Planning Commission MEETING Agenda
May 5, 2025 at 6:30 PM
City Hall Council Chambers - 210 W. 6th Ave - Virtual

The City of Kennewick broadcasts meetings on the City's website and Zoom. You can watch the broadcast or register to participate via Zoom on the Planning Commissions webpage at www.go2kennewick.com/PlanningCommission.

The public can also submit comments by either filling out an online form at www.go2kennewick.com/PCPublicComment, via e-mail to cedinfo@ci.kennewick.wa.us, or submitting written comments to Kennewick Planning Commission, P.O. Box 6108, Kennewick, WA 99336. Comments must be received no later than 4:00 p.m. on the day before the meeting.

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1. CALL TO ORDER

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 under New Business.

a. Approval of the Minutes Dated *April 7, 2025*

b. Approval of Agenda

c. Motion to Enter Staff Report(s) into Record

3. PUBLIC HEARING

a. Application# DCA-2025-0003 – To amend Kennewick Municipal Code Chapter 18.12 – Zone Districts and Standards and 18.45 – Planned Residential Developments. The proposed amendment will move sections of code from the Kennewick Administrative Code to the Kennewick Municipal Code. The proposal also removes a section from KMC 4.08 – State Environmental Policy Act.

b. Application# DCA-2025-0004 – Amend Kennewick Municipal Code Section 18.42.120 – Minor Variations by establishing decision making criteria.

4. VISITORS NOT ON AGENDA

5. OLD BUSINESS

a. City Council Action Updates

6. NEW BUSINESS

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

8. ADJOURNMENT

KENNEWICK PLANNING COMMISSION
MEETING MINUTES
April 7, 2025 - DRAFT

1. **CALL TO ORDER:**
   Deputy City Clerk Brandi Ralston called the regular meeting of the Kennewick Planning Commission to order at 6:30 p.m. All Commissioners with the exception of Christopher Arneson were present. Commissioner Anerson arrived at 6:31 p.m.

   Ms. Ralston welcomed new Planning Commissioners Christopher Arneson, Mark Barger, and Michelle Morales.

   Ms. Ralston then noted that the Planning Commission is without a Chair or Vice-Chair therefore elections would be conducted.

MOTION: Commissioner Gregory moved to nominate Commissioner Hempstead as Chair.

SECOND: Commissioner Perez.

DISCUSSION: None.

VOTE: The motion passed unanimously (7-0).

MOTION: Chair Hempstead moved to nominate Commissioner Gregory as Vice Chair.

SECOND: Commissioner Rahimlou.

DISCUSSION: None.

VOTE: The motion passed unanimously (7-0).

Ms. Ralston noted that the meeting would be turned over to Chair Hempstead.

ATTENDANCE:

Commissioners Present:
- **James Hempstead,** *Chair*
- **Tina Gregory,** *Vice Chair*
- **Mark Barger,** *Commissioner*
- **Michelle Morales,** *Commissioner*
- **Christopher Arneson,** *Commissioner*
- **Douglas Perez,** *Commissioner*
- **Ana Rahimlou,** *Commissioner*

City Staff Present:
- **Anthony Muai**, *AICP Planning Director*
- **Steve Donovan,** *AICP Development Services Manager*
- **Alisha Piper**, *Planner*
- **Matt Halitsky,** *AICP Senior Planner*
- **Brandi Ralston,** *Deputy City Clerk*

Ms. Ralston announced a quorum was established.

Chair Hempstead lead the Pledge of Allegiance.

2. **CONSENT AGENDA:**

MOTION: Vice Chair Gregory moved to approve the consent agenda as presented.

SECOND: Commissioner Perez.

DISCUSSION: None.

VOTE: The motion passed unanimously (7-0).

3. PUBLIC HEARINGS:

Chair Hempstead made the following statement:
"Good evening and welcome to the April 7, 2025 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 - Ehlis & Schmidt at 2109, 2117, 2123 and 2207 W 21st Avenue from Residential, Suburban Density (RS) to Residential, Low Density (RL) (COZ-2025-0001)

Chair Hempstead opened the public hearing at 6:38 p.m. for Change of Zone COZ-2025-001, proposing to change the zoning district of four lots, located at 2109 W. 21st Ave., 2117 W. 21st Ave., 2123 W. 21st Ave. and 2207 W. 21st Ave. from Residential, Suburban Density (RS) to Residential, Low Density (RL).

Property Owners:
Steven L & Parmelia M Schmidt
2109 W. 21st Ave. (2117 & 2123)
Kennewick, WA 99337

Jonathon J Ehlis
2207 W. 21St Ave.
Kennewick, WA 99337

Applicant:
Knutzen Engineering
5401 Ridgeline Dr., #160
Kennewick, WA 99338

Ms. Piper described the application, presented the staff report, and recommended the Planning Commission forward a recommendation for approval of COZ-2025-0001 to City Council.

Planning Commission Questions of Staff: None.

Testimony of Applicant/Applicant's Representative: Applicant/Owner's Representative Paul Knutzen of Knutzen Engineering spoke to his client's desire to have the properties change of zone approved.

Testimony in Favor of the Request: None.

Testimony Neutral/Against the Request: None.

Testimony of Those Registered on Virtual Format: None.

Staff Final Comments: None.

Public Testimony Closed at 6:44 p.m.

MOTION: Vice Chair Gregory moved that the Planning Commission concur with the findings and conclusions in staff report COZ-2025-0001 and recommend approval of the request to City Council.

SECOND: Commissioner Perez.

DISCUSSION: None.

VOTE: The motion passed unanimously (7-0).

b. Middle Housing Code Amendments

Chair Hempstead opened the public hearing at 6:46 p.m. for Middle Housing Code Amendments. Mr. Muai presented the staff report on proposed amendments to development regulations to allow and encourage the development of middle housing and comply with HB 1110(2023).

Planning Commission Questions of Staff: Mr. Muai answered Commissioners' questions and provided clarifying information.

Testimony of Applicant/Applicant's Representative: None.

Testimony in Favor of the Request: None.

Testimony Neutral/Against the Request: None.

Testimony of Those Registered on Virtual Format: None.

Staff Final Comments: None.

Public Testimony Closed at 7:19 p.m.

MOTION: Commissioner Barger moved that the Planning Commission concur with the findings and conclusions in the staff report DCA-2025-0002 and recommend to City Council approval of the request.

SECOND: Commissioner Perez.

DISCUSSION: None.

VOTE: The motion passed unanimously (7-0).

4. **VISITORS NOT ON AGENDA:** None.

5. **OLD BUSINESS:**
   a. **CITY COUNCIL ACTION UPDATES**: None.

6. **NEW BUSINESS:** None.

7. **REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFFBOARD COMMENTS/DISCUSSION:**

   Commissioners thanked staff and welcomed new members. Chair Hempstead also requested training for the Commission, as there are many new Commissioners. Mr. Muai noted that he is working with the City Clerk to provide OPMA/parliamentary procedure training for the Commission. Chair Hempstead also requested information on the workflow Planning Department processes.

8. **ADJOURNMENT:** Chair Hempstead concluded the meeting at 7:24 p.m. **Mr. Maui noted there is a joint planning commission and City Council Workshop on April 22, 2025. The Regular Planning Commission meeting on April 21, 2025 will be cancelled and a special meeting will be held on April 22, 2025 at 6:30 p.m.**

Draft_____
Brandi Ralston, CPRO
Deputy City Clerk

Planning Commission MEETING Agenda

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3. PUBLIC HEARING

a. Application# DCA-2025-0003 – To amend Kennewick Municipal Code Chapter 18.12 – Zone Districts and Standards and 18.45 – Planned Residential Developments. The proposed amendment will move sections of code from the Kennewick Administrative Code to the Kennewick Municipal Code. The proposal also removes a section from KMC 4.08 – State Environmental Policy Act.

b. Application# DCA-2025-0004 – Amend Kennewick Municipal Code Section 18.42.120 – Minor Variations by establishing decision making criteria.

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8. ADJOURNMENT

COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO
THE PLANNING COMMISSION

FILE NO: DCA-2025-0003

Public Hearing Date: May 5, 2025

Proposal: Amend Kennewick Municipal Code (KMC) Section 18.12.250 and 18.45.01 by moving text from the Kennewick Administrative Code (KAC) to the KMC. Repeal KMC 4.08.540 (1).

Applicant: City of Kennewick

Staff Contact: Joseph Laris, Assistant Planner

Background:
Earlier this year, the City of Kennewick began the process of moving sections of the KAC to the KMC in anticipation of eliminating the KAC.

In this application, the City did not send the proposed amendments to the Department of Commerce since the proposed code amendment did not meet the threshold to notify the Department of Commerce.

Discussion and Analysis:
Staff has proposed the following amendments (underlined, strikethrough and in red) to KMC Section 18.12.250 – Temporary and Parking Lot Businesses and to KMC Section 18.45.010 – Purpose:

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 $1,000,000.00; 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 non-conforming 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.

(w) A building permit may be required.

18.45.010: Purpose.

It is the purpose of this chapter to:

(1) Encourage imaginative design and the creation of permanent open space by permitting greater flexibility in zoning requirements than is generally permitted by other sections of the Kennewick Municipal Code ("KMC");

(2) Preserve or create environmental amenities superior to those generally found in conventional developments;

(3) Create or preserve usable open space for the enjoyment of the residents;

(4) Preserve, to the greatest extent possible, the natural characteristics of the land, including, but not limited to, topography, natural vegetation, waterways, and views;

(5) Encourage development of a variety of housing types; and

(6) Provide for maximum efficiency in the layout of streets, utility networks and other public improvements and infrastructure.

(7) Planned residential developments are treated as changes-of-zones and are analyzed in terms of their overall benefits to the City as a whole. They are not intended to provide solutions to isolated or unique circumstances of a personal nature.

As a result of the proposed amendments, KMC 4.08.540 (1) will be repealed as indicated below:

4.08.540: Fees.

The following fees will be charged:

(~~1~~) ~~Threshold Determination. The City will collect $25.00 from the proponent before undertaking a threshold determination. The time for making a threshold determination does not begin to run until payment of the fee.~~

(1 ~~2~~) Environmental Impact Statement.

(a) When the City is the lead agency for a proposal requiring an EIS and the Responsible Official determines that the EIS will be prepared by employees of the City, the City will charge and collect a reasonable fee from the applicant to cover its costs. The Responsible Official will advise the applicant of the projected costs and obtain security for them.

(b) When the Responsible Official determines that the City will contract for the preparation of an EIS, he will charge costs directly to the applicant. Consultants will be selected by mutual agreement of the City and applicant after a call for proposals. The Responsible Official will obtain security for the costs.

(c) If a proposal is modified so that an EIS is no longer required, the Responsible Official will refund any fees collected under (a) or (b) of this subsection which remain after incurred costs are paid.

(2 ~~3~~) The City will collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter.

(3 4) The City will not collect a fee for performing its duties as a consulted agency.

(4 ~~5~~) The City will charge for copies and for mailing.

Staff Analysis:
Staff is of the opinion that the proposed amendments provide clear regulations for planned residential developments and temporary and parking lot businesses by moving code from the KAC to the more publicly accessible KMC.

The amendment to KMC 4.08.540 will also eliminate language for a fee that is not considered necessary for the city to process and review Environmental Determination applications as the city already has a fee schedule that covers the cost of Environmental Determination staff review and publication costs.

Comprehensive Plan Land Use Goals
Not applicable

Regulatory Controls and Policies

- Kennewick Municipal Code Chapter 18.12
- Kennewick Municipal Code Chapter 18.45
- Kennewick Municipal Code Chapter 4.08

Findings of Fact:

1. The applicant is the City of Kennewick, Community Development, 210 W 6th Avenue, Kennewick, WA 99336.
2. The application was submitted on March 6, 2025.
3. Notice of the proposed code revision was not sent to the Washington State Department of Commerce. This is consistent with the requirements of RCW 36.70A.106.
4. The Notice of Public Hearing was published in the Tri City Herald on April 19, 2025.

Conclusions of Law:

1. The proposed amendments will affect the City of Kennewick's general welfare in a positive manner, by providing clarification to sections of the KMC through code moved from the KAC to KMC and removing language deemed redundant for Environmental Determination fees.

Staff Recommendation:
Based on the above analysis of the applicant's 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 DCA-2025-0003 and recommend approval of the amendments to KMC Section 18.12.130, 18.45.010, and 4.08.540 to City Council.

Exhibits:

1. Staff Report

COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO
THE PLANNING COMMISSION

FILE NO: DCA-2025-0004

Public Hearing Date:	May 5, 2025
Proposal:	Amend Kennewick Municipal Code (KMC) Section 18.42.120 – Minor Variations to establish decision making criteria.
Applicant:	City of Kennewick
Staff Contact:	Steve Donovan, Planning Manager

Background:
City staff has been reviewing the Kennewick Administrative Code (KAC) to see what portions should be adopted into the KMC. Planning Staff has determined that the proposed amendment will provide guidance to the public and staff when reviewing Minor Variations.

Proposal:
Staff has proposed the following amendments (underlined and in red) to KMC Section 18.42.120 – Minor Variations:

The Planning Director may approve, without notice, a reduction in lot area, setback and width and an increase in lot coverage and building height, none of which exceeds ten percent of the standards of the zone in which the use is located. Minor variations are subject to all conditions listed in Section 18.54.050. They will generally not be approved if an application is for a self-created hardship. Minor variations may not allow an increase in the number of dwelling units on a parcel nor permit a reduction in lot area of any lot created after January 1, 1977. If the Planning Director denies a minor variation, the applicant may apply for a variance to the Hearing Examiner (18.54.070).

Staff Analysis:
The proposed criteria was in the KAC, which provides policy guidance for staff. Over the past few months City departments have been reviewing the KAC to determine what, if any parts of it, should be added to the KMC.

KAC Section 10-20-070 – Minor Variances reads as follows:

> Minor variance applications are decided by planning division staff and are limited to 10% or less of required dimensional setbacks. Minor variances are subject to the same criteria as those found in 18.54 of the Kennewick Municipal Code. They will generally not be approved if an application is for a self-created hardship.

KMC Section 18.42.120 - Minor Variations currently reads as follows:

> The Planning Director may approve, without notice, a reduction in lot area, setback and width and an increase in lot coverage and building height, none of which exceeds ten percent of the standards of the zone in which the use is located. Minor variations may not allow an increase in the number of dwelling units on a parcel nor permit a reduction in lot area of any lot created after January 1, 1977. If the Planning Director denies a minor variation, the applicant may apply for a variance to the Hearing Examiner (18.54.070).

The conditions of approval in KMC Section 18.54.050 – Findings for Variance, read as follows:

(1) The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property, on behalf of which the application was filed, is located; and

(2) That such variance is necessary because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

(3) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

It is staff's opinion that the proposed amendments will provide clarity to the decision making process for both staff and the public.

Review of Minor Variation applications will remain administrative. The proposed amendments are not site specific.

Regulatory Controls and Policies:

- Kennewick Municipal Code Title 18
- Kennewick Comprehensive Plan

Findings of Fact:

1. The applicant is the City of Kennewick, Community Development, 210 W 6th Avenue, Kennewick, WA 99336.
2. The application was submitted on March 6, 2025.
3. Notice of the proposed code revision was sent to the Washington State Department of Commerce on March 6, 2025, 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 March 6, 2025.
5. The Department of Commerce granted expedited review on March 20, 2025.
6. The Notice of Public Hearing was published in the Tri City Herald on April 20, 2025.

Conclusion of Law:

1. The proposed amendments will affect the City of Kennewick's general welfare in a positive manner, by establishing clear decision making criteria.

Staff Recommendation:

Based on the above analysis, 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 DCA-2025-0004 and recommend approval of the amendments to KMC Section 18.42.120 – Minor Variations.

Exhibits:
1. Staff Report

Planning Commission Public Hearing

Development Code Amendment DCA-2025-0004

Application Summary

Applicant(s): City of Kennewick

Proposal: To amend Kennewick Municipal Code (KMC) Chapter 18.72 – Clearing and Grading. The amendment will change the primary reviewer from the Community Planning Department to the Public Works Department.

Staff Analysis

Staff has reviewed the proposed amendments and provides the following analysis:

- The proposed amendments will mostly only change the Community Planning Department as the main reviewer and processor of grading permits to the Public Works Department. Other than two additional subsections in Section 18.72.020, all other review criteria remain unchanged.
- The Community Planning Department will remain the administrator of all State Environmental Policy Act processes if it is required for grading activity. Staff is of the opinion that the proposed amendments provide clear direction to which City Department is the primary reviewer of grading permits. The proposed amendments are not site specific.

Recommendation

Staff has determined that the proposed Zoning Ordinance Amendment is not in conflict with the comprehensive plan and therefore, recommends that the Planning Commission concur with the Findings and Conclusion contained in Staff Report DCA-2024-0005 and recommends approval of the proposed amendment to City Council.