

1. CALL TO ORDER:

- a. Roll Call/Pledge of Allegiance

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

- a. Approval of the Minutes dated February 7, 2022
- b. Approval of Agenda
- c. Motion to enter Staff Report(s) into Record

3. PUBLIC HEARING:

- a. Change of Zone (COZ) #2022-0007 proposing to change the zoning district for approximately 2.95 acres located at 18 W. 12th Place from Commercial, Community (CC) to Residential, High Density (RH). Applicant and owner is Thomas Wei, 2120 N. Road 44, Pasco, WA, 99301.
- b. Change of Zone (COZ) #2022-0008 proposing to change the zoning district for approximately 1.36 acres located at 5654 W. Canal Drive from Commercial, Office (CO) to Residential, High Density (RH). Applicant and owner is Khurshed Sharifov, 405 Heritage Hills Drive, Richland, WA 99352.
- c. Development Code Amendment (DCA) #2022-0000 proposing to amend the Kennewick Municipal Code (KMC) for boutique hotels in KMC Chapter 18.09 – Definitions, KMC Section 18.12.010 B.1 – Table of Non-Residential Uses, and add a new footnote in KMC 18.12.010 B.1 – Table of Non-Residential Uses. Applicant is Jose Chavallo, 5927 W. Quinault Ave., Kennewick, WA 99336.

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

- a. City Council Action Updates

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

KENNEWICK PLANNING COMMISSION
February 7, 2022
VIRTUAL MEETING MINUTES

CALL TO ORDER

Chairman Morris called the meeting to order at 6:30 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. Please activate your mute button at the bottom of your computer screen when not speaking”.

Community Planning Director Anthony Muai called the roll and found the following logged into the Webinar:

Present: Chairman Morris, Vice Chairman Stolle, Commissioners Griffith, Moore, and Helgeson

Excused: Commissioners Hempstead and Short

Unexcused: None

Staff Present: Anthony Muai, AICP Community Planning Director; Steve Donovan, AICP Senior Planner; Matt Halitsky, AICP Planner; Chris Bowman, Assistant Planner.

Chairman Morris made the following statement:

“Next item is the Approval of the Consent Agenda. All matters listed within the Consent Agenda have been distributed to each member of the Kennewick Planning Commission for reading and study, are considered to be routine, and will be enacted by one motion of the Planning Commission with no separate discussion.”

Chairman Morris revised item b. of the Consent Agenda to read “Approval of **December 6, 2021** Minutes.”

Commissioner Griffith moved to approve the Consent Agenda as amended; Commissioner Stolle seconded the motion. The motion passed unanimously on a roll call vote.

CONSENT AGENDA

- a. Approval of Agenda

- b. Approval of December 6, 2021 Minutes
- c. Motion to enter Staff Reports into the Record

PUBLIC HEARINGS

Chairman Morris opened the virtual public hearing at 6:40 p.m. for Change of Zone (COZ) #2021-0004 proposing to change the zoning district for approximately 0.69 acres located at 1831 W. 19th Avenue from Residential, Low Density (RL) to Residential, Medium Density (RM). Applicant and owner is Jeffrey Robbins, 290 Moore Road, Pasco, WA 99301.

Mr. Halitsky gave a brief overview of the staff report, and shared a Power Point presentation of the staff report.

Planning Commission questions:

None

Testimony of Applicant/Applicant's Representative:

Jeffrey Robbins
290 Moore Road
Pasco WA

Goals are pretty simple; long-term goal is tri-plex in rear, remove and replace double-wide and gain rental income, provide inheritance for family.

Testimony in Favor of the Request:

None

Testimony Neutral/Against the Request:

None

Staff Comments:

None

Public Testimony for COZ 2021-0004 closed at 6:47 p.m.

Chairman Morris asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report COZ 2021-0004 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Griffith seconded the motion.

Planning Commission Discussion:

None

The motion passed on a unanimous roll call vote.

Chairman Morris opened the virtual public hearing at 6:52 p.m. for Change of Zone (COZ) #2021-0005 proposing to change the zoning district for approximately 13.56 acres located at 10611 W. Clearwater Avenue from Business Park (BP) to Commercial, Community (CC). Applicant is Paul Knutzen, Knutzen Engineering, 5401 Ridgeline Dr. #160, Kennewick, WA 99338 and owner is Calvary Chapel of Tri-Cities, 10611 W. Clearwater Avenue, Kennewick, WA 99336.

Mr. Bowman gave a brief overview of the staff report, and mentioned sending out an amended staff report for a map showing additional area that should have been included in the zone change; he said the amended portion did not affect the staff recommendation for the zone change, and all parties received the amended copy. Mr. Bowman shared a Power Point presentation of the staff report.

Planning Commission questions:

Commissioner Griffith said the agenda references 13.56 acres for this proposal, while staff indicates 15.01 acres. Mr. Bowman apologized, said he had neglected to revise the staff report for the additional amended portion as noted (15.01 acres total for COZ). Questions about a current intersection near the proposal that possibly will be closed; will the intersection closure impact traffic flow to/from the existing church; is the zone change proposal at the property where the church is located now; is 10th Avenue being proposed for improvements in the future; will access from the church be able to access 10th from the parcel added to the zone change.

Testimony of Applicant/Applicant's Representative:

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

Biggest reason for the zone change is the current zone is incompatible for what the church wants to do; another large church expansion project is forthcoming.

Testimony in Favor of the Request:

None

Testimony Neutral/Against the Request:

None

Staff Comments:

None

Public Testimony for COZ 2021-0005 closed at 7:06 p.m.

Chairman Morris asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report COZ 2021-0005 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

Planning Commission Discussion:

None

The motion passed on a unanimous roll call vote.

Chairman Morris opened the virtual public hearing at 7:08 p.m. for Change of Zone (COZ) #2021-0006 proposing to change the zoning district for approximately 1.09 acres located at 1201, 1213, 1221 N. Irving Place from Community, Office (CO) to Residential, Low density (RL). Applicant and owner is Brett Lott, 7513 W. Kennewick Avenue, Kennewick, WA 99336.

Mr. Donovan gave a brief overview of the staff report, shared a Power Point presentation of the staff report.

Planning Commission questions:

Does the short plat mentioned have to be completed prior to proposed development.

Testimony of Applicant/Applicant's Representative:

Brett Lott
7513 W. Kennewick Avenue
Kennewick, WA 99336

Will be submitting a short plat prior to proposed development, which is to create residential zoned lots for development; homes going in will be 2,000-2,500 square foot

homes; the commercial property on Canal Drive will have our business office; we believe the residences will fit in well and complement the area for this property that has been vacant for a long time.

Testimony in Favor of the Request:

None

Testimony Neutral/Against the Request:

None

Staff Comments:

None

Public Testimony for COZ 2021-0006 closed at 7:16 p.m.

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report COZ 2021-0006 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Stolle seconded the motion.

Planning Commission Discussion:

None

The motion passed on a unanimous roll call vote.

VISITORS NOT ON AGENDA:

None

OLD BUSINESS:

None

NEW BUSINESS:

None

REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:

City Council Action Items – Change of Zone 21-13 was taken to City Council and approved.

Commissioner Moore asked about the State proclamation for meeting in public, and when will the Planning Commission be holding public hearings in person at City Hall. Mr. Muai said it was his understanding that the proclamation has been extended; the City Council has been meeting in person at City Hall, with significant technology upgrades to make that happen. One of the issues with the Planning Commission meeting there is that Planning Commission support staff – in order to meet in person we are required to have a hybrid meeting where people can attend virtually as well as in person. Mr. Muai will try to have more information prior to the next Planning Commission meeting. Mr. Muai said he would check with the City Attorney for information on the correct proclamation to state during the meeting. Chairman Morris also stated his comments and preference for an in-person public Planning Commission meeting.

ADJOURNMENT:

The meeting adjourned at 7:20 p.m.



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO THE PLANNING COMMISSION

FILE NO: COZ-2022-0007

Staff Report Date: March 2, 2022

Hearing Date & Location: March 21, 2022, Virtual Hearing

Report Prepared By: Steve Donovan, AICP
Planning Manager

Report Reviewed By: Anthony Muai, AICP
Community Planning Director

Summary Recommendation: The City of Kennewick Planning Staff RECOMMENDS APPROVAL of Change of Zone 2022-0007.

Summary of Proposal: A Change of Zone from Commercial, Community (CC) to Residential, High Density (RH) for 2.95 acres.

Proposal Location: 18 W 12th Place

Legal Description: See Exhibit 3

Property Owner: Thomas Wei
2120 N Road 44
Pasco, WA 99301

Applicant: Same As Above

Regulatory Controls:

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

COZ Key Application Processing Dates:

Pre-Application/Feasibility Meeting	N/A
Application Submittal	January 25, 2022
Determination of Completeness Issued	January 27, 2022
Notice of Application Posted	January 27, 2022

SEPA Threshold Determination Issued	July 7, 2021
Property Posting Sign for SEPA Determination	July 7, 2021
SEPA Appeal Period	July 21, 2021
Date of Mailed Notice of Public Hearing	March 3, 2022
Property Posting Sign for Public Hearing	March 3, 2022
Date of Published Notice of Public Hearing	March 6, 2022

Exhibits:

1. Staff Report
2. Application/Supplemental Information
3. Legal Description
4. Vicinity/Site Map
5. Comprehensive Plan Map
6. Zoning Map
7. Notice of Mailing
8. SEPA DNS
9. Kennewick Irrigation District Letter
10. Benton Public Utility District Email
11. Bonneville Power Administration Letter

Zoning adjacent to the site:

North: Public Facility (PF) and Commercial, Community (CC)

East: Residential Trailer Park (RTP) and Residential, Medium Density (RM)

South: Residential, Medium Density (RM) and Residential Manufactured Home (RMH)

West: Residential, Low Density (RL)

Applicable Goals and Policies of the Comprehensive Plan:**Residential Goals and Policies:**

Goal 1: Provide for attractive, walkable, and well-designed residential neighborhoods, with differing densities and compatible with neighboring areas.

Policy 3 Require that multi-family structures be located near a collector street with transit, or near an arterial street, or near a neighborhood center.

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

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.

Goal 4: Provide more housing opportunities near commercial, transit and employment.

Policy 1 Locate the highest density residential areas close to shops and services and transportation hubs.

Policy 2 Encourage residential development within commercial areas.

Kennewick Municipal Code Findings:

The following findings shall be met in order to approve a change of zone:

KMC 18.51.070(2): Findings:

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

- a. The proposed amendment conforms with the comprehensive plan; and
Staff Response: The proposed Change of Zone conforms to the comprehensive plan because the RH Zoning District is an implementing zoning district of the site's current High Density Residential Land Use Designation.
- b. Promotes the public necessity, convenience and general welfare; and
Staff Response: The proposed Change of Zone promotes public necessity, convenience and welfare by establishing a zoning district that is compatible with the surrounding properties.
- c. 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 proposed Change of Zone will not impose additional burdens on public facilities. Future development will be required to meet applicable levels of service.
- d. The proposed amendment is consistent with all applicable provisions of the Kennewick Municipal Code, including those adopted by reference from the Comprehensive Plan; and
Staff Response: The proposed amendment will establish a zoning district that complies with Comprehensive Plan. The RH Zone is an implementing zone of the site's High Density Residential Land Use Designation.
- e. 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 proposal.

Public Comments:

The public did not submit any comments.

Agency Comments:

The Kennewick Irrigation District states that the site is within the district's boundary, but it is not irrigable and permanent structures are not permitted within the district's easements, see Exhibit 9.

Staff received comments from the Benton Public Utility District stating that transmission lines run through the site, see Exhibit 10.

The Bonneville Power Administration commented that it will need to review/approve future development of the site to ensure proper operation of the existing electrical transmission lines, see Exhibit 11.

Staff Analysis of Proposal & Discussion:

The City annexed the site on November 15, 1949 via Ordinance 568. In 1985 and 1986 the site was rezoned to its current zoning district. The City approved the amendment to change the site's land use designation from Commercial to High Density Residential during the City's 2021 Comprehensive Plan Amendment Cycle.

The proposed Change of Zone (COZ-2022-0007) is a request to change the zoning district for 2.95-acres. Pursuant to Table 1 of the Comprehensive Plan, the RH Zoning District is an implementing zoning district of the High Density Residential Land Use Designation. RCW 36.70A, Growth Management Act, requires that a City's development regulations implement its comprehensive plan.

Per KMC 18.03.040 (4), the purpose of RH zoning district is as follows:

RH - The purpose of the RH District is to establish areas for multiple residential buildings and promote a suitable residential environment. The district is a transitional use between commercial, low and medium density residential uses.

Future development of the entire site will be limited to only the permitted uses of the RH Zoning District. Development will be subject to meeting applicable concurrency requirements, which include utility and street improvements.

The proposed findings meet the requirements of KMC 18.51.070(2).

Findings:

1. The applicant and property owner is Thomas Wei, 2120 N Road 44 Pasco, WA 99301.
2. The proposed change of zone is located at 18 W 12th Place. Parcel Number: 1-1289-103-0005-013.
3. The City's Comprehensive Plan Land Use Designation for the subject property is High Density Residential.
4. The City changed the land use designation for the site on October 5, 2021 as part of the 2021 Comprehensive Plan Amendment Cycle.
5. The request is to change the zoning from Commercial, Community to Residential, High Density.
6. The Residential, High Density Zoning District is an implementing zone of the High Density Residential Comprehensive Plan Land Use Map Designation.
7. The application was submitted on January 25, 2022.
8. The application was declared complete, routed for review to City Departments and outside agencies on January 27, 2022.
9. Access to the site is via 18 W 12th Place.
10. The Environmental Determination of Non-Significance, ED 21-18/PLN-2021-01504, was adopted on July 7, 2021.
11. The Property Posting sign for the public hearing was posted on site March 3, 2022.
12. Notice of the public hearing for this application was published in the Tri-City Herald on March 6, 2022. Notices were mailed to property owners within 300 feet of the site on March 3, 2022.

13. The proposed amendment conforms to the comprehensive plan.
14. The proposed amendment promotes the public necessity, convenience and general welfare.
15. 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.
16. The proposed amendment is consistent with all applicable provisions of the Kennewick Municipal Code, including those adopted by reference from the Comprehensive Plan.

Conclusions:

1. Approval will implement the Comprehensive Plan Land Use Designation of High Density Residential.
2. Approval will not result in an increase of adverse environmental impacts.
3. Approval will implement Residential Goals 1, 3 and 4 of the City of Kennewick Comprehensive Plan.
4. Approval will result in the promotion of public necessity, convenience and/or general welfare.
5. The proposed Change of Zone complies with KMC 18.51.070(2).

Recommendation:

Staff has reviewed the application and recommends that the Planning Commission concur with the findings and conclusions contained in staff report COZ-2022-0007 and recommend approval to City Council.

Motion:

I move that the Planning Commission concur with the findings and conclusions in staff report COZ-2022-0007 and recommend approval of the request to City Council.

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

Exhibit 2

PROJECT # _____ - _____ PLN- COZ-2022 _0007 FEE \$ 1,138.00

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

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

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

Short Plat ☐ Conditional Use ☐ Other Change of Zone

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

Applicant: Thomas Wei

Address: 2120 N Rd 44, Pasco, WA 99301

Telephone: 425-698-7705 Cell Phone: 425-698-7705 Fax: _____ E-mail: thomas.wei10@gmail.com

Property Owner (if other than applicant): _____

Address: _____

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

SITE INFORMATION

Parcel No. 112891030005013 Acres 2.9559 Zoning: CC

Address of property: 18 W 12th Pl, Kennewick, WA 99337

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

Present use of property Property not in use.

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

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

Benton County Assessor Market Improvement Value: TBD

Description of Project: A rezone of the subject property from commercial to high density residential to meet the current comp plan zoning.

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

Applicant's Signature

Signature of owner or owner's authorized representative

Date: 1/27/2022

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 improved by the adoption of this amendment. This amendment will provide much needed housing opportunities for current and future residents 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.

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

The proposed amendment is consistent with the existing land use pattern. There are existing high density residential developments in the vicinity.

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

Yes.

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

No. The subject property would be consistent with the general residential land use in the area.

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

The existing zoning for the subject property is not in compliance with the current comprehensive plan for land use.

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

The residential character in the area is not expected to change.

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 alter property values within the vicinity.

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:

Similar proposals to repurpose underdeveloped, low opportunity commercial lots for residential use may arise but are expected to benefit nearby commercial businesses. The proposed amendment would not deter the improvement or development of nearby properties. The introduction of high density residential is expected to benefit nearby commercial development by providing more potential consumers within walking distance.

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

A new residential development will likely attract businesses to invest in the area. The underdeveloped commercial lots in the area may benefit strongly from having increased affordable housing within walking distance.

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

The proposed amendment will introduce more affordable opportunities to the housing market. The amendment is intended to assist in alleviating the housing demand.

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

No.

Thomas Wei Change of Zone Application

Legal Description

SECTION 12, TOWNSHIP 8 NORTH, RANGE 29 EAST, QUARTER NE: DR. ELY'S COLONY NO. 1, BLOCK 4, LOT 3. TOGETHER WITH ADJOINING VACATED 11 TH AVE OF SAID LOT 3: 3/14/90 #90-4031. EXCEPT THE FOLLOWING DESCRIBED LEGAL DESCRIPTION: THE NORTH 30 FEET OF LOT 3, BLOCK FOUR, PLAT OF DR. ELY'S COLONY NO. 1 ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS PAGE 64, RECORDS OF BENTON COUNTY, WASHINGTON, TOGETHER WITH THE SOUTH 20 FEET OF VACATED WEST 11 AVENUE RIGHT OF WAY ADJOINING SAID LOT 3. (4/21/2000 AF#2000-009594) TOGETHER WITH DR. ELY'S COLONY NO. BLOCK 4, LOT 4 AND 5. TOGETHER WITH ADJOINING VACATED 11 TH AVE TO LOTS 4 AND 5. #90-4031 3/14/90. EXCEPT THAT PORTION LYING WITHIN THE FOLLOWING DESCRIBED LEGAL: THE NORTH 30 FEET OF LOTS 4 AND 5, BLOCK FOUR, PLAT OF DR. ELY'S COLONY NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS PAGE 64, RECORDS OF BENTON COUNTY, WASHINGTON, TOGETHER WITH THE SOUTH 20 FEET OF VACATED WEST 11TH AVENUE RIGHT OF WAY ADJOINING SAID LOTS 4 AND 5. (4/21/2000 AF#2000-009593) TOGETHER WITH ELYS SECOND ADDITION: BLOCK 5, LOT 4. TOGETHER WITH VACATED STREET RIGHT OF WAY.(DESC CHG ORD#3521 3/18/94 AF#94-9518) TOGETHER WITH LOTS 9, 10, AND 11, BLOCK 5, ELY'S SECOND ADDITION, LOTS 9, 10, AND 11 BLOCK 8, ELY'S SECOND ADDITION AND LOT 11, BLOCK 9, ELY'S SECOND ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 43, RECORDS OF BENTON COUNTY, WASHINGTON; TOGETHER WITH THOSE PORTIONS OF ADJOINING VACATED STREET RIGHT OF WAY WHICH INURES THERETO BY OPERATION OF LAW, (ORD-3521 AF#1994-009518) EXCEPT A PORTION OF LOT 9 OF SAID BLOCK DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 9; THENCE SOUTH 89° 28' 33" EAST, 46.66 FEET ALONG THE NORTH LINE OF SAID LOT 9 TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°28' 33" EAST, 3.33 FEET ALONG SAID NORTH LINE TO THE NORTHEAST CORNER OF SAID LOT 9; THENCE SOUTH 00° 38' 31" EAST, 72.59 FEET ALONG THE EAST LINE OF SAID LOT 9; THENCE SOUTH 89° 02' 56" WEST, 3.37 FEET; THENCE NORTH 00° 36' 46" WEST, 72.67 FEET TO THE TRUE POINT OF BEGINNING. (DESCRIPTION CHANGE PER AF#2015-021592, 7/23/2015, SEE SURVEY #4638). TOGETHER WITH ELYS SECOND ADDITION: BLOCK 5, LOT 5 AND 6, LESS THE NORTH 70 FEET OF LOT 6, 4/12/65. TOGETHER WITH THAT PORTION OF VACATED STREET RIGHT OF WAY (DESC CHG ORD#3521 3/18/94 AF#94-9518.) TOGETHER WITH LOT 7, BLOCK 5 LESS THE NORTH 70 FEET THEREOF, TOGETHER WITH THE SOUTH 57 FEET OF LOT 8, ALL IN ELY'S SECOND ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 43, RECORDS OF BENTON COUNTY, WASHINGTON TOGETHER WITH THAT PORTION OF ADJOINING VACATED STREET RIGHT OF WAY WHICH INURES THERETO BY OPERATION OF LAW. (ORD 3521 AF#1994-009518) EXCEPT THAT PORTION OF LOTS 7 AND 8 OF SAID BLOCK 5 DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 7; THENCE NORTH 00° 38' 31" WEST 87.02 FEET ALONG THE EAST LINE OF SAID LOT 7 TO A POINT ON THE SOUTH LINE OF THE NORTH 70 FEET OF SAID LOT 7 AND THE TRUE POINT OF BEGINNING; THENCE NORTH 89° 28' 33" WEST 99.98 FEET ALONG SAID SOUTH LINE TO THE WEST LINE OF SAID LOT 8; THENCE SOUTH 00° 38' 31" EAST 2.57 FEET ALONG SAID WEST LINE; THENCE NORTH 89° 02' 56" EAST, 99.97 FEET TO THE TRUE POINT OF BEGINNING. (DESCRIPTION CHANGE PER AF#2015-021591, 7/23/2015, SEE SURVEY #4638). TOGETHER WITH ELYS SECOND ADDITION: BLOCK 8, LOT 7, TOGETHER WITH LOT 8. TOGETHER WITH THAT PORTION OF VACATED STREET RIGHT OF WAY. (DESC CHG ORD#3521 AF#94-9518 3/18/94). (LEGAL CONSOLIDATION PER AF# 2016-016169, 6/9/2016).

An aerial photograph of a residential neighborhood with various streets labeled. The streets include S CEDAR ST, S BEECH ST, S ALDER ST, S WASHINGTON ST, S SAUBURN ST, S DAYTON ST, E 8TH PL, E 9TH PL, E 10TH PL, E 11TH AVE, E 12TH AVE, E 13TH AVE, W 8TH AVE, W 10TH AVE, W 11TH AVE, W 12TH AVE, W 12TH PL, S BENTON ST, S ALDER PL, S ALDER LOOP, and PRIVATE. A large, irregularly shaped area is outlined in black and labeled 'SITE' with a red arrow pointing to it. This site is located between W 10TH AVE and W 12TH AVE, and between S BENTON ST and S DAYTON ST. The area contains several buildings, including a large white building with a cross on its roof, and a parking lot. The surrounding area is filled with residential lots and houses.

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

CountyParcelLayer

WaterMainline

Apartment

Mobile

me



SewerMainline

SewerMainline

SurveyAddressPoint

Building

Parcel

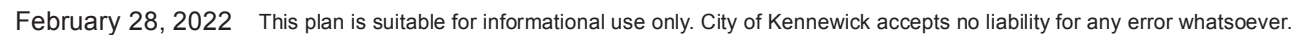
StreetName

- `<all other values>`

Condo

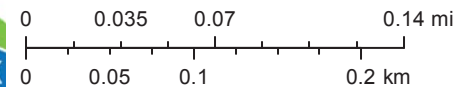
ArcGIS WebApp Builder
City of Kennewick

Exhibit 5



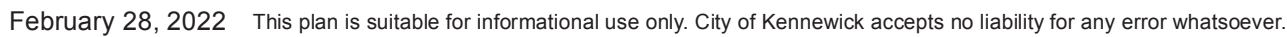
Parcel

SurveyEasement

 Mobile Home

ArcGIS WebApp Builder
City of Kennewick

Exhibit 6



Parcel

SurveyEasement

 Mobile Home

ArcGIS WebApp Builder
City of Kennewick



NOTICE OF MAILING

I, Steve Donovan, on March 3, 2022
mailed 54 copies of Notice of Public Hearing
for COZ-2022-0007
to property owners within 300 feet of the proposal.

as shown on the attached list.



Signature

EXHIBIT 7

37 AUBURN DEVELOPMENT GROUP LLS 3308 W SYLVESTER STREET PASCO, WA 99301	37 427 S CEDAR LLC 1917 HOWELL AVENUE RICHLAND, WA 99354	37 MEDICAL ARTS CORP OF KENNEWICK C/O KENMORE TEAM PROPERTY 9025 W TUCANNON AVENUE KENNEWICK, WA 99336
37 CASTILLO JESUS B & ANGELITA 1819 S NEWPORT STREET KENNEWICK, WA 99337	37 NELLIS PROPERTIES LLC 10008 W COURT STREET PASCO, WA 99301	37 DAIGLE ENTERPRISES LLC 14240 INTERURBAN AVE S, #190 TUKWILA, WA 98168
37 911 WASHINGTON LLC 12218 S 51 ST PLACE TUKWILA, WA 98178	37 GRAY TRUSTEES MORTON JOHN & CHRISTINE 4700 FOULGER SANTA ROSA, CA 95404	37 RCCH TRIOS HEALTH LLC C/O PROPERTY VALUATION SERVICES 14400 METCALF, AVENUE OVERLAND PARK, KS 66223
37 MORALES JUAN M 1002 E 4 TH PLACE KENNEWICK, WA 99336	37 CHAVEZ FRANCISCO PO BOX 4867 PASCO, WA 99302	37 TORRALBA BERNARDO & NORMA L 512 N RD 35 PASCO, WA 99301
37 WILLIAMS CURTIS F 1301 S WASHINGTON ST KENNEWICK, WA 99337	37 BYRNE MARON FRANCES 128 W 14TH AVE KENNEWICK, WA 99337-4729	37 GUMMOW JR KURWIN R 1315 S CASCADE ST KENNEWICK, WA 99337-3849
37 DIAZ HERNANDEZ JOSE MANUEL 1001 S BENTON ST KENNEWICK, WA 99337-4744	37 CIRCLE K STORES INC PO BOX 52085 PHOENIX, AZ 85072	37 PUBLIC UTILITY DISTRICT #1 PO BOX 6270 KENNEWICK, WA 99336
37 THOMAS WEI 2120 N ROAD 44 PASCO, WA 99301	37 RIVER CITY SERVICES LLC 19 W 10 TH AVENUE KENNEWICK, WA 99336	37 B F O PROPERTIES LLC 15 W 10TH AVE KENNEWICK, WA 99336
37 GRUPO MENDOZA LLP 1014 S WASHINGTON ST KENNEWICK, WA 99337	37 TUCKER DELLA ET AL SHANE TUCKER ELIZABETH MUNOZ 1401 W 24 TH LOOP KENNEWICK, WA 99337	37 BULLARD DARYL A & DEBBRA K 1005 S BENTON ST KENNEWICK, WA 99337
37 BLACKKETTER DALE A & JANET K 4706 KENDAL WAY WEST RICHLAND, WA 99353	37 RODRIGUEZ SALVADOR 1208 S WASHINGTON ST KENNEWICK, WA 99337-4771	37 O'HAIR GALEN LAVIN 1322 S WASHINGTON ST KENNEWICK, WA 99337
37 ARECHIGA ATANACIO 1324 S WASHINGTON ST KENNEWICK, WA 99336	37 GRIFFITH JOSHUA L & MEGHAN K 1314 S WASHINGTON ST KENNEWICK, WA 99337	37 ADAMS DWAIN 1308 S WASHINGTON ST KENNEWICK, WA 99337-4773

EXHIBIT 7

37

JENNINGS ELMER JEAN & JUDY M
1218 S WASHINGTON ST
KENNEWICK, WA 99337

37

RANDLEMAN PAUL M & KARLA J
1602 S GUM ST
KENNEWICK, WA 99337

37

CARTER GARRETT J
1212 S WASHINGTON ST
KENNEWICK, WA 99337-4771

37

BROWN JESSEY R & DAWN M
1206 S WASHINGTON ST
KENNEWICK, WA 99337-4771

37

ESTERS KIM M
1210 S WASHINGTON
KENNEWICK, WA 99337

37

PRATER SR NYAN B
728 W 22ND AVE
KENNEWICK, WA 99337

37

HARPER DONALD P
301 W 11TH AVE
KENNEWICK, WA 99337

37

BLACK CHRISTOPHER L & JOELENA M
1100 S BENTON ST
KENNEWICK, WA 99337

37

BOLD JEFFREY ALAN
5003 W 24TH AVENUE
KENNEWICK, WA 99338

37

WILSON ROBERT J & OPAL J
1118 S BENTON ST
KENNEWICK, WA 99337

37

KUFFEL TRUSTEES JOHN N & SANDRA L
1128 S BENTON ST
KENNEWICK, WA 99337

37

J&N ADVENTURES LLC
3320 S QUINCY PLACE
KENNEWICK, WA 99337

37

RAWLINS KEVIN D
224 W 12TH AVE
KENNEWICK, WA 99337

37

BELL RICHARD D
245 W 12TH AVE
KENNEWICK, WA 99337-4780

37

OGDEN DANCEL
241 W 12TH AVE
KENNEWICK, WA 99337

37

SCOTT JANICE M & MALEY LARRY
237 W 12TH AVE
KENNEWICK, WA 99337

37

LOOMIS DONALD A
1129 S BENTON ST
KENNEWICK, WA 99337-4746

37

NEVIN CHRISTOPHER J & AMBER R
1125 S BENTON ST
KENNEWICK, WA 99337

37

JAMES CHRIS & EMILY
1121 S BENTON ST
KENNEWICK, WA 99337

37

NESS DANIEL & REBECCA
1117 S BENTON ST
KENNEWICK, WA 99337-4746

37

SALCEDO JOSE A JACOBO
1113 S BENTON ST
KENNEWICK, WA 99337-4746

37

LUSIGNAN RACHEL L
1109 S BENTON ST
KENNEWICK, WA 99337

37

LOCKARD BEVERLY J
PO BOX 7143
KENNEWICK, WA 99336

37

NESS JOSEPH & TONYA
1101 S BENTON ST
KENNEWICK, WA 99337-4746



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

FILE/PROJECT NUMBER: ED 21-18/PLN-2021-01504

DESCRIPTION OF PROPOSAL: Change the land use designation of 2.95-acres from Commercial to High Density Residential.

PROPOSER: Thomas Wei, 2120 N Road 44, Pasco, WA 99301

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: 18 W 12th Place, Parcel Number: 1-1289-103-0005-013

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: Anthony Muai, AICP

POSITION/TITLE: Interim Planning Director

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

PHONE: (509) 585-4386

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

This DNS is subject to the attached conditions:

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

Date: July 7, 2021

Signature: _____

Appeal: An appeal of this determination must be submitted to the Community Planning Department within fourteen (14) calendar days after the date issued and 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.

Copies of this DNS were mailed to:

Dept. of Ecology
WA Dept. of Fish & Wildlife
WSDOT
Yakama Nation
CTUIR
ED 21-18 File



2015 South Ely Street
Kennewick, WA 99337
Customer Service 509-586-9111
Business 509-586-6012
FAX 509-586-7663
www.kid.org

February 2, 2022

Steve Donovan, AICP
City of Kennewick/Community Planning & Development Services
PO Box 6108
Kennewick, WA 99336

Subject: Review Comments for COZ-2022-0007

Dear Mr. Donovan:

The Kennewick Irrigation District has received your Change of Zone Application submitted by Thomas Wei, 2120 N Rd 44, Pasco, WA 99301, to change zoning of 2.96 acres property, located at 18 W 12th Pl, Kennewick, WA 99337, from Commercial, Community (CC) to Residential, High Density (RH).

1. This parcel is within the Kennewick Irrigation District (KID) boundaries, but is not considered irrigable lands; therefore, the Kennewick Irrigation District does not assess them.
2. Please note that permanent structures are not allowed within irrigation easements.
3. Please protect all existing irrigation facilities.

If you have any questions regarding these comments, please contact me at the address/phone number listed above.

Sincerely,

A handwritten signature in dark ink, appearing to read "Chris D. Sittman".

Chris D. Sittman
CAD Specialist

cc: LB\correspondence\File 12-8-29
Applicant via mail – Thomas Wei, 2120 N Rd 44, Pasco, WA 99301

From: [Chad Brooks](#)
To: [Steve Donovan](#)
Subject: RE: [E] COZ-2022-0007
Date: Thursday, February 10, 2022 8:14:58 AM
Attachments: [image003.png](#)
[image004.png](#)
[image001.png](#)

Benton PUD's Kennewick Substation is on North side of property. High voltage 115kv transmission lines serve substation from the South and go through property.

Chad Brooks
Distribution Design Tech II
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, January 27, 2022 8:18 AM
To: BC Planning - Greg Wendt <Greg.Wendt@co.benton.wa.us>; BC Planning - Michelle Cooke <michelle.cooke@co.benton.wa.us>; Ben Franklin Transit - Kevin Sliger <ksliger@bft.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>; EngService <EngService@bentonpud.org>; Jeff Vosahlo <vosahloj@bentonpud.org>; Nancy Lang <langn@bentonpud.org>; Chad Brooks <brooksc@bentonpud.org>; Shanna Everson <eversons@bentonpud.org>; Tina Glines <glinest@bentonpud.org>; BPA - Deborah Rodgers <dxrodgers@bpa.gov>; BPA - Joe Cottrell <jecottrell@bpa.gov>; BPA - Mike Deklyen <mjdeklyen@bpa.gov>; Cascade Natural Gas - Sara Pineda <sara.pineda@cngc.com>; Charter Communications - Robert Early <robert.early@charter.com>; City of Richland - Mike Stevens <mstevens@ci.richland.wa.us>; City of Richland - Shane O'Neill <soneill@ci.richland.wa.us>; CNGC- James Thomas <James.Thomas@cngn.com>; Columbia Irrigation District <cid@columbiairrigation.com>; Dustin Fisk - Kennewick School District (dustin.fisk@ksd.org) <dustin.fisk@ksd.org>; Kennewick School District; Brandon Potts <brandon.potts@ksd.org>; KID Development <development@kid.org>; Kyle McCauley <Kyle.McCauley@cngc.com>; Noah Lee <noah.lee@bentoncleanair.org>; US Army Corps of Engineers <CENWW-RE@usace.army.mil>; Williams Pipeline - Audie Neuson <audie.neuson@williams.com>; WSDOT <scplanning@wsdot.wa.gov>; Ziply Fiber Christy Ross <christy.ross@ziply.com>
Subject: [E] COZ-2022-0007

Attached is a proposed Change of Zone. The comment period ends on 2/11/21.



Department of Energy

Exhibit 11

Bonneville Power Administration
2211 North Commercial Avenue
Pasco, WA 99301

TRANSMISSION SERVICES

February 11, 2022

In reply refer to: COZ-2022-0007

Located within a Portion of Section 12, 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's (BPA) has had the opportunity to review COZ-2022-0007. The proposal is for a Change of Zone for 2.95 acres from Commercial, Community (CC) to Residential, High Density (RH). The property is located at 18 W 12th Place in Kennewick, WA.

BPA easements are taken with certain restrictions on the underlying land. In order to maintain operation and safety criteria, all future activities planned within the BPA easement need to be approved by BPA prior to their occurrence. Activities that block maintenance crews (such as the installation of fences) or safety concerns (such as buildings, driveways, utilities, or small structures) need to be addressed prior to construction in order to avoid later modification, at the landowner's expense.

The owner will need to submit a land use application and acquire a Land Use Agreement from BPA, along for any portion of the owner's future development plans that will lie within BPA's right-of-way.

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, reading "Joseph E. Cottrell II".

Joseph E. Cottrell II
BPA Field Realty Specialist



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO THE PLANNING COMMISSION

FILE NO: COZ-2022-0008

Staff Report Date: 18 February 2022

Hearing Date & Location: 21 March 2022, Virtual Hearing

Report Prepared By: Matt Halitsky, AICP
Planner

Report Reviewed By: Steve Donovan, AICP
Planning Manager

Summary Recommendation: The City of Kennewick Planning Staff RECOMMENDS APPROVAL of Change of Zone 2022-0008

Summary of Proposal: A Change of Zone from Commercial, Office (CO) to Residential, High Density (RH) for 1.36 acres.

Proposal Location: 5654 W Canal Drive

Legal Description: Lot 2, Short Plat Number 1560, Recorded under Auditor's File Number 1986-0007602, Records of Benton County, Washington. Parcel # 1-3399-201-1560-002.

Property Owner & Applicant: Khurshed Sharifov
405 Heritage Hills Drive
Richland, Washington 99352

Regulatory Controls:

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

COZ Key Application Processing Dates:

Application Submittal	7 February 2022
Determination of Completeness Issued	8 February 2022
Notice of Application Posted	8 February 2022
Date of Mailed Notice of Public Hearing	3 March 2022
Property Posting Sign for Public Hearing	3 March 2022
Date of Published Notice of Public Hearing	6 March 2022

Exhibits:

1. Staff Report
2. Supplemental Questionnaire
3. Vicinity Map
4. Comprehensive Plan Map
5. Zoning Map
6. Notice of Mailing
7. SEPA Determination of Non-significance
8. Ordinance 5936
9. BPA Comment Letter

Zoning Adjacent to the Site:

North: Residential, High Density (RH)

East: Commercial, Office (CO)

South: Public Facility (PF) to the southeast; Commercial, Office (CO) to the south

West: Open Space (OS)

Applicable Goals and Policies of the Comprehensive Plan:

Housing Goals and Policies:

- Goal 1: Support and develop a variety of housing types and densities to meet the diverse needs of the population.
- Goal 3: Promote affordable housing for all economic segments of the community.

Kennewick Municipal Code Findings:

The following findings shall be met in order to approve a Change of Zone:

KMC 18.51.070(2): Findings:

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

- a. The proposed amendment conforms with the comprehensive plan; and
Staff Response: The proposed Change of Zone conforms to the Comprehensive Plan as the RH zoning district is an implementing zoning district of the site's current High Density Residential land use designation, which was approved by City Council in October 2021.
- b. Promotes the public necessity, convenience and general welfare; and
Staff Response: The proposed Change of Zone promotes public necessity, convenience, and welfare by establishing a zoning district that is not only compatible with surrounding properties, but also provides additional housing options in the neighborhood.
- c. 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 proposed Change of Zone will not impose an additional burden on public facilities. Future development shall be required to meet applicable levels of service.
- d. The proposed amendment is consistent with all applicable provisions of the Kennewick Municipal Code, including those adopted by reference from the Comprehensive Plan; and

Staff Response: The proposed amendment will establish a zoning district that complies with Comprehensive Plan. The RH zone is an implementing zone of the site's High Density Residential land use designation.

- e. 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: The finding is not applicable; the proposed zoning district is not a single-family residential zone. That said, property zoned Residential, High Density (RH) is located to the north adjacent to the subject property.

Public Comments:

To date, there are no public comments either for or against the requested Change of Zone.

Agency Comments:

Both the Kennewick Irrigation District and the Benton PUD declined to comment on the proposed Change of Zone. In a letter dated 18 February 2022, the Bonneville Power Administration stated the agency had no objections to the request.

Staff Analysis of Proposal & Discussion:

The subject property was annexed by the City on 15 April 1986 via Ordinance 2995 and established the current zoning as Commercial, Office (CO). On 8 October 2021, the City adopted Ordinance 5936, which amended the Comprehensive Plan land use designation from Commercial to High Density Residential.

The proposed Change of Zone (COZ-2022-0008) is a request to change the zoning district of a single 1.36 acre parcel located at 5654 W Canal Drive from CO to RH. Pursuant to Table 1 of the Comprehensive Plan, the RH zoning district is an implementing zoning district of the High Density Residential land use designation. RCW 36.70A, Growth Management Act, requires that a City's development regulations implement its comprehensive plan.

Per KMC 18.03.040(21) the purpose of RH zoning district is as follows:

RH - The purpose of the RH district is to establish areas for multiple residential buildings and promote a suitable residential environment. The district is a transitional use between commercial and low and medium density residential uses.

The RH zone allows for a density of 27 units per acre, allowing for a maximum of 37 dwelling units on the subject property. Although it is the applicant's intent to develop a multi-family residential development, the total number of units has not yet been proposed.

The proposed findings meet the requirements of KMC 18.51.070(2).

Findings:

1. The applicant is Khurshed Sharifov, 405 Heritage Hills Dr, Richland, WA 99352.
2. The property owner is also Khurshed Sharifov, 405 Heritage Hills Dr, Richland, WA 99352.
3. The proposed change of zone is located at 5654 W Canal Drive. Parcel Number 1-3399-201-1560-002.

EXHIBIT 1

4. The City's Comprehensive Plan Land Use Designation for the subject property is High Density Residential.
5. The City changed the land use designation for the site on 8 October 2021 as part of the 2021 Comprehensive Plan Amendment Cycle.
6. The request is to change the zoning from Commercial, Office (CO) to Residential, High Density (RH).
7. The Residential, High Zoning District is an implementing zone of the High Density Residential Comprehensive Plan Land Use Map Designation.
8. On 7 February 2022, the application was submitted and declared complete for processing.
9. The application was routed for review to City Departments and outside agencies for comment on 8 February 2022.
10. Access to the site is via W Umatilla Avenue.
11. The Environmental Determination of Non-Significance (ED 21-13) was issued for the associated Comprehensive Plan Amendment (CPA 21-03).
12. The Property Posting sign for the public hearing was posted on site 3 March 2022.
13. Notice of the public hearing for this application was published in the Tri-City Herald on 6 March 2022. Notices were also mailed to property owners within 300 feet of the site on 3 March 2022.
14. The proposed amendment is consistent with the Comprehensive Plan.
15. The proposed amendment promotes the public necessity, convenience and general welfare.
16. The proposed amendment does not impose a burden upon public facilities beyond their capacity to serve or reduce such services to lands, which are deemed unacceptable by the City.
17. The proposed amendment is consistent with all applicable provisions of the Kennewick Municipal Code, including those adopted by reference from the Comprehensive Plan.

Conclusions:

1. Approval will implement the Comprehensive Plan Land Use Designation of High Density Residential.
2. Approval will not result in an increase of adverse environmental impacts.
3. Approval will implement Housing Goals and Policies Land Use Goals 1 and 3 of the City of Kennewick Comprehensive Plan.
4. Approval will result in the promotion of public necessity, convenience and/or general welfare.
5. The proposed Change of Zone complies with KMC 18.51.070(2).

Recommendation:

Staff has reviewed the application and recommends that the Planning Commission concur with the findings and conclusions contained within staff report COZ-2022-0008 and recommend approval to City Council.

Proposed Motion:

I move that the Planning Commission concur with the findings and conclusions contained within staff report COZ-2022-0008 and recommend approval of the request to City Council.

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:

There are shortage of acreage dedicated to high density residential development which has been identified in the City of Kennewick's comprehensive plans. This will also conform the proposed property to the current zoning which was adopted last fall by the Council.

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:

Yes. No. No. The possible sites that are located on the outskirts of the city whereas this site is located close to shopping and other city services.

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

The proposed amendment is consistent and will also be aligned with zone classification within the city's comprehensive plan. There are mixed used properties around the proposed site.

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

Yes

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

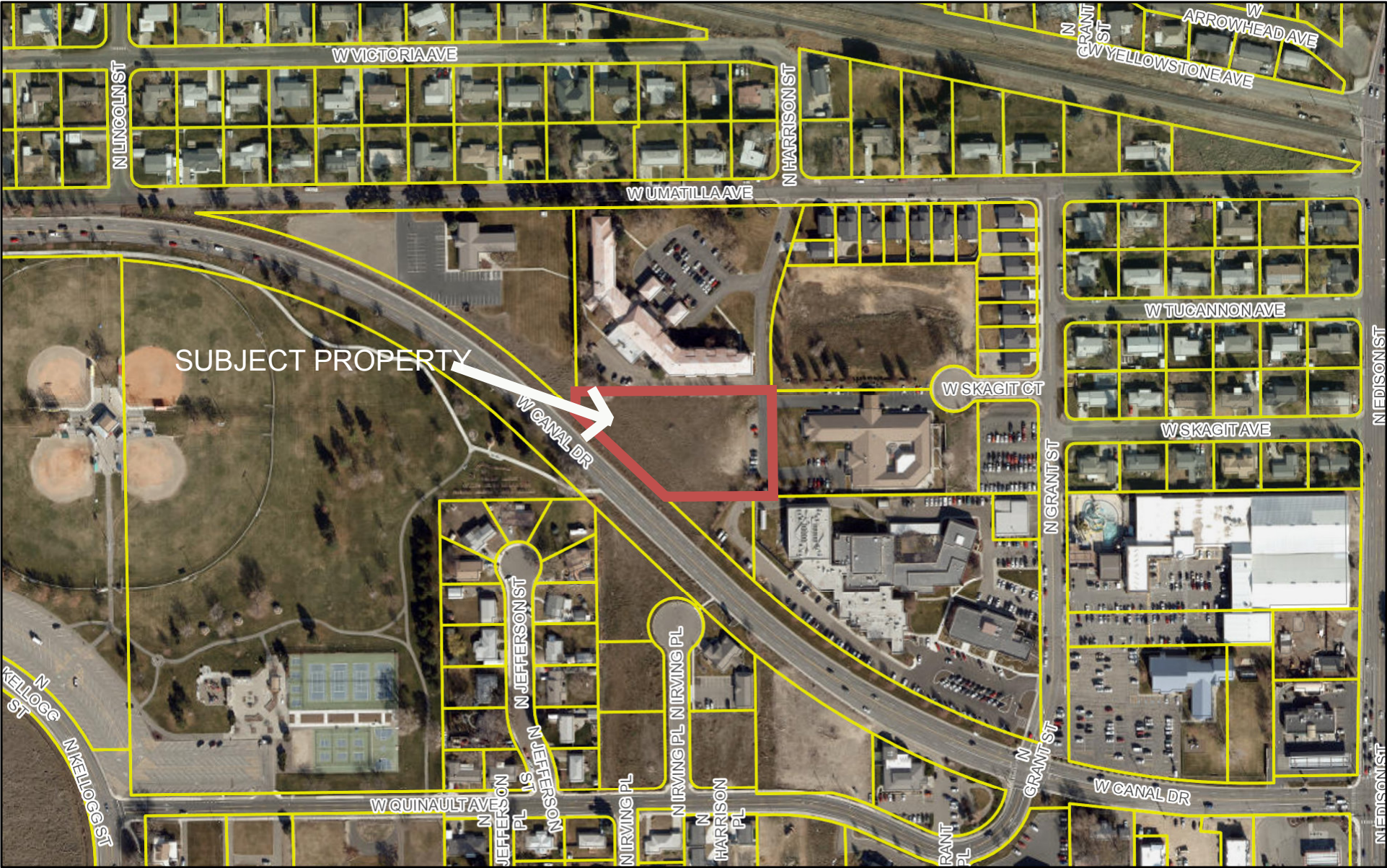
No. The proposed amendment will bring the property in line with comprehensive plan zoning which was passed last fall. The proposed amendment will not create an isolated district and will be consistent with other properties around the site.

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

The site has no access from Columbia Drive and such was not an ideal location for a commercial building. It is more suitable for a high density residential which would not require an easement onto the Canal drive. As such, the comprehensive plan was amended last fall to change from commercial to high density residential property.

7. Will any residential character, in the immediate area, be adversely affected by the proposed amendment? If yes or maybe, please explain:
The new development will be in line with City's building code development and as such it will not adversely affect the surrounding area.
8. Will property values in the vicinity be changed by the proposed amendment? If yes or maybe, please explain:
Most likely, the property values will go up with this new development.
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:
Since most properties surrounding the proposed site are fully developed, it will not set any precedents for other proposals. All of the properties adjacent to this proposed amendment are fully developed and as such it will not deter any use, and/or improvement of these properties.
10. Will the proposed amendment encourage more private investments which will be beneficial to the redevelopment of a deteriorated area? Please explain:
The proposed amendment could spur some additional private investment into the existing area.
11. Will the proposed amendment combat any economic segregation and allow greater choice in the market? Please explain.
The proposed amendment will create more housing choices for the residents of our community.
12. Will the proposed amendment create conflict between potential land uses and transportation patterns? Or safety concerns? Please explain:
One of the goals within City of Kennewick's Comprehensive plans is to build attractive, walkable, and well designed residential neighborhoods with different densities and compatible with neighboring areas. We believe this proposed amendment meets that requirement.

Vicinity Map



February 9, 2022 This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

StreetName

SurveyAddressPoint

<all other values>

Apartment

Building

Condo

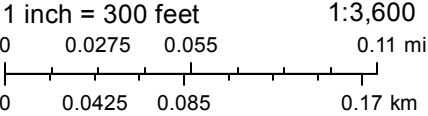
Mobile Home

Parcel

SurveyCityLimits

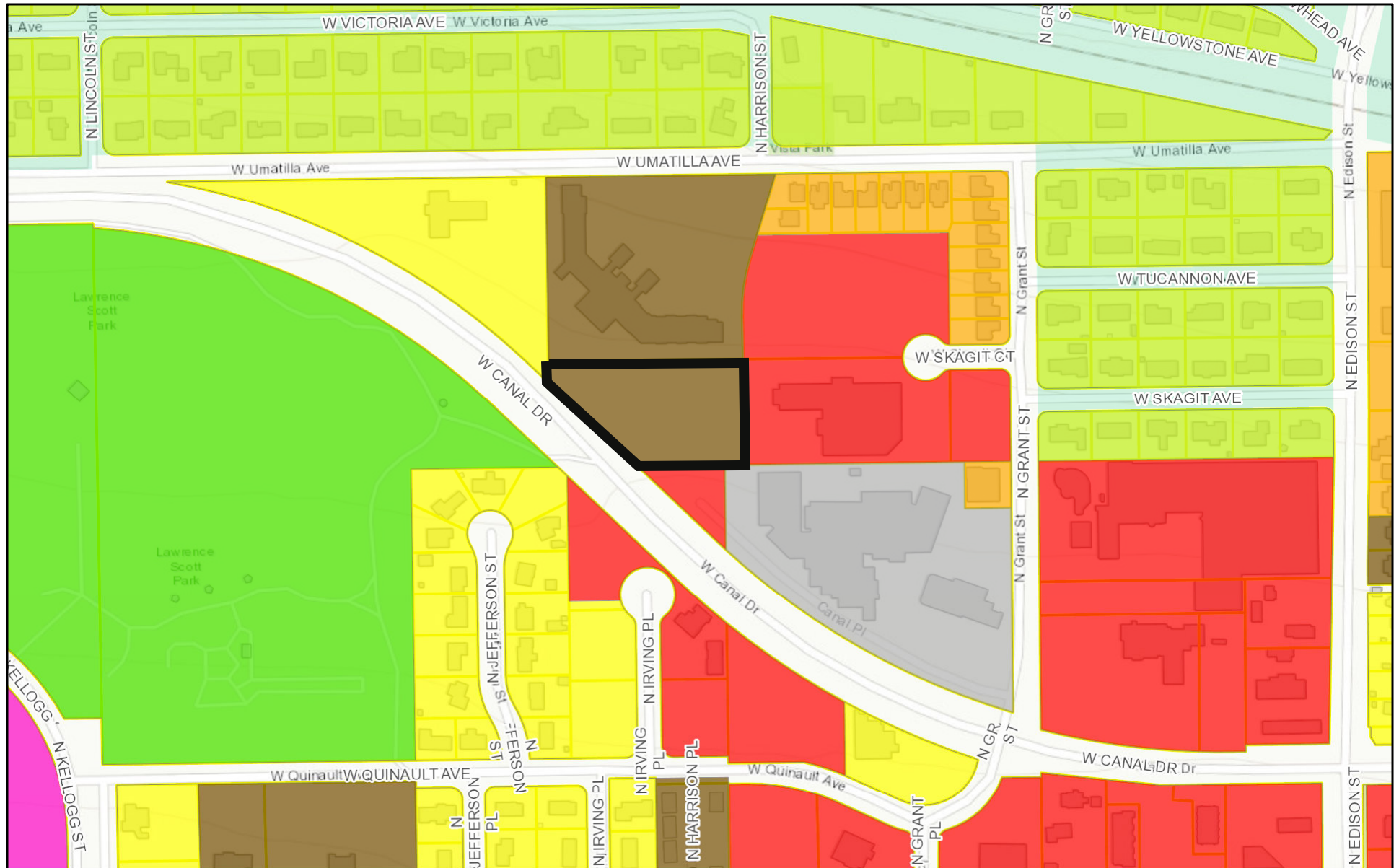
SV_CI_KENNEWICK_10

SV_CI_RICHLAND_10



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

Land Use Map



March 8, 2022

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

1 inch = 300 feet

1:3,600

0 0.0275 0.055 0.11 mi

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

ArcGIS WebApp Builder
City of Kennewick

StreetName

 Apartment

Mobile Home

SurveyCityLimits

SV_CI_COUNTY_1

SurveyAddressPoint

 Building

Parcel

SV_CI_KENNEWICK_10

SV_CI_RICHLAND_10



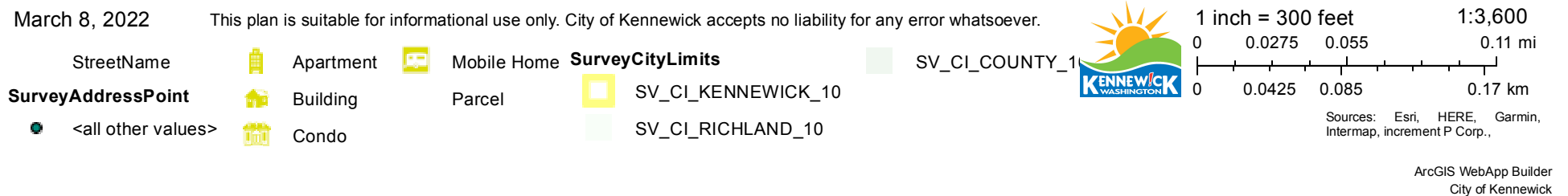
<all other values>



Building



Condo





NOTIFICATION OF MAILING

I, Matt Hauritsky, on 3/3/2020, 20

Mailed 14 copies of Notice of Public Hearing w/ Map
for COZ-2022-0008

to property owners per attached list.

as shown on the attached list.

M. Hauritsky
Signature

Exhibit 6

37
Community Bible Church
5807 W Umatilla Ave
Kennewick, WA 99336

37
Royal Columbian WA LLC
5101 NE 82nd Ave Suite 200
Vancouver, WA 98662

37
Michael Feepons
5555 W Umatilla Ave
Kennewick, WA 99336

37
Erwin Gerald
PO Box 820528
Vancouver, WA 98682

37
Callaway Gardens PropCo LLC
5101 NE 82nd Ave Suite 200
Vancouver, WA 98662

37
Benton County
PO Box 190
Prosser, WA 99352

37
Native Dirt LLC
2410 Terrace Heights DR
Yakima, WA 98901

37
Adam Schatz
13310 N Bunn Rd
Prosser, WA 99350

37
Magdalena Cristal Trevino
1226 N Jefferson St
Kennewick, WA 99336

37
Ralph & Virginia Sawyer
1230 N Jefferson St
Kennewick, WA 99336

37
Ralph & Virginia Sawyer
1230 N Jefferson St
Kennewick, WA 99336

37
Jesus & Andrea Carrillo
1234 N Jefferson St
Kennewick, WA 99336

37
Marlyna & Harley Reyes
1235 N Jefferson St
Kennewick, WA 99336

37
City of Kennewick
PO Box 6108
Kennewick, WA 99336

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Khurshed Sharifov
405 Heritage Hills Drive
Richland, WA 99352

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KENNEWICK PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

March 21, 2022 at 6:30 p.m.

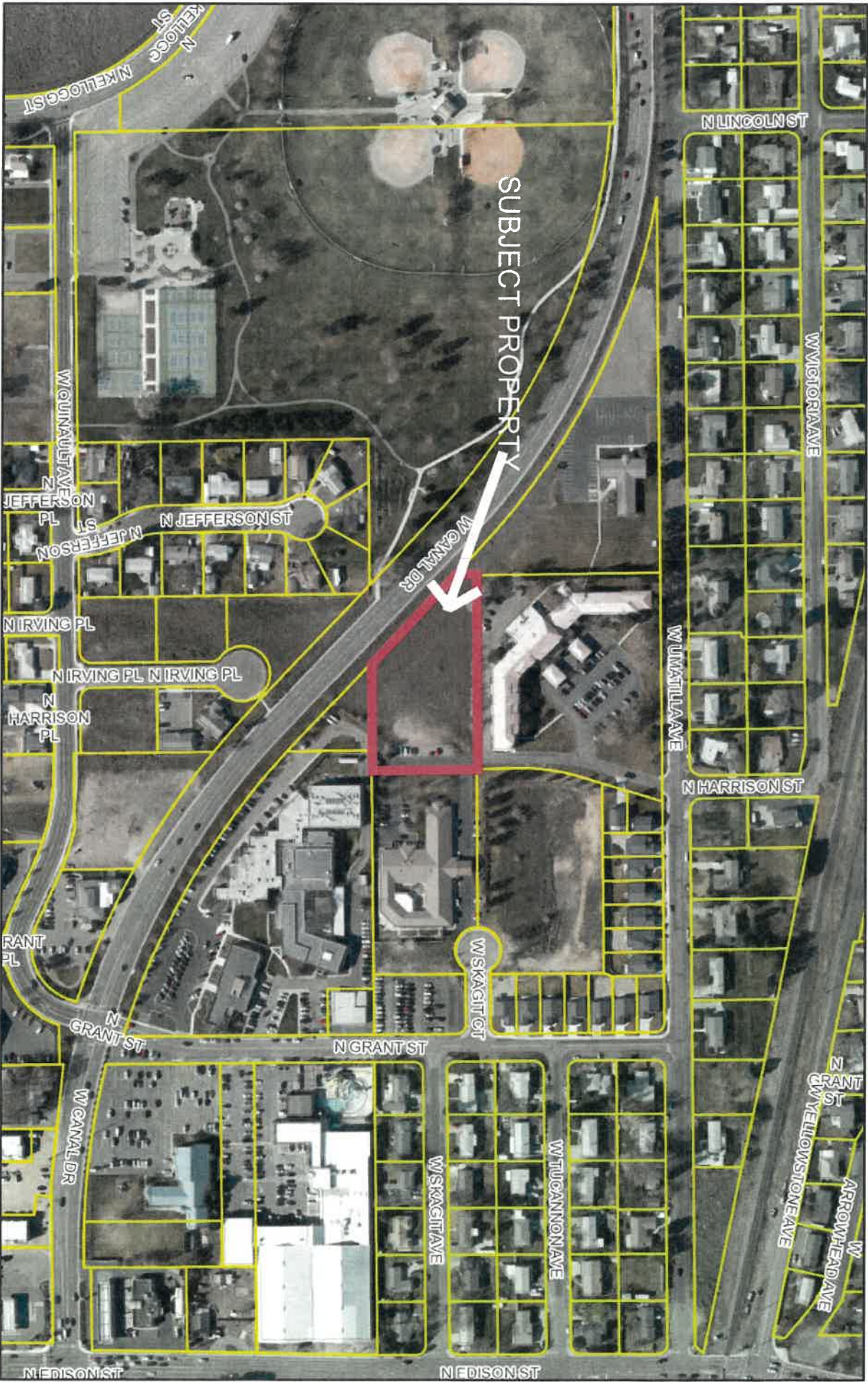
The Kennewick Planning Commission will hold a Public Hearing on Monday, March 21, 2022, remotely at 6:30 p.m. or as soon as possible thereafter, to receive public comment/testimony on the below Change in Zone. Staff will be presenting analysis and the Planning Commission will make a recommendation to the City Council on the item. In response to the COVID-19 emergency, the hearing will be conducted online. To participate in the hearing use the link found at <https://www.go2kennewick.com/598/Planning-Commission>.

Project# COZ-2022-0008 – A Change in Zone of 1.36 acres from Commercial, Office (CO) to Residential, High Density (RH), located at 5654 W Canal Drive. Parcel # 1-3399-201-1560-002. See site map on back.

Questions or written comments may be addressed to Matt Halitsky and submitted to matt.halitsky@ci.kennewick.wa.us or mailed to PO Box 6108, Kennewick, WA 99336.

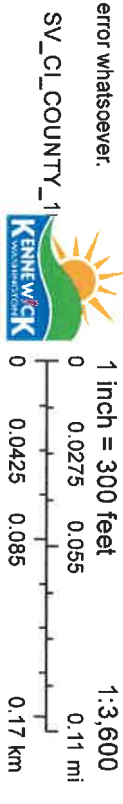
The City of Kennewick welcomes full participation in public meeting by all citizens. No qualified individual with a disability shall be excluded or denied the benefit of participating in such meetings. If you wish to use auxiliary aids or require assistance to comment at this public hearing, please contact Matt Halitsky at (509) 585-4416 or TDD (509) 585-4425 or through the Washington Relay Service Center TTY at #711 at least ten days prior to the date of the meeting to make arrangements for special needs.

Vicinity Map



February 9, 2022 This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

- StreetName
- SurveyAddressPoint
- <all other values>
- Apartment
- Building
- Condo
- Mobile Home
- Parcel
- SurveyCityLimits
- SV_CI_KENNEWICK_10
- SV_CI_RICHLAND_10





Community Planning Department

210 West 6th Avenue

Kennewick, WA 99336

Phone: (509) 585-4280

cedinfo@ci.kennewick.wa.us

DETERMINATION OF NON-SIGNIFICANCE

FILE/PROJECT NUMBER: ED 21-13 / PLN-2021-01324 & CPA 21-03 / PLN-2021-01322

DESCRIPTION OF PROPOSAL: Change the land use designation of 1.36 acres from Commercial (C) to High Density Residential (HDR).

PROPONENT: Kurshed Sharifov

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: Address TBD. Parcel # 1-3399-201-1560-002

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 7/16/21. 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: Anthony Muai, AICP

POSITION/TITLE: Interim Community Planning Director

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

PHONE: (509) 585-4386

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

This DNS is subject to the following condition:

Prior to any ground disturbing activities, a cultural resources survey shall be conducted of the subject property with the results shared with the Confederated Tribes of the Umatilla Indian Reservation, the Washington Department of Archaeology and Historic Preservation, and the City of Kennewick. Further consultation with these, and possibly other organizations shall be required if cultural material is discovered through the course of the survey.

Date: 1 July 2021 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 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.

CITY OF KENNEWICK
ORDINANCE NO. 5936

AN ORDINANCE AMENDING THE CITY OF KENNEWICK'S COMPREHENSIVE
PLAN (CPA 21-03, SHARIFOV)

WHEREAS, the City of Kennewick, by and through its City Council, and pursuant to the Growth Management Act, directed the Planning Commission of the City of Kennewick to review and update the Comprehensive Plan for the purposes of coordinating all plans and programs relating to the physical and social development of the Kennewick Urban Growth Area and the people therein; and

WHEREAS, the City of Kennewick, in accord with the Growth Management Act and RCW 36.70A.130 and implementing municipal regulations, has directed the Department of Community Planning and the Planning Commission to review and update the plan annually; and

WHEREAS, appropriate public notice has been given and a public hearing held by the Planning Commission on August 16, 2021 concerning the proposed changes, and the same has been reviewed by the Department of Commerce for the review required under RCW 36.70A.106; NOW, THEREFORE:

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

Section 1. The following amendment is made to the City of Kennewick Comprehensive Plan Land Use Map as adopted by Resolution 07-12:

1. CPA 21-03 – 1.36 acres located at Parcel #1-3399-201-1560-002 (Commercial to High Density Residential).

Section 2. The property is legally described as follows:

Commercial to High Density Residential

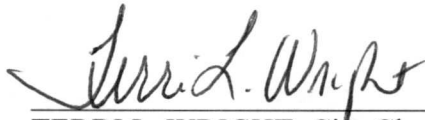
SHORT PLAT #1560, LOT 2.

Section 3. This ordinance shall be in full force and effect five days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 5th day of October, 2021, and signed in authentication of its passage this 5th day of October, 2021.

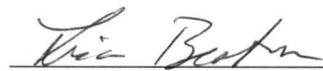

STEVE LEE, Mayor Pro Tem

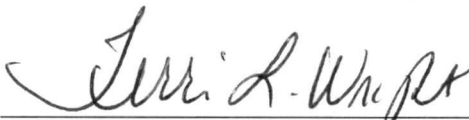
Attest:


TERRI L. WRIGHT, City Clerk

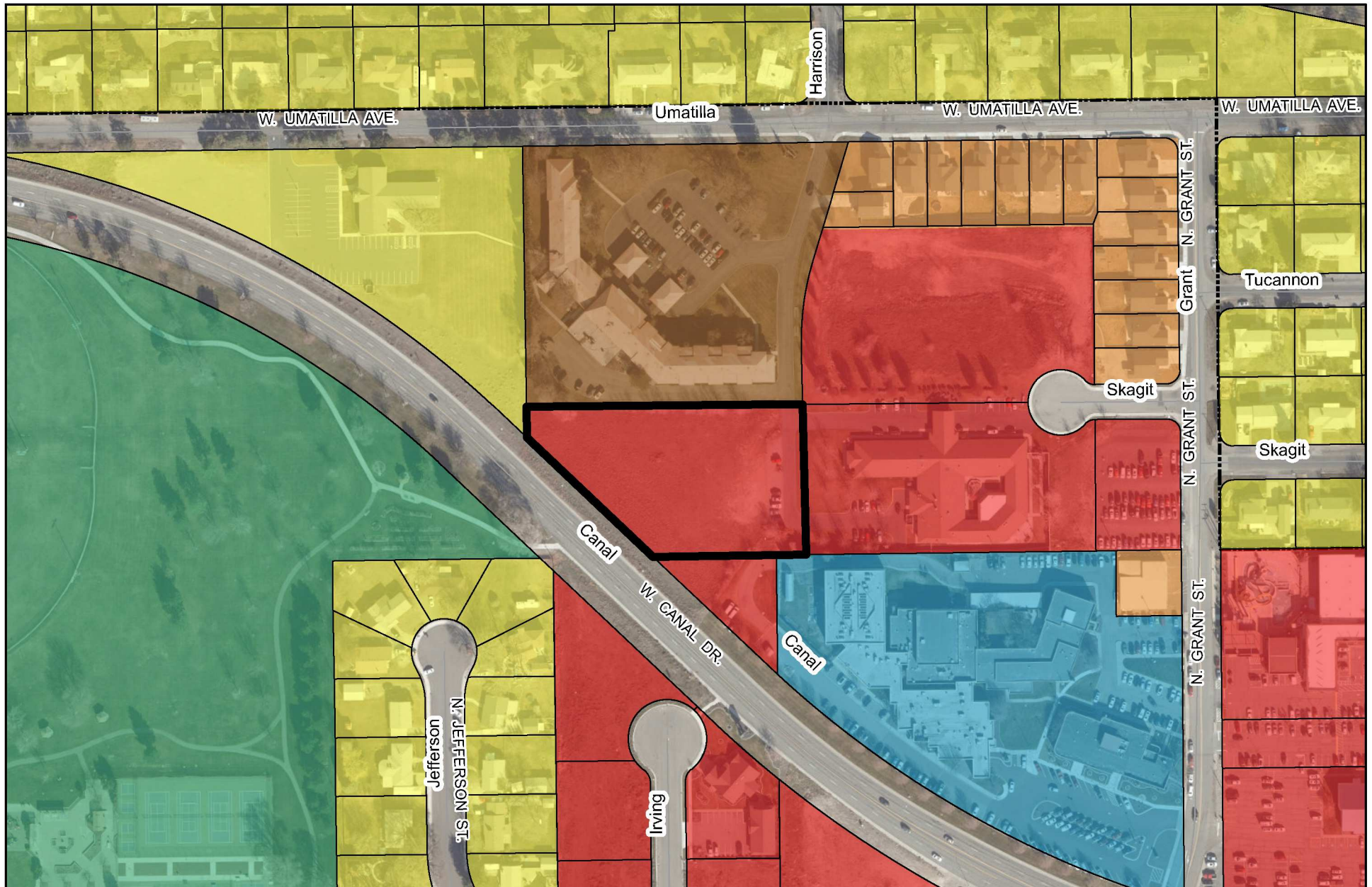
ORDINANCE NO. 5936 filed and recorded
in the office of the City Clerk of the City of
Kennewick, Washington this 6th day of
October, 2021.

Approved as to Form:

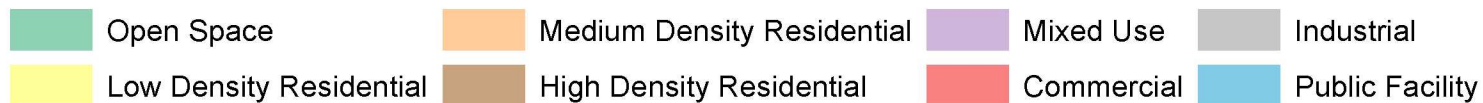

LISA BEATON, City Attorney


TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION 10-9-2021



CPA 21-03/PLN-2021-01322 Land Use Map





Department of Energy

Bonneville Power Administration
2211 North Commercial Avenue
Pasco, WA 99301

TRANSMISSION SERVICES

February 18, 2022

In reply refer to: City of Kennewick COZ-2022-0008
Located within a Portion of Section 33, Township 9 North,
Range 29 East, W.M., Benton County, Washington

Matthew Halitsky, AICP
Planner, Community Planning Dept.
City of Kennewick
PO Box 6108
Kennewick, WA 99336

Dear Matthew:

Bonneville Power Administration's (BPA) has had the opportunity to review City of Kennewick COZ-2022-0008. The application for a Change of Zone of approximately 1.36 acres from Commercial, Office (CO) to Residential, High Density (RH). The property is generally located on W Canal Drive west of N Grant Street in Kennewick, WA.

In researching our records, we have found that this proposal will not directly impact BPA facilities approximately 1.89 miles south 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



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO
THE PLANNING COMMISSION

FILE No: DCA-2022-0000

Public Hearing Date: March 21, 2022

Proposal: Amend Kennewick Municipal Code (KMC) as follows:

- Establish a definition for boutique hotels in Chapter 18.09.
- Establish boutique hotels as a permitted use in Section 18.12.010 B.1.
- Create a new footnote in 18.12.010 B.1 that establishes the development regulations for boutique hotels.

Applicant: José Chavallo

Staff Contact: Steve Donovan, Planning Manager

Background:

On January 14, 2022, the applicant applied to amend two sections of KMC Title 18.

The City sent the proposed amendments to the Department of Commerce on January 24, 2022; expedited review was issued on February 7, 2022.

Discussion and Analysis:

The following are the proposed amendments to Title 18 from the applicant and staff.

Applicant's proposed amendments to Title 18:

Add definition to Chapter 18.09:

18.09.281: - Boutique Hotel.

Boutique Hotel means an upscale hotel with a maximum of 100 rooms that offers its guests personalized services, contains unique architectural characteristics and furnishings, and is located on a site that offers desirable natural or urban views, or is located on the waterfront, or is near cultural amenities.

Add Boutique Hotels as a permitted use in Section 18.12.010 B.1: - Table of Non-Residential Uses in the following zones: Residential, High Density (RH); Urban Mixed-Use (UMU); Commercial, Neighborhood (CN); Commercial, Office (CO); Commercial-Central Business District (CBD); Commercial, Community (CC); Commercial, Regional (CR); Commercial, General (CG); Commercial, Marina (CM); Historic Mixed-Use (HMU) and Business Park (BP).

Add a new footnote to Section 18.12.010 B.1: - Table of Non-Residential Uses:

(7) A boutique hotel must contain the following:

- (a) An outdoor amenity available to both hotel guests and the public, including but not limited to the following types of amenities: pedestrian or bicycle trails that connect with an off-site trail system, gardens, an outdoor amphitheater, a dock or access to the river;
- (b) A public entrance that consists of a porte-cochere or similar roof or alcove to provide guest arriving or leaving the facility protection from the weather;
- (c) A primary building entrance designed to include a signature element of the hotel and articulated with architectural elements such as pediments, columns, porticos and overhangs;
- (d) A primary building entrance with a water feature, sculpture or public art;
- (e) A minimum 100-foot buffer between residentially zoned areas and uses that have a potential for noise and other land use conflicts, including but not limited to, restaurants, bars or nightclubs, outdoor pools, decks, patios, dining areas and dumpster, trash or recycling area.

Staff's proposed amendments to Chapter 18, specifically to Section 18.12.010 B.1:

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

Nonresidential Uses	R S	R L	R M	R H	R M H	R T P	U M U	C N	C O	C B D	C C	C R	C A R	C G	C G	C M	H M U	B P	I P	I L	I H	J F	P F	O S
Hotels, motels and similar accommodations				I			I	I(7)	I	II	I	I		I	I	I	I	I						

Add a new footnote to Section 18.12.010 B.1: - Table of Non-Residential Uses:

(7) Hotels, motels and similar accommodations must contain the following:

- (a) Maximum of 50 rooms;
- (b) An outdoor amenity available to both hotel guests and the public, including but not limited to the following types of amenities: pedestrian or bicycle trails that connect with an off-site trail system, gardens, an outdoor amphitheater, a dock or access to the river;
- (c) A public entrance that consists of a porte-cochere or similar roof or alcove to provide guest arriving or leaving the facility protection from the weather.
- (d) A primary building entrance designed to include a signature element of the hotel and articulated with architectural elements such as pediments, columns, porticos and overhangs;
- (e) A primary building entrance with a water feature, sculpture or public art;
- (f) A minimum 100-foot buffer between residentially zoned areas and uses that have a potential for noise and other land use conflicts, including but not limited to, restaurants, bars or nightclubs, outdoor pools, decks, patios, dining areas and dumpster, trash or recycling area.

Staff Analysis:

KMC Section 18.03.040: - Zone Purposes, ensures that the purpose of the zoning districts is consistent with the City Comprehensive Plan. Below are sub-sections of the section that establish the purpose of the zoning districts where boutique hotels are proposed to be permitted:

- (4) RH - The purpose of RH District is to establish areas for multiple residential buildings and promote a suitable residential environment. The district is a

transitional use between commercial and low and medium density residential uses.

- (7) CN - The purpose of the CN District is to establish areas for day-to-day convenience shopping and services. Such facilities must harmonize with the surrounding residential area and provide only those services, which are intended for it. Generally, one of each use is adequate to serve a given neighborhood.
- (8) CO - The purpose of the CO District is to provide areas for professional and business offices, medical clinics, and research laboratories. The district is primarily intended for non-retail sale, commercial uses and restricted retail sale uses in compatible areas as transitions between more intensive uses and other commercial districts and residential districts.
- (9) CBD - The purpose of the CBD District is to accommodate a wide variety of commercial activity (particularly those that are pedestrian-oriented) together with compatible residential life styles which will result in the most intensive and attractive use of the City's Central Business District. In order to preserve the public health, safety and welfare in central business district redevelopment, protect public and private investment in property and infrastructure improvements and stabilize declining property values, certain uses of the land may be restricted or prohibited.
- (10) CC - The purpose of the CC District is to stabilize, improve and protect commercial areas, and to provide for orderly growth in new commercial areas in accord with the Comprehensive Plan. CC districts are intended for a wide range of uses to serve the community area to which they are appurtenant.
- (11) CR - The purpose of the CR District is to provide areas for a wide range of commercial uses to serve the entire region.
- (13) CG - The purpose of the CG District is to provide areas for heavy commercial use, wholesaling and warehousing services supporting the primary activities of the other commercial and industrial districts, and uses which are not compatible with retail commercial zoning districts.
- (14) CM - The purpose of the CM District is to provide areas for water-oriented recreational uses such as marinas and docks and to allow for multi-family residential development in addition to overnight accommodations and to allow for a variety of commercial uses, including offices and retail establishments.
- (15) HMU - The purpose of the HMU District is to provide for a stable living environment for residents and proprietors choosing to locate in a historic setting, which includes limited small-scale commercial retail and non-retail uses within walking distance of those residents. The impact of these commercial uses will be compatible with the surrounding neighborhoods in size and scale, realizing that they will generate traffic from outside the immediate neighborhood. Special design and parking requirements are used to ensure the area's unique attributes for early twentieth architecture are not lost.
- (16) BP - The BP District is established to provide lands for and encourage the development of technological/industrial parks which will accommodate certain light industrial, technological, professional offices and other similar activities. Building massing should be sensitive to human scale. High standards of

architecture, landscaping and site planning are encouraged, as is the creation of well-defined building entries with features such as canopies or recessed entries.

The KMC does not differentiate between a boutique hotel or hotels, motels and similar accommodations. Staff has reviewed municipal codes for various Eastern Washington Cities to determine how they regulate boutique hotels. None of the other cities have separate regulations for boutique hotels and hotels/motels.

After reviewing the KMC and other City's Codes, staff determined that having a definition and use specifically for boutique hotels is not necessary for them to be permitted in various zones throughout the City. Hotels and motels have the following definitions in the KMC:

18.09.970: - Hotel.

Hotel means a facility offering transient lodging accommodations on a daily rate to the general public and may include additional services, such as restaurants, meeting rooms, and recreational facilities.

18.09.1340: - Motel.

Motel means a building or group of detached buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room.

KMC Section 18.12.010 B.1 permits hotels, motels and similar accommodations in all of the zones proposed by the applicant other than the CN Zone.

It is staff's opinion, that the proposed footnote, 18.12.010 B.1 (7), should only be applicable to the CN Zone because it is too restrictive for the development of a hotel in the RH, CO, CBD, CC, CR, CG, CM, HMU and BP Zones. Based on the CN zoned property locations and the adjacent properties zoning, development of hotel, motels and similar accommodations need to be regulated more than they are in the other zones. Staff has proposed to reduce the number of overnight rooms from 100 to 50 in an attempt to reduce the negative affects to the neighboring properties. It is staff's opinion that the scale of the scale of a hotel in the CN Zone should not overwhelm the adjacent properties.

The applicant's proposed amendments are not site specific; they will apply to all properties that are zoned RH, CN, CO, CBD, CC, CR, CG, CM, HMU and BP. The proposed amendment by staff will only be applicable to the properties zoned CN.

Comprehensive Plan Land Use Goals

The following goals provide a basis to permit various hotel/motel type accommodations in commercial zones.

Commercial Goals:

Goal 2: Sustain and enhance viable commercial areas.

Goal 3: Create a balanced system of commercial facilities reflecting neighborhood, community and regional needs.

Regulatory Controls and Policies

- Kennewick Municipal Code Chapter 18.12
- Kennewick Comprehensive Plan

Findings of Fact:

1. The applicant is José Chavallo, 5927 W Quinault Avenue, Kennewick, WA 99336.
2. The application was submitted on January 14, 2022.

3. Notice of the proposed code revision was sent to the Washington State Department of Commerce on January 24, 2022, consistent with the requirements of RCW 36.70A.106.
4. The City received confirmation of starting the 60-day/Expedited review period and notice that the City has met the Growth Management Act notice to state agency requirements from the Washington State Department of Commerce on January 24, 2022.
5. The Department of Commerce granted expedited review on February 7, 2022.
6. The Notice of Public Hearing was sent to parties of record on March 3, 2022.
7. The Notice of Public Hearing was published in the Tri City Herald on March 6, 2022.
8. The City fulfilled the State Environmental Policy Act requirements by issuing a Determination of Non-Significance (DNS) on February 17, 2022.

Conclusions of Law:

1. The proposed amendments will not negatively affect the City of Kennewick's public health, safety, and general welfare.
2. The proposed amendments do not conflict with goals and policies of the Comprehensive Plan.

Staff Recommendation:

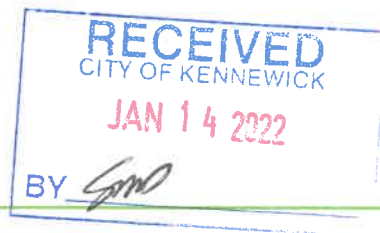
Based on the above analysis of the applicant's request and staff's proposed amendment, staff recommends the Planning Commission forward a recommendation of APPROVAL to City Council for the following motion.

Motion:

I move that the Planning Commission concur with the findings and conclusions in the staff report DCA-2022-000 and recommend to City Council approval of the amendment to KMC Section 18.12.180(7) as proposed by staff.

Exhibits:

1. Staff Report
2. Application, Proposed Amendments and Supporting Information
3. Environmental Determination of Non-significance EDENV-2022-0007
4. Parties of Record Comments



Community Planning Department

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

Exhibit 2

REQUEST FOR AMENDMENT TO ZONING OR SUBDIVISION CODE

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

Applicant Jose A Chavallo
Address 5927 W Quinault Avenue, Kennewick, WA 99336
Telephone 509.539.1067 Cell _____ Fax _____ E-mail Fredc@owt.com

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

Requested Amendment: Add Definition to Chapter 18.09: Boutique Hotel means a smaller upscale hotel with a maximum of 100 rooms that offers its guests

personalized services, located in a structure that includes unique architectural characteristics and furnishings and is located on a site that offers views, a location on the waterfront or cultural amenities.

Section 18.12.010B2 Table of Non Residential Uses: Add Boutique Hotel as a permitted use in the following Districts: RH, UMU, CN, CO, CBD, CC, CR, CG, CM, HMU, BP

Add New Footnote to Table 18.12.010 B.1 Non-Residential Use Table: (7) A boutique hotel must contain the following: a. Must include an outdoor amenity available to both hotel guests and the public including but

not limited to the following types of amenities: pedestrian or bicycle trails that connect with an off-site trail system; gardens, an outdoor amphitheater, a dock or access to the river;

b. A public entrance that consists of a porte-cochere or similar roof or alcove to provide guests arriving or leaving the facility protection from the weather;

c. The primary building entrance shall be designed to include a signature element of the hotel and shall be articulated with architectural elements such as pediments, columns, porticos and overhangs;

d. The primary building entrance shall include a water feature, sculpture or public art;

e. To minimize the potential for noise and other land use conflicts, the following types of facilities shall not be located within 100 feet of residentially zoned areas: restaurant, bar or nightclub,

outdoor pools, decks patios or dining areas and dumpster, trash or recycling areas.

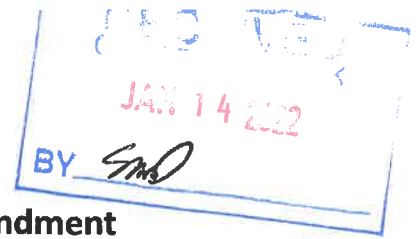
J.A. Chavallo
Signature

1-13-2022
Date

Checklist:

X Application & fee

X State Environmental Policy Act checklist (SEPA) & fee



**Jose Chavallo's Proposed Zoning Code Amendment
City of Kennewick, WA**

Add Definition to Chapter 18.09:

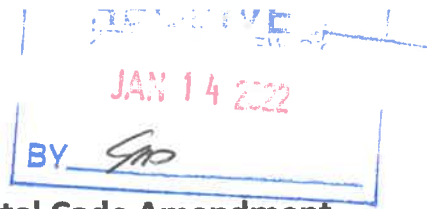
Boutique Hotel means an upscale hotel with a maximum of 100 rooms that offers its guests personalized services, contains unique architectural characteristics and furnishings, and is located on a site that offers desirable natural or urban views, or is located on the waterfront, or is near cultural amenities.

Section 18.12.010B2 Table of Non-Residential Uses: Add Boutique Hotel as a permitted use in the following Districts: RH, UMU, CN, CO, CBD, CC, CR, CG, CM, HMU, BP

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- b. a public entrance that consists of a porte-cochere or similar roof or alcove to provide guests arriving or leaving the facility protection from the weather;
- c. a primary building entrance designed to include a signature element of the hotel and articulated with architectural elements such as pediments, columns, porticos and overhangs;
- d. a primary building entrance with a water feature, sculpture or public art;
- e. a minimum 100-foot buffer between residentially zoned areas and uses that have a potential for noise and other land use conflicts, including but not limited to, restaurants, bars or nightclubs, outdoor pools, decks, patios, dining areas and dumpster, trash or recycling areas.



Rationale for Proposed Boutique Hotel Code Amendment

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

The proposed code amendment would enable the potential development of a boutique hotel on any properties located in the Neighborhood Commercial district. Boutique hotels would also be possible under the standards set forth for Planned Residential Developments of 20 acres or more as established under Chapter 18.45 of the Kennewick Municipal Code. The proposed amendment to the code would provide for the potential that a boutique hotel could be located on a highly desirable location such as near the riverfront, in a location where there are panoramic views or in a vibrant urban setting. The amendment would provide a host of benefits to the City as described below.

The characteristics of a boutique hotel that set it apart from standard hotels are that boutique hotels are located within a unique and visually appealing setting; they are constructed with unique architectural character, and they provide personalized services. Each of these characteristics of a boutique hotel provides a distinct benefit to the City:

Unique Setting - A boutique hotel would need to be sited on the waterfront, in a vibrant urban setting or in a location that has spectacular views. By building a hotel in such a location it provides a benefit to the public by ensuring that the unique natural setting remains available to the public. Both hotel guests and customers of the restaurant or other services provided within the hotel would allow patrons to experience and enjoy that unique setting. Hotels located within an urban setting provide access and additional draw for the public to that urban environment. Either a unique natural setting or an urban setting would provide a hotel guest with an iconic experience that would become directly associated with Kennewick.

Architectural Character – A boutique hotel would include an iconic building entrance as well as public art, sculpture or water features would provide an aesthetically pleasing surrounding that contributes to the quality of life within the community and provide hotel guests a favorable impression of the city.

Personalized Services – Any hotel provides new jobs in the community but a boutique hotel that includes a variety of personalized services could provide a variety of living wage jobs. Physical therapists, event planners, physical trainers, concierges and chefs are just a few examples of trained professionals that may be needed for the operation of a boutique hotel.

A boutique hotel would support and expand the local tourism industry. By providing upscale overnight accommodation, a boutique hotel would attract additional tourists to the region, resulting in economic benefit that would spread across the community, generating additional business for restaurants, wineries, golf courses, concert venues, theatres, museums, and tour operators. It would help to implement the City's Economic Development Goal #3 to: *"Support the development and redevelopment*

of walkable, mixed-use neighborhoods as attractive locations for employment, tourism, arts and culture, entertainment and residents."

A boutique hotel would provide an attraction in the City that is not currently available and would be effective in showcasing the community to visitors.

A boutique hotel would benefit the City economically. The construction of a well-designed, upscale building in a highly desirable location would generate sales tax and permitting fees. The operation of a hotel would continuously generate property taxes, sales taxes and hotel lodging taxes. The revenues generated by a boutique hotel would likely be far more than the cost of providing local services. General governmental services such as parks would not be significantly impacted by the operation of a boutique hotel. Other services, such as schools would not be impacted at all. Traffic generated by a boutique hotel would generally occur during off-peak hours, which would result in lesser impacts.

The criteria governing the operation of a boutique hotel would ensure protection of adjacent residential uses to help in the elimination of potential land use conflicts, thereby benefiting the existing residents living near a boutique hotel.

The City's comprehensive plan includes several urban design goals and policies that would be implemented through the operation of boutique hotels. Goal #3 reads as follows: *"Create public and semi-public places for public use and interaction."* Proposed boutique hotel standards would require some level of public access and amenity onto a boutique hotel site, ensuring that this goal would be met.

Goal #4 calls for the City to: *"Protect the City's natural assets - canyons, ridgelines, hilltops, waterfront and view corridors that give Kennewick its unique identity."* A boutique hotel built within a natural setting would help to make these areas available to the public and would capitalize on their unique settings thereby promoting Kennewick's unique identity.

In summary, the proposed code amendment allowing boutique hotels within certain commercial zones would benefit the City by making unique and desirable settings, such as view corridors available to the public, by creating well-designed upscale buildings that would be aesthetically pleasing, by providing opportunities for additional living wage jobs, by expanding and supporting the local tourism industry, by generating significant tax revenues for the City, by including specific provisions that would protect adjacent residential neighborhoods and by implementing specific economic development and urban design goals as set forth in the Kennewick Comprehensive Plan.



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

FILE/PROJECT NUMBER: EDENV D-2022-0007

DESCRIPTION OF PROPOSAL: The following amendments to the Kennewick Municipal Code (KMC):

- Establish a definition for Boutique Hotels in KMC Chapter 18.09 – Definitions.
- Establish Boutique Hotels as a permitted use in the RH, UMU, CN, CO, CBD, CC, CR, CG, CM, HMU and BP zones in KMC Section 18.12.010 B.1 – Table of Non-Residential Uses.
- Add a new footnote that establishes development criteria for Boutique Hotels in KMC 18.12.010 B.1 – Table of Non-Residential Uses.

PROPONENT: José Chavallo, 5927 W Quinault Avenue, Kennewick, WA 99336

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

LEAD AGENCY: City of Kennewick

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

☒ There is no comment period for this DNS.

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

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

RESPONSIBLE OFFICIAL: Anthony Muai, AICP

POSITION/TITLE: Planning Director

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

PHONE: (509) 585-4386

☐ 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: February 17, 2022

Signature: _____

Appeal: An appeal of this determination must be submitted to the Community Planning Department within fourteen (14) calendar days after the date issued and 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.

Copies of this DNS were mailed to:

Dept. of Ecology
WA Dept. of Fish & Wildlife
WSDOT
Yakama Nation
CTUIR
EDENV D-2022-0007 File

February 21, 2022

City Council

Kennewick, Washington

I tried to use the form to submit a comment on the Thompson Hill project, but my account was blocked and I was not able to submit or print the filled out form.

My comment:

Steve Young had a vision with the development of Southridge and his vision speaks for itself today.

Ever since we lost Steve, the planning commission and the city council has blocked every new great opportunity for Kennewick to grow. The city council should take charge with a vision like Steve had to move our city forward with the new opportunities as they become available. The most recent examples are Clover Island and Thompson Hill. If this kind of forward thinking continues, Kennewick will remain stagnant. You can do this—that is the job we elected you to do.

A handwritten signature in black ink, appearing to read "Pat Turner". The signature is stylized with a large, looping initial "P" and a cursive "Turner".

Pat Turner

3804 West 42nd Avenue

Kennewick, WA 99337

Pturner937@aol.com

509-539-5659

From: [Melinda Didier](#)
To: [Steve Donovan](#)
Subject: FW: Online Form Submittal: Planning Commission Public Comments - Agenda Item No. 4. - Visitors Not on Agenda
Date: Tuesday, February 22, 2022 8:50:02 AM

Online comment for the Code Text Amendment for March 21, 2022 PC meeting.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Sunday, February 20, 2022 10:49 AM
To: Melinda Didier <Melinda.Didier@ci.kennewick.wa.us>
Subject: Online Form Submittal: Planning Commission Public Comments - Agenda Item No. 4. - Visitors Not on Agenda

Planning Commission Public Comments - Agenda Item No. 4. - Visitors Not on Agenda

City Council passed Resolution 20-08 on June 23, 2020, which temporarily designates the location for regular, special and study session meetings to the virtual location until Benton County enters into Phase Three of the Governor's Safe Start Reopening Plan. This form allows the public to submit comments for the Visitors section on the agenda. Please submit your comments no later than 4:30 p.m. on the Thursday before the meeting, to allow time to forward to the Planning Commissioners.

Public Comments

This is an opportunity for anyone who would like to speak about any issue NOT covered under a public hearing.

First Name	Roddy
Last Name	Baze
Planning Commission Meeting Date	3/7/2022
Address	1703 S Quay Ct
City	Kennewick
Email Address	rhbaze@gmail.com
Phone Number (optional)	5095394899

4.a. - Visitors: Public Comment

This is an opportunity for anyone who would like to speak about any issue NOT covered under a public hearing.

Subject/Comments

SAVE the natural beauty of Thompson Hill and DECLINE Jose Chavallo's boutique hotel proposal. We do not need to "find a way to make this happen". We need to stop it.

Email not displaying correctly? [View it in your browser.](#)

First Name	Matthew
Last Name	Cedarquist
Address1	707 west 49th avenue
Address2	<i>Field not completed.</i>
City	Kennewick
State	Washington
Zip	99337
Phone Number	5094387116
Email Address	Jondaffays@icloud.com
Whom would you like to contact?	City Council
Question / Comment	For the Thompson Hill property change into the hotel + future development would be a great thing for tri cities ! Only would bring positive things Would be as iconic as clover island hotel

Email not displaying correctly? [View it in your browser.](#)

From: [Marcia Fuher](#) on behalf of [OneStop](#)
To: [Steve Donovan](#)
Subject: FW: Online Form Submittal: Contact Us Form
Date: Wednesday, February 23, 2022 9:22:02 AM

Steve,

This email came into the One-Stop email inbox this morning. I am forwarding it to you because you are on the counter this morning. Please forward it if it should go to someone else.

Thank you,
Marcia

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, February 23, 2022 9:20 AM
To: OneStop <One.Stop@ci.kennewick.wa.us>
Subject: Online Form Submittal: Contact Us Form

Contact Us Form

First Name	Richard
Last Name	Weatherill
Address1	5831 W 28th Place
Address2	<i>Field not completed.</i>
City	Kennewick
State	WA
Zip	99338
Phone Number	3609940422
Email Address	Rickfw@hotmail.com
Whom would you like to contact?	Community Planning
Question / Comment	I and my neighbors are VERY concerned about Thompson Hill being refined to high density and/or any version of hotel(s) and commercial property being accepted as suitable for Thompson Hill. It is disappointing for residents of the surrounding neighborhoods that our unanimous voice and that of the Kennewick City planning council be so quickly dismissed by our mayor.

From: [Bill Dixon](#)
To: [Anthony Muai](#); [Steve Donovan](#); [Melinda Didier](#)
Subject: Public Comment on Proposed Amendment to KMC 18
Date: Thursday, March 3, 2022 9:46:09 AM

Dear City Staff and Planning Commissioners:

I wish to submit public comments on the proposed amendment to Kennewick Municipal Code Chapter 18 to add "Boutique Hotel" (EDENV-2022-0007 - DCA-2022-0000).

This proposal would create a new definition "Boutique Hotel" in KMC 18-09. It would allow "Boutique Hotel" to become a permitted use in eleven zoning districts in KMC 18.12.010 B1. And, it would add an unusually detailed and constraining footnote to the Table of Non-Residential Uses.

I request that the City Staff and Planning Commission recommend to the City Council that this proposed Amendment be DENIED. It is unnecessary, unfair and bad public policy, as discussed below.

KMC 18.09 Definitions

KMC 18.09.970 already defines "Hotel" as:

"Hotel means a facility offering transient lodging accommodations on a daily rate to the general public and may include additional services, such as restaurants, meeting rooms, and recreational facilities."

The Oxford English Dictionary defines "Boutique Hotel" as :

"a small stylish hotel, typically one situated in a fashionable urban location."

Wikipedia defines "Boutique Hotel" as:

"a small hotel which typically has between 10 and 100 rooms in settings with upscale accommodations and individualized unique selling points."

The Applicant proposes an unusually detailed and constrained definition of "Boutique Hotel" as:

"an upscale hotel with a maximum of 100 rooms that offers its guests personalized services, contains unique architectural characteristics and furnishings, and is located on a site that offers desirable natural or urban views, or is located on the waterfront, or is near cultural amenities."

The details and constraints in the Applicant's definition are unnecessary and inappropriate. First, a "Boutique Hotel" is simply a class of "Hotel" that is already broadly defined in KMC 18.09.970. Further, commonly accepted definitions of "Boutique Hotel" are already available and widely used. Finally one person's idea of his "Boutique Hotel" should not constrain the visions and creativity of others who may want to build different types and styles of "Boutique Hotels" at various locations throughout Kennewick in the future.

Writing the Kennewick Municipal Code to favor one person's perspective is bad public policy and unfair to others.

KMC 18.12.010 B.1 Table of Non-Residential Uses

This table lists the uses allowed by zone. It allows "Hotels, motels and similar accommodations" in the following ten districts:

- Residential High Density (RH)
- Urban Mixed Use (UMU)
- Commercial Office (CO)
- Commercial Central Business District (CBD)
- Commercial Community (CC)
- Commercial Regional (CR)
- Commercial General (CG)
- Commercial Marina (CM)
- Historic Mixed Use (HMU)
- Business Park (BP).

The applicant proposes adding "Boutique Hotel" as a new, separate permitted use in these 10 districts, plus allowing boutique hotels in the Commercial Neighborhood (CN) district. Note that he wrongly proposes these changes to "Table B2."

The proposed change is unnecessary since all "Hotels, motels and similar accommodations" are allowed in 10 districts, and therefore a "Boutique Hotel" is already covered.

Any hotel is not permitted in the Commercial Neighborhood (CN) district. This is because KMC 18.03.040(11) states:

"The purpose of the CN district is to establish areas for day-to-day convenience shopping and services. Such facilities must harmonize with the surrounding residential use and provide only those services which are intended for it."

Obviously, any hotel would be inconsistent with the purpose of this zone. and should not become an allowed use.

KMC 18.12.010 B.1 Footnotes

The existing Footnotes for the Table of Non-Residential Uses contain brief reference, clarification or limitation information.

The Applicant proposes an unusually detailed and constraining footnote that says:

"A boutique hotel must contain the following:

- a. an outdoor amenity available to both hotel guests and the public including but not limited to the following types of amenities; pedestrian or bicycle trails that connect with an off-site trail system, gardens, an outdoor amphitheater, a dock, or access to the river;
- b. a public entrance that consists of a porte-cochere or similar roof or alcove to provide guests arriving or leaving the facility protection from the weather;
- c. a primary building entrance designed to include a signature element of the hotel and articulated with architectural elements such as pediments, columns, porticos and overhangs;
- d. a primary building entrance with a water feature, sculpture or public art;
- e. a minimum 100-foot buffer between residentially zoned areas and uses that

have a potential for noise and other land use conflicts, including but not limited to, restaurants, bars or nightclubs, outdoor pools, decks, patios, dining areas and dumpster, trash or recycling areas."

Obviously this level of details and constraints are inappropriate to include in a footnote to this table. Again, this is one person's opinion of what a "Boutique Hotel" should be. If approved, it would constrain or prevent the development of other types and styles of boutique hotels at other locations throughout Kennewick in the future. It would be bad public policy to limit competition for future boutique hotels in Kennewick to one person's views.

Further, a 100-foot buffer zone may not be adequate to protect surrounding homes and neighborhoods from the adverse impacts of a boutique hotel. Instead, each proposal should include a site-specific analysis of all the potential adverse impacts, such as light, noise, visual, odors, emissions, runoff, traffic, parking and signs. Then the applicant should propose specific buffers, barriers and other controls for these adverse impacts per the Kennewick Municipal Code.

For all of the above concerns, I request that the City Staff and Planning Commission recommend to the City Council that this proposed Amendment be DENIED.

Thank you for considering my concerns and for working in the best interest of the citizens of Kennewick.

Bill Dixon
2500 S. Irving Street
Kennewick, WA 99338

From: [Shlomo Orr](#)
To: [Steve Donovan](#); [Melinda Didier](#)
Cc: [Anthony Muai](#)
Subject: Re Application for Zoning Code Amendment for building a Boutique hotel
Date: Thursday, March 3, 2022 2:21:24 PM

Dear Mr. Donovan, City Staff, and Planning Commission:

As residents of Panoramic Heights downhill from Thompson Hill, we are concerned with the application for Zoning Code Change submitted by Mr. Jose Chavallo. In particular, we are concerned with the inconsistency between the particular location he is interested in (the top of Thompson Hill) and the generality of the application. Mr. Chavallo's SEPA form is essentially devoid of answers to the important geotechnical and environmental concerns, conveniently claiming a "general application" that could be applied anywhere in the city.

Furthermore, in his application he lists residential zones as possible targets for building a boutique hotel (of 100 rooms). In other words, "eat the cake and have it too".

In our view:

1. There is no need to change a zoning code that has been thoroughly thought of by the Planning Commission.
2. In lieu of an EIA, a SEPA form should have been filled completely, specifically for The target location. SEPA implies a specific location for which basic environmental conditions must be addressed. No one should not have it both ways.
3. Residential zones should not be targeted for commercial developments, including a boutique hotel. We understand that this was the original intention of the Comprehensive City Plan, which makes sense.

We will appreciate your response to our concerns.

Respectfully,

Shlomo and Galya Orr

Shlomo and Galya Orr
5900 W. 25th Avenue
Kennewick, WA 99338
(509) 736-3111 (main)
(509) 591-8196 (cell)
shlomo.orr@gmail.com
galya.orr@gmail.com