

CITY OF KENNEWICK HEARING EXAMINER

<p>IN THE MATTER OF</p> <p>SUB-2026-0004</p> <p>The Row at Ione Subdivision</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>FINDINGS OF FACT,</p> <p>CONCLUSIONS OF LAW,</p> <p>DECISION, AND CONDITIONS OF</p> <p>APPROVAL</p>
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THIS MATTER having come on for hearing in front of the City of Kennewick Hearing Examiner on June 8, 2026, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. A Preliminary Plat proposed to subdivide a 1.48-acre parcel into 16 townhome lots and two standard single-family lots.
2. Proposal Location: 840 W Kennewick Ave
3. Legal Description: Parcel # 1-0189-207-0025-000 OLMSTED ADDITION TO KENNEWICK BLOCK 25: TOGETHER WITH ALL OF VACATED CANAL STREET ADJOINING: SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, 6/15/59. EASEMENT 10/6/80
4. Property Owner: FKT Enterprises LLP, 840 W Kennewick Ave, Kennewick, WA 99336
5. Applicant: Harms Engineering, c/o Christine Batayola, 1632 W Sylvester St, Pasco, WA 99301
6. Engineer: Same as above
7. Approval Criteria:
 - 7.1. Comprehensive Plan – Land Use
 - 7.2. Kennewick Municipal Code (KMC) Title 18 – Zoning
 - 7.3. KMC Title 17 – Subdivisions
 - 7.4. KMC Section 5.56 – Public Works Construction Standards
8. Preliminary Plat Key Application Processing Dates:

Pre-Application/Feasibility Meeting	N/A
Application Submittal	March 20, 2026
Determination of Completeness Issued	March 26, 2026
Notice of Application	March 26, 2026
Property Posting Sign	March 26, 2026
City Department Review Meeting	N/A
SEPA Threshold Determination Issued	N/A
SEPA Appeal Period Ends	N/A
Date of Published Notice of Public Hearing	May 24, 2026
Date of Posting Hearing Notice On-Site	May 21, 2026
Date of Mailed Notice of Public Hearing	May 20, 2026

9. Analysis of Proposal & Discussion:

- 9.1. Preliminary Plat: The proposed Preliminary Plat (SUB-2026-0004) is a request for the subdivision of 1.48 acres into 18 lots (16 townhome lots and 2 standard single-family lots). The project is generally located at 840 W Kennewick Ave. The subject property currently contains 1 home that is proposed to be divided into two separate units on their own lots. The plat is proposed as "The Row at Ione".
- 9.2. The site has a Comprehensive Plan Land-Use Designation of Low Density Residential and is zoned Residential, Low Density (RL). The minimum standard lot size in the RL zone is 5,500 square feet, and the minimum townhome lot size is 1,800 square feet.
- 9.3. A Preliminary Plat is the first step in subdivision process for subdivisions with more than nine (9) lots and is an approval for overall lot layout and compliance with land use regulations. A Final Plat is required for preliminary plats and is the last phase in the subdivision process and must be recorded prior to the creation of individual lots.
- 9.4. Proposed plats are subject to the processing requirements of KMC 17.10 – Platting and the design requirements of KMC 17.20 – Design and Construction. Final plat approval is based on the Preliminary Plat conditions of approval. A civil permit with a detailed review of street, utility and stormwater construction standards, and street and utility construction or bonding for incomplete work is required prior the final plat approval.

10. Property History:

- 10.1. The property is part of the Olmstead Addition to Kennewick, and the plat was approved in 1909. The existing home on the property was built in 1940.

11. Density/Lot Size:

- 11.1. Per the Table of Residential Development Standards (KMC 18.12.010 A.2), the RL zoning district has a minimum standard lot size requirement of 5,500 square feet and a minimum townhome lot size of 1,800 square feet.
- 11.2. The proposed development has a minimum residential lot area of 2,025 square feet, a
- 11.3. maximum residential lot area of 11,262.21 square feet, with an overall lot average of 3,585.88 square feet.
- 11.4. As proposed, the preliminary plat meets the Residential Development Standards pursuant to KMC 18.12.010(A.2), and is subject to the Residential Design Standards, Single-Family and Middle Housing.

12. Setbacks:

- 12.1. The applicant has not proposed any deviations from the required setbacks. The RL Zone has the following setback requirements:
- 12.1.1. Front: 15 feet
- 12.1.2. Garage: 20 feet
- 12.1.3. Side: 5 feet
- 12.1.4. Rear: 15 feet

13. Traffic:

- 13.1. A Traffic Impact Analysis was not required for this project (Exhibit 5). Specific conditions of approval for road construction requirements and traffic impact fees have been submitted by the Traffic Engineering Division. See Exhibit 5.

14. Storm Water:

14.1. Residential sub-divisions must meet the standards in the Storm Water Management Manual for Eastern Washington (SMMEW) and COK Standard Specification Section 5-9. See Exhibit 4.

15. Streets & Utilities:

15.1. The developer will be required to construct the proposed roads, sidewalks, streetlights, storm drainage, and designate sidewalk and utility easements all in conformance with the latest City of Kennewick (COK) Standard Specifications and details. See Exhibit 4.

16. Critical Areas:

16.1. The Site is in a Critical Aquifer Recharge Area. The applicant has submitted a letter (Exhibit 6) stating that no prohibited uses or activities will be a part of this development.

17. Grading:

17.1. Grading of the site will be permitted once the Civil Plans are approved or a Grading Permit is approved.

18. Parks:

18.1. The proposed development is subject KMC Chapter 3.90, which establishes a park impact fee. The proposed development is within Park Impact Fee Zone East and is subject to the park impact fees listed in KMC 3.90.160 for Single and Multi-Family Units. Park impact fees are due prior to issuance of the Certificate of Occupancy.

19. Common Area Maintenance:

19.1. A maintenance agreement for common open space, tracts, private streets, and shared driveways will be required to be approved by the City Attorney and recorded against the property. Per KMC 18.45.100, a Homeowner's/Property Owner Association is required for maintenance and management of open space, tracts, common areas, and private roads.

20. Schools:

20.1. The boundary schools for the proposed development are Amistad Elementary School, Park Middle School, and Kennewick High School.

20.2. Kennewick School District has not submitted any comments related to this proposal.

21. Kennewick Irrigation District:

21.1. Kennewick Irrigation District has submitted comments related to the proposal. See Exhibit 8.

22. Surrounding Property:

22.1. The subject property is flanked by single-family development on all sides. The properties surrounding the subject lot are zoned Residential, Low Density (RL) to the west, and properties zoned Residential, Medium Density (RM) to the north, south, and east.

23. Provisions for Public Health, Safety, and Welfare:

23.1. The Hearing Examiner finds that appropriate provisions have been made for the following: public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, public sidewalks, utility easements and other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation areas, playgrounds, schools and school grounds, and the proposed subdivision has considered all other relevant facts and

other planning features that assure safe walking conditions for students who walk to and from school.

24. Comprehensive Plan:

24.1. The Hearing Examiner finds that this request is consistent with and generally conforms to the City's Comprehensive Plan, and it will implement goals and policies of the Comprehensive Plan. Particularly the following:

24.2. RESIDENTIAL GOALS + POLICIES:

24.2.1. RESIDENTIAL GOAL 1: Provide for attractive, walkable, and well-designed residential neighborhoods, with differing densities and compatible with neighboring areas.

24.2.1.1. The proposed Preliminary Plat is consistent with the Comprehensive Plan Land Use and complies with development standards for the Residential, Low-Density (RL) zoning district. The applicant intends to develop a single-family residential neighborhood.

24.2.2. RESIDENTIAL GOAL 2: Provide appropriate public facilities supporting residential areas.

24.2.2.1. POLICY 1: Ensure provision of parks, schools, drainage, transit, water, sanitation, infrastructure and pedestrian in new residential developments.

24.2.2.2. The proposed development will be connected to City water and sewer utilities.

24.2.3. RESIDENTIAL GOAL 3: Promote a variety of residential densities with a minimum density target of 3 units per acre as averaged throughout the urban areas.

24.2.3.1. POLICY 1: Establish and implement maximum densities in the City's residential zoning categories.

24.2.3.2. As proposed, the development meets Goal 3 by providing new low-density housing in an area already zoned and constructed for low-density housing.

24.3. HOUSING GOALS + POLICIES:

24.3.1. GOAL 1: Support and develop a variety of housing types and densities to meet the diverse needs of the population.

24.3.2. The development will consist of both town homes and standard single-family homes. Both housing types have the potential to meet the needs of the City's population.

25. An open record public hearing after due legal notice was held on June 8, 2026.

26. The following exhibits were entered into the record at the hearing:

- 26.1. Ex. 1 Staff Report
- 26.2. Ex. 2 Preliminary Plat
- 26.3. Ex. 3 Notice of Public Hearing Mailing
- 26.4. Ex. 4 Public Works comments
- 26.5. Ex. 5 Traffic Engineering Division comments
- 26.6. Ex. 6 Critical Aquifer Recharge Area Letter
- 26.7. Ex. 7 Benton Clean Air Agency comments

- 26.8. Ex. 8 Kennewick Irrigation District Comments
 - 26.9. Ex. 9 Public comment- Blegen-Frost
 - 26.10. Ex. 10 Public comment – D.R. Hostick
 - 26.11. Ex. 11 Public comment – Gonzales
 - 26.12. Ex. 12 Public comment – Hostick
 - 26.13. Ex. 13 Public comment – J. Scharold + Planning Response
 - 26.14. Ex. 14 Public comment – K. Scharold
 - 26.15. Ex. 15 Public comment – Van Denend
 - 26.16. Ex. 16 Public comment – Frost
 - 26.17. Ex. 17 Public comment -Ash
 - 26.18. Ex. 18 Public Comment – Bernard
 - 26.19. Ex. 19 Public Comment – Moak
 - 26.20. Ex. 20 Public Comment – Hansen
 - 26.21. Ex.21 Public Comment – Seybold
 - 26.22. Ex.22 Public Comment – Terrass
 - 26.23. Ex.23 Public Comment – Nusbaum
 - 26.24. Ex.24 Public Comment – Shiplet
 - 26.25. Ex.25 Public Comment – Mikels
 - 26.26. Ex.26 Public Comment – Hostick 6/5/2026
 - 26.27. Ex.27 Public Comment – Eastland
 - 26.28. Ex.28 Public Comment – Swihart
 - 26.29. Ex.29 Public Comment – DR Hostick 6/5/2026
 - 26.30. Ex 30 Staff Power Point
27. Appearing and testifying at the hearing on behalf of the Applicant was Zachariah Kellogg. Mr. Kellogg testified that he was an agent to appear and speak on behalf of the applicant and property owner. Mr. Kellogg indicated that he reviewed the staff report and agreed with all the representations contained therein. He also reviewed the proposed conditions of approval and had no objection to any of those. He stated that the Applicant would comply with all city rules and regulations and that improvements would be made to Ione Street. He stated that the townhomes would be duplexes. He stated that parking would comply with City requirements.
28. Testifying from the public were the following individuals:
- 28.1 Kiara Gonzalez
 - 28.1 Donna Hostick
 - 28.3 Susan Mikels
 - 28.4 Dean Hostick
 - 28.5 Lily Jones
 - 28.6 Ed Frost

- 28.7 Kara Scharold
- 28.8 Joyce Scharold
- 28.9 Leigh Terrass

- 29. The vast majority of the public comments were opposed to approval of the project. The primary complaints were that the density was out of character with the neighborhood, that the area has historic homes on larger lots, and that this project was not in character with these uses, that the project is at the limits of the low density zoning allowances and will create traffic and pedestrian safety issues, on street parking concerns, and that the goals of the comprehensive plan are not being met.
- 30. There were public comments in favor stating that the affordable housing is needed and the benefits that all the area homeowners have in common being close to downtown.
- 31. One person testified that a traffic signal at Ione and Kennewick Ave. would resolve the traffic and pedestrian safety issues, especially related to elementary school children walking to school.
- 32. Any Conclusion of Law that more appropriately a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

- 1. The Hearing Examiner has been granted the authority to render this decision.
- 2. As conditioned, this project is consistent with the Kennewick Municipal Code and Kennewick Comprehensive Plan.
- 3. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, the Hearing Examiner **APPROVES** the request as set forth in SUB-2026-0004.

IV. CONDITIONS OF APPROVAL

- 1. The Applicant shall comply with City of Kennewick regulatory controls, policies and codes, including the Residential Single-family and Middle Housing Design Standards.
- 2. All fees required by the City shall be paid prior to the approval of the final plat.
- 3. The subdivision shall be in conformance with the Preliminary Plat Drawing shown in Exhibit 2.
- 4. The existing building must be separated into a duplex according to building code before Final Plat is approved.
- 5. The Applicant shall execute a written agreement to the satisfaction of the City Attorney, which will allow the City to make arrangements for maintenance of the common areas, open spaces, private roads, access driveways, and landscaped areas should the Homeowner's Association fail or refuse to maintain these areas. The agreement must be recorded with the final plat.
- 6. The Applicant shall comply with the Public Works Memorandum dated April 13, 2026 (Exhibit 4).

7. The Applicant shall comply with Traffic Engineering Division Memorandum dated April 8, 2026 (Exhibit 5).
8. The Applicant shall comply with Kennewick Irrigation District Letter dated April 8, 2026 (Exhibit 8).
9. The Applicant shall comply with the Benton Clean Air Agency Comments, dated March 26, 2026 (Exhibit 7).
10. The Applicant shall provide dust control method(s) such as hydro seeding for all areas of the site that are disturbed.
11. The plat is subject to applicable requirements of KMC Chapter 3.90 – Impact Fees for Parks, Open Space, and Recreation Facilities.
12. Pursuant to KMC 17.10.070, Preliminary Plat SUB-2026-0004 expires 5 years from the approval date, the City can grant an extension, the extension must be applied for prior to the preliminary plat expiration.

Dated this 10 day of June, 2026.

CITY OF KENNEWICK HEARING EXAMINER



Andrew L. Kottkamp

Absent a timely appeal, this Decision is final¹

¹ **4.02.140: - Appeal of Final Decisions.** The Planning Director, or any interested party affected by the Examiner's written final decision, may appeal the decision to the Benton County Superior Court within 21 days. (Ord. 5321 Sec. 1, 2010)