

ORDINANCE NO. 39-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHLAND, in Benton County Washington, adopting a Planned Action for Badger Mountain South, pursuant to RCW 43.21C.031.

WHEREAS, the State Environmental Policy Act (SEPA) and its implementing regulations authorize cities planning under the Growth Management Act (GMA) to designate certain planned actions that have had their significant impacts adequately addressed in an Environmental Impact Statement (EIS) prepared in conjunction with a comprehensive plan, a sub-area plan, or a master planned development; and

WHEREAS, designation of a project as a planned action streamlines subsequent review of the project by eliminating the need for preparation of a threshold determination or environmental impact statement; and

WHEREAS, the City of Richland has adopted the Badger Mountain Subarea Plan and has prepared a Supplemental Environmental Impact Statement (SEIS) for the Badger Mountain Subarea Plan as a supplement to the EIS prepared in connection with the Badger Mountain South planned development; and

WHEREAS, adopting a SEPA Planned Action for the Badger Mountain South planned development, which comprises the west 1480 acres of the Badger Mountain Subarea, with appropriate standards and procedures, will help achieve efficiency in processing permits and promote environmental quality in the City;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Richland as follows:

Section 1. Findings. The planned action for Badger Mountain South that shall be adopted by this ordinance meets the criteria for a planned action in RCW 43.21.C.031(2) and WAC 197-11-164 for the following reasons:

A. The City of Richland is subject to city planning under the Growth Management Act (GMA), Chapter 36.70A RCW.

B. The City of Richland has adopted a comprehensive plan and the Badger Mountain Subarea Plan in compliance with the GMA.

C. The Badger Mountain South Planned Action Area consists of the properties commonly known as Badger Mountain South, legally described in Exhibit A attached hereto (the "Planned Action Area"). The environmental impacts of development of the Planned Action Area have been identified and adequately addressed in the Badger Mountain Golf & Country Club DEIS (October 1999) and FEIS (July 2000), and Final Supplemental Environmental Impact Statement (FSEIS) issued

for the Badger Mountain Subarea Plan dated August 23, 2010, subject to project review under WAC 197-11-172. (The DEIS, FEIS and FSEIS shall be collectively referred to as “Planned Action Area EIS”).

D. The planned action is for development, uses, and buildings that are consistent with and implement the City of Richland Comprehensive Plan and the Badger Mountain Subarea Plan, and is located entirely within the city limits of the City of Richland or the designated urban growth area adjacent to the City.

E. This ordinance limits the planned action to the Badger Mountain South Planned Action Area, a specific geographic area that is less extensive than the jurisdictional boundaries of the City.

F. The planned action does not include any essential public facilities.

G. The mitigation measures set forth in Exhibit B of this Ordinance, together with applicable City land use regulations set forth in the Master Agreement approved by Resolution 77-10, are adequate to mitigate the significant environmental impacts of development within the Planned Action Area.

H. Public notice and an opportunity for public comment have been provided as part of the City’s process of adopting the Badger Mountain Subarea Plan, the Badger Mountain Subarea Plan DEIS, the Master Agreement, and this planned action ordinance.

Section 2. Planned Action Area Designation. The Planned Action Area is hereby defined as that area legally described in Exhibit A attached hereto, known as Badger Mountain South.

Section 3. Mitigation Measures. Any proposed projects within the Planned Action Area must be consistent with the mitigation measures set forth in Exhibit B attached hereto. The relevant mitigation conditions shall be made conditions of any development permit which would generate the impact that requires the mitigation measure. If an Exhibit B mitigation condition for water or sewer utility improvements requires a specific size or type of improvement, and the detail level construction drawings require a different size in order to accommodate the Badger Mountain Development needs, then the sizing shown by the detail level drawings shall be required.

Section 4. Planned Action Project Review.

A. Except as provided in this section, review of projects proposed as planned actions shall proceed according to the applicable project permit review procedures specified in the City of Richland Municipal Code. A project proposed as a planned action must qualify as a planned action under this ordinance and must meet the

statutory criteria for a planned action in RCW 43.21C.031. As part of the review of a planned action project, the City's SEPA Responsible Official shall:

1. Verify that the project meets the description for a planned action in this ordinance, and that the project will implement any applicable conditions or mitigation measures identified in this ordinance;
2. Verify that the project is consistent with the City of Richland Comprehensive Plan and the Badger Mountain Subarea Plan;
3. Verify that the project is consistent with the Master Agreement between the City and Nor Am Development, LLC regarding development of Badger Mountain South;
4. Verify that the probable significant adverse environmental impacts of the project have been adequately addressed in the Planned Action Area EIS through review of an environmental checklist or other project review form as specified in WAC 197-11-315, filed with the project application; and
5. Verify that the project is not an essential public facility, as defined in RCW 36.70A.200.

B. If the City's SEPA Responsible Official verifies that the project meets the requirements of subsection 4A, above, the project shall qualify as a planned action, and a project SEPA threshold determination or EIS is not required.

C. If the City's SEPA Responsible Official determines the project does not meet the requirements of subsection 4A, above, the project shall not qualify as a planned action and additional environmental review shall be required as provided in WAC 197-11-172, or the project shall be conditioned so that it does meet the requirements of subsection 4A.

D. The City's SEPA Responsible Official shall issue a planned action consistency determination for any application for development that would otherwise require environmental review under RMC chapter 22.09. The consistency determination shall indicate that the proposed action is within the scope of the environmental review conducted in the Planned Action Area EIS and shall list the environmental mitigation conditions from Exhibit B that must be included as conditions for the underlying permit approval.

E. Public notice for projects that qualify as planned actions shall be tied to the underlying project permit. If notice is otherwise required for the underlying permit, the notice shall state that the project has qualified as a planned action. If notice is not otherwise required for the underlying permit, no special notice is required.

Section 5. Monitoring the Planned Action. The Development Services Manager shall review this ordinance periodically to determine its continued validity with respect to the environmental conditions of the Planned Action Area and vicinity and may propose changes to the ordinance as warranted.

Section 6. Effective Date and Term. This planned action ordinance shall take effect on the date Badger Mountain South is annexed into the City and all appeal periods have run, or, if appealed, on the date that the appeals are finally concluded and a development application can be submitted to the City ("Planned Action Ordinance Effective Date") and shall expire at midnight on the twentieth anniversary of the Planned Action Ordinance Effective Date.

Section 7. Severability. If any provision of this Ordinance is determined to be invalid or unenforceable for any reason, the remaining provisions of this Ordinance shall remain in force and effect.

Section 8. This ordinance shall be published in the official newspaper of the City of Richland on December 12, 2010 and will become effective in accordance with the terms in Section 6.

PASSED by the City Council of the City of Richland, at a regular meeting on the 7th day of December, 2010.

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JOHN FOX  
Mayor

ATTEST:

APPROVED AS TO FORM:

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DEBRA C. BARHAM, CMC  
Chief Deputy City Clerk

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THOMAS O. LAMPSON  
City Attorney

Date Published: December 12, 2010

**EXHIBIT A**  
**LEGAL DESCRIPTION OF BADGER MOUNTAIN SOUTH**

**Parcel "A":**

The East half of the East half of Section 31, Township 9 North, Range 28 East, W.M., Benton County, Washington;  
EXCEPT that portion described as follows:

The Southwest corner of the Southeast quarter of the Southeast quarter being the True Point of Beginning;

Thence East along the South line thereof 360.00 feet;

Thence Northwesterly in a straight line to a point on the West line of said Southeast quarter of the Southeast quarter, a distance of 360.00 feet North of the Southwest corner thereof;

Thence Southerly along said West line 360.00 feet to the True Point of Beginning;

AND EXCEPT that portion thereof lying Southerly and Westerly of the State Highway right-of-way.

AND EXCEPT that portion deeded to the County of Benton, State of Washington, under Quit Claim Deed, recorded October 10, 1968, under Auditor's File No. 595151, records of Benton County, Washington;

AND EXCEPT State Highway right-of-ways;

AND EXCEPT those portions acquired by the State of Washington under eminent domain proceedings filed in Benton County Superior Court Cause No. 82-2-00869-6;

AND EXCEPT that portion conveyed to Benton County for road purposes under Auditor's File No's. 92-16778, 92-16779, 93-1864, and 93-1871.

**Parcel "B":**

All of Section 32, Township 9 North, Range 28 East, W.M., Benton County Washington;

EXCEPT that portion deeded to the County of Benton, State of Washington, under Quit Claim Deed, recorded October 10, 1968, under Auditor's File No. 595151, records of Benton County, Washington;

AND EXCEPT that portion thereof lying Southerly and Westerly of the State Highway right-of-way.

AND EXCEPT State Highway right-of-ways;

AND EXCEPT those portions acquired by the State of Washington under eminent domain proceedings filed in Benton County Superior Court Cause No. 82-2-00869-6;

AND EXCEPT that portion conveyed to Benton County for road purposes under Auditor's File No's. 92-16778 and 92-16779;

AND ALSO EXCEPT any portion lying within Short Plat 2465.

**Parcel "C":**

Section 33, Township 9 North, Range 28 East, W.M., Benton county, Washington, EXCEPT that portion thereof lying Northerly and Easterly of the following described line:

Beginning at the Northwest corner of said section;  
Thence South 02°34'20" West, 1330.20 feet along the West line of said section to the True Point of Beginning;  
thence South 77°57'14" East, 2389.11 feet;  
thence South 83°23'24" East, 1450.14 feet;  
thence South 48°00'49" East, 1013.41 feet;  
thence South 28°44'51" East, 566.24 feet;  
thence North 88°55'28" East, 380.42 feet to the East line of said section and the terminus of said line, said point bears South 00°45'19" West, 3237.80 feet from the Northeast corner of said section.

(Also known as Tract 4 of Survey recorded August 31, 1998, under Recording No. 1998-025706, records of Benton County, Washington.)

EXCEPT State Highway right-of-way;  
AND EXCEPT those portions acquired by the State of Washington under eminent domain proceedings filed in Benton County Superior Court Cause No. 82-2-00869-6;

**Parcel "D":**

Section 4, Township 8 North, Range 28 East, W.M., Benton County, Washington,  
EXCEPT that portion lying within the plat of EL RANCHO REATA NO. 3, according to the Plat thereof recorded in Volume 12 of Plats, Page 42, records of Benton County, Washington,  
ALSO EXCEPT State highway right-of-way conveyed under Recording No. 870597, records of Benton County, Washington;  
AND EXCEPT that portion lying southerly of the Reata Road right of way  
AND EXCEPT that portion lying within the Plat of REATA RIDGE  
AND EXCEPT the South 420 feet of the Southeast quarter thereof;  
AND ALSO EXCEPT that portion conveyed to Benton County by deed recorded May 1, 2007, under Auditor's File No. 2007-013594, records of Benton County, Washington.

**Parcel "E":**

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 1154.11 feet along the South line of said Section to the True Point of Beginning;  
Thence North 00°38'28" West, 310.56 feet;  
Thence South 89°21'30" West, 1103.84 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, recorded February 13, 1979, under Auditor's File No. 783437, records of Benton County, Washington;  
AND EXCEPT State Highway right-of-way;  
AND EXCEPT that portion conveyed to Benton County for road purposes under Auditor's File No's. 92-16778 and 92-16779;  
AND ALSO 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;

**EXHIBIT B**  
To  
MASTER AGREEMENT  
ENVIRONMENTAL MITIGATION CONDITIONS

1. To mitigate potential **Erosion and Soil Stability** impacts during construction:
  - 1.1 Implement erosion control measures per City of Richland requirements.  
Provide vegetative cover on exposed soils as soon as practicable following clearing and grading.
  - 1.2 Water exposed areas during construction in accordance with local air-quality agency requirements.
  - 1.3 Compact soils at densities appropriate for planned land uses.
2. To mitigate **Air Quality** impacts during construction, develop a dust control plan prior to construction and comply with applicable Benton County Clean Air Authority's Fugitive Dust standards.
3. To mitigate **Surface Water** impacts, use the Washington State Department of Ecology's Stormwater Management Manual for Eastern Washington for Hydrologic and Hydrology design. All stormwater improvements are identified, sized and related to development activity in identified basins. A treatment BMP shall be used for each entire pond basin or individual BMPs shall be used on a project by project basis.
4. To mitigate **Noise** impacts from construction, comply with existing city noise regulations.
5. To mitigate **Transportation** impacts the following mitigation measures will be taken:
  - 5.1 Traffic mitigation measures for the first 1000 PM peak hour trips is as follows (for transportation impact purposes this is known as Phase 1):
    - 5.1.1 Dallas Road  
Phase 1 of the Badger Mountain Subarea is expected to add roughly 900 trips to Dallas Road just north of the I-82 ramps during the PM peak hour, and over 9,400 daily trips. While Dallas is currently a high speed, low-volume road with significant excess capacity, the additional volumes would require the roadway to be widened to a four-lane cross section between the site and the I-82 WB ramp intersection. Dallas Road north of the site should be adequate as a two-lane section.  

*Mitigation Trigger:*

Lanes will be added when Dallas Road intersections require them due to LOS deficiencies. Further analysis will occur at the 1,000 p.m. peak trip level and every 500 p.m. peak trip level thereafter.
    - 5.1.2 Dallas Road and Project Access  
While the access configurations are not known at this time, some preliminary analysis indicates that a major project access could require dual left turn lanes for the westbound approach. Dallas Road would require left turn lanes at project entrances, and right turn lanes would be advisable.  

*Mitigation Trigger:*

Further analysis will occur at the 1,000 p.m. peak trip level and every 500 p.m. peak trip level thereafter. Specific site improvements will occur to meet the City of Richland's adopted LOS.

#### 5.1.3 Dallas Road and I-82 EB Ramps

This intersection would see heavy delays for the left turn from the off ramp onto Dallas Road. MUTCD Warrant 3 is met for the PM peak hour. Recommended mitigation for this intersection is widening on Dallas Road for a left turn lane for the southbound to eastbound turn onto the on ramp. In addition, the eastbound off-ramp approach should be widened for a separate left turn lane. Finally, the intersection should be signalized.

##### *Mitigation Trigger:*

Turn lane improvements shall be made when at the 600 p.m. peak trip level and the traffic signal shall be installed at the 750 p.m. peak trip level.

#### 5.1.4 Dallas Road and I-82 WB Ramps

While this intersection would meet MUTCD Warrant 3 for the PM peak hour, delays at this location would not be as severe as at the I-82 EB ramp intersection. Recommended improvements include a free right turn lane for the I-82 WB off ramp approach (this movement becoming the additional travel lane required on Dallas between I-82 and the project as listed above), and a free right turn drop lane for the turn from Dallas onto the NB on ramp. Finally, the eastbound Dallas approach should be widened for a left turn lane for the eastbound left turn onto the on ramp. This would be a continuation of the left turn lane widening for the EB ramp intersection (continuous 3-lane section for Dallas between the two ramp intersections, assuming adequate space is available under the I-82 overpass). This intersection should be monitored for signal warrants as the project develops.

##### *Mitigation Trigger:*

Improvements shall be constructed when at the 600 p.m. peak trip level. Further analysis of traffic signal warrants will occur at the 1,000 p.m. peak trip level and every 500 p.m. peak trip level thereafter.

#### 5.1.5 Dallas Road and Badger Mountain Parkway

At the start of Phase 1, this intersection should have additional left turn lanes and right turn pockets on Dallas Road. The intersection could operate adequately with stop control for Badger Mountain Parkway at roughly up to 60% of Phase 1 volumes, or 7.5% of full build out. At higher volumes, a signal should be considered to mitigate delays. At full build out this intersection should be widened with separate lanes for all turning movements, and dual left turn lanes for the westbound approach.

##### *Mitigation Trigger:*

At the start of Phase 1, this intersection should have additional left turn lanes and right turn pockets. The intersection could operate adequately with stop control for Badger Mountain Parkway at up to the 600 p.m. peak trip level. At that level of development, a traffic signal shall be constructed. At full build out this intersection should be widened with separate lanes for all turning movements, and dual left turn lanes for the westbound approach. Further analysis will occur at the 1,000 p.m. peak trip level and every 500 p.m. peak trip level thereafter.

#### 5.1.6 Queensgate Drive & I-182 EB Ramps

This intersection should perform adequately with project traffic assuming WSDOT improvements are in place.

5.1.7 Leslie Road & Badger Road

This intersection is to be reconstructed from its current all-way stop configuration to a roundabout, as listed in the City of Richland TIP. Performance at this intersection is expected to be adequate at LOS B.

5.2 Transportation Mitigation beyond Phase 1 of Badger Mountain South

Analysis of on-site mitigation improvements will be tied to each new 500 peak p.m. trips generated within in Badger Mountain South and as follows:

5.2.1 Badger Mountain Parkway

Badger Mountain Parkway will be completed at a rate that will cause full completion to occur on or before 50% development of the entire Badger Mountain South site, i.e., 10% of site development will trigger 20% of parkway to be completed.

5.2.2 Market Street

Market Street will be completed on or before 50% build out of the East Market neighborhood.

5.2.3 Orchard Green Parkway

Orchard Green Parkway will be completed on or before 50% build out of the South Orchard neighborhood.

5.2.5 Local and Collector Streets

Improvements within Badger Mountain South will be made on a project-specific basis to serve the project and foster connectivity within and among neighborhoods, using the road standards identified in the LUDR and providing two avenues of access to each residential structure.

5.3 For off-site improvements beyond Phase 1:

After the Phase 1 threshold has been reached, and the Phase 1 improvements constructed, a Traffic Impact Analysis (TIA) will be provided to the city by the master developer at every point when 500 p.m. peak hour trips are generated from the Badger Mountain South development. The analysis shall be made using the city's traffic impact formulas for general applicability throughout the city that are in effect at the time the need for the TIA is triggered. The master developer will pay its fair share of improvements that are identified in the TIA as being needed to mitigate the effects of the additional 500 p.m. peak hour trips. The fair share payment shall be paid within 30 days after the city's acceptance of the TIA.

6. To mitigate **Potable Water** impacts the following mitigation measures will be taken:

6.1 Service to Badger Mountain South will require both on-site and off-site water system improvements.

6.2 A list of all of the proposed improvements is as follows:

- Approximately 1.0 Million gallons of water storage facilities located on the west side of Badger Mountain

New Tapteal 4 Pump Station located near the west end of the existing City distribution system.

Approximately 1.0 Million gallons of water storage facilities located on the east side of Badger Mountain

- New Tapteal 4 Pump Station located near the end of Meadow Hills Drive
- Two wholesale water distribution connections from the City's water system to the BMID distribution system.
- Approximately 2,300 lineal feet of 20" water mains, 600 feet of which is within Badger Mountain South and 1,700 feet off-site.
- Approximately 40,700 lineal feet of 16" water mains, of which 25,000 lineal feet is within Badger Mountain South, 10,500 feet is off site but intended to serve Badger Mountain South, and 5,200 feet is off site and principally intended to serve the Wilson properties, as identified in the BMS SubArea Plan.
- Approximately 39,300 lineal feet of 12" water mains, of which 23,000 lineal feet is within Badger Mountain South, 5,500 feet is off site but intended to serve Badger Mountain South, and 10,800 feet is off site and principally intended to serve the Wilson properties, as identified in the BMS SubArea Plan.
- Approximately 6 Pressure Reducing Valves (PRV's) to maintain separation between BMID Zone 1 and BMID Zone 3.

Upstream improvements to the pumps and pipes in Tapteal 1, 2 and 3 as identified in the City's water model.

6.3 Improvements will be constructed in phases as development progresses. All proposed improvements will be designed and constructed in accordance with the City of Richland standards.

6.4 Additional techniques will be used to reduce water consumption overall in the development of the Badger Mountain South master planned community. First, incorporating the use of xeriscaping techniques including the use of native and other drought tolerant plants that have adapted to dry conditions and require less water once established. Second, residential and commercial structures will include low-flow and water-efficient appliances. Developers of commercial structures will be encouraged to consider the use of "green roofs" or "cool roofs" on their buildings. All private homeowners associations will be provided education materials for their membership that identifies household water conservation methods.

7. To mitigate **Sanitary Sewer** impacts the following mitigation measures will be taken: The Badger Mountain South development will require 10 different capital improvements to mitigate the impacts to the City of Richland's current sewer system. The need for these improvements is triggered by the addition of new customers to the sewer system. Each project as identified below is triggered by a different number of equivalent residential units (ERU's). One ERU is defined as 200 gallons per day. Capital improvement projects were identified for all offsite improvements and for all on-site improvements resulting in a sewer pipe diameter of 10" or larger. Following are the capital improvements:

7.1 On-site improvements include 3,000 lineal feet of new 15" sewer that conveys flows from the West Vineyard and West Village Basins to the Badger West Lift Station. Off-site

improvements include 15,000 lineal feet of new 10" forcemain (or equivalent) to convey flows from the Badger West Lift Station to the west end of Strawberry Roane Lane in the Country Ridge Subdivision. The need for this project is triggered by development in the Badger West Basin.

7.2 On-site improvements include the Badger East Lift Station, approximately 6,900 lineal feet of 8" forcemain (or equivalent), and 4,200 lineal feet of new 10", 15", and 18" sewers. The need for this project is triggered by development in the Badger East Basin.

7.3 On-site improvements include 2,600 lineal feet of new 10" sewer and 1,900 lineal feet of new 12" sewer that convey flows from Wilson/Other Basin A, East Garden Basin, East Market Basin, and South Orchard Basin towards the Badger East Lift Station. The need for this project is triggered by development within tributary basins.

7.4 On-site improvements include 3,300 lineal feet of new 10" sewer that conveys flows from Wilson/Other Basin A towards the Badger East Lift Station. The need for this project is triggered by development within the Wilson Basin A.

7.5 Off-site improvements include 3,000 lineal feet of new 8" sewers to serve the Wilson/Other Basin B. The need for this project is triggered by development within Wilson Basin B.

7.6 Off-site improvements include the upsizing of 2,450 lineal feet of existing 8" sewers to 12", 18", and 21" sewers. The need for this project is triggered by the construction of 1,100 ERU's within the Badger Mountain Subarea.

7.7 Off-site improvements include the upsizing of 1,850 lineal feet of existing 8" sewers to 15", 18", and 21" sewers. The need for this project is triggered by the construction of 1,700 ERU's within the Badger Mountain Subarea.

7.8 Off-site improvements include the upsizing of 3,600 lineal feet of existing 12" sewers to 15", 18", 21", and 24" sewers. The need for this project is triggered by the construction of 2,000 ERU's within the Badger Mountain Subarea.

7.9 Off-site improvements include the upsizing of 3,700 lineal feet of existing 8" sewers to 12", 15", 18", & 21" sewers. The need for this project is triggered by the construction of 2,100 ERU's within the Badger Mountain Subarea.

7.10 Off-site improvements include the upsizing of 1,000 lineal feet of existing 15" and 21" sewers to 18", 24", & 27" sewers. The need for this project is triggered by the construction of 7,4 ERU's within the Badger Mountain Subarea.

8. To mitigate **Life Safety Services** impacts the following mitigation measures will be taken:

8.1 Two avenues of access will be provided to each residential structure to allow life-safety access.

8.2 All single family and duplex residential structures shall be constructed with a sprinkler system that meets NFPA standard 13-D.

8.3 A two-acre site for a new fire station facility will be dedicated in Badger Mountain South upon the city's determination that a new fire facility is needed.

9. To mitigate **Electrical Services** impacts the following mitigation measures will be taken:

9.1 A site up to two-acres in size and located in the northwest corner of Badger Mountain South, and adjacent to I-82, will be dedicated upon the city's determination that a new substation facility is needed.

9.2 Additional energy conservation measures are required for all development including:

- Achieve Energy Star certification applicable for the year of construction.
- Include passive and/or active means of allowing for both solar gain where used for passive solar heating as well as shading protection from unwanted solar gain.
- Include building space, conduits and roof support for future addition of solar hot water and PV systems on every building.
- Meet ANSI/ASHRAE/IESNA standards for all exterior lighting (Dark Sky Standards).
- Within residential structures, reduce energy demand for domestic hot water through the installation of either a solar hot water system or an on-demand hot water system.

10. To mitigate **Carbon Footprint** impacts the following mitigation measures will be taken:

10.1 Create development densities that support transit, walking and bicycling to reduce VMT and direct and indirect emissions from reduced parking facilities.

10.2 Develop with compact building design and mixed uses to reduce onsite fuel combustion emissions and purchased electricity consumption.

10.3 Require the planting of new street trees, establishing new greenways, and require solar-readiness in all development to reduce onsite fuel combustion emissions and purchased electricity plus enhance carbon sink.

10.4 Require the use of water conserving fixtures that exceed building code requirements and use drought-tolerant landscaping to reduce water consumption.

10.5 Require the use of low-VOC paints and building materials in all development to reduce fugitive emissions and indirect emissions.

10.6 Develop as a walkable and sustainable community in order to reduce sprawl and direct and indirect VMT.

11. To mitigate **School** impacts the following mitigation measures will be taken:

11.1 The school sites identified in the LUDR land use map as school sites and that are currently within the Richland School District, are intended to be used for the construction of two elementary schools and a middle school. By making these sites available for acquisition for the construction and operation of schools for the children intended to live within Badger Mountain South and the Richland School District (RSD) boundaries Nor Am has adequately mitigated the impacts of the Badger Mountain South development for school sites (Kennewick School District has already acquired a site from Nor Am that is located within Badger Mountain South as well as in the Kennewick School District that will service the children within Badger Mountain South if and when a school is constructed on the site). The sites within the Richland School District that are identified as school sites shall remain available for acquisition by the Richland School District, or such other entity as is authorized by the State of Washington to operate an elementary

school or middle school, until such time as Nor Am provides a census of the students living in the area with BMS and the RSD that shows there are currently children residing in that area that would reach 80 percent of the capacity of the average design capacity for then existing Richland School District Middle schools, in case of the Middle School site, and elementary schools in case of an elementary school site, not including portables. Nor Am will then give the Richland School District notice, with a copy to the City, of the census results, and the RSD, or such other entity as is authorized by the State of Washington to operate an elementary school, or middle school, shall then have two years to purchase the school site. The purchase price for the RSD shall not be more than the fair market value of the property at the time the census is provided to the RSD. If the RSD, or another entity authorized by the State of Washington to operate an elementary school or middle school, does not purchase the property within the two year period, then Nor Am may sell and/or develop the applicable school site for which the census applied, either for school purposes, or any other use permitted in the BMS-NG district or the Civic District.

11.2 The school site identified in the LUDR land use map as school site and that is currently within the Kennewick School District is intended to be used for the construction of an elementary school. By making this site available for acquisition for the construction and operation of a school for the children intended to live within Badger Mountain South and the Kennewick School District boundaries Nor Am has adequately mitigated the impacts of the Badger Mountain South development for school sites within the Kennewick School District. The Kennewick School District has already acquired the site from Nor Am.

**END OF MITIGATION CONDITIONS.**