

1. CALL TO ORDER:

- a. Roll Call/Pledge of Allegiance

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

- a. Approval of the Minutes dated August 7, 2023
- b. Approval of Agenda
- c. Motion to enter Staff Report(s) into Record

3. PUBLIC HEARING:

- a. Change of Zone (COZ) #2023-0005 proposing to change the zoning designation for approximately 3 acres located at 7400 W. Quinault Avenue from Public Facility (PF) to Justice Facility (JF). Applicant and owner is Robert Blain, Benton County, 620 Market Street, Prosser, WA 99350.
- b. Change of Zone (COZ) #2023-0006 proposing to change the zoning designation for approximately 1.53 acres located at 8920 W. Clearwater Avenue from Industrial, Light (IL) to Commercial, Community (CC). Applicant is Shane O'Neill, LCR Construction LLC, 2425 Robertson Drive, Richland, WA 99352. Property owner is Hansen Park LLC, 21611 Ahtanum Road, Yakima, WA 98903.
- c. Development Code Amendment (DCA) #2023-0002 to amend Kennewick Municipal Code Section 18.12.020 Accessory Dwelling Units (ADU's) to encourage ADU development and comply with EHB 1337. Applicant is City of Kennewick, Community Planning, 210 W. 6th Avenue, Kennewick, WA 99336.

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

- a. City Council Action Updates

6. NEW BUSINESS:

- a. Annual Comprehensive Plan Amendment Workshop

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

**KENNEWICK PLANNING COMMISSION
AUGUST 7, 2023
MEETING MINUTES**

1. CALL TO ORDER

Vice Chair Helgeson called the meeting to order at 6:30 p.m.

Commissioner Hempstead led the Pledge of Allegiance.

Community Planning Administrative Assistant Melinda Didier called the roll and found the following present:

PRESENT: Commissioners James Hempstead, Vice Chair Thomas Helgeson, Tina Gregory, Nikki Griffith. (*Commissioner Nikki Griffith joined remotely*).

ABSENT: Chairman Victor Morris and Commissioner Lola Franklin (*Excused*); Commissioner Ken Short (*Unexcused*).

STAFF: Anthony Muai, AICP Planning Director; Steve Donovan, AICP Development Services Manager; Matt Halitsky, AICP Senior Planner; Alisha Piper, Planner (*Ms. Piper joined remotely*); Joseph Laris, Assistant Planner; Melinda Didier, Community Planning Administrative Assistant.

Four commissioners were present and three absent; Ms. Didier declared a quorum was established.

2. CONSENT AGENDA

- a. Approval of the minutes dated June 5, 2023.
- b. Approval of the agenda.
- c. Motion to enter Staff Report(s) into the Record.

MOTION: Commissioner Hempstead moved to approve the Consent Agenda; Commissioner Gregory seconded the motion.

DISCUSSION: None.

VOTE: The motion passed on a unanimous roll call vote.

3. PUBLIC HEARINGS:

Vice Chair Helgeson made the following statement:

“Good evening and welcome to the August 7, 2023 Kennewick Planning Commission meeting.

It is important that everyone who wishes to do so has an opportunity to speak. Each person who has either signed-in (in person) or registered (via Zoom) will have one, three-minute opportunity to address the Planning Commission.

If you are attending via Zoom, please confirm your microphone has been unmuted before you begin your comments.

Please state your name and address for the record; once you begin your remarks the countdown timer will start. At the end of your time, please mute your microphone.

The order of the hearings shall be as follows:

1. Planning staff shall provide a staff report; the Commission may ask questions of staff;
2. The Applicant or Applicant's Representative(s) Presentation;
3. Testimony in Favor of the Request;
4. Testimony Either Neutral or Against the Request;
5. Final Applicant Comments;
6. Final Staff Comments;
7. Close the public hearing and discuss the request."

A. DEVELOPMENT CODE AMENDMENT (DCA) #2023-0001

Vice Chair Helgeson opened the public hearing at 6:34 pm for Development Code Amendment (DCA) 2023-0001.

1. Mr. Donovan described the application, presented the staff report, and recommended the Planning Commission forward a recommendation for denial of DCA #2023-0001 to City Council.

Planning Commission Questions: How long have the existing codes been in place; when was the most recent large daycare center permitted; is this one trying to have twelve kids; will planning explain the difference between daycare center and family daycare center; why does Planning feel this is not a good fit, is it a parking issue; are larger daycare centers permitted via a Conditional Use Permit; if the applicant asked for a variance just for his property, would that be approved; is it unusual for an applicant to come in and request a complete change in the zone.

2. Testimony of Applicant/Applicant's Representative: Tyson Fellman, 5608 W. 26th Avenue, Kennewick 99338: Was recommended to go this route for my request, surprised the staff is recommending denial; good arguments for support & bad arguments to not support; understand that larger centers will have parking issues; there is a big need for daycare centers; my daycare center in Franklin County has expanded to over 100 children and no complaints received from neighboring properties; have been in daycare center business for 20 years and this change would help parents get quality daycare for their children; this is a reasonable change and ask for Planning Commission support.
3. Testimony in Favor of the Request: Jocelyn Perez, 2116 Sycamore Ct., Pasco: Supervisor for Beyond the Rainbow Daycare on 4th; believe this change would be beneficial to the community; we need more space for daycare centers; a lot of people are on our waiting list and we need more daycare centers.
4. Testimony Neutral/Against the Request: None
5. Testimony of Those Registered on Virtual Format: None
6. Applicant/Owner Final Testimony: None

7. Staff Final Comments: None

8. Public Testimony Closed at 6:56 p.m.

MOTION: Commissioner Hempstead moved to concur with the findings and conclusions in staff report DCA 2023-0001 and recommend City Council DENIAL of the request. Vice Chair Helgeson seconded the motion.

DISCUSSION: Commissioner Hempstead stated he appreciates when citizens bring forward proposals they believe will benefit the community as a whole, but at this time I believe that it will not benefit the entire community as a whole at this time; Commissioner Griffith mentioned the new state housing bill in respect to ADU's and wondered if in a couple of years this issue will become a moot point; Mr. Muai said the new state changes do not affect commercial uses such as large daycare center, the changes at the state level are strictly increasing dwelling units, not commercial uses in residential zones; Commissioner Gregory said there is a need for daycare centers so how will this be addressed.

VOTE: The motion passed on a unanimous roll call vote.

4. VISITORS NOT ON AGENDA:

a. None

5. OLD BUSINESS:

a. None

6. NEW BUSINESS:

Accessory Dwelling Unit (ADU) Workshop Presentation: AICP Planning Director Anthony Muai -

Mr. Muai gave an overview of the accessory dwelling unit regulations, which staff started working on several months ago; at the time legislation was in the works we decided to move forward with amending our code anyway. Mr. Muai presented a proposal for amending the City's code and complying with HB 1337.

Planning Commission questions included: Are there height limits in residential zones; can you condo all ADU's on the lot; are subdivision under CCR's allowed to restrict compatibility of ADU's to the main residence; will these be adopted sooner than the state deadline for adoption.

7. REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:

Mr. Muai said the Planning Commission has hearings scheduled for the August 21, 2023 meeting, and a joint City Council-Planning Commission workshop scheduled for August 29, 2023. Ken Harper is a Planning consultant who will be conducting the workshop.

8. ADJOURNMENT: The meeting concluded at 7:21 p.m.



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO THE PLANNING COMMISSION

FILE NO: COZ-2023-0005

Staff Report Date: August 15, 2023

Hearing Date & Location: August 21, 2023

Report Prepared By: Alisha Piper
Planner

Report Reviewed By: Steve Donovan, AICP
Planning Manager

Summary Recommendation: The City of Kennewick Planning Staff RECOMMENDS APPROVAL of Change of Zone 2023-0005.

Summary of Proposal: A Change of Zone from Public Facility (PF) to Justice Facility (JF) for a 3-acre lot.

Proposal Location: 7400 W. Quinault Ave.

Legal Description: That portion of the Northwest Quarter of Section 32, Township 9 North, Range 29 East, W.M., Benton County, Washington, lying Easterly of North Belfair Street right of way and also lying Easterly and Northeasterly of West Quinault Avenue right of way and also lying Southwesterly and Northwesterly of the following described line:
Commencing at the Northwest corner of said Section 32; Thence South 00°31'00" West along the West line thereof 792.40 feet; Thence South 89°10'00" East 660.00 feet; Thence South 00°31'00" West 338.76 feet; Thence South 44°48'56" East 68.18 feet to the Easterly right of way of North Belfair Street right of way and the beginning of said line; Thence leaving said right of way South 44°48'56" East 484.13 feet; Thence South 45°11'04" West 400.00 feet to the Easterly right of way line of said West Quinault Avenue and the terminus of said line.

Property Owner/Applicant: Robert Blain
Benton County
620 Market St.
Prosser, WA 99350

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	June 30, 2023
Determination of Completeness Issued	July 3, 2023
Notice of Application Posted	July 3, 2023
SEPA Threshold Determination Issued	July 20, 2023
Date of Mailed Notice of Public Hearing	August 4, 2023
Property Posting Sign for Public Hearing	August 4, 2023
Date of Published Notice of Public Hearing	August 6, 2023

Exhibits:

1. Staff Report
2. Supplemental Questions
3. Vicinity/Site Map
4. Comprehensive Plan Map
5. Zoning Map
6. Notice of Mailing
7. SEPA DNS

Zoning adjacent to the site:

North: Justice Facility (JF)

East: Justice Facility (JF)

South: Commercial, Regional (CR)

West: Commercial, Regional (CR)

Applicable Goals and Policies of the Comprehensive Plan:

Essential Public Facilities Goals and Policies:

Goal 1: The comprehensive plan or development regulations shall not preclude the siting of Essential Public Facilities.

Policy 1 Follow the procedures for siting of Essential Public Facilities consistent with the Land Use Element of the Comprehensive Plan.

Policy 2 Allow Essential Public Facilities of regional and statewide importance where they are demonstrated to promote efficiency and environmental protection, and distribute economic benefits/burdens throughout the region or county.

Goal 2: The location of Essential Public Facilities shall be compatible with the land use plan and policies.

Policy 1 Site Essential Public Facilities in Kennewick consistent with the County Wide Planning Policies (CWPP).

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 JF Zoning District is an implementing zoning district of the site's current Public Facility 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 JC Zone is an implementing zone of the site's Public Facility 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, the higher-intensity Commercial, Regional (CR) zone is located to the south and west of the subject property.

Public Comments:

The public did not submit comments on the proposal.

Agency Comments:

Staff did not receive any agency comments.

Staff Analysis of Proposal & Discussion:

The proposed Change of Zone (COZ-2023-0005) is a request to change the zoning district for a 3-acre parcel. Pursuant to Table 1 of the Comprehensive Plan, the Justice Facility Zoning District is an implementing zoning district of the Public Facility 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 (20), the purpose of JF zoning district is as follows:

JF - The purpose of the JF district is to establish areas for uses that have regional significance, but may possess objectionable operational characteristics and may adversely affect adjacent areas and neighborhoods. This district will establish standards to ensure compatibility with adjacent and planned uses, and will enable institutions of regional significance to locate in project sites of an appropriate size and scale relative to their service area. This district will also establish design standards necessary to achieve and distribute benefits associated with such facilities.

Future development of the entire site will be limited to only the permitted uses of the JF 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 is Robert Blain.
2. The property owner is Benton County.
3. The proposed Change of Zone is located at 7400 W. Quinault Ave.: 1-3299-200-0001-001.
4. The City's Comprehensive Plan Land Use Designation for the subject property is Public Facility.
5. The request is to change the zoning from Public Facility to Justice Facility.
6. The Justice Facility Zoning District is an implementing zone of the Public Facility Comprehensive Plan Land Use Map Designation.
7. The application was submitted on June 30, 2023.
8. The application was declared complete, routed for review to City Departments and outside agencies on July 3, 2023.
9. Access to the site is via W. Quinault Avenue as well as N. Belfair Street.
10. The Environmental Determination of Non-Significance, ED-2023-0022, was issued July 20, 2023.
11. The Property Posting sign for the public hearing was posted on site August 4, 2023.
12. Notice of the public hearing for this application was published in the Tri-City Herald on August 6, 2023. Notices were mailed to property owners within 300 feet of the site on August 4, 2023.
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 Public Facility.
2. Approval will not result in an increase of adverse environmental impacts.
3. Approval will implement Essential Public Facility Goals 1 and 2 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-2023-0005 and recommend approval to City Council.

Motion:

I move that the Planning Commission concur with the findings and conclusions in staff report COZ-2023-0005 and recommend approval of the request to City Council.

Supplemental Questions

1. Please explain how the public necessity, convenience, and general welfare require the adoption of the proposed amendment.
N/A
- 2.a. Are there sites presently available on the market which are correctly zoned for the proposed use? No
- 2.b. Are these sites within a 1/2 mile of the proposed site? No
- 2.c. Within 1 mile of the proposed site? No
- 2.d. If you answered yes to any of the above, please indicate the general location of the site(s) and the reasons why these sites are not proposed to be utilized.
N/A
3. Please explain how the proposed amendment is consistent with the existing land use pattern in the area.
It's available directly to the north and east.
- 4.a. Are the existing uses in the area in conformance with the area's zoning classification? Yes
- 4.b. If NO, please explain the differences. If YES, please type NA. NA
- 5.a. Will the proposed amendment create an isolated district, or introduce a more intense land use to the area? No
- 5.b. Please explain:
This will not impact at all.
6. Please explain how the existing zoning prohibits reasonable use of the property.
In its current form, the property cannot be used for justice facilities or business.
7. Please explain how residential character, in the immediate area, will or will not be adversely affected by the proposed amendment.
There is no impact.
8. Please explain how the proposed amendment will affect property values in the vicinity.
There is no impact.
- 9.a. Please explain how approval of the proposed amendment will or will not set a precedent for other similar proposals or uses.
There is no impact.
- 9.b. Please explain how approval of the proposed amendment will or will not deter the use, improvement or development of adjacent property in accordance with the existing zoning.
There is no impact.
10. Please explain how approval of the proposed amendment will or will not encourage more private investments which will be beneficial to the redevelopment of a deteriorated area.
There is no impact.

11. Please explain how approval of the proposed amendment will or will not combat any economic segregation and allow greater choice in the market.
There is no impact.
12. Please explain how approval of the proposed amendment will or will not create conflict between potential land uses and transportation patterns.
There is no impact.

Vicinity Map

Exhibit 3



August 15, 2023 This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

StreetName	SV_CI_RICHLAND_10	SurveyParcel
SurveyCityLimits	SV_CI_COUNTY_10	
SV_CI_KENNEWICK_10	SurveyUrbanGrowthBoundary	

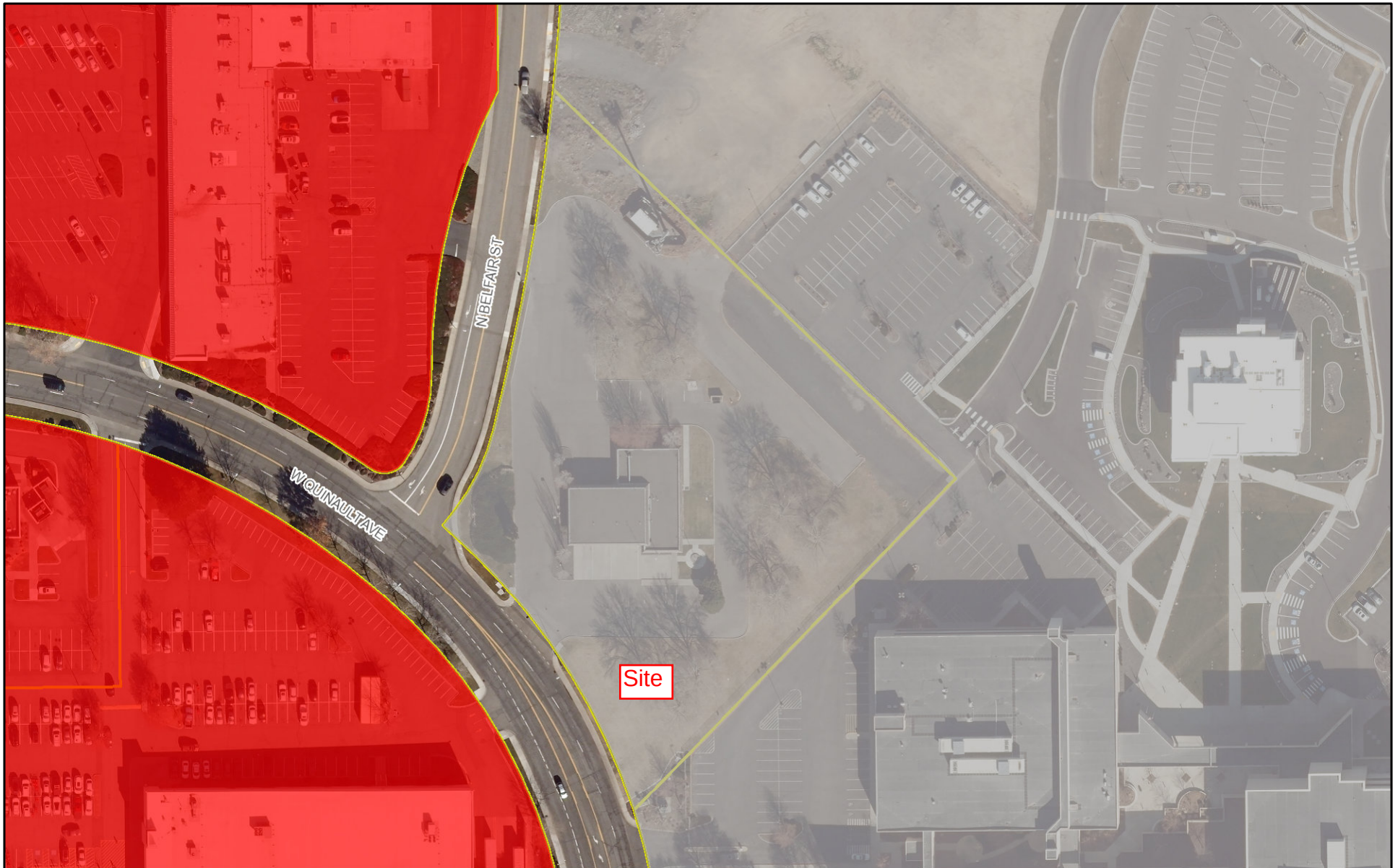


1 inch = 120 feet 1:1,440
 0 0.01 0.02 0.04 mi
 0 0.0175 0.035 0.07 km

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

Comprehensive Plan Map

Exhibit 4



August 15, 2023

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

StreetName

SV_CI_RICHLAND_10

SurveyCityLimits

SV_CI_COUNTY_10

SV_CI_KENNEWICK_10

SurveyUrbanGrowthBoundary



1 inch = 120 feet

1:1,440

0 0.01 0.02 0.04 mi

0 0.0175 0.035 0.07 km

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

ArcGIS WebApp Builder
City of Kennewick

Zoning Map

Exhibit 5



August 15, 2023

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

StreetName	SV_CI_RICHLAND_10
SurveyCityLimits	SV_CI_COUNTY_10
SV_CI_KENNEWICK_10	SurveyUrbanGrowthBoundary



1 inch = 120 feet

1:1,440

0 0.01 0.02 0.04 mi

0 0.0175 0.035 0.07 km

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

ArcGIS WebApp Builder
City of Kennewick



NOTIFICATION OF MAILING

I, Alisha Piper, on August 4, 2023

Mailed 5 copies of Notice of Public Hearing

for COA-2023-0005 at 7400 W. Quinault Ave.

to 300 ft radius

as shown on the attached list.

Alisha Piper

Signature



37
BENTON COUNTY
7122 W OKANOGAN PL BLDG E
KENNEWICK, WA 99336

37
BENTON COUNTY
PO BOX 190
PROSSER, WA 99350

37
COLUMBIA SQUARE KENNEWICK LLC
101 LARKSPUR LANDING CIRC, STE 120
LARKSPUR, CA 94939

37
DAYTON HUDSON CORPORATION
PO BOX 9456
MINNEAPOLIS, MN 55440

37
JTN-RL LLC
C/O THOMAS P SAYER JR ESQ
9984 SCRIPPS RANCH BLVD, #284
SAN DIEGO, CA 92131

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KENNEWICK PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

August 21, 2023 6:30 p.m.

The Kennewick Planning Commission will hold a Public Hearing on Monday, August 21, 2023, at City Hall Council Chambers, 210 West 6th Avenue, at 6:30 p.m. or as soon as possible thereafter, to receive public comment on a proposed Change of Zone. Staff will be presenting their analysis and the Planning Commission will make a recommendation to the City Council on the item. The public hearing will be conducted in a hybrid setting which will allow interested parties to participate in person or virtually. To participate virtually in the hearing, use the link found at <https://www.go2kennewick.com/598/Planning-Commission>.

Permit# COZ-2023-0005 – A Change of Zone for 3 acres located at 7400 W. Quinault Ave., from Public Facility (PF) to Justice Facility (JF). The site has Public Facility comprehensive plan land use designation. **Review the site map on the back of this notice.**

Submit written comments to Alisha Piper at alisha.piper@ci.kennewick.wa.us or mail to PO Box 6108, Kennewick, WA 99336. For questions about this project, please call Alisha Piper (509) 585-4463.

The City of Kennewick welcomes full participation in public meetings by all citizens. No qualified individual with a disability shall be excluded or denied the benefit of participating in such meetings. If you wish to use auxiliary aids or require assistance to comment at this public meeting, please contact Alisha Piper at (509) 585-4463 or through the Washington Relay Service Center TTY by dialing 711, at least ten days prior to the date of the meeting to make arrangements for special needs.

NORTHWEST QUARTER OF SECTION 32, TOWNSHIP
9 NORTH, RANGE 29 EAST, W.M., CITY OF
KENNEWICK, BENTON COUNTY, WASHINGTON

132992000007001

N Belfair St

132992000010005

C1

N 44° 48' 56" W
484.13 Feet

L1

132992000001001

C2

C3

N 45° 11' 04" E
400.00 Feet

W Quinault Ave

132992000008001



0 100 200 Feet

Scale: 1" = 112.36'

Segment	Bearing	Length (feet)
L1	S 12° 57' 16" W	51.03

Segment	Chord Bearing	Radius (feet)	Arc Length (feet)
C1	S 9° 18' 16" W	2073.90	246.81
C2	S 27° 50' 01" W	190.32	95.98
C3	S 33° 48' 34" E	547.00	300.71



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-2023-0022

DESCRIPTION OF PROPOSAL: Rezone of a 3-acre parcel from Public Facility (PF) to Justice Facility (JF).

PROPONENT: Robert Blain, Benton County

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: 7400 W. Quinault Ave.

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: Community Planning Director

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

PHONE: (509) 585-4361

- ☐ 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 20, 2023

Signature: _____

for Anthony Muai

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.



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO THE PLANNING COMMISSION

FILE NO: COZ-2023-0006

Staff Report Date: 3 August 2023

Hearing Date & Location: 21 August 2023, City Council Chambers

Report Prepared By: Matt Halitsky, AICP
Senior Planner

Report Reviewed By: Steve Donovan, AICP
Planning Manager

Summary Recommendation: The City of Kennewick Planning Staff RECOMMENDS APPROVAL of Change of Zone 2023-0006

Summary of Proposal: A Change of Zone from Industrial, Light (IL) to Commercial, Community (CC) for 1.53 acres.

Proposal Location: 8920 W Clearwater Ave

Legal Description: Benton County tax parcel # 106893BP4740004
Lot 4, Binding Site Plan 15-09/PLN-2015-03372,
AFN 2016-013785

SECTION 06, TOWNSHIP 8 NORTH, RANGE 29 EAST, QUARTER SW: BINDING SITE PLAN #4740, LOT 4: A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 8 NORTH, RANGE 29 EAST, W.M. CITY OF KENNEWICK, BENTON COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 6 (FROM WHICH THE CENTER QUARTER CORNER OF SAID SECTION 6 BEARS SOUTH 83° 09' 01" EAST, A DISTANCE OF 2637.11 FEET); THENCE SOUTH 83° 09' 01" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, A DISTANCE OF 146.46 FEET TO THE WESTERLY RIGHT OF WAY LINE OF STEPTOE STREET AS DESCRIBED IN RIGHT OF WAY TAKE, DATED 2/24/2012, AF#2012-005410, RECORDS OF BENTON COUNTY; THENCE LEAVING THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6 ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID STEPTOE STREET THE FOLLOWING (4)

EXHIBIT 1

COURSES; SOUTH 06° 20' 14" EAST, A DISTANCE OF 23.12 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A 811.31 FOOT RADIUS NON TANGENT CURVE TO THE LEFT (THE RADIUS OF WHICH BEARS NORTH 83° 16' 47" EAST) THROUGH A CENTRAL ANGLE OF 03° 46' 47" FOR AN ARC DISTANCE OF 53.52 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A 814.00 FOOT RADIUS NON TANGENT COMPOUND CURVE TO THE LEFT (THE RADIUS OF WHICH BEARS NORTH 73° 48' 00" EAST) THROUGH A CENTRAL ANGLE OF 12° 15' 57" FOR AN ARC DISTANCE OF 174.26 FEET; THENCE SOUTH 28° 27' 57" EAST, A DISTANCE OF 44.13 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF WEST CLEARWATER AVENUE; THENCE ALONG THE NORTHERLY RIGHT OF WAY OF SAID WEST CLEARWATER AVENUE THE FOLLOWING (4) COURSES; SOUTHWESTERLY ALONG THE ARC OF A 23.00 FOOT RADIUS CURVE TO THE RIGHT (THE RADIUS OF WHICH BEARS SOUTH 61° 32' 03" WEST) THROUGH A CENTRAL ANGLE OF 89° 52' 50" FOR AN ARC DISTANCE OF 36.08 FEET; THENCE SOUTH 61° 24' 53" WEST A DISTANCE OF 10.22 FEET; THENCE SOUTH 11° 21' 31" WEST A DISTANCE OF 2.09 FEET; THENCE SOUTH 61° 32' 03" WEST A DISTANCE OF 178.90 FEET; THENCE LEAVING THE NORTHERLY RIGHT OF WAY LINE OF SAID WEST CLEARWATER AVENUE NORTH 19° 59' 40" WEST A DISTANCE OF 186.99 FEET TO THE WEST LINE OF THE SOUTHWEST CORNER OF SAID SECTION 6; THENCE NORTH 00° 47' 01" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, A DISTANCE OF 240.70 FEET TO THE TRUE POINT OF BEGINNING AND THE END OF THIS LEGAL DESCRIPTION. (AF#2016-013785, 5/19/2016, SEE SURVEY #4740).

Property Owner: Hansen Park LLC
21611 Ahtanum Road
Yakima, WA 98903

Applicant: Shane O'Neill
LCR Construction LLC
2425 Robertson Drive
Richland, WA 99354

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	13 July 2023
Determination of Completeness Issued	17 July 2023
Notice of Application Posted	17 July 2023
Date of Mailed Notice of Public Hearing	3 August 2023
Property Posting Sign for Public Hearing	3 August 2023
Date of Published Notice of Public Hearing	6 August 2023

Exhibits:

1. Staff Report
2. Supplemental Questionnaire
3. Vicinity Map
4. Drawing
5. Legal Description
6. Comprehensive Plan Map
7. Zoning Map
8. Notice of Mailing
9. SEPA Determination of Non-significance

Zoning Adjacent to the Site:

North: N/A, Railroad ROW with Residential, Low Density (RL) beyond

East: Industrial, Light (IL)

South: Industrial, Light (IL), with Commercial, General (CG) beyond

West: Commercial, Community (CC), with Industrial, Light (IL) beyond

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

Goal 2: Sustain and enhance viable commercial areas.

Policy 1: Encourage a mixture of commercial, office, and residential uses within commercial centers to support day and evening activities for all ages.

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

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

Policy 1: Provide commercial areas sized and scaled appropriately for the neighborhood or community.

Policy 3: Provide for Neighborhood Commercial centers in strategic locations to serve surrounding neighborhoods, while minimizing impacts to the surrounding residential uses.

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*

The proposed Change of Zone conforms to the Comprehensive Plan as the CC zoning district is an implementing zoning district of the site's current Commercial land use designation.

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

The proposed Change of Zone promotes public necessity, convenience, and welfare by establishing a zoning district that is compatible with 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*

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*

The proposed amendment will maintain a zoning district that complies with the Comprehensive Plan. The CC zone is an implementing zone of the site's Commercial 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.*

The finding is not applicable; the proposed zoning district is not a single-family residential zone. That said, the higher-intensity Industrial, Light (IL) zone is located to the east and south of the subject property.

Public & Agency Comments:

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

Staff Analysis of Proposal & Discussion:

The subject property was annexed by the City on 3 January 1995 via Ordinance 3603 and established the zoning as Industrial, Light (IL). In 2015, the Comprehensive Plan land use designation was changed from Industrial to Commercial via Ordinance 5619.

The proposed Change of Zone (COZ-2023-0006) is a request to change the zoning district of one, 1.53 acre parcel located at 8920 W Clearwater Ave from IL to CC. Pursuant to Table 1 of the Comprehensive Plan, the CC zoning district is an implementing zoning district of the Commercial 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(10) the purpose of CC zoning district is as follows:

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.

It is the applicant's intent to construct a gas station and convenience store supporting the immediate neighborhood. The Clearwater/Steptoe intersection is highly visible and a commercial development at this location would be consistent with the ongoing development of the area.

Access to the site is from N Steptoe Street as well as via a shared access agreement with the adjacent property from W Clearwater Avenue. Curb, gutter, and sidewalk currently abut the property. Streetscape improvements such as street trees and lighting will be required at time of future site plan approval. Municipal water and sewer are present at W Clearwater Ave. Water is also available from N Steptoe St. Future development will be required to meet the Commercial Design Standards, and an undue burden on existing public facilities is not anticipated.

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

Findings:

1. The applicant is Shane O'Neill, LCR Construction LLC, 2425 Robertson Drive, Richland, WA 99354.
2. The property owner is Hansen Park LLC, 21611 Ahtanum Road, Yakima, WA 98903.
3. The proposed change of zone is located at 8920 W Clearwater Ave. Parcel Number 1-0689-3BP-4740-004.
4. The City's Comprehensive Plan Land Use Designation for the subject property is Commercial.
5. The request is to change the zoning from Industrial, Light (IL) to Commercial, Community (CC).
6. The Commercial, Community (CC) zoning district is an implementing zone of the Commercial Comprehensive Plan Land Use Map Designation.
7. On 13 July 2023, the application was submitted, and declared complete for processing on 17 July 2023.
8. The application was routed for review to City Departments and outside agencies for comment on 17 July 2023.

9. Access to the site is via N Steptoe Street and a shared access from W Clearwater Ave.
10. The Environmental Determination of Non-Significance (PLN-2015-01322) was issued with the last Comprehensive Plan Amendment on 10 August 2015.
11. The Property Posting sign for the public hearing was posted on site 3 August 2023.
12. Notice of the public hearing for this application was published in the Tri-City Herald on 6 August 2023. Notices were also mailed to property owners within 300 feet of the site on 3 August 2023.
13. The proposed amendment is consistent with 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 Commercial.
2. Approval will not result in an increase of adverse environmental impacts.
3. Approval will implement Commercial Land Use Goals 2 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-2023-0006 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-2023-0006 and recommend approval of the request to City Council.

Supplemental Questionnaire

1. *Please explain how the public necessity, convenience, and general welfare require the adoption of the proposed amendment.*

The current industrial zoning designation restricts commercial/retail uses. The site is located at the intersection of two arterial roadways where gas stations with convenience stores are commonly located. The subject vicinity is dominated by residential neighborhoods in all directions with the exception of adjacent properties. Industrial land uses are incompatible with residential neighborhoods due to the high level of nuisance impacts they generate. Instead, a more gradual transition of zoning assignments, in the form of commercial zoning, is most appropriate in this location. Retail uses permitted in commercial zones serve the needs of nearby residents better than industrial uses. An industrial business at this high-traffic intersection would not offer maximal utility and convenience to the surrounding residents.

2. (a) *Are there sites presently available on the market which are correctly zoned for the proposed use?*

No

(b) *Are these sites within a 1/2 mile of the proposed site?*

No

(c) *Within 1 mile of the proposed site?*

No

(d) *If you answered yes to any of the above, please indicate the general location of the site(s) and the reasons why these sites are not proposed to be utilized.*

N/A

3. *Please explain how the proposed amendment is consistent with the existing land use pattern in the area.*

Most parcels fronting W. Clearwater Ave., west of N. Steptoe Street are commercially zoned and contain retail businesses. The adjacent site to the west is currently zoned CC Community Commercial. Then east of Columbia Center Blvd., a vast majority of parcels fronting Clearwater Ave. are commercially zoned (CC). Approval of this application would contribute to a more consistent pattern of commercial zoning for properties on Clearwater Ave.

4. (a) *Are the existing uses in the area in conformance with the area's zoning classification?*

Yes

(b) If NO, please explain the differences. If YES, please type NA.

N/A

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

No

(b) Please explain:

The proposed zone change would not create an isolated spot on the zoning map.

6. *Please explain how the existing zoning prohibits reasonable use of the property.*

The property is being exclusively considered for a gas station with a convenience store. Kennewick's Zoning Code distinguishes these as two distinct uses. The current IL zone does not permit the retail convenience store component. Without the requested commercial zoning assignment, only a gas station would be permitted. Current market trends have made this model somewhat obsolete.

7. *Please explain how residential character, in the immediate area, will or will not be adversely affected by the proposed amendment.*

The surrounding vicinity within 1/2-mile is dominated by residential neighborhoods, with the exception of properties abutting Clearwater Ave. Gas stations paired with convenience stores are quite common on the boundary of residential communities.

8. *Please explain how the proposed amendment will affect property values in the vicinity.*

The proposed decrease in land use intensity by way of rezoning will not be a consideration by the assessor's office nor by prospective buyers of parcels in the vicinity in determining value. Likewise, development of the gas station/convenience store is unlikely to have any effect on the assessed or perceived values of properties in the vicinity. It is possible that residential properties may experience a marginal value increase due to the increased availability of retail services in the vicinity.

9. *(a) Please explain how approval of the proposed amendment will or will not set a precedent for other similar proposals or uses.*

Approval of this request to assign CC zoning to the subject parcel cannot be construed as setting any precedent. A majority of parcels on Clearwater Avenue to the east and to the west are already identically zoned CC. Approval of this request will only serve to foster uniformity in current zoning assignment patterns.

(b) Please explain how approval of the proposed amendment will or will not deter the use, improvement or development of adjacent property in accordance with the existing zoning.

The subject site is adjacent to one parcel which is fully developed with a medical clinic. As such, there are no opportunities for the proposed rezone to have any effect on the development potential of adjacent parcels.

- 10. Please explain how approval of the proposed amendment will or will not encourage more private investments which will be beneficial to the redevelopment of a deteriorated area.*

Rezoning and subsequent development of the subject site poses little to no potential to affect any deteriorated area(s). The subject vicinity is undergoing an initial development phase. Assigning commercial zoning to the subject site is unlikely to affect the city's redevelopment goals for blighted areas.

- 11. Please explain how approval of the proposed amendment will or will not combat any economic segregation and allow greater choice in the market.*

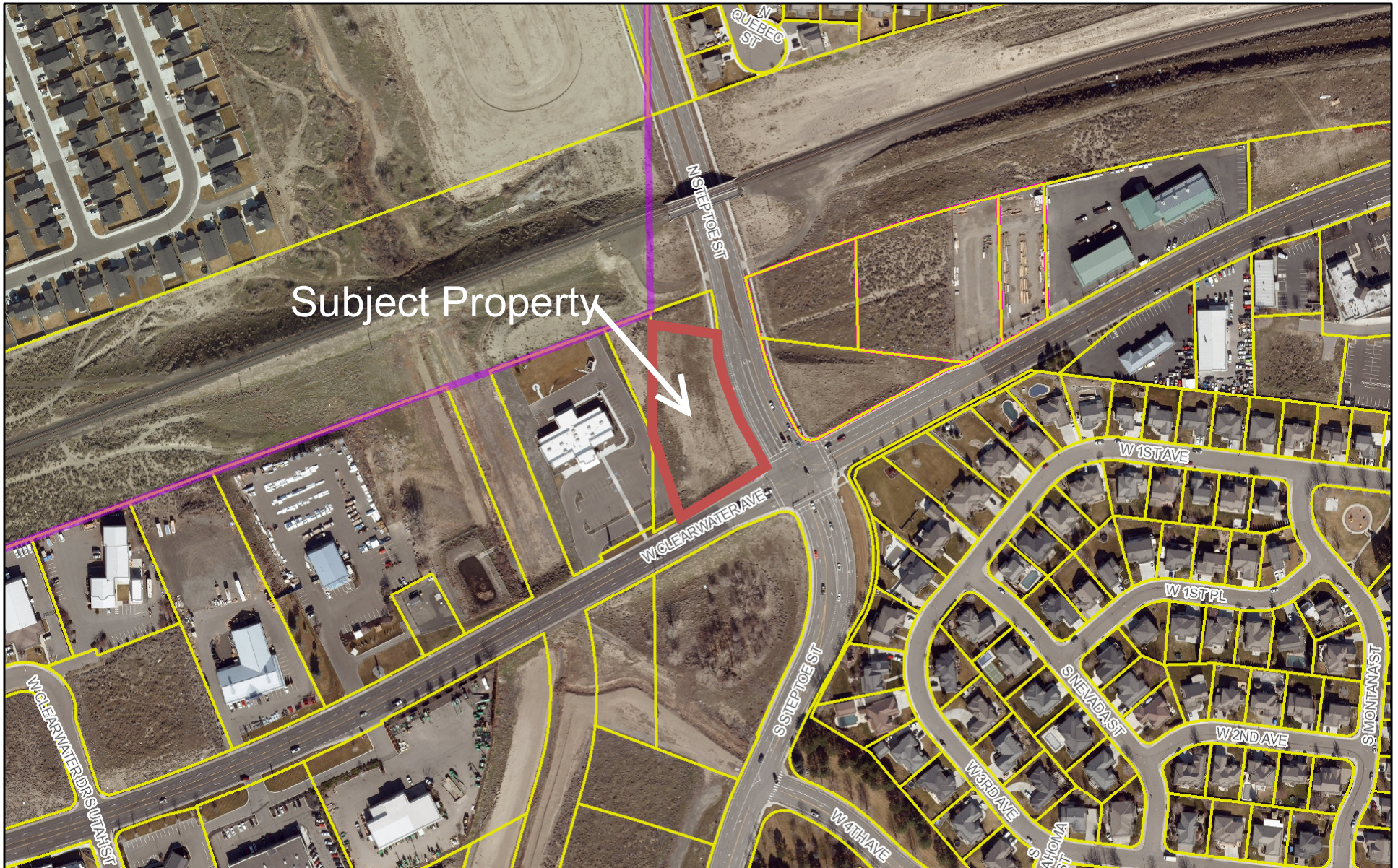
The causes of economic segregation are not sufficiently established to allow for a cogent response to this criterion. Convenience stores offer consumable food products at a low price-point, thereby offering another food choice for people with lower income levels. Gasoline prices are generally consistent across the region, within a small range, thereby offering vital energy to everyone equally. Commercial zoning is evenly distributed along arterial roadways regardless of economic demographics.

- 12. Please explain how approval of the proposed amendment will or will not create conflict between potential land uses and transportation patterns.*

Above

Vicinity Map

Exhibit 3



August 7, 2023

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

SV_CI_COUNTY_1



1 inch = 300 feet

1:3,600

0 0.0275 0.055 0.11 mi

0 0.0425 0.085 0.17 km

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



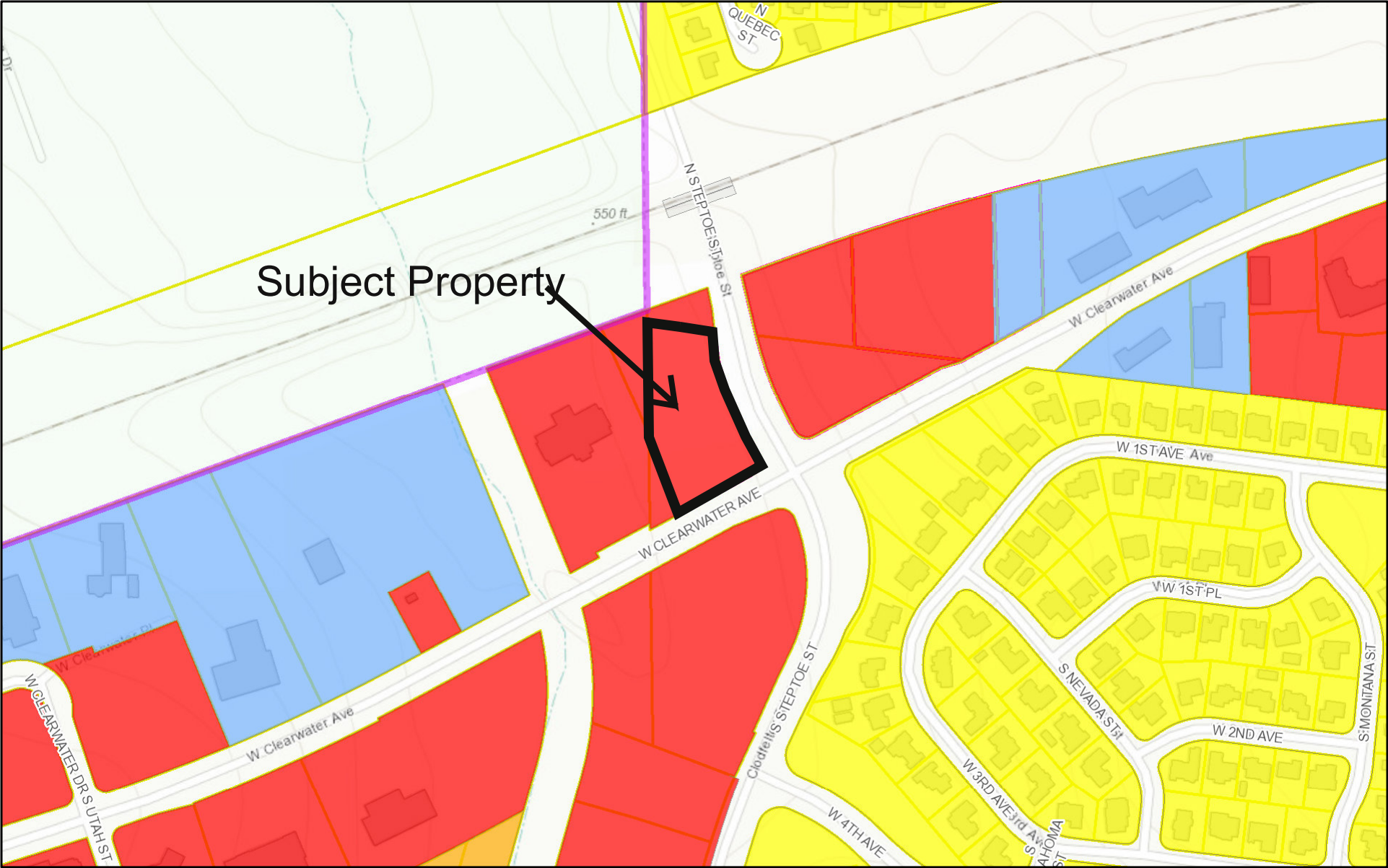
Benton County tax parcel # 106893BP4740004

Lot 4, Binding Site Plan 15-09/PLN-2015-03372, AFN 2016-013785

SECTION 06, TOWNSHIP 8 NORTH, RANGE 29 EAST, QUARTER SW: BINDING SITE PLAN #4740, LOT 4: A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 8 NORTH, RANGE 29 EAST, W.M. CITY OF KENNEWICK, BENTON COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 6 (FROM WHICH THE CENTER QUARTER CORNER OF SAID SECTION 6 BEARS SOUTH 83° 09' 01" EAST, A DISTANCE OF 2637.11 FEET); THENCE SOUTH 83° 09' 01" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, A DISTANCE OF 146.46 FEET TO THE WESTERLY RIGHT OF WAY LINE OF STEPTOE STREET AS DESCRIBED IN RIGHT OF WAY TAKE, DATED 2/24/2012, AF#2012-005410, RECORDS OF BENTON COUNTY; THENCE LEAVING THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6 ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID STEPTOE STREET THE FOLLOWING (4) COURSES; SOUTH 06° 20' 14" EAST, A DISTANCE OF 23.12 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A 811.31 FOOT RADIUS NON TANGENT CURVE TO THE LEFT (THE RADIUS OF WHICH BEARS NORTH 83° 16' 47" EAST) THROUGH A CENTRAL ANGLE OF 03° 46' 47" FOR AN ARC DISTANCE OF 53.52 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A 814.00 FOOT RADIUS NON TANGENT

COMPOUND CURVE TO THE LEFT (THE RADIUS OF WHICH BEARS NORTH 73° 48' 00" EAST) THROUGH A CENTRAL ANGLE OF 12° 15' 57" FOR AN ARC DISTANCE OF 174.26 FEET; THENCE SOUTH 28° 27' 57" EAST, A DISTANCE OF 44.13 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF WEST CLEARWATER AVENUE; THENCE ALONG THE NORTHERLY RIGHT OF WAY OF SAID WEST CLEARWATER AVENUE THE FOLLOWING (4) COURSES; SOUTHWESTERLY ALONG THE ARC OF A 23.00 FOOT RADIUS CURVE TO THE RIGHT (THE RADIUS OF WHICH BEARS SOUTH 61° 32' 03" WEST) THROUGH A CENTRAL ANGLE OF 89° 52' 50" FOR AN ARC DISTANCE OF 36.08 FEET; THENCE SOUTH 61° 24' 53" WEST A DISTANCE OF 10.22 FEET; THENCE SOUTH 11° 21' 31" WEST A DISTANCE OF 2.09 FEET; THENCE SOUTH 61° 32' 03" WEST A DISTANCE OF 178.90 FEET; THENCE LEAVING THE NORTHERLY RIGHT OF WAY LINE OF SAID WEST CLEARWATER AVENUE NORTH 19° 59' 40" WEST A DISTANCE OF 186.99 FEET TO THE WEST LINE OF THE SOUTHWEST CORNER OF SAID SECTION 6; THENCE NORTH 00° 47' 01" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6, A DISTANCE OF 240.70 FEET TO THE TRUE POINT OF BEGINNING AND THE END OF THIS LEGAL DESCRIPTION. (AF#2016-013785, 5/19/2016, SEE SURVEY #4740).

Land Use Map



August 7, 2023

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



1 inch = 300 feet

1:3,600

0

0.0275

0.055

0.11 mi

0

0.0425

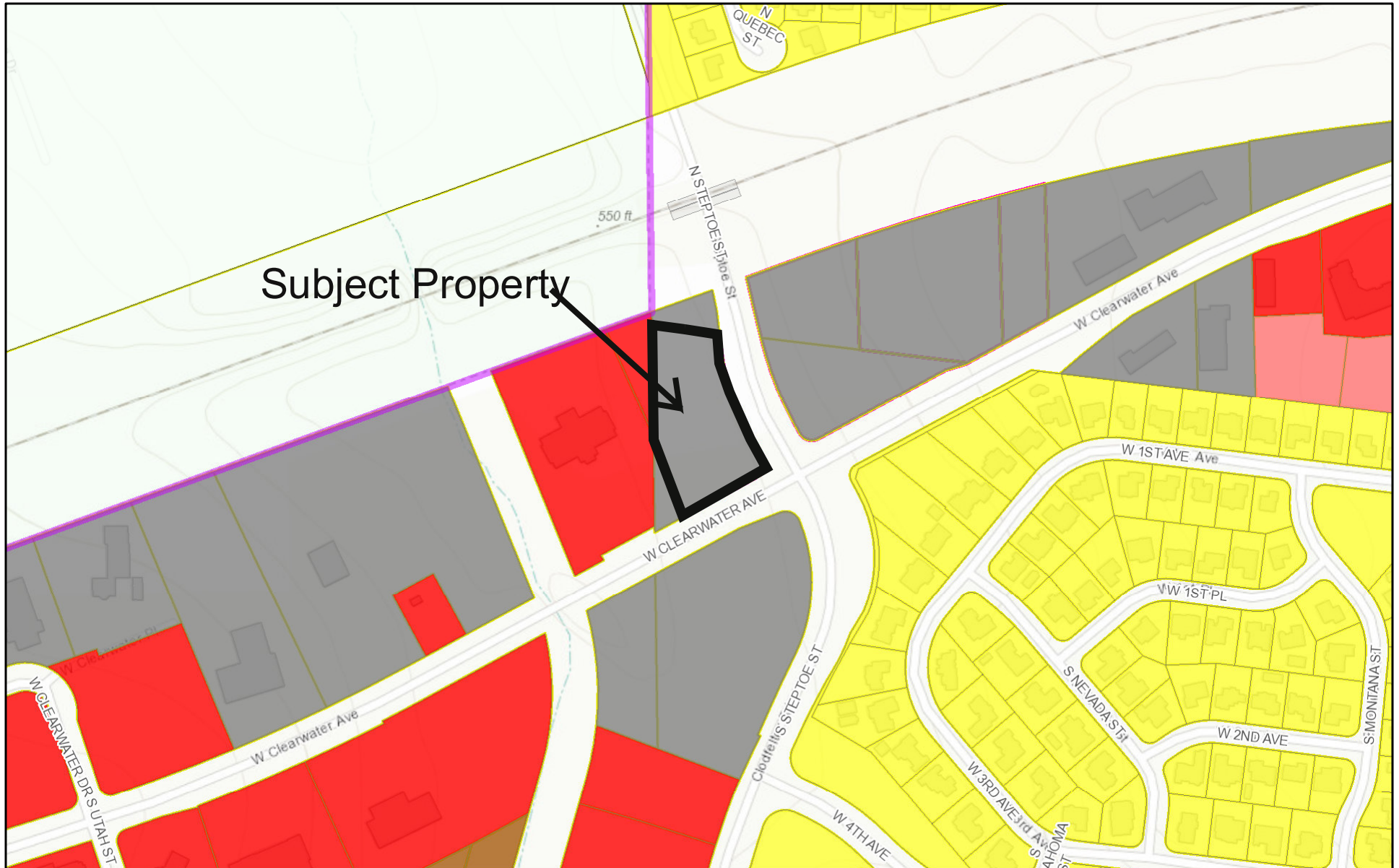
0.085

0.17 km

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

Zoning Map

Exhibit 7



August 7, 2023

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

SV_CI_COUNTY_1



1 inch = 300 feet

0 0.0275 0.055 0.11 mi

0 0.0425 0.085 0.17 km

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

KENNEWICK PLANNING COMMISSION**NOTICE OF PUBLIC HEARING**

August 21, 2023 6:30 p.m.

The Kennewick Planning Commission will hold a Public Hearing on Monday, August 21, 2023, at City Hall Council Chambers, 210 West 6th Avenue, at 6:30 p.m. or as soon as possible thereafter, to receive public comment on a proposed Change of Zone. Staff will be presenting their analysis and the Planning Commission will make a recommendation to the City Council on the item. The public hearing will be conducted in a hybrid setting which will allow interested parties to participate in person or virtually. To participate virtually in the hearing, use the link found at <https://www.go2kennewick.com/598/Planning-Commission>.

*Project# COZ-2023-0006 – A Change of Zone of 1.53 acres from Industrial, Light (IL) to Commercial, Community (CC), located at 8920 W Clearwater Ave. The property has a Comprehensive Plan land use designation of Commercial. **See site map on back.***

Submit written comments to Matt Halitsky at matt.halitsky@ci.kennewick.wa.us or mail to PO Box 6108, Kennewick, WA 99336. For questions about this project, please call Matt Halitsky (509) 585-4416

The City of Kennewick welcomes full participation in public meeting by all citizens. No qualified individual with a disability shall be excluded or denied the benefit of participating in such meetings. If you wish to use auxiliary aids or require assistance to comment at this public meeting, please contact 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.





NOTIFICATION OF MAILING

I, Matt Halitsky, on August 3, 2023

Mailed 8 copies of Notice of Public Hearing

for COZ-2023-0006

to property owners within 300' of subject property

as shown on the attached list.

Signature



Exhibit 8

37

KADLEC REGIONAL MEDICAL CENTER
C/O CBRE FINANCE
1801 LIND AVE SW
Renton, WA 98057

37

PRESTIGE DEVELOPMENT INC NW
8600 W CLEARWATER AVE
Kennewick, WA 99336

37

HUGHES TRUSTEES D KEITH & BETTY JO
8600 W CLEARWATER AVE
Kennewick, WA 99336

37

HANSEN PARK LLC
21611 AHTANUM RD
Yakima, WA 98908

37

LATORRE II CARLOS A & MICHELE
8913 W 3RD AVE
Kennewick, WA 99336

37

CHAVALLO TRUSTEES MANUEL & HILDA
8842 W 1st Ave
Kennewick, WA 99336

37

JACK SUSAN ELIZABETH & GERSMAN
JOHN ORVILLE
8838 W 1ST AVE
Kennewick, WA 99336

37

HANSON PARK HOMEOWNERS ASSOC
6855 W Clearwater AVE #A101-160
KENNEWICK, WA 99336



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: CPA 15-07/PLN-2015-01322

DESCRIPTION OF PROPOSAL: Change 10.75 acres designated Industrial to Commercial

PROPONENT: Hansen Park, LLC

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: NW, NE & SW corners of W. Clearwater Ave. & N. Steptoe St./S. Clodfelter St. (see map)

LEAD AGENCY: City of Kennewick

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

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

RESPONSIBLE OFFICIAL: Gregory McCormick, AICP

POSITION/TITLE: Community Planning Director

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

PHONE: (509) 585-4463

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

This DNS is subject to the attached conditions:

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

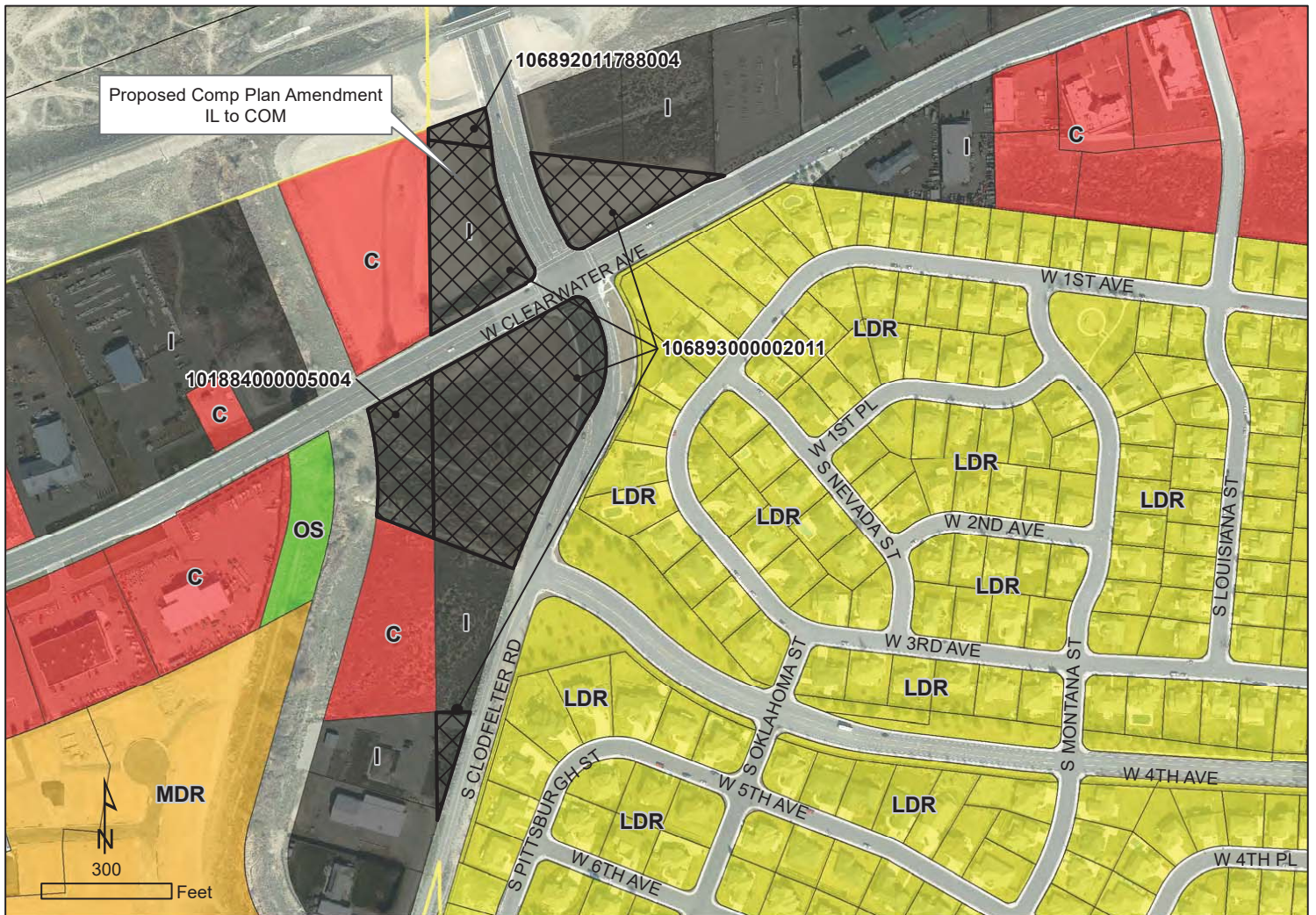
Date: August 10, 2015

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



Hansen Park - Clearwater Property Comprehensive Plan Amendment



STAFF REPORT
DCA-2023-0002

Public Hearing Date: August 21, 2023

Proposal Summary: Amend accessory dwelling unit (ADU) development regulations to encourage ADU development and comply with EHB 1337

Applicant: City of Kennewick

Staff Contact: Anthony Muai, AICP, Community Planning Director

Background:

Kennewick adopted provisions for attached accessory dwelling units in 1983 through Ordinance 2757. In 2013, provisions allowing detached accessory dwelling units were added to the code through Ordinance 5528. Provisions limiting height, size, number of bedrooms and occupants were included in those provisions and still exist today.

The proposal was routed for comments on June 13, 2023. Notice was sent to the Washington State Department of Commerce on June 6, 2023. The 60-day comment period ended on August 11, 2023. A SEPA Threshold Determination of Non-Significance was issued for the proposal on July 3, 2023.

Proposed Amendment:

The proposed amendment strives to make the use of accessory dwelling units more accessible to property owners and to comply with the requirements of Engrossed House Bill 1337 which was signed by Governor Inslee on May 8, 2023. The proposed amendments are summarized as follows:

- Minimum lot size is changed from 10,000 square feet to the minimum lot size for the zone
- Number of ADUs is increased from 1 to 2
- Height is increased from 20 feet to 24 feet
- Square footage is increased from the lesser of 800 square feet or 40% of the primary dwelling, whichever is less to 1,100 square feet
- Impact fees are reduced to 50% of a single family dwelling
- Owner occupancy requirement is removed
- Design requirements that exceed what is required of a single-family dwelling are removed
- Allowance for ADUs to be converted into condominiums and sold

The following are the proposed amendments to KMC 18.12.020. New text is shown underlined and in blue color font. Text proposed for deletion is shown struck through and in red color font.

18.12.020: - Accessory Dwelling Units (ADUs)

Accessory dwelling units ~~Attached and detached ADUs are shall be~~ permitted in ~~single-family~~all residential zoning districts, shall adhere to the appearance of single-family residences and be subject to the following development standards:

(1) Number of Accessory Dwelling Units Permitted: Two accessory dwelling units shall be permitted in all residential zoning districts in the following configurations:

- (a) One attached accessory dwelling unit and one detached accessory dwelling unit;
- (b) Two attached accessory dwelling units; or
- (c) Two detached accessory dwelling units, which may be comprised of either one or two detached structures;

~~(1) Attached Accessory Dwelling Units: A portion of a single family dwelling unit may be converted to one accessory apartment which may have a bathroom and kitchen. An attached ADU must comply with the following standards:~~

- ~~(a) One additional improved off-street parking space must be provided for the residents of the accessory apartment and if an attached garage is converted to an accessory unit, additional parking spaces must be improved elsewhere on the site to replace those lost.~~
- ~~(b) One unit must be owner-occupied. The property owner shall record a deed restriction with the Benton County Auditor's Office. The document shall be in a form prescribed by the Planning Director and include a description of the location and size of the ADU and a covenant that one of the dwelling units is, and will continue to be, occupied by the owner of the property as the owner's principal and permanent residence for as long as the other unit is being rented or otherwise occupied. The owner shall maintain residency at least six months out of the year and at no time receive rent for, or otherwise allow to occupy the owner unit when absent the remainder of the year. Falsely certifying owner occupancy shall be considered a violation of the zoning ordinance and is subject to enforcement action.~~

~~(2) Detached Accessory Dwelling Units: Detached ADUs shall be subject to the following standards:~~

- ~~(a) No more than one ADU per legal lot. A lot occupied by two or more dwellings shall not be permitted to have an ADU;~~

~~(b2)~~ Minimum lot size—10,000 square feet Accessory dwelling units are permitted on all lots meeting the minimum lot size for the zone in which they are proposed;

~~(c3)~~ Setbacks: Detached accessory structures are subject to the provisions of Chapter 18.27.030 with the exception of the maximum height;

(4) Height: The maximum height for an ADU that is detached from the primary unit shall be 24 feet. The maximum height for an ADU that is attached to the primary unit shall be the maximum height permitted in that zone for the primary unit;

~~(d5)~~ Total floor area: The total gross floor area of an ADU shall not exceed 40 percent of the living area of the primary dwelling unit or 800 1,100 square feet, whichever is less. In calculating living area, uninhabited floor areas such as garages and unheated storage areas are excluded;

~~(e) Number of bedrooms: ADUs are limited to one bedroom;~~

~~(f) Occupancy: No more than three people, of which no more than two are 16 years of age or older, shall reside in an ADU;~~

~~(g6)~~ Parking: Parking: An ADU shall have a A minimum of one off-street parking space per ADU is required, which is in addition to the two off-street parking spaces required for the primary dwelling unit;

(a) If an attached garage is converted to an accessory dwelling unit, additional parking spaces must be improved elsewhere on the site to replace those lost;

~~(h) Architectural design: The exterior appearance of an ADU shall be architecturally compatible with the primary dwelling unit. Compatible includes coordination of architectural style, exterior building materials, color, roofing material, form and pitch; window style and placement; other architectural features and landscaping;~~

~~(i) Entrances: Only one entrance may be located on the front of the house, unless the front of the house already has more than one entrance, or in the case of a detached ADU;~~

~~(j7)~~ Connection charges and impact fees shall be as specified by the applicable ordinances and resolutions;

(8) Impact Fees. Accessory dwelling units shall be assessed 50% of the same impact fees applicable to the primary dwelling.

(9) Conversion of Existing Structures. Existing structures, including those which are non-conforming in setbacks or lot coverage, may be converted to ADUs provided they meet applicable building code requirements.

(10) Conversion of Accessory Dwelling Units to Condominiums. An accessory dwelling unit may be converted into a condominium and sold, subject city and state regulations governing condominiums.

~~(k) Owner Occupancy: Prior to the issuance of a building permit establishing an ADU, the property owner shall record a deed restriction with the Benton County Auditor's Office. The document shall be in a form prescribed by the Planning Director and include a description of the location and size of the ADU and a covenant that one of the dwelling units is, and will continue to be, occupied by the owner of the property as the owner's principal and permanent residence for as long as the other unit is being rented or otherwise occupied. The owner shall maintain residency at least six months out of the year and at no time receive rent for, or otherwise allow to occupy the owner unit when absent the remainder of the year. Falsely certifying owner occupancy shall be considered a violation of the zoning ordinance and is subject to enforcement action;~~

~~(l) Grace Period: At no time prior to the adoption of this section has the City of Kennewick zoning ordinance permitted detached ADUs. Nevertheless, for up to 12 months from the effective date of this section, a home or lot which has had a detached ADU established prior to the adoption of this section, but which cannot comply with above items (h) and/or (i), or the setback requirements of this section, may be considered through a conditional use permit process. All other ADU provisions and applicable building code requirements shall apply when legalizing the detached ADU.~~

Staff Analysis:

The proposed amendments will provide additional opportunities for those wishing to construct an accessory dwelling unit (ADU) on their property. In addition, the proposed amendments will allow flexibility in how ADUs are used. Currently, ADUs are limited to one bedroom and three occupants where no more than two of the occupants are older than 16 years old. This restricts families that may have older high school aged children or that may be taking care of an aging parent. It also restricts those that may be starting their family and already have a child. The proposed amendments remove the restrictions that could limit families in need from occupying an ADU.

The proposed amendments not only provide options for families, but they also provide a more affordable alternative to traditional housing in the community such as apartments and single family residences. ADUs tend to cost less to rent due to the smaller size.

Public Comment

One comment was received from Kennewick Irrigation District regarding an earlier draft that specifically allowed no setback on property lines abutting an irrigation and railroad rights of way or alleyways. That proposed revision was removed and the current requirement of compliance with KMC 18.27.030 was retained.

Comprehensive Plan Land Use Goals

The following goals provide a basis to permit housing in the Public Facility zone.

- Housing Goal 1: Support and develop a variety of housing types and densities to meet the diverse needs of the population.
 - Housing Goal 1, Policy 3: Allow residential developments such as condominiums, zero lot lines, accessory apartments and other innovative housing techniques.
- Housing Goal 3: Promote affordable housing for all economic segments of the community.
 - Housing Goal 3, Policy 1: Promote affordable infill residential construction through flexibility in development techniques.

Regulatory Controls and Policies

- Kennewick Municipal Code Title 18
- Kennewick Comprehensive Plan
- Engrossed House Bill 1337

Findings of Fact:

1. The applicant is the City of Kennewick.
2. Notice of the proposed code revision was sent to the Washington State Department of Commerce on June 12, 2023, consistent with the requirements of RCW 36.70A.106 and confirmation of notice received was issued by Commerce on June 13, 2023 with a comment period end date of August 11, 2023.
3. Notice of the proposed code revision was circulated for comments on June 13, 2023.
4. The City fulfilled the State Environmental Policy Act requirements by issuing a Determination of Non-Significance was issued on July 3, 2023 and published in the Tri-City Herald on July 6, 2023.
5. The Notice of Public Hearing was published in the Tri-City Herald on August 6, 2023.
6. The proposed amendment will reduce the minimum lot square footage required from 10,000 square feet to the minimum lot size allowed within the zone the accessory dwelling unit is proposed to be constructed in.
7. The proposed amendment will increase the maximum height for accessory dwelling units from 20 feet to 24 feet.
8. The proposed amendment will increase the maximum number of accessory dwelling units on a single lot from one to two.
9. The proposed amendment will increase the maximum allowed square footage from the lesser of 800 square feet or 40% of the square footage of the primary residence to 1,100 square feet.
10. The proposed amendment will remove the limit on the number of occupants.
11. The proposed amendment will remove the requirement for the property owner to live on site.
12. The proposed amendment will reduce impact fees to 50% of what would be paid when constructing a single-family residence.
13. The proposed amendment will allow accessory dwelling units to be converted to condominiums and sold.
14. The proposed amendments will satisfy the City of Kennewick's obligation to comply with the requirements of Engrossed House Bill 1337.

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, but rather support Housing Goal 1; Housing Goal 1, Policy 3; Housing Goal 3; and Housing Goal 3, Policy 1.
3. The proposed amendments do not conflict with other provisions of the Kennewick Municipal Code.
4. The proposed amendments comply with Engrossed House Bill 1337.

Staff Recommendation:

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

Motion:

I move that the Planning Commission concur with the findings and conclusions in the staff report DCA-2023-0002 and recommend to City Council approval of the request.

Exhibits:

1. Staff Report
2. Proposed Amendments
3. Environmental Determination of Non-significance
4. Parties of Record Comments

18.12.020: Accessory Dwelling Units (ADUs).

Accessory dwelling units ~~Attached and detached ADUs are~~ shall be permitted in ~~single-family~~ all residential zoning districts, shall adhere to the appearance of single-family residences and be subject to the following development standards:

- (1) Number of Accessory Dwelling Units Permitted: Two accessory dwelling units shall be permitted in all residential zoning districts in the following configurations:
 - (a) One attached accessory dwelling unit and one detached accessory dwelling unit;
 - (b) Two attached accessory dwelling units; or
 - (c) Two detached accessory dwelling units, which may be comprised of either one or two detached structures;
- ~~(1) Attached Accessory Dwelling Units: A portion of a single-family dwelling unit may be converted to one accessory apartment which may have a bathroom and kitchen. An attached ADU must comply with the following standards:~~
 - ~~(a) One additional improved off-street parking space must be provided for the residents of the accessory apartment and if an attached garage is converted to an accessory unit, additional parking spaces must be improved elsewhere on the site to replace those lost.~~
 - ~~(b) One unit must be owner-occupied. The property owner shall record a deed restriction with the Benton County Auditor's Office. The document shall be in a form prescribed by the Planning Director and include a description of the location and size of the ADU and a covenant that one of the dwelling units is, and will continue to be, occupied by the owner of the property as the owner's principal and permanent residence for as long as the other unit is being rented or otherwise occupied. The owner shall maintain residency at least six months out of the year and at no time receive rent for, or otherwise allow to occupy the owner unit when absent the remainder of the year. Falsely certifying owner occupancy shall be considered a violation of the zoning ordinance and is subject to enforcement action.~~
- ~~(2) Detached Accessory Dwelling Units: Detached ADUs shall be subject to the following standards:~~
 - ~~(a) No more than one ADU per legal lot. A lot occupied by two or more dwellings shall not be permitted to have an ADU;~~
 - ~~(b2) Minimum lot size—10,000-square feet~~ Accessory dwelling units are permitted on all lots meeting the minimum lot size for the zone in which they are proposed;
 - ~~(c3) Setbacks: Detached accessory structures are subject to the provisions of Chapter 18.27.030 with the exception of the maximum height;~~
 - (4) Height: The maximum height for an ADU that is detached from the primary unit shall be 24 feet. The maximum height for an ADU that is attached to the primary unit shall be the maximum height permitted in that zone for the primary unit;
 - ~~(d5) Total floor area: The total gross floor area of an ADU shall not exceed 40-percent-of-the-living-area-of-the-primary-dwelling-unit-or-800-1,100 square feet, whichever is less. In calculating living area, uninhabited floor areas such as garages and unheated storage areas are excluded;~~
 - ~~(e) Number of bedrooms: ADUs are limited to one bedroom;~~
 - ~~(f) Occupancy: No more than three people, of which no more than two are 16 years of age or older, shall reside in an ADU;~~

- (g6) ~~Parking: Parking: An ADU shall have a~~ A minimum of one off-street parking space per ADU is required,
~~which is in addition to the two off-street parking spaces required for the primary dwelling unit;~~
- (a) If an attached garage is converted to an accessory dwelling unit, additional parking spaces must be improved elsewhere on the site to replace those lost;
- ~~(h) Architectural design: The exterior appearance of an ADU shall be architecturally compatible with the primary dwelling unit. Compatible includes coordination of architectural style, exterior building materials, color, roofing material, form and pitch; window style and placement; other architectural features and landscaping;~~
- ~~(i) Entrances: Only one entrance may be located on the front of the house, unless the front of the house already has more than one entrance, or in the case of a detached ADU;~~
- ~~(j7) Connection charges and impact fees shall be as specified by the applicable ordinances and resolutions;~~
- (8) Impact Fees. Accessory dwelling units shall be assessed 50% of the same impact fees applicable to the primary dwelling.
- (9) Conversion of Existing Structures. Existing structures, including those which are non-conforming in setbacks or lot coverage, may be converted to ADUs provided they meet applicable building code requirements.
- (10) Conversion of Accessory Dwelling Units to Condominiums. An accessory dwelling unit may be converted into a condominium and sold, subject city and state regulations governing condominiums.
- ~~(k) Owner Occupancy: Prior to the issuance of a building permit establishing an ADU, the property owner shall record a deed restriction with the Benton County Auditor's Office. The document shall be in a form prescribed by the Planning Director and include a description of the location and size of the ADU and a covenant that one of the dwelling units is, and will continue to be, occupied by the owner of the property as the owner's principal and permanent residence for as long as the other unit is being rented or otherwise occupied. The owner shall maintain residency at least six months out of the year and at no time receive rent for, or otherwise allow to occupy the owner unit when absent the remainder of the year. Falsely certifying owner occupancy shall be considered a violation of the zoning ordinance and is subject to enforcement action;~~
- ~~(l) Grace Period: At no time prior to the adoption of this section has the City of Kennewick zoning ordinance permitted detached ADUs. Nevertheless, for up to 12 months from the effective date of this section, a home or lot which has had a detached ADU established prior to the adoption of this section, but which cannot comply with above items (h) and/or (i), or the setback requirements of this section, may be considered through a conditional use permit process. All other ADU provisions and applicable building code requirements shall apply when legalizing the detached ADU.~~

(Ord. 5528 Sec. 1, 2013; Ord. 5204 Sec. 8, 2007; Ord. 5180 Sec. 1, 2007)



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 2023-0018/DCA-2023-0002

DESCRIPTION OF PROPOSAL: Amend development regulations to encourage accessory dwelling unit (ADU) development and comply with recently adopted legislation by allowing 2 ADUs per lot, increasing height to 24 ft, increasing floor area to 1,100 sq ft, reducing impact fees and removing owner occupancy requirements.

PROPONENT: City of Kennewick

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

LEAD AGENCY: City of Kennewick

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

☒ There is no comment period for this DNS.

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

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

RESPONSIBLE OFFICIAL: Anthony Muai, AICP

POSITION/TITLE: 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 attached conditions:

☒ No conditions.

☐ See attached condition(s).

Date: July 3, 2023

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.



Exhibit 4
2015 South Ely Street
Kennewick, WA 99337
Customer Service 509-586-9111
Business 509-586-6012
FAX 509-586-7663
www.kid.org

June 14, 2023

Anthony Muai, Community Planning Director
City of Kennewick - Development Services Division
PO Box 6108
Kennewick, WA 99336

Subject: Proposed Accessory Dwelling Unit Amendments

Dear Mr. Muai:

The Kennewick Irrigation District has received your proposed amendments to the City of Kennewick Municipal Code. It is proposed that KMC 18.12.020: Accessory Dwelling Units (ADUs) be amended to address changing needs in the community and to comply with recently adopted State legislation.

The KID requests that you remove the exception of the canal right of ways under Section 2, "Setbacks".

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

Sincerely,

Chris Sittman, CAD Specialist
KID Engineering Department

cc: LB\correspondence\City of Kennewick