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

GENERAL INFORMATION

PROPOSAL NAME: Desert Sky – 2104 Meritage Ave.

LOCATION: 2104 Meritage Avenue

APPLICANT: Brad Beauchamp, property owner

PROPERTY Brad Beauchamp OWNER:

FILE NO.: S2023-101

DESCRIPTION: Request to divide approximately 38.2 acres into two-hundred twenty-seven (227) residential lots, five (5) commercial lots, and three (3) tracts associated with pedestrian access or proposed park space (APNs: 1-29982000001002 & 1-32983000003037).

PROJECT TYPE: Type III Preliminary Plat Approval

HEARING DATE: November 13, 2023

REPORT BY: Matthew Howie, Senior Planner

RECOMMENDED ACTION:

Approval subject to completion of proposed conditions

200 400

Vicinity Map

Item: Desert Sky 2104 Meritage Ave Applicant: Brad Beauchamp File #: S2023-101



Figure 1 - Vicinity Map

PROJECT DATA

Gross Plat Area: 38.2 acres Net Planning Area: 32.2 acres Number of Lots: 235 Land for Streets/Other: 6 acres Gross Density: 7 units/acre Net Density: 10 units/acre

DESCRIPTION OF PROPOSAL

Brad Beauchamp, applicant, has submitted a preliminary plat application for the development of an approximately 38.2-acre site, with two-hundred twenty-seven (227) residential lots, five (5) commercial lots, three (3) tracts associated with pedestrian access or proposed park space, and related infrastructure. Figure 1 (above) shows the site within its larger context.

REASON FOR REQUEST

Richland Municipal Code (RMC) Chapter 19.20 requires preliminary plat approval by the Hearing Examiner. Likewise, RMC 24.12.050 states "After public hearing and review the hearing examiner shall decide whether the preliminary plat is in accordance with the comprehensive plan and other applicable code requirements." Additional guidance, below:

24.12.053 Preliminary plat - Required findings.

The hearing examiner shall not approve any preliminary plat application, unless the approval is accompanied by written findings that:

- A. The preliminary plat conforms to the requirements of this title;
- B. Appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;
- C. The public use and interest will be served by the platting of such subdivision and dedication; and
- D. The application is consistent with the requirements of RMC 19.60.095.

24.12.055 Preliminary plat – Hearing examiner consideration and action.

- A. The application for preliminary plat approval shall be approved, disapproved or returned to the applicant for modification or correction within 90 days of the date of acceptance.
- B. Hearing examiner approval of a preliminary plat shall not guarantee final approval of the plat or subdivision and shall not constitute an acceptance of the subdivision, but shall authorize the subdivider to proceed with the preparation of the final plat along the lines indicated in the preliminary plat.
- C. Approval of the preliminary plat shall be operative for five years from the date of approval by the hearing examiner during which time a final plat or plats may be submitted.
- D. The subdivision administrator may extend the approval period or may require that the preliminary plat must be resubmitted after the expiration of the approval period.

19.60.095 Required findings.

No development application for a Type II or Type III permit shall be approved by the city of Richland unless the decision to approve the permit application is supported by the following findings and conclusions:

A. The development application is consistent with the adopted comprehensive plan and meets the requirements and intent of the Richland Municipal Code.

- B. Impacts of the development have been appropriately identified and mitigated under Chapter 22.09 RMC.
- C. The development application is beneficial to the public health, safety and welfare and is in the public interest.
- D. The development does not lower the level of service of transportation facilities below the level of service D, as identified in the comprehensive plan; provided, that if a development application is projected to decrease the level of service lower than level of service D, the development may still be approved if improvements or strategies to raise the level of service above the minimum level of service are made concurrent with development. For the purposes of this section, "concurrent with development" means that required improvements or strategies are in place at the time of occupancy of the project, or a financial commitment is in place to complete the required improvements within six years of approval of the development.
- E. Any conditions attached to a project approval are as a direct result of the impacts of the development proposal and are reasonably needed to mitigate the impacts of the development proposal.

REVIEW AUTHORITY

RMC Section 19.20.030 designates the Hearing Examiner as the hearing body responsible for conducting the review of preliminary plat approval applications.

SITE DESCRIPTION & ADJACENT LAND USES

Desert Sky is comprised of two (2) parcels totaling approximately 38.2-acres at the northwestern terminus of Meritage Avenue, north of Ava Way and east of Dallas Road within the Badger Mountain South Subarea. The parcels are roughly in the shape of the letter "L" rotated 180-degrees with approximately 725-feet of frontage along Dallas Road, 740-feet of frontage on Ava Way, and 890 feet fronting Meritage Avenue.

The site has no easily-characterized slope trend, with nodes of greater or lesser heights, between 800 and 845-feet above mean sea level. The area will be accessed from primary connections to Meritage Avenue to the northeast and Ava Way to the south.

The northeastern boundary is 140 feet north of the northeastern terminus of Meritage Avenue, parallel to Ava Way. The western boundary is roughly 1,400-feet from and parallel to Meritage Avenue. The southern boundary of the site is immediately adjacent to Ava Way. The eastern boundary is immediately adjacent to Meritage Avenue.

200 400

0

800 Feet

CURRENT LAND USE DESIGNATION AND USES:

North: Benton County RL-5 (REVAL 5 FARM), agriculture

East: BMS-NE, BMS-NG (Neighborhood Edge, Neighborhood General), single-family housing

South: BMS-SD-CMU (Commercial Mixed-Use), developing commercial properties **West:** BMS-SD-DR (Destination Retail), undeveloped

BMS Land Use Map Item: Desert Sky 2104 Meritage Ave Applicant: Brad Beauchamp File #: S2023-101

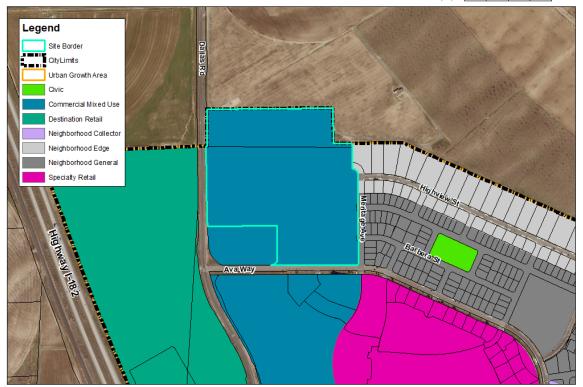


Figure 2 – Comprehensive Plan Land Use Map

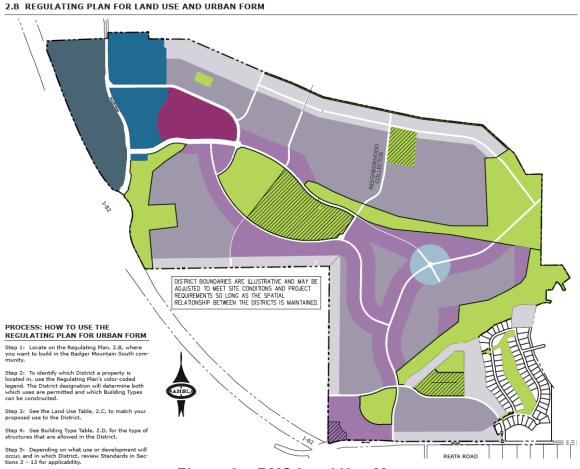
COMPREHENSIVE PLAN

The City of Richland Comprehensive Plan designates this area as a part of the Badger Mountain South Subarea Plan and subject to the Badger Mountain South Master Agreement. The Agreement calls for the development of a master planned community known as Badger Mountain South for the development of a mixed-use, walkable, and sustainable community with up to 5,000 dwelling units. "Mixed-use" in this case is largely small lot residential in nature, with some multi-family, commercial, and office uses, with generous open spaces and extensive pedestrian trails alongside more traditional auto-oriented infrastructure.

To achieve a more "unique" character within the Subarea Plan, the City partnered with Nor Am Investment, LLC on the Badger Mountain South Master Agreement. This

agreement shapes land use via Exhibit C, or, the Land Use and Development Regulations [or LUDR]. Lastly, the City also adopted a Planned Action Ordinance (RMC 19.50.030) for the subarea based on a supplemental environmental impact statement (the 2010 Badger Mountain South Final Supplemental EIS [FSEIS]) which was prepared for the master planned community.

Note that the traditional distinction between Land Use and Zoning is not applicable. Instead, the Master Agreement has its own moniker, "Districts", of which Commercial Mixed-Use BMS-SD-CMU is illustrated in Figure 2 (above). See the BMS Land Use Map of the LUDR in *Figure 3*, along with District descriptions in *Figure 4* (both on LUDR Sheet 2-2), and, this proposal's preliminary plat, as appears in the *Exhibit 1* application materials in *Figure 5*.





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-CIVIC

(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, 5.B for detail.

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.

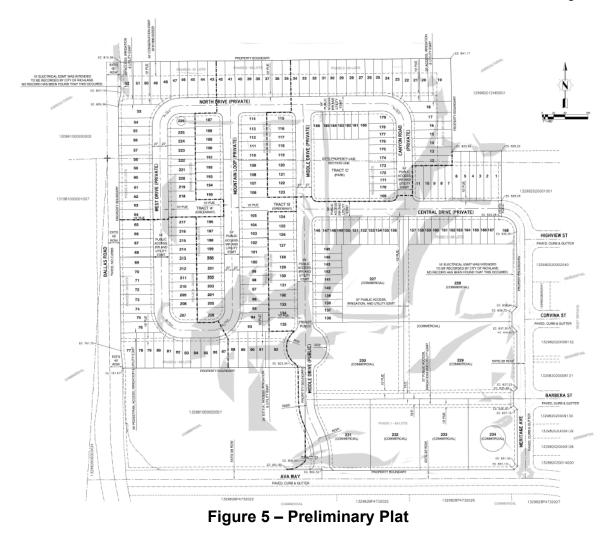
BMS-SD-CMU: COMMERCIAL MIXED-USE (4.C)

The Commercial Mixed-Use Special District is a local destination for employment, shopping, dining, entertainment and recreation.

BMS-SD-DR: DESTINATION RETAIL (4.D)

The Destination Retail Special District contains large scale retail uses serving the entire region.

Figure 4 – BMS District Descriptions



Applicable Goals & Policies

Provided below is a set of Comprehensive Plan goals & policies which are particularly applicable to the subject residential subdivision.

- *Community Goal 1:* Ensure and enhance the continuing sense of a livable and sustainable community in Richland.
- *Community Goal 2:* Create a vibrant, progressive, and physically, socially, economically, and culturally diverse community providing choices of jobs, housing, and recreational opportunities to its residents of all ages.
- *Community Goal 5:* Encourage the identification, preservation, and restoration of the City's open space and natural areas to maintain habitat, provide opportunities for residents to connect with nature, and meet educational, health, and outdoor recreational needs with associated economic opportunities to the community.
- *Community Goal 9:* Provide and support an efficient, varied, and well-maintained transportation network.
- *Economic Development Goal 6:* Encourage vibrant mixed-use areas in Tri-Cities as destinations to live, work, and visit.

Policy 6: Expand the range of options for housing in areas planned for higher density development.

Policy 7: Support development of higher density housing.

Economic Development Goal 7: Recognize parks, natural areas, and a built environment with quality design for the value they offer as major attractions.

Policy 4: Promote quality design for public projects as well as private developments.

Land Use Goal 2: Establish land uses that are sustainable and create a livable and vibrant community.

Policy 1: Maintain a variety of land use designations to accommodate appropriate residential, commercial, industrial, healthcare, educational, recreational, and open space uses that will take advantage of the existing infrastructure network.

Policy 3: Ensure that the intent of the land use and districts are maintained.

Land Use Goal 3: Maintain a broad range of residential land use designations to accommodate a variety of lifestyles and housing opportunities.

Policy 3: Innovative and non-traditional residential developments can occur through the use of planned unit developments, density bonuses, new types of housing, and multi-use or mixed-use developments.

Land Use Goal 4: Promote commercial and industrial growth that supports the City's economic development goals.

Policy 1: Accommodate a variety of commercial land uses including retail and wholesale sales and services, and research and professional services.

Policy 2: Promote developments such as business and research parks, office parks, technology centers, manufacturing and processing facilities, and other types for high-tech uses.

Land Use Goal 5: Ensure connectivity that enhances community access and promotes physical, social, and overall well-being so residents can live healthier and more active lives.

Policy 1: Locate commercial uses so that they conveniently serve the needs of residential neighborhoods, workplaces, and are easily accessible via non-motorized modes of transport.

Policy 2: Promote pedestrian and bicycle circulation throughout the community by connecting with the infrastructure and the City's network of parks and trail system.

Urban Design Goal 1: Create a physically attractive and culturally vibrant, pedestrianand bicycle-friendly environment in the City.

Policy 3: Improve streetscape and connectivity for safe and pedestrian-friendly environments.

Housing Element Goal 1: Provide a range of housing densities, sizes, and types for all income and age groups of the Richland community.

Policy 3: Support the development of senior housing and long-term care/assisted living facilities in the City in close proximity to commercial uses and medical services and facilities.

Housing Element Goal 2: Improve affordable housing opportunities for lower-income individuals, households, and first time homebuyers.

Policy 2: Promote the use of mixed-income housing developments and mixeduse developments that provide both affordable housing and economic opportunities throughout the City consistent with Comprehensive Plan.

Housing Element Goal 5: Ensure compatibility of new residential developments with established neighborhoods and the community.

Policy 1: Maintain quality design and landscaping in the new developments. *Transportation Element Goal 3:* Encourage the use of transportation modes that promote energy conservation, circulation efficiency, and an active lifestyle.

Policy 1: Support increased use of transit, bicycling, and pedestrian travel.

Policy 3: Require sidewalks, improved shoulders, appropriate signage, or offstreet trails within new developments to accommodate internal bicycle and pedestrian circulation within and between neighborhoods.

Policy 4: Encourage new developments to be pedestrian-friendly and compatible with the public transportation system.

Provided below is a set of Badger Mountain South Subarea Plan goals & policies which are particularly applicable to the subject residential subdivision.

Comprehensive Plan Economic Development Goal 6: Richland has established a sense of place that appeals to citizens of all ages. The City has become the entertainment and upscale retail center for the Tri-Cities with a range of retail and service businesses that meet the needs of local residents and visitors to the community.

BMED Policy 6.1: Provide areas for new commercial activity that can accommodate the needs of businesses, residents and visitors.

BMED Policy 6.2: Accommodate employment growth with a balance of retail, business, commercial, office park and tourism-related uses.

BMED Policy 6.3: Encourage the development of Neighborhood Activity Centers where local shopping needs can be accommodated while supporting the reduction of travel trips.

BMED Policy 6.6: Encourage the siting of commercial uses and business areas to serve adjacent neighborhoods.

Comprehensive Plan Housing Element Goal 3: Accommodate growth and maintain affordability.

BMHE Policy 3.2: Promote walkable neighborhoods by encouraging a mix of land uses, nodes of higher land use intensity and access to sidewalks and a connected trail and parks system.

BMHE Policy 3.3: Encourage higher density housing close to employment centers, retail and services, and along arterials to support the efficient expansion of public transit.

BMHE Policy 3.4: Support the development of energy-efficient housing choices.

Comprehensive Plan Land Use Goal 5: The City will encourage efficient use and location of municipal and public facilities such as transportation centers, utility facilities, schools, parks and other public uses.

BMLU Policy 5.1: Accommodate bicycles and pedestrians in roadway designs.

BMLU Policy 5.5: Provide for an integrated system of parks, trails, and open spaces that will link to other city facilities as growth occurs.

BMLU Policy 5.8: Consider new and emerging technologies that support sustainable development principles and encourage the use of appropriate technologies with Badger Mountain South.

Comprehensive Plan Land Use Goal 6: The City will protect and conserve its natural resources and critical lands and provide public access based on ability of the resource to support the use.

BMLU Policy 6.3: Promote the use of native and climate-adapted landscaping materials where possible.

BMLU Policy 6.4: Plan the location and design of trails, open space and parks to include known areas of geologic or environmental significance including steep slopes, natural drainage contours, significant views, glacial erratics and others.

Comprehensive Plan Urban Design Goal 1: The City will create a well-planned community with an aesthetically pleasing environment.

BMUD Policy 1.1: Use site planning techniques such as buffers, setbacks or trail corridors to transition development of the Badger Mountain Subarea with existing neighborhoods.

BMUD Policy 1.3: Support the development of the Badger Mountain South area by encouraging a development pattern that resembles traditional neighborhood design.

LUDR PROVISIONS

In lieu of the traditional development standards and special requirements associated with the City's zoning classifications, the LUDR has a dense (though often not sufficiently precise) web of references. In what follows, Staff has included the highlighted LUDR provisions applicable to this preliminary plat proposal. The applicant has supplied written responses (*Exhibit 1*) to a handful of these items.

LUDR 1.F.1.g.: BMS-SD-CMU District.

"The Special District - Commercial Mixed-Use is intended to develop as a local destination for employment and shopping. It can accommodate campus-style office developments that provide a significant number of jobs. It also is a place for housing in mixed-use or live/work buildings at higher intensities and densities found in multi-storied urban building types. It is intended to become the most intensive urban place in Badger Mountain South. The CMU District landscape edge is an urban trail that includes wider sidewalks, street trees and other landscaping and provides pedestrian connectivity to the adjacent neighborhoods."

Applicant Response

We have incorporated within our design the approved matrix of 75% residential to 25% commercial, see Badger Mountain Sub Area Commercial Land Use pg 27 footnote 21. Also[,] [p]er conversations with staff and NOR[-]AM this mixture meets the intent of the district. The Land Uses Allowed by District table 2.C [See *Figure 6*] [a]llows for MULTIFAMILY, see P-4 specifically. One of the allowed residential uses is Row

House. The current preliminary plat has 225 lots for Row Housing. All of this housing will be age restricted 55+ and is all located in the designated 75% residential area. The BMS-[SD-]CMU development can accommodate a wide variety of uses as it is intended to be a major employment center for the City of Richland and a destination for shopping, higher-level education, dining, office uses and other employment centers, Multi-family/Mixed-Use housing, Senior Housing, entertainment and recreation. Public facilities, including transit centers, may also be accommodated in this District.

Staff Analysis

The full text of the Subarea Plan footnote referenced in the applicant response is as follows:

"Assumes mixed-use buildings will contain about 25% commercial to 75% residential; actual build out percentages will respond to market conditions."

Note that this quote was also referenced within the Hearing Examiner's Findings of Fact numbers 20, 21, and 63, and, Condition #63, of the S2022-101 Veneto Villagio Preliminary Plat Decision, the latter of which reads as follows:

"On the face of the plat, the applicant must identify land uses for each lot at the time of final plat approval, with calculations for the plat confirming that the total amount of any Residential uses to be included on lots within the plat will provide at least 25% of developable Commercial square footage of space to 75% of any residential square footage in the subdivision. Allowed uses shall be those listed for the two Special Districts that apply to lots within the subdivision, as found in Sec. 2.C of the LUDR, provided that no single-family residential uses shall be permitted on any lots within this plat."

Plainly, the standard is that under no circumstance can residential development square footage (not by building footprint, but by occupiable interior building space) be more than 75% of total occupiable interior building space across the plat. Staff would anticipate a related condition would be appropriate for this plat.

Initial approximate measurement suggests that, strictly in terms of total land area, that the mix between commercial and residential lots is 38% Commercial to 62% Residential, give or take some space occupied by smaller utility and access easements, but exempting rights-of-way, the park, greenway and the future drive aisle extending from Barbera Street. So if all development was strictly one-story the balance between commercial and residential passes the 75/25 test. In practice, the Planning Staff will be required to maintain updated accountings of interior square footages over the build-out of the plat. Presumably there is no sunset on this provision, and it might be warranted to have this particular standard be recorded against and across the subject properties.

Setting aside the commercial/residential development ratios, Staff have also considered whether or not the proposed preliminary plat conforms with LUDR intent statements, such as the one within LUDR 1.F.1.g, but echoed by LUDR 2.B, and LUDR 4.C.1. This was, likewise, a point belabored during the Veneto Villagio

preliminary plat proceedings. In efforts to clarify its understanding of "intent", Staff referenced the Hearing Examiner Decision (S2022-101), which noted the following of relevance in Findings of Fact:

- 13. "[T]he importance of complying with the intent of the two Special Districts assigned to the land included in this application is in the public's interest."
- 16. "'[I]ntent' language cannot be ignored, and serves as part of the approval criteria for any plat proposal in the BMS community."
- 18. Quoting the Badger Mountain South Subarea Plan, page 29: The Badger Mountain Commercial Mixed Use (BMCMU) designation applies only to properties in Badger Mountain South. It is concentrated within two neighborhood centers as well as being applied to some of the land area adjacent to Dallas Road. The purpose of the BMCMU designation is to concentrate a greater variety of activities within key areas of the community that include public transit, retail, medical and office uses along with residential uses. In many instances, residential will be located within many of the same commercial structures; some residential units may be live-work units where the living guarters is above one's shop or office. Residents will benefit by having a short walk for groceries, or to other stores and service providers, and businesses benefit by having customers living above or around them. Other areas identified for BMCMU may be appropriate for general and corporate office or limited medical facilities and other professional activities. In all cases, in areas identified as BMCMU an important component will be the inclusion of gathering places, public areas that help to provide a sense of identity and an opportunity for community-building.

The type, configuration, and density of development here will also appeal to neighborhood shoppers and will encourage pedestrian traffic between businesses, facilitate efficient mass transit, and consequently require less reliance on motor vehicles. Low intensity uses are not desirable within this area. However, places of worship and public uses including a fire station, satellite police facility, or public library branch can be important additions to the mixed use districts.

- 19. "The nonresidential land use classifications in the Badger Mountain Subarea – like the Mixed-Use... commercial [designation] – are intended to accommodate the needs of the new residents, the need for additional services within Richland and other nearby cities, as well as accommodating tourists and other visitors over the 20-year planning timeline. (BMSP, Sec. 5.4, on page 26). The Examiner finds and concludes that the Subarea Plan, the Master Agreement, and the LUDR all establish the intent that Commercial districts should provide commercial uses and buildings, and that residential uses are not planned or intended to f[i]II all of the available development area included in any Commercial district."
- 29. "As noted by multiple Badger Mountain homeowners who appeared during the public hearing or submitted public comments regarding this project, the LUDR includes graphic-intense pages showing

commercial venues, open spaces, mixed uses [i.e. commercial buildings mixed with residential housing], and themed development, including one labeled as an "illustrative sketch" showing a view of a "Specialty Retail Village", which closely resembles the "wine village" illustration included as Exhibit E to the Master Agreement. In fact, it appears to be derived from the same sketch used as Ex. E. The image appears immediately above Sec. 4.B.1 of the LUDR, captioned "Special District – Specialty Retail Intent". (See LUDR, on page 4.2, image appearing immediately above Sec. 4.B.1)."

- 32. Connecting the intent statements back to the "vision" of original agreements between public and private parties: "In return for the Master Agreement, the applicant received numerous modifications to otherwise applicable City codes and standards, in return for pledges that the master planned community would achieve the vision expressed in such Agreement."
- 33. "In its written materials and witness testimony, the applicant is essentially arguing that it can build anything on the list of allowed uses in Sec. 2.C of the LUDR throughout the entire plat, free of any consideration of the Intent for the two Special Districts where it is located. The Intent, and allowed uses, should not be read as mutually exclusive of one another. The Intent of both the Commercial Mixed-Use District... applies independently, and parallel with, the permitted use list exclusively relied-upon by the applicant."
- 39. Noting that complying with "intent" was not vulnerable to financial considerations: "Here, the applicant (Nor Am) committed itself to develop the site in accord with the intent and vision expressed in the Master Agreement. They did not condition their performance on financial participation by others. Quite the opposite because here, the Master Agreement includes specific language where Nor Am acknowledges that it has done a thorough feasibility analysis, and that the City makes no guarantees or warranties regarding the suitability or financial viability of development addressed in the Master Agreement. (Master Agreement, Sec. 30.2)."
- 40. "The vision and intent of the Special District Commercial Mixed-Use... are recognized as unique areas of special significance to the entire BMS community, and such significance is a matter of contractual detail. See LUDR, Sec. 4.A, Introduction to section 4 addressing "Special Districts"; and J.D. Harms, Inc. v. Meade, supra."
- 42. "In order to be approved, this application needs to demonstrate that the proposed plat will fulfill the 'intent'".
- 54. "The Examiner cannot close his eyes to the obvious interrelation of this project upon the entire BMS community. Development in the BMS area is described as having a very specific vision. The question, therefore, is whether development in the BMS community should be authorized to occur in a manner that could prevent fulfillment of the intent for the Special Districts where this proposal is located."

- 56. "This project will have a significant effect upon the entire BMS Master Planned Community. 'Special Districts are unique areas that by intent, function, deposition or configuration plat an important role in establishing the vision of the Badger Mountain South community.' LUDR, Sec. 4.A."
- 60. "An administrative determination will not be accorded deference if the agency's interpretation conflicts with the relevant statute." See Cowiche Canyon Conservancy v. Bosely, 118 Wn.2d 801, 815, 828 P.2d 549 (1992). By analogy, in this matter, the Master Agreement includes very specific language expressing the parties' intent as to what type of development should occur in both the Commercial Mixed-Use District and the Specialty Retail District; and the LUDR is even more specific as to the type of development opportunities should be included in such Districts."
- 61. Based on the entire record taken as a whole, the Examiner finds and concludes that the consistency recommendations and determinations issued for the application were in error – to the extent they failed to address how the proposal is consistent with intent language applicable to projects in the Specialty Retail District; and to the extent that the project is absent details sufficient to determine that mixed-use commercial projects will be developed on the lots created by this subdivision. Additional conditions of approval are needed to assure that the proposed plat can be developed in a manner that is consistent with the LUDR, including specific intent language for the two Special Districts at issue."

This is not an exhaustive list of the discussion of "intent" within the Veneto Villagio Decision. Together, however, these Findings of Fact establish that the various intent statements found with the LUDR have actionable implications for the scale, mix of uses, design, and other considerations for this proposed plat. With this in mind, and because the issue has been contentious in the past, Staff seek Hearing Examiner interpretation of the proposed plat with the included intent statements of LUDR 1.F.1.g, LUDR 2.B., and LUDR 4.C.1. See further discussion of LUDR 2.B, and LUDR 4.C.1., below.

LUDR 1.H.: BMS Master Agreement Consistency Determination

1. In order to assure that all development activity within Badger Mountain South is consistent with the Master Agreement and the LUDR, all City permits and other approvals for any development within Badger Mountain South, including building permits, must include a Master Agreement Consistency Determination (BMS-MACD) issued by the Planning Manager. A level 1 BMS-MACD is required for all development applications, including building permits, except for final plat approval and issuance of a Certificate of Occupancy. A level 2 BMS-MACD is required for final plat approval and issuance of a final Certificate of Occupancy. The level 2 BMS-MACD can be issued by the City, even if bonding of certain improvements is allowed in lieu of immediate construction, or a temporary certificate is issued, subject to completion of punch list items, so long as the

BMS-MACD finds that the development will be consistent with the Master Agreement and LUDR conditions upon the satisfactory completion of the bonded improvements in case of a final plat, and the punch list items in case of a Certificate of Occupancy.

- 2. All builders/developers are strongly encouraged to attend a pre-application meeting with the Badger Mountain South Master Plan Administrator (BMS-MPA). The BMS-MPA is designated by the Badger Mountain South Master Agreement to provide guidance to builders/developers on how to apply the provisions of the LUDR to land use development applications.
- 3. The purpose of the pre-application meeting is to provide a roadmap through the LUDR provisions that apply to a proposal, identify possible changes to a proposal to meet the BMS intent, receive information on the application submittal and next steps, and to answer any other questions.
- 4. A pre-application meeting should occur early in the planning phase when a project proposal is defined enough to provide conceptual plans but still flexible to consider recommendations from the BMS-MPA.
- 5. The purpose of the BMS-MACR is to provide a written recommendation to the City of Richland Development Services Department that the application/submittal is or is not consistent with the terms and conditions of the BMS Master Agreement and compliant with the provisions of the LUDR. Approvals in accordance with the LUDR are an administrative review unless otherwise noted.
- 6. The BMS-MPA will provide the City and the applicant a BMS-MACR, or if the submittal is found to be inconsistent, will work with the applicant to identify options that meet the LUDR requirements and the applicant's intent. If the proposal is found to be inconsistent with the LUDR, the BMS-MACR will identify both areas of consistency and areas of inconsistency.

Staff Analysis – Procedural Requirements

LUDR 1.H, together with RMC 19.50, requires that a Master Agreement Consistency Determination [MACD] be issued by the Planning Department for any development proposal located within the Badger Mountain South Master Planned Community. This determination is made after consultation with the Master Plan Adminstrator [MPA]. An updated Master Agreement Consistency Recommendation [MACR] was included with this plat application (*Exhibit 3*). Staff has reviewed the current MACR and has issued a Master Agreement Consistency Determination [MACD] (*Exhibit 4*) as justified through the application of recommended approval conditions.

LUDR 2.B.: Regulating Plan for Land Use and Urban Form

BMS-SD-CMU: Commercial Mixed-Use

"The Commercial Mixed-Use Special District is a local destination for employment, shopping, dining, entertainment and recreation."

Applicant Response

N44 is providing 10 Acres for Commercial/Retail development that will achieve the intent of this district. The specific development will be governed by the LUDR and all City of Richland Building Codes. It is anticipated that along with providing required 1st

floor commercial square footage there will be stacked residential units to provide work live opportunities.

LUDR 2.C.: Land Use Table

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The following footnotes are applicable to uses within BMS-SD-CMU.

		BMS SD-CMU
Land Use	P= Permitted by right	
Types	<i>P</i> + <i>Number</i> = see Land Use Notes	
19000		
	Single-family	-
	Multi-family	P-4
Residential	Senior Housing	P-6
	Assisted Living/Nursing Home	Р
	Accessory Unit	-
	Adult Family Home	-
		-
	Neighborhood Retail	Р
Retail	General Retail	Р
	Large Scale Retail	P-10
	Parking Structures	Р
	Neighborhood Personal Services	Р
	General Services	P
Services	Eating and Drinking Establishments	P
	Child Care	P-15
Services	Vehicular Services	P-13
	Storage	P-10 P-13
	Hospitality/Lodging	P-15
	Hospitality/Lodging	l P
	Neighborhood Office	Р
Office	General Office	Р
	Accessory Office	Р
	Public Facilities	Р
	Recreation and Cultural Facilities, Public and Private	Р
Civic	Place of Worship	-
	Solar Panels or Arrays	Р
	Vineyards and Other Agricultural Uses	-
	Telecommunications Facilities	P-32
Other	Parking lots	Р
	Drive-through Window Service	P-26
	Vending Carts	P-27
	Temporary Uses	P-28
	Special Events	Р
	Gambling Premises	-

Figure 6 – Land Use Table

Footnotes

4. Multi-family housing includes the following Building Types – Live/work; Row house; Commercial/Mixed-use/Liner over commercial and Stacked Units

6. Senior Housing permitted above ground floor commercial or office, or when constructed in a multi-story building.

10. When one part of a larger office-retail development.

13. When totally enclosed within a building or in a Liner Building Type.

15. When licensed as a Child Care Center and meets RMC 23.42.080(A-D, F) requirements. In the BMS-NC District, must be located on corner lots.

18. Subject to standards for Neighborhood Goods and Services Building Type, otherwise meet RMC 23.42.270 or 23.42.280 requirements.

26. Must meet additional requirements of RMC 23.42.047 and any unique master site plan.

27. Subject to standards found in RMC 5.14.

28. When ancillary and seasonal to primary retail.

32. When accessory to an adjacent use and subject to Section 11.C standards.

Staff Analysis

The LUDR 2.C Land Use Table doesn't itself make a strong statement about the overall built environment shaped in BMS-SD-CMU. Most uses allowed in Badger Mountain South are allowed in unprescribed quantities in CMU. Only Single-Family Homes, Accessory Units, Adult Family Homes, Places of Worship, Vineyards and Other Agricultural Uses, and Gambling Premises are outright prohibited. Considering the latitude the Land Use Table provides, Staff must look back to the 1.F.1.g. and 2.B. intent statements for a guiding characterization of what this plat should look like and function.

LUDR 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. ... 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."

Staff Analysis

Staff has included this section primarily because it directs readers back to intent statements for understand "the unique nature of the Special Districts" such as BMS-SD-CMU.

LUDR 4.C.1.: Special District – Commercial Mixed-Use Intent

"The Special District - Commercial Mixed-Use (BMS-SD-CMU) comprises approximately 45 acres between Dallas Road and the Special District-Specialty Retail. The District can accommodate a wide variety of uses as it is intended to be a major employment center for the City of Richland and a destination for shopping, higherlevel education, dining, office uses and other employment centers, Multi-family/Mixed-Use housing, entertainment and recreation. Public facilities, including transit centers, may also be accommodated in this District. To further the walkable and sustainable goals of Badger Mountain South, the design of the Special District – Commercial Mixed-Use will ensure that pedestrian are accommodated between buildings or groups of buildings, that public plazas and other community features will be developed as part of the overall development plan, and that connectivity will be maintained to adjoining Districts."

Applicant Response

N44 The entire plat layout has been done with the pedestrian in mind. All residential and commercial areas will be walkable with the goal of the 25% commercial to have the intended plaza feel.

Staff Analysis

The intent statement within LUDR 4.C.1 lays out a number of uses that "can" be within BMS-SD-CMU and in stronger language dictates that pedestrianism be a fundamental part of moving between buildings and other uses. Intent statements within LUDR 1.F.1.g and 2.B. are more absolute describing various uses or building types as "a place" or "a local destination for" their listed uses or functions. All three of these intent statements can and should be read together.

LUDR 4.C.2.: Special District – Commercial Mixed-Use Standards

- a. Enhance pedestrian experience
 - ii. Sidewalks: Provide continuous sidewalks along all street frontages and between buildings and blocks.
 - iii. Plazas and common spaces: shall be provided with appropriate amenities including benches, trash and recycling containers and bike racks. Plazas shall be designed to create a unique development identity and are encouraged to also include public art. Refer to Section 5.D for Plaza standards.
 - iv. Maximize views to Badger Mountain.

Staff Analysis

Some of the language within LUDR 4.C.2 is better assessed within development review for individual projects and as such has not been included, above. Staff do want to highlight a few dimensions of LUDR 4.C.2 applicable to platting proposals. First, sidewalks have been proposed along all street frontages. Second, the LUDR specifies that both plazas and common spaces shall be provided. This proposal does nominate common spaces areas such as the 1-acre park in Tract C, though the applicant has not invoked or referenced the plaza standards within LUDR 5.D.1. This "park" site could very well meet all of the standards of LUDR 5.D.1. Finally, the plat has the ability to maximize views to Badger Mountain potentially with view corridors out open-ended street alignments with Badger Mountain though the current design rounds off all Badger-oriented streets and closes up the street grid with tight "row" homes between.

5.D.1. Plaza/Town Square

- 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.

Staff Analysis

As was true with LUDR 4.C.2, LUDR 5.D.1 also features a number of standards and requirements specific to development review and not within the scope of platting. Note the contradictory statements within LUDR 5.D.1.a and LUDR 5.D.1.b regarding the determination of plaza locations. LUDR 5.D.1.a stating "size and location of Plazas will be determined during site plan [development] review" and LUDR 5.D.1.b stating "actual location determined at the time of platting." Per prior comments regarding the status of the park in Tract C, it appears the opportunity may be ripe to nominate it as the plats dedicated plaza space. That said, plazas are only required to be 400 square feet, so the incorporation of a plaza within the park, or potentially within the commercial area at the "intersections of primary pedestrian streets", or any number of other locations should be possible. The plat, as such, would need to denote that location.

LUDR 5.I.1.: Trails

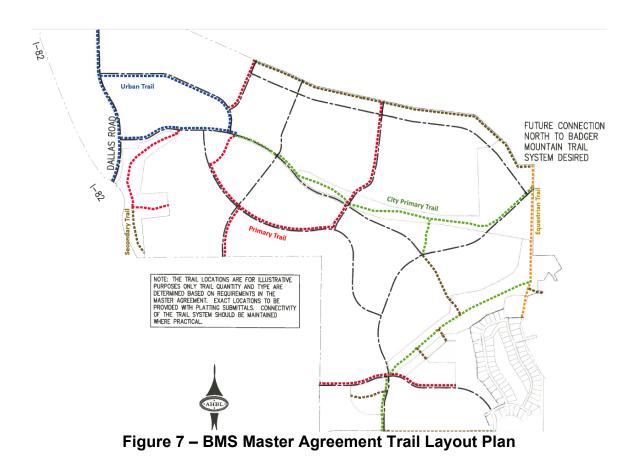
- a. Definition: Urban Trails will be located in the commercial, retail and mixeduse community Districts or adjacent to School Open Space and Public Parks. These trails may be integrated into the wide, paved plazas and sidewalk areas that serve these uses. The 12' Urban Trails will serve as a continuation of the community-wide bicycle and pedestrian trail system.
- b. Location Commercial, retail, and mixed-use areas in BMS-SD-SR, BMS-SD-CMU, and BMS-SD-DR Districts and limited location in BMS-CIVIC Districts; See 5.G, Illustrative Plan for Trail Layout and Trail Types.
- c. Size (1) Minimum width: 12 ft. specialty paved surface.
- d. Standards
 - (1) Principally concrete but other paved surfaces permitted based on overall site design.
 - (2) Integrated into the commercial/retail plaza spaces.
 - (3) Will serve as a multi-use bicycle and pedestrian trail.
 - (4) Provide appropriate lighting for after-dark use which may be provided by street lighting located in the adjacent Right of Way.

Staff Analysis and LUDR Trail Standards

As demonstrated in *Figure* 7, urban trail segments are to be adjacent to development along Dallas Road. Per Public Works recommended Condition of Approval #15, urban trail improvements will be made as the preliminary plat progresses:

The entire Dallas Road frontage shall be completed to City standards no later than the development of Phase 4, which is the first phase which constructs the lots adjacent to it. The road section (curb, gutter, and illumination) shall be constructed to the city's standard "minor arterial" road section [See Figure 8]. The improvements shall include the LUDR Edge Type B, which incorporates the urban trail on the east side of Dallas Road. These frontage improvements will include a taper back to the county's two-lane section beginning where the City limit line crosses Dallas Road.

Note that Desert Sky proposes a total of 6,760 linear feet of such trails per the Master Agreement Consistency Recommendation [MACR] submitted September 15, 2023 (*Exhibit 3*). However, the residential concurrency obligations of the Badger Mountain South Master Agreement, Exhibit D, are not applicable. Desert Sky (formerly known as Badger Station) was not nominated as one of the neighborhoods subject to Exhibit D. As such, no formal analysis is incorporated within this report.



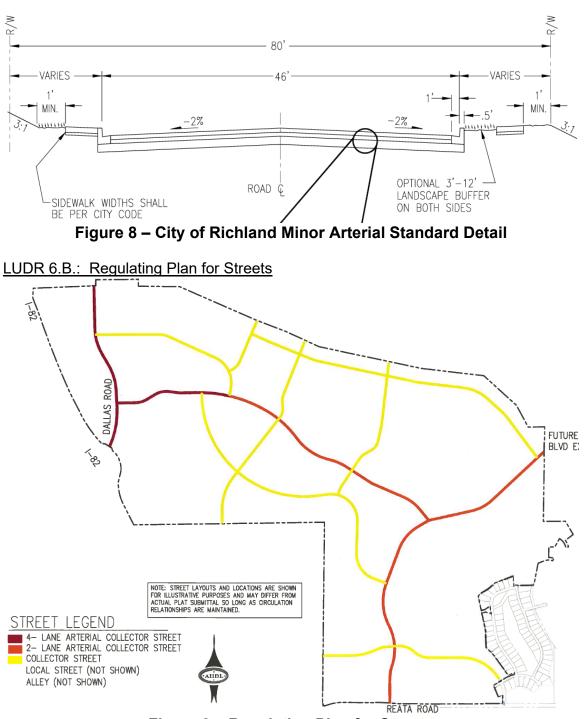


Figure 9 – Regulating Plan for Streets

Staff Analysis

As referenced by Public Works recommended Condition of Approval #15, *Figure 10*, discussed previously, LUDR 6.B designates this segment of Dallas Road as a 4-Lane Arterial Collector Street. The street will be built to City Standard, as was demonstrated in Figure 8, not, the outdated standard shown in LUDR 6.C.

LUDR 6.C.: 4-Lane Arterial Collector Street Staff Analysis

As referenced by Public Works recommended Condition of Approval #15, *Figure 10* demonstrates the recommended Edge Type B for the urban trail segment along Dallas Road.

LUDR 7.A.: Introduction

"Badger Mountain South has also established density and open space targets for each of the five residential neighborhoods; these are discussed in Section 7.C. These targets are set to ensure that the community can meet its intended goals of diversity in housing types and prices, and provide opportunities for the establishment of intergenerational neighborhoods as reflected in the diversity of housing built here. The density and open space targets are monitored by the City of Richland Development Services Department during plat and subdivision review."

Staff Analysis – Density Standards

Per LUDR 7.A, the included density targets of LUDR 7.C are exclusively applied to each of the five residential neighborhoods, none of which are represented by this proposal.

Staff Analysis – Open Space Standards

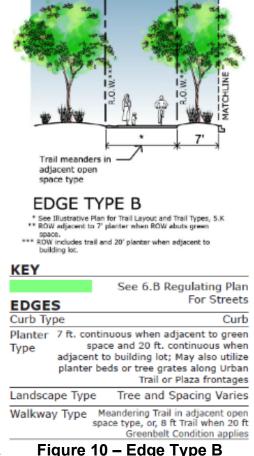
Per LUDR 7.A, the included open space targets of LUDR 7.C are exclusively applied to each of the five residential neighborhoods none of which are represented by this proposal.

LUDR 7.B.: Block Standards

- 1. Intent: The layout of an interconnected street network composed of small blocks are a crucial component to creating a walkable community. The intent of these standards is to create a pedestrian environment that has limited interruptions from vehicles, and allows for maximum connectivity to the surrounding neighborhood areas and amenities.
- 2. Block Dimensions

a. Length: 1,000 ft., maximum

- 3. Street Network
 - a. A simple grid street and block network is preferred.
 - b. The street and block network is not required to be orthogonal in response to site features and/or topographical constraints, however streets should be interconnected.



- c. Street stubs are required when adjacent sites are vacant.
- d. Cul[s]-de-sac[]are discouraged but will be allowed where necessary due to site constraints or to enhance the walkable community by limiting vehicle access.
- e. All buildings must face a street, or shared open space.

Staff Analysis

Per LUDR 7.B.2.e, all buildings most face a "street" or shared open space. However, as demonstrated on the plat, lots 19-21, 50-52, 77-79, and 89-91 do not have traditional "street" frontage, instead only fronting a 20-foot or 25-foot access easement, sometimes with a combined SEVA or pedestrian access. [Recall that Public Works' recommended Condition of Approval #15 requested the pedestrian access along units 77-79 be located elsewhere.] While the LUDR, Section 14 Glossary definition of "Frontage" only defines it as "A strip or extent of land abutting on a street or other public right-of-way", the Richland Municipal Code confirms that the various public utility easements are sufficient access for the given proposed residential parcels per the following:

12.08.010 [Right-of-Way Construction] Definitions

"Right-of-way" or "public way" means all property in which the city has any form of ownership or title and which is held for public street, pedestrian or utility purposes, including the air rights and subsurface rights, regardless of whether or not any street or utility exists thereon or whether it is used, improved or maintained for public use.

"Street" is any street, highway, sidewalk, alley, avenue or other public way, easement, or other public place in the city.

Staff Analysis – Block Standards

In efforts to make the pedestrian experience less daunting within Badger Mountain South, LUDR 7.B.2.a establishes requirements for the length of blocks, requiring block length be no longer than 1,000 feet. The maximum block length proposed by Desert Sky (between Ava Way and Central Drive) is approximately 885 feet. Planning Staff also conclude that the proposed block lengths are acceptable with proposed improvements. Staff find the preliminary plat in conformance with to the provisions of LUDR 7.B.

LUDR 8.C.1.: Common Design Standards for all Commercial Districts and Projects

- 1. Site Design General
 - b. Maximize opportunities for usable, attractive, well-integrated open space.
 - c. Site design shall account for solar access and shading at exterior open space.
 - d. Minimize the height of retaining walls and/or reduce their visual impact by means of textured surface, inlaid materials, green screens and other types of landscaping.

Staff Analysis

The two midblock pedestrian access Greenway areas of Tracts A and B are between 46 and 60-feet wide. It seems probable that part of those areas will be shaded and

part of them will have direct sunlight throughout the day. Likewise, being that the greenways are centrally located within the residential areas in cut-through areas means they are integrated in the larger design. Finally, the project proposes 13 retaining walls as a part of its grading plan (*Exhibit 1*). The applicant has not made a direct characterization that minimizing retaining walls was, per LUDR 8.C.1.d, a consideration, though due to the slopes at the site, no doubt the use of retaining walls to incorporate the level of density in that area is unavoidable.

LUDR 12.A.: Introduction

2. The standards and requirements of previous sections of the LUDR relate to the concept of sustainability through the following ways:

- a. Compact Design: Compact design is a recognized element of sustainable development because it allows a reduction of infrastructure, yields a higher proportion of contiguous preserved open space, facilitates transit use, and is more conducive to walking.
- b. Mix of Uses: Permitting a mix of land uses in close proximity creates attractive places to live, provides employment, business and shopping opportunities in close proximity to residences, and encourages alternatives to driving.
- c. Connectivity: Connected open space in Badger Mountain South will provide over 300 acres of parks, trails, and open space connecting neighborhoods, schools, and businesses.
- d. Walkability Each neighborhood in Badger Mountain South is designed to create multiple destinations within a five-minute walk. The street and trail network provides safe accommodations for pedestrians and easy access to (proposed) neighborhood schools.
- e. Housing Choice: Badger Mountain South will provide a range of housing types and affordability levels to accommodate most any household and to facilitate the creation of intergenerational neighborhoods.
- f. Transportation Choice: The street and trail network will provide multiple ways into the community for vehicles, bicyclists, pedestrians and transit. As build out occurs, transit expansion will likely follow.

Staff Analysis

The proposal appears to meet the open space, parks, and active transportation benchmarks established in detail within other areas of the LUDR to satisfy LUDR 12.A.2.c and LUDR 12.A.2.f. Items like LUDR 12.A.2.b and LUDR 12.A.2.e are more dependent on the mix of commercial tenants that occupy the future plat and the mix of residential units within the future commercial area. Note that due to the 75% Residential/25% Commercial standard, whereby no more than 75% of a mixed-use building can be commercial, and, given 62% of the plat's developable area for commercial/residential/mixed uses is already dedicated solely to single-use residential, there will be a limitation to the amount of mixed use (multi-floor residential) available within the designated, proposed, commercial parcels. Finally, the 5-minute "walkshed" described within LUDR 12.A.2.d is typically defined as a quarter-mile (1,320-foot) distance. Staff find that the closest commercial parcel (Lot 228) is

approximately 1,346 feet from the most distant residential lot (Lot 52). Lot 52 would have park and greenway space within 1,320 feet.

LUDR 12.B.: Sustainability Standards

1. ENERGY:

a. Promote energy conservation in all aspects of development and life cycle operation.

- b. Promote production and use of renewable energy.
- 2. WATER:

a. Promote water conservation in all aspects of development and life cycle operation.

b. Promote re-use, recycling and ground water recharge of rain water and grey water.

3. TRANSPORTATION:

a. Promote pedestrian, bicycle and community transit modes of transportation.

- b. Promote a compact, walkable and mixed-use pattern of development.
- 5. RECYCLING:
 - a. Promote reduction in waste during development and life cycle operation.
 - b. Promote reuse of materials during construction.

c. Promote recycling of materials during development and life cycle operation 6. HEALTHY LIFESTYLE:

a. Promote an active, healthy lifestyle by connecting areas of activity with nonmotorized means of circulation.

b. Promote opportunities for active recreation through community-wide trail system as well as provisions for parks and play areas in each neighborhood.

8. URBAN AGRICULTURE:

a. Promote opportunities for community gardening within each neighborhood.

Staff Analysis

Programmatically, LUDR 12.B, directs that work within Badger Mountain South make efforts to reduce energy, water, and waste, and, encouraging non-motorized travel. As otherwise mandated through frontage improvements, block lengths, trails, bicycle lanes and other efforts, this proposal meets active transportation targets. Applicant has not indicated ways the construction of the various infrastructure improvements in preparation for site-to-site development efforts will meet the energy, water, and recycling standards.

UTILITY AVAILABILITY

There are existing domestic water, sewer, storm, irrigation, natural gas, and electrical line connections in place, available within existing rights-of-way near the site with adequate capacity to supply the proposed project.

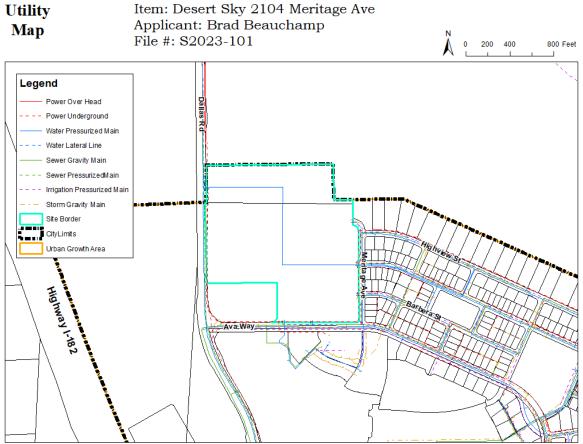


Figure 11 – Utilities Map

Sewer

There are three existing 8-inch PVC gravity mains stubbed in along the north side of Ava Way. An existing 8-inch gravity main runs north to south along Meritage Avenue and an existing 12-inch pressurized main runs along Dallas Road.

<u>Water</u>

The proposed plat is currently bisected by a 20-inch ductile iron distribution main from Dallas Road to Corvina Street. There are six different distribution mains with leads into the site, including three 8-inch mains from the east, two 12-inch mains from the south, and one 16-inch main from the west. Additional stubs for domestic, air-release and hydrants are also in place around the site.

Irrigation

There are a number of irrigation assets in place around the site, including an 8-inch PVC distribution main at the terminus of Meritage Avenue, two 6-inch stubbed distribution mains at the termini of both Corvina and Barbera streets, and, a 6- and 8-inch stubs to commercial lots 231 and 232, respectively.

Stormwater

There are a number of stormwater assets in place around the site, including two 12inch gravity mains at the terminus of Meritage Avenue, one 12-inch gravity main at the terminus of Corvina Street, and, an existing 18-inch stormwater gravity main at the Ava Way/Dallas Road roundabout.

Power

The site has an existing underground primary conductors running along the site's rights-of-way with Dallas Road, Ava Way, and Meritage Avenue.

TRANSPORTATION & ACCESS

The plat proposes approximately 511-feet of new public local streets, and 4,367-feet of new private roads. In total, Desert Sky proposes approximately 9/10ths of a mile in new roadways. The plat will have four points of access; they are: 1) from the terminus of Meritage Avenue, 2) from the terminus of Corvina Street, 3) from the terminus of Barbera Street, and 4) from Ava Way via "Middle Drive".

This area around Desert Sky is largely characterized as single-family housing in transition from undeveloped and agricultural uses. As such, there are no significant nodes of employment or shopping amenities in place within close proximity. Per the LUDR, this area (Commercial Mixed-Use) is intended to be that node of employment and commercial activity.

Sidewalks will be installed on streets in accordance with City and LUDR street improvement and street cross-section standards. Existing trails and on-street bicycle lanes are also designated by the LUDR and are appropriately provisioned south of this current proposal. There are no nearby, current (nor proposed) Ben Franklin Transit bus routes.

There are a number of recommended Public Works Conditions of Approval related to transportation and access. Condition of Approval #15 has previously been discussed, specific to Dallas Road street and trail improvements, though at least two other Conditions of Approval recommend other significant changes. Condition #29 recommends that pedestrian access between West Drive and Dallas Road not share space with parcel access between Lots 77 through 81, mixing vehicles and pedestrians, but instead have dedicated 15-foot pedestrian-only access between lots 64 and 65.

800 Feet

200 400

Transportation Map

Item: Desert Sky 2104 Meritage Ave Applicant: Brad Beauchamp File #: S2023-101



Figure 12 – Transportation Map

EASEMENTS

The only easement currently encumbering the property is a 50-foot conservation easement which runs along the northern border of BMS separating development from farming interests at the base of Badger Mountain. Additional easements will be recorded as part of this proposal for utilities and pedestrian amenities.

FIRE SAFETY

The City of Richland Fire Department will provide fire protection services to the subject property and resulting development. Currently, there are three (3) existing hydrants immediately adjacent to the proposed site. One hydrant is alongside Dallas Road, some 1,110-feet north of the roundabout with Ava Way. Two more hydrants are in place along Meritage Avenue, with one at the northwest corner with Ava Way, and one between Corvina and Barbara Streets. This development is conditioned on the installation of a number of fire safety assets.

SCHOOLS

The plat falls within the boundaries of the Richland School District within the boundaries of Richland High School, Leona Libby Middle School, and White Bluffs Elementary. Additional primary and secondary education is anticipated in upcoming

years. None of the current primary or secondary institutions are within walking distance to the subject proposal.

PARKS

There are 1.49 acres of planned park and greenway space associated with this plat. Additionally, each home will contribute to the development of parks through payment of parks impact fees. Staff concludes park and park-related amenities satisfy the requirements of the various development standards applicable to Desert Sky. Note, however, the plaza location issue raised earlier originating from LUDR 5.D.1. The requirements of LUDR Section 1.F.1(c) also known as the "3-block proximity rule" do not apply as this proposal is not within a BMS-NG District.

<u>SEPA</u>

A Supplemental Final Environmental Impact Statement was completed for this site at the time the City adopted the subarea plan for the Badger Mountain South area in 2010. The property was annexed and the City adopted a Planned Action Ordinance (RMC 19.50). 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/process. 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] (Exhibit 5).

Critical Areas

The subject site does not lie within any existing, recognized Critical Area. Critical Area requirements are not applicable with this proposal.

Shoreline Master Program

The subject site lies outside of the jurisdiction of the Shoreline Master Program. This project will have no effect on shorelines of statewide significance. Shoreline permitting requirements are not applicable with this proposal.

AGENCY COMMENTS

A variety of public agencies and City departments were given an opportunity to comment on the proposal. Copies of all agency comments received by the City are included as *Exhibit 6*.

PUBLIC COMMENTS

Owners of all 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, the City has received one public comment. Copies of all public comments received by the City are included as *Exhibit 8*.

The one public comment brought up a number of issues the homeowner had with the proposed preliminary plat. The comment raised the question of why the proposed plat was facing the block of commercial uses beside single-family houses to the east and placing new housing units against the busy, high-speed Dallas Road corridor. This is a fair point. Classic urban design would tend to place higher-density housing as a buffer between commercial and single-family uses. Indeed, per the Badger Mountain South Subarea Plan goals and policies:

Housing Element Goal 5: Ensure compatibility of new residential developments with established neighborhoods and the community.

Comprehensive Plan Urban Design Goal 1: The City will create a well-planned community with an aesthetically pleasing environment.

BMUD Policy 1.3: Support the development of the Badger Mountain South area by encouraging a development pattern that resembles traditional neighborhood design.

Staff concurs that the development pattern established by this preliminary plat proposal is not "traditional" neighborhood design, but a thoroughly contemporary approach to dense community development and that traditional design would place commercial uses up against high-volume thoroughfares and place denser housing patterns (i.e. Row Homes) between commercial and single-family homes. However, barring specific language within the Land Use and Development Regulations mandating that particular approach, and since Development Regulations supersede Plan policies where discrepancies exist between the two documents, Staff do not conclude that any particular remedy to the layout of the plat is required.

PUBLIC NOTICE

Application Date:	July 10, 2023
Hold Letter Issued:	August 16, 2023
Hold Released:	September 28, 2023
Combined Notice of Hearing Mailed:	October 2, 2023
Combined Notice of Hearing Posted:	September 29, 2023
Notice of Hearing Published:	October 8, 2023
Public Hearing:	November 13, 2023

A notice of application 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 7*.

ANALYSIS

The criteria for approval of a preliminary plat application (RMC 24.12.053) are reprinted here, with a summary of how the application complies with the requisite standard:

A. The preliminary plat conforms to the requirements of this title (RMC Title 24)

- The City's subdivision regulations set forth specific requirements for the filing of an application, giving public notice of the application, and requiring

that the Hearing Examiner conduct a public hearing and make a recommendation to the City Council. These steps have been followed by City staff.

- B. Appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;
 - One park space and other recreational opportunities such as pedestrian greenways are proposed.
 - The Ben Franklin Transit Authority does not provide bus service to the immediate area and did not respond to a request for comment.
 - The plat will be served by City domestic water lines currently existing adjacent to the project site. Water lines have capacity to provide for the proposed project.
 - The plat will be served by City sanitary sewer service currently existing adjacent to the project site. Sewer lines have capacity to provide for the proposed project.
 - The plat will be served by Richland Energy Services currently existing adjacent to the project site. Electric lines have capacity to provide for the proposed project.
 - In accordance with City development standards, storm water drainage will have to be retained and managed on-site. Project specific designs have not been created yet; however, prior to the City allowing construction of the subdivision to occur, the development will need to be designed by a licensed civil engineer and meet the requirements of the city and state storm water regulations.
 - Richland School District was given the opportunity to comment and chose not to comment. The Richland School District currently serves approximately 13,000 children within a multitude of school facilities some of which are new or have been recently remodeled to accommodate the increasing student enrollment.
- C. The public use and interest will be served by the platting of such subdivision and dedication;
 - To the extent the project provides opportunities for (regionally) needed housing and (locally) needed commercial development, and, makes provisions for active transportation and basic amenities within the rights-of-way, this intensity of development is appropriate for this location and in the public interest.
- D. The application is consistent with the requirements of RMC 19.60.095, which states: No development application for a Type II or Type III permit shall be approved by the City of Richland unless the decision to approve the permit application is supported by the following findings and conclusions:
 - a. The development application is consistent with the adopted Comprehensive Plan and Badger Mountain South Master Agreement,

and meets the requirements and intent of the Richland Municipal Code.

- The proposal is generally consistent with the intent of the Comprehensive and Subarea Plans. Staff has reservations about whether or not the proposed project is fully aligned with the various intent statements per Exhibit C (or LUDR) of the Badger Mountain South Master Agreement. This proposal will be conditioned to meet requirements of the Richland Municipal Code.

b. Impacts of the development have been appropriately identified and mitigated under RMC Chapter 22.09.

- Chapter 22.09 is the City's adoption of the State Environmental Policy Act provisions. The project falls under the Planned Action Ordinance (RMC 19.50.030) adopted by the City in 2010, which is based on the Supplemental Final Environmental Impact Statement [EIS] adopted in the Badger Mountain South Subarea Plan. The City recommends Conditions of Approval to align this project with the adopted Final EIS.
 - c. The development application is beneficial to the public health, safety and welfare and is in the public interest.
- The project is consistent with the City's Comprehensive Plan, the Badger Mountain South Subarea Plan, and, development regulations. Likewise, the proposal has been conditioned by Staff to satisfy applicable development regulations. Finally, there are improvements proposed to the benefit public health, safety, and welfare. As stated previously, however, there are concerns as to how faithfully the proposal meets the intent statements and other language of the guiding LUDR development document (Exhibit C of the Badger Mountain South Master Agreement).
- E. The development does not lower the level of service of transportation facilities below the level of service D, as identified in the Comprehensive Plan; provided, that if a development application is projected to decrease the level of service lower than level of service D, the development may still be approved if improvements or strategies to raise the level of service above the minimum level of service are made concurrent with development. For the purposes of this section, "concurrent with development" means that required improvements or strategies are in place at the time of occupancy of the project, or a financial commitment is in place to complete the required improvements within six years of approval of the development.
 - City Staff have reviewed provided documentation and are placing conditions of approval to mediate level-of-service impacts anticipated by this proposal.
- F. Any conditions attached to a project approval are as a direct result of the impacts of the development proposal and are reasonably needed to mitigate the impacts of the development proposal.
 - The conditions of approval recommended for this project are a direct result of imposing City development standards as contained in City code and are directly related to the development proposal. Additional conditions have been included as a result of comments received by other agencies.

FINDINGS, CONCLUSION, AND RECOMMENDATION:

Findings of Fact

- 1. The property owner and applicant in this matter is Brad Beauchamp
- 2. The proposal area is within the jurisdiction of the Richland Comprehensive Plan and the Badger Mountain South Subarea Plan. The project site is located within the Badger Mountain South Master Planned Community. The property is subject to the provisions of the Land Use and Development Regulations [LUDR] adopted for this planned community.
- 3. All proposed developments subject to the Badger Mountain LUDR regulations are required to be reviewed by the Badger Mountain South Master Plan Administrator [MPA]. The Administrator has issued a Master Agreement Consistency Recommendation (as provided for in Section 1.H of the LUDR) stating that the application meets the terms and obligations of the approved Master Agreement and the requirements of the LUDR.
- 4. Richland's Comprehensive Plan (via the Badger Mountain Subarea Plan and Master Agreement) designates the plat site for Commercial Mixed-Use development.
- 5. The City has adopted a Planned Action Ordinance for the Badger Mountain South Master Planned Community.
- 6. The proposed plat lies within the BMS Station neighborhood area identified in section 7.D of the Badger Mountain South LUDR.
- 7. The City of Richland Comprehensive Plan, via the Badger Mountain South Master Agreement's Exhibit C, or, the Land Use and Development Regulations [or LUDR] nominate this site as Commercial Mixed-Use [BMS-SD-CMU]. BMS-SD-CMU provides for residential, commercial, and office uses.
- 8. The proposed preliminary plat consists of 226 residential lots, eight (8) commercial lots and three (3) tracts. Proposed residential lots average 3,608 square feet.
- 9. Section 24.12.053 of the RMC sets forth standards for review of preliminary plats that require the Hearing Examiner to consider whether appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.
- 10. The proposed preliminary plat provides for the creation of one (1) public street, and six (6) new public streets, built to City public road design standards, including provisions for the extension of public utilities.
- 11. Right-of-way improvements proposed to serve the preliminary plat will be consistent with the City's development standards by applying municipal code provisions.
- 12. City Staff and other agencies reviewed the project and have recommended specific conditions of approval as listed in this report.
- 13. RMC 19.60.095(D) requires that development not lower the level of service standard for transportation facilities below a level of service D.

- 14. The subject site does not lie within any existing, recognized Critical Area. Critical Area requirements are not applicable with this proposal.
- 15. The subject site lies outside of the jurisdiction of the Shoreline Master Program. This project will have no effect on shorelines of statewide significance. Shoreline permitting requirements are not applicable with this proposal.
- 16. The project calls for the development of trails, which is consistent with the green infrastructure improvements called for in the Master Agreement between the City and Nor Am investment, LLC.
- 17. The proposed plat includes provisions for sidewalks and trails as set forth in the LUDR.
- 18. Improvements proposed to serve the preliminary plat will be consistent with the City's development standards by applying municipal code provisions.
- 19. The proposed preliminary plat includes provisions for the extension of domestic and irrigation water lines, electrical power lines, and sewer lines to serve the project.
- 20. RMC 19.60.095(D) requires that development not lower the level of service standard for transportation facilities below a level of service D.
- 21. According to Richland Municipal Code (Chapter 22.12), the project is subject to payment of park mitigation fees, which will be used to fund future park improvements within the Badger Mountain South Master Planned Community.
- 22. The plat illustrates one park site totaling one acre.
- 23. No bus service is currently provided in the vicinity of the project site. The Benton Franklin Transit Authority was given an opportunity to comment on the project but did not provide any comments.
- 24. The site is located within the Richland School District. The Richland School District was invited to comment but expressed no concerns with the plat.
- 25. The Badger Mountain Subarea Plan identifies sites for future public schools. This Desert Sky plat amendment does not include, a future school site.
- 26. Pursuant to RCW 43.21C.440.3(b) a county, city, or town is not required to make a threshold determination and may not require additional environmental review, for a proposal that is determined to be consistent with the development or redevelopment described in the Planned Action Ordinance.
- 27. Under the provisions of the Planned Action Ordinance, projects are not reviewed through standard State Environmental Policy Act provisions. Rather, review is conducted to determine if the proposed project is consistent with the mitigation measures enumerated in the Master Agreement.
- 28. The Badger Mountain South Final Supplemental Environmental Impact Statement did not address potential impacts of the development on cultural/historic resources.
- 29. The MPA issued a Master Agreement Consistency Recommendation [MACR] for the revised plat on May 8, 2023 (*Exhibit 3*).
- 30. The provided MACR indicates 6,760 linear feet of trails will be constructed (*Exhibit 3*).
- 31. Planning Staff issued a Master Agreement Consistency Recommendation [MACD] for the revised plat, on November 2, 2023 (*Exhibit 4*).
- 32. Planning Staff issued a Planned Action Consistency Determination [PACD] on November 2, 2023 (*Exhibit 5*).

Conclusions of Law

- 1. The proposed uses within the individual lots of the proposed subdivision are consistent with the LUDR 2.C Land Use Table for Commercial Mixed-Use [BMS-SD-CMU] districts.
- 2. The proposed preliminary plat is consistent with the Badger Mountain South Subarea Plan and would provide for development of the subject property in conformance with the density and type of land use envisioned in the land use and transportation elements of the adopted BMS master plan.
- 3. Pursuant to RMC Chapters 19.50, 22.09 and 22.10, the procedures required under the State Environmental Policy Act have been followed.
- 4. As conditioned, the proposed preliminary plat makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.
- 5. Recommended approval conditions ensure consistency with the provisions of RMC 19.60.095(D). Mitigating transportation improvements are applied as approval conditions.

Recommendation

Staff has completed its review of the request for preliminary plat approval (S2023-101) and recommends approval of the request subject to conformance with the conditions of approval, below, which are warranted because the project conforms to the City's adopted Comprehensive Plan, Badger Mountain Subarea Plan and Badger Mountain South Master Agreement, and is consistent with the requirements of the City's subdivision regulations.

RECOMMENDED CONDITIONS OF APPROVAL

Public Works

General Conditions

- 1. All final, approved plans for public improvements shall be submitted prior to pre-con on a 24" x 36" hardcopy format and also electronically. Addendums are not allowed, all information shall be supplied in full size (and electronic) format. 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 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 final platting.
- 2. 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.

- 3. 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. Please visit the published fee schedule 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.
- 4. Public utility infrastructure located on private property will require recording of a City standard form easement prior to final acceptance of the infrastructure. The City requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of final platting. 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.
- 5. 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.
- 6. The contractor and developer 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.
- 7. All plan sheets involving construction of public infrastructure shall have the stamp of a current Washington State licensed professional engineer.
- 8. A copy of the preliminary plat shall be supplied to the Post Office and all locations of future mailbox clusters approved prior to installation or final platting.

Design Standards

- 9. 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.
- 10. 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.
- 11. If the City Fire Marshal requires a secondary emergency vehicle access (SEVA), 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. Permanent SEVA's shall be paved with 2-inches of asphalt, minimum.
 - c. 2% cross-slope, maximum.
 - d. 5% slope, maximum. Any access road steeper than 5% shall be paved or be approved by the Fire Marshal.
 - e. Be 20-feet in width.
 - f. 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.

- 12. 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) and 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 and Streets

- 13. The "Desert Sky" 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 indicates the project will create no unusual or unanticipated traffic impacts, it is exempt from the SEPA-related traffic study requirement (TIA).
- 14. The proposed roundabout at the Dallas Road / Ava Way intersection shall be constructed and completed before the addition of new trips generated by the development. This item shall be completed and accepted by the city prior to final platting of phase 1.
- 15. The entire Dallas Road frontage shall be completed to City standards no later than the development of Phase 4, which is the first phase which constructs the lots adjacent to it. The road section (curb, gutter, and illumination) shall be constructed to the city's standard "minor arterial" road section. The improvements shall include the LUDR Edge Type B, which incorporates the urban trail on the east side of Dallas Road. These frontage improvements will include a taper back to the county's two-lane section beginning where the City limit line crosses Dallas Road.
- 16. The Ava Way frontage shall be completed to LUDR standards with the phase the develops lots adjacent to Ava Way and "Middle Drive". These improvements will include pavement striping of Ava Way across the project frontage.
- 17. Pursuant to Richland Municipal Code Section 12.10.030, all private roadways shall be designed to a city standard as directed by the Public Works Director. This includes any roadways constructed internally for the commercial parcels.
- 18. The proposed alignment of the public portion of "Middle Drive" places a portion of the road corridor on property not owned by the applicant. The applicant shall obtain the necessary property rights from the adjacent parcel and include it in the Middle Drive right-of-way dedication at the time of final platting.
- 19. Several of the private roadway centerlines are shown with radii less than 100feet. City standards require a minimum centerline curve of 100-feet.
- 20. The transition points between public and private streets shall be delineated with a cement concrete driveway approved by the City Engineer.
- 21. Per Richland Municipal Code Chapter 12.01.040 and 12.01.070, the shared driveways as proposed in this pre-plat shall be built to city standards.
- 22. The "cul-de-sac" feature on Middle Drive shall be removed from the design.
- 23. The existing curb returns on the west legs of both the Corvina-Meritage and Barbera-Meritage intersections shall be removed at the time of plat construction. They shall be replaced with city standard commercial driveways.

- 24. The existing access points onto Ava Way are acceptable for this project, but any proposed changes will be subject to approval by the City Engineer.
- 25. A note will be shown on the face of the final plat stating that Dallas Road is classified as an "Arterial street" and Ava Way is classified as a "Collector street". Subsequently, no driveways will be allowed directly onto them.
- 26. 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, HOA tracts, etc.).
- 27. 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 thrustreets shall have cross-slopes less than 5%. The road profile shall be designed to accommodate this.
- 28. The developer and their engineer shall demonstrate on the construction plans that all future driveway entrances, sidewalks and pedestrian ramps will meet City and ADA requirements, and also provide adequate separation between driveways and/or pedestrian ramp transitions; provided that the Public Works Director shall have discretion and authority to adopt and implement an updated design standard, authorizing curb modifications or combining depressed driveway access points for adjacent lots without a transition up to normal sidewalk in between so as to facilitate a final design that provides an adequate number of on-street parking spaces. The driveway density for this narrow lot development is unlikely to provide adequate on-street parking. It is recommended that the City's narrow street section (26-foot width face of curb to face of curb) be used which prohibits on-street parking and provides off-street parking lot(s) within the development for the displaced spaces.
- 29. A pedestrian access easement is shown crossing Lots 77 through 81. This easement overlays an access easement that will be used as a driveway for these lots. The pedestrian easement element of this easement shall be relocated to a mid-block location along West Drive, likely between lots 64 and 65. The pedestrian easement width should be no less than 15 feet. This path connection shall connect to the urban trail on Dallas Road.
- 30. Street names are not reviewed or vested until construction plans are submitted for review. The street names included on the pre-plat are not approved at this time.
- 31. Show city standard vision-clearance triangles 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.
- 32. Any roadways 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.

- 33. All roads shall be constructed to provide for adequate fire truck & solid waste collection truck access & turnaround movements.
- 34. 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

- 35. The proposed preliminary plat is located within both the Tapteal III and IV water pressure zones. It shall be the responsibility of the developer to extend the appropriate watermain to and through this property to serve domestic water at the time of plat construction. These water mains shall be sized to adequately supply domestic water and fire flows to the proposed development.
- 36. Any grading operations that take place near or over the top of the existing 20inch domestic water main shall ensure that adequate cover remains over the water main so as to protect it from breakage, or freezing, or service interruption. It shall be the responsibility of the developer to re-install any water mains that have too little (or too much) cover over them as a result of grading operations, or that will result in this water main being less than ten feet from a building footprint. This water main needs to be within a roadway whenever possible. The existing main shall be exposed and surveyed at multiple locations as part of the grading permit application process.
- 37. No dead end water pipelines will be allowed, except as approved by the City Engineer.
- 38. In accordance with municipal code chapter 18.34.030, domestic water mains shall be extended to the adjoining properties adjacent to the preliminary plat, provided they are in the correct pressure zone.
- 39. 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.
- 40. The fire hydrant layout shall be approved by the City Fire Marshal.
- 41. 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

42. 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.

43. Sanitary sewer shall be extended to the adjoining properties adjacent to the preliminary plat, where appropriate.

Storm Water

- 44. 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. The project will require detailed erosion control plans.
- 45. All public storm drainage collection 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.
- 46. Comment applies to commercial property: The proposed storm drainage and grading of all areas within the proposed development shall be shown on the plans (most grading and drainage plans must be prepared by a licensed civil engineer). If site contains at least 1,000 sq.ft. of new asphalt, and/or contains 30% or more impervious surfaces, storm drainage calculations from a licensed civil engineer are required. Stormwater shall be kept on-site (on the developing property that generated it). Stormwater shall not be flowed onto adjacent properties, or to the public Right-of-Way, without first obtaining written permission.
- 47. Comment applies to commercial property: The private on-site storm drainage system shall be designed 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". Calculations shall be stamped by a registered professional Civil Engineer. The applicant's design shall provide runoff protection to downstream property owners.

- 48. 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.
- 49. 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").
- 50. Any proposed storm drainage retention facilities within the boundary of the proposed preliminary plat shall not adversely affect neighboring properties.
- 51. 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.
- 52. The amount of post-development storm runoff from the proposed site shall be in compliance with RMC Chapter 16.06.
- 53. 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.
- 54. 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.
- 55. 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.

Final Platting Requirements

- 56. 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.
- 57. 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.
- 58. 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.
- 59. Ten-foot wide public utility easements will be required on the final plat along both sides of all right-of-ways and road corridors within the proposed plat. They will also be required where the plat is adjacent to an existing right-of-way.
- 60. 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. 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.
- 61. The final plat shall include notes identifying all common areas including any private streets and tracts and assigning the ownership and maintenance responsibility. A note shall be added to the face of the final plat that states: "The private roads are for the use and benefit of the property owners that abut said roads, and are to be maintained by the owners. The City of Richland accepts no maintenance responsibility for private roads".
- 62. 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." All restricted parking areas shall be indicated on the final plats.
- 63. All landscaped areas within the plat that are in the public Right of Way shall be the responsibility of the property owners to maintain.

- 64. A one-foot "No access / screening easement" will be required along both the Dallas Road and Ava Way Right of Ways.
- 65. The intended use and ownership of all tracts within the plat shall be noted on the final plat.
- 66. Property with an unpaid L.I.D. assessment towards it must be paid in full or segregated per Richland Municipal Code 3.12.095.

Addressing

- 67. 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 and the City will review to determine acceptable street names.
 - a. When selecting street names for review please note that the following are not acceptable names: West Dr, North Dr, Central Dr, Mountain Lp, Middle Dr & Canyon Rd.
 - b. Please reference RMC 12.01.060 to determine acceptable street designations.
- 68. Please add addressing brackets [] on all lots and tracts.

<u>WSDOT</u>

- 69. The subject property is in the vicinity of Interstate 82 (I-82) and the Dallas Road (Exit 104) interchange and within the Badger Mountain South (BMS) subarea. I-82, including the interchange, is a fully-controlled limited access facility, Highway of Statewide Significance (HSS), and part of the National Highway System (NHS). It is to the benefit of the city, county, and state to preserve this interchange's safety and efficiency.
- 70. We acknowledge the plat condition that requires the proponent to implement the mitigation measures identified in the latest project traffic impact analysis (TIA). WSDOT reviewed and concurred with this TIA in our letter to the city dated March 17, 2022. Of particular concern to the department are the impacts and necessary improvements to the Exit 104 ramp terminals. As outlined in the study, the developer is required to construct a traffic signal or roundabout at both ramp terminals by the year 2025. We strongly urge the city and developer to not underestimate the time and effort involved in gaining approval for projects on the Interstate system. In order to avoid any potential delays, the developer must begin coordinating these project with WSDOT at this time. It is also important to note, all work must follow current WSDOT and FHWA design documentation and approval processes and the state's preferred alternative for intersection control is the roundabout.

EXHIBIT LIST

- 1. Application Materials
- 2. Plat Map
- 3. Master Agreement Consistency Recommendation [MACR]
- 4. Master Agreement Consistency Determination [MACD]
- Planned Action Consistency Determination [PACD]
 Copies of Agency Comments
- 7. Public Notice and Affidavits
- 8. Public Comments



DEVELOPMENT SERVICES DEPARTMENT

Exhibit I

Application Materials



City of Richland Development Services

Preliminary Plat Application

Note: A Pre-Application meeting is required prior to submittal of an application.

PROPERTY OWNER INFORMATION			X Contact Person	
Owner: North 44 Badger LLC, Brad Be	eauchamp			
Address: 4618 S Reed St Kennewick	WA 9333			
Phone: (509) 308-6556		Email: bmbo	levelopment@yahoo.com	
APPLICANT/CONTRACTOR INFORMATION (if different)			Contact Person	
Company:		UBI#	:	
Contact:				
Address:				
Phone:		Email:		
SURVEYOR INFORMATION				
Contact: John Becker, AHBL Inc.				
Address: 5804 Rd 90 Suite H, Pasco, WA 99301				
Phone: (509) 380-5883		_{Email:} jbecker@	Email: jbecker@AHBL.com	
ENGINEER INFORMATION				
Contact: John Fetterolf, JF Engineer	ing, PLLC			
Address: 104 N Clover Island Dr, Suite	e 201			
Phone: (509) 551-8174		Email: john@jfe	Email: john@jfengineering.pro	
PROJECT DESCRIPTION				
Mixed Use Commercial and Residential Development in the Badger South Subarea. 225 lot, 55 and older residential housing development with walking paths and a park. Commercial lots with a plan to develop a retirement community and retail stores.				
PROPERTY INFORMATION				
Parcel #: 129982000001002, Portion of 132983000003037		Zoning: BMS-SD-CMU COMMERCIAL MIXED USE		
Legal Description: See attached for Legal Desciption				
Proposed Subdivision Name: Desert Sky				
Gross Plat Acreage: 38.2 Ac			Smallest Lot Size: 2,375 SF	
Net Lot Area Acreage: 32.2 Ac Avg. Lot Size:		5,891 SF	Largest Lot Size: 108,109 SF	
Domestic Water Supply: 🛛 City 🗆 Private Well Sewage Disposal: 🖾 City 🗆 Septic				
Irrigation Source: 🗌 City 🗌 Private Well 🗌 Columbia Irrig. District 🗌 Kennewick Irrig. District 🛛 Other BMID				
SEPA Checklist submitted? Yes X No Title Report (Subdivision Guarantee) submitted? Yes No				

APPLICATION MUST INCLUDE

- 1. Completed application and filing fee
- 2. 2 Full-size copies of proposed survey
- 3. $1 11'' \times 17''$ copy of proposed survey
- 4. 1 PDF file of proposed survey
- 5. Title Report showing ownership, easements, restrictions and accurate legal description of the property involved
- 6. SEPA Checklist
- 7. Other information as determined by the Administrator

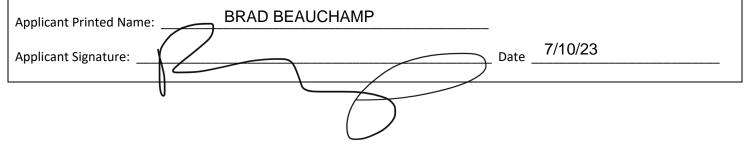
I authorize employees and officials of the City of Richland the right to enter and remain on the property in question to determine whether a permit should be issued and whether special conditions should be placed on any issued permit. I have the legal authority to grant such access to the property in question.

I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation pertaining to development activities associated with a permit.

I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

- 1. I have read and examined this permit application and have documented all applicable requirements on the site plan.
- 2. The information provided in this application contains no misstatement of fact.
- 3. I am the owner(s), the authorized agent(s) of the owner(s) of the above referenced property, or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW or I am exempt from the requirements of Chapter 18.27 RCW.
- 4. I understand this permit is subject to all other local, state, and federal regulations.

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.



North 44 LUDR

F.1.g.: BMS-SD-CMU District. The Special District - Commercial Mixed-Use is intended to develop as a local destination for employment and shopping. It can accommodate campus-style office developments that provide a significant number of jobs. It also is a place for housing in mixed-use or live/ work buildings at higher intensities and densities found in multi-storied urban building types. It is intended to become the most intensive urban place in Badger Mountain South. The CMU District landscape edge is an urban trail that includes wider sidewalks, street trees and other landscaping and provides pedestrian connectivity to the adjacent neighborhoods.

N44-We have incorporated within our design the approved matrix of 75% residential to 25% commercial, see Badger Mountain Sub Area Commercial Land Use pg 27 footnote 21. Also Per conversations with staff and NORAM this mixture meets the intent of the district. The Land Uses Allowed by District table 2.C Allows for MULTIFAMILY, see P-4 specifically. One of the allowed residential uses is Row House. The current preliminary plat has 225 lots for Row Housing. All of this housing will be age restricted 55+ and is all located in the designated 75% residential area. The BMS-CMU development can accommodate a wide variety of uses as it is intended to be a major employment center for the City of Richland and a destination for shopping, higher-level education, dining, office uses and other employment centers, Multi-family/Mixed-Use housing, Senior Housing, entertainment and recreation. Public facilities, including transit centers, may also be accommodated in this District.

2.B.: BMS-SD-CMU: COMMERCIAL MIXED-USE (4.C) The Commercial Mixed-Use Special District is a local destination for employment, shopping, dining, entertainment and recreation

N44 is providing 10 Acres for Commercial/Retail development that will achieve the intent of this district. The specific development will be governed by the LUDR and all City of Richland Building Codes. It is anticipated that along with providing required 1st floor commercial square footage there will be stacked residential units to provide work live opportunities.

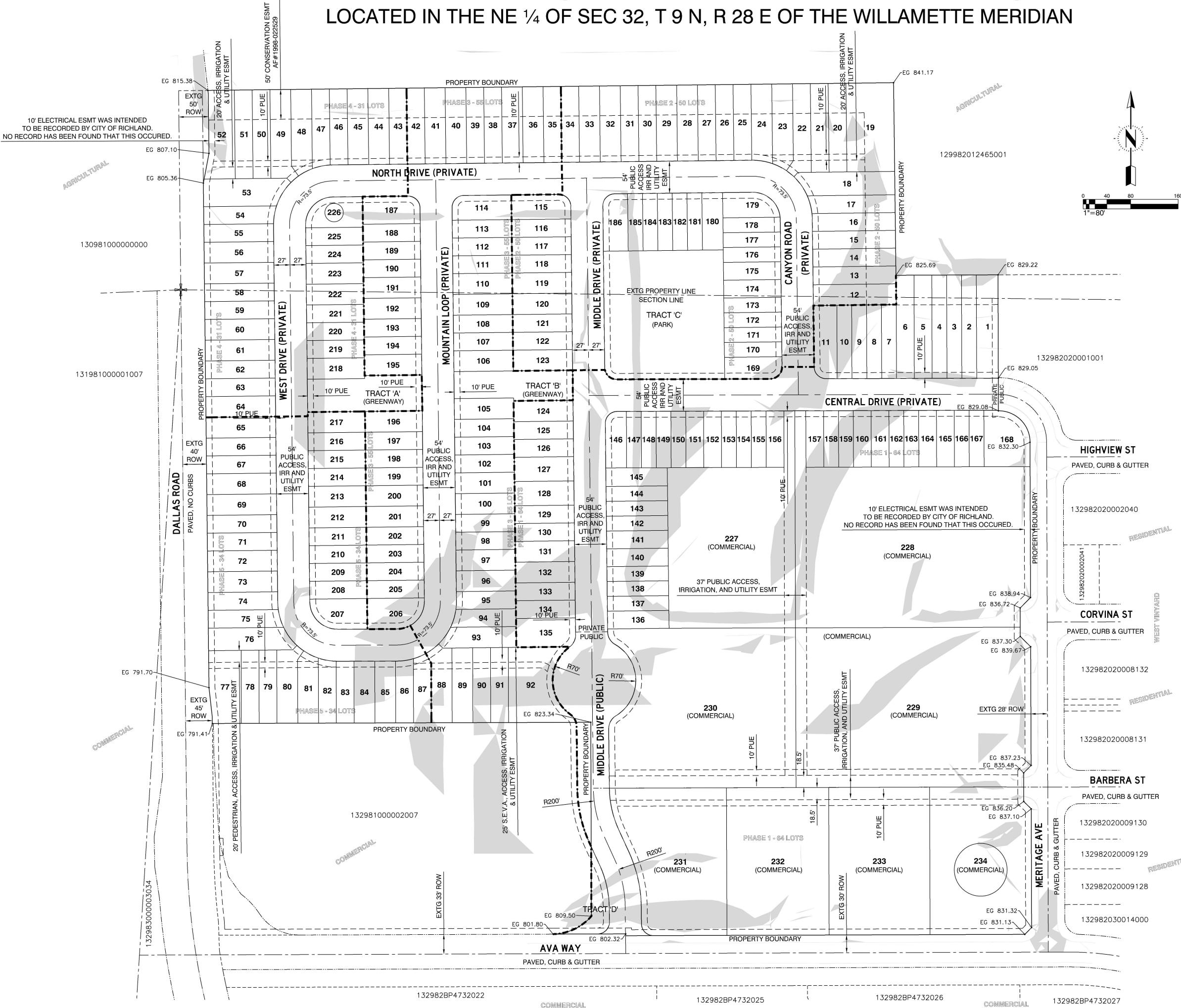
4.C.1.: The District can accommodate a wide variety of uses as it is intended to be a major employment center for the City of Richland and a destination for shopping, higher-level education, dining, office uses and other employment centers, Mul2-family/Mixed-Use housing, entertainment and recreation. Public facilites, including transit centers, may also be accommodated in this District.

N44 will be working with Ben Franklin Transit to request transit service and Dial A Ride Service for this area.

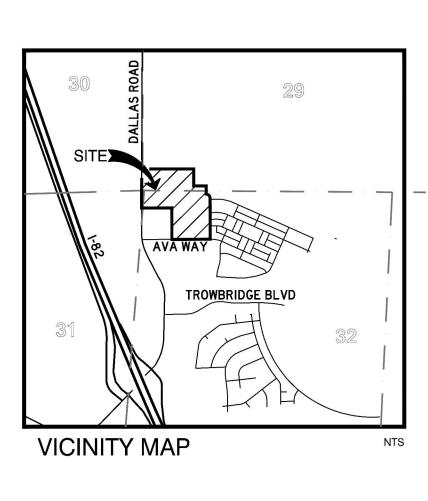
To further the walkable and sustainable goals of Badger Mountain South, the design of the Special District - Commercial Mixed-Use will ensure that pedestrian are accommodated between buildings or groups of buildings, that public plazas and other community features will be developed as part of the overall development plan, and that connec vity will be maintained to adjoining Districts.

N44 The entire plat layout has been done with the pedestrian in mind. All residential and commercail areas will be walkable with the goal of the 25% commercail to have the intended plaza feel.





Desert Sky Preliminary Plat



SHEET INDEX PP100 PRELIMINARY PLAT OVERALL SHEET PP101 PRELIMINARY PLAT WEST HALF PP102 PRELIMINARY PLAT EAST HALF PP103 WEST DRIVE PLAN & PROFILE PP104 MOUNTAIN LOOP PLAN & PROFILE PP105 MIDDLE DRIVE PLAN & PROFILE PP106 CANYON ROAD PLAN & PROFILE PP107 NORTH DRIVE PLAN & PROFILE PP108 CENTRAL DRIVE PLAN & PROFILE PP200 PRELIMINARY UTILITY PLAN PP201 PRELIMINARY GRADING PLAN

PROPERTY AND PLAT STATISTICS

PROPERTY BOUNDARY AND TOPOGRAPHIC SURVEY PROVIDED BY AHBL INC, 2019

BASIS OF BEARING IS: NAD 83/91 HELD A BEARING OF SOUTH 89° 06' 11" WEST FOR THE SOUTH LINE OF SECTION 32

VERTICAL DATUM IS CITY OF RICHLAND 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.

TAX ID # OF SUBJECT PARCELS: 129982000001002 PORTION OF 132983000003037

OWNER North 44 Badger LLC 1908 W 39TH AVE Kennewick, WA 99337

DEVELOPER/APPLICANT North 44 Badger LLC 1908 W 39TH AVE Kennewick, WA 99337

COMPREHENSIVE PLAN DESIGNATION: **BMS - BADGER MOUNTAIN SOUTH**

LAND USE ZONING DESIGNATION: BMS-SD-CMU COMMERCIAL MIXED USE

CURRENT PROPERTY USE: MIXED USE TOTAL PROJECT AREA: 38.22 Ac PROPOSED # RESIDENTIAL LOTS: 226 AVERAGE LOT SIZE: 5,891 SF MIN LOT SIZE: 2,375 SF (LOTS 147-150, 153-155, 158, 159, 162, 163, 166 & 167) LARGEST LOT SIZE: 11,986 SF (LOT 19) RESIDENTIAL AREA: 812,095 SF / 18.64 Ac PROPOSED # COMMERCIAL LOTS: 8 COMMERCIAL AREA: 521,593 SF / 11.97 Ac R/W AREA: 36,389 SF / 0.84 Ac

ANTICIPATED TO BEGIN CONSTRUCTION EARLY 2024 AND BE COMPLETED IN MID 2025

LEGEND

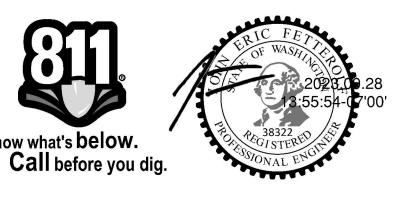
100 - LOT #

118982020000003 CO TAX ID # ADJACENT USE RESIDENTIAL

CRITICAL AREAS - SLOPES GREAT THAN 15%

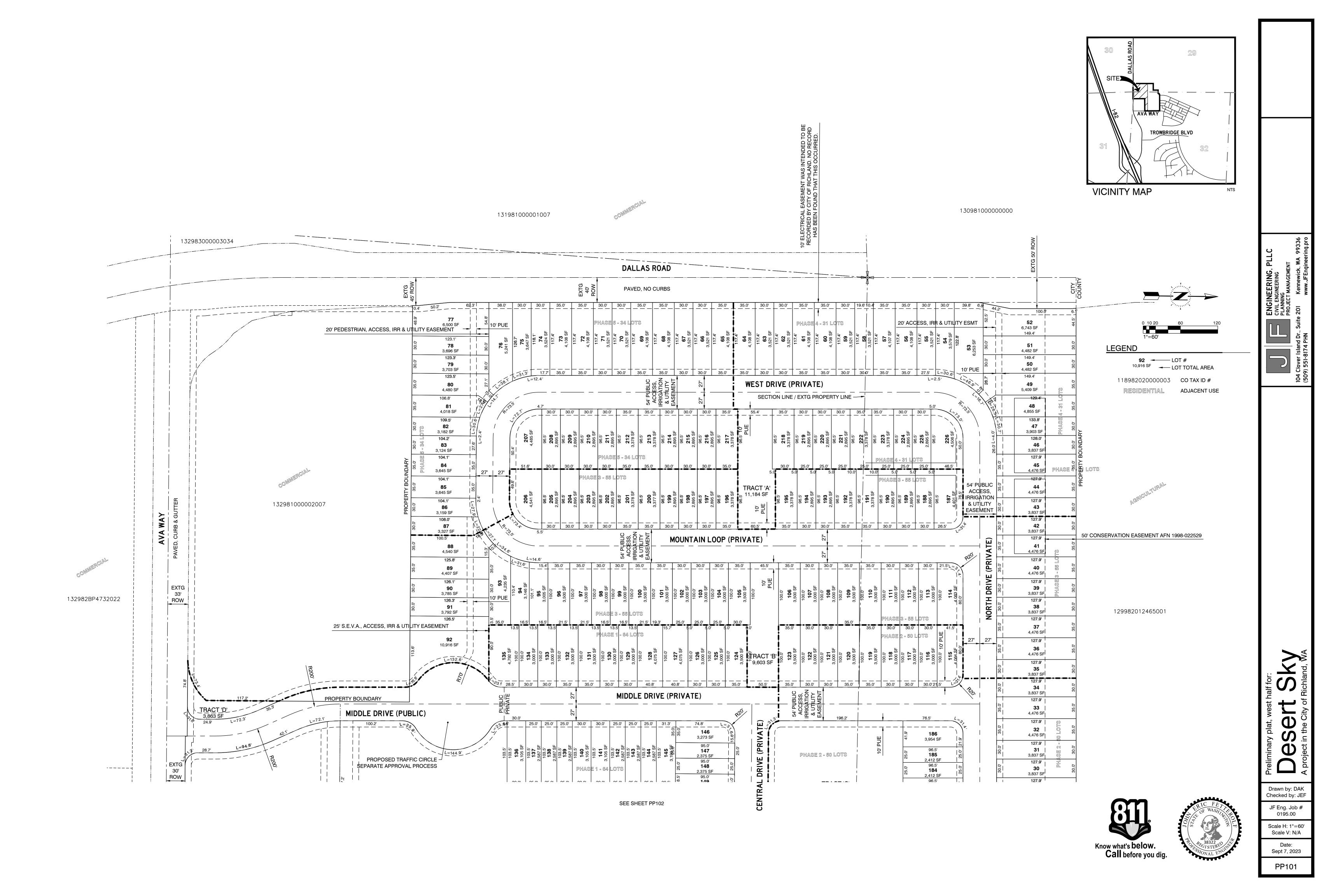


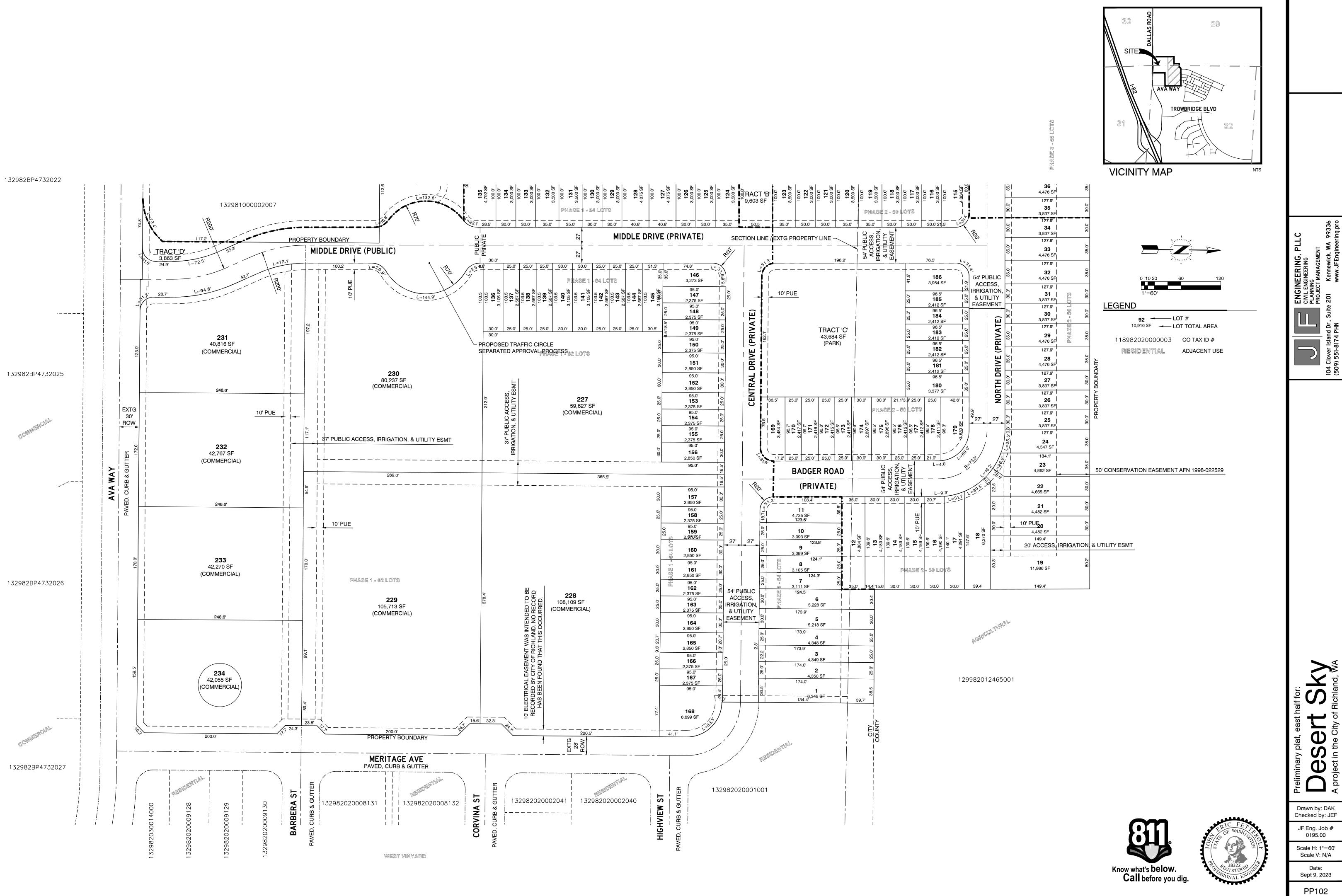
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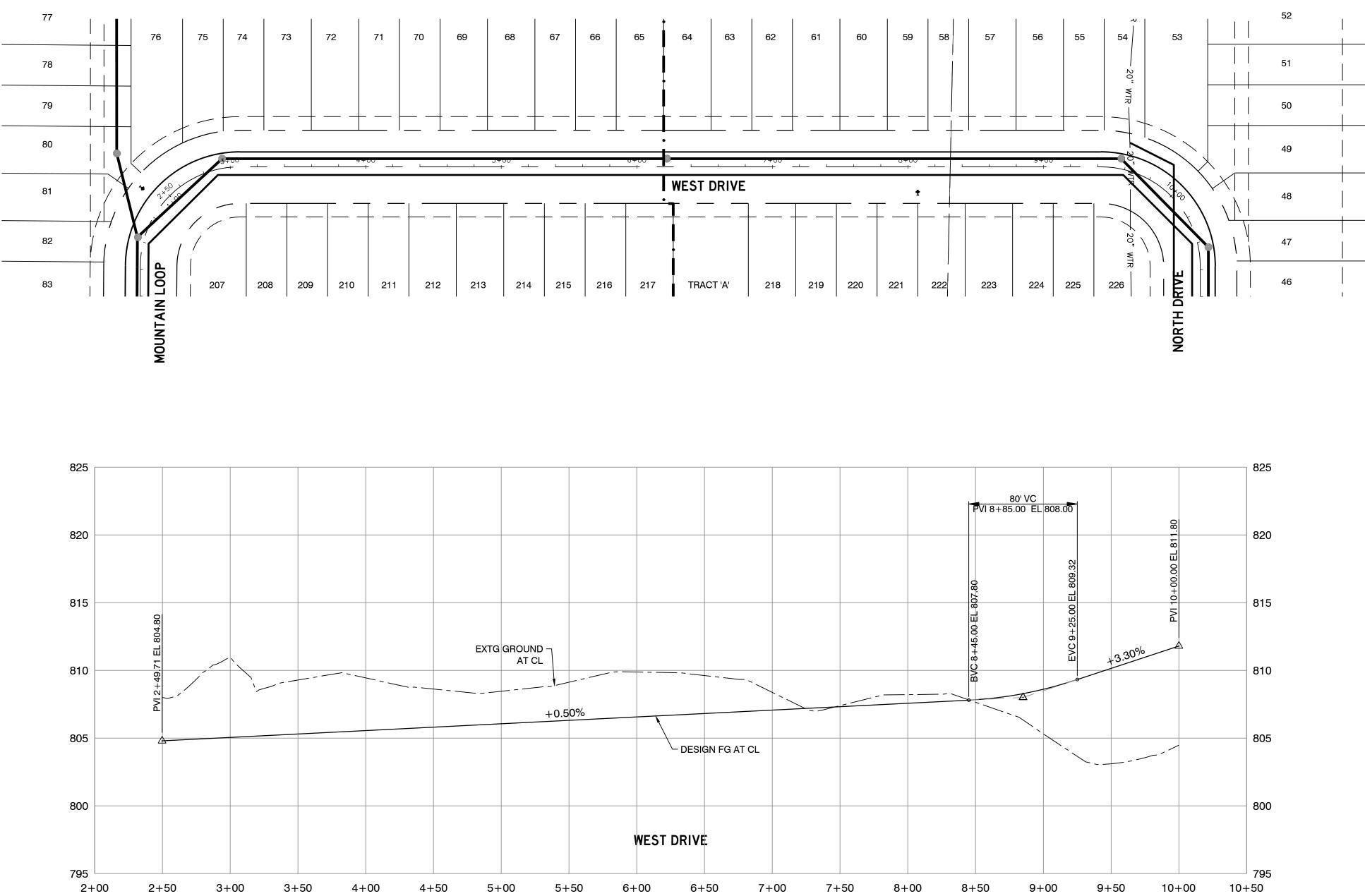


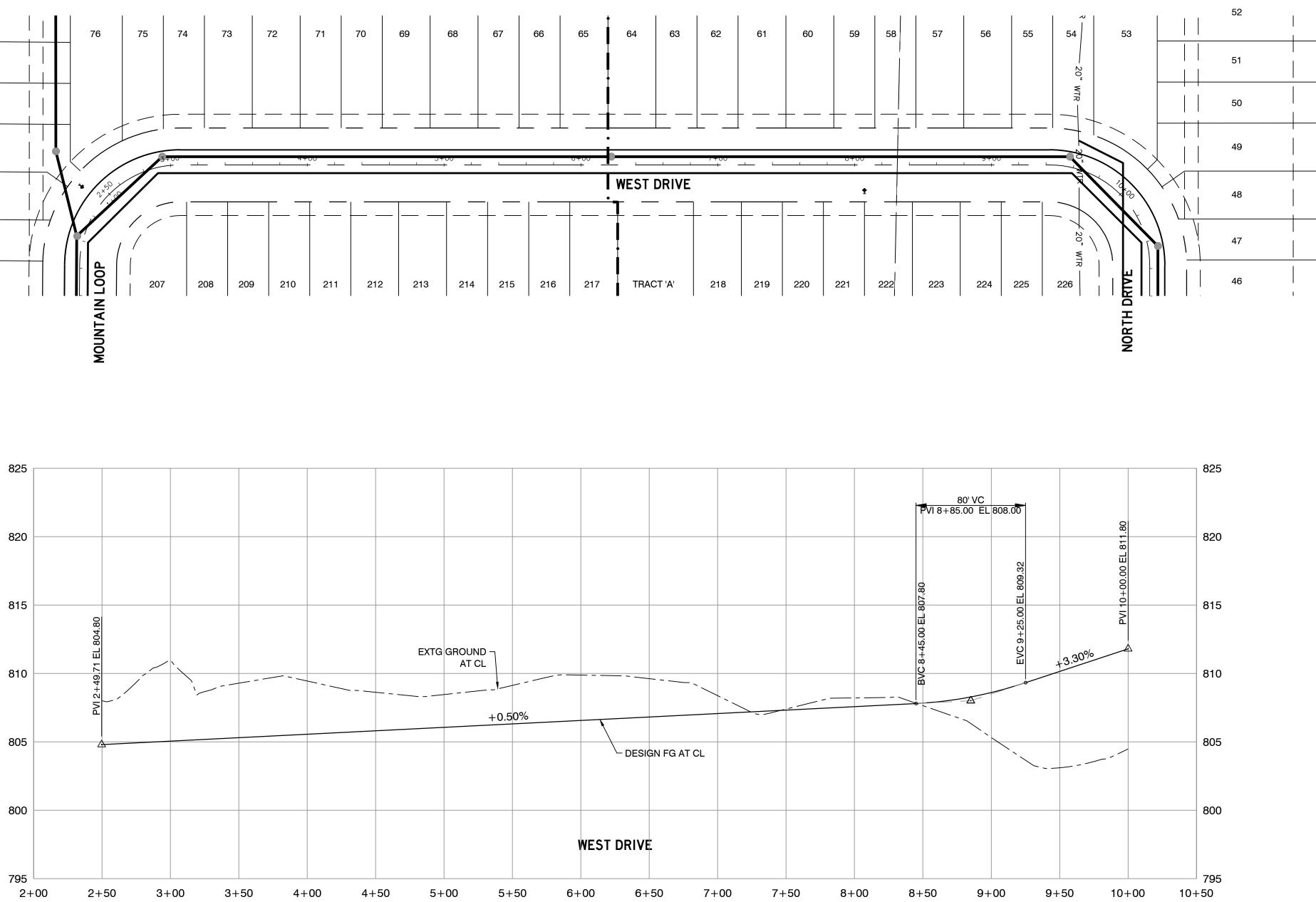


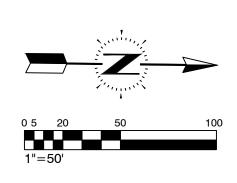


















PP103

99336 ring.nro

Clover Isl 9) 551-817

104

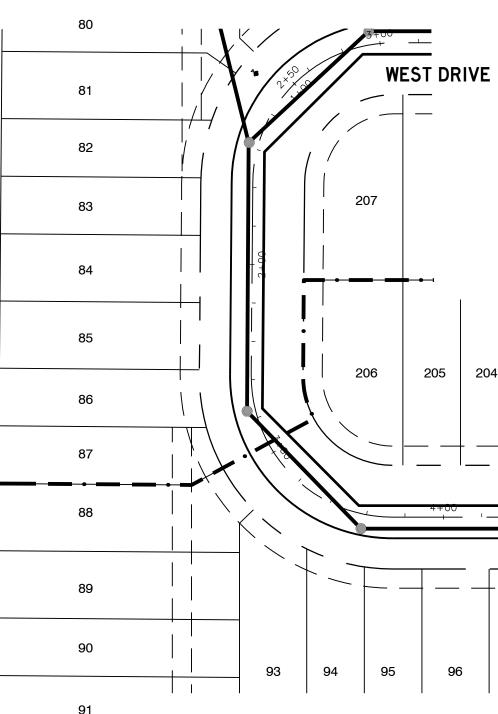
 A Clover Island Dr., Suite 201
 ENGINEERING, PLLC

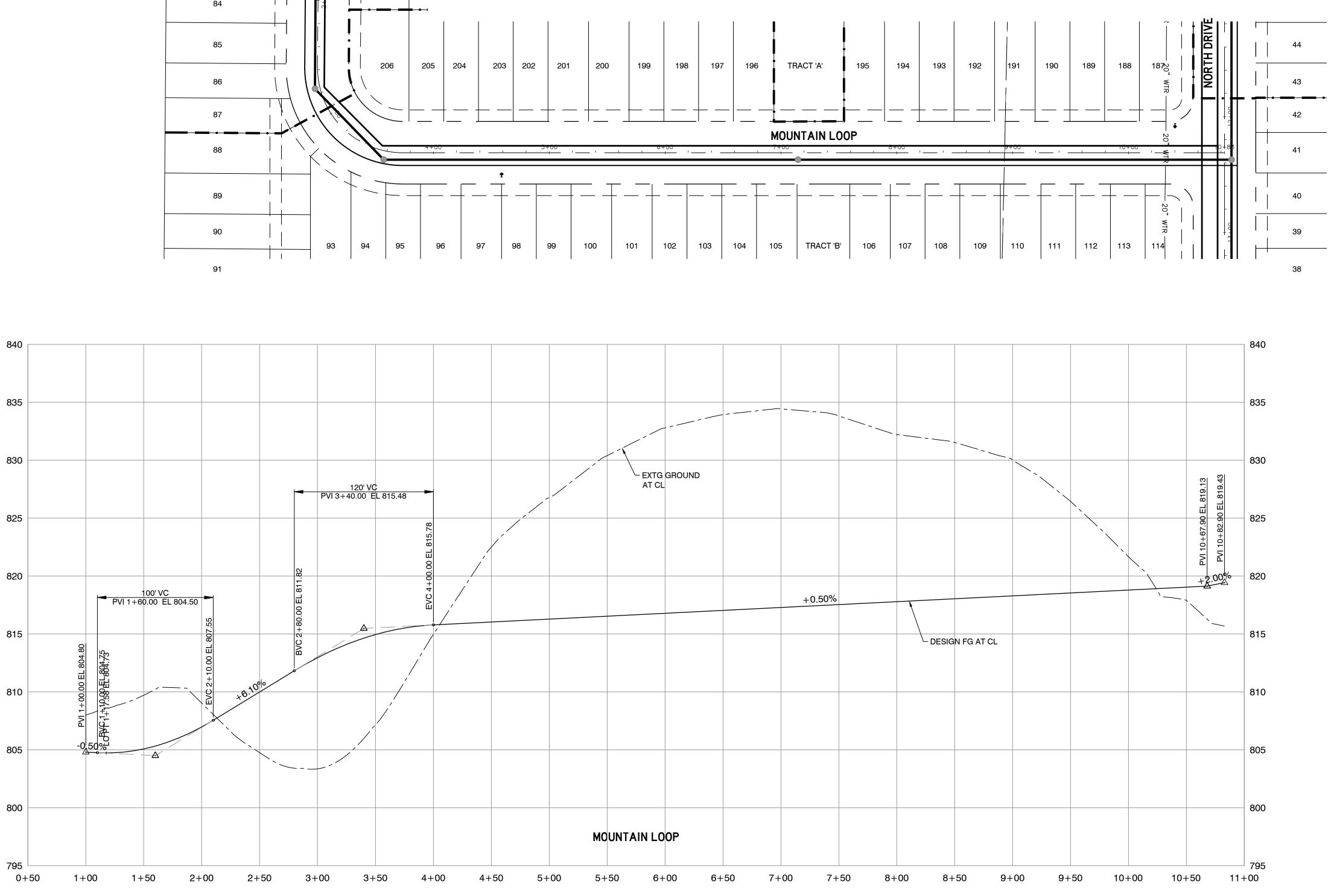
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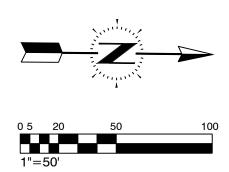
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 PROJECT MANAGEMENT

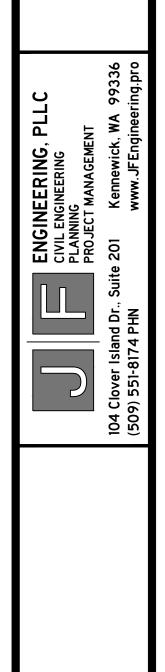
 4 Clover Island Dr., Suite 201
 Kennewick, WA 9933

 09) 551-8174 PHN
 www.JFEngineering.pr





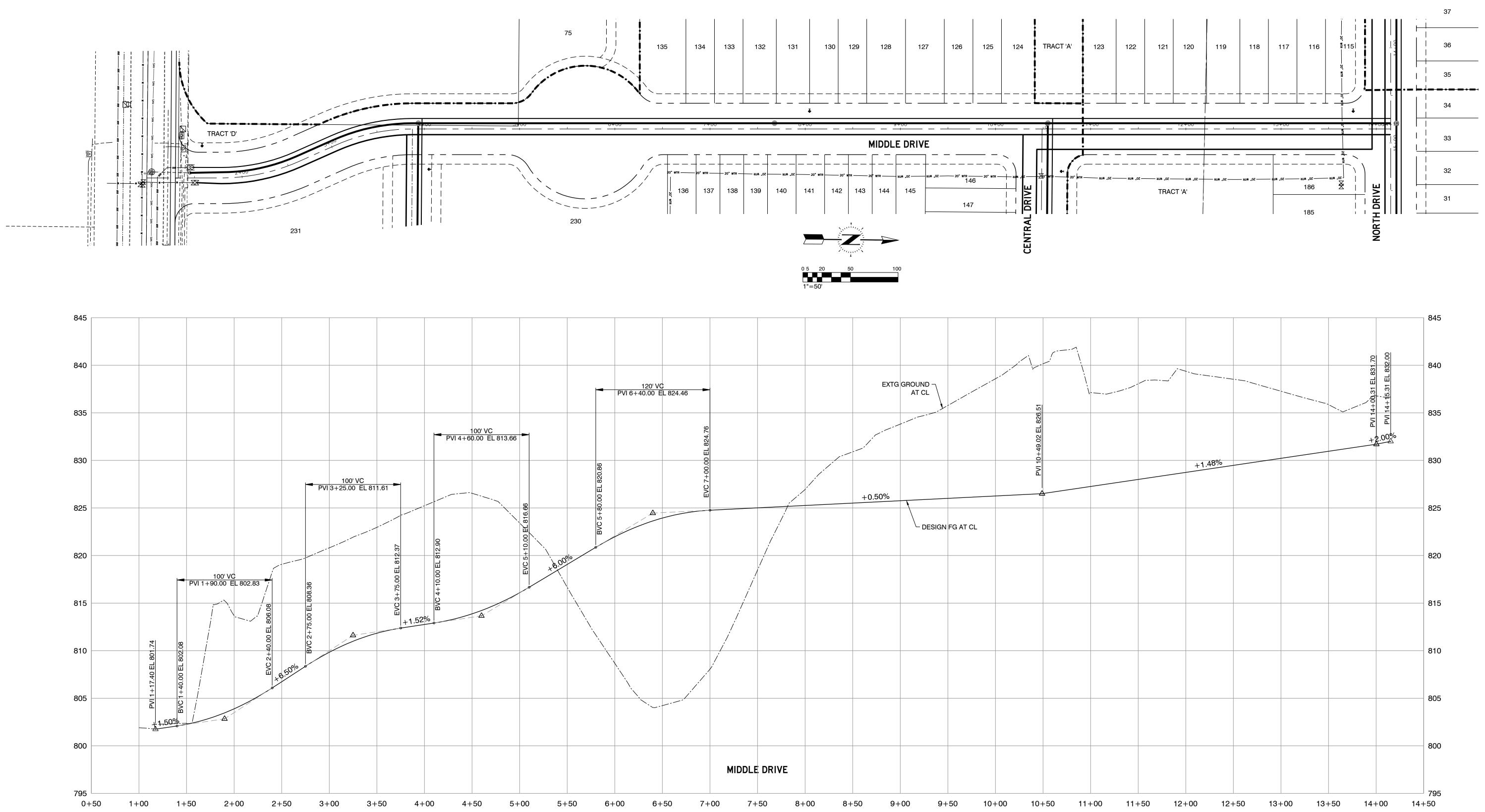


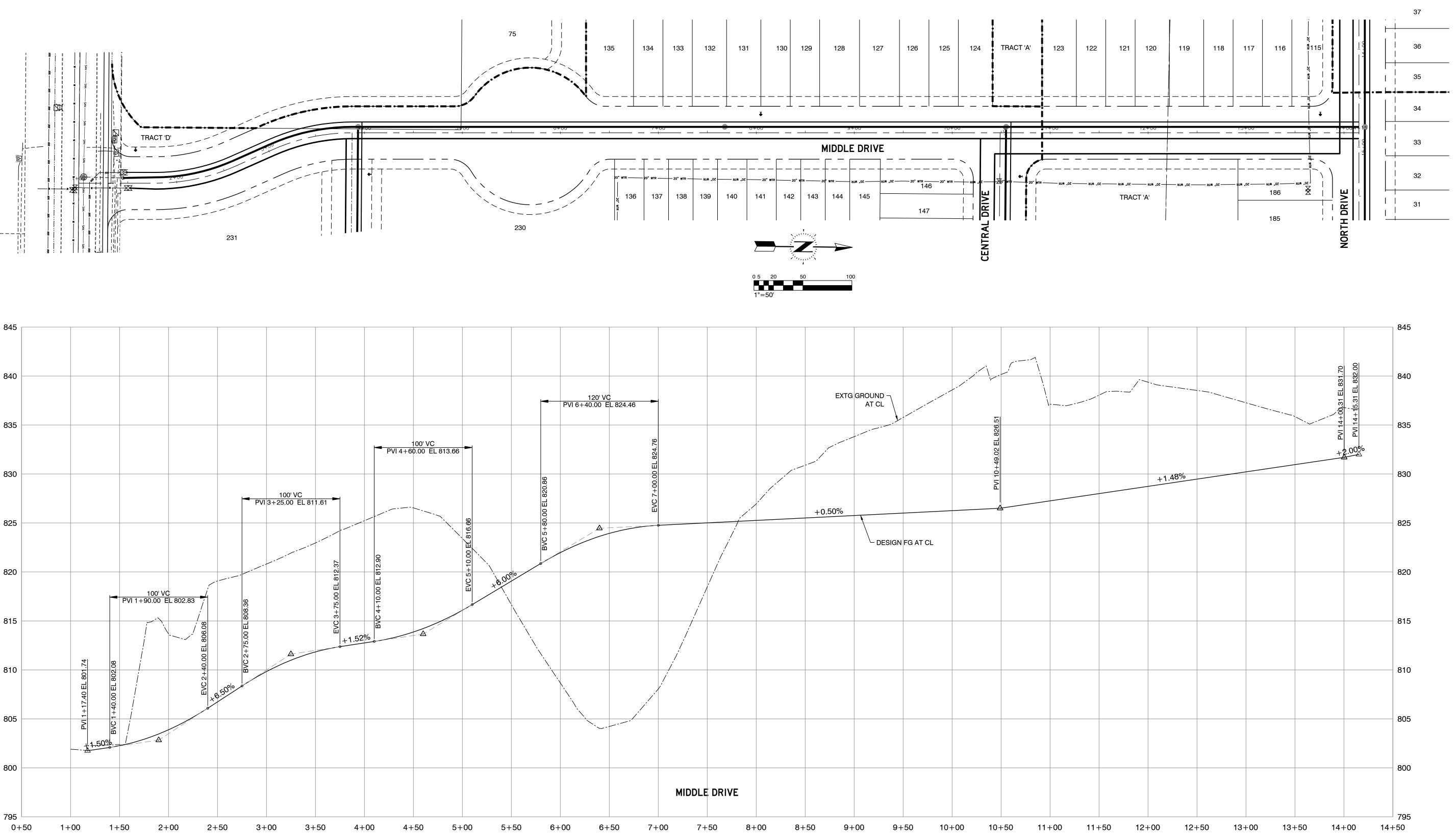


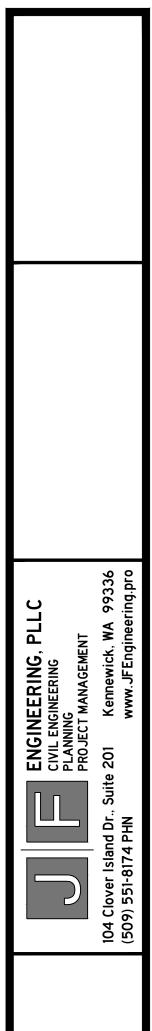


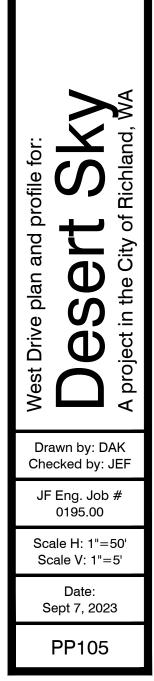








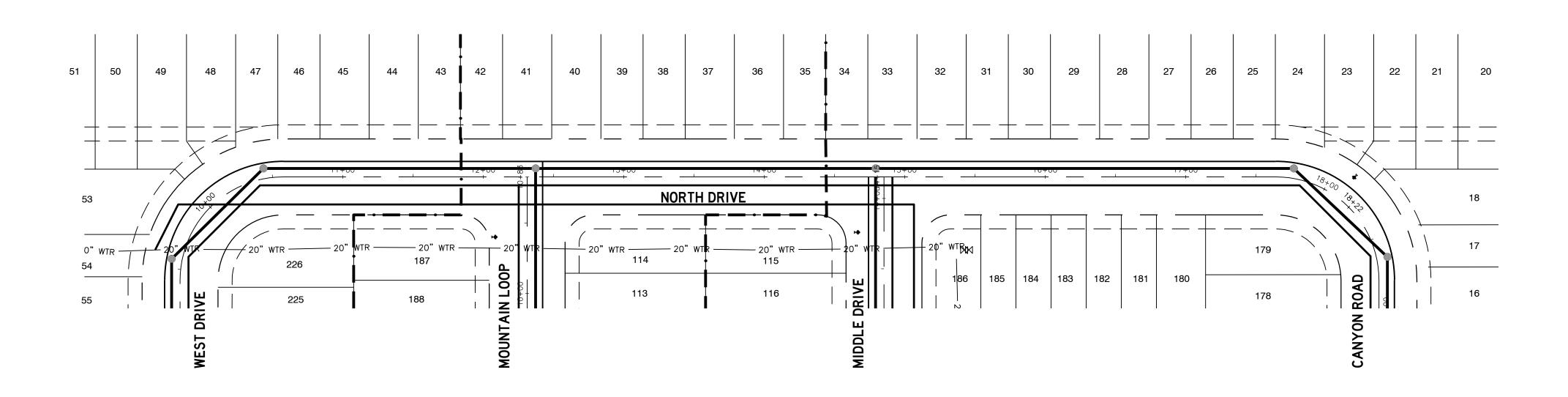


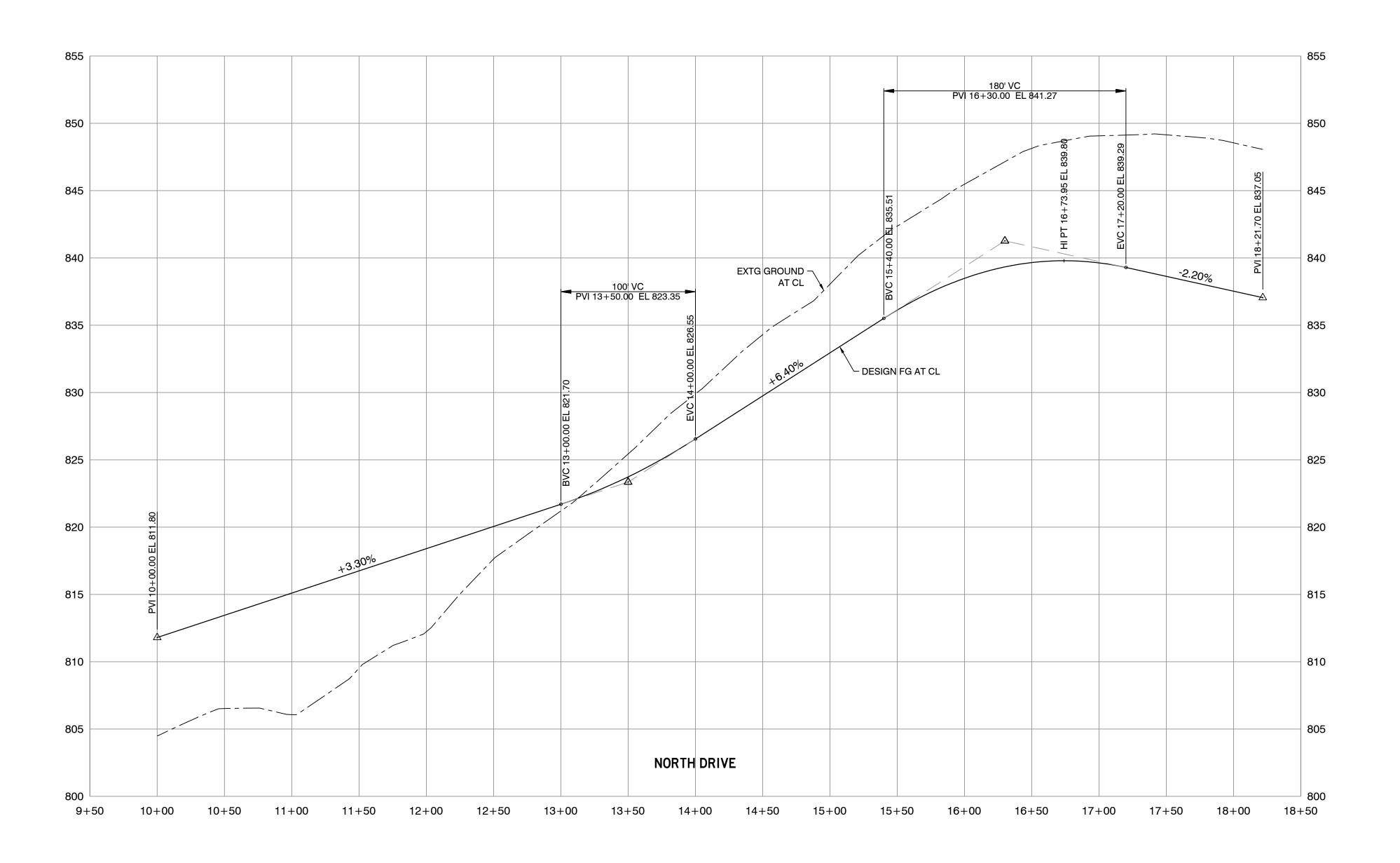


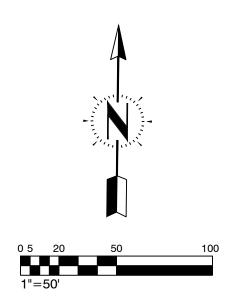




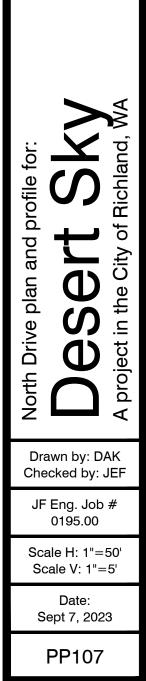
Know what's **below. Call** before you dig.





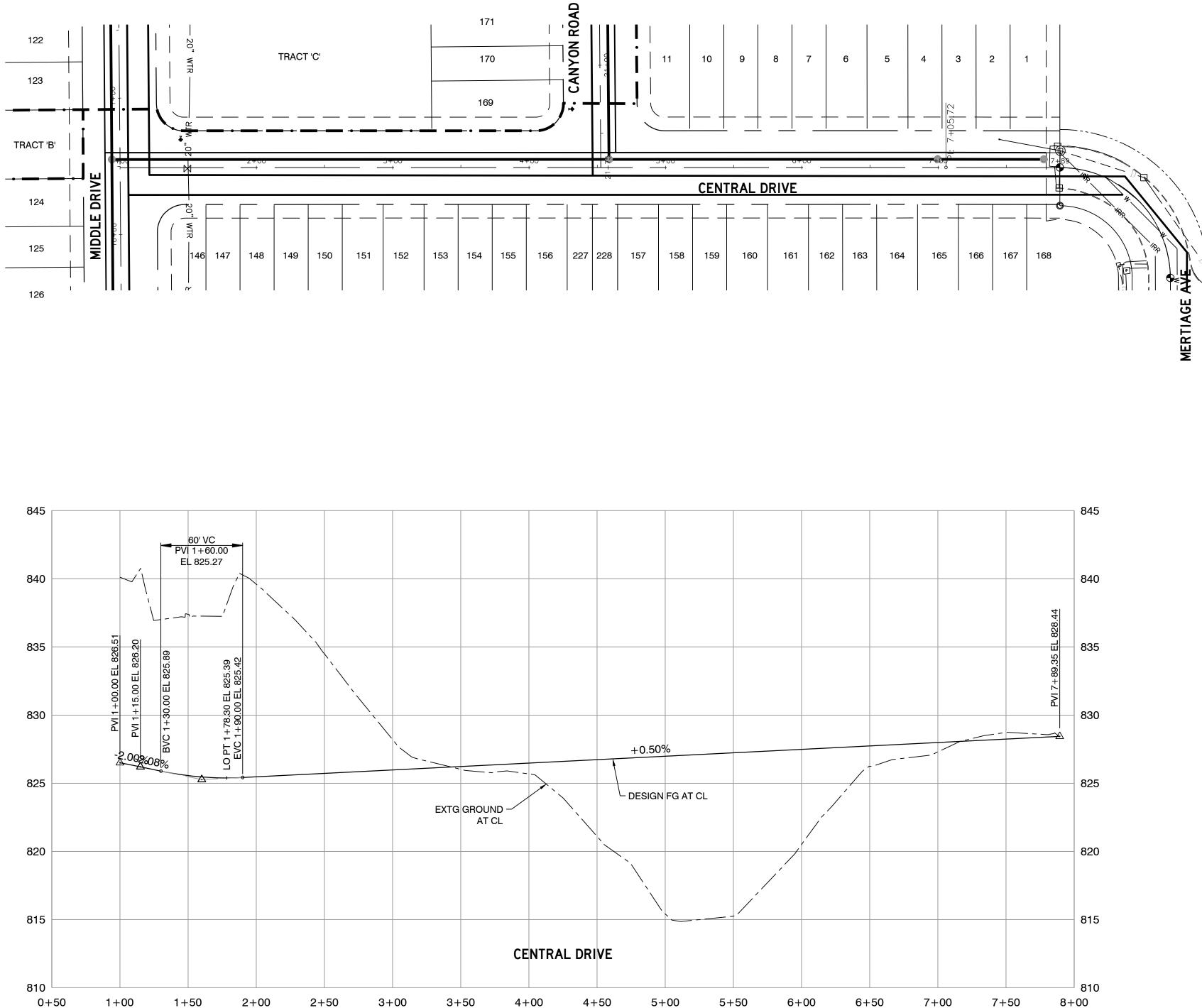


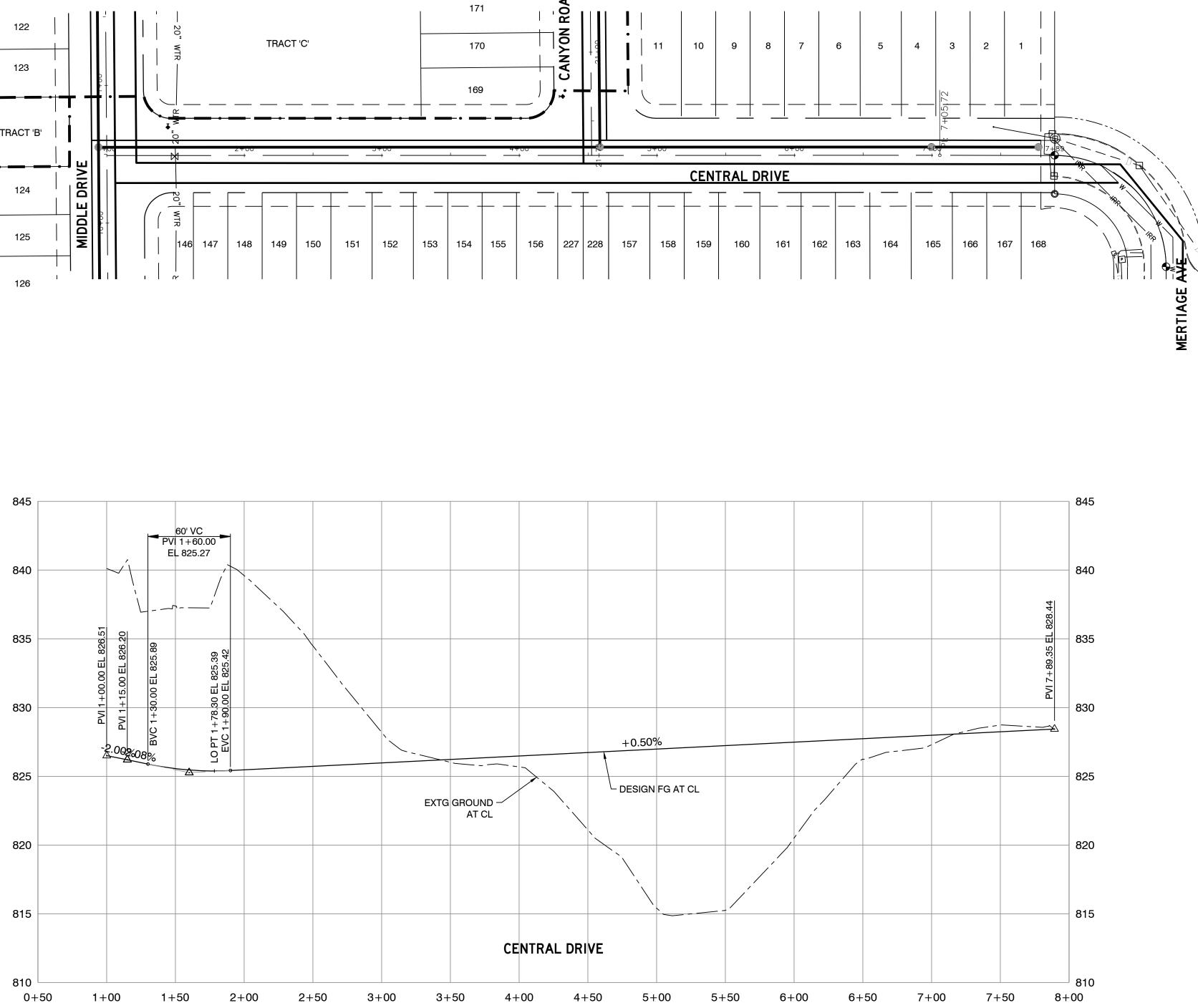


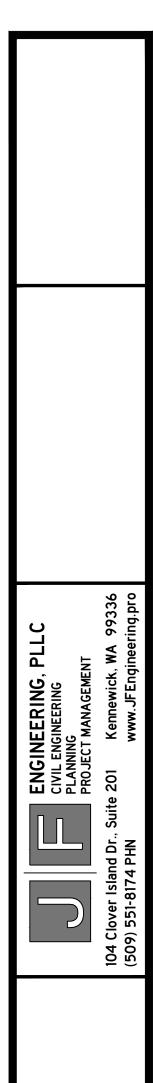


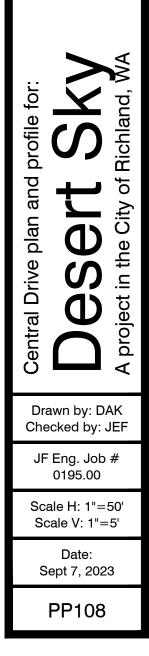


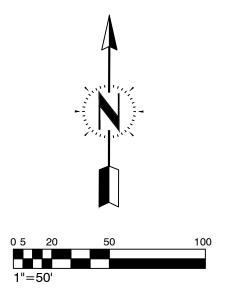
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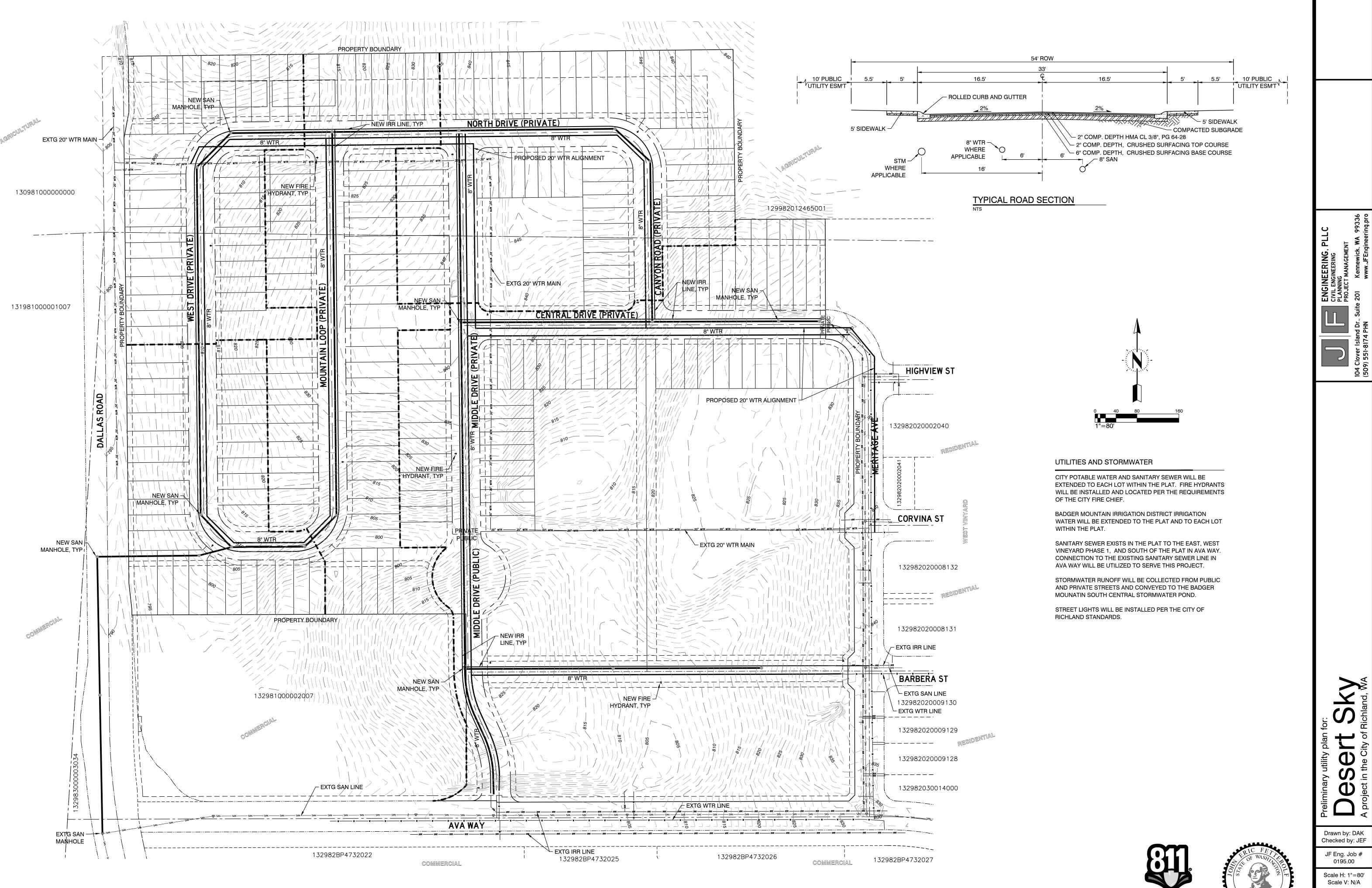






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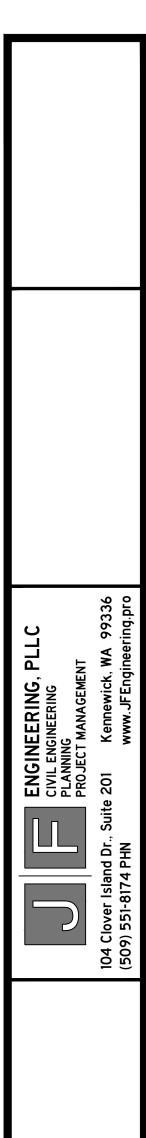


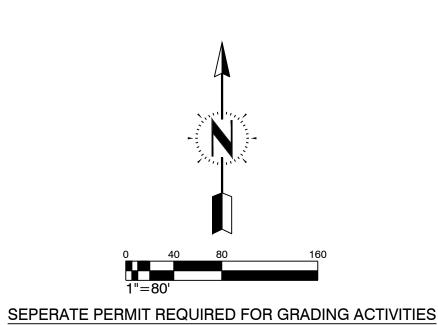
Know what's **below. Call** before you dig.

Sept 7, 2023

Date:







GRADING QUANTITIES

SHADING LEGEND

EXCAVATION 243,791 C.Y. EMBANKMENT 203,876 C.Y.

REPRESENTS GREATER THAN 2.0' OF FILL

REQUIRED. COMPACTION TESTING AND

CERTIFICATION REQUIRED.

RESIDENTIA





Sept 7, 2023 PP201

Date:



ALTA COMMITMENT FOR TITLE INSURANCE

issued by agent:



Commitment Number:

62242300458 Revision 2

NOTICE

IMPORTANT - READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, Chicago Title Insurance Company, a Florida corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within one hundred eighty (180) days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Chicago Title Insurance Company

By:

Michael J. Nolan, President

Attest:

Marjorie Nemzura, Secretary

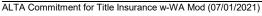
Countersigned By:

Gary Duncan Authorized Officer or Agent

This page is only a part of a 2021 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:

ISSUING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT:
Title Officer: Christopher Hull Chicago Title Company of Washington 6416 W. Okanogan Avenue Kennewick, WA 99336 Phone: (509)735-1575 Fax: (509)735-0707 Main Phone: (509)735-1575 Email: Christopher.Hull@ctt.com	Escrow Officer: Wendy Clark Chicago Title Company of Washington 9001 W. Tucannon Avenue, Suite 220 Kennewick, WA 99336 Main Phone: (509)735-1575 Main Fax: (509)735-0707 Email: Wendy.Clark@ctt.com

Order Number: 62242300458

SCHEDULE A

- 1. Commitment Date: May 5, 2023 at 08:00 AM
- 2. Policy to be issued:

 (a) ALTA Standard Owner's Policy 2021 w-WA Mod Proposed Insured: North 44 Badger LLC, a Washington limited liability company Proposed Amount of Insurance: \$4,744,860.12 The estate or interest to be insured: Fee Simple Premium: \$8,481.00 Tax: \$737.85 Total: \$9,218.85

3. The estate or interest in the Land at the Commitment Date is:

Fee Simple

4. The Title is, at the Commitment Date, vested in:

Nor Am Investment LLC, a Washington limited liability company

5. The Land is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

END OF SCHEDULE A

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EXHIBIT "A" Legal Description

PARCEL A: (132983000003033 PARENT PARCEL)

That Portion of the Northwest Quarter of Section 32, Township 9 North, Range 28 E.W.M., records of Benton County, Washington, Lying West of West Vineyard 1, Phase 1, according to the plat thereof recorded in Volume 15 of Plats, Page 458, records of Benton County, Washington; and Lying North of Ava Way, as dedicated on said Plat of West Vineyard 1, Phase 1; Lying East of Dallas Road, as described in Deeds recorded under Auditor's File Numbers 595157, 92-16778 and 92-16779, records of Benton County, Washington; and Lying North and East of that parcel of land as described in Statutory Warranty Deed recorded under Auditor's File No. 2013-9502, records of Benton County, Washington.

ALSO KNOWN as Parcel 4 of Record Survey 5825 recorded under Auditor's File No. 2023-8986.

PARCEL B: (129982000001002)

That portion of Section 29, Township 9 North, Range 28 East W.M., Benton County, Washington lying Southerly and Westerly of the following described line:

Beginning at the Southwest corner of said Section 29; thence South 89°23'44" East, 1951.66 feet along the South line of said Section to the True Point of Beginning.

Thence North 65°57'03" West, 116.18 feet; thence South 89°48'41" West 641.83 feet; thence North 0°38'28" West, 324.30 feet; thence South 89°21'30" West, 1154.45 feet to the East line of Dallas Road and the terminus of said line.

EXCEPT the West 40 feet for county road right of way; AND EXCEPT that portion, deeded to the county of Benton State of Washington, under Quit Claim Deed dated November 20, 1978 recorded February 13, 1979, under Auditor's File No.: 783437, records of Benton County, Washington; AND EXCEPT State Highway right of way AND EXCEPT portion conveyed to Benton County for road under Auditor's File Nos. 92-16778 and 92-16779 AND EXCEPT those portions acquired by the State of Washington under eminent domain proceedings filed in Benton County Superior Court Cause No. 82-2-00889-6.

AND EXCEPT

WEST VINEYARD 1, PHASE 1, FINAL PLAT, A BADGER MOUNTAIN SOUTH DEVELOPMENT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 458, RECORDS OF BENTON COUNTY WASHINGTON.

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CHICAGO TITLE COMPANY OF WASHINGTON

SCHEDULE B, PART I - Requirements

All of the following Requirements must be met:

- 1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
- 2. Pay the agreed amount for the estate or interest to be insured.
- 3. Pay the premiums, fees, and charges for the Policy to the Company.
- 4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
- 5. Additional requirements and/or exceptions may be added as details of the transaction are disclosed to, or become known by the Company.
- 6. The application for title insurance was placed by reference to only a street address or tax identification number. The proposed Insured must confirm that the legal description in this report covers the parcel(s) of Land requested to be insured. If the legal description is incorrect, the proposed Insured must notify the Company and/or the settlement company in order to prevent errors and to be certain that the legal description for the intended parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.
- If documents for this transaction are to be signed using Remote Online Notary, we require the use of company approved RON providers which can be found here:
 ">https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>">https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>">https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>">https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>">https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>">https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>">https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>">https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>">https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>">https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>">https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>">https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>">https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>">https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>">https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>">https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>">https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>">https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>">https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>">https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>">https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>">https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>">https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>">https://nationalagency.fnf.com

The Notarial Certificate must state "This notarial act involved the use of communication technology."

We require a copy of the notarization video for our file documentation prior to closing. Additional underwriting requirements may need to be satisfied.

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AMERICAN

CHICAGO TITLE COMPANY OF WASHINGTON

SCHEDULE B, PART I - Requirements

(continued)

8. Payment of the real estate excise tax, if required.

The Land is situated within the boundaries of local taxing authority of Richland.

The rate of real estate excise tax for properties which are not formally classified and specially valued as timberland or agricultural land is:

State portion: 1.10% on any portion of the sales price of \$525,000 or less;

- 1.28% on any portion of the sales price above \$525,000, up to \$1,525,000;
- 2.75% on any portion of the sales price above \$1,525,000, up to \$3,025,000;
- 3.00% on any portion of the sales price above \$3,025,000;

The rate of excise for properties formally classified as timberland or agriculture land will be 1.28% for the State portion on the entire sales price.

Local portion: .50% on the entire sales price.

An additional \$5.00 State Technology Fee must be included in all excise tax payments.

If the transaction is exempt, an additional \$5.00 Affidavit Processing Fee is required.

Any conveyance document must be accompanied by the official Washington State Excise Tax Affidavit, which can be found online <u>HERE <https://dor.wa.gov/get-form-or-publication/forms-subject/real-estate-excise-tax></u>. The applicable excise tax must be paid and the affidavit approved at the time of the recording of the conveyance documents. (NOTE: Real Estate Excise Tax Affidavits must be printed as legal size forms).

- 9. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.
- 10. NOTE: We have reviewed the authority documentation for Badger Communities LLC. Based on our review:
 - 1. Geoffrey Clark and Lawrence White must sign as Managers of said entity.
 - 2. All signature(s) must be notarized in an appropriate representative capacity.
- 11. NOTE: We have reviewed the authority documentation for Nor Am Investment. Based on our review
 - 1. Lawrence J. White must sign as Managing Member of said entity.
 - 2. All signature(s) must be notarized in an appropriate representative capacity.

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SCHEDULE B, PART I - Requirements

(continued)

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

Limited Liability Company: North 44 Badger LLC

- a. A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.
- b. If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendment thereto with the appropriate filing stamps.
- c. If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.
- d. A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created
- e. If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

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

13. It is our understanding that the parties to the transaction intend to change or modify the legal description of the Land prior to or at closing. The appropriate documentation to alter the legal description of the Land must be furnished to the Company for review prior to recording. No insurance of the new legal description will be provided until the alteration [or change or modification or any combination of the three] has been approved by the appropriate municipal entity and/or County and the appropriate documentation has been recorded.

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

END OF REQUIREMENTS

NOTES

The following matters will not be listed as Special Exceptions in Schedule B of the policy. There will be no coverage for loss arising by reason of the matters listed below because these matters are either excepted or excluded from coverage or are not matters covered under the insuring provisions of the policy.

Note A: Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

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SCHEDULE B, PART I - Requirements

(continued)

Note B: Note: FOR INFORMATIONAL PURPOSES ONLY: The following may be used as an abbreviated legal description on the documents to be recorded, per Amended RCW 65.04.045. Said abbreviated legal description is not a substitute for a complete legal description within the body of the document: Ptn 32-9-28 Ptn 29-9-28 Note C: Note: Examination of the Public Records discloses no judgments or other matters pending against the name of the vested owner. Note D: Note: Examination of the Public Records discloses no judgments or other matters pending against the name(s) of the proposed insured which would appear as exceptions in the policy. Note E: Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon. Note F: Please be advised we submit documents to the county for processing and recording via e-filing using a 3rd party vendor. Please make checks for excise tax and recording fees payable to Chicago Title Company of Washington.

There is a \$5.43 e-recording surcharge per EACH document for this service.

NOTE: Not all recordings qualify for e-filing and Adams County does not e-File as of the date of this report.

END OF NOTES

END OF SCHEDULE B, PART I

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CHICAGO TITLE COMPANY OF WASHINGTON

SCHEDULE B, PART II - Exceptions

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

GENERAL EXCEPTIONS

A. Rights or claims of parties in possession, or claiming possession, not shown by the Public Records.

B. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.

C. Easements, prescriptive rights, rights-of-way, liens or encumbrances, or claims thereof, not shown by the Public Records.

D. Any lien, or right to a lien, for contributions to employee benefit funds, or for state workers' compensation, or for services, labor, or material heretofore or hereafter furnished, all as imposed by law, and not shown by the Public Records.

E. Taxes or special assessments which are not yet payable or which are not shown as existing liens by the Public Records.

F. Any lien for service, installation, connection, maintenance, tap, capacity, or construction or similar charges for sewer, water, electricity, natural gas or other utilities, or for garbage collection and disposal not shown by the Public Records.

G. Unpatented mining claims, and all rights relating thereto.

H. Reservations and exceptions in United States Patents or in Acts authorizing the issuance thereof.

I. Indian tribal codes or regulations, Indian treaty or aboriginal rights, including easements or equitable servitudes.

J. Water rights, claims or title to water.

K. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.

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ALTA Commitment for Title Insurance w-WA Mod (07/01/2021)

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SCHEDULE B, PART II - Exceptions

(continued)

SPECIAL EXCEPTIONS

1. As to Parcel A:

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

Year:	2023
Tax Account No.:	132983000003033 (Parent)
Levy Code:	R3
Assessed Value-Land:	\$1,345,460.00
Assessed Value-Improvements:	\$0.00

General and Special Taxes:	
Billed:	\$13,272.69
Paid:	\$13,272.69
Unpaid:	\$0.00

2. As to Parcel B:

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

Year:	2023
Tax Account No.:	129982000001002
Levy Code:	R3
Assessed Value-Land:	\$105,000.00
Assessed Value-Improvements:	\$0.00

\$1,053.04
\$526.55
\$526.49

3. Assessments and/or LIDs, if any, as may be assessed by Badger Mountain Irrigation District. For balances, payoffs, and further information, please email <u>bmid@badgermountainirrigation.com</u>.

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AMERICAN LAND TITLE ASSOCIATION

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SCHEDULE B, PART II - Exceptions

(continued)

4. Reservations contained in deed recorded March 21, 1963 under recording no: 498993 Grantor: Yakima Sheep Company Grantee: R.J. Hilton, widower As follows: All oil and gas rights and all other minerals of every kind, with development of said oil and gas and/or minerals. No existing structures shall be disturbed in the exercise of the right hereinabove mentioned, and if surface property is required it shall be paid for at a reasonable rate. See record for area affected and particulars.

Note: The ownership of or the encumbrances on the above noted reservation is not reported on herein.

- As to Parcel A: 5. Memorandum of Master Agreement between the City of Richland and Nor Am Investment LLC, a Washington limited liability company, recorded March 10, 2011 under Auditor's File No. 2011-7444.
- As to Parcel B: 6.

Memorandum of Master Agreement between the City of Richland and Nor Am Investment LLC, a Washington limited liability company, recorded March 10, 2011 under Auditor's File No. 2011-7442 and Auditor's File No. 2011-7445.

7. Easement as delineated and/or dedicated on the face of the survey recorded under auditor's file number 96-12391:

Purpose: The intent of this survey is to delineate easements for the Badger Mountain Irrigation District (B.M.I.D.) irrigation lines. The easements themselves will be recorded by separate documents referring to theses maps. The field work was done in the late 1970's and the data shown here is based on that work tving the as-built surveys to the cadastral monumentation.

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

Granted to:	Public Utility District No. 1 of Benton County
Purpose:	Electric Distribution Lines
Recording Date:	March 13, 1997
Recording No.:	97-5406

- As to Parcel B: 9. Terms, Conditions and Reservations of Conservation Easement and Covenants against use by Grantor as contained in Deed recorded August 3, 1998 under Auditor's File No. 1998-22529.
- 10. Amended and Restated Interlocal Agreement between Benton County and the City of Richland regarding city of Richland Urban Growth area expension recorded December 12, 2006 under recording No: 2006-40708.

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SCHEDULE B, PART II - Exceptions

(continued)

- 11. Ordinance No. 41-10 by the City of Richland recorded Janauary 5, 2011 under Auditor's File No. 2011-610.
- 12. Restated Master Declaration of Covenants, conditions and restrictions for Badger Mountain South but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date:May 9, 2013Recording No.:2013-015617

Amended and Restated Covenants recorded February 10, 2020 under Auditor's File No. 2020-4770.

- Notice of Obligation to assume Geothermal Services Contract: Grantor: Nor Am Investments, LLC, a Washington limited liability company Grantee: Orca Energy Corp., a Washington Corporation Recorded: October 9, 2015 Recording No.: 2015-030331 Affects: Said premises and other properties
- 14. Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document entitled Declaration of Covenants and Easements for Geothermal Services.

Recording Date: August 19, 2015 Recording No: 2015-024696

 Geothermal Special Warranty Deed: Grantor: Nor Am Investments, LLC, a Washington limited liability company Grantee: Orca Energy Corp., a Washington Corporation Recorded: August 11, 2015 Recording No.: 2015-023820

This report does not include present ownership and/or encumbrances of the above geothermal right.

END OF SCHEDULE B, PART II

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COMMITMENT CONDITIONS

1. **DEFINITIONS**

- a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
- b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
- c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
- e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
- g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- h. "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
- i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
- j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.
- 2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
- 3. The Company's liability and obligation is limited by and this Commitment is not valid without:
 - a. the Notice;
 - b. the Commitment to Issue Policy;
 - c. the Commitment Conditions;
 - d. Schedule A;
 - e. Schedule B, Part I-Requirements; and
 - f. Schedule B, Part II-Exceptions; and
 - g. a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I-Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
- b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.

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ALTA Commitment for Title Insurance w-WA Mod (07/01/2021)

(continued)

- e. The Company is not liable for the content of the Transaction Identification Data, if any.
- f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.
- g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.
- LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM
- a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.
- c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- d. The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- e. Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for closing, settlement, escrow, or any other purpose.

8. PRO-FORMA POLICY

6.

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. CLAIMS PROCEDURES

This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.

10. CLASS ACTION

ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.

11. ARBITRATION - INTENTIONALLY DELETED

END OF CONDITIONS

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RECORDING REQUIREMENTS

Effective January 1, 1997, document format and content requirements have been imposed by Washington Law. Failure to comply with the following requirements may result in rejection of the document by the county recorder or imposition of a \$50.00 surcharge.

First page or cover sheet:

3" top margin containing nothing except the return address.

1" side and bottom margins containing no markings or seals.

Title(s) of documents.

Recording no. of any assigned, released or referenced document(s).

Grantors names (and page no. where additional names can be found).

Grantees names (and page no. where additional names can be found).

Abbreviated legal description (Lot, Block, Plat Name or Section, Township, Range and Quarter, Quarter Section for unplatted). Said abbreviated legal description is not a substitute for a complete legal description which must also appear in the body of the document.

Assessor's tax parcel number(s).

Return address (in top 3" margin).

**A cover sheet can be attached containing the above format and data if the first page does not contain all required data.

Additional Pages:

1" top, side and bottom margins containing no markings or seals.

All Pages:

No stapled or taped attachments. Each attachment must be a separate page. All notary and other pressure seals must be smudged for visibility. Font size of 8 points or larger.



WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice. If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- ALWAYS VERIFY wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. DO NOT use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. Obtain the number of relevant parties to the transaction as soon as an escrow account is opened. DO NOT send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do NOT reuse the same password for other online accounts.
- USE MULTI-FACTOR AUTHENTICATION for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

Federal Bureau of Investigation: http://www.fbi.gov

Internet Crime Complaint Center: http://www.ic3.gov

FIDELITY NATIONAL FINANCIAL PRIVACY NOTICE

Effective January 1, 2023

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

Collection of Personal Information

FNF may collect the following categories of Personal Information:

- contact information (*e.g.*, name, address, phone number, email address);
- demographic information (*e.g.*, date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (*e.g.* loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Collection of Browsing Information

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

<u>Cookies</u>. When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

<u>Web Beacons</u>. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

<u>Do Not Track</u>. Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

<u>Links to Other Sites</u>. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

When Information Is Disclosed

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to affiliated or nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to affiliated or nonaffiliated third parties with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

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<u>For Nevada Residents</u>: We are providing this notice pursuant to state law. You may be placed on our internal Do Not Call List by calling FNF Privacy at (888) 714-2710 or by contacting us via the information set forth at the end of this Privacy Notice. For further information concerning Nevada's telephone solicitation law, you may contact: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: aginquiries@ag.state.nv.us.

<u>For Oregon Residents</u>: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

<u>For Vermont Residents</u>: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

<u>For Virginia Residents</u>: For additional information about your Virginia privacy rights, please email privacy@fnf.com or call (888) 714-2710.

Information From Children

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do <u>not</u> collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

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FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

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Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

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By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice.

Accessing and Correcting Information; Contact Us

If you have questions or would like to correct your Personal Information, visit FNF's <u>Privacy Inquiry Website</u> or contact us by phone at (888) 714-2710, by email at privacy@fnf.com, or by mail to:

Fidelity National Financial, Inc. 601 Riverside Avenue, Jacksonville, Florida 32204 Attn: Chief Privacy Officer

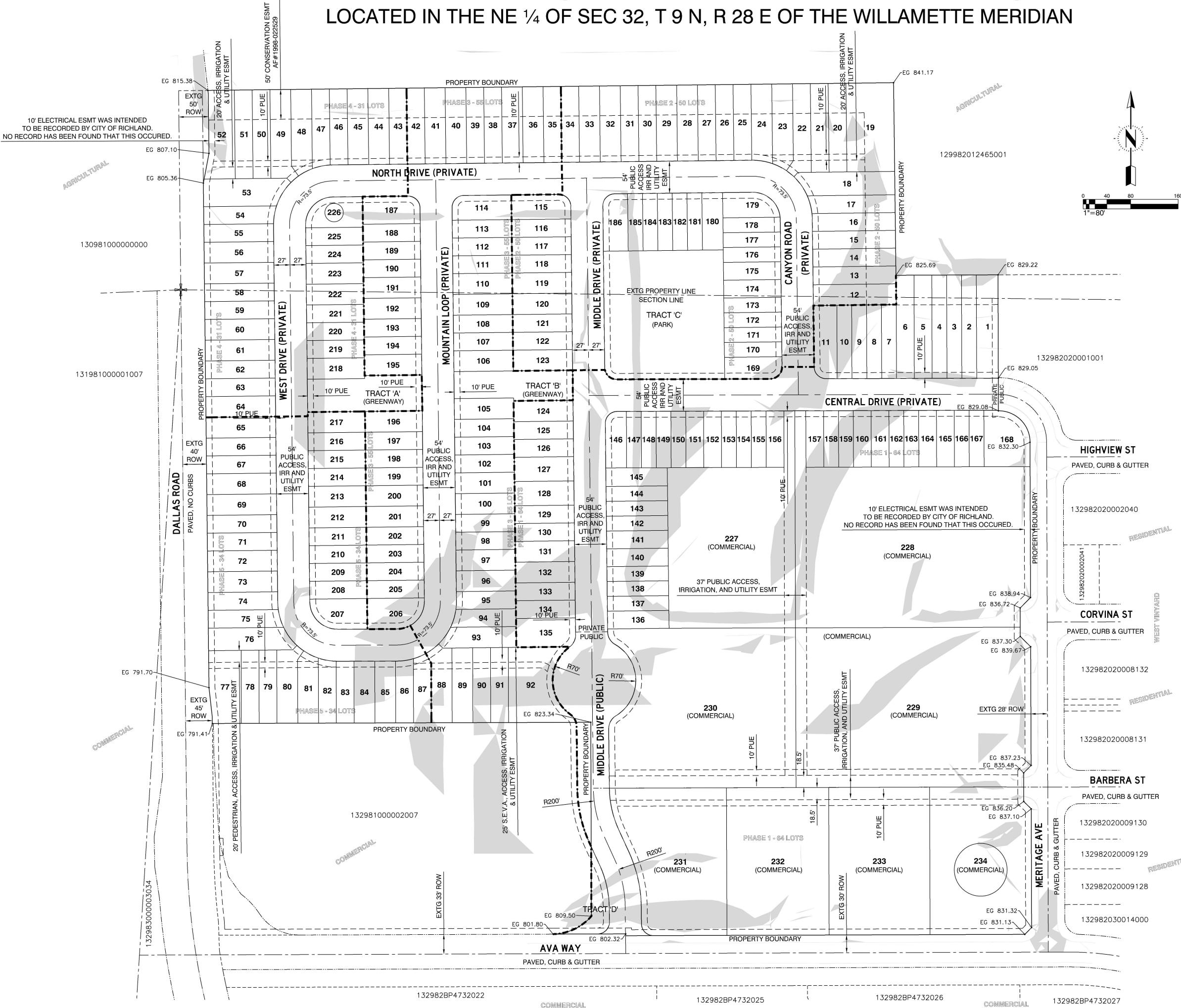


DEVELOPMENT SERVICES DEPARTMENT

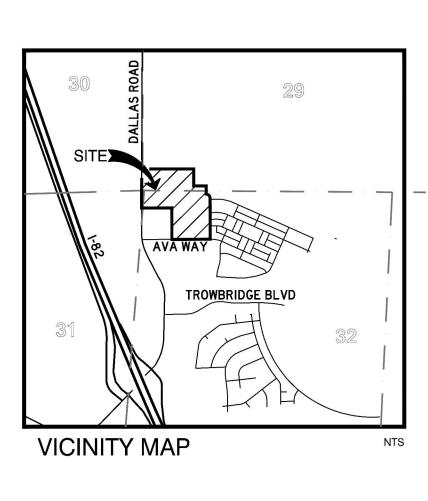
Exhibit 2

Preliminary Lot Layout





Desert Sky Preliminary Plat



SHEET INDEX PP100 PRELIMINARY PLAT OVERALL SHEET PP101 PRELIMINARY PLAT WEST HALF PP102 PRELIMINARY PLAT EAST HALF PP103 WEST DRIVE PLAN & PROFILE PP104 MOUNTAIN LOOP PLAN & PROFILE PP105 MIDDLE DRIVE PLAN & PROFILE PP106 CANYON ROAD PLAN & PROFILE PP107 NORTH DRIVE PLAN & PROFILE PP108 CENTRAL DRIVE PLAN & PROFILE PP200 PRELIMINARY UTILITY PLAN PP201 PRELIMINARY GRADING PLAN

PROPERTY AND PLAT STATISTICS

PROPERTY BOUNDARY AND TOPOGRAPHIC SURVEY PROVIDED BY AHBL INC, 2019

BASIS OF BEARING IS: NAD 83/91 HELD A BEARING OF SOUTH 89° 06' 11" WEST FOR THE SOUTH LINE OF SECTION 32

VERTICAL DATUM IS CITY OF RICHLAND 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.

TAX ID # OF SUBJECT PARCELS: 129982000001002 PORTION OF 132983000003037

OWNER North 44 Badger LLC 1908 W 39TH AVE Kennewick, WA 99337

DEVELOPER/APPLICANT North 44 Badger LLC 1908 W 39TH AVE Kennewick, WA 99337

COMPREHENSIVE PLAN DESIGNATION: **BMS - BADGER MOUNTAIN SOUTH**

LAND USE ZONING DESIGNATION: BMS-SD-CMU COMMERCIAL MIXED USE

CURRENT PROPERTY USE: MIXED USE TOTAL PROJECT AREA: 38.22 Ac PROPOSED # RESIDENTIAL LOTS: 226 AVERAGE LOT SIZE: 5,891 SF MIN LOT SIZE: 2,375 SF (LOTS 147-150, 153-155, 158, 159, 162, 163, 166 & 167) LARGEST LOT SIZE: 11,986 SF (LOT 19) RESIDENTIAL AREA: 812,095 SF / 18.64 Ac PROPOSED # COMMERCIAL LOTS: 8 COMMERCIAL AREA: 521,593 SF / 11.97 Ac R/W AREA: 36,389 SF / 0.84 Ac

ANTICIPATED TO BEGIN CONSTRUCTION EARLY 2024 AND BE COMPLETED IN MID 2025

LEGEND

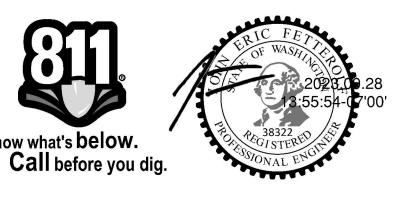
100 - LOT #

118982020000003 CO TAX ID # ADJACENT USE RESIDENTIAL

CRITICAL AREAS - SLOPES GREAT THAN 15%



Know what's below.









DEVELOPMENT SERVICES DEPARTMENT

Exhibit 3

Master Agreement Consistency Recommendation [MACR]

Badger Mountain South

Master Agreement Consistency Recommendation (MACR) Supplement to the Preliminary Plat Application for Desert Sky

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 5 phases. 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 Desert Sky

Date: September 15, 2023

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:

North 44 Badger LLC 4618 S Reed St Kennewick, WA Contact: Brad Beauchamp 509-308-6556

2. Project name:

Desert Sky

3. Project description including site size in acres:

A subdivision of 38.2 acres total area; 234 total lots including 226 Residential 55+ Lots and 8 Commercial lots created all within Badger Mountain South, lying adjacent to Ava Way and Dallas Road

4. Is phasing proposed? Please explain:

The project will be designed in 5 phases. Phasing for final plat approval will be done per the phase lines on the plans.

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

Commercial Mixed Use (BMS-CMU)

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

Neighborhoods: Badger Station (Renamed to Desert Sky)

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

- BMS-CMU-Row House (Table 2.C Note P-4)
- BMS-CMU-Commercial (Table 2.C Allowed Uses to be verified during site plan review)
- BMS-CMU-Senior Housing/Assisted Living (Table 2.C Note P-6 and P)

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

Row Houses, Commercial Buildings, Senior Housing, Assisted Living/Nursing Home as permitted in BMS-CMU per LUDR Table 2.C.

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:

<u>District Type:</u> Commercial Mixed Use (BMS-CMU)

<u>Does the requested use meet the requirements outlined in 2.C Land Use?</u> Yes

<u>Does the requested use meet the Building Type requirements outlined in 2.D Building Type?</u> 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.

<u>Does the proposed project meet the intent of the Special District development standards? Explain.</u> Yes; The BMS-CMU development can accommodate a wide variety of uses as it is intended to be a major employment center for the City of Richland and a destination for shopping, higher-level education, dining, office uses and other employment centers, Multi-family/Mixed-Use housing, Senior Housing, entertainment and recreation. Public facilities, including transit centers, may also be accommodated in this District.

Does the proposed layout meet the intent of LUDR 4.C.1? Explain

A walkable community will be achieved through sidewalks along the edge of all proposed roadways in the project. The sidewalks will provide pedestrian connectivity within the project and to the adjoining districts located on the south side of Ava Way and to the east of the site. A walkway is planned to allow for pedestrian connectivity from the townhomes to the retirement center (Lot 228). This lot is anticipated to be a community 55 and older community project. A trail network will provide pedestrian connectivity from Dallas Road through the project connecting the planned commercial areas. The trail system will be extended with the construction of Dallas Road. A series of trails within the development will be constructed that provide pedestrian connectivity from the Dallas Road to the greater Badger Mountain south area. The trails will further the walkable goals outlined in the LUDR.

Does the proposed layout meet the intent of LUDR 4.C.2? Explain

Yes; While many of the requirements in 4.C.2 will be reviewed at the Site Plan/Building Permit MACR 1 level, the developer has proposed entry monumentation into Desert Sky from Ava Way. There will be continuous sidewalk and pedestrian connections as outlined in the response to 4.C.1 above. Individual lot signage, landscaping, and architectural features will be reviewed at the Site Plan/Building Permit MACR 1 level, but common area landscaping-including the park, trail system, and walkways-will enhance the district and will comply with the requirements of the LUDR and the City of Richland.

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."

<u>Does the number of residential lots trigger additional MA Exhibit D, Green Infrastructure</u> <u>Improvements?</u> Yes No X

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 residential neighborhoods outlined in 7.D.

For information, Desert Sky will provide the following Trails, Parks, and Open Space.

Trails- 6,760 LF (including Urban Trail along Dallas per LUDR 5.H)

Parks-43,684 SF

Open Space/Greenway- 20,787 SF

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.

<u>Is a public street to be constructed?</u> Yes X No

<u>Provide separate sheet with street type and edge type(s) indicated.</u> See the proposed preliminary plat. Edge Type on private roads will be reviewed prior to permit

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. This section applies to the residential neighborhoods outlined in LUDR 7.D so it does not apply

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.

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

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. Each project will be reviewed as part of the MACR 2 process to make sure they meet the requirements and intent of 8.C.

LUDR 8.C 1 & 2- The preliminary plat identifies tracts that will be used for open space and public gathering areas. Specifically, tract C will be a community park. Tracts A & B are greenways. The Urban trail across the frontage of Dallas will eventually connect into the overall trail system for Badger Mountain South and will allow easy, safe pedestrian access to the commercial area in Veneto Villagio and Badger Station.

Individual lot design features found in 8.C will be reviewed during the Site Plan/Building Permit MACR 1 process as outlined in LUDR section 1.J

LUDR Sections 11-13 will be reviewed as part of the Site Plan Review for each individual lot

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 07/07/2023 and the approved LUDR.

Signature: Jamene gubte

Date: 09/15/2023



DEVELOPMENT SERVICES DEPARTMENT

Exhibit 4

Master Agreement Consistency Recommendation [MACD]



CITY OF RICHLAND DEVELOPMENT SERVICES DEPARTMENT 625 Swift Boulevard, MS-35 Richland, WA 99352 Telephone (509) 942-7794 Fax (509) 942-7764

CI.RICHLAND.WA.US · 509-942-7390

November 2, 2023

MASTER AGREEMENT CONSISTENCY DETERMINATION

For:Preliminary Plat Application for Desert Sky, a Badger Mountain
South Development (S2023-101)

- Applicant: Brad Beauchamp
- **Project Description**: Request to divide approximately 38.2 acres into two-hundred twenty-seven (227) residential lots, five (5) commercial lots, and three (3) tracts associated with pedestrian access or proposed park space.

Consistency Determination Type: Level 1

Master Agreement Consistency Recommendation: The Richland Planning Department received a revised Master Agreement Consistency Recommendation [MACR] from the Badger Mountain South Master Program Administrator [MPA] on September 15th, 2023.

After completing a review of the preliminary plat major amendment application of South Orchard, 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.

Sincerely,

Martala

Matthew Howie Senior Planner



DEVELOPMENT SERVICES DEPARTMENT

Exhibit 5

Planned Action Consistency Determination [PACD]



CI.RICHLAND.WA.US • 509-942-7390

November 2, 2023

PLANNED ACTION CONSISTENCY DETERMINATION

 For:
 Preliminary Plat Application for Desert Sky, a Badger Mountain

 South Development (S2023-101)

- Applicant: Brad Beauchamp
- **Project Description**: Request to divide approximately 38.2 acres into two-hundred twenty-seven (227) residential lots, five (5) commercial lots, and three (3) tracts associated with pedestrian access or proposed park space.

Master Agreement Consistency Determination: Issued November 2, 2023.

After completing the review of the preliminary plat application of South Orchard and evaluating it considering 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 Desert Sky preliminary plat meets the description for a planned action as defined in City code and that as conditioned, the project will implement applicable conditions or mitigation measures identified in RMC 19.50 (Consistency with Development Regulations and SEPA); and
- 2. The Desert Sky preliminary plat is consistent with the City of Richland Comprehensive Plan and the Badger Mountain Subarea Plan; and
- 3. The Desert Sky 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 November 2, 2023; and
- 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 Desert Sky preliminary plat; and
- 5. The Desert Sky preliminary plat is not an essential public facility, as defined in RCW 36.70A.200; and
- 6. Based on the foregoing, a SEPA threshold determination or EIS is not required; and
- 7. The following environmental mitigation conditions shall apply to the Desert Sky 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 applicant 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 applicant 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 Desert Sky.
- 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.

Sincerely

Mike Stevens, Planning Manager



DEVELOPMENT SERVICES DEPARTMENT

Exhibit 6

Copies of Agency Comments

Rodgers, Deborah (CONTR) - TERR-TRI CITIES RMHQ
Howie, Matthew
Cummings,Nicole M (BPA) - TERR-TRI CITIES RMHQ; Kinch,James L (BPA) - TERR-BELL-:
RE: [EXTERNAL] S2023-101 - 2104 Meritage Avenue - Preliminary Plat of Desert Sky
Wednesday, October 11, 2023 4:01:38 PM
image001.png

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Matthew,

Bonneville Power Administration (BPA) has had the opportunity to review 2104 Meritage Avenue -Preliminary Plat of Desert Sky. The request is to subdivide 38.2 acres into two-hundred twenty-seven (227) residential lots, eight (8) commercial lots, three (3) tracts associated with pedestrian access or proposed park space, and related infrastructure. The property is generally located at Dallas Road and Ava Way in Richland, WA.

In researching our records, we have found that this proposal will not directly impact BPA facilities approximately two (2) miles north of the subject property. BPA does not have any objections to the approval of this request at this time.

If you have any questions or need additional information, please feel free to contact Nicole Cummings at (509) 542-5499, by email at nmcummings@bpa.gov or Luke Kinch at (509) 468-3095, by email at JLKinch@bpa.gov.

Thank you for the opportunity to review this application.



eborah Rodgers

Realty Technician Contractor 2211 North Commercial Avenue, Pasco, WA 99301 Bonneville Power Administration | TERR/Tri-Cities-RMHQ Real Property Field Services |P 509.544.4749 dxrodgers@bpa.gov

From: Howie, Matthew <mhowie@ci.richland.wa.us>

Sent: Monday, October 2, 2023 9:13 AM

To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Bill Barlow <bbarlow@bft.org>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; David Billetdeaux <david@portofbenton.com>; Davis, Deanna <d.davis@bces.wa.gov>; Rodgers,Deborah (CONTR) - TERR-TRI CITIES RMHQ <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; gis@co.benton.wa.us; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jason McShane <jmcshane@kid.org>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; MAP <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Rob Rodger <rob.rodger@bentoncleanair.org>; Robin Priddy <robin.priddy@bentoncleanair.org>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; Seth DeFoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; Sean Domagalski <seand@bfhd.wa.gov>; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Planning Department <Planning.Department@co.benton.wa.us>; Quentin Wright <QWright@portofbenton.com>; Jack.howard@bfhd.wa.gov; erin.hockaday@bfhd.wa.gov

Subject: [EXTERNAL] S2023-101 - 2104 Meritage Avenue - Preliminary Plat of Desert Sky

Hello all,

Please see the attached Referral Packet for a preliminary plat application to subdivide 38.2 acres into two-hundred twenty-seven (227) residential lots, eight (8) commercial lots, three (3) tracts associated with pedestrian access or proposed park space, and related infrastructure.

Comments are due by Monday, October 16th, at 5pm PST.



Matthew Howie Senior Planner 625 Swift Blvd., MS-35 | Richland, WA 99352 (509) 942-7587

Disclaimer: Emails and attachments sent to or from the City of Richland are public records subject to release under the Washington Public Records Act, Chapter 42.56 RCW. Sender and Recipient have no expectation of privacy in emails transmitted to or from the City of Richland.

Matthew,

Addressing comments are here.

Thanks, Nichole

From: Howie, Matthew <mhowie@ci.richland.wa.us>

Sent: Monday, October 2, 2023 9:13 AM

To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Bill Barlow <bbarlow@bft.org>; Orr, Bruce <borr@ci.richland.wa.us>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAlessandro, Carlo <cdalessandro@ci.richland.wa.us>; Darrick Dietrich <darrick@basindisposal.com>; David Billetdeaux <david@portofbenton.com>; Davis, Deanna <d.davis@bces.wa.gov>; Rodgers,Deborah (CONTR) - TERR-TRI CITIES RMHQ <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; gis@co.benton.wa.us; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jason McShane <jmcshane@kid.org>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; MAP <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Rob Rodger <rob.rodger@bentoncleanair.org>; Robin Priddy <robin.priddy@bentoncleanair.org>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; Seth DeFoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@ci.richland.wa.us>; Sean Domagalski <seand@bfhd.wa.gov>; Hester, Laura <lhester@ci.richland.wa.us>; Planning Department <Planning.Department@co.benton.wa.us>; Quentin Wright < QWright@portofbenton.com>; Jack.howard@bfhd.wa.gov; erin.hockaday@bfhd.wa.gov

Subject: S2023-101 - 2104 Meritage Avenue - Preliminary Plat of Desert Sky

Hello all,

Please see the attached Referral Packet for a preliminary plat application to subdivide 38.2 acres into two-hundred twenty-seven (227) residential lots, eight (8) commercial lots, three (3) tracts associated with pedestrian access or proposed park space, and related infrastructure.

Comments are due by Monday, October 16th, at 5pm PST.



Matthew Howie Senior Planner 625 Swift Blvd., MS-35 | Richland, WA 99352 (509) 942-7587

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CITY OF RICHLAND DEVELOPMENT SERVICES 625 Swift Blvd. Richland, WA 99352 Telephone (509) 942-7794 Fax (509) 942-7764

CI.RICHLAND.WA.US · 509-942-7390

DATE: October 9, 2023

TO: Matthew Howie, Senior Planner

REVIEW BY: Nichole Westphal, Permit Technician III

PROJECT NAME: S2023-101, Desert Sky

- 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 and the City will review to determine acceptable street names.
 - a. When selecting street names for review please note that the following are not acceptable names: West Dr, North Dr, Central Dr, Mountain Lp, Middle Dr & Canyon Rd.
 - b. Please reference RMC 12.01.060 to determine acceptable street designations.
- 2. Please add addressing brackets [] on all lots and tracts.

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Mr. Howie,

KID has reviewed the subject application and finds that the development lies outside of the District boundaries. KID has no comments.

Thanks,

Brett Flippo, PLS, CFedS

Kennewick Irrigation District

From: Howie, Matthew <mhowie@ci.richland.wa.us>

Sent: Monday, October 2, 2023 9:13 AM

To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Bill Barlow <bbarlow@bft.org>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; David Billetdeaux <david@portofbenton.com>; Davis, Deanna <d.davis@bces.wa.gov>; Rodgers,Deborah (CONTR) - TERR-TRI CITIES RMHQ <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; gis@co.benton.wa.us; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jason McShane <JMcShane@kid.org>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; Development <development@kid.org>; Matthew Berglund < MBerglund@kid.org>; M. Deklyne < mjdeklyne@bpa.gov>; MAP <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Rob Rodger <rob.rodger@bentoncleanair.org>; Robin Priddy <robin.priddy@bentoncleanair.org>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; Seth Defoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; Sean Domagalski <seand@bfhd.wa.gov>; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Planning Department <Planning.Department@co.benton.wa.us>; Quentin Wright < QWright@portofbenton.com>; Jack.howard@bfhd.wa.gov; erin.hockaday@bfhd.wa.gov Subject: S2023-101 - 2104 Meritage Avenue - Preliminary Plat of Desert Sky

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Hello all,

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From:	Reathaford, Jason
То:	Howie, Matthew
Cc:	<u>Whittier, John</u>
Subject:	RE: S2023-101 - 2104 Meritage Avenue - Preliminary Plat of Desert Sky
Date:	Monday, October 16, 2023 3:52:58 PM
Attachments:	image001.png
	S2023-101 BMS - Desert Sky.doc

Comments attached. thank you

From: Howie, Matthew <mhowie@ci.richland.wa.us>

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CITY OF RICHLAND PUBLIC WORKS ENGINEERING DEVELOPMENT COMMENTS

October 16, 2023

DATE:

TO:MATTHEW HOWIE, SENIOR PLANNERPLAT REVIEW BY:JASON REATHAFORD, ENGINEERING TECH 4
PETE ROGALSKY, PUBLIC WORKS DIRECTOR
CARLO D'ALESSANDRO, TRANSPORTATION AND DEVELOPMENT
JOHN WHITTIER, CIVIL ENGINEER 1PROJECT NAME:BADGER MTN. SOUTH "DESERT SKY" PRELIMINARY PLAT (S2023-101)PROJECT LOCATION:EAST OF DALLAS ROAD, NORTH OF AVA WAY, WEST OF MERITAGE AVE.

The Public Works Engineering Division has reviewed the preliminary plat received in this office on October 2, 2023 for the above referenced property and has the following conditions.

General Conditions:

- 1. All final, approved plans for public improvements shall be submitted prior to pre-con on a 24" x 36" hardcopy format and also electronically. Addendums are not allowed, all information shall be supplied in full size (and electronic) format. 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 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 final platting.
- 2. 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.
- 3. 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. Please visit the published fee schedule 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.
- 4. Public utility infrastructure located on private property will require recording of a City standard form easement prior to final acceptance of the infrastructure. The City requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of final platting. 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.

- 5. A pre-construction conference will be required prior to the start of any work within the public rightof-way or easement. Contact the Public Works Engineering Division at 942-7500 to schedule a pre-construction conference.
- 6. The contractor and developer 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.
- 7. All plan sheets involving construction of public infrastructure shall have the stamp of a current Washington State licensed professional engineer.
- 8. A copy of the preliminary plat shall be supplied to the Post Office and all locations of future mailbox clusters approved prior to installation or final platting.

Design Standards:

- 9. 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.
- 10. 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.
- 11. If the City Fire Marshal requires a secondary emergency vehicle access (SEVA), 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. Permanent SEVA's shall be paved with 2-inches of asphalt, minimum.
 - C. 2% cross-slope, maximum.
 - D. 5% slope, maximum. Any access road steeper than 5% shall be paved or be approved by the Fire Marshal.
 - E. Be 20-feet in width.
 - F. 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.

12. <u>SURVEY MONUMENT DESTRUCTION</u>:

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) and 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:

- 13. The "Desert Sky" 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 indicates the project will create no unusual or unanticipated traffic impacts, it is exempt from the SEPA-related traffic study requirement (TIA).
- 14. The proposed roundabout at the Dallas Road / Ava Way intersection shall be constructed and completed before the addition of new trips generated by the development. This item shall be completed and accepted by the city prior to final platting of phase 1.
- 15. The entire Dallas Road frontage shall be completed to City standards no later than the development of Phase 4, which is the first phase which constructs the lots adjacent to it. The road section (curb, gutter, and illumination) shall be constructed to the city's standard "minor arterial" road section. The improvements shall include the LUDR Edge Type B, which incorporates the urban trail on the east side of Dallas Road. These frontage improvements will include a taper back to the county's two-lane section beginning where the City limit line crosses Dallas Road.
- 16. The Ava Way frontage shall be completed to LUDR standards with the phase the develops lots adjacent to Ava Way and "Middle Drive". These improvements will include pavement striping of Ava Way across the project frontage.
- 17. Pursuant to Richland Municipal Code Section 12.10.030, all private roadways shall be designed to a city standard as directed by the Public Works Director. This includes any roadways constructed internally for the commercial parcels.
- 18. The proposed alignment of the public portion of "Middle Drive" places a portion of the road corridor on property not owned by the applicant. The applicant shall obtain the necessary property rights from the adjacent parcel and include it in the Middle Drive right-of-way dedication at the time of final platting.
- 19. Several of the private roadway centerlines are shown with radii less than 100-feet. City standards require a minimum centerline curve of 100-feet.

- 20. The transition points between public and private streets shall be delineated with a cement concrete driveway approved by the City Engineer.
- 21. Per Richland Municipal Code Chapter 12.01.040 and 12.01.070, the shared driveways as proposed in this pre-plat shall be built to city standards.
- 22. The "cul-de-sac" feature on Middle Drive shall be removed from the design.
- 23. The existing curb returns on the west legs of both the Corvina-Meritage and Barbera-Meritage intersections shall be removed at the time of plat construction. They shall be replaced with city standard commercial driveways.
- 24. The existing access points onto Ava Way are acceptable for this project, but any proposed changes will be subject to approval by the City Engineer.
- 25. A note will be shown on the face of the final plat stating that Dallas Road is classified as an "Arterial street" and Ava Way is classified as a "Collector street". Subsequently, no driveways will be allowed directly onto them.
- 26. 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, HOA tracts, etc.).
- 27. 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.
- 28. The developer and their engineer shall demonstrate on the construction plans that all future driveway entrances, sidewalks and pedestrian ramps will meet City and ADA requirements, and also provide adequate separation between driveways and/or pedestrian ramp transitions; provided that the Public Works Director shall have discretion and authority to adopt and implement an updated design standard, authorizing curb modifications or combining depressed driveway access points for adjacent lots without a transition up to normal sidewalk in between so as to facilitate a final design that provides an adequate number of on-street parking spaces. The driveway density for this narrow lot development is unlikely to provide adequate on-street parking. It is recommended that the City's narrow street section (26-foot width face of curb to face of curb) be used which prohibits on-street parking and provides off-street parking lot(s) within the development for the displaced spaces.
- 29. A pedestrian access easement is shown crossing Lots 77 through 81. This easement overlays an access easement that will be used as a driveway for these lots. The pedestrian easement element of this easement shall be relocated to a mid-block location along West Drive, likely between lots 64 and 65. The pedestrian easement width should be no less than 15 feet. This path connection shall connect to the urban trail on Dallas Road.
- 30. Street names are not reviewed or vested until construction plans are submitted for review. The street names included on the pre-plat are not approved at this time.
- 31. Show city standard vision-clearance triangles 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.

- 32. Any roadways 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.
- 33. All roads shall be constructed to provide for adequate fire truck & solid waste collection truck access & turnaround movements.
- 34. 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:

- 35. The proposed preliminary plat is located within both the Tapteal III and IV water pressure zones. It shall be the responsibility of the developer to extend the appropriate watermain to and through this property to serve domestic water at the time of plat construction. These water mains shall be sized to adequately supply domestic water and fire flows to the proposed development.
- 36. Any grading operations that take place near or over the top of the existing 20-inch domestic water main shall ensure that adequate cover remains over the water main so as to protect it from breakage, or freezing, or service interruption. It shall be the responsibility of the developer to reinstall any water mains that have too little (or too much) cover over them as a result of grading operations, or that will result in this water main being less than ten feet from a building footprint. This water main needs to be within a roadway whenever possible. The existing main shall be exposed and surveyed at multiple locations as part of the grading permit application process.
- 37. No dead end water pipelines will be allowed, except as approved by the City Engineer..
- 38. In accordance with municipal code chapter 18.34.030, domestic water mains shall be extended to the adjoining properties adjacent to the preliminary plat, provided they are in the correct pressure zone.
- 39. 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.
- 40. The fire hydrant layout shall be approved by the City Fire Marshal.
- 41. 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:

42. 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.

43. Sanitary sewer shall be extended to the adjoining properties adjacent to the preliminary plat, where appropriate.

Storm Water:

- 44. 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. The project will require detailed erosion control plans.
- 45. All public storm drainage collection 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.
- 46. Comment applies to commercial property: The proposed storm drainage and grading of all areas within the proposed development shall be shown on the plans (most grading and drainage plans must be prepared by a licensed civil engineer). If site contains at least 1,000 sq.ft. of new asphalt, and/or contains 30% or more impervious surfaces, storm drainage calculations from a licensed civil engineer are required. Stormwater shall be kept on-site (on the developing property that generated it). Stormwater shall not be flowed onto adjacent properties, or to the public Right-of-Way, without first obtaining written permission.
- 47. Comment applies to commercial property: The private on-site storm drainage system shall be designed 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". Calculations shall be stamped by a registered professional Civil Engineer. The applicant's design shall provide runoff protection to downstream property owners.
- 48. 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.
- 49. 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").

- 50. Any proposed storm drainage retention facilities within the boundary of the proposed preliminary plat shall not adversely affect neighboring properties.
- 51. 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.
- 52. The amount of post-development storm runoff from the proposed site shall be in compliance with RMC Chapter 16.06.
- 53. 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.
- 54. 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.
- 55. 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.

Final Platting / Project Acceptance Requirements:

- 56. 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.
- 57. 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.

- 58. 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.
- 59. Ten-foot wide public utility easements will be required on the final plat along both sides of all right-of-ways and road corridors within the proposed plat. They will also be required where the plat is adjacent to an existing right-of-way.
- 60. 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. 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.
- 61. The final plat shall include notes identifying all common areas including any private streets and tracts and assigning the ownership and maintenance responsibility. A note shall be added to the face of the final plat that states: "The private roads are for the use and benefit of the property owners that abut said roads, and are to be maintained by the owners. The City of Richland accepts no maintenance responsibility for private roads".
- 62. 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*." All restricted parking areas shall be indicated on the final plats.
- 63. All landscaped areas within the plat that are in the public Right of Way shall be the responsibility of the property owners to maintain.
- 64. A one-foot "No access / screening easement" will be required along both the Dallas Road and Ava Way Right of Ways.
- 65. The intended use and ownership of all tracts within the plat shall be noted on the final plat.
- 66. Property with an unpaid L.I.D. assessment towards it must be paid in full or segregated per Richland Municipal Code 3.12.095.

From:	Prilucik, Jacob
То:	Howie, Matthew
Subject:	RE: [EXTERNAL] S2023-101 - 2104 Meritage Avenue - Preliminary Plat of Desert Sky
Date:	Monday, October 16, 2023 2:22:36 PM
Attachments:	image001.png
	Richland S2023-101 - 2104 Meritage Avenue.pdf

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Matthew,

WSDOT's comment letter regarding the subject proposal is attached. Let me know if you have any questions, thanks.

Jacob Prilucik Office: (509) 577-1635 – <u>prilucj@wsdot.wa.gov</u> Cell: (509) 225-0637

From: Howie, Matthew <mhowie@ci.richland.wa.us>

Sent: Monday, October 2, 2023 9:13 AM

To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Bill Barlow <bbarlow@bft.org>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; David Billetdeaux <david@portofbenton.com>; Davis, Deanna <d.davis@bces.wa.gov>; Rodgers,Deborah (CONTR) - TERR-TRI CITIES RMHQ <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; gis@co.benton.wa.us; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jason McShane <jmcshane@kid.org>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Cooper, Kelly (DOH) <Kelly.Cooper@DOH.WA.GOV>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; MAP <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Gonseth, Paul <GonsetP@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Rob Rodger <rob.rodger@bentoncleanair.org>; Robin Priddy <robin.priddy@bentoncleanair.org>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; Seth DeFoe <SDefoe@kid.org>; WSDOT SC Planning Mailbox <SCPlanning@WSDOT.WA.GOV>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@Cl.RICHLAND.WA.US>; Sean Domagalski <seand@bfhd.wa.gov>; Hester, Laura < lhester@CI.RICHLAND.WA.US>; Planning Department <Planning.Department@co.benton.wa.us>; Quentin Wright <QWright@portofbenton.com>; Jack.howard@bfhd.wa.gov; erin.hockaday@bfhd.wa.gov Subject: [EXTERNAL] S2023-101 - 2104 Meritage Avenue - Preliminary Plat of Desert Sky

Hello all,

Please see the attached Referral Packet for a preliminary plat application to subdivide 38.2 acres into two-hundred twenty-seven (227) residential lots, eight (8) commercial lots, three (3) tracts associated with pedestrian access or proposed park space, and related infrastructure.

Comments are due by Monday, October 16th, at 5pm PST.



Matthew Howie Senior Planner 625 Swift Blvd., MS-35 | Richland, WA 99352 (509) 942-7587

Disclaimer: Emails and attachments sent to or from the City of Richland are public records subject to release under the Washington Public Records Act, Chapter 42.56 RCW. Sender and Recipient have no expectation of privacy in emails transmitted to or from the City of Richland.



South Central Region 2809 Rudkin Road Union Gap, WA 98903-1648 509-577-1600 / FAX: 509-577-1603 TTY: 1-800-833-6388 www.wsdot.wa.gov

October 16, 2023

City of Richland 625 Swift Boulevard Richland, WA 99352

Attn: Matthew Howie, Senior Planner

RE: S2023-101 – 2104 Meritage Avenue I-82 Exit 104 (Dallas Rd) vicinity – Badger Mountain South subarea

We have reviewed the preliminary plat and have the following comments.

- The subject property is in the vicinity of Interstate 82 (I-82) and the Dallas Road (Exit 104) interchange and within the Badger Mountain South (BMS) subarea. I-82, including the interchange, is a fully-controlled limited access facility, Highway of Statewide Significance (HSS), and part of the National Highway System (NHS). It is to the benefit of the city, county, and state to preserve this interchange's safety and efficiency.
- We acknowledge the plat condition that requires the proponent to implement the mitigation measures identified in the latest project traffic impact analysis (TIA). WSDOT reviewed and concurred with this TIA in our letter to the city dated March 17, 2022. Of particular concern to the department are the impacts and necessary improvements to the Exit 104 ramp terminals. As outlined in the study, the developer is required to construct a traffic signal or roundabout at both ramp terminals by the year 2025. We strongly urge the city and developer to not underestimate the time and effort involved in gaining approval for projects on the Interstate system. In order to avoid any potential delays, the developer must begin coordinating these project with WSDOT at this time. It is also important to note, all work must follow current WSDOT and FHWA design documentation and approval processes and the state's preferred alternative for intersection control is the roundabout.

Thank you for the opportunity to review and comment on this proposal. If you have any questions regarding this letter, please contact me at (509) 577-1635.

Sincerely,

Jacob Prilucik Development Services Manager

cc: SR 82, File #2023_013

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Hello Matthew,

Ziply has conduit stubbing up running along the north side of Ave and the east side of Dallas Rd.

Sorry this is late.

Thank you,

Katherine Cichy OSP Engineer 509-410-5035 <u>Katherine.cichy@ziply.com</u>



From: Howie, Matthew <mhowie@ci.richland.wa.us>

Sent: Monday, October 2, 2023 9:13 AM

To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Bill Barlow <bbarlow@bft.org>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; David Billetdeaux <david@portofbenton.com>; Davis, Deanna <d.davis@bces.wa.gov>; Rodgers,Deborah (CONTR) - TERR-TRI CITIES RMHQ <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; gis@co.benton.wa.us; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jason McShane <jmcshane@kid.org>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Cichy, Katherine <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; MAP <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Tovey, Michael <michael.tovey@ziply.com>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Rob Rodger <rob.rodger@bentoncleanair.org>; Robin Priddy <robin.priddy@bentoncleanair.org>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; Seth DeFoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; Sean Domagalski <seand@bfhd.wa.gov>; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Planning Department <Planning.Department@co.benton.wa.us>; Quentin Wright <QWright@portofbenton.com>; Jack.howard@bfhd.wa.gov; erin.hockaday@bfhd.wa.gov

Subject: S2023-101 - 2104 Meritage Avenue - Preliminary Plat of Desert Sky

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Hello all,

Please see the attached Referral Packet for a preliminary plat application to subdivide 38.2 acres into two-hundred twenty-seven (227) residential lots, eight (8) commercial lots, three (3) tracts associated with pedestrian access or proposed park space, and related infrastructure.

Comments are due by Monday, October 16th, at 5pm PST.



Matthew Howie Senior Planner 625 Swift Blvd., MS-35 | Richland, WA 99352 (509) 942-7587

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DEVELOPMENT SERVICES DEPARTMENT

Exhibit 7

Copies of Agency Comments



CITY OF RICHLAND NOTICE OF APPLICATION & PUBLIC HEARING (S2023-101)

Notice is hereby given that Brad Beauchamp has filed preliminary plat application to subdivide a 38.2-acre site, with two-hundred twenty-seven (227) residential lots, eight (8) commercial lots, three (3) tracts associated with pedestrian access or proposed park space, and related infrastructure (Preliminary Plat of Desert Sky). The project site is at the northwestern terminus of Meritage Avenue, north of Ava Way and east of Dallas Road near Badger Mountain. The parcel is roughly in the shape of the letter "L" rotated 180-degrees with approximately 725-feet of frontage along Dallas Road, 740-feet of frontage on Ava Way, and 890 feet fronting Meritage Avenue (APNs (APNs: 1-29982000001002 & 1-32983000003037).

The Richland Hearings Examiner will conduct a public hearing and review of the application at 6:00 p.m., Monday, November 13th, 2023 at City Hall in Council Chambers. Interested parties are also invited to participate virtually by visiting the City of Richland website (<u>www.ci.richland.wa.us</u>).

Environmental Review: A Supplemental Final Environmental Impact Statement was completed for this site at the time the City adopted the subarea plan for the Badger Mountain South area in 2010. The property was annexed and the City adopted a Planned Action Ordinance (RMC 19.50). 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/process. 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).

Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Matthew Howie, Senior Planner, 625 Swift Boulevard, MS-35, Richland, WA 99352. Comments may emailed to <u>mhowie@ci.richland.wa.us</u>. The deadline for written comments is 6:00 p.m., Monday, November 13th. However, written comments must be received no later than 5:00 p.m. on Monday, October 16th to be incorporated into the Staff Report. Comments received after that time will be entered into the record during the hearing.

The application will be reviewed in accordance with the regulations in RMC Title 23 Zoning, Title 19 Development Regulations Administration and Title 24 Plats and Subdivisions. Appeal procedures of decisions related to the above referenced applications 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.

Vicinity Map

Item: Desert Sky 2104 Meritage Ave Applicant: Brad Beauchamp File #: S2023-101



1	
2	AFFIDAVIT OF MAILING
3	
4	STATE OF WASHINGTON)) ss.
5	COUNTY OF BENTON)
6	COMES NOW, Jodi Hogan, who, being first duly sworn upon oath deposes and says:
7	 I am an employee in the Planning Division of the Development Services Department for the City of Richland. On the 2nd day of October 2023, I mailed a copy of the attached NOTICE OF PUBLIC
8	HEARING (S2023-101) to the attached list of individuals via regular USPS on the date indicated above. The Richland Hearing Examiner will conduct a public hearing and review of the application
9 10	on Monday, November 13, 2023.
11	Signed Jodi Hogan
12	Signed vedi riegan v
13	SIGNED AND SWORN to before me this 2 nd day of October 2023 by Jodi Hogan.
14	$\left(\begin{array}{c} a \\ b \end{array}\right)$
15	Notary Public in and for the State of Washington,
16 17	Notary Public Carly Kirkpatrick State of Washington Print Name Print Name
18	CARLY KIRKPATRICK LICENSE # 210539
19	Residing at Benton County
20	My appointment expires: Oct. Co. 2027
21	
22	AFFIDAVIT OF MAILING
23	Address list attached.
24	
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Notary Public State of Washington CARLY KIRK PATRICK LICENSE # 210339 MY COMMISSION EXPIRES OCTOBER 5, 2027 ù h <u>س</u>لا

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2	AFFIDAVIT OF POSTING
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4	STATE OF WASHINGTON)) ss.
5	COUNTY OF BENTON)
6	COMES NOW, Matthew Howie, who, being first duly sworn upon oath deposes and says:
7	1. I am an employee in the Planning Division of the Development Services Department
8	 for the City of Richland. On the 29th day of September 2023, I posted the attached NOTICE OF PUBLIC
9	HEARING, File Number S2023-101 (Preliminary Plat for Desert Sky) in the following locations:
10	The northwestern terminus of Meritage Avenue 1,100 feet north of the Dallas Road/Ava Way intersection to the east of
11	Dallas Road
12	Signed: Matthew Howie
13	
14	SIGNED AND SWORN to before me this 2 nd day of October, 2023, by Matthew Howie.
15	
16	Signature of Notary
17	Notary Public State of Washington
18	LICENSE # 210539 MY COMMISSION EXPIRES
19	OCTOBER 6, 2027 Notary Public in and for the State of Washington, Residing in Ben-fon County
20	My appointment expires: 0.4 6.2027
21	
22 23	
23	AFFIDAVIT OF POSTING (Master File #: S2023-101)
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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	474313	Print Legal Ad-IPL01421840 - IPL0142184	HE PHN S2023-101	\$185.16	1	63 L

Attention: Jennifer Anderson

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

janderson@ci.richland.wa.us

CITY OF RICHLAND NOTICE OF APPLICATION, PUBLIC HEARING AND OPTIONAL DNS

Date Notice Issued: October 8, 2023, per WAC 197-11-340(2) File #: S2023-101 Proponent: Brad Beauchamp

Proposal: Preliminary plat application to subdivide a 38.2-acre site, with two-hundred twenty-seven (227) residential lots, eight (8) commercial lots, three (3) tracts associated with pedestrian access or proposed park space, and related infrastructure (Preliminary Plat of Desert Sky).

Location of Proposal(s): The project site is at the northwestern terminus of Meritage Avenue, north of Ava Way and east of Dallas Road near Badger Mountain. The parcel is roughly in the shape of the letter "L" rotated 180 degrees with approximately 725 feet of frontage along Dallas Road, 740 feet of frontage on Ava Way, and 890 feet fronting Meritage Avenue (APNs: 1-298200001002 & 1-32983000003037).

The Richland Hearing Examiner will conduct a public hearing and review of the application on Monday, November 13, 2023 at 6:00 p.m. in the Richland City Council Chambers, 625 Swift Boulevard. All interested parties are invited to attend and present testimony at the public hearing or visit the City of Richland's website at www.ci.richland.wa.us and join via Zoom.

Public Comments Due: The deadline for written comments is 6:00 p.m. on Monday, November 13, 2023. However, written comments must be received no later than 5:00 p.m. on Monday, October 16, 2023, to be incorporated into the Staff Report. Comments received after that time will be entered into the record during the hearing.

Contact: Matthew Howie, Senior Planner 625 Switt Boulevard, MS-35 Richland, WA 99352 mhowie @ci.richland.wa.us Date Published: Sunday, October 8, 2023 IPL0142184 Oct 8 2023

COUNTY OF BENTON)

SS

STATE OF WASHINGTON)

Stefani Beard, 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 10/08/2023, and ending on 10/08/2023 and that said newspaper was regularly distributed to its subscribers during all of this period.

1 insertion(s) published on: 10/08/23

Stefani Beard

(Signature of Legals Clerk)

Sworn to and subscribed before me this 10th day of October in the year of 2023

Stephanie Hatcher

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



STEPHANIE HATCHER My Notary ID # 133534406 Expires January 14, 2026

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



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	474313	Print Legal Ad-IPL01421840 - IPL0142184	HE PHN S2023-101	\$185.16	1	63 L

Attention: (company)

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

janderson@ci.richland.wa.us

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Proposal: Preliminary plat application to subdivide a 38.2-acre site, with two-hundred twenty-seven (227) residential lots, eight (8) commercial lots, three (3) tracts associated with pedestrian access or proposed park space, and related infrastructure (Preliminary Plat of Desert Sky).

Location of Proposal(s): The project site is at the northwestern terminus of Meritage Avenue, north of Ava Way and east of Dallas Road near Badger Mountain. The parcel is roughly in the shape of the letter "L" rotated 180 degrees with approximately 725 feet of frontage along Dallas Road, 740 feet of frontage on Ava Way, and 890 feet fronting Meritage Avenue (APNs: 1-2998200001002 & 1-3298300000337).

The Richland Hearing Examiner will conduct a public hearing and review of the application on Monday, November 13, 2023 at 6:00 p.m. in the Richland City Council Chambers, 625 Swift Boulevard. All interested parties are invited to attend and present testimony at the public hearing or visit the City of Richland's website at www.ci.richland.wa.us and join via Zoom.

Public Comments Due: The deadline for written comments is 6:00 p.m. on Monday, November 13, 2023. However, written comments must be received no later than 5:00 p.m. on Monday, October 16, 2023, to be incorporated into the Staff Report. Comments received after that time will be entered into the record during the hearing.

Contact: Matthew Howie, Senior Planner 625 Swift Boulevard, MS-35 Richland, WA 99352 mhowie @ci richland.wa.us Date Published: Sunday, October 8, 2023 IPL0142184 Oct 8 2023

COUNTY OF BENTON)

STATE OF WASHINGTON)

Stefani Beard, 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 10/08/2023, and ending on 10/08/2023 and that said newspaper was regularly distributed to its subscribers during all of this period.

SS

1 insertion(s) published on: 10/08/23

Stefani Beard

(Signature of Legals Clerk)

Sworn to and subscribed before me this 10th day of October in the year of 2023

Stephanie Hatcher

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



STEPHANIE HATCHER My Notary ID # 133534406 Expires January 14, 2026

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



DEVELOPMENT SERVICES DEPARTMENT

Exhibit 8

Public Comments

From:	Ben Brink
То:	Howie, Matthew
Subject:	Desert Sky Plat application 2023-101
Date:	Monday, October 16, 2023 2:30:25 PM

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Senior Planner Howie,

I want to provide written input on the planned land use known as Desert Sky. I live in the area on Barbera Strret and Meritage Avenue and received the mailer for public comments. Please forgive my ignorance in how to do this, because I've never been involved or responded to a project or process like this before. I just want to share my concerns and perspective over a couple of things.

Overall, I really like and appreciate this land use by the developer. As you noted, it meets environmental standards and the LUDR. Even if it's gated and private, it still has public access points and it has greenspaces too. It checks a lot of boxes for sure.

My HOA, at West Vinyard, requires a 5 foot fence (if you choose to build one) so I would like to see that standard continued to match the neighboring properties, HOA, and our community. I did see where there were going to be block walls put up so that is nice.

Secondly, in the adjoining West Vinyard community the sidewalks are set back from the street to allow safe walking and travel. That should continue to be part of this land use and project so that it matches the neighboring community. It is a safety enhancement and it adds greenery and beauty to the neighborhood. Many children live and play in and around Ava Way and Meritage Avenue.

Thirdly, and this is my real concern, is the development of commercial lots on Meritage Avenue from Avay Way to High View Drive. I understand the commercial lots facing Ava Way to the south, yes, that makes sense and meets the LUDR. Ava Way is the main thoroughfare through our neighborhood. It gives easy in/out access and the current street configuration accommodates it. Thank you for that!

Putting commercial lots against Meritage Avenue does not blend well and creates noise pollution, light pollution, sound pollution, increased commercial traffic, and that eastern point of the project area in which housing would be the better option to meet the West Vinyard and area LUDR. As I noted, there are many children who live on or near this area and use Meritage Avenue walking and biking. Meritage Avenue was not meant to be a primary traveling point in our neighborhood as evidenced by it's current size. Commercial property should be facing Dallas Road on the east side not off Meritage Avenue to the west. Dallas Roadis a busy road and is already being considered for expansion to help the flow of traffic. Why would the builder put commercial lots at the back of the property in a residential neighborhood rather than up close to more public and community access points? Frankly, the higher value property lots are back on Meritage Avenue where there are views of Rattlesnake, Badger Canyon, and Candy Mountains. Homes should be built where the four large commercial lots are planned to blend the communities and follow the LUDR's. Commercial lots at the west, on Dallas Road, keep noise/light/traffic pollution at a minimum and gives more public access to meet those needs. Neighborhood safety is important.

Please consider my comments as a contiguous neighborhood keeping housing together and commercial together but closer to public access. Having commercial access off Meritage Avenue doesn't make sound or financial sense. As said earlier, this is a solid platting; however, the community needs to be blended and continue with existing and established HOA

expectations Thank you ror your consideration! Ben Brink West Vinyard community member

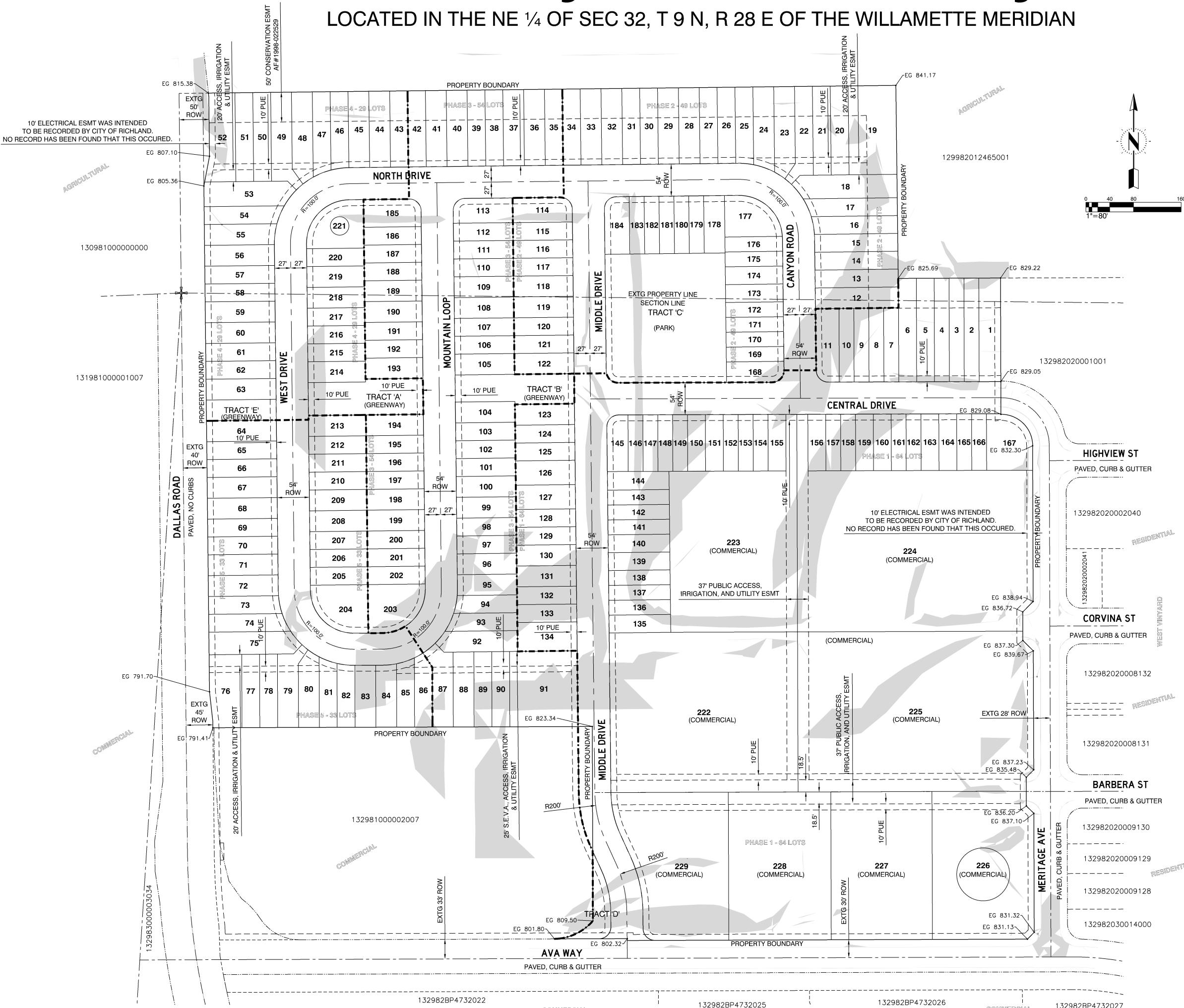


DEVELOPMENT SERVICES DEPARTMENT

Exhibit 9

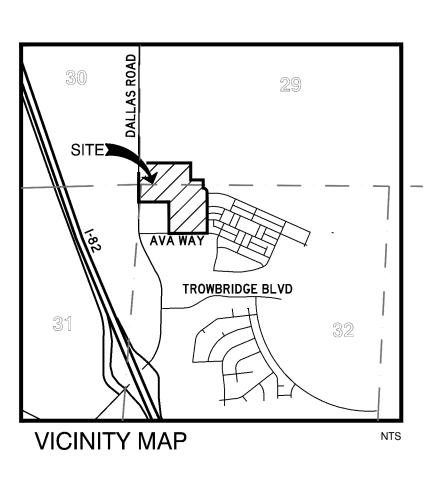
Revised Preliminary Plat Drawings





Desert Sky Preliminary Plat

132982BP4732027



SHEET INDEX PP100 PRELIMINARY PLAT OVERALL SHEET PP101 PRELIMINARY PLAT WEST HALF PP102 PRELIMINARY PLAT EAST HALF PP103 WEST DRIVE PLAN & PROFILE PP104 MOUNTAIN LOOP PLAN & PROFILE PP105 MIDDLE DRIVE PLAN & PROFILE PP106 CANYON ROAD PLAN & PROFILE PP107 NORTH DRIVE PLAN & PROFILE PP108 CENTRAL DRIVE PLAN & PROFILE PP200 PRELIMINARY UTILITY PLAN PP201 PRELIMINARY GRADING PLAN

PROPERTY AND PLAT STATISTICS

PROPERTY BOUNDARY AND TOPOGRAPHIC SURVEY PROVIDED BY AHBL INC, 2019

BASIS OF BEARING IS: NAD 83/91 HELD A BEARING OF SOUTH 89° 06' 11" WEST FOR THE SOUTH LINE OF SECTION 32

VERTICAL DATUM IS CITY OF RICHLAND 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.

TAX ID # OF SUBJECT PARCELS: 129982000001002 PORTION OF 132983000003037

OWNER North 44 Badger LLC 1908 W 39TH AVE Kennewick, WA 99337

DEVELOPER/APPLICANT North 44 Badger LLC 1908 W 39TH AVE Kennewick, WA 99337

COMPREHENSIVE PLAN DESIGNATION: **BMS - BADGER MOUNTAIN SOUTH**

LAND USE ZONING DESIGNATION: BMS-SD-CMU COMMERCIAL MIXED USE

CURRENT PROPERTY USE: MIXED USE TOTAL PROJECT AREA: 38.22 Ac PROPOSED # RESIDENTIAL LOTS: 221 AVERAGE LOT SIZE: 5,852 SF MIN LOT SIZE: 2,375 SF (LOTS 146-149, 152-154, 157, 158, 161, 162, 165 & 166) LARGEST LOT SIZE: 14,478 SF (LOT 91) RESIDENTIAL AREA: 814,065 SF / 18.69 Ac PROPOSED # COMMERCIAL LOTS: 8 COMMERCIAL AREA: 521,593 SF / 11.97 Ac R/W AREA: 252,044 SF / 5.79 Ac

ANTICIPATED TO BEGIN CONSTRUCTION EARLY 2024 AND BE COMPLETED IN MID 2025

LEGEND

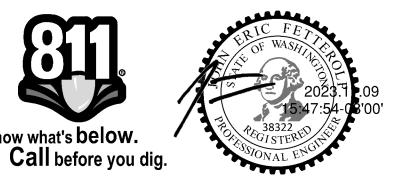
99 - LOT #

118982020000003 CO TAX ID # ADJACENT USE REŜIDENTIAL

CRITICAL AREAS - SLOPES GREAT THAN 15%



Know what's **below**.



Drawn by: DAK

Checked by: JEF

JF Eng. Job #

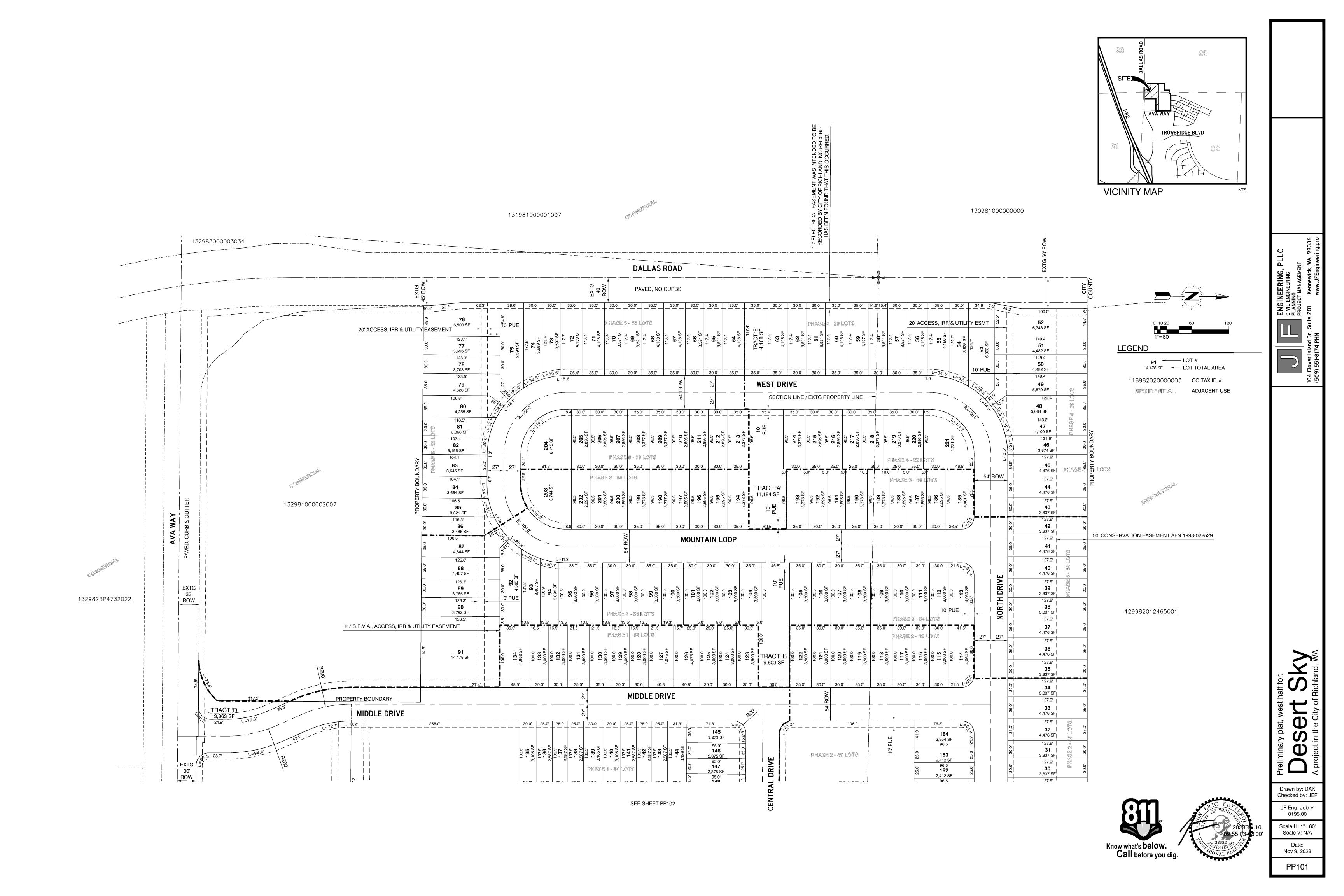
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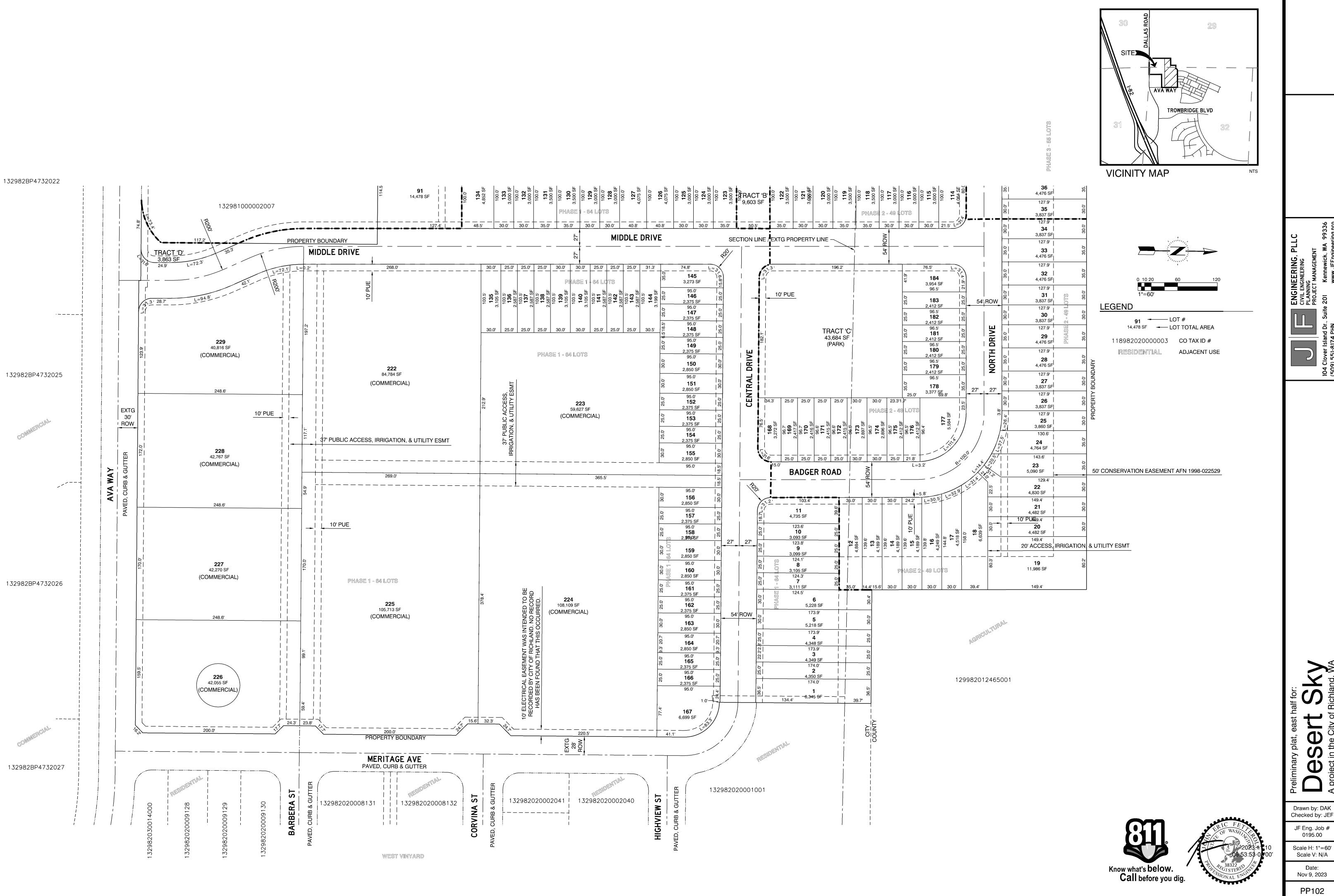
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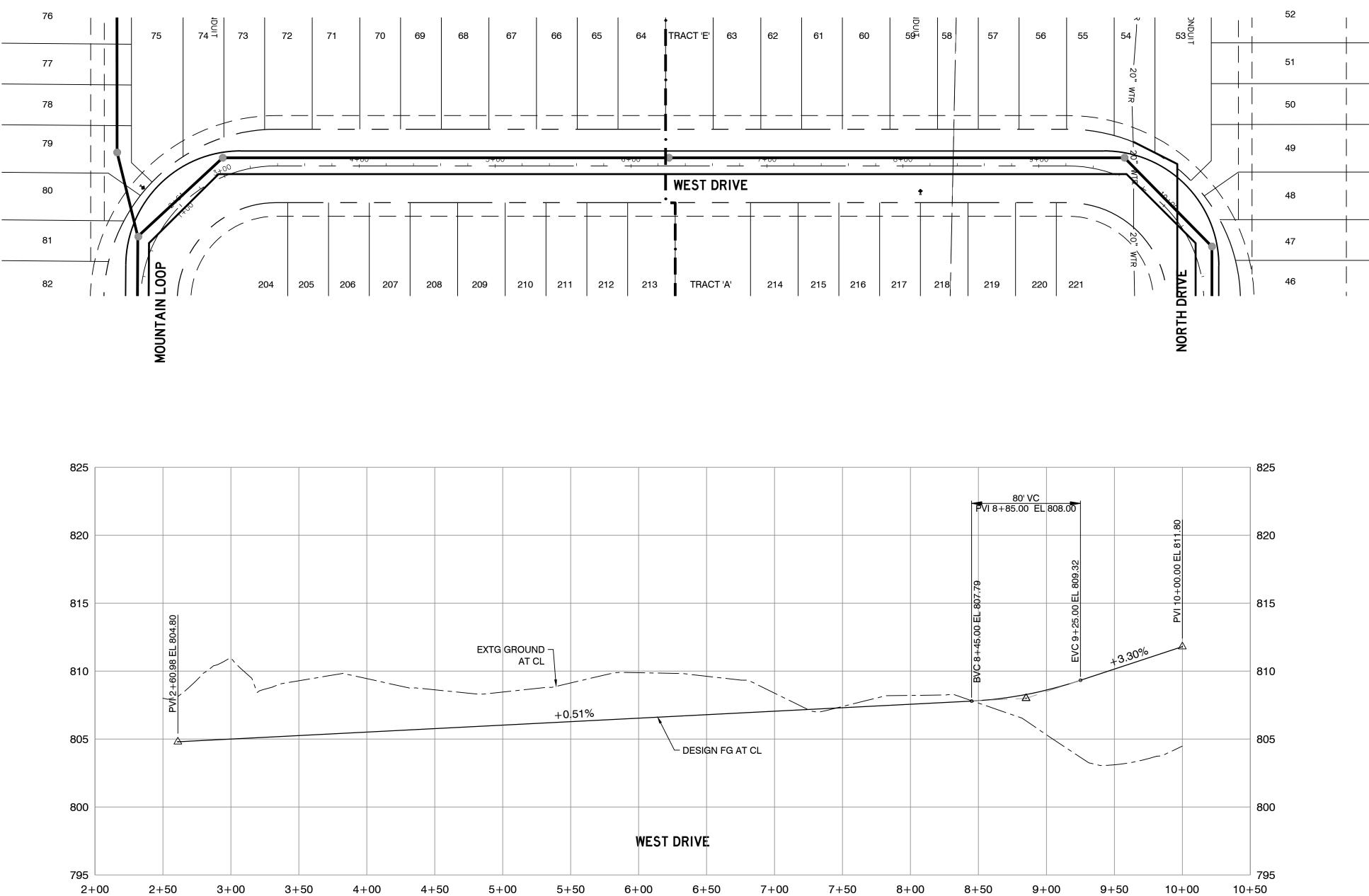
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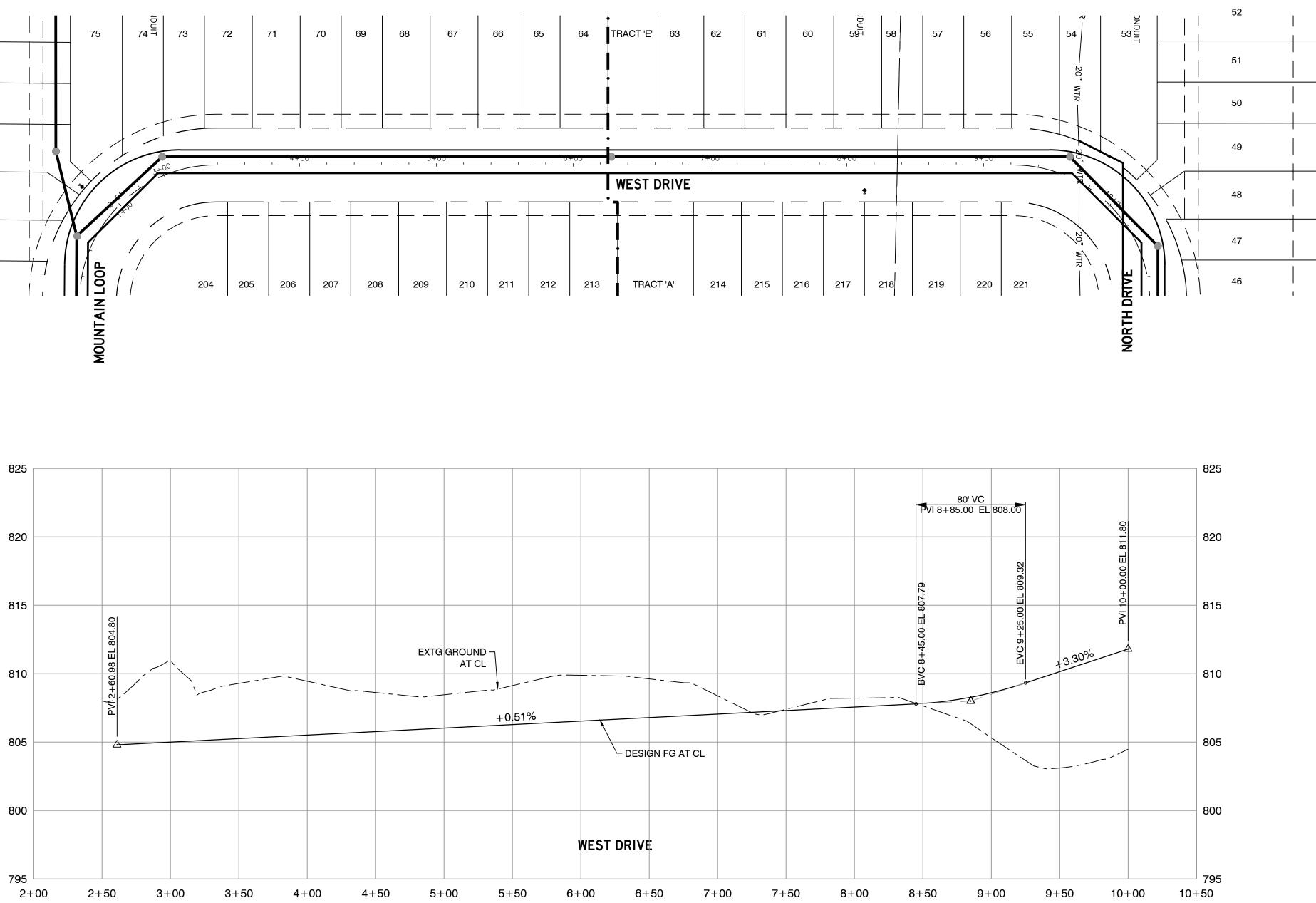
Date: Nov 9, 2023

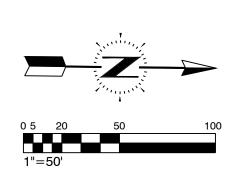
PP100











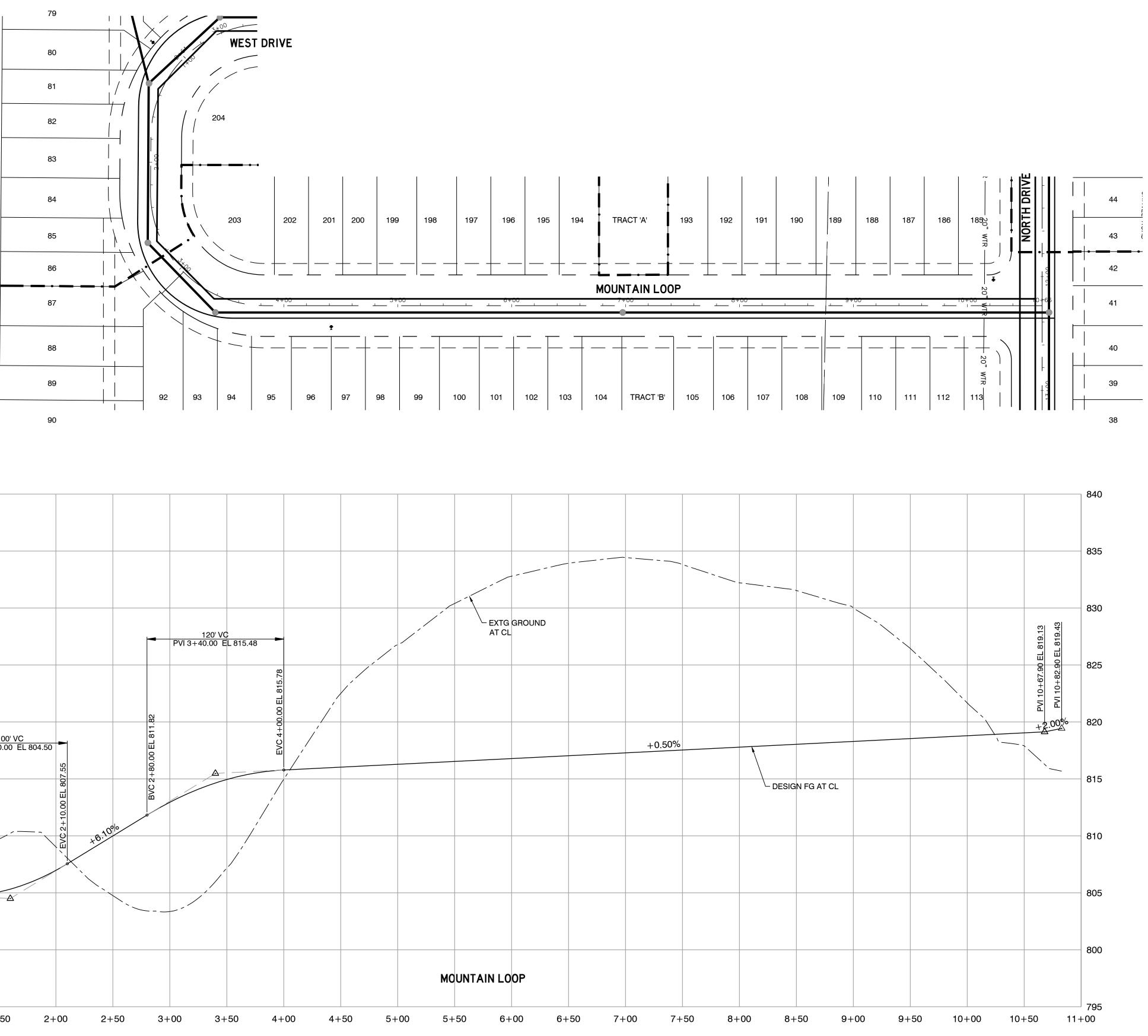


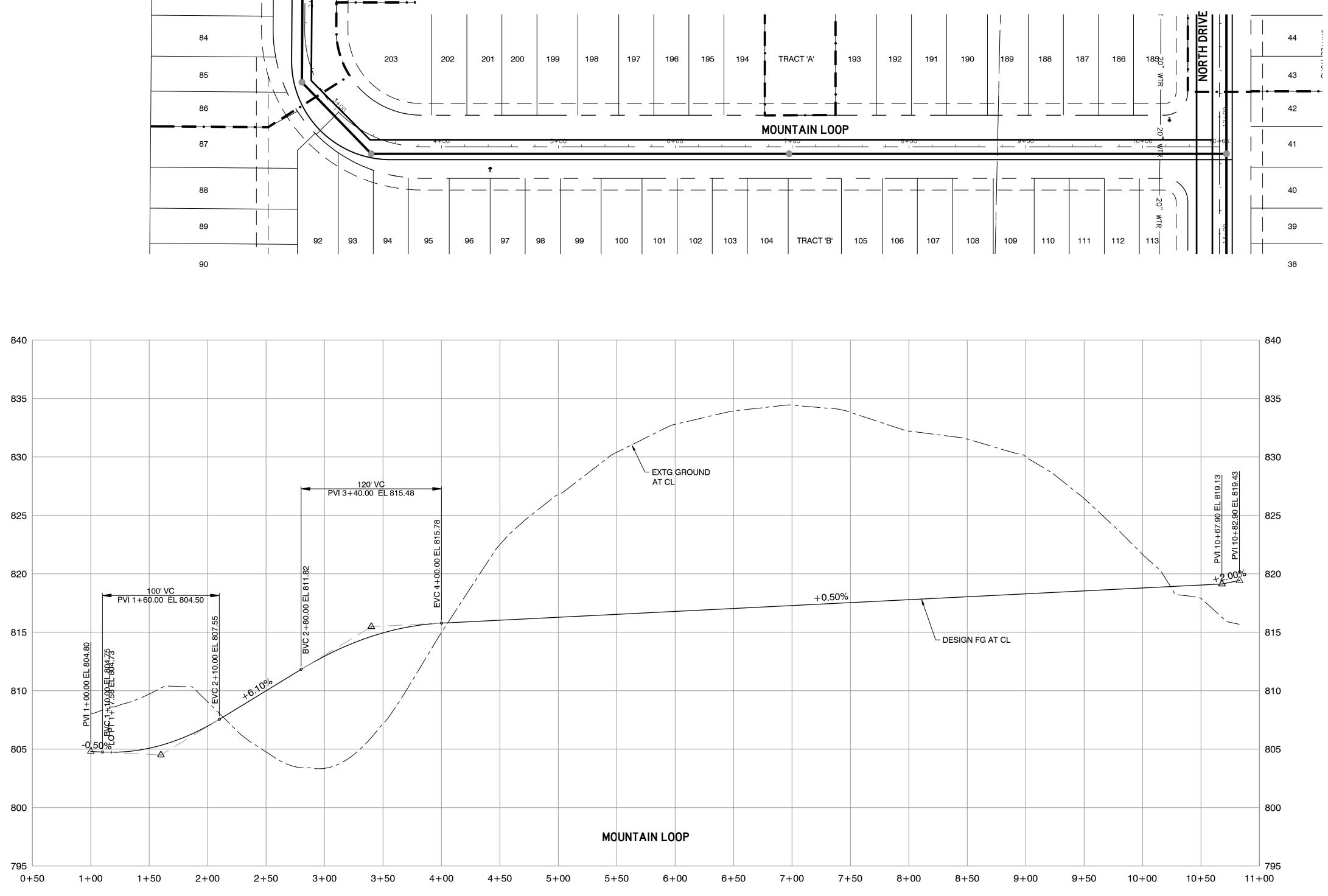


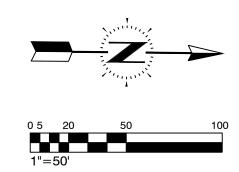














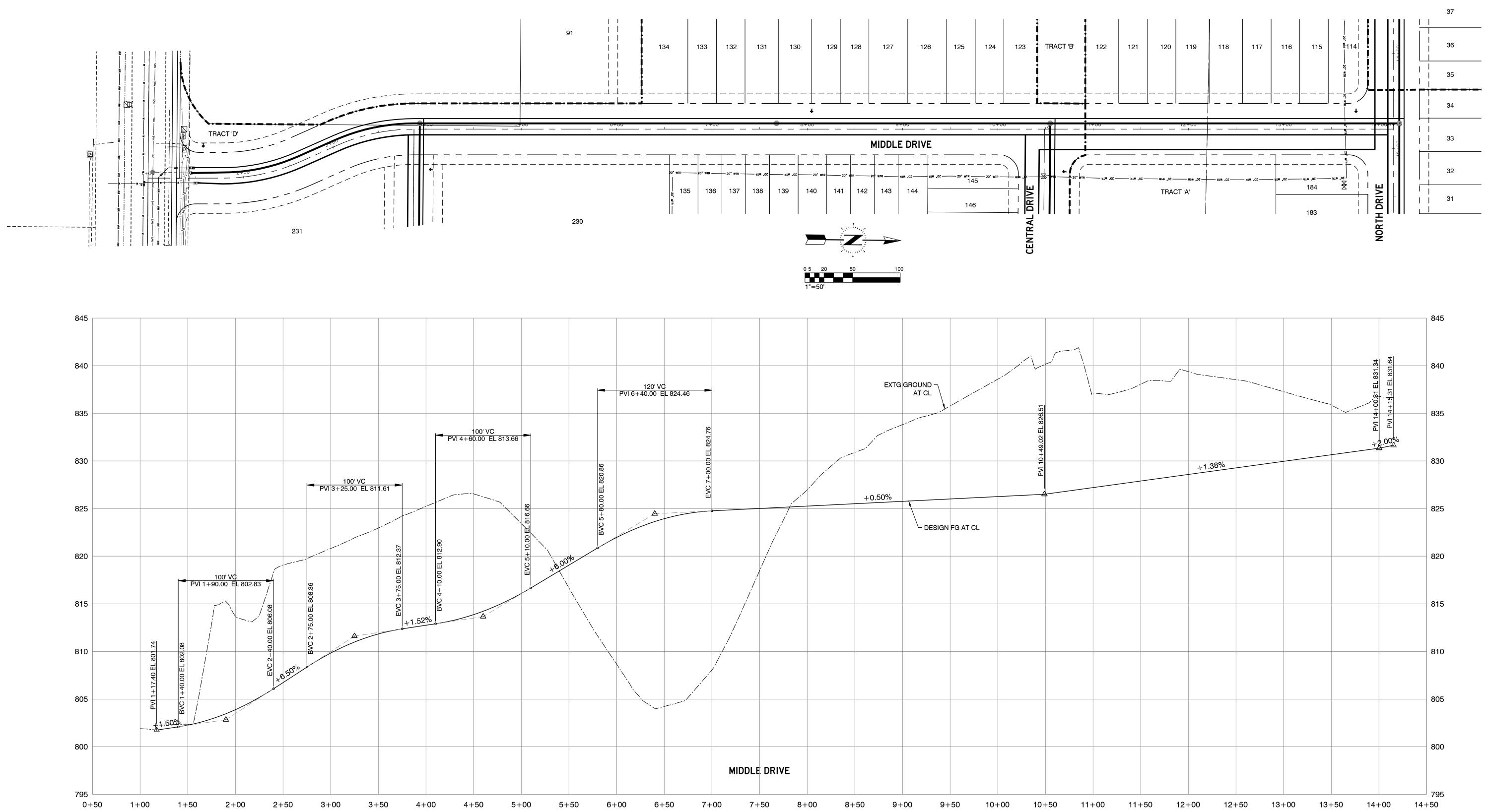


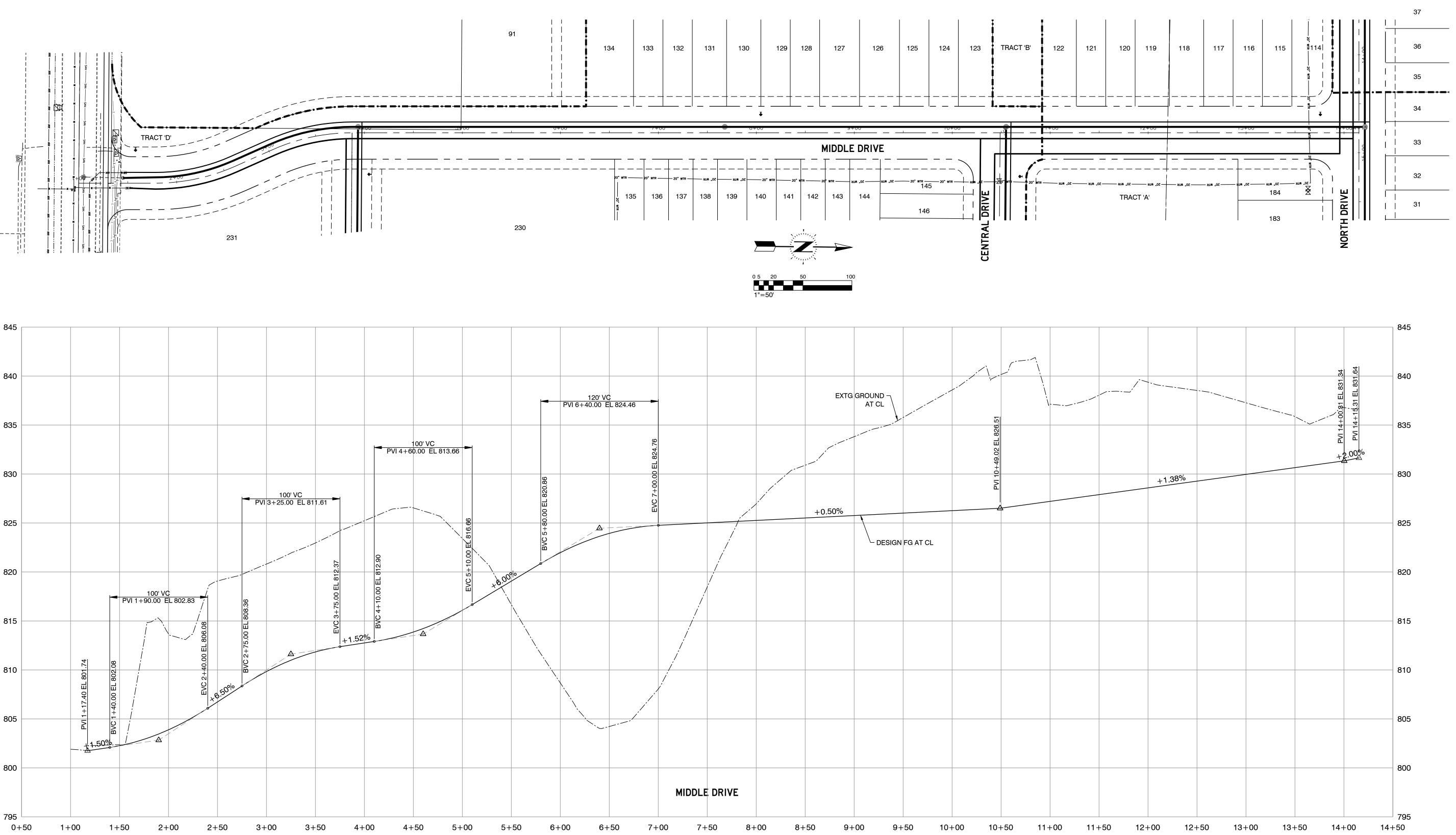
ENGINEERING, PLLC CIVIL ENGINEERING PLANNING PROJECT MANAGEMENT	Kennewick, WA 99336 www.JFEngineering.pro
	104 Clover Island Dr., Suite 201 (509) 551-8174 PHN
\bigcap	104 Clover Island Dr. (509) 551-8174 PHN

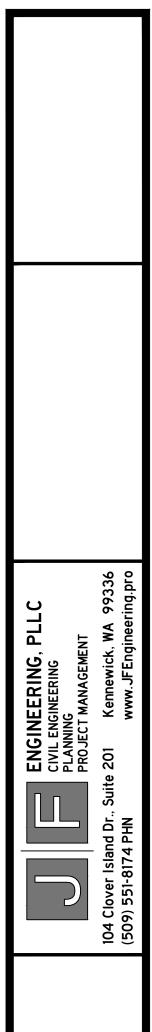


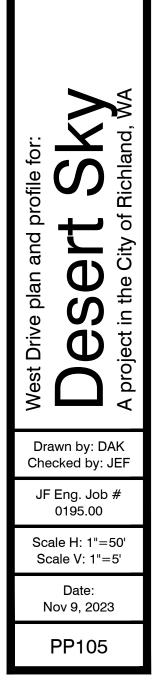


Know what's **below. Call** before you dig.



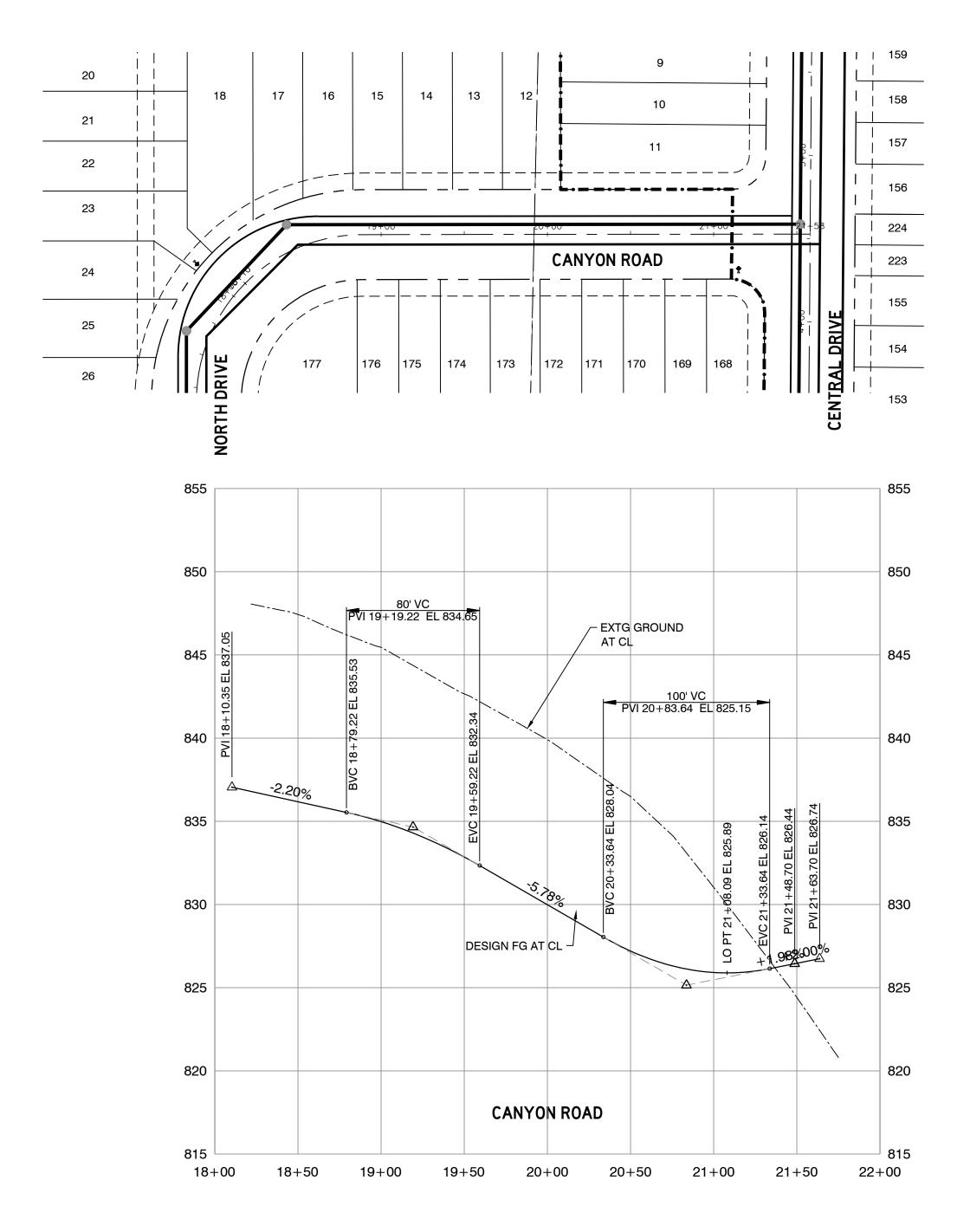


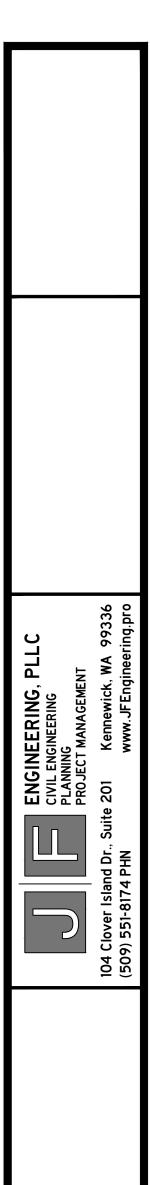




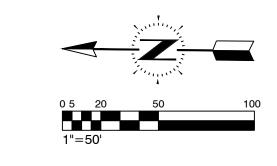






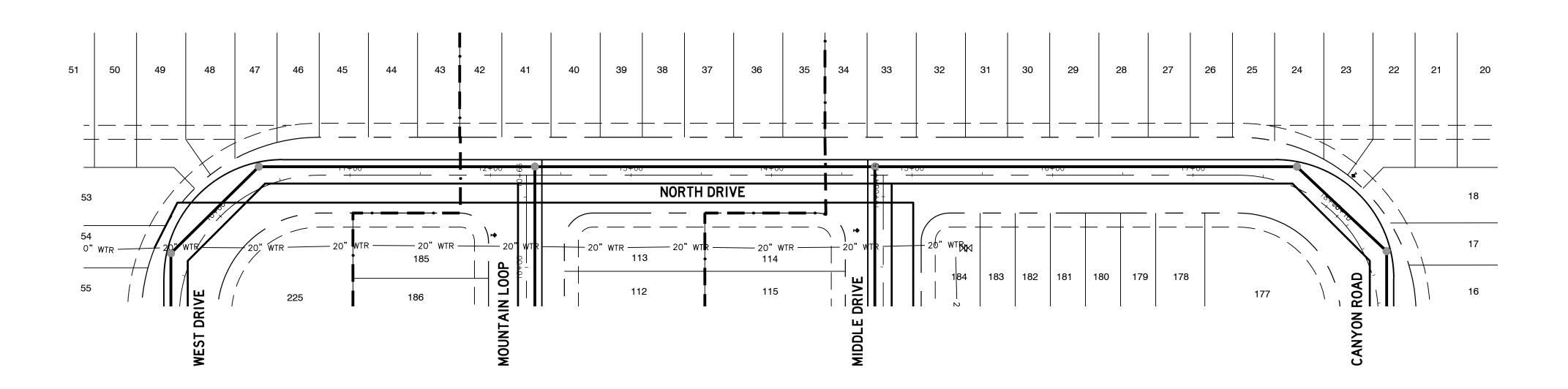


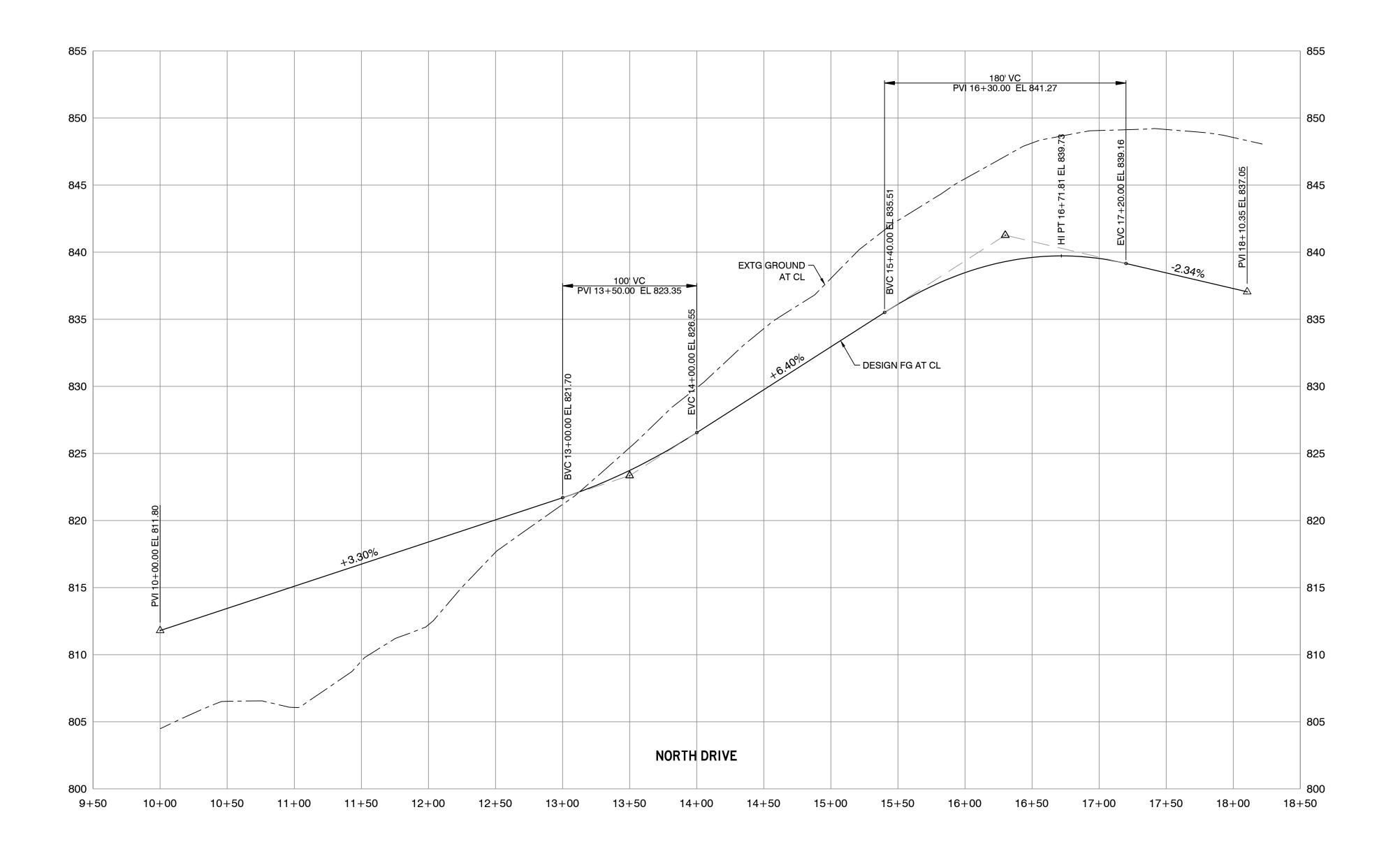


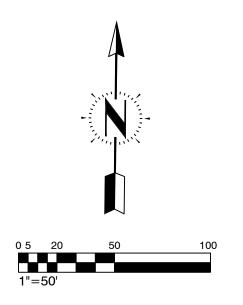




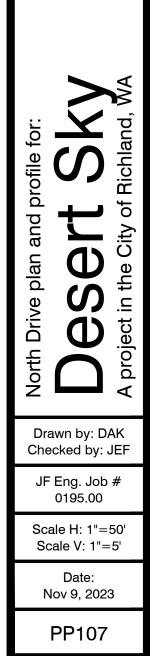
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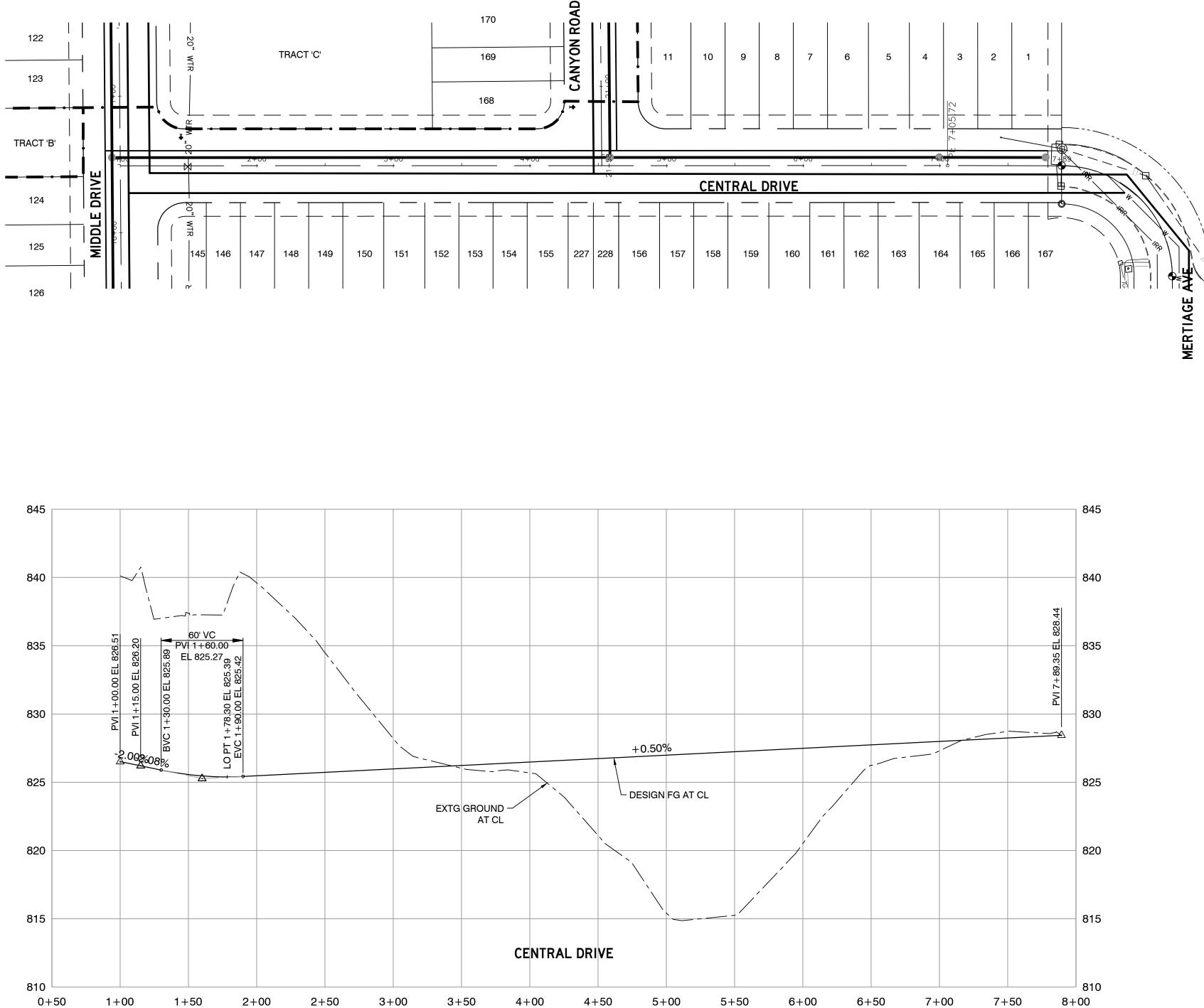


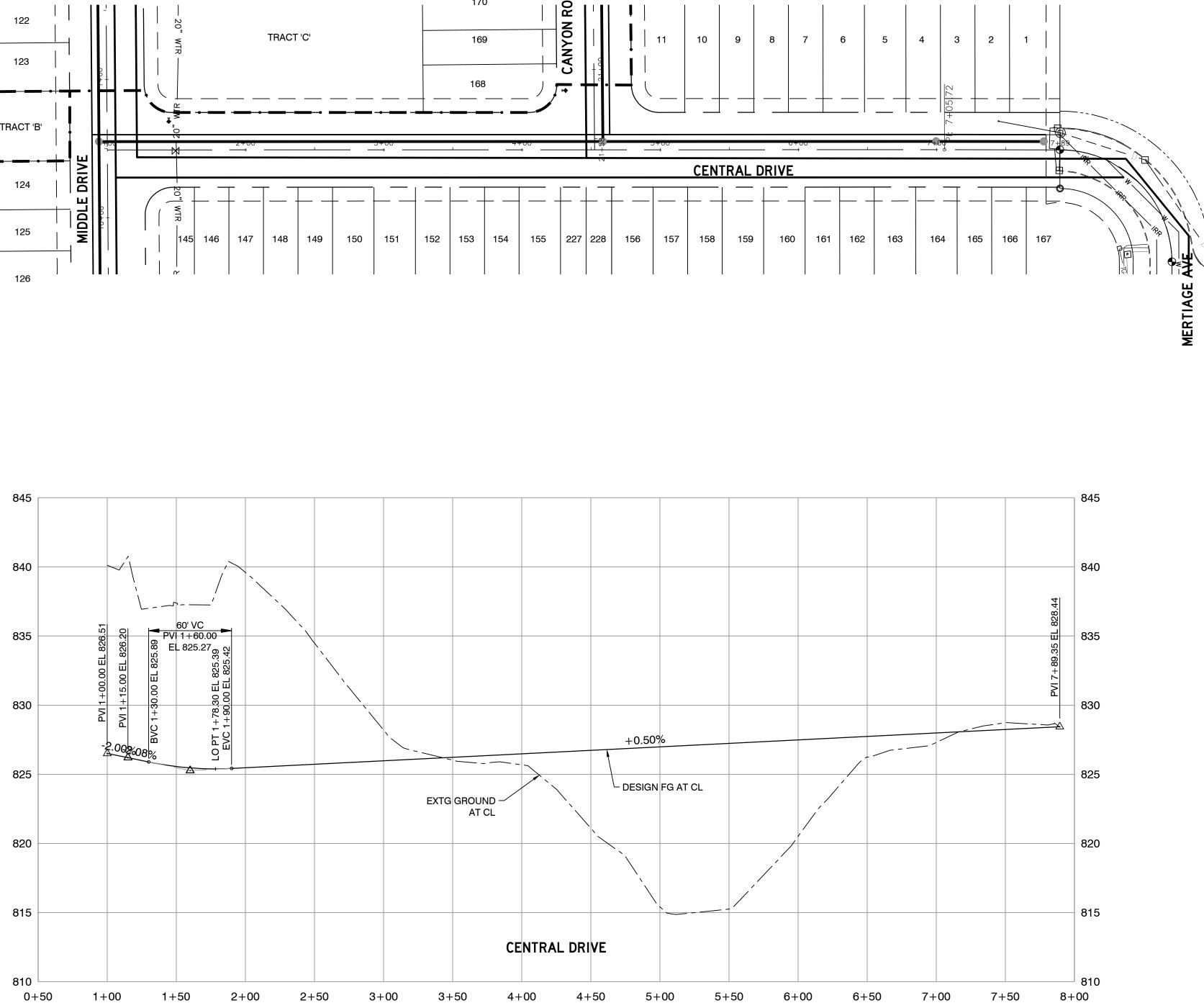


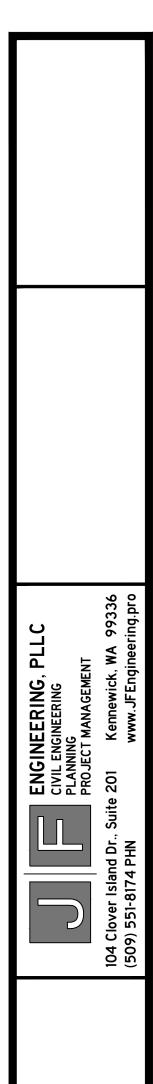


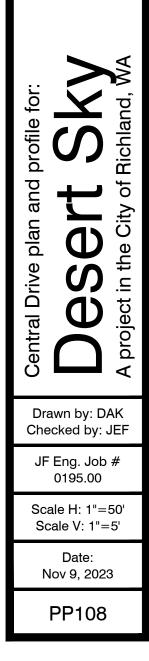


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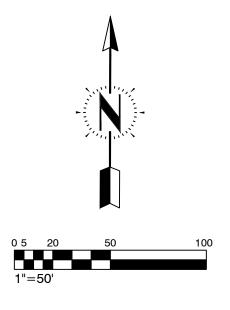


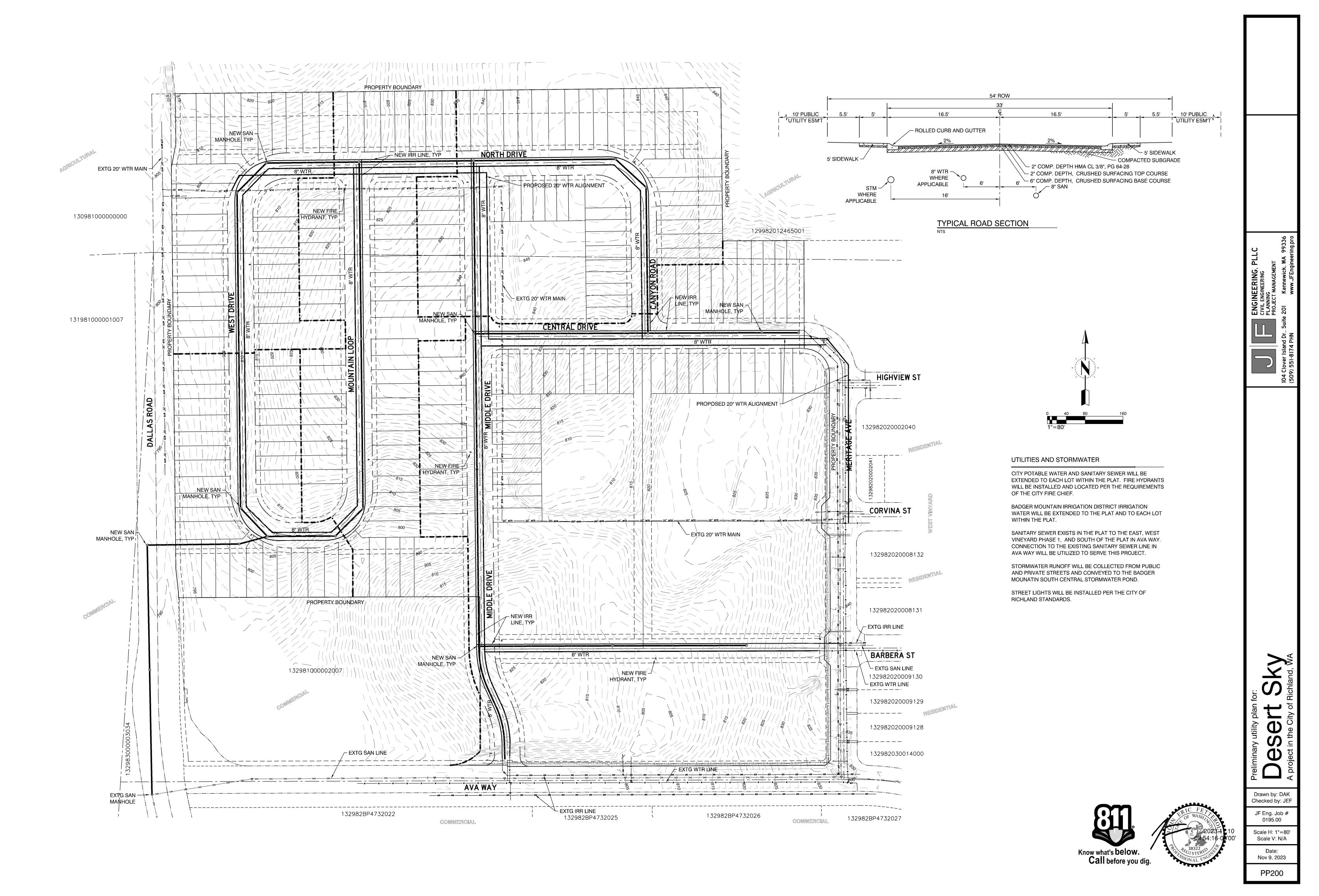


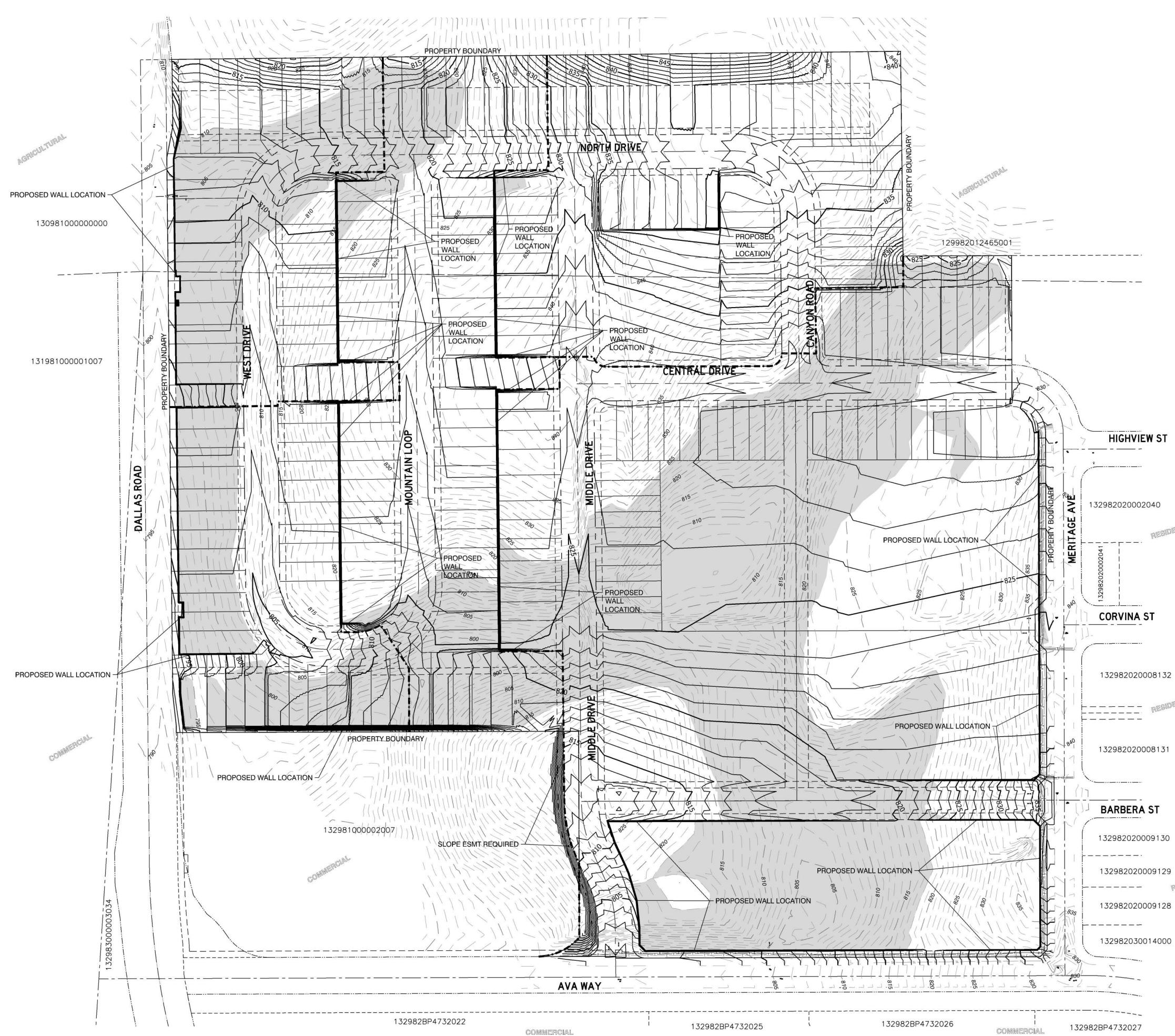
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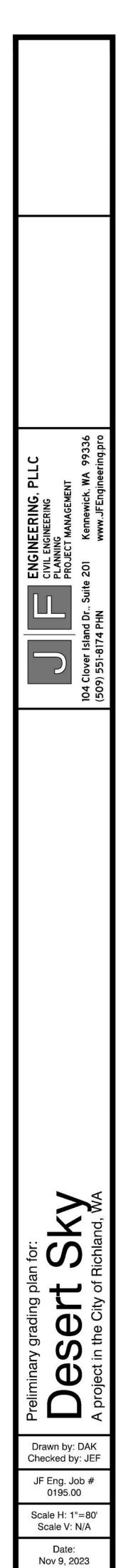
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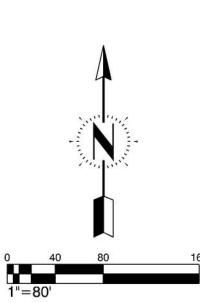
Know what's **below. Call** before you dig.











SEPERATE PERMIT REQUIRED FOR GRADING ACTIVITIES

GRADING QUANTITIES EXCAVATION 243,879 C.Y.

EMBANKMENT 203,276 C.Y.

REPRESENTS GREATER THAN 2.0' OF FILL

REQUIRED. COMPACTION TESTING AND CERTIFICATION REQUIRED.

SHADING LEGEND

DESIL



Know what's **below. Call** before you dig.



PP201



DEVELOPMENT SERVICES DEPARTMENT

Exhibit 10

Updated City and Agency Comments

North 44

4618 S Reed

Kennewick, WA 99337

Brad Beauchamp

Ben Harris

509-308-6556

12/4/2023

RE: RE: S2023-102 2104 Meritage Ave – Preliminary Plat of Desert Sky

To Whom It May Concern,

We received the updated comments from the City of Richland and the Public Works Department for Desert Sky. We accept these conditions and request that the city informs the Hearing Examiner we do not need the requested 2 weeks for review.

Brad Beauchamp Member

Date: 12-4-23

Brad Beauchamp 509-308-6556 Email: bmbdevelopment@yahoo.com



RE: S2023-102 2104 Meritage Ave – Preliminary Plat of Desert Sky

Brad,

Per the Richland Hearing Examiner November 13, 2023, Planning Staff was directed to recirculate your modified preliminary plat maps from earlier that week amongst prior reviewers for an additional round of comments. After circulating the documents amongst reviewers for a second time, comments were received by City of Richland and Benton County Public Works Departments. See those comments immediately following this letter.

Staff spoke with the Richland Hearing Examiner, Gary McLean Friday, December 1st, 2023. The Hearing Examiner has granted you until Monday, December 18th, 2023 to respond to Staff and Agency comments. If you desire additional time, you can request it in writing to me and the Hearing Examiner can grant you additional time to respond.

I understand from our prior correspondence that there are ongoing discussions between you and the property owner to the west in regards to the alignment of Middle Drive. I would ask that you discuss any and all information on that conversation with the Hearing Examiner along with how you would choose to handle the alignment of Middle Drive if it needs to be moved east.

Thank you,

MARCAR

Matthew Howie 509-942-7587 mhowie@ci.richland.wa.us

CITY OF RICHLAND PUBLIC WORKS ENGINEERING DEVELOPMENT COMMENTS

DATE: November 28, 2023

TO: MATTHEW HOWIE, SENIOR PLANNER

REVISED

PLAT REVIEW BY: JASON REATHAFORD, ENGINEERING TECH 4 PETE ROGALSKY, PUBLIC WORKS DIRECTOR CARLO D'ALESSANDRO, TRANSPORTATION AND DEVELOPMENT JOHN WHITTIER, CIVIL ENGINEER 1 PROJECT NAME: BADGER MTN. SOUTH "DESERT SKY" PRELIMINARY PLAT (S2023-101),

PROJECT LOCATION: EAST OF DALLAS ROAD, NORTH OF AVA WAY, WEST OF MERITAGE AVE.

The Public Works Engineering Division has reviewed the preliminary plat received in this office on November 14, 2023 for the above referenced property and has the following conditions.

General Conditions:

- 1. All final, approved plans for public improvements shall be submitted prior to pre-con on a 24" x 36" hardcopy format and also electronically. Addendums are not allowed, all information shall be supplied in full size (and electronic) format. 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 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 final platting.
- 2. 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.
- 3. 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. Please visit the published fee schedule 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.
- 4. Public utility infrastructure located on private property will require recording of a City standard form easement prior to final acceptance of the infrastructure. The City requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of final platting. 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.

- 5. A pre-construction conference will be required prior to the start of any work within the public rightof-way or easement. Contact the Public Works Engineering Division at 942-7500 to schedule a pre-construction conference.
- 6. The contractor and developer 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.
- 7. All plan sheets involving construction of public infrastructure shall have the stamp of a current Washington State licensed professional engineer.
- 8. A copy of the preliminary plat shall be supplied to the Post Office and all locations of future mailbox clusters approved prior to installation or final platting.

Design Standards:

- 9. 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.
- 10. 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.
- 11. If the City Fire Marshal requires a secondary emergency vehicle access (SEVA), 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. Permanent SEVA's shall be paved with 2-inches of asphalt, minimum.
 - C. 2% cross-slope, maximum.
 - D. 5% slope, maximum. Any access road steeper than 5% shall be paved or be approved by the Fire Marshal.
 - E. Be 20-feet in width.
 - F. 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.

12. 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) and 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:

- 13. The "Desert Sky" 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 indicates the project will create no unusual or unanticipated traffic impacts, it is exempt from the SEPA-related traffic study requirement (TIA).
- 14. The proposed roundabout at the Dallas Road / Ava Way intersection shall be constructed and completed before the addition of new trips generated by the development. This item shall be completed and accepted by the city prior to final platting of phase 1.
- 15. The entire Dallas Road frontage shall be completed to City standards no later than the development of Phase 4, which is the first phase which constructs the lots adjacent to it. The road section (curb, gutter, and illumination) shall be constructed to the city's standard "minor arterial" road section. The improvements shall include the LUDR Edge Type B, which incorporates the urban trail on the east side of Dallas Road. These frontage improvements will include a taper back to the county's two-lane section beginning where the City limit line crosses Dallas Road.
- 16. The Ava Way frontage shall be completed to LUDR standards with the phase the develops lots adjacent to Ava Way and "Middle Drive". These improvements will include pavement striping of Ava Way across the project frontage.
- 17. A note shall be shown on the face of the final plat stating that Dallas Road is classified as an "Arterial street" and Ava Way is classified as a "Collector street". Subsequently, no driveways will be allowed directly onto them. The only exception would be a shared driveway off of Ava Way between lots 227 and 228. This driveway shall line up with the existing driveway on the South side of Ava Way.

- 18. Pursuant to Richland Municipal Code Section 12.10.030, any private roadways constructed in this development shall be designed to a city standard, as directed by the Public Works Director. This includes any roadways constructed internally for the commercial parcels.
- 19. The proposed alignment of the public portion of "Middle Drive" places a portion of the road corridor on property not owned by the applicant. The applicant shall obtain the necessary property rights from the adjacent parcel and include it in the Middle Drive right-of-way dedication at the time of final platting.
- 20. The transition points between public and private streets shall be delineated with a cement concrete driveway approved by the City Engineer.
- 21. Per Richland Municipal Code Chapter 12.01.040 and 12.01.070, the shared driveways as proposed in this pre-plat shall be built to city standards.
- 22. The existing curb returns on the west legs of both the Corvina-Meritage and Barbera-Meritage intersections shall be removed at the time of plat construction. They shall be replaced with city standard commercial concrete driveways.
- 23. The road section proposed on sheet "PP200" indicates a rolled curb. This curb style is not city standard and is not acceptable. The city has a 26-foot wide narrow street standard with offset sidewalk that shall be constructed. Because of the high driveway density typical of this type of development, the applicant shall provide adequate off-street parking to accommodate the loss of on-street parking.
- 24. The proposed grade of "North Drive" at the intersection with "Middle Drive" is over 5% (sheet "PP107"). At these grades the ADA pedestrian ramps will not be able to meet current design standards. The slope of this intersection needs to be adjusted to comply with current ADA standards. The proposed grades may also create an intersection sight-distance problem.
- 25. 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.
- 26. The developer and their engineer shall demonstrate on the construction plans that all future driveway entrances, sidewalks and pedestrian ramps will meet City and ADA requirements, and also provide adequate separation between driveways and/or pedestrian ramp transitions; provided that the Public Works Director shall have discretion and authority to adopt and implement an updated design standard, authorizing curb modifications or combining depressed driveway access points for adjacent lots without a transition up to normal sidewalk in between so as to facilitate a final design that provides an adequate number of on-street parking spaces. The driveway density for this narrow lot development is unlikely to provide adequate on-street parking. It is recommended that the City's narrow street section (26-foot width face of curb to face of curb) be used which prohibits on-street parking and provides off-street parking lot(s) within the development for the displaced spaces.
- 27. The "Tract E" Greenway shall have a city standard 12-foot wide pedestrian trail on it to allow for access to Dallas Road.
- 28. 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, HOA tracts, etc.).

- 29. Lots 185 and 221 will be impacted by the sight-distance line required of vehicles at the Mountain Loop and North Drive intersection. This impact needs to be evaluated as these two lots may be unbuildable.
- 30. Show city standard vision-clearance triangles 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.
- 31. Street names are not reviewed or vested until construction plans are submitted for review. The street names included on the pre-plat are not approved at this time.
- 32. Any roadways 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.
- 33. All roads shall be constructed to provide for adequate fire truck & solid waste collection truck access & turnaround movements.
- 34. 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:

- 35. The proposed preliminary plat is located within both the Tapteal III and IV water pressure zones. It shall be the responsibility of the developer to extend the appropriate watermain to and through this property to serve domestic water at the time of plat construction. These water mains shall be sized to adequately supply domestic water and fire flows to the proposed development.
- 36. Any grading operations that take place near or over the top of the existing 20-inch domestic water main shall ensure that adequate cover remains over the water main so as to protect it from breakage, or freezing, or service interruption. It shall be the responsibility of the developer to reinstall any water mains that have too little (or too much) cover over them as a result of grading operations, or that will result in this water main being less than ten feet from a building footprint. This water main needs to be relocated to be within a roadway whenever possible. The existing main shall be exposed and surveyed at multiple locations as part of the grading permit application process.
- 37. No dead end water pipelines will be allowed, except as approved by the City Engineer..
- 38. In accordance with municipal code chapter 18.34.030, domestic water mains shall be extended to the adjoining properties adjacent to the preliminary plat, provided they are in the correct pressure zone.
- 39. 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.
- 40. The fire hydrant layout shall be approved by the City Fire Marshal.
- 41. 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:

- 42. 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.
- 43. Sanitary sewer shall be extended to the adjoining properties adjacent to the preliminary plat, where appropriate.

Storm Water:

- 44. 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. The project will require detailed erosion control plans.
- 45. All public storm drainage collection 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.
- 46. Comment applies to commercial property: The proposed storm drainage and grading of all areas within the proposed development shall be shown on the plans (most grading and drainage plans must be prepared by a licensed civil engineer). If site contains at least 1,000 sq.ft. of new asphalt, and/or contains 30% or more impervious surfaces, storm drainage calculations from a licensed civil engineer are required. Stormwater shall be kept on-site (on the developing property that generated it). Stormwater shall not be flowed onto adjacent properties, or to the public Right-of-Way, without first obtaining written permission.
- 47. Comment applies to commercial property: The private on-site storm drainage system shall be designed 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". Calculations shall be stamped by a registered professional Civil Engineer. The applicant's design shall provide runoff protection to downstream property owners.

- 48. 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.
- 49. 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").
- 50. Any proposed storm drainage retention facilities within the boundary of the proposed preliminary plat shall not adversely affect neighboring properties.
- 51. 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.
- 52. The amount of post-development storm runoff from the proposed site shall be in compliance with RMC Chapter 16.06.
- 53. 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.
- 54. 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.
- 55. 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.

Final Platting / Project Acceptance Requirements:

- 56. 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.
- 57. 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.
- 58. 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.
- 59. Ten-foot wide public utility easements will be required on the final plat along both sides of all right-of-ways and road corridors within the proposed plat. They will also be required where the plat is adjacent to an existing right-of-way.
- 60. 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. 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.
- 61. The final plat shall include notes identifying all common areas including any private streets and tracts and assigning the ownership and maintenance responsibility. A note shall be added to the face of the final plat that states: "The private roads are for the use and benefit of the property owners that abut said roads, and are to be maintained by the owners. The City of Richland accepts no maintenance responsibility for private roads".
- 62. All landscaped areas within the plat that are in the public Right of Way shall be the responsibility of the property owners to maintain.
- 63. A one-foot "No access / screening easement" will be required along both the Dallas Road and Ava Way Right of Ways. The only exception would be for a shared driveway off of Ava Way between lots 227 and 228.
- 64. The intended use and ownership of all tracts within the plat shall be noted on the final plat.
- 65. Property with an unpaid L.I.D. assessment towards it must be paid in full or segregated per Richland Municipal Code 3.12.095.



11/30/2023

Matthew Howie, Senior Planner 625 Swift Blv., MS-35 Richland, WA 99352

Re: S2023-101 – 2104 Meritage Avenue – Preliminary Plat of Desert Sky

Benton County Public Works has the following comments for the Desert Sky preliminary plat:

The County requests for the transition from 4 lanes to two lanes on Dallas Road happen past the point where the city limit line crosses Dallas Road.

We also request to be part of the construction plan review when construction plans for Dallas Road improvements are reviewed in order to address the connection of city improvements to County infrastructure.

An encroachment permit will be required for work in County right of way.

For any questions, please contact Cristina Woods or Matt Mahoney at (509) 786-5611 or email <u>publicworks@co.benton.wa.us</u>

Thank you

C. Woods

Cristina Woods, PE Civil Engineer



DEVELOPMENT SERVICES DEPARTMENT

Exhibit 11

Applicant Correspondence

North 44

4618 S Reed

Kennewick, WA 99337

Brad Beauchamp

Ben Harris

509-308-6556

12/4/2023

RE: RE: S2023-102 2104 Meritage Ave – Preliminary Plat of Desert Sky

To Whom It May Concern,

We received the updated comments from the City of Richland and the Public Works Department for Desert Sky. We accept these conditions and request that the city informs the Hearing Examiner we do not need the requested 2 weeks for review.

Brad Beauchamp Member

Date: 12-4-23

Brad Beauchamp 509-308-6556 Email: bmbdevelopment@yahoo.com



DEVELOPMENT SERVICES DEPARTMENT

Exhibit 12

Updated Staff Report

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

GENERAL INFORMATION

- PROPOSAL NAME: Desert Sky 2104 Meritage Ave.
- LOCATION: 2104 Meritage Avenue
- APPLICANT: Brad Beauchamp, property owner
- PROPERTY Brad Beauchamp
- FILE NO.: S2023-101

OWNER:

- DESCRIPTION: Request to divide approximately 38.2 acres into two-hundred *twenty-one (221) residential lots, eight (8) commercial lots, and five (5)* tracts associated with pedestrian access or proposed park space (APNs: 1-29982000001002 & 1-32983000003037).
- PROJECT TYPE: Type III Preliminary Plat Approval
- HEARING DATE: November 13, 2023
- REPORT BY: Matthew Howie, Senior Planner
- RECOMMENDED ACTION:
 - CTION: Approval subject to completion of proposed conditions
- CHANGES: See changes directed per City of Richland Hearing Examiner November 13, 2023 *in red, italicized December 4, 2023.*

In Public Hearing held November 13, 2023, Staff requested a two week period to recirculate preliminary plat documentation updated by the Applicant. Per Hearing Examiner direction, Staff updated this report and provided a second two-week window for review.

200 400

Vicinity Map

Item: Desert Sky 2104 Meritage Ave Applicant: Brad Beauchamp File #: S2023-101



Figure 1 - Vicinity Map

PROJECT DATA

Gross Plat Area: 38.2 acres Net Planning Area: 32.2 acres Number of Lots: 235 Land for Streets/Other: 6 acres Gross Density: 7 units/acre Net Density: 10 units/acre

DESCRIPTION OF PROPOSAL

Brad Beauchamp, applicant, has submitted a preliminary plat application for the development of an approximately 38.2-acre site, with two-hundred twenty-one (221) residential lots, eight (8) commercial lots, five (5) tracts associated with pedestrian access or proposed park space, and related infrastructure. Figure 1 (above) shows the site within its larger context.

REASON FOR REQUEST

Richland Municipal Code (RMC) Chapter 19.20 requires preliminary plat approval by the Hearing Examiner. Likewise, RMC 24.12.050 states "After public hearing and review the hearing examiner shall decide whether the preliminary plat is in accordance with the comprehensive plan and other applicable code requirements." Additional guidance, below:

24.12.053 Preliminary plat - Required findings.

The hearing examiner shall not approve any preliminary plat application, unless the approval is accompanied by written findings that:

- A. The preliminary plat conforms to the requirements of this title;
- B. Appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;
- C. The public use and interest will be served by the platting of such subdivision and dedication; and
- D. The application is consistent with the requirements of RMC 19.60.095.

24.12.055 Preliminary plat – Hearing examiner consideration and action.

- A. The application for preliminary plat approval shall be approved, disapproved or returned to the applicant for modification or correction within 90 days of the date of acceptance.
- B. Hearing examiner approval of a preliminary plat shall not guarantee final approval of the plat or subdivision and shall not constitute an acceptance of the subdivision, but shall authorize the subdivider to proceed with the preparation of the final plat along the lines indicated in the preliminary plat.
- C. Approval of the preliminary plat shall be operative for five years from the date of approval by the hearing examiner during which time a final plat or plats may be submitted.
- D. The subdivision administrator may extend the approval period or may require that the preliminary plat must be resubmitted after the expiration of the approval period.

19.60.095 Required findings.

No development application for a Type II or Type III permit shall be approved by the city of Richland unless the decision to approve the permit application is supported by the following findings and conclusions:

A. The development application is consistent with the adopted comprehensive plan and meets the requirements and intent of the Richland Municipal Code.

- B. Impacts of the development have been appropriately identified and mitigated under Chapter 22.09 RMC.
- C. The development application is beneficial to the public health, safety and welfare and is in the public interest.
- D. The development does not lower the level of service of transportation facilities below the level of service D, as identified in the comprehensive plan; provided, that if a development application is projected to decrease the level of service lower than level of service D, the development may still be approved if improvements or strategies to raise the level of service above the minimum level of service are made concurrent with development. For the purposes of this section, "concurrent with development" means that required improvements or strategies are in place at the time of occupancy of the project, or a financial commitment is in place to complete the required improvements within six years of approval of the development.
- E. Any conditions attached to a project approval are as a direct result of the impacts of the development proposal and are reasonably needed to mitigate the impacts of the development proposal.

REVIEW AUTHORITY

RMC Section 19.20.030 designates the Hearing Examiner as the hearing body responsible for conducting the review of preliminary plat approval applications.

SITE DESCRIPTION & ADJACENT LAND USES

Desert Sky is comprised of two (2) parcels totaling approximately 38.2-acres at the northwestern terminus of Meritage Avenue, north of Ava Way and east of Dallas Road within the Badger Mountain South Subarea. The parcels are roughly in the shape of the letter "L" rotated 180-degrees with approximately 725-feet of frontage along Dallas Road, 740-feet of frontage on Ava Way, and 890 feet fronting Meritage Avenue.

The site has no easily-characterized slope trend, with nodes of greater or lesser heights, between 800 and 845-feet above mean sea level. The area will be accessed from primary connections to Meritage Avenue to the northeast and Ava Way to the south.

The northeastern boundary is 140 feet north of the northeastern terminus of Meritage Avenue, parallel to Ava Way. The western boundary is roughly 1,400-feet from and parallel to Meritage Avenue. The southern boundary of the site is immediately adjacent to Ava Way. The eastern boundary is immediately adjacent to Meritage Avenue.

200 400

0

800 Feet

CURRENT LAND USE DESIGNATION AND USES:

North: Benton County RL-5 (REVAL 5 FARM), agriculture

East: BMS-NE, BMS-NG (Neighborhood Edge, Neighborhood General), single-family housing

South: BMS-SD-CMU (Commercial Mixed-Use), developing commercial properties **West:** BMS-SD-DR (Destination Retail), undeveloped

BMS Land Use Map Item: Desert Sky 2104 Meritage Ave Applicant: Brad Beauchamp File #: S2023-101

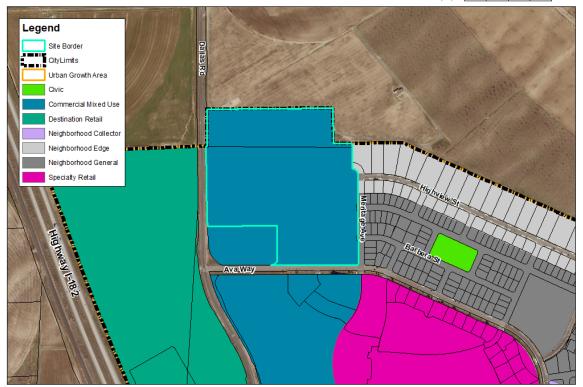


Figure 2 – Comprehensive Plan Land Use Map

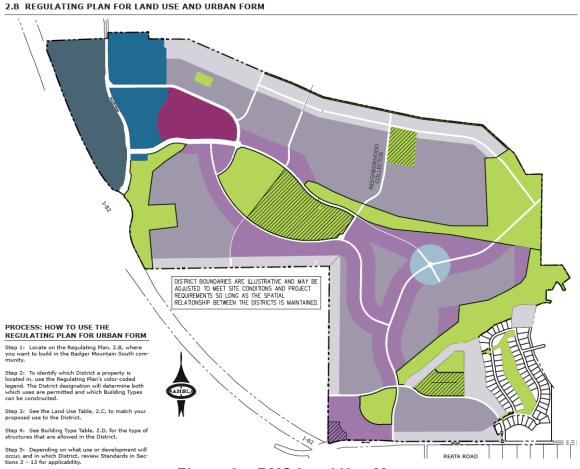
COMPREHENSIVE PLAN

The City of Richland Comprehensive Plan designates this area as a part of the Badger Mountain South Subarea Plan and subject to the Badger Mountain South Master Agreement. The Agreement calls for the development of a master planned community known as Badger Mountain South for the development of a mixed-use, walkable, and sustainable community with up to 5,000 dwelling units. "Mixed-use" in this case is largely small lot residential in nature, with some multi-family, commercial, and office uses, with generous open spaces and extensive pedestrian trails alongside more traditional auto-oriented infrastructure.

To achieve a more "unique" character within the Subarea Plan, the City partnered with Nor Am Investment, LLC on the Badger Mountain South Master Agreement. This

agreement shapes land use via Exhibit C, or, the Land Use and Development Regulations [or LUDR]. Lastly, the City also adopted a Planned Action Ordinance (RMC 19.50.030) for the subarea based on a supplemental environmental impact statement (the 2010 Badger Mountain South Final Supplemental EIS [FSEIS]) which was prepared for the master planned community.

Note that the traditional distinction between Land Use and Zoning is not applicable. Instead, the Master Agreement has its own moniker, "Districts", of which Commercial Mixed-Use BMS-SD-CMU is illustrated in Figure 2 (above). See the BMS Land Use Map of the LUDR in *Figure 3*, along with District descriptions in *Figure 4* (both on LUDR Sheet 2-2), and, this proposal's preliminary plat, as appears in the *Exhibit 1* application materials in *Figure 5*.





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-CIVIC

(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, 5.B for detail.

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.

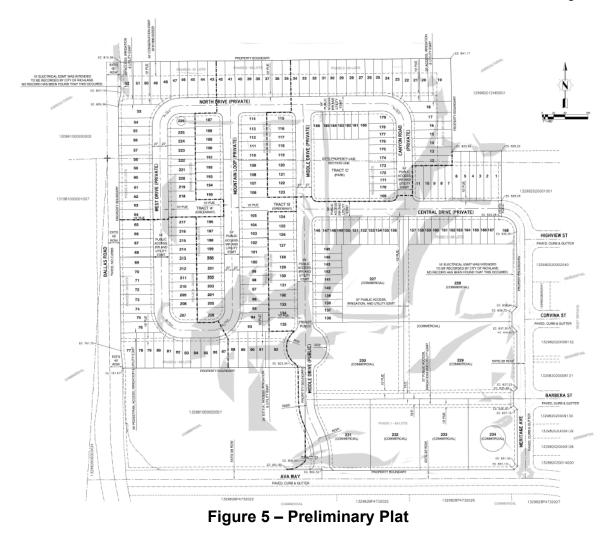
BMS-SD-CMU: COMMERCIAL MIXED-USE (4.C)

The Commercial Mixed-Use Special District is a local destination for employment, shopping, dining, entertainment and recreation.

BMS-SD-DR: DESTINATION RETAIL (4.D)

The Destination Retail Special District contains large scale retail uses serving the entire region.

Figure 4 – BMS District Descriptions



Applicable Goals & Policies

Provided below is a set of Comprehensive Plan goals & policies which are particularly applicable to the subject residential subdivision.

- *Community Goal 1:* Ensure and enhance the continuing sense of a livable and sustainable community in Richland.
- *Community Goal 2:* Create a vibrant, progressive, and physically, socially, economically, and culturally diverse community providing choices of jobs, housing, and recreational opportunities to its residents of all ages.
- *Community Goal 5:* Encourage the identification, preservation, and restoration of the City's open space and natural areas to maintain habitat, provide opportunities for residents to connect with nature, and meet educational, health, and outdoor recreational needs with associated economic opportunities to the community.
- *Community Goal 9:* Provide and support an efficient, varied, and well-maintained transportation network.
- *Economic Development Goal 6:* Encourage vibrant mixed-use areas in Tri-Cities as destinations to live, work, and visit.

Policy 6: Expand the range of options for housing in areas planned for higher density development.

Policy 7: Support development of higher density housing.

Economic Development Goal 7: Recognize parks, natural areas, and a built environment with quality design for the value they offer as major attractions.

Policy 4: Promote quality design for public projects as well as private developments.

Land Use Goal 2: Establish land uses that are sustainable and create a livable and vibrant community.

Policy 1: Maintain a variety of land use designations to accommodate appropriate residential, commercial, industrial, healthcare, educational, recreational, and open space uses that will take advantage of the existing infrastructure network.

Policy 3: Ensure that the intent of the land use and districts are maintained.

Land Use Goal 3: Maintain a broad range of residential land use designations to accommodate a variety of lifestyles and housing opportunities.

Policy 3: Innovative and non-traditional residential developments can occur through the use of planned unit developments, density bonuses, new types of housing, and multi-use or mixed-use developments.

Land Use Goal 4: Promote commercial and industrial growth that supports the City's economic development goals.

Policy 1: Accommodate a variety of commercial land uses including retail and wholesale sales and services, and research and professional services.

Policy 2: Promote developments such as business and research parks, office parks, technology centers, manufacturing and processing facilities, and other types for high-tech uses.

Land Use Goal 5: Ensure connectivity that enhances community access and promotes physical, social, and overall well-being so residents can live healthier and more active lives.

Policy 1: Locate commercial uses so that they conveniently serve the needs of residential neighborhoods, workplaces, and are easily accessible via non-motorized modes of transport.

Policy 2: Promote pedestrian and bicycle circulation throughout the community by connecting with the infrastructure and the City's network of parks and trail system.

Urban Design Goal 1: Create a physically attractive and culturally vibrant, pedestrianand bicycle-friendly environment in the City.

Policy 3: Improve streetscape and connectivity for safe and pedestrian-friendly environments.

Housing Element Goal 1: Provide a range of housing densities, sizes, and types for all income and age groups of the Richland community.

Policy 3: Support the development of senior housing and long-term care/assisted living facilities in the City in close proximity to commercial uses and medical services and facilities.

Housing Element Goal 2: Improve affordable housing opportunities for lower-income individuals, households, and first time homebuyers.

Policy 2: Promote the use of mixed-income housing developments and mixeduse developments that provide both affordable housing and economic opportunities throughout the City consistent with Comprehensive Plan.

Housing Element Goal 5: Ensure compatibility of new residential developments with established neighborhoods and the community.

Policy 1: Maintain quality design and landscaping in the new developments. *Transportation Element Goal 3:* Encourage the use of transportation modes that promote energy conservation, circulation efficiency, and an active lifestyle.

Policy 1: Support increased use of transit, bicycling, and pedestrian travel.

Policy 3: Require sidewalks, improved shoulders, appropriate signage, or offstreet trails within new developments to accommodate internal bicycle and pedestrian circulation within and between neighborhoods.

Policy 4: Encourage new developments to be pedestrian-friendly and compatible with the public transportation system.

Provided below is a set of Badger Mountain South Subarea Plan goals & policies which are particularly applicable to the subject residential subdivision.

Comprehensive Plan Economic Development Goal 6: Richland has established a sense of place that appeals to citizens of all ages. The City has become the entertainment and upscale retail center for the Tri-Cities with a range of retail and service businesses that meet the needs of local residents and visitors to the community.

BMED Policy 6.1: Provide areas for new commercial activity that can accommodate the needs of businesses, residents and visitors.

BMED Policy 6.2: Accommodate employment growth with a balance of retail, business, commercial, office park and tourism-related uses.

BMED Policy 6.3: Encourage the development of Neighborhood Activity Centers where local shopping needs can be accommodated while supporting the reduction of travel trips.

BMED Policy 6.6: Encourage the siting of commercial uses and business areas to serve adjacent neighborhoods.

Comprehensive Plan Housing Element Goal 3: Accommodate growth and maintain affordability.

BMHE Policy 3.2: Promote walkable neighborhoods by encouraging a mix of land uses, nodes of higher land use intensity and access to sidewalks and a connected trail and parks system.

BMHE Policy 3.3: Encourage higher density housing close to employment centers, retail and services, and along arterials to support the efficient expansion of public transit.

BMHE Policy 3.4: Support the development of energy-efficient housing choices.

Comprehensive Plan Land Use Goal 5: The City will encourage efficient use and location of municipal and public facilities such as transportation centers, utility facilities, schools, parks and other public uses.

BMLU Policy 5.1: Accommodate bicycles and pedestrians in roadway designs.

BMLU Policy 5.5: Provide for an integrated system of parks, trails, and open spaces that will link to other city facilities as growth occurs.

BMLU Policy 5.8: Consider new and emerging technologies that support sustainable development principles and encourage the use of appropriate technologies with Badger Mountain South.

Comprehensive Plan Land Use Goal 6: The City will protect and conserve its natural resources and critical lands and provide public access based on ability of the resource to support the use.

BMLU Policy 6.3: Promote the use of native and climate-adapted landscaping materials where possible.

BMLU Policy 6.4: Plan the location and design of trails, open space and parks to include known areas of geologic or environmental significance including steep slopes, natural drainage contours, significant views, glacial erratics and others.

Comprehensive Plan Urban Design Goal 1: The City will create a well-planned community with an aesthetically pleasing environment.

BMUD Policy 1.1: Use site planning techniques such as buffers, setbacks or trail corridors to transition development of the Badger Mountain Subarea with existing neighborhoods.

BMUD Policy 1.3: Support the development of the Badger Mountain South area by encouraging a development pattern that resembles traditional neighborhood design.

LUDR PROVISIONS

In lieu of the traditional development standards and special requirements associated with the City's zoning classifications, the LUDR has a dense (though often not sufficiently precise) web of references. In what follows, Staff has included the highlighted LUDR provisions applicable to this preliminary plat proposal. The applicant has supplied written responses (*Exhibit 1*) to a handful of these items.

LUDR 1.F.1.g.: BMS-SD-CMU District

"The Special District - Commercial Mixed-Use is intended to develop as a local destination for employment and shopping. It can accommodate campus-style office developments that provide a significant number of jobs. It also is a place for housing in mixed-use or live/work buildings at higher intensities and densities found in multi-storied urban building types. It is intended to become the most intensive urban place in Badger Mountain South. The CMU District landscape edge is an urban trail that includes wider sidewalks, street trees and other landscaping and provides pedestrian connectivity to the adjacent neighborhoods."

Applicant Response

We have incorporated within our design the approved matrix of 75% residential to 25% commercial, see Badger Mountain Sub Area Commercial Land Use pg 27 footnote 21. Also[,] [p]er conversations with staff and NOR[-]AM this mixture meets the intent of the district. The Land Uses Allowed by District table 2.C [See *Figure 6*] [a]llows for MULTIFAMILY, see P-4 specifically. One of the allowed residential uses is Row

House. The current preliminary plat has 225 lots for Row Housing. All of this housing will be age restricted 55+ and is all located in the designated 75% residential area. The BMS-[SD-]CMU development can accommodate a wide variety of uses as it is intended to be a major employment center for the City of Richland and a destination for shopping, higher-level education, dining, office uses and other employment centers, Multi-family/Mixed-Use housing, Senior Housing, entertainment and recreation. Public facilities, including transit centers, may also be accommodated in this District.

Staff Analysis

The full text of the Subarea Plan footnote referenced in the applicant response is as follows:

"Assumes mixed-use buildings will contain about 25% commercial to 75% residential; actual build out percentages will respond to market conditions."

Note that this quote was also referenced within the Hearing Examiner's Findings of Fact numbers 20, 21, and 63, and, Condition #63, of the S2022-101 Veneto Villagio Preliminary Plat Decision, the latter of which reads as follows:

"On the face of the plat, the applicant must identify land uses for each lot at the time of final plat approval, with calculations for the plat confirming that the total amount of any Residential uses to be included on lots within the plat will provide at least 25% of developable Commercial square footage of space to 75% of any residential square footage in the subdivision. Allowed uses shall be those listed for the two Special Districts that apply to lots within the subdivision, as found in Sec. 2.C of the LUDR, provided that no single-family residential uses shall be permitted on any lots within this plat."

Plainly, the standard is that under no circumstance can residential development square footage (not by building footprint, but by occupiable interior building space) be more than 75% of total occupiable interior building space across the plat. Staff would anticipate a related condition would be appropriate for this plat.

Initial approximate measurement suggests that, strictly in terms of total land area, that the mix between commercial and residential lots is 38% Commercial to 62% Residential, give or take some space occupied by smaller utility and access easements, but exempting rights-of-way, the park, greenway and the future drive aisle extending from Barbera Street. So if all development was strictly one-story the balance between commercial and residential passes the 75/25 test. In practice, the Planning Staff will be required to maintain updated accountings of interior square footages over the build-out of the plat. Presumably there is no sunset on this provision, and it might be warranted to have this particular standard be recorded against and across the subject properties.

Setting aside the commercial/residential development ratios, Staff have also considered whether or not the proposed preliminary plat conforms with LUDR intent statements, such as the one within LUDR 1.F.1.g, but echoed by LUDR 2.B, and LUDR 4.C.1. This was, likewise, a point belabored during the Veneto Villagio

preliminary plat proceedings. In efforts to clarify its understanding of "intent", Staff referenced the Hearing Examiner Decision (S2022-101), which noted the following of relevance in Findings of Fact:

- 13. "[T]he importance of complying with the intent of the two Special Districts assigned to the land included in this application is in the public's interest."
- 16. "'[I]ntent' language cannot be ignored, and serves as part of the approval criteria for any plat proposal in the BMS community."
- 18. Quoting the Badger Mountain South Subarea Plan, page 29: The Badger Mountain Commercial Mixed Use (BMCMU) designation applies only to properties in Badger Mountain South. It is concentrated within two neighborhood centers as well as being applied to some of the land area adjacent to Dallas Road. The purpose of the BMCMU designation is to concentrate a greater variety of activities within key areas of the community that include public transit, retail, medical and office uses along with residential uses. In many instances, residential will be located within many of the same commercial structures; some residential units may be live-work units where the living guarters is above one's shop or office. Residents will benefit by having a short walk for groceries, or to other stores and service providers, and businesses benefit by having customers living above or around them. Other areas identified for BMCMU may be appropriate for general and corporate office or limited medical facilities and other professional activities. In all cases, in areas identified as BMCMU an important component will be the inclusion of gathering places, public areas that help to provide a sense of identity and an opportunity for community-building.

The type, configuration, and density of development here will also appeal to neighborhood shoppers and will encourage pedestrian traffic between businesses, facilitate efficient mass transit, and consequently require less reliance on motor vehicles. Low intensity uses are not desirable within this area. However, places of worship and public uses including a fire station, satellite police facility, or public library branch can be important additions to the mixed use districts.

- 19. "The nonresidential land use classifications in the Badger Mountain Subarea – like the Mixed-Use... commercial [designation] – are intended to accommodate the needs of the new residents, the need for additional services within Richland and other nearby cities, as well as accommodating tourists and other visitors over the 20-year planning timeline. (BMSP, Sec. 5.4, on page 26). The Examiner finds and concludes that the Subarea Plan, the Master Agreement, and the LUDR all establish the intent that Commercial districts should provide commercial uses and buildings, and that residential uses are not planned or intended to f[i]II all of the available development area included in any Commercial district."
- 29. "As noted by multiple Badger Mountain homeowners who appeared during the public hearing or submitted public comments regarding this project, the LUDR includes graphic-intense pages showing

commercial venues, open spaces, mixed uses [i.e. commercial buildings mixed with residential housing], and themed development, including one labeled as an "illustrative sketch" showing a view of a "Specialty Retail Village", which closely resembles the "wine village" illustration included as Exhibit E to the Master Agreement. In fact, it appears to be derived from the same sketch used as Ex. E. The image appears immediately above Sec. 4.B.1 of the LUDR, captioned "Special District – Specialty Retail Intent". (See LUDR, on page 4.2, image appearing immediately above Sec. 4.B.1)."

- 32. Connecting the intent statements back to the "vision" of original agreements between public and private parties: "In return for the Master Agreement, the applicant received numerous modifications to otherwise applicable City codes and standards, in return for pledges that the master planned community would achieve the vision expressed in such Agreement."
- 33. "In its written materials and witness testimony, the applicant is essentially arguing that it can build anything on the list of allowed uses in Sec. 2.C of the LUDR throughout the entire plat, free of any consideration of the Intent for the two Special Districts where it is located. The Intent, and allowed uses, should not be read as mutually exclusive of one another. The Intent of both the Commercial Mixed-Use District... applies independently, and parallel with, the permitted use list exclusively relied-upon by the applicant."
- 39. Noting that complying with "intent" was not vulnerable to financial considerations: "Here, the applicant (Nor Am) committed itself to develop the site in accord with the intent and vision expressed in the Master Agreement. They did not condition their performance on financial participation by others. Quite the opposite because here, the Master Agreement includes specific language where Nor Am acknowledges that it has done a thorough feasibility analysis, and that the City makes no guarantees or warranties regarding the suitability or financial viability of development addressed in the Master Agreement. (Master Agreement, Sec. 30.2)."
- 40. "The vision and intent of the Special District Commercial Mixed-Use... are recognized as unique areas of special significance to the entire BMS community, and such significance is a matter of contractual detail. See LUDR, Sec. 4.A, Introduction to section 4 addressing "Special Districts"; and J.D. Harms, Inc. v. Meade, supra."
- 42. "In order to be approved, this application needs to demonstrate that the proposed plat will fulfill the 'intent'".
- 54. "The Examiner cannot close his eyes to the obvious interrelation of this project upon the entire BMS community. Development in the BMS area is described as having a very specific vision. The question, therefore, is whether development in the BMS community should be authorized to occur in a manner that could prevent fulfillment of the intent for the Special Districts where this proposal is located."

- 56. "This project will have a significant effect upon the entire BMS Master Planned Community. 'Special Districts are unique areas that by intent, function, deposition or configuration plat an important role in establishing the vision of the Badger Mountain South community.' LUDR, Sec. 4.A."
- 60. "An administrative determination will not be accorded deference if the agency's interpretation conflicts with the relevant statute." See Cowiche Canyon Conservancy v. Bosely, 118 Wn.2d 801, 815, 828 P.2d 549 (1992). By analogy, in this matter, the Master Agreement includes very specific language expressing the parties' intent as to what type of development should occur in both the Commercial Mixed-Use District and the Specialty Retail District; and the LUDR is even more specific as to the type of development opportunities should be included in such Districts."
- 61. Based on the entire record taken as a whole, the Examiner finds and concludes that the consistency recommendations and determinations issued for the application were in error – to the extent they failed to address how the proposal is consistent with intent language applicable to projects in the Specialty Retail District; and to the extent that the project is absent details sufficient to determine that mixed-use commercial projects will be developed on the lots created by this subdivision. Additional conditions of approval are needed to assure that the proposed plat can be developed in a manner that is consistent with the LUDR, including specific intent language for the two Special Districts at issue."

This is not an exhaustive list of the discussion of "intent" within the Veneto Villagio Decision. Together, however, these Findings of Fact establish that the various intent statements found with the LUDR have actionable implications for the scale, mix of uses, design, and other considerations for this proposed plat. With this in mind, and because the issue has been contentious in the past, Staff seek Hearing Examiner interpretation of the proposed plat with the included intent statements of LUDR 1.F.1.g, LUDR 2.B., and LUDR 4.C.1. See further discussion of LUDR 2.B, and LUDR 4.C.1., below.

LUDR 1.H.: BMS Master Agreement Consistency Determination

1. In order to assure that all development activity within Badger Mountain South is consistent with the Master Agreement and the LUDR, all City permits and other approvals for any development within Badger Mountain South, including building permits, must include a Master Agreement Consistency Determination (BMS-MACD) issued by the Planning Manager. A level 1 BMS-MACD is required for all development applications, including building permits, except for final plat approval and issuance of a Certificate of Occupancy. A level 2 BMS-MACD is required for final plat approval and issuance of a final Certificate of Occupancy. The level 2 BMS-MACD can be issued by the City, even if bonding of certain improvements is allowed in lieu of immediate construction, or a temporary certificate is issued, subject to completion of punch list items, so long as the

BMS-MACD finds that the development will be consistent with the Master Agreement and LUDR conditions upon the satisfactory completion of the bonded improvements in case of a final plat, and the punch list items in case of a Certificate of Occupancy.

- 2. All builders/developers are strongly encouraged to attend a pre-application meeting with the Badger Mountain South Master Plan Administrator (BMS-MPA). The BMS-MPA is designated by the Badger Mountain South Master Agreement to provide guidance to builders/developers on how to apply the provisions of the LUDR to land use development applications.
- 3. The purpose of the pre-application meeting is to provide a roadmap through the LUDR provisions that apply to a proposal, identify possible changes to a proposal to meet the BMS intent, receive information on the application submittal and next steps, and to answer any other questions.
- 4. A pre-application meeting should occur early in the planning phase when a project proposal is defined enough to provide conceptual plans but still flexible to consider recommendations from the BMS-MPA.
- 5. The purpose of the BMS-MACR is to provide a written recommendation to the City of Richland Development Services Department that the application/submittal is or is not consistent with the terms and conditions of the BMS Master Agreement and compliant with the provisions of the LUDR. Approvals in accordance with the LUDR are an administrative review unless otherwise noted.
- 6. The BMS-MPA will provide the City and the applicant a BMS-MACR, or if the submittal is found to be inconsistent, will work with the applicant to identify options that meet the LUDR requirements and the applicant's intent. If the proposal is found to be inconsistent with the LUDR, the BMS-MACR will identify both areas of consistency and areas of inconsistency.

Staff Analysis – Procedural Requirements

LUDR 1.H, together with RMC 19.50, requires that a Master Agreement Consistency Determination [MACD] be issued by the Planning Department for any development proposal located within the Badger Mountain South Master Planned Community. This determination is made after consultation with the Master Plan Adminstrator [MPA]. An updated Master Agreement Consistency Recommendation [MACR] was included with this plat application (*Exhibit 3*). Staff has reviewed the current MACR and has issued a Master Agreement Consistency Determination [MACD] (*Exhibit 4*) as justified through the application of recommended approval conditions.

LUDR 2.B.: Regulating Plan for Land Use and Urban Form

BMS-SD-CMU: Commercial Mixed-Use

"The Commercial Mixed-Use Special District is a local destination for employment, shopping, dining, entertainment and recreation."

Applicant Response

N44 is providing 10 Acres for Commercial/Retail development that will achieve the intent of this district. The specific development will be governed by the LUDR and all City of Richland Building Codes. It is anticipated that along with providing required 1st

floor commercial square footage there will be stacked residential units to provide work live opportunities.

LUDR 2.C.: Land Use Table

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The following footnotes are applicable to uses within BMS-SD-CMU.

		BMS SD-CMU
Land Use	P= Permitted by right	
Types	P+Number = see Land Use Notes	
.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
	Single-family	-
Residential	Multi-family	P-4
	Senior Housing	P-6
	Assisted Living/Nursing Home	Р
	Accessory Unit	-
	Adult Family Home	-
	Neighborhood Retail	Р
	General Retail	P
Retail	Large Scale Retail	P-10
	Parking Structures	P
Services	Neighborhood Personal Services	Р
	General Services	Р
	Eating and Drinking Establishments	Р
	Child Care	P-15
	Vehicular Services	P-18
	Storage	P-13
	Hospitality/Lodging	Р
	Nai-bhachad Office	D
Office	Neighborhood Office	P
	General Office	-
	Accessory Office	Р
	Public Facilities	Р
	Recreation and Cultural Facilities, Public and Private	P
Civic	Place of Worship	-
	Solar Panels or Arrays	Р
Other	Vineyards and Other Agricultural Uses	-
	Telecommunications Facilities	P-32
	Parking lots	Р
	Drive-through Window Service	P-26
	Vending Carts	P-27
	Temporary Uses	P-28
	Special Events	Р
	Gambling Premises	-

Figure 6 – Land Use Table

Footnotes

4. Multi-family housing includes the following Building Types – Live/work; Row house; Commercial/Mixed-use/Liner over commercial and Stacked Units

6. Senior Housing permitted above ground floor commercial or office, or when constructed in a multi-story building.

10. When one part of a larger office-retail development.

13. When totally enclosed within a building or in a Liner Building Type.

15. When licensed as a Child Care Center and meets RMC 23.42.080(A-D, F) requirements. In the BMS-NC District, must be located on corner lots.

18. Subject to standards for Neighborhood Goods and Services Building Type, otherwise meet RMC 23.42.270 or 23.42.280 requirements.

26. Must meet additional requirements of RMC 23.42.047 and any unique master site plan.

27. Subject to standards found in RMC 5.14.

28. When ancillary and seasonal to primary retail.

32. When accessory to an adjacent use and subject to Section 11.C standards.

Staff Analysis

The LUDR 2.C Land Use Table doesn't itself make a strong statement about the overall built environment shaped in BMS-SD-CMU. Most uses allowed in Badger Mountain South are allowed in unprescribed quantities in CMU. Only Single-Family Homes, Accessory Units, Adult Family Homes, Places of Worship, Vineyards and Other Agricultural Uses, and Gambling Premises are outright prohibited. Considering the latitude the Land Use Table provides, Staff must look back to the 1.F.1.g. and 2.B. intent statements for a guiding characterization of what this plat should look like and function.

LUDR 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. ... 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."

Staff Analysis

Staff has included this section primarily because it directs readers back to intent statements for understand "the unique nature of the Special Districts" such as BMS-SD-CMU.

LUDR 4.C.1.: Special District – Commercial Mixed-Use Intent

"The Special District - Commercial Mixed-Use (BMS-SD-CMU) comprises approximately 45 acres between Dallas Road and the Special District-Specialty Retail. The District can accommodate a wide variety of uses as it is intended to be a major employment center for the City of Richland and a destination for shopping, higherlevel education, dining, office uses and other employment centers, Multi-family/Mixed-Use housing, entertainment and recreation. Public facilities, including transit centers, may also be accommodated in this District. To further the walkable and sustainable goals of Badger Mountain South, the design of the Special District – Commercial Mixed-Use will ensure that pedestrian are accommodated between buildings or groups of buildings, that public plazas and other community features will be developed as part of the overall development plan, and that connectivity will be maintained to adjoining Districts."

Applicant Response

N44 The entire plat layout has been done with the pedestrian in mind. All residential and commercial areas will be walkable with the goal of the 25% commercial to have the intended plaza feel.

Staff Analysis

The intent statement within LUDR 4.C.1 lays out a number of uses that "can" be within BMS-SD-CMU and in stronger language dictates that pedestrianism be a fundamental part of moving between buildings and other uses. Intent statements within LUDR 1.F.1.g and 2.B. are more absolute describing various uses or building types as "a place" or "a local destination for" their listed uses or functions. All three of these intent statements can and should be read together.

LUDR 4.C.2.: Special District – Commercial Mixed-Use Standards

- a. Enhance pedestrian experience
 - ii. Sidewalks: Provide continuous sidewalks along all street frontages and between buildings and blocks.
 - iii. Plazas and common spaces: shall be provided with appropriate amenities including benches, trash and recycling containers and bike racks. Plazas shall be designed to create a unique development identity and are encouraged to also include public art. Refer to Section 5.D for Plaza standards.
 - iv. Maximize views to Badger Mountain.

Staff Analysis

Some of the language within LUDR 4.C.2 is better assessed within development review for individual projects and as such has not been included, above. Staff do want to highlight a few dimensions of LUDR 4.C.2 applicable to platting proposals. First, sidewalks have been proposed along all street frontages. Second, the LUDR specifies that both plazas and common spaces shall be provided. This proposal does nominate common spaces areas such as the 1-acre park in Tract C, though the applicant has not invoked or referenced the plaza standards within LUDR 5.D.1. This "park" site could very well meet all of the standards of LUDR 5.D.1. Finally, the plat has the ability to maximize views to Badger Mountain potentially with view corridors out open-ended street alignments with Badger Mountain though the current design rounds off all Badger-oriented streets and closes up the street grid with tight "row" homes between.

5.D.1. Plaza/Town Square

- 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.

Staff Analysis

As was true with LUDR 4.C.2, LUDR 5.D.1 also features a number of standards and requirements specific to development review and not within the scope of platting. Note the contradictory statements within LUDR 5.D.1.a and LUDR 5.D.1.b regarding the determination of plaza locations. LUDR 5.D.1.a stating "size and location of Plazas will be determined during site plan [development] review" and LUDR 5.D.1.b stating "actual location determined at the time of platting." Per prior comments regarding the status of the park in Tract C, it appears the opportunity may be ripe to nominate it as the plats dedicated plaza space. That said, plazas are only required to be 400 square feet, so the incorporation of a plaza within the park, or potentially within the commercial area at the "intersections of primary pedestrian streets", or any number of other locations should be possible. The plat, as such, would need to denote that location.

LUDR 5.I.1.: Trails

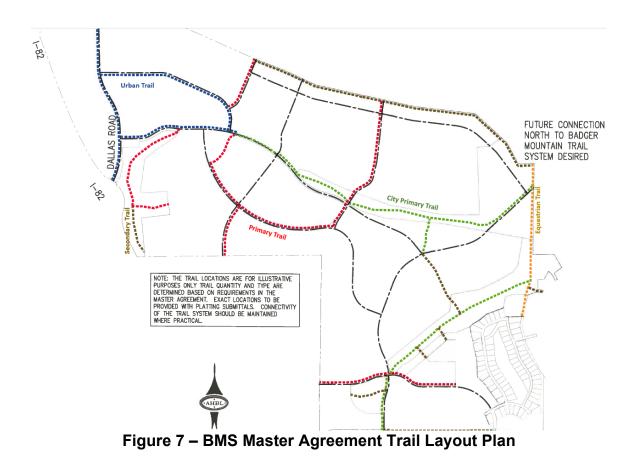
- a. Definition: Urban Trails will be located in the commercial, retail and mixeduse community Districts or adjacent to School Open Space and Public Parks. These trails may be integrated into the wide, paved plazas and sidewalk areas that serve these uses. The 12' Urban Trails will serve as a continuation of the community-wide bicycle and pedestrian trail system.
- b. Location Commercial, retail, and mixed-use areas in BMS-SD-SR, BMS-SD-CMU, and BMS-SD-DR Districts and limited location in BMS-CIVIC Districts; See 5.G, Illustrative Plan for Trail Layout and Trail Types.
- c. Size (1) Minimum width: 12 ft. specialty paved surface.
- d. Standards
 - (1) Principally concrete but other paved surfaces permitted based on overall site design.
 - (2) Integrated into the commercial/retail plaza spaces.
 - (3) Will serve as a multi-use bicycle and pedestrian trail.
 - (4) Provide appropriate lighting for after-dark use which may be provided by street lighting located in the adjacent Right of Way.

Staff Analysis and LUDR Trail Standards

As demonstrated in *Figure* 7, urban trail segments are to be adjacent to development along Dallas Road. Per Public Works recommended Condition of Approval #15, urban trail improvements will be made as the preliminary plat progresses:

The entire Dallas Road frontage shall be completed to City standards no later than the development of Phase 4, which is the first phase which constructs the lots adjacent to it. The road section (curb, gutter, and illumination) shall be constructed to the city's standard "minor arterial" road section [See Figure 8]. The improvements shall include the LUDR Edge Type B, which incorporates the urban trail on the east side of Dallas Road. These frontage improvements will include a taper back to the county's two-lane section beginning where the City limit line crosses Dallas Road.

Note that Desert Sky proposes a total of 6,760 linear feet of such trails per the Master Agreement Consistency Recommendation [MACR] submitted September 15, 2023 (*Exhibit 3*). However, the residential concurrency obligations of the Badger Mountain South Master Agreement, Exhibit D, are not applicable. Desert Sky (formerly known as Badger Station) was not nominated as one of the neighborhoods subject to Exhibit D. As such, no formal analysis is incorporated within this report.



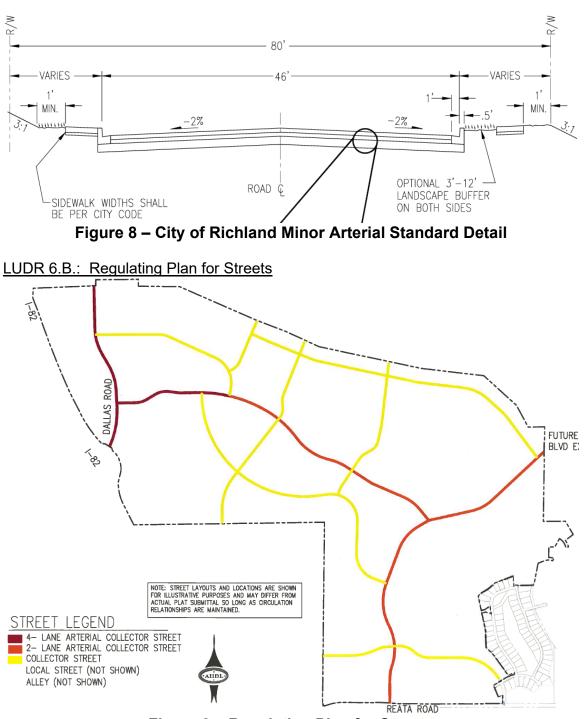


Figure 9 – Regulating Plan for Streets

Staff Analysis

As referenced by Public Works recommended Condition of Approval #15, *Figure 10*, discussed previously, LUDR 6.B designates this segment of Dallas Road as a 4-Lane Arterial Collector Street. The street will be built to City Standard, as was demonstrated in Figure 8, not, the outdated standard shown in LUDR 6.C.

LUDR 6.C.: 4-Lane Arterial Collector Street Staff Analysis

As referenced by Public Works recommended Condition of Approval #15, *Figure 10* demonstrates the recommended Edge Type B for the urban trail segment along Dallas Road.

LUDR 7.A.: Introduction

"Badger Mountain South has also established density and open space targets for each of the five residential neighborhoods; these are discussed in Section 7.C. These targets are set to ensure that the community can meet its intended goals of diversity in housing types and prices, and provide opportunities for the establishment of intergenerational neighborhoods as reflected in the diversity of housing built here. The density and open space targets are monitored by the City of Richland Development Services Department during plat and subdivision review."

Staff Analysis – Density Standards

Per LUDR 7.A, the included density targets of LUDR 7.C are exclusively applied to each of the five residential neighborhoods, none of which are represented by this proposal.

Staff Analysis – Open Space Standards

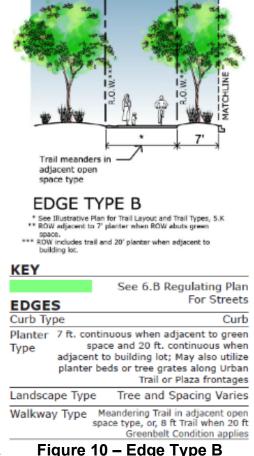
Per LUDR 7.A, the included open space targets of LUDR 7.C are exclusively applied to each of the five residential neighborhoods none of which are represented by this proposal.

LUDR 7.B.: Block Standards

- 1. Intent: The layout of an interconnected street network composed of small blocks are a crucial component to creating a walkable community. The intent of these standards is to create a pedestrian environment that has limited interruptions from vehicles, and allows for maximum connectivity to the surrounding neighborhood areas and amenities.
- 2. Block Dimensions

a. Length: 1,000 ft., maximum

- 3. Street Network
 - a. A simple grid street and block network is preferred.
 - b. The street and block network is not required to be orthogonal in response to site features and/or topographical constraints, however streets should be interconnected.



- c. Street stubs are required when adjacent sites are vacant.
- d. Cul[s]-de-sac[]are discouraged but will be allowed where necessary due to site constraints or to enhance the walkable community by limiting vehicle access.
- e. All buildings must face a street, or shared open space.

Staff Analysis

Per LUDR 7.B.2.e, all buildings most face a "street" or shared open space. However, as demonstrated on the plat, lots 19-21, 50-52, 77-79, and 89-91 do not have traditional "street" frontage, instead only fronting a 20-foot or 25-foot access easement, sometimes with a combined SEVA or pedestrian access. [Recall that Public Works' recommended Condition of Approval #15 requested the pedestrian access along units 77-79 be located elsewhere.] While the LUDR, Section 14 Glossary definition of "Frontage" only defines it as "A strip or extent of land abutting on a street or other public right-of-way", the Richland Municipal Code confirms that the various public utility easements are sufficient access for the given proposed residential parcels per the following:

12.08.010 [Right-of-Way Construction] Definitions

"Right-of-way" or "public way" means all property in which the city has any form of ownership or title and which is held for public street, pedestrian or utility purposes, including the air rights and subsurface rights, regardless of whether or not any street or utility exists thereon or whether it is used, improved or maintained for public use.

"Street" is any street, highway, sidewalk, alley, avenue or other public way, easement, or other public place in the city.

Staff Analysis – Block Standards

In efforts to make the pedestrian experience less daunting within Badger Mountain South, LUDR 7.B.2.a establishes requirements for the length of blocks, requiring block length be no longer than 1,000 feet. The maximum block length proposed by Desert Sky (between Ava Way and Central Drive) is approximately 885 feet. Planning Staff also conclude that the proposed block lengths are acceptable with proposed improvements. Staff find the preliminary plat in conformance with to the provisions of LUDR 7.B.

LUDR 8.C.1.: Common Design Standards for all Commercial Districts and Projects

- 1. Site Design General
 - b. Maximize opportunities for usable, attractive, well-integrated open space.
 - c. Site design shall account for solar access and shading at exterior open space.
 - d. Minimize the height of retaining walls and/or reduce their visual impact by means of textured surface, inlaid materials, green screens and other types of landscaping.

Staff Analysis

The two midblock pedestrian access Greenway areas of Tracts A and B are between 46 and 60-feet wide. It seems probable that part of those areas will be shaded and

part of them will have direct sunlight throughout the day. Likewise, being that the greenways are centrally located within the residential areas in cut-through areas means they are integrated in the larger design. Finally, the project proposes 13 retaining walls as a part of its grading plan (*Exhibit 1*). The applicant has not made a direct characterization that minimizing retaining walls was, per LUDR 8.C.1.d, a consideration, though due to the slopes at the site, no doubt the use of retaining walls to incorporate the level of density in that area is unavoidable.

LUDR 12.A.: Introduction

2. The standards and requirements of previous sections of the LUDR relate to the concept of sustainability through the following ways:

- a. Compact Design: Compact design is a recognized element of sustainable development because it allows a reduction of infrastructure, yields a higher proportion of contiguous preserved open space, facilitates transit use, and is more conducive to walking.
- b. Mix of Uses: Permitting a mix of land uses in close proximity creates attractive places to live, provides employment, business and shopping opportunities in close proximity to residences, and encourages alternatives to driving.
- c. Connectivity: Connected open space in Badger Mountain South will provide over 300 acres of parks, trails, and open space connecting neighborhoods, schools, and businesses.
- d. Walkability Each neighborhood in Badger Mountain South is designed to create multiple destinations within a five-minute walk. The street and trail network provides safe accommodations for pedestrians and easy access to (proposed) neighborhood schools.
- e. Housing Choice: Badger Mountain South will provide a range of housing types and affordability levels to accommodate most any household and to facilitate the creation of intergenerational neighborhoods.
- f. Transportation Choice: The street and trail network will provide multiple ways into the community for vehicles, bicyclists, pedestrians and transit. As build out occurs, transit expansion will likely follow.

Staff Analysis

The proposal appears to meet the open space, parks, and active transportation benchmarks established in detail within other areas of the LUDR to satisfy LUDR 12.A.2.c and LUDR 12.A.2.f. Items like LUDR 12.A.2.b and LUDR 12.A.2.e are more dependent on the mix of commercial tenants that occupy the future plat and the mix of residential units within the future commercial area. Note that due to the 75% Residential/25% Commercial standard, whereby no more than 75% of a mixed-use building can be commercial, and, given 62% of the plat's developable area for commercial/residential/mixed uses is already dedicated solely to single-use residential, there will be a limitation to the amount of mixed use (multi-floor residential) available within the designated, proposed, commercial parcels. Finally, the 5-minute "walkshed" described within LUDR 12.A.2.d is typically defined as a quarter-mile (1,320-foot) distance. Staff find that the closest commercial parcel (Lot 228) is

approximately 1,346 feet from the most distant residential lot (Lot 52). Lot 52 would have park and greenway space within 1,320 feet.

LUDR 12.B.: Sustainability Standards

1. ENERGY:

a. Promote energy conservation in all aspects of development and life cycle operation.

- b. Promote production and use of renewable energy.
- 2. WATER:

a. Promote water conservation in all aspects of development and life cycle operation.

b. Promote re-use, recycling and ground water recharge of rain water and grey water.

3. TRANSPORTATION:

a. Promote pedestrian, bicycle and community transit modes of transportation.

- b. Promote a compact, walkable and mixed-use pattern of development.
- 5. RECYCLING:
 - a. Promote reduction in waste during development and life cycle operation.
 - b. Promote reuse of materials during construction.

c. Promote recycling of materials during development and life cycle operation 6. HEALTHY LIFESTYLE:

a. Promote an active, healthy lifestyle by connecting areas of activity with nonmotorized means of circulation.

b. Promote opportunities for active recreation through community-wide trail system as well as provisions for parks and play areas in each neighborhood.

8. URBAN AGRICULTURE:

a. Promote opportunities for community gardening within each neighborhood.

Staff Analysis

Programmatically, LUDR 12.B, directs that work within Badger Mountain South make efforts to reduce energy, water, and waste, and, encouraging non-motorized travel. As otherwise mandated through frontage improvements, block lengths, trails, bicycle lanes and other efforts, this proposal meets active transportation targets. Applicant has not indicated ways the construction of the various infrastructure improvements in preparation for site-to-site development efforts will meet the energy, water, and recycling standards.

UTILITY AVAILABILITY

There are existing domestic water, sewer, storm, irrigation, natural gas, and electrical line connections in place, available within existing rights-of-way near the site with adequate capacity to supply the proposed project.

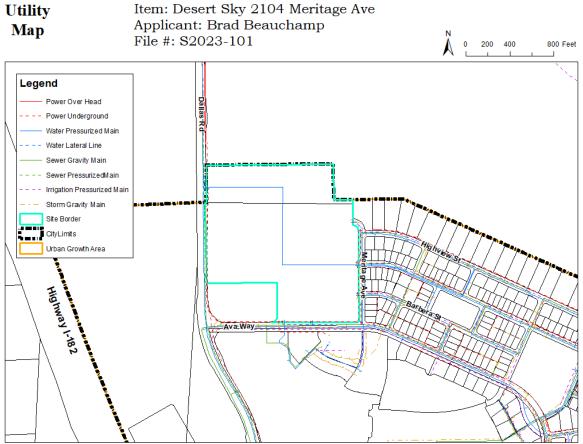


Figure 11 – Utilities Map

Sewer

There are three existing 8-inch PVC gravity mains stubbed in along the north side of Ava Way. An existing 8-inch gravity main runs north to south along Meritage Avenue and an existing 12-inch pressurized main runs along Dallas Road.

<u>Water</u>

The proposed plat is currently bisected by a 20-inch ductile iron distribution main from Dallas Road to Corvina Street. There are six different distribution mains with leads into the site, including three 8-inch mains from the east, two 12-inch mains from the south, and one 16-inch main from the west. Additional stubs for domestic, air-release and hydrants are also in place around the site.

Irrigation

There are a number of irrigation assets in place around the site, including an 8-inch PVC distribution main at the terminus of Meritage Avenue, two 6-inch stubbed distribution mains at the termini of both Corvina and Barbera streets, and, a 6- and 8-inch stubs to commercial lots 231 and 232, respectively.

Stormwater

There are a number of stormwater assets in place around the site, including two 12inch gravity mains at the terminus of Meritage Avenue, one 12-inch gravity main at the terminus of Corvina Street, and, an existing 18-inch stormwater gravity main at the Ava Way/Dallas Road roundabout.

Power

The site has an existing underground primary conductors running along the site's rights-of-way with Dallas Road, Ava Way, and Meritage Avenue.

TRANSPORTATION & ACCESS

The plat proposes approximately 511-feet of new public local streets, and 4,367-feet of new private roads. In total, Desert Sky proposes approximately 9/10ths of a mile in new roadways. The plat will have four points of access; they are: 1) from the terminus of Meritage Avenue, 2) from the terminus of Corvina Street, 3) from the terminus of Barbera Street, and 4) from Ava Way via "Middle Drive".

This area around Desert Sky is largely characterized as single-family housing in transition from undeveloped and agricultural uses. As such, there are no significant nodes of employment or shopping amenities in place within close proximity. Per the LUDR, this area (Commercial Mixed-Use) is intended to be that node of employment and commercial activity.

Sidewalks will be installed on streets in accordance with City and LUDR street improvement and street cross-section standards. Existing trails and on-street bicycle lanes are also designated by the LUDR and are appropriately provisioned south of this current proposal. There are no nearby, current (nor proposed) Ben Franklin Transit bus routes.

There are a number of recommended Public Works Conditions of Approval related to transportation and access. Condition of Approval #15 has previously been discussed, specific to Dallas Road street and trail improvements, though at least two other Conditions of Approval recommend other significant changes. Condition #29 recommends that pedestrian access between West Drive and Dallas Road not share space with parcel access between Lots 77 through 81, mixing vehicles and pedestrians, but instead have dedicated 15-foot pedestrian-only access between lots 64 and 65.

800 Feet

200 400

Transportation Map

Item: Desert Sky 2104 Meritage Ave Applicant: Brad Beauchamp File #: S2023-101



Figure 12 – Transportation Map

EASEMENTS

The only easement currently encumbering the property is a 50-foot conservation easement which runs along the northern border of BMS separating development from farming interests at the base of Badger Mountain. Additional easements will be recorded as part of this proposal for utilities and pedestrian amenities.

FIRE SAFETY

The City of Richland Fire Department will provide fire protection services to the subject property and resulting development. Currently, there are three (3) existing hydrants immediately adjacent to the proposed site. One hydrant is alongside Dallas Road, some 1,110-feet north of the roundabout with Ava Way. Two more hydrants are in place along Meritage Avenue, with one at the northwest corner with Ava Way, and one between Corvina and Barbara Streets. This development is conditioned on the installation of a number of fire safety assets.

SCHOOLS

The plat falls within the boundaries of the Richland School District within the boundaries of Richland High School, Leona Libby Middle School, and White Bluffs Elementary. Additional primary and secondary education is anticipated in upcoming

years. None of the current primary or secondary institutions are within walking distance to the subject proposal.

PARKS

There are 1.49 acres of planned park and greenway space associated with this plat. Additionally, each home will contribute to the development of parks through payment of parks impact fees. Staff concludes park and park-related amenities satisfy the requirements of the various development standards applicable to Desert Sky. Note, however, the plaza location issue raised earlier originating from LUDR 5.D.1. The requirements of LUDR Section 1.F.1(c) also known as the "3-block proximity rule" do not apply as this proposal is not within a BMS-NG District.

<u>SEPA</u>

A Supplemental Final Environmental Impact Statement was completed for this site at the time the City adopted the subarea plan for the Badger Mountain South area in 2010. The property was annexed and the City adopted a Planned Action Ordinance (RMC 19.50). 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/process. 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] (Exhibit 5).

Critical Areas

The subject site does not lie within any existing, recognized Critical Area. Critical Area requirements are not applicable with this proposal.

Shoreline Master Program

The subject site lies outside of the jurisdiction of the Shoreline Master Program. This project will have no effect on shorelines of statewide significance. Shoreline permitting requirements are not applicable with this proposal.

AGENCY COMMENTS

A variety of public agencies and City departments were given an opportunity to comment on the proposal. Copies of all agency comments received by the City are included as *Exhibit 6*.

PUBLIC COMMENTS

Owners of all 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, the City has received one public comment. Copies of all public comments received by the City are included as *Exhibit 8*.

The one public comment brought up a number of issues the homeowner had with the proposed preliminary plat. The comment raised the question of why the proposed plat was facing the block of commercial uses beside single-family houses to the east and placing new housing units against the busy, high-speed Dallas Road corridor. This is a fair point. Classic urban design would tend to place higher-density housing as a buffer between commercial and single-family uses. Indeed, per the Badger Mountain South Subarea Plan goals and policies:

Housing Element Goal 5: Ensure compatibility of new residential developments with established neighborhoods and the community.

Comprehensive Plan Urban Design Goal 1: The City will create a well-planned community with an aesthetically pleasing environment.

BMUD Policy 1.3: Support the development of the Badger Mountain South area by encouraging a development pattern that resembles traditional neighborhood design.

Staff concurs that the development pattern established by this preliminary plat proposal is not "traditional" neighborhood design, but a thoroughly contemporary approach to dense community development and that traditional design would place commercial uses up against high-volume thoroughfares and place denser housing patterns (i.e. Row Homes) between commercial and single-family homes. However, barring specific language within the Land Use and Development Regulations mandating that particular approach, and since Development Regulations supersede Plan policies where discrepancies exist between the two documents, Staff do not conclude that any particular remedy to the layout of the plat is required.

PUBLIC NOTICE

Application Date:	July 10, 2023
Hold Letter Issued:	August 16, 2023
Hold Released:	September 28, 2023
Combined Notice of Hearing Mailed:	October 2, 2023
Combined Notice of Hearing Posted:	September 29, 2023
Notice of Hearing Published:	October 8, 2023
Public Hearing:	November 13, 2023

A notice of application 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 7*.

ANALYSIS

The criteria for approval of a preliminary plat application (RMC 24.12.053) are reprinted here, with a summary of how the application complies with the requisite standard:

A. The preliminary plat conforms to the requirements of this title (RMC Title 24)

- The City's subdivision regulations set forth specific requirements for the filing of an application, giving public notice of the application, and requiring

that the Hearing Examiner conduct a public hearing and make a recommendation to the City Council. These steps have been followed by City staff.

- B. Appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;
 - One park space and other recreational opportunities such as pedestrian greenways are proposed.
 - The Ben Franklin Transit Authority does not provide bus service to the immediate area and did not respond to a request for comment.
 - The plat will be served by City domestic water lines currently existing adjacent to the project site. Water lines have capacity to provide for the proposed project.
 - The plat will be served by City sanitary sewer service currently existing adjacent to the project site. Sewer lines have capacity to provide for the proposed project.
 - The plat will be served by Richland Energy Services currently existing adjacent to the project site. Electric lines have capacity to provide for the proposed project.
 - In accordance with City development standards, storm water drainage will have to be retained and managed on-site. Project specific designs have not been created yet; however, prior to the City allowing construction of the subdivision to occur, the development will need to be designed by a licensed civil engineer and meet the requirements of the city and state storm water regulations.
 - Richland School District was given the opportunity to comment and chose not to comment. The Richland School District currently serves approximately 13,000 children within a multitude of school facilities some of which are new or have been recently remodeled to accommodate the increasing student enrollment.
- C. The public use and interest will be served by the platting of such subdivision and dedication;
 - To the extent the project provides opportunities for (regionally) needed housing and (locally) needed commercial development, and, makes provisions for active transportation and basic amenities within the rights-of-way, this intensity of development is appropriate for this location and in the public interest.
- D. The application is consistent with the requirements of RMC 19.60.095, which states: No development application for a Type II or Type III permit shall be approved by the City of Richland unless the decision to approve the permit application is supported by the following findings and conclusions:
 - a. The development application is consistent with the adopted Comprehensive Plan and Badger Mountain South Master Agreement,

and meets the requirements and intent of the Richland Municipal Code.

- The proposal is generally consistent with the intent of the Comprehensive and Subarea Plans. Staff has reservations about whether or not the proposed project is fully aligned with the various intent statements per Exhibit C (or LUDR) of the Badger Mountain South Master Agreement. This proposal will be conditioned to meet requirements of the Richland Municipal Code.

b. Impacts of the development have been appropriately identified and mitigated under RMC Chapter 22.09.

- Chapter 22.09 is the City's adoption of the State Environmental Policy Act provisions. The project falls under the Planned Action Ordinance (RMC 19.50.030) adopted by the City in 2010, which is based on the Supplemental Final Environmental Impact Statement [EIS] adopted in the Badger Mountain South Subarea Plan. The City recommends Conditions of Approval to align this project with the adopted Final EIS.
 - c. The development application is beneficial to the public health, safety and welfare and is in the public interest.
- The project is consistent with the City's Comprehensive Plan, the Badger Mountain South Subarea Plan, and, development regulations. Likewise, the proposal has been conditioned by Staff to satisfy applicable development regulations. Finally, there are improvements proposed to the benefit public health, safety, and welfare. As stated previously, however, there are concerns as to how faithfully the proposal meets the intent statements and other language of the guiding LUDR development document (Exhibit C of the Badger Mountain South Master Agreement).
- E. The development does not lower the level of service of transportation facilities below the level of service D, as identified in the Comprehensive Plan; provided, that if a development application is projected to decrease the level of service lower than level of service D, the development may still be approved if improvements or strategies to raise the level of service above the minimum level of service are made concurrent with development. For the purposes of this section, "concurrent with development" means that required improvements or strategies are in place at the time of occupancy of the project, or a financial commitment is in place to complete the required improvements within six years of approval of the development.
 - City Staff have reviewed provided documentation and are placing conditions of approval to mediate level-of-service impacts anticipated by this proposal.
- F. Any conditions attached to a project approval are as a direct result of the impacts of the development proposal and are reasonably needed to mitigate the impacts of the development proposal.
 - The conditions of approval recommended for this project are a direct result of imposing City development standards as contained in City code and are directly related to the development proposal. Additional conditions have been included as a result of comments received by other agencies.

FINDINGS, CONCLUSION, AND RECOMMENDATION:

Findings of Fact

- 1. The property owner and applicant in this matter is Brad Beauchamp
- 2. The proposal area is within the jurisdiction of the Richland Comprehensive Plan and the Badger Mountain South Subarea Plan. The project site is located within the Badger Mountain South Master Planned Community. The property is subject to the provisions of the Land Use and Development Regulations [LUDR] adopted for this planned community.
- 3. All proposed developments subject to the Badger Mountain LUDR regulations are required to be reviewed by the Badger Mountain South Master Plan Administrator [MPA]. The Administrator has issued a Master Agreement Consistency Recommendation (as provided for in Section 1.H of the LUDR) stating that the application meets the terms and obligations of the approved Master Agreement and the requirements of the LUDR.
- 4. Richland's Comprehensive Plan (via the Badger Mountain Subarea Plan and Master Agreement) designates the plat site for Commercial Mixed-Use development.
- 5. The City has adopted a Planned Action Ordinance for the Badger Mountain South Master Planned Community.
- 6. The proposed plat lies within the BMS Station neighborhood area identified in section 7.D of the Badger Mountain South LUDR.
- 7. The City of Richland Comprehensive Plan, via the Badger Mountain South Master Agreement's Exhibit C, or, the Land Use and Development Regulations [or LUDR] nominate this site as Commercial Mixed-Use [BMS-SD-CMU]. BMS-SD-CMU provides for residential, commercial, and office uses.
- 8. The proposed preliminary plat consists of 221 residential lots, eight (8) commercial lots and five (5) tracts.
- 9. Section 24.12.053 of the RMC sets forth standards for review of preliminary plats that require the Hearing Examiner to consider whether appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.
- 10. The proposed preliminary plat provides for the creation of one (1) public street, and six (6) new public streets, built to City public road design standards, including provisions for the extension of public utilities.
- 11. Right-of-way improvements proposed to serve the preliminary plat will be consistent with the City's development standards by applying municipal code provisions.
- 12. City Staff and other agencies reviewed the project and have recommended specific conditions of approval as listed in this report.
- 13. RMC 19.60.095(D) requires that development not lower the level of service standard for transportation facilities below a level of service D.

- 14. The subject site does not lie within any existing, recognized Critical Area. Critical Area requirements are not applicable with this proposal.
- 15. The subject site lies outside of the jurisdiction of the Shoreline Master Program. This project will have no effect on shorelines of statewide significance. Shoreline permitting requirements are not applicable with this proposal.
- 16. The project calls for the development of trails, which is consistent with the green infrastructure improvements called for in the Master Agreement between the City and Nor Am investment, LLC.
- 17. The proposed plat includes provisions for sidewalks and trails as set forth in the LUDR.
- 18. Improvements proposed to serve the preliminary plat will be consistent with the City's development standards by applying municipal code provisions.
- 19. The proposed preliminary plat includes provisions for the extension of domestic and irrigation water lines, electrical power lines, and sewer lines to serve the project.
- 20. RMC 19.60.095(D) requires that development not lower the level of service standard for transportation facilities below a level of service D.
- 21. According to Richland Municipal Code (Chapter 22.12), the project is subject to payment of park mitigation fees, which will be used to fund future park improvements within the Badger Mountain South Master Planned Community.
- 22. The plat illustrates one park site totaling one acre.
- 23. No bus service is currently provided in the vicinity of the project site. The Benton Franklin Transit Authority was given an opportunity to comment on the project but did not provide any comments.
- 24. The site is located within the Richland School District. The Richland School District was invited to comment but expressed no concerns with the plat.
- 25. The Badger Mountain Subarea Plan identifies sites for future public schools. This Desert Sky plat amendment does not include, a future school site.
- 26. Pursuant to RCW 43.21C.440.3(b) a county, city, or town is not required to make a threshold determination and may not require additional environmental review, for a proposal that is determined to be consistent with the development or redevelopment described in the Planned Action Ordinance.
- 27. Under the provisions of the Planned Action Ordinance, projects are not reviewed through standard State Environmental Policy Act provisions. Rather, review is conducted to determine if the proposed project is consistent with the mitigation measures enumerated in the Master Agreement.
- 28. The Badger Mountain South Final Supplemental Environmental Impact Statement did not address potential impacts of the development on cultural/historic resources.
- 29. The MPA issued a Master Agreement Consistency Recommendation [MACR] for the revised plat on May 8, 2023 (*Exhibit 3*).
- 30. The provided MACR indicates 6,760 linear feet of trails will be constructed (*Exhibit 3*).
- 31. Planning Staff issued a Master Agreement Consistency Recommendation [MACD] for the revised plat, on November 2, 2023 (*Exhibit 4*).
- 32. Planning Staff issued a Planned Action Consistency Determination [PACD] on November 2, 2023 (*Exhibit 5*).

Conclusions of Law

- 1. The proposed uses within the individual lots of the proposed subdivision are consistent with the LUDR 2.C Land Use Table for Commercial Mixed-Use [BMS-SD-CMU] districts.
- 2. The proposed preliminary plat is consistent with the Badger Mountain South Subarea Plan and would provide for development of the subject property in conformance with the density and type of land use envisioned in the land use and transportation elements of the adopted BMS master plan.
- 3. Pursuant to RMC Chapters 19.50, 22.09 and 22.10, the procedures required under the State Environmental Policy Act have been followed.
- 4. As conditioned, the proposed preliminary plat makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.
- 5. Recommended approval conditions ensure consistency with the provisions of RMC 19.60.095(D). Mitigating transportation improvements are applied as approval conditions.

Recommendation

Staff has completed its review of the request for preliminary plat approval (S2023-101) and recommends approval of the request subject to conformance with the conditions of approval, below, which are warranted because the project conforms to the City's adopted Comprehensive Plan, Badger Mountain Subarea Plan and Badger Mountain South Master Agreement, and is consistent with the requirements of the City's subdivision regulations.

RECOMMENDED CONDITIONS OF APPROVAL

Public Works

General Conditions

- 1. All final, approved plans for public improvements shall be submitted prior to pre-con on a 24" x 36" hardcopy format and also electronically. Addendums are not allowed, all information shall be supplied in full size (and electronic) format. 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 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 final platting.
- 2. 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.

- 3. 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. Please visit the published fee schedule 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.
- 4. Public utility infrastructure located on private property will require recording of a City standard form easement prior to final acceptance of the infrastructure. The City requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of final platting. 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.
- 5. 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.
- 6. The contractor and developer 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.
- 7. All plan sheets involving construction of public infrastructure shall have the stamp of a current Washington State licensed professional engineer.
- 8. A copy of the preliminary plat shall be supplied to the Post Office and all locations of future mailbox clusters approved prior to installation or final platting.

Design Standards

- 9. 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.
- 10. 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.
- 11. If the City Fire Marshal requires a secondary emergency vehicle access (SEVA), 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. Permanent SEVA's shall be paved with 2-inches of asphalt, minimum.
 - c. 2% cross-slope, maximum.
 - d. 5% slope, maximum. Any access road steeper than 5% shall be paved or be approved by the Fire Marshal.
 - e. Be 20-feet in width.
 - f. 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.

- 12. 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) and 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 and Streets

- 13. The "Desert Sky" 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 indicates the project will create no unusual or unanticipated traffic impacts, it is exempt from the SEPA-related traffic study requirement (TIA).
- 14. The proposed roundabout at the Dallas Road / Ava Way intersection shall be constructed and completed before the addition of new trips generated by the development. This item shall be completed and accepted by the city prior to final platting of phase 1.
- 15. The entire Dallas Road frontage shall be completed to City standards no later than the development of Phase 4, which is the first phase which constructs the lots adjacent to it. The road section (curb, gutter, and illumination) shall be constructed to the city's standard "minor arterial" road section. The improvements shall include the LUDR Edge Type B, which incorporates the urban trail on the east side of Dallas Road. These frontage improvements will include a taper back to the county's two-lane section beginning where the City limit line crosses Dallas Road.
- 16. The Ava Way frontage shall be completed to LUDR standards with the phase the develops lots adjacent to Ava Way and "Middle Drive". These improvements will include pavement striping of Ava Way across the project frontage.
- 17. Pursuant to Richland Municipal Code Section 12.10.030, all private roadways shall be designed to a city standard as directed by the Public Works Director. This includes any roadways constructed internally for the commercial parcels.
- 18. The proposed alignment of the public portion of "Middle Drive" places a portion of the road corridor on property not owned by the applicant. The applicant shall obtain the necessary property rights from the adjacent parcel and include it in the Middle Drive right-of-way dedication at the time of final platting.
- 19. Several of the private roadway centerlines are shown with radii less than 100feet. City standards require a minimum centerline curve of 100-feet.
- 20. The transition points between public and private streets shall be delineated with a cement concrete driveway approved by the City Engineer.
- 21. Per Richland Municipal Code Chapter 12.01.040 and 12.01.070, the shared driveways as proposed in this pre-plat shall be built to city standards.
- 22. The "cul-de-sac" feature on Middle Drive shall be removed from the design.
- 23. The existing curb returns on the west legs of both the Corvina-Meritage and Barbera-Meritage intersections shall be removed at the time of plat construction. They shall be replaced with city standard commercial driveways.

- 24. The existing access points onto Ava Way are acceptable for this project, but any proposed changes will be subject to approval by the City Engineer.
- 25. A note will be shown on the face of the final plat stating that Dallas Road is classified as an "Arterial street" and Ava Way is classified as a "Collector street". Subsequently, no driveways will be allowed directly onto them.
- 26. 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, HOA tracts, etc.).
- 27. 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 thrustreets shall have cross-slopes less than 5%. The road profile shall be designed to accommodate this.
- 28. The developer and their engineer shall demonstrate on the construction plans that all future driveway entrances, sidewalks and pedestrian ramps will meet City and ADA requirements, and also provide adequate separation between driveways and/or pedestrian ramp transitions; provided that the Public Works Director shall have discretion and authority to adopt and implement an updated design standard, authorizing curb modifications or combining depressed driveway access points for adjacent lots without a transition up to normal sidewalk in between so as to facilitate a final design that provides an adequate number of on-street parking spaces. The driveway density for this narrow lot development is unlikely to provide adequate on-street parking. It is recommended that the City's narrow street section (26-foot width face of curb to face of curb) be used which prohibits on-street parking and provides off-street parking lot(s) within the development for the displaced spaces.
- 29. A pedestrian access easement is shown crossing Lots 77 through 81. This easement overlays an access easement that will be used as a driveway for these lots. The pedestrian easement element of this easement shall be relocated to a mid-block location along West Drive, likely between lots 64 and 65. The pedestrian easement width should be no less than 15 feet. This path connection shall connect to the urban trail on Dallas Road.
- 30. Street names are not reviewed or vested until construction plans are submitted for review. The street names included on the pre-plat are not approved at this time.
- 31. Show city standard vision-clearance triangles 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.
- 32. Any roadways 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.

- 33. All roads shall be constructed to provide for adequate fire truck & solid waste collection truck access & turnaround movements.
- 34. 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

- 35. The proposed preliminary plat is located within both the Tapteal III and IV water pressure zones. It shall be the responsibility of the developer to extend the appropriate watermain to and through this property to serve domestic water at the time of plat construction. These water mains shall be sized to adequately supply domestic water and fire flows to the proposed development.
- 36. Any grading operations that take place near or over the top of the existing 20inch domestic water main shall ensure that adequate cover remains over the water main so as to protect it from breakage, or freezing, or service interruption. It shall be the responsibility of the developer to re-install any water mains that have too little (or too much) cover over them as a result of grading operations, or that will result in this water main being less than ten feet from a building footprint. This water main needs to be within a roadway whenever possible. The existing main shall be exposed and surveyed at multiple locations as part of the grading permit application process.
- 37. No dead end water pipelines will be allowed, except as approved by the City Engineer.
- 38. In accordance with municipal code chapter 18.34.030, domestic water mains shall be extended to the adjoining properties adjacent to the preliminary plat, provided they are in the correct pressure zone.
- 39. 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.
- 40. The fire hydrant layout shall be approved by the City Fire Marshal.
- 41. 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

42. 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.

43. Sanitary sewer shall be extended to the adjoining properties adjacent to the preliminary plat, where appropriate.

Storm Water

- 44. 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. The project will require detailed erosion control plans.
- 45. All public storm drainage collection 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.
- 46. Comment applies to commercial property: The proposed storm drainage and grading of all areas within the proposed development shall be shown on the plans (most grading and drainage plans must be prepared by a licensed civil engineer). If site contains at least 1,000 sq.ft. of new asphalt, and/or contains 30% or more impervious surfaces, storm drainage calculations from a licensed civil engineer are required. Stormwater shall be kept on-site (on the developing property that generated it). Stormwater shall not be flowed onto adjacent properties, or to the public Right-of-Way, without first obtaining written permission.
- 47. Comment applies to commercial property: The private on-site storm drainage system shall be designed 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". Calculations shall be stamped by a registered professional Civil Engineer. The applicant's design shall provide runoff protection to downstream property owners.

- 48. 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.
- 49. 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").
- 50. Any proposed storm drainage retention facilities within the boundary of the proposed preliminary plat shall not adversely affect neighboring properties.
- 51. 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.
- 52. The amount of post-development storm runoff from the proposed site shall be in compliance with RMC Chapter 16.06.
- 53. 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.
- 54. 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.
- 55. 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.

Final Platting Requirements

- 56. 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.
- 57. 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.
- 58. 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.
- 59. Ten-foot wide public utility easements will be required on the final plat along both sides of all right-of-ways and road corridors within the proposed plat. They will also be required where the plat is adjacent to an existing right-of-way.
- 60. 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. 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.
- 61. The final plat shall include notes identifying all common areas including any private streets and tracts and assigning the ownership and maintenance responsibility. A note shall be added to the face of the final plat that states: "The private roads are for the use and benefit of the property owners that abut said roads, and are to be maintained by the owners. The City of Richland accepts no maintenance responsibility for private roads".
- 62. 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." All restricted parking areas shall be indicated on the final plats.
- 63. All landscaped areas within the plat that are in the public Right of Way shall be the responsibility of the property owners to maintain.

- 64. A one-foot "No access / screening easement" will be required along both the Dallas Road and Ava Way Right of Ways.
- 65. The intended use and ownership of all tracts within the plat shall be noted on the final plat.
- 66. Property with an unpaid L.I.D. assessment towards it must be paid in full or segregated per Richland Municipal Code 3.12.095.

Addressing

- 67. 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 and the City will review to determine acceptable street names.
 - a. When selecting street names for review please note that the following are not acceptable names: West Dr, North Dr, Central Dr, Mountain Lp, Middle Dr & Canyon Rd.
 - b. Please reference RMC 12.01.060 to determine acceptable street designations.
- 68. Please add addressing brackets [] on all lots and tracts.

<u>WSDOT</u>

- 69. The subject property is in the vicinity of Interstate 82 (I-82) and the Dallas Road (Exit 104) interchange and within the Badger Mountain South (BMS) subarea. I-82, including the interchange, is a fully-controlled limited access facility, Highway of Statewide Significance (HSS), and part of the National Highway System (NHS). It is to the benefit of the city, county, and state to preserve this interchange's safety and efficiency.
- 70. We acknowledge the plat condition that requires the proponent to implement the mitigation measures identified in the latest project traffic impact analysis (TIA). WSDOT reviewed and concurred with this TIA in our letter to the city dated March 17, 2022. Of particular concern to the department are the impacts and necessary improvements to the Exit 104 ramp terminals. As outlined in the study, the developer is required to construct a traffic signal or roundabout at both ramp terminals by the year 2025. We strongly urge the city and developer to not underestimate the time and effort involved in gaining approval for projects on the Interstate system. In order to avoid any potential delays, the developer must begin coordinating these project with WSDOT at this time. It is also important to note, all work must follow current WSDOT and FHWA design documentation and approval processes and the state's preferred alternative for intersection control is the roundabout.

<u>Planning</u>

71. The applicant has depicted part of the public "Middle Drive" right-of-way on the neighboring, westerly parcel (APN: 1-32981000002007). Applicant shall provide correspondence to Staff demonstrating that talks are ongoing between the landowner of this neighboring property regarding the incorporation of some of their property into the applicant's plat layout. Prior to the final plat, the Middle Drive area, including necessary easements and roadway shall be dedicated to

the City of Richland. At that time, applicant shall submit all necessary approvals from respective parties.

72. On the face of the plat, the applicant must identify land uses for each lot at the time of final plat approval, with calculations for the plat confirming that the total amount of any Residential uses to be included on lots within the plat will provide at least 25% of developable Commercial square footage of space to 75% of any residential square footage in the subdivision. Allowed uses shall be those listed for the two Special Districts that apply to lots within the subdivision, as found in Sec. 2.C of the LUDR.

<u>Hearing Examiner</u>

- 73. Development of the plat shall be substantially consistent with drawings provided in the Preliminary Plat maps included as part of the revised application materials (Exhibit 9), subject to modifications necessary to comply with these conditions of approval.
- 74. Preliminary Plat approval shall be null and void if any condition enumerated herein is not satisfied.
- 75. No construction or site development activities related to the plat may be undertaken until required city approvals become effective, and the City and other regulatory authorities with jurisdiction issue applicable permits.
- 76. The applicant shall comply with all professional report conclusions and recommendations submitted in connection with the preliminary plat and engineering reviews, as approved and/or amended by the City.
- 77. Applicant shall be responsible for consulting with state and federal agencies, and tribal entities with jurisdiction (if any) for applicable permit or other regulatory requirements. Approval of a preliminary plat does not limit the applicant's responsibility to obtain any required permit, license or approval from a state, federal, or other regulatory body. Any conditions of regulatory agency permits, licenses, or approvals shall be considered conditions for this project.
- 78. The final engineering plans and submittals necessary to obtain final approvals for each phase of the plat shall conform to all applicable provisions of the Richland Municipal Code and the Conditions of Approval herein.
- 79. The preliminary plat shall comply with all applicable provisions of the Richland Municipal Code, and LUDR provisions for the Badger Mountain South community where this plat is located, whether or not such provisions are enumerated or referenced in the approved preliminary plat plans, in the staff report or in this Decision; provided adjustments to road widths, sidewalk and trail dimensions shall be in accord with final reviews and determinations by the City's Public Works Director, who is authorized to exercise sound engineering judgment in such matters, and that some adjustments may constitute Minor or Major Revisions to the Preliminary Plat, as explained in Condition J, below. The burden is on the applicant to show compliance with these conditions and applicable provisions of the City's code and LUDR provisions at every stage of development, including without limitation the 1,000 foot limit on uninterrupted block lengths (LUDR Sec. 7.B.2).

- 80. The preliminary plat can be developed in 5 (five) phases, as identified in the application materials and depicted on revised plan sheets included in Exhibit 9, subject to compliance with all final conditions herein.
- 81. Final Covenants, Conditions and Restrictions (CCRs) for each phase of this plat shall be submitted with the final plat application for each phase, and shall be recorded prior to the final plat. The CCRs are subject to review and approval of the Planning Manager and City Attorney to ascertain if the documents are sufficient to assure compliance with these Conditions of Approval, SEPA Mitigation measures, and LUDR provisions. At a minimum, the CCRs shall include provisions for repair, maintenance and performance guarantee of any tracts, private parks or open space, landscaping, facilities, utilities or amenities which are private and commonly owned by the homeowners of the plat, and clearly explaining that the City of Richland is not responsible for enforcement of private CCRs. Language shall also be included in the CCRs that require notification to the City of Richland Planning Manager of any amendments to the CCRs, and that the City shall have the authority to object to any modification that is inconsistent with any condition lawfully placed upon the subdivision by the City of Richland.
- 82. Process for Review of Potential Minor or Major Revisions to this Preliminary Plat. Revisions to an approved preliminary plat are reviewed under RMC 19.20.010, with minor revisions reviewed as a Type I application (see RMC 19.20.010(A)(5)), which requires approval by the Director; and major revisions reviewed as a Type III application requiring approval by the Hearing Examiner (See RMC 19.20.010(C)(1).

As provided in RMC 19.20.030, a Type I application does not require public notice, but public notice must be issued regarding any decision to approve a Type I application, which is then subject to appeal before the Hearing Examiner; and all Type III applications require full public notice of such application, an open record hearing, and a decision by the Hearing Examiner.

Because this application and others in the BMS community have generated significant public comments generally expressing concerns that some requirements, conditions, or expectations for prior BMS developments were modified or abandoned, or the timing of some requirements has been changed, it is in the public interest for this preliminary plat approval and future BMS projects to provide a clear condition explaining the sorts of revisions that will require a Type I or Type III review and approval, subject to application fees and filing requirements as determined by the Director or his/her designee.

For this preliminary plat, "Major Revisions" shall include proposed changes in primary access points or increase in the number of peak hour vehicle trips, expansion of site area, increase in the number of lots, elimination of or substantial change to a required transportation system improvement, substantial expansions of environmental impacts, or substantive changes to any finding of fact or condition of approval in the Decision approving the preliminary plat.

"Minor Revision" shall include proposed changes that the Director determines to be minor but still within the scope of the original preliminary plat approval. Minor revisions can include, without limitation: changes to the boundaries and lots within phases of the preliminary plat; changes in the timing of construction of road improvements mandated in the BMS Master Agreement, the LUDR, or these Conditions of Approval, if deemed to be in the public interest by the Public Works Director; technical engineering items and details, unless the proposed detail modifies or eliminates features specifically required as an element of approval; minor changes in lot or tract lines or dimensions, with no change in density; minor changes to street alignment or utility design; minor changes to street, sidewalk, or trail dimensions, based on site conditions, sound engineering judgement, or public safety considerations; reduction in the number of lots approved, as long as the modification meets any minimum density requirement; minor changes to clarify notations on the face of the plat; a change to a condition of approval that does not modify the intent of the original condition; and reconfiguration of any designated park, trail, open space, or recreation areas, provided, that no reduction in overall area occurs.

83. Right of Way Permit for Construction Traffic. Based on compelling testimony and evidence contained in the record for projects in the BMS master planned community that demonstrated a need for specific conditions to reduce the impacts of construction-related traffic that will move through surrounding neighborhood streets as the new plat is developed and homes are constructed therein, and under authority granted in development regulations found in the Richland Municipal Code, including without limitation RMC Chapter 12.08 (Right of Way Permits) and the purpose and intent of erosion, dust, traffic, pedestrian-safety and water-pollution control regulations set forth in other provisions of the RMC, the following Condition shall be satisfied prior to issuance of any clearing and grading, building, demolition, or other construction permit associated with development of or within the new plat that the Public Works Director determines is likely to have a material impact on any segment(s) of the city's existing public street network that will be used to obtain access to and from the plat-development site(s):

The applicant is required to apply for a Right of Way Permit before the issuance of any grading, building, demolition, or other construction permit associated with development of or within the new plat that the Public Words Director determines is likely to have a material impact on any segment(s) of the city's existing public street network that will be used to obtain access to and from the plat-development site(s). In some cases, more than one Right of Way Permit may be required, such as one for hauling and one for construction work within the right of way. A Right of Way Permit issued under this Condition is intended to regulate activity within the city right of way, and is required of any person who performs construction-related work within existing or proposed city rightsof-way, easements, or on city-owned infrastructure, including without limitation the following:

a. Designated truck hauling routes.

- b. Truck loading and unloading activities.
- c. Hours of construction and hauling.
- d. Continuity of pedestrian facilities.
- e. Temporary traffic control and pedestrian detour routing for construction activities.
- f. Street sweeping and maintenance during excavation and construction.
- g. Location of construction fences.
- h. Parking for construction workers.
- *i.* Construction vehicles, equipment, and materials in the right of way.

j. All other construction activities as they affect the public street system. In addition, the applicant shall submit for review and approval by the Public Works Director a plan for providing pedestrian access on existing public streets that are impacted during construction of this project (if any). Access on such existing public streets shall be provided at all times during the construction process, except when specific construction activities such as shoring, foundation work, and construction of frontage improvements prevents access. General materials storage and contractor convenience are not reasons for preventing access along streets, sidewalks or other portions of the city street system surrounding the new plat.

84. Whether restated or discussed elsewhere in these Conditions of Approval or this Decision, each and every of the mitigation conditions provided in Exhibit 5, the Planned Action Consistency Determination issued for this revised application on November 2, 2023, are incorporated herein by reference as individual Conditions of Approval adopted by the Hearing Examiner for this preliminary plat.

EXHIBIT LIST

- 1. Application Materials
- 2. Plat Map
- 3. Master Agreement Consistency Recommendation [MACR]
- 4. Master Agreement Consistency Determination [MACD]
- 5. Planned Action Consistency Determination [PACD]
- 6. Copies of Agency Comments
- 7. Public Notice and Affidavits
- 8. Public Comments
- 9. Revised Preliminary Plat Drawings
- 10. Updated City and Agency Comments
- 11. Applicant Correspondence
- 12. Revised Staff Report
- 13. Applicant Correspondence 2
- 14. Hearing Examiner Decision



DEVELOPMENT SERVICES DEPARTMENT

Exhibit 13

Applicant Correspondence 2

From: brad beauchamp <bmbdevelopment@yahoo.com>
Sent: Thursday, January 4, 2024 11:19 AM
To: Howie, Matthew <mhowie@ci.richland.wa.us>
Subject: Re: S2023-101 Desert Sky Staff and Agency Comments

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

we are fine with these

Brad Beauchamp North 44 BMB Development Inc 509-308-6556

On Wednesday, January 3, 2024 at 01:17:59 PM PST, Howie, Matthew < mhowie@ci.richland.wa.us > wrote:

Brad,

The Hearing Examiner is ready to issue his decision, as soon as today. He wants me to provide you an updated version of the Staff Report which I had updated following the public hearing. The changes start on page 45, in red. Most of the changes are items that the Hearing Examiner puts in his decisions. He asked me to start saying in the Staff Report in lieu of him incorporating them in the decisions from now on.

Just let me know if you have concerns about you see, and I'll forward that along to him.

See attached.



Matthew Howie

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

(509) 942-7587



DEVELOPMENT SERVICES DEPARTMENT

Exhibit 14

Hearing Examiner Decision

1 2	Before Hearing Examiner Gary N. McLean		
3			
4	BEFORE THE HEARING EXAMINER FOR THE CITY OF RICHLAND		
5			
6	Regarding an Application for)		
7 8	Preliminary Plat Approval, to subdivide) 38.2 acres into 221 residential lots, 8) commercial lots, and 5 tracts for)		
° 9	pedestrian access/proposed park space,) File No. S-2023-101		
9 10	on a site designated as "Special District –/ Commercial Mixed-Use" (BMS-SD- CMU) in the Badger Mountain South) DECISION APPROVING "DESERT SKY" PRELIMINARY		
11	master planned community, submitted by) PLAT APPLICATION		
12	BRAD BEAUCHAMP		
13	Applicant,		
14	(The site is generally located east of Dallas Road, north of Ava Way, and west of Meritage in the Badger Mountain South) master planned community, on two parcels numbered 1-29982000001002 and 1-32983000003037, in the City of		
15	Richland)		
16			
17	I. <u>Summary of Decision</u> .		
18	With appropriate conditions, the application can satisfy relevant approval criteria,		
19	including without limitation the specific "intent" language for the Special District – Commercial Mixed-Use area where it is located.		
20			
21	II. <u>Contents of Record</u> .		
22	Copies of all materials in the record and a digital audio recording of the open-record hearing conducted for this application are maintained by the City and may be requested by		
23	using the City's Public Records online portal or other methods for requesting records a		
24	described in the City's Public Records Disclosure Policy No. 0260.		
25	DECISION APPROVING "DESERT SKY"		
26	DECISION APPROVING "DESERT SKY" PRELIMINARY PLAT IN THE BMS MASTER PLANNED COMMUNITY – FILE NO. S2023-101 GARY N. MCLEAN CITY HALL – 505 SWIFT BOULEVARD		
	Page 1 of 26 RICHLAND, WASHINGTON 99352		

1	Exhibits:	to the Hearing Examiner regardir	evelopment Services Division Staff Report ng the "Desert Sky" Preliminary Plat, File
2		No. S2023-101, dated November identified and numbered on page ²	13, 2023, with eight attached exhibits, as 46 of such report.
3		1. Application Materials	
4		 Proposed Preliminary Plat, original BMS Master Agreement Consistence 	
5		 Master Agreement Consistency Det Planned Action Consistency Determ 	ermination [MACD]
6		 Copies of Agency Comments Public Notice and Affidavits 	
7		8. Public Comments	
8		Exhibits added to the record after origing record or as authorized during the pub	inal Staff Report was issued, all accepted into the lic hearing:
9		9. Revised Preliminary Plat Design, su	bmitted by Applicant during the public hearing
10			cs staff, mostly dealing with turning radius for
11		10 Updated City and Agency Commen	ts responding to the applicant's proposed
12			the Examiner in weeks after the public hearing.
13			-
14		same without objection or need for furt	ing updated comments from City staff, accepting her comment.
15		12. <i>Revised Staff Report</i> , incorporating regarding Applicant's revised plat designation of the state of the	g updates based upon City staff comments gn shown in Ex. 9, and recommending
16		Conditions of Approval consistent with	those used for previous preliminary plat nearby d to the Examiner in the first week of December.
17		NOTE: the Revised Staff Report was r	not modified to incorporate changes to Public
18		Exhibit 10, so this Decision relies upon	ected in PW comments included as part of a final PW conditions submitted by PW, after the nt's revised site plan (Ex. 9) and reviewed by the
19		applicant, all as reflected in Ex. 10.	
20			een Staff and Applicant, to confirm that aff Report and accepts modifications to findings
21			tion or need for further comment, received by the
22			
23		23, 2023, on adjacent property to the Se	ving Veneto Villagio preliminary plat, dated Jan. outh, also within the BMS master planned e same BMS Special District (Commercial
24		Mixed-Use) as this pending Desert Sky	
25			
26	DECISION APPROVING "DESERT SKY" PRELIMINARY PLAT IN THE BMS MASTER PLANNED COMMUNITY – FILE NO. S2023-101 GARY N. MCLEAN HEARING EXAMINER FOR THE CITY OF RICHLAND CITY HALL – 505 SWIFT BOULEVARD		
	Page 2 of 26		RICHLAND, WASHINGTON 99352

1 Testimony/Comments: The following persons were sworn and provided testimony under 2 oath during the open-record hearing on November 13, 2023: 3 Matthew Howie, Senior Planner, for the City of Richland; 1. 2. Brad Beauchamp, the applicant; 4 3. Ben Brink, local BMS resident, lives on lot across Meritage Avenue from 5 proposed plat in the West Vineyard community, submitted written comment included as Ex. 8, expressed concerns with how commercial uses will be 6 located directly across street from recently built residential homes, concerns about need for screening/a wall, concerns about pedestrian safety, noise, and 7 other conflicts sometimes experienced when residential uses are located near commercial uses; 8 4. Heather Nicholson, local BMS resident, expressed her support for the 9 application, sought clarification from Applicant that plat will not be a gated community [it will not be a gated community, verified by Mr. Beauchamp]; 10 5. John Fetterolf, Applicant's project engineer, responded to some comments, addressed topography issues, among other things; 11 III. APPLICABLE LAW. 12 13 Under applicable provisions of the Richland Municipal Code (RMC), a preliminary plat application is first subject to review and approval by city staff with respect to the 14 engineering elements of said plat, then the Hearing Examiner is responsible for conducting an open record public hearing followed by a final written Decision. A preliminary plat 15 application is a Type III procedure. RMC 19.20.010(C)(1). 16 As explained in RMC 24.12.050(A), the hearing examiner shall consider any 17 preliminary plat application and shall conduct an open record public hearing in accordance with Chapter 19.60 RMC. After the public hearing and review of materials in the record, the 18 hearing examiner shall determine whether the preliminary plat is in accordance with the comprehensive plan and other applicable code requirements and shall either make a decision 19 of approval or disapproval. The same provision of the city's code (RMC 24.12.050(A)) provides that any approval of the preliminary plat shall not be given by the hearing examiner 20 without the prior review and approval of the city manager or their designee with respect to 21 the engineering elements of said plat including the following: 22 1. Adequacy of proposed street, alley, right-of-way, easement, lighting, fire protection, drainage, and utility provisions; 23 2. Adequacy and accuracy of land survey data; 24 25 **DECISION APPROVING "DESERT SKY"** PRELIMINARY PLAT IN THE BMS MASTER GARY N. MCLEAN 26 PLANNED COMMUNITY - FILE NO. S2023-101 HEARING EXAMINER FOR THE CITY OF RICHLAND CITY HALL – 505 SWIFT BOULEVARD RICHLAND, WASHINGTON 99352 Page 3 of 26

1 2	3. The submittal by the applicant of a plan for the construction of a system of street lights within the area proposed for platting, including a timetable for installation; provided, that in no event shall such a plan be approved that provides for the dedication of such a system of lighting to the city later than the occupancy of any of the dwellings within the subdivision.	
3	The City's decision criteria for preliminary plat approval are substantially similar to state subdivision mandates found in RCW $58.17.110(2)^1$ and reads as follows:	
4	Richland Municipal Code 24.12.053 Preliminary plat – Required findings.	
5	The hearing examiner shall not approve any preliminary plat application, unless the approval is accompanied by	
6	written findings that:	
7	A. The preliminary plat conforms to the requirements of this title;	
8	B. Appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks	
9	and other planning features that assure safe walking conditions for students who only walk to and from school;	
10	<i>C.</i> <u><i>The public use and interest will be served by the platting of such subdivision and dedication (emphasis added); and</i></u>	
11	D. The application is consistent with the requirements of RMC 19.60.095.	
12		
13	And, RMC 19.60.095 mandates the following additional findings:	
14	19.60.095 Required findings.	
15	No development application for a Type II or Type III permit shall be approved by the city of Richland unless the decision to approve the permit application is supported by the following findings and conclusions:	
16	A. <u>The development application is consistent with the adopted comprehensive plan</u> and meets the requirements and intent of the Richland Municipal Code.	
17	B. Impacts of the development have been appropriately identified and mitigated under Chapter 22.09 RMC.	
18	C. The development application is beneficial to the public health, safety and welfare and <u>is in the public interest</u> . (emphasis added).	
19	D. The development does not lower the level of service of transportation facilities below the level of service D, as identified in the comprehensive plan; provided, that if a development application is projected to decrease the level	
20	of service lower than level of service D, the development may still be approved if improvements or strategies to raise the level of service above the minimum level of service are made concurrent with development. For the	
21	purposes of this section, "concurrent with development" means that required improvements or strategies are in	
22	¹ "A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets	
23	or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools a school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for studer who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication (emphasis added). If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use a interest will be served, then the legislative body shall approve the proposed subdivision and dedication. []" RCW 58.17.110(2).	
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25	DECISION APPROVING "DESERT SKY"	
26	PRELIMINARY PLAT IN THE BMS MASTERGARY N. MCLEANPLANNED COMMUNITY – FILE NO. S2023-101HEARING EXAMINER FOR THE CITY OF RICHLAND	
	Page 4 of 26	

place at the time of occupancy of the project, or a financial commitment is in place to complete the required improvements within six years of approval of the development. (emphasis added).
 E. Any conditions attached to a project approval are as a direct result of the impacts of the development proposal and are reasonably needed to mitigate the impacts of the development proposal.
 The burden of proof rests with the applicant, and any decision to approve or deny a preliminary plat must be supported by a preponderance of evidence. RMC 19.60.060 and Hearing Examiner Rules of Procedure, Sec. 3.08. The application must be supported by proof that it conforms to the applicable elements of the city's development regulations,

The hearing examiner's decision regarding this preliminary plat application shall be final, subject to judicial appeal in the time and manner as provided in RMC 19.70.060 and Ch. 36.70C RCW (*The city's final decision on land use application may be appealed by a party of record with standing to file a land use petition in Benton County Superior Court. Such petition must be filed within 21 days of issuance of the decision). See RMC 24.12.050(B).*

comprehensive plan and that any significant adverse environmental impacts have been

IV. **ISSUE PRESENTED**.

Whether a preponderance of evidence demonstrates that the applicant has satisfied their burden of proof to satisfy the criteria for preliminary plat approval?

V. FINDINGS OF FACT.

Short Answer: Yes, subject to appropriate conditions of approval.

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Upon consideration of the Staff Report, exhibits, public hearing testimony, follow-up
 research and review of applicable codes, plans, policies, controlling legal instruments,
 including without limitation the Badger Mountain South LUDR provisions, this Decision is
 now in order. Based on all the evidence, testimony, codes, policies, regulations, and other
 information contained in the Record, the Examiner issues the following findings, conclusions
 and Decision approving the pending preliminary plat application as set forth below.

20
1. Any statements in previous or following sections of this document that are deemed
21 findings are hereby adopted as such. Captions should not be construed to modify the
22 language of any finding, as they are only provided to identify some of the key topics at issue
22 in this application.

23 2. Brad Beauchamp (North 44 Badger, LLC) is the applicant and owner of the parcels of property addressed in this preliminary plat application. *(Ex. 1, application materials; Staff Report, page 1).*

26 DECISION APPROVING "DESERT SKY" PRELIMINARY PLAT IN THE BMS MASTER PLANNED COMMUNITY – FILE NO. S2023-101

adequately addressed. RMC 19.60.060.

GARY N. MCLEAN HEARING EXAMINER FOR THE CITY OF RICHLAND CITY HALL - 505 SWIFT BOULEVARD RICHLAND, WASHINGTON 99352

Page 5 of 26

3. The project site is part of the larger Badger Mountain South master planned community and is subject to review and compliance with applicable provisions of city development regulations as well as the Land Use and Development Regulations (LUDR) for the Badger Mountain South master planned community.

4. The Badger Mountain South master planned community is intended to be a "walkable and sustainable community" with a range of housing types, mixed-use neighborhoods, up to 5,000 dwelling units, businesses and other commercial activities, all subject to specially adopted Land Use and Development Regulations (LUDR) for the area. *(LUDR, 1.A, Intent, and 1.B, Purpose)*.

5. Of special relevance to this project, there is no dispute that the property addressed in this application is located in the "Special District – Commercial Mixed-Use" (BMS-SD-CMU) District. (See LUDR, Sec. 1.F, subsection 1.g; BMS map, showing Districts and boundaries, with Legend, on page 2-2 of the LUDR, Sections 2.A and 2.B; Staff Report, page 5, Figure 2, showing project site all within Commercial Mixed-Use district; LUDR Sec. 4.C, Intent and Standards for CMU District).

6. On or about July 10, 2023, the city received the pending application for a Preliminary Plat known as the Desert Sky project, assigned File No. S2023-101.

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Following review of the application materials, City staff deemed the materials complete 7. 13 for purposes of review and acceptance on or about the same date it mailed, posted, and published Notices of the Application and Public Hearing for the matter beginning on 14 September 29th through October 8, 2023. (Staff Report, page 31; Ex. 7, copies of notices and confirmation materials). The duly noticed public hearing for this matter occurred on 15 November 13, 2023, at which time the applicant submitted a revised preliminary plat design, intended to address Public Works' comments and how the effect of proposed conditions of 16 approval included in the original staff report might be satisfied with certain plat design 17 modifications. (Ex. 9, Applicant's revised plat design; Testimony of Mr. Beauchamp). During the hearing, Staff Requested additional time to consider and review the applicant's 18 revised drawings, so the Examiner held the record open to allow for a written response, which was transmitted to the applicant, and then the Examiner, in the first week of December. (See 19 Exhibits 10, 11, and 12, Staff Comments, Applicant's response, and copy of Revised Staff Report, including modifications and additions to recommended conditions of approval). 20

7a. While drafting this Decision, the Examiner noticed that the applicant may not have received a copy of the Revised Staff Report, so, to assure that the applicant had a full and fair opportunity to review and comment on such item, the City's Senior Planner, Mr. Howie, transmitted a true and correct copy of his Revised Staff Report on January 3, 2024, and the applicant responded by email on the following day to confirm that he was "fine" with the Revised document. (*Compare Applicant's statement in Ex. 11 with documents included as part of Ex. 10, which does not include copy of the Revised Staff Report, leaving it unclear as*

26 DECISION APPROVING "DESERT SKY" PRELIMINARY PLAT IN THE BMS MASTER PLANNED COMMUNITY – FILE NO. S2023-101

GARY N. MCLEAN HEARING EXAMINER FOR THE CITY OF RICHLAND CITY HALL - 505 SWIFT BOULEVARD RICHLAND, WASHINGTON 99352

Page 6 of 26

to whether the applicant ever received or reviewed the Revised Staff Report). With such correspondence now added into the record as Ex. 13, the record is now closed, and this Decision is in order.

8. All applicant submittals, updated Staff materials, written and verbal comments from current homeowners in the Badger Mountain South community, and testimony received following notices issued for the public hearing, are included in the record and have been thoroughly reviewed and considered in issuing this Decision.

Proposal.

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9. The applicant's proposed plat would divide a 38.2-acre site into 221 (two-hundred 7 twenty-one) residential lots, 8 (eight) commercial lots, and 5 (five) tracts for pedestrian access or proposed park space purposes, with new internal streets and associated infrastructure. (Ex. 8 9, revised plat design; Ex. 1, application materials; Ex. 12, Revised Staff Report). The 9 residential lot count was reduced from the applicant's original proposal (227 residential lots), that was the subject of various public notices, largely due to reconfiguration of some lots to 10 make roadway alignment changes necessitated by Public Works comments, and increasing the number of commercial lots (from 5 to 8) and tracts (from 3 to 5). (Compare original Staff 11 Report and Exs. 1 and 2 [application materials with original site plan] with Ex. 9, Applicant's 12 *Revised preliminary plat design).*

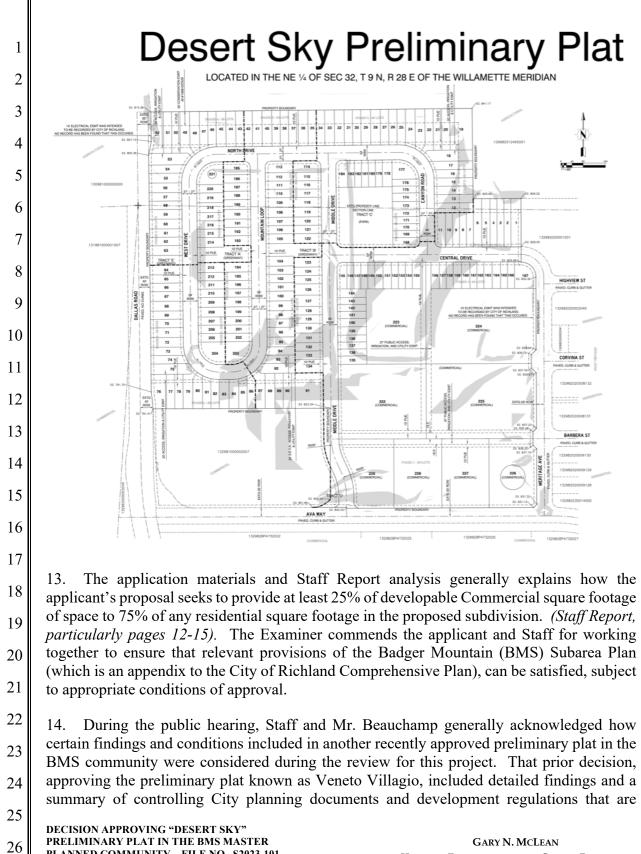
13 10. The site is generally located east of Dallas Road, north of Ava Way, and west of
 14 Meritage Avenue in the Badger Mountain South master planned community, on two parcels
 14 numbered 1-29982000001002 and 1-32983000003037, in the City of Richland, Washington.

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11. Again, there is no dispute that the entire project is located within a Badger Mountain
South Special District, known as the Commercial Mixed-Use District.

17 12. The general layout for the proposed Desert Sky preliminary plat, submitted by the applicant during the public hearing and included in the record as part of Ex. 9, is republished below:

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26	DECISION APPROVING "DESERT SKY" PRELIMINARY PLAT IN THE BMS MASTER PLANNED COMMUNITY – FILE NO. S2023-101

Page 7 of 26



PLANNED COMMUNITY - FILE NO. S2023-101

Page 8 of 26

HEARING EXAMINER FOR THE CITY OF RICHLAND CITY HALL – 505 SWIFT BOULEVARD RICHLAND, WASHINGTON 99352

equally applicable to this Project. Accordingly, the unchallenged Veneto Villagio Decision -1 particularly all findings related to how development projects in the few remaining BMS Commercial Mixed Use districts must be conditioned to ensure that such projects will provide 2 at least 25% of developable Commercial square footage of space to 75% of any residential square footage in the proposed subdivision – is incorporated herein by this reference as 3 findings of fact by the Examiner supporting Conditions of Approval included as part of this 4 Decision. See Ex. 14, Hearing Examiner Decision approving Veneto Villagio preliminary plat, dated Jan. 23, 2023, on adjacent property to the South, also within the BMS master 5 planned community, and with most of site in the same BMS Special District (Commercial Mixed-Use) as this pending Desert Sky proposal). The Veneto Villagio Decision was not 6 appealed, so it stands as issued with respect to code interpretations and applicability of planning documents referenced in such Decision that are relevant for this application as well, 7 because it was not modified by the Richland City Council via any subsequent code 8 amendments, or changes to BMS planning documents, including without limitation the LUDR. 9

10 15. The consistency recommendation letter for this proposal appropriately and directly addresses the specific intent language for the Commercial Mixed-Use District, a Special District in the BMS planning area, found in Sec. 4.C.1 of the LUDR, which applies to this entire subdivision. *(Ex. 3)*.

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13 16. The Revised Staff Report generally explains how the pending application designates sufficient space for park, plaza, trail, and open space purposes, required by various provisions in the LUDR. Compliance with such provisions – by formally designating sufficient space and specific locations for all required features and elements mandated by the LUDR – must be accomplished on or before the time of final plat approval, provided notes on the final plat may allow for certain details related to size, specific location, orientation, and final design of some required project features to be subject to review and approval by the City at the time of site plan review.

During the public hearing, an adjacent property owner, Mr. Brink, summarized his 17. 18 concerns with this proposal, given that he now lives in a newly built single family home as do others across Meritage Avenue to the east from what will be Commercial uses on the west 19 side as part of this proposed plat. The Staff Report acknowledges Mr. Brink's concerns, 20 which were detailed in his written comment letter included in the record as Ex. 8, but concludes that the proposed plat appears to comply with applicable provisions in the LUDR 21 for the site, so no additional conditions are recommended. During the public hearing, the applicant, Mr. Beauchamp, credibly explained that most commercial buildings will be located 22 well below the elevation of the Meritage Ave. right of way, given topography on the property, noting that some commercial property will be about 15-feet lower. (Testimony of Mr. 23 Beacham). The Examiner asked questions of the applicant, related to steps he might take to 24 minimize noise impacts on surrounding residents, including LEED related recommendations

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DECISION APPROVING "DESERT SKY" PRELIMINARY PLAT IN THE BMS MASTER PLANNED COMMUNITY – FILE NO. S2023-101

GARY N. MCLEAN HEARING EXAMINER FOR THE CITY OF RICHLAND CITY HALL – 505 SWIFT BOULEVARD RICHLAND, WASHINGTON 99352

Page 9 of 26

for HVAC equipment commonly placed atop commercial structures. Given the merits of Mr. Brink's concerns, the Examiner finds and concludes that it is appropriate to add an additional Condition of Approval to require certification(s) from a qualified professional at the time of building permit/engineering plan reviews to the effect that HVAC and other major mechanical equipment known to generate outdoor noise are specifically identified, selected, and situated in a manner that will satisfy applicable City noise standards. *(See new language added as Condition of Approval "I")*.

18. Except for portions of the Revised Staff Report (*Ex. 12*) that are in conflict with findings and analysis in this Decision, and the unchallenged findings and legal analysis provided in the Veneto Villagio Decision that is incorporated by reference as part of this Decision, the Revised Staff Report includes a credible explanation as to how applicable notice requirements, SEPA requirements, utility availability, and transportation issues are satisfactorily addressed in this plat application, and how the application, as conditioned, can satisfy all applicable approval criteria for the requested preliminary plat. Accordingly, the Revised Staff Report findings and statements of fact are adopted herein by reference as findings of fact.

11 19. With additional conditions of approval addressed in this Decision, the Examiner finds that the proposed plat can satisfy all applicable approval criteria and would be in the public interest.

VI. CONCLUSIONS OF LAW.

- Based on the Findings as summarized above, the undersigned examiner concludes that the proposed plat can be conditioned to satisfy applicable approval criteria, including City comprehensive plan policies (the Badger Mountain Subarea Plan), the BMS Master Agreement, and LUDR provisions.
- Consistent with RMC 19.60.095, and subject to all Conditions of Approval set forth below, the Examiner finds and concludes that: The development application is consistent with the adopted comprehensive plan and meets the requirements and intent of the Richland Municipal Code; and the development application is beneficial to the public health, safety and welfare and is in the public interest.

Any finding or other statements in previous or following sections of this document that are deemed Conclusions of Law are hereby adopted as such.

VII. DECISION.

Based upon the preceding Findings of Fact and Conclusions of Law, evidence presented through the course of the open record hearing, all materials contained in the contents of the record, and the Examiner's site visits to the area, the undersigned Examiner

26 DECISION APPROVING "DESERT SKY" PRELIMINARY PLAT IN THE BMS MASTER PLANNED COMMUNITY – FILE NO. S2023-101

GARY N. MCLEAN HEARING EXAMINER FOR THE CITY OF RICHLAND CITY HALL - 505 SWIFT BOULEVARD RICHLAND, WASHINGTON 99352

Page 10 of 26

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1	approves the " <i>Desert Sky</i> " Preliminary Plat application, subject to the attached Conditions of Approval, that are incorporated herein as part of this Decision.
2	ISSUED this 5 th Day of January, 2024
3	Man N. McCem
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5	Gary N. McLean Hearing Examiner
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25	DECISION APPROVING "DESERT SKY"
26	PRELIMINARY PLAT IN THE BMS MASTER Gary N. McLean PLANNED COMMUNITY – FILE NO. S2023-101 HEARING EXAMINER FOR THE CITY OF RICHLAND
	Page 11 of 26

	CONDITIONS OF APPROVAL		
1	FOR THE		
\mathbf{r}	PRELIMINARY PLAT OF DESERT SKY		
2	FILE NO. S2023-101		
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4	In accord with authority granted in the Richland Municipal Code, the hearing examiner grants the above-referenced preliminary plat application subject to conditions, modifications and restrictions set		
_	forth below, all found necessary to make the application compatible with the environment, and carry		
5	out applicable state laws and regulations, and the regulations, policies, objectives and goals of the city's comprehensive plan, zoning code, subdivision code, and other ordinances, policies and objectives of the		
6	comprehensive plan, coming code, subdivision code, and other or dinances, policies and objectives of the city.		
7	<i>General Conditions,</i> included by the Examiner based on evidence in the record, and to ensure consistency		
8	with similar preliminary plat decisions issued for projects in the Badger Mountain South community:		
Ũ	A. <i>Plat Design, Phasing.</i> Development of the plat shall be substantially consistent with drawings		
9	provided in the Preliminary Plat maps included as part of the applicant's revised plat design materials (<i>Ex. 9</i>), subject to modifications necessary to comply with these conditions of approval.		
10	The Preliminary Plat may be developed in 5 (five) phases, as identified in the application materials		
11	and depicted on the revised plat plan sheets included as part of <i>Ex. 9</i> .		
12	B. No construction or site development activities related to the plat may be undertaken until required		
	city approvals become effective, and the City and other regulatory authorities with jurisdiction issue applicable permits.		
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14	C. <i>Process for Review of Potential Minor or Major Revisions to this Preliminary Plat.</i> Revisions to an approved preliminary plat are reviewed under RMC 19.20.010, with minor revisions		
	reviewed as a Type I application (see RMC 19.20.010(A)(5)), which requires approval by the		
15	Director; and major revisions reviewed as a Type III application requiring approval by the		
16	Hearing Examiner (See RMC 19.20.010(C)(1)).		
10	As married in DMC 10.20.020 - Trans I conditation does not married within the start within		
17	As provided in RMC 19.20.030, a Type I application does not require public notice, but public notice must be issued regarding any decision to approve a Type I application, which is then subject		
	to appeal before the Hearing Examiner; and all Type III applications require full public notice of		
18	such application, an open record hearing, and a decision by the Hearing Examiner.		
19			
17	Because applications in the BMS community have generated significant public comments		
20	generally expressing concerns that some requirements, conditions, or expectations for prior BMS developments were modified or abandoned, or the timing of some requirements has been changed,		
	it is in the public interest for this preliminary plat approval and future BMS projects to provide a		
21	clear condition explaining the sorts of revisions that will require a Type I or Type III review and		
22	approval, subject to application fees and filing requirements as determined by the Director or		
	his/her designee.		
23	For this preliminary plat, "Major Revisions" shall include proposed changes in primary access		
	points or increase in the number of peak hour vehicle trips, expansion of site area, increase in the		
24	number of lots, elimination of or substantial change to a required transportation system		
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	DECISION APPROVING "DESERT SKY"		
26	PRELIMINARY PLAT IN THE BMS MASTER Gary N. McLean PLANNED COMMUNITY – FILE NO. S2023-101 Hearing Examiner for the City of Richland		
	CITY HALL - 505 SWIFT BOULEVARD		
	Page 12 of 26 RICHLAND, WASHINGTON 99352		

improvement, substantial expansions of environmental impacts, or substantive changes to any finding of fact or condition of approval in the Decision approving the preliminary plat.

"Minor Revision" shall include proposed changes that the Director determines to be minor but still within the scope of the original preliminary plat approval. Minor revisions can include, without limitation: changes to the boundaries and lots within phases of the preliminary plat; changes in the timing of construction of road improvements mandated in the BMS Master Agreement, the LUDR, or these Conditions of Approval, if deemed to be in the public interest by the Public Works Director; technical engineering items and details, unless the proposed detail modifies or eliminates features specifically required as an element of approval; minor changes in lot or tract lines or dimensions, with no change in density; minor changes to street alignment or utility design; minor changes to street, sidewalk, or trail dimensions, based on site conditions, sound engineering judgement, or public safety considerations; reduction in the number of lots approved, as long as the modification meets any minimum density requirement; minor changes to clarify notations on the face of the plat; a change to a condition of approval that does not modify the intent of the original condition; and reconfiguration of any designated park, trail, open space, or recreation areas, provided, that no reduction in overall area occurs.

- D. The applicant shall comply with all professional report conclusions and recommendations submitted in connection with the preliminary plat and engineering reviews, as approved and/or amended by the City.
- E. Applicant shall be responsible for consulting with state and federal agencies, and tribal entities with jurisdiction (if any) for applicable permit or other regulatory requirements. Approval of a preliminary plat does not limit the applicant's responsibility to obtain any required permit, license or approval from a state, federal, or other regulatory body. Any conditions of regulatory agency permits, licenses, or approvals shall be considered conditions for this project.
- F. The final engineering plans and submittals necessary to obtain final approval for the plat, shall conform to all applicable provisions of the Richland Municipal Code and the Conditions of Approval herein.
- G. The preliminary plat and all future development in such plat shall comply with all applicable 17 provisions of the Richland Municipal Code, and LUDR provisions (including the Intent for the Special Districts that apply to the project) for the Badger Mountain South community where this 18 plat is located, whether or not such provisions are enumerated or referenced in the approved preliminary plat plans, in the staff report or in this Decision; provided adjustments to road widths, 19 sidewalk and trail dimensions shall be in accord with final reviews and determinations by the City's Public Works Director, who is authorized to exercise sound engineering judgment in such 20 matters. The burden is on the plat applicant as well as all future development project applicants to show compliance with these conditions and applicable provisions of the City's code and LUDR 21 provisions at every stage of development within this plat.
- H. Commercial development required in the BMS-SD-CMU District. On the face of the plat, the applicant must identify land uses for each lot at the time of final plat approval, with calculations for the plat confirming that the total amount of developable square footage within the plat will provide at least 25% of developable Commercial square footage of space to 75% of any residential square footage in the subdivision. Allowed uses shall be those listed for the Special District that

DECISION APPROVING "DESERT SKY" PRELIMINARY PLAT IN THE BMS MASTER PLANNED COMMUNITY – FILE NO. S2023-101

GARY N. MCLEAN HEARING EXAMINER FOR THE CITY OF RICHLAND CITY HALL - 505 SWIFT BOULEVARD RICHLAND, WASHINGTON 99352

Page 13 of 26

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applies to all lots within this subdivision, as found in Sec. 2.C of the LUDR, in this case, the BMS-SD-CMU district. The word "Commercial" is defined in the LUDR as "A term defining workplace, office and retail use collectively." *(See LUDR, Sec. 14, Glossary)*. Following plat approval, the burden shall be on all applicants for development proposals located within this plat to demonstrate that their project will be consistent with this plat condition; provided this condition shall not be read to mandate Commercial development prior to residential development within the plat, because the intent and purpose of this condition is to achieve and maintain the minimum 25/75 Commercial/Residential ratio of developed square footage within the plat when fully builtout, based on identified land uses and designated building types/sizes shown on final plat documents and subsequent building permit plans or as-built submittals associated with development in this plat.

- I. Noise considerations for Commercial projects near residential uses. As part of building permit reviews for commercial projects in this Plat, the project applicant shall submit a report from a qualified acoustical consultant or mechanical engineer for review and approval by the Planning Manager, certifying that the selection and placement of i) all HVAC system equipment; ii) ventilation/exhaust fans, equipment, or vents; and iii) other mechanical features of that might reasonably be anticipated to generate outdoor noise exceeding typical background noise at the property will be sufficient to satisfy applicable City noise standards, particularly as heard from residential properties in the vicinity. The Planning Manager shall have discretion and authority to require compliance with or implementation of any HVAC/Mechanical Equipment-related best management practices or monitoring protocols recommended by the qualified professional in order to ensure ongoing compliance with City noise standards.
- J. Final Covenants, Conditions and Restrictions (CCRs) for each phase of this plat shall be submitted 13 with the final plat application for each phase, and shall be recorded prior to the final plat. The CCRs are subject to review and approval of the Planning Manager and City Attorney to ascertain 14 if the documents are sufficient to assure compliance with these Conditions of Approval, SEPA Mitigation measures, and LUDR provisions. At a minimum, the CCRs shall include provisions 15 for repair, maintenance and performance guarantee of any tracts, private parks or open space, landscaping, facilities, utilities or amenities which are private and commonly owned by the 16 homeowners of the plat, and clearly explaining that the City of Richland is not responsible for enforcement of private CCRs. Language shall also be included in the CCRs that require 17 notification to the City of Richland Planning Manager of any amendments to the CCRs, and that the City shall have the authority to object to any modification that is inconsistent with any 18 condition lawfully placed upon the subdivision by the City of Richland.
- 19 Κ. Right of Way Permit for Construction Traffic. Based on compelling testimony and evidence contained in the record for projects in the BMS master planned community that demonstrated a 20 need for specific conditions to reduce the impacts of construction-related traffic that will move through surrounding neighborhood streets as the new plat is developed and homes are constructed 21 therein, and under authority granted in development regulations found in the Richland Municipal Code, including without limitation RMC Chapter 12.08 (Right of Way Permits) and the purpose 22 and intent of erosion, dust, traffic, pedestrian-safety and water-pollution control regulations set forth in other provisions of the RMC, the following Condition shall be satisfied prior to issuance 23 of any clearing and grading, building, demolition, or other construction permit associated with development of or within the new plat that the Public Works Director determines is likely to have 24

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DECISION APPROVING "DESERT SKY" PRELIMINARY PLAT IN THE BMS MASTER PLANNED COMMUNITY – FILE NO. S2023-101

GARY N. MCLEAN HEARING EXAMINER FOR THE CITY OF RICHLAND CITY HALL - 505 SWIFT BOULEVARD RICHLAND, WASHINGTON 99352

Page 14 of 26

1	a material impact on any segment(s) of the city's existing public street network that will be used to obtain access to and from the plat-development site(s):
2	The applicant is required to apply for a Right of Way Permit before the issuance of any grading, building, demolition, or other construction permit associated with development of or within the
3	new plat that the Public Words Director determines is likely to have a material impact on any
4	segment(s) of the city's existing public street network that will be used to obtain access to and from the plat-development site(s). In some cases, more than one Right of Way Permit may be
5	required, such as one for hauling and one for construction work within the right of way. A Right of Way Permit issued under this Condition is intended to regulate activity within the city right of way, and is required of any person who performs construction-related work within existing or
6	proposed city rights-of-way, easements, or on city-owned infrastructure, including without limitation the following:
7	minitation the following.
8	a. Designated truck hauling routes.b. Truck loading and unloading activities.
9	c. Hours of construction and hauling.
9	d. Continuity of pedestrian facilities.e. Temporary traffic control and pedestrian detour routing for construction
10	activities.
11	f. Street sweeping and maintenance during excavation and construction.g. Location of construction fences.
12	h. Parking for construction workers.i. Construction vehicles, equipment, and materials in the right of way.
	j. All other construction activities as they affect the public street system.
13	In addition, the applicant shall submit for review and approval by the Public Works Director a
14	plan for providing pedestrian access on existing public streets that are impacted during construction of this project (if any). Access on such existing public streets shall be provided at all
15	times during the construction process, except when specific construction activities such as shoring, foundation work, and construction of frontage improvements prevents access. General
16 17	materials storage and contractor convenience are not reasons for preventing access along streets, sidewalks or other portions of the city street system surrounding the new plat.
	L. Except as modified by these Conditions, each and every of the mitigation conditions provided in
18	Exhibit 5, the Planned Action Consistency Determination issued for this revised application on
19	November 2, 2023, are incorporated herein by reference as individual Conditions of Approval adopted by the Hearing Examiner for this preliminary plat.
20	M. Preliminary Plat approval shall be null and void if any condition enumerated herein is not satisfied.
21	
22	Conditions derived from the Revised Staff Report (Ex. 12) and Public Works' revisions included as part of Ex. 10.
23	included as part of Ex. 10.
	Public Works.
24	1. All final, approved plans for public improvements shall be submitted prior to pre-con on a 24" x 36" hardcopy format and also electronically. Addendums are not allowed, all information shall
25	
26	DECISION APPROVING "DESERT SKY" PRELIMINARY PLAT IN THE BMS MASTER PLANNED COMMUNITY – FILE NO. S2023-101 HEARING EXAMINER FOR THE CITY OF RICHLAND
	Page 15 of 26 CITY HALL - 505 SWIFT BOULEVARD RICHLAND, WASHINGTON 99352

be supplied in full size (and electronic) format. 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 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 final platting. 2. 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. Any work within the public right-of-way or easements or involving public infrastructure will 3. 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. Please visit the published fee schedule 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. 4. Public utility infrastructure located on private property will require recording of a City standard form easement prior to final acceptance of the infrastructure. The City requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of final platting. 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. 5. 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. The contractor and developer shall be responsible for any and all public infrastructure 6. construction deficiencies for a period of one year from the date of the letter of acceptance by the City of Richland. 7. All plan sheets involving construction of public infrastructure shall have the stamp of a current Washington State licensed professional engineer.

A copy of the preliminary plat shall be supplied to the Post Office and all locations of future mailbox clusters approved prior to installation or final platting.

26 DECISION APPROVING "DESERT SKY" PRELIMINARY PLAT IN THE BMS MASTER PLANNED COMMUNITY – FILE NO. S2023-101

GARY N. MCLEAN HEARING EXAMINER FOR THE CITY OF RICHLAND CITY HALL - 505 SWIFT BOULEVARD RICHLAND, WASHINGTON 99352

Page 16 of 26

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Design Sta	andards:
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9. 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.
- 10 G. All public improvements shall comply with the State of Washington and City of Richland requirements, standards and codes.
- 11 10. 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.
- 14 11. If the City Fire Marshal requires a secondary emergency vehicle access (SEVA), 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. Permanent SEVA's shall be paved with 2-inches of asphalt, minimum.
 - C. 2% cross-slope, maximum.
 - D. 5% slope, maximum. Any access road steeper than 5% shall be paved or be approved by the Fire Marshal.
 - E. Be 20-feet in width.
 - F. 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.

21 12. <u>SURVEY MONUMENT DESTRUCTION</u>:

- 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

26 DECISION APPROVING "DESERT SKY" PRELIMINARY PLAT IN THE BMS MASTER PLANNED COMMUNITY – FILE NO. S2023-101

GARY N. MCLEAN HEARING EXAMINER FOR THE CITY OF RICHLAND CITY HALL - 505 SWIFT BOULEVARD RICHLAND, WASHINGTON 99352

Page 17 of 26

1		permit is obtained from the Department of Natural 030(2) and RCW 58.09.130).	Resources (DNR). (WAC 332-120-
2		B. Any person, corporation, association, department, or municipality responsible for an activity that may cau or destroyed shall be responsible for ensuring that th	ise a survey monument to be removed
3		(WAC 332-120-030(2)).	
4		C. Survey monuments are those monuments marking loc points, and land boundary survey corners. (WAC 332	
5		When a monument must be removed during an activity tha Engineer or Land Surveyor must complete, sign, seal and t	
6		It shall be the responsibility of the designing Engineer to ic project plans and include a construction note directing ther	dentify the affected monuments on the
7	Traffic	ic & Streets:	
8			
9	13.	The "Desert Sky" preliminary plat is subject to the City's t 12.03). Since this property is included within the traffic in analysis indicates the project will create no unusual or una	npact fee program, and since staff
10		from the SEPA-related traffic study requirement (TIA).	northanna a anna mhfacas, is is chempt
11	14.	The proposed roundabout at the Dallas Road / Ava Way in completed before the addition of new trips generated by th	
12		completed and accepted by the city prior to final platting o	
13	15.	The entire Dallas Road frontage shall be completed to City s development of Phase 4, which is the first phase which cons	
14		section (curb, gutter, and illumination) shall be constructed to road section. The improvements shall include the LUDR Ed	to the city's standard "minor arterial"
15 16		urban trail on the east side of Dallas Road. These frontage in to the county's two-lane section beginning where the City li	nprovements will include a taper back
	16.	The Ava Way frontage shall be completed to LUDR standar	ds with the phase the develops lots
17		adjacent to Ava Way and "Middle Drive". These improvem Ava Way across the project frontage.	
18	17.	A note shall be shown on the face of the final plat stating that	at Dallas Road is classified as an
19	17.	"Arterial street" and Ava Way is classified as a "Collector s will be allowed directly onto them. The only exception wou	treet". Subsequently, no driveways
20		Way between lots 227 and 228. This driveway shall line up South side of Ava Way.	
21	10		······································
22	18.	Pursuant to Richland Municipal Code Section 12.10.030, an development shall be designed to a city standard, as directed includes any roadways constructed internally for the comme	by the Public Works Director. This
23	10		
24	19.	The proposed alignment of the public portion of "Middle Dr corridor on property not owned by the applicant. The applic	
25	DECISI	ION ADDOVING "NECEDT CVV"	
26	PRELIM	ION APPROVING "DESERT SKY" MINARY PLAT IN THE BMS MASTER NED COMMUNITY – FILE NO. S2023-101 HEA	GARY N. MCLEAN RING EXAMINER FOR THE CITY OF RICHLAND
	Page 18 c	of 26	CITY HALL – 505 SWIFT BOULEVARD RICHLAND, WASHINGTON 99352

1		rights from the adjacent parcel and include it in the Middle Drive right-of-way dedication at the time of final platting.
2	20.	The transition points between public and private streets shall be delineated with a cement concrete driveway approved by the City Engineer.
3 4	21.	Per Richland Municipal Code Chapter 12.01.040 and 12.01.070, the shared driveways as proposed in this pre-plat shall be built to city standards.
5	22.	The existing curb returns on the west legs of both the Corvina-Meritage and Barbera-Meritage intersections shall be removed at the time of plat construction. They shall be replaced with city
6		standard commercial concrete driveways.
7	23.	The road section proposed on sheet "PP200" indicates a rolled curb. This curb style is not city standard and is not acceptable. The city has a 26-foot wide narrow street standard with offset
8 9		sidewalk that shall be constructed. Because of the high driveway density typical of this type of development, the applicant shall provide adequate off-street parking to accommodate the loss of on-street parking.
10	24.	The proposed grade of "North Drive" at the intersection with "Middle Drive" is over 5% (sheet "PP107"). At these grades the ADA pedestrian ramps will not be able to meet current design
11		standards. The slope of this intersection needs to be adjusted to comply with current ADA
12		standards. The proposed grades may also create an intersection sight-distance problem.
13	25.	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
14 15		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.
16	26	
17	26.	The developer and their engineer shall demonstrate on the construction plans that all future driveway entrances, sidewalks and pedestrian ramps will meet City and ADA requirements, and also provide adequate separation between driveways and/or pedestrian ramp transitions;
18		provided that the Public Works Director shall have discretion and authority to adopt and implement an updated design standard, authorizing curb modifications or combining depressed
19		driveway access points for adjacent lots without a transition up to normal sidewalk in between so as to facilitate a final design that provides an adequate number of on-street parking spaces.
20		The driveway density for this narrow lot development is unlikely to provide adequate on-street parking. It is recommended that the City's narrow street section (26-foot width face of curb to
21		face of curb) be used which prohibits on-street parking and provides off-street parking lot(s) within the development for the displaced spaces.
22	27.	The "Tract E" Greenway shall have a city standard 12-foot wide pedestrian trail on it to allow for
23		access to Dallas Road.
24	28.	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, HOA tracts, etc.).
25	DECISI	ON APPROVING "DESERT SKY"
26	PRELIN	INARY PLAT IN THE BMS MASTERGARY N. MCLEANED COMMUNITY – FILE NO. S2023-101HEARING EXAMINER FOR THE CITY OF RICHLAND
	Page 19 o	CITY HALL – 505 SWIFT BOULEVARD

1 2	29.	Lots 185 and 221 will be impacted by the sight-distance line required of vehicles at the Mountain Loop and North Drive intersection. This impact needs to be evaluated as these two lots may be unbuildable.
3 4	30. Show city standard vision-clearance triangles 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.	
5 6	31.	Street names are not reviewed or vested until construction plans are submitted for review. The street names included on the pre-plat are not approved at this time.
7 8	32. Any roadways 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.	
9	33.	All roads shall be constructed to provide for adequate fire truck & solid waste collection truck access & turnaround movements.
10 11	34.	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.
12	Domestic Water:	
13 14 15	35.	The proposed preliminary plat is located within both the Tapteal III and IV water pressure zones. It shall be the responsibility of the developer to extend the appropriate watermain to and through this property to serve domestic water at the time of plat construction. These water mains shall be sized to adequately supply domestic water and fire flows to the proposed development.
16 17 18 19 20	36. Any grading operations that take place near or over the top of the existing 20-inch domestic water main shall ensure that adequate cover remains over the water main so as to protect it from breakage, or freezing, or service interruption. It shall be the responsibility of the developer to reinstall any water mains that have too little (or too much) cover over them as a result of grading operations, or that will result in this water main being less than ten feet from a building footprint. This water main needs to be relocated to be within a roadway whenever possible. The existing main shall be exposed and surveyed at multiple locations as part of the grading permit application process.	
21	37.	No dead end water pipelines will be allowed, except as approved by the City Engineer
22	38.	In accordance with municipal code chapter 18.34.030, domestic water mains shall be extended to the adjoining properties adjacent to the preliminary plat, provided they are in the correct pressure
23		zone.
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25	DECISI	ON APPROVING "DESERT SKY"
26	PRELIN	MINARY PLAT IN THE BMS MASTER GARY N. MCLEAN ED COMMUNITY – FILE NO. S2023-101 HEARING EXAMINER FOR THE CITY OF RICHLAND CITY HALL – 505 SWIFT BOULEVARD CITY HALL – 505 SWIFT BOULEVARD

- 39. 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.
- 40. The fire hydrant layout shall be approved by the City Fire Marshal.
- 41. 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:

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- 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.
- 43. Sanitary sewer shall be extended to the adjoining properties adjacent to the preliminary plat, where appropriate.

13 Storm Water:

- 14 44. 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 15 Department of Ecology issued Eastern Washington NPDES Phase II Municipal Stormwater Permit. The Developer shall be responsible for compliance with the permit conditions. All 16 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 17 (SWMMEW) and prepare a Stormwater Site Plan. In addition, a Stormwater Pollution Prevention Plan (SWPPP) or submission of a completed erosivity waiver certification is 18 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 19 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. 20 The project will require detailed erosion control plans.
- 45. All public storm drainage collection 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

	DECISION APPROVING "DESERT SKY"
26	PRELIMINARY PLAT IN THE BMS MASTER
20	PLANNED COMMUNITY – FILE NO. S2023-101

GARY N. MCLEAN HEARING EXAMINER FOR THE CITY OF RICHLAND CITY HALL - 505 SWIFT BOULEVARD RICHLAND, WASHINGTON 99352

Page 21 of 26

1 2		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.
3	46.	Comment applies to commercial property: The proposed storm drainage and grading of all areas
4		within the proposed development shall be shown on the plans (most grading and drainage plans must be prepared by a licensed civil engineer). If site contains at least 1,000 sq.ft. of new asphalt,
5		and/or contains 30% or more impervious surfaces, storm drainage calculations from a licensed civil engineer are required. Stormwater shall be kept on-site (on the developing property that generated it). Stormwater shall not be flowed onto adjacent properties, or to the public Right-of-
6		Way, without first obtaining written permission.
7	47.	Comment applies to commercial property: The private on-site storm drainage system shall be
8		designed following the core elements defined in the latest editions of the Stormwater Management Manual for Eastern Washington, the current Richland municipal codes, the Phase
9		II Municipal Stormwater Permit, and the City's "Public Infrastructure Construction Plan Requirements and Design Guidelines". Calculations shall be stamped by a registered
10		professional Civil Engineer. The applicant's design shall provide runoff protection to downstream property owners.
11	48.	If any existing storm drainage or ground water seepage drains onto the proposed site, said storm
12		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.
13	49.	If there are any natural drainage ways across the proposed pre-plat, the engineered construction
14	4 plans shall address it in accordance with Ric watercourses").	plans shall address it in accordance with Richland Municipal code 24.16.170 ("Easements-watercourses").
15 16	50.	Any proposed storm drainage retention facilities within the boundary of the proposed preliminary plat shall not adversely affect neighboring properties.
	51.	Prior to or concurrent with the submittal of the first phase the developer shall provide a
17		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
18		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
19		ponds that do not percolate within 72 hours.
20	52.	The amount of post-development storm runoff from the proposed site shall be in compliance with RMC Chapter 16.06.
21	53.	The parcel occupied by the stormwater basin shall be identified as a separate parcel or tract on
22		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.
23	<i></i>	
24	54.	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
25	DECISIO	ON APPROVING "DESERT SKY"
26	PRELIM	IINARY PLAT IN THE BMS MASTERGARY N. MCLEANED COMMUNITY – FILE NO. S2023-101HEARING EXAMINER FOR THE CITY OF RICHLAND
	Page 22 c	of 26 CITY HALL – 505 SWIFT BOULEVARD RICHLAND, WASHINGTON 99352

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.

55. 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.

11 Final Platting / Project Acceptance Requirements:

- 12 56. 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.
- 57. 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.
- 20 58. 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.
- 59. Ten-foot wide public utility easements will be required on the final plat along both sides of all right-of-ways and road corridors within the proposed plat. They will also be required where the plat is adjacent to an existing right-of-way.
- 23
 60. 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. If the intersection is in a curve, it will have to be

DECISION APPROVING "DESERT SKY" PRELIMINARY PLAT IN THE BMS MASTER PLANNED COMMUNITY – FILE NO. S2023-101

GARY N. MCLEAN HEARING EXAMINER FOR THE CITY OF RICHLAND CITY HALL - 505 SWIFT BOULEVARD RICHLAND, WASHINGTON 99352

Page 23 of 26

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1	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.
2	61. The final plat shall include notes identifying all common areas including any private streets and tracts and assigning the ownership and maintenance responsibility. A note shall be added to the
3	face of the final plat that states: "The private roads are for the use and benefit of the property owners that abut said roads, and are to be maintained by the owners. The City of Richland
4	accepts no maintenance responsibility for private roads".
5	62. All landscaped areas within the plat that are in the public Right of Way shall be the responsibility of the property owners to maintain.
6	63. A one-foot "No access / screening easement" will be required along both the Dallas Road and Ava
7	Way Right of Ways. The only exception would be for a shared driveway off of Ava Way between lots 227 and 228.
8 9	64. The intended use and ownership of all tracts within the plat shall be noted on the final plat.
10	65. Property with an unpaid L.I.D. assessment towards it must be paid in full or segregated per Richland Municipal Code 3.12.095.
11	Addressing
12	66. Street names will be reviewed when construction drawings are submitted to the Public Works
13	Department. When construction drawings are submitted, please include two (2) street name options for each of the new street segments and the City will review to determine acceptable street names.
14	a. When selecting street names for review please note that the following are not acceptable
15	names: West Dr, North Dr, Central Dr, Mountain Lp, Middle Dr & Canyon Rd. b. Please reference RMC 12.01.060 to determine acceptable street designations.
16	67. Please add addressing brackets [] on all lots and tracts.
17	WSDOT Conditions
18	68. The subject property is in the vicinity of Interstate 82 (I-82) and the Dallas Road (Exit 104) interchange
19	and within the Badger Mountain South (BMS) subarea. I-82, including the interchange, is a fully- controlled limited access facility, Highway of Statewide Significance (HSS), and part of the National
20	Highway System (NHS). It is to the benefit of the city, county, and state to preserve this interchange's safety and efficiency.
21	69. WSDOT acknowledges the plat condition that requires the proponent to implement the mitigation
22	measures identified in the latest project traffic impact analysis (TIA). WSDOT reviewed and concurred with this TIA in its letter to the city dated March 17, 2022. Of particular concern to the WSDOT are the
23	impacts and necessary improvements to the Exit 104 ramp terminals. As outlined in the study, the developer is required to construct a traffic signal or roundabout at both ramp terminals by the year 2025.
24	WSDOT strongly urge the city and developer to not underestimate the time and effort involved in gaining approval for projects on the Interstate system. In order to avoid any potential delays, the developer must
25	DECISION APPROVINC "DESERT SKV"

26DECISION APPROVING "DESERT SKY"
PRELIMINARY PLAT IN THE BMS MASTER
PLANNED COMMUNITY – FILE NO. S2023-101

GARY N. MCLEAN HEARING EXAMINER FOR THE CITY OF RICHLAND CITY HALL - 505 SWIFT BOULEVARD RICHLAND, WASHINGTON 99352

Page 24 of 26

begin coordinating these projects with WSDOT at this time. It is also important to note, all work must follow current WSDOT and FHWA design documentation and approval processes and the state's preferred alternative for intersection control is the roundabout.

Planning (modified by the Examiner), re: Middle Drive alignment.

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3 70. The applicant has depicted part of the public "Middle Drive" right-of-way on the neighboring, westerly 4 parcel (APN: 1-32981000002007). Within 60-days of preliminary plat approval, Applicant shall provide correspondence to the Planning Manager demonstrating that talks are ongoing between the landowner of 5 this neighboring property regarding the incorporation of some of their property into the applicant's plat layout, providing an update and projected timeline regarding securing property rights needed to develop 6 Middle Drive as shown in the approved preliminary plat design. Prior to final plat approval for any phase of this preliminary plat, the Middle Drive right-of-way area, including necessary easements and roadway 7 shall be dedicated to the City of Richland. At that time, applicant shall submit all necessary legal instruments and approvals needed from affected parties. In the event the applicant is unable to obtain 8 property rights required to develop "Middle Drive" as depicted on the preliminary plat plans (Ex. 9), the applicant may pursue a Revision to this preliminary plat, to be processed as a Minor or Major Revision as 9 determined by the Director in accord with the Condition of Approval detailing the Process for Review of Potential Minor or Major Revisions to this Preliminary Plat. (See Condition C, above). 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 **DECISION APPROVING "DESERT SKY"** PRELIMINARY PLAT IN THE BMS MASTER GARY N. MCLEAN 26 PLANNED COMMUNITY – FILE NO. \$2023-101 HEARING EXAMINER FOR THE CITY OF RICHLAND CITY HALL – 505 SWIFT BOULEVARD RICHLAND, WASHINGTON 99352 Page 25 of 26

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2	Notice of Rights to Request Reconsideration or Appeal This Decision
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4	Reconsideration –
5	Sec. 2.22(a) of the Richland Hearing Examiner Rules of Procedure reads as follows:
6	(a) The Hearing Examiner may reconsider a decision or recommendation on an application, if it is filed in writing within 7 calendar days of the date of issuance. Only parties of record have
7	standing to seek reconsideration. Any request for reconsideration shall be served on all parties of record and to any party's designated representative or legal counsel on the same day as the request
8	is delivered to the Hearing Examiner. The Examiner will seek to accept or reject any request for reconsideration within 3 business days of receipt. If the Examiner decides to reconsider a
9 10	decision, the appeal period will be tolled (placed on hold) until the reconsideration process is complete and a new decision is issued. If the Examiner decides to reconsider a recommendation made to the City Council, the transmittal to the City Council shall be withheld until the
10	reconsideration process is complete and a new recommendation is issued. If the Examiner decides to reconsider a decision or recommendation, all parties of record shall be notified. The Examiner
12	shall set a schedule for other parties to respond in writing to the reconsideration request and shall issue a decision no later than 10 business days following the submittal of written responses. A
13	new appeal period shall run from the date of the Hearing Examiner's Order on Reconsideration.
14	Appeal –
15	The hearing examiner's decision regarding this preliminary plat application shall be final, subject to judicial appeal in the time and manner as provided in RMC 19.70.060 and Ch. 36.70C RCW (<i>The</i>
16	city's final decision on land use application may be appealed by a party of record with standing to file a land use petition in Benton County Superior Court. Such petition must be filed within 21 days
17	of issuance of the decision). See RMC 24.12.050(B).
18	NOTE: The Notice provided on this page is only a short summary, and is not a complete explanation of fees, deadlines, and other filing
19	requirements applicable reconsideration or appeals. Individuals
20	should confer with advisors of their choosing and review all relevant codes, including without limitation the city code provisions
21	referenced above and the Land Use Petition Act (Chapter 36.70C RCW) for additional information and details that may apply.
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23 26	DECISION APPROVING "DESERT SKY" PRELIMINARY PLAT IN THE BMS MASTER GARY N. MCLEAN
20	PLANNED COMMUNITY - FILE NO. S2023-101 HEARING EXAMINER FOR THE CITY OF RICHLAND Page 26 of 26 CITY HALL - 505 SWIFT BOULEVARD RICHLAND, WASHINGTON 99352 RICHLAND, WASHINGTON 99352