

# INTRODUCTION HOW TO USE THE LUDR

# 1

Section 1 introduces the intent, purpose, applicability of the Land Use & Development Regulations (LUDR). The organization, use and submittal procedures are outlined.

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## 1.A INTENT

1. Badger Mountain South (BMS), a master-planned community of 1,480 acres is intended to develop with 5,000 homes, businesses and other commercial activities. The Badger Mountain South Land Use Development Regulations (LUDR) are intended to (1) implement the land use elements of the Badger Mountain South Master Agreement approved by the City of Richland City Council on December 7, 2010, and (2) realize the goals and objectives which apply specifically to BMS, of the Badger Mountain Subarea Plan, adopted by the City of Richland City Council on September 7, 2010.
2. All parcels within the defined boundaries of Badger Mountain South (BMS) are required to follow these regulations which control site design, quality, and compatibility between buildings. The standards of the LUDR further serve to establish and maintain the design character of BMS by describing urban form, building types and site design which reflect important aspects of the desired quality for the development. Persons proposing development must consult the LUDR standards in preparation of plans for review by the City.
3. The underlying principle to the LUDR is that uses, buildings and streets are interrelated so there is a strong emphasis in the LUDR on the public realm and on the physical form of buildings. This greater emphasis on the physical form of the built environment is intended to produce streets and other public spaces that are varied, safe and attractive, and to encourage the construction of buildings that enhance the character of the neighborhood and business areas. The LUDR is graphic-intensive and includes standards for site design and sustainability as well as graphic direction for height, siting, and building elements.
4. A map of the area of Badger Mountain South is shown in the illustration 1.E.
5. This document contains a number of should and shall statements. The intent is that should statements are desired items that will be reviewed during the design and incorporated as possible. Shall statements are requirement and revisions to these requirements require a deviation form the requirement be granted by the City.

## 1.B PURPOSE

1. The purpose of the LUDR is to:
  - a. Establish neighborhoods with a range of housing types to accommodate a population of diverse ages and incomes;
  - b. Promote health benefits of a walkable, pedestrian environment;
  - c. Establish mixed-use neighborhoods where daily activities can occur within walking distance of most homes;
  - d. Reduce traffic and congestion by creating a traditional neighborhood development street grid;
  - e. Improve the character and quality of the built environment;
  - f. Promote building and landscape design that conserve energy, water and other resources;
  - g. Promote lot and block orientation that accommodates passive solar capture; and
  - h. Conserve areas for parks, trails and open spaces by establishing a connected open space network.

## 1.C APPLICABILITY OF THE LUDR

1. All proposed development shall comply with all applicable LUDR and other Master Agreement provisions. No development permit or development approval shall be issued or approved by the city unless it complies with the applicable requirements of the LUDR and applicable provisions of the Master Agreement.
2. Relationship to the Richland Municipal Code
  - a. The LUDR, when accompanied with the other Master Agreement conditions, is designed to establish a set of City regulations that are specific to the Badger Mountain South Master Plan Community. As such, these more specific regulations regarding zoning districts, allowable land uses, permit requirements for allowable land uses, and site design and development standards, will be used instead of the corresponding regulations for other parts of the City. The City permit processing procedures set forth in the City Code will still be used (see LUDR Section 1.J), with the addition of the Master Agreement Consistency Determination process of LUDR Section 1.H.
  - b. All references to the RMC refer to the RMC as adopted and in effect on the date the LUDR is adopted by the city.
  - c. For subdivisions and short plats, the LUDR and Master Agreement substantive requirements, including the environmental mitigation conditions incorporated into the Master Agreement, shall be used for the review criteria, but the process requirements of RMC title 24 shall be followed along with the provisions of LUDR section 1.J. Compliance with the LUDR and Master Agreement substantive standards for subdivision and short plats shall be deemed to meet the approval criteria set forth in RMC 24.13.060 for short plats, and RMC 24.12.050 and 053, as well as RCW 58.17.100 and RCW 58.17.110.
  - d. For multifamily development containing an aggregate of 7 or more dwelling units regardless of the number of structures, commercial buildings and commercial building complexes, all civic buildings, and all development in a Special District, a site plan review is required. The LUDR and Master Agreement substantive requirements, including the environmental mitigation conditions incorporated into the Master Agreement, shall be used for the review criteria, but the process requirements of RMC chapter 23.48 shall be followed along with the provisions of LUDR section 1.J.
  - e. For binding site plans the LUDR and Master Agreement substantive requirements, including the environmental mitigation conditions incorporated into the Master Agreement, shall be used for the review criteria, but the process requirements of RMC title 24.14 shall be followed along with the provisions of LUDR section 1.J.
  - f. In some instances minor inconsistencies from the substantive requirements of the LUDR conditions may be acceptable if they meet certain criteria and represent an equivalent or superior design solution to what would otherwise be achieved by rigidly applying the specific requirements. The processing procedures for minor deviations from the LUDR are as set forth in Section 1.H.
3. Conditions in Addition to the LUDR. There may be additional conditions imposed by the Badger Mountain South Home Owners' Associations or Business Owners' Associations through Conditions, Covenants, and Restrictions that relate to land use and development activities such as, but not limited to, architectural style, colors, or other building features. These additional conditions are privately enforced and not subject to the LUDR.
4. Conflicts with Other Codes. Since the City has adopted regulations that are specific to the Badger Mountain South Master Plan Community, if there is a conflict between those specific City regulations applicable

to BMS and other City regulations, the BMS regulations shall control. Provided, however, this general principle shall not apply to the following:

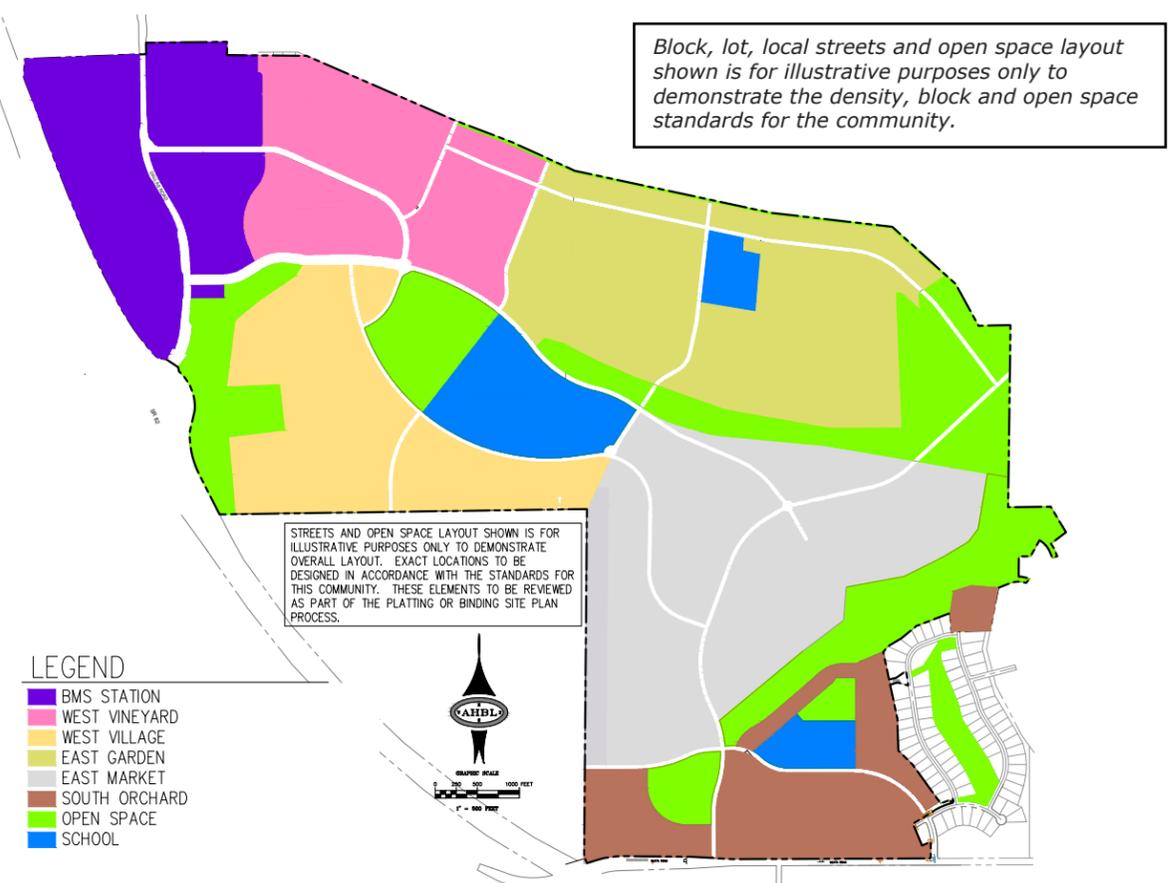
- a. Building Code, RMC Title 21
  - b. Life Safety Code, RMC Title 20
  - c. Electrical Code, RMC Title 14
  - d. Energy Code, Chapter 19.27A of the Revised Code of Washington.
  - e. Sensitive Areas Ordinance, RMC, Chapter 22.10
5. State, County, local agency and school district sites and facilities. The requirements of the LUDR shall apply to all sites and facilities in Badger Mountain South of the State of Washington, Benton County, and any school district or other local agency to the maximum extent allowed by law.
  6. Civic Buildings and Facilities. It is intended that the design quality and sustainability components of Civic buildings and facilities exceed the general standard for residential and commercial buildings within Badger Mountain South as set forth in the Building Type standards section 8.D and Sustainable Standards section 12.D.
  7. Terms. Capitalized terms used throughout the LUDR are defined in Section 14, Glossary. Those terms not defined in Section 14 shall be accorded their commonly accepted meanings. In the event of conflicts between these definitions and those of the RMC, those of the LUDR shall take precedence.

8. Diagrams and illustrations. Diagrams, photographs and illustrations are an integral part of the LUDR and are used to help explain the guidelines and standards. When in conflict, written text shall take precedence over graphic metrics.
9. Appeals. Any decision or determination made by a city official in the administration or application of the provisions of the LUDR may be appealed in the same manner as provided in RMC Section 23.70.1. Responsibility for Administration.
10. Document Intent. The LUDR is intended to be a living document that will evolve to meet market and site conditions as well as ensure the project is constructed in the desired sustainable, walkable, and green manner. The intent is that the most current LUDR be used to evaluate permit applications and projects are not vested to a current version of this document.

## 1.D ADMINISTRATION

The LUDR shall be administered by the Richland City Manager or his/her designee. The Richland City Council "Council", Planning Commission "Commission" and Development Services Manager "Director" also have designated rolls related to the implementation of the LUDR and are collectively referred to in the LUDR as the "review authority".

## 1.E ILLUSTRATIVE PLAN OF BADGER MOUNTAIN SOUTH



## 1.F REGULATING PLAN AND DISTRICTS

### 1. Districts and Their Purposes

The area subject to the LUDR shall be divided into the following districts which shall be applied to property within Badger Mountain South as shown on the Regulating Plan for Land Use and Urban Form, 2.B. The Urban Form Standards for Districts, other than Special Districts are included in Section 3. Special District Standards are included in Section 4. All district descriptions below are preceded by the appellation, BMS, which stands for Badger Mountain South.

- a. BMS-VMU District. The Village Mixed Use District is where mixed-use and multi-family residential buildings are intended to create a pedestrian-oriented urban fabric. The district provides for a variety of non-residential uses and a mix of housing types at higher intensities and densities. Besides accommodating community-serving buildings, it may also serve the daily convenience shopping and service needs of nearby residents. Building types include Civic/Institutional/Community Buildings, Neighborhood Goods and Services Buildings, Commercial/Mixed-use/Liner, Live/Work, Stacked Units and Row Houses. The landscape style is urban, emphasizing street trees and wide sidewalks.
- b. BMS-NC District. The Neighborhood Collector District is a residential district located in close proximity to parks, trails and greenbelts primarily along Collector streets and neighborhood entry points. It is intended to permit a variety of housing types at medium intensities and densities, with some opportunities for neighborhood-serving retail, businesses, services and cafes. Allowable building types include Civic/Institutional/Community Buildings, Neighborhood Goods and Services Buildings, Commercial/Mixed-use/Liner, Live/Work, Stacked Units, Row Houses, Courtyard Housing, Mansion Apartments and Duplexes. The landscape style is appropriate to a neighborhood with street trees and sidewalks, or when adjacent to a greenbelt, a wider landscaped treatment with a portion of the community's trail system.
- c. BMS- NG District. The Neighborhood General District is the primary residential district found in Badger Mountain South. It is intended to permit a variety of housing types at urban intensities and densities. Allowable building types include Civic/Institutional/Community Buildings, Courtyard Housing, Mansion Apartments, all in limited applications, as well as Duplexes, Cottage Courts, Single-Family House, both with alley are limited street access garages and Accessory Units. No house in the BMS-NG District is intended to be farther than three blocks from any park, mini park or other type of open space. The landscape style is appropriate to a neighborhood with street trees and sidewalks.
- d. BMS-NE District. The Neighborhood Edge District is the most restrictive residential district in Badger Mountain South. It is intended to allow a variety of low density and low intensity Single-Family Houses and Accessory Units on larger lots. The landscape style is appropriate to a neighborhood with street trees and sidewalks.

- e. BMS-CIVIC District. The Civic District is intended to accommodate the open space, parks, trails, schools and other civic and community facilities in Badger Mountain South. With the exception of the school site located in the South Orchard neighborhood, school sites are intended to be held in reserve for a neighborhood school until the school district determines the site is not needed or it is used for the development of a private school. If reserved school sites do not develop as schools, other civic or housing uses will be developed there. Standards for civic facilities are intended to create places that are models of sustainable design and development.
- f. BMS-SD-SR District. The Special District - Specialty Retail is intended to be an area for commercial activity that provides an attraction for local, regional and state-wide visitors by accommodating the growing interest in local and regional agricultural products, in particular the state wine industry. It allows wineries and wine making, other retail and commercial, as well as hospitality uses and services. It is intended to develop with an integrated site and amenity design in order to become a community gathering place with its own distinct style.
- 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.
- h. BMS-SD-DR District. The Special District - Destination Retail -is applied to properties that lie west of Dallas Road. It is intended to become a notable gateway into the city from Interstate 82 by providing an integrated development concept that can accommodate higher intensity development. Development includes a mix of pedestrian-scale retail, big box retail, restaurant, entertainment, vehicle services and urban housing in live/work or commercial mixed-use structures. The landscape style is urban with street trees, sidewalks and landscape parking areas with internal pedestrian connectivity.

## 1.G LAND USES

### 1. Allowed Land Uses.

- a. A parcel or building in Badger Mountain South shall be occupied by only the land uses identified in Section 2.C. Land Use Table, within the district applied to the site by the Regulating Plan for Land Use and Urban form, Section 2.B. Each land use listed in Section 2.C. is defined in Section 14, Glossary.
- b. Any one or more land uses identified in Section 2.C. Land Use Table, as being allowed within a specific district may be established on any parcel in the district subject to the requirements as listed and the permit requirements of the RMC.

### 2. Unclassified Uses.

A land use that is not listed in Section 2.C. is not allowed, except as otherwise provided in section 1G.3.

### 3. Similar and compatible uses.

- a. The Director may determine that a proposed use not listed in Section 2.C. is allowable in compliance with the RMC procedure for similar use determinations; see RMC 23.08.065.
- b. When the Director determines that a proposed, but unclassified, use is similar to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards of the LUDR and Master Agreement apply.

### 4. Additional City approval requirements.

- a. Any land use identified in 2.C. may require other City permits, licenses, and approvals, including but not limited to a building permit.
- b. Allowable land uses for each lot shall be shown on the plat documents.

## 1.H BMS MASTER AGREEMENT CONSISTENCY DETERMINATION

1. In order to assure that all development activity within Badger Mountain South is consistent with the Master Agreement and the LUDR, all City permits and other approvals for any development within Badger Mountain South, including building permits, must include a Master Agreement Consistency Determination (BMS-MACD) issued by the Planning Manager. A level 1 BMS-MACD is required for all development applications, including building permits, except for final plat approval and issuance of a Certificate of Occupancy. A level 2 BMS-MACD is required for final plat approval and issuance of a final Certificate of Occupancy. The level 2 BMS-MACD can be issued by the City, even if bonding of certain improvements is allowed in lieu of immediate construction, or a temporary certificate is issued, subject to completion of punch list items, so long as the BMS-MACD finds that the development will be consistent with the Master Agreement and LUDR conditions upon the satisfactory completion of the bonded improvements in case of a final plat, and the punch list items in case of a Certificate of Occupancy.
2. All builders/developers are strongly encouraged to attend a pre-application meeting with the Badger Mountain South Master Plan Administrator (BMS-MPA). The BMS-MPA is designated by the Badger Mountain South Master Agreement to provide guidance to builders/developers on how to apply the provisions of the LUDR to land use development applications.
3. The purpose of the pre-application meeting is to provide a roadmap through the LUDR provisions that apply to a proposal, identify possible changes to a proposal to meet the BMS intent, receive information on the application submittal and next steps, and to answer any other questions.
4. A pre-application meeting should occur early in the planning phase when a project proposal is defined enough to provide conceptual plans but still flexible to consider recommendations from the BMS-MPA.
5. The purpose of the BMS-MACR is to provide a written recommendation to the City of Richland Development Services Department that the application/submittal is or is not consistent with the terms and conditions of the BMS Master Agreement and compliant with the provisions of the LUDR. Approvals in accordance with the LUDR are an administrative review unless otherwise noted.
6. The BMS-MPA will provide the City and the applicant a BMS-MACR, or if the submittal is found to be inconsistent, will work with the applicant to identify options that meet the LUDR requirements and the applicant's intent. If the proposal is found to be inconsistent with the LUDR, the BMS-MACR will identify both areas of consistency and areas of inconsistency.
7. In some instances minor inconsistencies from the substantive requirements of the LUDR standards may be acceptable if they meet certain criteria and represent an equivalent or superior design solution to what would otherwise be achieved by rigidly applying the specific requirements. Minor deviations to the LUDR may be approved by the Administrative Official following the City's minor amendment process under it's Planned Unit Development Code (RMC 23.50.070).
8. A Level 2 BMS-MACR is required prior to final plat approval or issuance of Certificate of Occupancy. A Level 2 BMS-MACR ensures that the final submittal meets the Master Agreement and LUDR requirements. A Level 2 BMS-MACR will be provided to the City of Richland Development Services Department to be evaluated along with the applicant's other RMC required submittals.

## 1.I HOW TO USE THE LAND USE AND DEVELOPMENT REGULATIONS

1. The LUDR provides guidance for anyone wanting to develop or build within the Badger Mountain South community. Although complementary to the Richland Municipal Code (RMC), it is organized differently than the RMC. This section of the LUDR explains how to use the code provision contained here.
2. No matter what type of development is proposed, always start with Section 2, Urban Form Districts, Land Uses and Building Types. In Section 2.B, the Regulating Plan for Land Use and Urban Form, is the regulating map of Districts that govern the types of buildings that can be built and the types of uses that can be established.
3. Section 2.C, the Land Use Table, shows broad categories of uses that are allowed in each of the districts. Definitions of each use listed with typical examples are included in Section 14, Glossary.
4. Section 2.D, Building Types Table, lists 12 types of buildings that may be constructed and in which district each Building Type is permitted. Photographs of each Building Type are provided in Section 2.E as illustrative examples.
5. The remainder of the LUDR, Sections 3 through 13, identifies standards that apply to development activity including plats, subdivisions, site plans and building. Not all subsequent sections apply to every type of development activity.

## 1.J SUBMITTAL REVIEW PROCESS

Submittal Review Process							
Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
<b>Plat or Subdivision (Refer to Section 1.C.2.c)</b>							
Pre-application meeting with MPA to discuss use and compliance with LUDR and Master Agreement.	Prepare Preliminary Plat application using LUDR and Master Agreement standards and RMC Chapter 24.12 requirements.	Submit Preliminary Plat application to City; City forwards a copy to MPA for Level 1 BMS-MACR.	MPA reviews application for consistency with Master Agreement and LUDR; Level 1 BMS-MACR issued to applicant and City.	Follow City Preliminary Plat Process.	Submit Final Plat application to City; City forwards a copy to MPA for Level 2 BMS-MACR.	MPA reviews application for consistency with Master Agreement and LUDR; Level 2 BMS-MACR issued to applicant and City.	Follow City Final Plat Process.
<b>Short Subdivision (Refer to Section 1.C.2.c)</b>							
Pre-application meeting with MPA to discuss use and application of the LUDR and Master Agreement.	Prepare Short Subdivision application using LUDR and Master Agreement standards and RMC Chapter 24.13 requirements.	Submit Short Subdivision application to City; City forwards a copy to MPA for Level 1 BMS-MACR.	MPA reviews application for consistency with Master Agreement and LUDR; Level 1 BMS-MACR issued to applicant and City.	Follow City Short Subdivision Process.			
<b>Binding Site Plan (Refer to Section 1.C.2.e)</b>							
Pre-application meeting with MPA to discuss use and compliance with LUDR and Master Agreement.	Prepare Binding Site Plan application using LUDR and Master Agreement standards and RMC Chapter 24.14 requirements.	Submit Binding Site Plan application to City; City forwards a copy to MPA for Level 1 BMS-MACR.	MPA reviews application for consistency with Master Agreement and LUDR; Level 1 BMS-MACR issued to applicant and City.	Follow City Binding Site Plan Process.			
<b>Site Plan Review (Refer to Section 1.C.2.d)</b>							
Pre-application meeting with MPA to discuss use and compliance with LUDR and Master Agreement.	Prepare Site Plan application using LUDR and Master Agreement standards and RMC Chapter 23.48 requirements.	Site Plan application to City; City forwards a copy to MPA for Level 1 BMS-MACR.	MPA reviews application for consistency with Master Agreement and LUDR; Level 1 BMS-MACR issued to applicant and City.	Follow City Site Plan Review process.			
<b>Building Permit</b>							
Pre-application meeting with MPA to discuss use and compliance with LUDR and Master Agreement.	Prepare Building Permit Application using LUDR and Master Agreement standards.	Submit Building Permit application to City; City forwards a copy to MPA for Level 1 BMS-MACR.	MPA reviews application for consistency with Master Agreement and LUDR; Level 1 BMS-MACR issued to applicant and City.	Follow City Building Permit application process.	Level 2 BMS-MACR issued prior to issuance of a Certificate of Occupancy.		