Plan.
- Balconies and bay windows may encroach into the front, side, and rear setback up to 50%.
- Retractable awnings may encroach into setbacks and beyond front property line, by approval of the TA.



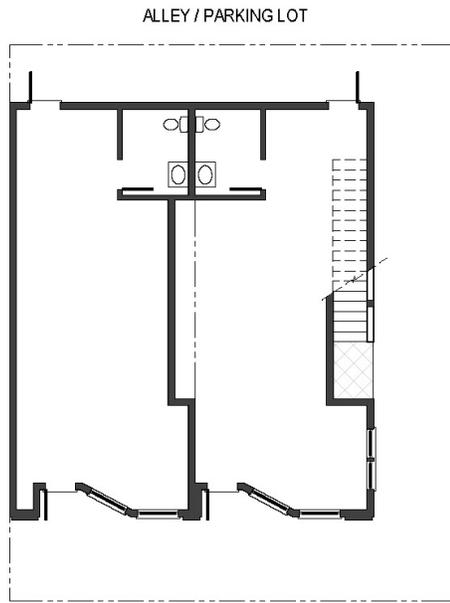
4.4 BUILDING TYPE IV: MAIN STREET

Illustration 4.4.A. Illustrative Elevations

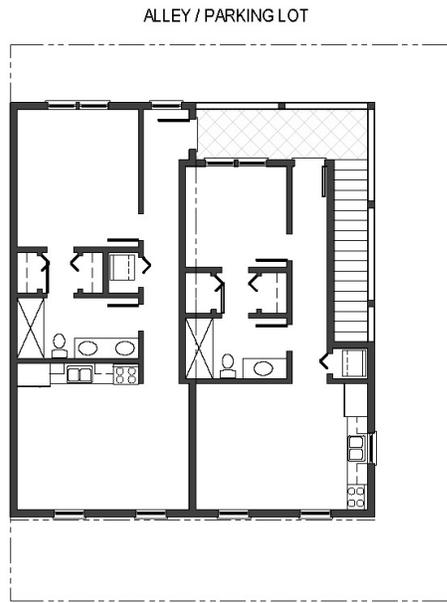


4.4 BUILDING TYPE IV: MAIN STREET

Illustration 4.4.B. Illustrative Elevation and Plans



FIRST FLOOR
1350 SF



SECOND FLOOR
1315 SF

TYPE IV : MAIN STREET (1)



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SECTION 5 URBAN STANDARDS

The Urban Standards are organized by these categories:

5.1 General

5.2 Building Placement

5.3 Building Placement

5.4 Building Configuration

5.5 Parking and Driveway Standards

5.1 GENERAL

- a. The Urban Standards apply to all Building Types, unless otherwise stated below, and are coordinated with the requirements of the specific Building Types.

5.2 BUILDING PLACEMENT

5.2.1 Building Type

- a. Buildings and all building elements shall be placed in relation to their Lot lines, Setbacks, Build-to Lines, and Frontage Lines according to the Regulating Plan and the Building Types.
- b. Platted lots shall be dimensioned according to Building Types.
- c. One Principal Building, and in certain Types, one Outbuilding or multiple buildings, may be built on each lot as shown in Building Types.
- d. Civic Buildings are not regulated under the Design Standards, but shall develop their site plans in conjunction with the TA.

5.2.2 Frontages

- a. Lot lines that coincide with a right-of-way or public space are designated Frontage Lines.
- b. Buildings shall have their principal pedestrian entrances on a Frontage Line.
- c. Facades shall be built parallel to the Principal Frontage Line of a straight line and parallel to the chord if broken or curved. Elevations may deviate from the trajectory of Lot Lines.
- d. Lots facing two streets shall be considered to have two Frontages, in regard to Setbacks, attachments, and other details, for the purposes of these Standards. Thus, corner buildings have two fronts, two Facades, one back, and one side.
- e. Lots with Pedestrian Passage access only shall treat the Passage side as the Lot Frontage.
- f. The TA may determine that a certain lot or portions thereof may be held to Principal Frontage (streets and public spaces) standards if it is highly and easily visible from the

public realm, even if it does not meet the definition of Principal Frontage.

5.2.3 Terminated Vistas

- a. Buildings shall be placed on Lots with attention to view corridors and Terminated Vistas of the Master Plan.
- b. A building Façade that terminates a vista shall be designed to recognize its focus and importance. Driveways and service areas shall not be permitted at Vista Terminations.
- c. Set-backs and Build-to Lines
- d. In the case of adjacent Building Type difference, Setbacks may be adjusted by approval of TA.
- e. Setbacks shall be measured perpendicular to the property line of the Lot; at curved property lines (as at a street), the measure shall be taken perpendicular to the tangent at the centerline of the Lot.
- f. Streetscreens shall be aligned with the building Façade.
- g. Encroachments into Setbacks and beyond the Build-to Line shall be according to Building Types.
- h. Alleys
- i. Lots with Alley access shall restrict auto access to the Alley and shall not have auto access from adjacent streets.
- j. Lots with Alley access shall provide a space for pedestrians to pass from the Building to the Alley without having to go through the garage
- k. Alleys shall be screened from street view by walls or landscape extending from buildings along the Frontage. When alleys intersect at other than 90 degrees, buildings shall align, to avoid exposing to the street the parking or garage entry behind an extended building.

5.2.4 Accessory Uses

- a. Basketball hoops, croquet courts, and gardens (including vegetable gardens) may be permitted in front yards by approval of TA.
- b. The following outbuildings and landscape constructions may be permitted by approval of TA, and shall adhere to the Vista Field Standards: garages, workshops, guest houses, artisan studios, garden pavilions, greenhouses, storage sheds, gazebos, trellises, swimming pools and pool houses. Swimming pools and hot tubs shall maintain a low profile and shall be screened from surrounding lots and street views.

5.2.5 Concealment from View

- a. All outdoor storage, trash containers, electrical, plumbing, mechanical and communications equipment, tanks, generators, utility meters, clotheslines, satellite dishes, play equipment, hot tubs, permanent grilles, firewood (except on porches), and the like shall be permitted only behind the front façade, at enclosed rear and side yards and shall conform to required Setbacks; or on roofs concealed by parapet walls; and shall be concealed from view from Frontages and adjacent yards. Trash containers shall be enclosed to prevent animal access.

- b. Loading docks and service areas in Types III and IV shall be concealed from street and sidewalk views. When Alley or rear parking lot access is not available, service areas at a frontage concealed from public view by a Street Screen may be permitted by approval of TA.
- c. Trash containers in Types III and IV shall be concealed from street view, located within a permanent enclosure, and accessed from an Alley or rear parking lot.

5.3 BUILDING CONFIGURATION

5.3.1 Building Massing and Height

- a. Building massing shall be simple, with a maximum of two gables per building facing the street, and a maximum of six exterior corners, exclusive of attachments, facing the street.
- b. Building Heights shall be as shown in Building Types.
- c. Chimneys, stairwells, trellises, and other portions of a structure up to 215 sf in area, may be allowed to exceed maximum building height by an additional story.

5.3.2 Entries, Porches and Balconies

- a. Each Building shall have a clearly indicated front entry that is visible and accessible from a street.
- b. Porches shall be a minimum of 7' deep.
- c. Balconies that cantilever shall be maximum 3' deep.

5.3.3 Concealment from View

- a. All Building and deck crawl spaces shall be enclosed and screened from public view.
- b. Mechanical equipment on a roof shall be enclosed by a parapet of the minimum height necessary to conceal it from any public view.
- c. Solar power equipment shall be regulated consistent with the Declaration and applicable State and Federal law.
- d. Antennas shall be concealed to the greatest extent consistent with Federal law, and when possible concealed from public view.

5.4 PARKING AND DRIVEWAY STANDARDS

- a. Required off-street parking placement shall be according to Building Type.
- b. Required parking quantities shall be as per Kennewick, WA Code of Ordinances Off-Street Parking Standards.
- c. Parking shall be accessed by Alley or in a Parking Lot at the rear of a Lot, and may be unsheltered or in a garage or carport.
- d. Parking lots shall be masked from the Frontage by a Liner Building or Street Screen.
- e. Where a driveway crosses a sidewalk, any elevation change or slope shall occur within the Lot to maintain a sidewalk without uneven slopes.
- f. Shared parking lots shall have a minimum of one bicycle rack space for every 20 vehicular parking spaces.

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SECTION 6 ARCHITECTURE STANDARDS

The Architecture Standards are organized by these categories:

- 6.1 General*
- 6.2 Walls*
- 6.3 Elements and Attachment*
- 6.4 Roofs and Eaves*
- 6.5 Openings*
- 6.6 Colors*
- 6.7 Lighting*
- 6.8 Signs*

6.1 GENERAL

- a. The goal of the Architecture Standards is the achievement of a unique architectural identity for Vista Field through a balance of uniformity and variety. A suitable response to the climate and geography can be learned from the vernacular traditions. Inspiration and lessons can be taken from historical regional buildings, including arid shrub step, Agrarian Vernacular, Bungalow and Craftsman, Spanish Revival, Neo-Classical and Mission styles. Historical styles when employed should strive to be exemplary of the origins. The use of limited materials, focused on those locally sourced, and a defined color palette provide a background of uniformity for variations in form. Constraints on form seek to produce building design of the highest quality, avoiding clichés and kitsch, in support of the urban and environmental goals and community identity.
- b. Materials and their details and applications for the individual units or other portions of a multi-unit building shall be consistent.
- c. Where a material is specified, it is that material that is specified not others that may resemble it. For example, "wood" means "wood", not wood chips pressed and glued together, or recycled plastic melted and molded to resemble wood. Materials other than those specified in this document may be approved by the TA.
- d. Where previously approved materials have since been prohibited or are no longer permitted, the previously approved material may be used only for repairs.
- e. All dimensions shall be considered nominal.

6.2 WALLS

6.2.1 Materials:

- a. Foundation and pier materials shall be concrete, stone or brick. Block with light coating of stucco for exposed foundation walls may be permitted by approval of TA.
- b. Wall materials and columns above foundation walls and piers shall be stone, concrete, stucco, tile, brick, metal, cementitious boarding, wood, and composition wood.

- c. Shingles shall be smooth cut sawn cedar, 4" to 6" to the weather, sealed with oil or stain only. Coarse variety may be permitted by approval of TA. Single panels are prohibited.
- d. Horizontal lap and ship lap siding shall be: smooth face clear redwood or western red cedar, 4" to 6" to the weather, painted or sealed and stained; or composition siding smooth side only, Hardie, Hardie Artisan or Boral, 4 to 6" to the weather, painted or prefinished.
- e. Board and batten shall be clear redwood, western red cedar, or composition panel smooth face only, with 2x3 battens, 16" o.c. maximum, painted or sealed and stained. Application shall initiate batten at the centerline of each wall plane.
- f. Brick shall be laid in a horizontal running bond pattern with mortar joints no greater than 3/8", shall have minimal color variation, and shall not be painted.
- g. Stone shall be natural rock, should be of the region, and shall be individual stones 8" minimum average; laid dry-stack or mortared, uniform in style ranging from coursed ashlar to uncoursed rubble; and shall appear to be weight bearing and not applied.
- h. Concrete shall be architectural cast-in-place or board form.
- i. Metal shall be brass, bronze, wrought iron, galvanized, stainless or enameled steel or marine-grade aluminum, and shall be permitted only by approval of TA.
- j. Nails, screws, fasteners, hinges exposed to the elements shall be galvanized or stainless steel.
- k. Mailboxes, newspaper boxes, flower boxes, lettering and numbering shall not be plastic or vinyl.

6.2.2 Configuration and Technique:

- a. All Elevations of a single building shall maintain a uniform level of quality in materials and detailing.
- b. Facades should be designed to emulate traditional width to height proportions such as the golden section, square and double square; and with tri-partite assemblies: base, middle, and top; and center and edges.
- c. Porch openings shall be vertical in proportion.
- d. Wall cladding shall be of two materials maximum; and shall be in two configurations of the material maximum.
- e. Materials changes shall be along a horizontal line and not along a vertical or diagonal line, typically at a floor line, gable or water-table, and shall place the heavier material below the lighter, expressing a continuous transfer of building loads from the roof to the foundation. Foundations shall appear to carry the weight of the building.
- f. Decorative shingles may be permitted by approval of TA.
- g. Trim such as corner boards, framing for openings and fascia, shall be no less than 1 1/4".
- h. Wood posts shall be 6" minimum in width or depth, chamfered at the corners, and with spacing of traditional proportions.
- i. Siding spacing shall butt into corner boards and openings trim. Siding shall not extend in front of trim.
- j. Façade stone or brick shall return onto the adjacent side wall 8" to 12".

- k. Foundation piers of masonry or concrete shall be 12" in width and 8" in depth minimum. Foundation walls and piers shall be exposed a maximum of 8". Above 8" an architectural finish shall be required. Exposed crawlspace shall be a maximum 18" above grade.
- l. Porch columns shall be brought to grade as masonry piers or masonry foundation walls. Piers shall have openings framed and filled with wood or brick lattice. Wood skirts covering piers are prohibited.
- m. Stone or pre-cast lintels shall extend horizontally beyond the opening spanned a dimension equal to the height of the lintel. Brick soldier lintels shall extend a minimum of one brick beyond the opening.
- n. Lintels and sills should generally align to create a harmonious facade. When used, window sills should receive more emphasis than lintels, since the lintel already casts a shadow line. The window sill should extend beyond the window opening and surrounding trim a maximum of 2" and shall be detailed with a drip to prevent wall staining.
- o. Arches shall be permitted only in masonry or stucco wall surfaces. Keystones shall be centered on the arch and have sides radial to the arch.
- p. Metal columns shall be steel and shall be round in section and of a minimum 6" diameter.

6.3 ELEMENTS AND ATTACHMENTS

6.3.1 Materials:

- a. Bay windows, porches and balconies shall be made of the wall materials, or they may be made of wood, painted or sealed and stained to match the building wall materials; or metal finished to match other metal of the building including windows and doors.
- b. Awnings shall be made of structural building materials such as metal, wood, glass or concrete, and shall have visible architectural support, such as brackets, integral to the awning design. Awnings made of canvas or synthetic woven material resembling canvas may be permitted by approval of TA.
- c. Glazing shall be clear glass. Reflective glass is prohibited. Frosted, etched, and other decorative glass may be permitted by approval of TA.
- d. Porch and deck floors shall be wood or concrete; brick, stone and composite decking may be allowed by approval of TA.
- e. Front entrance porch steps and stoops shall be stone, brick or concrete, and shall be faced on all exposed sides with stone, brick or concrete. Secondary porch steps and stoops may be permitted in wood or composite wood by approval of TA.
- f. Balcony, porch, deck and stair railings shall be of a single material in wood or composite simulated wood, subject to TA approval of the material. Metal railings may be permitted by approval of TA.
- g. Pergolas and trellises shall be made of wood, metal or vinyl; trellis wire shall be stainless steel held by 6" stand-offs.
- h. Window air-conditioners are prohibited. Wall air-conditioners facing an alley or parking lot may be allowed by approval of the TA.

6.3.2 Configuration and Technique:

- a. Awnings shall be sloping rectangles with a free-hanging drip edge, without side or bottom soffit panels, and shall be of a solid color to match the wall color or trim or a dark accent color. Half-dome and plastic awnings are prohibited.
- b. Awnings for Types III and IV shall be a minimum of 36 inches wide, shall have a maximum slope of 1:3 from the building to the edge, shall be at height minimum 9' above the pedestrian, and shall not extend closer than two feet to the edge of the adjacent street curb. All awnings shall be integral to the overall design of the storefront and shall respect vertical column and window spacing. Awnings shall be at least nine feet high from the adjacent sidewalk.
- c. Bay windows shall cantilever 2 feet maximum, and shall be supported by knee-braces, or other architectural support. Bay windows may be supported by foundation walls.
- d. Balconies shall cantilever 3 feet maximum, and shall be supported with brackets or other architectural support.
- e. Chimneys shall have a foundation at grade, and for height shall replicate wood-burning standards. Chimney top flues shall be metal or tile. Horizontal flues may be permitted by approval of the TA, and shall not face a street or other public space frontage. Metal flues shall be painted the color of the roof, flat black or left natural.
- f. Wood railings shall be clear cedar, 2x2 minimum pickets. Railings shall have top and bottom rails; top rails shall be eased for handling comfort and bottom rails shall have a vertical section. Railings 1x4 minimum flat face to façade with 1/2" gaps maximum may be permitted by approval of TA. Top and bottom rails shall be centered on the pickets.
- g. Metal railings may be permitted by approval of TA.
- h. Flagpoles less than 6' long may be mounted at an angle to porch columns or posts and building walls.

6.4 ROOFS AND EAVES

6.4.1 Materials:

- a. Pitched roofs cladding shall be slate, terracotta tile, metal or asphalt shingles.
- b. Metal roof cladding shall be prefinished standing seam, galvalume or zincalume; prefinished corrugated; or unfinished copper; with roof attachments to match main roof.
- c. Asphalt shingles shall be multi-ply architectural in a single color.
- d. Flat roof surfaces may be reflective roofing, wood decked, and concrete, ceramic or terracotta tiled.
- e. Green (vegetated) roofs may be permitted by approval of TA.
- f. Gutters and downspouts shall be copper, steel or anodized/natural finish aluminum. Copper-anodized aluminum is prohibited.
- g. Flashing shall be copper, lead or anodized aluminum.
- h. Copper roofs, flashing, gutters and downspouts shall be allowed to age naturally and shall not be painted or sealed.

- i. Roof penetrations such as vents, attic ventilators, turbines, and flues, shall be painted to match the color of the roof or flat black, except those made of metal may be left natural.
- j. Splash blocks shall be stone, brick, concrete or gravel.

6.4.2 Configuration and Technique:

- a. Roofs shall be simple and symmetrically gabled or hipped, or flat. Two roof types maximum per building, one primary and one secondary, shall be the allowed.
- b. Primary roofs shall be gable end or hip. Primary single shed roofs (roofs that pitch in one direction) are prohibited.
- c. Secondary roofs shall be hip, gabled; or flat with a parapet to conceal slopes and equipment.
- d. Primary roof pitch shall be between 6:12 and 14:12. Secondary roof pitch may be shallower by approval of TA.
- e. Roof slope breaks may be permitted at 25% maximum of overall width of roof by approval of TA.
- f. Shed roofs shall be permitted when the ridge is attached to an exterior wall of a building and shall have a pitch between 2:12 and 4:12.
- g. Eaves shall cantilever 2 feet maximum. Gable end eaves shall cantilever 2 1/2 feet maximum.
- h. Exposed soffits shall have rafter tails maximum 2x6, with 1x4 or 1x6 tongue-in-groove, or ACX plywood. Gable end rake rafters and fascia shall be minimum 2x8.
- i. Enclosed soffits shall be 1x4 tongue-in-groove, skip sheathing with a 1/2" gap, or stucco.
- j. Brackets shall be 4x6 vertical, 6x6 horizontal, 4x6 strut.
- k. Gutters shall be 1/2 round, J-style, or box and shall be the same profile on any one building.
- l. Downspouts shall be round or square on a stand-off pin and shall be placed by approval of TA. Rain chains and barrels may be permitted by approval of TA. In the absence of gutters, gravel shall be placed at the dripline.
- m. Dormers shall be habitable, roofed with a symmetrical gable, hip, or shed, and placed minimum 3' from side building walls.
- n. Skylights shall be flat in profile. Skylights, vent stacks and other roof applications and protrusions shall be placed on roofs facing away from streets.
- o. Solar tiles and solar panels may be permitted by approval of TA, and shall be integrated into the surface of the roof and shall not expose an independent structure. Roofs should be designed to accommodate panels; panels applied to an unrelated roof design shall be prohibited as shall be stair-stepping rectangular patterns. Solar energy panels are further regulated under paragraph 7.6.6 of the Declaration.
- p. Turbines may be permitted by approval of TA.
- q. Flat roofs shall be surrounded by a parapet wall tall enough to conceal any roof-top equipment, and no less than 1' above the roof deck. The parapet may be interrupted by drainage scuppers.

6.5 OPENINGS

6.5.1 Materials:

- a. Windows:
 - i. Windows shall be made of wood, aluminum clad wood, fiberglass, vinyl, Westeck true-divided grid vinyl, or steel sash.
 - ii. Glass shall be clear and free of color. Frosted, etched, tinted or other decorative glass and glass blocks may be permitted by approval of TA, except at street frontages where they may be applied in clerestories only. Reflective or dark glass is prohibited.
- b. Doors:
 - i. Doors shall be made of wood, aluminum-clad wood, wood-veneered fiberglass, glass panel, or steel.
 - ii. Garage doors shall be made of wood, composite wood, steel or wood-veneered fiberglass, and may have glass or framed panels.
- c. Screens and Shutters:
 - i. Screens for windows and doors shall be made of bronze, aluminum, dark colored fiberglass or black vinyl.
 - ii. Shutters shall be made of wood, painted or sealed and stained, Boral, metal, or vinyl.
- d. Storefronts:
 - i. Type III and Type IV storefronts shall be made of wood, brick, composite board, stone, custom metal work or steel frame and clear glass. Painted surfaces shall be white or a dark color glossy painted finish. Masonry and anodized aluminum storefronts may be permitted by approval of TA.

6.5.2 Configuration and Technique:

- a. Windows:
 - i. Windows facing frontages, streets, and public spaces shall be located within wall sections such that wall thickness is perceived from the exterior of the building. Flush mounted windows are prohibited.
 - ii. A minimum of 30% of the total Façade area shall be made of glass windows and doors.
 - iii. Windows shall be square or vertical in proportion, such as 1:1.5, golden section, double square, triple square. Transoms may be horizontal. Windows may be circular, semi-circular, oval, hexagonal or octagonal in shape, but only one such window may be placed on a façade. Windows may be quarter-circular in shape when paired in a gable end.
 - iv. Windows may be sub-divided into panes that shall be square or vertical in proportion, with similar proportions throughout the building. Muntins shall be true-divided light, or three-part simulated divided lite, and shall match the color of the exterior sash. Muntins shall not be snap-ons.

- v. Windows shall be operable, single-hung, double-hung, casement, awning or fixed. Sliding windows are prohibited.
 - vi. Two or more windows in the same rough opening on a facade shall be separated by a minimum 4" wide post.
 - vii. Windows facing streets shall be no closer than 2' to the corners of the building, except in Types III and IV.
 - viii. Single panes of glass shall be in area a maximum 20 square feet, except in Types III and IV.
- b. Doors:
- i. Doors facing frontages, streets, and public spaces shall be located within wall sections such that wall thickness is perceived from the exterior of the building. Flush mounted doors are prohibited.
 - ii. Doors facing Frontages shall be made of visible boarding or stiles with glass panels or recessed or raised panels, half-lite, full-lite, or three-quarter lite, that express construction technique. Door lites that are arches, rounds, fans or ovals are prohibited. Flush doors with applied trim are prohibited.
 - iii. Double doors shall not exceed 5'-6" in overall width except where intermediate 4" minimum posts are provided.
 - iv. Sliding glass doors shall not be permitted on facades facing streets.
 - v. Screen doors, if provided, shall be full view or three quarter view, and may have a center cross rail finished to match the screen door. Screen doors shall be finished to match the door they serve or the trim around it.
 - vi. Garage doors shall be configured as a sectional overhead or hinged carriage door, and should be an individual door for each parking space.
 - vii. Garage doors facing an alley may be maximum 18' for double width, and may be permitted taller than 8' in height by approval of TA.
- c. Screens, Shutters and Security:
- i. Window screens, if provided, shall be full view screens. Half view screens may be permitted by approval of TA. Window screens shall be finished to match the window they serve or the trim around it.
 - ii. Porch screens may be allowed and shall be framed to reflect column spacing proportions.
 - iii. Shutters, if provided, shall be applied to all of the typical windows on a Façade or elevation; shall be shaped and sized to the opening they serve; shall match the color of the wall or the building trim; shall be fully functional except with approval of TA. If fixed, shutters shall be mounted as if hinged to the window sash.
 - iv. Security doors and windows may be permitted by approval of TA. For residences these shall be designed as decorative window grills and doorway gates. For storefronts, these shall be interior links or grills that are completely hidden from view when not in use. Solid metal gates or roll-down shutters shall not be permitted.

- d. Storefronts:
- i. Storefronts shall be designed as a unified composition of doors, windows, bulkheads, transoms, signage, awnings, lighting and other details.
 - ii. Type III and IV storefront entrance doors shall be recessed to allow the door to swing out without obstructing pedestrian flow on the sidewalk. Each tenant space shall have at least one three-foot wide door at the main entry. Storefront entrances shall be encouraged at building corners. Where appropriate, folding doors and windows that allow the activity of the business to open adjacent to and onto the public sidewalk may be installed for restaurants and food services. Rear and side doors and windows facing service alleys and parking lots shall be encouraged, but not required.
 - iii. Total fenestration on the first floor for Types III and IV shall be a minimum of 70% of the first floor facade area and shall have a continuous kickplate 12 – 36" above the sidewalk.

6.6 COLORS

- a. Colors shall be selected from the Benjamin Moore Historic Colors Palette or equivalent with the addition of pure white and shall be approved by TA.
- b. Residential buildings shall be a maximum two colors, including walls, doors, windows, and trim. Trim shall be one color only. Window sashes and entrance doors may be a third color.
- c. Wall colors shall be lighter than the trim or attachments and other elements, except white trim is permitted. Contrasting trim other than white shall be avoided.
- d. Awnings may have a maximum of two colors by approval of TA.

6.7 LIGHTING

- a. Lighting shall adhere to Dark Sky Friendly standards. Path and area lighting shall have shields to direct light to ground area of use.
- b. All exterior lighting, including lampposts, lighting on building walls, wall sconces, pendants and surface mounted ceiling lights shall be downlights, max 2700K LED or equivalent. Type III and Type IV signs may be lit by a gooseneck fixture with focus specific to the sign. Type II and Type IV service entries shall have fixtures with photocells that light from dusk to dawn.
- c. Two exterior light fixtures maximum per house or live-work may face the street. Other light sources should be concealed from exterior views. Fixtures should be located to preclude glare.
- d. Exterior light fixtures shall be compatible with the style of the building to which they are attached.
- e. Doors facing a street or a public space, and garage doors opening onto an alley, shall have a light fixture with a photocell that lights from dusk to dawn.
- f. Uplighting, floodlighting and wall washing lighting shall be prohibited.
- g. All lighting should have a functional purpose. Additional decorative lighting for Types III and IV only may be allowed by approval of TA. External lighting of awnings may be

permitted by approval of TA. Backlighting of awnings from under or inside shall be prohibited.

- h. Interior lighting of storefronts and exterior lighting of signs for Types III and IV is recommended throughout nighttime hours (or at a minimum until 11pm) to accentuate storefront displays, illuminate building details, and promote public safety.

6.8 SIGNS

- a. Postal numbers shall be placed on the principal building facade and on alley or rear parking entrances, and shall be maximum 6" tall.
- b. Signs for streets and other public spaces, wayfinding, civic and shared facilities shall be of a unified design.
- c. Signs for private buildings shall be made of wood, synthetic wood, brass, bronze, copper, wrought iron, ceramic, cast aluminum or thickly enameled steel. All signs shall be subject to approval by TA. Plastic signs or letters, backlit signs, and electronic or video screen signs shall be prohibited.
- d. One sign advertising a home-based business shall be permitted at each Frontage of a Type I or Type II building. Signs advertising a home-based business shall be blade or window signs, a maximum size of 2 square feet. Signs may be mounted to a freestanding post, hung below a porch roof, or mounted to a building wall.
- e. One sign advertising a shopfront business shall be permitted at each Frontage of a Type III or Type IV building. Signs advertising a shopfront business shall be blade or window signs, or a first floor sign band.
- f. Blade signs for shopfront businesses shall be attached perpendicular to the façade; shall be at a height minimum 9' above the pedestrian; shall extend horizontally maximum 3'; shall be maximum 2.5' in vertical dimension, with a maximum overall size of 2.5 square feet, and a 15' minimum distance between blade signs. Blade signs may be a representational silhouette in metal.
- g. Window signs for shopfront businesses shall be inscribed on the shopfront glass or shall be made of permanently affixed cut-out lettering or hand-painted letters. Neon signs on the inside of a Type III or Type IV shopfront window may be allowed by approval of TA.
- h. Sign bands for a shopfront businesses shall be an integral design with the storefront's elevation and details, and may be a contrasting color to the building. Sign bands may be up to 12 inches in height and may extend the entire length of the storefront. Sign bands shall not be internally illuminated but may be externally lit subject to the approval of TA.
- i. Signs for civic and shared facility buildings may be façade signs; shall be made of material and color to be integral with the building design; shall be maximum 2 feet in height by any length; shall not be translucent or internally illuminated; and may be externally lit. Brass or stainless steel may be used for signs mounted to masonry building walls.
- j. One business hours sign of maximum 1 square foot advertising hours of operation and credit card acceptance shall be permitted at storefront entry.

- k. One security system sign per frontage and one per service entry shall be permitted, maximum 5" x 8", attached to the building wall or a window.
- l. Temporary A-frame signs of maximum 6 square feet each side may be placed on the sidewalk adjacent to the business during business hours, shall be made of wood, synthetic wood or metal, shall have a hand-crafted design, and shall be approved by TA.
- m. One sign advertising a property for sale or rent is permitted at each frontage, maximum 5" x 8", affixed to the building or on a post maximum 4 feet in height, for a maximum duration of 90 days per year.
- n. One sign per lot identifying the building contractor is permitted, maximum 2' x 3', on posts maximum 4 feet in height, for the duration of the construction only.

SECTION 7 SITE AND LANDSCAPE STANDARDS

The Site and Landscape Standards are organized by these categories:

7.1 General

7.2 Public Space

7.3 Gardens

7.4 Fences, Walls and Pavements

7.1 GENERAL

- a. The goal for the outdoor spaces and landscape improvements of Vista Field is to construct a landscape of plants native to the arid shrub step, location of Kennewick, including drought tolerant materials that can provide shade.
- b. Site designs shall minimize grading.
- c. Topographic transitions between improvements and existing grades or between Lots shall appear to be natural slopes or to be garden terraces.
- d. All site drainage and water runoff from impervious surfaces shall be retained on the Lot that generates it.
- e. Tree planting shall be considered permanent improvement of the community landscape. Trees shall be selected from the 2018 Community Tree List of the Mid-Columbia Community Forestry Council. Removal of trees larger than 4" caliper deciduous and 6" caliper conifer shall require approval by TA.

7.2 PUBLIC SPACE

7.2.1 Materials:

- a. Public Space site materials shall be according to a site plan masterplan that specifies location, dimensions, at installation and at maturity, durability, and other characteristics that provide maximum safety and comfort, and are conceived of as part of a visually harmonious public realm.
- b. Public Space pavements shall be stone, brick, or concrete pavers and designed for maximum permeability: asphalt for driveways and parking lots, and poured concrete pavement for streets and sidewalks may be permitted by approval of TA. All pedestrian pavements shall have a non- skid finish.

7.2.2 Configuration and Techniques:

- a. All site utilities shall be placed underground. Above ground equipment shall be located in alleys or parking areas behind buildings and screened from view with walls and landscape.

7.3 GARDENS

7.3.1 Materials:

- a. Garden planting materials shall be selected from the following plant lists: the Tree Lists by Mature Heights of the Community Tree List of the Mid-Columbia Community Forestry Council; and the Washington Native Plant Society's WNPS Native Plants of Eastern WA brochure.
- b. Garden pavements shall be stone, brick, or concrete pavers and shall be designed to provide maximum permeability.

7.3.2 Configuration and Techniques:

- a. Fenced areas and lawn areas shall be located and designed to be functional and geometrically defined for privacy, protection from the wind, and security of children and pets. Lawn areas shall be restricted to a functional space to minimize irrigation.
- b. Landscape irrigation shall be an underground or drip irrigation system and shall have retracting sprinkler heads or shall be otherwise visually unobtrusive.
- c. Garden planting may provide shade for adjacent Public Frontage, but shall not interfere with Public Space landscaping.
- d. Hot tubs and pools shall be recessed in the ground and visually screened with a fence, wall or hedge.
- e. Woodburning outdoor fireplaces and firepits may be allowed by approval of TA, and shall be separated from all combustible structures and trees by a minimum distance of 15 feet.

7.4 FENCES, WALLS, PAVEMENTS

7.4.1 Materials:

- a. Fences shall be made of wood pickets, painted or sealed and stained, or steel, wrought iron painted, or ESP aluminum. Fence gates shall be made of the fence material.
- b. Garden walls and retaining walls shall be made of architectural finish concrete, segmental block, brick or brick veneer, local stone or local stone veneer, and shall be capped. Wall gates shall be made of wood, painted or sealed and stained, steel, wrought iron painted, or ESP aluminum.
- c. Trash yard and dumpster enclosures shall be made of concrete, wood sealed and stained or painted, or steel painted, with gates of wood or steel.
- d. Hedges shall be made of plants selected from the Plant List. Hedge gates shall be made of wood, painted or sealed and stained, steel, wrought iron painted or ESP aluminum, with framing structure of the same material.
- e. Garden pavement shall be permeable and shall be made of, stone, concrete pavers, brick, brick pavers, wood, or gravel with aggregate maximum 1/4".
- f. Gravel in front yards and at frontages shall be edged to prevent runover.
- g. All pedestrian pavements shall have a non-skid finish.

- h. Driveway and parking lot pavement shall be made of asphalt, brick, brick pavers, or concrete. Concrete may be patterned but stamped concrete patterns shall be prohibited. Driveway and parking lot materials shall be approved by TA.
- i. Gravel in front yards and at frontages shall be edged to prevent runoff.

7.4.2 Configuration and Techniques:

- a. Fences, garden and retaining walls, and hedges, and their location and height shall be designed to coordinate with the design of the adjacent Public Frontage and neighboring lots.
- b. Fences, garden walls and hedges shall be located no closer to the street than the front façade of the building, and in Type III and Type IV located to screen parking lots from the street.
- c. Fences and garden walls shall provide closure, starting and ending at a building wall or terminal post that is larger than the other fence posts.
- d. Fences and walls shall be a maximum 6' above grade. Trashcan and dumpster enclosures shall be minimum as tall as the containers they conceal.
- e. Garden and retaining walls shall be minimum 8" wide and capped with overhang of 1/2" to 1' on each side to protect from water intrusion.
- f. Retaining walls shall be part of building foundations or shall be part of garden terracing. Retaining walls shall follow required building setbacks, and shall be a maximum 4' in height.
- g. Hedges may be a single type of plant or a mix of plants. At installation plants shall be 18" o.c. and a minimum 24" in height. Hedges shall be maintained to allow light to penetrate to all branches, tapered slightly to create a base that is wider than the top.
- h. Parking lots for Type III and Type IV buildings shall be planted to provide maximum shading of the pavement, with continuous tree islands perpendicular to the parking stalls, or tree diamonds with corners intersecting the striping with a maximum separation of four parking spaces. Each tree shall have a minimum of 5'x 5' planting area.

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SECTION 8 THOROUGHFARE STANDARDS

8.1 GENERAL

- a. The streets are the primary shared experience of Vista Field. Their dimensions, pavements, lighting, and trees planted provide the visual ambience of the public realm. Streets are also the main conveyance of utilities throughout the community and an important component of over- all storm-water management. These Standards are intended to encourage pedestrian mobility, minimize vehicular use, and minimize the intrusion of utilities on the visual and pedestrian experience.
- b. Shared facilities in the street rights-of-ways and other public spaces, including street lighting, street signs, trash cans, benches, electrical transformers, dumpster enclosures, and other utilities, shall be of uniform design, approved and located by TA.
- c. Above ground utility components shall be placed at the rear of buildings rather than at Frontages, shall be grouped and screened with landscape elements to minimize their visual impact.
- d. Each street on a block by block basis shall have pavement and Public Frontages designed to provide place-specific character, taking into account topography, on-street parking, driveway entries, et al.
- e. Street intersections shall have a curb radius of 10', with a clear zone radius of 25'. Parking shall be held back from an intersection minimum 20'.
- f. Alley and lane intersections with streets shall be designed to minimize visual impact of alley or lane on street frontage with building extensions and landscape screening.

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SECTION 9 DESIGN REVIEW PROCEDURES

9.1 GENERAL.

- a. All Public and Private building and landscape improvements shall be reviewed by the Vista Field Town Architect (TA) and shall require TA's approval prior to commencement of construction.
- b. The TA shall approve, conditionally approve, or disapprove, submitted applications with explanatory notification in writing to the applicant, including if possible the changes necessary for approval, within ten days of each of the following reviews. The TA may approve deviations from the Standards based on the determination that the proposal fulfills the basic intent of the Standards, offers a standard superior to that in the Standards that is to be set aside, and is compatible with adjacent development.

9.2 SCHEMATIC DESIGN REVIEW.

This review confirms conceptual conformance with the Development Standards. More than one scheme may be submitted. Submit (two sets):

- Lot Plan at 1"=20'
- Floor Plans at 1/8"=1'-0"
- Elevations (at frontages) at 1/8"=1'-0" (or photo of each elevation if previously built on another lot)

9.3 DESIGN REVIEW.

This review confirms compliance of the design details with the Standards and verifies that previous recommendations made by TA have been incorporated. Submit (two sets):

- Lot Plan at 1/8"=1'-0"
- Landscape Plan at 1"=20'
- Floor Plans at 1/4"=1'-0"
- Roof Plan at 1/4"=1'-0"
- Elevations (all) at 1/4"=1'-0"
- Building Section at 1/4"=1'-0"
- Wall Section & Details at 1-1/2"=1'-0"
- Material List & Samples
- Schematic Design Review comments

9.4 CONSTRUCTION DOCUMENTS REVIEW. SUBMIT (TWO SETS).

- Construction Documents
- Design Review comments

If essentially the same building has been previously built on another lot, submit the following to apply for simultaneous A, B and C reviews:

- Lot Plan at 1/8"=1'-0"
- Landscape Plan at 1"=20'
- Previously reviewed Construction Documents.
- Photo of each elevation of each previously built structure on most recent lot.
- All changes from previously built structure(s) clearly noted.

9.5 CONSTRUCTION.

Plans approved by the Vista Field TA may proceed to the City of Kennewick for building permit, and subsequent inspections shall take place according to the City of Kennewick requirements.

9.6 CHANGE DURING CONSTRUCTION.

- Changes during construction shall be approved by Vista Field TA prior to approval by City of Kennewick
- Change during Construction Form
- Additional information to describe changes

9.7 DESIGN REVIEW PROCEDURES CHECKLIST.

a. Lot Plan

- North arrow, scale
- Property lines, dimensions and area
- Easements
- Building footprints with entries noted
- Encroachments, if any, dimensioned
- Sidewalks, driveways and patios
- Finished floor elevations, existing & proposed grades
- Existing trees over 3" caliper and other natural features
- HVAC and other exterior equipment including lighting

b. Landscape Plan

- Names of all material
- Size, quantity and location of all material, at installation and at maturity
- Garden elements such as retaining walls, paved surfaces, trellises, arbors, fences, gates, etc.

c. Floor Plans

- Room dimensions and uses labeled
- Encroachments, if any, dimensioned
- Roof drip line

d. Roof Plan

- All roof penetrations

e. Elevations

- Openings, doors, and windows
- Materials rendered and specified, including color
- Finished grade and finished floor elevations
- Building height to eaves, ridges & parapet walls
- Overall height from grade at front setback
- Roof pitches
- Open or closed eave condition if any
- Awnings, signs, and lights if any

f. Building Section

- Structure
- Openings, doors and windows
- Finished grades
- Dimensions, horizontal and vertical

g. Wall Sections And Details

- Openings, doors & windows (including heads and sills)
- Porches and balconies including railings
- Ornamental elements and trim
- Inside & outs corners (pilasters, cor. boards, etc.)
- Eaves and cornices

- Dimensions of column centerline to:
 - Face of pier
 - Face of column at bottom of shaft (1st floor)
 - Face of column at top of shaft (1st floor)
 - Face of beam (1st floor)
- If two-story porch:
 - Face of column at bottom of shaft (2nd floor)
 - Face of column at top of shaft (2nd floor)
 - Face of beam (2nd floor)
- Fences and garden walls
- Chimneys

9.8 MATERIALS LIST (WITH MANUFACTURER AND PRODUCT).

- Roof, gutters and downspouts
- Exterior walls and trim
- Windows, doors and garage doors
- Shutters and screens
- Fence and garden walls
- Sidewalk, driveway and patios

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PORT OF KENNEWICK

RESOLUTION NO. 2021-24

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
FOR THE PORT OF KENNEWICK CERTIFYING
THE PORT'S 2022 LEVY**

WHEREAS, the Board of Commissioners of the Port of Kennewick met and considered its budget for the calendar year 2021 and 2022 at a regular meeting on November 10, 2020, a quorum of the Commission being present; and

WHEREAS, a legal notice of public hearing on the Preliminary Budget of Port of Kennewick for the calendar year of 2021 and 2022 was published in accordance with RCW 53.35.020, RCW 53.35.045 and RCW 84.52.020; and

WHEREAS, the Port's actual levy amount from 2021 year was \$4,518,713; and

WHEREAS, the population of the Port is more than 10,000; and

WHEREAS, the Board of Commissioners of Port of Kennewick after hearing and after duly considering all relevant evidence and testimony presented, determined that the Port of Kennewick requires a regular levy for the 2022 tax year in the amount of \$5,200,000, which includes an increase in property tax revenue from the previous year, amounts resulting from the addition of new construction, improvements to property, any increase in the value of state-assessed property, and amounts authorized by law as a result of any annexations that have occurred and refunds made, in order to discharge the expected expenses and obligations of the district and in its best interest.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Port of Kennewick substantiate that an increase in the regular property tax levy is hereby authorized for the levy to be collected in 2022 tax year. The dollar amount of the increase over the actual levy amount from the previous year shall be approximately \$46,000, which is a one-percent increase from the previous year. This increase is exclusive of additional revenue resulting from new construction, improvements to property, any increase in the value of state assessed property, any annexations that have occurred and refunds made.

BE IT FURTHER RESOLVED that the Board of Commissioners of the Port of Kennewick hereby direct the Chief Financial Officer/Auditor to certify a copy of this resolution and forward the same to the Clerk of the Board of the County Commissioners in accordance with RCW 84.52.020.

APPROVED and dated by the Commissioners of the Port of Kennewick at a Regular Meeting on November 9, 2021.

**PORT of KENNEWICK
BOARD of COMMISSIONERS**

By: DocuSigned by:
DN Barnes
DON BARNES, *President*

By: DocuSigned by:
Skip Novakovich
SKIP NOVAKOVICH, *Vice President*

By: DocuSigned by:
Thomas Moak
THOMAS MOAK, *Secretary*

CERTIFICATION OF TAX LEVY**STATE OF WASHINGTON
County of Benton**

In accordance with RCW 84.52.020, I, **Nick Kooiker**, CFO/Auditor for Port of Kennewick, do hereby certify to the Benton County legislative authority that the Commissioners of said district request that the following levy amounts be collected in 2022 as provided in the district's budget, which was adopted following a public hearing held on November 10, 2020. I hereby request the Board of County Commissioners of Benton County, Washington, to make said regular levy of the Kennewick Port District, as set forth below, and that said regular levy is for operation, maintenance, land acquisition, construction, and the levy is to be distributed as follows:

Expense (General) Fund	\$5,190,000
Administration Refund Fund	\$10,000
Total Regular Levy	\$5,200,000
<i>Population Certification:</i>	<i>Above 10,000</i>

If the above certification is more than the Assessor's levy calculations, the Assessor's Office is directed to reduce the Expense (General) Fund amount to the actual Assessor's levy calculation.

CERTIFIED this 9th day of November, 2021.

CERTIFIED BY:

**PORT of KENNEWICK
CFO/AUDITOR**

DocuSigned by:

Nick Kooiker

DAC096A4B5BD4FB

Nick Kooiker



Ordinance / Resolution No. 2021-24
RCW 84.55.120

WHEREAS, the Commission of The Port of Kennewick has met and considered
(Governing body of the taxing district) (Name of the taxing district)
its budget for the calendar year 2022; and,

WHEREAS, the districts actual levy amount from the previous year was \$ 4,518,713.00; and,
(Previous year's levy amount)

WHEREAS, the population of this district is more than or less than 10,000; and now, therefore,
(Check one)

BE IT RESOLVED by the governing body of the taxing district that an increase in the regular property tax levy is hereby authorized for the levy to be collected in the 2022 tax year.
(Year of collection)

The dollar amount of the increase over the actual levy amount from the previous year shall be \$ 46,000
which is a percentage increase of 1.0 % from the previous year. This increase is exclusive of
(Percentage increase)

additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, solar, biomass, and geothermal facilities, and any increase in the value of state assessed property, any annexations that have occurred and refunds made.

Adopted this 9 day of November, 2021.

DocuSigned by: <u>DN Barnes</u>	<u>Don Barnes</u>	<u>Commissioner District 1</u>
DocuSigned by: <u>7468DE9530724DC...</u> <u>Skip Novakovich</u>	<u>Skip Novakovich</u>	<u>Commissioner District 3</u>
DocuSigned by: <u>0E53A30E1C8E442</u> <u>Thomas Moak</u>	<u>Thomas Moak</u>	<u>Commissioner District 2</u>

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If additional signatures are necessary, please attach additional page.

This form or its equivalent must be submitted to your county assessor prior to their calculation of the property tax levies. A certified budget/levy request, separate from this form is to be filed with the County Legislative Authority no later than November 30th. As required by RCW 84.52.020, that filing certifies the total amount to be levied by the regular property tax levy. The Department of Revenue provides the "Levy Certification" form (REV 64 0100) for this purpose. The form can be found at: <http://dor.wa.gov/docs/forms/PropTx/Forms/LevyCert.doc>.

To ask about the availability of this publication in an alternate format, please call 1-800-647-7706. Teletype (TTY) users may use the Washington Relay Service by calling 711. For tax assistance, call (360) 534-1400.

PORT OF KENNEWICK

RESOLUTION NO. 2021-25

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF
THE PORT OF KENNEWICK AUTHORIZING
AN INCREASE IN TAX LEVY CAPACITY PURSUANT
TO RCW 84.55.120 AND WAC 458-19-005**

WHEREAS, a public hearing was held by the Board of Commissioners for the Port of Kennewick regarding the 2021 and 2022 budget; and

WHEREAS, pursuant to RCW 84.55.120 and WAC 458-19-005, the rate of inflation (IPD rate) for 2022 is 3.860% and the limit factor for property taxes for 2022 is 101%; and

WHEREAS, the Port of Kennewick’s levy amount from the previous year was \$4,518,713; and

WHEREAS, the Port has set its increase in tax levy capacity for the 2021 and 2022 budget at one percent (1%) and finds there is substantial need to set the levy limit at one hundred and one percent (101%); and

WHEREAS, the Board of Commissioners of the Port of Kennewick Taxing District, after hearing and after duly considering all relevant evidence and testimony presented, finds there is a substantial need to set the levy limit at one hundred one percent (101%), in order to discharge the expected expenses and obligations of the district and in its best interest; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Port of Kennewick Taxing District that an increase in the regular property tax levy, in addition to the increase resulting from the addition of new construction and improvements to property and any increase in levy value of state assessed property, is hereby authorized for the 2022 levy in the amount of approximately \$46,000 which is a one (1%) percentage increase from the previous year.

ADOPTED by the Board of Commissioners of the Port of Kennewick at a Special Meeting held this 9th day of November 2021; and duly signed by its proper officers in the authentication of its passage on said date.

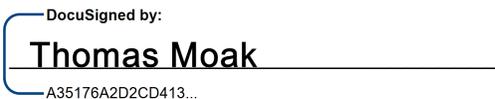
**PORT of KENNEWICK
BOARD of COMMISSIONERS**

By: 7468DE9530724DC...

DON BARNES, *President*

By: 0E53A30E1C8E442...

SKIP NOVAKOVICH, *Vice President*

By: A35176A2D2CD413...

THOMAS MOAK, *Secretary*

PORT OF KENNEWICK

Resolution No. 2021-26

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE PORT OF KENNEWICK APPROVING THE PORT CHIEF EXECUTIVE
OFFICER'S 2021 PERFORMANCE EVALUATION**

WHEREAS, the Port Commission conducts an annual evaluation of the Port's Chief Executive Officer's performance pursuant to the CEO's Employment Agreement.

WHEREAS, on September 30, 2021, the Port Commissioners were provided with the 2021 CEO Performance Evaluation Packet.

WHEREAS, as directed by the Port Commission, Port Counsel gathered preliminary drafts of performance evaluations from all three individual Commissioners and attached is the CEO's performance evaluation including the verbatim comments and appraisals of all three individual Commissioners.

WHEREAS, the CEO has made a written request that all aspects of his 2021 performance review be conducted in open session.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Port of Kennewick Board of Commissioners hereby approves the CEO's performance evaluation attached as Exhibit "A".

NOW, THEREFORE, BE IT HEREBY FURTHER RESOLVED that the Port of Kennewick Board of Commissioners, in accordance with the CEO's contract, hereby deems the CEO's performance above satisfactory for 2021.

ADOPTED by the Board of Commissioners of Port of Kennewick on the 9th day of November, 2021.

By: Disapprove

DON BARNES
President

By: 
0E53A30E1C8E442...

SKIP NOVAKOVICH
Vice President

By: 
A35176A2D2CD413...

THOMAS MOAK
Secretary

2021 ANNUAL PERFORMANCE REVIEW
Commission Evaluation of
Chief Executive Officer Performance*

IMPORTANT DUTIES/EXPECTATIONS	PERFORMANCE APPRAISAL		COMMISSIONER COMMENTS
<ul style="list-style-type: none"> ➤ Attach extra papers as necessary ➤ Factors should be reviewed in terms of quality, quantity and timeliness 	Met	Not met	
<p>I. <u>Vision and Purpose</u></p> <p>Collaborates with the Commission to advance the Port’s vision and purpose. Leads senior staff to develop a concise vision. Advocates the vision by strategic resource allocation toward attainment.</p>	X	X[TM]	<p>Tim does his best to communicate with all three commissioners but over the past few years Commissioners Barnes and Moak have refused to meet with him on advancing Port vision. There is no doubt he has led senior staff the best he was able when not over ruled by two commissioners.[SN] This year, the strategic vision for Vista Field seemed not-so-visible. Resource allocation toward attainment was very slow. There did not seem to be collaboration by Tim with the Commission on how to get that vision implemented better or faster. Staff appeared reluctant to share work towards achieving the VF vision. Consultants seemed to turn out work very slowly. When there was a suggestion to allocate more resources towards Vista Field, there was no acknowledgement by Tim how more resources could be allocated.</p> <p>While there was much better vision on the Kennewick Waterfront, inability to really crystalize the VF vision results in a “not met” score.[TM]</p>

<p>II. <u>Strategic Agility</u></p> <p>Is proactive; anticipates future trends, benefits and consequences; has broad knowledge and perspective; can objectively state possibilities and probabilities.</p>	XX		<p>Tim is a visionary and has always been able to anticipate future trends and the consequences of current actions. When allowed to do his job by the commission, he excels.[SN]</p> <p>Tim moved quickly on the potential federal funding for projects. Came up with projects that could have been successful for the community in a short timeframe.</p> <p>Tim worked on getting some answers on post-COVID economic trends, although the results have not been fully shared with the Commission.[TM]</p>
<p>III. <u>Operating Plans</u></p> <p>A. Develops, maintains and implements strategic plans and operational goals that effectively brings the Port's vision to fruition.</p> <p>B. Critical performance elements are monitored to help assure effective and efficient operations and to identify opportunities for policies and procedures improvement.</p>	X	X[TM]	<p>Tim has done the best possible job he could in spite of Commissioners Barnes and Moak seeming to think they know how to run the port better than experienced staff. This has prevented the Port from making progress as expected by the taxpaying public and as Tim and his staff have the knowhow to accomplish.[SN]</p> <p>This goes back to #1. There just was not the implementation of the plans to make VF successful yet. Timelines were set and then missed. Bringing "the Port's vision to fruition" means getting things done. Too much still is hanging out. VF items in CEO's goals have not been attained.</p> <p>I did not see identification of opportunities for policy or procedure improvement that would move the port's vision ahead.[TM]</p>

Exhibit A

<p>IV. <u>Integrity</u></p> <p>Sets the tone for the Port by exemplifying consistent values and high ethical awareness, honesty and fairness.</p>	XX	<p>Perhaps no one exemplifies consistent values of high ethical awareness and impeccable integrity than Tim who has been working in an environment that most leaders would not tolerate, would explode or simply resign.[SN] Tim worked through many COVID-related issues to keep commissioners, staff, and the public safe. Tim worked to be fair to tenants during the pandemic and with “squatters” on Verbena property.[TM]</p>
<p>V. <u>Financial Stewardship</u></p> <p>A. Maximizes the Port’s ability to serve and expand the public purpose while maintaining taxation stability.</p> <p>B. Administers the Port’s financial affairs consistent with state law and adopted policies, budget and financial guidelines.</p>	XX XX	<p>Tim has done the best possible job related to Financial Stewardship – in spite of commissioner Barnes forcing the Port to spend a ridiculous amount of money needlessly on his defense of a complaint for which he was found guilty on more charges than commissioner Moak. Commissioner Barnes did not follow Port policy and had the Port spend over \$170,000 on public records request he never used. Tim has done an outstanding job regarding financial stewardship he could control.[SN] The port has had taxation stability.[TM] Clean audit again for POK. Financial affairs seem consistent with laws, policies, and guidelines.[TM]</p>
<p>VI. <u>Political and Institutional Sensitivity</u></p> <p>A. Maneuvers through complex political and institutional situations effectively; anticipates potentially negative reactions, recommends and plans a course of action accordingly; views politics as a necessary part of organizational and public sector</p>	XX	<p>Tim is an excellent strategic thinker with an uncanny visionary mind he uses for the benefit of the Port. His knowledge of political and institutional sensitivity is excellent. Tim is able to foresee how current decision may develop into future complex issues and he is able to pre-plan creditable</p>

<p>life and works to be effective within that reality. Unless otherwise not practical, obtains commission concurrence prior to publicly stating position.</p> <p>B. Develops solutions to complex issues that challenge the Port’s ability to recognize its vision and purpose. Demonstrates sensitivity to resource availability when developing solutions.</p>	<p>XX</p>	<p>solutions to address these before they become problematic.[SN] Tim consistently helped keep POK out of political situations that were outside the scope of port activities when other entities wanted the port to endorse. Tim worked with commission on helping define courses of action stemming from federal requests for infrastructure funding and “earmarks”. He helped defuse efforts by some who wanted to use Waterfront Master Plan to attack port’s federal partnership.[TM]</p>
<p>VII. <u>Stakeholder Relations</u></p> <p>A. Leads the Port in building effective relationships with tenants, customers and community.</p> <p>B. Effective relations are maintained with other governmental officials, community leaders, citizens, news media, etc., to resolve problems and complaints; to coordinate functions, to gain and provide information and to assemble outside assistance for Port activities.</p>	<p>XX</p> <p>XX</p>	<p>The letters received by stakeholders offer more substantiation of Tim’s ability to positively handle Stakeholder Relationships for the benefit of the Port.[SN] Tim was able to use his delegated authority during the pandemic to assist at least one tenant with rent deferral. Heard no other concerns from tenants or port customers. One major tenant, Bruker, is vacating considerable space due to a corporate consolidation, and not because of dissatisfaction with the port. Some community members were unhappy with some of the port’s efforts to respond to requests for federal assistance, but Tim helped keep that from disrupting the Waterfront Master Plan.[TM] There do not appear to be any issues with relationships with officials or community leaders, but the port did not pursue much new this year with any of our partners, either. Governmental partners are generally happy with the port when we support their projects with cash.[TM]</p>

	Met	Not met	
<p>VIII. <u>Priority Setting</u></p> <p>Spends time and the time of others on what is important; can quickly sense what will help or hinder accomplishing a goal; eliminates obstacles; creates focus.</p>	X	X[TM]	<p>Tim has done the best he can despite dealing with constant interference and micro-management by Commissioners Barnes and Moak.[SN] Vista Field did not seem to be Tim's priority this year. I did not see Tim eliminating obstacles or creating focus on VF. There seemed no urgency to getting Crosswind Blvd open and hanger designs completed that would help tell the story of Vista Field.[TM]</p>
<p>IX. <u>Knowledge</u></p> <p>A. Knows how successful public ports work; knowledgeable in current and possible future practices, trends and information affecting port management, the port industry and our Port; knows the competition; is aware of how strategies and tactics work in the marketplace.</p> <p>B. Maintains a favorable presence within the region, state and industry that results in an increased knowledge of initiatives, trends, practices and legislation that may affect the Port.</p>	XX	XX	<p>Tim has assembled a very proficient, extraordinary staff of highly skilled, knowledgeable people. He understands that he cannot possibly keep up with the everchanging work environment of Ports specifically as well as the United States, and global economy in general. He utilizes the knowledge and expertise of his staff to brief him on a regular basis allowing him to make the most strategic decisions then implement actions that most benefit the Port, its' jurisdictional partners and the public we serve.[SN] Port of Kennewick is quite different in what it does from most of the other ports. I think Tim knows how to fit into the port arena and is aware of the direction of other ports. Because of the lack of travel due to the pandemic, Tim probably had less contact with other ports and port managers during the year.[TM]</p>

<p>X. <u>Decision Quality</u></p> <p>Makes good decisions based on analysis, wisdom, experience and judgment; most solutions and suggestions turn out to be correct when judged over time.</p>	XX		<p>See comments immediately above which also apply here.[SN] Tim's decision-making appears good. Whether his suggested solutions and suggestions turn out to be correct when judged over time...time will tell.[TM]</p>
<p>XI. <u>Entrepreneurial</u></p> <p>A. Demonstrates an entrepreneurial spirit by identifying ways to generate revenue, investment capital and maximizes the financial potential of existing port assets.</p> <p>B. Brings recommended opportunities to the Commission's attention. Recommendations include financial projections, as well as potential public opinion concerns (risk/reward analysis).</p>	X	X[TM]	<p>Tim has been a small business owner, grew up in a small business family and was brought up with an entrepreneurial spirit and knowledge of what it takes maximize all available resources to attain the greatest possible results. When allowed by the commission to exercise his abilities he has done an outstanding job. Unfortunately, due to the way he has been treated by Commissioners Barnes and Moak he has become hesitant to bring forward his well thought out recommendations.[SN] I guess I didn't see anything entrepreneurial this year. In looking over Tim's self-evaluation, I didn't find anything that would fit that category. This is an area where I might be persuaded to change my score with better information.[TM]</p>
<p>XII. <u>Leadership/Management</u></p> <p>A. Rallies support behind the vision and strategic plan; can inspire and motivate staff and community.</p> <p>B. Creates an environment where employees at all levels contribute their knowledge, skills, abilities and ideas in a way that maximizes their potential. Employee potential is not limited by divisional walls or job title. Appropriately delegates to others. Is a good judge of talent; hires the</p>	X	X[TM]	<p>Considering that Commissioner Moak and to a greater degree Commissioner Barnes were both found to have created a Hostile Work Environment at the Port of Kennewick Tim has done an amazing job of holding his staff together, encouraging them to perform to the best of their abilities while supporting them in every way possible while subjecting himself to retaliation tactics by Commissioners Moak and especially Commissioner</p>

best people available inside or outside the organization.			Barnes.[SN]
C. Creates a climate in which people want to do and can do their best; can motivate team or project members; empowers others; invites input and shares ownership and visibility. Makes each person feel his/her work is important.	X	X[TM]	Unfortunately, the work environment over the past several years created by Commissioners Barnes and Moak have prevented the Commission from accepting Tim's vision, knowledge and expertise.[SN]
D. Assists the Commission in defining its shared vision. Communicates that direction to the organization. Advises the Commission on challenges and threats to the Port's ability to be successful.	X	X[TM]	See above as responses to E.[SN] Tim has been relegated by Commissioners Barnes and Moak to a role not allowing him to perform per his delegation of authority.[SN]
E. Effectively manages staff relations consistent with port policies.	X	X[TM]	
F. Manages the administration and operations of the Port consistent with the delegation of authority as adopted and/or modified by the Board of Commissioners.	X	X[TM]	I didn't see much rallying behind a shared vision this year. Some of this can be attributed to COVID and the lack of ability to meet in person. I did not see much motivation and inspiration about Vista Field, not just with the commission, but also with the community. The Kennewick Waterfront, definitely more so. I think Tim did a good job there and there was good leadership. I think internally, Tim probably does a good job leading his staff—I know nothing to the contrary. However, in assisting the Commission in defining a shared vision, during this year, it was much less so. [TM] Being asked to provide one score when there are six different sub-items that deal with different aspects of leadership and management is difficult. How Tim leads or manages staff, I have no direct knowledge, other than what I observe in a public commission

			meeting.[TM]
<p>XIII. Initiative</p> <p>Self-starting ability. Promptly takes hold and follows through with minimum direction.</p>	XX		Tim without doubt has the initiative to perform but again has been stifled by Commissioners Barnes and Moak to adhering to their non-productive direction.[SN] Tim's getting the federal requests for projects quickly was done well.[TM]
<p>XIV. Courage</p> <p>Willingness to state opinions and reasons without concern about the popularity of the views. Forthrightness in dealing with customers, suppliers, and others in the organization.</p>	XX		See response to XIII above.[SN] Tim speaks up on issues when he thinks appropriate. He appropriately advises the commission on areas of sensitivity. I am unaware of any issues with Tim's forthrightness in dealing with customers, suppliers, and others in the organization.[TM]
<p>XV. Persuasiveness</p> <p>Ability to sell a sound course of action. Persuasive ability in oral and written presentations.</p>	XX		See response to XIII.[SN] While Tim does not put much in writing to the commission, his oral arguments are generally sound and persuasive.[TM]
<p>XVI. Adaptability</p> <p>Ability to adjust to changing conditions or unusual assignments. Flexibility in undertaking a variety of assignments, acceptance of decisions which go counter to own opinion.</p>	XX		Tim has had to become a master in flexibility not knowing what Commissioner Moak but particularly Commissioner Barnes may require of him yet will always do his best to comply with the direction given by the majority of the Commission.[SN] The federal request for suggestions for projects was new and ideas were cogently presented. The Port Audit was new, and Tim responded with hiring a trusted consultant to assist. The handing of issues with the Verbena property was unusual and dealt with appropriately within the constraints of the eviction moratorium.[TM]

Exhibit A

<p>XVII. <u>Stamina</u></p> <p>Physical vigor. Ability to stand up under heavy requirements including foreign or domestic travel.</p>	XX		<p>The working environment created by Commissioners Moak and Barnes has taken its toll on Tim's physical vigor, yet he has been able to approach each day working for the Port as if it has had no affect on him. Amazing![SN] I have no knowledge of any stamina issues. Because of the pandemic, there was no foreign or domestic travel.[TM]</p>
<p>XVIII. <u>Ambition</u></p> <p>Desire to get ahead and willingness to make sacrifices necessary for progress.</p>	X	X[TM]	<p>Tim has made more personal sacrifices for the Port of Kennewick than anyone of us could possibly list on paper.[SN] This is a year where I did not see enough demonstrated ambition by Tim to get all parts of the port's largest project, Vista Field, moving. There seemed to be a very slow walk towards opening a road, getting designs for the hangar buildings, and getting activity on the site, even absent property sales.[TM]</p>
<p>XIX. <u>Loyalty</u></p> <p>Understanding and acceptance of goals and policies of the organization. Willingness to support organization and management.</p>	XX		<p>Considering the environment created by Commissioners Barnes and Moak as written in responses above there is no sane reason his loyalty needs to be questioned.[SN] Tim understands and accepts the goals and policies of the organization and is willing to support organization and management.[TM]</p>
<p>XX. <u>Communications</u></p> <p>Effectiveness of exchanging significant information throughout all levels of the organization; with clients, vendors, and the public.</p>	XX		<p>Tim communicates very effectively with all levels of the organization who are willing to listen to him. He has no control over Commissioners who refuse.[SN] I don't have much knowledge of Tim's communication within the organization or with clients or</p>

			vendors but have heard nothing to the contrary. When the public has spoken at commission meetings, Tim has responded to questions appropriately.[TM]
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	Met	Not met	
XXI. <u>Listening</u> Interest in and ability to receive and process information accurately. Able to overcome personal biases or defensiveness in so doing.	XX		Excels at listening and accurately processing received information for the benefit of the Port of Kennewick.[SN] Tim generally listens well and processes information accurately. His tone of voice, when questioned, is less defensive and more helpful.[TM]

Additional Commissioner Comments: Perhaps I have been repetitive in my responses regarding the negative impact Commissioner Barnes and Commissioner Moak have had on Tim Arntzen and the Port of Kennewick. But I feel very strongly that the comments I have written need to be a part of Tim's record of employment at the Port. Frankly I have been embarrassed by the treatment given Tim, Port staff, our jurisdictional partners, and the public by Commissioners Barnes and Moak. I have observed Commissioner Moak's actions and listened to his words when dealing with others since the mid 1990's so his actions and words do not surprise me. Commissioner Barnes words and actions do surprise me. I advocated for him to be appointed to the Commission initially only now realizing I was mistaken thinking he was a team player. Tim is an outstanding, highly skilled, highly regarded CEO everywhere except by two people on the Commission he serves. He deserves better treatment as does his staff and with the change in the Commission composition after the first of

the year I believe he will once again take the Port of Kennewick to even greater heights of excellence while serving the taxpayers of the Port of Kennewick and those we partner with for their benefit.[SN] Tim does many good things for the Port and his self-appraisal lists quite a few of them. I don't quibble with the content of that self-appraisal, and I am proud of the work Tim and his team have done. Those accomplishments are real, and they stand as a reflection of the work accomplished during the year. I think work done on and around the Kennewick Waterfront was commendable, from the 1135 Corps of Engineers project to the Master Plan to the federal funding proposals. However, the port's #1 project, Vista Field, is moving too slowly and momentum has been lost. The Commission has never heard that Tim wanted to move faster, but that the commission was holding him up. The commission has not heard options or alternatives that could advance VF faster. Too many VF items remain incomplete—hangar design, owner's association, Vista Field team, road opening, vibrancy. Were it not for the slowness of Vista Field, I would have given Tim better marks. And if Vista Field were not the #1 priority, maybe it would not be so critical. I understand it was a trying year. But I can't say everything is great when there are areas of improvement needed. I still have confidence in Tim's ability to lead the Port and to move the Port forward and I anticipate good things ahead. Notes on the evaluation process: For the record, I think this is a lousy performance appraisal form, but because it is tied to the Manager's contract, it cannot be altered. As far as the self-appraisal is concerned, while I thought the writing of previous self-appraisals was sometimes "over-the-top", it did align with the categories that the commission was required to evaluate on.

This year's self-appraisal, while more factual and less dramatic, was more difficult to fit into the prescribed boxes. [TM]

***See attached Commissioner Barnes' evaluation and comments.**

Port of Kennewick:

DocuSigned by:
DN Barnes
By: _____
Date: 11/10/2021

I acknowledge that I have received a copy of the 2021 CEO Evaluation:

Chief Executive Officer:

DocuSigned by:
Tim Arntzen
Tim Arntzen

Date: 11/10/2021

Perf Eval (Rec'd via email from Commissioner Don Barnes on 11/5/21 at 11:52 am)

I. Vision and Purpose

“Collaborates with the Commission to advance the Port’s vision and purpose. Leads senior staff to develop a concise vision. Advocates the vision by strategic resource allocation toward attainment.”

When in peaceful times, his performance met my expectations. However, during times of division or dissent, his ability to work with the Commission fails to advance the Port’s vision and purpose.

II. Strategic Agility

“Is proactive; anticipates future trends, benefits and consequences; has broad knowledge and perspective; can objectively state possibilities and probabilities.”

Again, in peaceful times, his performance objectives are met. However, in times of polarization and division, he loses the ability to objectively state or objectively recognize the possibilities and probabilities. As an example, his decision to move ahead with an investigation into an anonymous citizen complaint that a judge later found to be unsubstantiated in its entirety.

III. Operating Plans

“A. Develops, maintains and implements strategic plans and operational goals that effectively brings the Port’s vision to fruition.

B. Critical performance elements are monitored to help assure effective and efficient operations and to identify opportunities for policies and procedures improvement.”

Performance objectives were mostly met during times of collaboration and cooperation. However, his decision to move forward with the investigation of the anonymous citizen complaint (ACC) did not result in effective and efficient operations. (ie a waste of ~\$450K of taxpayer dollars)

IV. Integrity

“Sets the tone for the Port by exemplifying consistent values and high ethical awareness, honesty and fairness.”

In tranquil times, his performance generally meets my expectations. In times of polarization and division (ie processing of the ACC) his integrity is well short of my expectations.

V. Financial Stewardship

A. Maximizes the Port’s ability to serve and expand the public purpose while maintaining taxation stability.

B. Administers the Port’s financial affairs consistent with state law and adopted policies, budget and financial guidelines.

In tranquil times, performance traits score very high. During the processing of the ACC, his decisions resulted in very poor overall stewardship of Port financial resources (~\$450K waste of taxpayer funds).

VI. Political and Institutional Sensitivity

A. Maneuvers through complex political and institutional situations effectively; anticipates potentially negative reactions, recommends and plans a course of action accordingly; views politics as a necessary part of organizational and public sector life and works to be effective within that reality. Unless otherwise not practical, obtains commission concurrence prior to publicly stating position.

B. Develops solutions to complex issues that challenge the Port’s ability to recognize its vision and purpose. Demonstrates sensitivity to resource availability when developing solutions.

More of the same here in that expectations were generally met during peaceful times. However, serious inadequacy and failure to meet expectations when it came to anticipating negative reactions and the course of action in investigating the ACC. In deciding to pursue this investigation, he completely failed to demonstrate sensitivity to resource availability.

VII. Stakeholder Relations

A. Leads the Port in building effective relationships with tenants, customers and community.

B. Effective relations are maintained with other governmental officials, community leaders, citizens, news media, etc., to resolve problems and complaints; to coordinate functions, to gain and provide information and to assemble outside assistance for Port activities.

My evaluation here is consistent with my evaluation in other areas.

VIII. Priority Setting

Spends time and the time of others on what is important; can quickly sense what will help or hinder accomplishing a goal; eliminates obstacles; creates focus.

Does well here during tranquil times, but has demonstrated troubling inadequacies, specifically in investigating the ACC, that resulted in performance that was closer to 180 degrees away from this objective.

IX. Knowledge

A. Knows how successful public ports work; knowledgeable in current and possible future practices, trends and information affecting port management, the port industry and our Port; knows the competition; is aware of how strategies and tactics work in the marketplace.

B. Maintains a favorable presence within the region, state and industry that results in an increased knowledge of initiatives, trends, practices and legislation that may affect the Port.

He has demonstrated broad, in depth knowledge of how ports work. However, this breadth and depth of knowledge is not always used to the benefit of the Port. (ie the processing of the ACC)

X. Decision Quality

Makes good decisions based on analysis, wisdom, experience and judgment; most solutions and suggestions turn out to be correct when judged over time.

Again, in tranquil times, excellent results here. However, in adverse times (ACC processing) he demonstrated a lack of judgement and decision making was very poor.

XI. Entrepreneurial

A. Demonstrates an entrepreneurial spirit by identifying ways to generate revenue, investment capital and maximizes the financial potential of existing port assets.

B. Brings recommended opportunities to the Commission's attention. Recommendations include financial projections, as well as potential public opinion concerns (risk/reward analysis).

Performance generally met expectations during peaceful, tranquil times.

XII. Leadership/Management

A. Rallies support behind the vision and strategic plan; can inspire and motivate staff and community.

B. Creates an environment where employees at all levels contribute their knowledge, skills, abilities and ideas in a way that maximizes their potential. Employee potential is not limited by divisional walls or job title. Appropriately delegates to others. Is a good judge of talent; hires the best people available inside or outside the organization.

C. Creates a climate in which people want to do and can do their best; can motivate team or project members; empowers others; invites input and shares ownership and visibility. Makes each person feel his/her work is important.

D. Assists the Commission in defining its shared vision. Communicates that direction to the organization. Advises the Commission on challenges and threats to the Port's ability to be successful.

E. Effectively manages staff relations consistent with port policies.

F. Manages the administration and operations of the Port consistent with the delegation of authority as adopted and/or modified by the Board of Commissioners.

Performance generally met expectations during peaceful, tranquil times.

XIII. Initiative

Self-starting ability. Promptly takes hold and follows through with minimum direction.

Mr. Arntzen does not lack for initiative.

XIV. Courage

Willingness to state opinions and reasons without concern about the popularity of the views. Forthrightness in dealing with customers, suppliers, and others in the organization.

In my opinion, Mr. Arntzen was not forthright when he decided to proceed with an investigation into an anonymous citizen complaint written by one Commissioner against the other two.

XV. Persuasiveness

Ability to sell a sound course of action. Persuasive ability in oral and written presentations.

Mr. Arntzen has demonstrated strong persuasive abilities.

XVI. Adaptability

Ability to adjust to changing conditions or unusual assignments. Flexibility in undertaking a variety of assignments, acceptance of decisions which go counter to own opinion.

If the goal is “acceptance of decisions which go counter to own opinion,” then Mr. Arntzen demonstrated a complete inability to meet that goal when he made the decision to proceed with the ACC investigation.

XVII. Stamina

Physical vigor. Ability to stand up under heavy requirements including foreign or domestic travel.

My expectations for Mr. Arntzen in the area of stamina have generally been met.

XVIII. Ambition

Desire to get ahead and willingness to make sacrifices necessary for progress.

Mr. Arntzen meets my expectations for performance in the area of ambition.

XIX. Loyalty

Understanding and acceptance of goals and policies of the organization. Willingness to support organization and management.

With respect to loyalty, it is the opinion of this evaluator that Mr. Arntzen places his self interests ahead of the interest of the organization in far too many instances.

XX. Communications

Effectiveness of exchanging significant information throughout all levels of the organization; with clients, vendors, and the public.

Generally speaking, performance expectations have been met in the area of communications during peaceful, tranquil times. However, during times of divide and polarization, his performance is woefully inadequate. He has

demonstrated an outright unwillingness to communicate effectively in an effort to bridge divides.

XXI. Listening

Interest in and ability to receive and process information accurately. Able to overcome personal biases or defensiveness in so doing.

In instances where Mr. Arntzen disagrees with positions on the Commission, he has become defensive, combative, and even defiant in refusing to respond to questions and refusing to provide the information requested by the Commission. A recent example was his defensive, combative reaction to Commissioner Moak's request for more information about when roads would open in Vista Field. Commissioner Moak sought information about when a road might open, and Mr. Arntzen took the opportunity to elevate the issue to an accusation that Commissioner Moak wanted Mr. Arntzen to take paid time away from an employee.

Additional Commissioner Comments:

From the beginning of my initial term at the POK, the general over-arching theme has been one of collaboration, cooperation, mutual respect for all and a team willing to work to overcome obstacles. And there certainly were challenges such as whether or not to close Vista Field. The Port team was able to work together and to collaborate with community partners to arrive at a decision that was genuinely in the best interest of the citizens and taxpayers.

All of this pretty much stayed in place until Jan of 2019 when questions arose regarding details behind a proposed land transaction and everything changed!

Mr. Arntzen's performance failed to meet my expectations when he:

1. Brought a matter to the Port Commission with inadequate information and requested a decision (in a pre-prepared resolution) without adequate information
2. Refused, in a combative, defensive, defiant response, to provide more information about this matter
3. Refusal to diffuse the differences in a civil, professional manner

4. Taking a (opposite of forthright) path to put forward an anonymous citizen compliant that effectively silenced two of three elected Commissioners for two years, and a colossal waste of taxpayer resources on an investigation into a complaint that was found to be unsubstantiated in its entirety.

When the Port needed its CEO to be the collaborator, the consensus broker, and when the port needed that person most, he was not only absent but decided to go forward with an investigation of the ACC written by one Commissioner against the other two. This decision, in my opinion, was very much to the detriment of the port and its citizens and taxpayers.

I believe a review of past CEO performance evaluations will show that I consistently gave high marks to Mr. Arntzen from my beginning term up to 2019. Again, the overall environment at the port was one of cooperation and collaboration - working together even through very challenging times to reach consensus to best serve the citizens and taxpayers. However, the decision by Mr. Arntzen to proceed with the ACC investigation changes everything in my opinion. When the Port needed Mr. Arntzen most, he was not only absent, but went further away from Port goals and objectives by taking a more damaging and detrimental path - one which resulted in long term damage at the Port and a waste of \$450k of taxpayer monies. In my opinion, Mr. Arntzen's relationship with the Port should be terminated as soon as possible.