

1. CALL TO ORDER:

- a. Roll Call/Pledge of Allegiance

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

- a. Approval of the Minutes dated September 17, 2018
- b. Approval of Agenda
- c. Motion to enter Staff Report(s) into Record

3. PUBLIC HEARING:

- a. Proposed Amendments to KMC 18.12.315 – Wireless Communications Facilities.
- b. Change of Zone (COZ) # 18-05 proposing to change 23.15 acres from Residential, Medium Density (RM) and Commercial, Community (CC) to Public Facility (PF), located at 1000 W. 4th Ave., Kennewick, WA 99336. Applicant is Kennewick School District, 1000 W. 4th Avenue, Kennewick, WA, 99336.
- c. Change of Zone (COZ) # 18-06 proposing to change two parcels of land 7.42 and 4.14 acres in size from Industrial Light (IL) to Public Facility (PF), and one parcel of land 31.54 acres in size from Open Space (OS) to Public Facility (PF), located at the railroad right of way at the west and east of N. Edison St., and at 600 N. Arthur St. Applicant is Kennewick School District, 1000 W. 4th Avenue, Kennewick, WA, 99336.
- d. Change of Zone (COZ) # 18-09 proposing to change 2 acres located at 1863, 1903, and 1917 W. 19th Ave. from Residential, Suburban (RS) and Residential, Low Density (RL) to Residential, Medium (RM). Applicant is Brad Beauchamp, 4001 S. Vancouver "St., Kennewick, WA 99337.

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

- a. City Council Action Updates

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

**KENNEWICK PLANNING COMMISSION
SEPTEMBER 17, 2018
MEETING MINUTES**

CALL TO ORDER

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

Commissioner Helgeson led the Pledge of Allegiance.

Recorder Melinda Didier called the roll and found the following:

Present: Commissioners Rob Rettig, Charles Torelli, Clark Stolle, Thomas Helgeson, Vice Chairman Morris.

Excused: Commissioner Anthony Moore and Chairman Ed Pacheco.

Unexcused: None

Staff Present: Greg McCormick, AICP Planning Director; Wes Romine, Development Services Manager; Steve Donovan, Planner; Melinda Didier, Planning Administrative Assistant/Recorder.

CONSENT AGENDA

- a. Approval of Agenda
- b. Approval of the August 20, 2018 & August 27, 2018 Meeting Minutes
- c. Motion to enter Staff Reports into the Record

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

PUBLIC HEARINGS

Vice Chairman Morris opened the public hearing at 6:34 p.m. for Change of Zone (COZ) #18-04 from Business Park (BP) to Commercial, Community (CC) for property located at 11211 W. Clearwater Avenue, Kennewick, WA 99338. Applicant is EA "Rusty" Morse, 341 Falconridge Street, Richland, WA 99352.

Mr. Donovan gave a brief overview of the staff report, and presented a Power Point of the staff report; Staff recommends that the Planning Commission concur with the Findings and Conditions of the staff report COZ 18-04, and recommend to City Council approval of the request.

Planning Commission questions included: None

Testimony of Applicant:

Rusty Morse
341 Falconridge St.
Richland, WA 99352

2.5 year process to change 80 acres and on this site; primary reason for development agreement; will have to put easement realignment and tie into 10th from Clearwater Ave; in order to avoid long narrow strip of land wanted to change zone for BLA.

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for COZ 18-04 closed at 6:41 p.m.

Chairman Pacheco asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report COZ #18-04 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Rettig seconded the motion.

Planning Commission discussion included: None

The motion passed unanimously.

Vice Chairman opened the public hearing at 6:43 p.m. for Zoning Ordinance Amendment (ZOA) #18-02 proposing to amend the KMC 18.12.270 to allow Transportable Units (shipping containers) in good repair to be used for storage in Public Facility (PF) zones. Applicant is Knutzen Engineering, 5453 Ridgeline Dr. Ste. 120, Kennewick, WA 99338.

Mr. Romine gave a brief overview of the staff report and presented a Power Point of the staff report. Staff recommends that the Planning Commission concur with the findings and conclusions contained in staff report ZOA 18-02 and recommend to City Council approval of the request.

Planning Commission questions included:

Who decides what good repair of unit looks like; how do you reconcile aesthetic differences; a lot of code is subjective; familiar with containers – rough looking, if not shielded they can look rough.

Testimony of Applicant:

Doug Carl
4607 W 20th Avenue
Kennewick 99338

Rail cars were rough; trailers being purchased are much better; painted and refurbished to client specification; sports teams use them frequently to store sporting equipment at school fields; the company works very hard to keep in good condition; handy and practical; they come painted and staff works to keep functional and presentable.

Testimony in favor:

Paul Knutzen
5453 Ridgeline
Kennewick 99338

Doug knows much more about it; went into critical areas, had a bit of difficulty with the code as far as placement during construction; need outside storage for parents and coaches to store sporting equipment at school fields; strictly for PF zones only; chances slim to take advantage of for storage units.

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for ZOA 18-02 closed at 7:00 p.m.

Vice Chairman Morris asked for a motion.

Commissioner Torelli moved to concur with the findings and conclusions in staff report ZOA 18-02 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Rettig seconded the motion.

Planning Commission discussion included:

Worked in semi-industrial and familiar with Conex boxes; PF designation restricts abuse of product; how do you monitor the condition of storage containers as a City; advantages to school district and other PF districts like the city; PF is the idea – good repair not enforceable, language will last.

The motion passed unanimously.

Vice Chairman Morris opened the public hearing at 7:04 p.m. for Zoning Ordinance Amendment 18-03 proposing amendments to KMC 18.12, 18.24, 18.45, 17.100.

Mr. McCormick gave a brief overview of the staff report and presented a Power Point of the staff report. Staff recommends that the Planning Commission concur with the findings and conclusions contained in staff report ZOA 18-03 and recommend to City Council approval of the request.

Planning Commission questions included:

On the setback table, that is verbatim no changes; roof pitch footnote will allow a perfectly flat roof – is that the intent; was there comment received on the code amendments; paragraph one park impact fees 18.12, do you need 18.12.010.

Testimony of Applicant:

None – City is Applicant

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for ZOA 18-03 closed at 7:17 p.m.

Vice Chairman Morris asked for a motion.

Commissioner Torelli moved to concur with the findings and conclusions in staff report ZOA 18-03 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

Planning Commission discussion included:

None

The motion passed unanimously.

VISITORS NOT ON AGENDA:

None

OLD BUSINESS:

- a. **City Council Action Updates** - September 25, 2018: Annual Comp Plan Amendments; Community Planning Department Update. October 16, 2018: Reading and adoption of approved Comp Plan Amendments.

NEW BUSINESS:

None

REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:

None

ADJOURNMENT:

The meeting was adjourned at 7:20 p.m.



CITY ATTORNEY'S OFFICE

STAFF REPORT AND RECOMMENDATION TO
THE PLANNING COMMISSION

FILE NO: ZOA 17-10/AMD 2017-03067

Public Hearing Date: December 3, 2018

Request: Amend certain sections of the Kennewick Municipal Code (KMC) to implement the Federal Communications Commission declaratory ruling and order related to small cellular wireless technology

Applicant: City of Kennewick

Staff Contact: Lisa Beaton, City Attorney

Background:

The Federal Communications Commission adopted a declaratory ruling and order on September 27, 2018, which dramatically preempts local authority on the siting of cellular wireless technology – specifically small cell facilities in the public rights of way. The effective date of the new FCC rules is January 14, 2019. The new rules will: (1) shorten the time cities have to process small cell applications to either 60 or 90 days depending on whether they are being mounted on an existing or new structure; (2) limit application fees for small cells to \$500, and recurring fees to \$270 per site, per year for small cells attached to city infrastructure in the right of way; (3) prohibit cities from assessing fees that include anything other than a reasonable approximation of reasonable costs directly related to maintaining the rights-of-way and the small cell facility; and (4) limit aesthetic review and requirements (including undergrounding and historic/environmental requirements) to those that are reasonable, comparable to requirements for other right-of-way users, and published in advance.

The proposed amendments to KMC 18.12.310 and 18.12.315 in addition to amendments to KMC 4.14, 4.16 and 5.20 are intended to revise the City small cell provisions to comply with the FCC Order. Specifically, the aesthetic/design standards are being moved to KMC 4.14, with a more detailed description of the standards which will apply depending upon the type of structure.

Proposal:

- KMC 4.14
 - Consolidation of review to meet shot clock;
 - Incorporate definition of small cell from the FCC order;

- Allows for PW Director to adopt rules addressing the integrity of city structures;
- Aesthetic standards moved from 18.12.315 to 4.14- adds additional standards depending upon attachment to wood or metal poles.
- KMC 4.16
 - Definition section amended to reflect the proper cross reference;
 - Adopts the federal shot clocks.
- KMC 5.20
 - Adopts new tolling provision consistent with FCC Order; ten days to determine completeness if it's a small cell franchise application.
- KMC 18.12.310
 - Housekeeping amendments related to application of the FCC Order to small cell facilities outside of the right of way.
- KMC 18.12.315
 - Amended to move the aesthetic standards to KMC 4.14;
 - Adopts standards for attachment to non-wooden poles;
 - Adopts standards for attachment to wood poles;
 - Adopts standards for wireline attachment and attachment to existing buildings;
 - Adopts standards for new poles in the right of way and concealment.

Findings:

1. The proposed revisions to KMC 18.12.310 and KMC 18.12.315 will bring Kennewick's codes related to small cell facilities into compliance with the FCC Preemption Order issued September 27, 2018.
2. Proposed revisions have been sent to the Washington State Department of Commerce for review as required under RCW 36.70A.106 on November 14, 2018. Acknowledgement that Kennewick was granted expedited review and met the Growth Management Act notice to state agency requirements in 36.70A.106 was received on November 30, 2018.
3. A Determination of Non-Significance was issued for proposed amendments to KMC 18.12.310 and KMC 18.12.315 Wireless Communication Facilities and Design Standards, November 29, 2018. The appeal period expires on December 13, 2018.
4. Notice of the public hearing on the proposed amendments was published in the Tri-City Herald on November 18, 2018.

Conclusion:

By adopting the proposed amendments to KMC 18.12 in conjunction with additional changes to KMC 4.14, 4.16 and 5.20 as presented, the City's code provisions related to small cell facilities will be in compliance with the FCC Order.

Recommendation:

Staff recommends that the Planning Commission concur with the proposed changes, findings and conclusions and recommend approval to City Council.

CITY OF KENNEWICK
ORDINANCE NO. 5792

AN ORDINANCE RELATING TO SMALL CELL DEPLOYMENTS:
FRANCHISE AND SMALL CELL PERMITS AND AMENDING CHAPTER
4.14 OF THE KENNEWICK MUNICIPAL CODE

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

Section 1. Chapter 4.14 of the Kennewick Municipal Code, be, and the same hereby is, amended
to read as follows:

4.14.010: Overview.

In order to manage its right-of-way in a thoughtful manner which balances the need to accommodate new and evolving technologies with the preservation of the natural and aesthetic environment of the City while complying with the requirements of State and federal law, the City of Kennewick has adopted this process for the deployment of small cell and microcell technology. Service providers who seek to utilize the public right-of-way for small cell deployment in order to provide wireless communication, data transmission or other related services to the citizens of the City must have a valid franchise to provide the specific service and a Small Cell Permit to deploy the technology. Entities with franchises who wish to utilize a small cell deployment to upgrade or expand their services shall utilize the processes set forth in this ordinance and implementing Small Cell Permits to deploy their technology and obtain design approval of specific installations. The Small Cell Permit process administers deployment under the franchise. An entity without a franchise shall apply for a franchise and adjunct Small Cell Permit which shall be processed concurrently as one Master Permit within the meaning of RCW 35.99.010(3) and 35.99.030. For entities with a valid franchise, see KMC 4.14. [All required permits for a small cell deployment shall be consolidated for review.](#)

- (1) Nothing in this ordinance revises or diminishes the rights and obligations of an existing franchise.
- (2) The term "small cell deployment" shall include the deployment of small cell facilities and small cell networks as [small wireless facilities as that term is](#) ~~those terms are~~ defined by [47 CFR § 1.6002](#) ~~RCW 80.36.375~~. Small cell deployment elements which require SEPA, [Critical Areas or Shorelines](#) review [shall comply with those review processes.](#) ~~may utilize these processes only in conjunction with SEPA review.~~
- (3) Definitions for terms used in this chapter can be found in KMC Chapter 4.16.

([Ord. 5792 Sec. 1 \(part\) 2018; Ord. 5733 Sec. 1 \(part\), 2017](#))

4.14.020: Application.

Applicants shall apply using the City's franchise application form and submit a fee deposit commensurate with the estimated administrative costs of processing an application for a franchise. See Chapter 5.20 KMC for basic requirements. The fee deposit level shall be set by the Director of Public Works ("Director"). The Director and his or her designee shall coordinate review with the Planning Director with respect to [small cell](#) deployments which require review

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under KMC 18.12.315 [in one consolidated process](#). Phased development is permitted and an applicant is encouraged to specify at least the initial small cell deployment in its application.

The following information shall be provided by all applicants for franchises seeking to utilize small cell deployment in addition to the information provided pursuant to Chapter 5.20 KMC. Existing franchisees who seek to utilize a small cell deployment to expand, assist or implement an existing franchise may provide the information as a part of a Small Cell Permit application for small cell deployment.

- (1) Designation of Facilities. The application shall provide specific locational information including GIS coordinates of all facilities, and specify whether and where small cell facilities are to be located on existing utility poles including City-owned light standards (included in the definition of utility pole), or will utilize replacement utility poles, new poles, towers, and/or other structures. Conduit and/or ground-mounted equipment necessary for and intended for use in the deployment shall also be specified regardless of whether the additional facilities are to be constructed by the applicant or leased from an infrastructure provider. Detailed schematics and visual renderings of the facilities shall be provided by the applicant. Failure to provide sufficient detail may result in a later finding of a significant change in the facility if the facility is not accurately shown on the originally approved franchise exhibit. Failure to specify elements may also result in the requirement that new or undocumented elements complete the approval processes detailed in this Chapter and/or KMC 4.16.
- (2) Implementation. The rights granted under a franchise are implemented through the issuance of Small Cell Permits. The franchise application may be accompanied by ~~one or more~~ applications for a Small Cell Permit to deploy small cells. An initial franchise and all related Small Cell Permit applications [including right-of-way use permits](#) shall be processed concurrently as one Master Permit. See RCW 35.99.010(3) for the definition of "master permit."
 - ~~(a) Up to 20 sites may be specified in one Small Cell Permit application for processing. The Director may approve up to ten additional sites in order to consider small cell sites within one logical service area in one application.~~
 - ~~(ab)~~ Issuance of a Small Cell Permit to install a small cell deployment shall be contingent upon approval of a franchise or the possession of a valid franchise.
 - ~~(c) If more than one application for a Small Cell Permit is submitted by an applicant, they shall be considered in the order received. If multiple applications are submitted on the same date, the applicant shall indicate which application should be considered first.~~
 - ~~(b)~~ All Small Cell Permits which are submitted in conjunction with a franchise application shall be considered as one Master Permit.
 - ~~(i) PROVIDED, HOWEVER, that an applicant with an existing franchise may, at the applicant's sole discretion, elect to utilize the expedited review process set forth in KMC 4.14.090.~~
 - (ii) Any element of a deployment which qualifies as either an Eligible Facilities Request or a collocation shall be specifically designated by the applicant and may be addressed separately by the Director in order to comply with the shot clocks established by federal law and KMC 4.16.

- (cd) The Director may approve, deny or conditionally approve all or any portion of the sites proposed in the Small Cell Permit application.
- (de) Any application for a franchise or Small Cell Permit which contains an element which is not exempt from [Critical Areas, Shorelines or](#) SEPA review shall simultaneously apply under Chapter 43.21C RCW and Chapters [4.08 and 18.58 to 18.68](#). ~~See also KMC 4.08.~~
- (ef) RF Certification. The applicant shall submit a sworn affidavit signed by an RF Engineer with knowledge of the proposed project affirming that the small cell deployment will be compliant with all FCC and other governmental regulations in connection with human exposure to radio frequency emissions for every frequency at which the small cell facility will operate. If facilities necessary to the Small Cell Deployment are to be provided by another franchisee, then the Small Cell Deployment in the initial franchise or in a subsequent Small Cell Permit shall be conditioned on an RF Certification showing the cumulative impact of the RF emissions on the entire installation.
- (fg) Regulatory Authorization. Issuance of the Use Permit for the facilities shall also be contingent upon the applicant's provision of proof of FCC and other regulatory approvals required to provide the service(s) or utilize the technologies sought to be installed.
- (g) [Recognizing that small cell technology is rapidly evolving, the Public Works Director is authorized to adopt and publish standards for the technological and structural safety of City-owned light standards and utility structures and to formulate and publish application questions for use when an applicant seeks to attach to City-owned utility structures.](#)

([Ord. 5792 Sec. 1 \(part\), 2018; Ord. 5733 Sec. 1 \(part\), 2017](#))

4.14.030: Review Process.

The following provisions relate to applications for a franchise [and/or](#) Small Cell Permit for small cell deployments.

- (1) Review of Facilities. Review of the site locations proposed by the applicant shall be governed by the provisions of 47 USC 253 and 47 USC 332 and applicable case law. Applicants for franchises and [all permits including the](#) Small Cell ~~P~~permits which implement the franchise shall be treated in a competitively neutral and non-discriminatory manner with other service providers utilizing supporting infrastructure which is functionally equivalent, that is, service providers whose facilities are similarly situated in terms of structure, placement or cumulative impacts. Franchise and Small Cell Permit review under this chapter shall [be conducted in a manner which](#) neither prohibits nor has ~~ve~~ the effect of prohibiting the ability of an applicant to provide telecommunications services.
- (2) Concealment. In any zone not designated by KMC 18.12.315 ~~(e)(3)~~ [\(5\)](#) for design review ("design review"), upon application for a Small Cell Permit or for facilities designated within a franchise, the City will permit small cell deployment on existing utility poles and replacement poles conforming to the City's generally applicable pole design standard adopted pursuant to KMC [4.14.050](#) ~~18.12.315~~. Accordingly, small

cell facilities installed pursuant to this concealment authorization may not be expanded pursuant to an Eligible Facilities Request.

- (3) Design Review. Small cell deployment in Design Zones and Undergrounded Areas, as well as certain new or replacement facilities, are subject to design review. See KMC 18.12.315.

([Ord. 5792 Sec. 1 \(part\), 2018](#); [Ord. 5733 Sec. 1 \(part\), 2017](#))

4.14.040: Facilities Designated in the Franchise and/or Small Cell Permit Application.

Small cell deployments may be approved by reference to exhibits in an approved franchise. Approval of the franchise shall be deemed to approve the site and the design of small cell facilities set forth in the franchise. This approval is limited to the specific location, facility and design elements shown on the exhibits to the franchise. Any element not shown on an exhibit must be approved by the governing review processes listed in KMC 4.14.050, 4.14.060, [4.14.070](#) and, when applicable, KMC 18.12.315. All facilities shall comply with the concealment standards adopted by the City in KMC 4.14.~~050030(2)~~ and/or KMC 18.12.315. An existing franchisee may, at its option:

- (1) Apply to amend the existing franchise to designate sites for small cell deployment, as well as approve the small cell facilities to be installed and the concealment measures to be utilized; and/or
- (2) Apply for a Small Cell Permit which may include:
 - (a) Small cell facilities to be installed on existing utility poles or replacement poles which do not exceed ten feet in additional height, and which utilize the concealment option provided in KMC 4.14.030(2); and/or
 - (b) Small cell facilities to be installed on existing utility poles or replacement poles which do not exceed ten feet in additional height, and which utilize the concealment option provided in KMC 4.14.030(2); and/or
 - (c) Small cell facilities which comply with generally applicable objective design standards adopted by the City in KMC 18.12.315(2)(b); and/or
 - (d) Small cell facilities which require new utility poles or replacement poles which exceed ten feet in additional height or installations in a Design Zone or Undergrounded Areas, utilize the design approval procedures set forth in KMC ~~18.12.315(5)~~ [4.14.050](#).

([Ord. 5792 Sec. 1 \(part\), 2018](#); [Ord. 5733 Sec. 1 \(part\), 2017](#))

4.14.050: Aesthetic design and concealment standards for small cell deployments.

Small cell deployments whether permitted on the right-of way under this Chapter or permitted in accordance with 18.12.315~~6~~ KMC shall conform to the following design standards:

- (1) Small cell facilities attached to non-wooden poles. Small cell facilities attached to existing or replacement non-wooden light poles and other non-wooden poles in the right of way or poles outside of the right of way shall conform to the following design criteria:

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- (a) Antennas and the associated equipment enclosures shall be sited and installed in a manner which minimizes the visual impact on the streetscape either by fully concealing the antennae and associated equipment fully within the pole or through a concealment element plan which provides an equivalent or greater impact reduction. This requirement shall be applied in a manner which does not dictate the technology employed by the service provider nor unreasonably impair the technological performance of the equipment chosen by the service provider.
- (b) All conduit, cables, wires and fiber must be routed internally in the light pole. Full concealment of all conduit, cables, wires and fiber is required within mounting brackets, shrouds, canisters or sleeves if attaching to exterior antennas or equipment.
- (c) An antenna on top of an existing pole may not extend more than six (6) feet above the height of the existing pole and the diameter may not exceed sixteen (16) inches, measured at the top of the pole, unless the applicant can demonstrate that more space is needed. The antennas shall be integrated into the pole design so that it appears as a continuation of the original pole, including colored or painted to match the pole, and shall be shrouded or screened to blend with the pole except for canister antennas which shall not require screening. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole.
- (d) Any replacement pole shall substantially conform to the design of the pole it is replacing or the neighboring pole design standards utilized within the contiguous right-of-way.
- (e) The height of any replacement pole may not extend more than ten (10) feet above the height of the existing pole or the minimum additional height necessary for adequate clearance from electrical wires, whichever is greater.
- (f) The diameter of a replacement pole shall comply with the City's setback and sidewalk clearance requirements, ADA requirements, and if a replacement light standard then with the City's lighting requirements.
- (g) The use of the pole for the siting of a small cell facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small cell facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small cell facility and the small cell facility and all associated equipment shall be removed.
- (2) Wooden pole design standards. Small cell facilities located on wooden poles shall conform to the following design criteria:

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(a) The wooden pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small cell facility; provided, that the replacement pole shall not exceed a height that is a maximum of ten (10) feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and that such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.

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(b) A pole extender may be used instead of replacing an existing pole but may not increase the height of the existing pole by more than ten (10) feet, unless a further height increase is required and confirmed in writing by the pole owner and that such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities. A "pole extender" as used herein is an object affixed between the pole and the antenna for the purpose of increasing the height of the antenna above the pole. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.

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(c) Replacement wooden poles may either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the City.

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(d) Antennas, equipment enclosures, and all ancillary equipment, boxes and conduit shall be colored or painted to match the approximate color of the surface of the wooden pole on which they are attached.

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(e) Panel antennas shall not be mounted more than twelve (12) inches from the surface of the wooden pole.

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(f) Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole provided that each antenna enclosure shall not be more than three (3) cubic feet in volume.

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(g) A canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in subsection B (1) above. A canister antenna mounted on the top of a wooden pole shall not exceed sixteen (16) inches, measured at the top of the pole, and shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than twelve (12) inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole.

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(h) An omni-directional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four (4) feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.

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(i) All related equipment, including but not limited to ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six (6) inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner.

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(j) Equipment for small cell facilities must be attached to the wooden pole, unless otherwise permitted to be ground mounted pursuant to subsection (4)(a). The equipment must be placed in the smallest enclosure possible for the intended purpose. The equipment enclosure may not exceed seventeen (17) cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and does not cumulatively exceed the volumetric requirements of a small cell facility, as defined by 47 CFR 1.6003. The applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole, if such banners or road signs are allowed by the pole owner.

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(k) An applicant who desires to enclose its antennas and equipment within a unified enclosure may do so, so long as the facility meets the volumetric requirements of a small cell facility. To the extent possible the unified enclosure shall be placed so as to appear as an integrated part of the pole or behind banners or signs. The unified enclosure may not be placed more than six (6) inches from the surface of the pole, unless a further distance is technically required and confirmed in writing by the pole owner.

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(l) The visual effect of the small cell facility on all other aspects of the appearance of the wooden pole shall be minimized to the greatest extent possible.

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(m) The use of the wooden pole for the siting of a small cell facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small cell facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small cell facility and the small cell facility and all associated equipment shall be removed unless retention of the pole is necessary to prevent an effective prohibition of service.

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(n) All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored or painted to match the pole. The

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number of conduit shall be minimized to the number technically necessary to accommodate the small cell.

(3) Small cell facilities attached to existing buildings.

Small cell facilities attached to existing buildings, shall conform to the following design criteria:

- (a) Small cell facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.
- (b) The interruption of architectural lines or horizontal or vertical reveals is discouraged.
- (c) New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.
- (d) Small cells shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building.
- (e) Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Exposed cabling/wiring is prohibited.
- (f) Small cell facilities shall be painted and textured to match the adjacent building surfaces.

(4) Small cell facilities mounted on cables strung between existing utility poles shall conform to the following standards.

- (a) Each strand mounted facility shall not exceed three (3) cubic feet in volume;
- (b) Only one strand mounted facility is permitted per cable between any two existing poles;
- (c) The strand mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than five (5) feet from the pole unless a greater instance technically necessary or is required by the pole owner for safety clearance;
- (d) No strand mounted device shall be located in or above the portion of the roadway open to vehicular traffic;
- (e) Ground mounted equipment to accommodate a shared mounted facility is not permitted except when placed in pre-existing equipment cabinets; and

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(f) Pole mounted equipment shall comply with the requirements of sub sections 1 and 2 above.

(g) Such strand mounted devices must be installed to cause the least visual impact and without excess exterior cabling or wires (other than the original stand).

(5) General requirements.

(a) Ground mounted equipment in the public right-of-way is prohibited, unless such facilities are placed under ground or the applicant can demonstrate that pole mounted or undergrounded equipment is technically infeasible. If ground mounted equipment is necessary, then the applicant shall submit a concealment element plan. Generators are prohibited on the public rights-of-way.

(b) No equipment shall be operated so as to produce noise in violation of Chapter 9.52 KMC.

(c) Small cell facilities are not permitted on traffic signal poles unless denial of the siting could be a prohibition or effective prohibition of the applicant's ability to provide telecommunications service in violation of 47 USC §§ 362 and 332.

(d) Replacement poles and new poles shall comply with the American with Disabilities Act (ADA), city construction and sidewalk clearance standards, and state and federal regulations in order to provide a clear and safe passage within the rights-of-way.

(e) Replacement poles shall be located as near as possible to the existing pole with the requirement to remove the abandoned pole.

(f) The design criteria as applicable to small cell facilities described herein shall be considered concealment elements and such small cell facilities may only be expanded upon an eligible facilities request described in Chapter 4.16 KMC, when the modification does not defeat the concealment elements of the facility.

(g) No signage, message or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed on any antenna, and any such signage on equipment enclosures shall be of the minimum amount possible to achieve the intended purpose; provided that, signs are permitted as concealment element techniques where appropriate.

(h) Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment element plan.

(i) Side arm mounts for antennas or equipment are prohibited.

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(j) The preferred location of a small cell facility on a pole is the location with the least visible impact.

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(k) Antennas, equipment enclosures, and ancillary equipment, conduit and cable, shall not dominate the building or pole upon which they are attached.

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(l) The City may consider the cumulative visual effects of small cells mounted on poles within the rights-of-way in when assessing proposed siting locations so as to not adversely affect the visual character of the City. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the service provider.

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(m) These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts to the streetscape.

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(6) New poles in the rights-of-way for small cell facilities and concealment standards~~installations in the Downtown Historic District.~~

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(a) New poles within the rights-of-way are only permitted if the applicant can establish that:

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(i) The proposed small cell facility cannot be located on an existing utility pole or light pole in an alley, electrical transmission tower or on a site outside of the public rights of way such as a public park, public property, building, transmission tower or in or on a non-residential use in a residential zone whether by roof or panel-mount or separate structure;

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(ii) The proposed wireless communications facility receives approval for a concealment element design, as described in subsection 3 below;

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(iii) The proposed wireless communications facility also complies with Critical Areas, Shorelines and SEPA provisions, if applicable; and

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(iv) No new poles shall be located in a critical area or associated buffer required by the City's Critical Areas ordinance (Chapter 18.58, 18.68 KMC) except when determined to be exempt pursuant to said ordinance.

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(b) An application for a new pole in the right-of-way is subject to an administrative use review as a minor deviation. See KMC 4.14.060.

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(c) The concealment element design shall include the design of the screening, fencing or other concealment technology for a tower, pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed wireless communications facility, including but not limited to fiber and power connections.

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(i) The concealment element design should seek to minimize the visual obtrusiveness of wireless communications facility installations. The proposed pole or structure should have similar designs to existing neighboring poles in the rights of way, including to the extent technically feasible similar height. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color and texture — or the appearance thereof — as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure or otherwise integrated into the design of the structure. Use of a unified enclosure equal to or less than four (4) cubic feet in volume may be permitted in meeting these criteria.

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(ii) If the Director has already approved a concealment element design either for the applicant or another wireless communications facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar concealment element design, unless it can show that such concealment element design is not physically or technologically feasible, or that such deployment would undermine the generally applicable design standards.

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(d) Even if an alternative location is established pursuant to subsection 5(a)(i) and (ii) the administrative use permit process may determine that a new pole in the right-of-way is in fact a superior alternative based on the impact to the City, the concealment element design, the City's Comprehensive Plan and the added benefits to the community.

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(e) Prior to the issuance of a permit to construct a new pole or ground mounted equipment in the right-of-way, the applicant must obtain a site-specific agreement from the city to locate such new pole or ground mounted equipment. This requirement also applies to replacement poles that are higher than the replaced pole, and the overall height of the replacement pole and the proposed wireless communications facility is more than sixty (60) feet.

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(f) Installation of small cell facilities in a design zone or underground area shall be permitted by an administrative approval of a concealment plan utilizing the design and concealment standards contained in this chapter.

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(g) These aesthetic design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant or effectively prohibit service, alternative forms of concealment or deployment may be permitted which provide similar or greater protections of the streetscape.

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(Ord. 5792 Sec. 1 (part), 2018)

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4.14.0650: - Small Cell Permit and Minor Deviations.

- (1) The Director shall review applications for Small Cell Permits for small cell deployments approved by a franchise or described in a concurrent franchise application. The Director may authorize minor deviations in the Small Cell Permit from the dimensional design and concealment technologies referenced in the exhibits to the franchise or the design standards aesthetic design and concealment standards for small cell facilities set forth in 4.14.050.
- (2) A deviation in height of the pole of up to ten feet above the height of the existing pole, by the franchise or from a design approved for a Design Zone may be permitted. Replacement poles may exceed the height of the existing pole by up to ten feet.
- (3) Deviations in the dimensions or volume of small cell facilities which do not exceed the cumulative total provided by the definition of a small cell facility as small wireless facilities (l) in 47 CFR 1.6002 RCW 80.36.375 may be considered a minor deviation when an applicant replaces components of an existing, approved small cell facility. ~~Similarly, the addition of antennae on a pole, not to exceed a cumulative total of six cubic feet shall be considered a minor deviation.~~ Provided, however, that in each instance the new or revised facilities shall not defeat the concealment features set by City's aesthetic generally applicable pole design and concealment standards adopted pursuant to the franchise, and KMC 4.14.050~~48.12.315~~.
- (4) Small Cell Permits to install facilities including approval of minor deviations shall be processed within the time limits established by 47 CFR 1.6003 unless tolled as provided in the regulation. ~~90 days of receipt of a complete application and final approval of a franchise, whichever occurs last.~~
- (5) The decision of the Director to approve a Small Cell Permit with a minor deviation, if any, shall be final.

(Ord. 5792 Sec. 1 (part), 2018; Ord. 5733 Sec. 1 (part), 2017)

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4.14.0760: - Significant Deviations.

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Any request for significant deviations from the approved small cell facilities design designated in the franchise, Small Cell Permit or City's design standards shall be considered an

~~administrative use permit under the provisions of KMC 18.12.310 and if applicable,~~ pursuant to the timelines established by Chapter 4.16 KMC or the presumptive time periods established by 47 CFR § 1.6003. Approval of a significant deviation is permitted only if the Director finds that denial would constitute an effective prohibition of the applicant's provision of services. ~~Unless authorized pursuant to KMC 4.14.050(2) an applicant seeking approval of a new pole or a replacement pole in a Design Zone or Undergrounded Areas designated by KMC 18.12.315(3)(a) shall be subject to the same review process.~~

([Ord. 5792 Sec. 1 \(part\), 2018](#); [Ord. 5733 Sec. 1 \(part\), 2017](#))

4.14.0870: - Wireless Communication and Small Cell Deployment Facility Approvals and Processes.

Approval of a franchise, Small Cell Permit and/or other approval referenced in this chapter shall be considered in a consolidated administrative process are conditioned on the following requirements:

- (1) Satisfaction of applicable performance standards such as noise and light regulations.
- (2) Comply with adopted design and concealment standards, applicable to ~~replacement utility poles and new~~ utility poles and structures in a Design Zone or Undergrounded Areas.
- (3) Obtain the written approval of the owner of any utility pole for the installation of its facilities on such utility pole. Approval of a franchise does not authorize attachment to City-owned utility poles or other structures.
- (4) Unless specifically provided for in a franchise, obtain a lease from the City to utilize the City's ground space for the installation of any new pole, a replacement utility pole over 60 feet or to locate any new ground-based structure, base station or other attendant equipment on City right-of-way or City property.
- (5) Comply with all City construction standards and State and federal codes when operating in the right-of-way and obtain a required permit to enter the right-of-way.
- (6) A franchise which includes a facility which is not exempt from Critical Areas, Shorelines or SEPA review shall be processed in the provisions of Chapters 4.08 and Chapters 18.58 to 18.68 KMC.
- (7) Small Cell facilities approved pursuant to this chapter shall be considered as an outright permitted use when located within the right-of-way.

([Ord. 5792 Sec. 1 \(part\), 2018](#); [Ord. 5733 Sec. 1 \(part\), 2017](#))

~~4.14.080: - Additional Review Procedures.~~

~~Wireless communication facilities in Critical Areas or Shorelines Management Zones are subject to review as provided in Chapters 18.58 et seq. and 18.68 KMC.
([Ord. 5733 Sec. 1 \(part\), 2017](#))~~

~~4.14.090: Expedited Review.~~

~~An applicant, at its option, may opt for expedited review. Absent such a request, the City will process applications on a first come, first served basis, taking into account its resources and the federal shot clocks incorporated by Chapter 4.16 KMC. An applicant requesting expedited review may select a third party consultant from a list established by the City through requests for qualifications or may propose an independent reviewing entity for review by the City. Such entity shall be engaged pursuant to a third party contract. The applicant shall be responsible for paying all costs incurred in the expedited review process. Nothing herein shall be deemed to require an applicant to utilize expedited review.~~

~~(Ord. 5733 Sec. 1 (part), 2017)~~

~~4.14.100: Compliance with State Processing Limitations.~~

~~Review of franchise and Small Cell Permits shall comply with the provisions of RCW 35.99.030. Applications shall be reviewed, completeness determined and the timeframe tolled as provided in Chapter 5.20 and Chapter 4.16 KMC if applicable.~~

~~(Ord. 5733 Sec. 1 (part), 2017)~~

Section 2. 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 18th day of December, 2018, and signed in authentication of its passage this 18th day of December, 2018.

Attest:

DON BRITAIN, Mayor

TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5792 filed and recorded
in the office of the City Clerk of the City of
Kennewick, Washington this 19th day of
December, 2018.

Approved as to Form:

LISA BEATON, City Attorney

TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION _____

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CITY OF KENNEWICK
ORDINANCE NO. 5793

AN ORDINANCE RELATING TO FEDERALLY REQUIRED REVIEW
PERIODS AND AMENDING SECTIONS 4.16.020 AND 4.16.050 OF THE
KENNEWICK MUNICIPAL CODE

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

Section 1. Section 4.16.020 of the Kennewick Municipal Code, be, and the same hereby is,
amended to read as follows:

4.16.020: - Definitions.

For the purposes of this chapter as well as KMC [4.14](#), [18.12.310](#) and [315](#), the following
terms shall have the meaning ascribed to them below:

- (1) *Antenna*: Any exterior apparatus designed for telephonic, radio, data, Internet or other communications through the sending and/or receiving of radio frequency signals including, but not limited to, equipment attached to a tower, pole, light standard, building or other structure for the purpose of providing wireless services.
- (2) *Antenna height*: The vertical distance measured from average building elevation to the highest point of the antenna, or if on a rooftop or other structure, from the top of the roof or structure to the highest point of the antenna. For replacement structures, antenna height is measured from the top of the existing structure to the highest point of the antenna or new structure, whichever is greater.
- (3) *Approved small cell facility*: Any small cell facility that has received all required permits.
- (4) *Base Station*: A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein nor any equipment associated with a tower. Base Station includes, without limitation:
 - (a) Equipment associated with wireless communications services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - (b) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small cell networks).
 - (c) Any structure other than a tower that, at the time the relevant application is filed (with jurisdiction) under this section, supports or houses equipment described in subparagraph (a) and (b) above that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant application is filed with the City under this section, does not support or house equipment described in subparagraph (a) and (b) above.

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- (5) *Collocation*: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.
- (6) *Concealment elements*: Transmission facilities designed to look like some feature other than a wireless tower or base station or which minimizes the visual impact of an antenna by use of nonreflective materials, appropriate colors and/or a concealment canister.
- (7) *Eligible Facilities Request*: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
 - (a) Collocation of new transmission equipment;
 - (b) Removal of transmission equipment; or
 - (c) Replacement of transmission equipment.
- (8) *Eligible support structure*: Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City.
- (9) *Equipment structure*: A facility, shelter, cabinet or vault used to house and protect electronic or other associated equipment necessary for processing wireless communications signals. "Associated equipment" may include, for example, air conditioning, backup power supplies and emergency generators.
- (10) *Existing*: A constructed tower or base station is existing if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and reviewed because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.
- (11) *Microcells*: Is defined in accord with RCW 80.36.375.
- (12) *Service provider*: Is defined in accord with RCW 35.99.010(6). Service provider shall include those infrastructure companies that provide telecommunications services or equipment to enable the deployment of personal wireless services.
- (13) *Small cell and small cell network*: Are defined in accord with [47 CFR §1.6002](#) ~~RCW 80.36.375~~ and its definition of "small cell wireless facilities."
- (14) *Structure*. A pole, tower, base station, or other building whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless services (whether on its own or co-mingled with other types of services).
- (15) *Substantial Change*: A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
 - (a) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater;
 - (b) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

- (c) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;
- (d) It entails any excavation or deployment outside the current site;
- (e) It would defeat the concealment elements of the eligible support structure; or
- (f) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified above.

(165) *Telecommunications service*: Is defined in accord with RCW 35.99.010(7).

(176) *Tower*: Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul and the associated site.

(187) *Transmission equipment*: Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(198) *Utility pole*: A structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths.

(Ord. 5793 Sec. 1, 2018; Ord. 5733 Sec. 2 (part), 2017)

Section 2. Section 4.16.050 of the Kennewick Municipal Code, be, and the same hereby is, amended to read as follows:

4.16.050: - New Wireless Communication Facilities.

Applications for new wireless communications facilities shall be processed within 150 days of receipt of a complete application unless a shorter time period is established by 47 CFR § 1.6003 (b) and (c) as presumptively reasonable. The Director will notify the applicant within ten (10) 30 days of receipt of an application whether it is complete or if additional information is required. Tolling shall occur as provided in 47 CFR § 1.6003 for small cell facility applications (Ord. 5793 Sec. 2, 2018; Ord. 5733 Sec. 2 (part), 2017)

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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 18th day of December, 2018, and signed in authentication of its passage this 18th day of December, 2018.

Attest:

DON BRITAIN, Mayor

TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5793 filed and recorded
in the office of the City Clerk of the City of
Kennewick, Washington this 19th day of
December, 2018.

Approved as to Form:

LISA BEATON, City Attorney

TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION _____

CITY OF KENNEWICK
ORDINANCE NO. 5794

AN ORDINANCE RELATING TO FRANCHISE FOR USE OF RIGHT-OF-WAY AND AMENDING SECTION 5.20.050 AND ADDING A NEW SECTION 5.20.055 TO THE KENNEWICK MUNICIPAL CODE

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

Section 1. Section 5.20.050 of the Kennewick Municipal Code, be, and the same hereby is, amended to read as follows:

5.20.050: Completeness.

Completeness of the application shall be determined in accordance with [this section unless the KMC 5.20.050. Franchise is an application for the deployment of small cell facilities. See KMC 5.20.055, and Small Cell Applications.](#) The Director or his/her designee shall review an application for completeness and notify the applicant within 30 days of submission whether the application is complete, provided, however, that an applicant may consent to a different completeness review period. A service provider may resubmit an incomplete application within 60 days of notice by the Director. Failure to resubmit an application in a timely manner shall be deemed a withdrawal of that application. An applicant shall be notified in writing of the approval or denial of the application. No application shall be deemed complete without the fee deposit set by the Director.

([Ord. 5794 Sec. 1, 2018; Ord. 5734 Sec. 1 \(part\), 2017](#))

Section 2. There is hereby added a new Section 5.20.055 to the Kennewick Municipal Code, to read as follows:

5.20.055: Small Cell Franchises – Completeness.

[An application to utilize the Public Right-of-Way for the deployment of small cell facilities shall be reviewed and written notice of completeness provided on or before the tenth day after submission. Tolling and resubmittal shall be governed by 47 CFR § 1.6003 \(d\). \(Ord. 5794 Sec. 2, 2018\)](#)

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 18th day of December, 2018, and signed in authentication of its passage this 18th day of December, 2018.

DON BRITAIN, Mayor

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Attest:

TERRI L. WRIGHT, City Clerk

Approved as to Form:

LISA BEATON, City Attorney

ORDINANCE NO. 5794 filed and recorded
in the office of the City Clerk of the City of
Kennewick, Washington this 19th day of
December, 2018.

TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION _____

CITY OF KENNEWICK
ORDINANCE NO. 5795

AN ORDINANCE ZONE DISTRICTS AND STANDARDS AND AMENDING
SECTIONS 18.12.310 AND 18.12.315 OF THE KENNEWICK MUNICIPAL
CODE

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

Section 1. Section 18.12.310 of the Kennewick Municipal Code, be, and the same hereby is,
amended to read as follows:

18.12.310: Wireless Communication Facilities.

The purpose of this section is to provide predictability to service providers in the permitting process and to allow for site development issues to be addressed through clear and objective siting criteria and development standards. Collocation on existing structures is strongly encouraged to allow for the increased need for wireless communication facilities while minimizing the adverse visual impacts of such facilities. The following facilities are exempt from the coverage of this section; Small cell facilities when located on new existing utility or replacement structures, ~~within the public right of way.~~ Collocations and Eligible Facilities Requests outside of the public right-of-way are outright permitted uses, provided they comply with the requirements below. See KMC 4.16.020 for definitions applicable to this section and Chapter 4.16 for time limitations on such requests.

- (1) Collocation of wireless antennas on existing structures is allowed in all zoning districts. The parent structure can be a cellular tower, building, public power line, light pole, other public utility structure, or any multiple-family structure of four units or more. Approval is subject to the following:
 - (a) The addition of a wireless facility with antenna cannot extend more than 20 feet above the highest point of the parent structure.
 - (b) The property owner must provide written permission and the total height of the parent structure must be provided to and approved by the city.
 - (c) Location on a single-family, duplex and triplex dwelling is not permitted.
 - (d) License agreements must be obtained if in a public right-of-way
 - (e) All antennas must be painted a neutral non-reflective color that will blend with the surrounding landscaping and parent facility. Recommended shades are gray, beige, sand, taupe, or light brown. A color chip or other sample of the proposed color must be approved by the Planning Director.
 - (f) All collocations of wireless antenna must comply with the noise standards contained in KMC 9.52.
 - (g) The parent structure shall have been occupied or completed at least six months prior to installation of the subject wireless facility and/or antenna.
- (2) Applications for collocations must include:
 - (a) The type and dimensions of proposed antenna.
 - (b) Written confirmation that upon abandonment of the site, the City of Kennewick will receive a copy of the notice supplied to FCC. The owner of the wireless facility will be responsible for removing the facility and accessory structures

within 60 days of the receipt of that notice by the City. Written confirmation for each operational site is required by February 1 of every calendar year.

- (3) New wireless communication facilities, as defined in KMC 18.09.2220 up to 55 feet in height, are permitted uses in all Commercial, Industrial and Public Facility Districts except "CN" (Commercial, Neighborhood) Districts. The only type of tower allowed for wireless communication facilities are monopoles. New guyed towers or latticed towers are prohibited. New wireless communication facilities, other than collocated facilities, are prohibited in all other zoning districts. A site plan must be approved in accord with KMC 18.42.
- (4) An application for site plan approval of a new wireless telecommunication facility must include the following information in addition to that required as per KMC 18.42.110:
 - (a) The type and dimensions of proposed antenna.
 - (b) Written confirmation that upon abandonment of the site, the City of Kennewick will receive a copy of the notice supplied to FCC. The owner of the wireless facility will be responsible for removing the facility and accessory structures within 60 days of the receipt of that notice by the city. Written confirmation for each operational site is required by February 1 of every calendar year.
 - (c) A hold harmless agreement indemnifying the City of Kennewick from damage caused by structure failure of a wireless communication facility must be filed with the City for each new wireless communication facility site by the telecommunication provider.
- (5) The following development standards are required for site plan approval for new monopoles. These development standards do not apply to collocated facilities;
 - (a) No wireless communication facility may be located within 100 feet of any residential zoning district as measured from the base of the monopoles. Monopoles in Commercial, Industrial and Public Facility zones need only to comply with the setbacks required in the specific zone.
 - (b) All mechanical and technical appurtenances visible from a public street must be screened with a sight-obscuring fence at least six feet in height. Fencing must be provided around the base of the facility and any accessory buildings. The fencing material must be wood or masonry. Chain link fencing with inserted slats does not fulfill the sight-obscuring requirement. Electric fences and barbed wire are not permitted. A locking gate is required.
 - (c) When wireless communication facilities are located on parcels of land that abut residentially-zoned parcels, a five-foot landscaped area is required outside of the fenced area of the site when there is an above-ground accessor building provided. Trees are to be provided at the ratio of one for each ten feet of fencing distance. Climbing evergreen shrubs or vines can be substituted for the required trees and must be planted at the ratio of one for each three feet of fencing distance. The ground cover must be live vegetative planting. All landscaping must be maintained as per KMC 18.21.
 - (d) All wireless facilities must comply with the noise standards contained in KMC 9.52.

(6) Modification or Waiver. The provisions of this Section may be modified or waived if strict application of a provision would effectively prohibit the provision of wireless service by an applicant.

(Ord. 5795 Sec. 1, 2018; Ord. 5735 Sec. 1, 2017; Ord. 5180 Sec. 1, 2007)

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Section 2. Section 18.12.315 of the Kennewick Municipal Code, be, and the same hereby is, amended to read as follows:

18.12.315: - Wireless Communication Design Standards.

In order to implement the purposes and policy set forth in the City's Comprehensive Plan, this Section provides design and review procedures for the wireless communications facilities qualifying as small cells. These provisions are intended to ~~provide~~ establish objective aesthetic design criteria to assist in minimizing the visually obtrusive impacts which can be associated with wireless communications facilities and to encourage creative approaches in the location and construction of wireless communications facilities. See KMC 4.16.020 for definitions applicable to this section.

- (1) Exclusions. The following antennas and related facilities are expressly excluded from the provisions of this chapter.

- (a) Amateur radio antennas and related facilities. See KMC 18.09.120.

- (b) Dispatch Communication Facilities of a Public Safety Entity.

- (2) Small Cell Deployment. Small cell deployment is the deployment of facilities defined as small wireless facilities by 47 CFR § 1.6002 (1). Small cell facilities, whether within or outside of the public right-of-way, shall conform to the provisions of 4.14.050 KMC. ~~includes small cell facilities, microcells and small cell networks. The following provisions establish design and concealment standards for wireless communications and in appropriate situations, criteria for the establishment of standards for small cell deployments, provided, however, that a~~Any small cell, microcell, or small cell network component which is not exempt from SEPA review shall comply with chapter 4.08 KMC.

- ~~(a) Existing Utility Poles in Areas Other Than Design Zones and Undergrounded Areas. Eligible small cell facilities opting in under the provisions of KMC 4.14.030(2). Concealment shall be considered to have satisfied the design and concealment standards when installed on existing utility poles.~~

- ~~(b) Small Cell Deployments on Existing Utility Poles Not Approved Pursuant to a Franchise. Small cell deployments on existing utility poles which have not been approved as an exhibit to the franchise or as a minor deviation thereto, shall comply with these provisions. Except to the minimum extent necessary to fulfill its technological purpose, all antennas and supporting structures shall be concealed within a canister of the smallest possible dimension and volume necessary to house the antenna structure or in the alternative within a spatial volume of the same dimension. The small cell facility shall, to the full extent permitted under the state electrical code and the utilities' requirements be flush-mounted if feasible on the utility pole, provided, however, if the utility which owns the pole prohibits the location of a small cell facility within the communication zone, the antenna portion of the small cell facility may be located on the top of the pole. In that event, up to ten feet in height over the existing pole height or the height of a replacement pole as approved herein is permitted. The Director shall consult with the owner of the utility pole and applicant to determine the minimum height extension required for installation of the antenna. Flush mount includes use of brackets that offset the inside edge of such equipment from the utility pole and be 12 inches or less from the pole,~~

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- except as otherwise required by the pole owner such as the National Electrical Code or similar regulation and when approved by the city.
- ~~(c) Ground Mounted Equipment; ADA Compliance Required. In Undergrounded Areas, Design Zones and where necessary to permit full use of the public right-of way by pedestrians, bicycles and other users, all ground mounted equipment shall be undergrounded in a vault meeting the City's construction standards. The location of ground mounted equipment (to the extent undergrounding such equipment is not technologically feasible), a replacement pole and/or any new pole shall comply with the Americans with Disabilities Act (ADA), city construction standards, and State and federal regulations in order to provide a clear and safe passage within the public right of way.~~
- ~~(d) Replacement Utility Pole Street Lighting. With the express permission of the City, a replacement utility pole or a new utility pole may be permitted in the form of a new street light standard. The design of the street light standard shall be in accordance with adopted City construction standards when located outside of a Design Zone or in an undergrounded area. Replacement utility poles/street light standards located within a Design Zone shall conform to the adopted streetscape design standard for the Design Zone. Wherever technologically feasible, all equipment and cabling shall be internal to the replacement street lighting standard.~~
- ~~(e) Undergrounded Area. In areas in which electrical and other utilities have been undergrounded, a service provider or infrastructure company desiring to locate any above-ground infrastructure in support of a small cell deployment shall submit a concealment element plan in accordance with the provisions of Section (5) below.~~
- (3) Designated Design Zones.
- (a) Design Zones. The following zones are designated as Design Zones for the purpose of the application of the provisions of Chapter 4.14 KMC and this section.
- (i) Central Business District (CBD); and
- (ii) Urban Mixed Use (UMU).
- (4) Additional Small Cell Requirements.
- (a) Federal Regulatory Requirements.
- (i) These provisions shall be interpreted and applied in order to comply with the provisions of federal law. By way of illustration and not limitation, any small cell facility which has been certified as compliant with all FCC and other government regulations regarding the human exposure to radio frequency emissions will not be denied on the basis of RF radiation concerns. See 4.14.020(2)(~~ef~~).
- (ii) Wireless communication facilities shall be subject to the [provisions of this section following requirements](#) to the [full](#) extent that such requirements (i) do not unreasonably discriminate among providers of functionally equivalent services, and (ii) do not have the effect of [effectively](#) prohibiting personal wireless services within the City.
- (b) ~~Replacement Utility Poles and Monopoles. Monopoles, as well as facilities, including replacement poles, which are not exempt from SEPA review shall be processed under the provisions of Section 18.12.310 KMC.~~

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~~(c) Replacement, New Poles and Undergrounded Areas or Design Zones. Replacement poles over 45 feet in height within the specific zone, new poles and facilities to be constructed in any undergrounded area or Design Zone are permitted only when the applicant establishes that:~~

~~(i) The small cell facility cannot be located on an electrical transmission tower, existing pole, or on a site outside of the public right-of-way such as a public park, public property, or in or on a non-residential use in a residential zone whether by roof or panel mount or separate structure; and~~

~~(ii) The proposed facility complies with an approved Concealment Element Plan for the Undergrounded Area or Design Zone; and~~

~~(iii) The facilities shall also comply with critical areas requirements and SEPA.~~

~~(5) Concealment Element Plan.~~

~~(a) Concealment Element Plan Required. Applications for proposed installations in Undergrounded Area and Design Zones which deviate from existing City design standards (or if the City has not created a design standard for that particular area) shall be required to submit a concealment element plan. Such plan shall include the design of the screening, fencing or other concealment technology for a base station, tower, utility pole, or equipment structure, and all related transmission equipment or facilities associated with the proposed wireless facility, including, but not limited to, fiber and power connections.~~

~~(b) Purpose of Concealment Element Plan, Generally. Concealment Element Plans should seek to minimize the visual obtrusiveness of installations using methods including, but not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color and texture—or the appearance thereof—as the surface against which the installation will be seen or on which it will be installed.~~

~~Other concealment element approaches may include, but not be limited to, use of architectural concealment products, fencing or screening materials, and where appropriate, landscape design, or any other camouflage strategies appropriate for the type of installation. Additionally, the use of a concealment support or device, such as a clock tower, steeple, flagpole, tree, street sign, or other applicable concealment structure may be approved.~~

~~The Director shall apply this section, as well as all design guidelines applicable in the Undergrounded Area or Design Zone in which an installation is proposed.~~

~~(c) Review of Concealment Element Plan for Non-Substantial Change Collocations. Where a proposed collocation does not constitute a substantial change, a Concealment Element Plan shall be subject to ministerial review to ensure the proposed collocation does not defeat the concealment features approved as part of the initial installation at that location.~~

~~(d) Review of Concealment Element Plan for Initial Installations and Substantial Change Collocations. For initial installations and substantial change collocations in Undergrounded Area and Design Zones, the Director shall conduct an administrative review pursuant to of Concealment Element Plans for compliance with this section and all applicable City design guidelines.~~

([Ord. 5795 Sec. 2, 2018](#); [Ord. 5735 Sec. 2, 2017](#))

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Section 2. 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 18th day of December, 2018, and signed in authentication of its passage this 18th day of December, 2018.

Attest:

DON BRITAIN, Mayor

TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5795 filed and recorded
in the office of the City Clerk of the City of
Kennewick, Washington this 19th day of
December, 2018.

Approved as to Form:

LISA BEATON, City Attorney

TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION _____



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO THE PLANNING COMMISSION

FILE No: COZ 18-05/PLN-2018-03327

Staff Report Date: November 19, 2018

Hearing Date & Location: December 3, 2018, Kennewick City Hall

Report Prepared By: Steve Donovan
Planner

Report Reviewed By: Wes Romine, AIA
Development Services Manager

Summary Recommendation: The City of Kennewick Planning Staff RECOMMENDS that Change of Zone 18-05 be APPROVED.

Summary of Proposal: A Change of Zone for 23.15 acres from Residential, Medium Density (RM) and Commercial, Community (CC) to Public Facility (PF).

Proposal Location: 1000 W 4th Avenue

Legal Description: **Parcel A (tax parcels 1-0189-200-0005-011 and 1-0189-200-0005-012)**
That portion of the South Half of the Northwest Quarter of Section 1, Township 8 North, Range 29 East, W.M., Benton County, Washington, partially consisting of vacated portions of Olmsted Addition to Kennewick (Kennewick Ordinance Nos. 235, 329, 341 and 462) collectively described as follows:

Commencing at the Northwest corner of vacated Lot 4, Block 35, Olmsted Addition to Kennewick, as recorded in Volume 2 of Plats, Page 26, records of Benton County, Washington;
Thence South 84°07'00" East along the North line of said vacated Lot 4 for 135.00 feet to the True Point of Beginning; Thence continuing South 84°07'00" East for 606.28 feet; Thence South 78°06'00" East for 300.00 feet; Thence along a non-tangent curved line to the right having a radius of 125.00 feet with a chord bearing of South 73°33'36" East, and a chord distance of 103.69, and said curve having an arc length of 106.92 feet; Thence South

EXHIBIT 1

48°43'00" East for 117.00 feet; Thence North 84°30'58" West for 148.03 feet; Thence South 05°29'02" West for 349.42 feet; Thence South 58°36'41" West for 330.00 feet; Thence South 34°10'07" East for 173.00 feet to a point on the Northerly right of way line of Vineyard Drive; Thence along the curved right of way line having a radius of 676.14 feet with a chord bearing of South 76°42'59" West, and chord distance of 319.59 feet and said curve having an arc length of 322.64 feet; Thence South 00°23'02" West for 10.00 feet; Thence North 89°37'00" West for 112.12 feet; Thence continuing North 89°37'00" West for 99.50 feet; Thence North 06°27'27" East for 370.35 feet; Thence South 88°10'13" West for 180.16 feet; Thence North 78°52'00" West for 199.03 feet; Thence North 13°48'00" East for 577.25 feet to the True Point of Beginning; EXCEPT that portion conveyed to the City of Kennewick for road purpose in deed recorded under Auditor's File No. 1992-025107. *Description compiled by deeds 1991-007865, 2010-015184 and 2016-007792 as well as Record Survey 4773 AF# 2016-027508*

Parcel B (Tax Parcel 1-0189-211-0013-001)

That portion of the South Half of the Northwest Quarter of Section 1, Township 8 North, Range 29 East, W.M., Benton County, Washington, partially consisting of vacated portions of Olmsted Addition to Kennewick (Kennewick Ordinance Nos. 235, 329 and 341) as well as vacated South Kent Street (Kennewick Ordinance No. 3586) described as follows:

Commencing at the West quarter corner of said section, said corner bears North 88°45'17" West 2641.66 feet from the center quarter corner of said Section; Thence South 89°37'00" East along the centerline of West 4th Avenue for 582.30 feet; Thence North 00°23'00" East for 30.00 feet to the Northerly right-of-way line of said Avenue; Thence South 89°37'00" East along said right-of-way line for 269.32 feet to the True Point of Beginning; Thence South 89°37'00" East along said right-of-way line for 559.87 feet; Thence North 06°27'27" East for 370.35 feet; Thence South 88°10'13" West for 180.16 feet; Thence North 78°52'00" West for 340.00 feet; Thence South 11°42'00" West for 433.15 feet to the True Point Beginning. *Description compiled by deed 2008-012708.*

Parcel C (Tax Parcels 1-0189-211-0005-000, 1-0189-211-0006-000, 1-0189-211-0007-000, 1-0189-211-0008-000, 1-0189-211-0009-000, 1-0189-211-0010-000 and 1-0189-211-0011-000)

That portion of the South Half of the Northwest Quarter of Section 1, Township 8 North, Range 29 East, W.M., Benton County, Washington, partially consisting of vacated portions of Olmsted Addition to Kennewick (Kennewick

Ordinance Nos. 329 and 341) collectively described as follows:

Beginning at the Northwest corner of vacated Lot 4, Block 35, Olmsted Addition to Kennewick, as recorded in Volume 2 of Plats, Page 26, records of Benton County, Washington; Thence South 84°07'00" East along the North line of said vacated Lot 4 for 135.00 feet; Thence South 13°48' West for 577.37 feet; Thence North 78°52' West for 147.50 feet, more or less, to a point on a line which bears South 8°21' West from the intersection of the south line of Midland Road (now known as West 1st Avenue) and the East line of Moliere Road (now known as South Kent Street) produced; Thence North 8°21' East for 131.34 feet to a point on said East line produced; Thence Northeasterly along said East line for 28 feet, more or less, to a point that is the Northwesterly corner of the parcel described in deed recorded under Auditor's File No. 2016-034714; Thence continuing Northeasterly along said East line of Moliere Road to the point of beginning; TOGETHER WITH portion of adjacent alley way to the North, as vacated under Kennewick Ordinance No. 3330 and recorded under Auditor's File No 1991-018279, which attaches by operation of law; AND TOGETHER WITH portion of adjacent South Kent Street to the West, as vacated under Kennewick Ordinance No. 3586 and recorded under Auditor's File No 1994-040052, which attaches by operation of law. *Description compiled by deeds 2016-027783, 2017-008479, 2017-008478, 2017-008489, 2017-008493 and 2016-034714.*

Property Owners: Kennewick School District
1000 W 4th Avenue
Kennewick, WA 99336

Applicant: Kennewick School District
1000 W 4th Avenue
Kennewick, WA 99336

Regulatory Controls:

1. Comprehensive Plan – Land Use
2. KMC Title 4 – Administrative Procedures
3. KMC Title 18 – Zoning
4. Washington State Environmental Policy Act

COZ Key Application Processing Dates:

Pre-Application/Feasibility Meeting	N/A
Application Submittal	October 18, 2018
Determination of Completeness Issued	October 23, 2018
Notice of Application Mailed	October 24, 2018
SEPA Threshold Determination Issued	July 20, 2018
Property Posting Sign for SEPA	N/A

Determination	
SEPA Appeal Period Ended	N/A
Date of Mailed Notice of Public Hearing	November 16, 2018
Property Posting Sign for Public Hearing	November 15, 2018
Date of Published Notice of Public Hearing	November 18, 2018

Exhibits:

1. Staff Report
2. Application/Supplemental Information
3. Vicinity Map
4. Comprehensive Plan Map
5. Zoning Map
6. Notice of Mailing
7. SEPA Determination
8. Bonneville Power Administration Comment Letter

Staff Analysis of Proposal & Discussion:

As part of the 2018 Comprehensive Plan Amendment process, the Kennewick School District requested that the land use designations of the 23.15 acre site be changed from Commercial and Medium Density Residential to Public Facility. On October 16, 2018 the City Council approved Ordinance 5774 and amended the site's land use designation as requested by the Kennewick School District.

The proposed Change of Zone (COZ 18-05), is a request to change the zone of 23.15 acres generally located at 1000 W 4th Avenue from Residential, Medium Density (RM) and Commercial, Community (CC) to Public Facility (PF). Pursuant to Table 1 of the Comprehensive Plan, PF is an implementing zoning district of the Comprehensive Plan Public Facility Land Use Designation. RCW 36.70A, Growth Management Act, requires that a City's development regulations implement its comprehensive plan.

Per KMC 18.03.040(21), the purpose of PF zoning district is as follows:

PF - The purpose of the PF district is to provide areas for public and quasi-public facilities, publicly owned or controlled parks and recreation facilities, and governmental buildings and facilities.

The PF zone permits 25 uses. Below is an example of uses which are permitted in the PF zone:

- Schools
- Various types of care facilities
- Public/quasi-public facilities and services
- Hospitals

The Site Development Standards for the PF zone are the following:

- Maximum District Size: None
- Maximum Parcel Size: None
- Maximum Building Height: None
- Maximum Lot Coverage: None

The site is adjacent to the following zoning districts:

North: RM
 East: CC
 South: RH
 West: RM and CC

Kennewick Municipal Code Findings:

The following findings are required to be met 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: The proposed Change of Zone conforms to the comprehensive plan because the PF zoning district is an implementing zoning district of the Public Facility land use designation.
2. *Promotes the public necessity, convenience and general welfare; and*
Staff Response: The proposed Change of Zone promotes public necessity, convenience and welfare by establishing a zoning district that is compatible with surrounding properties.
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: Staff is unaware of possible burdens on public facilities. The site has access to water lines, sewer lines and public rights-of-way.
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 will establish a zoning district that is in compliance with Comprehensive Plan due to the fact that the PF zone is an implementing zone of the Public Facility 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.

Findings:

1. The applicant is the Kennewick School District, c/o Keith Colee, 1000 W 4th Avenue, Kennewick, WA 99336.
2. The proposed change of zone is for 23.15 acres generally located at 1000 W 4th Avenue.
3. The request is to change the zoning from Residential, Medium Density (RM) and Commercial, Community (CC) to Public Facility.
4. The City's Comprehensive Plan Land Use Designation for the subject property is Public Facility.
5. The City Council established the site's land use designation to Public Facility by adopting Ordinance 5774 on October 16, 2018.
6. The Public Facility (PF) zoning district is an implementing zone of the Public Facility Comprehensive Plan Land Use Map designation.
7. The application was submitted on October 18, 2018 and declared complete for processing on October 23, 2018.
8. The application was routed for review to City Departments and outside agencies for comment on October 24, 2018.

9. Access to the site can be provided via W 4th Avenue and S Kent Street.
10. The City of Kennewick Critical Area maps show that the west side of the site is designated as a Critical Aquifer Recharge Area.
11. An Environmental Determination of Non-Significance was issued on July 20, 2018 for the site's comprehensive plan amendment application. No appeals were filed.
12. The property posting sign for the public hearing was posted on site November 15, 2018.
13. Notice of the public hearing for this application was published in the Tri-City Herald on November 18, 2018. Notices were also mailed to property owners within 300 feet of the site on November 16, 2018.
14. The proposed amendment conforms with the comprehensive plan; and
15. The proposed amendment promotes the public necessity, convenience and general welfare; and
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; and
17. The proposed amendment is consistent with all applicable provisions of the Kennewick Municipal Code, including those adopted by reference from the Comprehensive Plan; and
18. 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 Comprehensive Plan Land Use Designation of Public Facility.
2. Approval will change the zoning for the subject parcel from Residential, Medium Density (RM) and Commercial, Community (CC) to Public Facility (PF).
3. Approval will not result in an increase of adverse environmental impacts.
4. Approval will result in the promotion of public necessity, convenience and/or general welfare.
5. The proposed Change of Zone is in compliance with KMC 18.51.070(2).

Recommendation:

Staff has reviewed the application and recommends that the Planning Commission concur with the findings and conclusions contained in staff report COZ 18-05 and recommend approval to City Council.

Motion:

I move that the Planning Commission concur with the findings and conclusions in staff report COZ 18-05 and recommend approval of the request to City Council.

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 Change of Zone

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

Applicant: Kennewick School District, Keith Colee

Address: 1000 W 4th Ave, Kennewick, WA, 99336

Telephone: (509) 222-5867 Cell Phone: (509) 539-4028 Fax: (509) 222-5057 E-mail: keith.colee@ksd.org

Property Owner (if other than applicant): _____

Address: _____

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

SITE INFORMATION

Parcel No. See Attached Acres 23.15 Zoning: See Attached

Address of property: See Attached

Number of Existing Parking Spaces 376 Number of Proposed (New) Parking Spaces 0

Present use of property Elementary School/Residential/Administration/Vacant

Size of existing structure: 41,571 sq. ft. Size of Proposed addition/New structure: 0 sq. ft.

Height of building: 24 ft Cubic feet of excavation: 0 Cost of new construction 0

Benton County Assessor Market Improvement Value: See Attached

Description of Project: Zone of change from Medium Density Residential and Commercial to Public Facility

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: 10-18-18

1. Does the public necessity, convenience, and general welfare require the adoption of the proposed amendment? Please explain:

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:

3. Is the proposed amendment consistent with the existing land use pattern in the area? Please explain

4. Are the existing uses, in the area, in conformance with the area's zoning classification? If no, please explain the differences:

5. Will the proposed amendment create an isolated district, or introduce a more intense land use to the area? Please explain.

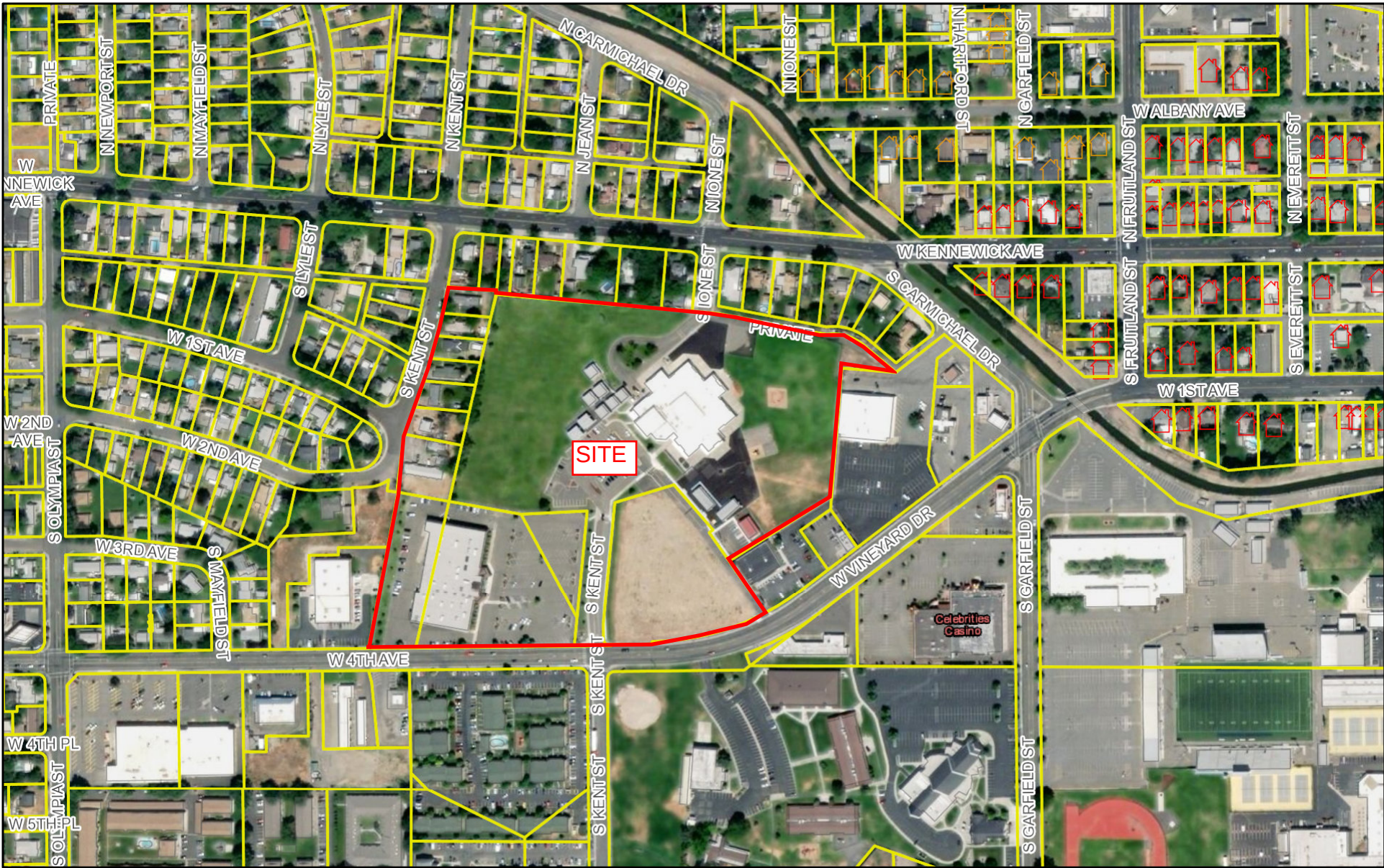
6. Does the existing zoning prohibit reasonable use of the property? Please explain.

7. Will any residential character, in the immediate area, be adversely affected by the proposed amendment? If yes or maybe, please explain:
8. Will property values in the vicinity be changed by the proposed amendment? If yes or maybe, please explain:
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:
10. Will the proposed amendment encourage more private investments which will be beneficial to the redevelopment of a deteriorated area? Please explain:
11. Will the proposed amendment combat any economic segregation and allow greater choice in the market? Please explain.
12. Will the proposed amendment create conflict between potential land uses and transportation patterns? Or safety concerns? Please explain:

Summary of City forms required:

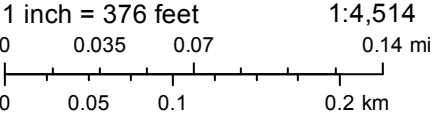
Application – General Form
Change of Zone Supplemental Information
Environmental and Salmonids Checklist (SEPA)

Vicinity Map



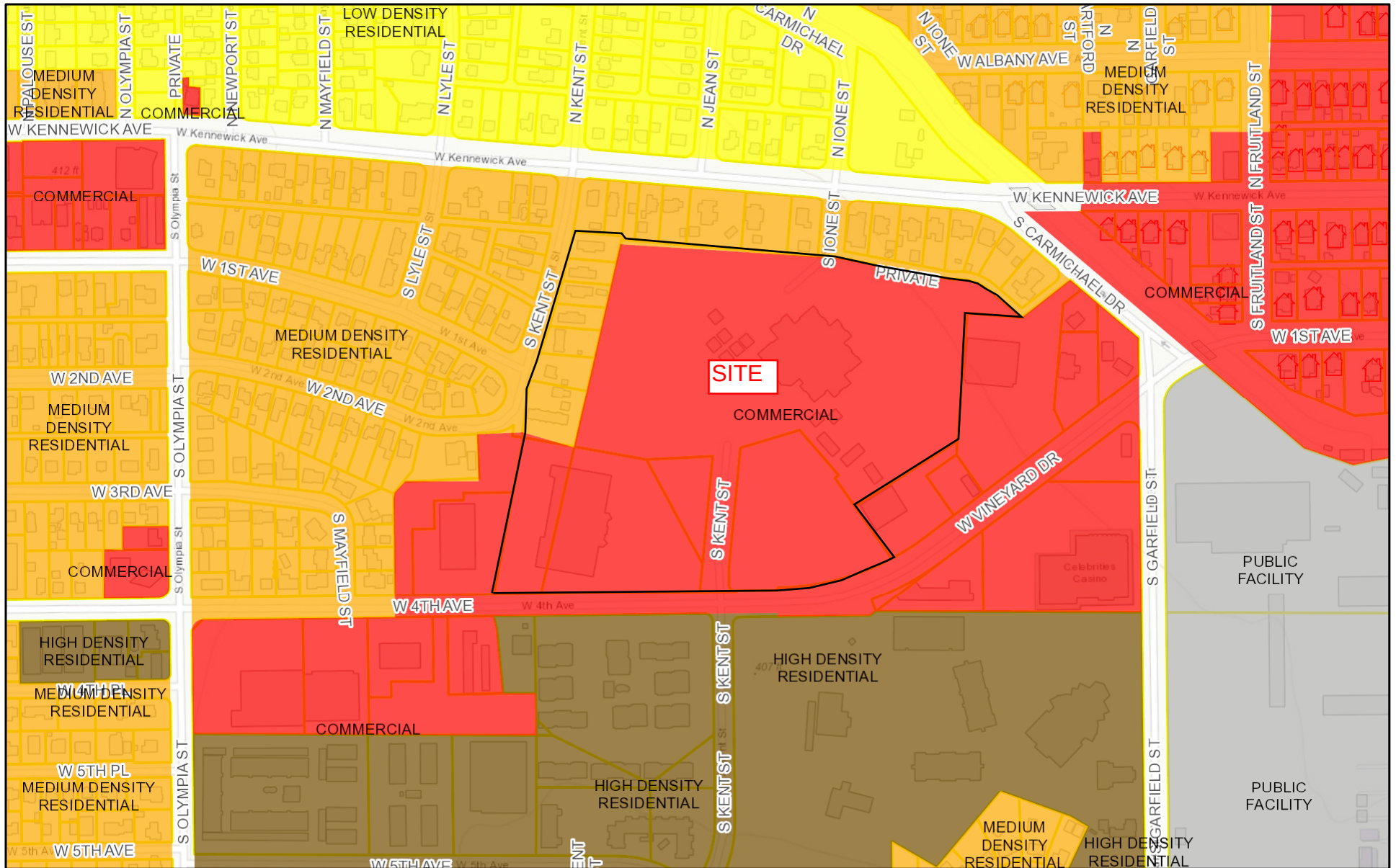
October 23, 2018 This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

StreetName		Apartment		Mobile Home
SurveyAddressPoint		Building		Parcel
		Condo		SurveyAddressPointSupp
	<all other values>			



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Comprehensive Plan Map



November 19, 2018 This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

StreetName	Apartment	Mobile Home
SurveyAddressPoint	Building	Parcel
Condo		SurveyAddressPointSupp
<all other values>		



1 inch = 376 feet

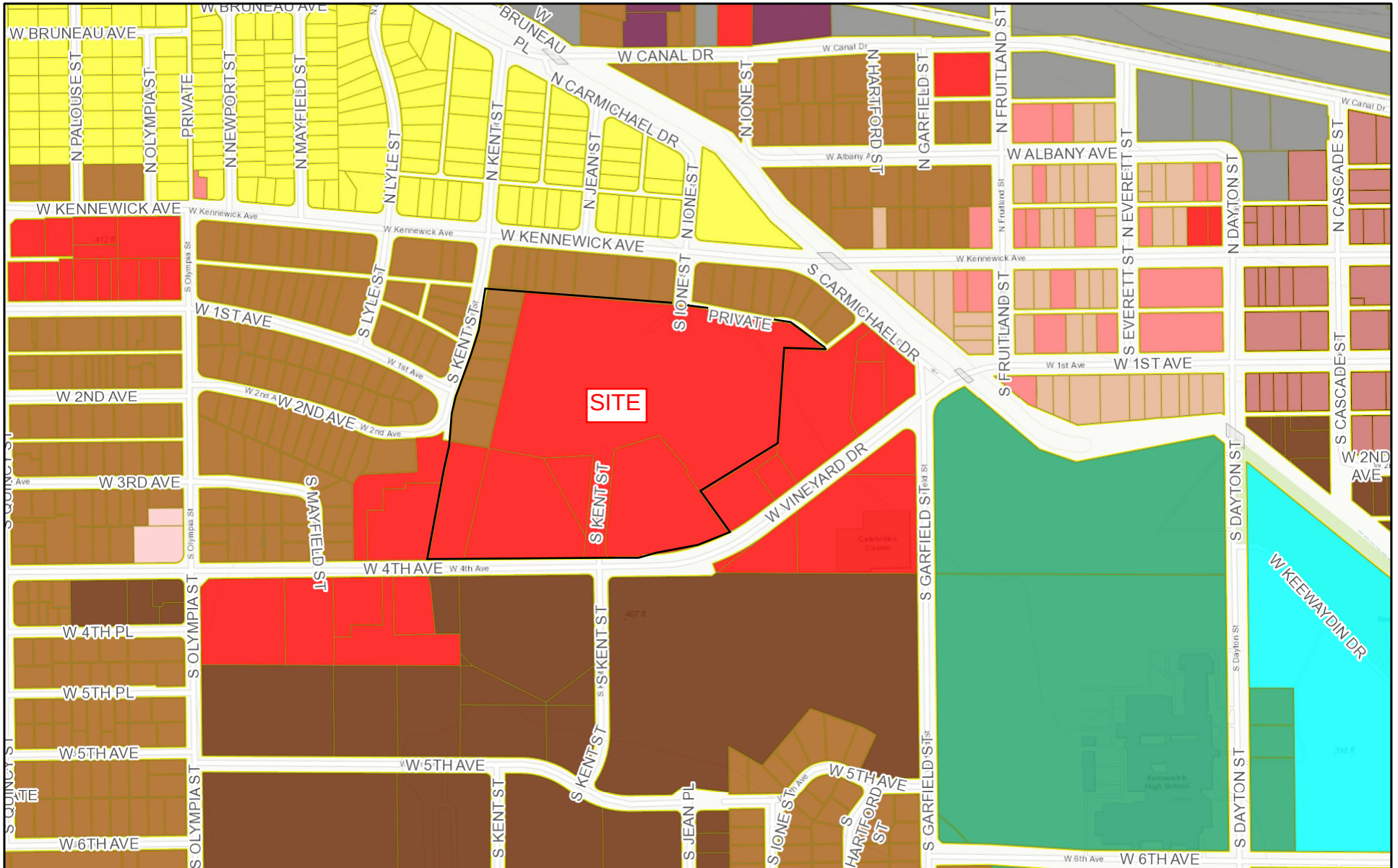
1:4,514

0 0.035 0.07 0.14 mi

0 0.05 0.1 0.2 km

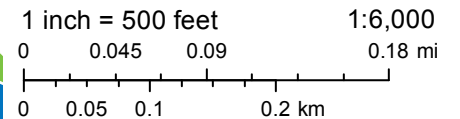
Sources: Esri, HERE, Garmin, Intermap, increment P Corp.,

Zoning Map



November 16, 2018 This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

StreetName	SV_CI_RICHLAND_10
SurveyCityLimits	SV_CI_COUNTY_10
SV_CI_KENNEWICK_10	SurveyUrbanGrowthBoundary



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



NOTIFICATION OF MAILING

I, Melinda Didier, on 11/16, 2018
Mailed 64 copies of NDPH
for COZ 18-05
to prop. own/appl. w/in 300'
as shown on the attached list.

COZ 18-05 / PLN-2018-03327
1000 W 4TH AVE
RM & CC TO PF
KSD KEITH COLEE

Melinda Didier
Signature

**KENNEWICK PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

December 3, 2018 6:30 p.m.

The Kennewick Planning Commission will hold a Public Hearing on Monday, December 3, 2018, at City Hall Council Chambers, 210 West 6th Avenue, at 6:30 p.m. or as soon as possible thereafter, to receive public comment on a proposed change of zoning. Staff will be presenting their analysis and the Planning Commission will make a recommendation to the City Council on the item.

Project# COZ 18-05 – The Kennewick School District has proposed to change the zoning district for 23.15 acres generally located at 1000 W 4th Avenue from Residential, Medium Density (RM) and Commercial, Community (CC) to Public Facility (PF). The property has a comprehensive plan land use designation of Public Facility. Review the vicinity map on back of this notice. For questions about this project, please call Steve Donovan (509) 585-4361.

Written comments may be addressed to Steve Donovan and submitted to steve.donovan@ci.kennewick.wa.us or mailed to PO Box 6108, Kennewick, WA 99336 no later than 4:30 p.m., November 30, 2018. All other comments should be submitted at the meeting.

The City of Kennewick welcomes full participation in public meeting by all citizens. No qualified individual with a disability shall be excluded or denied the benefit of participating in such meetings. If you wish to use auxiliary aids or require assistance to comment at this public meeting, please contact Steve Donovan at (509) 585-4361 or TDD (509) 585-4425 or through the Washington Relay Service Center TTY at #711 at least ten days prior to the date of the meeting to make arrangements for special needs.

Vicinity Map



October 23, 2018 This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

- StreetName
- Apartment
- Building
- Condo
- Mobile Home
- Parcel
- SurveyAddressPoint
- SurveyAddressPointSupp

1 inch = 376 feet
1:4,514

0 0.035 0.07 0.1 0.14 mi
0 0.05 0.1 0.2 km

KENNEWICK
WASHINGTON

Esri, HERE, Garmin, ©
OpenStreetMap contributors, and the
City of Kennewick

37 **DUP**

Kennewick School District #17
1000 W 4th Ave.
Kennewick WA 99336-5533

37 **DUP**

Kennewick School District #17
1000 W 4th Ave.
Kennewick WA 99336

37 **DUP**

Kennewick School District #17
1000 W 4th Ave.
Kennewick WA 99336

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1000 W 4th Ave.
Kennewick WA 99336

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Kennewick WA 99336

37 **DUP**

Kennewick School District #17
1000 W 4th Ave.
Kennewick WA 99336

37 **DUP**

Kennewick School District #17
1000 W 4th Ave.
Kennewick WA 99336

37

Parker S. & Lily D.Jones/Harris
841 W Kennewick Ave.
Kennewick WA 99336

37

Stanley W. & Belva JeanOwen Trustees
837 W Kennewick Ave.
Kennewick WA 99336

37 **DUP**

Stanley W. & Belva JeanOwens
837 W Kennewick Ave.
Kennewick WA 99336

37

Jason M. & DeniseHunter
827 W Kennewick Ave.
Kennewick WA 99337

37

Jason H.Cornwell
823 W Kennewick Ave.
Kennewick WA 99336

37

Cody & Donna J.Hostick
913 W Kennewick Ave.
Kennewick WA 99336

37

Gerald D. & DelorisSleater
104105 E Badger Rd.
Kennewick WA 99338-9100

37

Norma L.Torres Chavez
6 W Carmichael Dr.
Kennewick WA 99336-5590

37

Autozone Development Corp
PO Box 2198
Memphis TN 38101

37 **DUP**

Autozone Development Corp
PO Box 2198
Memphis TN 38101

37

Meadow Park 155, LLC
4000 MacArthur Blvd. Ste
Newport Beach CA 92660

37

National Petcare Centers Inc.
12401 W Olympic Blvd.
Los Angeles CA 90064

37

Corp of Catholic Bishop Yakima
5301 A Tieton Dr.
Yakima WA 98908

37

Hendrickson Fir Grove LLC
4407 W 19th Ave.
Kennewick WA 99338

37

Hendrickson Fir Grove LLC
4407 W 19th Ave.
Kennewick WA 99338

37

Hendrickson Fir Grove LLC
4407 W 19th Ave.
Kennewick WA 99338

COZ 18-05 / PLN-2018-03327
1000 W 4TH AVE
RM & CC TO PF
KSD KEITH COLEE

37

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37

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37
MM Properties Vineyard, LLC
14019 SE 35th Loop
Vancouver WA 98683

37
Tapteal Properites, LLC
5 Presido Terrace
San Francisco CA 94118

37
Three Rivers Ranch, LLC
4102 S Green Street
Kennewick WA 99337-2671

37
Orod Construction, LLC
1399 Belmont Blvd
West Richland WA 99353

37
Garfield Mart Inc
30 S Garfield St.
Kennewick WA 99336

37
Col. Basin Pizza Hut #46016 C/O Emerald
City Pizza Basin Investment Group
12121 Harbour Reach Dr.
Mukileto WA 98275

37
York Street, LLC
PO Box 06116
Chicago IL 60606

37
Kennewick School District
1000 W 4th Ave.
Kennewick WA 99336-5533

37
Kennewick School District
1000 W 4th Ave.
Kennewick WA 99336-5533

37
Corp of Catholic Bishop Yakima
5301 A Tieton Dr.
Yakima WA 98908

37 **DUP**
Corp of Catholic Bishop Yakima
5301 A Tieton Dr.
Yakima WA 98908

37
Stanford's Recreation, LLC
711 Vineyard Dr.
Kennewick WA 99336

37
Jerry E.Walker
3297 Coy Dr.
Sherman Oaks CA 91423

37
Russell D.Shiplet
912 W Kennewick Ave.
Kennewick WA 99336-3353

37
AmberThomas
914 W Kennewick Ave.
Kennewick WA 99336

37
Tim E.Alongi
4009 S Waverly St.
Kennewick WA 99336

37
Donna E.Snyder
920 W Kennewick Ave.
Kennewick WA 99336

37
James N.Willich
924 W Kennewick Ave.
Kennewick WA 99336-3353

37
Clarence S. & Nancy LeeEckert
1004 W Kennewick Ave.
Kennewick WA 99336-3351

37
Cody & DanielleMerriman
1016 W Kennewick Ave.
Kennewick WA 99336-3351

37 **DUP**
Cody & DanielleMerriman
1016 W Kennewick Ave.
Kennewick WA 99336-3351

37
Stephanie L.Hall
65310 N SR 225
Benton City WA 99320

37
Hulbert Property Management, LLC
3201 W 24th Ave.
Kennewick WA 99337-2412

37
Leigh CTerrass
1102 W Kennewick Ave.
Kennewick WA 99336

37
Richard N. & Sharon E.Soper
1104 W Kennewick Ave.
Kennewick WA 99336-3349

37 **DUP**
Richard N. & Sharon E.Soper
1104 W Kennewick Ave.
Kennewick WA 99336-3349

37
Jerrold L. & KathleenHurt
17 S Lyle St.
Kennewick WA 99336-5018

37
William D. & Judy K.Leahy
1111 W Kennewick Ave.
Kennewick WA 99336-3350

37
Tommy J. & Linda K.Magelsen
1107 W Kennewick Ave.
Kennewick WA 99336

37
Clarice R.Morrow
2107 W 15th Ave.
Kennewick WA 99337

37
Leonard & Carol Christensen
16 S Kent St.
Kennewick WA 99336-5021

37
Garry Edwards
18 S Kent St.
Kennewick WA 99336-5021

37
Timothy J. Miller
24 S Kent St.
Kennewick WA 99336-5021

37
Nathan D. Monke
1102 W 1st Ave.
Kennewick WA 99336-5065

37
Tamara L. Bradbury
1106 W 1st Ave.
Kennewick WA 99336-5065

37
Cris Haley
210 N Perry St.
Kennewick WA 99336

37
Clara Marie Reed
1114 W 1st Ave.
Kennewick WA 99336-5065

37
Norma J. & Nina J. Garcia/ Hutchinson
1118 W 1st Ave.
Kennewick WA 99336

37
Sherry Shroeder
76633 E Country Heights Dr.
Kennewick WA 99336

37
Patricia A. Cuiity
1017 W Kennewick Ave.
Kennewick WA 99336

37
Patricia A. Cuiity
1017 W Kennewick Ave.
Kennewick WA 99336

37
Gregory Melvin Barcom
1009 W Kennewick Ave.
Kennewick WA 99336-3352

37
Kenneth E. Lodahl
2903 W 37th Ave.
Kennewick WA 99337

37
Cody & Donna J. Hostick
913 W Kennewick Ave.
Kennewick WA 99336

37
Barbara B. Brauer, Trustee
915 W Kennewick Ave.
Kennewick WA 99336-3354

37
Susan M. Mikels
925 W Kennewick Ave.
Kennewick WA 99336-3354

37
Paul Michael Marquez
1101 W 1st Ave.
Kennewick WA 99336

37
Jose L. & Julia L. Mejia
1105 W 1st
Kennewick WA 99336

37
Melva L. Mitchell
1109 W 1st Ave.
Kennewick WA 99336-5066

37
Feliberto Romero
1113 W 1st Ave
Kennewick WA 99336-5066

37
Steven C. Parker
2302 W 7th Ave.
Kennewick WA 99336-4856

37
Rafael & Martha L. Cortes
1106 W 2nd Ave.
Kennewick WA 99336-5053

37
Ralph V. & Maria H. Mercado
1102 W 2nd Ave.
Kennewick WA 99336-5053

37
Merle E. & ET UX Montgomery
1709 Dennis St.
Kennewick WA 99337-2874

37
Leonard D. & Margaret E. Shaw
313 S Mayfield St.
Kennewick WA 99336-5016

37
Rylan Grimes
921 N Rd. 37
Pasco WA 99301

37
Shawna Jimenez
1308 W 4th Ave.
Kennewick WA 99336-5031

37
Harlan McMullen
1101 W 2nd Ave.
Kennewick WA 99336-5054

37
Kennewick School District #17
1000 W 4th Ave.
Kennewick WA 99336-5533

37 **DUP**
Kennewick School District #17
1000 W 4th Ave.
Kennewick WA 99336-5533



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

FILE/PROJECT NUMBER: CPA 18-04/PLN-2018-00811

DESCRIPTION OF PROPOSAL: The proposal is to change the Comprehensive Plan Land Use designations for seven parcels from Medium Density Residential and three parcels (for a total of 23.15 acres) from Commercial to Public Facility.

PROPONENT: Kennewick School District 1000 W 4th Avenue, Kennewick, WA 99336

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: 13 S Kent Street, 17 S Kent Street, 21 S Kent Street, 25 S Kent Street, 29 S Kent Street, 105 S Kent Street, 109 S Kent Street, 1000 W 4th Avenue, 930 W 4th Avenue and 910 W 4th 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 20, 2018 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
CPA 18-04 File



Department of Energy

Bonneville Power Administration
2211 North Commercial Avenue
Pasco, WA 99301

TRANSMISSION SERVICES

November 5, 2018

In reply refer to: COZ 18-05/PLN-2018-03327
Located within a Portion of Section 1, Township 8 North,
Range 29 East, W.M., Benton County, Washington

Steve Donovan
City of Kennewick
Community Planning/Planner
210 W. 6th Avenue - PO Box 6108
Kennewick, WA 99336

Dear Steve:

Bonneville Power Administration (BPA) has had the opportunity to review GRADE 18-08/PLN-2018-02801. The application is to change the zoning district for 23.15 acres from Residential, Medium Density (RM) and Commercial, Community (CC) to Public Facility (PF). The property is generally located at 1000 W 4th Avenue in Kennewick, WA; County parcel number 101892000005012.

In researching our records, we have found that this proposal will not directly impact BPA facilities. BPA does not have any objections to the approval of this request at this time.

Thank you for the opportunity to review this application. If you have any questions regarding this request or need additional information, please feel free to contact me. I can be reached at (503) 230-5510 or by email at mjdeklyen@bpa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike DeKlyen", is written over a horizontal line.

Mike DeKlyen
BPA Field Realty Specialist



**ECONOMIC DEVELOPMENT AND
COMMUNITY PLANNING DEPARTMENT**

**STAFF REPORT AND RECOMMENDATION TO
THE PLANNING COMMISSION**

FILE No: COZ 18-06/PLN-2018-03328

Staff Report Date: November 21, 2018

Public Hearing Meeting Date and Location:

December 3, 2018, Kennewick City Hall

Report Prepared By: Wes Romine
Development Services Manager

Report Reviewed By: Gregory McCormick, AICP
Planning Director

Summary Recommendation: The City of Kennewick Planning Staff RECOMMENDS that Change of Zone 18-06 be APPROVED.

Summary of Proposal: A Change of Zone from Industrial Light (IL) to Public Facility (PF) for two parcels 7.42 and 4.14 acres in size, and from Open Space (OS) to Public Facility (PF) for one parcel of land 31.54 acres in size.

Proposal Location: The railroad right of way at the west and east of N. Edison Street, and at 600 N. Arthur Street (Kamiakin High School).

Legal Description:

Parcel 1-3399-402-0042-001

Lots 33, 34, 41 and 42, The Highlands Plat A as recorded in Volume 2 of Plats, Page 2, records of Benton County, Washington; EXCEPT the North 40 feet of said Lots 33 and 34; AND EXCEPT any portion of said Lot 33 lying North of adjacent railroad; AND EXCEPT the South 54.5 feet of said Lots 41 and 42; AND EXCEPT the East 15 feet of said Lots 33 and 42; AND EXCEPT that portion of said Lots 34 and 41 conveyed to City of Kennewick by deed recorded under Auditor's File No. 2006-041106.

Parcel 1-3399-300-001-000

The northerly 110 feet of BNSF railway company's (formerly Northern Pacific Railway Company) 400.0 Feet wide charter right of way property in the southwest quarter of section 33, township 9 North, Range 29 East of the Willamette Meridian in Benton County, Washington, lying between two lines drawn parallel with and distant 90 feet and 200 feet northerly of, as measured perpendicular to said railway company's main track centerline, as originally located and constructed. Bounded on the west by the east line of Kellogg Street, and bounded on the east by the west line of Edison Street.

Parcel 1-3399-4RS-1775-001

That portion of the BNSF railway company's (formerly Northern Pacific Railway Company) 400.0 Feet wide right of way being 200.0 Feet to each side of said railway company's main track centerline, as originally located and constructed upon, over and across the east half of section 33, township 9 North, Range 29 East of the Willamette Meridian in Benton County, Washington, being more particularly described as follows:

Commencing at the northwest corner of the southeast quarter of said section 33; thence south 00°39'30" west along the west line thereof a distance of 341.57 feet to the true point of beginning; thence, leaving said line, north 68°45'00" east, parallel with said main track centerline, a distance of 1463.25 feet to the easterly margin of north Arthur street extended northerly; thence south 00°49'56" west, along said margin, a distance of 140.29 feet to the southeasterly margin of said railway right of way; thence south 68°45'00" west, along said southeast quarter; thence north 00°39'30" east, along said line, a distance of 140.12 feet to the point of beginning.

Except north Edison Street.

Also except that portion conveyed to the City of Kennewick for road purposes by deed recorded January 6, 2010, under auditors fee no. 2010-000253.

Also except West Metaline Avenue

Property Owner: Kennewick School District
1000 W. 4th Avenue
Kennewick, WA 99336

Applicant: Same as Property Owner

Engineer: NA

Approval Criteria:

1. Comprehensive Plan – Land Use
2. KMC Title 4 – Administrative Procedures
3. KMC Title 18 – Zoning
4. Washington State Environmental Policy Act

COZ Key Application Processing Dates:

Pre-Application/Feasibility Meeting	N/A
Application Submittal	October 18, 2018
Determination of Completeness Issued	October 18, 2018
Notice of Application Mailed	October 25, 2018
Property Posting Sign for Application Notice	October 25, 2018
SEPA Threshold Determination Issued	July 20, 2018
Property Posting Sign for SEPA Determination	NA
Date of Mailed Notice of Public Hearing	November 16, 2018
Property Posting Sign for Public Hearing	November 15, 2018
Date of Published Notice of Public Hearing	November 18, 2018
SEPA Appeal Period Ends	NA
Planning Commission Public Hearing	December 3, 2018
City Council Decision Date	December 18, 2018

Exhibits:

- 1 Staff Report
- 2 Application/Supplemental Information
- 3 Notice of Application/Mailing List
- 4 Vicinity Map
- 5 Change of Zone Map
- 6 SEPA Determination

Staff Analysis of Proposal & Discussion:

The proposed Change of Zone (COZ 18-06) is a request to change the zone of two parcels of land from Industrial Light (IL) to Public Facility, 7.42 and 4.14 acres in size, and one parcel of land from Open Space (OS) to Public Facility that is 31.54 acres in size. The subject parcels are located at the rail road right of way to the west and east of N. Edison Street near W. Metaline Avenue, and the Kamiakin High School parcel at 600 N. Arthur Street. The applicant has requested the change of zone to be able to consolidate adjacent school properties and expand their parking facilities.

The two railroad right of way parcels are follow-up change of zones to the recently approved Comprehensive Plan Amendment (CPA 18-05) that change the Comprehensive Land Use from Industrial Light to Public Facility. The proposed Public Facility zoning is an implementing zone of the Public Facility land use and will make the zoning consistent with the Comprehensive Plan land use. The Kamiakin High School property's current Comprehensive land use designation is Public Facility. The current Open Space (OS) zoning is not an implementing zone in the Public Facility Comprehensive Plan land use designation. A change of zone to Public Facility (PF) will make the property consistent with the land use designation.

Per KMC 18.03.040 (18, 21 & 22), the purpose of IL, OS and PF zoning districts are as follows:

IL – “The purpose of the IL district is to provide areas for less intensive manufacturing and industrial uses, warehousing, and distribution operations to serve the”.

OS – “The purpose of the OS district is to offer areas for those types of activities which require open space such as critical area environments, schools, parks, other outdoor recreation, and similar compatible”.

PF – “The purpose of the PF district is to provide areas for public and quasi-public facilities, publicly owned or controlled parks and recreation facilities, and governmental buildings and facilities”.

Staff Comment: The change of zone will allow the subject parcels to be consistent with the City's Comprehensive Plan and allow uses compatible with the purpose of the Public Facility zone.

By approving this change of zone all the findings can be made that are required to approve a change of zone that are listed in KMC 18.51.070 (2):

- (a) The proposed amendment conforms with the comprehensive plan; and

Staff Response: The proposed Change of Zone conforms to the comprehensive plan. The Public Facility (PF) zone is an implementing zone of the Public Facility Comprehensive Plan Land Use designation.

- (b) Promotes the public necessity, convenience and general welfare; and

Staff Response: The proposed Change of Zone promotes the public necessity, convenience and welfare by establishing a zone compatible with the school district uses.

- (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; and

Staff Response: Staff is not aware of any burdens on public facilities.

- (d) 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 will establish a zoning district that is in compliance with the recent Comprehensive Plan Land Use amendment that was recently approved by City Council.

- (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.

Staff Response: The above finding is not applicable since this is not a Single Family Residential zoned property.

The above required findings to approve a change of zone have been listed below under the staff recommended findings.

Surrounding Zoning:

North: Community Commercial (CC), Public Facility (PF) and Residential Trailer Park (RTP).

East: Residential Medium Density (RM) and Railroad Right of Way.

South: Commercial Community (CC) and Residential High Density (RH).

West: Commercial Community (CC) and Railroad Right of Way.

Applicable Goals and Policies of the Comprehensive Plan:

Urban Area Goal 5: *Coordinate land uses and development regulations between the City and other jurisdictions. Increase interaction with other agencies and Benton County as we continue to fill out the UGA.*

Staff Comment: A zone change to PF would allow consolidation of adjacent properties to be used more efficiently by the Kamiakin High School and the Kennewick School District maintenance facility.

Land Use Implementation by Zoning: Per the land use implementation by zoning table on page 15 of the City's Comprehensive Plan, Public Facility (PF) is a zone that can be implemented in the Public Facility Land Use category.

Findings:

1. The applicant and property owner is the Kennewick School District (1000 W. 4th Avenue, Kennewick, WA 99336).
2. The proposed change of zone is for parcel numbers 1-3399-402-0042-001, 1-3399-300-0001-000, and 1-3399-4RS-1775-001.
3. The request is to change the zoning of two parcels of land from Industrial Light (IL) to Public Facility (PF), and one parcel of land from Open Space (OS) to Public Facility (PF).
4. The City's Comprehensive Plan Land Use Designation for the subject properties is Public Facility.
5. The Public Facility (PF) zoning district is an implementing zone of the Public Facility Comprehensive Plan Land Use Map designation.
6. The application was submitted on October 18, 2018 and declared complete for processing.
7. The application was routed for review to City Departments and outside agencies for comment on October 25, 2018.
8. City Council approved a Comprehensive Plan Land Use Amendment to Public Facility (CPA 18-05) on October 20, 2018 (Ord. 5775).
9. An Environmental Determination of Non-Significance was issued on July 20, 2018 for this application. The appeal period for the determination ended on August 3, 2018. No appeals were filed.
10. The Property Posting sign for the public hearing was posted on site November 15, 2018.
11. Notice of the public hearing for this application was published in the Tri-City Herald on November 18, 2018. Notices were also mailed to property owners within 300 feet of the site on November 16, 2018.
12. The proposed amendment conforms with the comprehensive plan; and
13. Promotes the public necessity, convenience and general welfare; and
14. 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

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

Conclusions:

1. Approval will change the zoning for two subject parcels from Industrial Light (IL) to Public Facility (PF), and a third subject parcel for Open Space (OS) to Public Facility (PF).
2. Approval will implement Urban Area Goal 5 of the City of Kennewick Comprehensive Plan.
3. Approval will result in the public necessity, convenience or general welfare.
4. Approval will not result in any adverse environmental impacts.

Recommendation:

Staff has reviewed the application and recommends that the Planning Commission concur with the findings and conclusions contained in staff report COZ 18-06 and recommend approval to City Council.

Motion:

I move that the Planning Commission concur with the findings and conclusions in staff report COZ 18-06 and recommend to City Council approval of the change of zone request to Public Facility.

Report Prepared By and Contact Person:

Wes Romine

Development Services Manager

wes.romine@ci.kennewick.wa.us

509-585-4558

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:
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:
3. Is the proposed amendment consistent with the existing land use pattern in the area? Please explain
4. Are the existing uses, in the area, in conformance with the area's zoning classification? If no, please explain the differences:
5. Will the proposed amendment create an isolated district, or introduce a more intense land use to the area? Please explain.
6. Does the existing zoning prohibit reasonable use of the property? Please explain.

7. Will any residential character, in the immediate area, be adversely affected by the proposed amendment? If yes or maybe, please explain:
8. Will property values in the vicinity be changed by the proposed amendment? If yes or maybe, please explain:
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:
10. Will the proposed amendment encourage more private investments which will be beneficial to the redevelopment of a deteriorated area? Please explain:
11. Will the proposed amendment combat any economic segregation and allow greater choice in the market? Please explain.
12. Will the proposed amendment create conflict between potential land uses and transportation patterns? Or safety concerns? Please explain:

Summary of City forms required:

Application – General Form
Change of Zone Supplemental Information
Environmental and Salmonids Checklist (SEPA)

**NOTIFICATION OF MAILING**

I, Melinda Didier, on 11/15/, 2018
Mailed 36 copies of COZ 18-06 NDAH & Map
for COZ 18-06
to prop. own / app / w/300'
as shown on the attached list.

COZ 18-06 / PLN-2018-03328
600 N ARTHUR ST
IL & OS TO PF
KSD KEITH COLEE

Melinda Didier
Signature

CITY OF KENNEWICK PLANNING COMMISSION**NOTICE OF PUBLIC HEARING****December 3, 2018 - 6:30 p.m.**

The City of Kennewick Planning Commission will hold a Public Hearing on Monday, December 3, 2018, at City Hall Council Chambers, 210 West 6th Avenue, at 6:30 p.m. or as soon as possible thereafter, to receive public comment on a proposed change of zoning. Staff will be presenting their analysis and the Planning Commission will make a recommendation to the City Council on the item.

Project# COZ 18-06 – Proposes to change three parcels of land approximately a 7.42, 4.14, and 31.54 acres of land from Industrial Light (IL) to Public Facility (PF), and Open Space (OS) to Public Facility (PF) located at 600 N. Arthur Street, at the railroad right of way north and west of Kamiakin High School and at Kamiakin High School.

Written comments may be addressed to Wes Romine and submitted to wes.romine@ci.kennewick.wa.us or mailed to PO Box 6108, Kennewick, WA 99336 no later than 4:30 p.m., November 21, 2018 to be included in the staff report. Comments after November 21, 2018 can be submitted at the Public Hearing on December 3, 2018. For questions, please call Wes Romine at (509) 585-4558.

The City of Kennewick welcomes full participation in public meeting by all citizens. No qualified individual with a disability shall be excluded or denied the benefit of participating in such meetings. If you wish to use auxiliary aids or require assistance to comment at this public meeting, please contact Wes Romine at (509) 585-4558 or TDD (509) 585-4425 or through the Washington Relay Service Center TTY at #711 at least ten days prior to the date of the meeting to make arrangements for special needs.

PUBLISH: 11-18-2018

Utilities Map



October 24, 2018 This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

StreetName

SurveyCityLimits



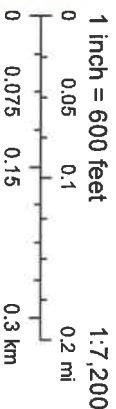
SV_CI_KENNEWICK_10

SV_CI_RICHLAND_10

SV_CI_COUNTY_10

SurveyUrbanGrowthBoundary

Project Area
COZ 18-06



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

ArGIS WebApp Builder
City of Kennewick

EXHIBIT 3

37
KEVIN A WARNER
710 N IRVING ST
KENNEWICK, WA 99336-1426

37 **DUP**
KENNEWICK SCHOOL DISTRICT #17,
524 S AUBURN ST
KENNEWICK, WA 99336-5601

37
THOMAS P & DONNA L EVERHAM
543 N JEFFERSON ST
KENNEWICK, WA 99336-1917

37 **DUP**
GT KENNEWICK LLC
1950 W BELLERIVE LN #107
COEUR D ALENE, ID 83814

37 **DUP**
GT KENNEWICK LLC
1950 W BELLERIVE LN #107
COEUR D ALENE, ID 83814

37 **DUP**
GT KENNEWICK LLC
1950 W BELLERIVE LN #107
COEUR D ALENE, ID 83814

37
GERALD RAU
1113 S YELM PL, UNIT A
KENNEWICK, WA 99337

37 **DUP**
KENNEWICK SCHOOL DISTRICT #17,
1000 W 4TH AVE
KENNEWICK, WA 99336-5533

37 **DUP**
BNSF RAILWAY COMPANY
C/O BNSF RAILWAY COMPANY PROPERTY
TAX DEPARTMENT, PO BOX 961089
FORT WORTH, TX 76161

37

37
PRAIRIE LAND COMPANY INC,
717 N IRVING
KENNEWICK, WA 99336

37
TODD W GARNER
5620 W HOOD AVE
KENNEWICK, WA 99336-1926

37
SNYDER TRUSTEES, DUANE A & GAYLA
4110 S MORAIN PL
KENNEWICK, WA 99337-2634

37 **DUP**
GT KENNEWICK LLC
1950 W BELLERIVE LN #107
COEUR D ALENE, ID 83814

37 **DUP**
GT KENNEWICK LLC
1950 W BELLERIVE LN #107
COEUR D ALENE, ID 83814

37

37 **DUP**
KENNEWICK SCHOOL DISTRICT
1000 W 4TH AVE
KENNEWICK, WA 99336-5533

37 **DUP**
KENNEWICK SCHOOL DISTRICT #17,
1000 W 4TH AVE
KENNEWICK, WA 99336-5533

37
WASHINGTON CENTRAL RAILROAD,
P O BOX 961089
FORT WORTH, TX 76161-0089

37

37
KENNEWICK SCHOOL DISTRICT #17,
524 S AUBURN ST
KENNEWICK, WA 99336-5601

37
S & S KENNEWICK LLC
329 N KELLOGG
KENNEWICK, WA 99336

37
GT KENNEWICK LLC
1950 W BELLERIVE LN #107
COEUR D ALENE, ID 83814

37 **DUP**
GT KENNEWICK LLC
1950 W BELLERIVE LN #107
COEUR D ALENE, ID 83814

37 **DUP**
GT KENNEWICK LLC
1950 W BELLERIVE LN #107
COEUR D ALENE, ID 83814

37
CRAIG D & MARILEE N EERKES
PO BOX 6980
KENNEWICK, WA 99336-2409

37 **DUP**
KENNEWICK SCHOOL DISTRICT #17,
1000 W 4TH AVE
KENNEWICK, WA 99336-5533

37 **DUP**
KENNEWICK SCHOOL DISTRICT #17,
1000 W 4TH AVE
KENNEWICK, WA 99336-5533

COZ 18-06 / PLN-2018-03328
600 N ARTHUR ST
IL & OS TO PF
KSD KEITH COLEE

37

EXHIBIT 3

37
Carol Jean Wondrack
5708 W 26TH AVE
KENNEWICK, WA 99338

37
TILLAMOOK LIGHT, LLC
7337 SW KABLE LN
TIGARD, OR 97224

37
KSU INVESTMENTS LLC
100 N MORAIN ST, STE 318
KENNEWICK, WA 99336

37
KENNEWICK IRRIGATION DISTRICT,
2015 S ELY ST BLDG A
KENNEWICK, WA 99337

37
BUSH TRUSTEES, TIMOTHY T &
KATHRYN L
520 W COLUMBIA DR
KENNEWICK, WA 99336-3650

37
HERBERT & BEATRICE STOKES
1008 N FILLMORE PL
KENNEWICK, WA 99336-1428

37 **DUP**
WAYNE D & KATHLEEN A WARDLE
1036 N EDISON PL
KENNEWICK, WA 99336-1431

37
MARK R NELSON
5724 W HOOD AVE
KENNEWICK, WA 99336-1924

37
SPENCER CARLSON UNLIMITED, INC,
413 N KELLOGG ST
KENNEWICK, WA 99336-4943

37
OXFORD D HAMBROOK
2902 W 46TH AVE
KENNEWICK, WA 99337-2605

37
SMI GROUP XVII LLC
1030 BATTELLE BLVD 102
RICHLAND, WA 99354

37
BNSF RAILWAY COMPANY
C/O BNSF RAILWAY COMPANY PROPERTY
TAX DEPARTMENT, PO BOX 961089
FORT WORTH, TX 76161

37
BONNIE JEAN PLAZA, L.L.C.
15539 61ST AVE NE
KENMORE, WA 98028

37 **DUP**
KENNEWICK IRRIGATION DISTRICT,
2015 S ELY ST BLDG A
KENNEWICK, WA 99337

37
ANTHONY J & TERRI EDWARDS
933 S HIGHLAND DR
KENNEWICK, WA 99337-4326

37
GOODENOUGH JAMES D & GLADA P
725 N DOBSON RD, UNIT 170
CHANDLER, AZ 85224

37
WESLEY E BARTLETT
1007 N FILMORE PL
KENNEWICK, WA 99336

37
KEVIN C KELLY
5622 W HOOD AVE
KENNEWICK, WA 99336

37
SCOTT M & CARLA P HAEN
8878 N TORREY LN
HAYDEN, ID 83835

37
ROBERT E ECKERT
PO BOX 6376
KENNEWICK, WA 99336

37
TONY M & BARBARA A MARTIN
615 N KELLOGG ST
KENNEWICK, WA 99336

37 **DUP**
BNSF RAILWAY COMPANY
C/O BNSF RAILWAY COMPANY PROPERTY
TAX DEPARTMENT, PO BOX 961089
FORT WORTH, TX 76161

37
BONNIE JEAN PLAZA, L.L.C.
15539 61ST AVE NE
KENMORE, WA 98028

37
COSSIO ALBERTO
826 S 6TH AVE
PASCO, WA 99301

37
DAMIAN & JENNA GARCIA
5318 W METALINE AVE
KENNEWICK, WA 99336-1423

37
WAYNE D & KATHLEEN A WARDLE
1036 N EDISON PL
KENNEWICK, WA 99336-1431

37
KENNEWICK SCHOOL DISTRICT #17,
1000 W 4TH AVE
KENNEWICK, WA 99336-5533

37
NATHANIEL PRATT
4315 MESSARA LN
PASCO, WA 99301

37
TOM E KOWRACH
5628 W HOOD AVE
KENNEWICK, WA 99336

37 **DUP**
OXFORD D HAMBROOK
2902 W 46TH AVE
KENNEWICK, WA 99337-2605

Vicinity Map

EXHIBIT 4



October 24, 2018 This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

StreetName

SV_CI_RICHLAND_10

SurveyCityLimits

SV_CI_COUNTY_10

SV_CI_KENNEWICK_10

SurveyUrbanGrowthBoundary

Project Area
COZ 18-06



1 inch = 600 feet

1:7,200

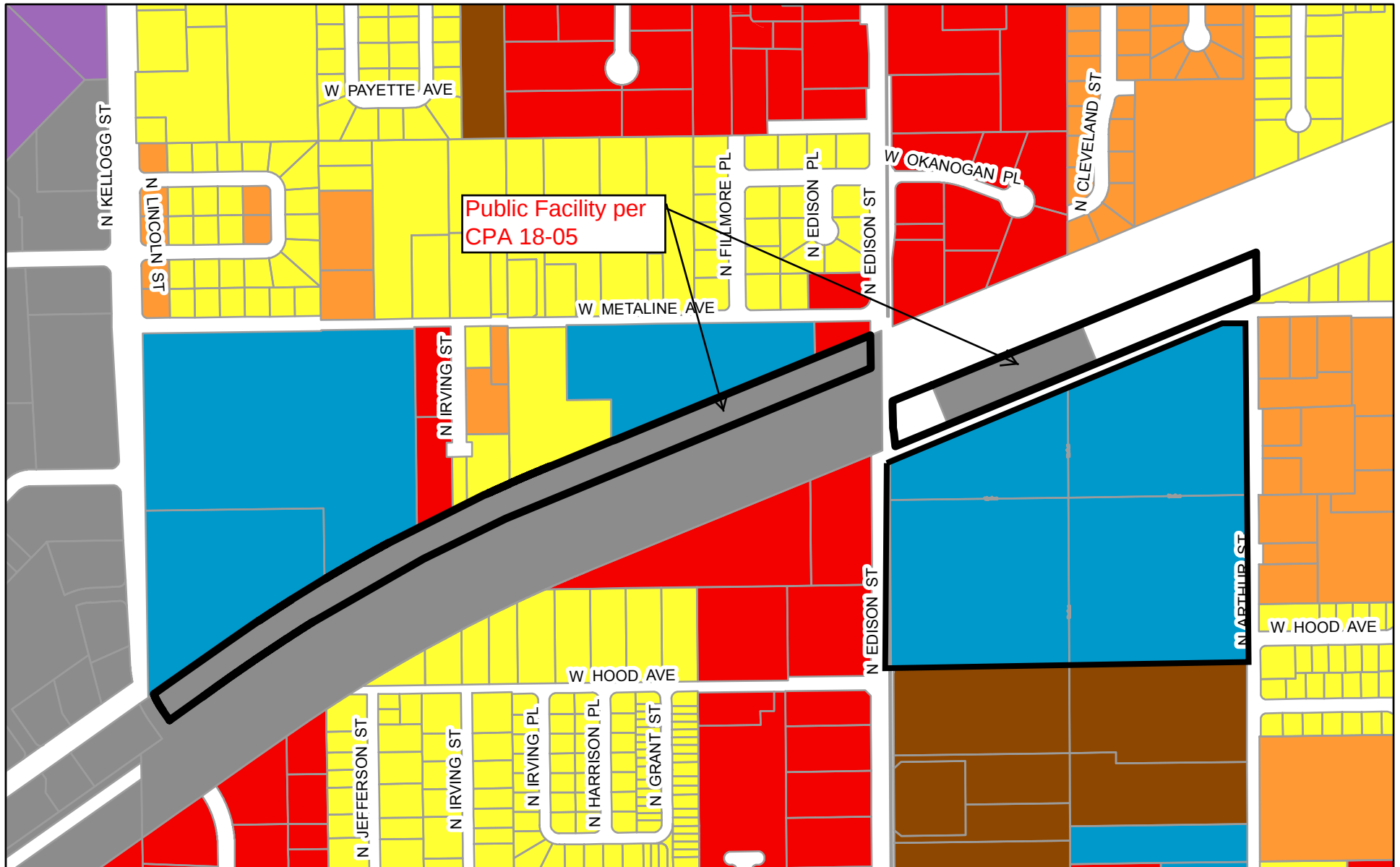
0 0.05 0.1 0.2 mi

0 0.075 0.15 0.3 km

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

Page 1 of 1

ArcGIS WebApp Builder
City of Kennewick



CPA 18-05/PLN-2018-00812





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

FILE/PROJECT NUMBER: CPA 18-05/PLN-2018-00812

DESCRIPTION OF PROPOSAL: The proposal is to change the Comprehensive Plan Land Use designations for two parcels (11.56 acres) from Industrial to Public Facility.

PROPOSER: Kennewick School District 1000 W 4th Avenue, Kennewick, WA 99336

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: 5501 W Metaline Avenue and 5000 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

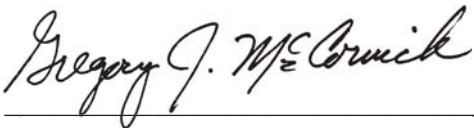
☐ Changes, modifications and/or additions to the checklist have been made on the attached Environmental Checklist Review.

This DNS is subject to the attached conditions:

☒ No conditions.

☐ See attached condition(s).

Date: July 20, 2018

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
CPA 18-05 File



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO THE PLANNING COMMISSION

FILE No: COZ 18-09/PLN-2018-03370

Staff Report Date: November 19, 2018

Hearing Date & Location: December 3, 2018, Kennewick City Hall

Report Prepared By: Steve Donovan
Planner

Report Reviewed By: Wes Romine, AIA
Development Services Manager

Summary Recommendation: The City of Kennewick Planning Staff RECOMMENDS that Change of Zone 18-09 be APPROVED.

Summary of Proposal: A Change of Zone from Residential, Suburban (RS) and Residential, Low Density (RL) to Residential, Medium Density (RM) for 2 acres.

Proposal Location: 1863, 1903 and 1917 W 19th Avenue

Legal Description: **PARCEL NUMBER 1-1189-401-3571-001**
SECTION 11, TOWNSHIP 8 NORTH, RANGE 29 EAST,
QUARTER SE: SHORT PLAT #3571, LOT 1. RECORDED
IN VOLUME 1 OF SHORT PLATS AT PAGE 3571,
RECORDS OF BENTON COUNTY, WASHINGTON.
(AF#2018-017766, 06/20/2018) (10,222 SQ FT)

PARCEL NUMBER 1-1189-401-3571-002
SECTION 11, TOWNSHIP 8 NORTH, RANGE 29 EAST,
QUARTER SE: SHORT PLAT #3571, LOT 2. RECORDED
IN VOLUME 1 OF SHORT PLATS AT PAGE 3571,
RECORDS OF BENTON COUNTY, WASHINGTON.
(AF#2018-017766, 06/20/2018) (53,684 SQ FT)

PARCEL NUMBER 1-1189-402-0058-001
LEGAL DESCRIPTION: THE HIGHLANDS, PLAT 'C':
NORTH 133 FEET OF EAST 1/2 OF EAST 1/2 LOT 58
(DESCRIPTION CHANGE 7/12/78)

THE NORTH 133 FEET OF THE EAST HALF OF THE
EAST HALF OF THE TRACT 58, THE HIGHLANDS PLAT
C, ACCORDING TO THE PLAT THEREOF RECORDED

IN VOLUME 2 OF PLATS, PAGE 31, RECORDS OF
BENTON COUNTY, WASHINGTON. (AF# 2018-021780)
21812 SQ FT

Property Owner: Brad Beauchamp
4001 S Vancouver Street
Kennewick, WA 99337

Applicant: Same As Above

Regulatory Controls:

1. Comprehensive Plan – Land Use
2. KMC Title 4 – Administrative Procedures
3. KMC Title 18 – Zoning
4. Washington State Environmental Policy Act

COZ Key Application Processing Dates:

Pre-Application/Feasibility Meeting	N/A
Application Submittal	October 22, 2018
Determination of Completeness Issued	October 25, 2018
Notice of Application Mailed	October 30, 2018
SEPA Threshold Determination Issued	July 20, 2018
Property Posting Sign for SEPA Determination	N/A
SEPA Appeal Period Ended	N/A
Date of Mailed Notice of Public Hearing	November 16, 2018
Property Posting Sign for Public Hearing	November 15, 2018
Date of Published Notice of Public Hearing	November 18, 2018

Exhibits:

1. Staff Report
2. Application/Supplemental Information
3. Vicinity Map
4. Comprehensive Plan Map
5. Zoning Map
6. Notice of Mailing
7. SEPA Determination
8. Benton Clean Air Agency Comments
9. Bonneville Power Administration Comments
10. Kennewick Irrigation District Comments

Staff Analysis of Proposal & Discussion:

As part of the 2018 Comprehensive Plan Amendment, Brad Beauchamp requested that the land use designation of the 2 acre site be changed from Low Density Residential to Medium Density Residential. On October 16, 2018 the City Council approved Ordinance 5777 and amended the site's land use designation as requested by Brad Beauchamp.

The proposed Change of Zone (COZ 18-09), is a request to change the zone of 2 acres located at 1863, 1903 and 1917 W 19th Avenue, from Residential, Suburban (RS) and Residential, Low Density (RL) to Residential, Medium Density (RM). Pursuant to Table 1 of the Comprehensive Plan, the RM zoning district is an implementing zoning district of the Medium Density Residential land use designation. RCW 36.70A, Growth

Management Act, requires that a City's development regulations implement its comprehensive plan.

Per KMC 18.03.040(3), the purpose of RM zoning district is as follows:

RM - The purpose of the RM district 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.

The site is adjacent to the following zoning districts:

North: RM and RL

East: RL

South: RS and RM

West: RS

Kennewick Municipal Code Findings:

The following findings are required to be met 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: The proposed Change of Zone conforms to the comprehensive plan because the Residential, Medium Density zoning district is an implementing zoning district of the Medium Density Residential land use designation.
2. *Promotes the public necessity, convenience and general welfare; and*
Staff Response: The proposed Change of Zone promotes public necessity, convenience and welfare by establishing a zoning district that is compatible with surrounding properties.
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: Staff is unaware of possible burdens on public facilities. The site has access to water lines, sewer lines and public rights-of-way.
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 will establish a zoning district that is in compliance with Comprehensive Plan because the RM zone is an implementing zone of the 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: The proposed Change of Zone site has the RM zoning district adjacent to it both on the north and south of it the site. Since RM is not a single family residential zone, the proposed rezone is not subject to this finding.

Findings:

1. The applicant and owner is Brad Beauchamp, 4001 S Vancouver Street, Kennewick, WA 99337.

2. The proposed change of zone is for parcels, located at 1903 and 1917 W 19th Avenue.
3. The request is to change the zoning from Residential, Suburban and Residential, Low Density to Residential, Medium Density.
4. The City's Comprehensive Plan Land Use Designation for the subject property is Medium Density Residential.
5. The Residential, Medium Density zoning district is an implementing zone of the Medium Density Residential Comprehensive Plan Land Use Map designation.
6. The application was submitted on October 22, 2018 and declared complete for processing on October 25, 2018.
7. The application was routed for review to City Departments and outside agencies for comment on October 30, 2018.
8. Access to the site is currently provided from W 19th Avenue.
9. The City of Kennewick Critical Area maps show that the site is designated as a Critical Aquifer Recharge Area.
10. An Environmental Determination of Non-Significance was issued on July 20, 2018 for the previous Comprehensive Plan Amendment (CPA 18-07).
11. The Property Posting sign for the public hearing was posted on site November 15, 2018.
12. Notice of the public hearing for this application was published in the Tri-City Herald on November 18, 2018. Notices were also mailed to property owners within 300 feet of the site on November 16, 2018.
13. The proposed amendment conforms with the comprehensive plan; and
14. The proposed amendment promotes the public necessity, convenience and general welfare; and
15. 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
16. The proposed amendment is consistent with all applicable provisions of the Kennewick Municipal Code, including those adopted by reference from the Comprehensive Plan; and
17. The 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.

Conclusions:

1. Approval will implement the Comprehensive Plan Land Use Designation of Medium Density Residential.
2. Approval will not result in an increase of adverse environmental impacts.
3. The proposed Change of Zone will not be in conflict with the purpose statement of the RM zone in KMC 18.03.040(3).
4. The proposed Change of Zone is in compliance with KMC 18.51.070(2).

Recommendation:

Staff has reviewed the application and recommends that the Planning Commission concur with the findings and conclusions contained in staff report COZ 18-09 and recommend approval to City Council.

Motion:

I move that the Planning Commission concur with the findings and conclusions in staff report COZ 18-09 and recommend approval of the request to City Council.

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

Exhibit 2

PROJECT # COZ 18.09 PLN- 2018 - 03370 FEE \$ 1,035.00

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 Zone Change

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

Applicant: BRAD BEAUCHAMP

Address: 4001 S VANCOUVER, KENNEWICK WA 99337

Telephone: 509-308-6556 Cell Phone: _____ Fax: _____ E-mail BMBDEVELOPMENT@YAHOO.COM

Property Owner (if other than applicant): SAME

Address: _____

Telephone: _____ Cell Phone: _____ E-mail BMBDEVELOPMENT@YAHOO.COM

SITE INFORMATION

Parcel No. 111894013571001, 111894013571002 Acres 2 Zoning: RL

Address of property: 1917, 1903 AND 1863 W 19TH

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

Present use of property SFR

Size of existing structure: 2400, 1800 sq. ft. Size of Proposed addition/New structure: NA sq. ft.

Height of building: 20 Cubic feet of excavation: NA Cost of new construction NA

Benton County Assessor Market Improvement Value: 123,390 AND 103,850

Description of Project: REZONE REQUEST FROM RL TO RM

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

Brad Beauchamp
Applicant's Signature

Signature of owner or owner's authorized representative

Date: 10/22/18

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, the property is consistent with surrounding properties and will allow for additional housing to be built

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: Yes not within 1/2 mile, not sure about within 1 mile.
vacant multifamily property east of 395 is becoming harder to find

3. Is the proposed amendment consistent with the existing land use pattern in the area? Please explain. _____
yes, these properties are surrounded by multifamily properties

4. Are the existing uses, in the area, in conformance with the area's zoning classification? If no, please explain the differences: _____
YES

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. _____
no

7. Will any residential character, in the immediate area, be adversely affected by the proposed amendment? If yes or maybe, please explain: _____
no

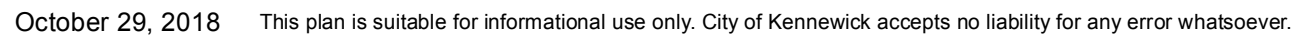
8. Will property values in the vicinity be changed by the proposed amendment? If yes or maybe, please explain: _____
no

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
 no
10. Will the proposed amendment encourage more private investments which will be beneficial to the redevelopment of a deteriorated area? Please explain: _____
 yes
11. Will the proposed amendment combat any economic segregation and allow greater choice in the market? Please explain: _____
 Yes
12. Will the proposed amendment create conflict between potential land uses and transportation patterns? Or safety concerns? Please explain: _____
 no

Summary of City forms required:

Application – General Form
 Change of Zone Supplemental Information
 Environmental and Salmonids Checklist (SEPA)

Exhibit 3



1 inch = 300 feet 1:3,600

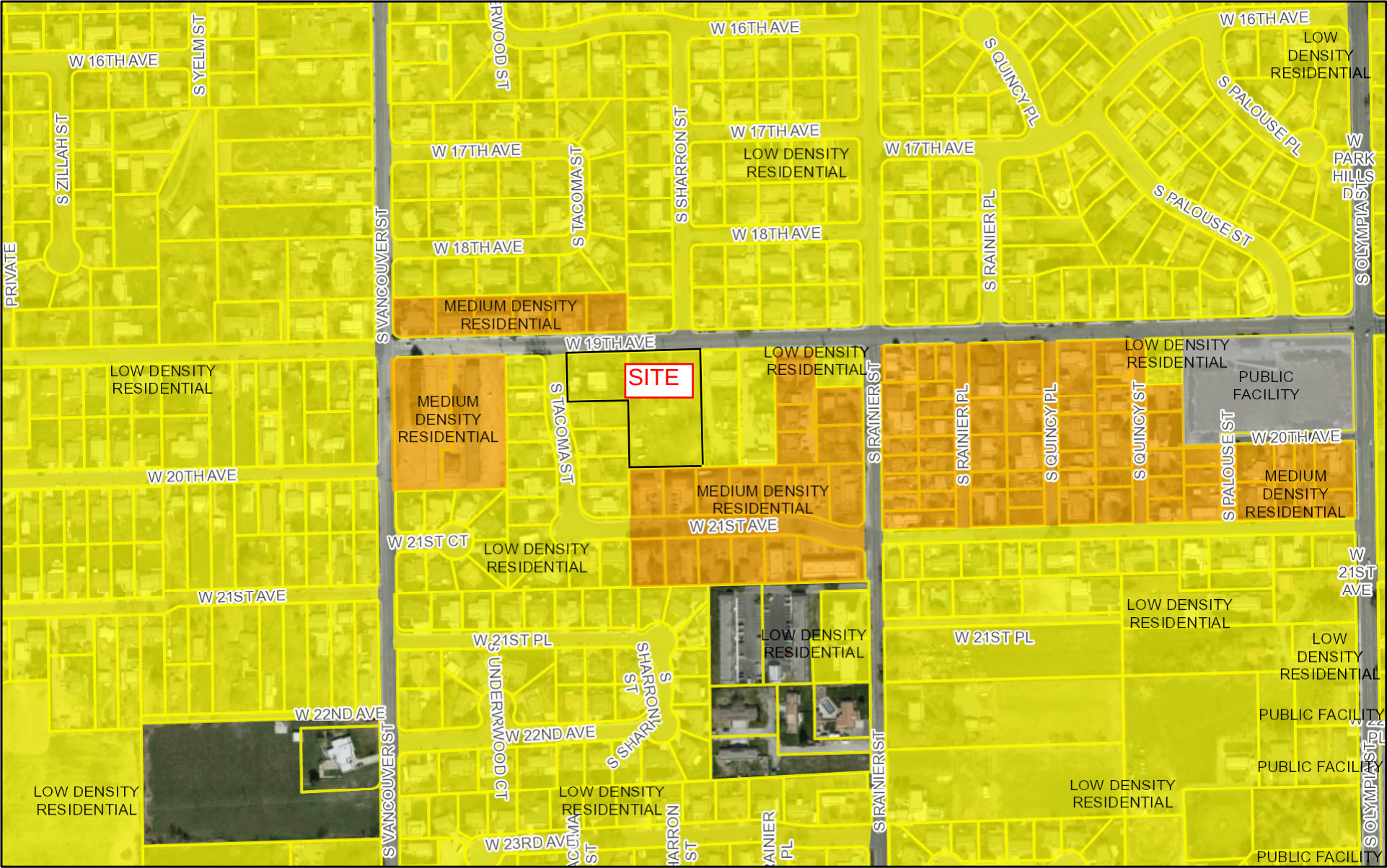
0 0.0275 0.055 0.11 mi

0 0.0425 0.085 0.17 km

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

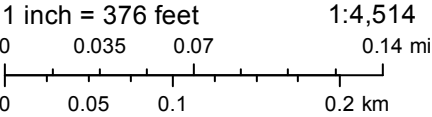
Comprehensive Plan Map

EXHIBIT 4



November 19, 2018 This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

StreetName

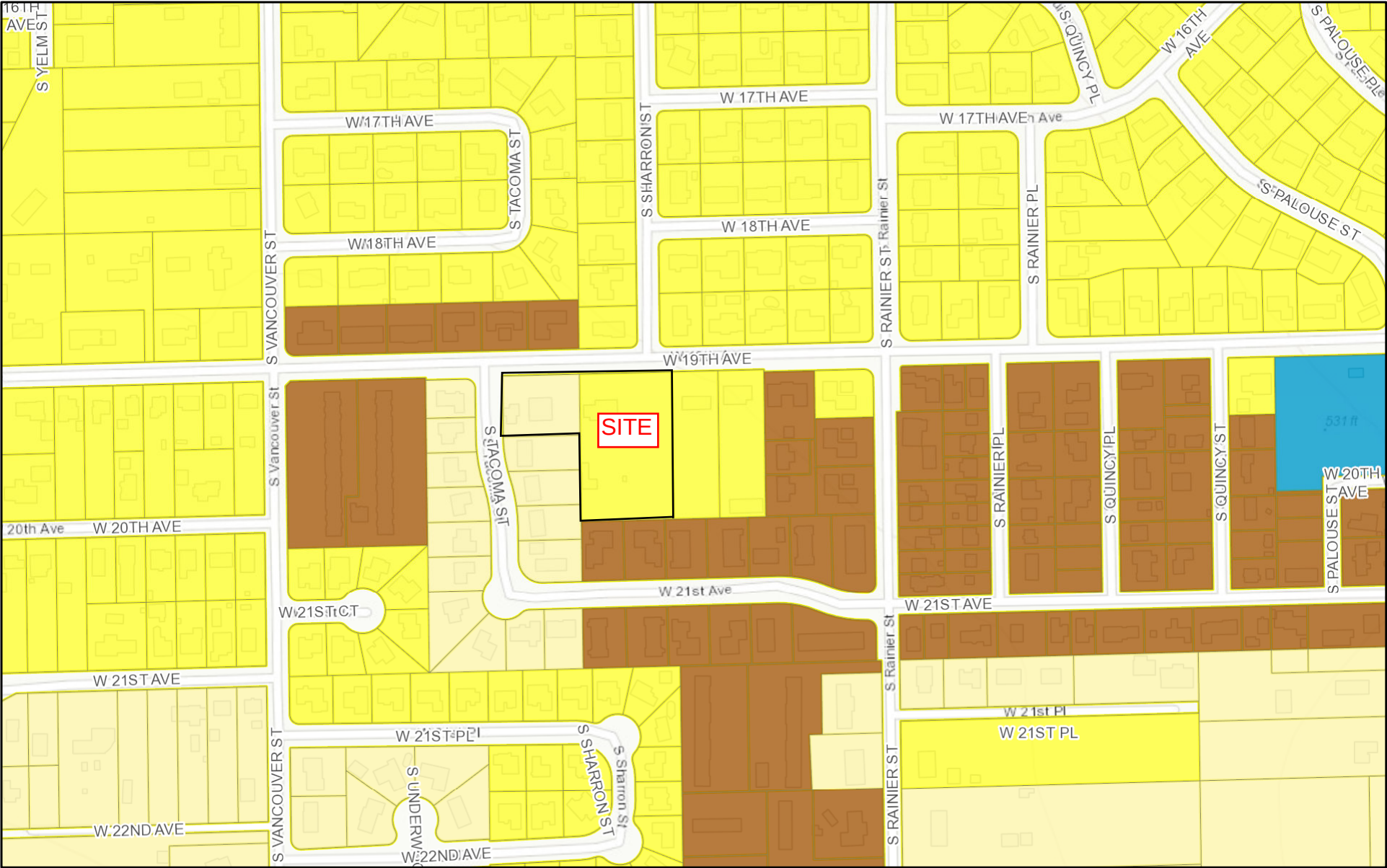


Sources: Esri, HERE, Garmin, Intermap, increment P Corp.,

ArcGIS WebApp Builder
City of Kennewick

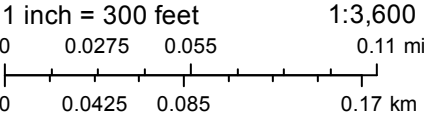
Zoning Map

EXHIBIT 5



November 19, 2018 This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

StreetName



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



NOTIFICATION OF MAILING

I, Melinda Didier, on 11/16, 2018

Mailed 36 copies of NOAH

for COZ 18-09

to prop. own/appl. w/in 300'

as shown on the attached list.

Melinda Didier
Signature

37

COZ 18-09 / PLN-2018-03370
1917 W 19TH AVE
RL TO RM
BRAD BEAUCHAMP



Community Planning Department

210 West 6th Avenue

Kennewick, WA 99336

Phone: (509) 585-4280

cedinfo@ci.kennewick.wa.us

DETERMINATION OF NON-SIGNIFICANCE

FILE/PROJECT NUMBER: CPA 18-07/PLN-2018-01062

DESCRIPTION OF PROPOSAL: Change the land use designation of 1.47 acres from Low Density Residential to Medium Density Residential

PROPONENT: BRAD & GLORIA BEAUCHAMP

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: 1903 W. 19TH AVE.

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 20, 2018 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 emailed to Benton Clean Air Authority, Confederated Tribes of Umatilla Indian Reservation, Department of Ecology SEPA Register, Department of Fish & Wildlife, Department of Natural Resources, Washington State Department of Transportation.

**KENNEWICK PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

December 3, 2018 6:30 p.m.

The Kennewick Planning Commission will hold a Public Hearing on Monday, December 3, 2018, at City Hall Council Chambers, 210 West 6th Avenue, at 6:30 p.m. or as soon as possible thereafter, to receive public comment on a proposed change of zoning. Staff will be presenting their analysis and the Planning Commission will make a recommendation to the City Council on the item.

Project# COZ 18-09 – Brad Beauchamp has proposed to change the zoning district for 2 acres located at 1863, 1903 and 1917 W 19th Avenue from Residential, Low Density (RL) to Residential, Medium Density (RM). The property has a comprehensive plan land use designation of Medium Density Residential. Review the vicinity map on back of this notice. For questions about this project, please call Steve Donovan (509) 585-4361.

Written comments may be addressed to Steve Donovan and submitted to steve.donovan@ci.kennewick.wa.us or mailed to PO Box 6108, Kennewick, WA 99336 no later than 4:30 p.m., November 30, 2018. All other comments should be submitted at the meeting.

The City of Kennewick welcomes full participation in public meeting by all citizens. No qualified individual with a disability shall be excluded or denied the benefit of participating in such meetings. If you wish to use auxiliary aids or require assistance to comment at this public meeting, please contact Steve Donovan at (509) 585-4361 or TDD (509) 585-4425 or through the Washington Relay Service Center TTY at #711 at least ten days prior to the date of the meeting to make arrangements for special needs.

Vicinity Map



October 29, 2018 This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.



1 inch = 300 feet
 0 0.0275 0.055 0.11 mi
 0 0.0425 0.085 0.17 km

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

ArcGIS WebApp Builder
 City of Kennewick

- StreetName
- SurveyAddressPoint
- Apartment
- Building
- Condo
- Mobile Home
- Parcel
- SurveyAddressPointSupp

<all other values>

37
SHARPE STEWART D & RHYLL S
1719 S TACOMA ST
KENNEWICK WA 99337

37
KECK ROGER & CAROLYN
1919 W 18TH AVE
KENNEWICK WA 99337

37
WHELAN LORI J
1923 W 18TH AVE
KENNEWICK WA 99337

37
LOWNSBERRY WILLIAM D & VERONICA Z
2001 W 18TH AVE
KENNEWICK WA 99337

37
GARCIA MARTIN M
2011 W 18TH AVE
KENNEWICK WA 99337

37
2010 WEST 19TH AVENUE LLC
5727 63RD AVE NE
SEATTLE WA 98105

37
RATHBUN MONTY W & VIRGINIA R
6802 W 10TH AVE
KENNEWICK WA 99336

37
BLACK TRUSTEES ROGER I & JANET S
216427 E ERICKSON RD
KENNEWICK WA 99337

37
LOCKARD KEN J & CHERYL RAE
4207 S ZILLIAH ST
KENNEWICK WA 99337

37
CLARK JULIA A
1916 W 19TH AVE
KENNEWICK WA 99337

37
PALOMINOS LUCIA
PO BOX 3382
PASCO WA 99302

37
COLE TERRY
1620 STATE AVE NE
OLYMPIA WA 98506

37
ROBERTS IAN E & JULIE A
1802 S SHARON ST
KENNEWICK WA 99337

37
SIMPSON BODIE H
1829 W 18TH AVE
KENNEWICK WA 99337

37
PEREZ ISRAEL & JUANITA
1828 W 19TH AVE
KENNEWICK WA 99337

37
MULLER FRANK J
1824 W 19TH AVE
KENNEWICK WA 99337

37
CAMPBELL JARED M & SALUNA
2008 W 21ST CT
KENNEWICK WA 99337

37
LEE MARGARET D
2002 W 21ST CT
KENNEWICK WA 99337

37
BMB DEVELOPMENT INC
3411 CANYON LAKES DR
KENNEWICK WA 99336

37
ROBBINS JEFFREY T
290 MOORE RD
PASCO WA 99337

37
WOODROME WILLIAM N & TIFFANY
1823 W 19TH AVE
KENNEWICK WA 99337

37
WATKINS LEGACY LLC
1209 W 15TH PLACE
KENNEWICK WA 99337

37
COLAKOVIC AMIR
1816 W 21ST AVE
KENNEWICK WA 99336

37
OLESON JOEL S
12532 S MAJESTIC HILL CT
HERRIMAN UT 84096

37
KB HERITAGE II, LLC
1386 BAYWOOD AVE
RICHLAND WA 99352

37
ROOT SANDRA K
1904 S TACOMA ST
KENNEWICK WA 99337

37
MIDDLETON RICHARD L
1906 S TACOMA ST
KENNEWICK WA 99337

37
HANKEL DANIEL J & MALYDA
2002 S TACOMA ST
KENNEWICK WA 99337

37
FEIL RANDALL W
1803 W 36TH AVE
KENNEWICK WA 99337

37
HERNANDEZ VICTORIA
2006 S TACOMA ST
KENNEWICK WA 99337

37
IBANEZ BERNARDO
1905 S TACOMA ST
KENNEWICK WA 99337

37
PRECIADO JESUS MUNIZ
1818 W 21ST AVE
KENNEWICK WA 99337

37
COZ 18-09 / PLN-2018-03370
1917 W 19TH AVE
RL TO RM
BRAD BEAUCHAMP

37
PIDCOCK BELLE ROSE
2003 S TACOMA ST
KENNEWICK WA 99337

37
PINE PARK HOLDINGS, LLC
158 SATUS LOOP RD
GOLDENDALE WA 98620

37
HANSEN GABRIEL C & DARCI
2005 S TACOMA ST
KENNEWICK WA 99337

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BRAD BEAUCHAMP
4001 S VANCOUVER ST
KENNEWICK WA 99337

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Community Planning Department

210 West 6th Avenue

Kennewick, WA 99336

Phone: (509) 585-4280

cedinfo@ci.kennewick.wa.us

DETERMINATION OF NON-SIGNIFICANCE

FILE/PROJECT NUMBER: CPA 18-07/PLN-2018-01062

DESCRIPTION OF PROPOSAL: Change the land use designation of 1.47 acres from Low Density Residential to Medium Density Residential

PROPONENT: BRAD & GLORIA BEAUCHAMP

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: 1903 W. 19TH AVE.

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 20, 2018 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 emailed to Benton Clean Air Authority, Confederated Tribes of Umatilla Indian Reservation, Department of Ecology SEPA Register, Department of Fish & Wildlife, Department of Natural Resources, Washington State Department of Transportation.



BENTON CLEAN AIR AGENCY

November 6, 2018

Re: COZ 18-09

Steve Donovan
210 W. 6th Ave.
Kennewick, WA 99336

Applicant/Proponent:
Brad Beauchamp
4001 S Vancouver
Kennewick WA 99337

Dear Mr. Donovan:

It has come to our attention that you are reviewing a proposal for the above-named applicant in which a business will be renovated or demolished at 1863, 1903, and 1917 W 19th Ave, Kennewick, WA. We would like to take this opportunity to provide information to ensure that the applicant follows proper procedure for renovating or a demolition of a building within Benton County.

Prior to any renovation or demolition, the contractor or property owner must have a good faith survey performed by an AHERA certified inspector to determine the presence of asbestos. If asbestos is detected, it must be properly abated before the building is renovated. Additionally, a complete Notification of Demolition or Renovation must be submitted with our office. This form can be found and submitted on our website, www.bentoncleanair.org. This form must be submitted potentially up to ten (10) business days, depending on the work being performed, prior to the abatement and/or renovation taking place and all abatement work must be performed by a certified abatement contractor. The Notification of Demolition or Renovation must be submitted regardless of the presence of asbestos.

Thank you for the opportunity to comment on this proposal. If you have any questions, or would like further information on this subject, please contact us at (509) 783-1304.

Sincerely,



John Lyle
Inspector



Department of Energy

Bonneville Power Administration
2211 North Commercial Avenue
Pasco, WA 99301

TRANSMISSION SERVICES

November 15, 2018

In reply refer to: COZ 18-09/PLN-2018-03370
Located within a Portion of Section 11, Township 8 North,
Range 29 East, W.M., Benton County, Washington

Steve Donovan
City of Kennewick
Community Planning/Planner
210 W. 6th Avenue - PO Box 6108
Kennewick, WA 99336

Dear Steve:

Bonneville Power Administration (BPA) has had the opportunity to review COZ 18-09/PLN-2018-03370. The application is to change the zoning district for 2 acres from Residential, Low Density to Residential Medium Density (RM). The property is generally located at 1863, 1903 and 1917 W. 19th Avenue in Kennewick, WA.

In researching our records, we have found that this proposal will not directly impact BPA facilities. BPA does not have any objections to the approval of this request at this time.

Thank you for the opportunity to review this application. If you have any questions regarding this request or need additional information, please feel free to contact me. I can be reached at (503) 230-5510 or by email at mjdeklyen@bpa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike DeKlyen".

Mike DeKlyen
BPA Field Realty Specialist



2015 South Ely Street
Kennewick, WA 99337
Customer Service 509-586-9111
Business 509-586-6012
FAX 509-586-7663
www.kid.org

November 14, 2018

Steve Donovan
City of Kennewick/Development Services
P.O. Box 6108
Kennewick, WA 99336

Subject: COZ 18-09/PLN 2018-03370 Review Comments

Dear Mr. Donovan:

This letter provides Kennewick Irrigation District (KID) review comments for COZ 18-09 submitted by Brad Beauchamp to change the zoning district for 2.0 acres located at 1863, 1903m and 1917 W. 19th Ave., Kennewick, WA. 99336 from Residential, Low Density (RL) to Residential, Medium Density (RM), Suburban (RS) to Residential, Low Density (RL).

1. These parcels is within the Kennewick Irrigation District (KID) boundaries and is considered irrigable lands; therefore, they are assessed by the Kennewick Irrigation District.
2. Please note that permanent structures are not allowed within irrigation easements.

If you have any questions regarding these comments, please contact me at the address/phone number listed above.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rebecca S. Hiles", followed by a long horizontal flourish.

Rebecca S. Hiles
Staff Engineer

C: LB/correspondence/File: [11-8-29]