



CITY COUNCIL REGULAR MEETING AGENDA
February 16, 2021 at 6:30 p.m.
City's Website

City Council temporarily designated the location for regular, special and study session meetings to a virtual location until termination of the state of emergency or until rescinded.

The City of Kennewick broadcasts City Council meetings on the City's website at <https://www.go2kennewick.com/CouncilMeetingBroadcasts>. The City will be providing options for citizen comment via Zoom and the City's website (see more information under Visitors on the agenda.)

1. CALL TO ORDER

Roll Call/Pledge of Allegiance/Welcome

HONORS & RECOGNITIONS

2. APPROVAL OF AGENDA

3. CONSENT AGENDA

All matters listed within the Consent Agenda have been distributed to each member of the Kennewick City Council for reading and study, are considered to be routine, and will be enacted by one motion of the Council with no separate discussion.

- a. Minutes of Regular Meeting of February 2, 2021.
- b. Motion to approve the Claims Rosters for the Toyota Center Operations Account for December 2020.
- c. Motion to approve Payroll Roster for January 31, 2021.
- d. Motion to award Contract P2105-21 Furnishing & Applying Herbicide 2021-2022 to Senske Services in the amount of \$72,741.86, plus a 10% contingency amount of \$7,274.19, for a total amount of \$80,016.05.
- e. Motion to award P1918-21 Washington St. Corridor Project to Ray Poland & Sons in the amount of \$801,342.85, plus a 10% contingency amount of \$80,134.29, for a total amount of \$881,477.14.
- f. Motion to authorize the Mayor to sign the Jail Use Agreement with Benton County.

4. VISITORS

The City asks all members of the public that would like to comment under the Visitors section of the agenda to fill out an online form at <https://www.go2kennewick.com/VisitorsComments> no later than 5:00 p.m. on Monday, February 15th to be included in the Council packet.

Interested parties may also submit written comments to P.O. Box 6108, Kennewick, WA 99336; or e-mail clerkinfo@ci.kennewick.wa.us no later than 5:00 p.m. on Monday, February 15th to be included in the Council packet.

If you wish to comment under the Visitors section during the meeting, please register at https://us02web.zoom.us/webinar/register/WN_xFjPGmFoTlya5eex9wK2TQ.

Registrations must be received by 4:00 p.m. on Tuesday, February 16, 2021.

5. ORDINANCES/RESOLUTIONS

- a. Resolution 21-03: Amending 2021-2026 Six-Year Transportation Improvement Plan (TIP).
- b. Ordinance 5896: Change of Zone (COZ) 20-05 from Residential, Low (RL) to Residential, Medium Density (RM) at 3126 W. Hood Ave.
- c. Ordinance 5897: Comprehensive Plan Amendment 20-01 from Low Density Residential to Public Facility at 4826 W. Metaline.
- d. Ordinance 5898: Comprehensive Plan Amendment 20-02 from Commercial to Medium Density Residential at 9757 W. Clearwater Ave.
- e. Ordinance 5899: Comprehensive Plan Amendment 20-03 from Medium Density Residential to High Density Residential at Address undetermined, Parcel #1-1889-100-0001-007.
- f. Ordinance 5900: Comprehensive Plan Amendment 20-04 from Low Density Residential to High Density Residential at 324 N. Arthur St.
- g. Ordinance 5901: Comprehensive Plan Amendment 20-05 from Low Density Residential To Commercial at 8598 W. Hildebrand Blvd.
- h. Ordinance 5902: Comprehensive Plan Amendment 20-07 from Low Density Residential to Medium Density Residential and from Commercial to Medium Density Residential at 4711, 4717 and 4721 W. Canal Dr.

6. PUBLIC HEARINGS/MEETINGS

7. NEW BUSINESS

8. UNFINISHED BUSINESS

9. COUNCIL COMMENTS/DISCUSSION

10. ADJOURNMENT

CITY OF KENNEWICK
CITY COUNCIL
Regular Meeting
February 2, 2021

1. CALL TO ORDER

Mayor Don Britain called the meeting to order at 6:30 p.m.

Meeting was conducted through an online, virtual meeting platform. Councilmembers and staff joined remotely. City Council temporarily designated the location for regular, special and study session meetings to a virtual location until termination of the state of emergency or until rescinded.

City Council and Staff Present:

Mayor Pro Tem Steve Lee	Lisa Beaton	Evelyn Lusignan
Bill McKay	Cary Roe	Bruce Mills
Chuck Torelli	Terri Wright	
Jim Millbauer	Dan Legard	
Mayor Don Britain	Emily Estes-Cross	
Marie Mosley	Ken Hohenberg	
Greg McCormick	Chad Michael	

Mayor Pro Tem Lee moved, seconded by Mr. Torelli to excuse the absence of Mr. Beauchamp and Mr. Trumbo at tonight's meeting. The motion passed unanimously.

Mayor Britain led the Pledge of Allegiance.

HONORS & RECOGNITIONS

- Retiree Recognition – Isabell Quintanilla

Mayor Britain read the retirement plaque words and thanked Ms. Quintanilla for her 27-years of service to the City.

2. APPROVAL OF AGENDA

Mr. Torelli moved, seconded by Mayor Pro Tem Lee to approve the Agenda as presented. The motion passed unanimously.

3. APPROVAL OF CONSENT AGENDA

- a. Minutes of Regular Meeting of January 19, 2021.
- b. (1) Motion to approve Claims Roster for January 22, 2021.
(2) Motion to approve the Claims Roster for the Columbia Park Golf Course Account for December 2020.
- c. Motion to approve Payroll Roster for January 15, 2021.
- d. Motion to accept the work of Culbert Construction for Contract P1714-19, W. 10th Ave. Widening Project, in the amount of \$1,711,393.38.
- e. Motion to accept the work of Inland Asphalt Co. for Contract P2001-20, 2020 City-Wide Asphalt Overlay, in the amount of \$1,597,219.55.
- f. Motion to accept the work of Central Washington Asphalt for Contract P2002-20, Pedestrian Pathway Edison to Union (CDBG), in the amount of \$314,663.07.

Mayor Pro Tem Lee moved, seconded by Mr. Millbauer to approve the Consent Agenda as presented. The motion passed unanimously.

4. VISITORS - None

5. ORDINANCE/RESOLUTIONS - None

6. PUBLIC HEARINGS/MEETINGS - None
7. NEW BUSINESS - None
8. UNFINISHED BUSINESS - None
9. COUNCIL COMMENTS/DISCUSSION

Council members reported on their respective activities.

10. ADJOURNMENT

Meeting adjourned at 7:01 p.m.

Terri L. Wright, CMC
City Clerk

Council Agenda Coversheet



Agenda Item Number	3.b.	Council Date	02/16/2021
Agenda Item Type	General Business Item		
Subject	Toyota Center/Arena Accounts		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	Finance		

Consent Agenda	☒
Ordinance/Reso	☐
Public Mtg / Hrg	☐
Other	☐
Quasi-Judicial	☐

Recommendation

Staff recommends that Council approve the Claims Rosters for the Toyota Center Operations and Box Office Accounts for December 2020.

Motion for Consideration

I move to approve the Claims Rosters for the Toyota Center Operations Account for December 2020 in the amount of \$114,202.57, comprised of check numbers 21736-21742 in the amount of \$9,606.05 and electronic transfers in the amount of \$104,596.52. There was no Box Office Account activity in December 2020.

Summary

None.

Alternatives

None.

Fiscal Impact

Total \$114,202.57.

Through

Denise Winters
Feb 10, 11:45:42 GMT-0800 2021

Dept Head Approval

Dan Legard
Feb 10, 11:53:30 GMT-0800 2021

City Mgr Approval

Marie Mosley
Feb 12, 08:41:47 GMT-0800 2021

Attachments: Roster

☐ Recording
Required?

**Toyota Center and Toyota Arena
Operations Claims Roster
December 2020**

Num	Date	Name	Memo	Account	Paid Amount
21736	12/16/2020	Benton PUD		1006.1 · Sterling Operating Account	
Sign10/7-11/7/20	11/12/2020		Sign-Small Service 10/7/20-11/7/20	8036.3 · Electricity	-351.65
LG10/7-11/7/20	11/12/2020		Large General Services 10/7/20-11/7/20	8036.3 · Electricity	-7,258.45
LTS10/7-11/7/20	11/12/2020		Lights-Small General Service 10/7/20-11/7/20	8036.3 · Electricity	-18.50
					<u>-7,628.60</u>
21737	12/16/2020	Cascade Natural Gas - COL	Natural Gas Service 10/10/20-11/6/20	1006.1 · Sterling Operating Account	
10/10/20-11/6/20	11/10/2020		Natural Gas Service 10/10/20-11/6/20	8036.2 · Natural Gas	-14.21
					<u>-14.21</u>
21738	12/16/2020	Cascade Natural Gas - ICE	Natural Gas Service 10/10/20-11/6/20	1006.1 · Sterling Operating Account	
10/10/20-11/6/20	11/09/2020		Natural Gas Service 10/10/20-11/6/20	8036.2 · Natural Gas	-909.02
					<u>-909.02</u>
21739	12/16/2020	Lowe's Commercial Services		1006.1 · Sterling Operating Account	
16478	10/22/2020		Misc Supplies for Toyota Arena PO#3406	8098 · Supplies & Equipment	-4.42
16598	10/23/2020		Misc Supplies for Toyota Arena PO#3406	8098 · Supplies & Equipment	-15.63
16151	10/26/2020		Misc Supplies for Toyota Arena PO#3406	8098 · Supplies & Equipment	-41.34
16112	10/26/2020		Misc Supplies for Toyota Arena PO#3406	8098 · Supplies & Equipment	-58.69
16007	11/01/2020		Misc Supplies for Toyota Arena PO#3406	8098 · Supplies & Equipment	-56.49
16668	11/30/2020		Misc Supplies for Toyota Arena PO#3406	8098 · Supplies & Equipment	-38.11
					<u>-214.68</u>
21740	12/16/2020	United States Ice Rink Association	Membership for Frankie Brazil # 7789 12/15/2020-12/14/2021	1006.1 · Sterling Operating Account	
11290	11/02/2020		Membership for Frankie Brazil # 7789 12/15/2020-12/14/2021	8011 · Dues & Subscriptions	-75.00
					<u>-75.00</u>
21741	12/16/2020	US Foods	VOID: Credit balance owed to TOYO	1006.1 · Sterling Operating Account	
					0.00
21742	12/16/2020	Weaver Exterminating Service, Inc.		1006.1 · Sterling Operating Account	
582232	10/20/2020		Monthly Pest/Rodent Control Service-TC	8094 · Outside Services	-255.21
582229	10/20/2020		Monthly Pest/Rodent Control Service-TA	8094 · Outside Services	-127.06
582532	11/17/2020		Monthly Pest/Rodent Services-TA	8094 · Outside Services	-127.06
582534	11/17/2020		Monthly Pest/Rodent Services-TC	8094 · Outside Services	-255.21
					<u>-764.54</u>
WIRE	12/07/2020	Ticketmaster.	TM refunds requested through 11/30/20	1006.1 · Sterling Operating Account	
			TM refunds requested through 11/30/20	3601 · Unearned Revenue-Ticket Sales	-1,315.50
			TM refunds requested through 11/30/20	3601.10 · Unearned Revenue-Facility Fees	-70.00
					<u>-1,385.50</u>
WIRE	12/18/2020	Ticketmaster.	TM refunds requested through 12/14	1006.1 · Sterling Operating Account	
			TM refunds requested through 12/14	3601 · Unearned Revenue-Ticket Sales	-1,477.00
			TM refunds requested through 12/14	3601.10 · Unearned Revenue-Facility Fees	-40.00
					<u>-1,517.00</u>
TRANSFER	12/30/2020	Three Rivers Convention Center1	Payroll transfer through P/end 10/25/20	1006.1 · Sterling Operating Account	
			Payroll transfer through P/end 10/25/20	2215 · Due To (From) Convention Center	-101,577.77
					<u>-101,577.77</u>
AUTO	12/31/2020	American Payment Solutions	Credit card processing Dec 2020	1006.1 · Sterling Operating Account	
			Credit card processing Dec 2020	8109 · Credit Card Fees	-35.45
					<u>-35.45</u>
AUTO	12/31/2020	USAAePay	CC processing setup for TOYO - Dec 2020	1006.1 · Sterling Operating Account	
			CC processing setup for Center - Dec 2020	8109 · Credit Card Fees	-12.50
			CC processing setup for Arena - Dec 2020	8109 · Credit Card Fees	-12.50
					<u>-25.00</u>

Toyota Center and Toyota Arena
Operations Claims Roster
December 2020

Num	Date	Name	Memo	Account	Paid Amount
AUTO	12/31/2020	Ignite Payment Systems	Card processing fees - TOYO Dec 2020	1006.1 - Sterling Operating Account	
			Card processing fees - TOYO Dec 2020	8109 - Credit Card Fees	-55.80
					<u>-55.80</u>
Total Paid				114,202.57	

I, Dan Legard, Finance Director, do hereby certify that the merchandise or services hereinbefore specified have been received, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation and that the vouchers listed above are approved for payment this day.



Dan Legard, Finance Director

The payments on this claims roster are comprised of the following:

Check numbers 21736-21742	\$	9,606.05
Electronic transfers		104,596.52
		<u>114,202.57</u>
	Total	<u>\$ 114,202.57</u>

Exceptions:

Council Agenda Coversheet



Agenda Item Number	3.c.	Council Date	02/16/2021
Agenda Item Type	General Business Item		
Subject	Payroll Roster for PPE 1/31/2021		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	Finance		

Consent Agenda	☒
Ordinance/Reso	☐
Public Mtg / Hrg	☐
Other	☐
Quasi-Judicial	☐

Recommendation

That council approve the Payroll Roster.

Motion for Consideration

I move to approve the Payroll Roster for PPE 1/31/2021 in the amount of \$1,873,893.34 comprised of check numbers 74975 through 74976 and direct deposit numbers 188622 through 189023.

Summary

None.

Alternatives

None.

Fiscal Impact

Total \$1,873,893.34

Through

Dept Head Approval

City Mgr Approval

Dan Legard
Feb 04, 10:46:08 GMT-0800 2021

Marie Mosley
Feb 12, 08:42:16 GMT-0800 2021

Attachments: payroll roster

☐ Recording
Required?

February 16, 2021

All Departments:

January 31, 2021

ADMINISTRATIVE TEAM	2,245.49
CITY COUNCIL	4,612.50
CITY MANAGER	12,760.04
CIVIL SERVICE	3,741.00
COMMUNITY PLANNING & ECONOMIC DEVELOPMENT	22,382.80
EMPLOYEE & COMMUNITY RELATIONS	39,734.34
ENGINEERING	52,674.77
FACILITIES & GROUNDS	56,245.57
FINANCE	49,904.04
FIRE	116,467.24
LEGAL SERVICES	22,712.06
MANAGEMENT SERVICES	78,004.06
POLICE	450,619.44
Subtotal General Fund	912,103.35
STREETS	15,646.88
TRAFFIC	25,098.11
Subtotal Street Fund	40,744.99
BI-PIN	9,929.32
BUILDING SAFETY	43,855.52
COMMUNITY DEVELOPMENT	4,025.18
CRIMINAL JUSTICE	77,475.96
EQUIPMENT RENTAL	10,488.22
MEDICAL SERVICES	341,498.93
RISK MANAGEMENT	4,296.32
STORMWATER UTILITY	19,276.45
WATER & SEWER	141,839.94
Subtotal Other Funds	652,685.84
Total Salaries and Wages	1,605,534.18
<u>Benefits:</u>	
Industrial Insurance	35,368.14
Medical Retirement Account	3,375.00
Retirement	135,441.74
Social Security (FICA)	91,934.31
WA Family Leave	2,239.97
	268,359.16
Total Benefits	
Grand Total	\$1,873,893.34

I, Dan Legard, Finance Director, at the direction of the Council, do hereby certify that the Payroll hereinabove specified is approved for payment in the amount of \$1,873,893.34 comprised of check numbers 74975 through 74976 and direct deposit numbers 188622 through 189023.

Approved for payment:



Dan Legard, Finance Director

Council Agenda Coversheet 	Agenda Item Number	3.d.	Council Date	02/16/2021	Consent Agenda	☒	
	Agenda Item Type	Contract/Agreement/Lease				Ordinance/Reso	☐
	Subject	Furnishing & Applying Herbicide 2021-2022				Public Mtg / Hrg	☐
	Ordinance/Reso #		Contract #		Other	☐	
	Project #	P2105-21	Permit #		Quasi-Judicial	☐	
	Department	Public Works					

Recommendation

Motion to award Contract P2105-21 Furnishing & Applying Herbicide 2021-2022 to Senske Services in the amount of \$72,741.86, plus a 10% contingency amount of \$7,274.19, for a total amount of \$80,016.05.

Motion for Consideration

I move to award Contract P2105-21 Furnishing & Applying Herbicide 2021-2022 to Senske Services in the amount of \$72,741.86, plus a 10% contingency amount of \$7,274.19, for a total amount of \$80,016.05.

Summary

Three (3) bids were received on February 9, 2021 at 10:00 a.m.

Senske Services	\$72,741.86	Engineer's Estimate:	\$80,229.99
Desert Green	\$78,822.42		
Deangelo Bros.	\$92,710.21		

This project is for the furnishing and applying of herbicide to approximately 5.5 Million square feet of city property in years 2021 and 2022. The various application locations include curb and gutter, gravel shoulders, gravel maintenance roads, storm basins, vacant ROW, medians, gravel parking areas and shoulders in Columbia Park, and other various facilities requiring weed control.

State law requires that we award contracts to a responsible bidder with the lowest responsive bid. We have reviewed all bids and determined them all to be responsive. We are recommending award of this project to Senske Services, who we have determined to be a responsive bidder with the lowest responsive bid.

Alternatives

None recommended.

Fiscal Impact

Contract Budget: Street Fund - Herbicide Contract \$85,000
Parks Fund - Fertilizer, Weed, Insect Supply \$4,600

Through	Heath Mellotte Feb 09, 11:47:12 GMT-0800 2021	Attachments:  ☐ Recording Required?
Dept Head Approval	Cary Roe Feb 09, 16:49:45 GMT-0800 2021	
City Mgr Approval	Marie Mosley Feb 12, 08:47:10 GMT-0800 2021	

Council Agenda Coversheet 	Agenda Item Number	3.e.	Council Date	02/16/2021	Consent Agenda	☒	
	Agenda Item Type	Contract/Agreement/Lease				Ordinance/Reso	☐
	Subject	Washington St. Corridor Improvements				Public Mtg / Hrg	☐
	Ordinance/Reso #		Contract #		Other	☐	
	Project #	P1918-21	Permit #		Quasi-Judicial	☐	
	Department	Public Works					

Recommendation

Motion to award P1918-21 Washington St. Corridor Project to Ray Poland & Sons in the amount of \$801,342.85, plus a 10% contingency amount of \$80,134.29, for a total amount of \$881,477.14.

Motion for Consideration

I move to award Contract P1918-21 Washington St. Corridor Project to Ray Poland & Sons in the amount of \$801,342.85, plus a 10% contingency amount of \$80,134.29, for a total amount of \$881,477.14.

Summary

Five (5) bids were received on February 2, 2021 at 10:00 a.m.

Ray Poland & Sons, Inc.	\$801,342.85	Engineer's Estimate:	\$860,474.44
Nelson Construction Corp.	\$876,653.28		
ESF Solutions	\$881,906.17		
Inland Asphalt Co.	\$904,527.90		
Allstar Const.	\$1,133,360.71		

This project is for the complete streets program improvements of a portion of N. Washington Street from Kennewick Avenue to Canal Drive, adding landscape planters, replacing and widening sidewalks from Kennewick Avenue to Columbia Drive. A minor portion of the contract includes installation of electrical conduit, which will be reimbursed by Benton PUD.

The Bituminous Surface Treatment (BST) and re-striping portion of this project is being completed under the P2021 Bituminous Surface Treatment contract, which is scheduled to be completed by Tommer Const. this June/July.

State law requires that we award contracts to a responsible bidder with the lowest responsive bid. We have reviewed all bids and determined them all to be responsive. We are recommending award of this project to Ray Poland & Sons, Inc., who we have determined to be a responsive bidder with the lowest responsive bid.

Alternatives

None recommended.

Fiscal Impact

Contract Budget:	TIB Complete Streets Grant	\$425,000
	Port of Kennewick Match	\$500,000
	Benton PUD Reimbursable Costs	\$ 32,100

Through	Heath Mellotte Feb 09, 15:37:11 GMT-0800 2021	Attachments:  ☐ Recording Required?
Dept Head Approval	Cary Roe Feb 09, 16:48:24 GMT-0800 2021	
City Mgr Approval	Marie Mosley Feb 12, 08:49:14 GMT-0800 2021	

Council Agenda Coversheet 	Agenda Item Number	3.f.	Council Date	02/16/2021	Consent Agenda	☒	
	Agenda Item Type	Contract/Agreement/Lease				Ordinance/Reso	☐
	Subject	Benton County Jail Agreement				Public Mtg / Hrg	☐
	Ordinance/Reso #		Contract #		Other	☐	
	Project #		Permit #		Quasi-Judicial	☐	
	Department	City Attorney					

Recommendation

That Council authorize the Mayor to sign the Jail Use Agreement with Benton County.

Motion for Consideration

I move to authorize the Mayor to sign the Jail Use Agreement with Benton County.

Summary

The Cities have been in negotiations with Benton County staff for the renewal of the Jail Use Agreement. Through the diligence of the negotiations team, the Benton County Board of Commissioners has approved a revised Jail Use Agreement. The two year Jail Use Agreement is effective January 1, 2021 and runs through December 31, 2022. The revised agreement provides a clearer definition for City Prisoner and City Prisoner day, these definitions dictate how City of Kennewick prisoners are counted in relation to the jail population, which in turn determines our percentage of the jail net operating costs. For 2021, the City will pay 14.59% of the Net Operating Costs of the Jail. For 2022, the City's percentage will be based upon the ratio of City Prisoner Days to Prisoner Days during the previous three-year period beginning July 1, 2018 and ending June 30, 2021. The Agreement requires the County to provide the City notice of its percentage for 2022 no later than September 1, 2021. The Agreement requires the County to provide the City with a copy of its preliminary draft Corrections Department budget no later than October 1, 2021. The revised Agreement will provide for better communication between the County and the Cities through the Jail Facilities User Meetings provisions found in Section 17 of the Agreement. The parties are required to meet on a quarterly basis to discuss matters concerning the jail service including but not limited to cost trends, opportunities for cost savings, budget issues and service levels. Staff recommends Council authorize the Mayor to sign the Jail Us Agreement with Benton County.

Alternatives

None.

Fiscal Impact

14.59% of the Net Operating costs of the Jail for 2021. 2022 percentage will be based on the rolling three year average noted in the agreement.

Through		Attachments: Agreement 
Dept Head Approval	Lisa Beaton Feb 09, 17:42:18 GMT-0800 2021	
City Mgr Approval	Marie Mosley Feb 12, 08:51:41 GMT-0800 2021	

☐ Recording Required?

RESOLUTION 2021 134

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF APPROVING THE AGREEMENT FOR USE OF JAIL FACILITIES BETWEEN BENTON COUNTY AND CITY OF KENNEWICK

WHEREAS, per Resolution 2017-287 Benton County and City of Kennewick executed an Agreement for the Use of Jail Facilities; and

WHEREAS, said agreement terminated on December 31, 2020; and

WHEREAS, a new Agreement for Use of Jail Facilities has been negotiated and agreed to by both parties, with an effective date of January 1, 2021 through December 31, 2022; **NOW, THEREFORE**,

BE IT RESOLVED, the Board of Benton County Commissioners hereby concurs with the attached Agreement for Use of Jail Facilities Between Benton County and City of Kennewick and authorizes the Board to sign the same; and

BE IT FURTHER RESOLVED, the attached Agreement for Use of Jail Facilities Between Benton County and City of Kennewick is effective January 1, 2021 and terminates December 31, 2022.

Dated this 2 day of February 2021.

Attest:

Caine Meyer
Clerk of the Board

[Signature]
Chairman of the Board

[Signature]
Chairman Pro Tem

[Signature]
Member

Constituting the Board of County
Commissioners of Benton County,
Washington

AGREEMENT FOR USE OF JAIL FACILITIES

THIS AGREEMENT is made and entered into by and between BENTON COUNTY, a political subdivision of the State of Washington (hereinafter "County") and the City of KENNEWICK, WASHINGTON, a municipal corporation (hereinafter "City").

For and in consideration of the conditions, covenants and agreements contained herein the parties agree as follows:

1. PURPOSE. The City, desiring to utilize Benton County Jail (hereinafter "jail") facilities and services, for the incarceration of City prisoners, in accordance with the Interlocal Cooperation Act (Chapter 39.34 RCW) and the City and County Jails Act (Chapter 70.48 RCW), hereby enters into an agreement with the County for use of the County jail facility and services for confinement of City prisoners. It is the purpose of this agreement to provide for the joint use by the parties of the jail facilities and services at the jail located at the Benton County Justice Center.

2. DEFINITIONS. (a) "Benton County Custody Budget" shall mean all expenditure items in such budget except for expenditures directly for the costs of work crews. The Custody Budget will include but not be limited to a depreciation expense in the amount of One Hundred Seventy Eight Thousand Dollars (\$178,000) per year and expense estimates for all medical expenses incurred in connection with medical treatment of inmates, whether such services are provided in the jail or outside of the jail.

(b) "Benton County Facilities Budget" shall mean that budget labeled as "Facilities" in the then current budget adopted by Benton County.

(c) "City Prisoner" shall mean a person who is booked into the jail pursuant to an arrest by a City police officer for the commission of a misdemeanor or gross misdemeanor, whether filed under state law or city ordinance. For the term of this agreement, should the City choose to repeal any or all of its ordinance provisions which would give rise to potential City jail time, such action will have no bearing on the computation of City prisoner days as defined below.

(d) "City Prisoner Day" shall mean every calendar day during which a City Prisoner is in the custody at the County jail during any portion of such calendar day and shall include when a City Prisoner is only booked and released. For example, if a City Prisoner is booked into jail at any time on January 1st and released at any time on January 4th, this constitutes four City Prisoner days. Provided, for each calendar day that a City Prisoner is in custody at the County jail with additional pending charges by the County or another city located within the County, then the City Prisoner Day for each such calendar day shall be a fraction consisting of one divided by the number of local jurisdictions with charges against the City Prisoner on that calendar day. While two examples of the implementation of this provision are reflected on Exhibit A attached hereto assuming concurrent charges by the County and the City, the language also applies when there are concurrent charges by cities within the County.

"City Prisoner Day" shall also include prisoners who participate in the work release program.

(e) "Net Operating Cost" of the jail shall be calculated monthly as follows: (i) All expenditures in a particular month from the Benton County Custody Budget and all expenditures for that month under bars code 523.500 (or its successor) of the Benton County Facilities Budget, less (ii) all reimbursement payments from any inmate or from another governmental entity for the costs of home monitoring (currently bars code 342.36.0002); medical costs (currently bars codes 342.36.0003, 342.36.0005, and 342.36.0009); work release (currently bars code 342.36.0010); incentive payments from the Social Security Administration (currently bars code 342.36.0006), less (iii) payments received from a governmental entity not within Benton County for incarceration of inmates, and less (iv) expenditures that are reimbursed by third party grants; provided that reimbursements to the County from the State of Washington for the costs of incarcerating convicted felons pursuant to Chapter 137-75 of the Washington Administrative Code (OAA Offenders) shall not be deducted in the calculation of "Net Operating Costs".

(f) "Prisoner Day" shall mean every calendar day that any prisoner is in custody at the County jail due to charges by the County, the City or any other city located within the County, or is arrested in the County under the Offender Accountability Act for violating the terms of community supervision imposed by the Benton County

Superior Court, and shall include calendar days when a prisoner is only booked and released. For example, if a prisoner is booked into jail at any time on January 1st and released at any time on January 4th, this shall be four Prisoner Days. Calendar days that any prisoner is in custody at the County Jail solely due to out of county warrants, detainers by US Marshal Service or Department of Correction (DOC) holds are not Prisoner Days unless the DOC hold is for violating the terms of community supervision imposed by a Benton County Superior Court.

"Prisoner Day" shall also include prisoners who participate in the work release program.

3. AVAILABILITY OF JAIL FACILITIES. The jail facilities and services shall be available for confinement of City Prisoners held upon arrest, awaiting trial, and serving sentences of jail terms on a space available basis; provided, confinement of City prisoners will be given priority over confinement of Prisoners for jurisdictions from outside of Benton County.

4. COMPENSATION FROM CITY. The City shall pay the County as compensation for its provision of jail facilities and services as specified herein.

(a) For incarceration of City Prisoners between January 1, 2021, and December 31, 2021, the City shall pay to the County a monthly amount equal to 14.59% of the Net Operating Costs of the jail for the prior month. For subsequent calendar years, the percentage owed shall be adjusted according to Section 4(b) below. The County will use reasonable efforts to bill the City within twenty (20) days after the close of a particular month.

(b) For 2022, the percentage of the monthly Net Operating Costs that the City shall pay shall be the ratio of City Prisoner Days to Prisoner Days, as those terms are defined in the agreement for the applicable time period, for the three year period beginning July 1, 2018, and ending June 30, 2021. The County shall notify the City in writing of: (i) the percentage of the monthly Net Operating Costs that the City will owe for 2022 no later than September 1, 2021; and (ii) the number of City Prisoner Days and Prisoner Days used to calculate that percentage. No later than October 1, 2021, the County shall provide the City with a copy of the preliminary draft Corrections Department budget for 2022.

(c) Administration Cost: In addition to the amounts owed under Sections 4(a) and 4(b) above, the City shall pay a monthly Administration Fee in the amount of five percent (5%) of the expenditures in the prior month from the Benton County Custody Budget and under bars code 523.500 (or its successor) from the Benton County Facilities Budget. The Administration Fee is not included in the expenditures from the Benton County Custody Budget of Facilities Budget.

(d) The City's obligations to pay for work crew costs is set forth in a separate agreement between the parties and not covered by this Agreement.

5. PAYMENT. (a) The County shall bill the City by submitting a monthly voucher to the City. The City shall pay the County the compensation set forth in Section 4 hereof within thirty (30) days from receipt of such voucher. Account balances overdue sixty (60) days or more will be subject to a service charge of 1% per month (12% per annum) commencing on the initial due date. Should it become necessary, all collection costs will be paid by the City. The City shall have twenty (20) days from the date of the monthly billing to dispute the amount of the voucher.

(b) The monthly billing statement from the County shall include: (i) the number of City Prisoner Days the City had for the prior month; and (ii) the monthly expenditures and revenues for the prior month.

6. MEDICAL COSTS AND TREATMENT.

(a) The County shall have the right to refuse to accept a City Prisoner who, at the time of delivery to the jail for confinement, is in need of medical attention, until the City has made arrangements satisfactory to the County, for such medical attention.

(b) The County will provide medical services for all City Prisoners in accordance with the policies and procedures adopted by the County.

(c) It is within the County's sole discretion to determine whether a City Prisoner requires medication, medical care including

mental health care) or dental treatment that is not available in the health care program within the jail.

- (d) The County agrees to use its best efforts to have Medicaid eligible medical expenses of City Prisoners paid by Medicaid.
- (e) The City shall not be required to make any payments for medical expenses in addition to the compensation owed to the County under Section 4 above.

7. TRANSPORTATION OF PRISONERS. The City shall be responsible for all transportation of City Prisoners to and from the Benton County Justice Center necessary for any reason, or the cost thereof if transportation is provided by the County at the applicable mileage reimbursement rate for private vehicle use set by the U.S. General Services Administration. The County reserves the right not to provide transportation of City Prisoners.

8. TRANSFER OF CUSTODY. (a) City police officers or any law enforcement on behalf thereof delivering persons to the jail for confinement shall provide the receiving officer of the jail with an arrest warrant, citation, court order, other documentation or a completed detention request form satisfactory to the receiving officer which indicates the legal basis for confinement of the person and, in the absence of such documentation, the receiving officer may refuse to accept the person for confinement.

(b) The County may also refuse to accept any City Prisoner for confinement if, in its sole discretion, it would be inappropriate to accept such person for security or safety reasons prompting the Chief of Corrections or his/her designee to conclude that it would be inappropriate for a particular person to be held in custody in the jail, including but not limited to familial, social or employment relationships between the person and one or more members of correctional staff.

(c) City police officers delivering persons to the jail for confinement shall remain in the immediate presence of such person, shall be responsible for such person and shall be considered to have such person in their sole custody until the jail receiving officer has accepted documentation for such person's confinement and physical custody of that person and has indicated that the delivering officer may leave. At such time, and only at such time,

will the County have assumed custody of and responsibility for the person to be confined.

(d) City Prisoners shall be subject to all applicable rules, regulations and standards governing the operation and security of the jail. All City officers delivering prisoners to the County jail shall comply with those rules, regulations and standards.

9. ACCESS TO PRISONERS. City police officers and investigators shall have the right to interview prisoners at any reasonable time within the jail. City police officers shall be afforded equal priority for use of jail interview rooms with other departments.

10. POSTING OF BAIL. The County shall serve as agent for the City in receipt of bail bonds or monies posted for City Prisoners.

11. SPECIAL PROGRAMS.

(a) Work Release. If it is desired that a City Prisoner participate in the jail work release program, City Prisoners shall be treated the same as County prisoners and shall be entitled to participate in the work release program solely upon a space available basis and qualification pursuant to Benton County Corrections' Department standards.

(b) Home Monitoring and Work Crew Prisoners participating in a home monitoring program or work crew shall not be included in the calculation of "City Prisoner Days" or "Prisoner Days" under Sections 2(d) or 2(f) of this Agreement. Work crew costs are not considered part of the Custody Budget under this Agreement and are recouped pursuant to a separate agreement, if any, between the parties and not under this Agreement.

The cost of providing home monitoring is part of the Custody Budget and is paid for by the City under this Agreement; provided, the County shall use all best efforts to collect as much of the cost of home monitoring from the City Prisoner as it can.

12. RELEASE OR LEAVE OF CITY PRISONERS. City Prisoners shall be permitted to leave the jail only:

(a) upon the authorized, written request of the City police; or

- (b) by order of the Court having jurisdiction of a City Prisoner and the matter for which such prisoner is being confined; or
- (c) for appearance by the prisoner in the Court in which the prisoner has been charged; or
- (d) in compliance with a valid writ of habeas corpus, or
- (e) for necessary medical or dental treatment or care not available within the jail; or
- (f) when the prisoner has completed service of the sentence, the charge pending against the prisoner has been dismissed or bail or other satisfactory recognizance has been posted as required by the Court.

13. RECORDKEEPING. The County, based on consultation with the City's chief of police, agrees to maintain a system of record keeping to document the booking and confinement of each City Prisoner in such style and manner as is equivalent to the County's records pertaining to its prisoners. The County shall make copies of said records available upon request by the City. The City agrees to be bound by all applicable confidentiality laws regarding jail records.

14. INDEMNIFICATION.

- (a) The City shall indemnify and hold harmless the County and its officers, agents and employees from and against any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever resulting from, arising out of or incident to any act or omission of the City, its officers, agents, or employees, in the performance of this Agreement or in arresting, detaining, charging, transporting, interrogating or otherwise dealing with persons either before or after presentation to and acceptance by the County for confinement in the jail. **With respect to the performance of this Agreement and as to claims against the County, its officers, agents and employees, the City expressly waives its immunities under Title 51 of the Revised Code of Washington, the Industrial Insurance Act, for injuries to its employees and agrees that the obligation to indemnify, defend and hold harmless provided for in this paragraph extends to any claim**

brought by or on behalf of any employee of the City. This waiver is mutually negotiated by the parties.

In the event that any suit based upon such a claim, action, loss, cost, expense, or damage is brought against the County, the City shall defend the County at its sole cost and expense; provided, that the County retains the right to participate in any such suit if any principle of governmental or public law is involved. If final judgment is entered against the County, or its officers, agents, or employees, the City shall satisfy the same in full.

- (b) The County shall indemnify and hold harmless the City and its officers, agents and employees, from and against any and all damages of any nature whatsoever resulting from, arising out of or incident to any act or omission of the County, its officers, agents or employees, in the performance of this Agreement or in confining persons who have been presented by the City to and accepted by the County for confinement in the jail while said persons are in the jail or in the custody of the County outside the jail. **With respect to the performance of this Agreement and as to claims against the City, its officers, agents and employees, the County expressly waives its immunities under Title 51 of the Revised Code of Washington, the Industrial Insurance Act, for injuries to its employees and agrees that the obligation to indemnify, defend and hold harmless provided for in this paragraph extends to any claim brought by or on behalf of any employee of the County. This waiver is mutually negotiated by the parties.**

In the event any suit based upon such a claim, action, loss, cost, expense or damage is brought against the City, the County shall defend the City at its sole cost and expense; provided that the City retains the right to participate in such suit if any principle of governmental or public law is involved. If final judgment be rendered against the City or its officers, agents, or employees the County shall satisfy the same in full.

15. NON-DISCRIMINATION POLICY. It is the policy of Benton County that no person shall be subjected to discrimination by the County or by its contractors because of race, color, national origin, sex, age, religion, creed, marital status, sexual orientation,

disabled or Vietnam era veteran status, or the presence of any physical, mental, or sensory handicap.

16. AUTHORITY. This Agreement is executed in accordance with the authority of RCW 70.48.090 and Chapter 39.34 RCW, the Interlocal Cooperation Act. The following information is given pursuant to the provisions of RCW 39.34.030:

- (a) The duration of this Agreement shall be as set forth in Section 19 below;
- (b) Benton County shall be responsible for the administration of this Agreement as provided by Section 17 hereof.
- (c) The purpose of this Agreement is to permit the joint use of the Benton County jail facilities and services for confinement of prisoners of the parties to the Agreement thereby promoting maximum use and efficiency of the Benton County jail;
- (d) Termination of this Agreement shall be as provided in Section 20 hereof;
- (e) This Agreement shall be administered as provided in Section 17 hereof;
- (f) Unless otherwise specifically agreed by the parties in writing, all property, personal and real, utilized by the parties hereto in the execution of this Agreement shall remain the property of that party initially owning it; and
- (g) Nothing in this Agreement shall preclude the City from maintaining and utilizing its own holding facilities.

17. ADMINISTRATION. This Agreement shall be administered by Benton County.

- (a) Jail Facilities User Meetings. In order to promote a collaborative working relationship, a Jail Facilities User Meeting shall occur on a quarterly basis to ensure regular communications of all matters of concern regarding jail service, including but not limited to reviewing performance under this Agreement, cost trends, opportunities for cost savings, budget issues and service levels. Attendance at each

meeting is open to representatives from the City and other cities in the County.

- (b) The Jail Facilities User Meetings shall occur no less than four (4) times per year. The meetings shall occur at 2:00 p.m. on the first Wednesday of January, April, July and October of during the term of this Agreement.

18. REMEDIES. No waiver of any right under this Agreement shall be effective unless made in writing by the authorized representative of the party to be bound thereby. Failure to insist upon full performance on any occasion shall not constitute consent to or waiver of any continuation of nonperformance or any later nonperformance; nor does payment of a billing or continued performance after notice of a deficiency in performance constitute an acquiescence thereto.

19. DURATION. Upon its effective date, this Agreement supersedes the prior Agreement for Use of Jail Facilities between the parties. This Agreement shall be effective from January 1, 2021 through December 31, 2022.

20. TERMINATION. This agreement may be terminated prior to the end of its term by either party for cause upon not less than one hundred eighty (180) days' advance written notice. Said notice shall set forth the basis for termination.

[Remainder of Page Intentionally Left Blank]

21. ENTIRE AGREEMENT. This Agreement contains the entire understanding between the parties and supersedes any prior understandings and agreements between them respecting the subject matter hereof. There are no other representations, agreements, arrangements or understandings, oral or written, between and among the parties hereto, or any of them, relating to the subject matter of this agreement. No amendment of or supplement to this Agreement shall be valid or effective unless made in writing and executed by the parties subsequent to the date of this Agreement.

Dated: 2-2-2021

BENTON COUNTY, WASHINGTON


Jerome Delvin, Chairman.


SHON SMALL, Member.


Will McKay, Member.

Constituting the Board of
County Commissioners of Benton
County, Washington.

DATED: 2-2-2021

Attest: 
Clerk of the Board

Approved as to Form:


RYAN K. BROWN, Deputy
Prosecuting Attorney

Dated: _____

CITY OF KENNEWICK, WASHINGTON

By: _____
Title: _____

Approved as to Form:


LISA BEATON
City Attorney

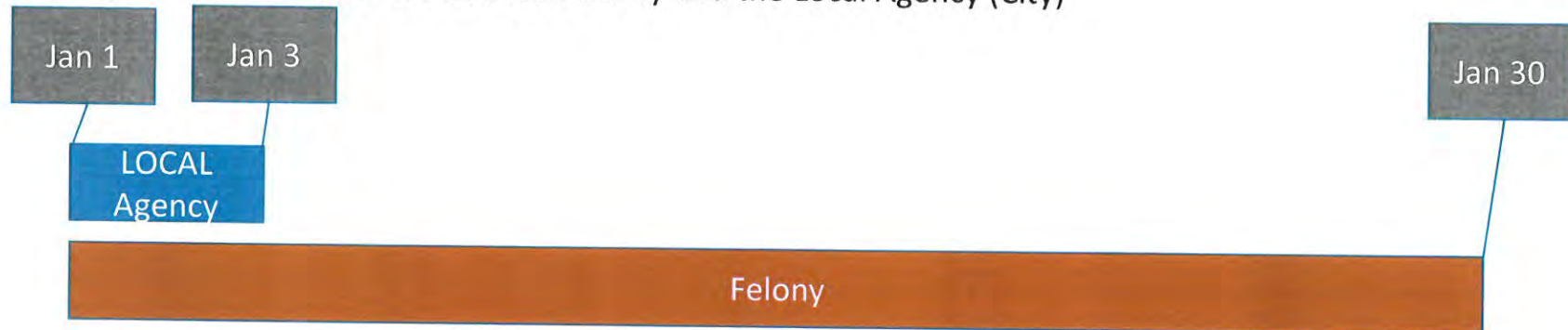
EXHIBIT A

Scenario 1 – 72hr Felony hold & Misdemeanor

Inmate is arrested on a 72 hour felony hold and city misdemeanor charges. Inmate is released on the misdemeanor after court a few days later but continues to be held on the felony.

Billing codes are entered for both the felony and the Local Agency (City)

Exhibit A



This results in the local agency being assessed for 50% of the bed days from Jan 1st – 3rd and the county being assessed 50% of the days from Jan 1st to the 3rd plus 100% of the days from the 4th to the 30th

Scenario 2 – 72hr Felony hold & Misdemeanor

Inmate is arrested on a 72 hour felony hold and city misdemeanor charges. The inmate is held on both charges for 30 days.

Billing codes are entered for both the felony and the Local Agency (City)



This results in the local agency and the county each being assessed for 50% of the bed days from Jan 1st – 30th.

Council Agenda Coversheet 	Agenda Item Number	5.a.	Council Date	02/16/2021	Consent Agenda	☐
	Agenda Item Type	Resolution			Ordinance/Reso	☒
	Subject	Amending 2021-2026 6-Yr TIP			Public Mtg / Hrg	☐
	Ordinance/Reso #	21-03	Contract #		Other	☐
	Project #		Permit #		Quasi-Judicial	☐
	Department	Public Works				

Recommendation

Staff recommends City Council consider amending the 2021-2026 Six-Year Transportation Improvement Plan by adopting Resolution 21-03.

Motion for Consideration

I move to adopt Resolution 21-03.

Summary

RCW 35.77.010 requires each city to adopt an annual revised Six-Year Transportation Improvement Plan (STIP).

Subsequent to the adoption of the 2021 – 2026 Six-Year Transportation Improvement Plan (STIP), an amendment is required to include the following modifications to correctly indicate current project status and funding:

- (1) US 395/Ridgeline Drive Interchange. Funding revised to reflect Construction of \$1,700,000 secured (Local Funds).
- (2) Rectangular Rapid Flash Beacons Citywide. Funding revised to reflect Preliminary Engineering of \$56,100, and Construction of \$804,800 secured (Highway Safety Improvement Program) for Phase Start Year of 2021 only.
- (3) New project for Photometric Data Collection & Study. New funding included to reflect Preliminary Engineering of \$56,100, secured (Highway Safety Improvement Program).

Alternatives

None recommended

Fiscal Impact

None

Through	Sorin Juster Feb 10, 10:13:06 GMT-0800 2021	Attachments: 
Dept Head Approval	Cary Roe Feb 10, 14:30:08 GMT-0800 2021	
City Mgr Approval	Marie Mosley Feb 12, 08:53:56 GMT-0800 2021	
		☐ Recording Required?

CITY OF KENNEWICK
RESOLUTION NO. 21-03

A RESOLUTION AMENDING THE SIX-YEAR TRANSPORTATION
IMPROVEMENT PLAN AS REQUIRED BY RCW 35.77.010

IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK,
WASHINGTON, AS FOLLOWS:

Section 1. The City Council, subsequent to a public hearing on June 16, 2020, approved Resolution 20-07, adopting the 2021 – 2026 Six-Year Transportation Improvement Plan of the City of Kennewick. The 2021 - 2026 Six-Year Transportation Improvement Plan amendment is attached hereto as Exhibit “A”, incorporated herein by this reference, and is hereby adopted by the City Council for the City of Kennewick.

Section 2. Subsequent to the adoption of the 2021 – 2026 Six-Year Transportation Improvement Plan (TIP), an amendment is required to include the following modifications to correctly indicate current project status and funding:

- (1) US 395/Ridgeline Drive Interchange. Funding revised to reflect Construction of \$1,700,000 secured (Local Funds).
- (2) Rectangular Rapid Flash Beacons Citywide. Funding revised to reflect Preliminary Engineering of \$56,100, and Construction of \$804,800 secured (Highway Safety Improvement Program) for Phase Start Year of 2021 only.
- (3) New project for Photometric Data Collection & Study. New funding included to reflect Preliminary Engineering of \$56,100, secured (Highway Safety Improvement Program).

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 16th day of February, 2021, and signed in authentication of its passage this 16th day of February, 2021.

Attest:

DON BRITAIN, Mayor

TERRI L. WRIGHT, City Clerk

RESOLUTION NO. 21-03 filed and recorded in the
office of the City Clerk of the City of Kennewick,
Washington, this 17th day of February, 2021.

Approved as to Form:

LISA BEATON, City Attorney

TERRI L. WRIGHT, City Clerk

Six Year Transportation Improvement Program

From 2021 to 2026

Agency: Kennewick

County: Benton

MPO/RTPO: BFCG

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
03		Photometric Data Collection & Study City-wide to Photometric data collection and study to determine illumination standards for Principal and Minor Arterials with ADT greater than 12,000 vehicles per day.	kenn99	06/16/20	06/16/20	02/16/21	20-07	21			CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	PE	2021	HSIP	54,000		0	6,000	60,000
Totals				54,000		0	6,000	60,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	60,000	0	0	0	0
Totals	60,000	0	0	0	0

Six Year Transportation Improvement Program
From 2021 to 2026

Agency: Kennewick

County: Benton

MPO/RTPO: BFCG

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
00		Rectangular Rapid Flash Beacons Citywide City-wide to Installation of new crosswalk beacons at various locations as identified in the Local Road Safety Plan.	kenn92	06/16/20	06/16/20	02/16/21	20-07	28	C G P S T W			No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	PE	2021	HSIP	50,500		0	5,600	56,100
S	CN	2021	HSIP	804,800		0	0	804,800
P	CN	2022		0		0	75,000	75,000
P	CN	2023		0		0	75,000	75,000
P	CN	2024		0		0	75,000	75,000
P	CN	2025		0		0	75,000	75,000
P	CN	2026		0		0	75,000	75,000
Totals				855,300		0	380,600	1,235,900

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	56,100	0	0	0	0
CN	804,800	75,000	75,000	75,000	150,000
Totals	860,900	75,000	75,000	75,000	150,000

Six Year Transportation Improvement Program

From 2021 to 2026

Agency: Kennewick

County: Benton

MPO/RTPO: BFCG

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
02		US395/Ridgeline Drive Interchange Ridgeline Drive to US395 Intersection Construction of a grade separated intersection at US395 and Ridgeline Drive, and associated vicinity improvements. PE done under federal project 3457(002). Construction is being done by WSDOT under STIP ID 539504O03.	kenn6	06/16/20	06/16/20	02/16/21	20-07	04	C G P S T W	0.250	CE	Yes

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	CN	2021		0		0	1,700,000	1,700,000
Totals				0		0	1,700,000	1,700,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
CN	850,000	850,000	0	0	0
Totals	850,000	850,000	0	0	0

Council Agenda Coversheet 	Agenda Item Number	5.b.	Council Date	02/16/2021	Consent Agenda	☐
	Agenda Item Type	Ordinance			Ordinance/Reso	☒
	Subject	COZ 20-05 (Cary and Jennifer Cole)			Public Mtg / Hrg	☐
	Ordinance/Reso #	5896	Contract #		Other	☐
	Project #	COZ 20-05	Permit #	PLN-2020-03528	Quasi-Judicial	☒
	Department	Planning				

Recommendation

The Planning Commission recommends approval of COZ 20-05 by adopting ordinance 5896.

Motion for Consideration

I move to adopt Ordinance 5896.

Summary

The proposed Change of Zone (COZ 20-04) is a request to change approximately 0.55 acres located at 3126 W Hood Ave from Residential, Low (RL) to Residential, Medium (RM). The Comprehensive Plan Land Use Designation for the subject property is Medium Density Residential. Pursuant to Table 1 of the Comprehensive Plan, the RM zone is an implementing zoning district of the Medium Density Residential Land Use Designation.

The proposal will implement the existing Medium Density Residential land use designation as well as promote the goals and policies of the comprehensive plan. Specifically the proposal will aid in implementing Residential Policy 3.3 of supporting high-quality, compact, urban development with access to urban services, transit, and infrastructure. The RM zone allows for multi-family development, which is not allowed in the RL zone. The RM zone also allows for more robust community services not present in the RL zone.

The Planning Commission held a public hearing on February 1, 2021. The applicant spoke in favor of the request. There was no public comment during the hearing in opposition to the request, however, a letter was received from a representative of the Highland Terrace Homeowners Association in opposition to the request. The main concerns presented were parking along Hood Ave, privacy, garbage, and pets.

After reviewing the staff report and public testimony, the Planning Commission voted unanimously to recommend approval to City Council.

Alternatives

None recommended

Fiscal Impact

None at this time.

Through	Chris Bowman Feb 09, 16:45:56 GMT-0800 2021	Attachments: 
Dept Head Approval	Gregory McCormick Feb 10, 14:10:20 GMT-0800 2021	
City Mgr Approval	Marie Mosley Feb 12, 09:39:15 GMT-0800 2021	
		☐ Recording Required?

CITY OF KENNEWICK
ORDINANCE NO. 5896

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF
CERTAIN REAL PROPERTY WITHIN THE CITY OF KENNEWICK
LOCATED AT 3126 W HOOD AVENUE FROM RESIDENTIAL LOW (RL)
TO RESIDENTIAL MEDIUM (RM) (COZ 20-05, ROCK ISLAND CAPITAL,
LLC)

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Ordinance No. 3001, as amended, the zoning ordinance of the City of Kennewick and the accompanying zoning map of the City of Kennewick being part of said ordinance shall be and hereby is changed from Residential Low (RL) to Residential Medium (RM) for the real property described as follows:

THE SOUTH ONE/HALF OF THE WEST ONE/HALF OF THE WEST ONE/HALF OF THE
EAST ONE/HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF
THE SOUTHEAST QUARTER OF SECTION 34 TOWNSHIP 9 NORTH RANGE 29. LESS
PORTION TO CITY OF KENNEWICK FOR ROAD RIGHT OF WAY SWD 10-8-92

Section 2. The City Council finds the amendments described in Section 1 above are in conformance with the Comprehensive Plan of the City.

Section 3. Severability Clause. If any provision of this amendatory ordinance or its application to any persons or circumstances is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Section 4. The Responsible Official for the State Environmental Policy Act has determined that the proposal will not have a probable significant adverse impact on the quality of the environment.

Section 5. This ordinance shall be in full force and effect five (5) days from and after its approval, passage and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this
16th day of February, 2021, and signed in authentication of its passage this 16th day of February,
2021.

Attest:

DON BRITAIN, Mayor

TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5896 filed and recorded
in the office of the City Clerk of the City of
Kennewick, Washington this 17th day of
February, 2021.

Approved as to form:

LISA BEATON, City Attorney

TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION_____

CITY COUNCIL MEETING

CHANGE of ZONE COZ 20-05

February 16, 2021



Application Summary

Applicant: Cary and Jennifer Cole

Owner: Rock Island Capital, LLC

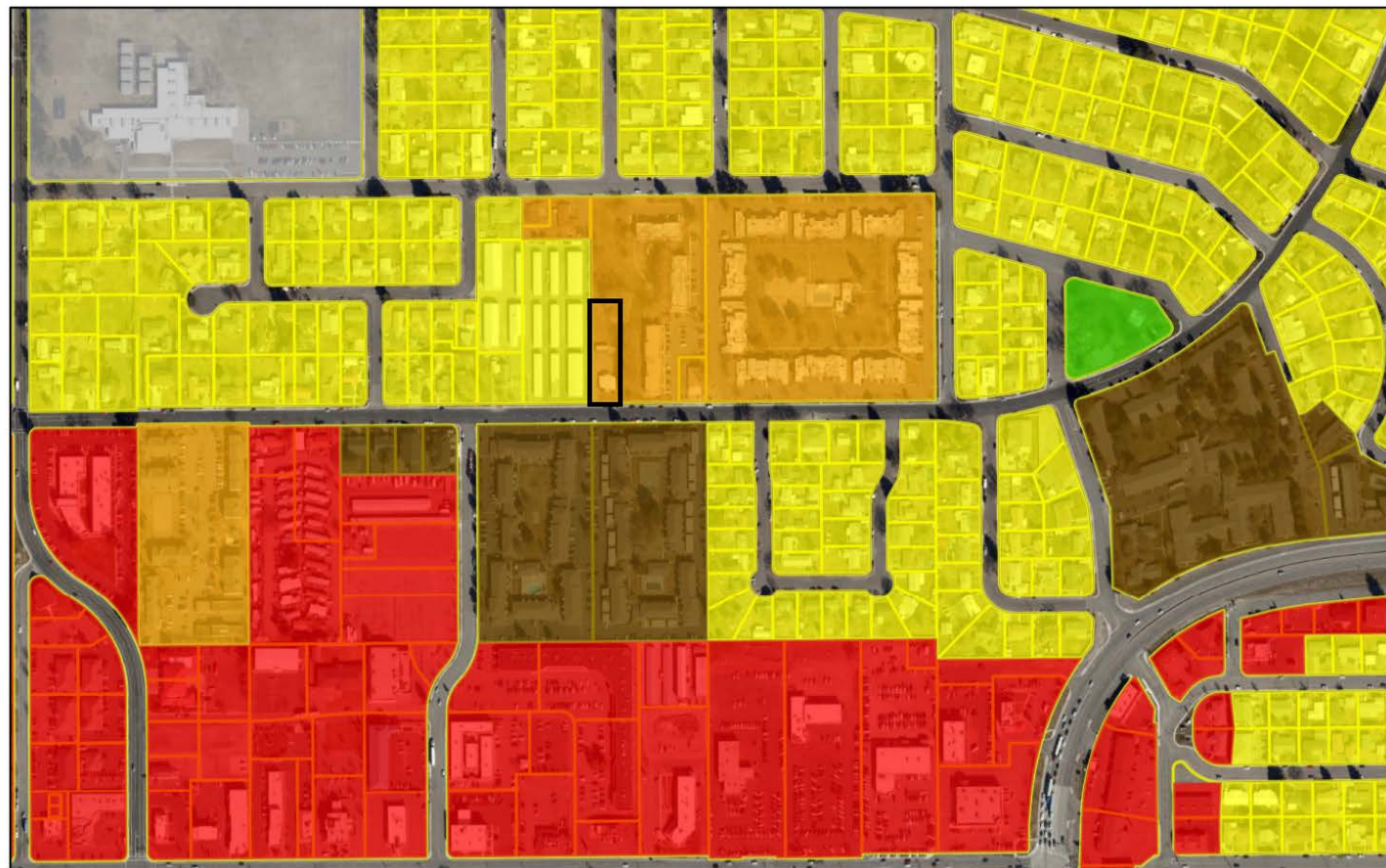
Proposal: Rezone 0.55 acres from Residential, Low (RL) to Residential, Medium (RM)

Comprehensive Plan Designation: Medium Density Residential

Location: 3126 W Hood Ave.

- * RM zone is an implementing zone of the Medium Density Residential designation per the Comprehensive Plan.
- * Comprehensive plan amended October 15, 2019, CPA 19-07

Comprehensive Plan Map



COMMERCIAL
HIGH DENSITY RESIDENTIAL
INDUSTRIAL
LOW DENSITY RESIDENTIAL

MEDIUM DENSITY RESIDENTIAL
MIXED
OPEN SPACE
PUBLIC FACILITY

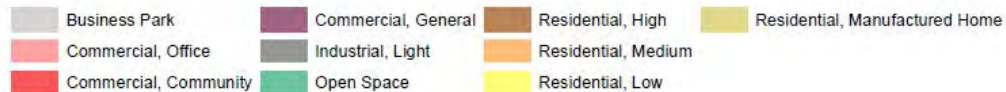
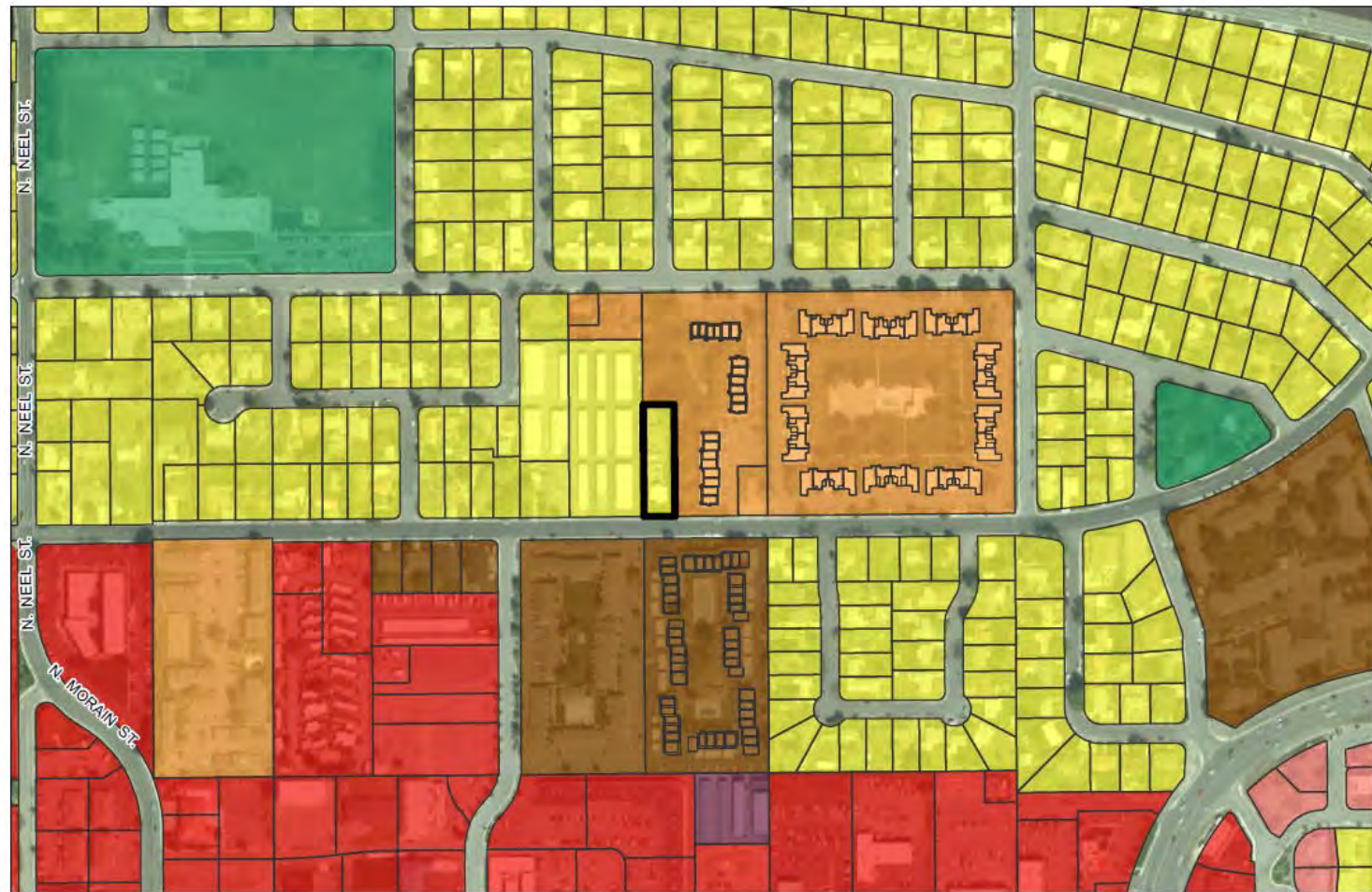


1 inch = 400 feet 1:4,800
0 0.0375 0.075 0.15 mi
0 0.05 0.1 0.2 km

Sources: Esri, HERE, Garmin,
Intermap, increment P Corp.,

ArcGIS WebApp Builder
City of Kennewick

Zoning Map





Permitted Uses

The RL zone allows primarily for single-family residences. Home occupations, mini-day care centers (Inside home), and nursing homes (under 10 residents) are also permitted. Minimum lot size is 7,500 sq ft.

The RM zone allows for uses found in the RL zone but includes multi-family residences. Other neighborhood services are permitted such mini-day care centers (outside home) and a wider array of health facilities. Minimum lot size is 4,000 sq ft and maximum density is 13 units/acre.

Uses Allowed in RL & RM

- * Accessory Dwelling Units
- * Accessory uses and structures
- * Animal Keeping
- * Battery Charging Stations
- * Bed and breakfast inns (<5 rooms)
- * Cemeteries
- * Churches or religious places of worship
- * Energy facilities
- * Essential public facilities and utilities
- * Family Day Care Home
- * Home Occupation
- * Library
- * Mini-Day Care Center (located in abode)
- * Museums
- * Nursing Home and congregate care facility (≤ 10 residents)
- * Public/quasi-public facilities and services
- * Rapid Charging Station
- * Recreational Vehicle Storage
- * Residences, single-family
- * Schools, private and public
- * Subdivisions, Sales Area, Equipment and Material Yards (<1 year)
- * Temporary Homeless Encampments
- * Towers, antennas, and supporting structures (≤ 55 feet)
- * Trailers, Boats, Camper Tops, Travel Trailers, Recreational Vehicles

Uses Allowed in RM, not RL

- * Group Living
- * Health Facilities
- * Mini-Day Care Center
(not located in abode)
- * Nursing homes and
congregate care
facilities (>10 residents)
- * Residences, multi-family
- * Rooming Houses and
Boarding Houses
- * Residential Density of
13 units/acre



Public Comment

- * Please see Exhibit 6

- * Concerns:

- * Parking

- * Privacy

- * Garbage

- * Pets

Change of Zone Findings

KMC 18.51.070(2)

- (a) The proposed amendment conforms with the comprehensive plan.
- (b) Promotes the public necessity, convenience and general welfare.
- (c) The proposed amendment does not impose a burden upon public facilities beyond their capacity to serve or reduce such services to lands which are deemed unacceptable by the City.
- (d) The proposed amendment is consistent with all applicable provisions of the Kennewick Municipal Code, including those adopted by reference from the Comprehensive Plan.
- (e) Single Family Residential zoned properties only; Property is adjacent and contiguous (which shall include corner touches and property located across a public right-of-way) to property of the same proposed zoning classification or higher zoning classification.

Recommendation

The Planning Commission concurs with the findings and conclusions contained in staff report COZ 20-05 and recommends APPROVAL to City Council



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO THE PLANNING COMMISSION

FILE NO: COZ 20-05/PLN-2020-03528

Report Date:	January 21, 2021
Hearing Date & Location:	February 1, 2021, Virtual
Report Prepared By:	Chris Bowman Assistant Planner
Report Reviewed By:	Anthony Muai AICP Planning Manager
Summary Recommendation:	The City of Kennewick Planning Staff RECOMMENDS that Change of Zone 20-05 be APPROVED.
Summary of Proposal:	A Change of Zone from Residential, Low (RL) to Residential, Medium (RM) for approximately 0.55 acres in size.
Proposal Location:	3126 W. Hood Ave.
Legal Description:	Parcel No. 1-3499-400-0001-000 The south one/half of the west one/half the west one/half of the east on/half of the southwest quarter of the northeast quarter of the southeast quarter of Section 34 Township 9 North Range 29. Less portion to CITY OF KENNEWICK for road right of was SWD 10-8-92.
Property Owners:	Cary and Jennifer Cole 21 Meadow Hills Dr. Richland, WA 99352
Applicant:	Cary and Jennifer Cole 21 Meadow Hills Dr. Richland, WA 99352
Regulatory Controls:	Comprehensive Plan – Land Use KMC Title 4 – Administrative Procedures KMC Title 18 – Zoning

Washington State Environmental Policy Act

COZ Key Application Processing Dates:

Application Submittal	December 11, 2020
Determination of Completeness Issued	December 15, 2020
Notice of Application Posted	December 17, 2020
SEPA Determination (Adoption of DNS for CPA 19-07)	July 11, 2019
Date of Mailed Notice of Public Hearing	January 14, 2021
Property Posting Sign for Public Hearing	January 14, 2021
Date of Published Notice of Public Hearing	January 17, 2021

Exhibits:

1. Staff Report
2. Application/Supplemental Information
3. Maps
4. Environmental Determination 19-07
5. Affidavit of Mailing/Mailing List dated January 14, 2021
6. Public Comment

The site is adjacent to the following zoning districts:

North: Residential, Medium (RM)
 East: Residential, Medium (RM)
 South: Residential, High (RH)
 West: Residential, Low (RL)

Applicable Goals and Policies of the Comprehensive Plan:

Residential Goal 3: Promote a variety of residential densities with a minimum density target of 3 units per acre as averaged throughout the urban area.

Residential Policy 3.3: Residential Medium Density - Place areas that can support high-quality, compact, urban development with access to urban services, transit, and infrastructure, whether through new development or through infill.

Kennewick Municipal Code Findings:

The following findings are required to be made in order to approve a change of zone:

KMC 18.51.070(2): Findings:

Findings Required. In order to amend the zoning map, the City Council must find that:

1. *The proposed amendment conforms with the comprehensive plan; and*

Staff Response: This site is designated Medium Density Residential in the City's comprehensive plan. The Residential, Medium (RM) zone is an implementing zone of the Medium Density Residential land use designation.

2. *Promotes the public necessity, convenience and general welfare; and*

Staff Response: The applicant states that the proposal promotes the public necessity, convenience and general welfare because it will allow for the construction of a multi-family building. The proposal implements goals and policies of the comprehensive plan, specifically Residential Goal 3 and Residential Policy 3.3.

3. *The proposed amendment does not impose a burden upon public facilities beyond their capacity to serve or reduce such services to lands, which are deemed unacceptable by the City; and*

Staff Response: The proposal will not impose a burden upon public facilities beyond their capacity to serve, nor will it reduce service to the service area below the City's established levels of service.

4. *The proposed amendment is consistent with all applicable provisions of the Kennewick Municipal Code, including those adopted by reference from the Comprehensive Plan; and*

Staff Response: The proposed amendment is consistent with the applicable provisions of the Kennewick Municipal Code and the Comprehensive Plan. The RM zone implements the Comprehensive Plan's Medium Density Residential land use designation.

5. *Single Family Residential zoned properties only; Property is adjacent and contiguous (which shall include corner touches and property located across a public right-of-way) to property of the same proposed zoning classification or higher zoning classification.*

Staff Response: Not applicable to the proposed change of zone.

Public Comments

Comments were received from Highland Terrace Homeowners Association against the proposed change expressing concerns regarding on-street parking, privacy, garbage, and pets. See Exhibit 6.

Agency Comments

Benton Public Utility District indicated that they had no comments. Kennewick Irrigation District had no comments on the rezone.

Staff Analysis of Proposal & Discussion:

The proposed Change of Zone (COZ 20-05) is a request to change approximately 0.55 acres located at 3126 W Hood Ave., from Residential, Low (RL) to Residential, Medium (RM). The applicant has requested the change of zone in order to implement a recently approved Comprehensive Plan Amendment (CPA 19-07) that changed the land use designation from Low Density Residential to Medium Density Residential.

The Comprehensive Plan Land Use Designation for the subject property is Medium Density Residential. Pursuant to Table 1 of the Comprehensive Plan, the RM zone is an implementing zoning district of the Medium Density Residential Land Use Designation.

Per KMC 18.03.040(3), "The purpose of the RM zone is to establish areas for medium density single and multiple-family residential buildings and to establish regulations for their development. The district is for more intensive residential use where necessary or desirable to achieve good neighborhood design and stabilize land use."

This proposal will implement the existing Medium Density Residential land use designation as well as promote the goals and policies of the comprehensive plan.

KMC 18.51.070(2) requires findings be made to support a change in zoning. The appropriate findings have been made to support this proposed rezone.

Findings:

1. The applicant is Cary and Jennifer Cole, (21 Meadow Hills Drive, Richland, WA 99352).
2. The property owner is Cary and Jennifer Cole, (21 Meadow Hills Drive, Richland, WA 99352).
3. The proposed change of zone is for parcel number 1-3499-400-0001-000 (3126 W Hood Ave.).
4. The request is to change the zoning from Residential, Low (RL) to Residential, Medium (RM).
5. The City's Comprehensive Plan Land Use Designation for the subject property is Medium Density Residential.
6. The Residential, Medium (RM) zoning district is an implementing zone of the Medium Density Residential Comprehensive Plan Land Use Map designation.
7. The application was submitted on December 11, 2020 and declared complete for processing on December 15, 2020.
8. The application was routed for review to City Departments and outside agencies for comment on December 17, 2020.
9. Access to the site is currently provided from W. Hood Ave.
10. The City of Kennewick Critical Area maps indicate that there are no critical areas on the site.
11. A Determination of Non-Significance issued for CPA 19-07/PLN-2019-01070 on July 11, 2019 was adopted for this proposal.
12. The Property Posting sign for the public hearing was posted on site January 14, 2021.
13. Notice of the public hearing for this application was published in the Tri-City Herald on January 17, 2021. Notices were mailed to property owners within 300 feet of the site on January 15, 2021.
14. The proposed amendment conforms to the comprehensive plan.
15. The proposed amendment promotes the public necessity, convenience and general welfare.
16. The proposed amendment does not impose a burden upon public facilities beyond their capacity to serve or reduce such services to lands, which are deemed unacceptable by the City.
17. The proposed amendment is consistent with all applicable provisions of the Kennewick Municipal Code, including those adopted by reference from the Comprehensive Plan.

Conclusions:

1. Approval will implement the Medium Density Residential land use designation of the City of Kennewick Comprehensive Plan.
2. Approval promotes the public necessity, convenience and general welfare by implementing the Comprehensive Plan.
3. Approval of the proposal will not impose a burden upon public facilities beyond their capacity to serve, nor will it reduce service to the service area below the City's established levels of service.
4. The proposed amendment is consistent with the applicable provisions of the Kennewick Municipal Code and the Comprehensive Plan. The RM zone implements the Comprehensive Plan's Medium Density Residential land use designation.

Recommendation:

Staff has reviewed the application and recommends that the Planning Commission concur with the findings and conclusions contained in staff report COZ 20-05 and recommend APPROVAL to City Council.

Motion:

I move that the Planning Commission concur with the findings and conclusions in staff report COZ 20-05 and recommend APPROVAL to City Council approval of the request.

CITY OF KENNEWICK
COMMUNITY PLANNING & DEVELOPMENT SERVICES
APPLICATION (general form)

Exhibit 2

PROJECT # _____ - _____ PLN- 2020-03528 FEE \$ 1080

Please completely fill out this form and return it to Community Planning & Development Services, PO Box 6108, Kennewick, WA 99336, along with the application fee (see fee schedule). Attach a copy of the checklist for the land use application you are submitting. The application submittal must contain all of the information requested on the checklist in order to be processed. **Incomplete applications will not be accepted.**

Check one of the following for the type of application you are submitting:

Site Plan Tier 1 ☐ Tier 2 ☐ Tier 3 ☐ Binding Site Plan ☐

Short Plat ☐ Conditional Use ☐ Other Zoning change, RL to RM

Environmental Determination PLN- _____ - _____ Pre Application Meeting PLN- 2018-01831

Applicant: Cary and Jennifer Cole

Address: 21 Meadow Hills Drive, Richland, WA 99352

Telephone: 509-378-9641 Cell Phone: _____ Fax: _____ E-mail: _____

Property Owner (if other than applicant): Rock Island Capital, LLC

Address: 21 Meadow Hills Drive, Richland, WA 99352

Telephone: 509-378-9641 Cell Phone: _____ E-mail: _____

SITE INFORMATION

Parcel No. 134994000001000 Acres: .55 Zoning: RL

Address of property: 3126 W hood ave. Kennewick, WA 99336

Number of Existing Parking Spaces 4 Number of Proposed (New) Parking Spaces NA

Present use of property Single family house with detached garage.

Size of existing structure: 1246 sq. ft. Size of Proposed addition/New structure: NA sq. ft.

Height of building: 14' Cubic feet of excavation: NA Cost of new construction NA

Benton County Assessor Market Improvement Value: \$145,000

Description of Project: I am requesting a zoning change from residential low density to residential medium density. RL to RM.

I, the undersigned, do hereby certify that, to the best of my knowledge, the information provided above is true and correct.

Applicant's Signature

Date: 12-11-2020

Signature of owner or owner's authorized representative

Change-of-Zone Supplemental Information

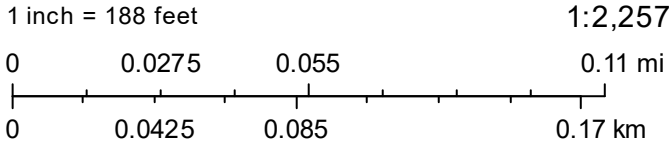
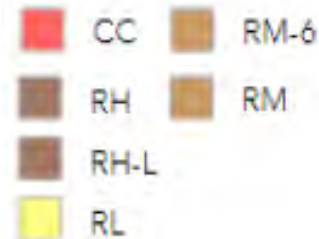
The following questions will be reviewed by both the Planning Commission and City Council as a means of assisting in their consideration of change-of-zone requests. Use additional pages if necessary.

1. Does the public necessity, convenience, and general welfare require the adoption of the proposed amendment? Please explain:
Yes. I am requesting a zoning change from low density residential to medium density residential. RL to RM. The property is currently a large lot with a single family house. If the zoning change request is allowed I would like to build a small multifamily building on the rear of the lot. This will provide new, affordable housing units which are needed in our community.
2. Are there sites presently available on the market which are correctly zoned for the proposed use? Are these sites within a 1/2 mile of the proposed site? Within 1 mile of the proposed site? If yes, please indicate the general location of the site(s) and the reasons why these sites are not proposed to be utilized:
No. There is very little medium density residential land available in Kennewick.
3. Is the proposed amendment consistent with the existing land use pattern in the area? Please explain:
Yes, the parcel has a self storage unit complex to the west. Condos to the north and east and apartments to the south.
4. Are the existing uses, in the area, in conformance with the area's zoning classification? If no, please explain the differences:
Yes. There is a large amount of high density and medium density property in the area.
5. Will the proposed amendment create an isolated district, or introduce a more intense land use to the area? Please explain.
No.
6. Does the existing zoning prohibit reasonable use of the property? Please explain.
Yes. Currently the property consists of a single family house with an old detached garage. The property is not being used to its highest and best use. If the zoning change is approved I would like to build additional small multifamily units on the property to provide new, affordable rental housing for the community.

7. Will any residential character, in the immediate area, be adversely affected by the proposed amendment? If yes or maybe, please explain:
No, the zoning change is consistent with the neighborhood.
8. Will property values in the vicinity be changed by the proposed amendment? If yes or maybe, please explain:
The existing single family house and detached garage are in a state of disrepair. Once the property is redeveloped into new small multifamily units it may increase the surrounding property values.
9. Will approval of the proposed amendment set a precedent for other similar proposals or uses? Will this deter the use, improvement or development of adjacent property in accordance with the existing Zoning Districts? Please explain:
No, the proposed amendment will not set a precedent. It will not deter the use or improvement of any adjacent property.
10. Will the proposed amendment encourage more private investments which will be beneficial to the redevelopment of a deteriorated area? Please explain:
Possibly. The single family house and garage are in a state of disrepair. Once the property is redeveloped and fixed up it may encourage others in the area to do the same.
11. Will the proposed amendment combat any economic segregation and allow greater choice in the market? Please explain.
Yes, it will increase the availability of affordable multifamily housing in the area.
12. Will the proposed amendment create conflict between potential land uses and transportation patterns? Or safety concerns? Please explain:
No.

COZ 20-05/PLN-2020-03528 Residential, Low (RL) to Residential, Medium (RM)
3126 W Hood Ave.

Exhibit 3



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



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

FILE/PROJECT NUMBER: PLN-2019-01070, CPA 19-07

DESCRIPTION OF PROPOSAL: Request to change Comp Plan designation from Residential, Low to Residential, Medium.

PROPONENT: Cary & Jennifer Cole

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: 3126 W. Hood Avenue.

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: July 11, 2019

Signature:

Gregory J. McCormick

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
- Project File



NOTIFICATION OF MAILING

I, Chris Bowman, on January 14, 20 21

Mailed 88 copies of NOPH

for COZ 20-05

to applicant / surrounding property owners

as shown on the attached list.


Signature

37
COLE CARY & JENNIFER
21 MEADOW HILLS DR
RICHLAND, WA 99352

37

ROCK ISLAND CAPITAL LLC
21 MEADOW HILLS DRIVE
RICHLAND, WA 99352

37

ARNDT RONALD A
3101 W JOHN DAY AVE APT C104
KENNEWICK, WA 99336

37

ONXLEY CONNIE L
3101 W JOHN DAY AVE, APT C202
KENNEWICK, WA 99336

37

WORTHINGTON ROBERT O & WORTHINGTON
DANA G & WORTHINGTON ELIZABETH K
3131 W JOHN DAY AVE C 206
KENNEWICK, WA 99336

37

WEBB TRUSTEES DONALD E & SHEREL L
5412 CLEVELAND LANE
PASCO, WA 99301

37

PEACHEY DAVID A & SUSAN M
4961 S OLYMPIA
KENNEWICK, WA 99337

37

COLE CARY & JENNIFER
21 MEADOW HILLS DR
RICHLAND, WA 99352

37

GARCIA SAUL & EVA
3819 W 4TH AVE E6
KENNEWICK, WA 99336

37

SHOEMAKER RODNEY L
1731 YORK ST
FAIRFIELD, CA 94533

37

OORD ANDREW M
4956 W RIO GRANDE AVE
KENNEWICK, WA 99336

37

GERAGHTY VICKIE D
3101 W JOHN DAY AVE, APT C204
KENNEWICK, WA 99336

37

REILLY KEEFE
3101 W JOHN DAY AVE UNIT C103
KENNEWICK, WA 99336

37

DELUNA NIEVES & FELIPA
3101 W JOHN DAY AVE APT C102
KENNEWICK, WA 99336

37

SCHWAB JOHN W & LOIS E
3101 W JOHN DAY AVE APT C201
KENNEWICK, WA 99336

37

OORD STEVEN J & SUSAN R
4956 W RIO GRANDE AVE
KENNEWICK, WA 99336-1525

37

WAKE PAT
62611 S PIERT RD
KENNEWICK, WA 99337-7751

37

CLEAVER JULIE
3101 W JOHN DAY AVE UNIT B206
KENNEWICK, WA 99336

37

OORD STEVEN J & SUSAN R
4956 W RIO GRANDE AVE
KENNEWICK, WA 99336-1525

37

CANO NELDA
3121 W HOOD AVE UNIT I-106
KENNEWICK, WA 99336

37

SUMMERS MARLENE M
3121 W HOOD AVE UNIT A-207
KENNEWICK, WA 99336

37

OORD STEVEN J & SUSAN R
4956 W RIO GRANDE AVE
KENNEWICK, WA 99336-1525

37

BELL TRIGG L
3101 W JOHN DAY AVE, C205
KENNEWICK, WA 99336

37

HUNTER DANA BRAD
3101 W JOHN DAY AVE APT C105
KENNEWICK, WA 99336

37

LOUIS TRUSTEE ROSE M
1905 EDGEBROOK DR UNIT C
MODESTO, CA 95354

37

SALAZAR GORDON & KIM
1294 MONREAN LOOP
RICHLAND, WA 99352

37

COLEMAN LYNNETTE M
3101 W JOHN DAY AVE APT C108
KENNEWICK, WA 99336

37

FLORES JUAN C
3101 W JOHN DAY AVE UNIT B-106
KENNEWICK, WA 99336

37

OORD STEVEN J & SUSAN R
4956 W RIO GRANDE AVE
KENNEWICK, WA 99336-1525

37

WIBERG KAELE
3101 W JOHN DAY AVE APT B104
KENNEWICK, WA 99336

37

PRESTON LINDA SUZANNE
1046 S DELAWARE ST
KENNEWICK, WA 99336

37

GINGERICH ANDREW J & TAMARA J
925 MANZANAL ST NE EAST
WENATCHEE, WA 98802

37

ROGERS TAYLOR L
3101 W JOHN DAY AVE, UNIT B203
KENNEWICK, WA 99336

37

HUERTA BRECK & WILSON ALISSA
3121 W HOOD AVE, UNIT A-105
KENNEWICK, WA 99336

37

BEUS KEVIN
3121 W HOOD AVE #A104
KENNEWICK, WA 99336

37

LINDGREN CHRISTOPHER A
3121 W HOOD AVE UNIT I-204
KENNEWICK, WA 99336

37

SANTOY MARY A
3121 W HOOD AVENUE, A-103
KENNEWICK, WA 99336

37

FLORES KARLA & RICARDO
3101 W JOHN DAY AVE, APT B101
KENNEWICK, WA 99336

37

PEACHEY DAVID A & SUSAN M
4961 S OLYMPIA
KENNEWICK, WA 99337

37

DEATON KEITH E
3121 W HOOD AVE UNIT A-101
KENNEWICK, WA 99336

37

OORD STEVEN J
4956 W RIO GRANDE AVE
KENNEWICK, WA 99336

37

OWNBY KELLY B & OWNBY SYLVIA R
3121 W HOOD AVE, UNIT I-105
KENNEWICK, WA 99336

37

MABUS MYLES & ASCENCIO SKEASHA
3121 W HOOD AVE, A-107
KENNEWICK, WA 99336

37

ALLISON BRAD & DIANA M
2000 RAMAR RD #240
BOLEHEAD CITY, AZ 86442

37

OORD STEVEN J & SUSAN R
4956 W RIO GRANDE AVE
KENNEWICK, WA 99336-1525

37

LE HUNG & LAN
4404 VALENCIA DR
PASCO, WA 99301

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SCHOOLEY LEE E
3121 W HOOD AVE UNIT A-203
KENNEWICK, WA 99336

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WALSH RICKY J & KELLY M
62103 E 44 PR NE
BENTON CITY, WA 99320-9604

37

GINGERICH ANDREW
925 MANZANAL ST NE EAST
WENATCHEE, WA 98802

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STULTZ SHEILAH
3101 W JOHN DAY AVE APT A206
KENNEWICK, WA 99336

37

OORD JOHN A & SHELLY J
903 W PEAR AVE
SELAH, WA 98942

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FORD ET AL TIMOTHY
3101 W JOHN DAY AVE APT B103
KENNEWICK, WA 99336

37

LARSON MICHAEL
3121 W HOOD AVE UNIT A-206
KENNEWICK, WA 99336

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PEACHEY DAVID A & SUSAN M
4961 S OLYMPIA
KENNEWICK, WA 99337

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BASS BENJAMIN Z
3101 JOHN DAY B202
KENNEWICK, WA 99336

37

SMITH PERRY
3849 S LINCOLN ST
KENNEWICK, WA 99338

37

MOORE PETER P
PO BOX 1508
RICHLAND, WA 99352

37

ROBINSON GRANT P
3101 W JOHN DAY AVE, APT B201
KENNEWICK, WA 99336

37

ANDRADE KIMBERLY MICHELE
3121 W HOOD AVE T103
KENNEWICK, WA 99336

37

CREVIER DAVID K & SUSANNE
3851 HAZELWOOD DR WEST
RICHLAND, WA 99353

37

ARRESTOUILH KIMBERLYN A
2912 W HOOD AVE #D101
KENNEWICK, WA 99336

37

CASTILLEJA JOSHUA A & JESSICA
4418 NW COMMONS DR
PASCO, WA 99301

37

PHILLIPS GLORIA
3101 W JOHN DAY AVE APT A203
KENNEWICK, WA 99336

37

LEONARD ROXANNE
3121 W HOOD ST, B-201
KENNEWICK, WA 99336

37

PABST SYBIL M
2912 W HOOD AVE UNIT D-104
KENNEWICK, WA 99336

37

RIOS LORENA S
3121 W HOOD AVE I201
KENNEWICK, WA 99336

37

WINKELMAN DEBRA K
3121 W HOOD AVE UNIT B-202
KENNEWICK, WA 99336

37

HIGHTOWER BILLIE FARRELL
3121 W HOOD AVE UNIT C-105
KENNEWICK, WA 99336

37

FREDERICKSON WILLIAM H
2603 W 37TH AVE
KENNEWICK, WA 99337

37

HOUSEHOLDER COLLIN W
3215 W JOHN DAY AVE
KENNEWICK, WA 99336

37

37

OORD JOHN A & SHELLY J
903 W PEAR AVE
SELAH, WA 98942

37

JONES GUY C
1906 S EDISON ST
KENNEWICK, WA 99338

37

CURIEL LUCIA CASTANEDA
3101 W JOHN DAY AVE #A202
KENNEWICK, WA 99336

37

MOORE ERIC
3101 W JOHN DAY AVE APT A102
KENNEWICK, WA 99336

37

WADDOUNS JON & JULIE
1218 S WILLOWS PR
KENNEWICK, WA 99338

37

FEATHER RICHARD L
2913 W JOHN DAY AVE, UNIT A101
KENNEWICK, WA 99336

37

SAMBRANO JAIME & RACHEL
3023 W HOOD AVE
KENNEWICK, WA 99336-2772

37

LESTER SHERYL
17 S JOHNSON ST
KENNEWICK, WA 99336-4510

37

COURSON DAVID B
3121 W HOOD AVE UNIT B-104
KENNEWICK, WA 99336

37

SCOTT TRI-CITY PROPERTIES LLC
3131 W HOOD AVE ATTN: OFFICE
KENNEWICK, WA 99336

37

MORALES TAYLER
3121 W HOOD AVE APT I-202
KENNEWICK, WA 99336

37

OORD STEVEN J & SUSAN R
4956 W RIO GRANDE AVE
KENNEWICK, WA 99336-1525

37

SOLANO ABNER & LAURA
1551 APRICOT RD
GRANDVIEW, WA 98930-8902

37

OORD STEVEN J & SUSAN R
4956 W RIO GRANDE AVE
KENNEWICK, WA 99336-1525

37

VALLE JASIELA S
3702 MILAGRO DR
PASCO, WA 99301-7214

37

KREUTZ MICHAEL TOD & KELLY C
1617 S RAINIER ST
KENNEWICK, WA 99337

37

DUNN DENNIS
3121 W HOOD AVE APT B203
KENNEWICK, WA 99336

37

LEE DAVID A & PATTI J
3507 W IMNAHA AVE
KENNEWICK, WA 99336

37

BARTHOLOMAY TED R & STEPHANIE
3223 W JOHN DAY
KENNEWICK, WA 99336

COZ 20-05 / PLN-2020-03528
RL TO RM
3126 W HOOD AVE
KENNEWICK WA 99336

January 28, 2021

Steven J. Oord
Highland Terrace Homeowners Association
3101 W. John Day Ave
Kennewick, WA 99336

Chris Bowman
City of Kennewick
210 W. 6th Ave
Kennewick, WA 99336

RE: Zone Changing Proposal for 3126 W Hood Ave, Kennewick, WA 99336

Dear Mr. Bowman

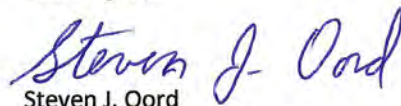
I have received the Kennewick Planning Commission Notice of Public Hearing on February 1, 2021 at 6:30 pm. This letter is in response to Proposal COZ 20-05/PLN-2020-03528 that is seeking to change the zoning of approximately 0.55 acres from Residential, Low (RL) to Residential, Medium (RM) for the site located at 3126 W Hood Ave, Kennewick, WA 99336.

I am representing Highland Terrace Homeowners Association to express our concerns with the proposed zoning change for the following reasons.

1. **PARKING:** The area is already a high density traffic area with 3 condominium complexes and 1 apartment complex. Due to the Ivy Club condominiums being short of parking stalls for their residences, they use up all the street parking spots on W. Hood Avenue in front of our Highland Terrace complex and the 3126 W Hood property. They park too close to the entrance of our driveway which makes exiting dangerous since it is hard to see traffic coming down W. Hood Avenue with a vehicle blocking the line of sight. In fact, the parking is so bad they will even park in our lot. We are constantly having to tell these unauthorized people to move their vehicles off our property. More people will just compound the parking problems.
2. **PRIVACY:** The sixteen units with owners and tenants who live in Highland Terrace's "C" building would like to maintain their current privacy without having to deal with potential future renters at 3126 W Hood looking into the backs of their units. These people do not want to be on their back patios and have to look out at a bunch more duplexes or apartments, cars and people.
3. **GARBAGE:** We also know we have non-residence people who throw their garbage into our dumpsters. The more people the area has, the more of this type of activity will happen.
4. **PETS:** We already have pets running around our complex that do not belong to anyone living at Highland Terrace. These animals defecate on our property and make a mess. More people bring more pets.

As you can see, we have concerns that changing the zoning of the property that would allow more residences to be built and in turn just bring more people adding to more potential problems. We are requesting that the City of Kennewick deny the proposed zoning change to Medium (RM).

Best Regards



Steven J. Oord
Board Treasurer – Highland Terrace HOA

Planning Commission Action Summary
COZ 20-05/PLN-2020-03528
(RL to RM)

The Kennewick Planning Commission conducted a public hearing on February 1, 2021 via a virtual meeting platform. All interested parties were invited to come before the Commission and be heard. After reviewing the staff report and all oral and written facts and opinions, Commissioner Moore moved that the Planning Commission concur with the findings and conclusions in the staff report and recommend to City Council approval of the request.

Findings

1. The applicant is Cary and Jennifer Cole (21 Meadow Hills Dr, Richland, WA 99352).
2. The property owner Rock Island Capital, LLC (21 Meadow Hills Dr, Richland, WA 99352).
3. The proposed change of zone is for parcels numbered 1-3499-400-0001-000
4. The request is to change the zoning from Residential, Low (RL) to Residential, Medium (RM).
5. The City's Comprehensive Plan Land Use Designation for the subject property is Medium Density Residential.
6. The Residential, Medium (RM) zoning district is an implementing zone of the Medium Density Residential Comprehensive Plan Land Use Map designation.
7. The application was submitted on December 11, 2020 and declared complete for processing on December 15, 2020.
8. The application was routed for review to City Departments and outside agencies for comment on December 23, 2020
9. Access to the site is currently provided from W Hood Ave.
10. The City of Kennewick Critical Area maps indicate that there are no critical areas on the site.
11. A Determination of Non-Significance issued for CPA 19-07/PLN-2019-01070 was adopted for this proposal on July 11, 2019.
12. The Property Posting sign for the public hearing was posted on site January 14, 2021.
13. Notice of the public hearing for this application was published in the Tri-City Herald on January 17, 2021. Notices were also mailed to property owners within 300 feet of the site on January 14, 2021.
14. The proposed amendment conforms to the comprehensive plan.
15. The proposed amendment promotes the public necessity, convenience and general welfare.
16. The proposed amendment does not impose a burden upon public facilities beyond their capacity to serve or reduce such services to lands, which are deemed unacceptable by the City.
17. The proposed amendment is consistent with all applicable provisions of the Kennewick Municipal Code, including those adopted by reference from the Comprehensive Plan.

Conclusions

1. Approval will implement the Medium Density Residential land use designation of the City of Kennewick Comprehensive Plan.
2. Approval promotes the public necessity, convenience and general welfare by implementing the Comprehensive Plan.
3. Approval of the proposal will not impose a burden upon public facilities beyond their capacity to serve, nor will it reduce service to the service area below the City's established levels of service.
4. The proposed amendment is consistent with the applicable provisions of the Kennewick Municipal Code and the Comprehensive Plan. The RM zone implements the Comprehensive Plan's Medium Density Residential land use designation.

The motion was seconded by Commissioner Rettig. The motion passed unanimously, with Commissioners Helgeson, Hemptstead, Moore, Rettig, Short, Vice Chairman Stolle, and Chairman Morris all in favor.

Council Agenda Coversheet 	Agenda Item Number	5.c.	Council Date	02/16/2021	Consent Agenda	☐
	Agenda Item Type	Ordinance			Ordinance/Reso	☒
	Subject	CPA 20-01 (Knutzen Engineering)			Public Mtg / Hrg	☐
	Ordinance/Reso #	5897	Contract #		Other	☐
	Project #	CPA 20-01	Permit #	PLN-2020-00690	Quasi-Judicial	☐
	Department	Planning				

Recommendation

The Planning Commission recommends approval of CPA 20-01 through the adoption of Ordinance 5897.

Motion for Consideration

I move to adopt Ordinance 5897.

Summary

The applicant, Knutzen Engineering, on behalf of the Kennewick School District (KSD), has requested to change the land use designation of .02 acres from Residential Low Density to Public Facility. This request will allow KSD to combine the property to the Kamiakin High School parking lot to allow for an additional access point onto W Metaline Avenue.

The Planning Commission held a public hearing for the request on October 5, 2020. At the hearing, the applicant spoke in favor of the request. No testimony or written comments were received in opposition to the request.

The Planning Commission voted unanimously to recommend approval to the City Council.

Alternatives

None Recommended.

Fiscal Impact

None.

Through	Steve Donovan Feb 08, 11:14:11 GMT-0800 2021	Attachments: 
Dept Head Approval	Gregory McCormick Feb 08, 13:37:58 GMT-0800 2021	
City Mgr Approval	Marie Mosley Feb 12, 09:41:13 GMT-0800 2021	
		☐ Recording Required?

CITY OF KENNEWICK
ORDINANCE NO. 5897

AN ORDINANCE AMENDING THE CITY OF KENNEWICK'S COMPREHENSIVE
PLAN (CPA 20-01, KNUTZEN ENGINEERING C/O PAUL KNUTZEN)

WHEREAS, the City of Kennewick, by and through its City Council, and pursuant to the Growth Management Act, directed the Planning Commission of the City of Kennewick to review and update the Comprehensive Plan for the purposes of coordinating all plans and programs relating to the physical and social development of the Kennewick Urban Growth Area and the people therein; and

WHEREAS, the City of Kennewick, in accord with the Growth Management Act and RCW 36.70A.130 and implementing municipal regulations, has directed the Department of Community Planning and the Planning Commission to review and update the plan annually; and

WHEREAS, appropriate public notice has been given and a public hearing held by the Planning Commission on October 5, 2020 concerning the proposed changes, and the same has been reviewed by the Department of Commerce for the review required under RCW 36.70A.106; NOW, THEREFORE:

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The following amendment is made to the City of Kennewick Comprehensive Plan Land Use Map as adopted by Resolution 07-12:

1. CPA 20-01 – .02 acres located at 4826 W Metaline Avenue (Low Density Residential to Public Facility).

Section 2. The property is legally described as follows:

Low Density Residential to Public Facility

THAT PORTION OF LOT 1, SHORT PLAT 2791, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER AUDITOR'S FILE NO. 2004-005828, RECORDS OF BENTON COUNTY, WASHINGTON LYING WESTERLY OF THE SOUTHERLY PROJECTION OF THE EAST LINE OF THAT PARCEL CONVEYED TO THE KENNEWICK SCHOOL DISTRICT #17 IN QUIT CLAIM DEED RECORDED UNDER AUDITOR'S FILE NO. 2016-005352 AS DEPICTED ON SURVEY 4730, RECORDED UNDER AUDITOR'S FILE NO. 2016-009373.

CONTAINING 681 SQUARE FEET, MORE OR LESS.

Section 3. This ordinance shall be in full force and effect five days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 16th day of February, 2021, and signed in authentication of its passage this 16th day of February, 2021

Attest:

DON BRITAIN, Mayor

TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5897 filed and recorded in the office of the City Clerk of the City of Kennewick, Washington this 17th day of February, 2021.

Approved as to Form:

LISA BEATON, City Attorney

TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION_____

2020 Comprehensive Plan Amendment Review

City Council Meeting

February 16, 2021

Approval Criteria

KMC 4.12.110 (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 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 the process that includes amending text for this title where such amendments will have a significant impact on a large area of the City.

Additional Factors

KMC 4.12.110 (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.

CPA 20-01

- Low Density Residential to Public Facility
- 0.02 acres
- 4826 W Metaline Avenue
- Velina & Rene Perez

Key Issues

- Public Facility to the west and north.



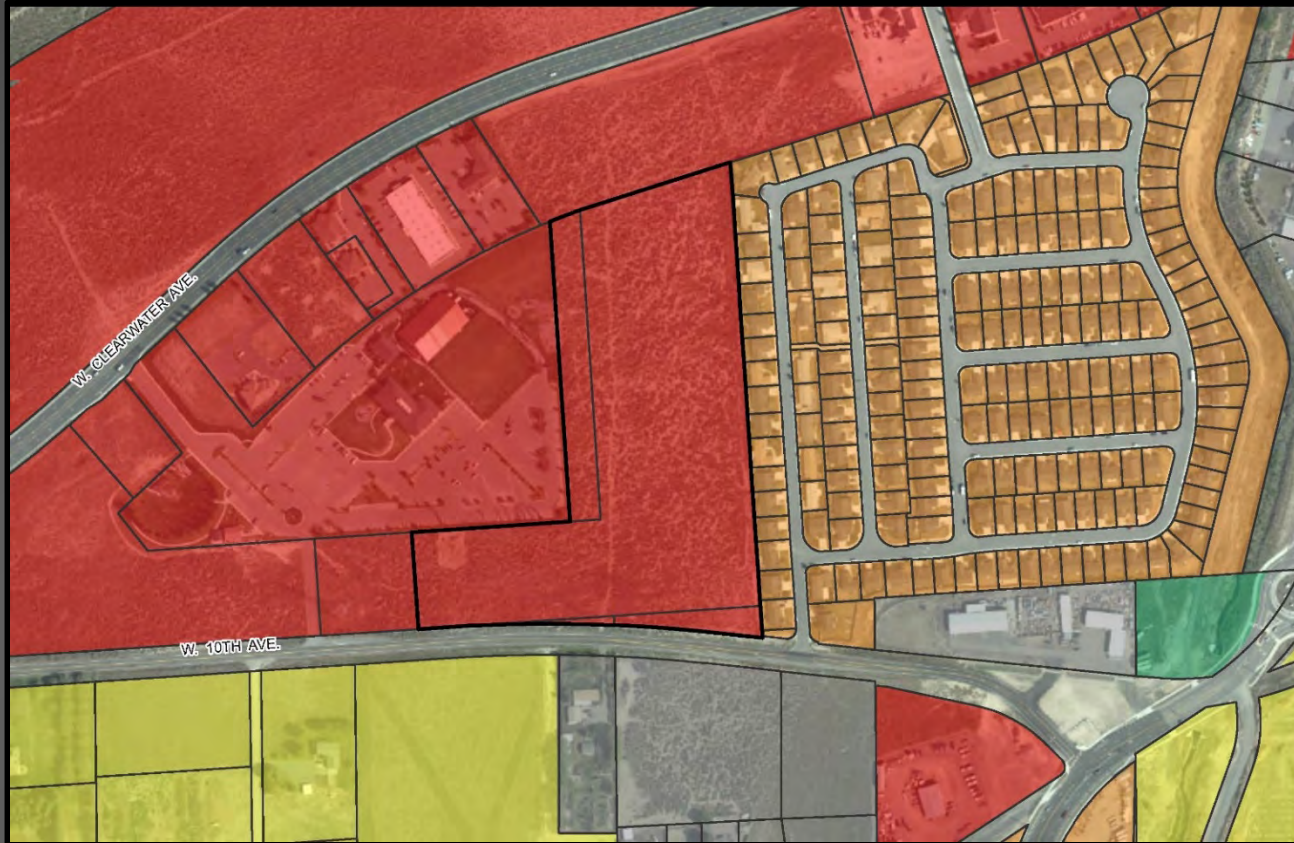
Planning Commission unanimously recommends approval.

CPA 20-02

- Commercial to Medium Density Residential
- 14.74 acres
- 9757 W Clearwater Avenue
- Tom and Vicki Solbrack

Key Issues

- Medium Density Residential to the east.
- Access onto W 10th Avenue.



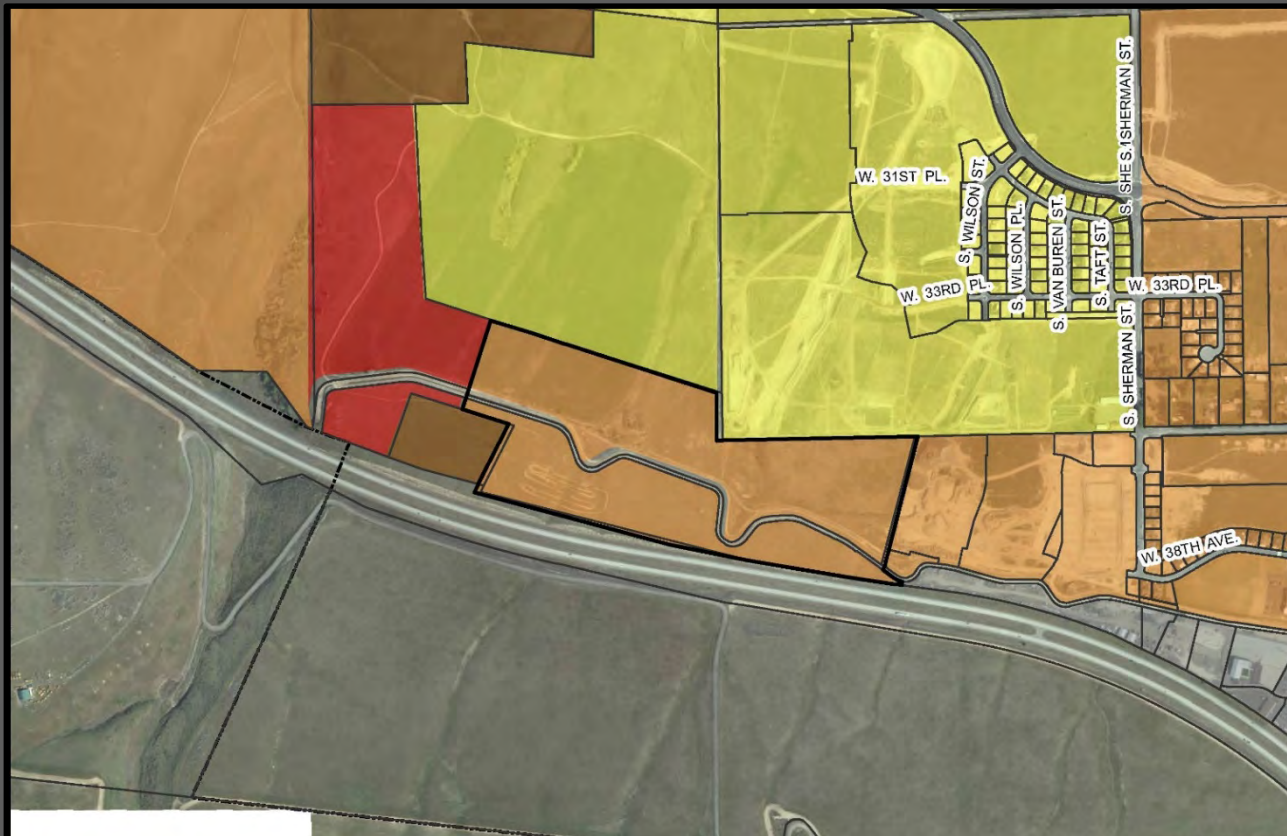
Planning Commission unanimously recommends approval.

CPA 20-03

- Medium Density Residential to High Density Residential
- 57.02 acres
- JAYCEE Structure, LLC

Key Issues

- Access to the site.
- Low Density Residential to the north.



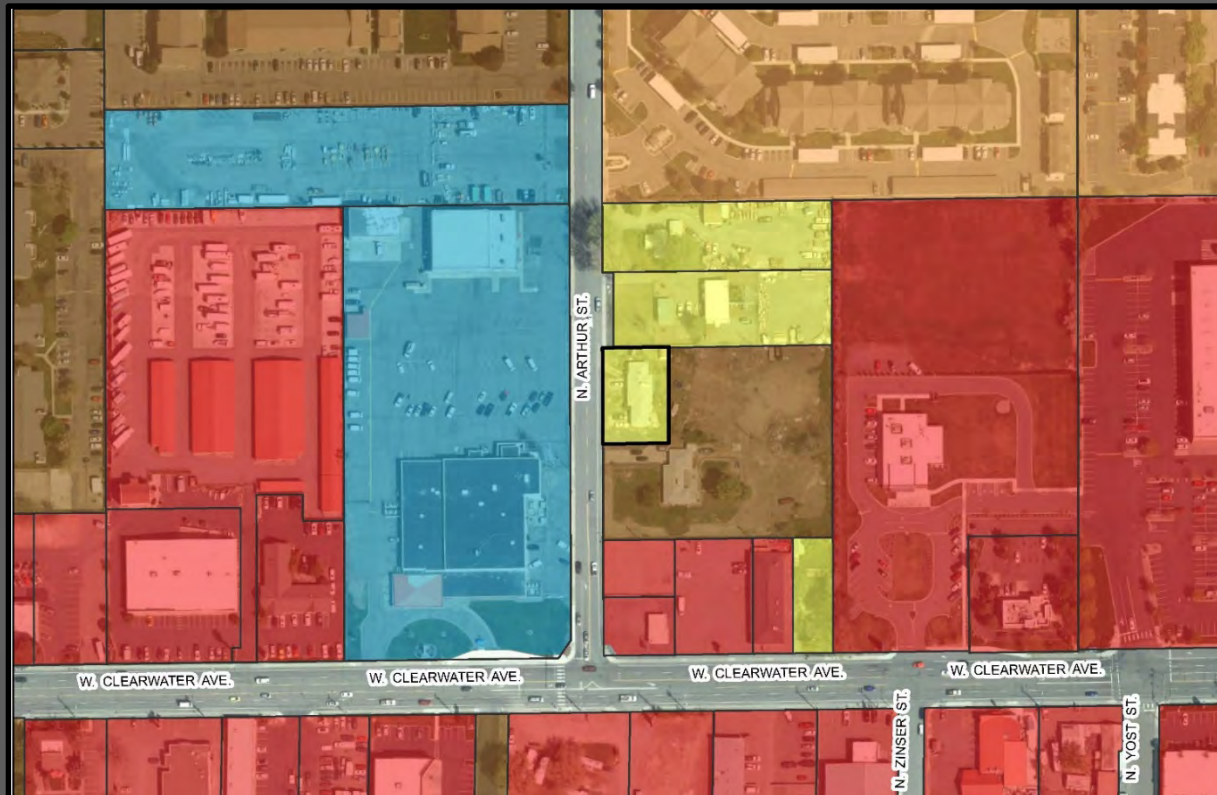
Planning Commission unanimously recommends approval.

CPA 20-04

- Low Density Residential to High Density Residential
- .28 acres
- 324 N Arthur Street
- The Cramer Family Trust

Key Issues

- High Density Residential to the south and east.
- Low Density Residential to the north.



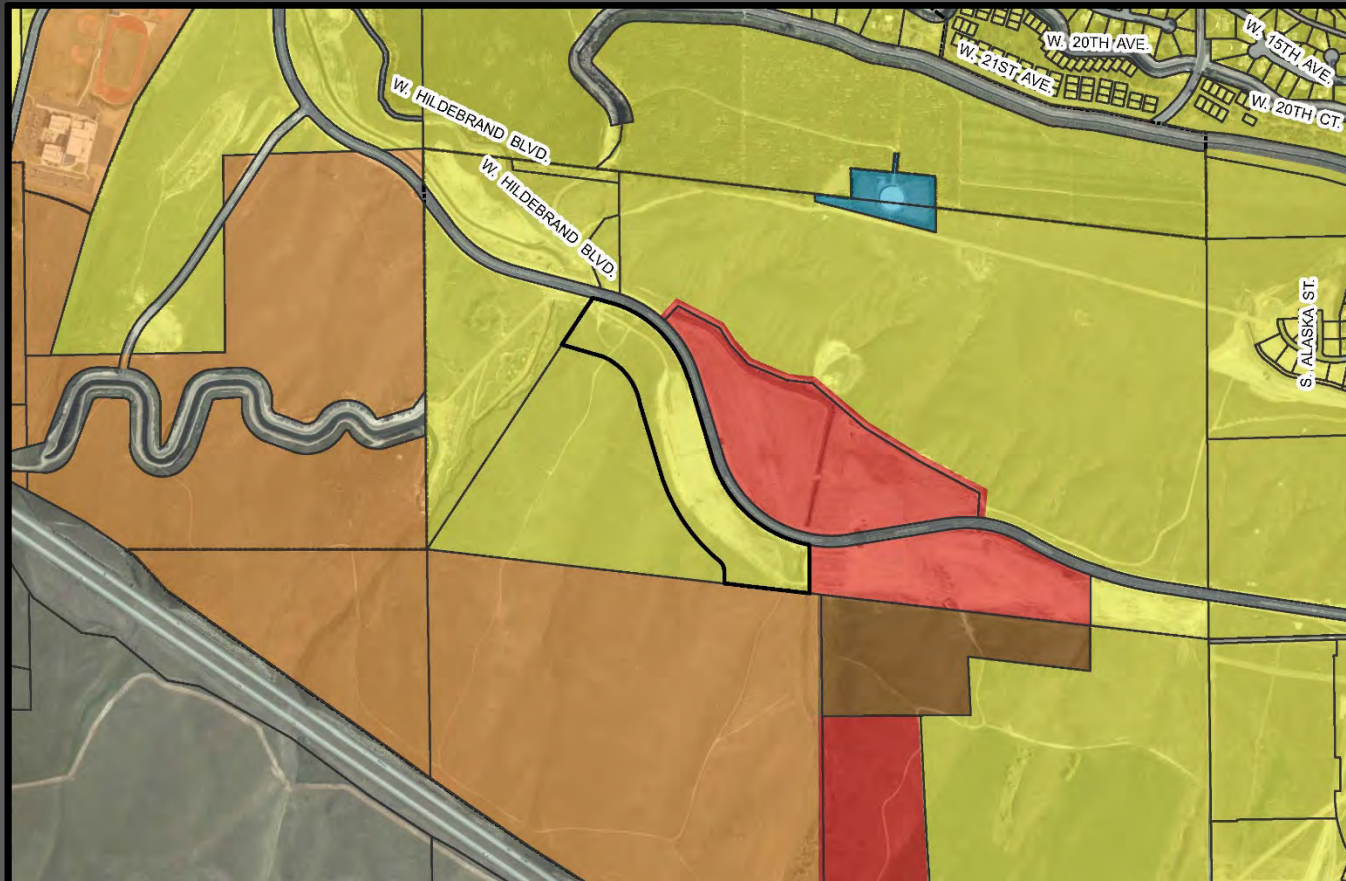
Planning Commission unanimously recommends approval.

CPA 20-05

- Low Density Residential to Commercial
- 20.50 acres
- 5800 W. 28th Ave. & 2175 S. Sherman St.
- BYK Development, LLC

Key Issues

- Adjacent to commercial property.
- Direct access onto Bob Olson Parkway.



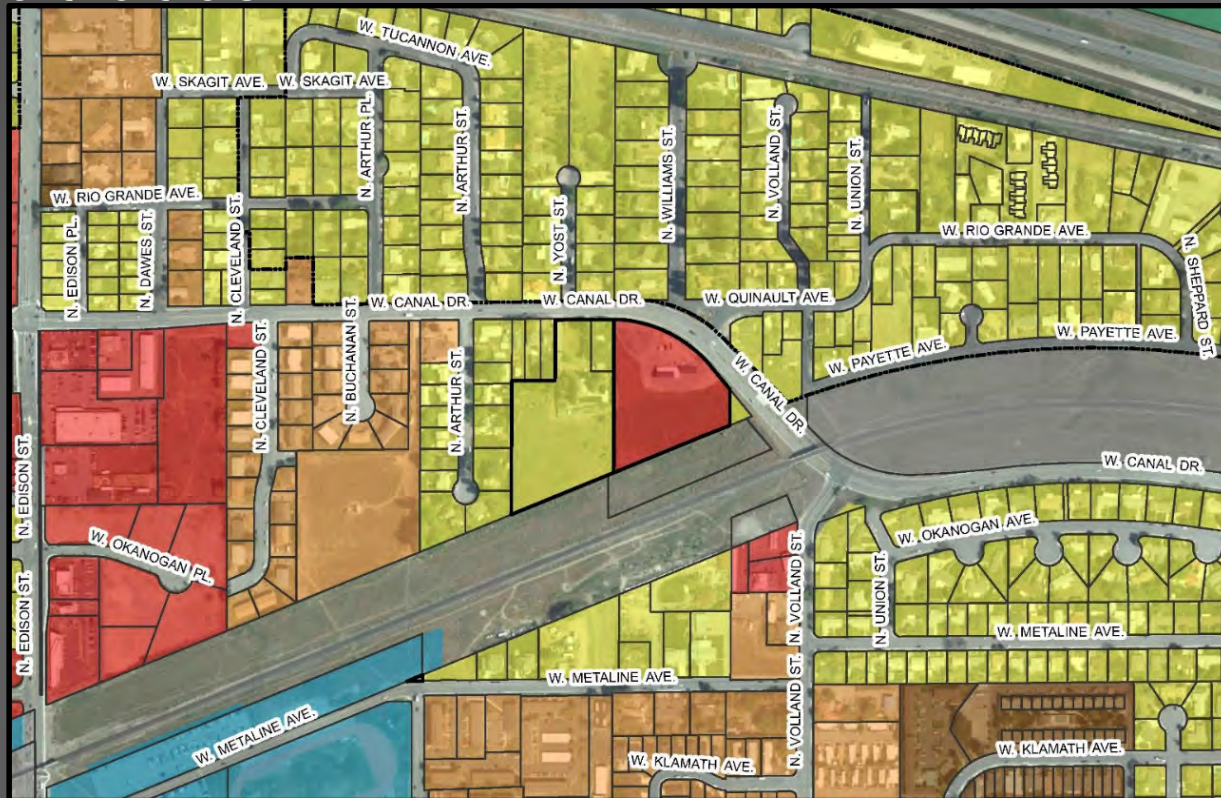
Planning Commission unanimously recommends approval.

CPA 20-07

Key Issues

- Low Density Residential & Commercial to Medium Density Residential
- 7.42 acres
- 4711, 4717 and 4721 W Canal Drive
- Chervenell Const. Brad & Emily Niebuhr and HN Development Partners

- Unincorporated Benton County to the North.
- Low Density Residential to the west.
- Multi-family would be allowed



Planning Commission unanimously to recommend approval.

Questions?

APPLICATION PROCESS

- Application Submitted March 10, 2020
- Application routed for comments July 14, 2020
- Determination of Non-Significance was issued on August 5, 2020
- Appeal Period for the DNS ended August 19, 2020
- A property posting sign notifying the public of a public hearing on this request was posted on the site on September 17, 2020.
- Notice of Hearing published September 20, 2020
- Notice of Hearing mailed September 17, 2020

SURROUNDING COMPREHENSIVE PLAN, ZONING AND LAND USES

North	Comprehensive Plan – Public Facility Zoning – Public Facility (PF) Existing Land Uses – Kamiakin High School Parking Lot
South	Comprehensive Plan – Public Facility and Medium Density Residential Zoning – Public Facility (PF) and Residential, Medium Existing Land Uses – Kamiakin High School and multi-family residences
East	Comprehensive Plan – Low Density Residential Zoning – Residential, Low (RL) Existing Land Uses – vacant land and single-family residences
West	Comprehensive Plan – Public Facility Zoning – Public Facility (PF) Existing Land Uses – Kamiakin High School Parking Lot

REGULATORY CONTROLS

- City of Kennewick Comprehensive Plan
- Kennewick Municipal Code Title 4
- Kennewick Municipal Code Title 18

DESCRIPTION OF REQUEST

The applicant has requested to change 0.02 acres from Low Density Residential to Public Facility.

COMPLIANCE WITH TITLE 4 (ADMINISTRATIVE PROCEDURES)

KMC 4.12.110(7): Approval Criteria. The City may approve Comprehensive Plan Amendments and area-wide zone map amendments if it finds that the request meets one or more of the following:

1. The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment;
The proposed amendment will not allow the property to be rezoned to a zoning district that will permit uses which may have the potential to negatively impact the public health, safety, welfare and protection of the environment.
2. 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;
This 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.
3. The proposed amendment corrects an obvious mapping error; or
This request does not correct a mapping error.

4. The proposed amendment addresses an identified deficiency in the Comprehensive Plan.
The proposed amendment does not address an identified deficiency in the Comprehensive Plan.

KMC 4.12.110(8): Additional Factors. The City must also consider the following factors prior to approving Comprehensive Plan Amendments:

1. The effect upon the physical environment;
The proposal will allow the parcel to be combined with the parcel to the west, providing a new access point to the redesigned Kamiakin High School parking lot off of W Metaline Avenue.
2. The effect on open space and natural features including, but not limited to topography, streams, rivers, and lakes;
There will be little effect if any on open space or natural features, the site does not contain any designated open space or critical areas. There are adequate measures within the Kennewick Municipal Code to mitigate any possible impacts to the natural environment; there are no sensitive natural features on site.
3. The compatibility with and impact on adjacent land uses and surrounding neighborhoods;
The proposal is compatible with land use to the south and west which is already designated Public Facility and is currently occupied by Kamiakin High School. The parcel is small enough that the impact to the adjacent parcel to the east, which is designated Low Density Residential will be minimal.
4. The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools;
The proposal will eventually provide additional access from W Metaline Avenue to the Kamiakin High School parking lot. Existing infrastructure is more than adequate for the proposal and it is not likely to impact existing facilities, with the exception of providing additional access to the redesigned Kamiakin High School parking lot. The proposal has the potential to create better access and circulation for the high school campus.
5. The quantity and location of land planned for the proposed land use type and density and the demand for such land;
In general, there is not much vacant Public Facility designated land in the City due to the nature of public facilities. These lands are typically designated just before or just after the site is developed. The types of facilities that are located on Public Facility designated lands are for the benefit of the public and are constructed with public funds. Typically they are planned well in advance and demand is based on the population growth of the City, as well as the adequacy of existing facilities.
6. The current and projected project density in the area; and
The proposed designation does not allow residential development and therefore will not affect current or proposed densities.
7. The effect, if any upon other aspects of the Comprehensive Plan.
The proposed change will not affect any other aspects of the Comprehensive Plan.

PUBLIC COMMENT

Staff has received no public comment concerning the proposal to date.

AGENCY COMMENTS

Staff has received no public comment concerning the proposal to date.

ANALYSIS OF REQUEST

This request will allow the Kennewick School District to combine this parcel with the Kamiakin High School parcel to the west. It will also provide additional access to the high school parking lot from W Metaline Avenue and improve access and circulation at the school.

FINDINGS

1. The applicant is Knutzen Engineering, c/o Paul Knutzen, 5401 Ridgeline Drive, Suite 160, Kennewick, WA 99338).
2. The owners are Velina M. & Rene A Perez, 1103 S Sunnyvale Drive, Kennewick, WA 99338.
3. The request is to change the land use designation for the subject parcel from Low Density Residential to Public Facility.
4. The application was received on March 10, 2020 and was routed for review to various City Departments and other local, state and federal agencies for comment on July 14, 2020.
5. The site is currently served by City water and sewer in W Metaline Avenue.
6. Access to the site is currently provided from W Metaline Avenue.
7. The proposed amendment is adjacent to Public Facility, Medium Density Residential and Low Density Residential designated lands.
8. A Determination of Non-Significance was issued on August 5, 2020 for this application. The appeal period for the determination ended on August 19, 2020.
9. A public hearing notification sign was posted on site September 17, 2020.
10. Notice of the public hearing for this application was published in the Tri-City Herald on September 20, 2020. Notices were also mailed to property owners within 300 feet of the site on September 17, 2020.
11. The proposed amendment bears a relationship to the public health, safety, welfare and protection of the environment in that it will allow Kennewick School District to purchase and combine this parcel with the adjacent Kamiakin High School parcel.
12. This 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.
13. The proposed amendment does not correct an obvious mapping error.
14. This request will not address an identified deficiency in the Comprehensive Plan.

CONCLUSIONS

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation for a portion of the subject parcel from Low Density Residential to Public Facility.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will not affect population densities in the area.
5. Future development of the site will not impact the traffic and park system.

Recommendation

Staff recommends that the Planning Commission concur with the findings and conclusions of CPA 20-01 contained in the staff report and recommend approval to City Council.

Motion

I move that the Planning Commission concur with the findings and conclusions of CPA 20-01 contained in the staff report and recommend to City Council approval of the request.

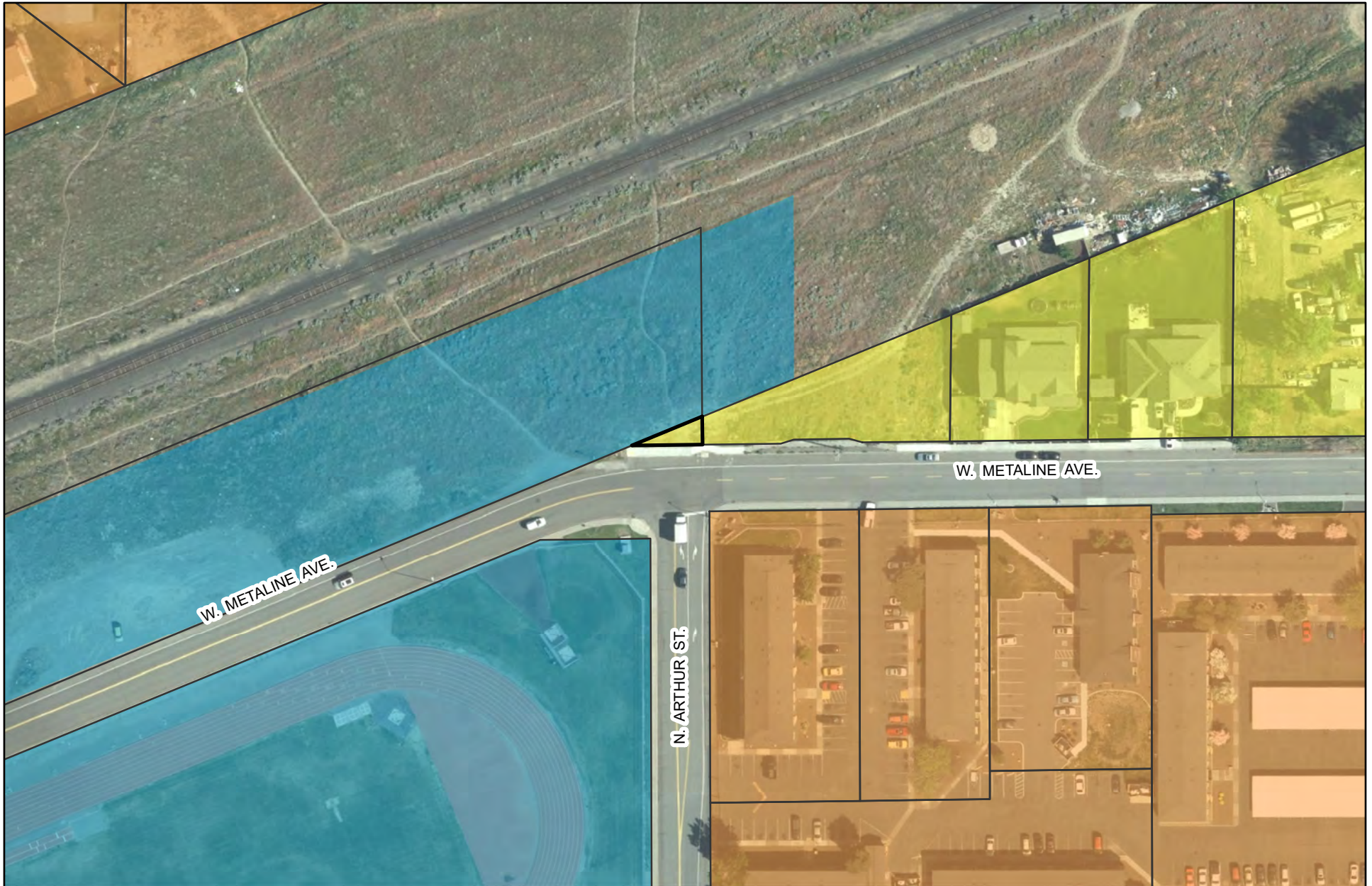


CPA 20-01
 Low Density Residential to Public Facility
 4826 W Metaline Avenue



1 inch = 300 feet 1:3,600
 0 0.0275 0.055 0.11 mi
 0 0.0425 0.085 0.17 km

Sources: Esri, HERE, Garmin,
 Intermap, increment P Corp.,



CPA 20-01/PLN-2020-00690 Knutzen Engineering

 Open Space	 Medium Density Residential	 Mixed Use	 Industrial
 Low Density Residential	 High Density Residential	 Commercial	 Public Facility

CITY OF KENNEWICK
COMMUNITY PLANNING & DEVELOPMENT SERVICES
APPLICATION (general form)

PROJECT # CPA 20-01 PLN- 2020 - 00690 FEE \$ 1,080.00

Please completely fill out this form and return it to Community Planning & Development Services, PO Box 6108, Kennewick, WA 99336, along with the application fee (see fee schedule). Attach a copy of the checklist for the land use application you are submitting. The application submittal must contain all of the information requested on the checklist in order to be processed. **Incomplete applications will not be accepted.**

Check one of the following for the type of application you are submitting:

Site Plan Tier 1 ☐ Tier 2 ☐ Tier 3 ☐ Binding Site Plan ☐
Short Plat ☐ Conditional Use ☐ Other Comprehensive Plan Amendment

Environmental Determination PLN- _____ - _____ Pre Application Meeting PLN- _____ - _____

Applicant: Knutzen Engineering

Address: 5401 Ridgeline Dr Suite 160, Kennewick, WA 99338

Telephone: 509-222-0959 Cell Phone: _____ Fax: _____ E-mail: paul@knutzenengineering.com

Property Owner (if other than applicant): Perez Velina M & Rene A

Address: 1103 S Sunnyvale Dr, Kennewick, WA 99338-1220

Telephone: _____ Cell Phone: _____ E-mail: _____

SITE INFORMATION

Parcel No. 133991012791001 Acres 0.02 Zoning: RL

Address of property: 4826 W Metaline Ave, Kennewick, WA 99336

Number of Existing Parking Spaces 0 Number of Proposed (New) Parking Spaces 0

Present use of property Undeveloped Lot

Size of existing structure: 0 sq. ft. Size of Proposed addition/New structure: 0 sq. ft.

Height of building: N/A Cubic feet of excavation: N/A Cost of new construction N/A

Benton County Assessor Market Improvement Value: \$28,500

Description of Project: A comprehensive plan amendment from Residential Low Density (RL) to Public Facility (PF).

I, the undersigned, do hereby certify that, to the best of my knowledge, the information provided above is true and correct.

Applicant's Signature

Date: 3/3/2020

Signature of owner or owner's authorized representative

1. State the requested amendment:

2. What are the reasons for the requested amendment:

3. Which elements of the Comprehensive Plan will be affected and how. Include detailed information on the provision of utilities such as water, sewer, power, etc., and how such utilities correspond with the City's various utility plans. Detailed information must also be submitted regarding what effect the proposed change will have on such services as fire, police, parks, schools, etc:

4. Indicate how the requested amendment will implement the Comprehensive Plan and be in the best interest of the Kennewick area, reference specific Comprehensive Plan policies that will be implemented:

5. Include any other substantiated information in support of the requested amendment:



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

FILE/PROJECT NUMBER: ED 20-07/PLN-2020-00693

DESCRIPTION OF PROPOSAL: To amend the City of Kennewick Comprehensive Plan Land Use Map for a .02-acre property from Low Density Residential to Public Facility.

PROPOSER: Knutzen Engineering, c/o Paul Knutzen, 5401 Ridgeline Drive, Suite 160, Kennewick, WA 99338

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: 4826 W Metaline Avenue

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: August 5, 2020

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
ED 20-07 File

Planning Commission Action Summary
CPA 20-01 – Knutzen Engineering

The Kennewick Planning Commission conducted a virtual public hearing on October 5, 2020. All interested parties were invited to come before the Commission and be heard. After reviewing the staff report and all oral and written facts and opinions, the Commission passed a motion on the proposed amendments concurring with the findings and conclusions in the staff report CPA 20-01 and recommend to City Council approval of the proposed comprehensive plan amendment contained in the staff report.

Findings of Fact

1. The applicant is Knutzen Engineering, c/o Paul Knutzen, 5401 Ridgeline Drive, Suite 160, Kennewick, WA 99338.
2. The owners are Velina M. & Rene A Perez, 1103 S Sunnyvale Drive, Kennewick, WA 99338.
3. The request is to change the land use designation for the subject parcel from Low Density Residential to Public Facility.
4. The application was received on March 10, 2020 and was routed for review to various City Departments and other local, state and federal agencies for comment on July 14, 2020.
5. The site is currently served by City water and sewer in W Metaline Avenue.
6. Access to the site is currently provided from W Metaline Avenue.
7. The proposed amendment is adjacent to Public Facility, Medium Density Residential and Low Density Residential designated lands.
8. A Determination of Non-Significance was issued on August 5, 2020 for this application. The appeal period for the determination ended on August 19, 2020.
9. A public hearing notification sign was posted on site September 17, 2020.
10. Notice of the public hearing for this application was published in the Tri-City Herald on September 20, 2020. Notices were also mailed to property owners within 300 feet of the site on September 17, 2020.
11. The proposed amendment bears a relationship to the public health, safety, welfare and protection of the environment in that it will allow Kennewick School District to purchase and combine this parcel with the adjacent Kamiakin High School parcel.
12. This 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.
13. The proposed amendment does not correct an obvious mapping error.
14. This request will not address an identified deficiency in the Comprehensive Plan.

Conclusions of Law

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation for a portion of the subject parcel from Low Density Residential to Public Facility.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will not affect population densities in the area.
5. Future development of the site will not impact the traffic and park system.

The motion to recommend approval to City Council passed with a vote of 6 to 0.

**KENNEWICK PLANNING COMMISSION
OCTOBER 5, 2020
MEETING MINUTES**

CALL TO ORDER

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

Vice Chairman Morris led the Pledge of Allegiance.

Vice Chairman Morris made the following statement:

“Tonight’s meeting will be conducted through an online, virtual meeting platform. Planning Commissioners and staff are joining us remotely in order to comply with Governor Inslee’s Proclamation 20.28.4 as it relates to the Open Public Meeting Act during the COVID-19 State of Emergency. Should an individual Planning Commissioner become unexpectedly disconnected from the Webinar, please rejoin the meeting at your first opportunity. The record will reflect your attendance. The meeting will proceed so long as a quorum of Planning Commissioners are present.”

Development Services Manager Anthony Muai called the roll and found the following logged into the Webinar:

Present: Commissioners Robert Rettig, James Hempstead, Ken Short, Thomas Helgeson, Anthony Moore, Vice Chairman Victor Morris.

Excused: Commissioner Clark Stolle

Unexcused: None

Staff Present: Greg McCormick, AICP Planning Director; Anthony Muai, AICP Development Services Manager; Steve Donovan, AICP Senior Planner

CONSENT AGENDA

- a. Approval of Agenda
- b. Approval of the August 17, 2020 Meeting Minutes
- 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 virtual public hearing at 6:35 p.m. for **Comprehensive Plan Amendment #20-01/PLN-2020-00690** proposing to change 0.02 acres located at 4826 W. Metaline Avenue from Low Density Residential (LDR) to Public Facility(PF). Applicant is Paul Knutzen, Knutzen Engineering, 5401 Ridgeline Dr. Ste. 160, Kennewick, WA 99338. Owner is Velina and Rene Perez.

Mr. Donovan gave a brief overview of the staff report.

Planning Commission questions:

None

Testimony of Applicant/Applicant's Representative:

Paul Knutzen
Knutzen Engineering
5401 Ridgeline Dr Ste. 160
Kennewick, WA 99338

Filed on behalf of Kennewick School District for development underway at Kamiakin High School; asking for .02 acres, Arthur Street T's into Metaline, as part of Kamiakin project a driveway has been aligned at the intersection to make it safer; the Perez family agreed to sell the property to the school district to allow for a comp plan amendment, a zone change and then a boundary line adjustment so that the zones are all the same.

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

Mr. Donovan said he failed to mention that staff does recommend APPROVAL of this particular amendment.

Public Testimony for CPA 20-01 closed at 6:42 p.m.

Vice Chairman Morris asked for a motion.

Commissioner Rettig moved to concur with the findings and conclusions in staff report CPA 20-01 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Moore seconded the motion.

Planning Commission Discussion:

None

The motion passed on a unanimous roll call vote.

Council Agenda Coversheet	Agenda Item Number	5.d.	Council Date	02/16/2021	Consent Agenda	☐
	Agenda Item Type	Ordinance			Ordinance/Reso	☒
	Subject	CPA 20-02 (Knutzen Engineering)			Public Mtg / Hrg	☐
	Ordinance/Reso #	5898	Contract #		Other	☐
	Project #	CPA 20-02	Permit #	PLN-2020-00841	Quasi-Judicial	☐
	Department	Planning				

Recommendation

The Planning Commission recommends approval of CPA 20-02 through the adoption of Ordinance 5898.

Motion for Consideration

I move to adopt Ordinance 5898.

Summary

The applicant has requested to change the land use designation of 14.74 acres from Commercial to Medium Density Residential. The request will establish the same land use designation as the adjacent property to the site of the site.

The Planning Commission held a public hearing for the request on October 5, 2020. At the hearing, the applicant and one member of the general public spoke in favor of the request. No testimony or written comments were received in opposition to this request.

The Planning Commission voted unanimously to recommend approval to the City Council.

Alternatives

None recommended.

Fiscal Impact

None.

Through	Steve Donovan Feb 08, 11:21:07 GMT-0800 2021	Attachments: 
Dept Head Approval	Gregory McCormick Feb 08, 13:43:20 GMT-0800 2021	
City Mgr Approval	Marie Mosley Feb 12, 09:42:23 GMT-0800 2021	
		☐ Recording Required?

CITY OF KENNEWICK
ORDINANCE NO. 5898

AN ORDINANCE AMENDING THE CITY OF KENNEWICK'S COMPREHENSIVE
PLAN (CPA 20-02, KNUTZEN ENGINEERING, C/O NATHAN MACHIELA)

WHEREAS, the City of Kennewick, by and through its City Council, and pursuant to the Growth Management Act, directed the Planning Commission of the City of Kennewick to review and update the Comprehensive Plan for the purposes of coordinating all plans and programs relating to the physical and social development of the Kennewick Urban Growth Area and the people therein; and

WHEREAS, the City of Kennewick, in accord with the Growth Management Act and RCW 36.70A.130 and implementing municipal regulations, has directed the Department of Community Planning and the Planning Commission to review and update the plan annually; and

WHEREAS, appropriate public notice has been given and a public hearing held by the Planning Commission on October 5, 2020, concerning the proposed changes, and the same has been reviewed by the Department of Commerce for the review required under RCW 36.70A.106; NOW, THEREFORE:

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The following amendment is made to the City of Kennewick Comprehensive Plan Land Use Map as adopted by Resolution 07-12:

1. CPA 20-02 – 14.74 acres located at 9757 W Clearwater Avenue (Commercial to Medium Density Residential).

Section 2. The property is legally described as follows:

Commercial to Medium Density Residential

COMMERCIAL PARCEL 133991020017008

PARCEL A:

THE HIGHLANDS, PLAT A: TRACT 17, LESS THE EAST 251.17 FEET: LESS PORTION DEFINED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 17: THENCE SOUTH 01 DEGREES 17' WEST ALONG THE WEST LINE OF SAID TRACT 20 FEET: THENCE SOUTHEAST ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT WITH A RADIUS OF 460 FEET (CHORD BEARS SOUTH 63 DEGREES 17'36' EAST 370.6 FEET) A DISTANCE OF 281.43 FEET: THENCE SOUTH 38 DEGREES 37' EAST 108.36 FEET TO THE EAST LINE OF THIS PARCEL: THENCE NORTH 01 DEGREES 24' EAST 269.48 FEET ALONG SAID EAST LINE TO THE NORTHEAST CORNER: THENCE NORTH 89 DEGREES 44'30' WEST 404.83 FEET ALONG THE NORTH LINE OF TRACT 17 TO THE POINT OF

BEGINNING. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, 5-21-57.

RESIDENTIAL PARCEL 133991020018001

PARCEL A

THE EAST 80 FEET OF THE NORTH 200 FEET OF TRACT 18, THE HIGHLANDS PLAT A, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 2, RECORDS OF BENTON COUNTY, WASHINGTON, EXCEPT THE NORTH 5 FEET AS CONVEYED TO BENTON COUNTY BY INSTRUMENT RECORDED ON JUNE 14, 1971 UNDER AUDITOR'S FILE NO. 622562; AND EXCEPT THE SOUTH 3.6 FEET OF THE WEST 67.5 FEET OF THE EAST 80 FEET OF THE SOUTH 200 FEET OF THE NORTH 230 FEET OF TRACT 18, THE HIGHLANDS PLAT A, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 2, RECORDS OF BENTON COUNTY, WASHINGTON.

RESIDENTIAL PARCEL 133991020018002

PARCEL B

THAT PORTION OF TRACT 18, THE HIGHLANDS, PLAT "A", ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 2, RECORDS OF BENTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON MONUMENT MARKING THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 9 NORTH, RANGE 29 EAST, W.M.; THENCE NORTH 89°42'45" WEST 881.3 FEET; THENCE SOUTH 01°38'15" WEST 30 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01°38'15" WEST 215 FEET; THENCE NORTH 89°42'45" WEST 150 FEET TO THE EAST LINE OF LOT 2, BUGBEE'S ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 51, RECORDS OF SAID COUNTY; THENCE SOUTH 01°38'15" WEST 468.77 FEET ALONG THE EAST LINE OF SAID PLAT TO THE SOUTHERLY LINE OF SAID TRACT 18; THENCE NORTH 68°47'15" EAST ALONG SAID SOUTHERLY LINE 385.16 FEET TO THE EAST LINE OF SAID TRACT 18; THENCE NORTH 01°38'15" EAST ALONG THE SAID EAST LINE OF TRACT 18, TO A POINT 230 FEET SOUTH OF THE NORTH LINE OF THE SOUTHEAST QUARTER OF NORTHEAST QUARTER OF SAID SECTION 33; THENCE NORTH 89°42'45" WEST 80 FEET; THENCE NORTH 01°38'15" EAST 200 FEET; THENCE NORTH 89°42'45" WEST 125.03 FEET

TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION CONVEYED TO BENTON COUNTY BY INSTRUMENT RECORDED UNDER AUDITOR'S FILE NO. 619171; TOGETHER WITH THE SOUTH 3.6 FEET OF THE WEST 67.5 FEET OF THE EAST 80 FEET OF THE SOUTH 200 FEET OF THE NORTH 230 FEET OF LOT 18, THE HIGHLANDS PLAT A, ACCORDING TO THE PLAT THEREOF

RECORDED IN VOLUME 2 OF PLATS, PAGE 2, RECORDS OF BENTON
COUNTY, WASHINGTON.

Section 3. This ordinance shall be in full force and effect five days from and after its passage,
approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this
16th day of February, 2021, and signed in authentication of its passage this 16th day of February,
2021.

Attest:

DON BRITAIN, Mayor

TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5898 filed and recorded
in the office of the City Clerk of the City of
Kennewick, Washington this 17th day of
February, 2021.

Approved as to Form:

LISA BEATON, City Attorney

TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION_____

APPLICATION PROCESS

- Application Submitted March 31, 2020
- Application routed for comments July 14, 2020
- Determination of Non-Significance was issued August 5, 2020
- Appeal Period for the DNS ended August 19, 2020
- A property posting sign notifying the public of a public hearing on this request was posted on the site on September 17, 2020.
- Notice of Hearing published September 20, 2020
- Notice of Hearing mailed September 17, 2020

SURROUNDING COMPREHENSIVE PLAN, ZONING AND LAND USES

North	Comprehensive Plan – Commercial Zoning – Commercial Community (CC) Existing Land Uses – vacant land
South	Comprehensive Plan – Low Density Residential and Industrial Zoning – County Zoning Existing Land Uses – single-family residences and vacant land
East	Comprehensive Plan – Medium Density Residential Zoning – Residential, Manufactured Home (RMH) and Residential, Medium (RM) Existing Land Uses – single-family residences
West	Comprehensive Plan – Commercial Zoning – Business Park (BP) Existing Land Uses – church and vacant land

REGULATORY CONTROLS

- City of Kennewick Comprehensive Plan
- Kennewick Municipal Code Title 4
- Kennewick Municipal Code Title 18

DESCRIPTION OF REQUEST

The applicant has requested to change the land use designation of 14.74 acres from Commercial to Medium Density Residential.

COMPLIANCE WITH TITLE 4 (ADMINISTRATIVE PROCEDURES)

KMC 4.12.110(7): Approval Criteria. The City may approve Comprehensive Plan Amendments and area-wide zone map amendments if it finds that the request meets one or more of the following:

1. The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment;
The proposed amendment will not allow the property to be rezoned to a zoning district that will permit uses, which may have the potential to affect the public health, safety, welfare and protection of the environment negatively.
2. 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;
This 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.
3. The proposed amendment corrects an obvious mapping error; or
This request does not correct a mapping error.

4. The proposed amendment addresses an identified deficiency in the Comprehensive Plan.
The proposed amendment does not address an identified deficiency in the Comprehensive Plan.

KMC 4.12.110(8): Additional Factors. The City must also consider the following factors prior to approving Comprehensive Plan Amendments:

1. The effect upon the physical environment;
Amending the land use designation from Commercial to Medium Density Residential may affect the physical environment, due to future on-site residential development. No negative impacts to the physical environment are anticipated at the site or in the immediate area.
2. The effect on open space and natural features including, but not limited to topography, streams, rivers, and lakes;
There will be little effect if any on open space or natural features, the site does not contain any open space or designated critical areas. There are adequate measures within the Kennewick Municipal Code to mitigate any possible impacts to the natural environment.
3. The compatibility with and impact on adjacent land uses and surrounding neighborhoods;
The proposal is compatible with land uses to the east. The property to the south is in Unincorporated Benton County, with Low Density Residential and Industrial designations. The industrial land could potentially affect the residentially designated properties. The proposed amendment is compatible with the commercial property to the west.
4. The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools;
The proposed land use designation will allow an increase to the residential density in the area. Future development is subject to concurrency requirements, along with Traffic and Park Impact Fees.
5. The quantity and location of land planned for the proposed land use type and density and the demand for such land;
Residential housing continues to be a major need in Kennewick and designating the site to Medium Density Residential will help address the housing need. The site is adjacent to existing residential development that has the same land use designation as what is proposed by this application.
6. The current and projected project density in the area; and
The proposed designation will allow residential densities up to 13 units per acre and will allow for increased density in the immediate area.
7. The effect, if any upon other aspects of the Comprehensive Plan.
The proposed change will not affect any other aspects of the Comprehensive Plan.

PUBLIC COMMENT

Staff has received no public comment concerning the proposal to date.

AGENCY COMMENTS

The Washington State Department of Transportation submitted its concerns on how future development may affect I-82/W Clearwater Avenue interchange see Exhibit A-5.

ANALYSIS OF REQUEST

This request will allow the property to eventually be rezoned and developed to the Residential, Medium Density development standards.

FINDINGS

1. The applicant is Knutzen Engineering, c/o Nathan Machiela, 5401 Ridgeline Drive, Suite 160, Kennewick, WA 99338.
2. The owners are Tom and Vicki Solbrack, 2555 W Highway 24, Othello, WA 99344.
3. The request is to change the land use designation for the subject parcel from Commercial to Medium Density Residential.
4. The application was received on March 31, 2020 and was routed for review to various City Departments and other local, state and federal agencies for comment on July 14, 2020.
5. City water and sewer is within 400 feet of the site.
6. Access to the site is from W. 10th Avenue.
7. The proposed amendment is adjacent to Commercial and Medium Density Residential designated lands.
8. A Determination of Non-Significance was issued on August 5, 2020 for this application. The appeal period for the determination ended on August 19, 2020.
9. A public hearing notification sign was posted on site September 17, 2020.
10. Notice of the public hearing for this application was published in the Tri-City Herald on September 20, 2020. Notices were also mailed to property owners within 300 feet of the site on September 17, 2020.
11. The proposed amendment bears a relationship to the public health, safety, welfare and protection of the environment.
12. This 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.
13. The proposed amendment does not correct an obvious mapping error.
14. This request will not address an identified deficiency in the Comprehensive Plan.

CONCLUSIONS

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation for a portion of the subject site from Commercial to Medium Density Residential.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will not affect population densities in the area.
5. Future development of the site will be subject to Traffic and Park Impact Fees.

Recommendation

Staff recommends that the Planning Commission concur with the findings and conclusions of CPA 20-02 contained in the staff report and recommend approval to City Council.

Motion

I move that the Planning Commission concur with the findings and conclusions of CPA 20-02 contained in the staff report and recommend to City Council approval of the request.



CPA 20-02
Commercial to Medium Densit Residential
9757 W Clearwater Avenue

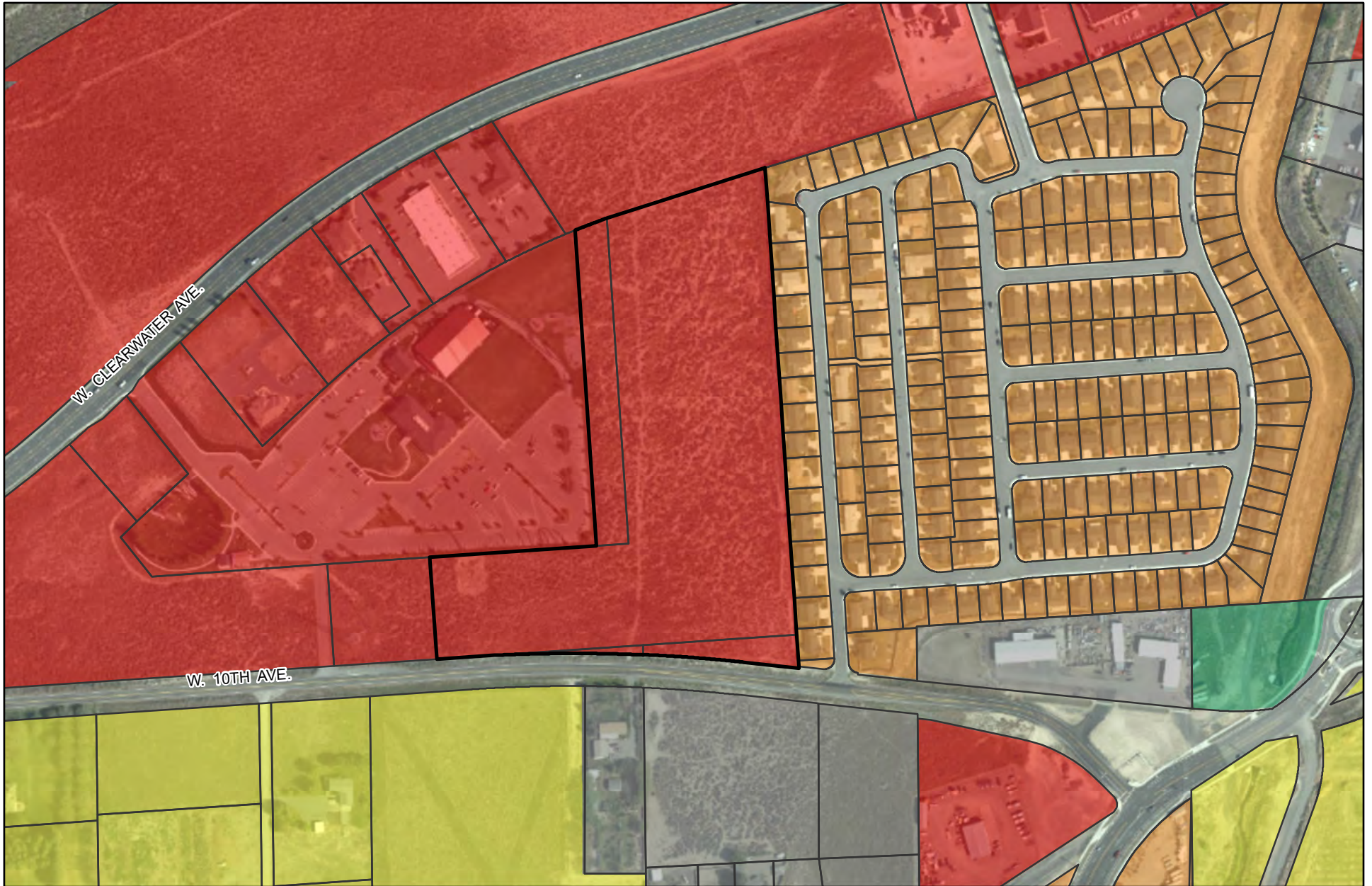


1 inch = 1,000 feet 1:12,000

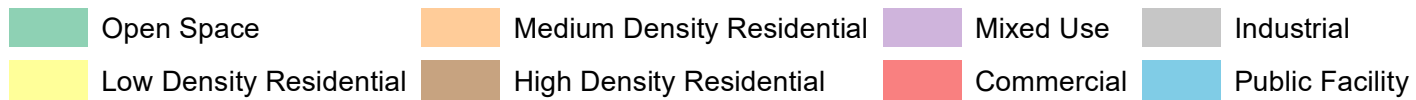
0 0.075 0.15 0.3 mi

0 0.125 0.25 0.5 km

Sources: Esri, HERE, Garmin,
Intermap, increment P Corp.,



CPA 20-02/PLN-2020-00841 Solbrack



CITY OF KENNEWICK
COMMUNITY PLANNING & DEVELOPMENT SERVICES
APPLICATION (general form)

Exhibit A-3

PROJECT # _____ - _____ PLN- _____ - _____ FEE \$ _____

Please completely fill out this form and return it to Community Planning & Development Services, PO Box 6108, Kennewick, WA 99336, along with the application fee (see fee schedule). Attach a copy of the checklist for the land use application you are submitting. The application submittal must contain all of the information requested on the checklist in order to be processed. **Incomplete applications will not be accepted.**

Check one of the following for the type of application you are submitting:

Site Plan Tier 1 Tier 2 Tier 3 Binding Site Plan
Short Plat Conditional Use Other Comprehensive Plan Amendment _____

Environmental Determination PLN- _____ - _____ Pre Application Meeting PLN- _____ - _____

Applicant: _____

Address: _____

Telephone: _____ Cell Phone: _____ Fax: _____ E-mail _____

Property Owner (if other than applicant): _____

Address: _____

Telephone: _____ Cell Phone: _____ E-mail _____

SITE INFORMATION

Parcel No. 112881000005004 112881000006002 Acres Zoning: C C
101884BP5063015 101884000001017 C BP

Address of property: _____

Number of Existing Parking Spaces _____ Number of Proposed (New) Parking Spaces _____

Present use of property _____

Size of existing structure: _____ sq. ft. Size of Proposed addition/New structure: _____ sq. ft.

Height of building: _____ Cubic feet of excavation: _____ Cost of new construction _____

[Benton County Assessor Market Improvement Value:](#) _____

Description of Project: _____

I, the undersigned, do hereby certify that, to the best of my knowledge, the information provided above is true and correct.


Applicant's Signature


Signature of owner or owner's authorized representative

Date: _____

The following questions will be reviewed by both the Planning Commission and City Council as a means of assisting in their consideration of the Comprehensive Plan Amendment request. Use additional pages if necessary.

1. State the requested amendment:

2. What are the reasons for the requested amendment:

3. Which elements of the Comprehensive Plan will be affected and how. Include detailed information on the provision of utilities such as water, sewer, power, etc., and how such utilities correspond with the City's various utility plans. Detailed information must also be submitted regarding what effect the proposed change will have on such services as fire, police, parks, schools, etc:

4. Indicate how the requested amendment will implement the Comprehensive Plan and be in the best interest of the Kennewick area, reference specific Comprehensive Plan policies that will be implemented:

5. Include any other substantiated information in support of the requested amendment:



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

FILE/PROJECT NUMBER: ED 20-08/PLN-2020-00852

DESCRIPTION OF PROPOSAL: To amend the City of Kennewick Comprehensive Plan Land Use Map for a 14.74-acre property from Commercial to Medium Density Residential.

PROPONENT: Knutzen Engineering, c/o Nathan Machiela, 5401 Ridgeline Drive, Suite 160, Kennewick, WA 99338

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: 9757 W Clearwater Avenue

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

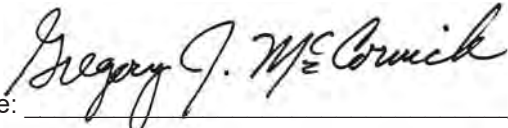
☐ Changes, modifications and/or additions to the checklist have been made on the attached Environmental Checklist Review.

This DNS is subject to the attached conditions:

☒ No conditions.

☐ See attached condition(s).

Date: August 5, 2020

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
ED 20-08 File



South Central Region
 2809 Rudkin Road
 Union Gap, WA 98903-1648
 509-577-1600 / FAX: 509-577-1603
 TTY: 1-800-833-6388
www.wsdot.wa.gov

July 21, 2020

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

Attention: Steve Donovan, Senior Planner

Subject: 2020 Comprehensive Plan Map Amendments
 CPA 20-02, Tom/Vicki Solbrack, Commercial to Med-Density Residential
 CPA 20-03, JAYCEE Structure (Benton PUD), Med to Hi-Density Res
 CPA 20-05, BYK Development, Low-Density Residential to Commercial
 CPA 20-06, Jose Chavallo & Tammy Steele-Chavallo, LD Res to HD Res
 US 395, I-82

We have reviewed the proposed land use map designation amendments and have comments on four of them.

1. CPA 20-02 would redesignate the land use of 14.74 acres from Commercial to Medium-Density Residential. The property is on W 10th Avenue and is located about 1 mile northeast of I-82 Exit 109 (Badger Rd/W Clearwater Avenue). Some of the traffic will use I-82 and Exit 109. This location has seen significant development recently and the interchange off ramps are now exceeding the Level of Service (LOS) threshold. When development occurs, this site, along with other developments in the area, will be the factors requiring improvements to the ramps and Badger Road. As developments are proposed, they will be subject to review for their impacts to the WSDOT system. The developments will need to mitigate their traffic impacts. It is to the benefit of the City, the State, and future developers to preserve the functionality of the I-82 interchange. The County has two projects to make improvements to the interchange, but they are not yet fully funded nor have any decisions been made. The City and developer should also consider Transportation Demand Management (TDM) measures to reduce traffic impacts.
2. CPA 20-03, CPA 20-05, and CPA 20-06 are within the Southridge subarea.

CPA 20-03 would redesignate 57.02 acres from Medium-Density Residential to High-Density Residential. The property is adjacent to I-82 and about 1 mile west of US 395. The subject property is located near a large area of other residential zones. Nonetheless,

residential zones adjacent to major highways like I-82 are not the most compatible. Major highways are critical and essential facilities serving the local area, region, state, and nation, and have a strong benefit on the economy. It is important to limit impacts to these essential facilities.

I-82 is an existing facility. When developing, the proponent will create a more noise-sensitive land use. The proponent and future residents should be aware that they are proposing residential development in an area with existing traffic noise. They should also expect that traffic noise may continue to grow into the future, and, as an essential public facility, I-82 may need to be expanded to accommodate future traffic growth. When development occurs, it is the proponent's responsibility to dampen or deflect any traffic noise for development at this site.

CPA 20-05 would redesignate 20.50 acres from Low-Density Residential to Commercial. The property is located in the Southridge area and is on Hildebrand Boulevard. It is not adjacent to any state highways, but is about ½ mile north of I-82 and about 2.5 miles northwest of US 395 at the Hildebrand Boulevard intersection.

In the past, the City expressed interest in a new connection or crossing to I-82 located about halfway between Exit 109 (Badger Road) and Exit 113 (US 395). New or revised access to Interstate freeways requires collaboration with and approval from the Federal Highway Administration (FHWA). WSDOT and local partners need to include FHWA from the beginning of the planning process throughout the development of the proposal. WSDOT is the only entity recognized by the FHWA Washington Division that is allowed to submit requests for Interstate access revisions for review and approval. It is important to note that FHWA's position on new interchanges requires local agencies to complete all possible improvements to the local road system prior to requesting a new connection to the interstate system. WSDOT's experience is the FHWA will not agree to a new connection until all other possibilities are exhausted.

CPA 20-06 would redesignate 40.6 acres from Low-Density Residential to High-Density Residential. The site is located about 1 mile north of I-82 and about 1.2 miles due west of the US 395/27th Avenue intersection. The property is north of Hildebrand Boulevard, east of Sherman Street, and is near to 28th Avenue. An extension of 28th Avenue to serve the site would provide a direct connection to 27th Avenue. The US 395/27th Avenue intersection has exceeded its capacity at peak times.

Combined Comments for CPA 20-03, CPA 20-05, and CPA 20-06

The Southridge area has seen significant development recently and traffic is increasing with congestion in certain locations. When combined, CPA 20-03, CPA 20-05, and CPA 20-06 total 118.12 acres. This is a substantial amount acreage that could be

developed to dense urban standards. We are concerned with the cumulative impact to our system. None of these three properties is adjacent to U.S. Highway 395 (US 395). However, US 395 is the sole north-south arterial serving the area. As such, WSDOT expects the majority of traffic generated by these proposals will utilize US 395 and access the highway at Ridgeline Drive, Hildebrand Boulevard, and 27th Avenue.

When development occurs, these three sites, along with other developments, will be the factors requiring improvements to US 395 and potentially I-82. As developments are proposed, they will be subject to review for their impacts to the WSDOT system. It is to the benefit of the City, the State, and future developers to preserve the functionality of US 395 and I-82.

The developments will need to mitigate their traffic impacts. Impacts that are determined to be significant will require mitigation, and it is anticipated that all costs will be borne by the development. Of particular concern to the department are the effects developments have on the multimodal capacity, retention and treatment of stormwater, outdoor lighting, noise sensitivity, and signage. This information is normally obtained through a Traffic Impact Analysis (TIA) performed by the developer. The City and developer should consider Transportation Demand Management (TDM) measures to reduce traffic impacts.

The City of Kennewick has an interchange project programmed for the US 395/Ridgeline Drive intersection. When development occurs, we will recommend the City require the developer to contribute to towards construction of the interchange at US 395 and Ridgeline Drive in proportion to their impacts.

Thank you for the opportunity to review and comment on these proposals. If you have any questions regarding our comments, please contact John Gruber at (509) 577-1636.

Sincerely,



Paul Gonseth, P.E.
Planning Engineer

PG:jg

cc: File – Comp Plans/Benton County
Celeste Gilman, WSDOT Multimodal Planning
Will Simpson, Washington Department of Commerce

Planning Commission Action Summary
CPA 20-02 – Knutzen Engineering

The Kennewick Planning Commission conducted a virtual public hearing on October 5, 2020. All interested parties were invited to come before the Commission and be heard. After reviewing the staff report and all oral and written facts and opinions, the Commission passed a motion on the proposed amendments concurring with the findings and conclusions in the staff report CPA 20-02 and recommend to City Council approval of the proposed comprehensive plan amendment contained in the staff report.

Findings of Fact

1. The applicant is Knutzen Engineering, c/o Nathan Machiela, 5401 Ridgeline Drive, Suite 160, Kennewick, WA 99338.
2. The owners are Tom and Vicki Solbrack, 2555 W Highway 24, Othello, WA 99344.
3. The request is to change the land use designation for the subject parcel from Commercial to Medium Density Residential.
4. The application was received on March 31, 2020 and was routed for review to various City Departments and other local, state and federal agencies for comment on July 14, 2020.
5. City water and sewer is within 400 feet of the site.
6. Access to the site is from W. 10th Avenue.
7. The proposed amendment is adjacent to Commercial and Medium Density Residential designated lands.
8. A Determination of Non-Significance was issued on August 5, 2020 for this application. The appeal period for the determination ended on August 19, 2020.
9. A public hearing notification sign was posted on site September 17, 2020.
10. Notice of the public hearing for this application was published in the Tri-City Herald on September 20, 2020. Notices were also mailed to property owners within 300 feet of the site on September 17, 2020.
11. The proposed amendment bears a relationship to the public health, safety, welfare and protection of the environment.
12. This 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.
13. The proposed amendment does not correct an obvious mapping error.
14. This request will not address an identified deficiency in the Comprehensive Plan.

Conclusions of Law

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation for a portion of the subject site from Commercial to Medium Density Residential.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will not affect population densities in the area.
5. Future development of the site will be subject to Traffic and Park Impact Fees.

The motion to recommend approval to City Council passed with a vote of 6 to 0.

PUBLIC HEARINGS

Vice Chairman Morris opened the virtual public hearing at 6:45 p.m. for Comprehensive Plan Amendment #20-02/PLN-2020-00841 proposing to change 14.74 acres located at 9757 W. Clearwater Avenue from Commercial to Medium Density Residential (MDR). Applicant is Nathan Machiela, Knutzen Engineering, 5401 Ridgeline Dr. Ste. 160, Kennewick, WA 99338. Owner is Tom and Vicki Solbrack.

Mr. Donovan gave a brief overview of the staff report; he said that there were some comments that came in for this proposal that were not in the staff report: Exhibit A-5 from WSDOT that indicated the applicant or developer may need a traffic analysis for the development segment of the I-82 Badger Canyon Road roundabout ramp portion of future development for this proposal. Staff recommends that the Planning Commission concur with the Findings and Conditions of the staff report CPA 20-02, and recommend to City Council APPROVAL of the request.

Planning Commission questions:

Commissioner Moore: It appears that the property line doesn't line up with the boundary of the proposal. Can you explain? Question about WSDOT comments. Commissioner Morris: With regard to the WSDOT comments, have confusion about why the letter references four CPA's.

Testimony of Applicant/Applicant's Representative:

Nathan Machiela
Knutzen Engineering
5401 Ridgeline Dr. Ste. 160
Kennewick 99338

The information and maps provided are correct; Exhibit A-3 appears to be an application from the school district project (CPA 20-01). Mr. Donovan said the incorrect portion of Exhibit A-3 is the supplemental question portion.

Testimony in favor:

Rusty Morse
341 Falcon Ridge St.
Richland 99354

Feel that the zone change is a good thing for the City and for this location; it provides much needed medium density lots for more affordable housing; since it is adjacent to similar residential on the east, and single family residential to the west; also it is close to the church, we feel that is a better use than commercial.

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for CPA 20-02 closed at 6:55 p.m.

Vice Chairman Morris asked for a motion.

Commissioner Rettig moved to concur with the findings and conclusions in staff report CPA 20-02 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

Planning Commission Discussion:

None

The motion passed on a unanimous roll call vote.

PUBLIC HEARINGS

Vice Chairman Morris opened the virtual public hearing at 6:57 p.m. for Comprehensive Plan Amendment #20-03/PLN-2020-00935 proposing to change 57.02 acres located at north of I-82 and west of S. Sherman Street from Medium Density Residential (MDR) to High Density Residential (HDR). Applicant is Evan Edwards, Benton Public Utility District (BPUD), 5401 Ridgeline Dr. Ste. 160, Kennewick, WA 99338. Owner is Jaycee Structures, LLC.

Mr. Donovan gave a brief overview of the staff report. Staff recommends that the Planning Commission concur with the Findings and Conditions of the staff report CPA 20-03, and recommend to City Council APPROVAL of the request.

Planning Commission questions:

Vice-chairman Morris: Can a substation be built in High Density Residential? Mr. Donovan stated yes, property owner preferred change to High Density Residential to facilitate a boundary line adjustment rather than change smaller parcel to Medium Density Residential.

Commissioner Short: How many lanes would be proposed on new road connecting site to Bob Olson Parkway? Mr. Donovan stated that collector streets with 5 lanes would be built to facilitate connection.

Council Agenda Coversheet	Agenda Item Number	5.e.	Council Date	02/16/2021	Consent Agenda	☐
	Agenda Item Type	Ordinance			Ordinance/Reso	☒
	Subject	CPA 20-03 (Benton PUD)			Public Mtg / Hrg	☐
	Ordinance/Reso #	5899	Contract #		Other	☐
	Project #	CPA 20-03	Permit #	PLN-2020-00935	Quasi-Judicial	☐
	Department	Planning				

Recommendation

The Planning Commission recommends approval of CPA 20-03 through adoption of Ordinance 5899.

Motion for Consideration

I move to adopt Ordinance 5899.

Summary

The applicant, Benton Public Utility District, has requested to change the land use designation of 57.02 acres from Medium Density Residential to High Density Residential. The request will allow for creation of a lot to be used for the future construction of a electrical substation.

The Planning Commission held a public hearing for this application on October 5, 2020. At the hearing, the applicant spoke in favor of the request. No testimony or written comments were received in opposition to this request.

The Planning Commission voted unanimously to recommend approval to the City Council.

Alternatives

None recommended.

Fiscal Impact

None.

Through	Steve Donovan Feb 08, 11:23:52 GMT-0800 2021	Attachments: 
Dept Head Approval	Gregory McCormick Feb 08, 13:46:12 GMT-0800 2021	
City Mgr Approval	Marie Mosley Feb 12, 09:45:07 GMT-0800 2021	
		☐ Recording Required?

CITY OF KENNEWICK
ORDINANCE NO. 5899

AN ORDINANCE AMENDING THE CITY OF KENNEWICK'S COMPREHENSIVE PLAN (CPA 20-03, BENTON PUBLIC UTILITY DISTRICT, C/O EVAN EDWARDS)

WHEREAS, the City of Kennewick, by and through its City Council, and pursuant to the Growth Management Act, directed the Planning Commission of the City of Kennewick to review and update the Comprehensive Plan for the purposes of coordinating all plans and programs relating to the physical and social development of the Kennewick Urban Growth Area and the people therein; and

WHEREAS, the City of Kennewick, in accord with the Growth Management Act and RCW 36.70A.130 and implementing municipal regulations, has directed the Department of Community Planning and the Planning Commission to review and update the plan annually; and

WHEREAS, appropriate public notice has been given and a public hearing held by the Planning Commission on October 5, 2020 concerning the proposed changes, and the same has been reviewed by the Department of Commerce for the review required under RCW 36.70A.106; NOW, THEREFORE:

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The following amendment is made to the City of Kennewick Comprehensive Plan Land Use Map as adopted by Resolution 07-12:

1. CPA 20-03 – 57.02 acres at address undetermined (Medium Density Residential to High Density Residential).

Section 2. The property is legally described as follows:

Medium Density Residential to High Density Residential

PARCEL A

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 18,
TOWNSHIP 8 NORTH, RANGE 29 EAST, WILLAMETTE MERIDIAN,
BENTON COUNTY, WASHINGTON, BEING THAT PARCEL OF LAND AS
DESCRIBED IN QUIT CLAIM DEED RECORDED UNDER AUDITOR'S FILE
NO. 2015-007806, RESTATED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHEAST
QUARTER;

THENCE NORTH 83°25'53" WEST ALONG THE NORTH LINE OF SAID
NORTHEAST QUARTER, 800.00 FEET TO THE TRUE POINT OF
BEGINNING;

THENCE CONTINUING NORTH 83°25'53" WEST ALONG SAID NORTH

LINE, 1830.91 FEET TO THE NORTHWEST CORNER OF SAID
NORTHEAST QUARTER;
THENCE SOUTH 00°39'47'' EAST ALONG THE WEST LINE OF SAID
NORTHEAST QUARTER, 815.27 FEET;
THENCE NORTH 89°25'50'' EAST, 1014.32 FEET;
THENCE NORTH 02°48'32'' WEST, 387.93 FEET;
THENCE SOUTH 83°25'53'' EAST, 823.22 FEET;
THENCE NORTH 00°41' 05'' WEST, 302.42 FEET TO THE TRUE POINT OF
BEGINNING.

PARCEL B

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 18,
TOWNSHIP 8 NORTH, RANGE 29 EAST, WILLAMETTE MERIDIAN,
BENTON COUNTY, WASHINGTON, BEING THAT PARCEL OF LAND AS
DESCRIBED IN QUIT CLAIM DEED RECORDED UNDER AUDITOR'S
FILE NO 2015-007809, RESTATED AS FOLLOW:
BEGINNNING AT THE NORTHEAST CORNER OF SAID NORTHEAST
QUARTER;
THENCE NORTH 83°25'53'' WEST ALONG THE NORTH LINE OF SAID
NORTHEAST QUARTER, 800.00 FEET;
THENCE SOUTH 00°41'05'' EAST, 302.42 FEET;
THENCE NORTH 83°25'53'' WEST, 823.22 FEET;
THENCE SOUTH 02°48'32'' EAST, 387.93 FEET;
THENCE SOUTH 89°25'50'' WEST, 351.31 FEET;
THENCE ALONG THE ARC OF A 1500.00 FOOT NON-TANGENT CURVE
TO THE RIGHT, THE LONG CHORD OF WHICH BEARS SOUTH 03°27'53''
EAST FOR A CHORD DISTANCE OF 34.32 FEET THROUGH A CENTRAL
ANGLE OF 01°18'40'' FOR AN ARC DISTANCE OF 34.32 FEET;
THENCE SOUTH 02°48'33'' EAST, 805.57 FEET;
THENCE SOUTH 03°55'10'' EAST, 400.09 FEET;
THENCE SOUTH 72°32'00'' EAST, 1992.20 FEET TO THE EAST LINE OF
SAID NORTHEAST QUARTER;
THENCE NORTH 00°41'05'' WEST ALONG SAID EAST LINE, 2343.81
FEET TO THE POINT OF BEGINNING.

PARCEL D

THAT PORTION OF THE NORTHEAST QUARTER AND THE SOUTH
EAST QUARTER OF SECTION 18, TOWNSHIP 8 NORTH, RANGE 29
EAST, WILLAMETTE MERIDIAN, BENTON COUNTY, WASHINGTON,
BEING THAT PARCEL OF LAND AS DESCRIBED IN QUIT CLAIM DEED
RECORDED UNDER AUDITOR'S FILE NO. 2015-007807, RESTATED AS
FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHEAST
QUARTER;
THENCE SOUTH 00°56'56'' EAST ALONG THE WEST LINE OF SAID
SOUTHEAST QUARTER, 265.12 FEET TO A 5/8'' IRON ROD STAMP GBW
AND BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF SR-82;
THENCE SOUTH 69°32'24'' EAST ALONG SAID RIGHT-OF-WAY LINE,
513.60 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 69°32'24'' EAST ALONG SAID RIGHT-OF-WAY LINE, 247.99 FEET;
THENCE SOUTH 75°06'50'' EAST ALONG SAID RIGHT-OF-WAY LINE, 366.08 FEET;
THENCE NORTH 26°48'23'' EAST, 473.32 FEET;
THENCE NORTH 72°28'16'' WEST, 670.00 FEET;
THENCE ALONG THE ARC OF A 1500.00 FOOT NON-TANGENT CURVE TO THE RIGHT, THE LONG CHORD OF WHICH BEARS SOUTH 18°50'14'' WEST FOR A CHORD DISTANCE OF 65.79 FEET THROUGH A CENTRAL ANGLE OF 02°30'47'' FOR AN ARC DISTANCE OF 65.79 FEET;
THENCE SOUTH 20°05'36'' WEST, 405.97 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL E

A PARCEL OF LAND WITHIN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18 AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, ALL IN TOWNSHIP 8 NORTH, RANGE 29 EAST, W.M., BEING A PORTION OF LOT 7 OF THAT BINDING SITE PLAN RECORDED IN VOLUME 1 OF THE BENTON COUNTY BOOK OF SURVEYS AT PAGE 4549, AND FILED UNDER AUDITOR'S NUMBER 2014-032334, AND THAT PORTION OF PARCEL E AS DESCRIBED AT BENTON COUNTY AUDITOR'S FILE NO. 2015-007804, AND THAT PORTION OF PARCEL E AS DESCRIBED AT BENTON COUNTY AUDITOR'S FILE NO. 2015-019471, AND DESCRIBED MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 17 BEING THE TRUE POINT OF BEGINNING;

THENCE N 88°56'06'' E ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 17 A DISTANCE OF 1243.75' TO THE NORTHEAST CORNER OF THAT PARCEL DESCRIBED IN THAT QUIT CLAIM DEED RECORDED AT BENTON COUNTY AUDITOR'S FILE NO. 2015-019471;

THENCE S 14°35'40'' W ALONG THE EAST LINE OF SAID PARCEL DESCRIBED AT AUDITOR'S FILE NO. 2015-019471 A DISTANCE OF 815.22' TO THE SOUTHEAST CORNER THEREOF, SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF THE KENNEWICK IRRIGATION CO. CANAL; THENCE ALONG SAID NORTH LINE OF THE CANAL RIGHT OF WAY AS FOLLOWS:

THENCE N 54°01'30'' W A DISTANCE OF 236.79';

THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 112.13', WITH A RADIUS OF 608.00' WITH A CHORD BEARING OF N 59°18'30'' W, WITH A CHORD LENGTH OF 111.97';

THENCE N 64°35'30'' W A DISTANCE OF 235.10';

THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 183.30', WITH A RADIUS OF 321.50', WITH A CHORD BEARING OF N 80°55'30'' W, WITH A CHORD LENGTH OF 180.83';

THENCE S 82°44'30'' W A DISTANCE OF 106.50';
 THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC
 LENGTH OF 114.19', WITH A RADIUS OF 149.60', WITH A CHORD
 BEARING OF S 60°52'30'' W, WITH A CHORD LENGTH OF 111.44';
 THENCE S 39°00'30'' WITH A DISTANCE OF 100.44';
 THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC
 LENGTH OF 51.42', WITH A RADIUS OF 46.36', WITH A CHORD
 BEARING OF S 70°41'53'' W, WITH A CHORD LENGTH OF 48.83';
 THENCE N 86°24'05'' W A DISTANCE OF 1.07';
 THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC
 LENGTH OF 51.38', WITH A RADIUS OF 34.90', WITH A CHORD
 BEARING OF N 35°42'35'' W, WITH A CHORD LENGTH OF 48.86';
 THENCE N 06°27'47'' E A DISTANCE OF 172.00';
 THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC
 LENGTH OF 125.60' WITH A RADIUS OF 130.50', WITH A CHORD
 BEARING OF N 21°06'37'' W, WITH A CHORD LENGTH OF 120.81', TO A
 POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID
 SECTION 17;
 THENCE S 01°08'28'' W ALONG SAID WEST LINE OF THE SOUTHWEST
 QUARTER OF SECTION 17 A DISTANCE OF 355.88' TO A POINT ON THE
 SOUTH RIGHT OF WAY LINE OF THE KENNEWICK IRRIGATION
 DISTRICT CANAL;
 THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC
 LENGTH OF 22.27', WITH A RADIUS OF 94.90', WITH A CHORD
 BEARING OF S 52°43'36'' E, WITH A CHORD LENGTH OF 22.22';
 THENCE WITH A COMPOUND CURVE TURNING TO THE LEFT WITH
 AN ARC LENGTH OF 149.09', WITH A RADIUS OF 106.39', WITH A
 CHORD BEARING OF N 79°06'05'' E, WITH A CHORD LENGTH OF
 137.19';
 THENCE N 39°00'30'' E A DISTANCE OF 100.40';
 THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC
 LENGTH OF 68.39' WITH A RADIUS OF 89.60', WITH A CHORD
 BEARING OF N 60°52'30'' E, WITH A CHORD LENGTH OF 66.74';
 THENCE N 82°44'30'' E A DISTANCE OF 106.50';
 THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC
 LENGTH OF 149.09', WITH A RADIUS OF 261.50', WITH A CHORD
 BEARING OF S 80°55'30'' E, WITH A CHORD LENGTH OF 147.08';
 THENCE S 64°35'30'' E A DISTANCE OF 235.10';
 THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC
 LENGTH OF 101.06', WITH A RADIUS OF 548.00', WITH A CHORD
 BEARING OF S 59°18'30'' E, WITH A CHORD LENGTH OF 100.92';
 THENCE S 54°01'30'' E A DISTANCE OF 348.60';
 THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC
 LENGTH OF 49.26', WITH A RADIUS OF 106.80', WITH A CHORD
 BEARING OF S 67°14'15'' E, WITH A CHORD LENGTH OF 48.82';
 THENCE S 07°23'07'' W A DISTANCE OF 22.85' TO A POINT ON THE
 NORTH RIGHT OF WAY LINE OF STATE ROUTE 82; THENCE ALONG

SAID NORTH RIGHT OF WAY LINE AS FOLLOWS:
THENCE N 82°01'16'' W A DISTANCE OF 52.50';
THENCE N 80°13'35'' W A DISTANCE OF 900.00';
THENCE N 78°30'30'' W A DISTANCE OF 194.85';
THENCE N 78°35'12'' W A DISTANCE OF 304.95';
THENCE N 74°58'17'' W A DISTANCE OF 1294.59' TO THE SOUTHWEST
CORNER OF PARCEL E AS DESCRIBED AT THAT QUIT CLAIM DEED
RECORDED AT AUDITOR'S FILE NO. 2015-007804; THENCE ALONG THE
BOUNDARY OF PARCEL E AS FOLLOWS:
THENCE N 26°56'56'' E A DISTANCE OF 473.32';
THENCE N 72°19'43'' W A DISTANCE OF 342.86';
THENCE N 17°36'33'' E A DISTANCE OF 597.91';
THENCE S 72°23'27'' E A DISTANCE OF 1544.46';
THENCE S 00°32'32'' E A DISTANCE OF 302.00' TO THE NORTHWEST
CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 17, WHICH
IS THE TRUE POINT OF BEGINNING,

Section 3. This ordinance shall be in full force and effect five days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 16th day of February, 2021 and signed in authentication of its passage this 16th day of February, 2021.

Attest:

DON BRITAIN, Mayor

TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5899 filed and recorded
in the office of the City Clerk of the City of
Kennewick, Washington this 17th day of
February, 2021.

Approved as to Form:

LISA BEATON, City Attorney

TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION _____



Community Planning Department

210 West 6th Avenue

Kennewick, WA 99336

Phone: (509) 585-4280

cedinfo@ci.kennewick.wa.us

Comprehensive Plan Amendment 20-03

REQUEST: Change 57.02 acres from Medium Density Residential to High Density Residential.

APPLICANT: Benton Public Utility District (BPUD), c/o Evan Edwards

OWNER: Jaycee Structures, LLC



Not to scale

SITE INFORMATION

- **Size:** 57.02 acres
- **Location:** North of I-82 and west of S Sherman Street.
- **Topography:** Relatively Flat
- **Existing Comprehensive Plan Designation:** Medium Density Residential
- **Existing Zoning:** Residential, Medium Density (RM)
- **Existing Land Use:** Vacant Land

EXHIBITS

- **Exhibit A-1:** Aerial Map
- **Exhibit A-2:** Land Use Map
- **Exhibit A-3:** Application
- **Exhibit A-4:** Environmental Determination
- **Exhibit A-5:** Washington State Department of Transportation comment
- **Exhibit A-6:** Roadway Functional Classification Map
- **Exhibit A-7:** Highway and Street System Map

APPLICATION PROCESS

- Application Submitted: April 9, 2020
- Application routed for comments: July 14, 2020
- Determination of Non-Significance issued August 5, 2020.
- Appeal Period for the DNS ended August 19, 2020.
- A property posting sign notifying the public of a public hearing on this request was posted at the site on September 17, 2020.
- Notice of Hearing published September 20, 2020
- Notice of Hearing mailed September 17, 2020

SURROUNDING COMPREHENSIVE PLAN, ZONING AND LAND USES

North	Comprehensive Plan – Low Density Residential Zoning – Residential, Low (RL) Existing Land Uses – vacant land
South	Comprehensive Plan – Undesignated (recently annexed) Zoning – Undesignated (recently annexed) Existing Land Uses – I-82 and vacant land
East	Comprehensive Plan – Medium Density Residential and Low Density Residential Zoning – Residential, Medium (RM) and Residential, Low (RL) Existing Land Uses – vacant land
West	Comprehensive Plan – Commercial and High Density Residential Zoning – Commercial, Community (CC) and Residential, High (RH) Existing Land Uses – vacant land

REGULATORY CONTROLS

- City of Kennewick Comprehensive Plan
- Kennewick Municipal Code Title 4
- Kennewick Municipal Code Title 18

DESCRIPTION OF REQUEST

The applicant has requested to change the land use designation of 57.02 acres from Medium Density Residential to High Density Residential.

COMPLIANCE WITH TITLE 4 (ADMINISTRATIVE PROCEDURES)

KMC 4.12.110(7): Approval Criteria. The City may approve Comprehensive Plan Amendments and area-wide zone map amendments if it finds that the request meets one or more of the following:

1. The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment;
At this time, it is unknown what type of relationship the proposed amendment will have to the public health, safety, welfare and protection of the environment. What is known at this time is that BPUD intends to construct a power substation in this area. The substation will provide electricity to the urban growth area south of I-82. The City of Kennewick has already annexed approximately 223 acres south of I-82, with the intent to annex additional land in the future for industrial purposes.
2. 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;
This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan that is not affected by the proposed amendment.

3. The proposed amendment corrects an obvious mapping error; or
This request does not correct a mapping error.
4. The proposed amendment addresses an identified deficiency in the Comprehensive Plan.
The proposed amendment does address an identified deficiency in the Comprehensive Plan. Comprehensive Plan Table 2: Land Inventory shows that the City has a deficit of 159 acres for lands designated Residential High Density needed for residential development.

KMC 4.12.110(8): Additional Factors. The City must also consider the following factors prior to approving Comprehensive Plan Amendments:

1. The effect upon the physical environment;
Staff is unaware of the possible effect on the physical environment.
2. The effect on open space and natural features including, but not limited to topography, streams, rivers, and lakes;
There are no anticipated effects to streams, rivers, lakes or the topography because of the proposed amendment. Adequate regulations exist in the Kennewick Municipal Code that will mitigate any possible impacts to the natural environment.
3. The compatibility with and impact on adjacent land uses and surrounding neighborhoods;
The proposal is compatible with land uses to the west, since those properties have Commercial or High Density Residential land use designations. The property to the east of the site, is designated Medium Density Residential, which it is common to have adjacent to High Density Residential. The property to the south consists of I-82 and land that has been recently annexed into the City that has not yet been zoned. The property to the north is designated Low Density Residential and it is possible that non-compatible uses could be developed.
4. The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools;
The future use of the property will determine the adequacy and impact on community facilities.
5. The quantity and location of land planned for the proposed land use type and density and the demand for such land;
Comprehensive Plan Table 2: Land Inventory shows that the City has a deficit of 159 acres for lands designated Residential High Density needed for residential development. Currently, there is land designated High Density Residential adjacent to the west of the site.
6. The current and projected project density in the area; and
The proposed designation does allow for a density of up to 27 units per acre.
7. The effect, if any upon other aspects of the Comprehensive Plan.
The proposed change will not affect any other aspects of the Comprehensive Plan.

PUBLIC COMMENT

Staff has received no public comment concerning the proposal to date.

AGENCY COMMENTS

See Exhibit A-5 to review the Washington State Department of Transportation comments on how future development may be impacted by I-82 traffic noise.

ANALYSIS OF REQUEST

Pursuant to the application materials, the applicant intends to complete a boundary line adjustment with the subject lot and the 6.37-acre lot to the west in order to reduce 6.37-acre lot to roughly 3 acres. At some point in the future, the BPUD will construct a power substation. A boundary line adjustment requires that all properties involved have the same zoning district, the 6.37 acre to the west is currently zoned Residential, High Density.

It is not feasible for the applicant to subdivide the 6.37-acre lot because any subdivision action, such as a short plat will require the construction of a street to access the site, along with water, sewer and other utilities.

Future collector streets will provide access to the site; see the attached Roadway Functional Classification Map from the City of Kennewick 2040 Transportation System Plan, Exhibit A-6. Additionally, the future collector streets will consist of two travel lanes and one center turn lane, see Exhibit A-7.

At this time, it is unknown how the all of the property in question will be developed. The density for the subject site is being amended from 13 units per acre to 27 units per acre. Uses permitted by the implementing zoning district are only what will be allowed at the site. Future development will be subject to meeting applicable concurrency requirements, which include utility and street improvements. In addition, a 125-foot wide Bonneville Power Administration easement passes through the center of the site south of the canal, which greatly limits development potential for that portion of the site. This request will allow the property to eventually be rezoned and developed to the Residential, High Density development standards.

FINDINGS

1. The applicant is Benton Public Utility District, c/o Evan Edwards, 2721 W 10th Avenue, Suite 160, Kennewick, WA 99336.
2. The owner is Jaycee Structures, LLC, 1505 NE Village Street, Fairfield, OR 97024.
3. The request is to change the land use designation for the subject parcel from Medium Density Residential to High Density Residential.
4. The application was received on April 9, 2020 and was routed for review to various City Departments and other local, state and federal agencies for comment on July 14, 2020.
5. City water and sewer utilities are not available at the site.
6. Access to the site is currently only via an existing Kennewick Irrigation District Road. Future access to the site will be provided via the layout shown in the Roadway Functional Classification Map in the City of Kennewick 2040 Transportation System Plan.
7. The proposed amendment is adjacent to Commercial, High Density Residential, Medium Density Residential and Low Density Residential designated lands.
8. A Determination of Non-Significance was issued on August 5, 2020 for this application. The appeal period for the determination ended on August 19, 2020.
9. A public hearing notification sign was posted on site September 17, 2020.
10. Notice of the public hearing for this application was published in the Tri-City Herald on September 20, 2020. Notices were also mailed to property owners within 300 feet of the site on September 17, 2020.
11. The proposed amendment bears a relationship to the public health, safety, welfare and protection of the environment.
12. This 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.
13. The proposed amendment does not correct an obvious mapping error.
14. This request will not address an identified deficiency in the Comprehensive Plan.

CONCLUSIONS

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation for a portion of the subject site from Medium Density Residential to High Density Residential.

3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will permit and increase to residential densities in the area.
5. Future development of the site has the potential to affect the traffic and park system. Park and Traffic Impact Fees will be determined by the type of development and assessed at the time of development.
6. Access to the site is subject the City of Kennewick 2040 Transportation System Plan.

Recommendation

Staff recommends that the Planning Commission concur with the findings and conclusions of CPA 20-03 contained in the staff report and recommend approval to City Council.

Motion

I move that the Planning Commission concur with the findings and conclusions of CPA 20-03 contained in the staff report and recommend to City Council approval of the request.

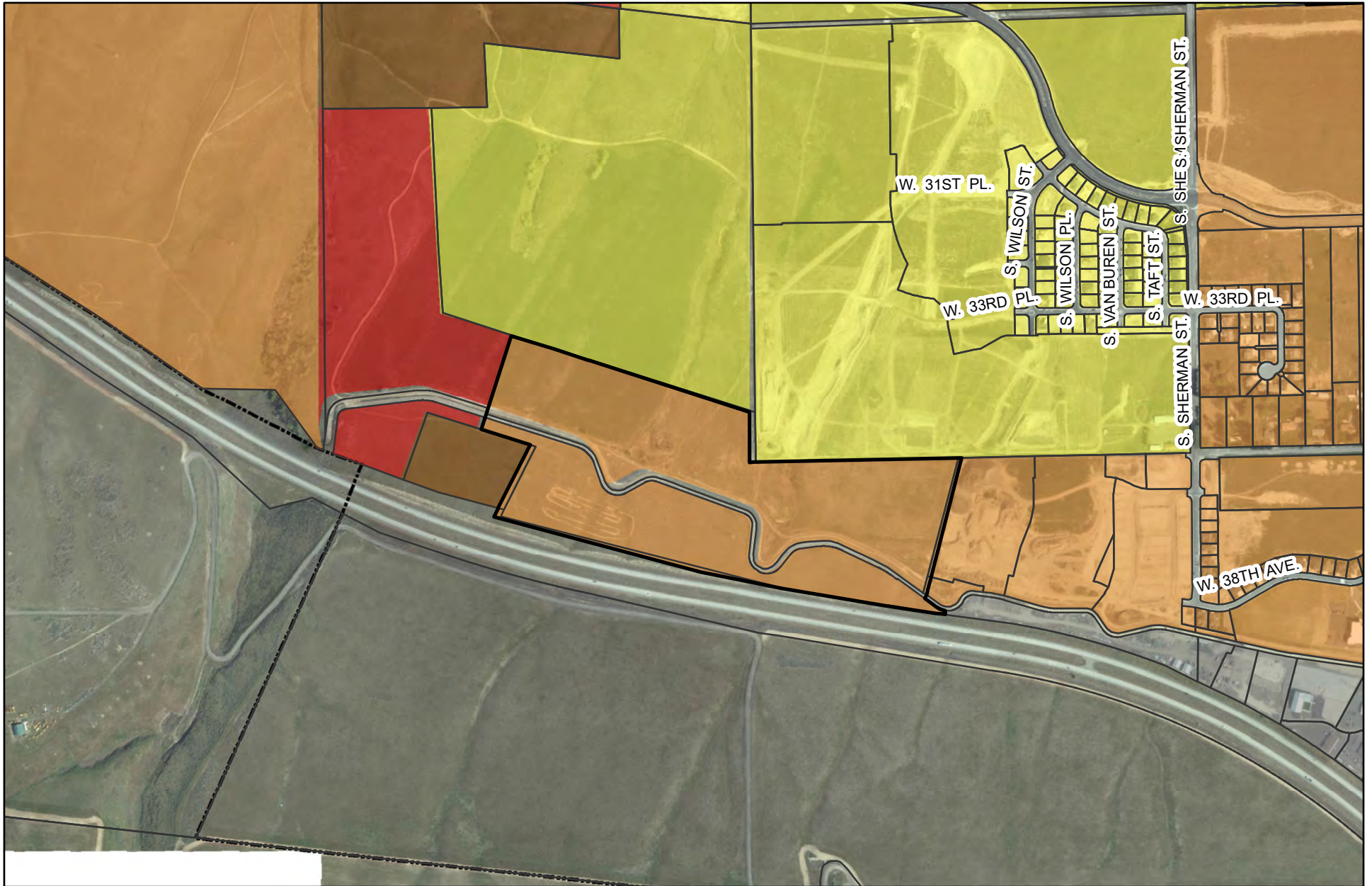


CPA 20-03
Medium Density Residential to High Density Residential
Undetermined Address

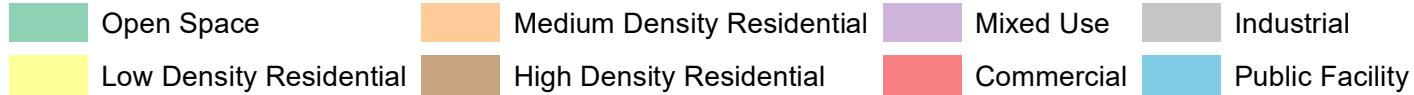


1 inch = 3,000 feet 1:36,000
0 0.275 0.55 1.1 mi
0 0.425 0.85 1.7 km

Sources: Esri, HERE, Garmin,
Intermap, increment P Corp.,



CPA 20-03/PLN-2020-00935 Benton PUD



CITY OF KENNEWICK
COMMUNITY PLANNING & DEVELOPMENT SERVICES
APPLICATION (general form)

PROJECT # _____ - _____ PLN-2020 -00935 FEE \$ 1080

Please completely fill out this form and return it to Community Planning & Development Services, PO Box 6108, Kennewick, WA 99336, along with the application fee (see fee schedule). Attach a copy of the checklist for the land use application you are submitting. The application submittal must contain all of the information requested on the checklist in order to be processed. **Incomplete applications will not be accepted.**

Check one of the following for the type of application you are submitting:

Site Plan Tier 1 ☐ Tier 2 ☐ Tier 3 ☐ Binding Site Plan ☐
 Short Plat ☐ Conditional Use ☐ Other Comprehensive Plan Amendment

Environmental Determination PLN- 2020 - 00930 Pre Application Meeting PLN- _____ - _____

Applicant: Evan Edwards (edwardse@bentonpud.com)

Address: 2721 W 10th AVE

Telephone: 582-1232 Cell Phone: 510-508-8883 Fax: _____ E-mail _____

Property Owner (if other than applicant): JAYCEE STRUCTURE LLC (bobandmelj@gmail.com)

Address: 1505 NE VILLAGE ST FAIRVIEW, OR 97024

Telephone: _____ Cell Phone: (757) 805-8198 E-mail _____

SITE INFORMATION

Parcel No. 118891000001007 Acres 57.02 Zoning: RM

Address of property: UNDETERMINED KENNEWICK, WA 99337

Number of Existing Parking Spaces None Number of Proposed (New) Parking Spaces None

Present use of property VACANT

Size of existing structure: None sq. ft. Size of Proposed addition/New structure: N/A sq. ft.

Height of building: N/A Cubic feet of excavation: NONE Cost of new construction NONE

Benton County Assessor Market Improvement Value: NONE

Description of Project: Comprehensive Plan Amendment to change land use from MDR to HDR in preparation for future BLA and Zoning change applications.

I, the undersigned, do hereby certify that, to the best of my knowledge, the information provided above is true and correct.

Evan Edwards

Applicant's Signature

Date: 4/9/2020

Marcus Fullard-Leo

Signature of owner or owner's authorized representative

Comprehensive Plan Amendment Supplemental Information

The following questions will be reviewed by both the Planning Commission and City Council as a means of assisting in their consideration of the Comprehensive Plan Amendment request. Use additional pages if necessary.

1. State the requested amendment:

Jaycee Structure LLC. along with Benton PUD request this amendment to change the current land use of parcel 118891000001007 which is currently MDR to HDR.

2. What are the reasons for the requested amendment:

This amendment prepares parcel 118891000001007 for a boundary line adjustment and zoning change request which would be submitted immediately following amendment approval in order to allow for a real property transaction between Jaycee Structure LLC. and Benton PUD take place. This transaction when complete will set aside roughly 3.5 acres for an electric substation with up to 50 MW of capacity for future development in the immediate area.

3. Which elements of the Comprehensive Plan will be affected and how. Include detailed information on the provision of utilities such as water, sewer, power, etc., and how such utilities correspond with the City's various utility plans. Detailed information must also be submitted regarding what effect the proposed change will have on such services as fire, police, parks, schools, etc:

The elements of the comprehensive plan that will affected are:

1. Land Use – This amendment changes the land use of the parcel in question from MDR to HDR in preparation for future BLA and Re-zoning actions. +

4. Indicate how the requested amendment will implement the Comprehensive Plan and be in the best interest of the Kennewick area, reference specific Comprehensive Plan policies that will be implemented:

Policies that will be implemented:

This request is directly related to "Land Use - Residential" goals three and four by "promoting a variety of residential densities..." and allows for higher density residential development adjacent to commercial zoning to the west. +

5. Include any other substantiated information in support of the requested amendment:

Attachment

An excerpt of Benton PUD's 2018 Plan of service uses spatial forecasting showing the need to acquire an additional substation property in the location associated with this Amendment application.

The 2018 Plan was adopted by Benton PUD Commissioners in late 2018.

See Benton PUD 2018 Plan of Service excerpt.



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

FILE/PROJECT NUMBER: ED 20-09/PLN-2020-00930

DESCRIPTION OF PROPOSAL: To amend the City of Kennewick Comprehensive Plan Land Use Map for a 57.02-acre property from Medium Density Residential to High Density Residential.

PROPOSER: Evans Edwards, 2721 W 10th Avenue, Kennewick, WA 99337

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: LOCATED IN NE ¼ & N ½ OF SECTION 18 & N ½ OF THE SW ¼ OF SECTION 17, TOWNSHIP 8 NORTH, RANGE 29 EAST, WILLAMETTE MERIDIAN, LOCATED IN THE CITY OF KENNEWICK, BENTON COUNTY, WASHINGTON.

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: August 5, 2020

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
ED 20-09 File



South Central Region
 2809 Rudkin Road
 Union Gap, WA 98903-1648
 509-577-1600 / FAX: 509-577-1603
 TTY: 1-800-833-6388
www.wsdot.wa.gov

July 21, 2020

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

Attention: Steve Donovan, Senior Planner

Subject: 2020 Comprehensive Plan Map Amendments
 CPA 20-02, Tom/Vicki Solbrack, Commercial to Med-Density Residential
 CPA 20-03, JAYCEE Structure (Benton PUD), Med to Hi-Density Res
 CPA 20-05, BYK Development, Low-Density Residential to Commercial
 CPA 20-06, Jose Chavallo & Tammy Steele-Chavallo, LD Res to HD Res
 US 395, I-82

We have reviewed the proposed land use map designation amendments and have comments on four of them.

1. CPA 20-02 would redesignate the land use of 14.74 acres from Commercial to Medium-Density Residential. The property is on W 10th Avenue and is located about 1 mile northeast of I-82 Exit 109 (Badger Rd/W Clearwater Avenue). Some of the traffic will use I-82 and Exit 109. This location has seen significant development recently and the interchange off ramps are now exceeding the Level of Service (LOS) threshold. When development occurs, this site, along with other developments in the area, will be the factors requiring improvements to the ramps and Badger Road. As developments are proposed, they will be subject to review for their impacts to the WSDOT system. The developments will need to mitigate their traffic impacts. It is to the benefit of the City, the State, and future developers to preserve the functionality of the I-82 interchange. The County has two projects to make improvements to the interchange, but they are not yet fully funded nor have any decisions been made. The City and developer should also consider Transportation Demand Management (TDM) measures to reduce traffic impacts.
2. CPA 20-03, CPA 20-05, and CPA 20-06 are within the Southridge subarea.

CPA 20-03 would redesignate 57.02 acres from Medium-Density Residential to High-Density Residential. The property is adjacent to I-82 and about 1 mile west of US 395. The subject property is located near a large area of other residential zones. Nonetheless,

residential zones adjacent to major highways like I-82 are not the most compatible. Major highways are critical and essential facilities serving the local area, region, state, and nation, and have a strong benefit on the economy. It is important to limit impacts to these essential facilities.

I-82 is an existing facility. When developing, the proponent will create a more noise-sensitive land use. The proponent and future residents should be aware that they are proposing residential development in an area with existing traffic noise. They should also expect that traffic noise may continue to grow into the future, and, as an essential public facility, I-82 may need to be expanded to accommodate future traffic growth. When development occurs, it is the proponent's responsibility to dampen or deflect any traffic noise for development at this site.

CPA 20-05 would redesignate 20.50 acres from Low-Density Residential to Commercial. The property is located in the Southridge area and is on Hildebrand Boulevard. It is not adjacent to any state highways, but is about ½ mile north of I-82 and about 2.5 miles northwest of US 395 at the Hildebrand Boulevard intersection.

In the past, the City expressed interest in a new connection or crossing to I-82 located about halfway between Exit 109 (Badger Road) and Exit 113 (US 395). New or revised access to Interstate freeways requires collaboration with and approval from the Federal Highway Administration (FHWA). WSDOT and local partners need to include FHWA from the beginning of the planning process throughout the development of the proposal. WSDOT is the only entity recognized by the FHWA Washington Division that is allowed to submit requests for Interstate access revisions for review and approval. It is important to note that FHWA's position on new interchanges requires local agencies to complete all possible improvements to the local road system prior to requesting a new connection to the interstate system. WSDOT's experience is the FHWA will not agree to a new connection until all other possibilities are exhausted.

CPA 20-06 would redesignate 40.6 acres from Low-Density Residential to High-Density Residential. The site is located about 1 mile north of I-82 and about 1.2 miles due west of the US 395/27th Avenue intersection. The property is north of Hildebrand Boulevard, east of Sherman Street, and is near to 28th Avenue. An extension of 28th Avenue to serve the site would provide a direct connection to 27th Avenue. The US 395/27th Avenue intersection has exceeded its capacity at peak times.

Combined Comments for CPA 20-03, CPA 20-05, and CPA 20-06

The Southridge area has seen significant development recently and traffic is increasing with congestion in certain locations. When combined, CPA 20-03, CPA 20-05, and CPA 20-06 total 118.12 acres. This is a substantial amount acreage that could be

developed to dense urban standards. We are concerned with the cumulative impact to our system. None of these three properties is adjacent to U.S. Highway 395 (US 395). However, US 395 is the sole north-south arterial serving the area. As such, WSDOT expects the majority of traffic generated by these proposals will utilize US 395 and access the highway at Ridgeline Drive, Hildebrand Boulevard, and 27th Avenue.

When development occurs, these three sites, along with other developments, will be the factors requiring improvements to US 395 and potentially I-82. As developments are proposed, they will be subject to review for their impacts to the WSDOT system. It is to the benefit of the City, the State, and future developers to preserve the functionality of US 395 and I-82.

The developments will need to mitigate their traffic impacts. Impacts that are determined to be significant will require mitigation, and it is anticipated that all costs will be borne by the development. Of particular concern to the department are the effects developments have on the multimodal capacity, retention and treatment of stormwater, outdoor lighting, noise sensitivity, and signage. This information is normally obtained through a Traffic Impact Analysis (TIA) performed by the developer. The City and developer should consider Transportation Demand Management (TDM) measures to reduce traffic impacts.

The City of Kennewick has an interchange project programmed for the US 395/Ridgeline Drive intersection. When development occurs, we will recommend the City require the developer to contribute to towards construction of the interchange at US 395 and Ridgeline Drive in proportion to their impacts.

Thank you for the opportunity to review and comment on these proposals. If you have any questions regarding our comments, please contact John Gruber at (509) 577-1636.

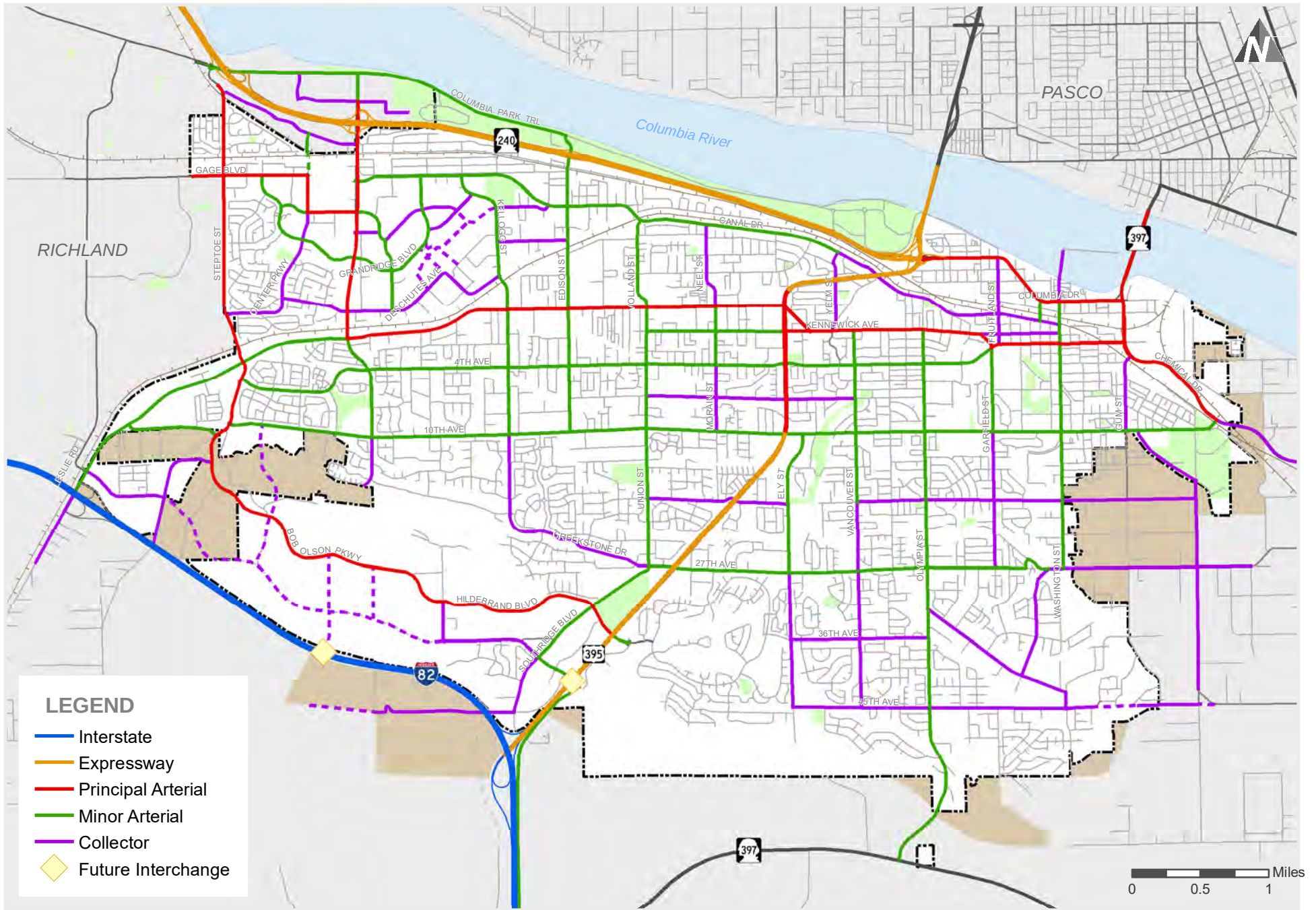
Sincerely,



Paul Gonseth, P.E.
Planning Engineer

PG:jg

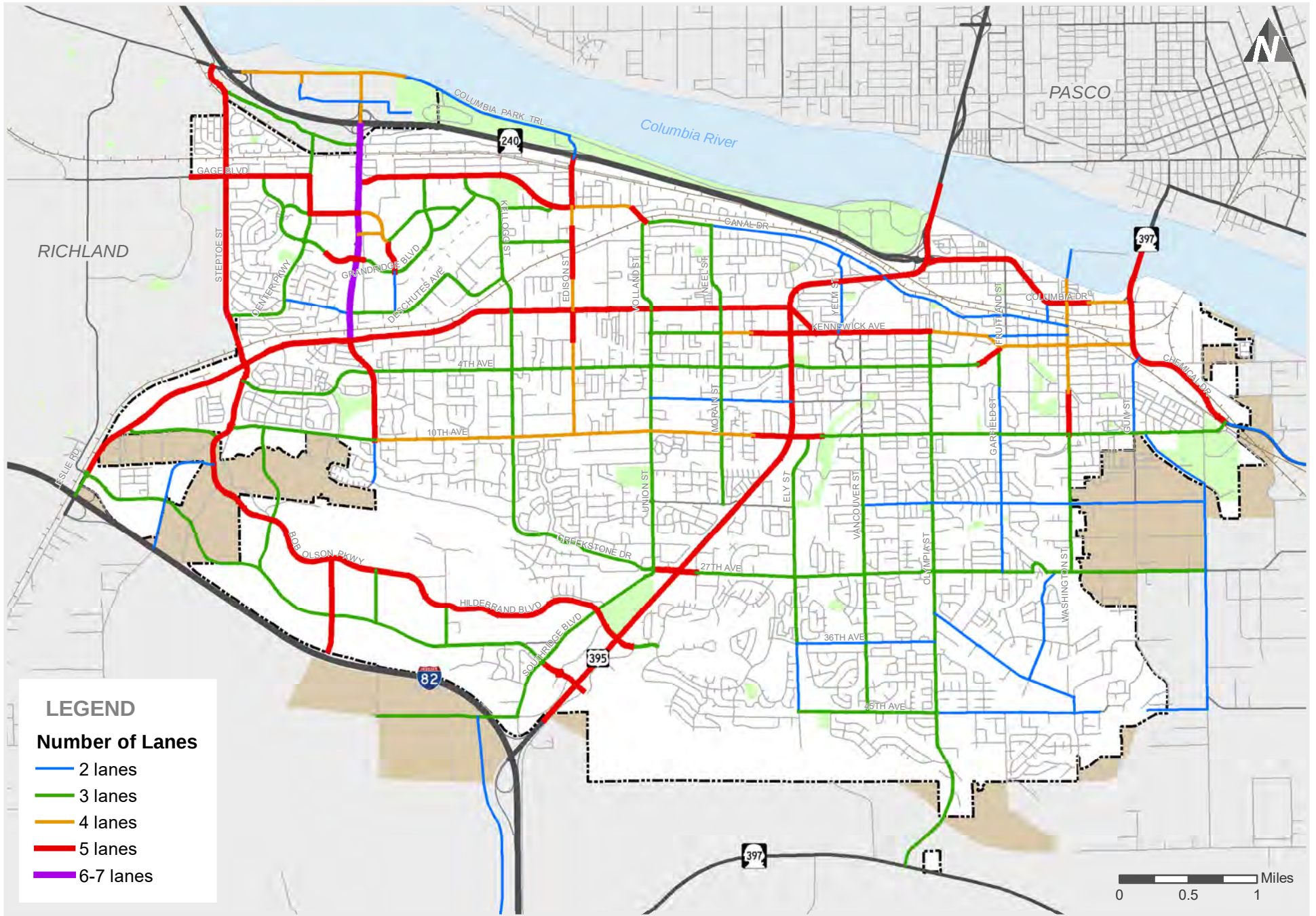
cc: File – Comp Plans/Benton County
Celeste Gilman, WSDOT Multimodal Planning
Will Simpson, Washington Department of Commerce



Roadway Functional Classification

Kennewick Citywide Transportation Plan

M:\171.17118.00 - Kennewick Citywide Transportation Plan\GIS\Maps\MXD\Figures\DRAFT_Fig 4-2 Functional Classification.mxd



Planning Commission Action Summary
CPA 20-03 – Benton Public Utility District

The Kennewick Planning Commission conducted a virtual public hearing on October 5, 2020. All interested parties were invited to come before the Commission and be heard. After reviewing the staff report and all oral and written facts and opinions, the Commission passed a motion on the proposed amendments concurring with the findings and conclusions in the staff report CPA 20-03 and recommend to City Council approval of the proposed comprehensive plan amendment contained in the staff report.

Findings of Fact

1. The applicant is Benton Public Utility District, c/o Evan Edwards, 2721 W 10th Avenue, Suite 160, Kennewick, WA 99336.
2. The owner is Jaycee Structures, LLC, 1505 NE Village Street, Fairfield, OR 97024.
3. The request is to change the land use designation for the subject parcel from Medium Density Residential to High Density Residential.
4. The application was received on April 9, 2020 and was routed for review to various City Departments and other local, state and federal agencies for comment on July 14, 2020.
5. City water and sewer utilities are not available at the site.
6. Access to the site is currently only via an existing Kennewick Irrigation District Road. Future access to the site will be provided via the layout shown in the Roadway Functional Classification Map in the City of Kennewick 2040 Transportation System Plan.
7. The proposed amendment is adjacent to Commercial, High Density Residential, Medium Density Residential and Low Density Residential designated lands.
8. A Determination of Non-Significance was issued on August 5, 2020 for this application. The appeal period for the determination ended on August 19, 2020.
9. A public hearing notification sign was posted on site September 17, 2020.
10. Notice of the public hearing for this application was published in the Tri-City Herald on September 20, 2020. Notices were also mailed to property owners within 300 feet of the site on September 17, 2020.
11. The proposed amendment bears a relationship to the public health, safety, welfare and protection of the environment.
12. This 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.
13. The proposed amendment does not correct an obvious mapping error.
14. This request will not address an identified deficiency in the Comprehensive Plan.

Conclusions of Law

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation for a portion of the subject site from Medium Density Residential to High Density Residential.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will permit and increase to residential densities in the area.
5. Future development of the site has the potential to affect the traffic and park system. Park and Traffic Impact Fees will be determined by the type of development and assessed at the time of development.
6. Access to the site is subject the City of Kennewick 2040 Transportation System Plan.

The motion to recommend approval to City Council passed with a vote of 6 to 0.

Staff final comments:

None

Public Testimony for CPA 20-02 closed at 6:55 p.m.

Vice Chairman Morris asked for a motion.

Commissioner Rettig moved to concur with the findings and conclusions in staff report CPA 20-02 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

Planning Commission Discussion:

None

The motion passed on a unanimous roll call vote.

PUBLIC HEARINGS

Vice Chairman Morris opened the virtual public hearing at 6:57 p.m. for Comprehensive Plan Amendment #20-03/PLN-2020-00935 proposing to change 57.02 acres located at north of I-82 and west of S. Sherman Street from Medium Density Residential (MDR) to High Density Residential (HDR). Applicant is Evan Edwards, Benton Public Utility District (BPUD), 5401 Ridgeline Dr. Ste. 160, Kennewick, WA 99338. Owner is Jaycee Structures, LLC.

Mr. Donovan gave a brief overview of the staff report. Staff recommends that the Planning Commission concur with the Findings and Conditions of the staff report CPA 20-03, and recommend to City Council APPROVAL of the request.

Planning Commission questions:

Vice-chairman Morris: Can a substation be built in High Density Residential? Mr. Donovan stated yes, property owner preferred change to High Density Residential to facilitate a boundary line adjustment rather than change smaller parcel to Medium Density Residential.

Commissioner Short: How many lanes would be proposed on new road connecting site to Bob Olson Parkway? Mr. Donovan stated that collector streets with 5 lanes would be built to facilitate connection.

Testimony of Applicant/Applicant's Representative:

Evan Edwards
Benton Public Utility District
2721 W. 10th Avenue
Kennewick 99336

This is a long term project; substations are not placed just anywhere; there is a transmission line that passes through that area; we are trying to get ahead of the game for future development along the south side of the highway and along Bob Olson Parkway.

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

Mr. Donovan clarified connector streets with from Exhibit A-7

Public Testimony for CPA 20-03 closed at 7:05 p.m.

Vice Chairman Morris asked for a motion.

Commissioner Rettig moved to concur with the findings and conclusions in staff report CPA 20-03 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

Planning Commission Discussion:

None

The motion passed on a unanimous roll call vote.

VISITORS NOT ON AGENDA:

None

OLD BUSINESS:

- a. City Council Action Updates – None

Council Agenda Coversheet	Agenda Item Number	5.f.	Council Date	02/16/2021	Consent Agenda	☐
	Agenda Item Type	Ordinance			Ordinance/Reso	☒
	Subject	CPA 20-04 (Cramer Family Trust)			Public Mtg / Hrg	☐
	Ordinance/Reso #	5900	Contract #		Other	☐
	Project #	CPA 20-04	Permit #	PLN-2020-00911	Quasi-Judicial	☐
	Department	Planning				

Recommendation

The Planning Commission recommends approval of CPA 20-04 through the adoption of Ordinance 5900.

Motion for Consideration

I move to adopt Ordinance 5900.

Summary

The applicant, Eugene Cramer, has requested to change .28 acres at 324 N Arthur Street from Low Density Residential to High Density Residential. Approval of the request will allow for multi-family residential development to be on the site.

The Planning Commission held a public hearing for this application on October 19, 2020. At the hearing, no testimony or written comments in favor of or opposed to were provided.

The Planning Commission voted unanimously to recommend approval to the City Council.

Alternatives

None recommended.

Fiscal Impact

None.

Through	Steve Donovan Feb 08, 11:26:07 GMT-0800 2021	Attachments: 
Dept Head Approval	Gregory McCormick Feb 08, 13:49:18 GMT-0800 2021	
City Mgr Approval	Marie Mosley Feb 12, 09:44:02 GMT-0800 2021	
		☐ Recording Required?

CITY OF KENNEWICK
ORDINANCE NO. 5900

AN ORDINANCE AMENDING THE CITY OF KENNEWICK'S COMPREHENSIVE
PLAN (CPA 20-04, EUGENE CRAMER)

WHEREAS, the City of Kennewick, by and through its City Council, and pursuant to the Growth Management Act, directed the Planning Commission of the City of Kennewick to review and update the Comprehensive Plan for the purposes of coordinating all plans and programs relating to the physical and social development of the Kennewick Urban Growth Area and the people therein; and

WHEREAS, the City of Kennewick, in accord with the Growth Management Act and RCW 36.70A.130 and implementing municipal regulations, has directed the Department of Community Planning and the Planning Commission to review and update the plan annually; and

WHEREAS, appropriate public notice has been given and a public hearing held by the Planning Commission on October 19, 2020, concerning the proposed changes, and the same has been reviewed by the Department of Commerce for the review required under RCW 36.70A.106; NOW, THEREFORE:

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The following amendment is made to the City of Kennewick Comprehensive Plan Land Use Map as adopted by Resolution 07-12:

1. CPA 20-04 – .28 acres located at 324 N Arthur St (Low Density Residential to High Density Residential).

Section 2. The property is legally described as follows:

Low Density Residential to High Density Residential

SECTION 33, TOWNSHIP 9 NORTH, RANGE 29 EAST, QUARTER SE: THE HIGHLANDS, PLAT A, THE SOUTH 132 FEET OF THE NORTH 330 FEET OF THE WEST 315 FEET OF TRACT 59. PUD EASEMENT 12-29-50. LESS THAT PORTION DESCRIBED AS FOLLOWS; TOGETHER WITH THE SOUTH 132

Section 3. This ordinance shall be in full force and effect five days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 16th day of February, 2021, and signed in authentication of its passage this 16th day of February, 2021.

Attest:

DON BRITAIN, Mayor

TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5900 filed and recorded
in the office of the City Clerk of the City of
Kennewick, Washington this 17th day of
February, 2021.

Approved as to Form:

LISA BEATON, City Attorney

TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION _____



Community Planning Department

210 West 6th Avenue

Kennewick, WA 99336

Phone: (509) 585-4280

cedinfo@ci.kennewick.wa.us

Comprehensive Plan Amendment 20-04

REQUEST: Change .28 acres from Low Density Residential to High Density Residential.

APPLICANT: Eugene Cramer

OWNER: The Cramer Family Trust



Not to scale

SITE INFORMATION

- **Size:** .28 acres
- **Location:** 324 N Arthur Street
- **Topography:** Flat
- **Existing Comprehensive Plan Designation:** Low Density Residential
- **Existing Zoning:** Residential Low Density (RL)
- **Existing Land Use:** Single-Family Residence Land

EXHIBITS

- **Exhibit A-1:** Aerial Map
- **Exhibit A-2:** Land Use Map
- **Exhibit A-3:** Application
- **Exhibit A-4:** Environmental Determination

APPLICATION PROCESS

- Application Submitted: April 10, 2020
- Application routed for comments: July 14, 2020
- Determination of Non-Significance issued August 5, 2020.
- Appeal Period for the DNS ended August 19, 2020.
- A property posting sign notifying the public of a public hearing on this request was posted on the site on October 1, 2020.
- Notice of Hearing published October 4, 2020
- Notice of Hearing mailed October 2, 2020

SURROUNDING COMPREHENSIVE PLAN, ZONING AND LAND USES

North	Comprehensive Plan – Low Density Residential Zoning – Residential, Low (RL) Existing Land Uses – Single-Family Residence
South	Comprehensive Plan – High Density Residential Zoning – County Zoning Existing Land Uses – Single-Family Residence
East	Comprehensive Plan – High Density Residential Zoning – Residential, High (RH) Existing Land Uses – Single-Family Residence
West	Comprehensive Plan – Public Facility Zoning – Public Facility Existing Land Uses – Telecommunication offices and shops

REGULATORY CONTROLS

- City of Kennewick Comprehensive Plan
- Kennewick Municipal Code Title 4
- Kennewick Municipal Code Title 18

DESCRIPTION OF REQUEST

The applicant has requested to change the land use designation of .28 acres from Low Density Residential to High Density Residential.

COMPLIANCE WITH TITLE 4 (ADMINISTRATIVE PROCEDURES)

KMC 4.12.110(7): Approval Criteria. The City may approve Comprehensive Plan Amendments and area-wide zone map amendments if it finds that the request meets one or more of the following:

1. The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment;
At this time, it is unknown what type of relationship the proposed amendment will have to the public health, safety, welfare and protection of the environment. Future development of the site will be subject to applicable development regulations and critical area regulations.
2. 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;
This 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.
3. The proposed amendment corrects an obvious mapping error; or
This request does not correct a mapping error.

4. The proposed amendment addresses an identified deficiency in the Comprehensive Plan.
The proposed amendment does address an identified deficiency in the Comprehensive Plan. Comprehensive Plan Table 2: Land Inventory shows that the City has a deficit of 159 acres for lands designated High Density Residential.

KMC 4.12.110(8): Additional Factors. The City must also consider the following factors prior to approving Comprehensive Plan Amendments:

1. The effect upon the physical environment;
Staff is unaware of the possible effect on the physical environment.
2. The effect on open space and natural features including, but not limited to topography, streams, rivers, and lakes;
There are no anticipated effects to streams, rivers, lakes or the topography because of the proposed amendment. Adequate regulations exist in the Kennewick Municipal Code that will mitigate any possible impacts to the natural environment. No designated critical areas are on site.
3. The compatibility with and impact on adjacent land uses and surrounding neighborhoods;
The proposal is compatible with land uses to the west, south and east of the site. The property to the north is designated Low Density Residential and it is possible that non-compatible uses could be developed.
4. The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools;
The future use of the property will determine the adequacy and impact on community facilities. Existing water and sewer utilities are adjacent to the site.
5. The quantity and location of land planned for the proposed land use type and density and the demand for such land;
Comprehensive Plan Table 2: Land Inventory shows that the City has a deficit of 159 acres for lands designated High Density Residential. In addition to the High Density Residential that is adjacent to the site, there are more to the northwest on N Arthur Street and south across Clearwater Avenue.
6. The current and projected project density in the area; and
The proposed designation does allow for a density of up to 27 units per acre.
7. The effect, if any upon other aspects of the Comprehensive Plan.
The proposed change will not affect any other aspects of the Comprehensive Plan.

PUBLIC COMMENT

Staff has received no public comment concerning the proposal to date.

AGENCY COMMENTS

Staff has received no comments from other agencies.

ANALYSIS OF REQUEST

This request will allow the property to eventually be rezoned and developed to the Residential, High Density development standards.

FINDINGS

1. The applicant is Eugene Cramer, 625 S Taft Street, Kennewick, WA 99336.
2. The owner is The Cramer Family Trust, 625 S Taft Street, Kennewick, WA 99336.

3. The request is to change the land use designation for the subject parcel from Low Density Residential to High Density Residential.
4. The application was received on April 10, 2020 and was routed for review to various City Departments and other local, state and federal agencies for comment on July 14, 2020.
5. City water and sewer utilities are available at the site.
6. Access to the site is currently is via N Arthur Street.
7. The proposed amendment is adjacent to High Density Residential and Low Density Residential designated lands.
8. A Determination of Non-Significance was issued on August 5, 2020 for this application. The appeal period for the determination ended on August 19, 2020.
9. A public hearing notification sign was posted on site October 1, 2020.
10. Notice of the public hearing for this application was published in the Tri-City Herald on October 4, 2020. Notices were also mailed to property owners within 300 feet of the site on October 2, 2020.
11. The proposed amendment bears a positive relationship to the public health, safety, welfare and protection of the environment.
12. This 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.
13. The proposed amendment does not correct an obvious mapping error.
14. This request will not address an identified deficiency in the Comprehensive Plan.

CONCLUSIONS

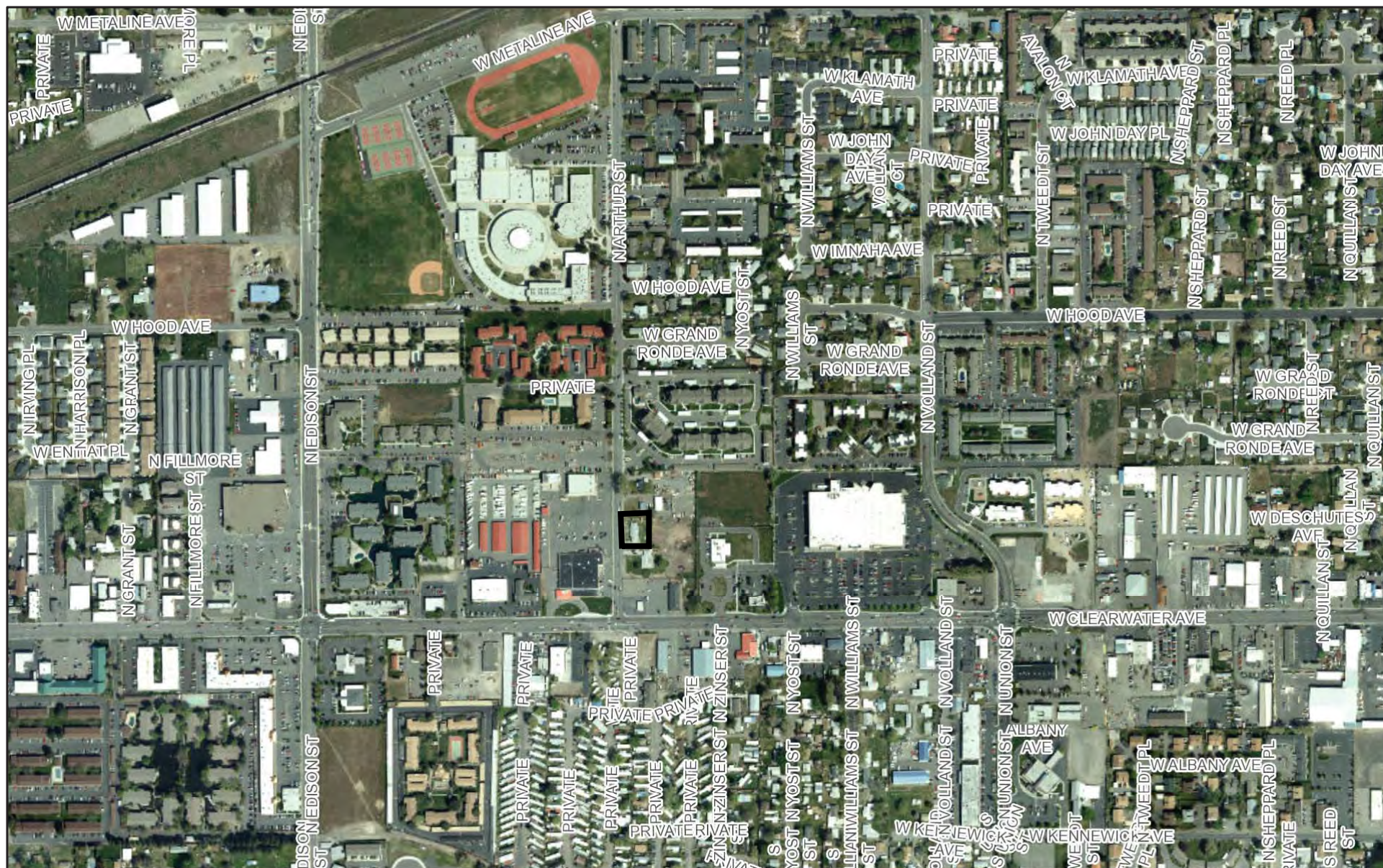
1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation for the subject site from Low Density Residential to High Density Residential.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will permit an increase to residential densities in the area.
5. Future development of the site has the potential to affect the traffic and park system. Park and Traffic Impact Fees will be assessed at the time of development.

Recommendation

Staff recommends that the Planning Commission concur with the findings and conclusions of CPA 20-04 contained in the staff report and recommend approval to City Council.

Motion

I move that the Planning Commission concur with the findings and conclusions of CPA 20-04 contained in the staff report and recommend to City Council approval of the request.



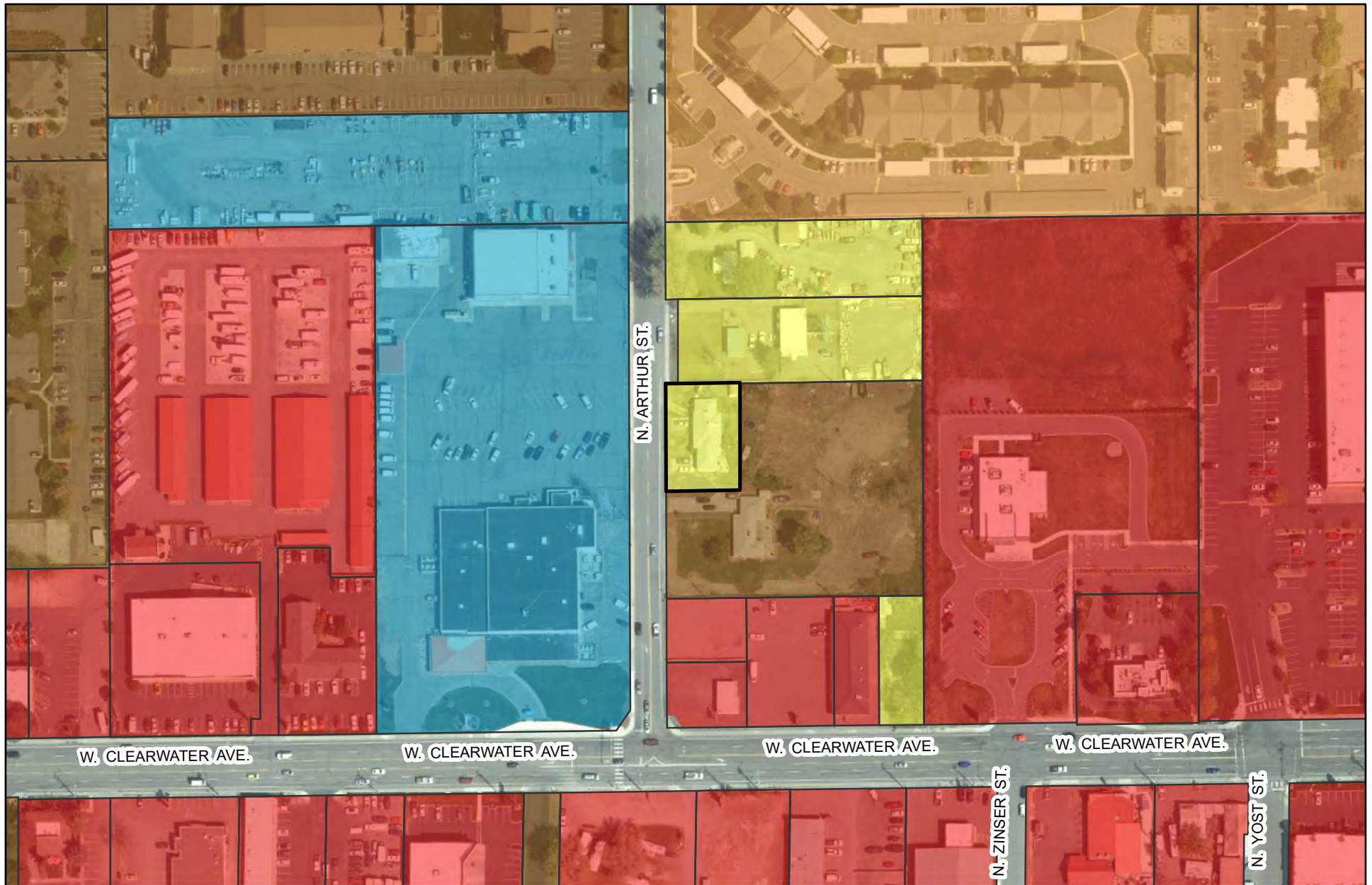
1 inch = 600 feet

1:7,200

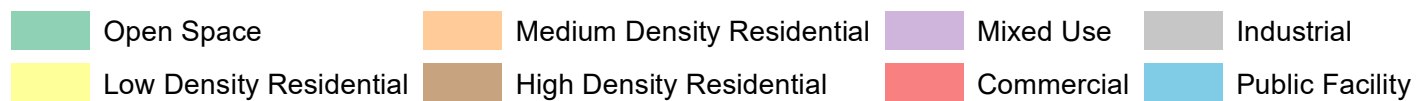
0 0.05 0.1 0.2 mi

0 0.075 0.15 0.3 km

Sources: Esri, HERE, Garmin, Intermap, increment P Corp.,



CPA 20-04/PLN-2020-00911 Cramer



CITY OF KENNEWICK

Exhibit A-3

COMMUNITY PLANNING & DEVELOPMENT SERVICES

APPLICATION (general form)

PROJECT # _____ - _____ PLN- 2020 - 00911 FEE \$ 1080.00 + 270.00

Please completely fill out this form and return it to Community Planning & Development Services, PO Box 6108, Kennewick, WA 99336, along with the application fee (see fee schedule). Attach a copy of the checklist for the land use application you are submitting. The application submittal must contain all of the information requested on the checklist in order to be processed. **Incomplete applications will not be accepted.**

Check one of the following for the type of application you are submitting:

Site Plan Tier 1 ☐ Tier 2 ☐ Tier 3 ☐ Binding Site Plan ☐

Short Plat ☐ Conditional Use ☐ Other Land use change _____

Environmental Determination PLN- 2020 - 00912 Pre Application Meeting PLN- _____ - _____

Applicant: Eugene Cramer

Address: 625 S. Taft St. Kennewick, WA 99336

Telephone: _____ Cell Phone: 509-557-0747 Fax: _____ E-mail gene@cramerreales

Property Owner (if other than applicant): The Cramer Family Trust

Address: 625 S. Taft St. Kennewick, WA 99336

Telephone: 509-783-7048 Cell Phone: _____ E-mail eldonjoan1945@gmail.com

SITE INFORMATION

Parcel No. 133994020059012 Acres: 28 Zoning: LD

Address of property: 324 N. Arthur St. Kennewick, WA 99336

Number of Existing Parking Spaces n/a Number of Proposed (New) Parking Spaces n/a

Present use of property Residential Single Family

Size of existing structure: 1797 sq. ft. Size of Proposed addition/New structure: n/a sq. ft.

Height of building: n/a Cubic feet of excavation: n/a Cost of new construction n/a

[Benton County Assessor Market Improvement Value:](#) n/a

Description of Project: _____

I, the undersigned, do hereby certify that, to the best of my knowledge, the information provided above is true and correct.

DocuSigned by:
Eugene Cramer
Applicant's Signature

Date: 04/07/2020

DocuSigned by:
Eldon Cramer, Trustee
Signature of owner or owner's authorized representative

Comprehensive Plan Amendment Supplemental Information

The following questions will be reviewed by both the Planning Commission and City Council as a means of assisting in their consideration of the Comprehensive Plan Amendment request. Use additional pages if necessary.

1. State the requested amendment:

Request a change in land use from Low Density to High Density Residential

2. What are the reasons for the requested amendment:

Future development of Multifamily housing.

3. Which elements of the Comprehensive Plan will be affected and how. Include detailed information on the provision of utilities such as water, sewer, power, etc., and how such utilities correspond with the City's various utility plans. Detailed information must also be submitted regarding what effect the proposed change will have on such services as fire, police, parks, schools, etc:

The Comprehensive plan will be changed from a low density to high density. This will match what is already bordering the property and in the local area. Utilities are already present on the property. The proposal should have no change on city services.

4. Indicate how the requested amendment will implement the Comprehensive Plan and be in the best interest of the Kennewick area, reference specific Comprehensive Plan policies that will be implemented:

It is in the best interest of the City of Kennewick to make way for more, better and newer housing options for the growing population. There are several Multifamily housing units in the area, but all are at least 20 years old, and fully occupied.

5. Include any other substantiated information in support of the requested amendment:



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

FILE/PROJECT NUMBER: ED 20-10/PLN-2020-00912

DESCRIPTION OF PROPOSAL: To amend the City of Kennewick Comprehensive Plan Land Use Map for a .28-acre property from Low Density Residential to High Density Residential.

PROPOSER: Eugene Cramer, 625 S Taft Street, Kennewick, WA 99336

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: 324 N Arthur Street

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).

Gregory J. McCormick

Date: August 5, 2020

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
ED 20-10 File

Planning Commission Action Summary
CPA 20-04 – Eugene Cramer

The Kennewick Planning Commission conducted a virtual public hearing on October 19, 2020. All interested parties were invited to come before the Commission and be heard. After reviewing the staff report and all oral and written facts and opinions, the Commission passed a motion on the proposed amendments concurring with the findings and conclusions in the staff report CPA 20-04 and recommend to City Council approval of the proposed comprehensive plan amendment contained in the staff report.

Findings of Fact

1. The applicant is Eugene Cramer, 625 S Taft Street, Kennewick, WA 99336.
2. The owner is The Cramer Family Trust, 625 S Taft Street, Kennewick, WA 99336.
3. The request is to change the land use designation for the subject parcel from Low Density Residential to High Density Residential.
4. The application was received on April 10, 2020 and was routed for review to various City Departments and other local, state and federal agencies for comment on July 14, 2020.
5. City water and sewer utilities are available at the site.
6. Access to the site is currently is via N Arthur Street.
7. The proposed amendment is adjacent to High Density Residential and Low Density Residential designated lands.
8. A Determination of Non-Significance was issued on August 5, 2020 for this application. The appeal period for the determination ended on August 19, 2020.
9. A public hearing notification sign was posted on site October 1, 2020.
10. Notice of the public hearing for this application was published in the Tri-City Herald on October 4, 2020. Notices were also mailed to property owners within 300 feet of the site on October 2, 2020.
11. The proposed amendment bears a positive relationship to the public health, safety, welfare and protection of the environment.
12. This 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.
13. The proposed amendment does not correct an obvious mapping error.
14. This request will not address an identified deficiency in the Comprehensive Plan.

Conclusions of Law

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation for the subject site from Low Density Residential to High Density Residential.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will permit an increase to residential densities in the area.
5. Future development of the site has the potential to affect the traffic and park system. Park and Traffic Impact Fees will be assessed at the time of development.

The motion to recommend approval to City Council passed with a vote of 7 to 0.

**KENNEWICK PLANNING COMMISSION
OCTOBER 19, 2020
MEETING MINUTES**

CALL TO ORDER

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

Commissioner Hempstead led the Pledge of Allegiance.

Vice Chairman Morris made the following statement:

“Tonight’s meeting will be conducted through an online, virtual meeting platform. Planning Commissioners and staff are joining us remotely in order to comply with Governor Inslee’s Proclamation 20.28.4 as it relates to the Open Public Meeting Act during the COVID-19 State of Emergency. Should an individual Planning Commissioner become unexpectedly disconnected from the Webinar, please rejoin the meeting at your first opportunity. The record will reflect your attendance. The meeting will proceed so long as a quorum of Planning Commissioners are present.”

Community Planning Administrative Assistant Melinda Didier called the roll and found the following logged into the Webinar:

Present: Commissioners Robert Rettig, James Hempstead, Ken Short, Clark Stolle, Thomas Helgeson, Anthony Moore, Vice Chairman Victor Morris.

Excused: None

Unexcused: None

Staff Present: Anthony Muai, AICP Development Services Manager; Steve Donovan, AICP Senior Planner; Terri Wright, City Clerk; Melinda Didier, Community Planning Administrative Assistant.

CONSENT AGENDA

- a. Approval of Agenda
- b. Approval of the October 5, 2020 Meeting Minutes
- c. Motion to enter Staff Reports into the Record

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

PUBLIC HEARINGS

Vice Chairman Morris opened the virtual public hearing at 6:35 p.m. for Comprehensive Plan Amendment #20-04/PLN-2020-00911 proposing to change 0.28 acres located at 324 N. Arthur Street from Low Density Residential (LDR) to High Density Residential (HDR). Applicant is Eugene Cramer, 625 S. Taft Street, Kennewick, WA, 99336. Owner is Cramer Family Trust, 625 S. Taft Street, Kennewick, WA 99336.

Mr. Donovan gave a brief overview of the staff report.

Planning Commission questions:

Vice Chairman Morris asked if there are other HDR zones in this area; Mr. Donovan said yes and pointed out the other HDR areas on the map.

Testimony of Applicant/Applicant's Representative:

None

Webinar Participant Comments:

Bill Dixon
2500 S. Irving St.
Kennewick

No comments

Brad Niebuhr
1771 Sorenson Rd.
Ellensburg

No Comments

Randy Hubbs
416 S. Wilson St.
Kennewick

Did not comment

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for CPA 20-04 closed at 6:42 p.m.

Vice Chairman Morris asked for a motion.

Commissioner Hempstead moved to concur with the findings and conclusions in staff report CPA 20-04 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Moore seconded the motion.

Planning Commission Discussion:

None

The motion passed on a unanimous roll call vote.

PUBLIC HEARINGS

Vice Chairman Morris opened the virtual public hearing at 6:45 p.m. for Comprehensive Plan Amendment #20-05/PLN-2020-01003 proposing to change 20.50 acres located at 8637 & 8541 Bob Olson Parkway from Low Density Residential (LDR) to Commercial. Applicant is Paul Knutzen, Knutzen Engineering, 5401 Ridgeline Dr. Ste. 160, Kennewick, WA 99338. Owner is BYK Development LLC.

Mr. Donovan gave a brief overview of the staff report; he said that there were some comments that came in for this proposal that were not in the staff report, Exhibit A-5 from WSDOT, that indicated the applicant or developer may need a traffic analysis for the development segment of the I-82 Badger Canyon Road roundabout ramp portion of future development for this proposal. Staff recommends that the Planning Commission concur with the Findings and Conditions of the staff report CPA 20-05, and recommend to City Council APPROVAL of the request.

Planning Commission questions:

Commissioner Helgeson: Is the WSDOT letter something that gets tracked during the development process in terms of any action that the landowner takes. Mr. Donovan said yes, it is a preliminary letter for this proposal but any future development would initiate notice to agencies for comments on future land use actions.

Commissioner Short: The 2017 Comprehensive Plan states that 33% of commercial land had been undeveloped, is there a more recent figure for today. Mr. Donovan: Unable to give you the undeveloped number, best answer is we have a surplus of commercial land and all I have is the 2017 figure as well.

Testimony of Applicant/Applicant's Representative:

Paul Knutzen
Knutzen Engineering
5401 Ridgeline Dr. Ste. 160
Kennewick 99338

On behalf of the applicant, there are 16 acres that does not show on this map; the property was sold to Kennewick School District for a future elementary school; there is commercial zone along Bob Olson Parkway, the property behind it is for a future elementary school, and residential housing south of that. We believe this is a good proposal and appreciate your support.

Council Agenda Coversheet



Agenda Item Number	5.g.	Council Date	02/16/2021
Agenda Item Type	Ordinance		
Subject	CPA 20-05 (Knutzen Engineering)		
Ordinance/Reso #	5901	Contract #	
Project #	CPA 20-05	Permit #	PLN-2020-01003
Department	Planning		

Consent Agenda	☐
Ordinance/Reso	☒
Public Mtg / Hrg	☐
Other	☐
Quasi-Judicial	☐

Recommendation

The Planning Commission recommends approval of CPA 20-05 through adoption of Ordinance 5901.

Motion for Consideration

I move to adopt Ordinance 5901.

Summary

The applicant, Knutzen Engineering, has requested to change 20.50 acres generally located at 8637 and 8541 Bob Olson Parkway from Low Density Residential to Commercial. Approval of the request will allow commercial development on the site.

The Planning Commission held a public hearing for the application on October 19, 2020. At the hearing, the applicant spoke in favor of the request. No testimony or written comments were received in opposition to the request.

The Planning Commission voted unanimously to recommend approval to the City Council.

Alternatives

None Recommended.

Fiscal Impact

None

Through	Steve Donovan Feb 08, 11:28:38 GMT-0800 2021
Dept Head Approval	Gregory McCormick Feb 08, 13:52:51 GMT-0800 2021
City Mgr Approval	Marie Mosley Feb 12, 09:46:13 GMT-0800 2021

Attachments:

Staff Report
PC Action Summary
Minutes
Ordinance

☐ Recording
Required?

CITY OF KENNEWICK
ORDINANCE NO. 5901

AN ORDINANCE AMENDING THE CITY OF KENNEWICK'S COMPREHENSIVE
PLAN (CPA 20-05, KNUTZEN ENGINEERING, C/O PAUL KNUTZEN)

WHEREAS, the City of Kennewick, by and through its City Council, and pursuant to the Growth Management Act, directed the Planning Commission of the City of Kennewick to review and update the Comprehensive Plan for the purposes of coordinating all plans and programs relating to the physical and social development of the Kennewick Urban Growth Area and the people therein; and

WHEREAS, the City of Kennewick, in accord with the Growth Management Act and RCW 36.70A.130 and implementing municipal regulations, has directed the Department of Community Planning and the Planning Commission to review and update the plan annually; and

WHEREAS, appropriate public notice has been given and a public hearing held by the Planning Commission on October 19, 2020 concerning the proposed changes, and the same has been reviewed by the Department of Commerce for the review required under RCW 36.70A.106; NOW, THEREFORE:

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The following amendment is made to the City of Kennewick Comprehensive Plan Land Use Map as adopted by Resolution 07-12:

1. CPA 20-05 – 20.50 acres located at 8598 W Hildebrand Boulevard (Low Density Residential to Commercial)

Section 2. The property is legally described as follows:

Low Density Residential to Commercial

REAL PROPERTY LOCATED IN GOVERNMENT LOTS 3 AND 4, THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 8 NORTH, RANGE 29 EAST OF THE WILLAMETTE MERIDIAN, CITY OF KENNEWICK, BENTON COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 7, SAID CORNER BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 33°26'57" EAST ALONG THE EASTERLY BOUNDARY OF THE PARCEL DEEDED TO THE UNITED STATES OF AMERICA BUREAU OF RECLAMATION BY DONATION WARRANTY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 2010-007656, RECORDS OF BENTON COUNTY A DISTANCE OF 2,011.97 FEET TO A POINT ON THE

SOUTHERLY RIGHT OF WAY DEEDED TO THE CITY OF KENNEWICK BY QUIT CLAIM DEED RECORDED UNDER AUDITOR'S FILE NUMBER 2011-036131, RECORDS OF THE BENTON COUNTY AUDITOR; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING COURSES; THENCE SOUTH 75°07'45" EAST A DISTANCE OF 113.50 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 757.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 58°16'55" A DISTANCE OF 770.03 FEET; THENCE SOUTH 16°50'51" EAST A DISTANCE OF 460.48 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY, SOUTH 73°07'07" WEST A DISTANCE OF 360.00 FEET; THENCE NORTH 16°50'51" WEST A DISTANCE OF 460.69 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 397.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 58°16'54" A DISTANCE OF 403.83 FEET; THENCE NORTH 75°07'45" WEST A DISTANCE OF 234.50 FEET TO SAID EASTERLY BOUNDARY OF THE PARCEL DEEDED TO THE UNITED STATES OF AMERICA BUREAU OF RECLAMATION BY DONATION WARRANTY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 2010-007656; THENCE NORTH 33°26'57" EAST ALONG SAID LINE, 379.79 FEET TO THE POINT OF BEGINNING.

REAL PROPERTY LOCATED IN GOVERNMENT LOTS 3 AND 4, THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 8 NORTH, RANGE 29 EAST OF THE WILLAMETTE MERIDIAN, CITY OF KENNEWICK, BENTON COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 7; THENCE SOUTH 83°26'05" EAST A DISTANCE OF 2001.82 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 00°23'13" WEST A DISTANCE OF 77.95 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 100.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 50°22'47" A DISTANCE OF 87.93 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 1191.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 33°55'09" A DISTANCE OF 705.08 FEET; THENCE NORTH 16°50'51" WEST A DISTANCE OF 92.90 FEET; THENCE NORTH 73°07'07" EAST A DISTANCE OF 360.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY DEEDED TO THE CITY OF KENNEWICK BY QUIT CLAIM DEED RECORDED UNDER AUDITOR'S FILE NUMBER 2011-036131, RECORDS OF THE BENTON COUNTY AUDITOR; THENCE ALONG SAID RIGHT OF WAY, SOUTH 16°50'51" EAST A DISTANCE OF 93.11 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO

THE NORTHEAST HAVING A RADIUS OF 831.00 FEET; THENCE
SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A
CENTRAL ANGLE OF 62°48'18" A DISTANCE OF 910.90 FEET; THENCE
LEAVING SAID RIGHT OF WAY LINE, SOUTH 00°23'13" EAST A
DISTANCE OF 325.25 FEET TO THE SOUTH LINE OF SAID SECTION 7;
THENCE ALONG SAID SOUTH SECTION LINE, NORTH 83°26'05" WEST A
DISTANCE OF 572.70 FEET TO THE POINT OF BEGINNING.

Section 3. This ordinance shall be in full force and effect five days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this
16th day of February, 2021, and signed in authentication of its passage this 16th day of February,
2021.

Attest:

DON BRITAIN, Mayor

TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5901 filed and recorded
in the office of the City Clerk of the City of
Kennewick, Washington this 17th day of
February, 2021

Approved as to Form:

LISA BEATON, City Attorney

TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION_____



Community Planning Department

210 West 6th Avenue

Kennewick, WA 99336

Phone: (509) 585-4280

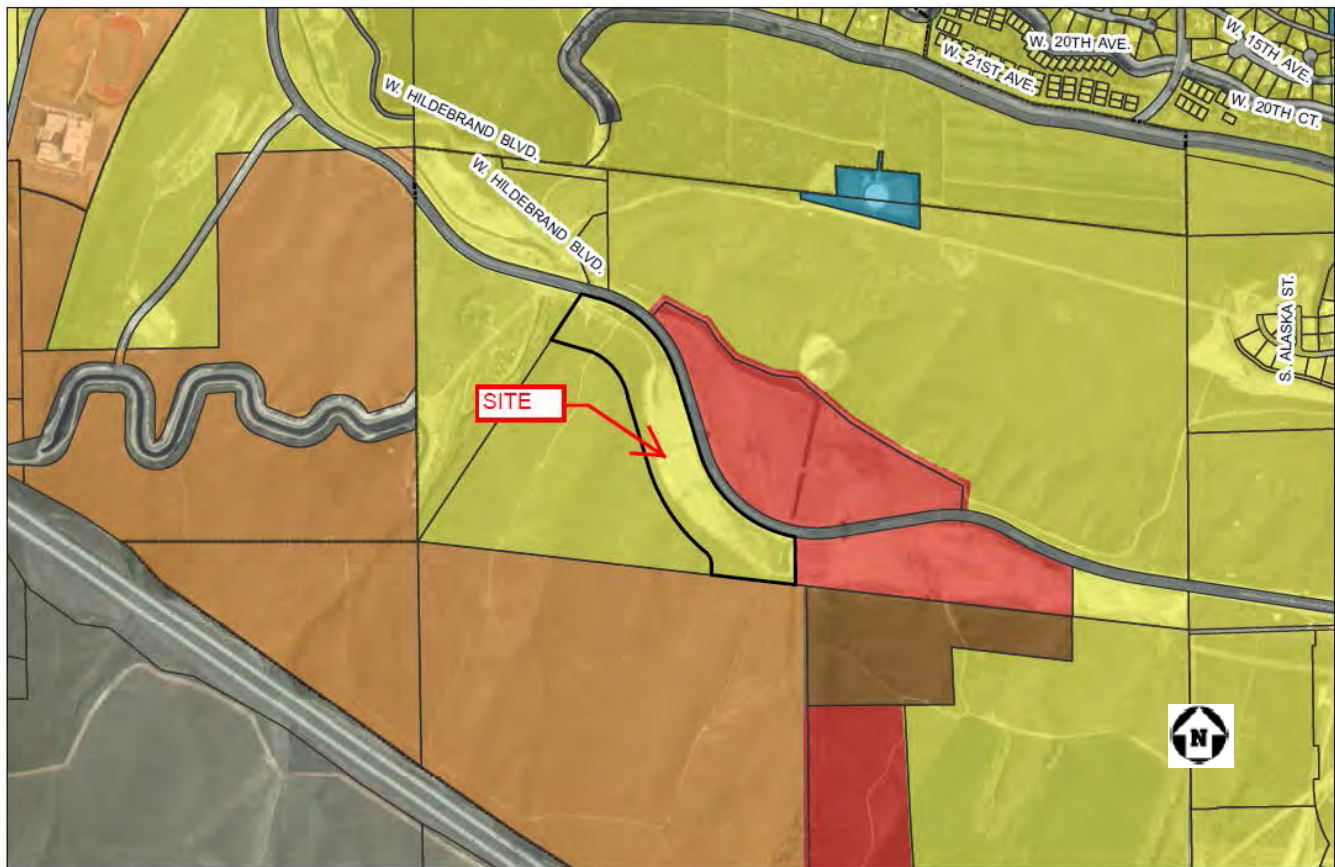
cedinfo@ci.kennewick.wa.us

Comprehensive Plan Amendment 20-05

REQUEST: Change 20.50 acres from Low Density Residential to Commercial.

APPLICANT: Knutzen Engineering, c/o Paul Knutzen

OWNER: BYK Development, LLC



Not to scale

SITE INFORMATION

- **Size:** 20.50 acres
- **Location:** South of the W 24th Avenue and Bob Olson Parkway
- **Topography:** Slopes >15%
- **Existing Comprehensive Plan Designation:** Low Density Residential
- **Existing Zoning:** Residential Low Density (RL)
- **Existing Land Use:** Vacant

EXHIBITS

- **Exhibit A-1:** Aerial Map
- **Exhibit A-2:** Land Use Map
- **Exhibit A-3:** Application
- **Exhibit A-4:** Environmental Determination
- **Exhibit A-5:** Washington State Department of Transportation comments

APPLICATION PROCESS

- Application Submitted: April 21, 2020
- Application routed for comments: July 14, 2020
- Determination of Non-Significance issued August 5, 2020.
- Appeal Period for the DNS ended August 19, 2020.
- A property posting sign notifying the public of a public hearing on this request was posted on the site on October 1, 2020.
- Notice of Hearing published October 4, 2020
- Notice of Hearing mailed October 2, 2020

SURROUNDING COMPREHENSIVE PLAN, ZONING AND LAND USES

North	Comprehensive Plan – Low Density Residential and Commercial Zoning – Residential, Low (RL) and Community, Commercial (CC) Existing Land Uses – Vacant
South	Comprehensive Plan – Low Density Residential and Medium Density Residential Zoning – Residential, Low (RL) and Residential, Medium (RM) Existing Land Uses – Vacant
East	Comprehensive Plan – High Density Residential and Commercial Zoning – Residential, High (RH) and Commercial, Community (CC) Existing Land Uses – Vacant
West	Comprehensive Plan – Commercial Zoning – Community, Commercial Existing Land Uses – Vacant

REGULATORY CONTROLS

- City of Kennewick Comprehensive Plan
- Kennewick Municipal Code Title 4
- Kennewick Municipal Code Title 18

DESCRIPTION OF REQUEST

The applicant has requested to change the land use designation of 20.50 acres from Low Density Residential to Commercial.

COMPLIANCE WITH TITLE 4 (ADMINISTRATIVE PROCEDURES)

KMC 4.12.110(7): Approval Criteria. The City may approve Comprehensive Plan Amendments and area-wide zone map amendments if it finds that the request meets one or more of the following:

1. The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment;
Approving the proposed amendment will allow the property to be zoned one of the City's commercial zoning districts, which allow for various uses. At this time, it is unknown what type of relationship the proposed amendment will have to the public health, safety, welfare and protection of the environment.
2. 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;
This 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.

3. The proposed amendment corrects an obvious mapping error; or
This request does not correct a mapping error.
4. The proposed amendment addresses an identified deficiency in the Comprehensive Plan.
The proposed amendment does not address an identified deficiency in the Comprehensive Plan.

KMC 4.12.110(8): Additional Factors. The City must also consider the following factors prior to approving Comprehensive Plan Amendments:

1. The effect upon the physical environment;
Staff is unaware of the possible effect on the physical environment. Due to the topography of the site, earthwork will need to be done.
2. The effect on open space and natural features including, but not limited to topography, streams, rivers, and lakes;
There are no anticipated effects to streams, rivers, or lakes because of the proposed amendment. Earthwork may be required, due to the topography of the site. Adequate regulations exist in the Kennewick Municipal Code that will mitigate any possible impacts to the natural environment.
3. The compatibility with and impact on adjacent land uses and surrounding neighborhoods;
The proposal is compatible with land uses to the north and east of the site. The properties to the west and south have residential designations. At this time, it cannot be determined what type of impacts there will be on adjacent land uses.
4. The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools;
The future use of the property will determine the adequacy and impact on community facilities. Existing water and sewer utilities are in Bob Olson Parkway.
5. The quantity and location of land planned for the proposed land use type and density and the demand for such land;
Comprehensive Plan Table 2: Land Inventory; shows that the City has a surplus of 91.5 acres for lands designated Commercial.
6. The current and projected project density in the area; and
The current land use designation for the site does not have a density maximum, only a minimum lot size of 7,500 square. The proposed land use designation does not a maximum density or minimum lot size.
7. The effect, if any upon other aspects of the Comprehensive Plan.
The proposed change will not affect any other aspects of the Comprehensive Plan.

PUBLIC COMMENT

Staff has received no public comment concerning the proposal to date.

AGENCY COMMENTS

The Washington State Department of Transportation submitted comments in regard to a possible connection or crossing to I-82 located between Exit 109 (Badger Road) and Exit 113 (US 395), see Exhibit A-5.

ANALYSIS OF REQUEST

Pursuant to the City's Comprehensive Plan, there is a surplus of 1,475 acres designated Low Density Residential for the 2037 population projection. The loss of 20.50 acres to the supply of Low Density Residential, will have no significant negative impact to the future needs single-family residences.

FINDINGS

1. The applicant is Knutzen Engineering, c/o of Paul Knutzen, 5401 Ridgeline Drive, Suite 160, Kennewick, WA 99338.
2. The owner is BYK Development, LLC, 1505 NE Village Street, Fairview, OR 97024.
3. The request is to change the land use designation for the subject parcel from Low Density Residential to Commercial.
4. The application was received on April 21, 2020 and was routed for review to various City Departments and other local, state and federal agencies for comment on July 14, 2020.
5. City water and sewer utilities are available at the site.
6. Access to the site is currently is via Bob Olson Parkway.
7. The proposed amendment is adjacent to Low Density Residential, Medium Density Residential and Commercial designated lands.
8. A Determination of Non-Significance was issued on August 5, 2020 for this application. The appeal period for the determination ended on August 19, 2020.
9. A public hearing notification sign was posted on site October 1, 2020.
10. Notice of the public hearing for this application was published in the Tri-City Herald on October 4, 2020. Notices were also mailed to property owners within 300 feet of the site on October 4, 2020.
11. The proposed amendment bears a positive relationship to the public health, safety, welfare and protection of the environment.
12. This 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.
13. The proposed amendment does not correct an obvious mapping error.
14. This request will not address an identified deficiency in the Comprehensive Plan.

CONCLUSIONS

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation for the subject site from Low Density Residential to Commercial.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will permit an increase to commercial opportunities in the area.
5. Future development of the site has the potential to affect the traffic system. Traffic Impact Fees will be assessed at the time of development.

Recommendation

Staff recommends that the Planning Commission concur with the findings and conclusions of CPA 20-05 contained in the staff report and recommend approval to City Council.

Motion

I move that the Planning Commission concur with the findings and conclusions of CPA 20-05 contained in the staff report and recommend to City Council approval of the request.

Exhibit A-1

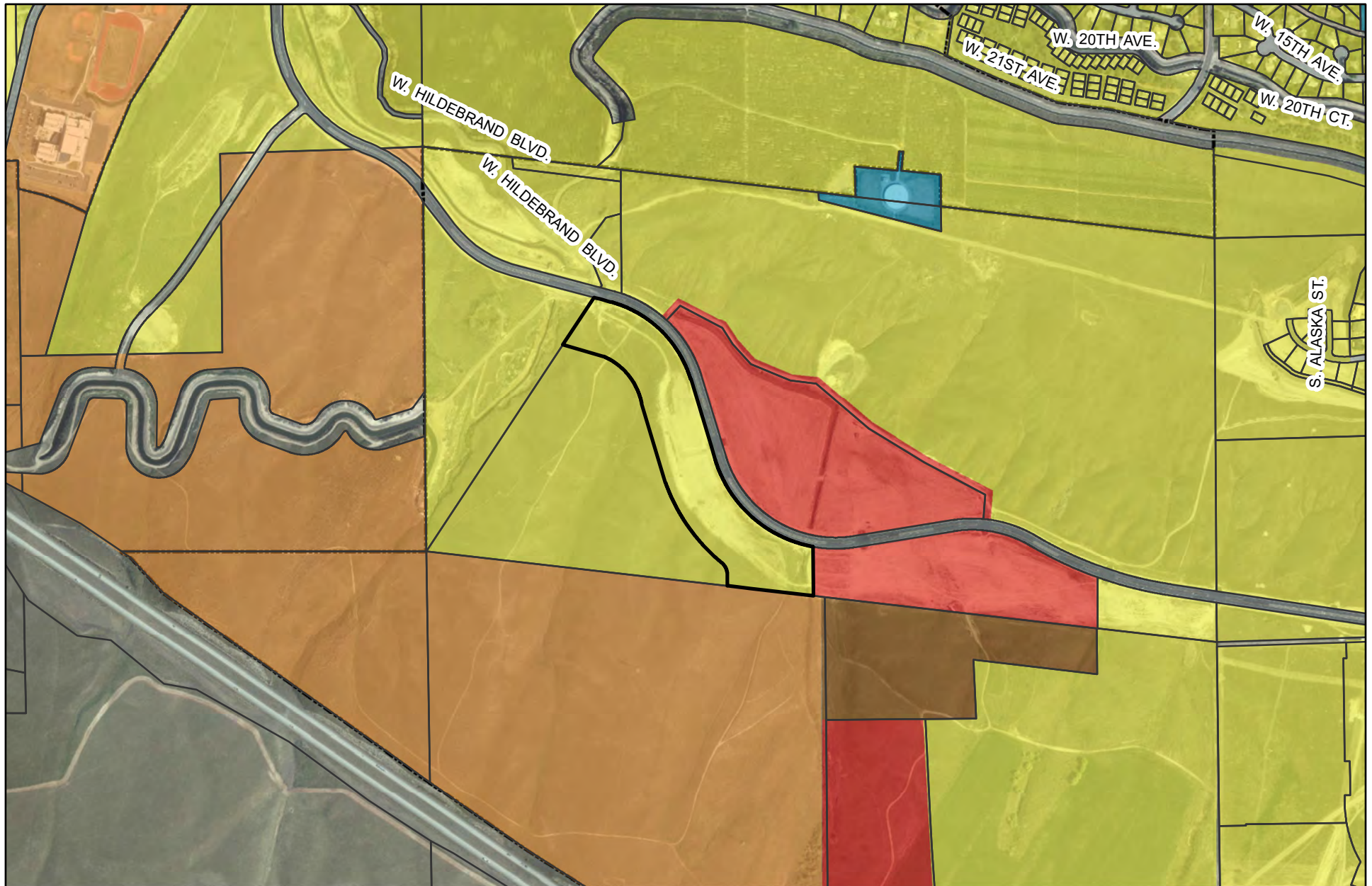


1 inch = 3,000 feet 1:36,000

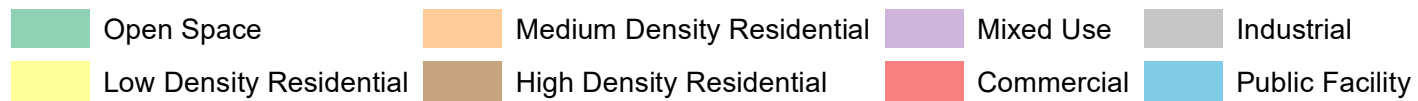
0 0.275 0.55 1.1 mi

0 0.425 0.85 1.7 km

Sources: Esri, HERE, Garmin,
Intermap, increment P Corp.,



CPA 20-05/PLN-2020-01003 Knutzen Engineering



CITY OF KENNEWICK
COMMUNITY PLANNING & DEVELOPMENT SERVICES
APPLICATION (general form)

PROJECT # _____ - _____ PLN- _____ - _____ FEE \$ _____

Please completely fill out this form and return it to Community Planning & Development Services, PO Box 6108, Kennewick, WA 99336, along with the application fee (see fee schedule). Attach a copy of the checklist for the land use application you are submitting. The application submittal must contain all of the information requested on the checklist in order to be processed. **Incomplete applications will not be accepted.**

Check one of the following for the type of application you are submitting:

Site Plan Tier 1 ☐ Tier 2 ☐ Tier 3 ☐ Binding Site Plan ☐

Short Plat ☐ Conditional Use ☐ Other Comprehensive Plan Amendment

Environmental Determination PLN- _____ - _____ Pre Application Meeting PLN- _____ - _____

Applicant: Paul Knutzen (Knutzen Engineering)

Address: 5401 Ridgeline Dr Suite 160, Kennewick, WA 99338

Telephone: 509-222-0959 Cell Phone: 509-440-1817 Fax: _____ E-mail: paul@knutzenengineering.com

Property Owner (if other than applicant): BYK Development LLC

Address: 1505 NE Village St, Fairview, OR 97024

Telephone: 503-669-9999 Cell Phone: _____ E-mail: marcus@fullard-leo.com

SITE INFORMATION

Parcel No. 107893000001004 Acres 20.50 Zoning: RL

Address of property: 8598 W Hildebrand Blvd

Number of Existing Parking Spaces 0 Number of Proposed (New) Parking Spaces 0

Present use of property Undeveloped Land.

Size of existing structure: 0 sq. ft. Size of Proposed addition/New structure: 0 sq. ft.

Height of building: N/A Cubic feet of excavation: N/A Cost of new construction N/A

Benton County Assessor Market Improvement Value: \$82,250.00 (Parent Parcel)

Description of Project: Comprehensive Plan Amendment and Rezone for 2 lots - Lot 1 which is 10.1 acres and lot 2 which is 10.4 acres as shown on a record of survey for parcel segregation that was submitted to the City of Kennewick on March 12, 2020- from Low Density Residential to Commercial.

I, the undersigned, do hereby certify that, to the best of my knowledge, the information provided above is true and correct.

Paul Knutzen
 Applicant's Signature

Date: 4/20/2020

Marcus Fullard-Leo
Marcus Fullard-Leo 4/20/2020

Signature of owner or owner's authorized representative

Comprehensive Plan Amendment Supplemental Information

The following questions will be reviewed by both the Planning Commission and City Council as a means of assisting in their consideration of the Comprehensive Plan Amendment request. Use additional pages if necessary.

1. State the requested amendment:

2. What are the reasons for the requested amendment:

3. Which elements of the Comprehensive Plan will be affected and how. Include detailed information on the provision of utilities such as water, sewer, power, etc., and how such utilities correspond with the City's various utility plans. Detailed information must also be submitted regarding what effect the proposed change will have on such services as fire, police, parks, schools, etc:

4. Indicate how the requested amendment will implement the Comprehensive Plan and be in the best interest of the Kennewick area, reference specific Comprehensive Plan policies that will be implemented:

5. Include any other substantiated information in support of the requested amendment:



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

FILE/PROJECT NUMBER: ED 20-12/PLN-2020-01005

DESCRIPTION OF PROPOSAL: To amend the City of Kennewick Comprehensive Plan Land Use Map for a 20.50-acre property from Low Density Residential to Commercial.

PROPOSER: Knutzen Engineering, c/o Paul Knutzen, 5401 Ridgeline Drive, Suite 160, Kennewick, WA 99338

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: REAL PROPERTY LOCATED IN GOVERNMENT LOTS 3 AND 4, THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 8 NORTH, RANGE 29 EAST OF THE WILLAMETTE MERIDIAN, CITY OF KENNEWICK, BENTON COUNTY, WASHINGTON.

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).

Gregory J. McCormick

Date: August 5, 2020

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
ED 20-12 File



South Central Region
 2809 Rudkin Road
 Union Gap, WA 98903-1648
 509-577-1600 / FAX: 509-577-1603
 TTY: 1-800-833-6388
www.wsdot.wa.gov

July 21, 2020

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

Attention: Steve Donovan, Senior Planner

Subject: 2020 Comprehensive Plan Map Amendments
 CPA 20-02, Tom/Vicki Solbrack, Commercial to Med-Density Residential
 CPA 20-03, JAYCEE Structure (Benton PUD), Med to Hi-Density Res
 CPA 20-05, BYK Development, Low-Density Residential to Commercial
 CPA 20-06, Jose Chavallo & Tammy Steele-Chavallo, LD Res to HD Res
 US 395, I-82

We have reviewed the proposed land use map designation amendments and have comments on four of them.

1. CPA 20-02 would redesignate the land use of 14.74 acres from Commercial to Medium-Density Residential. The property is on W 10th Avenue and is located about 1 mile northeast of I-82 Exit 109 (Badger Rd/W Clearwater Avenue). Some of the traffic will use I-82 and Exit 109. This location has seen significant development recently and the interchange off ramps are now exceeding the Level of Service (LOS) threshold. When development occurs, this site, along with other developments in the area, will be the factors requiring improvements to the ramps and Badger Road. As developments are proposed, they will be subject to review for their impacts to the WSDOT system. The developments will need to mitigate their traffic impacts. It is to the benefit of the City, the State, and future developers to preserve the functionality of the I-82 interchange. The County has two projects to make improvements to the interchange, but they are not yet fully funded nor have any decisions been made. The City and developer should also consider Transportation Demand Management (TDM) measures to reduce traffic impacts.
2. CPA 20-03, CPA 20-05, and CPA 20-06 are within the Southridge subarea.

CPA 20-03 would redesignate 57.02 acres from Medium-Density Residential to High-Density Residential. The property is adjacent to I-82 and about 1 mile west of US 395. The subject property is located near a large area of other residential zones. Nonetheless,

residential zones adjacent to major highways like I-82 are not the most compatible. Major highways are critical and essential facilities serving the local area, region, state, and nation, and have a strong benefit on the economy. It is important to limit impacts to these essential facilities.

I-82 is an existing facility. When developing, the proponent will create a more noise-sensitive land use. The proponent and future residents should be aware that they are proposing residential development in an area with existing traffic noise. They should also expect that traffic noise may continue to grow into the future, and, as an essential public facility, I-82 may need to be expanded to accommodate future traffic growth. When development occurs, it is the proponent's responsibility to dampen or deflect any traffic noise for development at this site.

CPA 20-05 would redesignate 20.50 acres from Low-Density Residential to Commercial. The property is located in the Southridge area and is on Hildebrand Boulevard. It is not adjacent to any state highways, but is about ½ mile north of I-82 and about 2.5 miles northwest of US 395 at the Hildebrand Boulevard intersection.

In the past, the City expressed interest in a new connection or crossing to I-82 located about halfway between Exit 109 (Badger Road) and Exit 113 (US 395). New or revised access to Interstate freeways requires collaboration with and approval from the Federal Highway Administration (FHWA). WSDOT and local partners need to include FHWA from the beginning of the planning process throughout the development of the proposal. WSDOT is the only entity recognized by the FHWA Washington Division that is allowed to submit requests for Interstate access revisions for review and approval. It is important to note that FHWA's position on new interchanges requires local agencies to complete all possible improvements to the local road system prior to requesting a new connection to the interstate system. WSDOT's experience is the FHWA will not agree to a new connection until all other possibilities are exhausted.

CPA 20-06 would redesignate 40.6 acres from Low-Density Residential to High-Density Residential. The site is located about 1 mile north of I-82 and about 1.2 miles due west of the US 395/27th Avenue intersection. The property is north of Hildebrand Boulevard, east of Sherman Street, and is near to 28th Avenue. An extension of 28th Avenue to serve the site would provide a direct connection to 27th Avenue. The US 395/27th Avenue intersection has exceeded its capacity at peak times.

Combined Comments for CPA 20-03, CPA 20-05, and CPA 20-06

The Southridge area has seen significant development recently and traffic is increasing with congestion in certain locations. When combined, CPA 20-03, CPA 20-05, and CPA 20-06 total 118.12 acres. This is a substantial amount acreage that could be

developed to dense urban standards. We are concerned with the cumulative impact to our system. None of these three properties is adjacent to U.S. Highway 395 (US 395). However, US 395 is the sole north-south arterial serving the area. As such, WSDOT expects the majority of traffic generated by these proposals will utilize US 395 and access the highway at Ridgeline Drive, Hildebrand Boulevard, and 27th Avenue.

When development occurs, these three sites, along with other developments, will be the factors requiring improvements to US 395 and potentially I-82. As developments are proposed, they will be subject to review for their impacts to the WSDOT system. It is to the benefit of the City, the State, and future developers to preserve the functionality of US 395 and I-82.

The developments will need to mitigate their traffic impacts. Impacts that are determined to be significant will require mitigation, and it is anticipated that all costs will be borne by the development. Of particular concern to the department are the effects developments have on the multimodal capacity, retention and treatment of stormwater, outdoor lighting, noise sensitivity, and signage. This information is normally obtained through a Traffic Impact Analysis (TIA) performed by the developer. The City and developer should consider Transportation Demand Management (TDM) measures to reduce traffic impacts.

The City of Kennewick has an interchange project programmed for the US 395/Ridgeline Drive intersection. When development occurs, we will recommend the City require the developer to contribute to towards construction of the interchange at US 395 and Ridgeline Drive in proportion to their impacts.

Thank you for the opportunity to review and comment on these proposals. If you have any questions regarding our comments, please contact John Gruber at (509) 577-1636.

Sincerely,



Paul Gonseth, P.E.
Planning Engineer

PG:jg

cc: File – Comp Plans/Benton County
Celeste Gilman, WSDOT Multimodal Planning
Will Simpson, Washington Department of Commerce

Planning Commission Action Summary
CPA 20-05 – Knutzen Engineering

The Kennewick Planning Commission conducted a virtual public hearing on October 19, 2020. All interested parties were invited to come before the Commission and be heard. After reviewing the staff report and all oral and written facts and opinions, the Commission passed a motion on the proposed amendments concurring with the findings and conclusions in the staff report CPA 20-05 and recommend to City Council approval of the proposed comprehensive plan amendment contained in the staff report.

Findings of Fact

1. The applicant is Knutzen Engineering, c/o of Paul Knutzen, 5401 Ridgeline Drive, Suite 160, Kennewick, WA 99338.
2. The owner is BYK Development, LLC, 1505 NE Village Street, Fairview, OR 97024.
3. The request is to change the land use designation for the subject parcel from Low Density Residential to Commercial.
4. The application was received on April 21, 2020 and was routed for review to various City Departments and other local, state and federal agencies for comment on July 14, 2020.
5. City water and sewer utilities are available at the site.
6. Access to the site is currently is via Bob Olson Parkway.
7. The proposed amendment is adjacent to Low Density Residential, Medium Density Residential and Commercial designated lands.
8. A Determination of Non-Significance was issued on August 5, 2020 for this application. The appeal period for the determination ended on August 19, 2020.
9. A public hearing notification sign was posted on site October 1, 2020.
10. Notice of the public hearing for this application was published in the Tri-City Herald on October 4, 2020. Notices were also mailed to property owners within 300 feet of the site on October 4, 2020.
11. The proposed amendment bears a positive relationship to the public health, safety, welfare and protection of the environment.
12. This 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.
13. The proposed amendment does not correct an obvious mapping error.
14. This request will not address an identified deficiency in the Comprehensive Plan.

Conclusions of Law

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation for the subject site from Low Density Residential to Commercial.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will permit an increase to commercial opportunities in the area.
5. Future development of the site has the potential to affect the traffic system. Traffic Impact Fees will be assessed at the time of development.

The motion to recommend approval to City Council passed with a vote of 7 to 0.

Planning Commission Discussion:

None

The motion passed on a unanimous roll call vote.

PUBLIC HEARINGS

Vice Chairman Morris opened the virtual public hearing at 6:45 p.m. for Comprehensive Plan Amendment #20-05/PLN-2020-01003 proposing to change 20.50 acres located at 8637 & 8541 Bob Olson Parkway from Low Density Residential (LDR) to Commercial. Applicant is Paul Knutzen, Knutzen Engineering, 5401 Ridgeline Dr. Ste. 160, Kennewick, WA 99338. Owner is BYK Development LLC.

Mr. Donovan gave a brief overview of the staff report; he said that there were some comments that came in for this proposal that were not in the staff report, Exhibit A-5 from WSDOT, that indicated the applicant or developer may need a traffic analysis for the development segment of the I-82 Badger Canyon Road roundabout ramp portion of future development for this proposal. Staff recommends that the Planning Commission concur with the Findings and Conditions of the staff report CPA 20-05, and recommend to City Council APPROVAL of the request.

Planning Commission questions:

Commissioner Helgeson: Is the WSDOT letter something that gets tracked during the development process in terms of any action that the landowner takes. Mr. Donovan said yes, it is a preliminary letter for this proposal but any future development would initiate notice to agencies for comments on future land use actions.

Commissioner Short: The 2017 Comprehensive Plan states that 33% of commercial land had been undeveloped, is there a more recent figure for today. Mr. Donovan: Unable to give you the undeveloped number, best answer is we have a surplus of commercial land and all I have is the 2017 figure as well.

Testimony of Applicant/Applicant's Representative:

Paul Knutzen
Knutzen Engineering
5401 Ridgeline Dr. Ste. 160
Kennewick 99338

On behalf of the applicant, there are 16 acres that does not show on this map; the property was sold to Kennewick School District for a future elementary school; there is commercial zone along Bob Olson Parkway, the property behind it is for a future elementary school, and residential housing south of that. We believe this is a good proposal and appreciate your support.

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for CPA 20-05 closed at 6:55 p.m.

Vice Chairman Morris asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report CPA 20-05 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

Planning Commission Discussion:

None

The motion passed on a unanimous roll call vote.

PUBLIC HEARINGS

Vice Chairman Morris opened the virtual public hearing at 6:56 p.m. for Comprehensive Plan Amendment #20-07/PLN-2020-01085 proposing to change 7.42 acres located at 4711, 4717, and 4721 W. Canal Drive from Low Density Residential (LDR) and Commercial to Medium Density Residential (MDR). Applicant is Nathan Machiela, Knutzen Engineering, 5401 Ridgeline Dr. Ste. 160, Kennewick, WA 99338. Owner is Chervenell Construction.

Mr. Donovan gave a brief overview of the staff report; he referenced Exhibit A-5 from the Department of Ecology recommending an archaeological survey for possible artifacts; additionally we received a comment from a surrounding property owner (RaNaese Washam) - Exhibit A-6 and staff response to Exhibit A-6.

Staff recommends that the Planning Commission concur with the Findings and Conditions of the staff report CPA 20-07, and recommend to City Council APPROVAL of the request.

Planning Commission questions:

Council Agenda Coversheet



Agenda Item Number	5.h.	Council Date	02/16/2021
Agenda Item Type	Ordinance		
Subject	CPA 20-07 (Knutzen Engineering)		
Ordinance/Reso #	5902	Contract #	
Project #	CPA 20-07	Permit #	PLN-2020-01085
Department	Planning		

Consent Agenda	☐
Ordinance/Reso	☒
Public Mtg / Hrg	☐
Other	☐
Quasi-Judicial	☐

Recommendation

The Planning Commission recommends approval of CPA 20-07 through adoption of Ordinance 5902.

Motion for Consideration

I move to adopt Ordinance 5902.

Summary

The applicant, Knutzen Engineering, has requested to change 7.42 acres located at 4711, 4717 and 4721 W Canal Drive from Low Density Residential and Commercial to Medium Density Residential. The request will allow the property to be developed in into single-family residential and/or medium density multi-family residential.

The Planning Commission held a public hearing on October 19, 2020. At the public hearing, the applicant and one of the property owners spoke in favor of the request. No testimony was received in opposition to this request. One adjacent neighbor did submit written comments on the proposal.

The Planning Commission voted unanimously to recommend approval to the City Council.

Alternatives

None recommended.

Fiscal Impact

None.

Through	Steve Donovan Feb 08, 09:46:48 GMT-0800 2021
Dept Head Approval	Gregory McCormick Feb 08, 13:55:16 GMT-0800 2021
City Mgr Approval	Marie Mosley Feb 12, 09:47:25 GMT-0800 2021

Attachments:

Staff Report
PC Action Summary
Minutes
Ordinance

☐ Recording
Required?

CITY OF KENNEWICK
ORDINANCE NO. 5902

AN ORDINANCE AMENDING THE CITY OF KENNEWICK'S COMPREHENSIVE
PLAN (CPA 20-07, KNUTZEN ENGINEERING, C/O NATHAN MACHIELA)

WHEREAS, the City of Kennewick, by and through its City Council, and pursuant to the Growth Management Act, directed the Planning Commission of the City of Kennewick to review and update the Comprehensive Plan for the purposes of coordinating all plans and programs relating to the physical and social development of the Kennewick Urban Growth Area and the people therein; and

WHEREAS, the City of Kennewick, in accord with the Growth Management Act and RCW 36.70A.130 and implementing municipal regulations, has directed the Department of Community Planning and the Planning Commission to review and update the plan annually; and

WHEREAS, appropriate public notice has been given and a public hearing held by the Planning Commission on October 19, 2020, concerning the proposed changes, and the same has been reviewed by the Department of Commerce for the review required under RCW 36.70A.106; NOW, THEREFORE:

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The following amendment is made to the City of Kennewick Comprehensive Plan Land Use Map as adopted by Resolution 07-12:

1. CPA 20-07 – 7.42 acres located at 4711 W Canal Drive, 4717 W Canal Drive and 4721 W Canal Drive (Low Density Residential to Medium Density Residential and from Commercial to Medium Density Residential).

Section 2. The property is legally described as follows:

**Low Density Residential to Medium Density Residential and from
Commercial to Medium Density Residential**

THE EAST 80 FEET OF THE NORTH 200 FEET OF TRACT 18, THE HIGHLANDS PLAT A, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 2, RECORDS OF BENTON COUNTY, WASHINGTON, EXCEPT THE NORTH 5 FEET AS CONVEYED TO BENTON COUNTY BE INSTRUMENT RECORDED ON JUNE 14, 1971 UNDER AUDITOR'S FILE NO. 622562;

AND EXCEPT THE SOUTH 3.6 FEET OF THE WEST 67.5 FEET OF THE EAST 80 FEET OF THE SOUTH 200 FEET OF THE NORTH 230 FEET OF TRACT 18, THE HIGHLANDS PLAT A, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 2, RECORDS OF

BENTON COUNTY, WASHINGTON.

THE HIGHLANDS, PLAT A: TRACT 17, LESS THE EAST 251.17 FEET:
LESS PORTION DEFINED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 17:
THENCE SOUTH 01 DEGREES 17' WEST ALONG THE WEST LINE OF
SAID TRACT 20 FEET: THENCE SOUTHEAST ALONG THE ARC OF A
CIRCULAR CURVE TO THE RIGHT WITH A RADIUS OF 460 FEET
(CHORD BEARS SOUTH 63 DEGREES 17'36" EAST 370.6 FEET) A
DISTANCE OF 281.43 FEET: THENCE SOUTH 38 DEGREES 37' EAST
108.36 FEET TO THE EAST LINE OF THIS PARCEL: THENCE NORTH 01
DEGREES 24' EAST 269.48 FEET ALONG SAID EAST LINE TO THE
NORTHEAST CORNER: THENCE NORTH 89 DEGREES 44'30" WEST 404.83
FEET ALONG THE NORTH LINE OF TRACT 17 TO THE POINT OF
BEGINNING. SUBJECT TO EASEMENTS AND RESTRICTIONS OF
RECORD, 5-21-57.

THAT PORTION OF TRACT 18, THE HIGHLANDS, PLAT "A",
ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF
PLATS, PAGE 2, RECORDS OF BENTON COUNTY, WASHINGTON,
DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON MONUMENT MARKING THE NORTHEAST
CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST
QUARTER OF SECTION 33, TOWNSHIP 9 NORTH, RANGE 29 EAST,
W.M.; THENCE NORTH 89°42'45" WEST 881.3 FEET; THENCE SOUTH
01°38'15" WEST 30 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 01°38'15" WEST 215 FEET; THENCE
NORTH 89°42'45" WEST 150 FEET TO THE EAST LINE OF LOT 2,
BUGBEE'S ADDITION, ACCORDING TO THE PLAT THEREOF
RECORDED IN VOLUME 4 OF PLATS, PAGE 51, RECORDS OF SAID
COUNTY; THENCE SOUTH 01°38'15" WEST 468.77 FEET ALONG THE
EAST LINE OF SAID PLAT TO THE SOUTHERLY LINE OF SAID TRACT
18; THENCE NORTH 68°47'15" EAST ALONG SAID SOUTHERLY LINE
385.16 TO THE EAST LINE OF SAID TRACT 18; THENCE NORTH
01°38'15" EAST ALONG THE SAID EAST LINE OF TRACT 18, TO A
POINT 230 FEET SOUTH OF THE NORTH LINE OF THE SOUTHEAST
QUARTER OF NORTHEAST QUARTER OF SAID SECTION 33; THENCE
NORTH 89°42'45" WEST 80 FEET; THENCE NORTH 01°38'15" EAST 200
FEET; THENCE NORTH 89°42'45" WEST 125.03 FEET TO THE TRUE
POINT OF BEGINNING;

EXCEPT THAT PORTION CONVEYED TO BENTON COUNTY BY
INSTRUMENT RECORDED UNDER AUDITOR'S FILE NO. 619171;

TOGETHER WITH THE SOUTH 3.6 FEET OF THE WEST 67.5 FEET OF
THE EAST 80 FEET OF THE SOUTH 200 FEET OF THE NORTH 230 FEET
OF LOT 18, THE HIGHLANDS PLAT A, ACCORDING TO THE PLAT
THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 2, RECORDS OF
BENTON COUNTY, WASHINGTON.

Section 3. This ordinance shall be in full force and effect five days from and after its passage,
approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this
16th day of February, 2021, and signed in authentication of its passage this 16th day of February,
2021.

Attest:

DON BRITAIN, Mayor

TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 0000 filed and recorded
in the office of the City Clerk of the City of
Kennewick, Washington this 17th day of
February, 2021.

Approved as to Form:

LISA BEATON, City Attorney

TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION_____



Community Planning Department

210 West 6th Avenue

Kennewick, WA 99336

Phone: (509) 585-4280

cedinfo@ci.kennewick.wa.us

Comprehensive Plan Amendment 20-07

REQUEST: Change 7.42 acres from Low Density Residential and Commercial to Medium Density Residential.

APPLICANT: Knutzen Engineering, c/o Nathan Machiela

OWNERS: Chervenell Construction, Brad and Emily Niebuhr and HN Development Partners



Not to scale

SITE INFORMATION

- **Size:** 7.42 acres
- **Location:** 4711, 4717 and 4721 W Canal Drive
- **Topography:** Flat
- **Existing Comprehensive Plan Designation:** Low Density Residential and Commercial
- **Existing Zoning:** Residential Low Density (RL) and Commercial, Community (CC)
- **Existing Land Use:** Single-Family Residences and Shop

EXHIBITS

- **Exhibit A-1:** Aerial Map
- **Exhibit A-2:** Land Use Map
- **Exhibit A-3:** Application
- **Exhibit A-4:** Environmental Determination
- **Exhibit A-5:** Department of Archaeology & Historic Preservation
- **Exhibit A-6:** Comments from RaNaese Washam, with Staff Response

APPLICATION PROCESS

- Application Submitted: April 29, 2020
- Application routed for comments: July 14, 2020
- Determination of Non-Significance issued August 5, 2020.
- Appeal Period for the DNS ended August 19, 2020.
- A property posting sign notifying the public of a public hearing on this request was posted on the site on October 1, 2020.
- Notice of Hearing published October 4, 2020
- Notice of Hearing mailed October 2, 2020

SURROUNDING COMPREHENSIVE PLAN, ZONING AND LAND USES

North	Comprehensive Plan – Unincorporated Benton County/Urban Growth Area Zoning – Unincorporated Benton County/Urban Growth Area Residential Existing Land Uses – Single-Family Residential
South	Comprehensive Plan – Industrial Zoning – Industrial, Light Existing Land Uses – Railroad Right-of-Way/Vacant
East	Comprehensive Plan – Unincorporated Benton County/Urban Growth Area Zoning – Unincorporated Benton County/Urban Growth Area Residential Existing Land Uses – Single-Family Residential
West	Comprehensive Plan – Low Density Residential Zoning – Residential, Low (RL) Existing Land Uses – Single-Family Residential

REGULATORY CONTROLS

- City of Kennewick Comprehensive Plan
- Kennewick Municipal Code Title 4
- Kennewick Municipal Code Title 18

DESCRIPTION OF REQUEST

The applicant has requested to change the land use designation of 7.42 acres from Low Density Residential and Commercial to Medium Density Residential.

COMPLIANCE WITH TITLE 4 (ADMINISTRATIVE PROCEDURES)

KMC 4.12.110(7): Approval Criteria. The City may approve Comprehensive Plan Amendments and area-wide zone map amendments if it finds that the request meets one or more of the following:

1. The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment;
At this time, it is unknown what type of relationship the proposed amendment will have to the public health, safety, welfare and protection of the environment. Future development will be subject to the applicable requirements of the development regulations and critical area regulations.
2. 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;
This 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.
3. The proposed amendment corrects an obvious mapping error; or
This request does not correct a mapping error.

4. The proposed amendment addresses an identified deficiency in the Comprehensive Plan.
The proposed amendment does not address an identified deficiency in the Comprehensive Plan.

KMC 4.12.110(8): Additional Factors. The City must also consider the following factors prior to approving Comprehensive Plan Amendments:

1. The effect upon the physical environment;
Multi-family residence development will incorporate open space, exclusive of required street landscaping. As a single-family residential development, open space will occur due to setback requirements and street landscaping will also be required. The effect on the physical environment should be minimal due to the type of development that will be permitted to take place on the site.
2. The effect on open space and natural features including, but not limited to topography, streams, rivers, and lakes;
No bodies of water are in the general area of the site. The site is relatively flat and it should require minimal earthwork. Adequate regulations exist in the Kennewick Municipal Code that will mitigate possible impacts to the natural environment.
3. The compatibility with and impact on adjacent land uses and surrounding neighborhoods;
Other than to the south, Low Density Residential properties are adjacent to the site. Medium Density Residential properties are within a ¼ of a mile to the west of the site. The difference between low and medium density designations is that medium allows for a higher density per acre.
4. The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools;
The future use of the property will determine the adequacy and impact on community facilities. The site has direct access onto Canal Drive. Existing water and sewer utilities are in Canal Drive, water is in front of the site and sewer is roughly a ¼ mile to the west of the site.
5. The quantity and location of land planned for the proposed land use type and density and the demand for such land;
Comprehensive Plan Table 2: Land Inventory; shows that the City has a surplus of 1567 acres for lands designated Low Density Residential and Commercial. Currently, the City has a surplus of 248 acres for lands designated Medium Density Residential. At this time, the City has a large enough supply of Low Density Residential and Commercial lands to last until 2037.
6. The current and projected project density in the area; and
The proposed designation does allow for a density of up to 13 units per acre.
7. The effect, if any upon other aspects of the Comprehensive Plan.
The proposed amendment will not affect any other aspects of the Comprehensive Plan.

PUBLIC COMMENT

Staff has received comments from one member of the public with concerns about possible construction of multi-family residences. Both single-family and multi-family residential are permitted via the implementing zoning district.

AGENCY COMMENTS

Staff has received comments from the Department of Archaeology and Historic Preservation. The site has a high potential for archaeological resources and future development of the site will be required to follow the recommendations listed in Exhibit A-5.

ANALYSIS OF REQUEST

Approval of the request allows the possibility of combining the properties into one lot and developing the site for a residential use. Single-family with a minimum lot size of 4,500 square feet are permitted. Multi-family residences are permitted with a density of 13 units per acre.

FINDINGS

1. The applicant is Knutzen Engineering, c/o of Nathan Machiela, 5401 Ridgeline Drive, Suite 160, Kennewick, WA 99338.
2. The owners are Chervenell Construction, 7511 W Arrowhead Avenue, #B, Kennewick, WA 99336; Brad and Emily Niebuhr, 1771 Sorenson Road, Ellensburg, WA 98926; HN Development Partners, 4721 W Canal Drive, Kennewick, WA 99336.
3. The request is to change the land use designation for the subject parcel from Low Density Residential and Commercial to Medium Density Residential.
4. The City received the application on April 29, 2020 and routed it for review to various City Departments and other local, state and federal agencies for comment on July 14, 2020.
5. City water adjacent to the site. City sewer will need to be extended to the site from the west.
6. Access to the site is currently is via W Canal Drive.
7. The proposed amendment is adjacent to property designated Low Density Residential.
8. The City issued Determination of Non-Significance on August 5, 2020 for this application. The appeal period for the determination ended on August 19, 2020.
9. A public hearing notification sign was posted on site October 1, 2020.
10. Notice of the public hearing for this application was published in the Tri-City Herald on October 4, 2020. Notices were also mailed to property owners within 300 feet of the site on October 2, 2020.
11. The proposed amendment bears a positive relationship to the public health, safety, welfare and protection of the environment.
12. This 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.
13. The proposed amendment does not correct an obvious mapping error.
14. This request will not address an identified deficiency in the Comprehensive Plan.

CONCLUSIONS

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation for the subject sites from Low Density Residential and Commercial to Medium Density Residential.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will permit an increase to residential opportunities in the area.
5. Future development of the site has the potential to affect the park and traffic system. Future development of the site is subject to applicable Park and Traffic Impact Fees.

Recommendation

Staff recommends that the Planning Commission concur with the findings and conclusions of CPA 20-07 contained in the staff report and recommend approval to City Council.

Motion

I move that the Planning Commission concur with the findings and conclusions of CPA 20-07 contained in the staff report and recommend to City Council approval of the request.



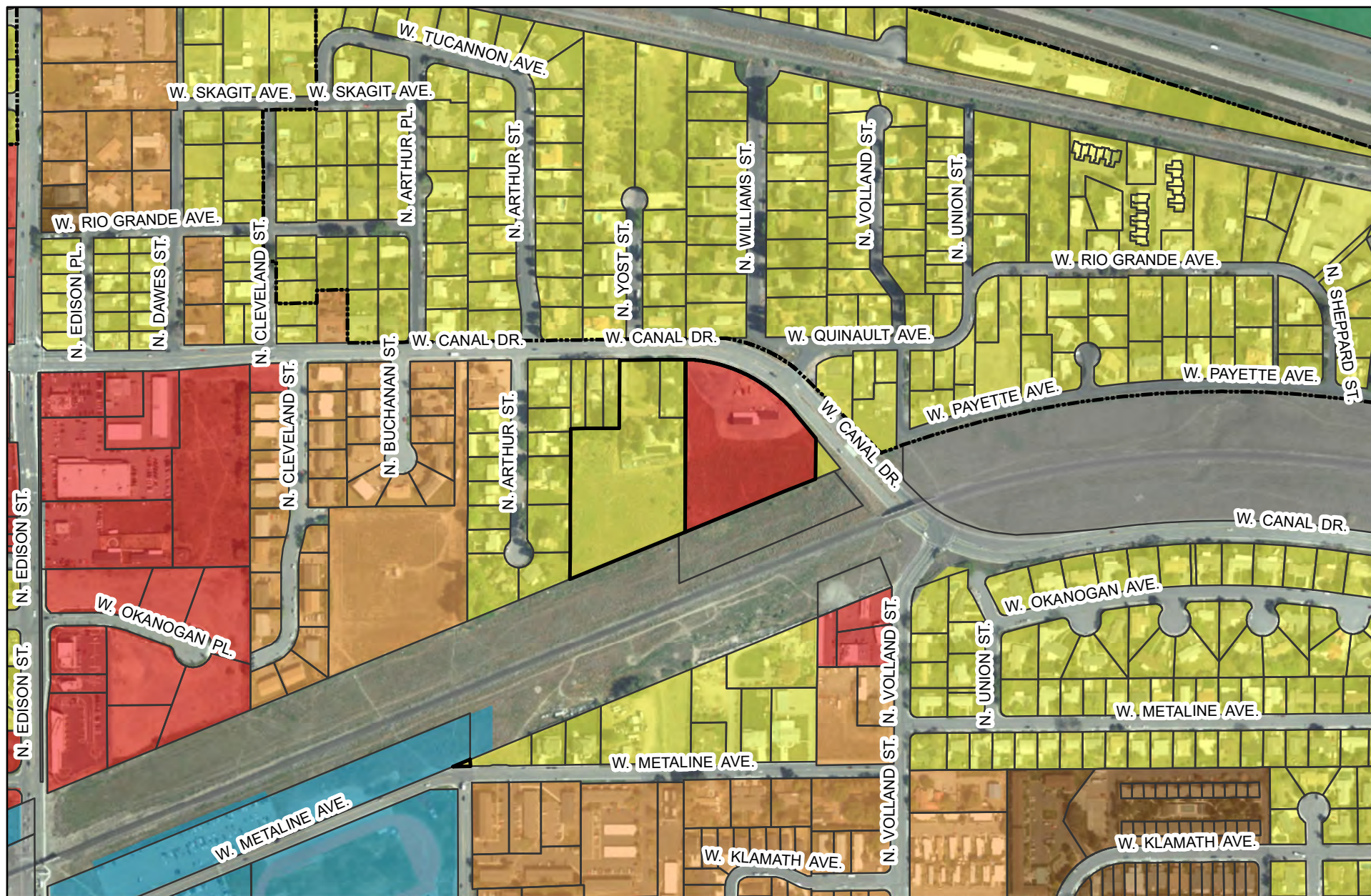
1 inch = 1,000 feet

1:12,000

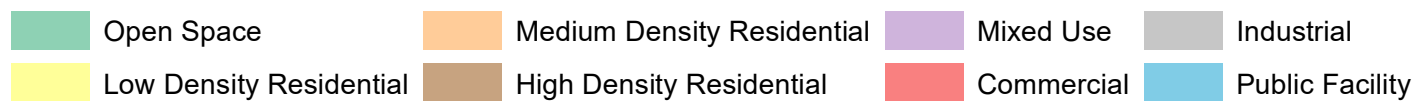
0 0.075 0.15 0.3 mi

0 0.125 0.25 0.5 km

Sources: Esri, HERE, Garmin,
Intermap, increment P Corp.,



CPA 20-07/PLN-2020-01085 Knutzen Engineering



CITY OF KENNEWICK
COMMUNITY PLANNING & DEVELOPMENT SERVICES
APPLICATION (general form)

PROJECT # _____ - _____ PLN-2019 -00081 FEE \$ _____

Please completely fill out this form and return it to Community Planning & Development Services, PO Box 6108, Kennewick, WA 99336, along with the application fee (see fee schedule). Attach a copy of the checklist for the land use application you are submitting. The application submittal must contain all of the information requested on the checklist in order to be processed. **Incomplete applications will not be accepted.**

Check one of the following for the type of application you are submitting:

Site Plan Tier 1 ☐ Tier 2 ☐ Tier 3 ☐ Binding Site Plan ☐

Short Plat ☐ Conditional Use ☐ Other Comprehensive Plan Amendment

Environmental Determination PLN- _____ - _____ Pre Application Meeting PLN- _____ - _____

Applicant: Nathan Machiela (Knutzen Engineering)

Address: 5401 Ridgeline Dr Suite 160, Kennewick, WA 99338

Telephone: 509-222-0959 Cell Phone: _____ Fax: _____ E-mail nathan@knutzenengineering.com

Property Owner (if other than applicant): Chervenell Construction (Brandon Mayfield)

Address: 7511 W Arrowhead Avenue, #B, Kennewick, WA 99336

Telephone: 509-735-3377 Cell Phone: _____ E-mail BMayfield@chervenell.com

SITE INFORMATION

Parcel No. 133991020017008 Acres 3.62 Zoning: C

Address of property: 4711 W Canal Dr, Kennewick, WA 99336

Number of Existing Parking Spaces 0 Number of Proposed (New) Parking Spaces 0

Present use of property Storage Building.

Size of existing structure: 4540 sq. ft. Size of Proposed addition/New structure: 0 sq. ft.

Height of building: N/A Cubic feet of excavation: 0 Cost of new construction N/A

Benton County Assessor Market Improvement Value: \$252,350.00

Description of Project: Comprehensive Plan Change from Commercial (C) to Medium Density Residential (MDR).

I, the undersigned, do hereby certify that, to the best of my knowledge, the information provided above is true and correct.

Applicant's Signature

Date: 03/23/20

Signature of owner or owner's authorized representative

CITY OF KENNEWICK
COMMUNITY PLANNING & DEVELOPMENT SERVICES
APPLICATION (general form)

Exhibit A-3

PROJECT # _____ - _____ PLN-2019 _____ -00081 FEE \$ _____

Please completely fill out this form and return it to Community Planning & Development Services, PO Box 6108, Kennewick, WA 99336, along with the application fee (see fee schedule). Attach a copy of the checklist for the land use application you are submitting. The application submittal must contain all of the information requested on the checklist in order to be processed. **Incomplete applications will not be accepted.**

Check one of the following for the type of application you are submitting:

Site Plan Tier 1 ☐ Tier 2 ☐ Tier 3 ☐ Binding Site Plan ☐
 Short Plat ☐ Conditional Use ☐ Other Comprehensive Plan Amendment

Environmental Determination PLN- _____ - _____ Pre Application Meeting PLN- _____ - _____

Applicant: Nathan Machiela (Knutzen Engineering)

Address: 5401 Ridgeline Dr Suite 160, Kennewick, WA 99338

Telephone: 509-222-0959 Cell Phone: _____ Fax: _____ E-mail: nathan@knutzenengineering.com

Property Owner (if other than applicant): Brad and Emily Niebuhr

Address: 1771 Sorenson Rd, Ellensburg, WA 98926

Telephone: _____ Cell Phone: _____ E-mail: _____

SITE INFORMATION

Parcel No. 133991020018002 Acres 3.44 Zoning: RL

Address of property: 4717 W Canal Dr, Kennewick, WA 99336

Number of Existing Parking Spaces 0 Number of Proposed (New) Parking Spaces 0

Present use of property A single family residence.

Size of existing structure: 2046 sq. ft. Size of Proposed addition/New structure: 0 sq. ft.

Height of building: N/A Cubic feet of excavation: 0 Cost of new construction N/A

Benton County Assessor Market Improvement Value: 257,550

Description of Project: Comprehensive plan change from Low Density Residential (LDR) to Medium Density Residential (MDR).

I, the undersigned, do hereby certify that, to the best of my knowledge, the information provided above is true and correct.

Applicant's Signature

Date: 04/09/2020

DocuSigned by:

Brad Niebuhr

Signature of owner or owner's authorized representative

DocuSigned by:

Emily Niebuhr

CITY OF KENNEWICK
COMMUNITY PLANNING & DEVELOPMENT SERVICES
APPLICATION (general form)

PROJECT # _____ - _____ PLN-2019 _____ -00081 FEE \$ _____

Please completely fill out this form and return it to Community Planning & Development Services, PO Box 6108, Kennewick, WA 99336, along with the application fee (see fee schedule). Attach a copy of the checklist for the land use application you are submitting. The application submittal must contain all of the information requested on the checklist in order to be processed. **Incomplete applications will not be accepted.**

Check one of the following for the type of application you are submitting:

Site Plan Tier 1 ☐ Tier 2 ☐ Tier 3 ☐ Binding Site Plan ☐
 Short Plat ☐ Conditional Use ☐ Other Comprehensive Plan Amendment

Environmental Determination PLN- _____ - _____ Pre Application Meeting PLN- _____ - _____

Applicant: Nathan Machiela (Knutzen Engineering)

Address: 5401 Ridgeline Dr Suite 160, Kennewick, WA 99338

Telephone: 509-222-0959 Cell Phone: _____ Fax: _____ E-mail nathan@knutzenengineering.com

Property Owner (if other than applicant): HN Development Partners

Address: 4721 W Canal Dr, Kennewick, WA 99336

Telephone: _____ Cell Phone: _____ E-mail _____

SITE INFORMATION

Parcel No. 133991020018001 Acres 0.36 Zoning: RL

Address of property: 4721 W Canal Dr, Kennewick, WA 99336

Number of Existing Parking Spaces 0 Number of Proposed (New) Parking Spaces 0

Present use of property A single family residence.

Size of existing structure: 2300 sq. ft. Size of Proposed addition/New structure: 0 sq. ft.

Height of building: N/A Cubic feet of excavation: 0 Cost of new construction N/A

Benton County Assessor Market Improvement Value: 49,250

Description of Project: Comprehensive plan change from Low Density Residential (LDR)

I, the undersigned, do hereby certify that, to the best of my knowledge, the information provided above is true and correct.

Applicant's Signature

Date: 04/26/2020

DocuSigned by:

Randy Hukles / Member, HN Development Partners
 Signature of owner or owner's authorized representative

1. State the requested amendment:

2. What are the reasons for the requested amendment:

3. Which elements of the Comprehensive Plan will be affected and how. Include detailed information on the provision of utilities such as water, sewer, power, etc., and how such utilities correspond with the City's various utility plans. Detailed information must also be submitted regarding what effect the proposed change will have on such services as fire, police, parks, schools, etc:

4. Indicate how the requested amendment will implement the Comprehensive Plan and be in the best interest of the Kennewick area, reference specific Comprehensive Plan policies that will be implemented:

5. Include any other substantiated information in support of the requested amendment:

3. *Which elements of the Comprehensive Plan will be affected and how? Include detailed information on the provision of utilities, such as water, sewer, power, etc., and how such utilities correspond with the City's various utility plans. Detailed information must also be submitted regarding what effect the proposed change will have on such services as fire, police, parks, schools, etc.*

Response: Both the land use and housing elements of the comprehensive plan would be affected by the proposed amendment. 3.8 acres would be transferred from Low Density Residential to Medium Density Residential and 3.62 acres would be transferred from Commercial to Medium Density Residential. City water is already available at the site. Sewer needs to be brought to the site, either from existing lines on Buchanan St or from lines within the railroad property to the North. The need for these facilities is unchanged and the demand is not expected to change significantly. Moving to a higher density residential usage could increase demand, while at the same time the transition from industrial to residential will likely decrease demand of these utilities, making it difficult to determine the effects on need for services. The demand for schools, parks and public transportation would be greater than lower density residential or industrial development. Police and fire services requirements will not change.

4. *Indicate how the requested amendment will implement the Comprehensive Plan and be in the best interest of the Kennewick area, reference specific Comprehensive Plan policies that will be implemented.*

Response: The proposed amendment would result in development that would help implement a wide variety of comprehensive plan goals and policies and would be in the best interest of Kennewick: by providing an opportunity for infill development and providing for new affordable housing. A more detailed description of how the proposal aligns with planning goals is listed below.

Urban Area Goal 2:

Encourage growth within the Urban Growth Area.

Policy 3: Encourage compact development patterns within the UGA that can be efficiently served by public facilities.

Response: The proposed comprehensive plan amendment would provide for growth in a manner that is consistent with the capital facilities plan, the capital improvements plan and would result in compact, infill development that would be efficiently served by public facilities. In particular, water service is already available in the area.

Residential Goal 1:

Provide for attractive, walkable and well-designed residential neighborhoods, with differing densities and compatible with neighboring areas.

Response: Approval of the comprehensive plan amendment as requested would result in the development of multi-family apartment complexes that would be located adjacent to other residential properties, thereby ensuring compatibility with neighboring areas as identified in this goal.

Housing Goal 3:

Promote affordable housing for all economic segments of the community.

Policy 1: Promote affordable infill residential construction through flexibility in development techniques.

Response: The proposed plan amendment represents an opportunity for infill residential development and would help to implement this planning goal.

Policy 4: Work with other jurisdictions and organizations, including the Kennewick Housing Authority and non-profit housing developers, to address the need for housing to be affordable to low and very low-income households.

Response: The owner intends to provide apartment housing at a lower cost than similar housing in the City of Kennewick, fulfilling this planning goal.



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

FILE/PROJECT NUMBER: ED 20-16/PLN-2020-01084

DESCRIPTION OF PROPOSAL: To amend the City of Kennewick Comprehensive Plan Land Use Map for 7.42-acres from Low Density Residential and Commercial to Medium Density Residential.

PROPOSER: Knutzen Engineering, c/o Nathan Machiela, 5401 Ridgeline Drive, Suite 160, Kennewick, WA 99338

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: 4711, 4717 & 4721 W Canal Drive

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: **August 5, 2020**

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
ED 20-16 File



Allyson Brooks Ph.D., Director
State Historic Preservation Officer

August 19, 2020

Gregory McCormick
Community Planning Director
City of Kennewick
210 W 6th Avenue
Kennewick, WA 99336

In future correspondence please refer to:

Project Tracking Code: 2020-08-05239

Property: City of Kennewick_Mueller Subdivision Project (ED 20-16/PLN-2020-01084)

Re: Survey Requested

Dear Gregory McCormick:

Thank you for contacting the Washington State Historic Preservation Officer (SHPO) and Department of Archaeology and Historic Preservation (DAHP) and providing documentation regarding the above referenced project. A desktop review of our Statewide Predictive Model has identified the proposed project area as having high potential for archaeological resources. This is due, in part, to the proximity of the proposed project area to the Columbia River, a resource known to have been important to both historic and prehistoric people. Further, the scale of the proposed ground disturbing actions would destroy any archaeological resources present. Identification during construction is not a recommended detection method because inadvertent discoveries often result in costly construction delays and damage to the resource. Therefore, we recommend a professional archaeological survey of the project area be conducted prior to ground disturbing activities. We also recommend consultation with the concerned Tribes' cultural committees and staff regarding cultural resource issues.

If any federal funds or permits are associated with this proposal, Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800, must be followed. This is a separate process from both the NEPA and SEPA environmental review processes and requires formal government-to-government consultation with the affected Tribes and the SHPO. Also, we appreciate receiving any correspondence or comments from concerned tribes or other parties concerning cultural resource issues that you receive.

These comments are based on the information available at the time of this review and on behalf of the SHPO in conformance with Washington State law. Should additional information become available, our assessment may be revised.

Thank you for the opportunity to comment on this project and we look forward to receiving the survey report. Please ensure that the DAHP Project Number (a.k.a. Project Tracking Code) is shared with any hired cultural resource consultants and is attached to any communications or submitted reports. Should you have any questions, please feel free to contact me.



Sincerely,

A handwritten signature in blue ink that reads "Sydney" followed by a stylized "H" and a long horizontal flourish.

Sydney Hanson
Transportation Archaeologist
(360) 586-3082
Sydney.Hanson@dahp.wa.gov



From: [Steve Donovan](#)
To: ["RaNaese Washam"](#)
Subject: RE: Project#CPA 20-07
Date: Wednesday, October 7, 2020 2:58:52 PM

Hello,

The proponents of the proposed comprehensive plan at this time intend to build multi-family apartment buildings at the site.

Feel free to contact me if you have further questions.

Steve

From: RaNaese Washam

Sent: Wednesday, October 7, 2020 1:03 PM

To: Steve Donovan

Subject: Project#CPA 20-07

Hello my name is RaNaese Washam my address is 1130 N. Arthur St. I would like to know by changing this zoning to medium density residential does this mean that apartments are going to be built on the total 7.42 acres? We have enough problems from the apartments on Buchanan & Cleveland Streets = 24/7 of drugs and gang activity. What gives to the home owners in Kennewick? Thank You, RaNaese Washam

Planning Commission Action Summary
CPA 20-07 – Knutzen Engineering

The Kennewick Planning Commission conducted a virtual public hearing on October 19, 2020. All interested parties were invited to come before the Commission and be heard. After reviewing the staff report and all oral and written facts and opinions, the Commission passed a motion on the proposed amendments concurring with the findings and conclusions in the staff report CPA 20-07 and recommend to City Council approval of the proposed comprehensive plan amendment contained in the staff report.

Findings of Fact

1. The applicant is Knutzen Engineering, c/o of Nathan Machiela, 5401 Ridgeline Drive, Suite 160, Kennewick, WA 99338.
2. The owners are Chervenell Construction, 7511 W Arrowhead Avenue, #B, Kennewick, WA 99336; Brad and Emily Niebuhr, 1771 Sorenson Road, Ellensburg, WA 98926; HN Development Partners, 4721 W Canal Drive, Kennewick, WA 99336.
3. The request is to change the land use designation for the subject parcel from Low Density Residential and Commercial to Medium Density Residential.
4. The City received the application on April 29, 2020 and routed it for review to various City Departments and other local, state and federal agencies for comment on July 14, 2020.
5. City water adjacent to the site. City sewer will need to be extended to the site from the west.
6. Access to the site is currently is via W Canal Drive.
7. The proposed amendment is adjacent to property designated Low Density Residential.
8. The City issued Determination of Non-Significance on August 5, 2020 for this application. The appeal period for the determination ended on August 19, 2020.
9. A public hearing notification sign was posted on site October 1, 2020.
10. Notice of the public hearing for this application was published in the Tri-City Herald on October 4, 2020. Notices were also mailed to property owners within 300 feet of the site on October 2, 2020.
11. The proposed amendment bears a positive relationship to the public health, safety, welfare and protection of the environment.
12. This 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.
13. The proposed amendment does not correct an obvious mapping error.
14. This request will not address an identified deficiency in the Comprehensive Plan.

Conclusions of Law

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation for the subject sites from Low Density Residential and Commercial to Medium Density Residential.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will permit an increase to residential opportunities in the area.
5. Future development of the site has the potential to affect the park and traffic system. Future development of the site is subject to applicable Park and Traffic Impact Fees.

The motion to recommend approval to City Council passed with a vote of 7 to 0.

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for CPA 20-05 closed at 6:55 p.m.

Vice Chairman Morris asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report CPA 20-05 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

Planning Commission Discussion:

None

The motion passed on a unanimous roll call vote.

PUBLIC HEARINGS

Vice Chairman Morris opened the virtual public hearing at 6:56 p.m. for Comprehensive Plan Amendment #20-07/PLN-2020-01085 proposing to change 7.42 acres located at 4711, 4717, and 4721 W. Canal Drive from Low Density Residential (LDR) and Commercial to Medium Density Residential (MDR). Applicant is Nathan Machiela, Knutzen Engineering, 5401 Ridgeline Dr. Ste. 160, Kennewick, WA 99338. Owner is Chervenell Construction.

Mr. Donovan gave a brief overview of the staff report; he referenced Exhibit A-5 from the Department of Ecology recommending an archaeological survey for possible artifacts; additionally we received a comment from a surrounding property owner (RaNaese Washam) - Exhibit A-6 and staff response to Exhibit A-6.

Staff recommends that the Planning Commission concur with the Findings and Conditions of the staff report CPA 20-07, and recommend to City Council APPROVAL of the request.

Planning Commission questions:

Commissioner Moore: Some of the comments from historic preservation – can this agency come to the site when the eventual development plan is in place. Mr. Donovan said he is not aware of them coming onsite for a survey of the property, they usually ask that you hire a professional to come on-site. Mr. Moore asked if this a recommendation or a condition. Mr. Donovan said at this time it is a recommendation only, although at project level it may be a condition of approval to have a site survey done.

Vice Chairman Morris: I have dealt with the Department of Archaeology, and when there were concerns they came out and did some digging; I have not seen a comment letter such as this with our past comp plan amendments and zone changes. Vice-Chairman Morris asked why we don't hear from them more frequently. Mr. Donovan said there have been some changes in that department, perhaps they are taking a closer look at certain areas; this area in particular seems to have some issues that precipitates a closer look.

Testimony of Applicant/Applicant's Representative:

Nathan Machiela
Knutzen Engineering
5401 Ridgeline Dr. Ste. 160
Kennewick 99338

Representing the applicant for this comp plan amendment; the owner of one of the parcels has all the rest of the parcels under contract, they will all be under one ownership when it goes through; this will be one cohesive development designed under one cohesive project. The zoning does vary, one is low density residential, commercial zoned property will also be going to medium density residential. The amendment will be fitting to the surrounding area; with County to the north and medium density residential in the general vicinity and to the southeast higher density and commercial to the west. There is a need for medium density development and it will fit in with the surrounding neighborhood; older part of town so it provides some needed development in an area with not quite as robust development; regarding the comment letter sent in by a neighbor, they were questioning whether it was higher density and apartments. We are limited by the medium density; it's not intended to be apartments it's restricted by zoning to 13 units per acre, which would be difficult to place apartments in that zone. Regarding the historical preservation comments from the DAP, they have been commenting all over the Tri-Cities area; we have about 8 other projects that have required a study. They typically make a recommendation whether it's significant historically/archaeologically or not, then we move on from there.

Testimony in favor:

Randy Hubbs
416 S. Wilson Street
Kennewick 99336

We hired Plateau Archaeological Investigations to conduct a survey; I received an email from the owner of the company, and they have done their field survey and are compiling their survey report. We should have an answer to all of that by the end of this week or first part of next week.

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for CPA 20-07 closed at 7:12 p.m.

Vice Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 20-07 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Moore seconded the motion.

Planning Commission Discussion:

None

The motion passed on a unanimous roll call vote.

VISITORS NOT ON AGENDA:

Bill Dixon complemented staff on the updating of the Planning Commission webpage; he stated that it is much more user friendly for navigating, commenting, etc. Only problem is if you just want to listen, there is no way to register if you just want to listen to the hearing.

OLD BUSINESS:

a. City Council Action Updates – None

NEW BUSINESS:

a. Election of Officers

Vice Chairman Morris announced that nominations are now in order for the office of Chairman of the Planning Commission.

Commissioner Stolle moved and Commissioner Hempstead seconded to nominate Vice Chairman Morris as Chairman of the Planning Commission. Vice Chairman Morris asked twice more if there were any additional nominations for Chairman; there were no additional nominations for Chairman. The motion passed unanimously. The 2020 Planning Commission Chairman is Victor Morris.

Vice Chairman Morris announced that nominations are now in order for the office of Vice Chairman of the Planning Commission.



City Council Meeting Schedule February 2021

City Council temporarily designated the location for regular, special and study session meetings to a virtual location until termination of the state of emergency or until rescinded. The City broadcasts City Council meetings on the City's website <https://www.go2kennewick.com/CouncilMeetingBroadcasts>.

February 2, 2021

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

February 9, 2021

Tuesday, 6:30 p.m.

WORKSHOP MEETING (the workshop meeting will be done via Zoom and broadcast on the City's website

<https://www.go2kennewick.com/CouncilMeetingBroadcasts>)

1. KFD Peak Hours Schedule Pilot Program
2. Fire Arms Code Amendment

February 16, 2021

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

February 23, 2021

Tuesday, 6:30 p.m.

WORKSHOP MEETING (the workshop meeting will be done via Zoom and broadcast on the City's website

<https://www.go2kennewick.com/CouncilMeetingBroadcasts>)

1. KPD/Mental Health Professional Update
2. Fire Station No. 1/Administration Facility Update
3. Committee Updates

To assure disabled persons the opportunity to participate in or benefit from City services, please provide twenty-four (24) hour advance notice for additional arrangements to reasonably accommodate special needs.

Please be advised that all Kennewick City Council Meetings are Audio and Video Taped

February 2021
Updated 01/27/20



City Council Meeting Schedule March 2021

City Council temporarily designated the location for regular, special and study session meetings to a virtual location until termination of the state of emergency or until rescinded. The City broadcasts City Council meetings on the City's website <https://www.go2kennewick.com/CouncilMeetingBroadcasts>.

March 2, 2021

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

March 9, 2021

Tuesday, 6:30 p.m.

WORKSHOP MEETING (the workshop meeting will be done via Zoom and broadcast on the City's website <https://www.go2kennewick.com/CouncilMeetingBroadcasts>)

1. Legislative Update
2. KPD Drone Update
3. 2021 Street Preservation Program

March 16, 2021

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

March 23, 2021

Tuesday, 6:30 p.m.

WORKSHOP MEETING (the workshop meeting will be done via Zoom and broadcast on the City's website <https://www.go2kennewick.com/CouncilMeetingBroadcasts>)

1. Entertainment District Update
2. Kennewick Public Facilities Update

March 30, 2021

Tuesday, 6:30 p.m.

NO MEETING SCHEDULED

To assure disabled persons the opportunity to participate in or benefit from City services, please provide twenty-four (24) hour advance notice for additional arrangements to reasonably accommodate special needs.

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March 2021
Updated 01/26/21