

1. CALL TO ORDER:

- a. Roll Call/Pledge of Allegiance

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

- a. Approval of the Minutes dated August 19, 2019 and August 26, 2019
- b. Approval of Agenda
- c. Motion to enter Staff Report(s) into Record

3. PUBLIC HEARING:

- a. Zoning Ordinance Amendment (ZOA) # 19-04 proposing to amend Kennewick Municipal Code (KMC) Subsection Section 17.04.010(1) to allow any division of land not containing a dedication and in which the smallest lot created by the division exceeds 10 acres in area instead of the currently required 20 acres.
- b. Zoning Ordinance Amendment (ZOA) # 19-05 proposing to amend Kennewick Municipal Code Subsection Section 18.12.270(4) to allow transportable units that are in good condition may be utilized for business activities, other than storage in the UMU and Industrial, Heavy zones.
- c. Zoning Ordinance Amendment (ZOA) # 19-06 proposing amendments to Kennewick Municipal Code 18.66 – Flood Damage Protection to clarify existing regulations and to bring wording into alignment with state and federal model ordinances.

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

- a. City Council Action Updates

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

**KENNEWICK PLANNING COMMISSION
AUGUST 19, 2019
MEETING MINUTES**

CALL TO ORDER

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

Commissioner Rettig led the Pledge of Allegiance.

Recorder Melinda Didier called the roll and found the following:

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

Excused: Commissioners Thomas Helgeson and James Hempstead.

Unexcused: None

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

CONSENT AGENDA

- a. Approval of Minutes dated July 15, 2019
- b. Approval of Agenda
- c. Motion to enter Staff Reports into the Record

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

PUBLIC HEARINGS

Chairman Pacheco opened the public hearing at 6:33 p.m. for Change of Zone (COZ) #19-03 from Residential, Medium Density (RM) to Commercial, Community (CC) for property located at 1369 N. Grant St. Applicant is Carlton Cadwell, 1350 N. Grant Street, Kennewick, WA, 99336.

Mr. Donovan gave a brief overview of the staff report, and presented a Power Point of the staff report. Staff recommends that the Planning Commission concur with the findings and conclusions contained in staff report COZ 19-03 and recommend to City Council approval of the request.

Planning Commission questions included: adding additional lighting; no applications received right now, requirements there for lighting, paving.

Testimony of Applicant:

Janelle Klaschke
Tri-City Court Club
1350 N. Grant St
Kennewick 99336

The Court Club has grown to 50 employees, biggest need is employee parking; there is shared parking with church; Tri-Tech brings students twice a week; concerns from neighbors about extra traffic and pedestrian crossing issues; area surrounded by other businesses; feel it's in line with the vicinity; good neighbors, amenable with sharing the parking with County.

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for COZ 19-03 closed at 6:40 p.m.

Chairman Pacheco asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report COZ #19-03 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Rettig seconded the motion.

Planning Commission discussion included: None

The motion passed unanimously.

Chairman Pacheco opened the public hearing at 6:41 p.m. for Comprehensive Plan Amendment (CPA) #19-01 from Low Density Residential (LDR) to Public Facility (PF) for 0.27 acres of land at 5801 W. Hildebrand Ave. Applicant is Eric Bruce, Kennewick School District, 5501 W. Metaline Avenue, Kennewick, WA 99336

Mr. McCormick reviewed the staff review and public hearing process for the first five of ten total Comprehensive Plan Amendments for 2019, and noted that he would be presenting the staff reports.

Mr. McCormick gave a brief overview of the staff report, and presented a Power Point of the staff report. Staff recommends that the Planning Commission concur with the findings and conclusions contained in staff report CPA 19-01 and recommend to City Council approval of the request.

Planning Commission questions included:

None

Testimony of Applicant:

Paul Knutzen
Knutzen Engineering
5401 Ridgeline Dr. Ste. 160
Kennewick 99338

Kennewick School District has been working for several years to get property rezoned; KSD owns property and moving forward to position new bus lane, change of zone to comply with PF and combine parcels to move forward; bus lane still ongoing hope to have done in next two months.

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for CPA 19-01 closed at 6:47 p.m.

Chairman Pacheco asked for a motion.

Vice Chairman Morris moved to concur with the findings and conclusions in staff report CPA #19-01 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Stolle seconded the motion.

Planning Commission discussion included: None

The motion passed unanimously on a roll call vote.

Chairman Pacheco opened the public hearing at 6:48 p.m. for Comprehensive Plan Amendment (CPA) #19-02 from Low Density Residential (LDR) and Open Space (OS) to Public Facility (PF) for 30.08 acres located at 3500 S. Vancouver Street. Applicant is Eric Bruce, Kennewick School District, 5501 W. Metaline Avenue, Kennewick, WA 99336

Mr. McCormick gave a brief overview of the staff report and presented a Power Point of the staff report. Staff recommends that the Planning Commission concur with the findings and conclusions contained in staff report CPA 19-02 and recommend to City Council approval of the request.

Planning Commission questions included:

Are there any homes in the southwest corner that is low density residential?

Testimony of Applicant:

Paul Knutzen
Knutzen Engineering
5401 Ridgeline Dr Ste. 160
Kennewick 99338

Very similar in case in point as Southridge; installing new track and field, as putting project together were putting together storage building and need to do a parcel combination, zones aren't consistent with comp plan designations hence the amendment; patchwork of parcels and zones; Kennewick School District applied for tax parcel combo but need an actual property line parcel combo; this is simply to clean up property lines and have consistent zoning.

Testimony in favor:

None

Testimony neutral or against:

David McCary
2302 W. 31st Avenue
Kennewick 99337

Request to leave it as Open Space alone; increase in traffic, limited parking and problematic for children walking; as soon as status for PF can build anything they like; heavy traffic issue; benefit to entire community, should leave area alone. Opposed.

Gerald Scarre
2107 W. 34th Avenue
Kennewick 99337

Lives on 34th and last little house there; in favor of what they've done; park is my access for getting out and about in motorized wheelchair; school property, no access to the park; alternative should be put in track and pathway next to school district and leave access to park.

Angel Venegas
2105 W. 34th Avenue
Kennewick 99337

The new track is along the pathway, should leave the land as open space, a lot of people use the ball fields, if parcel is opened up may affect public use; opposed; I like the track it looks great, now should alleviate congestion through the park.

Kathryn Armstrong
2203 W 31st Avenue
Kennewick 99337

Very little notice to people that this was proposed; none of Shadow Run folks got it nor from Pheasant Run; in light of that don't look at changes until people could have notice and a chance to comment. Opposed to this proposal.

Lisa Ellsworth
2300 W. 31st Avenue
Kennewick 99337

Family uses the park every day, concerned that once its zone is changed, school district could do whatever they want; concern and question if all zoned public facility do we get to comment on what they can do or opportunity to voice concerns. Opposed.

Eunice Hickerson
2913 S Yelm Street
Kennewick 99337

In a nice quiet neighborhood that can turn into a very busy area; very heavily utilized park, why would you want to rezone to public facility; please take into consideration please either not pass it or table it.

Madge Peterson
2500 W 36th Avenue
Kennewick 99337

I live right down at bottom of area to be rezoned; have worked for KSD for 30 years; we don't know what can happen in the future, we have seen what has happened in other areas, park is heavily used and increasing every year; don't want a nebulous idea for any future plans.

Kathy Yale
3300 S Conway Drive
Kennewick 99337

Live in Shadow Run, I do loops for exercise there, cross country teams start there and even though the yards are small the draw for moving to Shadow Run was the park, opposes change.

Jerry Mikkelsen
2100 W. 34th Street
Kennewick 99337

All summer we have suffered with trucks and dust all summer long; 1.3 million dollars for the track; question is what will happen with section of green outside zone area change why is it not included.

Marrissa McKee
3107 S. Young Street
Kennewick 99337

I live on the house near tennis courts, work for KSD as substitute teacher, aware of big picture; in favor of expanding and improving track; as homeowner have seen expansion change park space; kids are merging into parks in our neighborhood; if zoned and turned into PF, don't know what will happen, can hear swearing coming into house; Opposed.

Staff final comments:

Mr. McCormick said the applicant has answers to questions and then City staff will answer question:

Paul Knutzen, applicant: to clarify a few things, lot of good points brought up; wasn't aware of community negativity toward the proposal until tonight; on the Amistad property, zoned CC, that's unique to that site; little piece of green outside zone area is owned by City, other area owned by school district; 30 acres is average size for school; lot of synergy between city and schools with regards to parks and schools; as to changing to Public Facility zone, 95% of the school sites are all zoned PF; uses are schools, fire station, municipal service type of building; Kamiakin High School is zoned OS; regardless of OS or PF zone is irrelevant it's all going to be a school, will be used for school uses, it's school property.

Mr. McCormick said as to the question of public access, Kennewick School District owns property and can control access, schools are permitted use in OS or PF; point about Amistad, the clinic near there was actually in a commercial zone; the city met all state and city requirements about notices sent to property own within 300 feet, also we posted the site and published the notice in the newspaper; the question about why is the area in the black boundary not all open space – that area is actually a city owned park ; the only property school can make these types of requests on is their own property. Chairman Pacheco asked what the rush is, can this action be done later; Mr. McCormick said all comp plan amendments have to go to City Council as a “batch”, they go as a group, so you either need to approve or deny; Chairman Pacheco asked can other things go on Public Facility, can you build other things there not school-related; Mr. McCormick said it's very limited what is built in PF zoning district, believes an RV Park can be built in Open Space but not in Public Facility. Chairman Pacheco asked if the public has comment on what is being built there; Mr. McCormick said whatever is permitted by right, or by zoning district is what can be built, there could be an environmental review but actual construction of what's allowed doesn't have to send notices, we don't send out notices on construction projects.

Commissioner Moore asked what location the 300' is from; Mr. McCormick said from all corners of the property. Commissioner Moore asked if this is the appropriate time to talk about boundary lines, is it possible to adjust the boundary lines and leave public facility in open space. Mr. McCormick said no, you have to go on parcel lines, you can't just start drawing boundary lines. Commissioner Moore asked Mr. Knutzen to if there are any projections of growth on this particular location; Mr. Knutzen said no, doesn't know of any growth projections from school district, based on knowledge they're Highlands track is for next year, bond project for rebuild of Kennewick High School, Southridge bus loop, Kamiakin parking projects next summer all part of the bond; plans to purchase land for future elementary schools; Commissioner Moore asked regards to track, is part of schools operation is permitted use? Structure could be built if it is part of school use regardless of Open Space or Public Facility. Vice Chairman Morris asked how many people were on the 300' mailing list for this proposal; Mr. McCormick said he didn't have that information with him, not included in packet, every homeowner within 300' of proposal boundary was sent a meeting notice, the property was posted, and a notice was placed in the Tri-City Herald.

Marrissa McKee
3107 S. Young Street
Kennewick 99337

All KSD owned and that portion is City; my question is turned to public facility from open space; whatever is allowed in the PF or OS can be built, will baseball fields be turned into anything. Mr. McCormick said no, not anything can be built, whatever is allowed in PF zoning district can be built - would be allow only what is allowed under the city zoning laws. Ms. McKee said the concern is still the same.

David McCary
2302 W. 31st Avenue
Kennewick 99337

If anything can be built there why is it being changed.

Public Testimony for CPA 19-02 closed at 7:30 p.m.

Chairman Pacheco asked for a motion.

Commissioner Rettig moved to concur with the findings and conclusions in staff report CPA #19-02 and forward a recommendation to City Council APPROVAL of the request.

The motion died for lack of a second.

Mr. McCormick advised Chairman Pacheco that a recommendation has to be made to City Council, either to approve or deny the request, as well as making Findings and Conclusions if the motion is to deny the request.

Chairman Pacheco asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report CPA #19-02 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Rettig seconded the motion.

Planning Commission discussion included: The Planning Commissioners were advised by Mr. McCormick that any discussion at the dais need to be picked up by the audio recording, to please speak clearly into the microphone. Commissioner Moore apologized and said here are currently three zones in the subject area, and asked if CPA 19-02 is delayed to next week for further public comment, could we delay to the 26th; or come up with any Commissioners next week or any present to be absent. Vice Chairman Morris said Commissioner Moore is proposing a different motion to continue the hearing; Commissioner Moore said a decision is needed on the current motion, if fails to be approved, another motion is needed for denial. Mr. McCormick said there is a motion on the table with a second that needs to be dealt with one way or another, and if then the new motion is to continue the hearing, you need to keep in mind that we have a few Commissioner that will be here next week that haven't been involved in the discussion for this amendment, and some of you won't be here for next week's meeting. Mr. McCormick said under Robert's Rules you can do that, logistically you need to take those things into consideration. Commissioner Stolle said it is his understanding that in the open space and

public facility zones the school district has every right to build additional school facilities, whatever is permitted under open space area and public facility area, fact of the matter is the Kennewick School District can put what they want under whatever the current zone (OS) allows here.

The motion passed on a 3-2 roll call vote; Commissioner Rettig, Commissioner Stolle and Vice Chairman Morris in favor. Commissioner Moore and Chairman Pacheco opposed.

Chairman Pacheco opened the public hearing at 7:38 p.m. for Comprehensive Plan Amendment (CPA) #19-03 from Low Density Residential (LDR) to Commercial for property located at 7640 W. Hildebrand Blvd. Applicant is Bauder Young Properties LLC, 1955 Jadwin Avenue, Richland, WA 99352.

Mr. McCormick gave a brief overview of the staff report and presented a Power Point of the staff report. Staff recommends that the Planning Commission concur with the findings and conclusions contained in staff report CPA 19-03 and recommend to City Council approval of the request.

Planning Commission questions included:

None

Testimony of Applicant:

None

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for CPA 19-03 closed at 7:40 p.m.

Chairman Pacheco asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report CPA #19-03 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Rettig seconded the motion.

Planning Commission discussion included: None

The motion passed unanimously on a roll call vote.

Chairman Pacheco opened the public hearing at 7:40 p.m. for Comprehensive Plan Amendment (CPA) #19-04 from Low Density Residential (LDR) to Medium Density Residential for 5.526 acres located at 6230 Ridgeline Drive. Applicant is KDS Development, Inc., 32814 SE 110th Street, Issaquah, WA 98027.

Mr. McCormick gave a brief overview of the staff report and presented a Power Point of the staff report. Staff recommends that the Planning Commission concur with the findings and conclusions contained in staff report CPA 19-04 and recommend to City Council approval of the request.

Planning Commission questions included:

None

Testimony of Applicant/Representative:

Jeff Jensen
Jensen and Associates
3505 S Volland Street
Kennewick 99336

Client in control of property to west; long narrow properties difficult to develop; need change of zoning to develop properties to as a whole.

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for CPA 19-04 closed at 7:44 p.m.

Chairman Pacheco asked for a motion.

Commissioner Rettig moved to concur with the findings and conclusions in staff report CPA #19-04 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Moore seconded the motion.

Planning Commission discussion included: None

The motion passed unanimously on a roll call vote.

Chairman Pacheco opened the public hearing at 7:45 p.m. for Comprehensive Plan Amendment (CPA) #19-06 from Low Density Residential (LDR) to Medium Density Residential (MDR) for 82.64 acres located at 5800 W. 28th Avenue and 2175 S. Sherman Street. Applicant is Southridge Tri-Cities Development LLC, 8205 N. Division, Spokane, WA 99208.

Mr. McCormick gave a brief overview of the staff report and presented a Power Point of the staff report. Staff recommends that the Planning Commission concur with the findings and conclusions contained in staff report CPA 19-06 and recommend to City Council approval of the request.

Planning Commission questions included:

None

Testimony of Applicant:

None

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for CPA 19-06 closed at 7:47 p.m.

Chairman Pacheco asked for a motion.

Commissioner Rettig moved to concur with the findings and conclusions in staff report CPA #19-06 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Moore seconded the motion.

Planning Commission discussion included:

The motion passed unanimously.

VISITORS NOT ON AGENDA:

None

OLD BUSINESS:

- a. **City Council Action Updates - Two rezones from July 15, 2019 meeting will be considered tomorrow night at the City Council meeting for Ordinance reading.**

Commissioner Moore thanked staff for putting together the information/staff reports for the meeting tonight.

NEW BUSINESS:

None

REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:

Vice Chairman Morris asked about the 300' mailing radius question where it originated, etc. – Mr. Donovan talked to the Municipal Research and Services center, which is Planning Municipal state library; he thought that GMA growth management and MRSC had no specific recommendations in state law; the last major amendment or revision to our code was in 2007 but it was sooner than that, maybe in the late nineties sometime; 300' mailing radius is very common in municipal government, probably was established long ago. Chairman Pacheco asked who can change that, the City or the public. Mr. Donovan said it would be a textual amendment to the zoning code, and the Planning Commission would make a recommendation to the City Council.

ADJOURNMENT:

The meeting was adjourned at 7:50 p.m.

**KENNEWICK PLANNING COMMISSION
AUGUST 26, 2019
MEETING MINUTES**

CALL TO ORDER

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

Commissioner Stolle led the Pledge of Allegiance.

Recorder Melinda Didier called the roll and found the following:

Present: Commissioners Rob Rettig, James Hempstead, Clark Stolle, Thomas Helgeson, and Vice Chairman Victor Morris.

Excused: Commissioners Anthony Moore, and Chairman Ed Pacheco.

Unexcused: None

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

CONSENT AGENDA

- a. Approval of Agenda
- b. Approval of the August 19, 2019 & August 26, 2019 Meeting Minutes
- c. Motion to enter Staff Reports into the Record

Commissioner Hempstead moved to accept the consent agenda. Commissioner Helgeson seconded the motion. The motion carried unanimously.

PUBLIC HEARINGS

Vice Chairman Morris opened the public hearing at 6:33 p.m. for Comprehensive Plan Amendment (CPA) #19-07, proposing to change 0.55 acres located at 3126 W. Hood Avenue from Low Density Residential (LDR) to Medium Density Residential (MDR). Applicant/Owner is Cary & Jennifer Cole, 21 Meadow Hills Drive, Richland, WA 99352.

Mr. McCormick reviewed the staff review and public hearing process for the last five of ten total Comprehensive Plan Amendments for 2019, and noted that he would be presenting the staff reports.

Mr. McCormick gave a brief overview of the staff report, and presented a Power Point of the staff report. Staff recommends that the Planning Commission concur with the findings and conclusions contained in staff report CPA 19-07 and recommend to City Council approval of the request.

Planning Commission questions included: None

Testimony of Applicant:

Cary Cole
21 Meadow Hills Drive
Richland 99352

Property owner wants to go from LDR to MDR; construct either a duplex or 4-plex there; plan to make property better, fits within council priorities for jobs and economically diverse houses.

Testimony in favor:

Mr. McCormick read Exhibit #A-5 into record: Todd Kreutz letter; Mr. McCormick was asked to be read aloud into record; in approval of the proposal.

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for CPA 19-07 closed at 6:40 p.m.

Vice Chairman Morris asked for a motion.

Commissioner Hempstead moved to concur with the findings and conclusions in staff report CPA #19-07 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Rettig seconded the motion.

Planning Commission discussion included: None

The motion passed unanimously.

Vice Chairman Morris opened the public hearing at 6:41 p.m. for Comprehensive Plan Amendment (CPA) #19-08, proposing to change 4.19 acres located at 2652 W. 15th Avenue from Low Density Residential (LDR) to High Density Residential (HDR). Applicant/Owner is William McKay, 3516 W. 46th Avenue, Kennewick, WA 99337.

Mr. McCormick gave a brief overview of the staff report, and presented a Power Point of the staff report. Staff recommends that the Planning Commission concur with the findings and conclusions contained in staff report CPA 19-08 and recommend to City Council approval of the request. Key issues - Subsection 3: surrounding area several different zoning classifications; vested mini-storage project; multi family would be allowed; could be developed to HDR; regardless the mini-storage is vested so would be allowed; fairly near services and shopping; after review, staff does recommend approval.

Planning Commission questions included: Continuing “vested” use of mini-storages, how does that work; Mr. McCormick said it was approved under current land use map, legally vested under previous zoning; if ministorage does move forward and changed, its allowed in high, would make it legally conforming instead of current legal non-conforming.

Testimony of Applicant:

Will McKay
3515 W. 46th Avenue
Kennewick

Are permitted for mini-storages now, requested high density so we can do phases every year; if economy tanks we can build in four years instead of right away. Mr. McCormick explained that with a non-conforming use you have period of time to build, can request 180-day extension but after that time if you don't continue construction you lose legal non-conforming status. Mr. McKay is in favor of proposal.

Testimony in favor:

None

Testimony neutral or against:

Tom Wilson
1634 S Conway
Kennewick 99337

How many places can you build, how many people will live there, nice quiet area, low density where we live, all crime and garbage that goes with apartments. Opposed.

Scott Watkins
2304 W 15th Avenue
Kennewick

Believes map is incomplete, people use 15th and Conway as a race track, no street lights, no sidewalks on Conway, need police to stop or slow down the traffic. Very disappointed. Have people walking on Zintel constantly, damage and problems high density will add to this – total lack of support from KPD; ok with McKay keeping for mini-storages but not if they sell to Brad Beauchamp, who will most likely develop for apartments. Will this go before City Council, for public comment. Opposed.

Christopher Morley
1508 S Conway Street
Kennewick

Handed out pictures of the area to Planning Commissioners; need sidewalks on Conway Street; wouldn't have bought there with high density project; impact school district; on septic for house, will they run down Conway, expensive – opposed. Questioned number of units if it goes to apartments.

Clay Dickman
1024 S. Conway Street
Kennewick

Live north of this property; not against storage units; can't handle additional traffic for high density residential, traffic treacherous here, high fence, low visibility, high traffic no place to go; opposed to apartments.

Nelson Thomas
1020 S Conway Street
Kennewick

Wife grew up at this address, lot of traffic and no street lights, no sidewalks, small street, too much traffic will have a lot more with apartments, storage units ok; opposed to apartments.

Pat Kennedy
2525 W 15th Avenue
Kennewick

So much traffic and people cutting through to avoid the stoplight, 15th Avenue has drivers using constantly to miss traffic light on Vancouver; no problem with mini storage units – opposed to apartments.

Jeff Hoener
1606 S Dennis Street
Kennewick

That area identified as parking on the map is storage of poles for PUD not parking place; Cherry Hills not far away, enjoying environment and people playing outside, no sidewalks, high traffic; fence to creep out into traffic, concerns and questions, in favor of storage units but not high density apartments, already developed, short walk to Zintel Canyon – safety issue.

Kevin Magelsen
1405 S Conway Street
Kennewick

Live in a house to the east, have five kids, fine with storage units preferable over apartments, safety there is key, guy rattled door knob late at night, sniper guys looking for guy in canyon, in the future the potential for having apartment buildings is there; safety issue.

Staff final comments: Mr. McCormick addressed some questions that were asked during the public testimony portion: how many dwelling units are allowed in high density – HDR allows up to 27 units per acre, 108 units roughly for the proposed development area; number of people, roughly 200. Conway is narrow with no sidewalks, streets don't meet city standards, frontage along 15th and Conway have to be brought up to current city standards, don't look at access until project would be off 15th not Conway; site is vested with mini-storage units, any developments would be consistent with high density if changed; septic, no project would change that, not forced to hook up to City sewer.

Public Testimony for CPA 19-08 closed at 7:12 p.m.

Vice Chairman Morris asked for a motion.

Commissioner Hempstead moved to concur with the findings and conclusions in staff report CPA #19-08 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Rettig seconded the motion.

Planning Commission discussion included: Commissioner Rettig thanked Mr. McCormick for discussion and addressing the questions by the Planning Commissioner and local residents; Vice Chairman Morris said the public had lot of concerns about traffic and sidewalks, asked if park and traffic impact fees were addressed during development.

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

Vice Chairman Morris opened the public hearing at 7:15 p.m. for Comprehensive Plan Amendment (CPA) #19-09 proposing to change 6.04 acres located at 3112 W. 27th Avenue from Low Density Residential (LDR) to High Density Residential (HDR). Applicant and Owner is William D. McKay, 3516 W. 46th Avenue, Kennewick, WA 99336.

Mr. McCormick gave a brief overview of the staff report and presented a Power Point of the staff report. Staff recommends that the Planning Commission concur with the findings and conclusions contained in staff report CPA 19-09 and recommend to City Council approval of the request.

Planning Commission questions included: If use continues the way it is already developed what are risks of not making the change; can be issues of re-financing or selling property if non-conforming use, not attractive to buyers or can hold up financing.

Testimony of Applicant:

None

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for CPA 19-09 closed at 7:18 p.m.

Vice Chairman Morris asked for a motion.

Commissioner Hempstead moved to concur with the findings and conclusions in staff report CPA #19-09 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Rettig seconded the motion.

Planning Commission discussion included:

None

The motion passed unanimously on a roll call vote.

Vice Chairman Morris opened the public hearing at 7:19 p.m. for Comprehensive Plan Amendment (CPA) #19-10 proposing to change 4.48 acres located at 3605 S. Zintel Way from Commercial) to Medium Density Residential (MDR). Applicant is Knutzen Engineering, 5401 Ridgeline Drive, Ste. 160, Kennewick, WA, 99338. Owner is Circle One Properties LLC, 18706 S. Clodfelter Rd., Kennewick, WA 99338.

Mr. McCormick gave a brief overview of the staff report and presented a Power Point of the staff report. Staff recommends that the Planning Commission concur with the findings and conclusions contained in staff report CPA 19-10 and recommend to City Council approval of the request.

Planning Commission questions included: Commissioner Helgeson pointed out page two of Exhibit A-3 of the staff report, as being the incorrect page copied from a previous Comprehensive Plan Amendment and not related to CPA 19-10.

Testimony of Applicant:

Nathan Machiela
Knutzen Engineering
5401 Ridgeline Drive Ste. 160
Kennewick

There have been several applications been working on for over a year, problem with commercial need a big flat piece of land, so much is given up for slope, tried to look at commercial zone, tried to see if mixed use would work; concluded that residential on these slopes will really help to develop this land, not an incompatible use, more to allow for a transition zone; dam is there and in flood zone that can't be used when utilizing the property.

Testimony in favor:

None

Testimony neutral or against:

Jerry Martin
3101 W Canyon Lakes Drive
Kennewick

President of home owner's association, represents over 900 property owners; on the supplemental application from Dean Maldonado wants to go from, there is a mix-up on page 2 on Exhibit A-3, estimated units per acre with that kind of layup; this plan is not consistent with single family concept in Canyon Lakes; oppose medium density zoning, want it left commercial; traffic added from medium density residential, don't want additional traffic, opposed to this plan.

Greg Smith
2703 S Irving Street
Kennewick

Business owner, property owner, have commercial property adjacent to my building; when purchased Dean Maldonado said it would remain commercial property, retaining walls would have to be built regardless, opposed.

Jeff Jensen
3505 S Volland
Kennewick

Developer has right to develop property, main concern that the very expensive homes here, this is second main entrance into Canyon Lakes development, want to keep it exclusive; difficult property to develop, any developer to get the most out of property as they can, such as parking, etc; opposed, personally against that parcel developed at maximum density.

Vonda Smith
Owner of Z-Place Salon and Spa
3600 S. Zintel Way
Kennewick

Business was built many years ago, worked with City, know Dean Maldonado, this zone change is to dump the property to get rid of it; my business was first one there, work at the salon, when Southridge High School students get out of school, if there is more residential development will be terrible traffic, disappointed that it has been brought to the table; he promised that it would be commercial, Dean only wants cash.

Staff final comments: estimated number of units - zoning would allow 13 units per acre; need layout from applicant, have 35' building height restriction; further to east there is flood zone restrictions.

Commissioner Rettig asked if Exhibit A-3 should be formally stricken from the record with a motion; Mr. McCormick said no, the meeting minutes will show that Exhibit A-3 was included in the packet in error.

Public Testimony for CPA 19-10 closed at 7:38 p.m.

Chairman Pacheco asked for a motion.

Commissioner Hempstead moved to concur with the findings and conclusions in staff report CPA #19-010 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Rettig seconded the motion.

Planning Commission discussion included: None

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

Vice Chairman Morris opened the public hearing at 7:40 p.m. for Comprehensive Plan Amendment (CPA) #19-11 proposing to change 53.32 acres located at 6941, 7000, 7016, 7048, 7130 W. Grandridge Blvd. and 7109 W. Okanogan Pl. from Commercial to Mixed Use. City of Kennewick, Applicant/Owner.

Mr. McCormick gave a brief overview of the staff report and presented a Power Point of the staff report. Staff recommends that the Planning Commission concur with the findings and conclusions contained in staff report CPA 19-11 and recommend to City Council approval of the request.

Planning Commission questions included: Vice Chairman Morris said there are two areas in Kennewick designated mixed use, wasn't there a third. Mr. McCormick said now it's just Vista Field and Bridge to Bridge.

Testimony of Applicant/Representative

None

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

None

Public Testimony for CPA 19-11 closed at 7:43 p.m.

Vice Chairman Morris asked for a motion.

Commissioner Rettig moved to concur with the findings and conclusions in staff report CPA #19-11 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Hempstead seconded the motion.

Planning Commission discussion included:

The motion passed unanimously on a roll call vote.

VISITORS NOT ON AGENDA:

None

OLD BUSINESS:

- a. **City Council Action Updates** - Two rezones from July 15, 2019 Planning Commission meeting were approved at last week 's Council meeting; the Comprehensive Plan Amendments go to Council Workshop on September 24th and then to ordinance reading in October.

NEW BUSINESS:

None

REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:

None

ADJOURNMENT:

The meeting was adjourned at 7:45 p.m.



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO
THE PLANNING COMMISSION

FILE No: ZOA 19-04/AMD-2019-02090

Public Hearing Date: September 16, 2019

Proposal: Amend Kennewick Municipal Code (KMC) Subsection 17.04.010(1) by reducing the acreage requirement from 20 acres to 10 acres in regard to plat exemptions.

Applicant: Knutzen Engineering, 5401 Ridgeline Drive, STE 160, Kennewick, WA 99338

Staff Contact: Steve Donovan, Planner

Background:

On July 19, 2019 the applicant applied to amend KMC Section 17.04.010 – Exemptions. The applicant has proposed an amendment to subsection 17.04.010(1).

The City requested Expedited Review from the Department of Commerce on July 23, 2019 and was granted the request on August 20, 2019.

Discussion and Analysis:

Below is the current version of Subsection 17.04.010(1) and the applicant's proposed amend to the subsection.

Current Subsection 17.04.010(1):

- (1) Any divisions of land not containing a dedication and in which the smallest lot created by the division exceeds 20 acres in area. A lot which borders on a street includes the area to the centerline of the street, but the minimum buildable lot area must not be less than that required by the zoning district in which located, excluding necessary street right-of-way;

Applicant Proposed Amendment to Subsection 17.04.010(1):

- (1) Any divisions of land not containing a dedication and in which the smallest lot created by the division exceeds ~~20~~ 10 acres in area. A lot which borders on a street includes the area to the centerline of the street, but the minimum buildable lot area must not be less than that required by the zoning district in which located, excluding necessary street right-of-way;

It is staff's opinion that the proposed amendment will make the subdivision of larger lots more feasible than the current code requirements do. Additionally, the proposed amendment is in compliance with the City's Comprehensive Plan.

Regulatory Controls and Policies

- Kennewick Municipal Code Chapter 18.12 – Zone Districts and Standards
- Kennewick Comprehensive Plan

Findings of Fact:

1. The applicant is Knutzen Engineering, 5401 Ridgeline Drive, STE 160, Kennewick, WA 99338.
2. The application was submitted to the City on July 19, 2019.
3. The City fulfilled the State Environmental Policy Act requirements by issuing a Determination of Non-significance (DNS) on August 26, 2019.
4. Notice of the proposed code revision (expedited review request) was sent to the Washington State Department of Commerce on July 23, 2019, consistent with the requirements of RCW 36.70A.106.
5. The City received confirmation of expedited review and notice that the City has met the Growth Management Act notice to state agency requirements from the Washington State Department of Commerce on August 20, 2019.

Conclusions of Law:

1. The proposed amendment will not conflict with the promotion of public health, safety, and general welfare.
2. The proposed amendment does not conflict with the goals and policies of the Comprehensive Plan.

Staff Recommendation:

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

Motion/Applicant Proposal:

I move that the Planning Commission concur with the findings and conclusions in the staff report ZOA 19-04 and recommend to City Council approval of the amendment to KMC Subsection 17.04.010(1).

Motion/Staff Proposal:

I move that the Planning Commission concur with the findings and conclusions in the staff report ZOA 19-04 and recommend to City Council approval of the amendment to KMC Subsection 17.04.010(1).

Exhibits:

1. Staff Report
2. Application
3. Environmental Determination of Non-significance ED 19-23



REQUEST FOR AMENDMENT TO ZONING OR SUBDIVISION CODE

Applicable Filing Fee and SEPA Review Fee are due at the time of application ([Fee Schedule](#))

Applicant_____

Address_____

Telephone_____Cell_____Fax_____E-mail_____

The amendment, if adopted, will not be restricted to the applicant's particular situation, but will apply to any future situation that may fall under the amendment, regardless of location or other circumstances. Therefore, please state how, in your opinion, the requested amendment will be to the best interests of the City. Use additional paper if needed.

Requested Amendment:_____

Signature

Date

Checklist:

- _____Application & fee
- _____State Environmental Policy Act checklist (SEPA) & fee

Municipal Code Section 17.04.010 – Exemptions

Amend Section (1) to apply to divisions in which the smallest lot created exceeds 10 acres rather than 20 acres as currently written.

Knutzen Engineering Statement:

Currently RCW 58.17.040 section 2 allows for exemptions from platting when the parcel size is one-one hundred twenty-eight of a section or larger (20 acres), or five acres or larger if the land is not capable of description as a fraction of a section of land, unless the governing authority has adopted a subdivision ordinance such as Kennewick has. Currently Kennewick 17.04.010 states that a plat exemption can occur only if the resultant parcels are 20 acres or larger. This means that you would need to have a minimum sized parcel of 40 acres to use this section of code. This makes sense if the land were in the County, where there are numerous amounts of large lots. This doesn't make much sense within the City since there are only 15 parcels total within City limits which have more than 40 acres in total size and are privately controlled by 13 parties and not government or public agency held.

Currently these parcels of land between 20 acres and 40 acres are very numerous in town, and when they sit at this size they often go undeveloped for long periods of time since current City process requires that improvements are constructed and they are tied to the plat (residential) or binding site plan (commercial & industrial). This is very cost prohibitive to developers, building all these new roads and utility services to lots that are this large and sometimes very speculative as well. Subdivision layouts can change and having plat exemptions at this size gives much more flexibility for development to adapt market changes without having to then revise roads already built.

For our specific case, we have a landowner that would like to subdivide a 27-acre parcel into a 13 and 14-acre parcel. The 14-acre parcel would be sold to Kennewick School District and would be reserved for a future elementary school site. The remainder would remain open for low density residential use. This could potentially incentivize potential developers to bring more development which in turn would require the school to be constructed, or more realistically this location becomes more likely once the new Ridgeline Underpass project is completed and as Southridge continues to grow and Sagecrest ES cannot continue to handle their current enrollment.



CITY OF KENNEWICK DETERMINATION OF NON-SIGNIFICANCE

FILE/PROJECT NUMBER: ZOA 19-04/PLN-2019-0209/ED 19-23

DESCRIPTION OF PROPOSAL: The proposal consists of amending Kennewick Municipal Code Subsection 17.04.010(1) to allow the smallest exempt subdivision to be 10 acres instead of the current 20-acre minimum.

PROPONENT: Knutzen Engineering, 5401 Ridgeline Drive, Kennewick, WA 99338

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: Not a site specific proposal.

LEAD AGENCY: City of Kennewick

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

- ☒ There is no comment period for this DNS.
- ☐ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.
- ☐ This DNS is issued under 197-11-340(2); the City will not act on this proposal for fifteen days from the date below. Comments must be submitted by _____. After the review period has elapsed, all comments received will be evaluated and the DNS will be retained, modified, or withdrawn as required by SEPA regulations.

RESPONSIBLE OFFICIAL: Gregory McCormick, AICP

POSITION/TITLE: Community Planning Director

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

PHONE: (509) 585-4463

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

This DNS is subject to the attached conditions:

- ☒ No conditions.
- ☐ See attached condition(s).

Greg

McCormick

Digitally signed by Greg McCormick
DN: cn=Greg McCormick, o=City of
Kennewick, ou=Community Planning
Department,
email=gregory.mccormick@ci.kennewick.wa.
us, c=US
Date: 2019.08.22 08:02:16 -07'00'

Date: **August 26, 2019**

Signature: _____

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

Copies of this DNS were mailed to:

Dept. of Ecology
WA Dept. of Fish & Wildlife
WSDOT
Yakama Nation
CTUIR
ZOA 19-04 File



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO
THE PLANNING COMMISSION

FILE No: ZOA 19-05/AMD-2019-02219

Public Hearing Date: September 16, 2019

Proposal: Amend Kennewick Municipal Code (KMC) Subsection 18.12.270(4) by allowing transportable units to be used for business activities in the Industrial, Heavy zoning district.

Applicant: Michael Hillman, 2614 W 32nd Court, Kennewick, WA 99337

Staff Contact: Steve Donovan, Planner

Background:

On August 6, 2019 the applicant applied to amend KMC Section 18.12.270 – Transportable Units. The proposal is to specifically amend subsection 18.12.270(4).

The City requested Expedited Review from the Department of Commerce on August 7, 2019 and was granted the request on August 21, 2019.

Discussion and Analysis:

Below is the current version of Subsection 18.12.270(4) and the applicant's proposed amend to the subsection.

Current Subsection 18.12.270(4):

- (4) Transportable units that are in good repair may be utilized for business activities, other than storage, in the UMU zone.

Applicant Proposed Amendment to Subsection 18.12.270(4):

- (4) Transportable units that are in good repair may be utilized for business activities, other than storage, in the UMU and IH zones.

It is staff's opinion that the proposed amendment will be a benefit to permitted uses in the Industrial, Heavy zoning district by allowing uses to expand in a new way.

As proposed, the amendment is in compliance with the Comprehensive Plan. The plan does not contain specifics in regard to how transportable units may be utilized.

Regulatory Controls and Policies

- Kennewick Municipal Code Chapter 18.12 – Zone Districts and Standards
- Kennewick Comprehensive Plan

Findings of Fact:

1. The applicant is Michael Hillman, 2614 W 32nd Court, Kennewick, WA 99337.
2. The application was submitted to the City on August 6, 2019.

3. The City fulfilled the State Environmental Policy Act requirements by issuing a Determination of Non-significance (DNS) on August 28, 2019.
4. Notice of the proposed code revision (expedited review request) was sent to the Washington State Department of Commerce on August 7, 2019, consistent with the requirements of RCW 36.70A.106.
5. The City received confirmation of expedited review and notice that the City has met the Growth Management Act notice to state agency requirements from the Washington State Department of Commerce on August 21, 2019.

Conclusions of Law:

1. The proposed amendment will not conflict with the promotion of public health, safety, and general welfare.
2. The proposed amendment does not conflict with the goals and policies of the Comprehensive Plan.

Staff Recommendation:

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

Motion/Applicant Proposal:

I move that the Planning Commission concur with the findings and conclusions in the staff report ZOA 19-05 and recommend to City Council approval of the amendment to KMC Subsection 18.12.270(4).

Motion/Staff Proposal:

I move that the Planning Commission concur with the findings and conclusions in the staff report ZOA 19-05 and recommend to City Council approval of the amendment to KMC Subsection 18.12.270(4).

Exhibits:

1. Staff Report
2. Application
3. Environmental Determination of Non-significance ED 19-24
4. Paul Knutzen Commet



Am 0-2019-02219

EXHIBIT 2

Community Planning Department

210 West 6th Avenue

Kennewick, WA 99336

Phone: (509) 585-4280

cedinfo@ci.kennewick.wa.us

ZOA 19-05

\$1,063.00

REQUEST FOR AMENDMENT TO ZONING OR SUBDIVISION CODE

Applicable Filing Fee and SEPA Review Fee are due at the time of application (Fee Schedule)

Applicant Michael Hillman
Address 2614 W. 32nd Ct, Kennewick, WA 99337
Telephone _____ Cell 509-460-2651 Fax _____ E-mail hi198032@gmail.com

The amendment, if adopted, will not be restricted to the applicant's particular situation, but will apply to any future situation that may fall under the amendment, regardless of location or other circumstances. Therefore, please state how, in your opinion, the requested amendment will be to the best interests of the City. Use additional paper if needed.

Requested Amendment: Reword 18.12.270(4) to include
"heavy industrial zone".

Signature

7/24/19

Date

Checklist:

☐ Application & fee☐ State Environmental Policy Act checklist (SEPA) & fee

\$1329.00



CITY OF KENNEWICK DETERMINATION OF NON-SIGNIFICANCE

FILE/PROJECT NUMBER: ED 19-04/PLN-2019-02220

DESCRIPTION OF PROPOSAL: The proposal consists of amending Kennewick Municipal Code Subsection 18.12.270(4) to allow transportable units to be utilized for business activities in the Industrial, Heavy zone.

PROPOSER: Michael Hillman, 2614 W 32nd Court, Kennewick, WA 99337

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: Not a site specific proposal.

LEAD AGENCY: City of Kennewick

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

- ☒ There is no comment period for this DNS.
- ☐ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.
- ☐ This DNS is issued under 197-11-340(2); the City will not act on this proposal for fifteen days from the date below. Comments must be submitted by _____. After the review period has elapsed, all comments received will be evaluated and the DNS will be retained, modified, or withdrawn as required by SEPA regulations.

RESPONSIBLE OFFICIAL: Gregory McCormick, AICP

POSITION/TITLE: Community Planning Director

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

PHONE: (509) 585-4463

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

This DNS is subject to the attached conditions:

- ☒ No conditions.
- ☐ See attached condition(s).

Greg
McCormick

Digitally signed by Greg McCormick
DN: cn=Greg McCormick, o=City of
Kennewick, ou=Community Planning
Department,
email=gregory.mccormick@ci.kennewick.
wa.us, c=US
Date: 2019.08.28 07:34:37 -07'00'

Date: **August 28, 2019**

Signature: _____

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

Copies of this DNS were mailed to:

Dept. of Ecology
WA Dept. of Fish & Wildlife
WSDOT
Yakama Nation
CTUIR
ED 19-24 File

Steve Donovan

From: Paul Knutzen <paul@knutzenengineering.com>
Sent: Tuesday, September 3, 2019 8:07 PM
To: Steve Donovan
Subject: ZOA 19-05 Public Comment

Hi Steve,

I received the Public Hearing notice on this proposed Zoning Ordinance Amendment. Having been a part of a ZOA related to this particular section of the code last year (subsection 5), I would agree that utilizing transportable units within the Industrial, Heavy zones seems an appropriate change to this code. There is not a lot of Industrial, Heavy zoning in town, and where it is, is awfully close to the UMU zone on Columbia Drive already where it is allowed. Using it in designations like this make practical sense. Thanks,
Paul

Paul Knutzen, P.E., LEED AP BD+C
Principal Engineer
O: 509.222.0959
C: 509.440.1817



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COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO
THE PLANNING COMMISSION

FILE No: ZOA 19-06/AMD-2019-02457

Public Hearing Date: September 16, 2019

Proposal: Amend Kennewick Municipal Code (KMC) Chapter 18.66 – Flood Damage Prevention to provide clarity to existing regulations and to more closely align existing regulations with state model ordinance and federal regulations.

Applicant: City of Kennewick, Community Planning Department

Staff Contact: Anthony Muai, Senior Planner

Background:

The Community Planning Department met with staff from the Washington State Department of Ecology in the spring of 2019 as part of a regularly scheduled Community Assistance Visit. At that meeting staff from both entities discussed current flood protection regulations as well as projects that were permitted in the Special Flood Hazard Areas as designated on the Federal Insurance Rate Maps (commonly referred to as flood maps). Ecology staff presented a review of the City's flood protection regulations and offered "housekeeping" suggestions to bring the regulations into closer alignment with Federal Emergency Management Agency (FEMA) regulations and the state model ordinance. The proposed amendments contained in ZOA 19-06 are a result of that meeting.

The City requested Expedited Review from the Department of Commerce on August 26, 2019 and was granted the request on September 9, 2019.

Discussion and Analysis:

The proposed amendments do not change the requirements for flood protection within the City, but they do clarify existing regulations and certain wording has been altered to match the state model ordinance and to align with federal regulations. Included in this amendment are updates to sections regarding:

- Best available science;
- Base flood elevations and certification;
- Interpretations and appeals; and
- Encroachments into special flood hazard areas.

No new regulations are proposed as a part of this amendment.

Staff is of the opinion that the proposed amendments bring KMC Chapter 18.66 into alignment with the Washington State model ordinance for flood damage protection and with FEMA regulations.

Regulatory Controls and Policies

- Kennewick Municipal Code Chapter 18.66
- Kennewick Comprehensive Plan

Findings of Fact:

1. The applicant is City of Kennewick Community Planning Department.
2. The City fulfilled the State Environmental Policy Act requirements by issuing a Determination of Non-significance (DNS) on September 10, 2019.
3. Notice of the proposed code revision (expedited review request) was sent to the Washington State Department of Commerce on August 26, 2019, consistent with the requirements of RCW 36.70A.106.
4. The City received confirmation of expedited review and notice that the City has met the Growth Management Act notice to state agency requirements from the Washington State Department of Commerce on September 9, 2019.

Conclusions of Law:

1. The staffs proposed amendments will promote the public health, safety, and general welfare by providing clarification to regulations intended to protect the public against damage created from flooding.
2. The staffs proposed amendments do not conflict with the goals and policies of the Comprehensive Plan.

Staff Recommendation:

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

Motion:

I move that the Planning Commission concur with the findings and conclusions in the staff report ZOA 19-06 and recommend to City Council approval of the addition of KMC Chapter 18.66 as modified by City staff.

Exhibits:

1. Staff Report
2. Proposed amendment to KMC Chapter 18.66
3. Environmental Determination of Non-significance ED 19-25

CHAPTER 18.66 - FLOOD DAMAGE PREVENTION

18.66.010: - Purpose.

Floods are inimical to the public health, safety, and welfare. This Chapter is intended to prevent flood damage and maintain community eligibility in the National Flood Insurance Program. It is also intended to minimize public and private losses due to flood conditions in specific areas by provision designed: To protect human life and health; to minimize expenditure of public money and costly flood control projects; to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; to minimize prolonged business interruptions; to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard; to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas; to ensure that potential buyers are notified that property is in an area of special flood hazard; and to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. 5180 Sec. 1, 2007)

18.66.020: - Definitions.

- (1) *Accessory Structure* means nonresidential structures such as garages, sheds, garden buildings, pole buildings, grain bins, and barns, which are considered normal for farming or ranching activities.
- (2) *Appeal* means it requires a review of the interpretation of any provision of this Chapter, or a request for a variance.
- (3) *Area of Shallow Flooding* is designated AO or AH Zone on the Flood Insurance Rate Map (FIRM), has a base flood depth ranging from one to three feet, no clearly defined channel, an unpredictable and indeterminate path and evidence of velocity flow. AO is characterized as sheet flow and AH indicates ponding.
- (4) *Area of Special Flood Hazard* is land with a one-percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.
- (5) *Base Flood* is the flood with a one-percent chance of being equaled or exceeded in any given year, also referred to as the "100-Year Flood." Designation on maps always includes the letters A or V.
- (6) *Basement* means any area of the building having its floor sub-grade (below ground level) on all sides.
- (7) *Best Available Information* means information from Federal, State or other sources that has been generated using technically defensible methods or is based on reasonable historical analysis and experience in the absence of official Flood Insurance Rate Map data.
- (8) *Breakaway Wall* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
- (9) *Critical Facility* means a facility for which even a slight chance of flooding would be too great. Critical facilities include, but are not limited to, schools, hospitals, police, fire and emergency response installations, nursing homes, installations which produce, use or store hazardous materials or hazardous waste.
- (10) *Development* is any manmade change to real estate such as buildings, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment and materials located within the area of special flood hazard.

- (11) *Development Permit* means a floodprone area development permit, as established in Section 18.66.040(1).
- (12) *Elevated Building* means for insurance purposes, a non-basement building, which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
- (13) *Existing Manufactured Home Park or Subdivision* means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted flood plain management regulations.
- (14) *Expansion to an existing Manufactured Home Park or Subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (15) *Flood or Flooding* is a general and temporary, partial or complete inundation of normally dry land caused by overflowing inland waters or the unusual and rapid accumulating of runoff of surface waters from any source.
- (16) *Flood Insurance Rate Map (FIRM)* is the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones for the community.
- (17) *Flood Insurance Study* is the official report of the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
- (18) *Flood Protection Elevation* means to or above the base flood elevation.
- (19) *Floodway* is the ~~channel of a river or other watercourse and the adjacent land necessary to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height~~area that has been established in effective Federal Emergency Management Agency (FEMA) flood insurance rate maps or floodway maps. The floodway does not include lands that can be reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state or a political subdivision of the state.
- (20) *Lowest Floor* is the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure used only for parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements found in Section 18.66.060(2)(a).
- (21) *Manufactured Home* is a structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a recreational vehicle.
- (22) *Manufactured Home Park or Subdivision* is a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (23) *New Construction* means structures for which the "start of construction" commenced on or after the effective date of this ordinance.
- (24) *New Manufactured Home Park or Subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

- (25) *Recreational Vehicle* means a vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (26) *Special Flood Hazard Area* is an area subject to a base or 100-year flood; areas of special flood hazard are shown on a flood hazard boundary map or flood insurance rate map as Zone A, AO, A1-30, AE, A99, AH, VO, VI-30, VE, or V.
- (27) *Start of Construction* is the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement within 180 days after the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; the installation of streets or walkways; excavations for basements, footings, piers, or foundations or the erection of temporary forms; nor the installation of accessory buildings, such as the garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (28) *Structure* is a walled and roofed building including a gas or liquid storage tank that is principally above ground.
- (29) *Substantial Damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (30) *Substantial Improvement* is any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or if the structure has been damaged and is being restored, before the damage occurred. A "substantial improvement" occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not it affects the external dimensions of the structure. A "substantial improvement" does not include an improvement to comply with health, sanitary, or safety codes that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living or to a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- (31) *Variance* means a grant of relief from the requirements of this Chapter, which permits construction in a manner that would otherwise be prohibited by this Chapter.
- (32) *Water Dependent* means a structure for commerce or industry, which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operation.

(Ord. 5309 Sec. 17, 2010; Ord. 5180 Sec. 1, 2007)

18.66.030: - General Provisions.

- (1) *Lands to which this Chapter Applies.* This Chapter applies to all areas of special flood hazards within the City. It is an overlay zone imposed in addition to the provisions of the Zoning districts in which it is located.
- (2) *Basis for Establishing the Areas of Special Flood Hazard.* The areas of special flood hazard identified by the Federal Insurance Administration in a report entitled "Flood Insurance Study - City of Kennewick, Washington," ~~completed-dated~~in May 5, 1981, and revised ~~in September of June 15, 1989~~1994, and any revisions thereto, with accompanying Flood Insurance Rate Maps, and any revision thereto, is hereby adopted by reference. The Flood Insurance Study and the

FIRM Maps are on file at the Department of Planning. The best available information for flood hazard area identification as outlined in Section 18.66.040(4)(c) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 18.66.040(4)(c). Areas within Benton County which are annexed into the City, are within such areas, if shown upon studies and maps prepared by the Federal Insurance Administration for Benton County. Areas of special flood hazard will be shown on the Kennewick Zoning Map.

- (3) Compliance. No structure or land may be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter. Violations of the provisions of this Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction, be punished in accord with KMC 18.54. Nothing herein contained shall prevent the City of Kennewick from taking such other lawful action as is necessary to prevent or remedy any violation.
- (4) Greater Restriction Applies. This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. If this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, the more stringent prevails.
- (5) Interpretation. In the interpretation and application of this Chapter, all provisions are minimum standards and liberally construed in favor of the City's regulatory powers; and deemed neither to limit or repeal any other powers granted under State statutes.
- (6) Warning and Disclaimer of Liability. The degree of flood protection established by this Chapter is reasonable for regulatory purposes and based on scientific and engineering research. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter does not create liability on the part of the City of Kennewick, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Chapter or any administrative decision, or variance made thereunder.

(Ord. 5309 Sec. 18, 2010; Ord. 5180 Sec. 1, 2007)

18.66.040: - Administration.

- (1) Development Permit Required. A Floodprone Area Development Permit must be obtained before construction or development begins within any area of special flood hazard established in Section 18.66.030(2). The permit will be for all structures, including manufactured homes, as set forth in Section 18.66.020 and all other development including filling and other activities, also as set forth in Section 18.66.020.
- (2) Application. Application for a development permit must be made on forms furnished by the Planning Director and include all information required for any other development application with which it may be filed. The application must include a copy of the construction drawings and elevations, in duplicate, of a site plan (one copy, if no larger than 8½" x 14") drawn to scale and showing lot lines and dimensions of existing and proposed structures, landscaping, fences or walls, ground elevations of the area, proposed fill or grading, storage of materials, drainage facilities, and any other information deemed necessary by the Director. Specific information must show precisely the elevation, in relation to mean sea level, of the lowest floor (including a basement) of existing and proposed structures, the elevation, in relation to mean sea level to which any non-residential structure has been floodproofed. A certificate by a professional engineer registered in the State of Washington that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 18.66.060, and a description of the extent to which any watercourse will be altered or relocated is required.

- (3) Designation of the Director. The Planning Director shall administer and implement this Chapter. He or she may require proof that conditions of approval and the standards of this Chapter have been met or that certification be provided and, if not forthcoming, may revoke the development permit and require that development discontinue or the structure be vacated. When the first floor of a residential structure is required to be elevated, as provided in Section 18.66.060, the Planning Director will require that the applicant submit a statement from a professional surveyor indicating the elevation to which the first floor was actually constructed.
- (4) Review. Duties and responsibilities of the Planning Director shall include, but not be limited to:
- (a) Review all development permits to determine that the permit requirements of this Chapter have been satisfied. If they are located in the floodway, assure that the encroachment provisions of Section 18.66.060(2)(f) are met and that all necessary permits have been obtained;
 - (b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local government agencies from which prior approval is required (i.e. Section 404 wetlands permits from the U.S. Army Corps of Engineers);
 - (c) ~~If~~ When base flood elevation data has not been provided (in A or V Zones) ~~by the Flood Insurance Administration,~~ in accordance with Section 18.66.030(2) ~~basis~~ Basis for ~~establishing~~ Establishing the ~~areas~~ Areas of ~~special~~ Special ~~flood~~ Flood hazard ~~Hazard~~, the Planning Director shall obtain, review and reasonably use ~~utilize~~ any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Section 18.66.060(2) Specific Standards, and Section 18.66.060(2)(c) Floodways;
 - (d) Where base flood elevation is provided through the Flood Insurance Study or is required by this Chapter, obtain, record, and maintain the records of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, whether or not the structure contains a basement; and the floodproofing certification required in Section 18.66.060(2)(a) and (b), including the actual elevation in relation to mean sea level;
 - (e) For all new or substantially improved ~~nonresidential~~ floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in 18.66.040(4)(c):
 - (i) ~~Verify~~ Obtain and record the ~~actual~~ elevation (in relation to mean sea level) to which the structure was floodproofed, ~~and~~
 - (ii) ~~maintain~~ Maintain the floodproofing certifications required in Section 18.66.040(2);
 - (f) Alteration of Watercourses. Notify adjacent communities and the Department of Ecology, prior to any alteration or relocation of a watercourse, submit evidence of such notification to the Federal Insurance Administration, and require that the watercourse be maintained so that its flood carrying capacity is not diminished;
 - (g) Make interpretations where needed, as to ~~of the~~ exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program;
 - (h) If the conditions of this Chapter or any permit are not met, revoke the permit and cause the vacation or demolition of any nonconforming structure; and
 - (i) Maintain for public inspection all records pertaining to the provision of this Chapter.

(Ord. 5204 Sec. 17, 2007; Ord. 5180 Sec. 1, 2007)

18.66.050: - Variance and Appeal Procedure.

- (1) Hearing Examiner. The Hearing Examiner shall hear and decide appeals from decisions of the Planning Director and requests for variances. The procedure and requirements for a variance or appeal shall be in accord with Chapters 18.51 and 18.54.
- (2) Consideration of the Hearing Examiner.
 - (a) In passing upon applications, the Hearing Examiner shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this Chapter, and:
 - (i) The danger that materials may be swept onto other lands to the injury of others;
 - (ii) The danger to life and property due to flooding or erosion;
 - (iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the owner;
 - (iv) The importance of the services provided by the proposed facility to the community;
 - (v) The necessity of a waterfront location to the facility, where applicable;
 - (vi) The availability of alternative locations which are not subject to flooding or erosion damage;
 - (vii) The compatibility of the proposed use with existing and anticipated development;
 - (viii) The relationship of the proposed use to the Comprehensive Plan and floodplain management program;
 - (ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (xi) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
 - (b) Generally, variances may be issued for the new construction or substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the items in Section 18.66.050(2)(a) have been fully considered. As the lot size increases, the technical justification necessary for issuance of a variance increases.
 - (c) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
 - (d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (e) The Hearing Examiner may attach such conditions to a variance as it deems necessary to further the purposes of this chapter.
 - (f) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the remainder of this Section.
 - (g) Other variances may be approved by the Hearing Examiner upon:
 - (i) No increase in flood levels during the base flood discharge will result;
 - (ii) The variance is the minimum necessary, considering the flood hazard, to afford relief;

- (iii) There is good and sufficient cause for the granting of the variance;
 - (iv) A failure to grant the variance will result in exceptional hardship to the applicant;
 - (v) Granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing laws or ordinances;
 - (vi) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants or their economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the Flood Hazard Regulations should be quite rare;
 - (vii) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Section 18.66.050(2)(b), and otherwise complies with Section 18.66.060.
- (3) Responsibilities of the Director.
- (a) Any applicant to whom a variance is granted will be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the costs of flood insurance may be commensurate with the increased risk.
 - (b) The Planning Director will maintain records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

(Ord. 5322 Sec. 63, 2010; Ord. 5309 Sec. 19, 2010; Ord. 5180 Sec. 1, 2007)

18.66.060: - Standards for Flood Hazard Reduction.

- (1) General Standards. In all areas of special flood hazards the following standards apply:
- (a) Anchoring.
 - (i) All new construction and substantial improvements must be anchored to prevent flotation, collapse, or lateral movement.
 - (ii) All manufactured homes must be anchored to prevent flotation, collapse, or lateral movement by providing the over-the-top and frame ties to ground anchors. Over-the-top ties must be provided at each of the four corners of the mobile home with two additional ties per side at intermediate locations, but mobile homes less than 50 feet long need have only one additional tie per side. Frame ties must be provided at each corner of the home with five additional ties per side. All components of the anchoring system must be capable of carrying a force of 4,800 pounds. Any additions to the mobile home must be similarly anchored.
 - (iii) An alternative method of anchoring may be used provided it complies with the standards contained in FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook; incorporated herein by reference.
 - (b) Construction Materials and Methods. All new construction and substantial improvements must be constructed with materials and utility equipment and by methods and practices that resist and minimize flood damage.
 - (c) Mechanical Equipment and Utilities.

- (i) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - (ii) All new and replacement water supply systems must be designed to eliminate or minimize the infiltration of floodwaters into the system;
 - (iii) All new and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration from and discharge into floodwaters;
 - (iv) On-site waste disposal systems must be located and designed to avoid impairment or contamination during flooding; and
 - (v) Water wells shall be located on high ground that is not in the floodway.
- (d) Subdivision Proposals.
- (i) All subdivision proposals shall be consistent with the need to minimize flood damage:
 - (ii) All ~~the~~ subdivision proposals ~~must~~ shall have public utilities and facilities such as sewer, gas, electrical, water systems, located and constructed to minimize or eliminate flood damage; ~~and adequate drainage located and constructed which will minimize flood damage.~~
 - (iii) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;
 - (iv) Base flood elevation data must be provided for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).
- (e) Review of Building Permits. The Planning Director shall obtain, review and reasonably utilize the best available information as criteria for requiring that new construction, substantial improvements, or other development in Zone "A" conform to applicable provisions of this Chapter. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 18.66.040(4)(c)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Residential and commercial structures in unnumbered "A" Flood Hazard Zones must be elevated with their lowest floor at least two feet above grade. Failure to elevate at least two feet above grade in unnumbered "A" Zones may result in higher insurance rates. All applicants for building permits within special flood hazard areas are encouraged to elevate the lowest floor at least one foot above the base flood level. Elevating to at least one foot above the base flood will further substantially reduce the damage potential in the event of a 100-year flood; and, will have a lessening effect on the fees or rates for required flood insurance.
- (2) Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided, as set forth in Section 18.66.030(2) or 18.66.040(4)(d), the following standards apply:
- (a) Residential Construction.
- (i) New Construction and substantial improvement of any residential structure must have the lowest floor, including basement, elevated one foot above the base flood elevation. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must be certified by a registered professional engineer or must meet or exceed the following minimum criteria: A minimum of two openings having a total net

area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; the bottom of all openings shall be no higher than one foot above grade; and openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit automatic entry and exit of floodwaters.

- (ii) **Manufactured Homes.** All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites: Outside of a manufactured home park or subdivision in an expansion to an existing manufactured home park or subdivision, in a new manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation collapse and lateral movement. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision with A1-30, AH, and AE on the community's FIRM that are not subject to the above manufactured home provisions be elevated so that either: the lowest floor of the manufactured home is elevated one foot above the base flood elevation, or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.
- (iii) Residential structures that contain fully enclosed areas below the base flood level must meet the same standards for such areas as described in 18.66.060(2)(b)(i).
- (b) **Nonresidential Construction.** New construction and substantial improvement of any commercial, industrial or other nonresidential structure must either have the lowest floor, including basement, and attendant utility and sanitary facilities, elevated one foot above the base flood elevation; or floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water, has structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy, be certified by a registered professional engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the official as set forth in Section 18.66.040(2).
 - (i) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 18.66.060(2)(a)(i).
 - (ii) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (a building floodproofed to the base flood level will be rated as one foot below that level).
- (c) **Floodways.** Located within areas of special flood hazard established in Section 18.66.030(2) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provision apply:
 - (i) Encroachments are prohibited, including fill, new construction, substantial improvements and other development; unless certification by a registered, professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice ~~certifies~~ that the proposed encroachments will not increase flood levels during the occurrence of the base flood discharge.

- (ii) Construction or reconstruction of residential structures is prohibited within designated floodways except for (1) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (2) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either before the repair, or reconstruction is started, or if the structure has been damaged and is being restored, before the damaged occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure ~~safe~~-safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.
- (iii) If Subsection (c)(i) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.
- (d) Standards for Shallow Flooding Areas (AO Zones). Shallow flooding areas appear on Flood Insurance Rate Maps as AO zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:
 - (i) New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified on the FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).
 - (ii) New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - (I) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 - (II) Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer.
 - (iii) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
 - (iv) Recreational Vehicles. Recreational vehicles placed on sites within Zones A, AO, A1-30, and AE in the community's FIRM either must: be on site for fewer than 180 consecutive days, or be fully licensed and ready for highway use, be on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or meet the requirements of Section 18.66.060(2)(a)(ii) and the elevation and anchoring requirements for manufactured homes.
- (e) Critical Facilities. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year flood plain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or more above the level of the base flood elevation (100-year) at the site or to the height of the 500-year event, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing

and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Ingress and egress routs, elevated to or above the base flood elevation, shall be provided to all critical facilities to the extent possible.

- (f) Encroachments. In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

(Ord. 5309 Sec. 20, 2010; Ord. 5180 Sec. 1, 2007)



Exhibit A-3
Community Planning Department

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

DETERMINATION OF NON-SIGNIFICANCE

FILE/PROJECT NUMBER: ZOA 19-06/AMD-2019-02457

DESCRIPTION OF PROPOSAL: Amend KMC 18.66 – Flood Damage Protection to more closely align with Washington State model ordinance and with FEMA regulations.

PROPONENT: City of Kennewick Community Planning Department

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: N/A

LEAD AGENCY: City of Kennewick

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

- ☒ There is no comment period for this DNS.
- ☐ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.
- ☐ This DNS is issued under 197-11-340(2); the City will not act on this proposal for fifteen days from the date below. Comments must be submitted by ___. After the review period has elapsed, all comments received will be evaluated and the DNS will be retained, modified, or withdrawn as required by SEPA regulations.

RESPONSIBLE OFFICIAL: Gregory McCormick, AICP

POSITION/TITLE: Community Planning Director

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

PHONE: (509) 585-4463

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

This DNS is subject to the attached conditions:

- ☒ No conditions.
- ☐ See attached condition(s).

Date: September 10, 2019

Signature: _____

for Gregory McCormick

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

Copies of this DNS were emailed to:

- Benton Clean Air Authority
- Confederated Tribes of Umatilla Indian Reservation
- Department of Ecology SEPA Register
- Department of Fish & Wildlife
- Department of Natural Resources
- Washington State Department of Transportation