

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 August 20, 2018 & August 27, 2018
- b. Approval of Agenda
- c. Motion to enter Staff Report(s) into Record

3. PUBLIC HEARING:

- a. Change of Zone (COZ) # 18-04 proposing to change 1.08 acres from Business Park (BP) to Commercial, Community (CC), located at 11211 W. Clearwater Avenue, Kennewick, WA 99336. Applicant is E.A. "Rusty" Morse, 341 Falconridge St., Richland, WA 99352.
- b. Zoning Ordinance Amendment (ZOA) # 18-02 proposing to amend the Kennewick Municipal Code, KMC 18.12.270 to allow Transportable Units (shipping containers) in good repair to be used for storage in Public Facility (PF) zones. Applicant is Knutzen Engineering, 5453 Ridgeline Drive, Ste. 120, Kennewick, WA, 99338.
- c. Zoning Ordinance Amendment (ZOA) # 18-03 proposing to amendments to certain provisions of the Kennewick Municipal Code including: 1) 18.12 – Zone Districts and Standards; 2) 18:24 – Signs; 3) 18.45 – Planned Developments; 5) 17.100 – Dedications.

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

- a. City Council Action Updates

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

**KENNEWICK PLANNING COMMISSION
AUGUST 20, 2018
MEETING MINUTES**

CALL TO ORDER

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

Commissioner Morris led the Pledge of Allegiance.

Recorder Melinda Didier called the roll and found the following:

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

Excused: Commissioners Anthony Moore, and Clark Stolle,

Unexcused: None

Staff Present: Greg McCormick, AICP Planning Director; Anthony Muai, AICP Senior Planner; Steve Donovan, Planner; Melinda Didier, Administrative Assistant/Recorder.

CONSENT AGENDA

- a. Approval of Minutes dated August 6, 2018
- b. Approval of Agenda
- c. Motion to enter Staff Reports into the Record

Commissioner Helgeson 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 Comprehensive Plan Amendment (CPA) #18-01 from Medium Density Residential (MDR) to High Density Residential (HDR) for property located at 3120 W. 4th Avenue. Applicant is David and Sheryl Katcher, 3120 W. 4th Avenue, Kennewick, WA, 99336.

Mr. Muai reviewed the staff review and public hearing process for the first eight of fifteen total Comprehensive Plan Amendments for 2018, and noted that he and Mr. Donovan would be presenting the staff reports.

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 CPA 18-01 and recommend to City Council approval of the request.

Planning Commission questions included:

None

Testimony of Applicant:

None

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for CPA 18-01 closed at 6:35 p.m.

Chairman Pacheco asked for a motion.

Vice Chairman Morris moved to concur with the findings and conclusions in staff report CPA #18-01 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Rettig seconded the motion.

Planning Commission discussion included: None

The motion passed unanimously.

Chairman Pacheco opened the public hearing at 6:38 p.m. for Comprehensive Plan Amendment (CPA) #18-02 from Low Density Residential (LDR) to Medium Density Residential (MDR) for property located at 5710 W. Metaline Avenue. Applicant is Sam Davari, 6730 W. 7th Avenue, Kennewick, WA 99336.

Mr. Muai 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 CPA 18-02 and recommend to City Council approval of the request.

Planning Commission questions included:

Are the structures residential in the photo of the re-zone area.

Testimony of Applicant:

None

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for CPA 18-02 closed at 6:41 p.m.

Chairman Pacheco asked for a motion.

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

Commissioner Rettig seconded the motion.

Planning Commission discussion included: None

The motion passed unanimously.

Chairman Pacheco opened the public hearing at 6:43 p.m. for Comprehensive Plan Amendment (CPA) #18-03 from Low Density Residential (LDR) to Commercial for property located at 1400 W. 10th Avenue. Applicant is Bruce Baker, N2K Design, 1806 Terminal Drive, Richland, WA 99354.

Mr. Muai 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 CPA 18-03 and recommend to City Council approval of the request.

Planning Commission questions included:

On the spot zoning issues discussed, how does this parcel compare; does this comply with our policies; there is reference to the proposal for convenience store with pumps, are there specific requirements for abutting residential areas with fuel pumps; why were previous applications denied; how has it changed with traffic issues and infrastructure; findings mention mapping error, what is the mapping error; if it passes would it rezone to commercial; if new owner came it would still be commercial; if there are traffic impacts who picks up tab.

Testimony of Applicant:

Bruce Baker
N2K Design
1806 Terminal Drive
Richland 99354

This change would put a commercial area within walking distance of residential, in favor.

Testimony in favor:

Jose Chavallo
5927 W Quinault St
Kennewick 99336

Mr. Chavallo noted that he grew up in neighborhood, in favor of it.

Testimony neutral or against:

Howard Saxton
1415 W. 9th Avenue
Kennewick 99336

The original property developer believed commercial use will be detrimental to residential neighborhood; will devalue property due to noise and light glare; people will be using my driveway to pull in and out of the convenience store, traffic is an issue; comp plan looks at if there is a commercial use.

The Chairman called a recess at 7:00 pm to 7:05 pm in order to review Mr. Saxton's handouts, which were entered into record as Exhibit A-5.

Dolores Glesener
1518 W. 10th Avenue
Kennewick 99336

Was at meeting in 1985 when the application was denied; traffic accidents are numerous; what traffic studies have been done; what are associated costs and budget changes; will it be a public tax burden; I have a nice large lot and enjoy it.

Scott Andrews
1415 W. 9th Avenue
Kennewick 99336

There are 2 gas convenience stores nearby, 3 additional with one mile, plenty within walking distance; ask commission to consider fact that its moving up 3 designations, going up from low density residential to commercial; doesn't pass the test.

Staff final comments:

None

Public Testimony for CPA 18-03 closed at 7:09 p.m.

Chairman Pacheco asked for a motion.

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

Commissioner Torelli seconded the motion.

Planning Commission discussion included: To clarify for the folks here, the mission of the board here is not an endorsement of what the development could be, there are very stringent regulations for noise and light and far from making into gas station; City Council has final say; understands the problems, in 30 years the lot has always been weedy with signs parked there; same designation for 4 decades, corner lot to collect signs, going to commercial is not all bad; have observed property for a long time, always hoped for a residence constructed; love to see something else there; we all know progress is going to happen for good of the community.

The motion passed on a 3-2 roll call vote; Commissioners Rettig, Torelli and Helgeson in favor, Vice Chairman Morris and Chairman Pacheco opposed.

Chairman Pacheco opened the public hearing at 7:14 p.m. for Comprehensive Plan Amendment (CPA) #18-04 from Medium Density Residential (MDR) and Commercial to Public Facility for property located at 930 & 1000 W. 4th Ave, 830 W. Vineyard Dr., 13, 17,21,25,29,105 & 109 S. Kent St. Applicant is Doug Carl, Kennewick School District, 1000 W. 4th Avenue, 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 CPA 18-04 and recommend to City Council approval of the request.

Planning Commission questions included:

On the land use map is there existing public facility for this site; on the land use map isn't 4th street actually right of way; are homes no longer there.

Testimony of Applicant:

None

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for CPA 18-04 closed at 7:18 p.m.

Chairman Pacheco asked for a motion.

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

Vice Chairman Morris seconded the motion.

Planning Commission discussion included: None

The motion passed unanimously.

Chairman Pacheco opened the public hearing at 7:19 p.m. for Comprehensive Plan Amendment (CPA) #18-05 from Industrial to Public Facility for property located at 5000 & 5501 W. Metaline Avenue. Applicant is Doug Carl, Kennewick School District, 1000 W. 4th Avenue, 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 CPA 18-05 and recommend to City Council approval of the request.

Planning Commission questions included:

What is the railroad right of way distance; anything built nearby to have to keep minimum right-of-way distance from railroad.

Testimony of Applicant:

None

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for CPA 18-05 closed at 7:24 p.m.

Chairman Pacheco asked for a motion.

Commissioner Rettig moved to concur with the findings and conclusions in staff report CPA #18-05 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

Planning Commission discussion included:

The motion passed unanimously.

Chairman Pacheco opened the public hearing at 7:25 p.m. for Comprehensive Plan Amendment (CPA) #18-06 from Medium Density Residential (MDR) to Commercial for

property located at 1369 N. Grant Street. Applicant is Carlton Cadwell, Tri-City Court Club, 1350 N. Grant St., 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 CPA 18-06 and recommend to City Council approval of the request.

Planning Commission questions included:

Regarding fire station located there, even though still residential zoning, concern is what are potential traffic impacts of fire station and ability to serve community if something is placed there; do emergency vehicles go directly out onto Grant Street; would that impact changing the zoning if Fire personnel object.

Testimony of Applicant:

Janelle Klashke
Tri City Court Club manager
1350 N. Grant St
Kennewick 99336

Next door is church and we have agreed to share parking, we've grown in 46 years and so has church, zone change is for employee parking; employee base has grown, have over 200 employees and a great need for parking; fire station is volunteer County fire station and doesn't have a lot of activity; concerns of neighborhood being in danger of excess traffic willing to put in crosswalk; no additional noise for adding parking; we will maintain new parking lot to same standards as existing parking; commercial all around area, changing to commercial warranted.

Testimony in favor:

Jose Chavallo
5927 W Quinault Ave
Kennewick 99336

In favor; change is hard, but change is a good thing.

Testimony neutral or against:

Marina Tiede
5419 W. Skagit Avenue
Kennewick 99336

Request for comp plan shows residential; would be against current comprehensive plan; this lot has not been built due to investment property; when property purchased quiet neighborhood with little traffic; can't speculate it will be used as parking lot, potentially could be another commercial use; look past current ambition and reasoning for re-zoning; no sidewalks, but lots of foot traffic for the bus stop; increased traffic/people in area; discussed concerns regarding fire trucks and safety; changing land use in the zone can impact noise/light in this zone; one zoned as parking; large trucks parked there.

Staff final comments:

None

Public Testimony for CPA 18-06 closed at 7:43 p.m.

Chairman Pacheco asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA #18-06 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Rettig seconded the motion.

Planning Commission discussion included: Tougher to buy into, to the west is the Calaway Gardens Alzheimer unit, retirement facility, church, court club agreement, both businesses want to expand into each other, concerned about impacts.

The motion passed 3-2; Commissioners Rettig, Helgeson and Chairman Pacheco in favor, with Commissioner Torelli and Vice Chairman Morris opposed.

Chairman Pacheco opened the public hearing at 7:46 p.m. for Comprehensive Plan Amendment (CPA) #18-07 from Low Density Residential (LDR) to Medium Density Residential (MDR) for property located at 1903 W. 19th Avenue. Applicant is Brad Beauchamp, BMB Development, 105 E. 19th Avenue, Kennewick, WA, 99336.

Mr. Muai 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 CPA 18-07 and recommend to City Council approval of the request.

Planning Commission questions included:

None

Testimony of Applicant:

None

Testimony in favor:

None

Testimony neutral or against:

Rosalee Chacon
1905 S. Tacoma St
Kennewick 99336

Concerned about traffic and privacy issues if apartments are constructed; parking is all over the area; visibility issues; neighbor has emailed the city for traffic problems; duplexes have cars in no parking zone.

Staff final comments:

None

Public Testimony for CPA 18-07 closed at 7:55 p.m.

Chairman Pacheco asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA #18-07 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Torelli seconded the motion.

Planning Commission discussion included: Parking and traffic issues.

The motion passed 4-1; Commissioners Torelli, Helgeson, Vice Chairman Morris, and Chairman Pacheco were in favor, with Commissioner Rettig opposed.

Chairman Pacheco opened the public hearing at 7:57 p.m. for Comprehensive Plan Amendment (CPA) #18-08 from Low Density Residential (LDR) to Medium Density Residential (MDR) for property located at 1917 W. 19th Avenue. Applicant is Brad Beauchamp, BMB Development, 105 E. 19th Avenue, Kennewick, WA, 99336.

Mr. Muai 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 CPA 18-08 and recommend to City Council approval of the request.

Planning Commission questions included:

Is there a residence on the property now; if developed would structure be removed.

Testimony of Applicant:

None

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for CPA 18-08 closed at 8:00 p.m.

Chairman Pacheco asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA #18-08 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Torelli seconded the motion.

Planning Commission discussion included:

None

The motion passed 4-1; Commissioners Torelli, Helgeson, Vice Chairman Morris, and Chairman Pacheco were in favor, with Commissioner Rettig opposed.

VISITORS NOT ON AGENDA:

None

OLD BUSINESS:

- a. City Council Action Updates - AG area wide rezone to council last week, sub areas will go back to council on September 4th or September 18th.

NEW BUSINESS:

None

REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:

Commissioner Helgeson commented on the Saturday wildfire last week in south Canyon Lakes and Inspiration Estates area - complimented firefighters and water supply from City.

Chairman Pacheco gone for August 27th meeting; Vice Chairman Morris attended downtown Kennewick meeting.

ADJOURNMENT:

he meeting was adjourned at 8:03 p.m.

**KENNEWICK PLANNING COMMISSION
AUGUST 27, 2018
MEETING MINUTES**

CALL TO ORDER

Vice Chairman Morris 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, Thomas Helgeson, Charles Torelli, Clark Stolle, and Vice Chairman Victor Morris.

Excused: Commissioners Anthony Moore, Chairman Ed Pacheco,

Unexcused: None

Staff Present: Greg McCormick, AICP Planning Director; Anthony Muai, AICP Senior Planner; Steve Donovan, Planner; Melinda Didier, Administrative Assistant/Recorder.

CONSENT AGENDA

- a. Approval of Agenda
- b. Motion to enter Staff Reports into the Record

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

PUBLIC HEARINGS

Vice C opened the public hearing at 6:34 p.m. for Comprehensive Plan Amendment (CPA) #18-09 from Low Density Residential (LDR), Medium Density Residential (MDR), High Density Residential (HDR) & Commercial to Mixed Uses for property located at 7641 W. Hildebrand Blvd. Applicant is Marcus Fullard-Leo, 1505 NE Village St., Fairview, OR 97024.

Mr. Muai reviewed the staff review and public hearing process for the last seven of fifteen total Comprehensive Plan Amendments for 2018, and noted that he and Mr. Donovan would be presenting the staff reports.

Mr. Muai gave a brief overview of the staff report, and presented a Power Point of the staff report; with a revised Staff Recommendation 2 map for 89 acres as identified in Exhibit A-8 from Low Density Residential to Mixed Use. Staff recommends that the Planning Commission concur with the Findings and Conditions of the area identified in Exhibit A-8 of the staff report CPA 18-09, to be changed from Low Density Residential to Mixed Use, and recommend to City Council approval of the request.

Planning Commission questions included: Is the 89 acres on this going to mixed use; is this different than the original area preferred in the earlier staff report – different based on discussions with the applicant;

Testimony of Applicant:

Bob Price
8844 Skagit Avenue
Kennewick 99336

After discussing with staff agreed 89 acres enough to make an impact for mixed use project; will be union project for excellent benefits/wages for workers; large project and can't go further until zoning in place; all plans will meet building codes for City; primary trade area is between 15-18,000 population within 5 minute drive; build-out will take 3-6 years; see it as a positive; schools within 10 minute drive of this location; good for area.

Testimony in favor:

None

Testimony neutral or against:

Stacy Brinkley
6120 W. Brinkley Road
Kennewick, WA

What does this project do to existing development agreement in this area; is it a parcel by parcel basis for a development agreement.

Staff final comments:

None

Public Testimony for CPA 18-09 closed at 6:51 p.m.

Chairman Pacheco asked for a motion.

Commissioner Torelli moved to concur with the findings and conclusions in staff report CPA #18-09 for the area defined in Exhibit A-8 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

Planning Commission discussion included: changing the designation from LDR to mixed use, are we still discussing the larger zone, 200+ acres?; this just for the 89 acres, compromise; concerns, appreciate the testimony: city doing right thing; supporting compromise; in future would like to see something similar to Vista Field.

The motion passed unanimously.

Vice Chairman Morris opened the public hearing at 6:56 p.m. for Comprehensive Plan Amendment (CPA) #18-10 from Low Density Residential (LDR) to Medium Density Residential (MDR) for property located at 4311 W. Hood Avenue. Applicant is Jeffrey Hoye, 4311 W. Hood Avenue, 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 CPA 18-10 and recommend to City Council approval of the request.

Planning Commission questions included: Is this for 6.0 or .6 acres.

Testimony of Applicant:

None

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for CPA 18-10 closed at 6:59 p.m.

Vice Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA #18-10 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Rettig seconded the motion.

Planning Commission discussion included:

None

The motion passed unanimously.

Vice Chairman Morris opened the public hearing at 7:00 p.m. for Comprehensive Plan Amendment (CPA) #18-11 from Low Density Residential (LDR) to High Density Residential (HDR) for property located at 5927 & 6009 W. Quinault Ave. and 1026 & 1048 N. Lincoln St. Applicant is Jose & Tammy Chavallo, 5927 W. Quinault Ave., Kennewick, WA 99336.

Mr. Muai gave a brief overview of the staff report and presented a Power Point of the staff report. Mr. Muai entered into record Exhibit A-5, petition letter of opposition and supporting

signatures of opposition; Mr. Price submitted additional signatures to the same petition, entered into record as Exhibit A-6. Staff recommends that the Planning Commission concur with the findings and conclusions contained in staff report CPA 18-11 and recommend to City Council approval of the request.

Planning Commission questions included:

Reminder of what the plan for that end of Vista Field is; is Lincoln frontage road that parallels; is there a rough time frame for improvement of the Kellogg intersection; what is the difference between units of acre from MDR to HDR; please summarize exhibit A-5 received tonight, what are the concerns; do not want 3 story apartments, increased traffic, increased crime based on apartment complexes, loss of privacy; was there a similar request in 2017; allow multi-family and residential high zone, go from single family to multi family or mini storage.

Testimony of Applicant:

Jose Chavallo
5927 W. Quinault Avenue
Kennewick

Here trying to do good thing for City, good thing for Vista Field; petition by neighbors, was started by one City Council member scaring neighbors about 3-story apartment building, Council member scared all the neighbors; reasons pulled application in 2012, didn't want medium density at that time; never discussed 3-story apartment building; City of Pasco planning 2 similar projects, and Richland, that will create competition for Vista Field project; likes project just not near petitioners house; want to do the right thing for the City; economic development person helped with doing the right thing, for the City.

Testimony in favor:

Jeff Guidry
6009 W. Quinault
Kennewick

Works nearby, City of Kennewick would benefit from having more high density near the site; would be enhancement for the area.

Paul Christensen
PO Box 4766
Pasco

Worked with Jose on many projects, reasons for pulling it the first time; when you do multi-family in small zone, develop something enhancement for the area; forefront for development for Vista Field, need more housing out there; one of the big concerns the break off number between the medium density and high density; 27 units doesn't work with that area; everyone runs with the big number; proposal the right thing to do in that area; fear factor running with it; will tell you that it's a 3-story building 10 feet from the property line; want to develop in way that enhances area.

Testimony neutral or against:

Brent Mason
1209 W Jefferson St
Kennewick

Came 12 years ago and same project voted down; been negatively influenced by factors living there; studies of mixed use with high density residences show increased drugs and crime; I'm low income, this area has women's shelter, teen shelter, daughter no longer lives with us, lives with grandmother in Finley due to degradation of area; Juvenile Center and DSHS Center that negatively affects residents is nearby; area nearby known as "Little Compton", crack heads at back door of house beating on it; scared this area is a mess; there's burlesque coffee shop where people serve coffee in their underwear; residents need help.

John Purcell
6003 Okanogan Loop
Kennewick

Against high density change for several reasons; first change in property values; high traffic problems already; the area toward Vista Park heavily traveled; been there 20 years, raised two daughters and son; Vista Field used by schools for games, etc. reports that drugs dealt in that area; extensive property devaluation of the area reflected from apartments. On Steptoe and Canyon Drive; no room for parking; negative towards it; recommend that Planning Commission deny.

Rob Park
Okanogan Loop
Kennewick

Have not had crime experience there; live in two story home for 20 years, against it for no street lights, would light up entire area; traffic is a nightmare for residents now; decided to stay when other have moved out; had 3 people come by saying 3-story apartment building, developer is not communicating to residents; community behind medium density, not good enough for him, he can't make enough money off medium density.

Richard Ross
1118 N Jefferson Pl
Kennewick

Traffic from Quinault can be 20-minute wait because of the increase in traffic high density would bring in; my street is full of cars; bring in apartments, a lot more vehicles will come in, and concerned on the impact to schools, traffic and lighting.

Richard Burnham
5723 W. Quinault
Kennewick

Mr. Chavallo creates hornet's nest; moved in when street was still gravel; facilities Jose puts up gorgeous; not happy about high density zoning.

Brian Davidson
6028 W. Okanogan Loop
Kennewick

Concerned, no buffer going from low to high; guidelines for CPA is how it will affect adjoining property; Mr. Chavallo should be able to develop land, every time we fight him on building apartments; my property value go down; traffic will be worse than now; public works said Quinault is at capacity; Metaline being blocked; had gas stolen from truck; for most part loop is quiet; weary of coming before commission on this repeatedly; elementary school cannot handle more children, area is already dense.

Brandon Hooper
5715 W. Quinault Ave
Kennewick

Purchased property last year because relatively quiet area; if he is allowed to build apartments; will have problems with higher traffic; low property values; concerned with the higher crime; live alone, not sure if can physically defend my property or myself against intruders.

Kevin Stephens
1128 N Jefferson Pl
Kennewick

Lived in area for 30 years; quiet peaceful place to live; at times Quinault is a racetrack; talked to Mr. Chavallo he is helpful; have issues with plan due to increased traffic and crime; please consider decision and family is against at this time.

Toby McKay
2708 N Road 68
Pasco, WA

Used to live adjacent to this property; Okanogan loop is great community; smart planning with low density and higher density; concerned about noise, light pollution, traffic; spot zoning; not consistent with comp plan for that area; need managed growth doesn't make sense; not opposed to low and mixed density; reconsider original plan he had; not good location for this use; disappointed in planning department, not good use.

Nicole Faragher
6004 W Okanogan Loop
Kennewick

Walk dogs and with children; quiet neighborhood; will increase traffic and crime with addition of apartments; can live with duplexes and townhouses.

Susan Purcell
6003 W. Okanogan Loop
Kennewick

Moved into neighborhood in 2003; quiet neighborhood, grandchildren moved in with them and play with other kids in the neighborhood; good neighborhood, help each other; traffic can be

issue; Vista Field airport was small and fairly quiet; park used for sporting events, etc. impacts can destroy neighborhood; changes have been bad, opposed.

Staff final comments:

Mistaken its TSP, TIP seven year plan; this area at far end of development section.

Jose Chavallo, Applicant
5927 W. Quinault Avenue
Kennewick

Trying to do something good for the City; project has always been recommended for approval.

Public Testimony for CPA 18-11 closed at 8:06 p.m.

Vice Chairman Morris asked for a motion.

Commissioner Torelli moved to concur with the findings and conclusions in staff report CPA #18-11 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

Planning Commission discussion included:

Is there no minimum for high density; minimum densities removed several years ago; if it goes further to development, when is it appropriate to set a cap to the development; under current zone, speaking of grandfathering, additional 180 days granted in July; vested in ministorage on property; still permitted for residential manufactured home zone; vested to conditions of approval letter; planning commission looks at process, does it meet the criteria for this process, not spot zoning; guideline for development, have to look at the process and Planning Commission doesn't have final say; process has been followed; can't find reason to say no simply because its bounded by the rules of the process; thank everyone that came to testify; would be easier if it was MDR, but the process has been satisfied.

The motion passed on a 4-1 vote; Commissioners Rettig, Torelli, Stolle and Vice Chairman Morris in favor. Commissioner Helgeson opposed.

Vice Chairman Morris opened the public hearing at 8:15 p.m. for Comprehensive Plan Amendment (CPA) #18-12 from Commercial to Medium Density Residential (MDR) for property located at 5603 Ridgeline Drive. Applicant is Knutzen Engineering, 5453 Ridgeline Drive, Kennewick, WA 99336.

Mr. Muai gave a brief overview of the staff report and presented a Power Point of the staff report Mr. Muai entered into record Exhibit A-5, a comment email from Nicholas VanHollebeke. Staff recommends that the Planning Commission concur with the findings and conclusions contained in staff report CPA 18-12 and recommend to City Council approval of the request.

Planning Commission questions included:

None

Testimony of Applicant:

Paul Knutzen
5453 Ridgeline Drive
Kennewick

Background of project working with Circle LLC for some time; working with mixed use changed ordinance to 7 dwelling units per acre; have to build both at same time; 80/20 mix page 36 of commercial design standards; topography restrains design; shallow basalt for grading; heard comment for apartments, intention of owner is not for apartments, won't fit; don't have final plan to share but not approaching high capacity of medium density.

Testimony in favor:

None

Testimony neutral or against:

Nick Van Hollebeke
4067 W. Kellogg St
Kennewick

Didn't pay \$400,000-500,000 for lot to stare at other structure; fear factor; don't want high rise structure or commercial-type; process is broken need to see more of a plan before gets to Planning Commission.

Staff final comments:

None

Public Testimony for CPA 18-12 closed at 8:27 p.m.

Vice Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA #18-12 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Rettig seconded the motion.

Planning Commission discussion included: Thank Nick for what he said; process needs to be more transparent as far as the process goes; should there be some sort of preliminary plan to avoid heartache at the beginning; waiting until the night of the meeting way too late.

The motion passed unanimously.

Vice Chairman Morris called a 5 minute recess at 8:30 pm.

Vice Chairman Morris resumed the meeting at 8:35 pm.

Vice Chairman Morris opened the public hearing at 8:35 p.m. for Comprehensive Plan Amendment (CPA) #18-13 from Commercial to Medium Density Residential (MDR) for

property located at 4001 S. Zintel Way, Kennewick, WA 99337. Applicant is Knutzen Engineering, 5453 Ridgeline Drive, Kennewick, WA 99338.

Mr. Muai 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 CPA 18-13 and recommend to City Council approval of the request.

Planning Commission questions included:

Is this close to where we had the fire; is Ridgeline Drive going to be extended into the future; raises many questions to place higher density in places prone to wildfire access is critical;

Testimony of Applicant:

Paul Knutzen
5453 Ridgeline
Kennewick

Looked at mixed use originally; with surplus of commercial land; land will set there for a long time, need homes for the businesses; reasonable what's being asked; traffic plans and access required for the future; all projects developed there will be to city standards.

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for CPA 18-13 closed at 8:44 p.m.

Vice Chairman Morris asked for a motion.

Commissioner Torelli moved to concur with the findings and conclusions in staff report CPA #18-13 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Stolle seconded the motion.

Planning Commission discussion included: None

The motion passed unanimously.

Vice Chairman Morris opened the public hearing at 8:45 p.m. for Comprehensive Plan Amendment (CPA) #18-14 from Commercial to Mixed Use for property located at 1016 W. Columbia Drive. Applicant is Overturf Properties LLC, 1016 W. Columbia Dr., Kennewick, WA, 99336.

Mr. Muai 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 CPA 18-14 and recommend to City Council approval of the request.

Planning Commission questions included:

Respect to change of use, assuming future development that engineering staff will evaluate access points; will mitigate concerns about traffic; due north of Paradise Auto sales, there is Discount Auto sales, does that fall under the CAR zoning district; considered legal non-conforming; staff report didn't mention that proposal had come before planning commission previously due to city council not deciding to defer as per the Planning Commission's recommendation.

Testimony of Applicant:

Doug Overturf
3648 W. 42nd Ave
Kennewick

Want to see this property prosper; Jesernig Trailer Park had drug and crime problems; proponent of BBRR project; not planning on moving from area; when it went to automotive zoning, it doesn't build downtown Kennewick very well; for Kennewick to progress.

Testimony in favor:

Eric Weinheimer
2220 SLI Road
Sunnyside WA

Trying to develop that area; problem most developers need better access and larger area than 40 acres; keep in mind unique location in Tri-Cities; great opportunity for City of Kennewick as a gateway project.

Jose Chavallo
5927 W, Quinault
Kennewick

In favor of the project.

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for CPA 18-14 closed at 8:58 p.m.

Vice Chairman Morris asked for a motion.

Commissioner Stolle moved to concur with the findings and conclusions in staff report CPA #18-14 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

Planning Commission discussion included:

The motion passed unanimously.

Vice Chairman Morris opened the public hearing at 9:00 p.m. for Comprehensive Plan Amendment (CPA) #18-15 from Commercial to Mixed Use for property located at 1116 W. Columbia Drive. Applicant is B W Land LLC, Steve and Judy West, 2699 Road 68, Pasco, WA 99301.

Mr. Muai 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 CPA 18-15 and recommend to City Council approval of the request.

Planning Commission questions included:

None

Testimony of Applicant:

Eric Weinheimer
2220 SLI Road
Sunnyside

Representing Steve West, issue is access and major development; positive improvement for the City.

Testimony in favor:

Jose Chavallo
5927 W Quinault
Kennewick

In favor

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for CPA 18-15 closed at 9:03 p.m.

Vice Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA #18-15 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Rettig seconded the motion.

Planning Commission discussion included:

The motion passed unanimously.

VISITORS NOT ON AGENDA:

None

OLD BUSINESS:

- a. City Council Action Updates - none

NEW BUSINESS:

None

REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:

Commissioner Stolle said there were a number of comp plan requests with well-founded concerns of traffic, crime, impacts to the areas - without knowing more about future projects; if possible to receive more information would help to render a decision.

ADJOURNMENT:

The meeting was adjourned at 9:07 p.m.



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO THE PLANNING COMMISSION

FILE No: COZ 18-04/PLN-2018-02113

Staff Report Date: September 5, 2018

Hearing Date & Location: September 17, 2018, Kennewick City Hall

Report Prepared By: Steve Donovan
Planner

Report Reviewed By: Wes Romine, AIA
Development Services Manager

Summary Recommendation: The City of Kennewick Planning Staff RECOMMENDS that Change of Zone 18-04 be APPROVED.

Summary of Proposal: A Change of Zone from Business Park (BP) to Commercial, Community (CC) for one parcel of land 1.08 acres in size.

Proposal Location: 11211 W Clearwater Avenue

Legal Description: That portion of the parcel as depicted on the record of survey in Volume 1 of Surveys at Page 3745, lying in the Southwest Quarter of Section 1, Township 8 North, Range 28 East, W.M., records of Benton County, Washington, Described As Follows; Beginning at the most northerly corner of said parcel thence south 59° 04' 48" west along the northerly line of said parcel 151.53 feet; thence south 30° 54' 59" east 213.70 feet; thence north 86° 07' 32": east 38.77 feet; thence south 03° 51' 30" east 60.00 feet to the southerly line of said parcel; thence north 86° 08' 30" east along said line 162.01 feet to the southeast corner of said parcel; thence north 30° 54' 59" west along the easterly line of said parcel 358.47 feet to the said point of beginning, also known as Lot 2 of Binding Site Plan #4583.

(Portion of Binding Site Plan #4583, AF#2015-005397, 2/26/2015)

Property Owners: John Michel and Tom Solbrack
17002 S Grandview Lane
Kennewick, WA 99338

Applicant: E. A. 'Rusty' Morse III
341 Falconridge Street
Richland, WA 99352

Regulatory Controls:

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

COZ Key Application Processing Dates:

Pre-Application/Feasibility Meeting	N/A
Application Submittal	July 10, 2018
Determination of Completeness Issued	July 11, 2018
Notice of Application Mailed	July 19, 2018
SEPA Threshold Determination Issued	August 13, 2018
Property Posting Sign for SEPA Determination	August 13, 2018
SEPA Appeal Period Ended	August 27, 2018
Date of Mailed Notice of Public Hearing	August 29, 2018
Property Posting Sign for Public Hearing	August 29, 2018
Date of Published Notice of Public Hearing	September 2, 2018

Exhibits:

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

Staff Analysis of Proposal & Discussion:

The proposed Change of Zone (COZ 18-04), is a request to change the zone of one 1.08 acre lot located at 11211 W Clearwater Avenue, from Business Park (BP) to Commercial, Community (CC).

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

Per KMC 18.03.040(10) & (16), the purpose of CC and BP zoning districts are as follows:

CC – “The purpose of the CC District is to stabilize, improve and protect commercial areas, and to provide for orderly growth in new commercial areas in

accord with the Comprehensive Plan. CC districts are intended for a wide range of uses to serve the community area to which they are appurtenant.”

BP – “The BP District is established to provide lands for and encourage the development of technological/industrial parks which will accommodate certain light industrial, technological, professional offices, and other similar activities. Building massing should be sensitive to human scale. High standards of architecture, landscaping, and site planning are encouraged, as is the creation of well-defined building entries with features such as canopies or recessed entries.”

The CC zone permits a wide spectrum of 71 uses. Below is an example of uses which are permitted in the CC zone but are not permitted in the BP zone:

- Adult Retail
- Automobile-Oriented Uses
- Bakeries Retail & Wholesale
- Convenience Store
- Wineries
- Vehicle Rental and leasing

The majority of the 31 permitted uses in the BP zone are oriented to take place in an office/indoor setting. The following uses are the only ones permitted in the BP zone, but not in the CC zone:

- Storing of Commercial Vehicles
- Vocational School

The Site Development Standards for the CC and BP zoning districts are different in the following ways:

- Maximum Building Height: CC: None; BP: 35 feet
- Maximum Lot Coverage: CC: None; BP: 50%

The site is adjacent to the following zoning districts:

North: CC, across W Clearwater Avenue

East: CC

South: Unincorporated Benton County, across W 10th Avenue

West: BP

Applicable Goals and Policies of the Comprehensive Plan:

Goal 2: Sustain and enhance viable commercial areas.

Policy 4: Encourage compatible commercial activities to concentrate near each other.

Staff Response: The proposed change to CC would allow for a broader range of uses at the site. The adjacent business to the west may be impacted by allowing various commercial 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 Change of Zone conforms to the comprehensive plan because the CC 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. The site has access to water lines, sewer lines and public rights-of-way.

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

Staff Response: The proposed amendment will establish a zoning district that is in compliance with Comprehensive Plan due to the fact that the CC 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: Not applicable to the proposed Change of Zone.

Findings:

1. The applicant is E. A. 'Rusty' Morse III, 341 Falconridge Street, Richland, WA 99352.
2. The proposed change of zone is for parcel number 1-0188-3BP-4583-002, located at 11211 W Clearwater Avenue.
3. The request is to change the zoning from Business Park (BP) to Commercial, Community (CC).
4. The City's Comprehensive Plan Land Use Designation for the subject property is Commercial.
5. The Commercial, Community (CC) zoning district is an implementing zone of the Commercial Comprehensive Plan Land Use Map designation.
6. The application was submitted on July 10, 2018 and declared complete for processing on July 11, 2018.
7. The application was routed for review to City Departments and outside agencies for comment on July 25, 2018.
8. Access to the site can be provided via W Clearwater Avenue and W 10th Avenue.
9. The City of Kennewick Critical Area maps do not show any critical areas to be on the subject site.
10. An Environmental Determination of Non-Significance was issued on August 13, 2018 for this application. The appeal period for the determination ended on August 27, 2018. No appeals were filed.
11. The Property Posting sign for the SEPA Determination was posted on August 13, 2018.
12. The Property Posting sign for the public hearing was posted on site August 29, 2018.

13. Notice of the public hearing for this application was published in the Tri-City Herald on September 2, 2018. Notices were also mailed to property owners within 300 feet of the site on August 29, 2018.
14. The proposed amendment conforms with the comprehensive plan; and
15. The proposed amendment promotes the public necessity, convenience and general welfare; and
16. The proposed amendment does not impose a burden upon public facilities beyond their capacity to serve or reduce such services to lands, which are deemed unacceptable by the City; and
17. The proposed amendment is consistent with all applicable provisions of the Kennewick Municipal Code, including those adopted by reference from the Comprehensive Plan; and
18. The proposed amendment is consistent with all applicable provisions of the Kennewick Municipal Code, including those adopted by reference from the Comprehensive Plan.

Conclusions:

1. Approval will implement the Comprehensive Plan Land Use Designation of Commercial.
2. Approval will change the zoning for the subject parcel from Business Park (BP) to Commercial, Community (CC).
3. Approval will implement Land Use Goal 2 of the City of Kennewick Comprehensive Plan.
4. Approval will not result in an increase of adverse environmental impacts.
5. Approval will result in the promotion of public necessity, convenience and/or general welfare.
6. The proposed Change of Zone is in compliance with KMC 18.51.070(2).

Recommendation:

Staff has reviewed the application and recommends that the Planning Commission concur with the findings and conclusions contained in staff report COZ 18-04 and recommend approval to City Council.

Motion:

I move that the Planning Commission concur with the findings and conclusions in staff report COZ 18-04 and recommend approval of the request to City Council.

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

PROJECT # _____ - _____ PLN-2018 - 02113 FEE \$ 1,035.00

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

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

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

Short Plat ☐ Conditional Use ☐ Other Change of Zone

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

Applicant: E. A. 'Rusty' Morse III

Address: 341 Falconridge St. / Richland, WA 99352

Telephone: 509-737-3021 Cell Phone: 509-438-9865 Fax: N/A E-mail: rmorse@cbtabs.com

Property Owner (if other than applicant): John Michel and Tom Solbrack

Address: 17002 S. Grandview Lane / Kennewick, WA 99338 (Michel)

Telephone: 509-627-0500 Cell Phone: 509-531-1193 E-mail: michelhome@hotmail.com

SITE INFORMATION

Parcel No. 1-0188-3BP-4583-002 Acres 1.08 Zoning: BP

Address of property: 11211 W. Clearwater Ave. / Kennewick, WA 99336

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

Present use of property VACANT COMMERCIAL LOT

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

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

Benton County Assessor Market Improvement Value: Land Value ONLY - \$207,000

Description of Project: Change of zone to allow for cohesive development of the subject property, in conjunction with other adjacent property owned by the same party, and which is to be developed, including a re-alignment of Tenth Avenue under a Development Agrmnt. with City.

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: July 9, 2018

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:

We believe the general welfare of the public to be affected positively by the future realignment of Tenth Avenue, which is made feasible and possible by the re-zoning of this property.

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:

There are no other sites available for this proposed use that are not owned by the property owner named herein. This particular site is key to the future realignment of Tenth Avenue. There are no other sites that allow for this to be done.

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

Yes. The property is Zoned for commercial development.

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

Yes.

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

No. The property is already zoned commercial. This is a relatively minor change.

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

No, but it does not fit with the development plans of adjacent property owned by the same party. Those plans include a realignment of Tenth Avenue.

7. Will any residential character, in the immediate area, be adversely affected by the proposed amendment? If yes or maybe, please explain:

n/b.

8. Will property values in the vicinity be changed by the proposed amendment? If yes or maybe, please explain:

n/b.

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 known.

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

Yes. We believe the property will be more attractive to private ownership and further development.

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

Not in our opinion.

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

None anticipated.

Summary of City forms required:

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

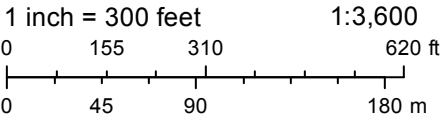
Vicinity Map

Exhibit 3



September 5, 2018 This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

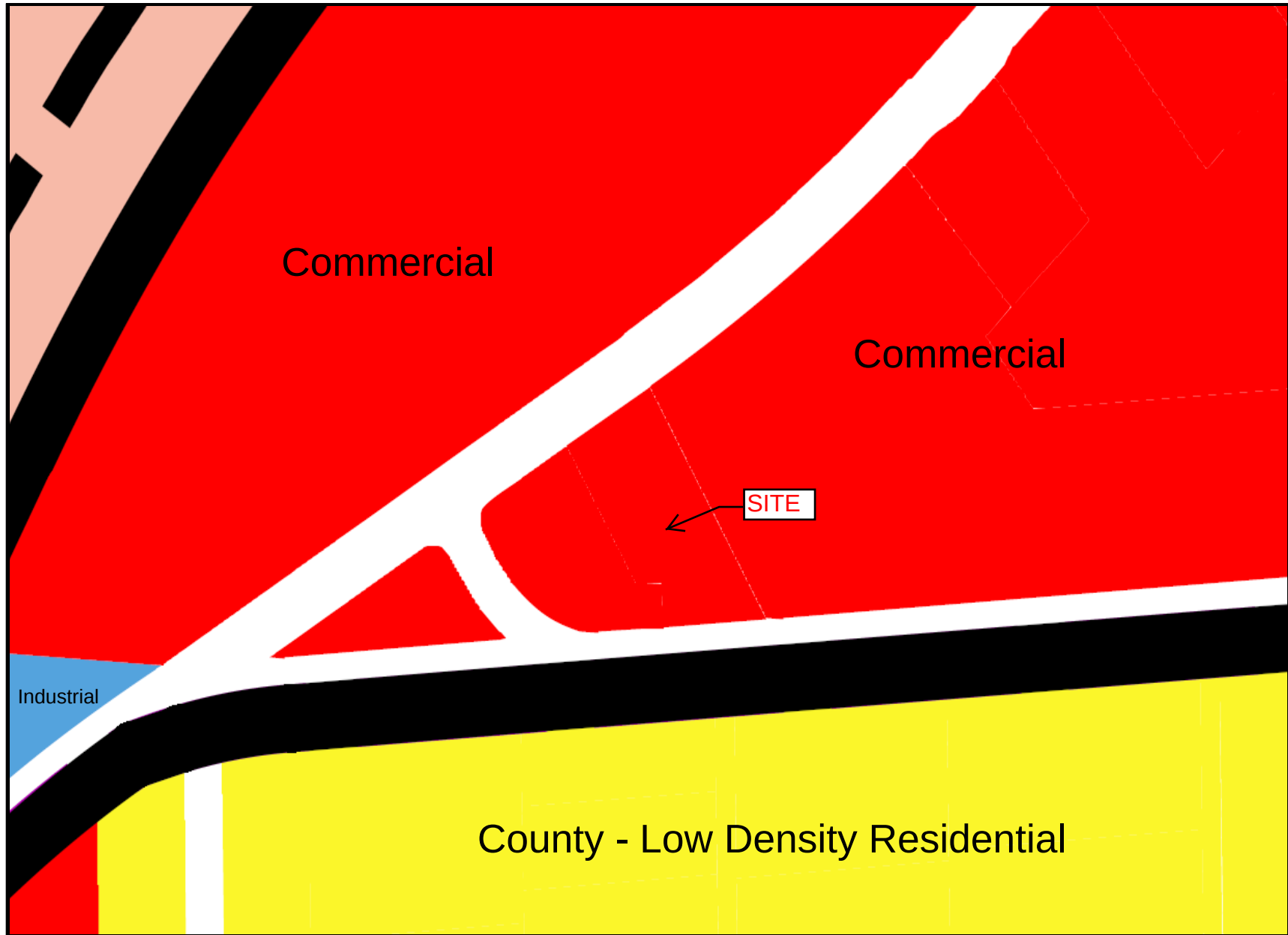
StreetName		Apartment		Mobile Home
SurveyAddressPoint		Building		Parcel
		Condo		SurveyAddressPointSupp
	<all other values>			



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

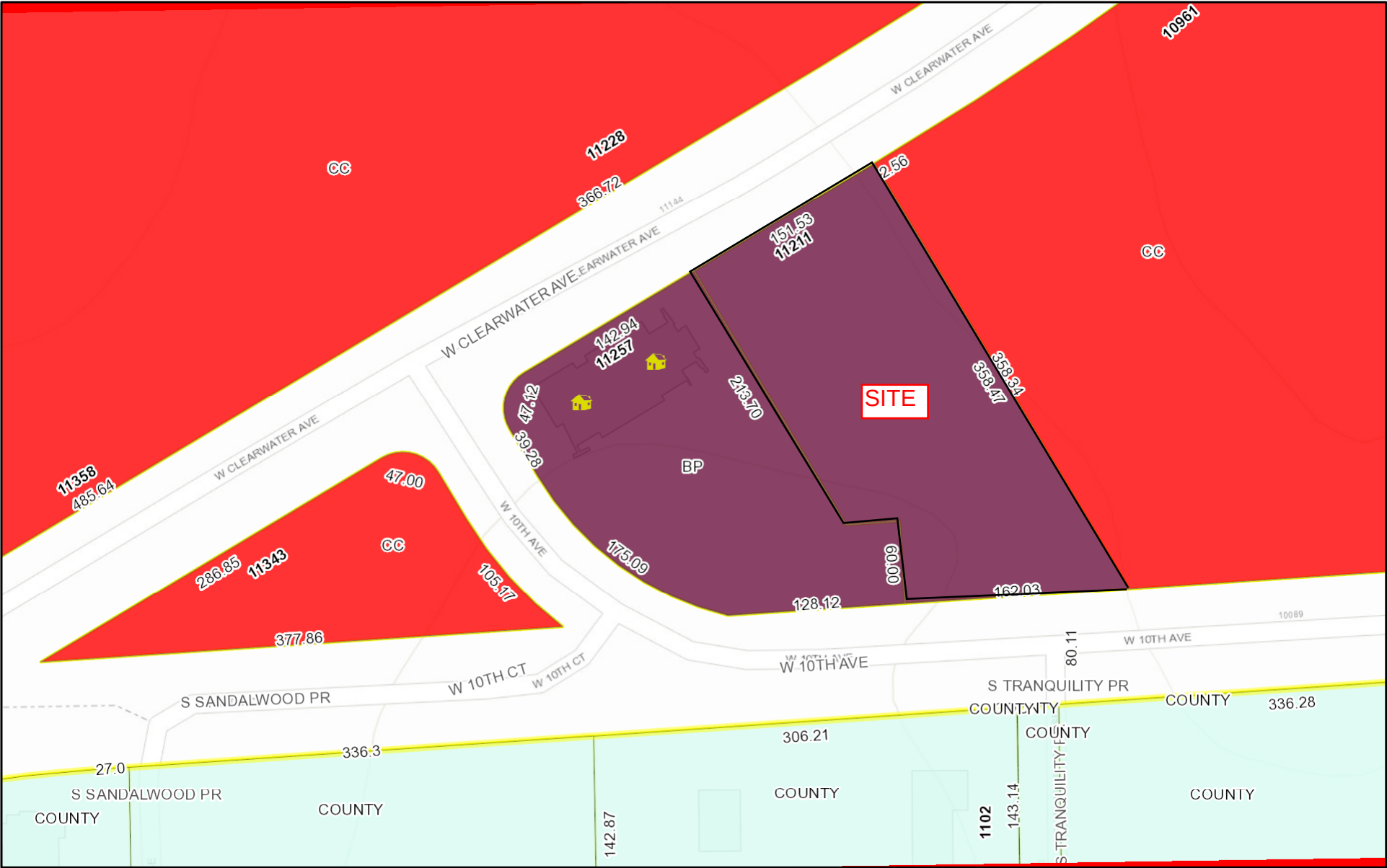
Comprehensive Plan Land Use Map

Exhibit 4



Zoning Map

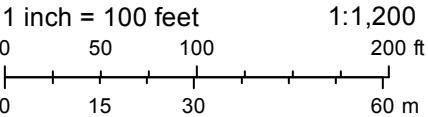
Exhibit 5



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

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

SurveyDimension



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



NOTIFICATION OF MAILING

I, Melinda Didier, on 8/29/2018
Mailed 8 copies of NOTICE map
for COZ 18-04
to prop. owners

as shown on the attached list.

Melinda Didier
Signature

37
COZ 18-04 / PLN-2018-02113
11211 W CLEARWATER AVE
BP TO CC
E A RUSTY MORSE III

KENNEWICK PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

September 17, 2018 6:30 p.m.

The Kennewick Planning Commission will hold a Public Hearing on Monday, September 17, 2018, at City Hall Council Chambers, 210 West 6th Avenue, at 6:30 p.m. or as soon as possible thereafter, to receive public comment on a proposed change of zoning. Staff will be presenting their analysis and the Planning Commission will make a recommendation to the City Council on the item.

Project# COZ 18-04 – Proposes to change 1.08 acres from Business Park (BP) to Commercial, Community (CC). The site is located at 11211 W Clearwater Avenue, vicinity map on back. For questions about this project, please call Steve Donovan (509) 585-4361.

Written comments may be addressed to Steve Donovan and submitted to steve.donovan@ci.kennewick.wa.us or mailed to PO Box 6108, Kennewick, WA 99336 no later than 4:30 p.m., September 14, 2018. All other comments should be submitted at the meeting.

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

Vicinity Map



July 18, 2018

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

StreetName

Apartment

Mobile Home

SurveyDimension

SurveyAddressPoint

Building

Parcel

<call other values>

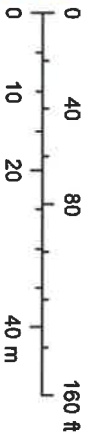
Condo

SurveyAddressPointSupp



1 inch = 80 feet

1:960



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

37

Tom and Vicki L. Solbrack
2555 West Highway 24
Othello WA 99344

37

C2 Management Group, LLC
12802 Cottonwood Creek Blvd.
Kennewick WA 99338

37

Eugene V. and Kathleen G. Morrey
1105 South Tranquility PR SE
Kennewick WA 99338

37

Gary A. and Norma L. Claybrook
1102 South Tranquility PR SE
Kennewick WA 99338

37

David B. and Mary E. Claybrook
1106 South Tranquility PR SE
Kennewick WA 99338

37

Timothy C. and Ronda K. Cray
1103 South Sandlewood PR SE
Kennewick WA 99338

37

E A Rusty Morse III
341 Falconridge St.
Richland WA 99352

37

John Michel
17002 s Grandview Ln
Kennewick WA 99338

37

COZ 18-04 / PLN-2018-02113
11211 W CLEARWATER AVE
BP TO CC
E A RUSTY MORSE III



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

FILE/PROJECT NUMBER: COZ 18-04/PLN-2018-02113/ ED 18-04

DESCRIPTION OF PROPOSAL: The request is to change the zoning designation of a 1.08 acre lot from Business Park (BP) to Commercial, Community (CC). The property has a comprehensive plan land use designation of Commercial.

PROPONENT: E. A. "Rusty" Morse, 341 Falconridge Street, Richland, WA 99352

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: 11211 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.

X 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

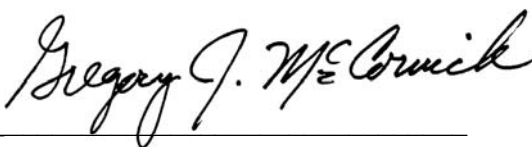
_____ Changes, modifications and /or additions to the checklist have been made on the attached Environmental Checklist Review.

This DNS is subject to the attached conditions:

X No conditions.

_____ See attached condition(s).

Date: **August 13, 2018**

Signature: 

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

Copies of this DNS were mailed to:

- Dept. of Ecology
- WA Dept of Fish & Wildlife
- WSDOT
- Yakama Nation
- CTUIR
- COZ 18-04 File



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO
THE PLANNING COMMISSION

FILE No: ZOA 18-02/AMD-2018-02197

Public Hearing Date: September 17, 2018

Proposal: Amend section 18.12.270 of the Kennewick Municipal Code (KMC) to allow transportable units in good repair to be used for storage in Public Facility (PF) zones. The City's current code only allows transportable units to be used for temporary storage in conjunction with construction when a building permit has been issued.

Applicant: Knutzen Engineering (5453 Ridgeline Drive, Kennewick, WA 99338) for the Kennewick School District.

Staff Contact: Wes Romine, Development Services Manager

Background:

On July 16, 2018 the applicant applied to amend KMC 18.12.270 "Transportable Units" to allow transportable units in good repair to be utilized for storage in Public Facility (PF) zones provided they are placed a minimum 125-feet from the nearest street. The definition of "Transportable Units" per KMC 18.09.2095 is "Transportable Unit" (also referred to as a "cargo container") means a standardized, reusable vessel that is or appears to be: (1) Originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or (2) Designed for or capable of being mounted or moved on a rail car; and/or (3) Designed for or capable of being mounted on a chassis or bogie for movement by truck or loaded ship.

Discussion and Analysis:

The applicant is representing the Kennewick School District. Most of the parcels where schools are located are zoned Public Facility (PF). The applicant has stated that most schools have after hour school programs where fields require certain equipment such as soccer goals, nets, balls, etc. By allowing a cost effective method of storing equipment without access to a secured school building it will allow the community more flexibility to use these facilities.

The current building/structure setback in PF zones is 20-feet where abutting a residential zoned property (KMC 18.12.010 B.2 Table of Non-Residential Site Development Standards). It is staff's opinion that if the Transportable Units are in good repair, setback from the street 125-feet, and setback from any adjacent residential zoned property 20-feet; the proposed code amendment will not have a significant adverse impact on adjacent properties.

Regulatory Controls and Policies

- Kennewick Municipal Code – Title 18: Zoning
- Kennewick Comprehensive Plan

Findings of Fact:

1. The applicant is Knutzen Engineering (5453 Ridgeline Drive, Suite 120, Kennewick, WA 99338).
2. The application was submitted to the City on July 16, 2018.
3. The City fulfilled the State Environmental Policy Act requirements by issuing a Determination of Non-significance (DNS) on August 15, 2018; and
4. Notice of the proposed code revision (expedited review request) was sent to the Washington State Department of Commerce on July 25, 2018 consistent with the requirements of RCW 36.70A.106; and
5. The City received confirmation of receipt confirmation of expedited review on July 25, 2018, and notice the City was granted expedited review and has met the Growth Management Act notice to state agency requirements from the Washington State DOC on August 8, 2018.

CONCLUSIONS OF LAW:

1. The proposed amendment will promote the public health, safety, and general welfare and is consistent with the goals and policies of the Comprehensive Plan.

STAFF RECOMMENDATION:

Based on the above analysis of this request, staff recommends the Planning Commission forward a recommendation of APPROVAL to City Council for the following motion.

MOTION:

I move that the Planning Commission concur with the findings and conclusions in the staff report ZOA 18-02 and recommend to City Council approval of the request to amend KMC 18.12.270 and allow Transportable Units to be used for storage in PF zones, provided they are in good repair and located a minimum of 125-feet from the nearest street.

Exhibits:

- 1 Staff Report
- 2 KMC 18.12.270 with proposed amendment text.
- 3 Environmental Determination of Non-significance, ED 18-27.

18.12.270: - Transportable Units.

- (1) Transportable units that are uniformly painted and in good repair may be used for temporary storage in subdivision sales areas and equipment yards (18.12.270) and in C, I, PF, and OS zones for storage during construction and/or remodeling after a building permit has been issued. The units shall be removed from the site once the permit expires or at the end of 12 months, whichever occurs first. Screening is not required in these instances.
- (2) Transportable units may be used for temporary storage in "R" and "HMU" zones for new residential construction or remodeling after a building permit has been issued. The units shall be removed from the site at the expiration of the building permit. In no case shall the units remain on the site for more than 12 months.
- (3) Transportable units, railroad boxcars and freight cars in "R" districts that are visible and less than 125 feet from a public street must be completely surrounded by a sight-proof fence and/or landscaping (18.21.060(2)) or removed before October 31, 2004.
- (4) Transportable units that are in good repair may be utilized for business activities, other than storage, in the UMU zone.
- (5) Transportable units that are in good repair may be utilized for storage activity in the PF zone after construction, provided they are placed a minimum distance of 125-feet from the nearest street.

([Ord. 5712 Sec. 8, 2017](#); Ord. 5180 Sec. 1, 2007)



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

FILE/PROJECT NUMBER: ED 18-27/AMD-2018-02197 FOR ZOA 18-02

DESCRIPTION OF PROPOSAL: ZONING CODE AMENDMENTS TO KMC 18.12.270 TO ALLOW TRANSPORTABLE UNITS IN GOOD REPAIR TO BE USED FOR STORAGE IN PUBLIC FACILITY (PF) ZONES.

PROPONENT: CITY OF KENNEWICK, PLANNING DEPARTMENT

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: NON PROJECT SPECIFIC, THE PROPOSED CODE AMENDMENTS ARE CITY WIDE.

LEAD AGENCY: CITY OF KENNEWICK

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

☒ There is no comment period for this DNS.

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

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

RESPONSIBLE OFFICIAL: Gregory McCormick, AICP

POSITION/TITLE: Community Planning Director

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

PHONE: (509) 585-4463

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

This DNS is subject to the attached conditions:

☐ No conditions.

☐ See attached condition(s).

Date: August 15, 2018

Signature: _____

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

Copies of this DNS were mailed to: Dept. of Ecology, WA Dept of Fish & Wildlife, WSDOT, Yakima Nation, DNR, CTUIR, ZOA 18-02 File



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO
THE PLANNING COMMISSION

FILE No: ZOA 18-03/AMD 2018-02346

Public Hearing Date: September 17, 2018

Request: Amend certain sections of the Kennewick Municipal Code (KMC) including:

1. 17.24, 17.100, 18.12.010, 18.45 - Update to reflect park impact fees instead of park mitigation fees, dedication or fees in lieu of dedication;
2. 18.12.010.B.2 – Update Table of Non-Residential Site Development Standards and put HMU setbacks table back into the code in footnotes;
3. 18.12.010 B.2 (4) – Outdoor storage in majority of commercial zoning districts needs to be clarified;
4. 18.12.010 – Address roof pitch issue for modern style architecture; and
5. 18.24.040 (5) – References to 15.26 should be 15.24.

Applicant: City of Kennewick

Staff Contact: Gregory McCormick - AICP, Community Planning Director

Background:

Staff has maintained a list of code revisions either as directed by City Council or areas of the code staff has identified during the course of administering the code that are either outdated, inconsistent or are incorrect. This batch code revision includes changes necessary to address City Council adoption of a parks impact fee ordinance. The list of code revisions have been “batched” together in a series code amendments that may or may not share some relationship(s) in order to make the code revision process more efficient.

Proposed KMC Amendments:

Batch 12 includes revisions to the Kennewick Municipal Code (KMC) that either update or implements corrections identified by City staff that needs to be addressed, raises policy issues that have become problematic or to implement new policy direction adopted by City Council. The specific amendments include:

1. **Park Impact Fees:** Earlier in 2018, City Council adopted a parks impact fee program that replaces the parks mitigation fee program. In order to address the new policy direction sections of Title 17 (Subdivisions) and Title 18 (Zoning) require updating. Specifically, Chapters 17.24, 17.100, 18.12, and 18.45 require amendments to reflect the impact fee program.

2. **Corrections to Development Standards:** This code revision addresses areas of Chapter 18.12 related to development standards. The main correction is to incorporate back into the chapter a table related to front and side yard setbacks in the HMU zoning district that

inadvertently removed during a previous code revision process. Also in this revision are updates to Table 18.12.010 B.2 – Table of Non-Residential Site Development Standards that correct cross-references made in the table.

3. Outdoor Storage – Commercial Zones: KMC section 18.12.010-B.2 (4) addresses outdoor storage in commercial zoning districts. The language in this subsection is inconsistent in that it states that outdoor storage in these zones cannot be within 20 feet of the street and visible. In staff's opinion this standard is not consistent with City Council's direction in the Comprehensive Plan adopted in 2017.

4. Residential Roof Pitch Standard: KMC section 18.12.010 – Table 18.12.010 A.2 – Footnotes #5 establishes 6 design standards that apply to all single family residential structures either constructed or brought into the City of Kennewick. These standards were put into place (and most other cities in the state) when state law was changed in the mid-'90's to prohibit local jurisdictions from treating manufactured homes differently than site built homes. The roof pitch standard has become increasingly problematic as modern residential architecture is going toward flatter pitched roofs; city staff has noticed this issue coming up more frequently in the last 12 months.

5. 18.24.040: This amendment simply corrects a cross-reference.

Staff Analysis of Proposal & Discussion:

Amendment 1:

As noted above, this amendment is to address changes that have become necessary due to the adoption by City Council of a park impact fee program. Prior to the impact fee program, the City would mitigate park impacts through the State Environmental Policy Act or SEPA process. This resulted in very low predictability and reliability in determining park fees. The park impact fee system provides a high level of both for the City and the development community.

Amendment 2:

This amendment addresses come clean up in Chapter 18.12, but most importantly re-inserts a table of setbacks for the Historic Mixed Use zoning district that was inadvertently taken out of the KMC in a prior code revision action. The table in questions sets forth the front and side yard setbacks for the HMU zone by specific address. The other part of this amendment is clean up references in Table 18.12.010 B.2, which deals with site development standards for non-residential zones.

Amendment 3:

Storage in the City's commercial zoning districts is allowed subject to the provisions of KMC 18.12.010 B.2(4), which states:

"All service, processing and storage areas abutting any R district at ground floor level or within 20 feet and visible from a street, must be within a completely enclosed building or screened from view by a permanently maintained, sight-obscuring fence at least six feet high. Except for vehicles, no storage shall extend above the fence."

The issue with this standard is that the storage area that is within 20 feet **AND** visible from a street must be screened or enclosed in a building. Staff's opinion is that this was inadvertently worded incorrectly and should read: within 20 feet **OR** visible from a street... A recent example

of why this wording is critical: an ongoing code enforcement case on West Clearwater where a commercial business that deals in used office furniture was storing vast quantities of used office furniture between the store and the street. The City received numerous complaint calls on this situation and the general consensus was it was extremely unsightly and inconsistent with the overall vision for commercial areas within the City of Kennewick. Additionally, allowing this condition is inconsistent with adopted policies in the Comprehensive Plan.

Amendment 4:

This amendment consists of eliminating a single family residential siting standard contained in KMC 18.12.010 – Table 18.12.010 A.2 – Footnotes that established a minimum roof pitch standard for all new single family residences in the City. In the mid-90's the state legislature enacted law that prohibited local jurisdictions to differentiate between site built single family residences and manufactured homes.

Prior to this law being passed most jurisdictions prohibited manufactured homes to be placed on single family lots except when a manufactured home subdivision was created or alternatively in a manufactured home park. There were provisions in the new law that allowed jurisdictions to adopt development standards with the caveat that those standards apply to all single family residential structures. Most cities across the state adopted standards that addressed such areas as homes must be placed on permanent foundations, minimum structure widths, roof pitch minimums, and others.

City staff has noticed that over the past 12 months or so that new site built home building plans have been submitted with roof pitches that do not meet the adopted city standard. There have been a few permits where this requirement was missed and permits were issued for homes that do not meet this standard, however there are a number of building plans that have been required to modify roof lines to meet the 4/12 minimum roof pitch requirement.

City staff has researched neighboring jurisdictions and have found that both Richland and West Richland do not have a minimum roof pitch requirement. The City of Pasco does have a roof pitch requirement in its zoning code. This is being raised as a policy issue as staff has experienced a heightened level of conflict regarding this standard.

Amendment 5:

This amendment is a simple correction to a cross-reference to a KMC section that does not exist.

Regulatory Controls and Policies

- Kennewick Municipal Code – Title 18: Zoning
- Kennewick Comprehensive Plan

Findings of Fact

1. The purpose of the proposed amendments is to clarify, correct, or implement City Council direction; and
2. The City fulfilled the State Environmental Policy Act requirements by issuing a Declaration of Non-significance (DNS) on July 12, 2018; and
3. Notice of the proposed code revision was sent to the Washington State Department of Commerce on June 22, 2018 consistent with the requirements of RCW 36.70A.106; and
4. The City received confirmation of receipt from the Washington State DOC on June 26, 2018.

STAFF RECOMMENDATION:

Based on the above analysis of this request, staff recommends the Planning Commission forward a recommendation of APPROVAL to City Council.

Exhibits:

- A-1 KMC 17.24, 17.100, 18.12 & 18.45 – Changes to Address Park Impact Fee Program
- A-2 KMC 18.12.010 B.2 – Table of Non-Residential Site Development Standards
- A-3 KMC 18.12.010 B.2 (4) – Outdoor Storage in Commercial Zones
- A-4 KMC 18.12.010(A.2) – Zoning Districts & Standards: Footnote #5 SF Design Stds
- A-5 KMC 18.24.040 – Signs - General Provisions

Exhibit A-1 (Park Impact Fees)

**KMC 17.24 – Techniques for Natural Resource
Protection**

KMC 17.100 – Dedications

KMC 18.12 – Zoning Districts & Standards

KMC 18.45 – Planned Developments

17.24.040: - Standards and Techniques for Preserving Natural Resources.

Natural resources can be integrated with the site layout and be preserved by using special techniques. The tools and techniques provided in this section are intended to minimize impacts to natural resources lands.

(1) Onsite Density Transfer: A portion of the density for areas having natural resource lands that remain undeveloped may be transferred to other areas of the development site if clustering concepts are used and the project retains acceptable open space. The following chart indicates the amount of density that can be transferred, based on the area of the natural resource land being preserved;

Category of Natural Resource Area	Percent of Natural Resource Area Density That May Be Transferred
1. Wetlands and associated buffers 2. Priority Habitat and associated buffers 3. Slopes $\geq 40\%$ 4. Landslide Hazard Areas	25%
1. Slopes $< 40\%$ 2. Erosion Hazard Areas 3. Flood zones	100%

(a) For purposes of the density transfer, the natural resource area must be equal to or greater than the minimum lot size for the underlying zone, and the non-natural resource portion of the property must be able to accommodate a denser development;

(b) When using on-site density transfer, the density may be increased, not to exceed the maximum density of the next most intense zoning district. Also, the site development standards of the next most intense zone may be used as well; (see table below)

Existing District		District Using Density Transfer
RS	Becomes	RL
RL	Becomes	RM
RM	Becomes	RH
RH	Remains	RH

(c) An on-site density transfer shall meet the requirements and follow the procedures of the underlying land use permit processes such as, plats, short plats, binding site plans and/or planned development permits;

(d) On-site density transfers shall be recorded with all related conditions, in a form acceptable to the City Attorney, to become a part of the deed of the property and shall run with the land.

(2) Cluster Development: Subdivisions may cluster lots on the less sensitive portion of the parcel preserving the more sensitive natural resource lands that exist on the site. When utilizing cluster development to preserve natural resources, the required lot sizes, street frontages and setbacks may be reduced in accordance with Section 17.24.040(1)(b) in order to accommodate the cluster development.

~~(3) Dedication of Natural Resource Lands: Natural resource lands may be preserved in exchange for a credit towards park fees required by the subdivision of land for residential purposes. (Please see KMC 17.100.010(4) for credit ratios);~~

- (43) Conservation Easements: A conservation easement may be used to preserve natural open space as a stand-alone tool or in conjunction with a clustered development. Conservation easements shall be called out on the face of the plat;
- (54) Tracts: Tracts may also be used to preserve open space through the platting process. (See KMC 17.20.010(5))

17.100.010: - Park Impact Fees and Optional Dedication of Park Land Dedication of Land for Park Purposes.

- (1) As a condition of the granting of approval for any division or redivision that will be used for residential purposes a payment of an impact fee per KMC 3.90 shall be required for one or more of the following purposes:
- (a) Acquisition or development of public open spaces devoted to public parks; and/or
 - (b) Trails; and/or
 - (c) Other recreational purposes.

~~The City will require the dedication of land for park purposes as a condition of approval for any division or redivision that will be used for residential purposes. The adopted Comprehensive Plan, and adopted Comprehensive Parks and Recreation Plan, will be used as the basis for determining the location and size of a proposed park site. The requirement for dedication of land will be based on the following:~~

- ~~(a) That the land will assist in serving the park and recreation needs of the residents within the proposed division;~~
- ~~(b) That the amount and location of land to be dedicated will bear a reasonable relationship to the use of the open area and recreational facilities by the future inhabitants of the division;~~
- ~~(c) Dedication of land for neighborhood parks and playgrounds will be based on the ratio of one acre of land for every 334 persons in the proposed division, using the average population per dwelling unit, as shown in the City Comprehensive Plan;~~
- ~~(d) Dedications will be examined as a system in relationship to the current network of parks within the City. Park location and size for dedications should be reviewed in terms of benefitting the system and be able to integrate into the network, promoting connectivity and multi-modal access.~~

- (2) As an alternative to the payment of a park impact fee, an applicant may propose to dedicate park, trail or open space property to the City to receive credit or credits against the impact fees calculated for the applicant's development. For credits for dedications of property KMC 3.90.080 shall be followed. In the event that the property proposed to be subdivided is insufficient in size to provide for adequate recreational facilities for the residents in the proposed division, park fees in lieu of dedication of park land will be required unless other measures which will reasonably protect the public's need for adequate recreational areas can be agreed upon between the subdivider and the City. Park fees in lieu of dedication of park land will be calculated with a formula based on area of park land to be dedicated, average number of units per acre, and the current assessed value of the property. Mixed use developments that contain residential units are exempt from either dedicating land or paying a fee in lieu of dedication.

~~(3) In the event that the City does accept the dedication of an area for park purposes, that dedication may include the designation of the name for the park in honor of a deceased individual of good character.~~

- (43) ~~If dedication of park land is not possible, the City will accept the following proposals in exchange for credit towards the amount of required park land to be dedicated. All proposals submitted to obtain credit towards park impact fees per KMC 3.90.080 and park land dedication shall be designed and constructed to the satisfaction of, and be approved by the City. The following proposals may be accepted for review for the specified credit ratio:~~

- ~~(a) One-third credit towards park land dedication for the following considerations:~~

- ~~(i) — Dedication of natural open space that is not suitable for development (i.e. steep slopes, critical areas, etc.).~~
- ~~(ii) — Development of a landscaped stormwater tract. A landscaping plan shall be submitted for review. Landscaping shall meet the satisfaction of the Planning Official.~~
- ~~(iii) — Development of a stormwater tract or critical area that can be used for passive recreation.~~
- ~~(b) — One-half credit towards park land dedication for the following considerations:~~
 - ~~(i) — Dedication of natural open space where an all-weather multi-use trail system is constructed by the developer to City specifications.~~
 - ~~(ii) — Development of a private park that serves the residents of the development.~~

(Ord. 5696 Sec. 1, 2017; Ord. 5540 Sec. 1, 2014; Ord. 5280 Sec. 1, 2010)

~~17.100.030: — Development — Time Limit — Scope.~~

~~Any land dedicated for park purposes must be substantially developed by either the City, an LID, or some other means, within five years of dedication. Substantial development includes automatic sprinklers, grass, and light landscaping. The time limit for development does not commence until at least 50 percent of the division is inhabited.~~

(Ord. 5280 Sec. 1, 2010)

17.100.0430: - School and Park Sites to Abut.

If a division abuts an existing or proposed school site, any park site within the proposed division must normally abut the existing or proposed school site.

(Ord. 5280 Sec. 1, 2010)

17.100.0540: - Acceptance of Dedications.

In addition to any method for dedicating property for public purposes and the acceptance thereof, whether authorized by statute or as provided by the common law of the State, the City Engineer may accept the dedication of any property for the purpose of increasing the right-of-way of any public way.

(Ord. 5280 Sec. 1, 2010)

17.100.0650: - Dedications—Presumptions.

The recording of any instrument in the office of the County Auditor indicating the deeding or dedication of property for public purpose shall be deemed prima facie evidence that said property was dedicated for public purpose and the same was accepted by the City Council or the public generally.

(Ord. 5280 Sec. 1, 2010)

18.12.010 A.2 - Footnotes

(3) Open space calculations.

(a) In multi-family developments, where the density exceeds seven units per acre, the amount of required common open space shall equal or be greater than the minimum aggregate area of provided bedrooms based on the following formula: 300 square feet for the first bedroom and 200 square feet for each additional bedroom; exclusive of required street frontage setbacks and required parking areas. "Open area" is an area with average dimensions of not less than 15 feet by not less than 500 square feet. More

than one open area may be provided in a given development. Any interpretation of this Section will be made by the Director.

~~(i) If a proposed project may have a significant adverse impact on the environment because of inadequate public park facilities in the area, and additional park land is required or indicated by an environmental impact statement, as a mitigating measure in lieu of an environmental impact statement, or by the Comprehensive Park and Recreation Plan, the developer must provide for parks in accord with Sections 17.100.010 to 17.100.040 inclusive. If the property is too small to accommodate adequate recreational facilities for the residents and the area has inadequate park facilities, the proposed development will, in most cases, be disapproved unless other measures, which will reasonably protect the public's needs for adequate recreational areas, can be agreed upon between the developer and the City. Such agreement may be cash in lieu of on-site facilities placed in a mitigation account established by the Parks Department for use toward a park or parks within walking distance (¼ mile straight line) from said development. Under normal circumstances the City will not accept the dedication of a park site of less than five acres.~~

(b) Within the UMU district, new developments with a lot area of more than 20,000 square feet shall provide a pedestrian-oriented space (plaza, courtyard or similar space) of at least one percent of the site area as described below. Buildings that front on a public sidewalk and have a pedestrian-oriented commercial use facing that sidewalk are exempt from this open space requirement.

(i) Pedestrian-oriented space must include:

- (A) Visual and pedestrian access including barrier-free access) to the abutting structures from the public right-of-way or a non-vehicular courtyard.
- (B) Paved walking surfaces of either concrete or approved unit paving in areas intended for foot traffic.
- (C) On-site or building mounted lighting providing at least 0.6 foot-candles (average) on the ground.
- (D) At least three feet of seating area (bench, ledge, etc.) or one individual seat per 60 square feet of plaza area or open space.
- (E) Landscaping to enhance the area.
- (F) At least 25 percent of the plaza or courtyard must be shaded by structure or tree canopy (at least ten years after planting).

(ii) Outdoor pedestrian-oriented space shall not include:

- (A) Asphalt or gravel pavement (Exception: decomposed granite and other architectural surface treatments).
- (B) Adjacent unscreened parking lots.
- (C) Adjacent chain link fences.
- (D) Adjacent "blank walls".
- (E) Adjacent dumpsters or service areas.
- (F) Outdoor storage or retail sales (shopping carts, potting soil bags, firewood, etc.) that do not contribute to the pedestrian environment.

(iii) In-Lieu Provisions—Pedestrian-Oriented Space Requirement in Urban Mixed Use (UMU) District: Provided all of the following requirements are met, required publicly accessible open space in the Urban Mixed Use (UMU) District will be provided on the site containing the permitted land use.

- (A) The proposing owner or developer shall improve and may, at their and the city's discretion, dedicate land to provide the pedestrian-oriented space requirement in accordance with the approval of the planning official, or shall pay a fee in lieu of such improvement and dedication if the

planning official determines that the dedication and improvement of land is not feasible or desirable due to the physical characteristics of the site.

(B) The property owner or developer shall either:

1. Provide and construct (and optionally dedicate) the on-site pedestrian-oriented space requirement to city design and construction standards subject to city approval or;
2. Enter a voluntary agreement with the city to pay an amount equal to the city's cost of acquiring and constructing the pedestrian-oriented space requirement in another location within the same UMU District as identified and approved by the planning official.

18.45.060 – Open Space Standards

Each PRD shall dedicate not less than 15 percent of the gross land area for common open space for the use of its residents. Common open space areas shall meet the following criteria:

(1) Location. The area proposed for the open space shall be entirely within the PRD and within reasonable walking distance of all dwelling units in the PRD. Where practical, the proposed common open space shall be located adjacent to other established or planned park and recreational areas in adjacent developments, schools, or City parks; provided that such dedication would increase the overall benefit to the residents of the PRD and conform to other criteria in this section;

(2) Access. All dwelling units within the PRD must have legal access to the proposed common open space at the time of final PRD approval. Private or access roads, trees or other landscaping may separate the common open space area. However, access should not be blocked by major obstacles such as arterial or collector roadways or significant natural features such as rivers, streams or topographic features. Areas dedicated for active recreational open space shall have reasonable access from street frontages. Design measures should accomplish the purpose of access and security;

(3) Proposals for credits towards required City park ~~impact land dedication and/or~~ fees may be submitted for review per KMC ~~3.09.080 17.100.010 for open space provided in the PRD;~~

(4) Types of Open Space.

(a) Land dedicated for open space should be usable for either greenbelts that serve as a buffer between land uses, using existing vegetation, or an aesthetic amenity such as boulevard trees, active recreational activities, or for protecting environmentally sensitive areas such as wetlands;

(b) Except as provided in subsection (5)(c) or (d) below, a minimum of 30 percent of the required dedicated open space shall be suitable for active recreation. The topography, soils, hydrology, and other physical characteristics of the area proposed for active recreation shall be of such quality as to provide a dry, obstacle-free space in a configuration which is suitable for active recreation;

(c) The percentage of active recreational areas may be increased to as high as 50 percent if it is determined that anticipated recreational needs will require a larger percentage. In increasing this percentage, the following standard should be used: the ratio of one acre to 125 residential units;

(d) The percentage of active recreational area may be decreased to as low as zero if it is determined that:

- (i) Inclusion of buffers or environmentally sensitive lands such as wetlands would better meet the open space needs of the residents of the subdivision; or
- (ii) Meeting the standard would require detrimental grading or other disturbance of the natural setting.

(5) Land required for open space shall not include:

- (a) Structures and areas reserved for the exclusive use and benefit of an individual tenant or owner;
 - (b) Dedicated streets, alleys or public rights-of-way, required landscape areas, areas required for yard depth or building setback or separation;
 - (c) Vehicular driveways, private streets, parking areas, loading or storage areas; or
 - (d) Floodplain (100-year), floodprone areas, drainage easements, natural drainage areas or creeks unless maintained as an amenity and specifically approved as being suitable for open space.
- (6) Implementation.
- (a) The area proposed for open space shall be dedicated in common to the lot owners within the plat or to a homeowner's association. Maintenance and operation of the dedicated open space shall be the responsibility of the property owners' or homeowners' association;
 - (b) The City may choose to accept dedication, maintenance and operation responsibilities when common open space area to be dedicated is in the public interest and either one or a combination of the following:
 - (i) Greater than five acres;
 - (ii) Adjacent to an established or future City park or school grounds;
 - (iii) Is an environmentally sensitive area; or
 - (iv) The City feels it is in the public interest to accept dedications;
 - (c) The dedication shall be identified on the PRD plan.
- (7) Improvements. The following improvements to the area proposed for dedication may be required prior to final approval of the PRD:
- (a) Removal of construction debris and hazards; and
 - (b) Rough grading and establishment of grass cover over those portions of the site suitable for playfields.
- (8) Equivalent Facilities. When areas proposed for dedication do not meet the criteria for dedication in this chapter, such land may be improved by grading, filling, landscaping, or with installation of recreation equipment so as to be equivalent in result to the intent of this chapter. Determination of equivalency shall be made by the director according to the following guidelines:
- (a) The proposed land and improvements must create recreational opportunities generally equivalent to, or greater than, the land required for the residents within the PRD;
 - (b) The proposed land and improvements must not result in significant disturbance or alteration of an environmentally sensitive area, unless otherwise allowed by the City;
 - (c) The proposed land and improvements shall be dedicated in accordance with subsection (7) of this section.
- (9) Stormwater Detention Facilities. Stormwater detention ponds may be allowed by the City as part of dedicated open space subject to the following criteria:
- (a) The detention pond shall be constructed so as to drain fully when precipitation is not occurring (i.e., no standing water may be left) unless the pond is designed as an aesthetic amenity;
 - (b) The side slope of the detention pond shall not exceed 33 percent unless slopes are existing, natural, and covered with vegetation;
 - (c) If detention facilities are located adjacent to or near a natural, year-round stream or wetland, these systems shall be left in natural or near-natural condition;
 - (d) The detention area shall be landscaped in a manner which is both aesthetic and able to withstand the inundation expected;
 - (e) Use of a dedicated open space area for stormwater detention shall not be acceptable if the detention area must be fenced or otherwise rendered unsuitable or unavailable for recreation use during dry weather; and

- (f) In the case of joint use of open space for detention and recreation, the homeowners or homeowners' association shall be responsible for maintenance of the detention facilities.
- (10) Rights and Duties. The owners of open space shall have the following rights which may be exercised in respect of such land, subject to restrictive covenants or other restrictions:
 - (a) The right to locate recreational facilities, such as tennis courts, swimming pools, picnic tables, and fireplaces (accessory to picnic tables) designed to be used exclusively for the use of residents of the development and their guests;
 - (b) The right to locate pedestrian paths, bicycle paths and bridle paths;
 - (c) The right to take whatever measures are reasonably necessary to protect and maintain such land, or land or property thereto, or to correct a hazardous condition posing a threat to life or limb;
 - (d) The right to regulate access to or entry on the open space land and duty to maintain such land.

(Ord. 5609 Sec. 1, 2015; Ord. 5501 Sec. 1(part), 2013)

Exhibit A-2
KMC 18.12.010
Corrections to Table 18.12.010 B.2
Re-Inserting HMU Setback Table – 18.12.010 B.2
Footnote #5

Table 18.12.010 B.2 – Table of Non-Residential Site Development Standards

Table of Commercial/Industrial Standards	Maximum District Size	Maximum Parcel Size	Yards	Maximum Building Height	Maximum Lot Coverage	Outdoor Storage
UMU - Urban Mixed-Use District	None	40 acres	See KMC 18.80	None	None	None
CN - Commercial—Neighborhood District	5 Acres	None	See (1) Below	45'	None	See (2) Below
CO - Commercial—Office District	None	None	See (3) Below	None	None	See (4) Below
CBD - Commercial—Central Business District	None	None	See (16) Below	None	None	None
CC - Commercial—Community District	None	None	See (3) Below	None	None	See (4) Below
CR - Commercial—Regional District	None	None	See (3), (15) Below	None	None	See (4) Below
CAR - Commercial—Auto Row District	See (17) Below	20 acres	See (17) Below	None	None	See (18) Below
CG - Commercial—General District	None	None	See (3) Below	None	None	See (4) Below
CM - Commercial—Marina District	None	None	See (3) Below	See (14) Below	None	None
HMU - Historic, Mixed-Use District (See Title 18.12.335 and 18.12.010(5))			See (6 5) Below	35'	45% See (5.a) Below	None
BP - Business Park District	5 Acres	None	See (6) Below 18.12.340	35'	50%	None
IP - Industrial Park District	20 Acres	None	See (7) Below	None	None	See (8) Below
IL - Industrial, Light District	None	None	See (9) Below	None	None	See (10) Below
IH - Industrial, Heavy District	None	None	See (9) Below	None	None	See (10) Below
JF - Justice Facilities	None	None	See (11) Below	85'	None	None
PF - Public Facilities District	None	None	See (12) Below	None	None	See (13) Below
OS - Open Space District	None	None	See (12) Below	None	None	See (13) Below
NOTE: *Additional site design and building standards may be included in the <i>City of Kennewick Commercial Design Standards manual</i>						

- (5) HMU-Historic, Mixed Use District Development Standards:
- (a) Floor area ratio (the amount of building surface expressed as a ratio to lot surface) is a maximum of .45;
 - (b) New construction of dwellings, business buildings, and exterior remodeling of existing structures (including re-roofing, re-siding, additions and similar exterior changes) require conformance with the following criteria:
 - (i) Maximum building height - 30 feet;
 - (ii) Roof pitch - not less than 4:12;
 - (iii) Orientation - main entranceways oriented directly or as near directly to the street as possible;
 - (iv) Openings - blank walls must be avoided. A combination of windows, doors, balconies, alcoves, bay windows, porches or similar architectural features must comprise a minimum of 25 percent of the total street wall area and a minimum of 20 percent of the total area of each of the remaining walls, with the exception of the rear wall;
 - (v) Windows - mirror or mirror-like composition or exterior finishes are prohibited;
 - (vi) Siding and roofing - metal, vinyl or plastic siding or roofing is allowed, provided the finish is not reflective, and in the case of metal, is anodized;
 - (c) The structure shall be similar in character to the surrounding residential structures.
 - (d) Yards:
 - (i) ~~Street frontage—(see 18.12.335);~~ Front and side yards in the HMU District shall be as follows:

<u>Location</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Location</u>	<u>Front Yard</u>	<u>Side Yard</u>
<u>South Side W. 1st Avenue</u>			<u>North Side W. Kennewick Avenue</u>		
<u>400 Block</u>	<u>15'</u>	<u>6'</u>	<u>400 Block</u>	<u>27'</u>	<u>8'</u>
<u>500 Block</u>	<u>16'</u>	<u>15'</u>	<u>500 Block</u>	<u>25'</u>	<u>5'</u>
<u>North Side W. 1st Avenue</u>			<u>600 Block</u>	<u>5'</u>	<u>34'</u>
<u>400 Block</u>	<u>15'</u>	<u>5'</u>	<u>South Side Albany Avenue</u>		
<u>500 Block</u>	<u>15'</u>	<u>8'</u>	<u>400 Block</u>	<u>26'</u>	<u>6'</u>
<u>South Side W. Kennewick Avenue</u>			<u>500 Block</u>	<u>24'</u>	<u>8'</u>
<u>400 Block</u>	<u>15'</u>	<u>35'</u>	<u>North Side Albany Avenue</u>		
<u>500 Block</u>	<u>30'</u>	<u>9'</u>	<u>500 Block</u>	<u>18'</u>	<u>15'</u>
<u>600 Block</u>	<u>25'</u>	<u>13'</u>	<u>West Side Fruitland Street</u>		

- ~~(ii) Side yards—(see 18.12.335);~~
- ~~(iii)~~ (iii) Rear yards - None, provided that the Floor Area Ratio ("F.A.R.") and other setbacks are observed;
- (e) Accessory structures must conform to 18.27.030;
- (f) Signage shall conform with Section 18.24 with the following changes:
 - (i) A maximum height limit of 15 feet for freestanding signs;
 - (ii) The maximum sign area for all signs is 24 square feet. Included in this total is an eight square foot maximum for signage that is attached, drawn, or installed on the structure or any portion of the structure;
 - (iii) Internally lit signage and signage utilizing flashing lights is prohibited. Lighting shall be by indirect methods;
 - (iv) Non-conforming signs having a replacement value of less than \$2,500.00 shall be made conforming by June 30, 2000;

- (v) Multi-tenant businesses are permitted 24 square feet of signage for the initial business and eight square feet per additional business to a maximum of 48 square feet;
- (g) Parking requirements in this district shall conform with Section 18.36, with the following exceptions:
 - (i) Parking requirements for unlisted uses is one space per 250 square feet of building space devoted to business activities. This formula takes into account space used for retail activity, record storage, office and clerical space, or other areas normally and primarily used for business purposes;
 - (ii) Total number of off-street parking stalls required may be reduced one space for each 20 feet of linear frontage along a public street that is legal for parking purposes;
- (h) Landscaping requirements in this district shall conform with Section 18.21, with the following exceptions:
 - (i) Landscaping must incorporate street frontage setback landscaping per the design requirements of Section 18.21.060(1)(a); this requirement does not use side and rear yard ratios in its calculation;
 - (i) Public hours of operation for commercial uses must begin at or after 7:00 a.m. and end at or before 8:30 p.m., with the exception of Bed & Breakfasts, which by nature require 24-hour service.
 - (j) Retail sales incident to the uses listed in 18.12.010 B-1: Table of Non-Residential Uses are permitted, provided that such incidental sales do not occupy more than 25% of the gross street floor area of the primary structure. For purposes of this calculation, retail activity is that portion of the gross street floor located in one designated area of such street floor used for goods transactions. It does not include storage or record keeping space.
- (6) Yard requirements: (see Section 18.12.330 for City location-related standards).
 - (a) Front: 15 feet;
 - (b) Corner/flanking street: Ten feet;
 - (c) Side: Zero feet for the interior non-perimeter lot lines of a parent parcel. Once a parent parcel is platted or subdivided, only the internal lot lines shall be allowed to have zero foot side yards. All perimeter lot lines of the parent parcel have a ten-foot side yard setback requirement. Buildings constructed with side yards less than ten feet shall not be longer than 300 feet. A property owner's association must be formed and a maintenance agreement executed, as approved by the Planning Director, providing for perpetual maintenance common of landscaped areas for developments with buildings with side yards of less than ten feet. The maintenance agreement shall be recorded and run with land and shall provide for the City of Kennewick to arrange for maintenance of landscaped or common areas in the event the property owners fail to maintain these areas or their association dissolves. The agreement must be recorded prior to the land division;
 - (d) Side yards abutting R or HMU zones must be a minimum of 20 feet;
 - (e) Rear: Ten feet, unless abutting an R zone, in which case the minimum setback is 25 feet;
 - (f) Minimum street frontage: 30 feet.

Exhibit A-3
KMC 18.12.010 B.2 Footnote #4
Outdoor Storage in Commercial Zoning Districts

KMC 18.12.010 B.2 – Footnote #4

(4) All service, processing and storage areas abutting any R district at ground floor level or within 20 feet ~~and~~ or visible from a street, must be within a completely enclosed building or screened from view by a permanently maintained, sight-obscuring fence at least six feet high. Except for vehicles, no storage shall extend above the fence.

Exhibit A-4
KMC 18.12.0100 A.2 – Footnote #5
Single Family Residential Siting Standards

Table 18.12.010 A.2 – Footnotes:

- (5) Single-Family Homes (attached and detached); Manufactured Homes:
- (a) Intent: It is the intent of the section to set forth the terms and conditions under which single-family homes may be sited, and to ensure that manufactured homes as defined herein may be sited in any zone where single-family homes are permitted. These regulations apply to all zones where single-family homes are permitted.
 - (b) Minimum siting standards: The following standards apply to the siting of all single-family homes, whether site-built homes or manufactured homes. Where any conflict arises between these regulations and the adopted building code, the stricter standard shall apply.
 - (i) Foundation: All dwellings shall be placed on permanent foundations;
 - (ii) Minimum width: A dwelling shall not be less than 14 feet in width at the narrowest point of its first story;
 - (iii) Age of dwelling (for manufactured homes only): no manufactured home more than three years old on the date of installation or previously lived in shall be permitted on any lot;
 - ~~(iv) Roof: minimum pitch for a roof on a dwelling shall either be flat or have a minimum four-inch vertical rise for each 12 inches of horizontal run (4:12 pitch);~~
 - (iv) All units with a common wall must be constructed concurrently and be under the same ownership at the time of initial construction;
 - (vi) Common walls must follow property lines and have no openings.

Exhibit A-5
KMC 18.24.040 – Signs: General Provisions

18.24.040: - General Provisions.

- (1) Number: Each permitted use within a commercial or industrial district may have a total of two freestanding signs per street frontage and any combination but not to exceed four of the following signs: projecting, wall, graphic, or pictorial.
- (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~~24 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 30 days of notification by the Department.
- (9) Freestanding: All freestanding signs must be integrated.