

**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 March 6, 2017
- b. Approval of Agenda
- c. Motion to enter Staff Report(s) into Record

**3. PUBLIC HEARING:**

- a. Change of Zone (COZ) #17-01 proposing to change approximately .387 acres generally located at 727 N. Hartford Street from Commercial, Community (CC) to Residential, High Density (RH).
- b. Change of Zone (COZ) #16-02 proposing to change approximately .41 acres of land generally located at 4111 W. Clearwater Avenue from Commercial, Community (CC) to Commercial, General (CG).

**4. VISITORS NOT ON AGENDA:****5. OLD BUSINESS:****6. NEW BUSINESS:****7. REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:****8. ADJOURNMENT:**

**KENNEWICK PLANNING COMMISSION  
MARCH 6, 2017  
MEETING MINUTES**

**CALL TO ORDER**

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

Recorder Karen Tilton called the roll and found the following:

Present: Commissioners Rob Rettig, Fraser Hawley, Anthony Moore, Clark Stolle, Vice Chairman Victor Morris and Chairman Ed Pacheco

Excused: None

Unexcused: None

Commissioner Rettig led the Pledge of Allegiance.

Staff Present: Greg McCormick, AICP Community Planning Director, Anthony Muai, AICP Planner, and Karen Tilton, Recorder.

**CONSENT AGENDA**

- a. Approval of Minutes dated February 15, 2017
- b. Approval of Agenda
- c. Motion to enter Staff Reports into the Record

Commissioner Morris moved to accept the consent agenda. Commissioner Moore seconded the motion. The motion carried unanimously.

**PUBLIC HEARINGS**

**Chairman Pacheco opened the public hearing at 6:33 p.m. for Comprehensive Plan 2017 Update – Land Use Element.**

Mr. McCormick reviewed the timeline for the 2017 Comprehensive Plan Update, explained the public input process for the update, i.e. Open Houses, on-line survey, public hearings; the last bit of information of the element being covered and the consolidation of the updated Comp Plan goals and policies into a single document. Mr. McCormick said the public input results called for a shorter, more concise Vision Statement, and read the revised Comp Plan Vision Statement; read public input comments for the different elements of the Comp Plan; listed the changes for Goals and Policies portions.

Mr. Muai covered two or three sections located in the larger Land Use Element portion of the Comp Plan, beginning with Critical Areas & Shorelines; overview of the staff report; read the results of the public input process and covered the new and existing goals and policies for the Land Use Element.

Questions for staff:

Planning Commission questions included: New or existing Goal 1, Policy 1; adding Policy 2 for Goal 5 to the Draft; process for public input contributions to property boundaries and shorelines; adding Policy 1 to the property rights section.

Mr. Muai went over the next steps; public hearing tonight to decide on the final draft, workshops with the Council and then adoption by the Council in May or June.

**Testimony in favor:**

None

**Testimony neutral or against:**

None

**Staff final comments:**

None

**Public testimony for Comprehensive Plan 2017 Update – Land Use closed at 6:57 p.m.**

**Chairman Pacheco opened the public hearing at 6:57 p.m. for Comprehensive Plan Update 2017 – Final Draft Plan.**

Mr. McCormick gave a brief overview of the staff report, open up the entire Final Draft Plan open for public discussion; any changes can be proposed individually to each element, and then final motion made on entire draft plan.

Commissioner Rettig made a motion to adopt the changes to the Comprehensive Plan Update 2017 Final Draft Plan as presented by staff, and forward a recommendation of approval to City Council. Vice Chairman Morris seconded the motion.

Mr. McCormick said all the separate elements were open for discussion prior to the roll call vote on the motion for approval.

Vice Chairman Morris thanked City Planning Department staff for the enormous amount of great work done to update and merge the two documents for the ten-year update; Chairman Pacheco concurred.

Questions for staff:

The Planning Commissioners questions included: a final review of the Draft Plan for accuracy prior to sending to Council for adoption; City Council access to Planning Commission meeting minutes; consideration of previous questions applied to Final Draft Plan; application of specific changes and textual errors.

**Staff final comments:**

Mr. McCormick said if there were any specific changes the Commissioners wanted to make, they should be discussed during this portion of the meeting.

**Discussion:**

None

The motion passed on a unanimous roll call vote.

**VISITORS NOT ON AGENDA:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

None

**REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:**

Commissioner Morris reported he will be on business travel on the March 14<sup>th</sup> City Council workshop meeting.

**ADJOURNMENT:**

The meeting was adjourned at 7:10 p.m.

## STAFF REPORT

COZ 17-01

### *Community Planning City of Kennewick*

Steve Donovan  
Planner

To: Planning Commission

Date: March 20, 2017

**PROPOSAL:** Rezone .387 acres currently zoned Commercial, Community (CC) to Residential, High Density (RH)  
**OWNER(S):** RICHARD AND PAULINA VALDEZ , 727 N HARTFORD STREET, Kennewick, WA 99336  
**APPLICANT:** Law Offices of Allen T. Miller, PLLC, 1801 West Bay Drive NW, Olympia, WA 98502

#### Site Information

- **Size:** .387 acres
- **Location:** 727 N Hartford Street
- **Topography:** Flat
- **Existing Comprehensive Plan Designation:** Mixed Use
- **Existing Land Use:** Single Family Residence

#### Exhibits

- **Exhibit A-1:** Application/Supplemental Information
- **Exhibit A-2:** Zoning Map
- **Exhibit A-3:** Comprehensive Plan Map
- **Exhibit A-4:** Mailing List
- **Exhibit A-5:** Determination of Non-Significance



Not to scale

### **Application Process**

- Application Submitted January 19, 2017
- Application routed for comments February 6, 2017
- Property posting notification sign was posted on site on February 23, 2017
- Determination of Non-Significance issued on February 23, 2017
- Notice of Hearing mailed March 1, 2017
- Notice of Hearing published March 5, 2017

### **Surrounding Comprehensive Plan, Zoning and Land Uses**

|       |                                                                                                                                                    |
|-------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| North | Comprehensive Plan – Mixed Use<br>Zoning – Commercial, Community (CC)<br>Existing Land Uses – Residential                                          |
| South | Comprehensive Plan – Commercial<br>Zoning – Commercial Community (CC)<br>Existing Land Uses – Commercial Businesses                                |
| East  | Comprehensive Plan – Commercial and Mixed Use<br>Zoning – Commercial, Community (CC)<br>Existing Land Uses – Commercial Businesses                 |
| West  | Comprehensive Plan – Commercial and Mixed Use<br>Zoning – Commercial, Community (CC)<br>Existing Land Uses – Commercial Businesses and Residential |

### **Regulatory Controls**

- City of Kennewick Comprehensive Plan
- Kennewick Municipal Code Title 4 – Administrative Procedures
- Kennewick Municipal Code Title 18 – Zoning

### **Description of Request**

Change of Zone 17-01 is a request to rezone approximately .387 acres from Commercial, Community (CC) to Residential, High Density (RH).

### **Background**

The subject property was part of the original incorporation of the City of Kennewick.

Prior to 1972, the site and surrounding area was zoned either C3 (Special Business District) which allowed commercial, storage and light manufacturing or R3 (Auto Court Residential) which allowed single-family, multi-family and Auto courts or motels.

The property was rezoned to Commercial, General (CG) in 1972. The CG zoning district was consistent with the previous C3 district.

In July of 2014 the city passed an area wide rezone, which included the site, from CG to CC via Ordinance 5564.

The site is included in the Bridge to Bridge-River to Rail Plan which was adopted by the City on October 6, 2015 via Ordinance 5611. Pursuant to the adoption of Ordinance 5611, a land-use designation of Mixed Use was established for the site.

The applicant/property owners are requesting the rezone in order to re-finance the existing on-site residence. The residence was originally built in 1928 and it is considered a legal non-conforming use.

### **Analysis**

Staff has reviewed the proposed application and has determined that the proposal does not implement the comprehensive plan and that as proposed it would be a spot zone that does not benefit the public has a whole. Below is the supporting information on why the Change of Zone cannot be approved.

#### **Implement Comprehensive Plan**

The proposed zone change from CC to RH is not consistent with the Comprehensive Plan because the RH zone is not an implementing zoning district of the Mixed Use land designation. The Growth Management Act is implemented via the Revised Code of Washington (RCW) 36.70A. RCW 36.70A.040 establishes Who Must Plan, Summary of Requirements, Resolutions for Partial Planning and Development Regulations Must Implement Comprehensive Plans.

The following is an excerpt of RCW 36.70A.040(3)(d) which establishes the requirement that development regulations must implement the comprehensive plan:

“if the county has a population of fifty thousand or more, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, 1994”

#### **Spot Zone**

Staff is of the opinion that the proposal cannot be approved because the Washington State Courts have determined in numerous cases that spot zoning is illegal when it is not in compliance with the comprehensive plan and when it only benefits a private interest not the community as a whole.

The case *Narrowsview Preservation Association v. City of Tacoma*, 84 Wn.2d416 (1974) established when a spot zone is illegal.

Additionally, the following is an excerpt from the State of Washington Department of Commerce and Planning Association of Washington – A Short Course on Local Planning, Resource Guide, Version 5.1/July 2009:

“Spot zoning is prohibited because it denies equal protection and enforcement of the laws to the benefit of a small group or individual. When a zoning change is inconsistent with the comprehensive plan, the change is presumed to be a spot zone. Conversely, when a change in zoning is consistent with the comprehensive plan, the plan –not the spot zone – will be presumed in the public interest. This is true even if the rezone affects just one parcel.”

Staff is in the process of reviewing and creating a Mixed-Use zoning district and development regulations that will implement the Mixed-Use Comprehensive Plan Land Use Designation. Single-family residences are proposed to be allowed in the Mixed-Use Zoning Districts. Adoption of an area-wide Mixed-Use zoning district is tentatively scheduled to take place in the fall of 2017. All lands that are designated with the Mixed-Use land designation will be rezoned to a Mixed-Use district, including the property in question.

### **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 does not conform to the comprehensive plan because the RH zoning district is not an implementing zoning district of the Mixed Use land use designation.

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

Staff Response: The proposed Change of Zone does not promote public necessity, convenience and welfare. The proposed Change of Zone would be incompatible 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. Adequate infrastructure and access improvements exist at the site.

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: At this time, the RH zoning district is not proposed to be an implementing zoning district of the Mixed Use Comprehensive Plan 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 is adjacent to property that is currently in the CC zoning district.

## **Findings**

1. The property owners are Richard and Paulina Valdez, 727 N Hartford Street, Kennewick, WA 99336.
2. The applicant is Law Office of Allen T. Miller, PLLC, 1801 West Bay Drive NW, Olympia, WA 98502.
3. The request is to change .381 acres from Commercial, Community (CC) to Residential, High Density (RH).
4. The application was determined complete on February 2, 2017, and was routed for review to various City Departments and other local, state and federal agencies for comment on February 6, 2017.
5. A Determination of Non-Significance issued on February 23, 2017.
6. The public hearing notice was posted on-site March 2, 2017, stating that the public hearing will be held on March 20, 2017 at 6:30 p.m. in the Council Chambers at Kennewick City Hall.
7. Notice of the public hearing for this application was mailed to property owners within 300 feet of the site on March 1, 2017. Notices were also published in the Tri-City Herald on March 5, 2017.
8. The site is used for a single family residence.
9. The proposed site is completely surrounded by properties zoned Commercial, Community.
10. The site is within the original city limits.

11. The property was rezoned to CC via Ordinance Number 5564.
12. The site was designated Mixed Use via Ordinance Number 5611.

### **Conclusions**

1. Approval will not implement the Comprehensive Plan Land Use Designation of Mixed Use.
2. Approval will not result in an increase of adverse environmental impacts.
3. The proposed Change of Zone will result in a spot zone that does not benefit the public as a whole.
4. The proposed Change of Zone is not in compliance with KMC 18.51.070.

### **Recommendation**

Staff has reviewed the application and finds that it does not meet the criteria for approving a rezone as contained in KMC 18.51.070 and recommends that the Planning Commission concur with the findings and conclusions contained in staff report COZ 17-01 and recommend denial to City Council.

### **Motion**

I move that the Planning Commission concur with the findings and conclusions in staff report COZ 17-01 and recommend to City Council denial of the request.

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

PROJECT # COZ 17- 01 PLN- 2017 - 00088 FEE \$ \$1,268

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: LAW OFFICES OF ALLEN T. MILLER, PLLC

Address: 1801 West Bay Drive NW, Olympia, WA 98502

Telephone: 360-754-9156 Cell Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

Property Owner (if other than applicant): Richard and Paulina Valdez

Address: 727 N. Hartford Street, Kennewick, WA 99336

Telephone: 509-539-2151 Cell Phone: \_\_\_\_\_ E-mail: cirt29@msn.com

**SITE INFORMATION**

Parcel No. 136993020001006 Acres 0.387 Zoning: CC

Address of property: 727 N Hartford Street, Kennewick, WA 99336

Number of Existing Parking Spaces 2 Number of Proposed (New) Parking Spaces 0

Present use of property Single family residence

Size of existing structure: 3,222 sq. ft. Size of Proposed addition/New structure: 0 sq. ft.

Height of building: 12 Cubic feet of excavation: 0 Cost of new construction None

Benton County Assessor Market Improvement Value: \$291,430.00

Description of Project: Rezone property to residential

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: 1-17-17

**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: \_\_\_\_\_  
~~SEE ATTACHED~~ \_\_\_\_\_
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: \_\_\_\_\_  
~~SEE ATTACHED~~ \_\_\_\_\_
3. Is the proposed amendment consistent with the existing land use pattern in the area? Please explain. \_\_\_\_\_  
~~SEE ATTACHED~~ \_\_\_\_\_
4. Are the existing uses, in the area, in conformance with the area's zoning classification? If no, please explain the differences: \_\_\_\_\_  
~~SEE ATTACHED~~ \_\_\_\_\_
5. Will the proposed amendment create an isolated district, or introduce a more intense land use to the area? Please explain. \_\_\_\_\_  
~~SEE ATTACHED~~ \_\_\_\_\_
6. Does the existing zoning prohibit reasonable use of the property? Please explain. \_\_\_\_\_  
~~SEE ATTACHED~~ \_\_\_\_\_
7. Will any residential character, in the immediate area, be adversely affected by the proposed amendment? If yes or maybe, please explain: \_\_\_\_\_  
~~SEE ATTACHED~~ \_\_\_\_\_
8. Will property values in the vicinity be changed by the proposed amendment? If yes or maybe, please explain: \_\_\_\_\_  
~~SEE ATTACHED~~ \_\_\_\_\_

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: \_\_\_\_\_  
SEE ATTACHED \_\_\_\_\_
10. Will the proposed amendment encourage more private investments which will be beneficial to the redevelopment of a deteriorated area? Please explain: \_\_\_\_\_  
SEE ATTACHED \_\_\_\_\_
11. Will the proposed amendment combat any economic segregation and allow greater choice in the market? Please explain: \_\_\_\_\_  
SEE ATTACHED \_\_\_\_\_
12. Will the proposed amendment create conflict between potential land uses and transportation patterns? Or safety concerns? Please explain: \_\_\_\_\_  
SEE ATTACHED \_\_\_\_\_

Summary of City forms required:

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

### 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 rezone is needed for the property owners to re-finance their loan.
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:  
  
This application is asking for a residential zoning of the property for the purpose of being in compliance with the FHA loan.
3. Is the proposed amendment consistent with the existing land use pattern in the area? Please explain.  
  
The existing land use pattern in this area is a mix of residential and commercial use.
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.  
  
The proposed amendment will not create an isolated district or more intense land use to the area.
6. Does the existing zoning prohibit reasonable use of the property? Please explain.  
  
The existing zoning does not allow the property owner to refinance his loan.
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.

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

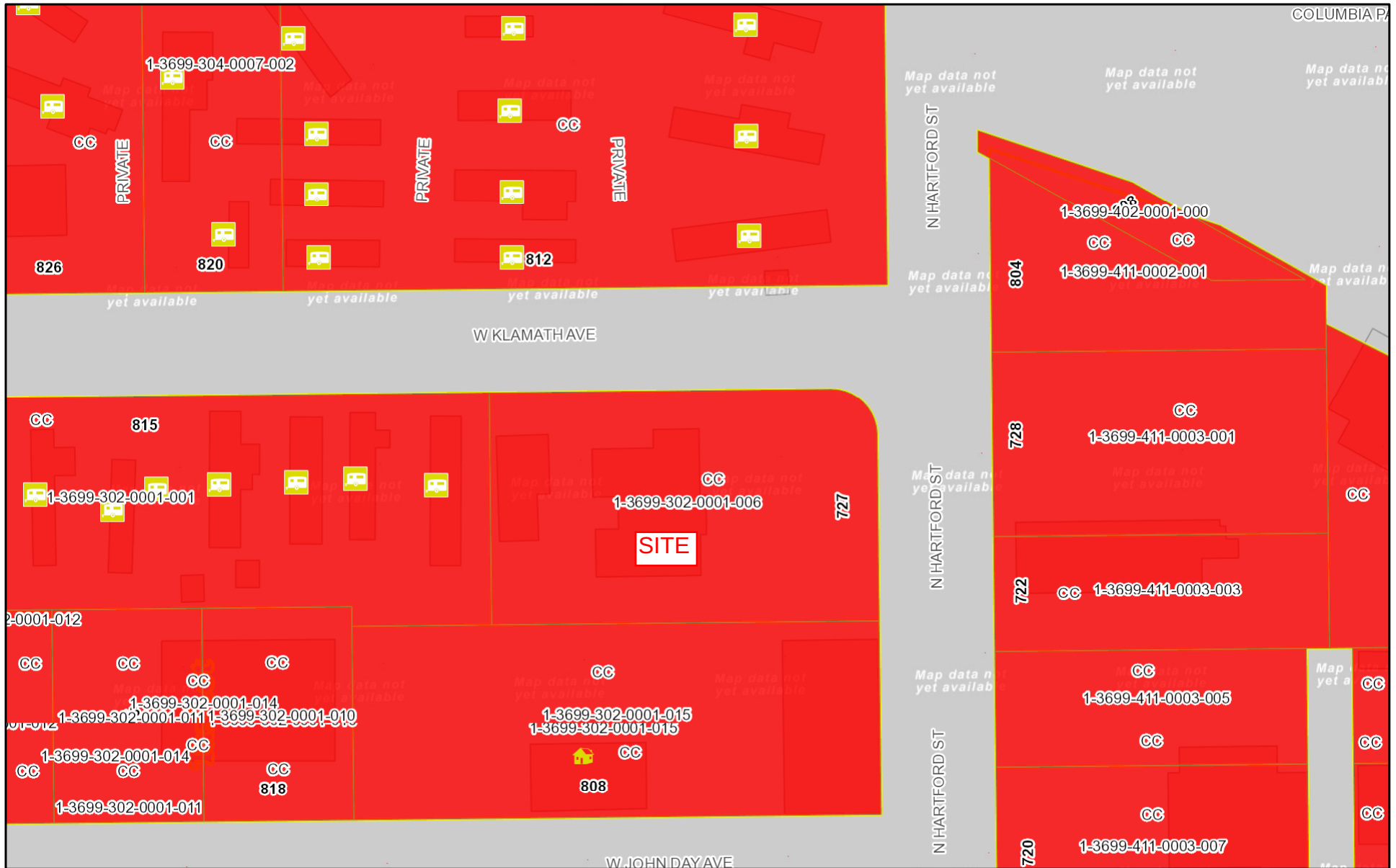
Change of Zone Supplemental Information

Environmental and Salmonids Checklist (SEPA)

January 2015

# Permitting Map

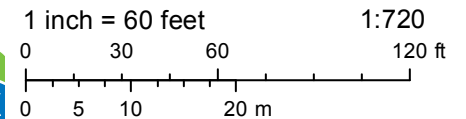
Exhibit A-2



March 7, 2017

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>                                                                  |           |                                                                                     |                        |

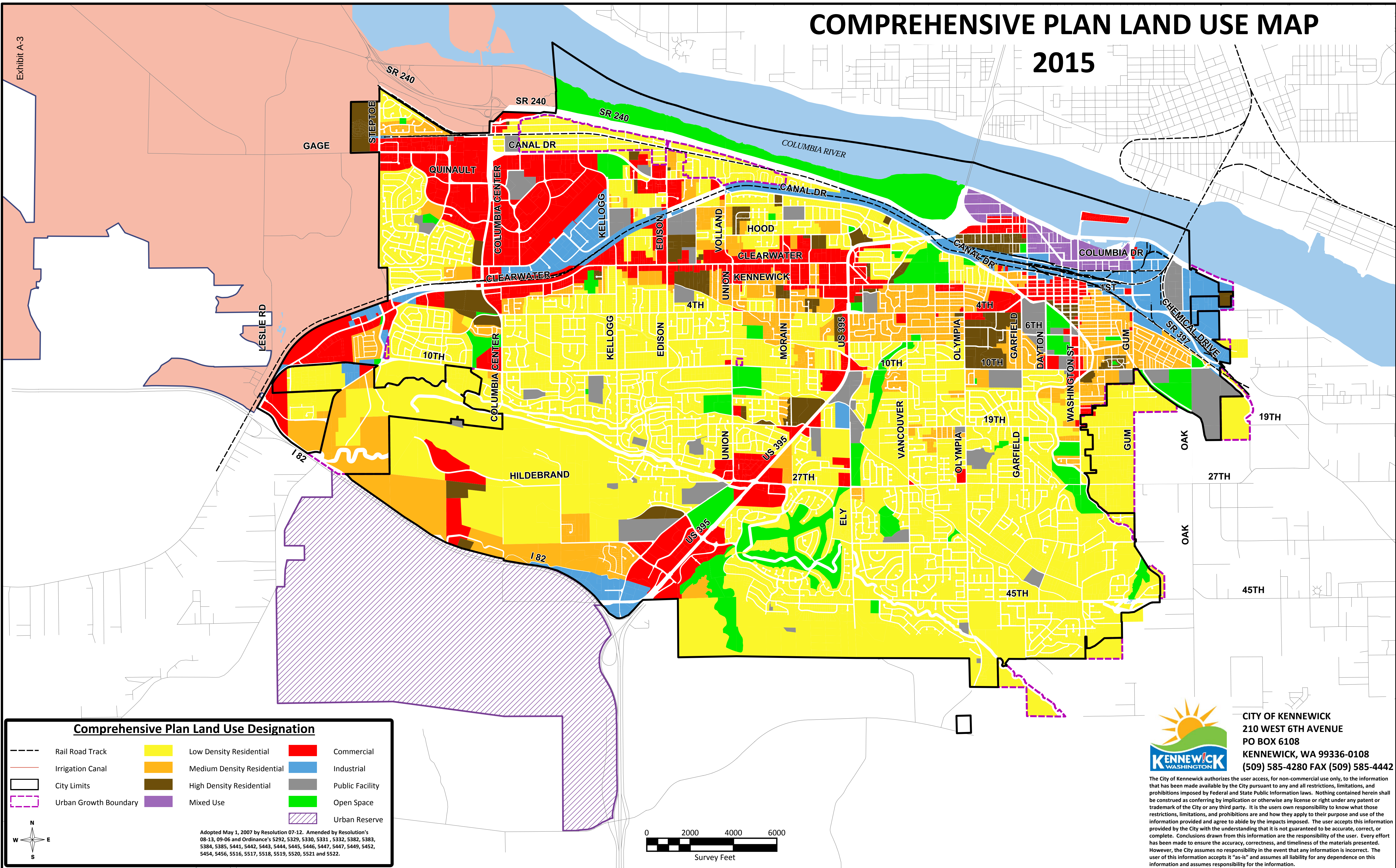


Sources: Esri, HERE, DeLorme, Intermap, increment P Corp.,

ArcGIS WebApp Builder  
City of Kennewick

# COMPREHENSIVE PLAN LAND USE MAP

## 2015



Adopted May 1, 2007 by Resolution 07-12. Amended by Resolution's 08-13, 09-06 and Ordinance's 5292, 5329, 5330, 5331, 5332, 5382, 5383, 5384, 5385, 5441, 5442, 5443, 5444, 5445, 5446, 5447, 5447, 5449, 5452, 5454, 5456, 5516, 5517, 5518, 5519, 5520, 5521 and 5522.



**CITY OF KENNEWICK**  
210 WEST 6TH AVENUE  
PO BOX 6108  
KENNEWICK, WA 99336-0108  
(509) 585-4280 FAX (509) 585-4442

The City of Kennewick authorizes the user access, for non-commercial use only, to the information that has been made available by the City pursuant to any and all restrictions, limitations, and prohibitions imposed by Federal and State Public Information laws. Nothing contained herein shall be construed as conferring by implication or otherwise any license or right under any patent or trademark of the City or any third party. It is the users own responsibility to know what those restrictions, limitations, and prohibitions are and how they apply to their purpose and use of the information provided and agree to abide by the impacts imposed. The user accepts this information provided by the City with the understanding that it is not guaranteed to be accurate, correct, or complete. Conclusions drawn from this information are the responsibility of the user. Every effort has been made to ensure the accuracy, correctness, and timeliness of the materials presented. However, the City assumes no responsibility in the event that any information is incorrect. The user of this information accepts it "as-is" and assumes all liability for any dependence on this information and assumes responsibility for the information.

COZ 17-01  
 PLN-2017-00088  
 727 N HARTFORD ST  
 FROM CC TO RESIDENTIAL  
 LAW OFFICES OF ALLEN T MILLER  
 PLLC

37  
 KLAMATH COURT MHP LLC  
 826 W KLAMATH AVE  
 KENNEWICK, WA 99336

37  
 KLAMATH COURT MHP LLC  
 820 W KLAMATH AVE  
 KENNEWICK, WA 99336

37  
 KLAMATH COURT MHP LLC  
 812 W KLAMATH AVE  
 KENNEWICK, WA 99336

37  
 MAUREEN & STEVE BLACK  
 815 W KLAMATH AVE  
 KENNEWICK, WA 99336

37  
 JOHN & GAIL POYNER  
 822 W JOHN DAY AVE  
 KENNEWICK, WA 99336

37  
 STEVEN & ABIGAL HANSEN  
 818 W JOHN DAY AVE  
 KENNEWICK, WA 99336

37  
 G3 INVESTMENTS LLC  
 9440 N WHITAKER RD  
 PORTLAND, OR 97217

37  
 B & B ENTERPRISES  
 900 W COLUMBIA DR  
 KENNEWICK, WA 99336

37  
 AMERCO REAL ESTATE COMPANY  
 2721 N CENTRAL AVE  
 PHOENIX, AZ 85038

37  
 U-HAUL CO OF INLAND NW  
 800 W COLUMBIA DR  
 KENNEWICK, WA 99336

37  
 D & R INVESTMENT PROPERTIES LLC  
 728 N HARTFORD ST  
 KENNEWICK, WA 99336

37  
 D & R INVESTMENT PROPERTIES LLC  
 722 N HARTFORD ST  
 KENNEWICK, WA 99336

37  
 D & R INVESTMENT PROPERTIES LLC  
 3602 MT BAKER CT  
 WEST RICHLAND, WA 99353

37  
 JOHNNY & LA VONNE BRUMMETT  
 720 N HARTFORD ST  
 KENNEWICK, WA 99336

37  
 NELSON FELT LLC  
 712 N HARTFORD ST  
 KENNEWICK, WA 99336

37  
 WENDY COX  
 714 W COLUMBIA DR  
 KENNEWICK, WA 99336

37  
 D & R INVESTMENT PROPERTIES LLC  
 725 N GARFIELD ST  
 KENNEWICK, WA 99336

37  
 JOHNNY & LA VONNE BRUMMETT  
 723 N GARFIELD ST  
 KENNEWICK, WA 99336

MAB PROPERTIES LLC  
 719 N GARFIELD ST  
 KENNEWICK, WA 99336

37  
 JAY JOHN  
 711 N GARFIELD ST  
 KENNEWICK, WA 99336

37  
 ANDREW BJAZEVIK  
 712 W COLUMBIA DR  
 KENNEWICK, WA 99336

37  
 JAY JOHN  
 704 W COLUMBIA DR  
 KENNEWICK, WA 99336

37  
 RICHARD & PAULINA VALDEZ  
 727 N HARTFORD ST  
 KENNEWICK, WA 99336

37  
 LAW OFFICES OF ALLEN T  
 MILLER PLLC  
 180 W BAY DR NW  
 OLYMPIA, WA 98502



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

**FILE/PROJECT NUMBER:** PLN-2017-00088/COZ 17-01

**DESCRIPTION OF PROPOSAL:** The request is to change the zoning district for .387 acres from Community Commercial (CC) to Residential, High Density (RH). The property has a comprehensive plan land use designation of Mixed Use.

**PROPOSER:** Law Offices of Allen T. Miller, PLLC, 1801 West Bay Drive NW, Olympia, WA 98502

**LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY:** 727 N Hartford Street, Kennewick, WA 99336

**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: February 23, 2017

Signature: *Gregory McCormick* FOR G.M.

\*\*\*\*\*

**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
- COZ 17-01File

## STAFF REPORT

COZ 16-02

### *Community Planning City of Kennewick*

Steve Donovan  
Planner

To: Planning Commission

Date: March 20, 2017

**PROPOSAL:** Rezone .41 acres currently zoned Commercial, Community (CC) to Commercial, General (CG)  
**OWNER(S):** NEUNG & ME YI, 4111 W CLEARWATER AVENUE, Kennewick, WA 99336  
**APPLICANT:** Halle, LLC, 4121 W Clearwater Avenue, Kennewick, WA 99336

#### Site Information

- **Size:** .41 acres
- **Location:** 4111 W Clearwater Avenue
- **Topography:** Relatively flat, 4%
- **Existing Comprehensive Plan Designation:** Commercial
- **Existing Land Use:** Currently Vacant

#### Exhibits

- **Exhibit A-1:** Application/Supplemental Information
- **Exhibit A-2:** Zoning Map
- **Exhibit A-3:** Comprehensive Plan Map
- **Exhibit A-4:** Mailing List
- **Exhibit A-5:** Determination of Non-Significance



Not to scale

### **Application Process**

- Application Submitted December 29, 2016
- Application routed for comments January 12, 2017
- Property posting notification sign was posted on site on February 9, 2017
- Determination of Non-Significance issued on February 9, 2017
- Notice of Hearing mailed March 1, 2017
- Notice of Hearing published March 5, 2017

### **Surrounding Comprehensive Plan, Zoning and Land Uses**

|       |                                                                                                                                                   |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| North | Comprehensive Plan – Commercial<br>Zoning – Commercial, Community (CC)<br>Existing Land Uses – Commercial Businesses                              |
| South | Comprehensive Plan – Medium Density Residential<br>Zoning – Residential, Medium Density (RM)<br>Existing Land Uses – Multi-Family Residential     |
| East  | Comprehensive Plan – Commercial<br>Zoning – Commercial, General (CG) and Commercial, Community (CC)<br>Existing Land Uses – Commercial Businesses |
| West  | Comprehensive Plan – Commercial<br>Zoning – Commercial, Community (CC)<br>Existing Land Uses – Commercial Businesses                              |

### **Regulatory Controls**

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

### **Description of Request**

Change of Zone 16-02 is a request to rezone approximately .41 acres from Commercial, Community (CC) to Commercial, General (CG).

### **Background**

This property was annexed into the City in October of 1982 via Ordinance 2717 and at that time it was zoned Commercial, Community (CC).

The property being rezoned is only a portion of a 1.02 acre lot. The entire site has a commercial building, a residence and an accessory building. The .41 acres that is being rezoned is vacant.

A boundary line adjustment between the property owner and the property owner (Halle, LLC) of 4121 W Clearwater Avenue has also been applied for. Halle, LLC is intending to take ownership of the rezoned property so it can be used as a Construction Yard for the existing business at 4121 W Clearwater Avenue.

### **Analysis**

The proposed change from CC to CG is consistent with the Comprehensive Plan and will implement the Commercial land use designation on the property. It is also consistent with the surrounding adjacent lots, in three directions, that are zoned CC or CG. Future structures will be subject to a 20 foot setback

requirement adjacent to the southern properties zoned RM. The type of development that could occur here would be consistent with what has already been developed on adjacent properties, which are various types of commercial uses.

There are multiply differences between what is permitted in the CC and CG zones. The CG Zone allows wholesale and manufacturing uses in addition to Construction Yards.

Future development consistent with the proposed rezone will be in accord with City standards regarding concurrency, the Kennewick Municipal Code, including the Residential Design Standards and Critical Areas Ordinance, and the State Environmental Policy Act (SEPA).

It is staff's opinion that the proposed Change of Zone will allow for permitted uses that will implement the above goal and policy.

The following Kennewick Municipal Code (KMC) Section establishes the purpose of the Commercial General zoning district:

*KMC 18.03.040(12)*

The purpose of the CG district is to provide areas for heavy commercial use, wholesaling and warehousing, services supporting the primary activities to the other commercial and industrial districts and uses which are not compatible with retail commercial zoning districts.

**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 CG zoning district is an implementing zoning district of the Commercial 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. Adequate infrastructure and access improvements exist at the site.
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 CG zone is an implementing zone of the Commercial 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 is adjacent to property that is currently in the CG zoning district.

### **Findings**

1. The property owners are Nueng and Me Yi, 4111 W Clearwater Avenue, Kennewick, WA 99336.
2. The applicant is Halle, LLC, 4121 W Clearwater Avenue, Kennewick, WA 99336.
3. The request is to change .41 acres from Commercial, Community (CC) to Commercial, General (CG).
4. The application was submitted on December 29, 2016 and was routed for review to various City Departments and other local, state and federal agencies for comment on January 12, 2017.
5. A Determination of Non-Significance issued on February 9, 2017.
6. The public hearing notice was posted on-site March 2, 2017, stating that the public hearing will be held on March 20, 2017 at 6:30 p.m. in the Council Chambers at Kennewick City Hall.
7. Notice of the public hearing for this application was mailed to property owners within 300 feet of the site on March 1, 2017. Notices were also published in the Tri-City Herald on March 5, 2017.
8. The specific area of the Change of Zone is vacant.
9. Access to the site is provided via W Clearwater Avenue.
10. The proposed Change of Zone site is adjacent to Commercial, General, Commercial, Community and Residential, Medium Density zoning districts.
11. The site was annexed by the City of Kennewick in 1982.

### **Conclusions**

1. Approval will implement the Comprehensive Plan Land Use Designation of Commercial.
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 CG zone in KMC 18.03.040(12).
4. The proposed Change of Zone is in compliance with KMC 18.51.070.

### **Recommendation**

Staff has reviewed the application and finds that it meets the criteria for approving a rezone as contained in KMC 18.51.070 and recommends that the Planning Commission concur with the findings and conclusions contained in staff report COZ 16-02 and recommend approval to City Council.

### **Motion**

I move that the Planning Commission concur with the findings and conclusions in staff report COZ 16-02 and recommend to City Council approval of the request.

**CITY OF KENNEWICK  
COMMUNITY PLANNING & DEVELOPMENT SERVICES**

**APPLICATION (general form)**

PROJECT # 0216-02 ~~2016-02~~ PLN- 2016 ~~03714~~ - 03714 FEE \$ 1,250 ~~1,250~~ **CITY OF KENNEWICK**

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 ~~2016-03714~~

Environmental Determination PLN- \_\_\_\_\_ - \_\_\_\_\_ Pre Application Meeting PLN- \_\_\_\_\_ - \_\_\_\_\_

Applicant: Halle, LLC

Address: 4121 W Clearwater Ave, Kennewick, WA 99336

Telephone: 509.528.9375 Cell Phone: same Fax: 509.547.2117 E-mail brad@silverlineelectric.com

Property Owner (if other than applicant): same as above

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ E-mail brad@silverlineelectric.com

**SITE INFORMATION**

Parcel No. 103892020001003 (portion of) Acres .77 Zoning: CC to CG

Address of property: 4111 W Clearwater Ave

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

Present use of property Vacant

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

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

Benton County Assessor Market Improvement Value: \_\_\_\_\_

Description of Project: From CC to CG

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: 12/29/2016

## 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: No it will not affect this  
at all.
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: Yes all neighboring lots are zoned the same  
CG
4. Are the existing uses, in the area, in conformance with the area's zoning classification? If no, please explain the differences: yes they are
5. Will the proposed amendment create an isolated district, or introduce a more intense land use to the area? Please explain: No it will be consistent to  
other zoning adjacent to this property
6. Does the existing zoning prohibit reasonable use of the property? Please explain: No it will not impact
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: Not to my knowledge
10. Will the proposed amendment encourage more private investments which will be beneficial to the redevelopment of a deteriorated area? Please explain: Not to my knowledge
11. Will the proposed amendment combat any economic segregation and allow greater choice in the market? Please explain: Not to my knowledge
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 A-2



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

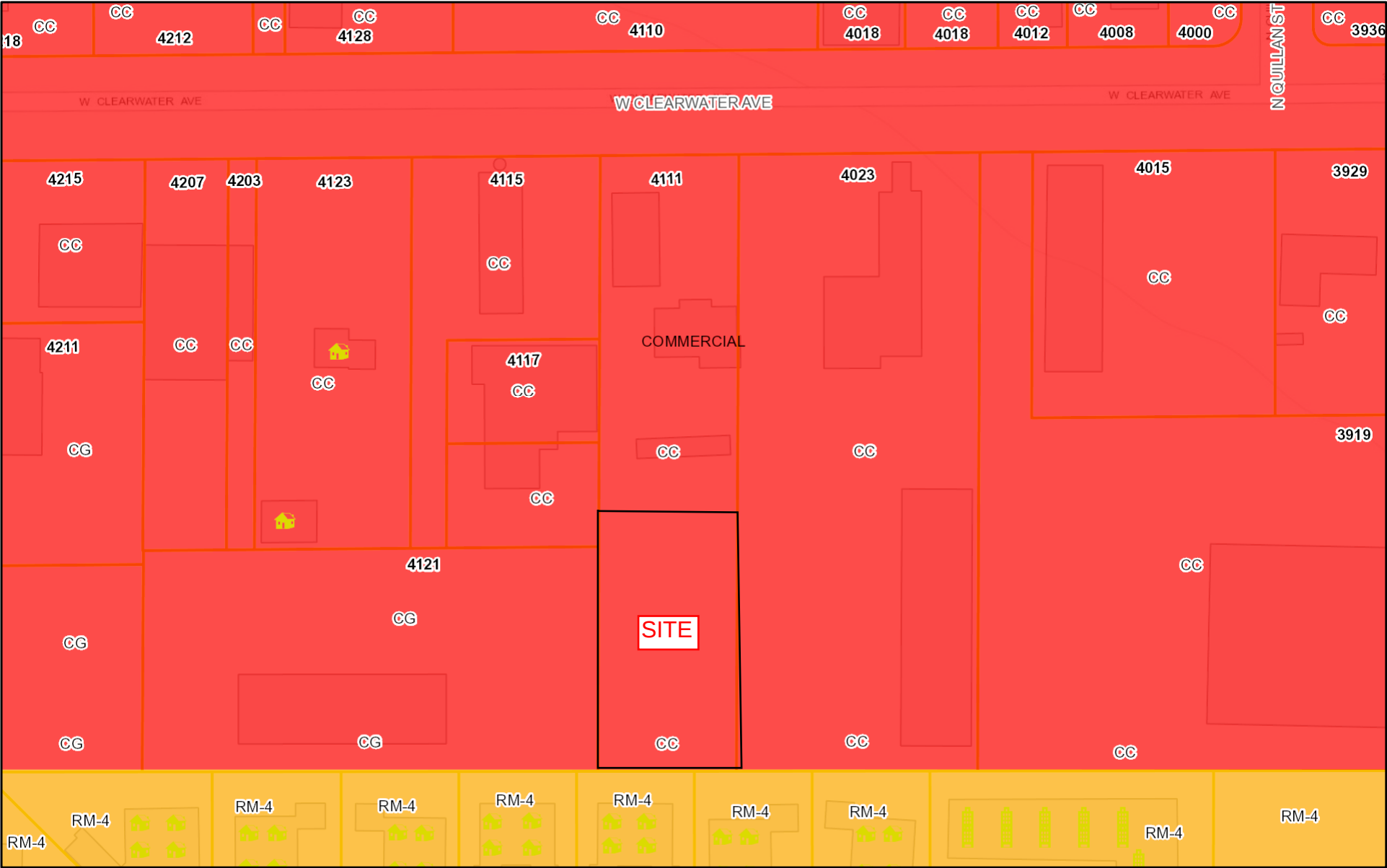
1:1,200

SV\_CI\_RICHLAND\_10

ArcGIS WebApp Builder  
City of Kennewick

# Permitting Map

Exhibit A-3



March 10, 2017

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

StreetName

SurveyAddressPoint

<all other values>

- Apartment
- Building
- Condo

- Mobile Home
- Parcel

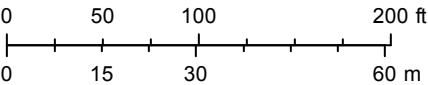
SurveyCityLimits

- SV\_CI\_KENNEWICK\_10
- SV\_CI\_RICHLAND\_10

SV\_CI\_COUNTY\_1



1 inch = 100 feet



1:1,200

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

## Exhibit A-4

DB Washington Properties, LLC  
901 NW E Street  
Grants Pass, OR 97526  
**PLN-2016-03714**

Holstein Properties, LLC  
90106 Badger View Drive  
Kennewick, WA 99337

Perry Dale R  
8309 W 10th Avenue  
Kennewick, WA 99337

Petty Jay D Kerry A  
4962 Selph Landing Road  
Pasco, WA 99301

T K Warren, LLC  
5512 W 26th Avenue  
Kennewick, 99337-1913

Guzman Soltero Jose G & Maricela  
2606 70th Avenue E  
Fife, WA 98424

Tran Dinh D  
583 Riverstone Drive  
Richland, WA 99352

Business & Land Enterprises LLC  
P.O. Box 2060  
Richland, WA 99352

Maverik Inc  
185 S State Street STE 800  
Salt Lake City, UT 84111

Garcia Gonzalo & Angelina  
2407 W Pearl Street  
Pasco, WA 99301

Cascade Natural Gas Copr  
222 Fairview Avenue N  
Seattle, WA 98109

Intern'l ch Foursquare Gospel  
4312 W Kennewick Avenue  
Kennewick, WA 99336

Eddy James C & Merri  
2337 Copperhill Street  
Richland, WA 99352

Novak Joseph J RET-3/7/17  
4116 W Albany Avenue  
Kennewick, WA 99336

Yi Neung W & Mee J  
4111 W Clearwater Avenue  
Kennewick, WA 99336

Tri City Athletic Club  
4117 W Clearwater Avenue  
Kennewick, WA 99336

Roth Jacob L & Laura G  
216 N Johnson Street  
Kennewick, WA 99336-2928

Carpenters Employers Apprenticeship  
2200 6th Avenue  
Seattle, WA 98121

HAPO Federal Credit Union  
601 Williams BLVD  
Richland, WA 99352

Beric Ibro  
915 E 4th Avenue  
Kennewick, WA 99336

Zaragoza Pastor  
4215 W Clearwater Avenue #B  
Kennewick, WA 99336

Alexander Gary & Diane  
2222 W Lake Sammamish PKWY NE  
Redmond, WA 98052

Alexander Gary & Diane  
2222 W Lake Sammamish PKWY NE  
Redmond, WA 98052

Hilwa LLC  
1578 Winners Circle  
Prescott, AZ 86301

Halle, LLC  
4121 W Clearwater Avenue  
Kennewick, WA 99336

Sullivan Joanne L  
4200 W 15th Avenue  
Kennewick, WA 99337

Joyco, LLC  
P.O. Box 1745  
Richland, WA 99352

Les Schwab Tire Centers  
P.O. BOX 5350  
Bend, OR 97708-5350

Kifer Sonia  
1219 N Williams Street #B  
Kennewick, WA 99336

Al-Wazani Mazen & Mona RET - 3/7/17  
4115 W Albany Street  
Kennewick, WA 99336

**PLN-2016-03714 / COZ 16-02**

**4111 W CLEARWATER AVE  
HALLE, LLC**

Blue Pearl Coffee, LLC  
61910 E Solar PR NE  
Benton City, WA 99320

Mendoza Delgadina T  
4107 W Albany Avenue #A  
Kennewick, WA 99336

LN Real Estate, LLC  
P.O. Box 460069  
Houston TX 77056

Berges Gerald F & Catherine E  
4015 W Clearwater Avenue  
Kennewick, WA 99336

Weisenberger Alan P  
610 N Yelm  
Kennewick, WA 99336

Kimball Brian & Barbara L  
20 S Santa Cruz Avenue STE 304  
Los Gatos, CA 95030



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

**FILE/PROJECT NUMBER:** PLN-2016-03714/ED 16-32

**DESCRIPTION OF PROPOSAL:** The request is to change the zoning district for .77 acres from Community Commercial (CC) to Commercial, General (CG). The property has a comprehensive plan land use designation of Commercial.

**PROPONENT:** Halle, LLC, 4121 W Clearwater Avenue, Kennewick, WA 99336

**LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY:** 4111 W Clearwater Avenue

**LEAD AGENCY:** City of Kennewick

**DETERMINATION:** The City of Kennewick has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) will not be required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the City. This information is available to the public on request. Application for other required permits may require further review under SEPA procedures.

☒ There is no comment period for this DNS.

☐ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

☐ This DNS is issued under 197-11-340(2); the City will not act on this proposal for fifteen days from the date below. Comments must be submitted by \_\_\_\_\_. After the review period has elapsed, all comments received will be evaluated and the DNS will be retained, modified, or withdrawn as required by SEPA regulations.

**RESPONSIBLE OFFICIAL:** Gregory McCormick, AICP

**POSITION/TITLE:** Community Planning Director

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

**PHONE:** (509) 585-4463

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

This DNS is subject to the attached conditions:

☒ No conditions.

☐ See attached condition(s).

Date: **February 9, 2017**

Signature: \_\_\_\_\_

\*\*\*\*\*  
**Appeal:** An appeal of this determination must be submitted to the Community Planning Department within fourteen (14) calendar days after the date issued. This appeal must be written and make specific factual objections to the City's threshold determination. Appeals shall be conducted in conformance with Section 4.12.090(9) of the Kennewick Municipal Code and the required fees pursuant to the City's adopted Fee Schedule shall be paid at time of appeal submittal.

Copies of this DNS were mailed to:

Dept. of Ecology  
WA Dept of Fish & Wildlife  
WSDOT  
Yakama Nation  
CTUIR  
ED 16-32/COZ 16-02