

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 February 5, 2018
- b. Approval of Agenda
- c. Motion to enter Staff Report(s) into Record

3. PUBLIC HEARING:

- a. Change of Zone (COZ) # 17-10: Continued from February 5, 2018 meeting; proposing to change 1.5 acres from Business Park (BP) to Commercial, General (CG), at 10376 W. Clearwater Avenue, Kennewick. Applicant, Luran Wang, 8620 Gage Blvd., Ste. A, Kennewick, WA 99336.
- b. Change of Zone (COZ) # 17-11 proposing to change 1.38 acres from Commercial, Neighborhood (CN) to Commercial, Office (CO), at 30 S. Louisiana St. Applicant, Carmen Villarma, 7710 NE Vancouver Mall Drive, Vancouver, WA 98662.
- c. KMC 18.24 Sign Code proposed changes.

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
FEBRUARY 5, 2018
MEETING MINUTES**

CALL TO ORDER

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

Commissioner Torelli led the Pledge of Allegiance.

Recorder Melinda Didier called the roll and found the following:

Present: Commissioners Rob Rettig, Charles Torelli, Clark Stolle, Vice Chairman Victor Morris, and Chairman Ed Pacheco.

Excused: Commissioner Anthony Moore

Unexcused: None

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

CONSENT AGENDA

- a. Approval of Minutes dated January 3, 2018
- b. Approval of Agenda
- c. Motion to enter Staff Reports into the Record

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

PUBLIC HEARINGS

Chairman Pacheco opened the public hearing at 6:33 p.m. for Change of Zone 17-10; proposing a change of zone from Business Park (BP) to Commercial, General (CG) for one parcel of land 1.5 acres in size, located at 10379 W. Clearwater Avenue, Kennewick, WA 99336. Applicant is Lauran Wang, Mustang Signs, 8620 Gage Boulevard, Ste. A, Kennewick, WA, 99336.

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 conclusions contained in staff report COZ #17-10 and recommend to City Council denial of the request. Mr. Donovan stated that staff has been in discussion with the applicant regarding conditioning of a permit to situate their business in BP zone.

Questions from Planning Commissioners of staff included: Are we only looking at a zone change and what will be allowed there; what is KID asking for in their comment letter; Clearwater Park Master Plan.

Testimony of applicant/applicant's representative:

Lauran Wang
Mustang Signs
8715 W 9th Avenue
Kennewick, WA 99336

The example shown was competitor that gives sign company a bad name; current design standards conform to BP Plan and look; clean, modern look/lease to tenants that will do so; out \$25,000 in architectural plans; Sunbelt Rentals ¼ mile away; pointed out current location and enhanced and added to surrounding property values; gives opportunity to grow and expand into signage manufacturing; site plan shows interior storage; wants to stay in Kennewick.

Wants to remain in Clearwater location, not relocate to Pasco, or Richland. Print manufacturing allowed in BP, does not allow for manufacturing growth;

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

Mr. McCormick's comments included: not staff intent to compare Mustang to the business depicted in the slide, just that kind of activity can be sited in CG if safeguards not in place; staff recommended denial but there are some conditioning safeguards (outdoor storage, screening) staff would support and recommend approval; BP is pretty restrictive zone, not really commercial, more campus-type R & D; have approved CG zoning further to east, will consider conditional approval; any conditions put on rezone run with land, not property owner or business.

Planning Commission questions included:

Public Testimony for COZ 17-10 closed at 7:29 p.m.

Chairman Pacheco asked for a motion.

Commissioner Rettig moved to continue the hearing for COZ 17-10 to March 5, 2018 at 6:30 pm in the City Council Chambers.

Commissioner Torelli seconded the motion.

Planning Commission discussion included: how is CO zone different from CG zone; did staff have any recommendations for keeping within the Goals and Policies of the Comp Plan; spot

zoning, setting precedent for other businesses to ask for a conditioned zone change; what would prevent the business owner from selling in 5 to 10 years and open the door for any use allowed in CG to occur at this site; is more time needed; tabling for next meeting if City's conditions are met; next meeting date March 5th.

Sign Code public hearing March 5th; continued COZ 17-10 March 5th.

VISITORS NOT ON AGENDA:

None

OLD BUSINESS:

- Sign Code Workshop – Ms. Beaton conducted a workshop detailing the changes that will be proposed to the Sign Code Ordinance. The public hearing for the ordinance is the March 5, 2018 Planning Commission meeting.

NEW BUSINESS:

None

REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:

None

ADJOURNMENT:

The meeting was adjourned at 7:56 p.m.



MEMORANDUM

Community Planning

To: Planning Commission

From: Steve Donovan, Planner

Date: February 26, 2018

Re: Change of Zone from Business Park to Commercial, General for 10379 W Clearwater Avenue

Project: COZ 17-10/PLN-2017-03092

At the February 05, 2018 Planning Commission hearing, the commission continued the hearing to allow for further discussion between staff and the applicant on recommendation options.

The applicant has requested that the proposed Change of Zone to Commercial, General be subject to the following conditions:

- No outdoor storage of sign manufacturing components or construction materials.
- No storage of heavy duty equipment/machinery (i.e. excavators, backhoes, bulldozers, tractors, etc.).
- No overnight storage of tractor trailers (semi-trucks).

It is important to note, that a conditioned Change of Zone stays with the property, regardless of the future uses or property owners.

The Planning Commission has the following three options for recommendation to the City Council:

- Recommend denial.
- Recommend approval without conditions.
- Recommend approval with conditions.

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

FILE NO: COZ 17-11/PLN-2017-03341

Report Date: February 22, 2018

Hearing Date & Location: March 5, 2018, Kennewick City Hall

Report Prepared By: Anthony Muai, AICP
Senior Planner

Report Reviewed By: Gregory McCormick, AICP
Planning Director

Summary Recommendation: The City of Kennewick Planning Staff
RECOMMENDS that Change of Zone 17-11 be
APPROVED.

Summary of Proposal: A Change of Zone from Commercial, Neighborhood
(CN) to Commercial, Office (CO) for one parcel of
land 1.38 acres in size.

Proposal Location: 30 S. Louisiana St.

Legal Description: Section 6 Township 8 Range 29 Quarter NW; Short
Plat #2960, Lot 5, recorded 9/20/2006, under
auditor's file no. 2006-031017. Recorded in Volume
1 of Short Plats page 2960, records of Benton
County, Washington.

Containing 1.38 acres
Parcel No. 1-0689-201-2960-005

Property Owner: Carmen Villarma
7710 NE Vancouver Mall Dr.
Vancouver, WA 98662

Applicant: Carmen Villarma
7710 NE Vancouver Mall Dr.
Vancouver, WA 98662

Regulatory Controls:
Comprehensive Plan – Land Use
KMC Title 4 – Administrative Procedures
KMC Title 18 – Zoning
Washington State Environmental Policy Act

COZ Key Application Processing Dates:

Pre-Application/Feasibility Meeting	N/A
Application Submittal	December 22, 2017
Determination of Completeness Issued	December 28, 2017
Notice of Application Mailed	January 11, 2018
SEPA Threshold Determination Issued	January 31, 2018
Property Posting Sign for SEPA Determination	February 1, 2018
Date of Mailed Notice of Public Hearing	February 15, 2018
Property Posting Sign for Public Hearing	February 1, 2018
Date of Published Notice of Public	February 18, 2018
SEPA Appeal Period Ends	February 15, 2018

Exhibits:

1. Staff Report
2. Application/Supplemental Information
3. Vicinity & Zoning Map
4. SEPA Determination
5. Cascade Natural Gas Comments
6. Notice of Mailing/Mailing List

Staff Analysis of Proposal & Discussion:

The proposed Change of Zone (COZ 17-11) is a request to change the zone of one parcel of land, approximately 1.38 acres in size located at 30 S. Louisiana St., from Commercial, Neighborhood (CN) to Commercial, Office (CO). The applicant has requested the change of zone in order to be consistent with the neighboring properties and to allow office buildings. The site's current zoning does not allow professional offices.

The CO zone permits a wide spectrum of uses. Below is an example of uses which are permitted in the CO zone but are not permitted in the CN zone:

- Academies
- Banks and Financial Institutions
- Business Schools
- Churches
- Clinics
- Event Centers
- Fast food restaurants
- Group Homes
- Health Facilities
- Hospitals
- Hotels, motels and other lodging establishments other than bed and breakfast establishments and vacation rentals
- Laboratories for research and testing
- Movie theaters
- Nursing homes
- Offices, including professional offices, agencies and services
- Printing, Publishing and Reproduction establishments
- Private gymnasiums, fitness centers, dance studios, body building and martial arts, etc.
- Radio, television, small electronics and other repair and service other than auto repair
- Undertaking establishments

The majority of permitted uses in the CN zone are neighborhood scale, everyday uses. The following uses are permitted in the CN zone, but not in the CO zone:

- Automobile-oriented uses (gas stations, tire stores, oil change shops, etc)

- Convenience stores
- Hardware stores
- Lock and gunsmiths

The Site Development Standards for the CN and CO zoning districts are different in the following ways:

- Maximum District Size: CN: 5 acres; CO: none
- Maximum Building Height: CN: 45 feet; CO: None

The Comprehensive Plan Land Use Designation for the subject property is Commercial. Pursuant to Table 1 of the Comprehensive Plan, both CN and CO are implementing zoning districts of the Comprehensive Plan Commercial Land Use Designation.

Per KMC 18.03.040(7) & (8), the purposes of the CN and CO zoning districts are as follows:

CN - The purpose of the CN district is to establish areas for day-to-day convenience shopping and services. Such facilities must harmonize with the surrounding residential area and provide only those services, which are intended for it. Generally, one of each use is adequate to serve a given neighborhood.

CO - The purpose of the CO district is to provide areas for professional and business offices, medical clinics, and research laboratories. The district is primarily intended for non-retail sale commercial uses and restricted retail sale uses in compatible areas as transitions between more intensive uses and other commercial districts and residential districts.

The site is adjacent to the following zoning districts:

North:	Commercial, Community (CC)
East:	Commercial, Community (CC) and Business Park (BP)
South:	Residential, Low (RL)
West:	Commercial, Office (CO)

Applicable Goals and Policies of the Comprehensive Plan:

Commercial Goal 2:	Sustain and enhance viable commercial areas.
Commercial Policy 4:	Encourage compatible commercial activities to concentrate near each other.

Staff Response: The proposed change to CO would allow for a broader range of uses at the site, however neighboring properties have been developed with primarily office uses and the applicant has indicated that they intend to build an office building if approved. In addition, the abutting parcel to the west is also zoned CO. While there are many more uses allowed in the CO zone than the CN zone, the uses that are more likely to generate higher amounts of noise or traffic, such as movie theaters, hospitals and hotels generally require larger parcels than the subject parcel. Fast food restaurants, banks and other similar uses prefer to have direct access from major arterials thus limiting the probability of this site being used for those uses.

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 amendment conforms to the comprehensive plan, specifically Commercial Goal 2, Commercial Policy 4 and the existing Commercial land use designation.

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

Staff Response: The proposal promotes the public necessity, convenience and general welfare by allowing the same uses already developed to the north and east (offices) without all of the more intense uses allowed in the Commercial, Community (CC) zone.

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

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

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

Staff Response: The proposed amendment is consistent with the applicable provisions of the Kennewick Municipal Code and the Comprehensive Plan. The CO zone implements the Comprehensive Plan's Commercial land use designation and abuts land to the west already zoned CO.

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 Carmen Villarma (7710 NE Vancouver Mall Dr., Vancouver, WA 98662).
2. The property owner is Carmen Villarma (7710 NE Vancouver Mall Dr., Vancouver, WA 98662).
3. The proposed change of zone is for parcel number 1-0689-201-2960-005 (30 S. Louisiana St.).
4. The request is to change the zoning from Commercial, Neighborhood (CN) to Commercial, Office (CO).
5. The City's Comprehensive Plan Land Use Designation for the subject property is Commercial.

6. The Commercial, Office (CO) zoning district is an implementing zone of the Commercial Comprehensive Plan Land Use Map designation.
7. The application was submitted on December 22, 2017 and declared complete for processing on December 28, 2017.
8. The application was routed for review to City Departments and outside agencies for comment on January 11, 2018.
9. Access to the site is currently provided from S. Louisiana St.
10. The City of Kennewick Critical Area maps do not show any wetland critical areas to be on the subject site.
11. An Environmental Determination of Non-Significance (ED 17-45) was issued on January 31, 2018 for this application. The appeal period for the determination ended on February 15, 2018. No appeals were filed.
12. The Property Posting sign for the SEPA Determination was posted on February 1, 2018.
13. The Property Posting sign for the public hearing was posted on site February 1, 2018.
14. Notice of the public hearing for this application was published in the Tri-City Herald on February 18, 2018. Notices were also mailed to property owners within 300 feet of the site on February 15, 2018.
15. The proposed amendment conforms with the comprehensive plan.
16. The proposed amendment promotes the public necessity, convenience and general welfare.
17. 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.
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 with implement Commercial Goal 2, Commercial Policy 5 and the Commercial land use designation of the City of Kennewick Comprehensive Plan.
2. Approval promotes the public necessity, convenience and general welfare by allowing the same uses already developed to the north and east (offices) without all of the more intense uses allowed in the Commercial, Community (CC) zone.
3. Approval proposal will not impose a burden upon public facilities beyond their capacity to serve, nor will it reduce service to the service area below the City's established levels of service.
4. The proposed amendment is consistent with the applicable provisions of the Kennewick Municipal Code and the Comprehensive Plan. The CO zone is implements the Comprehensive Plan's Commercial land use designation and abuts land to the west already zoned CO.

Recommendation:

Staff has reviewed the application and recommends that the Planning Commission concur with the findings and conclusions contained in staff report COZ 17-11 and recommend APPROVAL to City Council.

Motion:

I move that the Planning Commission concur with the findings and conclusions in staff report COZ 17-11 and recommend APPROVAL to City Council approval of the request.

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

Exhibit 2

PROJECT # COZ 17 - 11 PLN- 2017 - 03341 FEE \$ 1,268.00

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: CARMEN VILLARMA

Address: 7710 NE VANCOUVER MALL DRIVE, VANCOUVER, WA 98662

Telephone: 360-397-0334 Cell Phone: -- Fax: -- E-mail carmen.villarma@tmgnorthwest.com

Property Owner (if other than applicant): SAME AS APPLICANT

Address: SAME AS APPLICANT

Telephone: -- Cell Phone: -- E-mail carmen.villarma@tmgnorthwest.com

SITE INFORMATION

Parcel No. 106892012960005 Acres 1.38 Zoning: CN

Address of property: 30 S LOUISIANA ST, KENNEWICK, WA 99336

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

Present use of property VACANT

Size of existing structure: NONE sq. ft. Size of Proposed addition/New structure: NONE sq. ft.

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

Benton County Assessor Market Improvement Value: \$ 239,260

Description of Project: CHANGE ZONING OF PROPERTY FROM CN TO CO TO BE CONSISTENT WITH NEIGHBORING PROPERTIES AND TO ALLOW OFFICE BUILDINGS.

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

Carmen Villarma

Digitally signed by Carmen Villarma
Date: 2017.12.20 13:41:14 -08'00'

Applicant's Signature

Date: 12.20.2017

Carmen Villarma

Digitally signed by Carmen Villarma
Date: 2017.12.20 13:41:52 -08'00'

Signature of owner or owner's authorized representative

Change-of-Zone Supplemental Information

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

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

Yes, the proposal is consistent with the existing comprehensive land use designation and existing land uses. The current zoning does not allow for the development of office buildings, which is currently allowed in the adjacent zoning districts and existing developments surrounding the site. The change of zone would allow an office building to be constructed on the site, which is consistent with the surrounding development.

2. Are there sites presently available on the market which are correctly zoned for the proposed use? Are these sites within a 1/2 mile of the proposed site? Within 1 mile of the proposed site? If yes, please indicate the general location of the site(s) and the reasons why these sites are not proposed to be utilized:

No other similar sites are presently available on the market within a mile of the site. The proposed site is in a developing area, which consists of other office type uses. The proposed zoning classification is consistent with the surrounding zoning as well as existing and proposed uses.

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

Yes. The proposed amendment is consistent with the existing land use pattern of the neighboring properties that surround the site. The land uses to the north and east of the site consist of office type businesses.

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

Yes. The existing land uses of the surrounding property meet the City of Kennewick's zoning classification requirements.

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

No. The proposed zone will continue the existing commercial office zone located to the west of the subject parcel, and will continue to be consistent with the Comprehensive Land Use Plan.

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

Yes, the existing CN zone is restrictive and does not allow uses marketable for the site.

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. Property values in the vicinity of the site are anticipated to remain the same.

9. Will approval of the proposed amendment set a precedent for other similar proposals or uses? Will this deter the use, improvement or development of adjacent property in accordance with the existing Zoning Districts? Please explain:

No. The proposed amendment meets the intent of the Comprehensive Plan of the City and will not set a negative precedent. The proposal will encourage the use, improvement and development of the area.

10. Will the proposed amendment encourage more private investments which will be beneficial to the redevelopment of a deteriorated area? Please explain:

Yes. The proposed zone change will allow for the site to be developed which will make the surrounding area more marketable. This in turn has the opportunity to increase the tax base of the city.

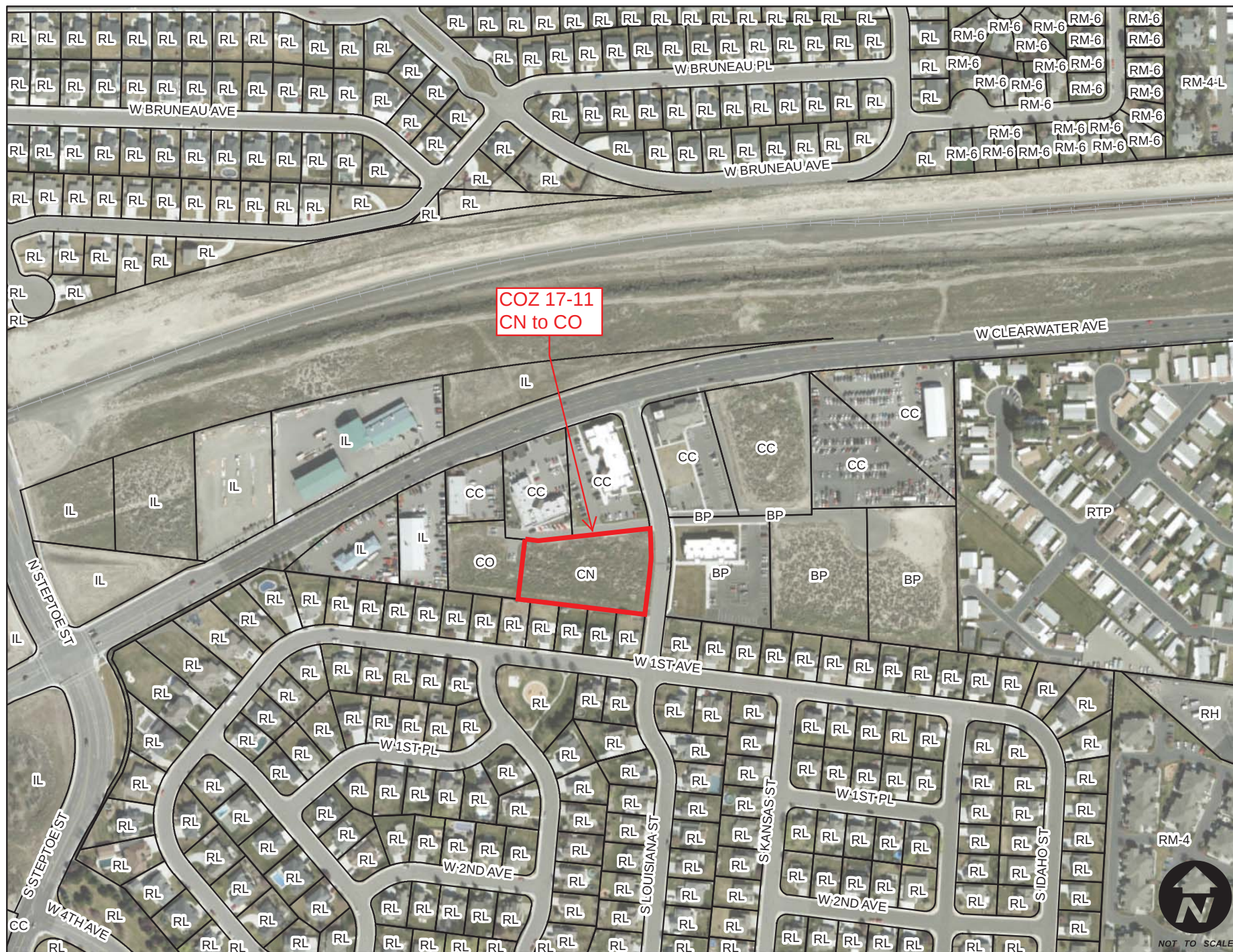
11. Will the proposed amendment combat any economic segregation and allow greater choice in the market? Please explain.

Not applicable.

12. Will the proposed amendment create conflict between potential land uses and transportation patterns? Or safety concerns? Please explain:

No. The proposed zone change is consistent with the existing land uses as identified in the Comprehensive Plan. Existing access to the site is provided via S Louisiana St. If required, any future development of the site will require a traffic analysis, which will identify any off-site or onsite traffic issues or site safety concerns associated with the proposed development.

Exhibit 3





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:** COZ 17-11/PLN-2017-03341**DESCRIPTION OF PROPOSAL:** Rezone 1.38 acres from Commercial, Neighborhood (CN) to Commercial, Office (CO)**PROPOSER:** Carmen Villama**LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY:** 30 S. Louisiana St., 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: January 31, 2018Signature:  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 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.

From: Thomas, James
Sent: 11 Jan 2018 23:41:35 +0000
To: Anthony Muai; Alex Sligar Benton Clean Air; BC Planning Department; BC Planning Department Clark Posey; Ben Franklin Transit - Kevin Sliger; Ben Franklin Transit Tony Kalmbach; Benton Clean Air Authority - Rob Rodger; Benton Clean Air Authority - Tyler Thompson; Benton Franklin Health Dept - Rick Dawson; Benton PUD - Bob Roe; Benton PUD - Dave Smith; Benton PUD - engineering services; Benton PUD - Jeff Vosahlo; Benton PUD Chad Brooks; Benton PUD Mike Irving; Benton PUD Shanna Everson; BPA - Deborah Rodgers; BPA - Joe Cottrell; BPA - Mike Deklyen; Charter Communication - Dean Kelley; Charter Communications - Robert Early; City of Richland - Rick Simon; Columbia Irrigation District; Consolidated Tribes of Umatilla Indian Reservation - Carey L. Miller; CTUIR - Tera Farrow Ferman; Department of Ecology SEPA UNIT; Dept of Fish & Wildlife; Dept of Fish & Wildlife - Michael Ritter; Dept of Natural Resources SEPA Center; Dustin Fisk - Kennewick School District (dustin.fisk@ksd.org); Frontier - Gary Taylor; Frontier - Gregory Goodwin; Kenewick Irrigation District - Jason McShane; Kennewick Irrigation District - Ben Woodard; Kennewick School District - Doug Carl; Mike Blatman; US Army Corps of Engineers; Williams Pipeline - Audie Neuson; WSDOT; Yakama Nation - Thalia Sachtleban
Subject: RE: Project Notification & SEPA Checklist request for comments
Attachments: service map.pdf

To whom It may concern,

The attached PDF shows our services in the area. It shows that we have a 2" main running on the northern property line, so please remember to call for locates before you dig. Furthermore, if you are interested in our services, or have anymore question, please feel free to contact me anytime. Thank you and have a wonderful day.

VR,

Jim Thomas
 Engineer Associate I
 CNGC, Kennewick District
 509-212-5482

From: Anthony Muai [mailto:anthony.muai@ci.kennewick.wa.us]
Sent: Thursday, January 11, 2018 10:51 AM
To: Alex Sligar Benton Clean Air <alex.sligar@bentoncleanair.org>; BC Planning Department <jerrod.macpherson@co.benton.wa.us>; BC Planning Department Clark Posey <Clark.Posey@co.benton.wa.us>; Ben Franklin Transit - Kevin Sliger <ksliger@bft.org>; Ben Franklin Transit Tony Kalmbach <TKalmbach@bft.org>; Benton Clean Air Authority - Rob Rodger <rob.rodger@bentoncleanair.org>; Benton Clean Air Authority - Tyler Thompson <tyler.thompson@bentoncleanair.org>; Benton Franklin Health Dept - Rick Dawson <rickd@bfhd.wa.gov>; Benton PUD - Bob Roe <roer@bentonpud.org>; Benton PUD - Dave Smith <smithd@bentonpud.org>; Benton PUD - engineering services <engservice@bentonpud.org>; Benton PUD - Jeff Vosahlo <vosahloj@bentonpud.org>; Benton PUD Chad Brooks <brooksc@bentonpud.org>;

Benton PUD Mike Irving <irvingm@bentonpud.org>; Benton PUD Shanna Everson <eversons@bentonpud.org>; BPA - Deborah Rodgers <dxrodders@bpa.gov>; BPA - Joe Cottrell <jecottrell@bpa.gov>; BPA - Mike Deklyen <mjdeklyen@bpa.gov>; Thomas, James <James.Thomas@cngc.com>; Charter Communication - Dean Kelley <dean.kelley@charter.com>; Charter Communications - Robert Early <robert.early@charter.com>; City of Richland - Rick Simon <ricks@ci.richland.wa.us>; Columbia Irrigation District <cid@columbiairrigation.com>; Consolidated Tribes of Umatilla Indian Reservation - Carey L. Miller <careymiller@ctuir.org>; CTUIR - Tera Farrow Ferman <terafarrowferman@ctuir.org>; Department of Ecology SEPA UNIT <sepaunit@ecy.wa.gov>; Dept of Fish & Wildlife <harvepjh@dfw.wa.gov>; Dept of Fish & Wildlife - Michael Ritter <michael.ritter@dfw.wa.gov>; Dept of Natural Resources SEPA Center <sepacenter@dnr.wa.gov>; Dustin Fisk - Kennewick School District (dustin.fisk@ksd.org) <dustin.fisk@ksd.org>; Frontier - Gary Taylor <gary.k.taylor@ftr.com>; Frontier - Gregory Goodwin <gregory.l.goodwin@ftr.com>; Kenewick Irrigation District - Jason McShane <jmcshane@kid.org>; Kennewick Irrigation District - Ben Woodard <BWoodard@kid.org>; Kennewick School District - Doug Carl <doug.carl@ksd.org>; Mike Blatman <Mike.Blatman@ci.kennewick.wa.us>; US Army Corps of Engineers <CENWW-RE@usace.army.mil>; Williams Pipeline - Audie Neuson <audie.neuson@williams.com>; WSDOT <scplanning@wsdot.wa.gov>; Yakama Nation - Thalia Sachtleban <enviroreview@yakama.com>
Subject: Project Notification & SEPA Checklist request for comments

**** WARNING: EXTERNAL SENDER. NEVER click links or open attachments without positive sender verification of purpose. DO NOT provide your user ID or password on sites or forms linked from this email. ****

Project Notification & SEPA Checklist request for comments

Project description:

A change of zone application has been submitted to change a parcel of land from Commercial, Neighborhood (CN) to Commercial, Office (CO). The applicant is Carmen Villarma and the location is 30 S. Louisiana St. The change of zone is for a parcel of land approximately 1.38 acres in size. The Comprehensive Plan land use designation for the site is Commercial and Commercial, Office (CO) zoning can be implemented in this land use category of the City of Kennewick's comprehensive plan.

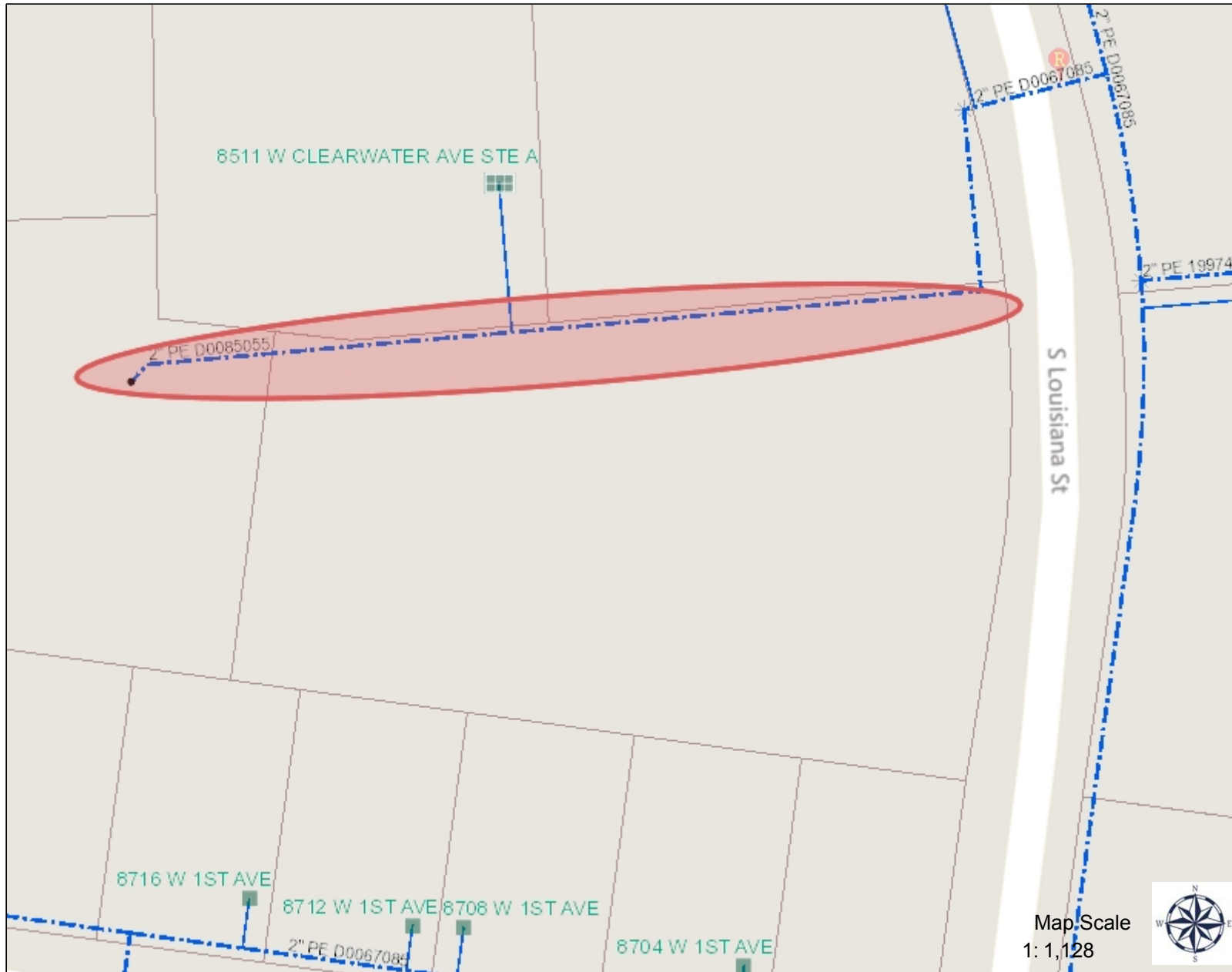
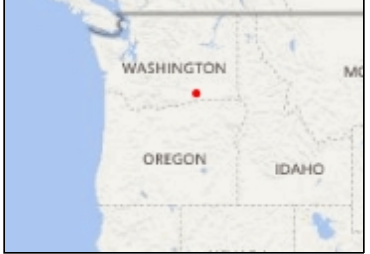
Please review and submit your comments to the Development Services Division, PO Box 6108, Kennewick, WA 99336 (or via e-mail), on or before January 26, 2018.

Thank you,



Anthony Muai, AICP
 City of Kennewick
 Community Planning Department/Senior Planner
 O: 509.585.4386 | F: 509.585.4442
anthony.muai@ci.kennewick.wa.us





Map Legend

- Regulator Station
- Town Border Station
- Compressor
- Gas Valve
 - ⬮ Closed
 - ⬮ Open
 - ⬮ Unknown
- Odorizer
- Controllable Fitting
- Non-Controllable Fitting
 - End Cap
 - Insulated Coupling
 - ▲ Reducer
 - Transition
- ▲ Pressure Monitoring Device
- Transmission Main
 - 2"
 - 4"
 - 6"
 - 8"
 - 10"
 - 12"
 - 16"
 - 20"
- Main
 - <all other values>

Map Scale
1: 1,128



0.0 0 0.02 0.0
Miles
WGS_1984_Web_Mercator_Auxiliary_Sphere
© Cascade Natural Gas Corporation

This map is a user generated static output from the GIS Web Viewer mapping website and is for reference only. It is not to be relied upon for construction purposes. It is provided for planning purposes only.
FIELD LOCATES ARE REQUIRED FOR LOCATION OF UTILITY FACILITIES

Notes:



NOTIFICATION OF MAILING

I, Max Deider, on 2/15/, 2018

Mailed 34 copies of NOAH + map

for COZ 17-11

to applicant/owner's w/in 300'

as shown on the attached list.

COZ 17-11/PLN-2017-03341

CN TO CO

30 S LOUISIANA ST

300' MAILING LIST

Max Deider
Signature

NOTICE OF PUBLIC HEARING

KENNEWICK PLANNING COMMISSION

March 5, 2018 at 6:30 p.m.

The Kennewick Planning Commission will hold a Public Hearing on Monday, March 5, 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 17-11 – Proposes to change 1.38 acres from Commercial, Neighborhood (CN) to Commercial, Office (CO). The site is located at 30 S. Louisiana St. For questions about this project, please call Anthony Muai at (509) 585-4386.

Written comments may be addressed to Anthony Muai and submitted to anthony.muai@ci.kennewick.wa.us or mailed to PO Box 6108, Kennewick, WA 99336 no later than 4:30 p.m., February 26, 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 Anthony Muai at (509) 585-4386 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.



Exhibit 6

37
PRESTIGE DEVELOPMENTS INC
8600 W CLEARWATER AVE
KENNEWICK, WA 99336

37
RIDGEVIEW REAL ESTATE LLC
8511 W CLEARWATER STE C
KENNEWICK, WA 99336

37
KOOSKOOSKIA INC
91905 E SAGEBRUSH RD
KENNEWICK, WA 99338

37
OWEN JEREMY W & JESYCA S
8806 W 1ST AVE
KENNEWICK, WA 99336

37
ROACH KELSEY M
8716 W 1ST AVE
KENNEWICK, WA 99336

37
SIMMELINK CODY M
8704 W 1ST AVE
KENNEWICK, WA 99336

37
WISEHART DOUGLAS A & AMELIA
8621 W 1ST AVE
KENNEWICK, WA 99336

37
CRAYTHORN ROD A & KIMBERLY A
8801 W 1ST AVE
KENNEWICK, WA 99336-9409

37
SCHOCK RICHARD & ALLA
8710 W 1ST PL
KENNEWICK, WA 99336

37
HANSEN PARK LLC
6855 W CLEARWATER AVE A 101-160
KENNEWICK, WA 99336

37
PAULMOR INVESTMENTS LLC
8601 W CLEARWATER AVE STE A
KENNEWICK, WA 99336

37
CORSON TRUSTEE RICKEY W
1368 GALA WAY
RICHLAND, WA 99352

37
MOORE ERIC M
8201 W CLEARWATER AVE
KENNEWICK, WA 99336

37
SMITH MATTHEW P
8802 W 1ST AVE
KENNEWICK, WA 99336

37
JORDAN JACQUELINE D
8712 W 1ST AVE
KENNEWICK, WA 99336

37
KRAHN DWIGHT E & LAURA A
8700 W 1ST AVE
KENNEWICK, WA 99336

37
DERANLEAU NICHOLAS PIERRE &
ANGELA N
7148 W 4TH AVE
KENNEWICK, WA 99336

37
EVANS MONTY & SALLYJO
8707 W 1ST AVE
KENNEWICK, WA 99336

37
MILLWARD TRUSTEES RICHARD B &
DEANNA
107 S MONTANA ST
KENNEWICK, WA 99336

37
CUMMINGS CURTIS
19840 SE 8TH CT
SAMMAMISH, WA 98075

37
COLUMBIA RIVER REAL ESTATE LLC
8511 W CLEARWATER STE C
KENNEWICK, WA 99336

37
PHAB PROPERTY LLC
7001 W 10TH AVE
KENNEWICK, WA 99336-9373

37
RODMAN JOYCE THOMPSON
8810 W 1ST AVE
KENNEWICK, WA 99336

37
FLANAGAN ANITA K
8720 W 1ST AVE
KENNEWICK, WA 99336

37
RUTZ RYAN M & MEGAN
8708 W 1ST AVE
KENNEWICK, WA 99336

37
VICHIT STEVEN C & MOLLY
8622 W 1ST AVE
KENNEWICK, WA 99336

37
FARAG RAMEZ & HEATHER
8805 W 1ST AVE
KENNEWICK, WA 99336

37
KLUHERZ MARK B
8703 W 1ST AVE
KENNEWICK, WA 99336

37
HARMON WHITNEY L
104 S LOUISIANA ST
KENNEWICK, WA 99336

37
AHKAMI AMIRHOSSEIN & DALVAND
ZAHRA
8610 W 1ST AVE
KENNEWICK, WA 99336

Exhibit 6

37
SMITH RONALD F & DEBORAH J
100 S KANSAS ST
KENNEWICK, WA 99336

37
ROHDE JOHN M & RACHELE
8615 W 1ST AVE
KENNEWICK, WA 99336

37
VILLARMA CARMEN
7710 NE VANCOUVER MALL DRIVE
VANCOUVER, WA 98662

37
CARMEN VILLARMA
7710 NE VANCOUVER MALL DR
VANCOUVER, WA 98662



STAFF REPORT

SIGN CODE AMENDMENTS

Date: February 23, 2018

To: City of Kennewick Planning Commission

From: City Attorney's Office, Lisa Beaton, City Attorney

BACKGROUND

In June, 2015 the U.S. Supreme Court issued a significant sign code decision in *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015). In that case the Court addressed whether the *Town of Gilbert's* sign code regulating portable signs violated the First Amendment because it provided a variety of exemptions depending upon the content/message of the sign – such as “political”, “temporary directional” or “ideological.” The Supreme Court held that a sign regulation which “on its face considers the message on a sign to determine how it will be regulated, is “content-based.” A content-based regulation is subject to strict scrutiny analysis which is the highest constitutional hurdle. It requires a municipality to show that the content-based restrictions further a compelling governmental interest and are narrowly tailored to that end. In the *Reed* case, the sign code treated political signs more favorably than temporary directional signs – the town was unable to show a compelling governmental interest, they could not show that directional signs posed a greater threat to safety, or aesthetics than ideological or political signs.

The Supreme Court's ruling in *Reed v. Town of Gilbert* established a new standard for sign code regulations requiring essentially every municipality in the Country to review and revise their codes to come into compliance. *Reed v. Town of Gilbert* left a number of unanswered questions regarding regulation of non-commercial portable signs as well as whether the holding extended to the regulation of commercial signs. Since the Supreme Court's decision, a number of federal circuit courts have issued decisions providing additional guidance on how cities can apply the *Reed* decision. In the case, *Contest Promotions v. City and County of San Francisco*, 704 Fed.Appx 665 (2017) the Ninth Circuit held that the *Reed* case did not extend to the regulation of commercial signs. The DC Circuit Court of Appeals recently upheld a sign code provision as content neutral despite the fact that it treated event related noncommercial portable signs as a different category than non-event related signs. *Act Now, et.al. v. District of Columbia*, 846 F.3d 391 (January 24, 2017); cert denied (October 2017). Additionally, a few cities in Washington have amended their sign codes in an attempt to come into compliance with *Reed*.

Since the last public hearing held by the planning commission, staff has drafted additional revisions based upon the results of additional case law research and review of other city's sign codes. The following guidelines were used to revise the proposed amendments to the sign codes:

- The City cannot prohibit portable non-commercial political signs from being placed in the parking strip portion of the right of way; and because we cannot regulate based upon the content of the sign, all non-commercial portable signs can be located in the right of way; however we can regulate all signs in this category based upon size, location, zoning and duration.
- The City can differentiate between portable non-commercial signs that relate to a specific event and portable non-commercial signs not related to an event without violating *Reed v. Gilbert*.
- *Reed v. Gilbert* does not apply to regulation of commercial signs, thus the City may continue to prohibit off-premise commercial signs.

PROPOSAL

The proposed sign code changes will primarily affect non-commercial portable signs:

- Non-Commercial portable signs may be displayed for no longer than 180 consecutive days per calendar year; non-commercial portable signs related to an event may be displayed for no longer than 180 consecutive days per calendar year and must be removed no later than 14 days after the event.
- Non-Commercial Portable signs are not permitted to be placed on or affixed to any City property.
- There will be limitations to the height, width, area and quality of construction and installation for non-commercial portable signs which will be determined by zoning.
- The total number of portable signs allowed on a parcel will be based on total area of all portable signs on the property. (i.e. total square footage in residential zones cannot exceed 16 square feet, therefore a property could have two 2'x4' (8 sq. ft.) portable signs since the combined area of both signs would equal 16 sq. ft. or any other number of signs so long as the combined total square footage is equal to or less than 16 sq. ft.)

Also being proposed is the addition of a "Substitution Clause" which will allow signs containing noncommercial speech to be placed anywhere commercial signs are allowed, subject to the same regulations as commercial signs, and a "Severability Clause" that states that if one provision or section is declared invalid, the invalidity will not affect the validity of the remaining portions of the code.

FINDINGS

1. The proposed revisions to KMC 18.24: Signs, will bring Kennewick's sign regulations into conformance with *Reed* case.
2. Proposed revisions have been sent to the Washington State Department of Commerce for review as required under RCW 36.70A.106 on May 2, 2017. 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 May 17, 2017.
3. A Determination of Non-Significance was issued for proposed amendments to the sign code on May 17, 2017. The appeal period expired on May 31, 2017.
4. Notice of the public hearing on the proposed amendments was published in the Tri-City Herald on February 18, 2018.

CONCLUSION

By removing content-based regulations from those sections of the City's sign code which relate to non-commercial portable signs, Kennewick will be in compliance with the ruling that came from *Reed v. Town of Gilbert* and ultimately free speech rights guaranteed by the First Amendment.

RECOMMENDATION

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

EXHIBITS

Proposed amendments to 18.24: Signs.

CITY OF KENNEWICK
ORDINANCE NO. 5752

AN ORDINANCE RELATING TO SIGNS AND AMENDING SECTIONS
18.24.020, 18.24.030, 18.24.040, 18.24.050, AND 18.24.060 AND ADDING
NEW SECTIONS 18.24.100 AND 18.24.110 TO THE KENNEWICK
MUNICIPAL CODE

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

Section 1. Section 18.24.020 of the Kennewick Municipal Code, be, and the same hereby is,
amended to read as follows:

18.24.020: Definitions:

~~(1) “Auxiliary Sign.” Auxiliary sign is a sign that provides information such as direction, time and temperature displays, hours of operation, or warning; auxiliary signs are intended for the convenience of the public. An auxiliary sign may include the business name and/or logo, but may not include its product or services.~~

(21) “Awning.” Awning is a covering structure that projects horizontally from, and is attached to a building. An awning provides protection from the weather for persons or properties underneath it.

(32) “Awning Sign.” Awning sign is a nonilluminated or illuminated sign which is usually painted or screen printed onto the surface of an awning and which does not extend vertically or horizontally beyond the limits of the awning.

(43) “Banner Sign.” Banner sign is a sign made of lightweight material such as cloth, paper or flexible plastic with or without a rigid frame.

(54) “Business.” Business means any person, partnership, association, corporation, joint venture, or similar group whether operating for profit or not, and any governmental agency.

(65) “Canopy.” Canopy is an ornamental or protective roof-like structure that may be attached or detached from the main building and usually providing protection from the elements to objects or people underneath. Structures over gas pump islands and over entrances of theaters or hotels are both examples of canopies.

(76) “Common Ownership.” Common ownership means groups of two (2) or more businesses when such businesses are located on one or more parcels of land or share public parking or maintenance facilities or when they conduct advertising on a regular basis; or when they function as a single entity in practical or business matters.

~~(8) “City, State, Federal, and Community Sponsored Events.” City, State, Federal, and Community Sponsored Events are nonprofit events or activities open to the public and associated with common interests or characteristics of the community. Examples of such events are: the elections, Water Follies, Benton Franklin Fair and Rodeo, Little League Baseball, 4th of July parades or celebrations, and the like.~~

(97) “Construction Sign.” Construction sign is a sign installed in conjunction with construction or remodeling of a building.

(108) “Copy.” Copy is the medium by which the message or idea of a sign is communicated.

(149) "Development Sign." Development sign is a sign, which through symbols or names identifies a development. Signs advertising residential or commercial properties "For Sale" or that identify an apartment complex, are examples of development signs.

(1210) "Directional Sign." Directional sign is an off-premise sign that directs attention by name and/or logo to a business, group of businesses, or a business area.

(1311) "Electronic Message Sign or Center." Electronic message sign or center is a sign on which differing copy is shown through an electronic or electrically controlled device, which may also display time and temperature or other messages.

(1412) "Freestanding Sign." Freestanding sign is a single or multiple face sign attached to or supported by columns, uprights, braces, standards, or other type of base in or on the ground and not attached to the building. Freestanding signs are anchored to the ground in accord with the International Building Code. The method of anchoring may need to be confirmed by a professional engineer, as determined by the Building Official.

(a) ~~"Temporary, Freestanding Sign." Temporary, freestanding signs are signs which can be moved from structure to structure, or site to site, and which are not anchored to the ground in accord with the International Building Code. Examples of such signs are "grass-hopper" signs, sandwich board/A frame signs, small price signs, and similar portable signs.~~

(b) ~~"Permanent, Freestanding Sign." Permanent, freestanding signs are anchored to the ground in accord with the International Building Code. The method of anchoring may need to be confirmed by a professional engineer, as determined by the Building Inspector.~~

(1513) "Graphic Sign." Graphic sign is a window sign or a sign, which is an integral part of a building's facade. The sign may be painted, carved, or permanently imbedded.

(1614) "Integrated." Integrated means a sign in which all elements of the sign are incorporated into a single design, but including attachments or projections not part of a single motif.

(1715) "Mobile Sign." Mobile sign is any sign mounted on a vehicle, trailer, or boat; or fixed or attached to a device for the purpose of transporting from site-to-site. ~~This definition includes all vehicles placed or parked for the purpose of drawing attention to a service, product, object, person, organization, institution, business, event, location or message, but not s~~Signs or lettering installed on vehicles, trailers or boats operating during the normal course of business are not considered mobile signs.

(1816) "Monument Sign." Monument sign is a freestanding sign, not over six feet high and attached to the ground for a minimum of 66 percent of the length of the sign.

(1917) "Off-Premises Signs." Off-premises signs are signs that advertise a service, product, object, person, organization, institution, business, event, location or message that is not available on the property upon which the sign is located. This includes mobile signs if their placement constitutes an off-premises sign.

(2018) "Pictorial Sign." Pictorial sign is a sign that conveys the service, product, or activity of a site without words, company or product emblem, or numbers or letters. Pictorial signs display a message through color, shape, and spatial relations, and are appropriate in context and taste with recognized standards of the community. Colored neon tubing and murals are examples of appropriate medium for display of a pictorial sign.

(21) ~~"Political Sign." Political sign is a sign promoting or publicizing candidates for public office or issues that are to be voted upon in a primary, general, or special election.~~

(19) "Portable Sign." Portable sign is a sign which can be moved and is not designed to be permanently attached to a building or permanently anchored to the ground. Examples of

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such signs are sandwich board/A-frame signs and other similar portable signs. Banner signs are specifically excluded from this definition.

(2220) “Product-Sponsored Sign.” Product-sponsored sign is a sign, which identifies, displays or attracts attention to a product sold or available, but may or may not identify the on-site organization, institution, person, object, business service or event.

(2321) “Projecting Sign.” Projecting sign is a sign, other than a wall sign, which is attached to and projects more than eighteen inches (18”) from a structure, usually in a perpendicular manner. Projection defined as the distance by which a sign extends over public property or beyond the building line.

(2422) “Readerboard Sign.” Readerboard sign is a sign on which copy is designated so that it can be changed manually. It usually consists of a panel on which individual letters or pictorials are mounted, or displayed.

(2523) “Rooftop Sign.” Rooftop sign is a sign erected over or on the roof of a building, and is wholly or partially supported by the building.

(2624) “Sign.” Sign is any object, device, display, structure or part thereof, situated indoors or out which is used to identify, display, advertise, direct or attract attention to an object, person, organization, institution, business, product, service, event, location or message by any means including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

(2725) “Sign Area.” Sign area is the smallest circle(s), triangle(s) or rectangle(s), which will enclose the individual actual sign face. The supporting structure, which does not contain any part of the sign face, is not included in this definition. If a sign has back-to-back display faces, the area of only one face will be considered the sign area. If a sign has more than one face, all areas, which can be viewed simultaneously will be considered the sign area.

(2826) “Sign Height.” Sign height is the distance from the grade, or the top of the curb of the nearest street to the top of the sign or any projection thereon, whichever is higher.

(2927) “Street Frontage.” Streets, alleys, or public rights of way parallel to the property line used to compute the area of the sign(s) intended to be located in such a manner to have primary exposure on that street or right of way.

(3028) “Subdivision Directional Sign.” Subdivision directional sign is a sign advertising the direction to a subdivision by naming the subdivision and furnishing a directional arrow.

~~(31) —“Temporary Sign.” Temporary sign is a sign intended for use for a short period of time. Examples of such signs include: grand opening signs, open house signs, special sale signs, sandwich board/A-frame signs, small price signs, pennants, and other similar signs. Banner signs are specifically excluded from this definition.~~

(3229) “Wall Sign.” Wall sign is a sign mounted parallel to a building facade or vertical building surface, which does not extend beyond the edge of any wall or surface to which it is mounted. Wall signs project no more than eighteen inches (18”) from the surface.

(3330) “Window Sign.” Window sign is a sign located on or within three feet of a window of a building, and visible from the exterior of a building. Window signs are graphic signs unless they qualify as auxiliary signs. (Ord. 5752 Sec. 1, 2018; Ord. 5180 Sec. 1, 2007)

Section 2. Section 18.24.030 of the Kennewick Municipal Code be, and the same hereby is, amended to read as follows:

18.24.030: Sign Table: Signs located in Commercial, Industrial and Public Facility districts, other than the CBD zoning district shall comply with the applicable standards of Table A. ~~shall~~

~~comply with the applicable standards of Table A. Table A does not apply to the CBD or UMU zoning district. See Table B for CBD and UMU district sign regulations.~~

(2) Signs located in the CBD and UMU zoning districts shall comply with the applicable standards of Table B.

SIGN TABLE A

Sign Type	Maximum Height	Maximum Sign Area Per Sign	Maximum Permitted Number of Signs	Special Considerations
Freestanding single business	60'	Based on height of sign 0'-30' ht. up to 150 sq. ft. 31'-50' ht. up to 300 sq. ft. 51'-60' ht. up to 400 sq. ft.	Two per frontage	Grandfather all existing signs prior to passage of ordinance
Freestanding group of businesses	60'	90 sq. ft. per business or the same maximum area per freestanding sign as the single business requirement, whichever is greater.	Based on frontage 0'-200' = Up to 2 signs 201' - 400' = Up to 4 signs 401'-600' = Up to 5 signs over 601' = Up to 6 signs	
Wall	Not beyond the top or ends of wall	25% of applicable wall area	See 18.24.040(1)	
Projecting	Not more than 5" above or beyond the attaching wall	75 square feet or 1/2 frontage whichever is greater	See 18.24.040(1)	
Graphic-window	Maximum building height	33% of applicable wall area or applicable window area		
Pictorial	Maximum building height	33% of applicable wall area		
Awning	18' or two stories	25% of available wall area		
Banner	None	None	See 18.24.060.2(i)	

<u>Commercial</u> Off-premises (existing)	30'	125 square feet	See 18.24.050(76)	Grandfather existing off premises signs except bill boards
Temporary Non- Commercial Portable	None See 18.24.050(16)	None See 18.24.050(16)	See 18.24.050(6)	
Rooftop		See 18.24.050(13)	One	Grandfather existing signs prior to passage of ordinance

SIGN TABLE B

Sign Type	Maximum Height	Maximum Sign Area Per Sign	Maximum Permitted Number of Signs	Special Considerations
Freestanding single business	13'	32 square feet*	One	* Per sign face Grandfather all existing signs prior to passage of ordinance
Freestanding group of businesses	13'	64 square feet*	One	
Wall	Not beyond the top or ends of wall	25% of applicable wall area	N/A	
Projecting	10'	24 square feet*	One	
Graphic-window	Maximum building height	33% of applicable wall area or applicable window area	N/A	
Pictorial	Maximum building height	33% of applicable wall area	N/A	
Awning	8'	25% of available wall area	One	
Banner	None	None	N/A	
<u>Commercial</u>	Prohibited	N/A	N/A	Grandfather

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Off-Premises (existing)				existing off-premises signs except bill boards
Temporary Non-Commercial Portable	None See 18.24.050(16)	None See 18.24.050(16)	See 18.24.050(16)	
Rooftop	Prohibited	N/A		Grandfather existing signs prior to passage of ordinance

(Ord. 5752 Sec. 2, 2018: Ord. 5714 Sec. 1, 2017: Ord. 5434 Sec. 9, 2012) Ord. 5180 Sec. 1, 2007)

Section 3. Section 18.24.040 of the Kennewick Municipal Code be, and the same hereby is, amended to read as follows:

18.24.040: General Provisions:

(1) Number: Each permitted use within a commercial or industrial district may have a total of two (2) freestanding signs per street frontage and any combination but not to exceed four (4) of the following signs: projecting, wall, graphic, or pictorial. ~~Auxiliary signs are permitted if the combined square footage of such auxiliary signs does not exceed the allowed total of the user's other permitted signs. Auxiliary signs located on windows or entirely within a structure are permitted without limitation.~~

(2) Area, Height, and Lighting: Sign area, height, and lighting are regulated by the standards contained in Table A.

(3) Structure: The structural components of signs are regulated by the currently adopted edition of Uniform Sign Code.

(4) Electrical: The electrical components of signs are regulated by the currently adopted edition of the National Electric Code. All electrical signs must bear the U.L. label.

(5) Illumination: The illumination of signs must be shielded, shaded, reduced or directed so that the light remains on the property and does not constitute a nuisance by distracting pedestrians and motorists. Strobe or strobe-like devices are prohibited from use where they are visible from the exterior of a building or location. Illumination of outdoor signs must comply with Chapter 15.26 KMC.

(6) Maintenance: All signs shall be maintained in a state of security and repair. If a sign is not so maintained, it must be removed or repaired within 30 days of notification by the Department. The owner, his agents, or assigns, are responsible for such maintenance and compliance with this Section.

(7) Sight Obstructions: All signs must be in conformance with Chapter 13.12 and Section 18.27.060 of the Kennewick Municipal Code (view obstruction and clearance triangle).

(8) Removal: When a business or business site is vacated, the applicable freestanding, wall, projecting, auxiliary, and street signs face must be removed within thirty (30) days of notification by the Department.

(9) Freestanding: All freestanding signs must be integrated. (Ord. 5752 Sec. 3, 2018; Ord. 5180 Sec. 1, 2007)

Section 4. Section 18.24.050 of the Kennewick Municipal Code, be, and the same hereby is, amended to read as follows:

18.24.050: Regulation by Sign Type:

(1) Awning Signs: Awning copy is exempt from this Section if no more than 100% of the maximum, available freestanding sign area is used for such copy. If more than 100% is used for the awning copy, then the other sign or signs for which the business is entitled must be reduced by an area equal to that exceeding 100% of the available freestanding sign area.

(2) Commercial Industrial and Urban Mixed Use districts - Development/Sale Signs: Signs advertising commercial or industrial sites or properties "For Sale" or "For Rent" must be placed wholly on the applicable property and may not exceed 32 square feet in sign area. The height of such signs are limited to 10 feet overall. Any such sign greater than 16 square feet in area must obtain a building permit and be installed to the approval of the Building Inspector.

(3) Construction Signs: Construction signs are allowed until occupancy of the applicable building or completion of the structure or remodeling, whichever occurs first.

(4) Directional Signs: Direction signs may be permitted in "C", "I" or UMU zones after approval of a Land Use Permit for a Conditional Use in accord with Section 18.42.100. The criteria for approval for such land use permits for conditional uses (variances) will be as follows: The business, group of businesses or business area must not have arterial street frontage available for free standing signage; special circumstances are necessary because of the location, size, shape or topography of the property of the business, group of businesses or business area to provide it with signage privileges typical of other properties in the vicinity or zoning district; the design of the directional sign can be conditioned to account for aesthetics, lighting, safety, compatibility with surrounding properties, and other factors necessary to meet the purpose (18.24.010) of this Chapter. Directional signs shall be further conditioned by the following:

- (a) The directional sign must be located as close to the business, group of businesses, or business area as is practical.
- (b) A single business is limited to one directional sign. Groups of businesses and business areas are limited to two directional signs.
- (c) The preferred means to implement directional signage shall be ground mounted or monument style signs. In cases where this is impractical, the maximum height is limited to 20 feet.
- (d) Directional signs shall be limited to a maximum area of 32 square feet.
- (e) If applicable the directional signs shall further the goals and guidelines of any adopted neighborhood or sub area plan and/or overlay zone.
- (5) Electronic Message Signs or Centers: Electronic message signs or centers are regulated per its applicable sign type, i.e., freestanding or wall-mounted.

(6) Existing Off-Premises Commercial Signs in all Districts: All existing off-premises signs installed in conjunction with a building permit as of the effective date of the ordinance codified herein are considered conforming, except billboards which are considered nonconforming. Such signs must be brought into full compliance with provisions of Section 18.24.040 herein for height, area, lighting, structural, and electrical regulations and Sign Table "A" of this Chapter. All existing off-premises ~~temporary~~portable signs not installed with a

building permit must be brought into full compliance with this Chapter within 180 days of notification by the Department.

(7) Off-Premise Signs for Non-Commercial Community Sponsored Events. Off-Premise signs associated with community sponsored events on property other than the event site shall be exempt from this Chapter but must be approved by the Department of Planning for sight visibility and structural safety. Such signs are allowed for no more than 14 days prior to the event and must be removed within three days of the conclusion of the event season.

~~(8) Signs For City, State, Federal and Community Sponsored Events: Signs associated with City, State, Federal or community sponsored events shall be exempt from this Chapter but must be placed to not obstruct sight visibility and be structurally safe.~~

~~(a) Such signs must be removed within seven days following the event. It is the responsibility of the candidate and campaign chairmen to remove political signs, and event chairman in the case of nonpolitical events.~~

~~(b) Event signs are not allowed on public property or buildings, sidewalks, public roads, utility poles, or public facilities. However event signs will be allowed in the space between the curb and sidewalk provided there is no traffic visibility obstruction, and the abutting owners' permission has been granted.~~

(98) Product-Sponsored Signs: All outdoor product-sponsored signs must devote at least 75% of the sign area to the on-site business.

(109) Prohibited Signs: Except as provided elsewhere, the following signs are prohibited in all districts: off-premises commercial signs, ~~except as provided in subsection 18.24.050(7) above~~; off-premises mobile signs; abandoned signs; signs imitating or resembling official traffic or government signs or signals; signs attached to trees, utility poles, public benches, light poles or any other public property or right of way; and other signs not permitted by this Chapter. Signs on public transit benches and shelters and on and within public transit vehicles, when installed in conformance with a City franchise, are exempt from this Chapter.

(110) Readerboard Signs: Readerboard signs are regulated per applicable sign type, i.e., freestanding or wall-mounted. Portable reader board signs are regulated as temporaryportable signs and a building permit is required for each location.

(121) Residential Properties - Development/Sale Signs: Signs advertising residential properties "For Sale," "Rent," or "Sold" must be placed wholly on the applicable property, and shall not exceed eight square feet in sign area. The height of such signs is limited to eight feet. If the property is not on an arterial street, a single directional sign may be placed at the nearest arterial with the permission of the owner upon whose property the directional sign is placed, and the directional sign can be no larger than six square feet. Any manufactured home park or multi-family residence containing at least five living units may have one freestanding sign per abutting street frontage, which shall not exceed 10 feet in height, or 32 square feet in area and must not move or give the illusion of movement. All development signs in residential areas shall be lit only by existing surrounding lights or by lights shining directly onto the sign. Signage in the single-family subdivisions and multi-family developments must be in conformance with Chapter 18.24.

(132) ~~Schools~~Public and Quasi-Public Uses in Residential Zoning Districts'-~~Signs:~~
SchoolsPublic and Quasi-Public Uses located in any Residential zoning district shall be allowed the following signs:

- (a) One (1) freestanding sign per public street frontage that does not exceed sixteen (16) feet in height and a maximum of forty (40) square feet in area; and

- (b) One (1) wall sign per street facing building façade that does not exceed fifty (50) square feet in size. Each school facility is permitted one (1) electronic message center that can either be incorporated into an allowed freestanding or wall-mounted sign.

(1413) Rooftop Signs: Rooftop signs are only allowed in CG, CC, UMU, IL, or IH zoning districts after approval of a land use permit for conditional uses in accord with 18.42.110 KMC. The criteria for approval of such land use permits for conditional uses will be based on the following:

- (a) The property requesting the rooftop sign must not have street frontage available for freestanding signage;
- (b) Wall signs would be inadequate because of restricted visibility from arterial street frontage;
- (c) Any approved rooftop sign must be consistent with the sign table.

(1514) Signs Advertising a Group of Businesses: A group of two or more businesses when located on one land parcel of common ownership or abutting land parcels so as to function as if of common ownership, which are located along a major or minor arterial as designated on the comprehensive plan, shall comply with Sign Table A of this Chapter to determine allowed freestanding signage along said arterial frontage.

(1615) Subdivision Directional Signs: Signs may display the direction to a subdivision by naming the subdivision and furnishing a directional arrow. The sign may not display the name of a realtor or developer, and must be removed within 24 months of its installation. The sign area is limited to 16 square feet, and sign height is limited to six feet overall height. The location of such signs must be approved by the City, and any subdivision utilizing such signs is limited to a maximum of three of these directional signs.

(1716) ~~Temporary~~Non-Commercial Portable Signs: Non-Commercial Portable ~~Temporary~~ signs are subject to the following requirements: ~~allowed for a maximum of 60 days within any calendar year. They may be placed for no more than 20 consecutive days and they must be removed for 30 days. Banners are specifically exempt from this Section.~~

- (a) Non-Commercial Portable signs may be displayed for no longer than 180 consecutive days per calendar year; Non-Commercial Portable signs related to an event may be displayed for no longer than 180 consecutive days per calendar year and must be removed no later than 14 days after the event.
- (b) Non-Commercial Portable signs are not permitted to be placed on or affixed to any City property but may be allowed in the parking strip portion of the right of way in the area between the curb and the sidewalk, provided there is no traffic visibility obstruction and the abutting property owner's permission has been granted;
- (c) Non-Commercial Portable signs whether in the parking strip described above or on private property located in residential zones are subject to the following limitations:
 - (i) Max height: 3 ft.;
 - (ii) Max width: 2 ft.;
 - (iii) Max area: 4 sq. ft.;
 - (iv) Max number of signs: Unlimited, provided total area of all signs does not exceed 16 sq. ft.;
 - (v) Must be installed securely in the ground;

- (d) Non-Commercial Portable signs whether in the parking strip described above or on private property located in commercial, industrial and all other zones are subject to the following limitations:
 - (i) Max height: 4 ft.;
 - (ii) Max width: 3 ft.;
 - (iii) Max area: 12 sq. ft.
 - (iv) Total number of signs: Unlimited provided the total area of all portable signs does not exceed 32 sq. ft.;
 - (v) Must be professionally crafted. (Ord. 5752 Sec. 4, 2018: Ord. 5714 Sec. 2, 2017: Ord. 5559 Sec. 1, 2014: Ord. 5180 Sec. 1, 2007)

Section 5. Section 18.24.060 of the Kennewick Municipal Code, be, and the same hereby is, amended to read as follows:

18.24.060: Administration:

(1) Administration of this Chapter is the responsibility of the Department of Planning. The owners, their assign, or agents are responsible for compliance with the requirements contained in this Chapter.

(2) All signs must comply with the requirements of this Chapter. All sign owners must obtain a building permit prior to installation, with the exception of the following:

- (a) Exempt signs as listed in:
 - (i) Home occupations and signs for family day care homes.
 - ~~(ii) Subsection 18.24.050(8): City, State, Federal and community sponsored events.~~
 - ~~(iii) Subsection 18.24.050(12): Residential properties—development/sale signs.~~
 - ~~(iv) Subsection 18.24.050(15): Subdivision directional signs.~~
- (b) Signs four square feet or less in area.
- (c) Development and “For Sale” or “For Rent” signs.
- (d) Changing sign copy, when such change consists of re-lettering, replacing or changing the sign face, repainting, cleaning, or other similar and nonstructural changes.
- ~~(e) Seasonal and holiday decorating within an appropriate holiday season.~~
- ~~(fe)~~ Official public notices or signs relating to an emergency.
- ~~(g) National, State or local governmental unit flags.~~
- ~~(hf)~~ Construction signs.
- ~~(ig)~~ Banners.
- ~~(jh)~~ Window signs.
- ~~(k) Auxiliary signs.~~
- ~~(li)~~ Signs that are required by law.
- ~~(mj)~~ Signs installed in conjunction with new structure; provided that the construction of the structure is regulated by a current building permit, and the sign complies with this Chapter.
- (k) Governmental Signs: Any sign, posting, or notice placed, installed, or required by law by a city, county, state or federal governmental agency carrying out its responsibility to protect the public health, safety, and welfare, including, but not limited to, the following:
 - (i) Emergency and warning signs necessary for public safety or civil defense:

- ~~(ii) Traffic signs erected and maintained by an authorized public agency;~~
- ~~(iii) Signs required to be displayed by law;~~
- ~~(iv) Signs directing the public to points of interest; and~~
- ~~(v) Signs showing the location of public facilities.~~
- ~~(n) Signs relaying information or warning such as "No Trespassing," "No Dumping," "Private," provided such signs do not exceed 16 square feet in area. (Ord. 5752 Sec. 5, 2018; Ord. 5180 Sec. 1, 2007)~~

Section 6. There is hereby added a new Section 18.24.100 to the Kennewick Municipal Code to read as follows:

18.24.100: Substitution: Signs containing non-commercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs. (Ord. 5752 Sec. 6, 2018)

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Section 7. There is hereby added a new section 18.24.110 to the Kennewick Municipal Code to read as follows:

18.24.110: Severability: If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this code is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the sign code. (Ord. 5752 Sec. 7, 2018)

Section 8. 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 ____ day of _____, 2018, and signed in authentication of its passage this ____ day of _____, 2018.

Attest:

DON BRITAIN, Mayor

TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5752 filed and recorded
in the office of the City Clerk of the City of
Kennewick, Washington this ____ day of
_____, 2018.

Approved as to Form:

LISA BEATON, City Attorney

TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION _____