



Agenda

RICHLAND PLANNING COMMISSION MEETING NO. 2-2014

Richland City Hall - 505 Swift Boulevard - Council Chamber

WEDNESDAY, February 26, 2014

7:00 p.m.

COMMISSION MEMBERS: James Utz, Chair; Carol Moser, Vice-Chair; Debbie Berkowitz; Marianne Boring; Clifford Clark; Stanley Jones; Kent Madsen; Amanda Wallner and James Wise

LIAISONS: Rick Simon, Planning and Development Services Manager
Phil Lemley, City Council

Regular Meeting, 7:00 p.m.

Welcome and Roll Call

Approval of the Agenda

Approval of January 22, 2014 Meeting Minutes

Public Comments

Public Hearing Explanation

Unfinished Business

1. APPLICANT: CITY OF RICHLAND. (M2014-100)

Request: UPDATE OF THE CITY SHORELINE MASTER PROGRAM, CONSISTING OF A PROPOSED NEW "SHORELINE MANAGEMENT" SECTION OF THE COMPREHENSIVE PLAN; AMENDMENTS TO TITLE 26 OF THE RICHLAND MUNICIPAL CODE – SHORELINE MANAGEMENT; AMENDMENTS TO TITLE 19 – DEVELOPMENT REGULATION ADMINISTRATION; AMENDMENTS TO TITLE 23 – ZONING; AND AMENDMENTS TO TITLE 22 SENSITIVE AREAS ORDINANCE, ALL AS THEY RELATE TO SHORELINE AREAS WITHIN THE CITY OF RICHLAND.

Location: COLUMBIA AND YAKIMA RIVER SHORELINES WITHIN THE CITY OF RICHLAND.

New Business – Public Hearings

1. APPLICANT: DREAM BUILDERS (AARON MAGULA) (S2014-101)

Request: PRELIMINARY PLAT APPROVAL TO SUBDIVIDE AN APPROXIMATELY 3.75 ACRE PARCEL IN TO 14 RESIDENTIAL LOTS KNOWN AS THE DWELLINGS.

Location: GENERALLY AT THE SOUTHERN TERMINUS OF BRANTINGHAM ROAD AND INCLUDING THE UNCONSTRUCTED PORTION OF MELISSA STREET

Planning Commission Workshop Meeting, Wednesday, March 12, 2014

Planning Commission Regular Meeting – Wednesday, March 26, 2014

THIS MEETING IS BROADCAST LIVE ON CITYVIEW CHANNEL 13 AND ON WWW.CLRICHLAND.WA.US/CITYVIEW

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City Clerk's Office at 509-942-7388.

2. APPLICANT: VSI DEVELOPMENT LLC (Z2014-100)

Request: TEXT AMENDMENTS TO THE LAND USE & DEVELOPMENT REGULATIONS FOR THE BADGER MOUNTAIN SOUTH MASTER PLANNED COMMUNITY.
Location: BADGER MOUNTAIN SOUTH, GENERALLY LOCATED SOUTH OF BADGER MOUNTAIN, EAST OF DALLAS ROAD AND NORTH OF REATA ROAD.

3. APPLICANT: VSI DEVELOPMENT LLC (S2014-100)

Request: PRELIMINARY PLAT APPROVAL TO SUBDIVIDE 126.8 ACRES INTO 281 LOTS AND 14 TRACTS KNOWN AS THE PLAT OF SOUTH ORCHARD 1.
Location: SOUTHEAST PORTION OF THE BADGER MOUNTAIN SOUTH MASTER PLANNED COMMUNITY, NORTH OF REATA ROAD AND WEST OF AND ADJACENT TO THE PLAT OF REATA RIDGE.

Communications

Commission/Staff/Liaison Comments

Adjournment

Planning Commission Workshop Meeting, Wednesday, March 12, 2014

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MINUTES

RICHLAND PLANNING COMMISSION MEETING No. 1-2014

Richland City Hall – 550 Swift Boulevard – Council Chamber

WEDNESDAY, January 22, 2014

7:00 PM

Call to Order:

Chairman Boring called the meeting to order at 7:00 PM

Attendance:

Present: Commissioners Berkowitz, Clark, Jones, Moser, Madsen, Wallner, Wise, Vice-Chair Utz and Chairman Boring. Also present were City Council Liaison Phil Lemley, Development Services Manager Rick Simon, Senior Planner Aaron Lambert and Recorder Penny Howard.

Approval of Agenda:

Chairman Boring presented the January 22, 2013 meeting agenda for approval.

The agenda was approved as written.

Approval of Minutes

Chairman Boring presented the meeting minutes of the December 18, 2013 regular meeting for approval.

A motion was made by Commissioner Madsen and seconded by Commissioner Jones to approve the meeting minutes of the December 18, 2013 regular meeting as presented.

The motion carried, 9-0.

Public Comment

Chairman Boring asked for public comment on any item not on the agenda. Seeing none, she closed this portion of the meeting.

PUBLIC HEARING

Public Hearing Explanation: Ms. Howard explained the public hearing notice and appeal process and asked Commissioners to identify any conflicts of interest, ex-parte contact or any other appearance of fairness issues

New Business

- 1. Update of the City Shoreline Master Program, consisting of a proposed new “Shoreline Management” section of the Comprehensive Plan; amendments to Title 26 of the Richland Municipal Code – Shoreline Management; amendments to Title 19 – Development Regulation Administration; amendments to Title 23 – Zoning; and amendments to Title 22 – Sensitive Areas Ordinance, all as they relate to shoreline areas within the City of Richland. (M2014-100)**

Mr. Simon reviewed the requirements imposed by the State of WA based on the Shoreline Management Act of 1971. The Legislature made some amendments to the Washington Administrative Code, adding specific requirements and some funding. After a dozen workshops, the Planning Commission has provided direction, followed a public participation plan and attempted to notify all shoreline property owners several times throughout the process. There were also multiple postings of the draft documents on the City of Richland website and public hearing notices through the Tri-City Herald. Mr. Simon also outlined the steps required for adoption of the Shoreline Master Program. He summarized the documents and reminded the Planning Commission of their task to recommend action to the City Council. Next, the City Council will perform a Public Hearing, review and make a recommendation to The Washington State Department of Ecology. The Shoreline Master Program does not take effect until the Department of Ecology concurs and adopts the program.

Ben Floyd, Anchor QEA, LLC, presented a Shoreline Master Program overview with an overhead presentation. He summarized three key principles of the Shoreline Master Program: public access, preferred uses, and no net loss of ecological function. The steps followed during this process were also outlined in the presentation with the current step identified as moving into local adoption. **Mr. Floyd** outlined the Shoreline Master Program content as goals, policies, and regulations. He also referred to overhead maps and discussed the following proposed shoreline environment designations: industrial conservancy, natural, recreation, recreation conservancy, residential, rural and waterfront. **Mr. Floyd** displayed a proposed schedule of events with the final estimated approval by the City and the Department of Ecology during June or July of 2014.

Chairman Boring opened the Public Hearing at 7:22 PM.

Mike Lilga, 317 Fuller Street, Tapteal Greenway Association: “You’ve just, tonight, received a letter that the greenway has written regarding Amon Basin and the issue of whether it should be in the shoreline jurisdiction. The, um, what I was, our position is

that it should be in our jurisdiction because it really functions as a creek, it has jurisdictional wetlands on it and it meets the flow requirements. We, um, my submission is a letter, which I encourage you to read. It sounds like you're gonna make a recommendation tonight, so I don't know what you could possibly recommend that's not already known or what's not already in your mind, but my intent is to try and convince you that Amon should be within that jurisdictional, ah, shoreline jurisdiction. The other piece of information that's in with our letter is Ecology's focus sheet and it's a focus on irrigation influenced wetlands. It relates directly, I believe, with the situation in the Amon Basin and give, I think, very clear guidance on what actions should be taken in Amon. I'm not gonna read my letter or anything like that. I was going to go through a lot of information, try to give you some data; Ben Floyd actually has done it for me. So, he's gone through a lot of the memos and we'll let Ben comment on what I'm about to say, I guess. But he's already pulled a lot of that together for you in his memo, which Rick also supplied to you for reference. But, Ben's conclusions and our conclusions, given the same facts, are completely different.

So, Ben; he documents that there's habitat there. Washington Department of Fish and Wildlife has critical habitat shown there. There's palustrine there, in other words there are wetland sites and they're critical habitats as far as the State is concerned. Ben's memo indicates that the flow, that there's not really that ten year period of flow data, but that if there was it most likely would meet the flow requirements for shoreline management. I don't think that's the issue then. The issue seems to be whether these wetlands are intentionally created or unintentionally created. And, um, in our mind they are clearly not. KID does not dump water to create wetlands. They're not trying to do any mitigation for anything. They're an irrigation company. They certainly use Amon as a wasteway for part of the year. Um, they don't use it for a wasteway the entire year. In fact, their irrigation return has been off for three months. So, any wetlands that are there are not intentional. The people around did not irrigate their property with the intent of creating a wetland. If they did, they would be irrigating today to put more water in the system. They don't do that. So Ecology's focus sheet addresses this situation and unintentional wetlands clearly fall under Ecology's guidelines for regulated wetlands.

Amon Basin behaves as a creek. KID goes out of its way to say that it's a wasteway, and yes it is for part of the year, but it's been known for a long time that there's water, for example, in the east fork year 'round. Again, KID is not dumping water; there's water a half a mile down river from Beer Falls. So, I've included in my letter some photographs just to bring it to your attention." (Referring to pictures.) "Here's picture of Beer Falls, um, clearly, no discharge is dry. Figure 2 is the east fork near Broadmoor. So, I don't know if you call it Broadmoor there or Bellerive, you know, it's right there. If you just walk in a little ways, there's a lot of water. Water is flowing. There's actually some little ripples. It's not just stagnant. It's flowing water. I didn't go up the east fork farther than that, but that's roughly by Google Maps' estimation, it's about a half a mile down from Beer Falls. There's enough water, I would suspect this water goes quite a bit farther upstream. Another easy way to access the east fork is just on the Meadow Springs Golf Course, so make sure there's no golf balls flying in your direction. But, you can get right

there; get on the bridge. This picture is taken from the bridge, looking up river. It's not scientific, but my estimation there's actually more water on this side of Broadmoor there than there was on the other side where I took Figure 2. And then, Figure 4 is at near the mouth. So, this is where Amon Creek crosses Columbia Park Trail. So, you can get there into the natural area, the Corps of Engineers natural area. You follow a very pleasant road down to a little bridge and this is a picture from the bridge. Those rapids, I mean there's enough water that this water is flowing very good. I have no estimation today of what that flow is in terms of cfs, but again; it's a lot of water. It's not coming from current irrigation spillage from the wasteway.

And the only conclusion is that it's groundwater. So, this is recharge; recharge of Amon Creek admittedly from the years of irrigation, but it's recharge nonetheless. The water table is rising in that area. And that's what the focus sheet is all about; recharge, unintentional recharge of creeks creating wetlands. That's exactly what's happening. So, by Ecology's standards; I sent this letter to Ecology as well. Sounds like they have some; they're waffling on this for whatever reason –I don't know. By Ecology's standards this is a regulatable habitat. It's functioning as a stream. It has sufficient flow according to Ben's research. And, so, just as the Yakima is a tributary to the Columbia that is regulatable under the shoreline jurisdiction; we believe the Amon Creek is a tributary to the Yakima that is also, should also fall under the shoreline jurisdiction. And so, with that, I encourage you to read the letter when you can. If you want to look at any of these sites, I'd be happy to take you out there. You'd probably get in trouble for that. But, Greenway encourages you to put this under shoreline management. Thank you."

John Fox, 2614 Harris Avenue: "I expect that the memo that Mr. Simon referred to was an earlier one that I sent. I brought another one, just tonight, that's more specific. Is that correct, Mr. Simon?" (**Mr. Simon** indicated that the letter Mr. Fox brought with him was in front of the Planning Commissioners.)

"This is more specific to the tables in the report. I'm speaking to the segment R and I commend the effort that's gone into this plan to characterize the particular regions appropriately and tailor the specifications to those regions. And, I have a difference with the 75 foot minimum for the riparian zone and the 100 foot setback for housing. I'm not convinced and I haven't gone out and measured it/surveyed it to see, but it's my belief that the ordinarily high water mark is not defined as yet, as far as I know. So, we don't know where that falls on the bank. There are twenty residential properties which have been fully built out for thirty years or so in this segment. It's the steepest bank area, so the Corps of Engineers property line does not come up to the top of the bank. It's part way down the bank. So many people have excavated for daylight basements; others, like myself have not. There's some retaining walls and so on. So, putting a 75 foot minimum distance, I think, would encroach on private property. And, although I expect that existing conditions are grandfathered, there are currently two projects under way in the area. One is extension of a patio out to the Corps property line with a fill and retaining wall. And the other was where an original house was demolished and is being replaced with a three story affair excavated out to the property line. So, we can expect

that things like that will happen over the years in the future and I don't see any point in restricting the new modifications any further than the existing ones. So, I have suggestions for revisions to table 26.60.42 which deals with the riparian area and 26.30.012 which deals with the setback from the ordinary high water mark to the house/ to any structure. And I think that these should be reworded simply to; in the one case for the riparian area to exist to the current Corps of Engineers property line which is all marked and designated and monitored by the Corps. And, for the housing, appropriate wording to set things in line to existing houses. So that if they want to add on or demolish another one; and there a couple, including probably my own that somebody would come in and demolish and build them a mansion for in the future, but not restrict them to a further setback. So, I think that's the practical way to deal with it and the most convenient way."

Dana Ward 10112 Maple Drive, Pasco: "I'm here as the Christmas Bird Count Coordinator for the Lower Columbia Basin Audubon Society. I want you to know what the Christmas Bird Count is. It's been running for 114 years nationally and there's over 2,000 count circles in the nation. It's the largest citizen's science study in the nation and it's one that's been going on in Tri-Cities area now since 1945. Not continuously, but continuously maybe from 1966 on up to the present time. We just conducted a Christmas Bird Count January 4th. We divided the council up into three areas: Richland, Kennewick and Pasco. And, in Richland, we had 25 teams counting birds for one day. They count mainly along the Columbia River and the Yakima River, 'cause that's where the best habitats at. That's where the best bird populations are.

Now, I told you that because I was reading through the Shoreline Management Plan and I think you could use some help there on bird species and bird habitat and stuff. And so, I'd like to offer the Lower Columbia Basin Audubon Society's expertise in helping the Shoreline Management Plan be the best it can be in relationship to the bird populations there. So, I also wanted to let you know that we have designated in 2001, the Yakima delta up to Highway 182 and over to the concrete bridge as an important bird area (IBA). There are 2 designated important bird areas in Benton County. One is the Arid Lands Ecology Reserve plus the Columbia River on the Hanford site. The other is the Yakima delta right here next to Richland. So, that's an IBA and that is a ten page document (referring to document in hand) that has critical information in it about sensitive species of birds and mammals and things of that nature. So, we would offer a copy of this to the contractor if they would like to include that into their Shoreline Management Plan.

So, I also was reading through the Shoreline Management Plan and I had a couple of observations there. And I thought I would let you know that it looked like a very good Shoreline Management Plan, but I think that there are some things that they need to check on. On page 43, there was a reference to big horn sheep as one of the mammals listed. Certainly, there are no big horn sheep down there. It didn't say anything about; it said river otters in the Columbia River, but there are river otters in the Yakima River. It

listed hairy woodpeckers as one of the species. In last 5 years, we've only had one hairy woodpecker in our Christmas Bird Count but we had 36 downy woodpeckers. So, a downy woodpecker would be a much better bird to list in that area. And then, another error on page 44, they use the Arid Lands Ecology Reserve; they abbreviate that as ALEP. That's not your standard acronym for the Arid Land Ecology Reserve. It was congressionally designated as the Fitzer/Eberhardt Arid Lands Ecology Reserve. And it should be an acronym: FEALE. It says that deer do not breed on the Yakima delta. Well, I can tell you by visual that deer do breed on the Yakima delta and there are fawns out there in the spring. So, I don't want to take up any more of your time, but there are other errors and inconsistencies in that. And so, the Audubon Society would like to help you make this the best Shoreline Management Plan possible."

Mark Kraft, 4171 Alder Road, Pasco: "The reason I'm here is I've got property on the south end of Jones Road. And, I missed the last couple of meetings. I don't know if this is the venue to ask that question at this point, but I don't know what I've missed. Is there any overview you could give me on that particular area that might affect me in particular?" (Staff members attempted to ascertain Mr. Kraft's concerns.)

Mr. Kraft: "For instance, what if I wanted to raise corn on it? I saw something about row crop issues." **Mr. Floyd** informed all that there would be no change to any current operation on his property and he would be able to change from pasture to row crop and back. Those activities would be grandfathered in. Private landowners would not be required to provide access. Future developments, such as a new structure or a boat dock, then the provisions would come into play.

Mr. Kraft: "One other question or comment that the man from the greenway; I don't even know where that drainage ditch is at, but probably the reason they don't want to make it into a wetland area is: If it is used as a drain, the Irrigation District probably has to get in there and clean it now and again. If you make it a wetland, they probably can't do that any longer and it wouldn't be long before it's plugged up with vegetation. They wouldn't be able to; it wouldn't function the way it would."

Mr. Floyd summarized a letter from **Shannon Goodwin, Richland**, with comments on restoration plan. She commented that she didn't believe it was not appropriate to reference a draft document as a basis for a restoration plan. **Ms. Goodwin** expressed concerns about removing Russian olive trees because the trees that don't die return with added vigor and cited their benefits. PNWL Ecologist, William Rickard, was quoted: 'We will never get rid of Russian olive trees as long as we have the McNary pool.' Ms. Goodwin suggested instead of planting trees, consider other shrubs like Sumac, Wood Rose or Dogwood to compete with the Russian olives. She also complemented the work done on some of the proposed Vegetation Maintenance Plan.

Ms. Goodwin requested a better definition of clustered areas, concerned about the amount of vegetation that might be removed, but not replaced and how 'no net loss' of ecological function would be addressed. Concerns were also raised about the view

corridors and water access at bench locations. She stated: 'For many individuals, the view is the trees and not the river'. Ms. Goodwin also requested clarification on the replacement ratio of trees, width of access to the water at bench locations, the method for removing trees, the rationale for trimming trees up to 6 feet from the ground, how vegetation would be removed on both sides of the trail, the 20 foot wide view corridors every 500 feet and how mitigation would occur for the loss of habitat. Overall, she thought the plans ambitious, and was unsure how the city would be able to execute and maintain such a plan.

Mr. Floyd addressed the ordinary high water mark issue by explaining the ordinary high water mark as the place where vegetation starts near the water. Conducting spot measurements for GIS analysis, rather than property lines and considering where the natural vegetation stops and lawns begin, he found 75 feet to be appropriate measuring up from the ordinary high water mark. The other concern in that area is that the slopes are steeper, so there could be runoff that could make it to the water. He stated that the buffer area could probably be reduced to 65 feet and still protect water quality, but it looked like the natural vegetation stopped at about 75 feet.

Mr. Floyd also addressed the use table and building setbacks, stating they could be reduced from 100 feet to 10 to 15 feet from the riparian buffer in the residential area. A common line setback could also be used.

Mr. Fox: "The common line seems sensible to me, but you said you estimated the 75 feet, but the document says the 75 feet must be measured horizontally. And, I don't think you did that. So, I don't know what the distance is on the slope. So, that's one of the issues."

Mr. Floyd responded to Mike Lilga's letter, stating that they agree on the facts, but it comes down to whether or not it is a shoreline jurisdiction water body. The Washington State Department of Ecology reviewed their memo, findings and agreed based on their analysis. There was a memo regarding artificially created wetlands from Tom Tebb, Regional Director for the Central Regional Office in Yakima to Kennewick Irrigation District staff. It said Ecology was not going to regulate those wetlands as jurisdictional wetlands because it was a drain. In a document regarding Bridgewater Park development, the Department of Ecology clarified that Ecology would not regulate wetland type habitat in irrigation and wasteways, specifically in the Amon wasteway.

Mr. Floyd reminded those in attendance that it was still protected under the City sensitive areas code, but not through the shoreline jurisdiction. The flow is not something you would be able to put statistical confidence in. He shared his opinion that it functions as a wasteway, but has a lot of natural features that should be protected. In Grant County, they reviewed some waterways that were not included because they were not historical channels and did not have the shoreline features. Those determinations were supported by Ecology.

Mr. Floyd explained that there have been numerous comments on the restoration plan and as a living document, could be updated at any time. There could be some modifications to the restoration plan as it becomes clearer, but it was the best information available at this time. The goal was to make things better and provide opportunities for mitigation, park management and shoreline restoration activities.

Mark Lilga: “I was remiss earlier. I actually think Ben has done a great job on this. I was not picking on Ben. I consider him a friend, but I think he's actually done quite a good job and I actually like your document generally. I don't have any other specific comments on it. But, regarding Ben's comments just now about Ecology saying this was not a regulated water body... So, I call to your attention the letter from Washington State Department of Ecology, on their letterhead, November 2nd, 2012. This is a letter to Wes Romine of Kennewick Development Services. This is regarding the Bridgewater Park subdivision. I'm not gonna read you the whole thing, but the salient sentence is right here: 'Amon Creek is considered by Ecology to be a jurisdictional, a natural water body based on current environmental conditions.' So, that's what I meant when I was up here. They seem to be waffling on this. What's going on with Ecology that; here is Gwen Clear saying one thing. Ah, Tom Tebbs, what's going on with him? Why is this a different message all of a sudden? Um, I'm not gonna go there. I can speculate, but clearly, this is not a cut and dried issue. Really, you have to go back to the written document, not a pronouncement by the Director. It's written right here. So, just cause he says it, doesn't mean that that's policy. That's my position.”

(Chairman Boring requested a copy of the letter.)

Mr. Floyd pointed out the date of the letter dated 11/2/2012. The email previously mentioned was dated 12/11/2012 as a follow up. He believed the email was a correction. The letter was written by staff and the email was written by the Director to clarify that they are not regulating drains and wasteways. Staff was also addressed in that email.

Chairman Boring closed the Public Hearing at 8:03 PM.

Discussion:

Commissioner Clark asked what process would be used to address comments and letters received during the meeting. **Mr. Simon** informed all that the additional documents were all part of the record, and as such would be provided to Council.

Commissioner Moser asked how the restoration plan factors into the Shoreline Management Plan. **Mr. Floyd** stated that the restoration plan can be updated and modified over time. It is reviewed by Ecology, but is not a binding document and is not regulated by them. The Parks and Recreation Department and Commission were included in coordinating the Shoreline Master Plan.

Commissioner Moser stated that she saw an opportunity to talk about recommendations with Parks and Recreation staff where there might be differing opinions. She also inquired about a memorandum dated October 31 and whether or not the WSU theses provided by Commissioner Wise were included. **Mr. Floyd** shared the reference locations.

Commissioner Moser characterized the issue as a question of whether the Amon Creek Basin is a shoreline or a critical wetland. She described the flowing water, wildlife, natural wells and commented that defining it as a drain went against common sense. **Mr. Floyd** defined the area as sensitive area habitat with a different regulatory pathway for protection. The critical areas of code applied in that area regardless of the Shoreline Master Program. The difference is how it is regulated. **Commissioner Moser** asked for a list of pros and cons and if the City would find liability. **Mr. Floyd** explained that the Kennewick Irrigation District could go into the federal easement and pipe areas, pump out all of the water, divert water and reapply it elsewhere. He agreed that a lot of habitat was created with both constructed and natural features, but it has functioned and been managed as a drain. Kennewick Irrigation District would not have been able to do the same on the Yakima River, because of a completely different situation.

Commissioner Moser referred to Mr. Fox's comment and wondered what liability might belong to the Commission if they haven't done due diligence and commented that she was uncomfortable going forward without having a definite understanding of the 75 foot watermark. **Mr. Floyd** reminded the Commission that trained biologists in their company that could delineate where the high water mark was, but to delineate the entire shoreline area, it would cost thousands and thousands of dollars. When a survey is done, the specific requirements could be applied. **Commissioner Moser** asked about the measurements used to determine the 75 foot water mark. **Mr. Floyd** used a GIS application with satellite imagery, rather than ground measurements in this scenario. He reiterated that runoff could easily go right into the water due to the slope and his belief that a 65 foot mark would still protect the ecological functions.

Commissioner Moser asked if the City could be at risk if the 65 foot water mark was approved, then something happened. **Mr. Floyd** stated that he did not believe so. If there was a wetland, the wetlands regulations would apply and those buffers are wider, so the 65 foot was scientifically defensible based upon their research.

Commissioner Moser expressed concern about stating 'no closer than existing buildings' because that changes over time and needed to be better defined. **Mr. Floyd** informed that they could use a minimum setback such as 15 feet from the edge of the riparian buffer. So, if it was 65 feet in that area, the setback would start at 80 feet.

Commissioner Berkowitz asked for further explanation and stated her preference to go look before coming to a conclusion. **Mr. Floyd** explained that a setback wouldn't necessarily be based on the ecological functions, but more of a health and safety risk factor based on slope, soil stability, etc. He stated that it ended up being a lot of

overlapping considerations that come together when the proposed regulations are in place.

Commissioner Berkowitz referred to Mr. Floyd's statement that the Irrigation District can't change the flow of the Yakima River saying she believed that they do.

Mr. Floyd stated the Kennewick Irrigation District can go into Amon and make changes to manage their district, but cannot make changes outside their water right. One reason they spill water down Amon is because they have to fill up the canal system, but can't just turn the flow off. They need to be able to get rid of the water to avoid flooding property. If they built storage, which might be in their long range plan, they could manage the flow differently. But, water may not be spilled in the future. **Commissioner Berkowitz** stated that before irrigation began, there was flow and both agreed that there was some flow underground. **Commissioner Berkowitz and Mr. Floyd** agreed that the created wetlands were good things. **Mr. Floyd** also identified with Irrigation Districts that would like to operate without having anything further complicate operating their system.

Commissioner Berkowitz commented that she had understood the Regulatory Reaches map would include the pond across from Columbia Park Trail in Reach K.

Mr. Floyd agreed to make the correction stating they would be included under shoreline designation 'associated wetlands' on the south side of Columbia Park Trail near Desert Gold Motel.

Commissioner Berkowitz commented on the Vegetation Management Plan. **Mr. Floyd** pointed out they could strike out an action during the editing process that might be addressed by Parks and Recreation later on. There would be ongoing work and while the Vegetation Management plan was cited as a source, there was no endorsement involved. **Mr. Floyd** provided locations of each reference to the Vegetation Management Plan as requested by **Commissioner Berkowitz**. **Mr. Floyd** offered to strike project 11 from the Shoreline Management Plan restoration plan. **Commissioner Berkowitz and Mr. Floyd** agreed to make a modify verbiage from 'developed areas' to 'in these areas' referring to project 11.

Commissioner Berkowitz requested a change to footnote 3 in that table to clarify the use of grasses in riparian areas and upland because they were site specific. **Mr. Floyd** stated that it could be clarified, but it was intended for the riparian species to be used in the riparian areas and the upland species to be used in the upland areas. He didn't think it precluded doing what was needed, but wouldn't tie anyone's hands either. The application would be site specific and that was the reason for a more general approach in the document.

Commissioner Berkowitz asked if they would review the restoration plan again before its incorporation. **Mr. Floyd** understands that it would likely go through a stringent review process, but was unsure exactly how that would be done.

Commissioner Berkowitz suggested to the Planning Commission that they take the Shoreline Management Program back to a workshop to avoid spending an exorbitant amount of time during a public hearing. She felt that there had been insufficient time to review the document properly.

Mr. Floyd reviewed section 26.20.02 dealing with different levels of function based on different development types and function and new subsection 26.20.40 concerning a Vegetation Management plan that should be developed and implemented in coordination with the Corps of Engineers. In each section, verbiage would be changed from 'developed areas' to 'in these areas'.

Commissioner Berkowitz asked for a definition of 'compatible species'. **Mr. Floyd** some species that might already exist, even if less desirable, could be left in place to achieve some ecological benefit.

Commissioner Wise thanked the citizens who provided input and noted similar concerns with Ms. Goodwin's comments and was pleased to learn that the restoration plan was not cast in iron so it might be improved. He shared his opinion that he believes Amon should be under shoreline jurisdiction. Perhaps, over fifty years of irrigation, the water table has changed. He stated that it should be regulated and was willing to take the Shoreline Master Program back to a workshop if the group concurred.

Commissioner Wise referred to page 42 regarding building heights on line 4 and asked if that meant a building could not go past 55 feet. **Mr. Floyd** concurred.

Commissioner Wise referred to page 71 regarding shoreline permit application procedures and public notification on line 71 and asked when that should occur. He suggested thirty days. **Mr. Floyd** stated that there are statutory requirements governing the timing of notification, so it was not specified in the document. **Commissioner Wise** suggested the time and newspaper needed to be stated.

Chairman Boring suggested avoiding the nitpicky items in order to move the document toward approval knowing there might be amendments in the future.

A motion was made by Commissioner Jones and seconded by Vice-Chair Utz to table the Shoreline Master Program to the next Public Hearing on February 26. Prior to that workshop, Commissioners Berkowitz and Wise meet with Mr. Floyd to resolve their outstanding issues and give all more time to review.

Chairman Boring confirmed that any outstanding issues could be worked out prior to the workshop on Wednesday, February 12, 2014.

Commissioner Moser proposed an amendment to the motion to include other comments and concerns received during this meeting as well.

Mr. Simon requested a list of issues by the close of business on Monday to allow Mr. Floyd to be prepared.

Commissioner Madsen commented that he thought they could all find things they would like to change going forward. He considered it a great document, wanted to see it move to the next step, but was opposed to private meetings.

AMENDMENT CARRIED 8-0.
Commission Clark abstained.

MOTION CARRIED 6-3.
Commissioners Madsen, Wallner and Boring voted against.

COMMENT:

Vice-Chair Utz commented that it is worth the time and effort to fix things in the document, but need to get away from the fine details. This is the final review.

Commissioner Berkowitz believed they were ahead of schedule with a couple of months to spare. The public did not have the document thirty days prior to the hearing, so review time was needed. She stated that it was important to have the code say what we want it to say.

Other Business

Election of Officers for 2014

Chairman Boring announced that she was stepping down as Chairman of the Planning Commission and nominated Vice-Chair Utz as Chair and Commissioner Moser as Vice-Chair.

Commissioner Utz and Commissioner Moser were unanimously voted into the offices of Chairman and Vice-Chairman respectively.

Communications:

Mr. Simon

- Reminded the Commission of the Shoreline Master Program workshop on February 12.

Commissioner Jones

- Attended the Art Dedication at The Parkway and commended Mr. Lemley for a job well done.

Commissioner Madsen

- Saw the sculpture today and hoped the sun would be come out soon to show through the glass.
- Hoped today's meeting adhered to procedure.

Commissioner Berkowitz

- Commented that today's process was no different than past methods.

Commissioner Moser

- Thanked Commissioner Boring and commended her as Chairman.
- Cited the immense value of the shoreline to our city and thanked the group and specifically Mr. Floyd for the excellent changes to the document.

Commission Clark

- Thanked Commissioner Boring for her service.
- Agreed with Commissioner Madsen and was unsure whether or not the proceedings followed Robert's Rules of Order.

Vice-Chair Utz

- Thanked all for their vote and expressed his desire to live up to the job done by Chairman Boring.

Chairman Boring

- Expressed appreciation for her time serving with the Planning Commission.
- Shared her appreciation for the thoughtful contributions and accomplishments of the group.

ADJOURNMENT:

The January 22, 2014 Richland Planning Commission Regular Meeting 1-2014 was adjourned at 9:23 PM. The next regular meeting of the Planning Commission will be held on February 26, 2014.

PREPARED BY: Penny Howard, Recorder, Planning and Development

REVIEWED BY:

Rick Simon, Secretary
Richland Planning Commission

STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: M2014-100

PREPARED BY: RICK SIMON
MEETING DATE: FEBRUARY 26 2014

GENERAL INFORMATION:

APPLICANT: CITY OF RICHLAND (M2014-100)

Request: UPDATE OF THE CITY SHORELINE MASTER PROGRAM, CONSISTING OF A PROPOSED NEW "SHORELINE MANAGEMENT" SECTION OF THE COMPREHENSIVE PLAN; AMENDMENTS TO TITLE 26 OF THE RICHLAND MUNICIPAL CODE – SHORELINE MANAGEMENT; AMENDMENTS TO TITLE 19 – DEVELOPMENT REGULATION ADMINISTRATION; AMENDMENTS TO TITLE 23 – ZONING; AND AMENDMENTS TO TITLE 22 SENSITIVE AREAS ORDINANCE, ALL AS THEY RELATE TO SHORELINE AREAS WITHIN THE CITY OF RICHLAND.

Location: COLUMBIA AND YAKIMA RIVER SHORELINES WITHIN THE CITY OF RICHLAND.

REASON FOR REQUEST:

Richland is required under state law to update its shoreline master program and has been working over the past year and half with its consultant Anchor QEA to meet this state mandate. The draft shoreline master program that has been prepared under the direction of the Planning Commission is now ready for formal adoption.

FINDINGS AND CONCLUSIONS

Staff has completed its review of the proposed update to the Richland Shoreline Master Program and submits that:

Findings of Fact:

- 1) The Washington State Shoreline Management Act requires that the City of Richland adopt and administer a shoreline master program that is consistent with the provisions of the act and with Washington Administrative Code 173-26;
- 2) The City initially adopted a shoreline program in 1979 and has administered it continuously since its initial adoption with no amendments made to the original program over the past 35 years;

- 3) Those portions of the Yakima River and Columbia River shorelines that are located within Richland City limits meet the definition of shoreline as defined within the act and are therefore subject to the provisions of the shoreline master program;
- 4) The Washington Administrative Code 173-26 has been revised through actions of the State Legislature to include new requirements that are not addressed in the City's existing shoreline master program. New requirements include a provision that the master programs must result in "no net loss" of ecological functions of shoreline areas; that cities must undertake cumulative impact analysis of the likely future development of their shoreline areas and that cities must develop shoreline restoration plans;
- 5) The State Department of Ecology has provided a grant to the City of Richland to defray the costs of preparation of a shoreline master program and the City has used these funds to hire the services of Anchor QEA, a consulting firm with expertise in the area of developing shoreline master programs;

Conclusion: The City of Richland has shorelines that are subject to the state shoreline act; has administered a shoreline program for those shoreline areas since 1979; is now required to update its program to conform to current standards and has received financial support from the state to meet these new requirements.

Finding of Fact:

- 6) The City developed a public participation plan that it used throughout the update process. The plan called for an open and inclusive public process. The City followed this plan through the following actions:
 - a) Holding three public open houses to provide interested citizens an opportunity to be informed of and to comment on the update process. These open houses were held on January 13, March 13 and October 13 of 2013;
 - b) Placing all information developed through the update process of the City's webpage for public review and comment;
 - c) Notification of public open houses and public hearings and the availability of draft update materials through the mailing of postcards to approximately 150 shoreline property owners. The mailing list use included all owners of private property within Richland's shoreline areas;
 - d) Notification of public agencies, tribes and private organizations of the City's update process and invitation to review and comment on the draft shoreline master program; and
 - e) Notification of the shoreline master program update process through public service announcements on the City's cable channel;
 - f) Notification of the public hearing before Planning Commission included mailed notice to shoreline property owners; publication of a legal ad in the Tri-City Herald and notifications on the City' webpage;

- 7) The Planning Commission provided oversight throughout the development of the draft shoreline master program and held a total of 12 workshops over the past 18 months with City staff and the consultant team to develop the program;
- 8) The Parks and Recreation Commission was also provided an opportunity to review the draft shoreline master program both in a workshop and a regular meeting;

Conclusion: The City developed and implemented a public participation plan that it has used throughout the shoreline master program update process that provided opportunities for the public and interested agencies and organizations the ability to be informed of and be involved in the process of the shoreline master program update.

Findings of Fact:

- 9) The City's existing comprehensive plan under Land Use Goal #6 calls for the protection and conservation of natural resources and critical lands and the provision of public access based on the ability of the resource to support the use. The plan also sets forth the following policies:
Policy 1 - The City will make all public river shoreline accessible to the public, subject to regulation protecting public safety, sensitive habitat areas and wildlife.
Policy 2 - The City will encourage development of water-oriented recreational, cultural and related commercial facilities in certain Columbia River locations to enhance and diversify Richland's community recreational resources and its attractiveness to tourists.
Policy 3 - Except as addressed in Policy 2, the City will protect the natural riparian area along the Yakima River and the riparian area along the Columbia River so as not to diminish the quality of the shoreline environment.
Policy 4 - In cooperation with appropriate agencies, the City will identify and regulate the use of wetlands, essential habitat areas and other critical lands within the urban growth area.
- 10) The proposed shoreline master program expands on these comprehensive plan policies through the addition of a shoreline management section of the plan, which more specifically establishes policies regarding the economic development of shoreline areas; the appropriate distribution of shoreline uses; the conservation of shoreline areas; public access to the shoreline; the provision of shoreline recreational opportunities; the balance between preservation of shoreline processes and flood hazard protection measures; the development of circulation system and the preservation of historic and cultural shoreline resources.

Conclusion: The draft shoreline master program is consistent with and expands upon the land use policies contained within the City's Comprehensive Plan.

Findings of Fact:

- 11) The purposes of the shoreline management act are to:
- a) Protect the environmental resources of the state's shorelines;
 - b) Promote public access to the shorelines; and
 - c) Give priority to types of land uses that require a location on the shoreline.
- 12) The state standards (WAC 173-26) require the City to prepare an inventory report that identifies the existing shoreline conditions. Updated shoreline master programs must also comply with the "no net loss" of ecological functions of shoreline areas provisions and include a cumulative impact analysis, and a restoration plan;
- 13) The proposed shoreline master program includes:
- a) a Shoreline Inventory, Characterization and Analysis Report of all shoreline areas within the City;
 - b) A new section in the land use chapter of the Comprehensive Plan that specifically addresses shoreline management policies;
 - c) A new shoreline master program that provides for a variety of future land uses classified into seven separate environment designations including Natural, Recreation Conservancy, Recreation, Rural, Residential, Waterfront, and Industrial Conservancy,
 - d) A cumulative impacts analysis;
 - e) A restoration plan.

Conclusion: The draft shoreline master program update is consistent with and implements the purpose of the state shoreline management act and the state standards contained in WAC 173-26.

Overall Conclusion: Based upon the above findings and conclusions, the adoption of the City's Draft Shoreline Master Program is in the best interest of the community of Richland.

RECOMMENDATION

Staff recommends the Planning Commission concur with the findings and conclusions set forth in Staff Report (M2014-100) and recommend to the City Council adoption of the proposed updates to the Richland Shoreline Master Program.

ATTACHMENTS

1	Supplemental Information	6	Cumulative Impacts Analysis
2	Public Participation Plan		Comments
3	Draft SMP Excerpts	7	Dept. of Ecology Comment Letter
4	IAC Report Comments	8	SMP Map
5	Restoration Plan Comments		

EXHIBIT (1)

SUPPLEMENTAL INFORMATION

PROJECT DESCRIPTION

The current City Shoreline Master Program (SMP) was adopted in 1979 and has been in effect since then. No amendments to the master program have been adopted since the original program has been put into place. The shoreline regulations are a requirement of Washington State under the provisions of the State Shoreline Management Act. Under the act, a shoreline is defined as rivers and lakes along with their associated shorelands, wetlands and floodplains. In Richland, shorelines subject to the act are those portions of the Columbia and Yakima rivers that are located within the City limits. Generally, lands within 200 feet of these two rivers and their associated floodplains are subject to the provisions of the act.

The shoreline act has three basic purposes, which can be summarized as follows:

1. Protect the environmental resources of the state's shorelines;
2. Promote public access to the shorelines; and
3. Give priority to types of land uses that require a location on the shoreline.

The State Legislature has mandated that all cities and counties within the state update their shoreline program in accordance with the updated provisions contained in the Washington Administrative Code. The act is unusual in that both state and local government share in the responsibility for its implementation. At the local level, a City is required to develop and adopt both a plan for the management of its shoreline areas and regulations that would implement that plan. Together the plan and regulations comprise the master program. The State Department of Ecology is given the responsibility of reviewing the master programs adopted by local governments. A master program does not become effective until it is officially adopted by Ecology. Any amendments to the program are not valid unless approved by Ecology. Once a program is put into place, local governments are responsible for administering it. They process and issue shoreline substantial development permits. Once local permit decisions are made, they are transferred to Ecology, which has the ability to appeal local permit decisions to a state shoreline hearings board.

Under the updated provisions in the state code, the basic intent and purpose of the shoreline act remains in effect; however, some new standards were also implemented. Specifically, cities must comply with a "no net loss" policy to ecological functions. The City is responsible to evaluate current shoreline conditions and identify existing shoreline ecological functions. Future development of shoreline areas must then not be allowed to result in a loss of ecological function. Cities have some latitude in determining how existing functions should be protected and if future development

results in loss of function in one location, then corresponding mitigation with restoration activities in another shoreline location must off-set those losses. The state requires that cities provide a cumulative impact analysis for reasonably foreseeable activities that may occur within shoreline areas and include a shoreline restoration plan.

With the requirement imposed by the state to update local SMPs, the legislature provided funding for cities and counties to complete this work. Richland received a grant from Ecology in 2012 and subsequently hired the consulting firm of Anchor QEA to assist in the development of the SMP update. Since then Anchor QEA has worked under the direction of the Planning Commission to develop the draft documents that comprise the SMP. Under the terms of the grant, the City needs to have an adopted program submitted to Ecology for their review and approval by June 30, 2014.

To date, the following documents have been prepared and distributed for public review and comment:

- **Shoreline Inventory, Analysis and Characterization Report** – This report assesses the current condition of the shorelines within the City, breaking the Yakima River shoreline into 6 distinct reaches and the Columbia River shoreline into 4 reaches. The document assesses the general character of these shoreline reaches, evaluating them for geological hazards, flooding, channel migration, habitat characteristics, water quantity and sediment, water quality, land use type, ownership and public access
- **Shoreline Master Program** – This document consists of the proposed amendments to existing City plans and regulations. It proposes amendments to the City's comprehensive plan, adding a new "shoreline" section to the land use plan; proposes amendments to Title 19 – Development Regulation and Administration amending how shoreline permit applications are processed in the City; amendments to Title 22 – Environmental Regulations, amending sensitive area standards as they relate to wetlands and other sensitive areas within shoreline jurisdiction; amendments to Title 23 – Zoning, amending standards relating to non-conforming uses within shoreline areas; and amendments to Title 26 – Shoreline Management, amending the City's shoreline regulations. Finally, the SMP includes a series of maps which classify the various reaches of shoreline within the city into shoreline environment designations, which function like zoning regulations by establishing a set of permitted and prohibited uses within each designation. The proposal would divide the City's shorelines into 7 different designations, including: Natural, Recreation Conservancy, Recreation, Rural, Residential, Waterfront and Industrial Conservancy.
- **Cumulative Impact Analysis** – This report demonstrates that the implementation of the draft SMP will not result in a net loss to shoreline ecological functions and considers an examination of projected future development and how this development may risk ecological function and how regulatory and non-regulatory actions, including restoration plans can reduce this risk.

- **Restoration Plan** – This document identifies the type of actions within specific reaches of the City’s shorelines that would improve shoreline ecological functions.
- **Shoreline Designation Maps** – These maps designate each specific section of shoreline area under one of seven shoreline environments that are used within the draft SMP document.

COMPREHENSIVE PLAN

The following goal and policy statements from the City’s existing Comprehensive Plan are pertinent to shoreline issues:

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.

Policy 1 - The City will make all public river shoreline accessible to the public, subject to regulation protecting public safety, sensitive habitat areas and wildlife.

Policy 2 - The City will encourage development of water-oriented recreational, cultural and related commercial facilities in certain Columbia River locations to enhance and diversify Richland’s community recreational resources and its attractiveness to tourists.

Policy 3 - Except as addressed in Policy 2, the City will protect the natural riparian area along the Yakima River and the riparian area along the Columbia River so as not to diminish the quality of the shoreline environment.

Policy 4 - In cooperation with appropriate agencies, the City will identify and regulate the use of wetlands, essential habitat areas and other critical lands within the urban growth area.

PROCESS/PUBLIC PARTICIPATION

The City adopted a public participation plan for the update of the SMP. A complete copy of the plan is attached. The plan called for an open and inclusive process involving the public in the decision making process. It further called for involving and encouraging participation of all interested parties early in the process and with continued communication and feedback throughout the process. Additionally, the plan called for coordination with adjacent jurisdictions, state wide agencies and tribes. Finally, it established the Planning Commission as the primary source of public involvement in guiding the development of the update program.

The City has implemented its public participation plan throughout the SMP process by taking the following actions:

- Sponsoring 3 public workshops held to receive public input and to inform the public of progress in the development of the SMP. Workshops were held on January 13, 2013, March 13, 2013 and October 23, 2013.
- A total of 2 workshops were held in 2012 and 10 more workshops were held in 2013 with the Planning Commission in 2013. The Commission discussed the SMP process with the City's consultant and also discussed general SMP guideline with representatives of the Department of Ecology.
- The City placed all SMP materials developed by the consultant team on the webpage for public review and comment, including reports given to Planning Commission and all draft documents.
- The City notified the public through postings on the webpage, by sending postcards to approximately 150 shoreline property owners prior to each community workshop and the public hearing before the Planning Commission. Notices were also sent out advising the public when draft shoreline documents were placed on the webpage. Legal notice of the Planning Commission hearing was also provided in the Tri-City Herald.
- The City notified public agencies, tribes and private organizations of the SMP process and provided opportunities for review and comment of draft SMP documents by mailing and e-mailing notices.
- Early in the process, local TV stations reported on the City beginning the SMP process and a public service announcement was developed and played on the City's local cable station.
- The City Parks and Recreation Commission and Park staff were also given an opportunity to review the draft SMP.

Comments received from all the above sources were incorporated into the SMP process. From this point forward, the Planning Commission will need to consider the draft SMP and the comments received during the public hearing and forward a formal recommendation onto the City Council. Council will make the final decision to adopt, amend or revise the draft SMP following their public hearing. Once adopted by Council, the program will be forwarded onto the Department of Ecology for final adoption.

UPDATES SINCE 1-26-14 HEARING

At the January hearing, public and commission comments resulted in several changes made to the draft master program. These are summarized as follows:

- In response to comments made by John Fox, adjustments to the riparian buffer width on Regulatory Reach R were made so that buffer ends at the federal/private property boundary line (see page 102 of the SMP)
- In response to comments by Dana Ward regarding the Inventory, Characterization and Analysis Report, animal species lists will be updated;
- In response to comments made by Shannon Goodwin, the shoreline restoration plan will be updated as identified in the attached comments;

- In response to comments raised by Commission members at the hearing and at the subsequent workshop held on February 12th, several minor adjustments were made to the SMP, as delineated on the attachments;
- In response to a letter received from the Department of Ecology concerning wetland related issues, changes were drafted to pages 80, 93, 97, 102, 103 and 113 of the SMP;
- In response to comments from Mike Lilga and Commission members as to whether the Amon Basin should be included in the shoreline master program, the City has formally requested that the Department of Ecology review the materials prepared by Anchor QEA, Mike Lilga, Commissioner Wise and the applicable scientific literature that is available and make a determination. On February 19th, representatives from Department of Ecology toured the Amon Basin. A decision on this issue will be forthcoming.

ANALYSIS

Extensive work has gone into this SMP update process from the studies, reports and draft ordinances developed by Anchor QEA, to the efforts to engage and include the public in the process and to the involvement of the Planning Commission in reviewing and guiding the consultant team throughout the process. The draft SMP represents the City's best efforts in meeting the mandates of the state shoreline management act and the sometimes conflicting purposes of granting priority to shoreline dependent uses, providing for public access and protecting the ecological functions of the shoreline.

The City is blessed with an abundance of publically owned shoreline and Richland residents value this resource, as evidenced by the extensive use that City waterfront parks and trails receive. The wide range of shoreline uses extend from intensively used marinas, to the Port's barge loading facility to shoreline commercial development, to developed and well used public parks, to the rural residential properties along the Yakima River and to natural open space areas and to wildlife refuges that exist on the Columbia River Islands. The draft SMP provides for the continued future use of all of these while meeting the state mandates of "no net loss" of ecological function.

Shoreline areas are perhaps the most highly regulated environment in the City. In addition to the regulations contained within the SMP, shoreline property owners are subject to a wide variety of other regulations as well. The State Department of Ecology regulates water quality through the Clean Water Act. The State Department of Fish and Wildlife regulates impacts to animal habitat through Hydraulic Permit Approvals. The US Army Corps of Engineers maintains ownership of much of the shoreline areas within the City and have developed a set of regulations that all lease holders of Corps property must follow. The Corps also protects wetland areas associated with shorelines through both the federal Clean Water Act and the Rivers and Harbors Act. The National Marine Fisheries Services implements the Endangered Species Act as it pertains to protected species of anadromous fish. Within this complex regulatory framework, the draft SMP

provides a set of regulations that attempts to balance the need for the protection of a fragile resource with the need to permit a reasonable use of private property.

While the draft SMP is complete and in staff's estimation, does meet the mandates of the shoreline management act, there will remain additional work for the City to undertake. One of the discussion topics that the Planning Commission focused on was the preservation of view corridors. Specific language within the SMP was not developed through, because the issue extends beyond the shoreline jurisdiction and is more appropriately placed in the zoning code. The Commission will need to continue to work on this issue.

A second area that needs additional attention is the City's Sensitive Areas Ordinance. The draft SMP proposes some updates to the ordinance only as it relates to shorelines. The updated code language that is included in the draft SMP should be reviewed and be folded into the citywide ordinance as appropriate.

One question that is still outstanding is a final determination on whether the Amon Basin is subject to shoreline jurisdiction or not. Ultimately, the City's shoreline program must be approved by the Department of Ecology. Their staff is evaluating this question now and will inform the City of their decision. If they determine that Amon is a shoreline, then additional work will be needed to add Amon into the SMP. In that event, the matter would be brought back to Planning Commission to develop a shoreline program specific to the Amon Basin. This Amon Basin SMP would become a supplement to the current draft SMP. If Ecology determines that the Amon Basin is not subject to shoreline regulation, then the SMP as currently drafted can move forward for final adoption. In either event, staff recommends that the Planning Commission take action to recommend adoption of the current SMP at this time.

SUMMARY

The proposed SMP is consistent with state guidelines and with the City's comprehensive plan; it was developed with an extensive review process with the Planning Commission and provided numerous opportunities for public involvement, it provides a reasonable plan and regulation for future shoreline uses and as such should be adopted.

EXHIBIT (2)

SHORELINE MASTER PROGRAM UPDATE PUBLIC PARTICIPATION PLAN

1.0 INTRODUCTION

The City of Richland is updating its Shoreline Master Program (SMP) to comply with the Washington State Shoreline Management Act and current state shoreline management guidelines. The City's initial SMP was adopted by the Department of Ecology in 1979, and has not been updated since that time. This Public Participation Plan describes the steps that the City will take to involve the community in decisions regarding the SMP update. The goal is to provide the public with timely information, an understanding of the process, and opportunities to review and comment on update decisions before they are made. The City views this Public Participation Plan as establishing the basic public involvement processes that will be utilized during the SMP Update Program. Other public participation activities may be put into practice without changing the plan.

2.0 PUBLIC PARTICIPATION GOALS

The City of Richland SMP needs to recognize the fragile and limited nature of the City's shorelines and include appropriate provisions to protect those shorelines, while still providing for public access and recreational use. The SMP will need to recognize private property rights and state requirements for achieving a no-net loss of ecological functions within shoreline areas. The City recognizes the importance of early and continuous public participation to the successful implementation of the SMP.

The following are Public Participation Goals and Objectives to be used to guide the City's SMP update process:

Goal: Be open and inclusive.

- *Ensure that public input is incorporated into the decision-making process.*
- *Respond to input that is received and demonstrate the use of public comments in shoreline documents.*
- *Ensure public opportunities to provide data re: public access or other local shoreline information.*

Goal: Identify the most effective opportunities for public participation.

- *Provide public input opportunities at specific project intervals, prior to decision-making.*
- *Focus public participation opportunities on those issues of greatest concern to the public.*
- *Keep current information about SMP development status available to the public for review and Comment on-line.*

Goal: Actively involve and encourage participation of all persons and entities having Interest (RCW 90.58.103) early in the process, with continued communication and feedback throughout the process.

- *Broadly and regularly disseminate SMP materials and meeting notices, and seek written and verbal input at the same intervals (RCW 36.70A.140; WAC 365-195-600).*
- *Provide the public with a range of input opportunities.*

Goal: Coordinate the SMP Update Program with adjacent jurisdictions (West Richland, Kennewick and Benton County) efforts.

- *Share program update schedules, meeting agendas, and feedback received with other jurisdictions.*

Goal: Consult and consider recommendations from State-wide agencies and tribes.

- Provide review opportunities to these key parties (WAC 173-26-251).

Goal: Promote an understanding about the SMP update requirements.

- Establish and distribute informational materials so that interested parties can follow and understand SMP update process and requirements, particularly those relating to opportunities for public participation.

Goal: Evaluate the public participation process throughout the life of the Program.

- Ensure effectiveness of the public participation efforts through periodic monitoring of the program.

3.0 WORK PLAN

The "Scope of Work" for the SMP update consists of five phases which are more specifically described in the City of Richland SMA Grant Agreement No. G1200040 and outlined in the following chapters 3.1 – 3.5. Some of the phases and specific tasks included will overlap in time and may be completed simultaneously with other tasks. Some tasks may be reiterated throughout the process (e.g., analyzing cumulative impacts, developing regulations) and may involve various steps conducted at different times in the process before the previous step is fully completed.

3.1 Phase I - Public Participation Program

The City will incorporate public participation in all phases of the SMP process, document public participation efforts (e.g., public meetings, community events) and keep a record of public comments received. The City will prepare quarterly progress reports identifying progress by work task, documentation of public involvement efforts, and identification of completed tasks. Phase I includes the identification of the City's preliminary shoreline jurisdiction. Throughout the SMP update process, the City will seek to identify and encourage participation of individuals, groups, organizations, and other entities having useful scientific, technical, or cultural information; having interests or responsibilities relating to shorelines of the state; or having any special expertise with respect to any environmental impact.

3.2 Phase II - Shoreline Inventory and Characterization, Consistency Review, and Restoration Planning

In 2012, the City will collect existing shoreline data from a variety of sources for City shorelines. This information will then be analyzed and portrayed on maps, tables, and illustrations in a way that characterizes the shorelines' ecological conditions. The shoreline inventory and characterization will provide the scientific and technical foundation from which the remainder of the SMP update process will evolve. This work will result in preparation of a Shoreline Inventory and Characterization Report that includes maps and provides an analysis of the inventory data, ecosystem characterization and shoreline functions, and shoreline use and public access findings to support the update of the SMP. This inventory and characterization report will be made available for public review on the City's web site.

3.3 Phase III – Preliminary Shoreline Master Program Elements

Once the shoreline inventory and characterization, preliminary restoration planning, consistency review is completed, the City will use this information to initiate drafting of preliminary SMP elements (Phase III). It includes drafting goals, policies, shoreline environmental designations, and recommendations related to shoreline uses, environmental protection restoration, and public access. Phase III will include preparation of a draft SMP Integration Report to address issues of consistency and coordination

between the SMP update and other plans and regulations applicable to shoreline areas including, but not limited to: comprehensive plan and development regulations (e.g., critical areas code, zoning), natural hazard plans, floodplain management plans, and park and open space plans. In addition, an initial review of cumulative impacts of the preliminary SMP elements and draft restoration plans to address state requirements to assure that the SMP's will achieve no net loss of shoreline ecological functions.

3.4 Phase IV – Complete Draft Shoreline Master Program Preparation

In Phase IV, the preliminary SMP update elements and restoration plans will be reevaluated and revised as necessary based on public comment and the findings of the cumulative impact analysis to assure that they are adequate to achieve no net loss of ecological functions. The City will prepare a complete draft SMP. The complete draft SMP will be presented and public comment taken public meetings.

3.5 Phase V – Local Shoreline Master Program Adoption Process

The final phase of the SMP update process includes public hearings by the City Planning Commission and City Council which are anticipated in the spring of 2014. This process will also include a final review of the Draft SMP under the State Environmental Policy Act (RCW 43.21C). All comments received during the public hearing and public comment period will be compiled. The Richland City Council will adopt an updated SMP by ordinance following a public hearing, consistent with the requirements of WAC 173-26-100. A Notice of Adoption will be published in Tri-City Herald and the City will submit the adopted Draft SMP to Ecology for review and approval.

4.0 PUBLIC MEETINGS AND HEARINGS

The Richland Development Services Division, City Planning Commission, and City Council are the primary staff, advisory body, and decision-making body responsible for the SMP update and implementation of this public participation plan. Public meetings and hearings will be held by the Planning Commission, and the City Council. The City may also hold other public forums, open houses, and meetings as the SMP update process proceeds.

4.1 Planning Commission Public Meetings

The Planning Commission (PC) is designated in the Richland Municipal Code as the responsible citizen panel for advising the City Council on comprehensive planning and land use issues. Accordingly, the PC will be the primary source of public involvement in guiding the SMP Update Program. City Development Services staff and other providers as contracted by the City will perform research and analyses, report preparation, and facilitation of the workshops, meetings and hearings. These meetings will be designed to help the Planning Commission with the task of recommending a draft SMP to the City Council and to present information to the public and receive public comment throughout the SMP update process.

Public meetings will occur quarterly when possible and additional meetings may be scheduled as needed, to provide SMP update project status reports and to present work products including:

- Shoreline Inventory and Characterization Report
- Preliminary Restoration Planning Report
- Community Visioning Report
- Preliminary Draft SMP Elements (goals, policies, environmental designations)
- SMP Integration Report
- Cumulative Impact/No Net Loss Analysis

Regularly scheduled monthly PC meetings may be utilized for SMP updates throughout all Phases of the program. All PC meetings are open to the public. Planning Commission regular meetings are held on the

fourth Wednesdays of the month, beginning at 7:00 p.m. in the Richland City Council Chambers, 505 Swift Boulevard, Richland, Washington. Meetings or hearings regarding the SMP can be found on the City's web site at: <http://www.ci.richland.wa.us> by going to the Community Development/Development Services page and accessing the Shoreline Master Plan (SMP) tab. Information may also be obtained from the Richland Development Services during normal business hours at 840 Northgate Avenue, Richland, or by calling (509) 942-7596.

4.2 City Council Public Meetings

The City Council will hold public meetings and hearings at the conclusion of the SMP update process. Public meetings may be scheduled as needed, to provide SMP update project status reports and information to the Council. The Council meets on the second and fourth Tuesdays, in the Richland City Council Chambers, 505 Swift Boulevard, Richland, Washington, beginning at 7:30 p.m. Each regular Council meeting provides the public with a general public comment period. The public is also invited to Council workshop sessions, which are scheduled on the fourth Tuesday of the month in Council Chambers, beginning at 6:00 p.m. These meetings are designed to provide background information to the Council on a variety of issues that may come before Council in a future regular session. Regular meeting agendas and meeting packets are generally available each Friday prior to the following week's meeting and are posted on the City's web site at: <http://www.ci.richland.wa.us>, or can be obtained from the City Clerk's Office during normal business hours or by calling (509) 942-7389.

4.3 Community Shoreline Forums

The City will hold shoreline forums at key points in the process to present information to the public, answer questions, and collect input. The perspectives gathered from such efforts will be documented and included in discussions with advisory groups, the Planning Commission, or City Council. The Forums will target the owners of the pockets of private lands that exist within the City's shoreline jurisdiction. Forum venue locations, dates and times will be published in the Tri City Herald newspaper and notices sent out via mail or email to interested parties maintained on the respective SMP mailing list.

Community Forums - Visioning

The City will hold at least one regional community visioning forum that will invite and encourage citizen participation to help determine goals for future use of the shoreline. This process will be conducted in conjunction with respect to the findings of the shoreline inventory and characterization report. The visioning process will identify shoreline issues and opportunities. It will result in a community visioning report that will contain strategies for shoreline uses, public access, resource protection, and restoration that is consistent with SMA policy and SMP Guidelines objectives.

Community Forums – Preliminary SMP Preparation

The City will hold a community forum on preliminary draft SMP preparation products developed, including presentation of draft goals, policies, designations, regulations, and other recommendations, draft restoration plan elements, and preliminary cumulative impacts/no net loss analysis.

Community Forums – Draft SMP

The City will hold a community forum on a complete draft SMP. This will provide opportunities for public review and comment on draft SMP prior to formal hearings before the Planning Commission and City Council.

4.4 Public Hearings

The City will hold public hearings prior to final adoption of the SMP update. The Planning Commission will hold at least one public hearing on the draft SMP updates and following the public hearing process will make a recommendation to the City Council. The Council will consider the Planning Commission recommendation and public comments received. The Council will hold a public hearing prior to local adoption of the draft SMP. The draft SMP will be made available for public review a minimum of 30 days prior to the scheduled hearing.

All public hearings scheduled before the Planning Commission and City Council will be held after effective notice and include opportunities for oral and written comment. All persons desiring to speak will be allowed to do so, consistent with time constraints. All comments and recommendations of the public will be considered. Adequate time should be provided between the time of any public hearing and the date of adoption to evaluate and respond to public comment. A summary of public comments and an explanation of what action was taken in response to them will be included in the record of adoption of the plan.

4.5 Record of Meetings

The Planning Commission and City Council public meetings and hearings will be video recorded and run on the local cable channel and will be posted on the City's web site for public viewing. Meeting minutes will be prepared and also will be posted on the City's web site.

5.0 PUBLIC INVOLVEMENT STRATEGIES

In addition to public meetings and hearings (see above); other opportunities for public involvement and comment will be provided throughout the SMP update process. The following steps will be taken to exchange information and to encourage broad and diverse public involvement throughout the SMP update:

5.1 Stakeholder Group

A stakeholder group including representation by local residents and landowners, environmental, business and industrial groups, Tribes, and local, state, and federal agencies will be used by the City to ensure that a wide variety of perspectives are considered in the SMP update process. The stakeholder group would likely include representatives from the following interest groups:

Property Owners

Benton Conservation District (BCD)

Irrigation Districts

NW Indian Fisheries Commission

Recreational Fishing/Hunting Groups

Tribes

Port of Benton

Port of Kennewick

WSU – Tri Cities

Private Businesses

Nature Conservancy

Tapteal Greenway

Rivers to Ridges

Benton County Audubon

WSU Benton County Extension

US Army Corp of Engineers

WA Department of Natural Resources (WDNR)
WA Department of Fish & Wildlife (WDFW)
WRIA Watershed Planning Representatives

City staff will consult with the stakeholder group for technical and policy input throughout Phases 1-4 of the SMP update process as described in Section 3.0 of this Plan.

5.2 Treaty Tribes

While these governments are often parties to the groups listed in 5.1 above, as separate government entities with treaty rights to the fisheries and may have co-manager roles that include fish habitat concerns, the county will consult with the treaty tribes: Yakama Nation; Umatilla Nation; and others within City of Richland on shoreline management plan language and notice them of public forums and meetings regarding the SMP.

It is understood that treaty tribes within Richland have an interest in shoreline protection in their Usual and Accustomed Fishing Grounds and Areas, and should be included in discussions in regard to the Plan update.

5.3 Additional Jurisdiction Coordination

The City will coordinate the SMP update with the cities of Kennewick and West Richland and Benton County, to promote consistency between Richland's SMP update and those of the adjoining jurisdictions. The City will also collaborate with agencies owning properties within City shoreline jurisdiction including the Port of Benton, WSU Tri-Cities, the U.S. Corps of Engineers, WA Department of Natural Resources; WA Department of Fish and Wildlife; and the Department of Energy (Hanford).

5.4 Shoreline Property Owners

Shoreline property owners are important stakeholders in the SMP update. The City will develop and maintain a mailing list of shoreline property owners based on available tax records and landowner requests. The list will be used by the City to notify shoreline owners by mail or e-mail list how they can stay informed, be involved, and provide comment throughout the SMP update process. Shoreline property owners will also be notified of the City's public forums and public hearings.

5.5 Additional Outreach Strategies

The City will notify, encourage participation, and seek input related to SMP Update phases from other known entities having interests in shoreline use including, but not limited to recreation, environmental, conservation, realtor associations, private property rights groups, builder associations, and civic organizations. Methods of notification and information dissemination are outlined in Section 7.0 below.

The City will also use its web site as another means of public outreach such as information distribution, notification of community forums and public hearings as well as providing another opportunity for the City to receive comments.

6.0 WRITTEN COMMENTS

Written comments are welcome throughout the SMP update process. Send comments to:
City of Richland Development Services Division, P.O. Box 190, MS#35, Richland, WA 99352

7.0 PUBLIC NOTICES AND INFORMATION DISSEMINATION

The City will use a variety of methods to inform the public about upcoming public meetings, availability of maps, relevant planning documents and reports, and important milestones related to the SMP Update including, but not limited to:

1. *Internet Website*: The City will establish and maintain a Shoreline Master Plan Update web site for the SMP where interested residents may go for informational updates; i.e., hearing meeting and adoption notices, agendas, and other project information. The website will provide communication access to staff and will be consistently updated with project details and include current issues and meetings notice information.
2. *E-mail List*: The City will maintain an email distribution list that will include identified representatives from known agencies, tribes, neighboring jurisdictions, and other organizations that have interests or responsibilities relating to shorelines and any other individual or group that requests to be notified by the email distribution list.
3. *Shorelines Mailing List*: Individuals and interested parties may request to be notified via mail by sending their name and address to: Richland Development Services, P.O. Box 190, MS#35, Richland, WA 99352 or by calling (509) 942-7596.
4. *News Releases*: The City will issue news releases announcing public meetings, and hearings to local media including, but not limited to: the Tri-City Herald, KNDU, KEPR, KVEW; and local KONA radio.
5. *Legal Notices*: Legal public notice of all public hearings will be published under "Legals" in the Tri City Herald.
6. *SMP Update Project File*: An official project file will be available for public inspection during regular business hours (Monday thru Friday 8:00 to 5:00 p.m., except holidays) at the Richland Development Services Office, 840 Northgate Avenue, Richland.

8.0 CONTACTS

Richland Development Services
Rick Simon
P.O. Box 190, MS #35
Richland, WA 99352
Phone: (509) 942-7596
Fax: (509) 942-7764
E-mail: rsimon@ci.richland.wa.us

EXHIBIT (3)

1 **City of Richland**
2 **Shoreline Master Program Update**
3 **DRAFT January, 2014**

4 This Draft Shoreline Master Program consists of three elements:

5 Section I Amendments to the City of Richland Comprehensive Plan

6 Section II Amendment of City of Richland Code, Title 26, Shoreline Management, which also
7 includes adoption of Section 26.60, Sensitive Areas as part of the program

8 Section III Amendment of City of Richland Code, Title 23 Zoning RMC 19.20.010 Procedures for
9 processing development permits, and RMC Chapter 23.66 Non-Conforming Uses.
10 Changes from the existing code text are indicated in redline underlined format for
11 insertions and in ~~strikes through~~ format for deletions.
12

Note: Only the pages that have been amended since the January Planning Commission packet distribution have been reprinted here. To see the entire draft Shoreline Master Program, refer to the January packet or go online at www.ci.richland.wa.us and look under Community Development-Development Services-Shoreline Master Program Update.

their location and use of the shorelines, and including other developments which provide an opportunity for a substantial number of people to enjoy the shorelines.

Policy 1

The City recognizes that the majority of the shoreline within the city is and will remain public open space and will work to ensure that shorelines continue to contribute to the qualities that make the city a desirable place to live and work.

Policy 2

The City will encourage development of water-oriented recreational, cultural and related commercial facilities in appropriately designated Columbia River locations to enhance and diversify Richland's community recreational resources and its attractiveness to tourists. (Comprehensive Plan ED Goal 6, Strategy 6.3.)

Policy 3

The City will promote a mix of uses in shoreline areas on North Columbia Point to increase public access to shorelines, particularly on public properties, by developing and implementing parks, recreation, and trails plans.

Policy 4

The City will work to assure that public access minimizes adverse impacts on adjacent properties, including noise, trash, and other disturbance.

Policy 5

The City will work to encourage regional river transportation facilities in coordination with planning efforts of the Tri-Cities Rivershore Enhancement Council and other agencies. (Comprehensive Plan TE Goal 4, Policy 6.)

SH Goal 2

Shoreline Use: Assure that the shoreline areas of Richland are used in a manner which provides for appropriate distribution and integration of activities, giving priority to developments and other activities which are particularly dependent upon their location on or use of shorelines and water resources as well as those which provide an opportunity for substantial numbers of people to enjoy the shorelines, and which are planned and designed to minimize impact on shoreline environments.

Policy 1

The City will be guided in all uses and development on shorelines in the City, which are Shorelines of Statewide Significance, by the policy of preserving the shorelines for the maximum long term benefit of future generations.

Policy 2

The City will prefer water-dependent commercial uses over non-water-dependent commercial uses in the shoreline environment and prefer water-related and water-enjoyment uses over non-water-oriented commercial uses.

Policy 3

The City will allow over-water commercial uses only as an element of water-dependent development.

Policy 4

The City will limit non-water-oriented commercial development to areas physically separated from the shoreline, where navigability is restricted, or as part of a mixed-use project that provides public access and/or ecological restoration benefits.

Policy 5

The City will provide for continued operation of the Port of Benton barging facility while preserving the generally undeveloped nature of adjacent shoreline areas.

Policy 6

The City will limit non-water-oriented industrial development to areas physically separated from the shoreline, where navigability is restricted, or as part of a project that provides public access or ecological restoration benefits.

Policy 7

The City will ensure that new residential development is designed and located to minimize disruption of shoreline resources, including native shoreline vegetation and aesthetic characteristics and not result in a net loss shoreline ecological function.

Policy 8

The City will coordinate management of lands owned by the US Army Corps of Engineers and leased to the city with the use and maintenance expectations incorporated in management plans adopted by the Corps and other policies as well as the terms of specific leases.

SH -Goal 3

Conservation:

Assure that uses and activities in shorelines are designed and conducted to protect and restore ecological functions of the shoreline -scenic resources, and non-renewable natural resources while assuming continued proper management of renewable resources.

Policy 1

The City will work to ensure that all shoreline development and activities are located, designed, constructed, and maintained to protect natural resources, avoid net loss of ecological functions and avoid impacts that degrade water quality, quantity, hydrologic connections, or local hydrology.

Policy 2

The City will work to ensure that Shoreline uses and developments are designed to minimize the need for chemical treatments, including fertilizers and pesticides, to prevent contamination of surface and groundwater resources.

Policy 3

The City will work to ensure that structures placed within waterbodies or which may come in contact with a regulated water body are not treated with substances that could potentially adversely affect water quality.

Policy 4

The City recognizes the importance of vegetation remaining in urbanized areas, and the importance of this vegetation, in terms of the ecological functions provided, which is often as great as or greater than in rural areas due to its scarcity and will work to ensure that new development meets vegetation conservation objectives.

SH Goal 4

Public Access: The City will maintain and improve existing public access and provide additional safe, convenient and diversified access to and through publicly owned shorelines of the City of Richland compatible with aims of achieving equitable distribution of public usage with minimal adverse effects on natural features or areas of the shoreline, and which recognize the impacts on private property.

- 1 2. Commercial uses, except for franchises granted by the city which enhance public enjoyment
2 of the shoreline and the overall recreational setting.
- 3 3. In-stream structures of a magnitude that would alter natural geohydraulic processes or be a
4 substantial visual intrusion to users of the area.
- 5 D. A wide variety of recreation uses are appropriate with a preference for water oriented uses and
6 activities including beaches, in-water structures, boat launches and other facilities that enhance
7 the public enjoyment of the shoreline including active and passive uses such as boating, fishing,
8 ~~hunting~~, birdwatching and similar uses..
- 9 E. Non water-oriented recreation uses such as lawn areas and picnic areas that are enhanced by the
10 ability to enjoy the aesthetic qualities of the shoreline are the next priority.
- 11 F. Active recreation uses such as sports fields may be located within shoreline jurisdiction, provided
12 they do not displace opportunities for water-oriented uses. In general, such uses shall be located
13 more than 100 feet from OHWM, unless specific site conditions justify a closer location.
- 14 G. Structures that serve recreation and community uses including gymnasias and community centers
15 should be located outside shoreline jurisdiction unless specific site conditions justify a closer
16 location.
- 17 H. Roads and parking areas should be located as far from the water as feasible, preferably outside of
18 shoreline jurisdiction.
- 19 I. Utility facilities should be located and designed to minimize impact on scenic views or aesthetic
20 qualities and minimize environmental impact.

21 **26.10.040 Rural Environment**

22 **26.10.041 Purpose.**

23 The designation of Rural Environments on Richland's shorelines seeks to protect agricultural land and
24 other historically rural areas from pressures of urban expansion, provide buffer areas between urban areas,
25 protect ecological functions of the shoreline and maintain open spaces and opportunities for recreational
26 and other uses compatible with agricultural activities.

27 **26.10.042 Designation criteria.**

28 The Rural Environment designation is applied to shoreline areas inside urban growth areas, that are
29 designated by the Comprehensive Plan as agricultural or zoned agriculture, suburban agriculture or
30 floodplain.

31 **26.10.043 Management policies.**

32 In applying the use chart in this program, and the zoning allowed uses the following shall guide the liberal
33 interpretation of these regulations.

- A. Uses in the rural environment are limited to those which sustain the shoreline area's physical and biological resources and uses of a nonpermanent nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area.
- B. Commercial and industrial uses are not allowed, except as directly related to agricultural use or products, including sale of products grown on the premises;
- C. Water-dependent and water-enjoyment recreation facilities are a preferred use, provided they do not deplete the resource over time. Boating facilities, angling, ~~hunting~~ wildlife viewing trails, and swimming beaches, are preferred uses.
- D. Residential subdivisions, including short plats, shall ~~maintain~~ an overall density of one dwelling unit for every five acres.

26.10.050 Residential Environment.

26.10.051 Purpose.

The Residential Environment on Richland's shorelines is designed to accommodate residential development and appurtenant structures at a variety of housing types and population densities consistent with the Comprehensive Plan and zoning. Protection is provided against hazards, objectionable influences, traffic, building congestion and lack of light, air and privacy. Certain compatible public service installations are permitted in residential use districts. An additional purpose is to provide appropriate public access and recreational uses, particularly associated with multi-family use.

26.10.052 Designation criteria.

The Residential Environment designation is applied to shoreline areas inside urban growth areas, that are designated by the Comprehensive Plan as predominantly single-family or multifamily residential development or are planned for residential development.

26.10.053 Management policies.

In applying the use chart in this program, and the zoning allowed uses the following shall guide the liberal interpretation of these regulations.

- A. Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, sensitive area protection, and water quality are provided in this program and in zoning regulations to assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.
- B. Residential areas isolated from the shoreline by levees or by intervening land in public ownership will have limited impact on shoreline resources and are not subject to standards such as buffers if the use of the intervening land interrupts natural ecological functions.

- C. Applicants for permits have the burden of proving that the proposed development is consistent with the criteria set forth in the Shoreline Master Program and the Act, including demonstrating all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions.

26.20.030 Sensitive Areas

Sensitive Areas within the shoreline jurisdiction shall be regulated in accordance with Section 26.60 of this program and include:

- Article I. General Introduction
- Article II. Wetlands
- Article III. Fish and Wildlife Habitat Areas
- Article IV. Geologic Hazard Areas
- Article V. Aquifer Protection Areas
- Article VI. Flood Hazard Areas
- Article VII. General Information

26.20.040 Shoreline Vegetation Conservation

In addition to the Sensitive Areas standards of ~~Section 26.60 RMC Chapter 22.40~~, the following shall apply to development on the shoreline:

- A. A vegetation management plan for City parks and recreation areas, including both developed and undeveloped lands, shall be developed and implemented in coordination with the US Army Corps of Engineers that protects ecological functions, and results in no net loss of these functions through operations, maintenance, restoration actions in these undeveloped areas. Include integrated vegetation management for control of invasive weeds, and replace ~~removing existing~~ invasive species with native or compatible species that perform ecological functions similar to native species.
- B. A vegetation management plan shall be required for all Sensitive Area buffer areas with degraded native vegetation within SMA jurisdiction and shall:
 - 1. Maintain adequate cover of native vegetation including trees and understory. If a portion of the buffer has been cleared, or if tree cover is substantially less than a native climax community, enhancement plantings shall be installed.
 - 2. Provide a dense screen of native trees at the perimeter of the buffer to provide and protect ecological functions and prevent viewing of adjacent development from within the buffer. If existing vegetation, or topographic features are not sufficient for these purposes, planting shall be required. Fencing may be required if needed to block headlights or other sources of light or to provide an immediate effective visual screen.

- 1 3. Provide an integrated vegetation management plan for control of invasive weeds, and replace
2 existing invasive species with native or compatible species.
- 3 4. Provide a monitoring and maintenance plan. This provision may be waived for single family
4 residential lots.
- 5 C. In cases where approved development results in unavoidable adverse impacts to existing
6 shoreline vegetation, mitigation shall be required to ensure that there will be no net loss of the
7 ecological functions. Mitigation shall take place on-site to the maximum extent feasible. A
8 guarantee, in the form of a bond or other security device, shall be required to assure successful
9 establishment including an appropriate monitoring period.
- 10 D. Mitigation plans shall be completed before initiation of other permitted activities, unless a phased
11 or concurrent schedule assuring completion prior to occupancy is approved.
- 12 E. Lawns and other non-native vegetation maintained within shoreline jurisdiction shall minimize
13 use of chemical fertilizers, pesticides, herbicides, or other similar substances. Such chemical
14 treatments shall not be applied in accordance with manufacturer's recommendations, and
15 associated local, state and federal laws and regulations. Applications in solid time release form
16 shall be preferred over liquid or concentrate application. Best Management Practices (BMPs)
17 shall be implemented in all chemical applications.
- 18 F. Aquatic weed management by prevention is the first priority. Where active removal or destruction
19 is necessary, it should be the minimum required to allow water-dependent activities to continue,
20 minimize negative impacts to native plant communities, and include appropriate handling or
21 disposal of weed materials.
- 22 1. Aquatic weed control shall only occur when native plant communities and associated habitats
23 are threatened or where an existing water dependent use is restricted by the presence of
24 weeds. Aquatic weed control shall occur in compliance with all other applicable laws and
25 standards.
- 26 2. The control of aquatic weeds by derooting, rotovating or other method, which disturbs the
27 bottom sediment, shall be considered development for which a shoreline permit is required,
28 unless it will maintain existing water depth for navigation in an area covered by a previous
29 permit for such activity, in which case it shall be considered normal maintenance and repair
30 and therefore exempt from the requirement to obtain a shoreline permit.
- 31 3. Use of herbicides to control aquatic weeds shall be prohibited except where no reasonable
32 alternative exists and weed control is demonstrated to be in the public's interest.

33 **26.20.050 Public Access**

- 34 A. Public access on the Columbia River is currently provided by a nearly continuous Riverfront Trail
35 system developed by the city on public and private lands. Future public access on public and
36 private lands should be consistent with the overall strategy for providing continuous trails along
37 the shoreline. Future development may be required to reconfigure the existing trail to provide

- 1 6. Public roads or other public facilities parallel to or crossing shorelines shall provide public
2 access trails or sidewalks within the right-of-way. Additional right-of-way acquisition may be
3 required to provide public access.
- 4 7. Public utilities within the shoreline, other than distribution facilities, shall provide public
5 access consistent with maintaining the use and public safety.
- 6 H. Public access shall be consistent with the shoreline environmental designation and may consist of
7 a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck,
8 observation tower, pier, boat-launching ramp, dock or pier area, or other area serving as a means
9 of view and/or physical approach to public waters and may include interpretive centers and
10 displays. Public access improvements shall meet the following location and design criteria:
- 11 1. Public access shall be provided as close (horizontally and vertically) as feasible to the water's
12 edge to provide the general public with opportunity to reach, touch, view, and enjoy the
13 water's edge, provided that public access does not adversely affect sensitive ecological
14 features or lead to an unmitigated reduction in ecological functions.
- 15 2. If open space is provided along the shoreline in the form of Sensitive Area buffers, and public
16 access can be provided in a manner that will not result in a loss of ecological function, a
17 public pedestrian access walkway along and parallel to the waterfront of the property is the
18 preferred design. The walkway shall be set back from sensitive features and may provide only
19 limited and controlled access to the water's edge. Fencing may be provided to control damage
20 to plants and other sensitive features and shall provide for wildlife movement. Soft surface
21 trails and limited width should be specified, where appropriate, to reduce impacts to
22 ecologically sensitive resources.
- 23 3. Public access shall be connected directly to the nearest public street; shall include provisions
24 for handicapped and physically impaired persons where feasible and where additional impact
25 on ecological functions will not occur; and shall be located adjacent to and connect with other
26 public areas, accesses, and connecting trails;
- 27 4. Where physical access to the water's edge is not present or appropriate, a public viewing area
28 shall be provided in cases where views of the water or shoreline are available
- 29 5. In natural open space zones, the need for trails for ADA access should be balanced with the
30 extent of alteration of the natural environment required to accommodate such facilities.
- 31 6. Design shall minimize intrusions of privacy for both site users and public access users by
32 avoiding locations adjacent to windows and/or outdoor private open spaces or by screening or
33 other separation techniques.
- 34 7. Design shall provide for the safety of users, including the control of offensive conduct
35 through providing public visibility (not including removal of buffer vegetation), or provision
36 of specific oversight. The administrator may authorize public access to be temporarily closed
37 to develop a program to address offensive conduct. If offensive conduct cannot be reasonably
38 controlled, alternative facilities may be approved as a permit revision.

1 **26.30.012 Bulk and Dimension Chart**

Standard	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront	Industrial	Industrial Conservancy
Sensitive Area Buffer Water Dependent Use	NA ¹	NA ¹	NA ¹	NA ¹	NA ¹	NA ¹	NA ⁺	NA ¹
Sensitive Area Buffer Non Water Dependent Use	As provided by -Table 26.60.090 (D). 088(B) Wetland Buffer Widths, Table 26.60.9816.12.440 (B)(9)(f). Riparian Buffer Width							
Minimum building setback from OHWM Water Dependent Use	NA ²	NA ^{1,2}	NA ¹	NA ¹	NA ¹	NA ¹	NA ⁺	NA ¹
Minimum building setback from OHWM Non Water Dependent Use	NA ²	105 feet (except for Residential, which is 25 feet) from the edge of the applicable riparian buffer, or 15 feet (except for Residential, which is 25 feet) from the landward edge of a roadway, canal, levee, paved trail or parking area, as applicable, as provided in Section/Table 26.60.42 ²						
Minimum Front Yard Setback	As provided by zoning							
Minimum Side Yard Setback	As provided by zoning							
Minimum Rear Yard Setback	As provided by zoning							
Minimum Lot Width – One-Family Attached Dwellings	As provided by zoning							
Minimum Lot Area	As provided by zoning							
Maximum Density – Multifamily Dwellings (units/square feet)	NA	NA	NA	NA	NA	1:1,500	NA	NA
Maximum Lot Coverage	0%	5%	10%	10%	40%	NA	50%	20%
Maximum Building Height	NA ²	16 feet	35 feet	25 feet	35 feet	35/55 ³ feet	35 feet	35 feet
Maximum Building Height – Detached Accessory Buildings	NA ²	16 feet	16 feet	16 feet	16 feet	35 feet	35 feet	35 feet

Comment [BF1]: Updated per 2/12/2014 PC workshop

- 2 1. No Sensitive Area buffer or building setback applies to water dependent elements of a water
3 dependent use.
4 2. Buildings are not allowed in the Natural Open Space (NOS) Zoning District~~SD~~

- 1 B. Proposals for new marinas must provide sufficient evidence that existing public boat launches,
2 dry storage and existing and permitted moorage is not adequate to meet regional demand for
3 recreational boating and that development of new marinas would result in fewer environmental
4 impacts than expansion of existing facilities.
- 5 C. In order to protect shoreline ecological functions, efficiently use shoreline space, and minimize
6 consumption of water surfaces, boat facilities in order of preference are as follows:
- 7 1. Mooring buoys with a small lighter dock to provide access to the buoy.
- 8 2. In-water mooring docks. These may be approved only ~~where~~ it is demonstrated that more
9 preferred options are not feasible, and/or it can be ~~demonstrated~~ that in-water mooring docks
10 would result in fewer impacts to shoreline ecological functions ~~and/or~~ enhance public use of
11 the shoreline.
- 12 D. Applications for marinas with in-water moorage may be approved by Special Use Permit if it
13 demonstrated that:
- 14 1. Public navigation will not be impeded.
- 15 2. The location will not result in displacement of wetlands or interrupt natural processes, erosion
16 or deposition.
- 17 3. Water depths will be adequate without initial or maintenance dredging.
- 18 4. The location will not require shoreline armoring to compensate for fluvial processes.
- 19 5. The location will not reduce existing public use of the water or shoreline including fishing,
20 swimming and boating.
- 21 6. Adverse water quality impacts will not result from inadequate flushing of moorage or
22 enclosed water areas.
- 23 7. Impacts to riparian buffers and nearshore aquatic habitat will be minimized. Impact
24 minimization may require provision of upland buffers with limited corridors for movement
25 between upland and in-water facilities.
- 26 8. Setbacks from adjacent non-commercial properties will be adequate to attenuate proximity
27 impacts such as noise and light and glare, and may address scale and aesthetic impacts.
28 Fencing or landscape areas may be required to provide a visual screen.
- 29 9. Facilities including piers, floats, boat launches and other elements will be located and
30 designed to minimize changes in hydraulic and fluvial processes, minimize potential flood
31 hazards, and to not limit channel migration in areas where such processes are not currently
32 constrained.
- 33 10. Exterior lighting will avoid illuminating nearby properties used for non-commercial purposes
34 and to prevent hazards for public traffic. Methods of controlling spillover light include, but
35 are not limited to, limits on height of structure, limits on light levels of fixtures, light shields
36 and screening.

3. Allowance of mining on shorelines shall require a finding that the benefits from mining, including the long term use of the site outweigh adverse impacts on other users or resources taken together.
 4. Avoidance of interference with public recreation on the shoreline.
 5. Location and operation to provide long term protection of water quality, fish and wildlife, and their habitats.
- B. A reclamation plan shall be submitted with each application and shall provide for reclamation of the site compatible with existing and proposed land use as indicated in the Richland Comprehensive Plan and compatible with the Shoreline Environment Designation. Preference shall be given to mining proposals that result in the creation, restoration, or enhancement of habitat for priority species and/or public access and recreation.
- C. Regulations applicable to the Shoreline Environment in which the proposed development is located shall be complied with.

26.30.080 Recreation

Recreation is the refreshment of strength and spirits through activities involving physical participation or passive relaxation. Water-related recreation accounts for a significant percentage of all recreational activities in the city of Richland and the state of Washington. Recreational activities intended for public use shall be encouraged at intensities appropriate for the various environments. Priority will be given to those recreational uses which provide appropriate public access to the shoreline.

- A. Only those public and private recreational uses that allow general public use shall be permitted on public shorelines of Richland. Recreational development shall be designed to locate non-water-oriented uses upland of water-oriented uses whenever possible.
- B. A variety of recreation opportunities and associated facilities are encouraged on the shoreline. Passive uses are most appropriate in areas with more intact natural conditions including facilities for interpretation of natural features and habitat, bird watching and similar uses. Water-dependent and water-enjoyment recreation facilities are a preferred use including boating facilities, water sports, angling, and swimming beaches for areas with less intact ecological functions.
- C. Access, circulation and parking for recreational developments shall comply with the following regulations:
1. Vehicular access points shall be limited to the minimum number necessary for the proposed recreational facility and shall be configured to minimize disturbance of sensitive natural resources. Non-motorized access points shall be provided where feasible..
 2. Access to the water's edge from parking areas shall be limited to pedestrian movement, except that marinas and boat launching facilities may be provided with access drives or roads.

4. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, such as a city land use bulletin, the location where the application and any studies can be reviewed;
 5. A statement of the public comment period, which shall be not less than thirty days following the date of notice of application,
 6. A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. Public comments shall be accepted at any time prior to the closing of the record of an open record hearing, if any, or, if no open record hearing is provided, prior to the decision on the project permit;
 7. The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application;
 8. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency; and
 9. Any other information determined appropriate by the administrator.
- B. Public notice shall include:
1. Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the development is proposed
 2. Posting on the property.
 3. Publication at least once in the official newspaper of the city.
 4. If an open record public hearing is required, a notice shall be provided at least fifteen (15) days prior to the hearing.

26.50.040 Approval Criteria

In order to approve any development within SMP jurisdiction, the City must find that a proposal is consistent with the following criteria in addition to the requirements of RMC Title 19, Permit Administration.

- A. Conformance with the Shoreline Management Act of 1971, as amended;
- B. General conformance with the goals for the shoreline program, the general development policies for the plan elements, and the applicable policy statements for the use activity and the shoreline environment;
- C. Compliance with use regulations of the Shoreline Master Program appropriate to the shoreline designation and the type of use or development proposed, particularly the preference for water-oriented uses, subject to liberal construction to give full effect to the objectives and purposes for

Comment [BF2]: The following text was deleted per 2/12/2014 PC workshop:

In addition to mailing and posting requirements identified in items 1 and 2 above, notice of public hearing shall include a publication in one of the primary sections of the City's official newspaper, not in the legal advertisement section.

ecosystem-wide processes and restoration of degraded ecological functions and ecosystem-wide processes to achieve no net loss of shoreline ecological functions and to avoid probable impacts, to the extent feasible, to all sensitive areas.

E. It is the intent of this section to:

1. Implement the goals and policies of the city of Richland's comprehensive plan, including those goals and policies that pertain to natural features and environmental protection; aesthetics and community character; adequate housing and infrastructure; opportunities for economic development; creation of a balanced transportation system; adequate public facilities; and achievement of a mix of land use types and densities consistent with the city of Richland's land use plan;
2. Protect sensitive areas through the application of the most current, accurate, and complete scientific or technical information available as determined according to WAC 173-26-201(2)(a), and in consultation with state and federal agencies and other qualified professionals and integrate the full spectrum of state, tribal, and federal programs;
3. Comply with the Shoreline Management Act (RCW 90.58) and implementing rules;
4. Serve as a basis for exercise of the City's substantive authority under the State Environmental Policy Act (SEPA) and the City's SEPA rules;
5. Comply with the requirements of the Growth Management Act (RCW 36.70A) and implementing rules; and
6. Coordinate environmental review and permitting of proposals to avoid duplication and delay.

F. The city of Richland has mapping available from a variety of local, state and federal information sources and based on topographic, geologic, hydrologic, and habitat characteristics that indicate where sensitive areas or geologic hazards may exist. Additional study and mapping are needed to verify that such conditions do prevail and are needed to identify other areas that are potentially sensitive areas. Maps and reference documents in the city of Richland's SMP Inventory, Characterization and Analysis report include this information. This mapping helps the City identify the potential presence of sensitive areas or the risks associated with developing lands subject to geologic hazards to the public. It should be noted that the boundaries of the sensitive areas and geologic hazard areas displayed on these maps are approximate and are not intended to be used for individual site assessment. When differences occur between what is illustrated on these maps and current site conditions, the actual presence or absence of environmentally sensitive areas or geologic hazard areas on the site shall determine the action to be taken.

26.60.012 General applicability of these regulations.

The provisions of these regulations shall apply to any activity that affects sensitive areas or their established buffers within the city's Shoreline Jurisdiction unless otherwise exempt, and this provision applies whether or not a substantial development permit or other type of City approval is being sought.

Comment [BF3]: Added per 2/12/2014 comment from Gwen Clear, Ecology

1 **26.60.015 General relationship of regulations of one type of sensitive area protection to other**
2 **regulations.**

3 These sensitive area regulations shall apply as an overlay and in addition to shoreline, zoning, land use,
4 and other regulations established by the city of Richland.

5 Areas characterized as sensitive may also be subject to other regulations established by this chapter due to
6 the overlap or multiple functions of some sensitive or critical areas. For example, some landslide hazard
7 areas (e.g., steep slopes) adjacent to wetlands may be regulated by buffering requirements according to
8 the wetland management provisions of this chapter. Wetlands may be defined and regulated according to
9 the wetland section and habitat management provisions of this chapter.

10 In the event of any conflict between these regulations and any other regulations of the city of Richland,
11 the regulations which provide greater protection to environmentally sensitive areas shall apply.

12 **Article II. Wetlands**

13 **26.60.020 Regulated activities in wetlands.**

14 The following activities which occur in conjunction with a development application within a wetland and
15 its associated buffer, or outside a wetland or buffer, but affecting the wetland or buffer, shall be regulated
16 pursuant to the standards of this chapter to achieve, at a minimum, no net loss of wetland area and
17 ecological functions, including lost time when the wetland does not perform the function:

- 18 A. Removing, excavating, disturbing or dredging soil, sand, gravel, minerals, organic matter or
19 materials of any kind;
- 20 B. Dumping, discharging or filling with any material;
- 21 C. Draining, flooding or disturbing the water level or water table;
- 22 D. Driving, piling or placing obstructions;
- 23 E. Constructing, reconstructing, demolishing or altering any structure or infrastructure; or if the
24 activity results in greater impervious surface coverage;
- 25 F. Destroying or altering vegetation including through clearing, harvesting, shading or planting
26 vegetation that would alter the character of wetland;
- 27 G. Activities that result in significant changes in water temperature, physical or chemical
28 characteristics of wetland water sources, including water quantity and quality as stated in Chapter
29 90.03 RCW and Chapter 173-201 WAC;
- 30 H. Alteration of natural drainage patterns or any activity that results in a discharge of stormwater
31 runoff into a wetland; and
- 32 I. Any other activities affecting a wetland or wetland buffer not otherwise exempt from the
33 provisions of this section.

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
	Moderate – 110 ft High – 150 ft	time
High level of function for water quality improvement and low for habitat (score for water quality 24-32 points; habitat less than 20 points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Riparian forest	Buffer width to be based on score for habitat functions or water quality functions	Riparian forest wetlands need to be protected at a watershed or subbasin scale Other protection based on needs to protect habitat and/or water quality functions
Not meeting above characteristic	Low – 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time
Category I Wetlands (For wetlands that score 70 points or more for all functions or having the “Special Characteristics” identified in the rating system)		
Natural Heritage Wetlands	Low – 125 ft Moderate – 190 ft High – 250 ft	No additional surface discharges to wetland or its tributaries. No septic systems within 300 ft of wetland. Restore degraded parts of buffer.
High level of function for habitat (score for habitat 29-36 points)	Low – 100 ft Moderate – 150 ft High – 200 ft	Restore degraded parts of buffer. Maintain connections to other habitat areas
Moderate level of function for habitat (score for habitat 20-28 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
High level of function for water quality improvement (24-32 points) and low for habitat (less than 20 points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Not meeting above characteristics	Low – 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time

G. Buffer widths may be modified by averaging buffer widths or by enhancing buffer quality as set forth herein.

1. Buffer width averaging shall be allowed only where the applicant demonstrates to the City that the wetland contains variations in sensitivity due to existing physical characteristics, that lower intensity land uses would be located adjacent to areas where the buffer width is reduced, that width averaging will not adversely impact the wetland functional values, and

that the total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging.

2. ~~Buffer width may be reduced by up to 25 percent if the existing buffer area is vegetated with greater than 90 percent areal cover of native species and a report by a qualified wetlands specialist demonstrates that a smaller than standard wetland buffer will provide all of the buffer functions necessary to protect all functions and values of the wetland. The City may require long-term monitoring of the buffer and wetland with appropriate contingency actions if adverse impacts to the wetland were to occur.~~

3. ~~Notwithstanding the reductions permitted in subsections (1)(1) and (2) of this section, buffer widths shall not be reduced by more than 25 percent of the required buffer, and no net loss of ecological functions shall be achieved.~~

26.60.025 Buffer Modifications

A. Buffer averaging to improve wetland protection may be permitted when all of the following conditions are met:

1. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower-rated area.
2. The buffer is increased adjacent to the higher-functioning area of habitat or more-sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion as demonstrated by a critical areas report from a qualified wetland professional.
3. The total area of the buffer after averaging is equal to the area required without averaging.
4. The buffer at its narrowest point is never less than either ¾ of the required width or 75 feet for Category I and II, 50 feet for Category III and 25 feet for Category IV, whichever is greater.

B. Averaging for proposed land uses may be allowed when all of the following are met:

1. There are no feasible alternatives to the site design that could be accomplished without buffer averaging.
2. The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a critical areas report from a qualified wetland professional.
3. The total buffer area after averaging is equal to the area required without averaging.
4. The buffer at its narrowest point is never less than either ¾ of the required width or 75 feet for Category I and II, 50 feet for Category III and 25 feet for Category IV, whichever is greater.

C. Reduction in Buffer Width Based on Reducing the Intensity of Impacts from Proposed Land Uses

Comment [BF4]: The updates made in this section per comments from D. Berkowitz also address Ecology comments made on 2/12/201

1. The buffer widths recommended for proposed land uses with high-intensity impacts to wetlands can be reduced to those recommended for moderate-intensity impacts under the following conditions:
 2. For wetlands that score moderate or high for habitat (20 points or more for the habitat functions), the width of the buffer can be reduced if both of the following criteria are met:
 - a. A relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife ("relatively undisturbed" and "vegetated corridor" are defined in questions H 2.1 and H 2.2.1 of the Washington State Wetland Rating System for Eastern Washington – Revised (Hruby 2004a), or latest update). Priority Habitats in eastern Washington include:
 - Wetlands
 - Riparian zones
 - Cliffs
 - Urban natural open space
 - b. The corridor must be protected for the entire distance between the wetland and the Priority Habitat by some type of legal protection such as a conservation easement.
 3. Measures to minimize the impacts of different land uses on wetlands, such as the examples summarized in Table 26.60.025.E, are applied.
- D. For wetlands that score less than 20 points for habitat, the buffer width can be reduced to that required for moderate land-use impacts by applying measures to minimize the impacts of the proposed land uses (see examples in Table 26.60.025E).
- E. Examples of measures to minimize impacts to wetlands from changes in land uses with high impacts.

Table 26.60. 025.E Examples of measures to minimize impacts to wetlands from changes in land uses with high impacts

<u>Examples of Disturbance</u>	<u>Activities and Uses that Cause Disturbances</u>	<u>Examples of Measures to Minimize Impacts</u>
<u>Lights</u>	<ul style="list-style-type: none"> • <u>Parking lots</u> • <u>Warehouses</u> • <u>Manufacturing</u> • <u>Residential</u> 	<ul style="list-style-type: none"> • <u>Direct lights away from wetland</u>
<u>Noise</u>	<ul style="list-style-type: none"> • <u>Manufacturing</u> • <u>Residential</u> 	<ul style="list-style-type: none"> • <u>Locate activity that generates noise away from wetland</u>

<u>Toxic runoff*</u>	<ul style="list-style-type: none"> • <u>Parking lots</u> • <u>Roads</u> • <u>Manufacturing</u> • <u>Residential areas</u> • <u>Application of agricultural pesticides</u> • <u>Landscaping</u> 	<ul style="list-style-type: none"> • <u>Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered</u> • <u>Establish covenants limiting use of pesticides within 150 ft of wetland</u> • <u>Apply integrated pest management</u>
<u>Stormwater runoff</u>	<ul style="list-style-type: none"> • <u>Parking lots</u> • <u>Roads</u> • <u>Manufacturing</u> • <u>Residential areas</u> • <u>Commercial</u> • <u>Landscaping</u> 	<ul style="list-style-type: none"> • <u>Retrofit stormwater detention and treatment for roads and existing adjacent development</u> • <u>Prevent channelized flow from lawns that directly enters the buffer</u>
<u>Change in water regime</u>	<ul style="list-style-type: none"> • <u>Impermeable surfaces</u> • <u>Lawns</u> • <u>Tilling</u> 	<ul style="list-style-type: none"> • <u>Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns</u>
<u>Pets and human disturbance</u>	<ul style="list-style-type: none"> • <u>Residential areas</u> 	<ul style="list-style-type: none"> • <u>Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract</u>
<u>Dust</u>	<ul style="list-style-type: none"> • <u>Tilled fields</u> 	<ul style="list-style-type: none"> • <u>Use best management practices to control dust</u>
<u>* These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.</u>		

4-F. The minimum buffer width stated in Table 26.60-.024.D Wetland Buffer Widths shall be increased not more than 125 percent (buffer width x 1.25) when the qualified consultant determines, based upon a site-specific wetland analysis, that impacts on the wetland from a proposed development can only be mitigated by a greater buffer width. The standard wetland buffer width shall be increased:

1. When the adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts; or
2. When the standard buffer has minimal or degraded vegetative cover that cannot be improved through enhancement; or

2-3. When the wetland provides habitat for a species that is particularly sensitive to disturbance (such as a threatened or endangered species), the width of the buffer should be increased to provide adequate protection for the species based on its particular life-history needs.

3-4. When the minimum buffer for a wetland extends into an area with a slope of greater than 25 percent, the buffer shall be the greater of:

- a. The minimum buffer for that particular wetland; or
- b. Twenty-five feet beyond the point where the slope becomes 25 percent or less.

4-G. Low impact uses and activities (see Table 25.50.090 (C)) that are consistent with the purpose and function of the wetland buffer and do not detract from its integrity may be permitted within the buffer depending on the sensitivity of the wetland. Examples of uses and activities which may be permitted in appropriate cases, based on guidance in the Wetlands and CAO Guidance for Small Cities, Eastern Washington version (dated Jan. 2010, revised Oct. 2012, as may be amended in the future), include pedestrian trails, viewing platforms, stormwater management facilities such as grass-lined swales, and utility easements. Uses permitted within the buffer shall be located in the outer portion of the buffer as far as possible from the wetland.

4-H. A variance from buffer width requirements may be granted by the city of Richland upon a demonstration by the applicant that the Shoreline variance criteria are met per RMC 26.50.060.

~~26.60.025~~ **26.60.026 Wetland alteration and mitigation.**

- A. All adverse impacts to wetland functions and values shall be mitigated. Mitigation actions by an applicant or property owner shall occur in the following priority sequence per RMC 26.20.020, B. Ecological Functions, No Net Loss—B— (Mitigation Sequence).
- B. Where impacts cannot be avoided, the applicant or property owner shall seek to implement other appropriate mitigation actions in compliance with the intent, standards and criteria of this section. These shall include consideration of alternative site plans and building layouts and/or reduction in the density or scope of the proposal.
- C. Alteration of wetlands and/or their buffers may be permitted by the City subject to the following criteria:
 1. Category I Wetlands. Alterations of Type I wetlands shall be avoided. .
 2. Category II Wetlands.
 - a. Any proposed alteration and mitigation shall comply with the requirements of this section through RMC 26.60.027 Mitigation standards, criteria, and plan requirements; and
 - b. No net loss of wetland function and value will occur due to the alteration.
 3. Category III Wetlands.
 - a. The proposed mitigation complies with the requirements of this section through RMC 26.60.027. Mitigation standards, criteria, and plan requirements; and

- b. Where enhancement is proposed, replacement ratios comply with the requirements of RMC 26.60.027. Mitigation standards, criteria, and plan requirements (C) Wetland Replacement Ratios .

~~26.60.026~~ **26.60.027 Stormwater runoff.**

New development within 150 feet of a wetland buffer shall contain stormwater runoff within the developed portions of the site. No stormwater runoff shall drain into the wetland. Deviations from this standard may be approved by the City; provided, that a study undertaken by a qualified consultant in accordance with the provisions of RMC 26.60.028 indicates that the potential discharge of stormwater runoff from a development site into a wetland is adequately mitigated to protect the functions and values of the wetland. In the case of a Category 3 or Category 4 wetland, stormwater management facilities may be located within the outer 25 percent of the required wetland buffer; provided, that a determination is made that no other location is feasible and the location of such facilities will not have an adverse impact on the functions and values of the wetland.

~~26.60.027~~ **26.60.028 Mitigation standards, criteria, and plan requirements.**

A. Location and Timing of Mitigation.

1. Location of Compensatory Mitigation. Compensatory mitigation actions shall be conducted within the same sub-drainage basin and on the site of the alteration except when all of paragraphs 1-4 below apply. In that case, mitigation may be allowed off-site within the subwatershed of the impact site. When considering off-site mitigation, preference should be given to using alternative mitigation, such as a mitigation bank, an in-lieu fee program, or advanced mitigation.

a. There are no reasonable opportunities on site or within the sub-drainage basin (e.g., on-site options would require elimination of high-functioning upland habitat), or opportunities on site or within the sub-drainage basin do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include: anticipated replacement ratios for wetland mitigation, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity);

b. On-site mitigation would require elimination of high-quality upland habitat.

c. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the altered wetland.

d. Off-site locations shall be in the same sub-drainage basin unless:

i. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the City and strongly justify location of mitigation at another site

1 ii. The design for the compensatory mitigation project needs to be appropriate for its
2 location (i.e., position in the landscape). Therefore, compensatory mitigation should
3 not result in the creation, restoration, or enhancement of an atypical wetland. An
4 atypical wetland refers to a compensation wetland (e.g., created or enhanced) that
5 does not match the type of existing wetland that would be found in the geomorphic
6 setting of the site (i.e., the water source(s) and hydroperiod proposed for the
7 mitigation site are not typical for the geomorphic setting). Likewise, it should not
8 provide exaggerated morphology or require a berm or other engineered structures to
9 hold back water. For example, excavating a permanently inundated pond in an
10 existing seasonally saturated or inundated wetland is one example of an enhancement
11 project that could result in an atypical wetland. Another example would be
12 excavating depressions in an existing wetland on a slope, which would require the
13 construction of berms to hold the water.

14 2. Timing of Compensatory Mitigation. It is desirable that compensatory mitigation projects be
15 completed prior to activities that will disturb wetlands. At the least, compensatory mitigation
16 shall be completed immediately following disturbance and prior to use or occupancy of the
17 action or development. Construction of mitigation projects shall be timed to reduce impacts
18 to existing fisheries, wildlife, and flora.

19 3. The Administrator may authorize a one-time temporary delay in completing construction or
20 installation of the compensatory mitigation when the applicant provides a written explanation
21 from a qualified wetland professional as to the rationale for the delay. An appropriate
22 rationale would include identification of the environmental conditions that could produce a
23 high probability of failure or significant construction difficulties (e.g., project delay lapses
24 past a fisheries window, or installing plants should be delayed until the dormant season to
25 ensure greater survival of installed materials). The delay shall not create or perpetuate
26 hazardous conditions or environmental damage or degradation, and the delay shall not be
27 injurious to the health, safety, or general welfare of the public. The request for the temporary
28 delay must include a written justification that documents the environmental constraints that
29 preclude implementation of the compensatory mitigation plan. The justification must be
30 verified and approved by the City.

31 4. Mitigation shall be provided on site, except where on-site mitigation is not feasible or
32 practical due to physical features of the property. The burden of proof shall be on the
33 applicant to demonstrate that mitigation cannot be provided on site.

34 2. Mitigation shall be accomplished in accordance with RMC 26.20.020 Ecological Functions.
35 No Net Loss including the specified mitigation sequence. When mitigation cannot be
36 provided on site, mitigation shall be provided in the immediate vicinity of and within the
37 same watershed as the permitted activity on property owned or controlled by the applicant.
38 When possible, this means within the same watershed as the location of the proposed project.

Comment [BF5]: Changed per 2/12/2014 PC meeting (was "preferred")

- ~~2. Whether occurring on-site or off-site, the mitigation project shall occur near an adequate water supply (river, stream, ground water) with a hydrologic connection to the wetland to ensure a successful wetlands development or restoration.~~
- ~~3. Any agreed-upon proposal shall be completed before initiation of other permitted activities, unless a phased or concurrent schedule has been approved by the City.~~
- ~~4. Wetland acreage replacement ratios shall be as specified in subsection (C) of this section.~~

~~A.B.~~ Mitigation Performance Standards.

1. Adverse impacts to wetlands functions and values shall be mitigated. Mitigation actions shall be implemented in the preferred sequence identified in RMC 26.20.020 Ecological Functions. Proposals which include less preferred and/or compensatory mitigation shall demonstrate that:
 - a. All feasible and reasonable measures will be taken to reduce impacts and losses to the original wetland. Describe how preferred order of wetlands mitigation was followed: 1) restoration (including reestablishment and rehabilitation), 2) creation (establishment), 3) enhancement in combination with restoration or creation, and 4) preservation of high-quality, at risk wetlands.
 - ~~a.b.~~ Compensatory mitigation shall be allowed only after mitigation sequencing is applied and higher priority means of mitigation are determined to be infeasible, and shall achieve equivalent or greater wetland ecological functions.
 - ~~b.c.~~ No overall net loss will occur in wetland functions and values; and
 - ~~e.d.~~ The restored, created or enhanced wetland will be as persistent and sustainable as the wetland it replaces.

~~B.C.~~ Wetland Replacement Ratios.

1. Where wetlands alterations are permitted by the City the applicant shall restore or create equivalent areas of wetlands in order to compensate for wetland losses. Equivalent areas shall be determined according to acreage, function, type, location, timing factors, and projected success of restoration or creation.
- ~~2. The following acreage replacement ratios shall be applied as targets. The City may vary these standards if the applicant can demonstrate and the City agrees that the variation will provide adequate compensation for lost wetland area, functions and values, or if other circumstances as determined by the City justify the variation.~~

~~2.~~

Comment [BF6]: Updated per 2/12/2014 Ecology comments.

1 Table 26.60.027: Mitigation ratios for eastern Washington¹

Category and Type of Wetland Impacts	Re-establishment or Creation	Rehabilitation Only ²⁴	Re-establishment or Creation (R/C) and Rehabilitation (RH) ²⁴	Re-establishment or Creation (R, C) and Enhancement (E) ²⁴	Enhancement Only ²⁴
All Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category II Forested	4:1	8:1	1:1 R/C and 4:1 RH	1:1 R/C and 6:1 E	16:1
Category II Vernal Pool	2:1 Compensation must be seasonally ponded wetland	4:1 Compensation must be seasonally ponded wetland	1:1 R/C and 2:1 RH	Case-by-case	Case-by-case
All other Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I based on score for functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I Natural Heritage site	Not considered possible ²⁴	6:1 Rehabilitation of a Natural Heritage site	R/C Not considered possible ²⁴	R/C Not considered possible ²⁴	Case-by-base
Category I Alkali	Not considered possible ²⁴	6:1 Rehabilitation of an alkali wetland	R/C Not considered possible ²⁴	R/C Not considered possible ²⁴	Case-by-case
Category I Bog	Not considered possible ²⁴	6:1 Rehabilitation of a bog	R/C Not considered possible ²⁴	R/C Not considered possible ²⁴	Case-by-case

¹ Ratios for rehabilitation and enhancement may be reduced when combined with 1:1 replacement through creation or re-establishment. See Table 16: Wetland Mitigation in Washington State – Part I: Agency Policies and Guidance–Version 1. (Ecology Publication #06-06-011a, Olympia, WA, March 2006 or as revised).

²⁴ These ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, while less effective actions may result in a higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement.

³² Natural Heritage sites, alkali wetland, and bogs are considered irreplaceable wetlands because they perform some functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would therefore result in a net loss of some functions no matter what kind of compensation is proposed.

Reference:

Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10. March 2006: Wetland Mitigation in Washington State – Part I: Agency Policies and Guidance (Version 1). Washington State Department of Ecology Publication #06-06-011a. Olympia, WA.

2. Qualitative and quantitative standards for success of the project, including hydrologic characteristics (water depths, water quality, hydroperiod/hydrocycle characteristics, flood storage capacity); vegetative characteristics (community types, species composition, density, and spacing); faunal characteristics, and final topographic elevations.
3. An ecological assessment of the wetland values and wetland buffers that will be lost as a result of the activities, and of the replacement wetlands and buffers, including but not limited to the following:
 - i. Acreage of project;
 - ii. Existing functions and values;
 - iii. Sizes of wetlands, wetland buffers, and areas to be altered;
 - iv. Vegetative characteristics, including community type, areal coverage, species composition, and density;
 - v. Habitat type(s) to be enhanced, restored, or created; and
 - vi. Dates for beginning and completion of the mitigation project, and sequence of construction activities.
4. A statement of the location, elevation, and hydrology of the new site, including the following:
 - a. Relationship of the project to the watershed and existing water bodies;
 - b. Topography of site using the smallest readily available intervals, preferably one-foot contour intervals but two-foot is acceptable;
 - c. Water level data, including depth and duration of seasonally high water table;
 - d. Water flow patterns;
 - e. Grading, filling and excavation, including a description of imported soils;
 - f. Irrigation requirements, if any;
 - g. Water pollution mitigation measures during construction;
 - h. Areal coverage of planted areas to open water areas (if any open water is to be present); and
 - i. Appropriate buffers.
5. A planting plan, describing what will be planted, and where and when the planting will occur, as follows:
 - a. Soils and substrate characteristics;
 - b. Specify substrate stockpiling techniques; and
 - c. Planting instructions, including species, stock type and size, density or spacing of plants, and water and nutrient requirements.
6. A monitoring and maintenance plan, consistent with RMC 26.60.450-030.
 - a. Specify procedures for monitoring and site maintenance; including control of invasive species and

- b. Submit monitoring reports to the City.
7. A contingency plan, consistent with these regulations.
8. A detailed budget for implementation of the mitigation plan, including monitoring, maintenance and contingency phases.
9. A guarantee, in the form of a bond or other security device in a form and amount acceptable to the city attorney, assuring that the work will be performed as planned and approved, consistent with these regulations and including monitoring, maintenance and contingency.

26.60.02D 26.60.030 Performance standards for wetlands mitigation planning.

A. The following performance standards shall be incorporated into mitigation plans submitted to the city of Richland:

1. Plants should be indigenous to the region (not introduced or foreign species);
2. Plants should be adaptable to a broad range of water depths;
3. Plants should be commercially available or available from local sources;
4. Plant species high in food and cover value for fish and wildlife are recommended, when possible;
5. Plants should be mostly perennial species;
6. Avoid committing significant areas of site to species that have questionable potential for successful establishment;
7. Plant selection must be approved by wetlands biologist/ecologist;
8. Water depth is not to exceed six and one-half feet (two meters);
9. The grade or slope that water flows through the wetland is not to exceed six percent;
10. Slopes within the wetland basin and the buffer zone should not be steeper than 3:1 (horizontal to vertical);
11. The substrate should consist of a minimum of one foot, in depth, of clean (uncontaminated with chemicals, or solid/hazardous wastes) inorganic/organic materials;
12. Planting densities and placement of plants should be determined by a qualified professional and shown on the design plans;
13. The wetland (excluding the buffer area) should not contain more than 60 percent open water as measured at the seasonal high water mark;
14. Minimum buffer widths should extend 25 to 100 feet from from the wetland boundary in accordance with buffer requirements in Table 26.60.024D Wetland Buffer Widths for the proposed category rating of the wetland that will be created.
15. The planting plan must be approved by the deputy city manager for community and development services or consultant acting on behalf of the city;

Comment [BF8]: Updated per Ecology
2/12/2014 comments

- 1 16. Stockpiling should be confined to upland areas and contract specifications should limit
2 stockpile durations to less than four weeks;
- 3 17. Planting instructions which describe proper placement, diversity, and spacing of seeds,
4 tubers, bulbs, rhizomes, sprigs, plugs, and transplanted stock;
- 5 18. Apply controlled release fertilizer, if reasonable and prudent, at the time of planting and
6 afterward only as plant conditions warrant (determined during the monitoring process);
- 7 19. Install an irrigation system, if necessary, for initial establishment period; and
- 8 20. Construction specifications and methods must be approved by a qualified consultant and the
9 City.
- 10 B. On completion of construction, the wetland mitigation project must be signed off by the
11 applicant's qualified consultant and the City. Signature will indicate that the construction has
12 been completed as planned and all design elements have been fully and correctly implemented. If
13 there have been changes in the implementation of the plan, a written explanation from the
14 consulting biologist must be included.

15 ~~26.60.030~~ 26.60.031 **Wetland monitoring program and contingency plan.**

- 16 A. A monitoring program shall be implemented to determine the success of the mitigation project
17 and any necessary corrective actions. This chapter shall determine if the original goals and
18 objectives are being met.
- 19 B. A contingency plan shall be established for compensation in the event that the mitigation project
20 is inadequate or fails. A performance and maintenance bond or other acceptable security device is
21 required to ensure the applicant's compliance with the terms of the mitigation agreement. The
22 amount of the performance and maintenance bond shall equal 125 percent of the cost of the
23 mitigation project for a period of five years. The City may agree to reduce the bond in phases in
24 proportion to work successfully completed over the period of the bond.
- 25 1. During monitoring, scientific procedures for establishing the success or failure of the project
26 must be used;
- 27 2. For vegetation determinations, permanent sampling points shall be established;
- 28 3. Vegetative success will be defined as 80 percent per year survival of planted trees and shrubs
29 and 80 percent per year cover of desirable understory or emergent species;
- 30 4. Submit monitoring reports on the current status of the mitigation project to the City. The
31 reports are to be prepared by a qualified consultant and reviewed by the city's consultant and
32 should include monitoring information on wildlife, vegetation, water quality, water flow,
33 stormwater storage and conveyance, and existing or potential degradation, and shall be
34 produced on the following schedule:
- 35 a. At the time of construction;
- 36 b. Thirty days after planting;

- c. Early in the growing season of the first year;
 - d. End of the growing season of the first year;
 - e. Twice the second year; and
 - f. Annually thereafter;
5. Monitor for five growing seasons. If the mitigation goals are not obtained within the initial 5-year period, the applicant remains responsible for restoration of the natural resource values and functions until the mitigation goals agreed to in the mitigation plan are achieved;
 6. If necessary, correct for failures in the mitigation project;
 7. Replace dead or undesirable vegetation with appropriate plantings, based on the approved planting plan or 26.60.029;
 8. Repair damages caused by erosion, settling, or other geomorphological processes;
 9. Redesign mitigation project (if necessary) and implement the new design; and
 10. Correction procedures shall be approved by a qualified consultant and the City.

26.60.032 Unauthorized Alterations and Enforcement

- A. When a wetland or its buffer has been altered in violation of this Chapter, all ongoing development work shall stop and the critical area shall be restored. The City shall have the authority to issue a "stop-work" order to cease all ongoing development work and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of provisions of this Chapter
- B. Requirement for Restoration Plan. All development work shall remain stopped until a restoration plan is prepared and approved by City. Such a plan shall be prepared by a qualified professional using the currently accepted scientific principles and shall describe how the actions proposed meet the minimum requirements described in Subsection (C). The Administrator shall, at the violator's expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or violator for revision and resubmittal.
- C. Minimum Performance Standards for Restoration. The following minimum performance standards shall be met for the restoration of a wetland, provided that if the violator can demonstrate that greater functions and habitat values can be obtained, these standards may be modified:
 1. The historic structure, functions, and values of the affected wetland shall be restored, including water quality and habitat functions.
 2. The historic soil types and configuration shall be restored to the extent practicable.
 3. The wetland and buffers shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities. The historic functions and values should be replicated at the location of the alteration.

1 **Table 26.60.42. Riparian Buffer Width**

Regulatory Reach (see Environment Designation with Regulatory Reaches Map)	Riparian Buffer Width (Feet) ^{(1) (2)}
A, C, I, T	50
B, U and all other Natural environment designation areas within various regulatory reaches except Reach Q	Entire shoreline jurisdiction
D, N, O, P,	75 except where roadway, canal, paved trail or parking area encroaches and then waterward edge of facility maintenance area, as applicable
E, F	100
G, I	75 except where roadway, canal, levee, paved trail or parking area encroaches and then waterward edge of facility maintenance area, as applicable
H, J, K	100 except where roadway, canal, levee, paved trail or parking area encroaches and then waterward edge of facility maintenance area, as applicable
L, Q, S	Waterward edge of existing levee, paved trail and/or parking maintenance area, as applicable
M	50 or waterward edge of existing levee, paved trail and/or parking maintenance area, as applicable
R	75 From the OHWM to the federal/private property boundary line⁽³⁾
⁽¹⁾ Measured from the OHWM or top of bank, as applicable	
⁽²⁾ Accompanied by other sensitive area protections and stormwater management measures, as applicable	
⁽³⁾ <u>Administrative Buffer Adjustments do not apply.</u>	

2
3 C. Buffers shall be measured, on a horizontal plane, from the ~~habitat edge~~ OHWM as delineated by a
4 qualified consultant. Required buffer widths shall reflect the sensitivity of the habitat and the type
5 and intensity of human activity proposed to be conducted nearby. Buffers shall be determined by
6 the City based on information in the wildlife report supplemented by its own investigations, the
7 sensitivity and value of the habitat areas, the intensity and design of the proposed use, and
8 adjacent uses and activities.

9 D. Administrative Buffer Adjustments.

Comment [BF9]: Updated per Ecology
2/12/2014 comments

1. The required buffer widths established in this SMP may be modified by the Shoreline Administrator for a development on existing legal lots of record in place at the time of adoption of this Program, in accordance with the provisions of this section only where the applicant demonstrates all of the following:
- a. Averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property, and no feasible alternative exists;
 - b. The designated buffer area contains variations in sensitivity to ecological impacts due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation;
 - c. The total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging;
 - d. The minimum buffer width at its narrowest point shall not be less than seventy five (75) percent of the buffer width established under this SMP; and
 - e. The buffer width averaging does not result in a net loss of ecological function.
2. Standard Buffer Reduction. Reductions of up to twenty-five (25) percent of the standard buffer may be approved if the applicant demonstrates to the satisfaction of the Shoreline Administrator that a mitigation plan developed by a qualified professional pursuant to GCC 24.12.520 (g) indicates that enhancing the buffer (by removing invasive plants or impervious surfaces, planting native vegetation, installing habitat features or other means) will result in a reduced buffer that functions at a higher level than the existing standard buffer.
3. In Fill Development. In an effort to facilitate in-fill development in approved plats, the County may approve requests to reduce the standard shoreline buffers up to a maximum of 50 percent for a new single-family residence and appurtenant structures in accordance with the following criteria:
- a. Where there are single family residences within 150 feet on either side of the proposed residence in an existing plat, the buffer shall be determined as the greater of one of the following three options: 1) a common line drawn between the nearest corners of the nearest residence, 2) a common line calculated by the average of the nearest residences' existing buffer, or 3) a 50 percent reduction of the standard buffer.
 - b. Where there is only a residence located within 150 feet on one side of the proposed residence in an existing plat, the standard buffer shall be determined as the greater of a common line drawn between nearest corner of the nearest residence and the nearest point of the standard buffer on the adjacent vacant lot, a common line calculated by the average of the nearest residence's setback and the standard buffer for the adjacent vacant lot, or a 50 percent reduction of the standard buffer.
4. Buffer widths may be modified by averaging buffer widths or by enhancing buffer quality as set forth herein.

Comment [BF10]: Text added per 2/12/2014 PC workshop

Comment [BF11]: Text updated per 2/12/2014 PC workshop (was 25% - typo)

Comment [BF12]: This update per Debbie Berkowitz comment also addresses Ecology 2/12/2014 comments.

2. ~~Buffer width averaging shall be allowed only where the applicant demonstrates to the City that:~~

- ~~a. The habitat contains variations in sensitivity due to the existing physical characteristics;~~
- ~~b. That lower intensity land uses would be located adjacent to areas where buffer width is reduced;~~
- ~~c. That width averaging will not adversely impact the habitat functional values; and~~
- ~~d. That the total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging.~~

3. ~~Buffer width may be reduced by up to 25 percent if the existing buffer area is vegetated with greater than 90 percent areal cover of native species and a report by a qualified fish/wildlife specialist demonstrates that a smaller than standard buffer will provide all of the buffer functions necessary to protect all functions and values of the habitat. The City may require long-term monitoring of the buffer with appropriate contingency actions if adverse impacts to the buffer were to occur.~~

4. ~~Notwithstanding the reductions permitted in subsections D.1 and D.2 of this section, in no instance, however, shall the buffer width be reduced by more than 25 percent of the required buffer, and no net loss of ecological functions shall be achieved.~~

D.E. ~~The buffer width stated in subsection (B) of this section shall be increased not more than 125 percent (buffer width x 1.25) when the qualified consultant determines, based upon a site-specific habitat analysis, that impacts on the habitat from a proposed development can only be mitigated by a greater buffer width. The standard habitat buffer width shall be increased:~~

1. ~~When the adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse habitat impacts; or~~
2. ~~When the standard buffer has minimal or degraded vegetative cover that cannot be improved through enhancement; or~~
3. ~~When the wetland provides habitat for a species that is particularly sensitive to disturbance (such as a threatened or endangered species), the width of the buffer should be increased to provide adequate protection for the species based on its particular, life-history needs.~~

~~3.4. When the minimum buffer for a habitat extends into an area with a slope of greater than 25 percent, the buffer shall be the greater of:~~

- ~~a. The minimum buffer for that particular habitat; or~~
- ~~b. Twenty-five feet beyond the point where the slope becomes 25 percent or less.~~

F. ~~Low impact uses and activities which are consistent with the purpose and function of the habitat buffer and do not detract from its integrity may be permitted within the buffer depending on the sensitivity of the habitat involved. Examples of uses and activities which may be permitted in appropriate cases include pedestrian trails, viewing platforms, stormwater management facilities such as grass-lined swales and utility easements.~~

26.60.043 Fish and wildlife habitat alteration.

- A. Adverse impacts to habitat functions and values shall be mitigated to the extent feasible and reasonable. Mitigation actions by an applicant or property owner shall occur ~~per~~ in accordance with RMC 26.20.020 Ecological Functions, No Net Loss including the specified mitigation sequence.
- B. Where impacts cannot be avoided, the applicant or property owner shall seek to implement other appropriate mitigation actions in compliance with the intent, standards and criteria of this section. Mitigation shall ~~the~~ criteria of RMC 26.20.020 Ecological Functions, No Net Loss including the specified mitigation sequence. In an individual case, these actions may include consideration of alternative site plans and layouts, reductions in the density or scope of the proposal.
- C. Alteration of habitat and/or their buffers may be permitted by the City subject to the following standards:
 1. Critical Habitat. Alterations of critical habitat shall be avoided, subject to the reasonable use provisions of this chapter.
 2. Secondary Habitat. Alterations of secondary habitat may be permitted; provided, that the applicant mitigates adverse impacts consistent with the performance standards and other requirements of this chapter.

26.60.044 Fish and wildlife habitat performance standards and incentives.

- A. The performance standards and criteria contained in this section shall be incorporated into plans submitted for regulated activities and shall:
 1. Consider habitat in site planning and design;
 2. Locate buildings and structures in a manner that preserves and minimizes adverse impacts to important habitat areas;
 3. Integrate retained habitat into open space and landscaping, consistent with the provisions of all open space and landscaping requirements;
 4. Consolidate habitat and vegetated open space in contiguous blocks where feasible;
 5. Locate habitat contiguous to other habitat areas, open space or landscaped areas to contribute to a continuous system or corridor that provides connections to adjacent habitat areas and allows movement of wildlife;
 6. Use native species in any landscaping of disturbed or undeveloped areas and in any enhancement of habitat or buffers;
 7. Emphasize heterogeneity and structural diversity of vegetation in landscaping and food producing plants beneficial to wildlife;
 8. Remove and/or control any noxious or undesirable species of plants and animals;

1 **26.60.072 Protection Standards**

- 2 A. All development within frequently flooded areas shall comply with the city code Chapters 23.12,
3 Floodplain Use District and 23.34, Floodplain Combining District, the City Shoreline Master
4 Program, the Uniform Building Code regarding structural safeguards to reduce risk to human life,
5 health and property from flooding, and other pertinent ordinances and codes.
- 6 B. Any use or development shall not alter the normal movement of surface water in a manner that
7 would cause the unnatural diversion of floodwater to otherwise flood-free areas.
- 8 C. CMZs shall be regulated as uses in Chapters 23.12, Floodplain Use District, and shall apply only
9 to the Yakima River.

10 **Article VII. General Information**

11 **26.60.080 General exemptions.**

12 The following activities shall be exempt from the provisions of this chapter, provided they are conducted
13 using best management practices:

- 14 A. Existing and ongoing agricultural activities, as defined in RMC 26.70;
- 15 B. Maintenance, operation and reconstruction of existing roads, streets, utilities, and associated
16 structures; provided, that reconstruction of any structures may not increase the impervious area;
- 17 C. Normal maintenance, repair and reconstruction of residential or commercial structures; provided,
18 that reconstruction of any structures may not increase the impervious floor area;
- 19 D. Site investigative work and studies necessary for preparing land use applications, including soils
20 tests, water quality studies, wildlife studies and similar tests and investigations; provided, that any
21 disturbance of sensitive areas shall be the minimum necessary to carry out the work or studies;
- 22 E. Educational activities, scientific research, and outdoor recreational activities, including but not
23 limited to interpretive fields, bird watching, fishing and hiking, that will not have a significant
24 effect on the habitat area;
- 25 F. Public agency emergency activities necessary to prevent an immediate threat to public health,
26 safety or property, provided that retroactive mitigation is required to restore a site to a pre-
27 emergency response condition to assure no net loss of ecological functions;
- 28 G. Prior to the effective date of the ordinance codified in this chapter any of the following activities
29 that have met all conditions of approval in a timely manner and are consistent with the reasonable
30 use provisions of this chapter:
- 31 1. Complete applications as defined by the appropriate ordinance;
- 32 2. Approved preliminary plats; and
- 33 3. Development of legally created lots which have been recorded with Benton County;

Comment [BF13]: Updated to address Ecology 2/12/2014 comments.

mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

“Best management practices (BMPs)” excludes existing, ongoing, and new agricultural and land management activities inside and outside of sensitive areas and their buffers. BMPs are current and evolving conservation practices, or systems of practices, management or operational measures, or design and construction techniques; or normal and accepted industry standards that are applied to land use activity in a manner which:

A. Controls soil loss and reduces water surface and ground water quality degradation caused by nutrients, wastes, toxics, and sediment; and

B. Mitigates adverse impacts to the natural chemical, physical and biological environment of the city; and

C. Utilizes the city’s natural resources on a long-term, sustainable yield basis; and-

D. Protect trees, vegetation, and soils designated to be retained during and following site construction and use native plant species appropriate to the site for re-vegetation of disturbed areas.

~~E.~~ Prevents contamination of surface and groundwater resources, and protects from impacts to native and other desirable vegetation with best management practices for chemical pesticide, herbicide and fertilizer applications.

“Bioengineering” means the use of biological elements, such as the planting of vegetation, often in conjunction with engineered systems, to provide a structural shoreline stabilization measure with minimal negative impact to the shoreline ecology.

“Boating facility” for the purposes of this Program means any public or private facility for mooring, storing, or transfer of materials from vessels on the water, such as docks and piers, including on-land related facilities such as approaches and ramps, and includes any private and publicly accessible launch sites or facilities. A boating facility does not include on-land accessory facilities such as parking or storage.

“Buffer” means an area adjacent to a sensitive area that functions to avoid loss or diminution of the ecologic functions and values of the sensitive area. Specifically, a buffer may:

- Preserve the ecologic functions and values of a system including, but not limited to, providing microclimate conditions, shading, input of organic material, and sediments; room for variation and changes in natural wetland, river, or stream characteristics; providing for habitat for lifecycle stages of species normally associated with the resource; and
- Physically isolate a sensitive area such as a wetland, river, or stream from potential disturbance and harmful intrusion from surrounding uses using distance, height, visual, and/or sound barriers, and generally including dense native vegetation, but also may include human-made features such as fences and other barriers;

1 “Dredging” is the removal of earth, sand, gravel, silt, or debris from below the ordinary high water mark
2 of any river, stream, pond, lake, or other water body and beneath the area of seasonal saturation of any
3 wetland.

4 “Earth/earth material” means naturally occurring rock, soil, stone, sediment, or combination thereof.

5 “Ecological function” means the work performed or role played by the physical, chemical, and biological
6 processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute an
7 element of a natural ecosystem.

8 “Ecosystem-wide processes” means the suite of naturally occurring physical and geologic processes of
9 erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific
10 shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

11 ~~“Enhancement” (wetlands) means the improvement of an existing viable wetland or buffer, such as by~~
12 ~~increasing plant diversity, increasing wildlife habitat, installing environmentally compatible erosion~~
13 ~~controls, or removing nonindigenous plant or pest animal species.~~

14 “Enhancement” (habitats in general) means the improvement of existing habitat such as by increasing
15 plant density or structural diversity, or by removing nonindigenous or noxious species.

16 Enhancement (wetlands) means the manipulation of the physical, chemical, or biological characteristics
17 of a wetland to heighten, intensify or improve specific function(s) or to change the growth stage or
18 composition of the vegetation present. Enhancement is undertaken for specified purposes such as water
19 quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in
20 wetland function(s) and can lead to a decline in other wetland functions, but does not result in a gain in
21 wetland acres. [Examples are planting vegetation, controlling non-native or invasive species, and
22 modifying site elevations to alter hydroperiods.]

23 “Erosion” means wearing away of rock or soil by the gradual detachment of soil and rock fragments by
24 water, wind, ice, and other mechanical and chemical forces.

25 “Erosion Hazard Areas” are areas identified by the United States Department of Agriculture Soil
26 Conservation Service as having a severe rill and inter-rill erosion hazard.

27 “Excavation” means the mechanical removal of earth material.

28 “Existing and ongoing agricultural activities” include those activities conducted on lands defined in RCW
29 84.34.020(2), and those activities involved in the production of crops and livestock, including, but not
30 limited to, operation and maintenance of farm and stock ponds or drainage ditches, irrigation systems,
31 changes between agricultural activities, and normal operation, maintenance or repair of existing
32 serviceable structures, facilities or improved areas. Activities that bring a previously nonagricultural area
33 into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area
34 on which it was conducted is proposed for conversion to a nonagricultural use or has lain idle for a period
35 of longer than five years, unless the idle land is registered in a federal or state soils conservation program.

36 “Exotic” means a species, plant community type, or habitat that has been introduced or modified as a
37 result of human actions.

Section III Amendment of City of Richland Code

Changes from the existing code text are indicated in redline underlined format for insertions and in ~~struckthrough~~ format for deletions.

1. The following revision is made to RMC 19.20.010(A):

For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I, Type II, or Type III. Legislative decisions are Type IV actions, and are addressed in RMC 19.20.050. Exclusions from the requirements of project permit application processing are contained in RMC 19.20.070.

A. Type I permits include the following types of permit applications:

1. Minor revisions to planned unit developments;
2. Final approvals of planned unit developments;
3. Short plats;
4. Small binding site plans;
5. Minor revisions to preliminary plats;
6. Minor revisions to site plans;
7. Minor revisions to special use permits;
8. Minor revisions to shoreline substantial development permits;
9. Minor new substantial development permits that meet any of the following criteria:
 - a. Single family residences not constructed by an owner, lessee or contract purchaser for their own use;
 - b. Single family non-exempt docks; and
 - c. New developments on a site of one acre or less and with a cost of less than \$500,000.
 - d. New developments on a site of one acre or less;
 - e. New permits with a cost of less than \$500,000.
10. ~~9~~ Accessory dwelling units.

B. Type II permits include the following types of permit applications:

1. Shoreline substantial development permits not classified as Type I permits, or revisions thereof;
2. Large binding site plans;
3. Site plan approvals or major revisions thereof;
4. Building height exceptions;

5. Design review – acceptance of alternative design standards;
6. Schools on small sites;
7. Extension of preliminary plat approvals;
8. Joint use parking reductions;
9. Special sign permits;
10. Planned unit development – final approvals;*
11. Special use permits or major revisions thereof.

2. The following addition is made to Chapter 23.66 Non-Conforming Uses

23.66.010 Nonconforming uses of land and buildings – Continuance.

Any nonconforming use of land or buildings lawfully existing at the effective date of the ordinance codified in this title may be continued subject to the provisions of RMC 23.66.020 through 23.66.040. [Ord. 28-05 § 1.02].

23.66.020 Nonconforming uses of land and buildings – Yard, area and building design requirements.

Any building or structure conforming as to use but nonconforming as to height, lot area, lot coverage, or yards at the effective date of the ordinance codified in this title may be altered, repaired or extended; provided, that such alteration, repair, or extension shall not increase the existing degree of nonconformance. [Ord. 28-05 § 1.02; Ord. 04-09].

Provided that within jurisdiction of the Shoreline Management Act, RCW 98.50 the Administrator shall find that alteration, repair or extension is consistent with the master program, including requirements for no net loss of shoreline ecological functions.

23.66.030 Nonconforming uses and buildings – Termination.

Any nonconforming use not involving a structure, or one involving a fence or similar landscape enclosure or one involving a structure having an assessed value of less than \$100.00 on the effective date of the ordinance codified in this title may be continued for no longer than one year after said date and any nonconforming use involving a structure having an assessed value of more than \$100.00 but less than \$300.00 on the effective date of the ordinance codified in this title may be continued for no longer than two years after said date. [Ord. 28-05 § 1.02].

23.66.040 Nonconforming uses and buildings – Limitations.

Any nonconforming building or part thereof may be maintained with ordinary repair; provided, however, no such building or part shall be extended, expanded, or structurally altered, except as otherwise required by law, nor shall a nonconforming use be extended, enlarged or expanded.

Any change of a nonconforming use in a conforming building shall be to a conforming use.

A nonconforming building or part thereof which has been unoccupied continuously for a period of one year or more shall not be reoccupied except by a conforming use.

EXHIBIT (4)

**SHORELINE MASTER PROGRAM UPDATE
INVENTORY, ANALYSIS AND CHARACTERIZATION REPORT COMMENTS/RESPONSES FOR
CONSIDERATION AT FEBRUARY 26, 2014 PLANNING COMMISSION HEARING**

Comments from Debbie Berkowitz, provided in 1/27/2014 email to Ben Floyd, Anchor QEA

1. Species diversity is greater than indicated in many of the reaches. Please reference within Appendix A some of the information provided previously about WE Johnson birds and about birds along the Columbia River as well as the new information provided at the workshop. Waterfowl, shorebirds, and riparian and upland species are present. A more limited listing of large mammals was also supplied earlier. The water, riparian and upland areas of the Yakima and Columbia Rivers support both migratory and resident species.	Update
2. Maps 10 and 11 should more accurately reflect the Comp Plan and zoning, e.g., at Bateman Island (no split designation); Columbia Point South (accurately show split); and Chamna (accurately show split); WSU and north (can't tell).	Update
3. Reach 5. Geological hazard includes slumping of steep slope.	Update
4. Reach 6c. Parts provide cover, understory, and food sources for songbirds, shorebirds, and small mammals.	Update
5. Reach 9a, b, c. Parts provide cover, understory, and food sources for songbirds, shorebirds, and small mammals.	Update
6. Reach 6 (b?). Includes a tunnel under Hwy 240 for a wildlife movement corridor.	Update
7. Reach 3 and 4. "The small area of upland shrub/steppe habitat and the inherent low productivity of such habitat limits the range of species and populations." Shrub/steppe habitat does not inherently have low productivity; productivity is reduced because of the fragmentation of the habitat. Corridors would improve productivity.	Update
8. Reach 8. Only a small portion of this is designated waterfront, mainly in 8c; much of the adjacent area is BRP (8a, b, part of 8c). Most of the shoreline is either NOS or DOS, part (in 8b/c) has a conservation easement with a specific vegetation management plan. 8d is WSU, so P&PF and DOS (not 8e). 8e is residential.	Update

Comments from Dana Ward, provided at 1/22/2014 Planning Commission hearing and in subsequent email to Rick Simon, City of Richland and Ben Floyd, Anchor QEA

1. Page 42 Transfer of Columbia River water to the Yakima River. This could be an ecological disaster. These waters should not be combined artificially up river due to chemistry and macrobiotic/microbiotic concerns.	Update
2. Page 43 What is the reference to Big Horn Sheep doing in this list of mammals?	Update
3. Page 43 River Otters frequent the Yakima River as well as the Columbia. We have seen them many times before.	Update
4. Page 43 Hairy Woodpecker listed. No they are rare. List the Downy Woodpecker. Richland had 13 spotted during the Christmas Bird Count. All were along the rivers.	Update
5. Page 44 Correct the acronym ALEP to the Congressionally recognized designation as the Fitzner-Eberhart Arid Lands Ecology Reserve (FEALE)	Update
6. Page 45 3rd bullet, There are breeding mule deer on the Yakima delta.	Update
7. Appendix A, SRC, Page 4 and other places. It states, "The land uses along the shoreline provide little habitat value." This appears to be an overstatement. The value for some birds is high. Birds such as Burrowing Owls are human tolerant and will nest in these areas as well as American Robins, Song Sparrows and more.	Update
8. Appendix A, SRB, it states, small areas of upland shrub/steppe habitat support low productivity which limits the range of species and populations. This statement is wrong for many species. Take insects for example. Insect populations thrive in these areas and are a source of food for birds and small mammals.	Update

EXHIBIT (5)

**SHORELINE MASTER PROGRAM UPDATE
RESTORATION PLAN COMMENTS/RESPONSES FOR CONSIDERATION AT FEBRUARY 26, 2014
PLANNING COMMISSION HEARING**

Previous comments as noted by Debbie Berkowitz that had been agreed to either in workshop or as “minor revision...” provided in 1/27/2014 email to Ben Floyd, Anchor QEA

Restoration Plan, Table 2. I had checked a number of additional reaches for some of the categories. I thought you had agreed to at least some of them:	
For Yakima reaches:	Update as suggested
#1 Add Reach 4A	Update as suggested
#2 Add Reach 3B, 4A, 4B	Update as suggested
#3 Add Reach 3B, 4A	Update as suggested
#7 Add Reach 2, 3C, 5, 6C	Update as suggested
For Columbia reaches:	Update as suggested
#1 Add Reach 7A, 7B, 7C	Update as suggested
#2 Add Reach 8A, 8B, 8C, 8D, 9A (not sure about 7A, 7B, 7C)	Update as suggested, except for reaches 7A, B and C
#7 Add Reach 8D, 9B, 9C, 9D, 10B, 10C.	Update as suggested
#8 Reach 7B	Update as suggested
#10 Add Reach 8D, 9C, 9D, 10B	Update as suggested
#12 Add Reach 10B?	Update as suggested

Additional comments from Debbie Berkowitz, provided in 1/27/2014 email to Ben Floyd, Anchor QEA

1. P. 9 3.6 through operations, maintenance, and restoration actions in these areas.	Update
2. Table 3 #1 Bateman Island – Coordinate low intensity recreation use management...	Update
3. Table 3 #2 Columbia Point South trail system – Coordinate low intensity recreation use management.	Update
4. Table 3 #11 Change to “Remove Russian Olive and other invasive species and replace with native riparian and upland vegetation. “ Or eliminate for future discussion when Parks Vegetation Management Plan is provided.	Update
5. Table 3 footnote 3 blue elderberry	Update

Comments from Shannon Goodwin in 1/22/2014 email to Rick Simon, City of Richland and Ben Floyd, Anchor QEA.

6. The source listed for many of these “opportunities” is listed as “SVMP = Draft City of Richland Shoreline Vegetation Maintenance Plan (Pinard 2013)”. It is my understanding that this plan as per the author is “so draft that I’m not sure how much value it has”. I find it inappropriate to be referencing a report that hasn’t received formal approval from either the USACE (the lessor) or any other government agency. Using this reference as a supporting document gives the proposed actions much more credence than is deserved.	Comment noted
7. “Remove Russian Olive and other invasive species, and replace with native riparian and upland vegetation in clustered areas” a) Removing Russian olive trees to the extent outlined in this document will be	Update to de-emphasize Russian Olive removal and note other invasive species that are also

<p>nearly impossible given both budgetary constraints and limits on the use of herbicides along the shoreline. Cutting them down doesn't kill them and tends to encourage more sprouting from the roots. An excellent example of this can be seen where the City of Richland implemented an "Adopt a Park" program from South Leslie Groves to the Hains dike. While the spiking of Russian olive trees with Garlon 3A killed a number of trees, it mostly half-killed many of them which caused a return from their roots with added vigor. To quote from a conversation I had with long-time PNNL plant ecologist William Rickard, "We will never get rid of Russian olive trees as long as we have the McNary pool".</p> <p>b) Russian olive trees currently provide winter forage for many of the birds wintering in the area. Removing habitat simply to replace habitat does not make much sense in this situation. I would be in favor of thinning out some of the brushy Russian olive or perhaps trimming long established trees, but wholesale removal isn't a realistic goal.</p> <p>c) Newly planted trees will have considerable competition, both from returning Russian olives, a variety of noxious weeds eager to fill the void, and beavers. One reason Russian olives thrive in this area is that beavers tend to leave them alone. Rather than planting trees, the City might have more success with shrubs like sumac, Wood's rose, and dogwood competing with the Russian olives.</p> <p>d) Both upland and riparian plants are contained in the list of native replacements. The list generally looks good as long as upland species aren't used to revegetate the riparian area.</p> <p>e) I would like to see "clustered areas" defined. Clusters suggests a considerable amount of vegetation removed that will not be replaced. If so, how will "no net loss" of ecological function be addressed?</p>	<p>problematic.</p> <p>Also, delete text related to "clustering" (see (e))</p>
<p>8. "Provide view corridors and water access at bench locations"</p> <p>a) Many of the benches along the river had no view of the river when they were installed. Does this mean we will now be opening up the view at each of these benches? It was my understanding that the SMP was working from the current shoreline status. How does this fit in to the "no net loss" plan?</p> <p>b) For many individuals, the view is the trees and not the river. I cannot emphasize this enough.</p>	<p>Delete discussion of "benches" from action discussion, and refocused action on restoration only.</p>
<p>9. Since both the "Restoration Plan, City of Richland SMP Update (January 2014)" and the "Draft Cumulative Impacts Analysis Report, City of Richland SMP Update (January 2014)" reference the "Draft City of Richland Shoreline Vegetation Maintenance Plan (Pinard 2013)", I would like clarification on the following items:</p> <p>a) Remove Russian olive and replace at a 2:1 ratio with a variety of tree species: I was under the impression from conversations at previous SMP Open Houses that the replacement ratio was higher than 2:1.</p> <p>b) Provide access to the water (5 ft wide) at each bench location: Is this in addition to the 20 ft wide access zones every 500 ft? Once again, not all of the benches were installed in areas that originally had river access or a view.</p> <p>c) Remove vegetation up to 10 ft on both sides of trail: How will this be performed? By periodic mowing, herbicides, or both? The current method of removal has resulted in the propagation of tuckweed along the path. I suggest the City work towards a mitigation plan for this noxious plant.</p>	<p>These comments are being provided to the City Parks and Recreation Department for consideration as they prepare a more complete draft of the vegetation management plan.</p> <p>Vegetation management provisions in the SMP are designed to protect and enhance vegetation and associated ecological functions.</p>

<p>d) Trim tree branches up to 6 ft vertically off the ground: I'm not sure why the City feels compelled to remove limbs from trees to a height of 6 ft. By doing this, the City will be removing a considerable amount of existing habit and cover for the birds and mammals living in these areas. I was under the impression that the goal was to increase habitat or at a minimum no net loss.</p> <p>e) Provide 20 ft wide view corridors every 500 ft: Is this in addition to the water access and views at each bench? This seems excessive. How will these corridors be maintained? The loss of habitat every 500 ft adds up to a considerable loss of habitat along the river. How will this loss be mitigated?</p> <p>f) Provide vegetation clumps including willows and trees with grasses in between the clumps, remove invasive species/noxious weeds, seed with native grasses: This is a very ambitious plan. I'm not sure how the City intends to implement such an extensive plan and or how they will maintain it. In the not so recent past, the City was trying to decrease the number of neighborhood "pocket parks" to save money. The effort required to implement and maintain the changes recommended in the SVMP are cost prohibitive given the total area the City would have to maintain over a period of several years. The City only needs to look at the level of effort it takes to maintain the natural area just north of the Snyder boat launch. Countless hours of volunteer time are needed to keep noxious weeds from overtaking the native vegetation. Is the City really prepared to put forth such an effort? If so, I would recommend starting with a small test area before wholesale destruction of existing habitat. It may consist almost entirely of invasive plants, but it is still habitat for the existing community of birds and animals that live there.</p>	
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EXHIBIT (6)

**SHORELINE MASTER PROGRAM UPDATE
CUMULATIVE IMPACTS ANALYSIS REPORT COMMENTS/RESPONSES FOR CONSIDERATION AT
FEBRUARY 26, 2014 PLANNING COMMISSION HEARING**

Comments from Debbie Berkowitz, provided in 1/27/2014 email to Ben Floyd, Anchor QEA

1. P. 13 13 ...through operations, maintenance and restoration actions in undeveloped these areas; P. 13 14 define compatible species	Update – clarify that this applies only to species that provide similar ecological functions to native species.
2. P. 15 Table 2 #1 Bateman Island – Coordinate low intensity recreation use management... (Bateman Island is NOS)	Update
3. P. 15 Table 2 #2 Columbia Point South trail system – should be Reach 4b, not reach 6. Coordinate low intensity recreation use management (this part of Columbia Point South is NOS).	Update
4. P. 16 Table 2 #11 Change to “Remove Russian Olive and other invasive species and replace with native riparian and upland vegetation. “ Or eliminate for future discussion when Parks Vegetation Management Plan is provided.	Update
5. P. 11 4.1 Existing CAO regulations were updated for the shoreline to be consistent with Ecology’s Wetland and CAO guidance for small cities, eastern WA edition and will be updated for critical areas outside the shoreline.	Update
6. P. 17 4.4 Recreation. where native vegetation has been largely, but not entirely, replaced	Update
7. P. 16 Table 2, footnote 3. blue elderberry	Update
8. P. 6&7 Reaches 3 & 5. Include Duportail Bridge as anticipated development.	Update
9. P. 8, 5th row. Not reach 9a for residential development.	Update (9d)
10. P. 11 4.2 Wouldn’t impacts on State priority habitat species along the shoreline also lead to agency consultation?	No – speaking to federal ESA consultation. Update to clarify.
11. Table 3. What do these rows refer to? They don’t seem to correspond to the different reaches and they don’t seem to be compatible with the SEDs. E.g., P. 23 Conservancy – talks about buildings and private recreation uses, etc.; P. 23 Residential talks about recreation development; P. 25 Recreation talks about agriculture; P. 25 Residential talks about 8 additional single family units with new docks – no new docks in Willowpointe area; etc.	Update – table not completely copied in. Missing column identifies reaches
12. P. 13 4.3 List should include Washington Native Plant Society, Columbia Basin Chapter. They are involved in several native plant restoration projects, including along the shoreline.	Update
13. P. 21 Grant County and the Coalition.	Will delete

EXHIBIT (7)



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

February 12, 2014

Rick Simon
City of Richland
P.O. Box 190
Richland, WA 99352

Re: EA5-2014

Dear Mr. Simon:

Thank you for the opportunity to comment on the determination of nonsignificance for the Shoreline Master Program Update. We have reviewed the documents and have the following comments.

SHORELANDS/ENVIRONMENTAL ASSISTANCE

These comments by our Wetland Specialist are not all inclusive and may be supplemented as Ecology and the City work together to develop a final draft of the City of Richland's Shoreline Master Plan (SMP) update document. The following comments reflect some initial concerns by Ecology wetland staff regarding proposed wetland regulations within the draft SMP.

In order to be incorporated by reference into the SMP, the current CAO must be updated in order to reflect Best Available Science and achieve "no net loss" of wetland function within shoreline jurisdiction. An April 26, 2013 memo from the City's consultants (Ben Floyd, Anchor QEA and David Sherrard, Parametrix) included a list of items that should be addressed in order to incorporate the CAO document into the SMP. In its current format (downloaded from the City website on 02/12/2014), the recommended changes to the CAO ordinance as outlined in the memo do not seem to be included in the CAO yet.

Several references are made throughout the document to the "Unified Federal Manual". This term must be defined in the definitions section, or a specific citation must be used. Wetlands within shoreline jurisdiction must be delineated in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual, as supplemented by the Arid West Supplement. References to use of the Washington State Wetlands Identification and Delineation Manual elsewhere in the document (see page 84, etc.) should also be changed

to reflect the 1987 Corps Manual and its supplement as described above. (WAC 173-22-035)

26.60.020 page 81. The preamble states that “activities which occur *“in conjunction with a development application”* within a wetland or associated buffer but affecting the wetland or buffer shall be regulated. This appears to imply that if a permit application is not needed, that the activity will not be regulated. All wetland activities whether the recipient of a permit or not within shoreline jurisdiction should be regulated and mitigated, even if that regulation and mitigation requirement is in the form of conditions on an exemption authorization. This should be made clear in the Shoreline Master Plan document. This is needed in order to achieve no net loss of shoreline function.

Page 87 section E 2. The first sentence in this section is as follows: “Buffer width may be reduced by up to 25 percent if the existing buffer area is vegetated with greater than 90 percent areal cover of native species and a report by a qualified wetlands specialist demonstrates that a smaller than standard wetland buffer will provide all of the buffer functions necessary to protect all functions and values of the wetland.” A blanket reduction of buffers if they are vegetated to a certain degree is not in keeping with BAS because the buffers that are recommended in Ecology’s BAS review and guidance documents are based on well-vegetated buffers which are populated with native species (see page 11 of our Wetlands and CAO Updates: Guidance for Small Cities – Eastern Washington Version). Ecology recommends that this paragraph be removed from the draft SMP language.

Page 89 section C. 2. The Wetland Replacement Ratios table 26.60.027 is generally consistent with Ecology’s small cities guidance document. However, in section C. 2, language is included in the text that the City can vary the standards if the applicant can demonstrate and the City agrees that the variation will provide adequate compensation for lost wetland area. Ecology recommends putting examples of/sideboards on when the ratio changes might be allowed. Departure from the mitigation ratios should only occur under extraordinary circumstances, and we recommend that a departure from use of the ratios table only be allowed via a Shoreline Variance permit.

Page 93 Mitigation performance standards item 14. The following phrase should be added to the existing sentence: ...” in accordance with buffer requirements in Table 26.60. 024.D Wetland Buffer Widths for the proposed category rating of the wetland that will be created.”

Page 96 Table 26.60.42 Riparian Buffer Width Table requires measurement of buffer width that is measured from the Ordinary High Water Mark (OHWM), but the following subsection C. references a buffer which is measured from the “habitat edge”. Is the

Mr. Simon
February 12, 2014
Page 3

habitat edge use reference the same as the Ordinary High Water Mark? If not, are additional buffers required if the habitat edge (certainly this term would be dependent on the type of wildlife present) extends beyond the setback from the OHWM? More information is needed in this section for clarity.

Page 97 D. 2. Reduction of buffer widths from what is recommended in the literature because they are adequately vegetated is not in keeping with BAS. Studied buffer widths are based on well-vegetated buffers which are populated with native species.

Page 106 line 25 and 26 Section 26.60.080 F. Public emergency activities necessary to prevent an immediate threat to public health safety or property should still require retroactive mitigation to restore the site to a pre-existing condition in order to assure a no-net-loss of wetland function.

If you have any questions or would like to respond to these Shorelands/Environmental Assistance comments, please contact **Catherine Reed** at (509) 575-2616.

Sincerely,



Gwen Clear
Environmental Review Coordinator
Central Regional Office
(509) 575-2012

EXHIBIT (8)

LEGEND

Interstates

Highways

Other Roads

Incorporated City

Unincorporated Urban Growth Boundary

County Boundary

OHWM and Floodway

Extent of Shoreline Jurisdiction

Parcels

Regulatory Reach

Environment Designation

Industrial Conservancy

Natural

Recreation

Recreation Conservancy

Residential

Rural

Waterfront

NOTES:

1. This information is to be used for planning purposes only. Data is displayed as is and without any guarantee of accuracy or completeness.
2. Split environment designations are not accurately depicted.
3. Aerial image courtesy of ESRI and Bing Maps.

DRAFT

Regulatory Reaches
Richland Shoreline Master Program
Richland, WA



STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: S2014 -101

PREPARED BY: AARON LAMBERT
MEETING DATE: FEBRUARY 26, 2014

GENERAL INFORMATION:

APPLICANT: DREAM BUILDERS

REQUEST: PRELIMINARY PLAT APPROVAL TO SUBDIVIDE AN
APPROXIMATELY 4.75-ACRE PARCEL INTO 14
RESIDENTIAL LOTS (PRE-PLAT OF THE DWELLINGS).

REASON FOR REQUEST

The applicant is requesting preliminary plat approval to allow for development of a 14-lot subdivision. The application is submitted pursuant to the procedures set forth in Richland Municipal Code (RMC) Title 23 Zoning and Title 24 Plats and Subdivisions.

FINDINGS AND CONCLUSIONS

Staff has completed its review of the request for preliminary plat approval and, subject to the conditions set forth in the Technical Advisory Committee Report dated February 4, 2014.

Findings of Fact:

1. The Richland Comprehensive Land Use Plan designates the site as Low Density Residential (0 to 5 Dwellings/Acre).
2. The gross density of the proposed subdivision is approximately 2.94 dwelling units per acre.

Conclusion of Law:

1. The proposed preliminary plat is consistent with and would provide for development of the subject parcel in conformance with the density and type of land use envisioned in the land use element of the adopted comprehensive plan.

Findings of Fact:

3. The site is zoned (R1-10) Single Family Residential which requires a minimum lot size of 8,000 square feet, an average lot size for a subdivision of at least 10,000 square feet and a minimum lot width of 70 feet, as set forth in Section 23.18.040 of the Richland Municipal Code.
4. The minimum lot size in the proposed subdivision is 11,443 square feet; the average lot size is approximately 12,912 square feet.

Conclusion of Law:

2. **The proposed subdivision is consistent with the City's zoning regulations for the underlying R1-10 zoning designation.**

Findings of Fact:

5. RMC Chapters 24.16 and 24.20 and 24.24 specify design and improvement standards and administrative and enforcement procedures for subdivisions including those for streets, easements, blocks and lots, utilities and other improvements that must be met in order for a preliminary plat to be approved.
6. City staff has reviewed the proposed plat and determined that as conditioned the proposed subdivision would be served by public & private streets, electrical power, domestic water, sewer, separate source of irrigation water, storm water drainage, and fire protection in a manner that is consistent with City design & development improvement standards or consistent with the criteria to allow for deviations from those standards as set forth in RMC Chapters 24.16 and 24.20.

Conclusion of Law:

3. **The proposed project conforms to the City development standards for preliminary plats as set forth in RMC Chapters 24.16, 24.20 and 24.24.**

Findings of Fact:

7. RMC Section 24.12.053 sets forth standards for review of preliminary plats that require the Planning Commission 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.
8. The plat will be served by City water and sewer and will construct a missing segment of Melissa Street, designated as an arterial collector street. Melissa Street will be improved with curbs, gutters and sidewalks. Lots five through fourteen will access Melissa Street via three shared private access drives. Lots one through four will share a private access drive connecting to Brantingham Road and will not have vehicle access to Melissa Street.

9. The City requires dedication of park land or payment of fees in lieu of land dedication based on standards set forth in RMC Chapter 22.12.
10. As conditioned, park fees would be paid in compliance with RMC Chapter 22.12 prior to issuance certificates of occupancy for new homes within the proposed subdivision.
11. The project site is located within the boundaries of the Richland School District, Ben Franklin Transit District and Kennewick Irrigation District. The agencies were given an opportunity to review and comment on the proposal as part of the City's Technical Advisory Committee review process.
12. City staff and other utility providers have reviewed the project and have recommended specific conditions of approval as set forth in the Technical Advisory Committee report, dated February 4, 2014.

Conclusions of Law:

4. **As conditioned the proposed subdivision 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.**

Findings of Fact:

13. The project is exempt from the State Environmental Policy Act (SEPA) review in accordance with the exemption provisions found in RMC 22.09.090(A) as supported by WAC 197-11-800(1)(b)(i). Specifically, the flexible threshold for categorical exemptions is established at projects with 20 or more dwelling units. The preliminary plat is proposing fourteen dwelling units.

Conclusions of Law:

5. **Pursuant to Chapter 22.09 of the RMC (State Environmental Policy Act), this project is exempt from SEPA review.**

RECOMMENDATION

Staff recommends the Planning Commission concur with the findings and conclusions set forth in the Staff Report S2014-101 and recommend that Planning Commission recommend approval of the preliminary plat of THE DWELLINGS subject to the conditions of approval set forth in the Technical Advisory Committee Report dated February 4, 2014.

EXHIBITS

- 1 - Supplemental Information
- 2 - Technical Advisory Committee Report
- 3 - Notice of Application & Public Hearing
- 4 - Vicinity Map
- 5 - Preliminary Plat Map
- 6 - Aerial Photos
- 7 - Site Photos
- 8 - Preliminary Plat Application
- 9 - Public Comment(s)

EXHIBIT (1)

SUPPLEMENTAL INFORMATION

DESCRIPTION OF PROPOSAL

The proposed preliminary plat would allow for development of 4.75 acre parcel with 14 single family residential lots and one non-residential stormwater tract. Proposed lot sizes range in size from 11,443 to 15,568 square feet with an average lot size of 12,912 square feet.

GENERAL INFORMATION

PROJECT SURVEYOR: ROGERS SURVEYING, INC. P.S.

ANNEXATION DATE: 2003

COMPREHENSIVE PLAN: LOW DENSITY RESIDENTIAL (0 TO 5 DWELLINGS/ACRE)

ZONING: (R1-10), SINGLE FAMILY RESIDENTIAL

SITE DATA

Size: 4.75 acres.

Physical Features: The parcel is accessed by Melissa Street on its east and west borders. The parcel is bordered by single family subdivisions to the north east and a portion of the northwest corner across Brantingham Road. Platted but undeveloped single family parcels are found on the west and a single home is located on the 5 acre parcel to the south. The site slopes downward from southwest to northeast losing approximately 44-feet in elevation.

The site has been disturbed in the past and is covered in grasses, Russian olive trees and a stand of poplar trees are present in the northeast corner.

SURROUNDING ZONING AND LAND USES

The site is surrounded on all sides by R-1-10 single family medium density zoning. Platted lots are found to the north, east and west with homes on those lots to the north east and a portion of the west. One single family home is located on the 4.75 acre parcel to the south.

ANALYSIS

Comprehensive Plan and Zoning: The subject property is designated Low Density Residential (0 to 5 Dwellings/Acre) by the City's adopted Comprehensive Plan. The gross density of the development as proposed is approximately 2.94 dwellings per acre. The net density, determined after deducting the right-of-way for Melissa Street would be approximately 3.37 dwellings per acre. This density is in compliance with the density of development anticipated in the Richland Comprehensive Plan.

The underlying R1-10 zoning district provides for development of one family detached dwellings on lots having a minimum area of 8,000 square feet and an overall average lot area of 10,000 square feet for a subdivision. Other uses allowed in the R1-10 district include churches, schools and parks. Residential lots must have a minimum width of 70-feet. The proposed lots are in compliance with the requirements of the R1-10 zoning district.

Compatibility with Surrounding Land Uses: The subdivision of the property will provide for uses similar to and compatible with the existing and proposed surrounding land uses. Single family zoning bounds the property on all sides with homes located on all sides but the west. The City's Comprehensive Plan has designated all of the property surrounding the site Low Density Residential, the same land use designation as the subject parcel.

The recommended planning condition of installing a fence along the north property line will help to alleviate the light and glare from vehicles travelling on the proposed shared access easement. Additionally it will screen the yards of the future homes from those existing in the Plat of Aspen Meadows 3.

Access/Transportation: The preliminary plat will construct Melissa Street across the entirety of the parcel from east to west and complete a missing segment. The lots will not have direct driveway access to Melissa Street but will be accessed from shared private access easements to reduce the driveways onto Melissa Street as requirement by the Richland Municipal Code (RMC) given its designation as an arterial collector street. Lots 1-4 will share a common access from Brantingham Road and driveways will not be permitted onto Melissa Street. Note that Brantingham Road will not be connected to Melissa Street with this completion of this development.

Utilities: Conditions of approval will require infrastructure improvements and utilities to be extended to serve the site. Domestic water, sanitary sewer and electrical facilities have all been determined to have capacity to serve the proposed development subject to those recommended conditions of approval. An engineered storm water system will also be required to be developed to handle the anticipated run-off related to project development. Irrigation will be provided by the Kennewick Irrigation District.

State Environmental Policy Act (SEPA): The project is exempt from the State Environmental Policy Act (SEPA) review in accordance with the exemption provisions

found in RMC 22.09.090(A) as supported by WAC 197-11-800(1)(b)(i). Specifically, the flexible threshold for categorical exemptions is established at projects with 20 or more dwelling units (see below). The preliminary plat is proposing fourteen dwelling units.

RMC 22.09.090 Flexible thresholds for categorical exemptions.

The city of Richland establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(b) based on local conditions:

A. For residential units in WAC 197-11-800(1)(b)(i), 20 dwelling units.

Park Dedication or Payment of Fees-in-lieu-of: RMC Chapter 22.12 requires that when property is subdivided, the developers either dedicate parkland to the City or pay a fee in lieu thereof. A recommended condition of approval would require payment of park impact fees to meet the provisions of City code.

CONCLUSION

As conditioned, the proposed preliminary plat of The Dwellings conforms to the Richland Municipal Code and the Comprehensive Plan for the subject area and will provide for development of the property in a manner that is compatible with the existing and proposed surrounding land uses. The preliminary plat also conforms to the requirements of the City's platting regulations, and therefore the request should be conditionally approved.

EXHIBIT (2)



MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

Development Services Division

TAC MEETING SUMMARY

MEETING DATE: February 4, 2014

PROJECT: Preliminary Plat of The Dwellings

LOCATION: EAST OF BRANTINGHAM ROAD, WEST OF THE PLAT OF SEQUOIA SPRINGS

ATTENDEES: City of Richland;
Judy Garcia & Jason Reathaford, Civil & Utility Engineering
Jeff Peters, Transportation
Kelly Hill, Energy Services
Jim Jordan & Rick Shively, Fire Dept.
Aaron Lambert, Development Services

Other:
Aaron Magula, Applicant
Steve Spink, Engineer

ENERGY SERVICES COMMENT:

Utility easements shall be established at the time of final plat as determined by the City of Richland Energy Services Division.

DEVELOPMENT SERVICES COMMENTS:

Planning Department

- 1) A 6-foot tall durable fence (wood, vinyl or block) shall be constructed on the north property line of the plat to screen the access drive and new homes from the existing development.
- 2) Setbacks for the homes shall be depicted on the plat to identify all yards, front rear and side.

CIVIL AND UTILITY ENGINEERING DEVELOPMENT COMMENTS:

The Civil and Utility Engineering Division has reviewed the preliminary plat received in this office on January 24, 2014, for the above referenced property and has the following conditions.

General Conditions:

1. All final plans for public improvements shall be submitted prior to pre-con on a 24" x 36" hardcopy format and also electronically in .dwg format compatible with the City's standard CAD software. Addendums are not allowed, all information shall be supplied in the specified 24 x 36 (and electronic) format. When construction of the infrastructure has been substantially completed, the applicant shall provide 3 mil mylar and electronic record drawings to the City. The electronic as-built record drawings shall be submitted in an AutoCAD format compatible with the City's standard CAD software. Electronic copies of the construction plans are required prior to the pre-con meeting, along with the multiple sets of paper drawings. The mylar record drawings (including street lights) shall be submitted and approved by the City before the final punchlist inspection will be performed. All final punchlist items shall be completed or financially guaranteed prior to recording of the final plat.
2. 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. 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.
4. Any work within the public right-of-way or easements or involving public infrastructure will require the applicant to obtain a right-of-way permit prior to construction. A plan review and inspection fee in the amount equal to 5% of the construction costs of the work within the right-of-way or easement will be collected at the time the permit is issued. A stamped, itemized Engineers estimate (Opinion of probable cost) and a copy of the material submittals shall be submitted along with the final plan submittal.
5. Public utility infrastructure located on private property will require recording of a City standard form easement prior to acceptance of the infrastructure and release of the final plat. The City requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of acceptance. Once received, the City will prepare the easement document and provide it to the developer. The developer shall record the easement at the Benton County Assessor and return a recorded original document to the City prior to application for acceptance.

6. A pre-construction conference will be required prior to the start of any work within the public right-of-way or easement. Contact the Civil and Environmental Engineering Division at 942-7500 to schedule a pre-construction conference.
7. Site plan drawings which involve the construction of public infrastructure shall be drawn on a standard 24" x 36" drawing format to a scale which shall not be less than 1"= 40'.
8. All plan sheets involving construction of public infrastructure shall have the stamp of a current Washington State licensed professional engineer.
9. All construction plan sheets shall include the note "CALL TWO WORKING DAYS BEFORE YOU DIG 1-800-424-5555 (or "811")." Or: <http://www.call811.com/>
10. 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.
11. A copy of the preliminary plat shall be supplied to the Post Office and all locations of future mailbox clusters approved prior to final platting.

Design Standards:

12. Public improvement design shall follow the following general format:
 - A. Sanitary sewer shall be aligned on the north and west side of street centerlines.
 - B. Storm sewer shall be aligned on the south and east side of street centerlines.
 - C. Any sewer or storm manholes that are installed outside of public Right of Way shall have an acceptable 12-foot wide gravel access road (minimum) provided from a public street for maintenance vehicles.
 - D. 10-foot horizontal spacing shall be maintained between domestic water and sanitary sewer mainlines and service lines.
 - E. Water lines shall be aligned on the south and east side of street centerlines.
 - F. Watermains larger than 8-inches in diameter shall be ductile iron.
 - G. Watermains installed outside of the City Right of Way or in very rocky native material, shall be ductile iron and may need restrained joints.
 - H. All watermains outside areas zoned R1 shall be ductile iron.
 - I. Fire hydrant location shall be reviewed and approved by the City Fire Marshal.
 - J. Sewer mains over 15-feet deep shall be constructed out of SDR26 PVC, C900 PVC or ductile iron. The entire main from manhole to manhole shall be the same

material. Private sewer service lines over 15-feet deep shall also be constructed of the same material, then transition to regular sewer piping above 15-feet.

- K. Valves and manholes installed on private property shall be placed so as to avoid parked cars whenever feasible.
- L. All utilities shall be extended to the adjacent property (properties) at the time of construction.
- M. 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.
- N. The minimum centerline radius for local streets shall be 100-feet.
- O. Any filling of low areas that may be required within the public Right of Way shall be compacted to City standards.
- P. A overall, composite utility plan shall be included in the submitted plan set if the project is phased. This comprehensive utility plan benefits all departments and maintenance groups involved in the review and inspection of the project.
- Q. A detailed grading plan shall be included in the submitted plan set.
- R. For public utilities not located within public street rights-of-way the applicant shall provide maintenance access acceptable to the City and the applicant shall provide an exclusive 10-foot wide public utility easement (minimum) to be conveyed to the City of Richland.
- S. 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.
- T. All public improvements shall comply with the State of Washington and City of Richland requirements, standards and codes.
- U. All cul-de-sacs shall have a minimum radius of 45-feet to the face of curb to allow for adequate turning radius of fire trucks and solid waste collection vehicles.
- V. Curb returns at minor intersections shall have a minimum radius of 25-feet. Curb returns at major intersections should have minimum radius of 30-feet but should be evaluated on a case by case basis.
- W. All public streets shall meet design requirements for sight distance (horizontal, vertical and intersectional).
- X. All intersections with public streets shall meet horizontal, vertical and intersectional design requirements for sight distance (A.K.A. the Vision Clearance Triangle).
- Y. All driveways shall be City standard driveways. Radius-style driveways are not allowed.
- Z. The final engineered construction plans shall identify locations for irrigation system, street lighting, gas service, power lines, telephone lines, cable television lines, street trees and mail boxes. All electrical appurtenances such as transformers, vaults, conduit routes, and street lights (including their circuit) need to be shown in the plan view.
- AA. Construction plans shall provide or reference all standard drawings or special details that will be necessary to construct all public improvements which will be owned, operated, maintained by the City or used by the general public

(Commercial Driveway, Curb, Gutter, Sidewalk, Water, Sewer, Storm, Street and Street lighting etc.).

- BB. The contractor shall be responsible for any and all public infrastructure construction deficiencies for a period of one year from the date of the letter of acceptance by the City of Richland.
13. If the project will be built in phases the applicant shall submit a 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. If the City Fire Marshal requires a secondary emergency vehicle access, it shall be included in the construction plan set and be designed to the following standards:
- A. 2-inches compacted gravel, minimum (temp. SEVA only).
 - B. 2% cross-slope, maximum.
 - C. 5% slope, maximum. Any access road steeper than 5% shall be paved or be approved by the Fire Marshal.
 - D. Be 20-feet in width.
 - E. Have radii that are accommodating with those needed for City Fire apparatus.

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

15. SURVEY MONUMENT DESTRUCTION:

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

- A. No survey monument shall be removed or destroyed (*the physical disturbance or covering of a monument such that the survey point is no longer visible or readily accessible*) before a permit is obtained from the Department of Natural Resources (DNR). WAC 332-120-030(2) states "It shall be the responsibility of the governmental agency or others performing construction work or other activity (including road or street resurfacing projects) to adequately search the records and the physical area of the proposed construction work or other activity for the purpose of locating and referencing any known or existing survey monuments." (RCW 58.09.130).

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

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

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

Traffic & Streets:

- 16. 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, etc.).
- 17. The “Dwellings” preliminary plat lies within the boundary of the South Richland Collector Street Financing Plan (RMC 12.03). This plat shall therefore be subject to the fees administered by the finance plan for any phase submitted for approval. Since this property is included within the Financing Plan, it is exempt from the SEPA-related traffic study requirement (TIA). The developer of this proposed project shall receive “credits” for construction of Melissa Street as allowed under the City’s South Richland Collector Street Financing Plan.
- 18. A note will be shown on the face of the final plat stating that Melissa Street is classified as an “Arterial Collector street”. Subsequently, no driveways accessing single family lots will be allowed onto Melissa, with the exceptions noted below.
- 19. Melissa Street is identified on the City’s Street Functional Classification map as an “Arterial Collector”, therefore the Right-of-Way shall be 60-feet wide, not 54 as shown.
- 20. Melissa Street shall be constructed to the existing end of the Melissa improvements constructed with the plat of Brantingham Heights phase 3. These improvements shall include a full-width street with curb, gutter and sidewalk. A standard driveway drop shall be constructed along the south side of Melissa for Brantingham where it intersects with Melissa. Brantingham Road north of Melissa shall be vacated and removed. That portion of Brantingham ROW shall become part of lot 1, but will be retained as a “utility easement”. Brantingham Road north of Melissa shall terminate at the existing cul-de-sac and shall not connect to Melissa Street.

21. Lot 1 has a portion of the Brantingham Road cul-de-sac on it. An easement was granted for this cul-de-sac when it was created. This portion of Lot 1 shall be dedicated as Right-of-Way when the phase that constructs lot 1 is platted.
22. Lots 1 through 4 shall take access off of the Brantingham Road cul-de-sac via a shared driveway, as shown on the preliminary plat. Lots 5 & 6 will be allowed to access Melissa St. via a single, shared driveway access. Lots 7 through 14 shall access Melissa via the shared driveways shown on the preliminary plat. Any proposed changes to said driveways will be subject to approval by the City Engineer.
23. The radii at the NW property corner of lot 10 and the SW property corner of lot 1 are not required. The Melissa ROW will go straight through here.
24. The existing 60-foot wide access & utility easement along the south boundary of the pre-plat will be relinquished at the time of plat recordation.
25. All private roads shall be constructed to provide for adequate fire truck & solid waste collection truck access & turnaround movements.
26. Any private roads narrower than 34-feet shall have parking restricted on one side, and any roads 28-feet or narrower shall have parking restricted on both sides. Street signs indicating restricted parking shall be installed prior to final platting at the developers expense.

Domestic Water:

27. The existing watermain that runs through this property shall have 4-feet of cover maintained over it.
28. 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.
29. The fire hydrant layout shall be approved by the City Fire Marshal.

Sanitary Sewer:

30. A 10-foot wide exclusive sanitary sewer easement shall be provided for any sewer main that is outside of the public Right-of-Way. If any manholes are located outside of the public Right-of-Way, maintenance truck access to said structure may be required.

Ground Water:

31. Groundwater may be present on this site. Given the amount of groundwater encountered in this area (in both developed and undeveloped areas), the possibility of an underdrain system being required exists. Please have test pits and/or bore-holes dug by a geotech engineer, and an evaluation from said engineer prior to permitting. If an underdrain system is not required, the geohydrology report needs to state so. Also, if groundwater is encountered within 5-feet during plat construction, an underdrain system will be required.

Storm Water:

32. This project may require coverage under the Washington State General NPDES Permit for Construction projects. The Developer shall be responsible for compliance with the permit conditions. 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.
33. All storm drainage systems shall be designed following the core elements defined in the latest edition of the Stormwater Management Manual for Eastern Washington. The Hydrologic Analysis and Design shall be completed based on the following criteria: Washington, Region 2, Benton County; SCS Type 1A – 24 Hour storm for storm volume. The applicant's design shall provide runoff protection to downstream property owners.
34. The flow-rate of the public storm drainage system shall be designed using the 2-Year, 3-Hour short duration Eastern Washington storm for pipe and inlet sizing using SCS or Santa Barbara method; no modifying or adding time of concentration; no surcharge allowed. Calculations shall be stamped by a registered professional engineer and shall include a profile of the system showing the hydraulic grade line. The calculations should include a 50-foot wide strip behind each right of way line to represent drainage from private property into the City system. Of that area, 50% shall be considered pervious and 50% impervious. Calculations shall include a profile for the design showing the hydraulic grade line for the system. Passing the storm downhill to an existing system will require a downstream storm system capable of accepting the water without being overwhelmed.
35. 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. 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.

36. If the storm drain pond slopes are greater than 25% or deeper than 4-feet, then a 6-foot fence will be required around the perimeter of the pond with a minimum 12-foot wide gate for maintenance vehicles.
37. 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").
38. 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. The engineer may need to demonstrate that the pond will drain itself after a storm event, and not have standing water in it longer than necessary.
39. 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.
40. If the storm drain pond slopes are greater than 25% or deeper than 4-feet, then a 6-foot fence will be required around the perimeter of the pond with a minimum 12-foot wide gate for maintenance vehicles. A maintenance road from the public Right of Way to the bottom of the pond is also needed (2-inches of compacted gravel, minimum). The City's maintenance of the pond in the future will consist of trimming weeds to maintain compliance with fire and nuisance codes, and maintaining the pond for functionality.
41. The developer shall be responsible for landscaping the storm pond and for its maintenance through the one-year infrastructure warranty period. At a minimum the landscaping plan should be consistent with the City's intended maintenance standard as described above. If the developer wishes for the pond to be landscaped and visually appealing, then the homeowners association should be considered for maintenance responsibilities. This will require an irrigation meter and sprinkler system (including a power source), and responsibility for maintaining the landscaping.
42. The developer of record shall maintain the public storm drainage system for one year from the date of final acceptance by The City of Richland (as determined by the issuance of the "Letter of Final Acceptance"). Said developer shall also thoroughly clean the entire system, including structures, pipelines and basins prior to the City warranty inspection, conducted 11 months after the Letter of Final Acceptance.

Solid Waste:

43. Due to limited turnaround space, lots 2, 3, 4, and 11 through 14 may have to transport their garbage cans to a location acceptable for solid waste pick-up.

Final Platting / Project Acceptance Requirements:

44. When the construction is substantially complete a paper set of "record drawings" shall be prepared by a licensed surveyor and include all changes and deviations. Please reference the Public Works document "RECORD DRAWING REQUIREMENTS & PROCEDURES" for a complete description of the record drawing process. After approval by the City of the paper copy, a mylar copy of the record drawings shall be submitted along with a CAD copy of them. The electronic as-built record drawings shall be submitted in a AutoCAD format compatible with the City's standard CAD software. All final punchlist items shall be completed or financially guaranteed prior to recording of the final plat.
45. Public utility infrastructure located on private property will require recording of a City standard form easement prior to acceptance of the infrastructure and release of a certificate of occupancy. The City requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of occupancy. Once received, the City will prepare the easement document and provide it to the developer. The developer shall record the easement at the Benton County Assessor and return a recorded original document to the City prior to application for final occupancy.
46. Any off-site easements or permits necessary for this project shall be obtained and secured by the applicant and supplied to the City at the time of plat construction and prior to final plat acceptance by the City.
47. Ten-foot wide public utility easements will be required on the final plat along both sides of all Right-of-Ways within the proposed plat.
48. The final plat shall include notes identifying all common areas including the private streets and tracts and acknowledging the ownership and maintenance responsibility by the homeowners association. A note shall be added to the face of the final plat that states: *"The private roads are for the use and benefit of the homeowners that abut said roads, and are to be maintained by said owners. The City of Richland accepts no maintenance responsibility for said roads"*.
49. 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."* Any private roads narrower than 34-feet shall have parking restricted on one side, and any roads 28-feet or narrower shall have

parking restricted on both sides. Street signs indicating restricted parking shall be installed prior to final platting at the developers expense. The restricted parking areas shall be indicated on the final plats.

50. All landscaped areas within the plat that are in the public Right of Way shall be the responsibility of the homeowners to maintain.
51. A one-foot "No access / screening easement" will be required along the Melissa Street Right of Way. A break in it will be provided at the approved driveway entrances.
52. The intended use and ownership of all tracts within the plat shall be noted on the final plat.
53. Property with an unpaid L.I.D. assessment towards it must be paid in full or segregated per Richland Municipal Code 3.12.095.

EXHIBIT (3)



CITY OF RICHLAND **NOTICE OF APPLICATION** **AND PUBLIC HEARING (S2014-101)**

Notice is hereby given that Dream Builders, on January 16, 2014, filed an application for preliminary plat approval to subdivide an approximately 4.75 acre parcel into 14 single family residential lots (Preliminary Plat of The Dwellings). The property is located at the southern terminus of Brantingham road and will complete a missing segment of Melissa Street, see vicinity map on reverse. The site is zoned single family residential (R1-10) with a proposed average lot size of 12,912 square feet. Pursuant to Richland Municipal Code (RMC) Section 19.30.030 the City of Richland determined the application complete for processing on January 16, 2014.

The Richland Planning Commission, on Wednesday, February 26, 2014, will conduct a public hearing and review of the application at 7:00 p.m. in the Richland City Hall Council Chambers, 505 Swift Boulevard. All interested parties are invited to attend and present testimony at the public hearing.

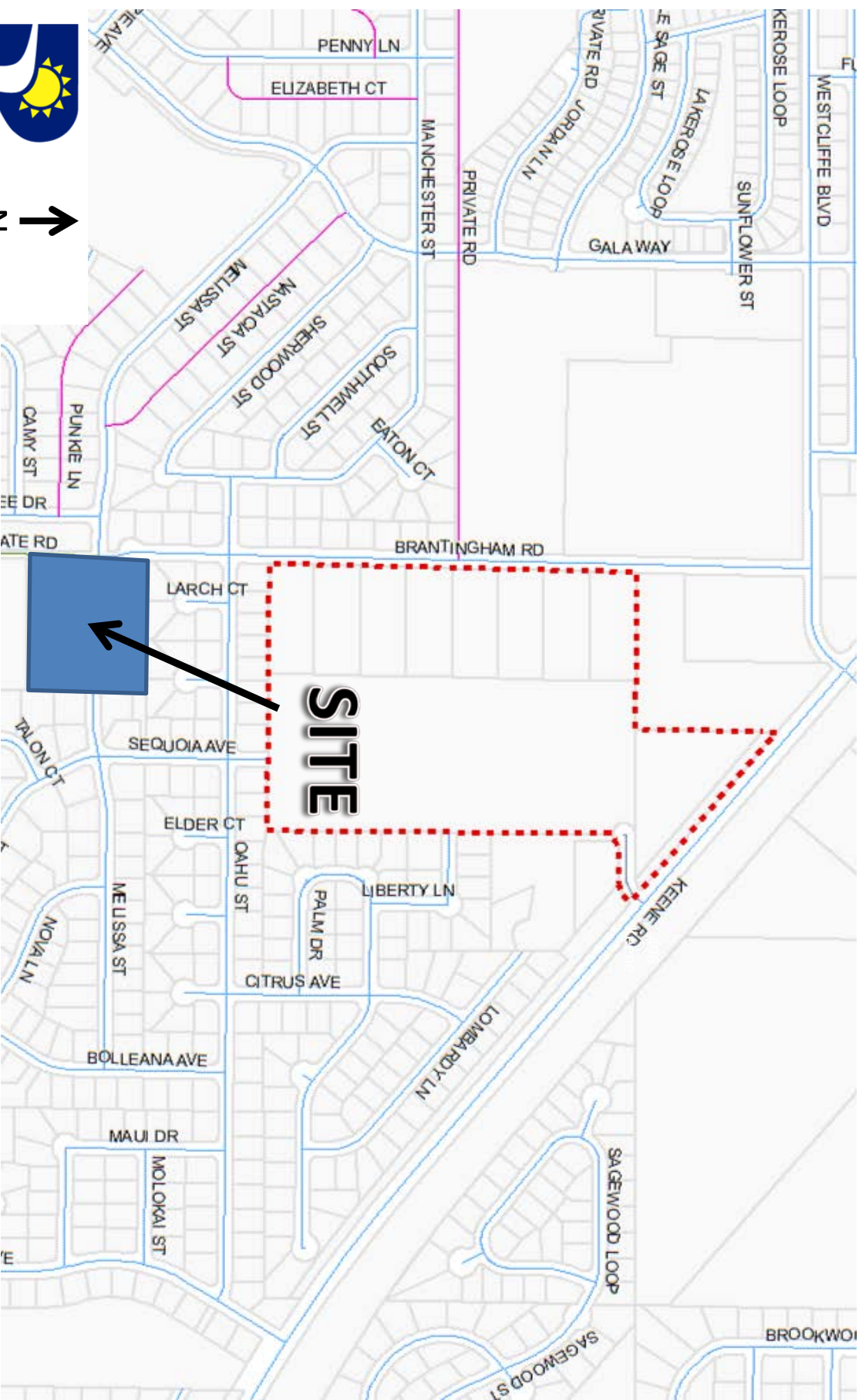
Any person desiring to express his views or to be notified of any decisions pertaining to this application should notify Aaron Lambert, Senior Planner, 840 Northgate Drive, P.O. Box 190, Richland, WA 99352. Comments may also be faxed to (509) 942-7764 or emailed to alambert@ci.richland.wa.us. Written comments should be received no later than 5:00 p.m. on Tuesday, February 18, 2014 to be incorporated into the Staff Report. Comments received after that date will be entered into the record at the hearing.

Copies of the staff report and recommendation will be available in the Development Services Division Office, and at the Richland Public Library beginning Friday, February 21, 2014.

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

AARON LAMBERT,
SENIOR PLANNER

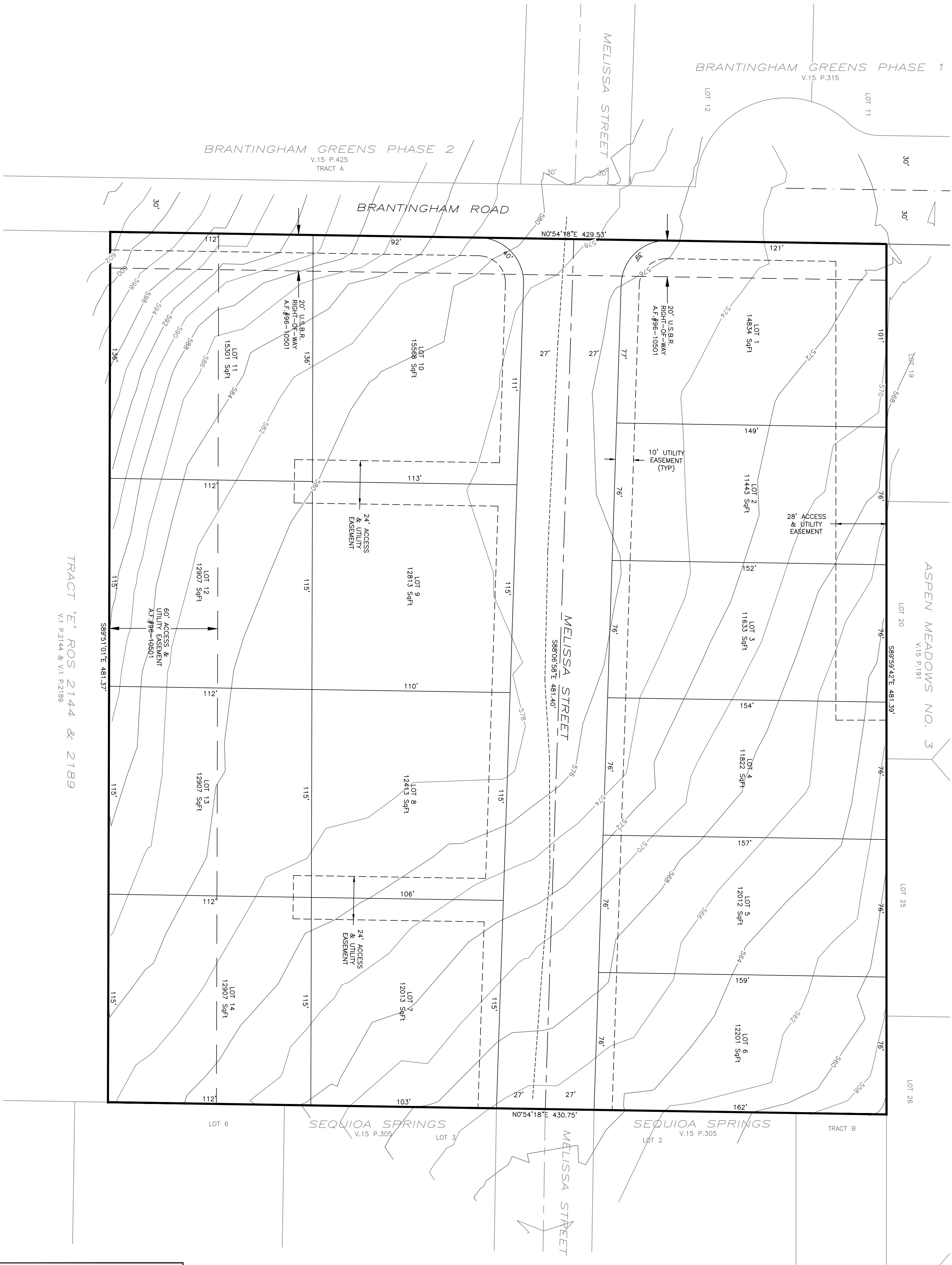
EXHIBIT (4)



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Drafted: 1/24/14

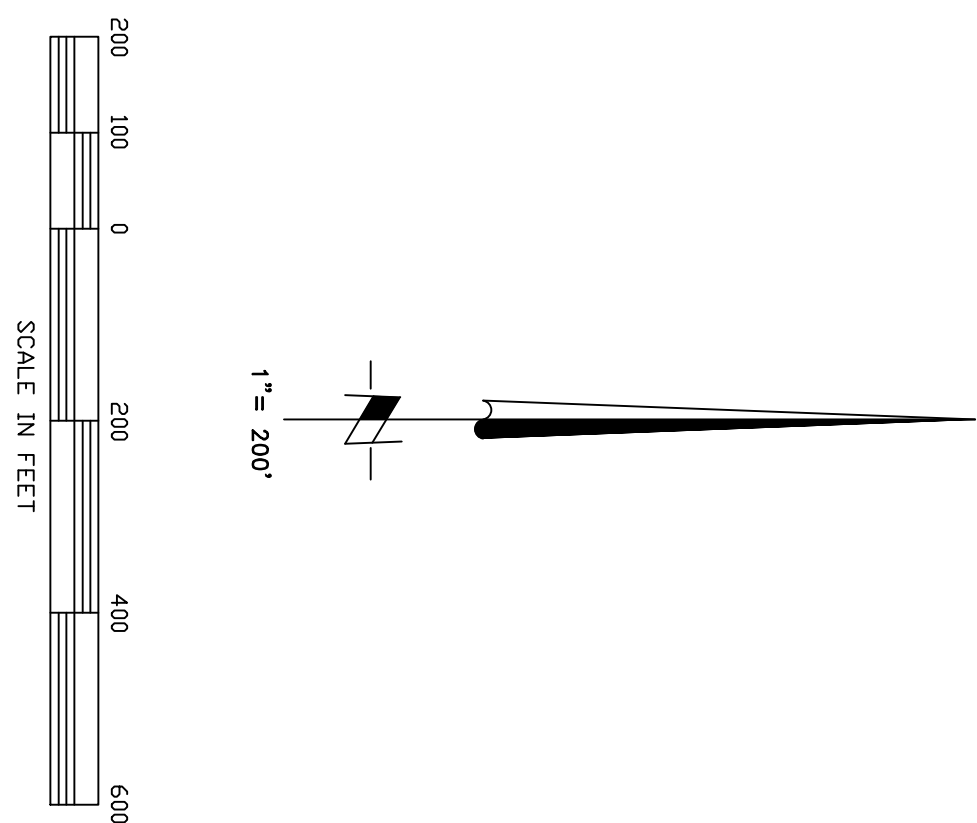
EXHIBIT (5)

PRELIMINARY PLAT OF
THE DWELLINGS
LOCATED IN A PORTION OF SECTION 5, TOWNSHIP 8 NORTH, RANGE 28 EAST, W.M.
BENTON COUNTY, WASHINGTON



RECORD LEGAL DESCRIPTION

THAT PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION; THENCE NORTH 00°54'18" EAST ALONG THE WEST LINE OF SAID SECTION 30.00 FEET; THENCE SOUTH 89°42'20" EAST 30.00 FEET TO A POINT OF THE EASTERLY RIGHT OF WAY LINE OF BRANTINGHAM ROAD; THENCE NORTH 00°54'18" EAST ALONG THE SAID EASTERLY RIGHT OF WAY LINE 429.53 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°54'18" EAST ALONG SAID RIGHT OF WAY LINE 429.53 FEET TO THE SOUTH LINE OF THE NORTH 444.00 FEET OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER; SAID LINE BEING THE NORTH LINE OF TRACT 1 OF RECORDED SURVEY NUMBER 1-4699 THENCE SOUTH 89°59'42" EAST ALONG SAID NORTH LINE OF TRACT 1 FOR 481.39 FEET; THENCE SOUTH 00°54'18" WEST 430.75 FEET; THENCE NORTH 89°53'01" WEST 68.37 FEET TO THE SAID TRUE POINT OF BEGINNING. (ALSO KNOWN AS TRACT 1 OF RECORDED SURVEY NUMBER 2144 AND 2189 RECORDED UNDER AUDITORS FILE NOS. 96-7821 AND 96-16251 RESPECTIVELY).



DEVELOPER
DREAM BUILDERS
AARON MAGUIRA
P.O. BOX 766
RICHLAND, WA, 98352
509-947-5554 (OFFICE)

OWNER
RON McDONALD
2780 LAFRIERE CANYON DR
KENNEWICK, WA 98336
509-627-2900

PREPARED BY
MIKE FOWLER, PLS
ROGERS SURVEYING INC.
1455 COLUMBIA PARK TRAIL-SITE 201
RICHLAND, WASHINGTON 99352
509-783-4141 (OFFICE)
509-783-2994 (FAX)

LAND USAGE
GROSS PLANNING AREA
481 LINEAR FEET PLAT STREETS
NET PLANNING AREA
= 4.75 ACRES
= 0.60 ACRES
= 4.15 ACRES

4.15 ACRES X 43560 SQ.FT.
14 LOTS
= 12,912 SQ. FT.
AVERAGE LOT SIZE
15,568 SQ.FT.
LARGEST LOT (10)
11,443 SQ. FT.
SMALLEST LOT (2)
ZONING = R-1-10 SINGLE FAMILY RESIDENTIAL

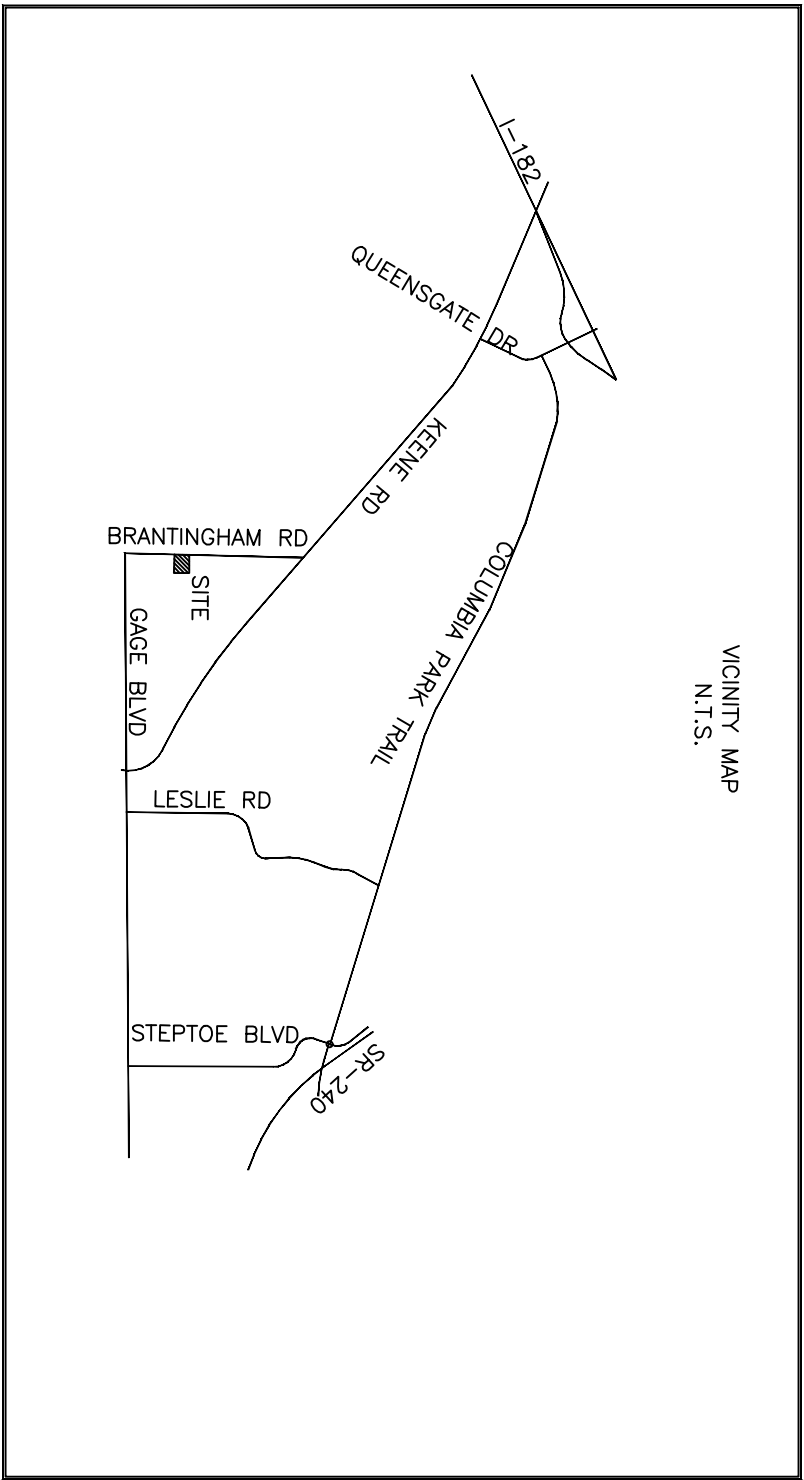
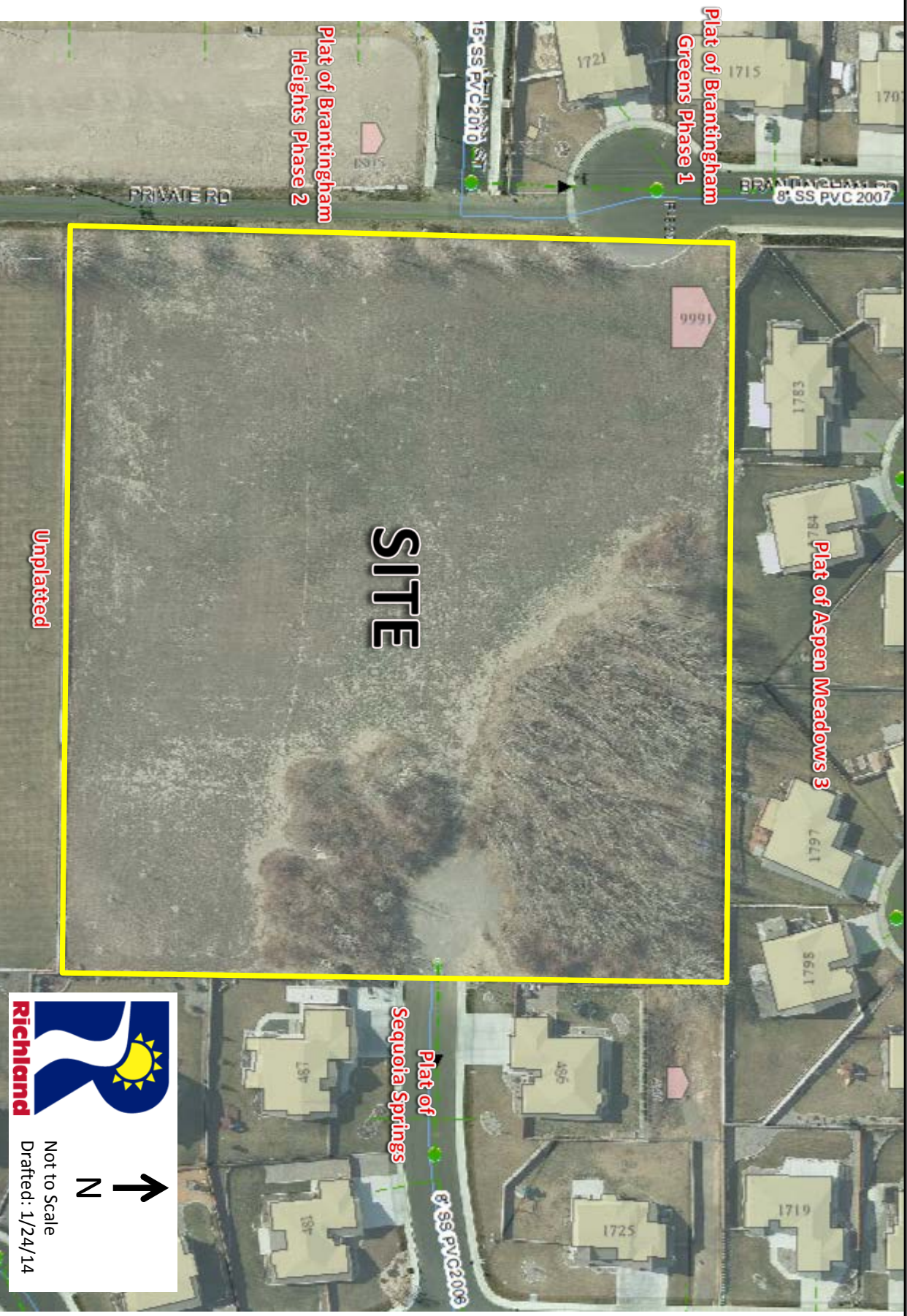
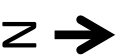
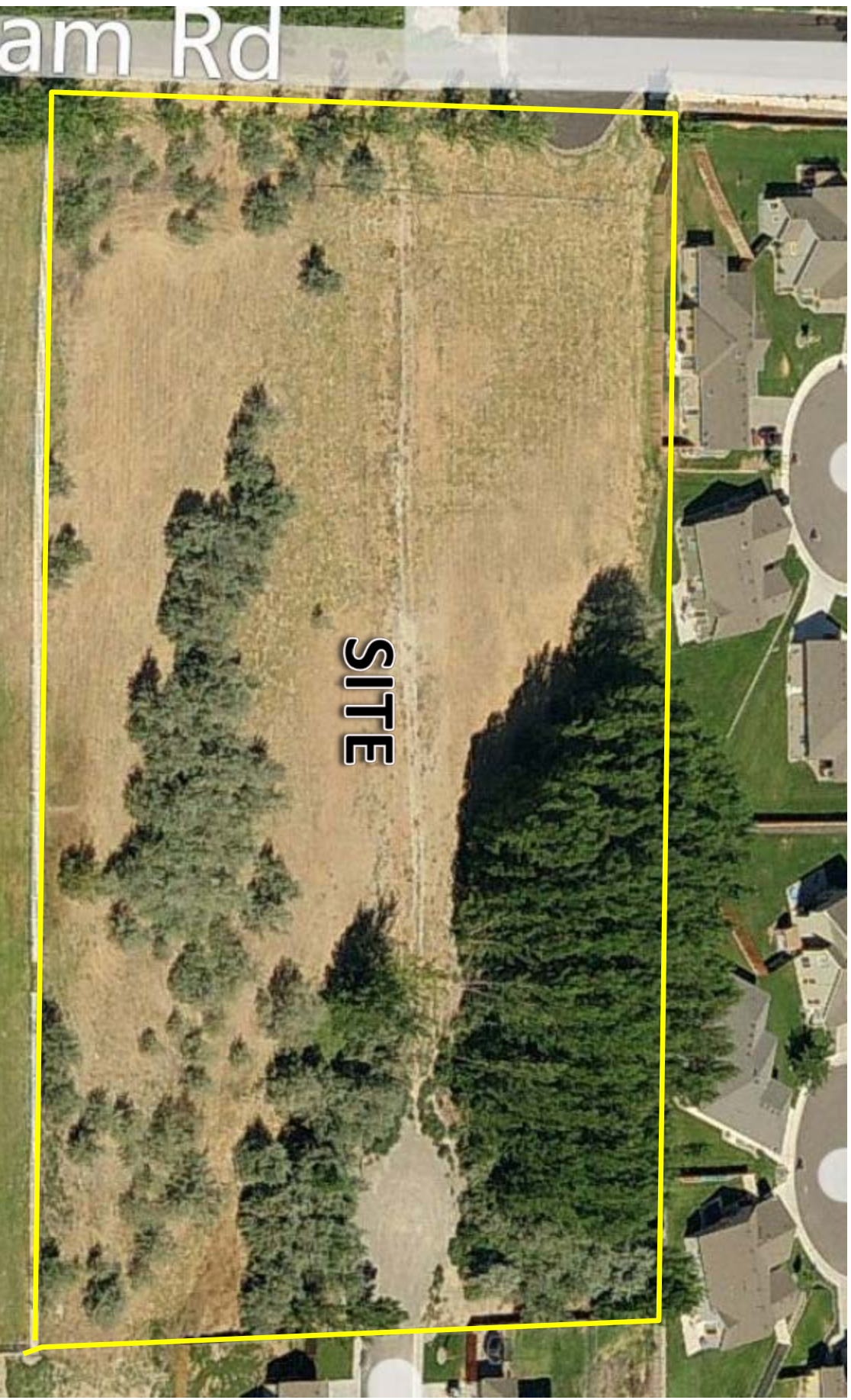


EXHIBIT (6)





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Drafted: 2/18/14

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EXHIBIT (7)



Not to Scale

Source:
Google
Street View

View looking west to east from the cul-de-sac terminus of Brantingham Road



View looking northwest to southeast from the cul-de-sac terminus of Brantingham Road

SITE PHOTOS — “The Dwellings” Preliminary Plat File No. S2014-101

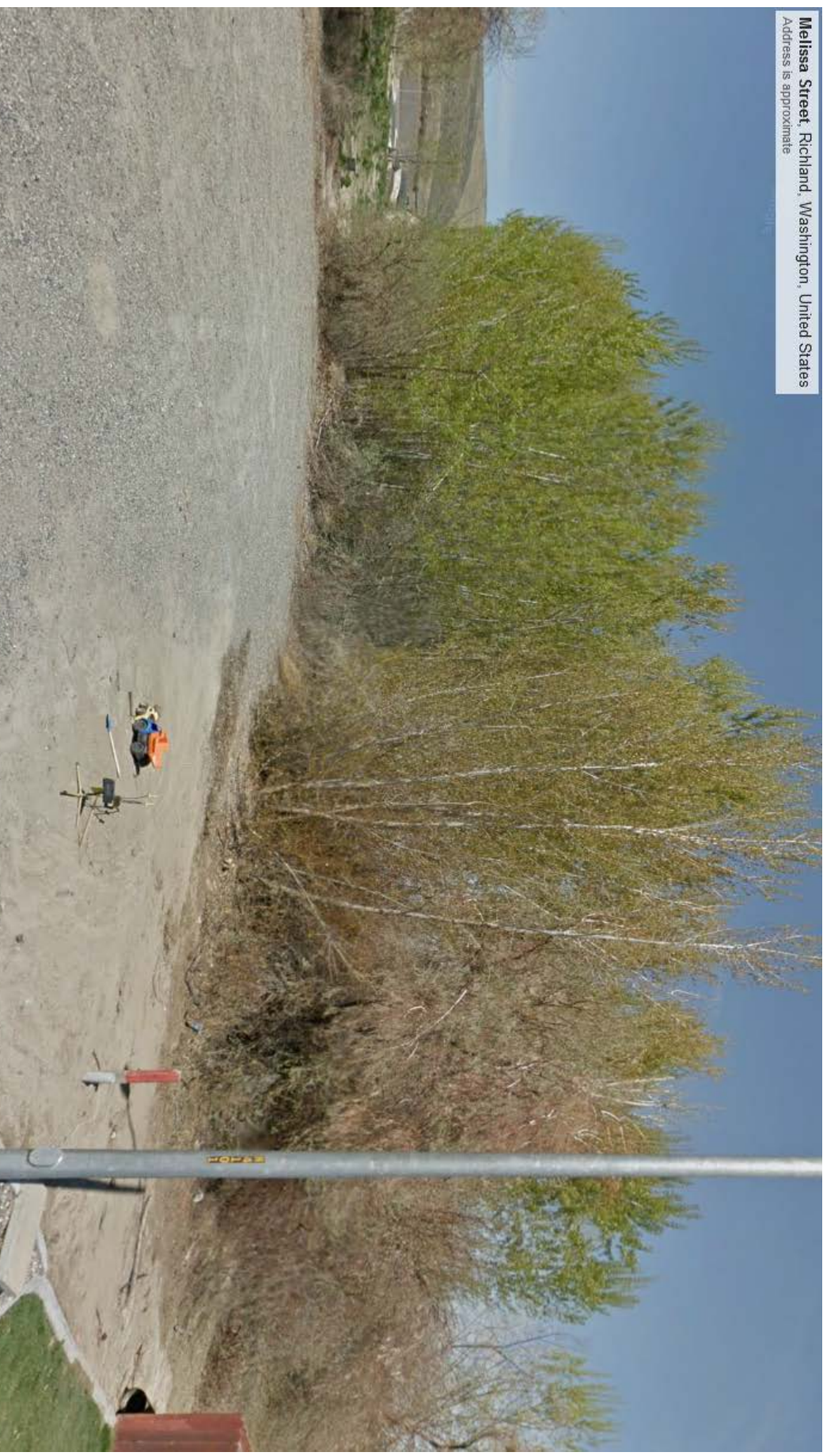
Brantingham Road, Richland, Washington, United States
Address is approximate



Brantingham Rd. Cul-de-sac

SITE PHOTOS — “The Dwellings” Preliminary Plat File No. S2014-101

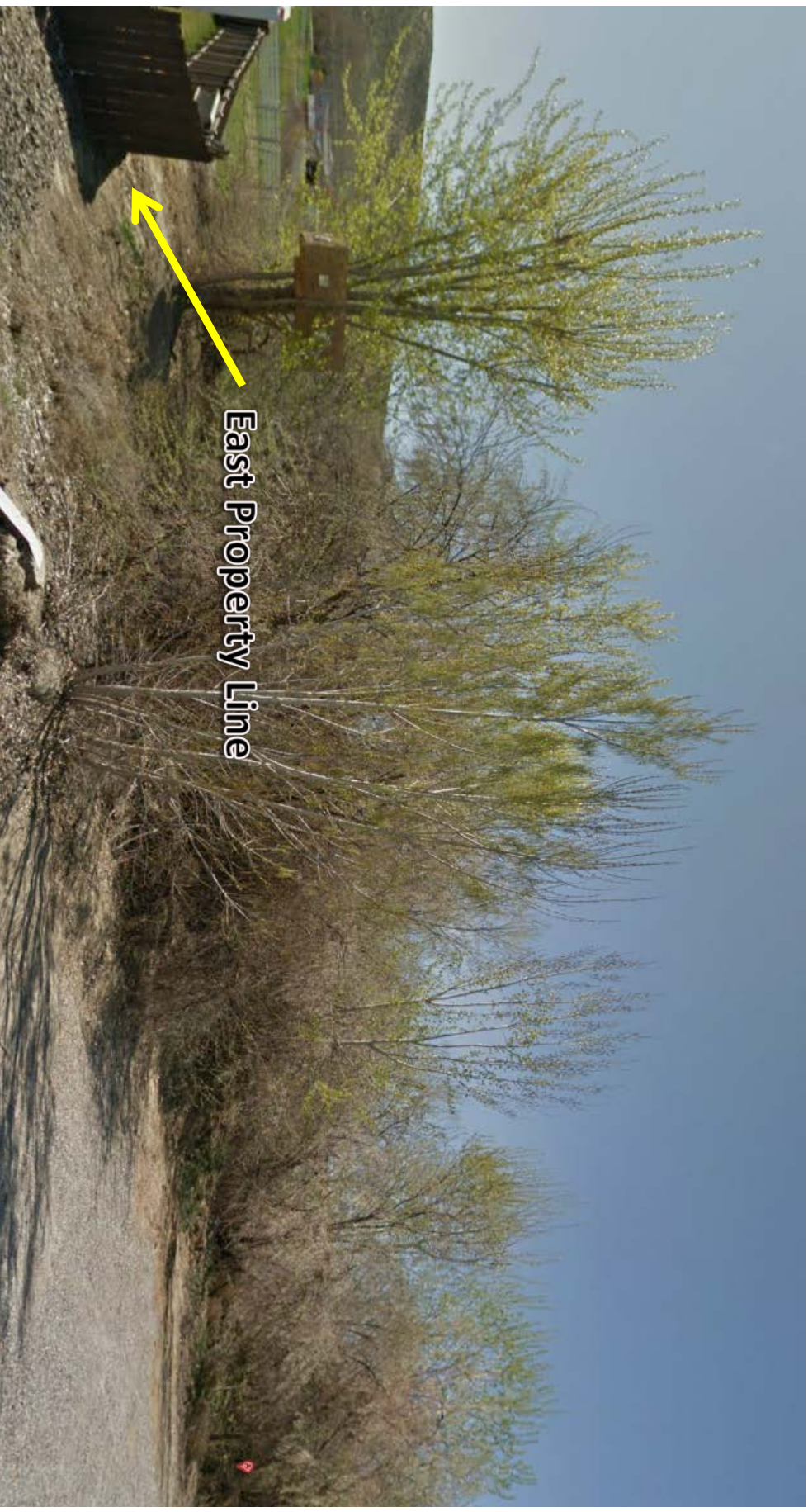
Melissa Street, Richland, Washington, United States
Address is approximate



Not to Scale

Source:
Google
Street View

View looking generally east to west from the cul-de-sac terminus of Melissa Street along the eastern boundary of the site



East Property Line

EXHIBIT (8)

Development & Permit Services Division • Current Planning Section
840 Northgate Dr. • Richland, WA 99352
General Information: 509/942-7794 • Fax: 509/942-7764

RECEIVED

JAN 16 2014

Planning &
Development Services

PRELIMINARY PLAT APPLICATION

Applicant's Section			
Applicant or Sponsor AARON MAGALLA - DREAM BUILDERS			
Address P.O. BOX 766		City RICHLAND	State WA
Zip 99352			
Phone Number 947-3554	Fax Number	Other	
Proposed Subdivision Name THE DWELLINGS		Legal Description SEE ATTACHED MAP	
Average Size Lots		Proposed Number of Tracts 0	
Average Lot Size (Residential Lots) 13,604 SQ. FT. 12,912 SQ FT		Area in Acres 4.75 ACRES	
Proposed Number of Lots 13 LOTS 14 LOTS		Proposed Number of Blocks 0	
Name of Surveyor Platting Subdivision MIKE FOWLER - ROGERS SURVEYING, INC. P.S.			
Address 1455 COLUMBIA PARK TRAIL - #201		City RICHLAND	State WA
Zip 99352			
Phone Number 783-4141	Fax Number 783-8994	Other	

I DECLARE UNDER THE PENALTY OF THE PERJURY LAWS THAT THE INFORMATION I HAVE PROVIDED ON THIS FORM APPLICATION IS TRUE, CORRECT AND COMPLETE.


Applicant's Signature

1/16/14
Date

OFFICE USE ONLY

Filed on

1/24/14

Signature



Case File No.

S2014-101

Date of Planning Commission Hearing

2/26/14

Action by Planning Commission - Minutes

Attach:

1. 30 Copies
2. 11" x 17" reduction
3. Ownership Report from Title Company listing all Owners within 300-feet.

EXHIBIT (9)

February 17, 2014

RECEIVED
FEB 18 2014
Planning &
Development Services

City of Richland
Aaron Lambert, Senior Planner
PO Box 190
Richland, WA 99352

Preliminary Plat of the "Dwellings" – File No. ~~S~~2014-101

Our home abuts the "Plat" at the bottom of the hill. We hope adequate surface water drainage away from the homes at the bottom of the site has been considered. Rain and irrigation water do flow onto the homes at the bottom.

The "Plat" is in a heavily populated area. We trust the developers of the lots and home builders will be required to confine all dust to the site 24 hrs. a day, seven days a week. Homes under construction should not allow any packing, plastic, building materials or other trash to blow away from the building sites.

We would like to be notified of any decisions or information pertaining to this application.

Patrick J. Peyton
Shirley Peyton

Pat and Shirley Peyton
1783 Larch Ct.
Richland, WA 99352
509-396-7362

STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: Z2014-100

PREPARED BY: RICK SIMON
MEETING DATE: FEBRUARY 26, 2014

GENERAL INFORMATION:

APPLICANT: VSI DEVELOPMENT, LLC

REQUEST: TEXT AMENDMENTS TO THE LAND USE & DEVELOPMENT REGULATIONS FOR THE BADGER MOUNTAIN SOUTH MASTER PLANNED COMMUNITY.

LOCATION: BADGER MOUNTAIN SOUTH, GENERALLY LOCATED SOUTH OF BADGER MOUNTAIN, EAST OF DALLAS ROAD AND NORTH OF REATA ROAD.

REASON FOR REQUEST

The owners of the Badger Mountain South master planned community are desirous of making several minor amendments to the previously adopted Land Use and Development Regulations (LUDR) that are specific to the Badger Mountain South master planned community and are used in place of the City's standard development regulations.

FINDINGS AND CONCLUSIONS

Staff has completed its review of the proposed zoning amendments to the Badger Mountain South Land Use and Development Regulations (Z2014-100) and submits that:

- 1) The City adopted the Badger Mountain Subarea Plan on September 7, 2010, which includes a detailed master planned community known as "Badger Mountain South".
- 2) The Badger Mountain South master plan includes a finer level of detail than other City planning documents. To fully implement the plan, a more detailed development regulation was needed. Nor Am Investment drafted the Land Use and Development Regulation (LUDR) which was adopted by the City to fully implement the Badger Mountain South master plan.
- 3) The purpose of the LUDR is to:
 - a) Establish neighborhoods with a range of housing styles and types to accommodate a population of diverse ages and incomes;
 - b) Promote health benefits of a walkable, pedestrian environment;
 - c) Establish mixed-use neighborhoods where daily activities can occur within walking distance of most homes;
 - d) Reduce traffic and congestion by creating a traditional neighborhood development street grid;
 - e) Improve the character and quality of the built environment;
 - f) Promote building and landscape design that conserve energy, water and other resources;
 - g) Promote lot and block orientation that accommodates passive solar capture; and

- h) Conserve areas for parks, trails and open spaces by established a connected open space network.
- 4) The LUDR was adopted in December of 2010, was amended in 2012 and has been used to regulate the first development constructed within the Badger Mountain South community, a subdivision of 156 lots, known as West Vineyards.
- 5) Further review of the LUDR has revealed that there are a number of minor corrections, clarifications and improvements that constitute desirable improvements to the LUDR.
- 6) The proposed amendments do not impact the overall intent or purpose of the LUDR. Rather they provide some clarifications, corrections and improvements to the LUDR document.
- 7) Based on the above findings and conclusions, adoption of the adoption of the proposed LUDR would be in the best interest of the community of Richland.

RECOMMENDATION

Staff recommends the Planning Commission concur with the findings and conclusions set forth in Staff Report (Z2014-100) and recommend to the City Council adoption of the proposed amendments to the Badger Mountain South Land Use & Development Regulations.

ATTACHMENTS

- A. Supplemental Information
- B. Correspondence from Applicant, dated 12/30/13
- C. Petition for Zoning Text Amendment
- D. Proposed LUDR Text Amendments
- E. Proposed Amendments to LUDR Maps and Illustrations

SUPPLEMENTAL INFORMATION

BACKGROUND

The Badger Mountain Subarea Plan was officially adopted by City Council on September 7, 2010. A major part of this subarea plan included the master planned community of Badger Mountain South. The development of a master planned community of this scale, nearly 1,500 acres, is unique to the City of Richland. At completion, with 5,000 dwelling units anticipated, it would be more than double the size of the Horn Rapids community. Given the very detailed master planning that the property owner, Nor Am Investment, has completed for this area, and their specific goals for sustainable development, the City's standard zoning regulations were deemed insufficient to implement this master plan. Consequently, Nor Am proposed and the City adopted an alternative and more highly detailed development regulation to fully implement the plan for this master planned community. This document is referred to the "Land Use Development Regulation" (LUDR).

The LUDR was drafted to implement the very specific vision contained in the Badger Mountain South master plan. In many areas, the LUDR includes standards that are not addressed in the City's standard development regulations.

The first chapter of the LUDR addresses the administration of the code. From a process standpoint, applications to develop within Badger Mountain South are handled the same as under the City's standard development regulations. Subdivisions and binding site plan applications are brought forward to the Planning Commission for review through the public hearing process. Site plan review applications undergo Planning Commission review for any project that contains 7 or more multi-family residential units.

The LUDR adds an additional step to the review process. All projects, regardless of whether they require public hearing and review by the Planning Commission or whether they are reviewed administratively require a "Master Agreement Consistency Letter". This letter is a certification by the City that the project conforms to the standards and provisions of the LUDR and requires that the City evaluate each project for conformance to the land use, urban form, civic space, streets, blocks, building types, building frontage, landscape, sustainability and site improvement standards that are contained in the LUDR.

The LUDR has been in place since December of 2010 and has been used to guide the development of the first project within the Badger Mountain South community which is West Vineyards, a 156 lot subdivision.

DESCRIPTION

There are amendments proposed to 42 sections of LUDR, which are detailed in the attached exhibits. Some of the amendments are simply corrections of oversights made in the drafting of the original document that have not become apparent until now; others are clarifications of requirements that were not as clearly defined as they could have been. Still others would provide builders with greater flexibility in meeting a specific standard while still maintaining the overall purpose of the standard. Finally, in some cases, like outdoor lighting standards, the standards have been amended because the standard originally referenced in the LUDR has since been eliminated. The Commission had the opportunity to review the proposed amendments at its February 12th workshop.

ANALYSIS

The LUDR, adopted in 2010, is the City's first form based code. The LUDR places an emphasis on many smart growth planning principles. It encourages pedestrian activity through the integrated system of pedestrian and bicycle trails throughout the community; it will implement the plan to provide parks, shopping and schools within easy walking distance of every residence; it calls for narrow streets and small lots to slow vehicular traffic and make more efficient use of land; its' overall design encourages public transit; it includes provisions for mixed-use development and standards for building form, design and landscaping; and requires the use of energy conservation measures in the development of new buildings. Many of these standards are not even addressed at all in City Code, so the complexity of the LUDR far exceeds that of the City's standard development regulations. Therefore, it comes as no surprise that minor amendments to the LUDR are necessary. There will very likely be more amendments needed in the future, as the City gains experience in administering the LUDR and Nor Am Investment gains some experience in developing under its provisions.

Staff's review indicates that the proposed amendment all fit within the category of minor clarifications and corrections. In our view all of the proposed amendments are consistent with and would continue to implement the Badger Mountain South Subarea Plan.

SUMMARY

The proposed amendments to the LUDR are in keeping with the purposes of the original LUDR document; they increase the clarity of the document, correct some minor errors and so should be approved.



Loren D. Combs
ldc@vsilawgroup.com

December 30, 2013

Hand Delivered December 30, 2013

Mr. Rick Simon
Development Services Manager
City of Richland
P.O. Box 190
Richland, Washington 99352

RE: Our Client: Nor Am Investment LLC
Our File Number: 33266
Project: Badger Mountain South Master Planned Community
Subject matter: Amendment to Exhibit C, Land Use and Development
Regulations (LUDR), of the Master Agreement between the
City of Richland and Nor Am Investment LLC Regarding
the Community Known as Badger Mountain South

Dear Mr. Simon:

On behalf of Nor Am Investment LLC, I am requesting that Exhibit C, the Land Use and Development Regulations (LUDR) of the "Master Agreement between the City of Richland and Nor Am Investment LLC Regarding the Community Known as Badger Mountain South" ("Master Agreement") be amended.

Since the original adoption of the Master Agreement on December 7, 2010, we have requested and received approval for one previous Exhibit C amendment. The amendment before you with this request is the result of the further review and application of the LUDR to real market conditions, and to the actual topographic conditions found within the 1,500 acres of the Badger Mountain South community. This amendment clarifies some ambiguities, and corrects editing errors and provisions that just don't work without modification.

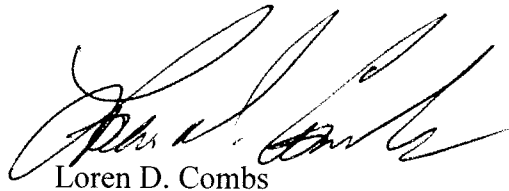
Mr. Rick Simon
December 30, 2013
Page Two

You will find attached to this letter the completed "Petition for Zoning Ordinance Text Amendment" application, a check for the application filing fee of \$625, and a 22-page summary of the text and illustrations proposed for amendment; this latter document also includes the rationale for the requested amendment.

I anticipate over the course of the 20-years that the Master Agreement will be in effect, there will be a need for many amendments. In this application and any of those that follow, I believe that the amendments proposed will continue to foster the growth and development of this area of south Richland within the context of creating a walkable community with high regards to energy efficiency and sustainability.

We look forward to working with you and your staff on the review of this application, and to the public process and review with the Richland Planning Commission and Richland City Council.

Sincerely,



Loren D. Combs

LDC:dck

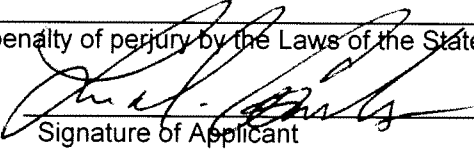
cc: Mr. Dave Bond, Superintendent, Kennewick School District
Nor Am Investment LLC

Planning & Development Services Division • Current Planning Section
840 Northgate Drive • Richland, WA 99352
General Information: 509/942-7794 • Fax: 509/942-7764

Petition for Zoning Ordinance Text Amendment

Application is hereby made to the Richland Planning Commission for a Zoning Ordinance Text Amendment pursuant to Section 23.82.180 of the Richland Municipal Code.

The following required information must be furnished and filing fee paid before the Secretary of the Physical Planning Commission will accept this application.

APPLICANT INFORMATION			
Applicant's Name: VSI Development LLC , Mr. Loren D. Combs, on behalf of Nor Am Investment LLC			
Applicant's Address: 3600 Port of Tacoma Road, Suite 311			
City: Tacoma		State: WA	Zip: 98424
Phone: 253.922.5464	Fax: 253.922.5848	Other:	
Section(s) for which amendment(s) is/are proposed: <i>Ex. C, Land Use and Development Regulations (LUDR) to the "Master Agreement between the City of Richland and Nor Am Investment LLC Regarding the Community Known as Badger Mountain South"</i>			
State exactly how you feel the section(s) should read, incorporating your amendment(s):			
<i>Please see attached Summary of Proposed LUDR revisions</i>			
State your reason for requesting the zoning ordinance text amendment(s):			
<i>Please see attached Summary of Proposed LUDR revisions, including rationale for the requested amendment.</i>			
The information provided is "said to be true under penalty of perjury by the Laws of the State of Washington."			
 Signature of Applicant			
For Office Use:			
Petition accepted for filing _____			
Signature _____		Title _____	

LUDR Section	Current LUDR Text	Proposed LUDR Revision and Rationale NB: Deleted text shown as strikeout and new text shown <u>underlined</u> .
Note 21:	<p><i>(Places of Worship):</i></p> <p>21. Only on corner lots of two Collector Streets; maximum lot size of 2.5 acres.</p>	<p><i>(Places of Worship):</i></p> <p>21. Only on corner lots of two Collector Streets; maximum lot size of 2.5 <u>6</u> acres.</p> <ul style="list-style-type: none"> This text amendment applies only to “places of worship” and is proposed because contemporary places of worship are typically on parcels not less than 5 acres in size.
2.D	<p><i>Building Type Table</i></p> <p><u>New Text</u></p>	<p><i>Building Type Table</i></p> <p>Add <u>“X”</u> to the BMS-NC column, 11.A. Single-Family House – Alley Access Garage</p> <ul style="list-style-type: none"> See rationale which follows immediately below.
3.C.4	<p><i>BMS – Neighborhood Collector District</i></p> <p><i>1. Neighborhood Collector Intent (2nd paragraph)</i></p> <p><i>The Neighborhood Collector District is primarily a Multi-family residential area that provides a wide variety of medium density housing. Mixed-use and Live/Work Buildings in this District provide the flexibility for these areas to accommodate neighborhood-scale commercial uses that respond to the evolving needs of the community as it grows. Stand-alone, smaller-scale Neighborhood Goods and Services Buildings that serve the needs of the residents, such as churches and daycares, are encouraged in this District.</i></p> <p><i>4. Parking</i></p> <p><i>c. Minimum Parking Requirements</i></p> <p><i>(3) Residential Parking Requirements:</i></p> <p><i>ii. 1 space per 2 units is required for Affordable or Senior Housing units.</i></p>	<p><i>BMS – Neighborhood Collector District</i></p> <p><i>1. Neighborhood Collector Intent (2nd paragraph)</i></p> <p><i>The Neighborhood Collector District is primarily a Multi-family residential area, <u>intermixed with areas of single-family, alley accessed houses</u>, that provides a wide variety of medium density housing. Mixed-use and Live/Work Buildings in this District provide the flexibility for these areas to accommodate neighborhood-scale commercial uses that respond to the evolving needs of the community as it grows. Stand-alone, smaller-scale Neighborhood Goods and Services Buildings that serve the needs of the residents, such as churches and daycares, are encouraged in this District.</i></p> <ul style="list-style-type: none"> This amendment increases the flexibility to intermix residential Building Types. This flexibility is required as the project builds out because at this time, the market is not responsive to Townhome/Row House developments. As the Badger Mountain South concept of mixed-use, walkable neighborhoods becomes better understood, it is expected that different Building Types will become more desirable to the builder/buyer. <p><i>4. Parking</i></p> <p><i>c. Minimum Parking Requirements</i></p> <p><i>(3) Residential Parking Requirements</i></p> <p><i>ii. <u>Minimum</u> 1 space per 2 units is required <u>provided</u> for Affordable or Senior Housing units.</i></p>

LUDR Section	Current LUDR Text	Proposed LUDR Revision and Rationale NB: Deleted text shown as strikeout and new text shown <u>underlined</u> .
	<p><i>d. Miscellaneous:</i> (1) See Section 13.D for Common Parking Standards.</p>	<ul style="list-style-type: none"> The intent of this amendment is to encourage the development of affordable and/or senior housing by reducing development costs. <p><i>d. Miscellaneous:</i> (1) <u>For multi-family and commercial development, see</u> See Section 13.D for Common Parking Standards.</p> <ul style="list-style-type: none"> Section 13.D includes Standards only applicable to commercial and multi-family development.
3.D.4	<p><i>BMS – Neighborhood General District</i> 4. Parking <i>c. Parking Requirements:</i> (2) Maximum 2 car garage door frontage.</p> <p><i>d. Miscellaneous:</i> (1) See Section 13.D for Common Parking Standards.</p>	<p><i>BMS – Neighborhood General District</i> 4. Parking <i>c. Parking Requirements:</i> (2) Maximum 2 car garage door frontage <u>on front load lots. On alley access lots, and front load lots developed with side-yard garage, 3 car garage door frontages are permitted.</u></p> <ul style="list-style-type: none"> The LUDR intent is to minimize the garage door dominance from the street by limiting a front-load house to a 2 car garage. However this issue is not present either where alley-load lots exist or where the house has a side-yard or side-loaded garage. In these instances the garage doors do not dominate the street view and 3 car garages can be permitted. <p><i>d. Miscellaneous:</i> <u>For multi-family and commercial development, see</u> Section 13.D for Common Parking Standards.</p> <ul style="list-style-type: none"> Section 13.D includes Standards only applicable to commercial and multi-family development.
3.E.3	<p><i>BMS – Neighborhood Edge District</i> 3. Building Profile and Type <i>b. Allowed Building Types</i> Refer to Section 8 for Building Type definitions and standards. (1) Single-Family – Alley Access (8.N) (2) Single-Family – Street Access (8.O) (3) Accessory Unit (8.P)</p>	<p><i>BMS – Neighborhood Edge District</i> 3. Building Profile and Type <i>b. Allowed Building Types</i> Refer to Section 8 for Building Type definitions and standards. (1) Single-Family – Alley Access (8.N) (2) Single-Family – Street Access (8.O) (3) Accessory Unit (8.P)</p> <p><u>An Accessory Storage Structure is allowed on lots .25 acre or greater if the following conditions are met:</u></p>

LUDR Section	Current LUDR Text	Proposed LUDR Revision and Rationale NB: Deleted text shown as strikeout and new text shown <u>underlined</u> .
		<p><u>(1) The maximum size, per floor, of the Accessory Storage Structure shall be less than 60% of the square foot footprint of the corresponding floor of the principal structure;</u> <u>(2) The design and massing of the Accessory Storage Structure shall be compatible with the principal structure;</u> <u>(3) The maximum width of the Accessory Storage Structure shall be no greater than the width of the principal structure;</u> <u>(4) Maximum number of stories permitted is 2, but in all cases not taller than the principal structure;</u> <u>(5) The Accessory Storage Structure is located in the rear yard and meets all side yard setback requirements.</u></p> <ul style="list-style-type: none"> The Neighborhood Edge District is the smallest BMS district by acreage yet it can contain lots that are in excess of 1 acre in size. On these larger lots an <u>Accessory Storage Structure</u> (new definition follows in the amendments to Section 14) can be allowed when it retains the scale and the stylistic compatibility of the principal structure.
3.E.4	<p><i>BMS – Neighborhood Edge District</i> 4. Parking</p> <p><i>d. Miscellaneous:</i> (1) See Section 13.D for Common Parking Standards. (2) parking and aisle dimensions per City of Richland standards – see RMC 23.54</p>	<p><i>BMS – Neighborhood Edge District</i> 4. Parking</p> <p><i>d. Miscellaneous:</i> (1)See Section 13.D for Common Parking Standards. (2) parking and aisle dimensions per City of Richland standards – see RMC 23.54</p> <ul style="list-style-type: none"> These miscellaneous standards apply to commercial structures and are not applicable in this district where only residential structures are permitted.
5.B	<i>Illustrative Plan for Civic Space Layout</i>	<p><u>Amend Illustration</u> (southern portion of the development; <u>see Exhibit 1 attached</u>)</p> <ul style="list-style-type: none"> Error in existing Illustration; Illustration indicates a particular development standard for a specific use, i.e., “Neighborhood Storage Area”, rather than showing location for Greenbelt.
5.C	<i>Greenway Parks</i> <i>e. Additional Required Amenities</i>	<i>Greenway Parks</i> <i>e. Additional Required Amenities</i>
5.C.3	(7) Dog park minimum 1.5 acres with perimeter fencing, (2) shade structures, and access to water (potable or irrigation).	(7) Dog park minimum 1.5 acres with perimeter fencing, (2) <u>(1) shade structures</u> , and access to water (potable or <u>and</u> irrigation).
5.C.4	(10) Dog park minimum 1.5 acres with perimeter fencing, (2)	(10) Dog park minimum 1.5 acres with perimeter fencing, (2) <u>(1) shade structures</u> , and access to water (potable or <u>and</u>

LUDR Section	Current LUDR Text	Proposed LUDR Revision and Rationale NB: Deleted text shown as strikeout and new text shown <u>underlined</u> .
	<i>shade structures, and access to water (potable or irrigation).</i>	<i>irrigation).</i> <ul style="list-style-type: none"> The amendment adds a requirement for year-round access to water for dog parks and reduces the number of required shelters in order to match the standard used for Local Parks less than 3 acres in size (see clarifying text below).
5.D.1	<p><i>Local Parks</i></p> <p><i>1. Description – Local Parks</i></p> <p><i>d. Standards</i></p> <p><i>(7) Shade structures.</i></p> <p><i>e. Additional Required Amenities</i></p> <p><i>(1) Each Local Park less than 3 acres will contain at least (3) three of the following additional amenities:</i></p> <p><i>i. Picnic area(s) with table/benches</i></p> <p><i>ii. Playground with (one) Age 3-8 play structure and (one) Age 9-12 play structure.</i></p> <p><i>iii. Fenced community garden</i></p> <p><i>iv. Open play field</i></p> <p><i>v. half-court basketball</i></p>	<p><i>Local Park</i></p> <p><i>1. Description – Local Parks</i></p> <p><i>d. Standards</i></p> <p><i>(7) Shade structures. <u>Local Parks less than 3 acres in size shall include one shade structure; Local Parks 3 acres and larger shall include 2 (two) shade structures.</u></i></p> <ul style="list-style-type: none"> Clarifies the LUDR requirements for numbers of shade structures required, based on park size. <p><i>e. Additional Required Amenities</i></p> <p><i>(1) Each Local Park less than 3 acres will contain at least (3) three of the following additional amenities:</i></p> <p><i>i. Picnic area(s) with table/benches</i></p> <p><i>ii. Playground with (one) Age 3-8 play structure and (one) Age 9-12 play structure <u>2 (two) multi-age structures/equipment. (Counts as meeting two additional amenities.)</u></i></p> <p><i>iii. Fenced community garden</i></p> <p><i>iv. Open play field</i></p> <p><i>v. half-court basketball <u>Sport court</u></i></p> <p><i>vi. <u>Or equivalent amenity.</u></i></p> <ul style="list-style-type: none"> The intent of the LUDR is to have parks with playground equipment that meets a variety of age-abilities. The new language favors the installation of broad age-range play equipment (by now counting this option as meeting two of the requirements) and expands the ways to meet the standard by including “sport court” and by allowing the installation of an “equivalent amenity”. The City’s Development Services Manager would determine that any proposed amenity is “equivalent.”

LUDR Section	Current LUDR Text	Proposed LUDR Revision and Rationale NB: Deleted text shown as strikeout and new text shown <u>underlined</u> .
5.F.d	<p><i>Village Green</i></p> <p><i>1. Description – Village Green</i></p> <p><i>d. Standards</i></p> <p><i>(1) Bordered by streets on all sides.</i></p>	<p><i>Village Green</i></p> <p><i>1. Description – Village Green</i></p> <p><i>d. Standards</i></p> <p><i>(1) <u>May be bordered by streets on one or more</u> all sides.</i></p> <ul style="list-style-type: none"> Increases the siting and design flexibility for the future Village Green.
5.G	<p><i>Block Parks</i></p> <p><i>1. Description – Block Parks</i></p> <p><i>a. Definition.</i></p> <p><i>A small open space intended to provide both structured and passive play areas. The landscaping may include lawn areas with formal or informal tree and shrub plantings. Hardscape areas with seating and a pedestrian path system should also be included. See Section 7.D for Block Open Space standards.</i></p> <p><i>d. Standards</i></p> <p><i>(1) Landscape and irrigation will be based on Landscape Guiding Principles, Section 11.B.</i></p> <p><i>(2) Landscape materials to be selected from 11.F Drought Tolerant and Native/Naturalized Plant List and/or 11.G Refined Plant List.</i></p> <p><i>(3) Lawn areas, ornamental tree(s) and shrub planting beds.</i></p> <p><i>(4) One tree for each 2,500 square feet of Block Park.</i></p> <p><i>(5) See Section 13.C for Site Improvement Standards for:</i></p> <p><i>i. Pedestrian-scale lighting</i></p> <p><i>ii. Minimum (1) Benches and/or removable seating</i></p> <p><i>iii. Tables</i></p> <p><i>iv. Trash/recycling receptacles</i></p>	<p><i>Block Parks</i></p> <p><i>1. Description – Block Parks</i></p> <p><i>a. Definition.</i></p> <p><i>A small open space intended to provide both structured and/or passive play areas <u>and/or areas for quiet reflection</u>. The landscaping may include lawn areas with formal or informal tree and shrub plantings. Hardscape areas with seating and a pedestrian path system should also be included. See Section 7.D for Block Open Space standards.</i></p> <ul style="list-style-type: none"> New text added which clarifies the intent that Block Parks are both areas for play as well as areas for “quiet reflection” i.e., non-play-specific places. <p><i>d. Standards</i></p> <p><i>(1) Landscape and irrigation will be based on Landscape Guiding Principles, Section 11.B.</i></p> <p><i>(2) Landscape materials to be selected from 11.F Drought Tolerant and Native/Naturalized Plant List and/or 11.G Refined Plant List.</i></p> <p><i>(3) Lawn areas, ornamental tree(s) and <u>a minimum of one shrub planting beds area with one shrub for each 250 square feet of Block Park.</u></i></p> <p><i>(4) One tree for each 2,500 square feet of Block Park.</i></p> <p><i>(5) <u>All Block Parks must also contain the following elements which conform to</u> See Section 13.C for Site Improvement Standards for:</i></p> <p><i>i. Pedestrian-scale lighting</i></p> <p><i>ii. Minimum (1) Benches and/or removable seating</i></p> <p><i>iii. Tables</i></p> <p><i>iv. Trash/recycling receptacles</i></p> <ul style="list-style-type: none"> This language clarifies the landscape requirements and eliminates the requirement for tables and trash receptacles in small Block Parks. The small Block Park is meant to be a place for adjacent neighbors to gather; eliminating the trash

LUDR Section	Current LUDR Text	Proposed LUDR Revision and Rationale NB: Deleted text shown as strikeout and new text shown <u>underlined</u> .
5.G	<p><i>e. Additional Required Amenities:</i> <i>Each Block Park will contain at least (2) two of the following additional amenities:</i></p> <ul style="list-style-type: none"> <i>(1) Specialty paved surfaces</i> <i>(2) Soft Surface playground with (one) play structure</i> <i>(3) Picnic table and chairs</i> <i>(4) Open play field (1-acre parks only)</i> <i>(5) Basketball court</i> <i>(6) Pea patch gardens</i> 	<p>receptacle reduces the likelihood of trash dumping by those outside the neighborhood. The new text also eliminates the requirement for “tables” but retains “picnic table” (in 5.G.e shown below) as an optional amenity.</p> <p><i>e. Additional Required Amenities:</i> <i>Each Block Park, <u>except those located within three blocks of a Local Park or a City Park</u>, will contain at least (2) two of the following additional amenities:</i></p> <ul style="list-style-type: none"> <i>(1) Specialty paved surfaces</i> <i>(2) Soft Surface playground with (one) play structure</i> <i>(3) Picnic table and chairs</i> <i>(4) Open play field (1-acre parks only)</i> <i>(5) Basketball court <u>Sport court</u></i> <i>(6) Pea patch gardens</i> <i>(7) <u>Other equivalent amenity</u></i> <ul style="list-style-type: none"> • An open play field is a desired amenity within any size Block Park as it fosters imaginative play. Benches and picnic tables are amenities better suited to a Block Park than are “chairs”. On the other hand, a “sport court” is better suited as an amenity within a smaller Block Park play area than a basketball court. Further, to encourage creativity in the design of Block Parks new text is added allowing an “equivalent amenity”. • The overall goal of this amendment is to add more emphasis for building out Local Parks and including more amenities within those community gathering places, while retaining the Block Park as an amenity for the adjacent or immediate neighbors.
5.H	<p><i>Greenbelts</i> <i>1. Description – Greenbelts</i></p> <p><i>c. Size</i></p> <ul style="list-style-type: none"> <i>(1) Building Frontage Greenbelt: 30 ft. minimum width</i> <i>(2) Greenbelt Medians: 60 ft. minimum width</i> <i>(3) All other locations: 25 ft. minimum width</i> 	<p><i>Greenbelts</i> <i>1. Description – Greenbelts</i></p> <p><i>c. Size</i></p> <ul style="list-style-type: none"> <i>(1) Building Frontage Greenbelt: 30 <u>28</u> ft. minimum width</i> <i>(2) Greenbelt Medians: 60 ft. minimum width</i> <i>(3) All other locations: 25 ft. minimum width</i> <ul style="list-style-type: none"> • Most Greenbelts front onto residences. Rather than constructing both a sidewalk and a trail within a 30’ width, the new standard will include a wider sidewalk at the property line, previously 5 ft now to 8 ft. (a 60% increase), and a 20 ft. wide tree lawn separating the pedestrian from adjacent vehicles. • This revision will promote a visually cleaner, tree-dominated and more elegant streetscape and less confusion over

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5.H	<p><i>d. Standards</i></p> <p><i>(8) Where buildings front onto a Greenbelt, a 5 ft. min. sidewalk located along the property line will be provided per Greenbelt Frontage Type 9.F.</i></p> <p><i>(9) See Section 13.C for Site Improvement standards for:</i></p> <p><i>i. Pedestrian-scale lighting (Primary Trails only)</i></p> <p><i>ii. Benches – (1) one minimum every ¼ mile</i></p> <p><i>iii. Tables</i></p> <p><i>iv. Trash and recycle receptacles</i></p> <p> </p> <p><i>e. Additional Required Amenities:</i> <i>Each Greenbelt will contain at least (2) two of the following additional amenities every 1 mile:</i></p> <p><i>(1) Mile marker indication element</i></p> <p><i>(2) Public art, per Section 13.C.10</i></p> <p><i>(3) Covered shelter</i></p> <p><i>(4) Tables and benches</i></p>	<p>maintenance of two public access ways.</p> <ul style="list-style-type: none"> Note that no sidewalk is required when fronting non-residential uses but in those cases, the provisions of the LUDR for Trails apply (see LUDR section 5.L). <p><i>d. Standards</i></p> <p><i>(8) Where buildings front onto a Greenbelt, <u>an 5 8 ft. min. sidewalk located along the property line will be provided per Greenbelt Frontage Type 9.F.</u></i></p> <p><i>(9) <u>All Greenbelts, except where the Greenbelt abuts residential use properties, must also contain the following elements which conform to</u> See Section 13.C for Site Improvement Standards for:</i></p> <p><i>i. Pedestrian-scale lighting, <u>unless adequate lighting is provided by street lighting from the adjacent Right of Way</u> (Primary Trails only)</i></p> <p><i>ii. Benches – (1) one minimum every ¼ ½ mile</i></p> <p><i>iii. Tables</i></p> <p><i>iii. iv. Trash and recycle receptacles <u>One trash and one recycling receptacle (may be a single unit with segregated elements) every mile, or located as required to facilitate servicing.</u></i></p> <ul style="list-style-type: none"> Clarifies the intent of the requirement by matching the Frontage Type description. Sites benches and trash containers strategically and reduces excess numbers. Allows for lighting provided by adjacent street lighting to be considered as meeting the pedestrian lighting requirements. Matches standard from Section 13.C.6.c. <p><i>e. Additional Required Amenities:</i> <i>Each Greenbelt will contain at least (2) two of the following additional amenities every 1 mile:</i></p> <p><i>(1) Mile marker indication element</i></p> <p><i>(2) Public art, per Section 13.C.10</i></p> <p><i>(3) Covered shelter</i></p> <p><i>(4) Tables and benches</i></p> <ul style="list-style-type: none"> Removes “covered shelter” and “tables and benches” as amenities not conducive to be sited in front of a single-family residence. “Benches” however are still required every ½ mile within a Greenbelt that does not front onto a residential use.

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5.J	<p><i>Trails Introduction</i></p> <p><i>The Illustrative Plan for Trail Layout and Trail Types identifies the location of the proposed trail system in Badger Mountain South. Four types of trails will be built within the community – Urban Trails located within the commercial centers; paved Primary and City primary Trails for multi-use; soft surface Secondary trails for walking and jogging; and an Equestrian Trail connection located at the eastern edge of the community that will link to an existing equestrian trail. There will be approximately 20 miles of trails of all types when the trail system is complete.</i></p> <p><i>NEW TEXT</i></p>	<p><i>Trails Introduction</i></p> <p><i>The Illustrative Plan for Trail Layout and Trail Types identifies the location of the proposed trail system in Badger Mountain South. Four types of trails will be built within the community – Urban Trails located within the commercial centers; paved Primary and City primary Trails for multi-use; soft surface Secondary Trails for walking and jogging; and an Equestrian Trail connection located at the eastern edge of the community that will link to an existing equestrian trail. There will be approximately 20 miles of trails of all types when the trail system is complete.</i></p> <p><u><i>Two Trail Types are located in the Greenway Parks; City Primary Trails and Secondary Trails. These trails are intended to be the cross-community trail system that links all neighborhoods within Badger Mountain South. The City Primary Trail meanders within the Greenway Parks, sometimes near the adjoining streets, but primarily away from the streets and within the Greenway Park itself. Secondary Trails act as connector trails which link one side of the Greenway Park to the other or to the City Primary Trail.</i></u></p> <ul style="list-style-type: none"> • New text is added to the Trails Introduction to further clarify the function and siting of trails within the three large Greenway Parks.
5.K	<i>Illustrative Plan for Trail Layout and Trail Types</i>	<p><i>Illustrative Plan for Trail Layout and Trail Types</i></p> <p>See Exhibit 2 clarifies trails located within the large, Greenway Parks.</p>
5.L	<p><i>Trails</i></p> <p><i>1. Description - Urban Trails</i></p> <p><i>d. Standards</i></p> <p><i>(1) Various, paved surfaces</i></p> <p><i>(4) Provide appropriate lighting for after-dark use.</i></p>	<p><i>Trails</i></p> <p><i>1. Urban Trails</i></p> <p><i>d. Standards</i></p> <p><i>(1)) Various, Principally concrete but other paved surfaces permitted based on overall site design.</i></p> <p><i>(4) Provide appropriate lighting for after-dark use <u>which may be provided by street lighting located in the adjacent Right of Way.</u></i></p> <ul style="list-style-type: none"> • Acknowledges that street lighting may be an acceptable way to keep adjacent trails lit when the trail is contiguous with the ROW.

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5.L	<p><i>Trails</i></p> <p><i>2.Primary Trails</i></p> <p><i>a. Definition – Primary Trails will serve as a multi-modal system throughout the community. They are intended to foster connectivity, encourage healthy activities, and provide transportation options.</i></p> <p><i>c. Size</i> <i>(2) City Primary Trails width: 12 ft. asphalt with 1 ft. gravel shoulder on both sides.</i></p> <p><i>d. Standards</i> <i>(2) Will serve as a multi-use bicycle and pedestrian trail.</i> <i>(3) Provide appropriate lighting for after-dark use.</i> <i>(4) Provide (1) 5-ft. composite plastic bench min. every ¼ mile, per Section 13.C.4.</i></p>	<p><i>Trails</i></p> <p><i>2.Primary Trails</i></p> <p><i>a. Definition – Primary Trails will serve as a multi-modal system throughout the community. They are intended to foster connectivity, encourage healthy activities, and provide transportation options. <u>When found adjacent to residential or other structures, the Primary Trail will be concrete and will also function as sidewalk in these areas.</u></i></p> <ul style="list-style-type: none"> Clarifying the intent of the Primary Trail to also function as a sidewalk and be constructed on concrete in certain conditions. <p><i>c. Size</i> <i>(2) City Primary Trails width: 12 ft asphalt with <u>1- 2 ft.</u> gravel shoulder on one side both sides.</i></p> <ul style="list-style-type: none"> Total width remains the same but the gravel portion of the trail is combined for a wider gravel shoulder. This provides a more stable running surface than 1 ft. wide shoulder and is easier to maintain than two 1 ft. gravel shoulders. See illustrative amendment in Exhibit 3, attached. <p><i>d. Standards</i> <i>(2) Will serve as a multi-use bicycle and pedestrian trail</i> <i>(3) (2) Provide appropriate lighting for after-dark use</i> <u><i>which may be provided by street lighting located in the adjacent Right of Way.</i></u> <i>(4) (3) Provide (1) 5-ft. composite plastic bench min. every ¼ ½ mile, per Section 13.C.4, except where the Greenbelt abuts single-family residential properties.</i></p> <ul style="list-style-type: none"> Deletes item (2) as this is redundant with the intent statement and it is not a standard. New text acknowledges that street lighting may be an acceptable way to keep trails lit when they lie near street lighting. Revision clarifies goal to use recycled materials and eliminates potential conflicts with adjoining residential uses.

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6.A	<p>Introduction, 2nd paragraph</p> <p>Section 6 also introduces the concept of “edge types” which are the pedestrian and landscape elements within the right-of-way. An edge type will be one of three styles that vary based on the adjoining land use. Any street may have different edge types if the land uses on either side of the street are different or if one side of the street is an element of the identified trail system. The standards for each street and edge type are identified in Sections 6.C. through 6.F. Note that collector street sections may be increased when needed to manage higher traffic volumes. Internal site access ways are permitted subject to City review for adequate emergency and refuse collection access.</p> <p>Edge Type Legend</p> <p>■ Edge Type B: Trail in adjacent open space or property</p> <p>NEW TEXT</p>	<p>Introduction, 2nd paragraph</p> <p>Section 6 also introduces the concept of “edge types” which are the pedestrian and landscape elements within the right-of-way. An edge type will be one of three <u>four</u> styles that vary based on the adjoining land use. Any street may have different edge types if the land uses on either side of the street are different or if one side of the street is an element of the identified trail system. The standards for each street and edge type are identified in Sections 6.C. through 6.F.</p> <p>Note that collector street sections may be increased when needed to manage higher traffic volumes. Internal site access ways are permitted subject to City review for adequate emergency and refuse collection access.</p> <ul style="list-style-type: none"> A new edge type is being introduced with this LUDR amendment because as development progresses within Badger Mountain South, some existing LUDR requirements are either unclear or would be better revised to meet the original development intent. The new edge type, Edge Type D, would apply to both the 2-Lane Arterial Collector Street and the Collector Street when either street type abuts one of the large Greenway Parks. More discussion is found below. A new paragraph is introduced into the existing text for easier readability. <p>Edge Type Legend</p> <p>■ Edge Type B: Trail in adjacent open space or property <u>8 ft. non-meandering Trail adjacent to developed lot.</u></p> <ul style="list-style-type: none"> When Edge Type B is adjacent to developed lots, it is intended to be an 8 ft. concrete sidewalk, acting as the Trail, with an abutting 20 ft. tree lawn. This will result in a gracious and inviting edge to the neighborhood. <p>■ <u>Edge Type D: Greenway Park Edge</u></p> <ul style="list-style-type: none"> The new Edge Type clarifies what happens as the street edge that lies adjacent to one of the three Greenway Parks. It does two things: first, it is intended to create a different landscape character to these large areas of open space and second, it eliminates the sidewalk found in other edge types because people will be crossing the Greenway Parks by trails. By eliminating the sidewalk adjacent to the Greenway Park, (except on streets which cross the Greenway Parks) it will reduce future maintenance issues for the City as sidewalks here would not have an adjoining property owner to maintain them.

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6.B	<p><i>Regulating Plan for Streets</i></p> <p><i>NOTE: Local streets and alleys are for illustrative purposes only.</i></p>	<p><i>Regulating Plan for Streets</i></p> <p><i>Amend Illustration and related “Note.” See Exhibit 4, attached.</i></p> <p><i>NOTE: Local streets and alleys are for illustrative purposes only. <u>Street layouts and locations are shown for illustrative purposes and may differ from actual plat submittal so long as circulation relationships are maintained.</u></i></p> <ul style="list-style-type: none"> Fine tuning for street layouts comes at platting because then grades and lot layouts are clearly identified. However the overarching goal of providing connectivity within and to neighborhoods is maintained.
6.C 6.D 6.E 6.F 6.F.1	<i>Edge Type B in all Street Profiles</i>	<p><i>Edge Type B in all Street Profiles</i></p> <p><i>See Exhibits 5, 5.1 and 5.2</i></p> <ul style="list-style-type: none"> This amendment is needed for two reasons: (1) the Illustration now shown in the LUDR is incorrect as to ROW line and ROW widths; and (2) the Greenbelt Frontage Type is changing from a sidewalk and a trail within a 30 ft wide space to a 28 ft. wide space that has both a 20 ft. tree lawn and an 8 ft. wide sidewalk, acting as the Trail, when the Greenbelt fronts onto developed lots.
6.D 6.E	<p><i>2-lane Arterial Collector Street</i></p> <p><i>Collector Street</i></p> <p><i>NEW TEXT</i></p>	<p><i>2-lane Arterial Collector Street</i></p> <p><i>Collector Street</i></p> <p><i>New Edge Type D to be added; See Exhibits 5 and 5.1</i></p> <ul style="list-style-type: none"> Edge Type D will apply when the street abuts one of the three, large Greenway Parks. This new edge type will distinguish the street edge when it abuts houses or commercial uses (existing Edge Types A, B, or C) from the street edge when it is defining the edge of a Greenway Park. The Greenway Park street edge will not include sidewalks or street trees as found with the existing three edge types. It will include areas of significant landscape at street intersections and in other discrete areas that parallel the right-of-way. The landscape character will include principally evergreen trees, drought tolerant shrubs and grasses. In this way the Greenway Parks will establish a distinct identity from other areas of open space within Badger Mountain South. Connections through the Greenway Parks will be on City Primary Trails and on Secondary Trails, as well as on sidewalks on the crossing streets.

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7.C.4	<p><i>Alleys / Street Access</i></p> <p><i>e. Blocks with direct street access lots (i.e., without Alleys) are to be limited in use per the following criteria:</i></p> <p><i>(2) In order to maintain a pedestrian environment with limited interruptions from cars on at least one side of the street, no two blocks across a street may be street accessed except in the BMS-NE District.</i></p>	<p><i>Alleys / Street Access</i></p> <p><i>e. Blocks with direct street access lots (i.e., without Alleys) are to be limited in use per the following criteria:</i></p> <p><i>(2) In order to maintain a pedestrian environment with limited interruptions from cars on at least one side of the street, no two blocks across a street may be street accessed except in the BMS-NE District. <u>This standard shall not apply when one of the following conditions exist: when blocks are 325 ft. or less in length; or, when grade differences across blocks exceed 4 ft. Provided that on blocks that exceed 325 ft., no two parallel streets may abut blocks that have street-accessed lots on all block faces.</u></i></p> <ul style="list-style-type: none"> • New text will allow flexibility in designing subdivisions and better access to lots when (1) short blocks fit into the neighborhood layout and (2) topography makes lot access difficult in an alley lot configuration. For example, steeper slopes, compound slopes and slope direction can greatly impact access to individual lots, particularly when alleys are involved and slope conditions often exist for more than one block. New language will help to provide flexibility in circulation design using existing conditions as much as possible. • New text will also diversify the neighborhood character while meeting market demand. • Pedestrian access as a core principle will be maintained with the last condition.
7.C.4		
7.D.2	<p><i>Block Open Space Standards</i></p> <p><i>2. Block Open Space Dimensions</i></p> <p><i>a. Width: 50 ft. minimum*</i></p> <p><i>*Width is allowed to narrow to 15 ft. minimum to create a sense of enclosure from the street.</i></p>	<p><i>Block Open Space Standards</i></p> <p><i>2. Block Open Space Dimensions</i></p> <p><i>a. Width: 50 ft. minimum*</i></p> <p><i>*Width is allowed to narrow to 15 ft. minimum to create a sense of enclosure from the street <u>or to provide a linear Block Park experience.</u></i></p> <ul style="list-style-type: none"> • There may be instances when a Block Park is designed to be a narrow area suitable for landscaping and quiet contemplation.

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8.C	<i>Building Type Standards</i> <i>Common Design Standards for All Districts</i>	<i>Building Type Standards</i> <i>Common Design Standards for All <u>Commercial Districts and Projects</u></i> <ul style="list-style-type: none"> This added language to the title clarifies that the design standards found here are directed towards commercial projects and districts, not towards single family home construction.
8.I.4	<i>Row House</i> <i>4. Lot Size</i> <i>b. Depth: Minimum 70 ft. (with attached garage)</i> <i>Maximum 100 ft. (with detached garage)</i>	<i>Row House</i> <i>4. Lot Size</i> <i>b. Depth: Minimum 70 ft. (with attached garage)</i> <i>Maximum 100 ft. (with detached garage)</i> <ul style="list-style-type: none"> Designers for this Housing Type have identified that eliminating the “maximum depth” will increase the desirability to build this Building Type because the new standard adds flexibility for dealing with grades and alleys. This is critical when alley grades approach 5% or greater as is the case in many areas of Badger Mountain South.
8.K.4 8.K.4	<i>Mansion Apartment</i> <i>4. Lot Size</i> <i>b. Depth: Minimum 70 ft. (with attached garage)</i> <i>Maximum 100 ft. (with detached garage)</i>	<i>Mansion Apartment</i> <i>4. Lot Size</i> <i>b. Depth: Minimum 70 ft. (with attached garage)</i> <i>Maximum 100 ft. (with detached garage)</i> <ul style="list-style-type: none"> Similar to the Row House above, designers for this Housing Type have identified that eliminating the “maximum depth” will increase the desirability to build this Building Type. This is because flexibility in depth allows enough space for parking, open space and driveways.
8.L	<i>Paired House (Duplex)</i> <i>3. Streetscape</i> <i>a. In order to maintain the scale and context of a Single-family house, entries in multiple units shall use one Frontage Type.</i> <i>b. The use of corner lots for paired Houses is encouraged.</i> <i>Corner lots are ideally suited for the Building type providing for individual unit entries on both street frontages and</i>	<i>Paired House (Duplex)</i> <i>NOTE: Last photograph example in LUDR to be replaced by new image, see Exhibit 6.</i> <i>3. Streetscape</i> <i>a. In order to maintain the scale and context of a Single-family house, entries in multiple units shall use one Frontage Type.</i> <i>b. The use of corner lots for Paired Houses is encouraged. Corner lots are ideally suited for the Building type providing for individual unit entries on both street frontages and allowing this Multi-family housing type to blend more easily with adjacent Single-family houses.</i>

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8.L	<p>allowing this Multi-family housing type to blend more easily with adjacent Single-family houses. c.(new text)</p> <p>4. Lot Size a. Width: Minimum 50 ft., Maximum 70 ft.</p> <p>5. Access c. Garages and services shall be accessed from the rear Ally. This Type is not allowed on a lot without an Alley.</p> <p>d. Services, including utility access, above ground equipment and trash containers shall be located off of the Alley.</p> <p>11. Parking a. Parking may be provided in attached or detached parking garages accessed from the Alley.</p> <p>f. Additional surface parking may be provided adjacent to garage for Accessory Unit or Home Occupation use. Parking shall be setback 20 Ft. from Alley easement and shall be</p>	<p><u>c. On any block that contains four or fewer lots, Paired Houses are limited to one per block and the lot upon which the Paired House is allowed must be identified on the plat face.</u></p> <ul style="list-style-type: none"> Eliminates the situation where small blocks would be dominated by the Paired House Building Type. <p>4. Lot Size a. Width: Minimum 50 ft., Maximum 70 ft.<u>*see 5.c. below for alternate width conditions.</u></p> <p>5. Access c. <u>The preferred access for garages and services</u> shall be accessed from <u>is the rear Ally. This Type is not allowed on a lot without an Alley. When built on streets with front access residences, lot must be a min. width of 100 ft. and driveways set apart by 30 ft., or, lot may be 80 ft. min. width with shared drive to rear garage (side yard driveway access). When built on a corner lot condition, maximum width will be 74 ft. to allow a 10 ft. side yard.</u></p> <p>d. Services, including utility access, above ground equipment and trash containers shall be located off of the Alley, <u>where present.</u></p> <ul style="list-style-type: none"> Elsewhere in the LUDR is the requirement for a minimum of two building types on each block (LUDR 7.C.a). Yet on lots with front load residences only single family front load houses and accessory units are actually available to be built due to other Building Type restrictions. This new language will now allow a Paired House Type (duplex) to also be built on these lots further increasing opportunities for density and diversity in single family neighborhoods. <p>11. Parking a. Parking may be provided in attached or detached parking garages accessed from the Alley <u>where provided. When built on a front load lot, garages shall be set back a minimum of 4 ft. from the front door or 16 ft. or more from the main front façade (side yard driveway access).</u></p> <ul style="list-style-type: none"> New language matches standards for street-access single-family house. <p>f. Additional surface parking, <u>with a minimum depth of 20 ft., may be provided adjacent to garage.</u> for Accessory Unit or Home Occupation use. Parking shall be setback 20 Ft. from Alley easement, and shall be screened from the Primary or Secondary streets by either placement behind a structure, by fencing per Sec.13.A.1 and/or landscaped per Sec. 11.C.7.c</p>

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	<i>screened from the Primary or Secondary streets by either placement behind a structure, by fencing per Sec.13.A.1 and/or landscaped per Sec. 11.C.7.c</i>	<ul style="list-style-type: none"> Adds clarity by allowing additional surface parking as desired by the homeowner and corrects typographical error as to the 20 ft. requirement.
8.N	<p><i>Single-family House – Alley Access</i> <i>2. Applicable Districts</i></p> <p><i>a. Neighborhood General (BMS-NG) (3.D)</i> <i>b. Neighborhood Edge (BMS-NE) (3.E)</i></p> <p><i>11. Parking</i></p> <p><i>f. Additional surface parking may be provided adjacent to garage for Accessory Unit or Homes Occupation use. Parking shall be setback 20 ft. from Alley easement and shall be screened from the Primary and Secondary Streets by either placement behind a structure, by fencing per Section 13.A.1 and/or landscaped per section 11.C.7.c.</i></p>	<p><i>Single-family House – Alley Access</i> <i>2. Applicable Districts</i></p> <p><i>a. <u>Neighborhood Collector (BMS-NC) (3.C)</u></i> <i>b. Neighborhood General (BMS-NG) (3.D)</i> <i>c. Neighborhood Edge (BMS-NE) (3.E)</i></p> <ul style="list-style-type: none"> Identifies a new Building Type for the Neighborhood Collector District to allow a greater variety of housing types within the district. <p><i>11. Parking</i></p> <p><i>f. Additional surface parking, <u>with a minimum depth of 20 ft.</u>, may be provided adjacent to garage. for Accessory Unit or Homes Occupation use. Parking shall be setback 20 ft. from Alley easement and shall be screened from the Primary and Secondary Streets by either placement behind a structure, by fencing per Section 13.A.1 and/or landscaped per section 11.C.7.c.</i></p> <ul style="list-style-type: none"> Adds clarity by allowing additional surface parking as desired by the homeowner and corrects typographical error as to the 20 ft. requirement.
8.O	<p><i>Single-family House – Street Access</i></p> <p><i>5. Access</i> <i>c.(1) Provide a single lane up to 10 ft. wide along the side yard. At a distance of not less than 30 ft. from the front property line, the driveway may widen to 20 ft. to provide access to the garage.</i></p>	<p><i>Single-family House – Street Access</i> <i>NOTE: Last photograph will be replaced with new image illustrating new text added in 6.c.(5) as described below and shown in Exhibit 7.</i></p> <p><i>5. Access</i> <i>c.(1) Provide a single lane up to 10 ft. wide along the side yard. At a distance of not less than 30 ft. from the front property line, the driveway may widen to 20 ft. to provide access to the garage.</i></p> <ul style="list-style-type: none"> Text is replaced by new definition within Glossary, Section 14, for side yard driveway condition.

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8.O	<p>6. Building Size and Massing</p> <p>c. Garages shall be secondary to the front elevation of the house.</p> <p>(4) If an attached garage is setback 16 ft. or more from the main façade of the house, it shall be considered as a side yard driveway condition per 5.c block face percentage calculation.</p> <p>(5) (new text)</p>	<p>6. Building Size and Massing</p> <p>c. Garages shall be secondary to the front elevation of the house <u>and in no case may the garage be more than 40 percent of the structure façade when directly facing the street.</u></p> <p>(4) If an attached garage is setback 16 ft. or more from the main façade of the house, <u>or if the conditions of c.(5) below are met</u>, it shall be considered as a side yard driveway condition per 5.c block face percentage calculation.</p> <p><u>(5) A garage may be part of a front façade when the garage has a side driveway condition. In these instances, the garage portion of the façade facing the street will feature design elements to match the residence. These elements may include similar window types, an upper story, and/or further architectural articulation complementary to the principal structure.</u></p> <ul style="list-style-type: none"> • The LUDR requires that houses on front access lots have at least 40% per block face with a “side yard driveway condition”, see new definition in Glossary, Section 14 below. With this amendment the front-accessed garage may extend beyond the residence portion of the front façade when the garage has a side garage entrance. This design feature will increase the variety, interest and diversity of the streetscape, a desired LUDR outcome, and will count towards meeting the 40% requirement.
9.F	<p>Frontage Type: Greenbelt</p> <p>4. Standards</p> <p>d. A 5 ft. min. sidewalk located along the property line will provide public access for adjacent buildings.</p> <p>e. A Primary or Secondary Trail will meander through the Greenbelt, see 5.K Illustrative Trail Layout Plan.</p> <p>f. The Greenbelt shall be a minimum of 30 ft. deep along building Frontages.</p>	<p>Frontage Types: Greenbelt</p> <p><u>NOTE: Illustration will be replaced, see Exhibit 8.</u></p> <p>4. Standards</p> <p>d. A <u>5 8</u> ft. min. sidewalk located along the property line will provide public access for adjacent buildings.</p> <p>e. A Primary or Secondary Trail will meander through the Greenbelt, see 5.K Illustrative Trail Layout Plan. <u>When a Primary Trail is co-located within a Greenbelt, the Trail shall take on the development standards of the Greenbelt and no additional sidewalk is required.</u></p> <p>f. The Greenbelt shall be a minimum of 30 <u>28</u> ft. deep along <u>residential</u> building Frontages.</p> <ul style="list-style-type: none"> • The amendment proposed increases the Trail width (now also serving as a sidewalk) and includes a 20 ft tree lawn. It eliminates the double sidewalk/trail configuration for a more urban look and feel to the neighborhoods. It protects

LUDR Section	Current LUDR Text	Proposed LUDR Revision and Rationale NB: Deleted text shown as strikeout and new text shown <u>underlined</u> .
		pedestrians better by having a 20 ft. tree lawn between the sidewalk and street and allows for a tree-dominated street frontage.
9.G	<p><i>4. Standards</i></p> <p><i>c. Elements: Porch shall be no less than 6 ft. deep to allow for usable seating area. Upper floor decks are permitted above the Porch.</i></p>	<p><i>4. Standards</i></p> <p><i>c. Elements: Porch shall be no less than 6 ft. deep to allow for usable seating area. <u>However, the Porch may be reduced to a depth of 4.5 ft. to meet house architectural style requirements.</u> Upper floor decks are permitted above the Porch.</i></p> <ul style="list-style-type: none"> Some architectural styles may be better suited to a Porch of less depth in order to maintain stylistic integrity; in those limited instances then Porch may be reduced by 1.5 ft. as needed
11.C	<p><i>3.Street Frontage/Median Landscape</i></p> <p><i>d. Street tree minimum size at installation as follows:</i> <i>(1) Arterial Street – 3” caliper</i> <i>(2) Collector Street - 2 ½” caliper</i> <i>(3) Local Street - 2 ½” caliper</i></p>	<p><i>3.Street Frontage/Median Landscape</i></p> <p><i>d. Street tree minimum size at installation as follows:</i> <i>(1) Arterial Street – <u>2”-3”</u> caliper</i> <i>(2) Collector Street - 2 ½” caliper</i> <i>(3) Local Street - 2 ½” caliper</i></p> <ul style="list-style-type: none"> This amendment acknowledges that finding sufficient numbers of larger caliper trees is very difficult for the landscape suppliers. The project Landscape Architect also recommends a 2” caliper tree as more likely to survive transplanting, which is critical given the numbers of trees to be planted in Badger Mountain South.
11.D	<p><i>Landscape Standards</i> <i>Civic and Commercial District Standards</i> <i>2. Submittal Process</i></p> <p><i>a. All development permit applications for civic, commercial, and multi-family buildings are required to submit a landscape plan.</i></p>	<p><i>Landscape Standards</i> <i>Civic and Commercial District Standards</i> <i>2. Submittal Process</i></p> <p><i>a. All development permit applications for civic, commercial, and multi-family buildings are required to submit a landscape plan. <u>A “landscape” plan will include all areas of plazas, hardscape gathering places as well as planted areas; these areas will all count towards meeting the overall landscape requirements.</u></i></p> <ul style="list-style-type: none"> The new text acknowledges that areas of “hardscape,” such as found in plazas or other gathering places, are desirable and will be considered as part of the overall “landscape” requirement. In this way these gathering places can be encouraged to be built.

LUDR Section	Current LUDR Text	Proposed LUDR Revision and Rationale NB: Deleted text shown as strikeout and new text shown <u>underlined</u> .
	<i>b. Civic and commercial development proposals will include 30 percent landscape coverage of the site.</i>	<p><i>b. Civic and commercial development proposals will include 30 <u>10</u> percent landscape coverage of the site. <u>The Master Developer of a commercial area may set aside common areas that meet this requirement rather than meeting it on a parcel by parcel basis.</u></i></p> <ul style="list-style-type: none"> The original percentage of landscaping provided in the LUDR was an error and is corrected with this amendment. New text allows the Master Developer of commercial properties to consider the whole of his/her development to identify the best way to meet this standard.
11.E	<p><i>Landscape Standards</i> <i>Residential Standards</i> 1. Single Family Residential e. Side Yard (3) Use of perennials, ornamental grasses, shrubs, vines and /or groundcovers.</p> <p>2. Multi-Family Residential e. Side Yard (3) Use of perennials, ornamental grasses, shrubs, vines and /or groundcovers.</p> <p>3. Courtyard Residential e. Side Yard (3) Use of perennials, ornamental grasses, shrubs, vines and /or groundcovers.</p>	<p><i>Landscape Standards</i> <i>Residential Standards</i> 1. Single Family Residential e. Side Yard (3) Use of perennials, ornamental grasses, shrubs, vines, and /or groundcovers <u>and /or useable lawn.</u></p> <p>2. Multi-Family Residential e. Side Yard (3) Use of perennials, ornamental grasses, shrubs, vines, and /or groundcovers <u>and /or useable lawn.</u></p> <p>3. Courtyard Residential e. Side Yard (3) Use of perennials, ornamental grasses, shrubs, vines, and /or groundcovers <u>and /or useable lawn.</u></p> <ul style="list-style-type: none"> New text increases landscape flexibility for side yards for all types of residential.
12.C	<p><i>Sustainability Standards</i> <i>Common Standards</i> 1. Energy</p> <p><i>c. Include building space, conduits and roof support for future addition of solar hot water and photovoltaic systems on every building.</i></p>	<p><i>Sustainability Standards</i> <i>Common Standards</i> 1. Energy</p> <p><i>c. Include building space, conduits and roof support for future addition of solar hot water or and photovoltaic systems on every building.<u>-When provided, the use of geo-thermal may substitute for the above requirement. Geo-thermal wells and related infrastructure is permitted in all setback areas.</u></i></p> <ul style="list-style-type: none"> The existing standard is being amended to allow a homebuilder/owner to meet the community's sustainable standards in a variety of ways. New text allows an alternate energy efficient method provided by geo-thermal wells

LUDR Section	Current LUDR Text	Proposed LUDR Revision and Rationale NB: Deleted text shown as strikeout and new text shown <u>underlined</u> .
12.C	<p>3. Exterior Lighting</p> <p>a. Only light areas as required for safety and comfort. Maintain safe light levels while avoiding off-site lighting and night sky pollution. Minimize site lighting where possible. Computer modeling of the site lighting is encouraged. Technologies to reduce light pollution include full cutoff luminaires, low reflectance, and low-angle spotlights.</p> <p>b. Lighting power densities must not exceed ANSI/ASHRAE/IESNA Standard 90.1 – (current year) for the classified zone.</p> <p>c. Meet exterior lighting control requirements from ANSI/ASHRAE/IESNA Standard 90.1 – (current year).</p> <p>d. The site areas shall be classified under the following zones, as defined in the IESNA RP-33:</p> <p>(1) LZ2 – Low (primarily residential zones, neighborhood business districts, and residential mixed use areas). Applicable in: BMS-NG, BMS –NE, BMS-NC, and BMS-CIVIC Districts.</p> <p>(2) LZ-3 Medium (areas such as commercial and high-density residential). Applicable in: BMS-VMU, BMS – SD-CMU, BMS-SD-SR, and BMS-SD-DR Districts.</p> <p>e. Follow all the requirements for the zone that applies to the development proposed as found in ANSI/ASHRAE/IESNA Standard 90.1 – (current year).</p>	<p>to be accommodated.</p> <p>3. Exterior Lighting</p> <p>a. Goals: Only light areas as required for safety and comfort. Nighttime building illumination should be elegant and reinforce prominent building design elements yet avoid <u>Maintain safe light levels while avoiding</u> off-site lighting and night sky pollution. Minimize site lighting where possible. Technologies to reduce light pollution include full cutoff luminaires, low reflectance, and low-angle spotlights. Computer modeling of the <u>commercial project's</u> site lighting is encouraged.</p> <p>a. <u>For all Buildings Except Low Rise Residential (under four stories:)</u></p> <p>b. (1) Submit a Lighting Plan, depicted on the site plan, for all projects with four or more exterior fixtures. The Lighting Plan must include all elements as found in the Glossary for "Lighting Plan".</p> <p>(2) Lighting power densities must not exceed ANSI/ASHRAE/IESNA Standard 90.1 –<u>2010</u> (current year) <u>for the classified zone.</u></p> <p>c. (3) Meet exterior lighting control requirements from ANSI/ASHRAE/IESNA Standard 90.1 – 2010 (current year).</p> <p>d. The site areas shall be classified under the following zones, as defined in the IESNA RP-33:</p> <p>(1) LZ2 – Low (primarily residential zones, neighborhood business districts, and residential mixed use areas). Applicable in: BMS-NG, BMS –NE, BMS-NC, and BMS-CIVIC Districts.</p> <p>(2) LZ-3 Medium (areas such as commercial and high-density residential). Applicable in: BMS-VMU, BMS –SD-CMU, BMS-SD-SR, and BMS-SD-DR Districts.</p> <p>e. (4) Follow all the requirements for the zone that applies to the development proposed as found in ANSI/ASHRAE/IESNA Standard 90.1 – 2010. (current year).</p> <p><u>b. For all Low Rise Residential Buildings (under four stories)</u></p>

LUDR Section	Current LUDR Text	Proposed LUDR Revision and Rationale NB: Deleted text shown as strikeout and new text shown <u>underlined</u> .
		<p><u>(1) Lighting fixtures shall have translucent covers that eliminate glare and have full cutoff features/shielding to prevent direct light from the fixture to shine beyond the property limits where the fixture is installed.</u></p> <p><u>(2) Lights of less than 15 watts used for holiday decoration are exempt.</u></p> <p><u>(3) Lighting for U.S. flags intended to be properly displayed at night is exempt.</u></p> <ul style="list-style-type: none"> This standard is being clarified because as originally written it appears that the ANSI/ASHRAE/IESNA Standard 90.1 applies to single family and low rise residential when it actually does not. Also, since the LUDR was published, the IESNA RP-33 standard was withdrawn without a replacement yet promulgated. It also segregates standards for single-family and smaller projects (under four stories) from those for larger projects.
13.A	<p><i>Fencing</i> <i>b. Standards</i></p> <p><i>(10) Fences designed to screen trash receptacles, recycling containers and similar, must match the style and materials of other fencing on the lot but must be one ft. higher than object being screened.</i></p>	<p><i>Fencing</i> <i>b. Standards</i></p> <p><i>(10) Fences designed to screen trash receptacles, recycling containers and similar, must match the style and materials of other fencing on the lot but must be one ft. higher than object being screened.</i> <u><i>When trash receptacles, recycling containers and similar are stored outside of a building or other structure, they must be screened with a sight obscuring fence which matches the style and materials of other fencing on the lot and must be one ft. higher than object being screened.</i></u></p> <ul style="list-style-type: none"> This amendment acknowledges that trash and other receptacles can be stored either within a structure or outside and when stored outside the fencing used must be site obscuring.
13.B	<p><i>Signage</i> <i>1. Signage Standards – All Districts</i> <i>f. Sign Lighting</i> <i>(1) Signs may not be top lit with single or multiple sources. The light source may not be visible from any public right of way and may not shine up into the night sky; refer to IESNA RP-33 Light Zone 3 standards. Seasonal decorative lighting is permitted.</i></p>	<p><i>Signage</i> <i>1. Signage Standards – All Districts</i> <i>f. Sign Lighting</i> <i>(1) Signs may not be top lit with single or multiple sources. The light source may not be visible from any public right of way and may not shine up into the night sky; refer to IESNA RP-33 Light Zone 3 standards. Seasonal decorative lighting is permitted.</i></p> <ul style="list-style-type: none"> This amendment eliminates the specific IESNA standard reference which is no longer in effect.

LUDR Section	Current LUDR Text	Proposed LUDR Revision and Rationale NB: Deleted text shown as strikeout and new text shown <u>underlined</u> .
13.C	<p><i>Site Improvement Standards</i></p> <p><i>7. Tree Grates</i></p> <p><i>a. Shall be provided at base of street trees in BMS-SD-SR, CMU, DR AND BMS-VMU Districts and shall be made from commercial grade metals. Tree grates may also be used in the BMS-NC District at street frontages along ground floor commercial uses.</i></p>	<p><i>Site Improvement Standards</i></p> <p><i>7. Tree Grates</i></p> <p><i>a. Shall be provided at base of street trees <u>along arterial collector streets, except where frontage also includes a Trail Type</u>, in BMS-SD-SR, CMU, DR AND BMS-VMU Districts and shall be made from commercial grade metals. Tree grates may also be used in the BMS-NC District at street frontages along ground floor commercial uses.</i></p> <ul style="list-style-type: none"> Clarifies the intent to create an urban streetscape look in the commercial districts along major arterials, except where a Trail Type is co-located and within the BMS-Specialty District-Specialty Retail (the future Wine Village) where the streetscape is meant to invoke an “agricultural look” from the accompanying vineyards.
14	New text	<p><u>Accessory Storage Structures.</u></p> <p><u>A supplemental building designed for the storage of boats/ RVs or to be used as a personal workshop; in all cases not for the commercial repair or maintenance of vehicles of any type. It may also include an Accessory Unit that meets the standards and definition for Accessory Units (LUDR 8.P). Only permitted in the BMS-NE District on lots .25 acre or larger and having a principal structure.</u></p>
14	<p><u>Accessory Unit/Structures.</u></p> <p><i>Any use and/or structure that is customarily part of and clearly incidental and secondary to the principal residence and does not change the character of the residential use. May contain a separate residential unit either contained wholly within a principal single-family residential structure (maximum floor area of 440 square feet), or attached to or above a garage (maximum floor area of 600 square feet). An accessory dwelling unit is not included in the Maximum Density Limitations. An accessory unit/building may also be used for Home Occupation uses as identified elsewhere in the LUDR and that meet the requirements of RMC 23.42.09. An accessory unit or structure with a maximum floor area of 600 square feet is allowed for a winery use.</i></p>	<p><u>Accessory Unit/Structures.</u></p> <p><i>Any use and/or structure that is customarily part of and clearly incidental and secondary to the principal residence and does not change the character of the residential use. May contain a separate residential unit either contained wholly within a principal single-family residential structure (maximum floor area of 440 square feet), or attached to or above a garage (maximum floor area of 600 square feet). An accessory dwelling unit is not included in the Maximum Density Limitations. An accessory unit/building may also be used for Home Occupation uses as identified elsewhere in the LUDR and that meet the requirements of RMC 23.42.09. An accessory unit or structure with a maximum floor area of 600 square feet is allowed for a winery use.</i></p> <ul style="list-style-type: none"> Amendment simplifies the maximum size permitted for an Accessory Dwelling Unit and matches the requirement now found in 2.C.1.8.

LUDR Section	Current LUDR Text	Proposed LUDR Revision and Rationale NB: Deleted text shown as strikeout and new text shown <u>underlined</u> .
14	New text	<p><u>Lighting Plan.</u> <i>The Lighting Plan is a required element of submittal for all buildings, except low rise residential (under four stories), proposing four or more exterior fixtures. The Plan must include the following information:</i></p> <ol style="list-style-type: none"> <i>1. <u>Type and number of luminaire equipment (fixtures), including the "cut off characteristics", indicating manufacturer and model number(s).</u></i> <i>2. <u>Lamp source type (bulb type, i.e. high pressure sodium), lumen output, and wattage.</u></i> <i>3. <u>Mounting height with distance noted to the nearest property line for each luminaire.</u></i> <i>4. <u>Types of timing devices used to control the hours set for illumination, as well as the proposed hours when each fixture will be operated.</u></i> <i>5. <u>Total Lumens for each fixture, and total square footage of areas to be illuminated. For projects that are in commercial zones, the lumens per net acre to be lit, need not exceed 25,000 lumens.</u></i> <i>6. <u>A Calculation Summary indicating foot-candle levels on the lighting plan, noting the maximum, average and minimum, as well as the uniformity ratio of maximum to minimum, and average to minimum levels.</u></i> <i>7. <u>Lighting manufacturer-supplied specifications ("cut sheets") that include photographs of the fixtures, indicating the certified "cut off characteristics" of the fixture.</u></i> <i>8. <u>Foot-candle Distribution, plotting the light levels in foot-candles on the ground, at the designated mounting heights for the proposed fixtures. Maximum illuminance levels should be expressed in foot-candle measurements on a grid of the site showing foot-candle readings in every five or ten-foot square. The grid shall include light contributions from all sources (i.e. pole mounted, wall mounted, sign, and street lights.) Show foot-candle renderings five feet beyond the property lines.</u></i> <ul style="list-style-type: none"> The goal of the amendments to the LUDR section on Lighting and the addition of a requirement for a comprehensive Lighting Plan is to clarify the LUDR requirements, particularly for commercial development, and to reinforce the “Dark Sky” goals of the regulation.
14	<p>Master Plan Administrator: A professional appointed by NorAm Investment LLS, or its successor, as outlined in the Master Agreement, to review all applications for plats, subdivisions, site plans, and development permits in Badger Mountain South as part of the application submittal in the City of Richland. The MPA is responsible for ensuring the intent of the LUDR is met in all applications and will provide to the City</p>	<p>Master Plan Administrator (MPA): A professional appointed by NorAm Investment LLS, or its successor, as outlined in the Master Agreement, to review all applications for plats, subdivisions, site plans, and development permits in Badger Mountain South as part of the application submittal in the City of Richland. The MPA is responsible for ensuring the intent of the LUDR is met in all applications and will provide to the City and to the applicant a Consistency Determination <u>Recommendation</u> (BMS-MACR) to be included in the materials reviewed by the City of Richland Development Services Department. <u>The roles and responsibilities of the MPA are considered synonymous with the Master Agreement Administrator, MAA, as found in the Master Agreement.</u></p>

LUDR Section	Current LUDR Text	Proposed LUDR Revision and Rationale NB: Deleted text shown as strikeout and new text shown <u>underlined</u> .
14	<i>and to the applicant a Consistency Determination (BMS-MACR) to be included in the materials reviewed by the City of Richland Development Services Department.</i>	<ul style="list-style-type: none">• The MPA supplies a recommendation to the City on whether or not a development application is consistent with the provisions of the LUDR and of the Master Agreement. The Development Services Manager issues the Determination of Consistency based upon the recommendation and his/her review of the application or proposal.• The Master Agreement Section 23 uses the synonymous term “Master Agreement Administrator” whose duties and responsibilities are the same as those of the MPA.
	<i>New Text</i>	<p><u>Side Yard Driveway Condition:</u> <i>For Single-family Houses with Street Access, a drive lane up to 10 ft. in width that runs parallel to the side yard setback and extends not less than 30 ft. from the front property line when the qarage is located in the lot rear. When the qarage is part of the front façade, driveway access is provided to the qarage in a side yard driveway. In both conditions, the driveway may widen to 20 ft., and may encroach into the side yard setback, to provide access to the qarage.</i></p> <ul style="list-style-type: none">• Provides a new definition clarifying garage access for side yard driveways.

5.A CIVIC SPACE INTRODUCTION

The Illustrative Plan for Civic Space Layout includes most of the types of open space, parks, trails and community facilities that will be constructed in Badger Mountain South. It is intended to illustrate that these places and spaces are interwoven into each neighborhood although the exact locations are not yet identified. Final locations will be based upon the blocks, Building Types and final street grid that are established. This extensive network of common spaces is an important component of creating a walkable and sustainable community.

Most of the areas illustrated here and described in this Section 5 will be sited at time of platting. For city-owned facilities or properties developed as part of a public school system or by any other public entity, those public bodies will identify the planning, programming and timing of development of those spaces.

All of the plazas and other common areas to be constructed within the commercial Districts are not shown here. These areas will be further defined at the time of site plan review.

CIVIC SPACE LEGEND

- GREENWAY PARKS
- LOCAL PARKS
- VILLAGE GREEN
- BLOCK PARKS
- GREENBELTS
- PUBLIC PARKS
- RESERVED SCHOOL SITES
- PLAZA / TOWN SQUARES
- CIVIC/COMMUNITY FACILITIES

5.B ILLUSTRATIVE PLAN FOR CIVIC SPACE LAYOUT

EXHIBIT 1



5.J TRAILS INTRODUCTION

The Illustrative Plan for Trail Layout and Trail Types identifies the location of the proposed trail system in Badger Mountain South. Four types of trails will be built within the community - Urban Trails located within the commercial centers, paved Primary and City Primary Trails for multi-uses, soft-surface Secondary Trails for walking and jogging, and an Equestrian Trail connection located at the eastern edge of the community that will link to an existing equestrian trail. There will be approximately 20 miles of trails of all types when the trail system is complete.

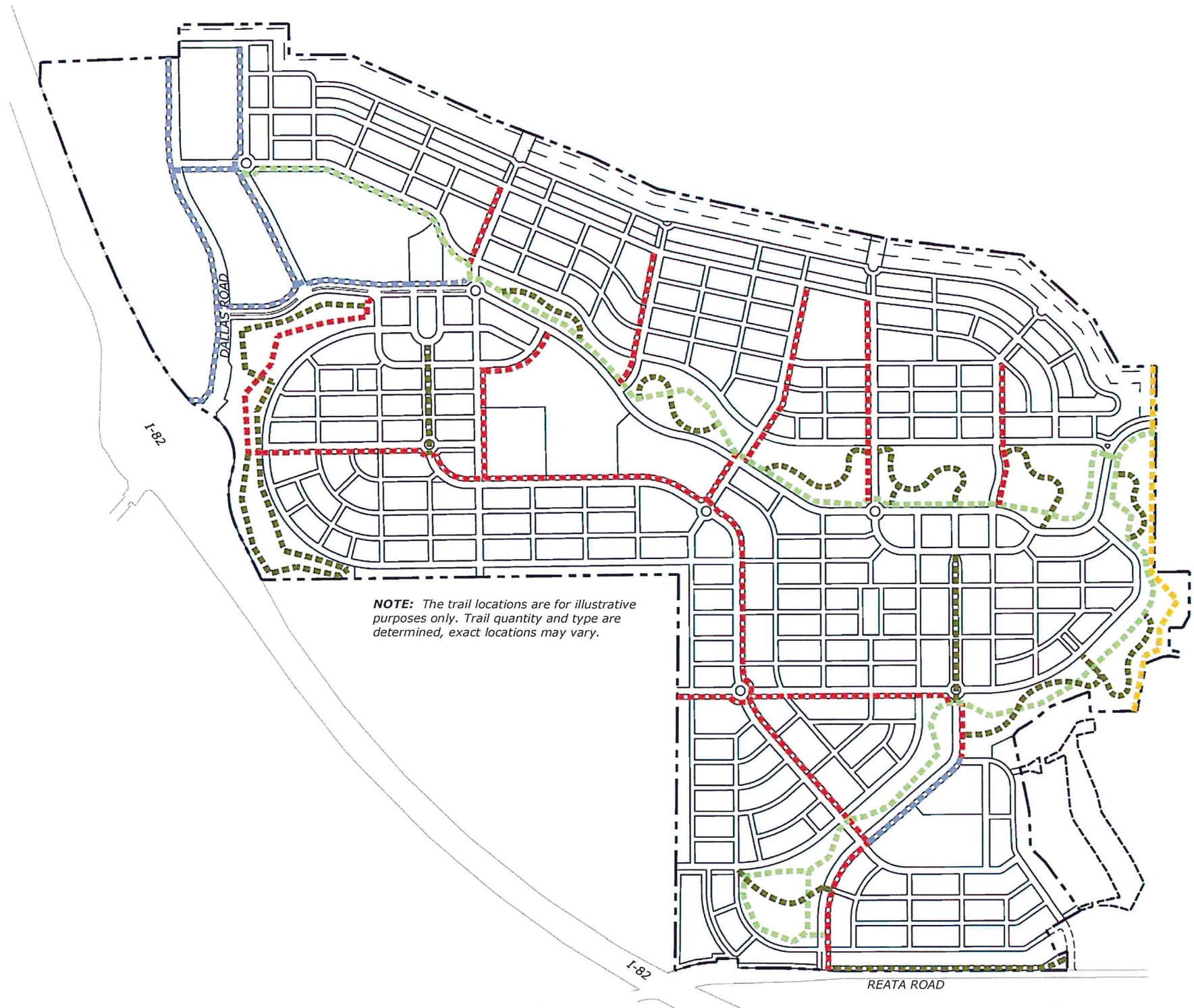
Two Trail Types are located in the Greenway Parks; City Primary Trails and Secondary Trails. These trails are intended to be the cross-community trail system that links all neighborhoods within Badger Mountain South. The City Primary Trail meanders within the Greenway Parks, sometimes near the adjoining streets, but primarily away from the streets and within the Greenway Park itself. Secondary Trails act as connector trails which link one side of the Greenway Park to the other or to the City Primary Trail.

TRAIL LEGEND

- CITY PRIMARY TRAIL
- PRIMARY TRAIL
- SECONDARY TRAIL
- EQUESTRIAN TRAIL
- URBAN TRAIL

5.K ILLUSTRATIVE PLAN FOR TRAIL LAYOUT and TRAIL TYPES

EXHIBIT 2



6.A INTRODUCTION

Section 6 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 community. The grid-street system is a major component of creating a walkable and sustainable community.

Section 6 also introduces the concept of "edge types" which are the pedestrian and landscape elements within the right-of-way. An edge type will be one of four styles that vary based on the adjoining land use. Any street may have two different edge types if the land uses on either side of the street are different or if one side of the street is an element of the identified trail system. The standards for each street and edge type are identified in Sections 6.C.through 6.F. Note that collector street sections may be increased when needed to manage higher traffic volumes. Internal site access ways are permitted subject to City review for adequate emergency and refuse collection access.

Section 7 provides the Block Standards for the Badger Mountain South community. When platting, the Block Standards in 7.C, will guide the determination of overall street grid while Section 6 identifies the right-of-way design.

Designated Primary (Pedestrian) Streets and Secondary (Side) Streets located within the BMS-VMU Districts are identified in the Illustrative Neighborhood Plans 7.G and 7.J.

STREET LEGEND

- 4-Lane Arterial Collector Street
- 2-Lane Arterial Collector Street
- Collector Street
- Local Street
- Alley

EDGE TYPE LEGEND

- EDGE TYPE A: Sidewalk
- EDGE TYPE B: Trail in adjacent open space or 8 ft. non-meanering Trail adjacent to developed lot.
- EDGE TYPE C: Urban
- EDGE TYPE D: Greenway Park Edge

6.B REGULATING PLAN FOR STREETS

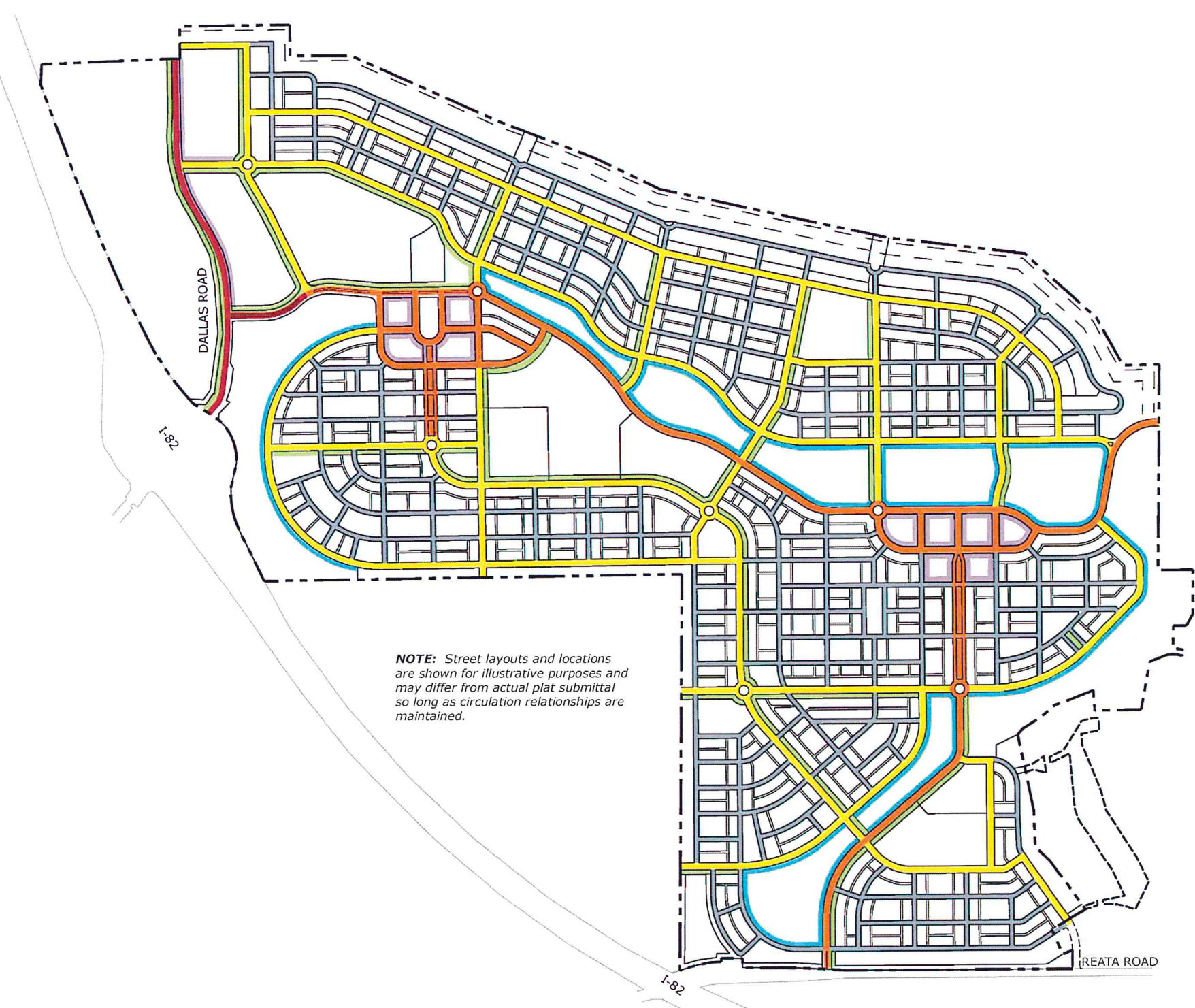
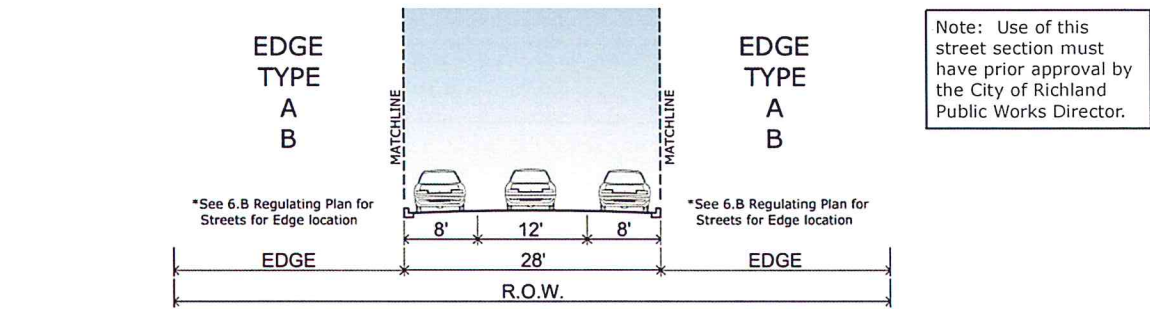


EXHIBIT 4

6.F.1 ALTERNATE - 12FT. LOCAL STREET



KEY

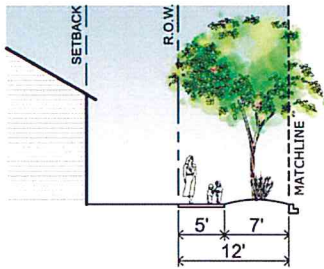
See 6.B Regulating Plan For Streets

APPLICATION

Thoroughfare Type	Neighborhood
Design Speed	25 mph
Posted Speed	25 mph
Pedestrian Crossing Time	3.4 Sec.

OVERALL WIDTHS

Pavement Width	28 ft.
Total R.O.W.	Edge + 28 ft. + Edge
See totals by Edge Type below	



EDGE TYPE A

KEY

See 6.B Regulating Plan For Streets

EDGES

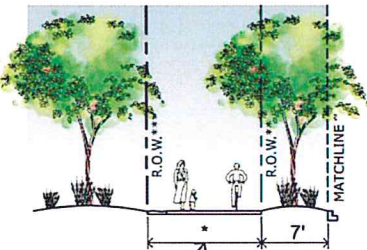
Curb Type	Curb
Planter Type	7 ft. Continuous
Landscape Type	Medium Trees @ 30 ft. O.C. Average.
Walkway Type	5 ft. Sidewalks
Frontage Type	Residential Dwelling Units
1/2 R.O.W.	26 ft.
R.O.W. - Edge 'A' Both Sides	52 ft.
R.O.W. - Edge 'A' + Edge 'B'	47 ft.

LANES

Traffic	10 ft.
Parking	8 ft.
Median	None

INTERSECTIONS

Curb Radius	20 ft. Typ.
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EDGE TYPE B

* See Illustrative Plan for Trail Layout and Trail Types, 5.K
** ROW adjacent to 7' planter when ROW abuts green space.
*** ROW includes trail and 20' planter when adjacent to building lot.

KEY

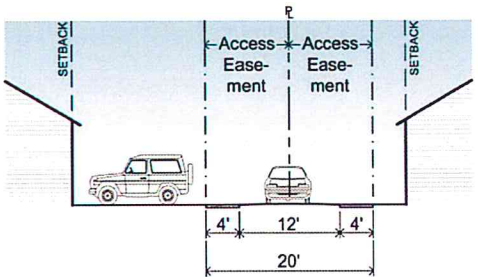
See 6.B Regulating Plan For Streets

EDGES

Curb Type	Curb
Planter Type	7 ft. continuous when adjacent to green space and 20 ft. continuous when adjacent to building lot; May also utilize planter beds or tree grates along Urban Trail or Plaza frontages
Landscape Type	Tree and Spacing Varies
Walkway Type	Meandering Trail in adjacent open space type
Frontage Type	Greenbelt or Open Space

1/2 R.O.W.	26 / 51 ft.
R.O.W. - Edge 'B' Both Sides	52 / 102 ft.
R.O.W. - Edge 'B' + Edge 'A'	57 / 82 ft.
R.O.W. - Edge 'B' + Edge 'C'	60 / 85 ft.

EXHIBIT 5.2
6.G REAR ALLEY



KEY

See 6.B Regulating Plan For Streets

APPLICATION

Thoroughfare Type	Alley
Movement Type	Yield
Design Speed	10 mph
Posted Speed	10 mph
Pedestrian Crossing Time	3.4 Sec.

OVERALL WIDTHS

Pavement Width	12 ft.
Shoulder Width	4 ft.
Total Width	20 ft.

LANES

Traffic	12 ft.
Parking	None
Median	None
Ownership	Private

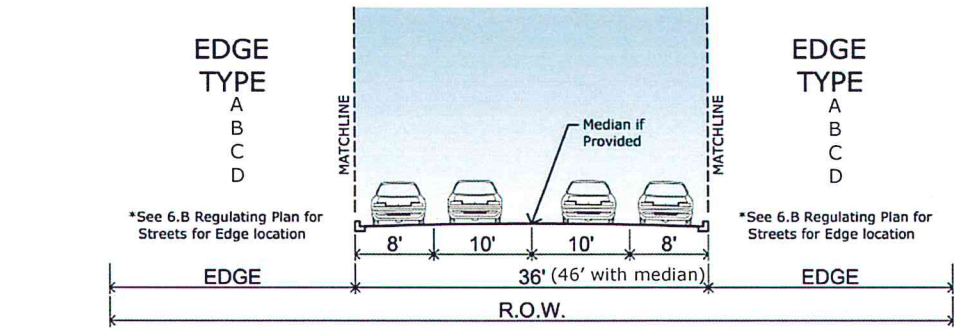
INTERSECTIONS

Curb Radius	20 ft. Typ.
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ACCESS EASEMENT

From Rear Yard Property Line	10 ft.
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6.E COLLECTOR STREET



KEY

See 6.B Regulating Plan For Streets

APPLICATION

Thoroughfare Type	Neighborhood Collector
Design Speed	35 mph
Posted Speed	25 mph
Pedestrian Crossing Time	5.7 Sec.

OVERALL WIDTHS

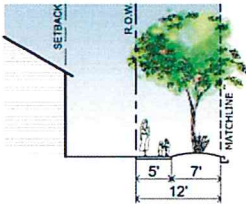
Pavement Width	36 ft.
Total R.O.W.	Edge + 36 ft. (+median, if provided) + Edge
See totals by Edge Type below	

LANES

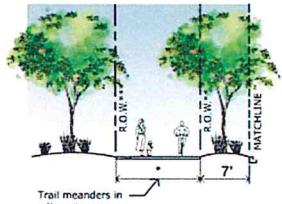
Traffic	10 ft.
Parking	8 ft.
Median (Where shown on 6.B)	add 10 ft.

INTERSECTIONS

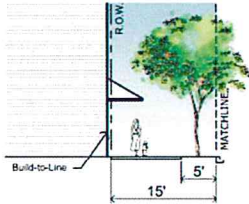
Curb Radius	20 ft. Typ.
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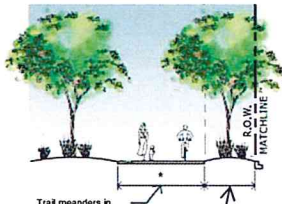
EDGE TYPE A



EDGE TYPE B



EDGE TYPE C



EDGE TYPE D

KEY

See 6.B Regulating Plan For Streets

EDGES

Curb Type	Curb
Planter Type	7 ft. Continuous
Landscape Type	Medium Trees @ 30 ft. O.C. Average
Walkway Type	5 ft. Sidewalks
Frontage Type	Residential Dwelling Units

1/2 R.O.W.	31 ft.
R.O.W. - Edge 'A' Both Sides	62 ft.
R.O.W. - Edge 'A' + Edge 'B'	57 ft.
R.O.W. - Edge 'A' + Edge 'C'	65 ft.

KEY

See 6.B Regulating Plan For Streets

EDGES

Curb Type	Curb
Planter Type	7 ft. continuous when adjacent to green space and 20 ft. continuous when adjacent to building lot; May also utilize planter beds or tree grates along Urban Trail or Plaza frontages
Landscape Type	Tree and Spacing Varies
Walkway Type	Meandering Trail in adjacent open space type
Frontage Type	Greenbelt or Open Space

1/2 R.O.W.	26 / 51 ft.
R.O.W. - Edge 'B' Both Sides	52 / 102 ft.
R.O.W. - Edge 'B' + Edge 'A'	57 / 82 ft.
R.O.W. - Edge 'B' + Edge 'C'	60 / 85 ft.

KEY

See 6.B Regulating Plan For Streets

EDGES

Curb Type	Curb
Planter Type	5 ft. Tree Grate
Landscape Type	Small/Medium Trees @ 25 ft. O.C. Average.
Walkway Type	15 ft. Sidewalks
Frontage Type	Commercial / Multi-family Residential

1/2 R.O.W.	34 ft.
R.O.W. - Edge 'C' Both Sides	68 ft.
R.O.W. - Edge 'C' + Edge 'A'	65 ft.
R.O.W. - Edge 'C' + Edge 'B'	60 ft.

KEY

See 6.B Regulating Plan For Streets

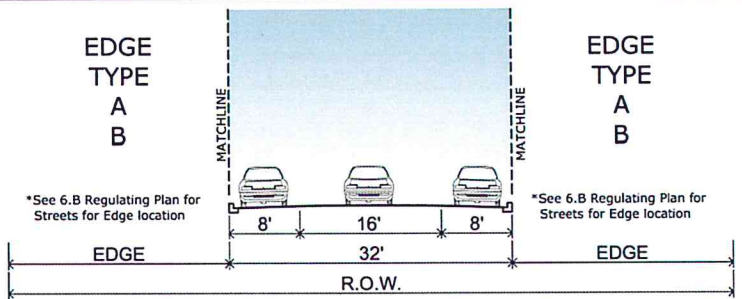
EDGES

Curb Type	Curb
Planter Type	Irregular spaced groupings of plant materials
Landscape Type	Principally evergreen trees and other plantings
Walkway Type	Meandering Trail in adjacent Greenway Park
Frontage Type	Open Space

1/2 R.O.W.	19 ft.
R.O.W. - Edge 'D' + Edge 'A'	50 ft.
R.O.W. - Edge 'D' + Edge 'B'	70 ft.

6.F 16 FT. LOCAL STREET

Note: At time of preliminary plat, a reduction to a 12 ft. pavement width per 6.F.1 ALTERNATE, may be allowed with approval by the City of Richland Public Works Director, subject to such conditions as are deemed necessary to provide a safe transition between pavement widths and to provide safe and adequate intersection turning movements.



KEY

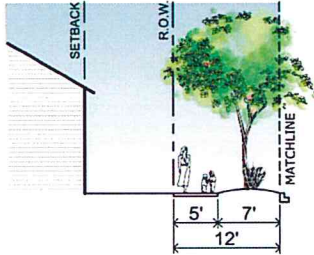
See 6.B Regulating Plan For Streets

APPLICATION

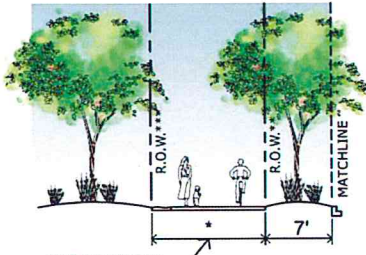
Thoroughfare Type	Neighborhood
Design Speed	25 mph
Posted Speed	25 mph
Pedestrian Crossing Time	3.4 Sec.

OVERALL WIDTHS

Pavement Width	32 ft.
Total R.O.W.	Edge + 32 ft. + Edge
See totals by Edge Type below	



EDGE TYPE A



EDGE TYPE B

KEY

See 6.B Regulating Plan For Streets

EDGES

Curb Type	Curb
Planter Type	7 ft. Continuous
Landscape Type	Medium Trees @ 30 ft. O.C. Average
Walkway Type	5 ft. Sidewalks
Frontage Type	Residential Dwelling Units

1/2 R.O.W.	28 ft.
R.O.W. - Edge 'A' Both Sides	56 ft.
R.O.W. - Edge 'A' + Edge 'B'	51 ft.

KEY

See 6.B Regulating Plan For Streets

EDGES

Curb Type	Curb
Planter Type	7 ft. continuous when adjacent to green space and 20 ft. continuous when adjacent to building lot; May also utilize planter beds or tree grates along Urban Trail or Plaza frontages
Landscape Type	Tree and Spacing Varies
Walkway Type	Meandering Trail in adjacent open space type
Frontage Type	Greenbelt or Open Space

1/2 R.O.W.	26 / 51 ft.
R.O.W. - Edge 'B' Both Sides	52 / 102 ft.
R.O.W. - Edge 'B' + Edge 'A'	57 / 82 ft.
R.O.W. - Edge 'B' + Edge 'C'	60 / 85 ft.



Illustrative Photo: Urban Trail



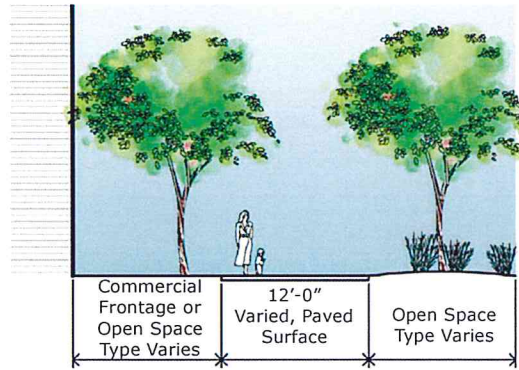
Illustrative Photo: Primary Trail



Illustrative Photo: Secondary Trail

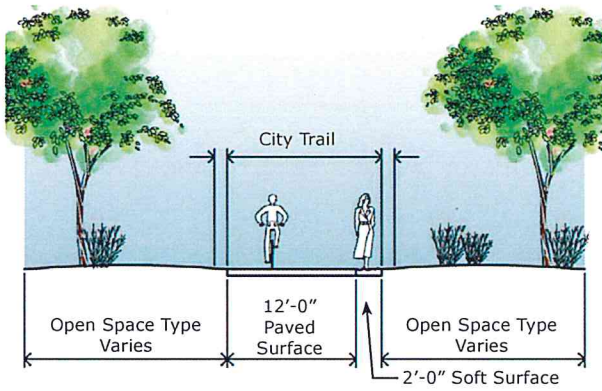


Illustrative Photo: Equestrian Trail



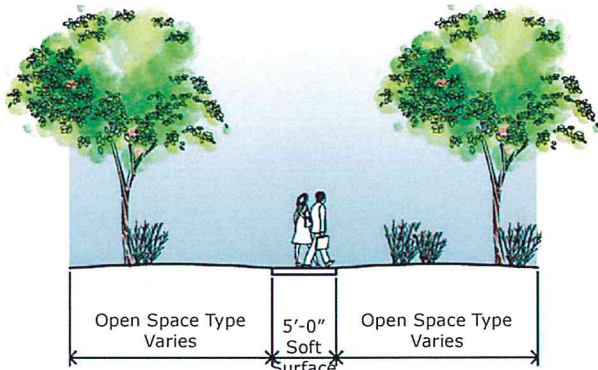
1. DESCRIPTION - URBAN TRAILS

- a. **Definition** - Urban Trails will be located in the commercial, retail and mixed-use 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 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.K, Illustrative Plan for Trail Layout and Trail Types.
- c. **Size**
 - (1) Minimum width: 12 ft. specialty paved surface.
 - (2) Total length: Minimum 1.5 miles.
- 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.



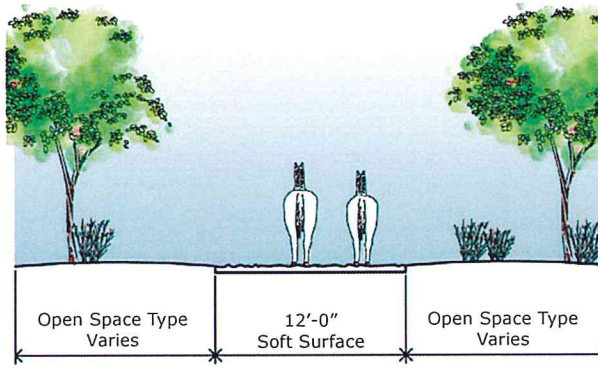
2. DESCRIPTION - PRIMARY TRAILS

- a. **Definition** - Primary Trails will serve as a multi-modal system throughout the community. They are intended to foster connectivity, encourage healthy activities, and provide transportation options. When found adjacent to residential or other structures, the Primary Trail will be concrete and will also function as sidewalk in these areas.
- b. **Location** - See 5.K, Illustr. Plan for Trail Layout and Trail Types.
- c. **Size**
 - (1) Minimum width: 10 ft. concrete or asphalt surface with 2 ft. stabilized engineered wood fiber (SEWF), wood chips, or gravel shoulder on one side.
 - (2) City Primary Trails width: 12 ft. asphalt with 2 ft. gravel shoulder on one side.
 - (3) Total length: Minimum 10 miles.
- d. **Standards**
 - (1) Provide sub-grade materials and preparation appropriate to the surfacing material.
 - (2) Provide appropriate lighting for after-dark use which may be provided by street lighting located in the adjacent Right of Way.
 - (3) Provide (1) 5-ft. recycled materials bench min. every 1/2 mile, per Section 13.C.4, except where the Greenbelt abuts single-family residential properties.



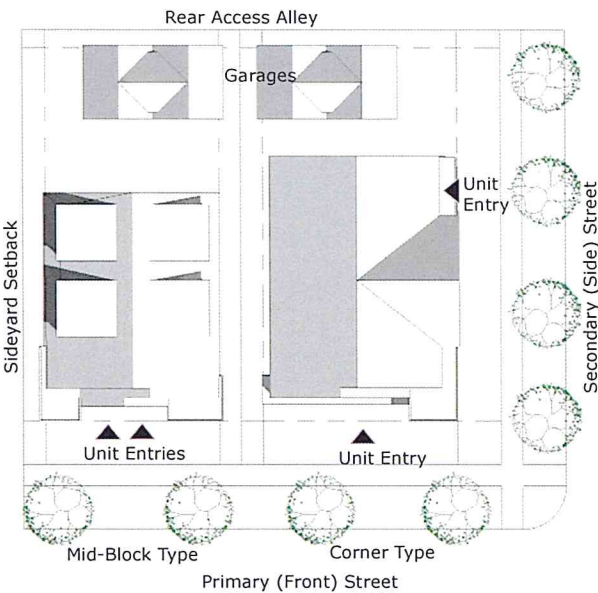
3. DESCRIPTION - SECONDARY TRAILS

- a. **Definition** - Secondary Trails will be an informal, crushed gravel recreation trails for running, biking and walking. This trail system will link the Primary Trails to the major Greenway Parks and open spaces located throughout the community.
- b. **Location** - See 5.K, Illustrative Plan for Trail Layout and Trail Types.
- c. **Size**
 - (1) Minimum width: 5 ft. stabilized engineered wood fiber (SEWF), wood chips, or gravel.
 - (2) Total length: Minimum 7.5 miles.
- d. **Standards**
 - (1) Provide compacted sub-grade.
 - (2) Will serve as a pedestrian trail.



4. DESCRIPTION - EQUESTRIAN TRAILS

- a. **Definition** - The Equestrian Trail will be a soft-surface recreation trail designed for horseback riding. This trail will traverse along the eastern boundary and provide linkage from the existing trail at the southeast corner to the northeast corner of the property.
- b. **Location** - Eastern Boundary; See 5.K, Illustrative Plan for Trail Layout and Trail Types.
- c. **Size**
 - (1) Minimum width: 12 ft. engineered wood fiber (EWF), wood chips, or gravel.
 - (2) Total length: Minimum 1.0 mile.
- d. **Standards**
 - (1) Provide compacted sub-grade.



Illustrative Plan Diagram

1. TYPE DESCRIPTION

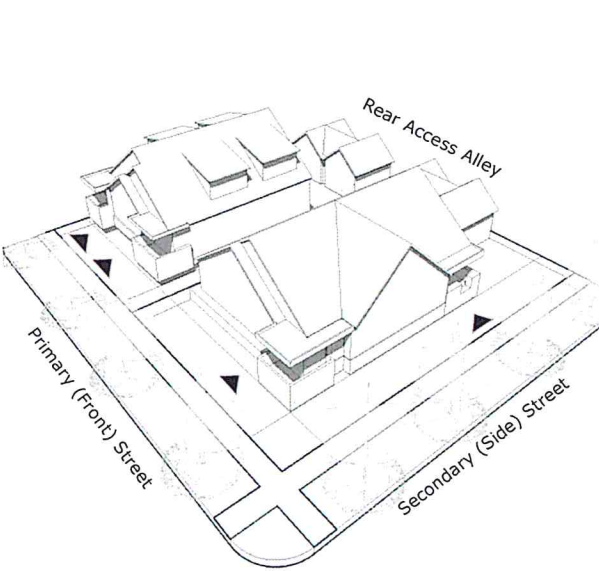
The Paired House Building Type, also known as a Duplex, combines two residences within one structure designed to resemble a Single-Family house in a typical neighborhood setting. The units may include stacked flats or side by side townhouse units. This Building Type allows for smaller scale Multi-family housing to be integrated within Single-Family residential neighborhoods, offering a variety of housing types and affordable options within the neighborhood.

2. APPLICABLE DISTRICTS

- a. Neighborhood Collector (BMS-NC) (3.C)
- b. Neighborhood General (BMS-NG) (3.D)

3. STREETScape

- a. In order to maintain the scale and context of a Single-Family house, entries to multiple units shall utilize one Frontage Type.
- b. The use of corner lots for Paired Houses is encouraged. Corner lots are ideally suited for the Building Type providing for individual unit entries on both street frontages and allowing this Multi-family housing type to blend more easily with adjacent Single-Family houses.
- c. On any block that contains four or fewer lots, Paired Houses are limited to one per block and the lot upon which the Paired House is allowed must be identified on the plat face.



Illustrative Axonometric Diagram

4. LOT SIZE

- a. Width: Minimum 50 ft. , Maximum 70 ft.*see 5.c below for alternate width conditions
- b. Depth: Minimum 100 ft.
- c. See applicable District Standards in Section 3 for required setbacks and Build-to-Lines.

5. ACCESS

- a. For mid-block buildings, the main entrances to units shall be accessed directly from and face the street. The mid-block units may have separate entries or may be combined in a single exterior entry. The main entrances to dwelling units shall be accessed directly from and face the Primary (front) street.
- b. Corner sites must utilize both street frontages for separate unit entries.
- c. The preferred access for garages and services is the rear Ally. When built on streets with front access residences, lot must be a min. width of 100 ft. and driveways set apart by 30 ft., lot may be 80 ft. min. width shared drive to rear garage (side yard driveway access). When built on a corner lot condition, maximum width will be 74 ft. to allow a 10 ft. side yard.
- d. Services, including utility access, above ground equipment and trash containers shall be located off of the Alley, where present.

6. BUILDING SIZE AND MASSING

- a. Maximum number of stories: 2.5
- b. Building shall be designed to a scale and massing appropriate for a Single-Family house.
- c. Individual units may either be expressed or designed to resemble one large Single-Family house.
- d. Refer to Section 3 for additional District-specific building height standards.



Illustrative Photo: Corner Lot Duplex

7. FRONTAGES

- a. Allowed Frontage Types for Paired House are:
 - (1) Forecourt (9.E)
 - (2) Greenbelt (9.F)
 - (3) Porch (9.G)
 - (4) Stoop (9.H)
- b. Refer to Section 9 for Frontage Type definitions and standards.
- c. Refer to Section 3 for applicable District standards for allowed encroachments into required setbacks.

8. LANDSCAPE STANDARDS

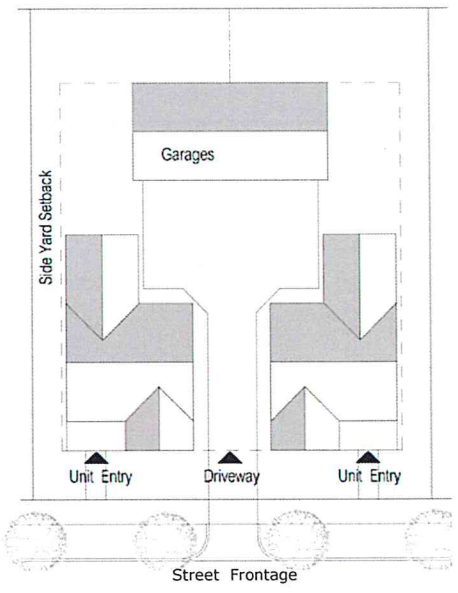
- a. Since this Multi-family Building Type is designed to be integrated into a Single-Family neighborhood, the Common standards in 11.C and the Single-Family Landscape standards set forth in Section 11.E.1 are applicable to Paired Houses.

9. SUSTAINABLE STANDARDS

- a. The Common standards in 12. C and Residential Sustainable standards set forth in Section 12.E are applicable to Paired Houses.

10. SITE IMPROVEMENT STANDARDS

- a. The Standards set forth in Section 13 are applicable to Paired Houses.



Illustrative Diagram: Mid-Block Duplex

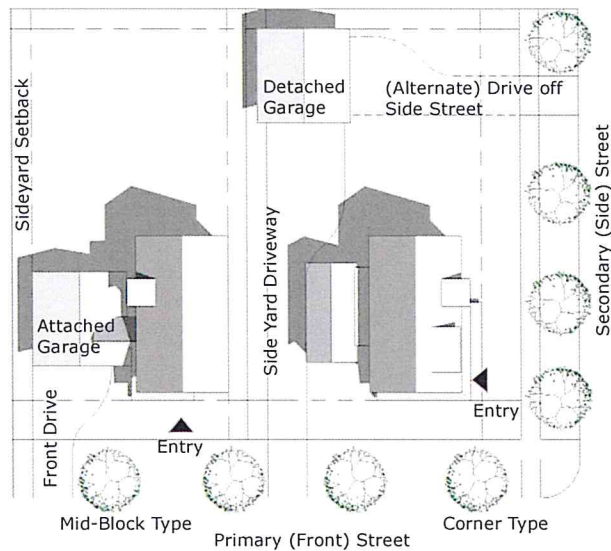
11. PARKING

- a. Parking may be provided in attached or detached parking garages accessed from the Alley where provided. When built on a front load lot, garages shall be set back a minimum of 4 ft. from the front door or 16 ft. or more from the main front facade (side yard driveway access).
- b. Residential Parking quantity requirements by District - See Section 3.
- c. Dwellings may have direct or indirect access to their parking garages.
- d. Tandem parking stalls are allowed to be used for individual residential units.
- e. See Section 13.D for Common Parking Standards.
- f. Additional surface parking, with a minimum of 20 ft., may be provided adjacent to garage. Parking shall be screened from the Primary or Secondary streets by either placement behind a structure, by fencing per Section 13.A.1 and/or landscaped per Section 11.C.7.c.
- g. Refer to Section 3 for additional District-specific parking standards.

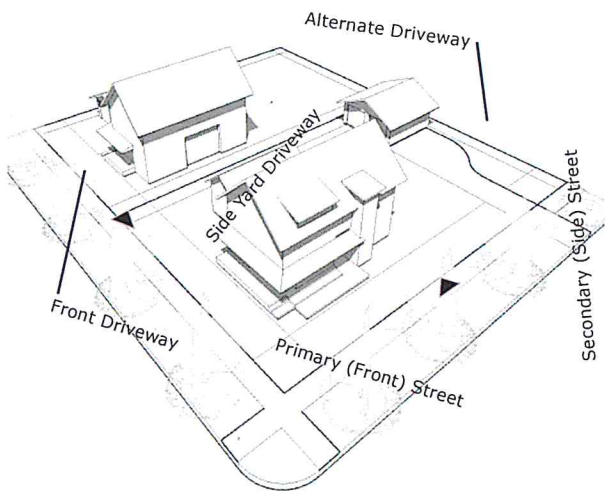
12. ACCESSORY UNITS

- a. Accessory Units are allowed for the Paired Building Type. See Section 8.P for Accessory Unit Building Type Standards.

EXHIBIT 7
8.0 SINGLE-FAMILY HOUSE - STREET ACCESS



Illustrative Plan Diagram



Illustrative Axonometric Diagram



Illustrative Photo: Side Yard Driveway Access



Illustrative Photo: Front Driveway Garage

1. TYPE DESCRIPTION

The Single-Family House - Street Access Building Type is a structure that accommodates one primary residence. Garages are accessed from the street by a side yard or front driveway. This type cannot be used if a rear Alley is provided. Home Occupations may also be allowed per District standards. A variety of lot sizes will allow for a diverse range of Single-Family homes in order to respond to the needs of different households, house sizes, and affordable levels.

2. APPLICABLE DISTRICTS

- a. Neighborhood General (BMS-NG) (3.D)
- b. Neighborhood Edge (BMS-NE) (3.E)

3. STREETScape

- a. Street Access Houses require a design and layout that lessens the visual impact of the garages from the street. The preferred solution is the side yard driveway.
- b. Streetscape diversity is achieved through different models and architectural styles. Each block face shall contain at least three different models. Different models are defined as those with significant variation in floor plan configuration and minor variation in size or number of bedrooms.
- c. Each of the three models must have at least two architectural styles and color schemes. To further differentiate models, vary wall colors and materials.
- d. Not more than two of the same model with the same architectural style can be used on a block face.
- e. Variety in building height is encouraged along a block face.

4. LOT SIZE

- a. Width: Min. 50 ft. for side yard drive, 60 ft. for front drive
- b. Depth: Minimum 100 ft.
- c. See applicable District Standards in Section 3 for required setbacks and Build-to-Lines.

5. ACCESS

- a. The main entry to the building shall be accessed directly from and face the Primary (Front) Street. Corner buildings may have access on Secondary (Side) Street.
- b. Garages and services shall be accessed from the street in either a side yard driveway or front driveway condition. On corner lots the garage may be accessed from the Secondary (side) Street.
- c. A minimum of 40% per block face of Single-Family - Street Access Houses shall have a side yard driveway condition.
- d. A maximum of 60% per block face of Single-Family - Street Access Houses may have a front driveway condition.
 - (1) Garages shall be setback a minimum of 24 ft. from the property line.
- e. Driveways shall be placed a minimum of 30 ft. apart unless combined into a shared driveway condition.
- f. Services, including utility access, above ground equipment and trash containers shall be located off of the street and screened from view.

6. BUILDING SIZE AND MASSING

- a. Maximum number of stories: 2.5
- b. Height may be increased to 3 stories in the BMS-NE District.
- c. Garages shall be secondary to the front elevation of the house and in no case may the garage be more than 40 percent of the structure facade.
 - (1) Detached or semi-detached garages shall be set to the rear of the lot with a side yard driveway. Corner lots may have driveway access from the Secondary (side) Street.
 - (2) Attached garages with a front driveway condition shall be setback a minimum of 4 ft. from the front facade, or reduced (1) story minimum in height from the main portion of the house.
 - (3) Attached garages at corner lots may be accessed from the secondary side street, however the Primary (front) Street facing facade shall have articulation and windows, similar to the front facade.
 - (4) If an attached garage is setback 16 ft. or more from the main facade of the house, or if the conditions of c.(5) below are met, it shall be considered as a side yard driveway condition per 5.c. block face percentage calculation.
 - (5) A garage may be part of a front façade when the garage has a side driveway condition. In these instances, the garage portion of the façade facing the street will feature design elements to match the residence. These elements may include similar window types, an upper story, and/or further architectural articulation complementary to the principal structure.
- d. Refer to Section 3 for additional District-specific building height standards.

7. FRONTAGES

- a. Allowed Frontage Types for Single-Family Houses are:
 - (1) Forecourt (9.E)
 - (1) Porch (9.G)
 - (2) Stoop (9.H)

- b. Refer to Section 9 for Frontage Type definitions and standards.
- c. Refer to Section 3 for applicable District standards for allowed encroachments into required setbacks.

8. LANDSCAPE STANDARDS

- a. The Common standards 11.C and the Single-Family Landscape standards set forth in Section 11.E.1 are applicable to Single-Family Houses.

9. SUSTAINABLE STANDARDS

- a. The Common standards in 12. C and Residential Sustainable standards set forth in Section 12.E are applicable to Single-Family Houses.

10. SITE IMPROVEMENT STANDARDS

- a. The Standards set forth in Section 13 are applicable to Single-Family Houses.

11. PARKING

- a. Residential Parking quantity requirements by District - See Section 3.
- b. Parking may be provided in attached, semi-detached, or detached garages accessed from the street.
- c. Dwellings have direct or indirect access to their garages.
- d. Parking may be provided in Tandem stalls.
- e. Refer to Section 3 for additional District-specific parking standards.

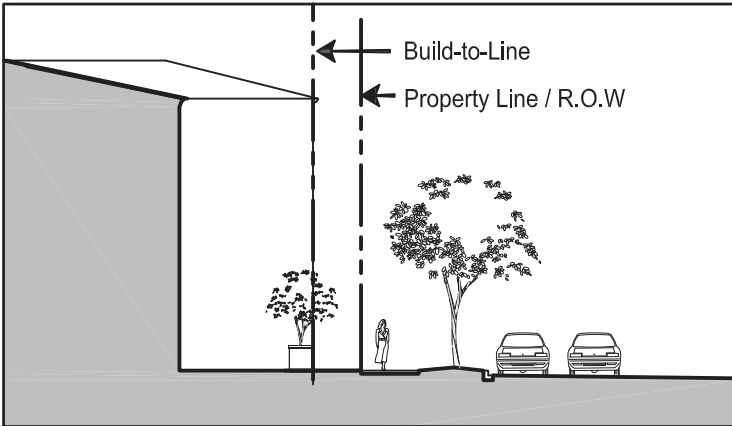
12. ACCESSORY UNITS

- a. Accessory Units are allowed for the Single-Family House - Street Access Building Type. See Section 8.P for Accessory Unit Building Type Standards.

9.E FORECOURT



Illustrative Photo: Residential Entry Court



Standards Diagram Section - Greenbelt

1. DESCRIPTION

The Forecourt Frontage Type is appropriate for either residential or commercial Districts and Building Types. This Frontage includes a small court space that is setback while the majority of the building is placed at or near the frontage line. The Forecourt may be used as an entry court and shared garden space for residential uses, or as additional shopping or restaurant seating areas within commercial districts. This type should be used sparingly along a block frontage.

2. APPLICABLE DISTRICTS

- Village Mixed-Use (BMS-VMU) (3.B)
- Neighborhood Collector (BMS-NC) (3.C)
- Neighborhood General (BMS-NG) (3.D)
- Neighborhood Edge (BMS-NE) (3.E)

3. APPLICABLE BUILDING TYPES

- All Building Types (Section 8)

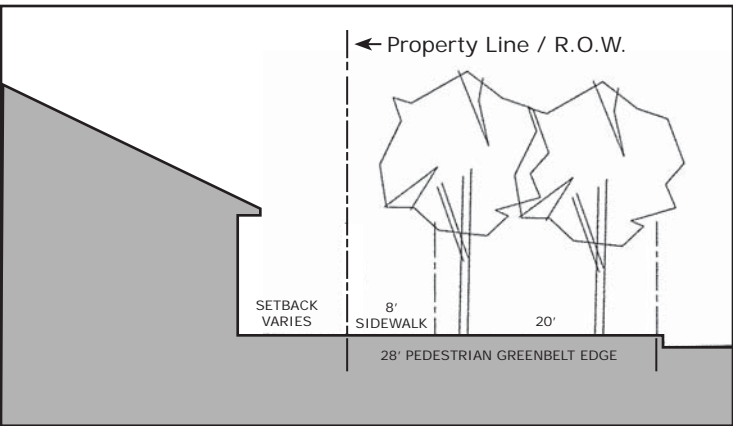
4. STANDARDS

- Placement: Court space shall front onto a street. The proportions and solar orientation should be carefully considered for user comfort.
- Windows and Doors: Entrances are at sidewalk grade.
- Elements: A small wall, hedge or fence shall be placed along the frontage line where it is not defined by a building; see Fencing Standards, section 13.A.
- Large trees placed in the Forecourt may overhang the sidewalks.

9.F GREENBELT



Illustrative Photo: Row Houses on Greenbelt



Standards Diagram Section - Greenbelt

1. DESCRIPTION

The Greenbelt Frontage Type is located per the Regulating Plan for Civic Spaces (5.B) primarily along Collector streets and serve as a "green connection" and trail network to amenities throughout the community. This Frontage Type serves as a buffer from the Collector Streets.

2. APPLICABLE DISTRICTS

- Neighborhood Collector (BMS-NC) (3.C)
- Neighborhood General (BMS-NG) (3.D)

3. APPLICABLE BUILDING TYPES

- All Building Types allowed in District (Section 8)

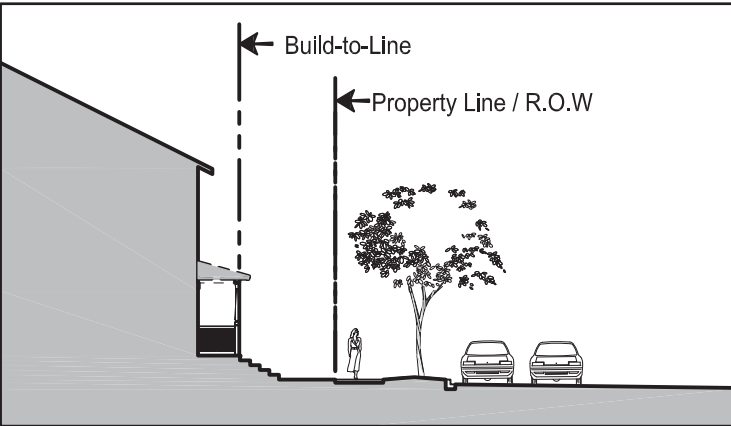
4. STANDARDS

- Placement: The Greenbelt frontage creates a deep landscaped setback from the street. Buildings fronting on the greenbelt may have any of the allowable frontages for the Building Type (i.e. Porch, Stoop, etc.)
- Windows and Doors: Entrances may be at or above sidewalk grade.
- Elements: Frontage onto Greenbelt may be undefined or defined by fence or hedge.
- A 8 ft. min. sidewalk located along the property line will provide the public access for adjacent buildings.
- When a Primary Trail is co-located within a Greenbelt, the Trail shall take on the development standards of the Greenbelt and no additional sidewalk is required.
- The Greenbelt shall be a minimum of 28 ft. deep along building residential Frontages.
- See Section 5.H for additional Greenbelt standards.

9.G PORCH



Illustrative Photo: Single-Family Front Porches



Standards Diagram Section - Porch

1. DESCRIPTION

The Porch Frontage Type is appropriate for all residential Districts and Building Types. This Frontage includes a covered roof area enclosing an outdoor room deep enough for seating. The Porch provides a transition between public and private space and creates opportunity for interaction between neighbors.

2. APPLICABLE DISTRICTS

- Village Mixed-Use - Residential only (BMS-VMU) (3.B)
- Neighborhood Collector (BMS-NC) (3.C)
- Neighborhood General (BMS-NG) (3.D)
- Neighborhood Edge (BMS-NE) (3.E)

3. APPLICABLE BUILDING TYPES

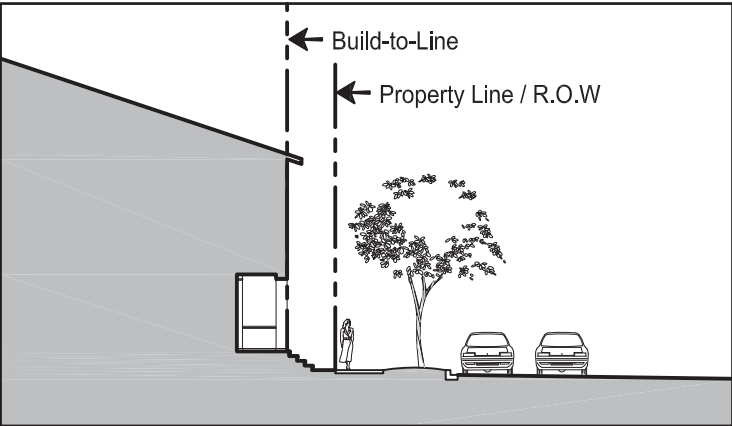
- All Residential Building Types (8.F-8.O)

4. STANDARDS

- Placement: Building front shall be placed back far enough to allow for a Porch and stair, if required. Stair may encroach into required setback.
- Windows and Doors: Entrances may be at or above sidewalk grade.
- Elements: Porch shall be no less than 6 ft. deep to allow for usable seating area. However, the Porch may be reduced to a depth of 4.5 ft. to meet house architectural style requirements. Upper floor decks are permitted above the Porch.



Illustrative Photo: Row House Stoop Frontages



Standards Diagram Section - Stoop

1. DESCRIPTION

The Stoop Frontage Type is appropriate for Districts and Building Types that contain higher density housing where the ground floor residential use is close to the frontage line and raised from the street for privacy. This Frontage includes an exterior stair and landing and may be covered.

2. APPLICABLE DISTRICTS

- Village Mixed-Use - Residential only (BMS-VMU) (3.B)
- Neighborhood Collector (BMS-NC) (3.C)
- Neighborhood General (BMS-NG) (3.D)
- Neighborhood Edge (BMS-NE) (3.E)

3. APPLICABLE BUILDING TYPES

- All Multi-Family Building Types (8.F-8.M)
- Single-Family Homes, if appropriate for style (8.N-8.O)

4. STANDARDS

- Placement: Building facade may be setback the depth of the entry stair from the sidewalk. Stair may encroach into required setback.
- Windows and Doors: Entrances are raised 2 ft.-5 ft. above sidewalk grade.
- Elements: The Stoop may include a covered roof, awning, or door may be inset within the building front.

STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: S2014-100

PREPARED BY: AARON LAMBERT
MEETING DATE: FEBRUARY 26, 2014

GENERAL INFORMATION:

APPLICANT: VSI DEVELOPMENT, LLC

REQUEST: PRELIMINARY PLAT APPLICATION TO SUBDIVIDE
126.80 ACRES INTO 281 LOTS AND 14 TRACTS KNOWN AS SOUTH
ORCHARD 1. LOTS INCLUDE RESIDENTIAL, MIXED-USE (MULTI-
FAMILY, NEIGHBORHOOD BUSINESS) PARK, SCHOOL AND
STORAGE USES.

LOCATION: WITHIN THE BADGER MOUNTAIN SOUTH PLANNED COMMUNITY,
GENERALLY NORTH OF REATA ROAD AND WEST OF THE PLAT
OF REATA RIDGE.

REASON FOR REQUEST:

The applicant is requesting preliminary plat approval to allow for development of a 281 lot subdivision for single family and multi-family development as well as a lot for a future school site, a lot for a city park and finally a lot for a storage use. The application is submitted pursuant to the Land Use and Development Regulations (LUDR) adopted and as amended by the City specifically for the Badger Mountain South Community. This proposal if approved would be based on the amended LUDR which must take place in order for this preliminary plat to be approved as designed and requested.

FINDINGS AND CONCLUSIONS

Staff has completed its review of the request for preliminary plat approval and, subject to the conditions set forth in the Technical Advisory Committee Report dated January 28, 2014 submits:

Findings of Fact:

1. The Richland Comprehensive Land Use Plan for this area is the Badger Mountain South Subarea plan and is a portion of the Badger Mountain South Master Planned Community. The plan designates portions of the site as Low Density Residential, portions of the site as Medium Density Residential, portions as High Density Residential and portions of the site as a Civic (Parks, Trails, Open Space) area.
2. The proposed preliminary plat includes a variety of lot sizes and types, with single family lots from 6,000 to over 26,000 square feet, paired housing (duplex type lots) to be developed as fee simple zero lot line properties, as well as parcels designated

neighborhood collector (NC) that could be developed as retail or multi-family in accordance with the development plan. Further, 3 lots will be platted with one for a future school, another for a City park and the third slated for a storage use to support the future residents storage needs. These lots are identified on sheet C0.01 of the submitted plans in the notes section.

Conclusion of Law:

1. **The proposed preliminary plat is consistent with and would provide for development of the subject parcel in conformance with the density and type of land use envisioned in the land use element of the adopted comprehensive plan.**

Findings of Fact:

3. The site is subject to both the provisions of the Land Use and Development Regulations (LUDR) and as amended for the Badger Mountain South Community and the Master Agreement between the City of Richland and Nor Am Investments, LLC.
4. All proposed developments subject to the Badger Mountain LUDR regulations are required to be reviewed by the Badger Mountain South Master Plan Administrator. 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.
5. City staff has reviewed the application and the Master Agreement Consistency Recommendation and agreed with the recommendation and has issued a "Master Agreement Consistency Determination" as required by the LUDR.

Conclusion of Law:

2. **The proposed subdivision, as conditioned, follows the provisions and requirements of the Badger Mountain Land Use and Development Regulations and the Master Agreement between the City of Richland and Nor Am Investments, LLC.**

Findings of Fact:

6. Section 24.12.053 of the RMC sets forth standards for review of preliminary plats that require the Planning Commission 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.

7. The proposed preliminary plat provides for the creation of a system of streets, sidewalks and alley ways, includes provisions for the extension of domestic and irrigation water, sanitary sewer and electrical power, provides for a number of private park and open space areas, a site for a school and provides for a system of pedestrian trails.
8. The proposed improvements to serve the preliminary plat are consistent with the standards and requirements contained in the LUDR and in the Master Agreement between the City of Richland and Nor Am Investments, LLC.
9. The Badger Mountain Subarea Plan identifies sites for future public schools to provide for the school needs that will be generated by the future population that is expected to reside within the Badger Mountain South community. The Kennewick School District (KSD) boundaries include the area proposed for the preliminary plat of South Orchard 1. The proposed school site identified as lot 227, a 214 acre parcel, would be occupied by the KSD.
10. City staff and other utility providers reviewed the project and have recommended specific conditions of approval as set forth in the Technical Advisory Committee report, dated January 28, 2014.

Conclusions of Law:

4. **As conditioned the proposed subdivision 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.**

Findings of Fact:

11. The City has adopted a Planned Action Ordinance for the Badger Mountain South community.
12. Under the provisions of the Planned Action Ordinance, projects are not reviewed through the standard provisions of the State Environmental Policy Act. Rather, a review is conducted to determine if the proposed project is consistent with the mitigation measures enumerated in the Master Agreement.
13. On Thursday February 20, 2014 the City issued a letter of consistency, finding that the proposal is in fact consistent with the mitigation measures contained in the Master Agreement.

Conclusions of Law:

- 5. Pursuant to Chapter 22.09 of the RMC (State Environmental Policy Act), impacts of the proposal have been appropriately identified and mitigated as set forth in the City's adopted Planned Action Ordinance.**
- 6. Based on the above findings and conclusions, approval of the proposed preliminary plat of West Vineyards is warranted because the project conforms to the City's adopted comprehensive plan, the applicable Land Use and Development Regulations as amended and the Master Agreement provisions, is consistent with the requirements of the City's subdivision regulations and is consistent with the City's Planned Action Ordinance.**

RECOMMENDATION

Staff recommends the Planning Commission concur with the findings and conclusions set forth in the Staff Report (S2014-100) and recommend that City Council approve the proposed preliminary plat of South Orchard 1 subject to the conditions of approval set forth in the Technical Advisory Committee Report dated January 28, 2014.

ATTACHMENTS

- 1- Supplemental Information
- 2- Technical Advisory Committee Report
- 3- Vicinity Map & Aerial Photo
- 4- Copy of Public Notice
- 5- Application Letter and Application Form
- 6- Master Agreement Consistency Recommendation
- 7- Master Agreement Consistency Determination
- 8- Modified Environmental Checklist for South Orchard 1
- 9- Planned Action Consistency Determination
- 10-Proposed Preliminary Plat

EXHIBIT (1)

SUPPLEMENTAL INFORMATION

DESCRIPTION OF PROPOSAL

VSI Development LLC has filed an application for a preliminary plat to subdivide 126.80 acres into 281 total lots and 14 tracts. Consistent with the Badger Mountain South Master Plan and associated Land Use and Development Regulations (LUDR) the residential component will consist of single family lots on large and small lots including ten lots that will permit mansion apartments. Twenty lots will provide for paired (duplex) housing and potentially multi-family could be developed on lots 25, 26 & 28. Of note is these lots could also be developed with neighborhood business uses as they are designated as Neighborhood Collector (NC) via the LUDR. The NC designation is also found on lot 27 proposed to be developed for storage to be utilized by the future residents. Finally, lot 228 will be dedicated as a 6.58 acre City park and lot 227 will likely be a 14 acre school site. Refer to the attached copy of the preliminary plat for a more detailed description of the proposal.

SURROUNDING ZONING AND LAND USES

North & West Property to the north and west is a continuation of the Badger Mountain South Master Planned Community with agricultural activities present.

South Property to the south across Reata Road is located within unincorporated Benton County and consists of vacant land, homes and the office of the Badger Mountain Irrigation District.

East Property to the east contains the plat of Reata Ridge which was platted under Benton County regulations, prior to it being annexed into the City along with the Badger Mountain South land in December of 2010.

Physical Features: The site is currently used for agriculture and contains two irrigation circle systems. As such, most of the native vegetation has been removed. The site consists of gently rolling topography and slopes down from south to north by approximately 50-feet with the highest point of the property located along Reata Road at nearly 900-feet and sloping to an approximate average of 850-feet in the northern portion of the site.

Comprehensive Plan: The comprehensive plan that is in place for this project is the Badger Mountain South Subarea Plan. It designates portions of the site for Low Density

Residential development, Medium Density Residential Development, High Density Residential Development and Civic (spaces for parks, open spaces and trails). A copy of the land use plan for Badger Mountain South is found in the overall Planning Commission packet for the 2/26/14 meeting as amendments to the LUDR will be reviewed at the same meeting. Note that as proposed the preliminary plat of South Orchard 1 is designed on the assumption that the LUDR amendments are accepted.

Development Regulations: The Badger Mountain South Master Planned Community is subject to an alternate set of development regulations that were specifically designed for Badger Mountain South. These Land Use and Development Regulations (LUDR) supersede standard zoning and subdivision standards that normally would apply to a preliminary plat. The development is also subject to the master development agreement between the City and NOR AM Investments. A copy of the LUDR is attached.

LUDR

The LUDR divides Badger Mountain South into a number of districts. The proposed preliminary plat encompasses portions of four of these districts (For a full description of the regulating plan and district refer to Section 1F of the LUDR):

BMS-NE – The Neighborhood Edge District is the most restrictive residential district in Badger Mountain South. It is intended to allow a variety of low density and low intensity Single-Family Houses and Accessory Units on larger lots. The landscape style is appropriate to a neighborhood with street trees and sidewalks.

BMS-NG – The Neighborhood General District is the primary residential district found in Badger Mountain South. It is intended to permit a variety of housing types at urban intensities and densities. Allowable building types include Civic/Institutional/Community Buildings, Courtyard Housing, Mansion Apartments, all in limited applications, as well as Duplexes, Cottage Courts, Single-Family Houses, both with alley and limited street access garages and Accessory Units. No house in the BMS-NG District is intended to be farther than three blocks from any park, mini park or other type of open space. The landscape style is appropriate to a neighborhood with street trees and sidewalks.

BMS-NC – The Neighborhood Collector District is a residential district located in close proximity to parks, trails and greenbelts primarily along Collector streets and neighborhood entry points. It is intended to permit a variety of housing types at medium intensities and densities, with some opportunities for neighborhood-serving retail, businesses, services and cafes. Allowable building types include Civic/Institutional/Community buildings, Neighborhood Goods and Services Buildings, Commercial/Mixed-Use, Live/Work, Stacked Units, Row Houses, Courtyard Housing, Mansion Apartments and Duplexes. The landscape style is appropriate to a neighborhood with street trees and sidewalks, or when adjacent to a greenbelt, a wider landscaped treatment with a portion of the community's trail system.

BMS-CIVIC – The Civic District contains the open space, schools, civic and community facilities throughout the Badger Mountain South development comprising 30% of the acreage of the entire development. The district provides passive and active open space uses. Buildings and structures in the district are primarily intended for civic, community or institutional uses and will consist of schools, community centers, playgrounds, picnic shelters, bathrooms and similar types of buildings and structures and civic improvements.

The process set forward in the LUDR calls for development projects to be reviewed by both the City and by the Badger Mountain South Master Plan Administrator (BMS-MPA). The BMS-MPA has submitted a proposed Master Agreement Consistency Recommendation (MACR) for the City's consideration. This recommendation has been adopted by staff. The Master Agreement Consistency Determination process is described more fully in Section 1.H of the LUDR.

Master Development Agreement

The master development agreement in the Green Infrastructure section, sets forth a schedule for the developers' responsibility in providing privately owned and maintained parks and open spaces. For the South Orchard 1 neighborhood, a City park, private local parks, trails and greenbelts are identified (see attached copy of Master Agreement) based on the number of dwellings that is projected for the South Orchard Neighborhood.

The agreement stipulates that phasing of development is at the determination of NOR AM's own schedule in light of market conditions. The preliminary plat application does not contain any phasing boundaries, giving the applicant maximum flexibility to construct phases of the project in the order of their choosing.

Impact fees for the public parks within Badger Mountain South will be required for each residential unit constructed.

State Environmental Policy Act (SEPA): A Supplemental Final Environmental Impact Statement was completed for this site at the time that the City adopted a subarea plan for the Badger Mountain South area in 2010. The property was annexed at that time and the City adopted a Planned Action Ordinance for the Badger Mountain Master Planned Community. 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 that the mitigation measures identified in the adopted SEPA documents are followed. Projects that are determined to be consistent with the subarea plan, the master agreement between the City and Nor Am investments and the mitigation measures enumerated in the adopted SEPA documents are issued a "letter of consistency". Staff issued such a letter on February 20, 2014, following the review a modified environmental checklist submitted by the applicants. Copies of both documents are included in the staff report.

ANALYSIS

This preliminary plat represents the second development within the master planned community but will be the first opportunity for the City to implement the amended LUDR regulations. There are marked differences between the proposal and standard subdivisions, so this application looks quite different than typical plats reviewed by the Planning Commission. Features such as alley loaded residential lots, more dense patterns of development including mixed-uses, small private park spaces, and narrower streets are some of the features of the Badger Mountain South plan that would not meet typical City development standards but are consistent with the standards in the LUDR.

A second difference between this project and other development applications is that a specific phasing plan is not required as part of the preliminary plat application. Rather, the developer has the option of determining the number and configuration of the phases that will be needed to build out the project. This means that some of the requirements for phasing the infrastructure cannot be determined at this stage of the process. Rather, some of these determinations will need to be made when the applicant submits plans for a final plat for each phase of the project.

A final and Another difference between this application and standard subdivision applications is the level of detail that is needed to verify compliance with the LUDR. Unlike a standard plat, there is an entire level of review that will need to be completed prior to the issuance of residential building permits. Conformance with building type standards, landscape standards and sustainable standards must be made at the time building permits for individual structures are submitted. The LUDR regulations require that further reviews be completed by staff at the time of final platting, at the time individual building permits are applied for and when certificates of occupancy are issued at the completion of a building project. In this way, the detailed requirements contained in the LUDR can be adequately monitored by the City.

In evaluating this application, staff finds that the South Orchard 1 preliminary plat application is consistent with the provisions of the LUDR as amended, as delineated in the Master Agreement Consistency Determination. Further, the application is consistent with the master development agreement and the planned action ordinance.

CONCLUSION

The proposed plat layout is in compliance with the use and density envisioned for the property in the City's adopted Badger Mountain South Subarea Plan and its Land Use and Development Regulations as amended. Subject to the conditions set forth in the Technical Advisory Committee Report, the proposed preliminary plat of South Orchard 1 is consistent with the specific regulations set forth to govern the development of this master planned community.

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EXHIBIT (2)



MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

Development Services Division

TAC MEETING SUMMARY

MEETING DATE: January 28, 2014
PROJECT: Preliminary Plat of South Orchard 1
ATTENDEES: City of Richland;
Judy Garcia & Jason Reathaford, Civil & Utility Engineering
Jeff Peters, Transportation
Kelly Hill, Energy Services
Aaron Lambert, Development Services
Jim Jordan & Rick Shively, Richland Fire
Other Utilities;
Bruce Yamauchi, Cascade Natural Gas
John Simmons, Badger Mountain Irrigation District

APPLICANT: VSI DEVELOPMENT, LLC

REQUEST: PRELIMINARY PLAT APPLICATION TO SUBDIVIDE
126.80 ACRES INTO 281 LOTS AND 14 TRACTS KNOWN AS SOUTH
ORCHARD 1. LOTS INCLUDE RESIDENTIAL, MIXED-USE (MULTI-
FAMILY, NEIGHBORHOOD BUSINESS) PARK, SCHOOL AND STORAGE
USES.

LOCATION: WITHIN THE BADGER MOUNTAIN SOUTH PLANNED COMMUNITY,
GENERALLY NORTH OF REATA ROAD AND WEST OF THE PLAT OF
REATA RIDGE.

ENGINEER: AHBL, Inc.

TECHNICAL ADVISORY COMMITTEE RECOMMENDATIONS

The Technical Advisory Committee conducted a review of the request and recommends that if the preliminary plat is approved, such approval be subject to the following conditions:

1. The proposed preliminary plat cannot be approved as proposed without the approval of the amendments to the Land Use and Development Regulations (LUDR) under review by the Planning Commission, project file Z2014-100.
2. Prior to final plat approval for the phase being finalized, complete engineering plans indicating street design and grading, utility plans including water and sewer, electrical, street lighting, telephone, television cable, natural gas, and irrigation system shall be approved by the Richland Civil and Utility Engineering Division and shall be consistent with the requirements of the responsible departments or companies.
3. Prior to final plat approval for the phase being finalized, all improvements required by under the Land Use and Development Regulations adopted for the Badger Mountain South Subarea shall be installed and accepted by the City or the developer shall provide bonding or other sufficient security acceptable to the City ensuring their installation.
4. There shall be a minimum of two-directions from within the plat that each lot can be accessed from a paved street during all phases of development.
5. The street names and addresses shall be finalized at time of final plat submittal and review. Street naming and addressing shall be in conformance to RMC Chapter 12.01. The following note shall be placed on the final plat(s): **“Address numbers [noted in brackets] are subject to change by the City of Richland at time of building permit issuance.”**
6. Park fees as required by Richland Municipal Code (RMC) Chapter 22.12 shall be paid prior to the City’s performance of a final inspection for any new home within the plat boundaries. The following note shall be placed on the final plat: **“Park fees as required by Richland Municipal Code Chapter 22.12 shall be paid by the property owner prior to the time that a final building inspection is performed by the City for any home on any lot within this subdivision.”**
7. All construction located within the boundaries of this plat shall conform with the requirements of the Land Use and Development Regulations (LUDR) adopted and as amended by the City of Richland for the Badger Mountain South Community. To ensure that future lot buyers are properly informed of the specific LURD requirements, the following notes shall be placed on the final plat:
 - a. **“All residential structures to be constructed within this plat, including single family and duplex structures shall be constructed with a sprinkler system that meets the National Fire Protection Association (NFPA) standards 13-D.”**
 - b. **“All residential lots shall be improved within landscaping at the time a certificate of occupancy is issued for any residential use on that lot in accordance with the landscape standards contained in Section 11.E of the Land**

Use and Development Regulations for the Badger Mountain South Community.”

- c. “All residential structures located within this plat shall conform to the Building Type Standards contained in Section 8 of the Land Use and Development Regulations for the Badger Mountain South Community.”**
 - d. All residential structures located within this plat shall conform to the Sustainable Standards contained in Section 12 of the Land Use and Development Regulations for the Badger Mountain South Community.”**
- 8. Development shall comply with all applicable requirements of the Badger Mountain Irrigation District including but not limited to requirements for design and installation of an irrigation system and related easements.
 - 9. The final plat(s) shall include a note identifying the intended use and ownership of all non-residential tracts within the plat boundaries.
 - 10. At the time the applicant submits design drawings for construction of a phase of the final plat, the City Development Services Division shall review said plans for conformance with the provisions of the LUDR and the Master Agreement. Specifically, the City will review to ensure that there are lots on each block designated for two types of buildings or outlined in the LUDR; that the streets proposed for construction are consistent with the street types and edges as delineated in Section 6 of the LUDR; that the proposed park and/or trail improvements for each phase are consistent with Exhibit D of the Master Agreement relating to green infrastructure.
 - 11. Prior to any construction activities taking place on site, the applicants shall demonstrate compliance with the Environmental Mitigation Conditions identified Exhibit B of the Master Agreement between the City of Richland and Nor Am Investments, LLC and as identified in the City’s Planned Action Ordinance. Specifically, the following conditions shall apply:
 - a. The applicants shall submit a dust control plan to the Benton County Clean Air Authority for their review and approval. All construction work shall be performed in accordance with the provisions of the approved dust control plan.
 - b. The applicants shall submit an erosion control plan to the City of Richland Public Works Department for their review and approval. All construction work shall be performed in accordance with the provisions of the approved erosion control plan.
 - c. The applicants shall conform to City noise standards.

**CITY OF RICHLAND
CIVIL AND UTILITY ENGINEERING
DEVELOPMENT COMMENTS**

DATE: February 20, 2014

TO: AARON LAMBERT, SENIOR PLANNER

PLAT REVIEW BY: JASON REATHAFORD, ENGINEERING TECH 4
JEFF PETERS, TRANSPORTATION ENGINEER
PETE ROGALSKY, PUBLIC WORKS DIRECTOR

PROJECT NAME: SOUTH ORCHARD 1 PRELIMINARY PLAT (S2014-100). Consisting of 238 SFD's, 26 "paired" housing (duplexes), 10 "mansion" apartments (3-6 plexes), 1 storage lot, 1 school or "future development" lot zoned in the LUDR as "civic", 1 City park, 4 unidentified lots at west end, (half are zoned in the LUDR as "NE", the other half zoned in the LUDR as "NG")

PROJECT LOCATION: BADGER MOUNTAIN SOUTH COMMUNITY, ADJACENT TO REATA RIDGE AND NORTH OF REATA ROAD

The Civil and Utility Engineering Division has reviewed the preliminary plat received in this office on January 17, 2014, for the above referenced property and has the following conditions.

General Conditions:

1. All final plans for public improvements shall be submitted prior to pre-con on a 24" x 36" hardcopy format and also electronically in .dwg format compatible with the City's standard CAD software. Addendums are not allowed, all information shall be supplied in the specified 24 x 36 (and electronic) format. When construction of the infrastructure has been substantially completed, the applicant shall provide 3 mil mylar and electronic record drawings to the City. The electronic as-built record drawings shall be submitted in a AutoCAD format compatible with the City's standard CAD software. Electronic copies of the construction plans are required prior to the pre-con meeting, along with the multiple sets of paper drawings. The mylar record drawings (including street lights) shall be submitted and approved by the City before the final punchlist inspection will be performed. All final punchlist items shall be completed or financially guaranteed prior to recording of the final plat.
2. 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. 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.

4. Any work within the public right-of-way or easements or involving public infrastructure will require the applicant to obtain a right-of-way permit prior to construction. A plan review and inspection fee in the amount equal to 5% of the construction costs of the work within the right-of-way or easement will be collected at the time the permit is issued. A stamped, itemized Engineers estimate (Opinion of probable cost) and a copy of the material submittals shall be submitted along with the final plan submittal.
5. 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. After approval by the City of the paper copy, a mylar copy of the record drawings shall be submitted along with a CAD copy of them. The electronic as-built record drawings shall be submitted in a AutoCAD format compatible with the City’s standard CAD software. All final punchlist items shall be completed or financially guaranteed prior to recording of the final plat.
6. Public utility infrastructure located on private property will require recording of a City standard form easement prior to acceptance of the infrastructure and release of the final plat. The City requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of acceptance. Once received, the City will prepare the easement document and provide it to the developer. The developer shall record the easement at the Benton County Assessor and return a recorded original document to the City prior to application for acceptance.
7. A pre-construction conference will be required prior to the start of any work within the public right-of-way or easement. Contact the Civil and Environmental Engineering Division at 942-7500 to schedule a pre-construction conference.
8. Site plan drawings which involve the construction of public infrastructure shall be drawn on a standard 24” x 36” drawing format to a scale which shall not be less than 1”= 40’.
9. All plan sheets involving construction of public infrastructure shall have the stamp of a current Washington State licensed professional engineer.
10. All construction plan sheets shall include the note “CALL TWO WORKING DAYS BEFORE YOU DIG 1-800-424-5555 (or “811”).” Or: <http://www.call811.com/>
11. 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.

12. A copy of the preliminary plat shall be supplied to the Post Office and all locations of future mailbox clusters approved prior to final platting.

Design Standards:

13. Public improvement design shall follow the following general format:
 - A. Sanitary sewer shall be aligned on the north and west side of street centerlines.
 - B. Storm sewer shall be aligned on the south and east side of street centerlines.
 - C. Any sewer or storm manholes that are installed outside of public Right of Way shall have an acceptable 12-foot wide gravel access road (minimum) provided from a public street for maintenance vehicles.
 - D. 10-feet horizontal spacing shall be maintained between domestic water and sanitary sewer mainlines and service lines.
 - E. Water lines shall be aligned on the south and east side of street centerlines.
 - F. Watermains larger than 8-inches in diameter shall be ductile iron.
 - G. Watermains installed outside of the City Right of Way or in very rocky native material, shall be ductile iron and may need restrained joints.
 - H. All watermains outside areas zoned R1 shall be ductile iron.
 - I. Fire hydrant location shall be reviewed and approved by the City Fire Marshal.
 - J. Sewer mains over 15-feet deep shall be constructed out of SDR26 PVC, C900 PVC or ductile iron. The entire main from manhole to manhole shall be the same material. Private sewer service lines over 15-feet deep shall also be constructed of the same material, then transition to regular sewer piping above 15-feet.
 - K. Valves and manholes installed on private property shall be placed so as to avoid parked cars whenever feasible.
 - L. Trash compactors (high capacity dumpsters) shall be plumbed to the sanitary sewer system.
 - M. All utilities shall be extended to the adjacent property (properties) at the time of construction.
 - N. 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.
 - O. The minimum centerline radius for local streets shall be 100-feet.
 - P. Any filling of low areas that may be required within the public Right of Way shall be compacted to City standards.
 - Q. A overall, composite utility plan shall be included in the submitted plan set if the project is phased. This comprehensive utility plan benefits all departments and maintenance groups involved in the review and inspection of the project.

- R. A detailed grading plan shall be included in the submitted plan set.
 - S. For public utilities not located within public street rights-of-way the applicant shall provide maintenance access acceptable to the City and the applicant shall provide an exclusive 10-foot wide public utility easement (minimum) to be conveyed to the City of Richland.
 - T. 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.
 - U. All public improvements shall comply with the State of Washington and City of Richland requirements, standards and codes.
 - V. All cul-de-sacs shall have a minimum radius of 45-feet to the face of curb to allow for adequate turning radius of fire trucks and solid waste collection vehicles.
 - W. Curb returns at minor intersections shall have a minimum radius of 25-feet. Curb returns at major intersections should have minimum radius of 30-feet but should be evaluated on a case by case basis.
 - X. All public streets shall meet design requirements for sight distance (horizontal, vertical and intersectional).
 - Y. All intersections with public streets shall meet horizontal, vertical and intersectional design requirements for sight distance (A.K.A. the Vision Clearance Triangle).
 - Z. All driveways for commercial projects shall construct City standard commercial driveways. Radius-style driveways are not allowed.
 - AA. The final engineered construction plans shall identify locations for irrigation system, street lighting, gas service, power lines, telephone lines, cable television lines, street trees and mail boxes. All electrical appurtenances such as transformers, vaults, conduit routes, and street lights (including their circuit) need to be shown in the plan view.
 - BB. Construction plans shall provide or reference all standard drawings or special details that will be necessary to construct all public improvements which will be owned, operated, maintained by the City or used by the general public (Commercial Driveway, Curb, Gutter, Sidewalk, Water, Sewer, Storm, Street and Street lighting etc.).
 - CC. The contractor shall be responsible for any and all public infrastructure construction deficiencies for a period of one year from the date of the letter of acceptance by the City of Richland.
14. If the preliminary plat will be built in phases the applicant shall submit a master plan for the sanitary sewer, domestic water, storm drainage, electrical, street lighting and irrigation system for the entire preliminary plat 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.
15. If the City Fire Marshal requires a secondary emergency vehicle access, it shall be included in the construction plan set and be designed to the following standards:
- A. 2-inches compacted gravel, minimum (temp. SEVA only).

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

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

16. SURVEY MONUMENT DESTRUCTION:

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

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

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

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

Traffic & Streets:

17. Reata Road is a Benton County road in this area. All intersections with Reata Road must be reviewed and approved by Benton County.
18. Sidewalks shall be installed along all public Right of Way frontages that building lots do not front on during construction of those phases (e.g., storm drainage ponds, parks, etc.).
19. A ten-foot public utility easement along the Reata Road frontage shall be provided on the face of the final plat.
20. A note will be shown on the face of the final plat stating that no driveways accessing single family lots will be allowed onto Reata Road.
21. All road sections with the designation "collector" shall have restricted driveway access from single family lots.
22. All private roads shall be constructed to provide for adequate fire truck & solid waste collection truck access & turnaround movements.
23. Typically the City of Richland Fire Department requires 20-feet of clear space between parked cars. Several of the road sections proposed have less than this for a drive aisle (16-feet, for example). The Fire Department shall approve the proposed road cross sections prior to submittal of construction plans.
24. The proposed 20-foot rear alley easements shall be private roadways which are for the use and benefit of the homeowners that abut said roads, and are to be maintained by the adjacent property owners. The City of Richland accepts no maintenance responsibility for the rear alley easements.
25. Homes whose sole access is the proposed "rear alley easement" road section may have to place their garbage cans at locations acceptable to City solid waste collection vehicles.
26. All intersections of private roadways or alleys with City streets shall be standard commercial driveway drops constructed to City standards.
27. If any parking is restricted, street signs indicating restricted parking shall be installed prior to final platting at the developers expense.

28. City standard sidewalk shall be installed along the City park frontage (lot 228) at the time that the phase that constructs the park is built.

Domestic Water:

29. Domestic water shall be extended to the adjoining properties adjacent to the plat.
30. 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.
31. The fire hydrant layout shall be approved by the City Fire Marshal.
32. If any homes within this preliminary plat are required to install residential fire sprinkler systems, the sprinkler systems shall be flow-through type in compliance with the City's cross connection control program.

Sanitary Sewer:

33. The closest City sanitary sewer available for this development is located in Leslie Road to the east, or the City sanitary sewer lift station on Dallas Road, or in the plat of West Vineyard 1 to the NW. It shall be the responsibility of the developer to extend a sewer main to this property to serve sanitary sewer at the time of plat construction.
34. A 10-foot wide exclusive sanitary sewer easement shall be provided for any sewer main that is outside of the public Right-of-Way. If any manholes are located outside of the public Right-of-Way, maintenance truck access to said structure may be required.
35. Sanitary sewer shall be extended to the adjoining properties adjacent to the plat.

Storm Water:

36. This project may require coverage under the Washington State General NPDES Permit for Construction projects. The Developer shall be responsible for compliance with the permit conditions. 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.
37. All storm drainage systems shall be designed following the core elements defined in the latest edition of the Stormwater Management Manual for Eastern Washington. The Hydrologic Analysis and Design shall be completed based on the following criteria:

Washington, Region 2, Benton County; SCS Type 1A – 24 Hour storm for storm volume. The applicant's design shall provide runoff protection to downstream property owners.

38. The flow-rate of the public storm drainage system shall be designed using the 2-Year, 3-Hour short duration Eastern Washington storm for pipe and inlet sizing using SCS or Santa Barbara method; no modifying or adding time of concentration; no surcharge allowed. Calculations shall be stamped by a registered professional engineer and shall include a profile of the system showing the hydraulic grade line. The calculations should include a 50-foot wide strip behind each right of way line to represent drainage from private property into the City system. Of that area, 50% shall be considered pervious and 50% impervious. Calculations shall include a profile for the design showing the hydraulic grade line for the system. Passing the storm downhill to an existing system will require a downstream storm system capable of accepting the water without being overwhelmed.
39. 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. 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.
40. 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.
41. If the storm drain pond slopes are greater than 25% or deeper than 4-feet, then a 6-foot fence will be required around the perimeter of the pond with a minimum 12-foot wide gate for maintenance vehicles.
42. 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").
43. 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. The engineer may need to demonstrate that the pond will drain itself after a storm event, and not have standing water in it longer than necessary.
44. Stormwater collection pipes shall be extended to the adjoining properties adjacent to the plat.

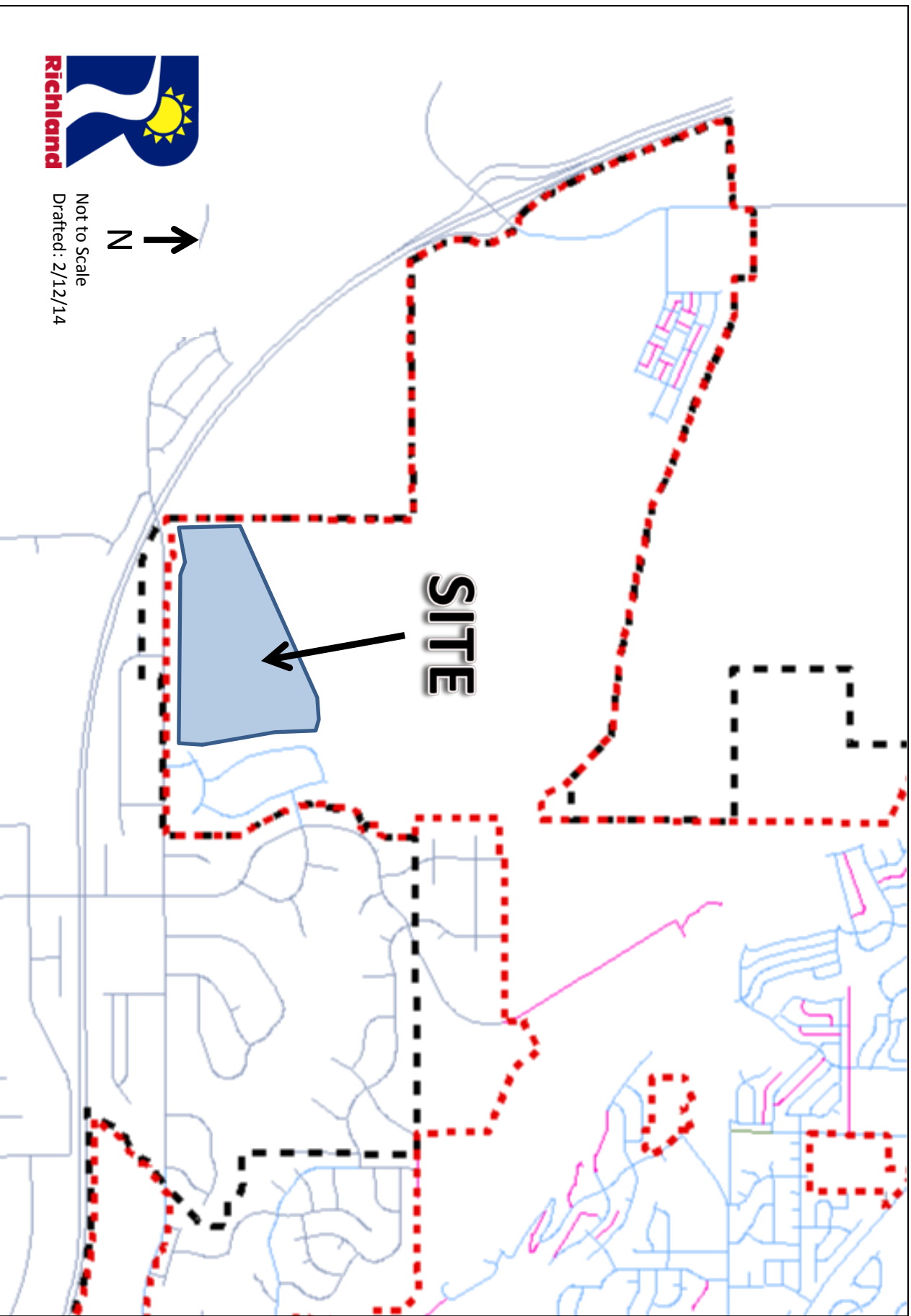
45. If the storm drain pond slopes are greater than 25% or deeper than 4-feet, then a 6-foot fence will be required around the perimeter of the pond with a minimum 12-foot wide gate for maintenance vehicles. A maintenance road from the public Right of Way to the bottom of the pond is also needed (2-inches of compacted gravel, minimum). The City's maintenance of the pond in the future will consist of trimming weeds to maintain compliance with fire and nuisance codes, and maintaining the pond for functionality.
46. The developer shall be responsible for landscaping the storm pond and for its maintenance through the one-year infrastructure warranty period. At a minimum the landscaping plan should be consistent with the City's intended maintenance standard as described above. If the developer wishes for the pond to be landscaped and visually appealing, then the homeowners association should be considered for maintenance responsibilities. This will require an irrigation meter and sprinkler system (including a power source), and responsibility for maintaining the landscaping.
47. The developer of record shall maintain the public storm drainage system for one year from the date of final acceptance by The City of Richland (as determined by the issuance of the "Letter of Final Acceptance"). Said developer shall also thoroughly clean the entire system, including structures, pipelines and basins prior to the City warranty inspection, conducted 11 months after the Letter of Final Acceptance.

Final Platting / Project Acceptance Requirements:

48. 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. After approval by the City of the paper copy, a mylar copy of the record drawings shall be submitted along with a CAD copy of them. The electronic as-built record drawings shall be submitted in a AutoCAD format compatible with the City's standard CAD software. All final punchlist items shall be completed or financially guaranteed prior to recording of the final plat.
49. 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 occupancy. 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.

50. Any off-site easements or permits necessary for this project shall be obtained and secured by the applicant and supplied to the City at the time of plat construction and prior to final plat acceptance by the City.
51. Ten-foot wide public utility easements will be required on the final plat along both sides of all Right-of-Ways within the proposed plat.
52. The final plat shall include notes identifying all common areas including the private streets and tracts and acknowledging the ownership and maintenance responsibility by the homeowners association. A note shall be added to the face of the final plat that states: *"The private roads are for the use and benefit of the homeowners that abut said roads, and are to be maintained by said owners. The City of Richland accepts no maintenance responsibility for said roads"*.
53. A note shall be added to the face of the plat that states: *"The private drives within this plat are fire lanes and parking may be restricted. Any required no-parking signs shall be installed by the developer where applicable."* Street signs indicating restricted parking shall be installed prior to final platting at the developers expense. The restricted parking areas shall be indicated on the final plats.
54. All landscaped areas within the plat that are in the public Right of Way shall be the responsibility of the property owners to maintain.
55. A one-foot "No access / screening easement" will be required along the Reata Road and all "collector" street Right of Ways.
56. The intended use and ownership of all tracts within the plat shall be noted on the final plat.
57. Property with an unpaid L.I.D. assessment towards it must be paid in full or segregated per Richland Municipal Code 3.12.095.

EXHIBIT (3)



Not to Scale
Drafted: 2/12/14



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EXHIBIT (4)



CITY OF RICHLAND **NOTICE OF APPLICATION** **AND PUBLIC HEARING (S2014-100)**

Notice is hereby given that VSI Development LLC, on January 6, 2014, filed an application for preliminary plat approval to subdivide 126.8 acres into 281 single family residential lots and 14 tracts (Preliminary Plat of South Orchard 1). The property is located in the southern portion of the City in the area known as Badger Mountain South and borders E. Reata Rd. on the south and the Plat of Reata Ridge the east boundary. As a part of the Badger Mountain South master planned community the site has residential and civic land use designation. The average lot size of the lots will be 13,834 square feet. Pursuant to Richland Municipal Code (RMC) Section 19.30.030 the City of Richland determined the application complete for processing on January 6, 2014.

The Richland Planning Commission, on Wednesday, February 26, 2014, will conduct a public hearing and review of the application at 7:00 p.m. in the Richland City Hall Council Chambers, 505 Swift Boulevard. All interested parties are invited to attend and present testimony at the public hearing.

Any person desiring to express his views or to be notified of any decisions pertaining to this application should notify Aaron Lambert, Senior Planner, 840 Northgate Drive, P.O. Box 190, Richland, WA 99352. Comments may also be faxed to (509) 942-7764 or emailed to alambert@ci.richland.wa.us. Written comments should be received no later than 5:00 p.m. on Tuesday, February 18, 2014 to be incorporated into the Staff Report. Comments received after that date will be entered into the record at the hearing.

Copies of the staff report and recommendation will be available in the Development Services Division Office, and at the Richland Public Library beginning Friday, February 21, 2014.

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

AARON LAMBERT,
SENIOR PLANNER

EXHIBIT (5)

Development & Permit Services Division • Current Planning Section
840 Northgate Dr. • Richland, WA 99352
General Information: 509/942-7794 • Fax: 509/942-7764

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JAN 06 2014

Planning &
Development Services

PRELIMINARY PLAT APPLICATION

Applicant's Section			
Applicant or Sponsor VSI DEVELOPMENT, LLC			
Address 3600 PORT OF TACOMA ROAD, SUITE 311		City TACOMA	State WA
Zip 98424			
Phone Number 253.468.8567	Fax Number NA	Other NA	
Proposed Subdivision Name SOUTH ORCHARD		Legal Description SEE ATTACHED	
Average Size Lots 13,832 SF		Proposed Number of Tracts 14	
Average Lot Size (Residential Lots) 9,246 SF		Area in Acres 126.80 AC	
Proposed Number of Lots 281		Proposed Number of Blocks 29	
Name of Surveyor Platting Subdivision JOHN BECKER, PLS (AHBL)			
Address 9825 SANDIFUR PARKWAY, SUITE A		City PASCO	State WA
Zip 99301			
Phone Number 509.380.5883	Fax Number NA	Other NA	

I DECLARE UNDER THE PENALTY OF THE PERJURY LAWS THAT THE INFORMATION I HAVE PROVIDED ON THIS FORM/APPLICATION IS TRUE, CORRECT AND COMPLETE.

[Signature] *managing member* *January 7, 2014*
Applicant's Signature Date

OFFICE USE ONLY

Filed on _____ Signature _____
Case File No. _____ Date of Planning Commission Hearing _____
Action by Planning Commission - Minutes _____

Attach:

1. 30 Copies
2. 11" x 17" reduction
3. Ownership Report from Title Company listing all Owners within 300-feet.

RECEIVED

JAN 06 2014

Loren D. Combs
ldc@vsilawgroup.com

Planning &
Development Services
January 6, 2014

Mr. Rick Simon
Development Services Manager
City of Richland
940 Northgate Drive
Richland, WA 99352

Hand Delivered

Re: Our Client: Nor Am Investment, LLC
Our File No.: 33266
Project: Badger Mountain South Master Plan Community
Subject Matter: South Orchard I Preliminary Plat Application

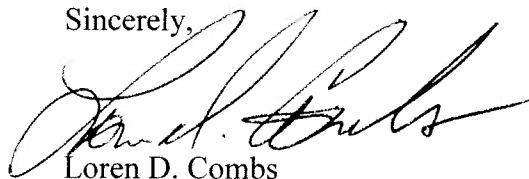
Dear Mr. Simon:

I am pleased to submit to you with this letter the Application for Preliminary Plat of South Orchard 1. Included with this letter are the following items:

1. Signed City of Richland Preliminary Plat Application using the City's form;
2. Nor Am Investment, LLC check number 6794 in the amount of \$1,960.00 for the application fee;
3. Signed Property Owner Consent signed by the Kennewick School District, consenting to the Preliminary Plat Application;
4. Thirty-two (32) full size (24" x 36") copies of the South Orchard I Preliminary Plat civil drawing package including overall landscape plan;
5. Two (2) reduced size (11" x 17") copies of the South Orchard I Preliminary Plat civil drawing package including overall landscape plan;
6. The signed Badger Mountain South Master Agreement Consistency Recommendation (MACR) Supplement to Preliminary Plat Application;
7. Badger Mountain South Planned Action Consistency Determination Modified Environmental Checklist for South Orchard I Preliminary Plat;
8. Title Report; and
9. Adjoining property mailing labels.

I look forward to working with you through this process. I will be in Richland January 13, 2014, and if you have read this, perhaps we could meet and go over any questions you may have.

Sincerely,



Loren D. Combs

**PROPERTY OWNER CONSENT
TO FILING OF SOUTH ORCHARD 1 PRELIMINARY PLAT APPLICATION**

Kennewick School District, an owner of real property within the boundaries of the proposed Preliminary Plat of South Orchard 1, hereby consents to VSI DEVELOPMENT, LLC, Loren D. Combs, Managing Member, filing and processing of the Preliminary Plat Application for South Orchard 1.

KENNEWICK SCHOOL DISTRICT

By: Dave Bond

January 6th, 2014

Dave Bond
(Printed Name)

Its: Superintendent

EXHIBIT (6)

Badger Mountain South
Master Agreement Consistency Recommendation (MACR)
Supplement to the Preliminary Plat Application for
South Orchard 1

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JAN 06 2014
Planning &
Development Services

Executive Summary

The successful development of the Badger Mountain South Master Plan Community (BMS) 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. 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 BMS 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 which 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 application plat name, "South Orchard 1", is derived from one of the five neighborhoods to be developed in Badger Mountain South. In the LUDR, density targets and housing mix for each of the five neighborhoods is discussed. Since this is an early BMS development application and because it develops only a portion of the South Orchard Neighborhood, meeting density targets and a specific housing mix as described on LUDR page 7-6, will not be totally germane. It is only as the neighborhood continues to develop that the ability to meet these targets will become clear and may require subsequent plat design adjustments on the part of the future developer. However, since these numbers are referred to as "targets", they should be considered as another means to meet the project goals for housing variety and choice, rather than referring to an absolute number of units and unit types for any particular sector..

The applicant has stated that this plat may be finalized in phases, as market conditions warrant. If the final plat is phased, each phase must meet the conditions of the approved Preliminary Plat, the Master Agreement and specifically the LUDR, before it will be finalized.

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JAN 06 2014

Planning &
Development Services

Badger Mountain South

Master Agreement Consistency Recommendation (MACR)
Supplement to the Preliminary Plat Application for South Orchard 1

DATE: 1-3-14

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 the 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 the Richland Municipal Code 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:

VSI Development LLC, c/o Loren Combs, 3600 Port of Tacoma Road, Suite 311, Tacoma, WA 98424; 253-9225464

2. Project name: South Orchard 1

3. Project Description including site size in acres:

A subdivision of 126.34 acres total area; 281 lots created; Neighborhood Commercial = 6.86 ac.; about 274 total Single-family and Multi-family lots; elementary school site; city neighborhood park; all in the area of Badger Mountain South that lies adjacent to and north of Reata Road.

4. Is phasing proposed? Please explain: The applicant has stated that this plat may be finalized in phases, as market conditions warrant.

5. Regulating Plan District(s) (see LUDR p.2-2) Neighborhood Edge District (NE); Neighborhood Collector District (NC); Neighborhood General District (NG); Civic District

6. What is the name of the Neighborhood and in which Plan Sector does this proposal lie? (See LUDR pp. 7-5 through 7-9)

Neighborhood: South Orchard Neighborhood (LUDR p.7-9) Plan Sectors: 3, 4 and 5

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

Single and Multi-family residential uses; limited commercial as permitted in NC District; elementary school; city neighborhood park.

8. What Building Types are likely to be developed here? (see LUDR p. 2-4)

Civic/Community Facilities; Neighborhood Goods and Services; Single-family Alley Access and Street Access; Duplex; Stacked Unit; Mansion Apartments

9. LUDR Preliminary Plat Checklist:

Referenced LUDR Section, Criteria and Applicant's Response <i>This column to be completed by Applicant.</i>	Reviewer Comments <i>This column to be completed by Master Plan Administrator.</i>
9.1. Site Size LUDR 7.B.1 "Sites larger than 3 acres shall be subdivided further to create additional blocks (except Civic, Special Districts and Neighborhood Edge Districts)." Total size of proposed plat: <u>126.34</u> (acres) Total size in each phase: <u>Undetermined at this time. If there are phases, size and timing will be decided in the final plat process.</u> (acres)	The platted area includes lots for single-family and multi-family residential, tracts for trails and smaller parks (Block Parks), a City Neighborhood park, commercial sites, and an elementary school site owned by the Kennewick School District.
9.2. Block Size LUDR 7.C.2.a-d Block Size and Configuration must meet the following Block Dimension Standards (except as noted above): Block length = 650', except in VMU District = 400' maximum Depth = 350' maximum Perimeter Dimension = 2,000' maximum Identify the following for the smallest and largest blocks: Block length: <u>smallest – 319 ft.; largest – 677 ft.</u> Block depth: <u>smallest – 256 ft.; largest 256 ft.</u> Perimeter dimension: <u>smallest – 1150 ft.; largest – 1943 ft.</u>	All blocks as proposed meet the LUDR requirements for smaller-scale blocks. Those lots in areas designated as the Neighborhood Edge District (NE) are not subject to block standards, see LUDR Section 7.B.1, on page 7-2.
9.3. Front Facing Block LUDR 7.C.4.e Does the proposal include <u>only</u> blocks to be constructed with alleys? Y/ <input checked="" type="checkbox"/> N If yes, skip to No.9.4; otherwise please circle response: Do those blocks with direct street access lots (i.e., without alleys) meet the following criteria: (1) Non-alley load lots do not front onto a Collector Street, except in single-loaded, perimeter location; or, are located in the NE District; or, where located in an area where two districts abut (NG to NE District). <input checked="" type="checkbox"/> Y/ <input type="checkbox"/> N	Blocks that are to be constructed with both alley and front load lots must meet certain LUDR requirements designed to keep the neighborhood "walkable". The plat does contain front load lots that are in the NE District, a perimeter location and where the two districts abut.

<p>(2): No two blocks across a street may be street accessed except in the BMS-NE District. This standard shall not apply when one of the following conditions exist: when blocks are 325 ft. or less in length; or, when grade differences across blocks exceed 4 ft. Provided that on blocks that exceed 325 ft., no two parallel streets may abut blocks that have street-accessed lots on all block faces.</p> <p><input type="checkbox"/> Y/N</p> <p>(3) Non-alley load lots are not across from a Civic District space: <input checked="" type="checkbox"/> Y/N</p> <p>The NE District does include exceptions; in LUDR 3.E.1, houses are typically accessed by streets, on lots without alleys; as well, LUDR 7.C.4.e which identifies that the boundary between the NE and NG Districts is considered a perimeter location and excluded from the alley requirement.</p> <p>Does this preliminary plat include any areas where the NE and NG districts abut? <input checked="" type="checkbox"/> Y/N</p>	<p><i>This column to be completed by Master Plan Administrator.</i></p> <hr/> <p>The LUDR requirement is proposed to be amended to the text as shown to the left (City filing number zone – 131230-1). If this amendment is accepted, this plat will meet this condition.</p> <p>Except for lots No. 235 and 229, all areas designated as Civic areas adjoin a street. The two lots in question abut one of the Civic parcels with their side yards; their rear yards abut a short trail extension that allows convenient public access to the Civic space.</p> <p>Yes, lots 29 and 30 abut at their side yards. This design does not impact neighborhood walkability.</p>
<p>9.4. Other Block Requirements LUDR 7.C.5.a</p> <p>In the Village Mixed Use (VMU), Neighborhood Collector (NC) and Neighborhood General (NG) Districts two (2) building types required on each block; see Section 2.D. for Building Type Table.</p> <p>Identify Building Types proposed if known: <i>Civic/Community Facilities; Neighborhood Goods and Services; Single-family Alley Access and Street Access; Duplex; Stacked Unit; Mansion Apartments</i></p> <p>or, N/A</p>	<p>The plat contains lots with a variety of sizes. By varying the lot size a number of different Building Types and building sizes can be accommodated. This variety is intended to encourage a mix of housing price points.</p> <p>In addition, the applicant has identified specific lots where Duplexes and/or Mansion Apartments may be constructed.</p>
<p>9.5. Other NC District Requirements LUDR 8.G. and 8.I., 3.b.</p> <p>In the Neighborhood Collector (NC) District, when proposing live/work or Row House Building Types, a landscaped separation of 12' must be located between every 8 units, or every 200', whichever is less.</p> <p>Is an area that meets this requirement shown on the plat? Y/N, or <input type="checkbox"/> NA</p>	<p>The applicant has stated that there is at this time no market interest in constructing either Live/work or Row House units. However this condition would apply if those Building Types were to be constructed in the future development of the plat as market acceptability of the product increases.</p>

<p>9.6. Street Standards LUDR 6.B – 6.H</p> <p>Sites being designed into additional blocks must meet Street Standards.</p> <p>Is a public street to be constructed? <input checked="" type="checkbox"/> Y / <input type="checkbox"/> N</p> <p>Provide separate sheet with street type and edge type(s) indicated.</p> <p>Note that cul-de-sacs are prohibited and street stubs must be indicated if adjacent site is vacant.</p>	<p><i>This column to be completed by Master Plan Administrator.</i></p> <hr/> <p>See pages C1.11 – C1.13 for street profiles proposed for this plat including street types and edge types. Note that a new edge type is being proposed with the LUDR amendment. That Edge Type would create a new standards for a Greenbelt Edge which would include an 8 ft. sidewalk (Primary Trail) and a 20 ft. tree lawn.</p> <p>Street stubs are indicated on the plat. The area in the northeast corner of the proposed plat does include a short, half-round street on to which five lots face. Because it is a short but continuous street, it is not considered a cul-de-sac (which generally dead ends).</p>
<p>9.7. Alleys LUDR 6. G (alley design standards) and 7.C.4</p> <p>If alleys are not proposed skip to No. 9.8 below, otherwise complete as indicated.</p> <p>Does this plat include alleys that meet width requirements and other design features as found in 6.G? <input checked="" type="checkbox"/> Y / <input type="checkbox"/> N <i>See sheet C1.13</i></p> <p>Provide alley width dimensions here: <u>Total width is 20 ft.; 12 ft drive lane and two 2 ft gravel shoulder</u></p> <p>LUDR 7.C.4 Alleys are required to be used in the Village Mixed Use (VMU) and Neighborhood Collector (NC) Districts in most instances, see 7.C.4.b. 1 and 2 for exceptions.</p> <p>Alleys are also required in the Neighborhood General (NG) District</p>	<p>Alleys meet LUDR standards.</p> <p>There are no VMU District areas in this plat. Alleys are found within the NC District.</p>

<p>when lots are less than 50' in width.</p> <p>The area of the preliminary plat is in what District(s):</p> <p><u>NE, NG, NC and Civic Districts</u></p> <p>Does this area require alleys? <input checked="" type="checkbox"/> Y / <input type="checkbox"/> N <u>The NC and NG Districts</u></p> <p>Dead end alleys are not permitted; are dead end alleys proposed? Y / <input checked="" type="checkbox"/> N</p>	<p><i>This column to be completed by Master Plan Administrator.</i></p> <hr/> <p>All lots are greater than 50 ft. in width; smallest lot width is 51.3 ft..</p>
<p>9.8. Lot Size by District and Proposed Building Type LUDR 8.B – 8.P</p> <p>In. No. 9.4 (above) proposed Building Types were identified for this project. Do the proposed lot size(s) meet the proposed Building Types lot standards? <input checked="" type="checkbox"/> Y / <input type="checkbox"/> N</p> <p>Please describe:</p> <p><i>Lots vary by size and dimension but all can meet one or more Building Type requirements and related standards.</i></p>	<hr/> <p>Each block includes a mix of lot sizes so that more than one Building Type can be accommodated.</p>
<p>9.9. Block Open Space LUDR 7.D.2, and LUDR 7.D.3.C. and E</p> <p>Number of Block Open Spaces in this plat: <u>4</u></p> <p>LUDR 7.D.2 Block Open Space size: 5,000 sq. ft. to 1 acre; minimum width 50' except when designed to meet sense of enclosure or can average width on an irregular-shaped lot.</p> <p>Identify size and width for each Block Open Space included:</p> <p><i>Tract 6 = 16,522 SF; Tract 9 = 6,162 SF; Tract 10 = 11,920 SF</i> <i>Tract 11 = 14,090 SF</i></p> <p><i>The Block Park Tracts are irregular widths but because they are all larger than the required minimum they will be developable to Block Park standards.</i></p>	<hr/> <p>Block Open Spaces are irregular in shape within this plat but all are above the minimum size and therefore meet the LUDR Block Park standards.</p>

<p>LUDR 7.D.3.C Block Open Spaces are required to be distributed throughout the neighborhoods and are to be located so that no dwelling is more than 3 blocks away from any type of Open Space.</p> <p>Are all residential lots no more than 3 blocks from any type of Open Space? <input checked="" type="checkbox"/> Y/N</p>	<p><i>This column to be completed by Master Plan Administrator.</i></p>
<p>9.10 Exceptions Are there any LUDR conditions that cannot be met by this preliminary plat? If so please describe:</p> <p><i>No exceptions proposed.</i> <i>On December 30, 2013 a set of LUDR amendments was filed with the City, City filing number Zone -131230-1.</i></p> <p><i>This preliminary plat implements some of those amendments and therefore is consistent if the LUDR amendment proposal is adopted.</i></p>	<p>The LUDR also sets Neighborhood Block Open Space Targets for each neighborhood and each sector within each neighborhood. In this plat Block Parks are proposed for two sectors, totaling 1.11 ac. The total neighborhood requirement is for 1.4 acres. Since sectors 1 and 2 are not included in this plat, these targets can be met with future development.</p> <p>All of the lots within this plat are within three blocks of a park, trail or open space. However this plat is unique in Badger Mountain South in that there will be three major public spaces – an elementary school and related playgrounds, a 6-acre city neighborhood park, and a large portion of the Orchard Green Open Space available to residents here. Block Parks are still provided, as well as other landscaped areas, for the enjoyment of the community to be built here.</p>

Additional Reviewer Notes:

BMS-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 build out of Badger Mountain South. ”

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

☒ Y/N; Please explain.

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

In the case of South orchard 1 Preliminary Plat, XXX single family units and approximately XXX MF units are anticipated for a total of XXX RU. The exact count of SF and MF units will be dependent on the type of MF structure(s) constructed. With the improvements identified below, this Preliminary plat meets the requirements of the master Agreement, Exhibit D.

For planning purposes it is assumed that the Green Infrastructure requirements or XXX RU will be provided in the following manner:

Requirement	Improvement Provided	Residential Units (RU)
Block Parks that total 1.4 acres (60,984 SF) = 50 RU Or, 1,219.75SF = 1 RU	4 Block Parks provided; two in Sector 4 and two in Sector 5, total 1.2 acres, or 48,694SF.	48,694SF/1,219.75SF = <u>40 RU</u>
Various lengths of Greenbelt/Primary/Secondary Trails 24.44LF=1RU*	<p align="center">Sector 3:</p> REATA TRAIL: Tract 2: 538 L.F. REATA TRAIL: Tract 3: 815 L.F. Road A Greenbelt: 744: L.F. Orchard Green Trail: 1299 L.F. <p align="center">SECTOR 4</p> REATA TRAIL – Tract 4: 2505 L.F. Road M Greenbelt: 1439 L.F. Road P East Greenbelt: 772 L.F. Road P West Greenbelt: 772 L.F. Tract 5 Greenbelt Trail: 172 L.F. Orchard Green Trail: 1536 L.F. <p align="center">Sector 5:</p> Tract 13 Greenbelt Trail: 642 L.F. Road M Greenbelt: 1294 L.F. Orchard Green Trail: 1320 L.F.	<p align="center">Sector 3:</p> 538LF+815LF+744LF+1,299LF= <u>TOTAL: 3396 L.F./ 24.44 = 138.9 RU</u> <p align="center">Sector 4:</p> 2505LF+1439LF+772LF+772LF+172LF+1536LF = <u>TOTAL: 7,196L.F./24.44 = 294.4 RU</u> <p align="center">Sector 5:</p> 642L.F. + 1294L.F.+ 1320 L.F. = <u>TOTAL: 3256L.F. /24.44L.F.= 133.2 RU</u>
Total Residential Units allowed with the Green Infrastructure improvements per the Preliminary Plat design.		<p align="center">Block Parks: 40RU + Trails/Greenbelts:</p> <p align="center">566.5 RU =</p> <p align="center">606.5 RU</p>

*Note, the calculation of Greenbelt/Primary/Secondary Trails LF to RU was established in the first Badger Mountain South plat, the West Vineyard 1, Phase 1 Plat.

Does the number of residential lots proposed trigger MA Exhibit B, Environmental Mitigation Conditions?

☒ Y/N Please explain.

Yes, the Master Agreement Exhibit B mitigation measures are required. These measures are outlined in the separate environmental document, Badger Mountain South Planned Action Consistency Determination for the South Orchard 1 Preliminary Plat, attached.

Other Comments:

1. Note that the applicant has also provided additional Open Space as noted below that is not included in the Green Infrastructure calculations:

MISCELLANIOUS OPEN SPACE

SECTOR 3:

REATA GREENBELT

Tract 2 13619 S.F. (0.31 acre)

Tract 3 20027 S.F. (0.46 acre)

LANDSCAPE Tract 1 5196 S.F. (0.12 acre)

TOTAL 38,842 S.F. 0.89 acres

SECTOR 4:

REATA GREENBELT

Tract 4 86,202 S.F. (1.98 acre)

GREENBELT

Tract 5 10,338 S.F. (0.24 acre)

Tract 8 10,401 S.F. (0.24 acre)

LANDSCAPE Tract 7 2176 S.F. (0.05 acre)

TOTAL 109,107 S.F. 2.51 acres

SECTOR 5:

GREENBELT Tract 13 6612 S.F. (0.15 acre)

LANDSCAPE

Tract 12 2939 S.F. (0.07 acre)

Tract 14 17,409 S.F. (0.40 acre)

TOTAL 26,960 S.F. 0.62 acres

2. Density targets are also set by neighborhood and sector to ensure a mix of sizes and types of housing will be available in order to create an intergenerational and mixed income neighborhood, See LUDR 7.K 3 and 7.K.4.

Below is a summary of density by sector as proposed in this preliminary plat:

DENSITY

SECTOR 3

RETAIL/COMMERCIAL

LOT 26	30,320 S.F.	0.70 acre
LOT 27	203,007 S.F.	4.66 acre
LOT 28	65,683 S.F.	1.51 acre

MULTI-FAMILY

LOT 25	101,191 S.F.	2.32 acre	(54 RU)
LOT 29	55,294 S.F.	1.27 acre	(20 RU)

ALLEY LOTS

10 Lots (10 RU)

STREET ACCESS

single-family 6 Lots (6 RU)

Duplex option 2 lots (4 RU)

NEIGHBORHOOD EDGE

11 Lots (11 RU)

TOTAL RU 105 RU

70.5% M.F.

ALLOWABLE RU PER OPEN SPACE = 138.9 RU

SECTOR 4

MULTI-FAMILY MANSION 9 Lots (36 RU)

ALLEY LOTS

Single-family 65 Lots (65 RU)

Duplex option 7 lots (14 RU)

STREET ACCESS

Single-family 80 Lots (80 RU)

Duplex option 5 lots (10 RU)

NEIGHBORHOOD EDGE

26 Lots (26 RU)

TOTAL RU 231 RU

26.0% M.F.

ALLOWABLE RU PER OPEN SPACE = 313.0 RU

SECTOR 5

MULTI-FAMILY MANSION 1 Lot (4 RU)

ALLEY LOTS

Single-family 5 Lots (5 RU)

Duplex option 2 Lots (4 RU)

STREET ACCESS

Single-family 17 Lots (17 RU)

Duplex option 5 lot (10 RU)

NEIGHBORHOOD EDGE

23 Lots (23 RU)

TOTAL RU 63 RU

32.1% M.F.

ALLOWABLE RU PER OPEN SPACE = 154.6 RU

3. Below is the plat summary by use, acres and lots within all of the sectors combined:

T

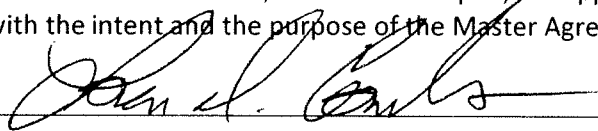
TOTAL SECTORS 3, 4 & 5

RETAIL/COMMERCIAL	299,010 S.F.	6.86 acres
MULTI-FAMILY	156,485 S.F.	3.59 acres
MULTI-FAMILY FLATS		74 Units
MULTI-FAMILY MANSION	10 Lots	40 Units
ALLEY SINGLE-FAMILY	80 Lots	80 Units
ALLEY DUPLEX	9 Lots	18 Units
STREET ACCESS SINGLE-FAMILY	103 Lots	103 Units
STREET ACCESS DUPLEX	12 Lots	24 Units
NEIGHBORHOOD EDGE	60 Lots	60 Units
TOTAL	274 Lots	399 Units

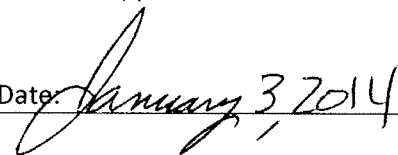
Recommendation of Consistency:

It is my opinion as the Master Plan Administrator that if the LUDR amendments, filed December 30, 2013, City filing number Zone -131230-1, relative to this plat, are approved, then the application as submitted is consistent with the intent and the purpose of the Master Agreement.

Signature:



Date:



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EXHIBIT (7)



505 Swift Boulevard, P.O. Box 190 Richland, WA 99352
Telephone 509-942-7390, Fax 509-942-5666

www.ci.richland.wa.us

**Development Permitting
Division**

February 20, 2014

840 Northgate Drive
Richland, WA 99352
Telephone 509-942-7794
Fax 509-942-7764

MASTER AGREEMENT CONSISTENCY DETERMINATION

For: Preliminary Plat Application of South Orchard 1, a Badger Mountain South Development (S2014-100)

Applicant: VSI Development, LLC

Project Description: A preliminary plat application to subdivide 126.80 acres into 281 lots and 14 tracts known as South Orchard 1. Lots include residential, mixed-use (multi-family, neighborhood business) park, school and storage uses as depicted on the preliminary plat submittal dated January 6, 2014.

Consistency Determination Type: Level 1

Master Agreement Consistency Recommendation: Received recommendation of consistency from Badger Mountain South Master Program Administrator on date January 3, 2014 and received by the City on January 6, 2014.

After completing the review of the preliminary plat application of South Orchard 1, 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,

Rick Simon,
Development Services Manager

EXHIBIT (8)

**Badger Mountain South Planned Action Consistency Determination
Modified Environmental Checklist for South Orchard I Preliminary Plat**

RECEIVED
JAN 06 2011
Planning &
Development Services

A Final Supplemental Environmental Impact Statement dated August 23, 2010 ("FSEIS") was issued for the Badger Mountain South Subarea Plan. In accordance with RMC 22.09.080, a mitigated determination of non-significance ("MDNS") was issued by the City for the Master Agreement between the City of Richland and NorAm Investment LLC (Master Agreement) on September 23, 2010. The mitigation conditions listed in the FSEIS relative to Badger Mountain South (BMS) were listed as mitigation conditions for the Master Agreement. The mitigation conditions set forth in the MDNS are captured in Exhibit B of the Master Agreement. Any development occurring within Badger Mountain South must be consistent with those conditions. Once it is determined that all relevant mitigation measures are met, a Planned Action Consistency Determination is issued by the City's responsible official for environmental review.

The South Orchard I Preliminary Plat application is within the scope of the environmental review conducted in the FSEIS and is found to be consistent with the relevant Exhibit B mitigation conditions. These conditions are included as conditions for the preliminary plat approval:

Mitigation Conditions and Findings:

Mitigation Condition 1, Erosion and Soil Stability:

Erosion and Soil Stability impacts are mitigated. The following measures are required:

- Implement erosion control measures per City of Richland requirements.
- Provide vegetative cover on exposed soils as soon as practicable following clearing and grading.
- Water exposed areas during construction in accordance with local air-quality agency requirements.
- Compact soils at densities appropriate for planned land uses.

Mitigation Condition 2, Air Quality:

Air Quality impacts are mitigated. Prior to construction, a dust control plan prior will be developed to comply with applicable Benton County Clean Air Authority's Fugitive Dust standards.

Mitigation Condition 4, Noise:

Noise impacts are mitigated. Existing city regulations will be followed to mitigate impacts from construction.

Mitigation Condition 3, Surface Water:

Surface Water impacts are mitigated. The appropriate Washington State Department of Ecology's Stormwater Management Manual for Eastern Washington for Hydrologic and Hydrology was used for Stormwater design. The project will construct a flow control and quality control facility to meet surface water impacts.

Mitigation Condition 5, Transportation:

Transportation impacts are adequately mitigated for development of South Orchard 1. Transportation Mitigation measures are identified separately for “Phase 1” and for “beyond Phase 1”. Phase 1 transportation mitigation conditions are applied when certain PM peak hour trips are generated by the development. The South Orchard 1 Preliminary Plat is estimated to generate approximately 450 PM peak hour trips upon full development which is lower than the mitigation trigger found in Mitigation Condition 5.

Mitigation Condition 6, Potable Water:

Potable Water impacts are adequately mitigated for development of South Orchard 1. Prior phases of development have constructed water infrastructure that is adequate to serve South Orchard 1. Additional potable water distribution systems will be designed and constructed as necessary in accordance with City of Richland standards as part of the South Orchard 1 final development.

Mitigation Condition 7, Sanitary Sewer:

Sanitary sewer impacts are mitigated. Sanitary sewer for the South Orchard plat area will be provided differently than that envisioned in the Badger Mountain Subarea Plan. Now sanitary sewer will be provided from a new sanitary sewer extension as planned by the City of Richland Public Works Department through an LID. Consequently no new improvements constructed outside of Badger Mountain South will be needed.

Mitigation Condition 8, Life Safety Services:

Life Safety Services impacts are mitigated. All single family and duplex residential structures are to be constructed with a sprinkler system that meets the National Fire Protection Association (NFPA) standard 13-D. All other conditions of the Department of Fire and Emergency Services will also be met.

Mitigation Condition 9, Electrical Services:

Electrical Services impacts are mitigated. A two-acre site has been identified for a future new substation facility. Other energy conservation measures identified in the Master Agreement apply at building construction.

Mitigation Condition 10, Carbon Footprint:

Carbon Footprint impacts are mitigated. There are six specific mitigation measures identified in the Master Agreement. Two of the measures, 10.1 and 10.6, are met with this preliminary plat application because it is part of the overall BMS project which will include a mix of densities, is designed to be walkable and sustainable, and will include trails that can support walking and bicycle use. The remaining mitigation measures apply at building design.

Mitigation Condition 11, School Impacts:

School impacts are mitigated. Badger Mountain South has identified locations or potential sites for three elementary and one middle school. Located within this preliminary plat area is the elementary school site owned by the Kennewick School District.

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EXHIBIT (9)



www.ci.richland.wa.us

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**Development Permitting
Division**

840 Northgate Drive
Richland, WA 99352
Telephone 509-942-7794
Fax 509-942-7764

February 20, 2014

PLANNED ACTION CONSISTENCY DETERMINATION

For: Preliminary Plat Application of South Orchard 1, a Badger Mountain South Development (S2014-100)

Applicant: VSI Development, LLC

Project Description: A preliminary plat application to subdivide 126.80 acres into 281 lots and 14 tracts known as South Orchard 1. Lots include residential, mixed-use (multi-family, neighborhood business) park, school and storage uses as depicted on the preliminary plat submittal dated January 6, 2014.

Master Agreement Consistency Determination: Issued February 20, 2014

After completing the review of the preliminary plat application of South Orchard 1 and evaluating it in light of the mitigating conditions established in the Final Supplemental Environmental Impact Statement prepared for the Badger Mountain South Subarea Plan and as delineated as Exhibit B in the Master Agreement between the City of Richland and Nor Am Investments, LLC, the City finds the following:

1. The South Orchard 1 preliminary plat meets the description for a planned action as defined in City code and that as conditioned, the project will implement any applicable conditions or mitigation measures identified in this ordinance;
2. The South Orchard 1 preliminary plat is consistent with the City of Richland Comprehensive Plan and the Badger Mountain Subarea Plan;
3. The South Orchard 1 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 February 20, 2014;

4. The probable significant adverse environmental impacts of the proposed project have been adequately addressed in the Planned Action Ordinance and as described in the in the document titled, "Badger Mountain South Planned Action Consistency Determination Modified Environmental Checklist for South Orchard 1 Preliminary Plat".
5. The South Orchard 1 Preliminary Plat is not an essential public facility, as defined in RCW 36.70A.200.
6. Based on the foregoing, a SEPA threshold determination or EIS is not required.
7. The following environmental mitigation conditions shall apply to the South Orchard 1 Preliminary Plat:
 - a. The applicants shall submit a dust control plan to the Benton County Clean Air Authority for their review and approval. All construction work shall be performed in accordance with the provisions of the approved dust control plan;
 - b. The applicants shall submit an erosion control plan to the City of Richland Public Works Department for their review and approval. All construction work shall be performed in accordance with the provisions of the approved erosion control plan;
 - c. The applicants shall conform to City noise standards.

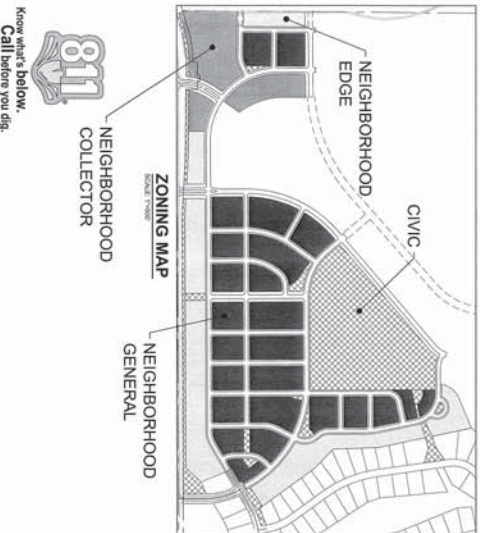


Rick Simon,
SEPA Responsible Official

February 20, 2014

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EXHIBIT (10)

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TOPOGRAPHIC NOTE:

The map shows the project site (shaded area) and the access road (dashed line). The project site is located near the intersection of the access road and the main road. The map also shows the surrounding infrastructure, including the main road, the access road, and the surrounding terrain. The map is oriented with North at the top.

PROPERTY DESCRIPTION(S):

AVRIL, INC.
2215 NORTH 30TH STREET, SUITE 300
TACOMA, WA 98403
PH: 253.563.2422
CONTACT: TODD SAWYH, PE, LEED AP
EMAIL: tbsawyh@avril.com

LANDSCAPE ARCHITECT:

BRUNDTZ DESIGN GROUP, INC.
1590 8TH HILLING AVENUE

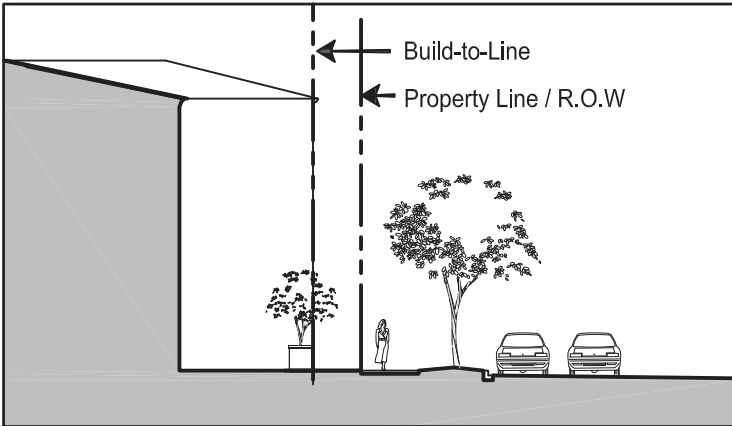
SURVEYOR:
AHER, INC.
9625 SANDHUR PARKWAY, SUITE A
PASCO, WA 99301
PH. 509.350.5863
FAX 509.350.5863
CONTACT: JOHN BECKER, PLS.

[illegible]

9.E FORECOURT



Illustrative Photo: Residential Entry Court



Standards Diagram Section - Greenbelt

1. DESCRIPTION

The Forecourt Frontage Type is appropriate for either residential or commercial Districts and Building Types. This Frontage includes a small court space that is setback while the majority of the building is placed at or near the frontage line. The Forecourt may be used as an entry court and shared garden space for residential uses, or as additional shopping or restaurant seating areas within commercial districts. This type should be used sparingly along a block frontage.

2. APPLICABLE DISTRICTS

- a. Village Mixed-Use (BMS-VMU) (3.B)
- b. Neighborhood Collector (BMS-NC) (3.C)
- c. Neighborhood General (BMS-NG) (3.D)
- d. Neighborhood Edge (BMS-NE) (3.E)

3. APPLICABLE BUILDING TYPES

- a. All Building Types (Section 8)

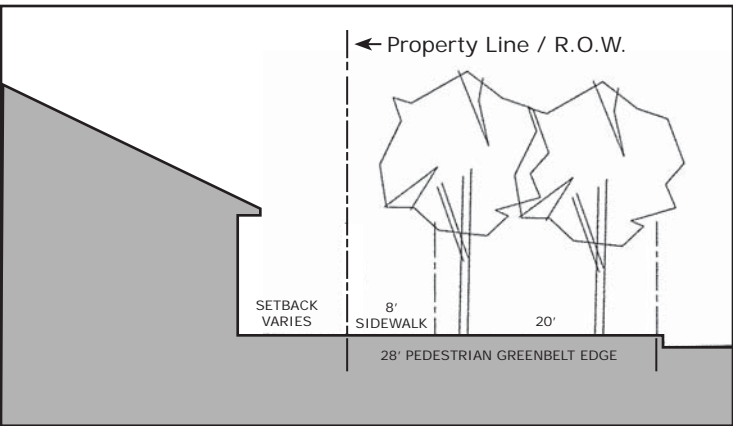
4. STANDARDS

- a. Placement: Court space shall front onto a street. The proportions and solar orientation should be carefully considered for user comfort.
- b. Windows and Doors: Entrances are at sidewalk grade.
- c. Elements: A small wall, hedge or fence shall be placed along the frontage line where it is not defined by a building; see Fencing Standards, section 13.A.
- d. Large trees placed in the Forecourt may overhang the sidewalks.

9.F GREENBELT



Illustrative Photo: Row Houses on Greenbelt



Standards Diagram Section - Greenbelt

1. DESCRIPTION

The Greenbelt Frontage Type is located per the Regulating Plan for Civic Spaces (5.B) primarily along Collector streets and serve as a "green connection" and trail network to amenities throughout the community. This Frontage Type serves as a buffer from the Collector Streets.

2. APPLICABLE DISTRICTS

- a. Neighborhood Collector (BMS-NC) (3.C)
- b. Neighborhood General (BMS-NG) (3.D)

3. APPLICABLE BUILDING TYPES

- a. All Building Types allowed in District (Section 8)

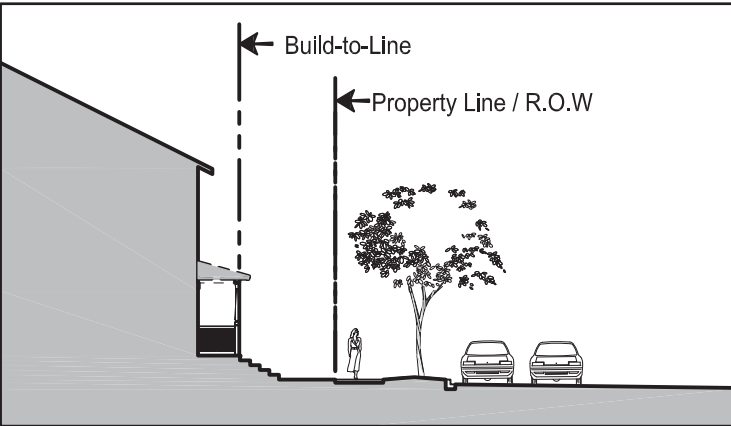
4. STANDARDS

- a. Placement: The Greenbelt frontage creates a deep landscaped setback from the street. Buildings fronting on the greenbelt may have any of the allowable frontages for the Building Type (i.e. Porch, Stoop, etc.)
- b. Windows and Doors: Entrances may be at or above sidewalk grade.
- c. Elements: Frontage onto Greenbelt may be undefined or defined by fence or hedge.
- d. A 8 ft. min. sidewalk located along the property line will provide the public access for adjacent buildings.
- e. When a Primary Trail is co-located within a Greenbelt, the Trail shall take on the development standards of the Greenbelt and no additional sidewalk is required.
- f. The Greenbelt shall be a minimum of 28 ft. deep along building residential Frontages.
- g. See Section 5.H for additional Greenbelt standards.

9.G PORCH



Illustrative Photo: Single-Family Front Porches



Standards Diagram Section - Porch

1. DESCRIPTION

The Porch Frontage Type is appropriate for all residential Districts and Building Types. This Frontage includes a covered roof area enclosing an outdoor room deep enough for seating. The Porch provides a transition between public and private space and creates opportunity for interaction between neighbors.

2. APPLICABLE DISTRICTS

- a. Village Mixed-Use - Residential only (BMS-VMU) (3.B)
- b. Neighborhood Collector (BMS-NC) (3.C)
- c. Neighborhood General (BMS-NG) (3.D)
- d. Neighborhood Edge (BMS-NE) (3.E)

3. APPLICABLE BUILDING TYPES

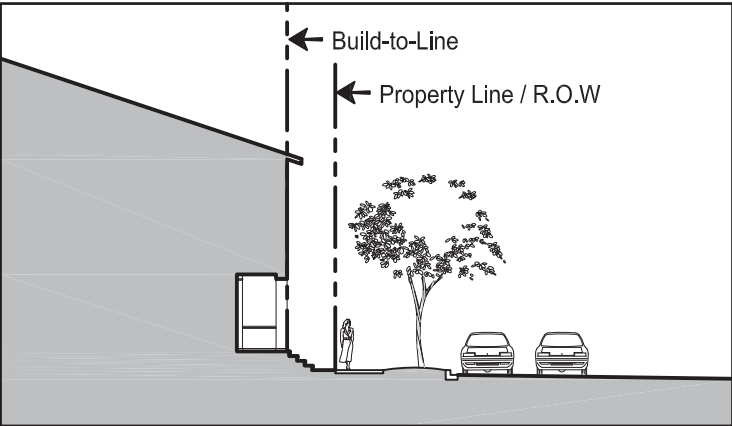
- a. All Residential Building Types (8.F-8.O)

4. STANDARDS

- a. Placement: Building front shall be placed back far enough to allow for a Porch and stair, if required. Stair may encroach into required setback.
- b. Windows and Doors: Entrances may be at or above sidewalk grade.
- c. Elements: Porch shall be no less than 6 ft. deep to allow for usable seating area. However, the Porch may be reduced to a depth of 4.5 ft. to meet house architectural style requirements. Upper floor decks are permitted above the Porch.



Illustrative Photo: Row House Stoop Frontages



Standards Diagram Section - Stoop

1. DESCRIPTION

The Stoop Frontage Type is appropriate for Districts and Building Types that contain higher density housing where the ground floor residential use is close to the frontage line and raised from the street for privacy. This Frontage includes an exterior stair and landing and may be covered.

2. APPLICABLE DISTRICTS

- a. Village Mixed-Use - Residential only (BMS-VMU) (3.B)
- b. Neighborhood Collector (BMS-NC) (3.C)
- c. Neighborhood General (BMS-NG) (3.D)
- d. Neighborhood Edge (BMS-NE) (3.E)

3. APPLICABLE BUILDING TYPES

- a. All Multi-Family Building Types (8.F-8.M)
- b. Single-Family Homes, if appropriate for style (8.N-8.O)

4. STANDARDS

- a. Placement: Building facade may be setback the depth of the entry stair from the sidewalk. Stair may encroach into required setback.
- b. Windows and Doors: Entrances are raised 2 ft.-5 ft. above sidewalk grade.
- c. Elements: The Stoop may include a covered roof, awning, or door may be inset within the building front.