

- 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 April 5, 2021
 - b. Approval of Agenda
 - c. Motion to enter Staff Report(s) into Record
3. **PUBLIC HEARING:**
 - a. Change of Zone (COZ) #21-05 proposing to change the zoning district for approximately 7.42 acres located at 4717 W. Canal Drive from Residential, Low Density (RL) and Commercial, Community (CC) to Residential, Medium Density (RM). Applicant is Nathan Machiela, Knutzen Engineering, 5401 Ridgeline Drive # 160, Kennewick, WA 99338. Property owner is Randy Hubbs, HN Development Partners LLC, 416 S. Wilson Street, Kennewick, WA 99336.
 - b. Zoning Ordinance Amendment (ZOA) #21-01 Kennewick Shoreline Master Program Update Periodic Review – City of Kennewick and WA State Department of Ecology.
 - c. Comprehensive Plan Amendment (CPA) #20-06 proposing to change the land use designation for approximately 40.06 acres located generally at 2701 & 2711 S. Sherman Street from Low Density Residential to High Density Residential. Applicant and Property owner is Jose A. Chavallo, 5927 W. Quinault Avenue, Kennewick, WA 99336.
4. **VISITORS NOT ON AGENDA:**
5. **OLD BUSINESS:**
 - a. City Council Action Updates
6. **NEW BUSINESS:**
7. **REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:**
8. **ADJOURNMENT:**

KENNEWICK PLANNING COMMISSION
April 5, 2021
MEETING MINUTES

CALL TO ORDER

Chairman Morris called the meeting to order at 6:32 p.m.

Chairman Morris led the Pledge of Allegiance.

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."

Community Planning Administrative Assistant Melinda Didier called the roll and found the following logged into the Webinar:

Present: Commissioners James Hempstead, Ken Short, Thomas Helgeson, Anthony Moore, Chairman Victor Morris.

Excused: Vice Chairman Clark Stolle

Unexcused: None

Staff Present: Gregory McCormick, AICP Planning Director; Anthony Muai, AICP Development Services Manager; Steve Donovan, AICP Senior Planner, Matt Halitsky, Planner, Chris Bowman, Assistant Planner; Melinda Didier, Community Planning Administrative Assistant.

CONSENT AGENDA

- a. Approval of Agenda
- b. Approval of the February 1, 2021 Meeting Minutes
- c. Motion to enter Staff Reports into the Record

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

PUBLIC HEARINGS

Chairman Morris opened the virtual public hearing at 6:39 p.m. for Change of Zone 21-02/PLN-2021-00497 proposing to change 4.45 acres located at 2109 S. Washington Street from Residential, Suburban Density (RS) to Residential, Low Density (RL). Applicant and Owner is Darrell Bussell, DDB, LLC, 6103 Balsam Court, West Richland, WA 99353.

Mr. Donovan gave a brief overview of the staff report; he entered into record two public comment letters received after the staff report was distributed. They are Exhibit 12 – Rives Letter, and Exhibit 13 – Griffith Letter, Exhibits 12 and 13 were both sent to the Planning Commission for review.

Planning Commission questions: Commissioner Helgeson asked if there is a direct mapping of the UGAR to a City of Kennewick designation; Mr. Donovan said UGAR is more of a hybrid designation that allows RS and RL, and allows for farm animals but a minimum lot size of 7500 square feet – there are similarities. Chairman Morris asked if the surrounding zones other than those to the east are residential low or suburban; Mr. Donovan said residential suburban to the north and the south, and residential medium to the west – the residential low would be similar to the County's UGAR to the east.

Testimony of Applicant/Applicant's Representative:

Darrell Bussell
DDB, LLC
6103 Balsam Court
W. Richland 99352

There's a common misconception with this rezoning, this property is already zoned for 13 lots, I am asking for a few more lots; because it is currently RS I could have gone ahead without the zoning and pushed this right through, people think I'm changing from agricultural to residential but it already is residential. This will allow a few more houses on the site.

Testimony in Favor:

None

Testimony Neutral or Against:

Nikki Griffith
2001 S. Washington Street
Kennewick 99337

My southern property line adjoins the subject property northern border; all of the UGAR land to the east are mostly larger parcels; most of the residents there have farm animals, as do we; 13 lots should be the maximum for his parcel. Virtually everything subdivided has been minimum of a half-acre or more; it will drive property values down, the traffic near the school is horrendous during rush hour. This property is directly across from the school and the zone change is inappropriate, should be no smaller than half-acre lot.

Don Rives
2100 S. Beech Street
Kennewick 99337

In opposition to the request; the reason we live here is the quiet, can have farm animals here, the size of the lots. Having something like this next door would greatly impact us with noise, security, we share the border between the City line and County line; 18 units is too much, 13

units would be fine with the parcel size; it's already zoned for that, should stick with that. Traffic impact with the school across the street, to put 18 residences there is too much. Total opposition to this idea.

William Mager
2004 S. Beech Street
Kennewick 99337

I live close to this property and agree with Mr. Rives it's too much, should have gone with the allowed 13 units; impacts from traffic, noise is too much. I am opposed to this, just too many units.

Planning Staff Comments: Mr. McCormick said there is the issue of the UGAR zoning in the County – adjacent to the subject site - the minimum parcel size in the UGAR is 7500 square feet consistent with what's being requested for the RS zoning district. Given that, it's consistent with the criteria for that zoning district. Mention of property values being lowered, not sure of any evidence to support that claim; traffic issues, there is requirement for a traffic study to be done upon development of a plat; one comment that we should limit or require half acre minimum lot its already zoned for minimum 10,500 square foot lots and we can't require larger lots than what the zoning designation calls for.

Chairman Morris asked Mr. Donovan to address the comments on traffic that were raised; Mr. Donovan said the Traffic Engineering Department has not made any comments about this rezone because it isn't a project application at this time; in regards to traffic counts, until the proposal is submitted they can't comment on a specific project. If and when a development application is submitted, our Traffic Division will have more detailed and specific comments on traffic issues that may arise.

Public Testimony for COZ 21-02 closed at 7:01 p.m.

Chairman Morris asked for a motion.

Commissioner Hempstead moved to concur with the findings and conclusions in staff report COZ 21-02 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

Planning Commission Discussion:

Commissioner Moore said he has been on the Planning Commission for some time, and seen issues arise whether negative or positive staff does well at explaining. Those who are opposed or in favor, there are conclusions and the Planning Commission's job is to determine if those conclusions are sound, and I believe the staff has done that; I would encourage those opposed or against or for it, this isn't an approved project, this is just to get the zoning changed not a project approved. I just wanted to put that on the record, sometimes as a Commissioner or as a community member it's nice to remember that process.

Chairman Morris asked Ms. Didier if, since he is recusing himself from the vote, the three remaining voting Commissioners present would make a quorum. Ms. Didier said that we actually have five total Commissioners present tonight, so there are four remaining

Commissioners to vote on the zone change; there is a quorum. Chairman Morris recused himself from the vote.

The motion passed on a unanimous roll call vote.

VISITORS NOT ON AGENDA:

None.

OLD BUSINESS:

- a. **City Council Action Updates** – Mr. McCormick said that there have been some Council updates, but he has not noted them; they will be provided at the next update in two weeks.

NEW BUSINESS: None.

REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:

Commissioner Short said he appreciated Commissioner Moore's comments and expressed hope in a Zags second-half comeback.

ADJOURNMENT:

The meeting adjourned at 7:09 p.m.



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO
THE PLANNING COMMISSION
FILE NO: COZ 21-05/PLN-2021-00604

Report Date: April 12, 2021

Hearing Date & Location: April 19, 2021, Virtual

Report Prepared By: Chris Bowman
Assistant Planner

Report Reviewed By: Anthony Muai AICP
Planning Manager

Summary Recommendation: The City of Kennewick Planning Staff RECOMMENDS that Change of Zone 21-05 be APPROVED.

Summary of Proposal: A Change of Zone of three parcels (7.42 acres) from Residential, Low (RL) and Commercial, Community (CC) to Residential, Medium (RM).

Proposal Location: 4711, 4717, 4721 W Canal Dr.

Legal Description: Parcel No. 1-3399-102-0017-008, 1-3399-102-0018-002, 1-3399-102-0018-001

See Exhibit 3.

Property Owners: HN Development Partners LLC, Randy Hubbs
416 S Wilson St.
Kennewick, WA 99336

Applicant: Knutzen Engineering, Nathan Machiela
5401 Ridgeline Dr, Suite 160
Kennewick, WA 99338

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

COZ Key Application Processing Dates:

Application Submittal	February 22, 2021
Determination of Completeness Issued	February 25, 2021
Notice of Application Posted	March 25, 2021,
SEPA Determination (Adoption of DNS for CPA 20-07)	August 5, 2020
Date of Mailed Notice of Public Hearing	April 5, 2021
Property Posting Sign for Public Hearing	April 5, 2021
Date of Published Notice of Public Hearing	April 4, 2021

Exhibits:

1. Staff Report
2. Application/Supplemental Information
3. Legal Descriptions
4. Maps
5. Environmental Determination 20-16
6. Affidavit of Mailing/Mailing List dated April 5, 2021
7. Public Comment

The site is adjacent to the following zoning districts:

North: County
 East: County
 South: N/A
 West: Residential, Low (RL)

Applicable Goals and Policies of the Comprehensive Plan:

Residential Goal 3: Promote a variety of residential densities with a minimum density target of 3 units per acre as averaged throughout the urban area.

Residential Policy 3.3: Residential Medium Density - Place areas that can support high-quality, compact, urban development with access to urban services, transit, and infrastructure, whether through new development or through infill.

Kennewick Municipal Code Findings:

The following findings are required to be made in order to approve a change of zone:

KMC 18.51.070(2): Findings:

Findings Required. In order to amend the zoning map, the City Council must find that:

1. *The proposed amendment conforms with the comprehensive plan; and*

Staff Response: This site is designated Medium Density Residential in the City's comprehensive plan. The Residential, Medium (RM) zone is an implementing zone of the Medium Density Residential land use designation.

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

Staff Response: The applicant states that the proposal promotes the public necessity, convenience and general welfare because it will allow for the construction of a multi-family building. The proposal implements goals and policies of the comprehensive plan, specifically Residential Goal 3 and Residential Policy 3.3.

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

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

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

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

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

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

Public Comments

Comments were received from a neighbor regarding concerns with crime in the area and suggesting single-family or low-cost housing as an alternative. See Exhibit 7.

Agency Comments

Benton Public Utility District indicated that they had no comments.

Staff Analysis of Proposal & Discussion:

The proposed Change of Zone (COZ 21-05) is a request to change three parcels, approximately 7.42 acres, located at 4711, 4717, 4721 W Canal Dr., from Residential, Low (RL) and Commercial, Community (CC) to Residential, Medium (RM). The applicant has requested the change of zone in order to implement a recently approved Comprehensive Plan Amendment (CPA 20-07) that changed the land use designation from Low Density Residential to Medium Density Residential.

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

Per KMC 18.03.040(3), "The purpose of the RM zone is to establish areas for medium density single and multiple-family residential buildings and to establish regulations for their development. The district is for more intensive residential use where necessary or desirable to achieve good neighborhood design and stabilize land use."

This proposal will implement the existing Medium Density Residential land use designation as well as promote the goals and policies of the comprehensive plan.

KMC 18.51.070(2) requires findings be made to support a change in zoning. The appropriate findings have been made to support this proposed rezone.

Findings:

1. The applicant is Knutzen Engineering (5401 Ridgeline Dr, Suite 160, Kennewick, WA 99338).
2. The property owner is HN Development Partners, LLC, (416 S Wilson St, Kennewick, WA 99336).
3. The proposed change of zone is for parcel number 1-3399-102-0017-008 (4711), 1-3399-102-0018-002 (4717), 1-3399-102-0018-001 (4721 W Canal Dr.)
4. The request is to change the zoning from Residential, Low (RL) and Commercial, Community (CC) to Residential, Medium (RM).
5. The City's Comprehensive Plan Land Use Designation for the subject property is Medium Density Residential.
6. The Residential, Medium (RM) zoning district is an implementing zone of the Medium Density Residential Comprehensive Plan Land Use Map designation.
7. The application was submitted on February 22, 2021 and declared complete for processing on February 25, 2021.
8. The application was routed for review to City Departments and outside agencies for comment on March 25, 2021.
9. Access to the site is currently provided from W. Canal Dr.
10. The City of Kennewick Critical Area maps indicate that there are no critical areas on the site.
11. A Determination of Non-Significance issued for CPA 20-07/PLN-2019-01085 on August 5, 2020 was adopted for this proposal.
12. The Property Posting sign for the public hearing was posted on site April 5, 2021.
13. Notice of the public hearing for this application was published in the Tri-City Herald on April 4, 2021. Notices were mailed to property owners within 300 feet of the site on April 5, 2021
14. The proposed amendment conforms to the comprehensive plan.
15. The proposed amendment promotes the public necessity, convenience and general welfare.
16. The proposed amendment does not impose a burden upon public facilities beyond their capacity to serve or reduce such services to lands, which are deemed unacceptable by the City.
17. The proposed amendment is consistent with all applicable provisions of the Kennewick Municipal Code, including those adopted by reference from the Comprehensive Plan.

Conclusions:

1. Approval will implement the Medium Density Residential land use designation of the City of Kennewick Comprehensive Plan.
2. Approval promotes the public necessity, convenience and general welfare by implementing the Comprehensive Plan.
3. Approval of the proposal will not impose a burden upon public facilities beyond their capacity to serve, nor will it reduce service to the service area below the City's established levels of service.
4. The proposed amendment is consistent with the applicable provisions of the Kennewick Municipal Code and the Comprehensive Plan. The RM zone is implements the Comprehensive Plan's Medium Density Residential land use designation.

Recommendation:

Staff has reviewed the application and recommends that the Planning Commission concur with the findings and conclusions contained in staff report COZ 21-05 and recommend APPROVAL to City Council.

Motion:

I move that the Planning Commission concur with the findings and conclusions in staff report COZ 21-05 and recommend APPROVAL to City Council approval of the request.

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

Exhibit 2

PROJECT # _____ - _____ PLN- _____ - _____ FEE \$ _____

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

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

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

Short Plat ☐ Conditional Use ☐ Other Change of Zone

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

Applicant: Knutzen Engineering, Nathan Machiela

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

Telephone: (509) 222-0959 Cell Phone: _____ Fax: _____ E-mail nathan@knutzenengineering.com

Property Owner (if other than applicant): HN Development Partners LLC, Randy Hubbs

Address: 416 S Wilson St, Kennewick WA, 99336

Telephone: (509) 366-3819 Cell Phone: _____ E-mail rhubbs@ihs1.com

SITE INFORMATION

Parcel No. 133991020018001 & 133991020017008 Acres 3.98 Total Zoning: RL & CC

Address of property: 4721 W Canal Drive, Kennewick, WA 99336 / 4711 W Canal Drive, Kennewick, WA 99336

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

Present use of property Single family residence and storage building

Size of existing structure: 6840 sq. ft. Size of Proposed addition/New structure: 0 sq. ft.

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

Benton County Assessor Market Improvement Value: \$336,660 Total

Description of Project: Change of zone from Residential-Low Density (RL) & Commercial-Community (CC) to Residential-Medium Density (RM).

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

Applicant's Signature

Date: 02/22/2021

DocuSigned by:

Randy Hubbs / Member, HN Development Partners

Signature of owner or owner's authorized representative

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

Exhibit 2

PROJECT # _____ - _____ PLN- _____ - _____ FEE \$ _____

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

Short Plat ☐ Conditional Use ☐ Other Change of Zone

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

Applicant: Knutzen Engineering, Nathan Machiela

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

Telephone: (509) 222-0959 Cell Phone: _____ Fax: _____ E-mail nathan@knutzenengineering.com

Property Owner (if other than applicant): Brad and Emily Niebuhr

Address: 1771 Sorenson Rd, Ellensburg, WA 98926

Telephone: _____ Cell Phone: _____ E-mail _____

SITE INFORMATION

Parcel No. 133991020018002 Acres 3.44 Zoning: RL

Address of property: 4717 W Canal Drive, Kennewick, WA 99336

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

Present use of property Single family residence.

Size of existing structure: 2046 sq. ft. Size of Proposed addition/New structure: 0 sq. ft.

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

Benton County Assessor Market Improvement Value: \$267,540

Description of Project: Change of zone from Residential-Low Density (RL) to Residential-Medium Density (RM).

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

Applicant's Signature

Date: 02/22/2021

DocuSigned by:



Signature of owner or owner's authorized representative

DocuSigned by:



Change-of-Zone Supplemental Information

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

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

The general welfare of the public will be increased by the adoption of this amendment. If this amendment is adopted, more housing options will be available for those living in or looking to move to the City of Kennewick.

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

No, there are presently no sites available on the market within one mile of the proposed site that are correctly zoned and undeveloped. There are properties to the west that are correctly zoned, however they are already developed and not for sale.

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

Yes, the proposed amendment is consistent with existing land use patterns in the area. Properties to the north and west are zoned residential. This amendment is consistent with the City of Kennewick Comprehensive Plan.

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

Most of the existing uses in the area are in conformance with the area's zoning classification. There is a storage building at 4711 W Canal Drive that is not consistent with the proposed zoning. This will not be a problem for this project however as it will be moved/demolished in the future.

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

The proposed amendment will reduce the area of RL zone but the remaining RL will be adjacent to similarly zoned residential.

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

The current zoning does not allow for the construction of multi-family housing, which is the desired use.

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

No, the proposed amendment will not have an adverse affect on any residential character.
8. Will property values in the vicinity be changed by the proposed amendment? If yes or maybe, please explain:

The proposed amendment is not expected to significantly affect property values.
9. Will approval of the proposed amendment set a precedent for other similar proposals or uses? Will this deter the use, improvement or development of adjacent property in accordance with the existing Zoning Districts? Please explain:

No, this will not set any precedent for other proposals. Most of the surrounding area is already developed residential properties.
10. Will the proposed amendment encourage more private investments which will be beneficial to the redevelopment of a deteriorated area? Please explain:

Yes, a multi-family subdivision is proposed for the future which will include new improvements.
11. Will the proposed amendment combat any economic segregation and allow greater choice in the market? Please explain.

Additional housing on the market will allow greater choice to those looking to purchase housing in the City of Kennewick.
12. Will the proposed amendment create conflict between potential land uses and transportation patterns? Or safety concerns? Please explain:

No, considering this proposal follows adjacent land uses, it is not expected that conflicts will be created between land uses and transporation patterns.

LEGAL DESCRIPTION
PARCEL #133991020018002

THAT PORTION OF TRACT 18, THE HIGHLANDS, PLAT "A", ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 2, RECORDS OF BENTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON MONUMENT MARKING THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 9 NORTH, RANGE 29 EAST, W.M.; THENCE NORTH 89°42'45" WEST 881.3 FEET; THENCE SOUTH 01°38'15" WEST 30 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 01°38'15" WEST 215 FEET; THENCE NORTH 89°42'45" WEST 150 FEET TO THE EAST LINE OF LOT 2, BUGBEE'S ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 4 OF PLATS, PAGE 51, RECORDS OF SAID COUNTY; THENCE SOUTH 01°38'15" WEST 468.77 FEET ALONG THE EAST LINE OF SAID PLAT TO THE SOUTHERLY LINE OF SAID TRACT 18; THENCE NORTH 68°47'15" EAST ALONG SAID SOUTHERLY LINE 385.16 TO THE EAST LINE OF SAID TRACT 18; THENCE NORTH 01°38'15" EAST ALONG THE SAID EAST LINE OF TRACT 18, TO A POINT 230 FEET SOUTH OF THE NORTH LINE OF THE SOUTHEAST QUARTER OF NORTHEAST QUARTER OF SAID SECTION 33; THENCE NORTH 89°42'45" WEST 80 FEET; THENCE NORTH 01°38'15" EAST 200 FEET; THENCE NORTH 89°42'45" WEST 125.03 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION CONVEYED TO BENTON COUNTY BY INSTRUMENT RECORDED UNDER AUDITOR'S FILE NO. 619171;

TOGETHER WITH THE SOUTH 3.6 FEET OF THE WEST 67.5 FEET OF THE EAST 80 FEET OF THE SOUTH 200 FEET OF THE NORTH 230 FEET OF LOT 18, THE HIGHLANDS PLAT A, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 2, RECORDS OF BENTON COUNTY, WASHINGTON.

**LEGAL DESCRIPTION
PARCEL #133991020018001**

THE EAST 80 FEET OF THE NORTH 200 FEET OF TRACT 18, THE HIGHLANDS PLAT A, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 2, RECORDS OF BENTON COUNTY, WASHINGTON, EXCEPT THE NORTH 5 FEET AS CONVEYED TO BENTON COUNTY BY INSTRUMENT RECORDED ON JUNE 14, 1971 UNDER AUDITOR'S FILE NO. 622562;

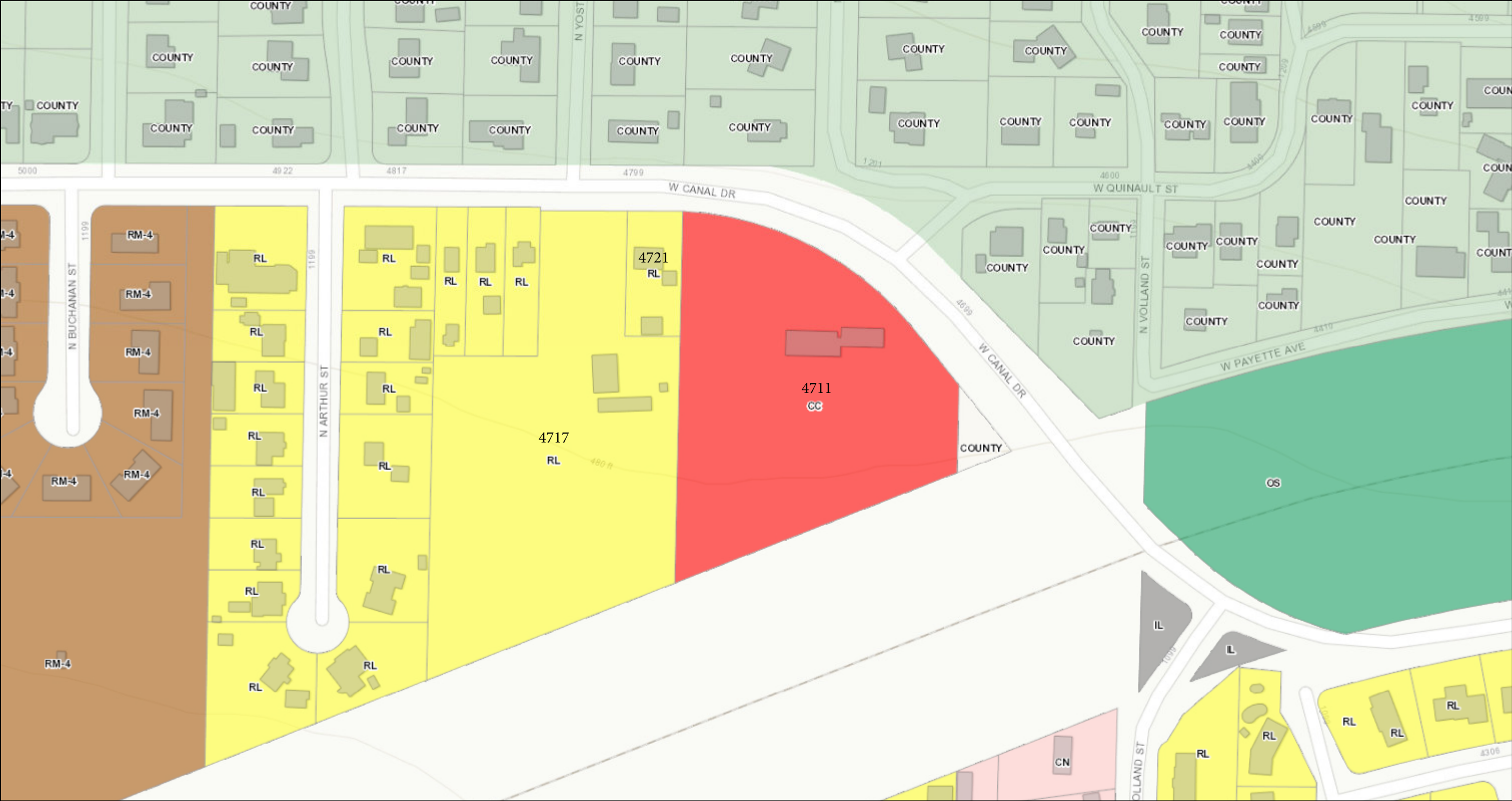
AND EXCEPT THE SOUTH 3.6 FEET OF THE WEST 67.5 FEET OF THE EAST 80 FEET OF THE SOUTH 200 FEET OF THE NORTH 230 FEET OF TRACT 18, THE HIGHLANDS PLAT A, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 2, RECORDS OF BENTON COUNTY, WASHINGTON.

**LEGAL DESCRIPTION
PARCEL #133991020017008**

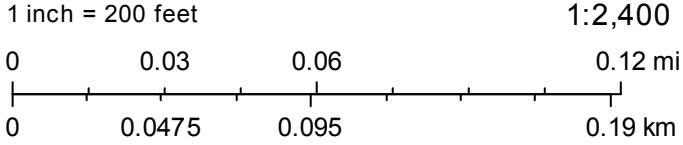
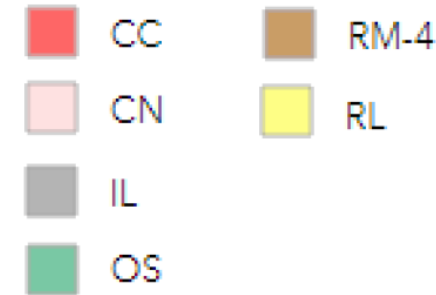
THE HIGHLANDS, PLAT A: TRACT 17, LESS THE EAST 251.17 FEET: LESS PORTION DEFINED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 17: THENCE SOUTH 01 DEGREES 17' WEST ALONG THE WEST LINE OF SAID TRACT 20 FEET: THENCE SOUTHEAST ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT WITH A RADIUS OF 460 FEET (CHORD BEARS SOUTH 63 DEGREES 17'36" EAST 370.6 FEET) A DISTANCE OF 281.43 FEET: THENCE SOUTH 38 DEGREES 37' EAST 108.36 FEET TO THE EAST LINE OF THIS PARCEL: THENCE NORTH 01 DEGREES 24' EAST 269.48 FEET ALONG SAID EAST LINE TO THE NORTHEAST CORNER: THENCE NORTH 89 DEGREES 44'30" WEST 404.83 FEET ALONG THE NORTH LINE OF TRACT 17 TO THE POINT OF BEGINNING. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, 5-21-57.

COZ 21-05/PLN-2021-00604 Residential, Low (RL) and Commercial, Community (CC) to Residential, Medium (RM) - 4711, 4717, 4721 W Canal Dr.



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



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User



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

FILE/PROJECT NUMBER: ED 20-16/PLN-2020-01084

DESCRIPTION OF PROPOSAL: To amend the City of Kennewick Comprehensive Plan Land Use Map for 7.42-acres from Low Density Residential and Commercial to Medium Density Residential.

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

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: 4711, 4717 & 4721 W Canal Drive

LEAD AGENCY: City of Kennewick

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

☒ There is no comment period for this DNS.

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

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

RESPONSIBLE OFFICIAL: Gregory McCormick, AICP

POSITION/TITLE: Community Planning Director

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

PHONE: (509) 585-4463

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

This DNS is subject to the attached conditions:

☒ No conditions.

☐ See attached condition(s).

Date: **August 5, 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 20-16 File



NOTIFICATION OF MAILING

I, Chris Bowman, on April 5, 2021

Mailed 46 copies of NOPH

for COZ 21-05

to surrounding property owners

as shown on the attached list.

Signature

37	37	37
VIKTOR & GALINA KONKO	DANYLO & VALENTINA KONKO	JAMES E KELLEY
1711 N 19TH ST	1711 N 19TH ST	4606 W QUINAULT
PASCO WA 99301	PASCO WA 99301	KFNNEFWICK WA 99336
37	37	37
STEVEN L CHURMAN	KEITH LYNN REED	NORA P HERRERA-AYALA
1123 N VOLLAND ST	569 PARADISE DR	4615 W QUINAULT AVE
KFNNEFWICK WA 99336	BLIRBANK WA 99336	KFNNEFWICK WA 99336
37	37	37
NORA P HERRERA-AYALA	CHERVENELL CONSTRUCTION N/A	PATRICIA MUELLER
4615 W QUINAULT AVE	(CANAL DRIVE STG) P O BOX 6935	5207 W HILDEBRAND BLVD #213
KFNNEFWICK WA 99336	KFNNEFWICK WA 99336	KFNNEFWICK WA 99338
37	37	37
BRAD & EMILY NIEBUHR	PAUL SHERMAN	DAVID A HUIZAR
1771 SORENSON RD	4803 W CANAL DR	4805 W CANAL DR
FI I FNSBURG WA 98926	KFNNEFWICK WA 99336	KFNNEFWICK WA 99336
37	37	37
GENE D & DUANE D KINSEY	VLADIMIR V & GALINA A ROLEDER	JAMES E KELLEY
4904 W CANAL DR	4802 W METALINE AVE	4606 W QUINAULT
KFNNEFWICK WA 99336	KFNNEFWICK WA 99336	KFNNEFWICK WA 99336
37	37	37
LEONARDO ROUSSEAU PEREZ	KENNEWICK RENTALS LLC N/A	JCL PROPERTIES LLC N/A
1203 N WILLIAMS ST	5724 W 14TH AVE	1604 S EDISON ST
KFNNEFWICK WA 99336	KFNNEFWICK WA 99338	KFNNEFWICK WA 99338
37	37	37
JAMES E KELLEY	BRETT D & SALEM S REIBOLDT	MICHAEL V BUSH
4606 W QUINAULT AVE	8019 W GRAND RONDE AVE	1219 N YOST ST
KFNNEFWICK WA 99336	KFNNEFWICK WA 99336	KFNNEFWICK WA 99336
37	37	37
ANTONIO MENDOZA	PEDRO AYAYLA	STEPHEN R & TARA PURDY
1215 N YOST STREET	4802 W CANAL DR	4718 W CANAL DR
KFNNEFWICK WA 99336	KFNNEFWICK WA 99336	KFNNEFWICK WA 99336
37	37	37
ADOLFO SOLORIO	HELEN C ALLEY	LARRY L & MARISELA C ROGERS
1212 N YOST STREET	1216 N YOST ST	1202 N ARTHUR ST
KFNNEFWICK WA 99336	KFNNEFWICK WA 99336	KFNNEFWICK WA 99336
37	37	37
GARETT L SALTZ	CARA D & MACDONALD JOHN P BEERY	SEE YA LLC N/A
1204 N ARTHUR ST	1206 N ARTHUR STREET	58280 S DIVISION RD ST
KFNNEFWICK WA 99336	KFNNEFWICK WA 99336	HFI FNS OR 97051

37

ROGER C REIBOLDT
1132 N ARTHUR ST
KFNNFWICK WA 99336

37

JUAN HERRERA & RAQUEL ARTEAGA
TREJO & MILLAN
1106 N ARTHUR ST

37

DORIS J & MATHEW J SHORTSLE
1129 N ARTHUR ST
KFNNFWICK WA 99336

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RANAEE S WASHAM
1130 N ARTHUR ST
KFNNFWICK WA 99336

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LINO LEAL
606 N DAYTON ST
KFNNFWICK WA 99336

37

GOVERNMENT N/A
CORP OF ENGINEER , 0

37

WASHINGTON CENTRAL N/A
C/O WCRR PROPERTY TAX
DEPARTMENT PO BOX 961089

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HUNTER G & ALICIA M SCANTLIN &
DICKINSON
1128 N ARTHUR ST

37

PAUL & TERESA LYNN LAHTI & LYNN
1107 N ARTHUR ST
KFNNFWICK WA 99336

37

BUDD A & DAWN M DENELSON
1133 N ARTHUR ST
KFNNFWICK WA 99336

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DWANE C & PHYLLIS J HIRSCHL
1113 N ARTHUR ST
KFNNFWICK WA 99336

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STORY FAMILY TWO LLC N/A
PO BOX 2289
RICHI AND WA 99352

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TARA N BATEY
4510 W PAYETTE AVE
KFNNFWICK WA 99336

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MICHAEL R & MARY JO FARAGHER
1110 N ARTHUR ST
KFNNFWICK WA 99336

37

FABIAN TORRES ZEPEDA
1119 N ARTHUR ST
KFNNFWICK WA 99336

37

MARK A OWENS
5918 W YELLOWSTONE AVE
KFNNFWICK WA 99336

37

GERALD E III BERG
1125 N ARTHUR ST
KFNNFWICK WA 99336

37

DUANE K & DAWN L COFFIN
3505 S LEDBETTER ST
KFNNFWICK WA 99337

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CHERVENELL CONSTRUCTION CO N/A
WASHINGTON CENTRAL RR
%CHERVENELL CONST CO P O BOX 6935

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From: [Roger Lahti](#)
To: [Chris Bowman](#)
Subject: COZ 21-05/PLN-2021-000604
Date: Friday, April 9, 2021 11:21:44 AM

We are residents at 1107 N Arthur. We are opposed to this re zoning. The adjoining neighborhood is single family residential but has a large multi family apartment complex to our west that is the center of many issues, from careless use of fire works, the occasional gun fire and property theft to our residences. We certainly don't want more of this on our eastern border as well. Developers might better develop single family homes even if lower cost homes. Thus establishing a neighborhood of more invested families. We do have a rail line to our south and don't find rail traffic to be annoying . We've lived here in this quiet neighborhood since 1965. We don't wish to see it changed any more than it has. Thank you for reaching out. I'm sure the rest of our street feels the same.

Live long and prosper.

Roger Lahti

From my iPad to you!



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO
THE PLANNING COMMISSION

FILE No: ZOA 21-01/AMD-2021-01141

Public Hearing Date: April 19, 2021

Proposal: Shoreline Master Program Periodic Update

Applicant: City of Kennewick, Community Planning Department

Staff Contact: Anthony Muai, Planning Manager

Exhibits:

1. Staff Report
2. Proposed amendment to KMC Chapter 18.68 – Shoreline Management
3. Proposed amendment to Appendix A-2 – Critical Areas Regulations
4. Proposed amendment to Appendix A-7 – KMC 18.66 – Flood Damage Prevention
5. Proposed amendment to Appendix A-8 – KMC 18.72 – Clearing and Grading
6. Proposed amendment to Appendix A-9 – KMC 18.24 – Signs
7. Proposed amendment to Appendix A-10 – KMC 4.08 – State Environmental Policy Act
8. Proposed amendment to Appendix A-11 – KMC 4.12 – Permit Process
9. Environmental Determination of Non-significance ED 19-25

Background:

State law requires agencies to periodically review and update their local Shoreline Master Program (SMP) regulations and plans. The City of Kennewick initiated this process in 2020 to be completed in 2021, as mandated by state law for all jurisdictions in Benton County. To assist jurisdictions in this process, the Washington State Department of Ecology maintains a list of changes made by the legislature that affect the Shoreline Management Act (SMA) so that local jurisdictions can easily identify local regulations that need to be updated to be consistent with the SMA. For the 2021 update, only changes needed to comply with changes to State Statutes are being proposed.

Overview of Updates to KMC 18.68 – Shoreline Management:

All updates fall under two categories: 1) changes to comply with changed legislation, and 2) changes proposed by state agencies for clarity. Below is a brief overview of the proposed changes by category.

Changes to comply with legislation

- Cost thresholds for building freshwater docks (2019)
 - o Update to reference RCW
- Cost threshold for substantial development (2017)
 - o Update to reference RCW
- Definition of Development (2017)

- o Update definition
- Exceptions to local review (2017)
 - o New section (KMC 18.68.285)
- Permit filing procedures (2017)
 - o Update for compliance
- Nonconforming uses and development (2017)
 - o Update for clarity
- Americans with Disabilities Act compliance (2016)
 - o Updated for compliance
- 90-day review of WSDOT projects (2015)
 - o New section (KMC 18.68.255)
- Wetland delineation requirements (2011)
 - o Updated to comply
- Shoreline restoration in UGA & Ordinary High Water Mark (2009)
 - o Updated to comply
- Floodway definition (2007)
 - o Updated definition to reference FEMA FIRM maps

Changes proposed by state agencies for clarity

- Definition of “Archaeological and Historic resources” added
- Definition of “Channel Migration Zone” added
- Addition of “flood plains” to definition of “Fill or Landfill”
- Definition of “Fish and Wildlife Habitat Conservation Area (FWHCA)” added
- Definition of “Hydraulic Project Approval (HPA)” added
- Definition of “Riparian” added
- Definition of “Riparian Management Zone (RMZ)” added
- Definition of “Site Potential Tree Height” added
- Wording related to wildlife added to Conservation Element goal
- Wording added to clarify when permits from Department of Archaeology and Historical Preservation are required
- Wording added to clarify that flood information additional to FEMA data may be used
- Wording related to wildlife habitat and preservation of dead trees for habitat purposes added to vegetation conservation, restoration and enhancement
- Wording added to clarify preferred method of shoreline stabilization
- Wording added to clarify the use of natural, in-stream features
- Wording added to clarify how aquatic noxious weeds are controlled

Overview of changes to critical areas regulations

- KMC 18.59: Critical Areas – Wetlands
 - o Wording added to reference the most current Ecology publication for rating wetlands in Eastern Washington

Explanation of changes to Appendices

There are several appendices that have amendments proposed to them. All of them are existing chapters in the Kennewick Municipal Code (KMC). Because they are adopted as appendices, they need to be updated to the most current edition of the code. There are no new changes proposed to these sections on the KMC, with the exception of the proposed amendment identified above in KMC 18.59: Critical Areas – Wetlands. Chapters 4.08, 4.12, 18.24, 18.66, and 18.72 are being replaced with the current editions of those chapters in the KMC. Kennewick has chosen to include these chapters as appendices, rather than adopt them by reference because doing so

would require amendments to them to go through the Shoreline Master Program update process to change them. Including the entire chapter as an appendix allows the City to amend those chapters as needed without going through the SMP update process.

Analysis

The proposed amendments will bring Kennewick's Shoreline Master Program into conformance with state law. The proposed amendments provide clarity to existing regulations and describe best practices without providing new mandates. There are no drastic changes in policy, process or regulations associated with the proposed amendments.

Regulatory Controls and Policies

- KMC Chapter 4.08: State Environmental Policy Act
- KMC Chapter 4.12: Permit Process
- KMC Chapter 18.68: Shoreline Management
- Kennewick Comprehensive Plan
- RCW 90.58: Shoreline Management Act of 1971
- WAC 173-26: State Master Program Approval/Amendment Procedures and Master Program Guidelines

Findings of Fact:

1. The applicant is City of Kennewick Community Planning Department.
2. An open house hosted by the Planning Commission was held on Monday December 21, 2020.
3. The City fulfilled the State Environmental Policy Act requirements by issuing a Determination of Non-significance (DNS) on January 13, 2021.
4. Notice of the proposed code revision was sent to the Washington State Department of Commerce on March 2, 2021, consistent with the requirements of RCW 36.70A.106.
5. A Planning Commission workshop was held to go over the proposed amendments on March 15, 2021.
6. The City of Kennewick and Washington State Department of Ecology initiated a 30-day joint public comment period on April 7, 2021 to gather comments from the public, state agencies, tribal governments and other interested entities.
7. The proposal will amend KMC 18.68: Shoreline Management.
8. The proposal will amend KMC 18.59: Critical Areas – Wetlands.

Conclusions of Law:

1. The proposed amendments will promote the public health, safety, and general welfare by providing consistency between state and local regulations intended to protect, enhance and preserve shorelines of statewide significance for the use and enjoyment of people and wildlife.
2. The proposed amendments do not conflict with the goals and policies of the Comprehensive Plan.
3. The proposed amendments are consistent with the Washington State Shoreline Management Act.

Staff Recommendation:

Staff recommends that the Planning Commission forward a recommendation of APPROVAL to

City Council.

Motion:

I move that the Planning Commission concur with the findings and conclusions in the staff and recommend approval of ZOA 21-01 Shoreline Master Program Update to the City Council.

TITLE 18 - ZONING
CHAPTER 18.68 SHORELINE MANAGEMENT

CHAPTER 18.68 SHORELINE MANAGEMENT

To view the Shoreline Master Program Appendices use the following link:
<https://www.go2kennewick.com/DocumentCenter/View/215/1868-Shoreline-Master-Program-Appendices>

PART I: - POLICY

18.68.005: - Introduction.

- (1) The City of Kennewick Shoreline Master Program intends to implement the requirements of the Washington State Shoreline Management Act (SMA) (Revised Code of Washington (RCW) 90.58). The SMA was enacted in 1971 to provide for the management and protection of shorelines of the State by regulating development in the shoreline area. The goal of the SMA is "to prevent the inherent harm in an uncoordinated and piecemeal development of the State's shorelines." The SMA requires cities and counties to adopt a Shoreline Master Program under rules established by the Washington Department of Ecology (Ecology) to regulate shoreline development and accommodate "all reasonable and appropriate uses" consistent with "protection against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life... and public rights of navigation." The City of Kennewick adopted its Shoreline Master Program in 1974. Ecology adopted the 2003 Shoreline Management Act Guidelines (Chapter 173-26 Washington Administrative Code (WAC)) (Guidelines) which require local government review and updates of Shoreline Master Programs.
- (2) The purpose of the Kennewick Shoreline Master Program is to be consistent with the SMA and corresponding guidelines, coordinate with the State Growth Management Act, protect, restore and enhance the City's environmental resources, offer public access and enjoyment of shorelines, and promote the public health, safety, and general welfare by providing guidelines and regulations for the future development of the City's shoreline resources.
- (3) The updated version of the Kennewick Shoreline Master Program provides goals, policies and regulations for the development of shorelines of Kennewick and acts as a regulatory tool for shoreline developments. The Kennewick Shoreline Master Program incorporates by reference the Shoreline Inventory and Assessment Report (2005), City of Kennewick Shoreline Restoration Plan (May 2009), and the City of Kennewick Shoreline Cumulative Impact Assessment Report (May 2009). Appendices such as the Kennewick Shoreline Critical Area Regulations (Appendix A-2) and the Clover Island High Intensity Special Area Plan Standards (Appendix A-6), along with all other appendices are also included in the Kennewick Shoreline Master Program.

(Ord. 5281 Sec. 1, 2009)

18.68.010: - Findings.

- (1) Protection of private property rights consistent with the public interest associated with the shorelines of the State requires that local, state and federal governments concerted use, protect, restore, enhance and preserve the shorelines as one of the State's most valuable and fragile natural resources.

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(Supp. No. 7)

TITLE 18 - ZONING
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- (2) By enacting RCW 90.58 the legislature has established a method for accomplishing these purposes. Meeting these purposes is made more straightforward for the City of Kennewick Shoreline Master Program as nearly all the lands in the shoreline management area are publicly owned by the City, the U.S. Army Corps of Engineers or the Port of Kennewick.
- (3) This Chapter is intended to implement the provisions of Chapter 90.58 RCW and the implementation guidance provided in Chapters 173-26 and 173-27 WAC.

(Ord. 5281 Sec. 1, 2009)

18.68.020: - Statement of Applicability.

- (1) All proposed uses and development occurring within shoreline jurisdiction of the City of Kennewick must conform to Chapter 90.58 RCW, the Shoreline Management Act, and this Shoreline Master Program.
- (2) Compliance with the provisions of this Chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be applicable. The applicant is responsible for complying with all applicable requirements, apart from the process established in this Chapter. Where appropriate, the Planning Official will encourage use of information such as permit applications to other agencies or special studies prepared in response to other regulatory requirements to support required documentation submitted for review under this Chapter.

(Ord. 5281 Sec. 1, 2009)

18.68.030: - Severability.

If any clause, sentence, paragraph, section, or part of this Chapter or the application thereof to any person or circumstances shall be judged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered. The decision shall not affect or invalidate the remainder of any part thereof and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

(Ord. 5281 Sec. 1, 2009)

18.68.040: - Definitions.

As used in this Chapter, unless the context otherwise requires, the following definitions and concepts apply:

- (1) *Applicant* means a person who files an application for permit under this Chapter and who is the owner of the land on which the proposed activity would be located, a contract purchaser, or the authorized agent of such a person.
- (2) *Archaeological and Historic Resources* means an archaeological object, archaeological site or a historic archaeological resource as defined below:

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(a) Archaeological Object means an object that comprises the physical evidence of an indigenous and subsequent culture, including material remains of past human life, including monuments, symbols, tools, facilities, and technological by-products; or

(c) Archaeological Site means a geographic locality in Washington, including but not limited to, submerged and submersible lands and the bed of the sea within the state's jurisdiction, that contains archaeological objects; or

(b) Historic Archaeological Resources means those properties which are listed in or eligible for listing in the Washington state register of historic places (RCW 27.34.220) or the national register of historic places as defined in the national historic preservation act of 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

Commented [AM1]: Response to DAHP comments

(3) Average Grade Level means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

(4) Best Management Practices or BMPs means conservation practices or systems of practices and management measures that:

- (a) Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;
- (b) Minimize adverse impacts to surface water and ground water flow and their circulation patterns, and to the chemical, physical, and biological characteristics of wetlands;
- (c) Protect trees and vegetation designated to be retained during and following site construction; and
- (d) Provide standards for proper use of chemical herbicides.

(5) Boating Facilities includes: Marinas, both backshore and foreshore, dry storage and wet-moorage types; boat launch ramps; covered moorage; boat houses; mooring buoys; and marine travel lifts, but excludes docks serving four or fewer single-family residences (see definition of "Private Docks").

(6) Channel Migration Zone (CMZ) means the area within which a river channel is likely to migrate and occupy over a specified time period (e.g., 100 years).

Commented [AM2]: Response to WDFW comment

(7) Commercial or Commercial Development means those facilities involved in a wholesale or retail business or service. They range from office buildings, hotels, motels, grocery markets, shopping centers, restaurants, gift shops and private or public indoor recreation facilities. Excluded from this category are residential or agriculture, and industry.

(8) Critical Area means any area classified in RCW 36.70A and in Appendix A-2 as ecologically sensitive or hazardous areas, including, but not limited to: Wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas. Fish and wildlife habitat conservation areas" do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company. Natural

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watercourses such as streams and rivers that carry irrigation water are not considered to be an artificial feature.

Commented [AM3]: Response to WDFW comment

(79) *Development* means any activity consisting of construction or exterior alteration of structures, earth movement, dredging, drilling, dumping, filling, excavation, driving of piles, bulk heading, placing of obstructions, clearing of vegetation, or construction of anything which interferes with the normal public use of the surface of the waters overlying lands subject to this Chapter. Development does not include the following activities:

- (a) Interior building improvements;
- (b) Exterior structure maintenance activities, including painting and roofing as long as it does not expand the existing footprint of the structure;
- (c) Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning and weeding; ~~and~~
- (d) Maintenance of the following existing facilities that does not expand the affected area: septic tanks (routine cleaning); wells; and individual utility service connections

(e) Dismantling or removing any structures if there is no other associated development or re-development.

Commented [AM4]: Checklist - 2017 b.

(810) *Ecological Functions or Shoreline Functions* means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

(911) *Ecological Restoration* means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions [WAC 173-26-020(27)].

(4012) *Ecosystem-Wide Processes* means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

(1113) *Feasible* means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

- (a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
- (b) The action provides a reasonable likelihood of achieving its intended purpose; and
- (c) The action does not physically preclude achieving the project's intended legal use.

In cases where this Chapter requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

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~~(14)~~¹⁴ *Fill or Landfill* means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high water mark, in wetlands, in floodplains or on shorelands in a manner that raises the elevation of a waterbody or floodplain or creates dry land.

Commented [AM5]: Response to WDFW comment

~~(15)~~¹⁵ *Fish and Wildlife Habitat Conservation Area (FWHCA)* means a type of critical area that serves to sustain needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems; communities; and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. These areas do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company. Natural watercourses such as streams and rivers that carry irrigation water are not considered to be an artificial feature.

Commented [AM6]: Response to WDFW comment

~~(16)~~¹⁶ *Habitat Enhancement* means actions performed within an existing shoreline, critical area or buffer to intentionally increase or augment one or more ecological functions or values. Actions include, but are not limited to, increasing aquatic and riparian plant diversity or cover, increasing structural complexity, installing environmentally compatible erosion controls, or removing non-indigenous plant or animal species.

~~(17)~~¹⁷ *Height* is measured from average grade level to the highest point of a structure: Provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines; provided further, that temporary construction equipment is excluded in this calculation.

~~(18)~~¹⁸ *Hydraulic Project Approval (HPA)* means a construction permit issued by the Washington Department of Fish and Wildlife for work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state.

Commented [AM7]: Response to WDFW comment

~~(19)~~¹⁹ *Industrial Use or Industrial Development* means any activity that is involved in the production, processing, manufacturing, fabrication, or assembling of goods and materials, including the storage of material used in the industrial process, including warehousing, wash-down facilities, blacksmithing, welding, wholesale bakery, recycling facilities and distribution centers (KMC 18.09.1010). Industrial Uses or Developments include the following categories:

- (a) Water-dependent (e.g., container shipping by water);
- (b) Water-related (e.g., boat transfer areas for boat repair); and
- (c) Non-water-oriented (Manufacturing facility).

~~(20)~~²⁰ *Joint Use Community Recreational Facilities* is defined as a use that could be for either public or private group use, including use by a private club. The private group could restrict access to community recreational facilities to group members only.

~~(21)~~²¹ *Marina* is a facility that provides launching, storage, supplies, moorage, and other accessory services for four or more pleasure and/or commercial water craft.

~~(22)~~²² *Mitigation or Mitigate* means to avoid, minimize, or compensate for adverse impacts of development to shorelines. Mitigation actions, in order of preference, include:

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- (a) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (b) Minimizing impacts by limiting the degree of magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts such as project redesign, relocation, or timing;
- (c) Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations;
- (e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
- (f) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

In determining appropriate mitigation measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.

(~~19~~²³) *Mixed-Use or Mixed-Use Development* means a combination of uses within the same building or site as a part of an integrated development project with functional interrelationships and coherent physical design. Mixed-use developments, which incorporate non-water-oriented uses, must include water dependent use(s), and provide significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration, except for commercial uses whose site is physically separated from the shoreline by another property or public right-of-way, or if the site's navigability is severely limited, the non-water-oriented commercial use shall provide a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration. Finally, Mixed-Use Developments should reduce use conflicts by first giving preference to water dependent uses, then to water-related uses and water enjoyment uses, lastly to non-water-oriented. The City has determined the Clover Island High Intensity Special Area Plan with associated standards meets this definition.

(~~20~~²⁴) *Non-Water-Oriented Uses* are those uses that are not water-dependent, water-related, or for water-enjoyment.

(~~24~~²⁵) *Ordinary High Water Mark* means the point on all water bodies that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the City or state or federal agencies: provided that in any area where the ordinary high water mark cannot be found, the ordinary high water adjoining fresh water shall be the line of mean high water.

(~~22~~²⁶) *Person* means an individual, partnership, corporation, association, organization, cooperative, public municipal corporation, or district, or agency of the state or local governmental unit however designated.

(~~23~~²⁷) *Planning Official* means the City Official for the City of Kennewick Planning Department or other City staff granted the authority to act on behalf of the Planning Official.

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~~(2428)~~ *Private Docks* means docks serving four or less residential units. It does not include docks that serve semi-private facilities such as a yacht club or other private membership organization, these types of docks fall under the definition of "boating facilities."

~~(2529)~~ *Public Access* means the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the State, and to view the water and the shoreline from adjacent locations.

~~(2630)~~ *Recreational Uses* includes the following three categories:

- (a) Water-dependent (e.g., boating facilities, fishing pier, swim rafts) (see also definition of "Recreation Facilities" and "Water-dependent" below);
- (b) Water-enjoyment, (e.g. paths leading to the dock, parks, shoreline educationally themed are water enjoyment) (see also definition of "Recreation Facilities" and "Water-enjoyment" below); and
- (c) Non-water-oriented. Non-water-oriented recreational uses are further divided into three subcategories based on their relative impact to the shoreline environment (see also "Water-related" and "Non-water-oriented" definitions below):
 - (i) High Intensity recreational uses require substantial development/land modification or large areas of fertilized lawn. Such uses may include but are not limited to camp grounds, sport courts (e.g., tennis/ basketball), golf courses, sport fields (e.g., ball park), aquatic centers, or skateboard parks;
 - (ii) Moderate Intensity recreational uses are typified by formal parks for passive recreation requiring some modification of natural conditions, limited paving and often including accessory structures (e.g., picnic shelters, restrooms, viewing galleries, gazebos, and playground equipment; and
 - (iii) Low Intensity recreational uses are passive in nature (e.g., walking, photography, wildlife viewing) and require very minimal alteration of natural conditions. Such uses/modifications may include, but are not limited to, non-motorized, non-impervious surface trails, vista points, wildlife viewing areas, picnic tables, and benches.

~~(2731)~~ *Recreation Facilities* are facilities such as parks, trails and pathways, campgrounds, and swim rafts that provide a means for relaxation, play, or amusement.

~~(2832)~~ *Restoration or Restore* means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

(33) *Riparian* means the area alongside a waterbody: stream, river, lake, pond, bay, sea, and ocean. Riparian areas are sometimes referred to by different names: riparian ecosystems, riparian habitats, riparian corridors, or riparian zones.

(34) *Riparian Management Zone (RMZ)* means a delineable area defined in a land use regulation; often synonymous with riparian buffer. The RMZ is the area that has the potential to provide full riparian functions. In many forested regions of the state this area occurs within one 200-year site-potential tree height measured from the edge of the stream channel. In situations where a channel migration zone is present, this occurs within one site-potential tree height measured from the edges of the channel

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migration zone. In non-forest zones the RMZ is defined by the greater of the outermost point of the riparian vegetative community or the pollution removal function, at 100-feet.

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- (~~29~~³⁵) *Shall* means a mandate; the action must be done.
- (~~30~~³⁶) *Should* means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this Chapter, against taking the action.
- (~~31~~³⁷) *Shorelands or Shoreland Areas* means: Those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the Shoreline Management Act and this Chapter; the same to be designated as to location by Ecology.
- (~~32~~³⁸) *Shoreline Master Program* means the comprehensive shoreline plan for the City and associated land use regulations together with maps, diagrams, charts or other descriptive material and text, developed in accord with RCW 90.58.020.
- (~~33~~³⁹) *Shoreline Stabilization—Replacement* means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.
- (~~34~~⁴⁰) *Shorelines* means all of the water areas of the State, including reservoirs, and their associated wetlands, together with the lands underlying them, except:
- (a) Shorelines of state-wide significance (see definition below);
 - (b) Shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less and the wetlands associated with such upstream segments; and
 - (c) Shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.
- (~~35~~⁴¹) *Shorelines of State-Wide Significance* means those shorelines of the State defined in RCW 90.58.030(2)(e) including:
- (a) Those lakes, whether natural, artificial or a combination thereof, with a surface acreage of 1,000 acres or more measured at the ordinary high water mark;
 - (b) Those natural rivers or segments located east of the crest of the Cascade Range downstream of a point where the annual flow is measured at 200 cubic feet per second or more, or those portions of rivers east of the crest of the Cascade Range downstream from the first 300 square miles of drainage area, whichever is longer; and
 - (c) Those shorelands associated with (a) and (b) of this subsection.
- (~~36~~⁴²) *Shorelines of the State* are the total of all "shorelines" and "shorelines of state-wide significance" within the State.
- (~~37~~⁴³) *Shoreline Modification* means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a levee, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

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(3844) *Shoreline Stabilization Replacement* means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to, or increases in, size of existing shoreline stabilization measures shall be considered new structures.

(45) *Site-Potential Tree Height* means the average maximum height of the tallest dominant trees for a given age and site class.

(3946) *Structure* means that which is built or constructed. A structure is an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires an approval (KMC 18.09.2040).

(4047) *Substantial Development* means any development of which the total cost or fair market value exceeds ~~\$5,718.00~~ the defined amount per contained in RCW 90.58.030(3)(e), or any development which materially interferes with the normal public use of the water or shorelines of the State. Under current law, the dollar threshold will be recalculated every five years by the Office of Financial Management (OFM). OFM will post updated dollar thresholds in the Washington State Register. The Legislature can change the dollar threshold at any time.

(4148) *Water-Dependent Use* means a use or a portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include, but are not limited to, boat docks, boat fueling stations, instream structures, fishing, boat launching, swimming, and water intake and outfall discharges/pipes.

(4249) *Water-Enjoyment Use* means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment (as defined in WAC 173-26-020). Water-enjoyment uses may include, but are not limited to:

- (a) Parks with activities enhanced by proximity to the water;
- (b) Trails, and other improvements that facilitate public access to shorelines of the State;
- (c) Restaurants with water views and public access improvements;
- (d) Retail establishments with water views and public access improvements;
- (e) Museums with an orientation to shoreline topics;
- (f) Scientific/ecological reserves;
- (g) Resorts with uses open to the public and that provide public access to the shoreline; and
- (h) Any combination of those uses listed above.

(4350) *Water-Oriented Use* means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

(4451) *Water-Related Use* means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

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- (a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- (b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use of its customers makes its services less expensive and/or more convenient.

(Ord. 5281 Sec. 1, 2009)

18.68.050: - Special Policy Goals—Shorelines of Statewide Significance.

In recognition of the Columbia River, a Shoreline of Statewide Significance, the following Special Policy Goals listed in order of preference have been established for use in implementing the City's Shoreline Regulations. Preference shall be given to uses which:

- (1) Recognize and protect state-wide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long-term over short-term benefit;
- (4) Protect the resources and ecology of the shorelines;
- (5) Maintain and enhance public access to the shorelines;
- (6) Increase recreational opportunities for the public on the shorelines;
- (7) Promote and enhance public interest;
- (8) Protect public rights of navigation;
- (9) Preserve and protect culturally significant features; and
- (10) Provide, whenever feasible, all necessary accommodations to enhance the participation and enjoyment of persons with special needs.

(Ord. 5281 Sec. 1, 2009)

18.68.060: - Goals—Shoreline Development Elements.

The following goals have been developed in response to various elements of shoreline development and are provided to guide implementation of this Chapter:

- (1) Economic Development Element. Encourage economic development, with emphasis on water-oriented commercial and recreational uses in a manner that will provide for the orderly development of Clover Island and areas adjacent to the Corps of Engineer's levee in a harmonious manner which accentuates and enhances Lake Wallula.
- (2) Public Access Element. On Clover Island, improve public access to designated areas of Lake Wallula for recreational uses as indicated in the Clover Island High Intensity Special Area Plan Standards (Appendix A-6). Maintain areas along Columbia Park, the levee and Duffy's Pond by which the public can reach Lake Wallula and Duffy's Pond for fishing, viewing and other public access purposes. Maintain access to the park and levee using pedestrian and bicycle bridges.

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- (3) Recreational Element. Enhance the recreational facilities potential of the shorelines. Clover Island recreational uses should complement existing and proposed developments. Maintain and enhance recreational facilities along Columbia Park and the levee to provide diversification in recreational uses.
- (4) Circulation Element. Circulation to the levee and the Clover Island causeway should be improved for ease of access and should include adequate off-street parking facilities to serve the people who will be using area for recreational and commercial purposes. Maintain and enhance, where appropriate, circulation and access within Columbia Park.
- (5) Shoreline Use Element. Assure that the various land uses are compatible and aimed toward maximum utilization without diminishing the quality of the environment. Shorelines abutting the levee area should take advantage of the presence of Lake Wallula and should be oriented in a manner to coordinate lakefront uses and non-lakefront uses.
- (6) Conservation Element. Enhance the aesthetic characteristics and environmental functions and values of the levee, Duffy's Pond, Clover Island and Columbia Park areas and take necessary steps to conserve the natural setting of those shoreline areas which are presently in an undeveloped state in order to protect and preserve the biodiverse habitats found in these shoreline/riparian areas for the wildlife that use them.
- (7) History, Scientific and Cultural Element. Establish areas on or near the levee and Columbia Park which will have a cultural, educational, historical or scientific value and protect these areas in a proactive and substantive way.
- (8) Flood Prevention Element. Assure that, whenever feasible, steps are taken to prevent and/or minimize the risk of flood and associated flood damages to property and land uses.

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(Ord. 5281 Sec. 1, 2009)

18.68.070: - Policies—Environment Designation of Shorelines.

- (1) The City of Kennewick environment designation (ED) classification system consists of three shoreline environments. These environment designations have been established based on the findings in the Shoreline Inventory and Assessment Report of 2005. The delineation of each environment has been aimed to assure the protection of existing shoreline ecological functions. Such designations are consistent with policies for restoration of degraded shorelines, and aquatic and riparian habitat enhancement. The three shoreline environments are:
 - (a) Aquatic;
 - (b) Clover Island High Intensity; and
 - (c) Urban Conservancy.
- (2) These shoreline environments are based on those provided in the State guidelines and include designation criteria and management policies that recognize the unique characteristics of Kennewick and specific areas of the shoreline. The areas within each environment are publically owned.
- (3) The boundary of the designated shoreland areas shall be governed by the criteria set forth in RCW 90.58.030 and WAC 173-22-040 except that the City will amend the Shoreline Master Program to reflect the new designation within three years of the discovery of any discrepancy.

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- (4) All areas within shoreline jurisdiction that are not mapped and/or designated are automatically assigned an Urban Conservancy Environment Designation until the shoreline can be redesignated through the Shoreline Master Program amendment.
- (5) The following policies apply to lands falling under the respective Environment Designation:
 - (a) "Aquatic" Environment.
 - (i) Purpose. The purpose of the "Aquatic" environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark.
 - (ii) Management Policies.
 - (A) New over-water structures are allowed only for water-dependent uses, public access, or ecological restoration. (WAC 173-26-211(5)(c)(ii)(A)).
 - (B) The size of new over-water structures shall be limited to the minimum necessary to support the structure's intended use.
 - (C) In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple uses of over-water facilities are encouraged.
 - (D) All developments and uses on navigable waters or their beds shall be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
 - (E) Uses that adversely impact the ecological functions of critical freshwater habitats shall not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in Appendix A-2, Critical Areas, and consistent with this Shoreline Master Program and RCW 90.58, the Shoreline Management Act, as necessary to assure no net loss of ecological functions.
 - (F) Shoreline uses shall be designed and managed to minimize degradation of water quality and alteration of natural hydrographic conditions.
 - (iii) Designation Criteria.
 - (A) The "Aquatic" environment designation is assigned to lands within the City that are located waterward of the ordinary high water mark.
 - (b) "Clover Island High Intensity" Environment.
 - (i) Purpose.
 - (A) The purpose of the Clover Island "High Intensity" environment is to continue to provide economic development and recreation opportunities that add to the existing water dependent uses, and public access and view opportunities via a mix of high-intensity water-oriented and non-water-oriented commercial, multi-family residential, and transportation uses while providing additional public access, improved aesthetic quality, enhanced aquatic and nearshore ecological functions and maintaining view corridors consistent with the Clover Island High Intensity Special Area Plan Standards (Appendix A-6).

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(ii) Management Policies.

- (A) The Clover Island High Intensity Environment has been determined by the City to be a special area plan per WAC 173-26-211(5)(d)(ii)(A) and 173-26-201(3)(d)(ix). The Clover Island master plan goals, objectives and master plan elements are consistent with the goals, policies and objectives of the City's Shoreline Master Program. It is intended that the detail outlined in this Chapter (KMC 18.68) and development, enhancement and public access standards provided in Appendix A-6 will control development on Clover Island.
- (B) The Clover Island High Intensity Special Area Plan Standards and this Shoreline Master Program give priority to water-dependent uses. The City recognizes the many existing Clover Island water-dependent uses, including, but not limited to, existing marinas, boat launch, boat docks, and the fuel docking station. The Shoreline Master Program also gives priority to water-related and water-enjoyment uses, including existing and planned public viewing areas of the river and nearshore environment. Non-water-oriented uses are only allowed as part of the mixed use development, consistent with the Clover Island High Intensity Special Area Plan Standards. Non-water-oriented uses shall not conflict with existing and planned Clover Island water-oriented and water dependent uses, and must in all cases maintain and/or provide public access to the shoreline per the path/trail system and public viewing areas consistent with the Clover Island High Intensity Special Area Plan Standards, and accompanying development as it occurs.
- (C) Multi-family and multi-lot residential and recreational developments shall provide public access and may provide the joint use community recreational facilities.
- (D) Access, utilities, and public services shall be made available and sized adequately to serve existing needs and future development.
- (E) Enhancement of shoreline ecological functions shall coincide with new development. Implementation of the aquatic and nearshore habitat enhancement standards, as required in this Chapter and the Clover Island High Intensity Special Area Plan Standards shall accompany new development and comply with relevant local, state, and federal law. Accompany, in this case, means within 12 months of completion of a new development project, the shoreline adjacent to the new development shall be enhanced consistent with the Clover Island High Intensity Special Area Plan Standards as identified in Appendix A-6-4. Enhancement work will be conducted within the work window specified in applicable federal and state permits (typically late fall/winter time period).
- (F) Visual and physical public access to shorelines shall be maintained, dedicated, improved and enhanced consistent with the Clover Island High Intensity Special Area Plan Standards (identified in Appendix A-6-1 through A-6-3), and WAC 173-26-221(4)(d) and KMC 18.68.110(2)(e).

(iii) Designation Criteria.

- (A) The "Clover Island High Intensity" environment designation is assigned only to Clover Island, which currently supports high-intensity and water-dependent uses related to commerce, transportation and navigation. This environment designation is suitable and planned for additional high-intensity water dependent, water-oriented, and non-water-oriented uses, as part of mixed use development such as multi-family residential and

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commercial, while maintaining and enhancing public access, view corridors, and aquatic and nearshore habitat enhancement consistent with the Clover Island High Intensity Special Area Plan Standards.

- (c) "Urban Conservancy" Environment.
 - (i) Purpose. The purpose of the "Urban Conservancy" Environment is to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.
 - (ii) Management Policies.
 - (A) Uses that preserve the natural character of the area or promote preservation of open space, floodplain or sensitive lands either directly or over the long-term should be the primary allowed uses. Uses that result in restoration or enhancement of ecological functions will be allowed if the use is otherwise compatible with the purpose of the environment and the setting.
 - (B) Assure no net loss of shoreline ecological processes or functions occurs as a result of new development.
 - (C) The location and design of new development shall provide for public access and public recreation opportunities whenever feasible and when significant ecological impacts can be mitigated.
 - (D) Water-oriented uses shall be given priority over non-water-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses shall be given highest priority.
 - (iii) Designation Criteria.
 - (A) An "Urban Conservancy" Environment designation is assigned to shoreline areas within the City that are appropriate and planned for development that is compatible with maintaining or restoring the ecological functions of the area, that are not generally suitable for water-dependent uses, or if any of the following characteristics apply:
 - (I) They are suitable for water-related or water-enjoyment uses;
 - (II) They are open space, floodplain or other sensitive areas that should not be more intensively developed;
 - (III) They have potential for ecological restoration;
 - (IV) They retain important ecological functions, even though partially developed; or
 - (V) They have the potential for development that is compatible with ecological restoration.

(Ord. 5281 Sec. 1, 2009)

PART II: - LAND USE REQUIREMENTS

18.68.110: - General Shoreline Master Program Provisions.

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- (1) Applicability. The provisions of this section shall apply to all shorelines within the City, regardless of Environment Designations assigned in Section 18.68.070 of this Chapter. The provisions of this section shall apply to all proposed new development and uses.
- (2) General Provisions.
 - (a) Archaeological and Historic Resources.
 - (i) Applicability. The provisions of this subsection apply to archaeological and historic resources located within shoreline jurisdiction that are either recorded at the State Department of Archaeology and Historic Preservation and/or by local jurisdictions or those that are inadvertently discovered. Archaeological sites within shoreline jurisdiction are subject to 27.44 RCW and 27.53 RCW and development or uses that may impact such sites shall comply with Chapter 25-48 WAC as well as the provisions of this Chapter.
 - (ii) Principles. Due to the limited and irreplaceable nature of the resource(s), the objective of this section is to prevent the destruction of, or damage to, any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes, and the State Department of Archaeology and Historic Preservation.
 - (iii) Standards. The following standards shall apply to development in shoreline jurisdiction:
 - (A) Developers and/or property owners shall immediately stop work and notify the Planning Department, the State Department of Archaeology and Historic Preservation, and affected Indian tribes if archaeological resources are uncovered during excavation.
 - (B) Permits for development in areas documented to contain archaeological resources shall require a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes as well as permits required by the Washington State Department of Archaeology and Historic Preservation, prior to holding the public hearing or issuing a substantial development permit, shoreline conditional use permit or shoreline variance.
 - (C) Consultation with the Washington State Department of Archaeology and Historic Preservation (DAHP) is highly recommended prior to applying for a permits. Because shoreline areas are locations of significant cultural resources, in most instances, a cultural resource survey will be required under SEPA, Executive Order 05-05 and/or Section 106 to ensure the protection of existing.
 - (b) Critical Areas.
 - (i) Applicability. Pursuant to the provisions of RCW 90.58.090(4), as amended by ESHB 1933, this Shoreline Master Program provides for management of critical areas designated as such pursuant to RCW 36.70A.170(1)(d) and required to be protected pursuant to WAC 173-26-221(2) and (3) and RCW 36.70A.060(2) that are located within shorelines of the State. Policies and regulations that are adopted under this Chapter shall be:
 - (A) Consistent with the specific provisions of 173-26-221(2) WAC and 173-26-221(3) WAC and the policies and goals of this Chapter; and
 - (B) Provide a level of protection to critical areas within the shoreline area that is at least equal to that provided by the Kennewick Shoreline Critical Areas Regulations in Appendix A-2.

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- (ii) Principles. The following are objectives of the provisions of this subsection:
 - (A) In addressing issues related to critical areas, the most current, accurate, and complete scientific and technical information available will be used;
 - (B) In protecting and restoring critical areas within shoreline jurisdictions, the full spectrum of planning and regulatory measures shall be integrated;
 - (C) Existing ecological functions and ecosystem-wide processes shall be protected and restoration of degraded ecological functions and enhancement of ecosystem-wide processes shall be encouraged; and
 - (D) Human uses and values that are compatible with other objectives of this Chapter shall be encouraged, such as public access and aesthetic values, provided they do not significantly adversely impact ecological functions.
 - (iii) Standards. The following standards shall apply to development in shoreline jurisdiction:
 - (A) Where critical areas are identified within shoreline jurisdiction, all proposed uses and development shall be subject to the administrative provisions of this Chapter, and shall comply with the development standards required by critical areas regulations in Appendix A-2;
 - (B) Applicants for proposed development within or adjacent to critical areas within shoreline jurisdiction shall demonstrate compliance with critical areas regulations in Appendix A-2 as part of shoreline or other permit reviews, and submit all relevant documentation with the permit application(s); and
 - (C) Applicants for proposed development within or adjacent to critical areas within shoreline jurisdiction shall demonstrate compliance with KMC 18.72 Clearing and Grading in Appendix A-8 as part of shoreline Substantial Development Permit or other permit reviews, and submit all relevant documentation.
 - (iv) Exceptions. The provisions of Kennewick Critical Areas Regulations do not extend Shoreline Jurisdiction beyond the limits specified in this Shoreline Master Program. For regulations addressing critical area buffer areas that are outside Shoreline Jurisdiction, see Kennewick Critical Areas Regulations in KMC 18.59 through 18.63.
- (c) Geologically Hazardous Areas.
- (i) Applicability. The provisions of this section apply to geologic hazards within the shoreline jurisdiction.
 - (ii) Standards. Development in designated geologically hazardous areas located in shoreline jurisdiction shall be regulated in accordance with the following:
 - (A) Development shall comply with Appendix A-2, Chapter 5, of this Chapter;
 - (B) New development or the creation of new lots that would cause foreseeable risk or adverse impacts from geological conditions to people or improvements during the life of the development shall be prohibited;
 - (C) New development that would require structural shoreline stabilization over the life of the development shall be prohibited. For Clover Island High Intensity Environment, structural

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shoreline stabilization, as necessary, shall be accompanied by habitat enhancement to improve riparian and nearshore habitat functions. Exceptions may also be made for the limited instances where stabilization is necessary to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result as found in Section 18.68.120(3)(a). Proposed stabilization measures shall recognize the principles found in WAC 173-26-231(3)(a)(ii) and shall conform to standards found in WAC 173-26-231(3)(a)(iii)(A—F); and

- (D) Where no alternatives, including relocation or reconstruction of existing structures, are found to be feasible, and less expensive than the proposed stabilization measure, stabilization structures or measures to protect existing residential structures may be allowed in strict conformance with the requirements of WAC 173-26-231 and then only if there is no net loss of ecological functions.

(d) Flood Hazard Reduction.

- (i) Applicability. The provisions of this subsection apply to actions taken to reduce flood damage or hazard and to uses, development, and shoreline modifications that may increase flood hazards in shoreline jurisdiction.

- (ii) Principles. The following are objectives of the provisions of this subsection:

- (A) Where feasible, preference shall be given to non-structural flood hazard reduction measures over structural measures;
- (B) In managing flood hazards within shoreline jurisdiction, the full spectrum of planning and regulatory measures shall be integrated;
- (C) Flood hazard reduction measures shall, with appropriate mitigation sequencing, result in no net loss of ecological functions;
- (D) Where feasible, efforts to return stream corridors to more natural hydrological conditions shall be encouraged; it is recognized that seasonal flooding is an essential natural process;
- (E) When evaluating alternate flood control measures, removal or relocation of structures in floodprone areas shall be considered; and
- (F) Encourage planning for and facilitating removal of restrictions to off channel hydrological connections consistent with actions identified in the Shoreline Restoration Plan (Appendix A-4 to this Chapter).

- (iii) Standards. The following standards shall apply to development in shoreline jurisdiction:

- (A) Development in flood plains shall not significantly or cumulatively increase flood hazard nor be inconsistent with Shoreline Critical Areas Regulations in Appendix A-2 and the Flood Damage Prevention Ordinance KMC 18.66 (Appendix A-7). New development or new uses in shoreline jurisdiction, including the subdivision of land, shall not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures;
- (B) Where frequently flooded areas are identified as a Critical Area within shoreline jurisdiction, all proposed uses and development shall be subject to administrative

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provisions of this Chapter, and shall comply with development standards required by Shoreline Critical Areas Regulations in Appendix A-2, and the Flood Damage Prevention Ordinance KMC 18.66 (Appendix A-7);

- (C) New structural flood hazard reduction measures shall be allowed in shoreline jurisdiction only when it can be demonstrated by scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts to ecological functions can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions will be undertaken consistent with WAC 173-26-221(5). Structural flood hazard reduction measures shall be consistent with KMC 18.66;
- (D) New structural flood hazard reduction measures shall be placed landward of wetlands and vegetation conservation areas, and shall comply, as applicable, with Shoreline Critical Areas Regulations, Appendix A-2, Flood Damage Prevention Ordinance KMC 18.66, WAC 173-26-221(3)(c)(iii) and the provisions of this Chapter;
- (E) New structural flood hazard reduction measures, such as dikes and levees, shall be designed to include and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development;
- (F) Removal of gravel for flood management purposes shall be consistent with Shoreline Critical Areas Regulations, Appendix A-2, KMC 18.66 and the provisions of this Chapter, and shall be allowed only after a biological and flood management study demonstrates the extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.

(G) The director may use additional flood information that is more restrictive or detailed than that provided in the flood insurance study conducted by the Federal Emergency Management Agency (FEMA) to designate frequently flooded areas, including data on channel migration, historical data, high water marks, photographs of past flooding, location of restrictive floodways, maps showing future build-out conditions, maps that show riparian habitat areas, or similar information.

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- (e) Public Access.
 - (i) Applicability. The provisions of this subsection apply to development in shoreline jurisdiction.
 - (ii) Principles. The following are the objectives of the provisions of this subsection:
 - (A) The public interest shall be promoted with regard to rights to access waters held in public trust by the State while protecting private property rights and public safety;
 - (B) The rights of navigation and space necessary for water-dependent uses shall be protected;
 - (C) To the greatest extent feasible consistent with the overall best interest of the State and the people generally, the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the State, including views of the water, shall be protected; and

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- (D) Uses and the location, design, and construction of development in the shoreline jurisdiction shall, whenever feasible, minimize interference with the public's use of the water.
- (iii) Standards. The following standards shall apply to development in the shoreline jurisdiction:
- (A) All new development by public entities, including local government, port districts, state agencies, and public utility districts, shall include public access measures as part of each development project, unless such access is shown to be incompatible for safety, security, or impact to the shoreline environment reasons.
- For Clover Island, public access must be consistent with the Clover Island High Intensity Special Area Plan Standards (see Appendix A-6). Planned public access improvement specified by the pathways identified in Appendix A-6-2 exhibit (Public Access) shall be made within 12 months of build out of the following lots, as specified in the Appendix A-6-3 (Building Heights) exhibit:
- (I) West and northwest (Causeway and "notch") and adjacent interior pathways will be completed proportionately within 12 months of Parcels A, B and C and Lot 1 completing build out;
 - (II) North shoreline pathway (from west edge of Lot 2, and Lots 3 through 11, 30, and 31) will be completed proportionately within 12 months of Lots 2 through 5 completing build out; and
 - (III) South shoreline and interior pathway (due south of "notch") will be completed within 12 months of eastern half of Lot 15 and Lots 16 through 18 completing build out.
 - (IV) Public access shall be provided along the south shoreline for eastern lot 13 through western half of Lot 15 as provided for in permitted Yacht Club development.
 - (V) Long-term shoreline pathway around east end of island (Lots 29 through 32) shall be phased in with any proposed improvements on those lots and/or shoreline stabilization occurring on Clover Island.
- (B) New structural public flood hazard reduction measures, such as dikes and levees, shall dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development;
- (C) All new development for water enjoyment, and water-related and non-water-dependent uses and for subdivisions of land into more than four parcels or sections of leased lands, shall include dedicated and improved public access proposal measures and which shall be recorded with final site plan, unless such access is shown to be incompatible for reasons of safety, security, or impact to the shoreline environment, or where such measures are shown to be infeasible or alternative measures are shown to be more desirable. In determining the infeasibility, undesirability, or incompatibility of public access in a given situation, the applicant shall analyze and propose alternative methods of providing public

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access, such as off-site improvements, viewing platforms, separation of uses through site planning and design, and restricting hours of public access. The City Planning Official will then consider these alternative methods in a final permit decision.

For the Clover Island High Intensity Environment, developments and uses shall maintain and, where specified, enhance public access and view corridors consistent with the Clover Island High Intensity Special Area Plan Standards (Appendix A-6);

- (D) All new development shall comply with the 35 feet height limitation, except for development provided in the Clover Island High Intensity Environment, where the development shall be consistent with the Clover Island High Intensity Special Area Plan Standards. Building or structures more than 35 feet above the ordinary high water mark in the Urban Conservancy and Aquatic Environments shall be processed through a Conditional Use Permit.

For the Clover Island High Intensity Environment, the City has determined that development will not obstruct views for a substantial number of residences on the adjoining state shoreline, as the existing levee currently blocks the entire shoreline view for existing residences. This is also true for the other residences south of the levee that extends along the entire shoreline of Segments D and E (Appendix A-1) For the Clover Island High Intensity Environment, the view corridors and viewpoints established in the Clover Island High Intensity Special Area Plan Standards (Appendix A-6-1) will be preserved, and development will remain within the established heights.

The Clover Island High Intensity Special Area Plan Standards will serve the public interest by providing economic development, enhancing public access, maintaining specified on-island view corridors, and providing for enhanced aquatic and riparian habitat. Therefore, areas specified in the Clover Island High Intensity Special Area Plan Standards that exceed 35 feet in height on the island are allowed through the Substantial Development Permit process, consistent with other established standards for view, public access and habitat enhancement (see Appendix A-6).

Specifically, according to WAC 173-27-160, the City has determined that, for the Clover Island High Intensity Environment, as specified in the City-adopted master plan and Clover Island High Intensity Special Area Plan Standards (Appendix A-6), that the:

- (I) Proposed uses are consistent with the policies of RCW 90.58.020 and the Shoreline Master Program;
- (II) Proposed uses will not interfere and will actually enhance the normal public use of public shorelines;
- (III) Proposed uses and design of the project are compatible with other authorized uses within the area and with uses planned for the area under the City's Comprehensive Plan and Shoreline Master Program;
- (IV) Proposed uses will cause no significant adverse effects and actually will enhance the shoreline environment in which it is to be located;

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- (V) Public interest will suffer no detrimental impacts and actually will benefit from the planned improvements; and
 - (VI) Cumulative impacts are addressed in Appendix A-5.
- (E) As part of any master plan or proposal, other than those specified in the Clover Island High Intensity Special Area Plan Standards, for structures over 35 feet in height, an applicant shall be required to submit a view analysis and cumulative impacts analysis that reviews residential obstruction(s) to allow the City to determine whether development under the master plan or proposal obstructs a substantial number of residences (RCW 90.58.320). Structures over 35 feet, other than those specified in the Clover Island High Intensity Special Area Plan Standards, shall be approved only through a Conditional Use Permit process according to Section 18.68.240 of this Chapter and WAC 173-27-160. Designs shall protect visual access to the water from onshore. Shoreline view corridors shall be protected through incorporation of appropriate design (e.g., modulation of building heights and massing) and location of new development. Potential impacts to views shall be minimized through location and orientation of development on the subject property. The applicant shall:
- (I) Incorporate a view analysis using photographs, videos, photo-based simulations, or computer-generated simulations. The view analysis shall assess and portray visual access from mainland residences adjoining the shoreline. In all cases, photographs, videos, land use, land cover, or other sources of information shall be no older than 12 months prior to submittal of the application. All photographic, video or simulated view representations will employ equipment that produces imagery with an angle of view equivalent to that achievable with a 35 mm "normal" camera lens, i.e., an angle of view of about 50°.

To document any possible obstruction of existing or potential residential views by proposed development in the Urban Conservancy Environment designation, a minimum of three pictures shall be taken from residences or potential residential lots at a radius of 400 feet from the proposed development at equal distances from each other and toward the shoreline;
 - (II) Ensure that the view analysis is cumulative in nature by including vacant existing parcels of record as well as existing structures. Vacant parcels of record shall be assumed to be developed and, as such, their structures to be in compliance with the 35-foot height limitation as established through photographs, videos, photo-based simulations, or computer-generated simulations;
 - (III) If demonstrated through photographs, videos, photo-based simulations, or computer-generated simulations that the proposed development will obstruct less than 30 percent of the view of the shoreline enjoyed by a substantial number of residences on areas adjoining such shorelines, then the development may be considered through the conditional use process;
 - (IV) In consideration of the potential view obstruction resulting from the proposed structure, side yard setbacks may need to be increased. No side yard setbacks shall be reduced to accommodate the proposed structure; and

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- (V) To address "overriding considerations of the public interest" the applicant shall provide a cumulative impacts analysis that documents the public benefits served by issuance of a Conditional Use Permit. The analysis shall address such considerations as cumulative view obstruction results of height adjustments (within a 1,000-foot radius) of the proposed development combined with those of other developments that exceed the 35-foot height limitation, environmental benefits (enhancement or restoration), public access/open space benefits, and economic benefits. The cumulative impact analysis shall address overall views that are lost, compromised, and/or retained; available view corridors; and surface water views lost, compromised, and/or retained.
- (F) Public access improvements shall not result in a net loss of shoreline ecological functions; and
- (G) Signage shall be in conformance with Section 18.68.130(3)(i) of this Chapter and the zoning code (KMC 18.24). All signs shall be located and designed to minimize interference with view corridors and visual access to the shoreline.
- (f) Shoreline Vegetation Conservation, Restoration, and Enhancement.
 - (i) Applicability. Vegetation conservation includes activities to protect, restore or enhance vegetation along or near shorelines that contribute to ecological functions and wildlife value. The provisions of this subsection apply to all proposed development and uses in shoreline jurisdiction.
 - (ii) Principles. The following are the objectives of the provisions of this subsection:
 - (A) Scientific and technical information shall be used in addressing issues related to vegetation conservation;
 - (B) In protecting and restoring vegetation within shoreline jurisdiction, the full spectrum of planning and regulatory measures shall be integrated; and
 - (C) Existing ecological functions and ecosystem-wide processes shall be protected, and restoration of degraded ecological functions and ecosystem-wide processes shall be encouraged;
 - (iii) Standards. The following standards shall apply to development in shoreline jurisdiction:
 - (A) The design, construction and location of proposed new development and uses shall follow those goals, policies and guidelines set out in the Shoreline Critical Areas Ordinance (Appendix A-2);
 - (B) The design, construction and location of proposed new development and uses shall, wherever feasible, avoid and minimize the removal or damage of existing native vegetation and, where this is not feasible, the applicant shall provide mitigation which ensures no net loss of the functions and values of the removed shoreline vegetation;
 - (C) At a minimum, the Applicant shall consult shoreline management assistance materials provided by Ecology and Management Recommendations for Washington's Priority Habitats, prepared by the Washington State Department of Fish and Wildlife, where applicable;

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- (D) Selective pruning of trees for safety and view protection may be allowed, establishing up to a 50-percent total view corridor. In the case where another view corridor has been specified in federal and/or state permits as beneficial for aquatic and terrestrial species, these provisions would apply. No topping shall be allowed unless approved by the Planning Official. The removal and control of noxious weeds is authorized. Removal of noxious weeds and/or invasive species shall be incorporated in vegetation management plans, as necessary, to facilitate establishment of a stable community of native plants;
 - (E) Vegetation removal not associated with a development permit application requires the submittal and approval of a mitigation and management plan prepared by a qualified biologist, and must be consistent with the provisions of this section; and
 - (F) Clover Island High Intensity - Vegetation planting for the aquatic and shoreline habitat enhancement plan, shall be consistent with the native vegetation and planting specifications provided in the Clover Island High Intensity Special Area Plan Standards (Appendix A-6-4) and consistent with provisions in applicable federal and state permits.
 - (G) The preservation of dead trees and the creation of standing snags during shoreline vegetation management efforts shall be emphasized due to their importance to wildlife and ecological function. Where feasible, standing snags and dead trees must be preserved and protected. Creation and/or preservation of snags may contribute to mitigation plans developed to offset other shoreline vegetation removal.
- (g) Water Quality, Stormwater, and Nonpoint Pollution.
- (i) Applicability. The provisions of this subsection apply to all development and uses in shoreline jurisdiction that affect water quality.
 - (ii) Principles. The following are the objectives of the provisions of this subsection:
 - (A) Impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions, a significant impact to aesthetic qualities, or recreational opportunities, shall be prevented wherever feasible; and
 - (B) Shoreline management provisions and other regulations that address water quality and stormwater quantity, including public health, stormwater, and water discharge standards, shall be integrated as feasible into permits issued under this Chapter.
 - (iii) Standards.
 - (A) All development activities approved under this Shoreline Master Program shall be designed and maintained consistent with the City's Stormwater Management Plan and Engineering Design Standards. Stormwater control and discharges shall be in compliance and maintained according to the Ecology Stormwater Manual for Eastern Washington.
 - (B) Shoreline use and development shall minimize the need for chemical fertilizers, pesticides or other similar chemical treatments to prevent contamination of surface and ground water and/or soils and adverse effects on shoreline ecological functions and values.
 - (C) All development in shoreline jurisdiction must meet all applicable local, state, and federal water quality protection standards and requirements and prevent impacts to water quality and storm water quantity that would result in a net loss of shoreline ecological

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functions and prevent significant impacts to aesthetic qualities or recreational opportunities.

(Ord. 5281 Sec. 1, 2009)

18.68.120: - Shoreline Modifications.

- (1) Applicability. The provisions of this section apply to all shoreline modifications within shoreline jurisdiction.
- (2) Principles. The following are the objectives of the provisions of this section:
 - (a) Shoreline modifications for the Clover Island High Intensity Environment shall be consistent with the Clover Island High Intensity Special Area Plan Standards (Appendix A-6-4) and shoreline stabilization standards established in Section 18.68.120(3)(a);
 - (b) Structural shoreline modifications shall be allowed only where they are demonstrated to be necessary to support or protect an allowed structure, a legally existing shoreline use that is in danger of loss or substantial damage, or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes;
 - (c) Shoreline modifications shall be allowed only when appropriate to the specific type of shoreline and environmental conditions for which they are proposed;
 - (d) Shoreline modifications, individually and cumulatively, shall not result in a net loss of ecological functions; preference shall be given to shoreline modifications that have a lesser impact on ecological functions, and mitigation shall be required for identified adverse impacts resulting from shoreline modifications;
 - (e) Where applicable, scientific and technical information shall be used in planning for shoreline modifications;
 - (f) Restoration or enhancement of ecological functions shall be encouraged where feasible and appropriate, while accommodating permitted uses, and all feasible measures to protect ecological functions and ecosystem-wide processes shall be incorporated. For the Clover Island High Intensity Environment, enhancement shall be consistent with the Clover Island High Intensity Special Area Plan Standards (Appendix A-6) and provisions in applicable federal and state permits; and
 - (g) Significant ecological impacts shall be mitigated as defined in this Chapter and according to the mitigation sequence in Appendix A-2.
- (3) Standards for Specific Shoreline Modifications.
 - (a) Shoreline Stabilization.
 - (i) Shoreline stabilization measures include the following:
 - (A) Structural ("stabilization structures") and nonstructural methods to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action; and

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- (B) Nonstructural methods including building setbacks, relocation of the structure to be protected, ground water management, planning and regulatory measures to avoid the need for structural stabilization.
- (ii) New development, including newly created parcels, shall be designed and located to prevent the need for future shoreline stabilization, based upon hydrological or geotechnical analysis.
- (iii) New development on steep slopes or bluffs shall be set back according to the requirements indicated in Appendix A-2 to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.
- (iv) New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas is prohibited.
- (v) New structural stabilization measures shall not be allowed except when necessary as demonstrated in the following manner:
 - (A) To protect existing primary structures, new or enlarged stabilization structures for an existing primary structure, including residences, shall not be allowed unless there is conclusive evidence documented by a geotechnical analysis that the structure is in danger of failing within three years from shoreline erosion caused by currents, or waves.

Normal sloughing, or shoreline erosion itself, without a geotechnical analysis, is not demonstration of need. In order to demonstrate need, the geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural measures. The erosion control structure with appropriate mitigation shall not result in a net loss of ecological functions;
 - (B) New stabilization structures in support of new non-water-dependent or water-dependent development shall be allowed when consistent with the Clover Island High Intensity Special Area Plan Standards (Appendix A-6) or when all of the following conditions apply: the erosion is not being caused by upland conditions such as the loss of vegetation and drainage; nonstructural measures such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or sufficient; need is demonstrated by a geotechnical analysis that damage must be caused by natural processes such as currents, and waves; and the erosion control structure and appropriate mitigation will not result in a net loss of shoreline ecological functions;
 - (C) New stabilization structures in support of projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to Chapter 70.105D RCW shall be allowed when consistent with the Clover Island High Intensity Special Area Plan Standards (Appendix A-6) or when all of the following conditions apply: Nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or sufficient; and the erosion control structure and appropriate mitigation will not result in a net loss of shoreline ecological functions;
 - (D) Shoreline stabilization shall be constructed to minimize damage to fish habitats and to maintain safe navigational movement. Biotechnical and soft methods shall be prioritized as the preferred method of bank stabilization, unless analysis demonstrates that such measures are infeasible. For the Clover Island High Intensity Environment shoreline

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- stabilization below the OHWM to protect existing or planned upland water-dependent facilities specified in the plan or applicable federal and state permits shall be accompanied by habitat enhancement, including anchored brush piles or ballasted root wads or other specified measures. Open-piling construction is preferable in lieu of the solid type;
- (E) Bulkheads shall be designed to permit the passage of surface or ground water without causing ponding or saturation of retained soil or materials. Adequate toe protection (proper footings, a fine retention mesh, etc.) shall be provided to ensure bulkhead stability without relying on additional riprap; and
 - (F) Bulkheads shall be designed to be of the minimum dimensions necessary. When a bulkhead is required at a public access site with planned water access, provision for safe access to the water shall be incorporated into its design.
- (vi) Replacement of existing stabilization structures shall be based on demonstrated need to protect uses or structures from erosion caused by currents, or waves:
- (A) The replacement structure shall be designed, located, sized and constructed to assure no net loss of ecological functions, and, if located in the Clover Island High Intensity Environment, to also achieve improved aquatic and riparian habitat function.
 - (B) Waterward encroachment of a replacement structure shall be allowed for residences occupied prior to January 1, 1992; and then only if there are overriding safety or environmental concerns and then replacement structure shall abut the existing shoreline stabilization structure and must still comply with applicable federal and state permit provisions.
 - (C) For Clover Island High Intensity Environment replacement structures must be consistent with the Clover Island High Intensity Special Area Plan Standards (Appendix A-6-4) and applicable federal and state permit provisions, including anchored brush piles or ballasted root wads and native riparian vegetation plantings and other specified measures, or for soft shoreline stabilization measures that provide restoration of ecological functions.
 - (D) Soft shoreline stabilization measures that provide restoration or enhancement of shoreline ecological functions may be permitted waterward of the ordinary high water mark. Additionally, if the development is located in the Clover Island High Intensity Environment, the soft shoreline stabilization measures shall be consistent with the Clover Island High Intensity Special Area Plan Standards.
- (vii) Geotechnical reports prepared pursuant to this section that address the need to prevent potential damage to a structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and shall report on the urgency associated with the specific situation. As a general matter, hard armoring solutions shall not be authorized except when a report confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions. Where the geotechnical report confirms a need to prevent potential damage to a structure, but the need is not as immediate as three years, that report may still be used to justify more immediate authorization to protect against erosion using soft measures.

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- (viii) Shoreline stabilization structures shall be limited to the minimum size necessary. Soft approaches shall be used unless demonstrated not to be sufficient to protect structures, dwellings, and businesses. Where feasible, ecological restoration or enhancement, and public access improvements shall be incorporated into the project. Public access shall be required as part of publicly financed shoreline erosion control measures except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. For the Clover Island High Intensity Environment, enhancements shall be consistent with the Clover Island High Intensity Special Area Plan Standards (Appendix A-6) and applicable federal and state permit provisions, including anchored brush piles or ballasted root wads and native riparian vegetation plantings, and other specified measures, applicable federal and state permit provisions, including anchored brush piles or ballasted root wads and native riparian vegetation plantings and other specified measures.
- (ix) For conditions of erosion or mass wasting due to upland conditions, projects must be consistent with standards set out in KMC 18.68.110(2)(b)(iii)(C).
- (x) Riprapping and other bank stabilization measures shall be located, designed and constructed to avoid the need for channelization of streams and to protect, as feasible, the natural character of the streamway.
- (xi) Where flood protection measures such as levees are planned, they shall be placed landward of the streamway, including associated swamps and marshes and other wetlands directly inter-related and inter-dependent with the stream proper.
- (xii) Where shoreline stabilization is allowed, it shall consist of "soft," flexible, and/or natural materials or other bioengineered approaches unless a geotechnical analysis demonstrates that such measures are infeasible.
- (xiii) Publicly financed or subsidized shoreline erosion control measures shall not restrict appropriate public access to the shoreline, except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. Where feasible, ecological restoration and public access improvements shall be incorporated into the project.
- (b) Piers, Viewing Platforms, and Docks.
 - (i) The following standards shall apply to new piers, viewing platforms and docks:
 - (A) New piers, viewing platforms, and docks are allowed in the Clover Island High Intensity Environment consistent with the Clover Island High Intensity Special Area Plan Standards (Appendix A-6) to provide for existing and future water-dependent uses and subject to approval and conditions of federal and state permits addressing aquatic and riparian habitat, and consistent with the Shorelines Critical Areas Appendix A-2 requirements;
 - (B) New piers, viewing platforms and docks are allowed for public and commercial purposes. Docks serving four or less residential units are prohibited;
 - (C) New piers and docks are allowed only for water-dependent uses or public access;
 - (D) New piers and docks are restricted to the minimum size necessary to serve a proposed water-dependent use (based upon a needs analysis provided by the Applicant). For Clover

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Island High Intensity environment, the minimum width for piers, docks and ramps shall be six feet and the maximum width shall be 12 feet;

- (E) New piers and docks are permitted only when specific need is demonstrated; and
 - (F) Water-related and water-enjoyment uses may be allowed as part of mixed-use development on over-water structures where they are clearly auxiliary to, and in support of, water-dependent uses, provided the minimum size requirement needed to meet the water-dependent use is not violated (WAC 173-26-231(3)(b)).
- (ii) The use of floating docks shall be encouraged in those areas where scenic values are high and where conflicts with recreational boaters and fishermen will not be created.
 - (iii) Open-pile piers shall be encouraged where shore trolling is important, where there is significant littoral drift and where scenic values will not be impaired. Piers and viewing platforms for the Clover Island High Intensity Environment shall be consistent with the Clover Island High Intensity Special Area Plan Standards and applicable federal and state construction standards and/or requirements. Pilings shall be permitted only when needed as a structural part of floating docks and to minimize the impact of local high winds on the structures. Pilings shall be structurally sound and cured prior to placement in the water. Creosote treated pilings are prohibited. Pilings employed in piers or any other structure shall have a minimum vertical clearance of two feet above the OHWM. The minimum number of pilings necessary shall be used in piers or viewing platforms.
 - (iv) Priority shall be given to the use of public piers, viewing platforms and docks. Cooperative use of these facilities is encouraged.
 - (v) New structures will be preferentially placed in developed areas to avoid degradation of habitat.
 - (vi) Location, design and construction of all piers, viewing platforms and docks shall result in no net loss of ecological processes and functions, and avoid, minimize and mitigate for ecological impacts. Construction materials and light transmission standards must be consistent with applicable state and federal requirements, and be based upon the most current, accurate, and complete scientific and technical information available. Piers, viewing platforms, and docks proposed in the Clover Island High Intensity Environment shall be consistent with the Clover Island High Intensity Special Area Plan Standards and applicable federal and state construction standards and/or requirements and other specified measures, including the following:
 - (A) New overwater structures must not be located on or within 50 feet of existing native aquatic vegetation;
 - (B) New overwater structures must be located in water sufficiently deep to prevent the structure from grounding out at the lowest low water;
 - (C) New pier, ramp or dock grating surfaces must provide for a 40-percent minimum open area;
 - (D) Flotation material must be encapsulated with a shell that prevents breakup or loss of flotation material, and cannot be located where it impedes fish passage;
 - (E) Replacement of existing covered boat facilities (boat garages, covered moorage) shall be composed of clear translucent materials that have a minimum 25 percent light transmittance in either the roof material or exposed wall; and

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- (F) Night lighting must be oriented to minimize illumination of surrounding waters.
- (vii) Storage of fuel, oils and other toxic materials is prohibited on docks and piers except in portable containers that are provided with secondary containment.
- (c) Fill.
 - (i) Location, design and construction of shoreline fills or cuts shall protect existing ecological values or natural resources and ensure that significant alteration of local currents will not occur nor create a hazard to adjacent life, property, and natural resources. Shoreline fills shall be avoided in critical areas or shoreline buffers, except for habitat enhancement as provided for in the Clover Island High Intensity Special Area Plan Standards, and applicable federal and state permit provisions including native riparian vegetation plantings and other specified measures. When unavoidable, or buffers are not involved, they should be minimized, and designed and located so that there will be no significant damage to and no net loss of existing ecological functions; ecosystem-wide processes and natural resources shall be protected.
 - (ii) Fills waterward of the ordinary high water mark shall be allowed by Substantial Development Permit in the Clover Island High Intensity Environment for ecological enhancement as provided for in the Clover Island High Intensity Special Area Plan Standards and applicable federal and state permit provisions, or by Conditional Use Permit when necessary to support the following uses:
 - (A) Water-dependent uses;
 - (B) Public access;
 - (C) Cleanup and disposal of contaminated sediments as part of an intra-agency environmental cleanup plan;
 - (D) Disposal of dredged material considered suitable under, and conducted in accordance with, the Dredged Material Management Program of the Department of Natural Resources;
 - (E) Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and that demonstrate that alternatives to fill are not feasible;
 - (F) A mitigation action;
 - (G) Environmental restoration or enhancement; and
 - (H) Beach nourishment or enhancement.
 - (iii) All perimeters of fills shall be provided with vegetation, bioengineered approaches or other mechanisms for erosion prevention.
 - (iv) Fill materials shall be of such quality that they will not adversely affect water quality.
- (d) Breakwaters, Jetties, Weirs, and Groins.
 - (i) Structures shall be designed, located and constructed with appropriate mitigation in such a way as to assure no net loss of ecological functions. The effect on public access and aesthetic values of the shoreline shall be considered in the design and location of structures.

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- (ii) Structures waterward of the ordinary high water mark shall be allowed only for water-dependent uses, public access, shoreline stabilization, or other specific public purpose.
- (iii) A shoreline Conditional Use Permit shall be required for all structures except shoreline protection/restoration/enhancement projects and only allowed when demonstrated that no feasible alternative is available. Mitigation sequencing shall be provided to ensure no net loss of shoreline ecological functions and processes and shall be demonstrated by submittal of Mitigation Management Plan.
- (e) Dredging and Dredge Material Disposal.
 - (i) Dredging and dredge material disposal shall be done in a manner which avoids or otherwise minimizes significant ecological impacts. Impacts which cannot be avoided shall be mitigated.
 - (ii) New development siting and design shall avoid the need for new and maintenance dredging.
 - (iii) Dredging for the purposes of establishing, expanding, or relocating or reconfiguring navigation channels and basins shall be allowed where necessary to assure safe and efficient accommodation of existing navigational uses. In such cases, significant ecological impacts shall be minimized and mitigation provided for any unavoidable impacts.
 - (iv) Maintenance dredging of established navigation channels and basins is restricted to maintaining previously dredged and/or existing authorized location, depth, and width.
 - (v) Dredging for fill materials shall not be allowed, except when the material is necessary for the restoration of ecological functions, and is associated with a MTCA or CERCLA habitat restoration project or is approved through a shoreline Conditional Use Permit for use in any other significant habitat enhancement project. When allowed, fill material must be placed waterward of the ordinary high water mark.
 - (vi) Dredging of materials suitable for shoreline restoration or other activities to benefit shoreline resources may be allowed, provided the activity is done in a manner which avoids or otherwise minimizes ecological impacts.
 - (vii) Disposal of dredge material on shorelands, wetlands or within a channel migration zone shall be discouraged and is allowed only by shoreline Conditional Use Permit.
- (f) Signage.
 - (i) Off-premises signs shall not be permitted on the shorelines.
 - (ii) Signs shall be mounted flush to the buildings they represent, and shall not extend above the roofline.
 - (iii) Flashing, moving, or animating signs shall not be permitted, unless required by law for air and water navigation.
 - (iv) Each use shall be permitted one square foot of sign for each five feet of the building frontage.
 - (v) Vistas and viewpoints shall not be degraded and visual access to the water from such vistas shall not be impaired by the placement of signs. All signs shall be located and designed to minimize interference with view corridors and visual access to the shoreline.
 - (vi) When feasible, signs shall be constructed against existing buildings to minimize visual obstructions of the shoreline and water bodies.

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- (vii) No signs shall be placed on trees, other natural features, or public utility poles.
- (g) Shoreline Habitat and Natural Systems Restoration and Enhancement Projects.
 - (i) Shoreline habitat and natural systems enhancement projects, including those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for listed species in shorelines, are encouraged, provided such projects' primary purpose is clearly enhancing or restoring the shoreline natural character and ecological functions. The project shall address legitimate enhancement or restoration needs and priorities and facilitate implementation of the restoration plan (Appendix A-4) developed pursuant to WAC 173-26-201(2)(f) and the Clover Island High Intensity Special Area Plan Standards (Appendix A-6) and with applicable federal and state permit provisions.
 - (ii) For the Clover Island High Intensity Environment, implementation of the aquatic, nearshore and riparian habitat enhancement plan, as provided in the Clover Island High Intensity Special Area Plan Standards shall accompany new development. Accompany means within 12 months of completion of a new development project, enhance the shoreline next to the new development consistent with the Clover Island High Intensity Special Area Plan Standards (Appendix A-6-4). Enhancement work will be conducted within the work window specified in applicable federal and state permits (typically late fall/winter time period).

(Ord. 5281 Sec. 1, 2009)

18.68.130: - Shoreline Uses.

- (1) Applicability. The provisions of this section apply to specific common uses and types of development to the extent they occur within shoreline jurisdiction. All uses and development must be consistent with the Shoreline Master Program.
- (2) General Use Provisions.
 - (a) Principles. The following are objectives of the provisions of this section:
 - (i) Uses that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon uses of the State's shoreline areas, are preferred. Preference shall be given first to water-dependent uses, second to water-related uses and third to water-enjoyment uses;
 - (ii) The location, design and construction of new development in shoreline areas shall be done in a way that protects the public's health, safety, and welfare, as well as the land and its vegetation and wildlife, and protects property rights while implementing the policies of the Shoreline Management Act; and
 - (iii) Permitted uses shall result in no net loss of ecological functions associated with the shorelines.
 - (b) Conditional Uses.
 - (i) Purpose. The purpose of this section is to define the types of uses and development that require a shoreline Conditional Use Permit pursuant to RCW 90.58.100(5). Conditional Use Permits may be required for a variety of purposes, including:

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- (A) To effectively address unanticipated uses that are not classified in this Shoreline Master Program as described in WAC 173-27-030;
- (B) To address cumulative impacts; and
- (C) To provide the opportunity to require specially tailored environmental analysis or design criteria for types of use or development that may otherwise be inconsistent with a specific environment designation within this Shoreline Master Program or with the Shoreline Management Act policies.
- (ii) Applicability. The following types of uses and development may require a Conditional Use Permit (see Section 18.68.240 for application process):
 - (A) Uses and development that may or will significantly impair or alter the public's use of the water areas of the State;
 - (B) Uses and development which, by their intrinsic nature, may have a significant ecological impact on shoreline ecological functions or shoreline resources depending on location, design, and site conditions;
 - (C) Specific shoreline uses identified in this Chapter as requiring a Conditional Use Permit; and
 - (D) The height limit for all uses shall be 35 feet in the Aquatic and Urban Conservancy Environments, and for the Clover Island High Intensity Environment, the heights provided in the Clover Island High Intensity Special Area Plan Standards (Appendix A-6). Proposed Uses may be able to exceed this limit through the Conditional Use process as described in Section 18.68.240.
- (c) Prohibitions.
 - (i) Aquaculture activities are prohibited in shorelands.
 - (ii) Agriculture activities are prohibited in shorelands.
- (d) Nonconforming ~~Uses~~ Development or Nonconforming Structures. ~~When a shoreline use or structure which was lawfully constructed or established prior to the effective date of the Shoreline Management Act or the Shoreline Master Program, or amendments thereto, but does not conform to the present regulations or standards of the Shoreline Master Program or policies of the Act, the following standards shall apply: "Nonconforming development" or "nonconforming structure" means an existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the master program. When such development or structure exists, the following standards shall apply:~~
 - (i) Nonconforming development may be continued and maintained, repaired, renovated, or structurally altered, provided that it is not enlarged, intensified, increased, or altered in any way which increases its nonconformity, except to enhance views from upland areas including streets, to enhance public access, or to contribute to protection, enhancement, restoration, or rehabilitation of or mitigation for impacts to critical areas or their buffers;
 - (ii) A nonconforming development which is moved any distance must be brought as closely as possible into conformance with the Shoreline Master Program and the Act;

Commented [Muai19]: Default provision from WAC. Do we want to go there or should we just have them comply completely?

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- (iii) If a nonconforming development is damaged to an extent not exceeding 75 percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within six months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance;
 - (iv) ~~If a nonconforming use is discontinued for 12 consecutive months or for 12 months during any two year period, the nonconforming rights shall expire and any subsequent use shall be conforming. A use authorized pursuant to subsection (6) of this section shall be considered a conforming use for purposes of this section;~~
 - (v) ~~A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a Conditional Use Permit. A Conditional Use Permit may be approved only upon a finding that:~~
 - ~~(A) No reasonable alternative conforming use is practical;~~
 - ~~(B) The proposed use will be at least as consistent with the policies and provisions of the Act and the Shoreline Master Program and as compatible with the uses in the area as the preexisting use; and~~
 - ~~(C) In addition such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the Shoreline Master Program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.~~
 - (vi) ~~An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with City zoning requirements prior to the effective date of the Act and this Shoreline Master Program but which does not conform to the present lot size standards may be developed if permitted by other City land use regulations and so long as such development conforms to all other requirements of the applicable Shoreline Master Program and the Act;~~
 - (vii) Structures that were legally established and are used for a conforming use but which are nonconforming with regard to setbacks, buffers or yards, area, bulk, height or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon, or extending into, areas where construction or use would not be allowed for new development or uses.
- ~~Uses and developments that were legally established and are nonconforming with regard to the use regulations of the Shoreline Master Program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded.~~
- ~~A use which is listed as a conditional use but which existed prior to adoption of the Shoreline Master Program or any relevant amendment and for which a Conditional Use Permit has not been obtained shall be considered a nonconforming use. A use which is listed as a conditional use but which existed prior to the applicability of the Shoreline Master Program to the site and for which a Conditional Use Permit has not been obtained shall be considered a nonconforming use.~~

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- (e) Nonconforming Uses. "Nonconforming use" means an existing shoreline use that was lawfully established prior to the effective date of the act or the applicable master program, but which does not conform to present use regulations due to subsequent changes to the master program. When such use exists, the following standards shall apply:
- (i) If a nonconforming use is discontinued for 12 consecutive months or for 12 months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming. A use authorized pursuant to subsection (6) of this section shall be considered a conforming use for purposes of this section;
 - (ii) A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a Conditional Use Permit. A Conditional Use Permit may be approved only upon a finding that:
 - (A) No reasonable alternative conforming use is practical;
 - (B) The proposed use will be at least as consistent with the policies and provisions of the Act and the Shoreline Master Program and as compatible with the uses in the area as the preexisting use; and
 - (C) In addition such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the Shoreline Master Program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.
 - (iii) Uses and developments that were legally established and are nonconforming with regard to the use regulations of the Shoreline Master Program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded.
 - (iv) A use which is listed as a conditional use but which existed prior to adoption of the Shoreline Master Program or any relevant amendment and for which a Conditional Use Permit has not been obtained shall be considered a nonconforming use. A use which is listed as a conditional use but which existed prior to the applicability of the Shoreline Master Program to the site and for which a Conditional Use Permit has not been obtained shall be considered a nonconforming use.
- (f) Nonconforming Lots. "Nonconforming lot" means a lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth or area due to subsequent changes to the master program. When such lots exist, the following standards shall apply:
- (i) An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with City zoning requirements prior to the effective date of the Act and this Shoreline Master Program but which does not conform to the present lot size standards may be developed if permitted by other City land use regulations and so long as such development conforms to all other requirements of the applicable Shoreline Master Program and the Act;

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(eg) Shoreline Uses Table.

- (i) The shoreline uses table identifies the level of approval required for the specific shoreline uses described in this Chapter.
- (ii) Buffers shall be maintained in accordance with Critical Areas Appendix A-2, Chapter 6 or any other Chapters of this Appendix A-2 as appropriate within shoreline jurisdiction.
- (iii) Building setbacks are measured landward from the edges of all critical area buffers or from the edges of all critical areas, if no buffers are required according to Appendix A-2, Section 1.220.
- (iv) To provide flexibility in the application of use regulations in a manner consistent with RCW 90.58.020, a Conditional Use Permit may be provided with special conditions, as applicable (see Sections 18.68.130(2)(b) and 18.68.240)
- (v) Bulk, dimensional and performance standard exceptions are made through the variance process.
- (vi) Reasonable Use. Where project proponents would seek a "Reasonable Use" exception to their proposal, they shall seek exception process and relief through the conditional use or variance process.

	Clover Island High Intensity	Urban Conservancy	Aquatic
	Permit	Permit	Permit
Boating Facilities			
Water-dependent	SDP	SDP	SDP
Water-oriented	SDP	CUP	Prohibited
Commercial			
Water-dependent	SDP	SDP	SDP
Water-related and water-enjoyment	SDP	SDP	CUP
Non-water-oriented	SDP	CUP	Prohibited
Industrial			
Water-dependent	Prohibited	Prohibited in ED map Sections A—D/CUP Section E	Prohibited in ED map Sections A—D/CUP Section E
Water-related and water-enjoyment	Prohibited	CUP only Section E	CUP
Non-water-oriented	Prohibited	CUP only Section E	Prohibited
In-stream Structures	SDP for uses that improve ecological	CUP	CUP

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	functions CUP for all other uses		
Historic, Educational and Recreational			
Water-dependent	SDP	SDP	SDP
Water-related and water-enjoyment	SDP	SDP	CUP
Water-enjoyment - walkways and trails	SDP	SDP	CUP
Non-water-oriented(5)	SDP	CUP	Prohibited
Residential Development			
Multi-Family Residential Development	SDP	Prohibited	Prohibited
Single-Family and Duplex	Prohibited	Prohibited	Prohibited
Transportation Motorized (includes public transit)	SDP	SDP	CUP
Capital Facilities and Utilities All Utilities; Water Supply Utilities; Signage	SDP	SDP	CUP
Fill	SDP	SDP	CUP
Dredging Disposal of Dredge Material in Shoreline Jurisdiction	CUP	CUP	CUP

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1. SDP = Substantial Development Permit
2. CUP = Conditional Use Permit. Uses not specifically identified may be considered through the CUP application process (see Section 18.68.240).
- (3) Standards for Specific Shoreline Uses. Permit process, height limit, and setback requirements for uses in each shoreline environment designation shall be in accordance with the shoreline use table in Section 18.68.130 and as stated in the following sections:
 - (a) Boating Facilities and Marinas. For the purposes of this Chapter, "boating facilities" includes marinas, boat storage and launch ramp development, and accessory uses.
 - (i) For the water dependent portion of the boating facilities, Substantial Development Permits shall be required in the Clover Island High Intensity, Urban Conservancy and Aquatic Environments.

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- (ii) Non-water-oriented portions of boating facilities shall require Substantial Development Permits in the Clover Island High Intensity Environment consistent with the Clover Island High Intensity Special Area Plan Standards, and Conditional Use Permits in the Urban Conservancy Environment. Such uses shall be prohibited in the Aquatic Environment.
 - (iii) Water-dependant uses, as defined by this Shoreline Master Program, may be located within a habitat conservation area or buffer when the applicant or property owner can demonstrate compliance with Appendix A-2, Chapters 1—6.
 - (iv) Boating facilities shall be located only at sites with suitable environmental conditions, shoreline configuration, access, and neighboring uses. Such facilities shall meet health, safety, and welfare requirements. All boating facilities shall be permitted and in compliance with all local, state and federal requirements.
 - (v) Location, design and construction of new boating facilities shall avoid, when feasible, or otherwise mitigate aesthetic impacts to the shoreline that are derived from natural or cultural features, such as shoreforms, vegetative cover, and historic sites/structures.
 - (vi) Boating facilities shall not conflict with existing or planned public access opportunities. Public access is required for new marinas, particularly where water-enjoyment uses are associated with the marina, in accordance with WAC 173-26-221(4) and KMC 18.68.110(2)(e).
 - (vii) Boaters are prohibited from living in their vessels (live-aboard). Non-motorized floating homes shall not be permitted.
 - (viii) Boating facilities, and associated and accessory uses shall not be allowed if they result in a net loss of shoreline ecological functions.
 - (ix) Extended moorage on waters of the State without a lease or permission from appropriate authorities is prohibited, and any significant impacts to navigation and public access shall be mitigated.
 - (x) Special attention shall be given to the design and development of operational procedures for fuel handling and storage in order to minimize accidental spillage and provide satisfactory means for handling any spillage that does occur. A "maintenance and spill prevention and control plan" shall be required to be submitted by the applicant in order to get a shoreline permit.
 - (xi) In planning for propelled watercraft, assurances shall be made that waste disposal practices meet local and State health regulations, that the crafts are not located over highly productive fish food areas, and that the crafts are located to be compatible with the intent of the designated environments.
 - (xii) Marinas for float plane moorage shall be developed in accordance with any guidelines developed by the Washington State Department of Fisheries, Federal Aviation Administration, and U.S. Coast Guard.
- (b) Commercial Uses.
- (i) The location, design and construction of commercial uses and redevelopment shall achieve no net loss of shoreline ecological functions. For the Clover Island High Intensity Environment, the proposal shall enhance shoreline ecological functions within 12 months of completion of a new development project, consistent with the Clover Island High Intensity Special Area Plan

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Standards. Enhancement work will be conducted within the work window specified in applicable federal and state permits (typically late fall/winter time period).

- (ii) Preference shall be given first to water dependent commercial uses, second to water-related uses, and third to water-enjoyment uses.
- (iii) All commercial uses shall provide public access. Refer to WAC 173-26-221(4) and KMC 18.68.110(2)(e) for public access provisions.
- (iv) In areas designated for commercial use, non-water-oriented commercial development may be allowed if the site is physically separated from the shoreline by another property or public right-of-way.

Non-water-dependent commercial uses should not be allowed over water except in existing structures or in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.

Commercial development shall not result in a net loss of shoreline ecological functions or have significant adverse impact to other shoreline uses, resources and values provided for in RCW 90.58.020 such as navigation, recreation, and public access.

Non-water-oriented commercial uses shall not be allowed unless:

- (A) The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration and complies with other applicable use standard(s) as established in this Chapter; or
- (B) Navigability is severely limited at the proposed site; and the commercial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.

For water-dependent commercial uses, Substantial Development Permits shall be required in the Clover Island High Intensity, Urban Conservancy and Aquatic Environments.

- (v) Non-water-oriented commercial uses shall require Substantial Development Permits in the Clover Island High Intensity Environment consistent with the Clover Island High Intensity Special Area Plan Standards, and Conditional Use Permits for deviations to these standards and in the Urban Conservancy Environment. Non-water-oriented projects shall be consistent with subsections (i) and (iv) above. Non-water-oriented projects shall be prohibited in the Aquatic Environment.
- (vi) A Substantial Development Permit shall be required for water-related and water-enjoyment commercial uses in the Urban Conservancy. A Conditional Use Permit shall be required for uses in the Aquatic Environment, consistent with the following:
 - (A) Pier and dock construction shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use. Water-related and water-enjoyment uses may be allowed as part of mixed-use development on over-water structures where they are clearly auxiliary to, and in support of, water-dependent uses and consistent with

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minimum size requirements needed to meet the water-dependent use (WAC 173-26);
and

- (B) As Part of Mixed-Use, mixed use developments shall comply with other applicable use standard(s) as established in this Chapter.
- (vii) Water-dependent uses, as defined by this Shoreline Master Program, may be located within a habitat conservation area or buffer when the applicant or property owner can demonstrate compliance with Appendix A-2, Chapters 1—6.

Water-related, water enjoyment, and non-water oriented commercial uses shall be required to comply with the critical area regulations, buffer and setback regulations as identified in Appendix A-2.
- (viii) Where commercial use is proposed for location on land in public ownership, public access is required.
- (c) Industrial Uses.
 - (i) Priority shall be given to water-dependent industries which require use of navigable water, and then to other water-oriented industrial uses, over other industrial uses.
 - (ii) New non-water-oriented industrial development shall be prohibited on shorelines except when:
 - (A) The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration or enhancement; or
 - (B) Navigability is severely limited at the proposed site; and the industrial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration or enhancement; or
 - (C) In areas designated for industrial use, non-water-oriented industrial uses may be allowed if the site is physically separated from the shoreline by another property, public right-of-way, or a levee system maintained by or maintained under license from the federal government, the State, or a political subdivision of the State.
 - (iii) Industrial facilities are prohibited in the Clover Island High Intensity Environment. Industrial facilities are prohibited in the Urban Conservancy and Aquatic Environments, except reconstructed, replaced or new facilities in shoreline segment E (Exhibit 1) where they may be allowed through a Conditional Use Permit. Only the dock/port portion of a facility may be located in the Aquatic Environment.
 - (iv) The height limit for industrial uses shall be 35 feet. Industrial facilities may be able to exceed this limit through the Conditional Use process as described in Sections 18.68.240 and 18.68.110(2)(e) of this Chapter.
 - (v) Water-dependent uses, as defined by this Shoreline Master Program, may be located within a habitat conservation area or buffer when the applicant or property owner can demonstrate compliance with critical areas provisions (Appendix A-2).
 - (vi) The design, location, and construction of industrial uses shall include appropriate mitigation, as necessary, to assure no net loss of ecological functions.

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- (vii) Applicants for industrial uses shall consider incorporating public access as mitigation for impacts to shoreline resources and values unless public access cannot be provided in a manner that does not result in significant interference with operations or hazards to life or property, as provided in WAC 173-26-221(4). Where a proposed industrial use is on publically owned land, public access shall be required.
- (viii) Industrial development and redevelopment will be encouraged to provide environmental cleanup and restoration of the shoreline area as part of the development, as applicable.
- (ix) Industrial port facilities will be designed to permit viewing of shoreline areas from view-points, waterfront restaurants, and similar public facilities which will not interfere with operations or endanger public health and safety.
- (x) The cooperative use of pre-existing docks parking, cargo handling, and water-dependent storage facilities is strongly encouraged in waterfront industrial areas. New additional parking facilities shall be located landward of the pre-existing buildings and development.
- (d) In-stream Structures. For the purposes of this Chapter, "In-stream structure" means a structure placed by humans within a stream or river waterward of the ordinary high water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

In-stream structures shall provide for the protection and preservation, of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife, and water resources, critical areas, hydrogeological processes, and natural scenic vistas. The location and planning of in-stream structures shall give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring or enhancing priority habitats and species.

- (i) Substantial Development Permits shall be required in the Clover Island High Intensity Environment consistent with the Clover Island High Intensity Special Area Plan Standards.
- (ii) Conditional Use Permits shall be required for deviations to the Clover Island High Intensity Special Area Plan Standards and in the Urban Conservancy and Aquatic Environments.
- (iii) In-stream structures shall be sited and designed consistent with appropriate engineering principles, including guidelines of the Natural Resource Conservation Service and the U.S. Army Corps of Engineers and the City of Kennewick Flood Damage Protection Code 18.93 and this Shoreline Master Program.
- (iv) Non-structural and non-regulatory methods to protect, enhance and restore shoreline ecological functions and processes and other shoreline resources shall be encouraged as an alternative to structural flood control works and in-stream structures. Nonregulatory and non-structural methods may include public facility and resource planning, land or easement acquisition, education, voluntary protection and enhancement projects, or incentive programs.
- (v) In-stream structures shall be constructed and maintained in a manner that does not degrade the quality of affected waters. The City may require reasonable conditions to achieve this objective such as setbacks, buffers, or storage basins.

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- (vi) Natural in-stream features such as snags, uprooted trees or stumps ~~should~~ shall be left in place unless it can be demonstrated that they are actually causing deleterious bank erosion or higher flood stages which directly threaten human life, property, or infrastructure.
- (vii) In-stream structures shall allow for normal ground water movement and surface runoff.
- (viii) In-stream structures shall preserve valuable recreation resources and aesthetic values, such as islands.
- (ix) No in-stream structure may be constructed without the developer having obtained all applicable federal, state, and local permits and approvals, including, but not limited to, an Hydraulic Project Approval (HPA) from the State Department of Fish and Wildlife.
- (e) Historic, Educational, and Recreational Uses. For the purposes of this Chapter, "historic, educational, and recreational uses" include commercial and public facilities designed and used to make such uses accessible to the public.
 - (i) Shoreline recreational development shall be given priority and is primarily related to access to, enjoyment and use of the water and shorelines of the State.
 - (ii) Historic, educational, and recreational uses are allowed in all environments.
 - (iii) Water-dependent uses of the shoreline for historic, educational, and recreational uses are allowed with Substantial Development Permits in all environments. Water-related and water enjoyment uses will be allowed with Substantial Development Permits when consistent with the Clover Island High Intensity Special Area Plan Standards, and in the Urban Conservancy Environment, and by Conditional Use Permit in the Aquatic Environment.
 - (iv) Water-dependent uses of the shoreline, as defined by this Shoreline Master Program, for historic, educational, and recreational uses that require no permanent structures may be located within a habitat conservation area or buffer when the applicant or property owner can demonstrate compliance with Appendix A-2.
 - (v) Water-Oriented and Non-water-oriented projects, as part of a mixed-use project, including the Clover Island High Intensity Special Area Plan Standards, shall comply with setback and buffer standards established in Shoreline Master Program Critical Area Standards, Appendix A-2. Temporary water enjoyment structures with a 30-day or less time limit of placement (such as for boat races) may be permitted with a ten-foot shoreline setback within Clover Island High Intensity and Urban Conservancy Environment buffers.
 - (vi) Walkways and trails provided that those pathways that are generally parallel to the perimeter of the wetland or shoreline may be located in the outer 25 percent of the buffer area. For the Clover Island High Intensity Environment, walkways/boardwalks can be located in the outer 50 percent of the buffer area if they are built on piling and provide mitigation as required in Shoreline Master Program Critical Area Standards, Appendix A-2.
 - (vii) Trail width of ten feet maximum is allowed within the buffer area. Water dependent access is allowed within the buffer, consistent with Shoreline Master Program Critical Area Standards, Appendix A-2, and Americans with Disabilities Act (ADA) regulations.
 - (viii) The Planning Official has the ability to increase the trail width or modify trail design on a case-by-case basis if:

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- (A) The additional width of the trail is located outside the required buffer, and/or
- (B) There is an established need for compliance with ADA accessible trail regulation.

In such cases, the trail shall be the minimum size necessary.

- (ix) The location, design and operation of public recreational facilities shall be conducted in a manner consistent with the purpose of the environment designation in which they are located and that assures no net loss of shoreline ecological functions of the shoreline.
 - (x) Linkage of shoreline parks and public access points through the use of linear access is encouraged.
 - (xi) To avoid wasteful use of the limited supply of recreational shoreland, parking areas shall be located inland away from the immediate edge of the water and recreational beaches. Access should be provided by walkways or other methods.
 - (xii) Recreational developments should be of such variety as to consider the diversity of demands from groups in nearby population centers. The supply of recreation facilities should be directly proportional to the proximity of population and compatible with the environment designations.
 - (xiii) Facilities for intensive recreational activities shall be provided where sewage disposal and vector control can be accomplished to meet public health standards without adversely altering the natural features attractive for recreational uses.
 - (xiv) In locating proposed new open areas which use large quantities of fertilizers and pesticides in their turf maintenance programs, provisions must be made to prevent these chemicals from entering water. If this type of facility is approved on a shoreline location, provisions shall be made for protection of water areas from drainage and surface runoff. The Planning Official may require a critical areas analysis, stormwater management plan, park management plan, or golf/turf chemical management plan as part of the project permitting review.
- (f) Residential Development.
- (i) New multi-family residential uses are permitted as a non-water-oriented use within the Clover Island High Intensity Environment consistent with the Clover Island High Intensity Special Area Plan Standards.
 - (ii) New multi-family residential developments are prohibited in Urban Conservancy and Aquatic Environments.
 - (iii) Mixed-use residential development in the Clover Island High Intensity Environment shall require the same buffer limitations as part of its water-oriented or mixed use portion.
 - (iv) The development and appropriate mitigation shall assure no net loss of shoreline ecological functions will result from new residential development.
 - (v) New over-water residences, including floating homes, are prohibited within shoreline jurisdiction.
 - (vi) The maximum density for multi-unit residential development shall not exceed 27 dwelling units per acre.

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- (vii) Single-family and duplex residential developments are prohibited in all environment designations.
- (g) Transportation.
 - (i) Substantial Development Permits shall be required for transportation facilities located in the Clover Island High Intensity and Urban Conservancy Environments. Conditional Use Permits shall be required for transportation facilities in the Aquatic Environment.
 - (ii) Motorized transportation facilities shall comply with setback and buffer standards established in Shoreline Master Program Critical Area Standards, Appendix A-2.
 - (iii) Proposed transportation and parking facilities shall be planned, located, and designed where routes shall have the least possible adverse effect on unique or fragile shoreline features, and with appropriate mitigation will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water-dependent uses.
 - (iv) Circulation system planning shall include systems for pedestrian, bicycle, and public transportation where appropriate. Circulation planning and projects should support existing and proposed shoreline uses that are consistent with this Chapter.
 - (v) Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support an authorized use. Environmental and visual impacts of parking facilities shall be minimized.
 - (vi) Whenever feasible, major highways, freeways, and railways should be located away from shorelands, except in port and heavy industrial areas, so that shoreland roads may be reserved for slow-moving recreational traffic.
 - (vii) Transportation and parking plans and projects shall be consistent with the public access policies, public access plan, and environmental protection provisions of this Chapter.
 - (viii) Where feasible, transportation corridors should be located upland to reduce pressures for the use of waterfront sites.
- (h) Capital Facilities and Utilities. Definition: Utilities are services and facilities that produce, convey, store or process such things as power, natural gas, sewage, communications, oil and waste. Capital facilities include wastewater treatment plants, bridges, water reservoirs, electrical substations, and gas regulating stations. On-site utility features serving a primary use such as a water, sewer or gas line to a development are "accessory utilities" and shall be considered part of the use.
 - (i) Substantial Development Permits shall be required for utilities within the Clover Island High Intensity and Urban Conservancy Environments. A Conditional Use Permit shall be required for utilities located in the Aquatic Environment.
 - (ii) Utilities supporting water-dependent uses, as defined by this Shoreline Master Program, may be located within a habitat conservation area or buffer when the applicant or property owner can demonstrate compliance with Shoreline Master Program Critical Area Standards (Appendix A-2). Utilities shall also comply with setback and buffer standards established in Appendix A-2.
 - (iii) The design, location, and construction of utility facilities with appropriate mitigation shall be conducted in such a manner as to assure no net loss of shoreline ecological functions, preserve

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the natural landscape and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.

- (iv) Utilities shall be located in existing rights-of-way and corridors whenever feasible.
- (v) Utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities that are non-water-oriented, such as pumping stations, are prohibited in shoreline jurisdiction, unless it can be demonstrated that no other feasible option is available. Stormwater outfall infrastructure is allowed.
- (vi) Expansions or upgrades of existing wastewater treatment facility outfalls shall be allowed.
- (vii) Transmission facilities for the conveyance of services, such as power lines, communication cables, and pipelines, shall be located outside of shoreline jurisdiction where feasible, and when necessarily located within the shoreline area shall with appropriate mitigation assure no net loss of shoreline ecological functions.
- (viii) Over-water utility crossings shall be allowed only when no feasible alternative exists.
- (ix) New utilities or the substantial expansion of existing utilities shall:
 - (A) Be located underground or under water, if feasible;
 - (B) Utilize low impact, low profile design and construction methods; and
 - (C) Be consistent with all applicable federal, state and local regulations.
- (x) Maintenance and replacement of existing utilities shall be exempt from subsections (viii)(A) and (viii)(B) above.
- (xi) Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located outside of the shoreline area where feasible and when necessarily located within the shoreline area shall assure no net loss of shoreline ecological functions.
- (i) Fill Practices.
 - (i) Substantial Development Permits shall be required for proposed fill projects within the Clover Island High Intensity and Urban Conservancy Environments. A Conditional Use Permit shall be required for proposed fill projects located in the Aquatic Environment.
 - (ii) See Section 18.68.120(3)(c) for additional requirements.
- (j) Dredging and Disposal of Dredge Material Practices.
 - (i) A Conditional Use Permit shall be required for proposed dredge and dredge material disposal projects located in the Clover Island High intensity, Urban Conservancy, and Aquatic Environments.
 - (ii) See Section 18.68.120(3)(e) for additional requirements.

(Ord. 5281 Sec. 1, 2009)

PART III: - ADMINISTRATION

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18.68.210: - Administrative Provisions.

- (1) All proposed uses and development occurring within shoreline jurisdiction must conform to Chapter 90.58 RCW, the Shoreline Management Act, and this Shoreline Master Program, regardless of whether a Substantial Development Permit, Conditional Use Permit or variance is required.
- (2) The provisions of this section are minimum requirements and are not intended to limit the City's ability to permit other uses and developments within this Shoreline Master Program as shoreline conditional uses or shoreline variances where necessary or appropriate.
- (3) The Planning Official shall administer this Chapter and may adopt such rules and make interpretations as deemed necessary to carry out its provisions.

(Ord. 5281 Sec. 1, 2009)

18.68.215: - SEPA Procedures.

- (1) Whenever an application for shoreline Substantial Development Permit, Conditional Use Permit, variance or exemption is subject to the rules and regulations of SEPA (RCW 43.21(C)), the review requirements of SEPA, including time limitations, shall apply.
- (2) Applications for shoreline permit(s) or approval(s) that are not categorically exempt under SEPA shall be subject to environmental review by the City pursuant to WAC 197-11 and KMC Chapter 4.08.
- (3) As part of the SEPA review, the Planning Official may require additional information regarding the proposed development in accordance with WAC 197-11 and KMC Chapter 4.08.
- (4) Failure of the applicant/proponent to submit sufficient information for the City to make a threshold determination shall be grounds for the responsible official to determine the application incomplete.

(Ord. 5281 Sec. 1, 2009)

18.68.220: - Shoreline Map.

The shorelines within the City and corresponding environment designations may be identified on an official shoreline map. Copies of the maps are available to the public at all reasonable times for inspection at the City of Kennewick Planning Department at 210 West 6th Avenue, Kennewick, WA 99336. These maps are available during the City Hall's normal business hours. Copies of portions thereof, or of the complete set, will be available from the Planning Department at the expense of the party requesting the same. The shoreline jurisdictional boundary shall be reviewed on a case-by-case basis for individual developments and permits.

(Ord. 5281 Sec. 1, 2009)

18.68.230: - Application for Substantial Development Permits.

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- (1) An applicant desiring to begin a new substantial development within the shoreline jurisdiction must apply to the Planning Official for a shoreline Substantial Development Permit. The application must comply with Section 18.68.260 of this Chapter.
 - (a) A Substantial Development Permit shall be granted only when the development proposed is consistent with:
 - (i) The policies and procedures of the Shoreline Management Act;
 - (ii) The provisions of this regulation; and
 - (iii) The adopted Shoreline Master Program for Kennewick's shoreline.
- (2) Notice of Application. After filing a proper application, the City must publish notice thereof at least once a week on the same day of the week for two consecutive weeks in a newspaper of general circulation within the City. The City must also mail written notice to the Clover Island Yacht Club, Port of Kennewick, Audubon Society, Park and Recreation Commission, and all property owners within 300 feet of the proposed substantial development. The City may require an applicant to give notice at his or her expense.

Any interested person shall be allowed to submit comments regarding the application, or contact the Planning Official to request a copy of the action taken upon the application. All persons who submit their views and all others who notify the Planning Official within 30 days of the last date of publication of the notice are entitled to receive a copy of the action taken upon the application.
- (3) Duties of the Hearing Examiner. The Planning Official shall make recommendations based on this Shoreline Master Program and transmit such recommendations to the Hearing Examiner within a reasonable time after the end of the 30-day notice period. The Hearing Examiner shall consider the proposed substantial development based on information from: the application; written comments from interested parties during the public comment period; independent study of the Planning Department; and views expressed during any public hearing which may be held by the Hearing Examiner. The Hearing Examiner may request additional information. After the review, the

Hearing Examiner shall approve, conditionally approve, or deny permits; provided that if the Hearing Examiner does not wish to follow the recommendations of the Planning Official, it may refer the matter back to the Planning Official for reconsideration. Upon receipt of the further recommendations of the Planning Official the Hearing Examiner shall then adopt the recommendation or consider the matter at its own public hearing. The Hearing Examiner may rescind any permit upon the finding that the applicant has not complied with the conditions of the permit. All permits entailing a variance or conditional use under the approved Shoreline Master Program shall be submitted to Ecology for its approval or disapproval.
- (4) Notice of Action. The City must notify the following persons in writing of any final approval or denial of a permit:
 - (a) The applicant;
 - (b) Ecology;
 - (i) [Notification shall be done using return receipt requested mail.](#)
 - (c) The Washington State Attorney General;
 - (i) [Notification shall be done using return receipt requested mail.](#)
 - (d) Any person who has submitted written comments upon the application during the public comment period; and

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- (e) Any person who has written the Planning Department requesting notification.
- (5) Building Permits Delayed. No building permit may be issued within 30 days of issuing a shoreline Substantial Development Permit or until all review proceedings initiated within those 30 days are terminated. Nothing in this permit shall be construed as excusing the applicant from compliance with any local, state, or federal statutes, ordinances or regulations applicable to the proposed substantial development.
- (6) Appeals. Any person aggrieved by the granting, denying, or rescinding of a shoreline development permit may seek review by filing a request for review with the Shorelines Hearings Board, Ecology and the Attorney General within 30 days of receipt of the final order.

(Ord. 5322 Sec. 64, 2010; Ord. 5281 Sec. 1, 2009)

18.68.240: - Application for Conditional Use Permits.

- (1) The purpose of a Conditional Use Permit is to provide a system within the Shoreline Master Program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by the City to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Act and the local Shoreline Master Program.
- (2) Uses which are classified or set forth in this Shoreline Master Program as conditional uses and unlisted uses may be authorized, provided, that the applicant demonstrates all of the following:
 - (a) That the proposed use is consistent with the policies of RCW 90.58.020 and the Shoreline Master Program;
 - (b) That the proposed use shall not interfere with the normal public use of public shorelines;
 - (c) That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and Shoreline Master Program;
 - (d) That the proposed use shall cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - (e) That the public interest suffers no substantial detrimental effect.
- (3) In the granting of all Conditional Use Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Conditional Use Permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
- (4) Other uses which are not classified or set forth in this Shoreline Master Program may be authorized as conditional uses, provided, the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the Shoreline Master Program.
- (5) Uses which are specifically prohibited by the Shoreline Master Program may not be authorized pursuant to either subsection (2) or (3) of this section.

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- (6) Conditional Use Permits shall be processed as administrative permit applications with public notice and comment pursuant to KMC Chapter 18.42 and shall meet the approval criteria listed in this section. The Planning Official shall issue the permit and administrative appeals shall be heard by the Hearing Examiner. Non-administrative appeals are heard by the Shoreline Hearings Board.
- (7) All notification shall be in accordance with WAC 173-27-110, [WAC 173-27-130](#) and KMC Section 4.12.090.

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(Ord. 5322 Sec. 65, 2010; Ord. 5281 Sec. 1, 2009)

18.68.250: - Application for Variance.

The purpose of a Variance Permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in this Shoreline Master Program where there are extraordinary or unique circumstances relating to the physical character or configuration of property such that the strict implementation of the Shoreline Master Program shall impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. Variances may be authorized, provided, the applicant can demonstrate compliance with the following:

- (1) Variance Permits shall be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary or unique circumstances exist and the public interest shall suffer no substantial detrimental effect.
- (2) Variance Permits for development and/or uses that will be located landward of the ordinary high water mark, as defined in RCW 90.58.030(2)(b), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized, provided, the applicant can demonstrate all of the following:
 - (a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable Shoreline Master Program precludes, or significantly interferes with, reasonable use of the property;
 - (b) That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the Shoreline Master Program, and not, for example, from deed restrictions or the applicant's own actions;
 - (c) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and Shoreline Master Program and will not cause adverse impacts to the shoreline environment;
 - (d) That the variance shall not constitute a grant of special privilege not enjoyed by the other properties in the area; and
 - (e) That the variance requested is the minimum necessary to afford relief.
- (3) Variance Permits for development and/or uses that will be located waterward of the ordinary high water mark, as defined in RCW 90.58.030(2)(b), or within any wetland as defined in RCW 90.58.030 (2)(h), may be authorized, provided, the applicant can demonstrate all of the following:
 - (a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable Shoreline Master Program precludes all reasonable use of the property;

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- (b) That the proposal is consistent with the criteria established under subsection (2)(b) through (e) of this section; and
- (c) That the public rights of navigation and use of the shorelines will not be adversely affected.
- (4) In the granting of all Variance Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
- (5) Variances from the use regulations of the Shoreline Master Program are prohibited.
- (6) Variance Permits will be processed as administrative permit applications with public notice and comment pursuant to KMC Chapters 18.42 and 18.54, and shall meet the approval criteria listed in Section 18.68.250(2) above. The Planning Official will issue the permit and administrative appeals will be heard by the Hearing Examiner.
- (7) All notification shall be in accordance with WAC 173-27-110, [WAC 173-27-130](#) and KMC Chapter 4.12.090.

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(Ord. 5322 Sec. 66, 2010; Ord. 5281 Sec. 1, 2009)

18.68.255: - Special Procedures for WSDOT Projects.

- (1) [Permit review time for projects on a state highway. Pursuant to RCW 47.01.485, the Legislature established a target of 90 days review time for local governments.](#)
- (2) [Optional process allowing construction to commence twenty-one days after date of filing. Pursuant to RCW 90.58.140, Washington State Department of Transportation projects that address significant public safety risks may begin twenty-one days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions.](#)

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18.68.260: - Application Requirements for Substantial Development, Conditional Use, or Variance Permits.

A complete application for a Substantial Development, Conditional Use, or Variance Permit shall contain, as a minimum, the following information:

- (1) The name, address and phone number of the applicant. The same information is required for the applicant's representative if other than the applicant or owner;
- (2) A site plan that includes the location and legal description of the proposed substantial development;
- (3) The present use of the property;
- (4) A description of the proposed substantial development including description of adjacent uses, structures and improvements;
- (5) A brief statement explaining how the proposed substantial development is consistent with the Shoreline Management Act;
- (6) The signature of the applicant or his or her agent;

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- (7) Documentation to demonstrate completion of a Critical Areas' evaluation and, if necessary, Critical Areas' report and/or other information as required under Appendix A-2;
- (8) Any further information required by 173-26 WAC, along with other information that may be reasonably necessary to process the application;
- (9) A fee in accord with the adopted fee schedule;
- (10) A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale, to depict clearly all required information, photographs, and text which shall include:
 - (a) The boundary of the parcel(s) of land upon which the development is proposed;
 - (b) The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location, provided that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline;
 - (c) Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area;
 - (d) A delineation of all wetland areas that will be altered or used as a part of the development;
 - (e) A general indication of the character of vegetation found on the site;
 - (f) The dimensions and locations of all existing and proposed structures and improvements, including, but not limited to; buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities;
 - (g) Where applicable, a landscaping plan for the project;
 - (h) Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section;
 - (i) Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent;
 - (j) Quantity, composition and destination of any excavated or dredged material;
 - (k) A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties;
 - (l) Where applicable, a depiction of the impacts to views from existing residential uses and public areas; and
 - (m) On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.

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(Ord. 5281 Sec. 1, 2009)

18.68.270: - Cumulative Effects of Shoreline Development.

- (1) The Planning Department shall, to the extent feasible, cooperate with adjacent jurisdictions to assess cumulative effects of shoreline development throughout the region.
- (2) The Planning Official shall track development annually and every three years shall prepare a report that summarizes cumulative effects of authorized development on shoreline conditions, and also identifies restoration and/or enhancement projects that have been completed. The report shall be submitted for information to the Cities of Pasco and Richland, Benton County, the Port of Kennewick, Ecology, Washington Department of Fish and Wildlife, the U.S. Army Corps of Engineers, and the Yakama Nation and Confederated Tribes of the Umatilla Indian Reservation.

(Ord. 5281 Sec. 1, 2009)

18.68.280: - Shoreline Exemptions.

- (1) An exemption from a Substantial Development Permit process is not an exemption from compliance with the Act or this Shoreline Master Program, or from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and regulatory provisions of this Shoreline Master Program and the Act. An exemption from the requirement to obtain a substantial development permit is not an exemption from the requirement to obtain a conditional use permit or variance. The burden of proof that a development or use is exempt from the permit process is on the applicant. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project. The Planning Official may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Act and this Master Program.
- (2) The following activities shall be considered exempt from the requirement to obtain a shoreline Substantial Development Permit:
 - ~~(a) Environmental Excellence Program agreements (RCW 90.58.045): Notwithstanding any other provision of law, any legal requirement under this Chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under Chapter 43.21K RCW;~~
 - ~~(b) Energy Facility Site Evaluation Council - RCW 90.58.140(9): The holder of a certification from the governor pursuant to Chapter 80.50 RCW;~~
 - ~~(c) Hazardous Substance Remedial Actions - RCW 90.58.355: Any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to Chapter 70.105D RCW, or to Ecology when it conducts a remedial action under Chapter 70.105D RCW;~~
 - (d) Emergency Water Withdrawals and Facilities - RCW 90.58.370: All state and local agencies with authority to issue permits or other authorizations in connection with emergency water withdrawals and facilities authorized under RCW 43.83B.410 shall expedite the processing of such permits or authorizations in keeping with the emergency nature of such requests and shall provide a decision to the applicant within 15 calendar days of the date of application;**

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- (~~e~~b) Secure Community Transition Facilities - RCW 90.58.390: To meet an emergency caused by the need to expeditiously site facilities to house sexually violent predators who have been committed under Chapter 71.09 RCW, secure community transition facilities sited pursuant to the preemption provisions of RCW 71.09.342 and secure facilities sited pursuant to the preemption provisions of RCW 71.09.250;
- (~~f~~c) Fish Habitat Enhancement Projects - RCW 77.55.181(4): Fish habitat enhancement projects that meet the criteria of subsection (2)(a) of this section and that are reviewed and approved according to the provisions of this section when meeting the criteria further found in WAC 173-27-040(2)(p);
- (~~g~~d) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. Normal maintenance includes those usual acts to prevent a decline, lapse or cessation from a lawfully established condition. Normal repair means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to the shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development, including, but not limited to, its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or the environment;
- (~~e~~h) Emergency construction necessary to protect property from damage by the elements. An emergency is an unanticipated and imminent threat to public health, safety or the environment that requires immediate action within a time too short to allow full compliance with this Shoreline Master Program. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Planning Official to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit that would have been required, absent an emergency, pursuant to RCW 90.58, WAC 173-27, or this Shoreline Master Program, shall be obtained. All emergency construction shall be consistent with the policies of RCW 90.58 and this Shoreline Master Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur, but that are not imminent, are not an emergency;
- (~~f~~i) Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys;
- (~~g~~j) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters including return flow and artificially stored ground water for the irrigation of lands, provided that this exemption shall not apply to construction of new irrigation facilities proposed after December 17, 2003;
- (~~h~~k) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if the fair market value of the dock does not exceed either:

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(i) ~~the cost of which does not exceed \$1020,000.00~~ the value identified in RCW 90.58.030(3)(e)(vii) for docks that are constructed to replace existing docks, are of equal or lesser square footage that the existing dock being replaced; or

(ii) ~~\$10,000~~ the value of identified in 90.58.030(3)(e)(vii) for all other docks

However, but if subsequent construction ~~having a fair market value exceeding \$2,500.00~~ occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this Chapter. ~~A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances;~~

Commented [AM28]: Checklist - 2019 a.

- (j) The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;
- (~~lm~~) The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of a herbicide or other treatment methods applicable to weed control that is recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under RCW 43.21C, provided that removal and/or control methods comply with the requirements outlined in the WDFW HPA pamphlet permit Aquatic Plant and Fish;
- (~~ka~~) Site exploration and investigation activities that are a prerequisite to preparation of an application for development authorization under this Chapter, if:
 - (i) The activity does not interfere with the normal public use of the surface waters;
 - (ii) The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
 - (iii) The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
 - (iv) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and
 - (v) The activity is not subject to the permit requirements of RCW 90.58.550;
- (~~le~~) Any development of which does not meet the definition of "Substantial Development" found in 18.68.040(40);
- (~~mp~~) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;
- (~~ne~~) Any project with a certification from the governor pursuant to Chapter RCW 80.50;
- (~~of~~) Watershed restoration projects as defined herein. Local government shall review the projects for consistency with the Shoreline Master Program in an expeditious manner and shall issue its decision along with any conditions within 45 days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for

Commented [Muai29]: Is this the same as former (b) above?

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exemption for watershed restoration projects as used in this section and must meet the criteria further found in WAC 173-27-040(2)(o).

- (p) [The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 \(42 U.S.C. Sec. 12101 et seq.\) or to otherwise provide physical access to the structure by individuals with disabilities.](#)

Commented [AM30]: Checklist – 2016 a.

(Ord. 5281 Sec. 1, 2009)

18.68.285: - Developments not Required to Obtain Shoreline Permits or Local Reviews

- (1) [Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:](#)
- (a) [Remedial Actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to Chapter 70.105D RCW, or to the Department of Ecology when it conducts a remedial action under Chapter 70.105D RCW;](#)
 - (b) [Boatyard Improvements to Meet NPDES Permit Requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit;](#)
 - (c) [WSDOT Facility Maintenance and Safety Improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review;](#)
 - (d) [Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045; and](#)
 - (e) [Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.](#)

Commented [AM31]: Checklist - 2017 c.

18.68.290: - Legal Provisions.

- (1) Violations and Penalties.
- (a) In the event any person violates any of the provisions of this Chapter, the City may issue a correction notice to be delivered to the owner or operator, or to be conspicuously posted at the site. In a non-emergency situation, such notice may include notice of the intent to issue a stop work order no less than ten calendar days following the receipt of the correction notice. In an emergency situation where there is a significant threat to public safety or the environment, the City may issue a stop work order. The stop work order shall include, in writing, the right to request an administrative review within 72 hours following receipt of the stop work order.
 - (b) In addition to incurring civil liability under Section 18.68.290(2) below and RCW 90.58.210, pursuant to RCW 90.58.220 any person found to have willfully engaged in activities on shorelines of the State in violation of the provisions of the Act or of this Shoreline Master Program, or other regulations adopted pursuant thereto shall be punished by:
 - (i) A fine of not less than \$25.00 or more than \$1,000.00;

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- (ii) Imprisonment in the City jail for not more than 90 days; or
- (iii) Both such fine and imprisonment; provided that, the fine for the third and all subsequent violations in any five-year period shall not be less than \$500.00 nor more than \$10,000.00. Provided further, that fines for violations of RCW 90.58.550, or any rule adopted thereunder, shall be determined under RCW 90.58.560. Each permit violation or each day of continued development without a required permit shall constitute a separate violation.
- (c) The penalty provided in Subsection B shall be assessed and may be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same. The notice shall include the amount of the penalty imposed and shall describe the violation with reasonable particularity. In appropriate cases, corrective action shall be taken within a specific and reasonable time.
- (d) Within 30 calendar days after the notice is received, the person incurring the penalty may apply in writing to the City for remission or mitigation of such penalty. Upon receipt of the application, the City may remit or mitigate the penalty upon whatever terms the City, in its discretion, deems proper. The City's final decision on mitigation or revisions may be reviewed by the Hearing Examiner if the aggrieved party files a written appeal therewith of said decision within ten calendar days of its issuance.
- (e) If work activity has occurred on a site in violation of this Shoreline Master Program, prompt corrective action, restoration, or mitigation of the site will be required when appropriate. If this provision is not complied with, the City may restore or mitigate the site and charge the responsible person for the full cost of such an activity. Additionally, any and all permits or approvals issued by the City may be denied for that site for a period of up to six years.
- (f) The City may suspend or revoke a permit if the applicant violates the conditions or limitations set forth in the permit or exceeds the scope of the work set forth in the permit.
- (g) Any person who willfully violates any court order or regulatory order of injunction issued pursuant to this Shoreline Master Program shall be subject to a fine of not more than \$5,000.00, imprisonment in the County jail for not more than 90 days, or both.
- (2) Remedies.
 - (a) The City Attorney or Planning Official, where authorized, shall bring such injunctive, declaratory, or other actions as are necessary to ensure that no uses are made of the shorelines of the State located within City of Kennewick in conflict with the provisions of this Shoreline Master Program, the Act, or other regulations adopted pursuant thereto, and to otherwise enforce the provisions of this Shoreline Master Program.
 - (b) Any person subject to the regulatory provisions of this Shoreline Master Program or the Act who violates any provision thereof, or permit, or permit condition issued pursuant thereto, shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to violation. The City Attorney shall bring suit for damages under this section on their own behalf and on the behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation, the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages, the court, in its discretion, may award attorney's fees and costs of the suit to the prevailing party.

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- (c) A person who fails to conform to the terms of a Substantial Development Permit, Conditional Use Permit or variance issued under RCW 90.58.140, who undertakes a development or use on shorelines of the State without first obtaining any required permit or authorization, or who fails to comply with a stop work order may be subject to a civil penalty. The penalty shall be imposed pursuant to the procedure set forth in WAC 173-27-280 and become due and recovered as set forth in WAC 173-27-290(3) and (4). Persons incurring a penalty may appeal the same to the Shoreline Hearings Board or the City Council pursuant to WAC 173-27-290(1) and (2).
- (d) Any order, requirement or determination by the City pursuant to Section 18.68.290(1) - Violations and Penalties may be appealed in accordance with the provisions of 18.68.230(7).

(Ord. 5281 Sec. 1, 2009)

See Community Planning
Online Codes and Standards
For Appendices Or Hard
Copy In Front Office of the
Community Planning
Department

Appendix A-2 City of Kennewick Shoreline Critical Areas Regulations

KMC 18.58 - CRITICAL AREAS – GENERAL PROVISIONS

KMC 18.59 – CRITICAL AREAS – WETLANDS

KMC 18.60 – CRITICAL AREAS – CRITICAL AQUIFER RECHARGE AREAS

KMC 18.61 – CRITICAL AREAS – FREQUENTLY FLOODED AREAS

KMC 18.62 – CRITICAL AREAS – GEOLOGICALLY HAZARDOUS AREAS

KMC 18.63 – CRITICAL AREAS – FISH AND WILDLIFE HABITAT CONSERVATION AREAS

CHAPTER 18.58 CRITICAL AREAS—GENERAL PROVISIONS

18.58.010: Definitions.

Words not defined in this Title shall be as defined in the Kennewick Municipal Code, the Washington Administrative Code, or the Revised Code of Washington. Words not found in these codes shall be as defined in the Webster's Third New International Dictionary, latest edition. The definitions are as follows:

- (1) *Adaptive Management*. Adaptive management relies on scientific methods to evaluate how well regulatory and non-regulatory actions protect the critical area. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty.
- (2) *Adjacent* means immediately adjoining (in contact with the boundary of the influence area) or within a distance that is less than that needed to separate activities from critical areas to ensure protection of the functions and values of the critical areas. Adjacent shall mean any activity or development located:
 - (a) On a site immediately adjoining a critical area;
 - (b) A distance equal to or less than the required critical area buffer width and building setback;
 - (c) A distance equal to or less than one-half mile (2,640 feet) (distance of 2,640 feet is based on Department of Fish and Wildlife "Management Recommendations for Washington's Priority Species, Volume IV: Birds") from a bald eagle nest;
 - (d) A distance equal to or less than 200 feet upland from a stream, wetland, or water body;
 - (e) Bordering or within the floodway, floodplain or channel migration zone; or
 - (f) A distance equal to or less than 200 feet (distance of 200 feet was established based upon a review of Department of Fish and Wildlife "Management Recommendations for Washington's Priority Habitats: Riparian," 1997; and Department of Ecology "Wetland Buffers: Use and Effectiveness," 1992; and City of Kennewick specific conditions) from a critical aquifer recharge area.
- (3) *Advance Mitigation*. Mitigation of an anticipated critical area impact or hazard completed according to an approved report or other applicable information and prior to site development.
- (4) *Alteration*. Any human induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to grading, filling, channelizing, dredging, clearing (vegetation), construction, compaction, excavation or any other activity that changes the character of the critical area.
- (5) *Applicant* is a person who files an application for permit under this Title and who is either the owner of the land on which that proposed activity would be located, a contract purchaser, or the authorized agent of such a person.
- (6) *Aquifer* is a geological formation, group of formations or part of formation that is capable of yielding a significant amount of water to a well or spring.
- (7) *Aquifer, Confined* is an aquifer bounded above and below by beds of distinctly lower permeability than that of the aquifer itself and that contains ground water under sufficient pressure for the water to rise above the top of the aquifer.

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- (8) *Aquifer Recharge Areas* are areas that, due to the presence of certain soils, geology, and surface water, act to recharge ground water by percolation.
- (9) *Aquifer Susceptibility* means the ease with which contaminants can move from the land surface to the aquifer based solely on the types of surface and subsurface materials in the area. Susceptibility usually defines the rate at which a contaminant will reach an aquifer unimpeded by chemical interactions with the vadose zone media.
- (10) *Aquifer, Unconfined* means an aquifer not bounded above by a bed of distinctly lower permeability than that of the aquifer itself and containing ground water under pressure approximately equal to that of the atmosphere. This term is synonymous with the term "water table aquifer."
- (11) *Base Flood* means a flood event having a one-percent chance of being equaled or exceeded in any given year, also referred to as the 100-year flood. Designations of base flood areas on flood insurance map(s) always include the letters A or V.
- (12) *Best Available Science* means a current scientific information used in the process to designate, protect, or restore critical areas that is derived from a valid scientific process as defined by WAC 365-195-900 through 925. Sources of best available science are included in "Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas" published by the state Office of Community Development.
- (13) *Best Management Practices (BMPs)* means conservation practices or systems of practices and management measures that:
- (a) Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;
 - (b) Minimize adverse impacts to surface water and ground water flow, circulation patterns, and to the chemical, physical, and biological characteristics of wetlands;
 - (c) Protect trees and vegetation designated to be retained during and following site construction; and
 - (d) Provide standards for proper use of chemical herbicides within critical areas.
- The City of Kennewick shall monitor the application of best management practices to ensure that the standards and policies of this Title are adhered to.
- (14) *Buffer or Buffer Zone* is an area contiguous to and protects a critical habitat that is required for the continued maintenance, functioning, and/or structural stability of a critical area.
- (15) *Compensation Project* are actions necessary to replace project-induced critical area and buffer losses, including land acquisition, planning, construction plans, monitoring and contingency actions.
- (16) *Compensatory Mitigation* means replacing project-induced critical wetland habitat losses or impacts, and includes, but is not limited to, the following:
- (a) Restoration: Actions performed to reestablish wetland functional characteristics and processes that have been lost by alterations, activities, or catastrophic events within an area that no longer meets the definition of a wetland.
 - (b) Creation: Actions performed to intentionally establish a wetland at a site where it did not formerly exist.
 - (c) Enhancement: Actions performed to improve the condition of existing degraded wetlands so that the functions they provide are of a higher quality.

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- (d) Preservation: Actions taken to ensure the permanent protection of existing, high-quality wetlands.
- (17) *Conservation Easement* is a legal agreement that the property owner enters into to restrict uses of the land. Such restrictions can include, but are not limited to, passive recreation uses such as trails or scientific uses and fences or other barriers to protect habitat. The easement is recorded on a property deed, runs with the land, and is legally binding on all present and future owners of the property, therefore, providing permanent or long-term protection.
- (18) *Critical Aquifer Recharge Area* is an area designated by WAC 365-190-080(2) that are determined to have a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2).
- (19) *Critical Areas* include any of the following areas or ecosystems: Aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands, as defined in RCW 36.70A and this Title.
- (20) *Critical Facility* is a facility for which even a slight chance of flooding, inundation, or impact from a hazard event might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations that produce, use or store hazardous materials or hazardous waste.
- (21) *Developable Area* is a site or portion of a site that may be utilized as the location of development, in accordance with the rules of this Title.
- (22) *Development* means any activity upon the land consisting of construction or alteration of structures, earth movement, dredging, dumping, grading, filling, mining, removal of any sand, gravel, or minerals, driving of piles, drilling operations, bulk heading, clearing of vegetation, or other land disturbance. Development includes the storage or use of equipment or materials inconsistent with the existing use. Development also includes approvals issued by the City of Kennewick that binds land to specific patterns of use, including, but not limited to, subdivisions, short subdivisions, zone changes, conditional use permits, and binding site plans. Development activity does not include the following activities:
- (a) Interior building improvements.
 - (b) Exterior structure maintenance activities, including painting and roofing.
 - (c) Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning and weeding.
 - (d) Maintenance of the following existing facilities that does not expand the affected area: septic tanks (routine cleaning); wells; individual utility service connections; and individual cemetery plots in established and approved cemeteries.
- (23) *Development Permit* means any permit issued by the City of Kennewick, or other authorized agency, for construction, land use, or the alteration of land.
- (24) *Eco-Connectivity* is a physical feature of the land as well as functional one. It is the geo-physical connection between natural habitat areas that allow fish and animals to move between feeding, reproductive, rearing, and resting areas. The functional connection is dependent on the physical connection.
- (25) *Erosion* is the process whereby wind, rain, water, and other natural agents mobilize and transport particles.
- (26) *Erosion Hazard Areas* are at least those areas identified by the United States Department of Agriculture National Resources Conservation Service as have a "severe" rill and inter-rill erosion hazard.

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- (27) *Exotic* means any species of plants or animals, which are (not listed on the State plant list) foreign to the planning area.
- (28) *Extreme Slope Hazard Areas* are those areas with pre-development slope greater than 40 percent.
- (29) *Fish and Wildlife Habitat Conservation Areas* are areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-080(5). These areas are guided by the State's Priority Habitats and Species list and include the following:
- (a) Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association;
 - (b) Habitats of local importance, including, but not limited to, areas designated as priority habitat by the Department of Fish and Wildlife;
 - (c) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds;
 - (d) Waters of the state, including lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington;
 - (e) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;
 - (f) State natural area preserves and natural resource conservation areas; and
 - (g) Land essential for preserving connections between habitat blocks and open spaces.
- (30) *Habitat* is an area or environment that is used by fish at any life stage at any time of the year, including potential habitat likely to be used by fish that could be recovered by restoration or management and includes off-channel habitat. (See WAC 222-16-030(5)(h)).
- (31) *Flood or Flooding* is a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.
- (32) *Flood Insurance Map* is the official map on which the Federal Insurance Administration has delineated the areas of special flood hazards and include the risk premium zones applicable to the community. Also known as "flood insurance rate map" or "FIRM."
- (33) *Flood Insurance Study* is the official report provided by the Federal Insurance Administration that includes floodprofiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
- (34) *Floodplain* is the total land area adjoining a river, stream, watercourse or lake subject to inundation by the base flood.
- (35) *Floodway* is the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the surface water elevation more than one foot. Also known as the "zero rise floodway."
- (36) *Formation* means an assemblage of earth materials grouped together into a unit that is convenient for description or mapping.
- (37) *Formation, Confining* means the relatively impermeable formation immediately overlying a confined aquifer.

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- (38) *Frequently Flooded Areas* means lands in the floodplain subject to a one-percent or greater chance of flooding in any given year and those lands that provide important flood storage, conveyance and attenuation functions, as determined by the Planning Director in accordance with WAC 365-190-080(3). Frequently flooded areas perform important hydrologic functions and may present a risk to persons and property. Classifications of frequently flooded areas include, at a minimum, the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.
- (39) *Functions and Values* means the beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, wave attenuation, protection from hazards, historical and archaeological and aesthetic value protection, and recreation. These beneficial roles are not listed in order of priority.
- (40) *Geologically Hazardous Areas* means areas that may not be suited to development consistent with public health, safety or environmental standards, because of their susceptibility to erosion, sliding, earthquake, or other geological events as designated by WAC 365-190-080(4). Types of geologically hazardous areas include: erosion, landslide, seismic, mine, and volcanic hazards.
- (41) *Ground Water* means water in a saturated zone or stratum beneath the surface of land or a surface water body.
- (42) *Growth Management Act* means RCW 36.70A, and 36.70B, as amended.
- (43) *Habitat Conservation Areas* means areas designated as fish and wildlife habitat conservation areas.
- (44) *Hazard Areas* means areas designated as frequently flooded areas or geologically hazardous areas due to potential for erosion, landslide, seismic activity, extreme slopes, or other geological condition.
- (45) *Hazardous Substances* means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or 173-303-100.
- (46) *High Intensity Land Use* means land uses which are associated with high levels of human disturbance or substantial habitat impacts including, but not limited to, commercial uses, industrial uses, and residential uses with five or more units per acre.
- (47) *High Quality Wetlands* means those wetlands that meet the following criteria:
- (a) No, or isolated, human alteration of the wetland topography;
 - (b) No human-caused alteration of the hydrology or the wetland appears to have recovered from the alteration;
 - (c) Low cover and frequency of exotic plant species;
 - (d) Relatively little human-related disturbance of the native vegetation, or recovery from past disturbance;
 - (e) If the wetland system is degraded, it still contains a viable and high quality example of a native wetland community; and
 - (f) No known major water quality problems.
- (48) *Historic Condition* means condition of the land, is including flora, fauna, soil, topography, and hydrology that existed before the area and vicinity were developed or altered by human activity.

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- (49) *Hydraulic Project Approval (HPA)* means a permit issued by the state Department of Fish and Wildlife for projects that affect the bed or flow of waters of the state in accordance with Chapter 77.55 RCW and WAC 220.110.
- (50) *Hydric Soil* means a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Washington State Wetland Identification and Delineation Manual.
- (51) *Hydrologic Soil Groups* means soils grouped according to their runoff-producing characteristics under similar storm and cover conditions. Properties that influence runoff potential are depth to seasonally high water table, intake rate and permeability after prolonged wetting, and depth to a low permeable layer. Hydrologic soil groups are normally used in equations that estimate runoff from rainfall, but can be used to estimate a rate of water transmission in soil. There are four hydrologic soil groups:
- (a) Low runoff potential and a high rate of infiltration potential;
 - (b) Moderate infiltration potential and a moderate rate of runoff potential;
 - (c) Slow infiltration potential and a moderate to high rate of runoff potential; and
 - (d) High runoff potential and very slow infiltration and water transmission rates.
- (52) *Hydrophytic Vegetation* means Macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Washington State Wetland Identification and Delineation Manual.
- (53) *Hyporheic Zone* means the saturated zone located beneath and adjacent to streams that contains some portion of surface waters, serves as a filter for nutrients, and maintains water quality.
- (54) *Impervious Surface* means a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development or that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater.
- (55) *In-Kind Compensation* means replacement of the same species, habitat type, and function impacted. If the impacted habitat is disturbed, it means replacement with the natural habitat that would occur. It does not mean replacement "in-category."
- (56) *Isolated Wetlands* means those wetlands that are outside of and not contiguous to any 100-year floodplain of a lake, river, or stream, and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.
- (57) *Infiltration* means the downward entry of water into the immediate surface of soil.
- (58) *Injection well(s)* means:
- (a) Class I - A well used to inject industrial, commercial, or municipal waste fluids beneath the lowermost formation containing, within one-quarter mile of the well bore, an underground source of drinking water.
 - (b) Class II - A well used to inject fluids:
 - (i) Brought to the surface in connection with conventional oil or natural gas exploration or production and may be commingled with wastewaters from gas plants that are an integral

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- part of production operations, unless those waters are classified as dangerous wastes at the time of injection;
 - (ii) For enhanced recovery of oil or natural gas; or
 - (iii) For storage of hydrocarbons that are liquid at standard temperature and pressure.
 - (c) Class III - A well used for extraction of minerals, including, but not limited to, the injection of fluids for:
 - (i) In-situ production of uranium or other metals that have not been conventionally mined;
 - (ii) Mining of sulfur by Frasch process; or
 - (iii) Solution mining of salts or potash.
 - (d) Class IV - A well used to inject dangerous or radioactive waste fluids.
 - (e) Class V - All injection wells not included in Classes I, II, III, or IV.
 - (59) *Inter-rills* are areas subject to sheetwash.
 - (60) *Joint Aquatic Resource Permits Application (JARPA)* means a single application form that may be used to apply for hydraulic project approvals, shoreline management permits, approvals of exceedance of water quality standards, water quality certifications, coast guard bridge permits, Department of Natural Resources use authorization, and Army Corps of Engineers permits.
 - (61) *Lakeshore Management Plan* means McNary Lakeshore Management Plan, Lake Wallula, Oregon and Washington. 1983. A U. S. Corps of Engineers lakeshore management plan intended to manage and protect the shoreline and to promote recreation and to operate and maintain water resource projects in the public interest. The Plan is a regulatory tool used to administer such activities as dock construction permits and vegetation removal.
 - (62) *Land Use, High Intensity*. See "High Intensity Land Use."
 - (63) *Land Use, Low Intensity*. See "Low Intensity Land Use."
 - (64) *Land Use, Moderate Intensity*. See "Moderate intensity land use."
 - (65) *Landslide Hazard Areas* are areas that are potentially subject to risk of mass movement due to a combination of geologic landslide resulting from a combination of geologic, topographic, and hydrologic factors. These areas are typically susceptible to landslides because of a combination of factors including: bedrock, soil, slope gradient, slope aspect, geologic structure, ground water, or other factors.
 - (66) *Long-Term Commercial Significance* includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land. RCW 36.70A.030(10); WAC 365-190-030(11).
 - (67) *Low Intensity Land Use* means land uses which are associated with low levels of human disturbance or low habitat impacts, including, but not limited to, passive recreation uses, open space uses, and residential uses with four or fewer units per acre.
 - (68) *Minerals* mean materials including gravel, sand, and valuable metallic substances. RCW 36.70A.030(11); WAC 365-190-030(12).
 - (69) *Mitigation* means avoiding, minimizing or compensating for adverse critical areas impacts. Mitigation, in the following order of preference, is:
 - (a) Avoiding the impact altogether by not taking a certain action or parts of an action;
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- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
- (c) Rectifying the impact to wetlands, critical aquifer recharge areas, and habitat conservation areas by repairing, rehabilitating or restoring the affected environment to the conditions existing at the time of the initiation of the project;
- (d) Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;
- (e) Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;
- (f) Compensating for the impact to wetlands, critical aquifer recharge areas, and habitat or critical areas by replacing, enhancing, or providing substitute resources or environments; and
- (g) Monitoring the hazard or other required mitigation and taking remedial action when necessary.

Mitigation for individual actions may include a combination of the above measures.

- (70) *Moderate Intensity Land Use* means land uses which are associated with moderate levels of human disturbance or substantial habitat impacts including, but not limited to, low density residential (no more than one home per five acres), active recreation, and moderate agricultural land uses.
- (71) *Monitoring* means evaluating the impacts of development proposals on the biological, hydrological, and geological elements of such systems and assessing the performance of required mitigation measures throughout the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features, and includes gathering baseline data.
- (72) *Native Vegetation* means plant species that are indigenous to the area in question. Plants that are not listed in Chapter 16-750 WAC.
- (73) *Native Growth Habitat Area* means an area where native vegetation is preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering and protecting plants and animal habitat;
- (74) *Natural Waters* means waters, excluding water conveyance systems, that are artificially constructed and actively maintained for irrigation, or any waters of the state. See WAC 222-16-030(5)(d) and WAC 222-16-031(6)(d).
- (75) *Nonconformity* means a legally established existing use or legally constructed structure that is not in compliance with current regulations.
- (76) *Nonindigenous*. See "Exotic."
- (77) *Off-Site Mitigation* means to replace critical areas away from the site on which a critical area has been impacted. For off-site mitigation to be acceptable, it must be demonstrated that greater habitat, water quality and hydrologic functions can be achieved off-site.
- (78) *On-Site Mitigation* means on or adjacent to the project impact site or in the same stream reach, based on resource needs. It is not to be limited to property ownership or city or county boundaries that do not limit the needs and uses of the resources.
- (79) *Ordinary High Watermark (OHM)* means a mark which is found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued

- in all ordinary years, that the soil or vegetation has a character distinct from that of the abutting upland.
- (80) *Out-of-Kind Replacement* means to replace critical areas with substitute critical areas whose functions and values do not closely approximate those destroyed or degraded. It does not refer to replacement "out-of-category."
- (81) *Permeability* means the capacity of an aquifer or confining bed to transmit water. It is a property of the aquifer or confining bed and is independent of the force causing movement.
- (82) *Planning Director* is the city official for of the City of Kennewick planning department or other responsible official or other city staff granted the authority to act on behalf of the director.
- (83) *Potable Water* means water that is safe and palatable for human use.
- (84) *Practical Alternative* means an alternative that is available and capable of being carried out after taking into consideration, cost, existing technology, and logistics in light of overall project purposes, and having fewer impacts to critical areas.
- (85) *Priority Habitat* means habitat type or elements with unique or significant value to one or more species as classified by the Department of Fish and Wildlife. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element (WAC 173-26-020(34)).
- (86) *Project Area* means all areas within 50 feet of the area proposed to be disturbed, altered, or used by the proposed activity or the construction of any proposed structures.
- (87) *Qualified Professional* means a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology or related field, and two years of related work experience.
- (a) A qualified professional for habitats or wetlands must have a degree in biology and professional experience related to the subject species.
 - (b) A qualified professional for a geological hazard must be a professional geologist (preferred) or engineer, licensed in the state of Washington.
 - (c) A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.
- (88) *Recharge* is the process involved in the absorption and addition of water to ground water.
- (89) *Reclaimed Water* means municipal wastewater effluent that has been adequately and reliability treated so that it is suitable for beneficial use. Following treatment it is no longer considered wastewater (treatment levels and water quality requirements are given in the water reclamation and reuse standards adopted by the state Departments of Ecology and Health).
- (90) *Regulatory Flood* means a level of flooding that a regulatory agency's design regulations apply to.
- (91) *Repair or Maintenance* is an activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter critical areas are not included in this definition.
- (92) *Restoration* means measures taken to restore an altered or damaged natural feature including:

- (a) Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and
 - (b) Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events.
- (93) *Rills* are steep-sided channels resulting from accelerated erosion. A rill is generally a few inches deep and not wide enough to be an obstacle to farm machinery. Rill erosion tends to occur on slopes, particularly steep slopes with poor vegetative cover.
- (94) *Riparian Habitat* is any area adjacent to surface water which possesses elements of both aquatic and terrestrial ecosystems that mutually influence each other. The width of these areas extends from the OHW to that portion of the terrestrial landscape that directly influences the aquatic ecosystem by providing shade, fine or large woody material, nutrients, organic and inorganic debris, terrestrial insects, or habitat for riparian-associated wildlife. It includes the entire extent of the floodplain and the extent of vegetation adapted to wet conditions as well as adjacent upland plant communities that directly influence aquatic ecosystem. Riparian habitat areas include those riparian areas severely altered or damaged due to human development activities. See Department of Fish and Wildlife "Management Recommendations for Washington's Priority Habitats - Riparian," page 4, 1997.
- (95) *Scientific Process* is a valid scientific process that produces reliable information useful in understanding the consequences of a decision. The characteristics of a valid scientific process are as follows:
- (a) Peer review. The information has been critically reviewed by other qualified scientific experts in that scientific discipline.
 - (b) Methods. The methods that were used are standardized in the pertinent scientific discipline or the methods have been appropriately peer-reviewed to assure their reliability and validity.
 - (c) Logical conclusions and reasonable inferences. The conclusions presented are based on reasonable assumptions supported by other studies and are logically and reasonably derived from the assumptions and supported by the data presented.
 - (d) Quantitative analysis. The data have been analyzed using appropriate statistical or quantitative methods.
 - (e) Context. The assumptions, analytical techniques, data, and conclusions are appropriately framed with respect to the prevailing body of pertinent scientific knowledge.
 - (f) References. The assumptions, techniques, and conclusions are well referenced with citations to pertinent existing information.
- (96) *Section 404 Permit* is a permit issued by the Corps of Engineers for the placement of dredge or fill material or clearing in waters of the U.S., including wetlands, in accordance with 33 USC § 1344.
- (97) *Seeps* is a spot where water oozes from the earth, often forming the source of a small stream.
- (98) *Seismic Hazard Areas* are areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.
- (99) *Serviceable* means presently usable.
- (100) *SEPA* is the Washington State Environmental Policy Act, Chapter 43.21C RCW.
- (101) *Shorelines* means all of the water areas of the state as defined in RCW 90.58.030, including reservoirs and their associated shorelands, together with the lands underlying them except:
- (a) Shorelines of statewide significance;

- (b) Shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second (20 cfs) or less and the wetlands associated with such upstream segments; and
 - (c) Shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.
- (102) *Shorelines of the State* is the total of all "shorelines," as defined in RCW 90.58.030(2)(d), and "shorelines of statewide significance" within the state, as defined in RCW 90.58.030(2)(c).
- (103) *Shorelines of Statewide Significance* are those areas defined in RCW 90.58.030(2)(e).
- (104) *Shorelands* or *Shoreland Areas* are those lands extending landward for 20 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters which are subject to the provisions of Chapter 90.58 RCW.
- (105) *Shrub-Steppe* are vegetative communities consisting of one or more layers of perennial grass with a conspicuous but discontinuous over-story layer of shrubs have been termed "shrubsteppe." In Washington, these communities usually contain big safebrush (*Artemisia tridentata*) in association with bunchgrasses, although other associations are found (Dobler et al, 1996).
- (106) *Significant Portion of its Range* means that portion of a species range likely to be essential to the long-term survival of the population in Washington.
- (107) *Soil Survey* means the most recent soil survey for the local area or county by the National Resources Conservation Service, U.S. Department of Agriculture.
- (108) *Species* means any group of animals classified as a species or subspecies as commonly accepted by the scientific community.
- (109) *Species, Endangered* means any fish or wildlife species that is threatened with extinction throughout all or a significant portion of its range and is listed by the state or federal government as an endangered species.
- (110) *Species of Local Importance* means those species of local concern due to their population status or their sensitivity to habitat manipulation, or that are game species.
- (111) *Species, Priority* means any fish or wildlife species requiring protective measures and/or management guidelines to ensure their persistence as genetically viable population levels as classified by the Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate and monitor species, and those of recreational, commercial, or tribal importance.
- (112) *Species, Threatened* means any fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species.
- (113) *Stream* means water contained within a channel, either perennial or intermittent, and classified according to WAC 222-16-030 or WAC 222-16-031 and as listed under "water typing system." Streams also include natural watercourses modified by man. Streams do not include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, storm water runoff facilities or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse.
- (114) *Sub-Drainage Basin* or *Subbasin* means the drainage area of the highest order stream containing the subject property impact area. Stream order is the term used to define the position of a stream in the hierarchy of tributaries in the watershed. The smallest streams are the highest order (first order) tributaries. These are the upper watershed streams and have no tributaries of their own. When two

first order streams meet, they form a second order stream, and when two second order streams meet they become a third order stream, and so on.

- (115) *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.
- (116) *Substantial Improvement* means 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.
- (117) *Take* means to harass, harm, pursue, hunt, shoot, wound, kill, capture, or collect, or to attempt to engage in any such conduct.
- (118) *Unavoidable* means adverse impacts that remain after all appropriate and practicable avoidance and minimization have been achieved. See RCW 90.84.010(9).
- (119) *Vulnerability* means the combined effect of susceptibility to contamination and the presence of potential contaminants.
- (120) *Water Dependent* means a use or portion of a use that cannot exist in a location that is not adjacent to the water, but is dependent on the water by reason of the intrinsic nature of its operations. A use that can be carried out only on, in, or adjacent to water. Examples of water dependent uses include ship cargo terminal loading areas; fishing; ferry and passenger terminals; barge loading, ship building, and dry docking facilities; marinas, moorage, and boat launching facilities; aquaculture; float plane operations; surface water intake; and sanitary sewer and storm drain outfalls.
- (121) *Water Resource Inventory Area (WRIA)* means one of 62 watersheds in the state of Washington, each composed of the drainage areas of a stream or streams, as established in Chapter 173-500 WAC as it existed on January 1, 1997.
- (122) *Water Table* means that surface in an unconfined aquifer at which the pressure is atmospheric. It is defined by the levels at which water stands in wells that penetrate the aquifer just far enough to hold standing water.
- (123) *Water Table Aquifer*. See "Aquifer, unconfined."
- (124) *Water Typing System* are waters classified according to WAC 222-16-031 including the following:
- (a) Type 1 Water - All waters, within their ordinary high-water mark, as inventoried as "shorelines of the state" under Chapter 90.58 RCW and the rules promulgated pursuant to Chapter 90.58 RCW, but not including those waters associated with wetlands as defined in Chapter 90.58 RCW.
 - (b) Type 2 Water - Segments of natural waters that are not classified as Type 1 Water and have a high fish, wildlife, or human use. These are segments of natural waters and periodically inundated areas of their associated wetlands, which:
 - (i) Are used by fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish populations:
 - (A) Stream segments having a defined channel 20 feet or greater within the bankfull width and having a gradient of less than four percent.
 - (B) Lakes, ponds, or impoundments having a surface area of one acre or greater at seasonal low water; or
 - (ii) Are used by fish for off-channel habitat. These areas are critical to the maintenance of optimum survival of fish. This habitat shall be identified based on the following criteria:

- (A) The site must be connected to a fish bearing stream and be accessible during some period of the year; and
 - (B) The off-channel water must be accessible to fish through a drainage with less than a five percent gradient.
- (c) Type 3 Water - Segments of natural waters that are not classified as Type 1 or 2 Waters and have a moderate to slight fish, wildlife, and human use. These are segments of natural waters and periodically inundated areas of their associated wetlands which:
 - (i) Are used by fish for spawning, rearing or migration. The requirements for determining fish use are described in the State Forest Practices Board Manual, Section 13. If fish use has not been determined:
 - (A) Waters having the following characteristics are presumed to have fish use:
 - (I) Stream segments having a defined channel of three feet or greater in width and having a gradient of 16 percent or less.
 - (II) Stream segments having a defined channel or three feet or greater within the bankfull width, and having a gradient greater than 16 percent and less than or equal to 20 percent, and having greater than 175 acres contributing basin size, based on hydrographic boundaries;
 - (III) Ponds or impoundments having a surface area of less than one acre at seasonal low water and having an outlet to a fish stream;
 - (IV) Ponds of impoundments having a surface area greater than one-half acre at seasonal low water.
 - (B) The Department of Natural Resources shall waive or modify the characteristics in (a) of this Subsection where:
 - (I) Waters have confirmed, long term, naturally occurring water quality parameters incapable of supporting fish;
 - (II) Snowmelt streams have short flow cycles that do not support successful life history phases of fish. These streams typically have no flow in the winter months and discontinue flow by June 1; or
 - (III) Sufficient information about a geomorphic region is available to support a departure from the characteristics in (a) of this Subsection, as determined in consultation with the Department of Fish and Wildlife, Department of Ecology, affected tribes and interested parties.
- (d) Type 4 Water - All segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are waters that do not go dry any time of a year of normal rainfall. However, for the purpose of water typing, Type 4 Waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations (see State Forest Practices Board Manual, Section 23), then Type 4 Waters begin at a point along the channel where the contributing basin area is at least 300 acres.
- (e) Type 5 Waters - All segments of natural waters within the bankfull width of the defined channels that are not Type 1, 2, 3, or 4 Waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of the year and are not located downstream from any stream reach that is a Type 4 Water. Type 5 Waters must be physically connected by an above-ground channel system to Type 1, 2, 3, or 4 Waters.

- (125) *Well* is a bored, drilled or driven shaft, or a dug hole whose depth is greater than the largest surface dimension for the purpose of withdrawing or injecting water or other liquids.
- (126) *Wellhead Protection Area (WHPA)* is the portion of a zone of contribution for a well, wellfield or spring, as defined using criteria established by the state Department of Ecology.
- (127) *Wetlands* are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. Identification and delineation of Wetlands is also a product of the Washington State Wetland Identification and Delineation Manual (KMC 18.59.010).
- (128) *Wetland Category* are wetlands that are categorized into Category I, II, III or IV based upon the categorization procedures in the Washington State Wetland Rating System for Eastern Washington (Hruby T. 2004).
- (129) *Wetland Classes, Classes of Wetlands, or Wetland Types* are the descriptive classes of the wetlands taxonomic classification system of the U.S. Fish and Wildlife Service (Cowardin, et al. 1979).
- (130) *Wetland Edge* means the boundary of a wetland as delineated based on the definitions contained in this Title.
- (131) *Wetlands Mitigation Bank* means a site where wetlands are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources. See RCW 90.84.010(5).
- (132) *Zone of Contribution* means the area surrounding a well or spring that encompasses all areas or features that supply ground water recharge to the well or spring.

(Ord. 5206 Sec. 1, 2007)

18.58.020: Purpose.

- (1) The purpose of this Title is to designate and classify ecologically sensitive and hazardous areas and to protect these areas and their functions and values, while also allowing for reasonable use of private property.
- (2) This Title is to implement the goals, policies, guidelines, and requirements of the City of Kennewick (City) Comprehensive Plan and the Growth Management Act.
- (3) The City finds that critical areas provide a variety of valuable and beneficial biological and physical functions that benefit the City and its residents, and/or may pose a threat to human safety or to public and private property. The beneficial functions and values provided by critical areas include, but are not limited to, water quality protection and enhancement, fish and wildlife habitat, support of trophic relationships, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, wave attenuation, protection from hazards, historical and archaeological and aesthetic value protection, and recreation. These beneficial functions are not listed in order of priority.
- (4) Goals. By identifying development impacts to critical areas, this Title seeks to:

- (a) Protect members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, seismic events, volcanic eruptions, or flooding;
 - (b) Protect unique, fragile, and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats;
 - (c) Direct activities not dependent on critical area resources to less ecologically sensitive sites and
 - (d) Mitigate unavoidable impacts to critical areas by regulating alterations in and adjacent to critical areas; and
 - (e) Prevent cumulative adverse environmental impacts to water quality, wetlands, and fish and wildlife habitat, and the overall net loss of wetlands, frequently flooded areas and habitat conservation areas.
- (5) This Title is intended to protect critical areas in accordance with the Growth Management Act and through the application of best available science, as determined according to WAC 365-195-900 through 365-195-925, and in consultation with state and federal agencies and other qualified professionals.
- (6) This Title is to be administered with flexibility and attention to site-specific characteristics. It is not the intent of this Title to make a parcel of property unusable by denying its owner reasonable economic use of the property.
- (7) The City's enactment or enforcement of this Title shall not be construed for the benefit of any individual person or group of persons other than the general public.

(Ord. 5206 Sec. 1, 2007)

18.58.030: Authority and Applicability.

- (1) As provided herein, the Planning Director is given the authority to interpret and apply and the responsibility to enforce this Title to accomplish the stated purpose.
- (2) The City shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement in, over, or on a critical area or associated buffer, without first assuring compliance with the requirements of this Title.
- (3) The provisions of this Title shall apply to all lands, all land uses and development activity, and all structures and facilities in the City, whether or not a permit or authorization is required, and shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns, leases, or administers land within the City. No person, company, agency, or applicant shall alter a critical area or buffer except as consistent with the purposes and requirements of this Title.
- (4) Approval or denial of a permit or development proposal pursuant to the provisions of this Title does not discharge the obligation of the applicant to comply with the provisions of this Title.

(Ord. 5206 Sec. 1, 2007)

18.58.040: Relationship to Other Regulations.

- (1) These critical area regulations shall apply as an overlay to the City's subdivision and zoning code (Title 17 and 18) and other applicable regulations adopted by the City, including, but not limited to permitting processes, construction standards, building code, shorelines management program, and

environmental review (SEPA) procedures. In the case of conflict among regulations, whichever provision or regulation provides the greater protection to the critical area involved shall apply

- (a) Kennewick Code Title 4 - Administrative Procedures:
 - (i) Chapter 4.08 State Environmental Policy Act implements the State Environmental Policy Act (SEPA) and establishes procedures for public review of impacts of public and private development actions.
 - (ii) Chapter 4.12 Permit Process establishes a mechanism to enable compliance, conformity and consistency of proposed projects with respect to adopted comprehensive plans and development regulations.
- (b) Kennewick Code Title 5.56 - Public Works Construction Standards
- (c) Kennewick Code Title 15 - Buildings and Construction. This title provides uniform development and construction standards, primarily through adoption of the Uniform Building Codes by reference.
- (d) Kennewick Code Title 18 - Zoning Code:
 - (i) Chapter 18.42, Land Use Permits, sets forth procedures and guidelines for review and approval of land use permits, including conditional uses (Chapter 18.42.100) and site plans (Chapter 18.42.110). Contents of the site plans include, but are not limited to, a site plan showing lot lines and dimensions, location of existing and proposed building or improvements, parking lot drainage, landscaping and fencing.
 - (ii) Chapter 18.45, Planned Development Permit, provides a set of flexible standards for development of large parcels of property, provided that the deviation better accommodates the physical conditions of the property.
- (e) Kennewick Code Title 18.60 - Shoreline Management. Sets forth policy and requirements for protecting and regulating activities within 200 feet of the Ordinary High Water Mark for the City of Kennewick shorelines. The following exceptions to the applicability of this Title in Shoreline Jurisdiction shall apply:
 - (i) If provisions of this Title and other parts of the master program conflict, the provisions most protective of the ecological resource shall apply, as determined by the City.
 - (ii) Provisions of this Title that are not consistent with the Shoreline Management Act Chapter, 90.85 RCW, and supporting Washington Administrative Code chapters shall not apply in Shoreline jurisdiction.
 - (iii) The provisions of this Title do not extend Shoreline Jurisdiction beyond the limits specified in this SMP.
 - (iv) The "reasonable use determination" of this Title shall not apply within Shoreline Jurisdiction. Specifically, KMC 18.58.120 does not apply.
- (f) State of Washington Department of Ecology - Inspection Procedures for Underground Storage Tanks. This manual sets forth procedures for inspection, installation, monitoring, closure, and site remediation methods for underground storage tanks.
- (2) These critical area regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA), as locally adopted.
- (3) Compliance with the provisions of this Title does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, Shoreline Substantial Development Permits, Hydraulic Project Approvals permits, Army Corps of Engineers

Section 404 permits, National Pollutant Discharge Elimination System permits). The applicant is responsible for complying with these requirements, apart from the process established in this Title. Where applicable, the Planning Director will encourage use of information such as permit applications to other agencies or special studies prepared in response to other regulatory requirements to support required documentation submitted for critical areas review. The City's Shoreline Management Program (KMC 18.60) regulates all activities within the 200 feet of the Columbia River.

(Ord. 5206 Sec. 1, 2007)

18.58.050: Administrative Procedures.

The administrative procedures followed during the critical area review process shall conform to the standards and requirements of the City's Administrative Procedures Code (Title 4) and Zoning Code (Title 18). This shall include, but not be limited to, timing and appeals associated with applications covered by this Title.

(Ord. 5206 Sec. 1, 2007)

18.58.060: Severability.

If any clause, sentence, paragraph, section, or part of this Title or the application thereof to any person or circumstances shall be judged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered. The decision shall not affect or invalidate the remainder of any part thereof and to this end the provisions of each clause, sentence, paragraph, section, or part of this law are hereby declared to be severable.

(Ord. 5206 Sec. 1, 2007)

18.58.070: Interpretation.

In the interpretation and application of this ordinance, the provisions of this Title shall be considered to be the minimum requirements necessary, shall be liberally construed to serve the purpose of this ordinance, and shall be deemed to neither limit nor repeal any other provisions under state statute.

(Ord. 5206 Sec. 1, 2007)

18.58.080: Jurisdiction—Critical Areas.

- (1) The City shall regulate all uses within 200 feet (based on the maximum buffer size recommended in this Title. See Chapter 18.59 for additional information) of, or that are likely to affect, one or more critical areas, consistent with the best available science and the provisions herein.
- (2) Critical areas regulated by this Title include:
 - (a) Wetlands as designated in Chapter 18.59;
 - (b) Critical aquifer recharge areas as designated in Chapter 18.60;
 - (c) Frequently flooded areas as designated in Chapter 18.61;
 - (d) Geologically hazardous areas as designated in Chapter 18.62; and
 - (e) Fish and wildlife habitat conservation areas as designated in Chapter 18.63.

- (3) All areas within the City meeting the definition of one or more critical area, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this Title.

(Ord. 5206 Sec. 1, 2007)

18.58.090: General Provisions for Mitigation.

Any mitigation action taken pursuant to this Title shall result in equivalent or greater functions and values of the critical areas associated with the proposed action, as determined by the best available science. All actions and developments shall be designed and constructed in accordance with Mitigation Sequencing requirements in Section 18.58.170 to avoid, minimize and restore all adverse impacts. Applicants must first demonstrate an inability to avoid or reduce impacts, before restoration and compensation of impacts will be allowed. No activity or use shall be allowed that results in a net loss of the functions or values of critical areas.

(Ord. 5206 Sec. 1, 2007)

18.58.100: Best Available Science.

- (1) Best Available Science to be Used Must be Consistent with Criteria. The best available science is that scientific information applicable to the critical area prepared by local, state or federal natural resource agencies, a qualified scientific professional or team of qualified scientific professionals that is consistent with criteria established in WAC 365-195-900 through WAC 365-195-925. In the context of critical areas protection, best available science must also be based upon a valid scientific process as defined in WAC 365-105-905. Best Available Science sources are available in Appendix A, which is adopted by reference and on file in the Department of Community Planning (Best Available Science References).
- (2) Absence of Valid Scientific Information. Where there is an absence of valid scientific information or incomplete scientific information relating to a critical area, leading to uncertainty about the specific boundary of a critical area, and risk to critical area function of permitting an alteration of or impact to the critical area, the Planning Director shall:
- (a) Maintain a critical areas designation certification program for wetlands, and fish and wildlife habitat conservation areas by periodically updating these maps with new information as it is provided to the City. Currently, the City has two types of boundaries depicted on the wetlands, and the fish and wildlife habitat conservation areas maps:
- (i) Certified - Where the critical area boundary has been verified and mapped within the past five years by a qualified professional (e.g. delineated wetland), hydrology of the site (applicable to wetlands only) has not been altered within that time period, and this territorial limit information has been provided to the City. Certified wetlands and fish and wildlife habitat as of 2007 include: Elliott Lake wetlands, 27th Avenue wetlands, Zintel Canyon, 36th Avenue wetland; wetlands and fish and wildlife habitat in Columbia Park, and the large contiguous block of shrub steppe habitat located adjacent to HWY 395 and Interstate I-82 on the southern portion of the City and its urban growth boundary.
- (ii) Uncertified - Where more specific information needs to be prepared by a qualified professional and provided to the City to accurately show the boundary of a given critical area, or where boundaries and conditions of certified wetlands and fish and wildlife habitat is more than five years old and needs to be verified.

- (b) The most recent map revision identifying certified and uncertified wetlands and fish and wildlife conservation areas becomes the map of record for demonstrating compliance with the state requirement for designating and classifying these critical areas.

(Ord. 5206 Sec. 1, 2007)

18.58.110: Allowed Activities.

- (1) Process. The Planning Director shall allow activities that are verified to comply with this section. The Planning Director shall provide a copy of this section, including any future updates, and the maps of critical area designations to city departments and other potential affected agencies as determined by the Planning Director. City Departments and other local agencies when conducting allowed activities (except for 18.58.110(3)(c) and (d)), will notify the Planning Director in writing in advance of the planned activity, when it will occur, and steps that will be taken to comply with the provisions of this Title. Emergency activities or any other activities that occur without advance notice will be followed up with a report to the Planning Director describing how provisions of this Title are being met. Documentation of allowed activities shall be maintained on file at the Planning Department.
- (2) Allowed Activities shall Avoid Impacts to Critical Areas. All allowed activities shall use mitigation sequencing to avoid potential impacts to critical areas, using best management practices that result in the least amount of impact to the critical areas where practicable. Designation as an allowed activity does not give permission to degrade a critical area or ignore risk from natural hazards. Best management practices shall be used for tree and vegetation protection, construction management, erosion and sedimentation control, water quality protection, fish and wildlife protection, and regulation of chemical applications. The City shall monitor the use of best management practices to ensure that the activity does not result in degradation to the critical area. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense within one growing season.
- (3) Allowed Activities. The following developments, activities, and associated uses are allowed and shall be exempt from the provisions of this Title except as noted in provisions below, provided that they are otherwise consistent with the provisions of other local, state, and federal laws and requirements:
 - (a) Emergencies. Emergency activities are those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of damage to private property and that require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of this Title.

Emergency actions that create an impact to a critical area or its buffer shall use "reasonable methods" to address the emergency; in addition, they must have the least possible impact to the critical area or its buffer. The person or agency undertaking such action shall notify the City within one working day following commencement of the emergency activity. Within 30 days, the Planning Director shall determine if the action taken was within the scope of the emergency actions allowed in this Subsection. If the Planning Director determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then enforcement provisions of Section 18.58.190 shall apply.

After the emergency, the person or agency undertaking the action shall fully restore and/or mitigate any impacts to the critical area and buffers resulting from the emergency action in accordance with the critical area report or other applicable information, and mitigation plan. The person or agency undertaking the action shall apply for review, and the alteration, critical area report or other applicable information, and mitigation plan shall be reviewed by the City in accordance with the review procedures contained herein. Restoration and/or mitigation

activities must be initiated within one year of the date of the emergency, and completed in a timely manner;

- (b) **Operation, Maintenance or Repair.** Operation, maintenance or repair of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees or drainage systems, that do not require a permit or are covered under a programmatic permit from an authorized agency, if the activity does not further alter or increase the impact to, or encroach further within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, maintenance, or repair;
- (c) **Passive Outdoor Activities.** Recreation, education, and scientific research activities that do not degrade the critical area, including fishing, hiking, and bird watching.
- (d) **Permit Requests Subsequent to Previous Critical Area Review.** Development permits and approvals that involve both discretionary land use approvals (such as subdivisions, rezones, or conditional use permits), and construction approvals (such as building permits) if all of the following conditions have been met:
 - (i) The provisions of this Title have been previously addressed as part of another approval;
 - (ii) There have been no material changes in the potential impact to the critical area or buffer since the prior review;
 - (iii) There is no new information available that is applicable to any critical area review of the site or particular critical area;
 - (iv) The permit or approval has not expired or, if no expiration date, no more than five years has elapsed since the issuance of that permit or approval; and
 - (v) Compliance with any standards or conditions placed upon the prior permit or approval has been achieved or secured.
- (e) **Modification to Existing Structures.** Structural modification of, addition to, or replacement of an existing legally constructed structure that does not further alter or increase the impact to the critical area or buffer and there is no increased risk to life or property as a result of the proposed modification or replacement, provided that restoration of structures substantially damaged by fire, flood, or act of nature must be initiated within six months of the date of such damage, as evidenced by the issuance of a valid building permit, and diligently pursued to completion;
- (f) **Activities within the Improved Right-Of-Way.** Replacement, modification, installation, or construction of utility facilities, lines, pipes, mains, equipment, or appurtenances, not including substations, when such facilities are located within the improved portion of the public right-of-way or a City authorized private roadway except those activities that alter a wetland or watercourse, such as culverts or bridges, or results in the transport of sediment or increased stormwater;
- (g) **Public and Private Pedestrian Trails.** Public and private pedestrian trails not in wetlands, or fish and wildlife habitat conservation areas, where the trail surface meets all other requirements;
- (h) **Select Vegetation Removal Activities.** Select vegetation removal activities are allowed upon review and approval of the Director. Accepted vegetation removal activities include: a) removing and controlling invasive plants or noxious weeds; b) removal of trees that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to private property and measures to control a fire or halt the spread of disease or damaging insects consistent with the State Forest Practices Act, Chapter 76.09 RCW. Unless otherwise provided or as a necessary part of an approved alteration, removal of any vegetation or woody debris from a habitat conservation area or wetland shall be prohibited;

- (i) Chemical Applications. The application of herbicides, pesticides, organic or mineral-derived fertilizers, or other hazardous substances, if necessary, provided that their use shall be conducted in accordance with applicable state and federal law. (More information on commercial and residential use of chemicals can be found in Department of Ecology "Guidance Document for Establishment of Critical Aquifer Recharge Areas Ordinances" Version 3.0, Publication #97-30; and from the state Department of Agriculture, <http://www.wa.gov/agr/>);
- (j) Minor Site Investigative Work. Work necessary for land use submittals, such as topographic surveys, soil logs, percolation tests, and other related activities, where such activities do not require construction of new roads or significant amounts of excavation. In every case, impacts to the critical area shall be minimized and disturbed areas shall be immediately restored; and
- (k) Navigational Aids and Boundary Markers. Construction or modification of navigational aids and boundary markers.

(Ord. 5206 Sec. 1, 2007)

18.58.120: Exception—Reasonable Use.

- (1) If the application of this Title would deny all reasonable use of the subject property, the property owner may apply for an exception pursuant to this Section.
- (2) Exception Request and Review Process. An application for a reasonable use exception shall be made to the City and shall include a critical area report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW) (SEPA documents). The Planning Director shall determine whether an exception request shall be granted based on review of the submitted information, a site inspection, and the proposal's ability to comply with reasonable use exception criteria. The Planning Director shall approve with conditions, or deny the request based on the proposal's ability to comply with the following reasonable use exception review criteria:
 - (a) The application of this Title would deny all reasonable use of the property;
 - (b) No other reasonable use of the property has less impact on the critical area;
 - (c) Any alteration is the minimum necessary to allow for reasonable use of the property;
 - (d) The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant after the effective date of this Title; and
 - (e) The proposal meets the review criteria set forth in this Title.
- (3) Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

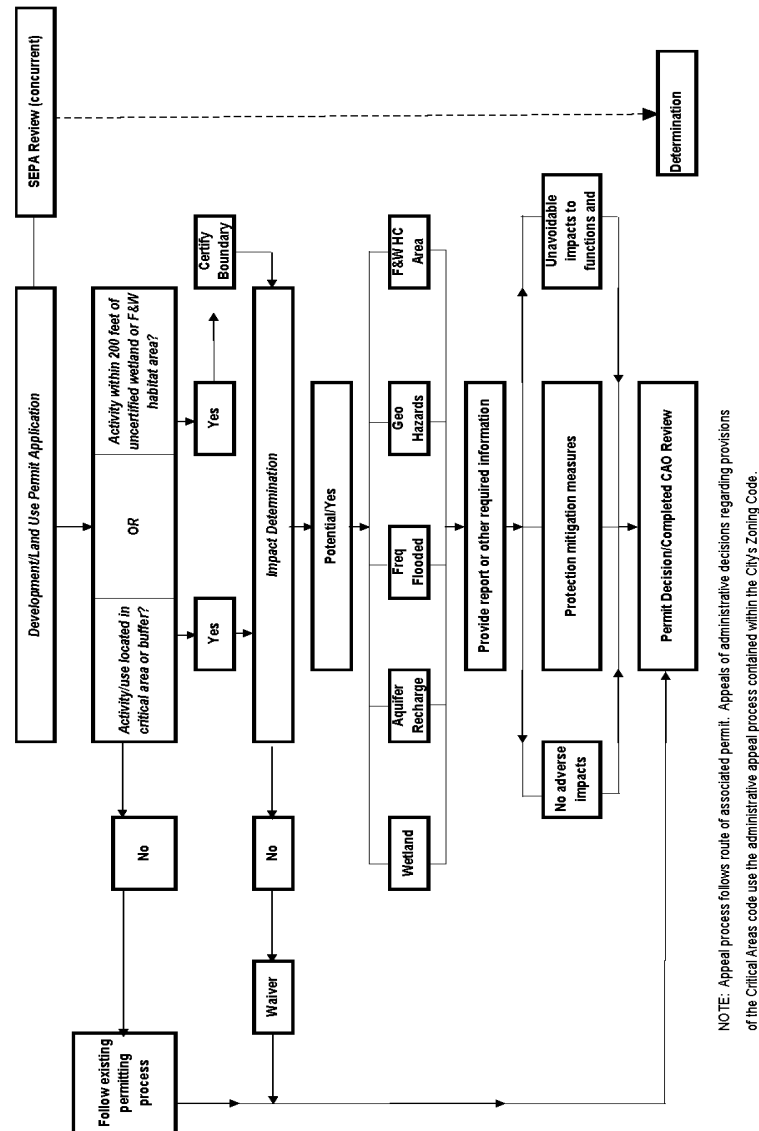
(Ord. 5206 Sec. 1, 2007)

18.58.130: General Review Process.

- (1) The City shall begin the process discussed below and outlined in Figure 1, within 90 days after permit application:
 - (a) Verify the information submitted by the applicant for the applicable permit;

- (b) Evaluate the project area and vicinity for critical areas;
 - (c) For wetland and/or fish and wildlife habitat conservation areas, the City may require that boundaries be verified and mapped by a qualified professional. The scale of the boundary information shall be the same as the City maps, and such boundaries shall be submitted to the City as part of the application for the applicable permit if the project is:
 - (i) Within 200 feet of a wetland, or fish and wildlife critical area for which the boundaries have not been certified and depicted by the City on the critical areas map (see Exhibits 1 through 4 which are adopted by reference and on file in the Department of Community Planning); and
 - (ii) Will not be receiving a no-impact waiver as provided in Section 18.58.130(2) below.
 - (d) Determine whether the proposed project is likely to impact the functions or values of critical areas; and
 - (e) Determine if the proposed project adequately addresses the impacts and avoids impacts to the critical area associated with the project.
- (2) Critical Areas Present, but No-Impact Waiver. If the Planning Director determines that there are critical areas within or adjacent to the project area, but that the proposed activity is unlikely to degrade the functions or values of the critical area, the Planning Director may waive the requirement for a report or other applicable information. If the waiver involves a wetland, the Planning Director may require a wetland category rating be completed prior to determining whether a waiver can be granted. A waiver may be granted if there is substantial evidence that all of the following requirements will be met:
- (a) There will be no alteration of the critical area or buffer;
 - (b) The development proposal will not impact the critical area in a manner contrary to the purpose, intent, and requirements of this Title; and
 - (c) The proposal is consistent with other applicable regulations and standards.

A summary of this analysis and the findings shall be included in any staff report or decision on the underlying permit.



- (3) Critical Areas Present and Potential Impact Likely. If the Planning Director determines that the proposed project is within, adjacent to, or is likely to impact a critical area, the Planning Director shall:
- Notify the applicant that a critical area report, SEPA checklist, and other applicable information must be submitted prior to further review of the project, and indicate each of the critical area types that should be addressed;
 - Require a critical area report or other applicable information from the applicant that has been prepared by a qualified professional;
 - Review and evaluate the critical area report and other applicable information to determine whether the development proposal conforms to the purposes and performance standards of this Title;
 - Assess potential impacts to the critical area and determine if they are necessary and unavoidable;

- (e) Determine if any mitigation proposed by the applicant is sufficient to protect the functions and values of the critical area and public health, safety, and welfare concerns consistent with the goals, purposes, objectives, and requirements of this Title; and
- (f) A summary of this analysis and the findings shall be included in any decision on the underlying permit(s). Critical area review findings may result in: a) no adverse impacts to critical area(s); b) list of applicable critical area(s) protection conditions for the underlying permit(s); or c) denial of permit based upon unavoidable impacts to critical area(s) functions and values.

(Ord. 5206 Sec. 1, 2007)

18.58.140: Wetland, Geologically Hazardous Areas, and Habitat Conservation Areas—General Report Requirements.

- (1) Prepared by Qualified Professional. If required by Section 18.58.130, the applicant shall submit a report prepared by a qualified professional as defined herein.
- (2) Incorporating Best Available Science. The report shall use scientifically valid methods and studies in the analysis of data and field reconnaissance and reference the source of science used. The report shall evaluate the proposal and all probable impacts to critical areas in accordance with the provisions of this Title.
- (3) Minimum Report Contents. At a minimum, the report shall contain the following:
 - (a) The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;
 - (b) A copy of the site plan for the development proposal showing:
 - (i) Identified critical areas, buffers, and the development proposal with dimensions;
 - (ii) Limits of any areas to be cleared; and
 - (iii) A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations, consistent with the current edition of the City of Kennewick Construction Standards.
 - (c) The names and professional qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;
 - (d) Identification and characterization of all critical areas, wetlands, water bodies, and buffers adjacent to the proposed project area;
 - (e) A statement specifying the accuracy of the report, and all assumptions made and relied upon;
 - (f) An assessment of the probable cumulative impacts to critical areas resulting from development of the site and the proposed development;
 - (g) An analysis of site development alternatives;
 - (h) A description of reasonable efforts made to apply mitigation sequencing pursuant to Section 18.58.170 to avoid, minimize, and mitigate impacts to critical areas;
 - (i) Plans for adequate mitigation, as needed, to offset any impacts, in accordance with Section 18.58.160 through 18.58.190, including, but not limited to:
 - (i) The impacts of any proposed development within or adjacent to a critical area or buffer on the critical area; and

- (ii) The impacts of any proposed alteration of a critical area or buffer on the development proposal, other properties and the environment;
 - (j) A discussion of the performance standards applicable to the critical area and proposed activity;
 - (k) Financial guarantees to ensure compliance, if applicable; and
- (4) Unless otherwise provided, a report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the Planning Director.

(Ord. 5206 Sec. 1, 2007)

18.58.150: Wetland, Habitat Conservation, and Geologically Hazardous Areas—Modifications to Report Requirements.

- (1) Limitations to Study Area. The Planning Director may limit the required geographic area of the critical area report as appropriate if:
 - (a) The applicant, with assistance from the City, cannot obtain permission to access properties adjacent to the project area; or
 - (b) The proposed activity will affect only a limited part of the subject site.
- (2) Modifications to Required Contents. The applicant may consult with the Planning Director prior to or during preparation of the report to obtain City concurrence on modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the potential critical area impacts and required mitigation.

(Ord. 5206 Sec. 1, 2007)

18.58.160: Mitigation Requirements.

- (1) The applicant shall avoid all impacts that degrade the functions and values of a critical area or areas. Unless otherwise provided in this Title, if alteration to the critical area is unavoidable, all adverse impacts to or from critical areas and buffers resulting from a development proposal or alteration shall be mitigated in accordance with the critical area report and SEPA requirements.
- (2) Mitigation shall be in-kind and on-site, when possible, and sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area.
- (3) Mitigation shall not be implemented until (a) after City receipt of a report or other applicable information that includes a mitigation plan, and mitigation shall be in accordance with the provisions of the report or other applicable information; and (b) city approval of the underlying permit(s).
- (4) Mitigation monitoring shall be required for a minimum of five years. The project mitigation plan shall include monitoring elements that ensure certainty of success for the project natural value and functions. If the mitigation goals are not obtained within the initial five-year period, the applicant remains responsible for restoration of the natural values and functions until the mitigation goals agreed to in the mitigation plan are achieved.

(Ord. 5206 Sec. 1, 2007)

18.58.170: Mitigation Sequencing.

Applicants shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas. When an alteration to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for in the following order of preference:

- (1) Avoiding the impact altogether by not taking a certain action or parts of an action; minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
- (2) Rectifying the impact to wetlands, critical aquifer recharge areas, frequently flooded areas, and habitat conservation areas by repairing, enhancing, or restoring the affected environment to the historical conditions, or pre-development, or the conditions existing at the time of the initiation of the project;
- (3) Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through approval engineered or other methods;
- (4) Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;
- (5) Compensating for the impact to wetlands, critical aquifer recharge areas, frequently flooded areas, and fish and wildlife habitat, and vegetation conservation areas by replacing, enhancing, or providing substitute resources or environments; and
- (6) Monitoring the hazard or other required mitigation for a reasonable period of time and taking remedial action when necessary.

Mitigation for individual actions may include a combination of the above measures.

(Ord. 5206 Sec. 1, 2007)

18.58.180: Mitigation Plan Requirements.

When mitigation is required, the applicant shall submit to the City a mitigation plan as part of the critical area report or other applicable information. The goals and objectives will be related to the functions and values of the impacted critical area, they include:

- (1) Environmental Goals and Objectives. The mitigation plan shall include a written report identifying environmental goals and objectives of the compensation proposed and including:
 - (a) A description of the anticipated impacts to the critical areas and the mitigating actions proposed and the purposes of the compensation measures, including the site selection criteria; identification of compensation goals; identification of resource functions; and dates for beginning and completion of site compensation construction activities;
 - (b) A review of the best available science supporting the proposed mitigation and a description of the report author's experience to date in restoring or creating the type of critical area proposed; and
 - (c) An analysis of the likelihood of success of the compensation project.
- (2) Performance Standards. The mitigation plan shall address the applicable performance standards identified in this Title.

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- (3) Detailed Construction Plans. The mitigation plan shall include written specifications and descriptions of the mitigation proposed, such as:
- (a) The proposed construction sequence, timing, and duration;
 - (b) Grading and excavation details;
 - (c) Erosion and sediment control features;
 - (d) A vegetation planting plan specifying plant species, quantities, locations, size, spacing, and density; and
 - (e) Measures to protect and maintain plants until established.

These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.

- (4) Monitoring Program. The mitigation plan shall include a program for monitoring construction of the compensation project, and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring in years one, three and five after site construction, and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the compensation project. At a minimum, a monitoring report shall be submitted to document mitigation plan performance in year five after site construction.
- (5) Contingency Plan. The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.
- (6) Financial Guarantees. The mitigation plan shall include financial guarantees, if necessary, to ensure that the mitigation plan is fully implemented. Financial guarantees ensuring fulfillment of the compensation project, monitoring program, and any contingency measures shall be posted in accordance with Section 18.58.230.
- (7) Other Permits. Other local, state, and federal regulatory jurisdictions may require permits for habitat mitigation projects. The applicant shall comply with all other appropriate regulatory permits, agreements, and authority, as required by each respective jurisdiction.

(Ord. 5206 Sec. 1, 2007)

18.58.190: Unauthorized Critical Area Alterations and Enforcement.

- (1) When a critical area or its buffer has been altered in violation of this Title, all ongoing development work shall stop and the critical area shall be restored. The City shall have the authority to issue a stop work order to cease all ongoing development work, and order restoration, rehabilitation, replacement or where determined appropriate by the Planning Director, mitigation measures at the owner's or other responsible party's expense to compensate for violation of provisions of this Title and other applicable city codes governing the underlying permit(s). Administrative procedures including, but not limited to, review and appeal of City actions related to unauthorized critical area alterations are outlined in Section 18.58.050.
- (2) Restoration/Mitigation Plan Required. All development work shall remain stopped until a restoration/mitigation plan is prepared and approved by City. Such a plan shall be prepared by a qualified professional and shall describe how the actions proposed meet the minimum requirements described in Subsection (3) and/or mitigation requirements outlined in Sections 18.58.160, 18.58.170,

and 18.58.180, if mitigation is determined to be appropriate by the Planning Director. The Planning Director shall, at the violator's expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or violator for revision and resubmittal.

(3) Minimum Performance Standards for Restoration or Mitigation.

(a) For alterations to critical aquifer recharge areas, frequently flooded areas, wetlands, and habitat conservation areas the following minimum performance standards shall be met for the restoration or mitigation of impacts to a critical area, provided that if the violator can demonstrate in a restoration/mitigation plan that greater functional and habitat values can be obtained, these standards may be modified by the Planning Director:

- (i) The historic structural and functional values shall be restored, including water quality and habitat functions;
- (ii) The historic soil types and configuration shall be replicated;
- (iii) The critical area and buffers shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities; and
- (iv) The historic functions and values should be replicated at the location of the alteration.

(b) For alterations to flood and geological hazards, the following minimum performance standards shall be met for the restoration of a critical area, provided that, if the violator can demonstrate that greater safety can be obtained, these standards may be modified:

- (i) The hazard shall be reduced to a level equal to, or less than, the pre-development hazard;
- (ii) Any risk of personal injury resulting from the alteration shall be eliminated or minimized; and
- (iii) The hazard area and buffers shall be replanted with native vegetation sufficient to minimize the hazard.

(4) Penalties. Any person, party, firm, corporation, or other legal entity convicted of violating any of the provisions of this Title shall be guilty of a misdemeanor. Each day or portion of a day during which a violation of this Title is committed or continued shall constitute a separate offense. Any development carried out contrary to the provisions of this Title shall constitute a public nuisance and may be enjoined as provided by the statutes of the state of Washington. The City may levy civil penalties against any person, party, firm, corporation, or other legal entity for violation of any of the provisions of this Title. The civil penalty shall be assessed at a rate consistent with Section 1.12.030 of the Kennewick Municipal Code. Daily fines shall not be levied until after a violator has received a notice of violation and shall not be levied while the violator is making a good faith and diligent effort to correct the violation in cooperation with City enforcement personnel nor while a notice of violation is under appeal through the applicable appeal process.

(Ord. 5206 Sec. 1, 2007)

18.58.200: Critical Area Markers and Signs.

The critical area or buffer shall be identified with temporary signs prior to any site alteration. Such temporary signs may be replaced with permanent signs, as determined appropriate by the Planning Director.

(Ord. 5206 Sec. 1, 2007)

18.58.210: Native Growth Habitat Areas.

- (1) Unless otherwise required in this Title, native growth habitat areas shall be used in development proposals for subdivisions, short subdivisions, planned unit developments, and binding site plans to delineate and protect those contiguous critical areas and buffers listed below:
 - (a) All landslide hazard areas and buffers;
 - (b) All wetlands and buffers;
 - (c) All habitat conservation areas; and
 - (d) All other lands to be protected from alterations as conditioned by project approval.
- (2) See Exhibits 1 and 4, or the latest revisions of these maps for designated wetlands, erosion hazard areas and habitat conservation areas.

(Ord. 5206 Sec. 1, 2007)

18.58.220: Building Setbacks.

Unless otherwise provided, buildings and other structures shall be set back a distance of 15 feet from the edges of all critical area buffers or from the edges of all critical areas, if no buffers are required. The following may be allowed in the building setback area:

- (1) Landscaping;
- (2) Uncovered decks;
- (3) Building overhangs if such overhangs do not extend more than 18 inches into the setback area; and
- (4) Impervious ground surfaces, such as driveways and patios, provided that such improvements may be subject to requirements provided in the most current edition of City's Construction Standards.

(Ord. 5206 Sec. 1, 2007)

18.58.230: Bonds to Ensure Mitigation, Maintenance, and Monitoring.

- (1) Mitigation required pursuant to a development proposal should be completed prior to City final permit approval. When it is not feasible for mitigation to be completed prior to City final permit approval, such as final plat approval or final building inspection, the City shall require the applicant to post a performance bond in a form and amount deemed acceptable by the City.
- (2) The bond shall be in the amount of 125 percent of the estimated cost of the uncompleted actions or the estimated cost of restoring the functions and values of the critical area that are at risk, whichever is greater.
- (3) The performance bonds shall remain in effect until the City determines, in writing, that the standards bonded for have been met. Bonds shall be held by the City for a minimum of five years to ensure that the required mitigation has been fully implemented and demonstrated to function, and may be held for longer periods when necessary.
- (4) Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.

- (5) Public development proposals shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.
- (6) Any failure to satisfy critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within 30 days after it is due or comply with other provisions of a mitigation plan shall constitute a default, and the City may demand payment of any financial guarantees or require other action authorized by the City code or any other law.
- (7) Any funds recovered pursuant to this Section shall be used to complete the required mitigation.

(Ord. 5206 Sec. 1, 2007)

18.58.240: Critical Area Inspections.

Reasonable access to the site shall be provided to the City, state, and federal agency review staff for the purposes of inspections during any proposal review, restoration, emergency action, or monitoring period. Additionally, the City or its agent shall have reasonable access to the site for completing necessary remediation work in the event of noncompliance.

(Ord. 5206 Sec. 1, 2007)

CHAPTER 18.59 CRITICAL AREAS - WETLANDS

18.59.010: Designation, Rating and Mapping Wetlands.

- (1) Designating Wetlands. Wetlands are those areas, designated in accordance with the Washington State Wetland Identification and Delineation Manual, that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. All areas within the City of Kennewick meeting the wetland designation criteria in the Identification and Delineation Manual, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this Title.
- (2) Wetland Ratings. Wetland Types I—IV shall be rated according to the Department of Ecology's ~~wetland rating system found in the~~ Washington State Wetland Rating ~~System~~ for Eastern Washington, ~~(Ecology Publication #04-06-15)~~ [\(Ecology 2014\)](#). This document contains definitions and methods for determining if specific criteria are met by a particular wetland. The City of Kennewick contains few wetland areas and most of these have been subject to disturbance in the past. The City has evaluated the most significant wetland areas that are known within the City Limits and its urban growth boundary under the Ecology Rating System. These include: the wetlands associated with Elliot Lake, Zintel Canyon drainage way, wetlands around 36th and Olympia, and 27th and Washington; and wetlands within Columbia Park and the Columbia River shoreline zone, including Duffy's Pond near Clover Island. These wetlands all classify as Category III Wetlands. This effort leads the City to believe that any additional wetlands that may occur within the City limits will rank as Category III Wetlands or as Category IV wetlands and that it is unlikely that higher quality wetlands occur in the City of Kennewick. Provisions have been provided for Category I and II wetlands, should there be a future determination these exist in Kennewick.

The ~~Ecology~~ [Washington State](#) Wetland Rating System for Eastern Washington (Ecology ~~2004~~ [2014](#)) defines Category III wetlands as those wetlands that are: 1) vernal pools that are isolated, and 2) wetlands with a moderate level of functions (scores between 30 and 50 points); and Category IV wetlands are considered to be wetlands that have the lowest level of functions (scores less than 30 points) and are often heavily disturbed.

- (3) Mapping. The approximate location and extent of known wetlands are shown on the adopted critical area map (Exhibit 1, or the latest revision of this map). This information is to be used as a guide for the City, project applicants and/or property owners, and may be updated as new information becomes available. In some instances (uncertified boundaries), it is a reference and does not provide a final critical area designation.

The exact location of a wetland's boundary shall be determined through the performance of a field investigation by a qualified professional applying the Washington State Wetlands Identification and Delineation Manual as required by RCW 36.70A.175 (Ecology Publication #96-94).

(Ord. 5206 Sec. 2, 2007)

18.59.020: Activities Allowed in Wetlands.

The activities listed below are allowed in wetlands in addition to those activities listed in, and consistent with, the provisions established in Section 18.58.110, and do not require submission of a critical area report,

except where such activities result in the loss to the functions and values of a wetland or wetland buffer. These activities include:

- (1) Conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife that does not entail changing the structure, or functions of the existing wetland.
- (2) The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, or alteration of the wetland by changing existing topography, water conditions or water sources.
- (3) Boat mooring.
- (4) Recreational and educational activities.
- (5) Research.

(Ord. 5206 Sec. 2, 2007)

18.59.030: Wetlands—Additional Requirements.

- (1) Prepared by a Qualified Professional. A qualified professional shall prepare a critical areas report for wetlands. The City shall determine whether a person is a qualified professional based on criteria established in WAC 395-195-905(4).
- (2) Area Addressed in Critical Area Report. The following areas shall be addressed in a critical area report for wetlands:
 - (a) The project area of the proposed activity;
 - (b) All wetlands and recommended buffers within 200 feet of the project area (critical area reports should consider wetlands and other critical areas within 200 feet due to the maximum potential buffer recommended for wetlands); and
 - (c) All shoreline areas, water features, floodplains, and other critical areas, and related buffers within 200 feet of the project area.
- (3) Wetland Analysis. In addition the minimum required contents of critical area reports in Section 18.58.140 and 18.58.150, a critical area report for wetlands shall contain an analysis of the wetlands including the following site and proposal-related information at a minimum:
 - (a) A written assessment and accompanying maps of the wetlands and buffers within 200 feet of the project area, or one-half mile upstream or downstream if the wetland is a riverine wetland, including the following information at a minimum:
 - (i) Wetland delineation and required buffers;
 - (ii) Existing wetland acreage;
 - (iii) Wetland category; vegetative, faunal, and hydrologic characteristics;
 - (iv) Soil and substrate conditions; and
 - (b) A discussion of measures, including avoidance, minimization and mitigation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land use activity.
 - (c) Proposed mitigation, if needed, including a written assessment and accompanying maps of the mitigation area, including the following information at a minimum:
 - (i) Existing wetland acreage and proposed impact area;

- (ii) Vegetative, faunal, and hydrologic conditions;
 - (iii) Relationship within watershed and to existing waterbodies;
 - (iv) Soil and substrate conditions, topographic elevations;
 - (v) Existing and proposed adjacent site conditions;
 - (vi) Required wetland buffers; and
 - (vii) Property ownership.
- (d) A discussion of ongoing management practices that will protect wetlands after the project site has been developed, including proposed monitoring and maintenance programs.
- (4) Additional Information May be Required. When appropriate, the City may also require the critical area report to include an evaluation by the Department of Ecology or an independent qualified expert regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, and to include any recommendations as appropriate.

(Ord. 5206 Sec. 2, 2007)

18.59.040: Performance Standards—General Requirements.

- (1) Activities may only be permitted in a wetland or wetland buffer if the applicant can show that the proposed activity will not degrade the functions and values of the wetland and other critical areas.
- (2) Activities and uses shall be prohibited from wetlands and wetland buffers, except as provided for in this Title.
- (3) Wetland buffers.
 - (a) Standard Buffer Widths. The standard buffer widths are based on wetland category, intensity of impacts, and wetland functions or special characteristics. The buffer is to be vegetated with native plant communities that are appropriate for the site conditions. If vegetation in the buffer is disturbed (grazed or mowed) proponents planning changes to land that will increase impacts to wetlands need to rehabilitate the buffer with native plant communities that are appropriate for the site conditions. The width of the buffer is measured in horizontal distance.

Table 1. Types of Proposed Land Use That Can Result In High, Moderate, and Low Levels of Impacts to Adjacent Wetlands	
Level of Impact from Proposed Change in Land Use	Types of Land Use Based on Common Zoning Designations
High	• Commercial
	• Urban
	• Industrial
	• Institutional
	• Retail sales
	• Residential (more than 1 unit/acre)
	• High-intensity recreation (golf courses, ball fields, etc.)
Moderate	• High-intensity farms
	• Residential (1 unit/acre or less)
	• Moderate-intensity open space (parks with biking, jogging, etc.)

	• Conversion to moderate-intensity agriculture (orchards, hay fields, etc.)	
	• Paved trails	
	• Utility corridor or right-of-way shared by several utilities and including access/ maintenance road	
Low	• Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.)	
	• Unpaved trails	
	• Utility corridor without a maintenance road and little or no vegetation management	
Table 2. Width of Buffers Needed to Protect Category IV Wetlands In Kennewick (For Wetlands Scoring Less Than 30 Points For All Functions)		
Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use	Other Measures Recommended for Protection
Score for all 3 basic functions is less than 30 points	Low—25 ft Moderate—40 ft High—50 ft	Maintain any existing connections with other wetlands, open space or habitat conservation areas
Table 3. Width of Buffers Needed to Protect Category III wetlands in Kennewick (for Wetlands Scoring 30—50 Points For All Functions or Isolated Vernal Pools)		
Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use	Other Measures Recommended for Protection
Moderate level of function for habitat (score for habitat 20—28 points)	Low—75 ft Moderate— 110 ft (Columbia Park wetlands, Elliott Lake wetlands) High—150 ft (Zintel Canyon, 27th Avenue wetlands, and Duffy's pond)	Maintain any existing connections with other wetlands, open space or habitat conservation areas
Not meeting above characteristic	Low—40 ft Moderate—60 ft High—80 ft	Maintain any existing connections with other wetlands, open space or habitat conservation areas
Table 4. Width of Buffers Needed to Protect Category II and I Wetlands in Kennewick		
Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use	Other Measures Recommended for Protection
High level of function for habitat (score for habitat 29—48 points)	Low—100 ft Moderate—150 ft High—200 ft	Maintain any existing connections with other wetlands, open space or habitat conservation areas

- (b) Measurement of Wetland Buffers. All buffers shall be measured from the wetland boundary as surveyed in the field. The width of the wetland buffer shall be determined according to the wetland category and the proposed land use. The buffer for a wetland created, restored, or enhanced as compensation for wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland.

(Ord. 5206 Sec. 2, 2007)

18.59.050: Performance Standards—Mitigation Requirements.

When the acreage required for compensatory mitigation is divided by the acreage of impact, the result is a number known variously as a replacement, compensation, or mitigation ratio. Compensatory mitigation ratios are used to help ensure that compensatory mitigation actions are adequate to offset unavoidable wetland impacts by

requiring a greater amount of mitigation area than the area of impact. Requiring greater mitigation area helps compensate for the risk that a mitigation action will fail and for the time lag that occurs between the wetland impact and achieving a fully functioning mitigation site.

- (1) Definitions of Types of Compensatory Mitigation. The ratios presented are based on the type of compensatory mitigation proposed (e.g., restoration, creation, and enhancement). In its Regulatory Guidance Letter 02-02, the U.S. Army Corps of Engineers provided definitions for these types of compensatory mitigation. For consistency, the authors of this document use the same definitions which are provided under Compensatory Mitigation in Section 18.58.010.

Table 4: Mitigation Ratios For Projects in Kennewick					
Category and Type of Wetland Impacts	Re-establishment or Creation	Rehabilitation Only ⁴	Re-establishment or Creation (R/C) and Rehabilitation (RH)	Re-establishment or Creation (R/C) and Enhancement (E) ⁴	Enhancement Only ⁴
All Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
All Category II and I	4:1	8:1	1:1 R/C and 2:1 RH	1:1 R/C and 8:1 E	10:1

⁴ These ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, while less effective actions may result in a higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement.

- (2) Mitigation Maintenance and Monitoring. Mitigation areas will be maintained and monitored for a minimum of five years after the mitigation has been completed. Annual maintenance and monitoring reports will be submitted to the City and shall include:
 - (a) Descriptive data for vegetation, soils, and hydrology;
 - (b) Itemized list of dead, dying, and replaced vegetation;
 - (c) Quantitative assessment of invasive species;
 - (d) Descriptive photographs;
 - (e) Statement of overall success of mitigation;
 - (f) Schedule of activities for the next year of maintenance and monitoring.

The City may extend maintenance and monitoring for mitigation projects that fail to achieve performance standards outlined in the mitigation plan.

(Ord. 5206 Sec. 2, 2007)

18.59.060: Performance Standards—Specific Activities and Uses.

The following activities may be permitted within a wetland buffer in accordance with the review procedures of this Title; provided they are not prohibited by any other applicable law and they are conducted in a manner so as to minimize impacts to the buffer and adjacent wetland:

- (1) Conservation and Restoration Activities. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife;
- (2) Passive Recreation. Passive recreation facilities designed and in accordance with the critical area report, including:
 - (a) Walkways and trails, provided that those pathways that are generally parallel to the perimeter of the wetland shall be located in the outer 25 percent of the buffer area;
 - (b) Wildlife viewing structures; and
 - (c) Fishing areas accessed by foot.
- (3) Stormwater Management Facilities. Stormwater management facilities are not allowed in buffers of Category I or II wetlands. Stormwater management facilities, limited to stormwater dispersion outfalls and bioswales, may be allowed within the outer 25 percent of the buffer of Category III or IV wetlands only, provided that:
 - (a) No other location is feasible; and
 - (b) The location of such facilities will not degrade the functions or values of the wetland.
- (4) Subdivisions. The subdivision and short subdivision of land in wetlands and associated buffers is subject to the following:
 - (a) Land that is located wholly within a wetland or its buffer may not be subdivided;
 - (b) Land that is located partially within a wetland or its buffer may be divided provided that an accessible and contiguous portion of each new lot is:
 - (i) Located outside of the wetland and its buffer; and
 - (ii) Meets the minimum lot size requirements of the City zoning code (Title 18).
 - (c) Access roads and utilities serving the proposed subdivision may be permitted within the wetland and associated buffers only if the City determines that no other feasible alternative exists in and when consistent with this Title.

(Ord. 5206 Sec. 2, 2007)

TITLE 18 - ZONING
CHAPTER 18.60 CRITICAL AREAS - CRITICAL AQUIFER RECHARGE AREAS

CHAPTER 18.60 CRITICAL AREAS - CRITICAL AQUIFER RECHARGE AREAS**18.60.010: Critical Aquifer Recharge Areas Designation.**

Critical aquifer recharge areas (CARA) are those areas with a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2). CARA has prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of ground water resources or contribute significantly to the replenishment of ground water. The following areas have been identified based on local conditions:

- (1) Wellhead Protection Areas. Wellhead protection areas shall be defined by the boundaries of the ten-year time of ground water travel, or boundaries established using alternate criteria approved by the Department of Health in those settings where ground water time of travel is not a reasonable delineation criterion, in accordance with WAC 246-290-135.

(Ord. 5206 Sec. 3, 2007)

18.60.020: Mapping of Critical Aquifer Recharge Areas.

- (1) The approximate location and extent of critical aquifer recharge areas are shown on the adopted critical area map (Exhibit 2: or the latest revision of this map).
- (2) This map is to be used as a guide for the City, project applicants and/or property owners, and will be updated as new information becomes available.

(Ord. 5206 Sec. 3, 2007)

18.60.030: Regulation.

The following are in place to protect critical aquifer recharge areas and regulate activities that might potentially impact these areas.

- (1) City of Kennewick Construction Standards (KMC 5.56).
- (2) City of Kennewick Wellhead Protection Plan.
- (3) State and federal regulations applicable to specific uses including but not limited to those provided in Sections 18.60.050 and 18.60.060.

(Ord. 5206 Sec. 3, 2007)

18.60.040: Performance Standards—General Requirements.

- (1) Activities may only be permitted in a critical aquifer recharge area if the applicant can show that the proposed activity will not adversely affect the recharging of the aquifer and that the proposed activity will not cause contaminants to enter the aquifer.
- (2) The proposed activity must comply with the water source protection requirements and recommendations of the federal Environmental Protection Agency, state Department of Health, and the Benton County Health Department, and as provided in the City's wellhead protection plan.

- (3) The proposed activity must be designed and constructed in accordance with erosion control and surface/stormwater management requirements in current City regulations.

(Ord. 5206 Sec. 3, 2007)

18.60.050: Performance Standards—Specific Uses

- (1) Storage Tanks. All storage tanks proposed to be located in a critical aquifer recharge area must comply with local building code requirements and must conform to the following requirements:
 - (a) Underground Tanks. All new underground storage facilities proposed for use in the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:
 - (i) Prevent releases due to corrosion or structural failure for the operational life of the tank;
 - (ii) Be protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material, or designed to include a secondary containment system to prevent the release or threatened release of any stored substances; and,
 - (iii) Use material in the construction or lining of the tank that is compatible with the substance to be stored.
 - (b) Aboveground Tanks. All new aboveground storage facilities proposed for use in the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:
 - (i) Not allow the release of a hazardous substance to the ground, ground waters, or surface waters;
 - (ii) Have a primary containment area enclosing or underlying the tank or part thereof; and
 - (iii) A secondary containment system either built into the tank structure or a dike system built outside the tank for all tanks.
- (2) Vehicle Repair and Servicing. Vehicle repair and servicing must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur.
- (3) Spreading or Injection of Reclaimed Water. Water reuse projects for reclaimed water must be in accordance with the adopted water or sewer comprehensive plans that have been approved by the departments of Ecology and Health.
 - (a) Surface spreading must meet the ground water recharge criteria given in Chapter 90.46.080 RCW and Chapter 90.46.010(10).
 - (b) Direct injection must be in accordance with the standards developed by authority of Chapter 90.46.042 RCW.
- (4) State and Federal Regulations. The uses listed below shall be conditioned as necessary to protect critical aquifer recharge areas in accordance with the applicable state and federal regulations:

Statutes, Regulations, and Guidance Pertaining to Activities Impacting Ground Water

Activity	Statute - Regulation - Guidance
Above Ground Storage Tanks	Chapter 173-303-640 WAC
Animal Feedlots	Chapter 173-216 WAC, Chapter 173-220 WAC

Automobile Washers	Chapter 173-216 WAC, Best Management Practices for Vehicle and Equipment Discharges (WDOE WQ-R-95-56)
Below Ground Storage Tanks	Chapter 173-360 WAC
Chemical Treatment Storage and Disposal Facilities	Chapter 173-303-182 WAC
Hazardous Waste Generator (Boat Repair Shops, Biological Research Facility, Dry Cleaners, Furniture Stripping, Motor Vehicle Service Garages, Photographic Processing, Printing and Publishing Shops, etc.)	Chapter 173-303 WAC
Injection Wells	Federal 40 CFR Parts 144 and 146, Chapter 173-218 WAC
Junk Yards and Salvage Yards	Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Vehicles Recycler Facilities (WDOE 94-146)
Oil and Gas Drilling	Chapter 332-12-450 WAC, WAC, Chapter 173-218 WAC
On-Site Sewage Systems (Large Scale)	Chapter 173-240 WAC
On-Site Sewage Systems (< 14,500 gal/day)	Chapter 246-272 WAC, Local Health Ordinances
Pesticide Storage and Use	Chapter 15.54 RCW, Chapter 17.21 RCW
Sawmills	Chapter 173-303 WAC, 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Log Yards (WDOE 95-53)
Solid Waste Handling and Recycling Facilities	Chapter 173-304 WAC
Surface Mining	Chapter 332-18-015 WAC
Waste Water Application to Land Surface	Chapter 173-216 WAC, Chapter 173-200 WAC, WDOE Land Application Guidelines, Best Management Practices for Irrigated Agriculture

(Ord. 5206 Sec. 3, 2007)

18.60.060: Uses Prohibited From Critical Aquifer Recharge Areas.

The following activities and uses are prohibited in critical aquifer recharge areas (prohibited uses are based on "Guidance Document for the Establishment of Critical Aquifer Recharge Area Ordinances," by Ecology, July 2000, Publication #97-30):

- (1) Landfills. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, wood waste, and inert and demolition waste landfills;
- (2) Underground Injection Wells. Class I, III, and IV wells and subclasses 5F01, 5D03, 5F04, 5W09, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 of Class V wells (Chapter 173-218 WAC).

(Ord. 5206 Sec. 3, 2007)

TITLE 18 - ZONING
CHAPTER 18.61 CRITICAL AREAS—FREQUENTLY FLOODED AREAS

CHAPTER 18.61 CRITICAL AREAS—FREQUENTLY FLOODED AREAS

18.61.010: Classification.

The flood areas in the City of Kennewick are classified as either one of two types:

- (1) Floodway: Floodways are defined as the channel of a stream and adjacent land areas which are required to carry and discharge the flood water or flood flows of any river or stream associated with a regulatory flood.
- (2) Flood Fringe: The flood fringe is defined as that land area which is outside a stream's floodway, but is subject to periodic inundation due to flooding, associated with a regulatory flood.

These flood areas have been accurately delineated based on hydrologic and hydraulic studies completed by the Federal Emergency Management Agency in 1981, and as subsequently revised and amended.

The methodology and detail of these studies is accepted as the best available.

(Ord. 5206 Sec. 4, 2007)

18.61.020: Designation.

- (1) All areas within the City meeting the frequently flooded designation criteria in the Identification and Delineation Manual, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this Title.
- (2) The approximate location and extent of frequently flooded areas are shown on the adopted Critical Areas Map (Exhibit 3, or the latest revision of this map). Maps from the Federal Emergency Management Agency, as part of the National Flood Insurance Program (completed May, 1981; last revised June 15, 1994), clearly delineate frequently flooded areas. The present boundaries of the floodway and 100-year floodplain are those designated on the flood boundary and floodway maps contained in the Federal Emergency Management Agency report entitled, "Flood Insurance Study - City of Kennewick, Washington" (completed May, 1981; last revised June 15, 1994) and areas of special flood hazard outlined on the City of Kennewick Zoning Map.

(Ord. 5206 Sec. 4, 2007)

18.61.030: Regulation.

Title 15 (Buildings and Construction) and Chapter 18.66 (Flood Damage Protection) of the City of Kennewick Code regulate proposed activities adjacent to or within frequently flooded areas. If allowed, any structures permitted in the designated flood areas are subject to the floodproofing regulations provided in Title 15 and Chapter 18.66.

(Ord. 5206 Sec. 4, 2007)

TITLE 18 - ZONING
CHAPTER 18.62 CRITICAL AREAS—GEOLOGICALLY HAZARDOUS AREAS

CHAPTER 18.62 CRITICAL AREAS—GEOLOGICALLY HAZARDOUS AREAS**18.62.010: Designation of Geologically Hazardous Areas.**

Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological events. They pose a threat to the health and safety of citizens when incompatible development is sited in areas of significant hazard. Such incompatible development may not only place itself at risk, but also may increase the hazard to surrounding development and use. Areas susceptible to one or more of the following types of hazards shall be designated as a geologically hazardous area (See WAC 365-190-080(4)(a)):

- (1) Erosion hazard;
- (2) Landslide hazard;
- (3) Seismic hazard;
- (4) Extreme slope hazard;
- (5) Other geological events including mass wasting, debris flows, rock falls, and differential settlement.

(Ord. 5206 Sec. 5, 2007)

18.62.020: Designation of Specific Hazard Areas.

- (1) Erosion Hazard Areas. Erosion hazard areas are those areas identified by the U.S. Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) as having a "moderate to severe," "severe," or "very severe" rill and inter-rill erosion hazard (see WAC 365-190-080(4)(c)). Rill erosion tends to occur on slopes, particularly steep slopes with easily-erodable soils or poor vegetation. Erosion hazard areas also include those areas with slope greater than 15 percent.
- (2) Landslide Hazard Areas. Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Example of these may include, but are not limited to the following:
 - (a) Areas of historic failures, such as (see WAC 365-190-070(4)(d)(i)):
 - (i) Those areas delineated by the USDA-NRCS as having a "severe" limitation for building site development for factors other than slope for one or more types of building development;
 - (ii) Those areas mapped by the Department of Ecology (Coastal Zone Atlas) or the Department of Natural Resources (slope stability mapping) as unstable ("U" or class 3), unstable old slides ("UOS" or class 4), or unstable recent slides ("URS" or class 5); or
 - (iii) Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey or Department of Natural Resources;
 - (b) Areas with all three of the following characteristics (see WAC 365-190-080(4)(d)(ii)):
 - (i) Slopes steeper than 15 percent; and
 - (ii) Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and

- (iii) Springs or ground water seepage;
 - (c) Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials (see WAC 365-190-080(4)(d)(iv));
 - (d) Slopes having gradients steeper than 80 percent subject to rock fall during seismic shaking (see WAC 365-190-080(4)(d)(v));
 - (e) Areas potentially unstable because of rapid stream incision, stream bank erosion, and undercutting by wave action (see WAC 365-190-080(4)(d)(vi));
 - (f) Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding (see WAC 365-190-080(4)(d)(vii)); and
 - (g) Any area with a slope of 40 percent or steeper and with a vertical relief of ten or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten feet of vertical relief (see WAC 365-190-080(4)(d)(ix)).
- (3) Seismic Hazard Areas. Seismic hazard areas are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington. The strength of ground shaking is primarily affected by (see WAC 365-180-080(4)(e)):
- (a) The magnitude of an earthquake;
 - (b) The distance from the source of an earthquake;
 - (c) The type of thickness of geologic materials at the surface; and
 - (d) The type of subsurface geologic structure.
- Settlement and soil liquefaction conditions occur in areas underlain by cohesionless, loose, or soft-saturated soils of low density, typically in association with a shallow ground water table.
- (4) Extreme Slope Hazard Areas. Extreme slope hazard areas have severe erosion potential and a high probability of slope failure and landslide occurrence.
- (5) Other Hazard Areas. Geologically hazardous areas shall also include areas determined by the Planning Director to be susceptible to other geological events including mass wasting, debris flows, rock falls, and differential settlement.

(Ord. 5206 Sec. 5, 2007)

18.62.030: Classification of Geologically Hazardous Areas.

The level of risk for each geologic hazard type is described in this section. Documentation of specific areas in which a known or suspected risk exists for each of the following hazard areas is provided in the City Critical Areas Map (see Exhibit 4: Geologically Hazardous Areas). The provisions of this Title apply only to those areas for which a known or suspected risk exists.

Classification	Documentation and Data Sources
Known or Suspected Risk	Documentation or projection of the hazard by a qualified professional exists.
Low or No Risk	Documentation exists by a qualified professional regarding low hazard risk or lack of hazard.

Risk Unknown	Documentation, data, or projection of the hazard risk by a qualified professional are not available or sufficient to determine the presence or absence of a geologic hazard.
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- (1) Erosion hazard areas - Known or suspected risk in steep areas.
- (2) Landslide hazard areas - Known or suspected risk in areas with slope > 15 percent.
- (3) Seismic hazard areas - Low or no risk.
- (4) Extreme slope hazard areas - Known or suspected risk in areas with slope > 40 percent.
- (5) Other hazard areas - Other geologically hazardous areas may be designated by the City if documentation thereof is available.

(Ord. 5206 Sec. 5, 2007)

18.62.040: Mapping of Geologically Hazardous Areas.

- (1) The approximate location and extent of geologically hazardous areas containing known or suspected risk are shown on the adopted Critical Areas Map (Exhibit 4, or latest version of this map). The hazard areas outlined on this map are based on the following data:
 - (a) USGS 10-meter Digital Elevation Model (slope);
 - (b) USDA Soil Survey of Benton County Area, Washington;
 - (c) Additional data as determined necessary by the City.
- (2) This map is to be used as a guide for the City, project applicants and/or property owners, and may be updated as new information becomes available. It is a reference and does not provide a final critical area designation.

(Ord. 5206 Sec. 5, 2007)

18.62.050: Activities Allowed in Geologically Hazardous Areas.

The following activities are allowed in geologically hazardous areas pursuant to Section 18.58.110, and do not require submission of a critical area report provided that the activity will not increase the risk of the hazard:

- (1) Erosion and Landslide Hazard Areas. Except as otherwise provided for in this Title, only those activities approved and permitted consistent with the critical area report in accordance with this Title shall be allowed in erosion or landslide hazard areas.
- (2) Extreme Slope Hazard Areas. Installation of fences may be allowed within an extreme slope hazard area.
- (3) Other Hazard Areas. The following activities may be allowed within other geologically hazardous areas:
 - (a) Construction of new buildings with less than 3,500 square feet of floor area or roof area, whichever is greater, and which are not residential structures or used as places of employment or public assembly;
 - (b) Additions to existing residences that are 250 square feet or less; and
 - (c) Installation of fences.

(Ord. 5206 Sec. 5, 2007)

18.62.060: Critical Area Report—Additional Requirements for Geologically Hazardous Areas.

- (1) Prepared By a Qualified Professional. A critical areas report for a geologically hazardous area shall be prepared by a geotechnical engineer or geologist, licensed in the state of Washington, with experience analyzing geologic, hydrologic, and ground water flow systems; or by a geologist who earns his or her livelihood from the field of geology and/or geotechnical analysis, with experience analyzing geologic, hydrologic and ground water flow systems, who has experience preparing reports for the relevant type of hazard. Preparation of these reports by a state of Washington registered geologist is preferred.
- (2) Area Addressed in Critical Area Report. The following areas shall be addressed in a critical area report for geologically hazardous areas:
 - (a) The project area of the proposed activity; and
 - (b) All geologically hazardous areas within 200 feet of the project area or that have potential to be affected by the proposal.
- (3) Geotechnical Assessment. A critical area report for a geologically hazardous area shall contain an assessment of geological hazards including the following site and proposal-related information at a minimum:
 - (a) Site and Construction Plans. The report shall include a copy of the site plans for the proposal showing:
 - (i) The type and extent of geologic hazard areas, and any other critical areas, and buffers on, adjacent to, within 200 feet of, or that are likely to impact the proposal;
 - (ii) Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain;
 - (iii) The topography, in two-foot contours, of the project area and all hazard areas addressed in the report; and
 - (iv) Clearing limits.
 - (b) Assessment of Geological Characteristics. The report shall include an assessment of the geologic characteristics and engineering properties of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion, and prior grading. Soils analysis shall be accomplished in accordance with accepted taxonomic classification systems in use in the region. The assessment shall include, but not be limited to:
 - (i) A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area and in all hazard areas addressed in the report;
 - (ii) A detailed overview of the field investigations, published data and references; data and conclusions from past assessments of the site; and site specific measurements, test, investigations, or studies that support the identification of geologically hazardous areas; and
 - (iii) A description of the vulnerability of the site to seismic and other geologic events.
 - (c) Analysis of Proposal. The report shall contain a geotechnical analysis including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property and affected adjacent properties; and

- (d) Minimum Buffer and Building Setback. The report shall make a recommendation for the minimum no-disturbance buffer and minimum building setback from any geologic hazard based upon the geotechnical analysis.
- (4) Incorporation of Previous Study. Where a valid geotechnical report has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be incorporated into the required critical area report. The applicant shall submit a geotechnical assessment detailing any changed environmental conditions associated with the site.
- (5) Mitigation of Long-Term Impacts. When hazard mitigation is required, the mitigation plan shall specifically address how the activity maintains or reduces the pre-existing level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected lifespan of the activity or occupation). Proposed mitigation techniques shall be considered to provide long-term hazard reduction only if they do not require regular maintenance or other actions to maintain their function. Mitigation may also be required to avoid any increase in risk above the pre-existing conditions following abandonment of the activity.

(Ord. 5206 Sec. 5, 2007)

18.62.070: Critical Area Report—Additional Requirements for Specific Hazards.

In addition to the general critical area report requirements of Section 18.58.140, critical area reports for geologically hazardous areas must meet the requirements of this Section. Critical area reports for two or more types of critical areas must meet the report requirements for each relevant type of critical area.

- (1) Erosion, Landslide and Extreme Slope Hazard Areas. In addition to the basic critical area report requirements, a critical area report for an erosion hazard or landslide hazard area shall include the following information at a minimum:
 - (a) Site Plan. The report shall include a copy of the site plan for the proposal showing:
 - (i) The height of slope, slope gradient, and cross section of the project area;
 - (ii) The location of springs, seeps, or other surface expressions of ground water on or within 200 feet of the project area or that have potential to be affected by the proposal (a distance of 200 feet is suggested so that geological features that might affect the proposal are included in the critical area report. It may be necessary to include features further than 200 feet from the project area in some instances, such as a series of related geological features that extend more than 20 feet); and
 - (iii) The location and description of surface water runoff.
 - (b) Geotechnical Analysis. The geotechnical analysis shall specifically include:
 - (i) A description of the extent and type of vegetative cover;
 - (ii) An estimate of load capacity including surface and ground water conditions, public and private sewage disposal systems, fills and excavations and all structural development;
 - (iii) An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure;
 - (iv) An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a 100-year storm event;

- (v) Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down slope properties.
- (vi) A study of slope stability including an analysis of proposed angles of cut and fill and site grading;
- (vii) Recommendations for building limitations, structural foundations, and an estimate of foundation settlement;
- (viii) An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion;
- (c) Erosion and Sediment Control Plan. For any development proposal on a site containing an erosion hazard area, an erosion and sediment control plan shall be required. The erosion and sediment control plan shall be prepared in compliance with requirements set forth in the City's Construction Standards;
- (d) Drainage Plan. The report shall include a drainage plan for the collection, transport, treatment, discharge and/or recycle of water. The drainage plan should consider on-site septic system disposal volumes where the additional volume will affect the erosion or landslide hazard area.
- (e) Mitigation Plans. Hazard and environmental mitigation plans for erosion and landslide hazard areas shall include the location and methods of drainage, surface water management, locations and methods of erosion control, a vegetation management and/or replanting plan and/or other means for maintaining long-term soil stability.
- (f) Monitoring Surface Waters. If the Planning Director determines that there is a significant risk of damage to downstream receiving waters due to potential erosion from the site, based on the size of the project, the proximity to the receiving waters, or the sensitivity of the receiving waters, the critical area report shall include a plan to monitor the surface water discharge from the site. The monitoring plan shall include a recommended schedule for submitting monitoring reports to the City.
- (2) Other Geologically Hazardous Areas. In addition to the basic report requirements, the Planning Director may require additional information to be included in the critical area report when determined to be necessary to review the proposed activity and the subject hazard. Additional information that may be required, includes, but is not limited to:
 - (a) Site Plan. The site plan shall show all hazard areas located within 200 feet of the project area or that have potential to be affected by the proposal; and
 - (b) Geotechnical Analysis. The geotechnical analysis shall include a complete discussion of the potential impacts of the hazard on the project area and of the proposal on the hazard.

(Ord. 5206 Sec. 5, 2007)

18.62.080: Performance Standards—General Requirements.

- (1) Alterations of geologically hazardous areas or associated buffers may only occur for activities that:
 - (a) Will not increase the threat of the geological hazard to adjacent properties beyond pre-development conditions;
 - (b) Will not adversely impact other critical areas;
 - (c) Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than pre-development conditions; and

- (d) Are determined to be safe as designed and under anticipated conditions by a qualified engineer or geologist, licensed in the state of Washington.
- (2) Critical facilities shall not be sited within geologically hazardous areas unless there is no other practical alternative.
- (3) In addition to the provisions of this Title, alterations of geologically hazardous areas or associated buffers must conform to City Construction Standards and building codes.

(Ord. 5206 Sec. 5, 2007)

18.62.090: Performance Standards—Specific Hazards.

- (1) Erosion and Landslide Hazard Areas. Activities on sites containing erosion or landslide hazards shall meet the following requirements:
 - (a) Buffer Required. A buffer shall be established from all edges of erosion or landslide hazard areas. The size of the buffer shall be determined by the Planning Director to eliminate or minimize the risk of property damage, death or injury resulting from erosion and landslides caused in whole or part by the development, based upon review of and concurrence with a critical area report prepared by a qualified professional.
 - (i) Minimum Buffer. The minimum buffer shall be equal to the height of the slope or 50 feet, whichever is greater.
 - (ii) Buffer Reduction. The buffer may be reduced to a minimum of ten feet when a qualified professional demonstrates to the Planning Director's satisfaction that the reduction will adequately protect the proposed development, adjacent developments and uses and the subject critical area.
 - (iii) Increased Buffer. The buffer may be increased where the Planning Director determines a larger buffer is necessary to prevent risk of damage to proposed and existing development.
 - (b) Alterations. Alterations of an erosion or landslide hazard area and/or buffer may only occur for activities for which a geotechnical analysis is submitted and determines that:
 - (i) The development will not increase surface water discharge or sedimentation to adjacent properties beyond pre-development conditions;
 - (ii) The development will not decrease slope stability on adjacent properties; and
 - (iii) Such alterations will not adversely impact other critical areas.
 - (c) Construction Standards. Development within an erosion or landslide hazard area and/or buffer shall be designed to meet the following basic requirements unless it can be demonstrated that an alternative design that deviates from one or more of these standards provides greater long-term slope stability while meeting all other provisions of this Title. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function. In addition to those requirements outlined in Section 18.62.080, the basic development Construction Standards within geologically hazardous areas are:
 - (i) The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.2 for dynamic conditions. Analysis of dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the Uniform Building Code.

- (ii) Structures and improvements shall be clustered to avoid geologically hazardous areas and other critical areas;
 - (iii) Structures and improvements shall minimize alterations to the natural contour of the slope and foundations shall be tiered where possible to conform to existing topography;
 - (iv) Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;
 - (v) The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;
 - (vi) The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes;
 - (vii) Development shall be designed to minimize impervious lot coverage.
 - (d) Vegetation Shall be Retained. Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited;
 - (e) Utility Lines and Pipes. Utility lines and pipes shall be permitted in erosion and landslide hazard areas only when the applicant demonstrates that no other practical alternative is available. The line or pipe shall be located above ground and properly anchored and/or designed so that it will continue to function in the event of an underlying slide. Stormwater conveyance shall be allowed only through a high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equal or superior.
 - (f) Point Discharges. Point discharges from surface water facilities and roof drains onto or upstream from an erosion or landslide hazard area shall be prohibited except as follows:
 - (i) Conveyed via continuous storm pipe downslope to a point where there are no erosion hazards areas downstream from the discharge;
 - (ii) Discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the predeveloped state; or
 - (iii) Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed buffer demonstrated to be adequate to infiltrate all surface and stormwater runoff, and where it can be demonstrated that such discharge will not increase the saturation of the slope;
 - (g) Subdivisions. The division of land in erosion and landslide hazard areas and associated buffers is subject to the following:
 - (i) Land that is located wholly within an erosion or landslide hazard area or its buffer may not be subdivided. Land that is located partially within an erosion or landslide hazard area or its buffer may be divided provided that each resulting lot has sufficient buildable area outside of, and will not affect, the erosion or landslide hazard or its buffer.
 - (ii) Access roads and utilities may be permitted within the erosion or landslide hazard area and associated buffers if the City determines that no other feasible alternative exists.
 - (h) Prohibited Development. On-site sewage disposal systems, including drain fields, shall be prohibited within erosion and landslide hazard areas and related buffers.
- (2) Extreme Slope Hazard Areas. Activities on sites containing extreme slope hazards shall be considered unbuildable. This includes, but is not limited to, construction of buildings, sewage disposal systems and roads. Construction of facilities shall not be permitted in extreme slope hazard areas unless under an

exception provided consistent with Section 18.58.120 of this Title. If an exception is granted, the provisions of Sections 18.62.080 and 18.62.090(1) must be satisfied.

- (3) Other hazard areas. Activities on sites containing or adjacent to seismic or other geologically hazardous areas, shall meet the standards of Section 18.62.080.

(Ord. 5206 Sec. 5, 2007)

TITLE 18 - ZONING
CHAPTER 18.63 CRITICAL AREAS—FISH AND WILDLIFE HABITAT CONSERVATION AREAS

CHAPTER 18.63 CRITICAL AREAS—FISH AND WILDLIFE HABITAT CONSERVATION AREAS

18.63.010: Designation of Fish and Wildlife Habitat Conservation Areas.

- (1) Fish and wildlife habitat conservation areas include:
 - (a) Areas where state or federal designated endangered, threatened, and sensitive species have a primary association.
 - (i) Federal designated endangered and threatened species are those fish, wildlife, and plant species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted as necessary for current listing status.
 - (ii) State designated endangered, threatened, and sensitive species are those fish, wildlife and plant species native to the state of Washington identified by the state Department of Fish and Wildlife, that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. State designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (state endangered species), and WAC 232-12-011 (state threatened and sensitive species). The state Department of Fish and Wildlife maintains the most current listing and should be consulted as necessary for current listing status.
 - (iii) A combined list of federal and state identified species having the potential to be within the City of Kennewick area is included in Appendix A.
 - (b) State Priority Habitats and Areas Associated With State Priority Species. Priority habitats and species are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the state Department of Fish and Wildlife. A state list of priority habitats is included in Appendix A.
 - (c) Habitats and Species of Local Importance. Habitats and species of local importance are those identified by the City, including those that possess unusual or unique habitat warranting protection because of qualitative species diversity or habitat system health indicators (see map, Exhibit 1, or the latest revision of this map and Appendix A, both on file in the Kennewick Planning Department).
 - (d) Naturally Occurring Ponds Under 20 Acres. Naturally occurring ponds are those ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary

construction ponds, and landscape amenities, unless such artificial ponds were intentionally created for mitigation.

- (e) Waters of the State. Waters of the state includes lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington, as classified in WAC 222-16-031.
- (f) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity.
- (g) State natural area preserves and natural resource conservation areas. Natural area preserves and natural resource conservation areas are defined, established, and managed by the state Department of Natural Resources.
- (h) Land essential for preserving eco-connectivity between habitat blocks and open spaces.
- (2) All areas within the City meeting one or more of these criteria, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this Title.
- (3) Mapping. The approximate location and extent of conservation areas are shown on the critical area map adopted by the City (Exhibit 1: or latest version of this map), and as most recently updated and the following critical area maps hereby adopted:
 - (a) Department of Fish and Wildlife Priority Habitat and Species Maps;
 - (b) Resident salmonid distribution maps contained in the Habitat Limiting Factors Reports published by the Washington Conservation Commission;
 - (c) Department of Natural Resources State Natural Area Preserves and Natural Resource Conservation Area Maps; and
 - (d) Additional data as determined necessary by the City.

The City of Kennewick Critical Areas Map is to be used as a guide for the City, project applicants and/or property owners, and may be continuously updated as new critical areas are identified. In some instances, it is a reference and does not provide a final critical area designation.

(Ord. 5206 Sec. 6, 2007)

18.63.020: Critical Area Report—Additional Requirements for Habitat Conservation Areas.

- (1) Prepared by a Qualified Professional. A critical areas report for a habitat conservation area shall be prepared by a qualified professional who is a biologist with experience preparing reports for the relevant type of habitat.
- (2) Area Addressed in Critical Area Report. The following topics shall be addressed in a critical area report for habitat conservation areas (The distance of 200 feet is suggested to account for buffers/zones that may not be accurately mapped at the time of application):
 - (a) The project area of the proposed activity;
 - (b) All habitat conservation areas and recommended buffers within 200 feet of the project area; and
 - (c) All shoreline areas, floodplains, and other critical areas, and related buffers within 200 feet of the project area.
- (3) Habitat Assessment. A habitat assessment is an investigation of the project area to evaluate the presence or absence of a potential critical fish, wildlife, or plant species or habitat. A critical area report for a habitat conservation area shall contain an assessment of habitats including the following site and proposal-related information at a minimum:

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- (a) Detailed description of vegetation on and adjacent to the project area;
 - (b) Identification of any species of local importance, priority species and habitats (PHS), or endangered, threatened, sensitive or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;
 - (c) A discussion of any federal, state, or local special management recommendations, including Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;
 - (d) A discussion of measures, including avoidance, minimization and mitigation, proposed to preserve existing habitats or restore any habitat that was degraded prior to the current proposed land use activity and to be conducted in accordance with Section 18.58.170; and
 - (e) A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs.
- (4) Additional Information May be Required. When appropriate due to the type of habitat or species present or the project area conditions, the City may also require the habitat management plan to include:
- (a) An evaluation by the Department of Fish and Wildlife or qualified expert regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate;
 - (b) An evaluation by the local Native American Indian Tribe; and
 - (c) Detailed surface and subsurface hydrologic features both on and adjacent to the site.

(Ord. 5206 Sec. 6, 2007)

18.63.030: Performance Standards—General Requirements.

- (1) Alterations shall not degrade the functions and values of habitat. A habitat conservation area may be altered only if the proposed alteration of the habitat or the mitigation proposed does not degrade the quantitative and qualitative functions and values of the habitat. All new structures and land alterations shall be prohibited from habitat conservation areas, except in accordance with this Title.
- (2) Non-indigenous species shall not be introduced. No plant, wildlife, or fish species not indigenous to the region shall be introduced into a habitat conservation area unless authorized by a state or federal permit or approval.
- (3) Mitigation shall result in contiguous corridors. Mitigation sites shall try to achieve contiguous functioning habitat corridors in accordance with a mitigation plan that is part of the critical area report to minimize the isolating effects of development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed.
- (4) Approvals of activities may be conditioned. The City shall condition approvals of activities allowed within or adjacent to a habitat conservation area or its buffers, as necessary to minimize or mitigate any potential adverse impacts. Conditions may include, but are not limited to, the following:
 - (a) Establishment of buffer zones;
 - (b) Preservation of critically important vegetation;
 - (c) Limitation of access to the habitat area, including fencing to deter unauthorized access;

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- (d) Seasonal restriction of construction activities;
 - (e) Establishment of a duration and timetable for periodic review of mitigation activities; and
 - (f) Requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation.
- (5) Subdivisions. The subdivision and short subdivision of land in fish and wildlife habitat conservation areas and associated buffers is subject to a "take" under the following provisions:
- (a) Land that is located wholly within a habitat conservation area or its buffer may not be subdivided.
 - (b) Land that is located partially within a habitat conservation area or its buffer may be divided provided that an accessible and contiguous portion of each new lot is located outside of the habitat conservation area or its buffer and meets the minimum lot size requirements of City's Zoning Code - Title 18 and Subdivision Code - Title 17.
 - (c) Access roads and utilities serving the proposed may be permitted within the habitat conservation area and associated buffers only if the City determines that no other feasible alternative exists and when consistent with this Title.

(Ord. 5206 Sec. 6, 2007)

18.63.040: Performance Standards—Specific Habitats.

- (1) Endangered, Threatened, and Sensitive Species.
 - (a) No development shall be allowed within a habitat conservation area or buffer with which state or federal endangered, threatened, or sensitive species have a primary association.
 - (b) Whenever activities are proposed adjacent to a habitat conservation area with which state or federally endangered, threatened, or sensitive species have a primary association, such area shall be protected through the application of protection measures in accordance with a critical area report prepared by a qualified professional and submitted to the City. Approval for alteration of land adjacent to the habitat conservation area or its buffer shall not occur prior to consultation with the Department of Fish and Wildlife and the appropriate federal agency.
 - (c) Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292). Whenever activities are proposed adjacent to a verified nest territory or communal roost, a habitat management plan shall be developed by a qualified professional. Activities are adjacent to bald eagle sites when they are within 800 feet, or within a quarter mile (2,640 feet) and in a shoreline foraging area. The City shall verify the location of eagle management areas for each proposed activity. Approval of the activity shall not occur prior to approval of the habitat management plan by the Department of Fish and Wildlife.
- (2) Wetland Habitats. All proposed activities within or adjacent to habitat conservation areas containing wetlands shall, at a minimum, conform to the wetland development performance standards set forth in Chapter 18.59, in addition to meeting the habitat conservation area standards in this Chapter.
- (3) Riparian Habitat Areas. Unless otherwise allowed in this Title, all structures and activities shall be located outside of the riparian habitat areas (RHAs).
 - (a) Establishment of Riparian Habitat Areas. RHAs shall be established for habitats that include aquatic systems.

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- (b) Riparian Habitat Area Widths. Recommended RHA widths are shown in the table below. A riparian habitat area shall have the width recommended, unless a greater width is required pursuant to Section 18.59.030(3), or a lesser width is allowed pursuant to Section 18.59.030(4). Widths shall be measured outward, on the horizontal plane, from the ordinary high water mark or from the top of bank if the ordinary high water mark cannot be identified. Riparian areas should be sufficiently wide to achieve the full range of riparian and aquatic ecosystem functions, which include but are not limited to protection of instream fish habitat through control of temperature and sedimentation in streams; preservation of fish and wildlife habitat; and connection of riparian wildlife habitat to other habitats. (Recommended riparian habitat widths are adapted from Department of Fish and Wildlife "Management Recommendations for Washington's Priority Habitats: Riparian," 1997.)

Riparian Habitat Areas	
Stream/Type	Recommended RHA Widths
Columbia River/McNary Pool Shoreline (Shoreline of Statewide Significance)	
- Levee (limited to no riparian habitat function) (Riparian function based upon HDR analysis (2007) and review of existing shoreline function for Columbia River/McNary Pool levee, armored and unarmored shoreline)	25 feet*
- Armored Shoreline (limited to no riparian habitat function)	25 feet*
- Unarmored Shoreline (limited to moderate potential for habitat function)	75 feet*
Type 3 or other perennial or fish bearing streams (Family Fishing Pond inlet and CID return near Kiwanis Building in Columbia Park)**	75 feet*
Types 4 and 5 (Upper Amon)	50 feet*

Commented [AM1]: WDFW recommending 100 feet

*Note 1: Stormwater handling in areas adjacent to riparian areas will be controlled consistent with requirements in the Stormwater Management Manual for Eastern Washington (Ecology 2004), and will be protective of shoreline riparian function.

**Note 2: Columbia Park campground drainage and duck ponds would likely become Type 3 waters if reconnected to the Columbia River as identified in the City's Shoreline Program Restoration Plan (HDR 2006).

(Ord. 5206 Sec. 6, 2007)

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 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)

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18.66.050: - Variance and Appeal Procedure.

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- (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.

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- (2) Consideration of the Hearing Examiner.

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- (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;

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- (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, and 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

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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 routes, 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)

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CHAPTER 18.72 CLEARING AND GRADING

18.72.010: Applicability.

No person shall do any excavation or grading without first obtaining a Land Use Clearing and Grading Permit issued by the Department of Community Planning under the provisions of Chapter 18.47, except:

- (1) An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit.
- (2) An excavation and/or fill, which does not exceed a total of ~~one hundred (100)~~500 cubic yards, ~~and does not obstruct a drainage course.~~
- (3) Clearing and grading, excavation and/or fill, which does not exceed a total of 5,000 square feet and does not obstruct a drainage course.
- ~~(3)~~4) An excavation and/or fill reviewed and approved as part of a building permit.
- ~~(4)~~5) Excavations for water wells or tunnels or installation of service utilities by public and private utilities.
- ~~(5)~~6) Cemetery graves.

(Ord. 5560 Sec. 1; Ord. 5290 Sec. 3, 2010; Ord. 5180 Sec. 1, 2007)

18.72.020: Review Process.

For excavation or grading in excess of ~~one hundred (100) cubic yards~~five thousand square feet (5,000 sf), the Planning Director shall review, approve, disapprove, or approve with conditions, the location of the site and its effect on the surrounding area.

- (1) Grading Plan: A 22-inch by 34-inch plan at a maximum scale of one inch to 100 feet or at a scale approved by the Community Planning Department, clearly indicating the following:
 - (a) Graphic scale and north arrow;
 - (b) Dimensions of all property lines, easements, and abutting streets;
 - (c) Location and dimension of all on-site structures and the location of any structures within 15 feet of the subject property or which may be affected by the proposed work;
 - (d) Accurate existing and proposed contour lines drawn at five-foot intervals, or less, intervals showing existing ground and details of terrain and area drainage to include surrounding off-site contours within 100 feet of the site;
 - (e) Location of natural drainage systems, including perennial and intermittent streams, the presence of bordering vegetation, and flood plains.
 - (f) Setback areas and any areas not to be disturbed;
 - (g) Finished contours drawn at five-foot intervals as a result of grading;
 - (h) Proposed drainage channels and related construction with associated underground storm drainage lines sized and connections shown; and
 - (i) General notes addressing the following (may be listed on cover sheet):

- (i) Area in square feet of the entire property.
- (ii) Area of work in square feet.
- (iii) The number of cubic yards of soil to be added, removed, or relocated.
- (iv) Type and location of fill origin and destination of any soil to be removed from site.
- (v) If known, finished floor elevation(s) of all structures, existing and proposed.

(j) Control measures to prevent erosion by air and/or runoff and sediment transport from the site to adjacent properties, city streets and city-owned storm drainage facilities.

(Ord. 5290 Sec. 4, 2010; Ord. 5204 Sec. 18, 2007; Ord. 5180 Sec. 1, 2007)

18.72.030: Review Criteria.

To grant a land use permit under the provisions of Chapter 18.42, the Planning Director shall make a determination that:

(1) The proposed activity requires/does not require coverage under the NPDES Construction Stormwater General Permit issued by the Washington State Department of Ecology.

(a) Sites requiring coverage that results in a disturbance of less than five acres, the project proponent may apply for the Erosivity Waiver in Section S.2.C. of the NPDES Construction Stormwater General Permit.

~~(1)~~ **(2)** Compatibility of Proposed Use: The proposed activity would not be unreasonably detrimental to the surrounding area. The Planning Director shall consider, but is not limited to, the following:

- (a) Size and location of the activity;
- (b) Traffic volume and patterns;
- (c) Screening, landscaping, fencing and setbacks;
- (d) Unsightliness, noise and dust;
- (e) Surface drainage;
- (f) Temporary and permanent erosion control.

(Ord. 5290 Sec. 5, 2010; Ord. 5180 Sec. 1, 2007)

18.72.040: Conformance with Planning Director's Approved Plan Required.

In the event that a permit is granted, excavation, removal or fill shall be permitted only in accordance with the plan approved by the Planning Director. Rehabilitation shall take place in accordance with the approved plan and in a logical sequence so that satisfactory conditions shall be maintained on the premises. Rehabilitation shall be done in stages compatible with continuing operations. The Planning Director may require the drafting of rehabilitation plans by a licensed landscape architect.

(Ord. 5180 Sec. 1, 2007)

18.72.050: Final Approval.

After the applicant has completed the approved amount of excavation, fill, or other activity, the final grading of the site, site stabilization, and the applicant or another developer begins to develop or construct a new use on

the site, the Community Planning Department may give final approval provided reasonable progress is occurring on the construction or new use.

(Ord. 5180 Sec. 1, 2007)

18.72.060: Other Requirements/Non-City Review.

Issuing a permit under this Section does not relieve the holder from requirements of other government agencies. Review by other interested City, County, State and Federal organizations may be required.

(Ord. 5180 Sec. 1, 2007)

18.72.070: Inspection and Enforcement Authority.

The Community Planning Department shall have jurisdiction of the activities regulated in this Section after a special permit has been granted by the Planning Director. For inspection purposes, any duly authorized member of this Department [and/or the City of Kennewick Municipal Services Department](#) shall have the right and is empowered to enter upon any premises at reasonable hours where activities regulated by this Section are occurring. This Department is empowered to issue orders, grant, renew, and revoke such licenses as are provided for in accordance with this Section.

(Ord. 5290 Sec. 6, 2010; Ord. 5180 Sec. 1, 2007)

18.72.080: Expiration and Extensions.

The special permit shall be null and void if the applicant has not begun activity within six months after the granting of the permit, unless the Planning Director grants an extension of time. Special permits are valid until the approved plans have been satisfactorily completed.

(Ord. 5180 Sec. 1, 2007)

18.72.090: Transferability of Permit.

The special permit is transferable to other persons, firms and corporations, and the special permit shall continue with the activity on the site unless a new special permit is granted.

(Ord. 5180 Sec. 1, 2007)

CHAPTER 18.24 SIGNS

18.24.010: Purpose.

The purpose of this Chapter is to improve business in Kennewick; increase the City's attractiveness; promote a business person's right to identify their business through reasonable and effective methods; encourage the design and placement of signs in a manner which promotes the noticeability of Kennewick's scenic views and emphasizes Kennewick's street-side landscaping; minimize the dangerous conflicts between unregulated signage and traffic-control devices; minimize the distraction to motorists, bicyclists, and pedestrians from signs because of their shape, motion and competition for attention; and promote and protect the health, safety, property values, and general welfare of the citizens of Kennewick.

(Ord. 5180 Sec. 1, 2007)

18.24.020: Definitions.

- ~~(1) *Auxiliary Sign.* Auxiliary sign is a sign that provides information such as direction, time and temperature displays, hours of operation, or warning; auxiliary signs are intended for the convenience of the public. An auxiliary sign may include the business name and/or logo, but may not include its product or services.~~
- ~~(2)~~ *Awning.* Awning is a covering structure that projects horizontally from, and is attached to a building. An awning provides protection from the weather for persons or properties underneath it.
- ~~(3)~~ *Awning Sign.* Awning sign is a nonilluminated or illuminated sign which is usually painted or screen printed onto the surface of an awning and which does not extend vertically or horizontally beyond the limits of the awning.
- ~~(4)~~ *Banner Sign.* Banner sign is a sign made of lightweight material such as cloth, paper or flexible plastic with or without a rigid frame.
- ~~(5)~~ *Business.* Business means any person, partnership, association, corporation, joint venture, or similar group whether operating for profit or not, and any governmental agency.
- ~~(6)~~ *Canopy.* Canopy is an ornamental or protective roof-like structure that may be attached or detached from the main building and usually providing protection from the elements to objects or people underneath. Structures over gas pump islands and over entrances of theaters or hotels are both examples of canopies.
- ~~(7)~~ *Common Ownership.* Common ownership means groups of two or more businesses when such businesses are located on one or more parcels of land or share public parking or maintenance facilities or when they conduct advertising on a regular basis; or when they function as a single entity in practical or business matters.
- ~~(8) *City, State, Federal, and Community Sponsored Events.* City, State, Federal, and Community Sponsored Events are nonprofit events or activities open to the public and associated with common interests or characteristics of the community. Examples of such events are: the elections, Water Follies, Benton-Franklin Fair and Rodeo, Little League Baseball, 4th of July parades or celebrations, and the like.~~
- ~~(9)~~ *Construction Sign.* Construction sign is a sign installed in conjunction with construction or remodeling of a building.
- ~~(10)~~ *Copy.* Copy is the medium by which the message or idea of a sign is communicated.

- (119) *Development Sign*. Development sign is a sign, which through symbols or names identifies a development. Signs advertising residential or commercial properties "For Sale" or that identify an apartment complex, are examples of development signs.
- (1210) *Directional Sign*. Directional sign is an off-premise sign that directs attention by name and/or logo to a business, group of businesses, or a business area.
- (1311) *Electronic Message Sign or Center*. Electronic message sign or center is a sign on which differing copy is shown through an electronic or electrically controlled device, which may also display time and temperature or other messages.
- (1412) *Freestanding Sign*. Freestanding sign is a single or multiple face sign attached to or supported by columns, uprights, braces, standards, or other type of base in or on the ground and not attached to the building. Freestanding signs are anchored to the ground in accord with the International Building Code. The method of anchoring may need to be confirmed by a professional engineer, as determined by the Building Official.
- ~~(a) "Temporary, Freestanding Sign." Temporary, freestanding signs are signs which can be moved from structure to structure, or site to site, and which are not anchored to the ground in accord with the International Building Code. Examples of such signs are "grass-hopper" signs, sandwich board/A-frame signs, small price signs, and similar portable signs.~~
- ~~(b) "Permanent, Freestanding Sign." Permanent, freestanding signs are anchored to the ground in accord with the International Building Code. The method of anchoring may need to be confirmed by a professional engineer, as determined by the Building Inspector.~~
- (1513) *Graphic Sign*. Graphic sign is a window sign or a sign, which is an integral part of a building's facade. The sign may be painted, carved, or permanently imbedded.
- (1614) *Integrated*. Integrated means a sign in which all elements of the sign are incorporated into a single design, but including attachments or projections not part of a single motif.
- (1715) *Mobile Sign*. Mobile sign is any sign mounted on a vehicle, trailer, or boat; or fixed or attached to a device for the purpose of transporting from site-to-site. ~~This definition includes all vehicles placed or parked for the purpose of drawing attention to a service, product, object, person, organization, institution, business, event, location or message, but not signs~~ Signs or lettering installed on vehicles, trailers or boats operating during the normal course of business are not considered mobile signs.
- (1816) *Monument Sign*. Monument sign is a freestanding sign, not over six feet high and attached to the ground for a minimum of 66 percent of the length of the sign.
- (1917) *Off-Premises Signs*. Off-premises signs are signs that advertise a service, product, object, person, organization, institution, business, event, location or message that is not available on the property upon which the sign is located. This includes mobile signs if their placement constitutes an off-premises sign.
- (2018) *Pictorial Sign*. Pictorial sign is a sign that conveys the service, product, or activity of a site without words, company or product emblem, or numbers or letters. Pictorial signs display a message through color, shape, and spatial relations, and are appropriate in context and taste with recognized standards of the community. Colored neon tubing and murals are examples of appropriate medium for display of a pictorial sign.
- ~~(21) Political Sign. Political sign is a sign promoting or publicizing candidates for public office or issues that are to be voted upon in a primary, general, or special election.~~
- (19) Portable Sign. Portable sign is a sign which can be moved and is not designed to be permanently attached to a building or permanently anchored to the ground. Examples of such signs are sandwich

[board/A-frame signs and other similar portable signs. Banner signs are specifically excluded from this definition.](#)

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

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

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

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

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

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

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

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

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

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

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

(3330) *Window Sign.* Window sign is a sign located on or within three feet of a window of a building, and visible from the exterior of a building. Window signs are graphic signs unless they qualify as auxiliary signs.

(Ord. 5752 Sec. 1, 2018 ; Ord. 5180 Sec. 1, 2007)

18.24.030: Sign Table.

~~Signs shall comply with the applicable standards of Table A.~~ (1) Signs located in Commercial, Industrial and Public Facility districts, other than the CBD zoning district shall comply with the applicable standards of Table A.

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

SIGN TABLE A				
Sign Type	Maximum Height	Maximum Sign Area Per Sign	Maximum Permitted Number of Signs	Special Considerations
Freestanding single business	60'	Based on height of sign 0'—30' ht. up to 150 sq. ft. 31'—50' ht. up to 300 sq. ft. 51'—60' ht. up to 400 sq. ft.	Two per frontage	Grandfather all existing signs prior to passage of ordinance
Freestanding group of businesses	60"	90 sq. ft. per business or the same maximum area per freestanding sign as the single business requirement, whichever is greater.	Based on frontage 0'—200' = Up to 2 signs; 201'—200' = Up to 4 signs; 401'—600' = Up to 5 signs; over 601' = Up to 6 signs	
Wall	Not beyond the top or ends of wall	25% of applicable wall area	See 18.24.040(1)	
Projecting	Not more than 5" above or beyond the attaching wall	75 square feet or ½ frontage whichever is greater	See 18.24.040(1)	
Pictorial	Maximum building height	33% of applicable wall area		
Graphic-window	Maximum building height	33% of applicable wall area or applicable window area		
Awning	18' or two stories	25% of available wall area		
Banner	None	None	See 18.24.060.2(i)	Grandfather existing off premises signs except bill boards
Commercial Off-premises (existing)	30'	125 square feet	See 18.24.050(6)	
Non-Commercial Portable Temporary	None See 18.24.050(16)	None See 18.24.050(16)	See 18.24.050(6)	

Rooftop		See 18.24.050(13)	One	Grandfather existing signs prior to passage of ordinance
SIGN TABLE B				
<u>Sign Type</u>	<u>Maximum Height</u>	<u>Maximum Sign Area Per Sign</u>	<u>Maximum Permitted Number of Signs</u>	<u>Special Considerations</u>
<u>Freestanding single business</u>	<u>13'</u>	<u>32 square feet*</u>	<u>One</u>	<u>* Per sign face</u> <u>Grandfather all existing signs prior to passage of ordinance</u>
<u>Freestanding group businesses</u>	<u>13'</u>	<u>64 square feet*</u>	<u>One</u>	
<u>Wall</u>	<u>Not beyond the top or ends of wall</u>	<u>25% of applicable wall area</u>	<u>N/A</u>	
<u>Projecting</u>	<u>10'</u>	<u>24 square feet*</u>	<u>One</u>	
<u>Graphic-window</u>	<u>Maximum building height</u>	<u>33% of applicable wall area or applicable window area</u>	<u>N/A</u>	
<u>Pictorial</u>	<u>Maximum building height</u>	<u>33% of applicable wall area</u>	<u>N/A</u>	
<u>Awning</u>	<u>8'</u>	<u>25% of available wall area</u>	<u>One</u>	
<u>Banner</u>	<u>None</u>	<u>None</u>	<u>N/A</u>	
<u>Commercial Off-Premises (existing)</u>	<u>Prohibited</u>	<u>N/A</u>	<u>N/A</u>	<u>Grandfather existing off-premises signs except bill boards</u>
<u>Non-Commercial Portable</u>	<u>See 18.24.050(16)</u>	<u>See 18.24.050(16)</u>	<u>See 18.24.050(16)</u>	
<u>Rooftop</u>	<u>Prohibited</u>	<u>N/A</u>		<u>Grandfather existing signs prior to passage of ordinance</u>

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

18.24.040: General Provisions.

- (1) Number: Each permitted use within a commercial or industrial district may have a total of two freestanding signs per street frontage and any combination but not to exceed four of the following signs: projecting, wall, graphic, or pictorial. ~~Auxiliary signs are permitted if the combined square~~

~~footage of such auxiliary signs does not exceed the allowed total of the user's other permitted signs. Auxiliary signs located on windows or entirely within a structure are permitted without limitation.~~

- (2) Area, Height, and Lighting: Sign area, height, and lighting are regulated by the standards contained in Table A.
- (3) Structure: The structural components of signs are regulated by the currently adopted edition of Uniform Sign Code.
- (4) Electrical: The electrical components of signs are regulated by the currently adopted edition of the National Electric Code. All electrical signs must bear the U.L. label.
- (5) Illumination: The illumination of signs must be shielded, shaded, reduced or directed so that the light remains on the property and does not constitute a nuisance by distracting pedestrians and motorists. Strobe or strobe-like devices are prohibited from use where they are visible from the exterior of a building or location. Illumination of outdoor signs must comply with Chapter 15.246 KMC.
- (6) Maintenance: All signs shall be maintained in a state of security and repair. If a sign is not so maintained, it must be removed or repaired within 30 days of notification by the Department. The owner, his agents, or assigns, are responsible for such maintenance and compliance with this Section.
- (7) Sight Obstructions: All signs must be in conformance with Chapter 13.12 and Section 18.27.060 of the Kennewick Municipal Code (view obstruction and clearance triangle).
- (8) Removal: When a business or business site is vacated, the applicable freestanding, wall, projecting, auxiliary, and street signs face must be removed within 30 days of notification by the Department.
- (9) Freestanding: All freestanding signs must be integrated.

(Ord. 5767 Sec. 1, 2018 ; Ord. 5752 Sec. 3, 2018 ; Ord. 5180 Sec. 1, 2007)

18.24.050: Regulation by Sign Type.

- (1) Awning Signs: Awning copy is exempt from this Section if no more than 100 percent of the maximum, available freestanding sign area is used for such copy. If more than 100 percent is used for the awning copy, then the other sign or signs for which the business is entitled must be reduced by an area equal to that exceeding 100 percent of the available freestanding sign area.
- (2) Commercial Industrial [and Urban Mixed Use districts](#) - Development/Sale Signs: Signs advertising commercial or industrial sites or properties "For Sale" or "For Rent" must be placed wholly on the applicable property and may not exceed 32 square feet in sign area. The height of such signs are limited to ten feet overall. Any such sign greater than 16 square feet in area must obtain a building permit and be installed to the approval of the Building Inspector.
- (3) Construction Signs: Construction signs are allowed until occupancy of the applicable building or completion of the structure or remodeling, whichever occurs first.
- (4) Directional Signs: Direction signs may be permitted in "C", ~~or "I"~~ [or UMU](#) zones after approval of a Land Use Permit for a Conditional Use in accord with Section 18.42.100. The criteria for approval for such land use permits for conditional uses (variances) will be as follows: The business, group of businesses or business area must not have arterial street frontage available for free standing signage; special circumstances are necessary because of the location, size, shape or topography of the property of the business, group of businesses or business area to provide it with signage privileges typical of other properties in the vicinity or zoning district; the design of the directional sign can be conditioned to account for aesthetics, lighting, safety, compatibility with surrounding properties, and other factors

necessary to meet the purpose (18.24.010) of this Chapter. Directional signs shall be further conditioned by the following:

- (a) The directional sign must be located as close to the business, group of businesses, or business area as is practical.
 - (b) A single business is limited to one directional sign. Groups of businesses and business areas are limited to two directional signs.
 - (c) The preferred means to implement directional signage shall be ground mounted or monument style signs. In cases where this is impractical, the maximum height is limited to 20 feet.
 - (d) Directional signs shall be limited to a maximum area of 32 square feet.
 - (e) If applicable the directional signs shall further the goals and guidelines of any adopted neighborhood or sub area plan and/or overlay zone.
- (5) Electronic Message Signs or Centers: Electronic message signs or centers are regulated per its applicable sign type, i.e., freestanding or wall-mounted.
- (6) Existing Off-Premises Commercial Signs in all Districts: All existing off-premises signs installed in conjunction with a building permit as of the effective date of the ordinance codified herein are considered conforming, except billboards which are considered nonconforming. Such signs must be brought into full compliance with provisions of Section 18.24.040 herein for height, area, lighting, structural, and electrical regulations and Sign Table "A" of this Chapter. All existing off-premises portable signs not installed with a building permit must be brought into full compliance with this Chapter within 180 days of notification by the Department.
- (7) Off-Premises Signs for Non-Commercial Community Sponsored Events. Off-Premises signs associated with community sponsored events on property other than the event site shall be exempt from this Chapter but must be approved by the Department of Planning for sight visibility and structural safety. Such signs are allowed for no more than 14 days prior to the event and must be removed within three days of the conclusion of the event season.
- ~~(8) Signs For City, State, Federal and Community Sponsored Events: Signs associated with City, State, Federal or community sponsored events shall be exempt from this Chapter but must be placed to not obstruct sight visibility and be structurally safe.~~
- ~~(a) Such signs must be removed within seven days following the event. It is the responsibility of the candidate and campaign chairmen to remove political signs, and event chairman in the case of nonpolitical events.~~
- ~~(b) Event signs are not allowed on public property or buildings, sidewalks, public roads, utility poles, or public facilities. However event signs will be allowed in the space between the curb and sidewalk provided there is no traffic visibility obstruction, and the abutting owners' permission has been granted.~~
- (98) Product-Sponsored Signs: All outdoor product-sponsored signs must devote at least 75 percent of the sign area to the on-site business.
- (109) Prohibited Signs: Except as provided elsewhere, the following signs are prohibited in all districts: off-premises commercial signs, ~~except as provided in subsection 18.24.050(7) above~~; off-premises mobile signs; abandoned signs; signs imitating or resembling official traffic or government signs or signals; signs attached to trees, utility poles, public benches, light poles or any other public property or right-of-way; and other signs not permitted by this Chapter. Signs on public transit benches and shelters and on and within public transit vehicles, when installed in conformance with a City franchise, are exempt from this Chapter.

- (1110) Readerboard Signs: Readerboard signs are regulated per applicable sign type, i.e., freestanding or wall-mounted. Portable reader board signs are regulated as portable signs and a building permit is required for each location.
- (1211) Residential Properties - Development/Sale Signs: Signs advertising residential properties "For Sale," "Rent," or "Sold" must be placed wholly on the applicable property, and shall not exceed eight square feet in sign area. The height of such signs is limited to eight feet. If the property is not on an arterial street, a single directional sign may be placed at the nearest arterial with the permission of the owner upon whose property the directional sign is placed, and the directional sign can be no larger than six square feet. Any manufactured home park or multi-family residence containing at least five living units may have one freestanding sign per abutting street frontage, which shall not exceed ten feet in height, or 32 square feet in area and must not move or give the illusion of movement. All development signs in residential areas shall be lit only by existing surrounding lights or by lights shining directly onto the sign. Signage in the single-family subdivisions and multi-family developments must be in conformance with Chapter 18.24.
- (12) Public and Quasi-Public Uses in Residential Zoning Districts: Public and Quasi-Public Uses located in any Residential zoning district shall be allowed the following signs:
- (a) One freestanding sign per public street frontage that does not exceed 16 feet in height and a maximum of 40 square feet in area; and
 - (b) One wall sign per street facing building façade that does not exceed 50 square feet in size. Each facility is permitted one electronic message center that can either be incorporated into an allowed freestanding or wall-mounted sign.
- (1413) Rooftop Signs: Rooftop signs are only allowed in CG, CC, UMU, IL, or IH zoning districts after approval of a land use permit for conditional uses in accord with 18.42.110 KMC. The criteria for approval of such land use permits for conditional uses will be based on the following:
- (a) The property requesting the rooftop sign must not have street frontage available for freestanding signage;
 - (b) Wall signs would be inadequate because of restricted visibility from arterial street frontage;
 - (c) Any approved rooftop sign must be consistent with the sign table.
- (154) Signs Advertising a Group of Businesses: A group of two or more businesses when located on one land parcel of common ownership or abutting land parcels so as to function as if of common ownership, which are located along a major or minor arterial as designated on the comprehensive plan, shall comply with Sign Table A of this Chapter to determine allowed freestanding signage along said arterial frontage.
- (165) Subdivision Directional Signs: Signs may display the direction to a subdivision by naming the subdivision and furnishing a directional arrow. The sign may not display the name of a realtor or developer, and must be removed within 24 months of its installation. The sign area is limited to 16 square feet, and sign height is limited to six feet overall height. The location of such signs must be approved by the City, and any subdivision utilizing such signs is limited to a maximum of three of these directional signs.
- (167) ~~Temporary Signs: Temporary signs are allowed for a maximum of 60 days within any calendar year. They may be placed for no more than 20 consecutive days and they must be removed for 30 days. Banners are specifically exempt from this Section.~~ 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. four feet x eight feet);

(ii) Maximum sign height as measured per KMC 18.24.020(26): Six feet;

(iii) Maximum 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. four feet x 8 feet);

(ii) Maximum sign height as measured per KMC 18.24.020(26): Six feet;

(iii) Maximum number of signs per parcel: Unlimited, provided the total area of all portable signs do not exceed 64 square feet;

(iv) Must be professionally crafted.

(Ord. No. 5874, Sec. 1, 2020 ; Ord. 5853 Sec. 1, 2020 ; Ord. 5752 Sec. 4, 2018 ; Ord. 5714 Sec. 2, 2017 ; Ord. 5559 Sec. 1, 2014; Ord. 5180 Sec. 1, 2007)

18.24.060: Administration.

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

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

(a) Exempt signs as listed in:

(i) Home occupations and signs for family day care homes.

~~(ii) Subsection 18.24.050(8): City, State, Federal and community sponsored events.~~

~~(iii) Subsection 18.24.050(12): Residential properties—development/sale signs.~~

~~(iv) Subsection 18.24.050(15): Subdivision directional signs.~~

(b) Signs four square feet or less in area.

(c) Development and "For Sale" or "For Rent" signs.

- (d) Changing sign copy, when such change consists of re-lettering, replacing or changing the sign face, repainting, cleaning, or other similar and nonstructural changes.
- ~~(e) Seasonal and holiday decorating within an appropriate holiday season.~~
- (f) Official public notices or signs relating to an emergency.
- ~~(g) National, State or local governmental unit flags.~~
- (h) Construction signs.
- (i) Banners.
- (j) Window signs.
- ~~(k) Auxiliary signs.~~
- (l) Signs that are required by law.
- (m) Signs installed in conjunction with new structure; provided that the construction of the structure is regulated by a current building permit, and the sign complies with this Chapter.
- ~~(n) Signs relaying information or warning such as "No Trespassing," "No dumping," "Private," provided such signs do not exceed 16 square feet in area.~~
- (k) Governmental Signs: Any sign, posting, or notice placed, installed, or required by law by a city, county, state or federal governmental agency carrying out its responsibility to protect the public health, safety, and welfare, including, but not limited to, the following:
 - (i) Emergency and warning signs necessary for public safety or civil defense;
 - (ii) Traffic signs erected and maintained by an authorized public agency;
 - (iii) Signs required to be displayed by law;
 - (iv) Signs directing the public to points of interest; and
 - (v) Signs showing the location of public facilities.

(Ord. 5752 Sec. 5, 2018 ; Ord. 5180 Sec. 1, 2007)

18.24.070: Permit Applications.

Applications for building permits for signs shall contain the name of the sign owner and user of the sign; address of the property in which the sign is located; location of the sign structure on such property; drawings of the sign showing design, dimensions, structural calculations and method of lighting, if applicable, and other pertinent information necessary to ensure compliance with this Chapter.

(Ord. 5714 Sec. 3, 2017 ; Ord. 5180 Sec. 1, 2007)

18.24.090: Change in Use.

Any change in building use or classification requiring submittal of a land use permit for site plan approval, KMC 18.42.110; or any new sign structure installation will be cause of applicable signage to conform with provisions of this Section. Copy modifications are exempt.

(Ord. 5180 Sec. 1, 2007)

18.24.100: Substitution.

Signs containing non-commercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.

(Ord. 5752 Sec. 6, 2018)

18.24.110: Severability.

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this code is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the sign code.

(Ord. 5752 Sec. 7, 2018)

CHAPTER 4.08 STATE ENVIRONMENTAL POLICY ACT

4.08.010: State Environmental Policy Act.

- (1) The City of Kennewick adopts this Ordinance under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA rules, WAC 197-11-904.
- (2) The SEPA rules, Chapter 197-11 WAC, must be used in conjunction with this Ordinance.
- (3) The City adopts the following sections of Chapter 197-11 of the Washington Administrative Code by reference:
 - 197-11-040 Definitions.
 - 197-11-050 Lead Agency.
 - 197-11-055 Timing of the SEPA process.
 - 197-11-060 Content of environmental review.
 - 197-11-070 Limitations on actions during SEPA process.
 - 197-11-080 Incomplete or unavailable information.
 - 197-11-090 Supporting documents.
 - 197-11-100 Information required of applicants.

(Ord. 2873 Sec. 1(part), 1984; Ord. 2486 Sec. 1, 1980)

4.08.020: Additional Definitions.

In addition to those definitions in WAC 197-11-700 through 799, the following terms have the meanings described unless the context indicates otherwise:

- (1) *Department* means any division, subdivision or organizational unit of the City.
- (2) *SEPA Rules* means Chapter 197-11 WAC as now or hereafter adopted.
- (3) "Early Notice" means the City's notice to an applicant that it considers a determination of significance likely for his proposal (mitigated DNS procedures).

(Ord. 3644 Sec. 1, 1996; Ord. 2873 Sec. 1(part), 1984; Ord. 2486 Sec. 1, 1980)

4.08.030: Designation of Responsible Official.

The Director of Planning is the Responsible Official if the City is lead agency. He will make threshold determinations, determine the scope and supervise the preparation of EISs, and perform any other necessary or proper task to carry out this Chapter.

(Ord. 3661 Sec. 2(part), 1995; Ord. 2873 Sec. 1(part), 1984; Ord. 2814 Sec. 3, 1984; Ord. 2486 Sec. 1, 1980)

4.08.040: Lead Agency Determination.

- (1) Any department receiving or initiating a proposal must prepare an environmental checklist. The Responsible Official will determine the lead agency in accord with WAC 197-11-050 and WAC 197-11-922 through WAC 197-11-940; unless the lead agency has been previously determined or he is aware that another agency is in the process of determining the lead agency.
- (2) If the City is the lead agency, the department receiving or initiating a proposal will forward the application to the Responsible Official who will make the threshold determination and, if an EIS is necessary, supervise its preparation.

- (3) If the City is not the lead agency, the department must use and consider the DNS or the final EIS of the lead agency in making decisions on its proposal. No department will prepare or require a DNS or EIS in addition to that prepared by the lead agency unless required by WAC 197-11-600. The City may conduct supplemental environmental review under WAC 197-11-600.
- (4) If the City receives a lead agency determination which appears inconsistent with WAC 197-11-922 through 197-11-940, it may object to the determination. The objection must be made to the agency originally making the determination. If not resolved within 15 days, the Responsible Official may petition the Department of Ecology for a lead agency determination.
- (5) Departments may make agreements as to lead agency status or shared lead agency duties, but the Responsible Official and any affected department must approve the agreement.
- (6) Any department taking a license application must obtain sufficient information to identify other agencies which may have jurisdiction over the proposal.

(Ord. 2873 Sec. 1(part), 1984)

4.08.050: Transfer of Lead Agency Status to a State Agency.

The Responsible Official may transfer lead agency status over a private project to the State agency with jurisdiction appearing first on the priority list of WAC 197-11-936. The City will remain an agency with jurisdiction. The Responsible Official must send notice of the transfer together with all relevant information on the proposal to the State agency. He will also give notice of the transfer to the private applicant and all other agencies with jurisdiction.

(Ord. 2873 Sec. 1(part), 1984; Ord. 2486 Sec. 1, 1980)

4.08.060: Time for Making Threshold Determinations.

The following time limits (expressed in calendar days) apply to all private projects and proposals by other agencies:

- (1) Categorical Exemptions. The City will identify categorical exemptions within seven days of receiving a complete application.
- (2) Threshold Determination. The City will make a threshold determination which can be based solely upon the environmental checklist within 45 days of receiving an adequate application and completed checklist.

(Ord. 3644 Sec. 2, 1996; Ord. 2873 Sec. 1(part), 1984; Ord. 2486 Sec. 1, 1980)

4.08.070: Use of Environmental Review.

City staff will submit DNSs and EISs along with all recommendations to advisory and final bodies such as the Planning Commission, [Hearing Examiner](#), and City Council.

(Ord. 5322 Sec. 14, 2010; Ord. 2873 Sec. 1(part), 1984)

4.08.080: Applicant's Request for Review.

If the City's only action is issuance of a Building Permit or other license requiring detailed project plans and specifications, the applicant may request in writing that the City conduct its environmental review before he submits his plans and specifications.

(Ord. 2873 Sec. 1(part), 1984)

4.08.100: Categorical Exemptions and Threshold Determinations.

The City adopts the following sections of the Washington Administrative Code by reference:

- 197-11-300 Purpose of this part.
- 197-11-305 Categorical exemptions.
- 197-11-310 Threshold determination required.
- 197-11-315 Environmental checklist.
- 197-11-330 Threshold determination process.
- 197-11-335 Additional information.
- 197-11-340 Determination of non-significance (DNS).
- 197-11-350 Mitigated DNS.
- 197-11-355 Optional DNS Process.
- 197-11-360 Determination of significance (DS)/initiation of scoping.
- 197-11-390 Effect of threshold determination.

(Ord. 5014 Sec. 1, 2003; Ord. 2873 Sec. 1(part), 1984; Ord. 2486 Sec. 1, 1980)

4.08.110: Categorical Exemptions.

- (1) The following types of construction are categorically exempt except when undertaken in any part on lands covered by water, within 300 feet of any areas which might contain aquatic resources, including wetlands, streams, or other areas where surface water or groundwater might collect, pond or flow or parcels designated as "Survey Highly Advised: Very High Risk" by the Washington State Department of Archeology and Historic Preservation:
 - (a) The construction or location of single family residential structures of ~~two~~ 30 dwelling units or less.
 - (b) The construction or location of multi-family residential structures of 60 dwelling units or less.
 - (c) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure in an agricultural zone, covering ~~30,000~~ 40,000 square feet or less, and to be used only by the property owner or his agent in farming the property. This exemption does not apply to feed lots.
 - (~~e~~d) The construction of an office, school, commercial, recreational, service or storage building with ~~4,000~~ 20,000 square feet of gross floor area, or less, and with associated parking facilities designed for ~~twenty~~ 90 automobiles or less.
 - (~~e~~d) The construction of a parking lot designed for ~~20~~ 90 automobiles or less.
 - (~~e~~f) Any landfill or excavation of ~~500~~ 1,000 cubic yards or less throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a class I, II or III forest practice under RCW 76.09.050 or regulations thereunder.
- (2) If the Responsible Official believes that special circumstances warrant further environmental review, he may so direct even for categorically exempt projects.

(Ord. 5669 Sec. 1, 2016; Ord. 5392 Sec. 1, 2011; Ord. 3644 Sec. 3, 1996; Ord. 2873 Sec. 1(part), 1984)

4.08.120: Use of Exemptions.

- (1) Each department receiving an application for a license or making a proposal, will determine if it is exempt. Its determination is final and not subject to review and none of the procedural requirements of this chapter apply. No environmental checklist is required for exempt proposals.
- (2) Each department will properly define each proposal and identify the licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the City will determine the lead agency even if the license is exempt.
- (3) The City may authorize exempt actions before nonexempt so long as there is no significant adverse impact on the environment and choices are not limited, but may withhold approval which might lead to modification of the physical environment which would serve no purpose if nonexempt action were not approved, or might financially burden a private applicant if nonexempt action were not approved.

(Ord. 2873 Sec. 1(part), 1984; Ord. 2486 Sec. 1, 1980)

4.08.130: Environmental Checklist.

- (1) A completed environmental checklist must be filed with all license applications unless exempt, but a checklist is not needed if the City and applicant agree that an EIS is required or SEPA compliance has been completed or initiated by another agency. The City will use the environmental checklist to determine the lead agency and make the threshold determination.
- (2) The applicant must complete the environmental checklist. The City will assist as necessary. The department making a proposal must complete the environmental checklist.
- (3) The City and not the private applicant will complete the environmental checklist if the City has technical information that is unavailable to the applicant or the applicant has previously given inaccurate information. The costs of preparing the checklist must be paid by the applicant before final approval.

(Ord. 2873 Sec. 1(part), 1984; Ord. 2486 Sec. 1, 1980)

4.08.140: Mitigated DNS—Early Notice.

- (1) As provided in this section and in WAC 197-11-350, the Responsible Official may issue a determination of non-significance (DNS) based on conditions he attaches to the proposal or on changes to, or clarifications of, the proposal made by the applicant.
- (2) An applicant may request early notice of the likelihood of a DS. His written request must be made after his application and environmental checklist but before the City's actual threshold determination.
- (3) The Responsible Official will respond within 15 working days indicating whether the City considers issuance of a DS likely and, if so, the areas of concern. The applicant may change or clarify his proposal to mitigate the indicated impacts and revise his environmental checklist or license application.
- (4) The City will assist in identifying the impacts to the extent necessary to formulate mitigating measures.

- (5) If an applicant submits a changed or clarified proposal or a revised environmental checklist, the City will base its threshold determination on the changed or clarified proposal within 15 days.
 - (a) If the proposal includes sufficient, specific, mitigating measures, the City will issue and circulate a determination of non-significance.
 - (b) The City will make the threshold determination if the proposal does not include sufficient, specific, mitigating measures.
 - (c) Proposed, mitigating measures must be in writing and specific. For example, proposals to "control noise" or "prevent storm water runoff" are inadequate. Proposals to "muffle machinery to X decibel" or "construct 200 feet storm water retention pond at Y location" are adequate.
 - (d) Mitigating measures may be incorporated in the DNS by reference to agency reports, studies or other documents.
- (6) A mitigated DNS is subject to a 15-day comment period and public notice.
- (7) Mitigating measures incorporated in a DNS become conditions of the license and will be enforced accordingly.
- (8) The City's Early Notice is not a determination of significance. Discussion on clarifications or changes to a proposal, as opposed to a written request for early notice, do not bind the City to consider the clarifications or changes in its threshold determination.

(Ord. 2873 Sec. 1(part), 1984)

4.08.200: Environmental Impact Statements.

The City adopts the following sections of the Washington Administrative Code by reference:

- 197-11-400 Purpose of EIS.
- 197-11-402 General requirements.
- 197-11-405 EIS types.
- 197-11-406 EIS timing.
- 197-11-408 Scoping.
- 197-11-410 Expanded Scoping.
- 197-11-420 EIS preparation.
- 197-11-425 Style and size.
- 197-11-430 Format.
- 197-11-435 Cover letter or memo.
- 197-11-440 EIS contents.
- 197-11-442 Contents of EIS on non-project proposals.
- 197-11-443 EIS contents when prior non-project EIS.
- 197-11-444 Elements of the environment.
- 197-11-448 Relationship of EIS to other considerations.
- 197-11-450 Cost-benefit analysis.
- 197-11-455 Issuance of DEIS.
- 197-11-460 Issuance of FEIS.

(Ord. 2873 Sec. 1(part), 1984; Ord. 2486 Sec. 1, 1980)

4.08.210: Preparation of EIS.

- (1) The preparation of draft and final EISs and SEISs is the responsibility of the Department of Planning under the direction of the Responsible Official.
- (2) The draft and final EIS or SEIS will be prepared by the City, the applicant, or by a consultant selected by the City or the applicant. If the Responsible Official requires an EIS and someone other than the City will prepare the EIS, he will notify the applicant immediately after making the threshold determination.
- (3) The City may require an applicant to provide information it does not possess and make specific investigations, but the applicant need not supply information that is not required by this chapter or that is being requested from another agency. This does not apply to information the City may request under another ordinance or statute.
- (4) Unless extraordinary circumstances dictate a longer time, and the applicant is in agreement, a DEIS shall be prepared within 120 days of a DS. If the DEIS is found to be inadequate after the comment period and any review, the Responsible Official may add additional time for correcting or supplementing the FEIS.
- (5) Any public hearing required under WAC 197-11-535 shall be to the Responsible Official. Appeals of his decision shall be by closed record appeal to the ~~Zoning Board of Adjustment~~Hearing Examiner or as otherwise provided by underlying permit application procedures in accord with Chapter 4.12.

(Ord. 5322 Sec. 15, 2010; Ord. 3644 Sec. 4, 1996; Ord. 2873 Sec. 1(part), 1984; Ord. 2486 Sec. 1, 1980)

4.08.220: Additional Elements to be Covered in an EIS.

The City may require consideration of any or all of the following additional elements as part of an EIS. These elements do not effect threshold determinations.

- (1) Economy.
- (2) Social policy analysis.
- (3) Cost-benefit analysis.

(Ord. 2873 Sec. 1(part), 1984)

4.08.300: Commenting.

The City adopts the following sections of the Washington Administrative Code by reference:

197-11-500 Purpose of this part.

197-11-502 Inviting comment.

197-11-504 Availability and cost of environmental documents.

197-11-508 SEPA register.

197-11-535 Public hearings and meetings.

197-11-545 Effect of no comment.

197-11-550 Specificity of comments.

197-11-560 FEIS response to comments.

197-11-570 Consulted agency costs to assist lead agency.

(Ord. 2873 Sec. 1(part), 1984; Ord. 2486 Sec. 1, 1980)

4.08.310: Public Notice.

- (1) When the City issues a DNS or a DS, and no public notice is required for the license or action (Section 4.12.090(11)) it will publish notice in a newspaper of general circulation in the general area where the proposal is located; or notify groups which have expressed interest in a certain proposal or in the type of proposal being considered.
 - (a) Notice of a DS will indicate the scope of the EIS.
- (2) Whenever the City issues a DEIS or SEIS, notice of the availability of those documents will be given in at least one of the following ways:
 - (a) Posting the property for site-specific proposals;
 - (b) Publishing notice in a newspaper of general circulation;
 - (c) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
 - (d) Notifying the news media;
 - (e) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; or
 - (f) Publishing notice in agency newsletters or sending notice from agency mailing lists.
- (3) Whenever possible, the City will integrate this notice with other public notices.
- (4) The City may require an applicant to give notice at his expense.

(Ord. 5014 Sec. 2, 2003; Ord. 2873 Sec. 1(part), 1984)

4.08.320: Consulted Agency Responsibilities for the City.

The Responsible Official will prepare written comments for the City as a consulted agency. He will ensure that responses to consultation requests are specific, prepared timely, and include information from all appropriate departments.

(Ord. 2873 Sec. 1(part), 1984)

4.08.400: Existing Environmental Documents.

The City adopts the following sections of the Washington Administrative Code by reference:

197-11-600 When to use existing environmental documents.

197-11-610 Use of NEPA documents.

197-11-620 Supplemental environmental impact statement—Procedures.

197-11-625 Addenda—Procedures.

197-11-630 Adoption—Procedures.

197-11-635 Incorporation by reference—Procedures.

197-11-640 Combining documents.

(Ord. 2873 Sec. 1(part), 1984; Ord. 2486 Sec. 1, 1980)

4.08.410: SEPA and Agency Decisions.

The City adopts the following sections of the Washington Administrative Code by reference:

197-11-650 Purpose of this part.

197-11-655 Implementation.

197-11-660 Substantive authority and mitigation.

197-11-680 Appeals.

(Ord. 2873 Sec. 1(part), 1984; Ord. 2486 Sec. 1, 1980)

4.08.420: Substantive Authority.

- (1) This Chapter supplements all existing regulations, powers and duties.
- (2) The City may attach reasonable, written conditions to any license if the conditions are necessary to mitigate specific, probable, significant, adverse environmental impacts and based on one or more policies in subsection (4) below.
- (3) The City may deny a license if it finds that the proposal would result in a probable, significant, adverse environmental impact for which there are no reasonable, mitigating measures and if the denial is based on one or more policies identified in subsection (4) below.
- (4) The following policies are the basis for exercising authority under this section:
 - (a) The City will use all practicable means to ensure that the State and its citizens:
 - (i) Fulfill their responsibilities to future generations as trustees of the environment;
 - (ii) Provide a safe, healthful, productive, and aesthetically and culturally pleasing environment;
 - (iii) Make the most beneficial use of the environment without degrading it, risking their health or safety, or causing other undesirable or unintended consequences by their actions;
 - (iv) Preserve important historic, cultural, and natural places and things;
 - (v) Maintain a diverse environment;
 - (vi) Achieve a balance between population and resources permitting high standards of living and a sharing of life's amenities; and
 - (vii) Conserve natural resources.
 - (b) Everyone has a fundamental and inalienable right to a healthful environment and a concomitant responsibility to preserve and improve it.
 - (c) All City ordinances, rules, policies and actions shall be construed consistently with these policies.

(Ord. 2873 Sec. 1(part), 1984; Ord. 2486 Sec. 1, 1980)

4.08.430: Appeals.

- (1) Relief from a decision of the Responsible Official is to the ~~Zoning Board of Adjustment~~[Hearing Examiner](#) if no other review is provided or to review a determination of significance. ~~All other appeals shall be in accordance with the proceedings reviewing the underlying permit. Where applicable, and consistent with RCW 36.70B.120, and the permit procedures found at KMC 4.12, the appeal of the decision of the Responsible Official shall be heard at the same time as the application for the underlying land use permit in a single, consolidated hearing.~~
- (2) An application for review from a decision of the ~~Zoning Board of Adjustment~~[Hearing Examiner](#) must be made to the Benton County Superior Court within 21 days of issuance unless a different time period applies to the underlying governmental action. Review of procedural decisions must be initiated within ten days.

(Ord. 5392 Sec. 2, 2011; Ord. 5322 Sec. 16, 2010; Ord. 3644 Sec. 5, 1996; Ord. 2873 Sec. 1(part), 1984; Ord. 2814 Sec. 3, 1984; Ord. 2486 Sec. 1, 1980)

4.08.440: Notice.

The City will give public notice whenever it issues a license for which a statute or ordinance establishes a time limit for seeking judicial review. The City or applicant may publish a notice of action pursuant to RCW 43.21C.080. The form of the notice shall be substantially in the form provided in WAC 197-11-990 and published by the City Clerk or applicant pursuant to RCW 43.21C.080.
(Ord. 2873 Sec. 1(part), 1984)

4.08.500: Definitions.

The City adopts the following sections of the Washington Administrative Code by reference:

197-11-700 Definitions.
197-11-702 Act.
197-11-704 Action.
197-11-706 Addendum.
197-11-708 Adoption.
197-11-710 Affected tribe.
197-11-712 Affecting.
197-11-714 Agency.
197-11-716 Applicant.
197-11-718 Built environment.
197-11-720 Categorical exemption.
197-11-722 Consolidated appeal.
197-11-724 Consulted agency.
197-11-726 Cost-benefit analysis.
197-11-728 City.
197-11-730 Decision maker.
197-11-732 Department.
197-11-734 Determination of non-significance (DNS).
197-11-736 Determination of significance (DS).
197-11-738 EIS.
197-11-740 Environment.
197-11-742 Environmental checklist.
197-11-744 Environmental document.
197-11-746 Environmental review.
197-11-748 Environmentally sensitive area.
197-11-750 Expanded scoping.
197-11-752 Impacts.
197-11-754 Incorporation by reference.
197-11-756 Lands covered by water.
197-11-758 Lead agency.
197-11-760 License.

197-11-762 Local agency.
197-11-764 Major action.
197-11-766 Mitigated DNS.
197-11-768 Mitigation.
197-11-770 Natural environment.
197-11-772 NEPA.
197-11-774 Non-project.
197-11-776 Phased review.
197-11-778 Preparation.
197-11-780 Private project.
197-11-782 Probable.
197-11-784 Proposal.
197-11-786 Reasonable alternative.
197-11-788 Responsible official.
197-11-790 SEPA.
197-11-792 Scope.
197-11-793 Scoping.
197-11-794 Significant.
197-11-796 State agency.
197-11-797 Threshold determination.
197-11-799 Underlying governmental action.
(Ord. 2873 Sec. 1(part), 1984; Ord. 2486 Sec. 1, 1980)

4.08.510: Categorical Exemptions.

- (1) The City adopts by reference the following sections of the Washington Administrative Code for categorical exemptions, as supplemented in this Chapter including KMC 4.08.110 (Flexible thresholds), KMC 4.08.120 (Use of exemptions), and KMC 4.08.530 (Environmentally sensitive areas):
 - 197-11-800 Categorical exemptions.
 - 197-11-880 Emergencies.
 - 197-11-890 Petitioning DOE to change exemptions.
- (2) ~~So much of the Washington Administrative Code, Section 197-11-800 as categorically exempts short plats or short subdivision, in accord with RCW 58.17.060 (see KMC 17.13) is not adopted.~~ If a proposal fits within any of the provisions in WAC 197-11-800, the proposal shall be categorically exempt from threshold determination requirements except as follows:
 - (a) The proposal is not exempt under WAC 197-11-908, environmentally sensitive areas.
 - (b) The proposal is a segment of a proposal that includes:
 - (i) A series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not; or
 - (ii) A series of exempt actions that are physically or functionally related to each other, and that together may have a probable significant adverse environmental impact in the judgment of an agency with jurisdiction. If so, that agency shall be the lead

[agency, unless the agencies with jurisdiction agree that another agency should be the lead agency. Agencies may petition the Department of Ecology to resolve disputes.](#)

(Ord. 5342 Sec. 1, 2011; Ord. 3387 Sec. 1, 1992; Ord. 2873 Sec. 1(part), 1984; Ord. 2486 Sec. 1, 1980)

4.08.520: Agency Compliance.

The City adopts the following sections of the Washington Administrative Code by reference, as supplemented by KMC 4.08.040 through KMC 4.08.050:

- 197-11-900 Purpose of this part.
- 197-11-902 Agency SEPA policies.
- 197-11-916 Application to ongoing actions.
- 197-11-920 Agencies with environmental expertise.
- 197-11-922 Lead agency rules.
- 197-11-924 Determining the lead agency.
- 197-11-926 Lead agency for governmental proposals.
- 197-11-928 Lead agency for public and private proposals.
- 197-11-930 Lead agency for private projects with one agency with jurisdiction.
- 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a city/county.
- 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a city/county, and one or more state agencies.
- 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agencies for specific proposals.
- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status.

(Ord. 2873 Sec. 1(part), 1984; Ord. 2486 Sec. 1, 1980)

4.08.530: Environmentally Sensitive Areas.

- (1) The City will designate environmentally sensitive areas under the standards of WAC 197-11-908 and file maps of such areas, together with the exemptions from the list in WAC 197-11-908 that are inapplicable in such areas, with the Department of Planning and the Department of Ecology.
- (2) The City will treat proposals located wholly or partially within an environmentally sensitive area no differently than other proposals, in making threshold determinations. The City will not automatically require an EIS for a proposal merely because it is located in an environmentally sensitive area.
- (3) Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not the lands covered by water are mapped.

(Ord. 3661 Sec. 2(part), 1995; Ord. 2873 Sec. 1(part), 1984; Ord. 2486 Sec. 1, 1980)

4.08.540: Fees.

The following fees will be charged:

- (1) Threshold Determination. The City will collect \$25.00 from the proponent before undertaking a threshold determination. The time for making a threshold determination does not begin to run until payment of the fee.
- (2) Environmental Impact Statement.
 - (a) When the City is the lead agency for a proposal requiring an EIS and the Responsible Official determines that the EIS will be prepared by employees of the City, the City will charge and collect a reasonable fee from the applicant to cover its costs. The Responsible Official will advise the applicant of the projected costs and obtain security for them.
 - (b) When the Responsible Official determines that the City will contract for the preparation of an EIS, he will charge costs directly to the applicant. Consultants will be selected by mutual agreement of the City and applicant after a call for proposals. The Responsible Official will obtain security for the costs.
 - (c) If a proposal is modified so that an EIS is no longer required, the Responsible Official will refund any fees collected under (a) or (b) of this subsection which remain after incurred costs are paid.
- (3) The City will collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter.
- (4) The City will not collect a fee for performing its duties as a consulted agency.
- (5) The City will charge for copies and for mailing.

(Ord. 2873 Sec. 1(part), 1984; Ord. 2486 Sec. 1, 1980)

4.08.550: Forms.

The City adopts the following forms and sections of the Washington Administrative Code by reference:

- 197-11-960 Environmental checklist.
- 197-11-965 Adoption notice.
- 197-11-970 Determination of significance and scoping notice (DS).
- 197-11-985 Notice of assumption of lead agency status.
- 197-11-990 Notice of action.

(Ord. 2873 Sec. 1(part), 1984; Ord. 2486 Sec. 1, 1980)

CHAPTER 4.12 PERMIT PROCESS

4.12.010: Findings.

The City Council finds and declares the following:

- (1) As the number of environmental laws and development regulations has increased for land uses and development, so has the number of required land use permits, each with its own separate approval process.
- (2) The increasing number of local and state land use permits and separate environmental review processes required by agencies has generated continuing potential for conflict, overlap, and duplication between the various permit and review processes.
- (3) This regulatory burden has significantly added to the cost and time needed to obtain local and state land use permits and has made it difficult for the public to know how and when to provide timely comments on land use proposals that require multiple permits and have separate environmental review processes.

(Ord. 3642 Sec. 1, 1996)

4.12.015: Applicability.

These rules apply to all land use permits under Titles 5, 15, 17, and 18, and to any related regulation implementing these provisions or any other ordinance or law. Unless another department is the primary agency in a permit process, the Director of Planning administers those chapters and may adopt such rules as will assist in administering these provisions.

(Ord. 3642 Sec. 1, 1996)

4.12.020: Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this Chapter.

- (1) *Closed Record Appeal* means an administrative appeal on the record following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.
- (2) *Director* means the Director of Planning unless another department or agency is in charge of the project permit in which case it refers to the chief administrative officer of that department or agency.
- (3) *Open Record Hearing* means a hearing, conducted by a single hearing body or officer that creates the record through testimony and submission of evidence and information. An open record hearing may be held prior to a decision on a project permit to be known as an "open record pre-decision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record pre-decision hearing has been held on the project permit.
- (4) *Project Permit* or *Project Permit Application* means any land use or environmental permit or license required from the City for a project action, including, but not limited to, building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.
- (5) *Public Meeting* means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to a decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The

proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

(Ord. 3642 Sec. 1, 1996)

4.12.030: Purpose.

In enacting Sections 4.12.040 and 4.12.050, the City Council intends to establish a mechanism for implementing the provisions of Chapter 36.70A RCW regarding compliance, conformity, and consistency of proposed projects with adopted comprehensive plans and development regulations. In order to achieve this purpose the City Council finds that:

- (1) Given the extensive investment that public agencies and a broad spectrum of the public are making and will continue to make in comprehensive plans and development regulations for their communities, it is essential that project review start from the fundamental land use planning choices made in these plans and regulations. If the applicable regulations or plans identify the type of land use, specify residential density in urban growth areas, and identify and provide for funding of public facilities needed to serve the proposed development and site, these decisions at a minimum provide the foundation for further project review unless there is a question of code interpretation. The project review process, including the environmental review process under Chapter 43.21C RCW and the consideration of consistency, should start from this point and should not reanalyze these land use planning decisions in making a permit decision.
- (2) Comprehensive plans and development regulations adopted by the City under Chapter 36.70A RCW and environmental laws and rules adopted by the state and federal government have addressed a wide range of environmental subjects and impacts. These provisions typically require environmental studies and contain specific standards to address various impacts associated with a proposed development, such as building size and location, drainage, transportation requirements, and protection of critical areas. When a permitting agency applies these existing requirements to a proposed project, some or all of a project's potential environmental impacts will be avoided or otherwise mitigated. Through the integrated project review process described in subsection (1) of this Section, the Director will determine whether existing requirements, including the applicable regulations or plans, adequately analyze and address a project's environmental impacts. Project review should not require additional studies or mitigation under Chapter 43.21C RCW where existing regulations have adequately addressed a proposed project's probable specific adverse environmental impacts.
- (3) Consistency should be determined in the project review process by considering four factors found in applicable regulations or plans: The type of land use allowed; the level of development allowed, such as units per acre or other measures of density; infrastructure, such as the adequacy of public facilities and services to serve the proposed project; and the character of the proposed development, such as compliance with specific development standards. This uniform approach corresponds to existing project review practices and will not place a burden on applicants or local government. The City intends that this approach should be largely a matter of checking compliance with existing requirements for most projects, which are simple or routine, while more complex projects may require more analysis.
- (4) When an applicant applies for a project permit, consistency between the proposed project and applicable regulations or plan should be determined through a project review process that integrates land use and environmental impact analysis, so that governmental and public review of the proposed project, by development regulations under Chapter 36.70A RCW, and by the environmental process under Chapter 43.21C RCW run concurrently and not separately.
- (5) The project review process should address consistency between a proposed project and the applicable regulations or plan:
 - (a) A uniform framework for the meaning of consistency;

- (b) An emphasis on relying on existing requirements and adopted standards, with the use of supplemental authority as specified by Chapter 43.21C RCW to the extent that existing requirements do not adequately address a project's specific probable adverse environmental impacts; and
- (c) The identification of three basic land use planning choices made in applicable regulations or plans that, at a minimum, serve as a foundation for project review and that should not be reanalyzed during project permitting.

(Ord. 3642 Sec. 1, 1996)

4.12.040: Scope of Review.

- (1) Fundamental land use planning choices made in adopted comprehensive plans and development regulations shall serve as the foundation for project review. The review of a proposed project's consistency with applicable development regulations, or in the absence of applicable regulations the adopted Comprehensive Plan, under Section 4.12.050 shall incorporate the determinations under this section.
- (2) During project review, the Director or any subsequent reviewing body shall determine whether the items listed in this subsection are defined in the development regulations applicable to the proposed project or, in the absence of applicable regulations the adopted Comprehensive Plan. At a minimum, such applicable regulations or plans shall be determinative of the:
 - (a) Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned unit developments and conditional and special uses, if the criteria for their approval have been satisfied;
 - (b) Density of residential development in urban growth areas; and
 - (c) Availability and adequacy of public facilities identified in the Comprehensive Plan, if the plan or development regulations provide for funding of these facilities as required by Chapter 36.70A RCW.
- (3) During project review, the Director shall not reexamine alternatives to or hear appeals on the items identified in subsection (2) of this section including issues of code interpretation.
- (4) The Director may determine that the requirements for environmental analysis and mitigation measures in development regulations and other applicable laws provide adequate mitigation for some or all of the project's specific adverse environmental impacts to which the requirements apply.
- (5) Nothing in this section limits the authority of the City to approve, condition, or deny a project as provided in its development regulations adopted under Chapter 36.70A RCW and in its policies adopted under RCW 43.21C.060. Project review shall be used to identify specific project design and conditions relating to the character of development, such as the details of site plans, curb cuts, drainage swales, transportation demand management, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts, if applicable.

(Ord. 3642 Sec. 1, 1996).

4.12.050: Project Consistency.

- (1) A proposed project's consistency with development regulations adopted under Chapter 36.70A RCW, or, in the absence of applicable development regulations, the appropriate elements of the Comprehensive Plan or subarea plan adopted under Chapter 36.70A RCW shall be determined by consideration of:
 - (a) The type of land use;
 - (b) The level of development, such as units per acre or other measures of density;
 - (c) Infrastructure, including public facilities and services needed to serve the development; and
 - (d) The character of the development, such as development standards.

- (2) In determining consistency, the determinations made pursuant to Section 4.12.040 of this Chapter shall be controlling.
- (3) For purposes of this Section, the term "consistency" shall include all terms used in this Chapter and Chapter 36.70A RCW to refer to performance in accordance with this Chapter and Chapter 36.70A RCW, including but not limited to compliance, conformity, and consistency.
- (4) Nothing in this Section requires documentation, dictates procedures for considering consistency, or limits the Director from asking more specific or related questions with respect to any of the four main categories listed in subsection (1)(a) through (d) of this Section.

(Ord. 3642 Sec. 1, 1996)

4.12.055: Project Concurrency.

- (1) Concurrency is defined by GMA to mean that needed improvements for water, sewer, and transportation for development proposals are in place at the time of development; or in the case of transportation, that a financial commitment exists to complete the improvements within six years.
- (2) The concept of concurrency is based on maintenance of specified levels of service (LOS) for water, sewer, and transportation. Level of service standards represents the minimum performance level desired for transportation facilities and services, and the minimum availability of water and sewer.
- (3) Development permit or project permit means any land use permit required from the City for a project action, including, but not limited to, subdivisions, site plans designated as Tier 2 or Tier 3, planned unit developments, conditional uses, shoreline substantial development permits, but excluding non-site specific development permits such as the adoption or amendment of a comprehensive plan, subarea plan, or development regulations.
- (4) The following development permit applications shall be subject to a finding of approval for concurrency conducted in the processing of the development permit application:
 - (a) Preliminary plat (subdivision of ten or more residential lots);
 - (b) Site plans designated as Tier 2 or Tier 3;
 - (c) Any other land use plan or permit which would increase the demand for transportation facilities by 50 or more peak hour trips per day (based upon the latest ITE Trip Generation Manual or other data, including LOS, as approved by the City's traffic engineer).

CITY OF KENNEWICK LOS FOR TRANSPORTATION	
	LOS
Signalized Intersections - Existing	Level of Service "D"
Unsignalized Intersections or Driveways - Minor Street Approach	Level of Service "E"
Signalized or Unsignalized Intersection with Second Site Access Point within ¼ mile having a LOS D or better	Level of Service "F"

- (d) Any land use plan or permit that would increase the demand for potable water and/or the demand for sewer requirements above the LOS indicated within the following table for domestic use, or the current water and sewer system plans for commercial or industrial use.

CITY OF KENNEWICK LOS FOR WATER AND SEWER	
	LOS
Domestic Water	170 gallons per capita per day
Domestic Sewer	120 gallons per capita per day
Commercial or Industrial Water and Sewer	Per Water and Sewer System Plan

- (5) If project concurrency for transportation, as defined in Section 4.12.055(1) cannot be met, WAC 365-195-510(1) requires that the project must be denied unless the applicant does one or both of the following to the satisfaction of the City Traffic Engineer or designee:

-
- (a) Amend the application to reduce the need for capacity improvements of transportation facilities in order to maintain the adopted level of service; or
 - (b) Arrange to provide capacity for transportation facilities that is not otherwise available.
- (6) The following development permits are exempt from this section and applicants may submit applications, obtain permits, and commence development without a finding of approval for concurrency, unless otherwise determined by the Director:
- (a) Uses that were disclosed in a completed application filed before the effective date of this section;
 - (b) Any land use plan or permit that would not increase the demand for transportation facilities by more than 50 peak hour trips per day unless the affected transportation facilities are operating at, or lower than, the adopted level-of-service for the facility;
 - (c) Any land use plan or permit that would increase the demand for potable water and/or the demand for sewer requirements by less than those provided within the current water and sewer system plans.
- (7) When required as per KMC 4.12.055(3), the City shall not issue a development permit until:
- (a) A finding of approval for concurrency has been made in accordance with established transportation, water and sewer levels of service and a certificate of concurrency has been issued; or
 - (b) The application has been determined to be exempt from the concurrency requirement as provided in subsection (6) of this section.
- (8) A finding of approval for concurrency, to determine if adequate capacity exists, shall be provided by the City Traffic Engineer or designee for transportation; and for water and sewer by the Utilities Services Manager or designee, for developments not otherwise exempt from the requirements of this section.
- (9) The level of service standards for transportation facilities adopted in KAC 13.08.030(5) Design Level-of-Service and as amended, will be used in conducting the concurrency test.
- (10) The levels of service standards for water and sewer service, as adopted in the Water and Sewer Plan and as amended, will be used in conducting the concurrency test.
- (11) A finding of approval for concurrency:
- (a) Is valid only for the development permit with which it was issued and for subsequent development permits for the same property as long as the applicant obtains the subsequent development permit and where the use or intensity has not changed and the previous development permit has not expired; and
 - (b) Will be valid for the same period of time as the development permit with which it was issued; and
 - (c) Can be extended for the same time as a development permit's extension; and
 - (d) Runs with the land and cannot be transferred to a different property but transfers automatically with ownership of the property; and
 - (e) Shall expire if the underlying development permit expires or is revoked or denied by the City and has not been extended to a subsequent development permit for the same property.
- (12) A finding of approval for concurrency shall be an administrative action of the City and is categorically exempt from the State Environmental Policy Act (SEPA).
- (13) Projects not meeting the minimum threshold for concurrency review for sewer, water, or transportation are not exempt from other mitigation measures that would be determined during the normal development approval process.

(Ord. 5179 Sec. 1, 2007)

4.12.060: Note of Complete Application.

- (1) Within 28 days after receiving a project permit application, the Director shall mail or provide in person a written determination to the applicant, stating either:
 - (a) That the application is complete; or
 - (b) That the application is incomplete and what is necessary to make the application complete.To the extent known by the Director, he shall identify other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application.
- (2) A project permit application is complete for purposes of this section when it meets the City's procedural submission requirements and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the Director from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.
- (3) The determination of completeness may include the following as optional information:
 - (a) A preliminary determination of those development regulations that will be used for project mitigation;
 - (b) A preliminary determination of consistency, as provided under Section 4.12.050; or
 - (c) Other appropriate information.
- (4) (a) An application shall be deemed complete under this section if the Director does not provide a written determination to the applicant that the application is incomplete as provided in subsection (1)(b) of this section.
 - (b) Within 14 days after an applicant has submitted additional information identified as being necessary for a complete application, the Director shall notify the applicant whether the application is complete or what additional information is necessary.

(Ord. 3642 Sec. 1, 1996)

4.12.070: Determining Time Limits.

- (1) Except as otherwise provided in subsection (2) of this section, the Director shall issue its notice of final decision on a project permit application within 120 days after it notifies the applicant that the application is complete, as provided in Section 4.12.060. In determining the number of days that have elapsed after the Director has notified the applicant that the application is complete, the following periods shall be excluded:
 - (a) (i) Any period during which the applicant has been requested to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the Director notifies the applicant of the need for additional information until the earlier of the date the Director determines whether the additional information satisfies the request for information or 14 days after the date the information has been provided;
 - (ii) If the Director determines that the information submitted by the applicant under (a)(i) of this subsection is insufficient, he shall notify the applicant of the deficiencies and the procedures under (a)(i) of this subsection shall apply as if a new request for studies had been made;
 - (b) Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW;
 - (c) Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed. The time period for considering and deciding shall not exceed:
 - (i) Ninety days for an open record appeal hearing; and

- (ii) Sixty days for a closed record appeal.
The parties to an appeal may agree to extend these time periods; and
- (d) Any extension of time mutually agreed upon by the applicant and the Director.
- (2) The time limits established by subsection (1) of this section do not apply if a project permit application:
 - (a) Requires an amendment to the Comprehensive Plan or a development regulation;
 - (b) Requires approval of a new fully contained community as provided in RCW 36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200; or
 - (c) Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete under Section 4.12.060.
- (3) If the Director is unable to issue its final decision within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

(Ord. 3642 Sec. 1, 1996)

4.12.075: Expiration of Applications and Permits.

- (1) Incomplete Application/Additional Information.
 - (a) The application shall expire if the applicant fails to provide the required information within 90 days of the following:
 - (i) The date the application is determined incomplete per Section 4.12.060(1)(b); or
 - (ii) The date a written request for additional information is made regarding an application that is determined complete.
 - (b) Expired applications must be resubmitted as new applications requiring repayment of all applicable fees.
 - (c) Prior to the expiration date, the applicant may request, in writing, an extension of time. The Director may grant a 90-day extension on a one-time basis if the required studies or information warrant additional time.
- (2) Permits.
 - (a) Absent statute or ordinance provisions to the contrary, and excluding Subdivisions (KMC 17.10 Platting), any application for which a conditional approval has been made and for which no substantial progress has been made to meet permit approval requirements for a period of 180 days after the permit's conditional approval, the application will expire and become null and void.
 - (i) Phased Site Plans: Phased site plans shall expire in accord with KMC 4.12.075(2)(a). In addition, once a phase is completed and a Certificate of Occupancy is issued, the application will expire and become null and void if an application for final site plan approval for another phase is not applied for within 190 days.
 - (b) Expired applications must be resubmitted as new applications requiring repayment of all applicable fees.
 - (c) Prior to the expiration date, the applicant may request, in writing, an extension of time. The Director shall grant a 180-day extension on a one-time basis.

(Ord. 5644 Sec. 1, 2016; Ord. 5468 Sec. 1, 2012)

4.12.080: Agent.

The Director may require the applicant for a project permit to designate a single person or entity to receive determinations and notices required by this Chapter.

(Ord. 3642 Sec. 1, 1996)

4.12.090: Public Notice.

- (1) The Director shall provide a notice of application to the public and the departments and agencies with jurisdiction as provided in this section. If the Responsible Official has made a determination of significance under Chapter 43.21C RCW concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application.
- (2) The notice of application shall be provided within 14 days after the determination of completeness as provided in Section 4.12.060 and include the following in whatever sequence or format the local government deems appropriate:
 - (a) The date of application, the date of the notice of completion for the application, and the date of the notice of application;
 - (b) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under Section 4.12.060 or Section 4.12.070;
 - (c) The identification of other permits not included in the application to the extent known;
 - (d) The identification of existing environmental documents that evaluate the proposed project, and the location where the application and any studies can be reviewed, and any information applicable to the optional DNS process (WAC 197-11-355);
 - (e) A statement of the public comment period, which shall be not less than 15 nor more than 30 days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. The Director may accept comments at any time prior to the closing of the record of an open record pre-decision hearing, if any, or, if no open record pre-decision hearing is provided, prior to the decision on the project permit;
 - (f) The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application;
 - (g) A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency as provided in Section 4.12.050; and
 - (h) Any other appropriate information.
- (3) If an open record hearing is required for the requested project permits, the notice of application shall be provided at least 15 days prior to the open record hearing.
- (4) The Director shall use reasonable methods to give the notice of application to the public and agencies with jurisdiction and may use its existing notice procedures. The Director may use different types of notice for different categories of project permits or types of project actions. If not otherwise specified, the Director shall use the methods provided for in (a) and (b) of this subsection. Examples of reasonable methods to inform the public are:
 - (a) Posting the property for site-specific proposals;
 - (b) Publishing notice, including at least the project location, description, type of permit(s) required, comment period dates, and location where the complete application may be reviewed, in the

- newspaper of general circulation in the general area where the proposal is located or in a local land use newsletter published by the local government;
- (c) Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;
 - (d) Notifying the news media;
 - (e) Placing notices in appropriate regional or neighborhood newspapers or trade journals;
 - (f) Publishing notice in agency newsletters or sending notice to agency mailing lists, either general lists or lists for specific proposals or subject areas; and
 - (g) Mailing to neighboring property owners.
- (5) A notice of application shall not be required for project permits that are categorically exempt under Chapter 43.21C RCW, unless a public comment period or an open record hearing is required.
 - (6) The Director shall integrate the permit procedures in this section with environmental review under Chapter 43.21C RCW as follows:
 - (a) Except for a determination of significance, the Director may not issue its threshold determination, or issue a decision or a recommendation on a project permit until the expiration of the public comment period on the notice of application.
 - (b) If an open record hearing is required and the threshold determination requires public notice under Chapter 43.21C RCW, the Director shall issue its threshold determination at least 15 days prior to the open record hearing.
 - (c) Comments shall be as specific as possible.
 - (7) The Director may combine any hearing on a project permit with any hearing that may be held by another local, state, regional, federal, or other agency provided that the hearing is held within the geographic boundary of the City. Hearings shall be combined if requested by an applicant, as long as the joint hearing can be held within the time periods specified in Chapter 4.12.070 or the applicant agrees to the schedule in the event that additional time is needed in order to combine the hearings.
 - (8) The Director shall cooperate to the fullest extent possible with other agencies in holding a joint hearing if requested to do so, as long as:
 - (a) The agency is not expressly prohibited by statute from doing so;
 - (b) Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and
 - (c) The agency has received the necessary information about the proposed project from the applicant to hold its hearing at the same time as the City's hearing.
 - (9) An administrative appeal of the project decision, combined with any environmental determinations, shall be filed within 14 days after the notice of the decision or after other notice that the decision has been made and is appealable. The appeal period shall be extended for an additional seven days, if state or local rules adopted pursuant to Chapter 43.21C RCW allow public comment on a determination of non-significance issued as part of the appealable project permit decision.
 - (10) The applicant for a project permit is deemed to be a participant in any comment period, open record hearing, or closed record appeal.
 - (11) Required public notification methods (see chart below).

PUBLIC NOTICES AND LAND USE PROCEDURES											
Action	Notification by Direct Mailing	Signage or Posting	Legal Notice in Classifieds	Notification by Groups With Known	No Public Notification Requirements	Public Comment Period	Pre-Decision Meeting	Open Record Hearing	Decision	Open Record Appeal	Closed Record Appeal

				wn Inter ests							
Building Permit					*				Staff	Mid-Columbia Board of Appeals Commission (MCBA C) BOAB	
FAA Form 7660					*				Staff	Hearing Examiner BOA	
Lot Line Adjustment					*				Staff	Hearing Examiner BOA	
Accessory Apartment					*				Staff	Hearing Examiner BOA	
Comparable Use				*					Staff	Hearing Examiner BOA	
Manufactured Housing In-fill					*				Staff	Hearing Examiner BOA	
Parcel Combination					*				Staff	Hearing Examiner BOA	
Home Occupation					*				Staff	Hearing Examiner BOA	
Additional/Dangerous Animals	*					15 days			Staff	Hearing Examiner BOA	
Conditional Use Permit	*	*				15 days			Staff	Hearing Examiner	

										Examiner BOA	
Site Plan Approval Permit		*1			*2	15 days ¹			Staff	Hearing Examiner BOA	
Short Plat		*				15 days			Staff	Hearing Examiner BOA	
Binding Site Plan		*				15 days			Staff	Hearing Examiner	
Minor Variance					*				Staff	Hearing Examiner BOA	
Alternative Residential Development	*	*				15 days			Staff	Hearing Examiner BOA	
Pre-Plat	*	*	*	*		15 days	Staff	Hearing Examiner BOA	Hearing Examiner BOA		SC
Final Plat					*				CC		SC
Variance	*	*	*			15 days		Hearing Examiner BOA	Hearing Examiner BOA		SC
Historical District Permit					*			HPC	HPC		SC
Shoreline Permits	*	*	*	*		15 days	PC	Hearing Examiner BOA	Hearing Examiner BOA		SC
Comprehensive Plan Amendment	*	*	*	*		15 days	PC	PC CC	CC		GM HB
Title 17/18 Amendment			*	*		15 days	PC	PC CC	CC		SC
Change of Pre-Zone	*	*	*	*		15 days	PC	PC CC	CC		SC

Change of Zone	*	*	*	*		15 days	PC	PC CC	CC		SC
Planned Development	*	*	*	*		15 days	PC	CC	CC		SC
Development Agreement	*	*	*	*		15 days	PC	PC CC	CC		SC

¹ If a threshold determination is required

² If categorically exempt

(Ord. 5421 Sec. 1, 2012; Ord. 5418 Sec. 1, 2012; Ord. 5393 Sec. 3, 2011; Ord. 5322 Sec. 17, 2010; Ord. 5014 Sec. 3, 2003; Ord. 3642 Sec. 1, 1996)

4.12.100: Permit Procedures.

- (1) All project permits and project permit applications, except zone changes, plats, street vacations, and other legislative decisions, shall be processed and reviewed in the following manner, upon receipt of a completed application:
 - (a) For an application requiring legislative action or which is illegal, the application shall be denied or processed in accord with subsection (2).
 - (b) For applications which involve more than one permit, the City will prepare a temporary schedule for review by all interested agencies, departments, and the applicant. The schedule will be prepared during the application completion determination in accord with Section 4.12.060.
 - (c) Depending upon the scope of the project, the City will schedule necessary public meetings to coordinate the permit process and gather information following appropriate notification as provided in Section 4.12.090.
 - (d) Unless otherwise required, no open record hearing will be held unless there is a bona fide objection to some portion of the permit or from some determination made during the course of the permit processing. When required, only one open record hearing will be held. The open record hearing will be before the officer or body having jurisdiction over the matter in dispute or over the matter requiring the open record hearing. If the matter disputed or for which an open record hearing is required falls within the jurisdiction of more than one department or agency, a joint hearing will be held if practical.
 - (e) A decision or joint decision if possible, shall be issued and notice given thereof, including the time for appeal and the person or body to whom the appeal must be made. Unless another time is provided, an appeal must be filed within ten days of the decision. The longest appeal period following a joint hearing controls if there are multiple appeal periods.
 - (f) The body or bodies with appellate jurisdiction shall hold a joint closed record appeal. An open record appeal may be held for matters for which no open record hearing has previously been held. The decision of the person or bodies hearing the appeal may be joint or separate. Every effort shall be made in the event of separate decisions to ensure that they are issued simultaneously. Any review of the decision or decisions must be made to the superior court within 21 days.
 - (g) In the event that no appellate body is designated for a matter, the matter shall be heard by the ~~Zoning Board of Adjustment~~ Hearing Examiner.
- (2) If the decision on an application must be made by the Kennewick City Council, the application will normally be denied until legislative approval has been obtained. Except for Comprehensive Plan Amendments which may never be processed other than as part of the annual review, an applicant may request combined processing in accord with subsection (1) of this section. ~~Normally any hearing or appeal by the Council will be conducted by a committee rather than a whole.~~

- (3) The actual costs of any hearing or appeal not otherwise required will be borne by the person requesting the review or objecting to a decision. Security for the costs must be posted prior to the setting or notice of hearing or appeal. The failure to post security is a waiver of any objection.

(Ord. 5421 Sec. 2, 2012; Ord. 5322 Sec. 18, 2010; Ord. 3642 Sec. 1, 1996)

4.12.110: Comprehensive Plan Amendment and Area-Wide Rezone Procedures.

- (1) Initiation. Comprehensive Plan Amendments and area-wide rezones may be initiated by any of the following:
- (a) Property owner(s) or their representatives;
 - (b) Any citizen, agency, neighborhood association, or other party; or
 - (c) City Council or city staff.
- (2) Applications. Applications shall be made on forms provided by the City.
- (3) Application Submittal.
- (a) Applicant Initiated. Comprehensive Plan Amendments and area-wide rezones shall be subject to a fully complete determination pursuant to KMC 4.12.060. The date upon fully complete determination shall be the date of registration with the department.
 - (b) Applicants are encouraged to utilize the City's Pre-Application Meeting process prior to submitting a Comprehensive Plan Amendment application, however, applicants requesting a change to Mixed Use are required to go through the Pre-Application Meeting process.
 - (c) Non-Applicant Initiated. After submittal of a non-applicant-initiated application, the application shall be placed on the docket.
 - (d) All requests to change a Comprehensive Plan land use map designation to the "Mixed Use" designation must be accompanied by a Master Development Plan that includes the following:
 - (i) A narrative of planned improvements including gross square feet of floor area to be occupied by different types of uses, the number of proposed dwelling units by unit type, the nature and extent of off-site improvements. The narrative must also explain how the proposal will meet the spirit and intent of the Mixed Use designation and ultimately the new urbanism concepts of the Urban Mixed Use zoning district;
 - (ii) A conceptual site plan illustrating planned development, including the following:
 - (A) Boundaries, dimensions and acreage of the site;
 - (B) Any critical areas (identify type) within the site or immediately adjacent to the site;
 - (C) Location of lot lines rights-of-way, easements, and tracts within the site;
 - (D) Location and nature of planning improvements to the vehicular and pedestrian transportation network within and abutting the site;
 - (E) Location of planned buildings, structures, parking areas and other improvements within the site;
 - (F) Conceptual landscaping plans for all exterior boundaries, interior streets and common open space areas;
 - (G) A traffic study that examines the impacts on the surrounding street network and identifies mitigation measures addressing identified impacts;
 - (H) A development schedule or phasing plan showing the estimated start date, probable stages of development, and the estimated completion date;
 - (I) Any other relevant information required by the Community Planning Director.
 - (iii) A utilities element that considers all utilities necessary to serve the proposed development shall be provided in the Master Development Plan providing the following information:

- (A) The location and size of all existing city utilities which are developed within the area or lead to the site;
 - (B) Plans for the location and sizing of utilities extensions and/or improvements that will be necessary as the site is developed.
 - (iv) Covenants, conditions and restrictions proposed by the applicant to control future development of the Master Development Plan;
 - (v) Prior to the formal filing of an application for the Mixed Use designation, the applicant shall hold at least one public meeting to discuss the proposal and address the concerns of the affected area residents and property owners. The Master Development Plan shall reflect the various concerns raised during the public input process.
 - (vi) Modification of an Approved Master Development Plan. The Community Planning Director may determine that a modification to a previously approved Master Development Plan is exempt from further review as a new application, provided the following criteria are met:
 - (A) The proposed modification is exempt from SEPA review; and
 - (B) The modification is within the general scope of the purpose and intent of the original approval; and
 - (C) The modification complies with all applicable provisions of the Kennewick Municipal Code; and
 - (D) The modification does not add more than ten percent of the square footage assigned to any single building in the approved Master Development Plan and in no event may the modification exceed the development limitations for the area that is subject to the Master Development Plan approval.
- (4) Docket of Comprehensive Plan Amendments and Area-Wide Rezones. The department shall establish and maintain a docket of all applications.
- (5) Annual Review of Docket.
 - (a) Sixty days prior to May 1 in each calendar year, the City shall notify the public that the amendment process has begun. If May 1 falls on a non-business day for the City, the due date shall be the first business day after May 1. Notice shall be distributed as follow:
 - (i) Notice published in appropriate regional or neighborhood newspaper or trade journal;
 - (ii) Notice posted on all of the City's official public notice boards;
 - (iii) Notice posted on the City's website; and
 - (iv) Notice sent to all agencies, organizations and adjacent jurisdictions with a known interest.
 - (b) All docketed applications shall be reviewed concurrently, on an annual basis and in a manner consistent with RCW 36.70A.130(2). Applications docketed after May 1 of the previous calendar year and before May 1 of the current calendar year shall be included in the annual review. Those docketed after May 1 of the calendar year shall be placed on the docket for review at the following annual review.
 - (c) City Council Review of Docketed Requests. After the May 1 deadline, city staff will present the docketed requests to the Planning Commission (Commission) for review and a recommendation. The Commission's recommendation shall be forwarded to the City Council (Council) as soon as practical for Council review. The Council shall determine which specific docketed requests are processed based on the following criteria:
 - (i) Timing of the requested amendment is appropriate and Council will have sufficient information to make an informed decision;
 - (ii) The City will be able to conduct sufficient analysis, develop policy and related development regulations;
 - (iii) The requested amendment has not been recently rejected by Council;

- (iv) The amendment will further implement the intent of the City's adopted Comprehensive Plan; and
 - (v) The amendment is not better addressed through another planning process such as a sub-area plan update.
 - (d) Statutorily Mandated Periodic Review. Amendment requests will not be docketed for review the year of, and the year prior to the deadline for completion of the periodic review. The deadline for completion of this review is specified in RCW 36.70A.130.
 - (e) Emergency Amendments. The City may review and amend the Comprehensive Plan when the Council determines that an emergency exists or in other circumstances as provided for by RCW 36.70A.130(2)(a).
 - (6) Notice of Open Record Hearing. Comprehensive Plan Amendments and area-wide rezones require an open record hearing before the Commission.
 - (a) Contents of Notice. A notice of open record hearing shall include the following:
 - (i) The citation, if any, of the provision that would be changed by the proposal along with a brief description of that provision;
 - (ii) A statement of how the proposal would change the affected provision;
 - (iii) A statement of what areas, Comprehensive Plan designations, zones, or locations will be directly affected or changed by the proposal;
 - (iv) The date, time, and location of the open record hearing;
 - (v) A statement of the availability of the official file; and
 - (vi) A statement of the right of any person to submit written comments to the Commission and/or appear at the open record hearing of the Commission to give oral testimony on the proposal.
 - (b) Distribution of Notice. The department shall distribute the notice pursuant to KMC 4.12.090.
 - (7) Approval Criteria. The City may approve Comprehensive Plan Amendments and area-wide zone map amendments if it finds that:
 - (a) The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment;
 - (b) The proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted Comprehensive Plan not affected by the amendment;
 - (c) The proposed amendment corrects an obvious mapping error; or
 - (d) The proposed amendment addresses an identified deficiency in the Comprehensive Plan.
 - (e) A rezone shall be treated as an area-wide map amendment when:
 - (i) It is initiated by the City and a significant class of property is similarly affected by the proposed rezone; and
 - (ii) It is either:
 - (A) Based upon an adopted or ongoing comprehensive planning process or undertaken to ensure compliance with or to implement the provisions of the Growth Management Act; or
 - (B) Part of the process that includes amending text for this title where such amendments will have a significant impact on a large area of the City.
 - (8) Additional Factors. The City must also consider the following factors prior to approving Comprehensive Plan Amendments:
 - (a) The effect upon the physical environment;
 - (b) The effect on open space and natural features including, but not limited to, topography, streams, rivers, and lakes;

- (c) The compatibility with and impact on adjacent land uses and surrounding neighborhoods;
 - (d) The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools;
 - (e) The quantity and location of land planned for the proposed land use type and density and the demand for such land;
 - (f) The current and projected project density in the area; and
 - (g) The effect, if any upon other aspects of the Comprehensive Plan.
 - (9) Planning Commission Recommendation - Procedure. Following the open record hearing, the Commission shall consider the applications concurrently, and shall prepare and forward a recommendation of proposed action for all applications to the Council. The Commission shall take one of the following actions on each application:
 - (a) If the Commission determines that the proposal should be adopted, it may, by a majority vote, recommend that the Council adopt the proposal. The Commission may make modifications to any proposal prior to recommending the proposal to Council for adoption. If the modification is substantial, the Commission must conduct an open record hearing on the modified proposal;
 - (b) If the Commission determines that the proposal should not be adopted, it may, by a majority vote, recommend that the Council not adopt the proposal; or
 - (c) If the Commission is unable to take either of the actions specified in subsection (9)(a) or (b) of this section, the proposal will be sent to Council with the notation that the Commission makes no recommendation.
 - (10) City Council Action. Within 60 days of receipt of the Commission's findings and recommendations, the Council shall consider the findings and recommendations of the Commission concerning the applications. The Council may hold additional public hearings as necessary to make a decision. The City shall distribute notice of a Council public hearing pursuant to KMC 4.12.090. All annual amendments to the Comprehensive Plan shall be considered concurrently. By a majority vote of its membership, the Council shall take one of the following actions on each application:
 - (a) Approve the application;
 - (b) Deny the application;
 - (c) Modify the application. If the modification is substantial, the Council must either conduct a public hearing on the modified proposal; or
 - (d) Refer the proposal back to the Commission for further consideration.
 - (11) Transmittal to the State of Washington. At least 60 days prior to final action being taken by the Council, the Washington State Department of Commerce (DOC) shall be provided with a copy of the proposed amendments in order to initiate the 60-day comment period. No later than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to DOC.
- (Ord. 5811 Sec. 1, 2019 ; Ord. 5740 Sec. 1, 2017 ; Ord. 5644 Sec. 2, 2016; Ord. 5421 Sec. 2, 2012; Ord. 5338 Sec. 1, 2011)



Community Planning Department

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

STATE ENVIRONMENTAL POLICY ACT DETERMINATION OF NONSIGNIFICANCE ADOPTION of EXISTING DOCUMENT

January 13, 2021

Lead agency: City of Kennewick

Agency Contact: Anthony Muai, anthony.muai@ci.kennewick.wa.us, 509-585-4386

Agency File Number: NA

Description of proposal: Update to the Kennewick Shoreline Master Program as part of the 2021 Periodic Review.

Location of proposal: This proposal applies to all designated shorelines and 'shorelines of statewide significance' within Kennewick city limits where regulated uses and activities are proposed.

Name, phone, e-mail of Applicant/Proponent: City of Kennewick, Anthony Muai, 509-585-4386, anthony.muai@ci.kennewick.wa.us

Title of document being adopted: SEPA Checklist for Adoption of Kennewick's Shoreline Master Program after final approval from Department of Ecology

Date adopted document was prepared: June 9, 2006, updated: January 2009

Description of document (or portion thereof) being adopted: The City of Kennewick acted as lead agency on this proposal. The SEPA Checklist for Adoption of Kennewick's Shoreline Master Program after final approval from Department of Ecology is being adopted in its entirety. The adopted document evaluates the impact of Kennewick's Shoreline Master Program (SMP) on the areas regulated by it. The document was not appealed.

The adopted document is available at: <http://www.go2kennewick.com/SMP-Update> and attached to this notice.

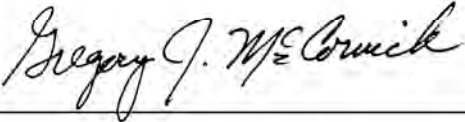
We have identified and adopted this document as being appropriate for this proposal after independent review. The document meets our environmental review needs for the current proposal and will accompany the proposal to the decision makers.

The City of Kennewick has determined that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This determination is based on the following findings and conclusions:

The proposed amendments to Kennewick's SMP as part of the 2021 Periodic Review are being made to address legislative changes that have occurred since adoption of the current SMP in 2009. The proposed changes are in line with the studies that were done previously as identified in the checklist and do not require additional evaluation or study.

This DNS is issued under WAC 197-11-340(2) and the comment period will end on January 28, 2021.

Name, address, phone, e-mail of Responsible Official: Greg McCormick, 210 W. 6th Ave., Kennewick, WA 99336, 509-585-4463, greg.mccormick@ci.kennewick.wa.us

Signature  Date 1/13/2021

Appeal process: 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.



Community Planning Department

210 West 6th Avenue

Kennewick, WA 99336

Phone: (509) 585-4280

cedinfo@ci.kennewick.wa.us

Comprehensive Plan Amendment 20-06

REQUEST: Change 40.6 acres from Low Density Residential to High Density Residential.

APPLICANT: José Chavallo

OWNERS: José Chavallo and Tammy Steele-Chavallo



Not to scale

SITE INFORMATION

- **Size:** 40.6 acres
- **Location:** 2701 and 2711 S Sherman Street
- **Topography:** Steep Slopes
- **Existing Comprehensive Plan Designation:** Low Density Residential
- **Existing Zoning:** Residential Suburban (RS) and Residential, Low Density (RL)
- **Existing Land Use:** Single-Family Residence and Vacant Land

EXHIBITS

- **Exhibit A-1:** Aerial Map
- **Exhibit A-2:** Land Use Map
- **Exhibit A-3:** Application
- **Exhibit A-4:** Environmental Determination
- **Exhibit A-5:** Kennewick Irrigation District Comments
- **Exhibit A-6:** Washington State Department of Transportation Comments
- **Exhibit A-7:** Kennewick School District question with response.
- **Exhibit A-8:** Bonneville Power Administration Comments
- **Exhibit A-9:** Benton Public Utility District Comments
- **Exhibit A-10:** Confederated Tribes of the Umatilla Indian Reservation Comments
- **Exhibit A-11:** Traffic Engineering Division Comments
- **Exhibit A-12:** Department of Archaeology & Historic Preservation, dated 1/19/21
- **Exhibit A-13:** Parks Department Comments
- **Exhibit A-14:** Yakama Nation Comments
- **Exhibit A-15:** Surrounding property owner's comments on CPA 20-06, Group 1.
- **Exhibit A-16:** Surrounding property owner's comments on CPA 20-06, Group 2.

APPLICATION PROCESS

- Application Submitted: April 21, 2020
- Application routed for comments: July 14, 2020
- A Determination of Non-Significance (DNS) was issued August 5, 2020.
- An appeal of the DNS was submitted on August 20, 2020.
- The DNS was withdrawn on August 28, 2020.
- A request for additional information was sent to the applicant on August 28, 2020.
- A revised SEPA Checklist was submitted on September 14, 2020.
- Determination of Significance (DS) issued October 7, 2020.
- Appeal Period for the DS ended October 22, 2020, an appeal was filed.
- Appeal of the DNS was cancelled on November 11, 2021.
- The applicant submitted additional SEPA Checklist/Information on December 30, 2020.
- The SEPA Official withdrew the DS and issued a Mitigated Determination of Non-Significance (MDNS) on February 4, 2021.
- The appellant withdrew the appeal of the DS on February 18, 2021.
- Based on the comments received for the MDNS, the SEPA Official issued a Revised MDNS on February 26, 2021.
- No appeal was filed for the revised MDNS.
- A property posting sign notifying the public of a public hearing on this request was posted on the site on April 1, 2021.
- Notice of Public Hearing sent to the Tri-City Herald on March 31, 2021 for publication on April 4, 2021.
- Notice of Hearing mailed April 1, 2021.

SURROUNDING COMPREHENSIVE PLAN, ZONING AND LAND USES

North	Comprehensive Plan – Low Density Residential Zoning – Residential Suburban (RS) and Residential, Low Density (RL) Existing Land Uses – Single-Family Residential, Vacant Land and Undeveloped Preliminary Plat
South	Comprehensive Plan – Low Density Residential, Medium Density Residential and Public Facility Zoning – Residential, Low Density (RL), Residential, Medium Density (RM) and Public Facility, (PF) Existing Land Uses – Vacant Land, Water Reservoir and 2 Undeveloped Preliminary Plats

East	Comprehensive Plan – Low Density Residential Zoning – Residential, Low Density (RL) Existing Land Uses – Single-Family Residential
West	Comprehensive Plan – Low Density Residential Zoning – Residential, Low (RL) Existing Land Uses – Vacant Land and Undeveloped Preliminary Plat

REGULATORY CONTROLS

- City of Kennewick Comprehensive Plan
- Kennewick Municipal Code (KMC) Title 4
- Kennewick Municipal Code (KMC) Title 18

DESCRIPTION OF REQUEST

The applicant has requested to change the land use designation of 40.6 acres from Low Density Residential to High Density Residential. The KMC contains specific criteria and “additional factors” that a rezone must meet in order of City Council to approve the requested rezone. An evaluation of the criteria and additional factors follow:

COMPLIANCE WITH TITLE 4 (ADMINISTRATIVE PROCEDURES)

KMC 4.12.110(7): Approval Criteria. The City may approve Comprehensive Plan Amendments and area-wide zone map amendments if it finds that the request meets one or more of the following:

1. The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment;
The applicant has proposed that multi-family residential and a 60-unit hotel may be developed at the site. The proposed amendment site is surrounded by Low Density Residential Development and has varying degrees of steep slopes and other identified critical areas. Future development of the site will be subject to meet applicable Critical Area requirements and infrastructure requirements.
2. The proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City’s adopted comprehensive plan not affected by the amendment;
This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City’s adopted comprehensive plan not affected by the amendment.
3. The proposed amendment corrects an obvious mapping error; or
This request does not correct a mapping error.
4. The proposed amendment addresses an identified deficiency in the Comprehensive Plan.
The proposed amendment does address an identified deficiency in the Comprehensive Plan. The City currently has a deficiency in its supply of land designated High Density Residential. However, a critical consideration is the location and land use context are critical issues to consider when evaluating a comprehensive plan amendment and ultimately rezone of this nature and magnitude.

KMC 4.12.110(8): Additional Factors. The City must also consider the following factors prior to approving Comprehensive Plan Amendments:

1. The effect upon the physical environment;
The applicant has submitted information on what type of development may take place at the site. The applicant’s engineer has estimated that approximately an additional 17% of storm water runoff may be generated by a high-density residential development. Depending on the building type and road design, a significant amount of grading work may be needed for the site.
2. The effect on open space and natural features including, but not limited to topography, streams, rivers, and lakes;
All of the property involved in the amendment is under private ownership with no public access. At this time, it is unknown what impact future site development will have on the existing slopes, but

the site will be impacted in some way. Geo-technical studies, a cultural resource review and an aquifer recharge review will be required to determine the needed mitigation measures for future development.

3. The compatibility with and impact on adjacent land uses and surrounding neighborhoods;

It is staff's opinion, that the proposed amendment will not be compatible with the majority of the surrounding properties. At most, the current density of the site is determined by the minimum lot size of 7,500 or approximately 6 units per acres. The applicant is proposing a land use designation that allows a density of up to 27 units per acre.

The proposed land use designation will allow for an implementing zoning district that will allow for a wide variety of land uses including single-family residential, multi-family residential, mini-storage and hotels/motels.

The applicant is considering a 60-unit hotel at the site. Additionally, the possible development levels could be one of the following:

- 1,096 multi-family dwelling units.
- 500 multi-family dwelling units.
- 300 multi-family dwelling units.
- 200 multi-family dwelling units.

4. The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools;

The site developer will need to construct water and sewer utility extensions.

Based on the type of development that the applicant is considering, the following additional trips per day may be generated:

- Between 100 – 423 trips during the a.m. peak hour
- Between 124 – 518 trips during the p.m. peak hour
- Between 1,590 – 6,464 trips during an average day

Roadway improvements and Traffic Impact Fees will be required once develop occurs at the site.

Park Fees will be applicable to future development and required to be paid prior to issuing the Certificate of Occupancy.

The Kennewick School District has reviewed the proposal and has no comment at this time.

5. The quantity and location of land planned for the proposed land use type and density and the demand for such land;

Comprehensive Plan Table 2: Land Inventory; shows that the City has a deficit of 159.2 acres for lands designated High Density Residential projected until 2037. As previously state however, when considering changes to the comprehensive plan and ultimately rezoning property, other factors and issues must be considered rather than simply adding higher density residential land to the city's land inventory.

6. The current and projected project density in the area; and

The current maximum density is determined by the required minimum lot size of 7,500 square feet of the Residential, Low Density zoning district. The proposed land use designation is implemented by the Residential, High Density zoning district, which permits a maximum density of 27 units per acre. As previously stated, it is staff's opinion that requested change is completely out of context with the surrounding development and future land uses.

7. The effect, if any upon other aspects of the Comprehensive Plan.

The proposed amendment will not affect any other aspects of the Comprehensive Plan.

PUBLIC COMMENT

Staff has received comments from numerous members of the public with concerns about possible construction of multi-family residences, access, traffic, utilities and critical areas.

AGENCY COMMENTS

The Washington State Department of Transportation has submitted comments (see Exhibit A-6) on possible impacts to the intersections with US 395 and the need for possible future improvements to I-82.

Additionally, the Confederated Tribes of the Umatilla Indian Reservation stated (see Exhibit A-10) there is a likelihood to encounter cultural resources during future development of the site and recommends further study of the site.

ANALYSIS OF REQUEST

The proposed amendment increases the site's allowable density to 27 units per acre. A minimum lot size of 4,000 square feet is required for single-family residences.

In addition to single-family residences, multi-family residential, mini-storage and hotels/motels are permitted by the implementing zoning district of Residential, High Density (RH).

FINDINGS

1. The applicant is José Chavallo, 5927 W Quinault Avenue, Kennewick, WA 99336.
2. The owners is José Chavallo and Tammy Steele-Chavallo, 5927 W Quinault Avenue, Kennewick, WA 99336.
3. The request is to change the land use designation for the subject parcel from Low Density Residential to High Density Residential.
4. The City received the application on April 21, 2020 and routed it for review to various City Departments and other local, state and federal agencies for comment on July 14, 2020.
5. City water and sewer will need to be extended to the site.
6. New access from S Sherman Street will need to be extended and built to public standards to the site.
7. The proposed amendment is adjacent to property designated Low Density Residential.
8. The City issued a Determination of Non-Significance on August 5, 2020.
9. An appeal of that determination was filed on August 20, 2020.
10. On August 28, 2020 the City withdrew the Determination of Non-Significance.
11. A request for additional information was sent to the applicant on August 28, 2020.
12. A revised SEPA Checklist was submitted on September 14, 2020.
13. The City issued Determination of Significance on October 7, 2020 for this application.
14. The appeal period for the determination ended on October 22, 2020.
15. An appeal was filed by the applicant on October 22, 2020.
16. Appeal of the DNS was withdrawn on November 11, 2020.
17. The applicant issued a Revised SEPA Checklist/Information on December 30, 2020.
18. The applicant submitted additional SEPA Checklist/Information on December 30, 2020.
19. The SEPA Official withdrew the DS and issued a Mitigated Determination of Non-Significance (MDNS) on February 4, 2021.

20. The appellant withdrew the appeal of the DS on February 18, 2021.
21. Based on the comments received for the MDNS, the SEPA Official issued a Revised MDNS on February 26, 2021.
22. No appeal was filed for the revised MDNS.
23. A public hearing notification sign was posted on site April 1, 2021.
24. Notice of the public hearing for this application was sent to the Tri-City Herald on March 31, 2021 for publication on April 4, 2021. Staff mailed or emailed the hearing notice to property owners within 300 feet of the site and parties of record on April 1, 2021.
25. The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment. The proposed amend has the potential to create positive and negative impacts to the surrounding area.
26. This proposed amendment is consistent with the review/processing requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
27. The proposed amendment does not correct an obvious mapping error.
28. This request will address an identified deficiency in amount of land currently designated High Density Residential. The proposed amendment is proposing to place High Density Residential directly adjacent to Low Density Residential.

CONCLUSIONS

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation for the subject sites from Low Density Residential to High Density Residential.
3. The proposed amendment is not consistent with the City of Kennewick Comprehensive Plan in regard to its compatibility with surrounding properties that are designated Low Density Residential. The proposed amendment will have a minimal impact on other aspects of the plan.
4. The proposed amendment will permit an increase to residential and commercial activities in the area.
5. Future development of the site has the potential to affect the park and traffic system. Future development of the site is subject to applicable Park Impact Fees, Traffic Impact Fees and improvements to the existing road network in the immediate area.

Recommendation

Staff recommends that the Planning Commission concur with the findings and conclusions of CPA 20-06 contained in the staff report and recommend denial to City Council.

Motion

I move that the Planning Commission concur with the findings and conclusions of CPA 20-06 contained in the staff report and recommend to City Council denial of the request.



4/17/2020, 3:41:29 PM is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

- StreetName
- StructureHistoricBuilding
- <all other values>

- 1989 2001
- 1992 2002
- 1994 2005

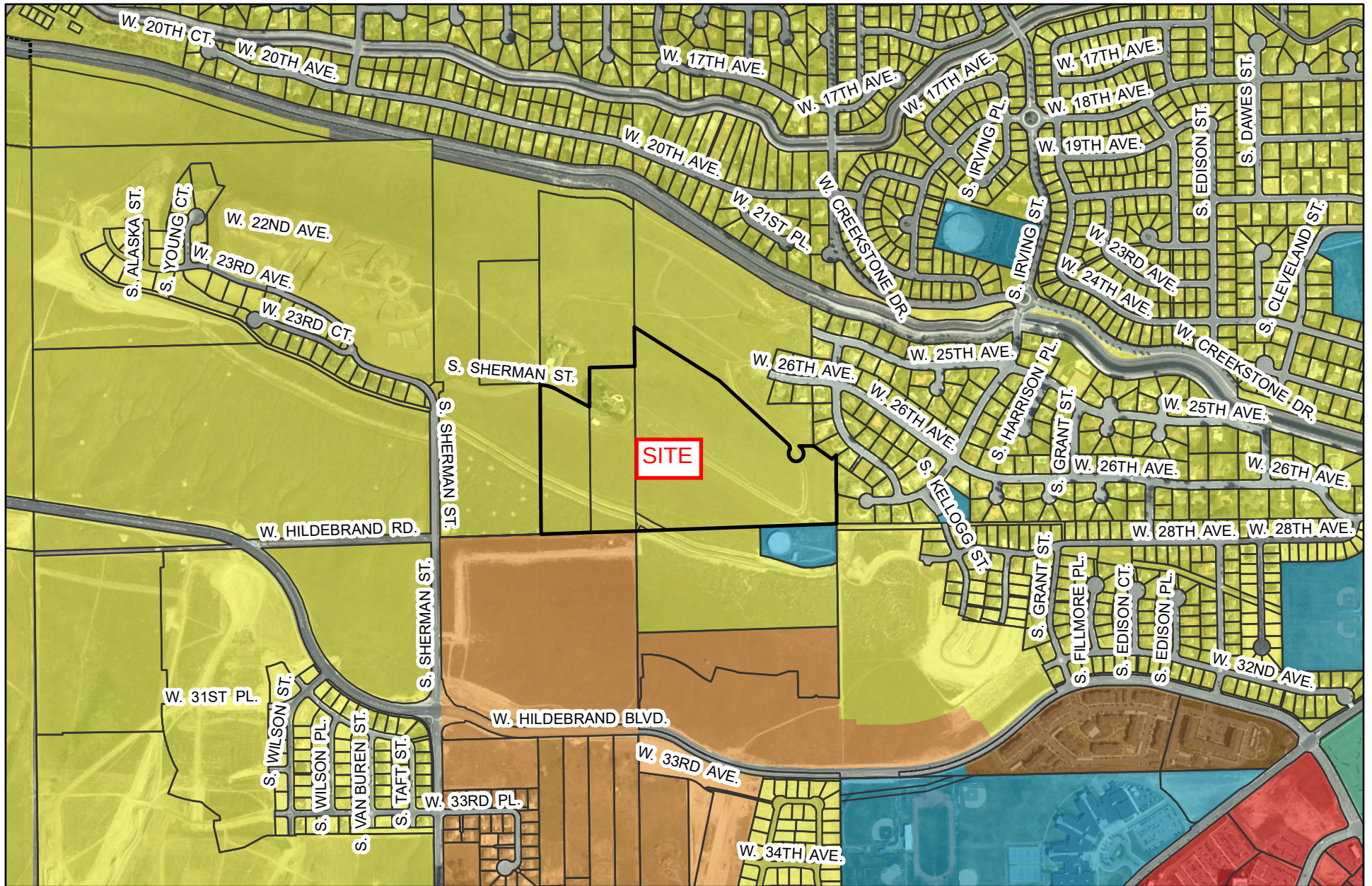


1 inch = 752 feet

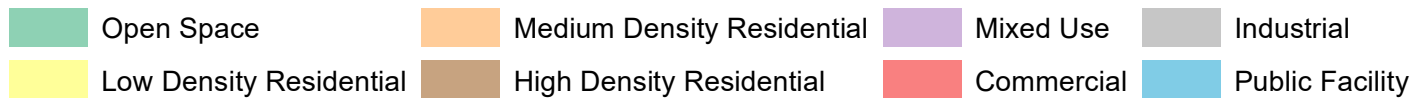
1:9,028

0 0.05 0.1 0.2 0.2 mi 0.4 km

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



CPA 20-06/PLN-2020-01009 Chavallo



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

PROJECT # _____ - _____ PLN- _____ - _____ FEE \$ _____

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

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

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

Short Plat ☐ Conditional Use ☐ Other 2020 Comprehensive Plan Amendment

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

Applicant: Jose A. Chavallo

Address: 5927 W. Quinault Avenue, Kennewick, WA

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

Property Owner (if other than applicant): Jose A. Chavallo and Tammy K. Steele-Chavallo

Address: 5927 W. Quinault Avenue, Kennewick, WA

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

SITE INFORMATION

Parcel No. 1-0889-400-0004-000, 1-0889-301-3081-001 * Acres 40.6 Zoning: RL & RS

Address of property: 2701 & 2711 S. Sherman Street, and two unaddressed lots

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

Present use of property One Residential lot and three vacant properties

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

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

Benton County Assessor Market Improvement Value: _____

Description of Project: _____

* Parcel No. Info: lots 37 & 38 Citadel Estates Preliminary Plat

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

Applicant's Signature

Date:

Signature of owner or owner's authorized representative

Comprehensive Plan Amendment Supplemental Information

The following questions will be reviewed by both the Planning Commission and City Council as a means of assisting in their consideration of the Comprehensive Plan Amendment request. Use additional pages if necessary.

1. State the requested amendment:
Amend 2020 Comprehensive Plan
From Low Density Residential
To High Density Residential
2. What are the reasons for the requested amendment:
Allow amending zoning area to High Density Residential.
3. Which elements of the Comprehensive Plan will be affected and how. Include detailed information on the provision of utilities such as water, sewer, power, etc., and how such utilities correspond with the City's various utility plans. Detailed information must also be submitted regarding what effect the proposed change will have on such services as fire, police, parks, schools, etc:
Development of areas will use the same public utilities and services as current Comprehensive and Zoning areas.
4. Indicate how the requested amendment will implement the Comprehensive Plan and be in the best interest of the Kennewick area, reference specific Comprehensive Plan policies that will be implemented:
Hillside development areas require alternative design standards to increase density and preserve more open areas within the development. A condensed development requires less land usage for roads and utilities.
5. Include any other substantiated information in support of the requested amendment:
The City of Kennewick is needing additional area for High Density housing.
The City of Kennewick needs more variety in housing style and types of construction.
A more flexible design area will facilitate growth and attractive livability within the Southridge area.



REVISED

Mitigated Determination of Non-Significance

February 26, 2021

Lead agency: City of Kennewick

Agency Contact: Gregory McCormick - AICP, Community Planning Director

Agency File Number: ED 20-14/PLN-2020-01014

Description of proposal: Request to amend the Comprehensive Plan Land Use Map for 40.6 acres from Low Density Residential to High Density Residential. If approved, a rezone under a separate action will be required to implement the change to the Land Use Map.

Location of proposal: 2701 & 2711 South Sherman Road and a portion of Short Plat #1681, Lot 5.

Applicant/Proponent: Jose Chavallo, 5927 W. Quinault Avenue, Kennewick, WA

Discussion/Determination: The City of Kennewick is issuing a **REVISED** MDNS based on comments received. The City of Kennewick has determined that this proposal will not have a probable significant adverse impact to the environment, however mitigation measures are warranted. An Environmental Impact Statement (EIS) will not be required under RCW 43.21C.030(2)(c). This decision is 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 REVISED MDNS is issued under 197-11-340 (2f); and a comment period is not required.

This **REVISED** MDNS is subject to the conditions contained on page 2 of this document.

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

Signature *Gregory J. McCormick* Date: February 26, 2021

Appeal: An appeal of this determination must be submitted to the Community Planning Department within fourteen (14) calendar days after the date issued no later than 5 p.m.. 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.



Mitigation Conditions:

1. Prior to any earth disturbing activities on the subject property, a cultural and archeological survey conducted by a qualified professional must be completed.
2. No vehicular access will be allowed through Citadel Estates to 25th Avenue and 26th Avenue, provided that emergency vehicle access only may be allowed on the aforementioned streets as approved by the Kennewick Public Works Department.
3. No vehicular access allowed to 27th Court.
4. At the time of a specific project submittal, as determined by the City of Kennewick Transportation Manager, a traffic impact analysis shall be provided to assess site generated impacts at the following intersections:
 - a. Sherman Street and Bob Olson Parkway
 - b. Hildebrand Avenue and Southridge Boulevard
 - c. Roundabout at Bob Olson Parkway and 10th Avenue

NOTE: Contact the City of Kennewick Transportation Manager to discuss the full scope of the traffic analysis. The traffic analysis shall be coordinated with the Apple Valley traffic study
5. Future applications for rezoning of the subject property shall be considered only in combination with a site-specific project level land use application.
6. All development of the subject property must meet all of the requirements of Kennewick Municipal Code 18.62 as amended and in effect at the time of application.
7. All structures constructed on the subject property must meet the requirements of Kennewick Municipal Code chapter 18.75 and/or 18.78 as applicable to the development as amended and in effect at the time of application.
8. Exterior lighting associated with the development of the subject property must meet the requirements of Kennewick Municipal Code chapter 18.39 as amended and in effect at the time of application, which may include a photometric plan confirming compliance.
9. Development on slopes 40% or greater is prohibited. At the time of a specific development a critical areas report shall be prepared consistent with the applicable requirements of the Kennewick Municipal Code.

Note: New conditions are underlined.

Copies of this **REVISED** MDNS Issuance Notice sent to:

1. Parties of Record
2. Washington Department of Ecology
3. Washington Department of Transportation
4. Yakima Nation
5. Washington Department of Fish & Wildlife
6. Consolidated Tribes of the Umatilla Indian Reservation
7. ED 20-14 File
8. Bonneville Power Administration
9. Benton Public Utility District
10. Kennewick Irrigation District
11. Kennewick School District

Attachments

1. Revised SEPA Checklist
2. Staff Analysis

From: Blaine Broberg
Sent: 14 Jul 2020 22:30:06 +0000
To: Steve Donovan
Subject: RE: 2020 Comprehensive Plan Amendments

Mr. Donovan,

KID has no comment for any of the CPA's.

Thanks,
Blaine Broberg, EIT
Staff Engineer
Kennewick Irrigation District
2015 S. Ely Street
Kennewick, WA 99337
Office: (509)586-6012 ext. 138
Cell: (509)873-2089

From: Steve Donovan <Steve.Donovan@ci.kennewick.wa.us>
Sent: Tuesday, July 14, 2020 7:39 AM
To: Ashley M. Morton <AshleyMorton@ctuir.org>; Ben Franklin Transit - Bill Barlow <bbarlow@bft.org>; Ben Franklin Transit - Kevin Sliger <ksliger@bft.org>; Benton Clean Air Authority - Rob Rodger <rob.rodger@bentoncleanair.org>; Benton Clean Air Authority - Tyler Thompson <tyler.thompson@bentoncleanair.org>; Benton Clean Air John Lyle <john.lyle@bentoncleanair.org>; Benton Franklin Health Dept - Rick Dawson <rickd@bfhd.wa.gov>; Benton PUD - engineering services <engservice@bentonpud.org>; Benton PUD - Jeff Vosahlo <vosahloj@bentonpud.org>; Benton PUD Chad Brooks <brooksc@bentonpud.org>; Benton PUD Mike Irving <irvingm@bentonpud.org>; Benton PUD Shanna Everson <eversons@bentonpud.org>; Benton PUD Tina Glines <glinest@bentonpud.org>; BPA - Deborah Rodgers <dxrogers@bpa.gov>; BPA - Joe Cottrell <jecottrell@bpa.gov>; BPA - Mike Deklyen <mjdeklyen@bpa.gov>; Cascade Gas James Thomas <james.thomas@cngc.com>; Charter Communications - Robert Early <robert.early@charter.com>; Columbia Irrigation District <cid@columbiairrigation.com>; Department of Ecology SEPA UNIT <sepaunit@ecy.wa.gov>; Dept of Archaeology and Historic Preservation (sepa@dahp.wa.gov) <sepa@dahp.wa.gov>; Dept of Fish & Wildlife <harvepjh@dfw.wa.gov>; Dept of Fish & Wildlife - Michael Ritter <michael.ritter@dfw.wa.gov>; Dept of Natural Resources SEPA Center <sepacenter@dnr.wa.gov>; Dustin Fisk - Kennewick School District (dustin.fisk@ksd.org) <dustin.fisk@ksd.org>; Frontier Communications (gregory.goodwin@ziply.com) <gregory.goodwin@ziply.com>; Greg Wendt (Greg.Wendt@co.benton.wa.us) <Greg.Wendt@co.benton.wa.us>; Kennewick School District; Brandon Potts <brandon.potts@ksd.org>; Development <development@kid.org>; Michelle Cooke <Michelle.Cooke@co.benton.wa.us>; Mike Stevens - (mstevens@ci.richland.wa.us) <mstevens@ci.richland.wa.us>; Shane O'Neill <soneill@ci.richland.wa.us>; US Army Corps of Engineers <CENWW-RE@usace.army.mil>; Williams Pipeline - Audie Neuson <audie.neuson@williams.com>; WSDOT <scplanning@wsdot.wa.gov>; Yakama Nation - Thalia Sachtleban <enviroreview@yakama.com>
Subject: 2020 Comprehensive Plan Amendments

From: Blaine Broberg
Sent: Wed, 13 Jan 2021 00:30:54 +0000
To: Steve Donovan
Subject: RE: ED 20-14/PLN-2020-01014

Mr. Donovan,

KID has no comments for ED 20-14.

Thanks,
Blaine Broberg, EIT
Staff Engineer
Kennewick Irrigation District
2015 S. Ely Street
Kennewick, WA 99337
Office: (509)586-6012 ext. 138
Cell: (509)873-2089

From: Steve Donovan <Steve.Donovan@ci.kennewick.wa.us>
Sent: Tuesday, January 5, 2021 4:44 PM
To: Ashley M. Morton <AshleyMorton@ctuir.org>; Ben Franklin Transit - Bill Barlow <bbarlow@bft.org>; Ben Franklin Transit - Kevin Sliger <ksliger@bft.org>; Benton Clean Air Authority - Rob Rodger <rob.rodger@bentoncleanair.org>; Benton Clean Air Authority - Tyler Thompson <tyler.thompson@bentoncleanair.org>; Benton Clean Air John Lyle <john.lyle@bentoncleanair.org>; Benton Franklin Health Dept - Rick Dawson <rickd@bfhd.wa.gov>; Benton PUD - engineering services <engservice@bentonpud.org>; Benton PUD - Jeff Vosahlo <vosahloj@bentonpud.org>; Benton PUD Chad Brooks <brooksc@bentonpud.org>; Benton PUD Mike Irving <irvingm@bentonpud.org>; Benton PUD Shanna Everson <eversons@bentonpud.org>; Benton PUD Tina Glines <glinest@bentonpud.org>; BPA - Deborah Rodgers <dxrogers@bpa.gov>; BPA - Joe Cottrell <jecottrell@bpa.gov>; BPA - Mike Deklyen <mjddeklyen@bpa.gov>; Cascade Gas James Thomas <james.thomas@cngc.com>; Charter Communications - Robert Early <robert.early@charter.com>; Columbia Irrigation District <cid@columbiairrigation.com>; Department of Ecology SEPA UNIT <sepaunit@ecy.wa.gov>; Dept of Archaeology and Historic Preservation (sepa@dahp.wa.gov) <sepa@dahp.wa.gov>; Dept of Fish & Wildlife <harvepjh@dfw.wa.gov>; Dept of Fish & Wildlife - Michael Ritter <michael.ritter@dfw.wa.gov>; Dept of Natural Resources SEPA Center <sepacenter@dnr.wa.gov>; Dustin Fisk - Kennewick School District (dustin.fisk@ksd.org) <dustin.fisk@ksd.org>; Frontier Communications (gregory.goodwin@zipl.com) <gregory.goodwin@zipl.com>; Greg Wendt (Greg.Wendt@co.benton.wa.us) <Greg.Wendt@co.benton.wa.us>; Kennewick School District; Brandon Potts <brandon.potts@ksd.org>; Development <development@kid.org>; Michelle Cooke <Michelle.Cooke@co.benton.wa.us>; Mike Stevens - (mstevens@ci.richland.wa.us) <mstevens@ci.richland.wa.us>; Shane O'Neill <soneill@ci.richland.wa.us>; US Army Corps of Engineers <CENWW-RE@usace.army.mil>; Williams Pipeline - Audie Neuson <audie.neuson@williams.com>; WSDOT <scplanning@wsdot.wa.gov>; Yakama Nation - Thalia Sachtleban <enviroreview@yakama.com>; Zipl Fiber Christy Ross <christy.ross@zipl.com>; Zipl Fiber Gary Taylor (gary.taylor@zipl.com) <gary.taylor@zipl.com>
Subject: ED 20-14/PLN-2020-01014



South Central Region
2809 Rudkin Road
Union Gap, WA 98903-1648
509-577-1600 / FAX: 509-577-1603
TTY: 1-800-833-6388
www.wsdot.wa.gov

July 21, 2020

City of Kennewick
Community Planning Department
210 W 6th Avenue
Kennewick, WA 99336

Attention: Steve Donovan, Senior Planner

Subject: 2020 Comprehensive Plan Map Amendments
CPA 20-02, Tom/Vicki Solbrack, Commercial to Med-Density Residential
CPA 20-03, JAYCEE Structure (Benton PUD), Med to Hi-Density Res
CPA 20-05, BYK Development, Low-Density Residential to Commercial
CPA 20-06, Jose Chavallo & Tammy Steele-Chavallo, LD Res to HD Res
US 395, I-82

We have reviewed the proposed land use map designation amendments and have comments on four of them.

1. CPA 20-02 would redesignate the land use of 14.74 acres from Commercial to Medium-Density Residential. The property is on W 10th Avenue and is located about 1 mile northeast of I-82 Exit 109 (Badger Rd/W Clearwater Avenue). Some of the traffic will use I-82 and Exit 109. This location has seen significant development recently and the interchange off ramps are now exceeding the Level of Service (LOS) threshold. When development occurs, this site, along with other developments in the area, will be the factors requiring improvements to the ramps and Badger Road. As developments are proposed, they will be subject to review for their impacts to the WSDOT system. The developments will need to mitigate their traffic impacts. It is to the benefit of the City, the State, and future developers to preserve the functionality of the I-82 interchange. The County has two projects to make improvements to the interchange, but they are not yet fully funded nor have any decisions been made. The City and developer should also consider Transportation Demand Management (TDM) measures to reduce traffic impacts.
2. CPA 20-03, CPA 20-05, and CPA 20-06 are within the Southridge subarea.

CPA 20-03 would redesignate 57.02 acres from Medium-Density Residential to High-Density Residential. The property is adjacent to I-82 and about 1 mile west of US 395. The subject property is located near a large area of other residential zones. Nonetheless,

residential zones adjacent to major highways like I-82 are not the most compatible. Major highways are critical and essential facilities serving the local area, region, state, and nation, and have a strong benefit on the economy. It is important to limit impacts to these essential facilities.

I-82 is an existing facility. When developing, the proponent will create a more noise-sensitive land use. The proponent and future residents should be aware that they are proposing residential development in an area with existing traffic noise. They should also expect that traffic noise may continue to grow into the future, and, as an essential public facility, I-82 may need to be expanded to accommodate future traffic growth. When development occurs, it is the proponent's responsibility to dampen or deflect any traffic noise for development at this site.

CPA 20-05 would redesignate 20.50 acres from Low-Density Residential to Commercial. The property is located in the Southridge area and is on Hildebrand Boulevard. It is not adjacent to any state highways, but is about ½ mile north of I-82 and about 2.5 miles northwest of US 395 at the Hildebrand Boulevard intersection.

In the past, the City expressed interest in a new connection or crossing to I-82 located about halfway between Exit 109 (Badger Road) and Exit 113 (US 395). New or revised access to Interstate freeways requires collaboration with and approval from the Federal Highway Administration (FHWA). WSDOT and local partners need to include FHWA from the beginning of the planning process throughout the development of the proposal. WSDOT is the only entity recognized by the FHWA Washington Division that is allowed to submit requests for Interstate access revisions for review and approval. It is important to note that FHWA's position on new interchanges requires local agencies to complete all possible improvements to the local road system prior to requesting a new connection to the interstate system. WSDOT's experience is the FHWA will not agree to a new connection until all other possibilities are exhausted.

CPA 20-06 would redesignate 40.6 acres from Low-Density Residential to High-Density Residential. The site is located about 1 mile north of I-82 and about 1.2 miles due west of the US 395/27th Avenue intersection. The property is north of Hildebrand Boulevard, east of Sherman Street, and is near to 28th Avenue. An extension of 28th Avenue to serve the site would provide a direct connection to 27th Avenue. The US 395/27th Avenue intersection has exceeded its capacity at peak times.

Combined Comments for CPA 20-03, CPA 20-05, and CPA 20-06

The Southridge area has seen significant development recently and traffic is increasing with congestion in certain locations. When combined, CPA 20-03, CPA 20-05, and CPA 20-06 total 118.12 acres. This is a substantial amount acreage that could be

developed to dense urban standards. We are concerned with the cumulative impact to our system. None of these three properties is adjacent to U.S. Highway 395 (US 395). However, US 395 is the sole north-south arterial serving the area. As such, WSDOT expects the majority of traffic generated by these proposals will utilize US 395 and access the highway at Ridgeline Drive, Hildebrand Boulevard, and 27th Avenue.

When development occurs, these three sites, along with other developments, will be the factors requiring improvements to US 395 and potentially I-82. As developments are proposed, they will be subject to review for their impacts to the WSDOT system. It is to the benefit of the City, the State, and future developers to preserve the functionality of US 395 and I-82.

The developments will need to mitigate their traffic impacts. Impacts that are determined to be significant will require mitigation, and it is anticipated that all costs will be borne by the development. Of particular concern to the department are the effects developments have on the multimodal capacity, retention and treatment of stormwater, outdoor lighting, noise sensitivity, and signage. This information is normally obtained through a Traffic Impact Analysis (TIA) performed by the developer. The City and developer should consider Transportation Demand Management (TDM) measures to reduce traffic impacts.

The City of Kennewick has an interchange project programmed for the US 395/Ridgeline Drive intersection. When development occurs, we will recommend the City require the developer to contribute to towards construction of the interchange at US 395 and Ridgeline Drive in proportion to their impacts.

Thank you for the opportunity to review and comment on these proposals. If you have any questions regarding our comments, please contact John Gruber at (509) 577-1636.

Sincerely,



Paul Gonseth, P.E.
Planning Engineer

PG:jg

cc: File – Comp Plans/Benton County
Celeste Gilman, WSDOT Multimodal Planning
Will Simpson, Washington Department of Commerce



South Central Region
2809 Rudkin Road
Union Gap, WA 98903-1648
509-577-1600 / FAX: 509-577-1603
TTY: 1-800-833-6388
www.wsdot.wa.gov

January 12, 2021

City of Kennewick
Community Planning Department
210 W 6th Avenue
Kennewick, WA 99336

Attention: Steve Donovan, Senior Planner

Subject: CPA 20-06, Jose Chavallo & Tammy Steele-Chavallo
US 395 – MP 14.90; I-82 – Exit 113

We have reviewed the proposed Comprehensive Plan land use map amendment. The designations for the Citadel Estates lots 37 & 38 (40.6 acres) would change from low-density residential to high-density residential. We have the following comments.

The lots are not adjacent to U.S. Highway 395 (US 395). However, US 395 is the sole north-south arterial serving the area. As such, WSDOT expects the majority of traffic generated by these proposals will utilize US 395 and access the highway at Ridgeline Drive, Hildebrand Boulevard, and 27th Avenue.

The lots are north of Hildebrand Boulevard, east of Sherman Street, and is near 28th Avenue. An extension of 28th Avenue to serve the site would provide a direct connection to 27th Avenue. The US 395/27th Avenue intersection has exceeded its capacity at peak times. The site is located about 1 mile north of I-82 and about 1.2 miles due west of the US 395/27th Avenue intersection.

The Southridge area has seen significant development recently and traffic is increasing with congestion in certain locations. We are concerned with the cumulative impact to our system. According to the applicant's traffic engineer, the existing designation would allow up to 203 single-family homes. The new designation will include a 60-room hotel and anywhere from 200 to 1,096 multi-family dwelling units. The potential trips from the new development could generate between 1,590 to 6,464 trips per day and 124 to 518 new trips in the P.M. peak hour. This is a significant addition of traffic.

The City indicates that if the proposed land use map amendment is approved, a rezone under a separate action will be required to implement the amendment. The applicant's traffic engineer indicates the rezone would be coupled with a project-specific application. As development is proposed, they will be subject to review for their

City of Kennewick – CPA 20-06, Chavallo Comprehensive Plan Map Amendment
January 12, 2021
Page | 2

impacts to the WSDOT system. When development occurs, it will be one of the factors requiring improvements to US 395 and potentially I-82. It is to the benefit of the City, the State, and future developers to preserve the functionality of US 395 and I-82.

The development will need to mitigate its traffic impacts. Impacts that are determined to be significant will require mitigation, and it is anticipated that all costs will be borne by the development. Of particular concern to the department are the effects developments have on the multimodal capacity, retention and treatment of stormwater, outdoor lighting, noise sensitivity, and signage. This information is normally obtained through a Traffic Impact Analysis (TIA) performed by the developer. The City and developer should consider Transportation Demand Management (TDM) measures to reduce traffic impacts.

Thank you for the opportunity to review and comment on this proposal. If you have any questions regarding our comments, please contact John Gruber at (509) 577-1636.

Sincerely,



Paul Gonseth, P.E.
Planning Engineer

PG:jg

cc: File – Comp Plans/Benton County
Celeste Gilman, WSDOT Multimodal Planning
Will Simpson, Washington Department of Commerce

From: Traci Pierce
Sent: 13 Aug 2020 21:28:22 +0000
To: Steve Donovan;Marie Mosley
Cc: Ryan Jones;Vic Roberts
Subject: FW: Development impact

Dear Marie and Steve,

I hope you are both staying healthy and well! Ryan and Vic are out of the office this week (I have copied them here), so I am hoping you might be able to help me with some information. One of our KSD Board members has asked me to look into the development that is being planned due west of Panoramic Heights. Apparently there is a housing development going in, and the developer is requesting that the zoning be changed from low density to high density residential. The neighborhood is concerned that the developer indicates in this zoning request that the change will not affect schools or local parks and recreation areas.

The Board member is asking me for information about the process that the developer goes through to determine whether there is impact to schools. The concern is that the shift from low to high density would potentially generate more students, etc. I am not sure if the developer is required to seek specific information from the district in order to determine whether there is impact to schools? If you have any information that you could share, I would much appreciate it. Thank you!

Sincerely,

Traci



Dr. Traci Pierce, Superintendent
Kennewick School District
1000 West Fourth Ave
Kennewick, WA 99336
(509) 222-6550

From: Ron Mabry <Ron.Mabry@ksd.org>
Sent: Wednesday, August 12, 2020 7:06 PM
To: Traci Pierce <traci.pierce@ksd.org>
Cc: Ron Mabry <Ron.Mabry@ksd.org>
Subject: Re: Development impact

Traci, this is just a reminder of our conversation tonight. A development group planning to build homes due west of Panoramic Heights is requesting that the zoning is changed from low density to high density residential. The neighborhood concern is that the developer shows in

his request that the change will not effect schools or local parks and recreation areas. My question is: Do the City work with KSD to determine the impact of such a change?

Thanks in advance,

Ron Mabry

Steve Donovan

From: Marie Mosley
Sent: Friday, August 14, 2020 8:52 AM
To: 'Traci Pierce'; Steve Donovan
Cc: Ryan Jones; Vic Roberts; Anthony Muai; Gregory McCormick
Subject: RE: Development impact

Thank you Traci and I hope you all are safe and healthy as well. This is a comprehensive plan amendment application that is in process of review and discussion with our Planning Commission, along with several other comprehensive plan amendment applications. Below is a response from Greg McCormick to a similar question that was asked by a resident in Panoramic Heights. Greg's response discusses the process and opportunity for public comment at the Planning Commission. Ultimately, the Planning Commission will workshop these Comprehensive Plan Amendments, hold the required public hearing and make a recommendation to the City Council for their consideration and action. You are certainly encouraged to attend and comment at the upcoming Planning Commission and Council meetings.

The comprehensive plan process is now in the staff evaluation/staff report preparation phase. Currently, we have a PC workshop scheduled for their 9/16 meeting. The public hearings will take place on 10/5 and 10/19. The hearing for CPA 20-06 – Chavallo will likely be on the 10/19 meeting date; notice of the hearing date, time, etc. will be timely provided in accordance with state law and the KMC. The parcels affected by this request are shown below:



I hope this addresses your question. Please let me know if you have any additional questions.

Thanks,



Marie Mosley

City of Kennewick

City Manager

O: 509.585.4238 | C: 509.440.3994

marie.mosley@ci.kennewick.wa.us





Department of Energy

Bonneville Power Administration
2211 North Commercial Avenue
Pasco, WA 99301

TRANSMISSION SERVICES

January 20, 2021

In reply refer to: ED 20-14/PLN-2020-01014

Located within a Portion of Section 8, Township 8 North,
Range 29 East, W.M., Benton County, Washington

Steve Donovan
City of Kennewick
Community Planning/Planner
210 W. 6th Avenue - PO Box 6108
Kennewick, WA 99336

Dear Steve:

Bonneville Power Administration (BPA) has had the opportunity to review ED 20-14/PLN-2020-01014. The review is for a proposed comprehensive plan amendment. The project is generally located west of Kellogg Street in Kennewick, WA.

In researching our records, we have found that this proposal will not directly impact BPA facilities approximately 3,589 feet north of the subject property. BPA does not have any objections to the approval of this request at this time.

Thank you for the opportunity to review this application. If you have any questions regarding this request or need additional information, please feel free to contact me. I can be reached at (509) 544-4747 or by email at jecottrell@bpa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Joseph E. Cottrell II".

Joseph E. Cottrell II
BPA Field Realty Specialist

From: Chad Brooks
Sent: Tue, 16 Feb 2021 17:51:19 +0000
To: Steve Donovan
Subject: RE: [E] ED 20-14/PLN-2020-01014 Email #1

No comments.

Chad Brooks
Distribution Design Tech I
Benton PUD
Email: brooksc@bentonpud.org
Main # (509)582-2175
Direct # (509)582-1233



From: Steve Donovan <Steve.Donovan@ci.kennewick.wa.us>
Sent: Thursday, February 4, 2021 3:23 PM
To: Ashley Morton <AshleyMorton@ctuir.org>; BC Planning - Greg Wendt <Greg.Wendt@co.benton.wa.us>; BC Planning - Michelle Cooke <michelle.cooke@co.benton.wa.us>; Benton Clean Air John Lyle <john.lyle@bentoncleanair.org>; Bill Barlow <BBarlow@bft.org>; Casey Barney <Casey_Barney@Yakama.com>; City of Richland - Mike Stevens <mstevens@ci.richland.wa.us>; City of Richland - Shane O'Neill <soneill@ci.richland.wa.us>; Dept of Archaeology and Historic Preservation (sepa@dahp.wa.gov) <sepa@dahp.wa.gov>; Dept of Fish & Wildlife <harvepjh@dfw.wa.gov>; Dept of Fish and Wildlife Michael Ritter <Michael.Ritter@dfw.wa.gov>; Dept of Natural Resources SEPA Center <sepacenter@dnr.wa.gov>; Jessica Lally <Jessica_Lally@Yakama.com>; Kevin Sliger (Benton Franklin Transit) <ksliger@bft.org>; Noah Oliver <Noah_Oliver@Yakama.com>; Rob Rodger Clean Air Authority <rob.rodger@bentoncleanair.org>; SEPA Register <separegister@ecy.wa.gov>; Tyler Thompson Benton Clean Air Authority <tyler.thompson@bentoncleanair.org>; Williams N.W. Pipeline <audie.neuson@williams.com>; WSDOT <scplanning@wsdot.wa.gov>; Yakama Nation Environmental Review <enviroreview@yakama.com>
Cc: 'development@kid.org' <development@kid.org>; 'Rodgers,Deborah (CONTR) - TERR-TRI CITIES RMHQ' <dxrodgers@bpa.gov>; Chad Brooks <brooksc@bentonpud.org>; 'Hanson, Sydney (DAHP)' <Sydney.Hanson@dahp.wa.gov>
Subject: [E] ED 20-14/PLN-2020-01014 Email #1

Attached is the Withdrawal of the DS, issuance of a MDNS and supporting documents for ED 20-14/PLN-2020-01014.

There will be one more email to follow.

We had issues on our end with our server if you already received these materials then disregard.

From: Ashley Morton
Sent: 28 Aug 2020 18:35:34 +0000
To: Steve Donovan
Cc: Hanson, Sydney (DAHP);Teara Farrow Ferman
Subject: RE: ED 20-14/PLN-2020-01014 DNS Withdrawal

Hello Steve,

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program has reviewed the SEPA Checklist that was sent out on August 5 and updated on August 6th. While we are aware from this withdrawal notice the determination of non-significance is being reevaluated, we wish to take this opportunity to recommend a cultural resources survey with subsurface testing for the proposed . The area in question is within a known area of religious and cultural significance to the CTUIR, known as Piyuušmaamí □uštáy 'hills of the snakes' and there is a likelihood that cultural resources may be encountered. This seems even more likely since a nearby homeowners association, Panorama Heights, has recently reached out to us to inform us of artifacts they've seen and found on or near the proposed development site.

We appreciate the opportunity.

Sincerely,
 Ashley

Ashley M. Morton, M.A., RPA
 Archaeologist II
 Cultural Resources Protection Program
 Confederated Tribes of the Umatilla Indian Reservation
 46411 Timíne Way, Pendleton, OR 97801
 Direct Line/Fax: (541) 429-7214
 Main Office: (541) 276-3447
AshleyMorton@ctuir.org



From: Steve Donovan [mailto:Steve.Donovan@ci.kennewick.wa.us]
Sent: Friday, August 28, 2020 8:33 AM
To: Ashley Morton <AshleyMorton@ctuir.org>; BC Planning - Greg Wendt <Greg.Wendt@co.benton.wa.us>; BC Planning - Michelle Cooke <michelle.cooke@co.benton.wa.us>; Benton Clean Air John Lyle <john.lyle@bentoncleanair.org>; Bill Barlow <BBarlow@bft.org>; City of Richland - Mike Stevens <mstevens@ci.richland.wa.us>; City of Richland - Shane O'Neill <soneill@ci.richland.wa.us>; Dept of Archaeology and Historic Preservation (sepa@dahp.wa.gov) <sepa@dahp.wa.gov>; Dept of Fish & Wildlife <harvepjh@dfw.wa.gov>; Dept of Fish and Wildlife Michael Ritter <Michael.Ritter@dfw.wa.gov>; Dept of Natural Resources SEPA Center <sepacenter@dnr.wa.gov>; Kevin Sliger (Benton Franklin Transit) <ksliger@bft.org>; Rob Rodger Clean

From: [Ashley Morton](#)
To: [Steve Donovan](#)
Cc: ["Hanson, Sydney \(DAHP\)"](#)
Subject: RE: ED 20-14/PLN-2020-01014 DS
Date: Wednesday, October 14, 2020 2:17:59 PM
Attachments: [image001.png](#)
[image003.png](#)
[image002.png](#)

Hello Steve,

The proposed development is within a known area of religious and cultural significance to the CTUIR, known as Piyuušmaamí uštáy 'hills of the snakes' and there is a likelihood that cultural resources may be encountered. In order to inform whether the project will have impacts to tribal/cultural resources, the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) recommends that a cultural resources survey with subsurface testing be completed as part of the scope of this EIS. We have been informed by residents in the area that a possible petroglyph exists in the project area. Furthermore, an archaeological site was recently recorded less than a half a mile from the proposed development.

CTUIR appreciates the opportunity.

Sincerely,

Ashley

Ashley M. Morton, M.A., RPA

Archaeologist II

Cultural Resources Protection Program

Confederated Tribes of the Umatilla Indian Reservation

46411 Timíne Way, Pendleton, OR 97801

Direct Line/Fax: (541) 429-7214

Main Office: (541) 276-3447

AshleyMorton@ctuir.org



From: Steve Donovan [mailto:Steve.Donovan@ci.kennewick.wa.us]

Sent: Wednesday, October 7, 2020 11:19 AM

To: Ashley Morton ; BC Planning - Greg Wendt ; BC Planning - Michelle Cooke ; Benton Clean Air John Lyle ; Bill Barlow ; City of Richland - Mike Stevens ; City of Richland - Shane O'Neill ; Dept of Archaeology and Historic Preservation (sepa@dahp.wa.gov) ; Dept of Fish & Wildlife ; Dept of Fish and Wildlife Michael Ritter ; Dept of Natural Resources SEPA Center ; Kevin Sliger (Benton Franklin Transit) ; Rob Rodger Clean Air Authority ; SEPA Register ; Tyler Thompson Benton Clean Air Authority ; Williams N.W. Pipeline ; WSDOT ; Yakama Nation Environmental Review

Subject: ED 20-14/PLN-2020-01014 DS

EXTERNAL EMAIL: Please use caution when clicking links or opening attachments.

Attached is the DS for the DNS that was withdrawn on 8/28/2020.

Let me know if you have any questions.



MEMORANDUM

Traffic Engineering Division

To: Steve Donovan, Planner

From: Joe Seet, Assistant Traffic Engineer

Date: January 14, 2021

Re: Traffic Engineering Comments for 2701 S. Sherman St. Change 40.6 Acres from LDR to HDR and from RL and RS to RH ED 20-14_PLN-2020-01014

Project: ED 20-14/PLN-2020-01014

Item 14. Transportation:

1. Traffic generation, as submitted, was validated and accepted.
2. Submit a letter clearly stating that all access to the site will be to Sherman Street and Hildebrand Boulevard, and that only emergency vehicular access will be allowed through Citadel Estates to 25th Ave and 26th Ave. No access is allowed to 27th Court. The portions of the 6.92 acre parcel and the 7.52 acre parcel that lie south of the canal (approximately 2.7 acres) may access through other properties to the south or west.
3. A traffic impact analysis shall be provided to assess site generated impacts at the following intersections:
 - Sherman & Bob Olson
 - Hildebrand & Southridge
 - Roundabout at Bob Olson & 10th Ave.

Please coordinate this study with the Apple Valley study.

4. Contact COK Transportation Manager to discuss the full scope of the traffic impact analysis.

JS:cm
PW2021-006

From: [Sorin Juster](#)
To: [Gregory McCormick](#); [Steve Donovan](#); [Joe Seet](#)
Cc: [Cary Roe](#); [Bruce Mills](#); [Sorin Juster](#)
Subject: RE: ED 20-14/PLN-2020-01014 Email #2
Date: Tuesday, February 16, 2021 3:20:47 PM
Attachments: [image003.png](#)
[image008.png](#)
[image001.png](#)
[image002.png](#)

Hi Greg and Steve, following are our responses to John Deskins comments:

1. I would just like to follow upon my comment from the earlier e-mail about the comment about access being written more tightly, similar to the way Mr. Seet wrote the condition in his letter . The property should not be allowed to create any kind of shortcut to Kellogg Street near 28th via any access through incomplete plats. I would like to make sure that this issue be addressed in the MDNS response to public comments.

Following is a response that Bruce is suggesting as an add that will address this comment:

Mitigation Conditions:

1. Prior to any earth disturbing activities on the subject property, a cultural and archeological survey conducted by a qualified professional must be completed.
 2. No vehicular access will be allowed through Citadel Estates to 25th Avenue and 26th Avenue, provided that emergency vehicle access only may be allowed on the aforementioned streets as approved by the Kennewick Public Works Department.
 3. No vehicular access allowed to 27th Court.
 4. All access to the site will be to Sherman Street and Hildebrand Boulevard, with the exception that the portions of the 6.92 acre parcel and the 7.52 acre parcel that lie south of the canal (approximately 2.7 acres) may access through other properties to the south or west.
 5. At the time of a specific project submittal, a traffic impact analysis shall be provided to assess site generated impacts at the following sections:
 - a. Sherman Street and Bob Olson Parkway
 - b. Hildebrand Avenue and Southridge Boulevard
 - c. Roundabout at Bob Olson Parkway and 10th Avenue
 NOTE: Contact the City of Kennewick Transportation Manager to discuss the full scope of the traffic analysis. The traffic analysis shall be coordinated with the Apple Valley traffic study
 6. Future applications for rezoning of the subject property shall be considered only in combination with a site-specific project level land use application.
-
2. **To address this comment I suggest to add a condition tying the actual trip generation to the submittal of an actual application. At that time all the proposed land uses and traffic generation can be fine-tuned.**

Please let me know if we can be of further assistance.

Thanks!

Sorin Juster, P.E., P.T.O.E.

Transportation Manager

Public Works Department

P.O. Box 6108

Kennewick, WA 99336-0108

O: 509.585.4400 | C: 509.572.0907

sorin.juster@ci.kennewick.wa.us



This communication (and any reply) is subject to the Public Records Act, RCW 42.56. The City of Kennewick is committed to transparency in government and we will provide our customers the fullest assistance possible when they request access to public records. Individuals wishing to obtain public records shall submit their requests in accordance with the City's Public Records Policy which is available by visiting [this link](#).

From: Gregory McCormick <Gregory.McCormick@ci.kennewick.wa.us>

Sent: Tuesday, February 16, 2021 9:23 AM

To: Steve Donovan <Steve.Donovan@ci.kennewick.wa.us>; Sorin Juster <Sorin.Juster@ci.kennewick.wa.us>; Joe Seet <Joe.Seet@ci.kennewick.wa.us>

Cc: Cary Roe <Cary.Roe@ci.kennewick.wa.us>; Bruce Mills <Bruce.Mills@ci.kennewick.wa.us>

Subject: RE: ED 20-14/PLN-2020-01014 Email #2

Sorin/Joe:

We will need your responses to Mr. Deskin's comments below prior to the end of the comment period for the new MDNS.

Thanks,
Greg.

Gregory J. McCormick, AICP

Community Planning Director

City of Kennewick, WA



From: Steve Donovan <Steve.Donovan@ci.kennewick.wa.us>

Sent: Tuesday, February 16, 2021 9:10 AM

To: Gregory McCormick <Gregory.McCormick@ci.kennewick.wa.us>; Sorin Juster <Sorin.Juster@ci.kennewick.wa.us>; Joe Seet <Joe.Seet@ci.kennewick.wa.us>

Subject: FW: ED 20-14/PLN-2020-01014 Email #2

Below are comments on the proposed Chavallo amendment from John Deskins, specifically in regard



Allyson Brooks Ph.D., Director
State Historic Preservation Officer

January 19, 2021

Steve Donovan
City of Kennewick
210 W 6th Ave
Kennewick, WA 99336

In future correspondence please refer to:
Project Tracking Code: 2020-10-06672
Property: City of Kennewick Chavallo Property Citadel Estates Comprehensive Plan
Amendment (ED 20-14/PLN-2020-01014)
Re: Survey Requested

Dear Steve Donovan:

Thank you for contacting the Washington State Historic Preservation Officer (SHPO) and Department of Archaeology and Historic Preservation (DAHP) and providing documentation regarding the above referenced project. While our statewide predictive model indicates that there is a low probability of encountering cultural resources within the proposed project area, prehistoric artifacts have been found in the Thompson Hill vicinity in the past, suggesting that archaeological sites may be present. Therefore, we ask that a professional archaeological survey of the project area is conducted prior to ground disturbing activities. We also recommend consultation with the concerned Tribes' cultural committees and staff regarding cultural resource issues.

These comments are based on the information available at the time of this review and on behalf of the SHPO in conformance with Washington State law. Should additional information become available, our assessment may be revised.

Thank you for the opportunity to comment on this project and we look forward to receiving the survey report. Please ensure that the DAHP Project Number (a.k.a. Project Tracking Code) is shared with any hired cultural resource consultants and is attached to any communications or submitted reports. Should you have any questions, please feel free to contact me.

Sincerely,

Sydney Hanson
Transportation Archaeologist
(360) 280-7563
Sydney.Hanson@dahp.wa.gov



From: Greg Duffy
Sent: 14 Jul 2020 09:53:47 -0700
To: Steve Donovan
Subject: RE: Permit PLN-2020-01009 approval routing

PIF - W

-----Original Message-----

From: Steve Donovan <Steve.Donovan@ci.kennewick.wa.us>
Sent: Tuesday, July 14, 2020 8:11 AM
To: Greg Duffy <greg.duffy@ci.kennewick.wa.us>
Subject: Permit PLN-2020-01009 approval routing

Permit number PLN-2020-01009 has been routed from Planner
and is ready for your review with the following comments:

The proposed amendment is to change the land use designation from Low Density Residential to High Density Residential at 2701 & 2711 S Sherman Street. The comment period ends on July 29, 2020.

From: Corrine Camuso
Sent: Fri, 29 Jan 2021 19:13:23 +0000
To: Steve Donovan;sepa@dahp.wa.gov
Cc: Casey Barney;Jessica Lally
Subject: Re: City of Kennewick_Chavallo Property Citadel Estates Comprehensive Plan Amendment (ED 20-14/PLN-2020-01014)_Survey Requested (DAHP Project Tracking # 2020-10-06672)

Thank you for notifying us of this project. The project area borders the Yakama Ceded Lands and lies within Yakama Usual and Accustomed Areas. Being along a prominent landform, the project area has a high probability for encountering cultural resources. The project area is associated with Yakama Traditional Cultural Properties. We are requesting a cultural resources investigation. Please send a copy of the report to our office for review.

Regards,
Corrine Camuso
Yakama Nation
Cultural Resources Program Archaeologist
Office 509-865-5121 ext. 4776

From: Hanson, Sydney (DAHP) <Sydney.Hanson@dahp.wa.gov>
Sent: Tuesday, January 19, 2021 1:43 PM
To: Steve.Donovan@ci.kennewick.wa.us
Cc: Ashley Morton; christian.nauer@ctwsbnr.org; Casey Barney; Corrine Camuso; Jessica Lally; Jon Shellenberger; Kate Valdez; Noah Oliver
Subject: City of Kennewick_Chavallo Property Citadel Estates Comprehensive Plan Amendment (ED 20-14/PLN-2020-01014)_Survey Requested (DAHP Project Tracking # 2020-10-06672)

Hi Steve,

Attached is our letter regarding the project referenced in the subject line. Please contact me with any questions.

All the best,

Sydney Hanson, MA | Transportation Archaeologist

(preferred pronouns: she / her)

360.280.7563 (cell) | sydney.hanson@dahp.wa.gov

Department of Archaeology & Historic Preservation | www.dahp.wa.gov
1110 Capitol Way S, Suite 30 | Olympia WA 98501
PO Box 48343 | Olympia WA 98504-8343

**Please note that all DAHP employees are currently working remotely as a precaution against COVID-19. Our current schedules, email addresses, and cell phone numbers are available on our website. Thank you for your patience and understanding.*

From: [Anita Booth](#)
To: Chuck.Torelli@ci.kennewick.wa.us; [John Trumbo](#); Bill.McKay@ci.kennewick.wa; [Melinda Didier](#); [Steve Donovan](#)
Subject: Housing impact
Date: Tuesday, October 20, 2020 1:43:35 PM

CPA 20-06 makes NO sense!

RECEIVED

October 19, 2020

Planning Commission and City Council Members
210 W. 6th Avenue - P.O. Box 6108
Kennewick, WA 99336-0108

COMMUNITY PLANNING

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

I am opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from "Low Density Residential" to "High Density Residential" development. I request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

I live at 2412 S Fillmore Place in Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, I oppose this proposed amendment for the following reasons:

- Increased risks of storm and irrigation runoff, erosion, and landslides from high density development on steep slopes.
- Increase in traffic up and down the hill with our current narrow roads.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, I believe that this proposed amendment does not meet your approval criteria that it "bears a substantial relationship to the public health, safety, welfare, and protection of the environment." Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;

- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

A handwritten signature in black ink, appearing to read 'Chong Weon Bak', written in a cursive style.

Chong Weon Bak
2412 S Fillmore Place
Kennewick, WA 99338

From: [Chris Barnes](#)
To: [Steve Donovan](#)
Subject: Re: Land Use change abuts my property in Panoramic Heights
Date: Monday, July 20, 2020 10:04:05 AM

Thank you Mr. Donovan.

Page 2 of the attached application lists five questions regarding the need for the Land Use change.

Did Mr. Chavallo submit answers to those questions as part of the application? And if so, may I see his response to his need for land use change.

The area where he is requesting a high density change was originally identified as 'Open Space' under the City's Southridge Subarea Plan. After purchasing the property in 2005 (at inexpensive open space value), Mr. Chavallo requested and received a change in land use from the City - from Open Space to low-density residential based on poorly defined boundaries in the City's accepted comprehensive plan. Apparently, granting the low-density designation was considered a concession by the City to his actual request of Commercial Zoning. Our community and neighborhood fought hard against Mr. Chavallo's request for Commercial zoning back in 2008 at numerous city council meetings.

I don't see anyway that our current infrastructure (roads, runoff, irrigation water, storm drains) could handle any sort of high density construction on the side of a very steep sloping hill.

Thank you for helping me understand the full nature of development plans on Thompson Hill that would directly impact our long-established Panoramic Heights neighborhood.

Sincerely,
 C. Barnes

Sent from my iPhone

On Jul 20, 2020, at 7:30 AM, Steve Donovan wrote:

Ms. Barnes:
 Attached is the application materials you requested.
 Feel free to contact me if you have further questions.
 Steve

From: Chris Barnes
Sent: Saturday, July 18, 2020 4:56 PM
To: Steve Donovan
Cc: Anthony Muai
Subject: Land Use change abuts my property in Panoramic Heights
 Stephen Donovan
 Community Planning/Planner
 City of Kennewick
 Dear Mr: Donovan:
 It has come to my attention (from a neighbor and not by written notice from the

City of Kennewick) that the current owner of property on the ridge line of Thompson Hill has requested a land use change from low density residential to high density residential on property that abuts our Panoramic Heights home. All properties in Panoramic Heights are single residence homes.

This requested change comes as a great surprise to me. Please provide a copy of the complete application for land use change, CPA 20-06/PLN2020-01009, at your earliest opportunity, so that I may better understand the full intent of the requested change.

Sincerely,

Christine Barnes

[2616 South Kellogg Street](#)

(26 year resident and homeowner in Panoramic Heights)

(509) 430-0990

Sent from my iPad

From: [chris barnes](#)
To: [Steve Donovan](#)
Cc: [Anthony Muai](#)
Subject: Re: Land Use change abuts my property in Panoramic Heights
Date: Wednesday, July 29, 2020 3:51:07 PM

Dear Mr. Donovan:

Thank you for supplying me with copies of the Comprehensive Plan Amendment application (CPA 20-06) and the SEPA Checklist that the City received from Mr. Chavallo on April 21, 2020.

I reviewed the material carefully and still have serious concerns that this request to amend the City's Land Use designation and jump from the current **low density residential** to the applicant's proposed **high density residential** simply makes no sense on a site that has already been defined as critical slope and in an area that is void of the amenities that would encourage and suit high density housing, such as shopping facilities, transit, and access to higher traffic arterials. In many regards, I believe this request to change land use is in total violation of the City's own land use policies. (Goal 6 of the City's Urban Area states, '*Discourage incompatible land uses from locating near or adjacent to each other.*'))

Mr. Donovan, I have been a resident of Panoramic Heights for over 26 years and I have seen many changes come to this Southridge area in that time, most of them good. The original Southridge Sub-Area Plan of 2005 (that was adopted into the City's Comprehensive Plan in 2008) incorporated the best practice planning efforts of many dedicated citizens, some of whom still live in Panoramic Heights. That planning document designated over 1,400 acres to be left as open space to mitigate and balance the higher density of the proposed new housing developments. A good chunk of Thompson Hill was identified as Open Space Land Use in that plan along with the area that is now the Southridge Sports Complex. (See Figure 2. Land Use Plan of Southridge Sub-Area Plan April 2005). Again, much has changed in 15 years. Many of the housing developments have been built to that original planning design and nearly all of the Southridge Sports Complex is complete. Thompson Hill has not fared so well and I suspect at some point it will become fully developed as housing not open land. We, as citizens, depend on our city administrators to protect our home values, our quality of life and to make decisions that benefit the whole community – not just tax-producing developers. We depend on you to be forward looking and uphold important standards to protect our environment as well.

The applicant's less than attentive answers to the SEPA checklist were reminiscent of his dismissive attitude to any and all 'forms' in 2009 when he submitted (and received) a PPD for Citadel Estates. The City has strict guidelines (if not codes) regarding critical slopes, water runoff, traffic impact, noise and light impact, as well as compatibility with surrounding structures and neighborhoods. I can only hope that your committee will deny this request to amend the current land use designation on this 40 plus acre site.

Thank you.

Sincerely,

Chris Barnes
2616 South Kellogg Street
(509) 430-0990

On Sat, Jul 18, 2020 at 4:55 PM Chris Barnes <graphicswest2@gmail.com> wrote:

Stephen Donovan
Community Planning/Planner
City of Kennewick

Dear Mr. Donovan:

It has come to my attention (from a neighbor and not by written notice from the City of Kennewick) that the current owner of property on the ridge line of Thompson Hill has requested a land use change from low density residential to high density residential on property that abuts our Panoramic Heights home. All properties in Panoramic Heights are single residence homes.

This requested change comes as a great surprise to me. Please provide a copy of the complete application for land use change, CPA 20-06/PLN2020-01009, at your earliest opportunity, so that I may better understand the full intent of the requested change.

Sincerely,

Christine Barnes
2616 South Kellogg Street
(26 year resident and homeowner in Panoramic Heights)
(509) 430-0990

Sent from my iPad

--

Chris Barnes

GRAPHICS WEST

Fine Art, Graphic Design & Communications
2616 South Kellogg Street
Kennewick, WA 99338

c: (509) 430-0990

graphicswest2@gmail.com

From: [Carol Schwarder](#)
To: [Steve Donovan](#)
Subject: Proposed rezoning to high density residential a large area (several acres) just north of the water tank and west of Panoramic Heights 3 and S. Kellogg Street
Date: Wednesday, July 22, 2020 11:42:00 AM

Dear Mr. Donovan,

My husband and I are writing in response to the City's postings regarding the rezoning of a section of Thompson Hill from low density to high density.

I have been carefully following the exchanges between you and some of our other board members regarding questions and answers.

Before I address the numerous concerns with regard to this application for rezoning from low density to high density, my husband and I want to go on record that this is not simply a "legislative" issue regarding rezoning. **This rezoning request is merely Step 1 in a long-planned push for overdevelopment for personal profit of the land in question** – no matter the impact to a well-established, prosperous neighborhood, actually neighborhoods, as in the big picture, both Creekstone and South Cliffe will bear the consequences as well should the zoning be changed and the development be allowed to proceed.

While I can't put words in your mouth, based on your numerous and very respectful responses to questions, I would find it difficult to align that you as the City representative are not well aware of that fact. All of us have to look at the big picture. Therefore, we (meaning the City and all impacted residents) can no longer take the position that it is merely this small piece. **This small "legislative" piece is actually the crux and foundation (Step 1) to significant and harmful impact to hundreds of homes and families.**

I also feel compelled to address past City handling of matters that have had direct negative impact Panoramic Heights based on past City decisions that have compounded our frustrations and concerns and will help lay some foundation as well as hopefully rather than seeing aspects in small but separate pieces, the City can see the lens of the broader aspects we and others may feel in Panoramic Heights

1. The City allowed the division of a single lot in Panoramic Heights into a total of three lots even though
 - a. It is against the homeowner's association rules
 - b. Took the property owner's word that there was not a homeowner's association or requirement and did not verify that this was valid or correct information
 - c. Collected a significant number of letters that voiced strong opposition to the dividing of the lots and did not share those letters with the homeowner, leading him to believe there was no opposition
 - d. Even with the amount of opposition provided, the decision to grant the division of the original lot was approved by the City – much to the detriment of the neighborhood
 - e. The original house and lot as well as the newly defined lots stayed in a constant state of disrepair and overgrowth, continuously negatively impacting the neighborhood
 - f. Cost the homeowner's association unnecessary past, present, and future legal fees in still trying to deal with sale of the two additional lots and/or building on the two

incorrectly approved lots

g. Question: Was the approval of these two additional lots – even with a significant amount of opposition – another legislative piece? My question is not an attempt to be facetious, it is merely trying to understand the process.

2. Our **community already suffers from the byproduct of increased traffic**, speeding cars, rude drivers, and clogged roads before and after school because of the middle school. While we have only recently been helped with cautionary speed signs, it does not change the fact that our neighborhood bears the brunt of school traffic – not homeowner traffic.

3. **Development continues** with new neighborhoods by Hayden Homes and the ongoing development all around us. New roads are **not** being built to provide access except directly off existing roads in our neighborhood, always compounding the traffic issue.

4. **The history of City decisions on the rezoning property in question.** I can't say that my information is 100 percent accurate because I don't have all the documents; but, overall, I am pretty close in my narrative.

a. The property in question was part of the original Southridge Comprehensive Plan, which included either 106 or 116 acres of open space. A great deal of money was spent on how to develop the Southridge area. Part of that plan included having requirements for smaller and tighter lots than is typical in low density (a fact we see in new developments). As I understand, a lot of exceptions have occurred to the original plan along the way.

b. In approximately 2007, Chavallo asked for a section of the ridgeline to be rezoned as commercial. While the request for commercial rezoning did not come to fruition, it is my understanding that because the City did such a vague job of identifying the **predestined open space** as in no real surveying or accurate boundary identification, the City had to cave to Chavallo's attorney's argument of such and hence awarded "low density" zoning to what was originally maintained as open space.

c. All of Panoramic Heights homeowners were affected from that point onward. At this point, I will not continue with the narrative about the Citadel Heights movement in 2008. However, **the same issues and arguments with the land that existed in 2008 exist today and are even more compounded by the high-density narrative overlay.**

d. I find it both interesting and concerning that even though you have maintained throughout the communications with others that this is a "legislative" issue, some of the attachments and responses have clearly identified Citadel.

e. As soon as we saw the dirt moving from Creekstone to the property in question, it was obvious that a new move for development was in the works. How this could have happened without notification from the City is alarming.

e. I repeat: **This small "legislative" piece is actually the crux and foundation (Step 1) to significant and harmful impact to hundreds of homes and families.** This is a move far and beyond what occurred in 2008.

Based on the issues outlined above, neither my husband nor I are **not feeling well- taken care of by the City. We are feeling ignored, run over, set aside, and negatively impacted.** I think I can speak for a majority of stakeholders in our community in having similar or like feelings. ***Past decisions by the City continue to lessen or at a minimum negatively impact my property values, add increased traffic and noise to my neighborhood, allow divisions of lots that add to my cost of living here in dealing with people whose main course of action is to make a fast buck and not live here and be a part of our community.*** Yet, my property taxes continue to escalate. My reality is this: This was **one of the first premier neighborhoods in Kennewick.** Yet, it seems now that with all that I have listed above, the **undermining of the neighborhood is coming from the very entity that should be protecting it.**

5. Our concerns for how this process is being handled.

a. The posting for amending the land use was extremely limited. Had it not been for one of our neighbors noticing the posting and alerting the Panoramic Heights Homeowners Association Board, very few in our community of two-hundred plus homes would be aware. I find it most concerning that during this pandemic time when people are so restricted to their homes that a meager posting is considered sufficient notification when it affects such a large community. It is also now how these matters were addressed historically. One has to wonder why?

b. Additionally, are there postings in the community on the other side of Thompson Hill? South Cliffe is a very expensive community and will be affected as well. I drove by their mailboxes and saw no postings whatsoever. Has Creekstone Development been notified? I found no notifications there either. If the rezoning from low density to high density occurs, each of these communities will be negatively impacted. I think it is of paramount importance that these two communities be included in the notification. If I lived in those communities, I would be outraged that such a potential impact was not put before me.

c. The original notification calls or comments, yet the standard response being provided to the initial writers receive the response: It is important to note that the application is not for a specific development project, it is for a land use amendment which is a legislative action. State Agencies and City Departments will review the requested amendment. The Planning Commission will hold a public hearing in October and then the City Council will make the final decision in November or December. Why are there only two weeks? Why do we continue to state that there is not a specific project? There is a specific project... it just isn't a part of this piece.

d. There are several concerns with Chavallo's application. Since we all are well aware that this is just Step 1 – it does not change the fact that eventually they have to be answered. How in good conscience can high density be approved without answers to questions such as

1. Who really owns some of the parcels listed in the application.
2. How many vehicular trips would be generated by the completed project or proposal? (how does he get to answer none?)
3. What roads would be used and impacted? (how does he get to say there is no impact?)
4. He states the City of Kennewick needs more high-density housing. He also states that the City of Kennewick needs more variety in housing style and types of construction. (You have to ask yourself: If there is no project in mind, then why is he taking this position?_
5. There are more than owls that will be affected by the land development. There are rabbits, hawks (several varieties), coyotes, snakes. (If there is no project, why would we be addressing anything?)

Here is the reality. Chavallo can't do his project unless he gets the change from low density to high density. That is Step 1. We are all aware that he is still pushing for the original project, which was fought against. This is the same proposal but with the addition of high-density housing. Panoramic Heights will be affected by increased traffic, increased noise, and property devaluation. Creekstone and South Cliffe will be negatively impacted. I repeat: **This small "legislative" piece is actually the crux and foundation (Step 1) to significant and harmful impact to hundreds of homes and families.**

My husband and I appreciate you taking the time to read our concerns. My husband and I also fully expect the City of Kennewick and its representatives to be vested in protecting our interests as well as those hundreds of others facing the same issues. At the onset of COVID-19, when it was clear those 60 and over were most likely to be affected, there were some comments made nationally that suggested those of us in that age bracket were an acceptable sacrifice. That is how we have felt about the lack of concern for our neighborhood over the last two years. Oh, you're (the community) aging, you are not as new and up-and-coming and as a result are not as important. There are many homes in this first premier neighborhood that qualify in the \$500,000+ range in today's market. I have

checked. We still represent a significant tax base. If our homes are devalued, then so is the City's tax base. I want to live in a city that sees the big picture and not just a developer's. I can think of a couple of strip malls that sat empty for years, the required plantings allowed to die off and weeds accumulate (very close to this neighborhood).

If the City allows this step to happen, changing from low density to high density, it is representing a builder for profit and not protecting hundreds of long-term, hard-working, currently impacted COVID-19 Kennewickians. It is my hope that the City seeks the big picture, and not just that from a perspective of a developer.

Your job must have some very challenging moments. Thank you in advance for ensuring that our words are heard. Have a good rest of the day.

Carol and Charles Bartell

From: berges6@aol.com
To: [Steve Donovan](#)
Subject: Thompson Hill Rezoning
Date: Friday, October 16, 2020 3:31:31 PM

October 16, 2020
 To: Steve Donovan, Senior Planner,
 Community Planning Department

From: Dr. Gerald and Cathy Berges
 RE: **Proposed Comprehensive Plan Amendment 20-06**
 Hi Steve;

I hope you and your family are doing well in these difficult times. Crazy times, and I think what used to be normal may be gone for good. Prayerfully not, but this just seems to roll along. My wife and I have a concern.

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from "Low Density residential" to "High Density Residential". We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request as well.

We live at 5311 W. 25th Avenue in Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. We will be the most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site. Specifically, we oppose this proposed amendment for the following reasons:

- 1. Traffic in the Southridge area. Changing to High Density Residential has the potential to create a tremendous transportation impact in the Southridge area. The Washington State Department of Transportation "Combined Comments for CPA 20-03, CPA 20-05, and 20-06" stated in part "The Southridge area has seen significant development recently and traffic is increasing with congestion in certain areas...We are concerned with the cumulative impact to our system...The city and developer should consider Transportation Demand Management (TDM) to reduce traffic impacts". This change in zoning will have the potential of producing 8,000 trips through the surrounding neighborhoods per day. Our neighborhoods have been tremendously affected by the traffic from Chinook Middle School, and that is a dot at the end of a sentence compared to the potential of this zoning change.
- 2. WAC 197-11-060 (4) states in part:

"(C.) Agencies shall carefully consider the range of probable impacts, including short-term and long-term effects. Impacts shall include those that are likely to arise or exist over the lifetime of a proposal or, depending on the particular proposal, longer."

"(d.) A proposal's effects include direct and indirect impacts caused by a proposal. Impacts include those effects resulting from the growth caused by a proposal, as well as the likelihood that the present proposal will serve as a precedent for future actions. For example, adoption of a zoning ordinance will encourage or tend to cause particular types of projects."

The man who owns this property said many times in his SEPA checklist NPP— "No Project Proposed". The above WAC code makes that a moot point. Changing the zoning will cause a future project to be developed, whether by the owner of the property or someone he sells it to. It opens the door to the possibility, so it is important before this zoning change is considered, the future effects have to be studied.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive plan.

In Summary, we believe that this proposed amendment does not meet your approval criteria that it "bears a substantial relationship to the public health, safety, welfare, and protection of the environment." Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

*The effect upon the physical environment;

*The compatibility with and impact on adjacent land uses and neighborhoods;

*The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Dr. Gerald and Cathy Berges,
 President, Panoramic Heights Homeowners Association

berges6@aol.com

1-509-378-5370

From: [GERALD BERGES](#)
To: [Steve Donovan](#)
Subject: Fwd: File CPA 20-06/PLN-2020-01009
Date: Monday, July 20, 2020 9:01:38 AM

Sent from my iPad

Begin forwarded message:

From: berges6@aol.com
Date: July 19, 2020 at 9:25:01 PM PDT
To: Steve Donovan@ci.kennewick, .wa.us@aol.com, "anjhi2u@msn.com", "BERGES6@aol.com", "carlvr509@yahoo.com", "christywatts2@gmail.com", "Crosby.john56@gmail.com", "erhartsw@gmail.com", "farevalo76@gmail.com", "mchamaker@gmail.com", "rr_duncan@charter.net", "ryanhill4ever@gmail.com", "slvarner62@yahoo.com", "tshaw83@hotmail.com", "wtdixon3@gmail.com", "larryjulyk@charter.net", "fred@biebesheimer.net", "shlomo.orr@gmail.com"
Subject: File CPA 20-06/PLN-2020-01009
Reply-To: berges6@aol.com

July 19, 2020

Hi Steve;

I am a resident of Panoramic Heights Subdivision, and I am concerned with the zoning changes that are proposed to the west of our development. As you are aware, the proposal is to change the zoning for the property located at 2701 and 2711 S. Sherman Street from Low Density Residential to High Density Residential. Before you approve this proposal, I would appreciate knowing what the developer is planning for this land. Several things I am concerned about and hope that you will answer for me.

1. Will this public input mean anything or will this be another "administrative decision" without any consideration of public comment? Asking for a friend!
2. What is proposed to be developed on these lots?
3. How will the traffic in our neighborhoods be affected? Will additional roads used for entrance/exit be required so that our neighborhood is not used as a entrance/exit for this development?
4. How will this development affect our infrastructure; sewage systems, transportation, irrigation systems, etc.
5. How stable is the land in this area? Will this increase the possibility of flooding in our neighborhoods? Landslides?
6. Residential High Density may include anything from lots as small as 4,000 sq. ft. for single units and 1,600 sq. ft. for rowhouses/townhouses. How will that affect the property values of surrounding areas?

As a homeowner and taxpayer that could be affected directly by this zoning change, I would appreciate more answers. Unfortunately, being over 60 years old, I am unable to visit the file at the Permit Center of the City of Kennewick, in City Hall. This is according to the CDC, Washington Department of Health and Benton-Franklin Health District guidelines. Is there another way that the City of Kennewick can accommodate us so that we can review the

files? Can they email them to us.

I also feel the developer should meet and explain his plan with the surrounding homeowners. Obviously there is much interest from Panoramic Heights residence.

Thanks for your assistance Steve.

Gerry Berges, OD

President, Panoramic Heights Homeowners Association

From: agbooth.montana@gmail.com
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill Mckay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#); info@panoramicheightshoa.com
Subject: Housing impact
Date: Tuesday, October 20, 2020 12:42:25 PM

CPA 20-06 MAKES NO SENSE!

From: agbooth.montana@gmail.com
To: [Steve Donovan](#)
Subject: High Density Development on Thompson Hill
Date: Wednesday, December 2, 2020 2:45:29 PM

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. (I or We) request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 5506 W. 19th Ave in Creekstone Estates. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- The effect upon the physical environment.
- The impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools.
- The effect of higher vehicle congestion on the main roads.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,
Gordon and Anita Booth
5506 W. 19th Ave. Kennewick
agbooth.montana@gmail.com

From: [Bruce Boyum](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill McKay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#); info@panoramicheightshoa.com
Subject: Proposed Comprehensive Plan Amendment 20-06
Date: Monday, October 12, 2020 2:07:22 PM

Dear Kennewick Planning Commission and City Council Members:

We are opposed to the proposed Comprehensive Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “ Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied and that the City Council deny this request.

We live at 5908 W 26th Ave in Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. We will be significantly impacted by a high density residential development in this location. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent and no current vehicle access to most of the site.

We believe that the proposed change of density would dramatically affect the nature and character of our community. While we are concerned the change would affect our property values, we are more concerned that the place we call home will change for the worse. Specifically we oppose this proposed amendment for the following reasons:

- * there would be a significant increase in traffic flow through our community
- * fewer porous surfaces and steep terrains contribute to a concern with runoff
- * currently we are often challenged getting adequate irrigation water and this will exacerbate this situation
- * building to heights in excess of 40 feet in a residential neighborhood and on an elevated hill above our community raises concerns of aesthetics.
- * this could result in overloading local schools and impacting education.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “ bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- * The effect upon the physical environment;
- * The effect upon open space and natural features, including topography;
- * The compatibility with and impact on adjacent land uses and neighbors;
- * The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and school;
- * The current and projected project density in the area; and
- * The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick. Would the City Liaison to the Planning Commissioners please forward this to the Planning Commissioners.

Respectfully,

Janice and Bruce Boyum
5908 W 26th Ave, Kennewick
bmb49@aol.com

Sent from my iPad

From: [Bruce Boyum](#)
To: [Steve Donovan](#)
Cc: [Christy Watts](#); ryanhill4ever@gmail.com
Subject: Panoramic Heights Rezoning Dissent
Date: Monday, July 27, 2020 5:28:33 PM

Dear Mr Donovan,

We as dues paying members of the Panoramic Heights Community, have strong concerns and objections to the proposed zoning change related to file number CPA -20-06/PLN-2020-01009 and SEPA ED 20-14/PLN-2020-01014. We, as well as many in our community, object to the change of density from Low Density Residential to High Density Residential.

We believe that the proposed change of density would dramatically affect the nature and character of our community. While we are concerned the change would affect our property values, we are more concerned that the place that we call home will change for the worse. The change in density proposed is dramatic. The change is potentially over five times denser from five homes per acre to 27 homes per acre. In the application the proposer indicated the increased density would require an expansion of public services and utilities. There is no indication that there are any plans for expanding public services and utilities to match the higher need for this proposed development. We are particularly concerned with overloading local schools since this is a vital part of our community and our community's future. Additionally, we are concerned with water runoff and how the rezoning would change the character of our neighborhood. The application indicates that the development would not include more stormwater dry wells. While it is always important to deal with water runoff in the area, it is even more important when development would create a situation with fewer porous surfaces. It is also important because according to the application it is a critical slope area. It is concerning because our community's roads have not been designed to support the increased density. The increase in density will also increase noise and emissions. In addition this would further stress the KIDs ability to provide adequate irrigation water to our area. As it currently is, we are often challenged for adequate water.

This neighborhood and community were designated low density previously as part of a comprehensive plan. We all purchased these homes with the understanding and expectation that the neighborhood would maintain its character. It is also concerning that they appear to have already started developing the area before the proposed changes are approved. This undermines public confidence in this process. Also we have not received any notification by mail regarding the proposed change which we understood is part of the process.

A 20-year plan was created just three years ago. The planning commission created a 2017-2037 plan to create a sustainable Kennewick. The purpose of this was to plan development in an orderly and efficient manner. The mantra, "we are one Kennewick", suggests that Kennewick's comprehensive urban planning is designed to ensure the community looks out for everyone and not a few people. Up-zoning this area would benefit a few to the detriment of our community as a whole. As a part of this comprehensive plan there are very few RH areas. Almost the entire area around it is RL, so it is inappropriate to zone this area differently. This section is also not connected to a main thoroughfare and it is not connected to mass transit or other higher density area. The GMA requires the Comprehensive Plan must be internally consistent, but the proposed change would be a dramatic variance. This change would not be consistent. See Kennewick's Comprehensive Plan, page 43.

The proposal suggests that the current infrastructure is insufficient to support the increased density. This concerns us. Kennewick's Comprehensive Plan suggests that developments shall ensure appropriate facilities to support development including parks, schools, drainage, transit, water, sanitation, etc. Our understanding is that there are no provisions to address this and the application itself suggests that some of these are insufficient for the proposed development. The Comprehensive Plan also suggests that Kennewick should deny residential developments if concurrent plans for these types of infrastructure are not met.

Land use planning should not be just about making money or furthering development as much as possible. It should be about being good stewards to the community and balancing urban planning needs. Rezoning this area to RH does not match the surrounding area and would detrimentally affect our neighborhood and community. According to the

goals and policies announced in Kennewick's Comprehensive Plan you should not grant this change. We are strongly opposed to the zoning change from low to high density.

Thank you for your consideration,

Janice and Bruce Boyum
5908 W 26th Ave
Kennewick

From: [Melinda Didier](#)
To: [Steve Donovan](#); [Terri Wright](#)
Subject: FW: Proposed Comprehensive Plan Amendment 20-06
Date: Monday, October 19, 2020 8:52:42 AM

-----Original Message-----

From: Dennis Bradshaw <bradshawdlrw@msn.com>
 Sent: Saturday, October 17, 2020 2:44 PM
 To: Melinda Didier <Melinda.Didier@ci.kennewick.wa.us>
 Subject: Proposed Comprehensive Plan Amendment 20-06

Dear Melinda:

Re Proposed Comprehensive Plan Amendment 20-06

We are writing today as a concerned citizens of Kennewick on the proposed land use designation for 40.6 acres on Thompson Hill to "High Density Residential". We live at 5714 W 26th Ave in Panoramic Heights, just to the east of the proposed land change area. As you know this change could allow over 1000 housing units to be built on what is an incredibly steep sloop, which has limited access currently. It appears that there are no new roads proposed to access this area of development, which means an increase of thousands of vehicle trips per day if this change occurs.

Also, as mentioned, the sloop of Thompson Hill is sever, over 40% in many areas, which is a concern for runoff, as well as future land slides and certainly settling.

We moved to this neighborhood for the quiet, single family environment, in hopes that the asset would increase as the years progressed. This type of change would certainly not support any of those things and the property values would be severely impacted.

I ask that you forward this letter to the Planning Commissioners to consider the following points:

- The effect this will have upon the physical environment; -The effect upon open space and natural features, including topography; -The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected density in the area; -The effect upon other aspects of the Comprehensive Plan.

I sincerely hope that when the Commissioners evaluate the current proposed change, that the good of the area will be put first over negative impacts that such a change would have in this part of our city.

Respectfully,

Dennis and Traci Bradshaw, 5714 W 26th Ave, Kennewick WA, 99338 tshaw83@hotmail.com
bradshawdlrw@msn.com

From: [Dennis Bradshaw](#)
To: [Steve Donovan](#)
Subject: Proposed Comprehensive Plan Amendment 20-06
Date: Saturday, October 17, 2020 2:03:34 PM

Dear Mr Donovan:

Re: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 5714 W 26th Ave in Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- *High density housing will compromise the family neighborhood that we moved here for. As proposed there is inadequate street access and irrigation services to serve over 1000 units. The slope of Thompson Hill is very steep and we have concerns about the potential run off of water as well as erosion and potential landslides. This development and the associated traffic, which could be thousands of vehicle trips per day will increase risk of accidents as well as decrease the property values of one of Kennewick’s pristine areas.*

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of

the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment; has there been an Environmental Impact Study done on this site to assess the impact of this level of development?
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Dennis and Traci Bradshaw, 5714 W 26th Ave, Kennewick, WA 99338

Tshaw83@hotmail.com

Dennis Bradshaw
President, Washington State Dental Association
bradshawdlrw@msn.com
509.531.0964

Steve Donovan

From: PATRICK BRANNAN <bbrannan@aol.com>
Sent: Sunday, July 26, 2020 9:56 AM
To: Steve Donovan
Cc: watts Christy; ryanhill4ever@gmail.com
Subject: Comments on proposed zoning change

Dear Mr. Donovan,

We are dues-paying members of the Panoramic Heights Homeowners Association. Please make note that this email is notification of our strongest and vehement opposition to the proposed change in zoning (copied below) from low density to high density regarding Thompson Hill per the request of Jose Chavallo.

The long list of reasons why this change in zoning should not go forward has previously been provided to you by our Board. This email simply needs to count and be noted on the official record as two more votes in definite opposition to the zoning change.

Please reply to this email that you are in receipt and are counting our opposition votes to the zoning change from low density to high density.

Thank you for your time.

Patrick and Robin Brannan

5802 W 26th Avenue
Kennewick, Wa 99338



The Development Services Division of the City of Kennewick's Community Planning Department has prepared this Notice of Application to provide the opportunity to comment on the described proposal/project. The comment period ends **15 (fifteen) calendar days** from the date issued.

During this period written comments may be submitted to the staff contact. The file may be examined between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday (except holidays) in the Permit Center of the City of Kennewick, City Hall, 210 W Sixth Avenue, Kennewick, WA. Questions may be directed to the staff person listed below.

Application Date:	April 21, 2020
Notice of Complete Application Date:	April 22, 2020
Notice of Application Date:	July 14, 2020
File Number:	CPA 20-06/PLN-2020-01009
Other Permits Required (if known):	N/A
SEPA:	ED 20-14/PLN-2020-01014

Please review and submit comments and conditions of approval necessary to implement your agency's applicable regulations. Comments may be mailed to the Development Services Division or submitted via e-mail at Steve.Donovan@ci.kennewick.wa.us.

Proposal Description:

Amend the land use designation for the property located at 2701 and 2711 S Sherman Street, from Low Density Residential to High Density Residential.

Please review and submit your comments to Steve Donovan, Development Services Division, Post Office Box 6108, Kennewick, WA 99336, on or before **July 29, 2020.**



CITY OF KENNEWICK

From: [PATRICK BRANNAN](#)
To: [Steve Donovan](#)
Cc: [watts Christy](#)
Subject: Proposed Thompson Hill Zoning Change
Date: Sunday, July 19, 2020 7:47:11 AM
Attachments: [f_kcs6i8ye0.jpeg](#)

Steve,

I have lived on W. 26th avenue in Panoramic Heights between Irving and Kellogg for over 20 years. One of the decision points in making a purchase decision was the fact that 26th (as I was told by the city planning department) was never going to be extended due to the slope of the hill to the west of us. I am assuming that is still the case, and that there will be no access granted to this new neighborhood via 26th Avenue? Our main concern is that we have already seen a dramatic increase in traffic via Irving St. from the new subdivision to the south of us. Instead of utilizing Hildebrand, and/or Southridge Blvds many speed through our neighborhood, with quite a few not stopping on 26th. Sadly I believe a pedestrian, or child will take the brunt of these shortcuts at some point. I have no issue with a new subdivision on the hill to the west of us, as long as its residents are funneled out to Hildebrand Blvd to the south and not granted access through our neighborhood.

Thank you for your time, and I look forward to hearing from you.

Patrick Brannan
509-440-4457



From: [Dave Brown](#)
To: on.Britain@ci.kennewick.wa.us; [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill Mckay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#); info@panoramicheightshoa.com
Subject: HIgh Density Development on Thompson Hill
Date: Tuesday, November 24, 2020 11:14:56 AM

To all City Council Members, the Planning Commission, and the City Clerk:

We would like to express our disapproval of the proposal for an apartment complex at the top part of Thompson Hill for the following reasons:

The developer bought the land many years ago knowing it was zoned for single family homes. To our knowledge, he has never proposed to build any single family homes on the property. We believe the zoning was created by the past zoning commission for good reasons. If he did not intend to develop it the way it was originally zoned, he should not have bought the property.

This neighborhood has long been quiet and family friendly. In the past several years we have been surrounded by new developments. The traffic in this area has already increased substantially. With the addition of apartment buildings, the traffic will be exponentially more.

Apartment buildings by nature lower the property values of single family homes nearby. We have lived in Kennewick for 40 years, and have gladly paid our taxes. We feel it is unfair to lower the property values of many citizens to bow to the pressure of one developer, who will not live in the neighborhood and therefore will not see any negative impacts to his own home property value.

Thompson Hill is a landmark that can be seen for many miles. A large apartment complex at the top of the hill will be an eyesore for a 100 years to come. There are miles of relatively flat land to the south of here which are much more appropriate for an apartment complex. Why doesn't the developer use some of that land for his complex?

In the end, we would like all of you to consider the long term impacts to the citizens who live nearby and who will be negatively affected by this proposed development for the rest of our lives. Do we not deserve some consideration and respect from our city council and staff? Do we have a voice? Or will the concerns of many be discarded for the benefit of one?

Please deny the zoning change on Thompson Hill. Thank you.

Dave and Marla Brown
5331 W. 25th Avenue
Kennewick, WA 99338

Steve Donovan

From: jncathey2352@charter.net
Sent: Sunday, July 26, 2020 9:15 PM
To: Steve Donovan
Cc: berges6@aol.com
Subject: proposed change in zoning on Thompson Hill (2701 and 2711S Sherman Street)

Importance: High

Dear Mr. Donovan,

We are dues-paying members of the Panoramic Heights Homeowners Association. Please make note that this email is notification our strongest and vehement opposition to the proposed change in zoning from low density to high density regarding Thompson Hill per the request of Jose Chavallo.

The long list of reasons why this change in zoning should not go forward has previously been provided to you by our Board. This email simply needs to count and be noted on the official record as two more votes in definite opposition to the zoning change. Also note that there is no good reason to change this, especially at the cost of those in the surrounding neighborhoods.

Please reply to this email that you are in receipt and are counting my opposition vote to the zoning change to high density.

Thank you for your time.

Jane and Nathan Cathey

5715 W 26th Ave

Kennewick, WA

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the planning Commission recommend the request be denied, and that the City Council deny this request.

I live at 5319 W 25th Ave in Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent and no current vehicle access to most of the site.

Specifically, I Jose Chavez oppose this proposed amendment for the following reasons:

- This type of change will add even more traffic to our area, and I am overly concerned for the safety of my kids getting hit by the additional vehicular traffic that this will add to our area.
- The Thompson Hill is a great area to go hike and so close to home I would really hate for this iconic piece of land that's been here for many years go away over some greedy contractor that all he cares about is himself.
- Potential land slides with the disruption of the land movement.
- The ecosystem that lives there and has been living there.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, I believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment?
- The effect upon open space and natural features, including topography?
- The compatibility with and impact on adjacent land uses and neighborhoods?
- The adequacy of, and impact on the community facilities, including utilities, roads, public transportation, parks, recreation, and schools?
- The current and projected density the area?
- The effect upon other aspects of the Comprehensive Plan?

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) & (8) and should be denied.

Thankyou for considering these concerns, serving the people of Kennewick, and for your time for reading these concerns.

Respectfully,

Jose Chavez / Journeyman Wireman I.B.E.W. 112
T (509)378-7606

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 2635 S. Kellogg St in Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- The increased traffic would be a nightmare. We have several speed bumps already in the neighborhood because of Chinook Middle school. We don't need more traffic on these neighborhood streets. The apartment complex residents would use the same neighborhood streets we use for access into and out of their places of residence on Thompson Hill. Apartment complexes should be built next to main roads and not neighborhood streets.
- We have lived in this neighborhood for 21 years and don't want apartment complexes coming in now. Single family homes, on similar sized lots to what we already have, would be acceptable and would maintain the integrity of the neighborhood, but not apartment complexes butting up against the neighborhood.
- Apartment complexes on the top of the hill would create an eyesore for the Panoramic Heights neighborhood and may lead to decreased property values for current residents.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and

protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Glen Clark
Jolene Clark
2635 S. Kellogg St.
Kennewick, WA 99338
jgpja@charter.net

From: [Christa Clay](#)
To: [Steve Donovan](#)
Subject: Proposed Comprehensive Plan Amendment 20-06
Date: Monday, October 26, 2020 4:28:50 PM

October 24, 2020

Re: Proposed Comprehensive Plan Amendment 20-06

Dear Kennewick Planning Commission and City Council Members:

(Please forward comment letters to Planning Commissioners)

In 1983, when I was 15 and we were living in Nebraska, my Dad learned that the company he worked for was promoting him and transferring him to the Tri-Cities. After taking a couple of house hunting trips—one in a considerable snow storm—and viewing several houses, my folks settled on a house in Panoramic Heights. They liked the house but the neighborhood was what really sold them on their choice. I loved our new house and the fact that there was only one entrance/exit to the neighborhood. I loved that although we lived in the “cheap seats” of the neighborhood, we were able to enjoy the seclusion and peace that all of the other residents in the neighborhood enjoyed. I felt safer knowing that the people driving around the neighborhood were mostly residents who had a reason to be there.

Some years later, an engineer from the city attended a Homeowner’s meeting. He reported that there was a plan to cut new entrances/exits into the neighborhood but he assured the residents that there would be “no appreciable increase in traffic”. The residents argued that they purchased their homes in the neighborhood with a deciding factor being the minimal non-resident traffic and the increased safety aspect for themselves, their children and animals that came with it. The engineer again assured them that there would be no problems.

I moved back here in 2017 to care for my Mother whose health had begun to fail. When she passed away in 2018, I stayed to support my now 86-year-old Father. My brother bought the house across the street from Dad’s so I could live there but still be close enough to support Dad. I love this neighborhood but this is definitely not the neighborhood I remember from my high school days. I can admit that being able to exit the neighborhood in various directions is more efficient, at times, but I will also report that the engineer could not have been more misleading about the aftermath of cutting the roads through. It’s one thing to say out loud “this will not negatively affect you” but that proclamation does not respect the fact that all change has an effect. If not well thought out, it is typically a negative effect. Not only did the traffic increase substantially but Panoramic Heights went from being a neighborhood to a MAJOR thoroughfare. In truth, more often than not, it feels like a racetrack or the autobahn. The HOA voted to spend considerable money on speed humps in an attempt to encourage people to slow down. Not only do they not make a difference but most of the time drivers do not even slow down at all. They just fly over them. On top of that, a large majority of drivers don’t even slow down for the stop signs. They just barrel on through!

I recently learned that there is a proposed plan (Comprehensive Plan Amendment 20-06) to change land use designation adjacent to the west of Panoramic Heights from

Low to High Density Residential and potentially add as many as 1,100 multi-family dwellings on Thompson's hill in addition to the new/newer single family homes that have recently been constructed. I understand that with progress comes development and with development comes change. In truth, I am all for progress—but PLANNED progress. Building on this steeper area of Thomson's Hill, much less connecting it to our neighborhood just simply does not make sense for so many reasons. Significantly increased traffic, hence noise and wear and tear, potential erosion with the runoff of the water, decrease in safety and security for the long time residents and decreased property values. Many of the homeowners have been here for 30 or more years. They decided to spend their hard earned money and invest it in their futures in the Panoramic Heights neighborhood. Over the years, the City of Kennewick has let them down by decreasing not only their quality of life and peace and serenity but their property values by deconstructing a once private neighborhood. I'm all for development but we deserve development with a "substantial relationship to the public health, safety, welfare and protection of the environment", to quote the approval criteria of the city. That does not exist here. I am asking that the City of Kennewick to deny Comprehensive Plan Amendment 20-06 as it does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and leave Panoramic Heights as it currently is, for now and in future potential development projects.

Thank you for your time,

Christa Clay

5321 W. 26th Ave., Kennewick

From: [Sheri Crosby](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill McKay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#)
Cc: info@panoramicheightshoa.com
Subject: RE: Proposed Comprehensive Plan Amendment 20-06
Date: Tuesday, October 27, 2020 6:53:38 PM

Dear Kennewick Planning Commission and City Council Members:

RE: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 5300 West 25th Avenue in Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses, or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- This high density residential development will greatly impact traffic flow and traffic in our neighborhood. There will be up to 8,000 cars passing through Panoramic Heights on a daily basis. The increased traffic will not only damage our streets but it also puts our residents at risk. We are a neighborhood with many small children, elderly residents, and pets. Increased traffic puts these people and others at risk. I can safely say that many of these 8,000 cars will speed through the neighborhood with no regard for its residents. I say this based on the fact that the traffic from Chinook Middle School has caused many problems, and these problems have not been addressed by the City of Kennewick.
- In order to build this high density residential development, our streets will have to be torn up to bring water and other utilities to the development. This is a gigantic inconvenience that may cause damage to not only the streets, but also our yards, vehicles, and homes.
- The high density residential development will also decrease our property values. The increased traffic and limited access to the development will make people not want to buy established homes in Panoramic Heights because of the problems this proposed development will create, such as the traffic and safety issues.
- The limited access to this development will impact Panoramic Heights on a daily basis. There are three entry points to this development, one of which is at the end of West 26th Avenue. This means that traffic will cut through our neighborhood to gain access to this development. This is not fair or safe to our established neighborhood.
- The high density neighborhood is proposed to be built on very steep terrain. We do not know how much blasting will need to be done to make this development safe. When blasting is done, it may cause cracks and damage in pre-existing homes. Much like

what is occurring at the top of Canyon Lakes. Also, will this development eventually cause a landslide? We just do not know.

- The impact on the environment is also quite concerning. How many wildlife and plant life will be forced from their homes and destroyed due to this project?

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick. Also, please forward this letter to the Planning Commissioners.

Respectfully,

John and Sheri Crosby

5300 West 25th Avenue
Kennewick, WA 99338

shericrosby61@gmail.com

From: [Dale Smith](#)
To: [Steve Donovan](#)
Subject: CPA 20-06/PLN 2020-01009
Date: Monday, July 20, 2020 10:35:45 AM

Mr. Donovan,

As a resident of the Panoramic Heights Subdivision, I am concerned with the changing of the zoning for the address of 2701 & 2711 S Sherman St. I do not see where the developer has taken into account the added load that will affect the infrastructure of the area.

Can the following be answered? Will additional roads be required? Will the addition of extra homes overstress the sewage systems and irrigation systems? Will overloading the land increase the possibility of landslides and flooding? Will the smaller lot sizes or construction of multi dwelling structures decrease the value of the surrounding homes?

I believe that the change in the density from low density to high density residential would have an adverse effect on present homeowners.

Thank you for the opportunity to voice an opinion against these changes.

Thank you,

Dale Smith
509-619-3493

From: [Dawn Thomas](#)
To: [Steve Donovan](#)
Cc: christywatts2@gmail.com
Subject: FW: Fw: URGENT - Proposed Zoning Change to land above Panoramic Heights
Date: Tuesday, July 21, 2020 12:20:13 PM

From: Ivan Thomas [<mailto:ramsfanusa@msn.com>]

Sent: Tuesday, July 21, 2020 10:43 AM

To: Dawn Thomas

Subject: Re: Fw: URGENT - Proposed Zoning Change to land above Panoramic Heights

You should send that to Steve Donovan. If they don't put another access road in there will be a lot of traffic at the Irving Street Kellogg roundabout.

Get [Outlook for iOS](#)

From: Dawn Thomas

Sent: Tuesday, July 21, 2020 10:37:50 AM

To: 'Ivan Thomas'

Subject: FW: Fw: URGENT - Proposed Zoning Change to land above Panoramic Heights

Gosh,

I cannot imagine the amount of traffic using Kellogg, none of our roads were supposed to be for heavy traffic, it's a danger to small children, getting in and out of the estate is already hard with the amount of traffic created by the new schools that were dumped on us with no extra road access. Now those children walking to school will have even more traffic to deal with.

I don't know whether it means anything but when we, like a lot of others bought and paid for the homes we did it was listed as a low density residential area, that was what we bought, they can't deem it reasonable to rezone because one company; which does not live in the area and has no other interest in the area other than to make money from it wants to make more profit at the present residents expense.

If current residents wishes, rights and emotional, economical, physical well being are not protected then of what use is the planning and zoning departments of local government and the officers that work in those departments, whose wages are paid for by those they are called to serve and represent?

Dawn Thomas

5216 W. 26th Ave

Kennewick WA 99338

From: Christy Watts

Sent: Saturday, July 18, 2020 2:48 PM

To: 4drljdy@charter.net <4drljdy@charter.net>; abigailalongi@hotmail.com ; amy.still@lambweston.com ; andylogozzo@yahoo.com ; Jenna Higley ; barbarala1900@gmail.com ; bart_sievers@yahoo.com ; bbrannan@aol.com ; benlafitte@charter.net ; GERALD BERGES ; bjenner333@aol.com ; bk.olson@charter.net ; bklhealth@msn.com ; bmb49@aol.com ; brendon.sillito@frontier.com ; burtna@gmail.com ; camsickles@hotmail.com ; carol@wondrack.net ; carrie.enriquez@gmail.com ; cnsrman@aol.com ; correioj@gmail.com ; cparker6467@charter.net ; cybersnyder@msn.com ; d-hanc@msn.com ; dalesmith159@gmail.com ; daveandmar80@gmail.com ; davelong01@gmail.com ; dchumney1@yahoo.com ; dhanning@charter.net ; dobbs206@gmail.com ; dwarehime@charter.net ; Elisa.donovan@hotmail.com ; elizabethafranco@charter.net ; Steven Erhart ; farevalo76@gmail.com ; francinehandy@gmail.com ; geverett82@msn.com ; glromano@charter.net ; gmulvihill@hotmail.com ; graphicswest2@gmail.com ; jadavis18@charter.net ; jadittmer@clearwire.net ; jameswcutforth@gmail.com ; jasmith212@charter.net ; jasonbostic@hotmail.com ; jaspal_sohi@yahoo.com ; jeffadaddy@charter.net ;

jennidomagalski@gmail.com ; jgpja@charter.net ; jkneary@charter.net ; jncathey2352 ; john.deskins@ci.kennewick.wa.us ; johndelblessing@msn.com ; johnrlawson212@gmail.com ; jojohp7@hotmail.com ; jpatton27@charter.net ; judyfrankw@gmail.com ; justinbachmeier@yahoo.com ; jyork2b@charter.net ; kernanklan@charter.net ; kjjohnson@charter.net ; knore.bud@gmail.com ; konzeks@gmail.com ; krisparf@msn.com ; Larry Julyk ; LClay3731@charter.net ; lelandbkerr@gmail.com ; lesandginaw@charter.net ; lindalmccullough@gmail.com ; lisa_brentski@hotmail.com ; lmdevaney@gmail.com ; lmo8801964@aol.com ; loisjulyk@charter.net ; maryesthr@aol.com ; mendozamo312@gmail.com ; mizjudyb@hotmail.com ; mladow@wwdb.com ; mpennstate@aol.com ; pasma.josh@gmail.com ; pensign@charter.net ; peter.irby@gmail.com ; pettijohn5@gmail.com ; Pfister.michelle@yahoo.com ; pksato@aol.com ; ramsfanusa@msn.com ; reginaldunterseher@hotmail.com ; rhammond1300@charter.net ; rich144@live.com ; richnelson1942@msn.com ; rockhound132@charter.net ; ronkuk4@gmail.com ; Robin's Home ; rrobb@bmi.net ; Carol Schwarder ; sbeden@boosterclubs.org ; scottw@ias-cpa.com ; sharon@monkeytumble.com ; shericrosby61@gmail.com ; shlomo.orr@gmail.com ; SLDengage060@yahoo.com ; Stephen Varner ; SMJMidlton@yahoo.com ; stephenparent.parent@gmail.com ; stone_19130@msn.com ; tkroner@yahoo.com ; Sondra Rader ; tolindaandrobin@gmail.com ; tracydean@charter.net ; trave31199@aol.com ; trumpetdave@charter.net ; Traci Bradshaw ; twlatimer@gmail.com ; tyson789@gmail.com ; wavenumber9@hotmail.com ; waynemoore2@charter.net ; wbanko@frontier.com ; wrmsw@outlook.com ; YYCWB@naver.com ; Bill Dixon ; Christy Watts ; Dustin Watts ; Flodine ; Fred Biebesheimer ; Jillian <88repspt@gmail.com> ; Joe Fairchild ; John Deskins ; luannostergaard@gmail.com ; Molly Hamaker-Teals ; Ron Mabry ; Traci Wagner ; Vonda Smith

Subject: URGENT - Proposed Zoning Change to land above Panoramic Heights

PHHA Members

Attached, is the posted notice and a picture of the map of the proposed rezoning to high density residential. See the area outlined in black. It appears to be a large area (several acres) just north of the water tank, and west of PH3 and S. Kellogg Street. The area seems to go all the way up Thompson Hill to the existing residence.

Comments need to go to Steve.Donovan@ci.kennewick.wa.us on or before July 29th.

From: [Gina Dallas](#)
To: [Steve Donovan](#); [Jim Millbauer](#)
Subject: Proposed Comprehensive Plan Amendment 20-06
Date: Tuesday, November 3, 2020 11:16:09 AM

RE: Proposed Comprehensive Plan Amendment 20-06

Dear Kennewick Planning Commission and City Council Members:

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request. We ask that any comment letters be forwarded to the Planning Commissioners.

We live at 5506 W. 26th Avenue in Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Please take into consideration the impact this amendment will have on the Panoramic Heights neighborhood and other potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Dave & Gina Dallas

5506 W. 26th Avenue
Kennewick, WA 99338
gdallas@licbs.com
ddallas@allcomgs.com

Gina Dallas • Legal Assistant

Liebler & St. Hilaire, P.S.
P.O. Box 6125 • Kennewick, WA 99336
8131 W. Grandridge Blvd., Suite 101 • Kennewick, WA 99336
(509) 735-3581 office • (509) 735-3585 fax
gdallas@licbs.com

Steve Donovan

From: John Deskins <john.deskins.home@gmail.com>
Sent: Sunday, July 26, 2020 2:08 PM
To: Steve Donovan
Subject: Change in Development Densities West of Panoramic Heights

Dear Mr. Donovan

As a resident of Panoramic Heights living on 26th Avenue, I have been informed of a recent proposal to change the zoning of the vacant property to the west from Low Density Residential to High Density Residential. This notice is very concerning to me personally. Our neighborhood already suffers from relatively heavy traffic for what is considered a local residential street. This is in part due to the number of existing homes, but also due to cut-thru traffic accessing Southridge High School and Chinook Middle School. Despite being lucky enough to have a speed hump just a few hundred feet east of my home and a radar speed sign a few hundred feet to the west, I still find that there is no shortage of traffic going by my house at 30 mph or more. Most concerning are the larger vehicles and service vehicles like landscapers that go through with little regard and knowing that those vehicles are unable to respond properly to the unexpected events that happen in neighborhoods. I know this having worked at home with a window overlooking 26th Avenue for the past three months. These impacts are significant, and that is even without any of the school traffic that is currently absent

Now when looking for my home initially, I did notice that certain roads were dead ends with possible future development. The opening of Edison Street about 12 years ago caused a significant impact on my neighborhood and my property, and certainly 25th and 26th could do the same. The Edison impact would have been more reasonable if it had just been homes, but the amount of cut-through traffic from the schools is more substantial. Regarding future extension of 25th and 26th, however, the evidence was there for me to know that extension and more traffic could occur. What one would expect however is that any development would be of similar type and density. Certainly, you would not expect that the property could be rezoned as some sort of commercial use where visitors would be forced to drive through our neighborhood streets to get to their destination. Further, the idea that it would be changed to High Density Residential is also unreasonable, asking our neighborhood to shoulder a much higher traffic burden than the traditional Low Density zoning with no evidence of a proposed alternate and reasonable second access direct to a city arterial or collector roadway that would help mitigate that traffic loading. This traffic loading will directly affect my home and its value and do so even more for many of my neighbors to the west. I think it would be irresponsible of the city to approve of any such change without requiring the developer to create a new access that would bleed off much of the increased traffic.

Finally, I find it amazing that the developer would completely ignore the questions on transportation effectively concealing from city staff and neighbors the potential traffic impacts this development would cause. The suggestion that this is a Non-Project Proposal is not an excuse to ignore the impacts. It is exactly the time to identify the impacts, because once it is passed, any proposal that meets the density requirements can be on the table. The developer should absolutely be forced to perform a traffic impact study for such a change that would evaluate existing traffic counts (Pre-COVID and including schools) and increases due to any and all development that could occur west of the dead end streets. It should account for not only daily traffic, and PM traffic, but also AM traffic since that is a high impact time period with school cut-thru traffic peaking. Even though we don't know the exact proposal, I can tell you that increasing the density allows up to 4.7 times more housing units per acre over 7,500 foot lot minimums of low density zoning. Depending on the type of development proposal that would produce between 150 and 200 more trips per day PER ACRE of development as compared to the 55 trips per day per acre that a Low Density development would generate. That's between 3.7 and 4.7 times more trips. Even the Low Density residential lot sizes of 7500 feet will be significant as my lot and many others in our neighborhood are roughly twice that size.

I urge the city to deny such a request under the circumstances unless the developer can provide an alternative access that is convenient to help mitigate any proposal. It's possible that the developer would propose Traffic Calming solutions, but that has already been shown not to work in our neighborhood, and would not work unless they are deployed literally every 500 feet along the affected roadways. Retrofitting an existing street with speed humps can be very challenging and, in this case, could also cause substantial emergency service delays to our residents.

Our neighborhood has already been burdened with cut-through traffic from two schools, and adjacent neighborhoods, and have the expectation that some reasonable residential might occur at the end of 25th and 26th. Changing that area from Low Density to High Density is not reasonable and I ask how much more traffic our neighborhood should be asked to bear due to weaknesses in the existing collector and arterial transportation network. The developer should not be able to conceal impacts by skirting key transportation question on the SEPA application. I urge the city to deny such a request.

Sincerely,

John Deskins
5501 W 26th Avenue
Kennewick, WA 99338
john.deskins.home@gmail.com

From: [John Deskins](#)
To: [Steve Donovan](#)
Subject: RE: ED 20-14/PLN-2020-01014 DS
Date: Sunday, October 18, 2020 6:55:23 PM
Attachments: [image001.png](#)
[image002.png](#)

Steve,

Thank you for sharing the Determination of Significance. I see that there is additional information requested on the matter of Transportation Access and Traffic Impacts in an EIS. The following summarizes my concerns about the proposal as well as the scope of a study that would address these two issues.

Development of the subject 40.6 acres, even if developed at low density residential levels would have significant impacts on the streets within Panoramic Heights and the Southridge neighborhood south of Panoramic Heights. This is particularly true if it were to be allowed to connect directly to either 26th Avenue or 28th Avenue. Thompson Hill is a significant barrier to north/south traffic on arterial and collector streets so the two neighborhoods receive a significant amount of cut-through traffic already from the schools and other sources. If traffic volumes were measured Post COVID on a school day we would find several segments on 26th Avenue and Irving Street in Panoramic Heights and on Kellogg and 28th in the Southridge Development that are at or near the Local Street threshold for normal high traffic of 1,500 vehicles per day (KMC 13.04.010(4)). Connecting a low density residential development would add hundreds of trips per day to these roadways pushing them over the normal traffic thresholds and should not be allowed in this manner while a high density development could add thousands of trips per day. There should be no consideration whatsoever to allow a direct connection of the subject property to the existing local streets of 26th or 28th Avenues.

When it comes to the applicant's request to change the land use to high density residential the equation changes dramatically for the worse. The revised SEPA document does include some information about trips per the most recent Institute of Traffic Engineers (ITE) *Trip Generation Manual*, and they have correctly identified the land use as Multi-Family Housing – Low Rise (LUC 220). This was identified in question 14.f of the document and shows the development could generate 7.32 daily trips per dwelling unit, with 0.46 trips per dwelling unit in the AM and 0.56 trips per dwelling unit in the PM peak hour. However, the applicant still does not answer the actual question which is "How many vehicular trips per day would be generated by the completed project or proposal?" leaving no indication of what traffic could be generated. They don't answer the question stating that "No project is currently planned for the project site." That is deceptive, hiding the true impact of the change in zoning. In lieu of no planned project they need to estimate a project developed at the maximum density. Doing the math, there could be up to 27 housing units per acre. The applicants requested High Density Residential land use designation for all 40.6 acres could yield up to 1,100 housing units. Using the ITE Trip Generation data assumes 7.32 daily trips per multi-family housing unit or 8,000 vehicle trips per day and up to 600 vehicles in the PM peak hour, based on using 0.56 trips per dwelling unit in the PM.

These are very large trip generation numbers. Based upon the City of Kennewick's own code (KAC 13-08 Traffic Impact Study), the developer should be required to perform a Traffic Impact Study that evaluates impacts at all major phases, and then 5-years and 10-years from the completion of the project. Any attempt to justify use of the local streets for access should require the developer to measure average daily traffic (ADT) at key locations on the local streets of 26th Avenue, 28th Avenue, and Irving Street. The counts need to be made while school is in full session (school cut-thru traffic is significant) and account in-process traffic, basically any and all approved home lots (in approved plats) that are yet to be constructed. Key city and WSDOT intersections should also be analyzed to evaluate the impacts to those intersections with regards to Level of Service (LOS) and queuing. The City intersections of 10th & Union, 27th & Union/Southridge, Southridge Blvd & Hildebrand Blvd, and Hildebrand Blvd & Sherman Street should be required elements in the study, as well as the WSDOT intersections of 27th & SR 395 and Hildebrand & SR 395. Of particular concern should be to determine if the intersection of 27th & SR 395 will queue up into the 27th & Union/Southridge roundabout, grinding traffic to a halt. There are times in the PM peak hour that this nearly happens today. The roundabout at 27th & Union/Southridge also has the potential to fail LOS in its own right without further expansion to a multi-lane roundabout.

Development of the property at low density would likely generate 1500-2000 trips per day, while high density would generate 4 to 5 times more trips at around 8000 trips per day. It is important that the developer provide an access plan that does not overwhelm local streets as well as show that they can meet concurrency for transportation with regard to key city and state-controlled intersections.

Sincerely,

John Deskins

5501 W 26th Avenue

Kennewick, WA 99338

john.deskins.home@gmail.com

From: Steve Donovan

Sent: Wednesday, October 7, 2020 11:52 AM

To: 'graphicwest2@gmail.com' ; 'ryanhill4ever@gmail.com' ; 'berges6@aol.com' ; 'bmb49@aol.com' ; 'bbrannan@aol.com' ; 'jncathey2352@charter.net' ; 'kariannekarianne@yahoo.com' ; 'john.deskins.home@gmail.com' ; 'wtdixon3@gmail.com' ; 'rr_duncan@charter.net' ; 'geverett82@msn.com' ; 'cameojj@charter.net' ; 'benlafitte@charter.net' ; 'francinehandy@gmail.com' ; 'rockhound132@charter.com' ; 'kernanklan@charter.net' ; 'shlomo.orr@gmail.com' ; 'ronkuk4@gmail.com' ; 'carlv509@yahoo.com' ; 'smjmidlton@yahoo.com' ; 'stephenparent.parent@gmail.com' ; 'pettijohn5@gmail.com' ; 'jojohp7@hotmail.com' ; 'todaysint@gmail.com' ; 'glromano@charter.net' ; 'domkathy@hotmail.com' ; 'bart_sievers@yahoo.com' ; 'dalesmith159@gmail.com' ; 'vondagreg@aol.com' ; 'jasmith212@charter.net' ; 'office@westernreclamation.com' ; 'ramsfanusa@msn.com' ; 'christywatts2@gmail.com' ; 'jyork2b@charter.net' ; 'Terri Hash' ; 'richnelson1942@msn.com'

Subject: ED 20-14/PLN-2020-01014 DS

Attached is Determination of Significance for CPA 20-06.

There is some additional analysis the City is requesting.
Feel free to contact me if you have questions.

Steve

Steve Donovan, AICP

City of Kennewick

Community Planning/Senior Planner

O: 509.585.4361

Steve.Donovan@ci.kennewick.wa.us

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 2272 S Belfair St, in Southcliffe the neighborhood that borders this site on the west side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- *We, as residents of Southcliffe adamantly oppose CPA 20-06. Under no circumstances will we support this comprehensive plan amendment.*
- *We made an investment to purchase a home in this neighborhood based on the current zoning.*
- Future traffic on Northern Sherman road will already be greatly impacted by the 400 plus homes currently being developed by the Bauder family, to the west of CPA 20-06.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;

- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Jonathan & Christal Dickman
2272 S Belfair St
Kennewick, WA 99338
jon7116@gmail.com
christalangelina@gmail.com
(509) 873-9123

From: [Steve Donovan](#)
To: [Bill Dixon \(wtdixon3@gmail.com\)](mailto:wtdixon3@gmail.com)
Subject: FW: Public Hearing Prep
Date: Thursday, October 1, 2020 10:42:19 AM

Mr. Dixon,
 I just realized I misspoke when I said the hearing examiner, it will be the Planning Commission.
 Sorry for the mix-up.
 Steve

From: Steve Donovan
Sent: Thursday, October 1, 2020 10:31 AM
To: 'Bill Dixon'
Subject: RE: Public Hearing Prep
 Mr. Dixon,

At this point it appears that the hearing will be on November 2nd. The hearing notice will most likely be mailed and posted on October 15th and published October 18th.
 Comments can be submitted until the hearing is closed by the hearing examiner.
 All comments and the appeal will be part of the record for the hearing. It is important to remember that the DNS has been withdrawn and a new SEPA Determination will be issued.
 There is usually a three minute time limit for speaking at the hearing. The hearing examiner will make the decision on that.
 Let me know if you have further questions.
 Steve

From: Bill Dixon <wtdixon3@gmail.com>
Sent: Thursday, October 1, 2020 9:23 AM
To: Steve Donovan <Steve.Donovan@ci.kennewick.wa.us>
Subject: Public Hearing Prep

Good morning Steve. It looks like you are busy with all the CPA's!
 In order to start preparing our neighborhood for the public hearing on CPA 20-06, could you answer a few questions?
 When will the public hearing be announced and posted?
 How long is the period for the public to submit written comments?
 May comments be submitted before the hearing announcement and posting?
 Will you be including all prior written comments and PHHA's Appeal of the DNS in the record?
 Will there be time limits on speaking at the public hearing?
 Thanks again Steve and please excuse my inexperience with the City's process.
 Bill Dixon
 509.531.5913
wtdixon3@gmail.com

From: [Steve Donovan](#)
To: ["Bill Dixon"](#)
Subject: RE: Planning Commission Public Hearing
Date: Wednesday, October 7, 2020 4:08:47 PM

Mr. Dixon,

Staff will discuss your request with Vice Chairman Morris. We will also be discussing how and when documents will have to be submitted in order to be entered into the record and presented at the hearing.

Steve

From: Bill Dixon

Sent: Wednesday, October 7, 2020 6:03 AM

To: Steve Donovan

Subject: Re: Planning Commission Public Hearing

Thanks Steve.

Since I don't have the contact information for Mr. Morris, please forward our request that the Panoramic Heights Homeowners Association (PHHA), representing 160 families, intends to speak against CPA 20-06 at the public hearing on November 2. PHHA has several concerns that we wish to explain fully to the Commissioners.

Therefore, PHHA requests 15 minutes to speak for its members at the beginning of the public comments against the proposal. Some individual families may choose to express their personal views separately.

Thank you.

Bill Dixon

509.531.5913

wtdixon3@gmail.com

On Tue, Oct 6, 2020 at 2:32 PM Steve Donovan <Steve.Donovan@ci.kennewick.wa.us> wrote:

Mr. Dixon,

Thank you.

At this point I am assuming that the staff report will be ready by October 23rd.

All comments will be added to the staff report as an exhibit. Staff will provide a general analysis in the staff report for the comments that are received. The Planning Commission will read each of the comments submitted.

In regard to comments that may be submitted after the staff report has been distributed, that will depend on when the comments are received, but they will be forwarded to the Planning Commission and entered into the record as long as they are received prior to when the public hearing is closed. Holding a virtual hearing does change some of our standard processes, staff will be discussing issues that may develop.

The standard time limit for testimony is 3 minutes, the Planning Commission will determine if any time extensions will be allowed.

It will be best to submit the graphics you want presented prior to the start of the hearing so staff can bring them up on the screen.

When there are many people that are wanting to comment and they have the same or similar comments, staff recommends that a spokesperson be designated to speak on their behalf.

Let me know if you have further questions.

Steve

From: Bill Dixon <wtdixon3@gmail.com>

Sent: Tuesday, October 6, 2020 5:35 AM

To: Steve Donovan <Steve.Donovan@ci.kennewick.wa.us>

Subject: Planning Commission Public Hearing

Steve,

It was very informative to watch the Planning Commission Public Hearing last night. Your presentations were succinct and precise.

A few questions for the public hearing on CPA 20-06 scheduled for November 2.

When do you expect your staff report to be ready?

How will you include all written comments received previously and so far during the ongoing comment period, and how will you summarize them?

What about written comments that are received after you distribute your staff report?

The Panoramic Heights Homeowners Association will be commenting on behalf of its 160 members (households). We intend to summarize our members' concerns. May we be allowed 15 minutes at the start of comments that are neutral or opposed?

We expect to have some graphics to display. How should this be done?

We also expect individual homeowners in our neighborhood to speak for themselves. Right now, I'd guess about 10-20.

Thanks.

Bill Dixon

509.531.5913

wtdixon3@gmail.com

From: [Steve Donovan](#)
To: ["Bill Dixon"](#)
Subject: RE: CPA 20-06 Critical Areas
Date: Monday, October 12, 2020 4:54:04 PM

Mr. Dixon,

The 2007 is the most recent official map. There have been some Geo-Tech reports that have removed some properties from a critical area designation, those are on a lot by lot basis. The entire site has some type of Geo-Hazard area on it. Only slopes 40% and greater are unbuildable, maybe 3 acres of the site. The other designations allow constructions if you can meet the applicable requirements.

Steve

From: Bill Dixon
Sent: Saturday, October 10, 2020 8:16 AM
To: Steve Donovan
Subject: CPA 20-06 Critical Areas

Steve,

The only map I have found on Critical Areas is an overall City of Kennewick map from 2007. Are there updated maps that would clearly show what areas of the proposed site are within the various critical areas?

Also, do you have an estimate of how much of the 40.6 acres is within each critical area?

Thanks.

Bill Dixon
509.531.5913
wtdixon3@gmail.com

From: [Steve Donovan](#)
To: ["Bill Dixon"](#)
Subject: RE: CPA 20-06/PLN-2020-01009
Date: Wednesday, October 14, 2020 3:42:20 PM
Attachments: [image001.png](#)

Mr. Dixon:

The comment period will end when the Planning Commission closes the public hearing.

The hearing was delayed because the City would have had to send out the hearing notification information today for publication and there was not any certainty on whether the requested SEPA information would be submitted or if SEPA Appeal was going to be filed.

The City did not want to issue the public hearing notification until the hearing date is known for sure.

Steve

From: Bill Dixon

Sent: Wednesday, October 14, 2020 3:33 PM

To: Steve Donovan

Subject: Re: CPA 20-06/PLN-2020-01009

And why was it delayed?

On Wed, Oct 14, 2020 at 3:04 PM Steve Donovan <Steve.Donovan@ci.kennewick.wa.us> wrote:

Parties of Record:

The public hearing for CPA 20-06, generally located at 2701 and 2711 S Sherman Street, will not be held on November 2, 2020, it has been tentatively rescheduled for November 16, 2020.

Feel free to contact me if you have questions.

Steve

Steve Donovan, AICP

City of Kennewick

Community Planning/Senior Planner

O: 509.585.4361

Steve.Donovan@ci.kennewick.wa.us

--

Bill Dixon

509.531.5913

wtdixon3@gmail.com

October 18, 2020

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request. We live at 2500 S. Irving Street, in Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. We will be most impacted by high density residential development.

High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site. Specifically, we oppose this proposed amendment for the following reasons:

- We are concerned about the impact to our neighborhood regarding the expected huge increase in traffic and subsequent decreased property values due to this land-use designation change. We are also concerned about demands on irrigation water supplies, plus the environmental impacts of building high-density housing on this steep portion of Thompson Hill.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan. In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with, and impact on, adjacent land uses and neighborhoods;

- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied. These codes were put in place to protect the residents of Kennewick. Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Susan and William Dixon
2500 S. Irving Street
Kennewick, WA 99338

susan.levesque.dixon@gmail.com

From: [Bill Dixon](#)
To: [Steve Donovan](#)
Subject: Re: File CPA 20-06/PLN-2020-01009
Date: Wednesday, July 29, 2020 5:21:29 PM

Steve,

I have completed my review of the proposal to "Amend the land use designation for the property located at 2701 and 2711 S. Sherman Street, from Low Density Residential to High Density Residential" as described in the Notice posted at the end of W. 26th Avenue in the Panoramic Heights neighborhood.

I request that the City of Kennewick deny the "Application" based on the following reasons.

The City's Notice that is posted at the end of W. 26th Avenue in Panoramic Heights is inadequate and incorrect.

1. The Notice is posted at the end of a dead end street that is not visible to nearly all of the residents in Panoramic Heights.
2. The Notice states it applies to "the property located at 2701 and 2711 S. Sherman Street". These properties cover 14.4 acres. In fact the Application covers "2701 & 2711 S. Sherman Street, and two unaddressed lots" totaling 40.6 acres.
3. The Notice states the proposal would change "the land use designation...from Low Density Residential to High Density Residential". In fact, the property at 2701 S. Sherman (7.5 acres) is currently zoned Residential Suburban; not Low Density Residential.

The "Application" submitted by Jose A. Chavallo on April 21, 2020 is incomplete, inaccurate and misleading.

1. The "Description of Project" is not provided. Therefore, the Application can not be evaluated on its merits, impacts and compliance.
2. The answer to "What are the reasons for the requested amendment" is not answered. It just says "Allow amending zoning area to High Density Residential". That's the requested action; not the reasons.
3. The answer to "Which elements of the Comprehensive Plan will be affected and how" and "Include detailed information" on utilities and services simply states "Development of areas will use the same public utilities and services as current Comprehensive and Zoning areas". This is not credible since there are no current utilities and services except for one existing residence. This zoning change could allow up to 442 single family homes (on minimum 4,000 square foot lots) or 1105 rowhouses or townhouses (on minimum 1,600 square foot lots); minus land used for infrastructure.
4. The response to "Indicate how the requested amendment will implement the Comprehensive Plan and be in the best interest of the Kennewick area, reference specific Comprehensive Plan policies that will be implemented" is inadequate. The applicant expresses his opinions and interests; not any stated interests of the City, and he does not reference or relate his response to City policies.
5. The applicant claims that "A more flexible design area will facilitate growth and attractive livability within the Southridge area." In fact, crowding houses, rowhouses, townhouses or other high density uses on the side of a steep hill surrounded by low density residential homes will make anyone's livability more attractive.
6. The "Application" could permit the following residential uses (per "Residential Use Table, 18.12.010.A.1") which are inconsistent with the low density residential homes surrounding the area of proposed zoning change:

- Day care centers
- Group living
- Mini day care center (not located in family abode)
- Mini storage
- Motels
- Nursing homes and congregate care facilities
- Multi-family residences
- Rooming houses and Boarding houses.

The State Environmental Policy Act (SEPA) Checklist submitted by Jose and Tammy Steele-Chavallo on April 21, 2020 is not true, accurate and complete in violation of SEPA regulations.

1. The Applicant's checklist was submitted as a "Non-Project Proposal" with no specific information on potential uses of the land. It is impossible to assess environmental impacts. Therefore, this SEPA checklist does not meet the intent of SEPA. However, it is obvious that changing 40.6 acres of mostly undisturbed, open land that has not been developed (except for one residence) to high density residential will have significant environmental impacts. How could building up to 442 single family homes, or 1105 rowhouses or townhouses, or other high density development on a steep slope of native shrub-steppe terrain not have environmental impacts?
2. The Applicant's checklist specifically ignores, dismisses or minimizes environmental impacts, such as:
 - Filling, excavation and grading for the development
 - Erosion from clearing, construction and use
 - Impervious surfaces laid
 - Air emissions from construction, operation and maintenance
 - Impact on surface water (an irrigation canal crosses the property)
 - Impact on groundwater from development
 - Impact on water and stormwater runoff from the development
 - Inventory of and impact native plants on the undisturbed open land, including endangered and threatened species
 - Inventory of and impact on animals on undisturbed open land, including endangered and threatened species
 - Development of energy and natural resources
 - Noise and dust created during development
 - Impact on aesthetics, including views from throughout the Tri-Cities area
 - Impact of light and glare, such as viewing the night sky
 - Impact on cultural and historic resources, including possible native American hunting ground and campsite (near the old spring site on the side of Thompson's Hill)
 - Impact on transportation and traffic, especially in surrounding neighborhood's
 - Increased need for utilities and public services
 - Increased risk of wildfires and related property damage.

As you can see, the Applicant has failed to complete the Application and SEPA Checklist in accordance with City and State requirements. By refusing to identify the proposed use of these 40.6 acres, it is impossible to identify the impacts of the proposed zoning changes upon the community and the environment. This Application must be denied.

Thank you for the opportunity to comment.

Bill and Susan Dixon

2500 S. Irving Street (in Panoramic Heights)
509.531.5913
wtdixon3@gmail.com

On Mon, Jul 20, 2020 at 7:22 AM Steve Donovan <Steve.Donovan@ci.kennewick.wa.us> wrote:

Mr. Dixon:

Below are the answers to your questions:

1. The total acreage of the site is 40.6 acres.
2. Yes, the area outlined in bold black is the entire site.
3. No specific development has been proposed for this site. The proposed amendment is not a project action.
4. No road layout has been proposed.

Feel free to contact me if you have further questions.

Steve

From: Bill Dixon <wtdixon3@gmail.com>

Sent: Saturday, July 18, 2020 11:15 AM

To: Steve Donovan <Steve.Donovan@ci.kennewick.wa.us>

Cc: susan dixon <susan.levesque.dixon@gmail.com>; Gerry Berges <berges6@aol.com>; Christy Watts <christywatts2@gmail.com>

Subject: File CPA 20-06/PLN-2020-01009

Steve,

I have just become aware of the proposal to amend the land use designation for the property located at 2701 and 2711 S Sherman Street from Low Density Residential to High Density Residential. I am concerned about this change and intend to submit comments.

Can you answer my initial questions:

1. What are the sizes of these two lots?
2. Do these lots include all the land within the black highlighted area on the posted map?
3. What is proposed to be developed on these lots?
4. Where will the roads be to service these lots?

I would appreciate a quick response to these initial questions.

I am older than 60 years with underlying health conditions. Therefore, according to the CDC, Washington Department of Health and Benton-Franklin Health District guidance, I am unable to examine the file in the Permit Center. I request this reasonable accommodation by the City of Kennewick.

Thank you for your assistance.

Bill Dixon

2500 S. Irving St.

509.531.5913

wtdixon3@gmail.com

From: [Bill Dixon](#)
To: [Steve Donovan](#)
Subject: Re: FW: ED 20-14/PLN-2020-01014
Date: Thursday, August 6, 2020 9:15:34 AM
Attachments: [image001.png](#)

82.64 acres is what you presented to the Planning Commission on June 15. See their meeting minutes:

“CPA 20-06, Change from Low Density Residential to High Density Residential for 82.64 acres located at 2701 & 2711 S. Sherman Street”

On Thu, Aug 6, 2020 at 8:31 AM Steve Donovan <Steve.Donovan@ci.kennewick.wa.us> wrote:

Mr. Dixon,

The staff reviewed the documentation that was submitted, there was no additional evaluation documentation that was done.

40.6 acres is what was submitted on the application. The 40.06 was a typo. We will be sending out a corrected SEPA Determination.

I have looked through the documentation giving to the Planning Commission and did not find a reference to 82.6 acres. Please let me know which document you saw that referenced 82.6 acres.

Thanks,

Steve

From: Bill Dixon <wtdixon3@gmail.com>
Sent: Thursday, August 6, 2020 7:58 AM
To: Steve Donovan <Steve.Donovan@ci.kennewick.wa.us>
Subject: Re: FW: ED 20-14/PLN-2020-01014

Steve,

The only new document is the letter from WDOT. You provided the Application and SEPA Checklist to PHHA previously.

I would appreciate receiving the Staff evaluation of the Applicant's SEPA Checklist.

Also, I am confused about Proposed Amendment CPA 20-06. At the Planning Commission meeting on March 2, staff described it as 40.06 acres. The Application, SEPA Checklist and Public Notice are based on 40.6 acres. Yet at the Planning Commission meeting on June 15, it was described as 82.6 acres. The Planning Commission voted to accept that application for processing.

Which is it? If it is truly 82.6 acres, then the public review process needs to be redone with a revised Application, SEPA Checklist, Public Notice and Determination of Significance.

If it is 40.06 or 40.6 acres, doesn't the Planning Commission need to reconsider its decision since it approved 82.6 acres?

Bill Dixon

509.531.5913

wtdixon3@gmail.com

On Wed, Aug 5, 2020 at 3:11 PM Bill Dixon <wtdixon3@gmail.com> wrote:

Thank you.

On Wed, Aug 5, 2020 at 2:21 PM Steve Donovan <Steve.Donovan@ci.kennewick.wa.us> wrote:

Mr. Dixon,

Attached are the materials you requested.

Here is the contact information that you requested:

Department of Ecology: Gwen Clear, 509-575-2012

Department of Fish and Wildlife: Michael Ritter, Michael.Ritter@dfw.wa.gov

Department of Transportation: Paul Gonseth, 509-577-1600

Yakama Nation: enviroreview@yakima.com (I have no direct contact person)

CTUIR: Ashely Morton, AshleyMorten@ctuir.org

Steve

From: Bill Dixon <wtdixon3@gmail.com>
Sent: Wednesday, August 5, 2020 1:01 PM
To: Steve Donovan <Steve.Donovan@ci.kennewick.wa.us>
Cc: Carol Schwarder <ryanhill4ever@gmail.com>
Subject: Re: FW: ED 20-14/PLN-2020-01014

Steve,

Please send me the information used by the City to make this Determination.

Also, please provide the contact persons for the Department of Ecology, Department of Fish and Wildlife, Department of Transportation, Yakama Nation and CTUIR.

Thank you.

Bill Dixon

509.531.5913

wtdixon3@gmail.com

On Wed, Aug 5, 2020 at 8:36 AM Steve Donovan
<Steve.Donovan@ci.kennewick.wa.us> wrote:

From: Steve Donovan
Sent: Wednesday, August 5, 2020 7:53 AM
To: Bart and Sue Sievers <BartSievers@bart_sievers@yahoo.com>; Bill Dixon <BillDixon@wtdixon3@gmail.com>; Carol and Charles Bartell <CarolSchwarder@ryanhill4ever@gmail.com>; Chad and Katherine Pettijohn <ChadPettijohn@pettijohn5@gmail.com>; Christine Barnes <ChrisBarnes@graphicswest2@gmail.com>; Christy Watts <ChristyWatts@christywatts2@gmail.com>; Dale Smith <DaleSmith@dalesmith159@gmail.com>; Dawn Thomas <DawnThomas@office@westernreclamation.com>; Dominic Sansotta <DomKathySansotta@domkathy@hotmail.com>; Fran Handy <FrancineHandy@francinehandy@gmail.com>; Gail and Brian Everett <GailEverett@geverett82@msn.com>; Gene and Marie Kernan <kernanklan@charter.net>; George Romano <glromano@charter.net>; Gerry Berges <berges6@aol.com>; Greg and Vonda Smith <VondaSmith@vondagreg@aol.com>; Ivan Thomas <IvanThomas@ramsfanusa@msn.com>; Jane and Nathan Cathey <jncathey2352@charter.net>; Janice and Bruce Boyum <BruceBoyum@bmb49@aol.com>; Jeff and Shirley Griffin <ShirleyGriffin@benlafitte@charter.net>; Jill York <jyork2b@charter.net>; Jim and AJ Foster <JimAJ@cameoji@charter.net>; Joann Pringle <JoannPringle@jojohp7@hotmail.com>; John Deskins <JohnDeskins@john.deskins.home@gmail.com>; Judith Smith <JudySmith@jasmith212@charter.net>; Keith and Robin Duncan <rr_duncan@charter.net>; Larry Hulstrom <LarryHulstrom@rockhound132@charter.net>; Mike and Sondra Rader <SondraRader@todaysint@gmail.com>; Patrick Brannan <PATRICKBRANNAN@bbrannan@aol.com>; Richard Nelson <RichNelson@richnelson1942@msn.com>; Ron Mabry <SN@carlvr509@yahoo.com>; Ronald Kuklinski <RonKuklinski@ronkuk4@gmail.com>; Shawn Middleton <TheMiddleton's@smjmidlton@yahoo.com>; Shlomo Orr

<ShlomoOrr<shlomo.orr@gmail.com>>; Stephen and Sandra Parent
<StephenParent<stephenparent.parent@gmail.com>>
Subject: ED 20-14/PLN-2020-01014

Attached is the Environmental Determination for the Chavallo Comprehensive Plan
Land Use Map Amendment.

Please review the determination and let me know if you have any questions.

Steve



Steve Donovan, AICP

City of Kennewick

Community Planning/Senior Planner

O: 509.585.4361

Steve.Donovan@ci.kennewick.wa.us

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Bill Dixon

509.531.5913

wtdixon3@gmail.com

--

Bill Dixon

509.531.5913

wtdixon3@gmail.com

From: [Bill Dixon](#)
To: [Steve Donovan](#)
Subject: Re: FW: ED 20-14/PLN-2020-01014
Date: Thursday, August 6, 2020 7:59:03 AM
Attachments: [image001.png](#)

Steve,

The only new document is the letter from WDOT. You provided the Application and SEPA Checklist to PHHA previously.

I would appreciate receiving the Staff evaluation of the Applicant's SEPA Checklist.

Also, I am confused about Proposed Amendment CPA 20-06. At the Planning Commission meeting on March 2, staff described it as 40.06 acres. The Application, SEPA Checklist and Public Notice are based on 40.6 acres. Yet at the Planning Commission meeting on June 15, it was described as 82.6 acres. The Planning Commission voted to accept that application for processing.

Which is it? If it is truly 82.6 acres, then the public review process needs to be redone with a revised Application, SEPA Checklist, Public Notice and Determination of Significance.

If it is 40.06 or 40.6 acres, doesn't the Planning Commission need to reconsider its decision since it approved 82.6 acres?

Bill Dixon
509.531.5913
wtdixon3@gmail.com

On Wed, Aug 5, 2020 at 3:11 PM Bill Dixon <wtdixon3@gmail.com> wrote:

Thank you.

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Mr. Dixon,

Attached are the materials you requested.

Here is the contact information that you requested:

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Department of Transportation: Paul Gonseth, 509-577-1600

Yakama Nation: enviroreview@yakima.com (I have no direct contact person)

CTUIR: Ashely Morton, AshleyMorten@ctuir.org

Steve

From: Bill Dixon <wtdixon3@gmail.com>
Sent: Wednesday, August 5, 2020 1:01 PM
To: Steve Donovan <Steve.Donovan@ci.kennewick.wa.us>
Cc: Carol Schwarder <ryanhill4ever@gmail.com>
Subject: Re: FW: ED 20-14/PLN-2020-01014

Steve,

Please send me the information used by the City to make this Determination.

Also, please provide the contact persons for the Department of Ecology, Department of Fish and Wildlife, Department of Transportation, Yakama Nation and CTUIR.

Thank you.

Bill Dixon

509.531.5913

wtdixon3@gmail.com

On Wed, Aug 5, 2020 at 8:36 AM Steve Donovan
<Steve.Donovan@ci.kennewick.wa.us> wrote:

From: Steve Donovan

Sent: Wednesday, August 5, 2020 7:53 AM

To: Bart and Sue Sievers <BartSievers<bart_sievers@yahoo.com>>; Bill Dixon <BillDixon<wtdixon3@gmail.com>>; Carol and Charles Bartell <CarolSchwarder<ryanhill4ever@gmail.com>>; Chad and Katherine Pettijohn <ChadPettijohn<pettijohn5@gmail.com>>; Christine Barnes <ChrisBarnes<graphicswest2@gmail.com>>; Christy Watts <ChristyWatts<christywatts2@gmail.com>>; Dale Smith <DaleSmith<dalesmith159@gmail.com>>; Dawn Thomas <DawnThomas<office@westernreclamation.com>>; Dominic Sansotta <DomKathySansotta<domkathy@hotmail.com>>; Fran Handy <FrancineHandy<francinehandy@gmail.com>>; Gail and Brian Everett <GailEverett<geverett82@msn.com>>; Gene and Marie Kernan <kernanklan@charter.net>>; George Romano <glromano@charter.net>>; Gerry Berges <berges6@aol.com>>; Greg and Vonda Smith <VondaSmith<vondagreg@aol.com>>; Ivan Thomas <IvanThomas<ramsfanusa@msn.com>>; Jane and Nathan Cathey <jncathey2352@charter.net>>; Janice and Bruce Boyum <BruceBoyum<bmb49@aol.com>>; Jeff and Shirley Griffin <ShirleyGriffin<benlafitte@charter.net>>; Jill York <jyork2b@charter.net>>; Jim and AJ Foster <JimAJ<cameoji@charter.net>>; Joann Pringle <JoannPringle<jojohp7@hotmail.com>>; John Deskins <JohnDeskins<john.deskins.home@gmail.com>>; Judith Smith <JudySmith<jasmith212@charter.net>>; Keith and Robin Duncan <rr_duncan@charter.net>>; Larry Hulstrom <LarryHulstrom<rockhound132@charter.net>>; Mike and Sondra Rader <SondraRader<todayshint@gmail.com>>; Patrick Brannan <PATRICKBRANNAN<bbrannan@aol.com>>; Richard Nelson <RichNelson<richnelson1942@msn.com>>; Ron Mabry <SN<carlv509@yahoo.com>>; Ronald Kuklinski <RonKuklinski<ronkuk4@gmail.com>>; Shawn Middleton <TheMiddleton's<smjmidlton@yahoo.com>>; Shlomo Orr <ShlomoOrr<shlomo.orr@gmail.com>>; Stephen and Sandra Parent <StephenParent<stephenparent.parent@gmail.com>>

Subject: ED 20-14/PLN-2020-01014

Attached is the Environmental Determination for the Chavallo Comprehensive Plan Land Use Map Amendment.

Please review the determination and let me know if you have any questions.

Steve



Steve Donovan, AICP

City of Kennewick

Community Planning/Senior Planner

O: 509.585.4361

Steve.Donovan@ci.kennewick.wa.us

--

Bill Dixon

509.531.5913

wtdixon3@gmail.com

From: [Bill Dixon](#)
To: [Steve Donovan](#)
Subject: Planning Commission Workshop
Date: Saturday, September 19, 2020 7:37:19 PM

Steve,

Will CPA 20-06 for Thompson Hill be discussed at the Planning Commission workshop on Monday night? If so, when will the staff package be available?

Thanks.

Bill Dixon
509.531.5913
wtdixon3@gmail.com

From: [Darrel Duncan](#)
To: [Steve Donovan](#)
Subject: Comprehensive Plan Amendment 20-06
Date: Thursday, October 15, 2020 9:11:43 PM

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that the request be denied, and that the City Council deny this request. We live at 5403 W. 26th Avenue in Panoramic Heights.

We are not opposed to all development; we realize that this area is central to Kennewick’s future plans for housing and business. We are opposed to this proposed amendment, for the following reasons:

1. The slopes of the hill are simply not amenable to such high density development,
2. The impact on availability of irrigation water in Panoramic Heights would be significant,
3. A no new roads for entry are proposed, the traffic density through our neighborhood would be very high, with potentially severe impacts on foot and vehicle traffic. This will certainly negatively impact access to Chinook Middle School.
4. Impacts on Native American artifacts must be addressed, not ignored.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Darrel and Judy Duncan

5403 W. 26th Avenue

Kennewick, WA

4drldy@charter.net

From: [Melinda Didier](#)
To: [Steve Donovan](#); [Terri Wright](#)
Subject: FW: Proposed Comprehensive Plan Amendment
Date: Wednesday, November 18, 2020 7:16:20 AM

From: Robin Duncan <rr_duncan@charter.net>
Sent: Wednesday, November 18, 2020 12:00 AM
To: Melinda Didier <Melinda.Didier@ci.kennewick.wa.us>
Subject: Proposed Comprehensive Plan Amendment

Hi Melinda,

Please forwarded this amended letter to each of the Planning Commissioners and disregard my earlier letter. I noticed I left out a line in one of the paragraphs in my first email and forgot to add my address at the closing. Sorry for any confusion this may cause. Thank you! Robin

Dear Planning Commissioners,

Re: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment 20-06, changing the land use designation for 40.6 acres on Thompson Hill from "Low Density Residential" to "High Density Residential" development. We hope the Planning Commission recommends this request be denied, and the City Council follows with denial of this request.

Specifically, we oppose this proposed amendment for the following reasons:

1. Water runoff, landslide, and erosion issues; with large amounts of concrete added for high density housing there is less permeable land/soil to absorb water runoff
2. Traffic access and flow through our community; our streets are not built to accommodate high residential traffic nor does it allow alteration of existing streets due to the completed development of the existing surrounding neighborhoods.
3. It will create an island of high density property surrounded by an ocean of low density residential housing; Municipal Code 4.12.110 (8 c & f). Per your own comprehension plan recommended process is a gradual increase of land use density. For example; low to medium, medium to high, high to commercial. If approved, there is no buffer between low and high density.

We believe this proposed amendment does not meet your approval criteria. It "bears a substantial relationship to the public health, safety, welfare, and protection of the environment." The following factors should be considered thoroughly with regard to this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

It is our understanding Mr. Chavallo has indicated he is only interested in developing the south side of the hill. However, that is not congruent with this request. We hope you will look at **this** amendment proposal in conjunction with the city's Comprehensive plan.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Keith and Robin Duncan
5806 W 25th Ave

Kennewick, WA 99338

From: rr_duncan@charter.net
To: [Steve Donovan](#)
Subject: File CPA 20-06/PLN-2020-01009
Date: Wednesday, July 29, 2020 9:40:43 PM

Mr. Donovan,

As a resident of Panoramic Heights subdivision I'm concerned with changing the land use definition of Mr. Chavallo's proposal to High Density Residential. While I understand for your purposes, it is not considered a development project at this time, we all know this is the first step in a development project and the choices the city makes at this time WILL have significant impact on my neighborhood. Until Mr. Chavallo develops another road access to his Non-Project Proposal, he should not be allowed any changes to the land use designation of his properties. Until, he is forthcoming regarding the environmental (Earth, Air,, Water, Plants, Animals, Energy and natural resources, Environmental health, Land and shoreline use, Housing, Aesthetics, Light and glare, Recreation, Transportation, Public Services, and Utilities) impacts of his future development to our neighborhood, all land use designation changes should be denied.

If Mr. Chavallo has nothing to hide from the residents of Panoramic Heights, he should have no issue providing truthful and complete information of his future plans. Yet he seems to be makings small strides, spaced years apart, to create an additional subdivision with only his own best interests in mind. Granting changes to the land use designation of his property will be one more detrimental step towards downgrading the current property values and quality of living in Panoramic Heights.

Respectfully,
Keith and Robin Duncan

.

From: [Seth Elkington](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill Mckay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#)
Subject: opposition to comprehensive Plan Amendment 20-06
Date: Wednesday, October 28, 2020 5:50:15 PM

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

My name is Seth Elkington. My wife, Sara, and I are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 5807 W 25th Ave. in Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, oppose this proposed amendment for the following reasons:

<!--[if !supportLists]-->● <!--[endif]-->A high-density housing development on Thompson Hill will most certainly increase the traffic on the streets in the Panoramic Heights area such as 25th, 26th, 27th, 28th, Kellogg and Irving. The traffic on those streets could increase by as much as 8000 vehicle trips per day. The streets I mentioned have no marked lanes, no traffic lights, no roundabouts, very few speeds bumps and no marked cross walks within the neighborhood. An increase of 8000 vehicle trips per day would completely overwhelm the current traffic infrastructure.

<!--[if !supportLists]-->● <!--[endif]-->The majority of the land in question has a grade of 40%, which is very steep, and our neighborhood is situated below that steep grade. We are concerned storm water and irrigation runoff will flow into Panoramic Heights and overwhelm our drainage system. The erosion from such a steep slope could be very significant. The risk of landslides will be significant also. I realize there are housing developments on other steep hill sides in the Tri-Cities, but nothing other than low density developments. A high-density development on a slope like that is unprecedented in this region.

<!--[if !supportLists]-->● <!--[endif]-->A high-density development will add significant demand to the irrigation system serving this area. We think that level of demand will overwhelm the capacity of the system.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- <!--[if !supportLists]-->● <!--[endif]-->The effect upon the physical environment;
- <!--[if !supportLists]-->● <!--[endif]-->The effect upon open space and natural features, including topography;
- <!--[if !supportLists]-->● <!--[endif]-->The compatibility with and impact on adjacent land uses and neighborhoods;
- <!--[if !supportLists]-->● <!--[endif]-->The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- <!--[if !supportLists]-->● <!--[endif]-->The current and projected project density in the area; and
- <!--[if !supportLists]-->● <!--[endif]-->The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Seth and Sara Elkington

5807 W 25th Ave.

Kennewick, WA. 99338

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 4708 W 27th Ave Kennewick, WA 99338 in Panoramic Heights. Our home is directly across from Chinook Middle School in the neighborhood that borders this site on the east side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- Up to 8000 additional vehicles within the surrounding community
- Decrease in property values.
- Area would experience heavy gridlock.
- Impacts of heavy construction within surrounding community.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and

- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Steven & Sherri Erhart
4708 W 27th Ave Kennewick, WA 99338
erhartsw@gmail.com
sherrierhart@icloud.com

From: [Gregory McCormick](#)
To: [Steve Donovan](#)
Subject: FW: Thompson Hill High Density Development - Concerns from a Creekstone Neighbor
Date: Wednesday, November 18, 2020 8:14:09 AM
Attachments: [image001.png](#)
[image005.png](#)
[image002.png](#)
[image008.png](#)

Another comment.

Gregory J. McCormick, AICP

Community Planning Director

City of Kennewick, WA



From: Marie Mosley <Marie.Mosley@ci.kennewick.wa.us>
Sent: Wednesday, November 18, 2020 8:13 AM
To: Anthony Muai <anthony.muai@ci.kennewick.wa.us>; Gregory McCormick <Gregory.McCormick@ci.kennewick.wa.us>
Subject: FW: Thompson Hill High Density Development - Concerns from a Creekstone Neighbor

Here is another one.

Marie Mosley

City of Kennewick

City Manager

O: 509.585.4238 | C: 509.440.3994

marie.mosley@ci.kennewick.wa.us



From: Don Britain <Don.Britain@ci.kennewick.wa.us>
Sent: Monday, November 16, 2020 12:07 PM
To: Marie Mosley <Marie.Mosley@ci.kennewick.wa.us>
Subject: Fwd: Thompson Hill High Density Development - Concerns from a Creekstone Neighbor

Don

Begin forwarded message:

From: Beckie Etheridge <beckieeth@gmail.com>
Date: November 15, 2020 at 10:20:35 PM PST
To: Don Britain <Don.Britain@ci.kennewick.wa.us>, Steve Lee <Steve.Lee@ci.kennewick.wa.us>, Brad Beauchamp

<Brad.Beauchamp@ci.kennewick.wa.us>, Jim Millbauer
<Jim.Millbauer@ci.kennewick.wa.us>, Chuck Torelli
<Chuck.Torelli@ci.kennewick.wa.us>, John Trumbo
<John.Trumbo@ci.kennewick.wa.us>, Bill McKay
<Bill.Mckay@ci.kennewick.wa.us>

Subject: Thompson Hill High Density Development - Concerns from a Creekstone Neighbor

November 14, 2020

Re: Proposed Comprehensive Plan Amendment 20-06

Dear Kennewick Planning Commission and City Council Members:

I am opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. I request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

I live at 5700 W 17th Ave. in Creekstone. My neighborhood, along with Panoramic Heights and Southridge Estates are impacted the most by the proposed high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, I oppose this proposed amendment for the following reasons:

- The steep slopes pose risks of storm and irrigation runoff, erosions, and landslides
 - Substantial increase of traffic on existing streets. I use Irving and Kellogg streets daily and these streets are not designed to support traffic that would result from high density housing. There are other streets in the area that would be similarly affected.
 - Water and sewer lines to serve new development could extend from our neighborhoods, and cause issues for existing housing;
 - Shared irrigation could further reduce existing service through our irrigation system;
 - This development and its traffic could reduce our property values; and
 - The lack of transparency to neighbors concerning these zoning changes.
- Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

I believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,
Rebecca Etheridge

5700 W. 17th Ave.
Kennewick, WA 99338
beckieeth@gmail.com

From: [Gail Everett](#)
To: [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#)
Cc: info@panoramicheightshoa.com
Subject: Against Proposed Plan to Change Land Designation on Thompson Hill
Date: Thursday, October 15, 2020 6:56:44 PM

October 15, 2020

Please share this with Kennewick Planning Commissioners,

RE: Proposed Plan to Change Land Designation on Thompson Hill

Myself and my husband Brian are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from "Low Density Residential" to "High Density Residential" development. Please deny this proposed plan.

We live at 2525 S. Harrison Place in Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. We will be **very** impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Besides not meeting the **requirements of Kennewick Municipal Code 4.12.110(7) and (8) (see below)**, we oppose this proposed amendment for the following reasons:

- The neighborhood, its streets, entrance and exits were never developed for heavy traffic. Past development has never progressed to this area as the slope is too sharp, erosion and run-off control too risky and the expanse of land so little. If it was doable. The original developer would have done it.
- We choose this mature neighborhood for its privacy and peacefulness and so enjoy the wildlife, hiking and friendly neighbors. All of which would disappear as we dodge cars.

In addition, we believe that this proposed amendment does not meet your approval criteria that it "bears a substantial relationship to the public health, safety, welfare, and protection of the environment." Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment
- The effect upon open space and natural features, including topography
- The compatibility with and impact on adjacent land uses and neighborhoods
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools
- The current and projected project density in the area
- The effect upon other aspects of the Comprehensive Plan

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Gail and Brian Everett

2525 S. Harrison Place

Kennewick WA 99338

509-539-6453

Geveret82@msn.com

Gail

"The only power that sustains us we find in ourselves (faith) and in the care and company of others."

From: [Gail Everett](#)
To: [Steve Donovan](#)
Subject: Concern with the rezoning of Thompson Hill
Date: Tuesday, July 28, 2020 12:17:24 PM

July 27, 2020

Dear Mr. Donovan,

I am writing in response to the proposal to rezone the front side of Thompson Hill from low density to high density.

My husband Brian and I strongly oppose this proposed change of zoning to this small and steep parcel. First, it makes no sense. Have you seen the area? This small pocket neighborhood is located northeast of Thompson Hill with streets that dead-end into the proposed property. There is not adequate infrastructure for this type of development, the development could increase the chance of landslides and flooding, and the smaller lot sizes and increased traffic and speed through the neighborhood would decrease the value of our homes.

Through the 16 years we have lived here, we have noticed that home turnover is low, kids can move and play safely and neighbors look out for each other. In fact, we looked for a home before choosing this one, for two years – and always had hopes of finding one in this neighborhood. It is quiet, peaceful and we enjoy the birds and wild bunnies.

I encourage you to drive through the neighborhood and see for yourself. Better yet, get out of your car and walk around. Get a feel for the area before deciding what it should be zoned. I am sure, it will be an easy decision once you do.

Thank you for your time – vote NO (please).

Gail and Brian Everett

2525 S. Harrison Place

Kennewick WA 99338

509-539-6453

Geverett82@msn.com

Gail

“The only power that sustains us we find in ourselves (faith) and in the care and company of others.”

From: [Gregory McCormick](#)
To: [Steve Donovan](#); [Anthony Muai](#)
Subject: FW: CPA 20-06
Date: Monday, November 2, 2020 7:32:34 AM
Attachments: [image002.png](#)

FYI – didn't know if you received this one.

gjm.

Gregory J. McCormick, AICP
Community Planning Director
City of Kennewick, WA



From: Tim <fenskt@gmail.com>
Sent: Saturday, October 17, 2020 2:46 PM
To: Gregory McCormick <Gregory.McCormick@ci.kennewick.wa.us>
Subject: CPA 20-06

CPA20-06 makes no sense!!!

This will cause devaluation of homes in South Cliffe and other subdivisions.

It will put a burden on already over burdened schools. It will cause undue traffic on Sherman street and thru Panoramic Heights.

Sent from [Mail](#) for Windows 10

From: [Tim Fenske](#)
To: [Steve Donovan](#)
Subject: CPA 20-06
Date: Thursday, December 3, 2020 10:25:27 AM

Vote no makes sense.
Schools already have temp trailers for classes.

From: [Steve Donovan](#)
To: ["Jim AJ"](#)
Subject: RE: CPA 20-06/PLN-2020-01009
Date: Thursday, October 15, 2020 1:10:32 PM
Attachments: [~WRD000.jpg](#)
[image002.jpg](#)

Mr. Foster:

A decision has not been issued for CPA 20-06, the City is only in the review process now. Citadel Estates was approved for 38 lots in 2011. I am not sure how many lots were proposed in the previous version. Mr. Chavallo can start constructing the infrastructure once he gets all of his permits from the City Public Works Department.

Lots 37 and 38 are part of the proposed comprehensive plan amendment.

The names of the Planning Commissioners are on the City's website, we do not give out their phone numbers.

Other than Citadel Estates, I am not aware of other plans from Mr. Chavallo.

At this point there are no direct roads to the site of the proposed amendment.

Steve

From: Jim AJ
Sent: Thursday, October 15, 2020 11:20 AM
To: Steve Donovan
Subject: RE: CPA 20-06/PLN-2020-01009

Steve- I need some update- CP20-06 Pan Hts; How much of this is done and already accepted by the City? Citadel Estate used to be 29 lots- now 38?? Those are all approved and Jose can start excavating after he removes the new mt he built??? Is this correct?? Lots 37 and 38 have the density problem??? Right?? Do you have names and phone numbers for folks on plan commission??? This whole thing seems like it should be handled in pieces. Jose is planning to design Thompson hill all at one time?? Right?? All 38 lots drain thru 26th right in front of my house- is that right?? Big lots #37 & 38 don't feed out anywhere (no roads) - is that right?? Thanks for your info. Jim Foster

 From: "Steve Donovan"

To: "Bart and Sue Sievers (bart_sievers@yahoo.com)", "Bill Dixon (wtdixon3@gmail.com)", "Carol and Charles Bartell (ryanhill4ever@gmail.com)", "Chad and Katherine Pettijohn (pettijohn5@gmail.com)", "Christine Barnes (graphicswest2@gmail.com)", "Christy Watts (christywatts2@gmail.com)", "Dale Smith (dalesmith159@gmail.com)", "Dawn Thomas (office@westernreclamation.com)", "Dominic Sansotta (domkathy@hotmail.com)", "Fran Handy (francinehandy@gmail.com)", "Frank Wentz", "Gail and Brian Everett (geverett82@msn.com)", "Gene and Marie Kernan", "George Romano", "Gerry Berges", "Greg and Vonda Smith (vondagreg@aol.com)", "Ivan Thomas (ramsfanusa@msn.com)", "Jane and Nathan Cathey", "Janice and Bruce Boyum (bmb49@aol.com)", "Jeff and Shirley Griffin (benlafitte@charter.net)", "Jill York", "Jim and AJ Foster (cameojj@charter.net)", "Joann Pringle (jojohp7@hotmail.com)", "John Deskins (john.deskins.home@gmail.com)", "Judith Smith (jasmith212@charter.net)", "Keith and Robin Duncan", "Larry Hulstrom (rockhound132@charter.net)", "Mike and Sondra Rader (todaysint@gmail.com)", "Patrick Brannan (bbrannan@aol.com)", "Richard Nelson (richnelson1942@msn.com)", "Ron Mabry (carlvr509@yahoo.com)", "Ronald Kuklinski

(ronkuk4@gmail.com)", "Shawn Middleton (smjmidlton@yahoo.com)", "Shlomo Orr (shlomo.orr@gmail.com)", "Stephen and Sandra Parent (stephenparent.parent@gmail.com)", "Terri Hash"

Cc:

Sent: Wednesday October 14 2020 3:05:02PM

Subject: CPA 20-06/PLN-2020-01009

Parties of Record:

The public hearing for CPA 20-06, generally located at 2701 and 2711 S Sherman Street, will not be held on November 2, 2020, it has been tentatively rescheduled for November 16, 2020.

Feel free to contact me if you have questions.

Steve

Steve Donovan, AICP

City of Kennewick

Community Planning/Senior Planner

O: 509.585.4361

Steve.Donovan@ci.kennewick.wa.us

From: [Jim AJ](#)
To: [Steve Donovan](#); [Terri Wright](#); ["info@panoramicheightshoa.com"](mailto:info@panoramicheightshoa.com); [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill Mckay](#)
Subject: CPA 20-06 zoning change
Date: Monday, November 16, 2020 1:49:42 PM

Members of Plan Commission and City Council-1) Many citizens from the Panoramic Hts. community met with city planners on the first Comprehensive Plan for the Thompson Hill area in 1995 and we determined that any development (particularly on the north face) would be similar and tie in with the existing properties (lots and residences) so zoning would be LOW RESIDENTIAL only. Farther to the south would be Orchards, Businesses, Schools and some Commercial. 2) Any new residences must be I/A/W City Codes.3) Any change to High Density Residential Zoning would create many more people in a small area and bring problems to the existing neighborhood. We already have big traffic problems with the middle and high schools and many cars coming from the Creekstone Project. With 1100 new residences and 8000 more vehicles on our streets with all the neighborhood and school children moving at the same time, it would be a SAFETY HAZARD IN THE MAKING. We are concerned what CPA 20-06 would do to our property values, landslides and hill erosions along with water accidents (domestic and irrigation). For all the reasons above we must request and insist the CPA 20-06 zoning change be voted down. Thank you for your time and attention to this important matter.
Jim and AJ Foster, 6009 W 26th Ave

From: [Jim AJ](#)
To: [Steve Donovan](#)
Subject: RE: city council thieves-panoramic heights bldg
Date: Monday, August 24, 2020 2:34:05 PM

STEVE- I WENT TO CUL DESAC AND READTHE 2 PAPERS-NOT VERY CLEAR. PLEASE SEND ME A COPY OF EACH. WHO IS GREG??DO YOU HAVE A PLAT PLAN FOR SHERMAN ST?? IT ENDS ON SO. SIDE OF HILL (BAUDER ADD).ALL THIS IS ON NO. SIDE OF HILL???? IS THIS RELATED TO THE 29 LOTS IN THE ORIGINAL HAROLD THOMPSON PLAT???HAROLD COULD NOT BUILD (ROADS, ETC) BECAUSE OF ZONING AND DRAINAGE. HAS ALL THAT ACREAGE BEEN REPLATED??THE MAP DOESN'T SHOW DIMENSIONS ETC. NOT SURE WHAT JOSE HAS IN MIND-YOU SAY THERE IS NOTHING GOING ON???? THANKS. JIM FOSTER 6009 W 26TH AVE. 783-2855

From: "Steve Donovan"
To: "Jim AJ"
Cc:
Sent: Thursday August 20 2020 7:09:55AM
Subject: RE: city council thieves-panoramic heights bldg

Yes, it is a 10 million gallon water reservoir.

From: Jim AJ
Sent: Wednesday, August 19, 2020 11:19 PM
To: Steve Donovan
Subject: RE: city council thieves-panoramic heights bldg
STEVE WE WERE TOLD YEARS AGO THAT BIG TANK WAS AN APPLE STORAGE BIN FOR THE FRUITS THAT ONCE FILLED THE ENTIRE CREEKSTONE ACREAGE. ARE YOU SAYING IT WAS A WATER RESERVOIR ALL THIS TIME.??? JIM

From: "Steve Donovan"
To: "Jim AJ"
Cc:
Sent: Wednesday August 19 2020 3:45:48PM
Subject: RE: city council thieves-panoramic heights bldg

Mr. Foster:
The project taking place in the Creekstone Development is the replacement of the water reservoir. Mr. Chavallo is not working on the replacement of the reservoir. Mr. Chavallo is allowing the reservoir contractor to stockpile dirt on his property. It is my understanding that not all of the dirt will be returned to the Creekstone Site. A grading permit has been issued for the stocking piling. A grading permit is required when 500 cubic yards or more of dirt is moved.
Feel free to contact me if you have further questions.
Steve

From: Jim AJ <cameojj@charter.net>

Sent: Wednesday, August 19, 2020 3:30 PM

To: Steve Donovan <Steve.Donovan@ci.kennewick.wa.us>

Subject: Re: city council thieves-panoramic heights bldg

STEVE-I AM VERY CONCERNED ABOUT BLDG ITEMS IN MY NEIGHBORHOOD. TWO PROJECTS ARE GOING ON IN CREEKSTONE(RIGHT BELOW MY HOUSE) AND MOUNTAINS OF EARTH BETWEEN US AND THE KID CANAL. IS JOSE CHAVALLLO RUNNING BOTH PROJECTS-WHAT IS HE DOING??? DOES HE HAVE PERMITS??? I THINK HE CHASING RATTLE SNAKES UP BY OUR HOUSE (I HAVE KILLED 2 SO FAR). HAVE HAD LONG TIME BATTLE ON REZONING THOMPSON HILL.. WHAT ARE CITY POLICIES ON GRADING AND MOVING EARTH??? JIM FOSTER 6009 W 26TH AVE 783 2855

From: [Melinda Didier](#)
To: [Terri Wright](#); [Steve Donovan](#)
Subject: FW: Comprehensive Plan Amendment 20-06
Date: Wednesday, October 28, 2020 5:53:53 PM

From: LYNNE FREEMAN <lynne.freeman13@yahoo.com>
Sent: Wednesday, October 28, 2020 4:55 PM
To: Melinda Didier <Melinda.Didier@ci.kennewick.wa.us>
Subject: Comprehensive Plan Amendment 20-06

Good Afternoon,

We are writing to express our deep concern and opposition to the proposed Comprehensive Plan Amendment 20-06. This amendment would change 40 acres on the top north side of Thompson Hill from low density residential to high density residential. Please forward our concerns to the Planning Commissioners, City Council members and other involved city officials.

Thompson Hill is a natural landmark in Kennewick. It is visible from so many places throughout the Tri-Cities. When Mr. Chavallo bought acreage on Thompson Hill and went through the process of planning Citadel Estates; he kept referring to his development of Thompson Hill at city council meetings as the crown jewel of the Tri-Cities. If you love nature as we do, maybe you will realize Thompson Hill is a "natural" crown jewel all on its own. City planners and developers have been busy paving over and building on so much of our native open areas. We understand Kennewick is a growing community with needs but does Thompson Hill really have to be carved up and scarred with massive retaining walls to build housing that could easily be detrimental to the homes below them. If you look at the Geotechnical Report for Citadel Estates you will understand how easily an excess of water could cause landslides. This could cause unimaginable damage and even death.

Every new residential development has a negative impact on surrounding older, established neighborhoods. We have personally experienced this with the Creekstone subdivision. Kellogg street traffic has exploded with school buses, trucks and so many cars. Noise pollution from traffic, sirens and helicopters from Trios can be overwhelming at certain times of the day and night. Light pollution from so many homes and street lamps make the night skies less dazzling and serene. These are minor complaints to many but they do affect the quality of our lives.

The number and height of units to be developed on this 40 acres will greatly affect residents in Panoramic Heights, Southcliffe, Southridge Estates, Creekstone and Windsong neighborhoods. Deciding to approve high density on this land will have a negative impact on thousands of tax paying, long term residents and negatively affect their quality of life.

Please make an informed decision. Has the developer produced a plan or blueprint laying out this new neighborhood? High density could mean so many different things, is he talking about an apartment complex, condos, town houses or single family homes built closely together? Has an Environmental Impact Survey and Geotechnical Investigation been conducted to determine the feasibility of building on such a steep slope? We hope all of these questions are answered and the community of people that this change will greatly impact will have an opportunity to view this plan before you vote to approve changing the density from low to high.

Thank you,
Lynne and Cody Freeman

From: [Keith and Annette Freier](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill McKay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#); info@panoramicheightshoa.com
Subject: Oppose Comprehensive Plan Amendment 20-06
Date: Monday, November 16, 2020 6:24:35 AM

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We are **opposed** to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 2893 South Kellogg Street in the Southridge area. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- *This will drastically impact traffic flows on residential streets jeopardizing the safety of our children*
- *The streets and easements into this area are already limited and traffic is already a problem*

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Keith & Annette Freier
2893 South Kellogg Street
Kennewick, WA 99338
[*freierfamily@msn.com*](mailto:freierfamily@msn.com)

From: [Jacque Fuller](#)
To: [Steve Lee](#); [Don Britain](#); [Jim Millbauer](#); [John Trumbo](#); [Steve Donovan](#); [Bill Mckay](#); [Melinda Didier](#); [Terri Wright](#); [Brad Beauchamp](#)
Cc: info@panoramicheightshoa.com
Subject: Comprehensive Plan Amendment 20-06
Date: Sunday, October 25, 2020 9:04:08 PM

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 7009 W. 23rd Court, in Southcliffes, the neighborhood that borders this site on South of Thompson Hill. We will be impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- *Traffic impacts to streets leading to the high-density area.*
- Impact to property values to the low-density residential areas adjacent to this proposed area.
- Impact to community facilities in the area.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, (I or we) believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and

protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Jon and Jacque Fuller

7009 W. 23rd Court

Kennewick, WA 99338

Jacque.fuller9@gmail.com

From: [Ken Gano](#)
To: [Steve Donovan](#)
Subject: Proposed comprehensive plan amendment 20-06
Date: Friday, December 18, 2020 1:09:05 PM

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 5910 W 10th Pl in the Windsong edition that neighbors this site on the east side of Thompson Hill. We will be negatively impacted by high density residential development on Thompson Hill. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- *Development of Thompson Hill for high density housing will significantly increase traffic on S Kellogg and become an eyesore that will reduce property values in the entire area. This project will also destroy the viewscape and the remaining natural area of Thompson Hill.*

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

*Ken and Sue Gano, 5910 W 10th Pl, Kennewick
Kengano@frontier*

Sent from my iPad

From: [Shirley Griffin](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill McKay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#); info@panoramicheightshoa.com
Subject: Proposed High Density Housing on Thompson Hill
Date: Saturday, November 14, 2020 5:23:32 PM

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. Our request is that both the Planning Commission and the City Council recommend that this proposed amendment be denied.

We live at 2517 S Fillmore Pl., in Panoramic Heights, the neighborhood on the east side of Thompson Hill. We will be tremendously impacted by a high density residential development.

Specifically, we oppose this proposed amendment for the following reasons:

- The environmental issues caused by the huge number of residences (condos, apartments, town or row houses, etc.) that would inhabit these 40.6 acres, will negatively impact Kennewick for a very long time.
- The increased vehicle traffic will be horrendous! The developer appears to be planning to use the existing roads in Panoramic Heights as the primary driving routes to and from the new development(s). The risk of injury to our young grandchildren from increased vehicle traffic is unacceptable. The streets in our neighborhood are already inundated with traffic from Chinook Middle School and Southridge High School, as well as the adjacent Southridge Estates neighborhood.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, the City of Kennewick has high standards for maintaining the health, safety, and welfare of our residents as well as protecting our natural environment. The proposed amendment doesn't meet these standards.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Jeff and Shirley Griffin

2517 S Fillmore Pl.,

Kennewick, WA 99338

benlafitte@charter.net

Steve Donovan

From: Shirley Griffin <benlafitte@charter.net>
Sent: Saturday, July 25, 2020 2:25 PM
To: Steve Donovan
Subject: Opposition to Proposed Zoning Change for 2701 and 2711 S Sherman Street, Kennewick WA

Dear Mr. Donovan,

We are dues-paying members of the Panoramic Heights Homeowners Association. We are sending this email to inform you that we strongly oppose the proposed change in zoning from low density to high density regarding Thompson Hill per the request of Jose Chavallo.

The long list of reasons why this change in zoning should not go forward has previously been provided to you by our Board. This email simply needs to count and be noted on the official record as two more votes in definite opposition to the zoning change.

Please reply to this email to confirm that you have received it and are counting our **NO** votes to the zoning change request for the properties on S Sherman Street from low density residential to high density residential.

Thank you for your time.

Jeff and Shirley Griffin
2517 South Fillmore Place
Kennewick, WA 99338
509-948-4383

Steve Donovan

From: Vonda Smith <vondagreg@aol.com>
Sent: Sunday, July 26, 2020 11:08 AM
To: Steve Donovan
Cc: Christy Watts
Subject: City Dissent Vote from Panoramic Heights Homeowners Association Member.

Dear Mr. Donovan,

We are dues-paying members of the Panoramic Heights Homeowners Association. Please make note that this email is notification of our strongest and vehement opposition to the proposed change in zoning from low density to high density regarding Thompson Hill per the request of Jose Chavallo.

The long list of reasons why this change in zoning should not go forward has previously been provided to you by our Board. This email simply needs to count and be noted on the official record as two more votes in definite opposition to the zoning change.

Please reply to this email that you are in receipt and are counting our opposition votes to the zoning change to high density.

Thank you for your time.

Greg & Vonda Smith

2703 S Irving St.
Kennewick, WA 99337

The Development Services Division of the City of Kennewick's Community Planning Department has prepared this Notice of Application to provide the opportunity to comment on the described proposal/project. The comment period ends **15 (fifteen) calendar days** from the date issued.

During this period written comments may be submitted to the staff contact. The file may be examined between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday (except holidays) in the Permit Center of the City of Kennewick, City Hall, 210 W Sixth Avenue, Kennewick, WA. Questions may be directed to the staff person listed below.

Application Date:	April 21, 2020
Notice of Complete Application Date:	April 22, 2020
Notice of Application Date:	July 14, 2020
File Number:	CPA 20-06/PLN-2020-01009
Other Permits Required (if known):	N/A
SEPA:	ED 20-14/PLN-2020-01014

Please review and submit comments and conditions of approval necessary to implement your agency's applicable regulations. Comments may be mailed to the Development Services Division or submitted via e-mail at Steve.Donovan@ci.kennewick.wa.us.

Proposal Description:

Amend the land use designation for the property located at 2701 and 2711 S Sherman Street, from Low Density Residential to High Density Residential.

Please review and submit your comments to Steve Donovan, Development Services Division, Post Office Box 6108, Kennewick, WA 99336, on or before **July 29, 2020.**



Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

I am opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. I request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

I live at 5815 W 26th Ave in Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, I oppose this proposed amendment for the following reasons:

- The steep slopes pose risks of storm and irrigation runoff, erosion, and landslides.
- It could also impact native plants, wildlife and potential Native American archeological resources.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, I believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Molly Hamaker-Teals

5815 W 26th Ave, Kennewick, WA 99338

mchamaker@gmail.com

From: [Francine Handy](#)
To: [Steve Donovan](#)
Cc: [Christy Watts](#); [Carol Schwarder](#); berges6@aol.com; carlvr509@yahoo.com
Subject: City Dissent Vote from Panoramic Heights Member and Creekstone
Date: Wednesday, July 29, 2020 12:54:25 PM

Dear Mr. Donovan:

I was appalled to discover that high density buildings will potentially be erected on the steep hill up the road from my house with access to that area on the roads through Panoramic Heights. I object to the rezoning of an area that the developer Harold Thompson once relinquished because he deemed the land too steep, hazardous, and too expensive to add all the required infrastructures. If someone as experienced as Mr. Thompson in developing neighborhoods (Panoramic Heights, Cherry Blossom Heights, Canyon Lakes, et al.) around the Tri-Cities decides that an area is not feasibly buildable then I would suggest Mr. Chavallo has no business trying to develop that same area on Thompson Hill.

One of the considerations in purchasing a home in a certain neighborhood is the zoning in the surrounding area and the quality of life it offers. We bought our house in 1978 knowing that the area around us was also zoned low density and would remain pleasant visually and traffic-wise. When Mr. Chavallo purchased the parcel that he did it was with the knowledge that it was low-density. So be it. For him to then attempt to develop it in a way not designed for the zoning is highly improper.

I am a dues-paying member of the Panoramic Heights Homeowners Association. Please make note that this email is notification of my strongest and vehement opposition to the proposed change in zoning from low density to high density regarding Thompson Hill per the request of Jose Chavallo.

The long list of reasons why this change in zoning should not go forward has previously been provided to you by our Board. This email simply needs to count and be noted on the official record as one more vote in definite opposition to the zoning change.

Please consider my opinions pertaining to any decisions regarding this matter.

Sincerely,

Fran Handy
2513 South Harrison Place
Kennewick, WA
99338

Sent from Fran's iPhone

09 November 2020

Mr. Steve Donovan, Senior Planner
Kennewick City Hall
210 West 6th Avenue
Kennewick, WA 99336

RECEIVED
NOV 17 2020
COMMUNITY PLANNING

Re: Proposed Comprehensive Plan Amendment 20-06

Dear Mr. Donovan:

I am opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from "Low Density Residential" to "High Density Residential" development.

I oppose this proposed amendment for the following reasons:

- Increased traffic risks the lives of our school children. The kids who walk to school will be endangered by the 8,000 additional car trips per day on the few access roads that run through Panoramic Heights.
- Because of our proximity to this proposed high density residential development and the resulting high traffic volume our property values will be diminished.
- The 40.6 acre site is a steep slope with over 40 percent gradient. That terrain and the massive amount of fill dirt now being deposited as well as storm and irrigation runoff pose a landslide danger to the houses below.
- The additional housing will put an additional strain on existing resources, i.e. irrigation canal, water and sewer lines, and public school capacity.

Since 1978 I have resided at 2513 South Harrison Place in Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. A large part of the areas's appeal was that it was zoned low density residential which meant that it would remain pleasant both visually and traffic-wise. I was appalled to recently discover that the proposed rezoning could result in up to 1,100 new apartments, condominiums, row houses, or townhouses being built.

When Mr. Chavallo bought the property he knew it was zoned low density.

I request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

Respectfully submitted by,

Francine F. Handy

Francine F. Handy
francinehandy@gmail.com

Thank you.

From: [JCL Hanson](#)
To: [Steve Donovan](#)
Subject: Re: Proposed Comprehensive Plan Amendment 20-06
Date: Wednesday, November 18, 2020 5:20:47 PM

Dear Planning Commission Members:

We are residents of the Creekstone neighbor which is north of the proposed high-density development on Thompson Hill. We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from "Low Density Residential" to "High Density Residential" development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

After reviewing plans for the development and impacts to the Panoramic Heights neighborhood, we believe that the traffic increase will have a direct and significant impact on our neighborhood as well. This development could include over 1000 units and the traffic impact to our area would be substantial. We have no north-south through streets in our Creekstone neighbor other than Irving. We already have individuals who like to take short-cuts and a new development would compound the traffic.

We oppose this proposed amendment because:

Increase in traffic in our quiet, peaceful neighborhoods, which is a major reason why we moved to this neighborhood three years ago

Impact to our Creekstone HOA neighborhood parks and pathways

Potential negative impact on home values due to the traffic and other changes resulting from this development.

We believe that this proposed amendment does not meet your approval criteria that it "bears a substantial relationship to the public health, safety, welfare, and protection of the environment." Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

John and Lynn Hanson
1604 S Edison ST
Kennewick, WA 99338
jclhanson@hotmail.com

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 3148 S Wilson Pl in Apple Valley, the neighborhood that borders this site on the east side of Thompson Hill. We will be impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- *This area is not set up at all for this amount of traffic and influx of people. There is a lack of resources and roads to make this work.*
-

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Jessica Holloway and Keith Haytcher
509-222-4799

Dear Kennewick Planning Commission and City Council Members,

We live in Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. We are writing to you in opposition of the proposed Comprehensive Amendment 20-06. The proposed amendment would change the land use designation of 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission & City Council recommend that this request be denied.

We would like to preface this with that we are in no way opposed to high density developments or the development of the Southridge area. However, a high density residential development allows up to 27 multi-family housing units per acre. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent and no current vehicle access to most of the site other than through existing neighborhoods.

The proposed change of density could dramatically affect the nature, value and character of Panoramic Heights. This change would not only affect our property values but will have a profound negative affect on our neighborhood. Specifically, here are a few of our concerns:

1. **Traffic:** There would be a significant increase in traffic. We would become a “pass through neighborhood”.
 - a. 1,100 homes would bring a significant amount of additional traffic. This would mean thousands of extra vehicles driving in & through our neighborhood and surrounding roadways each day. Irving, Creekstone & Kellogg Streets already have significant amounts of daily traffic that add noise, pollution and wear & tear.
 - b. Panoramic Height residents on Irving, 25th & 26th Avenues have already been affected by a significant increase in traffic with the addition of Chinook Middle School.
 - i. We experience extra traffic in our neighborhood with drop off and pick up of students, staff and events held at the school. Often main entrances to our neighborhood are overloaded with lines of cars exiting onto Creekstone/27th causing traffic to back up at the roundabout at Union all the way to Highway 395. The large amount of additional vehicles will certainly exacerbate this issue.
 - c. Visit our neighborhood and you’ll often see people out walking, kids playing on their bikes, skateboarding, people running, walking their dogs. Our streets, paths and sidewalks are well used. Increased traffic will have an impact on safety, add additional noise and overall affect our well-being!
2. **Property Values:**
 - a. Our property values would decrease due to the high volume of traffic, noise, safety concerns, and possible crime that often coincide with multi-family unit properties.

3. **Irrigation:** Currently we've had challenges getting quality irrigation water to all Panoramic Heights Members, and that's on a good water year.

- a. Many of us have large established lots that rely on consistent irrigation water. This will exacerbate an already problematic situation.

4. **Drainage:**

- a. Panoramic Heights already suffers with run off and drainage issues. During any excessive rainstorm or irrigation infrastructure failure, parts of 25th Avenue, including the sidewalks, are completely covered in water & debris. The city has already tried to remedy this problem, without success. How will a high density housing unit sitting on a 40% slope affect us should some sort of excessive storm or water source failure of any type occur? The outcome could be a disaster.

We ask that you please address these serious concerns and potential impacts before amending the Comprehensive Plan.

We believe that this proposed amendment does not meet your approval criteria that it "bears a substantial relationship to the public health, safety, welfare, and protection of the environment." Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- * The effect upon the physical environment;
- * The effect upon open space and natural features, including topography;
- * The compatibility with and impact on adjacent land uses and neighbors;
- * The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and school;
- * The current and projected project density in the area; and
- * The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering our concerns and for serving the people of Kennewick.

Melinda Didier, please forward this to the Planning Commissioners.

Respectfully,

Andy & Jenna Higley
5303 W 25th Avenue
Anjhi2u@msn.com

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 5409 W. 26th Ave in Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- Increased traffic flow and congestion in and through Panoramic Heights since no indication of additional new roads has been proposed and there are only few current roads out of this area,
- Increased flow to already overloaded water and sewer systems,
- Increased demands to an already overtaxed and limited irrigation water supply and potential impacts to the canal on the top of Thompson Hill,
- Steep slopes with gradients above 40% with increased risk of erosion, landslides, and possible canal failure,
- Lack of plans to address stormwater runoff and use of irrigation in these areas,
- Impacts to the aesthetics of the area due to light and glare from development of structures that could tower 45 feet above the top of the hill,
- Impacts to native plants, wildlife and potential Native American archeological resources and preservation of open natural spaces,
- Reduction in property values due to increased traffic congestion, noise, and emissions on most streets in our neighborhood which poses an increased safety risk to our neighbors.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Larry and Kay Hulstrom
5409 W. 26th Ave.
rockhound132@charter.net

From: [Larry Hulstrom](#)
To: [Steve Donovan](#)
Subject: RE: Proposed rezoning on east end of Thompson Hill
Date: Monday, July 27, 2020 2:00:03 PM

July 27, 2020

Dear Mr. Donovan,

I am a dues-paying member of the Panoramic Heights Homeowners Association. Please make note that this email is notification of my opposition to the proposed change in zoning from low density to high density regarding Thompson Hill per the request of Jose Chavallo.

The long list of reasons why this change in zoning should not go forward has previously been provided to you by our Board. This email simply needs to count and be noted on the official record as one more vote in definite opposition to the zoning change.

Please reply to this email that you are in receipt and are counting my opposition vote to the zoning change to high density.

Thank you for your time.

Larry Hulstrom

From: Steve Donovan [mailto:Steve.Donovan@ci.kennewick.wa.us]
Sent: Monday, July 20, 2020 11:24 AM
To: 'Larry Hulstrom'
Subject: RE: Proposed rezoning on east end of Thompson Hill

Mr. Hulstrom:

The proposed Comprehensive Plan Land Use Designation Amendment is a non-project action, no specific project review is required for the proposed amendment.

The Public Works Department will be providing comments on the amendment, but they will not be project or site specific.

The Planning Commission will hold a hearing in October and the City Council will make the final decision in November/December on the proposed amendment.

Feel free to contact me if you have further questions,

Steve

From: Larry Hulstrom <rockhound132@charter.net>
Sent: Monday, July 20, 2020 11:06 AM
To: Steve Donovan <Steve.Donovan@ci.kennewick.wa.us>
Subject: Proposed rezoning on east end of Thompson Hill

Mr. Donovan,

As a resident of the Panoramic Heights Subdivision I am disturbed by what appears to be another attempt to develop the area on Thompson Hill just above the water tower. This was attempted in the past as evidenced by the road that was constructed up to this area from the north side.

Reducing the lot sizes to allow for smaller homes seems to be an attempt by the developer to maximize his profit margin, rather than retain the aesthetics of the surrounding developments. Smaller homes will also impose increased demands on sewer and irrigation systems in the area. Has this increase in infrastructure needs been factored into existing systems? Will this

impact the demands for the irrigation water supplied to Panoramic Heights via the canal up on the hill in the proposed development area? Will additional roads be required and how will this impact the flow of traffic through our neighborhood?

I believe that work on this project should be curtailed until such time as the developer can meet with people in the surrounding neighborhoods and explain the project in greater detail and provide justification for what is proposed.

Larry Hulstrom

509-308-8312

From: [Anthony Muai](#)
To: [Steve Donovan](#)
Subject: FW: Who works for whom?
Date: Wednesday, October 21, 2020 12:37:01 PM
Attachments: [image001.png](#)
[image005.png](#)
[image006.png](#)

From: Marie Mosley <Marie.Mosley@ci.kennewick.wa.us>
Sent: Wednesday, October 21, 2020 10:52 AM
To: Anthony Muai <anthony.muai@ci.kennewick.wa.us>
Cc: Gregory McCormick <Gregory.McCormick@ci.kennewick.wa.us>
Subject: FW: Who works for whom?

FYI

Marie Mosley

City of Kennewick

City Manager

O: 509.585.4238 | C: 509.440.3994

marie.mosley@ci.kennewick.wa.us



From: Don Britain <Don.Britain@ci.kennewick.wa.us>
Sent: Wednesday, October 21, 2020 10:39 AM
To: Marie Mosley <Marie.Mosley@ci.kennewick.wa.us>
Subject: Fwd: Who works for whom?

Don

Begin forwarded message:

From: jlkhylden@aol.com
Date: October 20, 2020 at 8:51:14 PM PDT
To: "Don.Britain@ci.kennewick.wa.us" <Don.Britain@ci.kennewick.wa.us>, "steve.lee@ci.kennewick.wa.us" <steve.lee@ci.kennewick.wa.us>, "brad.beauchamp@ci.kennewick.wa.us" <brad.beauchamp@ci.kennewick.wa.us>, "jim.millbauer@ci.kennewick.wa.us" <jim.millbauer@ci.kennewick.wa.us>, "Chuck.Torelli@ci.kennewick.wa.us" <Chuck.Torelli@ci.kennewick.wa.us>, "John.Trumbo@ci.kennewick.wa.us" <John.Trumbo@ci.kennewick.wa.us>, "Bill.McKay@ci.kennewick.wa.us" <Bill.McKay@ci.kennewick.wa.us>
Subject: Who works for whom?
Reply-To: jlkhylden@aol.com

Kennewick City Council

My wife and I are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from "Low Density Residential" to "High Density Residential" development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We chose to buy in Panoramic Heights because it has large lots, mature trees and a relaxed atmosphere with single family houses. The proposed development on Thompson Hill will radically change our neighborhood with multi-unit apartments and increased traffic. The EIS filed by the developer contains many misrepresentations such as that the slope is 30% grade when much of it is 40-45% grade.

The only reason to approve this development would be greed. But our existing houses have been paying property taxes for the past 40 years and we maintained the value of our property over that time. In the past five years, my wife and I spent ~ \$80k into upgrading our house using local contractors which contributes to the local economy. If this development goes through, Panoramic Heights house values will decline as the people who would put up with the increased traffic will not maintain it as we have.

My biggest complaint is that the City of Kennewick appears to pay little attention to citizens who live and work here and instead does the bidding of developers. When Southridge Estates went in, my neighbor and I wanted a speed bump on Edison when it was being converted into a through street. The city refused because the street was "too short". But when Chinook middle school was put in, they put in three speed bumps including one on a curve. When a neighbor wanted to subdivide a lot, 34 of us complained to the city and we were ignored. And now a developer wants to trash our neighborhood using blatant mis-representations.

The question is: Does the City of Kennewick work for its citizens or do we work for the City? Since we are the ones paying the bills, I believe that our wants and needs should be respected.

Sincerely
Jeffrey Hylden
2606 South Edison St.
Kennewick WA 99338-1934

From: jlkhylden@aol.com
To: [Melinda Didier](#); [Steve Donovan](#)
Cc: [Terri Wright](#)
Subject: Thompson Hill Development
Date: Tuesday, October 20, 2020 9:04:41 PM

Kennewick Planning Commission;

My wife and I are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied.

We chose to buy in Panoramic Heights because it has large lots, mature trees and a relaxed atmosphere with single family houses. The proposed development on Thompson Hill will radically change our neighborhood with multi-unit apartments and increased traffic. The EIS filed by the developer contains many egregious misrepresentations such as that the slope is 30% grade when much of it is 40-45% grade. But that doesn't matter to the developer who will be long gone when houses start sliding down the hill. I've watched as sub-standard housing gets built and the City does nothing but rubber stamp development plans.

The only reason to approve this development would be greed. But our existing houses have been paying property taxes for the past 40 years and we maintained the value of our property over that time. In the past five years, my wife and I spent ~ \$80k into upgrading our house using local contractors which contributes to the local economy. If this development goes through, Panoramic Heights house values will decline as the people who would put up with the increased traffic will not maintain it as we have.

My biggest complaint is that the City of Kennewick appears to pay little attention to citizens who live and work here and instead does the bidding of developers. When Southridge Estates went in, my neighbor and I wanted a speed bump on Edison when it was converted into a through street. The city refused because the street was “too short”. But when Chinook middle school was put in, they put in three speed bumps including one on a curve. When a neighbor wanted to subdivide a lot, 34 of us complained to the city and we were ignored. And now a developer wants to trash our neighborhood using blatant mis-representations.

The question is: Does the Planning Commission work for its citizens or do we work for the Planning Commission? Since we are the ones paying the bills, I believe that our wants and needs should be respected.

Please make sure that this correspondence is passed onto the planning commission.

Sincerely

Jeffrey Hylden

2606 South Edison St.

Kennewick WA 99338-1934

Dear Kennewick Planning Commission and City Council Members:

COMMUNITY PLANNING

Re: Proposed Comprehensive Plan Amendment 20-06

I am opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from "Low Density Residential" to "High Density Residential" development. I request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

I live at 5731 W 17th ave, Kennewick in Creekstone, the neighborhood located to close site on the east side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, I oppose this proposed amendment for the following reasons:

- Traffic jams: I use Irving street and 27th ave to access to my house. This development plan will significantly affect the traffic loads on these roads.
- House value decrease: This development plan will change my neighborhood from "nice quiet peaceful area" to "noisy congested area". This means our residential area won't be attractive any more in housing market and the house value will potentially drop. It will be significant loss.
- Scenery change: I bought my house 10 years ago because I love beautiful mountain view from my house. I do not want to have "ugly apartment view" from my house.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, I believe that this proposed amendment does not meet your approval criteria that it "bears a substantial relationship to the public health, safety, welfare, and protection of the environment." Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;

- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,


.....

Haruko Ishii

5731 W 17th ave, Kennewick, WA

catharuko@hotmail.com

January 4, 2021

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 2284 S Belfair St in the SouthCliffe development, a neighborhood just to the west of the proposed development on Thompson Hill.

High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site. This would force considerably more traffic to Sherman Street, which will already be significantly impacted by current development plans in that area and should not have to bear the impact of a previously unplanned high-density housing development.

We are long time Tri Cities residents and have deep roots in our community. Two years ago we built our home in Southcliffe because we love the area and the community being created here. It has nicely built single family homes, modest traffic concerns with beautiful surroundings and scenic views. This proposed development is certainly not something we expect as a responsible community development plan for this area.

Specifically, we oppose this proposed amendment for the following reasons:

- It will increase up to 8000 vehicle trips per day on the streets in the area
- An adverse impact to traffic safety, primarily at the intersection of Sherman St. and Hildebrand/Bob Olsen pkwy.
- It will decrease property values through diminished aesthetics and traffic.
- Homeowners and many others in the area frequently use Sherman Street as a pleasant place to hike and exercise, which will be significantly negatively impacted by the added traffic.

- The intention of the current zoning in the Thompson Hill area was to create communities of single-family housing with aesthetically pleasing views and a safe community. High density housing negatively impacts these attributes.
- Thompson Hill has long been a Kennewick landmark and the City of Kennewick has a responsibility to avoid scarring the landscape with a development that does not aesthetically fit with previously zoned planning.
- The City of Kennewick has already adequately met its responsibility to provide affordable housing to its citizens by the large number of apartment complexes already built or under construction. For example, the Badger Canyon apartment complex currently being built along Ridgeline. There is no need to disfigure Thompson Hill to meet this need.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The negative impact to traffic and pedestrian safety;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied. Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Dr. Jennifer and Jobey Smith
2284 S Belfair St
Kennewick, WA 99338

Email: jsmith@jobey.com

Steve Donovan

From: Judy Smith <jasmith212@charter.net>
Sent: Saturday, July 25, 2020 12:55 PM
To: Steve Donovan
Subject: Proposed zoning change

Dear Mr. Donovan,

I am a dues-paying member of the Panoramic Heights Homeowners Association. Please make note that this email addresses my strongest and vehement opposition to the proposed change in zoning from low density to high density regarding Thompson Hill per the request of Jose Chavallo.

The long list of reasons why this change in zoning should not go forward has previously been provided to you by our Board. This email simply needs to count and be noted on the official record as one more vote in definite opposition to the zoning change.

Please reply to this email that you are in receipt of and are counting my opposition vote to the zoning change to high density.

Thank you for your time.

Judith A Smith

5408 W 26th Avenue

Sent from my iPad

Dear Kennewick Planning Commission and City Council Members: Re: Proposed Comprehensive Plan Amendment 20-06

I am opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. I request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We are currently having a house built in Southridge Estates (**3029 Harrison Street**), the neighborhood that borders this site on the east side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

I oppose this proposed amendment for the following reasons:

We currently live in West Pasco off of Road 68 and we are in the process of building a house in Southridge Estates with Alderbrook Homes. I am absolutely opposed to the developer who has proposed to change the land use for 40 acres on the top and eastern edge of Thompson Hill. It is a horrible idea and will create a traffic nightmare just like we currently have in West Pasco. My family and I are not moving away from Road 68 in Pasco to go to another potential Road 68 in Kennewick.

There are other areas of Kennewick where this project can be relocated such as the west end of Bob Olson Parkway or the west end of Clearwater Avenue.

In summary, I believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment.
- The effect upon open space and natural features, including topography.
- The compatibility with and impact on adjacent land uses and neighborhoods.
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools.
- The current and projected project density in the area; and the effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Marlando D. Jordan
3029 Harrison Street
marlandojordan7@icloud.com.

From: [Charter](#)
To: [Steve Donovan](#)
Subject: Vehemently oppose CPA 20-06
Date: Tuesday, October 20, 2020 12:04:21 PM

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment CPA 20-06

We are opposed to the proposed Comprehensive Plan Amendment CPA 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from "Low Density Residential" to "High Density Residential" development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We reside at 5511 W 24th Ave, Creekstone, the neighborhood that borders this site on the northeast side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- The excessive amount of traffic that would be using Creekstone Drive and Irving Street.
- The increase of school children especially at the elementary level. Those K- third grade class have on within the past two years become small enough to be reasonably effective.

In summary, we believe that this proposed amendment does not meet your approval criteria that it "bears a substantial relationship to the public health, safety, welfare, and protection of the environment." Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully
Kathryn Kalunian
John Peter Kalunian
Heather Kalunian Murray

Steve Donovan

From: kernanklan@charter.net
Sent: Saturday, July 25, 2020 10:36 AM
To: Steve Donovan
Subject: Proposed zoning change for 2701 and 2711 s Sherman St. above 26th St.

As residents of one of the neighboring sub divisions Panoramic Heights, we are very concerned about the proposed change of zoning from low density to high density in the acres above 26th St. As it is by adding the recent Hayden Homes division it is already quite congested traffic wise. We also have school traffic and have had several instances with careless drivers and speeders. There are concerns about the hillside itself such as erosion, drainage. Sewers, fire safety and in general negative issues for all of the neighborhoods around here. We feel there should at least be thought to what the impact will be to the residents that already live here. We have a very quiet and peaceful area and would like it to stay that way. It is just way too many tiny lots and way too many people for the area. We are concerned and think the residents that live around here should have a very large impact on what should take place in our neighborhoods. Our concerns need to be heard.

Thank you
Gene and Marie Kernan

From: [Anthony Muai](#)
To: [Steve Donovan](#)
Subject: FW: Online Form Submittal: Hearing Examiner Public Hearing Comments
Date: Wednesday, December 9, 2020 7:18:48 AM

FYI...This might be a new one for CPA 20-06.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, December 9, 2020 6:31 AM
To: Anthony Muai <anthony.muai@ci.kennewick.wa.us>
Subject: Online Form Submittal: Hearing Examiner Public Hearing Comments

Hearing Examiner Public Hearing Comments

Public Hearing Comments

First Name	Dana
Last Name	Klepper Mitzel
Hearing Examiner Meeting Date	11/9/2020
Address	3232 S Taft Street
City	Kennewick
Email Address	D.smiles1@yahoo.com
Phone Number (optional)	5094403166
Comments	Hello City Council Members,

I wanted to reach out and say as a member of the Apple Valley Housing community we vehemently oppose the new housing proposal on Thompson's Hill. The multi unit housing and the addition of 8000 potential cars a day is unacceptable. As housing continues to grow on Hilldabrand and Bob Olson the street will be filling up with capacity. The new proposal to send traffic down Sherman Street is ridiculous . Instead f touting it out with multiple avenues a massive bottleneck will be on Sherman and Hilldabrand. As the new bus lanes are also being routed to Hilldabrand for Southridge. Thai will also impact school traffic as well.

Please reject this proposal and save our community.

Thank you for your time.

Dana Klepper Mitzel.

Email not displaying correctly? [View it in your browser.](#)

From: [Ron Kuklinski](#)
To: [Steve Donovan](#)
Subject: Pln-2020-01009
Date: Friday, November 20, 2020 11:49:22 AM

The site map has little details that shows ingress, egress, soil conditions, slope, future plan development etc. Environmental and engineering details normally are required to make any lasting and safe decisions on more stringent density decisions.

I am sure the city's engineering department can see this and can convince the decisions makers (this is a bad idea to change a well thought out comprehensive plan)

I hope politics and money are kept out of any decisions.

What is good for the community and not Chavallo is at stake.

Note: Other developers like Harold Thompson have made plans for this area and didn't proceed for good financial reasons.

Do what right and stop this plan change.

Ronald j Kuklinski. 75 year resident, local area land owner. Even with low density the area is going to have a traffic problem. Let's not make it worse.

Sent from my iPhone

Steve Donovan

From: Ron Kuklinski <ronkuk4@gmail.com>
Sent: Saturday, July 25, 2020 9:11 PM
To: Steve Donovan
Subject: Thompson hill

Sent from my iPhoneDear Mr.**choose one)** I am a dues-paying member **OR**We are dues-paying members of the Panoramic Heights Homeowners Association. Please make note that this email is notification of **(choose one & delete other)** my **OR** our strongest and vehement opposition to the proposed change in zoning from low density to high density regarding Thompson Hill per the request of Jose Chavallo.

The long list of reasons why this change in zoning should not go forward has previously been provided to you by our Board. This email simply needs to count and be noted on the official record as **(choose one & delete other)** one more vote **OR** two more votes in definite opposition to the zoning change.

Please reply to this email that you are in receipt and are counting my opposition vote to the zoning change to high density.

Thank you for your time.

(Ronald Kuklinski

From: [Monte LaDow](#)
To: [Steve Donovan](#)
Subject: Comprehensive Planning Amendment 20-06
Date: Sunday, October 25, 2020 7:23:17 PM

Dear. Mr. Donovan,

We, Monte & Lola LaDow, are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We have lived at 2643 S. Irving St. in Panoramic Heights for the last 17 years, and are in the neighborhood that borders this site on the east side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartment, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 % and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- **Traffic currently using the Irving Street and westbound Kellogg Street doesn't even use the current STOP sign when that is on the corner, corner of city property and intersection of Irving and Kellogg. Can you imagine if the traffic were 5 or 10 times the current traffic?? Would most likely need a traffic light or circle! And with the increased traffic, have you even put a moment of thought into what it would be like in the winter months. It is somewhat difficult even now when snow and ice are compacted on the roadway to come south up or go down Irving Street and W. 26th Avenue.**
- **We have built a very nice home and have been living in it for 17+ tranquil years. The traffic in the neighborhood used to be just the local neighbors, but now has grown to all the cars coming from the neighborhood to the east of us... and I mean coming at all times of the day and night. I can't even imagine what it would be like if the traffic (and the NOISEY vehicles) were increased. [Isn't there a noise ordinance in the City of Kennewick for loud mufflers?]**
- **The potential for soil problems is also of great concern. As you may be aware, most of the soil on and around Thompson Hill is of clay composition. Should there be a water/sewer/irrigation break, that would all come quickly down the hill toward Panoramic Heights and the homes in our part of the neighborhood. Clay can only absorb so much water. It then it flows freely downhill.**
- **Several years ago, when the developer (I believe the same individual that is proposing the land use change) requested the city allow him to cut a road and build a residence on the north-northeasterly side of Thompson Hill, it was rejected by the**

Council due to the steep slopes and other potentially dangerous liabilities that could ensue.

- Panoramic Heights neighborhood is comprised of custom homes that many residences often designed and built ourselves. They are fairly expensive homes which were built to contribute to the ambiance of the area and add value to the neighborhood. If multi-family dwellings were placed on the hill above us, we feel the value of our home and entire neighborhood would be negatively impacted due to the general nature of what we see in the quality of up-keep of apartment dwellers. Case in point: go by North Buchanan and North Cleveland streets south of Canal Drive. WHAT A MESS! We don't want anything even CLOSE to this mess in or around our neighborhood. That is why we choose to build and live in Panoramic Heights... not on north Cleveland/Buchanan Streets.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

Finally, we believe that this proposed amendment does NOT meet your approval criteria that it "bears a substantial relationship to the public health, safety, welfare and protection of the environment." Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with an impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on, community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area;
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does NOT meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick. Please have these comments forwarded to the Planning Commissioners. Thank you!

Respectfully,

Monte and Lola LaDow

2643 S. Kellogg St.

Kennewick, WA 99338

mmladow@hotmail.com

December 13, 2020

Dear Kennewick Planning Commission and City Council Members.

Ref: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment #20-06. This amendment would change the land use designation of the 40.6 acres on what is known in the community as Thompson Hill from a LOW Density Residential to a HIGH Density Residential development.

We request the Planning Commission recommend this request be denied and the City Council deny this request.

My wife, Karen and I, live at 5717 W 23rd, CreekStone Subdivision in Kennewick.

Adding an additional what potentially could be 1100 residences in the immediate area of this subdivision, could and would add a tremendous amount of traffic and congestion in an area that is even now (Kellogg and Creekstone roads).

The drainage system would certainly be a potential problem, and the water, sewage and electrical would produce challenges for the current homes and residences in the existing areas.

Traffic would be my primary concern, but these other factors would surely impact the peace and tranquillity of the existing 200+ homes and thousands of residents.

It does appear to us, citizens in your community, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110 (7) & (8) and should be, in our opinion, denied.

Thank you for considering these concerns and for serving the citizens of Kennewick.

Robert & Karen Langendorfer

5717 W23rd, Kennewick, Wa 99338

tenbearsrunning@gmail.com

Retired L.E.O.

From: [Anthony Muai](#)
To: ["Tenbears Running"](#)
Cc: [Steve Donovan](#)
Subject: RE: CPA 20-06
Date: Friday, October 30, 2020 12:58:18 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image006.png](#)
[image007.png](#)

Hi Bob,

We actually don't have a project proposal at this point. The property owner has applied to change the land use designation from Low Density Residential to High Density Residential so that he can rezone the property to Residential, High Density. I know there are fliers circulating stating there will be 1100 apartment units and showing them all clustered on what looks like 10-20 acres of the 40 acres that are part of the application, but we actually don't have a project proposal. The fliers were put together by someone opposed to the proposal, so it is not a reflection of anything the City is reviewing. There is also an existing gated subdivision that has been approved on the lower portion of the property that is not part of this proposal and will remain Low Density Residential. It is about 22 acres in size owned by the applicant so I can't imagine they would want to build something like shown in the flier just above their high-end gated community, but I guess you never know what people are thinking.

The applicant has not been willing to put a specific project on paper so the best we can tell people at this point is that single-family homes, apartments, condos, townhomes, mini-storage, hotels, nursing homes and a few other uses are what are allowed if the change were to be approved. Access would be from Sherman St. to Bob Olson Pkwy and only emergency vehicle access would be permitted through Panoramic Heights.

The City did issue a determination of significance and requested more information, but I have not reviewed that information. The applicant also filed an appeal to the City's determination, so we are waiting for that hearing to be scheduled with the Hearing Examiner. I have copied our Senior Planner, Steve Donovan on this email. He has been processing this application and will be able to provide more information or answer specific questions related to the applicant and appeals. He is out of the office today, but will be in on Monday.

Anthony

Anthony Muai, AICP

Planning Manager

Community Planning Department

City of Kennewick

O: 509.585.4386 | F: 509.585.4442

anthony.muai@ci.kennewick.wa.us



From: Tenbears Running <tenbearsrunning@gmail.com>
Sent: Thursday, October 29, 2020 2:51 PM
To: Anthony Muai <anthony.muai@ci.kennewick.wa.us>
Subject: Re: CPA 20-06

Hi Anthony

grin, no sir sorry I was not more specific. There might be someone in the planning dept that might be willing to hear my concerns about this project on Thompson Hill. I have no objections to growth, my primary concern is funneling traffic off a huge complex as described in the information that was circulated in the CreekStone HOA. A major complex the size of what I understand, would absolutely inundate the roads in the immediate vicinity. Being a retired Peace Officer, I understand the impact of traffic as it comes and goes from a community as described, 1100 "homes".

So one or two folks that can explain the overall plan or publish a document, we as the members of the Kennewick area, might visualize the project once completed.
Bob

On Thu, Oct 29, 2020 at 8:20 AM Anthony Muai <anthony.muai@ci.kennewick.wa.us> wrote:

Hello Bob,

Can you clarify what you mean by "Kennewick City contacts"? Do you want every employee's contact info or a specific group? Do you want email addresses, phone numbers or both?

You can find a list of most on our website at <https://www.go2kennewick.com/Directory.aspx>, however if you want a full list of all employees, elected officials and appointed board and commission members and their contact information you will have to file a public records request. You can do that online here:
[https://kennewickwa.mycusthelp.com/WEBAPP/_rs/\(S\(cgf3sp3sdxj5bie05bauxacc\)\)/SupportHome.aspx](https://kennewickwa.mycusthelp.com/WEBAPP/_rs/(S(cgf3sp3sdxj5bie05bauxacc))/SupportHome.aspx).

Please let me know if you have any questions. I've also copied our Public Records Officer, Krystal Townsend who can assist with filing the records request if you need help.

Anthony

Anthony Muai, AICP

Planning Manager
Community Planning Department
City of Kennewick
O: 509.585.4386 | F: 509.585.4442
anthony.muai@ci.kennewick.wa.us



From: Tenbears Running <tenbearsrunning@gmail.com>
Sent: Thursday, October 29, 2020 7:50 AM
To: Anthony Muai <anthony.muai@ci.kennewick.wa.us>

Subject: CPA 20-06

I'd like a list of the Kennewick City contacts to air my opinion on this plan CPA 20-06, on Thompson Hill. The traffic congestion alone, would be an enormous headache for many of the home owners here in Creekstone. A list "might" be helpful, if the city will listen to the property owners in our area. Many thanks.

Bob Langendorfer

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Tenbears Running
Jay Copperfield
Owners: Shoalwater Estates

Shoalwater & Shoalwater Bay
Residential and Commercial

From: [annlariv](#)
To: [Steve Donovan](#)
Date: Tuesday, December 8, 2020 4:36:47 PM

Also there's a lot of dog walkers in this neighborhood. Please think of them. Thank you.

Sent from my Galaxy
Ann LaRiviere.

From: [ANN Larivier](#)
To: [Steve Donovan](#)
Date: Tuesday, December 8, 2020 4:34:40 PM

I live up off of Sherman on 23rd Avenue. I am very concerned about the new proposed development on the hillside east of Sherman. There are always a lot of bicyclers Walkers and joggers on Sherman and Bob Olson Parkway and Hildebrand Boulevard. The increased traffic could jeopardize and take a life. I would have never purchased in this neighborhood if I knew that proposal was a sure thing. The increased traffic is going to be horrendous if this goes through.

Kennewick Planning Commission and City Council Members

Proposed Comprehensive Plan Amendment 20-06

I am concerned about the effect that this proposed amendment changing the land use designation of 40.6 acres on Thompson's Hill from "Low Density Residential" to "High Density Residential" development will have on the long established area designated as Panoramic Heights. I suggest that the Planning Commission seriously consider denying this request and that the City Council deny the request.

I have resided at 5322 West 26th Avenue since January 1984. This is a great neighborhood for raising children and for retirees. This neighborhood has already seen some traffic impact resulting from opening up Edison Street to the south from 26th Avenue due to the high volume going to and from Southridge High School when school is in session. This intersection is already dangerous as most people going north rarely stop at the stop sign. My understanding about the proposed development which could result in over 1,000 housing units is that the additional traffic particularly on 26th Avenue would result in it being essentially a speedy thoroughfare for the greatly increased traffic volume since there does not appear to be any other access to the proposed development. Within two blocks of my house are at least 10-12 children ranging from toddlers to high school age.

Another factor will be that it will be more difficult for public transportation to serve such steep roads and, again, it would have to mostly pass through Panoramic Heights. If the area is developed as proposed, there likely will be a high density of children that must be served by the Kennewick School District bus system as there will be no schools nearby and even more congestion is added.

I am also concerned about the effect on our irrigation system. It is already nearly maximized and adding the proposed development would likely hurt us all. I recognize that even though the slope of the hill is very steep, it could be developed. However, there likely will be problems with drainage and erosion on that type of slope.

In addition, this type of development is not compatible with the existing Panoramic Heights area. The long-term effect will be to devalue properties particularly those at the upper end of Panoramic Heights.

Has serious consideration been given to how utilities can be handled so that we in Panoramic Heights are not appreciably affected?

My concerns deal mainly with the physical items mentioned above. I believe that the impact on the environment and loss of natural environment should be considered. Does development override the loss of natural resources.

It also does not appear that any consideration has been or will be given to how the development can be served by parks and recreation.

For the reasons stated above, I feel that the Comprehensive Plan Amendment 20-06 should be denied.

Thank you very much for considering my concerns.

Sincerely,

Lawrence E. Clay
5322 West 26th Avenue
Kennewick, WA 99338
Lclay3731@charter.net

From: Jennifer.luce7
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill Mckay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#)
Subject: Re: Proposed Comprehensive Plan Amendment 20-06
Date: Tuesday, March 9, 2021 7:34:13 PM

Dear Kennewick Planning Commission and City Council Members:

My husband and I are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 1101 S Irving Place in Creekstone, the neighborhood that borders this site on the north side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- Increased risk of erosion
- Increased risk of storm water runoff
- Increased risk of landslides due to steep slopes
- Increased traffic
- Negative impact on quality of life
- Negative impact on housing values

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,
Jennifer and Brad Luce

1101 S Irving Place
Kennewick, WA 99338
Jennifer.luce7@gmail.com

From: [Jamie Luce](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill McKay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#)
Subject: Proposed Comprehensive Plan Amendment 20-06
Date: Thursday, March 11, 2021 9:08:08 AM

Dear Kennewick Planning Commission and City Council Members:

My husband and I are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 5005 W 32nd Ave, the neighborhood that borders this site on the east side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- Increased risk of erosion
- Increased risk of storm water runoff
- Increased risk of landslides due to steep slopes
- Increased traffic
- Negative impact on quality of life
- Negative impact on housing values

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,
Patrick and Jamie Luce

5005 W 32nd Ave
Kennewick, WA 99338
jamie@greatclubs.org

From: [Jim AJ](#)
To: ["k_duncan@charter.net"](mailto:k_duncan@charter.net); [Steve Donovan](#)
Subject: Proposed rezoning to high density residential .
Date: Tuesday, July 21, 2020 10:01:37 AM

Mr. Donovan,

This is in regard to Jose Chavallo's request to rezone a large area of land west of Panoramic Hts. Mr Chavallo attempted to do this nine years ago and the residents of Panoramic Hts defeated him in that attempt. We still oppose this request to rezone the area to high density. We are aware that Mr Chavallo has made no request for permits to build on the land, however, we are all aware of what his intentions are in that regard. Please do not grant his request for all the reasons given in Mr. Orrs, Mr. Mabry, Mr. Berges and other letters.

Sincerely
Jim and AJ Foster
cameojj@charter.net
6009 W.26th Ave
Kennewick, 99338

From: [S N](#)
To: [Steve Donovan](#); [Shlomo Orr](#)
Cc: [anjhi2u@msn.com](#); [berges6@aol.com](#); [christywatts2@gmail.com](#); [crosby.john56@gmail.com](#); [erhartsw@gmail.com](#); [farevalo76@gmail.com](#); [mchamaker@gmail.com](#); [rr_duncan@charter.net](#); [ryanhill4ever@gmail.com](#); [slyarner62@yahoo.com](#); [tshaw83@hotmail.com](#); [wtdixon3@gmail.com](#); [larryjulyk@charter.net](#); [fred@biebesheimer.net](#); [Car Lvr509](#)
Subject: Re: Proposed rezoning to high density residential a large area (several acres) just north of the water tank and west of Panoramic Heights 3 and S. Kellogg Street
Date: Monday, July 20, 2020 12:43:34 PM
Attachments: [2020 Notice of Application for Thompson Hill Development.jfif](#)

Steve,

Thanks for your timely responses.

I am a bit confused because the signs at the property(see attached) seem to read differently from what you have stated. The posted sign states that there is an opportunity to comment on the described **proposal/project...**

And under the Proposal Description it reads... Amend the land use designation for the property(the exact area is noted) from low density to high-density residential.

Are the comments that you are receiving being noted/stored/logged anywhere? What happens to the information after the 29JUL20 deadline? Who is reviewing the letters?

Sincerely,

Ron Mabry
509-308-2698

On Monday, July 20, 2020, 11:51:28 AM PDT, Shlomo Orr wrote:

Thank you Steve.

We will read and respond soon.

Shlomo.

From: Steve Donovan [mailto:Steve.Donovan@ci.kennewick.wa.us]
Sent: Monday, July 20, 2020 8:28 AM
To: 'Shlomo Orr'
Subject: RE: Proposed rezoning to high density residential a large area (several acres) just north of the water tank and west of Panoramic Heights 3 and S. Kellogg Street

Mr. Orr:

Attached are the application materials for the proposed amendment.

It is important to note that the application is not for a specific development project, it is for a land

use amendment which is a legislative action. State Agencies and City Departments will review the requested amendment. The Planning Commission will hold a public hearing in October and then the City Council will make the final decision in November or December.

Feel free to contact me if you have any further questions.

From: Shlomo Orr <shlomo.orr@gmail.com>

Sent: Sunday, July 19, 2020 10:39 PM

To: S N <carlvr509@yahoo.com>

Cc: Steve Donovan <Steve.Donovan@ci.kennewick.wa.us>; GERALD BERGES <berges6@aol.com>; J. Higley <anjhi2u@msn.com>; Steven Erhart <erhartsw@gmail.com>; Jncathey2352 <jncathey2352@charter.net>; Stephen Varner <slvarner62@yahoo.com>; Molly Hamaker-Teals <mchamaker@gmail.com>; Bill Dixon <wtdixon3@gmail.com>; Christy Watts <christywatts2@gmail.com>; Carol Schwarder <ryanhill4ever@gmail.com>; Sondra Rader <todayshint@gmail.com>; Traci Bradshaw <tshaw83@hotmail.com>; Larry Julyk <larryjulyk@charter.net>; Fred Biebesheimer <fred@biebesheimer.net>

Subject: Re: Proposed rezoning to high density residential a large area (several acres) just north of the water tank and west of Panoramic Heights 3 and S. Kellogg Street

Dear Mr. Donovan,

Nine years ago, the developer Jose Chavallo attempted to develop the area west of Panoramic Heights, using the existing infrastructure, without adding any additional access roads. We, the residents of Panoramic Heights, fought this parasitic development through the City Council and the power of the law to prevent him from this, unless an appropriate infrastructure is added, particularly a separate access road into the new development. There were also major concerns about water drainage and slope stability, for which Mr. Chavallo was unable to demonstrate viable solutions.

We understand Mr. Chavallo had received permission for grading of his property, which has included an unstoppable "train" of hundreds of loaded trucks passing through our neighborhood daily for the last three months, producing extensive air pollution and noise - and this without any consideration, consultation, and agreement by us, the residents. This is already outrageous and unacceptable, particularly given the ongoing pandemic situation. We already feel being taken advantage of by using the COVID-19 social distancing and precautions to "sneak" a large-scale operation through our neighborhood, abusing us and our good will. If this is what "high density" implies, we can assure you in advance that we will not accept this zone change, and will fight it by all means necessary.

We will appreciate detailed explanation from you regarding the matter. I will be happy to organize a large Zoom meeting with our representatives to discuss this with you face to face, if you wish.

Respectfully yours,

Shlomo Orr

Resident, Panoramic Heights

On Sun, Jul 19, 2020 at 2:06 PM S N <carlvr509@yahoo.com> wrote:

Mr. Donovan, as a resident of the Panoramic Heights Subdivision, I am concerned with the changing of the zoning for this development. I have not seen where the developer has taken into count the added load that will be added to the intra-structure of the area.

This effort has been attempted in the past with answers to the surrounding communities left not answered. Will additional roads be required? Will the addition of extra homes overstress the sewage systems and irrigation systems? Will overloading the land increase the possibility of landslides and

flooding? Will the smaller lot sizes decrease the value of the surrounding homes?

I believe that the developer should meet with the surrounding communities and explain how the change in the density of the new homes will not adversely affect present homeowners.

Thank you,

Ron Mabry

509-308-2698

--

Shlomo.

From: [Melinda Didier](#)
To: [Steve Donovan](#); [Terri Wright](#)
Subject: FW: CPA 20-06 High Density Housing on Thompson Hill
Date: Wednesday, October 21, 2020 4:26:02 PM

From: Noreen Mack <nhamach57@hotmail.com>
Sent: Wednesday, October 21, 2020 1:07 PM
To: Melinda Didier <Melinda.Didier@ci.kennewick.wa.us>
Subject: CPA 20-06 High Density Housing on Thompson Hill

I live in the Creekstone Subdivision. This would increase the traffic close to my home. It would be an eyesore. It would decrease the value of my property. It would destroy my privacy as the tenants of these apartments would have full view of my back yard.

Please DO NOT approve this project. I am not apposed to single family homes on the hill but NO high density projects.

Sent from [Mail](#) for Windows 10

From: [Trisha Markle](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill Mckay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#); info@panoramicheightshoa.com
Subject: Proposed high density development CPA 20-06
Date: Sunday, November 1, 2020 9:42:45 PM

To whom it may concern,

I am opposed to the proposed Comprehensive Plan Amendment 20-06. I live off of 20th Avenue, a neighborhood that lies due north of the proposed development. My husband and I recently purchased our first home there to put down roots for our family in Kennewick. We selected a home at the end of a quiet cul de sac with no backyard neighbors so that we would have safety and privacy for our children. Behind our backyard, we have an irrigation canal and an open hill. We love being able to see the natural environment of the Tri-Cities right from our backyard. We are very concerned about the proposed development for several reasons. First, we are concerned about how it will impact property values. The value of our home and homes in all of the surrounding neighborhoods will likely be negatively impacted by the construction of an unsightly enormous apartment complex in our backyards. Additionally, the traffic that will be added to the neighborhood is concerning, particularly on Kellogg St/Creekstone since it is already a busy road on which cars travel quite fast. We have three very young children and we would like to raise them in a safe neighborhood in which they can ride bikes, go for walks, etc. as they grow older. Adding many more cars to this area will negatively impact pedestrian safety, the topography of the area, property values, and the environment. Please be wise about this decision and do not approve the upper slopes of Thompson Hill for High Density zoning.

Sincerely,
Trisha Chase

From: [AmberDawn McCall](#)
Subject: Re: Proposed Comprehensive Plan Amendment 20-06
Date: Tuesday, November 17, 2020 5:00:58 PM

November 17, 2020

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

Please forward this letter to all members of the planning commissioners.

I am opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from "Low Density Residential" to "High Density Residential" development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 2510 S. Jefferson Ct. in Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- The existing neighborhoods around this 40.6 acre site on Thompson Hill would suffer a significant reduction in property values, driving home prices down and robbing long-term residents of what is often their only or most significant investments.
- The infrastructure surrounding this area is insufficient and inappropriate for supporting the amount of traffic and other infrastructure use that comes with the addition of up to 1100 new housing units.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, (I or we) believe that this proposed amendment does not meet your approval criteria that it "bears a substantial relationship to the public health, safety, welfare, and protection of the environment." Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and

- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Aaron and AmberDawn McCall
2510 S. Jefferson Ct.
Kennewick, WA 99338
aaronsamberdawn@gmail.com

From: [Lesann McEnroe](#)
To: [Don Britain](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill Mckay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#); [info@panoramicheightshoa.com](#); [Brad Beauchamp](#); [Steve Lee](#)
Subject: Proposed Comprehensive Plan Amendment 20-06
Date: Wednesday, October 21, 2020 1:36:40 PM

Dear Kennewick Planning Commission and City Council Officials,

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied and that the City Council deny this request.

We live at 5407 W 17th Ave in Creekstone, one of the largest communities northeast of Thompson Hill. We, like several surrounding neighborhoods, will be significantly impacted by a high-density residential development. A high-density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, townhouses, row houses, or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain with slopes over 40 percent and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment because that size and density of housing will mean an exponential increase of vehicular traffic flowing into the existing quiet residential streets and neighborhoods as well as the few arterial roads. For 1,100 units, estimating one to two adults and one to two vehicles per unit, that equates to a *minimum* of 2,200 to 4,400 car trips per weekday just for people going to work and back home with no new roads being constructed.

Further, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment”, nor have the following factors been considered thoroughly:

- The effect upon the physical environment;
- The effect upon open space and natural features including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of and impact on community facilities including utilities, roads, public transportation, parks, recreation, and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

If you could please forward comment letters to the Planning Commission (Melinda.Didier@ci.kennewick.wa.us and Steve.Donovan@ci.kennewick.wa.us), that would be greatly appreciated.

Thank you very much for considering these concerns and for serving the people of Kennewick!

Sincerely,

Michael and Lesann McEnroe
5407 W 17th Ave, Kennewick 99338
Ph: (509) 438-1427

From: [Reed McKinlay](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill McKay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#); info@panoramicheightshoa.com
Cc: [Lisa McKinlay \(mckinlay.lj@gmail.com\)](mailto:mckinlay.lj@gmail.com); domkathy@hotmail.com
Subject: Opposition to Proposed High Density Housing on Thompson Hill
Date: Monday, October 26, 2020 10:52:24 AM

October 26, 2020

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from "Low Density Residential" to "High Density Residential" development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 2332 South Young Court, in Southcliffe, the neighborhood to the west of the proposed development on Thompson Hill.

High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site. This would force considerably more traffic to Sherman Street, which will already be significantly impacted by current development plans in that area and should not have to bear the impact of a previously unplanned high density housing development.

We are long time Tri Cities residents. Last year we purchased our home in Southcliffe because we love the area and the community being created here. It has nicely built single family homes, modest traffic concerns with beautiful surroundings and scenic views. This proposed development is certainly not something we expect as a responsible community development plan for this area.

Specifically, We oppose this proposed amendment for the following reasons:

- It will increase up to 8000 vehicle trips per day on the streets in the area
- It will decrease property values through diminished aesthetics and traffic.
- Homeowners in the area frequently use Sherman Street as a pleasant place to hike and exercise, which will be significantly negatively impacted by the added traffic.
- The intention of the current zoning in the Thompson Hill area was to create communities of single family housing with aesthetically pleasing views and a safe community. High density housing negatively impacts these attributes.
- Thompson Hill has long been a Kennewick landmark and the City of Kennewick has a responsibility to avoid scarring the landscape with a development that does not aesthetically fit with previously zoned planning.

- The City of Kennewick has already adequately met its responsibility to provide affordable housing to its citizens by the large number of apartment complexes already built or under construction. For example, the Badger Canyon apartment complex currently being built along Ridgeline. There is no need to disfigure Thompson Hill to meet this need.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick. Please have this letter also forwarded to the Planning Commissioners for their consideration.

Respectfully,

Reed E. and Lisa J. McKinlay
2332 South Young Court
Kennewick, WA 99338

reedm@wyckoff-farms.com
mckinlay.lj@gmail.com

Kennewick Planning Commission and City Council Members
210 W 6th Ave
P.O. Box 6108
Kennewick, WA 98336-0108

October 15, 2020

Re: Proposed Comprehensive Plan Amendment 20-06

To Whom It May Concern:

Recently we became aware of a proposed comprehensive plan (PCPA 20-06) concerning change to land use designation for 40.6 acres on Thompson Hill (East side) from "Low Density Residential to High Density Residential" development. We request this proposal adamantly be rejected and that the City Council deny this request.

We currently live in the Creekstone Development, below but in close proximity to the proposed building site. We will be severely impacted by this high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and with no current vehicle access to most of the side.

Specifically, we oppose this proposed amendment for the following reason:

- 1) Run off of rain/snow would be of greater consequence than allowing it to be absorbed naturally by the current ground cover and topography. Run-off water would become a significant problem in several ways. Sewer/run-off drainage and additional re-enforced walls for soil retention.
- 2) Potential for slough-off of the ground into KID irrigation ditch, blocking it and putting down slope housing in peril. This would be a major extra expense for Benton County, the City of Kennewick and home owners (several times: HOA dues, taxes, loss of water for irrigation, etc.)
- 3) High density traffic between Creekstone Drive and 10th Ave via Irving St.. This road cuts through the middle of Creekstone Development and is already used as a cut-through. Additionally, this road has many dog-walkers, walkers/runners and kids riding bikes. The additional traffic increase would increase the potential for accidents of major proportions and injuries. Traffic enforcement has been minimal. A traffic light will also be required to allow for safe exit of Irving to 10th ave. Irving street, within Creekstone Development, should be designed a "Local Traffic Only" street as it splits the East and West sides of the Creekstone Development.
- 4) This would stress out current school, medical facilities, fire/police services. These services are provided by current land/property tax evaluations. Multi-units owners will not be

- required to pay annually for these additional services. Currently new schools are being built at a significant rate on an annual basis rather than through attrition of wearing out the old.
- 5) Per current WAC/RAC 15% of this housing may be low income (Section 8) housing. Thus this puts additional scrutiny on crime. It is a statically factual more crime occurs in this type of housing area. Although President Trump recently rescinded the AFFH rule of 2015, Washington State's laws are still effective.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan. Additionally within 5 miles there is another of these high density housing developments. The one off Clodfelter road can potentially hold up to several thousand residents. This proposal, also only increases the over building/population on the Western side of Thompson Hill with upward of 5,000 single housing units along the Bob Olsen Parkway.

Therefore, we believe this, Comprehensive Plan Amendment 20-06, does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

As our elected representatives, thank you for considering these serious concerns and for serving us, the people of Kennewick.

Respectfully,

Jill McKinnon
360-644931

Charles Rogers
360-620-6900

From: [JASON MERCIER](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill McKay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#)
Cc: info@panoramicheightshoa.com
Subject: Reject proposed CPA 20-06
Date: Wednesday, October 21, 2020 2:39:31 PM

Hello,

I'm writing to express my opposition to the proposed land use change in CPA 20-06. One of the reasons we decided to move to the Creekstone neighborhood was due to the area low density zoning and ease of mobility with the existing transportation infrastructure.

I'm deeply concerned about the proposed change from low to high density and in particular the anticipated increased stress that change would have on the current transportation infrastructure.

Thank you for considering this request to keep the existing low density zoning in place and rejecting CPA 20-06.

Sincerely,

Jason Mercier
2401 S. Edison St

From: [The Middleton's](#)
To: [Steve Donovan](#)
Subject: File number: CPA 20-06/PLN-2020-01009
Date: Saturday, July 18, 2020 11:34:50 AM

Good evening Mr. Donovan,

My name is Shawn Middleton and I live at 2503 S. Dawes St. I am writing to you concerning the application for 2701 and 2711 S Sherman St.

I moved into this neighborhood 10 years ago with the understanding that it was, and is, a low density housing neighbor. This is of great importance to people moving into the neighborhood as it is both about space and traffic. Much to our dismay, we have seen houses packed in to both the north and south of our neighborhood. However, that is NOT and should not be the neighborhood that we all have invested and moved in to!

Allowing the new "High Density" area at the end of our neighborhood would not only have a negative effect on property values, but would greatly diminish the serenity, safety, and quality of a community we have all invested our time and money in!

I believe this plan should only be allowed to move forward with new a new road to the property that is non-intrusive through our well established highly invested in neighborhood.

As stated before, the families that have moved into this neighborhood did so knowing that it was a low density area which not only affected lot size, but traffic, and population size as well. An area that has been intact for 45 years should not be allowed to be depleted on a whim and greed.

Thank you for your time. I look forward to a decision that is in the best interest all those that call this neighborhood home.

Sincerely,

Shawn W. Middleton
2503 S Dawes St.
Kennewick WA 99338
SMJMIDLTON@yahoo.com

From: [Amber Morales](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill Mckay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#); info@panoramicheightshoa.com
Subject: Proposed Comprehensive Plan Amendment 20-06
Date: Wednesday, December 23, 2020 4:08:13 PM

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We Bret and Amber Morales are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from "Low Density Residential" to "High Density Residential" development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 2269 S Belfair St in Southcliffe the neighborhood that borders this site on the west side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

We recently relocated to this beautiful area and as Bret is recently retired we chose this location as it is quite and out of the way of the city. We knew in purchasing the home, there would be additional development, but not in having such a large complex in the neighborhood. It would take our small "rural" area and turn it into a high traffic congestion zone. Many individuals take the opportunity to hike on Thompson hill and it feels that this type of development will take away from the natural landscape they enjoy, along with the increase of traffic and the danger that can bring to individuals on foot.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it "bears a substantial relationship to the public health, safety, welfare, and protection of the environment." Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

The effect upon the physical environment;

The effect upon open space and natural features, including topography;

The compatibility with and impact on adjacent land uses and neighborhoods;

The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;

The current and projected project density in the area; and

The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Bret and Amber Morales

2269 S Belfair

Kennewick, Wa. 99338

Amber.morales@csuglobal.edu

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 5328 W. 26th Ave, in Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- **The development will result in excessive vehicle traffic through Panoramic Heights. 25th, 26th, and 28th already experience high levels of traffic as drivers pass through the neighborhood to travel between the Creekstone area and the Southridge area. This is a safety concern and livability concern. No additional traffic burden should be placed upon these streets.**
- **The development is detrimental to the property values, livability, and quality of life in Panoramic Heights.**

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;

- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Conrad and Caroline Morrow
5328 W. 26th Ave
Kennewick, WA 99338
(509) 554-6040

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

I Dr. Noel Ybarra, opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. I request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

I oppose this proposed amendment for the following reasons.

The developer purchased or acquired this land fully aware of its current “Low Density Residential” designation. I acknowledge his request to change this designation for the best interests of his/their investment. I do not understand how this will benefit our great city besides additional tax revenue.

I live near Panoramic Heights in the South Ridge housing Association. Our neighborhood also borders the east and south portion of Thompson Hill. I understand the area was purchased for home construction, but mourn the loss of natural beauty of the hills in our area.

The natural beauty of our surroundings is obvious. One only need to view the City of Kennewick webpage! The scrolling pictures show the unique beauty of our area: the river, waterfront, and hills! Clearly, Kennewick’s natural beauty is being promoted by the City.

Saving as much of the natural beauty and splendor of the hill is a benefit for our community. I understand proposed land designation can still move forward to build low density housing and thus, not preserve the hill. The potential impacts of “High Density Residential” outweigh the potential benefits.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, I believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Dr. Noel Ybarra
Tri1ironman@yahoo.com

October 20, 2020

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

My wife and I are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.06 acres on Thompson Hill from “low Density Residential” to “High Density Residential” development. My wife and I request that the Planning Commission recommend that this request be denied, and that the City Council as well deny this request.

We, James and Kathleen Neary, reside at 5420 W. 26th Ave, in Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. Our neighborhood will be most impacted by high density residential development. High density residential development allows up to 27 multifamily housing units per acre, including apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units would be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, my wife and I oppose this proposed amendment for the following reasons:

- Kennewick has been expanding to the Southwest for years and we have already experienced an expansion in the density of housing surrounding us as the city continues to grow. Recently a middle school was added to our neighborhood which has had a dramatic impact on the amount of traffic in our subdivision, adding more challenges as this increased traffic now amplifies the already large volume we have daily from Southridge High School. We are in favor of growth much like the new single family housing developments South of Panoramic Heights. Adding high density residential to our established neighborhood, already accepted as a much desired and established area of Kennewick, will destroy the ambience that our established neighborhood provides as a benchmark in how to maintain a premier subdivision and yet embrace growth. Adding up to 1,100 multifamily housing units will stress the natural environment and the features consistent with an older neighborhood. With a growing number of newer families moving into this area having small children, the intensified traffic increases the danger to that vulnerable population in addition to the infrastructure impact the multiples of vehicles will have on our neighborhood streets.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, my wife and I believe that this proposed amendment does not meet your approval criteria that it "bears a substantial relationship to the public health, safety, welfare, and protection of the environment." Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan amendment:

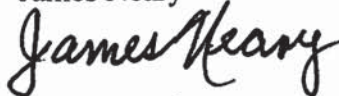
- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

James Neary

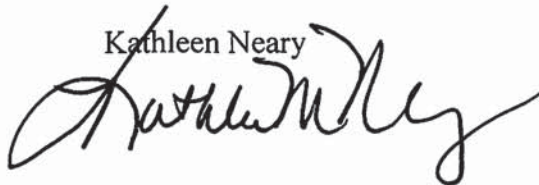


5420 W. 26th Ave

Kennewick

jkneary@charter.net

Kathleen Neary



From: [Rich Nelson](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); John.Turmbo@ci.kennewick.wa.us; [Bill McKay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#)
Cc: info@panoramicheightshoa.com
Subject: PROPOSED NEW DEVELOPMENT ON THOMPSON HILL
Date: Monday, October 12, 2020 3:37:29 PM

5718 W. 25th Ave.

Kennewick, WA 99338

October 12, 2020

Kennewick City Council:

Don Britain

Steve Lee

Brad Beauchamp

Jim Millbauer

Chuck Torelli

John Trumbo

Bill McKay

Kennewick Planning Commission:

Melinda Didier (Please forward to Planning Commissioners)

Steve Donovan

PROPOSED NEW DEVELOPMENT ON THOMPSON HILL

Dear Representatives:

This memo contains three major points:

1. The proposed land use designation for Thompson Hill should not be changed from Low Density Residential to High Density Residential.
2. Whatever ruling is made on issue #1, the City must include provisions on future development for protection of Thompson Hill from wild fires.
3. Whatever ruling is made on issue #1, the City must include provisions for traffic flows on future development so the additional auto and truck traffic does **not** flow through 25th, 26th avenues and other access points through the Panoramic Heights neighborhood.

1. Change of Land Use Designation

The City of Kennewick and the Planning Commission have spent many hours of effort to develop a Long Range Plan for the City. The Plan has been accepted by the residents of Kennewick and by the many organizations that service the Kennewick area.

- Residents have purchased property and built their homes based on the Kennewick Long Range Plan.
- The City has used the Plan to schedule water, sewer, police protection, fire protection, parks, and community services based on the Plan.
- Service providers such as Benton PUD, TV cable, natural gas, telephone, irrigation water, etc. have made investments and plans based on the Plan.
- The City has planned roads and traffic controls based on the Plan.
- Businesses have established locations and investments based on the Plan.

Now the City has been requested to change the Plan based on the schemes of a developer. This is not right for the long term good of the City of Kennewick to abandon the visions of the Long Range Plan.

Also the members of the Planning Commission that worked so hard on developing the Long Range Plan will probably see such a major change as a “slap in the face” and be discouraged about future updates to the Plan.

For the above reasons, I urge the City Council and Planning Commission to reject the proposed land use change to High Density. We have known for some time that Thompson Hill would ultimately be developed because of the attractive views but allowing high density housing on the steep terrain of Thompson Hill would be a bad decision.

2. Wild Fire Protection

In light of the recent experience with wild fire on Canyon Lakes, it is recommended that provisions be made to provide protection to current residential developments from the tragic wild fires that threaten all homeowners on the US West Coast and locally in the Tri-City area. As a resident on Thompson Hill, my family has faced several heart stopping fires that are fanned by the prevailing SW winds. Most of the residents have replaced cedar shake roofs with fire resistant roofing and have cleared areas around our homes. Nevertheless, more development on Thompson Hill and even down the Bob Olsen Parkway provide more opportunity for fires to start. High Density Housing increases this risk with more people potentially causing fires.

I urge the Council and Planning Commission to provide for natural fire barriers to be established by developers to enable our fire department opportunities to control wild fires before they reach our housing developments.

3. Traffic Planning

Residents of Panoramic Heights have been recently bombarded with heavy trucks and equipment through our neighborhood as the City has pursued the replacement of the water reservoir in the Creekstone neighborhood and dumped the extra land fill on Thompson Hill. This is just a preview of the traffic that would disrupt our neighborhood unless additional access across the KID canal is planned for any new development. I strongly encourage the Council and Planning Commission to provide for new traffic access for any new development of Thompson Hill and not send the traffic through 25th and 26th Avenues.

Sincerely,

Richard A. Nelson

Cc: Panoramic Heights HOA

Sent from [Mail](#) for Windows 10

From: [Rich Nelson](#)
To: [Steve Donovan](#)
Cc: [Ron Mabry \(Home\)](#); [GERALD BERGES](#)
Subject: Proposed Zoning Change for Thompson Hill
Date: Monday, July 20, 2020 7:50:25 AM

Mr. Donovan--I am a long term resident of Panoramic Heights neighborhood and have enjoyed the quiet living space which is one of the reasons for the purchase of our property.

My wife and I are definitely opposed to the proposed zoning change for the south side of Thompson hill from low residential to high density living space. The many additional people close to our neighborhood will decrease the livability of our homes.

Kennewick has spent much time and effort to develop a long range plan and zoning ordinances. Why would you change these well thought out plans? The City of Kennewick should stand by the planning efforts because many other plans for water and sewer services, utilities, traffic, schools, etc. were made on the long range plan. The change in zoning would impact many more businesses and providers than the residents of our neighborhood.

We are personally opposed to the zoning change because the additional nearby residents would upset the traffic patterns and way of life that we enjoy.

On another issue, we currently dislike the constant flow of dirt trucks and equipment on 25th Ave as the City is installing a new water reservoir near 18th Ave. This heavy traffic and disruption in our neighborhood should have been considered when you approved that project. Hopefully this is temporary and you will find a way to route future traffic from low residential zoned development of the north side of Thompson Hill away from our neighborhood.

Please register our complaint with the Kennewick City Council and encourage dismissal of the proposed zoning change.

Richard A. Nelson
5718 W. 25th Ave.
Kennewick, WA 99338
509-783-4817

From: [Nevills, Jennifer A](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill McKay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#); info@panoramicheightshoa.com
Cc: jadn33@yahoo.com
Subject: CPA 20-06
Date: Thursday, November 5, 2020 1:26:42 PM

As a 43-year resident of Kennewick, and 12-year resident of the Creekstone housing development, I wish to voice my opposition to the proposed CPA 20-06 (High Density Housing on Thompson Hill). The reason for my opposition is that the revised designation will create a significant increase in vehicle traffic through our quiet neighborhood. The traffic arterials in and around Creekstone were designed with a finite number of vehicles in mind. Any increase in vehicle traffic will create a corresponding reduction in safety for those of us living in Creekstone, especially those whose homes border Creekstone Drive and Irving.

Residents of Creekstone pay one of the highest HOA dues in the city (yes, I know it is my choice) and until recently, one of the benefits was a quiet neighborhood with most of the traffic limited to Creekstone residents and their guests. As you are aware, several years ago, Kennewick added a roundabout on Creekstone Drive and Irving. Though the project provided convenience to residents in southeast Kennewick, the effects were mostly negative to our homeowners because Creekstone became a favored short cut to access 10th Ave.

In addition to the impacts above, the traffic introduced by the proposed high-density housing, will reduce safety for the numerous schools and parks in our neighborhood. Again, Creekstone is a family-friendly development where parents let children walk to parks, play, ride bikes, and otherwise enjoy the outdoors. Frankly, that is why many of us moved there. Unfortunately, the number of cars coming through our neighborhood since the installation of the roundabout, and the excessive speeds driven, have increased our anxiety and decreased safety for all. CPA 20-06 is likely to make matters worse.

I understand the need for Kennewick to grow and provide families additional residential opportunities. However, I'm concerned with the prospect of adding 1100 housing units because their residents will most likely use our neighborhood to transit to work, malls, movies, restaurants, schools, etc. I believe I speak for many Creekstone residents when saying, "please think of us and our families (especially our children) and do not approve this proposal."

Thank you,

Jennifer Nevills

October 19, 2020

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 5809 W. 26th Avenue in Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- Increased traffic along 26th Avenue (and other residential roads in Panoramic Heights), which may cause increased traffic congestion as well as safety issues for pedestrians. We live on 26th Avenue, and seen an increase of large trucks hauling dirt driving at excessive speeds in front of our residence. We have witnessed some near misses and running stop signs on the intersections of 26th and Irving as well as 26th and Kellogg with these large construction vehicles. There needs to be some traffic remediation to ensure safety of pedestrians; specifically, our school-aged children walking to school and waiting for school buses.
- The detrimental impact to natural areas. Dwindling natural areas may lead to accelerated erosion and runoff which would directly affect Panoramic Heights.
- Adverse effects on native wildlife. Native wildlife may be forced out of their natural habitat by development, which could lead to an increase of nuisance animals (raccoons, skunks, coyotes, snakes, spiders) in the surrounding neighborhoods, schools, and communities.
- The potential impact upon utilities leading to diminished irrigation access.
- Increased pollution during construction (noise, air).

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

We returned to our hometown after serving in the Air Force for 30 years. We have been forced to live amidst construction and high-density housing throughout our military career. This is the first time we have been able to choose our own location for our family's needs. We chose to live in Panoramic Heights for the quiet, pristine community that it is. We have felt safe and enjoyed meeting our neighbors in this close-knit community. We are able to walk safely in our neighborhood. We are concerned about the potential negative impacts to our neighborhood. The thought of this street turning into one of the major thoroughfares for a high-density subdivision gives us great cause for concern for our neighborhood's well-being. Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

CMSgt Chad & Heidi Nixon
CMSgt Chad & Heidi Nixon
5809 W. 26th Avenue
Kennewick, WA 99338

kipnniki@yahoo.com
hnixon323@gmail.com

From: [Melinda Didier](#)
To: [Steve Donovan](#); [Terri Wright](#)
Subject: FW: Proposed Comprehensive Plan Amendment 20-06
Date: Monday, October 26, 2020 8:27:28 AM

From: Shlomo Orr <shlomo.orr@gmail.com>
Sent: Friday, October 23, 2020 1:19 PM
To: Melinda Didier <Melinda.Didier@ci.kennewick.wa.us>
Subject: Proposed Comprehensive Plan Amendment 20-06

Dear Ms. Didier:

We were surprised to discover an imminent request for a change of land use designation from Open Space to High Density Residential, for a new development currently defined as a “non-project”, on the steep slopes of east Thompson Hill.

We are strongly opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 5900 W. 25th Avenue, in Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- Additional traffic flow of over 8,000 vehicle trips per day through our small neighborhood streets, without access roads to Kennewick proper (e.g., Columbia Center). This will not only convert our neighborhood to slums with traffic jams all over, but is also dangerous in case of emergency, particularly wildfire, which has occurred at least once in the last decade.
- Further, the steep slopes on the proposed site, typically grading above 30% and as high as 40% uphill, is very likely to endure slope stability problems, which, combined with major runoff drainage problems could cause a catastrophic collapse, with unimaginable destruction of neighborhoods downhill – and this is besides the questionable permission to build any housing type on these slopes, regardless.
- Furthermore, a major/continental (Williams) gas line passing through the property, just west of Panoramic Heights, will pose increasing hazard of gas leaks, and ultimately explosions, under excess loads by both housing structures and heavy traffic.
- Increased flow to already overloaded water and sewer systems.
- Increased demands of an already overtaxed and limited irrigation water supply.
- Significant air and noise pollution, with serious effects on residents’ health and

quality of life, as well as property value.

- A new high-density neighborhood towering above surrounding low-density private home neighborhoods is not only ugly, but also incompatible with the overall city planning.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Shlomo and Galya Orr

shlomo.orr@gmail.com

From: [Shlomo Orr](#)
To: [Steve Donovan](#)
Subject: RE: Proposed rezoning to high density residential a large area (several acres) just north of the water tank and west of Panoramic Heights 3 and S. Kellogg Street
Date: Wednesday, July 22, 2020 11:57:53 AM

Thanks Steve.

Could you kindly let us know when we get to 30 days before the public hearing?

Thanks,
 Shlomo.

From: Steve Donovan [mailto:Steve.Donovan@ci.kennewick.wa.us]

Sent: Wednesday, July 22, 2020 7:37 AM

To: 'Shlomo Orr'

Subject: RE: Proposed rezoning to high density residential a large area (several acres) just north of the water tank and west of Panoramic Heights 3 and S. Kellogg Street

Mr. Orr:

The standard comment period for an application is 15 days. Since the public hearing will not be held at the end of the 15 day comment period, the public has the opportunity to comment until the public hearing has been closed.

The surrounding property owners within 300' of the proposal are required to be personally notified of the public hearing no sooner than 30 days before the hearing.

All of the comments will be entered into the record and presented to the Planning Commission at the public hearing. The Planning Commission will then make a recommendation that is forwarded, along with the record, to the City Council.

You can talk to any of the City Council members.

Thanks,
 Steve

From: Shlomo Orr <shlomo.orr@gmail.com>

Sent: Tuesday, July 21, 2020 6:54 PM

To: Steve Donovan <Steve.Donovan@ci.kennewick.wa.us>

Subject: RE: Proposed rezoning to high density residential a large area (several acres) just north of the water tank and west of Panoramic Heights 3 and S. Kellogg Street

Hi Steve,

Stockpiling and grading are two different things...

From your previous email I understand that the City Council will make a decision in October. If so, why is there urgency to have all our comments in before July 29? Given the substantial effect such a change will have on the residents of Panoramic Heights, why had this announcement and associated deadline not been sent to all of us personally, as was done when the Creekstone street was planned (back 20 years ago), particularly during pandemic conditions?

You wrote: "The proposed comprehensive plan amendment will follow the proper review requirements". [Could you please explain the process: What will you do with all our comments and objections?](#) How and when could we provide our unified input to the Council? Whom exactly shall we talk to at the City Council?

Thanks!
 Shlomo.

From: Steve Donovan [mailto:Steve.Donovan@ci.kennewick.wa.us]

Sent: Tuesday, July 21, 2020 5:06 PM

To: 'Shlomo Orr' <shlomo.orr@gmail.com>

Subject: RE: Proposed rezoning to high density residential a large area (several acres) just north of the water tank and west of Panoramic Heights 3 and S. Kellogg Street

Mr. Orr:

The development that is shown on the map you are referencing has nothing to do with CPA 20-06. That map's only purpose is to show the location of Lot 37 and Lot 38. It was probably a poor choice by Mr. Chavallo to use a previous development plat map as a reference for his proposed amendment. The City is only reviewing the proposed comprehensive plan amendment, which is a legislative action. No project has been submitted for review and no project review is taking place at this time. The grading permit that was issued earlier this year was to stockpile dirt for new water reservoir that is being constructed in the Creekstone Development. Some of the dirt will be returned to the reservoir site.

Legally staff cannot "block" any application submitted any member of the public. The proposed comprehensive plan amendment will follow the proper review requirements and a decision will be issued by the City Council.

Feel free to contact me if you have any questions.

Steve

From: Shlomo Orr <shlomo.orr@gmail.com>

Sent: Tuesday, July 21, 2020 3:25 PM

To: Steve Donovan <Steve.Donovan@ci.kennewick.wa.us>

Cc: anjhi2u@msn.com; BERGES6@aol.com; carlvr509@yahoo.com; christywatts2@gmail.com; Crosby.john56@gmail.com; erhartsw@gmail.com; farevalo76@gmail.com; mchamaker@gmail.com; ryanhill4ever@gmail.com; slvarner62@yahoo.com; tshaw83@hotmail.com; wtdixon3@gmail.com; fireflytex@charter.net; larryjulyk@charter.net; fred@biebesheimer.net

Subject: RE: Proposed rezoning to high density residential a large area (several acres) just north of the water tank and west of Panoramic Heights 3 and S. Kellogg Street

Importance: High

Mr. Donovan,

Thanks for your answers.

There is a major difference between 5 units vs. 27 units, particularly given that in Chavallo's plan the only access he indicates is through 25th and 26th Avenues. You wrote that "The amendment that was applied for is not for the specific development of the site, it is only to change the land use designation.", but in the document you have sent me, "*CPA 20-06.pdf*", "*Jose Community Planning Comprehensive Plan Ammendment.pdf*", there is a map for a specific planned area (particularly the planned development north of Lot 37, west of 25th and 26th Avenues), an area he indicates he will add another street, 27th Court, that we are very concerned about.

This is indeed puzzling – the developer is asking for residential density change for "no project" on a project that has already begun... For this "non-project" development you have already given him permission for massive grading, which should have been reviewed and approved by all the different authorities – from geotechnical permit (have you seen the tall pyramid he has built there?) to drainage and surface-water permit and (most importantly) transportation permit. In fact, the "no-project" grading is not only a massive project on its own, but also has violated several environmental and transportation regulations. [I can list them to you if you wish.] Meanwhile, for the last three months, day by day, we have been enduring a convoy of heavy trucks (a truck every minute!) rumbling continually through our narrow street which is situated on a relatively steep slope, with increasing loads and vibrations, with visible damage to our parking surfaces, not to mention the excessive air and noise pollution – all of which should have been pre-approved by a comprehensive environmental impact assessment (EIA).

He should not have been given permission for "grading", nor be granted "high

density zone” change before he submits a complete plan which has gone through a comprehensive EIA/EIS (environmental impact statement), and a substantial period of comments and objections – as was done 10 years ago. He obviously has a plan he is trying to sneak through in bits and pieces knowing the impact it will have on our neighborhood that our homeowners will not approve of. We strongly request a stop to all permitting for the specific zone mentioned above (mapped in the CPA 20-06.pdf file you have sent me).

We want the safety of the children in our neighborhood, continuance of harmony within our neighborhood and protection of our property values as written in our HOA covenants. Mr. Chavallo can develop his property with low density housing which will allow our homeowners to continue to believe in the integrity of our covenants. We will appreciate your response assuring us that you will block any permit for rezoning to high density residential a large area just north of the water tank and west of Panoramic Heights 3 and South Kellogg Street.

Thank you.

Shlomo Orr

From: Steve Donovan [<mailto:Steve.Donovan@ci.kennewick.wa.us>]

Sent: Monday, July 20, 2020 4:08 PM

To: 'Shlomo Orr' <shlomo.orr@gmail.com>

Subject: RE: Proposed rezoning to high density residential a large area (several acres) just north of the water tank and west of Panoramic Heights 3 and S. Kellogg Street

Mr. Orr:

Below are the answers to your three questions, it is import to remember that the proposed amendment is not for a specific development:

- (a) Low Density Residential allows for 5 units per acre and High Density Residential allows for 27 units per acre. Each land use designation allows for a different zoning districts and different uses within those districts.
- (b) The City does not know why the applicant has applied for the amendment, any property can apply for this type of amendment.
- (c) The City does not know what the applicant’s “complete plan” is for the site. The amendment that was applied for is not for the specific development of the site, it is only to change the land use designation. Once a development application is submitted, that is when specific impacts are reviewed.

I cannot speak to why Mr. Chavallo submitted his amendment application. The City allows comprehensive plan amendments to be submitted once a year. All of the required meetings and hearings will be held and will meet all applicable requirements.

Let me know if you have other questions,

Steve

From: Shlomo Orr <shlomo.orr@gmail.com>

Sent: Monday, July 20, 2020 3:14 PM

To: 'S N' <carlvr509@yahoo.com>; Steve Donovan <Steve.Donovan@ci.kennewick.wa.us>

Cc: anjhi2u@msn.com; berges6@aol.com; christywatts2@gmail.com; crosby.john56@gmail.com; erhartsw@gmail.com; farevalo76@gmail.com; mchamaker@gmail.com; rr_duncan@charter.net; ryanhill4ever@gmail.com; slvarner62@yahoo.com; tshaw83@hotmail.com; wtdixon3@gmail.com; larryjulyk@charter.net; fred@biebesheimer.net

Subject: RE: Proposed rezoning to high density residential a large area (several acres) just north of the water tank and west of Panoramic Heights 3 and S. Kellogg Street

Importance: High

Hi Steve,

I have reviewed the material you have sent me.

The application lacks all the important details. Several questions asked of Mr. Chavallo in the NPP were answered wrongly and/or insufficiently, pointing to the NPP, with no details whatsoever.

We need to know

(a) **what do “low density” and “high density” actually mean**, including all implications regarding our neighborhood.

(b) **why does he need to amend the zone** (including our neighborhood) into a High Density Residency.

(c) what is **the complete plan** for the new development – from A to Z – access roads, infrastructure, environmental impact assessment, drainage plan, geotechnical analyses, etc., and (most importantly) expected effect on our neighborhood (Panoramic Heights) in terms of traffic and infrastructure.

Could you please provide all of this information?

Thank you.

Shlomo.

From: S N [<mailto:carlvr509@yahoo.com>]

Sent: Monday, July 20, 2020 12:43 PM

To: 'Steve Donovan' <steve.donovan@ci.kennewick.wa.us>; Shlomo Orr <shlomo.orr@gmail.com>

Cc: anjhi2u@msn.com; berges6@aol.com; christywatts2@gmail.com; crosby.john56@gmail.com; erhartsw@gmail.com; farevalo76@gmail.com; mchamaker@gmail.com; rr_duncan@charter.net; ryanhill4ever@gmail.com; slvarner62@yahoo.com; tshaw83@hotmail.com; wtdixon3@gmail.com; larryjulyk@charter.net; fred@biebesheimer.net; Car Lvr509 <carlvr509@yahoo.com>

Subject: Re: Proposed rezoning to high density residential a large area (several acres) just north of the water tank and west of Panoramic Heights 3 and S. Kellogg Street

Steve,

Thanks for your timely responses.

I am a bit confused because the signs at the property(see attached) seem to read differently from what you have stated. The posted sign states that there is an opportunity to comment on the described **proposal/project**...

And under the Proposal Description it reads... Amend the land use designation for the property(the exact area is noted) from low density to high-density residential.

Are the comments that you are receiving being noted/stored/logged anywhere? What happens to the information after the 29JUL20 deadline? Who is reviewing the letters?

Sincerely,

Ron Mabry

509-308-2698

On Monday, July 20, 2020, 11:51:28 AM PDT, Shlomo Orr <shlomo.orr@gmail.com> wrote:

Thank you Steve.

We will read and respond soon.

Shlomo.

From: Steve Donovan [<mailto:Steve.Donovan@ci.kennewick.wa.us>]

Sent: Monday, July 20, 2020 8:28 AM

To: 'Shlomo Orr' <shlomo.orr@gmail.com>

Subject: RE: Proposed rezoning to high density residential a large area (several acres) just north of the water tank and west of Panoramic Heights 3 and S. Kellogg Street

Mr. Orr:

Attached are the application materials for the proposed amendment.

It is important to note that the application is not for a specific development project, it is for a land use amendment which is a legislative action. State Agencies and City Departments will review the requested amendment. The Planning Commission will hold a public hearing in October and then the City Council will make the final decision in November or December.

Feel free to contact me if you have any further questions.

From: Shlomo Orr <shlomo.orr@gmail.com>

Sent: Sunday, July 19, 2020 10:39 PM

To: S N <carlvr509@yahoo.com>

Cc: Steve Donovan <Steve.Donovan@ci.kennewick.wa.us>; GERALD BERGES <berges6@aol.com>; J. Higley <anjhi2u@msn.com>; Steven Erhart <erhartsw@gmail.com>; Jncathey2352 <jncathey2352@charter.net>; Stephen Varner <slvarner62@yahoo.com>; Molly Hamaker-Teals <mchamaker@gmail.com>; Bill Dixon <wtdixon3@gmail.com>; Christy Watts <christywatts2@gmail.com>; Carol Schwarder <ryanhill4ever@gmail.com>; Sondra Rader <todayshint@gmail.com>; Traci Bradshaw <tshaw83@hotmail.com>; Larry Julyk <larryjulyk@charter.net>; Fred Biebesheimer <fred@biebesheimer.net>

Subject: Re: Proposed rezoning to high density residential a large area (several acres) just north of the water tank and west of Panoramic Heights 3 and S. Kellogg Street

Dear Mr. Donovan,

Nine years ago, the developer Jose Chavallo attempted to develop the area west of Panoramic Heights, using the existing infrastructure, without adding any additional access roads. We, the residents of Panoramic Heights, fought this parasitic development through the City Council and the power of the law to prevent him from this, unless an appropriate infrastructure is added, particularly a separate access road into the new development. There were also major concerns about water drainage and slope stability, for which Mr. Chavallo was unable to demonstrate viable solutions.

We understand Mr. Chavallo had received permission for grading of his property, which has included an unstoppable "train" of hundreds of loaded trucks passing through our neighborhood daily for the last three months, producing extensive air pollution and noise - and this without any consideration, consultation, and agreement by us, the residents. This is already outrageous and unacceptable, particularly given the ongoing pandemic situation. We already feel being taken advantage of by using the COVID-19 social distancing and precautions to "sneak" a large-scale operation through our neighborhood, abusing us and our good will. If this is what "high density" implies, we can assure you in advance that we will not accept this zone change, and will fight it by all means necessary.

We will appreciate detailed explanation from you regarding the matter. I will be happy to organize a large Zoom meeting with our representatives to discuss this with you face to face, if you wish.

Respectfully yours,

Shlomo Orr

Resident, Panoramic Heights

On Sun, Jul 19, 2020 at 2:06 PM S N <carlvr509@yahoo.com> wrote:

Mr. Donovan, as a resident of the Panoramic Heights Subdivision, I am concerned with the changing of the zoning for this development. I have not seen where the developer has taken into count the added load that will be added to the intra-structure of the area.

This effort has been attempted in the past with answers to the surrounding communities left not answered. Will

additional roads be required? Will the addition of extra homes overstress the sewage systems and irrigation systems? Will overloading the land increase the possibility of landslides and flooding? Will the smaller lot sizes decrease the value of the surrounding homes?

I believe that the developer should meet with the surrounding communities and explain how the change in the density of the new homes will not adversely affect present homeowners.

Thank you,

Ron Mabry

509-308-2698

--

Shlomo.

From: [Shlomo Orr](#)
To: "S N"; [Steve Donovan](#)
Cc: [anjhi2u@msn.com](#); [berges6@aol.com](#); [christywatts2@gmail.com](#); [crosby.john56@gmail.com](#); [erhartsw@gmail.com](#); [farevalo76@gmail.com](#); [mchamaker@gmail.com](#); [rr_duncan@charter.net](#); [ryanhill4ever@gmail.com](#); [slvarner62@yahoo.com](#); [tshaw83@hotmail.com](#); [wtdixon3@gmail.com](#); [larryjulyk@charter.net](#); [fred@biebesheimer.net](#)
Subject: RE: Proposed rezoning to high density residential a large area (several acres) just north of the water tank and west of Panoramic Heights 3 and S. Kellogg Street
Date: Monday, July 20, 2020 3:22:10 PM
Importance: High

PS: What is so urgent in Chavallo's development that cannot wait until the COVID-19 pandemic is over and we all can come to the City Council meetings and have a complete discussion about it? Is he taking advantage of COVID-19, and the fact that most people are in lockdown? After all, it has been 10 years since he applied last time, and more than 20 years since he applied first time – so why not wait another year? What is so urgent about this permit and zone changing that cannot wait another year?

From: Shlomo Orr [<mailto:shlomo.orr@gmail.com>]
Sent: Monday, July 20, 2020 3:14 PM
To: 'S N' ; 'Steve Donovan'
Cc: [anjhi2u@msn.com](#); [berges6@aol.com](#); [christywatts2@gmail.com](#); [crosby.john56@gmail.com](#); [erhartsw@gmail.com](#); [farevalo76@gmail.com](#); [mchamaker@gmail.com](#); [rr_duncan@charter.net](#); [ryanhill4ever@gmail.com](#); [slvarner62@yahoo.com](#); [tshaw83@hotmail.com](#); [wtdixon3@gmail.com](#); [larryjulyk@charter.net](#); [fred@biebesheimer.net](#)
Subject: RE: Proposed rezoning to high density residential a large area (several acres) just north of the water tank and west of Panoramic Heights 3 and S. Kellogg Street
Importance: High

Hi Steve,

I have reviewed the material you have sent me.

The application lacks all the important details. Several questions asked of Mr. Chavallo in the NPP were answered wrongly and/or insufficiently, pointing to the NPP, with no details whatsoever.

We need to know

(a) **what do “low density” and “high density” actually mean**, including all implications regarding our neighborhood.

(b) **why does he need to amend the zone** (including our neighborhood) into a High Density Residency.

(c) what is **the complete plan** for the new development – from A to Z – access roads, infrastructure, environmental impact assessment, drainage plan, geotechnical analyses, etc., and (most importantly) expected effect on our neighborhood (Panoramic Heights) in terms of traffic and infrastructure.

Could you please provide all of this information?

Thank you.

Shlomo.

From: S N [<mailto:carlvr509@yahoo.com>]
Sent: Monday, July 20, 2020 12:43 PM
To: 'Steve Donovan' <steve.donovan@ci.kennewick.wa.us>; Shlomo Orr <shlomo.orr@gmail.com>
Cc: [anjhi2u@msn.com](#); [berges6@aol.com](#); [christywatts2@gmail.com](#); [crosby.john56@gmail.com](#); [erhartsw@gmail.com](#); [farevalo76@gmail.com](#); [mchamaker@gmail.com](#); [rr_duncan@charter.net](#); [ryanhill4ever@gmail.com](#); [slvarner62@yahoo.com](#); [tshaw83@hotmail.com](#); [wtdixon3@gmail.com](#); [larryjulyk@charter.net](#); [fred@biebesheimer.net](#); Car Lvr509 <carlvr509@yahoo.com>
Subject: Re: Proposed rezoning to high density residential a large area (several acres) just north of

From: [Anthony Muai](#)
To: [Steve Donovan](#)
Subject: FW: Online Form Submittal: Hearing Examiner Public Hearing Comments
Date: Wednesday, December 9, 2020 7:20:03 AM

[Here's another one...](#)

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Tuesday, December 8, 2020 7:03 PM
To: Anthony Muai <anthony.muai@ci.kennewick.wa.us>
Subject: Online Form Submittal: Hearing Examiner Public Hearing Comments

Hearing Examiner Public Hearing Comments

Public Hearing Comments

First Name	Eric and Kathy
Last Name	Otheim
Hearing Examiner Meeting Date	12/14/2020
Address	7044 W 33rd Ave.
City	Kennewick
Email Address	Stuffinabox@msn.com
Phone Number (optional)	<i>Field not completed.</i>
Comments	To whom it may concern:

The Appeal Hearing for the CPA 20-06 SEPA Determination

Please, please do not allow a high density development on Thompson Hill. This will have a negative impact not only for those who live near Thompson Hill, but for the entire community.

Kennewick for years now has created a development plan to beautify our city by requiring new neighborhoods and businesses to meet a higher standard so that we as community can feel proud of where we live. I can't help but imagine the eye soar for miles around if apartments are allowed to be built on the hill, looming over the neighborhood and becoming a major focus of the area.

The development will create a nightmare of traffic and noise for those of us who chose to live on the south side of Thompson Hill.

We chose to live here because we thought this would be a quieter area to live in. However, if estimates are correct, traffic would increase up to 8000 cars daily on Sherman and it would change the environment of our neighborhoods substantially. It's not that we didn't expect growth in our area, but this is a dramatic shift. People living in the adjoining neighborhoods have paid a premium for their lots and houses because of the area and views and now the area is being rezoned which will decrease property value.

We also are concerned about safety. How many exit points out of the high density area would there be. If all the traffic is only funneled down Sherman Street, or even just a few streets, it seems like a safety hazard in an emergency situation such as a fire. Please stop this high density development from happening.

Thank you,

Eric and Kathy Otheim

Email not displaying correctly? [View it in your browser.](#)

Steve Donovan

From: Stephen Parent <stephenparent.parent@gmail.com>
Sent: Sunday, July 26, 2020 9:53 AM
To: Steve Donovan; Stephen Parent
Subject: CPA- 20-06 rezone

Dear Mr. Donovan,

We live on W 25th Ave. This past spring and summer we have tolerated the heavy truck traffic, dust, diesel smoke and noise from the cities hauling of soil on 25th Ave. Our house, our deck , and cars are constantly getting dusty.

I looked online at the Amendment Request - CPA 20-06. The prospect of a potential 40.6 acre development which may construct over 1,000 residences along with streets and utilities would pose a hardship for the people of our community. Our community was not designed for that volume of traffic. The City should require, or participate in the construction of a road from S Kellogg St/Creakstone Dr. corner south across the canal to connect with Hildebrand Blvd or S Sherman St. The additional connection would also benefit emergency vehicle travel.

There are only two canal crossings serving our community of Panoramic Heights. S Irving street is the primary crossing and has experienced increased traffic since its connection to Southridge Blvd. Cars accelerating up the hill have increased the noise level in the community. The radar sign has done little to deter the excessive acceleration of some motorists. Adding several thousand trips per day would be untenable. Even at the current low density zoning the development of a couple hundred houses could add three or four cars per minute to the existing residential streets during busy commute hours.

If proper access is developed to add a third crossing of the canal, I am not opposed to the proposed change in zoning. If proper access is not constructed I am opposed to any development, as our community and streets are not amenable to such a heavy traffic increase. Especially considering that there are a lot more than 40.6 acres on the hill to be developed. As a Professional engineer, I will be interested in the details and thoroughness of the traffic calculations and proposed road development and that the study takes into consideration other future developments.

Please add me to the email list for future developments relating to this development if they are not already included in the Planning Commission Agenda published online.

Please count this email as opposition to change in zoning due to lack of traffic planning and include it in public input documentation.

Thank you for your time.

Stephen Parent

Sandra Parent

--

From: [Jessica Percifield](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill Mckay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#); info@panoramicheightshoa.com
Subject: RE: Proposed Comprehensive Plan Amendment 20-06
Date: Tuesday, November 10, 2020 11:20:44 AM

Dear Kennewick Planning Commission and City Council Members:

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 7067 W. 23rd Ave. in South Cliffe, the neighborhood that would have to share its only access street (Sherman) , which will be the major access road on the south side of Thompson Hill. The potential increase in traffic will recharacterize our neighborhood from a low density family and recreation friendly one to a highly trafficked access road. We bought here for the hiking trails, and the projected sleepy residential nature of the neighborhood, which encourages recreational enjoyment. High density housing will fundamentally change the nature of our neighborhood, and will impact our home values negatively.

High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

Besides the fundamental change in the character of the neighborhood we bought into from low density family and recreational friendly, building parking lots and smooth surfaces on steep terrain is likely to cause environmental hazards such as increased likelihood of flooding of older more established neighborhoods downhill from such a development. Also, lack of pride of ownership will have a negative impact on the safety of surrounding established neighborhoods and those going in, as well as a financial impact on property values, but most importantly, without good road access, these older and established neighborhoods will become thoroughfares for people driving through without good access in and out, and place those who have enjoyed recreation including children at play at risk of being hit by cars just passing through.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Jessica Percifield Henry
Isaac C. Henry
7067 W. 23rd Ave.
Kennewick, WA 99338
jessica.percifield@gmail.com
ihenry42@gmail.com

--

Jessica Percifield Henry
Direct: 858-768-1786

Steve Donovan

From: Chad Pettijohn <pettijohn5@gmail.com>
Sent: Saturday, July 25, 2020 8:34 PM
To: Steve Donovan
Cc: ryanhill4ever@gmail.com
Subject: City Dissent Vote from Panoramic Heights Member

Dear Mr. Donovan,

We are dues-paying members of the Panoramic Heights Homeowners Association. Please make note that this email is notification of our strongest and vehement opposition to the proposed change in zoning from low density to high density regarding Thompson Hill per the request of Jose Chavallo.

The long list of reasons why this change in zoning should not go forward has previously been provided to you by our Board.

In addition I have several additional concerns. Our family has resided in this home for over three decades. We have seen significant traffic increase, which is to be expected to some extent as the city grows. A change to allow the purposed high density housing would overwhelm our neighborhood's traffic. At times it already takes us 10-12 minutes to exit the neighborhood due to high traffic with the school. The distance from my home to outside the neighborhood is less than a mile. There have been several recent significant accidents in the area that would be impacted from this change to include a fatal accident and a vehicle crashing into a neighbors' yard (school traffic) that would have seriously injured anyone on the sidewalk or in the front yard. As a first responder with over 15 years of experience in the Tri-Cities the level of traffic flow into and out of this neighborhood has always concerned us. The addition of the north entrance at Irving was helpful years ago but also increased through traffic and is not enough to combat the problems this proposal brings.

The addition of traffic from nearby Hayden homes past a very busy school into this neighborhood is already too much. The city is currently unable to effectively enforce all traffic regulations in this area as evidenced by the serious accidents, speeding, and other observable violations. We know that KPD does the best with what they have and for that we are beyond grateful. They spend significant amounts of resources to enforce speeding this area just from the schools. Additional traffic would further increase this problem. The steps done by the city to date have been appreciated but enough has not been done to help protect the residents of this neighborhood. The purposed change the zoning would overwhelm the area.

This email needs to count and be noted on the official record as two more votes in definite opposition to the zoning change.

Please reply to this email that you are in receipt and are counting my opposition vote to the zoning change to high density.

Thank you for your time.
Chad and Katherine Pettijohn
5108 W 26th Ave



Panoramic Heights Homeowners Association
www.panoramicheightshoa.com

October 21, 2020

Dear City Council and Planning Commission Members:

The Panoramic Heights Homeowners Association (PHHA), on behalf of its 160 families, opposes Comprehensive Plan Amendment 20-06 (CPA 20-06) and requests that it be DENIED per Kennewick Municipal Code (KMC) 4.12.110(10).

CPA 20-06 proposes to change the City of Kennewick Comprehensive Plan Land Use Designation for 40.6 acres on Thompson Hill from Low Density Residential to High Density Residential.

Panoramic Heights Homeowners Association:

Panoramic Heights is a community of 160 homes on the East slope and foot of Thompson Hill. Development started in the early 1970's and is now essentially complete.

PHHA is a non-profit corporation registered in the State of Washington. Our purposes include:

- Ensure the livability of the area by protecting the health, safety, welfare, and security of property values, and to further all things conducive to harmony and compatibility among neighbors.
- Maintain and operate the neighborhood irrigation system.
- Represent the membership in addressing external issues that may affect Panoramic Heights.

Reasons to Deny CPA 20-06:

PHHA opposes CPA 20-06 for many reasons. Our major concerns about the impacts of High Density Residential development on Thompson Hill include:

- There is no vehicle access to most of the proposed site. No new roads are proposed. Extending existing residential streets to accommodate up to 8,000 vehicle trips per day would overwhelm surrounding neighborhoods.
- The proposed High Density Residential "island" in the middle of mostly Low Density Residential developments is incompatible and inappropriate. This would impact Panoramic Heights, Creekstone, Southridge Estates, Southcliffe and the proposed Citadel Estates neighborhoods.
- The combined impact of High Density Residential housing and its traffic would reduce the property values in the surrounding Low Density Residential neighborhoods.

- The steep slopes on the site (some over 40%), highly erodible soil, removal of vegetation and large areas of impervious surfaces (such as roads, sidewalks and parking spaces) would increase the risk of soil erosion, stormwater runoff, and water saturation from irrigation and water leaks. Together these could cause a future flood event or landslide that could damage the homes on and below the site. The risk of flooding, blocking or breaking the irrigation canal below the site is a risk that must be taken seriously.

PHHA notes that these impacts are included in the factors that the City must consider prior to approving Comprehensive Plan Amendments per Kennewick Municipal Code KMC 4.12.110(8).

Also, we note that because of these impacts and other impacts presented in the attachment to this letter, CPA 20-06 does not meet two of the City's key approval criteria in KMC 4.12.110(7) which are:

- (a) The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment; and
- (b) The proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted Comprehensive Plan not affected by the amendment.

Further, PHHA notes that approval of CPA 20-06 would not be consistent with State Environmental Policy Act (SEPA) requirements. Specifically:

- The City has determined that CPA 20-06 "is likely to have a significant adverse impact on the environment" and that "An environmental impact statement (EIS) is required under RCW 43.21C030(2)(c)." WAC 197-11-070 states that "no action concerning the proposal shall be taken by a government agency that would: (a) Have an adverse environmental impact; or (b) Limit the choice of reasonable alternatives." Designating the land for "High Density Residential Development" now would limit considering other reasonable land use designations in the EIS alternatives. Therefore, PHHA believes that the City's Comprehensive Plan Amendment process described in KMC 4.12.110 should not proceed for CPA 20-06 until the Final EIS is issued to inform the Council's decision on this land use designation change.
- The Application and SEPA Checklist do not address the probable environmental impacts of future High Density Residential development that could result from this land use change, contrary to WAC 197-11-060(4) and the SEPA Policy Handbook (page 43).
- Portions of the Application and SEPA Checklist are not true, correct and complete as required by SEPA and City requirements. For example, the Applicants do not even acknowledge the known presence of a large, high pressure natural gas transmission pipeline all along the eastern side of the property. Further, City staff requested additional information on potential environmental impacts from the Applicants. The Applicants submitted a revised Application and SEPA Checklist that still did not address many of the impacts and possible mitigation needed for future High Density Residential development.

More details on these reasons for DENIAL are in the Attachment to this letter, and some are illustrated in the attached Figures.

Also, please consider these impacts as comments on the scoping of the required EIS. PHHA will be providing further comments on the scoping of the EIS in separate correspondence.

Conclusions:

The PHHA Board of Directors decided to oppose CPA 20-06 based on extensive review of available documents, analysis by a dedicated team of over 20 members, information from City staff, a meeting with the Applicants, and at the request of many members.

PHHA opposes increasing the proposed housing density by a factor of more than 5 through a High Density Residential development on this portion of Thompson Hill for many reasons. The transportation impacts alone would be overwhelming in the surrounding neighborhoods. The impacts on property values, and the safety risks from a High Density Residential development on steep, erodible, unstable slopes must be taken seriously.

PHHA supports reasonable and responsible development in the Southridge area of Kennewick. We realize and accept that the City has approved Low Density Residential land use on Thompson Hill, as long as there are effective measures to mitigate impacts of such development. For examples, development should not occur on steep slopes and traffic should not be routed through existing neighborhoods.

When new developments on Thompson Hill are considered in the future, PHHA requests that the City provide for early and meaningful public involvement of the affected neighborhoods to result in more reasonable and appropriate proposals than what is proposed in CPA 20-06.

PHHA requests 15 minutes at the public hearing before the Planning Commission, currently scheduled for November 16, 2020, to present our position and to answer any questions from the Commissioners.

Thank you for considering our concerns and for your service to the people of Kennewick.

(authorized by)

Gerry Berges, President

Attachment: "Reasons to Deny CPA 20-06"

Figures:

1. Artist rendering of High Density Development on Thompson Hill
2. Examples of Steep Slopes on the Proposed Site
3. Zoning Map Around Site
4. Potential Traffic Routes

Copy to:

Steve Donovan, City of Kennewick
Melinda Didier, City of Kennewick
Terri Wright, City of Kennewick



Figure 1. Artist rendering of High Density Development on Thompson Hill



Figure 2. Examples of Steep Slopes on the Proposed Site

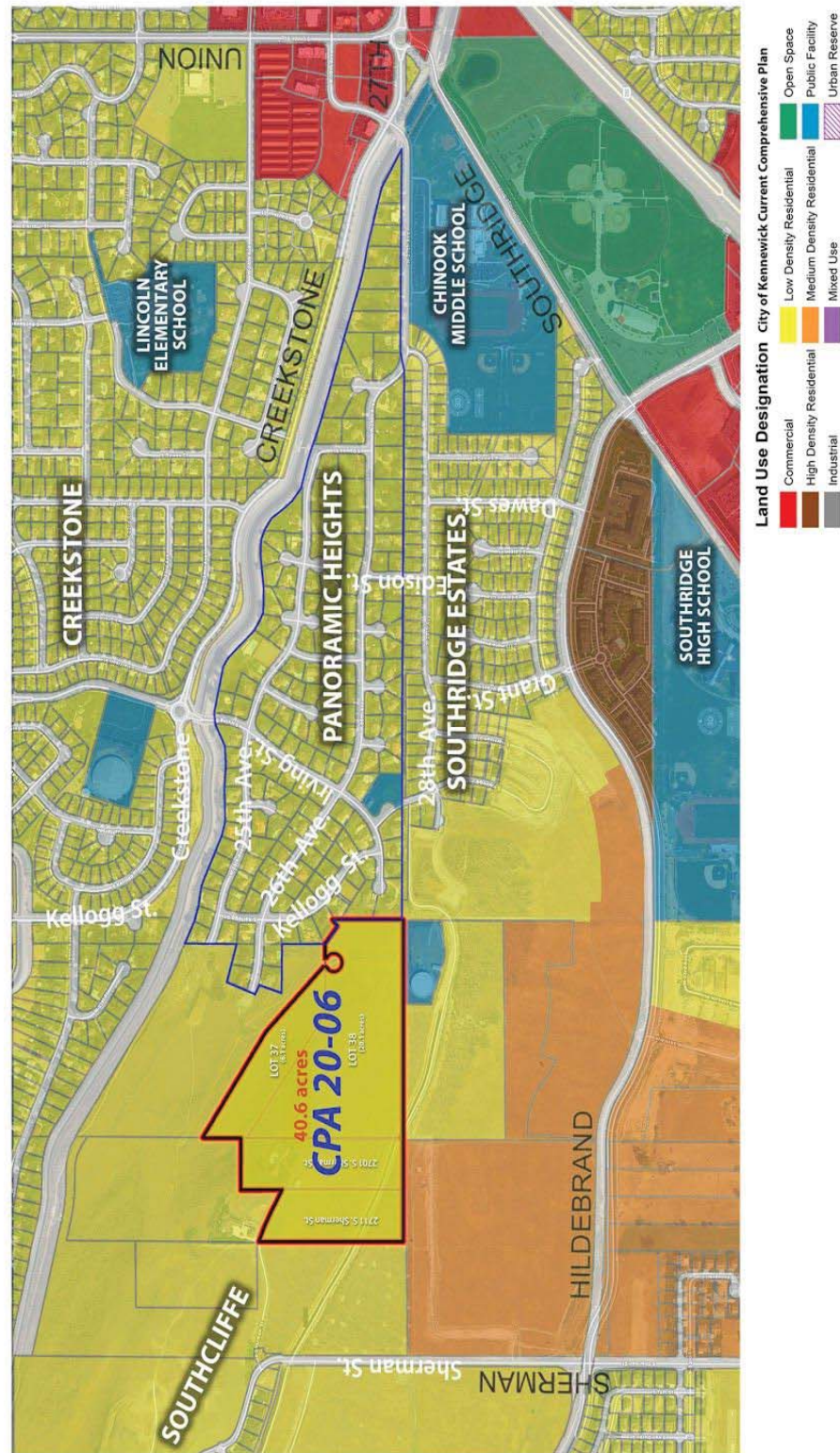


Figure 3. Zoning Map Around Site



Figure 4. Potential Traffic Routes

ATTACHMENT
Reasons to Deny CPA 20-06

PHHA believes CPA 20-06 should be DENIED for the following reasons.

Procedural, Regulatory and Legal Reasons:

1. On August 19, 2020 PHHA appealed the City’s prior “Determination of Non-Significance” (ED 20-14) because several probable significant adverse environmental impacts had not been addressed. PHHA requested that the City withdraw this Determination.

On August 28, 2020 the City withdrew the “Determination of Non-Significance.” Then, on October 8, 2020 the City issued a “Determination of Significance and Request for Comments on Scope of EIS.” This Determination of Significance stated that the City “has determined this proposal is likely to have a significant adverse impact on the environment” and that “An environmental impact statement (EIS) is required under RCW 43.21C.030(2)(c).”

The City identified the following areas for discussion in the EIS:

1. Transportation/Access to subject property;
2. Traffic impacts from likely development of the site under requested land use designation;
3. Critical area impacts from likely development of the site under requested land use designation;
4. Stormwater analysis and probable mitigation based on likely development of the site under requested land use designation and potential of significant impervious surfaces being introduced;
5. Aesthetics and the construction of structures to a maximum of 45 feet in height; and
6. Light and glare resulting from likely development of the site under the requested land use designation.

These were many of the environmental concerns raised in PHHA’s appeal. These impacts should be evaluated before the City considers approving High Density Residential development on Thompson Hill.

Note that WAC 197-11-070 “Limitations on actions during the SEPA process” states in part:

“(1) Until the responsible official issues a final determination of nonsignificance or final environmental impact statement, no action concerning the proposal shall be taken by a governmental agency that would:

- (a) Have an adverse environmental impact; or
- (b) Limit the choice of reasonable alternatives.”

Designating the land for “High Density Residential Development” now would limit considering other reasonable land use designations in the EIS alternatives.

Therefore, PHHA believes that the City’s Comprehensive Plan Amendment process described in KMC 4.12.110 should not proceed for CPA 20-06 until the Final EIS is issued to inform the Council’s decision on this land use designation change.

2. The Application and SEPA Checklist do not address fully the impacts of this land use designation change and the resulting development that could occur. This non-responsive approach is not allowed by SEPA regulation WAC 197-11-060(4), which states in part:

“(c) Agencies shall carefully consider the range of probable impacts, including short-term and long-term effects. Impacts shall include those that are likely to arise or exist over the lifetime of a proposal or, depending on the particular proposal, longer.”

“(d) A proposal’s effects include direct and indirect impacts caused by a proposal. Impacts include those effects resulting from the growth caused by a proposal, as well as the likelihood that the present proposal will serve as a precedent for future actions. For example, adoption of a zoning ordinance will encourage or tend to cause particular types of projects...”.

The SEPA Policy Handbook adds:

“If the nonproject action is a comprehensive plan or similar proposal that will govern future project development, the probable impacts need to be considered of the future development that would be allowed. For example, environmental analysis of a zone designation should analyze the likely impacts of the development allowed within that zone.” (page 43).

Further, PHHA is aware of an applicable legal precedent on nonproject Comprehensive Plan Amendments:

“Spokane County v. E. Wash. Growth Mgmt. Hearings Bd., 176 Wn. App. 555 (2013) – The court emphasized that, for a nonproject action such as a comprehensive plan amendment or rezone, the agency must address the probable impacts of any future project action the proposal would allow.”

In a letter to the Applicants on August 28, 2020, the City also referenced related legal precedent in:

“Heritage Baptist Church v. Central Puget Sound Growth Management Hearings Bd. (GMHB) 2 Wash. App. 737, 751(2018).

The City also stated to the Applicants:

“You must consider your request and the resulting zoning (if approved) and what is permitted within the new zoning district; responding to the questions more specifically and providing likely impacts such as traffic generated by a likely proposal and possible mitigation to address likely impacts.”

The Applicants’ revised Application and SEPA Checklist, dated September 14, 2020, again failed to address in a meaningful way specific impacts and possible mitigations.

3. Portions of the Application and State Environmental Policy Act (SEPA) Checklist submitted and subsequently revised by the Applicants are not true, correct and complete as required by SEPA and City requirements. Several probable significant environmental impacts are not addressed, some responses are missing, and some are not correct. These include not addressing completely or accurately the impacts of future High Density Residential development resulting from CPA 20-06 on:
 - a. Geologic Hazards
 - b. Road transportation system
 - c. Traffic congestion, noise and air pollution
 - d. Native vegetation and animals
 - e. Native American artifacts
 - f. The presence of a large, high pressure natural gas transmission pipeline on the site
 - g. Views, locally and in the region
 - h. Light and glare
 - i. Public services
 - j. Schools
 - k. Utilities.

Also, on August 28, 2020, the City sent a letter to the Applicants requesting additional SEPA Checklist information. This included 40 questions that needed additional details and clarification. It appears that the Applicants did not provide substantive, meaningful answers to many of those questions.

Therefore, for all three reasons above, CPA 20-06 should be DENIED.

Factors the City Must Consider Prior to Approval:

The Applicants have not addressed or provided adequate information on the factors that the City must consider prior to approving Comprehensive Plan Amendments per KMC 4.12.110(8). These factors are addressed separately below.

(a) The effect upon the physical environment;

This part of Thompson Hill has some of the last, undeveloped shrub steppe environment in Kennewick. According to City staff (Steve Donovan) portions of the site are mapped as a Critical Area having “Uncertified Shrub Steppe”. It is rich with native plants and animals.

The Applicants’ Revised SEPA checklist only mentions “shrubs” and “grass”. They fail to mention that this includes extensive areas of native sagebrushes, bunchgrass and other plants.

Further, the Applicants only mention hawks are present on site. Other animals known to be on Thompson Hill, which would be affected, are Quail, Chukar, American Robin, Black-billed Magpie, Western Meadowlark, Song Sparrow, American Crow, Ring-Neck Pheasant and Coyotes. (SEPA Checklist for Southcliffe, ED 12-02, January 2, 2012; and Southridge Development Wildlife Survey Addendum, Calvin Douglas and Ben Floyd, Anchor QEA, April 3, 2012).

Adjacent Panoramic Heights residents have also seen rabbits, rattlesnakes, ground squirrels, pocket gophers, killdeer, falcons, horned owls, and burrowing owls (a candidate species for listing as State Endangered, Threatened, or Sensitive per WAC 220-610-110) on or near the site.

There are many species of native plants and animals on Thompson Hill. The impact on them and the destruction of their native habitat from High Density Residential development must be addressed.

Numerous Native American artifacts have been found in the area of the site. The Confederated Tribes of the Umatilla Indian Reservation are aware of these artifacts and have notified the Washington Department of Archeology and Historic Preservation.

(b) The effect on open space and natural features including, but not limited to, topography;

The top of Thompson Hill is some of the last highly visible open space in the Southridge area. It is also an historic landmark for Kennewick that is visible in all directions for tens of miles. High Density Residential development would destroy that aesthetically pleasing image forever. Instead, Thompson Hill could look like the artist rendering in Figure 1 “Artist rendering of High Density Development on Thompson Hill” .

The entire site is mapped as Critical Areas for Geologic Hazards: “Steep Slopes”, “Extreme Steep Slopes” and/or “Erosion Hazards” (per Steve Donovan, City of Kennewick October 12, 2020)

In 2009, this Applicant proposed CPA 09-01 to amend 20.25 acres of the current subject land (then called Tract C) from Open Space to Low Density Residential and Commercial use. The City issued a Determination of Significance on November 2, 2009 which “determined this proposal is likely to have a significant adverse environmental impact on the environment” and determined that an Environmental

Impact Statement (EIS) is required. The addendum to that Determination of Significance identified a significant impact was:

“Earth: Potential for earth slides on the north side of Thompson Hill. Potential for Erosion on any of the steep slope areas during periods of heavy rain or when disturbed during construction.”

The City staff found:

“This area is also subject to erosion per the adopted critical area map. The Environmental Impact Statement for the Southridge sub-area also indicates several potential impacts in terms of earth slides and the potential for siltation, especially on the North side of Thompson Hill. The EIS indicates potential for Erosion on any of the steep slope areas during periods of heavy rain or when disturbed during construction.” (Staff Report on CPA 09-01, November 16, 2009)

The City subsequently denied CPA 09-01 so the required new EIS was not done.

Also in 2009, the Critical Areas Report for Citadel Estates concluded in part:

“Based on the analysis discussed above, the entire site, in native condition, is stable unless considerable water is introduced to the soil column.”

“The surficial silt and fine sand layer is highly erodible and subject to erosion. The existing vegetation currently protects the soil, and mitigation measures will be required during construction.” (Critical Areas Report for Citadel Estates, Michael Black, Columbia Engineers and Constructors, July 1, 2009).

Note that this Critical Areas Report did not cover the steeper slopes towards the top of the North side, nor the south side of Thompson Hill. Nor did it address all the report requirements in KMC 18.62.060 and 070.

In 2010, this Applicant proposed a Planned Development Plan (PDP 10-01) and Preliminary Plat (PP 10-02) to develop Citadel Estates on 50.27 acres of land zoned Residential Suburban. This included about 26.2 acres of the currently proposed subject land (now called Lots 37 and 38). The Hearing Examiner’s Findings, Conclusions and Decision, dated March 19, 2011 discussed several environmental impacts that are still germane to the undeveloped lots 37 and 38 included in the current proposal. These included:

“Finding 17: The (Critical Areas) report concluded that site slopes met the CAO’s (Critical Areas Ordinance) definitions of erosion, landslide and seismic hazard areas and that stormwater management would be crucial for any development.”

“Finding 18: Portions of Lots 37 and 38 with slopes of 40 percent or greater are unbuildable without further review.”

Nonetheless, the Applicants have requested “High Density Residential” land use designation for all 40.6 acres, including the land discussed above. They acknowledge:

“Portions of Citadel Estates lot 37 includes geologically hazardous areas and has limited development potential.”

“A portion of Lot 37 of Citadel Estates includes slopes exceeding 40%.” and “This area totaled 6.1 acres within lot 37.”

But, they fail to address geologically hazardous areas on other portions of the site.

Figure 2 shows “Examples of Steep Slopes on the Proposed Site.”

This makes no sense. Extreme Slope Hazard Areas pose “Known or suspected risk areas with slopes greater than 40%” and “have severe erosion potential and a high probability of slope failure and landslide occurrence” (KMC 18.62.020 and 030). Further “Activities on sites containing extreme slope hazards shall be considered unbuildable. This includes... construction of buildings...and roads.” (KMC 18.62.090(2)).

The portions of the site in Geologically Hazardous areas, especially Extreme Steep Slopes should not even be considered for High Density Residential Development. Most native vegetation would be removed. There would be large areas of impervious (hard) surfaces, irrigation water, and the potential for waterline breaks. These factors would greatly increase the hazards of soil erosion, water runoff, landslides, and potential flooding if the irrigation canal along Creekstone Drive is overwhelmed, blocked or broken.

Instead of High Density Residential land use, the City should return those portions of the site that present significant geologic hazards to the prior “Open Space” land use designation. This is appropriate for critical area environments per KMC 18.03.020.

(c) The compatibility with and impact on adjacent land uses and surrounding neighborhoods;

The proposed land use designation is “High Density Residential” and the associated zone district is “Residential-High Density (RH)”. According to KMC 18.12.010 A.1 and A.2, and 18.09.1350, RH allows Multi-family Residences, including “townhouses, duplexes, multiplexes, condominiums, apartment houses, boarding houses, and lodging houses.” The maximum density is 27 units per acre, with a minimum lot size as low as 1,600 square feet. They could be up to 45 feet high (up to 4 stories

high). According to KMC 18.03.030(4) RH is supposed to be “A transitional use between commercial and low and medium residential uses.” This is not the case.

The current land use designation is “Low Density Residential” with about 5 single-family homes per acre. Most of the land is zoned as “Residential Suburban (RS)” with a minimum lot size of 10,500 square feet. A small portion is zoned “Residential-Low Density (RL)” with a minimum lot size of 7,500 square feet. Height is limited to 35 feet.

Nearly all of the property surrounding the site is designated “Low Density Residential”, except that portions on the southern boundary are zoned “Public Facility (PF)” and “Residential-Medium Density (RM).” See Figure 3 “Zoning Map” to see the inconsistencies.

The surrounding neighborhoods include Panoramic Heights, Creekstone, Southridge Estates (expanding), SouthCliffe (expanding) and Citadel Estates (preliminary approval in 2011, but development has not started). All of their developments are or will be single-family homes on medium to large lots, and generally two-stories high. The streets are generally narrow and not capable of large traffic flows. They would be overwhelmed by traffic from High Density Residential development as discussed below.

Further, an experienced local realtor has informed PHHA that this High Density Residential development and its associated traffic would have negative impacts on property values, reduce the prestige of the neighborhood, impact the views from homes, and take longer to sell homes in Panoramic Heights and the surrounding Low Density Residential neighborhoods. Further, the realtor said that dwindling natural areas, traffic congestion, reduced walkability, noise and air pollution are all valid concerns about the impacts of CPA 20-06.

(d) The adequacy of, and impact on community facilities, including utilities, roads, public transportation;

The Applicants state in various sections of their Application and SEPA Checklist :

“Development of the areas will use the same public utilities and services as current Comprehensive and Zoning Areas.”

“It is uncertain whether designation of authorized land uses will result in an increased demand for transportation, public services for (sic) utilities.”

“Any increase in transportation, public service or utility demand would be insignificant and all facilities are available with adequate capacity for service to the property.”

Obviously, the Applicants do not understand the significant impacts that High Density Residential development on Thompson Hill would have on roads, traffic and utilities. PHHA analyzed these

transportation impacts with the help from a PHHA member who is a local traffic engineering professional.

The only current road accessing the site is a small, short private road to the homes on the top of Thompson Hill. The only Collector Road adjacent to the site is S. Sherman Street.

Currently, the only other streets adjacent or near to the site are 26th and 28th Avenues. These are Local Streets with limited capacity (less than 1,500 vehicle trips per day) and already experience a significant amount of traffic, including cut-through traffic from schools and other sources. For example, several segments on 26th Avenue and Irving Street in Panoramic Heights, and on Kellogg Street and 28th Avenues in Southridge Estates are at or near the Local Street threshold for normal high traffic of 1,500 vehicles per day (KMC 13.04.010(4)).

The Applicants failed to address the SEPA Checklist question 14.f “How many vehicular trips per day would be generated by the completed project or proposal?” They just state “No project is currently planned for the project site. Trip generation from a proposed project will be evaluated at the time of project review.” This is deceptive, hiding the significant traffic impacts of the change in land use designation.

However, the maximum potential traffic impact can be calculated. There could be up to 27 housing units per acre. The Applicants requested High Density Residential land use designation for all 40.6 acres. So there could be up to 1,100 housing units. The Institute of Traffic Engineers “Trip Generation Manual” assumes 7.32 daily trips per multi-family housing unit. So this proposal could result in up to 8,000 vehicle trips per day. Peak PM hour traffic is 0.56 trips per housing unit for a total of up to 600 vehicles during that hour.

These are really large impacts. Based on Kennewick Administrative Code 13-08, for impacts of this magnitude, the developer should be required to perform a Traffic Impact Study that evaluates impacts at all major phases of the proposal, and then 5 years and 10 years from completion of the project.

This traffic would overwhelm all of the existing adjacent and nearby streets, and those to which they connect. Within Panoramic Heights, Southridge Estates and Creekstone these include S. Kellogg, Irving, Grant, Edison and Dawes Streets; and W. 25th, 26th, 27th and 28th Avenues. For Southcliffe, this is S. Sherman Street.

Potential traffic flow using existing Local Streets is shown in Figure 4 “Potential Traffic Routes”.

This traffic would then flow on to larger roads like Creekstone Drive/Kellogg Street, Union Street, Southridge Blvd, and Hildebrand Blvd increasing congestion at the intersections. These would include the intersections of 10th Avenue with Kellogg, Irving and Union Streets; the traffic circle at 27th Avenue and Union Street/Southridge Blvd; Southridge Blvd and Hildebrand Blvd; and Hildebrand

Bldv and Sherman Street. In addition the highway intersections of 27th Avenue and SR 395, and Hildebrand Blvd and SR 395 would be impacted.

These impacts could cause failing Level of Service (LOS) standards and queuing problems at Kellogg and 10th, Irving and 10th, the Union/Southridge/27th roundabout, 27th and SR 395, and perhaps other intersections. The City would be forced to deal with these resulting widespread traffic problems if CPA 20-06 is approved.

Clearly, High Density Residential development on Thompson Hill would require new Collector Roads outside existing neighborhoods.

Further, the Washington State Department of Transportation expressed its concerns about impacts on nearby highways and intersections in its letter “Combined Comments for CPA 20-03, CPA 20-05, and 20-06” dated July 21, 2020 which stated in part:

“An extension of 28th Avenue to serve the site would provide a direct connection to 27th Avenue. The US 395/27th Avenue intersection has already exceeded its capacity at peak times.”

”The Southridge area has seen significant development recently and traffic is increasing with congestion in certain locations.”

“We are concerned with the cumulative impact to our system.”

“The developments will need to mitigate their traffic impacts.”

“Of particular concern to the department are the effects developments have on the multimodal capacity, retention and treatment of stormwater, outdoor light, noise sensitivity and signage. This information is normally obtained by a Traffic Impact Analysis (TIA) performed by the developer. The City and developer should consider Transportation Demand Management (TDM) measures to reduce traffic impacts.”

Note that neither the developer nor the City has done any analysis of roads needed or traffic impacts. Because of the potential large impacts from High Density Residential development on Thompson Hill, these studies should be done now. It would be irresponsible to grant the Applicants this change in land use designation before requiring them to show the true impacts of the change, identify mitigation measures, and demonstrate transportation concurrency.

Also, according to Ben Franklin Transit, access to public transportation is more than a mile away from the proposed site. They said it is unlikely that public transit would be provided for direct service within this High Density Residential development due to steep slopes and narrow roads, including those

between their current routes and the proposed development. This factor will further increase private vehicle traffic to and from the proposed site.

Regarding irrigation water, PHHA's irrigation system could be negatively impacted by High Density Residential development on Thompson Hill. Because of increased irrigation demands from new developments around us, PHHA already struggles to ensure adequate irrigation service to our members. Any use of Kennewick Irrigation District irrigation water on Thompson Hill would likely impact PHHA's ability to meet our members' irrigation needs.

Further, the Applicants do not even acknowledge the presence of the known large, high pressure natural gas transmission pipeline all along the eastern side of the property. The Municipal Research and Services Center (MRSC) of Washington issued a document in 2006 entitled "Land Use Planning In Proximity to Natural Gas and Hazardous Liquid Transmission Pipelines in Washington State" that addresses this situation. It indicates that for local governments there are risk mitigation considerations on land use to protect the health and safety of its citizens.

MRSC emphasizes the importance of getting pipeline companies involved early when considering rezoning that is adjacent to pipelines and how pipelines could be impacted by subdivision, changes to area development, roads, etc. The document states that developers and planners need to develop an understanding of the consequences associated with pipeline leaks or rupture and the associated range of influence. They need to consider how topography plays into the accident scenarios also.

MRSC states that the consequences for failing to do so in the seven years between 1999 and 2006 were:

"Incidents involving hazardous liquid and transmission natural gas pipelines are rare but unfortunately do occur. These incidents can have a deadly and damaging effect as happened in Whatcom Creek when three young people were killed as a result of a petroleum pipeline leak. There have been nine other incidents involving hazardous liquid and natural gas transmission pipelines in Washington since the 1999 incident. While these more recent incidents did not result in injury or death, they caused roughly \$2.5 million in damage. Several of the incidents could have caused injury had they occurred in more densely populated areas."

The document also warns:

"A catastrophic failure of a high-pressure natural gas transmission pipeline could cause injury to people 100 feet or more away, and the largest and highest pressure natural gas pipelines can cause injury out to 1,000 feet."

MSRC recommends:

“ a local jurisdiction may decide to discourage construction of facilities which may be difficult to evacuate such as a high-rise development...Zoning of areas near pipelines should favor lower density developments such as...single family housing.”

None of this has been considered for CPA 20-06.

(e) The quantity and location of land planned for the proposed land use type and density and the demand for such land;

PHHA is aware that the Comprehensive Plan identifies the need for 159 acres of land designated High Density Residential by 2037. However, this particular site is not suitable for such development due to steep slopes, lack of access, traffic impacts, incompatibility with surrounding neighborhoods, and many other reasons discussed in this document.

(f) The current and projected project density in the area;

The current population density in the area of the site is about 5 families per acre, except for the undeveloped lands. CPA 20-06 would increase the population density up to 27 multi-family housing units per acre, or more than 5 times that in surrounding neighborhoods. This could be as many as 1,100 multi-family housing units if the entire 40.6 acres is developed as High Density Residential, as requested by the Applicants.

(g) The effect, if any upon other aspects of the Comprehensive Plan.

CPA 20-06 is inconsistent with the following aspects of the Comprehensive Plan:

Geologically Hazardous Areas: The Comprehensive Plan notes that “Geologically Hazardous Areas” includes Erosion hazards on slopes greater than 15%; Extreme Slope hazards on slopes greater than 25%; and Landslide hazards for a combination of geologic, topographic, and hydrologic factors such as bedrock, soil slopes, structures or hydrology. For “Mitigation Sequencing” the Plan says “Proposed development should avoid impacting critical areas...Mitigation sequencing is listed in the order of preference. 1. Avoiding the impact by not taking a certain action;...” (pages 34).

Critical Area Goals and Policies include:

Goal 1: “Protect the public and personal property from effects of landslides, steep slope failure, erosion and flooding.”

Goal 2: “Protect the unique environmental elements of critical areas.”

Goal 3: “Regulate or mitigate activities in or adjacent to critical areas...to avoid adverse environmental impacts.” (pages 39 and 40).

Allowing High Density Residential Development on a site with Erosion hazards, Extreme Slope hazards, and perhaps Landslide hazards would be inconsistent with the Comprehensive Plan.

Residential: The Plan states “Standard planning practice is to use graduated residential densities in zoning and subdivisions to minimize conflicts associated with a wide range of densities and housing types.” (page 41).

Residential Goals and Policies include:

Goal 1, Policy 2: “Require that multi-family structures be located near a collector street with transit, or near an arterial street, or near a neighborhood center.”

Goal 2, Policy 3: “Deny residential development if concurrency is not met for transportation, water, and sewer, or appropriately condition.”

Goal 3, Policy 2: “Residential Low Density: Place (*on*) lands constrained by sensitive areas...”.

Goal 3, Policy 4: “Residential High Density: “Designate land for Residential High Density (HD) where access, topography, and adjacent land uses create conditions appropriate for a variety of unit types, or where there is existing multi-family development.” (pages 45 and 46)

Therefore, High Density Residential development that would be allowed by CPA 20-06 is incompatible with the Plan. All of the surrounding neighborhoods and most of the undeveloped land is Low Density Residential. There would be inadequate transportation access, and building the required transportation system would not meet concurrency requirements. Retaining the current Low Density Residential land use designation is appropriate for sensitive areas. The access, topography and adjacent land uses are not compatible with High Density Residential development. Nor, is there existing multi-family development in the area.

Factors the City Must Consider Prior to Approval: Based on the above analyses, it is clear that CPA 20-06 will affect, have impact upon, or is not consistent with these factors that the City must consider prior to approving Comprehensive Plan Amendments.

Key findings for City Approval:

Per KMC 4.12.110(7), the City may approve Comprehensive Plan Amendments and area-wide zone map amendments if it finds that:

- (c) The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment;
- (d) The proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted Comprehensive Plan not affected by the amendment.

Based on the above discussion, PHHA does not believe that the City can make these findings. High Density Residential development on Thompson Hill poses significant safety risks due to the steep slopes and runoff from large areas of impervious surfaces, increases transportation impacts, threatens property values, and poses several probable significant environmental impacts. Further, High Density development on a hilltop mostly surrounded by Low Density neighborhoods is inconsistent with the City's adopted Comprehensive Plan.

Therefore CPA 20-06 should be DENIED.

Conclusions:

PHHA opposes increasing the proposed housing density by a factor of more than 5 through a High Density Residential development on this portion of Thompson Hill for many reasons. The transportation impacts alone would overwhelm the surrounding neighborhoods. The impacts on property values, and the safety risks from a High Density Residential development on steep, unstable slopes must be taken seriously.

Figures:

1. Artist rendering of High Density Development on Thompson Hill
2. Examples of Steep Slopes on the Proposed Site
3. Zoning Map Around Site
4. Potential Traffic Routes

From: Traci Pierce
Sent: 13 Aug 2020 21:28:22 +0000
To: Steve Donovan;Marie Mosley
Cc: Ryan Jones;Vic Roberts
Subject: FW: Development impact

Dear Marie and Steve,

I hope you are both staying healthy and well! Ryan and Vic are out of the office this week (I have copied them here), so I am hoping you might be able to help me with some information. One of our KSD Board members has asked me to look into the development that is being planned due west of Panoramic Heights. Apparently there is a housing development going in, and the developer is requesting that the zoning be changed from low density to high density residential. The neighborhood is concerned that the developer indicates in this zoning request that the change will not affect schools or local parks and recreation areas.

The Board member is asking me for information about the process that the developer goes through to determine whether there is impact to schools. The concern is that the shift from low to high density would potentially generate more students, etc. I am not sure if the developer is required to seek specific information from the district in order to determine whether there is impact to schools? If you have any information that you could share, I would much appreciate it. Thank you!

Sincerely,

Traci



Dr. Traci Pierce, Superintendent
Kennewick School District
1000 West Fourth Ave
Kennewick, WA 99336
(509) 222-6550

From: Ron Mabry <Ron.Mabry@ksd.org>
Sent: Wednesday, August 12, 2020 7:06 PM
To: Traci Pierce <traci.pierce@ksd.org>
Cc: Ron Mabry <Ron.Mabry@ksd.org>
Subject: Re: Development impact

Traci, this is just a reminder of our conversation tonight. A development group planning to build homes due west of Panoramic Heights is requesting that the zoning is changed from low density to high density residential. The neighborhood concern is that the developer shows in

his request that the change will not effect schools or local parks and recreation areas. My question is: Do the City work with KSD to determine the impact of such a change?

Thanks in advance,

Ron Mabry

From: [Larry Powers](#)
To: [Steve Donovan](#)
Subject: Please Deny Comprehensive Plan Amendment 20-06
Date: Monday, October 19, 2020 2:37:44 PM

Dear Kennewick Planning Commission and City Council Members,

We are strongly opposed to the proposed **Comprehensive Plan Amendment 20-06**. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. **We are asking the Planning Commission to recommend this request be denied, and the City Council deny this request.** We live at 6897 W. 23rd Ct. in South Cliff, the neighborhood that borders this site on the west side of Thompson Hill. We will be highly impacted by a high-density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- **Reduction of our property values**
- Traffic congestion, safety, noise, and emissions
- Reducing service through our irrigation system
- The steep slopes pose risks of storm and irrigation runoff, erosion, and landslides
- Impact native plants, wildlife, and potential Native American archeological resources
- Impacts on our water and sewer lines

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to considering this Comprehensive Plan Amendment:

- The effect upon the physical environment
- The effect upon open space and natural features, including topography
- The compatibility with and impact on adjacent land uses and neighborhoods
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools
- The current and projected project density in the area
- The effect upon other aspects of the Comprehensive Plan

Therefore, **Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.**

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Larry Powers

From: [Joann Pringle](#)
To: [Steve Donovan](#)
Subject: Must stop this craziness
Date: Sunday, July 19, 2020 11:15:58 AM

Sent from my iPhone

October 22, 2020

To Whom This May Concern:

My husband and I have owned our home in Panoramic Heights for 34 years. We moved in on October 31, 1986.

We have fond memories of moving in and have told this story many times. Movers were coming and going unloading two large moving vans all the while neighborhood kids were coming to our door Trick or Treating. With the craziness of the move we had totally overlooked Halloween. Many of the kids wanted to know if we had children their age. We immediately fell in love with our neighborhood!

To this day that is the kind of neighborhood we live in. Kids playing in the streets, waving as you drive by, sledding on our hill in the winter, riding their bikes and more. We live in a very quiet, family friendly neighborhood. For the most part homeowners take care of their homes and we all share a pride of living in this neighborhood, Panoramic Heights.

That will all change if CPA 20-06 is approved by the City of Kennewick Planning Commission and the City Council. The increase in traffic, up to 8,000 trips in and out of our neighborhood daily, will insure that are streets are no longer safe for kids, walkers and bike riders. The increase in traffic will also make it impossible for homeowners to enjoy their yards due to traffic noise, ruin neighborhood streets that were not intended to be major thorough fares, create driving hazards and homeowners will daily encounter problems pulling out of their driveways and crossing intersections.

Since Chinook Middle School was built on 26th Avenue and the development of Southridge Estates we have experienced drivers speeding through our neighborhood. Speed bumps have had to be added in several areas of the neighborhood by the City. Speeders will not be from our neighborhood. Offenders will be drivers using our neighborhood as access to Creekstone, 10th Avenue and other areas north of Thompson Hill.

If apartments or condominiums are built on the south and north side of Thompson Hill the beauty of what I have taken for granted for 34 years will be destroyed; looking out our windows at the beauty of the desert and the colors changing from season to season. Our view will be four-story high density residential buildings. Noise and light pollution will directly affect all of us that live on the west side of Panoramic Heights.

I know that other homeowners are addressing many other concerns. I want to specifically address the quality of life issues, the differences this development will bring to our

neighborhood and, the reason why we all chose to live in Panoramic Heights. The development of high density housing will adversely affect all of our property values. As I have stated already, we have lived in Panoramic Heights for 34 years. In all those years I have never seen our neighborhood band together as it has to fight a proposed plan that will affect our community as much as this high density development will. Listen to us!

Would we have bought our home if there were apartments or condominiums right up the hill from us? Would we have bought our home if there were serious traffic problems in the neighborhood? Would we have bought our home if we looked out our windows and saw apartments or condominiums? Would we have bought our home if the safety of our home and family were threatened by a high density development? Would we have bought our home if we were concerned that our property values would be adversely affected by the proximity to a high density residential development?

I think NOT!

I request that each person reading this letter spends time considering these concerns. Would you be concerned if you lived in Panoramic Heights? I think you would be! Please, please do not approve CPA 20-06.

Sincerely,

Sondra & Mike Rader
2503 S. Kellogg Street
todaysint@gmail.com

From: [Sondra Rader](#)
To: [Steve Donovan](#)
Subject: Panoramic Heights
Date: Wednesday, July 29, 2020 12:29:58 PM

We are 30 year residents and dues paying members of the Panoramic Heights Homeowners Association. We are vehemently opposed to the proposed change in zoning from low-density to high-density regarding Thompson Hill per request of Jose Chavallo.

There is a long list of reasons why this change in zoning should not be approved. Our Board of Directors has supplied these reasons to you on previous occasions. We simply want to be included on the official record as two more votes in definite opposition to the zoning change to high-density residential.

I know Mr. Chavallo cares little or nothing about how his actions may impact those around him. I do expect the City of Kennewick to put the best interest of its citizens at the top of the list which includes maintaining a quality of life and the safety of all.

Please reply to this email so we know you are in receipt and are counting our votes in opposition to the proposed zoning change.

Sincerely,

Mike & Sondra Rader
2503 S. Kellogg Street
Kennewick, Wa 99338

From: [William Reed](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill Mckay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#); info@panoramicheightshoa.com; [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#)
Subject: Proposed Comprehensive Plan Amendment 20-06
Date: Tuesday, October 20, 2020 12:04:04 PM

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We, William And Xuan Reed, opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 2107 S. Fillmore St in the Creekstone area south of the proposed Thompson Hill project. We believe we will be impacted by the high-density residential development. Specifically, we oppose this change to the Comprehensive Plan for the following reasons.

Specifically, we oppose this proposed amendment for the following reasons:

- Access to the area of proposed high-density development is for the most part through residential streets of Panoramic Heights and funneling into the single 2 lane bridge over the canal at Irving street. I walk the sidewalk along Creekstone Drive and can be difficult cross South Irving St at the circle due to impatient drivers trying to pass through the circle. Having hundreds of additional vehicles trying to get through that intersection will make things crazy and dangerous.
- Vehicles taking other routes will also be problematic. The traffic at the circle at Creekstone Drive and Union St. currently experiences backups especially with traffic from parent pick up at Chinook Middle School and student traffic from Southridge High School.
- Currently, traffic is often backed up on 27th Ave between Union and SR395. There are times it is not possible to turn into businesses or exit businesses along that part of 27th Ave and the circle at Union St. and 27th Ave becomes completely blocked with backed up traffic. Hundreds of additional vehicles will certainly exacerbate the problem in that area.
- 10th Ave. and Kellogg St. and Irving St. getting increasingly crowded and the additional traffic from additional vehicles will become a big problem to all who currently use those streets.
- South Irving St. between Creek Stone Dr. and 10th is pretty much a residential street with a speed of 25 MPH. Traffic on Irving St has increased over the past few years and the speed limit is little more than an unenforced, worthless, and ignored suggestion which places pedestrian traffic of the home owners of Creekstone area in increasing danger.
- The additional traffic from high-density housing on Thompson Hill would push traffic through Creekstone to onto other residential streets increasing hazards to all Creekstone residents.
- Additionally, while I am not excited about the building of even single residential

homes on Thompson Hill, the building high-density on the hill would just be down-right ugly. While single residential homes would have trees and lawns the high-density development would certainly create an eye sore of buildings and parking lots and not be something Kennewick residents could point to with pride. Being built up on Thompson Hill it would certainly be a place that Kennewick residents would be able to point to.

- We also have concerns about water run off. Single residential dwellings might provide green space to absorb excessive rain and snow runoff. Multi-family apartments would be buildings, parking and streets with little to no ability to prevent dangerous runoff flows during times of heavy rain which do occur from time to time. While there is a canal between this proposed development and the Creekstone area we believe excessive runoff water could become to homeowners in the Creekstone area during strong rain events. Currently Creekstone's catch basins have completely filled and overflowed during some of these strong storm events.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan. We are requesting you reject the proposed Comprehensive Plan Amendment 20-06.

In summary, we believe that this proposed amendment does not meet your approval criteria that it "bears a substantial relationship to the public health, safety, welfare, and protection of the environment." Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

William and Xuan Reed,
2107 So. Fillmore St.
xuanbill@charter.net

From: glromano@charter.net
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Steve Lee](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill McKay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#)
Cc: info@panoramicheightshoa.com
Subject: Opposition to High-Density Residential Rezoning Application CPA 20-06
Date: Wednesday, October 14, 2020 1:16:18 PM
Attachments: [image001.jpg](#)
[image003.png](#)
[image005.jpg](#)
[image006.jpg](#)

I am writing to oppose the high-density residential rezoning application CPA 20-06. As a resident of Panoramic Heights, I oppose the rezoning for the following reasons.

1. Kennewick is encouraging development of land between south of the southern ridgeline of Kennewick to Highway 395. This was done by adding access from W. Hildebrand Road to a new Bob Olsen Parkway. This road improvement provides East/West access to this portion of the city. However, **the city failed** to link this East/West thoroughfare with sufficient North/South access to the northwestern part of Kennewick.
2. The Edison Street North/South thoroughfare ends at 10th Avenue. S. Kellogg St. morphs into W. Creekstone Drive and then continues West. The remaining North/South access road is Columbia Center Blvd. It effectively ends at W. 10th Avenue before turning into a local road in a subdivision. The only current North/South access to the northwestern part of Kennewick is either through S. Union Street or through S. Steptoe Street which are several miles apart. Most drivers are not willing to drive that far for access, so they look for shortcuts.
3. As a result of 1. and 2. above, new traffic is being forced into existing residential neighborhoods such as Southridge, Panoramic Heights and Creekstone. In Panoramic Heights, this is most evident by traffic from Southridge High School when it is in session. We see the high schoolers taking shortcuts through Southridge and Panoramic Heights to reach northwest Kennewick. We see cars driving fast along this shortcut. Panoramic Heights residents also use the inverse of this traffic shortcut to reach W. Hildebrand Rd. to avoid driving to the southern Union St. roundabout and then backtracking. Some traffic also continues along S. Irving St. at the Creekstone roundabout through the Creekstone neighborhood as a shortcut to reach W. 10th Avenue and then to reach S. Edison St. Other people take a second shortcut from W. Hildebrand Blvd also through the Southridge and Panoramic Heights neighborhoods. These shortcuts can be seen in the map to the left. With the addition of the new development west of the Southridge neighborhood, other new shortcuts will be found. This will also bring increased traffic to our neighborhoods.
4. These low-traffic residential streets were never designed for the increased traffic from shortcuts because of the city's failure to plan for high-traffic North/South access streets. High-density residential zoning should be restricted to roads designed for a high traffic count. As I look around the city, I see high-density residential buildings located on busy thoroughfares. Therefore, such a zoning change to high-density residential is inappropriate as it forces traffic through existing low-density residential neighborhoods with a low traffic count. It becomes a safety issue for people crossing the street to access their mailboxes, for children using the street for bicycling or skateboarding or for residents walking themselves or their dog through the neighborhood crossing streets as they do so. Also, because of these shortcuts, we are also seeing several heavy trucks going through our neighborhood. These trucks are bringing building materials to the new development west of the Southridge neighborhood.

With Southridge High School not in session because of COVID-19, it is currently hard to see this traffic flow pattern described in 3. above. However, the city could install traffic counting devices to see this traffic flow. Considering the reasons above, the City of Kennewick should not allow any new high-density rezoning until the traffic flow can be

properly directed to high-traffic roads. For this specific development and the proposed Citadel Estates from the same developer, it may be possible to create a new high-traffic street from W. Hildebrand Blvd. to Creekstone Drive along the eastern end of Thompson Hill. This suggested new high-traffic street would connect to Creekstone Drive with a new roundabout at approximately the curve where it becomes S. Kellogg St. This suggested roadway would require new bridges over the KID high lift canal on the south side of Thompson Hill and one over the KID irrigation canal which parallels Creekstone Dr. The suggested new road would look something like the picture on the left. This new high-traffic road will provide a third access to northwest Kennewick from new developments south of Thompson Hill. This may be the only time such a road could be built before new developments use this land.

This suggested road should be strongly considered whether the high-density residential zoning is approved or not because of all the new low-density residential neighborhoods being built or planned. This road will also provide another exit route out of Panoramic Heights if it is connected to the existing 25th and 26th streets.

Adding substantial new traffic from high-density zoning through the residential neighborhoods described previously will substantially increase the potential for pedestrian injuries or death. Until such a new high-traffic North/South road connecting the area south of Thompson Hill to northwest Kennewick can be created to take the traffic away from our residential neighborhoods, I will continue to object to any high-density zoning.

George Romano

glromano@charter.net

From: glromano@charter.net
To: [Steve Donovan](#)
Cc: [": "Christy Watts"'](#)
Subject: RE: Proposed Change in Zoning -- Jose Chavallo
Date: Wednesday, October 7, 2020 12:24:06 PM

Steve,

As you probably know by now, the Panoramic Heights community is greatly opposed to this high-density land use designation for the reasons I cited below. After further reflection on your reply to my e-mail, I have a further comment. If a developer proposes a high-density land use designation, that developer should also supply a plan to handle the high traffic flow from such a designation. It seems reasonable to assume if a developer asks for a high-density land use designation, that developer is doing so with the intention to develop the property in a high-density manner. Therefore, a proposal to change land to a high-density designation is incomplete without a corresponding development plan including how such resulting high-flow traffic is to be handled. I don't know how the city can evaluate such a land use designation without knowing the corresponding development plan and the traffic flow plan. For a developer to not tell the city of such plans is disingenuous to the point of being deceitful. For these reasons and the reasons cited below, I continue to oppose the change in land-use designation.

George

glromano@charter.net

From: Steve Donovan
Sent: Monday, July 27, 2020 10:47 AM
To: 'glromano@charter.net'
Subject: RE: Proposed Change in Zoning -- Jose Chavallo

Mr. Romano,

Thank you for your comments.

The lots in questions are either addressed off of S Sherman Street or they do not have an established address.

There is no proposed extension of W 26th Avenue with this application, the application is to change the land use designation of the property. An application to develop the property has not been submitted.

Feel free to contact me if you have any further questions.

Steve

From: glromano@charter.net <glromano@charter.net>
Sent: Saturday, July 25, 2020 10:54 AM
To: Steve Donovan <Steve.Donovan@ci.kennewick.wa.us>
Cc: 'Christy Watts' <christywatts2@gmail.com>
Subject: Proposed Change in Zoning -- Jose Chavallo

Steve,

I have seen your sign requesting comments on a proposed change in zoning in the land near Panoramic Heights. As I understand the proposal, it is to change the land zoning from low-

density residential to high-density residential. From your provided map, I cannot discern the actual address of the proposed change. However, given where the sign is placed, it appears an extension of W. 26th is proposed. If the intent is to use the roads of Panoramic Heights to access this proposed high-density residential neighborhood, I can tell you the roads in Panoramic Heights were not designed for this level of traffic. High-density residential zoning should be restricted to roads designed for a high traffic count. As I look around the city, I see high-density residential buildings located on busy thoroughfares. Therefore, such a zoning change is inappropriate as an extension from an existing low-density neighborhood with a low traffic count. It becomes a safety issue for people crossing the street to access their mailbox or for kids using the street for bicycling or skateboarding. As a resident of Panoramic Heights, I oppose the proposal.

George

glromano@charter.net

From: [Anthony Muai](#)
To: [Steve Donovan](#)
Subject: FW: Building
Date: Monday, November 16, 2020 9:59:43 AM
Attachments: [image001.png](#)

Hi Steve,

This came into the Utility Service Account email form on the website.

Anthony

From: Brandi Ralston <Brandi.Ralston@ci.kennewick.wa.us> **On Behalf Of** Customer Service Utility Accounts
Sent: Monday, November 16, 2020 9:44 AM
To: Anthony Muai <anthony.muai@ci.kennewick.wa.us>
Subject: FW: Building

Hi Anthony,

This is something that you could respond too?

Thank you,



Brandi Ralston
City of Kennewick
Customer Care Representative
Permit Technician
O: 509.585.4266 | F: 509.585.4442
Brandi.Ralston@ci.kennewick.wa.us

From: Eileen Romines <outlook_106A78708600F70B@outlook.com>
Sent: Sunday, November 15, 2020 11:30 AM
To: Customer Service Utility Accounts <CSUtilityAccounts@ci.kennewick.wa.us>
Subject: Building

Hi my name is Eileen Romines I live in Creekstone in Kennewick. I have heard that there is an apartment complex being proposed to be built on Thompson Hill. I am not sure who to write this to so if you could let me know who to write to or can you forward this to them. This would greatly affect our neighborhood in a bad way. We already have traffic that comes through our neighborhood to bypass Kellogg. The cars that do this speed through our neighborhood. We have lots of kids out playing and people walking. This is very dangerous for our residents. Also Kellogg would be very bad with traffic because of this proposal. Please reconsider this area being built for

high density housing. We do not need any more traffic coming through our neighborhood. Thank you so much. Eileen Romines 5606 W 17th Ave Kennewick WA. 509-783-1093

Sent from [Mail](#) for Windows 10

October 26, 2020

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We are submitting this letter to register our opposition to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from "Low Density Residential" to "High Density Residential" development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 6925 W. 23rd Ct in the SouthCliffe development, a neighborhood in the near vicinity of the site. Our neighborhood stands to be substantially impacted by this high-density residential development as one of the proposed access streets will be from Sherman St. Sherman St. is the sole access to SouthCliffe at this time. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- Traffic safety, primarily at the intersection of Sherman St. and Hildebrand/Bob Olsen pkwy.
- It is incompatible with adjacent land uses and other neighborhoods on or near Thompson Hill.
- Adverse impact to the fragile environment of such a large multi-family development.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it "bears a substantial relationship to the public health, safety, welfare, and protection of the environment."

Therefore, we believe Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

A handwritten signature in blue ink that reads "Dominic & Kathy Sansotta". The signature is written in a cursive, flowing style.

Dominic and Kathy Sansotta
6925 W. 23rd Ct.
Kennewick, WA 99338

Email: domkathy@hotmail.com

November 19, 2020

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

This is the second letter we are submitting on this proposal. It is important that we reemphasize our opposition over the proposed Comprehensive Plan Amendment 20-06 prior to the Public Meeting currently scheduled for December 3, 2020.

This amendment would change the land use designation for 40.6 acres on Thompson Hill from "Low Density Residential" to "High Density Residential" development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 6925 W. 23rd Ct in the SouthCliffe development, a neighborhood just to the west of the proposed development on Thompson Hill.

High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site. This would force considerably more traffic to Sherman Street, which will already be significantly impacted by current development plans in that area and should not have to bear the impact of a previously unplanned high-density housing development.

We are long time Tri Cities residents. Three years ago we purchased our home in Southcliffe because we love the area and the community being created here. It has nicely built single family homes, modest traffic concerns with beautiful surroundings and scenic views. This proposed development is certainly not something we expect as a responsible community development plan for this area.

Specifically, we oppose this proposed amendment for the following reasons:

- It will increase up to 8000 vehicle trips per day on the streets in the area
- An adverse impact to traffic safety, primarily at the intersection of Sherman St. and Hildebrand/Bob Olsen pkwy.
- It will decrease property values through diminished aesthetics and traffic.

- Homeowners and many others in the area frequently use Sherman Street as a pleasant place to hike and exercise, which will be significantly negatively impacted by the added traffic.
- The intention of the current zoning in the Thompson Hill area was to create communities of single-family housing with aesthetically pleasing views and a safe community. High density housing negatively impacts these attributes.
- Thompson Hill has long been a Kennewick landmark and the City of Kennewick has a responsibility to avoid scarring the landscape with a development that does not aesthetically fit with previously zoned planning.
- The City of Kennewick has already adequately met its responsibility to provide affordable housing to its citizens by the large number of apartment complexes already built or under construction. For example, the Badger Canyon apartment complex currently being built along Ridgeline. There is no need to disfigure Thompson Hill to meet this need.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The negative impact to traffic and pedestrian safety;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied. Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Dominic and Kathy Sansotta
6925 W. 23rd Ct.
Kennewick, WA 99338

Email: domkathy@hotmail.com

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from "Low Density Residential" to "High Density Residential" development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 1912 S. Kellogg Pl., Kennewick, in Creekstone, the neighborhood that looks upon this site on the east side of Thompson Hill. We will be adversely impacted by this high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- People have moved to our neighborhoods because of it being a low density residential area. Developing high density residents would destroy the reason we moved here.
- The increase in road traffic would bring increased noise and congestion to our neighborhood.
- It would detrimentally affect our home value.
- The panoramic view of Thompson Hill would be greatly disturbed.
- The potential for irrigation water disturbance would be impacted.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Gary and Deborah Schenck
1912 S. Kellogg Pl., Kennewick
garyschenck1@gmail.com

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

I am most strongly opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from "Low Density Residential" to "High Density Residential" development. I request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

I live at 2624 S Kellogg Street in Panoramic Heights at the immediate foot of the steep and previously deemed unsafe hill to build upon not only because of steepness but because of runoff concerns and their inherent dangers. I, and my family members, will be most significantly impacted by high density residential development.

Before I address the issues of high density and my concerns, I feel it necessary to first address my right as a citizen regarding my expectation from you, my city council members and my planning commissioners. You were voted in and/or hired with certain expectations. I have a rightful expectation for you to protect not only my personal safety but the safety of my property; I have a right that you be vested in protecting my property values and not diminishing them. I have a right to expect that you will view I expect to see the same degree of vigor and commitment to protecting this neighborhood and its several hundred residents that is portrayed in the paper over our current sheriff.

High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, I oppose this proposed amendment for the following reasons:

- It completely undermines three communities: Panoramic Heights, South Cliffe, and Creekstone. These are not throw-away communities, not simply to be forgotten and moved on from. My house is worth \$500,000. South Cliffe homes are \$650 and up. Putting in high density completely undermines the values of these properties.
- Past City Council Representatives have declined two or three previous projects proposed by Mr. Chavallo. The land has not changed; the challenges to the land has not changed; the slope or grade has not changed; the dangers of runoff has not changed. If your predecessors were wise enough to see the imminent danger just based on the land and water issues, the only thing that has changed is some of the people occupying the chairs. I don't like rumors; I therefore don't spread them. However, from the onset of this issue, I have heard rumblings that Mr. Chavallo now has friends on this commission. At first, I gave them no notice. However, since another one of Mr. Chavallo's projects that has been disapproved by past voting commissioners and

is now approved by this sitting commission has to give one pause. This is not a message that the commission wants to be sending to its taxpaying base. Decisions need to be made based on merit, and merit only.

- This open space is not suitable for any type of building, as proven by past turn-downs by the city. But it is one of the few spaces where species of all kinds abound and are safe in a natural habitat.
- The traffic in our neighborhoods is already negatively impacted by school traffic from individuals that are not part of our neighborhood. There are not sufficient roads to support a high-density project.
- The entire project is completely out of context with the scale and type of neighborhoods that surrounds it. It would be like a pimple on a beautiful face.
- Growth needs to go out, not force people to live on top of one another.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, I believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Carol Schwarder
2624 S Kellogg Street
Kennewick, Washington 99338

From: [Susan Sievers](#)
To: [Steve Donovan](#)
Subject: COMPREHENSIVE PLAN AMENDMENT 20-06
Date: Thursday, October 15, 2020 7:41:14 PM

October 15, 2020

Dear Kennewick Planning Commission and City Council Members,
we are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied and that the City Council deny this request.

We live at 2507 S. Edison Place in Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. We will be most impacted by the high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed in these 40.6 acres of steep terrain, with slopes one 40 percent and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- *The increased traffic in our neighborhood.

- *The potential of increased crime in our neighborhood.

Please thoroughly address these serious concerns and potential impacts before amending the comprehensive Plan. In summary we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare and protection of the environment”. Nor have the following factors been considered thoroughly prior to approving the Comprehensive Plan Amendment:

- *The effect upon the physical environment;
- *The effect upon open space and natural features, including topography;
- *the compatibility with and impact on adjacent land uses and neighborhoods;
- *The adequacy of and impact on community facilities, including utilities, roads, public transportation, parks, recreations and school;
- *The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Bart and Susan Sievers bart_sievers@yahoo.com
2507 S Edison Place yipearoonie@yahoo.com
Kennewick, WA 99338

Steve Donovan

From: Bart Sievers <bart_sievers@yahoo.com>
Sent: Saturday, July 25, 2020 12:57 PM
To: Steve Donovan
Subject: Zoning Change

Dear Mr. Donovan,

We are dues-paying members of the Panoramic Heights Homeowners Association. Please make note that this email is notification of our strongest and vehement opposition to the proposed change in zoning from low density to high density regarding Thompson Hill per the request of Jose Chavallo.

The long list of reasons why this change in zoning should not go forward has previously been provided to you by our Board. This email simply needs to count and be noted on the official record as two more votes in definite opposition to the zoning change.

Please reply to this email that you are in receipt and are counting my opposition vote to the zoning change to high density.

Thank you for your time,

Bart & Sue Sievers

From: [VONDA SMITH](#)
To: [Steve Donovan](#)
Subject: Proposed Comprehensive Plan Amendment 20-06
Date: Monday, October 26, 2020 5:48:37 PM

Please forward to all Planning Commissioners.

Thank you!

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. (I or We) request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 2703 S Irving St. Kennewick 99338 in Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

<!--[if !supportLists]-->● <!--[endif]-->*The traffic will be unsafe for the current residents there is already challenges with the development the residential development that is already in process*

<!--[if !supportLists]-->● <!--[endif]-->This part of Kennewick was designed to be family oriented with single dwelling homes, the impact of this high-density development will adversely affect the value of our property as well and the quality of life for the Kennewick residents. There is still a lot of property that can be developed farther out in this area that will not adversely affect the current residents. It is extremely sad that the city would choose to value the income of a developer and the

future tax revenue over the value of the quality of life for it's current residents. There are much better choices for a high density development with the further expansion of new developments that will not create challenges for current residents.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, (I or we) believe that this proposed amendment does not meet your approval criteria that it "bears a substantial relationship to the public health, safety, welfare, and protection of the environment." Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- <!--[if !supportLists]-->● <!--[endif]-->The effect upon the physical environment;
- <!--[if !supportLists]-->● <!--[endif]-->The effect upon open space and natural features, including topography;
- <!--[if !supportLists]-->● <!--[endif]-->The compatibility with and impact on adjacent land uses and neighborhoods;
- <!--[if !supportLists]-->● <!--[endif]-->The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- <!--[if !supportLists]-->● <!--[endif]-->The current and projected project density in the area; and
- <!--[if !supportLists]-->● <!--[endif]-->The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Greg & Vonda Smith

2703 S Irving St.

Kennewick, WA 99338

vondagreg@aol.com

From: [DomKathy Sansotta](#)
To: [Steve Donovan](#)
Subject: CPA 20-06/PLN-2020-01009
Date: Monday, July 27, 2020 11:22:52 AM

Dear Mr. Donovan:

I am submitting comments on the proposed amendment of land use designation for the property located at 2701 and 2711 S. Sherman Street from Low Density Residential to High Density Residential.

I am a homeowner in the SouthCliffe subdivision and as such use S. Sherman St. as the only access to public roadways. Without knowing the particulars of how the proposed change would affect traffic on that portion of Sherman St., I am very concerned over the level of increase in traffic using Sherman St. and the potential safety concern of entering a ever increasing traffic flow on Hilderbrand/Bob Olsen. As it exists now, crossing or turning on to Hilderbrand/Bob Olsen requires a higher degree of vigilance due to obstructed views (landscaping, curves in the roadway, and terrain) than normal. Add to that the speed of oncoming vehicles (40+ MPH) creates a situation of elevated hazard. My concern is with significantly increased traffic on S. Sherman St. the potential safety issue at the intersection of Hildebrand/Bob Olsen will increase.

My secondary concern is, of course, the potential impact on property values in our area. Many of us invested heavily to live in SouthCliffe and are concerned that our investment be protected. I believe apartments in the near vicinity of low density residential subdivisions has a negative impact on property values. There is a lot of undeveloped property in this area of Kennewick and development is inevitable. My hope is that the development to come is consistent with the existing low density residential zoning that currently exists on the property located at 2701 and 2711 S. Sherman St. For the above reasons I am opposed to amending the land use designation from Low Density Residential to High Density Residential for the property located at 2701 and 2711 S. Sherman St. Thank you for considering my comments.

Dominic Sansotta
6925 W. 23rd Ct.
Kennewick

From: [Jonathan and BryeAnne Stewart](#)
To: [Don Britain](#)
Subject: Proposed Comprehensive Plan Amendment 20-06
Date: Tuesday, October 20, 2020 11:36:19 AM

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 5705 W 25th Ave in Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- *the increase of traffic on our street with safety concerns, increased noise, congestion and emissions on the streets in our neighborhood since no new roads have been proposed.*

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads,

- public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Jonathan and BryeAnne Stewart, 5705 W 25th Ave Kennewick, Wa, 99338
Statehoops45@hotmail.com

From: [john stone](#)
To: [Barbara Stone](#); [Don Britain](#)
Cc: [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill Mckay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#); info@panoranicheightshoa.com
Subject: proposed comprehensive plan amendment 20-06
Date: Wednesday, October 28, 2020 10:17:59 AM

Dear Kennewick planning commission and city council members :

We are opposed to the proposed comprehensive plan amendment 20-06.

This amendment would change the land use designation for 40.6 acres on Thompson hill from "Low Density Residential" to "High Density Residential" development. We request that the planning commission recommend that this request be denied, and that the city council deny this request.

We live in the Creekstone development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons :

Dramatically increased traffic on all connecting streets including Creekstone boulevard and Irving street being heavily used by pedestrians, joggers, pet walkers, etc.

Please thoroughly address these serious concerns and potential impacts before amending the comprehensive plan.

In summary, we believe that this proposed amendment does not meet your approval criteria, that it "bears a substantial relationship to the public health, safety, welfare, and protection to the environment". Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment :

The effect upon the physical environment;
The effect upon open spaces and natural features, including topography;
the compatibility with and impact on adjacent land uses and neighborhoods;
The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
the current and projected project density in the area; and
the effect upon other aspects of the Comprehensive plan.

Therefore Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

John And Barbara Stone
1602 S. Fillmore St.

jgst28@gmail.com

From: [Craig Taylor](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill McKay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#); info@panoramicheightshoa.com; [Dorothy Anderson](#)
Subject: CPA 20-06
Date: Wednesday, November 11, 2020 1:25:50 PM

Dear Kennewick City Staff, Planning Commission, and City Council,

I am writing to you concerning the proposed development change of Thompson hill referred to as CPA 20-06. My family and I recently moved into the Southridge neighborhood less than a year ago and love this area. We chose the location due to the view, the quietness, and the potential to retain our property value during this time of high housing costs.

We are very concerned that our brand new neighborhood and home could potentially be located right next to and below high density housing, if CPA 20-06 is approved. The reason for concern include the following:

- Safety of children: There are many small families in this neighborhood with small children and the potential increase of 8000 vehicle trips per day on these hilly streets adds risk to playing children.
- Decrease of Property Value: Having apartment complexes right above homes does not appeal to consumers in this area. I know because I passed on other neighborhoods that were in close proximity to high density housing.

My family and I encourage you to say no to this proposal.

Sincerely,

Craig and Dorothy Taylor

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from "Low Density Residential" to "High Density Residential" development.

The proposed development would place high-density housing on steep terrain with no available services and no access except through established residential neighborhoods. It also ignores residential developments already in progress in the adjacent Southridge area. These other developments have ready access to the Bob Olson Parkway, with street extensions to the Parkway and services including water, power, sewer and stormwater control already available or part of long-range planning. The extensive undeveloped acreage with access to services along the Parkway offers more logical sites for the proposed development. There is already some high-density zoned area along the Parkway. Other undeveloped locations could also be converted to that purpose without impacting established neighborhoods or requiring placement of new services on a difficult-to-access hillside. In addition, the Parkway planning and development represents a considerable investment for the City. It seems wrong to ignore this investment to develop a new area that does not make use of the available land and services where the City has already undertaken the expense of planning and developing the infrastructure.

We live in the Southcliffe area, and would not be directly affected by the proposed development unless a new access road is extended to Sherman Ave. north of the Parkway. Development is already well underway in our area, with considerable land currently being leveled and underground services installed for future housing.

We request that the Planning Commission recommend that this request be denied, and that the City Council deny the proposed zoning change in favor of using the existing Comprehensive Plan.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Larry and Mary Thomas,
6983 W. 23rd Ave. Kennewick 99338
email: lthomas1266@charter.net

From: [Ivan Thomas](#)
To: [Steve Donovan](#)
Subject: File Number: CPA 20-06/PLN-2020-01009
Date: Monday, July 20, 2020 6:40:59 PM

Dear Mr. Donovan.

As a 16-year resident of the Panoramic Heights Subdivision, I am concerned with the changing of the zoning for the proposal to amend the land use designation for the property located at 2701 and 2711 S Sherman Street from Low Density Residential to High Density Residential. I have not seen where the developer has taken into account the added load that will be added to the infrastructure of the area.

This effort has been attempted in the past with questions from the surrounding communities left unanswered. Questions to be answered are: Will additional roads be required? Will the addition of extra homes overstress the sewage systems and irrigation systems? Will overloading the land increase the possibility of landslides and flooding? Will the smaller lot sizes decrease the value of the surrounding homes? What geotechnical engineering has been performed to underpin the planned construction?

I believe that the developer should meet with the surrounding communities and explain how the change in the density of the new homes will not adversely affect present homeowners.

Regards,

Ivan Thomas

5216 W. 26th Ave
Kennewick, WA 99338

From: [Anthony Muai](#)
To: [Steve Donovan](#)
Subject: FW: CPA 20-06
Date: Monday, October 19, 2020 9:05:30 AM
Attachments: [image009.png](#)
[image012.png](#)

Steve,

The City Attorney's office received this email this weekend.

Anthony

From: Lisa Beaton <Lisa.Beaton@ci.kennewick.wa.us>
Sent: Monday, October 19, 2020 8:32 AM
To: Anthony Muai <anthony.muai@ci.kennewick.wa.us>
Subject: FW: CPA 20-06

From: Christina Perez <Christina.Perez@ci.kennewick.wa.us>
Sent: Monday, October 19, 2020 8:01 AM
To: Lisa Beaton <Lisa.Beaton@ci.kennewick.wa.us>
Subject: FW: CPA 20-06

The below email came in on the general attorney email. I am not sure who to direct it to.
Thank you!



Christina M. Perez
Kennewick City Attorney's Office
Legal Secretary-Criminal Division
O: 509.585.4274 | F: 509.585.4424
christina.perez@ci.kennewick.wa.us



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From: Tim <fenskt@gmail.com>
Sent: Saturday, October 17, 2020 2:43 PM
To: Christina Perez <Christina.Perez@ci.kennewick.wa.us>
Subject: CPA 20-06

CPA20-06 makes no sense!!!

This will cause devaluation of homes in South Cliffe and other subdivisions.

It will put a burden on already over burdened schools. It will cause undue traffic on Sherman street and thru Panoramic Heights.

Sent from [Mail](#) for Windows 10

Panoramic Heights Homeowners:
Stephen and Terri Varner
5325 W. 25th Ave, Kennewick, WA 99338
H: 509-582-2278 / C: 509-551-4677 / slvarner62@yahoo.com

13 November 2020

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We are extremely opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from "Low Density Residential" to "High Density Residential" development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live within Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- *As a professional that has designed many high density developments, the only result will be that the developer gains considerable increase in property value and will sell for a huge profit. With a high density zone change, existing topography and views to the greater Tri-Cities, the development will result in luxury multi-story condominiums.*
- *Due to existing steep topography and panoramic views from this property, a zone change will have a zero chance for an affordable housing development, townhome development or single family housing development.*
- *If high density zoning is approved, the value of the property would be too high for a townhome type development. Based on experience, it is tough to even meet the medium density threshold for townhome type developments. So, 27 Units per acre is overkill.*
- *It is a huge mistake for a City Planner to skip medium density zoning from low density to high density. The results are almost always detrimental to existing developed properties. The result would include lower property values, blocked panoramic views, huge increase in traffic that was never planned for, and would eliminate possibilities of future housing developments.*
- *Due to location of Panoramic Heights with main routes and the new school, our neighborhood already has an extremely high traffic count due to through traffic and school buses. Most of the current traffic is not Panoramic Heights Homeowners. The issue has been so bad the Homeowners Association had speed indicator signs installed recently throughout the neighborhood to slow traffic to a safer level. A high density development will dramatically increase through traffic to an unsafe level not originally planned.*

- *A high density development will greatly impact existing sewer and water infrastructure that may not have been planned for.*
- *If an experienced City Planner reviews the current City Future Land Use Map and truly evaluates for long term vision, there is no reasonable reason why a high density zoning development should be approved. The development results will create so many negatives that this area of Kennewick will never recover from. The only positive to this project is another developer will fill their bank account due to the decisions of the City, but unfortunately homeowners will pay dearly.*

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

The City has let the Panoramic Heights neighborhood down before with the approval of lot separation into 3 lots, one which is a flag lot. This was a huge error on the City of Kennewick's part by approving. The City did not forward any of the dozens of Panoramic Heights homeowners opposition letters to the developer. The developer had no idea there was any opposition until plans were not approved. The City's decision went against our legally binding CC&R's which the City did not even review. In addition, the County Auditor allowed the property recording without the CC&R restrictions. As the current Panoramic Heights HOA Treasurer, I can attest to the fact we have paid thousands of dollars in legal fees trying to repair the City Planner's mistakes. We hope the approval of the proposed Comprehensive Plan Amendment 20-06 is not another one.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Stephen and Terri Varner

From: [jennifer v](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill Mckay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#)
Subject: Panoramic Heights Concern
Date: Wednesday, December 9, 2020 3:26:38 PM

Hello,

We are residents of Kennewick, residing in a neighborhood that will be directly impacted by this proposed development. We are deeply troubled that this is even being considered by the city as a healthy addition to our community. First and foremost, the safety of our community should be at the forefront of all decisions made by the city (and frankly, any developer looking to contribute to our community). This development would add 1100 or so new HOUSEHOLDS (not simply individuals) to our area. This will increase traffic, now proposed to be routed down Sherman, a road and intersection on Hildebrand NOT designed for that amount of traffic. How many car accidents will need to occur for the city to realize this is a terrible idea? How many pedestrians who use Bob Olson to run, walk, bike need be injured by unnecessary and reckless traffic? My hope is that we can prevent these devastations by saying NO to this development. Additionally, more people in a smaller area = more crime. There is no getting around the fact that crime is likely to increase when bringing in an abundance of people to a location designed for significantly fewer households.

We are also troubled that the city would consider lining this one man's pocket (because let's be honest, this isn't about the developer's heart to better our community, as mentioned above, it will most definitely not be healthy for our community as a whole) and taking away property value from those of us who are already here. This development would destroy the value in our home and those of our neighbors.

Please consider if this were your neighborhood. Are you interested in creating more traffic, crime, and in return, decreasing the value of your property? This is every homeowner & parent's worst nightmare. Please do not allow this to happen to us.

Sincerely,
Jennifer

From: [Christy Watts](#)
To: [Don Britain](#); steve.lee@ci.kennewick.wa.us; [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [Bill McKay](#); [John Trumbo](#); [Steve Donovan](#); [Terri Wright](#); info@panoramicheightshoa.com
Subject: Proposed Comprehensive Plan Amendment 20-06
Date: Tuesday, October 27, 2020 11:12:09 AM

Dear City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. (I or We) request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 2623 S Kellogg Street in Panoramic Heights, the neighborhood closest to the site on the east side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- *Fear of the consequences of storm and irrigation runoff, erosion and landslides*
- *Traffic congestion*
- *Property Values*
- *Neighborhood Harmony*
- *Native American Artifact destruction*
- *Impact of years of construction*
- *Water and sewer lines*

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Christy and Brad Watts
2623 S Kellogg St.
Kennewick, WA 99338
(509) 308-8986

From: [Christy Watts](#)
To: [Steve Donovan](#)
Subject: Rezoning of Thompson Hill Area
Date: Wednesday, July 29, 2020 1:02:48 PM

Dear Mr. Donovan,

We are dues-paying members of the Panoramic Heights Homeowners Association. Please make note that this email is notification of our strongest and vehement opposition to the proposed change in zoning from low density to high density regarding Thompson Hill per the request of Jose Chavallo.

The long list of reasons why this change in zoning should not go forward has previously been provided to you by our Board. This email simply needs to count and be noted on the official record as two more votes in definite opposition to the zoning change.

Please reply to this email that you are in receipt and are counting my opposition vote to the zoning change to high density.

Thank you for your time.

Brad & Christy Watts

2623 S Kellogg St

Kennewick, WA 99338

From: [Christy Watts](#)
To: [Steve Donovan](#)
Subject: Zoning changes
Date: Monday, July 20, 2020 9:27:16 AM

Mr. Donovan

I am a resident of Panoramic Heights and I am concerned about the zoning changes that are proposed to the west of Panoramic Heights. My house is directly across the street from the area under consideration. I adamantly oppose any such changes.

As a homeowner and taxpayer that could be affected directly by this zoning change, I would appreciate more answers.

I also feel the developer should explain his plan with the surrounding homeowners. Obviously there is much interest and concern from Panoramic Heights residents.

Christy Watts
2623 S Kellogg St
Kennewick, WA 99338

From: [Frank Wentz](#)
To: [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill Mckay](#); [Steve Donovan](#); [Don Britain](#)
Subject: Proposed new development on Thompson Hill
Date: Wednesday, October 14, 2020 10:48:13 AM

I am strongly against changing the land use designation for the 40.6 acres on Thompson Hill adjacent to Panoramic Heights from "Low Density Residential" to "High Density Residential".

It could have a horrible impact on traffic in the Panoramic Heights neighborhood. This could be a safety hazard to the residents and visitors of the area. And this is only one of many other serious objections to this change.

Thank you for your attention to this matter.

Francis Wentz
4908 West 27th Ave.
Kennewick, WA 99338

From: [PATTY WILSON](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill McKay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#); info@panoramicheightshoa.com
Subject: Thompson Hill Development
Date: Thursday, November 19, 2020 11:55:40 AM

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

I am opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. I request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

I live at 5985 W 41st Avenue in the Sage Crest neighborhood. My neighborhood would be impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, I oppose this proposed amendment for the following reasons:

- *Higher traffic*
- Lowering property value

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, I believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of

Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Patricia Wilson

*5985 W 41st Avenue
Kennewick, WA 99338*

Dear Kennewick Planning Commission and City Council Members:

RECEIVED

OCT 21 2020

Re: Proposed Comprehensive Plan Amendment 20-06

COMMUNITY PLANNING

I am opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from "Low Density Residential" to "High Density Residential" development. I request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

I live at 5708 W. 26th Avenue in Panoramic Heights, the neighborhood that borders this site on the east side of Thompson Hill. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, I oppose this proposed amendment for the following reasons:

- *It is extremely difficult driving to Highway 395 in the morning due to traffic going to Southridge High from the Creekstone and Union turn around.*
I have waited 5 to 10 minutes before finding a safe opening.

We also have school age children in our immediate block that will be at EXTREME PHYSICAL RISK from excessive traffic. They will be prevented from bike, scooter and skate board riding with increased traffic.

I have a pool and have called Clean Air numerous times this summer. Their answer during the moving of dirt to the end of 25th avenue was a Disgusting =Is it impacting you? Yes, Well when you see the dirt blowing give us a call. No one ever answers. Just leave a message. This agency is a waste of our tax payer money.

No one EVER NOTIFIED RESIDENTS dirt was going to be moved. The Truck noise was continuous even on the weekends. I personally had to flag down drivers to slow down and received a negative hand signal from their drivers. Did the city pay the property owner a fee for dirt storage? The project manager told me the dirt would stay there for a year and then we would go thru the noise and traffic again when the reservoir is complete. What is the pain and

RECEIVED

OCT 21 2020

COMMUNITY PLANNING

suffering worth to the residents in Panoramic that pay city taxes to you.? Imagine what the noise and traffic will be to the residents with the proposed development!

I also called their project manager and asked him to water the Irving entrance and 25th Avenue. This was done very infrequently. There are only 2 streets with access to this property 25th and 26th. We strongly oppose using this access for trucks and construction equipment to the benefit of the developer.

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

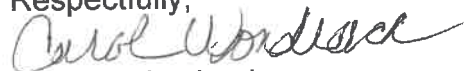
In summary, I believe that this proposed amendment does not meet your approval criteria that it "bears a substantial relationship to the public health, safety, welfare, and protection of the environment." Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,



Carol J Wondrack

5708 W. 26th Avenue

Kennewick, WA 99338

carol@wondrack.net

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JUL 24 2020

COMMUNITY PLANNING

July 23, 2020

Mr. Steve Donovan,

I have lived in Panoramic since 1980. We have never experienced the truck Traffic until recently. The dirt on the road is unacceptable and the driver's have been waved down to SLOW DOWN! I do not know who is responsible for inspecting the area and the dirt piles at the end of the street on 25th avenue. They are not doing their job!

We chose to live in Panoramic for the view and the quality of the homes here.

I am VERY CONCERNED if you change our area to the benefit of a developer we will lose property value here and put the residents at risk for accidents and noise. The contractor has been working on the weekends so we have had to put up with constant truck noise.

I know Kennewick would like to grow but I suggest you keep this area the same and encourage your developer to build quality homes. Canyon Lakes is almost out of room so he could make the new area equal to Canyon Lakes homes.

We do not want our area to look like Cherry Blossom Heights with smaller homes.

Look forward to the future hearing!



Carol Wondrack

5708 W. 26th Avenue

From: [HEATHER Ybarra](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill McKay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#); info@panoramicheightshoa.com
Subject: Proposed Comprehensive Plan Amendment 20-06
Date: Thursday, November 12, 2020 9:42:05 PM

Dear Kennewick Planning Commission and City Council Members:

I strongly oppose a change in designated land use on Thompson Hill. I SAY NO TO HIGH DENSITY HOUSING ON THOMPSON HILL!

I grew up among the hills of Kennewick and the beauty of them is something that makes me proud to say I live in Kennewick. When I returned to Kennewick to raise my family, I choose a home in the Southridge area. This area was promised to be the pride of Kennewick. Being the first part of Kennewick that people see coming from Oregon, Southridge was to be the gate to Kennewick.

Shortly after the purchase of my first home, in Southridge I was greatly disappointed to find that zoning was set to be changed just a few blocks from my home. As a result of this zoning change, a large low income apartment complex (Cooper Ridge) and a retirement apartment complex was built. In turn, traffic and crime in my neighborhood has increased.

The possibility of a developer building on Thompson Hill is disturbing. Many years ago, I understood it was deemed unsafe by engineers to build on the hill. Of course, this is a safety concern, but for me, personally, I want to see the hill! It is large, naturally beautiful and shines in the sun. My children fondly view it from their school. My elementary school age boys are concerned about the wildlife that would lose their homes because of the development. I have seen many people enjoying recreational activities on the hill, right in their own backyard. The city should consider preserving it as a recreational park with trails and benches.

There has already been unexpected and unwelcome zoning changes in my neighborhood. I don't want to be surrounded by apartment buildings and high traffic. Instead of decreasing the quality of life for the people already living in these nice neighborhoods like Panoramic Heights, Creekstone and Southridge Estates please consider building it up or at least maintaining it. Increased traffic and unsightly views will decrease the value of our homes. The lose of recreation and wildlife is a no win for the people that live around Thomson Hill.

Please CHOOSE NO to High Density on Thomspson Hill!!!

Thank you for your consideration,

Heather
Concerned Citizen

From: jyork2b@charter.net
To: [Steve Donovan](#)
Subject: Rezoning Parcel 1-0889-401-1681-005 Thompson Hill - Citadel/Chavallo
Date: Sunday, July 26, 2020 10:56:37 AM
Attachments: [2020-07-24 LTR Zoning Chavallo.docx](#)

Mr. Donovan,

Please find attached and also copied below a letter regarding the zoning change of the above captioned property:

RE: Rezoning of Parcel 1-0889-401-1681-005

Dear Mr. Donovan,

I am writing in response to the City's rezoning of a 47.93 acre parcel (1-0889-401-1681-005) addressed as 6100 W 25th Avenue, Kennewick, Washington. It is a section of Thompson Hill owned by Citadel Estates LLC, Jose A Chavallo. Currently it appears to be zoned RS and a change to R3 High Density is being considered.

I am against this rezoning for many reasons but mainly it is my interest in preserving the existing neighborhood of low density single family residences. My concern is the changes that would occur with high density multi-family construction, affecting my property value and the impact on the infrastructure of the existing Panoramic Heights, Southridge, Southcliff, Creekstone subdivisions based on R3 zoning.

Please consider not changing the zoning on this property.

Thank you,

Jill York

From: [Melinda Didier](#)
To: [Steve Donovan](#); [Gregory McCormick](#)
Subject: FW: High Density on Thompson Hill
Date: Wednesday, April 7, 2021 9:11:48 AM

-----Original Message-----

From: carol senn <carollesenn50@gmail.com>
Sent: Tuesday, April 6, 2021 6:51 PM
To: Melinda Didier <Melinda.Didier@ci.kennewick.wa.us>
Subject: High Density on Thompson Hill

So unfair to those people who have purchased homes based on the current zoning. Now you want to do a bait and switch. Please don't change the zoning. Thank you

Sent from my iPhone

From: [Larry Powers](#)
To: [Steve Donovan](#)
Subject: Please Deny Comprehensive Plan Amendment 20-06
Date: Thursday, April 8, 2021 2:41:16 PM

Dear Kennewick Planning Commission and City Council Members,

The members of the Southridge community are strongly opposed to the proposed **Comprehensive Plan Amendment 20-06**. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. **We are asking the Planning Commission to recommend this request be denied, and the City Council deny this request.** Our neighborhood borders this site on the west side of Thompson Hill. We will be highly impacted by a high-density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- **Reduction of our property values**
- Traffic congestion, safety, noise, and emissions
- Reducing service through our irrigation system
- The steep slopes pose risks of storm and irrigation runoff, erosion, and landslides
- Impacts on our water and sewer services

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to considering this Comprehensive Plan Amendment:

- The effect upon the physical environment
- The effect upon open space and natural features, including topography
- The compatibility with and impact on adjacent land uses and neighborhoods
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools
- The current and projected project density in the area
- The effect upon other aspects of the Comprehensive Plan

Therefore, **Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.**

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Larry Powers

From: [Nick and Judy Doyle](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill McKay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#); info@panoramicheightshoa.com
Subject: Proposed Comprehensive Plan amendment 20-06
Date: Friday, April 9, 2021 11:19:15 AM

Dear Kennewick Planning commission and City Council Members,

We live on W 20th Avenue and we're writing to express our strong objections to the proposed amendment #20-06. This development would be out of keeping with the medium density neighborhood and would adversely impact our community and also our property value. Visually it will be an eye sore, the increase in traffic through local neighborhood roads will have a severe impact on what has been a quiet and pleasant neighborhood. We believe its wholly inappropriate to install what is effectively an urban development into our suburban area.

Our specific concerns are:

- Loss of property value
- Increased traffic
- Reduced quality of life for local residents

Please take these concerns into consideration and deny this amendment request.
Thank you for your continuing good work for the people of Kennewick.

Yours sincerely

Nick and Judy Doyle

From: [Tim Fenske](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#); [info@panoramicheightshoa.com](#)
Date: Saturday, April 10, 2021 11:04:16 AM

No on CPA 20-06. The traffic impact alone should be enough to not approve. Has the city also taken into account the proposed new subdivision on the west side of Sherman and that additional traffic?

The schools in the area already have mobile classrooms, do we need even more temporary structures.

The devaluation of homes and additional noise pollution. Bob Olsen is already treated like a raceway at night.

From: [David Christenson](#)
To: [Steve Donovan](#)
Subject: CPA 20-06
Date: Saturday, April 10, 2021 11:53:48 AM

I, David G. Christenson, residing at 6006 W, 25th Avenue, Kennewick, WA 99338, am in favor of the proposed zone change. It seems that the developer wants to convert ground that is not being used into a revenue producing parcel for himself and the City. The City will not have to expend any public funds for the project and the developer will risk the money necessary to develop the parcel.

I am a member of the Panoramic Heights Homeowners Association and the board is opposed to the zone change so I thought I would let you know that not all members of the Association are in agreement with their position.

A stakeholder's letter of concern regarding CPA 20-06

Attention please:

Gregory J McCormick, Director, Community Planning Department
Gregory.McCormick@ci.kennewick.wa.us

Steve Donovan, Senior Planner, Community Planning Department
Steve.Donovan@ci.kennewick.wa.us

Gentlemen:

My name is Chris Barnes. I have been a resident in Panoramic Heights for over 26 years. My home at 2616 S. Kellogg Street abuts the 40.6 acres identified in CPA 20-06 and therefore I am very familiar with the history of this property - which is, once again, under consideration for increased density beyond the current low density land use designation.

In 2009 the same applicant requested 20.25 acres of the same parcel of land be changed from Open Space (as it was then designated) to Commercial. The City unanimously rejected that application.

As city planners you may say, 'That was then, and this is now.' But much of the grounds for reaching that unanimous rejection decision in 2009 remain the same. Ironically, some of the same critical, technical evaluations the applicant submitted in 2009 were simply resubmitted in this application, but since this application is a Non-Project Proposal, he has omitted the plot plan that in 2009 showed dense development up and over the ridgeline under the heading: Future Development.

Gentlemen, I personally think that locating high density anywhere on the top or sides of Thompson Hill would be preposterously bad planning and would set a dangerous, undesirable and irreversible precedent. But, approving this application would be a bad idea even if it were proposed on flat land - because it violates many of your own stated land use goals and policies.

It would be very easy for me to 'cut & paste' from page 45 of Kennewick's 20 Year Plan for a Sustainable Future, to demonstrate how this application flies in the face of your vision of land use planning for future growth. This application isolates high density and high traffic in a sea of recently approved low density developments as well as tucks it right beside long-establish, quiet, single-resident neighborhoods. The city policy of maintaining an adequate transition (a density buffer) between adjacent land uses and development intensities is a good one. In addition, placing high density close to public amenities encourages walking! That is another good stated goal. One has only to look at the number of dog walkers and bike riders taking advantage of the Southridge Sports Complex to see how smart it was to put multi-family units close to a big park, not isolated on top of a distant hill.

But now, take into consideration that this isn't just a hill. A good portion of the application site is, by the city's own definition (and a 2009 study by JUB Engineering), considered 'Extreme Slope Hazard'. Much of the 40.6 acres is 25% and greater slope – up to 60% in some places near the top. So why would city planners take on the risk of potential erosion, flooding and even steep slope failure by permitting four-story construction here? I understand that as land use planners you must balance individual property rights with community interests as well as with the Comprehensive Plan milestone of achieving 159 additional acres of high density over the next ten years. But this site has far too many negatives to be considered appropriate for high density.

To return to the unanimous City decision to reject the 2009 application, let me summarize the reasons for rejection:

- *The application was inconsistent with Comprehensive Plan policies & goals;*
- *The application had numerous environmental concerns in particular Critical Area slope;*
- *The application was premature – noting the lack of infrastructure and public facilities near the site.*

I submit to you, that these reasons for rejection (from 2009) are still valid. Please follow the current land use policies and goals in evaluating this application and reject this application for high density land use on Thompson Hill.

*Sincerely,
Chris Barnes
2616 S. Kellogg Street
Kennewick, WA 99338*

April 9, 2021

Dear Kennewick Planning Commission and City Council Members.

Ref: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment #20-06. This amendment would change the land use designation of the 40.6 acres on what is known in the community as Thompson Hill from a LOW Density Residential to a HIGH Density Residential development.

We request the Planning Commission recommend this request be denied and the City Council deny this request.

My wife, Karen and I, live at 5717 W 23rd, CreekStone Subdivision in Kennewick.

Adding an additional, what potentially could be 1100 residences in the immediate area of this subdivision, could and would add a tremendous amount of traffic and congestion in an area that is even now (Kellogg and Creekstone roads) an extremely congested roadway. And we learn, a potential Hotel may be considered.

The drainage system would certainly be a potential problem, and the water, sewage and electrical could and would produce challenges for the current homes and residences in the existing areas.

Traffic would be one of my primary concern, but these other factors would surely impact the peace and tranquillity of the existing 200+ homes and thousands of residents.

Your current Law Enforcement officers and staff would certainly feel the negative impact of a thousand more residences and several thousand more citizens both in calls and handling the traffic congestion this plan could easily initiate.

It does appear to us, citizens in your community, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110 (7) & (8) and should be, in our opinion, denied.

Thank you for considering these concerns and for serving the citizens of the City Of Kennewick.

Robert & Karen Langendorfer

5717 W23rd, Kennewick, Wa 99338

tenbearsrunning@gmail.com

Retired L.E.O.

From: [Keith and Annette Freier](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill McKay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#); info@panoramicheightshoa.com
Subject: Oppose Comprehensive Plan Amendment 20-06
Date: Monday, April 12, 2021 8:27:33 AM

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We are **opposed** to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from “Low Density Residential” to “High Density Residential” development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

We live at 2893 South Kellogg Street in the Southridge area. We will be most impacted by high density residential development. High density residential development allows up to 27 multi-family housing units per acre. These could be apartments, condominiums, town houses, row houses or similar types of housing. Up to 1,100 of these types of housing units could be packed into these 40.6 acres of steep terrain, with slopes over 40 percent, and no current vehicle access to most of the site.

Specifically, we oppose this proposed amendment for the following reasons:

- *This will drastically impact traffic flows on residential streets jeopardizing the safety of our children*
- *The streets and easements into this area are already limited and traffic is already a problem*

Please thoroughly address these serious concerns and potential impacts before amending the Comprehensive Plan.

In summary, we believe that this proposed amendment does not meet your approval criteria that it “bears a substantial relationship to the public health, safety, welfare, and protection of the environment.” Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,

Keith & Annette Freier
2893 South Kellogg Street
Kennewick, WA 99338
[*freierfamily@msn.com*](mailto:freierfamily@msn.com)

From: [Larry Hulstrom](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [Bill McKay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#)
Subject: RE: Opposed to Proposed Comprehensive Plan Amendment 20-06
Date: Monday, April 12, 2021 8:48:23 AM

Now that the public hearing has finally been set on this subject this is just a reminder that we are still opposed to this proposed amendment for the same reasons as previously stated. In fact, with all of the development going on along Hildebrand Blvd and the south side of Thompson Hill I fail to see why there should be any development of the proposed area at all. There are plenty of spaces between Thompson Hill and the highway for future development. What ever happened to preserving open spaces for the enjoyment of future generations? Why should a developer be allowed to be greedy and squeeze more homes, apartments, or hotels, into an area that should be left alone?

Please vote no on CPA 20-06. It really is the best thing to do for our area.

Sincerely,

Larry Hulstrom
 Resident of Panoramic Heights

From: Larry Hulstrom [mailto:rockhound132@charter.net]
Sent: Tuesday, October 13, 2020 10:49 AM
To: 'Don.Britain@ci.kennewick.wa.us' <Don.Britain@ci.kennewick.wa.us>;
 'steve.lee@ci.kennewick.wa.us' <steve.lee@ci.kennewick.wa.us>;
 'brad.beauchamp@ci.kennewick.wa.us' <brad.beauchamp@ci.kennewick.wa.us>;
 'jim.millbauer@ci.kennewick.wa.us' <jim.millbauer@ci.kennewick.wa.us>;
 'Chuck.Torelli@ci.kennewick.wa.us' <Chuck.Torelli@ci.kennewick.wa.us>;
 'Chuck.Torelli@ci.kennewick.wa.us' <Chuck.Torelli@ci.kennewick.wa.us>;
 'Bill.McKay@ci.kennewick.wa.us' <Bill.McKay@ci.kennewick.wa.us>;
 'Melinda.didier@ci.kennewick.wa.us' <Melinda.didier@ci.kennewick.wa.us>; 'Steve Donovan'
 <Steve.Donovan@ci.kennewick.wa.us>; 'clerkinfo@ci.kennewick.wa.us'
 <clerkinfo@ci.kennewick.wa.us>
Subject: Opposed to Proposed Comprehensive Plan Amendment 20-06

All –

My wife and I are responding with comments on the proposed Comprehensive Plan Amendment 20-06 and are in opposition to this change. The negative impacts to the Panoramic Heights neighborhood are numerous and are addressed in my attached letter. Please forward this letter to city planning commissioners as well.

Larry and Kay Hulstrom
 5409 W. 26th Ave.

From: [Bill Dixon](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill McKay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#); info@panoramicheightshoa.com; [Gregory McCormick](#); [Anthony Muai](#)
Subject: CPA 20-06: Panoramic Heights Letter Opposing High Density Residential Land Use on Thompson Hill
Date: Monday, April 12, 2021 9:20:28 AM
Attachments: [PHHA Letter Opposing CPA 20-06.pdf](#)
[Summary of PHHA Concerns.pdf](#)

Dear City Council Members, Planning Commission Members, and City Staff:

On behalf of the 159 members of the Panoramic Heights Homeowners Association (PHHA), attached is a letter opposing Comprehensive Plan Amendment 20-06. Also attached is a summary of PHHA concerns.

CPA 20-06 requests your approval to change the land use designation of 40.6 acres of steep land near the top of Thompson Hill from "Low Density Residential" to High Density Residential". This change would allow up to 1,096 multi-family housing units to be built along the north and south sides of this iconic and prominent geologic feature.

After nine months of study by a team of over 20 members and active participation in every step of the City's process, PHHA concludes that the proposal does not meet many of the City's "Approval Criteria and Additional Factors" in Kennewick Municipal Code 4.12.110(7) and (8). Therefore the Planning Commission should recommend this proposed change to the Comprehensive Plan not be adopted. Then, the City Council should deny it.

Your decisions on this critical issue could have broad and lasting impacts on the Southridge area, surrounding neighborhoods, and more than a thousand nearby homeowners and future homeowners.

As previously requested in our letter of October 21, 2020, PHHA requests 15 minutes at the public hearing on April 19 to present our analysis, findings and conclusions to the Planning Commission.

Please contact me if you need any further information.

Bill Dixon, Team Leader
Panoramic Heights Homeowners Association
509.531.5913
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Panoramic Heights Homeowners Association
www.panoramicheightshoa.com

April 12, 2021

Dear Kennewick City Council and Planning Commission Members:

Re: Proposed Comprehensive Plan Amendment 20-06

The Panoramic Heights Homeowners Association (PHHA), on behalf of its 159 families, opposes the proposed Comprehensive Plan Amendment 20-06. It would change the Land Use Designation from Low Density Residential to High Density Residential development for 40.6 acres along the top of Thompson Hill. This property borders the west end of Panoramic Heights.

This land use change could result in up to 1,096 multi-family housing units, such as apartments or condominiums, across the north and south upper slopes of Thompson Hill (see Figure 1). High Density Residential land use designation could also open this site to day care centers, group living, mini storage, motels, nursing homes and congregate care facilities, rooming houses and boarding houses.

None of this seems appropriate for a site on steep to extremely steep slopes (greater than 40%) with only one vehicle access route, no public transportation, and no nearby commercial facilities or services. All of the surrounding neighborhoods and properties are Low Density Residential.

High Density Residential development would be incompatible with and harm the surrounding and nearby Low Density Residential neighborhoods; including Panoramic Heights, Southridge Estates, Southcliffe, Creekstone, Apple Valley, Windsong, W. 21st Ave./20th Place, and the proposed Citadel Estates.

Our other major concerns include:

- dramatic increases in traffic (up to 6,500 vehicle trips per day);
- inadequate vehicle access to the site;
- building on Critical Area steep slopes with erosion, runoff and potential landslide hazards (See Figure 2);
- light and noise pollution;
- impacts on views from surrounding properties;
- loss of Critical Area wildlife habitat; and
- destroying the scenic views from around the Tri-Cities of Thompson Hill; an iconic feature at the northern edge of the Horse Heaven Hills.

After nine months of study and active participation in every step of the City's process PHHA concludes that this proposal does not meet many of the City's Approval Criteria and Additional Factors in Kennewick Municipal Code 4.12.110(7) and (8). PHHA has provided four prior letters containing 60 pages of comments throughout the City's various process steps. Attached is a summary of our comments and concerns.

Widespread opposition to this land use designation change has been expressed in an open, online public survey conducted by PHHA since October 2020. 98.6 % of over 200 respondents in the surrounding and nearby neighborhoods oppose the proposed High Density Residential land use designation. These are residents in Panoramic Heights, Southridge Estates, Southcliffe, Apple Valley, Creekstone, Windsong, Sagecrest, W. 21st Avenue/20th Place, and several others.

PHHA accepts that portions of this property (on slopes less than 25%) could be developed with Low Density Residential houses. Such reasonable development has been done on portions of Thompson Hill since the 1970's and is accelerating to meet Kennewick's growing housing needs.

But changing the land use designation to High Density Residential would increase the allowable housing density on the steepest part of Thompson Hill by a factor of 6 or 7, with corresponding increases in the impacts of that development. This makes no sense, is incompatible with existing and developing neighborhoods surrounding the site, and will create numerous problems for its neighbors and the entire Southridge area.

We understand and support the need for more High Density Residential developments to meet future housing needs in Kennewick. However, we believe that this site is the worst possible location in the Southridge area for such development.

We are asking the Kennewick Planning Commission to recommend this proposal not be adopted, and that our City Council deny this application.

(authorized by)

Gerald Berges

President, Panoramic Heights Homeowners Association

Copy to City Staff:

Steve Donovan Melinda Didier Greg McCormick Terri Wright

Attachment: Summary of PHHA Concerns About CPA 20-06

Figures:

1. Artist Rendering on High Density Development on Thompson Hill
2. Examples of Steep Slopes on the Proposed Site

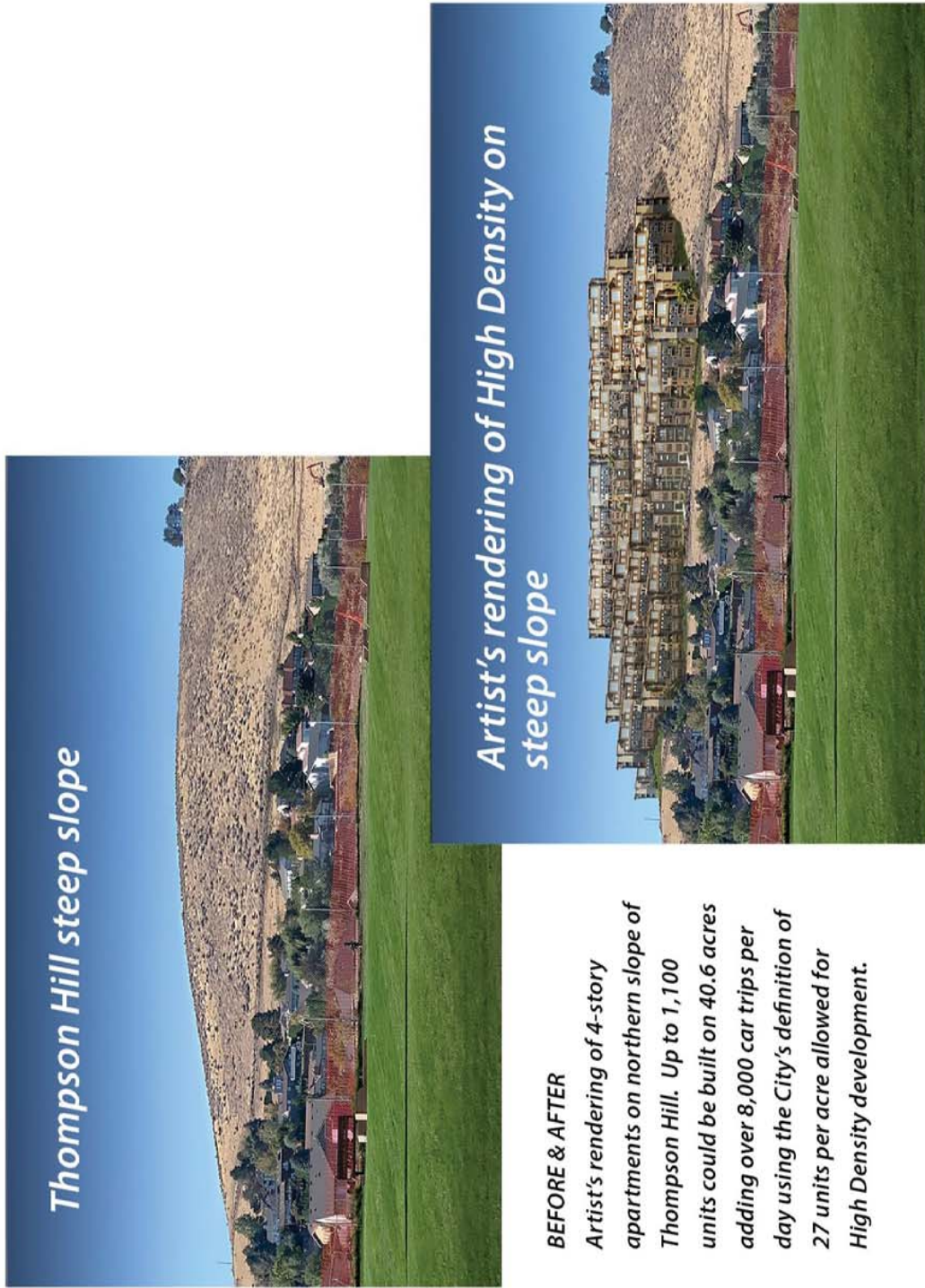


Figure 1. Artist rendering of High Density Development on Thompson Hill



Figure 2. Examples of Steep Slopes on the Proposed Site

**PANORAMIC HEIGHTS HOMEOWNERS ASSOCIATION
SUMMARY OF CONCERNS ABOUT
COMPREHENSIVE PLAN AMENDMENT CPA 20-06
April 12, 2021**

This document summarizes the major concerns of the Panoramic Heights Homeowners Association (PHHA) with the proposed Comprehensive Plan Amendment (CPA) 20-06. PHHA became aware of CPA 20-06 in July 2020, when public notice was given by the City. Over the past nine months, PHHA has studied the proposal in great detail and has been involved actively in all aspects of the City's process.

PHHA has previously submitted extensive, detailed comments on CPA 20-06 via:

- “Appeal of Environmental Determination on Non-Significance”, with attached “Excerpts from SEPA Checklist with PHHA Comments”, August 19, 2020 (28 pages)
- Letter with “Comments on Environmental Impact Statement Scoping”, with attached “PHHA Comments on EIS Alternatives, Mitigation Measures, and Probable Significant Environmental Impacts”, October 20, 2020 (6 pages)
- Letter of Opposition, with attached “Reasons to Deny CPA 20-06” and Figures, October 21, 2020 (21 pages)
- Letter with comments on “Withdrawal Notice—Declaration of Significance and Issuance of Mitigated Determination of Non-Significance”, February 18, 2021 (5 pages).

On February 26, 2021, City Staff is a “Revised Mitigated Determination of Non-Significance” that included nine Mitigation Conditions intended to reduce some of the more severe environmental impacts. While PHHA agrees with those Mitigation Conditions, they do not address the fundamental issue—the proposed site is inappropriate and unacceptable for High Density Residential development.

We will summarize our findings and conclusions in several pages. We will address these findings and conclusions per the related sections of the City's Approval Criteria and Additional Factors in KMC 4.12.110 (7) and (8), which are shown in **bold font**.

The City must also consider the following factors prior to approving Comprehensive Plan Amendments:

The effect upon the physical environment.

This part of Thompson Hill has some of the last, undeveloped shrub steppe environment in Kennewick, and is mapped as a Critical Area for wildlife habitat per KMC 18.63. There is extensive and varied wildlife on Thompson Hill. Documented animals include Hawks, Quail, Chukar, American Robin, Black-billed Magpie, Western Meadowlark, Song Sparrow, American Crow, Ring-necked Pheasants and Coyotes. Other animals observed by Panoramic Heights residents on or near the site include rabbits, rattlesnakes, ground squirrels, pocket gophers, killdeer, falcons, horned owls and burrowing owls (a candidate for listing as State Endangered, Threatened or Sensitive species).

These flora and fauna would be destroyed by High Density Residential development.

The Confederated Tribes of the Umatilla Indian Reservation have identified the site is within a known area of religious and cultural significance, and there is a likelihood that cultural resources may be encountered. A possible petroglyph may exist on the site and an archeological site was recently recorded less than a half mile from the site. Also, the Yakima Nation stated that being a prominent landform, developing the site has a high probability for encountering cultural resources. The Department of Archaeology and Historic Preservation also noted that prehistoric artifacts have been found in the Thompson Hill vicinity in the past, suggesting that archaeological sites may be present.

High Density Residential development, with up to 27 multi-family housing units per acre would destroy the existing physical environment.

The effect on open space and natural features including...topography.

The top of Thompson Hill is some of the last highly visible open space in the Southridge area. It is also an historic landmark for Kennewick that is visible in all directions for tens of miles. High Density Residential development would destroy that aesthetically pleasing image forever. Instead, Thompson Hill could look like the artist rendering in Figure 1 “Artist rendering of High Density Development on Thompson Hill” .

The entire site is mapped as Critical Areas for Geologic Hazards: “Steep Slopes”, “Extreme Steep Slopes” and/or “Erosion Hazards”. At least 6.1 acres of the site is on extremely steep slopes (40% or greater), which are considerable unbuildable per KMC 18.62.090(2).

In 2009, this Applicant proposed CPA 09-01 to change the land use designation for 20.25 acres of the current subject land from Open Space to Low Density Residential and Commercial use. The City found:

“Earth: Potential for earth slides on the north side of Thompson Hill. Potential for Erosion on any of the steep slope areas during periods of heavy rain or when disturbed during construction.”

“This area is also subject to erosion per the adopted critical area map. The Environmental Impact Statement for the Southridge sub-area also indicates several potential impacts in terms of earth slides and the potential for siltation, especially on the North side of Thompson Hill. The EIS indicates potential for Erosion on any of the steep slope areas during periods of heavy rain or when disturbed during construction.” (Staff Report on CPA 09-01, November 16, 2009)

The Critical Areas Report for Citadel Estates concluded in part:

“Based on the analysis discussed above, the entire site, in native condition, is stable unless considerable water is introduced to the soil column...The surficial silt and fine sand layer is highly erodible and subject to erosion. The existing vegetation currently protects the soil, and mitigation measures will be required during construction.” (Critical Areas Report for Citadel Estates, Michael Black, Columbia Engineers and Constructors, July 1, 2009).

Note that this Critical Areas Report did not cover the steeper slopes towards the top of the North side, nor the south side of Thompson Hill. Nor did it address all the Critical Area Report requirements in KMC 18.62.060 and 070.

In 2010, this Applicant proposed to develop Citadel Estates that included about 26.2 acres of the currently proposed subject land. The Hearing Examiner's Findings, Conclusions and Decision, dated March 19, 2011 discussed several environmental impacts that are still germane to the undeveloped lots 37 and 38 included in the current proposal. These included:

"Finding 17: The (Critical Areas) report concluded that site slopes met the CAO's (Critical Areas Ordinance) definitions of erosion, landslide and seismic hazard areas and that stormwater management would be crucial for any development."

"Finding 18: Portions of Lots 37 and 38 with slopes of 40 percent or greater are unbuildable without further review."

Nonetheless, the Applicants have requested "High Density Residential" land use designation for all 40.6 acres, including the land discussed above.

The Applicants acknowledge:

"Portions of Lot 37 have been identified as critical areas...A portion of Lot 37 of Citadel Estates includes slopes exceeding 40%...This area totaled 6.1 acres within lot 37."

But, they fail to address geologically hazardous areas on the rest of the site.

Figure 2 shows "Examples of Steep Slopes on the Proposed Site."

This makes no sense. Extreme Slope Hazard Areas pose "Known or suspected risk areas with slopes greater than 40%" and "have severe erosion potential and a high probability of slope failure and landslide occurrence" (KMC 18.62.020 and 030). Further "Activities on sites containing extreme slope hazards shall be considered unbuildable. This includes... construction of buildings...and roads." (KMC 18.62.090(2)).

The portions of the site in Geologically Hazardous areas, especially Extreme Steep Slopes should not be considered for High Density Residential Development. Most native vegetation would be removed. There would be large areas of impervious (hard) surfaces, irrigation water, and the potential for waterline breaks. These factors would greatly increase the hazards of soil erosion, water runoff, landslides, and potential flooding if the irrigation canal along Creekstone Drive is overwhelmed, blocked or broken.

The compatibility with and impact on adjacent land uses and surrounding neighborhoods.

The proposed land use designation of "High Density Residential" with the associated zone district of "Residential High Density (RH)" is incompatible with surrounding neighborhoods. All of the neighborhoods surrounding the site are designated "Low Density Residential". These neighborhoods

include Panoramic Heights, Creekstone, Southridge Estates, Southcliffe and the future Citadel Estates. According to KMC 18.03.030(4) RH is supposed to be “A transitional use between commercial and low and medium residential uses.” This is not the case.

RH allows Multi-family Residences, including townhouses, duplexes, multiplexes, condominiums, apartment houses, boarding houses, and lodging houses. The maximum density is 27 units per acre, with a minimum lot size as low as 1,600 square feet. They could be up to 45 feet high (up to 4 stories high).

The current land use designation is “Low Density Residential” allowing about 4 to 5 single-family homes per acre. Most of the land is zoned as “Residential Suburban (RS)” with a minimum lot size of 10,500 square feet. A small portion is zoned “Residential-Low Density (RL)” with a minimum lot size of 7,500 square feet. Height is limited to 35 feet.

In the surrounding neighborhoods, all of houses are or will be single-family homes on medium to large lots, and generally two-stories high.

Due to the large number of housing units, density, building height and elevation; High Density Residential development near and along the top of Thompson Hill would create light pollution in surrounding neighborhoods. This would be worsen if a possible hotel was added. The requirements in KMC 18.39 may not be adequate to eliminate this nuisance.

For the same reasons, noise pollution would be a problem for homes downhill from the site. There were many noise complaints by surrounding neighbors when there was just one commercial operation (wine tasting) at the top of the Hill.

An experienced local realtor has informed PHHA that High Density Residential development and its associated traffic would have negative impacts on property values, reduce the prestige of the neighborhood, and impact the views from homes. Further, the realtor said that dwindling natural areas, traffic congestion, reduced walkability, noise and air pollution are all valid concerns about the impacts of CPA 20-06.

The adequacy of, and impact on community facilities, including...utilities, roads, public transportation...

The Application states:

“It is uncertain whether redesignation of authorized land uses will result in an increased demand for transportation, public services or utilities...Any increase in transportation, public service or utility demand would be insignificant and all facilities are available with adequate capacity for service to the property.”

This is not true.

The only current road accessing the site is a small, short private road to the homes on the top of Thompson Hill. The only Collector Road adjacent to the site is S. Sherman Street down to Hildenbrand Blvd. High Density Residential development (including a possible hotel) could add up to 6,464 Average Daily Trips, with up to 518 PM Peak Hour Trips and up to 423 AM Peak Hour Trips. This amount of traffic would have significant impact on the affected streets, intersections and the Southridge area.

For perspective, the “Southridge Area Master Plan Traffic Impact Analysis” estimated the traffic from all developments on Thompson Hill would be between 3,350 and 3,914 Average Daily Trips. Therefore, the traffic from this single High Density Residential development would be about twice the traffic planned from all developments on Thompson Hill.

Currently, the only other streets adjacent or near to the site are 26th and 28th Avenues. These are Local Streets with limited capacity (less than 1,500 vehicle trips per day) and already experience a significant amount of traffic, including cut-through traffic from schools and other sources. For example, several segments on 26th Avenue and Irving Street in Panoramic Heights, and on Kellogg Street and 28th Avenues in Southridge Estates are at or near the Local Street threshold for normal high traffic of 1,500 vehicles per day (KMC 13.04.010(4)).

These are really large impacts. Based on Kennewick Administrative Code 13-08, for impacts of this magnitude, the developer should be required to perform a Traffic Impact Study that evaluates impacts at all major phases of the proposal, and then 5 years and 10 years from completion of the project.

These impacts could cause failing Level of Service (LOS) standards and queuing problems at numerous intersections. The City would be forced to deal with these resulting widespread traffic problems if CPA 20-06 is approved.

Clearly, High Density Residential development on Thompson Hill would require new Collector Roads outside existing neighborhoods.

The Washington State Department of Transportation expressed several concerns about impacts of new developments on nearby highways and intersections in its letter dated July 21, 2020:

“An extension of 28th Avenue to serve the site would provide a direct connection to 27th Avenue. The US 395/27th Avenue intersection has already exceeded its capacity at peak times.”

“The Southridge area has seen significant development recently and traffic is increasing with congestion in certain locations.”

“We are concerned with the cumulative impact to our system.”

“The developments will need to mitigate their traffic impacts.”

“Of particular concern to the department are the effects developments have on the multimodal capacity, retention and treatment of stormwater, outdoor light, noise sensitivity and signage. This information is normally obtained by a Traffic Impact Analysis (TIA) performed by the developer.

The City and developer should consider Transportation Demand Management (TDM) measures to reduce traffic impacts.”

Also, according to Ben Franklin Transit, access to public transportation is more than a mile away from the proposed site. They said it is unlikely that public transit would be provided for direct service within this High Density Residential development due to steep slopes and narrow roads, including those between their current routes and the proposed development. This factor will further increase private vehicle traffic to and from the proposed site.

Note that neither the developer nor the City has done any detailed analysis of roads needed or traffic impacts. Because of the potential large impacts from High Density Residential development on Thompson Hill, the City should not approve this change in land use designation before requiring them to show the true impacts of the change, identify mitigation measures, and demonstrate transportation concurrency.

The Application does not even acknowledge the presence of the known large, high pressure natural gas transmission pipeline all along the eastern side of the property. The Municipal Research and Services Center (MRSC) of Washington issued a document in 2006 entitled “Land Use Planning In Proximity to Natural Gas and Hazardous Liquid Transmission Pipelines in Washington State” states that developers and planners need to consider how topography plays into the accident scenarios. MRSC recommends that zoning of areas near pipelines should favor lower density developments such as single family housing to reduce the damage from accidents.

The existing infrastructure and services are inadequate to support High Density Residential development, and would be impacted greatly.

The current and projected project density in the area.

The current population density in the surrounding neighborhoods is about 4 to 5 families per acre. CPA 20-06 would increase the population density up to 27 multi-family housing units per acre, or about 5 to 7 times denser than in surrounding neighborhoods. There could be as many as 1,096 multi-family housing units if the entire 40.6 acres is developed as High Density Residential.

If the 40.6 acres remains designated Low Density Residential with 33.7 acres zoned Residential Suburban and 6.1 acres zoned Residential Low, there could be up to 180 single family homes developed. That would be about 4.4 homes per acre, consistent with surrounding neighborhoods.

The effect, if any upon other aspects of the Comprehensive Plan.

The site contains extensive Geologically Hazardous Areas: Most of the site is on slopes greater than 15%, and 6.1 acres is on extreme slopes greater than 40%.

The Comprehensive Plan notes that Geologically Hazardous Areas includes Erosion hazards on slopes greater than 15%; Extreme Slope hazards on slopes greater than 25%; and Landslide hazards for a

combination of geologic, topographic, and hydrologic factors such as bedrock, soil slopes, structures or hydrology. The Plan says “Proposed development should avoid impacting critical areas” and that “Mitigation sequencing is listed in the order of preference: 1. Avoiding the impact by not taking a certain action;...” (page 34).

Critical Area Goals and Policies include:

Goal 1: “Protect the public and personal property from effects of landslides, steep slope failure, erosion and flooding.”

Goal 2: “Protect the unique environmental elements of critical areas.”

Goal 3: “Regulate or mitigate activities in or adjacent to critical areas...to avoid adverse environmental impacts.” (pages 39 and 40).

Further, the Southridge Master Plan establishes a policy that the City “should prohibit housing on slopes in excess of 25% (section 2.2.4, Goal 1.H). It is estimated that about 1/4 of this site may have slopes greater than 25%. Proposing housing on all 40.6 acres is inconsistent with this policy.

Allowing High Density Residential Development on a site with extensive Erosion hazards, some Extreme Slope hazards, and perhaps Landslide hazards would be inconsistent with the Comprehensive Plan.

The Comprehensive Plan’s Residential Goals and Policies include:

Goal 1, Policy 2: “Require that multi-family structures be located near a collector street with transit, or near an arterial street, or near a neighborhood center.”

Goal 2, Policy 3: “Deny residential development if concurrency is not met for transportation, water, and sewer, or appropriately condition.”

Goal 3, Policy 2: “Residential Low Density: Place on lands constrained by sensitive areas...”.

Goal 3, Policy 4: “Residential High Density: “Designate land for Residential High Density (HD) where access, topography, and adjacent land uses create conditions appropriate for a variety of unit types, or where there is existing multi-family development.” (pages 45 and 46)

Therefore, High Density Residential development that would be allowed by CPA 20-06 is incompatible with the Comprehensive Plan. All of the surrounding neighborhoods and most of the undeveloped land are Low Density Residential. There would be inadequate transportation access, and building the required transportation system would not meet concurrency requirements. Retaining the current Low Density Residential land use designation is appropriate for sensitive areas. The access, topography and adjacent land uses are not compatible with High Density Residential development. Nor, is there existing multi-family development around the site.

Factors the City Must Consider Prior to Approval: Based on the above analyses, it is clear that CPA 20-06 would affect, have impact upon, or is not consistent with many of the factors that the City must consider prior to approving Comprehensive Plan Amendments.

The City may approve Comprehensive Plan Amendments and area-wide zone map amendments if it finds that:

a. The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment.

As discussed above, High Density Residential development on this portion of Thompson Hill would pose risks to public health and safety due to steep slopes with erosion, stormwater runoff and landslide hazards; inadequate access roads; traffic safety issues due to overloaded roads and intersections; and in the event of a pipeline rupture.

Public welfare would be impacted by a placing an island of high density development in the middle of low density neighborhoods which would impact quality of life and livability, cause light and noise pollution, obstruct views and reduce property values.

The rich shrub steppe environment would be impacted by lost of most vegetation which is wildlife native habitat for the many, varied animals that live along the top of Thompson Hill. Further, the scenic views from around the Tri-Cities of Thompson Hill, an iconic feature at the northern edge of the Horse Heaven Hills, would be lost forever.

b. The proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted Comprehensive Plan not affected by the amendment.

As discussed above, this proposed amendment is inconsistent with the City's Comprehensive Plan, including the Southridge Area Master Plan. It would expose the public to new hazards from erosion, stormwater runoff and landslides due to High Density Residential development in Critical Areas for Geological Hazards. Nor is the proposal consistent with mitigation sequencing priorities which start with "avoiding the impact by not taking certain action."

This proposed amendment is not consistent with several Residential Goals and Policies:

- "Require that multi-family structures be located near a collector street with transit, or near an arterial street, or near a neighborhood center."
- "Deny residential development if concurrency is not met for transportation, water, and sewer, or appropriately condition."
- "Residential Low Density: Place on lands constrained by sensitive areas..."
- "Residential High Density: "Designate land for Residential High Density (HD) where access, topography, and adjacent land uses create conditions appropriate for a variety of unit types, or where there is existing multi-family development."

Further, the proposed amendment includes a substantial portion of land on slopes greater than 25% where housing should be prohibited, and over 40% slopes that are considered unbuildable.

Conclusions: Based on the above discussion, PHHA does not believe that the City can make these findings needed for approval.

High Density Residential development on Thompson Hill poses significant safety risks due to the steep slopes and runoff from large areas of impervious surfaces, increases transportation impacts, threatens property values, and poses several probable significant environmental impacts. Further, High Density Residential development on a hilltop mostly surrounded by Low Density neighborhoods is inconsistent with the City's adopted Comprehensive Plan.

In a report dated February 23, 2021, the City Staff concluded "The subject property is completely isolated from any other higher density/intensive land uses and will create an island of high density/intensity zoning in an area completely enveloped in one or more critical areas according to the City's critical areas information."

CPA 20-06 should be DENIED.

From: [Arvid or Debbie Larson](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill McKay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#); ["info@panoramicheightshoa.com"](#)
Subject: Proposed Comprehensive Plan Amendment 20-60
Date: Monday, April 12, 2021 10:53:21 AM

Dear Kennewick Planning Commission and City Council Members:

Re: Proposed Comprehensive Plan Amendment 20-06

We are opposed to the proposed Comprehensive Plan Amendment 20-06. This amendment would change the land use designation for 40.6 acres on Thompson Hill from "Low Density Residential" to "High Density Residential" development. We request that the Planning Commission recommend that this request be denied, and that the City Council deny this request.

In summary, we believe that this proposed amendment does not meet your approval criteria that it "bears a substantial relationship to the public health, safety, welfare, and protection of the environment." Nor have the following factors been considered thoroughly prior to approving this Comprehensive Plan Amendment:

- The effect upon the physical environment;
- The effect upon open space and natural features, including topography;
- The compatibility with and impact on adjacent land uses and neighborhoods;
- The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation and schools;
- The current and projected project density in the area; and
- The effect upon other aspects of the Comprehensive Plan.

Therefore, Comprehensive Plan Amendment 20-06 does not meet the requirements of Kennewick Municipal Code 4.12.110(7) and (8) and should be denied.

Thank you for considering these concerns and for serving the people of Kennewick.

Respectfully,
Arvid & Debbie Larson
email : debarv@charter.net

From: [Katharine Gardiner](#)
To: [Steve Donovan](#)
Subject: Regarding Project# CPA 20-06
Date: Monday, April 12, 2021 8:07:06 PM

We are strongly against the change of status on Project CPA 20-06 to high density residential housing. This change would result in harmful pollution to the area. Please vote Against this projects passing. No to high density housing!

- The Gardiner Family
6047 W 20th Ave

From: [Tim Fenske](#)
To: [Don Britain](#); [Steve Lee](#); [Brad Beauchamp](#); [Jim Millbauer](#); [Chuck Torelli](#); [John Trumbo](#); [Bill McKay](#); [Melinda Didier](#); [Steve Donovan](#); [Terri Wright](#); info@panoramicheightshoa.com
Subject: CPA 20-06
Date: Tuesday, April 13, 2021 10:21:18 AM

I am writing in opposition to the zoning change of Thompson Hill. I believe such zoning changes of this nature should enhance or provide benefits to the surrounding neighborhoods that it impacts. I would probably be all in if the zoning changes were to build a Hospice house, Alzheimer facility, veterans care unit. This zoning change benefits one, to increase the profits for the developer. I'm sure he has put pen to paper and has estimated his profit increase from low density to high density.

I have voiced my concerns before on the impact of traffic, schools and devaluation of our properties. But even a bigger concern is our government (local in this case) siding with special interest (developer) and ignoring their constituents who will be impacted by the zoning change. I believe the nays are a couple hundred and yea is one, the developer. I ask any member of the city to recuse themselves from any decision on this matter if you have a vested interest with the developer, such as a coffee buddy, previous business ventures or other possible gains from approving.

Thank you for your time,
Tim Fenske, SouthCliffe homeowner