
EXECUTIVE SESSION

Prior to the regularly scheduled meeting, the Planning Commission will hold an **Executive Session RCW 42.30.110(ii) Potential Litigation (15 minutes)** beginning at **6:00 p.m.** in the City Manager's Conference Room.

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 January 7, 2019
- b. Approval of Agenda
- c. Motion to enter Staff Report(s) into Record

3. PUBLIC HEARING:

- a. Continuation from Planning Commission meeting of January 7, 2019 of Change of Zone (COZ) # 18-10 proposing to change 0.7022 acres from Residential, Low (RL) to Commercial, Neighborhood (CN), located at 1400 W. 10th Avenue, Kennewick, WA 99336. Applicant is Bruce Baker, N2K Design, 1806 Terminal Drive, Richland, WA 99354.
- b. Change of Zone (COZ) 18-13 proposing to change 8.25 acres located at 5927 W. Quinault Ave., 6009 W. Quinault Ave., 1026 N. Lincoln St., and 1048 N. Lincoln St. from Residential, Manufactured Home (RMH) to Residential, High Density (RH). Applicant/Owner is Jose Chavallo, 5927 W. Quinault Ave., Kennewick, WA 99336.

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
JANUARY 7, 2019
MEETING MINUTES**

CALL TO ORDER

Vice Chairman Morris called the meeting to order at 6:31 p.m.

Commissioner Helgeson led the Pledge of Allegiance.

Recorder Melinda Didier called the roll and found the following:

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

Excused: Commissioner Anthony Moore, Clark Stolle, Chairman Eduardo Pacheco.

Unexcused: None

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

CONSENT AGENDA

- a. Approval of Agenda
- b. Approval of the December 3, 2018 & December 18, 2018 Meeting Minutes
- 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

Vice Chairman Morris opened the public hearing at 6:35 p.m. for Change of Zone (COZ) No. 18-10 proposing to change 0.7022 acres from Residential, Low Density (RL) to Commercial, Neighborhood (CN), located at 1400 W. 10th Avenue, Kennewick, WA 99336. 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 Conditions of the staff report COZ 18-10, and recommend to City Council approval of the request.

Planning Commission questions included: The exhibit number for 32-page comment letter submitted;

Ms. Didier entered into record Exhibit 8 – Howard Saxton comment letter.

Planning Commission questions resumed: Besides the letters in the packet and Exhibit 8, were there any other comments from residents.

Testimony of Applicant/Applicant's Representative:

Bruce Baker
N2K Design
1806 Terminal Drive
Richland 99352

Supports project; best use of this property.

Testimony in favor:

None

Testimony neutral or against:

Howard Saxton
1415 W. 9th Avenue
Kennewick 99336

Opposed to project; submitted Exhibit 8 – 32 page comment letter; land use attorney, this is spot zoning; apartments are dense, need services; gas station and full service grocery on corner 4th/Olympia; incorrect and untrue to have residential use there; across from the intersection are 2 lots, sat vacant year after year, didn't change to gas station developed residential structures in 2013; main concern is spot zone; suggest consult with City Attorney; regarding the easement from 9th to 10th, concerned about traffic in driveway easement.

Dolores Glesener
1518 W. 10th Avenue
Kennewick 99336

Residence is west of property, home built in 1962, property is weed infested because it used to be an orchard; worried about traffic on Olympia and on 10th avenue; worried about trash.

Staff final comments:

None

Public Testimony for COZ 18-10 closed at 6:52 p.m.

Vice Chairman Morris asked for a motion.

Commissioner Torelli moved to CONTINUE COZ 18-10 until the February 4, 2019 meeting at 6:30 pm, at City Hall, to allow the City Attorney to review the information (Exhibit 8) provided tonight.

Commissioner Rettig seconded the motion.

Planning Commission discussion included: None

The motion passed unanimously.

Vice Chairman Morris opened the public hearing at 6:54 p.m. for Change of Zone (COZ) # 18-12 proposing to change .95 acres from Residential, Medium Density (RM) to Residential, High Density (RH), located at 3120 W. 4th Avenue, Kennewick, WA 99336. Applicant is David and Sheryl Katcher, 3120 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 Conditions of the staff report COZ 18-12, 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 COZ 18-12 closed at 7:00 p.m.

Vice Chairman Morris asked for a motion.

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

Commissioner Helgeson 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:

Commissioner Torelli commented on Public records requests - keep personal business separate from Planning Commission on emails, texts, etc.

REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:

None

ADJOURNMENT:

The meeting was adjourned at 7:04 p.m.



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO THE PLANNING COMMISSION

FILE NO: COZ 18-10/PLN-2018-03442

Report Date:	December 19, 2018
Hearing Date & Location:	January 7, 2019, Kennewick City Hall
Report Prepared By:	Anthony Muai, AICP Senior Planner
Report Reviewed By:	Gregory McCormick, AICP Planning Director
Summary Recommendation:	The City of Kennewick Planning Staff RECOMMENDS that Change of Zone 18-10 be APPROVED.
Summary of Proposal:	A Change of Zone from Residential, Low (RL) to Commercial, Neighborhood (CN) for one parcel of land 0.7022 acres in size.
Proposal Location:	1400 W. 10 th Ave.
Legal Description:	That portion of the southeast quarter of the southeast quarter of section 02, township 08 north, range 29 east, W.M., records of Benton County, Washington, described as follows: Lot 7, block 1, Blue Ridge Addition to Kennewick, according to the plat thereof recorded in volume 4 of plats, page 52, records of Benton County, Washington, except that portion described as follows: Beginning at the southeast corner of said lot 7; thence south 89°55'00" east, along the south lot line, a distance of 212.00 feet; thence north 00°23'00" east, along the east lot line, a distance of 170.00 feet; thence north 89°55'00" west, along the north lot line, a distance of 18.00 feet; thence south 00°23'00" west a distance of 130.00 feet; thence south 45°10'24" west a distance of 42.47 feet; thence north 89°55'00" west a distance of 164.02 feet to the west lot line' thence south 00°23'00" west a distance of 10.00 feet to the point of beginning. Subject to a utility easement over, under and across the north 5.00 feet thereof, the west 10.00 feet thereof, and the south

5.00 feet thereof lying parallel with W. 10th Avenue right of way.

Containing 0.7022 acres
Parcel No. 1-0289-417-0001-007

Property Owner: Jaspinder K. Dhillon
3212 S. Rainier St.
Kennewick, WA 99337

Applicant: N2K Design (Bruce Baker)
1806 Terminal Dr.
Richland, WA 99354

Regulatory Controls:

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

COZ Key Application Processing Dates:

Pre-Application/Feasibility Meeting	N/A
Application Submittal	November 1, 2018
Determination of Completeness Issued	November 1, 2018
Notice of Application Posted	November 15, 2018
Date of Mailed Notice of Public Hearing	November 28, 2018
Property Posting Sign for Public Hearing	November 29, 2018
Date of Published Notice of Public Hearing	December 2, 2018
Date of Mailed Notice of Public Hearing Cancellation	December 10, 2018
Date of 2 nd Mailed Notice of Public Hearing	December 18, 2018
Date of 2 nd Published Notice of Public Hearing	December 23, 2018

Exhibits:

1. Staff Report
2. Application/Supplemental Information
3. Vicinity & Zoning Map
4. Adoption of existing environmental document
5. Affidavit of Mailing/Mailing List dated November 28, 2018
6. Affidavit of Mailing/Mailing List dated December 10, 2018
7. Affidavit of Mailing/Mailing List dated December 18, 2018

Staff Analysis of Proposal & Discussion:

The proposed Change of Zone (COZ 18-10) is a request to change the zone of one parcel of land, approximately 0.7022 acres in size located at 1400 W. 10th Ave., from Residential, Low (RL) to Commercial, Neighborhood (CN). The applicant has requested the change of zone in order to implement

a recently approved Comprehensive Plan Amendment (CPA 18-03) that changed the land use designation from Low Density Residential to Commercial.

The CN zone permits a limited number of commercial uses. Below is a list of uses which are permitted in the CN zone:

- Academies

The Comprehensive Plan Land Use Designation for the subject property is Commercial. Pursuant to Table 1 of the Comprehensive Plan, the CN zone is an implementing zoning district of the Comprehensive Plan Commercial Land Use Designation.

Per KMC 18.03.040(7), “The purpose of the CN district is to establish areas for day-to-day convenience shopping and services. Such facilities must harmonize with the surrounding residential area and provide only those services, which are intended for it. Generally, one of each use is adequate to serve a given neighborhood.”

The site is adjacent to the following zoning districts:

North:	Residential, Low (RL)
East:	Residential, High (RH)
South:	Residential, Low (RL), Residential, Medium (RM)
West:	Residential, Low (RL)

Applicable Goals and Policies of the Comprehensive Plan:

Commercial Goal 3:	Create a balanced system of commercial facilities reflecting neighborhood, community and regional needs
Commercial Policy 1:	Provide commercial areas sized and scaled appropriately for the neighborhood or community.
Commercial Policy 2:	Enhance compatibility with adjacent residential neighborhoods with landscaping, screening, and superior building design.
Commercial Policy 3:	Provide for Neighborhood Commercial centers in strategic locations to serve surrounding neighborhoods, while minimizing impacts to the surrounding residential uses.

Staff Response

The proposal is a follow up rezone request to Comprehensive Plan Amendment (CPA) 18-03 which was approved in October 2018. CPA 18-03 amended Kennewick’s comprehensive plan, specifically the land use map, changing this parcel from Low Density Residential to Commercial. This proposal will implement the existing Commercial land use designation as well as promote the goals and policies of the comprehensive plan, specifically Commercial Goal 3 and its associated Policies 1, 2 and 3.

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: This site is designated Commercial and in the City's comprehensive plan. The Commercial, Neighborhood (CN) zone is an implementing zone of the Commercial land use designation. In addition, the proposal is supported by Commercial Goal 3 and its associated Policies 1, 2 and 3.

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

Staff Response: The proposal promotes the public necessity, convenience and general welfare by creating a smaller commercial property to serve the higher density residential development that is located in the vicinity. The proposal will also provide commercial opportunities within walking distance of existing higher density residential development.

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

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

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

Staff Response: The proposed amendment is consistent with the applicable provisions of the Kennewick Municipal Code and the Comprehensive Plan. The CN zone implements the Comprehensive Plan's 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 N2K Design (Bruce Baker), 1806 Terminal Dr., Richland, WA 99354).
2. The property owner is Jaspinder K. Dhillon (3212 S. Rainier St., Kennewick, WA 99337).
3. The proposed change of zone is for parcel number 1-0289-417-0001-007 (1400 W. 10th Ave.).
4. The request is to change the zoning from Residential, Low (RL) to Commercial, Neighborhood (CN).
5. The City's Comprehensive Plan Land Use Designation for the subject property is Commercial.
6. The Commercial, Neighborhood (CN) zoning district is an implementing zone of the Commercial Comprehensive Plan Land Use Map designation.

7. The application was submitted on November 1, 2018 and declared complete for processing on November 1, 2018.
8. The application was routed for review to City Departments and outside agencies for comment on November 14, 2018.
9. Access to the site is currently provided from W. 10th Ave.
10. The City of Kennewick Critical Area maps indicate that there are slopes that exceed 15% on site and that the site is located in an Aquifer Recharge zone.
11. A Determination of Non-Significance issued for CPA 18-03/PLN-2018-00720 was adopted for this proposal on November 14, 2018.
12. The Property Posting sign for the public hearing was posted on site November 20, 2018.
13. An initial notice of the public hearing for this application was published in the Tri-City Herald on December 2, 2018. Notices were also mailed to property owners within 300 feet of the site on November 28, 2018. Staff discovered that the mailing was not sent to all property owners within 300 feet of the site. A notice of hearing cancellation was mailed on December 10, 2018 to all property owners who received the initial notice. Another notice of public hearing was published in the Tri-City Herald on December 23, 2018 for the new hearing date. A new notice of public hearing was mailed to all property owners within 300 feet of the site on December 18, 2018.
14. The proposed amendment conforms with the comprehensive plan.
15. The proposed amendment promotes the public necessity, convenience and general welfare.
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.
17. The proposed amendment is consistent with all applicable provisions of the Kennewick Municipal Code, including those adopted by reference from the Comprehensive Plan.

Conclusions:

1. Approval with implement Commercial Goal 3 and its associated Policies 1, 2 and 3 and the Commercial land use designation of the City of Kennewick Comprehensive Plan.
2. Approval promotes the public necessity, convenience and general welfare by creating a smaller commercial property to serve the higher density residential development that is located in the vicinity. The proposal will also provide commercial opportunities within walking distance of existing higher density residential development.
3. Approval proposal will not impose a burden upon public facilities beyond their capacity to serve, nor will it reduce service to the service area below the City's established levels of service.
4. The proposed amendment is consistent with the applicable provisions of the Kennewick Municipal Code and the Comprehensive Plan. The CN zone is implements the Comprehensive Plan's Commercial land use designation.

Recommendation:

Staff has reviewed the application and recommends that the Planning Commission concur with the findings and conclusions contained in staff report COZ 18-10 and recommend APPROVAL to City Council.

Motion:

I move that the Planning Commission concur with the findings and conclusions in staff report COZ 18-10 and recommend APPROVAL to City Council approval of the request.

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

Exhibit 2

PROJECT # COZ.18-10 PLN- 2018 - 03442 FEE \$

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

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

Site Plan Tier 1 ☐ Tier 2 ☐ Tier 3 ☐ Binding Site Plan ☐
Short Plat ☐ Conditional Use ☐ Other Zone Change

Environmental Determination PLN- - Pre Application Meeting PLN- -

Applicant: Bruce Baker - N2K Design

Address: 1806 Terminal Drive, Richland, WA 99354

Telephone: 509.420.2012 Cell Phone: 509.551.7425 Fax: E-mail

Property Owner (if other than applicant): Inderjit (Tony) Singh & Jaspinder K Dillon

Address: 23 Ivy Lane, Pasco, WA 99301

Telephone: Cell Phone: 509.528.5952 E-mail inpreet@yahoo.com

SITE INFORMATION

Parcel No. 102894170001007 Acres .7022 Zoning: RL

Address of property: 1400 W 10Th Ave, Kennewick, WA 99336

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

Present use of property Vacant

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

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

Benton County Assessor Market Improvement Value:

Description of Project: Land use change from low density residential to commercial neighborhood and build a new neighborhood convenience store with 4 gas pumps.

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

Applicant's Signature

Signature of owner or owner's authorized representative

Date: 10-26-2018

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:

Yes, providing a neighborhood store within a safe walking distance to the adjacent multi-family housing complexes for the elderly, children and tenants is needed in the area and consistent with the City of Kennewick Commercial Property Goals.

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 vacant sites available for new construction within 1 mile of the proposed location.

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

The current land use in the area is residential, proposed zone change is commercial neighborhood.

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.

Yes, commercial zone within a neighborhood, it will create more pedestrian and vehicular traffic to the specific site but the vehicular traffic is already busy on the adjacent streets.

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

Yes, not desirable for a new residence, been vacant for years.

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

No

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

No

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

Precedent has already been set previously by similar commercial zones within residential zones.

All the neighboring properties have been developed leaving this property an undeveloped island, developing the property will provide an amenity to the neighborhood within walking distance.

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

Yes, property has been vacant for 30 years, before that a radio tower was on it, the zone change will allow the property to be developed consistent with the city's comprehensive plan and provide a needed amenity.

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

Yes, it will provide an option for the citizens of Kennewick.

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

No, land uses will be consistent with transportation patterns.

Summary of City forms required:

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



COZ 18-10/PLN-2018-03442

- Residential, High (RH)
- Residential, Low (RL)
- Residential, Medium-4 (RM-4)



Exhibit 4
Community Planning Department

210 West 6th Avenue
Kennewick, WA 99336
Phone: (509) 585-4280
cedinfo@ci.kennewick.wa.us

ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT

Adoption for ☒ DNS ☐ EIS ☐ Other

Description of proposal: Rezone 0.7 acres from Residential, Low (RL) to Commercial, Neighborhood (CN)

Proponent: City of Kennewick

Location of current proposal: 1400 W 10th Ave., Kennewick, WA.

Title of document being adopted: DNS for CPA 18-03/PLN-2018-00720

Agency that prepared document being adopted: City of Kennewick

Date adopted document was prepared: July 20, 2018

Description of document (or portion) being adopted: Determination of Non-Significance for an amendment to the comprehensive plan land use map for 0.7 acres from Low Density Residential to Commercial

If the document being adopted has been challenged (WAC 197-11-630) please describe: This document has not been challenged.

The document is available to be read at (place/time): City of Kennewick Development Services Department
210 W 6th Ave, Kennewick, WA between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday

We have identified and adopted this document as being appropriate for this proposal after independent review. The document meets our environmental review needs for the current proposal and will accompany the proposal to the decision maker.

Name of agency: City of Kennewick

Phone: 509-585-4463

Contact person, if other than responsible official: Anthony Muai

Phone: 509-585-4386

Responsible Official: Greg McCormick

Position/Title: Planning Director

Phone: 509-585-4463

Address: 210 W 6th Ave, Kennewick, WA 99336

Date: November 14, 2018

Signature: _____

Gregory J. McCormick



NOTIFICATION OF MAILING

I, Bianca Orozco, on 11/28, 2018

Mailed 14 copies of Notice of Public Hearing

for Change of Zone (COZ) 18-10 N2K Design located at 1400 W 10th
Ave from Residential, Low (RL) to Commercial, Neighborhood (NC)

to Surrounding property owners within 300'

as shown on the attached list.

Bianca Orozco
Signature

COZ 18-10 / PLN-2018-03442
1400 W 10TH AVE
RL TO CN (FOLLOW-UP TO CPA 18-03)
N2K DESIGN

37
KENNEWICK CEMETERY ASSOCIATION
1200 S Olympia
Kennewick WA 99337

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Walter I & Connie L Mcelrath
1420 W 10TH Ave
Kennewick WA 99336

37
Loren & Jenna Yates
103604 Manuel DR
Kennewick WA 99336

37
Dolores Glesner
1518 W 10TH Ave
Kennewick WA 99336

37
Greg Rankich
9015 NE Juanita LN
Kirkand WA 98304

37
Lucia Salgado
1509 W 9TH Ave
Kennewick WA 99336

37
John Sokol
1503 W 9TH Ave
Kennewick WA 99336

37
Jeffery Curry
1423 W 9TH Ave
Kennewick WA 99336

37
Scott Andrews
1415 W 9TH Ave
Kennewick WA 99336

37
Edward & Lois Lewis
4405 W 12TH Ave
Kennewick WA 99338

37
Gail & Mitch Brownsworth
2805 S Dayton ST
Kennewick WA 99337

37
Olga Herrera
1516 W 9Th Ave
Kennewick WA 99336

37
JASPINDER K DHILLON
1015 W LEWIS ST
PASCO WA 99301

37
N2K DESIGN
1806 TERMINAL DR
RICHLAND WA 99354

COZ 18-10 / PLN-2018-03442
1400 W 10TH AVE
RL TO CN (FOLLOW-UP TO CPA 18-03)
N2K DESIGN

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KENNEWICK PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

December 17, 2018 6:30 p.m.

The Kennewick Planning Commission will hold a Public Hearing on Monday, December 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 18-10 – N2K Design has proposed to change the zoning district for 0.7 acres located at 1400 West 10th Avenue from Residential, Low (RL) to Commercial, Neighborhood (NC). The property has a comprehensive plan land use designation of Commercial. Review the vicinity map on back of this notice. For questions about this project, please call Anthony Muai (509) 585-4386.

Written comments may be addressed to Anthony Muai and submitted to anthony.muai@ci.kennewick.wa.us or mailed to PO Box 6108, Kennewick, WA 99336 no later than 4:30 p.m., December 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 Anthony Muai at (509) 585-4386 or TDD (509) 585-4425 or through the Washington Relay Service Center TTY at #711 at least ten days prior to the date of the meeting to make arrangements for special needs.



COZ 18-10/PLN-2018-03442

- Residential, High (RH)
- Residential, Low (RL)
- Residential, Medium-4 (RM-4)



AFFIDAVIT NOTICE OF MAILING

I, Anthony Muai, on December 10, 2019

mailed 14 copies of Notice of Meeting Cancellation

for Change of Zone 18-10 N2K Design located at 1400 W. 10th Ave. from Residential, Low (RL) to Commercial, Neighborhood (CN)

to Surrounding property owners as shown on the attached list.


Signature

COZ 18-10 / PLN-2018-03442
1400 W 10TH AVE
RL TO CN (FOLLOW-UP TO CPA 18-03)
N2K DESIGN

37
KENNEWICK CEMETERY ASSOCIATION
1200 S Olympia
Kennewick WA 99337

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Walter I & Connie L Mcelrath
1420 W 10TH Ave
Kennewick WA 99336

37
Loren & Jenna Yates
103604 Manuel DR
Kennewick WA 99336

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Dolores Glesner
1518 W 10TH Ave
Kennewick WA 99336

37
Greg Rankich
9015 NE Juanita LN
Kirkand WA 98304

37
Lucia Salgado
1509 W 9TH Ave
Kennewick WA 99336

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John Sokol
1503 W 9TH Ave
Kennewick WA 99336

37
Jeffery Curry
1423 W 9TH Ave
Kennewick WA 99336

37
Scott Andrews
1415 W 9TH Ave
Kennewick WA 99336

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Edward & Lois Lewis
4405 W 12TH Ave
Kennewick WA 99338

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Gail & Mitch Brownsworth
2805 S Dayton ST
Kennewick WA 99337

37
Olga Herrera
1516 W 9Th Ave
Kennewick WA 99336

37
JASPINDER K DHILLON
1015 W LEWIS ST
PASCO WA 99301

37
N2K DESIGN
1806 TERMINAL DR
RICHLAND WA 99354

COZ 18-10 / PLN-2018-03442
1400 W 10TH AVE
RL TO CN (FOLLOW-UP TO CPA 18-03)
N2K DESIGN

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Exhibit 6
Community Planning Department

210 West 6th Avenue
Kennewick, WA 99336
Phone: (509) 585-4280
cedinfo@ci.kennewick.wa.us

December 10, 2018

RE: COZ 18-10/PLN-2018-03442 (Rezone 1400 W. 10th Ave. from RL to CN)

Dear Sir or Madam,

You should have recently received a notice of a public hearing to be held on December 17, 2018 at 6:30 p.m. regarding an application to rezone 1400 W. 10th Ave from Residential, Low (RL) to Commercial, Neighborhood (CN). This hearing has been cancelled until further notice. It is anticipated that the hearing will occur in the near future. You will receive a new notification of this hearing once the date is established.

I apologize for any inconvenience this may cause you. If you have any questions concerning this matter, please do not hesitate to contact me at (509) 585-4386, anthony.muai@ci.kennewick.wa.us or in person at City Hall – 210 W. 6th Ave.

Warm regards,

Anthony Muai, AICP
Senior Planner



AFFIDAVIT NOTICE OF MAILING

I, Anthony Muai, on December 18, 2018

mailed 19 copies of Notice of Public Hearing

for Change of Zone (COZ) 18-10 N2K Design located at 1400 W. 10th Ave.
from Residential, Low (RL) to Commercial, Neighborhood (CN)

to Surrounding Property Owners within 300 feet of the boundary of the
site

as shown on the attached list.

COZ 18-10 / PLN-2018-03442
1400 W 10TH AVE
RL TO CN (FOLLOW-UP TO CPA 18-03)
N2K DESIGN


Signature

37
KENNEWICK CEMETERY ASSOCIATION
1200 S OLYMPIA
KENNEWICK WA 99337

37
WALTER I & CONNIE L MCEL RATH
1420 W 10TH AVE
KENNEWICK WA 99336

37
LOREN & JENNA YATES
103604 MANUEL DR
KENNEWICK WA 99336

37
DOLORES GLESNER
1518 W 10TH AVE
KENNEWICK WA 99336

37
GREG RANKICH
9015 NE JUANITA LN
KIRKAND WA 98304

37
LUCIA SALGADO
1509 W 9TH AVE
KENNEWICK WA 99336

37
JOHN SOKOL
1503 W 9TH AVE
KENNEWICK WA 99336

37
JEFFERY CURRY
1423 W 9TH AVE
KENNEWICK WA 99336

37
SCOTT ANDREWS
1415 W 9TH AVE
KENNEWICK WA 99336

37
EDWARD & LOIS LEWIS
4405 W 12TH AVE
KENNEWICK WA 99338

37
GAIL & MITCH BROWNSWORTH
2805 S DAYTON ST
KENNEWICK WA 99337

37
OLGA HERRERA
1516 W 9TH AVE
KENNEWICK WA 99336

37
JASPINDER K DHILLON
1015 W LEWIS ST
PASCO WA 99301

37
N2K DESIGN
1806 TERMINAL DR
RICHLAND WA 99354

COZ 18-10 / PLN-2018-03442
1400 W 10TH AVE
RL TO CN (FOLLOW-UP TO CPA 18-03)
N2K DESIGN

37
ASPEN HILLS APARTMENTS LLC
PO BOX 17196
PORTLAND, OR 97217

37
ORION MIRACLE LLC
719 JADWIN AVE, SUITE 19
RICHLAND, WA 99352

37
PELICAN LANDING PROPERTIES LLC
10312 ARGENT RD
PASCO, WA 99301

37
CRATHIE PROPERTIES LLC
10312 ARGENT RD
PASCO, WA 99301

37
CAROL YEAROUT
1363 THOMPSON RD
SEQUIM, WA 98382

37

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KENNEWICK PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

January 7, 2019 6:30 p.m.

The Kennewick Planning Commission will hold a Public Hearing on Monday, January 7, 2019, 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 18-10 – N2K Design has proposed to change the zoning district for 0.7 acres located at 1400 West 10th Avenue from Residential, Low (RL) to Commercial, Neighborhood (NC). The property has a comprehensive plan land use designation of Commercial. For questions about this project, please call Anthony Muai (509) 585-4386.

Written comments may be addressed to Anthony Muai and submitted to anthony.muai@ci.kennewick.wa.us or mailed to PO Box 6108, Kennewick, WA 99336 no later than 4:30 p.m., January 4, 2019. All other comments should be submitted at the meeting.

The City of Kennewick welcomes full participation in public meeting by all citizens. No qualified individual with a disability shall be excluded or denied the benefit of participating in such meetings. If you wish to use auxiliary aids or require assistance to comment at this public meeting, please contact Anthony Muai at (509) 585-4386 or TDD (509) 585-4425 or through the Washington Relay Service Center TTY at #711 at least ten days prior to the date of the meeting to make arrangements for special needs.



COZ 18-10/PLN-2018-03442

- Residential, High (RH)
- Residential, Low (RL)
- Residential, Medium-4 (RM-4)



WRITTEN COMMENTS ON COZ #18-10

1. On page 3 of Exhibit 1, the staff report provides that the only use is academies. Academies are not an allowed use in the CN zone, but Gas Stations and Taverns are.

SEE ALLOWED USES FROM YOUR CODE ATTACHED.

2. The purpose of the CN zone provides that one of each type of use is sufficient to serve the neighborhood. There is a gas station/convenience store located at the corner of 4th and Olympia approximately 1/3 of a mile from this site (easy walking distance from my house). In addition there is a full-service grocery store at that intersection. Yokes, Red Apple, and Fred Meyer are all approximately 1 mile from the site.

3. Regarding Commercial Goal 3 from your comprehensive plan, it is difficult to understand why an additional gas station or convenience store in the area is needed and therefore “well balanced.” See above.

4. Regarding the municipal code finding that the area promotes the “public necessity, convenience and general welfare,” spot zoning is a constitutional tort (a taking) and is illegal. If there is a spot zone, then the public welfare is not being promoted. I have attached a scholarly article from the Washington Practice series published by West Publishing for your consideration. One of the cases cited in that article is *Pierce v. King County*, 62 Wn.2d 324 (1963). The West publishing synopsis of *Pierce v. King County (King)* provides as follows:

Synopsis

Owners of residences brought a certiorari proceeding against county to have zoning provisions of resolution zoning two lots for a gasoline service station declared invalid. Improvement company, which owned the two lots, intervened in the certiorari proceeding and independently brought a separate action against the county engineer in mandamus to compel the county engineer to issue a building permit. The Superior Court, King County, Solie Ringold, J., entered judgments adverse to the improvement company, and the improvement company appealed. The Supreme Court, Hale, J., held that where zoning authority by official legislative action designated two lots for gasoline service station in heart of neighborhood of single-family residences already served by commercial and business facilities or subject to be so served in accordance with comprehensive plan, and there was no basis for such zoning in furtherance of public health, safety, or morals, or contribution either to general welfare of people in area or at large, zoning was ‘spot zoning’ and was void.

The situation here is virtually identical to the situation in *King County*. Like King County, the city of Kennewick will be sued if it approves this change of zone and like King County, the city will likely lose. The full case is attached to this memo.

5. There is no factual basis to adopt the proposed findings numbered 15, 16, and 17 and conclusions 1, 2, 3, and 4. Staff has attached the property owner's intended use of the property as a convenience store/gas station. It is beyond common sense that that use will not adversely affect the residential property owners in the area by decreasing the values of adjacent properties and destroying the residential nature of the area.

Staff states that this lot has stood vacant for years and will not develop as a residential property. I have attached the Benton County Summary sheet showing that the current property owner has owned this property since 2006. The property owner has always intended to use this property as a "gas station" because he owns or controls a number of others in the area.

The property owner purchased his property as a residential property subject to restrictive covenants allowing for only residential uses. If the current property owner can change his property to commercial, then the value of his property will increase while decreasing the value of all of the surrounding single-family dwellings. The properties West of Olympia currently are mainly single-family dwellings, a small number of duplexes, and a Church and a cemetery.

The Lots sitting kitty-corner from the site in question also sat vacant for many years. I have attached a map of those lots (from Benton County). When vacant, those lots were virtually identical to the site in question here. In 2013 multi-family dwelling were erected on those kitty-corner lots. Had the current property owner here purchased the kitty-corner property, I am sure he would argue that residential uses were unlikely to be built. I have attached the Benton County summary sheets for those two properties showing when the residential structures were built.

This is at least the second attempt to have the zone changed on this property (previous in 1985). If simply holding on to vacate property and wearing the city down is sufficient for a zone change, then the City needs to think about that and what the courts will say as that being the basis for the change.

I would also point out, that there has been no traffic study showing that the change of zone with its intended use will not cause the Olympia/10th intersection to fall below established levels of service. It is also unclear how this lot can safely accommodate the entrance and exit of numerous vehicles, due to the slope on Olympia and the left turn lane on 10th.

6. Regarding the "Change-of-Zone Supplemental Information" Exhibit 2, I offer the following response:

#1 A spot zone cannot promote the general welfare because it is illegal.

#2 There are dozens of other empty lots in the area that are also not zoned commercial uses. There are also locations on 4th Avenue within 1 mile that could be used for this use.

#3 The current plan is inconsistent with the existing land use pattern in the area.

#4 Those of us who live in the area have complied with our land use designation and zoning as residential and purchased our properties with the expectation that all of our neighbors would also comply with that designation. We also have restrictive covenants in place that require the property to be used as residential.

#5 Staff admits in its answer to question 5 that it is spot zoning this property.

#6. There is another reasonable use of the property as can be seen from what happened to the parcel kitty-corner on the same intersection (see above). The property owner has owned the property since 2006 and has set up the situation to meet his own needs.

#7 It defies common sense how staff can say that the residential character of the adjacent properties will not be adversely affected. There will be increased traffic, increase light, glare, increased noise (gas stations never close for the dispensing of gasoline), litter, and trespassing on my driveway which goes from 9th Avenue all the way to 10th.

#8 How does the city know whether property values will or will not be decreased? Has there been an appraisal? It makes sense that a house will at least be more difficult to sell if it is next to a gas station. It also make sense that if a house is more difficult to sell, then it will sell for less money.

#9 Just because the city has gotten away with spot zoning in the past, does not mean that a court will not overturn a decision to change the zone in this matter—see above.

#10 The area is not deteriorated. The current property owner has owned the property for 13 years and simply does not want to develop the property with a residence. There is another gas station/convenience store at the intersection of 4th and Olympia and full grocery store at that intersection as well.

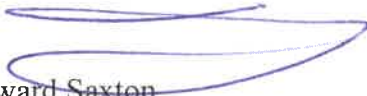
#11 There is no economic segregation being combatted here.

#12 Left turns southbound at Olympia and 10th Avenue are already dangerous.

7. The city is apparently adopting an existing SEPA determination. I have never gotten notice or been mailed a copy of a SEPA checklist. Given that failure to mail notice of a SEPA checklist, adoption of an existing document is improper.

Dated: January 7, 2019

Respectfully submitted,


 Howard Saxton
 1415 West 9th Avenue
 Kennewick, Washington 99336

18.12.010 B.1: - Table of Non-Residential Uses.

The following table list uses allowed by zone and the applicable City review process as follows: Review Process I = Staff review, Review Process II = Conditional Use Permit. If a use is listed with a blank, it shall be prohibited in that zone. For certain categories of uses, additional requirements are also noted.

Nonresidential Uses	RS	RL	RM	RH	RMH	RTP	UMU	CN	CO	CBD	CC	CR	CAR	CG	CM	HMU	BP	IP
Academy							I		I		I	I		I			I	
Adult Entertainment (1) (See Title 18.12.030)																		
Adult Retail (1) (See Title 18.12.030).											II	II		II				
Agricultural Processing, heavy																		
Agricultural Processing, light																		
Airports and airfields																		
Alcoholic beverage sale (packaged)							I	I	I	I	I	I		I	I	I	I	
Accessory uses	I	I	I	I	I	I	I	I	I	I	I	I		I	I	I	I	I
Art Gallery							I	I	I	I	I	I		I	I	I	I	
Automobile-Oriented Uses (See Title 18.12.050)							II(6)	I			I	I	I	I	I			
Auto-Wrecking Yard																		
Aviation Storage and Service												I						
Bakeries, retail							I	I	I	I	I	I		I				
Bakeries, wholesale										II				I				I
Banks and financial institutions							I		I	I	I	I	I	I	I		I	
Barbers, beauty shops, and tanning salons							I	I	I	I	I	I		I	I	I		
Bars and taverns							I			II	I	I		I	I			

Battery Charging Station	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
Battery Exchange Station							I	I	I	I	I	I	I	I			I	I
Boat building and repair, commercial														I	I			
Boat marinas														I	I			
Body Art Studios							I	I		I	I		I	I	I			
Brewpub							I		I	I		I						
Breweries, micro							I			I	I		I					
Business School							I	I		I	I		I				I	
Bus stations and terminals							II			II	II		II					
Car washes (See Title 18.12.050 and 18.12.055 if CN zone)							I(6)	I	II		I	I	I	I				
Casino and/or Cardroom										I	I		I					
Cemeteries	II	II	II															
Clinics							I		I	I	I		I		I	I		
Construction yards													I					
Convenience stores							I	I		I	I	I	I					
Correctional institutions																		
Distilleries, craft							I			I	I	I		I				
Dry cleaners and laundries							I	I	II	I	I	I		I		II		
Energy facilities	II	II	II	II	II	II		II	II		II	II		II	II	II	II	II
Equipment Rental											I	I		I				I
Espresso stands							I	I	I	I	I		I	I	I	I	I	I
Essential public facilities and utilities	II	II	II	II	II	II	II	II	II	II	II	II	II	II	II	II	II	II

Event Center							I		II		I	I		I			
Gas stations							I(6)	I	II	I	I	I	I	I	I		
Golf Course											I						
Golf: driving range, miniature golf,							I				I	I		I	I		
Grocery stores							I	I	II	I	I	I		I			
Hardware stores							I	I		I	I	I		I			
Hazardous waste storage facilities - off site																	
Hazardous waste storage facilities - on site									II		II			II			
Health Facilities, see 18.12.080			I	I			I		I		I	I		I			
Hospitals and sanitariums (except animal clinics, hospitals)				I			I		I		I	I		I			
Hotels, motels and similar accommodations				I			I		I	II	I	I		I	I	I	I
Industrial uses, heavy																	
Industrial uses, light																	
Junk (See Title 18.12.100)																	
Kennels (See Title 18.12.110)											I	I		I			
Laboratories for research and testing							I		I		I	I		I		I	I
Library	II	II	II	II	II	II	I	II	I		I	I		I	I	II	I
Lock and gunsmiths							I			II	I	I		I		I	
Lumber yards														I			

Manufactured Housing Display Areas (See Title 18.12.120)												I	I		I				
Mini-storage				I								I	I		I				
Museums	II	II	II	II	II	II	I	II	I	I	I	I		I	I	II	I		
Nursery												I	I		I				
Offices, including professional offices, agencies and services							I		I	I	I	I		I	I	I	I	I	
Outdoor commercial driving ranges												I							
Parking garages and lots							I			II		I	I	I					
Pawnshop															I				
Pet grooming							I	I	I	I	I	I		I		I			
Pharmacy, dispensing							I	I	I		I	I		I				I	
Photographic studios							I	I	I	I	I	I		I	I	I	I		
Plumbing shops and yards															I				
Printing, publishing and reproduction establishments							I		I	I	I	I		I				I	
Private gymnasiums, fitness centers, dance studios, body building, and martial arts, etc.							I		I		I	I		I				I	
Public Parks (See Title 18.12.160)							I			I									
Public/quasi public facilities and services	II	II	II	II	II	II	II	II	II	II	II	II	II	II	II	II	II	II	II

Radio, television and small electronics repair and service							I		I	I	I	I		I				
Radio, television broadcasting stations (excluding antenna)							I			II	I	I		I				
Rapid Charging Station	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
Recreational Vehicle Storage (See Note 4) (See Title 18.12.180)	I	I	I	I	I	I					I	I		I				
Recreational Vehicle Park																		
Recycling, high intensity																		
Recycling, low intensity							I											I
Repair shops (not auto)							I		II	I	I	I		I				I
Restaurants							I	I	I	I	I	I		I	I		I	I
Restaurants, fast food							I	I	II	I	I	I		I	I		I	I
Retail stores not otherwise named in this list including department stores.							I	I	II	I	I	I		I		I(1)	I(1)	
Satellite Dishes (See Title 18.12.200)																		
Schools, private and public	I	I	I	I	I	I	II	I	I		I	I		I	I	I	I	I
Second Hand/Consignment Store							I			I	I	I		I				
Sign manufacture, painting and maintenance														I				

Skating rink							II					I						
Stables, Corrals, Riding Academies (See Title 18.12.210)	II																	
Storing of Commercial Vehicles (See Title 18.12.220)												I	I	I			I	I
Subdivisions, Sales Area, Equipment and Material Yards (See Title 18.12.230)	I	I	I	I	I	I												
Temporary and Parking Lot Businesses (See Title 18.12.250)							I						I					
Theaters, movie							I		II	I	I	I		I				
Towers, antennas, and supporting structures, including amateur radio towers, 55 feet or less	II	II	II	II	II	II	I	II	I		I	I	I	I	I	I	I	I
Truck stops														I				
Undertaking establishments (Mortuary)									I		I	I		I				
Vehicle sales, incidental repair and service											I	I	I	I				
Vehicle rental and leasing											I	I	I	I				
Vehicle repair and service, body and fender shops													I	I				
Veterinary Clinic or Hospital (See Title 18.12.290)							I			I	I	I		I				
Vocational School							I			II				I			I	

Volatile Toxic and Volatile Flammable Material Storage (See Title 18.12.300)																			
Warehousing															I				
Wholesale, which may include incidental retail outlets for only such merchandise as is handled at wholesale															I				
Wineries Type A (See Title 18.12.305)							I			I	I	I			I				
Wineries Type B (See Title 18.12.305)							I(5)				II	II			II				
Wineries Type C (See Title 18.12.305)																			
Wireless Communication Facilities (See Title 18.12.310)																			

FOOTNOTE for Table 18.12.010 B.1 Non-Residential Use Table:

- (1) For HMU see limitations at Title 18.12.335.
- (2) For the Clearwater Master Plan Area and BP zoning districts see Title 18.12.340.
- (3) For Rental Equipment, all items must be contained within a completely enclosed building or screened from view by a sight-obscuring fence or wall.
- (4) Allowed in RS, RL, RM, RMH, and RTP only as part of a planned development or subdivision and only for the use by residents of the development consistent with Recreational Vehicle Storage provisions and limitations of the Kennewick Residential Design Standards KMC 18.75.
- (5) Winery Type B under 50,000 case annual production and located within a structure less than 20,000 square feet in size are allowed outright. The Conditional Use Process identified in Title 18.42.100 is applicable to Winery Type B uses exceeding either the 50,000 case annual production or 20,000-square-foot structure size threshold.
- (6) Not allowed in the Vista Field area.

(Ord. 5748 Sec. 2, 2018; Ord. 5712 Sec. 3, 2017; Ord. 5670 Sec. 1, 2016; Ord. 5572 Sec. 1, 2014; Ord. 5542 Sec. 2, 2014; Ord. 5462 Sec. 4, 2012; Ord. 5434 Sec. 5, 2011; Ord. 5309 Sec. 10, 2010; Ord. 5262 Sec. 3, 2009; Ord. 5244 Sec. 3, 2008; Ord. 5204 Sec. 7, 2007; Ord. 5180 Sec. 1, 2007)

17 Wash. Prac., Real Estate § 4.18 (2d ed.)

Washington Practice Series TM May 2018 Update

Real Estate: Property Law

William B. Stoebe^{a0}, John W. Weaver^{a1}**Chapter 4. Planning and Zoning****D. Zoning and Rezoning****§ 4.18. Spot zoning****West's Key Number Digest**

- West's Key Number Digest, Zoning and Planning ☞35
- West's Key Number Digest, Zoning and Planning ☞162
- West's Key Number Digest, Zoning and Planning ☞654

Legal Encyclopedias

- C.J.S., Zoning and Land Planning § 44
- C.J.S., Zoning and Land Planning § 74
- C.J.S., Zoning and Land Planning § 309

“Spot zoning” is one of the best known—and least understood—phrases in zoning law. Rezoning ordinances are frequently attacked on the ground that they constitute spot zoning. “Spot zoning” is only a label. The only sure thing is that if a court labels a rezoning “spot zoning,” the next words in the opinion will be “and void.” Use of the label does not tell us the underlying reasons of law that the rezoning was bad. We will define the phrase as best we can and will explore those underlying reasons.

A definition of spot zoning might be that it is the rezoning of a parcel of land, usually a small parcel, in a manner out of keeping with the surrounding area. Planners often feel they are safe from spot zoning if the area zoned is larger than some minimum size, such as 10 acres or 25 acres. Though it is true that areas labeled spots are usually small, this is not necessarily so; in *Smith v. Skagit County*¹ the state supreme court struck down the rezoning of over 400 acres on the ground that it was “spot zoning.” The more out of keeping the rezoning is with the surrounding area, the more likely it is to be held spot zoning.

It can be said that spot zoning is a function of two independent variables, size of area and degree of inconsistency with surrounding area; it is the cumulative effect of both variables. Smith provides an example. The area rezoned was very large, but the degree of inconsistency was great, industrial rezoning for an aluminum smelter on Guemes Island, which was otherwise zoned and used for rural-residential purposes. More typical examples of what is and is not spot zoning can be had by comparing *Pierce v. King County*² with *McNaughton v. Boeing*.³ In *Pierce*, the rezoning of two city lots, which lay in the middle of a residential zone, for commercial use was properly labeled spot zoning.⁴ But in *McNaughton*, the commercial rezoning of 23 unoccupied acres, previously zoned residential but lying adjacent to a commercial zone, was held not to be spot zoning.

If one looks for the underlying reasons of law that **spot zones** are void, three different bases are commonly given. All three have been identified by the Supreme Court of Washington, sometimes mixed together in the same decision. First, spot zoning is said not to be in furtherance of the public health, safety, or welfare or to be unreasonable or arbitrary, which, though a court may not identify it as such, is language that describes a denial of substantive due process.⁵ The second reason of law is that spot zoning is said to confer a discriminatory benefit upon an applicant who gets land rezoned for more intensive (and valuable) use, to the detriment of other owners who were not treated so favorably; this is language to describe a denial of equal protection.⁶ A final reason advanced is that spot zoning is not in accord with the comprehensive plan, a requirement found in zoning enabling acts.⁷ An interesting decision in which all three reasons were stated in the same paragraph is the 1983 opinion in *Save Our Rural Environment v. Snohomish County*.⁸

Realistically, it must be said that courts often use “spot zoning” as a convenient catchphrase to strike down rezoning for which they have a generalized dislike. Just as realistically, however, it may be observed that far more spot zoning slips by than is caught. Every urban area abounds in examples of **spot zones**, and their equivalent, strip zones, that exist for the simple reason that no one bothered to contest them in court.

Westlaw. © 2018 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

Footnotes

- a0 Judson Falknor Professor of Law Emeritus, University of Washington, Of Counsel, Karr Tuttle Campbell, Member of the Washington Bar.
- a1 Professor of Law, Seattle University, Member of the Washington Bar.
- 1 *Smith v. Skagit County*, 75 Wn.2d 715, 453 P.2d 832 (1969) (alternative ground of decision).
- 2 *Pierce v. King County*, 62 Wn.2d 324, 382 P.2d 628 (1963).
- 3 *McNaughton v. Boeing*, 68 Wn.2d 659, 414 P.2d 778 (1966).
- 4 See also *Anderson v. City of Seattle*, 64 Wn.2d 198, 390 P.2d 994 (1964) (rezoning of part of city block for apartment building held spot zoning); *State ex rel. Miller v. Cain*, 40 Wn.2d 216, 242 P.2d 505 (1952) (dictum that rezoning of land near applicant's land had been spot zoning).
- 5 See especially *Anderson v. City of Seattle*, 64 Wn.2d 198, 390 P.2d 994 (1964). See also *Save Our Rural Environment v. Snohomish County*, 99 Wn.2d 363, 662 P.2d 816 (1983); *McNaughton v. Boeing*, 68 Wn.2d 659, 414 P.2d 778 (1966).
- 6 See *Save Our Rural Environment v. Snohomish County*, 99 Wn.2d 363, 662 P.2d 816 (1983); *Pierce v. King County*, 62 Wn.2d 324, 382 P.2d 628 (1963). See also *Willapa Grays Harbor Oyster Growers Ass'n v. Moby Dick Corp.*, 115 Wn.App. 417, 62 P.3d 912 (Div. 2, 2003), holding that rezoning to allow expansion of a historic hotel and restaurant was not spot zoning.
- 7 See *Save Our Rural Environment v. Snohomish County*, 99 Wn.2d 363, 662 P.2d 816 (1983); *Pierce v. King County*, 62 Wn.2d 324, 382 P.2d 628 (1963).
- 8 *Save Our Rural Environment v. Snohomish County*, 99 Wn.2d 363, 662 P.2d 816 (1983).

End of Document

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Pierce v. King County, 62 Wash.2d 324 (1963)

382 P.2d 628

 KeyCite Yellow Flag - Negative Treatment
Declined to Extend by National Homeowners Ass'n v. City of Seattle,
Wash.App. Div. 1, May 13, 1996

62 Wash.2d 324

Supreme Court of Washington, Department 1.

James W. PIERCE, Paul Lutz, Donald L. Stevens
and Robert Hail, Respondents,

v.

KING COUNTY, a municipal corporation,
Respondent,

Eastgate Improvement Company,
Intervenor-Appellant.

EASTGATE IMPROVEMENT COMPANY,
Appellant,

v.

KING COUNTY, a municipal corporation,
Respondent.

EASTGATE IMPROVEMENT COMPANY,
Appellant,

v.

KING COUNTY, a municipal corporation,
Respondent,

James W. Pierce, Paul Lutz, Donald L. Stevens and
Robert Hail, Intervenor-Respondents.

Nos. 36345, 36496.

June 13, 1963.

Synopsis

Owners of residences brought a certiorari proceeding against county to have zoning provisions of resolution zoning two lots for a gasoline service station declared invalid. Improvement company, which owned the two lots, intervened in the certiorari proceeding and independently brought a separate action against the county engineer in mandamus to compel the county engineer to issue a building permit. The Superior Court, King County, Solie Ringold, J., entered judgments adverse to the improvement company, and the improvement company appealed. The Supreme Court, Hale, J., held that where zoning authority by official legislative action designated two lots for gasoline service station in heart of neighborhood of single-family residences already served by commercial and business facilities or subject to be so served in accordance with comprehensive plan, and there was no basis for such zoning in furtherance of public health, safety, or morals, or contribution either to general welfare of people in area or at large, zoning was 'spot zoning' and was void.

Judgments affirmed.

West Headnotes (17)

[1] Zoning and Planning Certiorari

Fact that other remedies such as injunction, mandamus, quo warranto, or declaratory judgment may be available in zoning problems, does not rule out certiorari, where it appears that entire record of proceedings, leading up to and surrounding adoption of zoning regulation claimed to be invalid, will disclose validity or invalidity of regulation.

1 Cases that cite this headnote

[2] Zoning and Planning Certiorari

Certiorari proceedings are ordinarily regarded as appropriate to review decisions of zoning officer of board.

Cases that cite this headnote

[3] Certiorari Nature and scope of remedy in general

Purpose of certiorari is to review official acts of public officer or organ of government.

2 Cases that cite this headnote

[4] Zoning and Planning Certiorari

Pierce v. King County, 62 Wash.2d 324 (1963)

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Certiorari was proper remedy to review action of county board of commissioners in adopting zoning resolution.

Cases that cite this headnote

[5]

Equity

⚡ Prejudice from Delay in General

Principal element in applying laches is not so much period of delay in bringing action but factor of resulting prejudice and damage to others.

1 Cases that cite this headnote

[6]

Certiorari

⚡ Time of Taking Proceedings

Time within which certiorari must be brought shall be determined by time allowable for appeal as prescribed by statute or rule of court, where certiorari is taken from inferior court to superior court.

2 Cases that cite this headnote

[7]

Certiorari

⚡ Time of Taking Proceedings

Zoning and Planning

⚡ Time for Proceedings

Rule that time within which certiorari must be brought shall be determined by time allowable for appeal as prescribed by statute or rule of court where certiorari is taken from inferior court to superior court is limited to cases arising in courts or in other judicial proceedings and does not apply to review of zoning regulation.

6 Cases that cite this headnote

[8]

Zoning and Planning

⚡ Effect of delay

In considering laches, estoppel, waiver, or other equitable defenses, rules governing timeliness for commencement of certiorari to review judicial proceeding do not apply to review of acts of public authorities having power to adopt and promulgate zoning regulations.

Cases that cite this headnote

[9]

Zoning and Planning

⚡ Time for Proceedings

When review of legislative action of zoning authority is sought in zoning case, and actions of zoning authority under review are of such nature that record of proceedings discloses their validity or invalidity, time for certiorari is not then limited to time in which appeal could have been taken from official action of zoning authority.

Cases that cite this headnote

[10]

Zoning and Planning

⚡ Commencement of limitation period

If petitioners are in situation where they would not normally be expected to learn of legislative action of zoning authority, and where they are directly affected by legislative action, and where they do not have actual knowledge, time of commencement of certiorari to review legislative action begins with acquisition of knowledge or with occurrence of events from which notice ought to be inferred as matter of law.

8 Cases that cite this headnote

[11]

Zoning and Planning

☛ Vested or property rights

Landowner has vested right to put land to permissible use under valid and subsisting zoning ordinance, and right accrues at time application for building permit is made.

3 Cases that cite this headnote

[12]

Zoning and Planning

☛ Time for Proceedings

Owners of residences were not precluded by laches or estoppel from maintaining certiorari proceeding against county to have zoning provisions of resolution of board of county commissioners zoning two lots in residential area as commercial declared invalid, where proceeding was brought by owners of residences within two months of application for building permit to build gasoline service station and within two months of knowledge brought to owners of residences by seeing surveyors on lots.

1 Cases that cite this headnote

[13]

Zoning and Planning

☛ Public health, safety, morals, or general welfare

Impairment of right to use property and interference with possession of property by zoning regulations must be directly related to public health, safety, and morals and general welfare to be sustained. RCW 35.63.080.

2 Cases that cite this headnote

[14]

Zoning and Planning

☛ Spot zoning

“Spot zoning” is attempt to wrench single lot

from its environment and to give it new rating, which disturbs tenor of neighborhood, and which affects only use of particular piece of property or small group of adjoining properties, and which is not related to general plan for community as a whole, but which is primarily for private interest of owner of property so zoned.

3 Cases that cite this headnote

[15]

Zoning and Planning

☛ Spot zoning

Generally, spot zoning is improper.

Cases that cite this headnote

[16]

Zoning and Planning

☛ Sales and service

Where zoning authority by official legislative action designated two lots for gasoline service station in heart of neighborhood of single-family residences already served by commercial and business facilities or subject to be so served in accordance with comprehensive plan, and there was no basis for such zoning in furtherance of public health, safety, or morals, or contribution either to general welfare of people in area or at large, zoning was “spot zoning” and was void.

3 Cases that cite this headnote

[17]

Mandamus

☛ Defenses and grounds of opposition in general

Application for writ of mandamus to compel issuance of building permit was properly denied, where building permit was sought under void section of zoning resolution.

Cases that cite this headnote

Attorneys and Law Firms

***325 **630** Michael R. Donovan, Bellevue, for appellants.

Hullin, Ehrlichman, Carroll & Roberts, Derrill T. Bastian, Seattle, for respondents.

Opinion

HALE, Judge.

This is an appeal from judgments of the superior court in both certiorari and mandamus arising out of certain zoning resolutions in King County, Washington. ***326** The certiorari and mandamus proceedings were consolidated for the trial and this appeal.

Appellant, Eastgate Improvement Company, was part owner of and directly connected with the development of some two thousand acres of agricultural land east of Lake Washington in King County. When appellant and other corporations having common ownership acquired these extensive tracts in 1956, they had actually been zoned for agricultural purposes by the board of commissioners of King County. As the various areas were developed by the building and occupancy of residences in the area and the platting of the various districts, zoning changes were made to set aside areas for single-family residences, multi-family residences, clinics, churches and multifarious commercial uses. Indeed, the entire area was zoned from time to time to allow for the type of suburban life and activity which is now so familiar a scene at the rims of the nation's great cities.

In January, 1957, appellant requested the King County planning commission to rezone lots 7 and 8, block 10, Lake Hills Addition No. 3, from a single-residential classification to commercial, B-1, and the planning commission, after conducting public hearings and receiving evidence, complied with the request on March 26, 1957. About two weeks later, on April 8, 1957, the King County board of county commissioners accepted ****631** the planning commission's recommendation and, by resolution No. 17229, rezoned the two lots to B-1, for commercial purposes. The lots retained this classification

for over a year. These two lots, 7 and 8, are the subject matter of the proceedings at bar.

In August, 1958, some sixteen months after the two lots had been rezoned from residential to commercial (B-1), a decision of the superior court cast some doubt upon the validity of the county's zoning regulations. Whereupon, the board of county commissioners speedily enacted, in rapid succession, resolution No. 18800, a comprehensive zoning plan for King County, on August 11th, and resolution No. 18801, a zoning code, on August 12th. It was under this zoning code (resolution No. 18801, § 3.02), that the two lots involved ***327** here were zoned R-A (residential area), and uses allowed were single-family residences. The same resolution permitted properties then in use as commercial properties to be continued as nonconforming uses (resolution No. 18801, § 30.01), but provided that, if such nonconforming uses were discontinued, any future use thereafter must conform to the uses fixed by the zoning code.

At the time of the adoption of the zoning code (resolution No. 18801), the two lots were vacant, unimproved and unused, and bore a large sign which declared in bold letters that they were 'Zoned B-1 Business'. Despite the message of the sign, however, the zone classification under the resolution of August 12, 1958, was R-A (residential area), and the use permissible was single-family residences.

This R-A classification, single-residence use restriction, remained in effect until January 19, 1959, when the county commissioners promulgated zoning resolution No. 19295, which, by adopting a district zoning map of the south portion of district No. 22 and incorporating the map by reference in the resolution, zoned the two lots B-1, commercial. All property surrounding appellant's property for at least six blocks in any direction came under the R-7.2 classification, including the property of the four respondent householders. The permissive use of this property was limited to single-family residences. B-1, commercial, classification means first commercial under the King County Zoning Code (resolution No. 18801), and would permit the construction of a gasoline service station thereon, together with numerous other uses which will be referred to later.

The crucial resolution, as we have indicated, is resolution No. 19295, which changed the permissive use of appellant's two lots from single-family residential to commercial, B-1.

Things remained quiet on the Lake Hills zoning front for nearly two and one-half years, when, in June of 1961, the appellant owner of the two lots sent surveyors on to the

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property in preparation for construction of a service station thereon.

***328** Respondent householders reside across the street from the property in single-family residences. When they observed the surveyors on the premises, they made inquiry as to the building intended to be erected thereon, and, upon receiving an answer to their queries, promptly applied to the superior court for a writ of certiorari against King County to have the zoning provisions of the resolution of January 19, 1959 (No. 19295) declared invalid as to the two lots in issue.

Pending hearings upon the petition for certiorari, appellant applied to the King County engineer for a building permit. The county engineer, knowing of the pendency of certiorari, denied the permit, and ascribed the pendency of the certiorari as reason for the denial. Appellant then entered the certiorari proceedings as intervenor, and independently brought a separate action against the county engineer in mandamus to compel the latter to issue to it a building permit.

King County, a municipal corporation, sent up its records and files and made a return to the petition for certiorari to the superior court. The court subsequently entered judgment after trial declaring so ****632** much of resolution No. 19295 as purported to zone the two lots from R-A (residential area) to B-1 (commercial) to be null and void from its enactment and, accordingly, denied the writ of mandamus to compel the issuance of a building permit for the erection of a service station.

Together the lots constitute a small tract, approximately 120 feet by 143 feet. They form the apex of a rounded vee intersection. Lots adjoining in all directions for five or six blocks are zoned for single-family residential purposes and were so zoned at the time prior to adoption of resolution No. 19295.

The same resolution which designated appellant's two lots as B-1 (commercial) likewise established a sizable business center eight blocks to the west of appellant's property and a buffer strip for multiple-family dwellings (R-2) between the commercial zone proper and the single-family residential area.

***329** This appeal raises three particular questions, and their resolution will determine the issues.

1. Assuming that the adoption of a zoning regulation is a legislative function, does certiorari lie to review it?

2. Is a petition for certiorari, brought within two and one-half years of the adoption of a zoning resolution, timely?

3. Does the designation of two lots for commercial purposes in general, and a gasoline service station in particular, in an area reserved and zoned for single-family residences, where the zoning regulations have designated an extensive business district approximately eight blocks away, constitute an invalid type of spot zoning?

Is certiorari a proper remedy to review the action of a zoning board? Doubt as to the propriety of employing certiorari as a remedy arises from the recognition that the adoption of zoning regulations is a legislative function. Courts have been traditionally reluctant to interfere with the legislative process. This reluctance has, nevertheless, been overcome many times by the requirements of the circumstances. So, while zoning powers are generally held to be legislative in character, requiring as they do the exercise of legislative judgment and discretion, the courts have, in many jurisdictions, considered certiorari an effective instrument of review where it is shown prima facie that there exists no speedy and adequate remedy at law, and where, in addition, it appears the board or commission acted unreasonably, arbitrarily and capriciously, i. e., in excess of its jurisdiction.

^[1] ^[2] That other remedies, such as injunction, mandamus, quo warranto, or declaratory judgments may be available in zoning problems does not rule out certiorari where it appears that the entire record of the proceedings, leading up to and surrounding the adoption of the regulation claimed to be invalid, will disclose the validity or invalidity of the regulation.

'Certiorari proceedings are ordinarily regarded as appropriate to review decisions of a zoning officer or board. * * * 58 Am.Jur., Zoning § 233.

***330** The precise question as to the remedy to be pursued was raised in *Holly Development, Inc. v. Board of County Commissioners of Arapahoe County*, 140 Colo. 95, 342 P.2d 1032, in which it is said:

'We turn first to defendant's answer brief, which urges that certiorari is not the proper remedy in this case. In this it is in error. Whenever the question is whether a public Board or Commission has exceeded its jurisdiction or abused its discretion, certiorari is the proper remedy to secure a review of its action. Rule 106, R.C.P. Colo. Also see *Board of Adjustment of the City and County of Denver v. Handley*, [et al.] 1939, 105 Colo. 180, 95 P. (2d) 823; *Kane v. Board of Appeals of City of Medford*, 1930, 273 Mass. 97, 173 N.E. 1; *Clapp v. Knox County*, [Tennessee] 1954, 197 Tenn. 422, 273 S.W. (2d) 694; *Auditorium, Inc. v. Board of Adjustment of Mayor and Council of Wilmington*, 1952, 8 Terry 373, 47 Del. 373, 91 A. (2d) 528.

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****633** '14 C.J.S. Certiorari § 37a, p. 180, says:

"* * * whenever there is no direct remedy provided for review, the writ of certiorari lies, even though some other remedy can be conceived as possible in the future."

That certiorari has been long sanctioned as an appropriate remedy to test the validity of the acts of governing boards and commissions is clearly pointed out in *McKenna v. New Jersey Highway Authority*, 19 N.J. 270, 116 A.2d 29:

'*Certiorari* is an extraordinary common-law remedy of ancient origin, and has been said to be confined to review of judicial actions. * * * However, in New Jersey, the powers of the Court of King's Bench, the English court existing prior to the American Revolution, were inherited by our former Supreme Court, which was created in colonial days * * *. These powers included superintendence over civil corporations, magistrates and other public officers, and in New Jersey the use of the writ in this respect was frequently exercised. * * *'

"[w]hile the statement has frequently been made by our court [referring to the former Supreme Court] that the writ lies to review proceedings of a judicial or *quasi*-judicial character, yet it is extensively used to review the validity of ordinances and of by-laws, which are clearly merely legislative in character * * *."

***331** Of similar import is *Brown v. Terhune*, 125 N.J.L. 618, 18 A.2d 73, wherein it was said:

"* * * The properties were in a business zone and prosecutor desired to build a gasoline service station thereon. * * * The grant of the permit was delayed while the zoning ordinance was being amended so as to place the premises in question in a two family zone where a permit could not be granted.

'*Certiorari* is the appropriate remedy to test the reasonableness of the ordinance. * * * The change in the zoning ordinance seems to bear no relation to the public health, safety, morals or generals welfare. * * *'

See, also, *Linden Methodist Episcopal Church v. Linden*, 113 N.J.L. 188, 173 A. 593; *Eastern Boulevard Corp. v. Board of Com'rs of Town of West New York*, 124 N.J.L. 345, 11 A.2d 832; *Board of Zoning Appeals of Decatur v. Decatur, Indiana Co. of Jehovah's Witnesses*, 233 Ind. 83, 117 N.E.2d 115.

This court has passed upon the question in *State ex rel. Lyon v. Board of County Com'rs of Pierce County*, 31

Wash.2d 366, 196 P.2d 997, where, in a challenge to the issuance of a variance permit by the board of county commissioners allowing the operation of a tavern in an otherwise interdicted zone, we said:

'The remedy by certiorari is available where there is no right of appeal and if, in the judgment of the court, there exists no plain, speedy, and adequate remedy at law. * * *'

"* * * It is significant that practically all proceedings to secure court review of the granting of variance permits, except where an appeal procedure is specifically provided for, are by certiorari. * * *'

[3] [4] A purpose of certiorari is to review the official acts of a public officer, or an organ of government. Its method is direct, precise, and definitive. Allowing others to intervene-though they may be vitally affected by the results-does not make the attack a collateral one, and, thus, require a different remedy to test the validity of official actions. When appellant came into the case as intervenor, ***332** it did not thereby convert the attack on resolution No. 19925 from direct to collateral. It is our view, then, that certiorari is a proper remedy to review the actions of the King County board of commissioners in adopting the zoning resolution.

****634** Appellant strongly urges that, even though certiorari may lie, it was not timely brought in the instant case since the respondent householders did not bring this action until approximately two and one-half years after the adoption of the zoning regulation of which they complain.

Was this petition for certiorari timely brought?

Did the delay in maintaining the action set up an estoppel against the respondent householders?

Were they guilty of laches as to deprive them of their action in the first instance?

[5] Questions of laches and estoppel occur frequently in zoning cases. The principal element in applying laches is not so much the period of delay in bringing the action but the factor of resulting prejudice and damage to others. Thus, it was held in *Auciello v. Stauffer*, 58 N.J. Super. 522, 156 A.2d 732, that a delay of nearly three years in bringing an action against the builder of a garage in violation of the zoning code, acting under a void permit, was not untimely since the right to prevent actions taken under an authority which is void is not affected by the lapse of time. Of similar import is the holding in *Forbes v. Hubbard*, 348 Ill. 166, 180 N.E. 767, where mandamus was brought to compel the issuance of a building permit under a zoning ordinance. The court stated:

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'Counsel for appellants argue that as appellee purchased this property after the passage of the zoning ordinance he should not now be heard to complain that that ordinance is invalid. We know of no rule of law that creates an estoppel against attack by such purchaser on the validity of a zoning ordinance unless there be in his acts or the acts of his grantor that which of themselves would estop him. * * * It is likewise thoroughly established that mere acquiescence, regardless of the period thereof, cannot legalize a clear usurpation of power which offends against the Constitution adopted by the people. * * *

*333 The principle is summarized in the following statement from 8 McQuillin, Municipal Corporations (3d ed., Rev.) § 25.291, at p. 724:

* * * A right to attack zoning that is clearly a usurpation of power and an invasion of property with no relationship to the public health, safety, morals or welfare, is not lost by acquiescence regardless of the period thereof. * * *

Appellants cite a number of cases from this state to the effect that certiorari must be brought within the time during which an appeal would lie, and rely upon State ex rel. L. L. Buchanan & Co. v. Washington Public Ser. Common., 39 Wash.2d 706, 237 P.2d 1024; State ex rel. Lyon v. Board of County Com'rs of Pierce County, supra; State ex rel. von Herberg v. Superior Court, 6 Wash.2d 615, 108 P.2d 826; State ex rel. Clark v. Superior Court, 167 Wash. 481, 10 P.2d 233; and State ex rel. Neal v. Kauffman, 86 Wash. 172, 149 P. 656.

[6] [7] We confirm the rule in the above cited cases to the effect that, where certiorari is taken from an inferior court to a superior court, the time within which certiorari must be brought shall be determined by the time allowable for an appeal as prescribed by statute or rule of court. But we should point out that this rule is limited to cases arising in the courts, or in other judicial proceedings, where the direct notice of the pendency thereof to the parties involved is jurisdictional. Service of process and notice of the pendency of the action are indeed the *sine qua non* of due process and, hence, are jurisdictional in judicial proceedings. This rule of timeliness should not apply to a review of a zoning regulation.

Indeed, even in a case arising from the courts, the rule that limits certiorari to the time within which an appeal could have been taken did not govern. In State ex rel. Lowary v. Superior Court, 41 Wash. 450, 83 P. 726, review of an order appointing **635 a guardian for an incompetent person was sought by certiorari more than a year after the order had issued. Petitioner there showed

the court that, at the time the order of appointment was entered, petitioner *334 was ill, impoverished and incompetent, and that no notice of the intent to appoint the guardian had ever been served upon the person having custody of the petitioner as was required by statute. Petitioner was accordingly deemed to have been without notice of the guardianship proceedings. We held that certiorari was not only a proper remedy, but it was not subject to the defense of laches.

[8] In considering laches, estoppel, waiver and other equitable defenses, the rules governing the timeliness for commencement of certiorari to review a judicial proceeding do not apply to a review of the acts of public authorities having the power to adopt and promulgate zoning regulations.

[9] [10] The rule affecting laches in a review of zoning is, and should be, different. When a review of the legislative action of a zoning authority is sought in a zoning case and the actions of the zoning authority under review are of such a nature that the record of the proceedings discloses their validity or invalidity, time for certiorari is not then limited to the time in which an appeal could have been taken from the official action of the zoning authority. If petitioners are in a situation where they would not normally be expected to learn of the legislative action, where they are directly affected by it, and where they do not have actual knowledge, the time for the commencement of certiorari begins with acquisition of knowledge or with the occurrence of events from which notice ought to be inferred as a matter of law. A different rule would permit zoning departures of the most drastic nature from the comprehensive zoning plan and would leave persons most detrimentally affected thereby without redress in the courts against arbitrary legislative action.

Two separate occurrences here could well serve as the events from which the time for the commencement of certiorari would run—(1) the start of surveying activities by appellant within the view of respondent neighboring householders, and (2) appellant's application to the King County engineers for a building permit to construct a gasoline service station.

*335 [11] As to the second event, it has been held that, where a permit to construct a twelve story apartment building was issued by the city of Seattle on the day before an amendatory ordinance went into effect limiting the height of buildings in the area to 35 feet, injunctions against the apartment house construction did not lie. The right to build the same vested when the permit was applied for. An owner of property has a vested right to put it to a permissible use under a valid and subsisting ordinance. The right accrues at the time an application for a building permit is made. Hull v. Hunt, 53 Wash.2d 125,

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331 P.2d 856; State ex rel. Ogden v. Bellevue, 45 Wash.2d 492, 275 P.2d 899.

^[12] On the basis of this authority, we hold that the time began with the occurrence of the earlier of the two events here mentioned, either (1) the application for a building permit or (2) knowledge of intent to build on the lots in question brought to the petitioners through their seeing the Eastgate surveyors on the lots. Since the petition was brought within two months of either event, petitioners are not precluded through laches or estoppel from maintaining this petition.

Integrally connected with the propositions of remedy here is the ultimate questions as to whether the trial court, from the record itself, well found the zoning of lots 7 and 8 to be a spot zoning, and, therefore, invalid. To answer this question, we must look to the purpose and operation of the zoning laws.

Scarcely a generation has passed since the adoption of the first zoning statute in this state in the year 1935. Laws of 1935, chapter 44, p. 115; RCW 35.63. We have ****636** now entered upon an era which demonstrates conclusively the wisdom of the foregoing enactment. This act of the legislature, coming as it did at a time when the state and the nation were caught in the throes of a deep economic depression, found millions of people unemployed and building construction at nearly a standstill. With the nation's economy and business at a point of stagnation, problems of the most urgent necessity were created for the legislature, which, despite the exigencies of the times, demonstrated a forethought ***336** to look ahead to a brighter day in spheres which then must have appeared to be of minor importance.

The judgment of the legislature in this respect has been vindicated. Less than thirty years after the enactment of the first zoning statute in the state, we find ourselves in an era characterized by vast movements of people and goods across the continent, East to West, and North to South, an era of great super highways to speed the migration along, a period of movement unparalleled in history from the farm to the city and a counter-migration from the city to the suburbs. We are in a time when all of the nation's cities are being rimmed with gigantic housing developments, each requiring its quota of business services, recreational establishments, schools, hospitals, clinics, churches, banks, and varied components of a modern city. One wonders what the picture would be had no zoning statutes been enacted.

In the past forty years to accommodate these vast changes and to provide for an orderly and sensible channelization

of the tremendous economic and social forces generated by these movements, the courts have erected within the framework of both the common and municipal law of this country a new body of law known as the zoning law. So firmly founded is this structure and so generally well recognized is the proposition that the zoning laws of the country are directly connected with the maintenance of public peace, morals and safety and in furtherance of the general welfare, no party to this action challenged the constitutionality of the state's zoning statute or the general zoning resolution itself. Only the application of resolution No. 19925 as it purports to change the use of the two lots involved from single-family residential (R-A) to commercial (B-1) is at issue here.

^[13] Nevertheless, despite the beneficial results and the public necessity involved in the establishment of the zoning laws, they constitute a serious impairment of the right to use and enjoy property, and they do interfere with the possession thereof. Thus, as we have indicated, such impairment and interference must be directly related to the public health, safety and morals and the general welfare ***337** to be sustained. This language is employed in the zoning act itself as codified in RCW 35.63.080. State ex rel. Warner v. Hayes Inv. Corp., 13 Wash.2d 306, 125 P.2d 262; Lillions v. Gibbs, 47 Wash.2d 629, 289 P.2d 203; and Hauser v. Arness, 44 Wash.2d 358, 267 P.2d 691.¹

When King County adopted its zoning resolution No. 18800 on August 11, 1958, it included as an integral part thereof a comprehensive plan as a general design for the future growth of the county. It also expressed therein its purposes to keep the zoning laws well within the constitutional limitation of the police power in the following language:

'The ingredients of an ideal neighborhood are a rather solid pattern of homes, linked by quiet streets and centered about an elementary school and a park. A small neighborhood shopping location may be spotted near the *edge* of the neighborhood.

'* * * We work to avoid crowded living conditions, the splitting of the neighborhood by arterial highways, ****637** and the development of commercial and industrial establishments which would unnecessarily encroach in residential areas.

'The location of shopping areas should, generally, be such that protection is given to residential areas from business encroachment while at the same time locating them in areas most convenient to potential customers.

'* * * Generally, *spotty* and *strip* type development

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should be discouraged.

‘As to actual location of new business districts, the Commission recommends that the most logical location would be at the junction of the arterial streets *bordering* neighborhoods. A pattern of neighborhood, community, and regional business centers would likewise appear logical when placed near the common or abutting corners of several neighborhoods.’ (Italics ours).

***338** This comprehensive plan was in effect in respondent householders’ neighborhood when respondents first observed appellant’s surveyors on the two lots.

If, then, the portions of resolution No. 19925, which purported to zone the two lots B-1, commercial, constitute spot zoning as the law defines it, those portions of the resolution which do so would be a nullity *ab initio* and subject to review not only by certiorari but they would also place upon the courts the duty of so declaring them categorically. The maps, resolutions and documents furnished and made a part of King County’s return to the writ of certiorari show lots 7 and 8 are in the heart of a residential district. They are neither contiguous to nor constitute an extension of any other business property. The uses permitted under the zoning code of King County, pursuant to resolution No. 18801, § 17, under the classification B-1, would allow not only a service station but also structurally enclosed animal hospitals and clinics, beer parlors, cabarets, taverns, employment agencies, business and professional offices, lumber and fuel yards (if surrounded by an eight-foot fence), and numerous other activities constituting a total of 27 different classifications. B-1 zoning (commercial) would also allow the construction of buildings up to 35 feet in height.

Do we have here a spot zoning? Is it spot zoning of such a character as to be deemed an arbitrary and capricious legislative act?

^[14] ^[15] The concept of spot zoning as an evil in the field of municipal growth is well recognized by nearly all authorities.

‘Spot zoning is an attempt to wrench a single lot from its environment and give it a new rating that disturbs the tenor of the neighborhood, and which affects only the use of a particular piece of property or a small group of adjoining properties and is not related to the general plan for the community as a whole, but is primarily for the private interest of the owner of the property so zoned; and it is the very antithesis of planned zoning. It has generally been held that spot zoning is improper, and that one or two building lots may not be marked off into a separate

district or zone and benefitted by peculiar advantages or subjected to peculiar burdens not applicable to adjoining similar lands.’ 101 C.J.S. Zoning § 34.

***339** A well supported statement is also found in 2 Metzenbaum, Law of Zoning (2d ed.) chapter X-m-(5):

“Spot Zoning’ is not usually favorably regarded, because, in too many instances, such practice has been employed in order to aid some one owner or parcel or some one small area, rather than being enacted for the general welfare, safety, health and wellbeing of the entire community. * *

“Spot zoning’ merely for the benefit of one or a few or for the disadvantage ****638** of some, still remains censurable because it is not for the *general welfare* * * *.’

The noted authority on municipal law, Charles S. Rhyne, states:

“Spot zoning’ has come to mean arbitrary and unreasonable zoning action—commonly by an amendment to a zoning ordinance, but also by the zoning ordinance itself, or, less commonly, by grant of a permit for a use other than the regular zone uses—by which a lot or small area is singled out and specially zoned for a use classification totally different and inconsistent with the classification of surrounding land indistinguishable from it in character, thus creating a mere island or ‘spot’ non-conforming use within the larger use zone, with a resulting new rating that disturbs the tenor of the neighborhood. ‘Spot zoning’ is thought of as zoning not in accordance with a comprehensive plan, but for mere private gain to favor or benefit a particular individual or group of individuals and not the welfare of the community as a whole, and thus in effect granting by amendment, a special exception or variance from general regulations. ‘Spot zoning’ of this nature has been found unauthorized, discriminatory, and invalid and an unlawful usurpation of the power to grant a variance. * * *’ Rhyne, Municipal Law, chapter 32, p. 810, 825.

For similar statements from works of equal standing, see 1 Yokley, Zoning Law and Practice (2d ed.) § 90, and 8 McQuillin, Municipal Corporations (3d ed., Rev.) §§ 35.83, 25.84.

Thus it is that experts in the field of zoning law condemn spot zoning with rare exception. This court has denounced spot zoning categorically as follows:

***340** ‘It should be here noted that ‘spot’ zoning such as

Pierce v. King County, 62 Wash.2d 324 (1963)

382 P.2d 628

that done by the city in 1937 is almost universally condemned, and, since it is generally difficult to justify under the police-power concept, many spot zoning ordinances have been vulnerable to attack, although the courts have been careful not to lay down any hard and fast rule that all spot zoning is illegal. * * * State ex rel. Miller v. Cain, 40 Wash. 2d 216, 225, 242 P.2d 505, 510.

The foregoing case is an even stronger criticism of spot zoning than one might suppose on a casual reading, because it further holds that, where an incident of spot zoning has been completed, it does not thereby open the gates to other spot zoning.

'But when a spot rezoning is a fait accompli, it does not justify additional spot rezoning for the benefit of other property owners who may conceive themselves to be similarly situated. It has quite uniformly been held that permitting some persons to violate a zoning regulation does not preclude its enforcement against others. [Citing cases].' State ex rel. Miller v. Cain, supra.

^[16] We agree with the text writers and specialists in the field of zoning law that spot zoning has come to mean arbitrary, capricious and unreasonable zoning action, and that it is commonly achieved by means of an amendment to a zoning ordinance, as was the precise case here. Where, as in the present situation, the zoning authority by official legislative action designates two lots for a gasoline service station in the heart of a neighborhood of

single-family residences already served by commercial and business facilities or subject to be so served in accordance with a comprehensive plan or scheme, such designation is patently a spot zoning; and where the record discloses no basis for such a zoning in furtherance of the public health, safety, or morals, or a contribution either to the general welfare of the people in the area or at large, the zoning is so clearly a spot zoning as to make it arbitrary, capricious and unreasonable. It was, and is, therefore, void.

****639** ^[17] Inasmuch as mandamus for a building permit was brought under a void section of the resolution, the judgment of the trial court in denying the writ is also sustained.

***341** The judgment of the trial court is, accordingly, affirmed in each case.

OTT, C. J., and FINLEY, ROSELLINI and HUNTER, JJ., concur.

All Citations

62 Wash.2d 324, 382 P.2d 628

Footnotes

- ¹ For a penetrating study in succinct form which shows where we have been, where we are tending, and the direction we should take in the law of zoning, read Arval Morris, *Toward Effective Municipal Zoning*, 35 Wash.L.Rev. 534 (1960).



Benton County Property Search

37467 PELICAN LANDING PROPERTIES LLC for Year 2017 - 2018

Property

Account

Property ID:	37467	Legal Description:	TRADEWINDS, BLOCK 1, LOT 3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD. PROTECTIVE COVENANTS.
Parcel # / Geo ID:	112892020001003	Agent Code:	
Type:	Real		
Tax Area:	K1 - K1	Land Use Code	12
Open Space:	N	DFL	N
Historic Property:	N	Remodel Property:	N
Multi-Family Redevelopment:	N		
Township:	08	Section:	12
Range:	29	Legal Acres:	0.3772

Location

Address:	1014 S OLYMPIA PL KENNEWICK, WA 99337	Mapsco:
Neighborhood:	East Kennewick 4-Plex's	Map ID:
Neighborhood CD:	622000	

Owner

Name:	PELICAN LANDING PROPERTIES LLC	Owner ID:	205389
Mailing Address:	10312 ARGENT RD PASCO, WA 99301	% Ownership:	100.0000000000%
		Exemptions:	

Pay Tax Due

There is currently No Amount Due on this property.

Taxes and Assessment Details

Property Tax Information as of 01/07/2019

Amount Due if Paid on:  **NOTE:** If you plan to submit payment on a future date, make sure you enter the date and click RECALCULATE to obtain the correct total amount due.

Click on "Statement Details" to expand or collapse a tax statement.

Year	Statement ID	First Half Base Amt.	Second Half Base Amt.	Penalty	Interest	Base Paid	Amount Due
▶ Statement Details							
2018	23189	\$2558.04	\$2557.91	\$0.00	\$0.00	\$5115.95	\$0.00
▶ Statement Details							
2017	23250	\$2355.91	\$2355.82	\$0.00	\$0.00	\$4711.73	\$0.00

Values

Taxing Jurisdiction

Improvement / Building

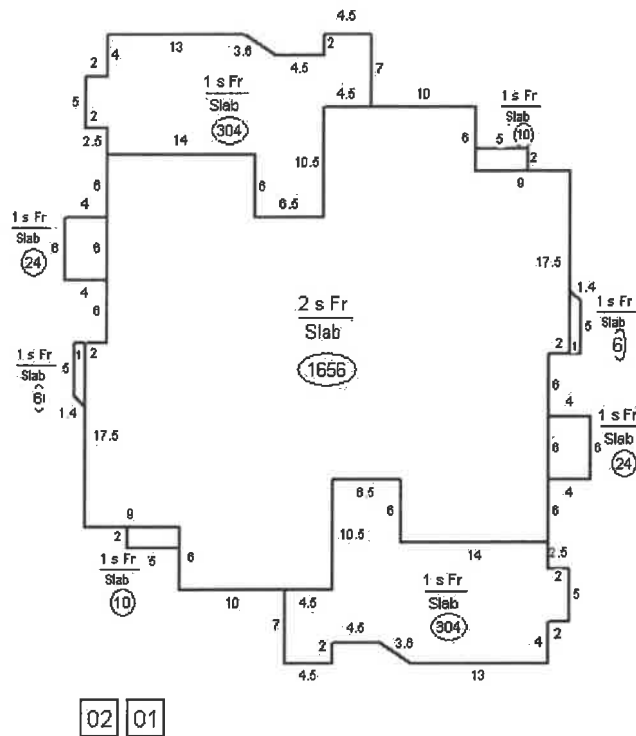
Improvement #1: Commercial **State Code:** 412 4000.0 sqft **Value:** \$368,690
 COMM Framing Class: Class D - Wood or Steel Frame COMM HVAC: Y

Type	Description	Class CD	Sub Class CD	Year Built	Area
APARTRES	Apartments, Multiple Residences	352	Avg	2013	2344.0
APARTRES	Apartments, Multiple Residences	352	Avg	2013	1656.0

Property Image







Land

Roll Value History

Deed and Sales History

Payout Agreement

Assessor Website

Treasurer Website

Mapping Website

Website version: 9.0.45.1012

Database last updated on: 1/7/2019 3:22 AM

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Benton County Property Search

37468 CRATHIE PROPERTIES LLC for Year 2017 - 2018

Property

Account

Property ID:	37468	Legal Description:	TRADEWINDS, BLOCK 1, LOT 4. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD. PROTECTIVE COVENANTS.
Parcel # / Geo ID:	112892020001004	Agent Code:	
Type:	Real		
Tax Area:	K1 - K1	Land Use Code	12
Open Space:	N	DFL	N
Historic Property:	N	Remodel Property:	N
Multi-Family Redevelopment:	N		
Township:	08	Section:	12
Range:	29	Legal Acres:	0.3034

Location

Address:	1020 S OLYMPIA PL KENNEWICK, WA 99337	Mapsco:
Neighborhood:	East Kennewick 4-Plex's	Map ID:
Neighborhood CD:	622000	

Owner

Name:	CRATHIE PROPERTIES LLC	Owner ID:	207778
Mailing Address:	10312 W ARGENT RD PASCO, WA 99301	% Ownership:	100.0000000000%

Exemptions:

Pay Tax Due

There is currently No Amount Due on this property.

Taxes and Assessment Details

Property Tax Information as of 01/07/2019

Amount Due if Paid on:  **NOTE:** If you plan to submit payment on a future date, make sure you enter the date and click RECALCULATE to obtain the correct total amount due.

Click on "Statement Details" to expand or collapse a tax statement.

Year	Statement ID	First Half Base Amt.	Second Half Base Amt.	Penalty	Interest	Base Paid	Amount Due
▶ Statement Details							
2018	23190	\$2543.24	\$2543.13	\$0.00	\$0.00	\$5086.37	\$0.00
▶ Statement Details							
2017	23251	\$2342.25	\$2342.13	\$0.00	\$0.00	\$4684.38	\$0.00

Values

(+) Improvement Homesite Value:	+	\$0
(+) Improvement Non-Homesite Value:	+	\$368,690
(+) Land Homesite Value:	+	\$0

(+) Land Non-Homesite Value:	+	\$37,060
(+) Curr Use (HS):	+	\$0 \$0
(+) Curr Use (NHS):	+	\$0 \$0
(=) Market Value:	=	\$405,750
(-) Productivity Loss:	-	\$0
(=) Subtotal:	=	\$405,750
(+) Senior Appraised Value:	+	\$0
(+) Non-Senior Appraised Value:	+	\$405,750
(=) Total Appraised Value:	=	\$405,750
(-) Senior Exemption Loss:	-	\$0
(-) Exemption Loss:	-	\$0
(=) Taxable Value:	=	\$405,750

Taxing Jurisdiction

Improvement / Building

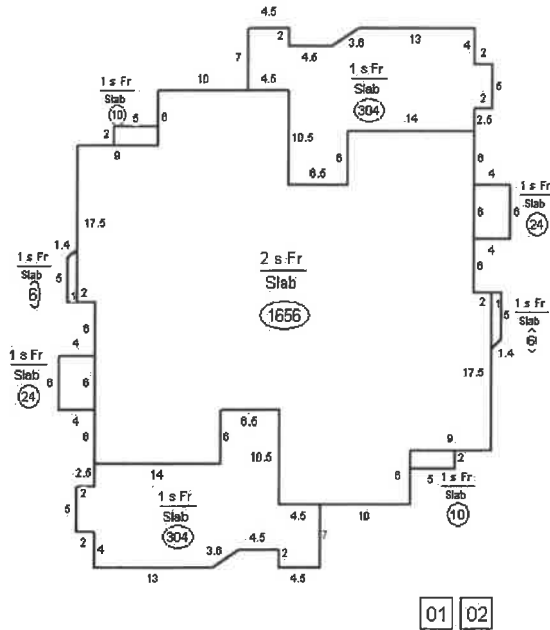
Improvement #1: Commercial **State Code:** 412 4000.0 sqft **Value:** \$368,690
COMM Framing Class: Class D - Wood or Steel Frame **COMM HVAC:** Y

Type	Description	Class CD	Sub Class CD	Year Built	Area
APARTRES	Apartments, Multiple Residences	352	Avg	2013	2344.0
APARTRES	Apartments, Multiple Residences	352	Avg	2013	1656.0

Property Image







Land

Roll Value History

Deed and Sales History

#	Deed Date	Type	Description	Grantor	Grantee	Vol
1	12/10/2013	QCD	Quit Claim Deed	MCDONALD, DAVID I & JACKIE V	CRATHIE PROPERTIES LLC	2013
2	06/19/2013	SWD	Statutory Warranty Deed	STEALTH DEVELOPMENT INC	MCDONALD DAVID I & JACKIE V	2013
3	01/25/2013	SWD	Statutory Warranty Deed	WAKE, BRIAN T	STEALTH DEVELOPMENT INC	2013
4	01/21/2003	SWD	Statutory Warranty Deed	KLS ASSOCIATES,	WAKE BRIAN T	2003
5	05/25/1978	HDeed	Historical Deed	KLS ASSOCIATES	UNKNOWN	

Payout Agreement

Assessor Website

Treasurer Website

Mapping Website

Website version: 9.0.45.1012

Database last updated on: 1/7/2019 3:22 AM

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COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO THE PLANNING COMMISSION

FILE NO: COZ 18-13/PLN-2018-03884

Report Date:	February 25, 2019
Hearing Date & Location:	March 4, 2019, Kennewick City Hall
Report Prepared By:	Anthony Muai, AICP Senior Planner
Report Reviewed By:	Gregory McCormick, AICP Planning Director
Summary Recommendation:	The City of Kennewick Planning Staff RECOMMENDS that Change of Zone 18-13 be APPROVED.
Summary of Proposal:	A Change of Zone from Residential, Manufactured Home (RMH) to Residential, High (RH) for 4 parcels of land 8.25 acres in size.
Proposal Location:	5927 W. Quinault Ave., 6009 W. Quinault Ave., 1026 N. Lincoln St., and 1048 N. Lincoln St.
Legal Description:	Parcel A (1-3399-202-0024-001): The east half of lot 24, the Highlands Plat A, according to the plat thereof recorded in Volume 2 of Plats, page 2, records of Benton County, Washington; Except the north 13.00 feet thereof conveyed to the City of Kennewick for right of way purposes by deed recorded under Auditor's File No. 2005-044473. Parcel B (1-3399-202-0024-002): The north 387.3 feet of the east 143.5 feet of the west one-half of tract 24, the Highlands Plat A, according to the plat thereof recorded in Volume 2 of Plats, page 2, records of Benton County, Washington. Except the south 159.3 feet thereof. And except the north 10 feet thereof reserved for road by deed recorded under Auditor's File No. 46957.

And except that portion as conveyed for road right-of-way by deed recorded under Auditor's File No. 2006-002033.

Parcel C (1-3399-202-0024-005):

The south 159.3 feet of the north 387.3 feet of the east 143.5 feet of the west one-half of tract 24, the Highlands Plat A, according to the plat thereof recorded in Volume 2 of Plats, page 2, records of Benton County, Washington.

Together with the south 258.3 feet of the west one-half of tract 24, the Highlands Plat A, according to the plat thereof recorded in Volume 2 of Plats, page 2, records of Benton County, Washington.

Except the south 92.50 feet of the west 107.50 feet thereof.

And except that portion conveyed to Benton County for road by deed recorded under Auditor's File No. 276023.

Parcel D (1-3399-202-0024-006

The south 92.50 feet of the west 107.50 feet of the west one-half of tract 24, the Highlands Plat A, according to the plat thereof recorded in Volume 2 of Plats, page 2, records of Benton County, Washington.

Except that portion conveyed to Benton County for road by deed recorded under Auditor's File No. 276023.8.25

Property Owners:

Jose Chavallo and Tammy Steele-Chavallo
5927 W. Quinault St.
Kennewick, WA 99336

Quinault Village LLC II
5927 W. Quinault St.
Kennewick, WA 99336

Applicant:

Jose Chavallo and Tammy Steele-Chavallo
5927 W. Quinault St.
Kennewick, WA 99336

Regulatory Controls:

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

COZ Key Application Processing Dates:

Pre-Application/Feasibility Meeting	N/A
Application Submittal	December 18, 2018
Determination of Completeness Issued	December 18, 2018
Notice of Application Posted	December 20, 2018
SEPA Determination (Adoption of DNS for CPA 18-11)	December 20, 2018
Date of Mailed Notice of Public Hearing	January 17, 2019
Property Posting Sign for Public Hearing	January 16, 2019
Date of Published Notice of Public Hearing	January 20, 2019

Exhibits:

1. Staff Report
2. Application/Supplemental Information
3. Maps
4. Adoption of existing environmental document
5. Affidavit of Mailing/Mailing List dated January 17, 2019
6. Comment from Michael McClure dated January 30, 2019
7. Affidavit of Mailing/Mailing List dated February 12, 2019
8. Comment from Michael McClure received February 20, 2019

Staff Analysis of Proposal & Discussion:

The proposed Change of Zone (COZ 18-13) is a request to change the zone of four parcels of land, approximately 8.25 acres in size located at 5927 W. Quinault Ave., 6009 W. Quinault Ave., 1026 N. Lincoln St., and 1048 N. Lincoln St., from Residential, Manufactured Home (RMH) to Residential, High (RH). The applicant has requested the change of zone in order to implement a recently approved Comprehensive Plan Amendment (CPA 18-11) that changed the land use designation from Low Density Residential to High Density Residential.

The Comprehensive Plan Land Use Designation for the subject property is High Density Residential. Pursuant to Table 1 of the Comprehensive Plan, the RH zone is an implementing zoning district of the High Density Residential Land Use Designation.

Per KMC 18.03.040(4), “The purpose of RH district is to establish areas for multiple residential buildings and promote a suitable residential environment. The district is a transitional use between commercial and low and medium density residential uses.”

The Comprehensive Plan Land Use Element indicates a need for additional High Density Residential land in order to accommodate the next 20 years of population growth. In addition, this location is across the street from a park, has easy access to transit and is located near commercial services. The site has access to utilities, making it an excellent candidate for infill development. In addition to these attributes, the site fronts W. Quinault Ave. which will eventually lead into the Vista Field redevelopment area where a compact, urban mixed use development is planned. Staff is of the opinion that higher density residential development at this location would complement the planned Vista Field redevelopment.

This proposal will implement the existing High Density Residential land use designation as well as promote the goals and policies of the comprehensive plan, specifically Residential Goals 1, 3 and 4 and their associated Policies 1.3, 3.4 and 4.1.

The site is adjacent to the following zoning districts:

Northwest:	Open Space (OS); Urban Mixed Use (UMU)
North:	Open Space (OS)
Northeast:	Residential, Low (RL)
East:	Residential, Low (RL)
Southeast:	Residential, Low (RL); Residential, Medium (RM)
South:	Residential, Low (RL), Residential, Medium (RM)
Southwest:	Industrial, Light (IL)
West:	Residential, Low (RL); Urban Mixed Use (UMU)

Applicable Goals and Policies of the Comprehensive Plan:

Residential Goal 1:	Provide for attractive, walkable, and well-designed residential neighborhoods, with differing densities and compatible with neighboring areas.
Residential Policy 1.3:	Require that multi-family structures be located near a collector street with transit, or near an arterial street, or near a neighborhood center.
Residential Goal 3:	Promote a variety of residential densities with a minimum density target of 3 units per acre as averaged throughout the urban area.
Residential Policy 3.4:	Residential High Density – Designate land for Residential High Density (HD) where access, topography, and adjacent land uses create conditions appropriate for a variety of unit types, or where there is existing multi-family development.
Residential Goal 4:	Provide more housing opportunities near commercial, transit and employment.
Residential Policy 4.1	Locate the highest density residential areas close to shops and services and transportation hubs.

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: This site is designated High Density Residential and in the City's comprehensive plan. The Residential, High (RH) zone is an implementing zone of the High Density Residential land use designation. In addition, the proposal is supported by Residential Goals 1, 3 and 4 and their associated Policies 1.3, 3.4 and 4.1.

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

Staff Response: The proposal promotes the public necessity, convenience and general welfare by implementing the Comprehensive Plan. It also maximizes the use of existing infrastructure eliminating the need for new infrastructure and the associated costs of maintenance saving the tax payers money which promotes the public necessity.

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

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

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

Staff Response: The proposed amendment is consistent with the applicable provisions of the Kennewick Municipal Code and the Comprehensive Plan. The RH zone implements the Comprehensive Plan's High Density Residential land use designation.

5. *Single Family Residential zoned properties only; Property is adjacent and contiguous (which shall include corner touches and property located across a public right-of-way) to property of the same proposed zoning classification or higher zoning classification.*

Staff Response: Not applicable to the proposed change of zone.

Findings:

1. The applicant is Jose Chavallo, (5927 W. Quinault St., Kennewick, WA 99336).
2. The property owner of 5927 W. Quinault Ave., 1026 N. Lincoln St., and 1048 N. Lincoln St. is Jose Chavallo and Tammy Steele-Chavallo (5927 W. Quinault St., Kennewick, WA 99336).
3. The property owner of 6009 W. Quinault Ave. is Quinault Village LLC II (5927 W. Quinault St., Kennewick, WA 99336)
4. The proposed change of zone is for parcels number 1-3399-202-0024-001, 1-3399-202-0024-002, 1-3399-202-0024-006 and 1-3399-202-0024-005 (5927 W. Quinault Ave., 6009 W. Quinault Ave., 1026 N. Lincoln St., and 1048 N. Lincoln St., respectively).
5. The request is to change the zoning from Residential, Manufactured Home (RMH) to Residential, High (RH).
6. The City's Comprehensive Plan Land Use Designation for the subject property is High Density Residential.
7. The Residential, Manufactured Home (RMH) zoning district is an implementing zone of the High Density Residential Comprehensive Plan Land Use Map designation.
8. The application was submitted on December 18, 2018 and declared complete for processing on December 18, 2018.
9. The application was routed for review to City Departments and outside agencies for comment on December 20, 2018.
10. Access to the site is currently provided from W. Quinault Ave. and N. Lincoln St.
11. The City of Kennewick Critical Area maps indicate that there are no critical areas on the site.
12. A Determination of Non-Significance issued for CPA 18-11/PLN-2018-01244 was adopted for this proposal on December 20, 2018.
13. The Property Posting sign for the public hearing was posted on site January 16, 2019.
14. Notice of the public hearing for this application was published in the Tri-City Herald on January 20, 2019. Notices were also mailed to property owners within 300 feet of the site on January 17, 2019. Notices were also mailed to property owners within 300 feet of the site on February 12, 2019 and published in the Tri-City Herald on February 17, 2019 after the February 4, 2019 Planning Commission meeting was cancelled due to inclement weather.
15. The proposed amendment conforms with the comprehensive plan.
16. The proposed amendment promotes the public necessity, convenience and general welfare.

17. The proposed amendment does not impose a burden upon public facilities beyond their capacity to serve or reduce such services to lands, which are deemed unacceptable by the City.
18. The proposed amendment is consistent with all applicable provisions of the Kennewick Municipal Code, including those adopted by reference from the Comprehensive Plan.

Conclusions:

1. Approval with implement Residential Goals 1, 3 and 4 and their associated Policies 1.3, 3.4 and 4.1 and the High Density Residential land use designation of the City of Kennewick Comprehensive Plan.
2. Approval promotes the public necessity, convenience and general welfare by implementing the Comprehensive Plan. It also maximizes the use of existing infrastructure eliminating the need for new infrastructure and the associated costs of maintenance saving the tax payers money which promotes the public necessity..
3. Approval proposal will not impose a burden upon public facilities beyond their capacity to serve, nor will it reduce service to the service area below the City's established levels of service.
4. The proposed amendment is consistent with the applicable provisions of the Kennewick Municipal Code and the Comprehensive Plan. The RH zone is implements the Comprehensive Plan's High Density Residential land use designation.

Recommendation:

Staff has reviewed the application and recommends that the Planning Commission concur with the findings and conclusions contained in staff report COZ 18-13 and recommend APPROVAL to City Council.

Motion:

I move that the Planning Commission concur with the findings and conclusions in staff report COZ 18-13 and recommend APPROVAL to City Council approval of the request.

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



PROJECT # 60218 - 13 PLN- 2018 - 03884 FEE \$ 1035.

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: Jose A. Chavallo

Address: 5927 W Quinault Avenue, Kennewick, WA 99336

Telephone: _____ Cell Phone: 509-539-1067 Fax: _____ E-mail: FredC@owt.com

Property Owner (if other than applicant): Same

Address: _____

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

SITE INFORMATION

Parcel No. 133992020024001, 4002, 4005, 4006 Acres 8.25 Zoning: current RMH

Address of property: 5927 & 6009 W. Quinault Ave., 1026 & 1048 N. Lincoln Street

Number of Existing Parking Spaces N/A Number of Proposed (New) Parking Spaces N/A

Present use of property residential and vacant parcels

Size of existing structure: 1800 & 1800 sq. ft. Size of Proposed addition/New structure: TBD 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: N/A

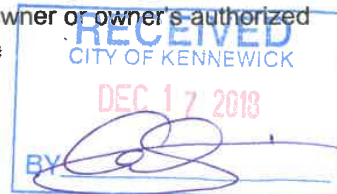
Description of Project: Change of zone to Residential High (RH),
to be compatible with Comprehensive Plan amendment.

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

Applicant's Signature

Date:

Signature of owner or owner's authorized representative



Change-of-Zone Supplemental Information

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

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

Yes. This zone change will bring the property into conformance with the adopted comprehensive plan. It will allow the development of Multi-family housing.

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:

a. Yes within the city.

b. unknown

c. unknown

This property is owned by the applicant.

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

This zone change will bring the property into conformance with the adopted comprehensive plan. It will allow the development of Multi-family housing.

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

Applicant is unaware of any non-conforming uses.

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

This zone change will bring the property into conformance with the adopted comprehensive plan. It will allow the development of Multi-family housing.

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

This zone change will bring the property into conformance with the adopted comprehensive plan. It will allow the development of Multi-family housing.

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

Applicant feels the development of the multi-family housing will compliment the future development of the Vista Field Entertainment District.

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

The development of the existing vacant land into a Multi-family housing project will increase the land value of the proposed site.

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:

It is unknown what other property owners will consider in future development of their parcels of land. This development may entice better uses of the adjoining parcels to compliment development of the Vista Field Entertainment District.

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

Applicant feels this development may encourage the removal of the old storage facility west of the development into a more complimentary use of land.

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

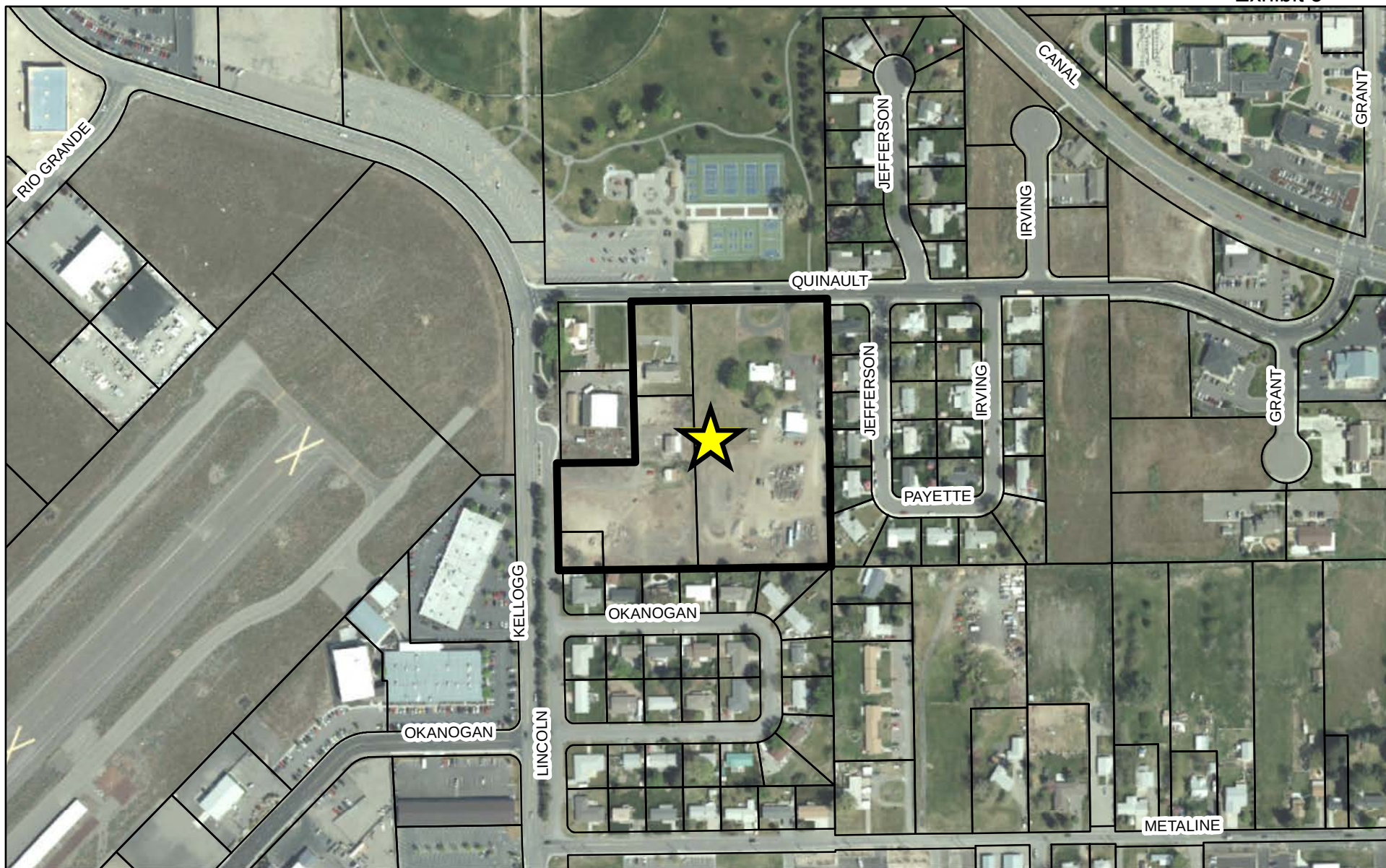
Yes. There is a need for Multi-family housing within the City of Kennewick. This proposal is located near the future Vista Field Entertainment District. It helps meet the goals proposed by the District of work, shop, and play near where you live.

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

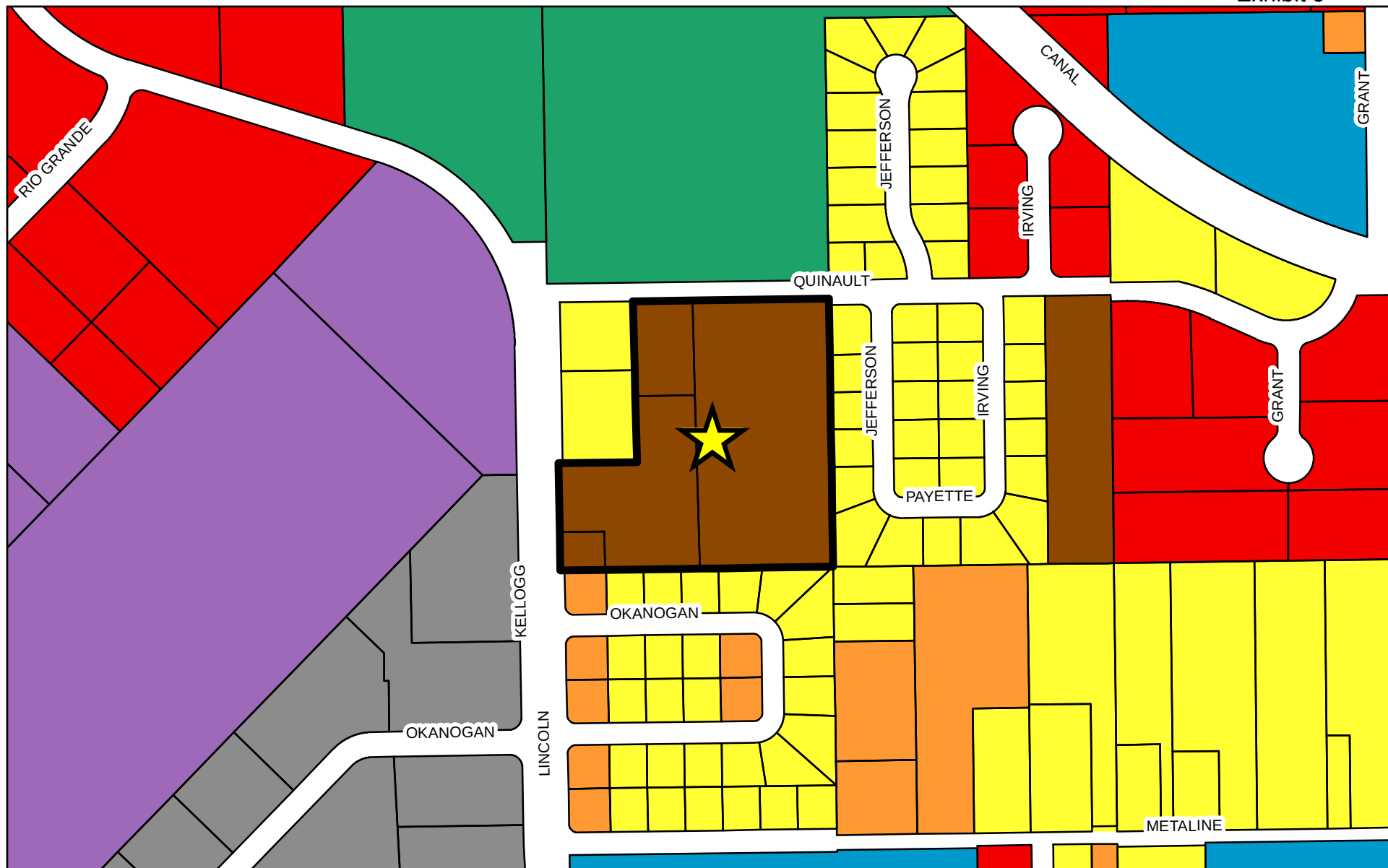
No. The surrounding area is being developed to accommodate higher use of this developing area.

Summary of City forms required:

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



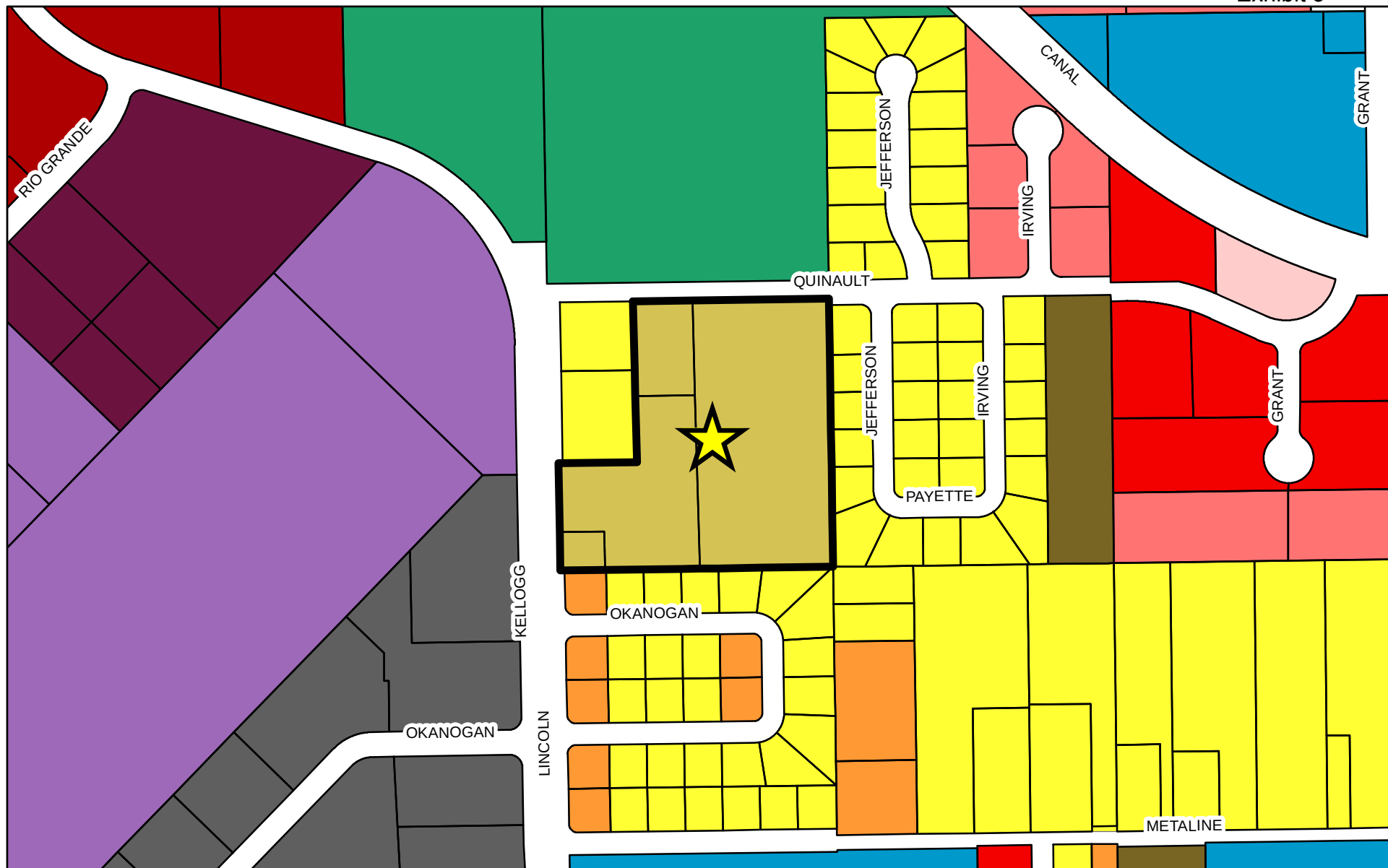
COZ 18-13/PLN-2018-03884 Site Map



COZ 18-13/PLN-2018-03884 Land Use Map

	Open Space		High Density Residential		Industrial
	Low Density Residential		Mixed Use		Public Facility
	Medium Density Residential		Commercial		





COZ 18-13/PLN-2018-03884 Zoning Map

 Commercial, General (CG)	 Commercial, Regional (CR)	 Residential, Medium (RM)
 Commercial, Neighborhood (CN)	 Industrial, Light (IL)	 Residential, Manufactured Home (RMH)
 Commercial, Office (CO)	 Open Space (OS)	 Residential, Trailer Park (RTP)
 Commercial, Community (CC)	 Public Facility (PF)	 Residential, Low (RL)
		 Urban Mixed Use (UMU)





ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT

Adoption for [X] DNS [] EIS [] Other

Description of proposal: Rezone 8.25 acres from Residential, Manufactured Home (RMH) to Residential, High (RH)

Proponent: City of Kennewick

Location of current proposal: 5927 & 6009 W. Quinault Ave. and 1026 & 1048 N. Lincoln St, Kennewick, WA.

Title of document being adopted: DNS for CPA 18-11/PLN-2018-01244

Agency that prepared document being adopted: City of Kennewick

Date adopted document was prepared: July 20, 2018

Description of document (or portion) being adopted: Determination of Non-Significance for an amendment to the comprehensive plan land use map for 8.25 acres from Low Density Residential to High Density Residential

If the document being adopted has been challenged (WAC 197-11-630) please describe: This document has not been challenged.

The document is available to be read at (place/time): City of Kennewick Development Services Department
210 W 6th Ave, Kennewick, WA between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday

We have identified and adopted this document as being appropriate for this proposal after independent review. The document meets our environmental review needs for the current proposal and will accompany the proposal to the decision maker.

Name of agency: City of Kennewick

Phone: 509-585-4463

Contact person, if other than responsible official: Anthony Muai

Phone: 509-585-4386

Responsible Official: Greg McCormick

Position/Title: Planning Director

Phone: 509-585-4463

Address: 210 W 6th Ave, Kennewick, WA 99336

Date: December 20, 2018

Signature: _____

Gregory J. McCormick



AFFIDAVIT NOTICE OF MAILING

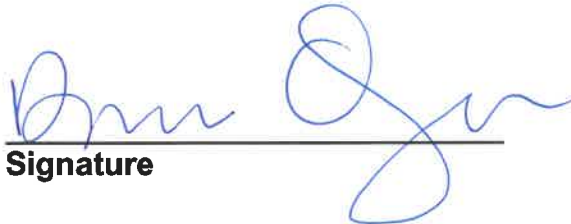
I, Bianca Orozco, on 1/17, 2019

mailed _____ copies of Notice of Public Hearing

for Change of Zone (COZ) 18-13 (Jose Chavallo) located at 5927 W. Quinault Ave., 6009 W. Quinault Ave., 1026 N. Lincoln St., and 1048 N. Lincoln St. from Residential, Manufactured Home (RMH) to Residential, High (RH)

to Surrounding Property Owners within 300 feet of the boundary of the site

as shown on the attached list.


Signature

COZ 18-13 / PLN-2018-03884
5927 & 6009 W QUINAULT AVE
1026 & 1048 N LINCON ST
RMH TO RH
JOSE CHAVALLO

37 PORT OF KENNEWICK, 101 CLOVER ISLAND DR KENNEWICK, WA 99336	37 DUP PORT OF KENNEWICK, 350 CLOVER ISLAND DR KENNEWICK, WA 99336	37 CADWELL VISTA FIELD PARTNRSHIP, 909 N KELLOGG KENNEWICK, WA 99336
37 CITY OF KENNEWICK, CITY PARK P O BOX 6108 KENNEWICK, WA 99336-0108	37 DUP CADWELL VISTA FIELD PARTNRSHIP, 909 N KELLOGG KENNEWICK, WA 99336	37 ROBERTS DOROTHY L 5830 W METALINE AVE KENNEWICK, WA 99336
37 SAGET SEAN P 5826 W METALINE PL KENNEWICK, WA 99336	37 ERICKSON DALE R & SYLVIA 11804 WATERS EDGE DR PASCO, WA 99301-9096	37 CITY OF KENNEWICK PO BOX 6108 KENNEWICK, WA 99336-0108
37 CHAVALLO JOSE A & TAMMY K STEELE 5927 W QUINAULT ST KENNEWICK, WA 99336-7631	37 QUINAULT VILLAGE LLC II 5927 W QUINAULT AVE KENNEWICK, WA 99336	37 COLLEY MICHELLE R 6855 W CLEARWATER #A101-178 KENNEWICK, WA 99336
37 CROP CIRCLE LLC 3202 W 46TH AVE KENNEWICK, WA 99337	37 DUP CHAVALLO JOSE & TAMMY STEELE 5927 W QUINAULT ST KENNEWICK, WA 99336-7631	37 DUP CHAVALLO JOSE & TAMMY STEELE 5927 W QUINAULT ST KENNEWICK, WA 99336-7631
37 DAVARI HOSSEIN & TERRI 6730 W 7TH AVE KENNEWICK, WA 99336-9398	37 WONG JUDY 8016 W DESCHUTES AVE KENNEWICK, WA 99336-1634	37 MORRIS ALLEN R 1207 N JEFFERSON ST KENNEWICK, WA 99336-7672
37 MASON BRENT 1209 N JEFFERSON ST KENNEWICK, WA 99336-7672	37 DONNER JUDITH A & BRUCE L 1004 S DAWES ST KENNEWICK, WA 99338	37 LAPIERRE DARREN D 1204 N JEFFERSON ST KENNEWICK, WA 99336
37 RUIZ CARLOS 1202 N JEFFERSON ST KENNEWICK, WA 99336	37 BESWICK H K & JOYCE I 5804 W QUINAULT AVE KENNEWICK, WA 99336	37 PRICE MARGERY A 5711 W PAYETTE AVE KENNEWICK, WA 99336
37 CHANDLER TERESA E 5719 W PAYETTE AVE KENNEWICK, WA 99336-7601	37 HUGHES JOHN L & VERNA 1101 N JEFFERSON PL KENNEWICK, WA 99336-7671	37 NORTON JAMES M & KAREN L 1105 N JEFFERSON PL KENNEWICK, WA 99336-7671
37 STRICKLAND SCOTT A & JULIE N 1115 N JEFFERSON PL KENNEWICK, WA 99336-7671	37 RAVELLA THOMAS 1878 W 25TH CT KENNEWICK, WA 99337	37 BOGART HAROLD R & YVONNE L 1121 N JEFFERSON PL KENNEWICK, WA 99336-7671

37
BURNHAM RICHARD & PHYLLIS
5723 W QUINAULT AVE
KENNEWICK, WA 99336-7667

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STEPHENS KEVIN A & TERESA J
1126 N JEFFERSON PL
KENNEWICK, WA 99336-7671

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ROSS RICHARD T & JULIE A
1118 N JEFFERSON PL
KENNEWICK, WA 99336-7671

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NADEAU DUANE C & AMY M
1114 N JEFFERSON PL
KENNEWICK, WA 99336-7671

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JORDAN TRUSTEE GERALD L & MARIAN
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KENNEWICK, WA 99336-7671

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SCHOELLER NANCY
5708 W PAYETTE AVE
KENNEWICK, WA 99336

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CRABB MELVIN L & MARY L
1115 N IRVING PL
KENNEWICK, WA 99336-7620

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FELLMAN TYSON
1119 N IRVING PL
KENNEWICK, WA 99336-7620

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EBRIGHT LAURA
1125 N IRVING PL
KENNEWICK, WA 99336

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HOOPER BRANDON
5715 W QUINAULT AVE
KENNEWICK, WA 99336

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MCKAY TOBY M & NATALIE
2708 N ROAD 60
PASCO, WA 99301

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DAVIS ALEXANDER BONHAM & ALICIA
JEAN
6030 W OKANOGAN LOOP
KENNEWICK, WA 99336

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DAVIDSON BRIAN D
6028 W OKANOGAN LOOP
KENNEWICK, WA 99336

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ASHLEY B E
6026 W OKANOGAN
KENNEWICK, WA 99336

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SIMMONS TANYA
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COIE BRENT A
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CLARK DEBORAH A & ROBERT
6029 W OKANOGAN LOOP
KENNEWICK, WA 99337

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MCCLURE MICHAEL B & DARLENE A
6027 W OKANOGAN LOOP
KENNEWICK, WA 99336-7625

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COFFEY JAMES M & KYLA J
6025 W OKANOGAN LOOP
KENNEWICK, WA 99336

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135 CANTERBURY RD
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MCMAHGAN ASSOCIATES LLC
4816 AURORA AVE N
SEATTLE, WA 99103

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CASE KATIE D & ZACHARY A
6007 OKANOGAN LOOP
KENNEWICK, WA 99336

37
BOOTSMA ROBERT W
6005 W OKANOGAN LOOP
KENNEWICK, WA 99336-7625

37
PURCELL JOHN E
6003 W OKANOGAN LOOP
KENNEWICK, WA 99336-7625

37
MCKAY TOBY M & NATALIE J
2708 N ROAD 60
PASCO, WA 99301

37
SAMSEL STACEY EDWARD
5915 W QUINAULT AVENUE
KENNEWICK, WA 99336

Exhibit 5

COZ 18-13 / PLN-2018-03884
5927 & 6009 W QUINAULT AVE
1026 & 1048 N LINCON ST
RMH TO RH
JOSE CHAVALLO

Easy Peel® Address Labels
Bend along line to expose Pop-up Edge®

5960®



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KENNEWICK PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

February 4, 2019 6:30 p.m.

The Kennewick Planning Commission will hold a Public Hearing on Monday, February 4, 2019, 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 18-13 – Jose A. Chavallo has proposed to change the zoning for 8.25 acres located at 5927 W. Quinault Ave., 6009 W. Quinault Ave., 1026 N. Lincoln St., and 1048 N. Lincoln St. from Residential, Manufactured Home (RMH) to Residential, High (RH). The property has a comprehensive plan land use designation of High Density Residential. For questions about this project, please call Anthony Muai (509) 585-4386.

Written comments may be addressed to Anthony Muai and submitted to anthony.muai@ci.kennewick.wa.us or mailed to PO Box 6108, Kennewick, WA 99336 no later than 4:30 p.m., February 1, 2019. All other comments should be submitted at the meeting.

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From: MICHAEL B MCLURG
6027 W. OKANOGAN LE
KENN, WA 99336

KENNEWICK PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

February 4, 2019 6:30 p.m.

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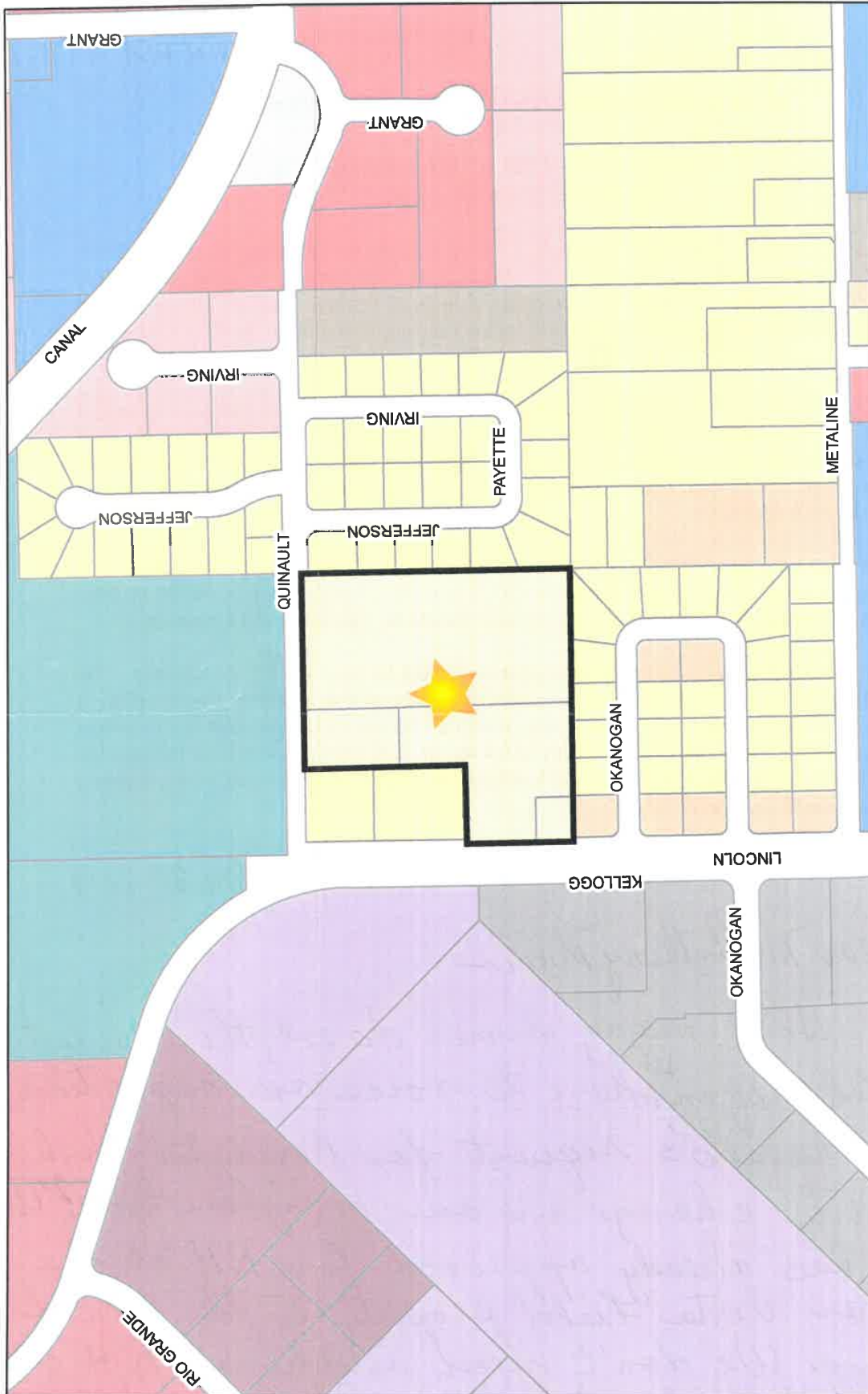
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Jan. 30, 2019

Dear Mr. Anthony Muai—

How many times do we, the residents, of Okanogan¹⁸ have to voice our opposition Mr. Chavallo's request for Residential High density change in our neighborhood? The city has already approved for RH on the former Vista Field property to the west of Kellogg. We don't need additional RH on the east side of Kellogg. Please deny/veto Mr Chavallo's request. Regards—Michael



COZ 18-10/PLN-2018-03442

- | | | | | | | | |
|--|-------------------------------|--|---------------------------|--|-----------------------|--|--------------------------------------|
| | Commercial, Community (CC) | | Commercial, Office (CO) | | Open Space (OS) | | Residential, Medium (RM) |
| | Commercial, General (CG) | | Commercial, Regional (CR) | | Public Facility (PF) | | Residential, Manufactured Home (RMH) |
| | Commercial, Neighborhood (CN) | | Industrial, Light (IL) | | Residential, Low (RL) | | Residential, Trailer Park (RTP) |
| | | | | | | | Urban Mixed Use (UMU) |



AFFIDAVIT NOTICE OF MAILING

I, Bianca Orozco, on 2/12, 2019

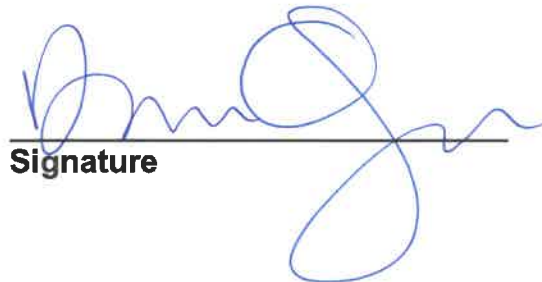
mailed 57 copies of Notice of Public Hearing

for Change of Zone (COZ) 18-13 (Jose Chavallo) located at 5927 W. Quinault Ave., 6009 W. Quinault Ave., 1026 N. Lincoln St., and 1048 N. Lincoln St. from Residential, Manufactured Home (RMH) to Residential, High (RH)

to Surrounding Property Owners within 300 feet of the boundary of the site

as shown on the attached list.

COZ 18-13 / PLN-2018-03884
5927 & 6009 W QUINAULT AVE
1026 & 1048 N LINCOLN ST
RMH TO RH
JOSE CHAVALLO


Signature

37
PORT OF KENNEWICK,
101 CLOVER ISLAND DR
KENNEWICK, WA 99336

37
BOOTSMA ROBERT W
6005 W OKANOGAN LOOP
KENNEWICK, WA 99336-7625

37
CADWELL VISTA FIELD PARTNRSHP,
909 N KELLOGG
KENNEWICK, WA 99336

37
CITY OF KENNEWICK,
CITY PARK P O BOX 6108
KENNEWICK, WA 99336-0108

37
PURCELL JOHN E
6003 W OKANOGAN LOOP
KENNEWICK, WA 99336-7625

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ROBERTS DOROTHY L
5830 W METALINE AVE
KENNEWICK, WA 99336

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SAGET SEAN P
5826 W METALINE PL
KENNEWICK, WA 99336

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ERICKSON DALE R & SYLVIA
11804 WATERS EDGE DR
PASCO, WA 99301-9096

37
CITY OF KENNEWICK
PO BOX 6108
KENNEWICK, WA 99336-0108

37
CHAVALLO JOSE A & TAMMY K STEELE
5927 W QUINAULT ST
KENNEWICK, WA 99336-7631

37
QUINAULT VILLAGE LLC II
5927 W QUINAULT AVE
KENNEWICK, WA 99336

37
COLLEY MICHELLE R
6855 W CLEARWATER #A101-178
KENNEWICK, WA 99336

37
CROP CIRCLE LLC
3202 W 46TH AVE
KENNEWICK, WA 99337

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MCKAY TOBY M & NATALIE J
2708 N ROAD 60
PASCO, WA 99301

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SAMSEL STACEY EDWARD
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KENNEWICK, WA 99336

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DAVARI HOSSEIN & TERRI
6730 W 7TH AVE
KENNEWICK, WA 99336-9398

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WONG JUDY
8016 W DESCHUTES AVE
KENNEWICK, WA 99336-1634

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MORRIS ALLEN R
1207 N JEFFERSON ST
KENNEWICK, WA 99336-7672

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MASON BRENT
1209 N JEFFERSON ST
KENNEWICK, WA 99336-7672

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DONNER JUDITH A & BRUCE L
1004 S DAWES ST
KENNEWICK, WA 99338

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LAPIERRE DARREN D
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RUIZ CARLOS
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KENNEWICK, WA 99336

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BESWICK H K & JOYCE I
5804 W QUINAULT AVE
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5711 W PAYETTE AVE
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KENNEWICK, WA 99336-7601

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STRICKLAND SCOTT A & JULIE N
1115 N JEFFERSON PL
KENNEWICK, WA 99336-7671

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RAVELLA THOMAS
1878 W 25TH CT
KENNEWICK, WA 99337

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BOGART HAROLD R & YVONNE L
1121 N JEFFERSON PL
KENNEWICK, WA 99336-7671

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**COZ 18-13 / PLN-2018-03884
5927 & 6009 W QUINAULT AVE
1026 & 1048 N LINCOLN ST
RMH TO RH
JOSE CHAVALLO**

KENNEWICK PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

March 4, 2019 6:30 p.m.

The Kennewick Planning Commission will hold a Public Hearing on Monday, March 4, 2019, 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 18-13 – Jose A. Chavallo has proposed to change the zoning for 8.25 acres located at 5927 W. Quinault Ave., 6009 W. Quinault Ave., 1026 N. Lincoln St., and 1048 N. Lincoln St. from Residential, Manufactured Home (RMH) to Residential, High (RH). The property has a comprehensive plan land use designation of High Density Residential. For questions about this project, please call Anthony Muai (509) 585-4386.

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KENNEWICK PLANNING COMMISSION

COMMUNITY PLANNING

NOTICE OF PUBLIC HEARING

March 4, 2019 6:30 p.m.

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Anthony Muai

Sir:

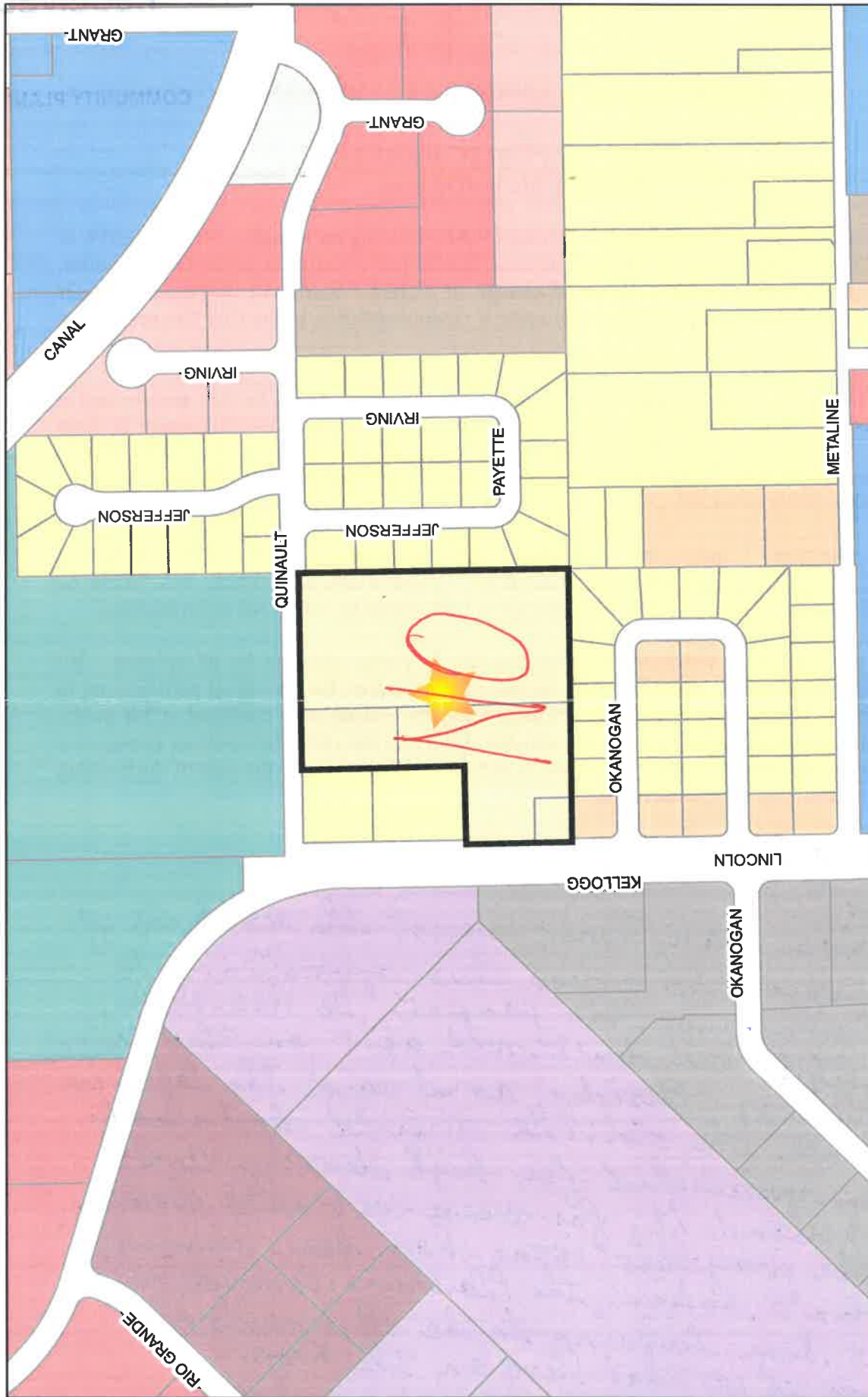
How many times must the residents of Okanogan Lp voice their opposition to reclassifying this property to Res-High Density? We don't need apts on this side of Kellogg. Besides, as I said the last time I wrote, the old Vista airfield had already been reclassified for high density. As I understand it, for ~~over~~ 400+ apts already.

The way this issue has been ongoing, I don't believe the Planning Commission has been listening to the comments of those of us that live on the Loop.

Michael



Michael McClure
6027 W Okanogan Loop
Kennewick, WA 99336



COZ 18-10/PLN-2018-03442

- | Category | Color |
|--------------------------------------|--------------|
| Commercial, Community (CC) | Red |
| Commercial, General (CG) | Dark Red |
| Commercial, Neighborhood (CN) | Light Red |
| Commercial, Office (CO) | Orange |
| Commercial, Regional (CR) | Dark Orange |
| Industrial, Light (IL) | Gray |
| Open Space (OS) | Teal |
| Public Facility (PF) | Blue |
| Residential, Low (RL) | Yellow |
| Residential, Medium (RM) | Light Orange |
| Residential, Manufactured Home (RMH) | Yellow |
| Residential, Trailer Park (RTP) | Brown |
| Urban Mixed Use (UMU) | Purple |