This meeting will accommodate virtual and in-person attendance. Those desiring to participate virtually are encouraged to join the meeting via Zoom using the information provided. The meeting will be broadcast via Zoom, City View Channel 192, on the City's website, and on the City's YouTube Channel.

Agenda
Hearing Examiner Meeting
Monday, November 13, 2023
Richland City Hall ~ Council Chambers
625 Swift Boulevard
Zoom ~ Public Telephone Access: (206) 337-9723 or (253) 215-8782
Meeting ID No. 872 2126 7401

Hearing Examiner: Gary McLean

Staff Liaison: Planning Manager Stevens

Public Hearing - 6:00 p.m.

Public Hearing Explanation:

New Business - Public Hearing:

1. Z2023-108 801 Dalton Street Zoning Map Amendment
   - Matthew Howie, Senior Planner
2. S2023-101 - Desert Sky - 2104 Meritage Ave Preliminary Plat
   - Matthew Howie, Senior Planner

Adjournment

The next Hearing Examiner Meeting will be scheduled as needed.

This meeting is broadcast live on CityView Channel 192 and online at ci.richland.wa.us

Richland City Hall is ADA accessible. Any individual who has difficulty attending the meeting in-person may request to provide comments remotely. (Ch. 42.30 RCW) Requests for sign interpreters, audio equipment, and/or other special services must be received 48 hours prior to the meeting by calling the City Clerk's Office at 509-942-7389.

HEARING EXAMINER AGENDA ITEM COVERSHEET

Meeting Date: 11/13/2023

Agenda Category: New Business - Public Hearing

Prepared By: Matthew Howie, Senior Planner

Subject:
Z2023-108 801 Dalton Street Zoning Map Amendment

Department:
Development Services

Recommended Motion:
The Planning Department requests the Hearing Examiner recommend the proposed zoning map amendment to the Richland City Council.

Summary:
The applicant is requesting a zone change on three vacant parcels of land consisting of 3.93 acres located along the east side of Stevens Drive and just south of University Drive. The current zoning of the subject property is Business and Commerce (B-C) and the applicant is requesting Medium Density (I-M). The applicant feels that land uses allowed in the B-C zone are not as economically viable as those uses that would be permitted in the I-M zone. (APNs: 1-23083013398002, 1-23083013398003, and 1-23083013398004).

Richland Municipal Code (RMC) Chapter 19.20.010(D)(1), 19.20.030, and 19.25.010 requires a site-specific rezone review to take place by the Hearing Examiner. See additional RMC guidance for the Hearing Examiner.

This general area may be characterized as an area in transition from decades of influence by the Department of Energy to a mix of industrial and business/institutional campus activities. There are nodes of housing in an attempt to co-locate housing with employment. This area has no neighborhood-serving commercial uses that might assist current trends of development. I-M zoned parcels are currently in place on three of the four sides of the subject property.

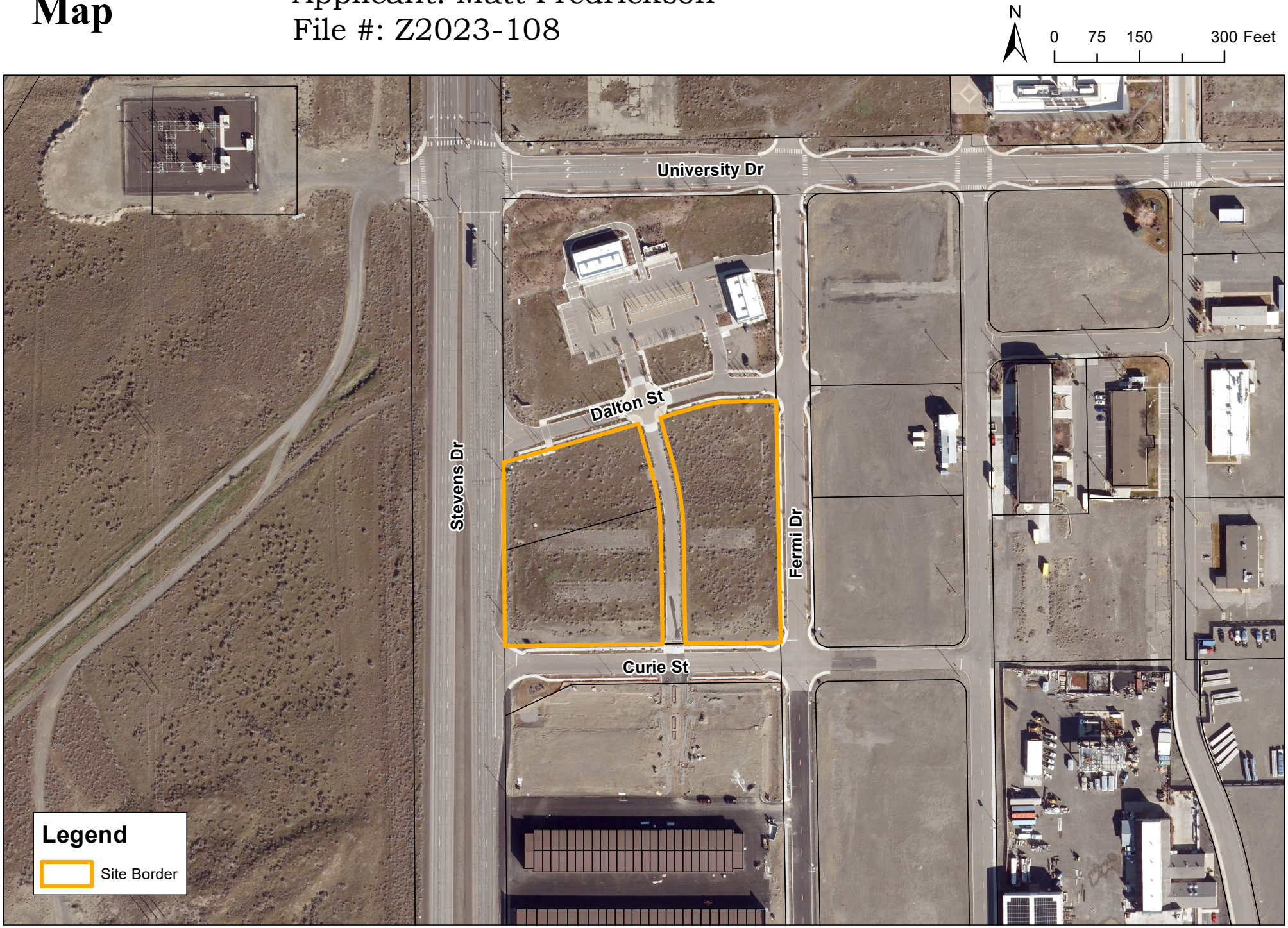
As stated by the applicant, the B-C land use designation has proven difficult to market and there are currently vacancies in the B-C commercial development north of Dalton Street.

Staff requests the Hearing Examiner recommend approval of the proposed zoning map amendment to the Richland City Council.

Attachments:
1. Vicinity Map
2. Z2023-108 801 Dalton Street Zoning Map Amendment Staff Report [Full Report]

Vicinity Map

Item: 801 Dalton St Zone Change
Applicant: Matt Fredrickson
File #: Z2023-108



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

GENERAL INFORMATION:

PROPOSAL NAME:	801 Dalton Street Zoning Map Amendment
LOCATION:	801 Dalton Street
APPLICANT:	Matt Fredrickson
PROPERTY OWNER:	MFJG Holdings, LLC.
FILE NO.:	Z2023-108
DESCRIPTION:	Request to rezone three (3) parcels from Business and Commerce (B-C) to Medium Industrial (I-M) for future development (APNs: 1-23083013398002, 1-23083013398003, and 1-23083013398004)
PROJECT TYPE:	Type IIIA Site-Specific Rezone
HEARING DATE:	November 13, 2023
REPORT BY:	Matthew Howie, Senior Planner
RECOMMENDED ACTION:	Recommendation to City Council for Approval

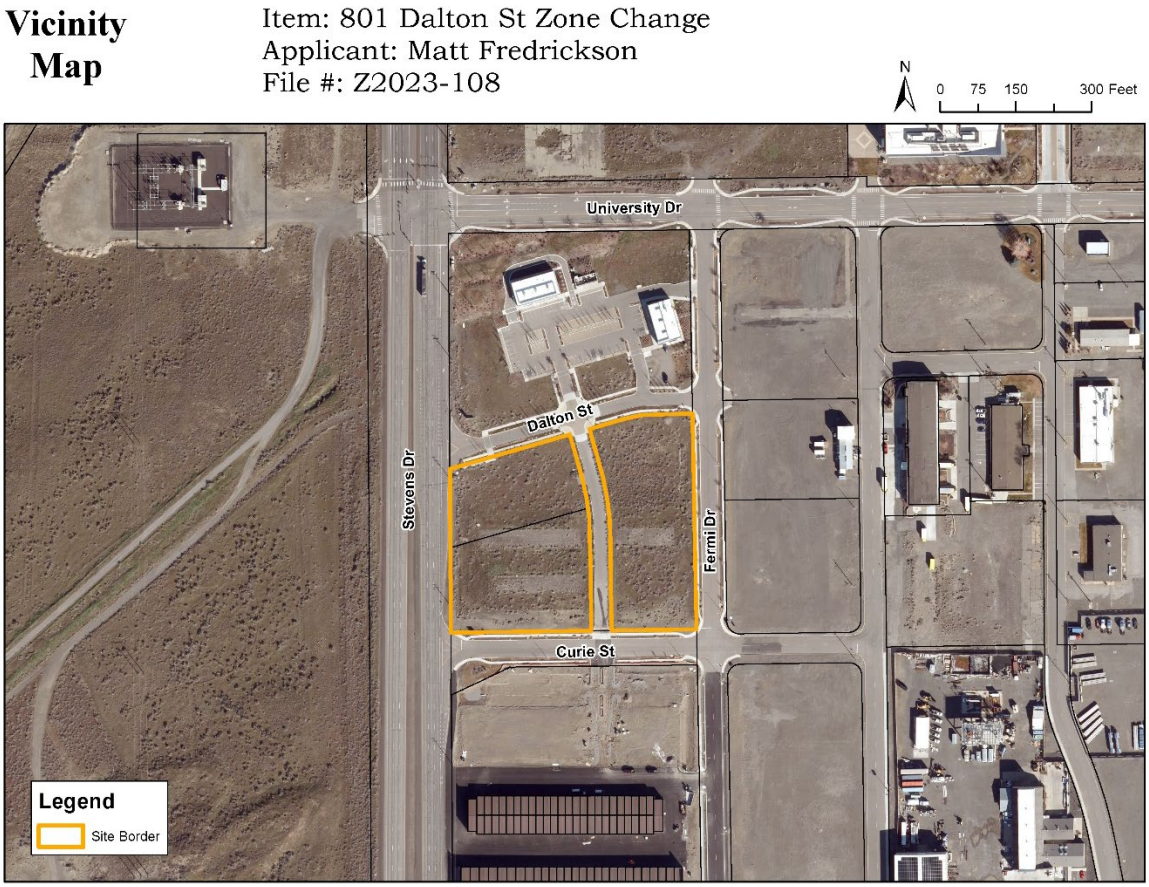


Figure 1 - Vicinity Map

DESCRIPTION OF PROPOSAL

The current request is to make a Zoning Map Amendment (rezone) to three (3) parcels on 3.93 acres from Business and Commerce (B-C) to Medium Industrial (I-M). The applicant claims that the B-C zoning that has existing on site for some time is not as economically viable as a more traditional light-industrial uses permitted within the Medium Industrial land use zoning classification (APNs: 1-23083013398002, 1-23083013398003, and 1-23083013398004). *Figure 1* (above) shows the subject site within its larger context.

REASON FOR REQUEST

Richland Municipal Code (RMC) Chapter 19.20.010(D)(1) 19.20.030, and 19.25.010 requires a site-specific rezone review to take place by the Hearing Examiner. See additional RMC guidance for the Hearing Examiner, below:

<u>19.20.010 Procedures for processing development permits.</u>

For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I, Type II, Type III, or Type IIIA.

D. Type IIIA permits include the following types of permit applications:

1. Site-specific rezones;

19.60.060 Burden of proof.
Except for Type IV actions, the burden of proof is on the proponent. The project permit application must be supported by proof that it conforms to the applicable elements of the city's development regulations, comprehensive plan and that any significant adverse environmental impacts have been adequately addressed.

23.70.210(A) Public hearing and recommendation to council.
Reclassification. The hearing examiner shall conduct an open record public hearing as required by RMC Title 19 for a Type IIIA permit application. The recommendation shall include written findings of fact and the reasons for the hearing examiner's action; and shall refer expressly to the maps, description and other matters intended by the hearing examiner to constitute the reclassification.

Additional Considerations.
Washington Courts apply three basic rules when reviewing appeals of rezone applications: (1) there is no presumption favoring the rezone request; (2) the proponent must demonstrate that there has been a change of circumstances since the original zoning provided if a proposed rezone implements the policies of the comprehensive plan , a showing of changed circumstances is usually not required; and (3) the rezone must have a substantial relationship to the public health, safety, morals or general welfare.

For the purposes of this rezone request, the central questions presented are:

1. Whether the requested rezone implements policies of the City's Comprehensive Plan, and /or whether there has been a change of circumstances since the original Agricultural [AG] zoning was adopted for the site?
2. Does the rezone bear a substantial relationship to the public health, safety, morals, or general welfare?

REVIEW AUTHORITY

Richland Municipal Code (RMC) Chapter 19.20.010(D)(1) 19.20.030, and 19.25.010 requires a site-specific rezone review to take place by the Hearing Examiner.

SITE DESCRIPTION & ADJACENT LAND USES

The subject site is comprised of three (3) parcels totaling approximately 3.93 acres, roughly four-sided, hedged in by Dalton Street to the north, Fermi Drive to the east, Curie Street to the south, and Stevens Drive to the west. The parcel is roughly in 480 feet wide from east to west and 390 feet wide (on average) from north to south.

The subject site is essentially flat with only nodes of elevation in places occupied by former building pads. Staff assumes this was the former location of Hanford support facilities, long since abandoned. The area will be accessed most directly from the access drive between Dalton and Curie Streets.

The northwestern corner of the site is approximately 470 feet south of the intersection of Stevens and University Drives. The northern boundary of the subject site is Dalton Street. The western boundary Stevens Drive. The southern boundary of the site is Curie Street. The eastern boundary is Fermi Drive.

CURRENT LAND USE DESIGNATION AND USES
North: Industrial (IND), office and strip mall development
East: Industrial (IND), open lot
South: Industrial (IND), future Luxelocker open storage
West: Industrial (IND), open lot

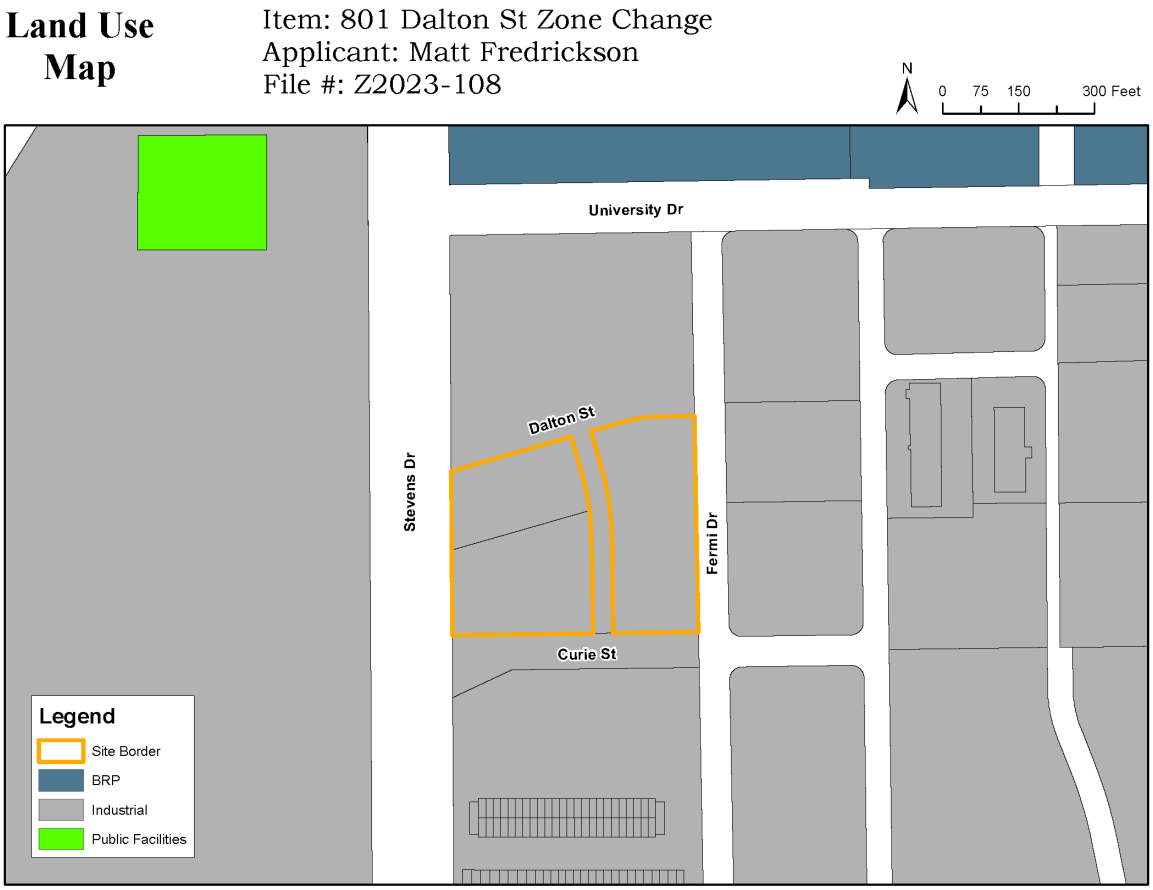


Figure 2 – Comprehensive Plan Land Use Map

COMPREHENSIVE PLAN

As illustrated in Figure 2 (above), the Comprehensive Plan Land Use designation for the subject site and much of the surrounding area is Industrial (IND).

Applicable Goals & Policies

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

Land Use Goal 1: Plan for growth within the urban growth area and promote compatible land use.

Policy 2: Facilitate planned growth and infill developments within the City.

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

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

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

Policy 6: Support industrial developments on lands previously owned by the Department of Energy and transferred to the City and the Port of Benton.

CURRENT ZONING

The subject site is zoned Business and Commerce (B-C). Surrounding parcels are zoned as follows:

North: B-C, Business and Commerce use district
East: I-M, Medium Industrial use district
South: I-M, Medium Industrial use district
West: I-M, Medium Industrial use district

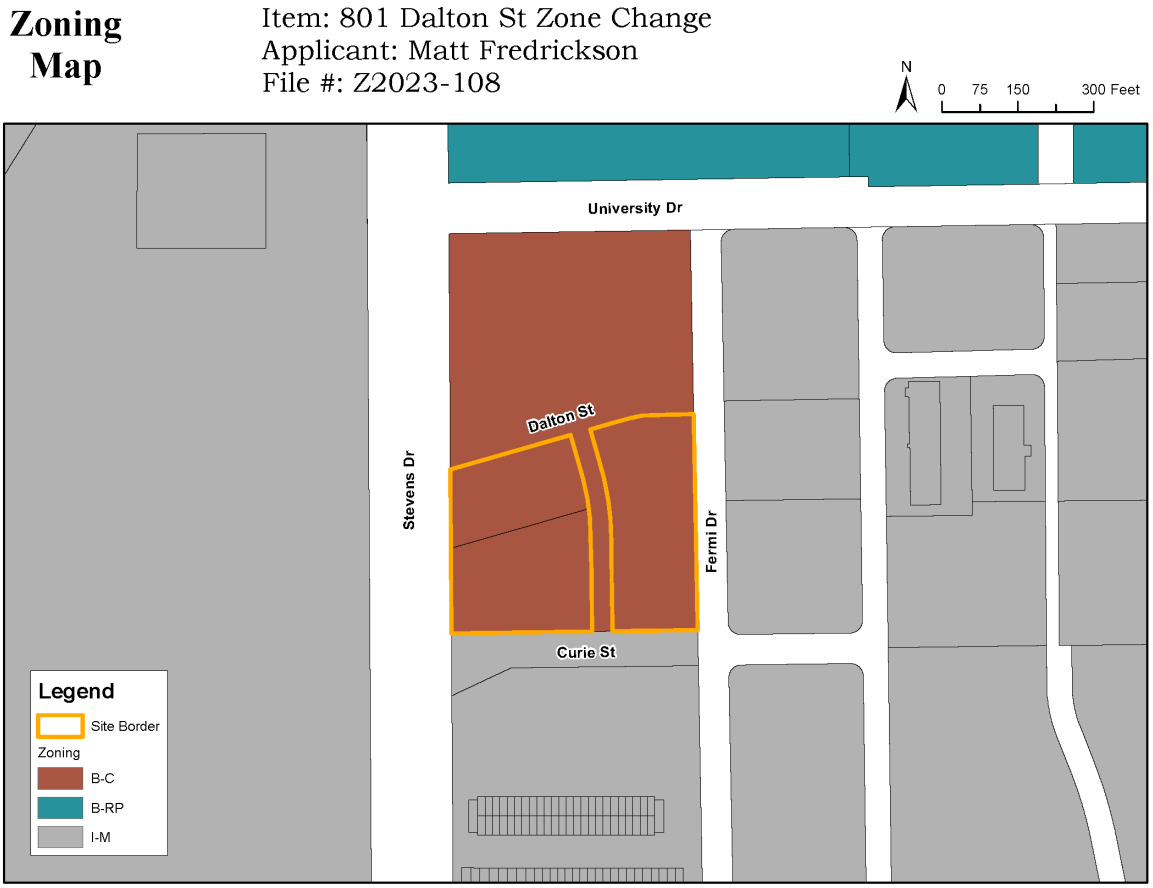


Figure 3 – Zoning Map

The business and commerce use zoning classification (B-C) is intended to provide locations for a range of business and commerce uses, in a business park setting, where such uses are in close proximity to residential lands. It is also a purpose of this zoning classification to place appropriate use limitations and restrictions on business and commerce uses to ensure the protection of nearby residential uses. Areas of restriction include such items as increased building setbacks, stringent landscaping standards, restrictions on outdoor storage, architectural controls, outdoor lighting standards and access controls. The business and commerce zoning classification provides opportunities for employment in modern, attractive buildings on well-landscaped sites which may be close to residential areas, thereby resulting in a reduction of travel time to and from work. Developments that include several businesses with integrated building architecture, landscaping, and infrastructure are encouraged. This zoning classification is intended to be applied to some portions of the city that are designated industrial under the city of Richland comprehensive plan. RMC 23.28.010(B)

23.28.020(C). B-C Business Commerce.

It is the intent of this section that:

1. Uses shall be conducted primarily within enclosed buildings.
2. On-site hazardous waste treatment and storage facilities shall be located a minimum of 300 feet from surface water, residential zones and public gathering places.
3. Development of a trail system through landscaped areas is encouraged and should, where possible, connect to adjoining trail systems and public sidewalks.
4. Uses shall not inflict upon the surrounding properties smoke, dirt, glare, vibrations, or noise beyond the maximum permissible levels hereby established:
   a. Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any point on or beyond any lot line of the property on which the use is located.
   b. Toxic and Noxious Gases. No emission which would be demonstrably injurious to human health, animals or plant life common to the region, on the ground at or beyond any lot line on which the use is located will be permitted. Where such emission could be produced as a result of accident or equipment malfunction, adequate safeguards standard for safe operation in the industry involved shall be taken. This shall not be construed to prohibit spraying of pesticides on public or private property in accordance with state regulations as set forth in WAC Title 173, as codified or as hereinafter amended.
   c. Heat, Glare and Humidity (Steam). In the B-C district any activity producing humidity in the form of steam or moist air, or producing heat or glare shall be carried on in such a manner that the heat, glare or humidity is not perceptible at any lot line on which the use is located. Building materials with high light reflective qualities shall not be used in the construction of buildings in such a manner that reflected sunlight will throw intense glare on areas surrounding the B-C district. Artificial lighting shall be hooded or shaded so that direct light of high intensity lamps will not result in glare when viewed from areas surrounding the B-C district.

d. Fire and Explosive Hazards. The storage, manufacture, use, or processing of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with the regulations of the fire prevention code and the building code of the city of Richland as set forth in the International Building Code and International Fire Code as adopted by the city of Richland or as hereinafter amended.

5. Wherever the B-C zone is applied to any property or properties, there shall be site design standards put in place that shall regulate the appearance of buildings within the B-C district. This requirement for site design standards shall be met in one of the following ways:

a. The property or properties that are part of the B-C zone shall also be subject to the standards set forth in subsection (D) of this section; or

b. The property or properties that are part of the B-C zone shall be subject to private conditions, covenants, and restrictions as proposed by applicants for a zone change proposal. Said conditions, covenants and restrictions shall include site design standards that are deemed appropriate for the intended character, appearance and physical characteristics of the property or properties that are a part of the B-C zone and the immediate vicinity. Such conditions, covenants, and restrictions shall be recorded at the time the zone change ordinance is approved and shall be binding on all new development that occurs on the property or properties that are a part of the B-C zone. Such conditions, covenants, and restrictions shall not be amended without the approval of the city of Richland.

23.28.020(D). B-C Site Design Standards.

The following standards apply to the design of buildings within the B-C zone:

1. Building Design.

a. Wall planes shall not run in one continuous direction for more than 60 feet without an offset or setback in the building face, unless the building face contains windows, alcoves, canopies, cornices, cupolas, or similar architectural features.

b. At least 25 percent of the wall area fronting on a street should be occupied with windows, alcoves, canopies, cornices, cupolas, or similar architectural features.

c. Large buildings should have height variations to give the appearance of distinct elements.

d. Rooftop or outdoor mechanical equipment shall be fully screened from public view in a manner which is architecturally integrated with the structure. Screening shall be constructed to a finished standard using materials and finishes consistent with the rest of the building.

e. Roof-mounted equipment should be painted a compatible color with the roof screen.

f. Exterior building colors should be subdued. Primary colors or other bright colors should generally be used only as accents to enliven the architecture.

g. Reflective glass is not permitted for glazing.

h. Buildings whose exterior surfaces are more than 50 percent comprised of metal, excluding roof surfaces, are not permitted.

2. Loading and Service Areas.

a. Truck docks and loading areas shall not be permitted on the side of the building that faces or abuts a public street.

b. Refuse areas and service areas shall be screened from view of the public street.

3. Site Lighting.

a. Lighting should be used to provide reasonable illumination for the security and safety of on-site areas such as parking, loading, shipping, and pathways.
b. Lighting shall be designed to minimize glare or objectionable effects to adjacent properties.
c. Site lighting poles shall not exceed 20 feet in height and shall direct the light downward.
d. Lighting sources shall be shielded from adjacent properties.

4. On-Site Utilities.
   a. All site utilities shall be placed underground.
   b. Pad mounted equipment shall be appropriately located and screened in a manner consistent with required access and safety requirements.

5. Alternative Design. In the event that a proposed building and/or site does not meet the literal standards identified in this section, a property owner may apply to the Richland planning commission for a deviation from these site design standards. The Richland planning commission shall consider said deviation and may approve any deviation based on its review and a determination that the application meets the following findings:
   a. That the proposal would result in a development that offers equivalent or superior site design than conformance with the literal standards contained in this section;
   b. The proposal addresses all applicable design standards of this section in a manner which fulfills their basic purpose and intent; and
   c. The proposal is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity.

REQUESTED ZONING

Following the applicant's request, Staff has prepared this Report and associated application materials for a site-specific rezone of 3.93 acres.

> The medium industrial use district (I-M) is a zone providing for limited manufacturing, assembly, warehousing and distribution operations and retail and wholesale sales of products manufactured on the premises or products allied thereto; and administrative and research and development facilities for science-related activities and commercial uses that are supportive and compatible with other uses allowed in the district. Regulations are intended to prevent frictions between uses within the district, and also to protect nearby residential districts. This zoning classification is intended to be applied to some portions of the city that are designated industrial under the city of Richland comprehensive plan.
>
> RMC 23.26.010(A)

23.26.020 Industrial performance standards and special requirements.

A. I-M – Medium Industrial and M-2 – Heavy Manufacturing. The maximum permissible limits of the detrimental effects specified in this chapter shall be as defined in this section:

1. Smoke. The emission of smoke or particulate matter of a density greater than No. 2 on the Ringlemann Chart as published by the U.S. Bureau of Mines is

prohibited, except that Ringlemann No. 3 will be permitted for three minutes during any eight-hour period for the purpose of building fires or soot blowing.
2. Dust and Other Particulate Matter. The total net rate of emission from all sources within the boundaries of a lot in the I-M or M-2 district shall not exceed one pound per acre of lot area during any one hour. The emission from all sources within any lot area of particulate matter containing more than 10 percent by weight of particles having a diameter larger than 44 microns is prohibited. Dust and other types of air pollution carried by a wind from such sources as storage yards, piled materials, yards, roads, etc., shall be included in particulate matter measurements and limitations, and shall be kept to a minimum by appropriate screening, design, landscaping, paving, oiling, sprinkling, or other acceptable means. Measurements shall be taken at the source of the emission.
3. Method of Measuring Emission of Particulate Matter from All Sources. Determination of the total net rate of emission of all particulate matter within the boundaries of any lot shall be made as follows:

a. Determine maximum emission in pounds per hour from each source of emission and divide this figure by acres of lot area, obtaining the gross hourly rate of emission in pounds per acre.
b. For each gross hourly rate of emission, deduct the height of emission correction factor from the following table, interpolating as necessary for heights not given:

ALLOWANCE FOR HEIGHT OF EMISSION

Height of Emission Above Grade (feet)	Correction Pounds per Hour per Acre
50	0.01
100	0.06
150	0.10
200	0.16
300	0.30
400	0.50

The result is the net hourly rate of emission in pounds per acre from each source of emission.
Adding together individual net rates of emission gives the total net rate of emission from all sources of emission within the boundaries of the lot.
4. Noise. In the I-M and M-2 districts, the sound pressure level resulting from any activity shall not exceed the maximum decibel level set forth in Chapter 173-60 WAC, Maximum Environmental Noise Levels for Class C Industrial Zones.
5. Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any point on or beyond any lot line of the property on which the use is located.

6. Odor. All measurements of odor for purposes of this standard shall be made according to the “dilution method” as prescribed in ASTM D1391-57. The following odor restrictions apply to this medium industrial use district:

a. At the district boundary, the odor from any source within the district must not exceed one odor unit per cubic foot, as measured by the procedures in ASTM D1391-57.

b. Within the district, the odor from any source within a given property or lot must not exceed 10 odor units per cubic foot at the boundary of the property, again measured by the procedures in ASTM D1391-57, except that uses existing prior to the effective date of the ordinance codified in this chapter shall be required to comply with only this subsection (A)(6)(b).

For the purposes of estimating the dilution of odors by the atmosphere between their point of origin and either the property boundary or the district boundary, the method of Pasquill (“The Estimation of the Dispersion of Windborne Material,” Meteorol. Mag., 90, 1063, 33-49, 1961) as modified by Gifford (“Uses of Routine Meteorological Observations for Estimating Atmospheric Dispersion,” Nuclear Safety, 2, 47-51, 1961) shall be used. The atmospheric conditions to be assumed for this calculation are:

i. Stability Category F, moderately stable air;

ii. Surface wind speed of one meter/second (about two mph).

A procedure and necessary graphs for making this estimate are given in D. Bruce Turner’s “Workbook of Atmospheric Dispersion Estimates,” Dept. HEW, Environmental Health Series, Public Health Service Publication No. 999-AP-26, Revised 1969.

7. Toxic and Noxious Gases. No emission which would be demonstrably injurious to human health, animals or plant life common to the region, on the ground at or beyond any lot line on which the use is located will be permitted. Where such emission could be produced as a result of accident or equipment malfunction, adequate safeguards standard for safe operation in the industry involved shall be taken. This shall not be construed to prohibit spraying of pesticides on public or private property.

8. Heat, Glare and Humidity (Steam). In the I-M or M-2 districts any activity producing humidity in the form of steam or moist air, or producing heat or glare shall be carried on in such a manner that the heat, glare or humidity is not perceptible at any lot line on which the use is located. Building materials with high light reflective qualities shall not be used in the construction of buildings in such a manner that reflected sunlight will throw intense glare on areas surrounding the I-M or M-2 district. Artificial lighting shall be hooded or shaded so that direct light of high intensity lamps will not result in glare when viewed from areas surrounding the I-M or M-2 district.

9. Industrial Wastes. The disposal of industrial wastes shall be subject to the regulations of the state Health Department and shall comply with the requirements of the Washington Pollution Control Commission.

10. Fire and Explosive Hazards. The storage, manufacture, use, or processing of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with the regulations of the fire prevention code and the building code of the city of Richland.

Site requirements for use districts.
In the following chart, development standards are listed on the vertical axis. Zoning districts are listed on the horizontal axis. The number appearing in the box at the intersection of the column and row represents the dimensional standard that applies to that zoning district.

Standard	B-C	I-M
Minimum Lot Area	None	None
Maximum Site Area (in acres)	None	N/A
Minimum Front Yard Setback	Varies[3]	0 feet[1]
Minimum Side Yard Setback	Varies[3]	None
Minimum Rear Yard Setback	Varies[3]	None
Maximum Building Height – Main Building	45 feet[7]	55 feet[2]

1. No setback required if street right-of-way is at least 80 feet in width. Otherwise, a minimum setback of 40 feet from street centerline is required.
2. Except as otherwise provided in this section, the maximum building height in the I-M district shall be 55 feet:
   a. Any building or structure located within 300 feet of any residential use district shall be limited to 24 feet in height.
   b. Any building further than 300 feet but less than 600 feet from districts described in note (2)(a) of this section shall not exceed 55 feet in height.
   c. Except as provided in notes (2)(a) and (b) of this section, buildings may exceed the maximum height in accordance with the provisions of RMC 23.38.090.
3. The following minimum setbacks shall apply in the B-C zoning district:
   a. Wherever a B-C zoned property abuts any property or properties that are a part of any PPF, SAG, R-1-12, R-1-10, R-2, R-2S, R-3 or residential PUD, a minimum building setback of 50 feet shall be provided, except that whenever a B-C zoned property abuts any property that is designated as single-family residential overlay within the Island View subarea plan, setbacks as set forth in subsection (c) of this footnote shall apply.
   b. Where property lines of a parcel in the B-C district are not adjacent to properties located in other zoning districts, or are adjacent to a public right-of-way or to M-2, I-M, B-RP, or C-3 zoned properties, the following minimum yard requirements shall apply:
      i. Front yard – 20 feet.
      ii. Side yard – zero feet.
      iii. Rear yard – zero feet.
   c. Wherever a B-C zoned property abuts any property or properties that are part of a C-1, C-2, C-LB, CBD, WF or AG zones or wherever a B-C zoned property abuts any property that is designated as single-family residential overlay within the Island View subarea plan, the following minimum yard requirements shall apply:
      i. Front yard – 20 feet.
      ii. Side yard – 10 feet.
      iii. Rear yard – 10 feet.
7. No building in a B-C district shall exceed 45 feet in height. The planning commission may authorize an increase in building height to a maximum height of 55 feet, based upon a review of the structure and a finding that the proposed building is aesthetically pleasing in relation to buildings and other features in the vicinity and that the building would be situated in a fashion so as not to interfere with views from surrounding properties. Exception: Private communications facilities may exceed the height limitation.

UTILITY AVAILABILITY

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

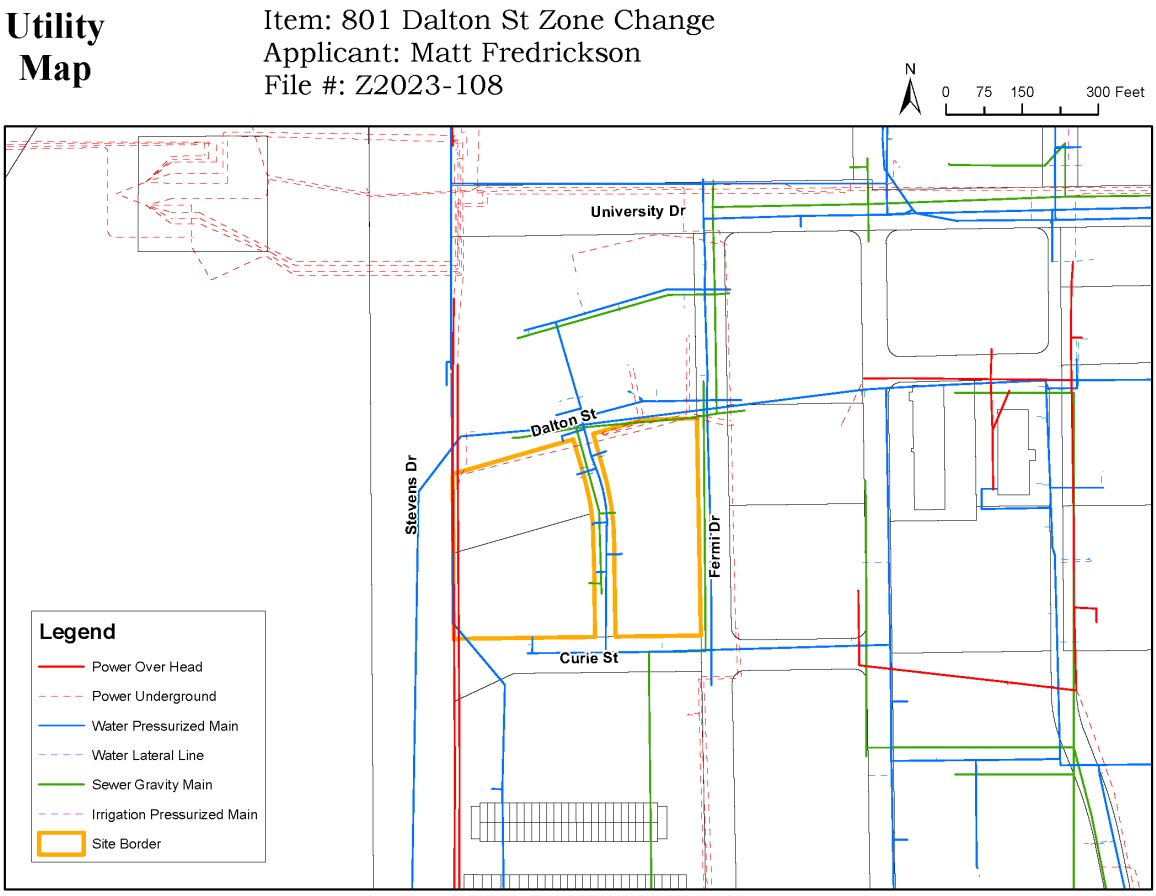


Figure 4 – Utilities Map

Sewer

There are existing 8-inch PVC gravity main connections available to future development under Dalton Street and an unnamed access connection running between Dalton Street and Curie Street. A smattering of 4-inch and 6-inch domestic connections are likewise already in place in several locations along those mains.

Water

There are existing 8-inch PVC potable water distribution mains under Dalton Street and the unnamed access connection running between Dalton Street and Curie Street. Additional 8-inch lines are also under Curie Street and Fermi Drive. A number of 4-inch and 2-inch domestic connections have already been stubbed in.

Irrigation

There is no existing dedicated irrigation infrastructure within or near to the parcels subject to this rezone request.

Stormwater

There are existing, private storm ponds along Dalton Street and the unnamed access connection between Dalton and Curie Streets installed as part of Innovation Center Block 13 Improvements.

Power
There are in-place underground primary conductors under Dalton Street and Fermi Drive available for connection.

Natural Gas
There are 2-inch Cascade Natural Gas main lines under Dalton Street available for connection.

TRANSPORTATION & ACCESS

Primary access into the site will come from the private access drive that connects Dalton and Curie Street. Most likely, this private access will be the main vehicle ingress/egress to the site. Dalton Street, Curie Street, and Fermi Drive are all private streets that will provide connection back to Stevens and University Drives classified by the City as a “Principal Arterial” and “Major Collector”, respectively.

This area is largely characterized as one still in transition from former territory associated with AEC/DOE pursuits to a mix of industrial and business/institutional campus activities. There are nodes of housing in the attempt to collocate housing with employment but the distances involved negate the idea of this area being walkable, though other active transportation means could broaden the public’s ability to go to destinations without motor vehicle. The area still has no neighborhood-serving commercial to make the area more friendly to active transportation.

Sidewalks are not in place along Stevens Drive, though they are otherwise already installed in the near vicinity of the subject site. Existing on-street bicycle routes are in place along both Stevens and University Drives. There are no nearby, current (nor proposed) Ben Franklin Transit bus routes.

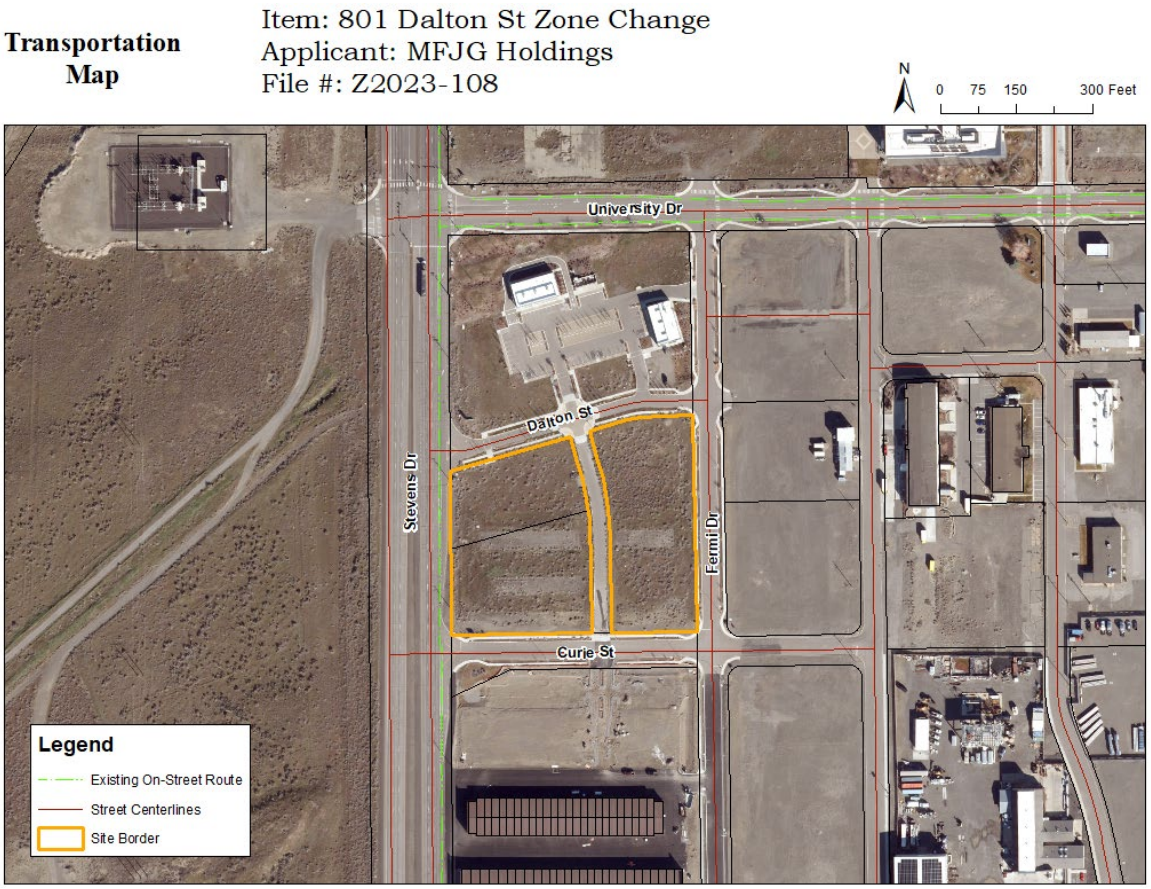


Figure 5 – Transportation Map

EASEMENTS

There are a number of easements currently encumbering the site for access and utilities. These are contemporary based on the buildout of the current street grid so these should all be anticipated to stay in place moving forward.

FIRE SAFETY

The City of Richland Fire Department will provide fire protection services to the subject property and resulting development. Currently, there are a number of hydrants along Fermi Drive and Curie Street, but also adjacent to the access drive connecting Dalton and Curie Streets. More hydrants may be required depending on the intensity of future, proposed uses.

SCHOOLS

The plat falls within the boundaries of the Richland School District. Hanford High School is only a half-mile to the southeast. Primary education is significantly further away.

SEPA
The proposal is not subject to State environmental review under the State Environmental Policy Act. Pursuant to WAC 197-11-800(6)(c) the rezone application qualifies as a categorically exempt action.

Critical Areas
The subject site does lie within an existing, recognized Critical Area. Critical Area requirements are not applicable with this proposal though future development proposals will be required to complete an Aquifer Recharge Report.

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

AGENCY COMMENTS
A variety of public agencies and City departments were given an opportunity to comment on the proposal. Agency comments were received regarding and are included in *Exhibit 4*.

PUBLIC COMMENTS
Owners of all properties within 300-feet of the plat site were directly notified of the project by way of USPS mailing. As of the date of this report, Staff have received no public comments regarding this proposed zoning action.

PUBLIC NOTICE

Notice of Hearing Mailed:	October 19, 2023
Notice of Hearing Posted:	October 20, 2023
Notice of Hearing Published:	October 22, 2023
Public Hearing:	November 13, 2023

Notice of application and notice of hearing was provided through posting of the property, mailing of notice to property owners within 300 feet of the site and publication in the *Tri-City Herald* newspaper. Copies of the notices and affidavits are included in *Exhibit 3*.

ANALYSIS
The B-C zoning district is intended to act as a transition between industrial and residential, providing spaces where residential and more-benign industrial uses can be in closer proximity, and provide potential for more active transportation opportunities between those uses than would typically be possible within traditional Euclidian zoning schemes. Indeed, this area of Richland has a mix of Medium Industrial (I-M), Business Research Park (B-RP), and Parks and Public Facilities (PPF) land use districts in close proximity to meet these very aims. That said, in the absence of a larger vision or more assertive control over the placement of residential

uses within B-RP, the buffer associated with this B-C area, which sits between the I-M and B-RP zones, has been undercut over time. While residential could be developed north of University Drive within the B-RP area, it will still find itself across from I-M to the south and west no matter the outcome of this site-specific rezone. Ultimately, the loss of the B-C designation on this 3.93-acre site will not be to the detriment of the any meaningful buffer between I-M and B-RP. [B-RP, itself, already allows a fair number of uses which may or may not be ideally suited to be adjacent to dense residential enclaves as currently written.]

It is the opinion of Staff that while B-C can provide a meaningful buffering function between residential and industrial within its development Code, this particular outcropping of B-C has long since ceased being a meaningful buffer between industrial and potentially residential uses.

This requested rezone does not approve any development activity on the site. As with all development proposals, City development regulations will apply to any specific projects that may eventually be proposed on the site. Following public notices and reviews conducted in accord with City practices for all other private or public rezone applications, there is no evidence in this record that would provide a basis in fact or law to deny the pending rezone request.

Staff here address questions posed to Hearing Examiner via “Reason for Request”:

1. Whether the requested rezone implements policies of the City’s Comprehensive Plan, and/or whether there has been a change of circumstances since the original zoning was adopted for the site?

    The B-C zoning use table (Richland Municipal Code [RMC] 23.28.030) already allows for some mix of light-industrial uses. Medium Industrial (I-M) is the next ratchet up of industrial intensity from Business and Commerce (B-C). I-M zoned parcels are in place on three of the four sides across Stevens and Fermi Drives and Curie Street. The choice to zone a majority of the area I-M and not a continuous hedge of B-C south of University Drive in efforts to better buffer the B-RP areas north of University Drive has largely rendered the subject site’s capacity to buffer more intensive uses from less intensive uses largely moot. Furthermore, while B-RP can have limited, dense, residential uses within it, it is not the ideal use to buffer from heavier industrial uses as B-RP can have a number of noxious uses indigenous to its own classification district. This change will not meaningfully be a detriment to its neighbors and is contextual to its largely I-M surroundings.

2. Does the rezone bear a substantial relationship to the public health, safety, morals, or general welfare?

    As stated by the applicant in provided documentation [*Exhibit 1*] the B-C land use designation has proven difficult to market. Anecdotally, Staff has previously been aware of vacancies in the B-C commercial development north of Dalton Street. To the extent a lot “improved” by contextually-appropriate development is more a public benefit than a dust-propagating open lot, this change could contribute to the increased general welfare. As argued before, Staff also fails to see

how this site-specific rezone will yield any particular detriment to the health, safety or morals of the larger area.

Recommendation

The Planning Department requests the Hearing Examiner recommend the proposed zoning map amendment to the Richland City Council.

SUGGESTED FINDINGS AND CONCLUSIONS

Staff has completed its review of the request for a change in zoning (Z2023-108) and recommends approval of the request based on the following:

1. The property owner in this matter is MFJG Holdings, LLC., with Matt Fredrickson acting on behalf of, and, as lead contact.
2. The application is to rezone a portion of one parcel: Benton County Assessor's Tax Parcel Numbers 1-23083013398002, 1-23083013398003 & 1-23083013398004.
3. The three (3) subject parcels are zoned as a Business and Commerce use district (B-C).
4. The requested zone map amendment is to rezone three (3) parcels to Medium Industrial (I-M).
5. The subject parcels have been previously disturbed as a (likely government) building site.
6. The site is essentially flat, with only abbreviated changes in elevation near former building pads.
7. The surrounding area is transitioning from government uses to a mix of light industrial, commercial, and institutional campuses.
8. The Comprehensive Plan designates these parcels as Industrial (IND).
9. The current Business and Commerce (B-C) zone does effectuate the Comprehensive land use designation, Industrial (IND).
10. Per RMC 23.28.010, the Business and Commerce use zoning classification (B-C) "is intended to be applied to some portions of the city that are designated industrial [IND] under the [C]ity of Richland [C]omprehensive [P]lan".
11. No portion of this proposed rezone is in the Shoreline Management Program's jurisdiction.
12. All of this proposed rezone is in a Critical Aquifer Recharge Area (CARA). No other critical areas have been identified.
13. The proposed site is encumbered by existing easements, some to be relocated, some to be relinquished, some to stay in place.
14. The application is exempt from the provisions of the State Environmental Policy Act (SEPA), as identified in WAC 197-11-800(6)(c).
15. Notice requirements of RMC 19.30.040 have been met:
    a. Notice of Hearing Mailed: October 19, 2023
    b. Notice of Hearing Posted: October 20, 2023
    c. Notice of Hearing Published: October 22, 2023
16. Based on the above findings and conclusions, approval of the zone change request would be in the best interest of the community of Richland.

EXHIBIT LIST

1. Application Materials
2. Vicinity Map
3. Public Notices & Affidavits
4. Agency Comments

Exhibit 1

Application Materials

City of Richland
Development Services

625 Swift Blvd. MS-35
Richland, WA 99352
509-942-7794
509-942-7764

Zoning Map Amendment Application

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

PROPERTY OWNER INFORMATION	✓ Contact Person
Owner: MFJG Holdings, LLC	
Address: 98602 E Brooklyn Drive, Kennewick WA 99338	
Phone: 509-727-2441	Email: mfredrickson@dgrgrantinc.com

APPLICANT/CONTRACTOR INFORMATION (if different)	☐ Contact Person
Company:	UBI#:
Contact:	
Address:	
Phone:	Email:

DESCRIPTION OF WORK

Rezone 3 parcels on the same block from Business commerce to Light industrial. Once rezoned, market and build to suite all 3 parcels on long term leases.

Additional Legal descriptions:

Section 23. Township 10 North, Range 28 East, Quarter SW: Short Plat #3398, Lot 3. Recorded in volume 1 of short Plats, page 3398, records of Benton County

Section 23, Township 10 North, Range 28 EA Quarter SW: Short Plat #3398, Lot 4. Recorded in volume 1 of short plats. page 3398, Records of Benton County

PROPERTY INFORMATION

Parcel #: 123083013398002, 123083013398003, 123083013398004		
Legal Description: section 23, township 10 North, Range 28 East, Quarter SW: Short Plat #3398, Lot 2. Recorded in volume 1 of short plats, page 3398, Records of Benton County		
Current Zoning: Business Commerce	Current Comp Plan:	Requested Zoning: Light Industrial
Current Use: Undeveloped	Proposed Use: Warehouse/Office Space	Area of Property: All

APPLICATION MUST INCLUDE

1. Completed application and filing fee
2. Title Report showing ownership, easements, restrictions, and accurate legal description of the property involved
3. Other information as determined by the Administrator

ANSWER THE FOLLOWING AS COMPLETELY AS POSSIBLE

The unique characteristics, if any, of the property or circumstances of the owner:

Surrounding area is mostly industrial, light industrial and government business. Limited housing in the area and lack of residential neighborhoods presents a difficult market to less buildings under the current Business commerce zoning

Any hardship that may result in the event the rezone is not granted:

Property as currently zoned does not appear to be marketable for the area. Parcel to the north is already zoned business commerce with a building vacant that has been vacant for some time. Light industrial will be more marketable for the area.

The manner in which the proposed rezone conforms to patterns in adjacent zones: Mosts adjacent properties are zoned industrial
Any beneficial or adverse effects the granting or denial of the rezone would have on adjacent or surrounding zones: Beneficial for the other areas due to increased presence of people once properties are developed and leased out.
Any beneficial or adverse effects the granting or denial of the rezone would have in relation to the overall purpose and intent of the comprehensive plan and this title: Beneficial due to much increased chance of filling these future buildings with Tenants increasing the population of this area. Current area is fields driving no commerce.
The benefits or detriments accruing to the City which would result from the granting or denial of this special permit: More possibly tax revenue. Current properties are just raw land. New zoning grants a much stronger chance of developing this area and finding tenants for this area.
Whether the proposed rezone represents a better use of the land from the standpoint of the comprehensive plan than the original zone: Light commercial would be a better use of land. This propsoed zoning fits with the use of this area. Parcel to the North is already zoned business commerce and is struggling to find and keep tenants due to the nature of the businesses in the area.
Whether the proposed rezone represents spot zoning and whether a larger area should be considered: Rezoning to light industrial will fit with the surrounding zoning.
Identify impacts on the environment and public safety: None

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

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

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

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

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

Applicant Printed Name: MATT FREDRICKSON

Applicant Signature: _____ Date 10/9/23

City of Richland
Development Services

625 Swift Blvd. MS-35
Richland, WA 99352
509-942-7794
509-942-7764

Pre-Application Conference Waiver

PROPERTY OWNER INFORMATION	☑ Contact Person
Owner: MFJG Holdings, LLC	
Address: 98602 E Brooklyn Drive, Kennewick WA 99338	
Phone: 509-727-2441	Email: mfredrickson@dgrgrantinc.com

APPLICANT/CONTRACTOR INFORMATION (if different)	☐ Contact Person
Company:	UBI#
Contact:	
Address:	
Phone:	Email:

PROPERTY INFORMATION	
Parcel #: 123083013398002, 123083013398003, 12383013398004	
Legal Description: Section 23, Township 10 North, Range 28 East, Quarter SW: Short Plat #3398, Lot 2. Recorded in volume 1 of short plats, page 3398. Records of Benton County Section 23, Township 10 North, Range 28 East, Quarter SW: Short plat #3398, Lot 3, Recorded in volume 1 of short plats, page 3398, Records of Benton County Section 23, Township 10 North, Range 28 East, Quarter SW: Short plat #3398, Lot 4, Recorded in volume 1 of short plats, page 3398, records of Benton County	

	TYPE II APPLICATIONS			TYPE III APPLICATION
☐	Flood Plain Variance		☐	Non-residential Shoreline Substantial Development
☐	Critical Areas & Resource Lands Variance/Viable Use		☐	Residential Shoreline Substantial Development
☐	Binding Site Plan		☐	Shoreline Variance/Conditional Use
☐	Administrative Variance		☐	Conditional Use
			☐	Subdivision
			☑	Rezone (site specific)
			☐	Vacation/Alteration of a Subdivision
			☐	Variance
☐	Other:			

I understand the waiver of a pre-application conference increases the maximum time for review for technically complete status and increases the risk the application will be rejected or processing will be delayed.

Applicant Printed Name: MATT FREDRICKSON

Applicant Signature: _____ Date 10/9/23

Chicago Title
9001 W. Tucannon Avenue, Suite 220
Kennewick, WA 99336

Commitment for Title Insurance

Title Officer: Tracy Rosane
Email: Julie.Bowman@ctt.com
Phone No.: 509-820-0457
Fax No.: 844-894-6828
Title No.: 62242301710

Escrow Officer: Julie Bowman
Email: Tracy.Rosane@ctt.com
Phone No.: (509)735-1575 Main
Fax No.: (509)735-0707

Property Address: 800 and 801 Dalton St. and 990 and 750 Currie St. Richland, WA 99354

Introducing

CHICAGO TITLE

CHICAGO TITLE PreVIEW

Powered by LiveLOOK

LiveLOOK title document delivery system is designed to provide 24/7 real-time access to all information related to a title insurance transaction.

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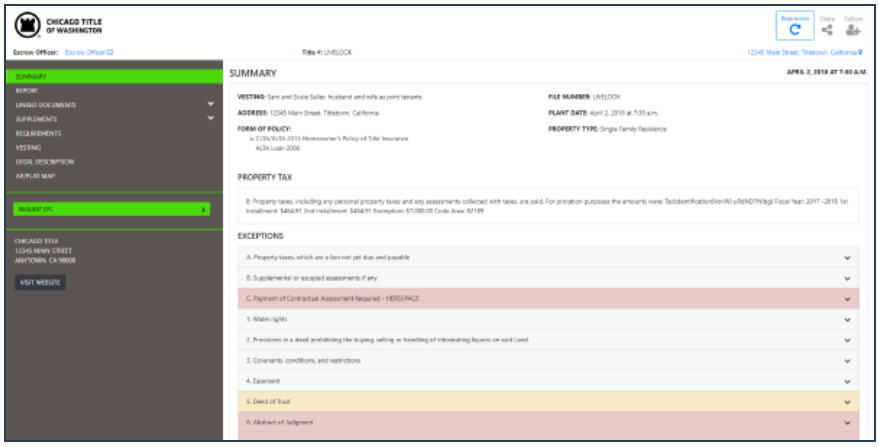

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ALTA COMMITMENT FOR TITLE INSURANCE

issued by agent:

CHICAGO TITLE
COMPANY OF WASHINGTON

Commitment Number:

62242301710
Revision 1

NOTICE

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

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

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

COMMITMENT TO ISSUE POLICY

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

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

Chicago Title Insurance Company

By:

Michael J. Nolan, President

Attest:

Marjorie Nemzura, Secretary

Countersigned By:

Dylan Strait
Authorized Officer or Agent

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AMERICAN LAND TITLE ASSOCIATION

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

ISSUING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT:
Title Officer: Tracy Rosane Chicago Title Company of Washington 9001 W. Tucannon Avenue, Suite 220 Kennewick, WA 99336 Phone: 509-820-0457 Fax: 844-894-6828 Main Phone: (509)735-1575 Email: Tracy.Rosane@ctt.com	Escrow Officer: Julie Bowman Chicago Title Company of Washington 9001 W. Tucannon Avenue, Suite 220 Kennewick, WA 99336 Main Phone: (509)735-1575 Main Fax: (509)735-0707 Email: Julie.Bowman@ctt.com

Order Number: 62242301710

SCHEDULE A

1. Commitment Date: September 11, 2023 at 08:00 AM
2. Policy to be issued:

   (a) ALTA Owner's Policy 2021 w-WA Mod
   Proposed Insured: MFJG Holdings, LLC, a Washington limited liability company
   Proposed Amount of Insurance: $2,000,000.00
   The estate or interest to be insured: Fee Simple
   Premium: $ 4,203.00
   Tax: $ 365.66
   Rate: General Schedule Standard
   Total: $ 4,568.66

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

   Fee Simple

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

   IC University Square LLC, a Washington limited liability company

5. The Land is described as follows:

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

END OF SCHEDULE A

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EXHIBIT "A"

Legal Description

For APN/Parcel ID(s): 123083013398001, 123083013398002, 123083013398003 and 123083013398004

Lot 1, 2, 3, and 4, Short Plat No 3398, according to the Survey thereof recorded under Auditor's File No. 2013-019453, records of Benton County, Washington.

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SCHEDULE B, PART I - Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

2. Pay the agreed amount for the estate or interest to be insured.

3. Pay the premiums, fees, and charges for the Policy to the Company.

4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

5. Additional requirements and/or exceptions may be added as details of the transaction are disclosed to, or become known by the Company.

6. The Proposed Policy Amount(s) must be increased to the full value of the estate or interest being insured, and any additional premium must be paid at that time. An Owner's policy should reflect the purchase price or full value of the Land. A Loan Policy should reflect the loan amount or value of the property as collateral. Proposed Policy Amount(s) will be revised and premiums charged consistent therewith when the final amounts are approved.

7. The application for title insurance was placed by reference to only a street address or tax identification number. The proposed Insured must confirm that the legal description in this report covers the parcel(s) of Land requested to be insured. If the legal description is incorrect, the proposed Insured must notify the Company and/or the settlement company in order to prevent errors and to be certain that the legal description for the intended parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.

8. If documents for this transaction are to be signed using Remote Online Notary, we require the use of company approved RON providers which can be found here: <https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>.

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

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

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SCHEDULE B, PART I - Requirements
(continued)

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

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

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

State portion: 1.10% on any portion of the sales price of $525,000 or less;
1.28% on any portion of the sales price above $525,000, up to $1,525,000;
2.75% on any portion of the sales price above $1,525,000, up to $3,025,000;
3.00% on any portion of the sales price above $3,025,000;

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

Local portion: 0.50% on the entire sales price.

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

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

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

10. Property taxes and assessments for the year(s) 2023 are to be paid, pro rata by the buyer and seller at settlement.

11. Liability, if any, for personal property taxes pursuant to RCW 84.56.070 wherein no sale can be made without prepayment of said tax, including advance tax for the following calendar year.

12. Any unrecorded leaseholds, right of vendors and holders of security interests on personal property installed upon the Land and rights of tenants to remove trade fixtures at the expiration of the terms.

13. NOTE: We have reviewed the authority documentation for IC University Square LLC. Based on our review, the requirement(s) in paragraph(s) will not appear on the policy issued if the following conditions are met on the instrument to be insured:

1. IC University Square Investments LLC must sign as as Manager of said entity by its manager Innovation Center TCRD LLC by its Managers Wayne M. Perry and/or Lisa J. Cannon.
2. All signature(s) must be notarized in an appropriate representative capacity.

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AMERICAN LAND TITLE ASSOCIATION

SCHEDULE B, PART I - Requirements
(continued)

14. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

15. According to the application for title insurance, this Company has been requested to issue an Owner's Policy in the following amount, which sales price is less than the assessed value of the property according to the County Tax Rolls. The forthcoming policy must be issued in an amount at least equal to the full value of the estate insured in accordance with our Rating Schedule on file in the Office of the Insurance Commissioner.

    Amount of Sales Price: $2,000,000.00
    Assessed Value: $4,285,030.00

16. According to the application for title insurance, the purchase price in the proposed transaction is less than the assessed valuation of the property. The COUNTY will require documentation validating the purchase price as bona fide offer. Said documentation may be in the form of a copy of the Purchase and Sale Agreement AND MUST BE SENT IN WITH THE RECORDING PACKAGE or your package will be rejected by the County Recorder's Office and closing may be delayed.

17. NOTE: We have reviewed the authority documentation for MFJG LLC. Based on our review:

    1. Jennifer Grillo and Matthew Fredrickson must sign as Members of said entity.
    2. All signature(s) must be notarized in an appropriate representative capacity.

END OF REQUIREMENTS

NOTES

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

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

Note B: Note: The Company is willing to issue an Extended Coverage Loan Policy. General Exceptions A-D, K, inclusive, are hereby deleted and will not appear on the forthcoming Loan Policy.

ALTA 22-06, ALTA 8.1 and ALTA 9-06 Endorsements will issue with the forthcoming Loan Policy.

Note C: Note: The Public Records indicate that the address of the improvement located on said Land is as follows:

800 and 801 Dalton St. and 990 and 750 Currie St.
Richland, WA 99354

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AMERICAN LAND TITLE ASSOCIATION

SCHEDULE B, PART I - Requirements
(continued)

Note D: Note: FOR INFORMATIONAL PURPOSES ONLY:

The following may be used as an abbreviated legal description on the documents to be recorded, per Amended RCW 65.04.045. Said abbreviated legal description is not a substitute for a complete legal description within the body of the document:

Lot 1, 2, 3, and 4, Short Plat No 3398
Tax Account No.: 123083013398001, 123083013398002, 123083013398003 and 123083013398004

Note E: Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.

Note F: Note: Examination of the Public Records discloses no judgments or other matters pending against the name of the vested owner.

Note G: Note: Examination of the Public Records discloses no judgments or other matters pending against the name(s) of the proposed insured which would appear as exceptions in the policy.

Note H: Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

Note I: Please be advised we submit documents to the county for processing and recording via e-filing using a 3rd party vendor.

Please make checks for excise tax and recording fees payable to the Company.

There is a $5.44 e-recording surcharge per EACH document for this service.

NOTE: Not all recordings qualify for e-filing.

Note J: Recording charges (per document title) for closings on July 26, 2021, and after, for all Washington counties:

Deed of Trust - $204.50 and $1 for each additional page.
Most other Docs, except as noted below - $203.50 and $1 for each additional page.
Assignment of Deed of Trust, Substitution or Appointment of Successor Trustee - $18.00 and $1 for each additional page
Multiple titled documents are charged per applicable title.

There is an additional $5.44 fee per document for electronic recording.

RECORDING CHARGES ARE SUBJECT TO CHANGE WITHOUT NOTICE.

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SCHEDULE B, PART I - Requirements
(continued)

Note K: In the event the transaction fails to close and this commitment is cancelled, a fee will be charged to comply with the State Insurance Code and the filed schedule of this Company.

Note L: Any documents being executed in conjunction with this transaction must be signed in the presence of an authorized Company employee, an authorized employee of an agent, an authorized employee of the insured lender, or by using Bancserv or other approved third-party service. If the above requirement cannot be met, please call the Company at the number provided in this report.

Note M: As part of the Company's commitment to the environment, we encourage the paperless distribution of our products whenever possible. To help conserve natural resources, we will automatically issue the forthcoming original policy(ies) electronically.

Please provide us with a current e-mail address for the new owner and/or lender prior to closing or by emailing WRCPF.PolicyDesk@TitleGroup.FNTG.com. Hard copy versions may be issued upon request.

END OF NOTES

END OF SCHEDULE B, PART I

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SCHEDULE B, PART II - Exceptions

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

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

GENERAL EXCEPTIONS

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

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

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

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

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

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

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

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

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

J. Water rights, claims or title to water.

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

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SCHEDULE B, PART II - Exceptions
(continued)

SPECIAL EXCEPTIONS

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

Year:	2023
Tax Account No.:	123083013398001
Levy Code:	R1 RA1
Assessed Value-Land:	$1,319,390.00
Assessed Value-Improvements:	$1,649,660.00

General and Special Taxes:	
Billed:	$29,316.51
Paid:	$14,658.28
Unpaid:	$14,658.23

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

Year:	2023
Tax Account No.:	123083013398002
Levy Code:	R1 RA1
Assessed Value-Land:	$314,460.00
Assessed Value-Improvements:	$0.00

General and Special Taxes:	
Billed:	$3,117.17
Paid:	$1,558.60
Unpaid:	$1,558.57

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

Year:	2023
Tax Account No.:	123083013398003
Levy Code:	R1 RA1
Assessed Value-Land:	$438,750.00
Assessed Value-Improvements:	$0.00

General and Special Taxes:	
Billed:	$4,342.50
Paid:	$2,171.28
Unpaid:	$2,171.22

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SCHEDULE B, PART II - Exceptions
(continued)

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

Year:	2023
Tax Account No.:	123083013398004
Levy Code:	R1 RA1
Assessed Value-Land:	$562,770.00
Assessed Value-Improvements:	$0.00

General and Special Taxes:	
Billed:	$5,565.17
Paid:	$2,782.63
Unpaid:	$2,782.54

5. Liability, if any, for personal property taxes pursuant to RCW 84.56.070 wherein no sale can be made without prepayment of said tax, including advance tax for the following calendar year.

6. Any unrecorded leaseholds, right of vendors and holders of security interests on personal property installed upon the Land and rights of tenants to remove trade fixtures at the expiration of the terms.

7. Reservations Easements and Exceptions contained in Deed, including terms and conditions thereof:

From: The City of Richland
Recorded: August 5, 1966
Recording No.: 565166

Relinquishment of Easement recorded December 5, 2012 under Auditor's File No. 2012-038236.

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

Granted to:	The City of Richland
Purpose:	Water line
Recording Date:	June 29, 1965
Recording No.:	544519

Relinquishment of Easement recorded December 5, 2012 under Auditor's File No. 2012-038236.

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

Granted to:	United Telephone Company of the Northwest
Purpose:	Underground telephone communication facilities and appurtenances
Recording Date:	July 11, 1977
Recording No.:	732062

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SCHEDULE B, PART II - Exceptions
(continued)

10. Reservations Easements and Exceptions contained in Deed, including terms and conditions thereof:

From: The United States of America by and through the Atomic Energy Commission
Recorded: November 12, 1959
Recording No.: 426757

11. Reservations Easements and Exceptions contained in Deed, including terms and conditions thereof:

From: The United States of America by and through the Atomic Energy Commission
Recorded: February 7, 1961
Recording No.: 450541

12. Reservations Easements and Exceptions contained in Deed, including terms and conditions thereof:

From: The United States of America
Recorded: June 3, 1964
Recording No.: 521608

13. Reservations Easements and Exceptions contained in Deed, including terms and conditions thereof:

From: The United States of America
Recorded: November 16, 1964
Recording No.: 530869

14. Reservations Easements and Exceptions contained in Deed, including terms and conditions thereof:

From: The United States of America
Recorded: April 29, 1966
Recording No.: 560632

Relinquishment of Easement recorded December 5, 2012 under Auditor's File No. 2012-038236.

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

Granted to:	Port of Benton
Purpose:	Access and Landscape Easement
Recording Date:	January 27, 2006
Recording No.:	2006-002813

NOTE: Said instrument is a re-recording of 2006-001747

Relinquishment of Access and Landscaping Easement and Relinquishment of Irrigation Easement recorded May 2, 2011 under Auditor's File No. 2011-012530.

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SCHEDULE B, PART II - Exceptions
(continued)

16. City of Richland Ordinance No. 28-11 and the terms and conditions thereof:
Recorded: November 9, 2011
Recording No.: 2011-031746

17. Exceptions, reservations, covenants as contained in Deed recorded May 13, 2011 under Auditor's File No. 2011-013617 and Correction Deed recorded October 2, 2015 under Auditor's File No. 2015-029727.

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

Granted to:	City of Richland
Purpose:	Waterline easement
Recording Date:	November 2, 2012
Recording No.:	2012-034462

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

Granted to:	City of Richland
Purpose:	Sewer easement
Recording Date:	November 2, 2012
Recording No.:	2012-034463

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

Granted to:	City of Richland
Purpose:	Utility easement
Recording Date:	November 2, 2012
Recording No.:	2012-034465

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

Granted to:	City of Richland
Purpose:	Utility easement
Recording Date:	June 7, 2013
Recording No.:	2013-019428

22. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, encroachments, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Short Plat No. 3398:

Recording No: 2013-019453

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AMERICAN LAND TITLE ASSOCIATION

SCHEDULE B, PART II - Exceptions
(continued)

23. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, encroachments, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Survey No. 4111:

    Recording No: 2010-018731

24. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, encroachments, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Survey No. 4048:

    Recording No: 2009-037192

END OF SCHEDULE B, PART II

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COMMITMENT CONDITIONS

1. DEFINITIONS

a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.

b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.

c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.

d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.

e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.

f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.

g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.

h. "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.

i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.

j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.

2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

a. the Notice;

b. the Commitment to Issue Policy;

c. the Commitment Conditions;

d. Schedule A;

e. Schedule B, Part I-Requirements; and

f. Schedule B, Part II-Exceptions; and

g. a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

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

5. LIMITATIONS OF LIABILITY

a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:

i. comply with the Schedule B, Part I-Requirements;

ii. eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or

iii. acquire the Title or create the Mortgage covered by this Commitment.

b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.

c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.

d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.

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AMERICAN LAND TITLE ASSOCIATION

(continued)

e. The Company is not liable for the content of the Transaction Identification Data, if any.

f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.

g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM

a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.

b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.

c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.

d. The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.

e. Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.

f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT

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

8. PRO-FORMA POLICY

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

9. CLAIMS PROCEDURES

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

10. CLASS ACTION

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

11. ARBITRATION - INTENTIONALLY DELETED

END OF CONDITIONS

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RECORDING REQUIREMENTS

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

First page or cover sheet:

3" top margin containing nothing except the return address.

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

Title(s) of documents.

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

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

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

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

Assessor's tax parcel number(s).

Return address (in top 3" margin).

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

Additional Pages:

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

All Pages:

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

WIRE SAFE™ | Inquire before you wire!

WIRE FRAUD ALERT

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

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

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

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

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

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

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

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FIDELITY NATIONAL FINANCIAL
PRIVACY NOTICE

Effective January 1, 2023

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

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

Collection of Personal Information

FNF may collect the following categories of Personal Information:

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

We may collect Personal Information about you from:

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

Collection of Browsing Information

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

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

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

Other Online Specifics

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

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

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

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

Use of Personal Information

FNF uses Personal Information for three main purposes:

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

When Information Is Disclosed

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

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

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

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

Security of Your Information

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

Choices With Your Information

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (https://fnf.com/pages/californiaprivacy.aspx) or call (888) 413-1748.

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

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

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

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

Information From Children

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

International Users

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

FNF Website Services for Mortgage Loans

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

Your Consent To This Privacy Notice; Notice Changes

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

Accessing and Correcting Information; Contact Us

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

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

Exhibit 2

Vicinity Map

Vicinity Map

Item: 801 Dalton St Zone Change
Applicant: Matt Fredrickson
File #: Z2023-108

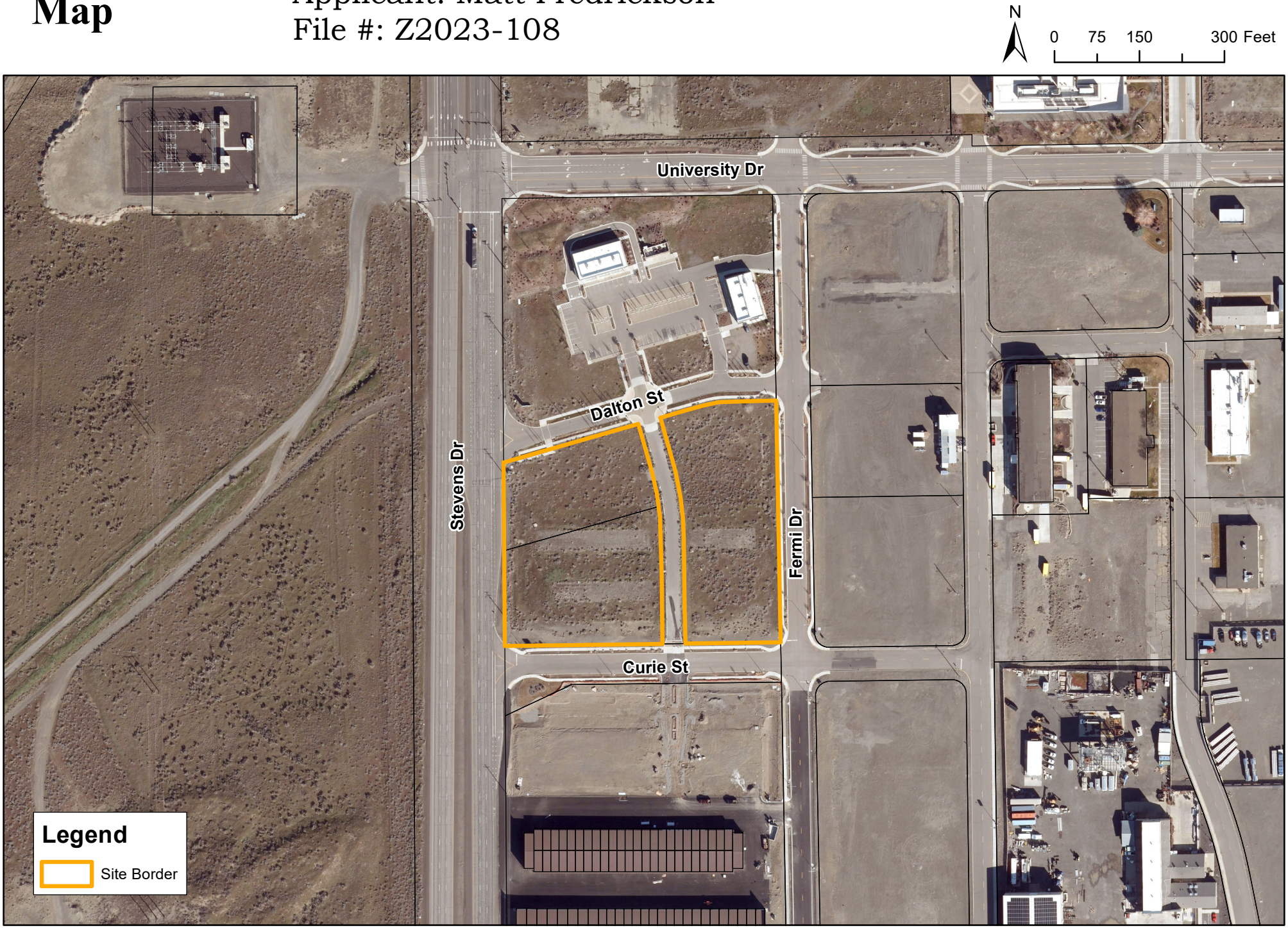


Exhibit 3

Public Notice and Affidavits

CITY OF RICHLAND
NOTICE OF APPLICATION & PUBLIC HEARING (Z2023-108)

Notice is hereby given that Matt Fredrickson on behalf of MFJG Holdings, LLC. has filed a Zoning Map Amendment application to rezone three (3) parcels on 3.93 acres from Business and Commerce (B-C) to Medium Industrial (I-M) for future development (801 Dalton Street Zoning Map Amendment). The subject parcels are bounded by Dalton Street to the north, Fermi Drive to the east, Curie Street to the south, and Stevens Drive to the west. Altogether the parcels are roughly square in shape 470 feet south of the intersection of Stevens and University Drives (APNs: 1-23083013398002, 1-23083013398003 & 1-23083013398004).

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

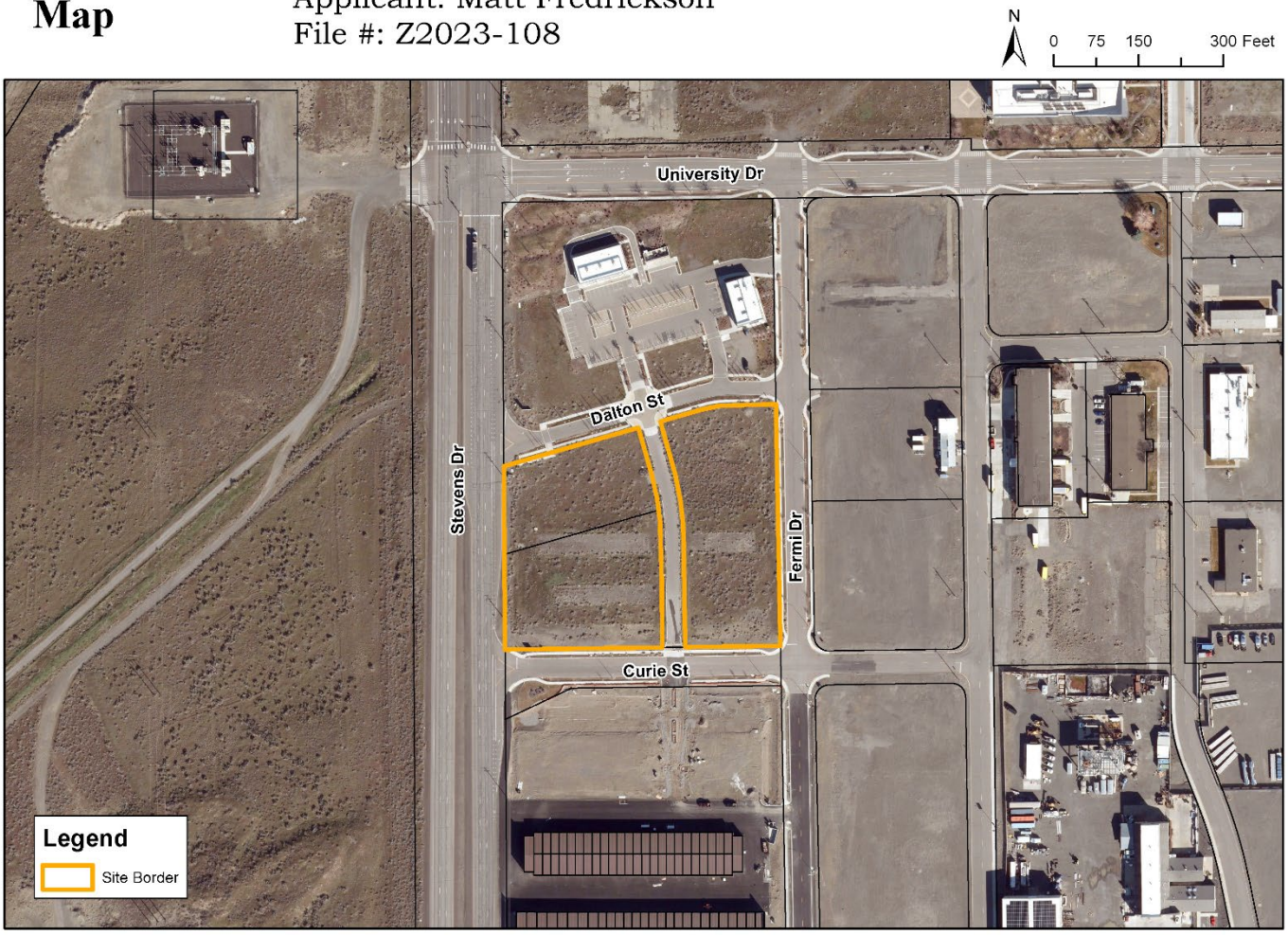
Environmental Review: The proposal is not subject to environmental review according to WAC 197-11-904.

Public Comment: Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Matthew Howie, Senior Planner, 625 Swift Boulevard, MS-35, Richland, WA 99352. Comments may emailed to mhowie@ci.richland.wa.us. The deadline for written comments is 6:00 p.m., Monday, November 13th. However, written comments must be received no later than 5:00 p.m. on Friday, November 3rd to be incorporated into the Staff Report. Comments received after that time will be entered into the record during the hearing.

Appeal: The application will be reviewed in accordance with the regulations in RMC Title 19 Development Regulations Administration and Title 23 Zoning. 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.

Vicinity Map

Item: 801 Dalton St Zone Change
Applicant: Matt Fredrickson
File #: Z2023-108



AFFIDAVIT OF MAILING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, Jodi Hogan, who, being first duly sworn upon oath deposes and says:

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

2. On the 19th day of October 2023, I mailed a copy of the attached NOTICE OF PUBLIC HEARING (Z2023-108) to the attached list of individuals via regular USPS on the date indicated above. The Richland Hearing Examiner will conduct a public hearing and review of the application on Monday, November 13, 2023.

Jodi Hogan

Signed: Jodi Hogan

SIGNED AND SWORN to before me this 23rd day of October 2023 by Jodi Hogan.

Carly

Notary Public in and for the State of Washington,

Notary Public
State of Washington
CARLY KIRKPATRICK
LICENSE # 210539
MY COMMISSION EXPIRES
OCTOBER 6, 2027

Carly Kirkpatrick

Print Name

Residing at Benton County

My appointment expires: Oct. 6, 2027

AFFIDAVIT OF MAILING
Address list attached.

PORT OF BENTON
3250 PORT OF BENTON BLVD WA RICHLAND 99354
IC UNIVERSITY SQUARE LLC C/O PRODIGY PROPERTY MANAGEMENT
1955 JADWIN AVE STE 350 WA RICHLAND 99354

AFFIDAVIT OF POSTING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, **Matthew Howie**, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning Division of the Development Services Department for the City of Richland.
2. On the 20th day of October 2023, I posted the attached NOTICE OF PUBLIC HEARING, File Number Z2023-108 (801 Dalton Street Zoning Map Amendment) in the following location:

   At the northwest corner of Stevens Drive and Curie Street

Signed: Matthew Howie

SIGNED AND SWORN to before me this 23rd day of October, 2023, by Matthew Howie.

Notary Public
State of Washington
CARLY KIRKPATRICK
LICENSE # 210539
MY COMMISSION EXPIRES
OCTOBER 6, 2027

Signature of Notary

Carly Kirkpatrick
Printed Name

Notary Public in and for the State of Washington,

Residing in Benton County

My appointment expires: Oct. 6, 2027

McCLATCHY

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee
The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald
el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi
Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36823	481192	Print Legal Ad-IPL01446420 - IPL0144642	HE PHNZ 2023-101	$187.70	1	64 L

Attention: (company)

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

janderson@ci.richland.wa.us

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

Date Notice Issued: October 22, 2023, per WAC 197-11-340(2)
File #: Z2023-108
Proponent: Matt Fredrickson on behalf of MFJG Holdings, LLC

Proposal: A Zoning Map Amendment application to rezone three (3) parcels on 3.93 acres from Business and Commerce (B-C) to Medium Industrial (I-M) for future development (801 Dalton Street Zoning Map Amendment).

Location of Proposal(s): The subject parcels are bound by Dalton Street to the north, Fermi Drive to the east, Curie Street to the south, and Stevens Drive to the west. Altogether the parcels are roughly square in shape, 470 feet south of the intersection of Stevens and University Drives (APNs: 1-23083013398002, 1-23083013398003 & 1-23083013398004).

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

Public Comments Due: The deadline for written comments is 6:00 p.m. on Monday, November 13, 2023. However, written comments must be received no later than 5:00 p.m. on Friday, November 3, 2023, to be incorporated into the Staff Report. Comments received after that time will be entered into the record during the hearing.

Contact: Matthew Howie,
Senior Planner
625 Swift Boulevard, MS-35
Richland, WA 99352
mhowie@ci.richland.wa.us

Date Published: Sunday, October 22, 2023
IPL0144642
Oct 22 2023

COUNTY OF BENTON)
SS
STATE OF WASHINGTON)

Stefani Beard, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy as it was printed in the regular and entire issue of the Tri-City Herald and not in a supplement thereof, ran 1 time (s) commencing on 10/22/2023, and ending on 10/22/2023 and that said newspaper was regularly distributed to its subscribers during all of this period.

1 insertion(s) published on:
10/22/23

Stefani Beard
(Signature of Legals Clerk)

Sworn to and subscribed before me this 23rd day of October in the year of 2023

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

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

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

Exhibit 4

Agency Comments

From: Rodgers,Deborah (CONTR) - TERR-TRI CITIES RMHQ
To: Howie, Matthew
Cc: Cummings,Nicole M (BPA) - TERR-TRI CITIES RMHQ; Kinch,James L (BPA) - TERR-BELL-1
Subject: RE: [EXTERNAL] Z2023-108 801 Dalton Street Zoning Map Amendment Referral Packet
Date: Friday, November 3, 2023 8:28:42 AM
Attachments: image001.png

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

Matthew,

Bonneville Power Administration (BPA) has had the opportunity to review Z2023-108 801 Dalton Street Zoning Map Amendment Referral Packet. The request is to rezone 3 (three) parcels on 3.93 acres from Business and Commerce (B-C) to Medium Industrial (I-M)Drive in Richland, WA.

In researching our records, we have found that this proposal will not directly impact BPA facilities approximately 615 feet west of the subject property. BPA does not have any objections to the approval of this request at this time.

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

Thank you,

Actalent
People to Possible

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

From: Howie, Matthew <mhowie@ci.richland.wa.us>
Sent: Wednesday, October 18, 2023 2:44 PM
To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Bill Barlow <bbarlow@bft.org>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; David Billetdeaux <david@portofbenton.com>; Davis, Deanna <d.davis@bces.wa.gov>; Rodgers,Deborah (CONTR) - TERR-TRI CITIES RMHQ <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; gis@co.benton.wa.us; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jason McShane <jmcshane@kid.org>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>;

KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; MAP <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Rob Rodger <rob.rodger@bentoncleanair.org>; Robin Priddy <robin.priddy@bentoncleanair.org>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; Seth DeFoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; Sean Domagalski <seand@bfhd.wa.gov>; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Planning Department <Planning.Department@co.benton.wa.us>; Quentin Wright <QWright@portofbenton.com>; Jack.howard@bfhd.wa.gov; erin.hockaday@bfhd.wa.gov
Subject: [EXTERNAL] Z2023-108 801 Dalton Street Zoning Map Amendment Referral Packet

Hello all,

Please see the attached Referral Packet for a zoning map amendment application to rezone 3 (three) parcels on 3.93 acres from Business and Commerce (B-C) to Medium Industrial (I-M).

Comments are due by Friday, November 3rd, at 5pm PST.

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

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

From:	Chris Sittman
To:	Howie, Matthew
Subject:	RE: Z2023-108 801 Dalton Street Zoning Map Amendment Referral Packet
Date:	Tuesday, October 24, 2023 8:20:31 AM
Attachments:	image001.png

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

KID has no comments, this is outside of our District!

Chris D. Sittman
Engineering Dept./CAD Specialist
Kennewick Irrigation District
2015 S. Ely St.
Kennewick, WA 99337
Desk: 509-460-5435
Cell: 509-873-1123

From: Howie, Matthew <mhowie@ci.richland.wa.us>
Sent: Wednesday, October 18, 2023 2:44 PM
To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Bill Barlow <bbarlow@bft.org>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; David Billetdeaux <david@portofbenton.com>; Davis, Deanna <d.davis@bces.wa.gov>; Rodgers,Deborah (CONTR) - TERR-TRI CITIES RMHQ <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; gis@co.benton.wa.us; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jason McShane <JMcShane@kid.org>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; Development <development@kid.org>; Matthew Berglund <MBerglund@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; MAP <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Rob Rodger <rob.rodger@bentoncleanair.org>; Robin Priddy <robin.priddy@bentoncleanair.org>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; Seth Defoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; Sean Domagalski <seand@bfhd.wa.gov>; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Planning Department <Planning.Department@co.benton.wa.us>; Quentin Wright <QWright@portofbenton.com>; Jack.howard@bfhd.wa.gov; erin.hockaday@bfhd.wa.gov
Subject: Z2023-108 801 Dalton Street Zoning Map Amendment Referral Packet

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

Hello all,

Please see the attached Referral Packet for a zoning map amendment application to rezone 3 (three) parcels on 3.93 acres from Business and Commerce (B-C) to Medium Industrial (I-M).

Comments are due by Friday, November 3rd, at 5pm PST.

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

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HEARING EXAMINER AGENDA ITEM COVERSHEET

Meeting Date: 11/13/2023

Agenda Category: New Business - Public Hearing

Prepared By: Matthew Howie, Senior Planner

Subject:
S2023-101 - Desert Sky - 2104 Meritage Ave Preliminary Plat

Department:
Development Services

Recommended Motion:
Staff recommends approval of the request subject to conformance with the conditions of approval.

Summary:
Brad Beauchamp has filed a preliminary plat application to subdivide a 38.2-acre site with 226 residential lots, eight commercial lots, and three tracts associated with pedestrian access/proposed park space and related infrastructure (Preliminary Plat of Desert Sky). The project site is located in Badger Mountain South at the northwestern terminus of Meritage Avenue and located north of Ava Way and east of Dallas Road. The parcel contains approximately 725 feet of frontage along Dallas Road, 740 feet of frontage along Ava Way, and 890 feet of frontage along Meritage Avenue (APNs: 1-29982000001002 & 1-32983000003037).

A Supplemental Final Environmental Impact Statement was completed for this site at the time the City adopted the subarea plan for the Badger Mountain South area in 2010. The property was annexed and the City adopted a Planned Action Ordinance (RMC 19.50). The effect of the Planned Action Ordinance is that standard SEPA review is not required, provided that any project proposed within the boundaries of the master planned community is consistent with the master plan and with the mitigation measures identified in the adopted SEPA documents/process.

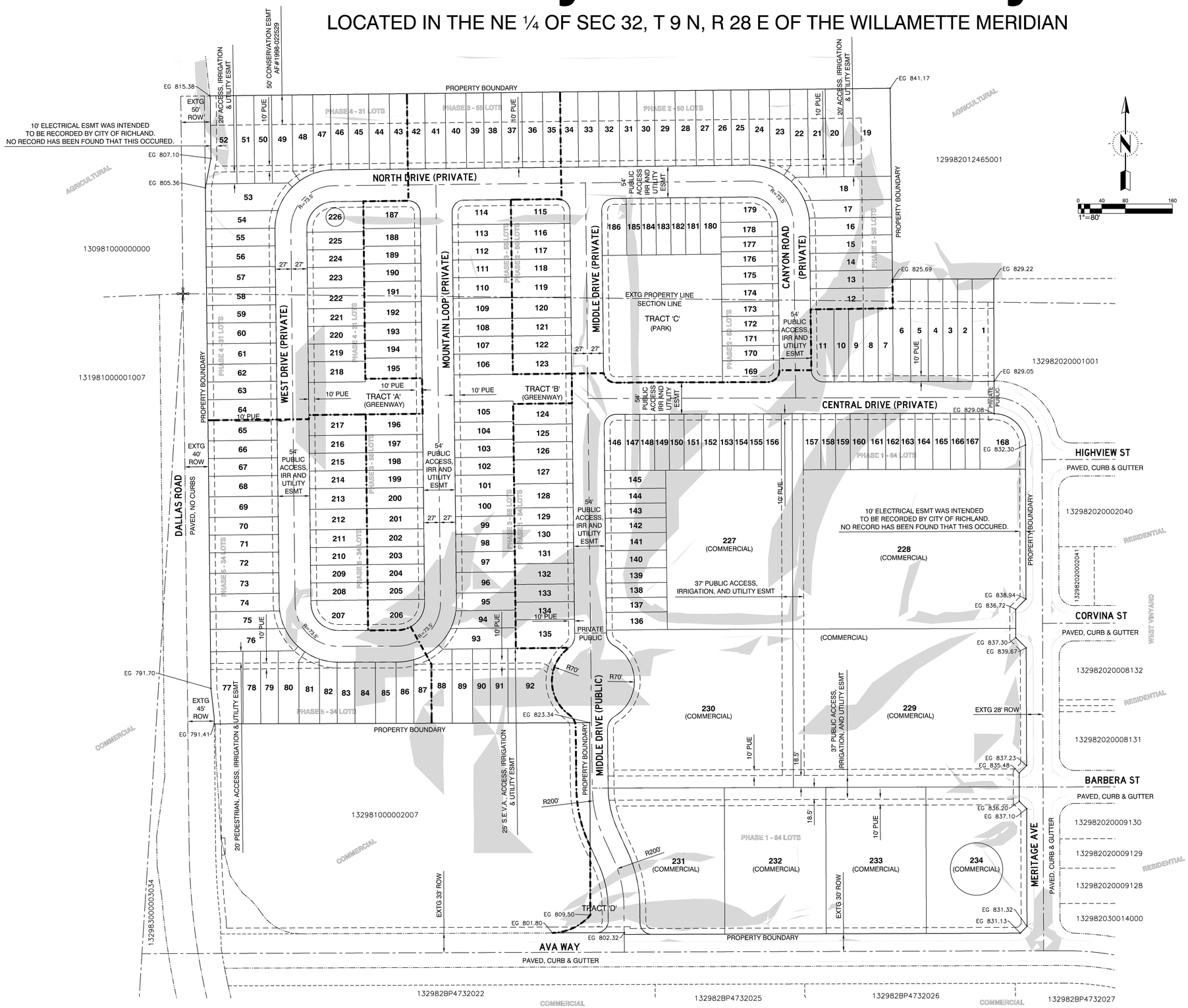
Richland Municipal Code (RMC) Chapter 19.20 requires preliminary plat approval by the Hearing Examiner. Likewise, RMC 24.12.050 states "After public hearing and review, the hearing examiner shall decide whether the preliminary plat is in accordance with the comprehensive plan and other applicable code requirements." Proper steps have been taken by staff to meet public notice requirements.

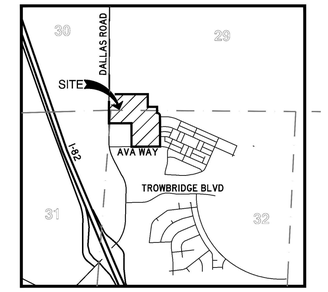
Staff has completed its review of the request for preliminary plat approval (S2023-101) and feels that the proposal is generally consistent with the intent of the Comprehensive and Subarea Plans; however, staff feels that the proposal may not fully comply with some of the intent statements per Exhibit C (or LUDR) of the Badger Mountain South Master Agreement, and therefore recommends approval of the request subject to the conditions of approval contained in staff report S2023-101, which are warranted since the project conforms to the City's adopted Comprehensive Plan, Badger Mountain Subarea Plan, and Badger Mountain South Master Agreement, and is consistent with the requirements of the City's subdivision regulations.

Attachments:
1. Preliminary Plat Map
2. S2023-101 Desert Sky - 2104 Meritage Ave [Full Report]

Desert Sky Preliminary Plat

LOCATED IN THE NE ¼ OF SEC 32, T 9 N, R 28 E OF THE WILLAMETTE MERIDIAN





VICINITY MAP NTS

SHEET INDEX

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

PROPERTY AND PLAT STATISTICS

PROPERTY BOUNDARY AND TOPOGRAPHIC SURVEY PROVIDED BY AHBL INC, 2019

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

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

TAX ID # OF SUBJECT PARCELS:
129982000001002
PORTION OF 132983000003037

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

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

COMPREHENSIVE PLAN DESIGNATION:
BMS - BADGER MOUNTAIN SOUTH

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

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

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

LEGEND

100 —— LOT #

118982020000003 CO TAX ID #

RESIDENTIAL ADJACENT USE

- CRITICAL AREAS - SLOPES GREAT THAN 15%

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

2023.09.28 15:55:54 -07'00'

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

Preliminary plat for:
Desert Sky
A project in the City of Richland, WA

Drawn by: DAK
Checked by: JEF

JF Eng. Job # 0195.00

Scale H: 1"=80'
Scale V: N/A

Date: Sept 7, 2023

PP100

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

GENERAL INFORMATION

PROPOSAL NAME:	Desert Sky – 2104 Meritage Ave.
LOCATION:	2104 Meritage Avenue
APPLICANT:	Brad Beauchamp, property owner
PROPERTY OWNER:	Brad Beauchamp
FILE NO.:	S2023-101
DESCRIPTION:	Request to divide approximately 38.2 acres into two-hundred twenty-seven (227) residential lots, five (5) commercial lots, and three (3) tracts associated with pedestrian access or proposed park space (APNs: 1-29982000001002 & 1-32983000003037).
PROJECT TYPE:	Type III Preliminary Plat Approval
HEARING DATE:	November 13, 2023
REPORT BY:	Matthew Howie, Senior Planner
RECOMMENDED ACTION:	Approval subject to completion of proposed conditions

Vicinity Map

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

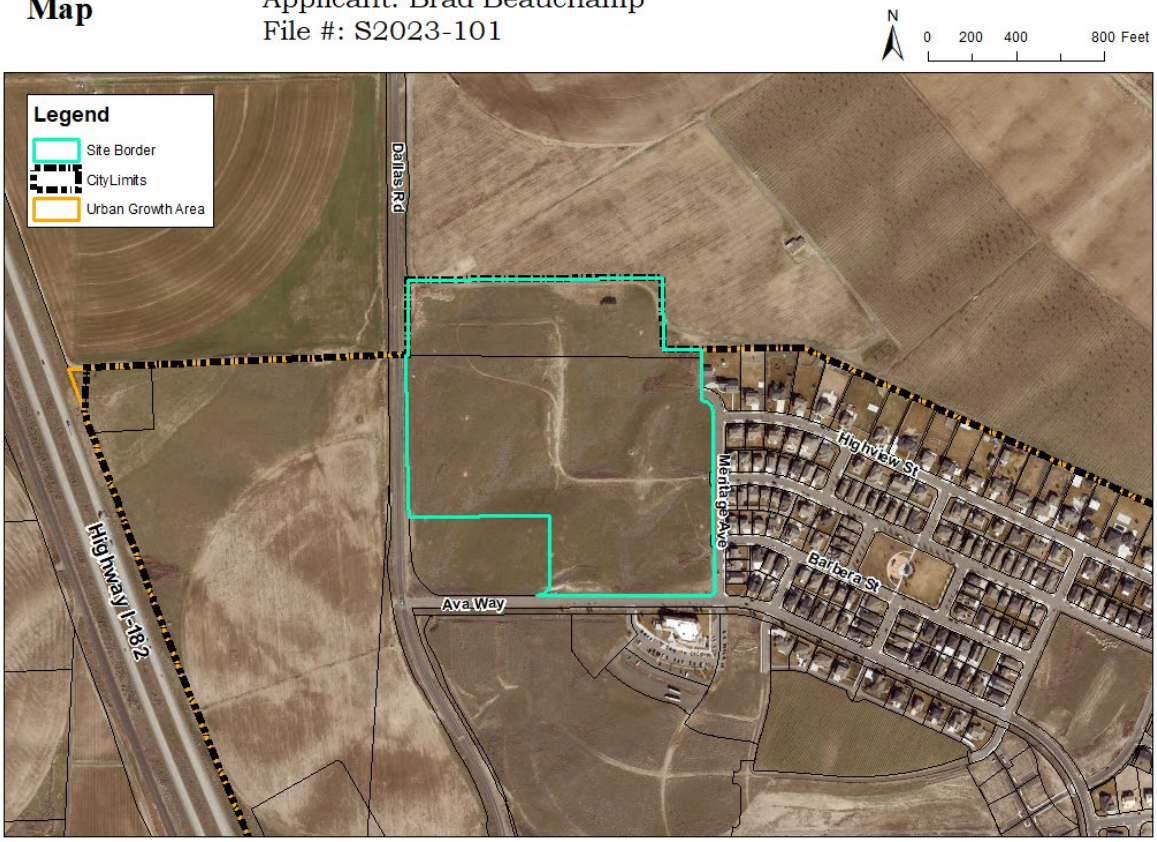


Figure 1 - Vicinity Map

PROJECT DATA

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

DESCRIPTION OF PROPOSAL

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

REASON FOR REQUEST

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

24.12.053 Preliminary plat – Required findings.

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

A. The preliminary plat conforms to the requirements of this title;

B. Appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;

C. The public use and interest will be served by the platting of such subdivision and dedication; and

D. The application is consistent with the requirements of RMC 19.60.095.

24.12.055 Preliminary plat – Hearing examiner consideration and action.

A. The application for preliminary plat approval shall be approved, disapproved or returned to the applicant for modification or correction within 90 days of the date of acceptance.

B. Hearing examiner approval of a preliminary plat shall not guarantee final approval of the plat or subdivision and shall not constitute an acceptance of the subdivision, but shall authorize the subdivider to proceed with the preparation of the final plat along the lines indicated in the preliminary plat.

C. Approval of the preliminary plat shall be operative for five years from the date of approval by the hearing examiner during which time a final plat or plats may be submitted.

D. The subdivision administrator may extend the approval period or may require that the preliminary plat must be resubmitted after the expiration of the approval period.

19.60.095 Required findings.

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

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

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

REVIEW AUTHORITY

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

SITE DESCRIPTION & ADJACENT LAND USES

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

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

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

CURRENT LAND USE DESIGNATION AND USES:
North: Benton County RL-5 (REVAL 5 FARM), agriculture
East: BMS-NE, BMS-NG (Neighborhood Edge, Neighborhood General), single-family housing
South: BMS-SD-CMU (Commercial Mixed-Use), developing commercial properties
West: BMS-SD-DR (Destination Retail), undeveloped

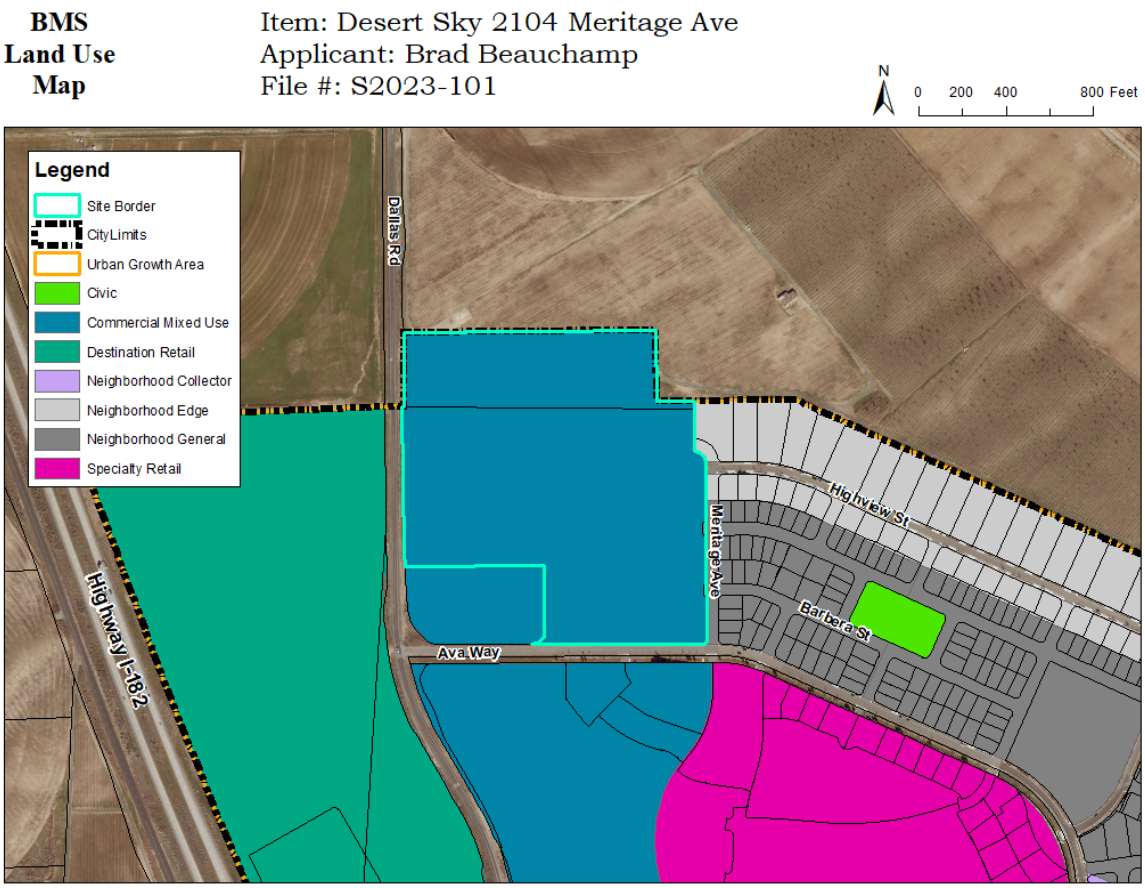


Figure 2 – Comprehensive Plan Land Use Map

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

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

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

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

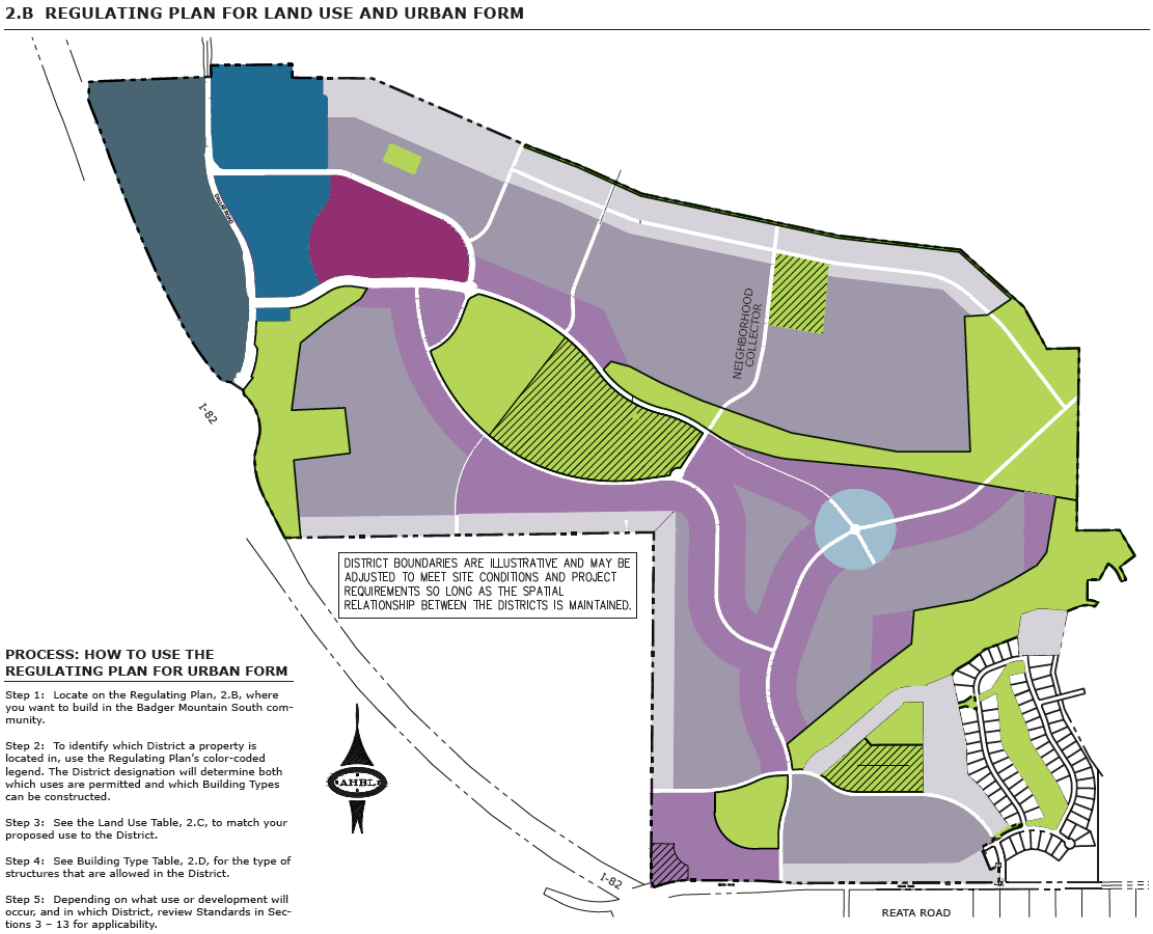


Figure 3 – BMS Land Use Map

DISTRICT LEGEND

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

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

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

BMS-NC: NEIGHBORHOOD COLLECTOR (3.C)

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

BMS-NG: NEIGHBORHOOD GENERAL (3.D)

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

BMS-NE: NEIGHBORHOOD EDGE (3.E)

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

BMS-CIVIC (3.F)

The Civic District contains the open space, parks, schools, civic and community spaces. Development in this District is primarily intended for Civic, Community and Institutional Facilities. See also Illustrative Plan for Civic Space Layout, 5.B for detail.

SPECIAL DESIGNATION "-P" OVERLAY DISTRICT

SPECIAL DISTRICT LEGEND

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

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

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

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

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

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

Figure 4 – BMS District Descriptions

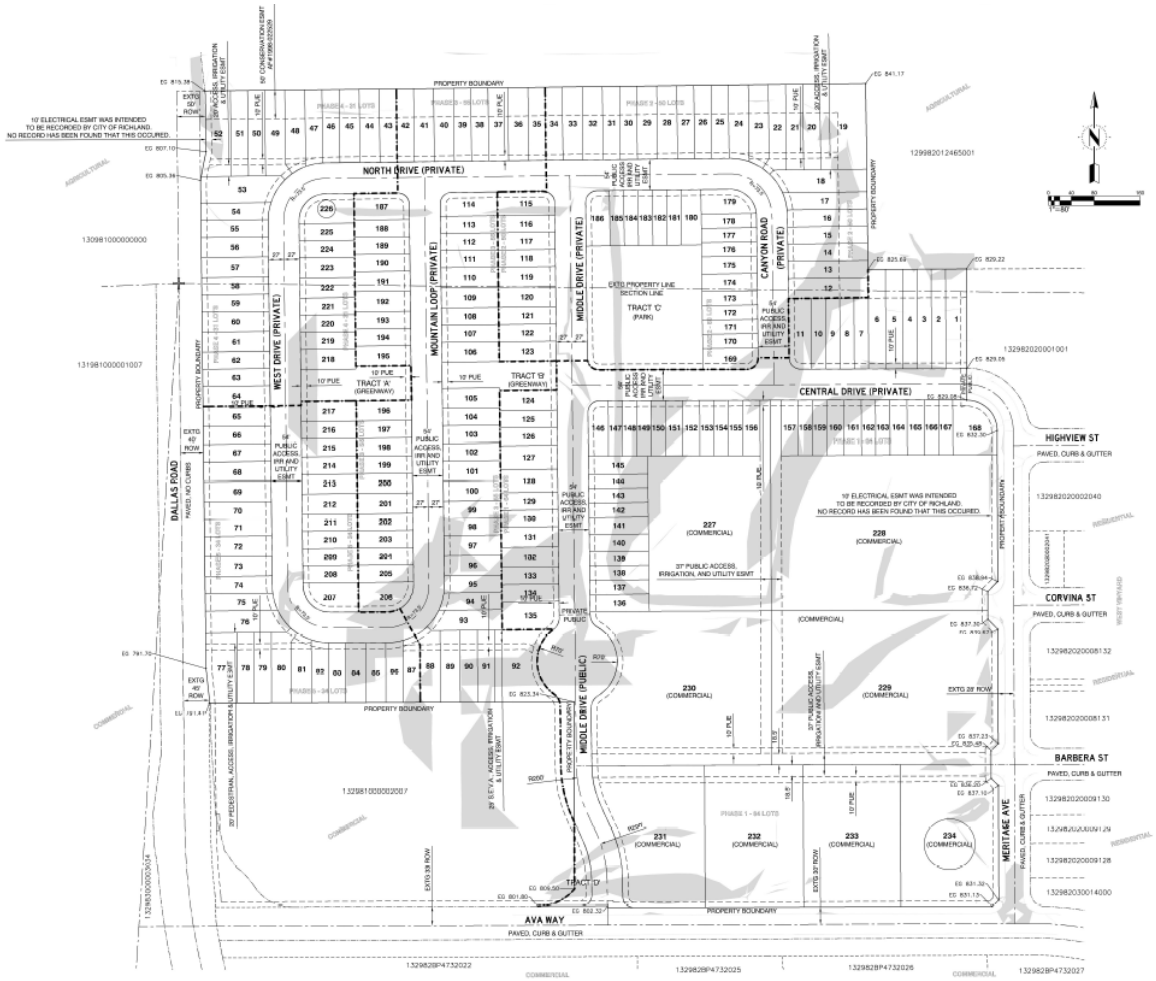


Figure 5 – Preliminary Plat

<u>Applicable Goals & Policies</u>

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

Community Goal 1: Ensure and enhance the continuing sense of a livable and sustainable community in Richland.

Community Goal 2: Create a vibrant, progressive, and physically, socially, economically, and culturally diverse community providing choices of jobs, housing, and recreational opportunities to its residents of all ages.

Community Goal 5: Encourage the identification, preservation, and restoration of the City's open space and natural areas to maintain habitat, provide opportunities for residents to connect with nature, and meet educational, health, and outdoor recreational needs with associated economic opportunities to the community.

Community Goal 9: Provide and support an efficient, varied, and well-maintained transportation network.

Economic Development Goal 6: Encourage vibrant mixed-use areas in Tri-Cities as destinations to live, work, and visit.

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

Policy 7: Support development of higher density housing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy 1: Maintain quality design and landscaping in the new developments.

Transportation Element Goal 3: Encourage the use of transportation modes that promote energy conservation, circulation efficiency, and an active lifestyle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LUDR PROVISIONS

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

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

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

Applicant Response

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

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

Staff Analysis

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

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

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

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

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

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

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

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

13. "[T]he importance of complying with the intent of the two Special Districts assigned to the land included in this application is in the public's interest."
16. "'[I]ntent' language cannot be ignored, and serves as part of the approval criteria for any plat proposal in the BMS community."
18. Quoting the Badger Mountain South Subarea Plan, page 29:

    > The Badger Mountain Commercial Mixed Use (BMCMU) designation applies only to properties in Badger Mountain South. It is concentrated within two neighborhood centers as well as being applied to some of the land area adjacent to Dallas Road. The purpose of the BMCMU designation is to concentrate a greater variety of activities within key areas of the community that include public transit, retail, medical and office uses along with residential uses. In many instances, residential will be located within many of the same commercial structures; some residential units may be live-work units where the living quarters is above one's shop or office. Residents will benefit by having a short walk for groceries, or to other stores and service providers, and businesses benefit by having customers living above or around them. Other areas identified for BMCMU may be appropriate for general and corporate office or limited medical facilities and other professional activities. In all cases, in areas identified as BMCMU an important component will be the inclusion of gathering places, public areas that help to provide a sense of identity and an opportunity for community-building.
    >
    > The type, configuration, and density of development here will also appeal to neighborhood shoppers and will encourage pedestrian traffic between businesses, facilitate efficient mass transit, and consequently require less reliance on motor vehicles. Low intensity uses are not desirable within this area. However, places of worship and public uses including a fire station, satellite police facility, or public library branch can be important additions to the mixed use districts.
19. "The nonresidential land use classifications in the Badger Mountain Subarea – like the Mixed-Use… commercial [designation] – are intended to accommodate the needs of the new residents, the need for additional services within Richland and other nearby cities, as well as accommodating tourists and other visitors over the 20-year planning timeline. (BMSP, Sec. 5.4, on page 26). The Examiner finds and concludes that the Subarea Plan, the Master Agreement, and the LUDR all establish the intent that Commercial districts should provide commercial uses and buildings, and that residential uses are not planned or intended to f[i]ll all of the available development area included in any Commercial district."
29. "As noted by multiple Badger Mountain homeowners who appeared during the public hearing or submitted public comments regarding this project, the LUDR includes graphic-intense pages showing

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

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

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

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

<u>LUDR 1.H.: BMS Master Agreement Consistency Determination</u>

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

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

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

Staff Analysis – Procedural Requirements

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

<u>LUDR 2.B.: Regulating Plan for Land Use and Urban Form</u>

BMS-SD-CMU: Commercial Mixed-Use

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

Applicant Response

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

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

LUDR 2.C.: Land Use Table

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

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

Figure 6 – Land Use Table

Footnotes

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

6. Senior Housing permitted above ground floor commercial or office, or when constructed in a multi-story building.
10. When one part of a larger office-retail development.
13. When totally enclosed within a building or in a Liner Building Type.
15. When licensed as a Child Care Center and meets RMC 23.42.080(A-D, F) requirements. In the BMS-NC District, must be located on corner lots.
18. Subject to standards for Neighborhood Goods and Services Building Type, otherwise meet RMC 23.42.270 or 23.42.280 requirements.
26. Must meet additional requirements of RMC 23.42.047 and any unique master site plan.
27. Subject to standards found in RMC 5.14.
28. When ancillary and seasonal to primary retail.
32. When accessory to an adjacent use and subject to Section 11.C standards.

Staff Analysis

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

<u>LUDR 4.A.: Introduction</u>

"This section of the LUDR identifies the Special District development standards. Special Districts are unique areas that by intent, function, disposition or configuration play an important role in establishing the vision of the Badger Mountain South community. … Because of the unique nature of the Special Districts, development within these areas is guided by the intent, guidelines and/or standards as follows for each District. Although the Special Districts are not regulated by Building Types, the Common Design Standards in Section 8.C are applicable to these Districts."

Staff Analysis

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

<u>LUDR 4.C.1.: Special District – Commercial Mixed-Use Intent</u>

"The Special District - Commercial Mixed-Use (BMS-SD-CMU) comprises approximately 45 acres between Dallas Road and the Special District-Specialty Retail. The District can accommodate a wide variety of uses as it is intended to be a major employment center for the City of Richland and a destination for shopping, higher-level education, dining, office uses and other employment centers, Multi-family/Mixed-Use housing, entertainment and recreation. Public facilities, including transit centers, may also be accommodated in this District.

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

Applicant Response

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

Staff Analysis

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

<u>LUDR 4.C.2.: Special District – Commercial Mixed-Use Standards</u>

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

Staff Analysis

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

<u>5.D.1. Plaza/Town Square</u>

1. Description – Plaza/Town Square
    a. Definition - A "hardscape" open space is designed as a community gathering space and supports amenities to commercial development. Plazas are

intended to be incorporated into all commercial Districts within Badger Mountain South. The size and location of Plazas will be determined during site plan review as the developer of commercial spaces identify and design Plaza and/or common open space areas within each commercial development.

b. Location - All Commercial, retail and mixed-use areas; actual location determined at time of platting.

c. Size
   (1) Minimum width: 20 ft.
   (2) Minimum depth: 20 ft.

d. Standards
   (1) Plaza/Town Squares will be spatially defined by building frontages, and located at intersections of Primary Pedestrian Streets.

Staff Analysis

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

<u>LUDR 5.I.1.: Trails</u>

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 12' Urban Trails will serve as a continuation of the community-wide bicycle and pedestrian trail system.

b. Location - Commercial, retail, and mixed-use areas in BMS-SD-SR, BMS-SD-CMU, and BMS-SD-DR Districts and limited location in BMS-CIVIC Districts; See 5.G, Illustrative Plan for Trail Layout and Trail Types.

c. Size (1) Minimum width: 12 ft. specialty paved surface.

d. Standards
   (1) Principally concrete but other paved surfaces permitted based on overall site design.
   (2) Integrated into the commercial/retail plaza spaces.
   (3) Will serve as a multi-use bicycle and pedestrian trail.
   (4) Provide appropriate lighting for after-dark use which may be provided by street lighting located in the adjacent Right of Way.

Staff Analysis and LUDR Trail Standards

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

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

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

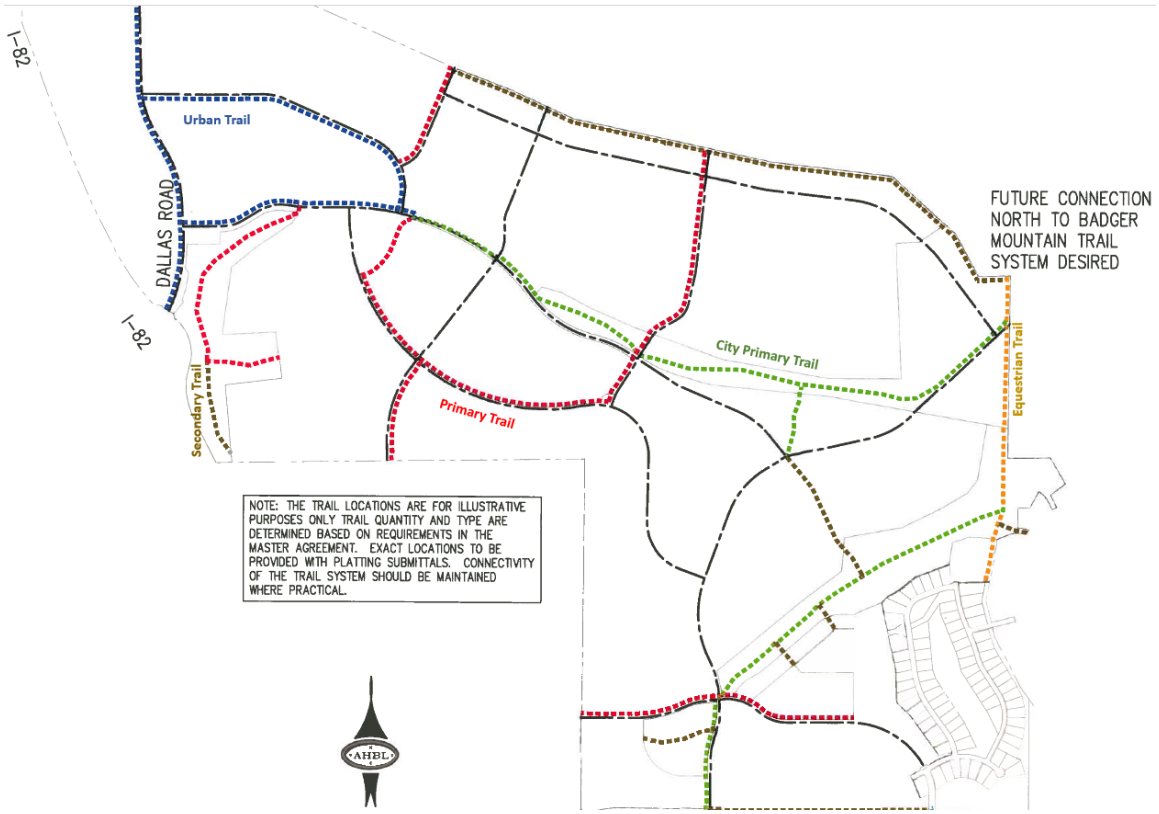


Figure 7 – BMS Master Agreement Trail Layout Plan

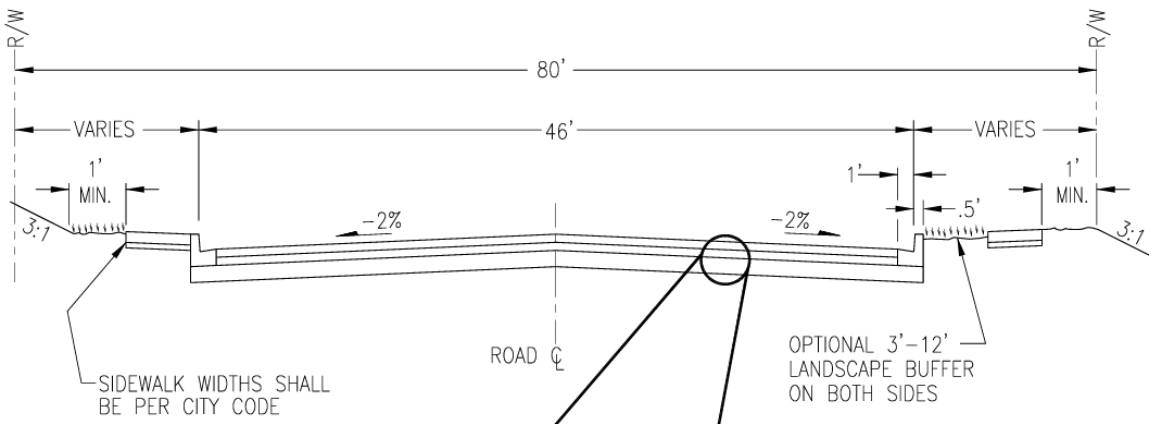


Figure 8 – City of Richland Minor Arterial Standard Detail

LUDR 6.B.: Regulating Plan for Streets

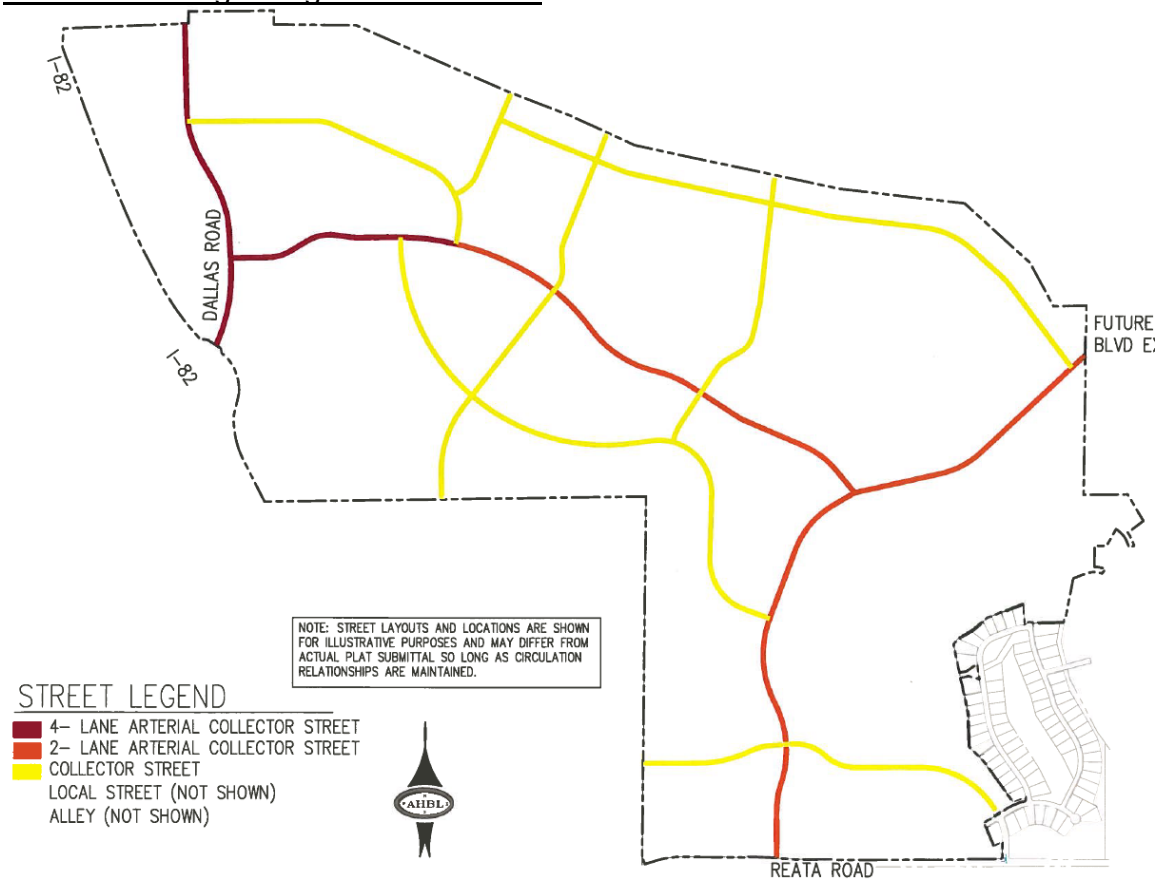


Figure 9 – Regulating Plan for Streets

Staff Analysis

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

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

Staff Analysis

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

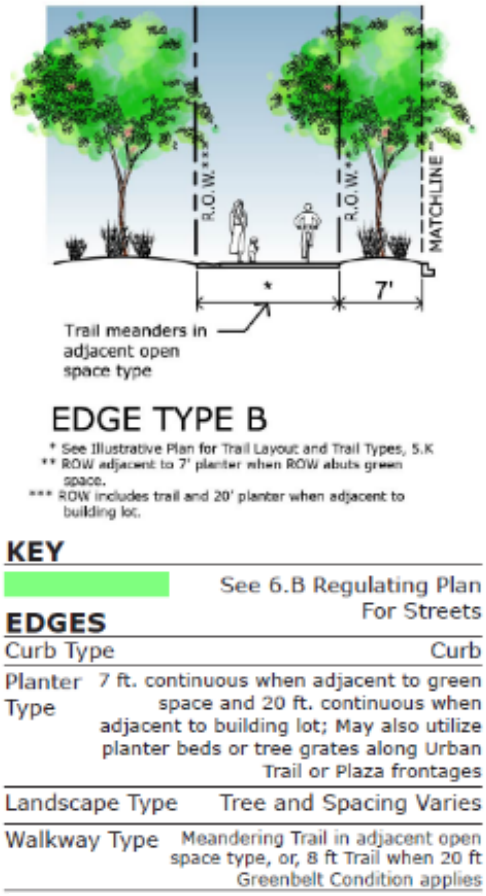


Figure 10 – Edge Type B

LUDR 7.A.: Introduction

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

Staff Analysis – Density Standards

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

Staff Analysis – Open Space Standards

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

LUDR 7.B.: Block Standards

1. Intent: The layout of an interconnected street network composed of small blocks are a crucial component to creating a walkable community. The intent of these standards is to create a pedestrian environment that has limited interruptions from vehicles, and allows for maximum connectivity to the surrounding neighborhood areas and amenities.
2. Block Dimensions
   a. Length: 1,000 ft., maximum
3. Street Network
   a. A simple grid street and block network is preferred.
   b. The street and block network is not required to be orthogonal in response to site features and/or topographical constraints, however streets should be interconnected.

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

Staff Analysis

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

12.08.010 [Right-of-Way Construction] Definitions

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

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

Staff Analysis – Block Standards

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

<u>LUDR 8.C.1.: Common Design Standards for all Commercial Districts and Projects</u>

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

Staff Analysis

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

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

<u>LUDR 12.A.: Introduction</u>

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

Staff Analysis

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

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

LUDR 12.B.: Sustainability Standards

1. ENERGY:
   a. Promote energy conservation in all aspects of development and life cycle operation.
   b. Promote production and use of renewable energy.
2. WATER:
   a. Promote water conservation in all aspects of development and life cycle operation.
   b. Promote re-use, recycling and ground water recharge of rain water and grey water.
3. TRANSPORTATION:
   a. Promote pedestrian, bicycle and community transit modes of transportation.
   b. Promote a compact, walkable and mixed-use pattern of development.
5. RECYCLING:
   a. Promote reduction in waste during development and life cycle operation.
   b. Promote reuse of materials during construction.
   c. Promote recycling of materials during development and life cycle operation
6. HEALTHY LIFESTYLE:
   a. Promote an active, healthy lifestyle by connecting areas of activity with non-motorized means of circulation.
   b. Promote opportunities for active recreation through community-wide trail system as well as provisions for parks and play areas in each neighborhood.
8. URBAN AGRICULTURE:
   a. Promote opportunities for community gardening within each neighborhood.

Staff Analysis

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

UTILITY AVAILABILITY

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

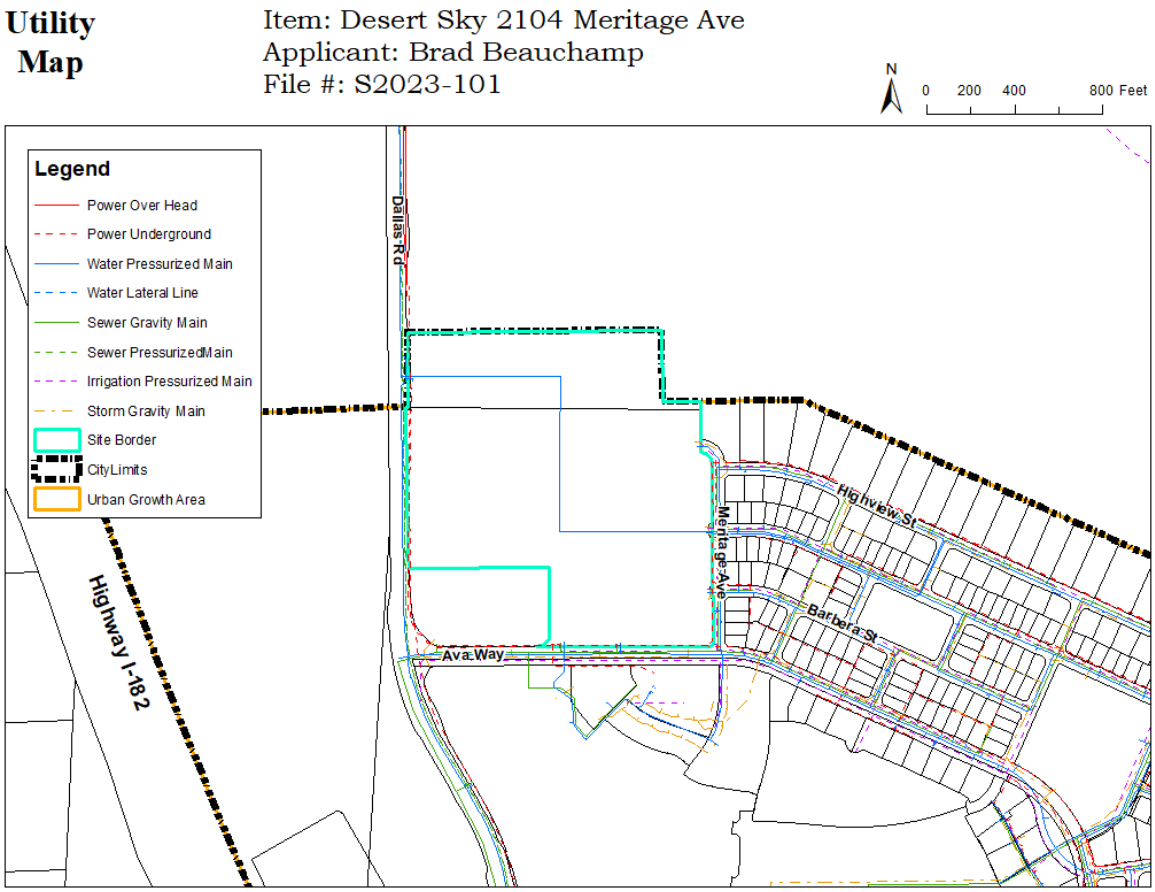


Figure 11 – Utilities Map

Sewer

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

Water

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

Irrigation

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

Stormwater

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

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

TRANSPORTATION & ACCESS

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

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

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

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

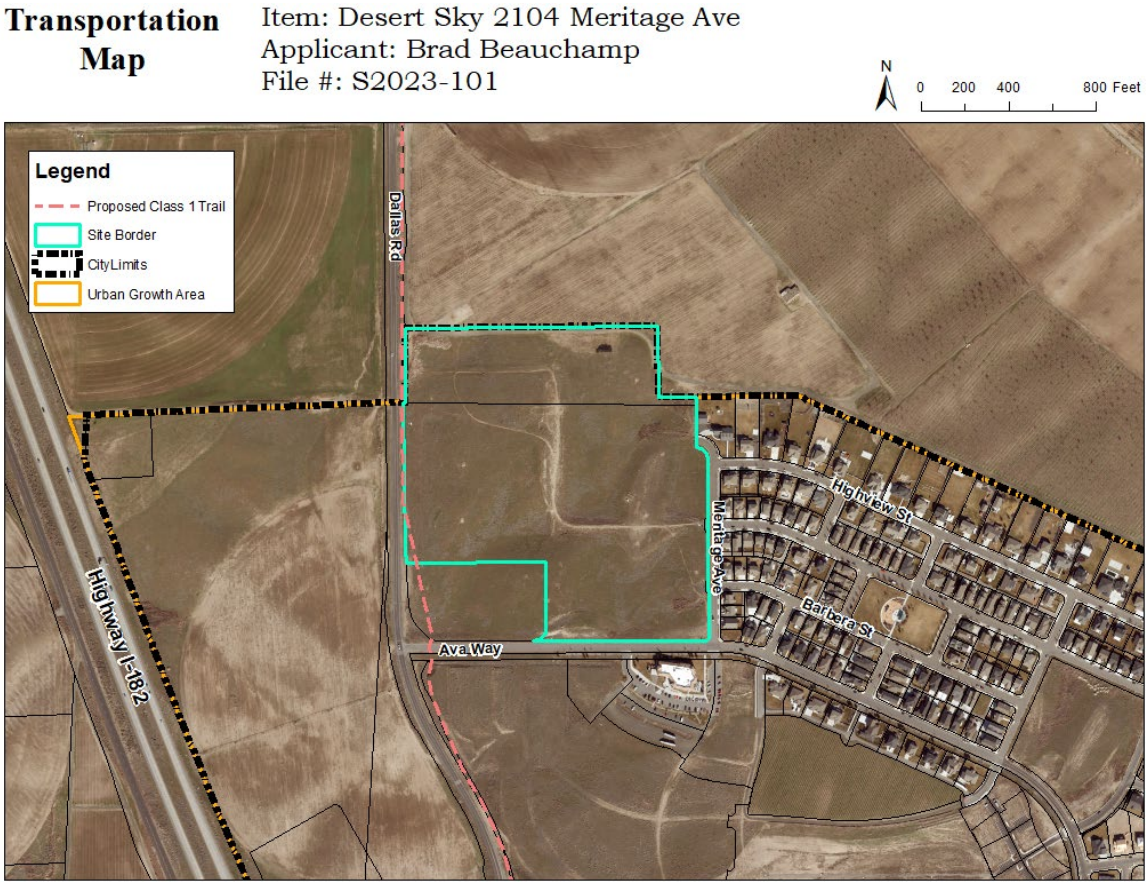


Figure 12 – Transportation Map

EASEMENTS

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

FIRE SAFETY

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

SCHOOLS

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

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

PARKS

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

SEPA

A Supplemental Final Environmental Impact Statement was completed for this site at the time the City adopted the subarea plan for the Badger Mountain South area in 2010. The property was annexed and the City adopted a Planned Action Ordinance (RMC 19.50). The effect of the Planned Action Ordinance is that standard SEPA review is not required, provided that any project proposed within the boundaries of the master planned community is consistent with the master plan and with the mitigation measures identified in the adopted SEPA documents/process. Projects determined to be consistent with the subarea plan, the Master Agreement between the City and Nor Am Investment, and the mitigation measures enumerated in the adopted SEPA documents are issued a Planned Action Consistency Determination [PACD] (Exhibit 5).

Critical Areas

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

Shoreline Master Program

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

AGENCY COMMENTS

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

PUBLIC COMMENTS

Owners of all properties within 300-feet of the plat site were directly notified of the project by way of USPS mailing. At the time this report was prepared, the City has received one public comment. Copies of all public comments received by the City are included as *Exhibit 8*.

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

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

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

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

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

PUBLIC NOTICE

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

A notice of application was provided by mailing notices to property owners within 300 feet. Public hearing notices were distributed through posting of the property, mailing of notice to property owners within 300 feet of the site and publication in the Tri-City Herald newspaper. Copies of the notices and affidavits are included in *Exhibit 7*.

ANALYSIS

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

A. *The preliminary plat conforms to the requirements of this title (RMC Title 24)*
   - The City's subdivision regulations set forth specific requirements for the filing of an application, giving public notice of the application, and requiring

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

B. *Appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school*;
   - One park space and other recreational opportunities such as pedestrian greenways are proposed.
   - The Ben Franklin Transit Authority does not provide bus service to the immediate area and did not respond to a request for comment.
   - The plat will be served by City domestic water lines currently existing adjacent to the project site. Water lines have capacity to provide for the proposed project.
   - The plat will be served by City sanitary sewer service currently existing adjacent to the project site. Sewer lines have capacity to provide for the proposed project.
   - The plat will be served by Richland Energy Services currently existing adjacent to the project site. Electric lines have capacity to provide for the proposed project.
   - In accordance with City development standards, storm water drainage will have to be retained and managed on-site. Project specific designs have not been created yet; however, prior to the City allowing construction of the subdivision to occur, the development will need to be designed by a licensed civil engineer and meet the requirements of the city and state storm water regulations.
   - Richland School District was given the opportunity to comment and chose not to comment. The Richland School District currently serves approximately 13,000 children within a multitude of school facilities some of which are new or have been recently remodeled to accommodate the increasing student enrollment.

C. *The public use and interest will be served by the platting of such subdivision and dedication;*
   - To the extent the project provides opportunities for (regionally) needed housing and (locally) needed commercial development, and, makes provisions for active transportation and basic amenities within the rights-of-way, this intensity of development is appropriate for this location and in the public interest.

D. *The application is consistent with the requirements of RMC 19.60.095, which states: No development application for a Type II or Type III permit shall be approved by the City of Richland unless the decision to approve the permit application is supported by the following findings and conclusions:*
   a. *The development application is consistent with the adopted Comprehensive Plan and Badger Mountain South Master Agreement,*

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

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

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

- Chapter 22.09 is the City's adoption of the State Environmental Policy Act provisions. The project falls under the Planned Action Ordinance (RMC 19.50.030) adopted by the City in 2010, which is based on the Supplemental Final Environmental Impact Statement [EIS] adopted in the Badger Mountain South Subarea Plan. The City recommends Conditions of Approval to align this project with the adopted Final EIS.

c. The development application is beneficial to the public health, safety and welfare and is in the public interest.

- The project is consistent with the City's Comprehensive Plan, the Badger Mountain South Subarea Plan, and, development regulations. Likewise, the proposal has been conditioned by Staff to satisfy applicable development regulations. Finally, there are improvements proposed to the benefit public health, safety, and welfare. As stated previously, however, there are concerns as to how faithfully the proposal meets the intent statements and other language of the guiding LUDR development document (Exhibit C of the Badger Mountain South Master Agreement).

E. The development does not lower the level of service of transportation facilities below the level of service D, as identified in the Comprehensive Plan; provided, that if a development application is projected to decrease the level of service lower than level of service D, the development may still be approved if improvements or strategies to raise the level of service above the minimum level of service are made concurrent with development. For the purposes of this section, "concurrent with development" means that required improvements or strategies are in place at the time of occupancy of the project, or a financial commitment is in place to complete the required improvements within six years of approval of the development.

- City Staff have reviewed provided documentation and are placing conditions of approval to mediate level-of-service impacts anticipated by this proposal.

F. *Any conditions attached to a project approval are as a direct result of the impacts of the development proposal and are reasonably needed to mitigate the impacts of the development proposal*.

- The conditions of approval recommended for this project are a direct result of imposing City development standards as contained in City code and are directly related to the development proposal. Additional conditions have been included as a result of comments received by other agencies.

FINDINGS, CONCLUSION, AND RECOMMENDATION:

Findings of Fact

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

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

Conclusions of Law

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

Recommendation

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

RECOMMENDED CONDITIONS OF APPROVAL

Public Works

General Conditions

1. All final, approved plans for public improvements shall be submitted prior to pre-con on a 24" x 36" hardcopy format and also electronically. Addendums are not allowed, all information shall be supplied in full size (and electronic) format. When construction of the public infrastructure has been substantially completed, the applicant shall provide paper and electronic record drawings in accordance with the City's "Record Drawing Requirements". The electronic record drawings shall be submitted in an AutoCAD format compatible with the City's CAD software. The final record drawings shall be submitted and approved by the City before the final punchlist inspection will be performed. All final punchlist items shall be completed or financially guaranteed prior to final platting.
2. A copy of the construction drawings shall be submitted for review to the appropriate jurisdictions by the developer and his engineer. All required

comments / conditions from all appropriate reviewing jurisdictions (e.g.: Benton County, any appropriate irrigation districts, other utilities, etc.) shall be incorporated into one comprehensive set of drawings and resubmitted (if necessary) for final permit review and issuance. Any and all necessary permits that may be required by jurisdictional entities outside of the City of Richland shall be the responsibility of the developer to obtain.

3. Any work within the public right-of-way or easements or involving public infrastructure will require the applicant to obtain a right-of-way construction permit prior to beginning work, per RMC Chapter 12.08. The applicant shall pay a plan review fee based on a cost-per-sheet of engineering infrastructure plans. This public infrastructure plan review fee shall apply each time a project is submitted for review. Please visit the published fee schedule on the City's webpage to find the current per-sheet fee. A permit fee in the amount equal to 3% of the construction costs of the work within the right-of-way or easement will be collected at the time the construction permit is issued.
4. Public utility infrastructure located on private property will require recording of a City standard form easement prior to final acceptance of the infrastructure. The City requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of final platting. Once received, the City will prepare the easement document and provide it to the developer. The developer shall record the easement at the Benton County Assessor and return a recorded original document to the City.
5. A pre-construction conference will be required prior to the start of any work within the public right-of-way or easement. Contact the Public Works Engineering Division at 942-7500 to schedule a pre-construction conference.
6. The contractor and developer shall be responsible for any and all public infrastructure construction deficiencies for a period of one year from the date of the letter of acceptance by the City of Richland.
7. All plan sheets involving construction of public infrastructure shall have the stamp of a current Washington State licensed professional engineer.
8. A copy of the preliminary plat shall be supplied to the Post Office and all locations of future mailbox clusters approved prior to installation or final platting.

Design Standards

9. Public improvement design shall follow the following general format:
    a. All materials and workmanship shall be in conformance with the latest revision of the City of Richland Standard Specifications and Details, Public Infrastructure Design Guidelines and the current edition of the State of Washington Standard Specifications for Road, Bridge, and Municipal Construction. Please confirm that you have the latest set of standard specs and details by visiting the City's web page.
    b. Fire hydrant location shall be reviewed and approved by the City Fire Marshal.
    c. All utilities shall be extended to the adjacent property (properties) at the time of construction.

d. The minimum centerline finish grade shall be no less than 0.30% and the maximum centerline finish grade shall be no more than 10.0% for local streets. 12% can be allowed for local streets for short distances.
e. The minimum centerline radius for local streets shall be 100-feet.
f. Final design of the public improvements shall be approved at the time of the City's issuance of a Right-of-way Construction Permit for the proposed construction.
g. All public improvements shall comply with the State of Washington and City of Richland requirements, standards and codes.

10. If the project will be built in phases the applicant shall submit a comprehensive master plan for the sanitary sewer, domestic water, storm drainage, electrical, street lighting and irrigation system for the entire project prior to submitting plans for the first phase to assure constructability of the entire project. This includes the location and size of any storm retention ponds that may be required to handle runoff.
11. If the City Fire Marshal requires a secondary emergency vehicle access (SEVA), it shall be included in the construction plan set and be designed to the following standards:
    a. 2-inches compacted gravel, minimum (temp. SEVAs only).
    b. Permanent SEVA's shall be paved with 2-inches of asphalt, minimum.
    c. 2% cross-slope, maximum.
    d. 5% slope, maximum. Any access road steeper than 5% shall be paved or be approved by the Fire Marshal.
    e. Be 20-feet in width.
    f. Have radii that are accommodating with those needed for City Fire apparatus.

    Secondary emergency vehicles accesses (SEVA's) shall be 20-feet wide, as noted. Longer secondary accesses can be built to 12-feet wide with the approval of the City of Richland Fire Marshal, however turn-outs are required at a spacing acceptable to the Fire Dept.
12. Survey Monument Destruction: All permanent survey monuments existing on the project site shall be protected. If any monuments are destroyed by the proposed construction the applicant shall retain a professional land surveyor to replace the monuments and file a copy of the record survey with the City.
    a. No survey monument shall be removed or destroyed (the physical disturbance or covering of a monument such that the survey point is no longer visible or readily accessible) before a permit is obtained from the Department of Natural Resources (DNR). (WAC 332-120-030(2) and RCW 58.09.130).
    b. Any person, corporation, association, department, or subdivision of the state, county or municipality responsible for an activity that may cause a survey monument to be removed or destroyed shall be responsible for ensuring that the original survey point is perpetuated. (WAC 332-120-030(2)).
    c. Survey monuments are those monuments marking local control points, geodetic control points, and land boundary survey corners. (WAC 332-120-030(3)).

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

Traffic and Streets

13. The "Desert Sky" preliminary plat is subject to the City's traffic impact fee program (RMC 12.03). Since this property is included within the traffic impact fee program, and since staff analysis indicates the project will create no unusual or unanticipated traffic impacts, it is exempt from the SEPA-related traffic study requirement (TIA).
14. The proposed roundabout at the Dallas Road / Ava Way intersection shall be constructed and completed before the addition of new trips generated by the development. This item shall be completed and accepted by the city prior to final platting of phase 1.
15. The entire Dallas Road frontage shall be completed to City standards no later than the development of Phase 4, which is the first phase which constructs the lots adjacent to it. The road section (curb, gutter, and illumination) shall be constructed to the city's standard "minor arterial" road section. The improvements shall include the LUDR Edge Type B, which incorporates the urban trail on the east side of Dallas Road. These frontage improvements will include a taper back to the county's two-lane section beginning where the City limit line crosses Dallas Road.
16. The Ava Way frontage shall be completed to LUDR standards with the phase the develops lots adjacent to Ava Way and "Middle Drive". These improvements will include pavement striping of Ava Way across the project frontage.
17. Pursuant to Richland Municipal Code Section 12.10.030, all private roadways shall be designed to a city standard as directed by the Public Works Director. This includes any roadways constructed internally for the commercial parcels.
18. The proposed alignment of the public portion of "Middle Drive" places a portion of the road corridor on property not owned by the applicant. The applicant shall obtain the necessary property rights from the adjacent parcel and include it in the Middle Drive right-of-way dedication at the time of final platting.
19. Several of the private roadway centerlines are shown with radii less than 100-feet. City standards require a minimum centerline curve of 100-feet.
20. The transition points between public and private streets shall be delineated with a cement concrete driveway approved by the City Engineer.
21. Per Richland Municipal Code Chapter 12.01.040 and 12.01.070, the shared driveways as proposed in this pre-plat shall be built to city standards.
22. The "cul-de-sac" feature on Middle Drive shall be removed from the design.
23. The existing curb returns on the west legs of both the Corvina-Meritage and Barbera-Meritage intersections shall be removed at the time of plat construction. They shall be replaced with city standard commercial driveways.

24. The existing access points onto Ava Way are acceptable for this project, but any proposed changes will be subject to approval by the City Engineer.
25. A note will be shown on the face of the final plat stating that Dallas Road is classified as an “Arterial street” and Ava Way is classified as a “Collector street”. Subsequently, no driveways will be allowed directly onto them.
26. Sidewalks shall be installed along all public right-of-way frontages that building lots do not front on during construction of those phases (e.g., storm drainage ponds, parks, HOA tracts, etc.).
27. Pedestrian ramps shall be designed to current City Standard Details and PROWAG Standards to be compliant with federal ADA Standards. Adequate right-of-way shall be provided at corners to allow for at least 1-foot of ROW behind the concrete ped. ramp landing. Crosswalks between pedestrian ramps shall be designed to City standards. Crosswalks at stop-controlled intersections shall have cross-slopes less than 2%. Crosswalks crossing thru-streets shall have cross-slopes less than 5%. The road profile shall be designed to accommodate this.
28. The developer and their engineer shall demonstrate on the construction plans that all future driveway entrances, sidewalks and pedestrian ramps will meet City and ADA requirements, and also provide adequate separation between driveways and/or pedestrian ramp transitions; provided that the Public Works Director shall have discretion and authority to adopt and implement an updated design standard, authorizing curb modifications or combining depressed driveway access points for adjacent lots without a transition up to normal sidewalk in between so as to facilitate a final design that provides an adequate number of on-street parking spaces. The driveway density for this narrow lot development is unlikely to provide adequate on-street parking. It is recommended that the City’s narrow street section (26-foot width face of curb to face of curb) be used which prohibits on-street parking and provides off-street parking lot(s) within the development for the displaced spaces.
29. A pedestrian access easement is shown crossing Lots 77 through 81. This easement overlays an access easement that will be used as a driveway for these lots. The pedestrian easement element of this easement shall be relocated to a mid-block location along West Drive, likely between lots 64 and 65. The pedestrian easement width should be no less than 15 feet. This path connection shall connect to the urban trail on Dallas Road.
30. Street names are not reviewed or vested until construction plans are submitted for review. The street names included on the pre-plat are not approved at this time.
31. Show city standard vision-clearance triangles on all corner lots on both the construction plans and the final plat document, in accordance with RMC Chapter 12.11.020. If the intersection is in a curve, it will have to be evaluated per AASHTO guidelines.
32. Any roadways narrower than 32-feet shall have parking restricted on one side, and any roads narrower than 27-feet shall have parking restricted on both sides. Street signs indicating restricted parking shall be installed prior to final platting at the developer’s expense. The restricted parking areas shall be indicated on the construction plans and the final plat.

33. All roads shall be constructed to provide for adequate fire truck & solid waste collection truck access & turnaround movements.
34. If the project is to be constructed in phases, all dead-end streets longer than 150-feet that will be continued later need to have temporary turnarounds built at the end of them. If the temporary turnaround is not located within the final plat an easement with a 50-foot radius will be required.

Domestic Water

35. The proposed preliminary plat is located within both the Tapteal III and IV water pressure zones. It shall be the responsibility of the developer to extend the appropriate watermain to and through this property to serve domestic water at the time of plat construction. These water mains shall be sized to adequately supply domestic water and fire flows to the proposed development.
36. Any grading operations that take place near or over the top of the existing 20-inch domestic water main shall ensure that adequate cover remains over the water main so as to protect it from breakage, or freezing, or service interruption. It shall be the responsibility of the developer to re-install any water mains that have too little (or too much) cover over them as a result of grading operations, or that will result in this water main being less than ten feet from a building footprint. This water main needs to be within a roadway whenever possible. The existing main shall be exposed and surveyed at multiple locations as part of the grading permit application process.
37. No dead end water pipelines will be allowed, except as approved by the City Engineer.
38. In accordance with municipal code chapter 18.34.030, domestic water mains shall be extended to the adjoining properties adjacent to the preliminary plat, provided they are in the correct pressure zone.
39. The developer will be required to demonstrate that all phases are capable of delivering adequate fire flows prior to construction plans being accepted for review. This may require looping of the watermain from off-site locations, or oversizing of the main where needed.
40. The fire hydrant layout shall be approved by the City Fire Marshal.
41. In accordance with Richland Municipal Code Chapter 18.16.080, an irrigation source and distribution system, entirely separate from the City's domestic water system, shall be provided for this development. Construction plans will not be accepted for review until adequate and viable proof of an irrigation source is made available by the developer. The designing Engineer shall submit plans for the proposed irrigation system to the Irrigation District with jurisdiction over the property at the same time that they are submitted to the City for construction review. Plans shall be reviewed and accepted by said irrigation district prior to issuance of a Right-of-Way permit by the City. Easements shall be provided on the final plat for this system where needed.

Sanitary Sewer

42. A 10-foot wide exclusive sanitary sewer easement shall be provided for any sewer main that is outside of the public Right-of-Way. Wider easements are required for mains that are buried deeper than 10-feet. If any manholes are

located outside of the public Right-of-Way, maintenance truck access to said structure may be required.

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

Storm Water

44. All construction projects that don't meet the exemption requirements outlined in Richland Municipal Code, Section 16.06 shall comply with the requirements of the Washington State Department of Ecology issued Eastern Washington NPDES Phase II Municipal Stormwater Permit. The Developer shall be responsible for compliance with the permit conditions. All construction activities subject to this title shall be required to comply with the standards and requirements set forth in the Stormwater Management Manual for Eastern Washington (SWMMEW) and prepare a Stormwater Site Plan. In addition, a Stormwater Pollution Prevention Plan (SWPPP) or submission of a completed erosivity waiver certification is required at the time of plan submittal. The City has adopted revised standards affecting the construction of new stormwater facilities in order to comply with conditions of its NPDES General Stormwater Permit program. This project, and each phase thereof, shall comply with the requirements of the City's stormwater program in place at the time each phase is engineered. The project will require detailed erosion control plans.
45. All public storm drainage collection systems shall have their flow rate and storage capacity designed by a professional engineer following the core elements defined in the latest editions of the Stormwater Management Manual for Eastern Washington, the current Richland municipal codes, the Phase II Municipal Stormwater Permit, and the City's "Public Infrastructure Construction Plan Requirements and Design Guidelines". The storm water calculations shall be stamped by a professional engineer and shall include a profile of the storm system showing the hydraulic grade line. The calculations should include an accurate delineation of the contributing drainage area to accurately size the stormwater facilities. Passing the storm water downhill to an existing storm system will require an analysis of the downstream storm system to determine its capability of accepting the storm water without being overwhelmed. The applicant's design shall provide runoff protection to downstream property owners.
46. Comment applies to commercial property: The proposed storm drainage and grading of all areas within the proposed development shall be shown on the plans (most grading and drainage plans must be prepared by a licensed civil engineer). If site contains at least 1,000 sq.ft. of new asphalt, and/or contains 30% or more impervious surfaces, storm drainage calculations from a licensed civil engineer are required. Stormwater shall be kept on-site (on the developing property that generated it). Stormwater shall not be flowed onto adjacent properties, or to the public Right-of-Way, without first obtaining written permission.
47. Comment applies to commercial property: The private on-site storm drainage system shall be designed following the core elements defined in the latest editions of the Stormwater Management Manual for Eastern Washington, the

current Richland municipal codes, the Phase II Municipal Stormwater Permit, and the City's "Public Infrastructure Construction Plan Requirements and Design Guidelines". Calculations shall be stamped by a registered professional Civil Engineer. The applicant's design shall provide runoff protection to downstream property owners.

48. If any existing storm drainage or ground water seepage drains onto the proposed site, said storm drainage shall be considered an existing condition, and it shall be the responsibility of the property developer to design a system to contain or treat and release the off-site storm drainage.
49. If there are any natural drainage ways across the proposed pre-plat, the engineered construction plans shall address it in accordance with Richland Municipal code 24.16.170 ("Easements-watercourses").
50. Any proposed storm drainage retention facilities within the boundary of the proposed preliminary plat shall not adversely affect neighboring properties.
51. Prior to or concurrent with the submittal of the first phase the developer shall provide a Geotechnical report including the percolation rate of the soils in the area of any storm retention ponds. If the project constructs a storm retention pond then the engineer will need to demonstrate that the pond will drain itself within 72 hours after the end of a storm event, and not have standing water in it longer than that. Engineering solutions are available for retention ponds that do not percolate within 72 hours.
52. The amount of post-development storm runoff from the proposed site shall be in compliance with RMC Chapter 16.06.
53. The parcel occupied by the stormwater basin shall be identified as a separate parcel or tract on the final plat and shall be dedicated to the City stormwater utility. The design of the basin shall include access features meeting the city's needs for maintenance.
54. The developer shall consider the long-term appearance of the storm basin, particularly if it will occupy a prominent location in the development. The City's typical storm pond maintenance practices consist of semi-annual vegetation trimming and silt and debris removal. If the pond location is deemed by City staff as being in a prominent location the developer shall design and install fencing and/or landscaping to mitigate the pond's visible character for the surrounding properties. If the City requires this type of treatment to the pond site the developer may propose landscaping treatments consistent with the development and establish maintenance responsibilities to remain with the development. These maintenance responsibilities shall be noted on the final plat. Basins designed as detention and evaporative basins need to include plantings that will tolerate or thrive in standing water. Planting designs for areas not routinely exposed to water shall include plants that will thrive without irrigation unless the developer intends to maintain an irrigated pond site. At a minimum the landscaping plan should be consistent with the City's intended maintenance standard as described above.
55. The developer shall be responsible for landscaping the storm pond and for its maintenance and the plantings through the one-year infrastructure warranty period. At 11 months after the final acceptance date the developer shall clean the storm system and basin of all accumulated oil, sediment, and debris. After

this maintenance is completed and inspected the City will begin routine maintenance of the system and basin. The developer shall replace any plantings that have failed to survive the warranty period. The developer shall also perform trimmings required to control weeds in excess of 18-inches in height for the 12-months following the date of final plat acceptance.

Final Platting Requirements

56. When the construction is substantially complete a paper set of "record drawings" shall be prepared by a licensed surveyor and include all changes and deviations. Please reference the Public Works document "RECORD DRAWING REQUIREMENTS & PROCEDURES" for a complete description of the record drawing process. All final punchlist items shall be completed or financially guaranteed prior to recording of the final plat.
57. Public utility infrastructure located on private property will require recording of a City standard form easement prior to acceptance of the infrastructure and release of a certificate of occupancy. The City requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of final acceptance. Off-site ("third party") easements or right-of-ways for City infrastructure are the responsibility of the developer to obtain. Once received, the City will prepare the easement document and provide it to the developer. The developer shall record the easement at the Benton County Assessor and return a recorded original document to the City prior to application for final occupancy.
58. Any off-site easements or permits necessary for this project shall be obtained and secured by the applicant and supplied to the City at the time of plat construction and prior to final plat acceptance.
59. Ten-foot wide public utility easements will be required on the final plat along both sides of all right-of-ways and road corridors within the proposed plat. They will also be required where the plat is adjacent to an existing right-of-way.
60. The vision-clearance triangle needs to be shown on all corner lots on the final plat document, in accordance with RMC Chapter 12.11.020. If the intersection is in a curve, it will have to be evaluated per AASHTO guidelines. This information may need to be designed by the engineer of record and supplied to the surveyor of record for inclusion into the final plat document.
61. The final plat shall include notes identifying all common areas including any private streets and tracts and assigning the ownership and maintenance responsibility. A note shall be added to the face of the final plat that states: "The private roads are for the use and benefit of the property owners that abut said roads, and are to be maintained by the owners. The City of Richland accepts no maintenance responsibility for private roads".
62. A note shall be added to the face of the plat that states: "The private drives within this plat are fire lanes and parking is restricted. The required no-parking signs shall be installed by the developer where applicable." All restricted parking areas shall be indicated on the final plats.
63. All landscaped areas within the plat that are in the public Right of Way shall be the responsibility of the property owners to maintain.

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

Addressing

67. Street names will be reviewed when construction drawings are submitted to the Public Works Department. When construction drawings are submitted, please include two (2) street name options for each of the new street segments and the City will review to determine acceptable street names.
    a. When selecting street names for review please note that the following are not acceptable names: West Dr, North Dr, Central Dr, Mountain Lp, Middle Dr & Canyon Rd.
    b. Please reference RMC 12.01.060 to determine acceptable street designations.
68. Please add addressing brackets [ ] on all lots and tracts.

WSDOT

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

EXHIBIT LIST

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

Exhibit 1

Application Materials

City of Richland
Development Services

625 Swift Blvd. MS-35
Richland, WA 99352
509-942-7794
509-942-7764

Preliminary Plat Application

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

PROPERTY OWNER INFORMATION	☒ Contact Person
Owner: North 44 Badger LLC, Brad Beauchamp	
Address: 4618 S Reed St Kennewick WA 9333	
Phone: (509) 308-6556	Email: bmbdevelopment@yahoo.com

APPLICANT/CONTRACTOR INFORMATION (if different)	☐ Contact Person
Company:	UBI#:
Contact:	
Address:	
Phone:	Email:

SURVEYOR INFORMATION	
Contact: John Becker, AHBL Inc.	
Address: 5804 Rd 90 Suite H, Pasco, WA 99301	
Phone: (509) 380-5883	Email: jbecker@AHBL.com

ENGINEER INFORMATION	
Contact: John Fetterolf, JF Engineering, PLLC	
Address: 104 N Clover Island Dr, Suite 201	
Phone: (509) 551-8174	Email: john@jfengineering.pro

PROJECT DESCRIPTION

Mixed Use Commercial and Residential Development in the Badger South Subarea. 225 lot, 55 and older residential housing development with walking paths and a park. Commercial lots with a plan to develop a retirement community and retail stores.

PROPERTY INFORMATION		
Parcel #: 129982000001002, Portion of 132983000003037	Zoning: BMS-SD-CMU COMMERCIAL MIXED USE	
Legal Description: See attached for Legal Desciption		
Proposed Subdivision Name: Desert Sky		
Gross Plat Acreage: 38.2 Ac	Number of Lots: 234	Smallest Lot Size: 2,375 SF
Net Lot Area Acreage: 32.2 Ac	Avg. Lot Size: 5,891 SF	Largest Lot Size: 108,109 SF
Domestic Water Supply: ☒ City ☐ Private Well	Sewage Disposal: ☒ City ☐ Septic	
Irrigation Source: ☐ City ☐ Private Well ☐ Columbia Irrig. District ☐ Kennewick Irrig. District ☒ Other BMID		
SEPA Checklist submitted? ☐ Yes ☒ No	Title Report (Subdivision Guarantee) submitted? ☒ Yes ☐ No	

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

I authorize employees and officials of the City of Richland the right to enter and remain on the property in question to determine whether a permit should be issued and whether special conditions should be placed on any issued permit. I have the legal authority to grant such access to the property in question.
I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation pertaining to development activities associated with a permit.

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

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

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

Applicant Printed Name: BRAD BEAUCHAMP

Applicant Signature: _____ Date 7/10/23

North 44 LUDR

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

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

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

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

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

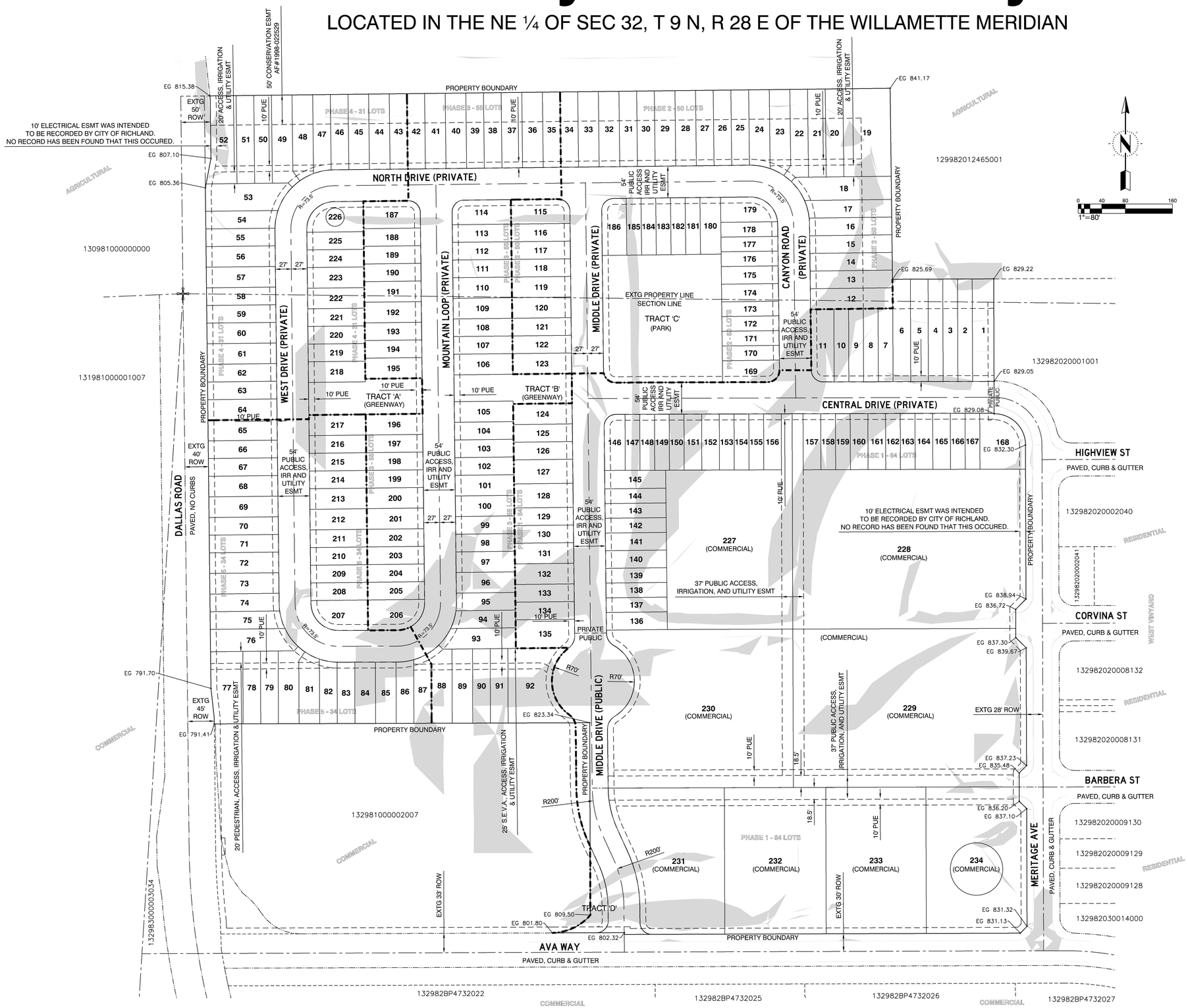
N44 will be working with Ben Franklin Transit to request transit service and Dial A Ride Service for this area.

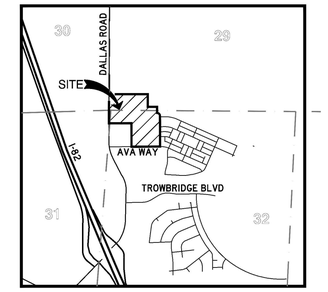
To further the walkable and sustainable goals of Badger Mountain South, the design of the Special District - Commercial Mixed-Use will ensure that pedestrian are accommodated between buildings or groups of buildings, that public plazas and other community features will be developed as part of the overall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

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

Desert Sky Preliminary Plat

LOCATED IN THE NE ¼ OF SEC 32, T 9 N, R 28 E OF THE WILLAMETTE MERIDIAN





VICINITY MAP NTS

SHEET INDEX

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

PROPERTY AND PLAT STATISTICS

PROPERTY BOUNDARY AND TOPOGRAPHIC SURVEY PROVIDED BY AHBL INC, 2019

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

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

TAX ID # OF SUBJECT PARCELS:
129982000001002
PORTION OF 132983000003037

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

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

COMPREHENSIVE PLAN DESIGNATION:
BMS - BADGER MOUNTAIN SOUTH

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

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

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

LEGEND

100 —— LOT #

118982020000003 CO TAX ID #

RESIDENTIAL ADJACENT USE

- CRITICAL AREAS - SLOPES GREAT THAN 15%

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

2023.09.28 15:55:54 -07'00'

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PROJECT MANAGEMENT
104 Clover Island Dr., Suite 201 Kennewick, WA 99336
(509) 551-8174 PHN www.JFengineering.pro

Preliminary plat for:
Desert Sky
A project in the City of Richland, WA

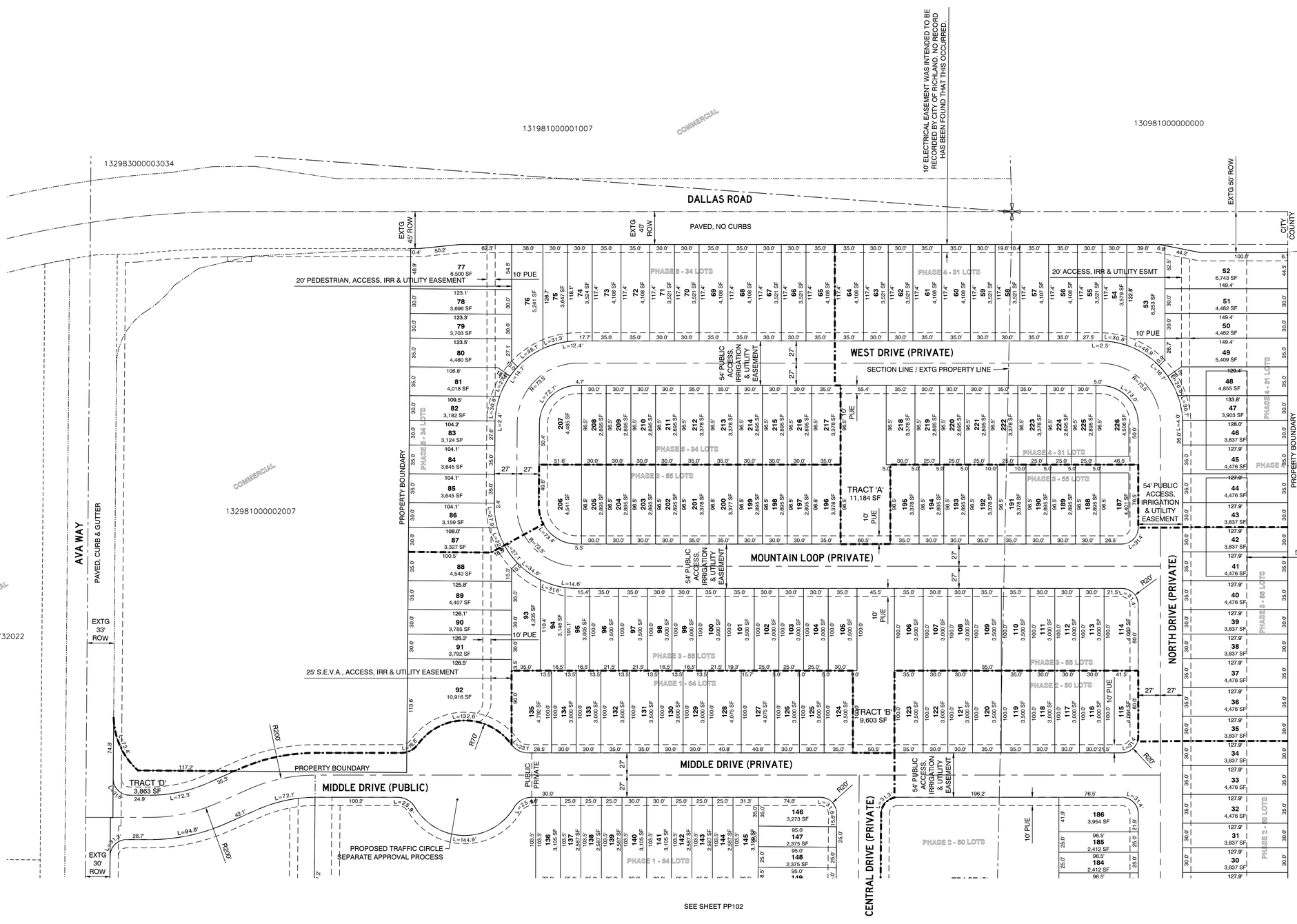
Drawn by: DAK
Checked by: JEF

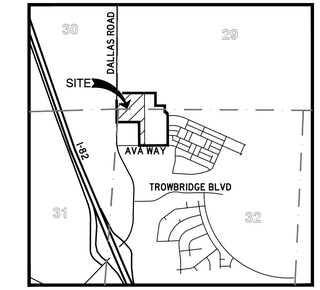
JF Eng. Job # 0195.00

Scale H: 1"=80'
Scale V: N/A

Date: Sept 7, 2023

PP100





VICINITY MAP

NTS

0 10 20 60 120

1"=60'

LEGEND

92 / 10,916 SF	LOT # / LOT TOTAL AREA
118982020000003	CO TAX ID #
RESIDENTIAL	ADJACENT USE

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(509) 551-8174 PHN www.JFEngineering.pro

Preliminary plat, west half for:

Desert Sky

A project in the City of Richland, WA

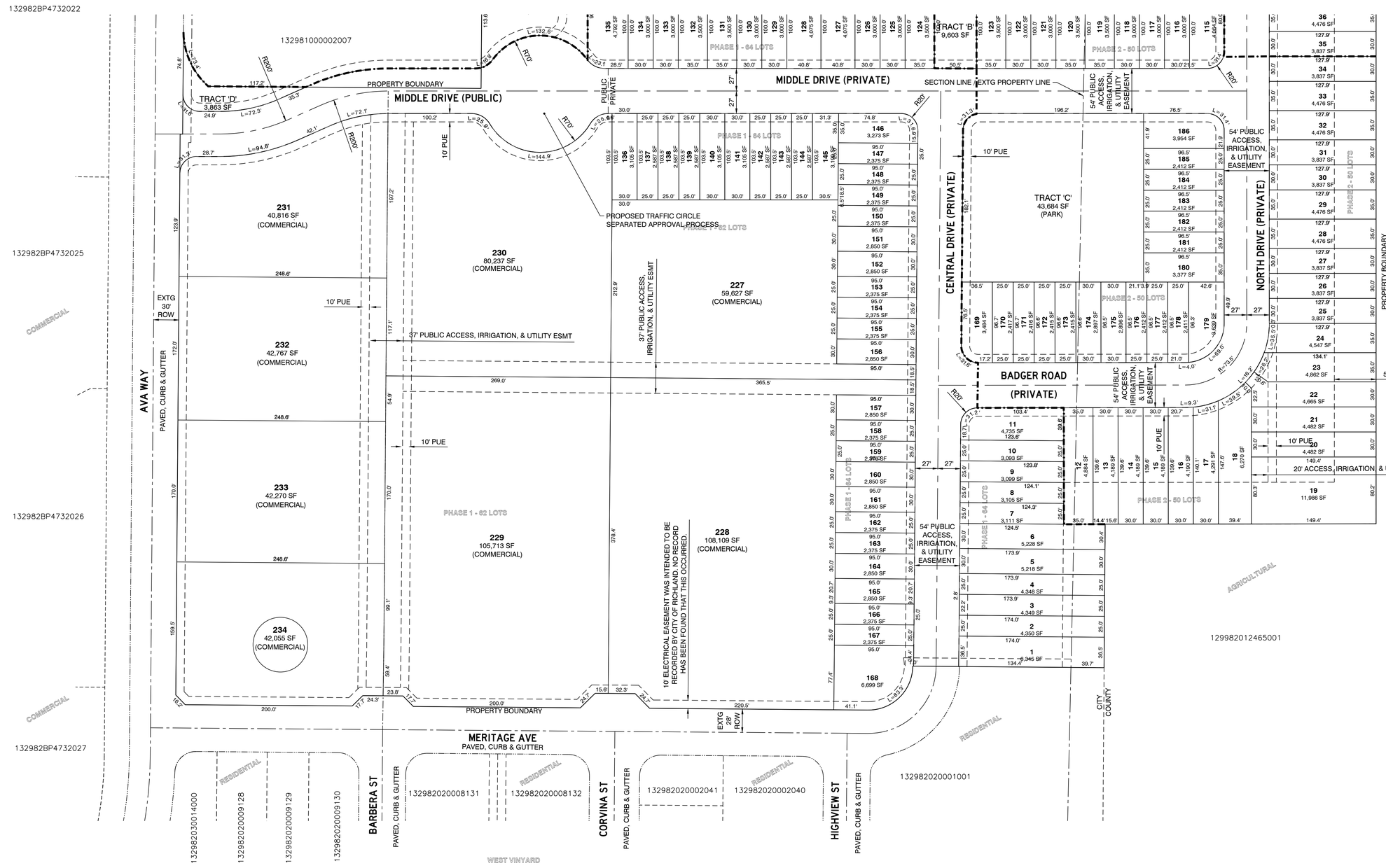
Drawn by: DAK
Checked by: JEF

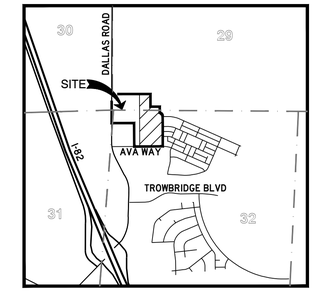
JF Eng. Job # 0195.00

Scale H: 1"=60'
Scale V: N/A

Date: Sept 7, 2023

PP101





VICINITY MAP

NTS

0 10 20 60 120

1"=60'

LEGEND

92	LOT #
10,916 SF	LOT TOTAL AREA
118982020000003	CO TAX ID #
RESIDENTIAL	ADJACENT USE

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Preliminary plat, east half for:

Desert Sky

A project in the City of Richland, WA

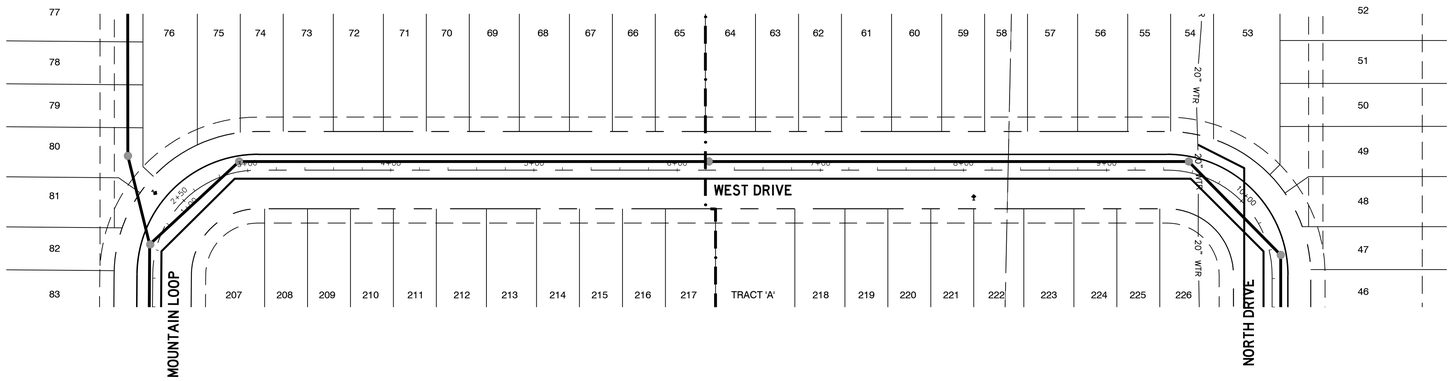
Drawn by: DAK
Checked by: JEF

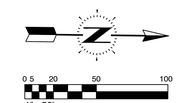
JF Eng. Job # 0195.00

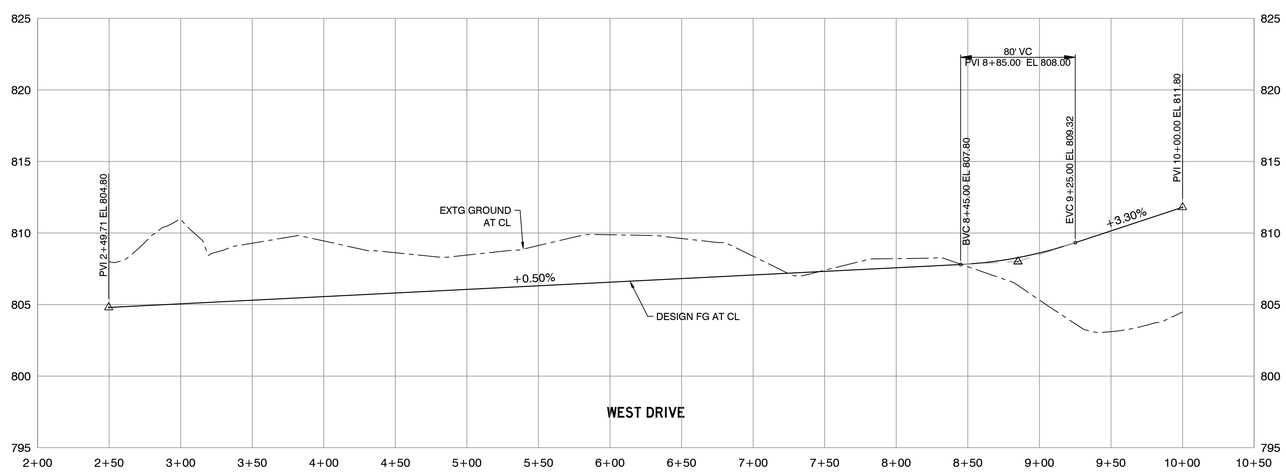
Scale H: 1"=60'
Scale V: N/A

Date: Sept 9, 2023

PP102







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West Drive plan and profile for:

Desert Sky

A project in the City of Richland, WA

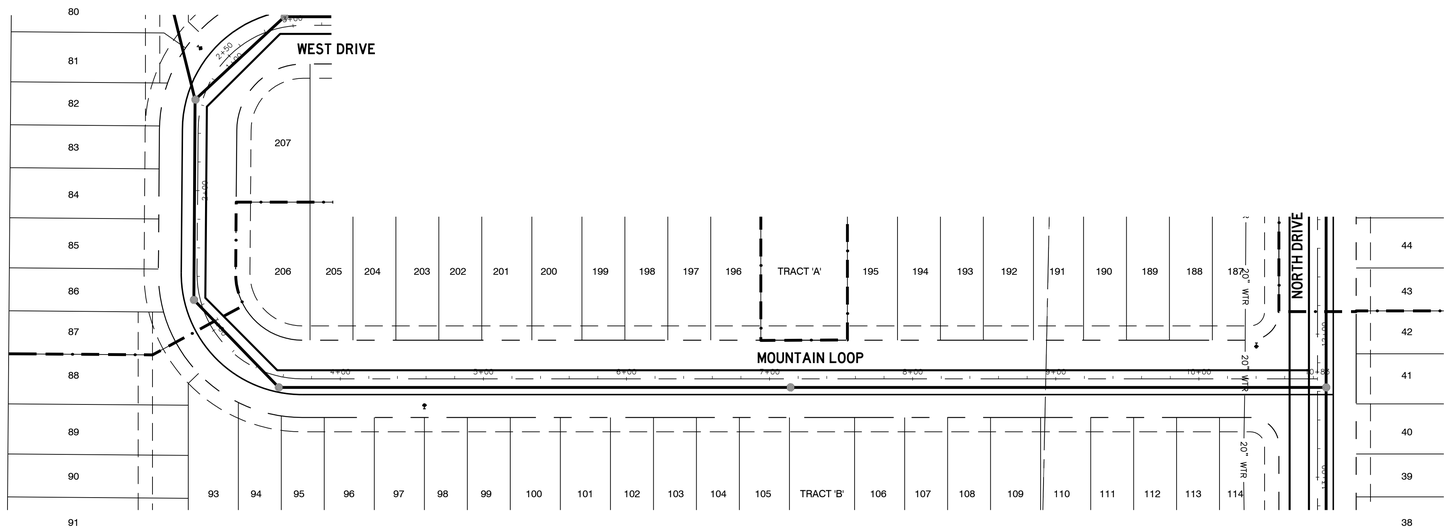
Drawn by: DAK
Checked by: JEF

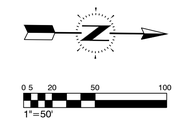
JF Eng. Job #
0195.00

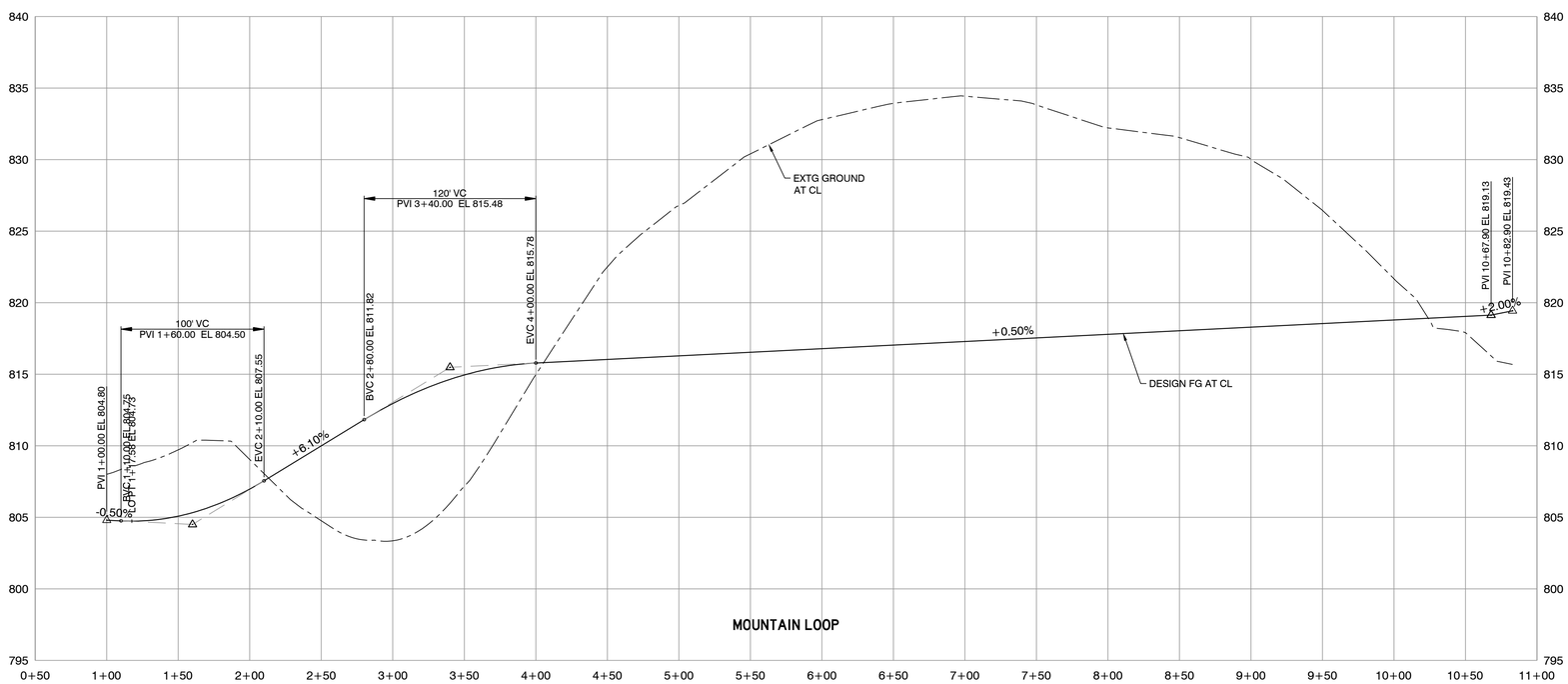
Scale H: 1"=50'
Scale V: 1"=5'

Date:
Sept 7, 2023

PP103







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Mountain Loop plan and profile for:

Desert Sky

A project in the City of Richland, WA

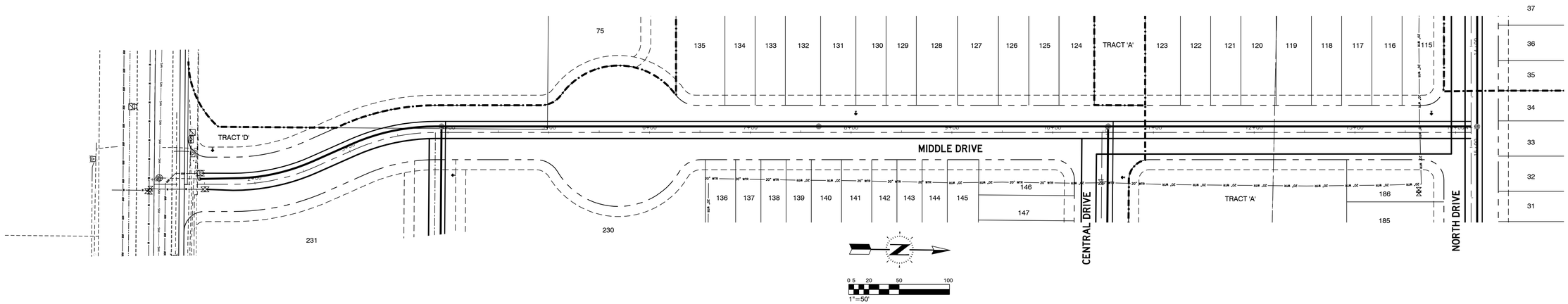
Drawn by: DAK
Checked by: JEF

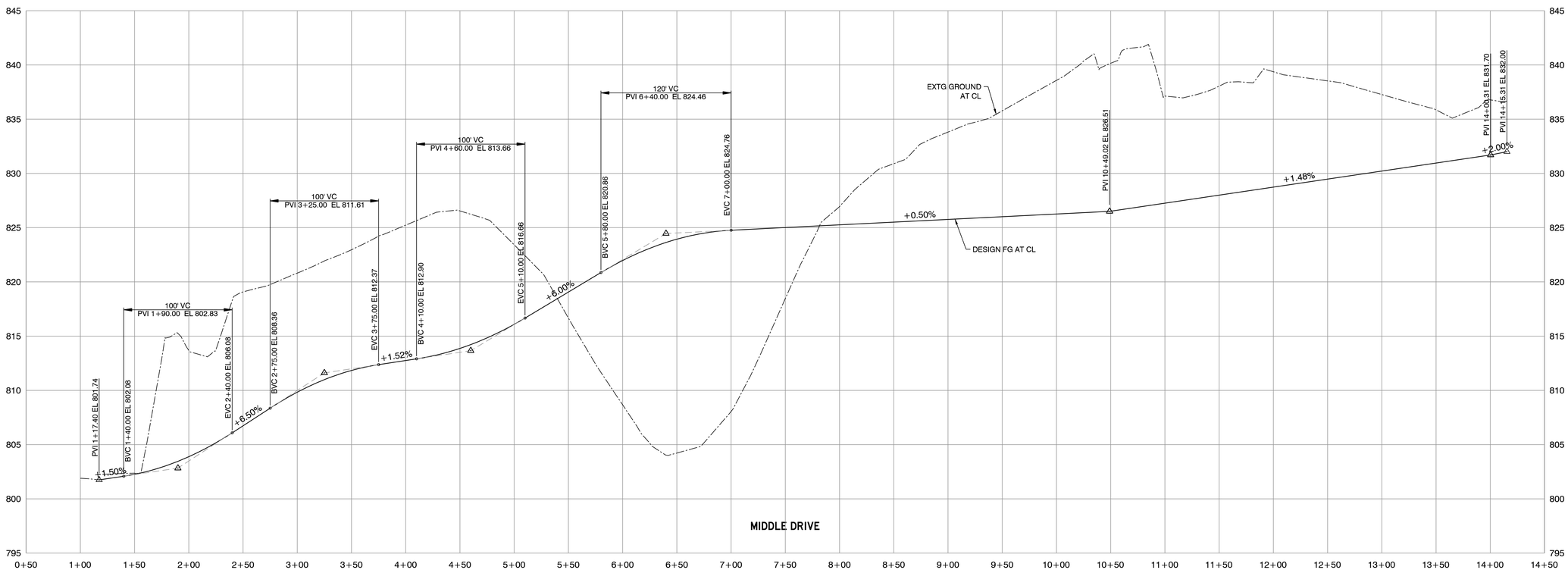
JF Eng. Job #
0195.00

Scale H: 1"=50'
Scale V: 1"=5'

Date:
Sept 7, 2023

PP104





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West Drive plan and profile for:

Desert Sky

A project in the City of Richland, WA

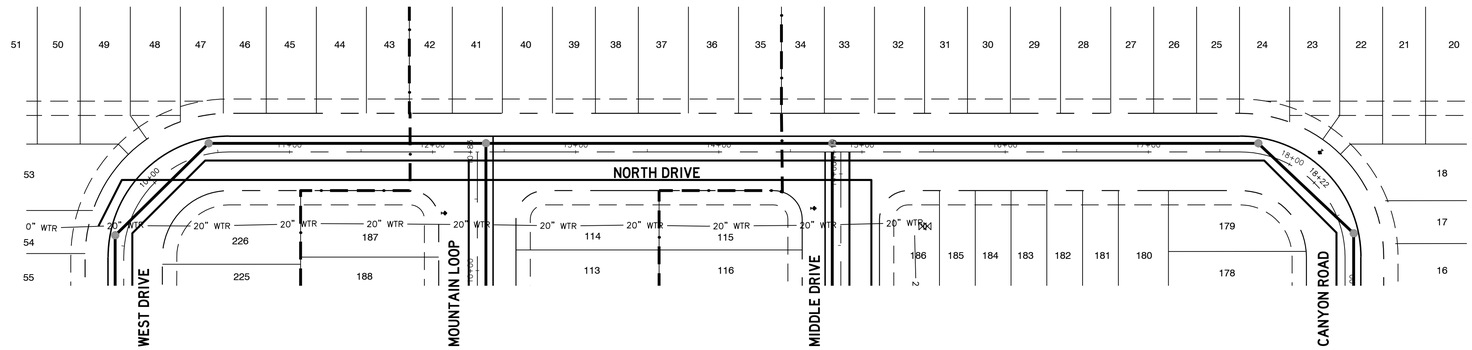
Drawn by: DAK
Checked by: JEF

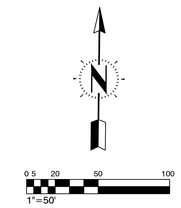
JF Eng. Job # 0195.00

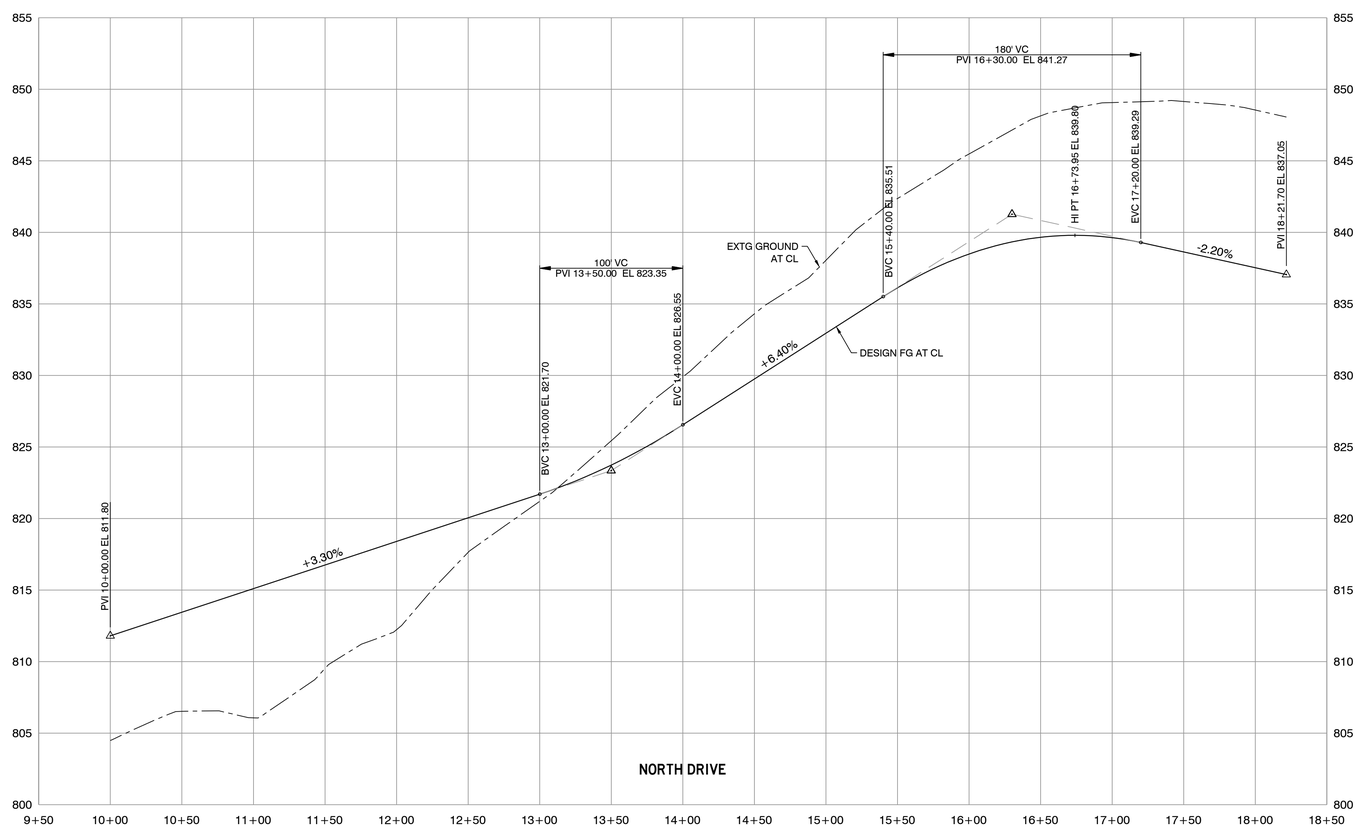
Scale H: 1"=50'
Scale V: 1"=5'

Date: Sept 7, 2023

PP105







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North Drive plan and profile for:

Desert Sky

A project in the City of Richland, WA

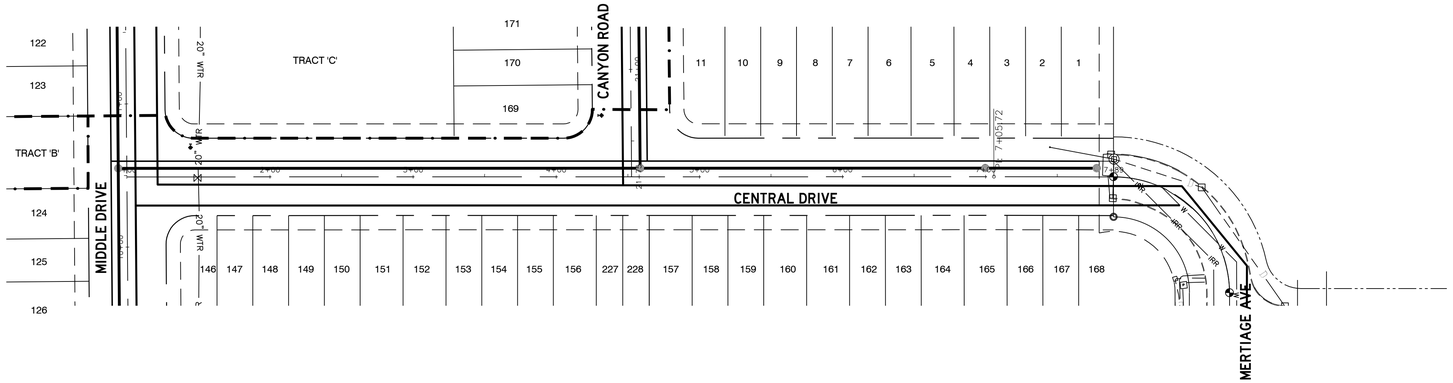
Drawn by: DAK
Checked by: JEF

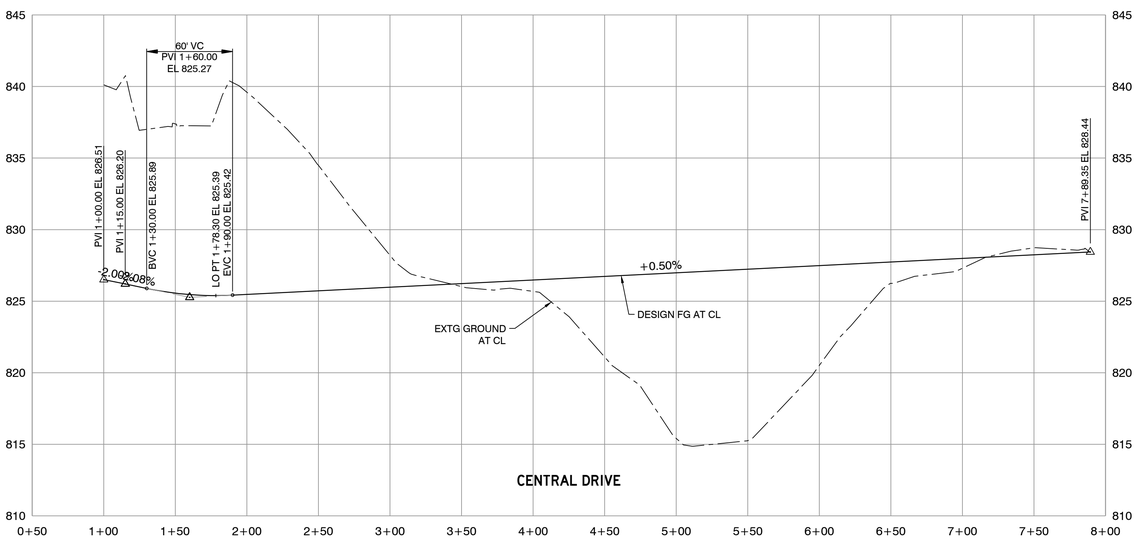
JF Eng. Job # 0195.00

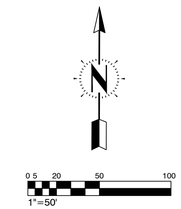
Scale H: 1"=50'
Scale V: 1"=5'

Date: Sept 7, 2023

PP107







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

Central Drive plan and profile for:

Desert Sky

A project in the City of Richland, WA

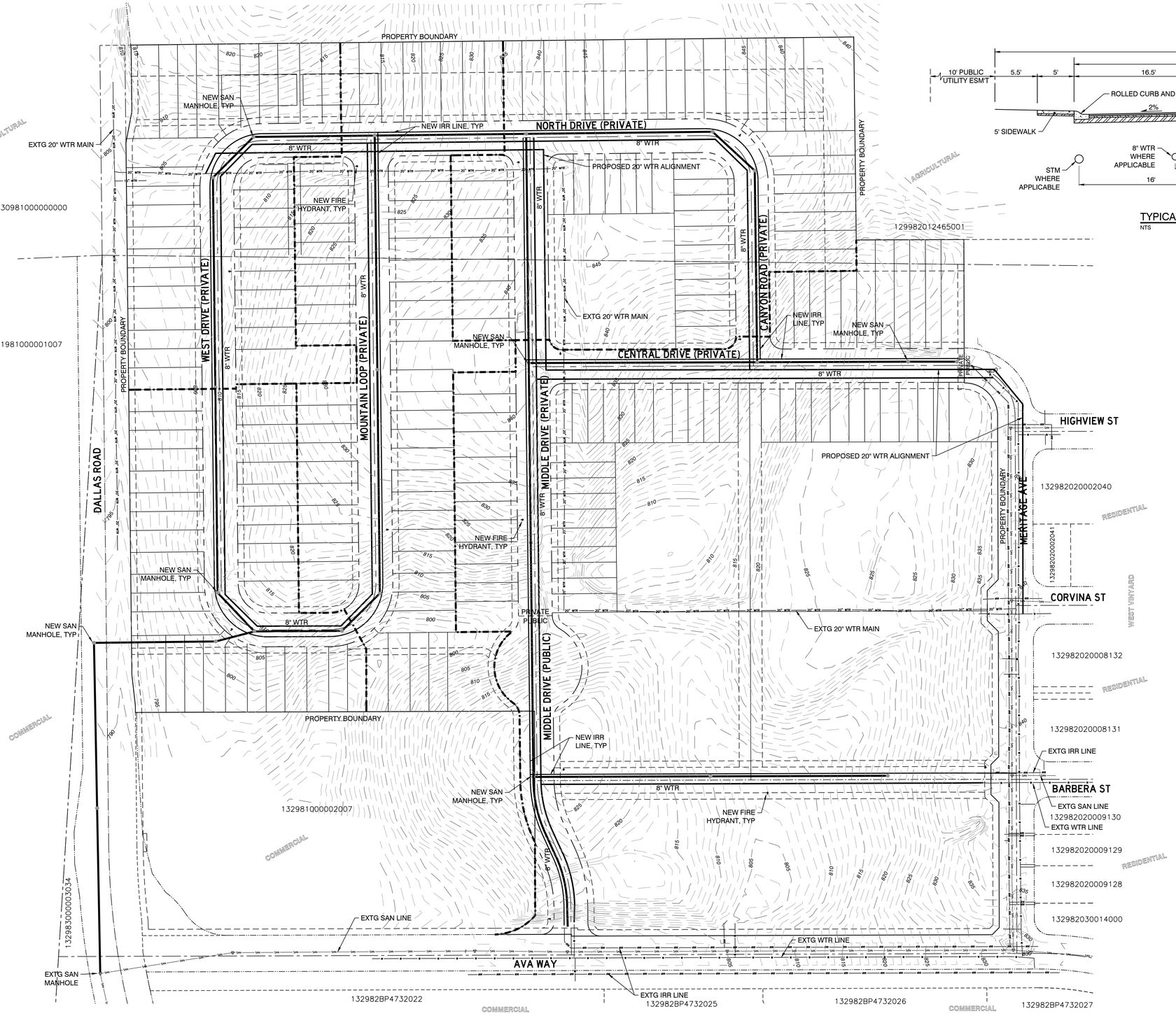
Drawn by: DAK
Checked by: JEF

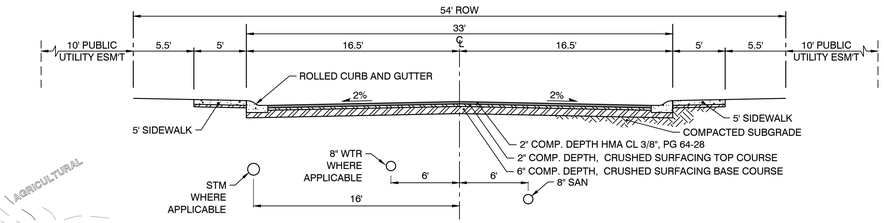
JF Eng. Job # 0195.00

Scale H: 1"=50'
Scale V: 1"=5'

Date: Sept 7, 2023

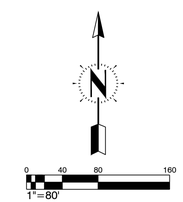
PP108





TYPICAL ROAD SECTION

NTS



UTILITIES AND STORMWATER

CITY POTABLE WATER AND SANITARY SEWER WILL BE EXTENDED TO EACH LOT WITHIN THE PLAT. FIRE HYDRANTS WILL BE INSTALLED AND LOCATED PER THE REQUIREMENTS OF THE CITY FIRE CHIEF.

BADGER MOUNTAIN IRRIGATION DISTRICT IRRIGATION WATER WILL BE EXTENDED TO THE PLAT AND TO EACH LOT WITHIN THE PLAT.

SANITARY SEWER EXISTS IN THE PLAT TO THE EAST, WEST VINEYARD PHASE 1, AND SOUTH OF THE PLAT IN AVA WAY. CONNECTION TO THE EXISTING SANITARY SEWER LINE IN AVA WAY WILL BE UTILIZED TO SERVE THIS PROJECT.

STORMWATER RUNOFF WILL BE COLLECTED FROM PUBLIC AND PRIVATE STREETS AND CONVEYED TO THE BADGER MOUNATIN SOUTH CENTRAL STORMWATER POND.

STREET LIGHTS WILL BE INSTALLED PER THE CITY OF RICHLAND STANDARDS.

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

JOHN ERIC FETTEROLF STATE OF WASHINGTON 38322 REGISTERED PROFESSIONAL ENGINEER

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

Preliminary utility plan for:

Desert Sky

A project in the City of Richland, WA

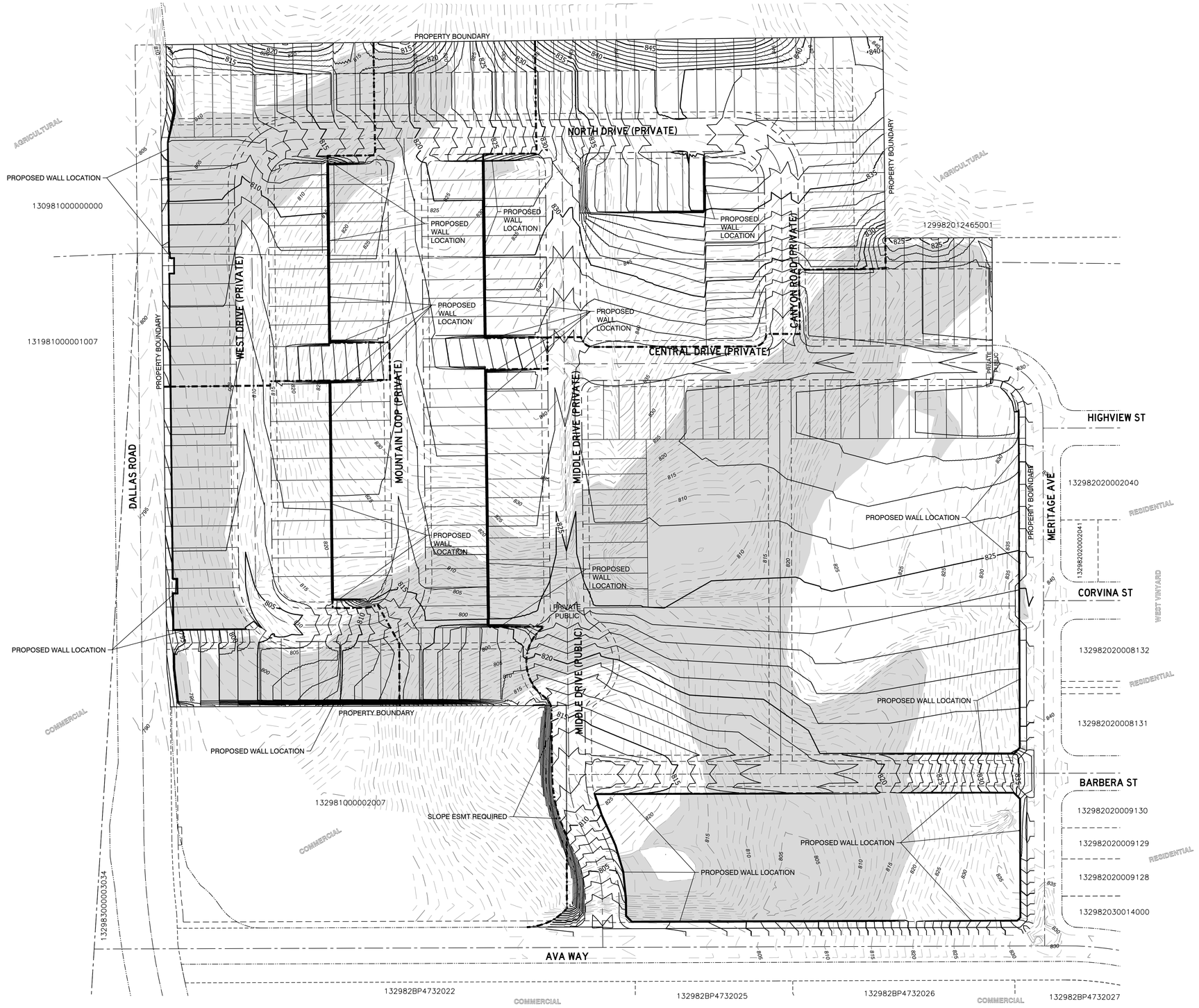
Drawn by: DAK
Checked by: JEF

JF Eng. Job # 0195.00

Scale H: 1"=80'
Scale V: N/A

Date: Sept 7, 2023

PP200



0 40 80 160
1"=80'

SEPERATE PERMIT REQUIRED FOR GRADING ACTIVITIES

GRADING QUANTITIES

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

SHADING LEGEND

- REPRESENTS GREATER THAN 2.0' OF FILL REQUIRED. COMPACTION TESTING AND CERTIFICATION REQUIRED.

Know what's **below.**
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JOHN ERIC FETTEROLF
STATE OF WASHINGTON
38322
REGISTERED
PROFESSIONAL ENGINEER

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

Preliminary grading plan for:

Desert Sky

A project in the City of Richland, WA

Drawn by: DAK
Checked by: JEF

JF Eng. Job # 0195.00

Scale H: 1"=80'
Scale V: N/A

Date: Sept 7, 2023

PP201

ALTA COMMITMENT FOR TITLE INSURANCE

issued by agent:

CHICAGO TITLE
COMPANY OF WASHINGTON

Commitment Number:

62242300458
Revision 2

NOTICE

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

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

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

COMMITMENT TO ISSUE POLICY

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

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

Chicago Title Insurance Company

By:

Michael J. Nolan, President

Attest:

Marjorie Nemzura, Secretary

Countersigned By:

Gary Duncan
Authorized Officer or Agent

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

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AMERICAN LAND TITLE ASSOCIATION

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

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

Order Number: 62242300458

SCHEDULE A

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

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

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

   Fee Simple

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

   Nor Am Investment LLC, a Washington limited liability company

5. The Land is described as follows:

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

END OF SCHEDULE A

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EXHIBIT "A"

Legal Description

PARCEL A: (132983000003033 PARENT PARCEL)

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

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

PARCEL B: (129982000001002)

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

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

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

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

AND EXCEPT

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

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SCHEDULE B, PART I - Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

2. Pay the agreed amount for the estate or interest to be insured.

3. Pay the premiums, fees, and charges for the Policy to the Company.

4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

5. Additional requirements and/or exceptions may be added as details of the transaction are disclosed to, or become known by the Company.

6. The application for title insurance was placed by reference to only a street address or tax identification number. The proposed Insured must confirm that the legal description in this report covers the parcel(s) of Land requested to be insured. If the legal description is incorrect, the proposed Insured must notify the Company and/or the settlement company in order to prevent errors and to be certain that the legal description for the intended parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.

7. If documents for this transaction are to be signed using Remote Online Notary, we require the use of company approved RON providers which can be found here: <https://nationalagency.fnf.com/digitalclosinghub/RON-Technology-Providers>.

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

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

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SCHEDULE B, PART I - Requirements
(continued)

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

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

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

State portion: 1.10% on any portion of the sales price of $525,000 or less;
1.28% on any portion of the sales price above $525,000, up to $1,525,000;
2.75% on any portion of the sales price above $1,525,000, up to $3,025,000;
3.00% on any portion of the sales price above $3,025,000;

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

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

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

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

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

9. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

10. NOTE: We have reviewed the authority documentation for Badger Communities LLC. Based on our review:

1. Geoffrey Clark and Lawrence White must sign as Managers of said entity.
2. All signature(s) must be notarized in an appropriate representative capacity.

11. NOTE: We have reviewed the authority documentation for Nor Am Investment. Based on our review

1. Lawrence J. White must sign as Managing Member of said entity.
2. All signature(s) must be notarized in an appropriate representative capacity.

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SCHEDULE B, PART I - Requirements
(continued)

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

    Limited Liability Company: North 44 Badger LLC

    a. A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.

    b. If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendment thereto with the appropriate filing stamps.

    c. If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.

    d. A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created

    e. If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

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

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

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

END OF REQUIREMENTS

NOTES

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

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

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SCHEDULE B, PART I - Requirements
(continued)

Note B: Note: FOR INFORMATIONAL PURPOSES ONLY:

The following may be used as an abbreviated legal description on the documents to be recorded, per Amended RCW 65.04.045. Said abbreviated legal description is not a substitute for a complete legal description within the body of the document:

Ptn 32-9-28 Ptn 29-9-28

Note C: Note: Examination of the Public Records discloses no judgments or other matters pending against the name of the vested owner.

Note D: Note: Examination of the Public Records discloses no judgments or other matters pending against the name(s) of the proposed insured which would appear as exceptions in the policy.

Note E: Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

Note F: Please be advised we submit documents to the county for processing and recording via e-filing using a 3rd party vendor.

Please make checks for excise tax and recording fees payable to Chicago Title Company of Washington.

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

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

END OF NOTES

END OF SCHEDULE B, PART I

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AMERICAN LAND TITLE ASSOCIATION

SCHEDULE B, PART II - Exceptions

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

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

GENERAL EXCEPTIONS

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

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

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

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

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

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

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

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

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

J. Water rights, claims or title to water.

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

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SCHEDULE B, PART II - Exceptions
(continued)

SPECIAL EXCEPTIONS

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

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

General and Special Taxes:

Billed:	$13,272.69
Paid:	$13,272.69
Unpaid:	$0.00

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

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

General and Special Taxes:

Billed:	$1,053.04
Paid:	$526.55
Unpaid:	$526.49

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

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SCHEDULE B, PART II - Exceptions
(continued)

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

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

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

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

7. Easement as delineated and/or dedicated on the face of the survey recorded under auditor's file number 96-12391:
Purpose: The intent of this survey is to delineate easements for the Badger Mountain Irrigation District (B.M.I.D.) irrigation lines. The easements themselves will be recorded by separate documents referring to theses maps. The field work was done in the late 1970's and the data shown here is based on that work tying the as-built surveys to the cadastral monumentation.

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

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

9. As to Parcel B:
Terms, Conditions and Reservations of Conservation Easement and Covenants against use by Grantor as contained in Deed recorded August 3, 1998 under Auditor's File No. 1998-22529.

10. Amended and Restated Interlocal Agreement between Benton County and the City of Richland regarding city of Richland Urban Growth area expension recorded December 12, 2006 under recording No: 2006-40708.

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SCHEDULE B, PART II - Exceptions
(continued)

11. Ordinance No. 41-10 by the City of Richland recorded Janauary 5, 2011 under Auditor's File No. 2011-610.

12. Restated Master Declaration of Covenants, conditions and restrictions for Badger Mountain South but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

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

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

13. Notice of Obligation to assume Geothermal Services Contract:
    Grantor: Nor Am Investments, LLC, a Washington limited liability company
    Grantee: Orca Energy Corp., a Washington Corporation
    Recorded: October 9, 2015
    Recording No.: 2015-030331
    Affects: Said premises and other properties

14. Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document entitled Declaration of Covenants and Easements for Geothermal Services.

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

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

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

END OF SCHEDULE B, PART II

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AMERICAN LAND TITLE ASSOCIATION

COMMITMENT CONDITIONS

1. DEFINITIONS

a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.

b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.

c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.

d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.

e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.

f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.

g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.

h. "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.

i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.

j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.

2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

a. the Notice;

b. the Commitment to Issue Policy;

c. the Commitment Conditions;

d. Schedule A;

e. Schedule B, Part I-Requirements; and

f. Schedule B, Part II-Exceptions; and

g. a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

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

5. LIMITATIONS OF LIABILITY

a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:

i. comply with the Schedule B, Part I-Requirements;

ii. eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or

iii. acquire the Title or create the Mortgage covered by this Commitment.

b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.

c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.

d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.

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AMERICAN LAND TITLE ASSOCIATION

(continued)

e. The Company is not liable for the content of the Transaction Identification Data, if any.

f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.

g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM

a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.

b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.

c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.

d. The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.

e. Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.

f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT

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

8. PRO-FORMA POLICY

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

9. CLAIMS PROCEDURES

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

10. CLASS ACTION

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

11. ARBITRATION - INTENTIONALLY DELETED

END OF CONDITIONS

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AMERICAN LAND TITLE ASSOCIATION

RECORDING REQUIREMENTS

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

First page or cover sheet:

3" top margin containing nothing except the return address.

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

Title(s) of documents.

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

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

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

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

Assessor's tax parcel number(s).

Return address (in top 3" margin).

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

Additional Pages:

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

All Pages:

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

WIRE SAFE™ | Inquire before you wire!

WIRE FRAUD ALERT

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

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

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

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

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

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

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

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FIDELITY NATIONAL FINANCIAL
PRIVACY NOTICE

Effective January 1, 2023

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FNF may collect the following categories of Personal Information:

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

We may collect Personal Information about you from:

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

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

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

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

Other Online Specifics

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

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FNF uses Personal Information for three main purposes:

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

When Information Is Disclosed

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

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

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

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

Security of Your Information

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

Choices With Your Information

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (https://fnf.com/pages/californiaprivacy.aspx) or call (888) 413-1748.

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

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

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

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

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

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

Your Consent To This Privacy Notice; Notice Changes

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

Accessing and Correcting Information; Contact Us

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

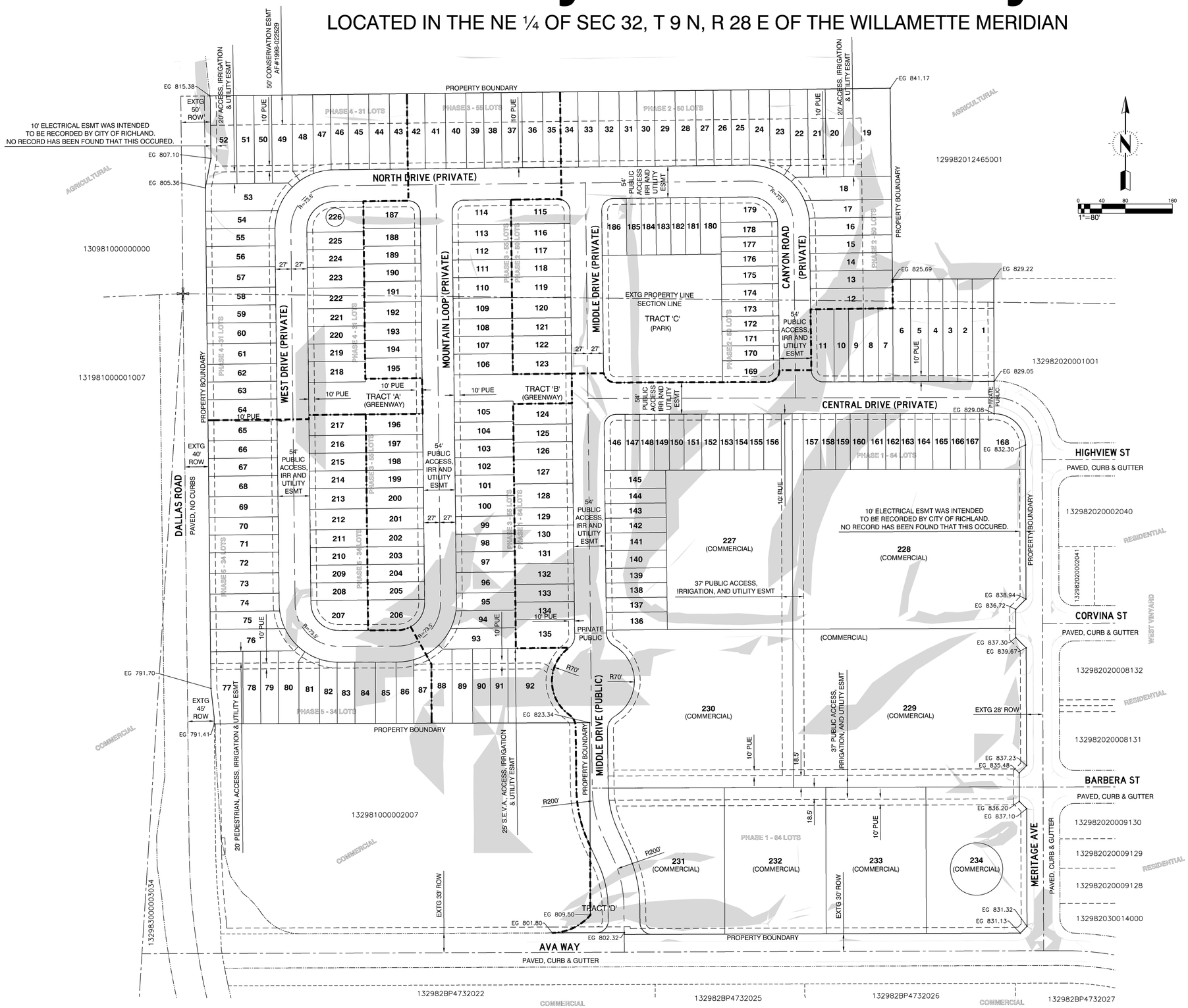
Fidelity National Financial, Inc.
601 Riverside Avenue,
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

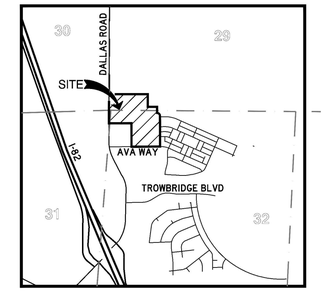
Exhibit 2

Preliminary Lot Layout

Desert Sky Preliminary Plat

LOCATED IN THE NE ¼ OF SEC 32, T 9 N, R 28 E OF THE WILLAMETTE MERIDIAN





VICINITY MAP NTS

SHEET INDEX

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

PROPERTY AND PLAT STATISTICS

PROPERTY BOUNDARY AND TOPOGRAPHIC SURVEY PROVIDED BY AHBL INC, 2019

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

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

TAX ID # OF SUBJECT PARCELS:
129982000001002
PORTION OF 132983000003037

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

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

COMPREHENSIVE PLAN DESIGNATION:
BMS - BADGER MOUNTAIN SOUTH

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

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

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

LEGEND

100 —— LOT #

118982020000003 CO TAX ID #

RESIDENTIAL ADJACENT USE

- CRITICAL AREAS - SLOPES GREAT THAN 15%

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

2023.09.28 15:55:54 -07'00'

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

Preliminary plat for:
Desert Sky
A project in the City of Richland, WA

Drawn by: DAK
Checked by: JEF

JF Eng. Job # 0195.00

Scale H: 1"=80'
Scale V: N/A

Date: Sept 7, 2023

PP100

Exhibit 3

Master Agreement Consistency Recommendation [MACR]

Badger Mountain South

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

Executive Summary

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

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

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

The applicant has stated that this plat will be finalized in 5 phases. The conditions of the approved Preliminary Plat, the Master Agreement, and specifically, the LUDR must be met before it will be finalized.

Badger Mountain South

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

Date: September 15, 2023

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

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

1. Applicant name, address and contact information:

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

2. Project name:

Desert Sky

3. Project description including site size in acres:

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

4. Is phasing proposed? Please explain:

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

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

Commercial Mixed Use (BMS-CMU)

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

Neighborhoods: *Badger Station (Renamed to Desert Sky)*

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

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

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

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

Section 1
This is the introduction and administration section of the LUDAR and thus it is not applicable to this review.

Section 2
This section identifies the Regulating Plan Districts and permitted land uses.

Please define the District for this application:

District Type:
Commercial Mixed Use (BMS-CMU)

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

Does the requested use meet the Building Type requirements outlined in 2.D Building Type?
Yes; Special districts are not regulated by building type

Section 3
This section identifies the district development standards for five of the districts in Badger Mountain South. Not included are the standards for the three specialty districts which are found in Section 4.

Section 4
This section identifies the special district development standards. The Special Districts are outlined in section 2.B.

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

Does the proposed layout meet the intent of LUDR 4.C.1? Explain
A walkable community will be achieved through sidewalks along the edge of all proposed roadways in the project. The sidewalks will provide pedestrian connectivity within the project and to the adjoining districts located on the south side of Ava Way and to the east of the site. A walkway is planned to allow for pedestrian connectivity from the townhomes to the retirement center (Lot 228). This lot is anticipated to be a community 55 and older community project. A trail network will provide pedestrian connectivity from Dallas Road through the project connecting the planned commercial areas. **The trail system will be extended with the construction of Dallas Road. A series of trails within the development will be constructed that provide pedestrian connectivity from the Dallas Road to the greater Badger Mountain south area. The trails will further the walkable goals outlined in the LUDR.**

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

Section 5
This section identifies the open space, trails, and community facilities that will be constructed in Badger Mountain South.

Badger Mountain South - MA Section 25.3
"As part of the Master Plan Consistency Determination described in Paragraph 23, the City, shall consult with the Master Agreement Administrator, and the applicant in determining the appropriate share of infrastructure and mitigation costs that shall be borne by the proposed development and how that development's share of infrastructure and mitigation relates to the overall infrastructure and mitigation that is required for buildout of Badger Mountain South."

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

Please explain:

Green Infrastructure Improvements are required and as found in the Master Agreement Exhibit D, are linked to the numbers of residential units (RU) developed in the residential neighborhoods outlined in 7.D .

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

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

Parks-43,684 SF

Open Space/Greenway- 20,787 SF

Section 6
This section identifies the street layout for the arterial collectors, the proposed layout for the internal collector streets, and the right-of-way standards for each street type in the Badger Mountain South Development.

Is a public street to be constructed?
Yes X No

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

Section 7
This section establishes the framework for creating the pedestrian-scaled, walkable community of Badger Mountain South by outlining the process for using Block Standards to subdivide land. This section applies to the residential neighborhoods outlined in LUDR 7.D so it does not apply

Section 8

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

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

Yes X No

Please describe:

Special Districts are not regulated by Building Type. See Section 4 for District intent and standards. See also 8.C for Common Design Standards applicable to all districts. Each project will be reviewed as part of the MACR 2 process to make sure they meet the requirements and intent of 8.C.

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

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

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

Recommendation of Consistency:

It is my opinion as the Master Plan Administrator that the application as submitted is consistent with the intent and the purpose of the Master Agreement relative to this plat dated 07/07/2023 and the approved LUDR.

Signature:

Date: 09/15/2023

Exhibit 4

Master Agreement Consistency Recommendation [MACD]

CITY OF RICHLAND
DEVELOPMENT SERVICES DEPARTMENT
625 Swift Boulevard, MS-35
Richland, WA 99352
Telephone (509) 942-7794
Fax (509) 942-7764
CI.RICHLAND.WA.US · 509-942-7390

November 2, 2023

MASTER AGREEMENT CONSISTENCY DETERMINATION

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

Applicant: Brad Beauchamp

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

Consistency Determination Type: Level 1

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

After completing a review of the preliminary plat major amendment application of South Orchard, evaluating it against the standards contained in the adopted Land Use and Development Regulations [LUDR] for the Badger Mountain South Community and the Master Agreement between the City of Richland and Nor Am Investments, LLC, and, after reviewing the recommendation of the Badger Mountain South Master Program Administrator, I find that the application is consistent with the Master Agreement and the LUDR and hereby issue this Master Agreement Consistency Determination.

Sincerely,

Matthew Howie
Senior Planner

Exhibit 5

Planned Action Consistency Determination [PACD]

CITY OF RICHLAND
DEVELOPMENT SERVICES DEPARTMENT
625 Swift Boulevard, MS-35
Richland, WA 99352
Telephone (509) 942-7794
Fax (509) 942-7764
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November 2, 2023

PLANNED ACTION CONSISTENCY DETERMINATION

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

Applicant: Brad Beauchamp

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

Master Agreement Consistency Determination: Issued November 2, 2023.

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

1. The Desert Sky preliminary plat meets the description for a planned action as defined in City code and that as conditioned, the project will implement applicable conditions or mitigation measures identified in RMC 19.50 (Consistency with Development Regulations and SEPA); and
2. The Desert Sky preliminary plat is consistent with the City of Richland Comprehensive Plan and the Badger Mountain Subarea Plan; and
3. The Desert Sky preliminary plat is consistent with the Master Agreement between the City and Nor Am Development, LLC regarding development of Badger Mountain South, as evidenced by the Master Agreement Consistency Determination issued by the City on November 2, 2023; and
4. The probable significant adverse environmental impacts of the proposed project have been adequately addressed in the Planned Action Ordinance [RMC 19.50.030 (B)] and as described in the Badger Mountain South Planned Action Consistency Determination for Desert Sky preliminary plat; and
5. The Desert Sky preliminary plat is not an essential public facility, as defined in RCW 36.70A.200; and
6. Based on the foregoing, a SEPA threshold determination or EIS is not required; and
7. The following environmental mitigation conditions shall apply to the Desert Sky preliminary plat:

a. Erosion control measures as required by City of Richland shall be implemented; vegetative cover on exposed soils shall be provided as soon as practicable following clearing and grading activities; water of exposed soils shall be performed in accordance with Benton Clean Air Authority requirements; soils shall be compacted at densities appropriate for planned uses.
b. The applicant shall submit a dust control plan to the Benton County Clean Air Authority for their review and approval. All construction work shall be performed in accordance with the provisions of the approved dust control plan.
c. The applicant shall submit an erosion control plan to the City of Richland Public Works Department for their review and approval based on the Washington State Department of Ecology Stormwater Management Manual for Eastern Washington. All construction work shall be performed in accordance with the provisions of the approved erosion control plan which shall be consistent with City standards.
d. The applicants shall conform to City noise standards.
e. Transportation mitigation measures shall be applied pursuant to the most recent traffic impact analysis prior to recording any phase of Desert Sky.
f. Potable water systems shall be designed and constructed in accordance with City standards.
g. Sewer systems shall be designed and constructed in accordance with City standards.
h. All residential dwelling units shall be constructed with a residential fire sprinkler system.
i. Energy conservation measures and sustainability standards as established in the LUDR shall apply to new construction within the proposed project.

Sincerely,

Mike Stevens, Planning Manager

Exhibit 6

Copies of Agency Comments

From: Rodgers,Deborah (CONTR) - TERR-TRI CITIES RMHQ
To: Howie, Matthew
Cc: Cummings,Nicole M (BPA) - TERR-TRI CITIES RMHQ; Kinch,James L (BPA) - TERR-BELL-1
Subject: RE: [EXTERNAL] S2023-101 - 2104 Meritage Avenue - Preliminary Plat of Desert Sky
Date: Wednesday, October 11, 2023 4:01:38 PM
Attachments: image001.png

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

Matthew,

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

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

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

Thank you for the opportunity to review this application.

Actalent
People to Possible

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

From: Howie, Matthew <mhowie@ci.richland.wa.us>
Sent: Monday, October 2, 2023 9:13 AM
To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Bill Barlow <bbarlow@bft.org>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; David Billetdeaux <david@portofbenton.com>; Davis, Deanna <d.davis@bces.wa.gov>; Rodgers,Deborah (CONTR) - TERR-TRI CITIES RMHQ <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; gis@co.benton.wa.us; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jason McShane <jmcshane@kid.org>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy

<katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; MAP <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Rob Rodger <rob.rodger@bentoncleanair.org>; Robin Priddy <robin.priddy@bentoncleanair.org>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; Seth DeFoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; Sean Domagalski <seand@bfhd.wa.gov>; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Planning Department <Planning.Department@co.benton.wa.us>; Quentin Wright <QWright@portofbenton.com>; Jack.howard@bfhd.wa.gov; erin.hockaday@bfhd.wa.gov
Subject: [EXTERNAL] S2023-101 - 2104 Meritage Avenue - Preliminary Plat of Desert Sky

Hello all,

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

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

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

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From: Westphal, Nichole
To: Howie, Matthew
Subject: RE: S2023-101 - 2104 Meritage Avenue - Preliminary Plat of Desert Sky
Date: Monday, October 9, 2023 11:14:01 AM
Attachments: image001.png

Matthew,

Addressing comments are here.

Thanks,
Nichole

From: Howie, Matthew <mhowie@ci.richland.wa.us>
Sent: Monday, October 2, 2023 9:13 AM
To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Bill Barlow <bbarlow@bft.org>; Orr, Bruce <borr@ci.richland.wa.us>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAlessandro, Carlo <cdalessandro@ci.richland.wa.us>; Darrick Dietrich <darrick@basindisposal.com>; David Billetdeaux <david@portofbenton.com>; Davis, Deanna <d.davis@bces.wa.gov>; Rodgers,Deborah (CONTR) - TERR-TRI CITIES RMHQ <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; gis@co.benton.wa.us; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jason McShane <jmcshane@kid.org>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; MAP <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Rob Rodger <rob.rodger@bentoncleanair.org>; Robin Priddy <robin.priddy@bentoncleanair.org>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; Seth DeFoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@ci.richland.wa.us>; Sean Domagalski <seand@bfhd.wa.gov>; Hester, Laura <lhester@ci.richland.wa.us>; Planning Department <Planning.Department@co.benton.wa.us>; Quentin Wright <QWright@portofbenton.com>; Jack.howard@bfhd.wa.gov; erin.hockaday@bfhd.wa.gov
Subject: S2023-101 - 2104 Meritage Avenue - Preliminary Plat of Desert Sky

Hello all,

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

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

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

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CITY OF RICHLAND
DEVELOPMENT SERVICES
625 Swift Blvd.
Richland, WA 99352
Telephone (509) 942-7794
Fax (509) 942-7764
CI.RICHLAND.WA.US · 509-942-7390

DATE: October 9, 2023

TO: Matthew Howie, Senior Planner

REVIEW BY: Nichole Westphal, Permit Technician III

PROJECT NAME: S2023-101, Desert Sky

1. Street names will be reviewed when construction drawings are submitted to the Public Works Department. When construction drawings are submitted, please include two (2) street name options for each of the new street segments and the City will review to determine acceptable street names.
   a. When selecting street names for review please note that the following are not acceptable names: West Dr, North Dr, Central Dr, Mountain Lp, Middle Dr & Canyon Rd.
   b. Please reference RMC 12.01.060 to determine acceptable street designations.
2. Please add addressing brackets [ ] on all lots and tracts.

From: Brett Flippo
To: Howie, Matthew
Subject: RE: S2023-101 - 2104 Meritage Avenue - Preliminary Plat of Desert Sky
Date: Tuesday, October 10, 2023 3:56:17 PM
Attachments: image001.png

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

Mr. Howie,

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

Thanks,

Brett Flippo, PLS, CFedS
Kennewick Irrigation District

From: Howie, Matthew <mhowie@ci.richland.wa.us>
Sent: Monday, October 2, 2023 9:13 AM
To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Bill Barlow <bbarlow@bft.org>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; David Billetdeaux <david@portofbenton.com>; Davis, Deanna <d.davis@bces.wa.gov>; Rodgers,Deborah (CONTR) - TERR-TRI CITIES RMHQ <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; gis@co.benton.wa.us; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jason McShane <JMcShane@kid.org>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; Development <development@kid.org>; Matthew Berglund <MBerglund@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; MAP <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Rob Rodger <rob.rodger@bentoncleanair.org>; Robin Priddy <robin.priddy@bentoncleanair.org>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; Seth Defoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; Sean Domagalski <seand@bfhd.wa.gov>; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Planning Department <Planning.Department@co.benton.wa.us>; Quentin Wright <QWright@portofbenton.com>; Jack.howard@bfhd.wa.gov; erin.hockaday@bfhd.wa.gov
Subject: S2023-101 - 2104 Meritage Avenue - Preliminary Plat of Desert Sky

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

Hello all,

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

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

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

Comments attached. thank you

From: Howie, Matthew <mhowie@ci.richland.wa.us>
Sent: Monday, October 2, 2023 9:13 AM
To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Bill Barlow <bbarlow@bft.org>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; David Billetdeaux <david@portofbenton.com>; Davis, Deanna <d.davis@bces.wa.gov>; Rodgers,Deborah (CONTR) - TERR-TRI CITIES RMHQ <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; gis@co.benton.wa.us; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jason McShane <jmcshane@kid.org>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; MAP <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Rob Rodger <rob.rodger@bentoncleanair.org>; Robin Priddy <robin.priddy@bentoncleanair.org>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; Seth DeFoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; Sean Domagalski <seand@bfhd.wa.gov>; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Planning Department <Planning.Department@co.benton.wa.us>; Quentin Wright <QWright@portofbenton.com>; Jack.howard@bfhd.wa.gov; erin.hockaday@bfhd.wa.gov
Subject: S2023-101 - 2104 Meritage Avenue - Preliminary Plat of Desert Sky

Hello all,

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

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

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

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

CITY OF RICHLAND
PUBLIC WORKS ENGINEERING
DEVELOPMENT COMMENTS

DATE: October 16, 2023

TO: MATTHEW HOWIE, SENIOR PLANNER

PLAT REVIEW BY: JASON REATHAFORD, ENGINEERING TECH 4
PETE ROGALSKY, PUBLIC WORKS DIRECTOR
CARLO D'ALESSANDRO, TRANSPORTATION AND DEVELOPMENT MANAGER
JOHN WHITTIER, CIVIL ENGINEER 1

PROJECT NAME: BADGER MTN. SOUTH "DESERT SKY" PRELIMINARY PLAT (S2023-101)

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

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

General Conditions:

1. All final, approved plans for public improvements shall be submitted prior to pre-con on a 24" x 36" hardcopy format and also electronically. Addendums are not allowed, all information shall be supplied in full size (and electronic) format. When construction of the public infrastructure has been substantially completed, the applicant shall provide paper and electronic record drawings in accordance with the City's "Record Drawing Requirements". The electronic record drawings shall be submitted in an AutoCAD format compatible with the City's CAD software. The final record drawings shall be submitted and approved by the City before the final punchlist inspection will be performed. All final punchlist items shall be completed or financially guaranteed prior to final platting.

2. A copy of the construction drawings shall be submitted for review to the appropriate jurisdictions by the developer and his engineer. All required comments / conditions from all appropriate reviewing jurisdictions (e.g.: Benton County, any appropriate irrigation districts, other utilities, etc.) shall be incorporated into one comprehensive set of drawings and resubmitted (if necessary) for final permit review and issuance. Any and all necessary permits that may be required by jurisdictional entities outside of the City of Richland shall be the responsibility of the developer to obtain.

3. Any work within the public right-of-way or easements or involving public infrastructure will require the applicant to obtain a right-of-way construction permit prior to beginning work, per RMC Chapter 12.08. The applicant shall pay a plan review fee based on a cost-per-sheet of engineering infrastructure plans. This public infrastructure plan review fee shall apply each time a project is submitted for review. Please visit the published fee schedule on the City's webpage to find the current per-sheet fee. A permit fee in the amount equal to 3% of the construction costs of the work within the right-of-way or easement will be collected at the time the construction permit is issued.

4. Public utility infrastructure located on private property will require recording of a City standard form easement prior to final acceptance of the infrastructure. The City requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of final platting. Once received, the City will prepare the easement document and provide it to the developer. The developer shall record the easement at the Benton County Assessor and return a recorded original document to the City.

5. A pre-construction conference will be required prior to the start of any work within the public right-of-way or easement. Contact the Public Works Engineering Division at 942-7500 to schedule a pre-construction conference.

6. The contractor and developer shall be responsible for any and all public infrastructure construction deficiencies for a period of one year from the date of the letter of acceptance by the City of Richland.

7. All plan sheets involving construction of public infrastructure shall have the stamp of a current Washington State licensed professional engineer.

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

Design Standards:

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

10. If the project will be built in phases the applicant shall submit a comprehensive master plan for the sanitary sewer, domestic water, storm drainage, electrical, street lighting and irrigation system for the entire project prior to submitting plans for the first phase to assure constructability of the entire project. This includes the location and size of any storm retention ponds that may be required to handle runoff.

11. If the City Fire Marshal requires a secondary emergency vehicle access (SEVA), it shall be included in the construction plan set and be designed to the following standards:
    A. 2-inches compacted gravel, minimum (temp. SEVAs only).
    B. Permanent SEVA's shall be paved with 2-inches of asphalt, minimum.
    C. 2% cross-slope, maximum.
    D. 5% slope, maximum. Any access road steeper than 5% shall be paved or be approved by the Fire Marshal.
    E. Be 20-feet in width.
    F. Have radii that are accommodating with those needed for City Fire apparatus.

    Secondary emergency vehicles accesses (SEVA's) shall be 20-feet wide, as noted. Longer secondary accesses can be built to 12-feet wide with the approval of the City of Richland Fire Marshal, however turn-outs are required at a spacing acceptable to the Fire Dept.

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

A. No survey monument shall be removed or destroyed (*the physical disturbance or covering of a monument such that the survey point is no longer visible or readily accessible*) before a permit is obtained from the Department of Natural Resources (DNR). (WAC 332-120-030(2) and RCW 58.09.130).
B. Any person, corporation, association, department, or subdivision of the state, county or municipality responsible for an activity that may cause a survey monument to be removed or destroyed shall be responsible for ensuring that the original survey point is perpetuated. (WAC 332-120-030(2)).
C. Survey monuments are those monuments marking local control points, geodetic control points, and land boundary survey corners. (WAC 332-120-030(3)).

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

Traffic & Streets:

13. The "Desert Sky" preliminary plat is subject to the City's traffic impact fee program (RMC 12.03). Since this property is included within the traffic impact fee program, and since staff analysis indicates the project will create no unusual or unanticipated traffic impacts, it is exempt from the SEPA-related traffic study requirement (TIA).

14. The proposed roundabout at the Dallas Road / Ava Way intersection shall be constructed and completed before the addition of new trips generated by the development. This item shall be completed and accepted by the city prior to final platting of phase 1.

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

16. The Ava Way frontage shall be completed to LUDR standards with the phase the develops lots adjacent to Ava Way and "Middle Drive". These improvements will include pavement striping of Ava Way across the project frontage.

17. Pursuant to Richland Municipal Code Section 12.10.030, all private roadways shall be designed to a city standard as directed by the Public Works Director. This includes any roadways constructed internally for the commercial parcels.

18. The proposed alignment of the public portion of "Middle Drive" places a portion of the road corridor on property not owned by the applicant. The applicant shall obtain the necessary property rights from the adjacent parcel and include it in the Middle Drive right-of-way dedication at the time of final platting.

19. Several of the private roadway centerlines are shown with radii less than 100-feet. City standards require a minimum centerline curve of 100-feet.

20. The transition points between public and private streets shall be delineated with a cement concrete driveway approved by the City Engineer.

21. Per Richland Municipal Code Chapter 12.01.040 and 12.01.070, the shared driveways as proposed in this pre-plat shall be built to city standards.

22. The “cul-de-sac” feature on Middle Drive shall be removed from the design.

23. The existing curb returns on the west legs of both the Corvina-Meritage and Barbera-Meritage intersections shall be removed at the time of plat construction. They shall be replaced with city standard commercial driveways.

24. The existing access points onto Ava Way are acceptable for this project, but any proposed changes will be subject to approval by the City Engineer.

25. A note will be shown on the face of the final plat stating that Dallas Road is classified as an “Arterial street” and Ava Way is classified as a “Collector street”. Subsequently, no driveways will be allowed directly onto them.

26. Sidewalks shall be installed along all public right-of-way frontages that building lots do not front on during construction of those phases (e.g., storm drainage ponds, parks, HOA tracts, etc.).

27. Pedestrian ramps shall be designed to current City Standard Details and PROWAG Standards to be compliant with federal ADA Standards. Adequate right-of-way shall be provided at corners to allow for at least 1-foot of ROW behind the concrete ped. ramp landing. Crosswalks between pedestrian ramps shall be designed to City standards. Crosswalks at stop-controlled intersections shall have cross-slopes less than 2%. Crosswalks crossing thru-streets shall have cross-slopes less than 5%. The road profile shall be designed to accommodate this.

28. The developer and their engineer shall demonstrate on the construction plans that all future driveway entrances, sidewalks and pedestrian ramps will meet City and ADA requirements, and also provide adequate separation between driveways and/or pedestrian ramp transitions; provided that the Public Works Director shall have discretion and authority to adopt and implement an updated design standard, authorizing curb modifications or combining depressed driveway access points for adjacent lots without a transition up to normal sidewalk in between so as to facilitate a final design that provides an adequate number of on-street parking spaces. The driveway density for this narrow lot development is unlikely to provide adequate on-street parking. It is recommended that the City’s narrow street section (26-foot width face of curb to face of curb) be used which prohibits on-street parking and provides off-street parking lot(s) within the development for the displaced spaces.

29. A pedestrian access easement is shown crossing Lots 77 through 81. This easement overlays an access easement that will be used as a driveway for these lots. The pedestrian easement element of this easement shall be relocated to a mid-block location along West Drive, likely between lots 64 and 65. The pedestrian easement width should be no less than 15 feet. This path connection shall connect to the urban trail on Dallas Road.

30. Street names are not reviewed or vested until construction plans are submitted for review. The street names included on the pre-plat are not approved at this time.

31. Show city standard vision-clearance triangles on all corner lots on both the construction plans and the final plat document, in accordance with RMC Chapter 12.11.020. If the intersection is in a curve, it will have to be evaluated per AASHTO guidelines.

32. Any roadways narrower than 32-feet shall have parking restricted on one side, and any roads narrower than 27-feet shall have parking restricted on both sides. Street signs indicating restricted parking shall be installed prior to final platting at the developer's expense. The restricted parking areas shall be indicated on the construction plans and the final plat.

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

34. If the project is to be constructed in phases, all dead-end streets longer than 150-feet that will be continued later need to have temporary turnarounds built at the end of them. If the temporary turnaround is not located within the final plat an easement with a 50-foot radius will be required.

Domestic Water:

35. The proposed preliminary plat is located within both the Tapteal III and IV water pressure zones. It shall be the responsibility of the developer to extend the appropriate watermain to and through this property to serve domestic water at the time of plat construction. These water mains shall be sized to adequately supply domestic water and fire flows to the proposed development.

36. Any grading operations that take place near or over the top of the existing 20-inch domestic water main shall ensure that adequate cover remains over the water main so as to protect it from breakage, or freezing, or service interruption. It shall be the responsibility of the developer to re-install any water mains that have too little (or too much) cover over them as a result of grading operations, or that will result in this water main being less than ten feet from a building footprint. This water main needs to be within a roadway whenever possible. The existing main shall be exposed and surveyed at multiple locations as part of the grading permit application process.

37. No dead end water pipelines will be allowed, except as approved by the City Engineer..

38. In accordance with municipal code chapter 18.34.030, domestic water mains shall be extended to the adjoining properties adjacent to the preliminary plat, provided they are in the correct pressure zone.

39. The developer will be required to demonstrate that all phases are capable of delivering adequate fire flows prior to construction plans being accepted for review. This may require looping of the watermain from off-site locations, or oversizing of the main where needed.

40. The fire hydrant layout shall be approved by the City Fire Marshal.

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

Sanitary Sewer:

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

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

Storm Water:

44. All construction projects that don't meet the exemption requirements outlined in Richland Municipal Code, Section 16.06 shall comply with the requirements of the Washington State Department of Ecology issued Eastern Washington NPDES Phase II Municipal Stormwater Permit. The Developer shall be responsible for compliance with the permit conditions. All construction activities subject to this title shall be required to comply with the standards and requirements set forth in the Stormwater Management Manual for Eastern Washington (SWMMEW) and prepare a Stormwater Site Plan. In addition, a Stormwater Pollution Prevention Plan (SWPPP) or submission of a completed erosivity waiver certification is required at the time of plan submittal. The City has adopted revised standards affecting the construction of new stormwater facilities in order to comply with conditions of its NPDES General Stormwater Permit program. This project, and each phase thereof, shall comply with the requirements of the City's stormwater program in place at the time each phase is engineered. The project will require detailed erosion control plans.

45. All public storm drainage collection systems shall have their flow rate and storage capacity designed by a professional engineer following the core elements defined in the latest editions of the Stormwater Management Manual for Eastern Washington, the current Richland municipal codes, the Phase II Municipal Stormwater Permit, and the City's "Public Infrastructure Construction Plan Requirements and Design Guidelines". The storm water calculations shall be stamped by a professional engineer and shall include a profile of the storm system showing the hydraulic grade line. The calculations should include an accurate delineation of the contributing drainage area to accurately size the stormwater facilities. Passing the storm water downhill to an existing storm system will require an analysis of the downstream storm system to determine its capability of accepting the storm water without being overwhelmed. The applicant's design shall provide runoff protection to downstream property owners.

46. Comment applies to commercial property: The proposed storm drainage and grading of all areas within the proposed development shall be shown on the plans (most grading and drainage plans must be prepared by a licensed civil engineer). If site contains at least 1,000 sq.ft. of new asphalt, and/or contains 30% or more impervious surfaces, storm drainage calculations from a licensed civil engineer are required. Stormwater shall be kept on-site (on the developing property that generated it). Stormwater shall not be flowed onto adjacent properties, or to the public Right-of-Way, without first obtaining written permission.

47. Comment applies to commercial property: The private on-site storm drainage system shall be designed following the core elements defined in the latest editions of the Stormwater Management Manual for Eastern Washington, the current Richland municipal codes, the Phase II Municipal Stormwater Permit, and the City's "Public Infrastructure Construction Plan Requirements and Design Guidelines". Calculations shall be stamped by a registered professional Civil Engineer. The applicant's design shall provide runoff protection to downstream property owners.

48. If any existing storm drainage or ground water seepage drains onto the proposed site, said storm drainage shall be considered an existing condition, and it shall be the responsibility of the property developer to design a system to contain or treat and release the off-site storm drainage.

49. If there are any natural drainage ways across the proposed pre-plat, the engineered construction plans shall address it in accordance with Richland Municipal code 24.16.170 ("Easements-watercourses").

50. Any proposed storm drainage retention facilities within the boundary of the proposed preliminary plat shall not adversely affect neighboring properties.

51. Prior to or concurrent with the submittal of the first phase the developer shall provide a Geotechnical report including the percolation rate of the soils in the area of any storm retention ponds. If the project constructs a storm retention pond then the engineer will need to demonstrate that the pond will drain itself within 72 hours after the end of a storm event, and not have standing water in it longer than that. Engineering solutions are available for retention ponds that do not percolate within 72 hours.

52. The amount of post-development storm runoff from the proposed site shall be in compliance with RMC Chapter 16.06.

53. The parcel occupied by the stormwater basin shall be identified as a separate parcel or tract on the final plat and shall be dedicated to the City stormwater utility. The design of the basin shall include access features meeting the city's needs for maintenance.

54. The developer shall consider the long-term appearance of the storm basin, particularly if it will occupy a prominent location in the development. The City's typical storm pond maintenance practices consist of semi-annual vegetation trimming and silt and debris removal. If the pond location is deemed by City staff as being in a prominent location the developer shall design and install fencing and/or landscaping to mitigate the pond's visible character for the surrounding properties. If the City requires this type of treatment to the pond site the developer may propose landscaping treatments consistent with the development and establish maintenance responsibilities to remain with the development. These maintenance responsibilities shall be noted on the final plat. Basins designed as detention and evaporative basins need to include plantings that will tolerate or thrive in standing water. Planting designs for areas not routinely exposed to water shall include plants that will thrive without irrigation unless the developer intends to maintain an irrigated pond site. At a minimum the landscaping plan should be consistent with the City's intended maintenance standard as described above.

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

Final Platting / Project Acceptance Requirements:

56. When the construction is substantially complete a paper set of "record drawings" shall be prepared by a licensed surveyor and include all changes and deviations. Please reference the Public Works document "RECORD DRAWING REQUIREMENTS & PROCEDURES" for a complete description of the record drawing process. All final punchlist items shall be completed or financially guaranteed prior to recording of the final plat.

57. Public utility infrastructure located on private property will require recording of a City standard form easement prior to acceptance of the infrastructure and release of a certificate of occupancy. The City requires preparation of the easement legal description by the developer two weeks prior to the scheduled date of final acceptance. Off-site ("third party") easements or right-of-ways for City infrastructure are the responsibility of the developer to obtain. Once received, the City will prepare the easement document and provide it to the developer. The developer shall record the easement

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

58. Any off-site easements or permits necessary for this project shall be obtained and secured by the applicant and supplied to the City at the time of plat construction and prior to final plat acceptance.

59. Ten-foot wide public utility easements will be required on the final plat along both sides of all right-of-ways and road corridors within the proposed plat. They will also be required where the plat is adjacent to an existing right-of-way.

60. The vision-clearance triangle needs to be shown on all corner lots on the final plat document, in accordance with RMC Chapter 12.11.020. If the intersection is in a curve, it will have to be evaluated per AASHTO guidelines. This information may need to be designed by the engineer of record and supplied to the surveyor of record for inclusion into the final plat document.

61. The final plat shall include notes identifying all common areas including any private streets and tracts and assigning the ownership and maintenance responsibility. A note shall be added to the face of the final plat that states: "*The private roads are for the use and benefit of the property owners that abut said roads, and are to be maintained by the owners. The City of Richland accepts no maintenance responsibility for private roads*".

62. A note shall be added to the face of the plat that states: "*The private drives within this plat are fire lanes and parking is restricted*. *The required no-parking signs shall be installed by the developer where applicable*." All restricted parking areas shall be indicated on the final plats.

63. All landscaped areas within the plat that are in the public Right of Way shall be the responsibility of the property owners to maintain.

64. A one-foot "No access / screening easement" will be required along both the Dallas Road and Ava Way Right of Ways.

65. The intended use and ownership of all tracts within the plat shall be noted on the final plat.

66. Property with an unpaid L.I.D. assessment towards it must be paid in full or segregated per Richland Municipal Code 3.12.095.

From:	Prilucik, Jacob
To:	Howie, Matthew
Subject:	RE: [EXTERNAL] S2023-101 - 2104 Meritage Avenue - Preliminary Plat of Desert Sky
Date:	Monday, October 16, 2023 2:22:36 PM
Attachments:	image001.png Richland_S2023-101 - 2104 Meritage Avenue.pdf

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

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

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

From: Howie, Matthew <mhowie@ci.richland.wa.us>
Sent: Monday, October 2, 2023 9:13 AM
To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Bill Barlow <bbarlow@bft.org>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; David Billetdeaux <david@portofbenton.com>; Davis, Deanna <d.davis@bces.wa.gov>; Rodgers,Deborah (CONTR) - TERR-TRI CITIES RMHQ <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; gis@co.benton.wa.us; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jason McShane <jmcshane@kid.org>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Cooper, Kelly (DOH) <Kelly.Cooper@DOH.WA.GOV>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; MAP <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Gonseth, Paul <GonsetP@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Rob Rodger <rob.rodger@bentoncleanair.org>; Robin Priddy <robin.priddy@bentoncleanair.org>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; Seth DeFoe <SDefoe@kid.org>; WSDOT SC Planning Mailbox <SCPlanning@WSDOT.WA.GOV>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; Sean Domagalski <seand@bfhd.wa.gov>; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Planning Department <Planning.Department@co.benton.wa.us>; Quentin Wright <QWright@portofbenton.com>; Jack.howard@bfhd.wa.gov; erin.hockaday@bfhd.wa.gov
Subject: [EXTERNAL] S2023-101 - 2104 Meritage Avenue - Preliminary Plat of Desert Sky

WARNING: This email originated from outside of WSDOT. Please use caution with links and attachments.

Hello all,

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

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

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

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Washington State
Department of Transportation

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

October 16, 2023

City of Richland
625 Swift Boulevard
Richland, WA 99352

Attn: Matthew Howie, Senior Planner

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

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

- The subject property is in the vicinity of Interstate 82 (I-82) and the Dallas Road (Exit 104) interchange and within the Badger Mountain South (BMS) subarea. I-82, including the interchange, is a fully-controlled limited access facility, Highway of Statewide Significance (HSS), and part of the National Highway System (NHS). It is to the benefit of the city, county, and state to preserve this interchange's safety and efficiency.

- We acknowledge the plat condition that requires the proponent to implement the mitigation measures identified in the latest project traffic impact analysis (TIA). WSDOT reviewed and concurred with this TIA in our letter to the city dated March 17, 2022. Of particular concern to the department are the impacts and necessary improvements to the Exit 104 ramp terminals. As outlined in the study, the developer is required to construct a traffic signal or roundabout at both ramp terminals by the year 2025. We strongly urge the city and developer to not underestimate the time and effort involved in gaining approval for projects on the Interstate system. In order to avoid any potential delays, the developer must begin coordinating these project with WSDOT at this time. It is also important to note, all work must follow current WSDOT and FHWA design documentation and approval processes and the state's preferred alternative for intersection control is the roundabout.

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

Sincerely,

Jacob Prilucik
Development Services Manager

cc: SR 82, File #2023_013

From:	Cichy, Katherine
To:	Howie, Matthew
Subject:	RE: S2023-101 - 2104 Meritage Avenue - Preliminary Plat of Desert Sky
Date:	Friday, October 13, 2023 9:11:10 AM
Attachments:	image002.png image003.png

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

Hello Matthew,

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

Sorry this is late.

Thank you,

Katherine Cichy
OSP Engineer
509-410-5035
Katherine.cichy@ziply.com

From: Howie, Matthew <mhowie@ci.richland.wa.us>
Sent: Monday, October 2, 2023 9:13 AM
To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; Benton County - Segregations <Segregations@co.benton.wa.us>; Bill Barlow <bbarlow@bft.org>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; David Billetdeaux <david@portofbenton.com>; Davis, Deanna <d.davis@bces.wa.gov>; Rodgers,Deborah (CONTR) - TERR-TRI CITIES RMHQ <dxrodgers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; gis@co.benton.wa.us; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Jason McShane <jmcshane@kid.org>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Cichy, Katherine <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; M. Deklyne <mjdeklyne@bpa.gov>; MAP <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Tovey, Michael <michael.tovey@ziply.com>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; Rob Rodger <rob.rodger@bentoncleanair.org>; Robin Priddy <robin.priddy@bentoncleanair.org>; Schiessl, Joe <JSchiessl@CI.RICHLAND.WA.US>; Seth DeFoe <SDefoe@kid.org>; South Central Region

Planning <scplanning@wsdot.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; Sean Domagalski <seand@bfhd.wa.gov>; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Planning Department <Planning.Department@co.benton.wa.us>; Quentin Wright <QWright@portofbenton.com>; Jack.howard@bfhd.wa.gov; erin.hockaday@bfhd.wa.gov
Subject: S2023-101 - 2104 Meritage Avenue - Preliminary Plat of Desert Sky

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

Hello all,

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

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

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

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

Exhibit 7

Copies of Agency Comments

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

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

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

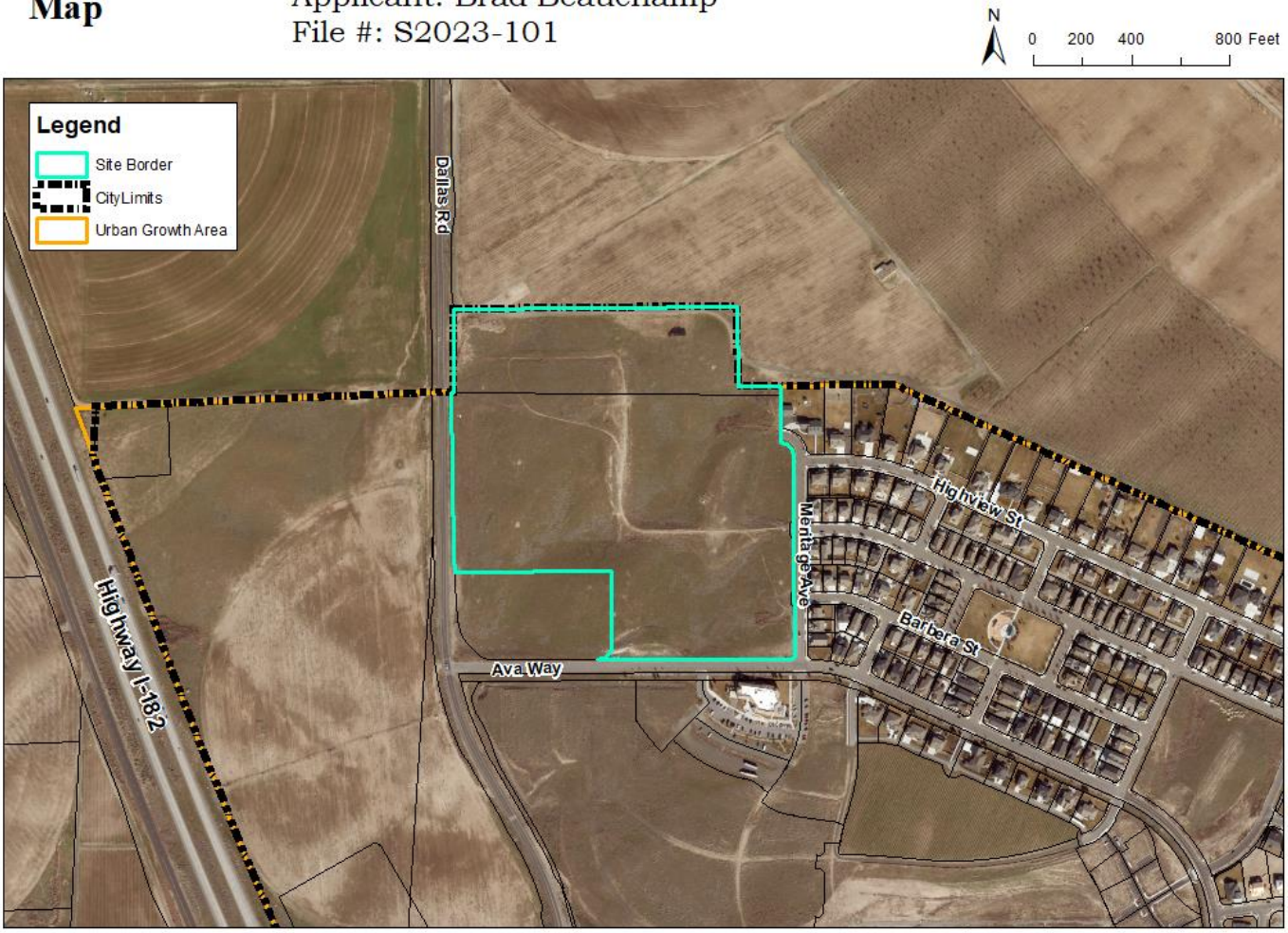
Environmental Review: A Supplemental Final Environmental Impact Statement was completed for this site at the time the City adopted the subarea plan for the Badger Mountain South area in 2010. The property was annexed and the City adopted a Planned Action Ordinance (RMC 19.50). The effect of the Planned Action Ordinance is that standard SEPA review is not required, provided that any project proposed within the boundaries of the master planned community is consistent with the master plan and with the mitigation measures identified in the adopted SEPA documents/process. Projects determined to be consistent with the subarea plan, the Master Agreement between the City and Nor Am Investment, and the mitigation measures enumerated in the adopted SEPA documents are issued a Planned Action Consistency Determination (PACD).

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

The application will be reviewed in accordance with the regulations in RMC Title 23 Zoning, Title 19 Development Regulations Administration and Title 24 Plats and Subdivisions. Appeal procedures of decisions related to the above referenced applications are set forth in RMC Chapter 19.70. Contact the Richland Planning Division at the above referenced address with questions related to the available appeal process.

Vicinity Map

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



AFFIDAVIT OF MAILING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, Jodi Hogan, who, being first duly sworn upon oath deposes and says:

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

2. On the 2nd day of October 2023, I mailed a copy of the attached NOTICE OF PUBLIC HEARING (S2023-101) to the attached list of individuals via regular USPS on the date indicated above. The Richland Hearing Examiner will conduct a public hearing and review of the application on Monday, November 13, 2023.

Jodi Hogan

Signed: Jodi Hogan

SIGNED AND SWORN to before me this 2nd day of October 2023 by Jodi Hogan.

Notary Public in and for the State of Washington,

Carly Kirkpatrick

Print Name

Notary Public
State of Washington
CARLY KIRKPATRICK
LICENSE # 210539
MY COMMISSION EXPIRES
OCTOBER 6, 2027

Residing at Benton County

My appointment expires: Oct. 6, 2027

AFFIDAVIT OF MAILING
Address list attached.

Notary Public
State of Washington
CARLY KIRKPATRICK
LICENSE # 210539
MY COMMISSION EXPIRES
OCTOBER 6, 2027

BADGER COMMUNITIES LLC 4405 71ST AVE CT NW GIG HARBOR WA 98335
BADGER MOUNTAIN SOUTH COMMUNITY ASSOCIATION BMS COMMUNITY ASSOCIATION LAKEWOOD WA 98498
BECK KYLE A & CHELSIE LEE 2112 MERITAGE AVE RICHLAND WA 99352
BRINK BENJAMIN LEE & BRIELLE MARIE 4898 BARBERA ST RICHLAND WA 99352
CASHWELL TROY & PAIGE 4850 BARBERA ST RICHLAND WA 99352
CHEYNEY JESSICA LYNN ZERING 2304 MERITAGE AVE RICHLAND WA 99352
CORTEZ LUCINDA 4836 CORVINA STREET RICHLAND WA 99352
DEL MUNDO DANILO & GLORIA 87890 FARRINGTON HWY WAIANAE HI 96792
EDWARDS ROBERT P & HAMMER PAMELA D 4824 AVA WAY RICHLAND WA 99352
FRANK TIEGS LLC 6610 W COURT ST #B PASCO WA 99301
GARCIA CRYSTAL ROSE 4826 BARBERA STREET RICHLAND WA 99338
GIBSON ALEXANDER G & TARA D 4830 HIGHVIEW ST RICHLAND WA 99352
GLEN TERRY & CRISTY 4827 CORVINA STREET RICHLAND WA 99352
HICKS JARROD J 4848 CORVINA ST RICHLAND WA 99352
HOWELL SCOTT G & ALISSA M 4831 HIGHVIEW ST RICHLAND WA 99352
JURY MELISSA 4849 BARBERA ST RICHLAND WA 99352
KADLEC REGIONAL MEDICAL CENTER ATTN: CBRE FINANCE RENTON WA 98057
MILKS RANDY B 2330 MERITAGE AVE RICHLAND WA 99352
MILLER CRAIG C & MARTHA T 4838 AVA WAY RICHLAND WA 99352
MONTEBLANCO MARCO A & KELLY S 1000 S ROOSEVELT ST KENNEWICK WA 99338-1313
NASSANEH MAJD & SAMAAN ROULA 2314 MERITAGE AVE RICHLAND WA 99352
NGUYEN TUNG & LIEN T 4898 CORVINA ST RICHLAND WA 99352
NOR AM INVESTMENT LLC 12513 DUBOIS AVE SW LAKEWOOD WA 98498-5242
PATTY STEVEN R 69 NANSEN SMT LAKE OSWEGOOR 97035
PICKARD LAURA 4812 CORVINA STREET RICHLAND WA 99352
POWELL CLANCY J 4860 CORVINA ST RICHLAND WA 99352
REVIVE LAND LLC 2644 EASTWOOD AVE RICHLAND WA 99352
ROBLES CESAR R 2305 SYRAH AVE RICHLAND WA 99352
SCHULER COLLIN 4839 CORVINA ST RICHLAND WA 99352
SHAMRA PROPERTIES LLC 1169 PINTO LOOP RICHLAND WA 99352
SIEFKEN BRENDAN MICHAEL & ANISSA LYNN 4856 HIGHVIEW ST RICHLAND WA 99352
SINK NATHAN & HEATHER 4815 CORVINA ST RICHLAND WA 99352
SMITH PAUL & LINDSEY 4851 CORVINA ST RICHLAND WA 99352
STATE OF WASHINGTON DEPT OF NATURAL RESOURCES OLYMPIA WA 98504-7016
STUENKEL OMAR & JOY 4853 HIGHVIEW ST RICHLAND WA 99352
STUTESMAN ALLISON MACY 4863 CORVINA ST RICHLAND WA 99352
SVOBODA JOSEPH ROBERT II & CHRISTMAN NICHOLAS 1609 MOLLY MARIE AVE RICHLAND WA 99352
SWIHART MARY E & GEOFFREY E 4897 HIGHVIEW ST RICHLAND WA 99352
WEST VINEYARD OWNERS ASSOCIATION THE HOA MANAGEMENT GROUP KENNEWICK WA 99336
WOOD J. LYN & JANECE 5015 AVA WAY RICHLAND WA 99352

AFFIDAVIT OF MAILING
Address list attached.

AFFIDAVIT OF POSTING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, **Matthew Howie**, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning Division of the Development Services Department for the City of Richland.
2. On the 29th day of September 2023, I posted the attached NOTICE OF PUBLIC HEARING, File Number S2023-101 (Preliminary Plat for Desert Sky) in the following locations:

   The northwestern terminus of Meritage Avenue
   1,100 feet north of the Dallas Road/Ava Way intersection to the east of Dallas Road

Signed: Matthew Howie

SIGNED AND SWORN to before me this 2nd day of October, 2023, by Matthew Howie.

Signature of Notary

Notary Public
State of Washington
CARLY KIRKPATRICK
LICENSE # 210539
MY COMMISSION EXPIRES
OCTOBER 6, 2027

Carly Kirkpatrick
Printed Name

Notary Public in and for the State of Washington,

Residing in Benton County

My appointment expires: Oct 6, 2027

McCLATCHY

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee
The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald
el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi
Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36823	474313	Print Legal Ad-IPL01421840 - IPL0142184	HE PHN S2023-101	$185.16	1	63 L

Attention: Jennifer Anderson

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

janderson@ci.richland.wa.us

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

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

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

Location of Proposal(s): The project site is at the northwestern terminus of Meritage Avenue, north of Ava Way and east of Dallas Road near Badger Mountain. The parcel is roughly in the shape of the letter "L" rotated 180 degrees with approximately 725 feet of frontage along Dallas Road, 740 feet of frontage on Ava Way, and 890 feet fronting Meritage Avenue (APNs: 1-29982000001002 & 1-32983000003037).

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

Public Comments Due: The deadline for written comments is 6:00 p.m. on Monday, November 13, 2023. However, written comments must be received no later than 5:00 p.m. on Monday, October 16, 2023, to be incorporated into the Staff Report. Comments received after that time will be entered into the record during the hearing.
Contact: Matthew Howie,
Senior Planner
625 Swift Boulevard, MS-35
Richland, WA 99352
mhowie@ci.richland.wa.us
Date Published: Sunday, October 8, 2023
IPL0142184
Oct 8 2023

COUNTY OF BENTON)
SS
STATE OF WASHINGTON)

Stefani Beard, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy as it was printed in the regular and entire issue of the Tri-City Herald and not in a supplement thereof, ran 1 time (s) commencing on 10/08/2023, and ending on 10/08/2023 and that said newspaper was regularly distributed to its subscribers during all of this period.

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

Stefani Beard
(Signature of Legals Clerk)

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

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

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

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

McCLATCHY

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee
The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald
el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi
Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36823	474313	Print Legal Ad-IPL01421840 - IPL0142184	HE PHN S2023-101	$185.16	1	63 L

Attention: (company)

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

janderson@ci.richland.wa.us

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

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

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

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

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

COUNTY OF BENTON)
SS
STATE OF WASHINGTON)

Stefani Beard, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy as it was printed in the regular and entire issue of the Tri-City Herald and not in a supplement thereof, ran 1 time (s) commencing on 10/08/2023, and ending on 10/08/2023 and that said newspaper was regularly distributed to its subscribers during all of this period.

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

Stefani Beard
(Signature of Legals Clerk)

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

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

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

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

Exhibit 8

Public Comments

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

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

Senior Planner Howie,
I want to provide written input on the planned land use known as Desert Sky. I live in the area on Barbera Strret and Meritage Avenue and received the mailer for public comments.
Please forgive my ignorance in how to do this, because I've never been involved or responded to a project or process like this before. I just want to share my concerns and perspective over a couple of things.
Overall, I really like and appreciate this land use by the developer. As you noted, it meets environmental standards and the LUDR. Even if it's gated and private, it still has public access points and it has greenspaces too. It checks a lot of boxes for sure.
My HOA, at West Vinyard, requires a 5 foot fence (if you choose to build one) so I would like to see that standard continued to match the neighboring properties, HOA, and our community. I did see where there were going to be block walls put up so that is nice.
Secondly, in the adjoining West Vinyard community the sidewalks are set back from the street to allow safe walking and travel. That should continue to be part of this land use and project so that it matches the neighboring community. It is a safety enhancement and it adds greenery and beauty to the neighborhood. Many children live and play in and around Ava Way and Meritage Avenue.
Thirdly, and this is my real concern, is the development of commercial lots on Meritage Avenue from Avay Way to High View Drive. I understand the commercial lots facing Ava Way to the south, yes, that makes sense and meets the LUDR. Ava Way is the main thoroughfare through our neighborhood. It gives easy in/out access and the current street configuration accommodates it. Thank you for that!
Putting commercial lots against Meritage Avenue does not blend well and creates noise pollution, light pollution, sound pollution, increased commercial traffic, and that eastern point of the project area in which housing would be the better option to meet the West Vinyard and area LUDR. As I noted, there are many children who live on or near this area and use Meritage Avenue walking and biking. Meritage Avenue was not meant to be a primary traveling point in our neighborhood as evidenced by it's current size. Commercial property should be facing Dallas Road on the east side not off Meritage Avenue to the west. Dallas Roadis a busy road and is already being considered for expansion to help the flow of traffic. Why would the builder put commercial lots at the back of the property in a residential neighborhood rather than up close to more public and community access points? Frankly, the higher value property lots are back on Meritage Avenue where there are views of Rattlesnake, Badger Canyon, and Candy Mountains. Homes should be built where the four large commercial lots are planned to blend the communities and follow the LUDR's. Commercial lots at the west, on Dallas Road, keep noise/light/traffic pollution at a minimum and gives more public access to meet those needs. Neighborhood safety is important.

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

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