

1. CALL TO ORDER:

- a. Roll Call/Pledge of Allegiance

2. CONSENT AGENDA: All matters listed within the Consent Agenda have been distributed to each member of the Kennewick Planning Commission for reading and study. They are considered routine and will be enacted by the one motion of the Commission with no separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the regular agenda by request.

- a. Approval of the Minutes dated November 20, 2017
- b. Approval of Agenda
- c. Motion to enter Staff Report(s) into Record

3. PUBLIC HEARING:

- a. CANCELLED - Zoning Ordinance Amendment (ZOA) # 17-10, proposing amendments to the following Kennewick Municipal Code Sections: 18.12.310 Wireless Communications Facilities, to integrate new small cell regulations; add new Section 18.12.315 relating to small cell deployments outside public ROW; Amend Section 18.30.010 relating to heights of buildings and structures; Amend Section 18.12.310 to exempt certain small cell facilities located within the public ROW.
- b. Zoning Ordinance Amendment (ZOA) # 17-06; proposing amendments to the following Kennewick Municipal Code Sections: 4.12.110: Define area wide and site specific rezones; 15.52.020: Assigning Numbers, Addressing Conditions; 18.09.940, 18.12.010A.2, 18.12.010B.2, 18.27.030: Height of buildings; 18.12.250: Temporary and Parking Lot Businesses.

4. VISITORS NOT ON AGENDA:**5. OLD BUSINESS:****6. NEW BUSINESS:****7. REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:****8. ADJOURNMENT:**

**KENNEWICK PLANNING COMMISSION
NOVEMBER 20, 2017
MEETING MINUTES**

CALL TO ORDER

Vice Chairman Morris called the meeting to order at 6:30 p.m.

Commissioner Moore led the Pledge of Allegiance.

Recorder Karen Tilton called the roll and found the following:

Present: Commissioners Rob Rettig, Anthony Moore, Clark Stolle, Charles Torelli, and Vice Chairman Victor Morris.

Excused: Commissioner Fraser Hawley, Chairman Ed Pacheco

Unexcused: None

Staff Present: Greg McCormick, AICP Planning Director, Anthony Muai, AICP Senior Planner, Wes Romine, Development Services Manager, Steve Donovan, Planner, Jessica Foltz, Assistant City Attorney, Bruce Mills, Deputy Public Works Director, Karen Tilton, Recorder.

CONSENT AGENDA

- a. Approval of Minutes dated November 6, 2017
- b. Approval of Agenda
- c. Motion to enter Staff Reports into the Record

Commissioner Moore moved to accept the consent agenda. Commissioner Rettig seconded the motion. The motion carried unanimously.

PUBLIC HEARINGS

Vice Chairman Morris opened the public hearing at 6:34 p.m. for Zoning Ordinance Amendment (ZOA) #17-07; proposing amendments to 18.09, 18.12, and 18.42 of the Kennewick Municipal Code to add regulations governing Temporary Homeless Encampments.

Ms. Foltz gave a brief overview of the staff report and presented a Power Point of the staff report. Staff recommends that the Planning Commission concur with the findings and conclusions contained in staff report ZOA #17-07 and recommend to City Council approval of the request.

Questions from Planning Commissioners of staff included: Additional \$500 fee for reapplications of temporary use permits; every six months requirement to vacate and reapply; assumption that temporary encampments are on religious organization property; locations on commercial

property violates code; indoor and outdoor encampment aesthetics; locations of encampments required within ½ mile of transit stop; where were City requirements derived from; are managing entities able to gain information from KPD; was feedback received from Council regarding changes; how long of timeframe will City need to issue permit; are surrounding neighbors notified upon permit application; the City is the applicant.

Testimony in favor:

Rusty Morse
341 Falconridge St.
Richland

Paul Christensen
Oasis Development
301 7th Ave
Benton City

Testimony neutral or against:

None

Staff final comments:

None

Commissioner Moore commented for the record that the \$500 fee might be difficult to manage for some of the agencies providing repeat temporary encampments; going forward the staff resources needed to enforce the requirements may become burdensome.

Public Testimony for ZOA #17-07 closed at 6:57 p.m.

Vice Chairman Victor Morris asked for a motion.

Commissioner Torelli moved to concur with the findings and conclusions in staff report ZOA #17-07 and forward a recommendation to City Council of APPROVAL of the request.

Commissioner Rettig seconded the motion.

Planning Commission discussion: Questions are valid, but changes will be worked out moving forward.

The motion passed unanimously on a roll call vote.

Vice Chairman Morris opened the public hearing at 6:57 p.m. for Development Agreement for BSP 15-11 between the City of Kennewick and Tom Solbrack and John Michel to develop the infrastructure for 85 acres of commercial-zoned property located along W. Clearwater Avenue.

Mr. Donovan gave a brief overview of the staff report and presented a Power Point of the staff report. Staff recommends that the Planning Commission concur with the findings and

conclusions contained in staff report Development Agreement for BSP 15-11 and recommend to City Council approval of the request.

Questions from Planning Commissioners of staff included: None

Testimony of Applicant/Applicant's Representative

Kevin Barney
PBS
400 Bradley Blvd
Richland

Been working with Applicant for 2 years; have been working with City staff and Engineers and here to answer any questions.

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for Development Agreement for BSP 15-11 closed at 7:03 p.m.

Vice Chairman Victor Morris asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report Development Agreement for BSP 15-11 and forward a recommendation to City Council of APPROVAL of the request.

Commissioner Stolle seconded the motion.

Planning Commission discussion: None

The motion passed with Commissioners Moore, Stolle, Torelli and Morris in favor and Commissioner Rettig abstaining on a roll call vote.

Vice Chairman Morris opened the public hearing at 7:05 p.m. for Change of Zone (COZ) #17-06 proposing to change approximately 5.04 acres of land from Residential, Suburban (RS) to Residential, Low Density (RL), located at 4001 S. Vancouver St.

Mr. Romine gave a brief overview of the staff report and presented a Power Point of the staff report. Staff recommends that the Planning Commission concur with the findings and conclusions contained in staff report COZ #17-06 and recommend to City Council approval of the request.

Questions from Planning Commissioners of staff included: None

Testimony of Applicant/Applicant's Representative

None

Testimony in favor:

None

Testimony neutral or against:

John Purcell
6003 W. Okanogan Lp
Kennewick

Shawn Murphy
3903 S Underwood Pl
Kennewick

Jim Gilbertson
3709 S. Sharron St
Kennewick

Darrell Bussell
BMB Development
6103 Balsam Court
W. Richland, WA

Staff final comments:

Changing from RS, lots of 10,500 square feet to RL, minimum lot size 7,500 square feet; We are looking at the zone change only tonight, there will be a separate hearing for the preliminary plat to develop the subdivision.

Public Testimony for COZ #17-06 closed at 7:19 p.m.

Vice Chairman Victor Morris asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report COZ #17-06 and forward a recommendation to City Council of APPROVAL of the request.

Commissioner Rettig seconded the motion.

Planning Commission discussion: None

The motion passed with unanimously on a roll call vote.

Vice Chairman Morris opened the public hearing at 7:20 p.m. for Change of Zone (COZ) #17-07 proposing to change approximately 8.25 acres of land from Residential, Low

Density (RL) to Residential, Manufactured Home (RMH), located at 5927 & 6009 W. Quinault Ave. and 1026 & 1048 N. Lincoln St.

Mr. Donovan received comments submitted by Michael McClure to distribute to the Commissioners prior to beginning the presentation of the staff report; the comments were entered into record as Exhibit A-10.

Mr. Donovan gave a brief overview of the staff report and presented a Power Point of the staff report. Staff recommends that the Planning Commission concur with the findings and conclusions contained in staff report COZ #17-07 and recommend to City Council approval of the request.

Questions from Planning Commissioners of staff included: Appropriate to look into percentages and keep in mind distribution of percentages of zoning designations; findings on acreage 6.25 or 8.25; why not considered a separate zoning when surrounded by low density residential zones; is mini-storage a permitted use.

Testimony of Applicant/Applicant's Representative

Jose Chavallo
5927 Quinault Avenue
Kennewick

Reside in one of the houses on property proposed to change the zone; attempting to help grow new Vista Field area; looking at uses for smaller homes inhabited by mostly retirees with motor homes needing storages; current zoning allows a cemetery there; worst thing would be to leave property as is.

Testimony in favor:

None

Testimony neutral or against:

Michelle (Shelly) Colley
6029 W. Quinault
Kennewick

Larry Bateman
3202 W. 46th Ave
Kennewick

Staff final comments:

None

Public Testimony for COZ #17-07 closed at 7:42 p.m.

Vice Chairman Victor Morris asked for a motion.

Commissioner Torelli moved to concur with the findings and conclusions in staff report COZ #17-07 and forward a recommendation to City Council of APPROVAL of the request.

Commissioner Moore seconded the motion.

Planning Commission discussion: There appears to be access issues; applicant appears to have the good of the City and property owners and willing to work with all on this request.

The motion passed with unanimously on a roll call vote.

VISITORS NOT ON AGENDA:

None

OLD BUSINESS:

None

NEW BUSINESS:

Mr. Torelli commented that this is the third time running into this type of request; proposes a workshop to learn more about the zoning designations and how are mini-storages being implemented in other cities.

Mr. Romine said that the RMH zoning allowing mini-storages will be brought forward for Planning Commission soon.

REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:

None

ADJOURNMENT:

The meeting was adjourned at 7:48 p.m.



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO
THE PLANNING COMMISSION

FILE No: ZOA 17-06/AMD-2017-02648

Public Hearing Date: December 4, 2017

Proposal: Proposes to amend the following Kennewick Municipal Code Sections: 4.12.110(7): Define area wide and site specific rezones; 15.52.020(5): Assigning Numbers, Addressing Conditions; 18.09.940, 18.12.010A.2, 18.12.010B.2, 18.27.030: Height of Buildings; 18.12.250: Temporary and Parking Lot Businesses.

Applicant: City of Kennewick – Community Planning Department

Staff Contact: Steve Donovan, Planner

Background:

Staff has maintained a list of code revisions either as directed by City Council or areas of the code staff has identified during the course of administering the code that are either outdated, inconsistent or are incorrect. Additionally, in some cases changes to Washington State law require changes to local zoning laws. The list of code revisions have been “batched” together in a series of code amendments that may or may not share some relationship(s) in order to make the code revision process more efficient.

The City of Kennewick has proposed the below amendments to various sections of the Kennewick Municipal Code (KMC) which will affect the following:

- Area Wide Rezone Criteria
- Addressing Conditions
- Height Definition and Limits
- Vehicle Based Food Businesses and Cart Businesses

The City was granted Expedited Review for the proposed amendments by the Department of Commerce on October 23rd.

Discussion and Analysis:

KMC Section 4.12.110(7)

The amendment proposes subsection (e), which will establish the criteria for an area-wide rezone; currently the code does not define the difference between an area-wide and site specific rezone.

As proposed, rezones will be treated as area-wide rezones when:

- It is initiated by the City and a significant amount of property is affected by the rezone; and
- It is either:
 - Based on a comprehensive plan process or to implement provisions of the Growth Management Act, or

- When text amendments have a significant impact on a large area of the City.

KMC Section 15.52.020(5)

The amendment is specifically in subsection (b) and (c) which establishes the numbering and lettering system to address building(s) on one parcel with multiple units.

KMC Section 18.09.940

The proposed amendment removes the requirement to average the height between the eaves and ridge to determine height of buildings.

KMC Section 18.12.010 A.2 and 18.12.010 B.2

Maximum height in the Residential, Suburban; Residential, Low Density; Residential, Medium Density and the Historic Mixed Use district is proposed to be increased from 30 feet to 35 feet.

KMC Section 18.27.030

Detached accessory buildings are proposed to be no higher than 20 feet, as opposed to currently being restricted to 16 feet.

KMC Sections 18.12.250(5) and 18.12.250(6)

The proposed amendments will not allow Vehicle Based Food Businesses to be at one location for more than 90 calendar days. The businesses will not be allowed to return to the same location for 30 days and towables will not be allowed to be used.

Additionally, Cart Businesses would be allowed upon any public way for up to eight hours in any one place.

Regulatory Controls and Policies

- Kennewick Municipal Code Chapters 4.12, 15.52, 18.09, 18.12 and 18.27
- Kennewick Comprehensive Plan

Findings of Fact:

1. The applicant is City of Kennewick, Community Planning Department, 210 W 6th Avenue, Kennewick, WA 99336.
2. The processing of the proposed amendments was started on October 4, 2017.
3. The City fulfilled the State Environmental Policy Act requirements by issuing a Determination of Non-significance (DNS) on November 8, 2017.
4. Notice of the proposed code revision (expedited review request) was sent to the Washington State Department of Commerce on October 5, 2017 consistent with the requirements of RCW 36.70A.106.
5. The City received confirmation of expedited review and notice that the City has met the Growth Management Act notice to state agency requirements from the Washington State Department of Commerce on October 23, 2017.

Conclusions of Law:

1. The proposed amendments will promote the public health, safety, and general welfare by allowing additional access options.
2. The proposed amendments do not conflict with the goals and policies of the Comprehensive Plan.

Staff Recommendation:

Based on the above analysis of this request, staff recommends the Planning Commission forward a recommendation of APPROVAL to City Council for the following motion.

Motion:

I move that the Planning Commission concur with the findings and conclusions in the staff report ZOA 17-06 and recommend to City Council approval of the request to changes to KMC Sections 4.12.110(7), 15.52.020(5), 18.09.940, 18.12.010A.2, 18.12.010B.2, 18.27.030, 18.12.250(5) and (6).

Exhibits:

1. Staff Report
2. Proposed Amendments
3. Environmental Determination of Non-significance for ZOA 17-06.

4.12.110: Comprehensive Plan Amendment and Area-Wide Rezone Procedures:

- (1) Initiation. Comprehensive Plan Amendments and area-wide rezones may be initiated by any of the following:
 - (a) Property owner(s) or their representatives;
 - (b) Any citizen, agency, neighborhood association, or other party; or
 - (c) City Council or city staff.
- (2) Applications. Applications shall be made on forms provided by the City.
- (3) Application Submittal.
 - (a) Applicant Initiated. Comprehensive Plan Amendments and area-wide rezones shall be subject to a fully complete determination pursuant to KMC 4.12.060. The date upon fully complete determination shall be the date of registration with the department.
 - (b) Applicants are encouraged to utilize the City's Pre-Application Meeting process prior to submitting a Comprehensive Plan Amendment application.
 - (c) Non-Applicant Initiated. After submittal of a non-applicant-initiated application, the application shall be placed on the docket.
- (4) Docket of Comprehensive Plan Amendments and Area-Wide Rezones. The department shall establish and maintain a docket of all applications.
- (5) Annual Review of Docket.
 - (a) Sixty (60) days prior to May 1st in each calendar year, the City shall notify the public that the amendment process has begun. If May 1st falls on a non-business day for the City, the due date shall be the first business day after May 1st. Notice shall be distributed as follow:
 - i. Notice published in appropriate regional or neighborhood newspaper or trade journal;
 - ii. Notice posted on all of the City's official public notice boards;
 - iii. Notice posted on the City's website; and
 - iv. Notice sent to all agencies, organizations and adjacent jurisdictions with a known interest.
 - (b) All docketed applications shall be reviewed concurrently, on an annual basis and in a manner consistent with RCW 36.70A.130(2). Applications docketed after May 1st of the previous calendar year and before May 1st of the current calendar year shall be included in the annual review. Those docketed after May 1st of the calendar year shall be placed on the docket for review at the following annual review.
 - (c) City Council Review of Docketed Requests. After the May 1st deadline, city staff will present the docketed requests to the Planning Commission (Commission) for review and a recommendation. The Commission's recommendation shall be forwarded to the City Council (Council) as soon as practical for Council review. The Council shall determine which specific docketed requests are processed based on the following criteria:
 - i. Timing of the requested amendment is appropriate and Council will have sufficient information to make an informed decision;
 - ii. The City will be able to conduct sufficient analysis, develop policy and related development regulations;
 - iii. The requested amendment has not been recently rejected by Council;
 - iv. The amendment will further implement the intent of the City's adopted Comprehensive Plan; and
 - v. The amendment is not better addressed through another planning process such as a sub-area plan update.
 - (d) Statutorily Mandated Periodic Review. Amendment requests will not be docketed for review the year of, and the year prior to the deadline for completion of the periodic review. The deadline for completion of this review is specified in RCW 36.70A.130.
 - (e) Emergency Amendments. The City may review and amend the Comprehensive Plan when the Council determines that an emergency exists or in other circumstances as provided for by RCW 36.70A.130(2)(a).

- (6) Notice of Open Record Hearing. Comprehensive Plan Amendments and area-wide rezones require an open record hearing before the Commission.
- (a) Contents of Notice. A notice of open record hearing shall include the following:
 - i. The citation, if any, of the provision that would be changed by the proposal along with a brief description of that provision;
 - ii. A statement of how the proposal would change the affected provision;
 - iii. A statement of what areas, Comprehensive Plan designations, zones, or locations will be directly affected or changed by the proposal;
 - iv. The date, time, and location of the open record hearing;
 - v. A statement of the availability of the official file; and
 - vi. A statement of the right of any person to submit written comments to the Commission and/or appear at the open record hearing of the Commission to give oral testimony on the proposal.
 - (b) Distribution of Notice. The department shall distribute the notice pursuant to KMC 4.12.090.
- (7) Approval Criteria. The City may approve Comprehensive Plan Amendments and area-wide zone map amendments if it finds that:
- (a) The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment;
 - (b) The proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted Comprehensive Plan not affected by the amendment;
 - (c) The proposed amendment corrects an obvious mapping error; or
 - (d) The proposed amendment addresses an identified deficiency in the Comprehensive Plan.
 - (e) A rezone shall be treated as an area-wide zone map amendment when:
 - (i) It is initiated by the city and a significant class of property is similarly affected by the proposed rezone; and
 - (ii) It is either:
 - (A) Based upon an adopted or ongoing comprehensive planning process or undertaken to ensure compliance with or to implement the provisions of the Growth Management Act; or
 - (B) Part of process that includes amending text of this title where such amendments will have significant impact on a large area of the city.
- (8) Additional Factors. The City must also consider the following factors prior to approving Comprehensive Plan Amendments:
- (a) The effect upon the physical environment;
 - (b) The effect on open space and natural features including, but not limited to topography, streams, rivers, and lakes;
 - (c) The compatibility with and impact on adjacent land uses and surrounding neighborhoods;
 - (d) The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools;
 - (e) The quantity and location of land planned for the proposed land use type and density and the demand for such land;
 - (f) The current and projected project density in the area; and
 - (g) The effect, if any upon other aspects of the Comprehensive Plan.
- (9) Planning Commission Recommendation – Procedure. Following the open record hearing, the Commission shall consider the applications concurrently, and shall prepare and forward a recommendation of proposed action for all applications to the Council. The Commission shall take one of the following actions on each application:
- (a) If the Commission determines that the proposal should be adopted, it may, by a majority vote, recommend that the Council adopt the proposal. The Commission may make modifications to any proposal prior to recommending the proposal to Council for adoption. If the modification

- is substantial, the Commission must conduct an open record hearing on the modified proposal;
- (b) If the Commission determines that the proposal should not be adopted, it may, by a majority vote, recommend that the Council not adopt the proposal; or
 - (c) If the Commission is unable to take either of the actions specified in subsection (9)(a) or (b) of this section, the proposal will be sent to Council with the notation that the Commission makes no recommendation.
- (10) City Council Action. Within 60 days of receipt of the Commission's findings and recommendations, the Council shall consider the findings and recommendations of the Commission concerning the applications. The Council may hold additional public hearings as necessary to make a decision. The City shall distribute notice of a Council public hearing pursuant to KMC 4.12.090. All annual amendments to the Comprehensive Plan shall be considered concurrently. By a majority vote of its membership, the Council shall take one of the following actions on each application:
- (a) Approve the application;
 - (b) Deny the application;
 - (c) Modify the application. If the modification is substantial, the Council must either conduct a public hearing on the modified proposal; or
 - (d) Refer the proposal back to the Commission for further consideration.
- (11) Transmittal to the State of Washington. At least 60 days prior to final action being taken by the Council, the Washington State Department of Commerce (DOC) shall be provided with a copy of the proposed amendments in order to initiate the 60-day comment period. No later than 10 days after adoption of the proposal, a copy of the final decision shall be forwarded to DOC. (Ord. 5644 Sec. 2, 2016; Ord. 5421 Sec. 2, 2012; Ord. 5338 Sec. 1, 2011)

15.52.020: Assigning Numbers:

- (1) All building numbers will be assigned by the Addressing Agent for each new residence or commercial building constructed within the City. Assigned numbers may be changed with the approval of the Addressing Agent for cause.
- (2) Only the principal building of each ownership or leasehold shall be numbered.
- (3) Because of curving streets, irregular streets, irregular shaped lots, etc., the Addressing Agent will adjust numbers to keep the numbering as uniform as possible.
- (4) When it becomes necessary to adjust numbers in order to assure uniformity from block to block, the Addressing Agent will notify the owners or residents of each property affected, the operating utilities, Police and Fire Departments, and the U.S. Post Office.
- (5) Numbers will be assigned in the following conditions:
 - (a) One building on one parcel, with one unit only will be given address numbers only (i.e., 3537).
 - (b) One building on one parcel, with multi-units will be given one address number with separate unit ~~letters~~ numbers (i.e., 3537 ~~A~~ 110 or 120 ~~B~~).
 - (c) Multi-buildings on one parcel with multi-units will be given one address number, separate building letters, with separate unit numbers (i.e., 3537 Building B unit ~~101~~ 110). (Ord. 5378 Sec. 2, 2011; Ord. 3664 Sec. 28, 1995; Ord. 1709 Sec. 1, 1973)

18.09.940: Height of Building: "Height of Building" means the vertical distance from the grade ~~average contact ground level~~ to the highest point of the roof. ~~copings of a flat roof, or the average height between the eaves and ridge of gable, hip or gambrel roofs.~~ (Ord. 5180 Sec. 1, 2007)

18.12.010 A.2: Table of Residential Site Development Standards: Minimum and maximum residential standards are identified in the following table.

	RS ⁵	RL ⁵	RM ^{3, 4, 5, 6}	RH ^{3, 4, 5, 6}	RTP ^{3, 4, 5}	RMH ⁶	UMU ^{3,7}
Max. Density ¹	N/A	N/A	13	27	13	4	N/A
Min. Lot Size	10,500	7,500	4,000	4,000	1 acre	7,500	N/A
Min. Lot Size (Rowhouse/ Townhouse)	N/A	N/A	1,800	1,600	N/A	N/A	N/A
Min. Lot Width ²	60'	60'	50'	N/A	N/A	60'	N/A
Min. Lot Width ² (Rowhouse/ Townhouse)	N/A	N/A	24'	24'	N/A	N/A	N/A
Min. Front Yard/ Street Setback ²	15'	15'	15'	15'	15'	20'	See KMC 18.80
Min. Garage Setback ²	20'	20'	20'	20'	20'	20'	N/A
Min. Side Yard Setback ²	5'	5'	5'	5'	5'	5'	0'
Min. Rear Yard Setback ²	15'	15'	15'	15'	15'	15'	5'
Max. Height	30' 35'	30' 35'	30' 35'	45'	N/A	30'	N/A
Min. Lot Frontage ²	30'	30'	30'	30'	30'	30'	20'
Min. Lot Frontage ² (Rowhouse/ Townhouse)	N/A	N/A	20'	20'	N/A	N/A	N/A

18.12.010 B.2: Table of Non-Residential Site Development Standards: Minimum and maximum non-residential use standards are identified in the following table. Additional site design standards are included under 18.12.340, below and in the *Site Design Guidelines for Commercial, Office and Industrial Uses*:

Table of Commercial/Industrial Standards	Maximum District Size	Minimum District Size	Yards	Maximum Building Height	Maximum Lot Coverage	Outdoor Storage
UMU – Urban Mixed Use District	None	40 acres	See KMC 18.80	None	None	None
CN- Commercial – Neighborhood District	5 Acres	None	See (1) Below	45'	None	See (2) Below
CO-Commercial – Office District	None	None	See (3) Below	None	None	See (4) Below
CBD-Commercial-Central Business District	None	None	See (16) Below	None	None	None
CC- Commercial – Community District	None	None	See (3) Below	None	None	See (4) Below
CR-Commercial – Regional District	None	None	See (3), (15) Below	None	None	See (4) Below
CAR-Commercial, Auto Row District	See (17) Below	20 acres	See (17) Below	None	None	See (18) Below
CG-Commercial – General District	None	None	See (3) Below	None	None	See (4) Below
CM-Commercial – Marina District	None	None	See (3) Below	See (14) Below	None	None
HMU- Historic, Mixed Use			See (6) Below	30' 35'	45%	
BP-Business Park District	5 Acres	None	See 18.12.340	35'	50%	
IP-Industrial Park District	20 Acres	None	See (7) Below	None	None	See (8) Below
IL-Industrial, Light District	None	None	See (9) Below	None	None	See (10) Below

Table of Commercial/Industrial Standards	Maximum District Size	Minimum District Size	Yards	Maximum Building Height	Maximum Lot Coverage	Outdoor Storage
IH-Industrial, Heavy District	None	None	See (9) Below	None	None	See (10) Below
JF-Justice Facilities	None	None	See (11) Below	85'	None	None
PF-Public Facilities District	None	None	See (12) Below	None	None	See (13) Below
OS-Open Space District	None	None	See (12) Below	None	None	See (13) Below
NOTE: *Additional site design and building standards may be included in the <i>City of Kennewick Commercial Design Standards manual</i>						

18.27.030: Accessory Building - Setback - Dimensions: Accessory buildings must comply with applicable setbacks. Except in C, I, PF, UMU, and OS districts, detached accessory buildings may not be over ~~16~~ 20 feet high. In all R and HMU districts, no accessory building may be closer than 10 feet from any building on the same lot unless the accessory structure is constructed in accord with the International Building Code, in which case the separation can be reduced to four feet. In addition, no accessory structure may be within a radius of 10 feet from the vertical centerline of a window in a dwelling on the same or an adjacent lot. It may not be within five feet of a side or rear property line but it may abut a rear property line adjacent to an alley, canal right-of-way or railroad right-of-way. (Ord. 5715 Sec. 1, 2017; Ord. 5180 Sec. 1, 2007)

18.12.250: Temporary and Parking Lot Businesses:

(1) General requirements:

- (a) A City of Kennewick business license is required;
- (b) The use of City property requires approval of a lease, background check, a hold harmless agreement and an insurance policy naming the City of Kennewick as an additional insured in the amount of one million dollars; or
- (c) The use of City property requires approval of a lease, background check, a hold harmless agreement, and an insurance policy naming the City of Kennewick as an additional insured in an amount approved by the City Attorney;
- (d) Operation in a city park also requires approval of a concessionaires permit;
- (e) Any business-related discharge into the sanitary or storm sewer systems requires the written approval of the Public Works Director;
- (f) Written approval from the Benton-Franklin County Health District is required if food is served or if restrooms are required;
- (g) Buildings must be on a permanent perimeter foundation or otherwise fastened and designed to secure the structure for a minimum of a 70-mile per hour wind load;

- (h) The Fire Marshall must review and approve the use of a tent for applicable requirements of the Uniform Fire Code;
 - (i) No structure or temporary use may be within five feet of any right-of-way. Sight distance triangles must be observed;
 - (j) There must be adequate off-street parking provided in accord with KMC 18.36. The site must be paved or graveled;
 - (k) If on the same parcel as an existing business the minimum off-street parking for the primary business must be maintained;
 - (l) The temporary business must submit an accurate site plan drawn to scale depicting the following:
 - (i) The parcel lines and right-of-way lines
 - (ii) The boundaries of the portion of the property to be used by the temporary business;
 - (iii) The parking area, which is to be used by the temporary business and the driveways to be used for access;
 - (iv) Drive areas must remain open and all pedestrian walkways must remain passable;
 - (v) The location and dimension of existing structures as well as the location and dimension of all structures, vehicles, and signs to be used by the temporary business;
 - (vi) How any temporary on-site residency and sanitation is to be accommodated;
 - (vii) Proposed operating hours.
 - (m) The business license must list the Washington state tax number including the City's location code number;
 - (n) All signs, circulars, and other advertising material must be removed within three days of the termination of the business;
 - (o) There must be adequate provisions made for dust and litter control;
 - (p) The applicant must submit the property owner's written consent for the use of premises;
 - (q) All electrical facilities must be inspected and approved by the Washington State Department of Labor and Industries;
 - (r) Temporary businesses must conform to the noise standards set forth in KMC 9.52;
 - (s) The applicant must show evidence of any required State licenses with the application for a business license;
 - (t) No business shall be located in the parking area immediately adjacent to the entrance to another business without the written permission of the affected business owner;
 - (u) All temporary and parking lot businesses that cannot demonstrate legal nonconforming status must be in compliance with the requirements of the section within one year from the date of adoption;
 - (v) No vision obstructions within the vision clearance triangle are permitted.
- (2) Permanent small building businesses:
- (a) Must meet all applicable regulations including but not limited to: parking, landscaping, and signage;

- (b) Businesses with drive through windows must have a minimum of six (6) stacking stalls per KMC 18.36.060;
 - (c) Businesses with outdoor (or under-tent) seating must meet the applicable requirements of the International Building Code for employee and customer restrooms;
 - (d) The business must be connected to public water and sewerage systems.
- (3) Long term temporary stands:
 - (a) Shall locate in Kennewick for a maximum of 180 consecutive days annually;
 - (b) The structure used must be removed within 10 days of the business closing for the year;
 - (c) The business must operate from a structure;
 - (d) Shall locate only in the CC, CAR, CG, CR, UMU and IL zoning districts.
- (4) Short term temporary stands:
 - (a) The business must operate from a structure;
 - (b) The structure used must be removed within three days of the business closing for the year;
 - (c) The business shall locate for no more than two non-consecutive 30-day periods within one calendar year at any one location;
 - (d) All short term temporary businesses must be on the same parcel and secondary to a principle permitted use, locate within a zone that allows public and quasi-public uses and must comply with all regulations, including permitted use, appertaining to that district except as modified by this section.
- (5) Vehicle based food businesses:
 - (a) Allowed in CO, CBD, CC, CAR, CG, CM, CR, UMU, BP, IL, IH, OS, and PF zoning districts;
 - (b) Standing. No vehicle based business operator shall stand or allow their vehicle to stand upon any public way for more than one hour in any one place, except as otherwise permitted;
 - (c) Outdoor seating is not permitted, except as stated in subsection (f) below;
 - (d) Except as stated in subsection (f) below, a vehicle based business shall operate in the same location for a maximum of ~~30~~ 90 calendar days and shall not return to the same location for 30 calendar days in addition to the requirements of subsection (b) above;
 - (e) The business shall not function as a drive-through.
 - (f) The following standards apply to operation within the Bridge to Bridge River to Rail subarea.
 - (i) Vehicle based food businesses may operate without a maximum time limit and have outdoor seating;
 - (ii) In determining whether or not the proposed location would be permitted, the following criteria shall be considered:
 - (A) The type and intensity of the proposed use and the type and intensity of existing uses;
 - (B) The width of the sidewalk, pedestrian plaza or parking lot in which it is to be located;
 - (C) The proximity and location of existing street furniture,

- including but not limited to signposts, lampposts, bus shelters, benches, phone booths, trees, newsstands, as well as the presence of bus stops and truck loading areas;
- (D) Established or proposed pedestrian and vehicular traffic patterns;
- (E) The number of vehicle based food businesses in a given area;
- (G) The vehicle based food business shall be placed in a parking area that must be surfaced with asphalt or Portland cement binder pavement to provide a durable and dustless surface.
- (iii) In addition to the requirements to establish compliance with KMC "Temporary and Parking Lot Business" General Requirement 18.12.250(1) and other codes as applicable, the following items specific to Vehicle Based Food Businesses are required:
 - (A) Site plan including outdoor seating layout.
 - (B) Restroom agreement.
 - (C) Discharge plan for used oils and graywater.
- (iv) Vehicles must be currently licensed, operable, and able to leave a site at any time under their own power, towables are not permitted.
- (v) No vehicle based food vendor shall locate his or her vehicle or other conveyance in such a manner as to cause a traffic hazard.
- (vi) No vehicle based food vendor shall obstruct or cause to be obstructed the passage of a sidewalk, street, avenue, alley or any other public place by causing people to congregate at or near the place where food is being sold or offered for sale.
- (vii) The vending site shall be kept clean and orderly at all times, and the vendor must provide a refuse container and is encouraged to provide containers for recycling. Refuse, debris, and liquid spills by any person using the business location shall be cleaned up daily, and refuse containers emptied on a regular basis.
- (viii) Support equipment and accessories shall generally be self-contained within the vendor unit and site. Support equipment and accessories, including accessory seating and tables, must not be placed so as to impede pedestrian or vehicular traffic or distract from the pedestrian experience.
- (ix) Outdoor equipment shall be low maintenance and cleanable, durable, and preferably painted or of noncorrosive metal.
- (x) No portion of a vendor's inventory, sales equipment, or any other structure or equipment used in the sales or solicitation process shall be left overnight upon any unenclosed portion of any lot or site within the City, nor upon any public street or right-of-way.
- (xi) The City reserves the right to limit the number of vehicle based food vendors in any given area of the Bridge to Bridge River to Rail Subarea. City review may consider the needs of the public, diversity of products offered for sale, the smooth flow of pedestrian and vehicular traffic, number of complaints, and locations where vendors are located.
- (xii) At the conclusion of business activities at a given location, the vehicle,

ancillary equipment, and debris generated by the vendor's business activities shall be removed and the site and public area surrounding it cleaned.

- (6) Cart businesses:
 - (a) The cart must be stored indoors or off-site when not open for business;
 - (b) Allowed in CN, CO, CBD, CC, CAR, CG, CM, CR, UMU, BP, IL, IH, OS, and PF zoning districts;
 - (c) Operation in a city park also requires approval of a concessionaires permit;
 - (d) Standing. No cart-based business operator shall stand or allow their vehicle to stand upon any public way for more than ~~two~~ eight hours in any one place;
 - (e) The business shall not function as a drive through.
- (7) Trade shows, circuses, carnivals, outdoor concerts, bazaars, festivals, or similar temporary uses including religious meetings, rallies, and revival tents must obtain a permit in accord with Chapter 6.47. The use must comply with the following:
 - (a) The use will be allowed for no more than two non-consecutive ten (10) day periods annually;
 - (b) No structure or activity shall be within 300 feet of a residential district. The activity must not seriously interfere with traffic, emergency services, or other normal City operations. Adequate off-street parking as well as access must be provided;
 - (c) Residential districts must be shielded from disruptive sounds and noises;
 - (d) Provisions must be made for the control of dust and litter;
 - (e) Parking Facilities. The applicant shall submit a plan showing adequate parking facilities on or adjacent to the location where the event is to be held. At least one (1) parking space for every four (4) persons expected to attend shall be provided. All parking facilities shall be off the public right-of-ways and adequate ingress and egress shall be provided to and from the area to facilitate the movement of vehicles. If non-adjacent parking facilities are approved, the permittee shall provide shuttle bus service on a no-charge basis;
 - (f) Traffic Control. The License Officer shall ensure that adequate traffic and crowd control has been provided.
 - (g) Traffic and crowd control personnel shall be approved by the License Officer. One (1) traffic control officer and one (1) crowd control officer may be required if more than two hundred (200) people can reasonably be expected to attend the event, and more may be required if conditions warrant. The cost of crowd and traffic control must be borne by the permittee. If at any time the size of the crowd exceeds by twenty percent (20%) the number of people represented by the permittee to be in attendance, the License Officer may require the permittee to limit further attendance;
 - (h) Temporary Accommodations. If temporary campsites, trailer parks, or other accommodations are provided, adequate sanitary facilities must be provided and minimum fire safety standards must be met. Adequate access and parking must be established, and provisions made for the maintenance of order and security at all times; and
 - (i) No outdoor musical assembly or similar activity shall be conducted between the hours of 12:00 A.M. and 9:00 A.M., nor circus or carnival

between 2:00 A.M. and 9:00 A.M., and permittee shall clear the licensed area no later than 1:00 A.M. or 3:00 A.M. respectively.

- (8) Seasonal and non-seasonal merchandise in conjunction with an existing business:
- (a) Outdoor display and sales of general merchandise are allowed for no more than three non-consecutive ten (10) day periods annually when conducted in the parking area;
 - (b) Outdoor display and sales of automobiles, recreational vehicles, boats, and similar vehicles are allowed for no more than twelve (12) non-consecutive five (5) day periods annually when conducted in the parking area;
 - (c) Where vehicles are displayed for sale the transaction must occur within the City of Kennewick;
 - (d) Outdoor display and sales of seasonal merchandise is allowed for a maximum of 90 consecutive days annually; and
 - (e) Merchandise display areas must meet minimum required setbacks in conformance with the Uniform Fire Code. (Ord. 5712 Sec. 7, 2017: Ord. 5671 Sec. 1, 2016: Ord. 5663 Sec. 1, 2016: Ord. 5434 Sec. 7, 2012: Ord. 5431 Sec. 1, 2012: Ord. 5180 Sec. 1, 2007)



**CITY OF KENNEWICK
DETERMINATION OF NON-SIGNIFICANCE**

FILE/PROJECT NUMBER: ED 17-31/AMD-2017-02648

DESCRIPTION OF PROPOSAL: The proposal is to amend Kennewick Municipal Code Sections 4.12.110 – To define area wide and site specific rezones, 15.52.020 – Addressing Conditions, Height of Buildings – 18.09.940, 18.12.010 A.2, 18.12.010 B.2, 18.27.030 – Temporary and Parking Lot Businesses.

PROPONENT: City of Kennewick – Community Planning Department, 210 W 6th Avenue, Kennewick, WA 99336

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: The update is not site specific; it is applicable area wide in the City Limits of Kennewick.

LEAD AGENCY: City of Kennewick

DETERMINATION: The City of Kennewick has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) will not be required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the City. This information is available to the public on request. Application for other required permits may require further review under SEPA procedures.

- ☒ There is no comment period for this DNS.
- ☐ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.
- ☐ This DNS is issued under 197-11-340(2); the City will not act on this proposal for fifteen days from the date below. Comments must be submitted by _____. After the review period has elapsed, all comments received will be evaluated and the DNS will be retained, modified, or withdrawn as required by SEPA regulations.

RESPONSIBLE OFFICIAL: Gregory McCormick, AICP

POSITION/TITLE: Community Planning Director

ADDRESS: 210 W 6th Ave., P.O. Box 6108, Kennewick, WA 99336

PHONE: (509) 585-4463

☐ Changes, modifications and/or additions to the checklist have been made on the attached Environmental Checklist Review.

This DNS is subject to the attached conditions:

- ☒ No conditions.
- ☐ See attached condition(s).

Date: November 8, 2017 Signature: _____

Appeal: An appeal of this determination must be submitted to the Community Planning Department within fourteen (14) calendar days after the date issued. This appeal must be written and make specific factual objections to the City's threshold determination. Appeals shall be conducted in conformance with Section 4.12.090(9) of the Kennewick Municipal Code and the required fees pursuant to the City's adopted Fee Schedule shall be paid at time of appeal submittal.

Copies of this DNS were mailed to:

Dept. of Ecology
WA Dept. of Fish & Wildlife
WSDOT
Yakama Nation
CTUIR
AMD-2017-02648 File