
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 June 15, 2020
- b. Approval of Agenda
- c. Motion to enter Staff Report(s) into Record

3. PUBLIC HEARING:

- a. Zoning Ordinance Amendment (ZOA) #20-01 proposing to change the following Kennewick Municipal Code Subsection Sections: 1) 18.12.010B.1: To allow Vehicle Repair and Service as a staff reviewed permitted use in the Commercial, Community zoning district; additional proposal to create a new Section in Chapter 18.12 that establishes development standards for Vehicle Repair and Service. Applicant is Paul Knutzen, Knutzen Engineering, 5401 Ridgeline Drive, Suite 160, Kennewick WA 99338.
- b. Zoning Ordinance Amendment (ZOA) #20-02 proposing to change the following Kennewick Municipal Code Section: 18.24.050(16) – Regulation by Sign Type – Non-Commercial Portable Signs. Applicant is City of Kennewick.

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
JUNE 15, 2020
MEETING MINUTES**

CALL TO ORDER

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

Vice Chairman Morris led the Pledge of Allegiance.

Vice Chairman Morris made the following statement:

“Tonight’s meeting will be conducted through an online, virtual meeting platform. Planning Commissioners and staff are joining us remotely in order to comply with Governor Inslee’s Proclamation 20.28.4 as it relates to the Open Public Meeting Act during the COVID-19 State of Emergency. Should an individual Planning Commissioner become unexpectedly disconnected from the Webinar, please rejoin the meeting at your first opportunity. The record will reflect your attendance. The meeting will proceed so long as a quorum of Planning Commissioners are present.”

Recorder Melinda Didier called the roll and found the following logged into the Webinar:

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

Excused: None

Unexcused: None

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

CONSENT AGENDA

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- a. Approval of Minutes dated March 2, 2020
- b. Approval of Agenda
- c. Motion to enter Staff Reports into the Record

Commissioner Hempstead moved to accept the consent agenda. Commissioner Moore seconded the motion. The motion carried unanimously on a roll call vote.

PUBLIC HEARINGS

Vice Chairman Morris announced there was no Public Hearing portion of the meeting tonight as there are no applications requiring public testimony. The Planning Commission will be reviewing the 2020 Comprehensive Plan Amendment Docket (Item #6a “New Business” on tonight’s agenda).

VISITORS NOT ON AGENDA:

Visitors logged in:

Brad Niebuhr
Fred C
Paul Knutzen
Randy Hubbs

OLD BUSINESS:

None

NEW BUSINESS:

Mr. Donovan gave a brief review of how the Comprehensive plan process works, with five criteria for the Planning Commission to consider and decide whether to accept, deny, or defer to next year each Comp Plan Amendment application; Mr. Donovan presented each Comprehensive Plan Amendment on the docket:

Comprehensive Plan Amendment (CPA) #20-01, Change for 0.22 acres from Low Density Residential to Public Facility for property located at 4826 W. Metaline Avenue.

Planning Commission questions included:

None

Commissioner Stolle moved that the Planning Commission concur with the conclusions in staff report **CPA #20-01** and recommend that City Council **ACCEPT** the application for processing. Commissioner Hempstead seconded the motion. Motion passed unanimously on a roll call vote.

Comprehensive Plan Amendment (CPA) #20-02, Change from Commercial to Medium Density Residential for 14.74 acres located at 9757 W. Clearwater Avenue:

Planning Commission questions included:

Commissioner Moore asked if the Calvary Chapel location is part of the proposal; Mr. Donovan said no.

Commissioner Helgeson moved that the Planning Commission concur with the conclusions in staff report **CPA #20-02** and recommend that City Council **ACCEPT** the application for processing. Commissioner Rettig seconded the motion. Motion passed unanimously on a roll call vote.

Comprehensive Plan Amendment (CPA) #20-03, Change from Medium Density Residential to High Density Residential for 57.02 acres located at Address Undetermined, Parcel #1-1889-100-0001-007:

Planning Commission questions included: Electricity sub-stations situated in HDR districts (yes); will hearing notices go out to surrounding neighbors (yes, during public hearing phase - this is just a docket review of CPA).

Commissioner Helgeson moved that the Planning Commission concur with the conclusions in staff report **CPA #20-03** and recommend that City Council **ACCEPT** the application for processing. Commissioner Rettig seconded the motion. Motion passed unanimously on a roll call vote.

Comprehensive Plan Amendment (CPA) #20-04, Change from Low Density Residential to High Density Residential for .28 acres located at 324 N. Arthur Street:

Planning Commission questions included: Comment made that staff report reads CPA 19-04, should be CPA 20-04; HDR seems incompatible zoning for this area.

Commissioner Moore moved that the Planning Commission concur with the conclusions in staff report **CPA #20-04** and recommend that City Council **ACCEPT** the application for processing. Commissioner Rettig seconded the motion. The motion passed unanimously on a roll call vote.

Comprehensive Plan Amendment (CPA) #20-05, Change from Low Density Residential to Commercial for 20.50 acres located at: 8598 W. Hildebrand Boulevard:

Planning Commission questions included: None

Commissioner Moore moved that the Planning Commission concur with the conclusions in staff report **CPA #20-05** and recommend that City Council **ACCEPT** the application for processing. Commissioner Rettig seconded the motion. The motion passed unanimously on a roll call vote.

Comprehensive Plan Amendment (CPA) #20-06, Change from Low Density Residential to High Density Residential for 82.64 acres located at 2701 & 2711 S. Sherman Street:

Planning Commission questions included: Staff report indicates possible access issue with the site; at what point is deferring application to next year an appropriate option.

Commissioner Rettig moved that the Planning Commission concur with the conclusions in staff report **CPA #20-06** and recommend that City Council **ACCEPT** the application for processing. Commissioner Helgeson seconded the motion.

Planning Commission discussion included concern with a large property and no access.

The motion passed unanimously on a roll call vote.

Comprehensive Plan Amendment (CPA) #20-07, Change from Low Density Residential to Medium Density Residential, and from Commercial to Medium Density Residential for 3.44 acres located at 4711, 4717, and 4721 W. Canal Drive:

Planning Commission questions included: None

Commissioner Stolle moved that the Planning Commission concur with the conclusions in staff report **CPA #20-07** and recommend that City Council **ACCEPT** the application for processing. Commissioner Rettig seconded the motion. The motion passed unanimously on a roll call vote.

Comprehensive Plan Amendment (CPA) #20-08, Change from Industrial to Medium Density Residential for 26.42 acres at 109 S. Oak Street, 1721 E. 3rd Avenue and 50 S. Verbena Street:

Mr. Donovan said that there is a proposed expansion of the Waste Water Treatment plant drying facility located to the west of this site, which might not be conducive to residential uses in that area. Surrounding land uses are Industrial, so residential is not compatible with surrounding land uses. Staff is not recommending acceptance of the request for processing of CPA 20-08.

Mr. McCormick pointed out that Planning Staff received comments from the Public Works Department that raised concerns as well.

Planning Commission questions included: Is the property outside the City limits (yes, annexation needed).

Commissioner Rettig moved that the Planning Commission concur with the conclusions in staff report **CPA #20-08** and recommend that City Council **REJECT** the application for processing. Commissioner Moore seconded the motion. The motion passed unanimously on a roll call vote.

REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:

Welcome to new Planning Commissioner Ken Short; appreciation for a smoothly run Planning Commission virtual meeting.

ADJOURNMENT:

The meeting adjourned at 7:22 p.m.



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO
THE PLANNING COMMISSION

FILE NO: ZOA 20-01/AMD-2020-01006

Public Hearing Date: July 20, 2020

Proposal: To amend Kennewick Municipal Code (KMC) Section 18.12.010 B.1 by permitting Vehicle Repair and Service as a staff reviewed permitted use in the Commercial, Community zoning district. Additionally, to create a new KMC Section in Chapter 18.12 that establishes development standards for Vehicle Repair and Service.

Applicant: City of Kennewick – Community Planning Department

Staff Contact: Steve Donovan, Senior Planner

Background:

On April 21, 2020 the applicant applied to amend Section 18.12.010 B.1 – Table of Non-Residential Uses and establish a new section in Chapter 18.12.

The City sent the proposed amendments to the Department of Commerce on April 22, 2020, which started the 60-day comment period. The comment period ended on June 21, 2020

Discussion and Analysis:

Below is the current version of Section 18.12.010 B.1, the applicant has proposed an amendment to the Section 18.12.010 B.1 and proposed new Section 18.12.195.

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

Nonresidential Uses	RS	RL	RM	RH	RMH	RTP	UMU	CN	CO	CBD	CC	CR	CAR	CG	CM	HMU	BP	IP	IL	IH	JF	PF	OS
Vehicle repair and service, body and fender shops													I	I					I	I			

Applicant's proposed amendment to Section 18.12.010 B.1: Table of Non-Residential Uses:

To add Vehicle Repair and Service as a Category I Permitted Use in the Community, Commercial District.

Nonresidential Uses	RS	RL	RM	RH	RMH	RTP	UMU	CN	CO	CBD	CC	CR	CAR	CG	CM	HMU	BP	IP	IL	IH	JF	PF	OS
Vehicle repair and service, body and fender shops											I		I						I	I			

Applicant's proposal to create a new section in Chapter 18.12:

Section 18.12.295: Vehicle Repair and Service

Within the CC District, the following standards shall apply:

- (1) Abutting residential property shall receive noise level not to exceed 57 dBA (KMC 9.52).
- (2) Minimum six-foot tall sight obscuring fence is required in conjunction with solid (visual) screen landscaping when abutting a residential district.
- (3) Vehicle repair and service is only permissible within the CC District when located in an area of low-medium pedestrian activity per City street map as identified in the City's adopted Commercial Design Standards document.

Staff Analysis:

As shown in the above tables, Vehicle repair and service, body and fender shops currently are allowed in the following zones: Commercial, Auto Row; Commercial, General; Industrial, Light and Industrial, Heavy. All of those zones are more intense zones that permit uses that are more likely to be a nuisance to surrounding properties.

KMC Section 18.03.040: - Zone Purposes, ensures that the purpose of the zoning districts is consistent with the City Comprehensive Plan. Below is a portion of the section that establishes the purpose of the Commercial, Community (CC) Zone:

- (10) CC - The purpose of the CC district is to stabilize, improve and protect commercial areas, and to provide for orderly growth in new commercial areas in accord with the Comprehensive Plan. CC districts are intended for a wide range of uses to serve the community area to which they are appurtenant.

Staff Response: Because Vehicle repair and service, body and fender shops are intensive uses, permitting them in the CC zone will have a detrimental impact to existing uses/businesses.

Comprehensive Plan Goal and Policy:

Goal 2: Sustain and enhance viable commercial areas.

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

Staff Response: It is staff's opinion that Vehicle repair and service, body and fender shops are intensive uses that are not compatible with the current permitted uses in the CC zone.

Additionally, the proposed amendment is not site specific, it will apply to all properties that are zoned CC. A possibility for the applicant would be to rezone a specific property that has a Commercial Land Use Designation to a zone that permits the use.

Regulatory Controls and Policies

- Kennewick Municipal Code Chapter 18.12
- Kennewick Comprehensive Plan

Findings of Fact:

1. The applicant is Knutzen Engineering, c/o Paul Knutzen, 5401 Ridgeline Drive, Suite 160, Kennewick, WA 99336.
2. The processing of the proposed amendments was started on April 21, 2020.
3. The City fulfilled the State Environmental Policy Act requirements by issuing a Determination of Non-significance (DNS) on July 2, 2020.
4. Notice of the proposed code revision was sent to the Washington State Department of Commerce on April 22, 2020, consistent with the requirements of RCW 36.70A.106.

5. The City received confirmation of starting the 60-day review period and notice that the City has met the Growth Management Act notice to state agency requirements from the Washington State Department of Commerce on April 22, 2020.

Conclusions of Law:

1. The proposed amendments will not promote the public health, safety, and general welfare by allowing Vehicle repair and service, body and fender shops in the CC zone.
2. The proposed amendments conflicts with 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 DENIAL 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 20-01 and recommend to City Council denial of the requested changes to Chapter 18.12.

Exhibits:

1. Staff Report
2. Application
3. Maps
4. Proposed Amendments
5. Environmental Determination of Non-significance ED 20-11



Community Planning Department

210 West 6th Avenue

Kennewick, WA 99336

Phone: (509) 585-4280

cedinfo@ci.kennewick.wa.us

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: Paul Knutzen (Knutzen Engineering)

Address: 5401 Ridgeline Drive, Suite 160, Kennewick, WA 99338

Telephone: 509.222.0959 Cell: 509.440.1817

This 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:

Add to Existing Section 18.12.010B.1: Table of Non-Residential Uses

Vehicle Repair and Service as a Category I Permitted use in the CC District

Add New Section:

Section 18.12.XXX Vehicle Repair and Service

Within the CC District, the following standards shall apply:

- (1) *Abutting residential property shall receive noise levels not to exceed 57 dBA (KMC 9.52).*
- (2) *Minimum six-foot tall sight obscuring fence is required in conjunction with solid (visual) screen landscaping when abutting residential district.*
- (3) *Vehicle repair and service is only permissible within the CC District when located in an area of low-medium pedestrian activity or Heavy Traffic and State Highways categories per City street map as identified in the City's adopted Commercial Design Standards document.*
- (4) *All repair activities shall be conducted within an enclosed building.*

JUSTIFICATION:

Presently, a wide variety of commercial land uses are permitted within the CC district, including many uses that are automobile oriented in nature; however, vehicle repair facilities are not permitted. As the purposes of zoning are to protect the public health, safety and welfare, uses that would detract from a particular district or neighborhood should be prohibited or restricted. However, in this case, a code amendment to allow vehicle repair facilities within the CC district is warranted, for the following reasons:

Comparison of Permitted Uses in the CC District to Vehicle Repair Use:

- a. Vehicle repair business typically involve outdoor storage of vehicles, which may in some commercial districts be unwanted; however, many other uses that are permitted within the CC District require equal or greater amounts of outdoor storage and display of merchandise. Included on this list are equipment rental facilities, manufactured housing display, nurseries, RV storage, vehicle rental/leasing facilities and vehicle sales. A vehicle repair facility would not create impacts any different from these other uses.
- b. A second potential area of concern is the impact that an vehicle repair facility may have on adjoining properties relating to generation of traffic; however; many uses permitted within the CC district generate much higher traffic volumes including such uses as a wide variety of retail services, offices, medical clinics, restaurants, casinos, event centers or schools. A vehicle repair facility would be a relatively low traffic volume generator when compared to those other permitted uses.
- c. A third area of concern is the impact that a vehicle repair facility may have on adjoining properties relating to the production of noise. However, many uses that are already permitted within the CC district would produce similar amounts of noise such as automobile oriented uses (this term includes car washes, lube facilities and tire sales and service businesses) and gas stations. A vehicle repair facility would produce similar or lessor amounts of noise, especially if repair activities were only conducted indoors.
- d. Another potential area of concern is that a vehicle repair facility may not be appropriate within a commercial district that is built at a pedestrian scale, where customers would park their cars and walk to reach their destination. (i.e... an urban downtown setting.) However, that is not the case in the CC district, where much of the CC zoned properties are located along high-volume traffic corridors, such as Clearwater Avenue. Uses in these areas cater to automobile traffic, not pedestrian traffic.
- e. Finally, there is one use permitted within the CC district that creates all the same impacts that a vehicle repair facility would and that is a vehicle sales operation. By definition, vehicle sales also provide for vehicle repair and maintenance work. A vehicle repair facility is very similar to vehicle sales, except most auto repair

businesses are much smaller than the large car dealerships that operate within the city. Yet vehicle sales are allowed in the CC district and vehicle repair is not.

Existing Vehicle Repair Businesses in the CC District

A recent google search within the City found a total of 49 vehicle repair businesses within city limits. Of these, 15 or 30% of these businesses are located within the CC district. (Refer to the attached Exhibit A). The net result is that there are 15 existing businesses within the CC district that are considered non-conforming and subject to significant restrictions/prohibitions in their ability to expand their business operations. Amending the code to allow vehicle repair business as a permitted use within the CC district would benefit those owners, allowing them to expand their operations as needed to maintain a healthy business and would benefit the city by encouraging healthy business districts. Further, the code amendment would allow for new vehicle repair businesses to be located along arterial corridors that apparently are highly desirable locations for those types of businesses.

Existing Vehicle Sales Businesses in the CC District

As mentioned above, vehicle sales uses are identical to vehicle repair businesses, from the perspective of land use impacts, except that vehicle repair does not include the aspect of vehicle sales. But all vehicle sales operations likely include some type of vehicle repair. In fact, the larger dealerships have service departments that service more vehicles than many independent vehicle repair businesses daily. A google search revealed that there is a total of 20 vehicle sales businesses within the City. (Refer to Attached Exhibit B). Of these, 10 are located within the CC district. Given that vehicle sales are permitted in the CC district, it follows that vehicle repair businesses should be permitted as well.

Existing Code Provisions that would Protect Adjacent Lands from Vehicle Repair Impacts

There are some existing code provisions that would offer some protections to adjacent properties if new vehicle repair and service businesses locating within a CC district abutted residential properties. From Section 18.12.01B.2 the Table of Non-Residential Site Development Standards – Footnotes 3 and 4 set forth standards for view obstruction setbacks and requirements that service, processing and storage areas abutting an R district be located within an enclosed building or screened from view. Additionally, Chapter 18.21 pertaining to landscaping and screening requirements and Chapter 19.39 relating to outdoor lighting both include standards designed to protect

adjoining properties and would offer some protections for any instance where a vehicle service and repair business located adjacent to property within an R district.

Proposed Code Provisions to Protect Adjoining Properties from the Impacts of Vehicle Repair

The proposed code amendment includes some additional language to offset impacts of vehicle repair and service businesses. Specifically, they would require that any vehicle repair business shall not generate noise in excess of 57 decibels on an adjoining residential property. Additionally, a sight obscuring fence would be required anytime a vehicle repair and service business abut a residential property. Further, repair activities would have to be conducted indoors. Finally, the proposal includes some restrictions on which properties within a CC district could accommodate a vehicle repair business in order to limit vehicle repair uses in more pedestrian oriented areas of the CC district.

Summary

Vehicle repair and service uses should be allowed within the CC district because they are very similar to other commercial uses that are already allowed within the district; they are already present in large numbers throughout the CC district; and the existing code requirements together with proposed code language submitted would ensure that the impacts of vehicle repair and service businesses would be appropriately mitigated.



Signature

4/20/2020

Date

Checklist:

- | | |
|--|---|
| ☒
_____ | Application & fee |
| ☒
_____ | State Environmental Policy Act (SEPA) Checklist & fee |

EXHIBIT A – Auto Repair Businesses in the CC District

Exhibit 3

1. 360 Auto Repair
2. Autoworks
3. Carefree RV & Auto Repair
4. Cortes Upholstery & Auto Glass
5. Hi Land Garage
6. Johnny's Automotive Service
7. Les Schwab Tire Center
8. Messer Motoren Weke
9. Meyers Auto Tech
10. Perfection Tire & Auto
11. SAS Auto Electric
12. SS Auto
13. Tesoro
14. Tri-Cities Battery & Auto Repair
15. USA Brake & Auto Repair

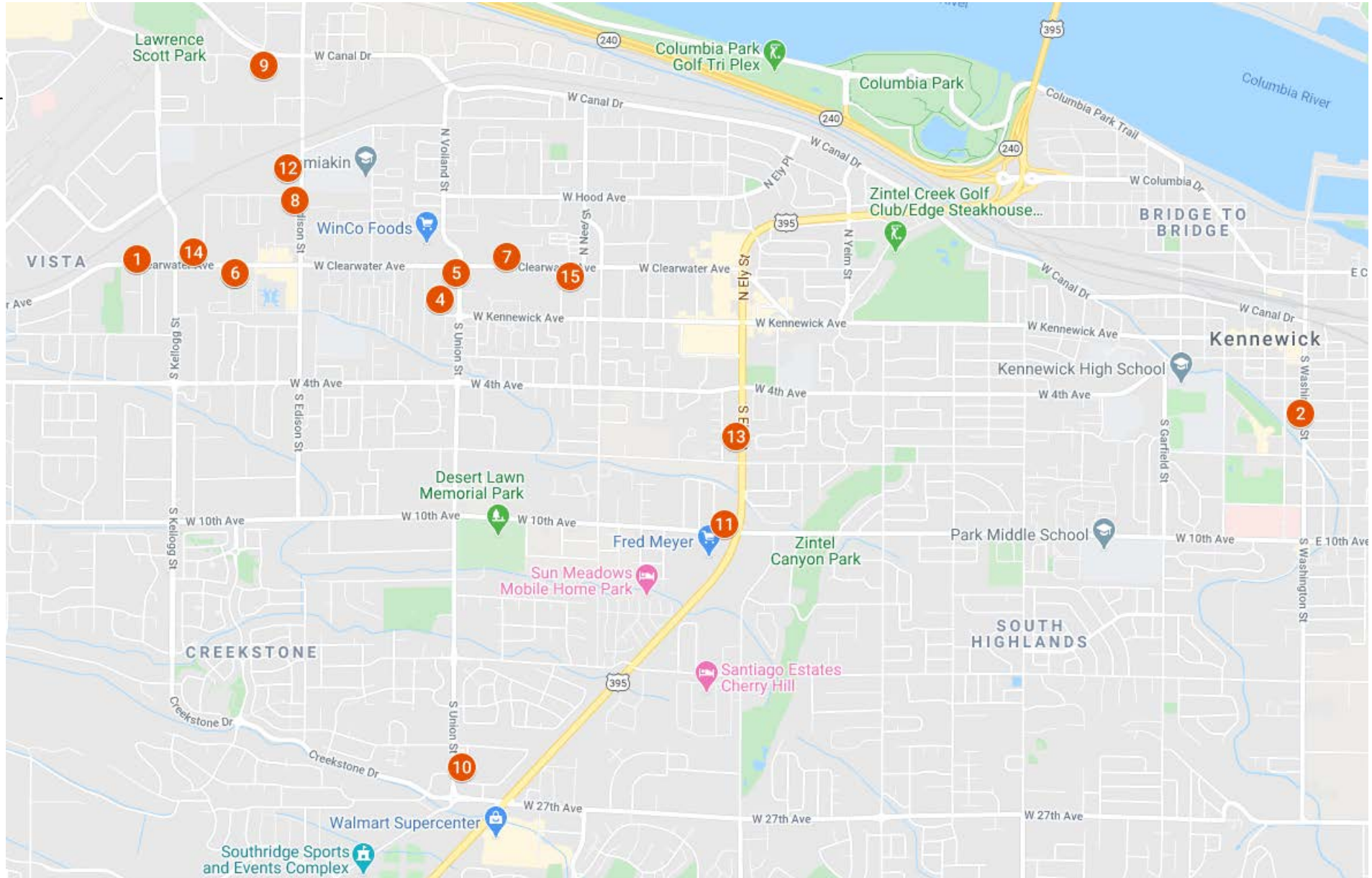


EXHIBIT B – Existing Vehicle Sales

Exhibit 3

1. Alvarez Auto Sales
2. Toyota of Tri-Cities
3. Archibalds
4. Lithia Chrysler Jeep Dodge
5. Millennium Auto Sales
6. Mercedes Benz of Tri-Cities
7. Excalibur Auto Group
8. Leskovar Mitsubishi
9. Tri City Car Sales
10. Grandstand Auto Sales
11. Paradise Auto Sales
12. Speck Buick GMC
13. Elite Auto Sales
14. Express Auto Sales
15. Elder Auto Sales
16. J & R Auto Sales
17. John's Auto Mart
18. USE Auto Sales
19. JJ Auto Investments & RVs

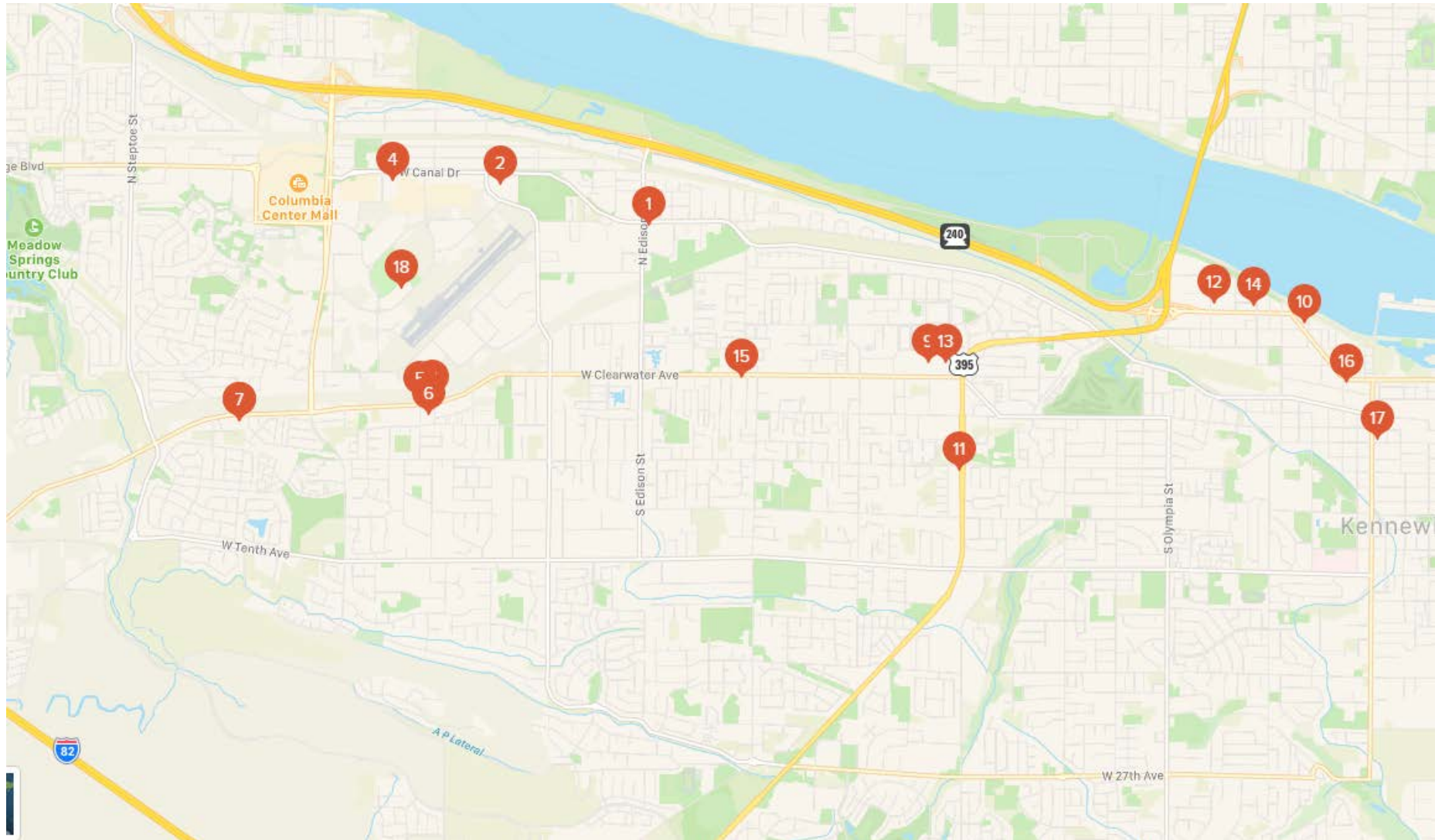


Exhibit C – Kennewick Street Map

CITY OF KENNEWICK, WA
STREET MAP

MAP LEGEND

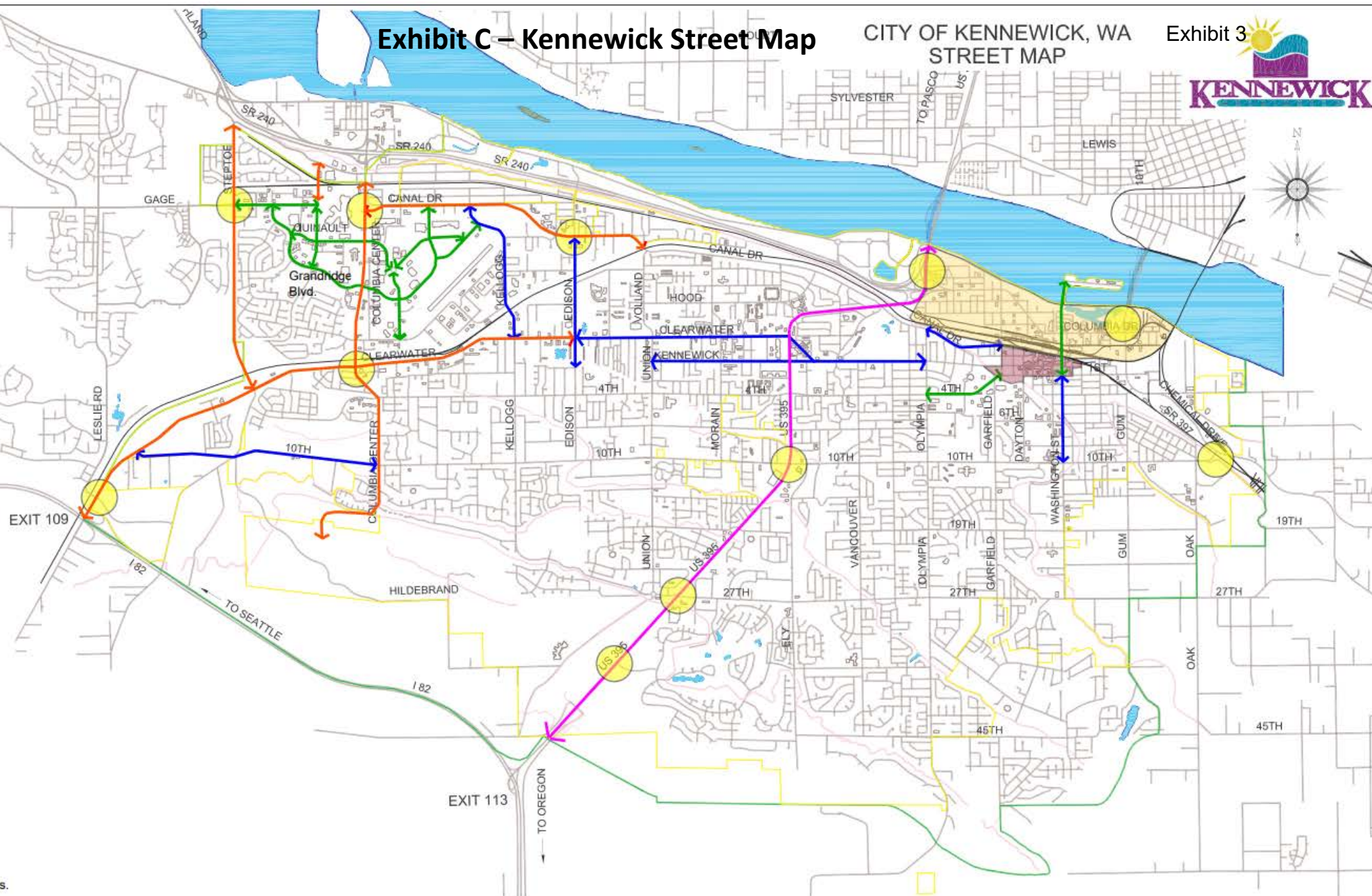
- Highest Pedestrian Emphasis
- Medium Pedestrian Emphasis
- Medium-low Pedestrian Emphasis
- Heavy Traffic and State Hwys
- Downtown*
- BB-RR Area*
- Gateways and Major Intersections
- STREETS
- RIVER
- KENNEWICK
- URBAN GROWTH AREA

MARCH 2006

210 WEST SIXTH AVENUE
P.O. BOX 6108
KENNEWICK, WASH. 98536-0108
(509)585-4200 FAX (509)585-4445

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*Areas excluded from these design standards.



**CITY OF KENNEWICK
PROPOSED ZONING CODE AMENDMENT
Vehicle Repair and Service Permitted in the Community Commercial
(CC) District**

Existing Code Provisions:

18.09.2170: - Vehicle Sales, Repair, and Service.

Vehicle Sales, Repair, and Service means facilities and premises where the primary use is the retail sale of vehicles, including cars, trucks, farm vehicles, and boats and includes the supply and dispensing of lubricants, batteries, tires, motor vehicle accessories, and includes the mechanical service and repair of motor vehicles.

18.09.2160: - Vehicle Repair and Service.

Vehicle Repair and Service means facilities and premises where the primary use is the retail supply and dispensing of lubricants, batteries, tires, and motor vehicle accessories, and includes the mechanical service and repair of motor vehicles.

18.12.050: - Automobile-Oriented Uses.

No vehicle service apparatus may be within 15 feet of a public way. Except for necessary access, automatic washing equipment, hydraulic hoists, pits, lubricating equipment, food preparation and washing equipment and the like must be kept within a completely enclosed building. All washing residue must be biodegradable and drained in accord with applicable public works standards.

All other applicable site planning standards and as required by the Kennewick Municipal Code shall apply.

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

Footnotes:

- (3) Street Frontage: Only that necessary to comply with Chapters 13.12, 18.21, and 18.27. The right-of-way is determined in accord with Section 5.56.51.
- (a) View obstruction setbacks must be improved with asphalt, concrete, or some other comparable dust-free and weed free material, or landscaped to prevent dust and weeds with adequate irrigation or otherwise maintained to prevent weeds, dust and rubbish.
- (b) Side and Rear: None; but 20 feet on sides abutting R or HMU districts.

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

Proposed Amendments:

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

Add: **Vehicle Repair and Service as a Category I Permitted use in the CC District**

Add New Section:

Section 18.12.295 Vehicle Repair and Service

Within the CC District, the following standards shall apply:

- (1) Abutting residential property shall receive noise level not to exceed 57 dBA (KMC 9.52).
- (2) Minimum six-foot tall sight obscuring fence is required in conjunction with solid (visual) screen landscaping when abutting residential district.
- (3) Vehicle repair and service is only permissible within the CC District when located in an area of low-medium pedestrian activity per City street map as identified in the City's adopted Commercial Design Standards document.



CITY OF KENNEWICK DETERMINATION OF NON-SIGNIFICANCE

FILE/PROJECT NUMBER: ED 20-11/PLN-2020-01007

DESCRIPTION OF PROPOSAL: To amend KMC Section 18.12.010B.1: To allow Vehicle Repair and Service as a staff reviewed permitted use in the Commercial, Community zoning district. Additionally, to create a new Section in Chapter 18.12 that establishes development standards for Vehicle Repair and Service.

PROPOSER: Knutzen Engineering, c/o Paul Knutzen, 5401 Ridgeline Drive, Suite 160, Kennewick, WA 99338

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: Proposal is not site specific.

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

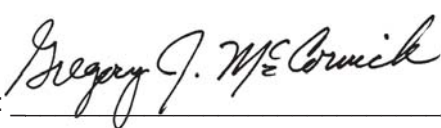
☐ Changes, modifications and/or additions to the checklist have been made on the attached Environmental Checklist Review.

This DNS is subject to the attached conditions:

☒ No conditions.

☐ See attached condition(s).

Date: July 2, 2020

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 20-11 File



Community Planning Department

210 West 6th Avenue

Kennewick, WA 99336

Phone: (509) 585-4280

cedinfo@ci.kennewick.wa.us

STAFF REPORT SIGN CODE AMENDMENTS NON-COMMERCIAL PORTABLE SIGNS

Date: July 14, 2020

To: City of Kennewick Planning Commission

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

BACKGROUND

On February 18, 2020 the Council Planning and Economic Development Committee reviewed the City's sign code, specifically the provisions related to Non-Commercial Portable Signs and the motivation for the changes made in 2018. As the Planning Commission may recall in 2015 the U.S. Supreme Court issued a significant sign code decision in *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015). In that case the Court addressed whether the *Town of Gilbert's* sign code regulating portable signs violated the First Amendment because it provided a variety of exemptions depending upon the content/message of the sign – such as “political”, “temporary directional” or “ideological”. The Supreme Court held that a sign regulation which “on its face considers the message on a sign to determine how it will be regulated, is “content based.” A content based regulation is subject to strict scrutiny analysis which is the highest constitutional hurdle. It requires a municipality to show that the content based restrictions further a compelling governmental interest and are narrowly tailored to that end. The Supreme Court's ruling in *Reed v. Town of Gilbert* established a new standard for sign code regulations requiring essentially every municipality in the Country to review and revise their codes to come into compliance. Post *Reed*, cities may regulate non-commercial portable signs using factors like, size, height, location(zoning), use of materials, maximum number, portability, etc. Not all cities in this region have modified their sign codes, this has resulted in confusion regarding size restrictions as they related to what has been traditionally considered political/campaign signs. As a result, several council members have requested the City review these restrictions.

The PED committee reviewed the Non-Commercial Portable Signs provisions found at KMC 18.24.050(16) and recommended that council consider increasing the size allowed for Non-Commercial Portable signs in commercial zones to accommodate the traditional 4X8 signs used in political campaigns. The PED committee also recommended the council consider provisions clarifying sign height as it relates to Non-Commercial Portable Signs. At the June 23rd council workshop, council discussed the proposed amendments. Per the discussion it appeared the majority would like to increase the maximum sign face area per sign to 32 sq. ft. (4x8), the maximum area of all signs per parcel, and the maximum height for signs located on residential zoned property. Similarly, council wants to increase the maximum sign face area per sign to 32 sq. ft. (4x8), increase the maximum height to six feet, and increase the maximum area of all signs per parcel to 64 sq. ft. for properties zoned commercial.

PROPOSAL

KMC 18.24.050: - Regulation by Sign Type.

- (16) Non-Commercial Portable Signs: Non-Commercial Portable signs are subject to the following requirements:
- (a) Non-Commercial Portable signs may be displayed for no longer than 180 consecutive days per calendar year; Non-Commercial Portable signs related to an event may be displayed for no longer than 180 consecutive days per calendar year and must be removed no later than 14 days after the event.
 - (b) Non-Commercial Portable signs are not permitted to be placed on or affixed to any City property but may be allowed in the parking strip portion of the right-of-way in the area between the curb and the sidewalk, provided there is no traffic visibility obstruction and the abutting property owner's permission has been granted;
 - (c) Non-Commercial Portable signs whether in the parking strip described above or on private property located in residential zones are subject to the following limitations:
 - (i) Maximum area of the sign face: **Thirty-two square feet (i.e. 4ft x 8ft)**;
 - (ii) Maximum sign height as measured per KMC 18.24.020(26): **Six feet**;
 - (iii) **Max number of signs per parcel**: Unlimited, provided total area of all signs does not exceed **Thirty-two square feet**;
 - (v) Must be installed securely in the ground;
 - (d) Non-Commercial Portable signs whether in the parking strip described above or on private property located in commercial, industrial and all other zones are subject to the following limitations:
 - (i) Maximum area of the sign face: **Thirty-two square feet (i.e. 4ft x 8ft)**;
 - (ii) Maximum sign height as measured per KMC 18.24.020(26): **Six feet**;
 - (iii) **Max number of signs per parcel**: Unlimited provided the total area of all portable signs does not exceed **Sixty-four square feet**;
 - (v) Must be **installed securely in the ground**.

FINDINGS

1. The proposed revisions to KMC 18.24.050(16) (c) and (d) will increase maximum size and height allowed for non-commercial portable signs in both residential and commercial zones.
2. Proposed revisions have been sent to the Washington State Department of Commerce for review as required under RCW 36.70A.106 on June 18, 2020. Acknowledgement that Kennewick was granted expedited review and met the Growth Management Act notice to state agency requirements in 36.70A.106 was received on July 2, 2020.
3. A Determination of Non-Significance was issued for proposed amendments to KMC 18.24.050(16) (c) and (d). The appeal period will expire on July 27, 2020.
4. Notice of the public hearing on the proposed amendments was published in the Tri-City Herald on July 5, 2020.

CONCLUSION

By adopting the proposed amendments to KMC 18.24.050(16) (c) and (d) as presented, the City's code provisions related to non-commercial portable signs will bring the size restrictions more in line with what is allowed in the neighboring cities while still being consistent with the requirements of the *Reed* decision.

RECOMMENDATION

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

EXHIBITS

Proposed amendment to KMC 18.24.050(16) (c) and (d).

CITY OF KENNEWICK
ORDINANCE NO. *****

AN ORDINANCE RELATING TO SIGN TYPES AND AMENDING SECTION
18.24.050 OF THE KENNEWICK MUNICIPAL CODE

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

Section 1. Section 18.24.050 of the Kennewick Municipal Code, be, and the same hereby is,
amended to read as follows:

KMC 18.24.050: - Regulation by Sign Type.

- (16) Non-Commercial Portable Signs: Non-Commercial Portable signs are subject to the following requirements:
- (a) Non-Commercial Portable signs may be displayed for no longer than 180 consecutive days per calendar year; Non-Commercial Portable signs related to an event may be displayed for no longer than 180 consecutive days per calendar year and must be removed no later than 14 days after the event.
 - (b) Non-Commercial Portable signs are not permitted to be placed on or affixed to any City property but may be allowed in the parking strip portion of the right-of-way in the area between the curb and the sidewalk, provided there is no traffic visibility obstruction and the abutting property owner's permission has been granted;
 - (c) Non-Commercial Portable signs whether in the parking strip described above or on private property located in residential zones are subject to the following limitations:
 - (i) Maximum area of the sign face: 32 square feet (i.e. 4ft x 8ft);
 - (ii) Maximum sign height as measured per KMC 18.24.020(26): Six feet;
 - (iii) Max number of signs per parcel: Unlimited, provided the total area of all portable signs do not exceed 32 square feet;
 - (iv) Must be installed securely in the ground;
 - (d) Non-Commercial Portable signs whether in the parking strip described above or on private property located in commercial, industrial and all other zones are subject to the following limitations:
 - (i) Maximum area of the sign face: Thirty-two square feet (i.e. 4ft x 8ft);
 - (ii) Maximum sign height as measured per KMC 18.24.020(26): Six feet;
 - (iii) Max number of signs per parcel: Unlimited, provided the total area of all portable signs do not exceed 64 square feet;

(iv) Must be installed securely in the ground.

Section 2. This ordinance shall be in full force and effect five days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this _____ day of August, 2020, and signed in authentication of its passage this _____ day of August, 2020.

Attest:

DON BRITAIN, Mayor

TERRI L. WRIGHT, City Clerk

ORDINANCE NO. ***** filed and recorded
in the office of the City Clerk of the City of
Kennewick, Washington this _____ day of
July, 2020.

Approved as to Form:

LISA BEATON
City Attorney

TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION _____