



December 2, 2024

PLANNING COMMISSION AGENDA

6:30 p.m.

****HYBRID COUNCIL CHAMBERS & VIRTUAL MEETING PLATFORM****

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 November 18, 2024
- b. Approval of Agenda
- c. Motion to enter Staff Report(s) into Record

3. **PUBLIC HEARING:**

- a. Change of Zone (COZ) #2024-0001 proposes to change the zoning designation for two parcels of approximately 1.79 acres located at 803 S. Steptoe Street from Residential, Low (RL) to Industrial, Light (IL). Applicant is Paul Knutzen, Knutzen Engineering, 5401 Ridgeline Drive #160, Kennewick, WA 99338. Property owner is T3 Development, 3906 W. 43rd Ave., Kennewick, WA 99337.
- b. Development Code Amendment (DCA) #2024-0005 proposing to amend Kennewick Municipal Code (KMC) Chapter 18.72 – Clearing & Grading by changing the administrator of the code from the Community Planning Department to the Public Works Department. 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:**

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

8. **ADJOURNMENT:**

KENNEWICK PLANNING COMMISSION
November 18, 2024
MEETING MINUTES

1. CALL TO ORDER

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

Vice Chairman Helgeson led the Pledge of Allegiance.

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

PRESENT: Vice Chairman Thomas Helgeson, Commissioner Tina Gregory (*All in person*); Commissioners Ken Short, Nikki Griffith, James Hempstead (*attended remotely*).

ABSENT: None.

STAFF: Anthony Muai, AICP Community Planning Director; Steve Donovan, AICP Development Services Manager; Alisha Piper, Planner; Melinda Didier, Community Planning Administrative Assistant.

Five commissioners were present and two positions are vacant; Ms. Didier declared a quorum was established.

2. CONSENT AGENDA

- a. Approval of the minutes dated October 21, 2024.
- b. Approval of the agenda.
- c. Motion to enter Staff Report(s) into the Record.

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

DISCUSSION: None.

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

3. PUBLIC HEARINGS:

Vice Chairman Helgeson made the following statement:

“Good evening and welcome to the November 18, 2024 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) #2024-0004:

Vice Chairman Helgeson opened the public hearing at 6:37 pm for Development Code Amendment (DCA) #2024-0004, proposing to amend Kennewick Municipal Code Section 18.12.010 by reducing the required width of a rowhouse/townhouse lot from 24 feet to 20 feet in the Residential, Medium Density (RM) and Residential, High Density (RH) zoning districts. Applicant – Paul Knutzen, Knutzen Engineering, 5401 Ridgeline Drive #160, Kennewick, WA 99338.

1. Ms. Piper described the application, presented the staff report, and recommended the Planning Commission forward a recommendation for approval of DCA-2024-0004 to City Council.

Planning Commission asked clarifying questions of staff: Why is this request in both high density and medium density zoning districts; are there limits on the square footage of the units.

2. Testimony of Applicant/Applicant's Representative: Rick Simon, 98402 N Harrington Rd, W. Richland, WA. Mr. Simon requested Planning Commission recommendation of approval to City Council for this code amendment.
3. Testimony in Favor of the Request: None
4. Testimony Neutral/Against the Request: None
5. Testimony of Those Registered on Virtual Format: None
6. Staff Final Comments: None
7. Planning Commission Questions of Staff: Is the 20' lot frontage common elsewhere; would this be City-wide.
8. Public Testimony Closed at 6:46 p.m.

MOTION: Commissioner Gregory moved to concur with the findings and conclusions in staff report DCA-2024-0004 and recommend City Council APPROVE the request. Commissioner Short seconded the motion.

DISCUSSION: None.

The motion passed unanimously on a roll call vote.

4. VISITORS NOT ON AGENDA:

- a. None

5. OLD BUSINESS:

- a. City Council Action Updates – None

6. NEW BUSINESS:

- a. None

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

Mr. Muai said the Planning Commission now has two vacancies, as Chairman Victor Morris has resigned. Chairman Morris served on the Kennewick Planning Commission since 2013, his wealth of knowledge, experience and dedicated service to the city will be missed.

The two vacancies will hopefully be filled by year-end.

ADJOURNMENT: The meeting concluded at 6:51 p.m.



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO THE PLANNING COMMISSION

FILE No: COZ-2024-0001

Staff Report Date: November 14, 2024

Hearing Date & Location: December 2, 2024

Report Prepared by: Steve Donovan, AICP
Planning Manager

Report Reviewed by: Matt Halitsky, AICP
Senior Planner

Summary Recommendation: The City of Kennewick Planning Staff RECOMMENDS APPROVAL of Change of Zone 2024-0001.

Summary of Proposal: A Change of Zone from Residential. Low (RL) to Industrial, Light (IL) for 1.79 acres.

Proposal Location: Two parcels generally located at 803 S Steptoe Street.

Legal Description: Parcel # 1-0188-401-0981-002
Section 1 Township 8 Range 28 Quarter SE SHORT PLAT #981, LOT 2. SIDEWALK & UTILITY EASEMENT AF #2014-000093 1/02/2014. LESS THAT PORTION CONVEYED TO THE CITY OF KENNEWICK FOR ROADS, AF#2014-000093, 1/02/2014

Parcel #1-0789-201-3596-001
LOT 1, SHORT PLAT #3596, AS RECORDED IN VOLUME 1 OF SHORT PLATS, PAGE 3596, RECORDS OF BENTON COUNTY, WASHINGTON. AF#2019-003252, 2/8/2019

Property Owner: T3 Development
3906 W 43RD Avenue
Kennewick, WA 99337

Applicant: Knutzen Engineering
c/o Paul Knutzen
5401 Ridgeline Drive, Unit #160
Kennewick, WA 99338

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	October 7, 2024
Determination of Completeness Issued	October 8, 2024
Notice of Application Posted	October 8, 2024
SEPA Threshold Determination Issued	July 8, 2024
Property Posting Sign for SEPA Determination	July 8, 2024
SEPA Appeal Period	July 22, 2024
Date of Mailed Notice of Public Hearing	November 13, 2024
Property Posting Sign for Public Hearing	November 13, 2024
Date of Published Notice of Public Hearing	November 17, 2024

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
8. Benton Clean Air Agency Comments
9. Columbia Irrigation District Comments
10. Kennewick Irrigation District Comments

Zoning adjacent to the site:

North: Residential, Low (RL)

East: RL

South: RL

West: Industrial, Light (IL) and Residential, Medium (RM)

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

INDUSTRIAL GOAL 1: Encourage the development of a diverse industrial base with family wage jobs.

Policy 2: Encourage industrial locations near appropriate transportation, utilities, and other public facilities.

INDUSTRIAL GOAL 2: Limit adverse effects associated with industrial uses.

Policy 2: Minimize adverse effects of industrial uses adjacent to less intensive zones with buffers of natural or man-made features.

INDUSTRIAL GOAL 3: Maintain an adequate amount of industrial land within the City Limits and the Urban Growth Boundary.

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 IL Zoning District is an implementing zoning district of the site's current Industrial 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. The City has a deficit of industrial zoned property; this change of zone will reduce the deficit a small amount.
- 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 Change of Zone will assist in promoting prosperity and general welfare within the City by providing for further industrial/commercial development. The proposed amendment will establish a zoning district that complies with Comprehensive Plan. The IL Zone is an implementing zone of the site's Industrial 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 comments on the proposal.

Agency Comments:

Staff received comments from the Benton Clean Air Agency. The Columbia Irrigation District and the Kennewick Irrigation District stated they have no comments on the proposal.

Staff Analysis of Proposal & Discussion:

The City annexed the site on August 15, 2023 by Ordinance 6030. The City approved the amendment to change the site's land use designation from Low Density Residential to Industrial during the City's 2024 Comprehensive Plan Amendment Cycle.

The proposed Change of Zone (COZ-2024-0001) is a request to change the zoning district for 1.79 acres. Pursuant to Table 1 of the Comprehensive Plan, the IL Zoning District is an implementing zoning district of the Industrial 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(18), the purpose of IL zoning district is as follows:

IL - The purpose of the IL District is to provide areas for less intensive manufacturing and industrial uses, warehousing, and distribution operations to serve the district.

Future development of the entire site will be limited to only the permitted uses of the IL 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 Knutzen Engineering, c/o Paul Knutzen, 5401 Ridgeline Drive, Unit 160, Kennewick, WA 99338.
2. The property owner is T3 Development, 3906 W 43rd Avenue, Kennewick, WA 99337.
3. The proposed Change of Zone is located at 803 S Steptoe Street. Parcel Numbers: 1-0188-401-0981-002 and 1-0789-201-3596-001.
4. The City's Comprehensive Plan Land Use Designation for the subject property is Industrial.
5. The City changed the land use designation for the site on October 1, 2024 as part of the 2024 Comprehensive Plan Amendment Cycle.
6. The request is to change the zoning from Residential, Low Density to Industrial, Light.
7. The Industrial, Light Zoning District is an implementing zone of the Industrial Comprehensive Plan Land Use Map Designation.
8. The application was submitted on October 7, 2024.
9. The application was declared complete, routed for review to City Departments and outside agencies on October 8, 2024.
10. Access to the site is via S Steptoe Street.
11. The Environmental Determination of Non-Significance, ED-2024-0008, was issued July 8, 2024.
12. The Property Posting sign for the public hearing was posted on site November 13, 2024.
13. Notice of the public hearing for this application was published in the Tri-City Herald on November 17, 2024.
14. Notices for the hearing were mailed to property owners within 300 feet of the site on November 13, 2024.
15. The proposed amendment conforms to the comprehensive plan.
16. The proposed amendment promotes the public necessity, convenience and general welfare.

17. 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.
18. 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 Industrial.
2. Approval will not result in an increase of adverse environmental impacts; future uses will be subject to environmental regulations.
3. Approval will implement Industrial Goal 1, Policy 2; Goal 2, Policy 2 and Goal 3.
4. Approval will result in the promotion of public necessity, convenience and/or general welfare from economic development.
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-2024-0001 and recommend approval to City Council.

Motion:

I move that the Planning Commission concur with the findings and conclusions in staff report COZ-2024-0001 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.
The public will benefit from the adoption of the proposed amendment because of the future business opportunities it will generate. The proposal intends to align the property's current usage (Zerorez Tri-Cities) with the correct zoning and to match the recently amended comprehensive plan designation.
- 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.
There are properties across Steptoe Blvd to the northwest are Light Industrial zoning and are correctly zoned for the current use to our knowledge are already developed and not presently available for purchase.
3. Please explain how the proposed amendment is consistent with the existing land use pattern in the area.
The proposed amendment would be consistent with all existing land use patterns in the area. There are three existing parcels that are zoned IL along Steptoe Blvd.
- 4.a. Are the existing uses in the area in conformance with the area's zoning classification? No
- 4.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
- 5.b. Please explain:
No, the proposed amendment would be consistent with adjacent zoning along Steptoe, therefore won't introduce a more intensive land use than what is already present in the area. It's been a nonconforming use for a long time.
6. Please explain how the existing zoning prohibits reasonable use of the property.
Yes. The property is currently zoned RL but is being used for an IL usage. The zoning or land usage must be compatible to enable for future development or growth of the existing business on-site.

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

While there is adjacent residential zoning to the east, it is at a higher elevation and screened by a block wall as well. Since this land was a nonconforming use, it is unlikely to further exacerbate the nearby residential lands, particularly since those residential lots are accessed from local streets, while this lot is accessed directly from Steptoe.
8. Please explain how the proposed amendment will affect property values in the vicinity.

Property values in the vicinity should not change due to the proposed amendment since the current usage of the parcel is not expected to change.
- 9.a. Please explain how approval of the proposed amendment will or will not set a precedent for other similar proposals or uses.

The approval of this proposed amendment will not set a precedent for other similar proposals or uses.
- 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.

The majority of the properties in the immediate vicinity are already developed in accordance w/ their current zoning.
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.

The proposed amendment will encourage more private investments into the property by enabling expansion of their existing usage on-site or redevelopment.
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 proposed amendment will not combat any economic segregation or allow greater choice in the market as these are currently not issues in need of addressing.
12. Please explain how approval of the proposed amendment will or will not create conflict between potential land uses and transportation patterns.

The proposed amendment will not combat any economic segregation or allow greater choice in the market as these are currently not issues in need of addressing.

Exhibit 3

COK Permitting Map

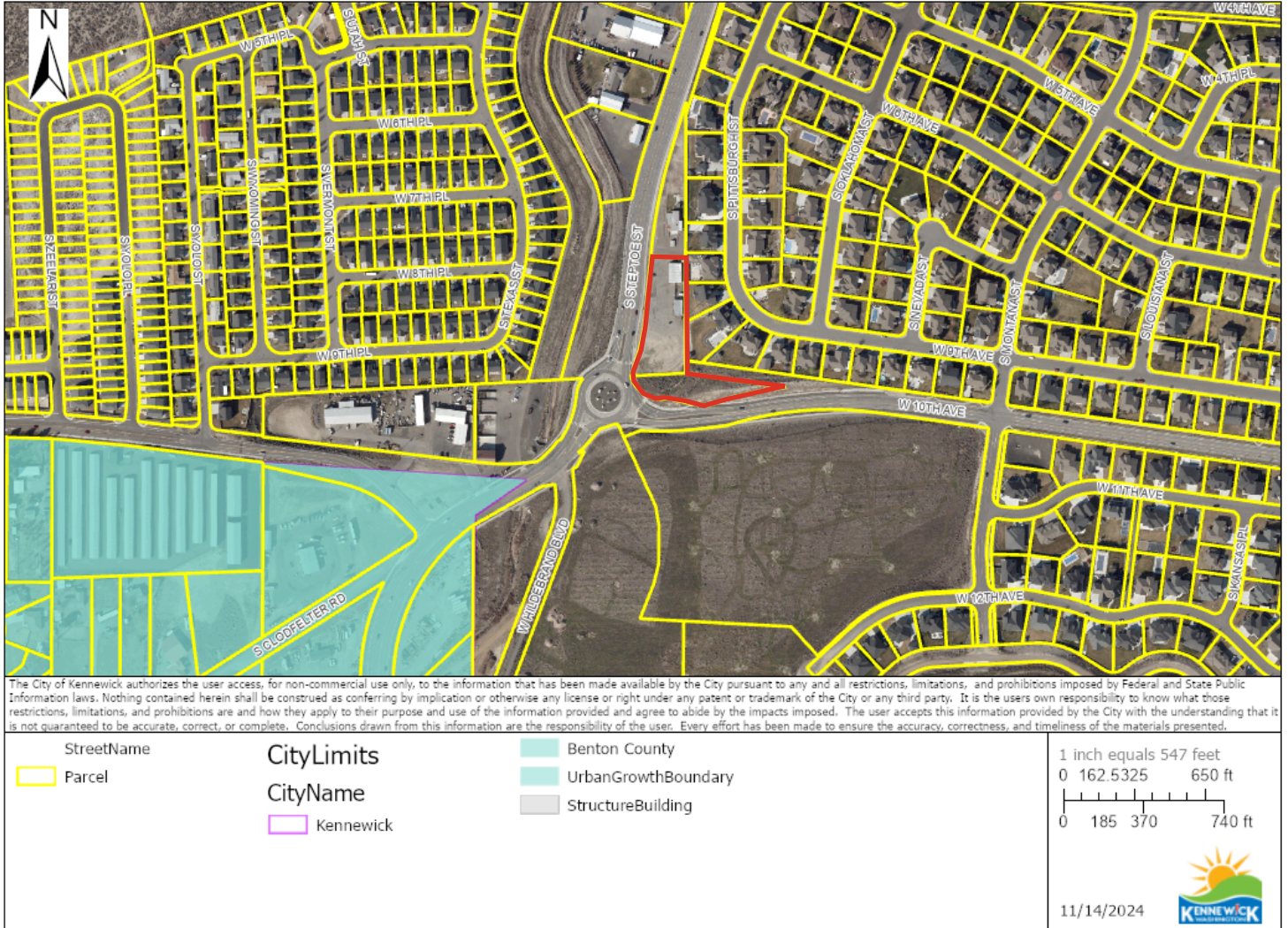


Exhibit 4

COK Permitting Map

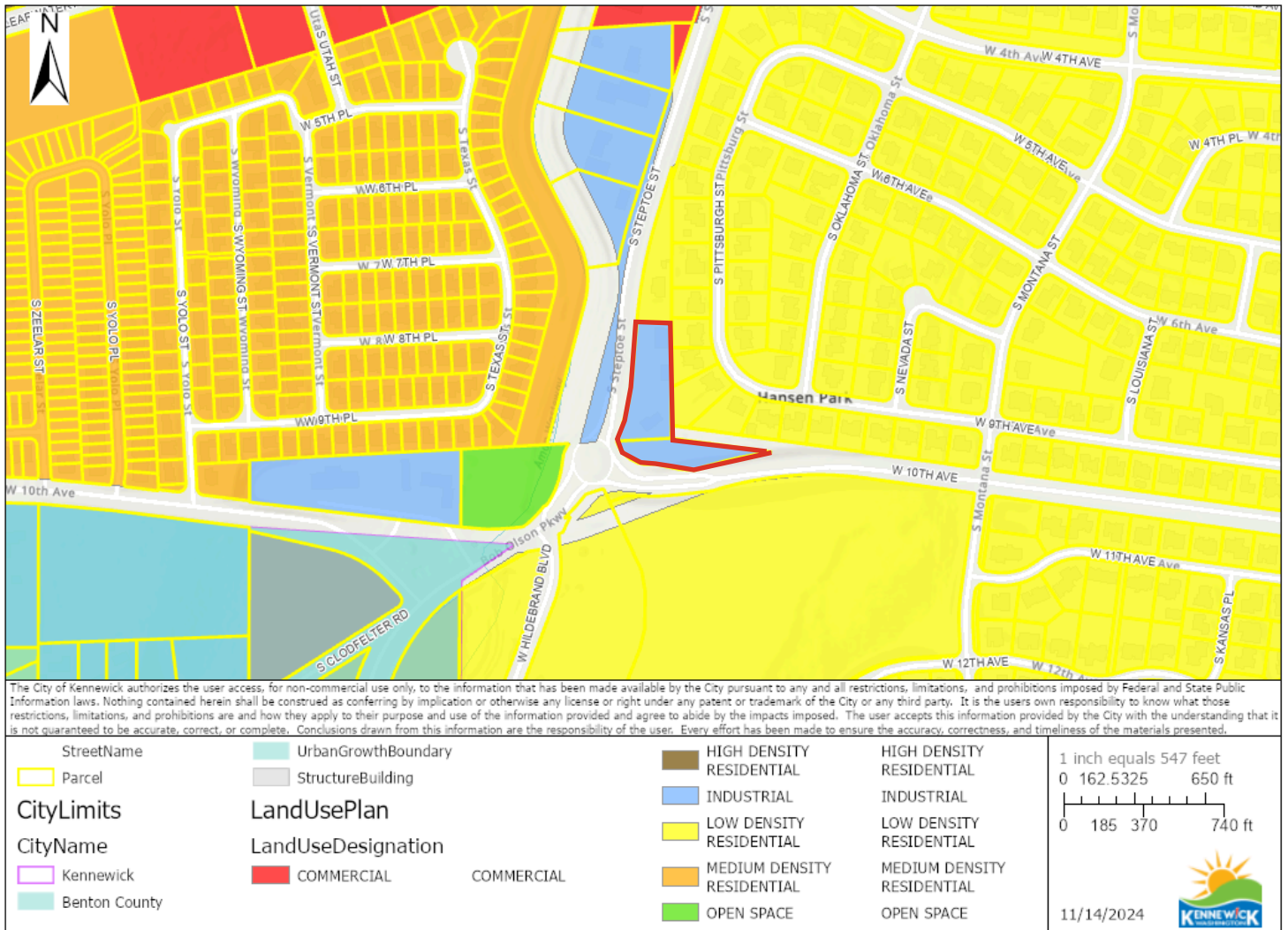
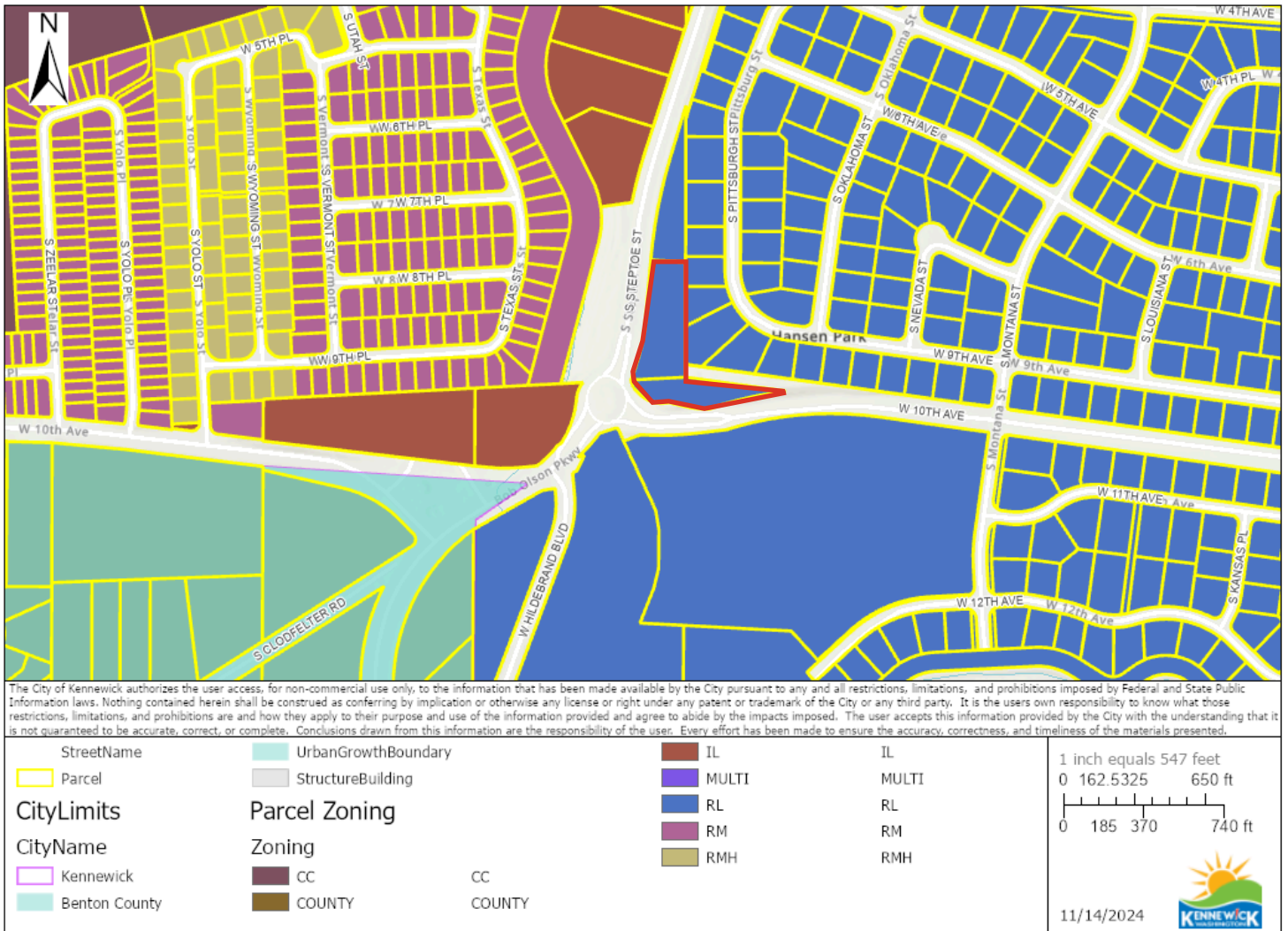


Exhibit 5

COK Permitting Map





NOTICE OF MAILING

I, Steve Donovan, on 11/13, 2024
mailed 40 copies of NPH
for COZ-2024-0001
to surrounding properties within 300 feet
as shown on the attached list.


Signature

KENNEWICK PLANNING COMMISSION

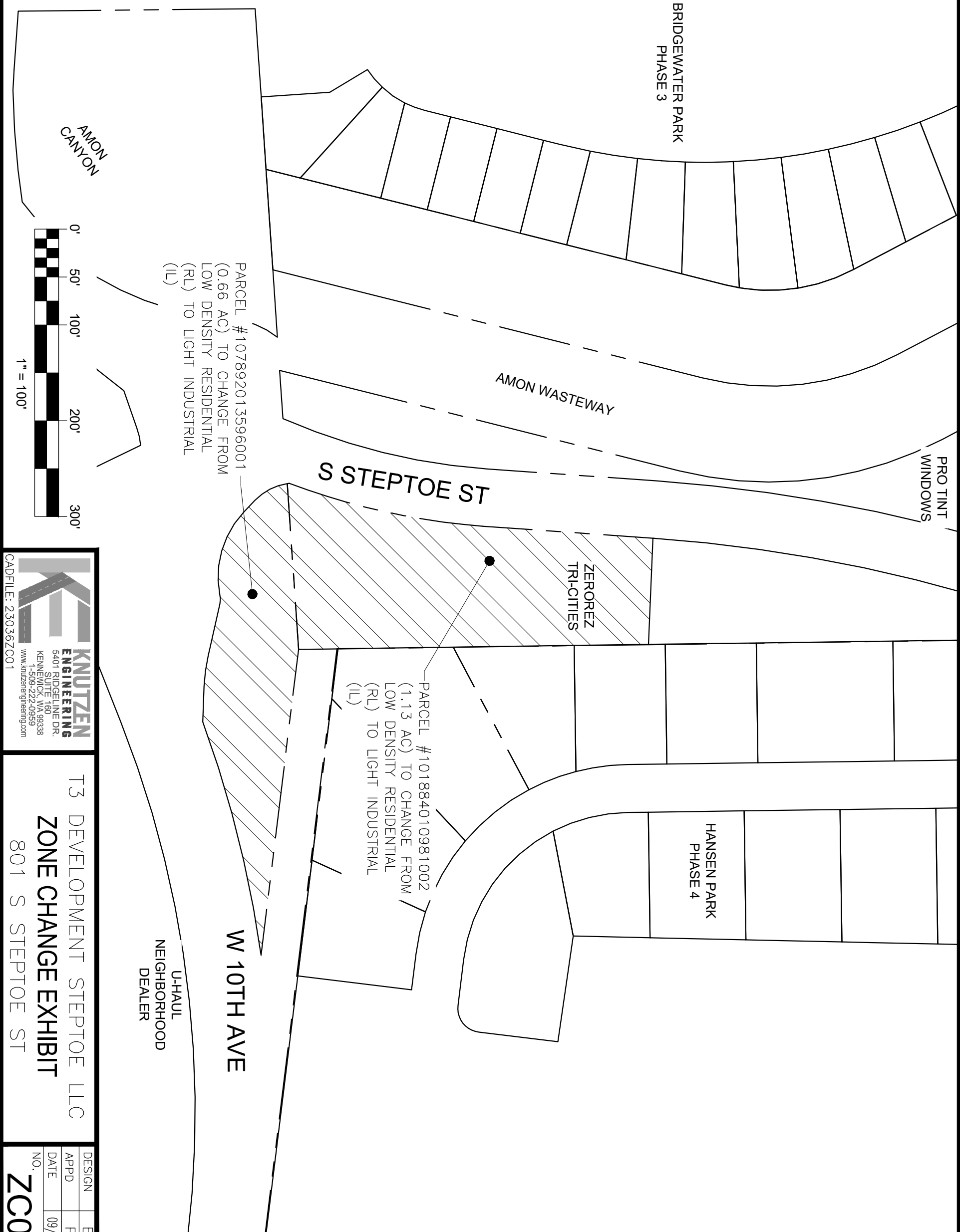
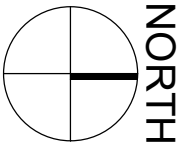
NOTICE OF PUBLIC HEARING December 2, 2024 6:30 p.m.

The Kennewick Planning Commission will hold a Public Hearing, for the below application, at City Hall Council Chambers, 210 W 6th Avenue on Monday, December 2, 2024, at 6:30 p.m. or as soon as possible thereafter. Staff will be presenting analysis and the Planning Commission will make a recommendation to the City Council. The public hearing will be conducted in a hybrid setting which will allow interested parties to participate in person or virtually. To participate in the hearing virtually, use the link found at <https://www.go2kennewick.com/598/Planning-Commission>.

Application# COZ-2024-0001 – A Change of Zone for 1.79 acres from Residential, Low to Industrial, Light. The site is generally located at 803 S Steptoe Street and consists of two separate parcels. **Review the site map on the back of this notice.**

For questions about this proposal, please call Steve Donovan (509) 585-4361. Send written comments to Steve Donovan, at Steve.Donovan@ci.kennewick.wa.us or mail 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 meeting, please contact Steve Donovan at (509) 585-4361 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.





**KNUTZEN
ENGINEERING**
5401 RIDGELINE DR.
SUITE 160
KENNEWICK, WA 99338
1-509-222-0959
www.knutzenengineering.com

T3 DEVELOPMENT STEPTOE LLC

ZONE CHANGE EXHIBIT

801 S STEPTOE ST

DESIGN	BTK
APPD	PTK
DATE	09/10/24
NO.	ZC01

37
MERRILL KASH N & KAREN M
806 S PITTSBURGH ST
KENNEWICK, WA 99336

37
WILLOUGHBY JEFFREY J & JAMIE
832 S PITTSBURG ST
KENNEWICK, WA 99336

37
HORNE STEVEN L & CAROL L
780 PITTSBURGH ST
KENNEWICK, WA 99336

37
GRANDEEN SHAWN & AMANDA
8999 W 9TH AVE
KENNEWICK, WA 99336

37
SHEPARD DOUG J & SANDRA L
616 S STEPTOE ST
KENNEWICK, WA 99336

37
KENNEWICK ACQUISITION CO. III, LLC
15 SW COLORADO AVE, SUITE 1
BEND, OR 97702

37
MANSIUS JEREMY D & LACEY
754 S PITTSBURG STREET
KENNEWICK, WA 99336

37
CLARK BRUCE J & RICHELLE M
783 S PITTSBURGH ST
KENNEWICK, WA 99336

37
GEARHEART SCOTT K & CINDY
824 S OKLAHOMA ST
KENNEWICK, WA 99336

37
WOEHLER DAVID R & MARILYN S
8971 W 9TH AVE
KENNEWICK, WA 99336

37
PARSONS JACOB T & MARISSA
728 S PITTSBURGH ST
KENNEWICK, WA 99336

37
PRIVETTE CHRISTOPHER & AMY
757 S PITTSBURGH ST
KENNEWICK, WA 99336

37
ORR TIMOTHY A & MEGAN I
813 S TEXAS ST
KENNEWICK, WA 99336

37
KOE MARTIN J
753 S TEXAS ST
KENNEWICK, WA 99336

37
WEEDMARK LAUREN & JAMES JR
825 S TEXAS ST
KENNEWICK, WA 99336

37
CARRASCAL ANICETO SALVACION
741 S TEXAS ST
KENNEWICK, WA 99336

37
WINGERT TRUSTEE GEORGE E N/A
1800 BELLERIVE DR, APT 410
RICHLAND, WA 99352

37
WRIGHT MEGAN & JEFFREY
729 S TEXAS ST
KENNEWICK, WA 99336

37
WINTERS LYNN E & JEFFREY J
733 S PITTSBURG
KENNEWICK, WA 99336

37
SISK GARRETT W & RYLIE C
717 S TEXAS ST
KENNEWICK, WA 99336

37
T3 DEVELOPMENT STEPTOE, LLC
3906 W 43RD AVE
KENNEWICK, WA 99337

37
KRUGER ROBERT O & MARIA DEL
CARMEN
678 S PITTSBURG
KENNEWICK, WA 99336

37
WESTERMEYER DREW & MELISSA
8801 W 9TH AVE
KENNEWICK, WA 99336

37
KNODE ROBERT & CHRISTY
705 S PITTSBURGH ST
KENNEWICK, WA 99336

37
KENNEWICK IRRIGATION DISTRICT
2015 S ELY ST BLDG A
KENNEWICK, WA 99337

37
KENNEWICK SCHOOL DISTRICT #17
1000 W 4TH AVE
KENNEWICK, WA 99336

37
MCPEAK STEVEN J & REGINA M
8802 W 9TH AVE
KENNEWICK, WA 99336

37
MEYER JENNIFER R
8945 W 9TH AVE
KENNEWICK, WA 99336

37
PREDDIE LEON J & BRENDA J
8919 W 9TH AVE
KENNEWICK, WA 99336

37
MERINO JOHN D & ANGELA M
8897 W 9TH AVE
KENNEWICK, WA 99336

37
BALL GLENN A & JODY D
827 S OKLAHOMA ST
KENNEWICK, WA 99336

37
HENSON LISA M
752 S OKLAHOMA ST
KENNEWICK, WA 99336

37
RINABARGER ERIN & STEVEN
8879 W 9TH AVE
KENNEWICK, WA 99336

37
WILCOX TRUSTEES WAYNE & KAREN F
755 S OKLAHOMA ST
KENNEWICK, WA 99336

37
TSCHAUNER JUSTIN C
826 S NEVADA ST
KENNEWICK, WA 99336

37
MOORE CHARLES ANTHONY & SHARON
KAY
756 S NEVADA ST
KENNEWICK, WA 99336

37
GILLIAM JAMES A & MARI DE JESUS
8853 W 9TH AVE
KENNEWICK, WA 99336

37
PRATT BRYAN & STACIE
8827 W 9TH AVE
KENNEWICK, WA 99336

37
BRULOTTE NANCY A
823 S NEVADA ST
KENNEWICK, WA 99336

37
HULL VERNON & MICHELLE
759 S NEVADA ST
KENNEWICK, WA 99336



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

FILE/PROJECT NUMBER: ED-2024-0008

DESCRIPTION OF PROPOSAL: To change the properties land use designation from Low Density Residential to Industrial and rezone them from Residential, Low to Industrial, Light.

PROPONENT: Knutzen Engineering, c/o Paul Knutzen, 5401 Ridgeline Drive, Unit 160, Kennewick, WA 99338

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: 803 S Steptoe Street, Parcel Numbers: 101884010981002 and 107892013596001

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: July 8, 2024

Signature: _____

Appeal: An appeal of this determination must be submitted to the Community Planning Department within fourteen (14) calendar days after the date issued, no later than **5 p.m. on July 22, 2024**. 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-2024-0008 File



BENTON CLEAN AIR AGENCY

October 8, 2024

Re: COZ-2024-0001

Steve Donovan, AICP
Community Planning
PO Box 6108
Kennewick, WA 99336

Dear Mr. Donovan:

It has come to our attention that you are reviewing a proposal for the above named applicant in which a parcel or parcels will be disturbed for development. Because these activities may cause possible fugitive dust emissions, we would like to take this opportunity to provide information to ensure that the applicant takes reasonable steps to control the dust from his/her project.

The Benton Clean Air Agency (BCAA) requires the applicant submit a Proof of Contact: Soil Destabilization Notification for this project prior to any excavation/construction taking place. This will insure that the proponent has the ability and resources to control fugitive dust emissions that may be created as a result of construction activities. This will also inform them of the regulations and requirements of the BCAA. Additionally, a written dust control plan must be developed and maintained for all soil destabilization projects, and must be readily available upon request by the BCAA. Part of this plan is submitting the name of at least one person for the project so that the BCAA has a point of contact should we receive any dust complaints from the project. The Soil Destabilization Notification form can be found and submitted on our website, www.bentoncleanair.org.

Thank you for the opportunity to comment on this proposal. If you have any questions, or would like further information on this subject, please contact us at (509) 783-1304.

Sincerely,

Deon Steichen

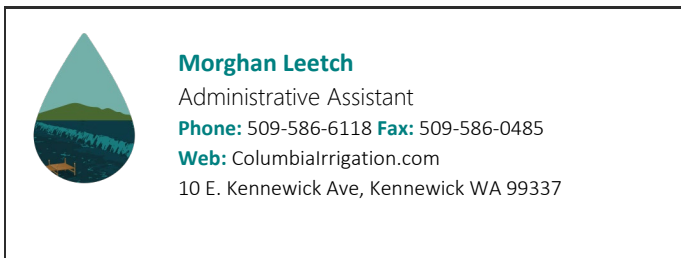
Deon Steichen
Inspector

From: [CID](#)
To: [Steve Donovan](#)
Subject: RE: COZ-2024-0001
Date: Wednesday, October 9, 2024 7:36:58 AM
Attachments: [image002.png](#)
[image004.png](#)
[image001.png](#)

Good Morning Steve,

CID has no comment as this is outside of our District Boundaries.

Have a great day



From: Steve Donovan <Steve.Donovan@ci.kennewick.wa.us>
Sent: Tuesday, October 8, 2024 8:25 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 - Deon Steichen <deon.steichen@bentoncleanair.org>; Benton Clean Air Authority - Tyler Thompson <tyler.thompson@bentoncleanair.org>; Benton Clean Air John Lyle <john.lyle@bentoncleanair.org>; Benton Franklin Health Dept. - Erin Hockaday <erint@bfhd.wa.gov>; Benton Franklin Health Dept.- Jack Howard <Jack.howard@bfhd.wa.gov>; Benton PUD - Angela Richman <richmana@bentonpud.org>; Benton PUD - engineering services <engservice@bentonpud.org>; Benton PUD - Jeff Vosahlo <vosahloj@bentonpud.org>; Benton PUD Chad Brooks <brooksc@bentonpud.org>; Benton PUD Evan Edwards <edwardse@bentonpud.org>; Benton PUD Shanna Everson <eversons@bentonpud.org>; Benton PUD Tina Glines <glinest@bentonpud.org>; BPA - Deborah Rodgers <dxrodgers@bpa.gov>; BPA - Nicole Cummings <NMCummings@bpa.gov>; BPA- Angela Castle <ACCastle@BPA.gov>; Cascade Natural Gas- Arnie Garza <arnie.garza@cngc.com>; Charter - Junior Campos <junior.campos@charter.com>; City of Richland - Mike Stevens <mstevens@ci.richland.wa.us>; CNGC - James Thomas <James.Thomas@cngc.com>; CID <cid@columbiairrigation.com>; Dustin Fisk - Kennewick School District (dustin.fisk@ksd.org) <dustin.fisk@ksd.org>; Homero Gonzalez <Homero.Gonzalez@ziply.com>; Kevin Fuerst - Waste Management <kfuerst1@wm.com>; KID Development <development@kid.org>; Mike Beck - Spectrum <Mike.Beck@charter.com>; Mike Slack - Waste Management <MSlack1@wm.com>; Spectrum <Ryan.Sams@charter.com>; US Army Corps of Engineers - Seattle <paoteam@nws02.usace.army.mil>; US Army Corps of Engineers- Walla Walla <cenww-re@usace.army.mil>; Williams Pipeline- Eric Smull <Eric.Smull@williams.com>; Williams Pipeline- Jean Brady <Jean.Brady@Williams.com>; WSDOT <scplanning@wsdot.wa.gov>; Ziply Fiber Christy Ross <christy.ross@ziply.com>

From: [Daniel Tissell](#)
To: [Steve Donovan](#)
Subject: RE: COZ-2024-0001
Date: Friday, October 11, 2024 7:08:49 AM
Attachments: [image002.jpg](#)
[image004.png](#)
[image005.png](#)

Steve,

KID has no comment regarding this matter.

Thanks,

Daniel Tissell, P.E.
Engineering Manager
Kennewick Irrigation District
2015 S. Ely Street
Kennewick, WA 99337
(509) 586-6012 ext. 116



From: Steve Donovan <Steve.Donovan@ci.kennewick.wa.us>
Sent: Tuesday, October 8, 2024 8:25 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 - Deon Steichen <deon.steichen@bentoncleanair.org>; Benton Clean Air Authority - Tyler Thompson <tyler.thompson@bentoncleanair.org>; Benton Clean Air John Lyle <john.lyle@bentoncleanair.org>; Benton Franklin Health Dept. - Erin Hockaday <erint@bfhd.wa.gov>; Benton Franklin Health Dept.- Jack Howard <Jack.howard@bfhd.wa.gov>; Benton PUD - Angela Richman <richmana@bentonpud.org>; Benton PUD - engineering services <engservice@bentonpud.org>; Benton PUD - Jeff Vosahlo <vosahloj@bentonpud.org>; Benton PUD Chad Brooks <brooksc@bentonpud.org>; Benton PUD Evan Edwards <edwardse@bentonpud.org>; Benton PUD Shanna Everson <eversons@bentonpud.org>; Benton PUD Tina Glines <glinest@bentonpud.org>; BPA - Deborah Rodgers <dxrodgers@bpa.gov>; BPA - Nicole Commings <NMCummings@bpa.gov>; BPA- Angela Castle <ACCastle@BPA.gov>; Cascade Natural Gas- Arnie Garza <arnie.garza@cngc.com>; Charter - Junior Campos <junior.campos@charter.com>; City of Richland - Mike Stevens <mstevens@ci.richland.wa.us>; CNGC - James Thomas <James.Thomas@cngc.com>; Columbia Irrigation District <cid@columbiairrigation.com>; Dustin Fisk - Kennewick School District (dustin.fisk@ksd.org) <dustin.fisk@ksd.org>; Homero Gonzalez <Homero.Gonzalez@ziply.com>; Kevin Fuerst - Waste Management <kfuerst1@wm.com>; Development <development@kid.org>; Mike Beck - Spectrum <Mike.Beck@charter.com>; Mike Slack - Waste Management <MSlack1@wm.com>; Spectrum <Ryan.Sams@charter.com>; US Army Corps of Engineers - Seattle <paoteam@nws02.usace.army.mil>; US Army Corps of Engineers- Walla Walla <cenww-re@usace.army.mil>; Williams Pipeline- Eric Smull <Eric.Smull@williams.com>;



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO
THE PLANNING COMMISSION

FILE No: DCA-2024-0005

Public Hearing Date: December 2, 2024

Proposal: Amend Kennewick Municipal Code (KMC) Chapter 18.72 – Clearing and Grading. The proposed amendment will change the administrators of the code from the Community Planning Department to the Public Works Department.

Applicant: City of Kennewick

Staff Contact: Steve Donovan, Planning Manager

Background:

Staff is of the opinion that the Public Works Department is better suited to process and review grading permits, in addition to providing a clearer review process for the public. Currently, the Public Works Department provides the technical review and inspections for clearing/grading activities.

Discussion and Analysis:

Staff has proposed the following amendments (underlined, strikethrough and in red) to KMC Chapter 18.72 – Clearing and Grading:

18.72.010: - Applicability.

No person shall do any excavation or grading without first obtaining a Land Use Clearing and Grading Permit issued by the Public Works Department ~~of Community Planning~~ under the provisions of Chapter 18.42, except:

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

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

18.72.020: - Review Process.

For excavation or grading in excess of 5,000 square feet, the ~~Public Works~~Planning Director shall review, approve, disapprove, or approve with conditions, the location of the site and its effect on the surrounding area.

- (1) Grading Plan: A 22-inch by 34-inch plan at a maximum scale of one inch to 100 feet or at a scale approved by the ~~Community Planning~~Public Works Department, clearly indicating the following:
 - (a) Graphic scale and north arrow;
 - (b) Dimensions of all property lines, easements, and abutting streets;
 - (c) Location and dimension of all on-site structures and the location of any structures within 15 feet of the subject property or which may be affected by the proposed work;
 - (d) Accurate existing and proposed contour lines drawn at five-foot intervals, or less, intervals showing existing ground and details of terrain and area drainage to include surrounding off-site contours within 100 feet of the site;
 - (e) Location of natural drainage systems, including perennial and intermittent streams, the presence of bordering vegetation, and flood plains.
 - (f) Setback areas and any areas not to be disturbed;
 - (g) Finished contours drawn at five-foot intervals as a result of grading;
 - (h) Proposed drainage channels and related construction with associated underground storm drainage lines sized and connections shown; and
 - (i) General notes addressing the following (may be listed on cover sheet):
 - (i) Area in square feet of the entire property.
 - (ii) Area of work in square feet.
 - (iii) The number of cubic yards of soil to be added, removed, or relocated.
 - (iv) Type and location of fill origin and destination of any soil to be removed from site.
 - (v) If known, finished floor elevation(s) of all structures, existing and proposed.
 - (j) Control measures to prevent erosion by air and/or runoff and sediment transport from the site to adjacent properties, city streets and city-owned storm drainage facilities.
 - (k) Location of proposed streets.
 - (l) Locations of proposed retaining walls including the top of wall and finished grade elevations.

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

18.72.030: - Review Criteria.

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

- (1) The proposed activity requires/does not require coverage under the NPDES Construction Stormwater General Permit issued by the Washington State Department of Ecology.
 - (a) Sites requiring coverage that results in a disturbance of less than five acres, the project proponent may apply for the Erosivity Waiver in Section S.2.C. of the NPDES Construction Stormwater General Permit.
- (2) Compatibility of Proposed Use: The proposed activity would not be unreasonably detrimental to the surrounding area. The PlanningPublic Works Director shall consider, but is not limited to, the following:
 - (a) Size and location of the activity;
 - (b) Traffic volume and patterns;
 - (c) Screening, landscaping, fencing and setbacks;
 - (d) Unsightliness, noise and dust;
 - (e) Surface drainage;
 - (f) Temporary and permanent erosion control.

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

18.72.040: - Conformance with PlanningPublic Works Director's Approved Plan Required.

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

(Ord. 5180 Sec. 1, 2007)

18.72.050: - Final Approval.

After the applicant has completed the approved amount of excavation, fill, or other activity, the final grading of the site, site stabilization, and the applicant or another developer begins to develop or construct a new use on the site, the Community PlanningPublic Works Department may give final approval provided reasonable progress is occurring on the construction or new use.

(Ord. 5180 Sec. 1, 2007)

18.72.060: - Other Requirements/Non-City Review.

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

(Ord. 5180 Sec. 1, 2007)

18.72.070: - Inspection and Enforcement Authority.

The Community PlanningPublic Works Department shall have jurisdiction of the activities regulated in this Section after a special permit has been granted by the PlanningPublic Works Director. For inspection purposes, any duly authorized member of this Department

~~and/or the City of Kennewick Municipal Services Department~~ shall have the right and is empowered to enter upon any premises at reasonable hours where activities regulated by this Section are occurring. This Department is empowered to issue orders, grant, renew, and revoke such licenses as are provided for in accordance with this Section.

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

18.72.080: - Expiration and Extensions.

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

(Ord. 5180 Sec. 1, 2007)

18.72.090: - Transferability of Permit.

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

(Ord. 5180 Sec. 1, 2007)

Staff Analysis:

The proposed amendments will mostly only change the Community Planning Department as the main reviewer and processor of grading permits to the Public Works Department. Other than two additional subsections in Section 18.72.020, all other review criteria remain unchanged.

The Community Planning Department will remain the administrator of all State Environmental Policy Act processes if it is required for grading activity. Staff is of the opinion that the proposed amendments provide clear direction to which City Department is the primary reviewer of grading permits. The proposed amendments are not site specific.

Regulatory Controls and Policies:

- Kennewick Municipal Code Title 18
- Kennewick Comprehensive Plan

Findings of Fact:

1. The applicant is the City of Kennewick, Community Development, 210 W 6th Avenue, Kennewick, WA 99336.
2. The application was submitted on November 5, 2024.
3. Notice of the proposed code revision was sent to the Washington State Department of Commerce on November 5, 2024, 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 March 12, 2024.
5. The Department of Commerce granted expedited review on November 5, 2024.
6. The Notice of Public Hearing was published in the Tri City Herald on November 17, 2024.

Conclusion of Law:

1. The proposed amendments will affect the City of Kennewick's general welfare in a positive manner, by providing clarity and streamlining the review process.

Staff Recommendation:

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

Motion:

I move that the Planning Commission concur with the findings and conclusions in the staff report DCA-2024-0005 and recommend approval of the amendments to KMC Chapter 18.72 – Clearing and Grading to City Council.

Exhibits:

1. Staff Report