

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 June 5, 2023
- b. Approval of Agenda
- c. Motion to enter Staff Report(s) into Record

3. PUBLIC HEARING:

- a. Development Code Amendment (DCA) #2023-0001 to amend Kennewick Municipal Code Section 18.12.010 A.1 by permitting Day Care Centers via Conditional Use Permit in the Residential, Suburban (RS), Residential, Low Density (RL) and Residential, Manufactured Home (RMH) Zoning Districts. Applicant is Tyson Fellman, 5608 W. 26th Avenue, Kennewick, WA 99338.

4. VISITORS NOT ON AGENDA:**5. OLD BUSINESS:**

- a. City Council Action Updates

6. NEW BUSINESS:

- a. Accessory Dwelling Unit (ADU) Presentation: AICP Planning Director Anthony Muai

7. REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:**8. ADJOURNMENT:**

**KENNEWICK PLANNING COMMISSION
JUNE 5, 2023
MEETING MINUTES**

1. CALL TO ORDER

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

Chairman Morris led the Pledge of Allegiance.

Community Planning Administrative Assistant Melinda Didier called the roll and found the following present:

PRESENT: Commissioners James Hempstead, Thomas Helgeson, Tina Gregory, Ken Short, Lola Franklin, Nikki Griffith and Chairman Victor Morris. *(Commissioner Nikki Griffith joined remotely).*

STAFF: Anthony Muai, AICP Planning Director; Steve Donovan, AICP Development Services Manager; Alisha Piper, Planner; Joseph Laris, Assistant Planner; Melinda Didier, Community Planning Administrative Assistant.

All commissioners were present; Ms. Didier declared a quorum was established.

2. CONSENT AGENDA

- a. Approval of the minutes dated April 17 & May 15, 2023.
- b. Approval of the agenda.
- c. Motion to enter Staff Report(s) into the Record.

MOTION: Commissioner Hempstead moved to approve the Consent Agenda; Commissioner Helgeson seconded the motion.

DISCUSSION: None.

VOTE: The motion passed on a unanimous roll call vote.

3. PUBLIC HEARINGS:

Chairman Morris made the following statement:

"Good evening and welcome to the June 5, 2023, Kennewick Planning Commission meeting.

It is important that everyone who wishes to do so has an opportunity to speak. Each person who has either signed-in (in person) or registered (via Zoom) will have one, three-minute opportunity to address the Planning Commission.

If you are attending via Zoom, please confirm your microphone has been unmuted before you begin your comments.

Please state your name and address for the record; once you begin your remarks the countdown timer will start. At the end of your time, please mute your microphone.

The order of the hearings shall be as follows:

1. Planning staff shall provide a staff report; the Commission may ask questions of staff;
2. The Applicant or Applicant's Representative(s) Presentation;
3. Testimony in Favor of the Request;
4. Testimony Either Neutral or Against the Request;
5. Final Applicant Comments;
6. Final Staff Comments;
7. Close the public hearing and discuss the request."

A. CHANGE OF ZONE (COZ) #2023-0003

Chairman Morris opened the public hearing at 6:35 pm for Change of Zone (COZ) 2023-0003.

1. Mr. Donovan described the application, presented the staff report, and recommended the Planning Commission forward a recommendation for approval of COZ #2023-0003 to City Council.

Planning Commission Questions: None

2. Testimony of Applicant/Applicant's Representative: None
3. Testimony in Favor of the Request: None
4. Testimony Neutral/Against the Request: None
5. Testimony of Those Registered on Virtual Format: Keith Hughes, Prestige Development, 8600 W. Clearwater Ave., Kennewick. Owner of property, zone change will be more compatible with surrounding area, in support of proposal.
6. Applicant/Owner Final Testimony: Keith Hughes, Prestige Development, 8600 W. Clearwater Ave., Kennewick. Owner of property, zone change will be more compatible with surrounding area, in support of proposal.
7. Staff Final Comments: None
8. Public Testimony Closed at 6:40 p.m.

MOTION: Commissioner Hempstead moved to concur with the findings and conclusions in staff report COZ 2023-0003 and recommend City Council approval of the request. Commissioner Hempstead re-stated his motion to recommend approval. Commissioner Griffith seconded the motion.

DISCUSSION: None.

VOTE: The motion passed on a unanimous roll call vote.

B. CHANGE OF ZONE (COZ) #2023-0004

Chairman Morris opened the public hearing at 6:43 pm for Change of Zone (COZ) 2023-0004.

1. Ms. Piper described the application, presented the staff report, and recommended the Planning Commission forward a recommendation for approval of COZ #2023-0004 to City Council.

Planning Commission Questions: Are farm animals currently on the property; are farm animals allowed in low density.

2. Testimony of Applicant/Applicant's Representative: Luis Miramontes, property owner, 1620 W. 21st Place: addressed the question that the sight is small; both homes are separate, need the zone change to short plat from one parcel to two.
3. Testimony in Favor of the Request: None
4. Testimony Neutral/Against the Request: Louis Peluso, 2120 S. Olympia Street, Kennewick; concerned that the RL zoning would allow duplexes.
5. Testimony of Those Registered on Virtual Format: None
6. Applicant/Owner Final Testimony: Luis Miramontes, property owner clarified that nothing would change with regard to the existing single-family residences.
7. Staff Final Comments: None
8. Public Testimony Closed at 6:55 p.m.

MOTION: Commissioner Helgeson moved to concur with the findings and conclusions in staff report COZ 2023-0003 and recommend City Council approval of the request. Commissioner Hempstead seconded the motion.

DISCUSSION: None.

VOTE: The motion passed on a unanimous roll call vote.

4. VISITORS NOT ON AGENDA:

- a. Courtney Raeder, 66511 S. Meals Rd., Kennewick; was confused if this was her opportunity to speak on the Comprehensive Plan Amendment.

5. OLD BUSINESS:

- a. None

6. NEW BUSINESS:

Annual Comprehensive Plan Amendment Docket:

Mr. Muai gave an overview of the annual Comprehensive Plan process including docket review, workshops and public hearing & comments.

Mr. Donovan reviewed tonight's procedure for the Annual Comprehensive Plan Amendment Docket Review.

Comprehensive Plan Amendment (CPA) #2023-0001, Comprehensive Plan Amendment to change the land use designation of 0.5093 acres from LOW DENSITY RESIDENTIAL (LDR) to COMMERCIAL (C). Address: 208 N. Kellogg St.

Mr. Donovan gave a brief overview of the proposal.

Planning Commission questions: Is parcel surrounded by residential housing; is there parking off Kellogg Street as well as Clearwater Avenue; if there is off-street parking are there any special development rules.

Commissioner Helgeson moved that the Planning Commission concur with the conclusions in staff report **CPA #2023-0001** and recommend that City Council **ACCEPT** the application for processing. Commissioner Hempstead seconded the motion.

Planning Commission discussion: What is the business there (law firm).

Motion passed unanimously on a roll call vote.

Comprehensive Plan Amendment (CPA) #2023-0002, Comprehensive Plan Amendment to change the land use designation of 1.18 acres from LOW DENSITY RESIDENTIAL (LDR) to MEDIUM DENSITY RESIDENTIAL (MDR). Address: 1215 S. Cedar Street, in unincorporated Benton County.

Mr. Donovan gave an overview of the request.

Planning Commission questions: Is this parcel in the Urban Growth Area (UGA) but not within City limits.

Commissioner Franklin moved that the Planning Commission concur with the conclusions in staff report **CPA #2023-0002** and recommend that City Council **ACCEPT** the application for processing. Commissioner Hempstead seconded the motion.

Planning Commission discussion: None.

Motion passed unanimously on a roll call vote.

Comprehensive Plan Amendment (CPA) #2023-0003, Comprehensive Plan Amendment to change the land use designation of 12.33 acres from INDUSTRIAL (I) to LOW DENSITY RESIDENTIAL (LDR). Address: 205 & 331 S. Oak Street, 102, 203, & 207 S. Quince Place and 1411, 1511, 1531, 1543 & 1601 E. 3rd Avenue.

Mr. Donovan gave a brief overview of the request and mentioned this request is similar to a previous request that did not move forward past docket review due to future expansion of the wastewater treatment plant. Mr. Donovan said this property is still under jurisdiction of Benton County, since it is in the UGA for the City of Kennewick the applicant applied to the City to amend the Comprehensive Plan. Staff recommendation if to reject the application for processing.

Planning Commission questions include: If we decline to put it on the docket for processing, what are the applicant's options; is the red area on the map all Commercial; by accepting it we are saying it should be discussed and analyzed further; what are the downsides for analyzing it further; if this is County land why is the Kennewick Planning Commission reviewing it; where would the expansion of the treatment plant be; what are the surrounding area properties designated; is the waste water treatment plant in the City or the County; what uses could be continued under the low density zoning district.

Commissioner Helgeson moved that the Planning Commission recommend that City Council **ACCEPT** application **CPA #2023-0003** for processing. Commissioner Short seconded the motion.

Planning Commission discussion: Commissioners mentioned that the Planning Commission motion was not concurring with Planning staff conclusions on this application.

Motion passed 4-3 on a roll call vote; Commissioners Griffith, Gregory, Short and Helgeson in favor and Commissioners Hempstead, Franklin, Chairman Morris opposed.

Mr. Donovan reviewed the next steps in the 2023 Comprehensive Plan Amendment process:

6/13/23 – Council Docket Review & Decision
June-August – Formal Processing begins
8/21/23 – Planning Commission Workshop
9/18/23 – Planning Commission Public Hearings
9/26/23 – City Council Workshop
10/17/23 – City Council Decisions

Election of 2023 Planning Commission Officers

Chairman Victor Morris opened nominations for the office of Chairman of the Planning Commission.

Commissioner Helgeson moved and Commissioner Hempstead seconded the nomination of Victor Morris as Chairman of the Planning Commission. No other nominations received for Chairman; Victor Morris is the 2023 Planning Commission Chairman on a unanimous voice vote.

Chairman Victor Morris opened nominations for the office of Vice Chairman of the Planning commission.

Commissioner Hempstead moved and Commissioner Griffith seconded the nomination of Thomas Helgeson as Vice Chairman of the Planning Commission. No other nominations received for Vice Chairman; Thomas Helgeson is the 2023 Planning Commission Vice Chairman on a unanimous voice vote.

7. REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:

Commissioner Hempstead commended Commissioners and staff for the balanced review of the Comprehensive Plan Amendments docket review. Commissioner Short mentioned geo-fencing for public hearing notifications to residents – Mr. Muai said Planning Department has discussed amendments to notifications with the City Manager and is currently working through amending the Kennewick Municipal Code requirements for notification options. Commissioner Griffith suggested social media as an avenue for public notifications. Commissioner Helgeson mentioned HB 1110 and asked for more information; Mr. Muai gave a brief overview and said there is not a Planning Department specific timeline yet for amending the code – the State deadline is 12/31/2026.

8. ADJOURNMENT: The meeting concluded at 7:46 p.m.



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO THE PLANNING COMMISSION

FILE No: DCA-2023-0001

Public Hearing Date: August 7, 2023

Proposal: To amend Kennewick Municipal Code (KMC) Section 18.12.010 A.1 by permitting Day Care Centers via a Conditional Use Permit in the Residential, Suburban (RS), Residential, Low Density (RL) and Residential, Manufactured Home (RMH) Zoning Districts.

Applicant: Tyson Fellman

Staff Contact: Steve Donovan, Planning Manager

Background:

On May 26, 2023, the applicant applied to amend KMC Section 18.12.010 A.1.

The City sent the proposed amendments to the Department of Commerce, City of Kennewick Department and outside agencies on June 5 2023. The Department of Commerce issued expedited review on June 26, 2023.

Discussion and Analysis:

The applicant has proposed the following amendments (underlined and in red) to KMC Section 18.12.010 A.1: - Residential Use Table:

The following table lists uses allowed by zone and the applicable City review process as follows: Review Process I = Staff review, Review Process II = Conditional Use Permit, Review Process III = Temporary Homeless Encampment Permit. If a use is listed with a blank, it shall be prohibited in that zone. For certain categories of uses, additional requirements are also noted:

Residential Use Table	RMH	RS	RL	RM	RH	RTP	UMU	CN	CO	CBD	CC	CR	CAR	CG	CM	HMU	BP	IP	IL	IH	JF	PF	OS
Day Care Center (See Section 18.12.600)	<u>II</u>	<u>II</u>	<u>II</u>	II	I		I	I	I		I	I		I		I	I	I	I			I	I
Family Day Care Home (see Section 18.12.070 and footnotes)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)		(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)

EXHIBIT 1

Residential Use Table	RMH	RS	RL	RM	RH	RTP	UMU	CN	CO	CBD	CC	CR	CAR	CG	CM	HMU	BP	IP	IL	IH	JF	PF	OS
Mini-DayCare Center (Located in Family Abode- Section 18.12.060)	II	II	II	I	I	II	I	I	I	I	I	I		I	I	I	I	I	I	I	I	I	I
Mini-DayCare Center (Not located in Family Abode - See 18.12.060)				I	I		I	I	I		I	I		I	I	I	I					I	I

- (1) No permit required for a family day care home (up to six charges). Per 18.12.070, if alterations are made a building permit will be required. A state license and city business license is required.

As shown in the above table, the applicant has proposed to permit Day Care Centers in the RMH, RS and RL Zones via the Conditional Use Permit Process.

Staff Analysis:

KMC Section 18.03.040: - Zone Purposes, ensures that the purpose of the zoning districts is consistent with the City Comprehensive Plan. Below are sub-sections of the section that establishes the purpose of the zoning districts where Day Care Centers are proposed to be permitted:

- (1) RS - The purpose of the RS district is to establish areas for low-density single-family residential buildings, to stabilize and protect residential districts, and to promote and encourage a suitable environment for family life in a semi-rural setting.
- (2) RL - The purpose of the RL district is to establish areas for low density, single-family, residential buildings, to stabilize and protect residential districts, and to promote and encourage a suitable environment for family life in an urban setting.
- (5) RMH - The purpose of RMH district is to establish areas for low density, single-family life, protect residential districts, and to promote and encourage a suitable environment for family life in an urban setting.

The following, is the definition of a Day Care Center in the Kennewick Municipal Code:

18.09.520: - Day Care Center.

Day Care Center means an agency licensed by the State, which regularly provides care for 13 or more children during part of the 24-hour day.

Family Day Care Homes may provide care for up to six children. Mini-Day Care Centers, via the conditional use permit process and in a family abode, may provide care for up to 12 children. It is staff's opinion, that Family Day Care Homes and Mini-Day Care Centers provide the type of service that is appropriate in the Low Density Residential Zoning Districts. Mini-Day Care Centers that are not in a family abode are not permitted in the Low Density Residential Zoning Districts.

Approval of the proposed amendment will allow permitting, throughout all three zoning districts, a Day Care Center that is a more intense use than a Mini-Day Care Center. Day Care Centers have no limit on the number of children at the facility. The purposes of the zoning districts is to establish areas of low-density single-family residential buildings. None of the below goals promote the establishment of commercial services in the Low Density Residential Zoning Districts.

Comprehensive Plan Land Use Goals

The following goals provide a basis to for the type of uses appropriate in the residential zones:

- Goal 1: Provide for attractive, walkable, and well-designed residential neighborhoods, with differing densities and compatible with neighboring areas.
- Goal 2: Provide appropriate public facilities supporting residential areas.
- Goal 3: Promote a variety of residential densities with a minimum density target of 3 units per acre as averaged throughout the urban area.
- Goal 4: Provide more housing opportunities near commercial, transit and employment.

Regulatory Controls and Policies

- Kennewick Municipal Code Chapter 18.12
- Kennewick Comprehensive Plan

Findings of Fact:

1. The applicant is Tyler Fellman, 5608 W 26th Avenue, Kennewick, WA 99338.
2. The application was submitted on May 26, 2023.
3. Notice of the proposed code revision was sent to the Washington State Department of Commerce on June 5, 2023, consistent with the requirements of RCW 36.70A.106.
4. The City received confirmation of starting the 60-day/Expedited review period and notice that the City has met the Growth Management Act notice to state agency requirements from the Washington State Department of Commerce on June 5, 2023.
5. The Department of Commerce granted expedited review on June 20, 2023.
6. The Notice of Public Hearing was published in the Tri City Herald on July 23, 2023.
7. The City fulfilled the State Environmental Policy Act requirements by issuing a Determination of Non-significance (DNS) on June 29, 2023.

Conclusions of Law:

1. The proposed amendments will negatively affect the City of Kennewick's public health, safety, and general welfare.
2. The proposed amendments conflict with goals of the Comprehensive Plan.

Staff Recommendation:

Based on the above analysis of the applicant's request and staff's proposed amendment, staff recommends the Planning Commission forward a recommendation of DENIAL to City Council for the following motion.

Motion:

I move that the Planning Commission concur with the findings and conclusions in the staff report DCA-2023-0001 and recommend denial of the amendment to KMC Section 18.12.010 A.1 to City Council.

Exhibits:

1. Staff Report
2. Application, Proposed Amendments and Supporting Information
3. Environmental Determination of Non-significance ED-2023-0017
4. Zoning Map

Proposed Development Code Amendment

RS, RL and RMH zoned properties would be allowed to have day care center with a conditional use permit.

Supporting Details

Day care centers provide a needed community service. As our community has grown, quality child care options have not been able to keep up with demand. Day care centers in Kennewick are at full capacity and parents that need this service deserve to have more choices. This amendment would create more options for new day care providers to establish new daycare centers. The conditional use permit would allow the city to ensure that the zoning purpose for these day care sites are maintained.

Mini day care centers are already allowed in these zones with a conditional use permit as long as they are in a family abode. Also, these zones allow for churches with a conditional use permit. Considering that Churches and mini child care centers in a family abode are allowed it seems that day care centers not in a family abode should be allowed as well.

This amendment would help provide a needed service to our community.

Proposed Development Code Amendment

RS, RL and RMH zoned properties would be allowed to have day care center with a conditional use permit.



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

FILE/PROJECT NUMBER: ED-2023-0017

DESCRIPTION OF PROPOSAL: To amend Kennewick Municipal Code Section 18.12.010 A.1 by permitting Day Care Centers via a Conditional Use Permit in the Residential, Suburban (RS), Residential, Low Density (RL) and Residential, Manufactured Home (RMH) Zoning Districts.

PROPONENT: Tyson Fellman, 5608 W 26th Avenue, Kennewick, WA 99338

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: Not Site Specific

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: Anthony Muai, AICP

POSITION/TITLE: Planning Director

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

PHONE: (509) 585-4386

☐ 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: June 29, 2023

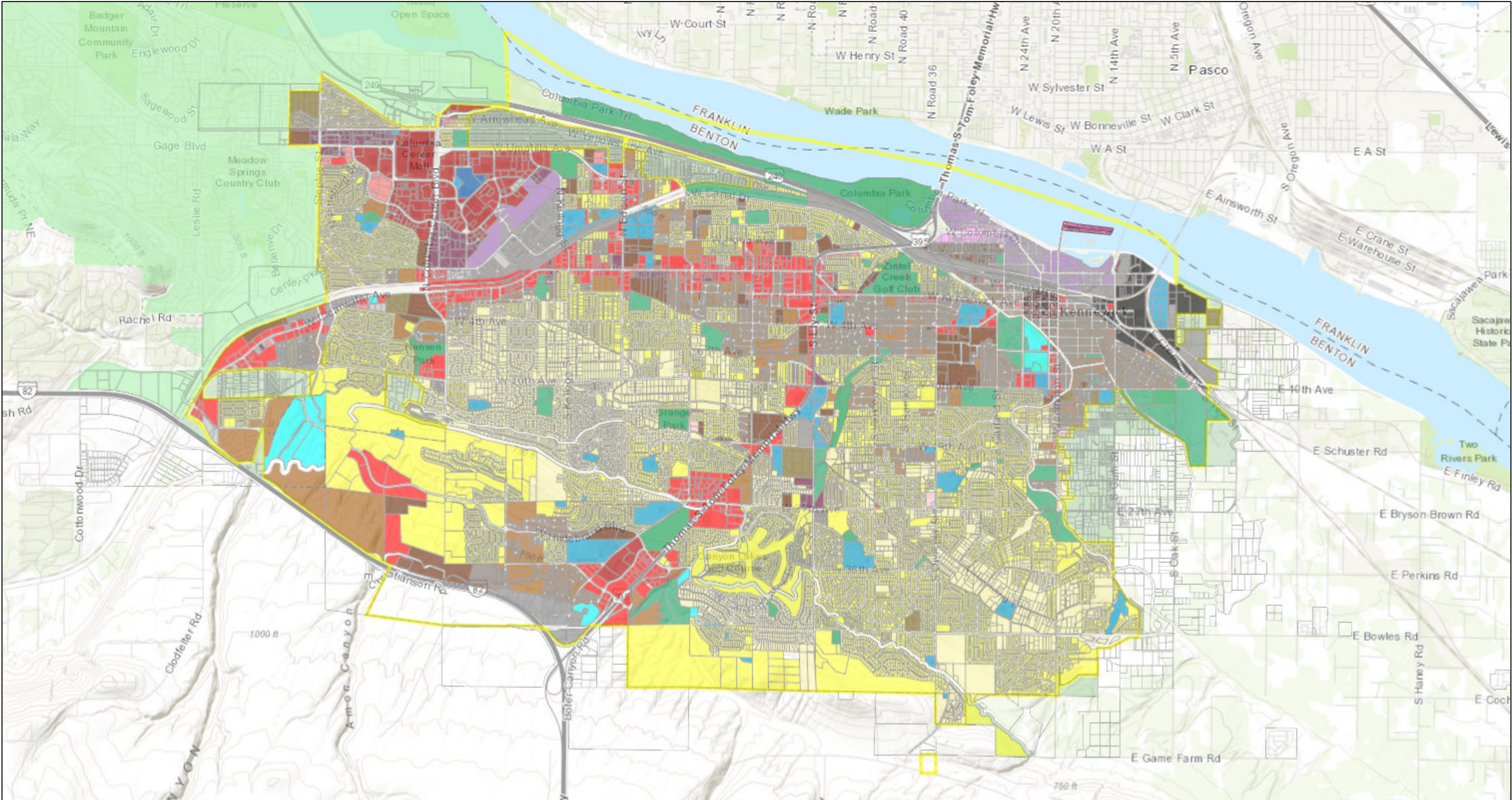
Signature: _____

Appeal: An appeal of this determination must be submitted to the Community Planning Department within fourteen (14) calendar days after the date issued and no later than 5 p.m. 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
ED-2023-0017 File

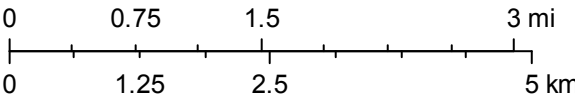
Zoning Map



7/17/2023, 9:08:36 AM

This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

1 inch = 6,019 feet 1:72,224



A	CC	CM	CR	IH-L	MULTI	PF	RL-L	RM-6	RMH-1	RMH-6-1	UMU
BP	CC-L	CN	CR-L	IL	OS	RH	RM	RM-6-1	RMH-1-L	RS	
CAR	CG	CO	HMU	IP	OS-L	RH-L	RM-4	RM-6-L	RMH-10	RTP	
CBD	CG-L	CO-L	IH	JF	P	RL	RM-4-L	RMH	RMH-6	RTP-L	



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User

Accessory Dwelling Unit (ADU) Updates

Planning Commission Workshop
August 7, 2023



Summary of Proposal

- * Amend ADU requirements for ease of use and to comply with HB 1337
 - * Minimum lot size
 - * Number of ADUs
 - * Height
 - * Square footage
 - * Condo conversion
 - * Owner occupancy
 - * Impact Fees
 - * Design requirements

Proposed Amendments

- * Allow ADUs on all lots that meet minimum lot size for the zone
 - * Current: min lot size of 10,000 sf regardless of zone for detached; no min for attached
- * Allow 2 ADUs per lot (2 attached; 1 attached, 1 detached; 2 attached, but detached from primary structure)
 - * Current: 1 ADU per qualifying lot

Proposed Amendments

- * Max height of 24 feet for detached ADU
 - * Current: 20 ft for detached, zone max for attached
- * Max size of detached ADU 1,100 sf
 - * Current: 800 sf or 40% of primary structure, whichever is less
- * No restriction on number of bedrooms
 - * Current:
- * ADUs may be converted into condominiums and sold

Proposed Amendments

- * Property owner not required to live onsite
 - * Current: Property owner must live on site
- * Traffic impact fees assessed at 50% of single-family
 - * Current: Assessed at single-family rate
- * Design requirements consistent with single family requirements – matching existing is not required
 - * Current: ADU must be architecturally compatible with primary unit (windows, siding, style, etc.)

Requirements not changing

- * Setbacks
 - * Same as residential accessory structures
 - * 5 ft side, 5 ft rear, 15 ft front, 0 ft at alleys and certain ROW
- * Parking
 - * 1 per ADU in addition to required parking for primary dwelling unit

Comprehensive Plan Goals & Policies

- * **Housing Goal 1: Support and develop a variety of housing types and densities to meet the diverse needs of the population.**
 - * Housing Goal 1, Policy 3: Allow residential developments such as condominiums, zero lot lines, accessory apartments and other innovative housing techniques.
- * **Housing Goal 3: Promote affordable housing for all economic segments of the community.**
 - * Housing Goal 3, Policy 1: Promote affordable infill residential construction through flexibility in development techniques.

Next Steps

- * 8/21 – PC Public Hearing
- * 8/22 – CC Workshop
- * 9/5 or 9/19 – Council Meeting & Decision

Questions?

