

**CITY OF RICHLAND DEVELOPMENT SERVICES DIVISION
STAFF REPORT TO THE HEARING EXAMINER**

GENERAL INFORMATION:

PROPOSAL NAME: Villa Vista Townhomes - Preliminary Plat

LOCATION: North side of Trowbridge Boulevard, approximately 1,050-feet east of Dallas Road in the Badger Mountain South master planned community (APN 1-32982BP4732021)

APPLICANT: Nor Am Investment, LLC c/o Geoff Clark

FILE NO.: S2021-102 - Remand

DESCRIPTION: Request to subdivide 13.31 acres into 68 residential lots allowing for the development of attached single-family townhomes

PROJECT TYPE: Type III Preliminary Plat

HEARING DATE: October 10, 2022

REPORT BY: Mike Stevens, Planning Manager

RECOMMENDED ACTION: Approval subject to completion of proposed conditions

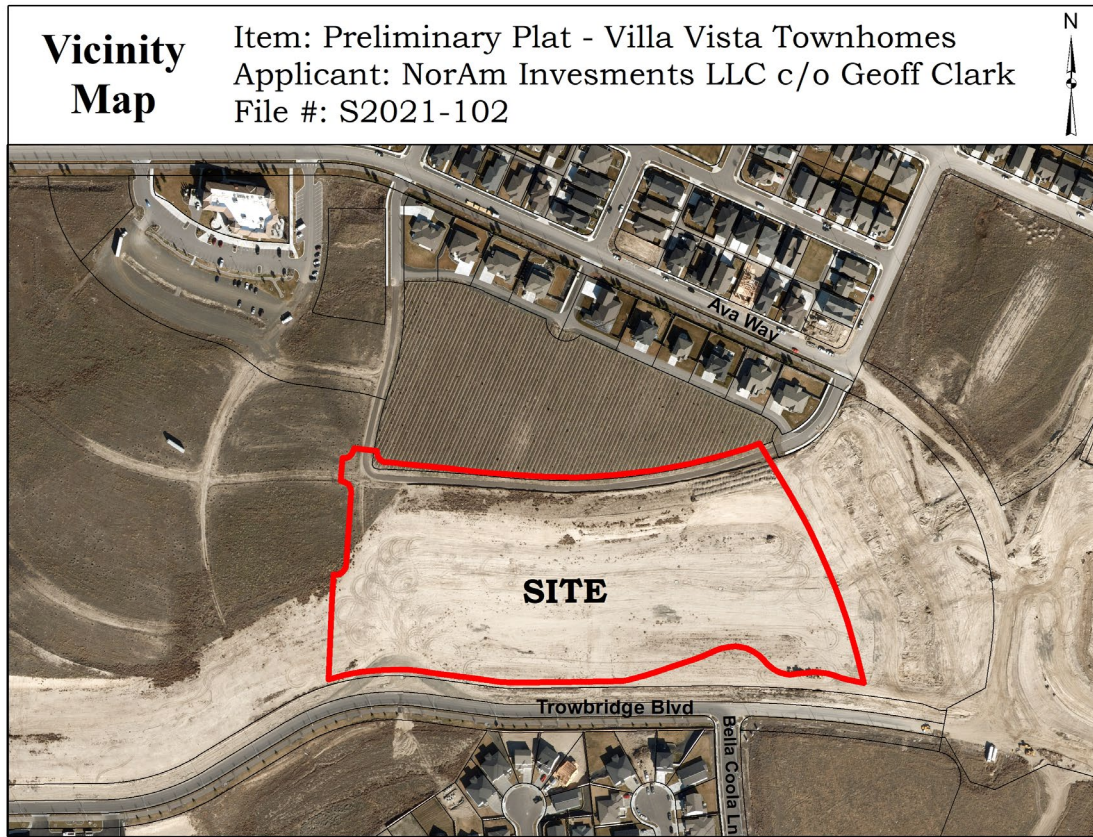


Figure 1 - Vicinity Map

PROJECT HISTORY

On June 14, 2021 the Richland Hearing Examiner conducted a public hearing in regard to the proposed preliminary plat commonly referred to as Villa Vista Townhomes (S2021-102). The proposal was to divide approximately 13.31 acres into 68 single-family residential lots and four (4) tracts. The plat proposed the creation of four residential blocks with two (2) looped private shared driveways together with four (4) tracts for small parking lots designated for guest parking.

On September 29, 2021 the Richland Hearing Examiner issued his decision on the proposed preliminary plat. The Hearing Examiner remanded the item back to the applicant and reopened the public hearing in order for the applicant to make modifications and corrections to the proposal necessary to demonstrate compliance with applicable city codes and policies, including without limitation those that fully satisfy applicable provisions of city codes and BMS LUDR provisions; and those that will be based upon a final, approved TIA, for projects in the BMS community.

This staff report supplements the staff report for the June 14, 2021 public hearing and is intended to address the remand order for which this new public hearing is required. Staff has purposely not re-written and included the original analysis provided in the first staff report as it pertains to the site's location, zoning, comprehensive plan designation, etc. Furthermore, staff has not prepared any additional Findings of Fact or Conclusions of Law as the Hearings Examiner has the original staff report and will undoubtedly want to create their own Findings of Fact and Conclusions of Law based upon their final decision.

REMAND ORDER

The Hearing Examiner concluded that the application/proposal could not be approved unless it complied with applicable LUDR provisions and identified specific transportation improvements that would be in place at the time of occupancy, or an appropriate financial commitment in place to complete such improvements within six years of approval. Specifically, the Hearing Examiner indicated that the applicant had not demonstrated how their application fulfilled the intent of the Specialty Retail District, nor were the specific transportation improvements needed for this project identified and confirmed by City engineers. So, rather than deny the application, the Hearing Examiner remanded the item back to the applicant/developer in order to address issues concerning the Badger Mountain South TIA and the Badger Mountain South LUDR, specifically in regards to how the proposal meets the overall intent of the Specialty Retail District.

In response to the Hearing Examiner's Remand Order the applicant has provided a detailed response letter (Exhibit 13), revised preliminary plat map (Exhibit 14), as well as a supplemental Master Agreement Consistency Recommendation (MACR) for the Villa Vista preliminary plat (Exhibit 15).

In regard to the Traffic Impact Analysis (TIA), the applicant indicates that the City Traffic Engineer will provide a letter outlining traffic mitigations required for this project as required in the Master Agreement Section 7.2. While it does not appear that the City Traffic Engineer has provided a letter, the conditions of approval provided by Public Works indicates that the development is subject to the Traffic Impact Fee Program, which results in new developments having to pay a proportionate share towards established traffic mitigation projects. In this case, the new development(s) will be paying towards the mitigation projects set forth in the new Traffic Impact Analysis for the Badger Mountain South region, thus fulfilling the transportation mitigation requirements.

In regard to the LUDR and Intent of the Specialty Retail District, the applicant has responded by stating that the original "intent" of the Specialty Retail District (BMS-SD-SR) was developed in conjunction with the City of Richland and the Port of Kennewick as part of the overall Master Agreement and that the Port of Kennewick and the City of Richland failed to uphold their end of the agreement

while Nor Am worked in good faith to fulfill their obligation by developing the master plan, mass grading the site, conducting an effluent water study for wine making operations, selling seven (7) acres of the Specialty Retail District to Goose Ridge Winery to grow wine grapes and worked on a student-participation partnership with the Washington State University's Viticulture Program.

The applicant indicates that the LUDR outlines various land uses allowed by district in LUDR 2.C, Land Use Table. Furthermore, the applicant believes that the Master Agreement allows for flexibility in the type of and timing of development based upon market conditions (Section 4.1.11 of the Master Agreement). As a result, the applicant argues that while the proposed development does not comply specifically with the "intent" it does comply with the Master Agreement and LUDR and that based upon Section 8.1 of the Master Agreement "if a development application is consistent with the Master Agreement, it shall be approved."

In addition, the applicant argues that the Hearing Examiner has misinterpreted the requirement for site-plan review outlined in LUDR Section 1.J. While LUDR Section 1.J does require a site plan review, it also refers to RMC 23.48 (Exhibit 21), which specifically exempts the formal site plan review process for Planned Unit Developments (RMC 23.48.050) and since the Badger Mountain South community is a Planned Unit Development, the site plan review process occurs during the review by the Master Plan Administrator (MPA) and subsequent issuance of a MACR to the City of Richland, not during a separate site plan review process.

REVISED PROJECT

The revised preliminary plat map has been modified to include several design features which will help meet the requirements outlined in LUDR Section 8.C. Those modifications include:

1. Tract 69 to consist of 9,695 s.f. of parking, primary trail and landscaping;
2. Tract 70 to consist of 3,576 s.f. of parking and landscaping;
3. Tract 71 to consist of 5,121 s.f. of parking and landscaping;
4. Tract 72 to consist of 10,632 s.f. of landscaping and secondary trail (open space along NE property line); and
5. Tract 73 to consist of 2,696 s.f. of landscaping and primary trail (mid-block crossing between Bellaview and Sotto St.).

Each of these Tracts are to be classified as Civic by the LUDR.

STAFF ANALYSIS

Staff acknowledges that the LUDR provides an "intent" for the Specialty Retail District. However, it is not clear to staff how the "intent" of a district can dictate the layout of lots within land proposed for subdivision. How the land is intended

to be used is ultimately decided by the list of allowed uses within each of the different districts. In this particular case, while the developer had originally intended the land to be used for a “wine village”, the list of allowed uses specifically allows residential uses such as single-family and multi-family with a caveat that multi-family housing includes the following Building Types – Live/work; Row house; Commercial/Mixed-use/Liner over commercial and Stacked Units. Without having a disclaimer limiting the amount of Specialty Retail District that can be used for residential purposes the Specialty Retail District Standards (LUDR 4.A.2) serve as the governing section which should be used for the future development of the properties. Staff concludes that the “standards” provide the design criteria that shall be met, not the “intent” section. This is further exemplified by LUDR 1.C.a, which states:

The LUDR, when accompanied with the other Master Agreement conditions, is designed to establish a set of City regulations that are specific to the Badger Mountain South Master Plan Community. As such, these more specific regulations regarding zoning districts, allowable land uses, permit requirements for allowable land uses, and site design and development standards, will be used instead of the corresponding regulations for other parts of the City.

Finally, LUDR 1.C.10 states:

The LUDR is intended to be a living document that will evolve to meet market and site conditions as well as ensure the project is constructed in the desired sustainable, walkable, and green manner.

PUBLIC NOTICE

Application Date:	June 17, 2022
Notice of Hearing Mailed:	July 22, 2022
Notice of Hearing Posted:	July 25, 2022
Notice of Hearing Published:	August 23, 2022
Public Hearing:	*August 18, 2022

*(Continued to September 12, 2022 and subsequently continued to October 10, 2022)

A combined notice of application and public hearing was provided by mailing notices to property owners within 300 feet. Public hearing notices were distributed through posting of the property, mailing of notice to property owners within 300 feet of the site and publication in the *Tri-City Herald* newspaper. Copies of the notices and affidavits are included in Exhibit 18.

SEPA

A Supplemental Final Environmental Impact Statement was completed for this site at the time the City adopted a subarea plan for the Badger Mountain South area in 2010. The property was annexed at that time and the City adopted a

Planned Action Ordinance (19.50 RMC, Exhibit 7 – original staff report). The effect of the Planned Action Ordinance is that standard SEPA review is not required, provided that any project proposed within the boundaries of the master planned community is consistent with the master plan and with the mitigation measures identified in the adopted SEPA documents. Projects determined to be consistent with the subarea plan, the master agreement between the City and Nor Am Investment and the mitigation measures enumerated in the adopted SEPA documents are issued a Planned Action Consistency Determination (PACD). The City issued a PACD for the revised application on July 19, 2022 (Exhibit 17).

PUBLIC COMMENTS

Owners of properties within 300-feet of the plat site were directly notified of the project by way of USPS mailing. At the time this report was prepared, city staff received numerous comment letters from the general public regarding the proposed plat. Public comments are incorporated into this report as Exhibit 19. The general underlying theme from the public is that they would like the applicant/developer to remain committed to establishing a wine-village in this location and that constructing townhomes would defeat the intent of the Specialty Retail District.

AGENCY COMMENTS

A variety of public agencies and City departments were given an opportunity to comment on the proposal. Comments from the Richland Public Works have been incorporated into the list of approval conditions inserted at the end of this report and all other comments received are included as part of Exhibit 20.

RECOMMENDED CONDITIONS

Should the Hearing Examiner decide to approve the proposed preliminary plat staff has included a list of recommended conditions which are included at the end of this report.

FINDINGS AND CONCLUSIONS

Staff has completed its review of the preliminary plat application for the Villa Vista Townhomes preliminary plat (S2021-102) and recommends approval of the request subject to conformance with the following conditions of approval:

Pre-Plat Specific Conditions

1. The preliminary plat is not showing any phase lines. Phasing is not required but if the project is to be phased during construction phasing lines need to be shown on the pre-plat map.

2. Street names are not reviewed or vested until construction plans are submitted for review. The street names included on the pre-plat may not be approved or available during the construction plan review process.

General Conditions:

3. All final, approved plans for public improvements shall be submitted prior to pre-con on a 24" x 36" hardcopy format and also electronically in .dwg format compatible with the City's standard CAD software. Addendums are not allowed, all information shall be supplied in full size (and electronic) format. Electronic copies of the construction plans are required prior to the pre-con meeting along with the multiple sets of paper drawings. When construction of the public infrastructure has been substantially completed, the applicant shall provide paper and electronic record drawings in accordance with the City's "Record Drawing Requirements". The electronic record drawings shall be submitted in an AutoCAD format compatible with the City's standard CAD software. The final record drawings shall be submitted and approved by the City before the final punchlist inspection will be performed. All final punchlist items shall be completed or financially guaranteed prior to recording of the final plat.
4. A copy of the construction drawings shall be submitted for review to the appropriate jurisdictions by the developer and his engineer. All required comments / conditions from all appropriate reviewing jurisdictions (e.g.: Benton County, any appropriate irrigation districts, other utilities, etc.) shall be incorporated into one comprehensive set of drawings and resubmitted (if necessary) for final permit review and issuance. Any and all necessary permits that may be required by jurisdictional entities outside of the City of Richland shall be the responsibility of the developer to obtain.
5. Any work within the public right-of-way or easements or involving public infrastructure will require the applicant to obtain a right-of-way construction permit prior to beginning work, per RMC Chapter 12.08. The applicant shall pay a plan review fee based on a cost-per-sheet of engineering infrastructure plans. This public infrastructure plan review fee shall apply each time a project is submitted for review. This fee will be different for commercial projects versus subdivision projects. Please visit the Public Works Private Development page on the City's webpage to find the current per-sheet fee. A permit fee in the amount equal to 3% of the construction costs of the work within the right-of-way or easement will be collected at the time the construction permit is issued. A stamped, itemized Engineers estimate (Opinion of probable cost) and a copy of the material submittals shall be submitted along with the approved plan submittal.

6. Public utility infrastructure located on private property will require recording of a City standard form easement prior to acceptance of the infrastructure and release of the final plat. The City requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of plat acceptance. Once received, the City will prepare the easement document and provide it to the developer. The developer shall record the easement at the Benton County Assessor and return a recorded original document to the City prior to application for final plat acceptance.
7. A pre-construction conference will be required prior to the start of any work within the public right-of-way or easement. Contact the Public Works Engineering Division at 942-7500 to schedule a pre-construction conference.
8. All plan sheets involving construction of public infrastructure shall have the stamp of a current Washington State licensed professional engineer.
9. A copy of the preliminary plat shall be supplied to the Post Office and all locations of future mailbox clusters approved prior to final platting.

Design Standards:

10. Public improvement design shall follow the following general format:
 - A. All materials and workmanship shall be in conformance with the latest revision of the City of Richland Standard Specifications and Details, Public Infrastructure Design Guidelines and the current edition of the State of Washington Standard Specifications for Road, Bridge, and Municipal Construction. Please confirm that you have the latest set of standard specs and details by visiting the City's web page.
 - B. Fire hydrant location shall be reviewed and approved by the City Fire Marshal.
 - C. All utilities shall be extended to the adjacent property (properties) at the time of construction.
 - D. The minimum centerline finish grade shall be no less than 0.30% and the maximum centerline finish grade shall be no more than 10.0% for local streets. 12% can be allowed for local streets for short distances.
 - E. The minimum centerline radius for local streets shall be 100-feet.
 - F. Final design of the public improvements shall be approved at the time of the City's issuance of a Right-of-way Construction Permit for the proposed construction.
 - G. All public improvements shall comply with the State of Washington and City of Richland requirements, standards and codes.

- H. The contractor shall be responsible for any and all public infrastructure construction deficiencies for a period of one year from the date of the letter of acceptance by the City of Richland.
11. If the project will be built in phases the applicant shall submit a comprehensive master plan for the sanitary sewer, domestic water, storm drainage, electrical, street lighting and irrigation system for the entire project prior to submitting plans for the first phase to assure constructability of the entire project. This includes the location and size of any storm retention ponds that may be required to handle runoff.
12. If the City Fire Marshal requires a secondary emergency vehicle access, it shall be included in the construction plan set and be designed to the following standards:
- A. 2-inches compacted gravel, minimum (temp. SEVAs only).
 - B. 2% cross-slope, maximum.
 - C. 5% slope, maximum. Any access road steeper than 5% shall be paved or be approved by the Fire Marshal.
 - D. Be 20-feet in width.
 - E. Have radii that are accommodating with those needed for City Fire apparatus.

Secondary emergency vehicles accesses (SEVA's) shall be 20-feet wide, as noted. Longer secondary accesses can be built to 12-feet wide with the approval of the City of Richland Fire Marshal, however turn-outs are required at a spacing acceptable to the Fire Dept. Temporary SEVA's shall be constructed with 2-inches of compacted gravel, at a minimum. Permanent SEVA's shall be paved with 2-inches of asphalt over 4-inches of gravel, at a minimum.

13. SURVEY MONUMENT DESTRUCTION:

All permanent survey monuments existing on the project site shall be protected. If any monuments are destroyed by the proposed construction the applicant shall retain a professional land surveyor to replace the monuments and file a copy of the record survey with the City.

- A. No survey monument shall be removed or destroyed (*the physical disturbance or covering of a monument such that the survey point is no longer visible or readily accessible*) before a permit is obtained from the Department of Natural Resources (DNR). WAC 332-120-030(2) states "It shall be the responsibility of the governmental agency or others performing construction work or other activity (including road or street resurfacing projects) to adequately search the records and the physical area of the proposed construction work or other activity

for the purpose of locating and referencing any known or existing survey monuments.” (RCW 58.09.130).

- B. Any person, corporation, association, department, or subdivision of the state, county or municipality responsible for an activity that may cause a survey monument to be removed or destroyed shall be responsible for ensuring that the original survey point is perpetuated. (WAC 332-120-030(2)).
- C. Survey monuments are those monuments marking local control points, geodetic control points, and land boundary survey corners. (WAC 332-120-030(3)).

When a monument must be removed during an activity that might disturb or destroy it, a licensed Engineer or Land Surveyor must complete, sign, seal and file a permit with the DNR.

It shall be the responsibility of the designing Engineer to identify the affected monuments on the project plans and include a construction note directing them to the DNR permit.

Traffic & Streets:

- 14. The Villa Vista Townhome preliminary plat is subject to the City’s traffic impact fee program (RMC 12.03). Since this property is included within the traffic impact fee program, and since staff analysis and the draft Badger Mountain South Traffic Impact Analysis indicates the project will not create impacts requiring traffic mitigation outside of the plat boundaries, therefore no offsite improvements are required for this plat.
- 15. As shown on the preliminary plat application, both Bellaview Avenue and Syrah Avenue appear to be reconstructed and dedicated as public streets, based on the right of way widths indicated. The City supports this as the best approach to providing a well-designed system of public street access to this and adjacent parcels. At their existing connections to Ava Way both Bellaview Ave. and Syrah Ave. are currently established as privately owned tracts, but it is indicated on the pre-plat that these will be improved and dedicated for public access purposes. These improvements shall meet public street standards.
- 16. A note will be shown on the face of the final plat stating that Trowbridge Blvd. is classified as a “Minor Arterial Street”. Subsequently, no driveways accessing parcels will be allowed directly onto it.
- 17. Any roads narrower than 32-feet shall have parking restricted on one side, and any roads narrower than 27-feet shall have parking restricted on both

- sides. Street signs indicating restricted parking shall be installed prior to final platting at the developer's expense. The restricted parking areas shall be indicated on the construction plans and the final plat. All signage will be installed by the developer prior to final platting.
18. Sidewalks shall be installed along all public right-of-way frontages that building lots do not front on during construction of those phases (e.g., storm drainage ponds, parks, parking areas, etc.).
 19. The developer and his engineer shall demonstrate on the construction plans that all future driveway entrances, sidewalks and pedestrian ramps will meet City and ADA requirements.
 20. Pedestrian ramps shall be designed to current City Standard Details and PROWAG Standards to be compliant with federal ADA Standards. Adequate right-of-way shall be provided at corners to allow for at least 1-foot of ROW behind the concrete ped. ramp landing. Crosswalks between pedestrian ramps shall be designed to City standards. Crosswalks at stop-controlled intersections shall have cross-slopes less than 2%. Crosswalks crossing thru-streets shall have cross-slopes less than 5%. The road profile shall be designed to accommodate this.
 21. The vision-clearance triangle needs to be shown on all corner lots on both the construction plans and the final plat document, in accordance with RMC Chapter 12.11.020. If the intersection is in a curve, it will have to be evaluated per AASHTO guidelines. This information may need to be designed by the engineer of record and supplied to the surveyor of record for inclusion into the final plat document.
 22. All roads shall be constructed to provide for adequate fire truck & solid waste collection truck access & turning movements, including turnaround. No solid waste vehicle will be allowed to back more than 50-feet after accessing a waste receptacle.
 23. If the project is to be constructed in phases, all dead-end streets longer than 150-feet that will be continued later need to have temporary turnarounds built at the end of them. If the temporary turnaround is not located within the final plat an easement with a 50-foot radius will be required.

Domestic Water:

24. The closest available watermain is located in Trowbridge Blvd. to the south, and in the 4-Plex project to the east. It shall be the responsibility of the developer to extend a watermain from both of these locations onto this property to serve domestic water at the time of plat construction. This water

- main shall be sized to adequately supply domestic water and fire flows to the proposed development and other, future developments to the west and north.
25. In accordance with municipal code, domestic water mains shall be extended to the adjoining properties adjacent to the preliminary plat, provided they are in the correct pressure zone.
 26. The developer will be required to demonstrate that all phases are capable of delivering adequate fire flows prior to construction plans being accepted for review. This may require looping of the watermain from off-site locations or oversizing of the main where needed.
 27. The fire hydrant layout shall be approved by the City Fire Marshal.
 28. In accordance with Richland Municipal Code Chapter 18.16.080, an irrigation source and distribution system, entirely separate from the City's domestic water system, shall be provided for this development. *Construction plans will not be accepted for review until adequate and viable proof of an irrigation source is made available by the developer.* The designing Engineer shall submit plans for the proposed irrigation system to the Irrigation District with jurisdiction over the property at the same time that they are submitted to the City for construction review. Plans shall be reviewed and accepted by said irrigation district prior to issuance of a Right-of-Way permit by the City. Easements shall be provided on the final plat for this system where needed.

Sanitary Sewer:

29. There is an existing sanitary sewer main crossing this proposed development. It shall be the responsibility of the developer to provide easements where necessary, and to adjust all existing sewer appurtenances to finished grade per city standards. A 10-foot wide exclusive sanitary sewer easement shall be provided for any sewer main that is outside of the public Right-of-Way. Wider easements are required for mains that are buried deeper than 10-feet. If any manholes are located outside of the public Right-of-Way, maintenance truck access to said structure may be required.
30. Sanitary sewer shall be extended to the adjoining properties adjacent to the preliminary plat.

Storm Water:

31. All construction projects that don't meet the exemption requirements outlined in Richland Municipal Code, Section 16.06 shall comply with the requirements of the Washington State Department of Ecology issued Eastern Washington NPDES Phase II Municipal Stormwater Permit. The Developer shall be responsible for compliance with the permit conditions. All construction activities subject to this title shall be required to comply with the standards and requirements set forth in the Stormwater Management Manual for Eastern Washington (SWMMEW) and prepare a Stormwater Site Plan. In addition, a Stormwater Pollution Prevention Plan (SWPPP) or submission of a completed erosivity waiver certification is required at the time of plan submittal. The City has adopted revised standards affecting the construction of new stormwater facilities in order to comply with conditions of its NPDES General Stormwater Permit program. This project, and each phase thereof, shall comply with the requirements of the City's stormwater program in place at the time each phase is engineered.
32. All public storm drainage systems shall have their flow rate and storage capacity designed by a professional engineer following the core elements defined in the latest editions of the Stormwater Management Manual for Eastern Washington, the current Richland municipal codes, the Phase II Municipal Stormwater Permit, and the City's "Public Infrastructure Construction Plan Requirements and Design Guidelines". The storm water calculations shall be stamped by a professional engineer and shall include a profile of the storm system showing the hydraulic grade line. The calculations should include an accurate delineation of the contributing drainage area to accurately size the stormwater facilities. Passing the storm water downhill to an existing storm system will require an analysis of the downstream storm system to determine its capability of accepting the storm water without being overwhelmed. The applicant's design shall provide runoff protection to downstream property owners.
33. If any existing storm drainage or ground water seepage drains onto the proposed site, said storm drainage shall be considered an existing condition, and it shall be the responsibility of the property developer to design a system to contain or treat and release the off-site storm drainage.
34. If there are any natural drainage ways across the proposed pre-plat, the engineered construction plans shall address it in accordance with Richland Municipal code 24.16.170 ("Easements-watercourses").
35. Any proposed storm drainage retention facilities within the boundary of the proposed preliminary plat shall not adversely affect neighboring properties.

36. Prior to or concurrent with the submittal of the first phase the developer shall provide a Geotechnical report including the percolation rate of the soils in the area of any storm retention ponds. If the project constructs a storm retention pond then the engineer will need to demonstrate that the pond will drain itself within 72 hours after the end of a storm event, and not have standing water in it longer than that. Engineering solutions are available for retention ponds that do not percolate within 72 hours.
37. As per RMC chapter 24.20.070 and the City of Richland's Comprehensive Stormwater Management Plan, the storm drainage system installed as part of this plat may need to be oversized in order to handle the additional flow from future developments in the vicinity. The storm drainage system for this development, both its conveyance and retention / infiltration components, shall be designed to effectively manage runoff from upstream properties that can be anticipated to convey stormwater onto this property because of a pre-development runoff condition, or as a result of flows discharged that are in excess of the design storm from the upstream property. Additionally, as this property is upslope of developed properties the stormwater system shall include provisions for possible discharge of runoff onto downslope properties from storms in excess of the design storm as described above. Those provisions may be required to include off-site downslope conveyance facilities and/or flowage easements allowing for the conveyance of stormwater to and across downslope properties.
38. The amount of post-development storm runoff from the proposed site shall be in compliance with RMC Chapter 16.06.
39. Stormwater collection pipes may need to be extended to the adjoining properties adjacent to the plat.
40. The parcel occupied by the stormwater basin shall be identified as a separate parcel or tract on the final plat and shall be dedicated to the City stormwater utility. The design of the basin shall include access features meeting the city's needs for maintenance.
41. The developer shall consider the long-term appearance of the storm basin, particularly if it will occupy a prominent location in the development. The City's typical storm pond maintenance practices consist of semi-annual vegetation trimming and silt and debris removal. If the pond location is deemed by City staff as being in a prominent location the developer shall design and install fencing and/or landscaping to mitigate the pond's visible character for the surrounding properties. If the City requires this type of treatment to the pond site the developer may propose landscaping treatments consistent with the development and establish

maintenance responsibilities to remain with the development. These maintenance responsibilities shall be noted on the final plat. Basins designed as detention and evaporative basins need to include plantings that will tolerate or thrive in standing water. Planting designs for areas not routinely exposed to water shall include plants that will thrive without irrigation unless the developer intends to maintain an irrigated pond site. At a minimum the landscaping plan should be consistent with the City's intended maintenance standard as described above.

42. The developer shall be responsible for landscaping the storm pond and for its maintenance and the plantings through the one-year infrastructure warranty period. At 11 months after the final acceptance date the developer shall clean the storm system and basin of all accumulated oil, sediment, and debris. After this maintenance is completed and inspected the City will begin routine maintenance of the system and basin. The developer shall replace any plantings that have failed to survive the warranty period. The developer shall also perform trimmings required to control weeds in excess of 18-inches in height for the 12-months following the date of final plat acceptance.

Solid Waste:

43. Due to limited space and tight corners, all lots that take access off of a private drive may have to transport their garbage cans to a location acceptable for solid waste pick-up.

Final Platting Requirements:

44. When the construction is substantially complete a paper set of "record drawings" shall be prepared by a licensed surveyor and include all changes and deviations. Please reference the Public Works document "RECORD DRAWING REQUIREMENTS & PROCEDURES" for a complete description of the record drawing process. All final punchlist items shall be completed or financially guaranteed prior to recording of the final plat
45. Public utility infrastructure located on private property will require recording of a City standard form easement prior to acceptance of the infrastructure and release of a certificate of occupancy. The City requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of final acceptance. Off-site ("third party") easements or right-of-way for City infrastructure are the responsibility of the developer to obtain. Once received, the City will prepare the easement document and provide it to the developer. The developer shall record the easement at the

Benton County Assessor and return a recorded original document to the City prior to application for final occupancy.

46. Any off-site easements or permits necessary for this project shall be obtained and secured by the applicant and supplied to the City at the time of plat construction and prior to final plat acceptance by the City.
47. Ten-foot wide public utility easements will be required on the final plat along both sides of all right-of-ways within the proposed plat. They will also be required where the plat is adjacent to an existing right-of-way.
48. The vision-clearance triangle needs to be shown on all corner lots on the final plat document, in accordance with RMC Chapter 12.11.020.
49. The final plat shall include notes identifying all common areas including the private streets and tracts and acknowledging the ownership and maintenance responsibility by the homeowners association. A note shall be added to the face of the final plat that states: *"The private drives are for the use and benefit of the homeowners that abut said roads, and are to be maintained by said owners. The City of Richland accepts no maintenance responsibility for these private drives"*.
50. A note shall be added to the face of the plat that states: *"The private drives within this plat are fire lanes and parking is restricted. The required no-parking signs shall be installed by the developer where applicable."*
51. Any roads narrower than 32-feet shall have parking restricted on one side, and any roads narrower than 27-feet shall have parking restricted on both sides. Street signs indicating restricted parking shall be installed prior to final platting at the developer's expense. The restricted parking areas shall be indicated on the final plats.
52. All landscaped areas within the plat that are in the public Right of Way shall be the responsibility of the property owners to maintain.
53. A one-foot "No access / screening easement" will be required along the Trowbridge Blvd. Right of Way.
54. The intended use and ownership of all tracts within the plat shall be noted on the final plat.
55. Property with an unpaid L.I.D. assessment towards it must be paid in full or segregated per Richland Municipal Code 3.12.095.

EXHIBIT LIST (Numbering continued from first staff report)

13. Applicant Narrative Regarding Remand Order
14. Updated Preliminary Plat
15. Updated Master Agreement Consistency Recommendation (MACR)
16. Updated Master Agreement Consistency Determination (MACD)
17. Updated Planned Action Consistency Determination (PACD)
18. Public Notices & Affidavits
19. Public Comments
20. Agency Comments
21. RMC 23.48
22. Continuance Request (September 12, 2022 to October 10, 2022)

Exhibit 13

Applicant Response to Remand Order by the Hearing Examiner (File Number S2021-102)

The responses below pertain to the Discussion of Relevant Facts and Legal Authority numbers 8 – 13 and 14 contained within the Remand Order dated September 29, 2021.

8. The City of Richland Traffic Engineer will provide a letter outlining the traffic mitigations required for this project as required in the Master Agreement Section 7.2.
9. See response to #8 above
10. See response to #8 above
11. See response to #8 above
12. See response to #8 above
13. The original “intent” of the Specialty Retail District (BMS-SD-SR) was developed in conjunction with the City of Richland and the Port of Kennewick. The following section from the Master Agreement between Nor Am and the City of Richland outlines how the original intent was created:

16. CITY’S CONTRIBUTION TO SPECIAL DISTRICT-SPECIALTY RETAIL IMPROVEMENTS.

16.1 The Port of Kennewick is considering investing in the Specialty Retail District in Badger Mountain South in order to construct a world class pedestrian-oriented destination village, which will include numerous uses related to the agricultural products of the region, including wines and grapes (See LUDR, Exhibit C). It is also intended to include class rooms, meeting areas, hotel, restaurants, and other related uses, all centered around a common pedestrian corridor. The City is also desirous of investing funds to stimulate tourism and economic development. If the City invests lodging tax revenues in improvements to this district in order to stimulate tourism, then the amount of lodging taxes generated from Badger Mountain South shall not be used in the annual revenue calculation required by paragraph 15.2.

16.2 The parties intend to enter into further agreements regarding the preparation of a master site plan for the specialty retail area, and the design and construction of certain improvements within the specialty retail area, including a business incubator building, a public meeting area, and related public facilities. It is contemplated that that the agreement will be a three party agreement between the City, the Port of Kennewick, and Nor Am and will include an investment by all parties.

16.3 It is anticipated that the Master Site Plan will be completed by September, 2011, and construction will occur in 2012 and 2013.

Nor Am, the City of Richland, and The Port of Kennewick developed the intent of the Specialty Retail District as a wine village during the creation of the Master Agreement and the LUDR. Nor Am worked in good faith to fulfill their obligation under this agreement by developing the master plan, mass grading the site, conducting a effluent water study for wine making

operations, selling 7 acres of the Specialty Retail District to Goose Ridge Winery to grow wine grapes, and working on a student-participation partnership with the Washington State University's Viticulture Program. Nor Am worked in good faith to develop the intent of this district based on the Master Agreement.

The City of Richland and the Port of Kennewick did not enter into an agreement with Nor Am for the wine village. Even though the City of Richland and the Port of Kennewick did not support the wine village as outlined in the Master Agreement, Nor Am, as a land owner, has worked over the past 8 years to find a developer/partner for the wine village without any success. While Nor Am would love to find a development partner that would develop a wine village as discussed in LUDR Section 4.B, no such development partner has come forward. After 8 years of work and associated costs, we feel the intent needs to be adjusted to accommodate the allowed land uses outlined in LUDR Section 2.C.

The Master Agreement allows for flexibility in the type of and timing of development based on market conditions (see Section 4.1 (11) of the Master Agreement). Additionally, the LUDR clearly defines land uses allowed by district in LUDR 2.C Land Use Table. The land uses are clearly stated as allowed or not allowed in the specific districts. These uses have been accepted by the City of Richland and Nor Am and should inform both parties what land uses are allowed or not allowed. As stated in the Master Agreement Section 8.1 "if a development application is consistent with the Master Agreement, it shall be approved."

We believe the decision to remand this plat based on LUDR Section 4.B.1 does not take into consideration the history of the creation of this section, the flexibility in the type and timing of development outlined in the Master Agreement Section 4.1 (11), or the allowed land uses in LUDR Section 2.C.

The updated Villa Vista layout incorporates several of the design features outlined in LUDR Section 8.C including clearly defined entries/monumentation, usable open space, pedestrian pathways, links to public space/BMS trail system, and a tree-lined walkway/plaza with seating areas.

14. In the hearing examiner response, it states "the requirement for multi-family development containing an aggregate of 7 or more dwelling units regardless of the number of structures, commercial buildings, and commercial building complexes, all civic buildings, and all development in a Special District, a site-plan review is required."

LUDR Section 1.J outlines the process for a site plan review. This process requires a review by the Master Plan Administrator (MPA). The MPA reviews the proposed project and issues a MACR to the City of Richland if the project meets the requirements of the LUDR. RMC 23.48 specifically exempts the formal site plan review process for Planned Unit Developments (RMC 23.48.050). As such, the process in 1.J is completed by the MPA issuing a compliance MACR to the City for review before a building permit is issued. The MACR includes a review of the developer's specific plan and how that plan complies with each applicable section of the LUDR and Master Agreement.

This preliminary plat application process for Villa Vista is covered under LUDR Section 1.J “Plat or Subdivision”. The site plan review for this project will take place once a developer submits a plan for the land use action covered in this application.

An example of this process can be taken from the BMS 4-Plex project approved in 2018 (file number S2018-101). This plat is also located in the Specialty Retail District. It was correctly reviewed and approved using the “Plat or Subdivision” process outlined in LUDR Section 1.J. At the time of the application and subsequent approval, it would have been impossible to conduct a Site Plan Review as outlined in LUDR Section 1.J as the developer had not chosen a builder that would be designing and constructing the project. Additionally, it would have been very difficult during the preliminary plat/subdivision stage to show entry monumentation, trail connectivity, gathering areas, green spaces, or sitting areas because the specific buildings and layouts were not completed yet. The land use was approved as an allowed use in LUDR Table 2.C.

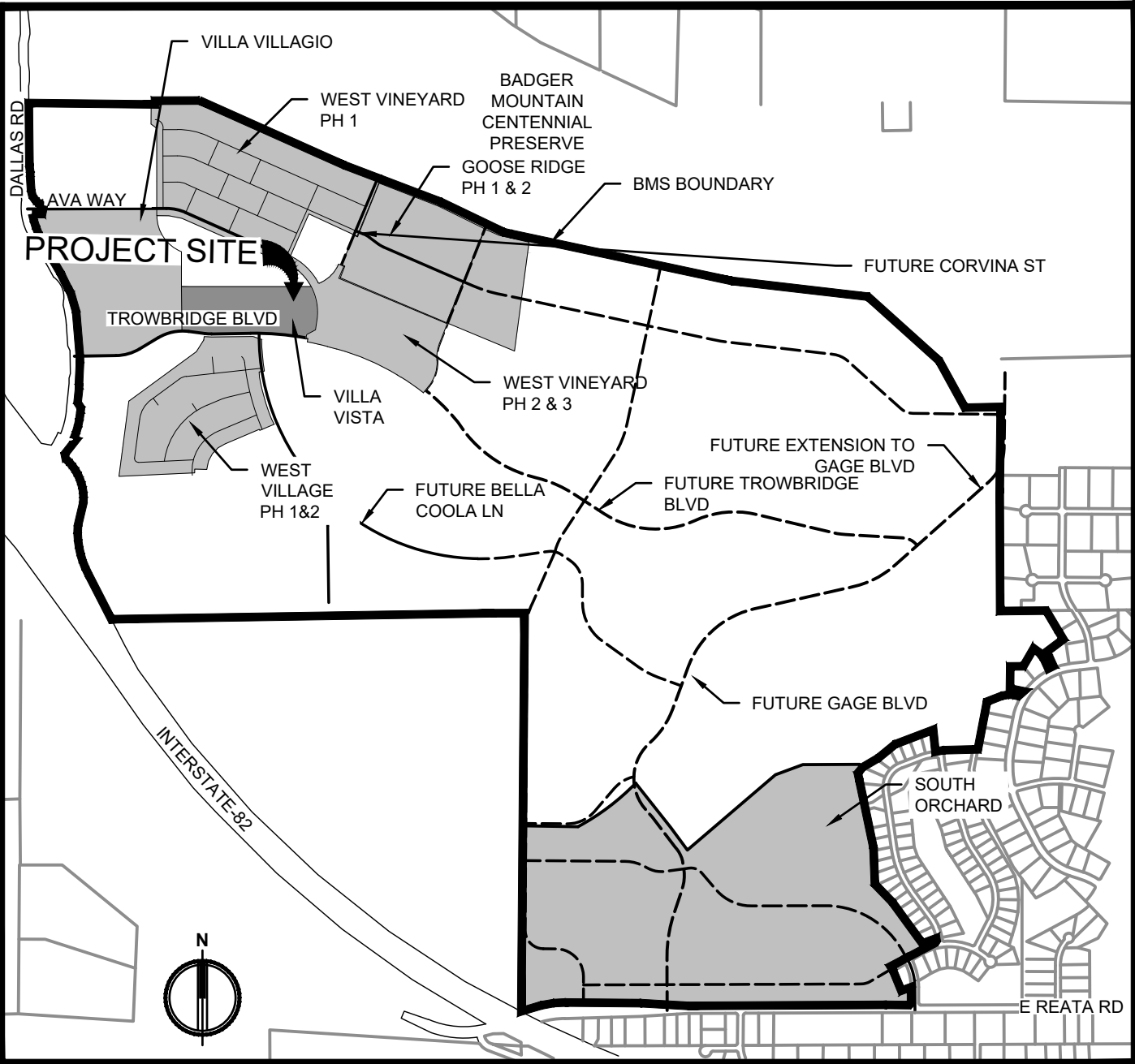
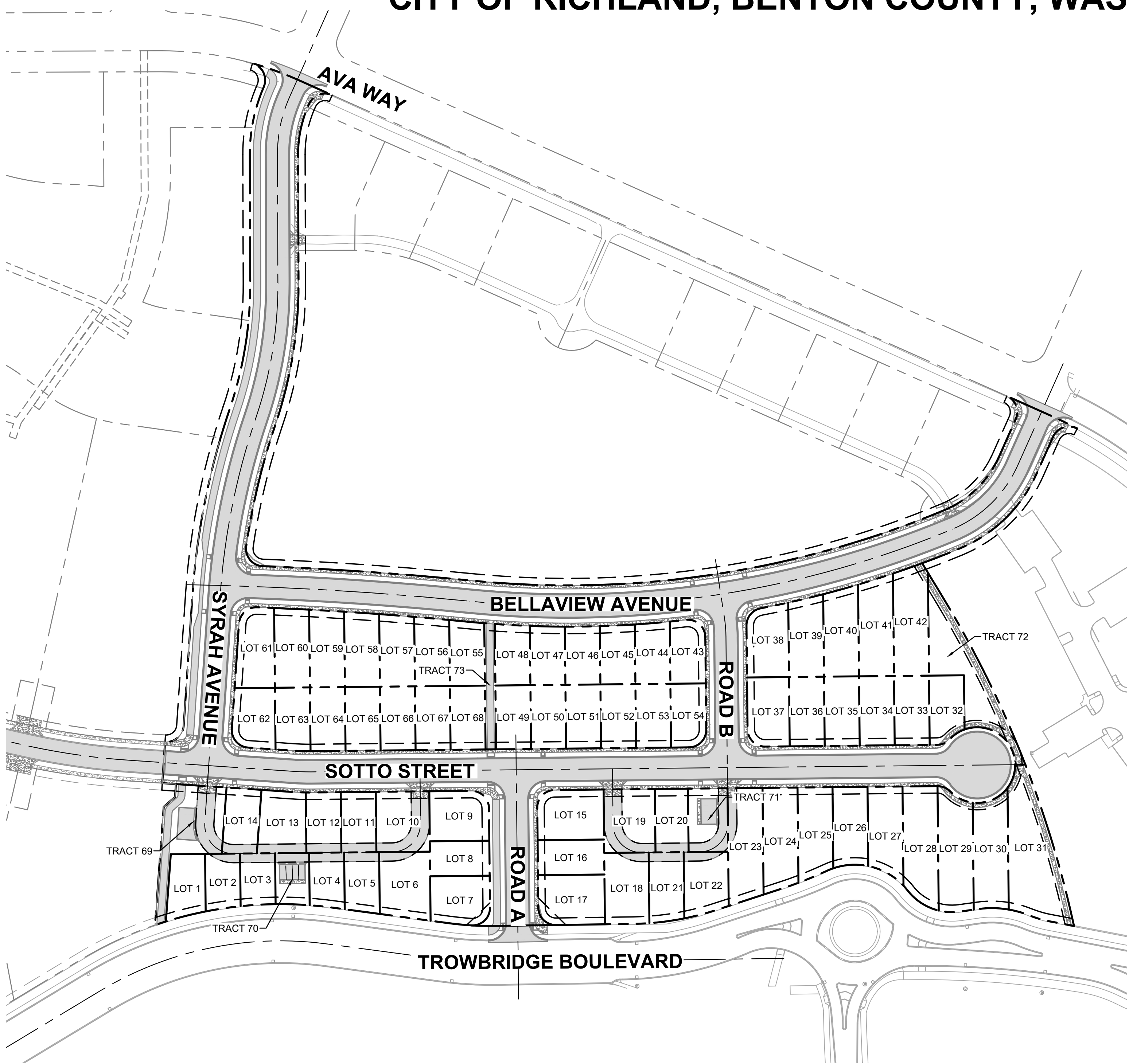
Once a builder was chosen for the project, the MPA began working with the builder to verify compliance with the applicable LUDR Sections. The builder provided a site plan showing entry monumentation, trail connectivity with adjacent projects, public gathering/covered gazebo areas, public green space, and approved building architecture (building siting, sustainable features, building height, exterior lighting, landscaping, parking, building colors, porches etc).

The MPA will issue a MACR approval to the City of Richland for review before a building permit is issued. The City will also review the MACR and the site/building plans to verify compliance with the LUDR and Master Agreement and will issue building permits once those requirements are satisfied.

This is the same process proposed for Villa Vista. The current application is for a Plat or Subdivision review. The land developer has not selected a builder or a specific product type for Villa Vista. Once builders approach the land developer with proposals, the MPA will review those proposals against the allowed uses in LUDR Table 2.C along with the other site requirements and architectural requirements and will follow the Site Plan review process outlined in LUDR Table 1.J.

Even without knowing the specific building type, the land developer has included several design features in the Preliminary Plat that help meet the requirements outlined in LUDR Section 8.C. Additional requirements from that section, along with other pertinent requirements of the LUDR, will be reviewed by the MPA and the City of Richland during the Site Plan Review process once a builder is chosen.

BMS VILLA VISTA
LOCATED IN SE 1/4 OF THE NW 1/4 SEC. 32, TWN. 09 N., RGE. 28 E. W.M.
CITY OF RICHLAND, BENTON COUNTY, WASHINGTON



VICINITY MAP
NOT TO SCALE

APPLICANT

NOR AM INVESTMENT, LLC
12513 SW DUBOIS AVE
LAKEWOOD, WA 98498-5242
CONTACT: GEOFF CLARK
PH: (253) 677-3402

CIVIL ENGINEER

AHBL INC
5804 ROAD 90, STE H
PASCO, WA 99301
CONTACT: KALEB MAPSTEAD
PH: (509) 380-5883

LAND SURVEYOR

ROGERS SURVEYING INC.
1455 COLUMBIA PARK TRAIL, STE 201
RICHLAND, WASHINGTON 99352
CONTACT: DAVE BAALMAN, PLS
PHONE: (509) 783-4141

SITE ADDRESS

UNDETERMINED
RICHLAND, WA 99352

PARCEL NO.

1-3298-2BP-4732-021
1-3298-2BP-4732-004
1-3298-2BP-4732-016
1-3298-2BP-4732-018

UTILITIES

WATER: CITY OF RICHLAND
SEWER: CITY OF RICHLAND
IRRIGATION: BMD
TELEPHONE: CHARTER & ZIPLY
POWER: RES
GAS: CNGC

BASIS OF BEARING

DATUM - NAD 83/91
BASIS OF BEARING - NORTH 77°19'12" EAST ALONG A LINE BETWEEN THE FOLLOWING TWO POINTS: WASHINGTON STATE DEPARTMENT OF TRANSPORTATION, MONUMENT DESIGNATED AS "ERIE AZI", POINT IDENTIFICATION NUMBER 2668. BRASS DISK STAMPED "ERIE" SET AT GROUND LEVEL, ATOP FIRST SADDLE EASTERLY OF RADIO TOWERS AT THE PEAK OF BADGER MOUNTAIN, APPROXIMATELY 10 FEET NORTH OF THE GRAVEL ACCESS ROAD.
N = 330320.261°
E = 1940161.471°

VERTICAL DATUM

NAVD 88
BENCHMARK 1 - ELEVATION = 801.875' PER CITY OF RICHLAND SURVEY DEPARTMENT. SOUTHWEST CORNER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN. BRASS DISK WITH "X" IN CASE, CENTERLINE OF DALLAS ROAD, APPROXIMATELY 0.75 MILES NORTH OF INTERSTATE 82, EXIT 104.
BENCHMARK 2 - ELEVATION = 1489.377' PER WASHINGTON STATE DEPARTMENT OF TRANSPORTATION, ALSO DESIGNATED AS "ERIE AZI", POINT IDENTIFICATION NUMBER 2668. BRASS DISK STAMPED "ERIE" SET AT GROUND LEVEL, ATOP FIRST SADDLE EASTERLY OF RADIO TOWERS AT THE PEAK OF BADGER MOUNTAIN, APPROXIMATELY 10 FEET NORTH OF THE GRAVEL ACCESS ROAD.

TOPOGRAPHIC NOTE

THE EXISTING CULTURAL AND TOPOGRAPHIC DATA SHOWN ON THESE DRAWINGS HAS BEEN PREPARED, IN PART, BASED UPON INFORMATION FURNISHED BY OTHERS. WHILE THIS INFORMATION IS BELIEVED TO BE RELIABLE, AHBL CANNOT ENSURE ACCURACY AND THUS IS NOT RESPONSIBLE FOR THE ACCURACY OF THAT INFORMATION OR FOR ANY ERRORS OR OMISSIONS WHICH MAY HAVE BEEN INCORPORATED INTO THESE DRAWING AS A RESULT.



Project Title:
BMS VILLA VISTA

Client:
NOR AM INVESTMENT, LLC

12513 SW DUBOIS AVE
LAKEWOOD, WA 98498-5242

Job No.
2200925.11

Issue Set & Date:
PRELIMINARY PLAT

04.14.2022



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Revisions:	

Sheet Title:
COVER

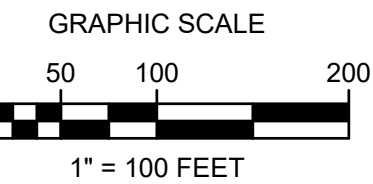
Designed by: KDM Drawn by: KDM Checked by: EMF

Sheet No.

C001
1 of 7 Sheets



Know what's below.
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TRAIL LEGEND	
TYPE	
PRIMARY	-----
SECONDARY	-----
URBAN	-----



BMS VILLA VISTA
LOCATED IN SE 1/4 OF THE NW 1/4 SEC. 32, TWN. 09 N., RGE. 28 E. W.M.
CITY OF RICHLAND, BENTON COUNTY, WASHINGTON

LEGAL DESCRIPTION

132-982-BP47-32021
THAT PORTION SECTION 35 TOWNSHIP 9 NORTH, RANGE 28 EAST WILLAMETTE MERIDIAN, SITUATE IN THE CITY OF RICHLAND, BENTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

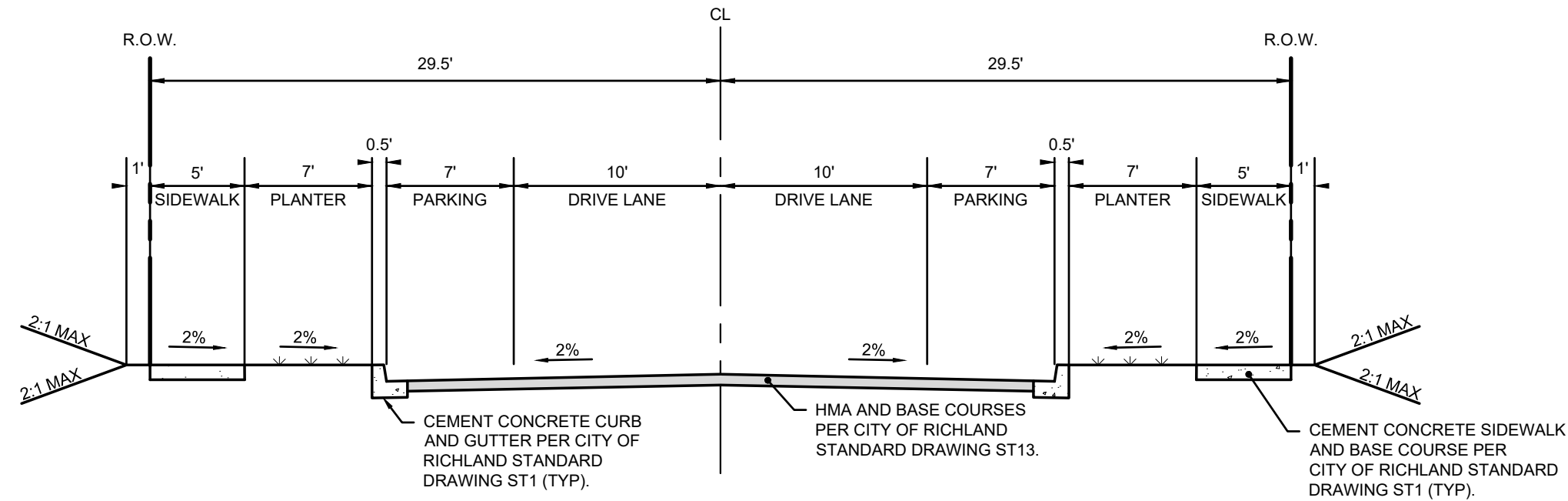
BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 35; THENCE NORTH 89°36'32" EAST 251.93 FEET ALONG THE SOUTH LINE THEREOF TO THE WESTERLY BOUNDARY OF THE PLAT OF FALCONCREST PHASE 1, ACCORDING TO THE SURVEY THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 454, RECORDS OF BENTON COUNTY; THENCE THE FOLLOWING SIX COURSES ALONG SAID WEST BOUNDARY:

THENCE NORTH 40°19'46" WEST 302.59 FEET; THENCE NORTH 81°23'35" WEST 162.94 FEET; THENCE NORTH 73°12'44" WEST 86.11 FEET; THENCE NORTH 71°28'34" WEST 64.92 FEET; THENCE NORTH 56°09'06" WEST 63.84 FEET; THENCE NORTH 31°49'48" WEST 58.05 FEET; THENCE THE FOLLOWING TEN COURSES ALONG THE EAST BOUNDARY OF THAT PARCEL SHOWN AS 'NEW PARCEL C' ON RECORD SURVEY RECORDED IN VOLUME 1 OF SURVEYS, PAGE 4447, RECORDS OF BENTON COUNTY:

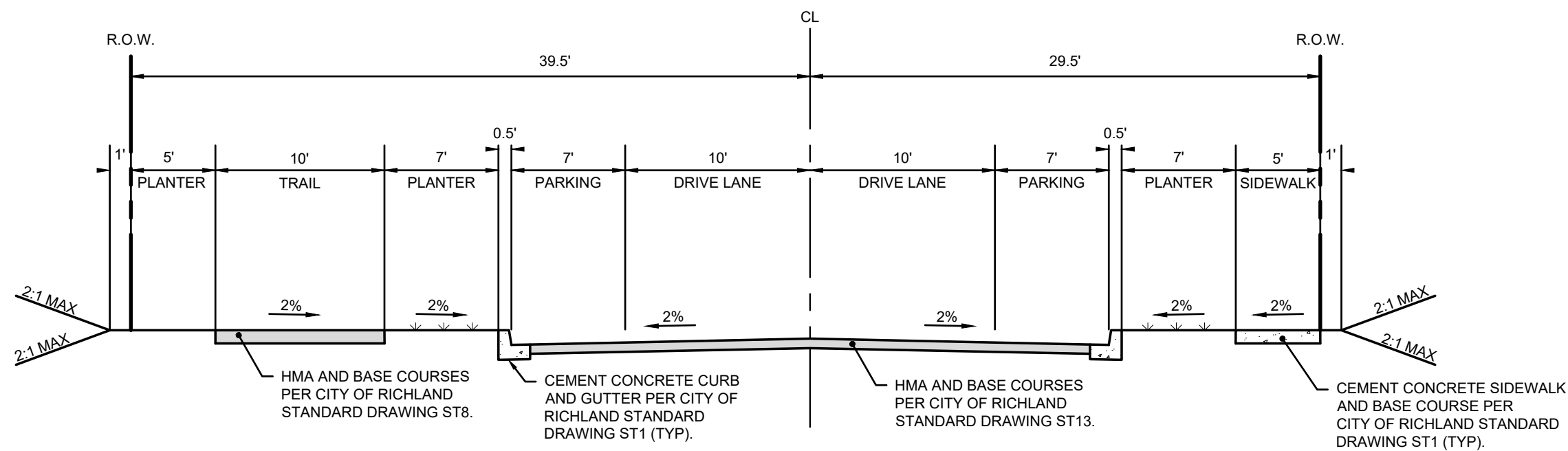
THENCE NORTH 31°49'48" WEST 28.98 FEET; THENCE NORTH 19°07'53" WEST 79.85 FEET; THENCE NORTH 14°39'43" WEST 99.48 FEET; THENCE NORTH 35°03'49" WEST 282.98 FEET; THENCE NORTH 25°17'12" WEST 292.48 FEET; THENCE NORTH 52°39'38" WEST 84.48 FEET; THENCE NORTH 45°13'49" WEST 110.55 FEET; THENCE NORTH 27°35'28" WEST 74.85 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 357.00 FEET; THENCE NORTHEASTERLY 17.87 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 2°52'06" (THE LONG CHORD OF SAID CURVE BEARS NORTH 55°49'37" EAST 17.87 FEET); THENCE NORTH 35°36'25" WEST 50.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 35°36'25" WEST 4.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 303.00 FEET; THENCE SOUTHWESTERLY 98.14 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18°33'27" (THE LONG CHORD OF SAID CURVE BEARS SOUTH 63°46'49" WEST 97.71 FEET) THENCE SOUTH 80°53'57" WEST 61.03 FEET; THENCE SOUTH 80°59'05" WEST 71.45 FEET; THENCE SOUTH 80°53'57" WEST 60.46 FEET; THENCE NORTH 08°08'55" EAST 254.75 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF FALCONCREST LOOP, AS DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 2018-028654, RECORDS OF BENTON COUNTY; THENCE THE FOLLOWING SIX COURSES ALONG SAID RIGHT OF WAY LINE:

T
HENCE SOUTH 76°19'56" EAST 7.02 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 227.00 FEET; THENCE SOUTHEASTERLY 64.80 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18°21'19"; THENCE NORTH 87°18'45" EAST 91.18 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 173.00 FEET; THENCE EASTERLY 45.17 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°57'40"; THENCE SOUTH 77°43'35" EAST 173.70 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHERLY 56.74 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 130°01'48"; THENCE SOUTH 52°18'13" WEST 20.51 FEET; TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 573.00 FEET; THENCE SOUTHWESTERLY 63.84 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06°22'59"; THENCE SOUTH 58°41'12" WEST 86.09 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS OR 1.67ACRES, MORE OR LESS.



1 LOCAL STREET SECTION WITH EDGE TYPE A
NOT TO SCALE



3 LOCAL STREET SECTION WITH EDGE TYPE A & B
NOT TO SCALE



Know what's below.
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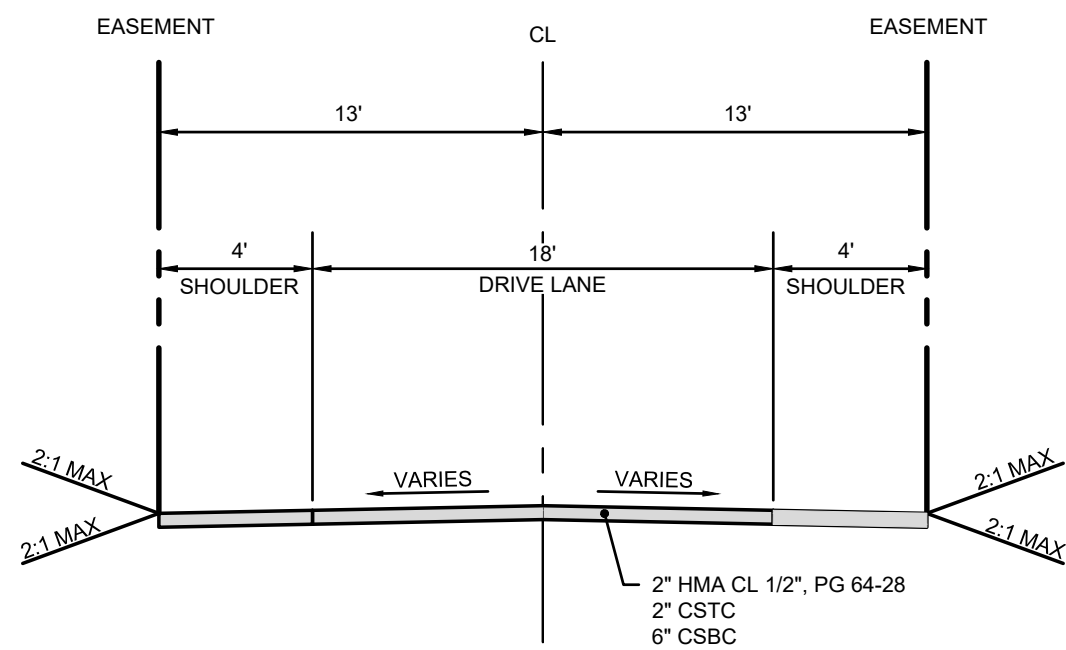
BMS VILLA VISTA OPEN SPACE

TRAILS				
EQUIVALENT TRAIL LENGTHS SHALL BE APPLIED TO THE LENGTH OF TRAIL CONSTRUCTED MULTIPLIED BY THE APPROPRIATE TRAIL FACTOR BELOW:				
CITY PRIMARY TRAIL	1.0			
PRIMARY TRAIL	1.0			
SECONDARY TRAIL	0.6			
EQUESTRIAN TRAIL	0.8 (WHERE SHOWN ON LUDR TRAIL PLAN)			
URBAN TRAIL	1.0			

TRAIL LOCATION	LENGTH	LENGTH FACTOR	EQUIVALENT LENGTH	RU
GREEN BELT TRAIL - TRACT 69 (PRIMARY)	205 L.F.	205 L.F. * 1.0 =	205.0 L.F.	@ 16 L.F. / RU 12.8
SYRAH AVENUE TRAIL - (PRIMARY)	943 L.F.	943 L.F. * 1.0 =	943.0 L.F.	@ 16 L.F. / RU 58.9
ROAD A TRAIL - (PRIMARY)	176 L.F.	176 L.F. * 1.0 =	176.0 L.F.	@ 16 L.F. / RU 11.0
GREEN BELT TRAIL - TRACT 73 (PRIMARY)	179 L.F.	179 L.F. * 1.0 =	179.0 L.F.	@ 16 L.F. / RU 11.2
GREEN BELT TRAIL - TRACT 72 (SECONDARY)	563 L.F.	563 L.F. * 0.6 =	337.8 L.F.	@ 16 L.F. / RU 21.1
TOTAL			1,840.8 L.F.	115.0

TOTAL ALLOWABLE RU		
TRAILS		115.0 RU
PARKS		0 RU
TOTAL		115.0 RU

MISCELLANEOUS OPEN SPACE		
TRACT	AREA (SF)	AREA (ACRES)
69 - PARKING/TRAIL/LANDSCAPING	9,695	0.22
70 - PARKING/LANDSCAPING	3,576	0.08
71 - PARKING/LANDSCAPING	5,121	0.12
72 - LANDSCAPING/TRAIL	10,632	0.24
73 - LANDSCAPING/TRAIL	2,896	0.06
TOTAL	31,720	0.72



2 ALLEY SECTION
NOT TO SCALE



5804 Road 90, Suite H Pasco, WA 99301
509.380.5883 TEL 253.383.2572 www.ahbl.com WEB

Project Title:
BMS VILLA VISTA

Client:
NOR AM
INVESTMENT, LLC

12513 SW DUBOIS AVE
LAKEWOOD, WA 98498-5242

Job No.
2200925.11

Issue Set & Date:
PRELIMINARY PLAT

04.14.2022



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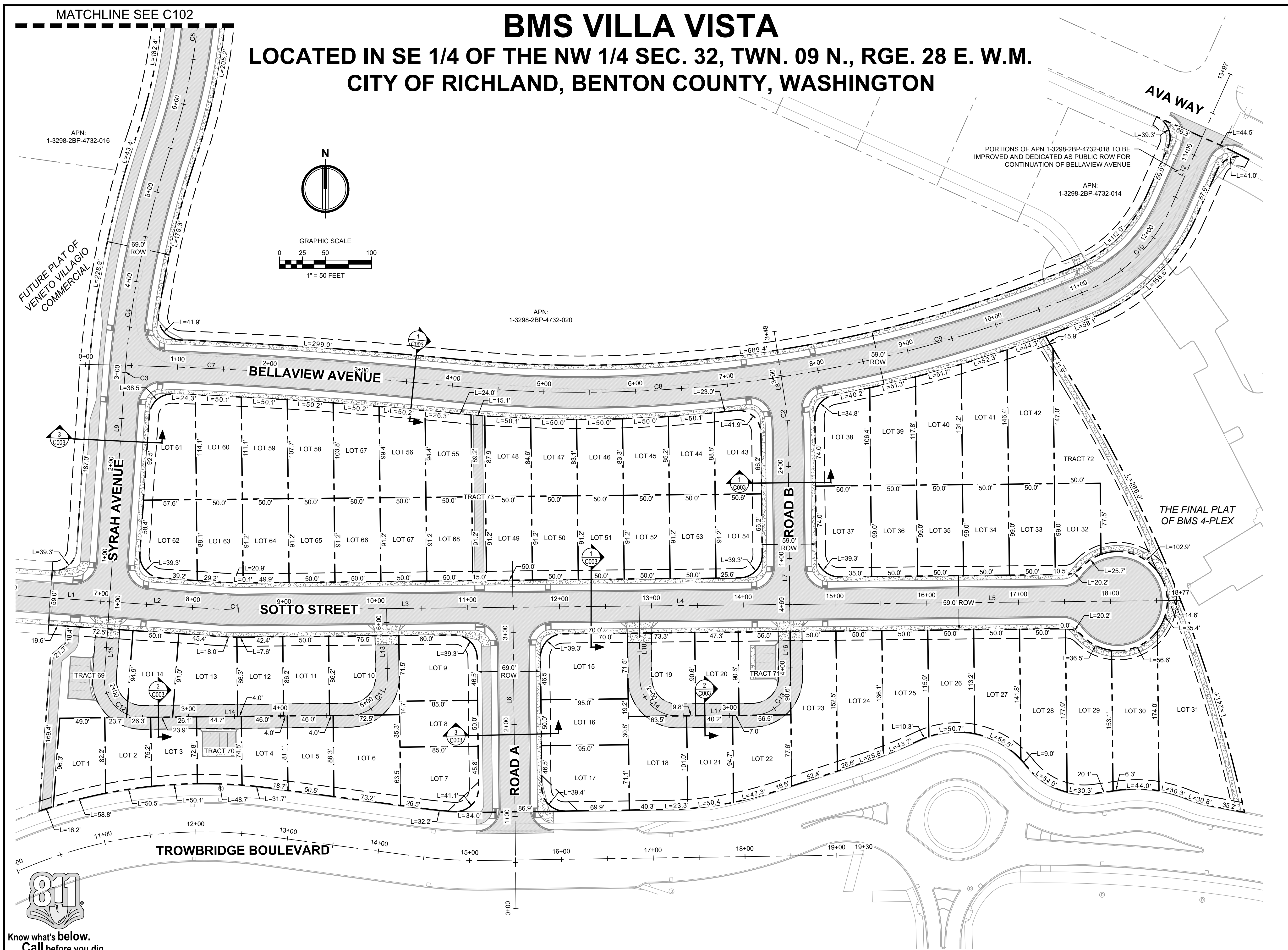
Revisions:

Sheet Title:
GREEN SPACE CALCS

Designed by: KDM Drawn by: KDM Checked by: EMF

Sheet No.

C003
3 of 7 Sheets





TACOMA • SEATTLE • SPOKANE • TRI-CITIES

5804 Road 90, Suite H Pasco, WA 99301
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Revisions:

Sheet Title:
LOT LAYOUT

Designed by: KDM Drawn by: KDM Checked by: EMF

Sheet No.
C101
4 of 7 Sheets

BMS VILLA VISTA
LOCATED IN SE 1/4 OF THE NW 1/4 SEC. 32, TWN. 09 N., RGE. 28 E. W.M.
CITY OF RICHLAND, BENTON COUNTY, WASHINGTON

LOT AREA TABLE	
LOT	AREA (S.F.)
1	4,669
2	3,915
3	3,681
4	3,886
5	4,237
6	6,783
7	5,693
8	4,250
9	5,941
10	6,593
11	4,311
12	4,311
13	5,928
14	4,649
15	6,656
16	4,750
17	6,644
18	6,463
19	6,642
20	4,285
21	4,919
22	5,520
23	8,018
24	7,225
25	6,307

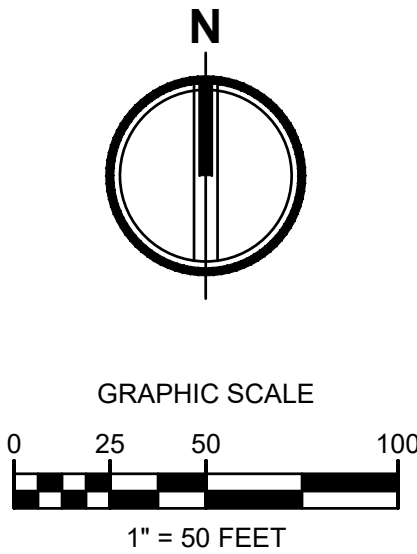
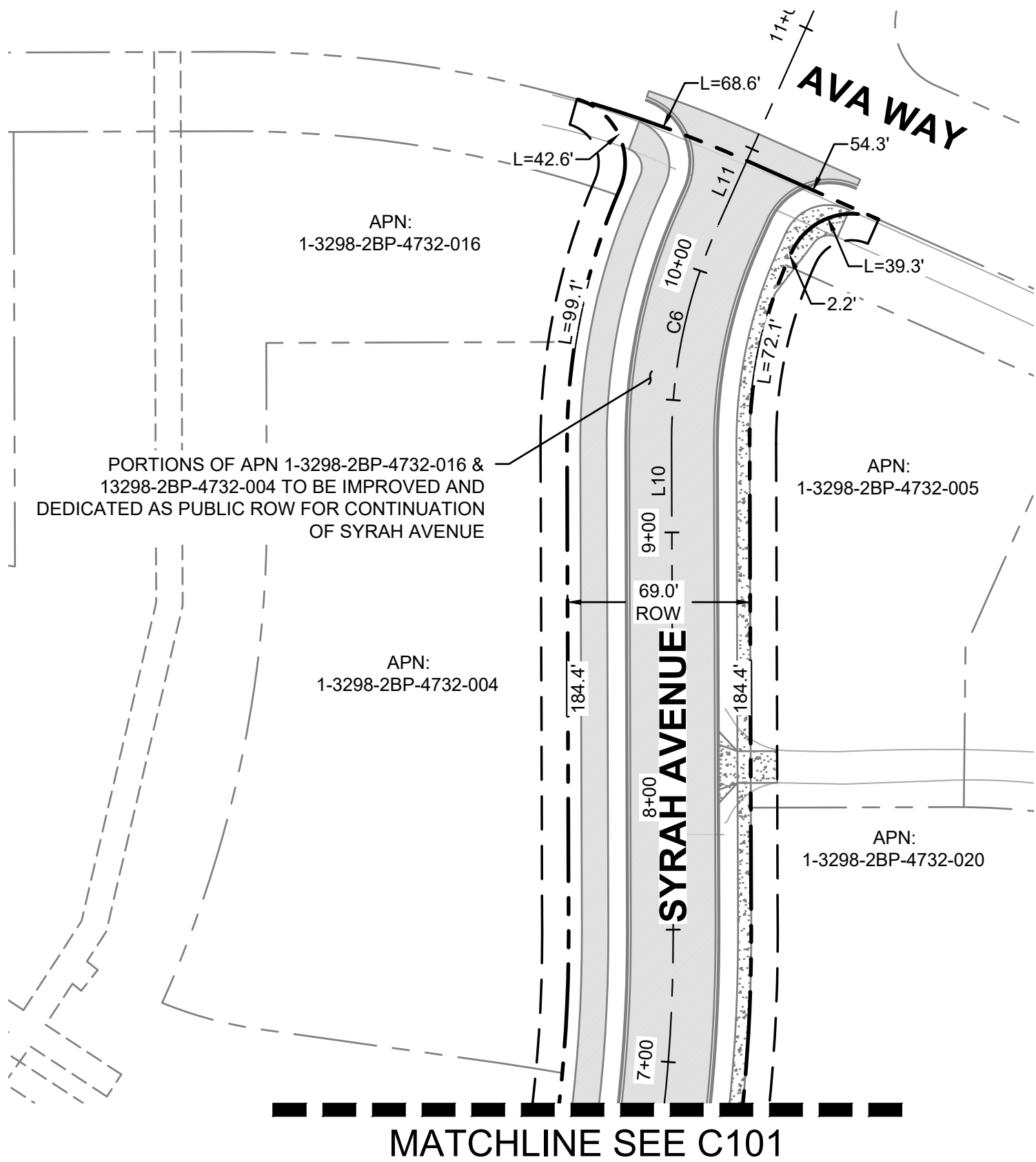
LOT AREA TABLE	
LOT	AREA (S.F.)
26	5,615
27	6,204
28	8,217
29	8,336
30	7,841
31	13,208
32	4,570
33	4,952
34	4,952
35	4,952
36	4,952
37	5,809
38	5,942
39	5,598
40	6,217
41	6,931
42	7,676
43	4,448
44	4,344
45	4,205
46	4,153
47	4,187
48	4,306
49	4,561
50	4,561

LOT AREA TABLE	
LOT	AREA (S.F.)
51	4,561
52	4,561
53	4,561
54	4,477
55	4,588
56	4,846
57	5,081
58	5,290
59	5,474
60	5,632
61	5,996
62	5,083
63	4,499
64	4,561
65	4,561
66	4,561
67	4,561
68	4,561

CENTERLINE LINE TABLE				
LINE TAG	BEARING	DISTANCE	START STATION	END STATION
L1	S86° 08' 28.47"E	236.67	5+95.77	8+32.45
L2	S86° 08' 28.47"E	236.67	5+95.77	8+32.45
L3	N89° 24' 55.10"E	1020.81	8+55.71	18+76.52
L4	N89° 24' 55.10"E	1020.81	8+55.71	18+76.52
L5	N89° 24' 55.10"E	1020.81	8+55.71	18+76.52
L6	N0° 35' 04.90"W	275.21	0+52.50	3+27.71
L7	N0° 35' 04.90"W	186.70	0+50.00	2+36.70
L8	N8° 47' 38.86"W	32.90	2+65.36	2+98.26
L9	N3° 51' 31.53"E	241.45	0+50.00	2+91.45
L10	N0° 11' 18.79"W	184.39	7+48.96	9+33.35
L11	N24° 02' 57.00"E	156.98	10+17.95	11+74.94
L12	N24° 02' 57.00"E	109.05	12+37.70	13+46.75
L13	N0° 35' 04.90"W	74.72	5+40.44	6+15.15
L14	N89° 24' 56.86"E	226.24	2+49.80	4+76.03
L15	S3° 51' 31.53"W	82.21	1+00.00	1+82.21
L16	N0° 35' 04.90"W	79.15	3+90.00	4+69.15
L17	N89° 24' 55.10"E	82.05	2+43.55	3+25.60
L18	S0° 35' 04.90"E	79.15	1+00.00	1+79.15

CENTERLINE CURVE TABLE					
CURVE TAG	CHORD BEARING	CHORD LENGTH	RADIUS	START STATION	END STATION
C1	S88° 21' 46.68"E	23.26	300.00	8+32.45	8+55.71
C2	N4° 41' 21.88"W	28.63	200.00	2+36.70	2+65.36
C3	N4° 19' 53.49"E	16.64	1008.50	2+91.45	3+08.09
C4	N11° 46' 30.02"E	244.79	1008.50	3+08.09	5+53.49
C5	N9° 16' 42.83"E	194.58	591.50	5+53.49	7+48.96
C6	N11° 55' 49.10"E	83.98	200.00	9+33.35	10+17.95
C7	S86° 23' 03.63"E	355.92	4991.50	0+43.44	3+99.43
C8	N88° 25' 56.43"E	359.01	1427.00	3+99.43	7+59.39
C9	N74° 17' 57.37"E	343.20	1427.00	7+59.39	11+03.42
C10	N45° 43' 15.30"E	131.10	177.50	11+03.42	12+37.70
C11	N44° 24' 55.98"E	57.98	41.00	4+76.03	5+40.44
C12	S43° 21' 45.80"E	60.19	41.00	1+82.21	2+49.80
C13	N44° 24' 55.10"E	57.98	41.00	3+25.60	3+90.00
C14	S45° 35' 04.90"E	57.98	41.00	1+79.15	2+43.55

TRACT AREA TABLE		
TRACT #	AREA (SF)	USE
TRACT 69	9,695	PARKING / PRIMARY TRAIL / LANDSCAPING
TRACT 70	3,576	PARKING / LANDSCAPING
TRACT 71	5,121	PARKING / LANDSCAPING
TRACT 72	10,632	LANDSCAPING / SECONDARY TRAIL
TRACT 73	2,696	LANDSCAPING / PRIMARY TRAIL



AHBL
TACOMA • SEATTLE • SPOKANE • TRI-CITIES
5804 Road 90, Suite H Pasco, WA 99301
509.380.5883 TEL 253.383.2572 www.ahbl.com WEB

Project Title:
BMS VILLA VISTA

Client:
NOR AM INVESTMENT, LLC

12513 SW DUBOIS AVE
LAKEWOOD, WA 98498-5242

Job No.
2200925.11

Issue Set & Date:
PRELIMINARY PLAT

04.14.2022



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Revisions:

Sheet Title:
LOT TABLES

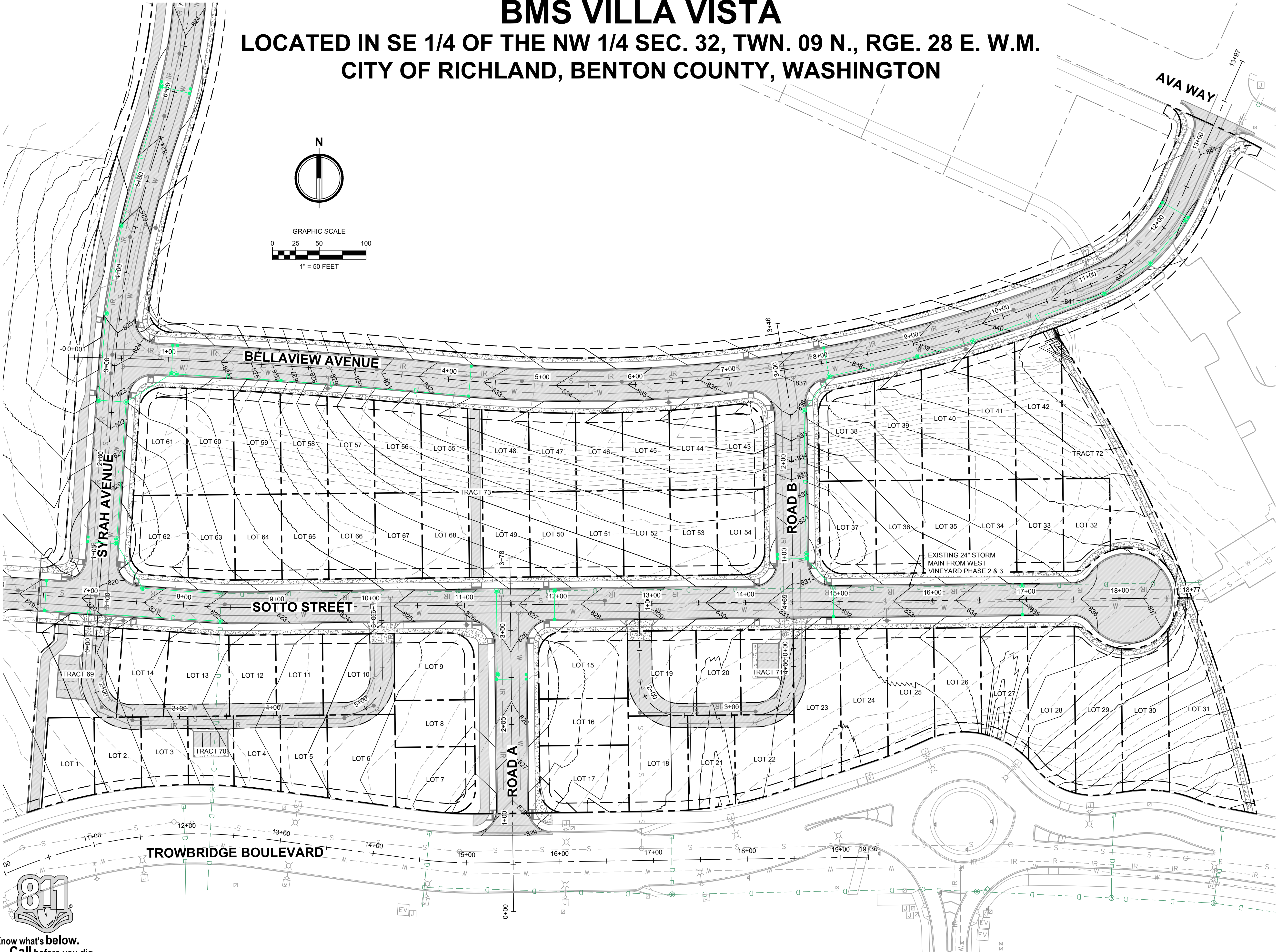
Designed by: KDM Drawn by: KDM Checked by: EMF

Sheet No.
C102
5 of 7 Sheets



Know what's below.
Call before you dig.

BMS VILLA VISTA
LOCATED IN SE 1/4 OF THE NW 1/4 SEC. 32, TWN. 09 N., RGE. 28 E. W.M.
CITY OF RICHLAND, BENTON COUNTY, WASHINGTON



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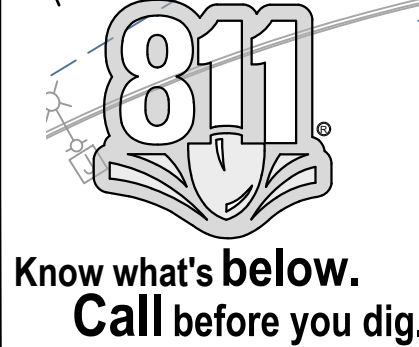
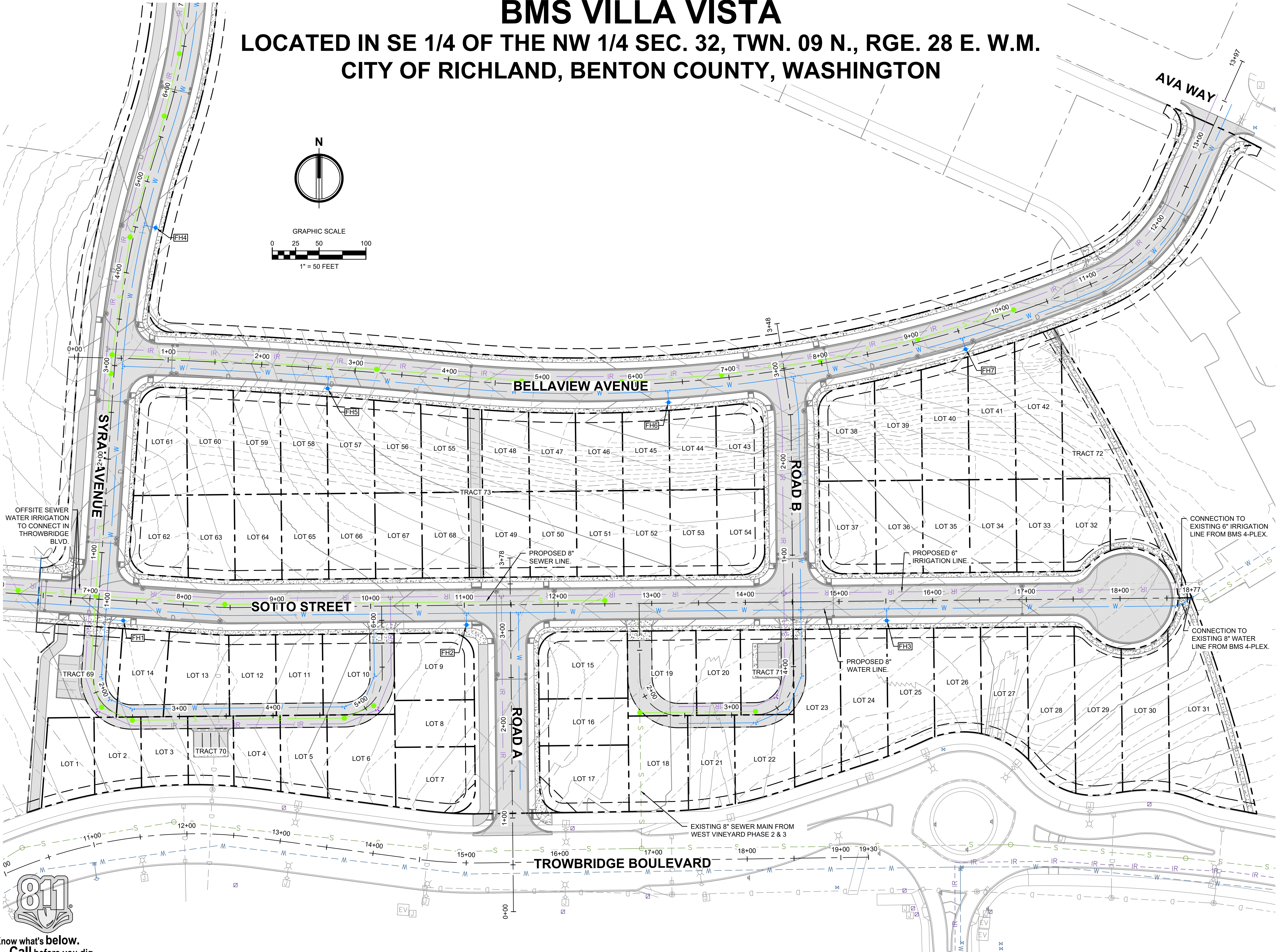
Revisions:

Sheet Title:
GRADING & DRAINAGE PLAN

Designed by: KDM Drawn by: KDM Checked by: EMF

Sheet No.
C201
6 of 7 Sheets

BMS VILLA VISTA
LOCATED IN SE 1/4 OF THE NW 1/4 SEC. 32, TWN. 09 N., RGE. 28 E. W.M.
CITY OF RICHLAND, BENTON COUNTY, WASHINGTON



AHBL
TACOMA • SEATTLE • SPOKANE • TRI-CITIES
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Project Title:
BMS VILLA VISTA

Client:
NOR AM INVESTMENT, LLC

12513 SW DUBOIS AVE
LAKEWOOD, WA 98498-5242

Job No.
2200925.11

Issue Set & Date:
PRELIMINARY PLAT

04.14.2022



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Revisions:	

Sheet Title:
UTILITY PLAN

Designed by: KDM
Drawn by: KDM
Checked by: EMF

Sheet No.
C301
7 of 7 Sheets

Exhibit 15

Badger Mountain South

Master Agreement Consistency Recommendation (MACR) Supplement to the Preliminary Plat Application for Villa Vista

Executive Summary

The successful development of the Badger Mountain South Master Plan Community requires close attention to the detailed planning and standards created in the adopted Master Agreement, specifically to the Land Use and Development Regulations as found in Exhibit C of the Master Agreement, commonly identified as the LUDR (Land Use and Development Regulations). The LUDR standards are designed to go beyond the more typical City requirements or standards because they are seen by the Master Developer as building blocks to creating a walkable and sustainable community.

The LUDR establishes a process for the review of development applications that is intended to integrate into the existing City application processes, and yet provide the close attention to LUDR standards without adding significant review time by City staff. This is accomplished by requiring each development application to meet all City code submittal requirements and, at the same time, undergo a review for consistency with the standards of the LUDR. This latter review is completed by the Badger Mountain South Master Plan Administrator who makes a written recommendation of consistency to the City's Development Services Manager. A final "Master Agreement Consistency Determination" is issued by the City after the Manager's review.

The document that follows is the Master Plan Administrator's recommendation for a determination of consistency for this application. It includes a review of all relevant standards found in the LUDR related to a preliminary plat application. The standards are cited, the specific responses are provided for this application, and the Reviewer Comment section adds other pertinent information. The document concludes with references to other relevant Master Agreement provisions that are met with this application.

The applicant has stated that this plat will be finalized in one phase. The conditions of the approved Preliminary Plat, the Master Agreement, and specifically, the LUDR must be met before it will be finalized.

Badger Mountain South
Master Agreement Consistency Recommendation (MACR)
Supplement to the Preliminary Plat Application for
Villa Vista

Date: April 26, 2022

The purpose of completing the MACR is to ensure that the applicant has met the special requirements for Badger Mountain South, as found in the Land Use and Development Regulations (LUDR). It also allows City staff to be assured that the Master Developer is meeting the terms and obligations of the approved Master Agreement, as it applies to each development activity in Badger Mountain South.

The MACR will be completed by the applicant, as indicated, and submitted with other Preliminary Plat materials, as required in Richland Municipal Code (RMC) Chapter 24.12. It is recommended that the applicant has met with the Master Developer prior to completion of this Supplement.

1. Applicant name, address and contact information:

South Richland Communities
PO Box 1307
Gig Harbor, WA 98335
Contact: Geoff Clark
253-677-3402

2. Project name:

Villa Vista

3. Project description including site size in acres:

A subdivision of 13.13 acres total area; 66 lots created all within Badger Mountain South, lying adjacent to and east of Dallas Road and north of Interstate 82.

4. Is phasing proposed? Please explain:

The project will be completed in one phase

5. Regulating Plan District(s) (see LUDR p. 2-2):

Specialty Retail (BMS-SD-SR)

6. What is the name of the neighborhood? (See LUDR pp. 7-1 through 7-3).

Neighborhoods: *Veneto Villaggio*

7. What is proposed use? See Allowable Use Table (see LUDR p. 2-3).

Row Houses

8. What building types are likely to be developed here? (See LUDR p. 2-4):

2- and 3-unit shared wall, zero lot line row houses

Section 1

This is the introduction and administration section of the LUDAR and thus it is not applicable to this review.

Section 2

This section identifies the Regulating Plan Districts and permitted land uses.

Please define the District for this application:

District Type:

Specialty Retail (BMS-SD-SR)

Does the requested use meet the requirements outlined in 2.C Land Use?

Yes; see note P-4 on land use table 2.C

Does the requested use meet the Building Type requirements outlined in 2.D Building Type?

Yes; Special districts are not regulated by building type

Section 3

This section identifies the district development standards for five of the districts in Badger Mountain South. Not included are the standards for the three specialty districts which are found in Section 4.

Section 4

This section identifies the special district development standards. The Special Districts are outlined in section 2.B.

Does the proposed project meet the intent of the Special District development standards? Explain.

Yes; The Special District development standards are intended to accommodate a wide variety of uses meant to encourage shopping, dining, business offices, entertainment centers, and multi-family residences for a pedestrian-friendly, integrated development.

Section 16 of the Master Agreement between The City of Richland and Nor Am outlines how the original intent (LUDR Section 4.B) of the Specialty District was created. The Master Agreement states the following:

16. **CITY'S CONTRIBUTION TO SPECIAL DISTRICT-SPECIALTY RETAIL IMPROVEMENTS.**

16.1 The Port of Kennewick is considering investing in the Specialty Retail District in Badger Mountain South in order to construct a world class pedestrian-oriented destination village, which will include numerous uses related to the agricultural products of the region, including wines and grapes (See LUDR, Exhibit C). It is also intended to include class rooms, meeting areas, hotel, restaurants, and other related uses, all centered around a common pedestrian corridor. The City is also desirous of investing funds to stimulate tourism and economic development. If the City invests lodging tax revenues in improvements to this district in order to stimulate tourism, then the amount of lodging taxes generated from Badger Mountain South shall not be used in the annual revenue calculation required by paragraph 15.2.

16.2 The parties intend to enter into further agreements regarding the preparation of a master site plan for the specialty retail area, and the design and construction of certain improvements within the specialty retail area, including a business incubator building, a public meeting area, and related public facilities. It is contemplated that that the agreement will be a three party agreement between the City, the Port of Kennewick, and Nor Am and will include an investment by all parties.

16.3 It is anticipated that the Master Site Plan will be completed by September, 2011, and construction will occur in 2012 and 2013.

The Port of Kennewick and the City of Richland did not enter into an agreement with Nor Am for the Specialty Retail District as outlined in the Master Agreement. Conversely, Nor Am created the conceptual drawings, graded the land, conducted an effluent water study for wine-making operations, and sold 7 acres of the Specialty Retail District to Goose Ridge Winery to plant a vineyard. Additionally, Nor Am secured commitments from Washington State University's viticulture program to partner with the parties to have students work in the vineyard and get "hands on" experience in the wine village. Once the Port of Kennewick and the City of Richland backed out of their initial commitments, the conversations with Washington State University were terminated.

Nor Am's actions prove they worked in good faith to create the wine village as outlined in the intent of the Specialty District as outlined in the LUDR section 4.B without the support of the intended partners in the Master Agreement. Nor Am has tried unsuccessfully to secure additional partners/developers for the wine village in the 8 years since the Port of Kennewick and the City of Richland backed out of their commitments in the Master Agreement.

Section 4 of the Master Agreement outlines the intent and purpose of the Master Agreement. Section 4.1 (11) states the purpose and intent of the Master Agreement is to "provide flexibility in uses and timing of development to accommodate market trends and conditions". Additionally, Table 2.C in the LUDR outlines the allowed uses in each district in Badger Mountain South. As listed in Table 2.C, the lot layout for the Villa Vista project is an approved land use in the Specialty District.

Section 5

This section identifies the open space, trails, and community facilities that will be constructed in Badger Mountain South.

Badger Mountain South - MA Section 25.3

"As part of the Master Plan Consistency Determination described in Paragraph 23, the City, shall consult with the Master Agreement Administrator, and the applicant in determining the appropriate share of infrastructure and mitigation costs that shall be borne by the proposed development and how that development's share of infrastructure and mitigation relates to the overall infrastructure and mitigation that is required for buildout of Badger Mountain South."

Does the number of residential lots trigger additional MA Exhibit D, Green Infrastructure Improvements?

Yes **X** No

Please explain:

Green Infrastructure Improvements are required and as found in the Master Agreement Exhibit D, are linked to the numbers of residential units (RU) developed.

In the case of Villa Vista Townhomes Preliminary Plat, 68 units are anticipated for a total of 68 RU. With the improvements identified below, this Preliminary Plat meets the requirements of the Master Agreement, Exhibit D.

For planning purposes, it is assumed that the Green Infrastructure requirements of 68 RU will be provided in the following manner:

<u>Requirement</u>	<u>Improvement Required/Provided</u>
Primary and Secondary Trails	<u>City Primary</u>
400 LF of equivalent trail to be created per 25 RU, which equals 16 LF per RU. So, 68 RU=1088 Equivalent LF Required Villa Vista exceeds requirement	Trail 0 LF
Equivalent trail lengths shall be applied be the length of trail constructed multiplied by the appropriate trail factor below:	<u>Primary Trail</u>
City Primary Trail = 1	1088 LF Required
1 Primary Trail = 1	1225.7 LF Provided along Trowbridge frontage of Villa Vista
Secondary Trail = .6	205 LF Provided tract 69
Equestrian Trail = .8 (where shown on trail plan)	943 LF Provided Syrah Ave
Urban Trail = 1	176 LF Provided Road A
	179 LF Provided Tract 73
	<u>Secondary Trail</u>
	563 LF Provided Tract 72
	<u>Equestrian Trail</u>
	0 LF
	<u>Urban</u>
Parks	<u>Trail</u> 0 LF
0.375 AC of park area to be created per 25 RU, which equals 0.015 AC, or 650 SF, per RU.	.96 AC of park area required. To be accounted for in the COR Park on 32 acres adjacent to the project

Other Comments:

Nor Am Investment, LLC and South Richland Communities, LLC are currently supporting the COR in ongoing planning of a large park adjacent to this project. The park will also contain required trails. NAI and SRC currently plan to construct the park and all Green Infrastructure requirements are to be satisfied with this park. Therefore, this requirement is deemed to have been met.

Section 6

This section identifies the street layout for the arterial collectors, the proposed layout for the internal collector streets, and the right-of-way standards for each street type in the Badger Mountain South Development.

Is a public street to be constructed?

Yes ☒ No

Provide separate sheet with street type and edge type(s) indicated.

See the proposed preliminary plat.

See attached City of Richland letter to address traffic mitigations.

Section 7

This section establishes the framework for creating the pedestrian-scaled, walkable community of Badger Mountain South by outlining the process for using Block Standards to subdivide land.

LUDR 7.B.2 identifies the Block Size and Configuration should meet the following Block Dimension Standards: Block length= 1000' max., except in VMU District= 400' max. Identify the following for the smallest and largest blocks:

Block length: Smallest: 282 ft.; largest: 866 ft

LUDR 7.B.4 addresses alleys and front facing blocks. Please answer the following: Does the proposal include only blocks to be constructed with alleys?

Yes No ☒

If yes, skip to LUDAR 7.B.5.a below; otherwise please select response:

Do those blocks with direct street access lots (i.e., without alleys) meet the following criteria:

1. Non-alley load lots do not front onto a Collector Street, except in single-loaded, perimeter location; or, are located in the NE District; or, where located in an area where two districts abut (NG to NE District).

Yes ☒ No

2. Non-alley load lots are not across from a Civic District space.

Yes ☒ No

Per the LUDR 3.E.1, in the NE District houses are typically accessed by streets. Per LUDR 7.B.4.d(1), direct street access lots are permitted onto a Collector Street when they are (i) located in the BMS-NG District; (ii) when they are in the BMS-NG District and are located along the perimeter of the BMS project boundary; or (iii) when they are located in the BMS-NG District where that district abuts the BMS-NE District.

Does this preliminary plat include any areas where the NE and NG districts abut?

Yes No ☒

LUDR 7.B.5.a Other Block Requirements -In the Village Mixed Use (VMU), Neighborhood Collector (NC), and Neighborhood General (NG) Districts, two (2) building types required on each block; see Section 2.D. for Building Type Table. Identify Building Types proposed if known or enter N/A:

N/A for this District type

LUDR 7.B.4 Dead-end alleys greater than 150' ft. are not permitted; are dead end alleys greater than 150' proposed?

Yes No X

Section 8

This section identifies the design standards for each of the Building Types allowed within the Districts. Much of the review for Section 8 takes place during the MACR 2 process as outlined in LUDR Section 1.J. This application is being reviewed as part of the "Plat or Subdivision" process in table 1.J. This preliminary plat process covers up to "Step 5" in the Plat or Subdivision review process. Steps 6-9 and the "Site Plan Review" process take place once a builder proposes a project on one of the lots created as part of this process. At that point, the MPA and the City of Richland review the proposal against the requirements of 8.C. Some of the common design standards listed in section 8.C can be outlined during the preliminary plat process, but it is impossible to review all requirements without a specific building type proposal from the end user.

LUDR 8.B - 8.P Lot Size by District and Proposed Building Type. In LUDAR 7.B.5.a (above), proposed Building Types were identified for this project. Do the proposed lot size(s) meet the Building Types lot standards?

Yes X No

Please describe:

Special Districts are not regulated by Building Type. See Section 4 for District intent and standards. See also 8.C for Common Design Standards applicable to all districts.

LUDR 8.C 1- The preliminary plat identifies tracts that will be used for open space and public gathering areas. Specifically, tract 72 will be used as a green open space with a covered sitting area and trails that connect to the 7-acre vineyard, the BMS 4-plex project/Ava Way, and the primary trail along Trowbridge that leads to the Ravine trail system and the 30-acre City of Richland Park. Tracts 69, 70, and 71 will also be reviewed during the MACR 2 process as potential open spaces. Villa Vista will also place clear entry monumentation at the entrances off Trowbridge and Syrah to clearly define the project. The entry monumentation design will be coordinated with the BMS 4-plex project and the BMS-CMU project to create consistency in design.

LUDR 8.C.2- Villa Vista provides a linked pedestrian circulation pathway as identified on the plans. This project will link through the BMS 4-Plex project to the Ava Way primary trail, creates 3 points of connection with the Trowbridge primary trail, links Ava Way to Trowbridge on a primary trail, has a walking path to the tract 72 open space from Bellaview, Trowbridge, and the BMS 4-plex, creates a 15' tree-lined walkway from Sotto Street to Bellaview and the vineyard, and creates a connection to the future BMS-CMU walking path.

Other common design features found in 8.C will be reviewed during the MACR 2 process as outlined in LUDR section 1.J

Recommendation of Consistency:

It is my opinion as the Master Plan Administrator that the application as submitted is consistent with the intent and the purpose of the Master Agreement relative to this plat dated 04/14/2022 and the approved LUDR.

Signature: 

Date: 04/26/2022

Exhibit 16



www.ci.richland.wa.us

Development Services Dept.
Planning Division
625 Swift Blvd.
Richland, WA 99352
Telephone 509-942-7794
Fax 509-942-7764

July 19, 2022

MASTER AGREEMENT CONSISTENCY DETERMINATION - REMAND

For: Updated Preliminary Plat Application of Villa Vista Townhomes, a Badger Mountain South Development (S2021-102)

Applicant: South Richland Communities, LLC

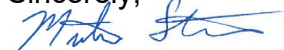
Project Description: A subdivision of 13.31 acres into 68 residential lots and five tracts as depicted on the updated preliminary plat submittal.

Consistency Determination Type: Level 1

Master Agreement Consistency Recommendation: The Richland Planning Department received a revised master agreement consistency recommendation from the Badger Mountain South Master Program Administrator on May 17, 2022.

After completing the review of the preliminary plat application of Villa Vista Townhomes, evaluating it against the standards contained in the adopted Land Use and Development Regulations (LUDR) for the Badger Mountain South Community and the Master Agreement between the City of Richland and Nor Am Investments, LLC and after reviewing the recommendation of the Badger Mountain South Master Program Administrator, I find that the application is consistent with the Master Agreement and the LUDR and hereby issue this Master Agreement Consistency Determination. This determination is made with the understanding that a traffic impact analysis has been provided to the city and that the Villa Vista Townhomes plat may not move forward with development until such time the traffic revisions recommended in the TIA and agreed upon by the City Public Works office, have been completed.

Sincerely,



Mike Stevens
Planning Manager

Exhibit 17



www.ci.richland.wa.us

Development Permitting Division

625 Swift Blvd.

Richland, WA 99352

Telephone 509-942-7794

Fax 509-942-7764

July 19, 2022

PLANNED ACTION CONSISTENCY DETERMINATION - REMAND

For: Updated Preliminary Plat Application of Villa Vista Townhomes, a Badger Mountain South Development (S2021-102)

Applicant: South Richland Communities, LLC


Project Description: A subdivision of approximately 13.31 acres into 68 residential lots and five tracts as depicted on the updated preliminary plat submittal based upon the Richland Hearing Examiner's Remand Order.

Master Agreement Consistency Determination: Issued July 19, 2022.

After completing the review of the updated preliminary plat application of Villa Vista and evaluating it in light of the mitigating conditions established in the Final Supplemental Environmental Impact Statement prepared for the Badger Mountain South Subarea Plan and as delineated as Exhibit B in the Master Agreement between the City of Richland and Nor Am Investments, LLC, the City finds the following:

1. The Villa Vista preliminary plat meets the description for a planned action as defined in City code and that as conditioned, the project will implement any applicable conditions or mitigation measures identified in RMC 19.50 (Consistency with Development Regulations and SEPA);
2. The Villa Vista preliminary plat is consistent with the City of Richland Comprehensive Plan and the Badger Mountain Subarea Plan;
3. The Villa Vista preliminary plat is consistent with the Master Agreement between the City and Nor Am Development, LLC regarding development of Badger Mountain South, as evidenced by the Master Agreement Consistency Determination issued by the City on July 19, 2022;
4. The probable significant adverse environmental impacts of the proposed project have been adequately addressed in the Planned Action Ordinance

- [RMC 19.50.030 (B)] and as described in the Badger Mountain South Planned Action Consistency Determination for Villa Vista preliminary plat;
5. The Villa Vista preliminary plat is not an essential public facility, as defined in RCW 36.70A.200.
 6. Based on the foregoing, a SEPA threshold determination or EIS is not required.
 7. The following environmental mitigation conditions shall apply to the Villa Vista Townhomes preliminary plat:
 - a. Erosion control measures as required by City of Richland shall be implemented; vegetative cover on exposed soils shall be provided as soon as practicable following clearing and grading activities; water of exposed soils shall be performed in accordance with Benton Clean Air Authority requirements; soils shall be compacted at densities appropriate for planned uses.
 - b. The applicants shall submit a dust control plan to the Benton County Clean Air Authority for their review and approval. All construction work shall be performed in accordance with the provisions of the approved dust control plan.
 - c. The applicants shall submit an erosion control plan to the City of Richland Public Works Department for their review and approval based on the Washington State Department of Ecology Stormwater Management Manual for Eastern Washington. All construction work shall be performed in accordance with the provisions of the approved erosion control plan which shall be consistent with City standards.
 - d. The applicants shall conform to City noise standards.
 - e. Transportation mitigation measures shall be applied pursuant to the most recent traffic impact analysis prior to recording any phase of Villa Vista. The mitigation measures identified therein shall be implemented in accordance with the planned action ordinance as conditioned by the Richland Public Works Department.
 - f. Potable water systems shall be designed and constructed in accordance with City standards.
 - g. Sewer systems shall be designed and constructed in accordance with City standards.
 - h. All residential dwelling units shall be constructed with a residential fire sprinkler system.
 - i. Energy conservation measures and sustainability standards as established in the LUDR shall apply to new construction within the proposed project.



Mike Stevens,
SEPA Responsible Official

July 19, 2022

Exhibit 18



CITY OF RICHLAND NOTICE OF APPLICATION AND PUBLIC HEARING (S2021-102) REMAND

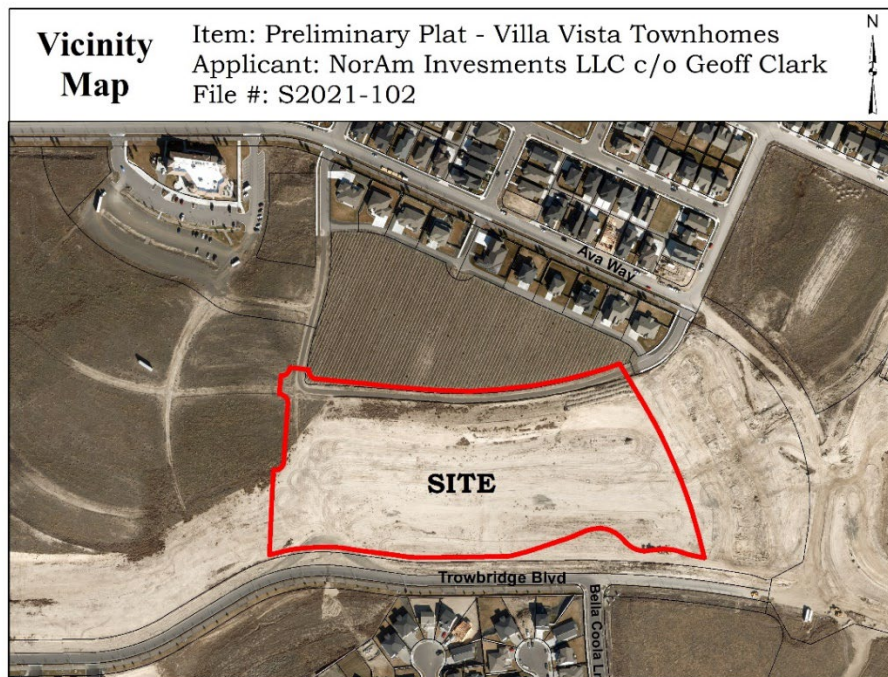
Notice is hereby given that Geoff Clark has filed an updated application on behalf of NorAm Investments, LLC in response to the Richland Hearing Examiner's Remand Order pertaining to the Preliminary Plat of Villa Vista Townhomes (S2021-102). The updated proposal is to subdivide a 13.31-acre site into 68 residential lots and five (5) tracts. The project site is located along the north side of Trowbridge Boulevard, approximately 1,050-feet east of Dallas Road in the Badger Mountain South master planned community (APN 1-32982BP4732021). The plat proposes an average lot size of 5,867 square feet.

The Richland Hearings Examiner will conduct a public hearing and review of the updated application at 6:00 p.m., Thursday, August 18, 2022. All interested parties are invited to participate in the virtual public hearing by visiting the City of Richland website (www.ci.richland.wa.us).

Environmental Review: The proposal is not subject to specific environmental review. Environmental impacts of Badger Mountain South, a master planned community, have previously been analyzed. The final environmental impact statement and related file information are available to the public and can be viewed at www.ci.richland.wa.us.

Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Mike Stevens, Planning Manager, 625 Swift Boulevard, MS-35, Richland, WA 99352. Comments may also be faxed to (509) 942-7764 or emailed to mstevens@ci.richland.wa.us. Written comments should be received no later than 5:00 p.m. on Monday, August 8, 2022 to be incorporated into the staff report. Comments received after that date will be entered into the record at the hearing. Written comment will not be accepted after 6 p.m. on August 17, 2022; however, verbal comments may be presented during the public hearing.

The application will be reviewed in accordance with the regulations in RMC Title 19 Development Regulations Administration, Title 24 Plats and Subdivisions, the Badger Mountain South Land Use & Development Regulations and the Badger Mountain South Master Agreement. Appeal procedures of decisions related to the above referenced application are set forth in RMC Chapter 19.70. Contact the Richland Planning Division at the above referenced address with questions related to the available appeal process.



AFFIDAVIT OF MAILING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, Kevin Damrell, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning Division of the Development Services Department for the City of Richland.
2. On the 22nd day of July, 2022, I mailed a copy of the attached NOTICE OF APPLICATION AND PUBLIC HEARING (S2021-102) to the attached list of individuals via regular USPS on the date indicated above. The Richland Hearing Examiner will conduct a virtual public hearing and review of the application on Thursday, August 18, 2022.

Signed: Kevin Damrell

SIGNED AND SWORN to before me this 22nd day of July, 2022 by Kevin Damrell.



Notary Public in and for the State of Washington,

Print Name

Residing at Jennifer Schuster
625 Swift Blvd, Richland 99352

My appointment expires: 4-25-23



CITY OF RICHLAND NOTICE OF APPLICATION AND PUBLIC HEARING (S2021-102) REMAND

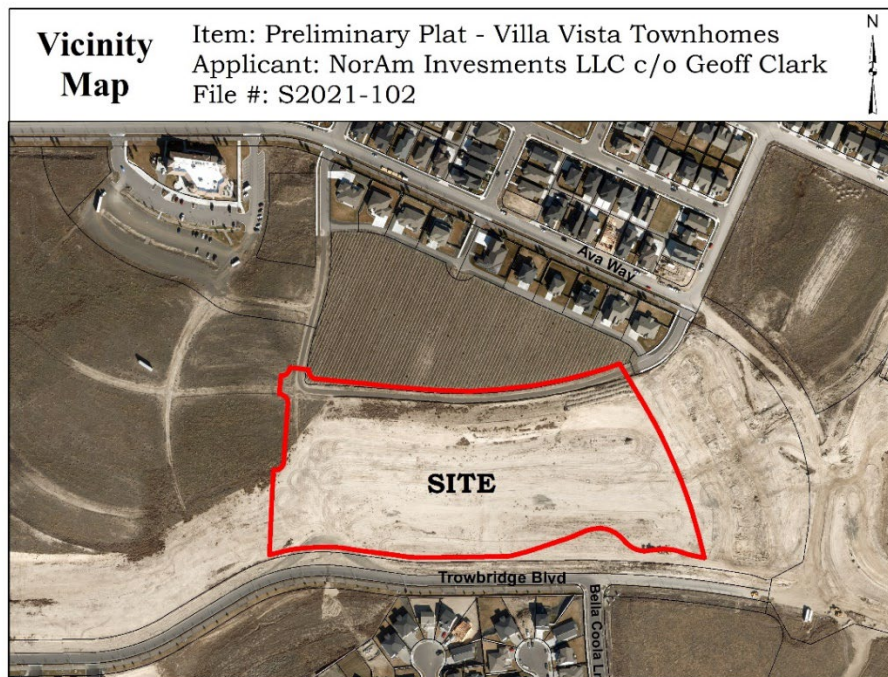
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The application will be reviewed in accordance with the regulations in RMC Title 19 Development Regulations Administration, Title 24 Plats and Subdivisions, the Badger Mountain South Land Use & Development Regulations and the Badger Mountain South Master Agreement. Appeal procedures of decisions related to the above referenced application are set forth in RMC Chapter 19.70. Contact the Richland Planning Division at the above referenced address with questions related to the available appeal process.



NOR AM INVESTMENT LLC 12513 DUBOIS AVE SW LAKEWOOD, WA 98498-5242	HOEKEMA DALE & DEBRA 3900 E LATTIN RD WEST RICHLAND, WA 99353	HOEKEMA DALE & DEBRA 3900 E LATTIN RD WEST RICHLAND, WA 99353
DEWEY TRUSTEES ROBERT A & KATHERINE E 140 N LINCOLN AVE FULLERTON, CA 92831	MELESSE TADESSE & GEBRETSADIK KONJIT KASSA 2371 BELLAVIEW AVE RICHLAND, WA 99352	KELLER KEVIN & KIM 3710 CANYON LAKES DR L106 KENNEWICK, WA 99337
HOEKEMA DALE & DEBRA 3900 E LATTIN RD WEST RICHLAND, WA 99353	HOEKEMA JONATHAN O & YEE-CHEN 4535 BARBERA ST RICHLAND , WA 99352	LAWRENCE TRUSTEE DAMON E 4524 AVA WAY RICHLAND , WA 99352
KADLEC REGIONAL MEDICAL CENTER PROVIDENCE ST. JOSEPH HEALTH 1801 LIND AVE SW RENTON, WA 98057	BADGER MOUNTAIN SOUTH COMMUNITY ASSOCIATION BMS COMMUNITY ASSOCIATION 12513 AVE DUBOIS SW LAKEWOOD , WA 98498	SIKH SOCIETY OF TRI CITIES 1903 JADWIN AVE RICHLAND, WA 99354
NOR AM INVESTMENT LLC 12513 DUBOIS AVE SW LAKEWOOD, WA 98498-5242	WOOD J. LYN & JANECE 5015 AVA WAY RICHLAND, WA 99352	NOR AM INVESTMENT LLC 12513 DUBOIS AVE SW LAKEWOOD, WA 98498-5242
MARCEAR BRENT A & CYNTHIA A 4756 VINEYARD ESTATE LANE RICHLAND , WA 99352	HELMANN AMANDA C 4594 VINEYARD ESTATE LANE RICHLAND , WA 99352	CHAVEZ MILTON JAMES & AMANDA 4566 VINEYARD ESTATE LN RICHLAND , WA 99352
BROWN ANDREA L & GREGORY B 4546 VINEYARD ESTATE LN RICHLAND, WA 99352	PFEIFFER RUSSELL & THRALL BARB 4518 VINEYARD ESTATE LANE RICHLAND, WA 99352	AFFLECK DANIEL MCIVER & LYNNDELL SUHADOLNIK 4504 VINEYARD ESTATE LANE RICHLAND, WA 99352
NOR AM INVESTMENT LLC 12513 DUBOIS AVE SW LAKEWOOD, WA 98498-5242	NOR AM INVESTMENT LLC 12513 DUBOIS AVE SW LAKEWOOD, WA 98498-5242	MONSON DEVELOPMENT WASHINGTON LLC 63615 E JACOBS RD BENTON CITY, WA 99320
ANZUREZ ANTONIO & RACHEL 2246 MORRIS AVE RICHLAND , WA 99352	HOWARD ANTHONY 2234 MORRIS AVE RICHLAND , WA 99352	YOUNG JOHN PATRICK & BRIANNA LAVONNE 2222 MORRIS AVE RICHLAND, WA 99352
MURRI REED 1245 GAGE BLVD RICHLAND , WA 99352	TUTTLE MATTHEW JAMES & JACQUELINE BEATRICE 2233 MORRIS AVE RICHLAND , WA 99352	TORRES JOHN A & ELIZABETH A 2245 MORRIS AVE RICHLAND , WA 99352

SANDERS LISA 2268 SEVILLA CT RICHLAND , WA 99352	SWISHER KEVIN & KRISTIN 2113 HARRIS AVE RICHLAND, WA 99354	KNOX JAMES M & MAYRA G 2244 SEVILLA CT RICHLAND, WA 99352
SABRI ALI & TAMEEMI DHUHA AL 2232 SEVILLA CT RICHLAND, WA 99352	IVANOV PAUL & ANITA H 3019 DUPORTAIL ST #176 RICHLAND, WA 99352	BORNINO ANGELA & ANTHONY 2243 SEVILLA CT RICHLAND , WA 99352
GOODRICH STEVEN E & ANGIE V 4844 SMITTY DRIVE RICHLAND , WA 99352	DEGEORGE MARK A & TIFFANY K 4856 SMITTY DRIVE RICHLAND , WA 99352	DALLAS GASOLINE LLC 5304 W CANAL DR KENNEWICK, WA 99336
BADGER DEVELOPERS LLC PO BOX 1307 GIG HARBOR, WA 98335	BADGER MOUNTAIN SOUTH COMMUNITY ASSOCIATION BMS COMMUNITY ASSOCIATION 12513 AVE DUBOIS SW LAKEWOOD , WA 98498	BADGER MOUNTAIN SOUTH COMMUNITY ASSOCIATION BMS COMMUNITY ASSOCIATION 12513 AVE DUBOIS SW LAKEWOOD , WA 98498
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GOOSE RIDGE ESTATES HOA 63615 E JACOBS RD BENTON CITY, WA 99320	BECKSTROM BRYAN & CARRILLO CHEROKEE 4468 POTLACH ST RICHLAND, WA 99352	NEW TRADITION HOMES INC 11815 NE 113TH ST STE 110 VANCOUVER, WA 98662
NEW TRADITION HOMES INC 11815 NE 113TH ST STE 110 VANCOUVER, WA 98662	TITAN HOMES LLC 2485 ROBERTSON DR RICHLAND, WA 99354	ZAMORA SHARON CATHERINE & BRUMFIELD SCOTT 4424 LOLO WAY RICHLAND , WA 99352
JK MONARCH LLC PO BOX 188 PUYALLUP, WA 98371	NEW TRADITION HOMES INC 11815 NE 113TH ST STE 110 VANCOUVER, WA 98662	JK MONARCH LLC PO BOX 188 PUYALLUP, WA 98371
SMILEY NICHOLAS RYAN & COURTNEY MARIE 4453 LOLO WAY RICHLAND, WA 99352	WEST VINEYARD OWNERS ASSOCIATION C/O HOA COMMUNITY SOLUTIONS PO BOX 364 GIG HARBOR, WA 98335-0364	WEST VINEYARD OWNERS ASSOCIATION C/O HOA COMMUNITY SOLUTIONS PO BOX 364 GIG HARBOR, WA 98335-0364

AFFIDAVIT OF POSTING


STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, **Kevin Damrell**, who, being first duly sworn upon oath deposes and says:

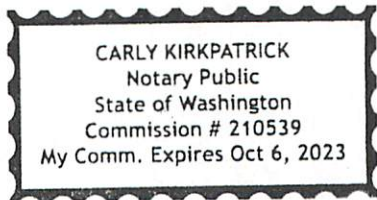
1. I am an employee in the Planning Division of the Development Services Department for the City of Richland.

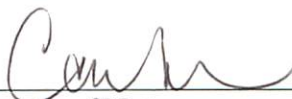
2. On the 25th day of July, 2022, I posted the attached NOTICE OF PUBLIC HEARING, File Number S2021-102 (Preliminary Plat of Villa Vista) in the following locations:

Along Trowbridge Blvd approximately 1000 feet east of Dallas Road


Signed: Kevin Damrell

SIGNED AND SWORN to before me this 25th day of July, 2022, by Kevin Damrell.




Signature of Notary

Printed Name

Notary Public in and for the State of Washington,

Residing in Richland, WA

My appointment expires: Oct. 6, 2023



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald

el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi

Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36823	308020	Print Legal Ad - IPL0086748	D2586000 4401 HE PHN	\$176.04	1	73 L

Attention: Jennifer Anderson

CITY OF RICHLAND/LEGALS
625 SWIFT BLVD. MS-05
RICHLAND, WA 99352

**CITY OF RICHLAND
NOTICE OF APPLICATION AND
PUBLIC HEARING
REMAND
(S2021-102)**

Notice is hereby given that Geoff Clark has filed an updated application on behalf of NorAm Investments, LLC in response to the Richland Hearing Examiner's Remand Order pertaining to the Preliminary Plat of Villa Vista Townhomes (S2021-102). The updated proposal is to subdivide a 13.31-acre site into 68 residential lots and five (5) tracts. The project site is located along the north side of Trowbridge Boulevard, approximately 1,050 feet east of Dallas Road in the Badger Mountain South master planned community (APN 1-32982BP4732021). The plat proposes an average lot size of 5,867 square feet.

The Richland Hearing Examiner will conduct a public hearing and review of the application on **Monday, September 12, 2022 at 6:00 p.m.** All interested parties are invited to participate in the virtual public hearing by visiting the City of Richland's website at www.ci.richland.wa.us.

Environmental Review: The proposal is not subject to specific environmental review. Environmental impacts of Badger Mountain South, a master planned community, have previously been analyzed. The final environmental impact statement and related file information are available to the public and can be viewed at www.ci.richland.wa.us.

Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Mike Stevens, Planning Manager, 625 Swift Boulevard, MS-35, Richland, WA 99352. Comments may also be faxed to (509) 942-7764 or emailed to mstevens@ci.richland.wa.us. Written comments should be received no later than 5:00 p.m. on Monday, September 5, 2022, to be incorporated into the staff report. Comments received after that date will be entered into the record at the hearing. Written comments will not be accepted after 6:00 p.m. on September 11, 2022; however, verbal comments may be presented during the public hearing.

The application will be reviewed in accordance with the regulations in RMC Title 19 Development Regulations Administration and Title 24 Plats and Subdivisions. Appeal procedures of decisions related to the above-referenced application are set forth in RMC Chapter 19.70. Contact the Richland Planning Division at the above-referenced address with questions related to the available appeal process.

Published: Tuesday, August 23, 2022
IPL0086748
Aug 23 2022

COUNTY OF BENTON)

SS

STATE OF WASHINGTON)

Stephanie Hatcher, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy as it was printed in the regular and entire issue of the Tri-City Herald and not in a supplement thereof, ran 1 time(s) commencing on 08/23/2022, and ending on 08/23/2022 and that said newspaper was regularly distributed to its subscribers during all of this period.

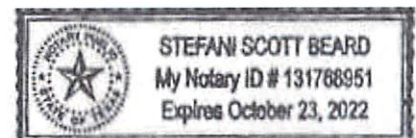
Stephanie Hatcher

(Signature of Legals Clerk)

Sworn to and subscribed before me this 26th day of August in the year of 2022

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

Exhibit 19

Stevens, Mike

From: Cunnina2 <cunningham.aaron238@gmail.com>
Sent: Tuesday, August 2, 2022 1:23 PM
To: Stevens, Mike
Subject: Public Comments for Villa Vista S2021-102 [Corrected Subject Line]

Dear Mr. Stevens,

When my wife and I moved here last fall, the wine village became one of the main drivers for us choosing to purchase a home in Badger Mountain South. Because of this, we have built excitement for all that we will be able to experience within walking distance of our front door. Finally, we found a place we are proud to call home. It is disheartening to know that the vision we were sold was dishonestly replaced for a plan that would negatively affect the future dynamic of this community. Incorporating the wine village as originally intended will encourage long term investment, sustainability, and *healthy* growth for our community. Moving away from this will greatly jeopardize these prospects. We implore you to hold the developers accountable to the vision our residents invested so heavily in for themselves and their families.

Sincerely,
Aaron Cunningham

Sent from my iPhone

Stevens, Mike

From: Agnes Strasser <astrasser579@gmail.com>
Sent: Friday, August 5, 2022 5:00 PM
To: Stevens, Mike
Subject: Public Comments for Villa Vista

My husband and I have been extremely disappointed in our investment in BMS.

We moved here based on the promises and pictures put forth in the advertising - we wanted a sustainable walking community with a Business District, Speciality District and the other things we were promised.

Please don't let our community be negatively impacted by greed - we don't need more housing, but we do need the amenities we were promised.

Land is a precious commodity and we need to safeguard its use.

Thank you,

Bill and Agnes Strasser

Sent from my iPad

Stevens, Mike

From: Ali Sabri <eng-ansabri@hotmail.com>
Sent: Saturday, August 6, 2022 1:54 PM
To: Stevens, Mike
Subject: Response to Notice Villa Vista S2021-102

Dear City of Richland,

I, Ali Sabri – Dhuha Altameemi – Alhasan Natheer – Alhusian Natheer would like to express our strong rejection for building townhouses in front of our backyard. When we bought our house we considered privacy, mountain view and additionally we have been told the area will be changed to parks and open space that have wine village and market we can walk to, we don't recall houses will be built in front our backyard. We strongly reject the idea of building houses and we would like parks and open space to be placed here.

Thank you,

Ali \ Dhuha & Family

2232 Sevilla Ct,

Richland, WA 99352

571.485.1642

Stevens, Mike

From: Amy Hood <amy.hood79@gmail.com>
Sent: Monday, August 8, 2022 9:32 PM
To: Stevens, Mike
Subject: Badger Mountain South commercial use area & wine village

Follow Up Flag: Follow up
Flag Status: Flagged

It has recently been brought to my attention that the land originally marketed and promised to the residents of Badger Mountain South as commercial use and a wine village may be sold off for housing. I truly hope the city of richland does not allow NorAm to bait and switch the homeowners who originally invested in the “sustainable” community that Badger Mountain South was marketed as. Please hold NorAm to the original plan they marketed to us, and to you, the city of Richland. This was promised to us over the last 5 years. I’ve bought two homes in this community, banking on this. Please show the community you will continue to invest in the long term vision for the city. Give the homeowners the infrastructure they need to continue to make this community a model of what sustainability and local healthy commerce can look like.

Amy Morris
2544 Anvil Ct.

Sent from my iPhone

Stevens, Mike

From: Ashley Marsh <acmarsh8@gmail.com>
Sent: Friday, August 5, 2022 4:31 PM
To: Stevens, Mike
Subject: Public comments village vista 2021-02

To whom it may concern,

We absolutely would be devastated if there are more townhomes/residential housing put in this area. We were promised restaurants, grocery store, vineyards... etc. It really impacts the investment on our home when the developer changes the plans. This could be such a wonderful desired area to live if the right business come out here! I don't know anybody who wants more housing out here! Thanks for listening.

Sent from my iPhone

Stevens, Mike

From: Ashley Peterson <pongahead@msn.com>
Sent: Sunday, August 7, 2022 8:55 AM
To: Stevens, Mike
Subject: Response to Villa Vista S2021-102

Good morning Mr. Stevens –

I wanted to reach out on behalf of my neighborhood, West Village, off of Dallas Road in Richland. I bought into this neighborhood in 2018 (in fact, mine was the very house built off of Trowbridge!) and when my family grew, we stayed in the neighborhood and bought a second home in 2021. This area has always held the promise of a sustainable, walkable community with a grocery store and specialty retail (specifically a wine village with shops and restaurants). Every advertisement boasted walking paths, green spaces, and the ability to walk or bike to anything you could want to do. Now, it seems this lifestyle is being threatened by greedy developers looking to profit off of packing more and more multi-family properties into what space is left. There have been quotes circulating, gaslighting everyone who lives here, that state that this was never promised to us. That we are all crazy. I have photos of billboard signs off of Ava by the mercantile with maps advertising the wine village. This was not just our realtors and builders telling us what we wanted to hear. I believe we should get the neighborhood we were promised. It would be sustainable and profitable for the city as planned and does not need to be changed. The value of these homes would jump drastically. The quality of life for this community would increase immensely.

Thank you for taking this into consideration,
Ashley Peterson

Stevens, Mike

From: Braden Bakke <braden.bakke@hotmail.com>
Sent: Sunday, August 7, 2022 5:26 PM
To: Stevens, Mike
Subject: Public Comments for Villa Vista S2021-102

To whom it may concern,

I am writing to express my concern regarding the future development of the Badger Mountain South Community. Before moving here, we did some research to get a better understanding of the future plans for the neighborhood, and one of the many things that was promised was a wine village. This is still mentioned today on the Badger Mountain South website, where it says: "...we eagerly await the new wine village and its vast array of amenities including an amphitheater, hotel, event center, cinema, as well as selection of both casual and sophisticated dining experiences." On the same website, they have a page dedicated to this wine village (<https://badgermountainsouth.com/find-a-home-old/wine-village/>). They are now planning to scrap the wine village and put in 68 townhouses.

Please help hold the developers accountable and make them create part of the community they had initially promised.

Thanks,
Braden Bakke

Stevens, Mike

From: Brent marcear <BMarcear@msn.com>
Sent: Wednesday, August 3, 2022 8:42 PM
To: Stevens, Mike
Subject: Opposition to putting townhomes in the specialty retail area off trowbridge

I have lived in Badger Mountain South for 5 years. We bought and built here based on a vision that was to include retail businesses in this area. This development was to take 20-30 years to build out. It has not even been ten years yet. There is no going back if this area is developed for townhomes. I am not opposed to the townhomes as there is plenty of land available to put them. Once the park is put in to the east of this land, I believe that business people will start to look for land to meet the original intention of the specialty district. Please give it more time!

Thank you,
Brent Marcear
4756 Vineyard Estate Lane
Richland

Get [Outlook for iOS](#)

Stevens, Mike

From: Bryan Beckstrom <beckstrom12@gmail.com>
Sent: Monday, August 1, 2022 8:14 PM
To: Stevens, Mike
Subject: Response to Villa Vista S2021-102

Dear City of Richland,

We are writing this email with the intent that you will uphold the heavily marketed vision of Badger Mountain South. When we purchased our home this last year, our realtor sold us on the benefits regarding the master community with paths, green space and parks, and small local business. She pointed out where a wine village would be. We researched several other communities in the area. On the BMS website it showed a vision that we connected too. I purchased a home not only as a place to grow roots but as an investment for the future and it is DIRECTLY across from this wine village as this was such a unique community, instead of finding a closer or more established community. You can imagine my sense of betrayal when I discovered that my dream home and community that was to be steps away from the wine village and other community-focused businesses now being turned into a condo farm. To further add to this insult the developers continue to deceive and have removed the key points in this new attempt to replace the last area with townhomes.

I am incredibly frustrated as a citizen to have purchased a home in what I was told by multiple real estate agents, builders, and the developer that this would be a green and sustainable community with a wine village to celebrate the agriculture of our area. Now my home is to be directly across from condos and townhomes. I would not have purchased this home in this location had I known the truth. I paid a premium for to be next to the wine village and other amenities. Now my home value will plummet due to increased traffic in the area, elevated crime, and lack of amenities that are still heavily marketed for this area. This is a type of bait and switch tactic and it leaves a sour taste in your mouth. Ultimately, if NorAm gets its way this leaves both the city and the developer open to litigation.

I ask you to do the right thing, and put an end to this farce. There are alternative ideas on how to keep true to what was promised, the developer should be working with the residents to find common ground and propose a win-win solution not a win-lose, and by that I mean a win for the developer and a loss for everyone else involved.

Stevens, Mike

From: Carlos Fernandez <fernandezcarlosa@gmail.com>
Sent: Wednesday, August 3, 2022 12:30 PM
To: Stevens, Mike
Subject: Re: Response to Villa Vista S2021-102

El mié, 3 ago 2022 a las 12:28, Carlos Fernandez (<fernandezcarlosa@gmail.com>) escribió:

To whom it may concern,

I would like to express my concern about the promised Wine Village that has now become just a promise. When I purchased the home I was told this was going to be an area for wineries and that was the reason why I bought here.

That instead the plan is to build 68 townhouses is a complete disrespect to all the neighbors. Please continue with the original plan of making this area a Wine Village.

Thank you in advance for your time and assistance in this matter.

Regards,

Dr. Carlos A. Fernandez

Stevens, Mike

From: Carlos Fernandez <fernandezcarlosa@gmail.com>
Sent: Wednesday, August 3, 2022 12:29 PM
To: Stevens, Mike
Subject: Response to Villa Vista S2021-102

To whom it may concern,

I would like to express my concern about the promised Wine Village that has now become just a promise. When I purchased the home I was told this was going to be an area for wineries and that was the reason why I bought here.

That instead the plan is to build 68 townhouses is a complete disrespect to all the neighbors. Please continue with the original plan of making this area a Wine Village.

Stevens, Mike

From: cherokee carrillo <cccarrillo5@gmail.com>
Sent: Monday, August 1, 2022 7:55 PM
To: Stevens, Mike
Subject: Response to Villa Vista s2021-102

Dear city of Richland,

I write this email in frustration but also in hope that you will do the right thing regarding badger mountain south. When purchasing my home just last year I was specifically told by my realtor regarding the master community with paths, green space and parks, and small local business. She even pointed out where a wine village would be located with local shops, amphitheater, and more. We researched several other communities and even on the BMS website it showed this vision that I connected with. I purchased a home DIRECTLY across from this wine village/specialty district as this was such a unique community, instead of finding a closer or more established community. You can imagine my sense of betrayal when I found out that my dream home that was supposed to be steps away from the wine village, is now being turned into condos. To further add insult to injury, the developers continue to deceive and remove the key points in this new attempt to replace the last area with townhomes.

I am incredibly frustrated as a citizen to have purchased a home in what I was told by multiple real estate agents, builders, and the developer about a green sustainable community with a wine village to celebrate the agriculture of our area. Now I'm facing my home to be directly across from condos and townhomes. I would not have purchased this home and the location which I paid a premium for to be next to the wine village had I known this. My home value will sink, and now I feel cheated. This is pure fraud what has happened here and needs to be addressed by the city.

I ask you to do the right thing, we were promised a vision of something better than a suburb, but face the nightmare of a condo/townhome farm. I understand it's difficult to get a business to back the specific wine aspect, but this is not what the wine village was about. There can be a common ground as other key aspects of the wine village involve restaurants, outdoor meeting area, amphitheater, local shops. The developer should be working on the residents to find this plan to fulfill the rest of what was promised in this specialty district area, not line his pockets. I feel this con will put the developer and city at risk for litigation by the many residents deceived who are fighting hard to make things right. Please keep them accountable for advertising and promises made to the many residents of badger mountain south.

Best regards,

Cherokee Carrillo



West Village Phase 5 recorded the end of January - homes are quickly being built and sold. West Vineyard Phase 2 was available starting 6/23/2021. Check out the newly available lot and homes in this rapidly growing community



Taken right off BMS website 8/1/2022 lying to the public

Stevens, Mike

From: Chris Pope <java_jonez@yahoo.com>
Sent: Monday, August 8, 2022 7:23 PM
To: Stevens, Mike
Cc: Gwendolyn Pope
Subject: Response to Villa Vista S2021-102

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

My wife and I relocated from the Seattle area to the Tri-Cities last year. It was a pretty big decision for us, but we were drawn to the Badger Mountain South location within the Tri-Cities because of the vision and dare I say promise of certain neighborhood amenities such as walkable pathways, everything within walking distance, a nice wine village to socialize with friends and neighbors, parks and community center and businesses. Everything described made us feel I like we could move here and enjoy the community well into our retirement years. As a result, we decided to have our "forever home" built here. Mind you, we could have chosen several other locations that would have afforded us many of these things, but not quite in the way that BMS was designed to be.

The future plan to build a wine village right in our neighborhood was a very big draw, as we imagined how cool that would be to have it in our own backyard. We read up on the plans and read through the Master Agreement which were approved by the City Council in 2010. We fell in love with the concept images of fountains, cafes, wine tasting, nice gathering spaces to spend time with friends...all within walking distance of our home. This piece of desert will turn into an amazing place to call home, was what we thought. Now we find out that the wine village is in jeopardy. What's more, many of the other plans for our community are in the same boat.

But, what really irks me is this new proposal to replace the wine bvillage with townhomes! If I had wanted to move to a neighborhood that had townhomes and other factors to overcrowd where I live, I'd have chosen differently. As it stands, this proposal is absurd. How can this classic bait and switch be tolerated? These are people's lives and happiness we're talking about. I hope to not be just another business transaction and I know that all of our other disappointed neighbors feel the same. Please put an end to this proposal. It would be a sad day if this goes through.

Best regards,

Chris Pope

-Chris

Stevens, Mike

From: DJ Halverson <dj_halverson@msn.com>
Sent: Saturday, August 6, 2022 4:10 PM
To: Stevens, Mike
Subject: Response to Villa Vista S2021-102

Hello,

I received a notice that Badger Mountain South, the community I live in, is at risk of losing the Wine Village and will possibly be replaced with 68 townhomes. This change from what was marketed since we started looking for a home here is very concerning because it's one of the reasons why we purchased in this community. With BMS being so far away from other businesses and fun activities, this change will surely reduce the growth of our investment of buying a home here. We have built relationships with many other home owners in this community and I'll stress that this decision to not follow through with the original plans will not be taken lightly and there will be some moving out of this area. I hope this email does not fall on deaf ears and will be taken seriously in the consideration of future development plans for BMS.

Thank you,
DJ Halverson

Stevens, Mike

From: Elias Nakouzi <eliasnakouzi@gmail.com>
Sent: Tuesday, August 2, 2022 8:47 PM
To: Stevens, Mike
Subject: Villa Vista S2021-102

Dear City Hearing Examiner,

It is unfortunate to learn that the Villa Vista development could be cancelled. We invested in this community because we believed in Richland City when they advertized the amenities in this community:

<https://m.youtube.com/watch?v=F0io-DVnBQI>

Sadly, the only thing that remains of this plan is that it's a "fairly compact development."

Please consider the impact of this development on the community.

Best,
Elias

Stevens, Mike

From: gswihart@gmail.com
Sent: Tuesday, August 2, 2022 1:24 PM
To: Stevens, Mike
Subject: Response to Village Vista S2021-102

Good afternoon, Mr. Stevens.

I am writing to report my concerns with the development of Villa Vista & 68 new shared wall town homes where a proposed Wine Village was to be. I believe NorAm might have acted in good faith when they proposed a wine village but cannot say for certain that their actions over the past eight years have proven anything.

I do know that when we purchased our home four years ago, we were purchasing a home with the hopes of Badger Mountain South becoming the Badger Mountain South as advertised. Badger Mountain South is still advertising a Wine Village and shops we can walk to. Between Nor Am & The City of Richland the idea of "Live Here, Work Here, Play Here.", is being taken away from us for what? Row houses and I assume tax revenue.

I would like to believe there will be a school built & possibly that future fire station within the park area, but I do have my doubts.

Nor Am & The City of Richland sold the residents of Badger Mountain South a vision and they are still using that same vision to sell homes without letting anyone know the vision is nothing more than a marketing ploy. I believe the City of Richland & Nor Am should be accountable for making sure the vision that was sold to people in Badger Mountain South becomes a reality. By adding more low-cost housing you are only hurting the investments of those that believed in the vision of Badger Mountain South.

Best,
Geoffrey Swihart

Stevens, Mike

From: GWENDOLYN POPE <GWENDOLYN_POPE@msn.com>
Sent: Tuesday, August 2, 2022 8:44 PM
To: Stevens, Mike
Subject: Response to Villa Vista S2021-102

Hello,

My name is Gwendolyn and my husband and I recently relocated to West Vineyard from the Greater Seattle Area. We were drawn to this location because of the description of the amenities, walkable pathways, everything within walking distance, a nice wine village to socialize with friends and neighbors, parks and community center and businesses. Everything to really build a community with pride of ownership for the years to come. We envisioned living here and enjoying the community well into our retirement years.

My husband and I enjoy good wine. The future plan to build a wine village right in our neighborhood was a very big draw. We read up on the plans, read through the Master Agreement which were approved by the City Council in 2010. We fell in love with the concept images of fountains, cafes, wine tasting, nice gathering spaces to spend time with friends...all within walking distance of our home! This piece of desert will turn into an oasis!

"Just a walkable few blocks away from many homes is a park or a community gathering place where people can come together to barbeque, play sports or have a quiet conversation."

"Tourists will find their way to the distinctive Badger Mountain South Wine Village and related shops where they can stay to explore the many tasting rooms and view demonstration vineyard that have many sustainable features..."

I understand this Vision Statement was to guide future planning efforts, "to provide quality and choice in housing, shopping, employment, education, transportation and recreation...with a **healthy BALANCE** of market-driven, private sector uses along with a range of public facilities, open space, parks and trail uses."

THIS is what we paid into, invested in, and dreamed about seeing it become a reality. We invested in the future and the draw that the wine village will bring to our home's value.

Last week we heard that a proposal was being submitted to build 68 townhomes instead of the wine village. Very utterly heart breaking! Please do not let this happen. This is false advertising. We did not buy into yet another sea of suburban homes...but a true balance of public and private in a well developed community.

As you review the proposal for townhomes to replace what was envisioned, please remember that this wine village is what sold us and many others to move to this to such a special place. Don't give into the lure of the dollar, but uphold the original plan in creating a quality lifestyle of leisure and entertainment that the wine village would support.

Sincerely,
Gwendolyn Pope

Heather Nicholson
4717 Barbera St.
Richland, WA 99352

July 31, 2022

Hearing Examiner Gary McLean
c/o mstevens@ci.richland.wa.us

Dear Hearing Examiner McLean:

I'm writing to you to help defend the Badger Mountain South Specialty Retail District. As before, I have a vested interest in this property as this community is my home. Some things have changed since the last time I was at a Hearing Examiner's meeting. I now serve as a volunteer on the City of Richland's Planning Commission. I'm not submitting this under the title of Planning Commissioner, but as a resident of the community.

Suffice to say, I really care about my community. I was disheartened the remanded Villa Vista plat showed back up with very little changes. I've done analysis on some key points made in the refiled application and present my research on the pages that follow.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Heather Nicholson", with a stylized, flowing script.

Heather Nicholson
702-981-3237
Hansen.hch@gmail.com

EXECUTIVE SUMMARY

The latest Badger Mountain South Villa Vista plat submission (S2021-102) does not adequately address the remand criteria established on September 29, 2021 and therefore should be remanded once again.

A primary reason for remanding the proposed Villa Vista plat in September 2021 was because it didn't meet the intent set forth in the LUDR or Master Agreement. As you stated in the Remand Order, "the property owner and primary developer of properties in the Specialty Retail District has yet to present an application for any proposal that would directly achieve the intent for such district."

Before you is the resubmitted application. Overall, the plat has changed very little and once again fails to achieve the intent for the Specialty Retail District. Instead, the applicant is attempting to change the plat approval criteria by incorrectly applying Clause 4.1 (11) of the Master Agreement.

Additionally, the application also contains other concerning factors as they relate to:

- Wine Village Pursuit vs. Marketing
- Lack of Response to Public Comments
- Proximity to the City's 30 Acre Park
- Parks and Construction Responsibilities
- No Plaza / Town Square

Flexibility in the LUDR and Master Agreement happens in the Code Amendment Process; not plat applications and Hearing Examiner meetings.

In the newly submitted plat paperwork, Nor Am posits that their plat should not have been remanded. They argue the LUDR and Master Agreement are intended to “provide flexibility in uses and timing of development to accommodate market trends and conditions.” While this flexibility is a real thing in both documents, it has an established process which must be followed and cannot be applied by either party at will. The flexibility of these documents is provided through the City’s Code Amendment process, not in plat applications or Hearing Examiner meetings. According to RMC 19.90.060 *Timing and order of consideration of suggested amendments*:

Suggested amendments to the comprehensive plan, subarea plan or development regulations shall be considered at least once each calendar year, but the comprehensive plan shall be amended no more often than once each calendar year...The city council shall initiate consideration of suggested amendments by motion requesting the planning commission to prepare a recommendation.

Nor Am has gone to the City multiple times to request revisions to the LUDR. It was amended first in 2012 and again in 2014 to allow for 3 car garages and larger yards. In 2015 the LUDR was amended to eliminate 44 block parks, increase maximum block length, and change houses from alley loaded to front loaded. In 2016 changes were made to decrease the community’s sustainability principles. All of these changes went through the proper process of City and Nor Am approval.

Now, what’s interesting, is that the LUDR is currently being amended. There are so many proposed amendments it’s taken almost 8 months for the Planning Commission to work through them. What’s not on the docket to be amended is the Specialty Retail District. In fact, in a Planning Commission meeting dated 3/23/2022 the applicant said “I’m not going to talk a lot about section 3 and 4, of course, we’ll be scrolling through those tonight, but there’s very few changes to any of those pages (30:37 mark, City View).” So Nor Am is currently going through the LUDR amendment process, is openly avoiding amending the Specialty Retail District, while concurrently resubmitting a plat which would effectively eliminate the District altogether.

In their response to Remand Order point 13, the applicant quotes section 8.1 of the Master Agreement: “If a development application is consistent with the Master Agreement, then it shall be approved.” In order for the proposed plat to be consistent with the Master Agreement, Nor Am would have to amend both the LUDR and the Master Agreement to change the intent of the Specialty Retail District. Today, the intent of the Specialty Retail district in both documents remains the same as it was when it was originally created. In their own words, “Nor Am, the City of Richland, and The Port of Kennewick developed the Intent of the Specialty Retail District as a wine village.” (Applicant Response to Remand Order pg 2, section 13)

LUDR Page 1-2 Section 1.C.10 reads:

*...The intent is that **the most current LUDR** be used to evaluate permit applications and projects are not vested to a current version of this document. (emphasis added)*

The most current version of the LUDR is what must be used to evaluate this plat application. The most current version of the LUDR indicates the intent of the Specialty Retail District is "...to support and provide development opportunities for the growing interest in local and regional agricultural products, in particular the local wine industry." Furthermore, at this point all parties have agreed on the District's intent. The intent of the Specialty Retail District is not reflected in this application. This alone should be enough to warrant remanding the Villa Vista application again.

Active pursuit of the wine village appears to have ceased prior to the first Villa Vista plat application, but marketing for it continued until 2022.

The applicant has spent the last 10 years looking for a partner to develop the wine village. Because this didn't work, they argue they shouldn't be held to the district's intent any longer.

This notion also came up in the January 26th, 2022 Planning Commission meeting which you can watch on City View. Lawrence White, the head of Nor Am, explained that Nor Am initially went all-in on the wine village concept. However, in that time they never had a nibble and now they've realized they need to develop the area into something else. At the 14:29 second mark, Chair Maier asked Lawrence White "when did you stop pursuing a wine village?" He couldn't (or wouldn't) answer the question directly.

There is certainly a huge difference between actively pursuing a wine village, and being open to a business asking to establishing a wine business on your property. It does not sound like Nor Am has proactively looked for Winery opportunities since the City of Richland and the Port of Kennewick pulled out of their agreement in 2014. Contrarily, and as was stated in Mr. Pfeiffer's attachments in 2021, the developer was actively advertising the wine village to potential home buyers when the Villa Vista plat was first proposed. In fact, it wasn't until after the 1/26/22 Planning Commission meeting that their website was adjusted to remove the links to the wine village. However, if you go to Google and type in "Badger Mountain South Wine Village", the first result still takes you to their Wine Village advertisements on badgermountainsouth.com. A large swath of Badger Mountain South residents were at that meeting expressing their desire for the wine village, and sharing how they learned about it through their Realtors and marketing materials. Many people purchased a home here because they were excited for the wine village.

Attracting businesses to newly developing areas takes time. That's why the Master Agreement is in effect until 2035. It's entirely possible the applicant was marketing the wine village too early. 10 years ago, there would have been almost no houses built. Expecting businesses to outlay significant capital expenses when there was no one in close proximity may have been an impossible task. Now that there's thousands of residents in the immediate area thanks to BMS, Richland, Kennewick, and West Richland. This seems like the ideal time to be fully pursuing these partners. Even the developer acknowledges the scales have changed. As Darrin Sweeney said in a Tri-City Herald article¹ dated May 6th, 2022, "We're really excited about having enough rooftops to bring in the commercial development." Given that the wine village was actively marketed to home buyers up until this year, it only seems fair that more time is allowed to pass before the promise of the wine village is totally gone.

(1)*Tri-City Herald Article Titled: "Richland's Badger Mountain South readies for restaurants, retail, thousands more homes" *Tri-City Herald* [Richland, Washington}, 6th May, 2022. Online

LACK OF RESPONSE TO PUBLIC COMMENTS

Residents are a key stakeholder, and their input should be addressed.

The City Hearing Examiner recommended that the applicant address the detailed concerns in the unchallenged comments from Mr. Pfeiffer. The resubmitted request makes no attempt to address those public concerns. As shown in the previous section, many public concerns have been aired about Villa Vista. It's alarming that public input hasn't been addressed as recommended in the Remand Order.

PROXIMITY TO CITY'S 30 ACRE PARK

The Villa Vista plat is not adjacent to the City's 30 acre park.

The application states:

.96 AC of park area required. To be accounted for in the COR Park on 32 acres adjacent to the project

The 30 acre park is **not** adjacent to the Villa Vista plat. It's roughly a quarter mile away and families living in Villa Vista will have to cross an Arterial Collector Street. This would be appropriate for older children, but certainly not for younger kids.

To better illustrate this point, we've included aerial photographs, taken on 7/30/2022 by Andrew Taylor. As there is some distortion caused by the wide angle lens, we have included an aerial photo from both viewpoints.



PARKS AND CONSTRUCTION RESPONSIBILITIES

The application doesn't meet Parks / Open Space requirements. It also raises key responsibility questions.

The Green Infrastructure plan was created at the onset of the BMS development to ensure that every neighborhood in our community has accessible open space, parks, and walking trails. Due to the large volume of Residential Units being proposed in this plat, Green Infrastructure calculations prescribe that almost an acre's worth of park be developed in the Specialty District:

Parks

0.375 AC of park area to be created per 25 RU, which equals 0.015 AC, or 650 SF, per RU.

.96 AC of park area required. To be accounted for in the COR Park on 32 acres adjacent to the project

The usable Open Space provided in the newly submitted plat is Tract 72, which comes in at 10,632 square feet. This is roughly $\frac{1}{4}$ acre worth of land:

TRACT AREA TABLE		
TRACT #	AREA (SF)	USE
TRACT 69	9,695	PARKING / PRIMARY TRAIL / LANDSCAPING
TRACT 70	3,576	PARKING / LANDSCAPING
TRACT 71	5,121	PARKING / LANDSCAPING
TRACT 72	10,632	LANDSCAPING / SECONDARY TRAIL
TRACT 73	2,696	LANDSCAPING / PRIMARY TRAIL

This proposal doesn't meet the minimum requirements prescribed by the Master Agreement. To this point, the application states:

Nor Am Investment, LLC and South Richland Communities, LLC are currently supporting the COR in ongoing planning of a large park adjacent to this project. The park will also contain required trails. NAI and SRC currently plan to construct the park and all Green Infrastructure requirements are to be satisfied with this park. Therefore, this requirement is deemed to have been met.

We reached out to Joe Schiessl, Deputy City Manager and Acting Director for Parks & Public Facilities, to better understand this statement. He responded:

We are in escrow for the purchase of the 30 acre West Village Park now. We are nearly finished with construction documents for the first phase of the park and will be selecting our design builder for the Fire station project in the next few months. Both projects plus the land purchase are funded by the City without contribution from others (outside of a state library grant we have submitted).

Nor Am needs to better clarify their statements regarding their plans to construct the 30 acre park as it seems misaligned with the response from the City.

Also worth noting is a provision in the Master Agreement which would allow for Nor Am, or other entities, to make public park improvements. They would then earn public impact fee credits which could be used towards offsetting park impact fees in other parts of the community. However, section 17.8 says the following:

If Nor Am earns additional park impact fee credits for improvements it makes in the West Village Park, these credits may be used by Nor Am at any time to offset park impact fees for residential permits within the West Village, West Vineyard or East Garden neighborhoods.

As per the MACR, Villa Vista falls in the Veneto Villaggio Neighborhood:

6. What is the name of the neighborhood? (See LUDR pp. 7-1 through 7-3).

Neighborhoods: *Veneto Villaggio*

Therefore these credits would not apply/offset in this scenario.

NO PLAZA / TOWN SQUARE

There is no gathering space for events, festivals, and other community wide activities.

The LUDR (4.B.1) states the Specialty District is intended to: “Provide a gathering place for group events, festivals and other community-wide activities.” To accommodate this goal, Section 5.D of the LUDR states that “Plazas are intended to be incorporated into all commercial, retail and mix-use Districts within Badger Mountain South.” It further prescribes them to be located “at intersections of Primary Pedestrian Streets”.

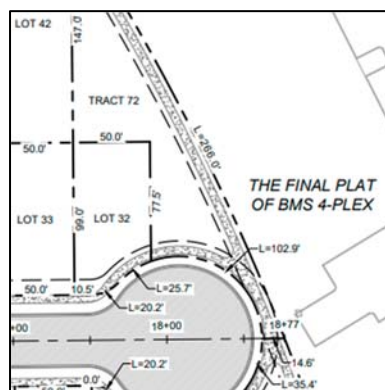
1. DESCRIPTION - PLAZA/TOWN SQUARE

- a. **Definition** - A “hardscape” open space is designed as a community gathering space and supports amenities to commercial development. Plazas are intended to be incorporated into all commercial Districts within Badger Mountain South. The size and location of Plazas will be determined during site plan review as the developer of commercial spaces identify and design Plaza and/or common open space areas within each commercial development.
- b. **Location** - All Commercial, retail and mixed-use areas; actual location determined at time of platting.
- c. **Size**
 - (1) Minimum width: 20 ft.
 - (2) Minimum depth: 20 ft.
- d. **Standards**
 - (1) Plaza/Town Squares will be spatially defined by building frontages, and located at intersections of Primary Pedestrian Streets.
 - (2) Landscaping and irrigation will be based on Landscape Guiding Principles, Section 11.B.
 - (3) Landscape materials to be selected from Section 11.F. or 11.G and will include 5 shade trees per acre, minimum 2” caliper.
 - (4) Decorative landscape planters, see Section 11.C.
 - (5) Electrical power sources as required.
 - (6) See Section 13.C for Site Improvement standards for:
 - i. Specialty paved surfaces
 - ii. Pedestrian-scale lighting
 - iii. Benches and/or removable seating
 - iv. Tables
 - v. Trash/recycling receptacles
 - vi. Bike racks
- e. **Additional Required Amenities:**

Each Plaza/Town Square will contain at least (1) one of the following additional amenities:

 - (1) Water features/interactive fountains
 - (2) Kiosks
 - (3) Public art, per Section 13.C.10

There’s no Plaza/Town Square or gathering place for group events, festivals and other community-wide activities. Tract 72 is at the end of a cul-de-sac directly between three lots and a quadplex and is a quarter-acre in size. This is clearly not a spot to hold a large gathering of any kind, and is therefore not aligned with the intent and requirements shown above.



Stevens, Mike

From: Humberto Torres <berto@blucanarycapital.com>
Sent: Tuesday, August 2, 2022 8:03 PM
To: Stevens, Mike
Subject: response to Villa Vista,

To whom it may concern,

When I bought a home in badger I was told by developer and builder that there would be family homes, a wine tasting village that included restaurants and no plans to erect townhomes. This seems like we were duped.

I for one do not like the idea of having proposed businesses now swapped for townhomes. What a disappointment. I am seriously considering selling my home and leaving the district.

Concerned Homeowner

Humbeeto Torres

Stevens, Mike

From: Michelangelo Lauer <michelangelolauer@gmail.com>
Sent: Monday, August 1, 2022 9:43 AM
To: Stevens, Mike; jtimking@comcast.net
Subject: Public Comments for Villa Vista S2021-102.

To All:

The purchase of my home last year April 2021 was based on what was to come to Goose Ridge Estates Development Area. A wine village, retail shops, schools, parks and all within walking distance. Perfect for a nice retirement or family community. All owner occupied no rental units. This was part of the reason for the higher price of the homes which also would result in higher property taxes. Since moving in I have heard nothing but negative comments about what we are not going to receive. Such as the parks (counting retention ponds as parks) wine village and retail shops within walking distance. These were all the Great things I was told about before my purchase and now it seems as though we were conned into buying something that is not going to happen. I would hope the city officials of Richland would do the correct thing and keep the plan as promised to all that have purchased property here. Why would you allow this developer to cheat folks who have moved and settled here when we could have bought for less somewhere else?

Sincerely
James King

Stevens, Mike

From: Jarrod Hicks <jarroddjames91@live.com>
Sent: Tuesday, August 2, 2022 5:43 PM
To: Stevens, Mike
Subject: Response to Villa Vista S2021-102

To whom it may concern,

As a home owner in Badger Mountain South, it is becoming frustrating that the most attractive amenities that were used to sell us on buying a home in the area are not being created.

BMS SD-SR is the only plot of land set aside for wine related businesses/structures. No winery will want to build next to townhomes...

Regards,
Jarrod Hicks

Sent from [Mail](#) for Windows

Stevens, Mike

From: Jason Brown <jvolbrown@gmail.com>
Sent: Tuesday, August 2, 2022 9:49 AM
To: Stevens, Mike
Subject: Response to Villa Vista S2021-102

Dear Mr. Stevens,

I am writing in regard to a proposal to build 68 townhomes, this is NOT what was planned or marketed to our community. It is not okay to switch things up, when this is what was promised and many people bought homes with the understanding we would have businesses built out here, not townhomes. Please do not change the proposal. No townhomes.

Sincerely,
Jason Brown

Stevens, Mike

From: Jayna Steed <jaynasteed@gmail.com>
Sent: Friday, August 5, 2022 8:19 AM
To: Stevens, Mike
Subject: Badger mountain south

Dear Mr Stevens

I am adding my voice to the many that would like to save our retail area and not divide that part of our neighborhood into lots for condo's. We moved to this area to have it be a fun walkable family environment. In my experience living many different places, putting in compact housing, increasing car traffic and creating parking for those residents is not the community we were promised or is what we are hoping to live around. We would love to see the developer maintain his original proposals and not just add high density housing for the sake of a payout or demand. We hope you enforce this integrity for the future of our neighborhood and to set a standard for other developers to be held accountable for promises made and follow through to be held firm.

Thank you,

Jayna Steed
6012 Smitty Dr

Stevens, Mike

From: Jeff Hall <jeffhall1332@gmail.com>
Sent: Monday, August 8, 2022 11:54 AM
To: Stevens, Mike
Subject: Response to Villa Vista

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Stevens,

This email is to go on record FOR the Wine Village development and AGAINST the building of 68 townhomes.

My wife and I purchased our home in Badger Mtn South 2 years ago. At that time there was extensive marketing for the Wine Village and the unique values it would provide to our community. This proposed development was one of the chief reasons we bought our home. The City of Richland needs to reject the proposals to build these townhouses and force the developer to keep his word to hundreds of homeowners. I urge you to do the right thing and consider the history and facts when making your assessments.

Thank you

Jeff M Hall
2546 Morris Ave
Richland, WA 99352
360-609-0106

Stevens, Mike

From: Jessica <jlzing@gmail.com>
Sent: Monday, August 1, 2022 8:56 AM
To: Stevens, Mike
Subject: Response to Villa Vista S2021-102

Dear Mike Stevens,

I am writing today to oppose the proposal by the developer to turn the speciality retail district into townhomes. I moved into Badger Mountain South in 2017. I was told all about the future wine village and its amenities by my realtor. There used to be a sign on Ava Way pointing to the future site of Veneto Villaggio. It was a factor for me in deciding to move to this neighborhood.

While I recognize NorAm's efforts to find a partner to build the specialty retail district for many years, the fact of the matter is that it is likely that not enough people were living in the Badger Mountain South area to generate business interest during this time. This appears to be changing now, as evidenced by a "gas station coming soon" sign newly placed at the intersection of Ava Way and Dallas Road.

I propose that more time and efforts be made to find partners to build this district before giving up on it entirely.

Sincerely,
Jessica Zering Cheyney and Allen Cheyney

Stevens, Mike

From: jesus montes de oca <jesusmontesdeoca88@gmail.com>
Sent: Sunday, August 7, 2022 5:59 PM
To: Stevens, Mike
Subject: Response to Villa Vista s2021-102

We purchased land and built our home on Brodie Lane on the promise of there would be a wine village and an atmosphere we would be proud to be a part of. You the representatives for city of Richland need to hold these developers accountable for their actions, hold them to the agreement and for what they presented to us the members of the community. They don't care what happens to the land after they get paid it's up to you guys to make sure they are held accountable for very best as it was promised to us.

Stevens, Mike

From: jillnmnr@aol.com
Sent: Friday, August 5, 2022 2:57 PM
To: Stevens, Mike
Subject: Response to Villa Vista S2021-102

To Whom It May Concern,

I am writing in response to some recent information I received regarding the proposed development in the Badger Mountain South neighborhood. There are a lot of residents who bought homes in this particular development with the understanding that there was going to be a wine village and retail shops in the area off of Dallas road between Trowbridge Blvd and Ava Way. There is talk that they are now planning on potentially scrapping that and building town homes instead. I received drawings of the proposed plans and discussed this in great detail with my realtor while I was house hunting last year. It showed a very unique development which was the determining factor that I used when deciding where I wanted to buy my new home.

This community is very passionate about the value the wine village would bring to our neighborhood. Having access to cafes, wineries, and shops would be so amazing since we really don't have anything close by. I feel that it's important that we honor the agreements and promises made to our community.

Thank you for your time.
Jill Russell
West Village Resident

Stevens, Mike

From: joann kochoff <jkochoff@yahoo.com>
Sent: Thursday, August 4, 2022 11:25 AM
To: Stevens, Mike
Subject: Response to Villa Vista S2021-102

When we purchased our home in West Village three years ago we were told some specific things about what was planned for this community. The wine village, shops and other community projects like parks, walking trails, the church, school, sports fields and businesses we could walk to are some of the reasons we chose to live here. There are lots of very unhappy homeowners living here who want their voices to be heard about this. We definitely don't need more townhomes/apartments nearby!!

Please hear us and consider what is important to quality community living here in badger Mountain community Park

Sent from my iPhone

Stevens, Mike

From: Jody Hough <jodyhoughsales@gmail.com>
Sent: Tuesday, August 2, 2022 10:10 PM
To: Stevens, Mike
Subject: Response to Villa Vista S2021-102

Hello,

This is a message in response to the information we have been given about the Wine Village, businesses and parks/open spaces that we were told were part of the upcoming construction when we bought our home. It seems they may be replaced by 68 townhomes/sold off to other developers. This is very frustrating to say the least, as one of the main draws to this neighborhood was the Wine Village, walkable businesses, parks and open spaces. **We fell in love not with what the neighborhood was, but what it was promised to be in the future.**

We have a very young son, and chose this neighborhood, Badger Mountain South for specific reasons, several of which seem to be disappearing.

I know you're likely getting emails about this exact thing from many people, so I will keep it short and leave you with this ... You're only as good as your word, whether a parent, a teacher, postal worker or ... a developer. I hope that you choose to make good on your promises to the people who loved your vision and believed in your promises enough to buy the homes in your development.

Thank you for your time,

Jody Hough Sales

Stevens, Mike

From: John M. Watt <wattjohn54@gmail.com>
Sent: Tuesday, August 2, 2022 8:34 AM
To: Stevens, Mike
Subject: Wine Village at Badger Mountain South

To: mstevens@ci.richland.wa.us

Subject: Veneto Villagio S2022-101

To whom it may concern,

Like many people in the Tri-Cities, we moved here within the last few years from a big city for the "small town feel". For us, it was Portland. A big reason we chose to invest and build in the Badger Mountain South neighborhood was the Developers selling us on the idea that the neighborhood would soon feel like "a little piece of home" for us with planned amenities including walk/bikes trails, shopping, and a hub for fun events right within walking distance. It was an idea we loved and chose to invest in. In the beginning, if we had been told our neighborhood would become cookie cutter streets and now a planned development of row houses instead of those aforementioned amenities, with the only shopping being a Country Mercantile and a gas station, we would have chosen to plant our family and investment elsewhere.

The Developers pre things for the Badger Mountain neighborhoods, and the members that were pro Developers to be held a vision in tact for what they we were all sold on. Too allowed to take the easy don't care about what they foregoing the promised favor of quicker profits. I Community, and in this it would destroy Badger Mountain the future. Whatever is left these Developers, and we children, so we need to have ideas that we were promised right. Please don't let them easy way out. We beg you and their investments in development. Do what is Community members so we were here from the start shape this area into the place any family to call home.

Thank you for your time,
Julie, Shane and Lucas \

I could not have said it any better. Please do the right thing for the community.

Thank you,
John M. Watt
3998 Barbera St.
Richland, WA 99352

Stevens, Mike

From: Melissa Kasper <melissakasper7@gmail.com>
Sent: Sunday, July 31, 2022 12:45 PM
To: Stevens, Mike
Subject: Public Comments for Villa Vista S2021-102

Hello,

My family lives in West Village and just heard that the developer is trying to remove the wine village yet again and instead build multiple townhomes. This is very upsetting and wrong.

When we decided to build a home in this community we were told the wine village was coming. We were excited to live in a community with things to do, shopping, etc. We were excited to live in a place with such a strong sense of community to be coming soon.

Right now all there are are homes. We are on the outskirts of town and without more shopping or business this area will suffer. We were told and looking forward to this area being a destination and now it's just going to be a pocket of homes where we have to drive 15 minutes to do anything. This is not ok and not what we were sold on.

We feel that townhouses do not add value to our community and is absolutely not what we were told would be coming here when we chose to move our family here and build the home of our dreams. We would not have built here had we known that this would be happening. We were sold on the idea that this community would be a all inclusive/self sustained destination community where we could live, work and play and raise our family here. The changes the developer is proposing is destroying this promised idea and would create a community that we no longer want to live in.

This is very upsetting to us, please do not approve the build of these townhomes and please hold the developer accountable to complete the community in which we were promised and based on life on.

Thank you,
Jordan and Melissa Kasper
2596 Rinas Rd
Richland, WA 99352

Stevens, Mike

From: Joshua Taylor <jtaylor0554@gmail.com>
Sent: Tuesday, August 2, 2022 7:59 AM
To: Stevens, Mike
Subject: Public Comments for Villa Vista S2021-102

To whom it may concern,

My wife and I decided to build our home, raise our children and hopefully retire in Badger Mountain South (BMS) primarily because of what was, and still is ,advertised the community would become. Our builder, New Tradition Homes, also emphasized the uniqueness of the community, especially the Wine Village and all its amenities. After moving into our home on Jodie St in West Village in 2020, it has become apparent that the developer has no intent on fulfilling their obligations to the families that have already purchased and those continuing to invest in BMS. In my opinion, removing the Wine Village from the the plan would remove everything unique about this promising community.

The developer should be held accountable to the home buyers in BMS and the City of Richland to build what was originally agreed upon and continues to be advertised to the public.

Thank you for your time,

Josh and Sarah Taylor

Stevens, Mike

From: Julie Webb <JulieNicole3422@hotmail.com>
Sent: Monday, August 1, 2022 1:25 PM
To: Stevens, Mike
Subject: Public Comments for Villa Vista S2021-2022

To whom it may concern,

My family and I are not wine drinkers but the main reason we purchased land and built our home on McEwan Drive in Badger Mountain South neighborhood was because of the feel we would get from living in a little Community that was presented to us by our Windermere realtors, JJ and Teresa Coats. As well as the presentation we were shown by the developers website and YouTube videos. We were also assured numerous times by our builder, New Tradition Homes that there would be a Wine Village atmosphere that we'd be proud to be apart of.

You, the Representatives for City of Richland, need to hold these developers accountable for their actions and hold them to their agreement and what they presented to you, and the members of this Community time and time again. They don't care what happens to the land after they get paid, so it's up to you to make sure they are held accountable and make Badger Mountain South the very best that it can be (and was promised to be).

Thank you for your time,
Julie, Shane and Lucas Webb

Stevens, Mike

From: Katie Storey <docktdmd@aol.com>
Sent: Monday, August 8, 2022 7:04 PM
To: Stevens, Mike
Subject: Wine village

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Stevens,

I am a resident in West Village in the Badger Mountain South neighborhood. I wanted to add my voice to the other residents who feel disillusioned by what we were told would be built in our area. It was stated a wine village would be built and boutique shopping areas. The developer marketed that at the time I was buying my house January/February of 2020. I would like them to fulfill the vision they presented. I ask you to support the residents of our community in our quest to fulfill what was promised to us.

Thank you for your consideration of this matter.

Katie Storey
4572 Ruth Ct
Richland, WA 99352

Sent from my iPhone

Stevens, Mike

From: Kelly Hansen <kellylittle.design@gmail.com>
Sent: Monday, August 1, 2022 1:59 PM
To: Stevens, Mike
Subject: Public Comments for Villa Vista S2021-102

To whom it may concern,

In 2019 my husband and I decided to move back from Seattle to our hometown region. One of the major deciding factors in building within Badger Mountain South was the Wine Village. From the moment we did our research online to an actual tour, the main focal point was a "Specialty Retail District... [with a] world-class pedestrian-oriented destination village, which will include numerous uses related to the agricultural products of the region, including wines and grapes..." that would "stimulate tourism and economic development" ([source 16.1 here](#)). We visited [the Badger Mountain South website](#) which featured plans for this wine village, which remain there to this day, we also [watched a video](#) and [read an article](#). Furthermore, we built with New Tradition, and our sales representative, Candie Bruchman, reiterated multiple times that this Village would be breaking ground soon. As a former Prosser resident, I know firsthand the impact these types of commerce opportunities have on local communities, both monetarily and overall community morale. I was delighted to be a member of the West Village, and the idea of such a unique community in the Tri-Cities was exciting.

I am extremely disheartened to hear that the developers have since changed plans and intend to turn this land into townhomes. Not only were buyers misled, but this decision is only to the benefit of the developers, who will build their homes, collect their money, and leave. While I can appreciate the nuances of business and the changes in the economy due to Covid and the recession, I also think the city has an obligation to hold developers accountable for overselling features of a neighborhood that they don't intend to make good on. These proposals were put forward over 10 years ago and were only further engrained in buyers' decisions due to extensive marketing material and talk tracks. Not only were buyers misled, but home builders and realtors were too, putting their integrity as business people at stake. If these updated proposals are accepted, not only will the city walk away from a beautiful and unique business opportunity, they will lose the trust of the homeowners living in Badger Mountain South long after developers.

Thank you for your time,
Kelly Hansen

Stevens, Mike

From: Kelly Knurbein <kelylynn1@yahoo.com>
Sent: Tuesday, August 2, 2022 4:24 PM
To: Stevens, Mike
Cc: Stephen Sevall
Subject: Public Comments for Villa Vista S2021-102

Good afternoon,

My husband and I built and live in a home in the West Village neighborhood of Badger Mountain South Development on Smitty Drive.

When we began the process of potentially purchasing another new home, we stumbled upon Badger Mountain South (BMS). Signs were posted along Dallas Road enticing passersby of what it would be like to live in a neighborhood that offered sustainable living, a walkable neighborhood, work where you live environment, a new type of lifestyle, specialty shops, a thriving retail core, open spaces, and a wine village. All of that read great, sounded amazing and just what we were looking for without having to relocate out of the area. It drew us in to take a look at BMS. We were greeted in the neighborhood with different builders, represented by numerous realtors, who all relayed the same information that the signs said on the road about BMS, and promoted the more upscale living environment that BMS had to offer, unlike any other Tri-Cities neighborhood. We were directed to online videos of what BMS was to become and what we had to look forward to if we decided to invest our money into a property in the development. After careful consideration, we decided to sell our home and build a new home within BMS. We were so excited at the thought of what this type of living could provide for our family and the value that would be added to owning a home that was so close to a wine village and specialty retail shops.

That is where the fairy tale neighborhood stops. We fell for it all hook, line, and sinker to what they advertised and used as enticement. We were told by New Tradition Homes, their representative Kelly Montebianco, and our realtors Shawna Brown and Jaime Bocek everything that was to come to this neighborhood. The wine village was even still being sold out to the public at the Parade of Homes when there were several in the neighborhood. The whole idea of the wine village to potential buyers was a bait and switch tactic. Even several months ago the wine village was still being used as bait to lure buyers in.

We chose to build here for what was going to be available to our family. A piece of that was the wine village. It was going to be great for my husband and myself, not only for the value it would add to our home, but we were excited of being able to get out of the house and not be too far from home and still available to our children if needed. It was also going to be great for the community as a whole and a wine village would promote a lot of our local wineries and farmers. Allowing the developers to take away what was promised to us as homebuyers, will have financial negative impact to the community. Don't allow them to build more townhomes! Hold them accountable to build what we were promised.

I am pleading for You, the Representatives for the City of Richland, to hold these developers accountable for their actions, hold them liable to their agreements and presentations they made to the City, and most importantly to what was presented to the members of this community time and time again.

Thank you for your time,

Kelly and Stephen Sevall

Stevens, Mike

From: Kelly Nelson <trentonandkelly@gmail.com>
Sent: Monday, August 8, 2022 10:26 AM
To: Stevens, Mike
Subject: Public Comments for Villa Vista S2021-102

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern,

Hi! I am writing this letter on behalf of my family to share our concerns about the removal of the Wine Village in the Badger Mountain South community. We chose to purchase and build our home in Badger Mountain South because of the master plan to have a wine village in our community. Our realtor from New Traditions clearly communicated that there would be a wine village here and so did the Badger Mountain South website: <https://badgermountainsouth.com/find-a-home-old/wine-village/>. This is one of the main reasons we purchased our home here. We wanted to be within walking distance to these amenities.

I am very upset to hear that the developer wants to build townhouses instead of the wine village. This is not what was communicated or promised to us. I am expecting, as the representatives for the city of Richland, that you hold the developer accountable to following through with the plan that was communicated to all of us here in Badger Mountain South.

Thank you!
Kelly Nelson

Stevens, Mike

From: Ken Mead <meadken@hotmail.com>
Sent: Wednesday, August 3, 2022 5:04 PM
To: Stevens, Mike
Subject: Response to Villa Vista S201-102

This is Ken Mead at 4608 Vineyard Estate Lane. I am a retired firefighter with 20 years of service with the City of Richland.

I became aware of the Badger Mountain South concept and proposed development many years ago while at the fire department and hearing discussions and comments from the Fire Marshall's office. I was interested and liked all that I was hearing about features of this then proposed development; including the self-contained nature, wine village and other features. I was very lucky to be able to acquire a lot and build our dream home.

As a long-term resident of Richland, I have seen many developers come to the area, make a large profit, then leave with the money and no regard for the future of the City.

While I appreciate the work and investment that the original developers have made, it is easy to see that they have already made a sizeable return on their investment. I do not want to see another case of take the money and run with the community left to face the future without the community that was promised.

It became clear in the winter of 2018-2019 that most of the rest of the City staff really did not know that we were even here. I do not want to see our community forgotten and left on our own to solve the future problems from taking the easy way out and forgetting about the vision of how the area was to be developed.

Stevens, Mike

From: Kristi Geris <kgeris@anchoragea.com>
Sent: Tuesday, August 2, 2022 11:01 AM
To: Stevens, Mike
Subject: Response to Villa Vista S2021-102

Hello,

I'm writing because I'm concerned about the proposal to build 68 townhouses instead of the marketed wine village in Badger Mountain South. Is this true? Thanks! -kristi 😊

Kristi Geris | ANCHOR QEA, LLC
Senior Scientist

kgeris@anchoragea.com
Tri-Cities WA
C 360.220.3988

ANCHOR QEA,LLC

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Stevens, Mike

From: Kurtis Reser <kurtis_reser24@hotmail.com>
Sent: Sunday, July 31, 2022 10:39 AM
To: Stevens, Mike
Subject: Public Comment for Villa Vista S-2021-102

To Whom It May Concern

I am a resident of the West Vineyard Community and I am concerned about the the prospect of building townhomes in place of the promised Wine Village. When my family made the decision to move to the West Vineyard Community, it was due in large part to the prospect of having a unique community that offered more than just houses. We were sold by the idea that we could walk to shopping, parks, entertainment, and community. We moved out of our location close to Gage Blvd, because we were excited about an area that was both vibrant and community based, as promised. Having an that unique town center will attact people and grow property values, adding townhomes will do the opposite and lead to an overcrowded community and take away from the community experience. Thank you for taking my thoughts into consideration.

Kurtis Reser

Stevens, Mike

From: Kyle Beck <kylebeck_34@yahoo.com>
Sent: Tuesday, August 2, 2022 6:53 PM
To: Stevens, Mike
Subject: Response to Villa Vista S2021-102

Good Afternoon

In 2015 we started looking for property to build our forever home here in Richland. We spent lots of time searching for that right piece of property. We wanted something that was at least 1 acre and not far from everything. We finally found this new and exciting neighborhood off Dallas Road that had all over these exciting things promised like a wine village and small-town feel. We bought our 1 acre lot and built out home in 2016 and have been waiting for this "Wine Village" to be built. Recently we heard that the land when the wine village will go may be sold to have 68 town homes built in place of the Wine Village. When we heard this the dreams of this being our forever home started to fade. We are so disappointed in the developer and city for even considering this. I hope the decision is made to not sell the land for EVEN MORE houses to be built here.

Thank you for your time

Kyle Beck

Stevens, Mike

From: Les Abercrombie <les.abercrombie@outlook.com>
Sent: Wednesday, August 3, 2022 6:23 PM
To: Stevens, Mike
Subject: Response to Villa Vista S2021-102

As a homeowner in Badger Mountain South – 4187 Corvina, thank you for considering my recommendation to reject the proposal to replace the wine village with townhouses.

The wine village and specialty retail as marketed in the LUDR was an important part of our decision to purchase in this community. We are in the wine business and acknowledge that the past 2 years have been difficult for wineries. Please encourage Nor Am to redouble their efforts to follow through with the plan to develop the Wine Village. It may well take additional time and development to realize the vision of the LUDR of a walkable community with a wine village and specialty retail.

Similar wine facilities are successful in Richland, Kennewick, Prosser, Vancouver Woodinville, etc. etc.

Thank you

Les Abercrombie III, MPS, SHRM-SCP
les.abercrombie@outlook.com
206.713.3861
<https://www.linkedin.com/in/lesabercrombie3>

Stevens, Mike

From: Lisa Smith <lisasmith@outlook.com>
Sent: Monday, August 1, 2022 1:18 PM
To: Stevens, Mike
Subject: Response to Villa Vista S2021-102

Hi,

I am writing as a homeowner in Badger Mountain South neighborhood to oppose the building of 68 townhomes instead of a wine village. Building that many townhomes in our neighborhood will definitely change the feeling of the neighborhood and is against what we were told was the plan for BMS.

Regards,
Lisa Smith

Stevens, Mike

From: Lou Buchholtz <lkjack@hotmail.com>
Sent: Wednesday, August 3, 2022 4:51 PM
To: Stevens, Mike
Subject: Badger Mountain South sustainable community threatened once again

I am very disappointed about the wine village and am not ok with the 68 townhouses.

i am disappointed that they even told us this when we built.

Also agree business we can walk to we all have families and eat out I believe our little village would support a business.

i was excited when I heard about the park that my grandkids and I could walk too they have one on the Mercatile side, why not us!!!!

I am so disappointed with all things that were promised and are now not happening. This is one of the reasons we were do excited about this part of tri cities. Very very disapointed !!!!!!!

Stevens, Mike

From: Lynn Ibatuan <lynnibatuan@gmail.com>
Sent: Sunday, July 31, 2022 6:51 PM
To: Stevens, Mike
Subject: Public Comments for Villa Vista S2021-102

I'm sad to hear that the Wine Village is trying to be ousted from the plans by the developers. I do not feel it would be beneficial to our neighborhood to put in a huge townhouse hub.

We were told when we bought in this area we would see small businesses and exciting new features. Where is the Wine Village, the Kadlec Clinic, and other nice amenities??

We weren't supposed to have low rent housing in our area either!

So we were duped into thinking it was going to be an up and coming community of families and individuals with nice open spaces and venues.

This will be the second or third time we've been denied what was sold to us by the developer and the realtors involved with the false advertising!

Tired of empty promises! Tired of lying developers!

Make them continue with what was sold to us when we bought into this nice community!

We deserve better treatment than a big buck quick sale proposal filled with untruths!

Sincerely,
Lynn Ibatuan
Camillia Avenue
Richland

Stevens, Mike

From: Mariah Ochoa <mariah.ochoa@outlook.com>
Sent: Monday, August 1, 2022 4:45 PM
To: Stevens, Mike
Subject: Response to Villa Vista S2021-102

To Whom it May Concern,

I am writing this email regarding the Wine Village in the Badger Mountain South Community. My family recently moved into our home in this neighborhood. We moved from the west side of the state and choose Badger Mountain South for the community and access to amenities. The Wine Village was shared with us by relators and research into the LUDR. I urgently request that you keep this part of the community for current and future residents and tourism.

Thank you,
Mariah Ochoa

Stevens, Mike

From: Mark McCormick <markmcc1@att.net>
Sent: Friday, August 5, 2022 3:45 PM
To: Stevens, Mike
Subject: Badger South Proposed Changes

Hi,

I want to lend support to maintaining the intent of the wine village area as it was proposed and sold. There are plenty of other areas to continue residential development. With the uncertainty of the economy future It makes sense to not make substantial land use changes to the area. The Tri-Cities certainly needs a major commercial draw area to serve the growing community. The approved plans did just that. It is a well planned community in my opinion and the intent should be maintained without substantial changes.

Thank you for your review. While we reside in the adjoining community the Badger South Plan has major effects on the adjacent communities.

Mark

Mark McCormick
6903 S Coulee Vista Drive
Kennewick, WA 98338
(707)292-7028

Stevens, Mike

From: Matt Tuttle <mj_tuttle@hotmail.com>
Sent: Thursday, August 4, 2022 2:12 PM
To: Stevens, Mike
Subject: Response to Villa Vista S2021-102

City of Richland,

Thank you for the opportunity to publicly address the proposed Villa Vista townhomes.

My family and I relocated from Texas in late summer 2018, investing a lot of time and due diligence in determining which part of the Tri-Cities we wanted to establish our new roots. While there were some nice communities and choices out there, Badger Mountain South in Richland, and the vision of a sustainable community with parks, businesses and a destination wine village, is what we fell in love with and decided to live. We moved into our new home in winter 2019.

The original concepts, artist renderings, and visions showed a community of neighborhoods that shared open parks, schools, churches, shops, businesses, and medical facilities—all anchored by a quaint, picturesque wine village that would provide fun, relaxing places to gather, meet neighbors, and enjoy everything eastern Washington has to offer. This wine village would also be a destination for others to enjoy that same experience, creating a cornerstone area for Tri-Cities.

That vision is why we are here; it is why we chose Badger Mountain South, and I firmly believe that same vision was alluring to the City of Richland at concept phase as well. Without one of kind, unique visions like Badger Mountain South, then all neighborhoods quickly look the same. However, with Badger Mountain South's special landscape, it's access to roads, and where this neighborhood can head, that vision can be upheld, and this area can be a special, unique part of the Tri-Cities—and a place folks from around the region would like to visit.

I'm not sure what is driving the change in that vision—corporate profits, potential property tax revenue, perhaps even ennui to finalize the vision. Making a special community is not easy...but that effort is what makes them special. Badger Mountain South, and the promises that were issued just a few years ago, has everything ready to ultimately become that special place; the final pieces just need to be added.

I ask the City of Richland review committees to read all the emails about this topic from current residents to be reminded of that vision, its importance to those that live here, and the importance that vision has to Richland and the Tri Cities. This vision moves one's heart and just breathes what a special place can look like. The developer saw that, current residents saw it, artists saw it, and I know the City of Richland saw it. Make that vision a reality; this special parcel of land is deserving of meeting its potential as a community and as a destination. Thank you.

Matt & Jacki Tuttle
2233 Morris Ave.
Richland, WA 99352
mj_tuttle@hotmail.com

Stevens, Mike

From: Megan Bjornberg <meganbjornberg@yahoo.com>
Sent: Tuesday, August 2, 2022 12:33 PM
To: Stevens, Mike
Subject: Public Comments for Villa Vista S2021-102

Dear Mr. Stevens;

First, I want to thank you for taking the time to receive and consider public comments. When making the decision regarding where to purchase our home, we ultimately decided on Badger Mountain South due to the future vision of the neighborhood and community. The promises of "a place to shop, play, and live a full and comfortable life inside a vibrant and growing community."

The wine village and its "vast array of amenities including an amphitheater, hotel, event center, cinema, as well as selection of both casual and sophisticated dining experiences" was extremely attractive to us as prospective buyers. Focusing further on this promise, it seemed that purchasing here would be a sound decision as the location would continue to appreciate.

Replacing the vision with 68 townhomes is inappropriate to all homeowners who were sold on the idea of the wine village. As a bait and switch, it feels predatory.

I can, to this day, pull up a multitude of home listings that continue to make the promise of a wine village. One of the builders that is actively selling this promise is New Tradition Homes.

I am attaching additional links that were provided when we were looking to purchase a house in the area. Losing the wine village prevents growth in a positive direction that we had hoped for and makes us seriously consider what our future in the neighborhood will be.

Being fed lies should result in recourse. The developer needs to fulfill their obligations.

Thank you for your time.

Megan Bjornberg
509-929-4035



[Wine Village – Badger Mountain South](#)

[Badger Mountain South Wine Village | Visit A Winery](#)

Stevens, Mike

From: Natalie Williams <natalieibcl@gmail.com>
Sent: Monday, August 1, 2022 11:14 PM
To: Stevens, Mike
Subject: Badger Mountain South Development

Please protect the Wine Village and keep our neighborhood walkable. Being able to get groceries and work nearby is important. Making sure that kids are protected by connecting areas with safe paths.

Thank you,
Natalie Williams

BMS Issue # 2: Protecting our Business Districts

Honest question, would any of you walk, or bike, across a 50mph road to get groceries or lunch? Would you feel safe sending your kids across Dallas RD on foot or by scooter? If not, then this topic needs your support.

This issue requires a lot of background information and it's probably a little boring- but it needs your support too. I feel like all of these submissions came through at the same time to overload us. Please don't let that happen!

First, let's talk about what sustainability mean for our community?

Sustainability has a lot of different meanings. The documents that govern BMS are pretty specific about what it means for us. It means:

- 1) Walking, or hopping on a bike, to shop, grab lunch, or buy groceries. It means not having to jump in a car for everything. It means being able to find employment close to your home.
- 2) It also means we generate enough tax revenue from the business districts that the City of Richland can afford to keep up with caring for and maintaining our community in the long run. (Watch this link if you're interested in learning more about this principle: <https://www.youtube.com/watch?v=VVUeqxXwCA0>)

What land is available and what's left?

Badger Mountain South has 3 areas Zoned for Business Districts. These districts are highlighted in the attached picture. These commercial districts are intended to be built with their Specialty Use in mind.

1. Specialty Retail is supposed to be where the Wine Village is located. As you guys are probably aware from my posts yesterday, the developer wants to use up the remaining 13 acres there and put in 68 townhomes. If this were to happen, BMS would completely lose one of its three commercial districts.
2. The Commercial Mixed-Use District. In the case of this area, its Specialty Use is intended to be "a major employment center and a destination for shopping, higher-level education, dining, office use and other employment centers, Multi-family/Mixed use housing, entertainment and recreation. (LUDR Page 4-3, Section 4.C.1)"

Kadlec currently owns a portion of the northern area. Through the City Planning Commission meetings, it's become public knowledge that the developer is looking to create a gated, age restricted community with the rest of the land north of Ava Way.

This leaves the remaining land south of Ava Way for commercial use on this side of Dallas Road. This is where the Country Mercantile is located and where the Veneto Villagio plat comes in.

The proposed plat has nothing concerning about it on the surface. The developer wants to split it up into 13 lots. I don't know what the developer has planned for these lots. They honestly could be businesses for all I know! However, these lots could also be turned into anything allowed in the land use table in the LUDR. What I am specifically concerned about is that these lots could all become town homes. Other than intent, there is nothing in the LUDR which specifically ensures some of these lots are saved for businesses.

I feel this is a better safe than sorry situation. As the developer's past and current actions with the Wine Village shows, they feel intent is not binding.

If this land gets divided up and sold into lots that then become Townhomes, we're out 2 business districts in Badger Mountain South. At that point all that's left is the Destination Retail District.

3. Destination Retail is intended to be a destination for the region; not just our community. If this is the only Business District left in Badger Mountain South, then our community on this side of Dallas Road gets sufficiently cheated out of the walkable, sustainable community we were promised.

What does this mean?

Under the proposed plans, the only businesses you'll be able to walk to would be Kadlec, Country Mercantile, the gas station and whatever happens with the Veneto Villagio lots.

What can You do?

We need you to write another letter to Mike Stevens at comments are due this Friday, August 5th by 5pm.. Title this email: Veneto Villagio S2022-101.

The Hearing Examiner meeting for Veneto Villagio is the same meeting for the Wine Village. If you attend the virtual meeting on August 18th, you'll be there for both issues.

What can I write about?

1) Did you move here on the promise of a walkable and sustainable community?

2) Would you like to see protections on the Business Districts to guarantee the intent in those districts are met?

You can look at LUDR Chapter 4 to get a feel for what our business districts are supposed to be.

Thank you to everyone who has taken the time to help out in different ways! Let's keep spreading the word and taking action- it will make a difference!

Stevens, Mike

From: Navdeep Gill <navgill92@gmail.com>
Sent: Tuesday, August 2, 2022 9:40 PM
To: Stevens, Mike
Subject: Public Comments for Villa Vista S2021-102

To Whom It May Concern:

My wife and I moved to the TriCities and the Badger Mountain South community, we chose with promises made of a wine village. I understand there is a bottom line cash flow concern for the developers/city, however this community will be nothing more than a failed suburb without the infrastructure of desirable and high quality businesses to build the community around. This is an opportunity that requires some commitment as opposed to an immediate cash out. I call on you to honor what was originally promised, something that will grow the TriCities, several more townhomes will not build the community atmosphere that will attract visitors and make our community a shining light of the TriCities.

Thank you,
Nav Gill

Stevens, Mike

From: Niki Swanson <nikibarnes_66@yahoo.com>
Sent: Monday, August 1, 2022 12:25 PM
To: Stevens, Mike
Subject: Wine Village

Hello,

I'm writing you in regards to the developers wanting to scratch the Wine Village in Badger Mountain South. I specifically build my home there with the promise and vision of this beautiful wine village. The developers has been very dishonest and it is extremely upsetting! This isn't a shirt I've purchased and can return because the description wasn't accurate, I've built my home here after seeing the map of where the wine village would be in proximity to my home. I don't understand how misleading all these people can be legal, it's for sure not moral. Please do not allow this to happen.

Sincerely,

Niki Swanson

Sent from my iPhone

Stevens, Mike

From: Paris Bernhardt <parisbernhardt@gmail.com>
Sent: Wednesday, August 3, 2022 10:35 AM
To: Stevens, Mike
Subject: Response to Villa Vista S2021-102

Hi,

I purchased a home on White Drive that closed escrow on 6/13/22. I was told that the area was a planned community and local retail would be part of it.

I have to say that I am not in favor of townhomes replacing Wine Village. It's not favorable to always drive 15 plus minutes to the nearest store, restaurant (which is really lacking), pharmacy and so on.

My husband is a senior and walking around the area and to local businesses is a positive rather than townhomes.

AND of extreme importance is local trails and parks. Walking to local businesses is a priority and equally important is that realtors and builders are not telling those of us that recently bought that the plan is to scrap business within walking distance. It's NOT OK to not tell us that the "plan" is not as it was represented.

Thanks,

Paris Bernhardt
Richard Levy

Stevens, Mike

From: Patrick Maag <pmaag09@gmail.com>
Sent: Monday, August 8, 2022 7:32 PM
To: Stevens, Mike
Subject: Response to Villa Vista S2021-102

Follow Up Flag: Follow up
Flag Status: Flagged

Mike - our family moved into the south badger development because of the allure of a walkable, green, sustainable, and attractive vision for the community. This included schools, retail, green space, and entertainment opportunities. Deviating from the master plan would severely harm the value proposition of the development and put the city's integrity in question. We have plenty of already designated room for housing, but what our development needs most at this time are the amenities that other developments around Tri Cities already have: restaurants, retail, green space, and maybe most importantly a grocery store. The plan agreed to by the city of Richland is what has driven property values in this area. Changing the plan could change the trajectory of the development.

We had high hopes for this development, and would be severely disappointed to have the figurative goal posts moved on us after we have invested in the community. Please carefully consider amending your plans and consider the perspectives of the actual residents of the community.

My best,
Patrick Maag
Resident of Goose Ridge Estates

Stevens, Mike

From: Ralph Sanner <bearscat11@gmail.com>
Sent: Monday, August 8, 2022 6:44 PM
To: Stevens, Mike
Subject: Response to Villa Vista S2021-102

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Steven's,

Please maintain the promised:

1] Wine Village

2] Businesses we can walk to:

This appealed to us. It is important to our residents and people considering a move here [I have been asked by friends/families contemplating movingadr here; depending on the outcome of businesses & services being built here will their decision be made. I have suggested they wait as it doesn't look like the developers & city have decided to follow through on their promises for business/services & Wine Village.

I hope that this letter will be considered as if the promises are fulfilled, one can have pride, feel like we will have a sustainable future. The grand picture will be one of friendly, sustainable [we can rely on our city, community, neighbors] and a place to live safely, comfortably and reliably!

Ralph & Bernadita Sanner
4573 Ruth Court, Richland, WA 99352.

Stevens, Mike

From: Rayce Miller <rmiller_22@hotmail.com>
Sent: Friday, August 5, 2022 11:24 AM
To: Stevens, Mike
Subject: Response to Villa Vista S2021-102

Mr. Stevens,

My name is Rayce Miller and I am a resident of Badger Mountain South. I am writing you in regards to the wine village, Veneto Villaggio and what may or may not have been promised. My wife and I recently moved into this neighborhood at the beginning of this year. We were very excited about the future plans to this development and all of the potential it has. One particular development was the wine village. Our little community at Badger Mountain South feels like a little oasis away from Tri-Cities and this is the whole reason we decided to buy a house here. I don't believe the goal is to have every house stacked on each other and crammed together. I feel as though adding town homes to this development would do that and brings down the potential this area has for the other residence. We were told that a park is going in with small businesses, trails, community center and others. If this land is used for townhomes and bringing in more people one on top of another it makes me not want to live here. The whole point of coming out to this area was to get away from everyone so close together and having a better flow to things. I know a bunch of people in our community is upset that the potential townhomes might be a thing and the wine village might not happen. This is a big reason most people moved out here and to be honest homes aren't cheap. When you make the big decision to spend over \$500,000 for a home you are also not just buying the home but a piece of the community and what happens to it. I strongly urge the City to reconsider putting in town homes here, this is not a good look on the City or it's members as they make this decision. All residence were promised a wine village and are expecting that and if town homes take its place just for extra money that is a bad look.

Thank you for taking the time to read this.

Sincerely,
Rayce Miller

Final Villa Vista response to 2nd application 8-3-2022

Russell Pfeiffer

4518 Vineyard Estate Lane

Richland, WA 99352

8-3-2022

Hearing Examiner Gary McLean

c/o mstevens@ci.richland.wa.us

Dear Hearing Examiner McLean:

I profess that I am not a professional writer, nor marketer, and have limited if any tech skills with a computer for spreadsheets, illustrations, or attachments. I will do my best to present my viewpoints in an organized manner for your further review.

I am writing in response to the latest Notice of Application for the continued attempt for the Villa Vista (S2021-102) proposal. I am against the current application for the latest version of the Villa Vista project. There seems to be very little in the way of changes from the last proposal and am very disappointed that the Intent of the Specialty Retail District has not been met once again and needs to be defended for the betterment of our community.

1)

According to the **Badger Mountain Subarea Plan**, page #29, which is still what is on the City of Richland website it states as follows,

Badger Mountain Specialty Retail:

The Badger Mountain Specialty Retail (BMSR) commercial designation is identified for areas that will be developed to have a particular draw for tourists or other visitors, while also providing goods and services to the local population. This land use designation is only found within the Badger Mountain South area. It is intended that areas identified as BMSR be developed according to distinct design standards found in the related Badger Mountain South Development Agreement to ensure that a sense of cohesiveness is achieved through coordinated use of building materials, landscaping, signage and lighting. Its location near the freeway interchange will allow the creation of an attractive and inviting entry to South Richland and will concentrate the impact from more auto-oriented uses away from the primary residential neighborhoods. The area identified as BMSR is being planned to develop as the Badger Mountain South Wine Village and would include a variety of uses and employers such as a wine business incubator, other wineries, demonstration vineyards, boutique hotel, other retail, and goods and services associated with wineries and hospitality in general. The concept plan also includes a public

gathering plaza, outdoor amphitheater and sustainable design demonstration features. The build out of the Badger Mountain South Wine Village would occur in stages dependent upon market conditions.

Badger Mountain Destination Retail:

Badger Mountain Destination Retail (BMDR) is a land use designation applicable to properties in Badger Mountain South that lie west of Dallas Road at the I-82 interchange. The purpose of this designation is to capture retail and other commercial users that provide goods and services to both the nearby neighborhoods and to the traveling public. At full build out this area would contain a well-conceived and well-designed retail center with a variety and mix of uses, including anchor stores, multi-screen theater, restaurants, service stations, as well as a major, stand-alone retailer. This district is especially suitable for freeway-related uses, including high volume retail, food and specialty stores. Uses here would be sited using the design guidelines found in the Badger Mountain South Development Agreement in order to provide an attractive southern gateway to the City of Richland and to the neighborhoods within the Badger Mountain Subarea.

There does not appear to be anything in this document that states anything about putting in stand alone housing in the Specialty Retail or the Destination Retail designs.

2)

In the master agreement Between the City and NOR AM there is picture of what the proposed Specialty District is to look like when finished. It is the same picture in the attachments below in the LUDR picture of 4.B

MASTER AGREEMENT BETWEEN THE CITY OF RICHLAND AND NOR AM INVESTMENT, LLC REGARDING THE COMMUNITY KNOWN AS BADGER MOUNTAIN SOUTH

On page #44 It shows a proposed picture of what the Special Retail District is supposed to look like when its finished. (I was not able copy and post the picture)

These things are all still available to the public if they were looking to get an idea of what the area is supposed to look like in the years to come.

3)

In the LUDR in section 4.A It seems very clear what the Specialty Retail District is supposed to be.

In Section 2.A and 2.B it shows a color coordinated map showing the Specialty Retail area in dark Magenta(?) The area that is marked for mixed use is in the Teal blue to the left. Where NOR AM is proposing to build Row homes in their application is in the Magenta which is clearly not a "mixed use" area according to the attachments on the next page. The application should be for the Teal blue area if they were still able to fulfill the Intent issue; which they clearly do not.

(See attachments at the end of this letter)

4)

In the latest application it discusses on pages 3-4 why they think they should be able to build the Villa Vista project. I contend that their argument of the usage of LUDR table 2.C is a mis-interpretation of the Special Retail Intent and that the Table 2.C is in direct contradiction to the Special District "Legend" of 2.A & the picture of the shaded areas in 2.B.

Table 2.C is also in direct contradiction to the Special Retail District "Intent" located in 4.A and 4.B

If Table 2.C is to be followed as small print in the LUDR, then the small print of 4.A.2.d should be followed as well.

d. Spaces between buildings shall be considered for design purposes as common spaces to be shared among all users in the District and should be designed to function in this way, unless necessary for essential uses such as utility services, waste collection, or delivery services.

I assume that there will be no fences and that any and all spaces outside of any building will be considered "common space" and not private property able to be used by anyone in the District.

5)

Prior approval to build the 12 4-plexes in an area in the Special Retail District does not give implicit approval to build Villa Vista. The 12 4-plexes were hastily approved without community discussion. The community at large was not notified of the hearing process and only 2 homes were notified based on an outdated (my opinion) process of only notifying (2 homeowners) homes that were within a very short distance of the proposed project at the time.

Based in the Remand Order by Hearing Examiner Gary McLean, Items numbered #15-18 specifically:

15. While some comments in the record generally indicate that the applicant may be under the impression that previous plat approvals in the same district should serve as a basis to justify this application, which completely ignores the "intent" of projects in the Specialty Retail District, such an assumption would be a mistake. Even if previous plat approvals did not focus on some provisions in the LUDR, such a circumstance does not excuse the requirement to comply with applicable LUDR provisions in any subsequent application(s).

16. Based on well-established common law, the proper action on a land use decision cannot be foreclosed because of a possible past error or failure to apply or enforce a provision of applicable development requirements. The BMS LUDR provisions and their full effect should not be forfeited by the action or inaction of any staff member or government official that may have been in disregard or oversight of a City code section or LUDR provision. The public has an interest in zoning that cannot thus be set at naught. (See analysis provided in *Dykstra v. Skagit County*, 97 Wn. App. 670, 985 P.2d 424 (Div. 1, 1999), petition for review denied, 140 Wn.2d 1016, 5 P.3d 8 (2000); citing *City of Mercer Island v. Steinmann*, 9 Wn. App. 479, 483, 513 P.2d 80 (1973), and *Buechel v. Department of Ecology*, 125 Wn.2d 196, 211, 884 P.2d 910 (1994). The Washington Supreme Court even applied this rationale in the context of water rights, where the Department of Ecology originally acted ultra vires in measuring a water right, it did not act arbitrarily and capriciously in abandoning an unlawful practice and switching to new practice. See *Department of Ecology v. Theodoratus*, 135 Wn.2d 582, 957 P.2d 1241 (1998).

17. With respect to this application, the intent language for the Specialty Retail District is elevated in its significance based on facts in this record, that establish how the 13+ acres covered by the proposed plat are likely to be the last truly vacant portions of land in the BMSSD-SR "Specialty Retail" District of the greater BMS master planned community. To date, the property owner and primary developer of properties in the Specialty Retail District has REMAND ORDER RE: VILLA VISTA TOWNHOMES PROJECT APPLICATION FOR PRELIMINARY PLAT APPROVAL IN THE BMS MASTER PLANNED COMMUNITY – FILE NO. S2021-102 Page 8 of 9 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 GARY N. MCLEAN HEARING EXAMINER FOR THE CITY OF RICHLAND CITY HALL – 505 SWIFT BOULEVARD

RICHLAND, WASHINGTON 99352 yet to present an application for any proposal that would directly achieve the intent for such district, as set forth in Sec. 4.B.1 of the LUDR.

18. Simply put, approving a standard townhouse project as proposed, that appears to be completely absent of any design features or amenities listed in the "intent" section of the LUDR for the special district where it is located, would not be in the public interest.

6)

Based in the Remand Order by Hearing Examiner Gary McLean, certain "unchallenged" items brought forth by myself, Russell Pfeiffer, acting as a representative of West Vineyard HOA, have not been answered. Nor has a suitable explanation been given by the applicant that fulfills the "intent" of the LUDR for the Specialty Retail District.

In the Remand Order Item #19 explain why and how the current application fulfills the intent of the LUDR for the specific district where it is located. It would also be helpful if the applicant addressed the detailed concerns in the unchallenged comments from Mr. Pfeiffer, included in the record as Exhibit 9A.

7)

The road plan in the application is somewhat of a mystery. They have several maps showing the roads through the proposed development. Only one of the maps (pg 16 of the proposed application) shows any measurements of the road widths (Syrah in between the proposed connection of Sotto and Ava). The overall measurement is 69 ft. There is no mention of the road width for Bellaview (from Syrah to Ava).

On page 15 of the proposed application they show various road size drawings but fail to mention where they will be applied on any of their plat maps.

Design #1 Local Street Edge type A is an overall 59 ft with the actual street including parking of 34 ft.

Design #2 Alley Section is an overall width of 26 ft including the shoulder; 18 ft without shoulders.

Design #3 Local Street Edge type A & B is an overall width of 69 ft including the trail and sidewalks with the actual street including parking of 34 ft.

According to the one measurement in the proposed drawings, the only road size that seems to match the drawing design (pg 16) would be Design #3 where Syrah connects Sotto and Ava.

In this is the case, is Syrah supposed to be a “Connector” street the same size as Ava?

Is Bellavue supposed to be a “Connector” street the same size as Ava?

The issue with Syrah is if the road is to be 69 ft wide (including trails, etc), it will need to be re-constructed to be 47 ft wider than what it currently is. The only direction that it could be made wider at the connection point of Ava (between Ava and Vineyard Estate Lane along Syrah) would be to move into the currently existing drainage pond. The other direction is private property and the actual current road size is 22 ft. along the private property line and vineyard.

The other issue is the width of Bellavue. There is not a determination for the width of Bellavue on any of the proposed application maps. The actual road width of Bellavue is 22 ft. According to the LUDR’s, Bellavue is not wide enough from the connection of Ava to Vineyard Estate Lane and beyond. To be a “collector”, local street, or alternative local street it would need to be widened at an extreme minimum of 6 ft. This would prove to be difficult since private property is on one side and the infrastructure of the 12 4-plexes is being built as I write this.

8)

In Section #5 of the proposed application, it talks about its use of open space and parks to be included in the 30 acre park to be constructed down the road. Part of their justification is that the 30 acre park is “adjacent” to the Villa Vista project. The use of the word “Adjacent” is a stretch at best if you look at the definition of the word. We are supposed to be led to believe it is right next door connecting the properties. As far as I can tell, this is not the case from any of the maps I have been able to see. In the proposal there is a bit of confusion (for me at least). I have been told the park to be constructed is 30 acres. In the proposal, Section #5 on Pages 4 & 5, I feel as if I am led to believe that Villa Vista is giving more acreage to the park in compensation for not using the proper amount of “open space” or “parks” in the development itself.

.96 AC of park area required. To be accounted for in the COR Park on 32 acres adjacent to the project

The proposal is also attempting to be using part of its “open space” for parking lots. I am under the impression that this has been dealt with at previous commissioner meetings and that is not the proper use of “open spaces”. Section #5 on page 5 also makes me feel like the applicant is being magnanimous by “supporting the COR in ongoing planning of the park”. This sounds like they are working with the parks department in developing the park. I have reached out to the parks department to confirm or deny this. I am waiting for a reply from Julie Jackson in the department. She contacted me and said she would be finding out the answer or who I needed to talk with to get the answer. I have not heard back yet from our last correspondence which was Tuesday August 2nd.

Nor Am Investment, LLC and South Richland Communities, LLC are currently supporting the COR in ongoing planning of a large park adjacent to this project. The park will also contain required trails. NAI and SRC currently plan to construct the park and all Green Infrastructure requirements are to be satisfied with this park. Therefore, this requirement is deemed to have been met.

If this is the case, do other developments, such as South Orchard, get to use the park for their proposed open space requirements? Or By stretching the use of the word “adjacent”?

9)

Several issues relating to the vineyard are not addressed in the proposed application as well. There has been some contention in the last 4 years that the actual vineyard will become more difficult to manage/harvest/farm. There is an agreement with the vineyard owner and homeowners along Vineyard Estate Lane to keep the property along the North side of the vineyard (approx 10 ft of vineyard frontage) clear on days that work in the vineyard needs to be done. In the past there has been some discussion between the vineyard owner and Larry White about tearing out the vines if it can not be farmed, harvested, and managed properly. The proposed application for Villa Vista does not address any of these items in the application. The vineyard owner will need proper access on all sides of the vineyard to manage it properly.

The issues would include:

- a) Street width of Bellavue.
- b) Parking issues along the South side of the vineyard along Bellavue.
- c) Curb height along the South side of the vineyard along Bellavue so the equipment can operate properly.
- d) Street width of Syrah on the West side of the vineyard.
- e) Curb height along the West side of Vineyard Between the proposed Sotto and Vineyard Estate Lane.
- f) There may be other issues I have not thought of that could very well be pertinent to the approval of the application if all other disqualifying points are not enough to stop the Villa Vista proposal.

10)

I would also like to know the date and when the decision was made to move away from the wine village Specialty Retail District and just add more housing. I believe that I and most other homeowners were misled in expecting the Specialty Retail District to be constructed when we bought our lots and/or built our homes here. I built here specifically because of the Wine Village. If I had known this was not going to happen, I would have built elsewhere. I believe that if this proposal goes forward and is approved, it has done so under fraudulent circumstances and would like to be compensated properly for my investment.

In conclusion:

I do not believe the second proposed application for the Villa Vista development has answered any if even a few of the issues it was remanded for in the first application regarding the "Intent" of the Specialty Retail District. The proposal continues to stress some of the arguments that were denied the first time it was remanded. Furthermore, it does not address or leaves out entirely issues that are important to the community at large in relation to the vineyard, street changes, open area space development, and incorrect adoption of the use of park space not meant to be inclusive in the Villa Vista proposal. Please deny this proposal.

See attachments below:

2.A INTRODUCTION

In order to achieve the intent of the LUDR as set forth in Section 1.A, as well as the other provisions of the Master Agreement, Badger Mountain South is divided into eight Urban Form Districts. Each District allows certain types of buildings and uses, identifies development intensity, employs District-specific development standards and defines the relationship of the parcels in the District to public right of ways.

The Districts and boundaries of the Districts are established as shown in Figure 2.B, Regulating Plan for Land Use and Urban Form. The official Badger Mountain South map, called the Regulating Plan for Land Use and Urban Form, is found at Figure 2.B. The boundaries of the Districts shown, govern the uses of land, buildings, and structures within that District. Districts also govern the size of yards, the types of buildings and the heights of those buildings and other structures. These are the regulations that have been established and declared to be in effect on all land included within the boundary of each and every District shown in the official Badger Mountain South maps.

DISTRICT LEGEND

The legend identifies the color associated with each District and provides a short introduction to the District intent. The Regulating Plan for Land Use and Urban Form, 2.B, shows where each District is located within Badger Mountain South.

BMS-VMU: VILLAGE MIXED-USE (3.B)

The Village Mixed-Use (VMU) Districts are the most urban areas of Badger Mountain South. They allow commercial uses, housing located above ground floor commercial spaces, Live/Work, Stacked Units and Row Houses.

BMS-NC: NEIGHBORHOOD COLLECTOR (3.C)

The Neighborhood Collector District allows a variety of Multi-family attached housing options as well as smaller scale commercial and Mixed-Uses.

BMS-NG: NEIGHBORHOOD GENERAL (3.D)

The Neighborhood General District makes up the largest area of Badger Mountain South. This District allows Single-Family detached residential with a mix of smaller scale attached housing options.

BMS-NE: NEIGHBORHOOD EDGE (3.E)

The Neighborhood Edge District allows residential uses in detached Single-Family houses and related uses that are compatible and common to Single-Family houses.

BMS-CVIC (3.F)

The Civic District contains the open space, parks, schools, civic and community spaces. Development in this District is primarily intended for Civic, Community and Institutional Facilities. See also Illustrative Plan for Civic Space Layout, 3.B for details.

SPECIAL DESIGNATION "P" OVERLAY DISTRICT

SPECIAL DISTRICT LEGEND

BMS-SD-SR: SPECIALTY RETAIL (4.B)

The Specialty Retail Special District is intended to support the growing interest in local and regional agricultural products, in particular the local wine industry.

BMS-SD-CMU: COMMERCIAL MIXED-USE (4.C)

4.A INTRODUCTION

This section of the LUDR identifies the Special District development standards. Special Districts are unique areas that by intent, function, disposition or configuration play an important role in establishing the vision of the Badger Mountain South community.

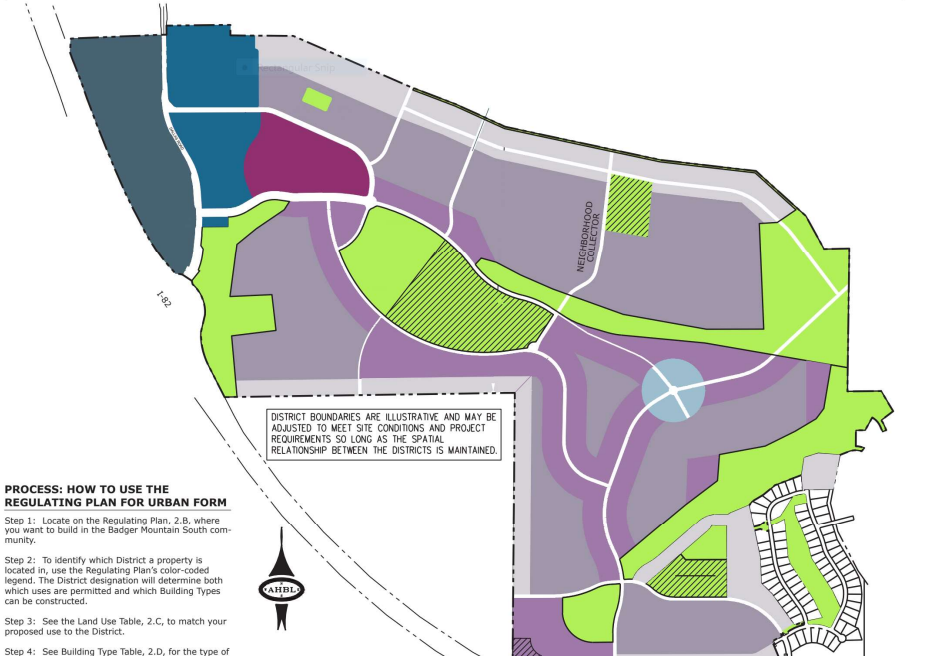
The Special Districts are identified in Section 2.B - Regulating Plan for Land Use and Urban Form, with the following color-legend:

- Special District - Specialty Retail (BMS-SD-SR)
- Special District - Commercial Mixed-Use (BMS-SD-CMU)
- Special District - Destination Retail (BMS-SD-DR)

Because of the unique nature of the Special Districts, development within these areas is guided by the intent, guidelines and/or standards as follows for each District.

Although the Special Districts are not regulated by Building Types, the Common Design Standards in Section 8.C are applicable to these Districts.

2.B REGULATING PLAN FOR LAND USE AND URBAN FORM



PROCESS: HOW TO USE THE REGULATING PLAN FOR URBAN FORM

Step 1: Locate on the Regulating Plan, 2.B, where you want to build in the Badger Mountain South community.

Step 2: To identify which District a property is located in, use the Regulating Plan's color-coded legend. The District designation will determine both which uses are permitted and which Building Types can be constructed.

Step 3: See the Land Use Table, 2.C, to match your proposed use to the District.

Step 4: See Building Type Table, 2.D, for the type of

4.B BADGER MOUNTAIN SOUTH SPECIAL DISTRICT- SPECIALTY RETAIL (BMS-SD-SR)

SEE REGULATING PLAN FOR LOCATION



Illustrative Sketch: Birds-eye View of Specialty Retail Village

1. SPECIAL DISTRICT - SPECIALTY RETAIL INTENT

The Special District - Specialty Retail (BMS-SD-SR) is intended to support and provide development opportunities for the growing interest in local and regional agricultural products, in particular the local wine industry. As such it serves both the City of Richland as well as the region.

It is also intended to:

- Provide a gathering place for group events, festivals and other community-wide activities;
- Provide sites for: vineyards, wine caves, wineries, tasting rooms, wine making, other specialty brewing and craft distilling, the sale of other agricultural-related products, education, retail and hospitality that support this focus; and
- Showcase innovative sustainable design features in both building and site design.



Illustrative Sketch: Outdoor Plaza, Cave Entrance, and Vineyard

2. SPECIALTY RETAIL DISTRICT STANDARDS

- Each building design should include sustainable features. Refer to Section 12 for Sustainable Standards.
- Buildings are encouraged to be sited to take advantage of views.
- Pedestrian connectivity between development sites shall be emphasized, the use of unique pavement or landscape treatments shall be encouraged.
- Spaces between buildings shall be considered for design purposes as common spaces to be shared among all users in the District and should be designed to function in this way, unless necessary for essential uses such as utility services, waste collection, or delivery services.
- Service areas shall be integrated into the building design to provide screening for equipment, recycling, trash and similar.
- Buildings may vary in height between one to three stories; daylight basements are not included in the story count. Landmark structures such as a clock or bell tower may have a maximum height of 80 ft. and no signage shall be permitted above street-level.
- Exterior lighting shall meet the Badger Mountain South Light Standards, Section 12.C.3.
- Landscaping shall meet the Common and Commercial Landscape Standards in Section 11.
- Parking per Common Parking Standards, Section 13.D.
- See also Section 8.C for Common Design Standards for all Districts.



Illustrative Photo: Wine Cave Storage

Stevens, Mike

From: Ryan Wilcox <ryanwilcoxpx@gmail.com>
Sent: Monday, August 1, 2022 6:16 PM
To: Stevens, Mike
Subject: Public Comments for Villa Vista S2021-102

Hello,

Thank you for taking the time to read this email.

My wife and I recently relocated to Badger Mountain South from Portland. One of the main reasons we chose to move our family here is because of the promise of having easy access to commercial space that was originally introduced to us as part of our builder presentation. We were sent this YouTube video: <https://www.youtube.com/watch?v=F0io-DVnBQI>

Upon hearing that it's being proposed to limit those things in favor of more homes, we became concerned and frustrated. Truthfully, it feels like a bit of bait and switch to lure home buyers in with all the promised amenities (retail core, wine village, parks, equestrian trails, restaurants, walking paths), and then suddenly reduce all those promises and switch them for high density housing. That is not what we signed up as we were told this community would be different than a sea of endless homes, townhomes, and apartment buildings.

We have seen first hand what has happened to densely over-populated areas in the suburbs of Portland, and it is breaking our hearts that it might be happening to the neighborhood we are now living in.

We fell in love with the idea of raising our 3 children in an area walkable to small businesses/restaurants and parks for them to play at. Please consider our plea to not let the developer have the unrestricted ability to build even more homes and take away one of the central reasons for us moving to this wonderful area of Washington.

Thank you for your time and attention to this matter, I know your time is limited.

Take Care,

Ryan Wilcox
Cell: 503.919.8616
RyanWilcoxPDX@gmail.com

Stevens, Mike

From: Samantha Godfrey <samantha@communityrealestategroup.com>
Sent: Thursday, August 4, 2022 7:58 PM
To: Stevens, Mike
Subject: Badger Mountain South - changes to the Wine Village

Good evening Mr Stevens!

I want to add my name to the list of residents who would like to see Badger Mountain South move forward with previously proposed commercial development – namely Wine Village. Being in real estate and working with builders in new construction I absolutely understand the factors that are likely motivating the developer to push for townhomes instead of Wine Village. However I do believe that with the planned residential development of the area that Wine Village would be successful, great for homeowners and hugely impactful to local business.

With Covid came many concerns for commercial development. As we know many businesses had to shut down, and there is likely.. currently.. not enough residents in Badger Mountain South to entice businesses to leave the town centers. I have been informed that there is approximately 1000 acres of residential land in Badger Mountain South that the developer has not yet developed. To me it seems a more advantageous route to develop the existing residential land first as the land is here and it is already zoned for residential development. This will allow the developer to gain the residential profits they are anticipating with the townhomes, and the commercial project can be completed once the number of residents has increased to a point where local businesses would be excited to open.

With the planned connection to Gage Blvd we are sure to see an increase in traffic and more visitors to our local businesses, provided these businesses are given the opportunity to exist in our neighborhood.

Thank you!



Samantha Godfrey
(Realtor)
(509) 378-4761
4390 W. Van Giesen St. Ste B
West Richland, WA 99353
✉ samantha@communityrealestategroup.com
🌐 samantha.communityrealestategroup.com



COMMUNITY
— REAL ESTATE GROUP —



KELLER WILLIAMS.

Stevens, Mike

From: Selia Mendoza <seliamendoza@gmail.com>
Sent: Tuesday, August 2, 2022 4:33 PM
To: Stevens, Mike
Subject: Response to Villa Vista S2021-102

I'm concerned that the wine village that was detailed in our community plan is in jeopardy. I chose to buy in Goose Ridge Estates because of the amenities that were promised. I think it would be in bad taste to remove the wine village, commercial space, or parks from our community plan. It would look bad on our builders and could affect all other communities being built, if buyers cannot trust what they are being told and sold. I am available for further statements or responses if needed.
Selia Mendoza
seliamendoza@gmail.com

Sent from my iPhone

Stevens, Mike

From: Shannon Jenkins <sjenkins282@gmail.com>
Sent: Monday, August 8, 2022 4:24 PM
To: Stevens, Mike
Subject: Public Comments for Villa Vista S2021-102

Follow Up Flag: Follow up
Flag Status: Flagged

I am writing to you today to please keep the wine village, Veneto Villaggio and to not build townhouses and/or apartments. As a homeowner in Badger Mountain South, I am looking forward to an area within walking distance myself and my family can enjoy. This community deserves the wine village as originally planned. Please don't choose money over pleasing the community.

We know you can make this decision and we are all hoping you make the right choice, in keeping the promises of the original plan.

Thanks,
Shannon

Stevens, Mike

From: S Brown <brownwing@gmail.com>
Sent: Tuesday, August 2, 2022 9:47 AM
To: Stevens, Mike
Subject: Response to Villa Vista S2021-102

Dear Mr. Stevens,

I am writing in regard to a proposal to build 68 townhomes, this is NOT what was planned or marketed to our community. It is not okay switch things up, when this is what was promised and many people bought homes with the understanding we would have businesses built out here, not townhomes. Please do not change the proposal. No townhomes.

Sincerely,
Shanon Brown

Stevens, Mike

From: stephen sevall <scsevall@hotmail.com>
Sent: Monday, August 8, 2022 5:15 PM
To: Stevens, Mike
Subject: Public Comments for Villa Vista S2021-102

Follow Up Flag: Follow up
Flag Status: Flagged

To: Mr. Stevens and whomever else it may concern

We strongly protest allowing the proposal to build townhomes in lieu of a wine village with specialty shops and restaurants in the Badger Mountain South (BMS) neighborhood to go through. This neighborhood was advertised to us as a more upscale neighborhood, work and play where you live they said. The wine village was a huge part of the marketing, and that marketing absolutely played a role in our decision to build a home here. If not for that we would have built a home in West Richland. There were vineyards, tasting rooms, restaurants, shops, and entertainment. Certainly a wonderful and very enticing piece of marketing. There were signs on the roads, I believe a pamphlet or brochure, it was talked up by the real estate agents, and was the centerpiece of the website designed to promote this neighborhood.

There are hundreds and hundreds of acres for them to build more homes on. There is a very limited amount of space available for all of the specialty retail, dining, and entertainment options that were promised to the residents of BMS. If done correctly this can absolutely be a trendy destination spot for locals and visitors. We were out of town this past weekend and visited such a neighborhood. It was basically everything that this neighborhood was sold as. There were shops and restaurants along the main street and homes filling in the neighborhood. It was busy and lively on the weekend, but not busy with cars. It was busy with people/families walking and biking the streets, visiting cafes and restaurants and parks. That is the vision of BMS that was marketed and sold to us, and that is the vision we ask the City of Richland not give up on. This idea can and will work if done correctly, but we cannot sacrifice the space we have for it.

Sincerely,
Stephen and Kelly Sevall
5001 Smitty Dr

Stevens, Mike

From: STEPHENIE OLSON <stephonelly@aol.com>
Sent: Monday, August 8, 2022 7:25 PM
To: Stevens, Mike
Subject: Wine Village

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Stevens,

I am a resident in West Village in the Badger Mountain South neighborhood. I'd like it to be known that a wine village and boutique type shopping areas were promised, advertised, and marketed when I toured the area looking for the lot where I would build my home in January of 2020. I ask you to support the residents of our community in our request to fulfill what was promised to us.

Thank you for your consideration in this matter.

Stephenie Olson
4548 Ruth Ct
Richland, WA 99352

Sent from my iPhone

Stevens, Mike

From: Tara Gibson <tarabyte@gmail.com>
Sent: Friday, August 5, 2022 2:14 PM
To: Stevens, Mike
Subject: Response to Veneto Village S2022-101

Hello Mr Stevens,

This email is in response to the Veneto Village proposal as well as Villa Vista S2021-12. I live in the Badger Mountain South community, my husband and I built one of the earlier homes in the neighborhood in 2016. We were very drawn to the concept of the neighborhood presented by the developer at the time. The idea of walking trails and green space, and shops/restaurants that you can walk or bike to. We appreciate that the parks and open space was upheld in the land use agreements earlier this year. However I understand that in the latest proposals that they would like to build townhomes in place of the originally planned "wine village" and sell off other land with no guarantees that it will be set aside for businesses as originally intended. If this happens then it pretty kills off the possibility of a walkable mixed use community. I think that this is an opportunity to make an amazing community and drive business growth within Richland. Something like Kendall yards in Spokane, which is an excellent mix of residential, green spaces, and shops/restaurants/wineries. But it needs support from the city to ensure that the land intended for the wine village remains purposed for commercial as originally intended. It is my understanding that there is already a large amount of land to the east reserved for residential use.

Thank you,
Tara Gibson

Stevens, Mike

From: Taylor Tietsoort <taylortietsoort@gmail.com>
Sent: Sunday, August 7, 2022 12:08 PM
To: Stevens, Mike
Subject: Response to Villa Vista s2021-10202 West 18th Place Kennewick WA 99338 and Veneto Villaggio s2022-101

Good afternoon Mike,

We would like to address the future plans for Badger Mountain South.

For starters our neighborhood was advertised to us with future plans for a wine village and walkable shops. It has come to our knowledge that these plans are being threatened with a proposal that was submitted for 68 townhomes instead. We believe this will negatively impact the future of this community. We already have the apartments by west village, so adding more high density homes we fear this will drive down property values. We went through a long build process but it was worth it for us with the visions in mind of contemporary suburban living. That being said, having the shops and wine village made our decision to choose West Vineyard easy. Not only would it strengthen the sense of community but it would benefit the City of Richlands Revenue. It is a perfect location being right off of the freeway and with such beautiful surroundings we believe it would be very successful. Please consider all of the investments that us and our Badger Mountain neighbors have made with these visions in mind.

Thank you for your time,
~The Tietsoorts

Stevens, Mike

From: Tom Ackerman <tackerman82@yahoo.com>
Sent: Wednesday, August 3, 2022 3:44 PM
To: Stevens, Mike
Subject: response to villa vista s2021-102

My family moved here about 31/2 years ago. The home we purchased was at the end of Brodie Lane at that time. We were informed that building would continue down Brodie and we may have to deal with the construction for a little while. However we were told that the plan was the going to feature parks, walking paths and maybe a community center featuring a swimming pool. Plus the owners will be building a small village with wine shops, restaurants, grocery stores and much more. That was a huge factor is us buying here.

Forget the village! We now have multi-family structures, tons of dust, construction vehicles going far over our speed requirements. and sagebrush so high that some neighbors couldn't get out of their homes.

If we knew about this "change of plans" we never would have bought here and I believe the majority of the neighbors would agree. House values will drop and anger will move the lawyers into action as promises are broken.

Tom and Suzy Ackerman
2476 Brodie Lane

Stevens, Mike

From: Troy Cashwell <tlcashwell1217@gmail.com>
Sent: Monday, August 1, 2022 6:55 PM
To: Stevens, Mike
Subject: Response To VillaVista S2021-102/Veneto Villagio S2022-101

To Whom It May Concern,

I live in the Badger Mountain South community and am opposed to the 68 townhomes being added to the area. The country here is beautiful and is what enticed my family to move to this area last year. I regularly look outside and am grateful for the scenery. The inconsistency of renters could affect our community negatively. The original proposal of a wine village, additional park areas, and business establishments feels more fitting to the area and in alignment with the intended development. Feel free to correspond via email or phone. I hope our voice can be heard.

Very Respectfully,

Troy Cashwell
tlcashwell1217@gmail.com
719-453-4397

Stevens, Mike

From: Yan Dong <dy346144292@gmail.com>
Sent: Tuesday, August 2, 2022 11:52 AM
To: Stevens, Mike
Subject: Response to Villa Vista S2021-102

Hello,

This is Yan. I'm currently living on Corvina street of Goose Ridge neighborhood. As a homeowner in this neighborhood, I'm deeply concerned about the 68 townhomes that's proposed to be built in Goose Ridge. Where exactly are these townhomes going to be located? How tall are the buildings going to be? Are these buildings going to block the view of some of the single family homes in the area? Most importantly, are these townhomes going to lower the quality of folk's life living this neighborhood? And are the values of current houses going to be negatively affected?

Looking forward to hearing the answers to these questions.

Thank you and Best Regards,
Yan

Exhibit 20

CITY OF RICHLAND PUBLIC WORKS ENGINEERING DEVELOPMENT COMMENTS

DATE: August 5, 2022

TO: MIKE STEVENS, PLANNING MANAGER

PLAT REVIEW BY: JASON REATHAFORD, ENGINEERING TECH 4
PETE ROGALSKY, PUBLIC WORKS DIRECTOR
CARLO D'ALESSANDRO, TRANSPORTATION & DEVELOPMENT MANAGER

PROJECT NAME: VILLA VISTA TOWNHOMES – S2022-102 (REMAND OF S2021-102)

PROJECT LOCATION: BADGER MTN. SOUTH, TROWBRIDGE BLVD.

The Public Works Engineering Division has reviewed the preliminary plat received in this office on July 22, 2022 for the above referenced property and has the following conditions.

Pre-Plat Specific Conditions

1. The preliminary plat is not showing any phase lines. Phasing is not required but if the project is to be phased during construction phasing lines need to be shown on the pre-plat map.
2. Street names are not reviewed or vested until construction plans are submitted for review. The street names included on the pre-plat may not be approved or available during the construction plan review process.

General Conditions:

3. All final, approved plans for public improvements shall be submitted prior to pre-con on a 24" x 36" hardcopy format and also electronically in .dwg format compatible with the City's standard CAD software. Addendums are not allowed, all information shall be supplied in full size (and electronic) format. Electronic copies of the construction plans are required prior to the pre-con meeting along with the multiple sets of paper drawings. When construction of the public infrastructure has been substantially completed, the applicant shall provide paper and electronic record drawings in accordance with the City's "Record Drawing Requirements". The electronic record drawings shall be submitted in an AutoCAD format compatible with the City's standard CAD software. The final record drawings shall be submitted and approved by the City before the final punchlist inspection will be performed. All final punchlist items shall be completed or financially guaranteed prior to recording of the final plat.
4. A copy of the construction drawings shall be submitted for review to the appropriate jurisdictions by the developer and his engineer. All required comments / conditions from all appropriate reviewing jurisdictions (e.g.: Benton County, any appropriate irrigation districts, other utilities, etc.) shall be incorporated into one comprehensive set of drawings and resubmitted (if necessary) for final permit review and issuance. Any and all necessary permits that may be required by jurisdictional entities outside of the City of Richland shall be the responsibility of the developer to obtain.
5. Any work within the public right-of-way or easements or involving public infrastructure will require the applicant to obtain a right-of-way construction permit prior to beginning work, per RMC Chapter 12.08. The applicant shall pay a plan review fee based on a cost-per-sheet of engineering infrastructure plans. This public infrastructure plan review fee shall apply each time a project is

submitted for review. This fee will be different for commercial projects versus subdivision projects. Please visit the Public Works Private Development page on the City's webpage to find the current per-sheet fee. A permit fee in the amount equal to 3% of the construction costs of the work within the right-of-way or easement will be collected at the time the construction permit is issued. A stamped, itemized Engineers estimate (Opinion of probable cost) and a copy of the material submittals shall be submitted along with the approved plan submittal.

6. Public utility infrastructure located on private property will require recording of a City standard form easement prior to acceptance of the infrastructure and release of the final plat. The City requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of plat acceptance. Once received, the City will prepare the easement document and provide it to the developer. The developer shall record the easement at the Benton County Assessor and return a recorded original document to the City prior to application for final plat acceptance.
7. A pre-construction conference will be required prior to the start of any work within the public right-of-way or easement. Contact the Public Works Engineering Division at 942-7500 to schedule a pre-construction conference.
8. All plan sheets involving construction of public infrastructure shall have the stamp of a current Washington State licensed professional engineer.
9. A copy of the preliminary plat shall be supplied to the Post Office and all locations of future mailbox clusters approved prior to final platting.

Design Standards:

10. Public improvement design shall follow the following general format:
 - A. All materials and workmanship shall be in conformance with the latest revision of the City of Richland Standard Specifications and Details, Public Infrastructure Design Guidelines and the current edition of the State of Washington Standard Specifications for Road, Bridge, and Municipal Construction. Please confirm that you have the latest set of standard specs and details by visiting the City's web page.
 - B. Fire hydrant location shall be reviewed and approved by the City Fire Marshal.
 - C. All utilities shall be extended to the adjacent property (properties) at the time of construction.
 - D. The minimum centerline finish grade shall be no less than 0.30% and the maximum centerline finish grade shall be no more than 10.0% for local streets. 12% can be allowed for local streets for short distances.
 - E. The minimum centerline radius for local streets shall be 100-feet.
 - F. Final design of the public improvements shall be approved at the time of the City's issuance of a Right-of-way Construction Permit for the proposed construction.
 - G. All public improvements shall comply with the State of Washington and City of Richland requirements, standards and codes.
 - H. The contractor shall be responsible for any and all public infrastructure construction deficiencies for a period of one year from the date of the letter of acceptance by the City of Richland.
11. If the project will be built in phases the applicant shall submit a comprehensive master plan for the sanitary sewer, domestic water, storm drainage, electrical, street lighting and irrigation system for the entire project prior to submitting plans for the first phase to assure constructability of the entire project. This includes the location and size of any storm retention ponds that may be required to handle runoff.
12. If the City Fire Marshal requires a secondary emergency vehicle access, it shall be included in the construction plan set and be designed to the following standards:

- A. 2-inches compacted gravel, minimum (temp. SEVAs only).
- B. 2% cross-slope, maximum.
- C. 5% slope, maximum. Any access road steeper than 5% shall be paved or be approved by the Fire Marshal.
- D. Be 20-feet in width.
- E. Have radii that are accommodating with those needed for City Fire apparatus.

Secondary emergency vehicles accesses (SEVA's) shall be 20-feet wide, as noted. Longer secondary accesses can be built to 12-feet wide with the approval of the City of Richland Fire Marshal, however turn-outs are required at a spacing acceptable to the Fire Dept. Temporary SEVA's shall be constructed with 2-inches of compacted gravel, at a minimum. Permanent SEVA's shall be paved with 2-inches of asphalt over 4-inches of gravel, at a minimum.

13. **SURVEY MONUMENT DESTRUCTION:**

All permanent survey monuments existing on the project site shall be protected. If any monuments are destroyed by the proposed construction the applicant shall retain a professional land surveyor to replace the monuments and file a copy of the record survey with the City.

- A. No survey monument shall be removed or destroyed (*the physical disturbance or covering of a monument such that the survey point is no longer visible or readily accessible*) before a permit is obtained from the Department of Natural Resources (DNR). WAC 332-120-030(2) states "It shall be the responsibility of the governmental agency or others performing construction work or other activity (including road or street resurfacing projects) to adequately search the records and the physical area of the proposed construction work or other activity for the purpose of locating and referencing any known or existing survey monuments." (RCW 58.09.130).
- B. Any person, corporation, association, department, or subdivision of the state, county or municipality responsible for an activity that may cause a survey monument to be removed or destroyed shall be responsible for ensuring that the original survey point is perpetuated. (WAC 332-120-030(2)).
- C. Survey monuments are those monuments marking local control points, geodetic control points, and land boundary survey corners. (WAC 332-120-030(3)).

When a monument must be removed during an activity that might disturb or destroy it, a licensed Engineer or Land Surveyor must complete, sign, seal and the file a permit with the DNR. It shall be the responsibility of the designing Engineer to identify the affected monuments on the project plans and include a construction note directing them to the DNR permit.

Traffic & Streets:

- 14. The Villa Vista Townhome preliminary plat is subject to the City's traffic impact fee program (RMC 12.03). Since this property is included within the traffic impact fee program, and since staff analysis and the draft Badger Mountain South Traffic Impact Analysis indicates the project will not create impacts requiring traffic mitigation outside of the plat boundaries, therefore no offsite improvements are required for this plat.
- 15. As shown on the preliminary plat application, both Bellaview Avenue and Syrah Avenue appear to be reconstructed and dedicated as public streets, based on the right of way widths indicated. The City supports this as the best approach to providing a well-designed system of public street access to this and adjacent parcels. At their existing connections to Ava Way both Bellaview Ave. and Syrah Ave. are currently established as privately owned tracts, but it is indicated on the pre-plat that these will be improved and dedicated for public access purposes. These improvements shall meet public street standards.

16. A note will be shown on the face of the final plat stating that Trowbridge Blvd. is classified as a "Minor Arterial Street". Subsequently, no driveways accessing parcels will be allowed directly onto it.
17. Any roads narrower than 32-feet shall have parking restricted on one side, and any roads narrower than 27-feet shall have parking restricted on both sides. Street signs indicating restricted parking shall be installed prior to final platting at the developer's expense. The restricted parking areas shall be indicated on the construction plans and the final plat. All signage will be installed by the developer prior to final platting.
18. Sidewalks shall be installed along all public right-of-way frontages that building lots do not front on during construction of those phases (e.g., storm drainage ponds, parks, parking areas, etc.).
19. The developer and his engineer shall demonstrate on the construction plans that all future driveway entrances, sidewalks and pedestrian ramps will meet City and ADA requirements.
20. Pedestrian ramps shall be designed to current City Standard Details and PROWAG Standards to be compliant with federal ADA Standards. Adequate right-of-way shall be provided at corners to allow for at least 1-foot of ROW behind the concrete ped. ramp landing. Crosswalks between pedestrian ramps shall be designed to City standards. Crosswalks at stop-controlled intersections shall have cross-slopes less than 2%. Crosswalks crossing thru-streets shall have cross-slopes less than 5%. The road profile shall be designed to accommodate this.
21. The vision-clearance triangle needs to be shown on all corner lots on both the construction plans and the final plat document, in accordance with RMC Chapter 12.11.020. If the intersection is in a curve, it will have to be evaluated per AASHTO guidelines. This information may need to be designed by the engineer of record and supplied to the surveyor of record for inclusion into the final plat document.
22. All roads shall be constructed to provide for adequate fire truck & solid waste collection truck access & turning movements, including turnaround. No solid waste vehicle will be allowed to back more than 50-feet after accessing a waste receptacle.
23. If the project is to be constructed in phases, all dead-end streets longer than 150-feet that will be continued later need to have temporary turnarounds built at the end of them. If the temporary turnaround is not located within the final plat an easement with a 50-foot radius will be required.

Domestic Water:

24. The closest available watermain is located in Trowbridge Blvd. to the south, and in the 4-Plex project to the east. It shall be the responsibility of the developer to extend a watermain from both of these locations onto this property to serve domestic water at the time of plat construction. This water main shall be sized to adequately supply domestic water and fire flows to the proposed development and other, future developments to the west and north.
25. In accordance with municipal code, domestic water mains shall be extended to the adjoining properties adjacent to the preliminary plat, provided they are in the correct pressure zone.
26. The developer will be required to demonstrate that all phases are capable of delivering adequate fire flows prior to construction plans being accepted for review. This may require looping of the watermain from off-site locations, or oversizing of the main where needed.
27. The fire hydrant layout shall be approved by the City Fire Marshal.

28. In accordance with Richland Municipal Code Chapter 18.16.080, an irrigation source and distribution system, entirely separate from the City's domestic water system, shall be provided for this development. *Construction plans will not be accepted for review until adequate and viable proof of an irrigation source is made available by the developer.* The designing Engineer shall submit plans for the proposed irrigation system to the Irrigation District with jurisdiction over the property at the same time that they are submitted to the City for construction review. Plans shall be reviewed and accepted by said irrigation district prior to issuance of a Right-of-Way permit by the City. Easements shall be provided on the final plat for this system where needed.

Sanitary Sewer:

29. There is an existing sanitary sewer main crossing this proposed development. It shall be the responsibility of the developer to provide easements where necessary, and to adjust all existing sewer appurtenances to finished grade per city standards. A 10-foot wide exclusive sanitary sewer easement shall be provided for any sewer main that is outside of the public Right-of-Way. Wider easements are required for mains that are buried deeper than 10-feet. If any manholes are located outside of the public Right-of-Way, maintenance truck access to said structure may be required.
30. Sanitary sewer shall be extended to the adjoining properties adjacent to the preliminary plat.

Storm Water:

31. All construction projects that don't meet the exemption requirements outlined in Richland Municipal Code, Section 16.06 shall comply with the requirements of the Washington State Department of Ecology issued Eastern Washington NPDES Phase II Municipal Stormwater Permit. The Developer shall be responsible for compliance with the permit conditions. All construction activities subject to this title shall be required to comply with the standards and requirements set forth in the Stormwater Management Manual for Eastern Washington (SWMMEW) and prepare a Stormwater Site Plan. In addition, a Stormwater Pollution Prevention Plan (SWPPP) or submission of a completed erosivity waiver certification is required at the time of plan submittal. The City has adopted revised standards affecting the construction of new stormwater facilities in order to comply with conditions of its NPDES General Stormwater Permit program. This project, and each phase thereof, shall comply with the requirements of the City's stormwater program in place at the time each phase is engineered.
32. All public storm drainage systems shall have their flow rate and storage capacity designed by a professional engineer following the core elements defined in the latest editions of the Stormwater Management Manual for Eastern Washington, the current Richland municipal codes, the Phase II Municipal Stormwater Permit, and the City's "Public Infrastructure Construction Plan Requirements and Design Guidelines". The storm water calculations shall be stamped by a professional engineer and shall include a profile of the storm system showing the hydraulic grade line. The calculations should include an accurate delineation of the contributing drainage area to accurately size the stormwater facilities. Passing the storm water downhill to an existing storm system will require an analysis of the downstream storm system to determine its capability of accepting the storm water without being overwhelmed. The applicant's design shall provide runoff protection to downstream property owners.
33. If any existing storm drainage or ground water seepage drains onto the proposed site, said storm drainage shall be considered an existing condition, and it shall be the responsibility of the property developer to design a system to contain or treat and release the off-site storm drainage.
34. If there are any natural drainage ways across the proposed pre-plat, the engineered construction plans shall address it in accordance with Richland Municipal code 24.16.170 ("Easements-watercourses").

35. Any proposed storm drainage retention facilities within the boundary of the proposed preliminary plat shall not adversely affect neighboring properties.
36. Prior to or concurrent with the submittal of the first phase the developer shall provide a Geotechnical report including the percolation rate of the soils in the area of any storm retention ponds. If the project constructs a storm retention pond then the engineer will need to demonstrate that the pond will drain itself within 72 hours after the end of a storm event, and not have standing water in it longer than that. Engineering solutions are available for retention ponds that do not percolate within 72 hours.
37. As per RMC chapter 24.20.070 and the City of Richland's Comprehensive Stormwater Management Plan, the storm drainage system installed as part of this plat may need to be oversized in order to handle the additional flow from future developments in the vicinity. The storm drainage system for this development, both its conveyance and retention / infiltration components, shall be designed to effectively manage runoff from upstream properties that can be anticipated to convey stormwater onto this property because of a pre-development runoff condition, or as a result of flows discharged that are in excess of the design storm from the upstream property. Additionally, as this property is upslope of developed properties the stormwater system shall include provisions for possible discharge of runoff onto downslope properties from storms in excess of the design storm as described above. Those provisions may be required to include off-site downslope conveyance facilities and/or flowage easements allowing for the conveyance of stormwater to and across downslope properties.
38. The amount of post-development storm runoff from the proposed site shall be in compliance with RMC Chapter 16.06.
39. Stormwater collection pipes may need to be extended to the adjoining properties adjacent to the plat.
40. The parcel occupied by the stormwater basin shall be identified as a separate parcel or tract on the final plat and shall be dedicated to the City stormwater utility. The design of the basin shall include access features meeting the city's needs for maintenance.
41. The developer shall consider the long-term appearance of the storm basin, particularly if it will occupy a prominent location in the development. The City's typical storm pond maintenance practices consist of semi-annual vegetation trimming and silt and debris removal. If the pond location is deemed by City staff as being in a prominent location the developer shall design and install fencing and/or landscaping to mitigate the pond's visible character for the surrounding properties. If the City requires this type of treatment to the pond site the developer may propose landscaping treatments consistent with the development and establish maintenance responsibilities to remain with the development. These maintenance responsibilities shall be noted on the final plat. Basins designed as detention and evaporative basins need to include plantings that will tolerate or thrive in standing water. Planting designs for areas not routinely exposed to water shall include plants that will thrive without irrigation unless the developer intends to maintain an irrigated pond site. At a minimum the landscaping plan should be consistent with the City's intended maintenance standard as described above.
42. The developer shall be responsible for landscaping the storm pond and for its maintenance and the plantings through the one-year infrastructure warranty period. At 11 months after the final acceptance date the developer shall clean the storm system and basin of all accumulated oil, sediment, and debris. After this maintenance is completed and inspected the City will begin routine maintenance of the system and basin. The developer shall replace any plantings that have failed to survive the warranty period. The developer shall also perform trimmings required to control weeds in excess of 18-inches in height for the 12-months following the date of final plat acceptance.

Solid Waste:

43. Due to limited space and tight corners, all lots that take access off of a private drive may have to transport their garbage cans to a location acceptable for solid waste pick-up.

Final Platting Requirements:

44. When the construction is substantially complete a paper set of "record drawings" shall be prepared by a licensed surveyor and include all changes and deviations. Please reference the Public Works document "RECORD DRAWING REQUIREMENTS & PROCEDURES" for a complete description of the record drawing process. All final punchlist items shall be completed or financially guaranteed prior to recording of the final plat.
45. Public utility infrastructure located on private property will require recording of a City standard form easement prior to acceptance of the infrastructure and release of a certificate of occupancy. The City requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of final acceptance. Off-site ("third party") easements or right-of-ways for City infrastructure are the responsibility of the developer to obtain. Once received, the City will prepare the easement document and provide it to the developer. The developer shall record the easement at the Benton County Assessor and return a recorded original document to the City prior to application for final occupancy.
46. Any off-site easements or permits necessary for this project shall be obtained and secured by the applicant and supplied to the City at the time of plat construction and prior to final plat acceptance by the City.
47. Ten-foot wide public utility easements will be required on the final plat along both sides of all right-of-ways within the proposed plat. They will also be required where the plat is adjacent to an existing right-of-way.
48. The vision-clearance triangle needs to be shown on all corner lots on the final plat document, in accordance with RMC Chapter 12.11.020.
49. The final plat shall include notes identifying all common areas including the private streets and tracts and acknowledging the ownership and maintenance responsibility by the homeowners association. A note shall be added to the face of the final plat that states: *"The private drives are for the use and benefit of the homeowners that abut said roads, and are to be maintained by said owners. The City of Richland accepts no maintenance responsibility for these private drives"*.
50. A note shall be added to the face of the plat that states: *"The private drives within this plat are fire lanes and parking is restricted. The required no-parking signs shall be installed by the developer where applicable."*
51. Any roads narrower than 32-feet shall have parking restricted on one side, and any roads narrower than 27-feet shall have parking restricted on both sides. Street signs indicating restricted parking shall be installed prior to final platting at the developer's expense. The restricted parking areas shall be indicated on the final plats.
52. All landscaped areas within the plat that are in the public Right of Way shall be the responsibility of the property owners to maintain.
53. A one-foot "No access / screening easement" will be required along the Trowbridge Blvd. Right of Way.

54. The intended use and ownership of all tracts within the plat shall be noted on the final plat.
55. Property with an unpaid L.I.D. assessment towards it must be paid in full or segregated per Richland Municipal Code 3.12.095.



**City of Richland
Development Services**

625 Swift Blvd. MS-35
Richland, WA 99352
☎ (509) 942-7794
📠 (509) 942-7764

DATE: August 1, 2022

TO: Mike Stevens, Planning Manager

REVIEW BY: Nichole Westphal, Permit Technician II

PROJECT NAME: S2021-102 – Villa Vista Townhomes

1. Addressing brackets [] are needed on all lots and tracts.
2. Private access easements with four or more units shall be assigned a private street name.
3. Street names will be reviewed when construction drawings are submitted to the Public Works Department. When construction drawings are submitted, please include two (2) street name options for each of the new street segments, both public and private.

Chapter 23.48 SITE PLAN REVIEW

Sections:

[23.48.010 Purpose of the site plan review.](#)

[23.48.020 Site plan approval required.](#)

[23.48.030 Site plan application requirements.](#)

[23.48.040 Site plan – Conditions of approval.](#)

[23.48.050 Exceptions to site plan review process.](#)

[23.48.060 Optional administrative site plan review.](#)

[23.48.070 Effect of optional administrative site plan approval.](#)

23.48.010 Purpose of the site plan review.

The purpose of the site plan approval process is to facilitate project design that is compatible with adjacent land uses and is in keeping with the physical constraints of the project site. The site plan review is not intended to determine whether a particular land use activity is appropriate on a particular site. Land uses that are otherwise permitted in this title shall not be denied through the site plan review process unless such uses cannot meet the development and/or performance standards required for the use. [Ord. 28-05 § 1.02].

23.48.020 Site plan approval required.

Site plan approvals are required for the following types of development:

A. Commercial Development. Where commercial property in excess of five acres is proposed for development in a C-LB – limited business, C-1 – neighborhood retail, C-2 – retail business, CBD –central business district or WF – waterfront district;

B. Multiple-Family Dwellings. Where construction of any multiple-family dwelling or dwellings containing an aggregate of 20 or more dwelling units is proposed for development in an R-3 – multiple-family residential, or C-LB – limited business district. [Ord. 28-05 § 1.02; Ord. 32-11 § 17].

23.48.030 Site plan application requirements.

For any project requiring a site plan approval as identified in RMC [23.48.020](#), a site plan shall be submitted to the hearing examiner for review and approval as a Type II permit application as defined in RMC 19.20.030. A site plan and application form shall be submitted to the administrative official, showing the following information:

- A. Boundaries and dimensions of the property;
 - B. Location and width of boundary streets;
 - C. Dimensions, location and number of dwelling units for each existing or proposed structure on the site;
 - D. Roadways, walkways, off-street parking, and emergency vehicle access;
 - E. Fencing and landscaping, showing location, type, dimensions and character; and
 - F. Location, dimensions and character of recreational facilities and open space.
- G. The site plan shall be drawn in a concise and accurate manner, and of an appropriate scale for clarity in review. Copies shall be submitted in a number determined by the administrative official to be appropriate and sufficient.
- H. Where a multiple-family development is proposed to be constructed in phases, the site plan shall include all phases, regardless of size, in the proposed development. After a site plan providing for phased development has been approved by the hearing examiner, no further approval is required so long as each phase of development conforms to the approved site plan. [Ord. 28-05 § 1.02; Ord. 24-14 § 1.01; Ord. 13-16 § 1].

23.48.040 Site plan – Conditions of approval.

Site plan approvals may be made subject to any condition(s) which the hearing examiner determines to be necessary to protect the public health, safety and welfare or otherwise bring a proposed development into compliance with the purpose and intent of this title. Such conditions may include but are not limited to increased setbacks, and buffers, including landscaping, fences and walls; restrictions on the type and location of outdoor lighting; surfacing of parking areas and driveways; the installation of stormwater drainage facilities; the construction and location of service roads and alleys; the points of vehicular ingress or egress; the regulation of the time and type of various activities; vibration, noise, odors or similar nuisances, and the type, size and location of signs. [Ord. 28-05 § 1.02; Ord. 24-14 § 1.01].

23.48.050 Exceptions to site plan review process.

This section shall not apply to any developments that have been approved as a planned unit development pursuant to Chapter 23.50 RMC or authorized through the issuance of shoreline substantial development permit pursuant to RMC Title 26. [Ord. 28-05 § 1.02].

23.48.060 Optional administrative site plan review.

In all instances where formal site plan review is not required, an applicant(s) may request that the city complete a site plan review of their proposed project. In order to begin this optional process, the applicant shall submit a site plan application to the administrative official for review and approval. A site plan and application form shall be submitted showing the information specified in RMC [23.48.030](#).

Site plan approvals may be granted subject to all condition(s) which the administrative official determines to be necessary to comply with city of Richland development requirements, as established in RMC Titles 22, 23, 24, 26, and 27. Such conditions may be based upon the recommendations of other city officials, who are typically involved in the review of development proposals. A site plan approval shall remain valid for a period of one year; provided, that the administrative official may grant extensions of up to one year upon the written request of the applicant. [Ord. 28-05 § 1.02].

23.48.070 Effect of optional administrative site plan approval.

Once granted, an applicant can rely on the approved site plan. The city shall not require the modification of an approved site plan or the modification of any condition of approval attached to the approved site plan; provided, that nothing in this section shall prevent an applicant and the city from jointly agreeing to the modification of an approved site plan. In the event that the applicant modifies the site plan, the city shall have the opportunity to modify the site plan approval previously issued. For the purposes of this section, modification of the site plan includes but is not limited to the following types of changes:

- A. Modification in building use, size, height, type of construction, building footprint, or location on the site;
- B. Modification in the number, size, location or arrangement of off-street parking spaces, or loading areas;
- C. Change in the number, size or location of access points to adjacent public streets;
- D. Change in location of city utility lines or storm drainage facilities;
- E. Change in location of any existing or proposed utility and/or access easements;
- F. Change in location, type or size of landscaping materials proposed to be installed on site; or
- G. Any other change that results in the site plan not meeting a minimum requirement or design standard contained in the city's development standards. [Ord. 28-05 § 1.02].

Exhibit 22

Stevens, Mike

From: Darrin Sweeney <darrinmsweeney@gmail.com>
Sent: Monday, August 29, 2022 12:40 PM
To: Stevens, Mike
Subject: Re: Public Hearing

Mike,

We would like to formally request continuance of our preliminary plat applications for Villa Vista and Veneto Villagio from the September 12th, 2022 Hearing Examiner meeting to October 10th, 2022. Thank you for your consideration and we look forward to presenting on October 10th, 2022.

Darrin Sweeney
Nor Am Investments
509-380-7978

On Mon, Aug 29, 2022 at 12:07 PM Darrin Sweeney <darrinmsweeney@gmail.com> wrote:
Will do. I'll be back to the office within the hour and will send it out.

Darrin

On Mon, Aug 29, 2022, 12:07 PM Stevens, Mike <mstevens@ci.richland.wa.us> wrote:

Okay, if you could send me an email requesting continuance I will get it taken care of on my end of things.

From: Darrin Sweeney <darrinmsweeney@gmail.com>
Sent: Monday, August 29, 2022 12:06 PM
To: Stevens, Mike <mstevens@ci.richland.wa.us>
Subject: Re: Public Hearing

Yes.

On Mon, Aug 29, 2022, 12:05 PM Stevens, Mike <mstevens@ci.richland.wa.us> wrote:

There is a meeting scheduled for October 10th. Does that work?

From: Darrin Sweeney <darrinmsweeney@gmail.com>
Sent: Monday, August 29, 2022 12:00 PM
To: Stevens, Mike <mstevens@ci.richland.wa.us>
Subject: Re: Public Hearing

Ok. Could we shoot for the 2nd week of October for the hearing?

Darrin

On Mon, Aug 29, 2022, 11:48 AM Stevens, Mike <mstevens@ci.richland.wa.us> wrote:

Yeah, I could get it to you probably 2 weeks or so ahead of time.

From: Darrin Sweeney <darrinmsweeney@gmail.com>
Sent: Monday, August 29, 2022 10:42 AM
To: Stevens, Mike <mstevens@ci.richland.wa.us>
Subject: Re: Public Hearing

Mike,

Do you think we can get a copy of the staff report (or at least a draft) a couple/few weeks before the hearing if we push it? Our goal is to be able to review the report and have a meeting with the City prior to the hearing. I would like to have as much time as possible to make that all happen.

Darrin

On Mon, Aug 29, 2022 at 8:40 AM Stevens, Mike <mstevens@ci.richland.wa.us> wrote:

Hi Darrin,

Hope you had a good weekend. You had mentioned the possibility of continuing the public hearing items. I am scheduling for the next couple of meetings and can get you all set up if you are wanting to continue. Please let me know at your earliest convenience.

Have a good day!

Mike Stevens

Planning Manager

625 Swift Blvd., MS-35 | Richland, WA 99352

(509) 942-7596

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