

**BEFORE THE HEARING EXAMINER
FOR CITY OF KENNEWICK**

In the Matter of the Application of)	
Southridge Village, LLC Randy Mendenhall)	No: PRD 16-01/PLN-2020-03065
for Preliminary Plat Approval)	AMENDED DECISION
<u>Village at Southridge (PP 16-03)</u>)	

SUMMARY OF AMENDED DECISION

Southridge Village LLC. is granted an amendment to PRD 16-01 and PP 16-03. The amendment allows elimination of 16.8 acres from PRD 16-01 and the elimination of the uses that were designated to be developed on this acreage. The eliminated uses are the independent living facility, assisted living and rehab facilities and the cottage homes. With the loss of this acreage, and, in order for PRD 16-01 to comply with the open space requirements of KMC 18.45.060, seven of the undeveloped residential lots of the PP 16-03 must be converted into open space tracts. This results in the number of approved single-family lots of the 4 phased Village at the Southridge being reduced from 154 to 147 lots.

INTRODUCTION

On October 10, 2016, the City of Kennewick Hearing Examiner approved PRD 16-01 and PP 16-03. The approved Planned Residential Development (PRD) included: a four-phased preliminary plat with single-family lots (Village at Southridge, PP 16-03); 16 cottage lots: an independent living facility; an assisted living facility; and a rehab facility. The general description of the PRD is south of Ridgeline Drive and west and east of Sherman Street, Kennewick, Washington.

Southridge Village LLC. (Applicant) has requested an amendment to PRD 16-01, which would eliminate 16.8 acres from PRD 16-01, and, would result in the elimination of the uses that designated to be developed as the independent living facility, the assisted living and rehab facilities and the cottage homes. The area proposed to be eliminated from the PRD is located south of Ridgeline Drive and at the east of S. Sherman Street. Parcel Nos. 1-1789-408-0005-001, 1-1789-409-0008-001. The legal description of the proposed removed area is set forth in the staff report (admitted as exhibit 1 at the hearing).

Hearing

A hearing on the application was held before the Hearing Examiner of the City of Kennewick on December 14, 2020. The hearing was held online and all parties were given notice of the hearing and the venue.

Witnesses

The following presented testimony at the public hearing:

- Mr. Anthony Muai-Planning Department
- Mr. Caleb Stromstad-Applicant's Representative

Exhibits

The following exhibits were presented and admitted into evidence at the hearing:

1. Staff Report
2. Application
3. Notice of Application-Public Hearing/Mailing List
4. Vicinity Map
5. Approved Planned Residential Development Drawing
6. Planned Residential Development Drawing with adjustment
7. Outside Agency Comments
8. PRD 16-01 & PP 16-03 Hearing Examiner Decision
9. Hard copy of Power Point Presentation

Upon consideration of the testimony and exhibits submitted at the open record hearing, the Hearing Examiner enters the following Findings and Conclusion

FINDINGS OF FACT

1. On October 10, 2016, the City of Kennewick Hearing Examiner approved PRD 16-01 and PP 16-03. The approved PRD included a four-phase preliminary plat {Village at Southridge (PP 16-03)} that included 16 cottage lots, an independent living facility, an assisted living facility, and a rehab facility. *Exhibit 8*. Subsequent to the Hearing Examiner's approval, a minor plat alteration was approved on November 2, 2018, which altered the lot width layout of some lots in phases 2, 3 and 4. In addition a minor alteration was approved on November 2, 2018. Neither of the alterations are relevant to the request. *Exhibit 1, pg. 3; Testimony of Mr. Muai*.
2. The subject parcel was annexed into the City in April 2006. At the time of the annexation the parcel was given a Residential Medium Density (RM) zoning designation (Ord. 5142). The RM designation remains in effect. *Exhibit 1, pg. 4* The adjacent properties to the south, east and north across Ridgeline Drive and east of S. Sherman are zoned RM and are developed with single-family homes, or have preliminary plat approval for future single-family homes. Directly to the west of the site is vacant land that is also zoned RM. North of the site, across future Ridgeline Drive and west of S. Sherman Street, is Residential Low Density (RL) property that is being developed with single-family homes. The City Planning Department submitted that the requested major adjustment to PRD 16-01 will be harmonious with the surrounding properties. *Exhibit 1, pg. 6; Testimony of Mr. Muai*.
3. At the time of PRD 16-01 approval, the Applicant did not own 16.75 acres of the approved PRD. Because this property was a necessary tract for the PRD, a condition of approval (Condition #6) was included as part of the Hearing Examiner's Decision for Preliminary Plat 16-03 and Planned Residential Development Permit 16-01. The condition required that if the 16.75 acres were not owned by the Applicant at the time of application for final plat approval of phase 4, an alteration to PP 16-03 would be required to ensure that the 15% open space requirement was met. *Exhibit 1, pg. 4; Testimony of*

Mr. Muai. Subsequent to the Hearing Examiner approval, the Applicant purchased the required land within the boundary of PRD 16-01. *Testimony of Mr. Muai*

4. With the instant application, the Applicant has indicated that instead of developing the eastern portion of the PRD, the intent is to sell that part of the approved PRD. Because this portion of the PRD was included in the calculations for open space determination, the Applicant must make major changes to the approved PRD and PP. These changes are reflected in the modification application. They include recalculation of open space within the entire PRD and changes of uses of PRD 16-01 and PP 16-03. There is sufficient land to satisfy the open space provision, however some of the uses will be withdrawn. *Testimony of Mr. Muai*
5. The first two phases of the Village at Southridge Plat have received final plat approval and have resulted in creation of 64 single-family platted lots. *Exhibit 1, pg. 3; Testimony of Mr. Muai.* Two phases of the Village at Southridge Plat remain to be developed and finalized. *Testimony of Mr. Muai*
6. After final plat approval of the first two phases of the Village at Southridge Plat, the Applicant requested a major adjustment to PRD 16-01 with the removal of 16.76 acres from the total area of the approved PRD. The 16.76 acres are projected to be sold and thus the portion of the PRD to be removed would eliminate the locations of the cottage lots, the independent living facility, the assisted living facility, and rehab facility within the PRD. *Exhibit 2; Exhibit 1, pg. 3; Testimony of Mr. Muai; Exhibit 9.*
7. In addition to the uses listed in Finding 5 that would not be developed, another amenity to the development that would be removed is an area that included open space necessary to satisfy the requirements of *KMC 18.45.060*. In order to comply with the open space requirements of *KMC 18.45.060*, the Applicant proposed conversion of seven of the undeveloped residential lots of the PRD into open space tracts. This would result in the number of single-family lots of the 4 phased Village at the Southbridge being reduced from 154 to 147 lots. The alteration does not increase the number of lots within the subdivision beyond the number approved in the original approval of the preliminary plat. The configuration of the new PRD boundary would contain 5.24 acres of common open space with 34.5 acres of gross land area. The adjusted open space would be 15.19% of the proposed PRD. Does not decrease the aggregate area of open space within PP 16-03. The proposed open space plan is depicted in the Planned Residential Development PRD Amendment, which was admitted as Exhibit 6 at the Hearing. The open space requirements and ordinances of the City have been reviewed with the alteration request and the standards are satisfied. *Testimony of Mr. Muai; Exhibit 1, pg.4; Exhibit 6.*
8. While the Kennewick Table of Residential Development Standards (*KMC 18.12.010 A.2*) do not require an RM zoning district property to have a minimum density requirement, there is a maximum density requirement. PRD development standards in *KMC 18.45.050(4)* allow a 20 percent density increase. The current PRD proposes a

- density of 7.9 units per acre. The proposed major adjustment will reduce the density to 4.3 units per acre. *Testimony of Mr. Muai*
9. Traffic impacts were identified during the initial review of PRD 16-01 and PP 16-03. These impacts will be reduced with the removal of the housing units in the independent living, assisted living and rehabilitation facilities that would have been constructed in the 16.76 acres of the original PRD boundary. The number of residential lots will also be reduced. *Exhibit 1, pg.4; Testimony of Mr. Muai*
 10. As part of the original review of PRD 16-01 a “Comprehensive Stormwater Plan” was approved by the City. The Plan addressed stormwater of the entire plat prior to approval of phase 1 construction plans. Design calculations per City standards were approved for phases 1 and 2 and will be required for the other phases of the plat at the time of Civil preliminary review. *Exhibit 1, pg. 5; Testimony of Mr. Muai*
 11. Specific water and sewer requirements were outlined in the Hearing Examiner October 10, 2016 Decision of PRD 16-01 and PP 16-03. With the requested deletion of the acreage from the PRD the existing 8-inch sanitary sewer at the intersection of Ridgeline Drive and S. Nelson Street (formerly S. Penn Street) will no longer be needed for PRD 16-01. An existing 12-inch water main at the westerly end of W. 38th Avenue will serve the development above the 810-foot elevation, and, a 16-inch water inside a waterline easement will serve the development above the 810-foot elevation west of S. Nelson Street (formerly S. Penn Street) remain. *Exhibit 1, pg. 5; Exhibit 8*
 12. The entire site of the PRD 16-01 includes slopes that exceed 15% that have been designated as “Erosion Hazard” critical areas. A critical area report was required geologically hazardous areas on site¹ as part of the PRD 16-01 approval. *Exhibit 1, pg. 5*
 13. Park and recreational impacts were addressed in the PRD 16-01 and PP 16-03 Decision. *Exhibit 8*. There are no additional impacts to parks resulting from the proposed PRD adjustment. *Exhibit 1, pg. 6; Testimony of Mr. Muai*
 14. Schools for the use of residents of the development were identified and discussed in the PRD 16-01 and PP 16-03 Decision. *Exhibit 8*. There are no changes in this information with the adjustment. *Exhibit 1, pg. 6; Testimony of Mr. Muai*
 15. Common area maintenance was required pursuant to the original Hearing Examiner Decision of PRD 16-01. To implement the requirement a maintenance agreement for the Village at Southridge Phase 1 was recorded in Benton County (Auditor’s File number 2017-029284). An addendum that included the Village at Southridge Phase 2 was later recorded in Benton County (Auditor’s File number 2019-035896). Additional amendment(s) to the maintenance agreement will be required with the development of the additional phases of the PP 16-03. *Exhibit 1, pg. 6*

¹ KMC 18.62.06 f

16. Although there is an existing 20-foot-wide BPA access easement that crosses the southern lots of the PRD adjacent to a Kennewick Irrigation District canal, the land that is proposed to be removed from PRD 16-01 does not have the easement. The Applicant is cooperating with the BPA to provide an alternate access and have the existing access easement vacated. The existing BPA access easement must be vacated prior to final plat of any phase that includes lots that will be encumbered by the easement. *Exhibit 1, pg. 6*
17. Properties that were included in the original PRD approval were within boundaries of Kennewick Irrigation District (KID) easements. Approximately 14.92 acres are included in the acreage that would be removed as part of the amended PRD, *Exhibit 7, pg. 1*. KID submitted comments setting forth specific requirements for the removal of the acres from the PRD. The Applicant submitted that it is working with KID and will come to an agreement on the District's requirements. *Exhibit 7: Testimony of Mr. Stromstad*. The agreement must be reached as part of KID's authority.
18. Included in the original approval of PRD 16-01 and PP 16-03 were Findings of Fact setting forth that appropriate provisions, as part of the approved development, were made for the public health, safety, and general welfare. In addition, open spaces, drainage ways, streets or roads, alleys, public sidewalks, utility easements and other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation areas, playgrounds, schools and school grounds and the pedestrian safety of students were considered at that review. The Findings were based on the testimony and evidence submitted at the public hearing. No access points identified on the preliminary plat have been reduced, increased or significantly altered. A review of those provisions has been made by the Kennewick Planning Department and it has been determined that the appropriate provisions required by the original approval will still be provided as necessary for future phased subdivisions of the amended PRD. *Testimony of Mr. Muai; Exhibit 1, Pg.7.*
19. The City submitted that the amendment request will not result in any alterations or amendments to Findings of Fact issued in the October 10, 2016 Decision of PP 16-03 and PRD 16-01. *Exhibit 1, pg. 7; Exhibit 8*. Those Findings supported that the approved PRD was consistent with, and generally conformed to the City's Comprehensive Plan, and implemented the goals and policies of the Comprehensive Plan.
20. The Kennewick Comprehensive Plan Urban Area Policy 3 reads:
Promote new growth consistent with the Comprehensive Land Use Map, the Capital Facilities Plan and the Capital Improvement Plan.
As noted in the October 10, 2016 Decision, single-family housing is a permitted use within RM zoned properties. The subject property can be served by City utilities. This Finding applies to all elements of the requested amendment. *Exhibit 8, Finding 29, pg. 10; Testimony of Mr. Muai.*
21. The Kennewick Comprehensive Plan Residential Goal 1 reads:

Guide the design of new residential developments to be compatible with adjacent residential areas.

The requested changes to the preliminary plat approval are consistent with the Comprehensive Plan Land Use and the development standards for Residential Medium RM zoning in Kennewick. There are no alterations to Finding 30 of the October 10, 2016, Decision. *Exhibit 8, Finding 30, pg. 10*

22. The Kennewick Comprehensive Plan Residential Goal 4 reads:

Encourage residential development only in urban areas where services can be provided.”

City water and sewer services are currently available at Ridgeline Drive, S. Nelson Street and W. 38th Avenue, which will serve the preliminary plat area. There are no changes to Finding 31 of the October 19, 2016 Decision. *Exhibit 8, Finding 31, pg. 10*

23. The Kennewick Comprehensive Plan RESIDENTIAL Policy 3 reads:

Incorporate residential design standards in new residential developments.

The preliminary plat for the site has been conditioned to comply with the City’s single family residential design standards. No changes to Finding 32 of the October 10, 2016 Decision is made. *Exhibit 8, Finding 32, pg. 11*

24. The Kennewick Comprehensive Plan Residential Policy 5 reads:

Provide provisions for parks, schools, drainage, transit, water, sanitation, infrastructure, pedestrian, and aesthetic considerations in new residential developments.

The requested amendment meets these provision requirements. *Exhibit 8.*

26. In addition to the above referenced Comprehensive Plan citations, the City Staff in its review considered the Kennewick Comprehensive Plan CRITICAL AREAS AND SHORELINE GOAL 3: which reads:

Regulate or mitigate activities in or adjacent to critical areas or the shoreline to avoid adverse environmental impacts.

The Staff submitted that a Critical Area Report with a plan for slope stabilization has been prepared for the project. Review will be made for approval prior to grading permits being issue. *Testimony of Mr. Muai; Exhibit 1, pg. 7*

27. The requested alteration does not result or cause the plat to be inconsistent with the Findings, Conclusions or Decision of the Hearing Examiner of October 10, 2016. *Exhibit 1, Staff Report; Testimony of Mr. Muai.*

CONCLUSIONS

Jurisdiction:

The Kennewick Hearing Examiner is granted jurisdiction to hear and decide preliminary plat applications pursuant to KMC 4.02.080 (1)(b) ii.

Criteria for Review:

The Hearing Examiner may approve an application for a preliminary plat only if the requirements of KMC Chapter 17.10 are satisfied. Included in these requirements is KMC 17.10.080: Provisions for Public Health, Safety, and Welfare which are:

- (1) The Hearing Examiner will inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. All plats will be reviewed to determine their conformance with the Comprehensive Plan, comprehensive water plan, utilities plan, and Comprehensive Park and Recreation Plan, and anything else necessary to assist in determining if the plat should be approved. Appropriate provisions must be made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, public sidewalks, utility easements and other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation areas, playgrounds, schools and school grounds, and shall consider all other relevant facts and other planning features that assure safe walking conditions for students who only walk to and from school. All relevant facts will be considered to determine whether the public interest will be served by the subdivision and dedication. If it is determined that the proposed plat makes such appropriate provisions, then the Hearing Examiner must approve the proposed plat. Dedication of land to any public body may be required as a condition of subdivision approval. The Hearing Examiner will not, as a condition to the approval of any plat, require a release from damages to be procured from other property owners.

RCW 58.17.033

Proposed division of land—Consideration of application for preliminary plat or short plat approval—Requirements defined by local ordinance.

- (1) A proposed division of land, as defined in RCW 58.17.020, shall be considered under the subdivision or short subdivision ordinance, and zoning or other land use control ordinances, in effect on the land at the time a fully completed application for preliminary plat approval of the subdivision, or short plat approval of the short subdivision, has been submitted to the appropriate county, city, or town official.
- (2) The requirements for a fully completed application shall be defined by local ordinance
- (3) The limitations imposed by this section shall not restrict conditions imposed under Chapter 43.21C RCW.

KMC 17.10.100: - Application for Approved Preliminary Plat Alteration.

- (1) When any person desires the alteration of an approved preliminary plat, or portion thereof, an application must be filed with the City on a form supplied by it. The application must include the signatures of a majority of the owners of the lots, tracts, parcels, sites or divisions in the division or portion to be altered and include a list of all owners within the division.

(2) If the division is subject to restrictive covenants, which were filed at the time of the approval of the division and the alteration would result in the violation of a covenant, the application must be signed by all parties subject to the covenants.

KMC 17.10.110: - Procedure for Approved Preliminary Plat Alteration.

(1) Upon receipt of a completed application requesting an alteration of an approved preliminary plat, the City will notify all owners of the property within the division as provided in KMC 17.10.050. The Planning Director shall have the authority to determine whether a proposed alteration constitutes a minor or major alteration. The Planning Director shall have the authority to approve a minor alteration. The Planning Director shall determine an alteration is minor if the criteria listed in (a) through (f) below are met and issue a written decision on minor amendments that contain the following findings:

- (a) Does not decrease the aggregate area of open space within the proposed subdivision; and
- (b) Does not increase the number of lots within the subdivision beyond the number approved in the preliminary plat; and
- (c) Does not result in violation of adopted standards or regulations; and
- (d) Access points identified on the preliminary plat are not reduced, increased or significantly altered; and
- (e) Does not result or cause the subdivision to be inconsistent with the findings, conclusions or decision of the Hearing Examiner; and
- (f) May be granted if there are no proposed changes to the Hearing Examiner's conditions of approval.

The Planning Director may include conditions as part of an approval to ensure conformance with the above criteria.

(2) A proposed alteration that does not meet the above criteria shall be considered a major alteration and shall be processed as a new and separate application. The Hearing Examiner will conduct a public hearing and determine the public use and interest in the proposed major alteration and may deny or approve the application.

(3) If any land within the alteration is part of an assessment district, any outstanding assessments must be equitably divided and levied against the remaining lots, parcels or tracts, or be levied equitably on the lots resulting from the alteration.

(4) If any land within the alteration contains a dedication to the general use of persons residing within the division, such land may be altered or divided equitably between the adjacent properties.

18.45.060: - Open Space Standards.

Each PRD shall dedicate not less than 15 percent of the gross land area for common open space for the use of its residents. Common open space areas shall meet the following criteria:

(1) Location. The area proposed for the open space shall be entirely within the PRD and within reasonable walking distance of all dwelling units in the PRD. Where practical, the proposed common open space shall be located adjacent to other established or planned park and recreational areas in adjacent developments, schools, or City parks; provided that such dedication would increase the overall benefit to the residents of the PRD and conform to other criteria in this section;

(2) Access. All dwelling units within the PRD must have legal access to the proposed common open space at the time of final PRD approval. Private or access roads, trees or other landscaping may separate the common open space area. However, access should not be blocked by major obstacles such as arterial or collector roadways or significant natural features such as rivers, streams or topographic features. Areas dedicated for active recreational open space shall have reasonable access from street frontages. Design measures should accomplish the purpose of access and security;

(3) Proposals for credits towards required City park impact fees may be submitted for review per KMC 3.90.080;

(4) Types of Open Space.

a) Land dedicated for open space should be usable for either greenbelts that serve as a buffer between land uses, using existing vegetation, or an aesthetic amenity such as boulevard trees, active recreational activities, or for protecting environmentally sensitive areas such as wetlands;

b) Except as provided in subsection (5)(c) or (d) below, a minimum of 30 percent of the required dedicated open space shall be suitable for active recreation. The topography, soils, hydrology, and other physical characteristics of the area proposed for active recreation shall be of such quality as to provide a dry, obstacle-free space in a configuration which is suitable for active recreation;

c) The percentage of active recreational areas may be increased to as high as 50 percent if it is determined that anticipated recreational needs will require a larger percentage. In increasing this percentage, the following standard should be used: the ratio of one acre to 125 residential units;

d) The percentage of active recreational area may be decreased to as low as zero if it is determined that:

(i) Inclusion of buffers or environmentally sensitive lands such as wetlands would better meet the open space needs of the residents of the subdivision; or

(ii) Meeting the standard would require detrimental grading or Other disturbance of the natural setting.

(5) Land required for open space shall not include:

- a) Structures and areas reserved for the exclusive use and benefit of an individual tenant or owner;
- b) Dedicated streets, alleys or public rights-of-way, required landscape areas, areas required for yard depth or building setback or separation;
- c) Vehicular driveways, private streets, parking areas, loading or storage areas; or
- d) Floodplain (100-year), flood prone areas, drainage easements, natural drainage areas or creeks unless maintained as an amenity and specifically approved as being suitable for open space.

(6) Implementation.

- a) The area proposed for open space shall be dedicated in common to the lot owners within the plat or to a homeowner's association. Maintenance and operation of the dedicated open space shall be the responsibility of the property owners' or homeowners' association;
- b) The City may choose to accept dedication, maintenance and operation responsibilities when common open space area to be dedicated is in the public interest and either one or a combination of the following:
 - (i) Greater than five acres;
 - (ii) Adjacent to an established or future City park or school grounds;
 - (iii) Is an environmentally sensitive area; or
 - (iv) The City feels it is in the public interest to accept dedications;
- c) The dedication shall be identified on the PRD plan.

(7) Improvements. The following improvements to the area proposed for dedication may be required prior to final approval of the PRD:

- (a) Removal of construction debris and hazards; and
- (b) Rough grading and establishment of grass cover over those portions of the site suitable for playfields.

(8) Equivalent Facilities. When areas proposed for dedication do not meet the criteria for dedication in this chapter, such land may be improved by grading, filling, landscaping, or with installation of recreation equipment so as to be equivalent in result to the intent of this chapter. Determination of equivalency shall be made by the director according to the following guidelines:

- (a) The proposed land and improvements must create recreational opportunities generally equivalent to, or greater than, the land required for the residents within the PRD;
- (b) The proposed land and improvements must not result in significant disturbance or alteration of an environmentally sensitive area, unless otherwise allowed by the City;
- (c) The proposed land and improvements shall be dedicated in accordance with subsection (7) of this section.

(9) Stormwater Detention Facilities. Stormwater detention ponds may be allowed by the City as part of dedicated open space subject to the following criteria:

- (a) The detention pond shall be constructed so as to drain fully when precipitation is not occurring (i.e., no standing water may be left) unless the pond is designed as an aesthetic amenity;
- (b) The side slope of the detention pond shall not exceed 33 percent unless slopes are existing, natural, and covered with vegetation;
- (c) If detention facilities are located adjacent to or near a natural, year-round stream or wetland, these systems shall be left in natural or near-natural condition;
- (d) The detention area shall be landscaped in a manner which is both aesthetic and able to withstand the inundation expected;
- (e) Use of a dedicated open space area for stormwater detention shall not be acceptable if the detention area must be fenced or otherwise rendered unsuitable or unavailable for recreation use during dry weather; and
- (f) In the case of joint use of open space for detention and recreation, the homeowners or homeowners' association shall be responsible for maintenance of the detention facilities.

(10) Rights and Duties. The owners of open space shall have the following rights which may be exercised in respect of such land, subject to restrictive covenants or other restrictions:

- (a) The right to locate recreational facilities, such as tennis courts, swimming pools, picnic tables, and fireplaces (accessory to picnic tables) designed to be used exclusively for the use of residents of the development and their guests;
- (b) The right to locate pedestrian paths, bicycle paths and bridle paths;
- (c) The right to take whatever measures are reasonably necessary to protect and maintain such land, or land or property thereto, or to correct a hazardous condition posing a threat to life or limb;
- (d) The right to regulate access to or entry on the open space land and duty to maintain such land.

Conclusions based on Findings

1. On October 10, 2016, the City of Kennewick Hearing Examiner approved PRD 16-01 and PP 16-03. The approved PRD included a four-phase preliminary plat {Village at Southridge (PP 16-03)} that included 16 cottage lots, an independent living facility, an assisted living facility, and a rehab facility. The Applicant has submitted an application to amend the Hearing Examiner's Decision for PRD 16-01 and PP 16-03. The amendment will result in a major adjustment to PRD 16-01 with the removal of 16.76 acres from the total area of the approved PRD. The portion of the PRD to be removed will be the elimination of the previously approved cottage lots, the independent living

facility, the assisted living facility, and rehab facility. In addition, there will be a conversion of seven of the undeveloped residential lots of the PRD into open space tracts, as well as the number of single-family lots of the 4 phased Village at the Southbridge Plat being reduced from 154 to 147 lots. *Findings of Fact Nos. 1, 2, 6 and 7*

2. The alteration and amendment satisfy the provisions and requirements of KMC 17.10.110: - Procedure for Approved Preliminary Plat Alteration. The alteration:
 - a) Does not decrease the aggregate area of open space within the proposed subdivision. *Finding of Fact No. 7*
 - b) Does not increase the number of lots within the subdivision beyond the number approved in the preliminary plat. *Finding of Fact No. 7*
 - c) Does not result in violation of adopted standards or regulations. *Findings of Fact Nos. 3-4, 7-15*
 - d) No access points identified on the preliminary plat have been reduced, increased or significantly altered. *Finding of Fact No.*
 - e) Does not result or cause the subdivision to be inconsistent with the Findings, Conclusions and Decision of the Hearing Examiner of October 10, 2016. *Finding of Fact No. 19; Finding of Fact No.27*
3. There are no proposed changes to the Hearing Examiner's conditions of approval as stated in the October 10, 2016 Decision. There are three additional conditions imposed herein.
4. The Open Spaces Standards of Kennewick as set forth in KMG 18.45.060: -Open Space Standards. Have been review and considered with the instant application. With the new design of the Plat and PRD these standards are satisfied. *Finding of Fact No. 7*

DECISION

Based on the testimony and evidence submitted at a public hearing, Southridge Village LLC. is granted an amendment to PRD 16-01. The alteration allows the elimination of 16.8 acres from PRD 16-01 and the elimination of the uses that were designated to be developed in the original PRD 16-01 approval. The eliminated uses are the independent living facility, the assisted living and rehab facilities and the cottage homes. With the loss of this acreage, in order for PRD 16-01 to comply with the open space requirements of KMC 18.45.060, seven of the undeveloped residential lots of the PP 16-03 must be converted into open space tracts. This would result in the number of single-family lots of the 4 phased Village at the Southbridge being reduced from 154 to 147 lots.

Approval is granted subject to the following conditions:

1. A preliminary plat alteration identifying open space areas necessary to meet the required 15% open space requirement for PRDs shall be approved prior to the next final plat application.

2. The Applicant must secure all required approval from the Kennewick Irrigation District.
3. The Applicant shall secure all necessary easements from the BPA.

Dated this 30th day of December, 2020.

James M. Driscoll
City of Kennewick Hearing Examiner