



**CITY COUNCIL REGULAR MEETING AGENDA**  
**October 5, 2021 at 6:30 p.m.**  
**City's Website**

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City Council temporarily designated the location for regular, special and study session meetings to a virtual location until termination of the state of emergency or until rescinded.

The City of Kennewick broadcasts City Council meetings on the City's website at <https://www.go2kennewick.com/CouncilMeetingBroadcasts>. The City will be providing options for citizen comment via Zoom and the City's website (see more information under Visitors on the agenda.)

**1. CALL TO ORDER**

Roll Call/Pledge of Allegiance/Welcome

**HONORS & RECOGNITIONS**

- Retiree Recognition – Lincoln Swenson 37-years

**2. APPROVAL OF AGENDA**

**3. CONSENT AGENDA**

All matters listed within the Consent Agenda have been distributed to each member of the Kennewick City Council for reading and study, are considered to be routine, and will be enacted by one motion of the Council with no separate discussion.

- a. Minutes of Regular Meeting of September 21, 2021.
- b. Motion to approve the Claims Roster for the Columbia Park Golf Course Account for August 2021.
- c. Motion to approve Payroll Roster for September 15, 2021.
- d. Motion to authorize the City Manager to sign the agreement with KCDA Purchasing Cooperative/Tremco Inc./Weatherproofing Technologies Inc. for Roof Repair and Restoration services on City Facilities in the amount of \$120,437.40.
- e. Motion to authorize the City Manager to sign the contract for Arctic Wolf MDR in the amount of \$83,542.45.

**4. VISITORS**

The City asks all members of the public that would like to comment under the Visitors section of the agenda to fill out an online form at <https://www.go2kennewick.com/VisitorsComments> no later than 5:00 p.m. on Monday, October 4<sup>th</sup> to be included in the Council packet.

Interested parties may also submit written comments to P.O. Box 6108, Kennewick, WA 99336; or e-mail [clerkinfo@ci.kennewick.wa.us](mailto:clerkinfo@ci.kennewick.wa.us) no later than 5:00 p.m. on Monday, October 4<sup>th</sup> to be included in the Council packet.

If you wish to comment under the Visitors section during the meeting, please register at [https://us02web.zoom.us/webinar/register/WN\\_8wBSAC2oQSmwDfZUyJijow](https://us02web.zoom.us/webinar/register/WN_8wBSAC2oQSmwDfZUyJijow). Registrations must be received by 4:00 p.m. on Tuesday, October 5<sup>th</sup>.

**5. ORDINANCES/RESOLUTIONS**

- a. Ordinance 5934: Comprehensive Plan Amendment (CPA) 21-01 from Low Density Residential to Medium Density Residential at 1831 W. 19<sup>th</sup> Ave.
- b. Ordinance 5935: Comprehensive Plan Amendment (CPA) 21-02 from Low Density Residential to Medium Density Residential at 3321 W. 10<sup>th</sup> Ave.
- c. Ordinance 5936: Comprehensive Plan Amendment (CPA) 21-03 from Commercial to High Density Residential at North of Canal Dr, West of Grant St parcel 1-3399-201-1560-002.
- d. Ordinance 5937: Comprehensive Plan Amendment (CPA) 21-04 from Industrial to Commercial at 8600 and 8840 W. Clearwater Ave.
- e. Ordinance 5939: Comprehensive Plan Amendment (CPA) 21-06 from Commercial to High Density Residential at 9496 N. Clearwater Ave.
- f. Ordinance 5940: Comprehensive Plan Amendment (CPA) 21-07 from Commercial (C) to Low Density Residential (LDR) at 1201, 1213, and 1221 N. Irving Pl.
- g. Ordinance 5941: Comprehensive Plan Amendment (CPA) 21-08 from Commercial to High Density Residential at 18 W. 12<sup>th</sup> Pl.
- h. Ordinance 5942: Comprehensive Plan Amendment (CPA) 21-09 from High Density Residential to Commercial at 8125 Bob Olson Parkway parcel 1-1889-100-0001-003.
- i. Ordinance 5943: Comprehensive Plan Amendment (CPA) 21-10 from Low Density Residential to Commercial at 7723 Bob Olson Parkway parcel 1-1889-100-0001-009.
- j. Ordinance 5944: Comprehensive Plan Amendment (CPA) 21-11 from Low Density Residential to High Density Residential at South of 7723 Bob Olson Parkway parcels 1-1889-100-0001-003 & 008.
- k. Ordinance 5945: Comprehensive Plan Amendment (CPA) 21-12 Text amendments addressing nexus and rough proportionality related to required development regulations and mitigation of impacts.

**6. PUBLIC HEARINGS/MEETINGS**

**7. NEW BUSINESS**

**8. UNFINISHED BUSINESS**

**9. COUNCIL COMMENTS/DISCUSSION**

**10. ADJOURNMENT**

CITY OF KENNEWICK  
CITY COUNCIL  
Regular Meeting  
September 21, 2021

1. CALL TO ORDER

Mayor Don Britain called the meeting to order at 6:30 p.m.

Meeting was conducted through an online, virtual meeting platform. Councilmembers and staff joined remotely. City Council temporarily designated the location for regular, special and study session meetings to a virtual location until termination of the state of emergency or until rescinded.

City Council and Staff Present:

Mayor Pro Tem Steve Lee	Marie Mosley	Ken Hohenberg	John Cowling
John Trumbo	Anthony Muai	Chad Michael	Jessica Foltz
Bill McKay	Christina Palmer	Evelyn Lusignan	Matt Halitsky
Chuck Torelli	Lisa Beaton	Corey Osborn	Cody Lewis
Jim Millbauer	Terri Wright	Bruce Mills	
Brad Beauchamp	Dan Legard	Krystal Townsend	
Mayor Don Britain	Emily Estes-Cross	Steve Donovan	

Mayor Britain led the Pledge of Allegiance.

HONORS & RECOGNITIONS

- Soroptomist International of Pasco-Kennewick Proclamation

Mayor Britain read the proclamation in its entirety.

2. APPROVAL OF AGENDA

Mayor Pro Tem Lee moved, seconded by Mr. Millbauer to approve the Agenda as presented. The motion passed unanimously.

3. APPROVAL OF CONSENT AGENDA

- a. Minutes of Regular Meeting of September 7, 2021.
- b. (1) Motion to approve Claims Roster for August 2021.  
(2) Motion to approve the Claims Rosters for the Toyota Center Operations and Box Office Accounts for July 2021.
- c. Motion to approve Payroll Roster for August 31, 2021.
- d. Motion to authorize the City Manager to sign the agreement with Ferguson Enterprises for the Advanced Metering Infrastructure (AMI) System.
- e. Motion to authorize the City Manager to sign the agreement with Sensus to provide Advanced Metering Infrastructure (AMI) FCC lease agreement for the FlexNet communications network.
- f. Motion to authorize the City Manager to sign the agreement with WaterSmart software platform to provide Advanced Metering Infrastructure (AMI) customer portal services.
- g. Motion to authorize the City Manager to sign a change order not to exceed \$4,176.76 for the Interlocal Agreement with Benton PUD for the Washington Street Corridor Improvements Project.
- h. Motion to authorize the Mayor (or in his absence Mayor Pro Tem) to sign the final plat for Sunrise Ridge #3, contingent upon the completion of outstanding Public Works and Planning requirements.

Mr. Torelli moved, seconded by Mayor Pro Tem Lee to approve the Consent Agenda. The motion passed unanimously.

4. VISITORS - None

5. ORDINANCE/RESOLUTIONS

- a. (1) Ordinance 5927: Zoning Ordinance Amendment (ZOA) 21-01 Amending KMC 18.68 Shoreline Management & Appendix A-2.  
(2) Ordinance 5928: Amending KMC 18.59 Critical Areas – Wetlands. Anthony Muai, Planning Director reported on both items.

ORDINANCE NO. 5927

AN ORDINANCE RELATING TO THE SHORELINE MASTER PROGRAM UPDATE AND AMENDING SECTIONS 18.68.040, 18.68.050, 18.68.060, 18.68.110, 18.68.120, 18.68.130, 18.68.230, 18.68.240, 18.68.250, 18.68.255, 18.68.280 and 18.68.285 OF THE KENNEWICK MUNICIPAL CODE AND SECTION 1.040 AND 1.120 OF APPENDIX A-2 CHAPTER 1 CRITICAL AREAS – GENERAL PROVISIONS AND SECTION 2.010 OF APPENDIX A-2 CHAPTER 2 CRITICAL AREAS – WETLANDS

Mayor Pro Tem Lee moved, seconded by Mr. Millbauer to adopt Ordinance No. 5927. The motion passed unanimously.

ORDINANCE NO. 5928

AN ORDINANCE RELATING TO THE SHORELINE MASTER PROGRAM UPDATE AND AMENDING SECTION 18.59.010 OF THE KENNEWICK MUNICIPAL CODE

Mayor Pro Tem Lee moved, seconded by Mr. Torelli to adopt Ordinance No. 5928. The motion passed unanimously.

- b. Ordinance 5929: KMC 3.40 Funds. Dan Legard, Finance Director reported.

ORDINANCE NO. 5929

AN ORDINANCE RELATING TO FUNDS AND ADDING A NEW SECTION 3.40.113 TO THE KENNEWICK MUNICIPAL CODE

Mayor Pro Tem Lee moved, seconded by Mr. Millbauer to adopt Ordinance No. 5929. The motion passed unanimously.

- c. Ordinance 5930: Repealing KMC 10.01.204 Stopping and Detaining - When Authorized. Lisa Beaton, City Attorney reported.

ORDINANCE NO. 5930

AN ORDINANCE RELATING TO STOPPING AND DETAINING – WHEN AUTHORIZED AND REPEALING SECTION 10.01.204 OF THE KENNEWICK MUNICIPAL CODE

Mayor Pro Tem Lee moved, seconded by Mr. Millbauer to adopt Ordinance No. 5930. The motion passed unanimously.

- d. (1) Ordinance 5931: Amending KMC 10.06.081 – Indecent Exposure  
(2) Ordinance 5932: Amending KMC 10.10.090 – Vehicle Prowling  
(3) Ordinance 5933: Amending KMC 10.14.020 – Telephone Harassment. Jessica Foltz, Assistant City Attorney reported on items.

ORDINANCE NO. 5931

AN ORDINANCE AMENDING SECTION 10.06.081 OF THE KENNEWICK MUNICIPAL CODE AND ADOPTING BY REFERENCE RCW 9A.88.010 INDECENT EXPOSURE

Mayor Pro Tem Lee moved, seconded by Mr. Millbauer to adopt Ordinance No. 5931. The motion passed unanimously.

ORDINANCE NO. 5932

AN ORDINANCE AMENDING SECTION 10.10.090 OF THE KENNEWICK MUNICIPAL CODE AND ADOPTING BY REFERENCE RCW 9A.52.100 VEHICLE PROWLING

Mr. Millbauer moved, seconded by Mr. Torelli to adopt Ordinance No. 5932. The motion passed unanimously.

#### ORDINANCE NO. 5933

AN ORDINANCE AMENDING SECTION 10.14.020 OF THE KENNEWICK MUNICIPAL CODE AND ADOPTING BY REFERENCE RCW 9.61.230 TELEPHONE HARASSMENT

Mr. Torelli moved, seconded by Mayor Pro Tem Lee to adopt Ordinance No. 5933. The motion passed unanimously.

#### 6. PUBLIC HEARINGS/MEETINGS

- a. Notice of Intent for Annexation AZ 21-02 (Columbia Basin Development, LLC). Steve Donovan, Senior Planner reported.

Mayor Britain asked if the owner recognizes it is customary for all properties annexed into the City to assume a pro rata share of the City's outstanding indebtedness as a condition of annexation.

Marcus Goodman, 2400 Whitworth Ave, Richland owner of the property stated yes.

Council asked several questions of staff and a lengthy discussion on the process.

Mr. Torelli moved, seconded by Mayor Pro Tem Lee to postpone this until October 19, 2021. The motion failed 6-1. Mr. Torelli in favor.

Mayor Pro Tem Lee moved, seconded by Mr. Beauchamp to accept the annexation petition. The motion passed unanimously.

#### 7. NEW BUSINESS

- a. (1) Council Chamber Audio Upgrade Project Proposal  
(2) Council Chamber Audio Upgrade Contract Approval. Christina Palmer, Management Services Director reported on items.

Mayor Pro Tem Lee moved, seconded by Mr. Torelli to authorize the City Manager to add the Council Chambers AV Upgrade project to the 2021 IT Capital Projects and allocate \$254,097.46 in ARPA funding. The motion passed unanimously.

Mayor Pro Tem Lee moved, seconded by Mr. Millbauer to authorize the City Manager to sign a contract with Ted Brown AVL Services in the amount of \$208,906.28 for the upgrades to the audio-visual equipment in the Council Chambers and City Manager's Conference Room. The motion passed unanimously.

#### 8. UNFINISHED BUSINESS - None

#### 9. COUNCIL COMMENTS/DISCUSSION

Council members reported on their respective activities.

#### 10. ADJOURNMENT

Meeting adjourned at 8:28 p.m.

Terri L. Wright, CMC  
City Clerk

# Council Agenda Coversheet



Agenda Item Number	3.b.	Council Date	10/05/2021
Agenda Item Type	General Business Item		
Subject	Columbia Park Golf Course Account		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	Finance		

Consent Agenda	<input checked="" type="checkbox"/>
Ordinance/Reso	<input type="checkbox"/>
Public Mtg / Hrg	<input type="checkbox"/>
Other	<input type="checkbox"/>
Quasi-Judicial	<input type="checkbox"/>

### Recommendation

That Council approve the Claims Roster for the Columbia Park Golf Course Account for August 2021.

### Motion for Consideration

I move to approve the Claims Roster for the Columbia Park Golf Course Account for August 2021 in the amount of \$37,440.68, comprised of check numbers 292-294, 2638-2641 in the amount of \$6,126.04 and electronic transfers in the amount of \$31,314.64.

### Summary

The first page of the roster is a summary of check and electronic transfer activity, with the following pages presenting more detailed information.

### Alternatives

None.

### Fiscal Impact

Total \$37,440.68.

Through	Denise Winters Sep 22, 08:53:23 GMT-0700 2021
Dept Head Approval	Dan Legard Sep 29, 13:40:04 GMT-0700 2021
City Mgr Approval	Marie Mosley Oct 01, 08:02:10 GMT-0700 2021

Attachments:

Recording Required?

**COLUMBIA PARK GOLF COURSE FUND**  
**CHECK REGISTER**  
**August 2021**

Check Number	Vendor Check Name	Check Date	Amount	Type
292	CHARLES R TAFT	8/4/2021	\$250.00	Check
293	CHARLES R TAFT	8/5/2021	\$250.00	Check
294	CHARLES R TAFT	8/18/2021	\$250.00	Check
2638	COLUMBIA POINT GOLF COURSE	8/24/2021	\$384.60	Check
2639	KENNEWICK GOLF CORPORATION	8/24/2021	\$4,813.49	Check
2640	TOTAL E INTEGRATED INC.	8/24/2021	\$137.95	Check
2641	YELP	8/24/2021	\$40.00	Check
ADPTS 1360617	ADP TOTAL SOURCE (AUTOPAY)	8/10/2021	\$4,592.72	EFT
WADOR 0021922164	DEPARTMENT OF REVENUE	8/20/2021	\$4,440.73	EFT
401781	PEPSI COLA BOTTLING CO.	8/18/2021	\$296.09	EFT
401871	HOME DEPOT PRO	8/18/2021	\$233.48	EFT
403989	PEPSI COLA BOTTLING CO.	8/31/2021	\$331.84	EFT
404003	BLUE ROOM	8/31/2021	\$266.67	EFT
404039	TRACER GOLF ACCESSORIES	8/31/2021	\$265.05	EFT
Paid by ACH	BRIDGESTONE GOLF, INC	8/18/2021	\$205.22	EFT
Paid by ACH	CINTAS CORPORATION #608	8/18/2021	\$115.27	EFT
Paid by ACH	COLEMAN OIL COMPANY	8/18/2021	\$391.52	EFT
Paid by ACH	CINTAS CORPORATION #608	8/31/2021	\$227.35	EFT
Paid by ACH	COLEMAN OIL COMPANY	8/31/2021	\$171.63	EFT
Paid by ACH	GT GOLF SUPPLIES - GLOBAL TOUR GOLF	8/31/2021	\$169.83	EFT
Paid by ACH	R&R PRODUCTS INC	8/31/2021	\$493.62	EFT
Paid by ACH	WESTERN EQUIPMENT	8/31/2021	\$1,862.65	EFT
Paid by ACH	ADP TOTAL SOURCE (AUTOPAY)	8/13/2021	\$7,390.94	EFT
Paid by ACH	ADP TOTAL SOURCE (AUTOPAY)	8/27/2021	\$7,479.44	EFT
Paid by ACH	ELAN (MONTHLY CREDIT CARD CHGS)	8/31/2021	\$1,323.81	EFT
Bank Deduction	MERCHANT SERVICES	8/1/2021	\$1,008.74	EFT
Bank Deduction	US Bank	8/10/2021	\$48.04	EFT
			<u>\$37,440.68</u>	

I, Dan Legard, Finance Director, do hereby certify that the merchandise or services hereinbefore specified have been received, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation and that the vouchers listed above are approved for payment this day.



Dan Legard, Finance Director

The payments on this claims roster are comprised of the following:

Check numbers 292-294, 2638-2641	\$ 6,126.04
Electronic transfers	31,314.64
<b>Total</b>	<u>\$ 37,440.68</u>

Exceptions:

Check	Vendor	Date	Amount	Debit	Credit
2638	COLUMBIA POINT GOLF COURSE	8/24/2021		\$384.60	
	PAY	20005-000-244-00	ACCOUNTS PAYABLE - GP		\$384.60
	PURCH	50100-060-244-00	SALARIES	\$192.30	
	PURCH	50100-080-244-00	SALARIES	\$192.30	
2639	KENNEWICK GOLF CORPORATION	8/24/2021		\$4,813.49	
	PAY	20005-000-244-00	ACCOUNTS PAYABLE - GP		\$4,813.49
	PURCH	59600-080-244-00	ACCOUNTING FEES	\$1,204.02	
	PURCH	59610-080-244-00	MANAGEMENT FEE	\$3,609.47	
2640	TOTAL E INTEGRATED INC.	8/24/2021		\$137.95	
	PAY	20005-000-244-00	ACCOUNTS PAYABLE - GP		\$137.95
	PURCH	51900-050-244-00	CONTRACT SERVICES	\$137.95	
2641	YELP	8/24/2021		\$40.00	
	PAY	20005-000-244-00	ACCOUNTS PAYABLE - GP		\$40.00
	PURCH	53100-080-244-00	ADVERTISING & MARKETING	\$40.00	
292	CHARLES R TAFT	8/4/2021		\$250.00	
	PAY	20005-000-244-00	ACCOUNTS PAYABLE - GP		\$250.00
	PURCH	59400-060-244-00	IRRIGATION OUTSIDE REPAIRS	\$250.00	
293	CHARLES R TAFT	8/5/2021		\$250.00	
	PAY	20005-000-244-00	ACCOUNTS PAYABLE - GP		\$250.00
	PURCH	59400-060-244-00	IRRIGATION OUTSIDE REPAIRS	\$250.00	
294	CHARLES R TAFT	8/18/2021		\$250.00	
	PAY	20005-000-244-00	ACCOUNTS PAYABLE - GP		\$250.00
	PURCH	59400-060-244-00	IRRIGATION OUTSIDE REPAIRS	\$250.00	
ADPTS 1360617	ADP TOTAL SOURCE (AUTOPAY)	8/10/2021		\$4,592.72	
	PAY	20005-000-244-00	ACCOUNTS PAYABLE - GP		\$4,592.72
	PURCH	50800-050-244-00	HEALTH BENEFITS	\$2,717.19	
	PURCH	50800-060-244-00	HEALTH BENEFITS	\$1,875.53	
WADOR 0021922164	DEPARTMENT OF REVENUE	8/20/2021		\$4,440.73	
	PAY	20005-000-244-00	ACCOUNTS PAYABLE - GP		\$4,440.73
	PURCH	20300-000-244-00	SALES TAX PAYABLE	\$2,590.77	
	PURCH	91101-000-244-00	OTHER STATE TAXES	\$1,849.96	
401781	PEPSI COLA BOTTLING CO.	8/18/2021		\$296.09	
	PAY	20006-000-244-00	ACCOUNTS PAYABLE - GP		\$296.09
	PURCH	49150-070-244-00	COGS - PACKAGED FOOD	\$64.64	
	PURCH	49200-070-244-00	COGS - SOFT BEVERAGE	\$222.95	
	PURCH	51900-060-244-00	CONTRACT SERVICES	\$8.50	
401871	HOME DEPOT PRO	8/18/2021		\$233.48	
	PAY	20005-000-244-00	ACCOUNTS PAYABLE - GP		\$233.48
	PURCH	55800-050-244-00	OTHER DEPT SUPPLIES	\$233.48	
403989	PEPSI COLA BOTTLING CO.	8/31/2021		\$331.84	
	PAY	20006-000-244-00	ACCOUNTS PAYABLE - GP		\$331.84
	PURCH	49150-070-244-00	COGS - PACKAGED FOOD	\$52.79	
	PURCH	49200-070-244-00	COGS - SOFT BEVERAGE	\$270.55	
	PURCH	51900-060-244-00	CONTRACT SERVICES	\$8.50	
404003	BLUE ROOM	8/31/2021		\$266.67	
	PAY	20006-000-244-00	ACCOUNTS PAYABLE - GP		\$266.67
	PURCH	52300-050-244-00	GARBAGE & DEBRIS REMOVAL	\$177.33	
	PURCH	52300-060-244-00	GARBAGE & DEBRIS REMOVAL	\$89.34	
404039	TRACER GOLF ACCESSORIES	8/31/2021		\$265.05	
	PAY	20006-000-244-00	ACCOUNTS PAYABLE - GP		\$265.05
	PURCH	47150-050-244-00	COGS MERCHANDISE	\$265.05	
Paid by ACH	BRIDGESTONE GOLF, INC	8/18/2021		\$205.22	
	PAY	20006-000-244-00	ACCOUNTS PAYABLE - GP		\$205.22
	PURCH	47150-050-244-00	COGS MERCHANDISE	\$70.58	
	PURCH	55400-050-244-00	RANGE BALLS	\$134.64	
Paid by ACH	CINTAS CORPORATION #608	8/18/2021		\$115.27	
	PAY	20006-000-244-00	ACCOUNTS PAYABLE - GP		\$115.27
	PURCH	51900-060-244-00	CONTRACT SERVICES	\$34.53	
	PURCH	51900-080-244-00	CONTRACT SERVICES	\$80.74	
Paid by ACH	COLEMAN OIL COMPANY	8/18/2021		\$391.52	
	PAY	20005-000-244-00	ACCOUNTS PAYABLE - GP		\$391.52
	PURCH	58300-060-244-00	FUEL & OIL MAINTENANCE	\$330.52	
	PURCH	58300-050-244-00	FUEL & OIL GOLF	\$61.00	

Check	Vendor	Date	Amount	Debit	Credit
Paid by ACH	CINTAS CORPORATION #608	8/31/2021		\$227.35	
	PAY	20006-000-244-00	ACCOUNTS PAYABLE - GP		\$227.35
	PURCH	51900-060-244-00	CONTRACT SERVICES	\$66.11	
	PURCH	51900-080-244-00	CONTRACT SERVICES	\$161.24	
Paid by ACH	COLEMAN OIL COMPANY	8/31/2021		\$171.63	
	PAY	20005-000-244-00	ACCOUNTS PAYABLE - GP		\$171.63
	PURCH	58300-060-244-00	FUEL & OIL MAINTENANCE	\$96.08	
	PURCH	58300-050-244-00	FUEL & OIL GOLF	\$75.55	
Paid by ACH	GT GOLF SUPPLIES - GLOBAL TOUR GOLF	8/31/2021		\$169.83	
	PAY	20006-000-244-00	ACCOUNTS PAYABLE - GP		\$169.83
	PURCH	47150-050-244-00	COGS MERCHANDISE	\$169.83	
Paid by ACH	R&R PRODUCTS INC	8/31/2021		\$493.62	
	PAY	20006-000-244-00	ACCOUNTS PAYABLE - GP		\$493.62
	PURCH	58100-060-244-00	EQUIPMENT PARTS	\$493.62	
Paid by ACH	WESTERN EQUIPMENT	8/31/2021		\$1,862.65	
	PAY	20006-000-244-00	ACCOUNTS PAYABLE - GP		\$1,862.65
	PURCH	58100-060-244-00	EQUIPMENT PARTS	\$1,862.65	
Paid by ACH	ADP TOTAL SOURCE (AUTOPAY)	8/13/2021		\$7,390.94	
	PAY	50000-000-244-00	TEMPORARY ACCT		\$7,390.94
	PURCH	50100-060-244-00	SALARIES	\$1,551.31	
	PURCH	50200-050-244-00	HOURLY WAGES	\$3,883.65	
	PURCH	50200-060-244-00	HOURLY WAGES	\$1,542.78	
	PURCH	50800-050-244-00	HEALTH BENEFITS		\$543.31
	PURCH	50800-060-244-00	HEALTH BENEFITS		\$368.52
	PURCH	50950-050-244-00	COMBINED ADMIN, TAXES, W/C	\$781.09	
	PURCH	50950-060-244-00	COMBINED ADMIN, TAXES, W/C	\$513.67	
	PURCH	50950-080-244-00	COMBINED ADMIN, TAXES, W/C	\$30.27	
Paid by ACH	ADP TOTAL SOURCE (AUTOPAY)	8/27/2021		\$7,479.44	
	PAY	50000-000-244-00	TEMPORARY ACCT		\$7,479.44
	PURCH	50100-060-244-00	SALARIES	\$1,551.31	
	PURCH	50200-050-244-00	HOURLY WAGES	\$3,949.94	
	PURCH	50200-060-244-00	HOURLY WAGES	\$1,553.89	
	PURCH	50800-050-244-00	HEALTH BENEFITS		\$543.31
	PURCH	50800-060-244-00	HEALTH BENEFITS		\$368.52
	PURCH	50950-050-244-00	COMBINED ADMIN, TAXES, W/C	\$790.46	
	PURCH	50950-060-244-00	COMBINED ADMIN, TAXES, W/C	\$515.40	
	PURCH	50950-080-244-00	COMBINED ADMIN, TAXES, W/C	\$30.27	
Paid by ACH	ELAN (MONTHLY CREDIT CARD CHGS)	8/31/2021		\$1,323.81	
	PAY	50000-000-244-00	TEMPORARY ACCT		\$1,323.81
	PURCH	47150-050-244-00	COGS MERCHANDISE	\$350.64	
	PURCH	52100-060-244-00	TELECOMMUNICATIONS	\$84.89	
	PURCH	52100-060-244-00	TELECOMMUNICATIONS	\$84.89	
	PURCH	52800-080-244-00	SUBSCRIPTIONS & PUBLICATIONS	\$9.25	
	PURCH	53100-080-244-00	ADVERTISING & MARKETING	\$102.47	
	PURCH	53100-080-244-00	ADVERTISING & MARKETING	\$107.41	
	PURCH	55000-060-244-00	GOLF CART PARTS	\$79.27	
	PURCH	55150-050-244-00	GOLF CART SUPPLIES	\$200.24	
	PURCH	55800-060-244-00	OTHER DEPT SUPPLIES	\$91.98	
	PURCH	58200-060-244-00	EQUIPMENT TOOLS	\$107.24	
	PURCH	58200-060-244-00	EQUIPMENT TOOLS	\$19.53	
	PURCH	58200-060-244-00	EQUIPMENT TOOLS	\$86.00	
Bank Deduction	MERCHANT SERVICES	8/1/2021		\$1,008.74	
	PAY	10420-000-244-00	OPERATING CHECKING ACCT - US Bank		\$1,008.74
	PURCH	54000-080-244-00	BANK CHARGES	\$1,008.74	
Bank Deduction	US Bank	8/10/2021		\$48.04	
	PAY	10420-000-244-00	OPERATING CHECKING ACCT - US Bank		\$48.04
	PURCH	54000-080-244-00	BANK CHARGES	\$48.04	

**Council Agenda  
Coversheet**



Agenda Item Number	3.c.	Council Date	10/05/2021
Agenda Item Type	General Business Item		
Subject	Payroll Roster for PPE 9/15/2021		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	Finance		

Consent Agenda

Ordinance/Reso

Public Mtg / Hrg

Other

Quasi-Judicial

**Recommendation**

That council approve the Payroll Roster.

**Motion for Consideration**

I move to approve the Payroll Roster for 9/15/2021 in the amount of \$2,683,802.54 comprised of check numbers 75228 through 75236 and direct deposit numbers 195302 through 195771.

**Summary**

None.

**Alternatives**

None.

**Fiscal Impact**

Total \$2,683,802.54.

Through	
Dept Head Approval	Dan Legard Sep 17, 11:59:15 GMT-0700 2021
City Mgr Approval	Marie Mosley Oct 01, 08:02:47 GMT-0700 2021

Attachments: payroll roster

Recording Required?

October 5, 2021

All Departments:

September 15, 2021

ADMINISTRATIVE TEAM		4,621.35
CITY COUNCIL		4,612.50
CITY MANAGER		12,803.09
CIVIL SERVICE		3,480.00
COMMUNITY PLANNING & ECONOMIC DEVELOPMENT		25,315.73
EMPLOYEE & COMMUNITY RELATIONS		41,639.96
ENGINEERING		59,983.98
FACILITIES & GROUNDS		91,025.18
FINANCE		49,348.82
FIRE		102,876.63
LEGAL SERVICES		23,358.92
MANAGEMENT SERVICES		82,897.34
POLICE		482,808.28
	Subtotal General Fund	<u>984,771.78</u>
STREETS		26,521.75
TRAFFIC		21,752.15
	Subtotal Street Fund	<u>48,273.90</u>
BI-PIN		10,403.90
BUILDING SAFETY		43,707.49
COMMUNITY DEVELOPMENT		4,422.14
CRIMINAL JUSTICE		68,167.44
EQUIPMENT RENTAL		12,437.79
MEDICAL SERVICES		368,307.17
RISK MANAGEMENT		4,119.18
STORMWATER UTILITY		18,265.18
WATER & SEWER		151,317.37
	Subtotal Other Funds	<u>681,147.66</u>
	Total Salaries and Wages	<u>1,714,193.34</u>
<u>Benefits:</u>		
Dental Insurance		46,383.25
Industrial Insurance		37,973.39
Life Insurance		5,002.62
Long Term Disability Insurance		5,634.82
Medical Insurance		638,094.58
Medical Retirement Account		3,450.00
Retirement		125,617.08
Social Security (FICA)		97,642.39
Vision Insurance		7,426.64
WA Family Leave		2,384.43
	Total Benefits	<u>969,609.20</u>
	Grand Total	<u><u>\$2,683,802.54</u></u>

I, Dan Legard, Finance Director, at the direction of the Council, do hereby certify that the Payroll hereinabove specified is approved for payment in the amount of \$2,683,802.54 comprised of check numbers 75228 through 75236 and direct deposit numbers 195302 through 195771.

Approved for payment:



Dan Legard, Finance Director

# Council Agenda Coversheet



Agenda Item Number	3.d.	Council Date	10/05/2021
Agenda Item Type	Contract/Agreement/Lease		
Subject	Roof Repairs and Restoration at City Facilities		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	Parks & Recreation		

Consent Agenda	<input checked="" type="checkbox"/>
Ordinance/Reso	<input type="checkbox"/>
Public Mtg / Hrg	<input type="checkbox"/>
Other	<input type="checkbox"/>
Quasi-Judicial	<input type="checkbox"/>

### Recommendation

Staff recommends that City Council approve and authorize the City Manager to enter into an agreement with the King County Directors' Association (KCDA) Purchasing Cooperative for Roof Repairs and Restoration services on City Facilities.

### Motion for Consideration

I move to authorize the City Manager to sign the agreement with KCDA Purchasing Cooperative/Tremco Inc./Weatherproofing Technologies Inc. (WTI) for Roof Repair and Restoration services on City Facilities in the amount of \$120,437.40.

### Summary

The King County Directors' Association (KCDA) Purchasing Cooperative has competitively bid contract for roof replacement with Tremco Incorporated/Weatherproofing Technologies Inc. (WTI) that the City is eligible to piggyback onto without further competition. The City negotiated a proposal with Tremco Incorporated/Weatherproofing Technologies Inc. (WTI) that is within the project budget and engineers estimate in the amount of \$120,437.40.

Project work is scheduled to begin in the Fall of 2021 and be completed by the end of 2022. The scope includes work on the following public facilities roofs:

- Police Station
- Fire Station # 2
- Fire Station # 4
- Fire Station # 5
- Kennewick Activity Center
- Water Treatment Plant
- Frost Facility
- Mid-Columbia Library (S. Union St. Branch)
- East Benton County Historical Museum

### Alternatives

None recommended.

### Fiscal Impact

The fiscal impact is \$120,437.40, to be funded from Fund Balance reserves.

Through	Kristin Rawlinson Sep 29, 12:06:13 GMT-0700 2021
Dept Head Approval	Emily Estes-Cross Sep 29, 12:29:04 GMT-0700 2021
City Mgr Approval	Marie Mosley Oct 01, 08:05:03 GMT-0700 2021

Attachments:

Recording Required?

**Tremco Incorporated**5500 109<sup>th</sup> Ct • Suite O • Vancouver, WA 98662

Roofing and Building Maintenance Division

**Larry J. Lehrke**

Regional Sales Lead

Cell: (253) 355-4000

Llehrke@tremcoinc.com

September 9, 2021

Ms. Emily Estes-Cross

Facilities Manager

Parks &amp; Recreation Department

City of Kennewick

1010 East Chemical Drive

Kennewick, WA 99336-0108

***Topic: 2021 KCDA Roof Budgets***

Ms. Estes-Cross,

Here are roof repair and restoration budget figures for the Historical Museum, Kennewick Activity Center, Police Station, Fire Station No. 4, 5 & 2. Through the KCDA contract, qualified members benefit in numerous ways by using quality materials and WTI's roof and building envelope programs. This program has a proven track record. The contract benefits to the City of Kennewick include:

- Increased value and control
- Single source project responsibility for the building envelope
- The ability to select the exact building envelope needs, within budget
- Pre-competited solicitation for faster access to products and services
- A procurement process of just weeks, not months
- Buying power of a multi-state contract
- Pre-approved line-item pricing
- Shorter project time
- Fewer hassles and lower costs
- The ability to use the proven, experienced, and certified contractors you want.

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Regional Sales Lead

Cell: (253) 355-4000

Llehrke@tremcoinc.com

Tremco and WTI are committed to supporting the City of Kennewick objectives by providing quality procurement and maintenance solutions on time, within budget, and with minimal disruption. Enclosed is the general KCDA Roof Budgets and General Scope of Work:

**KCDA Budget****Historical Museum****Good Option (Roof Repairs):**

- Remove all field and flashings fasteners and replace with one size larger grommated fastener with metal hood. Color to match as close as possible (due to existing panel fade)
  - o At all field laps install butyl sealant.
- Clean all debris from foam closure areas and install new foam closures where missing. Adhere new closure in a bead of silicone sealant.
- Repair the existing granulated base flashing over the main entrance by removing the slopy repair work to promote a flat surface. Install Tremco's Fully Reinforced AlphaGuard MT Restoration System
  - Budget: \$18,850.00

**Better Option (Full Roof Restoration):**

- Remove all field and flashings fasteners and replace with one size larger grommated fastener with metal hood. Color to match as close as possible (due to existing panel fade)
  - o At all field laps install butyl sealant.
- Clean all debris from foam closure areas and install new foam closures where missing. Adhere new closure in a bead of silicone sealant.
- Remove the existing roof panels over the main entrance roof location. Remove the existing granulated base flashing and replace with a new TRA base flashings set in Tremlar.
  - o Reinstall roof panels.
- Install Tremco Solargard 6083 Roof Restoration System with Acrythane (color to be selected by City of Kennewick)
  - Budget: \$115,000.00

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Roofing & Building Maintenance

Roofing and Building Maintenance Division

### Larry J. Lehrke

Regional Sales Lead

Cell: (253) 355-4000

Llehrke@tremcoinc.com

## Kennewick Activity Center

### Roof Repairs

- Seal delaminated perimeter edge utilizing Spectrum 2 silicone.
  - o Clean substrate with Acetone prior to installing.
    - Budget: \$1,000.00

## Police Station

### Roof Repairs

- Repair 18 blisters by cutting and removing the existing deficiency and installing a new multi-ply repair with granulated surfacing set in ELS Mastic. Three course the exterior of the repair with Els and 6" Burmesh. Allow the repair work to cure a minimum of 30 days prior to aluminum coating all exposed black mastic.
- Remove all debris and loose granules from the roof and dispose of legally.
- Seal improperly installed unit attachment utilizing AlphaGuard PUMA product.
  - Budget: \$33,700.00

## Fire Station No. 4

### Roof Repairs

- Repair the hot stack detail from snow damage to prevent moisture intrusion.
- Install new snow rails behind 6 roof top penetrations.
- Make miscellaneous silicone sealant repairs as need along flashing transitions.
  - Budget: \$4,800.00

**Fire Station No. 5** – Assist with getting the manufacturer of the PVC Shingle warranty work completed on the failing perimeter (gutter edge) flashing.

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Roofing & Building Maintenance

Roofing and Building Maintenance Division

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Regional Sales Lead

Cell: (253) 355-4000

Llehrke@tremcoinc.com

### Fire Station No. 2

#### Roof Repairs:

- Remove all field and flashings fasteners and replace with one size larger grommated fastener with metal hood. Color to match as close as possible (due to existing panel fade)
  - At all filed laps install butyl sealant.
- Clean all debris from all roof levels and dispose of legally.
  - Water test all drains to ensure proper drainage.
- Seal all counter flashings utilizing Spectrum 2 Sealant.
- Install new vertical wall vents and resecure wall paneling.
  - Budget: \$25,400.00

**Water Treatment Plant** – Repair multiple slice and punctures throughout the Tremco Warranty Roof System caused by the HVAC Contractor.

### Dan Frost

#### Roof Repairs

- Remove the failed CMU vertical control joint and install new backer rod and Spectrum 2 Silicone Sealant (color to match existing façade).
- Clean all debris from roof surface and gutters.
- Reinstall failing termination and flashings details along metal roofs.
- Inspect all roof details and provide water testing on suspected areas.
  - Repair roof penetrations utilizing AlphaGuard MT with polyester reinforcement.
- Repair failed boots flashings on the Ballasted EPDM roof system.
  - Budget: \$12,900.00

### Kennewick Library

#### Roof Repairs

- Removed failed sealant details and replace with new Spectrum 2 Silicon Sealant.
- Clean all roof levels free of debris and dispose of legally.
- Remove and replace backed out fastener with new 1 size large fastener. Color to match existing.
  - Budget: \$14,250.00



Roofing & Building Maintenance

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Cell: (253) 355-4000

Llehrke@tremcoinc.com

### **Exclusions – WA Sales Tax**

**Note: Weatherproofing Technologies, Inc. will provide:**

- **Insurance, Bond, and prevailing wage info**
- **Pre-Construction Meeting**
- **Progress Meetings**
- **Final inspection**
- **Close-out documents**

Please feel free to contact me directly at 253-355-4000 if you have any questions regarding these budgets.

Respectfully submitted,

Larry J. Lehrke

Regional Sales Lead

Pacific Northwest Region

Tremco Roofing & Building Maintenance Division

Mobile: (253) 355-4000

[LLehrke@tremcoinc.com](mailto:LLehrke@tremcoinc.com)

[www.tremcoroofing.com](http://www.tremcoroofing.com)

# Council Agenda Coversheet



Agenda Item Number	3.e.	Council Date	10/05/2021
Agenda Item Type	Contract/Agreement/Lease		
Subject	Cybersecurity Contract with Arctic Wolf		
Ordinance/Reso #		Contract #	21-021
Project #		Permit #	
Department	Management Services		

Consent Agenda	<input checked="" type="checkbox"/>
Ordinance/Reso	<input type="checkbox"/>
Public Mtg / Hrg	<input type="checkbox"/>
Other	<input type="checkbox"/>
Quasi-Judicial	<input type="checkbox"/>

### Recommendation

Staff recommends that Council authorizes the City Manager to sign the contract for Arctic Wolf MDR in the amount of \$83,542.45.

### Motion for Consideration

Motion to authorize the City Manager to sign the contract for Arctic Wolf MDR in the amount of \$83,542.45.

### Summary

As we continue to expand our use of online technologies, cyber security protection is a critical aspect of our IT environment. Additionally, cyber security insurance coverage is becoming increasingly difficult to obtain and one of the questions asked in assessing environments is whether or not (MDR) Managed Detection and Response is used.

Arctic Wolf is a (MDR) Managed Detection and Response solution that provides 24x7 monitoring of networks, endpoints, and cloud environments to help detect, respond, and recover from modern cyber attacks. Their solution is comprised of a combination of hardware, software and cyber security expertise to strengthen the City's security posture. The Hardware component is a data collection mechanism gathering data from endpoints and monitoring traffic patterns. The Software includes the security operations analysis tools which quickly uncover suspicious or anomalous behavior. Finally, the expertise is derived from the dedicated concierge team that is actively monitoring the City's network and data 24x7 to mitigate threats. The Arctic Wolf team would work hand in hand with our IT team to respond as needed and notify if threats are detected. While there is an on-going cost to this coverage, it's significantly less than adding IT staff with this type of expertise.

The annual cost for this coverage is \$70,575.00, plus a one-time Onboarding charge of \$6,351.75, plus tax. Total cost for year one would be \$83,542.45. This is eligible for ARPA funding and staff recommends utilizing ARPA as the funding source.

### Alternatives

None recommended.

### Fiscal Impact

Utilizing ARPA funding  
Year 1: \$83,542.45  
Ongoing: \$76,644.45 (\$70,575 + tax)

Through	
Dept Head Approval	Christina Palmer Sep 29, 16:24:32 GMT-0700 2021
City Mgr Approval	Marie Mosley Oct 01, 08:09:41 GMT-0700 2021

Attachments: Agreement

Recording Required?

**Bill To:**
**City of Kennewick**

 PO Box 6108  
 Kennewick, WA 99336

**Ship To:**
**City of Kennewick**

 210 W 6th Ave  
 Kennewick, WA 99336

**Quote Information:**
**Quote #: MF173220**

 Version: 1  
 Delivery Date: 09/23/2021  
 Expiration Date: 10/01/2021

**Prepared by:**

 Mark Friedman  
 509-795-8276  
 mfriedman@compunet.biz

**Prepared for:**

 John Barada  
 (509) 585-4323  
 John.Barada@ci.kennewick.wa.us

**Arctic Wolf**

Description	List Price	Price	Qty	Ext. Price
AW-MDR-USER Arctic Wolf MDR user license	\$180.00	\$112.50	450	\$50,625.00
AW-MDR-SE Arctic Wolf MDR server license	\$180.00	\$112.50	100	\$11,250.00
AW-MDR-1YR Arctic Wolf MDR Log Retention - 1 year	\$14.40	\$9.00	550	\$4,950.00
AW-MDR-2XX-S Arctic Wolf 200 Series Senso	\$3,000.00	\$1,875.00	2	\$3,750.00
Subtotal:				<b>\$70,575.00</b>

**Arctic Wolf Onboarding**

Description	List Price	Price	Qty	Ext. Price
AW-MDR-OB Arctic Wolf MDR Onboarding	\$8,131.20	\$6,351.75	1	\$6,351.75
Subtotal:				<b>\$6,351.75</b>

**Shipping**

Description	List Price	Price	Qty	Ext. Price
AW-SHP Arctic Wolf Sensor/ Scanner Shipping	\$120.00	\$0.00	2	\$0.00
Subtotal:				<b>\$0.00</b>

## Quote Summary

Description	Amount
Arctic Wolf	\$70,575.00
Arctic Wolf Onboarding	\$6,351.75
Subtotal:	<b>\$76,926.75</b>
Estimated Tax:	<b>\$6,615.70</b>
Total:	<b>\$83,542.45</b>

Taxes, shipping, handling and other fees may apply. We reserve the right to cancel any order arising from pricing or other errors. If Customer is purchasing a subscription-based product, Customer agrees to pay all charges for the complete term of the subscription. By signing below or issuing a Purchase Order, Customer agrees to CompuNet's standard terms and conditions, which can be reviewed [here](#). Your electronic signature, per the Electronic Signature Act, is considered equivalent to your signed and faxed signature, and allows you to accept and place your order. A copy of this acceptance and the attached proposal document will be sent to your email address to complete your order acceptance. You are NOT required to electronically sign your order, you may fax or email your signed proposal to your Account Executive.

City of Kennewick

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

PO Number: \_\_\_\_\_

## SOLUTIONS AGREEMENT (via Authorized Partner)

This Solutions Agreement (the “**Agreement**”) is a legal agreement entered into by and between the Customer identified in the signature block below (“**Customer**”) and Arctic Wolf Networks, Inc. (“**Arctic Wolf**”) and governs any order forms, quotes, or other ordering document executed by the Customer (“**Order Form**”) that reference this Agreement. An Order Form will be issued to Customer by an Arctic Wolf authorized partner (“**Authorized Partner**”). This Agreement is effective on the date last executed in the signature block below (the “**Effective Date**”). This Agreement permits Customer to purchase subscriptions to the Solutions, as defined below, identified in the Order Form from its Authorized Partner and sets forth the terms and conditions under which those Solutions will be delivered. The Agreement consists of the terms and conditions set forth below, any attachments or exhibits identified herein and any Order Forms that reference this Agreement. If there is a conflict between the terms below, the Order Form, or the terms set forth in an URL referenced herein (such URL terms, the “**Terms**”), the documents will control in the following order: the Order Form, this Agreement, and the Terms.

In consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

### 1. Scope.

**1.1 Solutions.** Customer will purchase and Arctic Wolf, together with its Affiliates (as defined below), will provide the specific products and services (each a “**Solution**” or collectively, “**Solutions**”) as specified in the applicable Order Form. A Solution may consist of equipment, which may be virtual or physical appliances (“**Equipment**”), software, including any add-ons offering enhanced features and functionality made generally available to Arctic Wolf customers from time-to-time (collectively, the “**Software**”), a cloud service offering, online access to all available learning content within the Administrator Dashboard by Customer’s identified users (the “**Content**”), metrics related to the Content (the “**Hosting Environment**”), support, onboarding services, and concierge services, all as more fully defined in the Solutions Terms (as defined below) (collectively, “**Services**”), Beta Solutions (as defined in Section 1.3), and/or additional professional services as defined below (“**Professional Services**”). The Solutions are provided on a subscription basis for a set term designated on the Order Form (each, a “**Subscription Term**”) for the one-time costs and subscription fees set forth therein (the “**Fees**”). Customer may access and use the Solutions, and any Documentation associated therewith, solely for its own internal business purposes and in accordance with the terms and conditions of this Agreement, such associated Documentation, any scope of use restrictions and license counts designated in the applicable Order Form, and the Solutions Terms found at <https://arcticwolf.com/terms/solutionsterms/>, as may be updated from time to time by Arctic Wolf in accordance with Section 15 herein (the “**Solutions Terms**”). “**Documentation**” means user manuals, training materials, product descriptions and specifications, and other printed information relating to the Solution, as in effect and generally available from Arctic Wolf, but expressly excluding marketing and sales collateral and materials. For purposes of this Agreement, “**Affiliate**” means any company or other entity, which directly or indirectly controls, is controlled by or is under joint control with Arctic Wolf.

**1.2 Future Functionality.** Customer agrees that it has not relied on the availability of any future functionality of the Solutions or any other future product or service in executing this Agreement or any Order Form. Customer acknowledges that information provided by Arctic Wolf regarding future functionality should not be relied upon to make a purchase decision. Should Arctic Wolf offer additional optional functionality in the future that complement the Solutions, Customer may elect to subscribe to and obtain a license to the optional functionality for an additional fee.

**1.3** Except as otherwise provided herein, Customer understands and agrees that the Authorized Partner may not modify this Agreement or make any commitments related to the delivery or performance of the Solutions on Arctic Wolf’s behalf.

### 1.4 Beta Solutions.

**1.4.1** From time-to-time Arctic Wolf may invite Customer to try, at no charge, Arctic Wolf products, features, or functionality that are not generally available to Arctic Wolf’s customers (“Beta Solutions”). Customer may accept or decline any such trial in its sole discretion. Any Beta Solutions will be clearly designated as beta, pilot, limited release, developer preview, non-production or by a description of similar import.

**1.4.2** Restrictions and Disclaimers. Beta Solutions are provided for evaluation purposes and not for production use, are not supported, may contain bugs or errors, and may be subject to additional terms. Beta Solutions are not considered Solutions hereunder and are provided solely and exclusively “AS IS” with no express or implied warranty of any kind. CUSTOMER ASSUMES AND UNCONDITIONALLY RELEASES ARCTIC WOLF FROM ALL RISKS ASSOCIATED WITH THE USE OF ANY BETA SOLUTIONS. Arctic Wolf may discontinue the Beta Solutions at any time in its sole discretion and Arctic Wolf will make reasonable efforts to provide Customer with advanced notice of any such discontinuance. Arctic Wolf does not promise or represent that Beta Solutions will be made generally available.

**1.4.3** NO DATA RETENTION. ANY CUSTOMER DATA ENTERED INTO THE BETA SOLUTIONS MAY BE PERMANENTLY LOST UNLESS CUSTOMER: (i) PURCHASES A SUBSCRIPTION TO THE COMMERCIALY AVAILABLE VERSION OF THE BETA SOLUTIONS AS MAY BE MADE AVAILABLE BY ARCTIC WOLF; OR (ii) TO THE EXTENT POSSIBLE, EXPORTS SUCH DATA PRIOR TO TERMINATION OF THE BETA SOLUTIONS.

**1.4.4** LIMITED LIABILITY. ARCTIC WOLF’S ENTIRE LIABILITY IN CONNECTION WITH ANY USE OF THE BETA SOLUTIONS WHETHER IN CONTRACT, TORT OR UNDER ANY OTHER THEORY OF LIABILITY, WILL NOT, AS TO ANY INDIVIDUAL CLAIM OR IN THE AGGREGATE, EXCEED \$50. IF CUSTOMER DOES NOT AGREE TO THE ALLOCATION OF RISK IN THIS SECTION, ITS SOLE RECOURSE IS TO IMMEDIATELY DISCONTINUE THE USE OF THE BETA SOLUTIONS.

**1.4.5.** Despite anything to the contrary in this Agreement, Customer acknowledges that (a) Beta Solutions may not be supported and may be changed at any time, including in a manner that reduces functionality, (b) Beta Solutions may not be available or reliable, and (c) Beta Solutions may not be subject to the same security or audits as the Solutions.

**2. Equipment.** If the Order Form specifies that Customer will receive Equipment, then Customer is responsible for installing the Equipment at the location(s) specified by Arctic Wolf and for the implementation of appropriate data protection practices related to the protection of any

information included on such Equipment while the Equipment is located within Customer's environment. The Equipment is a part of the Solutions and included with the subscription to the Solutions for use by Customer during the Subscription Term. If Customer attempts to install or use the Equipment at a location other than the location determined by Customer and communicated to Arctic Wolf during onboarding or at any time thereafter, the Solutions may fail to function or may function improperly. In the event Customer installs, uses, or relocates the Equipment, Customer will promptly notify Arctic Wolf so that Equipment deployment information can be updated within Customer's account. Other than normal wear and tear, Customer is directly responsible for loss, repair, replacement and other costs, damages, fees and charges to repair the Equipment. If applicable, Arctic Wolf will ship Equipment to Customer and will pay the freight costs associated with shipping the Equipment to Customer's designated locations. Customer is responsible for all additional costs and expenses associated with shipping the Equipment to its designated locations and for the return of the Equipment to Arctic Wolf upon termination of the Subscription Term. Such additional costs and expenses may be reflected on an Order Form, from time-to-time following shipment of the Equipment and will be invoiced by Authorized Partner pursuant to Section 7 herein. Customer understands and agrees if the Equipment is shipped outside of the United States or Canada (or such other locations identified by Arctic Wolf), Customer is responsible for acting as the importer of record.

**3. Professional Services.** In the event Arctic Wolf Solutions require Professional Services, any such Professional Services shall be specified on an applicable Order Form and described in a statement of work which shall reference this Agreement.

**4. Software and Services.** Provided Customer is in compliance with the terms of this Agreement, including payment of Fees, Arctic Wolf grants to Customer a limited, non-transferable, non-sublicensable, non-exclusive right and/or license during the Subscription Term to, to the extent applicable given the Solution: (i) install the object code form of the Software (including any related to virtual Equipment, if applicable), but only in connection with Customer's use of the Solutions and otherwise in accordance with the Documentation and this Agreement, and/or access and use the Solutions, including any Content and Hosting Services, for up to the number of licenses set forth on an Order Form, (ii) obtain and use Arctic Wolf's Services in conjunction with Customer's use of the Solution, (iii) obtain onboarding services from Arctic Wolf to install the Equipment, (iv) load Customer's users and associated information into the applicable Solution for delivery of Content and training, and (v) access the Arctic Wolf Customer Portal and/or Administrator Dashboard, subject to the Privacy Policy located at <https://arcticwolf.com/privacy-policy-for-customer-portal-users/>, as may be updated from time-to-time in accordance with Section 15 below (the "**Privacy Policy**"). Solutions Data, as defined in Section 10.1 herein, will be retained for the retention period as described in the Solutions Terms. Customer may be required to implement Software and Services in order to enable features of the Solutions. Customer acknowledges that any changes Customer makes to its infrastructure or the configuration of the Solutions after initial deployment may cause the Solutions to cease working or function improperly and that Arctic Wolf will have no responsibility for the impact of any such Customer changes. Customer understands that depending on the Solution deployed, a Solution may consume additional CPU and memory in Customer's environment while running in production.

**5. Reservation of Rights and Ownership.** Arctic Wolf owns or has the right to license the Solutions and any associated Documentation ("**Arctic Wolf Technology**"). Customer acknowledges and agrees that: (a) the Arctic Wolf Technology is protected by United States and international copyright, trademark, patent, trade secret and other intellectual property or proprietary rights laws; (b) Arctic Wolf retains all right, title and interest (including, without limitation, all patent, copyright, trade secret and other intellectual property rights) in and to the Arctic Wolf Technology, excluding any rights, title, and interest in any Third Party Products (as defined in Section 12.3 below) which shall be retained by its third party licensor(s), any other deliverables, know-how, databases, developed programs, and registered or unregistered intangible property rights; (c) there are no implied licenses and any rights not expressly granted to Customer hereunder are reserved by Arctic Wolf; (d) the Solution, excluding Professional Services, is licensed on a subscription basis, not sold, and Customer acquires no ownership or other interest (other than the license rights expressly stated herein) in or to the Arctic Wolf Technology; and (e) the Solution is offered as an on-line, hosted solution, and Customer has no right to obtain a copy of the Software.

**6. Restrictions, Responsibilities, and Prohibited Use.**

**6.1 Restrictions.** Customer agrees not to, directly or indirectly: (i) modify, translate, copy or create derivative works of the Arctic Wolf Technology; (ii) reverse engineer, decompile, disassemble, or otherwise seek to obtain the source code or non-public APIs to the Solutions, except to the extent expressly permitted by applicable law (and then only upon advance notice to Arctic Wolf); (iii) interfere with or disrupt the integrity or performance of the Solutions or the data and information contained therein or block or disrupt any use or enjoyment of the Solutions by any third party; (iv) attempt to gain unauthorized access to the Arctic Wolf Technology or related systems or networks; (v) remove or obscure any proprietary or other notice contained in the Arctic Wolf Technology, including on any reports or data printed from the Arctic Wolf Technology; or (vi) unless Customer is an Authorized MSP Partner of Arctic Wolf, use the Solutions in connection with a service bureau, service provider or like activity whereby Customer operates or uses the Solutions for the benefit of a third party. Customer agrees to abide by the terms of the Acceptable Use Policy at <https://arcticwolf.com/terms/acceptable-user-policy/>, as may be updated from time-to-time in accordance with Section 15 below. If Arctic Wolf, in its reasonable discretion, determines that Customer's use of or access to the Solutions imposes an actual or imminent threat to the security or stability of Arctic Wolf's infrastructure or that Customer is abusing its use of the Solutions in contravention with the terms of this Agreement, Arctic Wolf may, in addition to any other right herein, temporarily suspend Customer's access to the Solutions until such activity is rectified. If commercially practicable, Arctic Wolf shall provide Customer with notice prior to any such suspension and shall work with Customer in good faith to reinstate the Solutions promptly.

**6.2 Arctic Wolf Responsibilities.** Arctic Wolf shall provide the Solutions Customer subscribes to as set forth on an Order Form in accordance with the terms of this Agreement, as further described in the Solutions Terms. The Solutions provided under this Agreement shall include any updates, upgrades, bug fixes, version upgrades or any similar changes that are made generally available to Arctic Wolf's customers free of charge from time to time during the Subscription Term.

**6.3. Customer Responsibilities.** Customer must identify the administrative users for its account which may include Customer's authorized (email authorization sufficient) third party service providers and agents ("**Administrators**"). Each Administrator will receive an administrator ID and password and will need to register with Arctic Wolf. Customer is responsible for notifying Arctic Wolf about changes to Administrators, including but not limited to termination, change of authority, and the addition of Administrators. Customer acknowledges and agrees that Administrators will be able to view all Solutions Data and other traffic and activities that occur on Customer's network and that Customer is responsible for all activities that occur under Administrator accounts. Administrator IDs are granted to individual, named persons and cannot be shared or used by more than one Administrator but may be reassigned from time-to-time to new Administrators.

**6.4 Prohibited Use.** Customer represents and warrants that Customer is not a Prohibited Person nor owned or controlled by a Prohibited Person. “**Prohibited Persons**” shall mean a person or entity appearing on the lists published by the U.S. Department of Commerce, the U.S. Department of State, the U.S. Department of Treasury or any other list that may be published by the U.S. Government, as amended from time to time, that is prohibited from acquiring ownership or control of items under this Agreement, or with which Arctic Wolf is prohibited from doing business. Customer further represents that the Solutions shall not be used in violation of United States economic sanctions laws. Customer agrees to promptly notify Arctic Wolf, and terminate its use of the Solutions, if Customer discovers that any of the foregoing conditions apply. Arctic Wolf may suspend any use of the Solutions it reasonably believes Customer may be (or is alleged to be) in violation of the foregoing.

**6.5 Export/Import Compliance.** Customer agrees to comply with all applicable export and import laws and regulations. Without limiting the foregoing: (i) Customer represents and warrants that it is not listed on any U.S. government list of prohibited or restricted parties or located in (or a national of) a country that is subject to a U.S. government embargo or that has been designated by the U.S. government as a “terrorist supporting” country, (ii) Customer will not (and will not permit any of its users to) access or use the Solutions in violation of any U.S. export contracts, economic sanctions, embargos, or other trade prohibitions or restriction, and (iii) Customer will not directly or indirectly export, re-export, or release the Solutions to, or make the Solutions accessible from, any country, jurisdiction, or person to which export, re-export, or release is prohibited by applicable law; and (iv) Customer will not submit to Arctic Wolf, directly or through the Solutions, any information that is controlled under the U.S. International Traffic in Arms Regulations. Customer will comply with all applicable laws and complete all required undertakings (including obtaining any necessary export license or other governmental approval) prior to exporting, re-exporting, releasing, or otherwise making the Solutions available outside the United States.

## **7. Fees, Payment, Taxes, and Audit.**

**7.1 Fees, Payment, Taxes.** Customer will purchase the Solutions through the Authorized Partner. The Order Form containing terms related fees, payment, taxes, audit, and any other related terms shall be between Customer and the Authorized Partner. Customer will pay any owed amounts to the Authorized Partner, as agreed between Customer and Authorized Partner. Customer agrees that Arctic Wolf may suspend or terminate Customer’s use of the Solutions upon ten (10) days’ written notice to Customer if Arctic Wolf does not receive payment of Fees from the Authorized Partner. The amounts paid by Authorized Partner to Arctic Wolf for Customer’s use of the Solutions under this Agreement will be deemed the amount actually paid or payable under this Agreement for purposes of calculating Arctic Wolf’s liability under Section 13. Customer’s renewal pricing will be communicated to Customer by the Authorized Partner in accordance with the terms Customer has with the Authorized Partner or by Arctic Wolf prior to the renewal Subscription Term.

**7.2 Audit.** During the term of this Agreement and for one year thereafter, Customer shall provide Arctic Wolf, or its designated representative, promptly upon request with appropriate records requested by Arctic Wolf to verify Customer’s compliance with the Agreement, including specifically its license counts as set forth on an Order Form. Arctic Wolf, at its option, may require that an executive officer of Customer certify in writing to Customer’s compliance with this Agreement and disclose the scope of use of the Solutions by Customer. If, because of such audit, Arctic Wolf determines that Customer has exceeded the number of licenses subscribed to by Customer on an Order Form, Arctic Wolf will notify Customer of the number of additional licenses, along with the associated Subscription Fees prorated through the end of the then-current Subscription Term, and Customer will remit payment for such Subscription Fees in accordance with this Section 7.

**8. Compliance with Laws.** Each party represents and warrants that, during the term of this Agreement, it will comply with all foreign, provincial, federal, state and local statutes, laws, orders, rules, regulations and requirements, including those of any governmental (including any regulatory or quasi-regulatory) agency applicable to such party as it pertains to its obligations herein.

**9. Confidentiality.** Either party (as a “**Discloser**”) may disclose confidential and proprietary information, orally or in writing (“**Confidential Information**”) to the other party (as a “**Recipient**”). Confidential Information (a) shall be marked with a restrictive legend of the Discloser or, (b) if orally or visually disclosed to Recipient by Discloser, or disclosed in writing without an appropriate letter, proprietary stamp or legend, shall be confidential if it would be apparent to a reasonable person that such information is of a confidential or proprietary. Confidential Information of Arctic Wolf includes the following: any pricing, trade secrets, know-how, inventions (whether or not patentable), techniques, ideas, or processes related to the Arctic Wolf Technology; the design and architecture of the Arctic Wolf Technology; the computer code, internal documentation, and design and functional specifications of the Arctic Wolf Technology; and any intellectual property and know-how included in the problem reports, analysis, and performance information related to the Arctic Wolf Technology. Confidential Information of Customer may include the following:

(i) If the Managed Awareness Solution is deployed: Customer’s tracking metrics as described in the Solutions Terms, Personal Information (as defined in Section 10.2 below), Customer created content, any test response data; and

(ii) If the MDR or MR Solutions are deployed: Personal Information (as defined in Section 10.2 below) and Solutions Data (as defined in Section 10.1 below).

Each party agrees to hold the other party’s Confidential Information in strict confidence, not to disclose such Confidential Information to third parties not authorized by the Discloser to receive such Confidential Information, and not to use such Confidential Information for any purpose except as expressly permitted hereunder or if by Arctic Wolf, also as set forth in the Privacy Policy. Each party agrees to take commercially reasonable steps to protect the other party’s Confidential Information and to ensure that such Confidential Information is not disclosed, distributed or used in violation of the provisions of this Agreement. The Recipient may disclose Confidential Information only: (a) with the Discloser’s prior written consent; or (b) to those employees, officers, directors, agents, consultants, and advisors with a clear and well-defined “need to know” purpose who are informed of and bound by the obligations of this Agreement. Notwithstanding the foregoing, the Recipient may disclose Confidential Information to the extent required by law; however, the Recipient will give, to the extent legally permissible and reasonably practical, the Discloser prompt notice to allow the Discloser a reasonable opportunity to obtain a protective order and such Confidential Information disclosed to the extent required by law shall otherwise remain confidential and subject to the protections and obligations of this Agreement. To the extent legally required, Arctic Wolf may report any violations of law pertaining to any Customer Confidential Information and/or Customer’s use of the Solutions. The Discloser agrees that the foregoing obligations shall not apply with respect to any information that the Recipient can document is: (i) rightfully in its possession or known to it prior to receipt from the Discloser without an obligation of confidentiality; (ii) or has become public knowledge through no fault of the Recipient; (iii) rightfully obtained by the Recipient from a third party without breach of any

confidentiality obligation; or (iv) independently developed by employees of the Recipient who had no access to Discloser's Confidential Information. Upon expiration or termination of this Agreement for any reason, and except as otherwise provided in Section 16 below, each party shall promptly destroy all copies of the other party's Confidential Information and copies, notes or other derivative material relating to the Confidential Information. Notwithstanding the foregoing, and subject to the Privacy Policy, Arctic Wolf may retain Customer's name, contact names, email address, and such other necessary contact information following termination of this Agreement for its internal business purposes.

## 10. Solutions Data.

**10.1 Solutions Data.** "**Solutions Data**" means, depending on the Solution deployed, the operational system log data and any other information provided by Customer in furtherance of its use of the Solutions and which Customer may elect to submit to Arctic Wolf through the Solutions, including, but not limited to operational values, event logs, and network data such as flow, HTTPS, TLS, DNS metadata, cursory inventory data, operating systems and versions, users and groups from Active Directory, system level inventory, event data, and network vulnerability data. As between the parties, Customer shall retain all right, title and interest (including any and all intellectual property rights) in and to the Solutions Data (excluding any Arctic Wolf Technology used with the Solutions Data). Customer hereby grants Arctic Wolf, during the term of the Agreement, a non-exclusive, worldwide, royalty-free right to collect, use, copy, store, transmit, modify and create derivative works of the Solutions Data solely to the extent necessary to provide the Solutions to Customer. If Arctic Wolf is compelled by law to disclose Solutions Data or its summary reports related thereto, it shall provide prior notice of such compelled disclosure (to the extent legally permitted) and reasonable assistance, at Customer's cost, if Customer wishes to contest the disclosure. Customer understands Arctic Wolf will aggregate Solutions Data with Arctic Wolf's other data so that results are non-personally identifiable (individual identities have been removed and are not linked or reasonably linked to any individual, including via a device, or could be reasonably linked, directly or indirectly, with a particular consumer or household) and collect anonymous technical logs and data regarding Customer's use of the Solutions ("**Aggregate/Anonymous Data**"). Such Aggregate/Anonymous Data is Arctic Wolf Technology, which Arctic Wolf may use for its business purposes during or after the term of this Agreement.

**10.2 Personal Information.** Confidential Information and Solution Data may include information that identifies, relates to, describes, is reasonably capable of being associated with or linked to a particular individual, whether directly or indirectly ("**Personal Information**"). Customer is responsible for the lawfulness of any such Personal Information and the receipt, use, and processing of it under the Agreement. Customer represents and warrants that, where it provides Personal Information to Arctic Wolf or requests Arctic Wolf collect or process such information, it (1) has complied with any applicable laws relating to the collection or provision of such information, (2) possesses any consents, authorizations, rights and authority, and has given all required notices to individual data subjects as are required to transfer or permit Arctic Wolf to collect, receive, or access any Personal Information for the Solutions, and (3) to the extent required by applicable law, informed the individuals of the possibility of Arctic Wolf processing their Personal Information on Customer's behalf and in accordance with its instructions.

**10.3 European Union and United Kingdom General Data Protection Regulation.** If and to the extent Customer submits to Arctic Wolf personal data (as that term is defined under the General Data Protection Regulation ("**GDPR**") of individuals located in the European Economic Area or United Kingdom, the Arctic Wolf Data Processing Agreement available at <https://arcticwolf.com/terms/dpa/>, as may be updated by Arctic Wolf from time-to-time in accordance with its terms (the "**DPA**"), may be executed by Customer and upon execution and return to Arctic Wolf in accordance with its terms will be incorporated into this Agreement. It is Customer's sole responsibility to notify Arctic Wolf of requests from data subjects related to the modification, deletion, restriction and/or objection of personal data. Customer represents and warrants that any processing of personal data in accordance with its instructions is lawful.

**10.4 California Consumer Privacy Act.** The parties acknowledge and agree that Arctic Wolf is a service provider for the purposes of the California Consumer Privacy Act, as amended by the California Privacy Rights Act ("**CCPA**") and may receive personal information (as defined by the CCPA) from Customer pursuant to this Agreement for a business purpose. The parties agree to comply at all times with the applicable provisions of the CCPA in respect to the collection, transmission, and processing of all personal information (as defined by the CCPA) exchanged or shared pursuant to the Agreement. Arctic Wolf shall not sell any such personal information. Arctic Wolf shall not retain, use or disclose any personal information provided by Customer pursuant to this Agreement except as necessary for the specific purpose of performing the Solutions for Customer pursuant to this Agreement or as permitted by the CCPA. The terms "personal information," "service provider," "sale," and "sell" are as defined in Section 1798.140 of the CCPA. Arctic Wolf certifies that it understands the restrictions of this Section 10.4. It is Customer's sole responsibility to notify Arctic Wolf of any requests from consumers (as defined in the CCPA) seeking to exercise rights afforded in the CCPA with regard to personal information received or processed in connection with the Solutions. Arctic Wolf agrees to provide reasonable cooperation to Customer in connection with such requests.

**10.5 Canadian Privacy Laws.** If and to the extent Customer submits to Arctic Wolf personal information (as that term is defined under applicable Canadian privacy laws, being all applicable federal, and provincial laws and regulations relating to the processing, protection or privacy of personal information ("**Privacy Laws**"), of individuals located in Canada, Customer agrees that it is solely responsible for and shall obtain from all such individuals, all required consents and/or provide all required notifications, regarding the collection, use, disclosure, and processing of their personal information by Arctic Wolf/Arctic Wolf's subcontractors/third party service providers (which may be located outside of Canada), and/or the transfer by Customer of such individual's personal information to Arctic Wolf/Arctic Wolf's subcontractors/third party service providers (which may be located outside of Canada). Upon request of Customer, Arctic Wolf will inform Customers of the locations to which the personal information is transferred and processed by Arctic Wolf and/or its subcontractors/third party service providers.

Customer retains control of the personal information and remains solely responsible for its compliance with Privacy Laws and for the processing instructions it gives to Arctic Wolf. The Parties agree that this Agreement, together with Customer's use of the Solution in accordance with this Agreement, constitutes Customer's instructions to Arctic Wolf in relation to the processing of such personal information. Subject to Section 10.1 of this Agreement, Arctic Wolf will only process the personal information to the extent, and in such a manner, as is necessary for the performance of the Solutions. Arctic Wolf will reasonably assist Customer with meeting the Customer's compliance obligations under applicable Privacy Laws, considering the nature of Arctic Wolf's processing and the information available to Arctic Wolf.

Arctic Wolf shall:

- Comply with its obligations as a third party service provider/mandatory under applicable Privacy Laws, including by implementing appropriate technical, physical and organizational measures to safeguard the personal information;
- Periodically conduct audits of its information security controls for facilities and systems used to deliver the Solutions and make relevant audit reports available to Customer for review. The Customer will treat such audit reports as Arctic Wolf's Confidential Information;
- Within seventy-two (72) hours of discovery notify Customer of any unauthorized or unlawful access to or processing of the personal information;
- Limit access to those employees who require the personal information access to meet Arctic Wolf's obligations under this Agreement and ensure that all employees are informed of the personal information's confidential nature;
- Notify Customer if it receives any complaint, notice, or communication that directly or indirectly relates to the personal information processing or to either party's compliance with Privacy Laws, and provide its full co-operation and assistance in responding to such complaint, notice or communication; and
- Upon Customer's request, provide the Customer a copy of or access to all or part of the Customer's personal information in its possession or control in the format reasonably agreed to by the parties.

## 11. Indemnity.

**11.1 Arctic Wolf's Indemnity.** Subject to Section 11.3, Arctic Wolf will defend and indemnify Customer from any unaffiliated third party claim or action to the extent based on the allegation that the Solutions infringe any intellectual property right (patents, utility models, design rights, copyrights and trademarks or any other intellectual property right) having effect in the United States and Canada and Arctic Wolf will pay any settlements that Arctic Wolf agrees to in a writing signed by an authorized officer of Arctic Wolf or final judgments awarded to the third party claimant by a court of competent jurisdiction. The foregoing obligations do not apply with respect to the Solutions, or portions or components thereof, that are: (a) not provided by Arctic Wolf; (b) combined with other products, processes or materials that are not reasonably contemplated by the Documentation where the alleged infringement relates to such combination; (c) modified other than with Arctic Wolf's express consent; (d) used after Arctic Wolf's notice to Customer of such activity's alleged or actual infringement; or (e) not used by Customer in strict accordance with this Agreement or the published Documentation. The indemnification obligations set forth in this Section 11.1 are Arctic Wolf's sole and exclusive obligations, and Customer's sole and exclusive remedies, with respect to infringement or misappropriation of third-party intellectual property rights of any kind.

**11.2 Customer Indemnity.** Subject to Section 11.3, Customer agrees to defend any third-party claim or action brought against Arctic Wolf to the extent based on Customer's alleged breach of Sections 6 or 10 and Customer agrees to pay any settlements that Customer agrees to in a writing signed by an authorized officer of Customer or final judgments awarded to the third party claimant by a court of competent jurisdiction.

**11.3 Procedures.** Each party's indemnification obligations are conditioned on the indemnifying party: (a) providing the indemnifying party with prompt written notice of any claim, provided that the failure to provide such notice shall only limit the indemnifying party's obligation to indemnify to the extent that the failure prejudices the indemnifying party in its defense of the claim; (b) granting the indemnifying party the sole control of the defense or settlement of the claim; and (c) providing reasonable information and assistance to the indemnifying party in the defense or settlement of the claim at the indemnifying party's expense. Notwithstanding the foregoing, the indemnifying party (i) may not make an admission of fault on behalf of the other party without written consent, (ii) any settlement requiring the party seeking indemnification to admit liability requires prior written consent, not to be unreasonably withheld or delayed, and (iii) the other party may join in the defense with its own counsel at its own expense.

**11.4 Options.** If Customer's use of the Solutions has become, or in Arctic Wolf's opinion is likely to become, the subject of any claim of infringement, Arctic Wolf may at its option and expense: (a) procure for Customer the right to continue using and receiving the Solutions as set forth hereunder; (b) replace or modify the Solutions to make them non-infringing; (c) substitute an equivalent for the Solutions; or (d) if Arctic Wolf, in its sole discretion, determines that options (a)-(c) are not reasonably practicable, terminate this Agreement and refund any pre-paid unused Fees as of the effective date of termination.

## 12. Warranty and Warranty Disclaimer.

**12.1 Solutions Warranty.** ARCTIC WOLF WARRANTS THAT DURING THE SUBSCRIPTION TERM AND PROVIDED THAT CUSTOMER IS NOT IN BREACH OF THIS AGREEMENT THAT: (I) THE SOLUTIONS PROVIDED UNDER THIS AGREEMENT DO NOT INFRINGE OR MISAPPROPRIATE ANY INTELLECTUAL PROPERTY RIGHTS OF ANY THIRD PARTY; AND (II) THE SOLUTIONS SHALL SUBSTANTIALLY PERFORM AS DESCRIBED IN THE DOCUMENTATION. IN THE EVENT OF ANY BREACH OF THIS SECTION 12.1, ARCTIC WOLF SHALL, AS ITS SOLE LIABILITY AND CUSTOMER'S SOLE REMEDY, REPAIR OR REPLACE THE SOLUTIONS THAT ARE SUBJECT TO THE WARRANTY CLAIM AT NO COST TO CUSTOMER OR IF ARCTIC WOLF IS UNABLE TO REPAIR OR REPLACE, THEN ARCTIC WOLF WILL REFUND ANY PRE-PAID FEES FOR THE SOLUTIONS, OR PARTS THEREOF, SUBJECT TO THE WARRANTY CLAIM. EXCEPT FOR THE WARRANTY DESCRIBED IN THIS SECTION, THE SOLUTIONS ARE PROVIDED WITHOUT WARRANTY OF ANY KIND, EXPRESS OR IMPLIED INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OR CONDITIONS OF DESIGN, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, AND ANY WARRANTIES OF TITLE. CUSTOMER ACKNOWLEDGES THAT THE SOLUTIONS ARE PROVIDED "AS IS" AND FURTHER ACKNOWLEDGES THAT ARCTIC WOLF DOES NOT WARRANT: (A) THE OPERATION OF THE SOLUTIONS WILL BE UNINTERRUPTED, OR ERROR FREE; (B) THE SOLUTIONS ARE NOT VULNERABLE TO FRAUD OR UNAUTHORIZED USE; (C) THE FEATURES OR FUNCTIONALITIES OF THE SOLUTIONS WILL BE AVAILABLE AT ANY TIME IN THE FUTURE; AND (D) THE SOLUTIONS WILL IDENTIFY OR DETECT EVERY VULNERABILITY OR SECURITY ISSUE. CUSTOMER IS RESPONSIBLE AND ARCTIC WOLF SHALL HAVE NO RESPONSIBILITY FOR DETERMINING THAT THE USE OF THE SOLUTIONS COMPLIES WITH APPLICABLE LAWS IN THE JURISDICTION(S) IN WHICH CUSTOMER MAY DEPLOY AND USE THE SOLUTIONS.

**12.2 Open Source Warranty.** The Software may include Open Source Software. To the extent included in the Software, Open Source Software is governed solely by the applicable open source licensing terms, if any, and is provided "AS IS", and Arctic Wolf hereby disclaims all copyright interest in such Open Source Software. Arctic Wolf provides no warranty specifically related to any Open Source Software or any applicable Open Source Software licensing terms. Any fees paid by Customer to Arctic Wolf are for Arctic Wolf's proprietary Software only, and not for any Open Source Software components of the Software. Any license associated with an Open Source Software component applies only

to that component and not to Arctic Wolf's proprietary Software or any other third-party licensed software. The foregoing language is not intended to limit Arctic Wolf's warranty obligation for the Solutions set forth in Section 12.1. "Open Source Software" means software with its source code made available pursuant to a license by which, at a minimum, the copyright holder provides anyone the rights to study, change, and/or distribute the software to anyone and for any purpose.

**12.3 Third Party Product.** Third Party Product (as defined in this Section 12.3) may carry a limited warranty from the third-party publisher, provider, or original manufacturer of such Third Party Products. To the extent required or allowed, Arctic Wolf will pass through to Customer or directly manage for the benefit of Customer's use of the Third Party Products as part of the Solutions (such decision to be made in Arctic Wolf's discretion), the manufacturer warranties related to such Third Party Products. "Third Party Product" means any non-Arctic Wolf branded products and services (including Equipment, and any operating system software included therewith) and non-Arctic Wolf-licensed software products, including Open Source Software.

**12.4 Customer Warranties.** Customer represents and warrants that it shall: (i) be responsible for ensuring the security and confidentiality of all Administrator IDs and passwords; (ii) use commercially reasonable efforts to prevent unauthorized access to, or use of, the Solutions; (iii) notify Arctic Wolf promptly upon discovery of any unauthorized use of the Solutions or any breach, or attempted breach, of security of the Solutions; (iv) not use the Solutions in a manner that would violate applicable laws or regulations; (v) not use the Solutions and transfer any Solutions Data to Arctic Wolf for any fraudulent purposes; and (vi) implement safeguards within Customer's environment to protect the Solutions, including specifically, the Equipment, from the introduction, whether intentional or unintentional, of (1) any virus or other code, program, or sub-program that damages or interferes with the operation of the Equipment or halts, disables, or interferes with the operation of the Solutions; or (2) any device, method, or token whose knowing or intended purpose is to permit any person to circumvent the normal security of the Solutions.

**13. Limitation of Liability.** FOR ANY CAUSE RELATED TO OR ARISING OUT OF THIS AGREEMENT, WHETHER IN AN ACTION BASED ON A CONTRACT, TORT (INCLUDING NEGLIGENCE AND STRICT LIABILITY) OR ANY OTHER LEGAL THEORY, HOWEVER ARISING, ARCTIC WOLF WILL IN NO EVENT BE LIABLE TO CUSTOMER OR ANY THIRD PARTY FOR: (A) DAMAGES BASED ON USE OR ACCESS, INTERRUPTION, DELAY OR INABILITY TO USE THE SOLUTIONS, LOST REVENUES OR PROFITS, LOSS OF SOLUTIONS, BUSINESS OR GOODWILL, LOSS OR CORRUPTION OF DATA, LOSS RESULTING FROM SYSTEM FAILURE, MALFUNCTION OR SHUTDOWN, FAILURE TO ACCURATELY TRANSFER, READ OR TRANSMIT INFORMATION, FAILURE TO UPDATE OR PROVIDE CORRECT INFORMATION, SYSTEM INCOMPATIBILITY OR PROVISION OF INCORRECT COMPATIBILITY INFORMATION, BREACHES BY AN AUTHORIZED PARTNER, OR BREACHES IN CUSTOMER'S SYSTEM SECURITY; OR (B) ANY INDIRECT, SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES; OR (C) ANY AMOUNTS THAT EXCEED THE TOTAL FEES PAID OR PAYABLE BY CUSTOMER FOR THE SOLUTIONS THAT ARE THE SUBJECT OF THE CLAIM DURING THE TWELVE (12) MONTH PERIOD IMMEDIATELY PRIOR TO THE EVENT WHICH GIVES RISE TO SUCH DAMAGES. THESE LIMITATIONS SHALL APPLY WHETHER OR NOT ARCTIC WOLF HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES AND NOTWITHSTANDING ANY FAILURE OF ESSENTIAL PURPOSE OF ANY LIMITED REMEDY. BOTH PARTIES UNDERSTAND AND AGREE THAT THE LIMITATIONS OF LIABILITIES FOR EACH PARTY SET FORTH IN THIS AGREEMENT ARE REASONABLE AND THEY WOULD NOT HAVE ENTERED INTO THE AGREEMENT WITHOUT SUCH LIMITATIONS.

**14. Term and Renewal.** This Agreement shall be in effect for the Subscription Term specified in the Order Form. The Order Form or other equivalent transaction document containing the terms related to the length of the Subscription Term and any renewal thereof, and any other related terms, as may be applicable, shall be between Customer and the Authorized Partner. Notwithstanding the foregoing, and unless otherwise set forth on an Order Form, the Subscription Term to the Solutions will automatically renew at the end of the initial Subscription Term for the same period of time as the initial Subscription Term, but in no event more than a twelve (12) month term, and subject to the then-current terms and price at the time of renewal; provided however, if either party would like to opt out of automatic renewal of the Subscription, then such party must notify the other party no less than sixty (60) days prior to the expiration of the then-current Subscription Term.

**15. Updates.** Arctic Wolf reserves the right to modify this Agreement, the Terms, and the Documentation in Arctic Wolf's sole discretion provided that changes to the Solutions Terms shall not materially decrease the Solutions features and functionalities that Customer has subscribed to during the then-current Subscription Term. Should Arctic Wolf make any modifications to the Agreement, the Terms, or Documentation, Arctic Wolf will post the amended terms on the applicable URL links and will update the "**Last Updated Date**" within such documents and notify Customer via the Customer Portal, Customer newsletter, <https://arcticwolf.com/terms/> website, or such other written communication method implemented by Arctic Wolf from time-to-time of any such changes. Customer may notify Arctic Wolf within 30 days after the effective date of the change of its rejection of such change. If Customer notifies Arctic Wolf of its rejection during such thirty (30) day period, then Customer will remain governed by the terms in effect immediately prior to the change until the end of Customer's then-current Subscription Term. However, any subsequent renewal of the Subscription Term will be renewed under the then-current terms, unless otherwise agreed in writing by the parties.

**16. Termination.** Either party may terminate this Agreement for cause if the other party commits a material breach of this Agreement, provided that such terminating party has given the other party ten (10) days advance notice to try and remediate the breach. Upon termination, Customer agrees to cease all use of the Solutions and Arctic Wolf Technology, installed or otherwise, and destroy all copies of any Arctic Wolf Technology that are in its possession or under its control and promptly remove and return all Equipment to Arctic Wolf. Except as otherwise required by law, Arctic Wolf will remove, delete, or otherwise destroy all copies of Solutions Data and Confidential Information in its possession upon the earlier of (i) the return of the Equipment, if applicable, to Arctic Wolf, or (ii) one hundred-twenty (120) days following termination. Notwithstanding anything contrary in this Agreement, should Customer fail to return any Equipment within ninety (90) days following termination or expiration, Customer will be liable for the replacement cost of the Equipment, which shall be due and owing upon receipt of the invoice from the Authorized Partner and paid in accordance with Section 7 herein, and Customer shall be liable for any breach of the Confidential Information, Solutions Data, and Arctic Wolf Technology contained within the Equipment. Sections 9 through 14, 16, and 17 will survive the non-renewal or termination of this Agreement.

## **17. Miscellaneous.**

**17.1** Except as otherwise provided herein, all notices, requests, consents, claims, demands, waivers and other communications hereunder shall be in writing and shall be deemed to have been given: (a) when delivered by hand (with written confirmation of receipt); (b) on the next

business day after the date sent, if sent for overnight delivery by a generally recognized international courier (e.g., FedEx, UPS, DHL, etc.) (receipt requested); or (c) on the date sent by e-mail of a PDF document (with confirmation of transmission) if sent during normal business hours of the recipient, and on the next business day if sent after normal business hours of the recipient. Such communications must be sent to the respective parties at the addresses set forth on the signature page hereof (or at such other address for a party as shall be specified in a notice given in accordance with this Section 17). For contractual purposes, Customer (1) consents to receive communications in an electronic form via the email address it provides herein or via the Customer Portal; and (2) agrees that all agreements, notices, disclosures, and other communications that Arctic Wolf provides electronically satisfies any legal requirement that those communications would satisfy if they were on paper. This Section does not affect Customer's non-waivable rights.

**17.2** Notwithstanding any other terms to the contrary contained herein, Customer grants Arctic Wolf the right to use Customer's name or logo in customer lists, marketing materials, and verbal discussions with prospective customers to communicate that Customer uses the Solutions. If Arctic Wolf intends to disclose information about Customer's purchase(s) (such as dollar amount of sale or project objectives) in conjunction with the use of Customer's name or logo, Arctic Wolf will obtain Customer's prior written or email approval.

**17.3** The parties to this Agreement are independent contractors. Neither party has the authority to bind the other party without the express written authorization of the other party. Nothing herein may be construed to create an employer-employee, franchisor-franchisee, agency, partnership, or joint venture relationship between the parties. Arctic Wolf shall be primarily liable for the obligations of its Affiliates and any subcontractors used in the delivery of the Solutions.

**17.4** This Agreement shall inure to the benefit of and be binding upon the respective permitted successors and assigns of the parties. Customer shall not be entitled to assign, subcontract, delegate or otherwise transfer any of its rights and/or duties arising out of this Agreement and/or parts thereof to third parties, voluntarily or involuntarily, including by change of control, operation of law or any other manner, without Arctic Wolf's express prior written consent. Any purported assignment, subcontract, delegation or other transfer in violation of the foregoing shall be null and void. No such assignment, subcontract, delegation or other transfer shall relieve the assigning party of any of its obligations hereunder.

**17.5** The rights and obligations of the parties under this Agreement shall not be governed by the provisions of the 1980 U.N. Convention on Contracts for the International Sale of Goods or the United Nations Convention on the Limitation Period in the International Sale of Goods, as amended. This Agreement shall be governed by the laws of the State of California without regard to the conflicts of law provisions thereof. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled by arbitration in Santa Clara County, California in English and in accordance with the JAMS International Arbitration Rules then in effect. Any judgment on the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. Notwithstanding the foregoing, each party shall have the right to institute an action in a court of proper jurisdiction for preliminary injunctive relief pending a final decision by the arbitrator(s), provided that a permanent injunction and damages shall only be awarded by the arbitrator(s). In any action or proceeding to enforce rights under this Agreement, the prevailing party shall be entitled to recover costs and attorneys' fees.

**17.6** Each party acknowledges and agrees that any dispute or claim that may arise out of or relate to this Agreement is likely to involve complicated and difficult issues and, therefore, each such party irrevocably and unconditionally waives any right it may have to a trial by jury in respect of any legal action arising out of or relating to this Agreement or the transactions contemplated hereby. Further, each party agrees that regardless of any statute or law to the contrary, any claim or cause of action arising out of or related to this Agreement must be filed within one year after such claim or cause of action arose.

**17.7** No failure or delay by any party in exercising any right, power or privilege hereunder shall operate as a waiver thereof nor shall any single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any other right, power or privilege. The rights and remedies under this Agreement are cumulative and are in addition to and not in substitution for any other rights and remedies available at law or in equity or otherwise.

**17.8** If any provision of this Agreement is held invalid or unenforceable by any court of competent jurisdiction, the other provisions of this Agreement will remain in full force and effect. Any provision of this Agreement held invalid or unenforceable only in part or degree will remain in full force and effect to the extent not held invalid or unenforceable. The parties agree to replace such void or unenforceable provision of this Agreement with a valid and enforceable provision that will achieve, to the extent possible, the economic, business and other purpose of such void or unenforceable provision. Arctic Wolf does not accept, expressly or impliedly, and rejects and deems deleted any additional or different terms or conditions that Customer presents, including, but not limited to, any terms or conditions contained Customer's purchase order, or other such document, or established by trade usage or prior course of dealing.

**17.9** This Agreement (including the exhibits hereto, if any, and any BAA (as defined in Section 17.10 below)) constitutes the parties' entire agreement by and between the parties with respect to the subject matter hereof and supersedes any prior or contemporaneous agreement or understanding by and among the parties with respect to such subject matter. Except as otherwise provided herein, this Agreement may be amended, modified or supplemented only by an agreement in writing signed by each party.

**17.10** In the event that Arctic Wolf receives personal healthcare information in the delivery of the Solutions, the parties agree to comply with the Business Associate Addendum ("**BAA**") located at <https://arcticwolf.com/terms/business-associate-addendum/> or such other equivalent agreement/addendum as required under applicable health information/privacy laws. In the event the parties have entered into a BAA or equivalent agreement in relation to protected health information, the parties intend for both this Agreement and BAA or equivalent agreement to be binding upon them and the BAA or equivalent agreement is incorporated into this Agreement by reference.

**17.11** The parties have participated mutually in the negotiation and drafting of this Agreement. In the event an ambiguity or question of intent or interpretation arises, this Agreement will be construed as if drafted mutually by the parties and no presumption or burden of proof will arise favoring or disfavoring any party by virtue of the authorship of any of the provisions of this Agreement.

**17.12** The parties have agreed that this Agreement as well as any notice, document or instrument relating to it be drawn up in English only; *les parties aux présentes ont convenu que la présente convention ainsi que tous autres avis, actes ou documents s'y rattachant soient rédigés en anglais seulement.*

**17.13** Each party agrees that this Agreement and any other documents to be delivered in connection herewith may be electronically signed, and that any electronic signatures appearing on this Agreement or such other documents are the same as handwritten signatures for the purposes of validity, enforceability, and admissibility. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

*[signature page to follow]*

**IN WITNESS WHEREOF**, the parties have caused this Agreement to be executed by their duly authorized representatives on the Effective Date.

<b>Arctic Wolf Networks, Inc.:</b>	<b>Customer: City of Kennewick</b>
<b>Signed:</b>	<b>Signed:</b>
<b>Name: <u>Nick Schneider</u></b>	<b>Name: <u>Marie Mosley</u></b>
<b>Title: <u>CEO</u></b>	<b>Title: <u>City Manager</u></b>
<b>Date: _____</b>	<b>Date: _____</b>
	<b>Signed:</b>
	<b>Name: <u>Terri L. Wright</u></b>
	<b>Title: <u>City Clerk</u></b>
	<b>Signed:</b>
	<b>Name: <u>Lisa Beaton</u></b>
	<b>Title: <u>City Attorney</u></b>
	<b>Date: _____</b>
<b>Notice Address:</b> PO Box 46390 Eden Prairie, MN 55344 Attn: General Counsel legal@arcticwolf.com	<b>Notice Address:</b> City Hall 210 W 6th Ave Kennewick, WA 99336

# Council Agenda Coversheet



Agenda Item Number	5.a.	Council Date	10/05/2021
Agenda Item Type	Ordinance		
Subject	CPA 21-01 (Robbins)		
Ordinance/Reso #	5934	Contract #	
Project #	CPA 21-01	Permit #	PLN-2021-00781
Department	Planning		

Consent Agenda	<input type="checkbox"/>
Ordinance/Reso	<input checked="" type="checkbox"/>
Public Mtg / Hrg	<input type="checkbox"/>
Other	<input type="checkbox"/>
Quasi-Judicial	<input type="checkbox"/>

### Recommendation

The Planning Commission recommends approval of CPA 21-01 through the adoption of Ordinance 5934.

### Motion for Consideration

I move to adopt Ordinance 5934.

### Summary

The applicant, Jeffrey Robbins, has requested to change the land use designation of 0.69 acres at 1831 W 19th Avenue from Low Density Residential to Medium Density Residential. Approval of the request will allow for multi-family residential development at the property.

The Planning Commission held a public hearing for this application on 16 August 2021. At that hearing, the applicant spoke in favor of the request. One email from Sue Torvik, 1816 W 19th Avenue, was received generally opposed to additional apartments on site, however more concerned with refuse issues at an existing apartment complex adjacent to the subject property.

The Planning Commission voted unanimously to recommend approval to the City Council.

### Alternatives

None recommended.

### Fiscal Impact

None.

Through	Matt Halitsky Sep 28, 10:12:45 GMT-0700 2021
Dept Head Approval	Anthony Muai Sep 28, 15:47:23 GMT-0700 2021
City Mgr Approval	Marie Mosley Oct 01, 08:12:25 GMT-0700 2021

Attachments:

Presentation
Ordinance
Staff Report
Exhibit A-5
PC Action Summary
CC Minutes

Recording Required?

# 2021 Comprehensive Plan Amendment Review

City Council Meeting  
October 5, 2021



# Approval Criteria

**KMC 4.12.110 (7) : Approval Criteria.** The City may approve Comprehensive Plan Amendments and area-wide zone map amendments if it finds that:

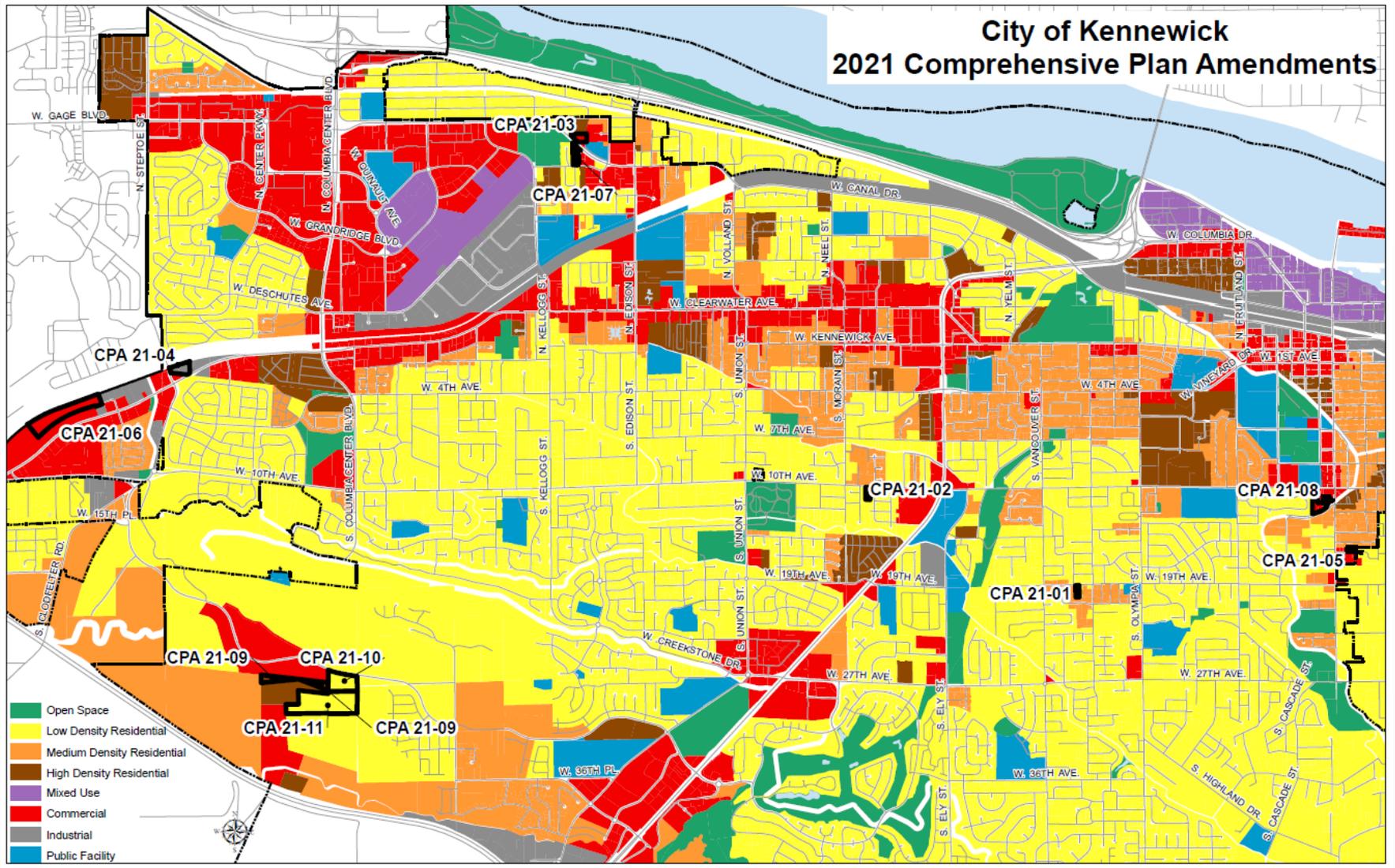
- (a) The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment;
- (b) The proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted Comprehensive Plan not affected by the amendment;
- (c) The proposed amendment corrects an obvious mapping error; or
- (d) The proposed amendment addresses an identified deficiency in the Comprehensive Plan.
- (e) A rezone shall be treated as an area-wide map amendment when:
  - i. It is initiated by the City and a significant class of property is similarly affected by the proposed rezone; and
  - ii. It is either:
    - A. Based upon an adopted or ongoing comprehensive planning process or undertaken to ensure compliance with or to implement the provisions of the Growth Management Act; or
    - B. Part of the process that includes amending text for this title where such amendments will have a significant impact on a large area of the City.

# Additional Factors

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

- a) The effect upon the physical environment;
- b) The effect on open space and natural features including, but not limited to, topography, streams, rivers, and lakes;
- c) The compatibility with and impact on adjacent land uses and surrounding neighborhoods;
- d) The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools;
- e) The quantity and location of land planned for the proposed land use type and density and the demand for such land;
- f) The current and projected project density in the area; and
- g) The effect, if any upon other aspects of the Comprehensive Plan.

# City of Kennewick 2021 Comprehensive Plan Amendments



# CPA 21-01

- Low Density Residential (LDR) to Medium Density Residential (MDR)
- .69 acres
- 1831 W 19<sup>th</sup> Avenue
- Jeffrey T. Robbins

## Key Issues

- Provides more dense development surrounded by MDR



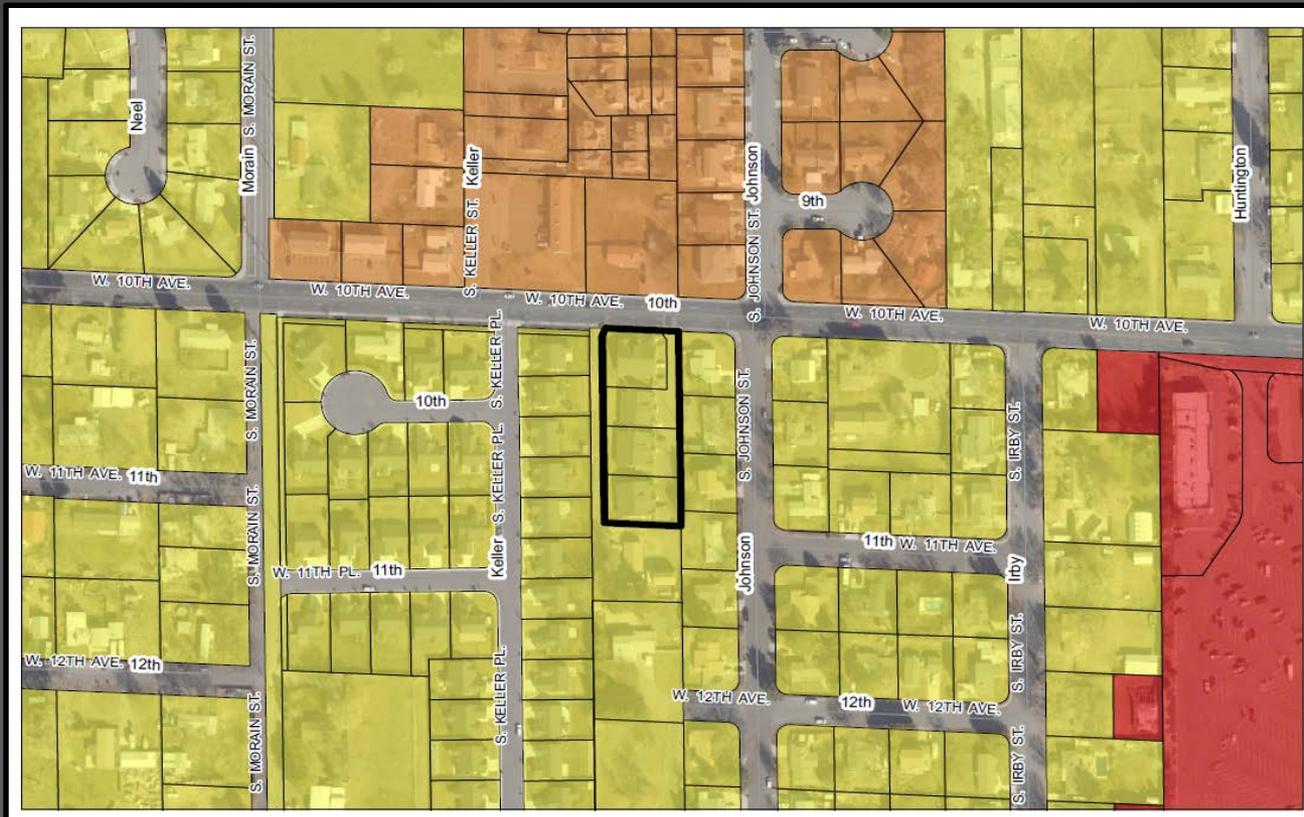
**Planning Commission voted 5-0 to recommend approval.**

# CPA 21-02

- Low Density Residential (LDR) to Medium Density Residential (MDR)
- .96 acres
- 3321 W 10<sup>th</sup> Avenue
- Tami Johnson

## Key Issues

- Resolves issues with emergency services
- Simplifies accounting



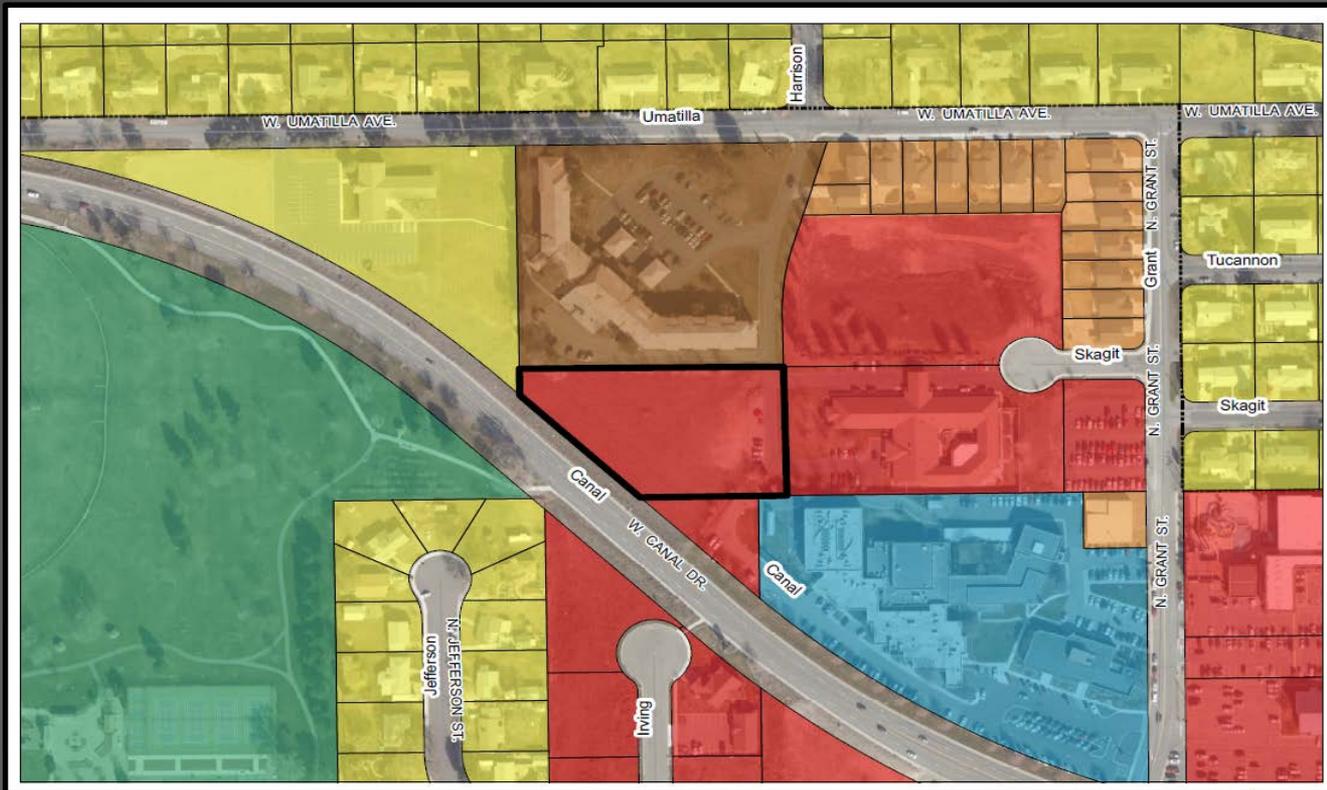
**Planning Commission voted 5-0 to recommend approval.**

# CPA 21-03

- Commercial (C) to High Density Residential (HR)
- 1.361 acres
- North of W Canal Drive, west of S Grant Street, Parcel number: 1-3399-201-1560-002
- Khurshed Sharifov

## Key Issues

- Provides needed High Density Residential Land
- Access via W Umatilla



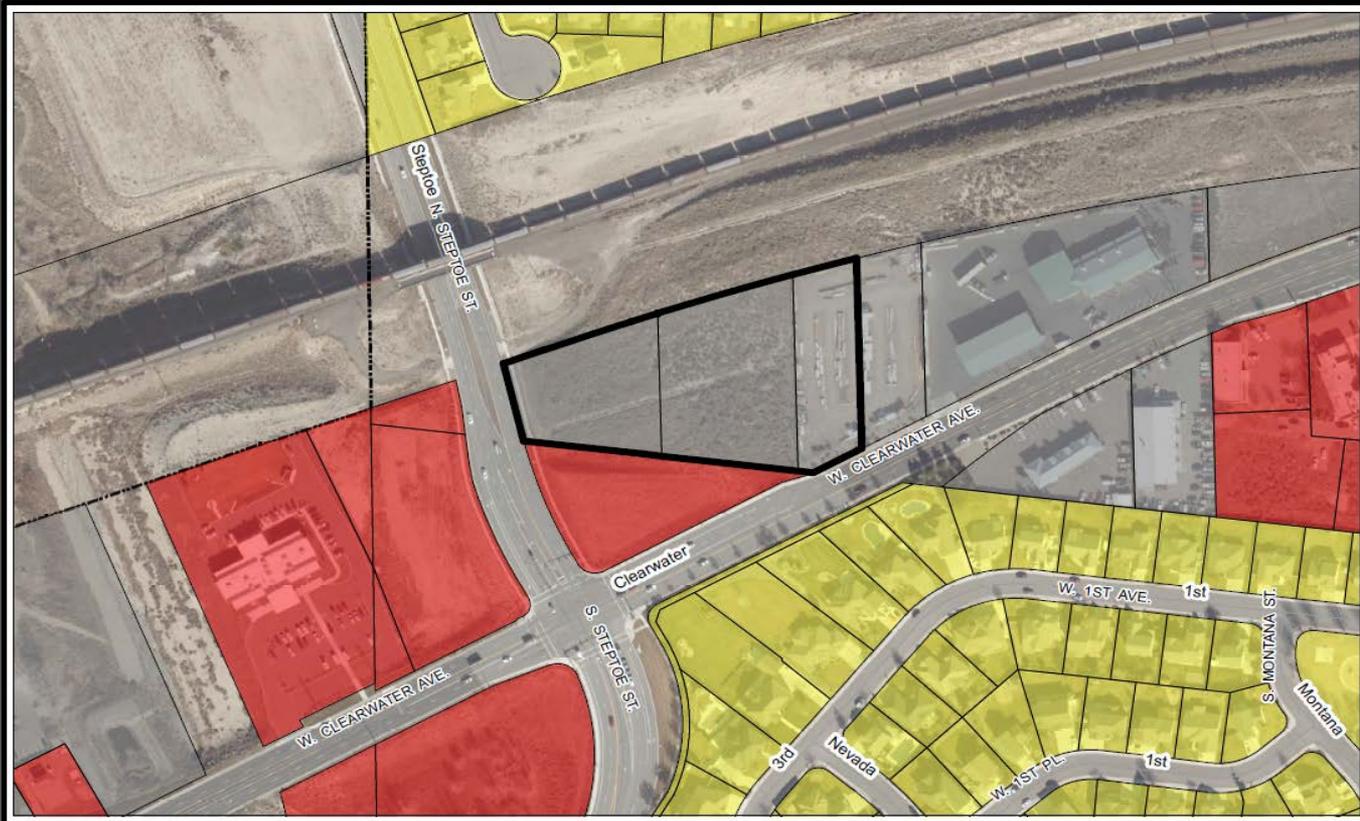
**Planning Commission voted 5-0 to recommend approval.**

# CPA 21-04

- Industrial (I) to Commercial (C)
- 3.12 acres
- 8600 and 8840 W Clearwater Avenue
- Keith Hughes

## Key Issues

- Deficit of Industrial land
- Commercial to support newer neighborhoods



**Planning Commission voted 5-0 to recommend approval.**

# CPA 21-05

- Commercial (C) to Medium Density Residential (MDR)
- .46 acres
- 107 E 16<sup>th</sup> Avenue
- Chantell Arnold

## Key Issues

- Provides affordable housing adjacent to MDR



**Planning Commission voted 5-0 to recommend approval.**

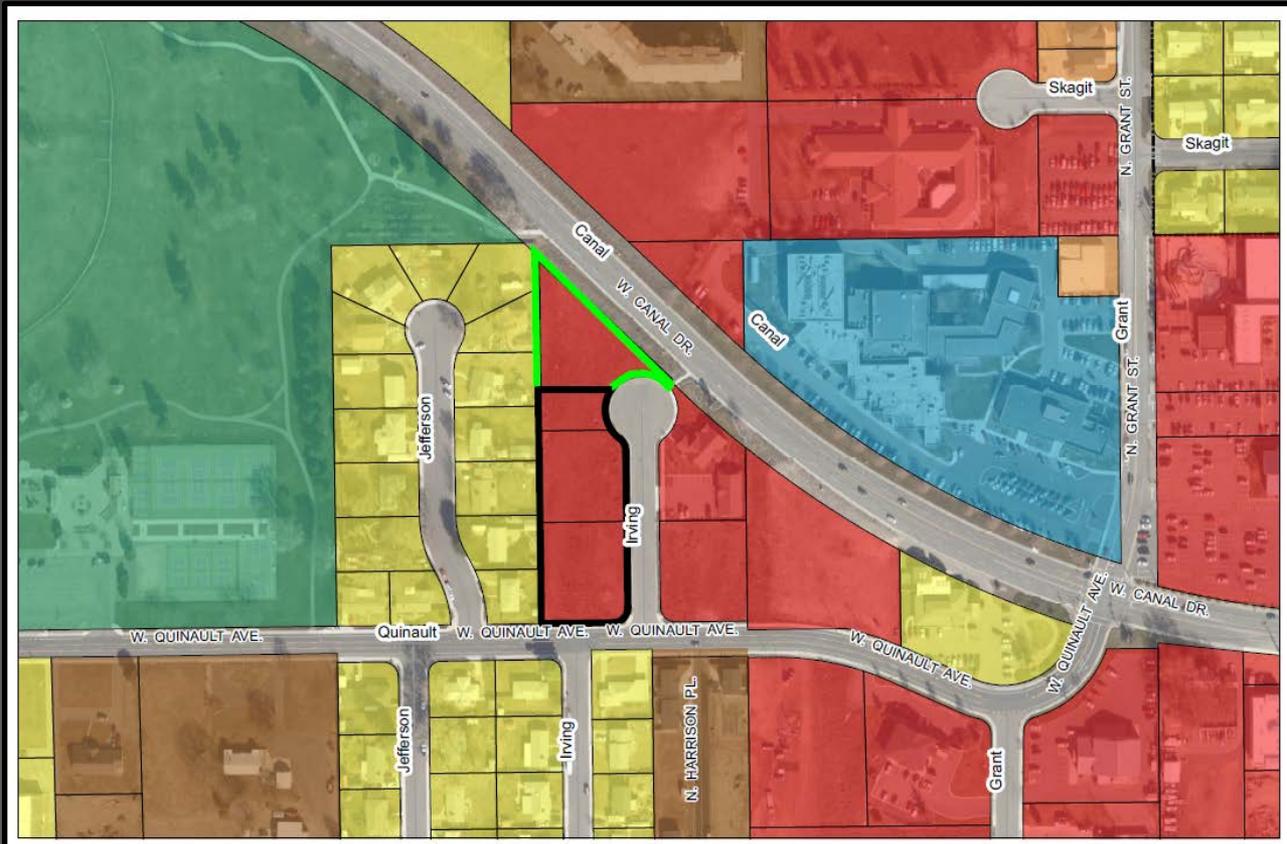


# CPA 21-07

- Commercial (C) to Low Density Residential (LDR)
- 1.77 acres
- 1201, 1213 and 1221 N Irving Place
- Brett Lott

## Key Issues

- Neighbor opposition



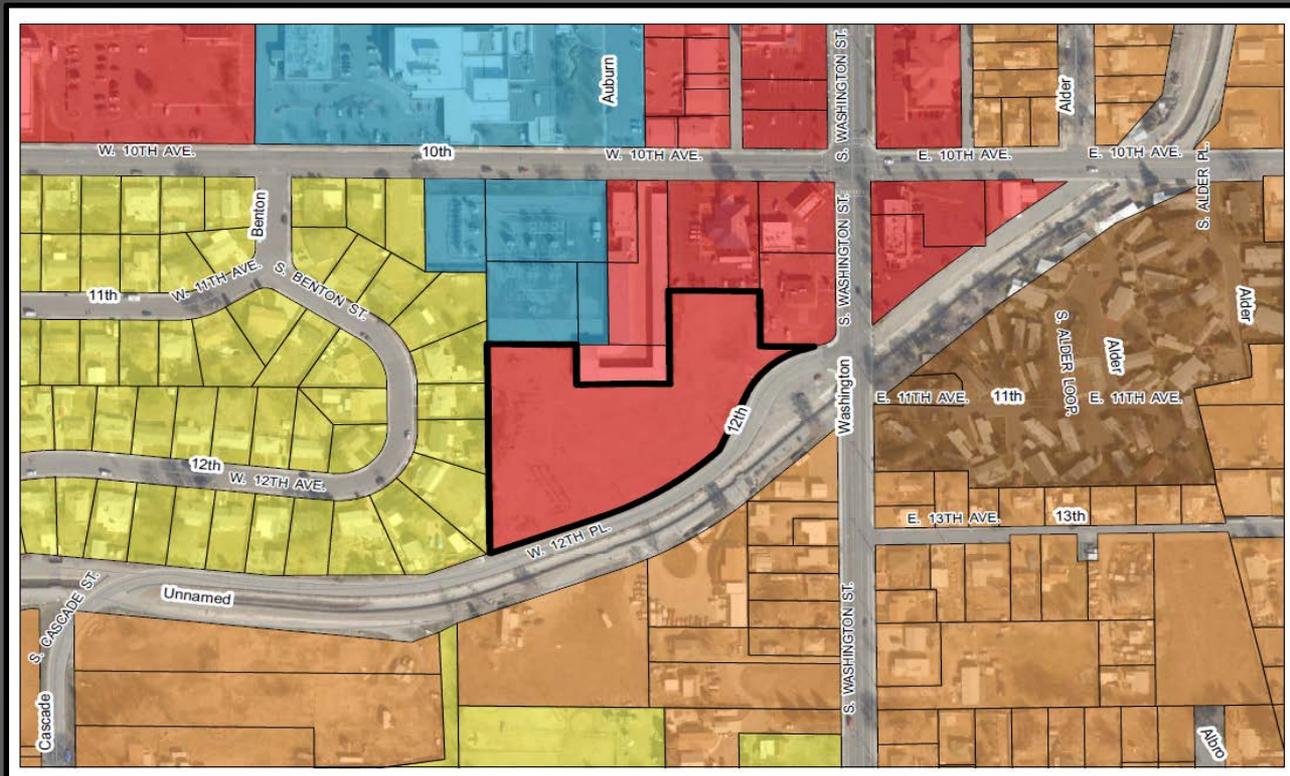
**Planning Commission voted 5-0 to recommend approval.**

# CPA 21-08

- Commercial (C) to High Density Residential (HDR)
- 2.95 acres
- 18 W 12<sup>th</sup> Place
- Thomas Wei

## Key Issues

- Provides needed High Density Residential Land
- 80 maximum units



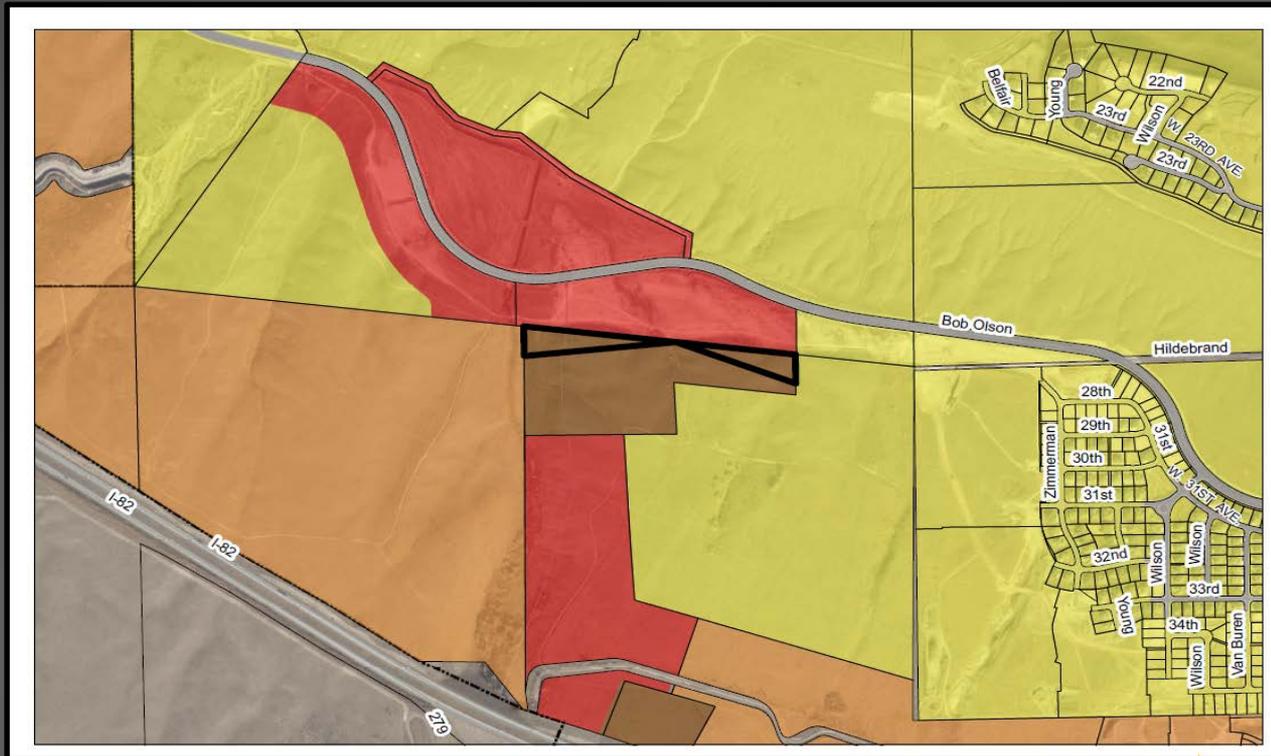
**Planning Commission voted 5-0 to recommend approval.**

# CPA 21-09

- High Density Residential (HDR) to Commercial (C)
- 4.58 acres
- 8125 Bob Olson Parkway, Parcel No. 1-1889-100-0001-003
- Jaycee Structure, LLC

## Key Issues

- Surplus of Commercial Land



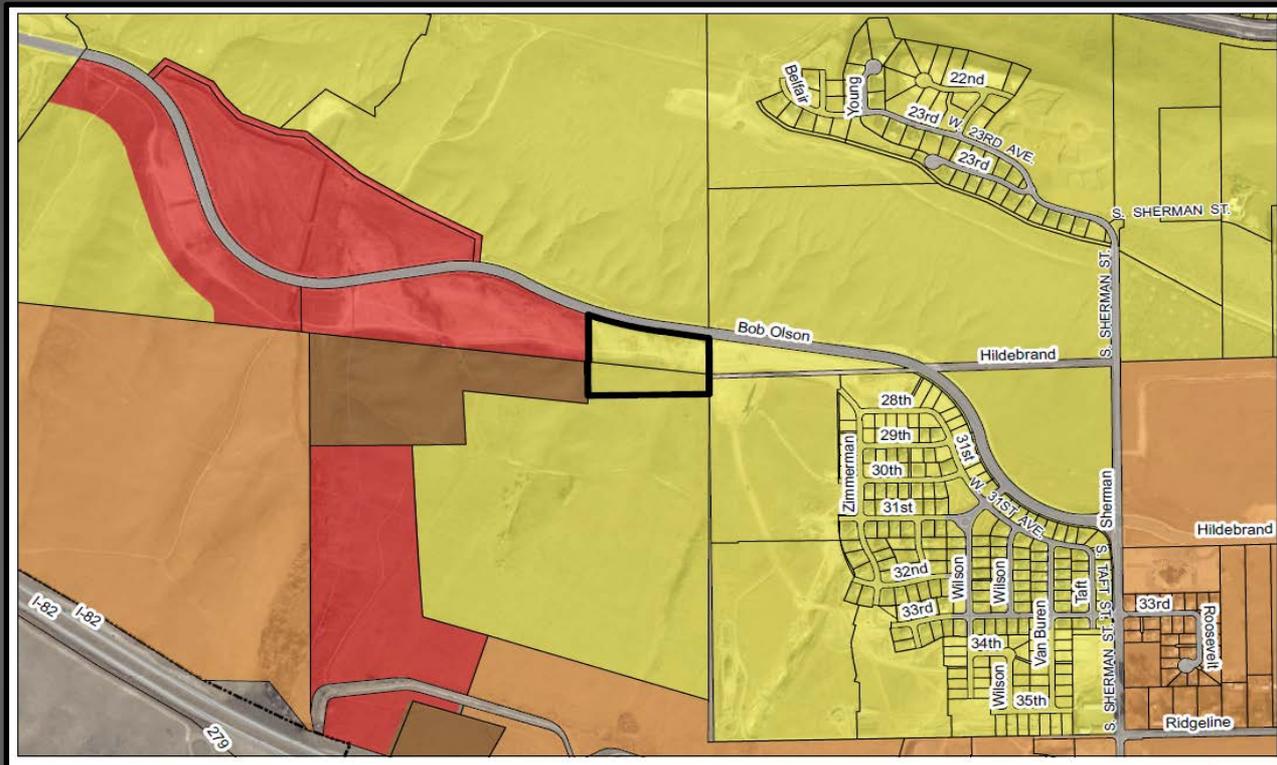
**Planning Commission voted 5-0 to recommend approval.**

# CPA 21-10

- Low Density Residential (LDR) to Commercial (C)
- 8.3 acres
- 7723 Bob Olson Parkway, Parcel No. 1-1889-100-0001-009
- Jaycee Structure, LLC

## Key Issues

- Surplus of Commercial Land



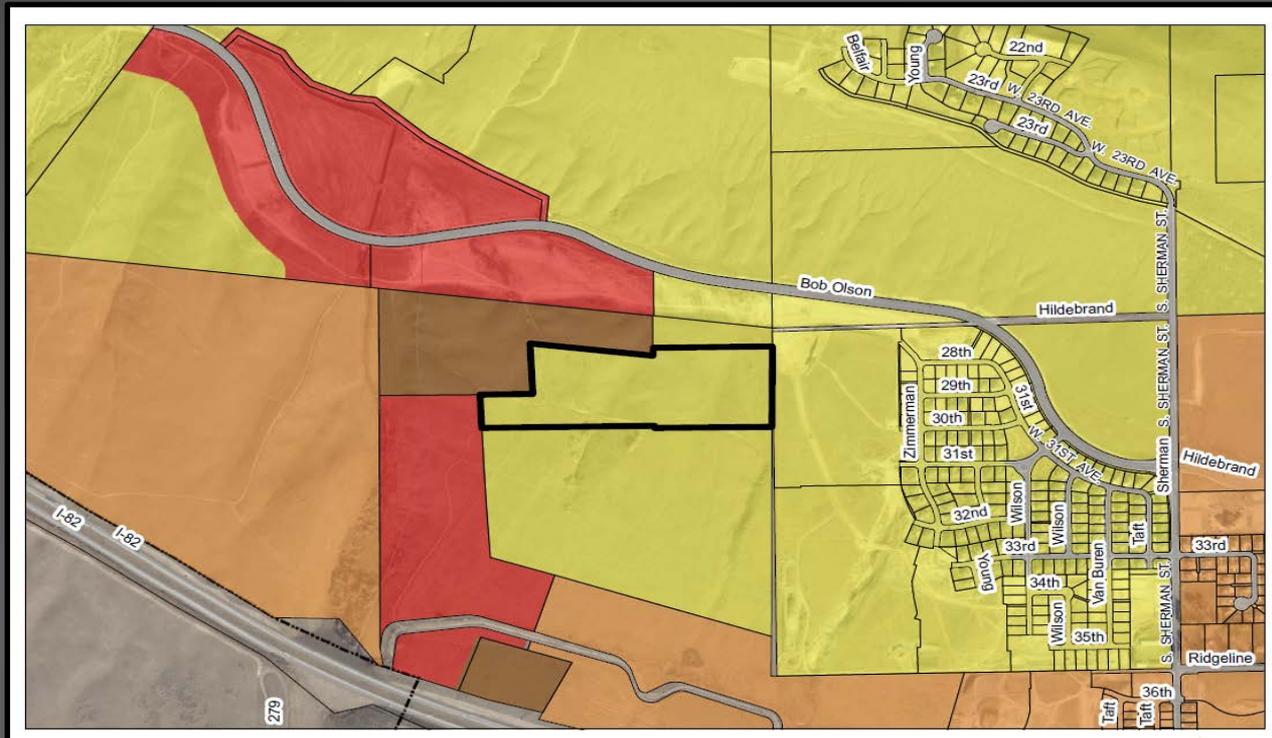
**Planning Commission voted 5-0 to recommend approval.**

# CPA 21-11

- Low Density Residential (LDR) to High Density Residential (HDR)
- 24.04 acres
- South of 7723 Bob Olson Parkway, Parcels: 1-1889-100-0001-003 & 008
- Jaycee Structure, LLC

## Key Issues

- Neighbor opposition
- 649 maximum units



**Planning Commission voted 4-1 to recommend approval.**

# CPA 21-12

- Text amendments addressing nexus and rough proportionality

## Key Issues

- Provides the goals and policies needed to implement consistent development regulations.

# CPA 21-12

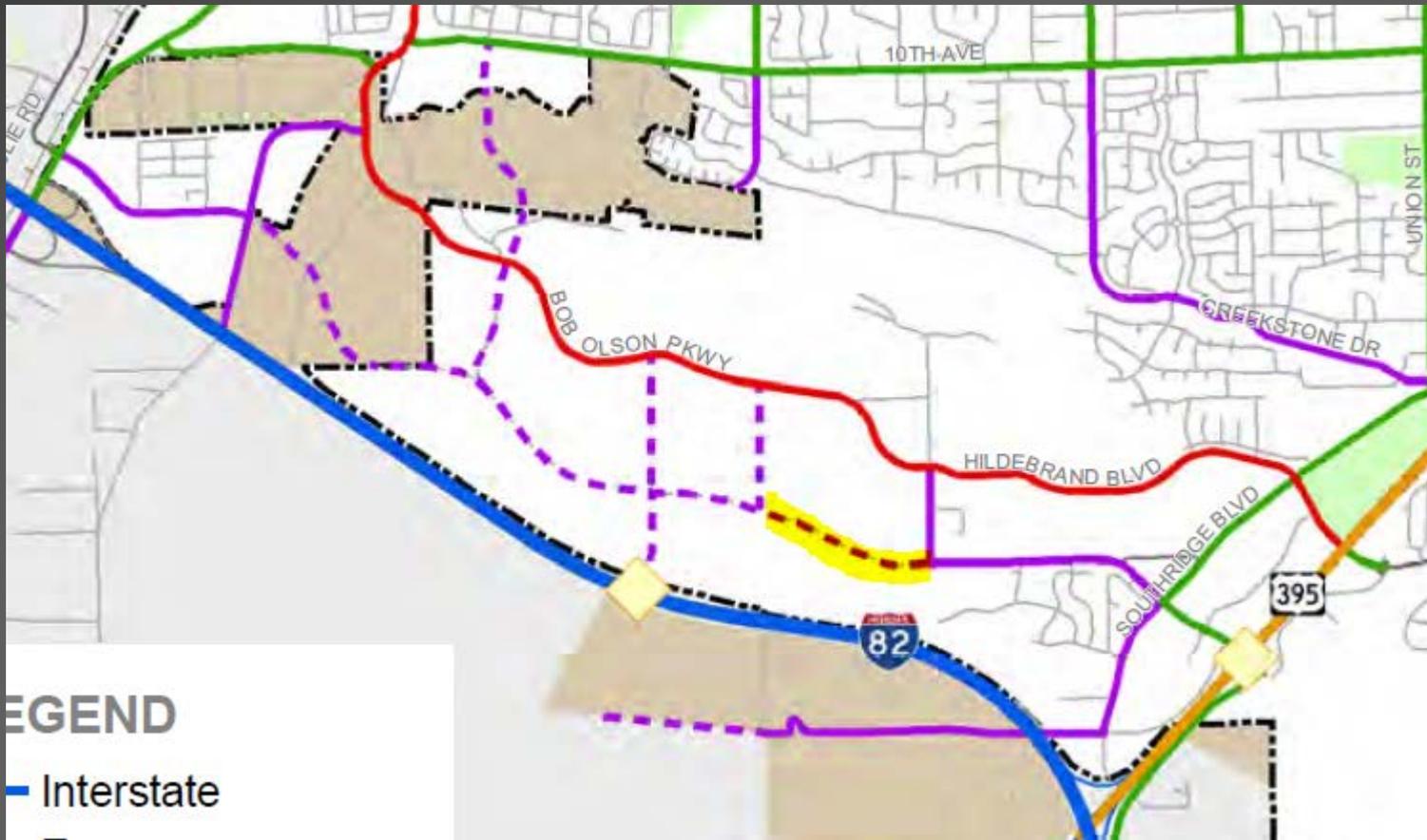
## NEXUS AND ROUGH PROPORTIONALITY

New section added that explains:

- Requirements imposed on proposed development must bear a substantial relationship and connection or “nexus” to impacts of the proposed development.
- Requirements imposed on proposed development must be “roughly proportional” to the impacts of the proposed development.
- Per RCW, impact fees must meet nexus and rough proportionality requirements.
- Per SEPA, imposed mitigation conditions and fees must meet nexus and rough proportionality requirements.
- New goals and policies assure that critical infrastructure, such as planned and adopted transportation corridors are preserved for and constructed in accordance with the tenants of Nexus and Rough Proportionality.

# CPA 21-12

- Example of Need: Ridgeline Drive



# CPA 21-12

**Goal 5: Provide for implementation of planned transportation corridors by establishing predictable and appropriate methods to mitigate impacts from growth.**

## **POLICIES**

1. Assure adequate right-of-way is preserved and dedicated for existing and future planned corridors to accommodate growth, including corridors established in the Transportation System Plan.
2. Assure that street improvements be completed along existing and future planned corridors concurrent with development that abuts or encompasses corridors established in the Transportation System Plan.
3. Clearly define appropriate mitigation measures to address impacts from growth and provide flexibility to achieve this.

**Planning Commission voted 5-0 to recommend approval.**

Questions?



CITY OF KENNEWICK  
ORDINANCE NO. 5934

AN ORDINANCE AMENDING THE CITY OF KENNEWICK'S COMPREHENSIVE  
PLAN (CPA 21-01, ROBBINS)

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

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

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

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

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

1. CPA 21-01 – .69 acres located at 1831 W 19<sup>th</sup> Avenue (Low Density Residential to Medium Density Residential.)

**Section 2.** The property is legally described as follows:

**Low Density Residential to Medium Density Residential**

1998 Marlette Pacifica 27 x 67; THE HIGHLANDS, PLAT 'C': WEST 100 FEET OF EAST 199.6 FEET OF WEST 399.6 FEET OF NORTH 1/2 OF LOT 59. Parcel # 1-1189-402-0059-002.

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

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

\_\_\_\_\_  
STEVE LEE, Mayor Pro Tem

Attest:

\_\_\_\_\_  
TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5934 filed and recorded in the office of the City Clerk of the City of Kennewick, Washington this 6<sup>th</sup> day of October, 2021.

Approved as to Form:

\_\_\_\_\_  
LISA BEATON, City Attorney

\_\_\_\_\_  
TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION \_\_\_\_\_



**Comprehensive Plan Amendment 21-01**

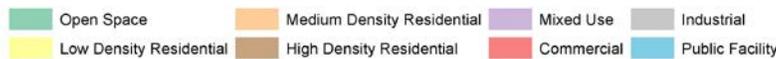
**REQUEST:** Change the land use designation of 0.6887 acres from Low Density Residential (LDR) to Medium Density Residential (MDR)

**APPLICANT:** Jeffrey Robbins

**OWNER:** Jeffrey Robbins



CPA 21-01/PLN-2021-00781 Land Use Map



Not to scale

**SITE INFORMATION**

- **Size:** 0.6887 acres
- **Location:** 1831 W 19<sup>th</sup> Avenue
- **Topography:** Flat
- **Existing Comprehensive Plan Designation:** Low Density Residential
- **Existing Zoning:** Residential, Low (RL)
- **Existing Land Use:** Single Family Home

**EXHIBITS**

- **Exhibit A-1:** Aerial Map
- **Exhibit A-2:** Land Use Map
- **Exhibit A-3:** Application
- **Exhibit A-4:** Environmental Determination

**APPLICATION PROCESS**

- Application Submitted 8 March 2021
- Application routed for comments 16 June 2021
- Determination of Non-Significance was issued on 1 July 2021
- Appeal Period for the DNS ended 15 July 2021
- A property posting sign notifying the public of a public hearing on this request was posted on the site on 29 July 2021
- Notice of Hearing published 1 August 2021
- Notice of Hearing mailed 29 July 2021

**SURROUNDING COMPREHENSIVE PLAN, ZONING AND LAND USES**

North	Comprehensive Plan – Low Density Residential Zoning – Residential, Low (RL) Existing Land Uses – Single Family Neighborhood
South	Comprehensive Plan –Medium Density Residential Zoning –Residential, Medium (RM) Existing Land Uses –Multi-family Residential Development
East	Comprehensive Plan – Low Density Residential and Medium Density Residential Zoning – Residential, Low (RL) and Residential, Medium (RM) Existing Land Uses – A single family home is adjacent with multi-family development beyond
West	Comprehensive Plan – Medium Density Residential Zoning – Residential, Medium (RM) Existing Land Uses – Multi-family residential development

**REGULATORY CONTROLS**

- City of Kennewick Comprehensive Plan
- Kennewick Municipal Code Title 4
- Kennewick Municipal Code Title 18

**DESCRIPTION OF REQUEST**

The applicant requests to change 0.6887 acres from Low Density Residential to Medium Density Residential.

**COMPLIANCE WITH TITLE 4 (ADMINISTRATIVE PROCEDURES)**

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

1. The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment;  
The proposed amendment will not allow the property to be rezoned to a zoning district that will permit uses which may have the potential to negatively impact the public health, safety, welfare and protection of the environment.
2. The proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City’s adopted comprehensive plan not affected by the amendment;  
This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City’s adopted comprehensive plan not affected by the amendment.
3. The proposed amendment corrects an obvious mapping error; or  
This request does not correct a mapping error.

4. The proposed amendment addresses an identified deficiency in the Comprehensive Plan.  
The proposed amendment does not address an identified deficiency in the Comprehensive Plan.

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

1. The effect upon the physical environment;  
The proposal will allow additional dwelling units to be constructed on site, in keeping with adjacent development on the block and in the neighborhood to the east, south, and west. New construction shall be consistent with the adopted Multi-family Design Standards.
2. The effect on open space and natural features including, but not limited to topography, streams, rivers, and lakes;  
As the site does not contain any designated open space or critical areas, there will be little effect if any on open space or natural features. There are adequate measures within the Kennewick Municipal Code to mitigate any possible impacts to the natural environment; there are no sensitive natural features on site.
3. The compatibility with and impact on adjacent land uses and surrounding neighborhoods;  
The proposal is consistent with existing land use patterns to the east, south, and west which, with the exception of the property immediately adjacent to the east, is already designated Medium Density Residential. As indicated above, new development will be required to meet the adopted Multi-family Design Standards, which mandate landscaping and lighting requirements to minimize impacts to adjacent properties.
4. The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools;  
The future use of the property will determine the adequacy and impact on community facilities. Currently, public amenities such as water, sewer, and transit exist along W 19<sup>th</sup> Avenue adjacent to the subject property. Neither the Public Works nor the Fire Departments have commented on the proposed application. Both will have an opportunity to comment and require upgrades once a future development application is submitted.
5. The quantity and location of land planned for the proposed land use type and density and the demand for such land;  
Comprehensive Plan Table 2: Land Inventory indicates the City has a surplus of 248 acres for lands designated Medium Density Residential. This surplus is not excessive and likely does not take into account the growth of the community over the past five years. As the block on which the subject property is located is slowly transitioning to more dense development, and the parcel is largely surrounded on three sides by Medium Density Residential, the proposal appears consistent with the current development patterns of the neighborhood.
6. The current and projected project density in the area; and  
The subject property is currently zoned Residential, Low, with one dwelling unit on site. The proposed designation will allow residential development at 13 units per acre. Thus, a maximum of 9 units could potentially be built on the subject property.
7. The effect, if any upon other aspects of the Comprehensive Plan.  
The proposed change will not affect any other aspects of the Comprehensive Plan.

### **PUBLIC COMMENT**

Staff has received no public comment concerning the proposal to date.

### **AGENCY COMMENTS**

The Benton Clean Air Agency (BCAA) submitted comments on 23 June 2021 informing the applicant of Soil Destabilization Notification requirements relative to future construction.

### **ANALYSIS OF REQUEST**

The current request to change the land use designation of the subject property from Low Density Residential to Medium Density Residential will facilitate a rezone from Residential, Low (RL) to Residential, Medium (RM), allowing additional dwelling units to be constructed behind the existing single family dwelling on site. Though a maximum of nine units may be allowed under the proposed zoning, according to the application the owner intends to construct 4-6 additional units.

The block on which the subject property is located is slowly transitioning from single-family to more dense, multi-family development. The proposed land use designation change continues that trend. Public amenities such as water, sewer, and transit currently exist along 19<sup>th</sup> Avenue, supporting additional density. In addition, the additional dwelling units are congruous with and less intensive than the recent multi-family development immediately adjacent to the west. Allowing additional density at this location is consistent with the surrounding neighborhood and supports a variety of housing options at a time when stock is limited in the community.

To date, no public comment has been received either for or against the applicant's proposal.

### **FINDINGS**

1. The applicant is Jeffrey Robbins, 290 Moore Road, Pasco, WA 99301.
2. The owner is also Jeffrey Robbins, 290 Moore Road, Pasco, WA 99301.
3. The request is to change the land use designation for the subject parcel from Low Density Residential to Medium Density Residential.
4. The application was received on 8 March 2021 and was routed for review to various City Departments and other local, state and federal agencies for comment on 16 June 2021.
5. The site is currently served by City water and sewer in W 19<sup>th</sup> Avenue.
6. Access to the site is currently provided from W 19<sup>th</sup> Avenue.
7. The proposed amendment is adjacent to Medium Density Residential and Low Density Residential designated lands.
8. A Determination of Non-Significance was issued on 1 July 2021 for this application. The appeal period for the determination ended on 15 July 2021.
9. A public hearing notification sign was posted on site 29 July 2021.
10. Notice of the public hearing for this application was published in the Tri-City Herald on 1 August 2021. Notices were also mailed to property owners within 300 feet of the site on 29 July 2021.
11. The proposed amendment bears a relationship to the public health, safety, welfare and protection of the environment in that it will remain in a residential zoning district that prohibits uses with the potential to negatively impact the public health, safety, welfare and protection of the environment.

12. This proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
13. The proposed amendment does not correct an obvious mapping error.
14. This request will not address an identified deficiency in the Comprehensive Plan.

#### **CONCLUSIONS**

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation for the subject parcel from Low Density Residential to Medium Density Residential.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will permit and increase population densities in the area.
5. Future development of the site has the potential to affect the traffic and park system. Park and Traffic Impact Fees will be determined by the type of development and assessed at the time of development.
6. Access to the site will remain via W 19<sup>th</sup> Avenue.

#### **Recommendation**

Staff recommends that the Planning Commission concur with the findings and conclusions of CPA 21-01 contained in the staff report and recommend approval to City Council.

#### **Motion**

I move that the Planning Commission concur with the findings and conclusions of CPA 21-01 contained in the staff report and recommend to City Council approval of the request.

# Aerial Map



August 5, 2021

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

StreetName

**SurveyCityLimits**

SurveyDimension



SV\_CI\_KENNEWICK\_10



SV\_CI\_RICHLAND\_10



SV\_CI\_COUNTY\_10



SurveyUrbanGrowthBoundary

SurveyParcelZoningLabel



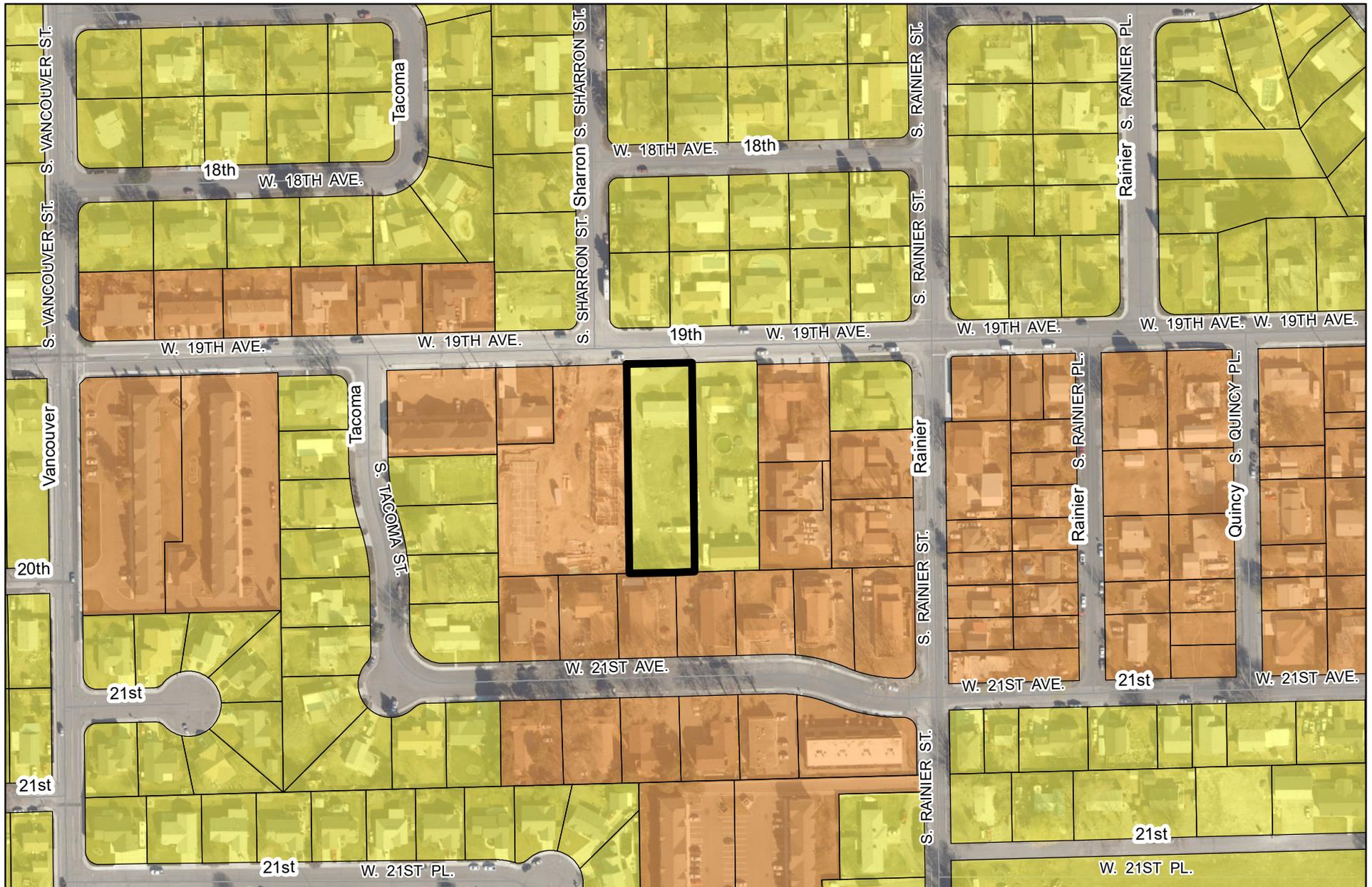
1 inch = 100 feet

1:1,200

0 0.0075 0.015 0.03 mi

0 0.0125 0.025 0.05 km

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



CPA 21-01/PLN-2021-00781 Land Use Map

- |  |  |  |   |
|--|--|--|---|
|  Open Space              |  Medium Density Residential |  Mixed Use  |  Industrial      |
|  Low Density Residential |  High Density Residential   |  Commercial |  Public Facility |



ED 21-05 / PLN-2021-00183

CITY OF KENNEWICK  
COMMUNITY PLANNING & DEVELOPMENT SERVICES

PAID

APPLICATION (general form)

PROJECT # CPA 21-01 PLN- 2021-00181 FEE \$ 1094 MAR 08 2021  
CITY OF KENNEWICK

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

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

Site Plan Tier 1  Tier 2  Tier 3  Binding Site Plan   
Short Plat  Conditional Use  Other comprehensive plan amendment

Environmental Determination PLN- \_\_\_\_\_ - \_\_\_\_\_ Pre Application Meeting PLN- \_\_\_\_\_ - \_\_\_\_\_

Applicant: Jeffrey T. Robbins

Address: 290 Moore Rd. Pasco WA. 99301

Telephone: \_\_\_\_\_ Cell Phone (509) 987-0600 Fax: \_\_\_\_\_ E-mail \_\_\_\_\_

Property Owner (if other than applicant): same

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ E-mail \_\_\_\_\_

**SITE INFORMATION**

Parcel No. 111 894 020059002 Acres .6887 Zoning: \_\_\_\_\_

Address of property: 1831 W. 19th Kennewick WA. 99337

Number of Existing Parking Spaces \_\_\_\_\_ Number of Proposed (New) Parking Spaces \_\_\_\_\_

Present use of property single family residence

Size of existing structure: 1809 sq. ft. Size of Proposed addition/New structure: \_\_\_\_\_ sq. ft.

Height of building: \_\_\_\_\_ Cubic feet of excavation: \_\_\_\_\_ Cost of new construction \_\_\_\_\_

Benton County Assessor Market Improvement Value: \_\_\_\_\_

Description of Project: change from low density to medium density

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

Jeff T. Robb  
Applicant's Signature

\_\_\_\_\_  
Signature of owner or owner's authorized representative

Date: 3-1-2021

## Comprehensive Plan Amendment Supplemental Information

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

1. State the requested amendment:

I request a zoning change to medium density residential

2. What are the reasons for the requested amendment:

At a later date, pursue building either 2 to 3 duplexes, triplexes, or a single multiplex

3. Which elements of the Comprehensive Plan will be affected and how. Include detailed information on the provision of utilities such as water, sewer, power, etc., and how such utilities correspond with the City's various utility plans. Detailed information must also be submitted regarding what effect the proposed change will have on such services as fire, police, parks, schools, etc:

There will be an increase of population eventually  
There will be a better use of existing utilities

4. Indicate how the requested amendment will implement the Comprehensive Plan and be in the best interest of the Kennewick area, reference specific Comprehensive Plan policies that will be implemented:

This future project falls within all already existing service areas.

5. Include any other substantiated information in support of the requested amendment:

The city has expressed a desire to build within city boundaries prior to expanding boundaries



Community Planning Department

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

DETERMINATION OF NON-SIGNIFICANCE

FILE/PROJECT NUMBER: ED 21-05 / PLN-2021-00783 & CPA 21-01 / PLN-2021-00781

DESCRIPTION OF PROPOSAL: Change the land use designation of 0.6887 acres from Low Density Residential (LDR) to Medium Density Residential (MDR).

PROPONENT: Jeffrey Robbins

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: 1831 W 19th 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: Interim Community Planning Director
ADDRESS: 210 W 6th Ave., P.O. Box 6108, Kennewick, WA 99336
PHONE: (509) 585-4386

- Changes, modifications and /or additions to the checklist have been made on the attached Environmental Checklist Review. The Checklist was revised 14 June 2021.

This DNS is subject to the attached conditions:

- No conditions.
See attached condition(s).

Date: 1 July 2021 Signature: [Handwritten 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.

**From:** [Sue Torvik](#)  
**To:** [Matt Halitsky](#)  
**Subject:** Project#cpa 21-01-  
**Date:** Monday, August 16, 2021 10:29:27 AM

---

Hello Matt. We own property at 1816 19th w. Kennewick, wa. Our concerns are the apartments that have been built do not have any landscaping and are poorly maintained. The grass not being cut , the garbage is loose, smells bad and is an eyesore. The city is not enforcing the law. We would prefer there are no more apartments built, however if they are built that there are strick rules of maintenance and visual appeal. We are unable to be a part of the public meeting due to traveling. Please keep us informed. Thank you.

Ron and Suzanne Torvik

Sue torvik@aol.com

360-584-4476 or 360-584-4405.

[Sent from the all new AOL app for Android](#)

**Planning Commission Action Summary**  
**CPA 21-01 – Jeffrey Robbins**

The Kennewick Planning Commission conducted a virtual public hearing on 16 August 2021. All interested parties were notified to come before the Commission and be heard. After reviewing the staff report and all oral and written facts and opinions, the Commission passed a motion on the proposed Comprehensive Plan Amendment, concurring with the findings and conclusions in the staff report CPA 21-01 and recommends to City Council approval of the proposed Comprehensive Plan Amendment contained in the staff report.

**Findings of Fact**

1. The applicant is Jeffrey Robbins, 290 Moore Road, Pasco, WA 99301.
2. The owner is also is Jeffrey Robbins, 290 Moore Road, Pasco, WA 99301.
3. The request is to change the land use designation for the subject parcel from Low Density Residential to Medium Density Residential.
4. The application was received on 8 March 2021 and was routed for review to various City Departments and other local, state and federal agencies for comment on 16 June 2021.
5. The site is currently served by City water and sewer in W 19<sup>th</sup> Avenue.
6. Access to the site is currently provided from W 19<sup>th</sup> Avenue.
7. The proposed amendment is adjacent to Medium Density Residential and Low Density Residential designated lands.
8. A Determination of Non-Significance was issued on 1 July 2021 for this application. The appeal period for the determination ended on 15 July 2021.
9. A public hearing notification sign was posted on site 29 July 2021.
10. Notice of the public hearing for this application was published in the Tri-City Herald on 1 August 2021. Notices were also mailed to property owners within 300 feet of the site on 29 July 2021.
11. The proposed amendment bears a relationship to the public health, safety, welfare and protection of the environment in that it will remain in a residential zoning district that prohibits uses with the potential to negatively impact the public health, safety, welfare and protection of the environment.
12. This proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
13. The proposed amendment does not correct an obvious mapping error.
14. This request will not address an identified deficiency in the Comprehensive Plan.

**Conclusions of Law**

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.

2. The proposed amendment will change the land use designation for the subject parcel from Low Density Residential to Medium Density Residential.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will permit and increase population densities in the area.
5. Future development of the site has the potential to affect the traffic and park system. Park and Traffic Impact Fees will be determined by the type of development and assessed at the time of development.
6. Access to the site will remain via W 19<sup>th</sup> Avenue.

The motion to recommend Approval to City Council passed with a vote of 5 to 0.

**KENNEWICK PLANNING COMMISSION**  
**August 16, 2021**  
**VIRTUAL MEETING MINUTES**

**CALL TO ORDER**

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

Chairman Morris led the Pledge of Allegiance.

Chairman Morris made the following statement:

“Tonight’s meeting will be conducted through an online, virtual meeting platform. Planning Commissioners and staff are joining us remotely in order to comply with Governor Inslee’s Proclamation 20.28.4 as it relates to the Open Public Meeting Act during the COVID-19 State of Emergency. Should an individual Planning Commissioner become unexpectedly disconnected from the Webinar, please rejoin the meeting at your first opportunity. The record will reflect your attendance. The meeting will proceed so long as a quorum of Planning Commissioners are present. Please activate your mute button at the bottom of your computer screen when not speaking”.

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

Present: Commissioners Ken Short, Thomas Helgeson, Anthony Moore, Vice Chairman Clark Stolle, Chairman Victor Morris.

Excused: Commissioner James Hempstead.

Unexcused: None

Staff Present: Anthony Muai, AICP Interim Planning Director; Steve Donovan, AICP Senior Planner, Matt Halitsky, Planner, Melinda Didier, Community Planning Administrative Assistant/Recorder.

Chairman Morris made the following statement:

“Next item is the Approval of the Consent Agenda; Interim Planning Director Anthony Muai has submitted a memo with the agenda packet recommending Item 3.a. (COZ 21-09) be removed from the agenda.”

Mr. Muai read the memo, which stated in part that the applicant for COZ 21-09 has withdrawn the zone change permit.

Chairman Morris continued:

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

Commissioner Helgeson moved to remove Item 3.a. COZ 21-09 from the agenda; Commissioner Moore seconded the motion. The motion passed unanimously on a roll call vote.

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

## **CONSENT AGENDA**

- a. Approval of Agenda (as amended)
- b. Approval of August 2, 2021 Minutes
- c. Motion to enter Staff Reports into the Record

## **PUBLIC HEARINGS**

**Chairman Morris opened the virtual public hearing at 6:44 p.m. for Comprehensive Plan Amendment 21-01/PLN-2021-00781, proposing to change approximately 0.6887 acres located generally at 1831 W. 19<sup>th</sup> Avenue from Low Density Residential (LDR) to Medium Density Residential (MDR). Applicant and owner is Jeffrey Robbins.**

Mr. Halitsky gave a brief overview of the staff report, and shared a Power Point presentation of the staff report. Mr. Halitsky entered Exhibit A-5 (Torvik comment letter) into the record.

### **Planning Commission questions:**

None

### **Testimony of Applicant/Applicant's Representative:**

Jeffrey Robbins  
290 Moore Rd.  
Pasco

Applicant in support of proposal; intends to build one/two duplexes; only has a few rentals.

### **Webinar Participant Comments:**

#### **Testimony in Favor of the Request:**

None

#### **Testimony Neutral/Against the Request:**

None

### **Staff Comments:**

None

**Public Testimony for CPA 21-01 closed at 6:51 p.m.**

Chairman Morris asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report CPA 21-01 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 6:52 p.m. for Comprehensive Plan Amendment 21-02/PLN-2021-01128, proposing to change approximately 0.96 acres located generally at 3321 W. 10th Avenue from Low Density Residential (LDR) to Medium Density Residential (MDR). Applicant is Tami Johnson, Creekstone Senior Living, 3321 W. 10th Avenue, Kennewick, WA 99338. Property owner is Creekstone Holdings, LLC, 3321 W. 10th Avenue, Kennewick, WA, 99338.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

Tami Johnson, Creekstone Senior Living  
3321 W. 10th Avenue  
Kennewick 99338

Applicant in support of proposal; application is to try to bring assisted living facility into zoning compliance with addressing.

**Webinar Participant Comments:**

Tiffanie Kiki, Creekstone Holdings, LLC  
3321 W. 10th Avenue  
Kennewick 99338

In support of proposal to attain zoning compliance.

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-02 closed at 6:57 p.m.**

Chairman Morris asked for a motion.

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

Commissioner Moore seconded the motion.

**Planning Commission Discussion:**

On the map Exhibit 1 doesn't say RS, findings going from LDR to MDR.

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:01 p.m. for Comprehensive Plan Amendment 21-03/PLN-2021-01322, proposing to change approximately 1.36 acres located generally at W. Canal Drive between Grant and Umatilla Streets from Commercial (C) to High Density Residential (HDR). Applicant/Owner is Khurshed Sharifov, 405 Heritage Hills Drive, Richland, WA 99352.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

None

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-03 closed at 7:04 p.m.**

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 21-03 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Moore seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:06 p.m. for Comprehensive Plan Amendment 21-04/PLN-2021-01415, proposing to approximately 3.1 acres located generally at 8600 W. Clearwater Avenue from Industrial (I) to Commercial (C). Applicant/Owner is Keith Hughes, 8600 W. Clearwater Avenue, Kennewick, WA 99336.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

None

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-04 closed at 7:08 p.m.**

Chairman Morris asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report CPA 21-04 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:10 p.m. for Comprehensive Plan Amendment 21-05/PLN-2021-01357, proposing to change approximately 0.46 acres located generally at 107 E. 16<sup>th</sup> Avenue from Commercial (C) to Medium Density Residential (MDR). Applicant is Chantell Arnold, PO Box 6539, Kennewick, WA 99336. Owner is Columbia Cottages LLC, PO Box 6539, Kennewick, WA 99336.**

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

**Planning Commission questions:**

Most of the development is in the lower right hand area of the proposal.

**Testimony of Applicant/Applicant's Representative:**

None

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-05 closed at 7:13 p.m.**

Chairman Morris asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report CPA 21-05 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:14 p.m. for Comprehensive Plan Amendment 21-06/PLN-2021-01438, proposing to change approximately 14.60 acres located generally at 9496 W. Clearwater Avenue from Commercial (C) to High Density Residential (HDR). Applicant is Nathan Machiela, Knutzen Engineering, 5401 Ridgeline Drive #160, Kennewick, WA 99338. Property owner is Tom & Vicki Solbrack, 2555 W. Hwy 24, Othello, WA 99344.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

Nathan Machiela  
Knutzen Engineering  
5401 Ridgeline Dr. Suite 160  
Kennewick 99338

In support of this proposal; with re-alignment of 10<sup>th</sup> Avenue, the roadway will be able to handle high density development.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-06 closed at 7:19 p.m.**

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 21-06 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Short seconded the motion.

**Planning Commission Discussion:**

Current setbacks, for railroad Right-of-Way line.

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:20 p.m. for Comprehensive Plan Amendment 21-07/PLN-2021-01441, proposing to change approximately 1.76 acres located generally at 1201, 1213, 1221 N. Irving Place from Commercial (C) to Low Density Residential (LDR). Applicant/Owner is Bret Lott, 5710 Castle Holly Court, Pasco, WA 99301.**

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

**Planning Commission questions:**

Is the suggested motion only for the portion of land south of the green line on the map; is the land to the west LDR; will the triangular piece of commercial land be developable; is the green line on the map a lot line; if the triangular commercial lot is created is there access to Canal Drive; are most adjacent property owners to the west.

**Testimony of Applicant/Applicant's Representative:**

Brett Lott  
5710 Castle Holly Court  
Pasco 99301

Thanked staff for help with application; plans for the property are a commercial building for my home builder business on a portion of the parcel, and residential for the remainder mixed with commercial; in favor of proposal.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-07 closed at 7:33 p.m.**

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 21-07 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Mooren seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:35 p.m. for Comprehensive Plan Amendment 21-08/PLN-2021-01480, proposing to change approximately 2.95 acres located generally at 18 W. 12<sup>th</sup> Place Commercial (C) to High Density Residential (HDR). Applicant is Thomas Wei, 2120 N. Road 44, Pasco, WA 99301. Property owner is FSTN, LLC, 2699 N. Road 68, Pasco, WA 99301.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

Rick Simon, Applicant Representative  
98412 Harrington Road  
W. Richland 99354

Here on behalf of Mr. Wei, in favor of proposal.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-08 closed at 7:39 p.m.**

Chairman Morris asked for a motion.

Commissioner Stolle moved to concur with the findings and conclusions in staff report CPA 21-08 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:41 p.m. for Comprehensive Plan Amendment 21-09/PLN-2021-01505, proposing to change approximately 4.58 acres located generally at 8125 Bob Olson Parkway from High Density Residential (HDR) to Commercial (C). Applicant/Owner is Jaycee Structure LLC, 1505 NE Village Street, Fairview, OR 97024.**

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

**Planning Commission questions:**

If there are conditions required for service road and safety coming off Bob Olson Parkway.

**Testimony of Applicant/Applicant's Representative:**

John Fetterolf, Applicant Representative  
7500 W Clearwater Avenue Ste. 8  
Kennewick 99336

Oddly shaped parcel of land, the change will allow owner to better utilize parking, etc;

This is one of three total applications here tonight; net increase planned as part of Bob Olson Parkway; in favor of request.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-09 closed at 7:49 p.m.**

Chairman Morris asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report CPA 21-09 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Short seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:50 p.m. for Comprehensive Plan Amendment 21-10/PLN-2021-01506, proposing to change approximately 8.6 acres located generally at 7723 Bob Olson Parkway from Low Density Residential (LDR) to Commercial (C). Applicant/Owner is Jaycee Structure LLC, 1505 NE Village Street, Fairview, OR 97024.**

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

**Planning Commission questions:**

If there is already surplus commercial zoned land, what is the issue.

**Testimony of Applicant/Applicant's Representative:**

John Fetterolf, Applicant Representative  
7500 W Clearwater Avenue Ste. 8  
Kennewick 99336

In support of the proposed change, this parcel has depths to accommodate large commercial uses.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-10 closed at 7:55 p.m.**

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 21-10 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Moore seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:56 p.m. for Comprehensive Plan Amendment 21-11/PLN-2021-01507, proposing to change approximately 24.04 acres located generally south of 7723 Bob Olson Parkway from Low Density Residential (LDR) to High Density Residential (HDR).**

**Applicant/Owner is Jaycee Structure LLC, 1505 NE Village Street, Fairview, OR 97024.**

Mr. Donovan gave a brief overview of the staff report, entered into record Exhibit A-10 (Alley letter) and A-11 (Pierce letter) and shared a Power Point presentation of the staff report.

**Planning Commission questions:**

Is Exhibit A-11 (Pierce letter) from the Kennewick School District.

**Testimony of Applicant/Applicant's Representative:**

John Fetterolf, Applicant Representative  
7500 W Clearwater Avenue Ste. 8  
Kennewick 99336

For this proposal we are working toward high density apartments surrounding commercial to promote walkable neighborhood; there is a hot market for the property, best use is HDR.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

Chris & Laura Alley  
7080 W. 31<sup>st</sup> Place  
Kennewick

Submitted Exhibit A-10 letter opposing proposal; ultimately at the project level high-density apartments and commercial will negatively impact Kennewick School District and traffic (safety concerns).

**Staff Comments:**

None

**Public Testimony for CPA 21-11 closed at 8:09 p.m.**

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 21-11 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Moore seconded the motion.

**Planning Commission Discussion:**

None

The motion passed 4-1, with Commissioners Moore, Stolle, Helgeson & Short in favor and Commissioner Morris opposed.

**Chairman Morris opened the virtual public hearing at 8:11 p.m. for Comprehensive Plan Amendment 21-12/PLN-2021-01983, proposing comprehensive plan text updates that will address goals and policies related to the nexus and rough proportionality when development exactions are required and mitigation of impacts caused by development. The proposal is not site specific. Applicant is City of Kennewick.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

None – City is Applicant

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-12 closed at 8:16 p.m.**

Chairman Morris asked for a motion.

Commissioner Stolle moved to concur with the findings and conclusions in staff report CPA 21-12 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**OLD BUSINESS:**

- a. **City Council Action Updates** – August 17, 2021 COZ 21-08 goes before City Council, ZOA 21-02 will go to the September City Council meeting.

**NEW BUSINESS:**

None

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

The new Planning Commissioner will be confirmed at the August 17<sup>th</sup> City Council meeting; September 20<sup>th</sup> is the next Planning Commission meeting.

**ADJOURNMENT:**

The meeting adjourned at 8:22 p.m.

# Council Agenda Coversheet



Agenda Item Number	5.b.	Council Date	10/05/2021
Agenda Item Type	Ordinance		
Subject	CPA 21-02 (Johnson)		
Ordinance/Reso #	5935	Contract #	
Project #	CPA 21-02	Permit #	PLN-2021-01128
Department	Planning		

Consent Agenda	<input type="checkbox"/>
Ordinance/Reso	<input checked="" type="checkbox"/>
Public Mtg / Hrg	<input type="checkbox"/>
Other	<input type="checkbox"/>
Quasi-Judicial	<input type="checkbox"/>

### Recommendation

The Planning Commission recommends approval of CPA 21-02 through adoption of Ordinance 5935.

### Motion for Consideration

I move to adopt Ordinance 5935.

### Summary

The applicant, Tami Johnson of Creekstone Senior Living, has requested to change the land use designation of 0.96 acres at 3321 W 10th Avenue from Low Density Residential to Medium Density Residential. Although approval of the request will allow multi-family residential development of the property, the applicant does not intend to alter the already-developed site. Consolidation of the parcels will aid in emergency response and financial accounting of the various units currently existing on-site.

The Planning Commission held a public hearing for this application on 16 August 2021. At the hearing, the applicant spoke in favor of the request. No testimony or written comments were received either for or against the request.

The Planning Commission voted unanimously to recommend approval to the City Council.

### Alternatives

None recommended.

### Fiscal Impact

None.

Through	Matt Halitsky Sep 28, 10:23:10 GMT-0700 2021
Dept Head Approval	Anthony Muai Sep 28, 15:55:38 GMT-0700 2021
City Mgr Approval	Marie Mosley Oct 01, 08:19:45 GMT-0700 2021

Attachments:

Ordinance
Staff Report
PC Action Summary
PC Minutes

Recording  
Required?

CITY OF KENNEWICK  
ORDINANCE NO. 5935

AN ORDINANCE AMENDING THE CITY OF KENNEWICK'S COMPREHENSIVE  
PLAN (CPA 21-02, CREEKSTONE HOLDINGS LLC)

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

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

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

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

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

1. CPA 21-02 – .96 acres located at 3321, 3335, 3349, and 3363 W 10<sup>th</sup> Avenue (Low Density Residential to Medium Density Residential).

**Section 2.** The property is legally described as follows:

**Low Density Residential to Medium Density Residential**

Parcel # 110891013456001  
3321 W 10th AVENUE KENNEWICK WA 99336  
SECTION 10, TOWNSHIP 8 NORTH, RANGE 29 EAST, QUARTER NE: THAT  
PORTION OF SHORT PLAT #3456, LOT 1L.

Parcel # 110891013456002  
3335 W 10th AVENUE KENNEWICK WA 99336  
SECTION 10, TOWNSHIP 8 NORTH RANGE 29 EAST, QUARTER NE: THAT  
PORTION OF SHORT PLAT #3456 Lot 2L.

Parcel # 1108891013456003  
3349 W 10th AVENUE KENNEWICK WA 99336  
SECTION 10 TOWNSHIP 8 NORTH RANGE 29 EAST QUARTER NE: THAT

PORTION OF SHORT PLAT #3456 LOT 3L.

Parcel # 110891013456004  
3363 W 10th AVENUE KENNEWICK WA 99336  
SECTION 10 TOWNSHIP 8 NORTH RANGE 29 EAST QUARTER NE: THAT  
PORTION OF SHORT PLAT #3456 LOT 4L.

Parcel # 110891013456005  
3321 W 10th AVENUE KENNEWICK WA 99336  
SECTION 10 TOWNSHIP 8 NORTH RANGE 29 EAST QUARTER NE: THAT  
PORTION OF SHORT PLAT #3456 LOT 1L.

Parcel # 110891013456006  
3335 W 10th AVENUE KENNEWICK WA 99336  
SECTION 10, TOWNSHIP 8 NORTH RANGE 29 EAST, QUARTER NE: THAT  
PORTION OF SHORT PLAT #3456 Lot 2L.

Parcel # 110891013456007  
3349 W 10th AVENUE KENNEWICK WA 99336  
SECTION 10 TOWNSHIP 8 NORTH RANGE 29 EAST QUARTER NE: THAT  
PORTION OF SHORT PLAT #3456 LOT 3L.

Parcel # 1108910134560008  
3363 W 10th AVENUE KENNEWICK WA 99336  
SECTION 10 TOWNSHIP 8 NORTH RANGE 29 EAST QUARTER NE: THAT  
PORTION OF SHORT PLAT #3456 LOT 4L.

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

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

\_\_\_\_\_  
STEVE LEE, Mayor Pro Tem

Attest:

ORDINANCE NO. 5935 filed and recorded  
in the office of the City Clerk of the City of  
Kennewick, Washington this 6<sup>th</sup> day of  
October, 2021.

\_\_\_\_\_  
TERRI L. WRIGHT, City Clerk

Approved as to Form:

\_\_\_\_\_  
LISA BEATON, City Attorney  
DATE OF PUBLICATION \_\_\_\_\_

\_\_\_\_\_  
TERRI L. WRIGHT, City Clerk



## Comprehensive Plan Amendment 21-02

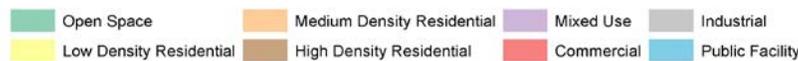
**REQUEST:** Change the land use designation of 0.96 acres from Low Density Residential (LDR) to Medium Density Residential (MDR)

**APPLICANT:** Tami Johnson, Creekstone Senior Living

**OWNER:** Creekstone Holdings LLC



CPA 21-02/PLN-2021-01128 Land Use Map



Not to scale

### SITE INFORMATION

- **Size:** 0.96 acres
- **Location:** 3321 W 10<sup>th</sup> Avenue
- **Topography:** Flat
- **Existing Comprehensive Plan Designation:** Low Density Residential
- **Existing Zoning:** Residential, Suburban (RS)
- **Existing Land Use:** Assisted Living Facility

### EXHIBITS

- **Exhibit A-1:** Aerial Map
- **Exhibit A-2:** Land Use Map
- **Exhibit A-3:** Application
- **Exhibit A-4:** Environmental Determination

**APPLICATION PROCESS**

- Application Submitted 1 April 2021
- Application routed for comments 16 June 2021
- Determination of Non-Significance was issued on 1 July 2021
- Appeal Period for the DNS ended 15 July 2021
- A property posting sign notifying the public of a public hearing on this request was posted on the site on 29 July 2021
- Notice of Hearing published 1 August 2021
- Notice of Hearing mailed 29 July 2021

**SURROUNDING COMPREHENSIVE PLAN, ZONING AND LAND USES**

North	Comprehensive Plan – Medium Density Residential Zoning – Residential, Medium (RM) Existing Land Uses – Mix of Single and Multi-family Residential Development
South	Comprehensive Plan –Low Density Residential Zoning –Residential, Suburban (RS) and Residential, Low (RL) Existing Land Uses –Single-family Residential Neighborhoods with Trailer Park Beyond
East	Comprehensive Plan – Low Density Residential Zoning – Residential, Low (RL) Existing Land Uses – Single-family Residential Neighborhood
West	Comprehensive Plan – Low Density Residential Zoning – Residential, Low (RL) Existing Land Uses – – Single-family Residential Neighborhood

**REGULATORY CONTROLS**

- City of Kennewick Comprehensive Plan
- Kennewick Municipal Code Title 4
- Kennewick Municipal Code Title 18

**DESCRIPTION OF REQUEST**

The applicant requests to change 0.96 acres from Low Density Residential to Medium Density Residential.

**COMPLIANCE WITH TITLE 4 (ADMINISTRATIVE PROCEDURES)**

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

1. The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment;  
The proposed amendment will not allow the property to be rezoned to a zoning district that will permit uses which may have the potential to negatively impact the public health, safety, welfare and protection of the environment. In addition, the existing development (assisted living facility) is to remain.
2. The proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City’s adopted comprehensive plan not affected by the amendment;  
This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City’s adopted comprehensive plan not affected by the amendment.

3. The proposed amendment corrects an obvious mapping error; or  
This request does not correct a mapping error.
4. The proposed amendment addresses an identified deficiency in the Comprehensive Plan.  
The proposed amendment does not address an identified deficiency in the Comprehensive Plan.

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

1. The effect upon the physical environment;  
The proposal will not affect the physical environment as the existing assisted living facility will remain. The applicant's intention is to consolidate the eight lots associated with the facility into one parcel.
2. The effect on open space and natural features including, but not limited to topography, streams, rivers, and lakes;  
As indicated above, no additional impact to open space or natural features is anticipated as the property is currently developed and will remain as constructed. Additionally, as the site does not contain any designated open space or critical areas, and there are no sensitive natural features on site, there will be little effect if any on open space or natural features.
3. The compatibility with and impact on adjacent land uses and surrounding neighborhoods;  
As the development is existing, the proposal is consistent with existing land use patterns in the neighborhood. Medium Density Residential currently exists across W 10<sup>th</sup> Avenue to the north.
4. The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools;  
No additional impact on community facilities or public amenities is anticipated as the property is currently developed, with no changes proposed.
5. The quantity and location of land planned for the proposed land use type and density and the demand for such land;  
Comprehensive Plan Table 2: Land Inventory indicates the City has a surplus of 248 acres for lands designated Medium Density Residential. This surplus is not excessive and likely does not take into account the growth of the community over the past five years. In addition, as the proposal is to accommodate the consolidation of eight lots into one, with no further development planned, tangible impacts to the quantity and location of the proposed land use type, density, and the demand for such land is not anticipated relative to the subject property.
6. The current and projected project density in the area; and  
As the property is currently developed and no changes are proposed, density shall remain the same despite the change in land use designation.
7. The effect, if any upon other aspects of the Comprehensive Plan.  
The proposed change will not affect any other aspects of the Comprehensive Plan.

**PUBLIC COMMENT**

Staff has received no public comment concerning the proposal to date.

**AGENCY COMMENTS**

No comments have been received to-date from either outside agencies or other City departments.

## **ANALYSIS OF REQUEST**

The applicant requests to change the land use designation of the subject property from Low Density Residential to Medium Density Residential to accommodate the consolidation of 8 existing lots into one. Current zoning (RS) does not allow for multiple dwelling units on a single parcel. As indicated above, the property is already developed with a relatively new assisted living facility, with no changes or additions planned. Existing conditions on-site and within the neighborhood will effectively remain the same despite the change in land use designation.

To date, no public comment has been received either for or against the applicant's proposal.

## **FINDINGS**

1. The applicant is Tami Johnson of Creekstone Assisted Living Community, 3321 W 10<sup>th</sup> Ave, Kennewick, WA 99338.
2. The owner is Creekstone Holdings LLC, 3321 W 10<sup>th</sup> Ave, Kennewick, WA 99338.
3. The request is to change the land use designation for the subject parcels from Low Density Residential to Medium Density Residential.
4. The application was received on 1 April 2021 and was routed for review to various City Departments and other local, state and federal agencies for comment on 16 June 2021.
5. The site is currently served by City water and sewer in W 10<sup>th</sup> Avenue.
6. Access to the site is currently provided from W 10<sup>th</sup> Avenue.
7. The proposed amendment is adjacent to Medium Density Residential and Low Density Residential designated lands.
8. A Determination of Non-Significance was issued on 1 July 2021 for this application. The appeal period for the determination ended on 15 July 2021.
9. A public hearing notification sign was posted on site 29 July 2021.
10. Notice of the public hearing for this application was published in the Tri-City Herald on 1 August 2021. Notices were also mailed to property owners within 300 feet of the site on 29 July 2021.
11. The proposed amendment bears a relationship to the public health, safety, welfare and protection of the environment in that it will remain in a residential zoning district that prohibits uses with the potential to negatively impact the public health, safety, welfare and protection of the environment. In addition, the existing development is to remain unchanged.
12. This proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
13. The proposed amendment does not correct an obvious mapping error.
14. This request will not address an identified deficiency in the Comprehensive Plan.

## **CONCLUSIONS**

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation for the subject parcels from Low Density Residential to Medium Density Residential.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.

4. The proposed amendment will not effectively increase population densities in the area.
5. Although future development is not anticipated, Park and Traffic Impact Fees will be determined by the type of development and assessed at the time of development.
6. Access to the site will remain via W 10<sup>th</sup> Avenue.

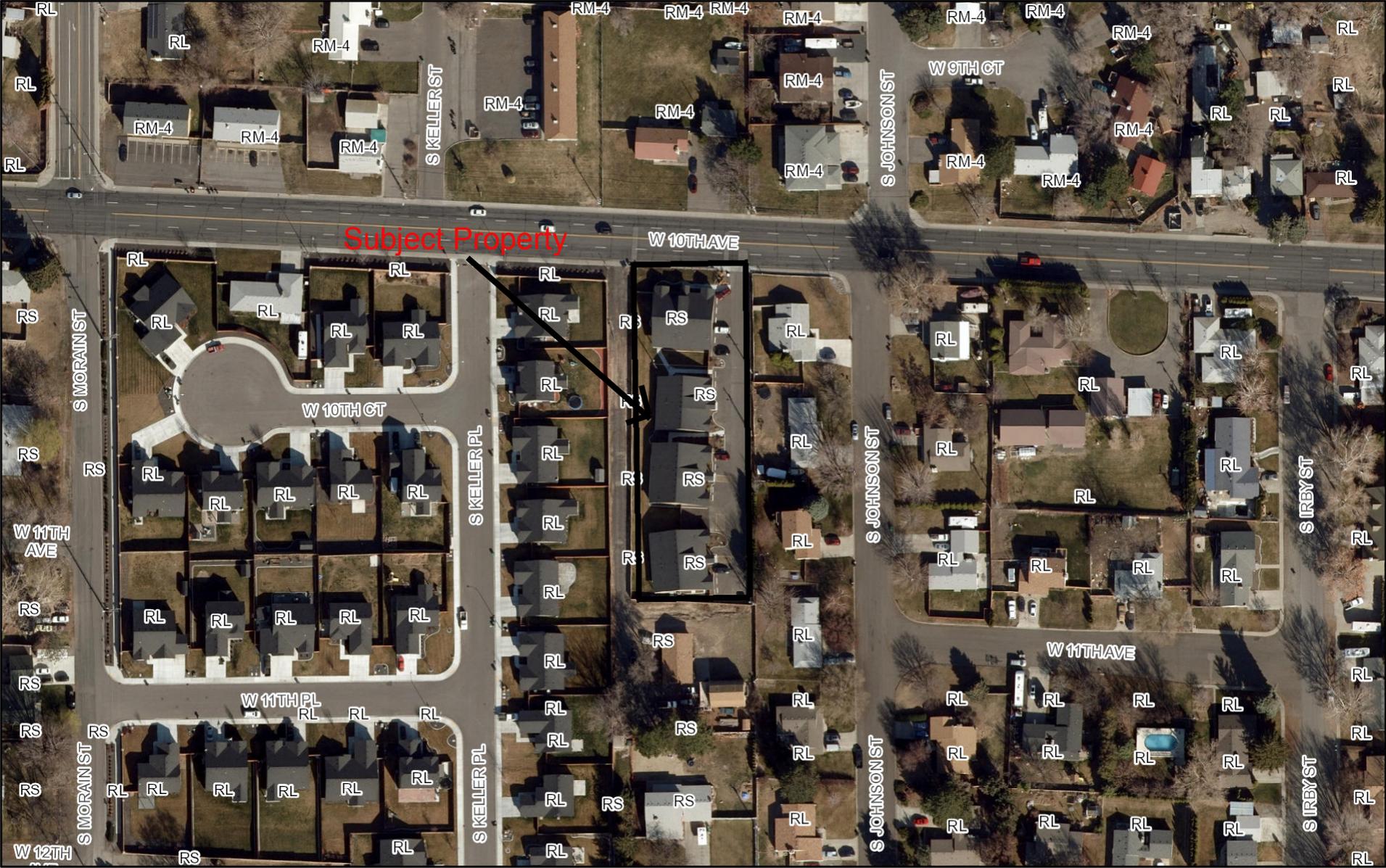
**Recommendation**

Staff recommends that the Planning Commission concur with the findings and conclusions of CPA 21-02 contained in the staff report and recommend approval to City Council.

**Motion**

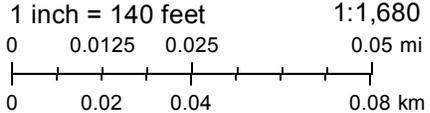
I move that the Planning Commission concur with the findings and conclusions of CPA 21-02 contained in the staff report and recommend to City Council approval of the request.

# Aerial Map

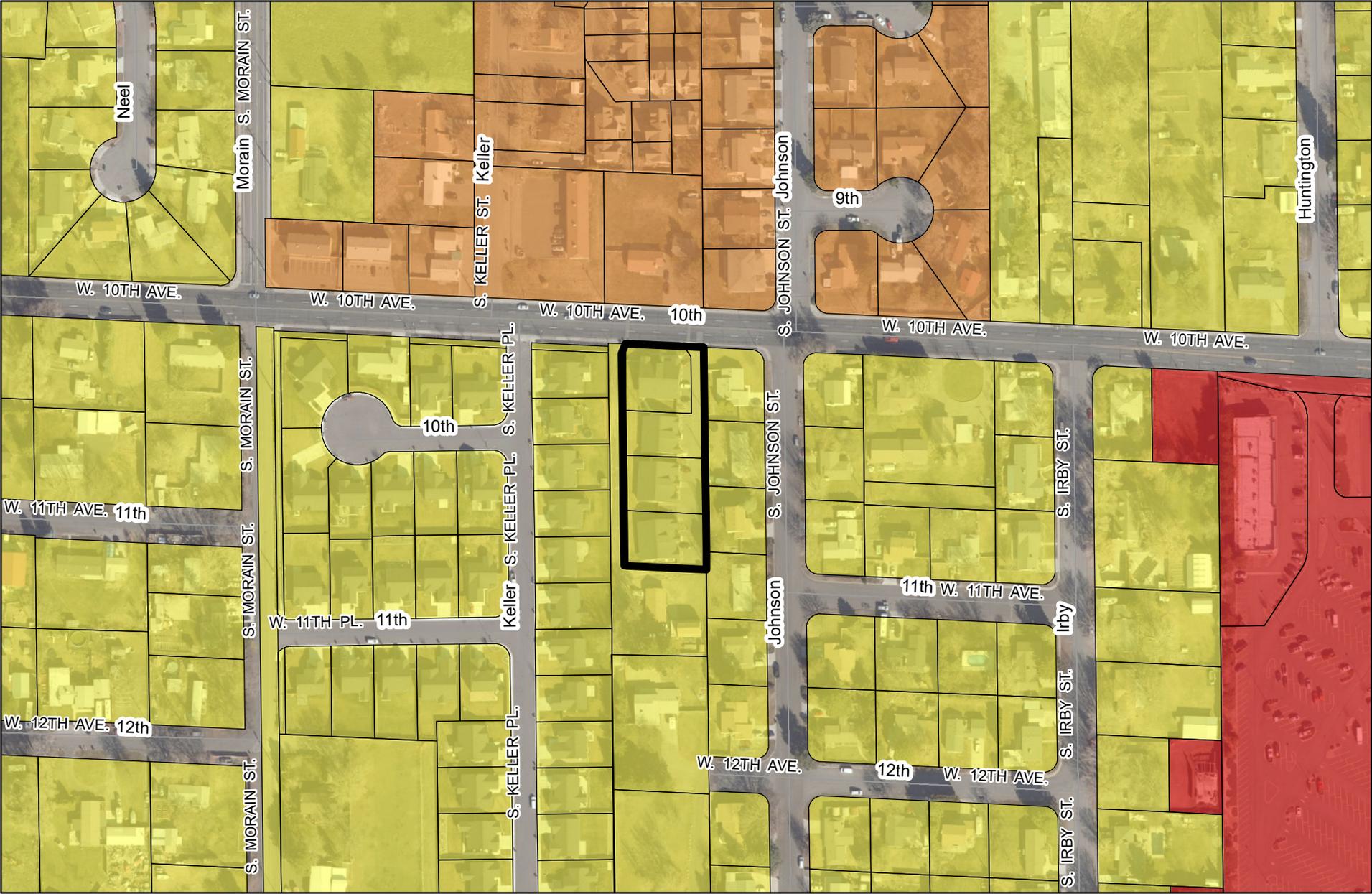


August 5, 2021 This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

StreetName	SV_CI_RICHLAND_10	SurveyParcelZoningLabel
<b>SurveyCityLimits</b>	SV_CI_COUNTY_10	
 SV_CI_KENNEWICK_10	 SurveyUrbanGrowthBoundary	



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



CPA 21-02/PLN-2021-01128 Land Use Map

- Open Space
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed Use
- Commercial
- Industrial
- Public Facility



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

PROJECT # \_\_\_\_\_ - \_\_\_\_\_ PLN- 2021 - 01/28 FEE \$ \_\_\_\_\_

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

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

Site Plan Tier 1  Tier 2  Tier 3  Binding Site Plan   
Short Plat  Conditional Use  Other Comprehensive Plan amendment

Environmental Determination PLN- \_\_\_\_\_ - \_\_\_\_\_ Pre Application Meeting PLN- \_\_\_\_\_ - \_\_\_\_\_

Applicant: Tami Johnson - Creekstone

Address: 3321 W 10th Ave Kennewick

Telephone: 509-491-1318 Cell Phone: 509-851-7854 Fax: \_\_\_\_\_ E-mail: owner@creekstonereale.com

Property Owner (if other than applicant): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ E-mail \_\_\_\_\_

**SITE INFORMATION** 110891013456007, 110891013456008  
110891013456003, 110891013456002, 110891013456005, 110891013456006

Parcel No. 110891013456004, 110891013456001 Acres .96 Zoning: RS

Address of property: 3321 W 10th Ave Kennewick, WA 99338

Number of Existing Parking Spaces 12 Number of Proposed (New) Parking Spaces 0

Present use of property Assisted living Community

Size of existing structure: 250 per house sq. ft. Size of Proposed addition/New structure: n/a sq. ft.

Height of building: n/a Cubic feet of excavation: 0 Cost of new construction 0

Benton County Assessor Market Improvement Value: 0

Description of Project: Consolidating 8 separate lots into one parcel or one approved lot.  
Rezone to RM and change land use designation from LDR to MDR

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

Applicant's Signature Tami Johnson

Date: April 1, 2021

Signature of owner or owner's authorized representative Tami Johnson

## Comprehensive Plan Amendment Supplemental Information

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

1. State the requested amendment:

*please see attached*

2. What are the reasons for the requested amendment:

*please see attached*

3. Which elements of the Comprehensive Plan will be affected and how. Include detailed information on the provision of utilities such as water, sewer, power, etc., and how such utilities correspond with the City's various utility plans. Detailed information must also be submitted regarding what effect the proposed change will have on such services as fire, police, parks, schools, etc:

*please see attached*

4. Indicate how the requested amendment will implement the Comprehensive Plan and be in the best interest of the Kennewick area, reference specific Comprehensive Plan policies that will be implemented:

*please see attached*

5. Include any other substantiated information in support of the requested amendment:

*Please see attached.*



3321 W. 10<sup>th</sup> Ave Kennewick, WA 99336

April 6, 2021

To whom it may concern at the City of Kennewick,

We approach the City with the following request.

Tami and Philip Johnson are now the sole owners of the properties 3321, 3335, 3349 and 3363 W. 10<sup>th</sup> Ave, Kennewick WA 99336. We did not intend to be the primary owners and operators of these business locations. We were intended to be silent financial investors to the previous owner, Michael Hillman.

Michael Hillman was charged with multiple felony counts that resulted in him NOT being able to have access to vulnerable adults. In January 2019 we became the primary operators of Creekstone due to legal issues that became known to us after investing with Michael Hillman. Please see attached supporting documentation.

As we became operators, we began to reach out to others in the Senior Living industry for recommendations and operation. As professionals would observe and inspect the properties, we became aware of safety issues that were hindering operation and causing concern with EMS, home health, hospice and other attending agencies providing care for Creekstone Residents.

As a matter of safety and based on multiple occurrences, it would be in the best interest of the residents living at Creekstone and all attending agencies, EMS especially, if we were noted as one individual address instead of 4 separate addresses in one location. Please see attached. Each house is clearly identified as A, B, C, D in high reflective night light vinyl. This has helped when a member of administration is able to meet EMS and direct. When an employee is unable to assist there is always confusion. EMS going into the wrong house and becoming frustrated in an emergency because they cannot locate the resident needing care quickly.

The main reason this occurs is because we have one portable phone number that is associated with all four houses. 509.491.1318 is the main number associated with 3321. If an emergency occurred in 3335, 3349 or 3363 and the portable phone is calling, it is showing 911 the 3321 address when in fact the emergency may be in 3335, 3349 or 3363. It is too confusing for staff to have multiple phones and phone lines. For the safety of the residents having one central phone number is pivotal.

*Requested Amendment*

Several times we have had life or death emergency situations when EMS was on site with confusion as to where they needed to be immediately. Having the numbers 3321, 3335, 3349, 3363 has created confusion with fire trucks and ambulances. To rectify this immediate concern we added the A, B, C, D above the front door of each house. (Please see attached) When an emergency is called in we instruct EMS to come to 3321 and enter into the lettered cottage A,B,C,D where the incident is occurring. Having one address with clearly identified houses (ABCD) would be hugely beneficial for the safety of those involved in an emergency situation.

In addition to the EMS concerns, having four separate address locations is confusing for attending agencies such as home health, hospice, attending physicians, volunteers, visiting friends and family members. Having one central address, 3321 W. 10<sup>th</sup> Ave, Kennewick WA 99336 will lessen confusion for those needing to be on site to provider care or visit.

Those residents who reside in the four houses become easily confused with the multiple addresses in this one location also. To relieve stress and confusion for all those associated with Creekstone, having one address number, 3321, will streamline simplicity for Creekstone residents who are having difficulty receiving mail.

Consolidating all of the addresses into one property will also simplify the entire property location. Having one water meter instead of 4, having one electrical meter box instead of 4, having one tax lot instead of 8 tax lots will simplify accounting while making one payment instead of eight separate payments.

For the overall well-being and safety of the residents, EMS, attending agencies, friends and family who visit and the operations at Creekstone, we are requesting that the eight separate lots be combined into one lot/parcel and one address, being:

3321 W. 10<sup>th</sup> Ave, Kennewick WA 99336

We appreciate your time and consideration with this request. If you have any questions or need any further information or documentation, please reach out to me at 509.851.8854 or at [owner@creekstonecareal.com](mailto:owner@creekstonecareal.com) .

Warm regards,



Tami Johnson

Owner



Philip Johnson

Owner



Community Planning Department

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

DETERMINATION OF NON-SIGNIFICANCE

FILE/PROJECT NUMBER: ED 21-10 / PLN-2021-01154 & CPA 21-02 / PLN-2021-01128

DESCRIPTION OF PROPOSAL: Change the land use designation of 0.96 acres from Low Density Residential (LDR) to Medium Density Residential (MDR).

PROPONENT: Tami Johnson, Creekstone Assisted Living

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: 3321 W 10th 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: Interim Community Planning Director
ADDRESS: 210 W 6th Ave., P.O. Box 6108, Kennewick, WA 99336
PHONE: (509) 585-4386

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

This DNS is subject to the attached conditions:

- No conditions.
See attached condition(s).

Date: 1 July 2021

Signature:

[Handwritten 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.

## **Planning Commission Action Summary**

### **CPA 21-02 – Tami Johnson, Creekstone Senior Living**

The Kennewick Planning Commission conducted a virtual public hearing on 16 August 2021. All interested parties were notified to come before the Commission and be heard. After reviewing the staff report and all oral and written facts and opinions, the Commission passed a motion on the proposed Comprehensive Plan Amendment, concurring with the findings and conclusions in the staff report CPA 21-02 and recommends to City Council approval of the proposed Comprehensive Plan Amendment contained in the staff report.

#### **Findings of Fact**

1. The applicant is Tami Johnson of Creekstone Assisted Living Community, 3321 W 10<sup>th</sup> Ave, Kennewick, WA 99338.
2. The owner is Creekstone Holdings LLC, 3321 W 10<sup>th</sup> Ave, Kennewick, WA 99338.
3. The request is to change the land use designation for the subject parcels from Low Density Residential to Medium Density Residential.
4. The application was received on 1 April 2021 and was routed for review to various City Departments and other local, state and federal agencies for comment on 16 June 2021.
5. The site is currently served by City water and sewer in W 10<sup>th</sup> Avenue.
6. Access to the site is currently provided from W 10<sup>th</sup> Avenue.
7. The proposed amendment is adjacent to Medium Density Residential and Low Density Residential designated lands.
8. A Determination of Non-Significance was issued on 1 July 2021 for this application. The appeal period for the determination ended on 15 July 2021.
9. A public hearing notification sign was posted on site 29 July 2021.
10. Notice of the public hearing for this application was published in the Tri-City Herald on 1 August 2021. Notices were also mailed to property owners within 300 feet of the site on 29 July 2021.
11. The proposed amendment bears a relationship to the public health, safety, welfare and protection of the environment in that it will remain in a residential zoning district that prohibits uses with the potential to negatively impact the public health, safety, welfare and protection of the environment. In addition, the existing development is to remain unchanged.
12. This proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
13. The proposed amendment does not correct an obvious mapping error.
14. This request will not address an identified deficiency in the Comprehensive Plan.

## **Conclusions of Law**

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation for the subject parcels from Low Density Residential to Medium Density Residential.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will not effectively increase population densities in the area.
5. Although future development is not anticipated, Park and Traffic Impact Fees will be determined by the type of development and assessed at the time of development.
6. Access to the site will remain via W 10<sup>th</sup> Avenue.

The motion to recommend Approval to City Council passed with a vote of 5 to 0.

**KENNEWICK PLANNING COMMISSION**  
**August 16, 2021**  
**VIRTUAL MEETING MINUTES**

**CALL TO ORDER**

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

Chairman Morris led the Pledge of Allegiance.

Chairman Morris made the following statement:

“Tonight’s meeting will be conducted through an online, virtual meeting platform. Planning Commissioners and staff are joining us remotely in order to comply with Governor Inslee’s Proclamation 20.28.4 as it relates to the Open Public Meeting Act during the COVID-19 State of Emergency. Should an individual Planning Commissioner become unexpectedly disconnected from the Webinar, please rejoin the meeting at your first opportunity. The record will reflect your attendance. The meeting will proceed so long as a quorum of Planning Commissioners are present. Please activate your mute button at the bottom of your computer screen when not speaking”.

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

Present: Commissioners Ken Short, Thomas Helgeson, Anthony Moore, Vice Chairman Clark Stolle, Chairman Victor Morris.

Excused: Commissioner James Hempstead.

Unexcused: None

Staff Present: Anthony Muai, AICP Interim Planning Director; Steve Donovan, AICP Senior Planner, Matt Halitsky, Planner, Melinda Didier, Community Planning Administrative Assistant/Recorder.

Chairman Morris made the following statement:

“Next item is the Approval of the Consent Agenda; Interim Planning Director Anthony Muai has submitted a memo with the agenda packet recommending Item 3.a. (COZ 21-09) be removed from the agenda.”

Mr. Muai read the memo, which stated in part that the applicant for COZ 21-09 has withdrawn the zone change permit.

Chairman Morris continued:

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

Commissioner Helgeson moved to remove Item 3.a. COZ 21-09 from the agenda; Commissioner Moore seconded the motion. The motion passed unanimously on a roll call vote.

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

## **CONSENT AGENDA**

- a. Approval of Agenda (as amended)
- b. Approval of August 2, 2021 Minutes
- c. Motion to enter Staff Reports into the Record

## **PUBLIC HEARINGS**

**Chairman Morris opened the virtual public hearing at 6:44 p.m. for Comprehensive Plan Amendment 21-01/PLN-2021-00781, proposing to change approximately 0.6887 acres located generally at 1831 W. 19<sup>th</sup> Avenue from Low Density Residential (LDR) to Medium Density Residential (MDR). Applicant and owner is Jeffrey Robbins.**

Mr. Halitsky gave a brief overview of the staff report, and shared a Power Point presentation of the staff report. Mr. Halitsky entered Exhibit A-5 (Torvik comment letter) into the record.

### **Planning Commission questions:**

None

### **Testimony of Applicant/Applicant's Representative:**

Jeffrey Robbins  
290 Moore Rd.  
Pasco

Applicant in support of proposal; intends to build one/two duplexes; only has a few rentals.

### **Webinar Participant Comments:**

#### **Testimony in Favor of the Request:**

None

#### **Testimony Neutral/Against the Request:**

None

### **Staff Comments:**

None

**Public Testimony for CPA 21-01 closed at 6:51 p.m.**

Chairman Morris asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report CPA 21-01 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 6:52 p.m. for Comprehensive Plan Amendment 21-02/PLN-2021-01128, proposing to change approximately 0.96 acres located generally at 3321 W. 10th Avenue from Low Density Residential (LDR) to Medium Density Residential (MDR). Applicant is Tami Johnson, Creekstone Senior Living, 3321 W. 10th Avenue, Kennewick, WA 99338. Property owner is Creekstone Holdings, LLC, 3321 W. 10th Avenue, Kennewick, WA, 99338.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

Tami Johnson, Creekstone Senior Living  
3321 W. 10th Avenue  
Kennewick 99338

Applicant in support of proposal; application is to try to bring assisted living facility into zoning compliance with addressing.

**Webinar Participant Comments:**

Tiffanie Kiki, Creekstone Holdings, LLC  
3321 W. 10th Avenue  
Kennewick 99338

In support of proposal to attain zoning compliance.

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-02 closed at 6:57 p.m.**

Chairman Morris asked for a motion.

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

Commissioner Moore seconded the motion.

**Planning Commission Discussion:**

On the map Exhibit 1 doesn't say RS, findings going from LDR to MDR.

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:01 p.m. for Comprehensive Plan Amendment 21-03/PLN-2021-01322, proposing to change approximately 1.36 acres located generally at W. Canal Drive between Grant and Umatilla Streets from Commercial (C) to High Density Residential (HDR). Applicant/Owner is Khurshed Sharifov, 405 Heritage Hills Drive, Richland, WA 99352.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

None

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-03 closed at 7:04 p.m.**

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 21-03 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Moore seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:06 p.m. for Comprehensive Plan Amendment 21-04/PLN-2021-01415, proposing to approximately 3.1 acres located generally at 8600 W. Clearwater Avenue from Industrial (I) to Commercial (C). Applicant/Owner is Keith Hughes, 8600 W. Clearwater Avenue, Kennewick, WA 99336.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

None

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-04 closed at 7:08 p.m.**

Chairman Morris asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report CPA 21-04 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:10 p.m. for Comprehensive Plan Amendment 21-05/PLN-2021-01357, proposing to change approximately 0.46 acres located generally at 107 E. 16<sup>th</sup> Avenue from Commercial (C) to Medium Density Residential (MDR). Applicant is Chantell Arnold, PO Box 6539, Kennewick, WA 99336. Owner is Columbia Cottages LLC, PO Box 6539, Kennewick, WA 99336.**

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

**Planning Commission questions:**

Most of the development is in the lower right hand area of the proposal.

**Testimony of Applicant/Applicant's Representative:**

None

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-05 closed at 7:13 p.m.**

Chairman Morris asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report CPA 21-05 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:14 p.m. for Comprehensive Plan Amendment 21-06/PLN-2021-01438, proposing to change approximately 14.60 acres located generally at 9496 W. Clearwater Avenue from Commercial (C) to High Density Residential (HDR). Applicant is Nathan Machiela, Knutzen Engineering, 5401 Ridgeline Drive #160, Kennewick, WA 99338. Property owner is Tom & Vicki Solbrack, 2555 W. Hwy 24, Othello, WA 99344.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

Nathan Machiela  
Knutzen Engineering  
5401 Ridgeline Dr. Suite 160  
Kennewick 99338

In support of this proposal; with re-alignment of 10<sup>th</sup> Avenue, the roadway will be able to handle high density development.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-06 closed at 7:19 p.m.**

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 21-06 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Short seconded the motion.

**Planning Commission Discussion:**

Current setbacks, for railroad Right-of-Way line.

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:20 p.m. for Comprehensive Plan Amendment 21-07/PLN-2021-01441, proposing to change approximately 1.76 acres located generally at 1201, 1213, 1221 N. Irving Place from Commercial (C) to Low Density Residential (LDR). Applicant/Owner is Bret Lott, 5710 Castle Holly Court, Pasco, WA 99301.**

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

**Planning Commission questions:**

Is the suggested motion only for the portion of land south of the green line on the map; is the land to the west LDR; will the triangular piece of commercial land be developable; is the green line on the map a lot line; if the triangular commercial lot is created is there access to Canal Drive; are most adjacent property owners to the west.

**Testimony of Applicant/Applicant's Representative:**

Brett Lott  
5710 Castle Holly Court  
Pasco 99301

Thanked staff for help with application; plans for the property are a commercial building for my home builder business on a portion of the parcel, and residential for the remainder mixed with commercial; in favor of proposal.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-07 closed at 7:33 p.m.**

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 21-07 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Mooren seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:35 p.m. for Comprehensive Plan Amendment 21-08/PLN-2021-01480, proposing to change approximately 2.95 acres located generally at 18 W. 12<sup>th</sup> Place Commercial (C) to High Density Residential (HDR). Applicant is Thomas Wei, 2120 N. Road 44, Pasco, WA 99301. Property owner is FSTN, LLC, 2699 N. Road 68, Pasco, WA 99301.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

Rick Simon, Applicant Representative  
98412 Harrington Road  
W. Richland 99354

Here on behalf of Mr. Wei, in favor of proposal.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-08 closed at 7:39 p.m.**

Chairman Morris asked for a motion.

Commissioner Stolle moved to concur with the findings and conclusions in staff report CPA 21-08 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:41 p.m. for Comprehensive Plan Amendment 21-09/PLN-2021-01505, proposing to change approximately 4.58 acres located generally at 8125 Bob Olson Parkway from High Density Residential (HDR) to Commercial (C). Applicant/Owner is Jaycee Structure LLC, 1505 NE Village Street, Fairview, OR 97024.**

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

**Planning Commission questions:**

If there are conditions required for service road and safety coming off Bob Olson Parkway.

**Testimony of Applicant/Applicant's Representative:**

John Fetterolf, Applicant Representative  
7500 W Clearwater Avenue Ste. 8  
Kennewick 99336

Oddly shaped parcel of land, the change will allow owner to better utilize parking, etc;

This is one of three total applications here tonight; net increase planned as part of Bob Olson Parkway; in favor of request.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-09 closed at 7:49 p.m.**

Chairman Morris asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report CPA 21-09 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Short seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:50 p.m. for Comprehensive Plan Amendment 21-10/PLN-2021-01506, proposing to change approximately 8.6 acres located generally at 7723 Bob Olson Parkway from Low Density Residential (LDR) to Commercial (C). Applicant/Owner is Jaycee Structure LLC, 1505 NE Village Street, Fairview, OR 97024.**

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

**Planning Commission questions:**

If there is already surplus commercial zoned land, what is the issue.

**Testimony of Applicant/Applicant's Representative:**

John Fetterolf, Applicant Representative  
7500 W Clearwater Avenue Ste. 8  
Kennewick 99336

In support of the proposed change, this parcel has depths to accommodate large commercial uses.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-10 closed at 7:55 p.m.**

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 21-10 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Moore seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:56 p.m. for Comprehensive Plan Amendment 21-11/PLN-2021-01507, proposing to change approximately 24.04 acres located generally south of 7723 Bob Olson Parkway from Low Density Residential (LDR) to High Density Residential (HDR).**

**Applicant/Owner is Jaycee Structure LLC, 1505 NE Village Street, Fairview, OR 97024.**

Mr. Donovan gave a brief overview of the staff report, entered into record Exhibit A-10 (Alley letter) and A-11 (Pierce letter) and shared a Power Point presentation of the staff report.

**Planning Commission questions:**

Is Exhibit A-11 (Pierce letter) from the Kennewick School District.

**Testimony of Applicant/Applicant's Representative:**

John Fetterolf, Applicant Representative  
7500 W Clearwater Avenue Ste. 8  
Kennewick 99336

For this proposal we are working toward high density apartments surrounding commercial to promote walkable neighborhood; there is a hot market for the property, best use is HDR.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

Chris & Laura Alley  
7080 W. 31<sup>st</sup> Place  
Kennewick

Submitted Exhibit A-10 letter opposing proposal; ultimately at the project level high-density apartments and commercial will negatively impact Kennewick School District and traffic (safety concerns).

**Staff Comments:**

None

**Public Testimony for CPA 21-11 closed at 8:09 p.m.**

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 21-11 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Moore seconded the motion.

**Planning Commission Discussion:**

None

The motion passed 4-1, with Commissioners Moore, Stolle, Helgeson & Short in favor and Commissioner Morris opposed.

**Chairman Morris opened the virtual public hearing at 8:11 p.m. for Comprehensive Plan Amendment 21-12/PLN-2021-01983, proposing comprehensive plan text updates that will address goals and policies related to the nexus and rough proportionality when development exactions are required and mitigation of impacts caused by development. The proposal is not site specific. Applicant is City of Kennewick.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

None – City is Applicant

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-12 closed at 8:16 p.m.**

Chairman Morris asked for a motion.

Commissioner Stolle moved to concur with the findings and conclusions in staff report CPA 21-12 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**OLD BUSINESS:**

- a. **City Council Action Updates** – August 17, 2021 COZ 21-08 goes before City Council, ZOA 21-02 will go to the September City Council meeting.

**NEW BUSINESS:**

None

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

The new Planning Commissioner will be confirmed at the August 17<sup>th</sup> City Council meeting; September 20<sup>th</sup> is the next Planning Commission meeting.

**ADJOURNMENT:**

The meeting adjourned at 8:22 p.m.

# Council Agenda Coversheet



Agenda Item Number	5.c.	Council Date	10/05/2021
Agenda Item Type	Ordinance		
Subject	CPA 21-03 (Sharifov)		
Ordinance/Reso #	5936	Contract #	
Project #	CPA 21-03	Permit #	PLN-2021-01322
Department	Planning		

Consent Agenda	<input type="checkbox"/>
Ordinance/Reso	<input checked="" type="checkbox"/>
Public Mtg / Hrg	<input type="checkbox"/>
Other	<input type="checkbox"/>
Quasi-Judicial	<input type="checkbox"/>

### Recommendation

The Planning Commission recommends approval of CPA 21-03 through the adoption of Ordinance 5936.

### Motion for Consideration

I move to adopt Ordinance 5936.

### Summary

The applicant, Khurshed Sharifov, has requested to change the land use designation of 1.361 acres at a property generally north of W Canal Drive and west of S Grant Street (Parcel # 1-3399-201-1560-002) from Commercial to High Density Residential. Approval of the request will allow for multi-family residential development of the site.

The Planning Commission held a public hearing for this application on 16 August 2021. No testimony or written comments were received either for or against the applicant's request.

The Planning Commission voted unanimously to recommend approval to the City Council.

### Alternatives

None recommended.

### Fiscal Impact

None.

Through	Matt Halitsky Sep 28, 10:32:20 GMT-0700 2021
Dept Head Approval	Anthony Muai Sep 28, 16:03:20 GMT-0700 2021
City Mgr Approval	Marie Mosley Oct 01, 14:32:30 GMT-0700 2021

Attachments:

Ordinance
Staff Report
PC Action Summary
PC Minutes

Recording  
Required?

CITY OF KENNEWICK  
ORDINANCE NO. 5936

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

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

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

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

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

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

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

**Section 2.** The property is legally described as follows:

**Commercial to High Density Residential**

SHORT PLAT #1560, LOT 2.

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

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

\_\_\_\_\_  
STEVE LEE, Mayor Pro Tem

Attest:

\_\_\_\_\_  
TERRI L. WRIGHT, City Clerk

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

Approved as to Form:

\_\_\_\_\_  
LISA BEATON, City Attorney

\_\_\_\_\_  
TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION \_\_\_\_\_

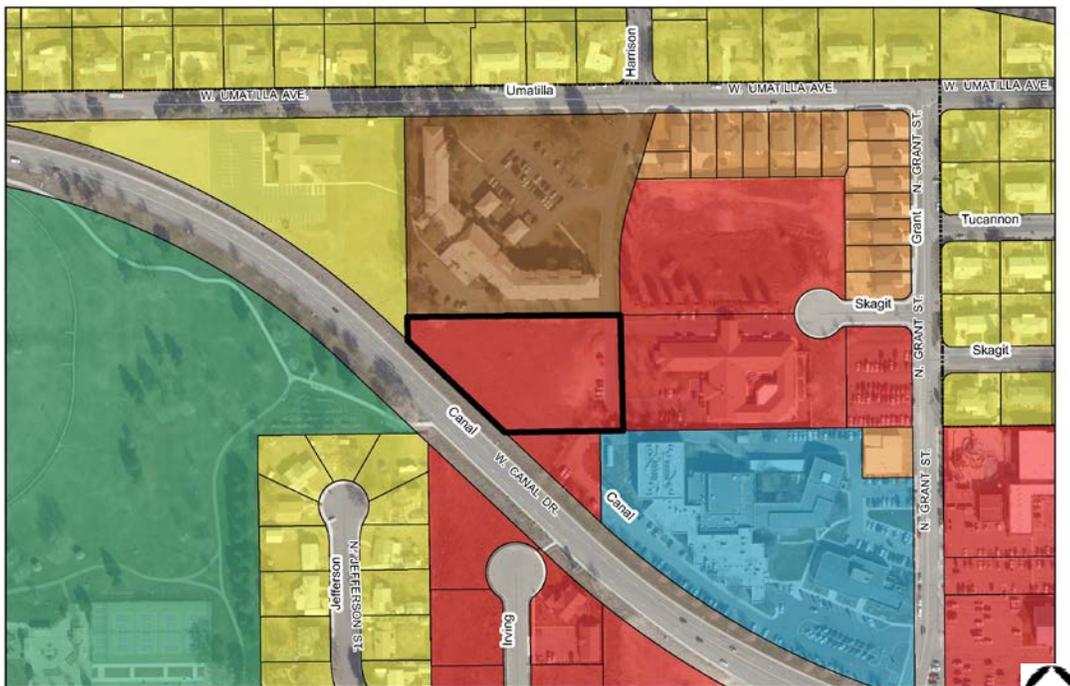


### Comprehensive Plan Amendment 21-03

**REQUEST:** Change the land use designation of 1.36 acres from Commercial (C) to High Density Residential (HDR)

**APPLICANT:** Khurshed Sharifov

**OWNER:** Khurshed Sharifov



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

- |                         |                            |            |                 |
|-------------------------|----------------------------|------------|-----------------|
| Open Space              | Medium Density Residential | Mixed Use  | Industrial      |
| Low Density Residential | High Density Residential   | Commercial | Public Facility |



*Not to scale*

**SITE INFORMATION**

- **Size:** 1.36 acres
- **Location:** Address TBD (W Canal between Grant and Umatilla)
- **Topography:** Relatively Flat
- **Existing Comprehensive Plan Designation:** Commercial
- **Existing Zoning:** Commercial, Office (CO)
- **Existing Land Use:** Vacant

**EXHIBITS**

- **Exhibit A-1:** Aerial Map
- **Exhibit A-2:** Land Use Map
- **Exhibit A-3:** Application
- **Exhibit A-4:** Environmental Determination

**APPLICATION PROCESS**

- Application Submitted 22 April 2021
- Application routed for comments 16 June 2021
- Determination of Non-Significance was issued on 1 July 2021
- Appeal Period for the DNS ended 15 July 2021
- A property posting sign notifying the public of a public hearing on this request was posted on the site on 29 July 2021
- Notice of Hearing published 1 August 2021
- Notice of Hearing mailed 29 July 2021

**SURROUNDING COMPREHENSIVE PLAN, ZONING AND LAND USES**

North	Comprehensive Plan – High Density Residential Zoning – Residential, High (RH) Existing Land Uses – Assisted Living
South	Comprehensive Plan –Commercial Zoning –Commercial, Office (CO) Existing Land Uses –Small Vacant Parcel, with a Model Home Office and Additional Vacant Parcels Across W Canal
East	Comprehensive Plan – Commercial Zoning – Public Facility (PF) Existing Land Uses – Benton Franklin Juvenile Center
West	Comprehensive Plan – Open Space Zoning – Open Space (OS) Existing Land Uses – Lawrence Scott Park

**REGULATORY CONTROLS**

- City of Kennewick Comprehensive Plan
- Kennewick Municipal Code Title 4
- Kennewick Municipal Code Title 18

**DESCRIPTION OF REQUEST**

The applicant requests to change 1.36 acres from Commercial to High Density Residential.

**COMPLIANCE WITH TITLE 4 (ADMINISTRATIVE PROCEDURES)**

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

1. The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment;  
The proposed amendment will not allow the property to be rezoned to a zoning district that will permit uses which may have the potential to negatively impact the public health, safety, welfare and protection of the environment.
2. The proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City’s adopted comprehensive plan not affected by the amendment;  
This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City’s adopted comprehensive plan not affected by the amendment.

3. The proposed amendment corrects an obvious mapping error; or  
This request does not correct a mapping error.
4. The proposed amendment addresses an identified deficiency in the Comprehensive Plan.  
The proposed amendment does not address an identified deficiency in the Comprehensive Plan.

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

1. The effect upon the physical environment;  
The proposal will allow for a vacant parcel to be developed with a multi-family residential housing development, similar to the adjacent zoning and land use designation to the north. New construction shall be consistent with the adopted Multi-family Design Standards.
2. The effect on open space and natural features including, but not limited to topography, streams, rivers, and lakes;  
As the site does not contain any designated open space or critical areas, there will be little effect if any on open space or natural features. There are adequate measures within the Kennewick Municipal Code to mitigate any possible impacts to the natural environment; there are no sensitive natural features on site. A large amount of open space exists to the west with Lawrence Scott Park.
3. The compatibility with and impact on adjacent land uses and surrounding neighborhoods;  
The proposal is consistent with existing land use patterns to the north. A public park is located to the west while a government facility is located to the east. The proposed development will not detract from either.  
  
As indicated above, new development will be required to meet the adopted Multi-family Design Standards, which mandate landscaping and lighting requirements to minimize impacts to adjacent properties.
4. The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools;  
The future use of the property will determine the adequacy and impact on community facilities. Currently, public amenities such as water and transit exist along W Canal Drive adjacent to the subject property. Sewer is located near the access easement from W Umatilla Avenue to the parcel. Neither the Public Works nor the Fire Departments have commented on the proposed application. Both will have an opportunity to comment and require upgrades once a future development application is submitted.
5. The quantity and location of land planned for the proposed land use type and density and the demand for such land;  
Comprehensive Plan Table 2: Land Inventory indicates the City has a deficit of 159 acres of land designated as High Density Residential, while a surplus of 91.5 acres exists as Commercial. With High Density Residential existing to the north of the subject property, and public amenities nearby, the property appears appropriate for multi-family residential development.
6. The current and projected project density in the area; and  
The subject property is currently zoned Commercial, Office and is vacant, along with other similarly zoned and vacant property to the south. The proposed designation will allow residential development at 27 units per acre. Thus, a maximum of 37 units could potentially be built on the subject property.
7. The effect, if any upon other aspects of the Comprehensive Plan.

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

#### **PUBLIC COMMENT**

Staff has received no public comment concerning the proposal to date.

#### **AGENCY COMMENTS**

In a letter dated 29 June 2021, the Washington Department of Archaeology and Historic Preservation requested a cultural resources survey of the subject property prior to any ground disturbing activities due to the proximity to the Columbia River and a high probability of encountering cultural material.

#### **ANALYSIS OF REQUEST**

The applicant proposes to change the land use designation of the subject property from Commercial to High Density Residential to accommodate a future multi-family residential development. The property, along with others to the south across West Canal Drive, are currently zoned Commercial, Office, which has resulted in little development interest. Surrounding land use includes a county juvenile corrections facility to the east and an existing assisted living facility to the north. Lawrence Scott Park is located to the west of the subject property. With the presence of the park, along with public transit along W Canal Drive, the property appears appropriate for a multi-family residential development. New construction will be required to be consistent with the Multi-family Design Standards, which provide landscaping and lighting requirements, among others, to help minimize impacts to surrounding properties.

To date, no public comment has been received either for or against the applicant's proposal.

#### **FINDINGS**

1. The applicant is Khurshed Sharifov, 405 Heritage Hills Drive, Richland, WA 99352.
2. The owner is also Khurshed Sharifov, 405 Heritage Hills Drive, Richland, WA 99352.
3. The request is to change the land use designation for the subject parcel from Commercial to High Density Residential.
4. The application was received on 22 April 2021 and was routed for review to various City Departments and other local, state and federal agencies for comment on 16 June 2021.
5. The site is currently served by City water from W Canal Drive and sewer is available via easement from W Umatilla Ave.
6. Access to the site is currently provided via easement from W Umatilla Ave.
7. The proposed amendment is adjacent to High Density Residential, Commercial, and Public Facility designated lands.
8. A Determination of Non-Significance was issued on 1 July 2021 for this application. The appeal period for the determination ended on 15 July 2021.
9. A public hearing notification sign was posted on site 29 July 2021.
10. Notice of the public hearing for this application was published in the Tri-City Herald on 1 August 2021. Notices were also mailed to property owners within 300 feet of the site on 29 July 2021.
11. The proposed amendment bears a relationship to the public health, safety, welfare and protection of the environment in that it will result in a residential zoning district that prohibits uses with the potential to negatively impact the public health, safety, welfare and protection of the environment.

12. This proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
13. The proposed amendment does not correct an obvious mapping error.
14. This request will not address an identified deficiency in the Comprehensive Plan.

#### **CONCLUSIONS**

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation for the subject parcel from Commercial to High Density Residential.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will permit and increase population densities in the area.
5. Future development of the site has the potential to affect the traffic and park system. Park and Traffic Impact Fees will be determined by the type of development and assessed at the time of development.
6. Access to the site will be provided via easement from W Umatilla Avenue.

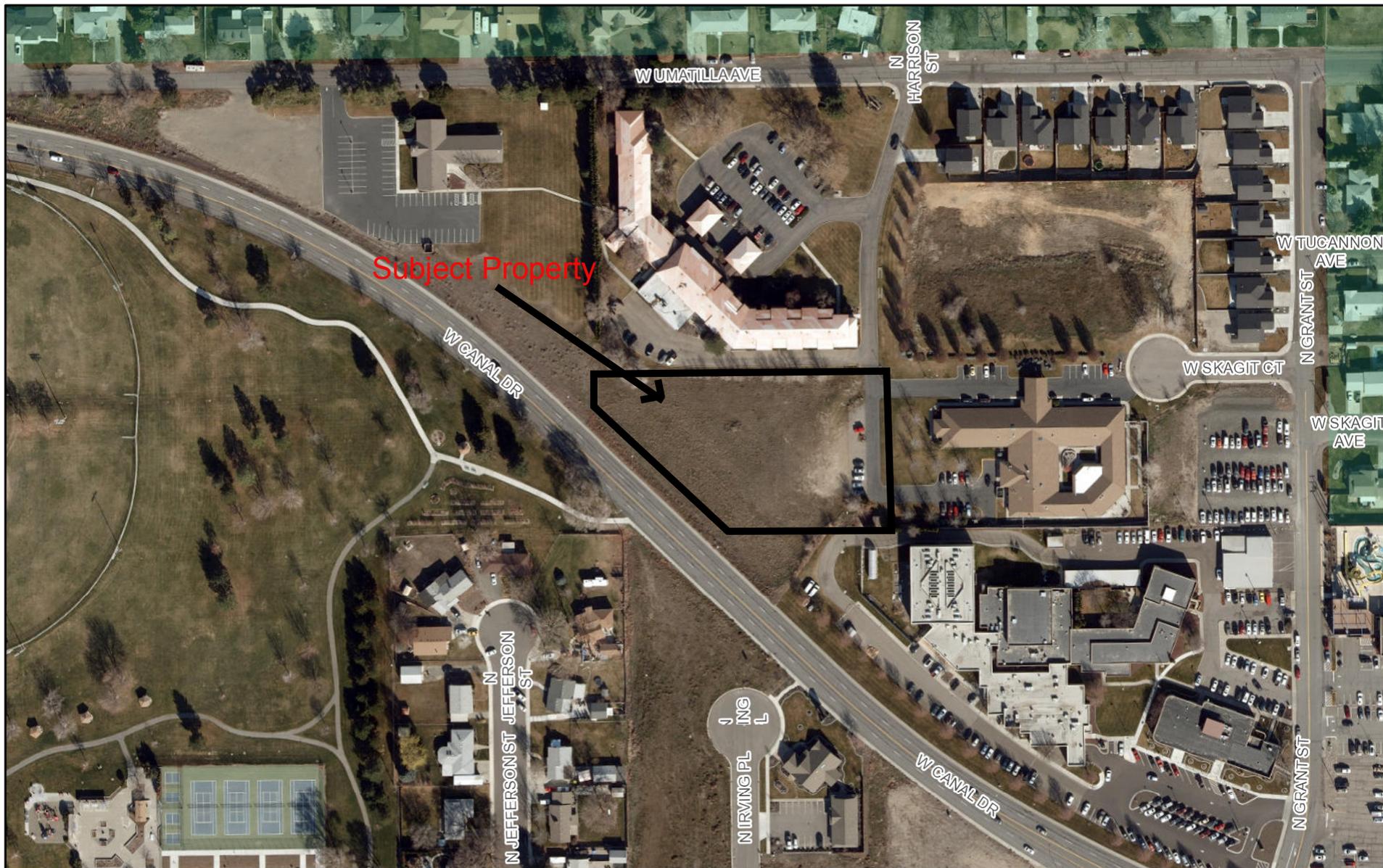
#### **Recommendation**

Staff recommends that the Planning Commission concur with the findings and conclusions of CPA 21-03 contained in the staff report and recommend approval to City Council.

#### **Motion**

I move that the Planning Commission concur with the findings and conclusions of CPA 21-03 contained in the staff report and recommend to City Council approval of the request.

# Aerial Map



August 5, 2021

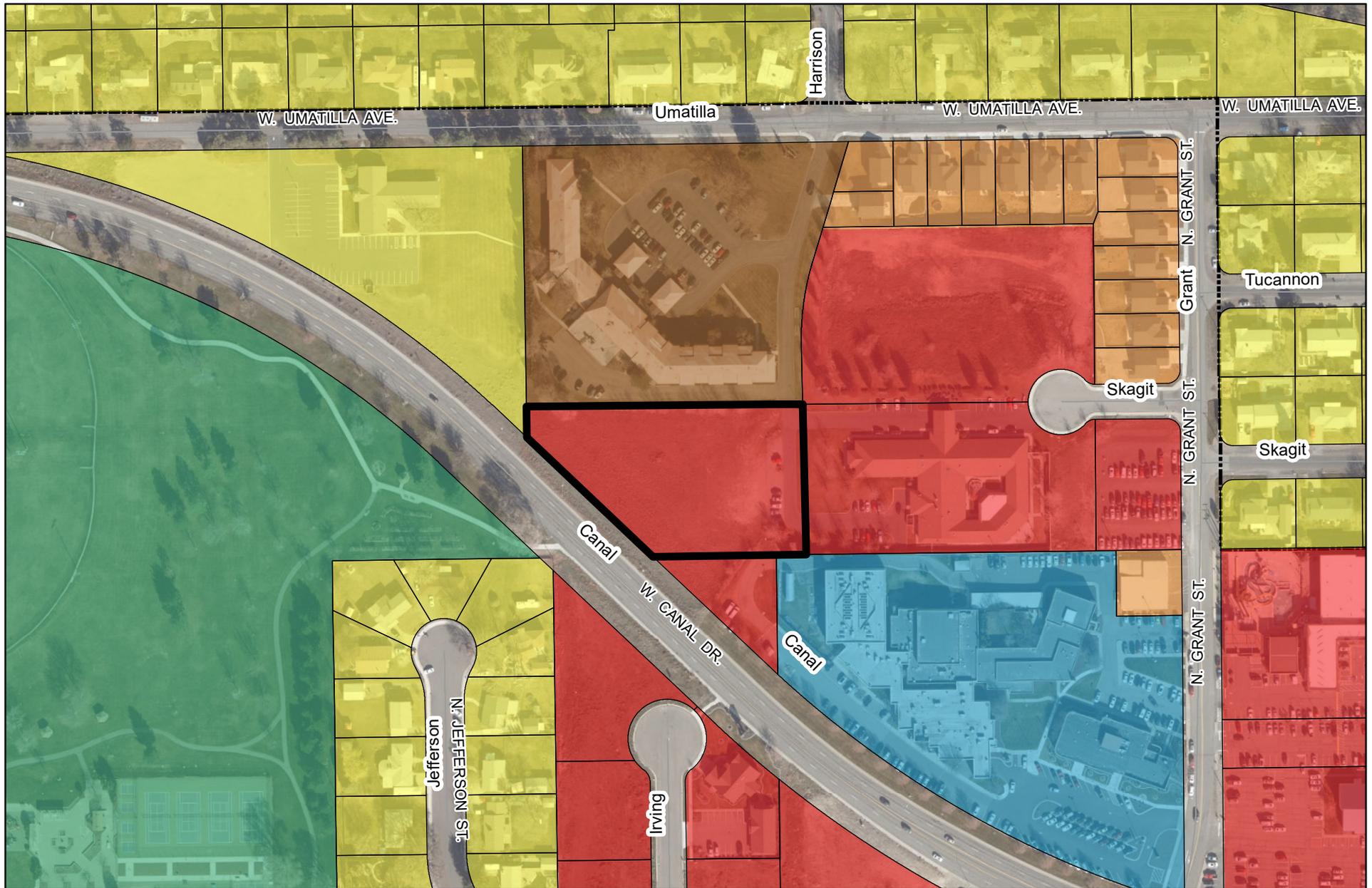
This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

- StreetName
- SV\_CI\_RICHLAND\_10
- SurveyCityLimits
- SV\_CI\_COUNTY\_10
- SV\_CI\_KENNEWICK\_10
- SurveyUrbanGrowthBoundary



1 inch = 200 feet  
 0 0.0175 0.035 0.07 mi  
 0 0.0275 0.055 0.11 km

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



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

- |  |  |  |   |
|--|--|--|---|
|  Open Space              |  Medium Density Residential |  Mixed Use  |  Industrial      |
|  Low Density Residential |  High Density Residential   |  Commercial |  Public Facility |



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

PROJECT # \_\_\_\_\_ - \_\_\_\_\_ PLN- 2021 - 01322 FEE \$ \_\_\_\_\_

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

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

Site Plan Tier 1  Tier 2  Tier 3  Binding Site Plan   
Short Plat  Conditional Use  Other Comprehensive Plan Ammendment

Environmental Determination PLN- \_\_\_\_\_ - \_\_\_\_\_ Pre Application Meeting PLN- \_\_\_\_\_ - \_\_\_\_\_

Applicant: Khurshed Sharifov

Address: 405 Heritage Hills Drive, Richland, WA 99352

Telephone: \_\_\_\_\_ Cell Phone: (509)539-7158 Fax: \_\_\_\_\_ E-mail: khurshed.sharifov@gmail.com

Property Owner (if other than applicant): Same as applicant

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ E-mail: khurshed.sharifov@gmail.com

**SITE INFORMATION**

Parcel No. 133992011560002 Acres 1.36 Zoning: CO

Address of property: Undertermined

Number of Existing Parking Spaces None Number of Proposed (New) Parking Spaces Unknown

Present use of property Commercial

Size of existing structure: None sq. ft. Size of Proposed addition/New structure: Unknown sq. ft.

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

Benton County Assessor Market Improvement Value: \$200,000

Description of Project: To change the zoning of the property from commercial to high density residential and build an apartment building

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

Khurshed Sharifov  
Applicant's Signature

Khurshed Sharifov  
Signature of owner or owner's authorized representative

Date: 04/20/2021

## Comprehensive Plan Amendment Supplemental Information

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

1. State the requested amendment:  
To change from commercial to high density residential zone
  
2. What are the reasons for the requested amendment:  
According to the City of Kennewick's 20 year Comprehensive Plan, there is shortage of high density residential acreages within the city.
  
3. Which elements of the Comprehensive Plan will be affected and how. Include detailed information on the provision of utilities such as water, sewer, power, etc., and how such utilities correspond with the City's various utility plans. Detailed information must also be submitted regarding what effect the proposed change will have on such services as fire, police, parks, schools, etc:  
The proposed change will positively impact the Land use and High Density Residential Elements of the Comprehensive Plan. The property is located within the city limits and will be connected to existing city utility services, such as water, sewer and power. The proposed change may have an increase impact on Fire and Police services in line with similar existing high density residential areas.
  
4. Indicate how the requested amendment will implement the Comprehensive Plan and be in the best interest of the Kennewick area, reference specific Comprehensive Plan policies that will be implemented:  
The requested change is inline with Kennewick's Comprehensive Plan Land Use goals where it will add to the needed acreage in the high density residential area. The development is within urban growth area's and as such will be utilizing existing utility services as per the Comprehensive plan.
  
5. Include any other substantiated information in support of the requested amendment:  
Within the Land Use section of the Comprehensive plan, some of the goals that City of Kennewick has identified are: Goal #1, Provide for attractive, walkable and well designed residential neighborhoods with differing densities and compatible with neighboring areas. This request meets this goal by placing a high density residential area within other types of residential dwellings. In addition, the property is adjacent to Canal Drive, which is one of the arterial streets and it is close to transit and shopping. This is also in line with Goal #4 , which is to provide more housing opportunities near commercial, transit and employment. The property is located no too far from Columbia Center Mall and Shops on Canal Drive. It is also within walking distance from future Vista Field Development.



Community Planning Department

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

DETERMINATION OF NON-SIGNIFICANCE

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

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

PROPONENT: Kurshed Sharifov

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

LEAD AGENCY: City of Kennewick

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

- There is no comment period for this DNS.
This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.
This DNS is issued under 197-11-340(2); the City will not act on this proposal for fifteen days from the date below. Comments must be submitted by 7/16/21. After the review period has elapsed, all comments received will be evaluated and the DNS will be retained, modified, or withdrawn as required by SEPA regulations.

RESPONSIBLE OFFICIAL: Anthony Muai, AICP
POSITION/TITLE: Interim Community Planning Director
ADDRESS: 210 W 6th Ave., P.O. Box 6108, Kennewick, WA 99336
PHONE: (509) 585-4386

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

This DNS is subject to the following condition:

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

Date: 1 July 2021 Signature: [Handwritten 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.

## **Planning Commission Action Summary**

### **CPA 21-03 – Khurshed Sharifov**

The Kennewick Planning Commission conducted a virtual public hearing on 16 August 2021. All interested parties were notified to come before the Commission and be heard. After reviewing the staff report and all oral and written facts and opinions, the Commission passed a motion on the proposed Comprehensive Plan Amendment, concurring with the findings and conclusions in the staff report CPA 21-03 and recommends to City Council approval of the proposed Comprehensive Plan Amendment contained in the staff report.

### **Findings of Fact**

1. The applicant is Khurshed Sharifov, 405 Heritage Hills Drive, Richland, WA 99352.
2. The owner is also Khurshed Sharifov, 405 Heritage Hills Drive, Richland, WA 99352.
3. The request is to change the land use designation for the subject parcel from Commercial to High Density Residential.
4. The application was received on 22 April 2021 and was routed for review to various City Departments and other local, state and federal agencies for comment on 16 June 2021.
5. The site is currently served by City water from W Canal Drive and sewer is available via easement from W Umatilla Ave.
6. Access to the site is currently provided via easement from W Umatilla Ave.
7. The proposed amendment is adjacent to High Density Residential, Commercial, and Public Facility designated lands.
8. A Determination of Non-Significance was issued on 1 July 2021 for this application. The appeal period for the determination ended on 15 July 2021.
9. A public hearing notification sign was posted on site 29 July 2021.
10. Notice of the public hearing for this application was published in the Tri-City Herald on 1 August 2021. Notices were also mailed to property owners within 300 feet of the site on 29 July 2021.
11. The proposed amendment bears a relationship to the public health, safety, welfare and protection of the environment in that it will result in a residential zoning district that prohibits uses with the potential to negatively impact the public health, safety, welfare and protection of the environment.
12. This proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
13. The proposed amendment does not correct an obvious mapping error.
14. This request will not address an identified deficiency in the Comprehensive Plan.

## **Conclusions of Law**

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation for the subject parcel from Commercial to High Density Residential.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will permit and increase population densities in the area.
5. Future development of the site has the potential to affect the traffic and park system. Park and Traffic Impact Fees will be determined by the type of development and assessed at the time of development.
6. Access to the site will be provided via easement from W Umatilla Avenue.

The motion to recommend Approval to City Council passed with a vote of 5 to 0.

**KENNEWICK PLANNING COMMISSION**  
**August 16, 2021**  
**VIRTUAL MEETING MINUTES**

**CALL TO ORDER**

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

Chairman Morris led the Pledge of Allegiance.

Chairman Morris made the following statement:

“Tonight’s meeting will be conducted through an online, virtual meeting platform. Planning Commissioners and staff are joining us remotely in order to comply with Governor Inslee’s Proclamation 20.28.4 as it relates to the Open Public Meeting Act during the COVID-19 State of Emergency. Should an individual Planning Commissioner become unexpectedly disconnected from the Webinar, please rejoin the meeting at your first opportunity. The record will reflect your attendance. The meeting will proceed so long as a quorum of Planning Commissioners are present. Please activate your mute button at the bottom of your computer screen when not speaking”.

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

Present: Commissioners Ken Short, Thomas Helgeson, Anthony Moore, Vice Chairman Clark Stolle, Chairman Victor Morris.

Excused: Commissioner James Hempstead.

Unexcused: None

Staff Present: Anthony Muai, AICP Interim Planning Director; Steve Donovan, AICP Senior Planner, Matt Halitsky, Planner, Melinda Didier, Community Planning Administrative Assistant/Recorder.

Chairman Morris made the following statement:

“Next item is the Approval of the Consent Agenda; Interim Planning Director Anthony Muai has submitted a memo with the agenda packet recommending Item 3.a. (COZ 21-09) be removed from the agenda.”

Mr. Muai read the memo, which stated in part that the applicant for COZ 21-09 has withdrawn the zone change permit.

Chairman Morris continued:

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

Commissioner Helgeson moved to remove Item 3.a. COZ 21-09 from the agenda; Commissioner Moore seconded the motion. The motion passed unanimously on a roll call vote.

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

## **CONSENT AGENDA**

- a. Approval of Agenda (as amended)
- b. Approval of August 2, 2021 Minutes
- c. Motion to enter Staff Reports into the Record

## **PUBLIC HEARINGS**

**Chairman Morris opened the virtual public hearing at 6:44 p.m. for Comprehensive Plan Amendment 21-01/PLN-2021-00781, proposing to change approximately 0.6887 acres located generally at 1831 W. 19<sup>th</sup> Avenue from Low Density Residential (LDR) to Medium Density Residential (MDR). Applicant and owner is Jeffrey Robbins.**

Mr. Halitsky gave a brief overview of the staff report, and shared a Power Point presentation of the staff report. Mr. Halitsky entered Exhibit A-5 (Torvik comment letter) into the record.

### **Planning Commission questions:**

None

### **Testimony of Applicant/Applicant's Representative:**

Jeffrey Robbins  
290 Moore Rd.  
Pasco

Applicant in support of proposal; intends to build one/two duplexes; only has a few rentals.

### **Webinar Participant Comments:**

#### **Testimony in Favor of the Request:**

None

#### **Testimony Neutral/Against the Request:**

None

### **Staff Comments:**

None

**Public Testimony for CPA 21-01 closed at 6:51 p.m.**

Chairman Morris asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report CPA 21-01 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 6:52 p.m. for Comprehensive Plan Amendment 21-02/PLN-2021-01128, proposing to change approximately 0.96 acres located generally at 3321 W. 10th Avenue from Low Density Residential (LDR) to Medium Density Residential (MDR). Applicant is Tami Johnson, Creekstone Senior Living, 3321 W. 10th Avenue, Kennewick, WA 99338. Property owner is Creekstone Holdings, LLC, 3321 W. 10th Avenue, Kennewick, WA, 99338.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

Tami Johnson, Creekstone Senior Living  
3321 W. 10th Avenue  
Kennewick 99338

Applicant in support of proposal; application is to try to bring assisted living facility into zoning compliance with addressing.

**Webinar Participant Comments:**

Tiffanie Kiki, Creekstone Holdings, LLC  
3321 W. 10th Avenue  
Kennewick 99338

In support of proposal to attain zoning compliance.

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-02 closed at 6:57 p.m.**

Chairman Morris asked for a motion.

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

Commissioner Moore seconded the motion.

**Planning Commission Discussion:**

On the map Exhibit 1 doesn't say RS, findings going from LDR to MDR.

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:01 p.m. for Comprehensive Plan Amendment 21-03/PLN-2021-01322, proposing to change approximately 1.36 acres located generally at W. Canal Drive between Grant and Umatilla Streets from Commercial (C) to High Density Residential (HDR). Applicant/Owner is Khurshed Sharifov, 405 Heritage Hills Drive, Richland, WA 99352.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

None

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-03 closed at 7:04 p.m.**

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 21-03 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Moore seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:06 p.m. for Comprehensive Plan Amendment 21-04/PLN-2021-01415, proposing to approximately 3.1 acres located generally at 8600 W. Clearwater Avenue from Industrial (I) to Commercial (C). Applicant/Owner is Keith Hughes, 8600 W. Clearwater Avenue, Kennewick, WA 99336.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

None

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-04 closed at 7:08 p.m.**

Chairman Morris asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report CPA 21-04 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:10 p.m. for Comprehensive Plan Amendment 21-05/PLN-2021-01357, proposing to change approximately 0.46 acres located generally at 107 E. 16<sup>th</sup> Avenue from Commercial (C) to Medium Density Residential (MDR). Applicant is Chantell Arnold, PO Box 6539, Kennewick, WA 99336. Owner is Columbia Cottages LLC, PO Box 6539, Kennewick, WA 99336.**

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

**Planning Commission questions:**

Most of the development is in the lower right hand area of the proposal.

**Testimony of Applicant/Applicant's Representative:**

None

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-05 closed at 7:13 p.m.**

Chairman Morris asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report CPA 21-05 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:14 p.m. for Comprehensive Plan Amendment 21-06/PLN-2021-01438, proposing to change approximately 14.60 acres located generally at 9496 W. Clearwater Avenue from Commercial (C) to High Density Residential (HDR). Applicant is Nathan Machiela, Knutzen Engineering, 5401 Ridgeline Drive #160, Kennewick, WA 99338. Property owner is Tom & Vicki Solbrack, 2555 W. Hwy 24, Othello, WA 99344.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

Nathan Machiela  
Knutzen Engineering  
5401 Ridgeline Dr. Suite 160  
Kennewick 99338

In support of this proposal; with re-alignment of 10<sup>th</sup> Avenue, the roadway will be able to handle high density development.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-06 closed at 7:19 p.m.**

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 21-06 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Short seconded the motion.

**Planning Commission Discussion:**

Current setbacks, for railroad Right-of-Way line.

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:20 p.m. for Comprehensive Plan Amendment 21-07/PLN-2021-01441, proposing to change approximately 1.76 acres located generally at 1201, 1213, 1221 N. Irving Place from Commercial (C) to Low Density Residential (LDR). Applicant/Owner is Bret Lott, 5710 Castle Holly Court, Pasco, WA 99301.**

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

**Planning Commission questions:**

Is the suggested motion only for the portion of land south of the green line on the map; is the land to the west LDR; will the triangular piece of commercial land be developable; is the green line on the map a lot line; if the triangular commercial lot is created is there access to Canal Drive; are most adjacent property owners to the west.

**Testimony of Applicant/Applicant’s Representative:**

Brett Lott  
5710 Castle Holly Court  
Pasco 99301

Thanked staff for help with application; plans for the property are a commercial building for my home builder business on a portion of the parcel, and residential for the remainder mixed with commercial; in favor of proposal.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-07 closed at 7:33 p.m.**

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 21-07 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Mooren seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:35 p.m. for Comprehensive Plan Amendment 21-08/PLN-2021-01480, proposing to change approximately 2.95 acres located generally at 18 W. 12<sup>th</sup> Place Commercial (C) to High Density Residential (HDR). Applicant is Thomas Wei, 2120 N. Road 44, Pasco, WA 99301. Property owner is FSTN, LLC, 2699 N. Road 68, Pasco, WA 99301.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

Rick Simon, Applicant Representative  
98412 Harrington Road  
W. Richland 99354

Here on behalf of Mr. Wei, in favor of proposal.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-08 closed at 7:39 p.m.**

Chairman Morris asked for a motion.

Commissioner Stolle moved to concur with the findings and conclusions in staff report CPA 21-08 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:41 p.m. for Comprehensive Plan Amendment 21-09/PLN-2021-01505, proposing to change approximately 4.58 acres located generally at 8125 Bob Olson Parkway from High Density Residential (HDR) to Commercial (C). Applicant/Owner is Jaycee Structure LLC, 1505 NE Village Street, Fairview, OR 97024.**

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

**Planning Commission questions:**

If there are conditions required for service road and safety coming off Bob Olson Parkway.

**Testimony of Applicant/Applicant's Representative:**

John Fetterolf, Applicant Representative  
7500 W Clearwater Avenue Ste. 8  
Kennewick 99336

Oddly shaped parcel of land, the change will allow owner to better utilize parking, etc;

This is one of three total applications here tonight; net increase planned as part of Bob Olson Parkway; in favor of request.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-09 closed at 7:49 p.m.**

Chairman Morris asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report CPA 21-09 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Short seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:50 p.m. for Comprehensive Plan Amendment 21-10/PLN-2021-01506, proposing to change approximately 8.6 acres located generally at 7723 Bob Olson Parkway from Low Density Residential (LDR) to Commercial (C). Applicant/Owner is Jaycee Structure LLC, 1505 NE Village Street, Fairview, OR 97024.**

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

**Planning Commission questions:**

If there is already surplus commercial zoned land, what is the issue.

**Testimony of Applicant/Applicant's Representative:**

John Fetterolf, Applicant Representative  
7500 W Clearwater Avenue Ste. 8  
Kennewick 99336

In support of the proposed change, this parcel has depths to accommodate large commercial uses.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-10 closed at 7:55 p.m.**

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 21-10 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Moore seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:56 p.m. for Comprehensive Plan Amendment 21-11/PLN-2021-01507, proposing to change approximately 24.04 acres located generally south of 7723 Bob Olson Parkway from Low Density Residential (LDR) to High Density Residential (HDR).**

**Applicant/Owner is Jaycee Structure LLC, 1505 NE Village Street, Fairview, OR 97024.**

Mr. Donovan gave a brief overview of the staff report, entered into record Exhibit A-10 (Alley letter) and A-11 (Pierce letter) and shared a Power Point presentation of the staff report.

**Planning Commission questions:**

Is Exhibit A-11 (Pierce letter) from the Kennewick School District.

**Testimony of Applicant/Applicant's Representative:**

John Fetterolf, Applicant Representative  
7500 W Clearwater Avenue Ste. 8  
Kennewick 99336

For this proposal we are working toward high density apartments surrounding commercial to promote walkable neighborhood; there is a hot market for the property, best use is HDR.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

Chris & Laura Alley  
7080 W. 31<sup>st</sup> Place  
Kennewick

Submitted Exhibit A-10 letter opposing proposal; ultimately at the project level high-density apartments and commercial will negatively impact Kennewick School District and traffic (safety concerns).

**Staff Comments:**

None

**Public Testimony for CPA 21-11 closed at 8:09 p.m.**

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 21-11 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Moore seconded the motion.

**Planning Commission Discussion:**

None

The motion passed 4-1, with Commissioners Moore, Stolle, Helgeson & Short in favor and Commissioner Morris opposed.

**Chairman Morris opened the virtual public hearing at 8:11 p.m. for Comprehensive Plan Amendment 21-12/PLN-2021-01983, proposing comprehensive plan text updates that will address goals and policies related to the nexus and rough proportionality when development exactions are required and mitigation of impacts caused by development. The proposal is not site specific. Applicant is City of Kennewick.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

None – City is Applicant

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-12 closed at 8:16 p.m.**

Chairman Morris asked for a motion.

Commissioner Stolle moved to concur with the findings and conclusions in staff report CPA 21-12 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**OLD BUSINESS:**

- a. **City Council Action Updates** – August 17, 2021 COZ 21-08 goes before City Council, ZOA 21-02 will go to the September City Council meeting.

**NEW BUSINESS:**

None

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

The new Planning Commissioner will be confirmed at the August 17<sup>th</sup> City Council meeting; September 20<sup>th</sup> is the next Planning Commission meeting.

**ADJOURNMENT:**

The meeting adjourned at 8:22 p.m.

# Council Agenda Coversheet



Agenda Item Number	5.d.	Council Date	10/05/2021
Agenda Item Type	Ordinance		
Subject	CPA 21-04 (Hughes)		
Ordinance/Reso #	5937	Contract #	
Project #	CPA 21-04	Permit #	PLN-2021-01415
Department	Planning		

Consent Agenda	<input type="checkbox"/>
Ordinance/Reso	<input checked="" type="checkbox"/>
Public Mtg / Hrg	<input type="checkbox"/>
Other	<input type="checkbox"/>
Quasi-Judicial	<input type="checkbox"/>

## Recommendation

The Planning Commission recommends approval of CPA 21-04 through adoption of Ordinance 5937.

## Motion for Consideration

I move to adopt Ordinance 5937.

## Summary

The applicant, Keith Hughes, has requested to change the land use designation of 3.12 acres at 8600 W Clearwater Avenue from Industrial to Commercial. Approval of the request will allow for commercial development of the property.

The Planning Commission held a public hearing for this application on 16 August 2021. At the hearing, no testimony or written comments were received either for or against the applicant's request.

The Planning Commission voted unanimously to recommend approval to the City Council.

## Alternatives

None recommended.

## Fiscal Impact

None.

Through	Matt Halitsky Sep 28, 10:44:31 GMT-0700 2021
Dept Head Approval	Anthony Muai Sep 28, 16:05:06 GMT-0700 2021
City Mgr Approval	Marie Mosley Oct 01, 08:24:33 GMT-0700 2021

Attachments:

Ordinance
Staff Report
PC Action Summary
PC Minutes

Recording Required?

CITY OF KENNEWICK  
ORDINANCE NO. 5937

AN ORDINANCE AMENDING THE CITY OF KENNEWICK'S COMPREHENSIVE  
PLAN (CPA 21-04, HUGHES)

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

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

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

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

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

1. CPA 21-04 – 3.1 acres located at 8600 and 8840 W Clearwater Avenue (Industrial to Commercial).

**Section 2.** The property is legally described as follows:

**Industrial to Commercial**

THE WEST 100.00 FEET OF LOT 2, SHORT PLAT NO. 1788, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER AUDITOR'S FILE NO. 1992-008768, RECORDS OF BENTON COUNTY, WASHINGTON, EXCEPT THAT PORTION THEREOF CONVEYED TO BENTON COUNTY FOR ROAD PURPOSES BY INSTRUMENT RECORDED UNDER AUDITOR'S FILE NO. 1995-003490, RECORDS OF SAID COUNTY AND STATE.

TOGETHER WITH LOT 3 OF SAID SHORT PLAT NO. 1788.

TOGETHER WITH LOT 4 OF SAID SHORT PLAT NO. 1788, EXCEPT THOSE PORTIONS CONVEYED TO THE CITY OF KENNEWICK BY INSTRUMENTS RECORDED UNDER AUDITOR'S FILE NO'S 2012-003442 AND 2012-004495, RECORDS OF SAID COUNTY AND STATE.

CONTAINS 3.12 ACRES MORE OR LESS.

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

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

\_\_\_\_\_  
STEVE LEE, Mayor Pro Tem

Attest:

ORDINANCE NO. 5937 filed and recorded  
in the office of the City Clerk of the City of  
Kennewick, Washington this 6<sup>th</sup> day of  
October, 2021.

\_\_\_\_\_  
TERRI L. WRIGHT, City Clerk

Approved as to Form:

\_\_\_\_\_  
LISA BEATON, City Attorney

\_\_\_\_\_  
TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION \_\_\_\_\_

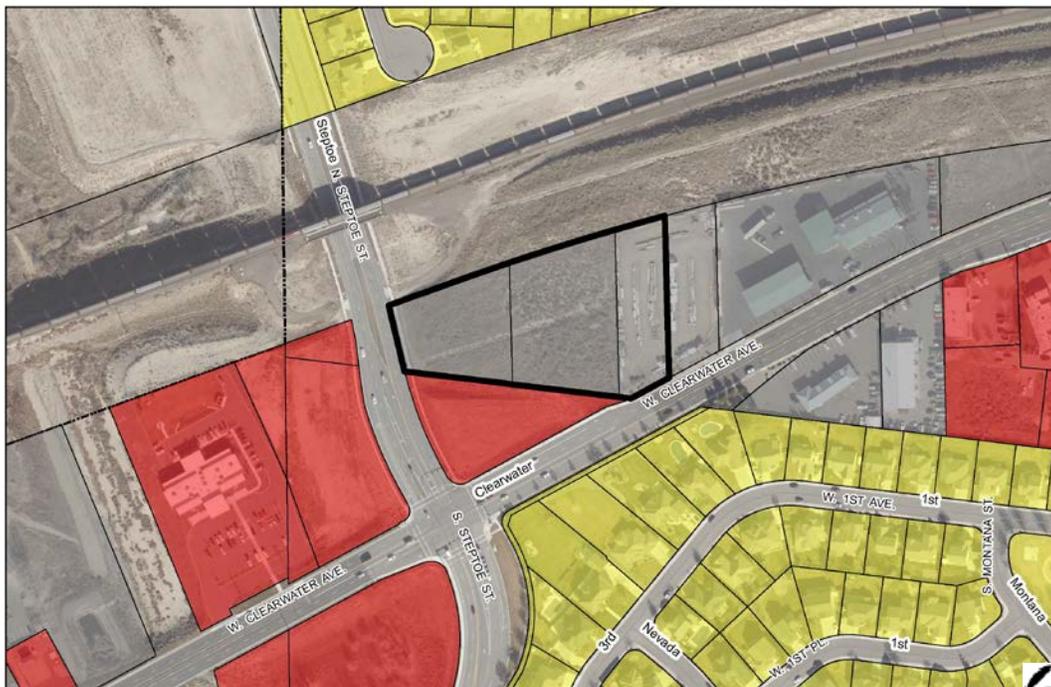


### Comprehensive Plan Amendment 21-04

**REQUEST:** Change the land use designation of 3.1 acres from Industrial (I) to Commercial (C).

**APPLICANT:** Keith Hughes

**OWNER:** Keith Hughes



CPA 21-04/PLN-2021-01415 Land Use Map

Open Space	Medium Density Residential	Mixed Use	Industrial
Low Density Residential	High Density Residential	Commercial	Public Facility



*Not to scale*

**SITE INFORMATION**

- **Size:** 3.1 acres
- **Location:** Approx. 8600 W Clearwater Ave
- **Topography:** Relatively Flat
- **Existing Comprehensive Plan Designation:** Industrial
- **Existing Zoning:** Industrial, Light (IL)
- **Existing Land Use:** Vacant

**EXHIBITS**

- **Exhibit A-1:** Aerial Map
- **Exhibit A-2:** Land Use Map
- **Exhibit A-3:** Application
- **Exhibit A-4:** Environmental Determination

**APPLICATION PROCESS**

- Application Submitted 27 April 2021
- Application routed for comments 29 June 2021
- Determination of Non-Significance was issued on 15 July 2021
- Appeal Period for the DNS ended 29 July 2021
- A property posting sign notifying the public of a public hearing on this request was posted on the site on 29 July 2021
- Notice of Hearing published 1 August 2021
- Notice of Hearing mailed 29 July 2021

**SURROUNDING COMPREHENSIVE PLAN, ZONING AND LAND USES**

North	Comprehensive Plan – Railroad ROW, with Low Density Residential Beyond Zoning – Railroad ROW, with Residential, Low (RL) Beyond Existing Land Uses – Railroad, with Single-family Residential Beyond
South	Comprehensive Plan –Commercial, with Low Density Residential Beyond Across W Clearwater Ave Zoning –Industrial, Light (IL), with Residential, Low (RL) Beyond Across W Clearwater Ave Existing Land Uses –Vacant, with Single-family Residential Beyond Across W Clearwater Ave
East	Comprehensive Plan – Industrial Zoning – Industrial, Light (IL) Existing Land Uses – Lumber Yard
West	Comprehensive Plan – Commercial Zoning – Industrial, Light (IL), with Commercial, Community (CC) Beyond Existing Land Uses – The Corner Lot is Vacant, with a Medical Clinic to the West

**REGULATORY CONTROLS**

- City of Kennewick Comprehensive Plan
- Kennewick Municipal Code Title 4
- Kennewick Municipal Code Title 18

**DESCRIPTION OF REQUEST**

The applicant requests to change 3.1 acres from Industrial to Commercial.

**COMPLIANCE WITH TITLE 4 (ADMINISTRATIVE PROCEDURES)**

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

1. The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment;  
The proposed amendment will allow the property to be rezoned to a zoning district that has less potential to negatively impact the public health, safety, welfare and protection of the environment than what it is currently zoned.
2. The proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City’s adopted comprehensive plan not affected by the amendment;  
This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City’s adopted comprehensive plan not affected by the amendment.

3. The proposed amendment corrects an obvious mapping error; or  
This request does not correct a mapping error.
4. The proposed amendment addresses an identified deficiency in the Comprehensive Plan.  
The proposed amendment does not address an identified deficiency in the Comprehensive Plan.

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

1. The effect upon the physical environment;  
The proposal will allow for a vacant parcel to be rezoned and developed with a commercial use, more consistent with the low-density residential and commercial development that characterizes W Clearwater Ave near this location.
2. The effect on open space and natural features including, but not limited to topography, streams, rivers, and lakes;  
As the site does not contain any designated open space or critical areas, there will be little effect if any on open space or natural features. There are adequate measures within the Kennewick Municipal Code to mitigate any possible impacts to the natural environment; there are no sensitive natural features on site.
3. The compatibility with and impact on adjacent land uses and surrounding neighborhoods;  
Though designated as Industrial in the past, the proposal is consistent with the contemporary development of the area with single-family residential neighborhoods supported by newer, commercial development and services along W Clearwater Avenue. The zoning, and ultimate uses allowed by a Commercial land use designation, are more congruous with these residential neighborhoods than those permitted if left as Industrial, reducing the potential for nuisance from industrial sources.  
  
In addition, new development will be required to meet the adopted Commercial Design Standards, which mandate landscaping and lighting requirements to minimize impacts to adjacent properties.
4. The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools;  
The future use of the property will determine the adequacy and impact on community facilities. Currently, public amenities such as water and sewer exist along W Clearwater Avenue adjacent to the subject property. Water is also available via N Steptoe Street. The Public Works Department has indicated that, depending on the proposed future use, a traffic analysis may be required. Both Public Works and the Fire Department will have an opportunity to comment and require upgrades once a future development application is submitted.
5. The quantity and location of land planned for the proposed land use type and density and the demand for such land;  
Comprehensive Plan Table 2: Land Inventory indicates the City has a deficit of 774.5 acres of land designated as Industrial, while a surplus of 91.5 acres exists as Commercial. That said, the 2016 City of Kennewick Industrial Zoned Land Assessment indicates that although demand is high for industrial land, generally parcels larger than five acres are the most desirable for new industrial development. With Low Density Residential existing to the north and south of the subject property, and Commercial to support these neighborhoods nearby, the roughly 3-acre property at the intersection of W Clearwater Avenue and N Steptoe Street appears appropriate for Commercial.
6. The current and projected project density in the area; and

The proposal to change the land use designation from Industrial to Commercial will not directly impact density in the area. Additional commercial development will support the growth of residential neighborhoods in the area. As indicated above, Public Works has indicated that, depending on the ultimate development proposed, a traffic analysis may be required to mitigate the potential for increased congestion at the Clearwater/Steptoe intersection.

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

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

**PUBLIC COMMENT**

Staff has received no public comment concerning the proposal to date.

**AGENCY COMMENTS**

Staff has received no comment from outside agencies to date.

**ANALYSIS OF REQUEST**

The applicant proposes to change the land use designation of the subject property from Industrial to Commercial. Per the applicant, if successful these parcels along with the corner lot will be rezoned to accommodate a multi-pad commercial development.

Though land designated as Industrial adjacent to the railroad ROW makes sense, the property never developed as such. More recent development in the vicinity, including single-family neighborhoods and commercial to support those communities, has changed the character of the area in recent years. Industrial development in this area may no longer be the best use of the land, as noise and odors from industrial uses may be undesirable to nearby residential neighborhoods.

According to the City of Kennewick Industrial Zoned Land Assessment of 2016, though there is continued demand for industrial land in the area, not all land designated as industrial is the same. The specific requirements for those higher-intensity uses requires more acreage, and parcels greater than 5 acres are considered the most desirable. This may be one reason the subject property continues to remain vacant, as it is slightly over 3 acres in size.

Goal 3 (Section 2: Land Use-Commercial) of the Comprehensive Plan recommends creating a balanced system of commercial facilities reflecting neighborhood, community, and regional needs. Among the policies of this section of the Comprehensive Plan is to provide appropriate commercial areas for neighborhoods and to provide neighborhood commercial centers in strategic locations to serve surrounding neighborhoods. The subject property is adjacent to an existing corner lot designated as commercial, and is poised to provide additional commercial services to the growing neighborhoods along this stretch of W Clearwater Avenue.

To date, no public comment has been received either for or against the applicant's proposal.

**FINDINGS**

1. The applicant is Keith Hughes, 8600 W Clearwater Ave, Kennewick, WA 99336.
2. The owner is also Keith Hughes, 8600 W Clearwater Ave, Kennewick, WA 99336.
3. The request is to change the land use designation for the subject parcel from Industrial to Commercial.
4. The application was received on 27 April 2021 and was routed for review to various City Departments and other local, state and federal agencies for comment on 29 June 2021.

5. The site is currently served by City water and sewer from W Clearwater Avenue.
6. Access to the site is currently provided via W Clearwater Avenue.
7. The proposed amendment is adjacent to Commercial, Industrial, and Low Density Residential beyond.
8. A Determination of Non-Significance was issued on 15 July 2021 for this application. The appeal period for the determination ended on 29 July 2021.
9. A public hearing notification sign was posted on site 29 July 2021.
10. Notice of the public hearing for this application was published in the Tri-City Herald on 1 August 2021. Notices were also mailed to property owners within 300 feet of the site on 29 July 2021.
11. The proposed amendment bears a relationship to the public health, safety, welfare and protection of the environment in that it will allow the property to be rezoned to a zoning district that has less potential to negatively impact the public health, safety, welfare and protection of the environment than what it is currently zoned.
12. This proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
13. The proposed amendment does not correct an obvious mapping error.
14. This request will not address an identified deficiency in the Comprehensive Plan.

#### **CONCLUSIONS**

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation for the subject parcel from Industrial to Commercial.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will not effectively increase population densities in the area.
5. Future development of the site has the potential to affect the traffic and park system. Park and Traffic Impact Fees will be determined by the type of development and assessed at the time of development.
6. Access to the site will be provided via W Clearwater Avenue.

#### **Recommendation**

Staff recommends that the Planning Commission concur with the findings and conclusions of CPA 21-04 contained in the staff report and recommend approval to City Council.

#### **Motion**

I move that the Planning Commission concur with the findings and conclusions of CPA 21-04 contained in the staff report and recommend to City Council approval of the request.

# Aerial Map



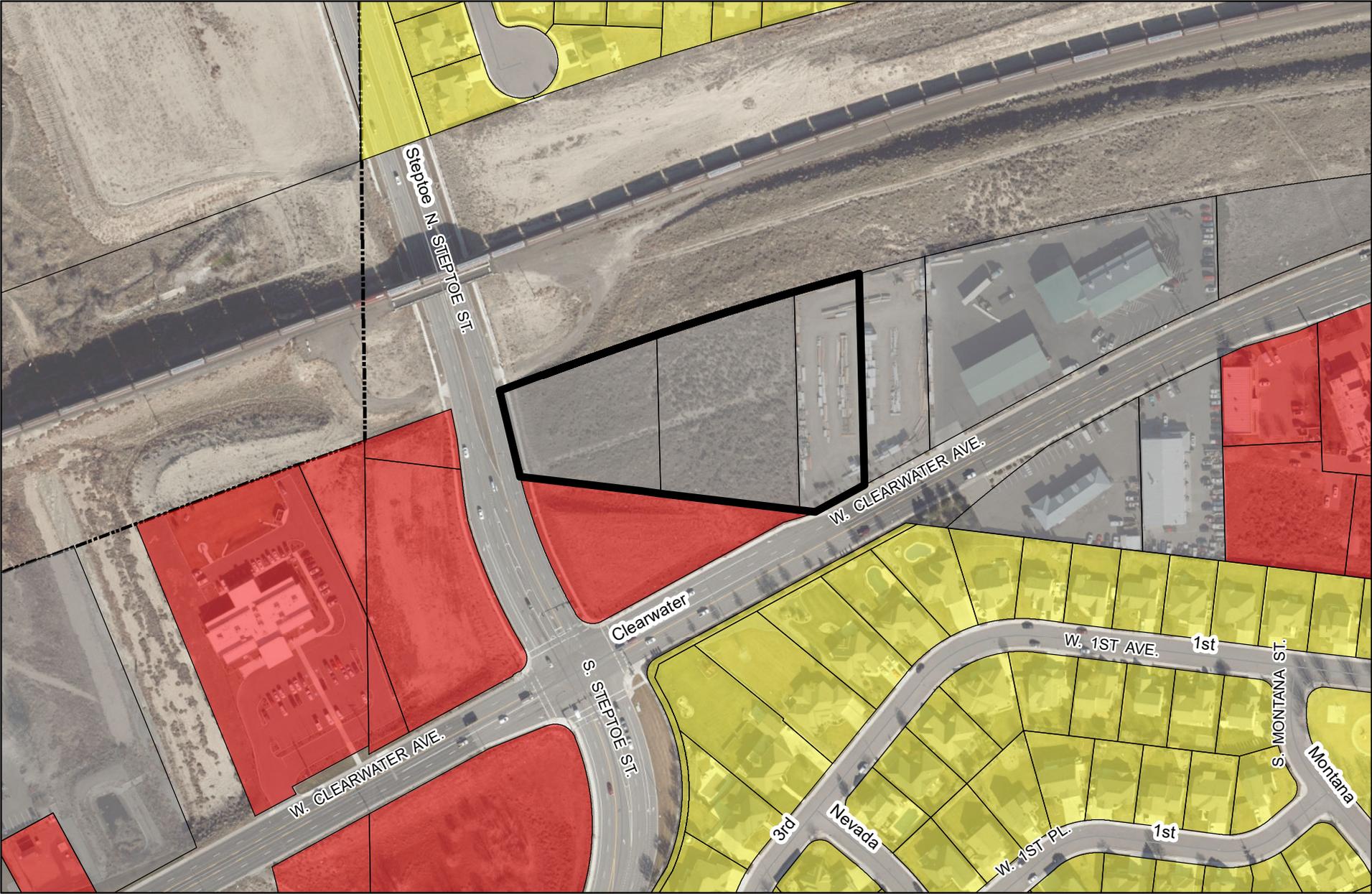
August 6, 2021 This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

- StreetName
- SV\_CI\_RICHLAND\_10
- SurveyCityLimits
- SV\_CI\_COUNTY\_10
- SV\_CI\_KENNEWICK\_10
- SurveyUrbanGrowthBoundary



1 inch = 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.,



CPA 21-04/PLN-2021-01415 Land Use Map

- |  |  |  |   |
|--|--|--|---|
|  Open Space              |  Medium Density Residential |  Mixed Use  |  Industrial      |
|  Low Density Residential |  High Density Residential   |  Commercial |  Public Facility |



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

PROJECT # \_\_\_\_\_ - \_\_\_\_\_ PLN- \_\_\_\_\_ - \_\_\_\_\_ FEE \$ 1,094.00

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

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

Site Plan Tier 1  Tier 2  Tier 3  Binding Site Plan   
Short Plat  Conditional Use  Other Comprehensive Plan Amendment

Environmental Determination PLN- \_\_\_\_\_ - \_\_\_\_\_ Pre Application Meeting PLN- \_\_\_\_\_ - \_\_\_\_\_

Applicant: Keith Hughes

Address: 8600 W. Clearwater Avenue, Kennewick, WA 99336

Telephone: (509) 521-9595 Cell Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: Hughes.Keith49@yahoo.com

Property Owner (if other than applicant): see attached Owner list

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ E-mail \_\_\_\_\_

**SITE INFORMATION**

Parcel No. see attached Property List Acres \_\_\_\_\_ Zoning: \_\_\_\_\_

Address of property: \_\_\_\_\_

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

Present use of property Vacant/container lot

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

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

[Benton County Assessor Market Improvement Value](#): see attached Property List

Description of Project: The request is for an amendment to the Comprehensive Plan designation from Industrial to Commercial for parcels -88006, -88003 and -88002. Parcel 106893BP4740003 already has a Comp Plan designation of C, but will need to be rezoned with the other three parcels from IL to CC.

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

*Keith Hughes*  
Applicant's Signature

*Keith Hughes*  
Signature of owner or owner's authorized representative

Date: 4/27/2021

## Comprehensive Plan Amendment Supplemental Information

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

1. State the requested amendment:

The request is to amend the Comprehensive Plan designation from Industrial to Commercial for parcels 106892011788006, -88003 and the western half of -88002 ("Lot 2"). After the Comp Plan Amendment, the applicant will request a rezone of these parcels and parcel 106893BP4740003 from IL to CC. This Amendment does not include Lot 1 and the east half of Lot 2, which have the same address as the subject parcels; these are to remain I/IL.

2. What are the reasons for the requested amendment:

The property owner requests a redesignation from Industrial to Commercial for three parcels to match the current Comp Plan designation of the corner lot (#106893BP4740003), allow rezone of all four lots to Community Commercial, and to provide adequate area for viably-configured commercial pads. The subject site will be a good candidate for commercial development to serve recent and ongoing residential development in the area.

3. Which elements of the Comprehensive Plan will be affected and how. Include detailed information on the provision of utilities such as water, sewer, power, etc., and how such utilities correspond with the City's various utility plans. Detailed information must also be submitted regarding what effect the proposed change will have on such services as fire, police, parks, schools, etc:

City utilities and infrastructure are in place to serve the existing parcels. Water, sewer and storm systems are present in the adjacent roads. The proposed change in use from Industrial to Commercial will most likely result in insignificant differences in impact to existing utility capacities and city services.

4. Indicate how the requested amendment will implement the Comprehensive Plan and be in the best interest of the Kennewick area, reference specific Comprehensive Plan policies that will be implemented:

The requested amendment represents a de minimus change to the amounts of Industrial and Commercial acreage in Kennewick. The requested Comp Plan change would take 3.1 acres out of 787.5 total industrial acres, and add 3.1 acres to 1,982.1 total commercial acres. This represents a 0.4% reduction in total industrial acreage, and a 0.2% increase in total commercial acreage. The proposed amendment would implement Commercial Goal 3, Policy 1, in that it would provide commercial property appropriately sized and scaled to serve the surrounding community.

5. Include any other substantiated information in support of the requested amendment:

The requested amendment will be in the best interest of Kennewick by responding to changing conditions in the Clearwater-Steptoe area. Residential, open space and non-industrial businesses are all increasing in the area around this intersection. There appears to be a need for a commercial node at the intersection of Clearwater Ave and Steptoe St. to serve the increase in residential development in the area. Also, newer development along Clearwater has transitioned to providing more commercial services, likely due to the same trend in residential growth in the area.



Community Planning Department

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

DETERMINATION OF NON-SIGNIFICANCE

FILE/PROJECT NUMBER: ED 21-15 / PLN-2021-01417; CPA 21-04 / PLN-2021-01415

DESCRIPTION OF PROPOSAL: Change the land use designation of the subject property from Industrial to Commercial.

PROPONENT: Keith Hughes

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: 8600 W Clearwater 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: 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: 15 July 2021

Signature:

[Handwritten 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.

## **Planning Commission Action Summary**

### **CPA 21-04 – Keith Hughes**

The Kennewick Planning Commission conducted a virtual public hearing on 16 August 2021. All interested parties were notified to come before the Commission and be heard. After reviewing the staff report and all oral and written facts and opinions, the Commission passed a motion on the proposed Comprehensive Plan Amendment, concurring with the findings and conclusions in the staff report CPA 21-04 and recommends to City Council approval of the proposed Comprehensive Plan Amendment contained in the staff report.

### **Findings of Fact**

1. The applicant is Keith Hughes, 8600 W Clearwater Ave, Kennewick, WA 99336.
2. The owner is also Keith Hughes, 8600 W Clearwater Ave, Kennewick, WA 99336.
3. The request is to change the land use designation for the subject parcel from Industrial to Commercial.
4. The application was received on 27 April 2021 and was routed for review to various City Departments and other local, state and federal agencies for comment on 29 June 2021.
5. The site is currently served by City water and sewer from W Clearwater Avenue.
6. Access to the site is currently provided via W Clearwater Avenue.
7. The proposed amendment is adjacent to Commercial, Industrial, and Low Density Residential beyond.
8. A Determination of Non-Significance was issued on 15 July 2021 for this application. The appeal period for the determination ended on 29 July 2021.
9. A public hearing notification sign was posted on site 29 July 2021.
10. Notice of the public hearing for this application was published in the Tri-City Herald on 1 August 2021. Notices were also mailed to property owners within 300 feet of the site on 29 July 2021.
11. The proposed amendment bears a relationship to the public health, safety, welfare and protection of the environment in that it will allow the property to be rezoned to a zoning district that has less potential to negatively impact the public health, safety, welfare and protection of the environment than what it is currently zoned.
12. This proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
13. The proposed amendment does not correct an obvious mapping error.
14. This request will not address an identified deficiency in the Comprehensive Plan.

### **Conclusions of Law**

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation for the subject parcel from Industrial to Commercial.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will not effectively increase population densities in the area.
5. Future development of the site has the potential to affect the traffic and park system. Park and Traffic Impact Fees will be determined by the type of development and assessed at the time of development.
6. Access to the site will be provided via W Clearwater Avenue.

The motion to recommend Approval to City Council passed with a vote of 5 to 0.

**KENNEWICK PLANNING COMMISSION**  
**August 16, 2021**  
**VIRTUAL MEETING MINUTES**

**CALL TO ORDER**

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

Chairman Morris led the Pledge of Allegiance.

Chairman Morris made the following statement:

“Tonight’s meeting will be conducted through an online, virtual meeting platform. Planning Commissioners and staff are joining us remotely in order to comply with Governor Inslee’s Proclamation 20.28.4 as it relates to the Open Public Meeting Act during the COVID-19 State of Emergency. Should an individual Planning Commissioner become unexpectedly disconnected from the Webinar, please rejoin the meeting at your first opportunity. The record will reflect your attendance. The meeting will proceed so long as a quorum of Planning Commissioners are present. Please activate your mute button at the bottom of your computer screen when not speaking”.

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

Present: Commissioners Ken Short, Thomas Helgeson, Anthony Moore, Vice Chairman Clark Stolle, Chairman Victor Morris.

Excused: Commissioner James Hempstead.

Unexcused: None

Staff Present: Anthony Muai, AICP Interim Planning Director; Steve Donovan, AICP Senior Planner, Matt Halitsky, Planner, Melinda Didier, Community Planning Administrative Assistant/Recorder.

Chairman Morris made the following statement:

“Next item is the Approval of the Consent Agenda; Interim Planning Director Anthony Muai has submitted a memo with the agenda packet recommending Item 3.a. (COZ 21-09) be removed from the agenda.”

Mr. Muai read the memo, which stated in part that the applicant for COZ 21-09 has withdrawn the zone change permit.

Chairman Morris continued:

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

Commissioner Helgeson moved to remove Item 3.a. COZ 21-09 from the agenda; Commissioner Moore seconded the motion. The motion passed unanimously on a roll call vote.

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

## **CONSENT AGENDA**

- a. Approval of Agenda (as amended)
- b. Approval of August 2, 2021 Minutes
- c. Motion to enter Staff Reports into the Record

## **PUBLIC HEARINGS**

**Chairman Morris opened the virtual public hearing at 6:44 p.m. for Comprehensive Plan Amendment 21-01/PLN-2021-00781, proposing to change approximately 0.6887 acres located generally at 1831 W. 19<sup>th</sup> Avenue from Low Density Residential (LDR) to Medium Density Residential (MDR). Applicant and owner is Jeffrey Robbins.**

Mr. Halitsky gave a brief overview of the staff report, and shared a Power Point presentation of the staff report. Mr. Halitsky entered Exhibit A-5 (Torvik comment letter) into the record.

### **Planning Commission questions:**

None

### **Testimony of Applicant/Applicant's Representative:**

Jeffrey Robbins  
290 Moore Rd.  
Pasco

Applicant in support of proposal; intends to build one/two duplexes; only has a few rentals.

### **Webinar Participant Comments:**

#### **Testimony in Favor of the Request:**

None

#### **Testimony Neutral/Against the Request:**

None

#### **Staff Comments:**

None

**Public Testimony for CPA 21-01 closed at 6:51 p.m.**

Chairman Morris asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report CPA 21-01 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 6:52 p.m. for Comprehensive Plan Amendment 21-02/PLN-2021-01128, proposing to change approximately 0.96 acres located generally at 3321 W. 10th Avenue from Low Density Residential (LDR) to Medium Density Residential (MDR). Applicant is Tami Johnson, Creekstone Senior Living, 3321 W. 10th Avenue, Kennewick, WA 99338. Property owner is Creekstone Holdings, LLC, 3321 W. 10th Avenue, Kennewick, WA, 99338.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

Tami Johnson, Creekstone Senior Living  
3321 W. 10th Avenue  
Kennewick 99338

Applicant in support of proposal; application is to try to bring assisted living facility into zoning compliance with addressing.

**Webinar Participant Comments:**

Tiffanie Kiki, Creekstone Holdings, LLC  
3321 W. 10th Avenue  
Kennewick 99338

In support of proposal to attain zoning compliance.

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-02 closed at 6:57 p.m.**

Chairman Morris asked for a motion.

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

Commissioner Moore seconded the motion.

**Planning Commission Discussion:**

On the map Exhibit 1 doesn't say RS, findings going from LDR to MDR.

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:01 p.m. for Comprehensive Plan Amendment 21-03/PLN-2021-01322, proposing to change approximately 1.36 acres located generally at W. Canal Drive between Grant and Umatilla Streets from Commercial (C) to High Density Residential (HDR). Applicant/Owner is Khurshed Sharifov, 405 Heritage Hills Drive, Richland, WA 99352.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

None

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-03 closed at 7:04 p.m.**

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 21-03 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Moore seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:06 p.m. for Comprehensive Plan Amendment 21-04/PLN-2021-01415, proposing to approximately 3.1 acres located generally at 8600 W. Clearwater Avenue from Industrial (I) to Commercial (C). Applicant/Owner is Keith Hughes, 8600 W. Clearwater Avenue, Kennewick, WA 99336.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

None

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-04 closed at 7:08 p.m.**

Chairman Morris asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report CPA 21-04 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:10 p.m. for Comprehensive Plan Amendment 21-05/PLN-2021-01357, proposing to change approximately 0.46 acres located generally at 107 E. 16<sup>th</sup> Avenue from Commercial (C) to Medium Density Residential (MDR). Applicant is Chantell Arnold, PO Box 6539, Kennewick, WA 99336. Owner is Columbia Cottages LLC, PO Box 6539, Kennewick, WA 99336.**

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

**Planning Commission questions:**

Most of the development is in the lower right hand area of the proposal.

**Testimony of Applicant/Applicant's Representative:**

None

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-05 closed at 7:13 p.m.**

Chairman Morris asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report CPA 21-05 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:14 p.m. for Comprehensive Plan Amendment 21-06/PLN-2021-01438, proposing to change approximately 14.60 acres located generally at 9496 W. Clearwater Avenue from Commercial (C) to High Density Residential (HDR). Applicant is Nathan Machiela, Knutzen Engineering, 5401 Ridgeline Drive #160, Kennewick, WA 99338. Property owner is Tom & Vicki Solbrack, 2555 W. Hwy 24, Othello, WA 99344.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

Nathan Machiela  
Knutzen Engineering  
5401 Ridgeline Dr. Suite 160  
Kennewick 99338

In support of this proposal; with re-alignment of 10<sup>th</sup> Avenue, the roadway will be able to handle high density development.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-06 closed at 7:19 p.m.**

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 21-06 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Short seconded the motion.

**Planning Commission Discussion:**

Current setbacks, for railroad Right-of-Way line.

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:20 p.m. for Comprehensive Plan Amendment 21-07/PLN-2021-01441, proposing to change approximately 1.76 acres located generally at 1201, 1213, 1221 N. Irving Place from Commercial (C) to Low Density Residential (LDR). Applicant/Owner is Bret Lott, 5710 Castle Holly Court, Pasco, WA 99301.**

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

**Planning Commission questions:**

Is the suggested motion only for the portion of land south of the green line on the map; is the land to the west LDR; will the triangular piece of commercial land be developable; is the green line on the map a lot line; if the triangular commercial lot is created is there access to Canal Drive; are most adjacent property owners to the west.

**Testimony of Applicant/Applicant's Representative:**

Brett Lott  
5710 Castle Holly Court  
Pasco 99301

Thanked staff for help with application; plans for the property are a commercial building for my home builder business on a portion of the parcel, and residential for the remainder mixed with commercial; in favor of proposal.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-07 closed at 7:33 p.m.**

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 21-07 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Mooren seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:35 p.m. for Comprehensive Plan Amendment 21-08/PLN-2021-01480, proposing to change approximately 2.95 acres located generally at 18 W. 12<sup>th</sup> Place Commercial (C) to High Density Residential (HDR). Applicant is Thomas Wei, 2120 N. Road 44, Pasco, WA 99301. Property owner is FSTN, LLC, 2699 N. Road 68, Pasco, WA 99301.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

Rick Simon, Applicant Representative  
98412 Harrington Road  
W. Richland 99354

Here on behalf of Mr. Wei, in favor of proposal.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-08 closed at 7:39 p.m.**

Chairman Morris asked for a motion.

Commissioner Stolle moved to concur with the findings and conclusions in staff report CPA 21-08 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:41 p.m. for Comprehensive Plan Amendment 21-09/PLN-2021-01505, proposing to change approximately 4.58 acres located generally at 8125 Bob Olson Parkway from High Density Residential (HDR) to Commercial (C). Applicant/Owner is Jaycee Structure LLC, 1505 NE Village Street, Fairview, OR 97024.**

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

**Planning Commission questions:**

If there are conditions required for service road and safety coming off Bob Olson Parkway.

**Testimony of Applicant/Applicant's Representative:**

John Fetterolf, Applicant Representative  
7500 W Clearwater Avenue Ste. 8  
Kennewick 99336

Oddly shaped parcel of land, the change will allow owner to better utilize parking, etc;

This is one of three total applications here tonight; net increase planned as part of Bob Olson Parkway; in favor of request.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-09 closed at 7:49 p.m.**

Chairman Morris asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report CPA 21-09 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Short seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:50 p.m. for Comprehensive Plan Amendment 21-10/PLN-2021-01506, proposing to change approximately 8.6 acres located generally at 7723 Bob Olson Parkway from Low Density Residential (LDR) to Commercial (C). Applicant/Owner is Jaycee Structure LLC, 1505 NE Village Street, Fairview, OR 97024.**

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

**Planning Commission questions:**

If there is already surplus commercial zoned land, what is the issue.

**Testimony of Applicant/Applicant's Representative:**

John Fetterolf, Applicant Representative  
7500 W Clearwater Avenue Ste. 8  
Kennewick 99336

In support of the proposed change, this parcel has depths to accommodate large commercial uses.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-10 closed at 7:55 p.m.**

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 21-10 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Moore seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**Chairman Morris opened the virtual public hearing at 7:56 p.m. for Comprehensive Plan Amendment 21-11/PLN-2021-01507, proposing to change approximately 24.04 acres located generally south of 7723 Bob Olson Parkway from Low Density Residential (LDR) to High Density Residential (HDR).**

**Applicant/Owner is Jaycee Structure LLC, 1505 NE Village Street, Fairview, OR 97024.**

Mr. Donovan gave a brief overview of the staff report, entered into record Exhibit A-10 (Alley letter) and A-11 (Pierce letter) and shared a Power Point presentation of the staff report.

**Planning Commission questions:**

Is Exhibit A-11 (Pierce letter) from the Kennewick School District.

**Testimony of Applicant/Applicant's Representative:**

John Fetterolf, Applicant Representative  
7500 W Clearwater Avenue Ste. 8  
Kennewick 99336

For this proposal we are working toward high density apartments surrounding commercial to promote walkable neighborhood; there is a hot market for the property, best use is HDR.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

Chris & Laura Alley  
7080 W. 31<sup>st</sup> Place  
Kennewick

Submitted Exhibit A-10 letter opposing proposal; ultimately at the project level high-density apartments and commercial will negatively impact Kennewick School District and traffic (safety concerns).

**Staff Comments:**

None

**Public Testimony for CPA 21-11 closed at 8:09 p.m.**

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 21-11 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Moore seconded the motion.

**Planning Commission Discussion:**

None

The motion passed 4-1, with Commissioners Moore, Stolle, Helgeson & Short in favor and Commissioner Morris opposed.

**Chairman Morris opened the virtual public hearing at 8:11 p.m. for Comprehensive Plan Amendment 21-12/PLN-2021-01983, proposing comprehensive plan text updates that will address goals and policies related to the nexus and rough proportionality when development exactions are required and mitigation of impacts caused by development. The proposal is not site specific. Applicant is City of Kennewick.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

None – City is Applicant

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-12 closed at 8:16 p.m.**

Chairman Morris asked for a motion.

Commissioner Stolle moved to concur with the findings and conclusions in staff report CPA 21-12 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

**OLD BUSINESS:**

- a. **City Council Action Updates** – August 17, 2021 COZ 21-08 goes before City Council, ZOA 21-02 will go to the September City Council meeting.

**NEW BUSINESS:**

None

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

The new Planning Commissioner will be confirmed at the August 17<sup>th</sup> City Council meeting; September 20<sup>th</sup> is the next Planning Commission meeting.

**ADJOURNMENT:**

The meeting adjourned at 8:22 p.m.

# Council Agenda Coversheet



Agenda Item Number	5.e.	Council Date	10/05/2021
Agenda Item Type	Ordinance		
Subject	CPA 21-06 (Knutzen Engineering)		
Ordinance/Reso #	5939	Contract #	
Project #	CPA 21-06	Permit #	PLN-2021-01438
Department	Planning		

Consent Agenda	<input type="checkbox"/>
Ordinance/Reso	<input checked="" type="checkbox"/>
Public Mtg / Hrg	<input type="checkbox"/>
Other	<input type="checkbox"/>
Quasi-Judicial	<input type="checkbox"/>

### Recommendation

The Planning Commission recommends approval of CPA 21-06 through the adoption of Ordinance 5939.

### Motion for Consideration

I move to adopt Ordinance 5939.

### Summary

The applicant, Knutzen Engineering, has requested to change the land use designation of 14.60 acres at 9496 W Clearwater Avenue from Commercial to High Density Residential. Approval of the request will allow for multi-family residential development to be on the site.

The Planning Commission held a public hearing for this application on August 16, 2021. At the hearing, the applicant spoke in favor of the request. No testimony or written comments were received in opposition to the request.

The Planning Commission voted unanimously to recommend approval to the City Council.

### Alternatives

None Recommended.

### Fiscal Impact

None

Through	Steve Donovan Sep 27, 09:35:00 GMT-0700 2021
Dept Head Approval	Anthony Muai Sep 27, 11:26:10 GMT-0700 2021
City Mgr Approval	Marie Mosley Oct 01, 08:27:48 GMT-0700 2021

Attachments:

Ordinance
Site Map
PC Action Summary
Minutes
Staff Report

Recording Required?

CITY OF KENNEWICK  
ORDINANCE NO. 5939

AN ORDINANCE AMENDING THE CITY OF KENNEWICK'S COMPREHENSIVE  
PLAN (CPA 21-06, KNUTZEN ENGINEERING)

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

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

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

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

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

1. CPA 21-06 – 14.60 acres located at 9496 N Clearwater Avenue (Commercial to High Density Residential).

**Section 2.** The property is legally described as follows:

**Commercial to High Density Residential**

THAT PORTION OF LOT 2 OF BINDING SITE PLAN NUMBER 15-11, LYING EASTERLY OF THE B.P.A. EASEMENT, SITUATED IN THE SOUTH HALF OF SECTION 01, TOWNSHIP 08 NORTH, RANGE 28 EAST, W.M., RECORDED IN VOLUME 1 OF SURVEYS AT PAGE 5063, RECORDS OF BENTON COUNTY, WASHINGTON, THE PERIMETER DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 2 THENCE SOUTH 69°55'47" WEST ALONG THE NORTHERLY LINE OF SAID LOT 1132.88 FEET TO THE BEGINNING OF A CURVE TO THE LEFT THE RADIUS POINT OF WHICH BEARS SOUTH 20°04'13" EAST 3989.45 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID LOT LINE AN ARC LENGTH OF 414.15 FEET THROUGH A DELTA ANGLE OF 05°56'53" TO A POINT OF COMPOUNDING CURVE TO THE LEFT THE

RADIUS OF WHICH BEARS SOUTH 26°01'06" EAST 3640.37 FEET;  
 THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID LOT LINE  
 AN ARC LENGTH OF 552.24 FEET THROUGH A DELTA ANGLE OF  
 08°41'30" TO THE EASTERLY LINE OF A B.P.A EASEMENT;  
 THENCE SOUTH 38°20'05" EAST ALONG SAID EASTERLY EASEMENT  
 LINE 455.59 FEET TO THE SOUTHERLY LINE OF SAID LOT 2;  
 THENCE NORTH 46°54'53" EAST ALONG SAID LINE 225.91 FEET TO  
 THE BEGINNING OF A CURVE TO THE RIGHT THE RADIUS POINT OF  
 WHICH BEARS SOUTH 43°05'07" EAST 2710.24 FEET; THENCE  
 NORTHEASTERLY ALONG SAID CURVE AND SAID LOT LINE AN ARC  
 LENGTH OF 1216.84 FEET THROUGH A DELTA ANGLE OF 25°43'29";  
 THENCE NORTH 72°38'21" EAST ALONG SAID LINE 359.59 FEET TO AN  
 ANGLE POINT IN SAID LINE;  
 THENCE SOUTH 16°55'00" EAST ALONG SAID LINE 26.02 FEET TO AN  
 ANGLE POINT IN SAID LINE;  
 THENCE NORTH 70°53'07" EAST 188.15 FEET TO THE MOST EASTERLY  
 CORNER OF SAID LOT;  
 THENCE NORTH 19°09'01" WEST ALONG SAID LINE 297.83 FEET TO  
 THE SAID POINT OF BEGINNING.  
 CONTAINS 14.60 ACRES MORE OR LESS  
 SEE ATTACHED EXHIBIT SKETCH TO ACCOMPANY  
 THIS LEGAL DESCRIPTION.  
 TOGETHER WITH AND SUBJECT TO EASEMENTS,  
 COVENANTS, RESERVATIONS, RIGHT-OF-WAYS  
 AND RESTRICTIONS OF RECORD AND IN VIEW.

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

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

\_\_\_\_\_  
 STEVE LEE, Mayor Pro Tem

Attest:

ORDINANCE NO. 5939 filed and recorded  
 in the office of the City Clerk of the City of  
 Kennewick, Washington this 6<sup>th</sup> day of  
 October, 2021.

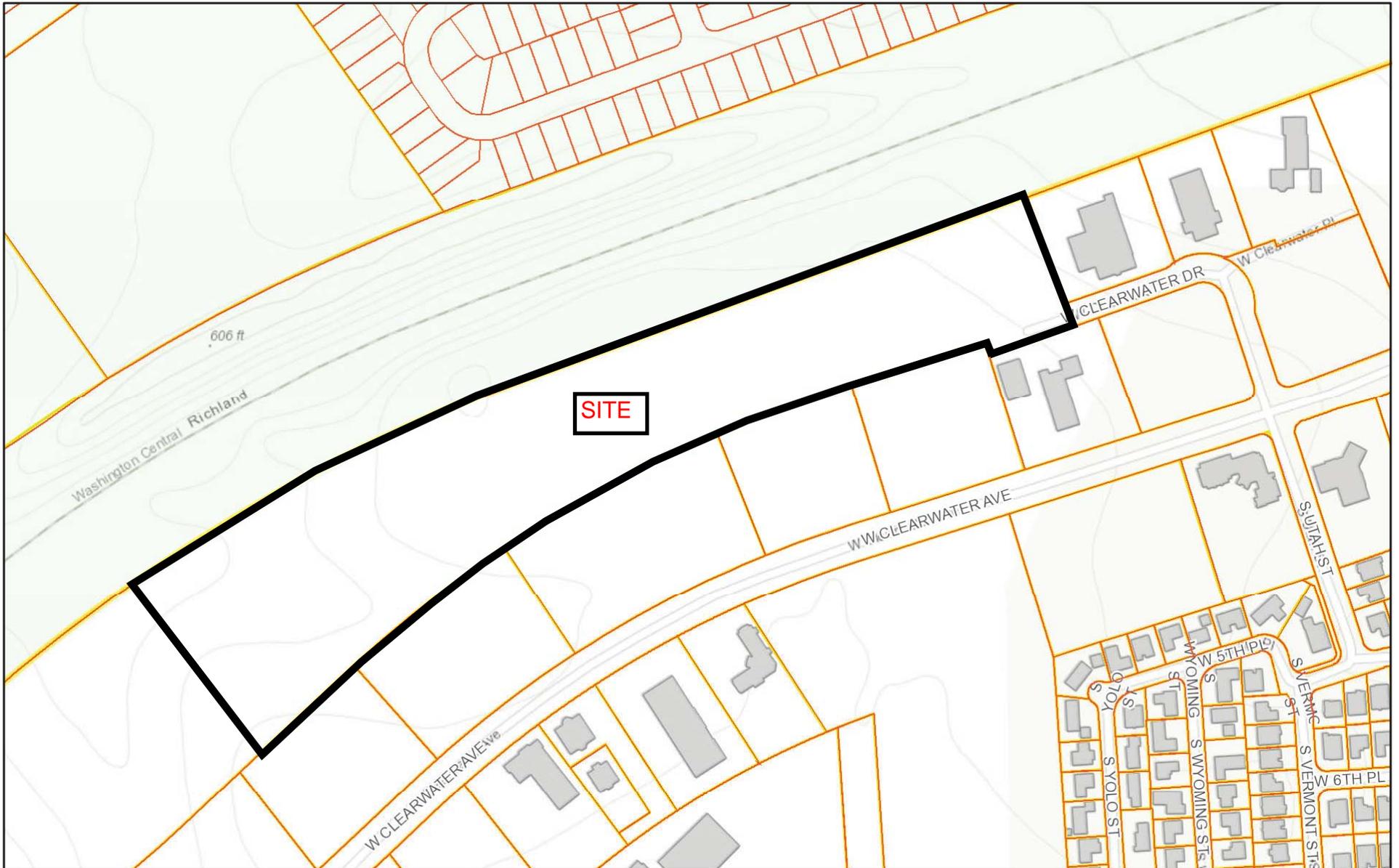
\_\_\_\_\_  
 TERRI L. WRIGHT, City Clerk

Approved as to Form:

\_\_\_\_\_  
 LISA BEATON, City Attorney  
 DATE OF PUBLICATION \_\_\_\_\_

\_\_\_\_\_  
 TERRI L. WRIGHT, City Clerk

# Site Map



August 30, 2021 This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

CountyParcelLayer	<b>SurveyAddressPoint</b>	 Building	Parcel
StreetName	 <all other values>	 Condo	
	 Apartment	 Mobile Home	



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.,

**Planning Commission Action Summary**  
**CPA 21-06 – Knutzen Engineering**

The Kennewick Planning Commission conducted a virtual public hearing on August 16, 2021. All interested parties were notified to come before the Commission and be heard. After reviewing the staff report and all oral and written facts and opinions, the Commission passed a motion on the proposed Comprehensive Plan Amendment, concurring with the findings and conclusions in the staff report CPA 21-06 and recommends to City Council approval of the proposed Comprehensive Plan Amendment contained in the staff report.

**Findings of Fact**

1. The applicant is Knutzen Engineering, c/o Nathan Machiela, 5401 Ridgeline Drive, Suite 160, Kennewick, WA 99338).
2. The owners are Tom and Vicki Solbrack, 2555 W Highway 24, Othello, WA 99344.
3. The request is to change the site's land use designation from Commercial to High Density Residential.
4. The application was received on April 28, 2021 and was routed for review to various City Departments and other local, state and federal agencies for comment on June 14, 2021.
5. The site is served by City water and sewer utilities in W Clearwater Drive.
6. Access to the site is from W Clearwater Drive.
7. The proposed amendment is adjacent to Industrial and Commercial designated lands.
8. A Determination of Non-Significance was issued for this application on July 7, 2021. The appeal period for the determination ended on July 21, 2021.
9. A public hearing notification sign was posted on site July 29, 2021.
10. Notice of the public hearing for this application was published in the Tri-City Herald on August 1, 2021. Notices were mailed to property owners within 300 feet of the site on July 29, 2021.
11. The proposed amendment will not allow the property to be rezoned to a zoning district that will permit uses that may have the potential to negatively influence the public health, safety, welfare and protection of the environment.
12. This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
13. The proposed amendment does not correct an obvious mapping error.
14. This request will address an identified deficiency in the Comprehensive Plan.

**Conclusions of Law**

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation for a 14.6-acre portion of the subject parcel from Commercial to High Density Residential.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.

4. The proposed amendment will not affect population densities in the area.
5. Future development of the site will not influence the traffic and park system.

The motion to recommend Approvaldenial to City Council passed with a vote of 5 to 0.

**The Chairman Morris opened the virtual public hearing at 7:14 p.m. for Comprehensive Plan Amendment 21-06/PLN-2021-01438, proposing to change approximately 14.60 acres located generally at 9496 W. Clearwater Avenue from Commercial (C) to High Density Residential (HDR). Applicant is Nathan Machiela, Knutzen Engineering, 5401 Ridgeline Drive #160, Kennewick, WA 99338. Property owner is Tom & Vicki Solbrack, 2555 W. Hwy 24, Othello, WA 99344.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

Nathan Machiela  
Knutzen Engineering  
5401 Ridgeline Dr. Suite 160  
Kennewick 99338

In support of this proposal; with re-alignment of 10<sup>th</sup> Avenue, the roadway will be able to handle high density development.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-06 closed at 7:19 p.m.**

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 21-06 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Short seconded the motion.

**Planning Commission Discussion:**

Current setbacks, for railroad Right-of-Way line.

The motion passed on a unanimous roll call vote.

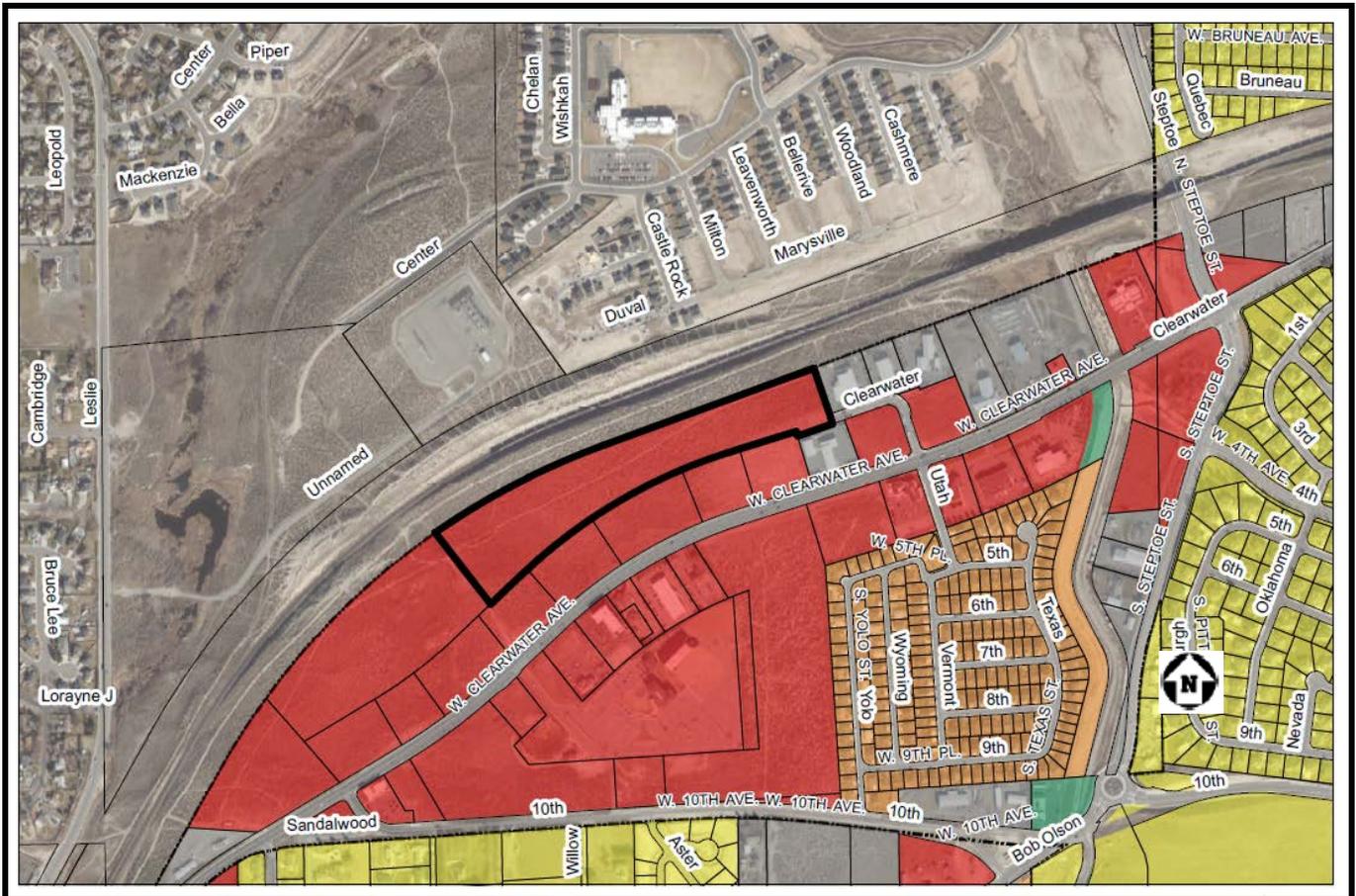


**Comprehensive Plan Amendment 21-06**

**REQUEST:** Change 14.60 acres from Commercial to High Density Residential.

**APPLICANT:** Knutzen Engineering, c/o Nathan Machiela

**OWNER:** Tom & Vicki Solbrack



Not to scale

**SITE INFORMATION**

- **Size:** 14.60 acres
- **Location:** 9496 W Clearwater Avenue
- **Topography:** Flat
- **Existing Comprehensive Plan Designation:** Commercial
- **Existing Zoning:** Commercial, Community (CC)
- **Existing Land Use:** Vacant Land

**EXHIBITS**

- **Exhibit A-1:** Aerial Map
- **Exhibit A-2:** Land Use Map
- **Exhibit A-3:** Application
- **Exhibit A-4:** Environmental Determination

**APPLICATION PROCESS**

- Application Submitted April 28, 2021
- Application routed for comments June 14, 2021
- Determination of Non-Significance was issued on July 7, 2021
- Appeal Period for the DNS ended July 21, 2021
- Notice of Public Hearing was posted at the site on July 29, 2021.
- Notice of Public Hearing published August 1, 2021
- Notice of Notice Hearing mailed July 29, 2021

**SURROUNDING COMPREHENSIVE PLAN, ZONING AND LAND USES**

North	Comprehensive Plan – City of Richland Zoning – City of Richland Existing Land Uses – railroad right-of-way
South	Comprehensive Plan – Commercial and Industrial Zoning – Commercial, Community (CC) and Industrial, Light (IL) Existing Land Uses – vacant and retail tire store
East	Comprehensive Plan – Industrial Zoning – Industrial, Light (IL) Existing Land Uses – vacant land and single-family residences
West	Comprehensive Plan – Commercial Zoning – Commercial, Community (CC) Existing Land Uses – vacant

**REGULATORY CONTROLS**

- City of Kennewick Comprehensive Plan
- Kennewick Municipal Code Title 4
- Kennewick Municipal Code Title 18

**DESCRIPTION OF REQUEST**

The applicant has requested to change the land use designation of 14.60 acres from Commercial to High Density Residential.

**COMPLIANCE WITH TITLE 4 (ADMINISTRATIVE PROCEDURES)**

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

1. The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment;  
The proposed amendment will not allow the property to be rezoned to a zoning district that will permit uses that may have the potential to negatively affect the public health, safety, welfare and protection of the environment.
2. The proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City’s adopted comprehensive plan not affected by the amendment;  
This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City’s adopted comprehensive plan not affected by the amendment.
3. The proposed amendment corrects an obvious mapping error; or  
This request does not correct a mapping error.

4. The proposed amendment addresses an identified deficiency in the Comprehensive Plan.  
The City of Kennewick's 2017-2037 Comprehensive Plan states that the City has a surplus of Commercial lands and deficit of High Density Residential lands. The proposed amendment will help reduce the deficit of land designated High Density Residential.

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

1. The effect upon the physical environment;  
Grading and clearing of vegetation will have to take place at the site for future development.
2. The effect on open space and natural features including, but not limited to topography, streams, rivers, and lakes;  
The site does not contain any designated open space, but slopes greater than 15% exist on-site. No negative impacts are anticipated from the proposed amendment or future development. Adequate measures within the Kennewick Municipal Code exist to mitigate any possible negative impacts to the natural environment.
3. The compatibility with and impact on adjacent land uses and surrounding neighborhoods;  
The proposal is compatible with the surrounding land uses and all of the adjacent properties are currently zoned for intensive uses. Future multi-family development will most likely increase traffic, but should have little impact on the adjacent properties.
4. The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools;  
The future development of the site is required to provide infrastructure improvements to ensure adequacy of community facilities.
5. The quantity and location of land planned for the proposed land use type and density and the demand for such land;  
There is a demand for more multi-family residences in Kennewick. Approval of the proposed amendment will most likely result in a higher density than what would occur under the current land use designation.
6. The current and projected project density in the area; and  
No maximum density exists for the current land use designation and the proposed land use designation has a maximum density of 27 units/acre.
7. The effect, if any upon other aspects of the Comprehensive Plan.  
The proposed change will not affect any other aspects of the Comprehensive Plan.

**PUBLIC COMMENT**

Staff has received no public comment concerning the proposal to date.

**AGENCY COMMENTS**

Staff has received no public comment concerning the proposal to date.

**ANALYSIS OF REQUEST**

This request is to amend the land use designation for 14.6 acres of a 26.4-acre parcel. Maximum density permitted for the site is 394 units. The parcel does not have street frontage on Clearwater Avenue, which is a hindrance to the viability of future commercial businesses. High density residential is compatible with commercial uses.

## **FINDINGS**

1. The applicant is Knutzen Engineering, c/o Nathan Machiela, 5401 Ridgeline Drive, Suite 160, Kennewick, WA 99338).
2. The owners are Tom and Vicki Solbrack, 2555 W Highway 24, Othello, WA 99344.
3. The request is to change the site's land use designation from Commercial to High Density Residential.
4. The application was received on April 28, 2021 and was routed for review to various City Departments and other local, state and federal agencies for comment on June 14, 2021.
5. The site is served by City water and sewer utilities in W Clearwater Drive.
6. Access to the site is from W Clearwater Drive.
7. The proposed amendment is adjacent to Industrial and Commercial designated lands.
8. A Determination of Non-Significance was issued for this application on July 7, 2021. The appeal period for the determination ended on July 21, 2021.
9. A public hearing notification sign was posted on site July 29, 2021.
10. Notice of the public hearing for this application was published in the Tri-City Herald on August 1, 2021. Notices were mailed to property owners within 300 feet of the site on July 29, 2021.
11. The proposed amendment will not allow the property to be rezoned to a zoning district that will permit uses that may have the potential to negatively influence the public health, safety, welfare and protection of the environment.
12. This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
13. The proposed amendment does not correct an obvious mapping error.
14. This request will address an identified deficiency in the Comprehensive Plan.

## **CONCLUSIONS**

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation for a 14.6-acre portion of the subject parcel from Commercial to High Density Residential.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will not affect population densities in the area.
5. Future development of the site will not influence the traffic and park system.

## **Recommendation**

Staff recommends that the Planning Commission concur with the findings and conclusions of CPA 21-06 contained in the staff report and recommend approval to City Council.

## **Motion**

I move that the Planning Commission concur with the findings and conclusions of CPA 21-06 contained in the staff report and recommend to City Council approval of the request.

# Aerial Map

Exhibit A-1



July 28, 2021

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

- |                         |                           |                         |
|-------------------------|---------------------------|-------------------------|
| StreetName              | SV_CI_RICHLAND_10         | Preliminary Street Name |
| <b>SurveyCityLimits</b> | SV_CI_COUNTY_10           | Preliminary Parcel      |
| SV_CI_KENNEWICK_10      | SurveyUrbanGrowthBoundary |                         |

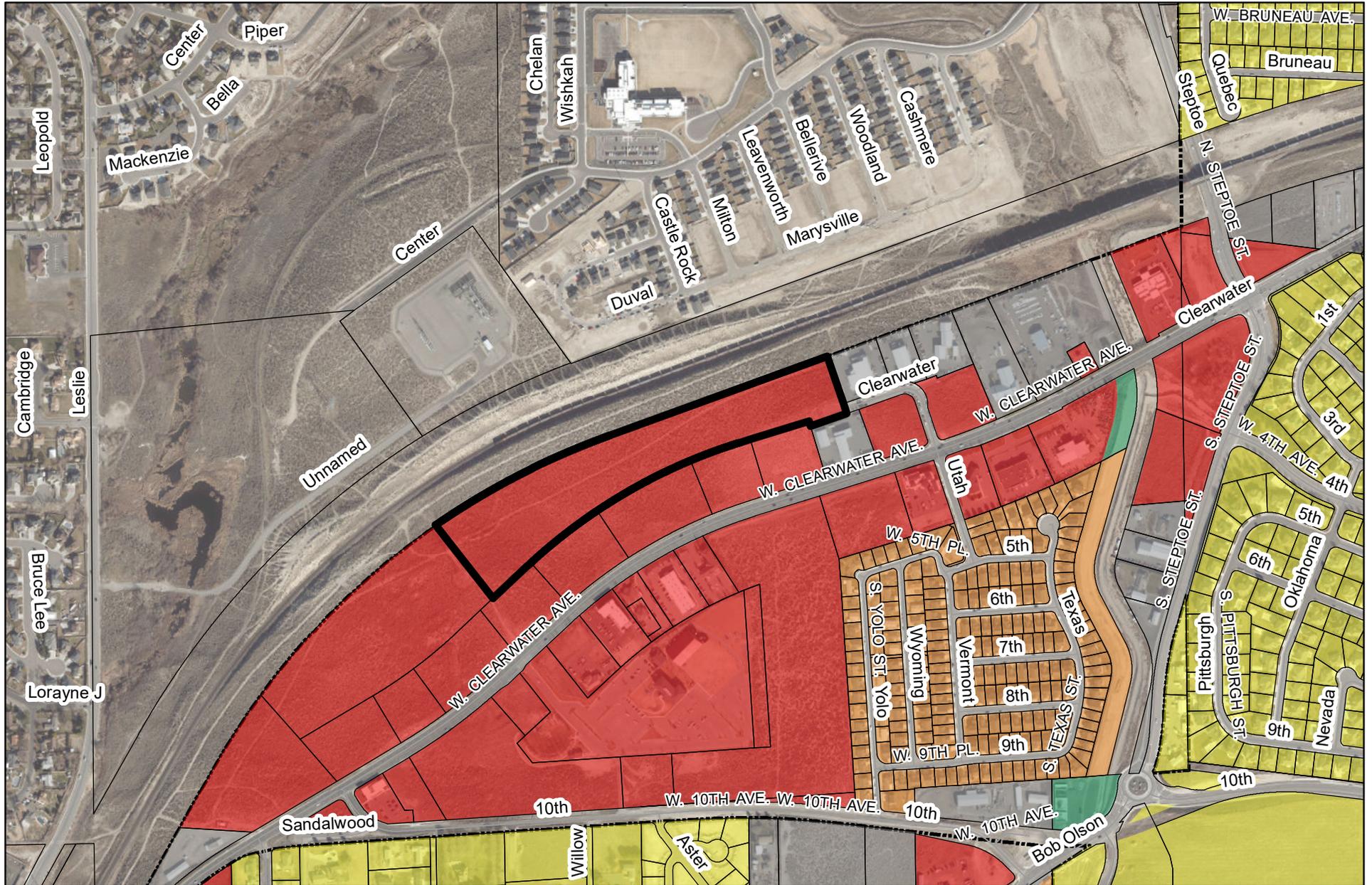


1 inch = 1,000 feet      1:12,000

0   0.075   0.15   0.3 mi

0   0.125   0.25   0.5 km

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



CPA 21-06/PLN-2021-01438 Land Use Map

- |  |  |  |   |
|--|--|--|---|
|  Open Space              |  Medium Density Residential |  Mixed Use  |  Industrial      |
|  Low Density Residential |  High Density Residential   |  Commercial |  Public Facility |



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

PROJECT # \_\_\_\_\_ - \_\_\_\_\_ PLN- \_\_\_\_\_ - \_\_\_\_\_ FEE \$ \_\_\_\_\_

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

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

Site Plan Tier 1  Tier 2  Tier 3  Binding Site Plan   
 Short Plat  Conditional Use  Other Comprehensive Plan Amendment

Environmental Determination PLN- \_\_\_\_\_ - \_\_\_\_\_ Pre Application Meeting PLN- \_\_\_\_\_ - \_\_\_\_\_

Applicant: Nathan Machiela (Knutzen Engineering)

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

Telephone: (509) 222-0959 Cell Phone: (509) 579-1887 Fax: \_\_\_\_\_ E-mail nathan@knutzenengineering.com

Property Owner (if other than applicant): Tom & Vicki Solbrack

Address: 2555 W Hwy 24, Othello, WA 99344

Telephone: (509) 989-0209 Cell Phone: \_\_\_\_\_ E-mail nathan@knutzenengineering.com

**SITE INFORMATION**

Parcel No. 1-0188-4BP-5063-002 Acres 14.60 Zoning: CC

Address of property: 9496 N. Clearwater Ave, Kennewick, WA 99336

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

Present use of property Vacant

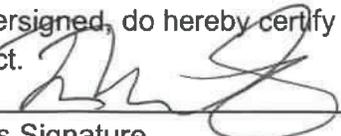
Size of existing structure: 0 sq. ft. Size of Proposed addition/New structure: 0 sq. ft.

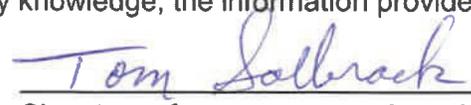
Height of building: 0 Cubic feet of excavation: 0 Cost of new construction 0

Benton County Assessor Market Improvement Value: \$734,970

Description of Project: Amend the City of Kennewick Comprehensive Plan Designation from Commercial (C) to High Density Residential (HDR) .

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

  
Applicant's Signature

  
Signature of owner or owner's authorized representative

Date: 04/23/21





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

**FILE/PROJECT NUMBER:** ED 21-16/PLN-2021-01439

**DESCRIPTION OF PROPOSAL:** Change the land use designation of 14.60-acres from Commercial to High Density Residential.

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

**LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY:** 9496 W Clearwater Avenue, Parcel Number: 1-0188-4BP-5063-002

**LEAD AGENCY:** City of Kennewick

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

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

**RESPONSIBLE OFFICIAL:** Anthony Muai, AICP  
**POSITION/TITLE:** Interim Planning Director  
**ADDRESS:** 210 W 6th Ave., P.O. Box 6108, Kennewick, WA 99336  
**PHONE:** (509) 585-4386

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

This DNS is subject to the attached conditions:

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

Date: July 7, 2021      Signature: 

\*\*\*\*\*  
**Appeal:** An appeal of this determination must be submitted to the Community Planning Department within fourteen (14) calendar days after the date issued and no later than 5 p.m. This appeal must be written and make specific factual objections to the City's threshold determination. Appeals shall be conducted in conformance with Section 4.12.090(9) of the Kennewick Municipal Code and the required fees pursuant to the City's adopted Fee Schedule shall be paid at time of appeal submittal.

Copies of this DNS were mailed to:

- Dept. of Ecology
- WA Dept. of Fish & Wildlife
- WSDOT
- Yakama Nation
- CTUIR
- ED 21-16 File

# Council Agenda Coversheet



Agenda Item Number	5.f.	Council Date	10/05/2021
Agenda Item Type	Ordinance		
Subject	CPA 21-07 (Lott)		
Ordinance/Reso #	5940	Contract #	
Project #	CPA 21-07	Permit #	PLN-2021-01441
Department	Planning		

Consent Agenda	<input type="checkbox"/>
Ordinance/Reso	<input checked="" type="checkbox"/>
Public Mtg / Hrg	<input type="checkbox"/>
Other	<input type="checkbox"/>
Quasi-Judicial	<input type="checkbox"/>

## Recommendation

The Planning Commission recommends approval of CPA 21-07 through the adoption of Ordinance 5940.

## Motion for Consideration

I move to adopt Ordinance 5940.

## Summary

The applicant, Brett Lott, has requested to change the land use designation of approximately 1.7 acres at 1201, 1213 and 1221 N Irving Place, from Commercial to Low Density Residential. This request will allow the applicant to construct single-family residences at the site.

The Planning Commission held a public hearing for the request on August 16, 2021. At the hearing, the applicant spoke in favor of the request. Written comments in opposition of the proposal were submitted prior to the hearing. No opposition testimony was provided at the hearing.

The Planning Commission voted unanimously to recommend approval to the City Council.

## Alternatives

None

## Fiscal Impact

None

Through	Steve Donovan Sep 27, 09:36:06 GMT-0700 2021
Dept Head Approval	Anthony Muai Sep 28, 10:59:52 GMT-0700 2021
City Mgr Approval	Marie Mosley Oct 01, 08:29:05 GMT-0700 2021

Attachments:

Ordinance
Site Map
PC Action Summary
Minutes
Staff Report

Recording Required?

**Chairman Morris opened the virtual public hearing at 7:20 p.m. for Comprehensive Plan Amendment 21-07/PLN-2021-01441, proposing to change approximately 1.76 acres located generally at 1201, 1213, 1221 N. Irving Place from Commercial (C) to Low Density Residential (LDR). Applicant/Owner is Bret Lott, 5710 Castle Holly Court, Pasco, WA 99301.**

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

**Planning Commission questions:**

Is the suggested motion only for the portion of land south of the green line on the map; is the land to the west LDR; will the triangular piece of commercial land be developable; is the green line on the map a lot line; if the triangular commercial lot is created is there access to Canal Drive; are most adjacent property owners to the west.

**Testimony of Applicant/Applicant's Representative:**

Brett Lott  
5710 Castle Holly Court  
Pasco 99301

Thanked staff for help with application; plans for the property are a commercial building for my home builder business on a portion of the parcel, and residential for the remainder mixed with commercial; in favor of proposal.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-07 closed at 7:33 p.m.**

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 21-07 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Moore seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

CITY OF KENNEWICK  
ORDINANCE NO. 5940

AN ORDINANCE AMENDING THE CITY OF KENNEWICK'S COMPREHENSIVE  
PLAN (CPA 21-07, LOTT)

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

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

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

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

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

1. CPA 21-07 – 1.7 acres located at 1201, 1213 and 1221 N Irving Place (Commercial to Low Density Residential).

**Section 2.** The property is legally described as follows:

**Commercial to Low Density Residential**

LOT 1 AND LOT 2, SHORT PLAT NO. 3078, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER AUDITOR'S FILE NO. 2008-004837, RECORDS OF BENTON COUNTY, WASHINGTON.

TOGETHER WITH THE SOUTH 20.00 FEET OF LOT 3, SAID SHORT PLAT NO. 3078.

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

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

\_\_\_\_\_  
STEVE LEE, Mayor Pro Tem

Attest:

\_\_\_\_\_  
TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5940 filed and recorded in the office of the City Clerk of the City of Kennewick, Washington this 6<sup>th</sup> day of October, 2021.

Approved as to Form:

\_\_\_\_\_  
LISA BEATON, City Attorney

\_\_\_\_\_  
TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION \_\_\_\_\_

**Planning Commission Action Summary**  
**CPA 21-07 – Brett Lott**

The Kennewick Planning Commission conducted a virtual public hearing on August 16, 2021. All interested parties were notified to come before the Commission and be heard. After reviewing the staff report and all oral and written facts and opinions, the Commission passed a motion on the proposed Comprehensive Plan Amendment, concurring with the findings and conclusions in the staff report CPA 21-07 and recommends to City Council approval of the proposed Comprehensive Plan Amendment contained in the staff report.

**Findings of Fact**

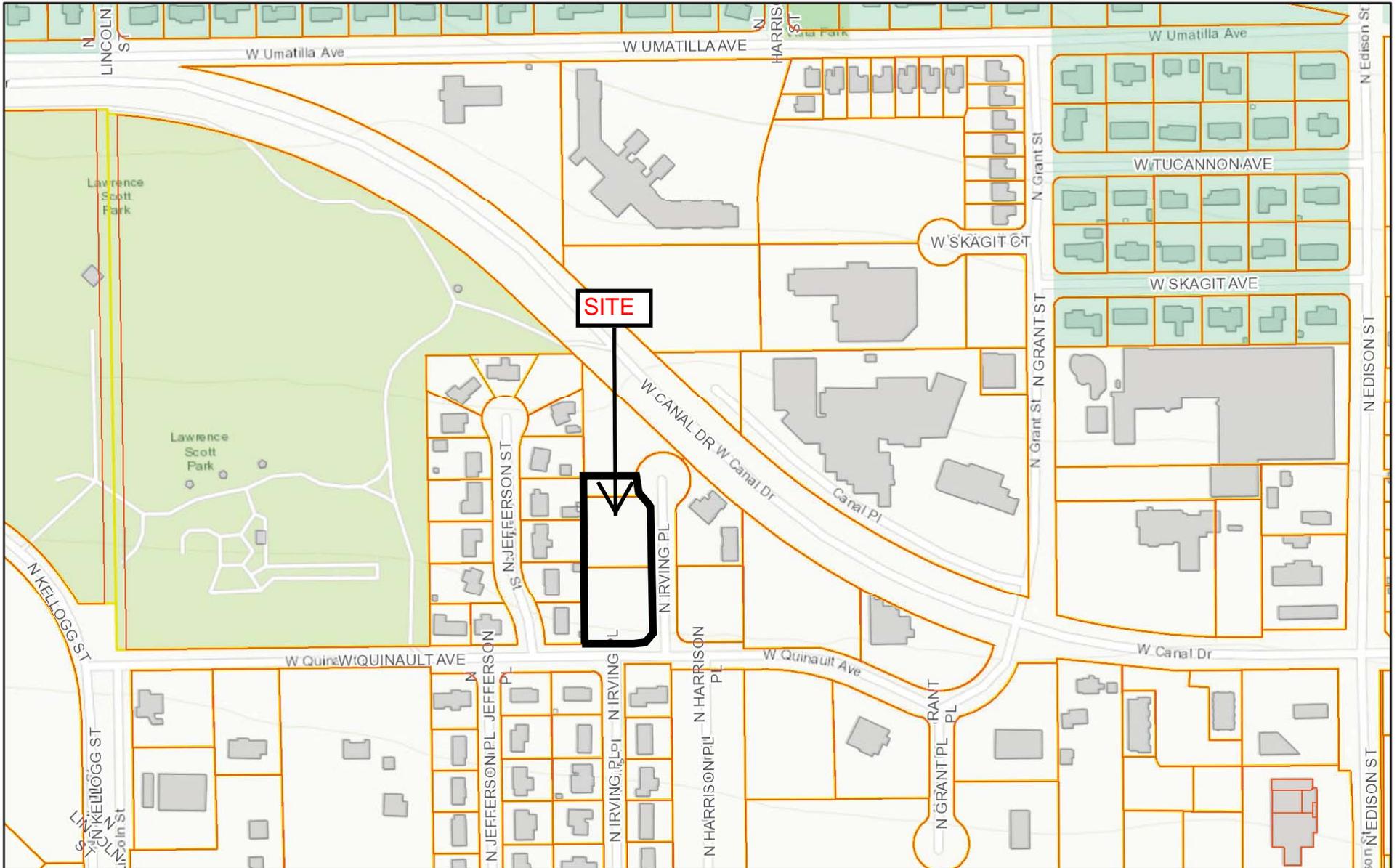
1. The applicant and owner is Brett Lott, 5710 Castle Holly Court, Pasco WA 99301.
2. The request is to change the site's land use designation from Commercial to Low Density Residential.
3. The application was received on April 28, 2021 and was routed for review to various City Departments and other local, state and federal agencies for comment on June 14, 2021.
4. The site is served by City water and sewer utilities in N Irving Place.
5. Access to the site is from N Irving Place.
6. The proposed amendment is adjacent to lands designated Low Density Residential and Commercial.
7. A Determination of Non-Significance was issued for this application on July 7, 2021. The appeal period for the determination ended on July 21, 2021.
8. A public hearing notification sign was posted on-site July 29, 2021.
9. The Notice of Public Hearing was published in the Tri-City Herald on August 1, 2021. Notices were mailed to property owners within 300 feet of the site on July 29, 2021.
10. The proposed amendment will not allow the property to be rezoned to a zoning district that will permit uses that may have the potential to negatively influence the public health, safety, welfare and protection of the environment.
11. This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
12. The proposed amendment does not correct an obvious mapping error.
13. This request does not will address an identified deficiency in the Comprehensive Plan.

**Conclusions of Law**

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation of three lots for a total of 1.76-acres from Commercial to Low Density Residential.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have no impact on other aspects of the plan.
4. The proposed amendment will have a minimal effect on population densities in the area.
5. Future residential development of the site may have minimal impact to the traffic and park system.

The motion to recommend approval to City Council passed with a vote of 5 to 0.

# Site Map



August 30, 2021 This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

- |                   |  |   |        |
|-------------------|--|---|--------|
| CountyParcelLayer | <b>SurveyAddressPoint</b>  |  Building    | Parcel |
| StreetName        |  <all other values> |  Condo       |        |
|                   |  Apartment          |  Mobile Home |        |



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.,

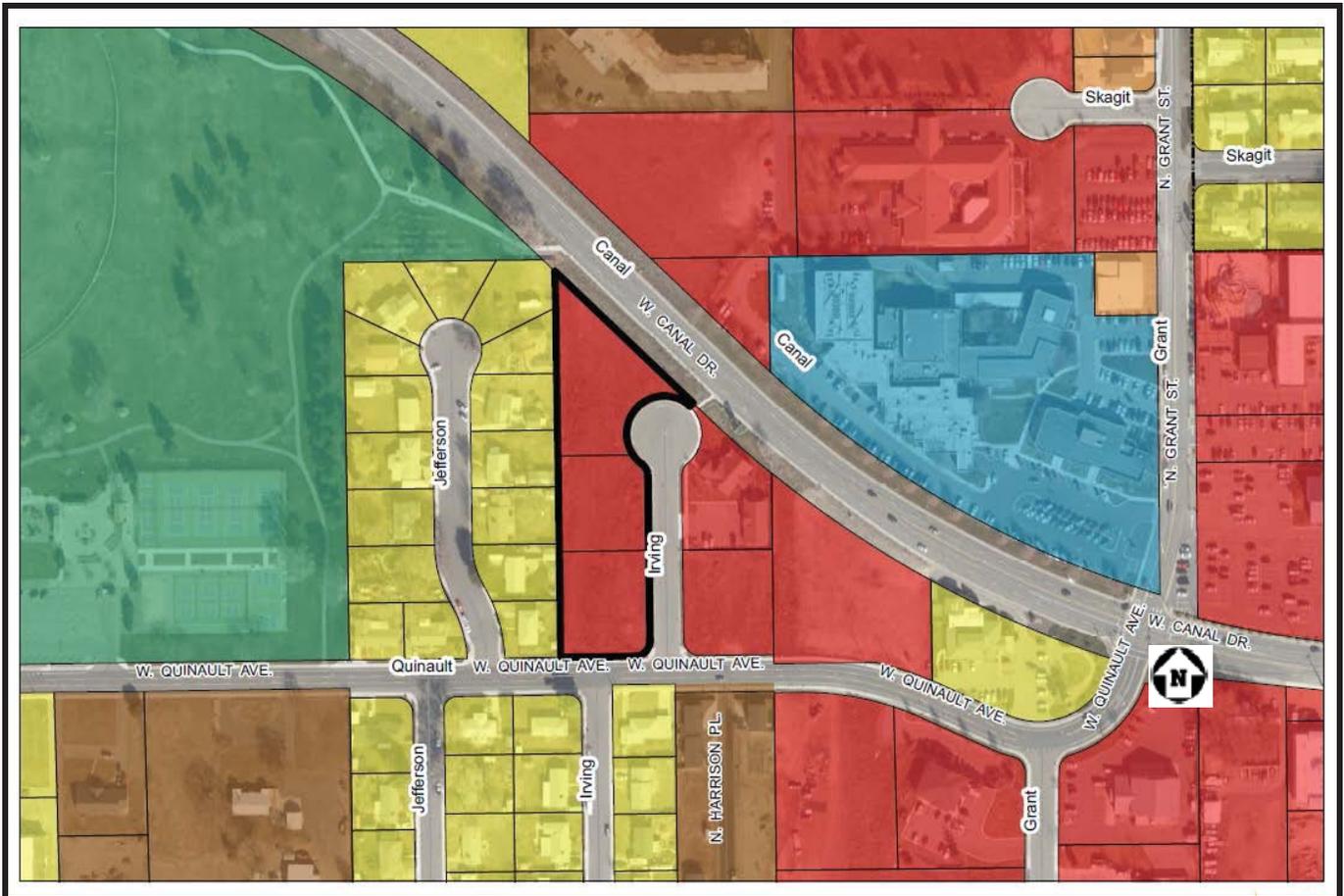


## Comprehensive Plan Amendment 21-07

**REQUEST:** Change 1.76 acres from Commercial to Low Density Residential.

**APPLICANT:** Brett Lott

**OWNER:** Same as above



Not to scale

### SITE INFORMATION

- **Size:** 1.76 acres
- **Location:** 1201, 1213 and 1221 N Irving Place
- **Topography:** Flat
- **Existing Comprehensive Plan Designation:** Commercial
- **Existing Zoning:** Commercial, Office (CO)
- **Existing Land Use:** Vacant Land

### EXHIBITS

- **Exhibit A-1:** Aerial Map
- **Exhibit A-2:** Land Use Map
- **Exhibit A-3:** Application
- **Exhibit A-4:** Environmental Determination
- **Exhibit A-5:** Adjacent Property Owner Comments
- **Exhibit A-6:** Comment Response from Applicant

**APPLICATION PROCESS**

- Application Submitted April 28, 2021
- Application routed for comments June 14, 2021
- Determination of Non-Significance was issued on July 7, 2021
- Appeal Period for the DNS ended July 21, 2021
- Notice of Public Hearing was posted at the site on July 29, 2021
- Notice of Public Hearing published August 1, 2021
- Notice of Public Hearing mailed July 29, 2021

**SURROUNDING COMPREHENSIVE PLAN, ZONING AND LAND USES**

North	Comprehensive Plan – Commercial Zoning – Commercial, Office (CO) and Public Facility (PF) Existing Land Uses – Vacant
South	Comprehensive Plan – Low Density Residential and High Density Residential Zoning – Residential, Low Density (RL) and Residential, Trailer Park (RTP) Existing Land Uses – Single-Family Residences and Trailer Park
East	Comprehensive Plan – Commercial Zoning – Commercial, Office (CO) Existing Land Uses – Vacant and Offices
West	Comprehensive Plan – Low Density Residential Zoning – Residential, Low Density (RL) Existing Land Uses – Single-Family Residences

**REGULATORY CONTROLS**

- City of Kennewick Comprehensive Plan
- Kennewick Municipal Code Title 4
- Kennewick Municipal Code Title 18

**DESCRIPTION OF REQUEST**

The applicant has requested to change the land use designation for three lots, consisting of 1.76 acres, from Commercial to Low Density Residential.

**COMPLIANCE WITH TITLE 4 (ADMINISTRATIVE PROCEDURES)**

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

1. The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment;  
The proposed amendment will not allow the property to be rezoned to a zoning district that will permit uses that may have the potential to negatively influence the public health, safety, welfare and protection of the environment.
2. The proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City’s adopted comprehensive plan not affected by the amendment;  
This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City’s adopted comprehensive plan not affected by the amendment.
3. The proposed amendment corrects an obvious mapping error; or  
This request does not correct a mapping error.

4. The proposed amendment addresses an identified deficiency in the Comprehensive Plan.  
The City of Kennewick's 2017-2037 Comprehensive Plan states that the City has a deficit of High Density Residential lands. Approval of the proposed amendment will not address an identified deficiency in the comprehensive plan.

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

1. The effect upon the physical environment;  
Grading and clearing of vegetation will have to take place at the site for future development.
2. The effect on open space and natural features including, but not limited to topography, streams, rivers, and lakes;  
The site does not contain any designated open space or critical areas on-site. No negative impacts are anticipated from the proposed amendment or future development. Adequate measures within the Kennewick Municipal Code exist to mitigate any possible negative impacts to the natural environment.
3. The compatibility with and impact on adjacent land uses and surrounding neighborhoods;  
If approved, the land use designation will be the same as the properties to the south and west. Property owners to the east have expressed concerns on possible impacts to their property.
4. The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools;  
The future development of the site is required to provide infrastructure improvements to ensure adequacy of community facilities.
5. The quantity and location of land planned for the proposed land use type and density and the demand for such land;  
Currently, Kennewick has a surplus of land designated Low Density Residential, even though there is a demand for more housing.
6. The current and projected project density in the area; and  
No maximum density exists for the current land use designation and the proposed land use designation has a maximum density of approximately 5 units/acre.
7. The effect, if any upon other aspects of the Comprehensive Plan.  
The proposed change will not affect any other aspects of the Comprehensive Plan.

**PUBLIC COMMENT**

Staff has received comments from the property owners on the east side of N Irving Place. The neighboring owners are concerned that residential uses will not be compatible with existing and proposed commercial activities on the east side of N Irving Place; see Exhibit A-5. The applicant provided responses to the adjacent neighbors' comments; see Exhibit A-6.

**AGENCY COMMENTS**

Staff has received no public comment concerning the proposal to date.

**ANALYSIS OF REQUEST**

This request is to amend the land use designation of three lots for a total of 1.76 acres. The applicant has proposed two amendment options, the preferred option is to amend the entire lots at 1201 and 1213 N Irving Place and only the south 20 feet of 1221 N Irving Place; see Exhibit A-3. The second option is to amend the entirety of all three lots to Low Density Residential.

The site does not have direct access onto Canal Drive. An existing commercial business is at 1212 N Irving Place.

The City currently has a surplus of lands designated Commercial and Low Density Residential. There is a high demand for more homes, approval of the proposed amendment will eventually allow for the construction of additional single-family residences.

#### **FINDINGS**

1. The applicant and owner is Brett Lott, 5710 Castle Holly Court, Pasco WA 99301.
2. The request is to change the site's land use designation from Commercial to Low Density Residential.
3. The application was received on April 28, 2021 and was routed for review to various City Departments and other local, state and federal agencies for comment on June 14, 2021.
4. The site is served by City water and sewer utilities in N Irving Place.
5. Access to the site is from N Irving Place.
6. The proposed amendment is adjacent to lands designated Low Density Residential and Commercial.
7. A Determination of Non-Significance was issued for this application on July 7, 2021. The appeal period for the determination ended on July 21, 2021.
8. A public hearing notification sign was posted on-site July 29, 2021.
9. The Notice of Public Hearing was published in the Tri-City Herald on August 1, 2021. Notices were mailed to property owners within 300 feet of the site on July 29, 2021.
10. The proposed amendment will not allow the property to be rezoned to a zoning district that will permit uses that may have the potential to negatively influence the public health, safety, welfare and protection of the environment.
11. This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
12. The proposed amendment does not correct an obvious mapping error.
13. This request does not will address an identified deficiency in the Comprehensive Plan.

#### **CONCLUSIONS**

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation of three lots for a total of 1.76-acres from Commercial to Low Density Residential.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have no impact on other aspects of the plan.
4. The proposed amendment will have a minimal effect on population densities in the area.
5. Future residential development of the site may have minimal impact to the traffic and park system.

#### **Recommendation**

Staff recommends that the Planning Commission concur with the findings and conclusions of CPA 21-07 contained in the staff report and recommend approval to City Council.

#### **Motion**

I move that the Planning Commission concur with the findings and conclusions of CPA 21-07 contained in the staff report and recommend to City Council approval of the request.

# Aerial Map

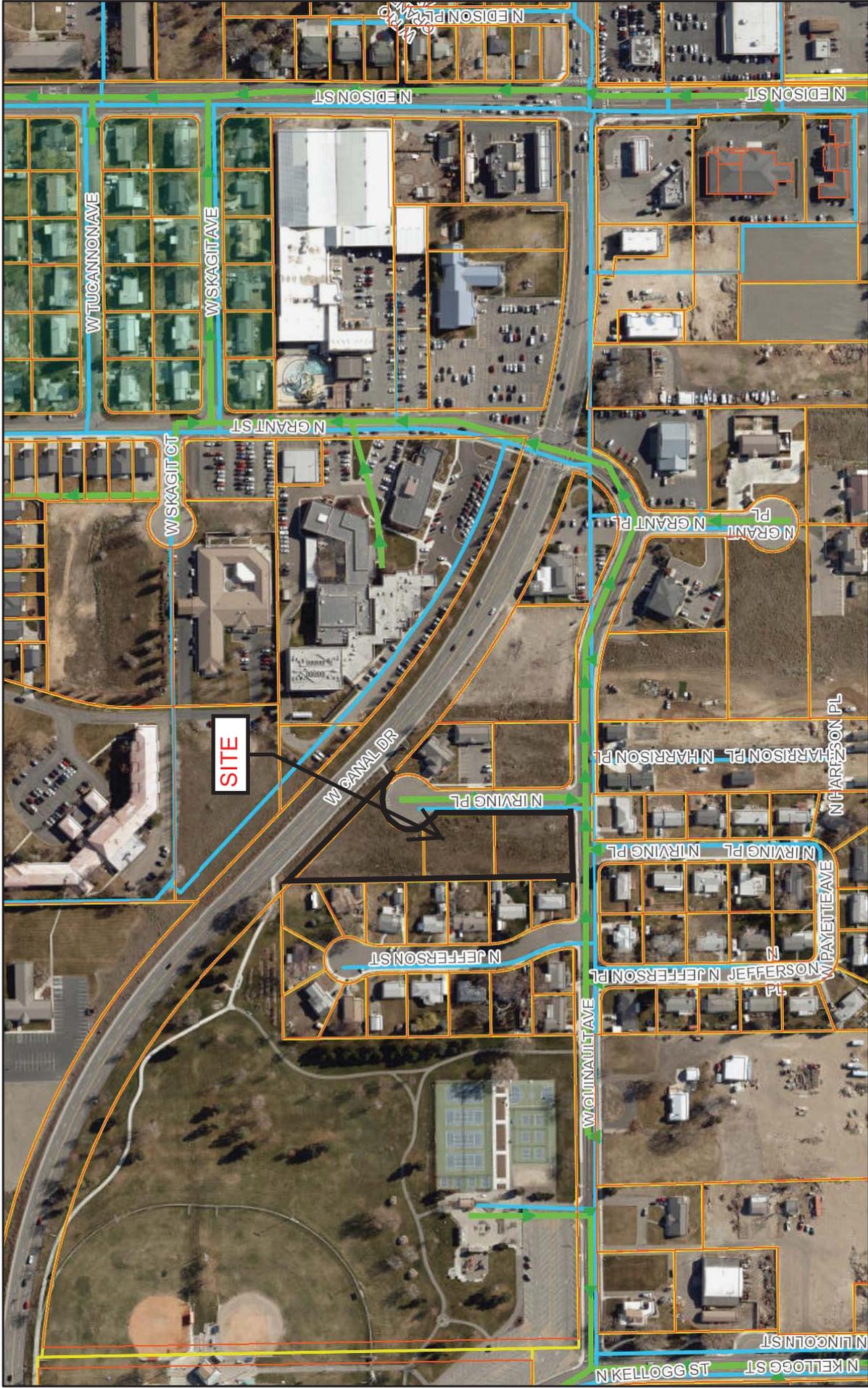


Exhibit A-1

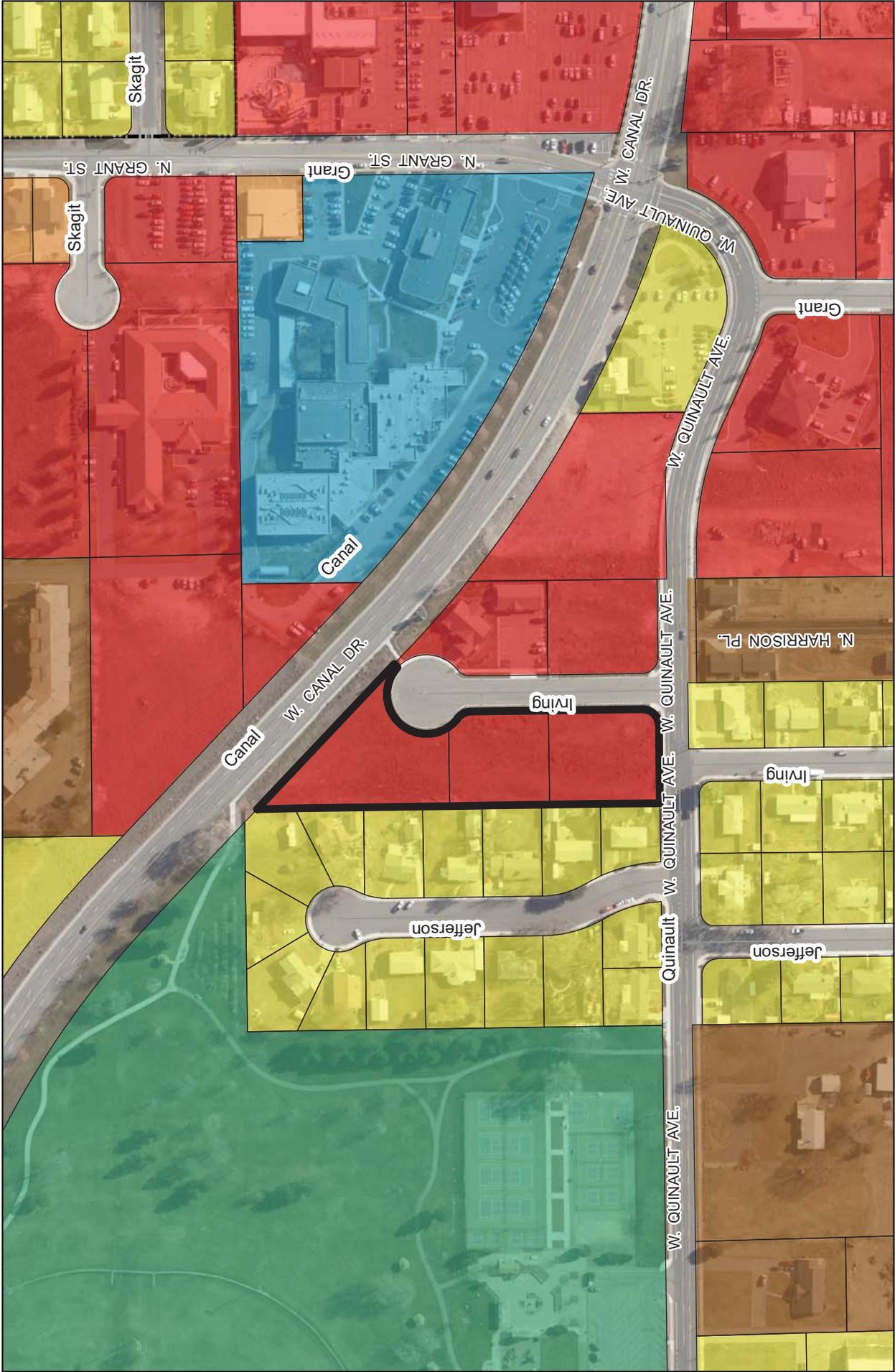
July 28, 2021 This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

- CountyParcelLayer
- SewerMainline
- StreetName
- WaterMainline
- SurveyAddressPoint
- <all other values>
- Apartment
- Building
- Condo
- Mobile Home
- Parcel



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.,



CPA 21-07/PLN-2021-01441 Land Use Map

- Open Space
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed Use
- Commercial
- Industrial
- Public Facility



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

PROJECT # \_\_\_\_\_ - \_\_\_\_\_ PLN- \_\_\_\_\_ - \_\_\_\_\_ FEE \$ \_\_\_\_\_

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

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

Site Plan Tier 1  Tier 2  Tier 3  Binding Site Plan   
Short Plat  Conditional Use  Other Comprehensive Plan Ammendment

Environmental Determination PLN- \_\_\_\_\_ - \_\_\_\_\_ Pre Application Meeting PLN- \_\_\_\_\_ - \_\_\_\_\_

Applicant: Brett Lott

Address: 5710 Castle Holly Court, Pasco, WA 99301

Telephone: N/A Cell Phone: 509-851-5164 Fax: N/A E-mail Lott.Brett@gmail.com

Property Owner (if other than applicant): Same

Address: Same

Telephone: Same Cell Phone: Same E-mail Lott.Brett@gmail.com

**SITE INFORMATION**

Parcel No. 133992013078003, -8002, -8001 Acres 1.767 Total Zoning: CO

Address of property: 1221, 1213, 1201 N Irving Place

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

Present use of property Vacant commercial land

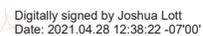
Size of existing structure: N/A sq. ft. Size of Proposed addition/New structure: N/A sq. ft.

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

Benton County Assessor Market Improvement Value: \$0

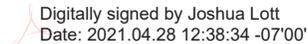
Description of Project: Amend comprehensive plan to enable some or all of the three properties to be rezoned to low density residential. Several single family dwellings and possibly a commercial building may be constructed at a future date, but not as part of this amendment.

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

Joshua Lott 

Applicant's Signature

Date: 04/28/2021

Joshua Lott 

Signature of owner or owner's authorized representative

## Comprehensive Plan Amendment Supplemental Information

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

1. State the requested amendment:

We would like move the southern property line of the northernmost property 20' to the North (make parcel 133992013078003 slightly smaller) and change the other two parcels including the new 20' sliver of the northern property from CO to low density residential. If the keeping the northern lot commercial will not be approved by the City, then as a backup plan, we would like to change all three properties to low density residential.

2. What are the reasons for the requested amendment:

To create sites to build and sell homes. If we are able to keep the northern lot (parcel 133992013078003) commercial office as described in item 1 then we hope to use that to build a office building with several units to rent or lease out. As a backup to ensure the amendment goes through if the city is not amenable to keeping the northern property commercial, we will use the entirety of the three lots for single family dwellings.

3. Which elements of the Comprehensive Plan will be affected and how. Include detailed information on the provision of utilities such as water, sewer, power, etc., and how such utilities correspond with the City's various utility plans. Detailed information must also be submitted regarding what effect the proposed change will have on such services as fire, police, parks, schools, etc:

Because this is such a small change and the lots are currently vacant there will be no effect on utilities, parks, schools, etc. Future development will have a negligible effect on these local services.

4. Indicate how the requested amendment will implement the Comprehensive Plan and be in the best interest of the Kennewick area, reference specific Comprehensive Plan policies that will be implemented:

Residential Goal 1: Provide for attractive, walkable, and well-designed residential neighborhoods compatible with neighboring areas. The proposed change to residential is compatible with nearby areas. It is very close to some open space to the west with walking paths, it is within walking distance of the Court Club. It will also be in the vicinity of the downtown area that is proposed to replace the old Vista Airport.

Residential Goal 3: Promote a variety of residential densities. Although not part of this comp plan amendment

5. Include any other substantiated information in support of the requested amendment:

Kennewick has a surplus of commercial land and the demand for new homes in the area is extremely high. This will allow some additional homes to be added to the market. Additionally it will provide many homeowners on N Jefferson street with neighboring residential property instead of commercial property. If the northern area is permitted to remain zoned CO, then plans to build an office building with landscaped areas will beautify the side of a Canal Dr which is a main through road.

# Vicinity Map

PREFERRED OPTION

BLUE HATCHED AREA TO REMAIN COMMERCIAL OFFICE (CO)

PROPOSED BOUNDARY BETWEEN ZONES TO BE 20' NORTH OF EXISTING PROPERTY LINE AS SHOWN

RED HATCHED AREA TO CHANGE TO LOW DENSITY RESIDENTIAL

133992013078003

133992013078003

133992013078003

20 ft



# Vicinity Map

SECONDARY OPTION

CHANGE ALL 3 LOTS TO LOW DENSITY RESIDENTIAL

133992013078003

133992013078003

133992013078003

N Jefferson St

N Irving Pl

Canal Dr

W Quinault Ave

N Jefferson Pl

Google Earth





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

**FILE/PROJECT NUMBER:** ED 21-17/PLN-2021-01442

**DESCRIPTION OF PROPOSAL:** Change the land use designation of 1.77-acres from Commercial to Low Density Residential.

**PROPONENT:** Brett Lott, 5710 Castle Holly Court, Pasco, WA 99301

**LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY:** 1201, 1213, 1221 N Irving Place, Parcel Number: 1-3399-201-3078-001, 1-3399-201-3078-002 and 1-3399-201-3078-003

**LEAD AGENCY:** City of Kennewick

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

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

**RESPONSIBLE OFFICIAL:** Anthony Muai, AICP  
**POSITION/TITLE:** Interim Planning Director  
**ADDRESS:** 210 W 6th Ave., P.O. Box 6108, Kennewick, WA 99336  
**PHONE:** (509) 585-4386

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

This DNS is subject to the attached conditions:

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

Date: July 7, 2021      Signature: 

\*\*\*\*\*  
**Appeal:** An appeal of this determination must be submitted to the Community Planning Department within fourteen (14) calendar days after the date issued and no later than 5 p.m. This appeal must be written and make specific factual objections to the City's threshold determination. Appeals shall be conducted in conformance with Section 4.12.090(9) of the Kennewick Municipal Code and the required fees pursuant to the City's adopted Fee Schedule shall be paid at time of appeal submittal.

Copies of this DNS were mailed to:      Dept. of Ecology  
WA Dept. of Fish & Wildlife  
WSDOT  
Yakama Nation  
CTUIR  
ED 21-17 File

RECEIVED

JUN 29 2021

COMMUNITY PLANNING



Sean A. Russel  
(509) 895-0087  
sean.russel@stokeslaw.com

*Reply to Yakima Office*

June 28, 2021

**SENT VIA FED EX**

Steve Donovan  
City of Kennewick  
Development Services Division  
210 W. 6th Avenue  
Kennewick, WA 99336

Re: CPA 21-07/PLN-2021-01441

Dear Mr. Donovan:

I am submitting this letter on behalf of Native Dirt, LLC in response to the above-referenced project application. Native Dirt, LLC is the property owner for the property located at 1212 N. Irving Place in Kennewick, and as such would be directly impacted by the applicant's proposal should it be approved. Native Dirt presently operates a commercial business on its property.

The applicant is requesting the Comprehensive Plan be amended to allow a future rezoning of 1221, 1213 and 1201 N. Irving Place in Kennewick from commercial to low-density residential (i.e., single-family). The applicant is not requesting a rezone with his current application; however, he explains that his long-term intention is to develop the property with a combination of one commercial lot and several single-family residential dwellings, or just with single-family residential dwellings. Native Dirt believes the applicant's request (and future proposal) is inconsistent with existing surrounding uses and inconsistent with the Comprehensive Plan. Native Dirt believes the application should be denied.

The applicant's proposal is inconsistent with existing commercial uses as well as surrounding commercial uses to the east and southeast of N. Irving Place. Native Dirt presently operates a commercial business on its property and therefore generates commercial traffic on N. Irving Place. Adding single-family residential use to N. Irving Place would be incompatible with the existing commercial use on that street because it would change the character of the street by introducing single family use and single-family residential traffic. While N. Irving Place might previously have been suitable for single-family residential development (prior to the establishment of Native Dirt's commercial enterprise), the fact that there is an existing commercial

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JUN 29 2021

COMMUNITY PLANNING

June 28, 2021

Page 2

business using N. Irving Place should preclude a change in the use of the cul-de-sac to allow single-family residential.

The neighborhood to the west, N. Jefferson Street, is an interesting comparison. That development is entirely single-family residential (no commercial) and therefore avoids the incompatibilities that would occur by blending single-family residential and commercial on N. Irving Place. Further, the N. Jefferson Street development does not front W. Canal Drive. And it is adjacent to Lawrence Scott Park, not other commercial uses like N. Irving Street. The N. Jefferson Street development is an example of a single-family use consistent with the Comprehensive Plan.

Regarding commercial uses, the Comprehensive Plan encourages compatible commercial activities to concentrate near each other. The commercial development operated by Native Dirt, LLC has effectively established N. Irving Street as a commercial street. The surrounding commercial uses to the east and southeast of Native Dirt's commercial business strongly indicate the proper use of this area should be commercial, not single family residential. Maintaining the commercial use designation for the property along N. Irving Place will further the goals of the Comprehensive Plan.

While Native Dirt is not opposed to single-family development, it does believe the applicant's proposal (and stated future development plans) are inconsistent with the current use and goals of the Comprehensive Plan. Thank you for the opportunity to provide comments.

Sincerely,

STOKES LAWRENCE  
VELIKANJE MOORE & SHORE



Sean A. Russel

**From:** [Heather Michael](#)  
**To:** [Steve Donovan](#)  
**Subject:** CPA 21-07/PLN-2021-01441  
**Date:** Tuesday, June 29, 2021 11:44:45 AM  
**Attachments:** [image001.jpg](#)

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Good afternoon, Steve,

This response is regarding the public notice for the properties located at 1201, 1213 and 1221 N Irving Place, in Kennewick.

I purchased the property across the street (1200 N Irving Place) with the intent to build a 2-story office building (8000-10000 sq feet) with parking. I am concerned because this cul-de-sac is zoned commercial and the original intent was for all 6 lots to have some type of business on them. At this time, two of them have businesses and mine would be the third. Three residential homes in this already established commercial area doesn't seem practical and only seems to fit the needs of the owner, who builds residential homes. I do not agree with the proposal to change the zoning to LDR. Can you tell me when a decision will be made because this would directly affect whether or not I will move forward with my plan to build on that lot.

Thank you!

Heather Michael



Find us on Google: <https://g.page/HomeCareSolutions?gm>

**From:** [lott.brett@gmail.com](mailto:lott.brett@gmail.com)  
**To:** [Steve Donovan](#)  
**Cc:** [Joshua Lott](#); ["Sandra Lott"](#)  
**Subject:** RE: ED 21-17/PLN-2021-01442  
**Date:** Thursday, July 22, 2021 4:35:00 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)

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Hello Steve,

Thank you for forwarding the comments. I just wanted to give a reply on both of these letters that may or may not be needed for the approval process but thought it might be relevant.

In response to the letter written in behalf of Native Dirt who is the owner of the property located at 1212 Irving place and also known as Lexar homes. The letter states that Native Dirt believes the application is "inconsistent with existing surrounding uses and inconsistent with the Comprehensive Plan". I would argue that the comprehensive plan is friendly towards a mixture of residential and light commercial. Even on the north side of Canal Dr., residential and commercial sits side by side. Future plans in Vista field are also friendly to a mixture of residential and commercial by possibly allowing mixed use residential and commercial businesses. I also received a call from Chad who is one of the owners of Lexar Homes and he stated their concern that if our property was rezoned to residential that there was a possibility that mobile homes would be place there as was done on the property just south of Quinault Ave. I assured him that was not our intent or plans and that we would be building upgraded SFR homes that would compliment and even improve the area. Although he would prefer it stay commercial he stated he was not apposed to our proposal.

In regards to the letter written by Heather Michael. There is really not an argument given in the letter as to why she is apposed other than it states "the original intent was for all 6 lots to have some type of business on them" and "residential homes in this already established commercial area doesn't seem practical". In actuality there are only 5 lots in the cul-de-sac and one established business, Lexar Homes, so I believe it is safe to say it is not an established commercial area especially since it is flanked by residential homes on two sides. I would also argue that residential homes in a commercial area is practical and lends to more of a community feel and also provides added activity to the area during off business hours reducing loitering or crime. It is important to note that the Michaels purchased their property a month after we had completed our purchase. Danial Michael had called me and asked what our intent was with the lots we purchased and I was upfront in letting him know what our plans where and he expressed approval during that phone call.

One other thing to note is that the only established business on the street is a residential home used as model for Lexar Homes with a smaller office building at the side. The home faces Canal Dr. and is built and landscaped to model a residential home which already lends to the residential feel of the area.

I believe our proposed application is positive in all ways and will create a look and feel that will benefit the adjacent residential and commercial owners and a good positive fit for the City of Kennewick.

Happy to have an further discussion or answer any questions.

Thank you,

Brett

---

**From:** Steve Donovan <[Steve.Donovan@ci.kennewick.wa.us](mailto:Steve.Donovan@ci.kennewick.wa.us)>  
**Sent:** Thursday, July 08, 2021 3:07 PM  
**To:** 'lott.brett@gmail.com' <lott.brett@gmail.com>  
**Subject:** RE: ED 21-17/PLN-2021-01442

Mr. Lot:

Attached are comments that I received from surrounding neighbors.

Steve

---

**From:** [lott.brett@gmail.com](mailto:lott.brett@gmail.com) <lott.brett@gmail.com>  
**Sent:** Thursday, July 8, 2021 2:39 PM  
**To:** Steve Donovan <[Steve.Donovan@ci.kennewick.wa.us](mailto:Steve.Donovan@ci.kennewick.wa.us)>  
**Subject:** RE: ED 21-17/PLN-2021-01442

Thank you for the info and update.  
Brett

---

**From:** Steve Donovan <[Steve.Donovan@ci.kennewick.wa.us](mailto:Steve.Donovan@ci.kennewick.wa.us)>  
**Sent:** Wednesday, July 07, 2021 8:37 AM  
**To:** 'Lott.Brett@gmail.com' <[Lott.Brett@gmail.com](mailto:Lott.Brett@gmail.com)>  
**Subject:** ED 21-17/PLN-2021-01442

Mr. Lott,

Attached is the SEPA Determination for your proposed comprehensive plan amendment.

Let me know if you have any questions.

Steve

**Steve Donovan, AICP**  
City of Kennewick  
Community Planning/Senior Planner  
O: 509.585.4361

Brett Lott Homes  
7513 W Kennewick Ave. Suite C  
Kennewick, WA 99336

August 5, 2021

City of Kennewick  
210 W. 6<sup>th</sup> Avenue  
Kennewick, WA 99336

To Members of the Kennewick City Council,

## **INTRODUCTION**

The purpose of this letter is a rebuttal of the public, written comments from two different entities. The comments from Stokes Lawrence Valikanje Moore & Shore on behalf of Native Dirt, LLC, also known as Lexar Homes, will be addressed first, and comments from Heather Michael who, along with her husband, recently purchased the property across the street (1200 Irving Place) will be second.

### **NATIVE DIRT, LLC (LEXAR HOMES)**

The comments from Native Dirt LLC paragraph two states, "Native Dirt believes the applicant's request (and future proposal) is inconsistent with existing surrounding uses and inconsistent with the Comprehensive Plan." First, our amendment request is consistent with existing surrounding uses. This is readily apparent when you look at the city's zoning map. Residential zoned properties are located immediately west and south of the property in question. In addition, parks are generally placed in areas with significant residential presence. Lawrence Scott Park is located almost immediately to the west of the property in question. Furthermore, as the Vista Field property develops with proposed mixed commercial and residential units, it makes sense to develop residential property nearby. Second, this application is consistent with the Comprehensive Plan. Please see our Comprehensive Plan Amendment Application for evidence of what Comprehensive Goals and Policies are aided by this proposal. One of the most important Residential Policies in the Comprehensive Plan that is consistent with this proposal is residential goal 4 policy 2 which reads, "Encourage residential development within commercial areas."

Paragraph three of Native Dirt LLC's comments indicates that, "the applicant's proposal is inconsistent with... surrounding commercial uses to the east and southeast." They fail to mention that all the land use to the west and south is residential. Furthermore, Native Dirt indicates that residential homes would reduce commercial traffic and harm their business. This is not a through street, it is a cul-de-sac, so traffic patterns will change marginally at most. In addition, their property borders Canal Drive, so they have an abundance of visibility to the public which would be unaffected by a few homes being built on the cul-de-sac.

The fourth paragraph states that residential and commercial property should not be on the same street, however, the comprehensive plan encourages residential development within commercial areas (see comments on the first paragraph), so their point is not consistent with the comprehensive plan.

The fifth paragraph argues that because there is already a commercial building on the street that all other buildings should be commercial as well. Once again this is inconsistent with the comprehensive plan policy of promoting residential development within commercial areas.

The final paragraph states that the company is not apposed to single-family development. Their entire argument hinges on their belief that the proposed amendment is entirely inconsistent with the comprehensive plan, which is false. There are most assuredly many goals and policies in the comprehensive plan with which the proposed amendment is consistent. I feel like their letter repeatedly tries to prove inconsistency with the comprehensive plan, without knowing anything other than the zoning of nearby properties. If Native Dirt LLC took a closer look at the goals and the policies of the comprehensive plan, they would find more goals and policies that are consistent with the proposed amendment than there are those that are inconsistent.

Additionally, I received a call from Chad who is one of the owners of Lexar Homes, and he stated their concern that if our property was rezoned to residential that there was a possibility that mobile homes would be placed there similar to what was done on the property just south of Quinault Ave. I assured him that that was not our intent and that we would be building upgraded single family residence homes that would complement and even improve the area. Although he would prefer it stay commercial, he stated he was not opposed to our proposal.

### **HEATHER MICHAEL**

Heather and her husband intend to build a 2-story office building with parking at 1200 N Irving Place. She indicated that, "the original intent was for all 6 lots to have some type of business on them" and "residential homes in this already established commercial area doesn't seem practical". In actuality, there are only 5 lots in the cul-de-sac and one established business, Lexar Homes. Because 80% of the lots are currently vacant, it is safe to say this is not an established commercial area, especially since it is flanked by residential homes on two sides. I would also argue that residential homes in a commercial area are practical and lend to more of a community feel. They also provide added activity to the area during off business hours thus reducing loitering and crime.

She also states that residential homes "only seems to fit the needs of the owner". Obviously, every property owner would hope that the property fits their needs. However, this proposed amendment is also consistent with many of the goals and policies set forth in the comprehensive plan, which means it will beneficially impact the community in addition to meeting our needs.

Heather also indicates that this decision "would directly affect whether or not *she* will move forward with *her* plan to build on that lot." Quite frankly, this is likely a posture to sway the council decision. The Michaels purchased their property a month after we had completed our property purchase. Daniel Michael (Heather's husband) called me and asked what our intent was with the lots we purchased, and I was upfront in letting him know of our plans that are contained in the proposal to the council. He expressed approval during that phone call.

### **CONCLUSION**

In summary, the two sets of comments that were received contain arguments that are largely unfounded. Additionally, their arguments are not consistent with comprehensive plan goals and policies. The council would be beneficially impacting the community by approving the amendment to the comprehensive plan. I invite each council member to approve the amendment to the comprehensive plan.

Sincerely,



Brett Lott

# Council Agenda Coversheet



Agenda Item Number	5.g.	Council Date	10/05/2021
Agenda Item Type	Ordinance		
Subject	CPA 21-08 (Wei)		
Ordinance/Reso #	5941	Contract #	
Project #	CPA 21-08	Permit #	PLN-2021-01480
Department	Planning		

Consent Agenda	<input type="checkbox"/>
Ordinance/Reso	<input checked="" type="checkbox"/>
Public Mtg / Hrg	<input type="checkbox"/>
Other	<input type="checkbox"/>
Quasi-Judicial	<input type="checkbox"/>

### Recommendation

The Planning Commission recommends approval of CPA 21-08 through the adoption of Ordinance 5941.

### Motion for Consideration

I move to adopt Ordinance 5941.

### Summary

The applicant, Thomas Wei, has requested to change the land use designation of 2.95 acres at 18 W 12th Place from Commercial to High Density Residential. This request will allow the applicant to develop the property with multi-family residences.

The Planning Commission held a public hearing for the request on August 16, 2021. At the hearing, the applicant's representative spoke in favor of the proposal. No testimony or written comments were received in opposition to the request.

The Planning Commission voted unanimously to recommend approval to City Council.

### Alternatives

None recommended.

### Fiscal Impact

None

Through	Steve Donovan Sep 27, 09:36:31 GMT-0700 2021
Dept Head Approval	Anthony Muai Sep 28, 11:02:00 GMT-0700 2021
City Mgr Approval	Marie Mosley Oct 01, 08:30:20 GMT-0700 2021

Attachments:

Ordinance
Site Map
PC Action Summary
Minutes
Staff Report

Recording Required?

CITY OF KENNEWICK  
ORDINANCE NO. 5941

AN ORDINANCE AMENDING THE CITY OF KENNEWICK'S COMPREHENSIVE  
PLAN (CPA 21-08, WEI)

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

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

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

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

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

1. CPA 21-08 – 2.95 acres located at 18 W 12<sup>th</sup> Place (Commercial to High Density Residential).

**Section 2.** The property is legally described as follows:

**Commercial to High Density Residential**

Section 12, Township 8 North, Range 29 East, Northeast Quarter: Dr. Ely's Colony No. 1, Block 4, Lot 3. Together with adjoining vacated 11<sup>th</sup> Avenue of Said Lot 3: 3/14/90 #90-4031; except the following described legal description: the north 30 feet of Lot 3, Block 4, Plat of Dr. Ely's Colony No. 1 according to the plat thereof recorded in Volume 1 of Plats page 64, records of Benton County, Washington, together with the south 20 feet of vacated west 11<sup>th</sup> Avenue right-of-way adjoining said Lot 3. (4/21/2000 AF#2000-009594) together with Dr. Ely's Colony No. Block 4, Lot 4 and 5 #90-4031 3/14/90. Except that portion lying with the following described legal: the North 30 feet of Lots 4 and 5, Block 4, Plat of Dr. Ely's Colony No. 1, according to the plat thereof recorded in Volume 1 of Plats, Page 64, records of Benton County Washington, together with the south 20 feet of vacated west 11<sup>th</sup> Avenue right-of-way adjoining said Lots 4 and 5 (4/21/2000 AF#2000-009593) together with Ely's Second Addition: Block 5, Lot

4 together with vacated street right of way (Desc Chg Ord #3521 3/18/94 AF#94-9518) together with Lots 9, 10 and 11, Block 8, Ely's Second Addition according to the plat thereof recorded in Volume 2 of plats, page 43, records of Benton County Washington; together with those portions of adjoining vacated street right-of-way which inures thereto by operation of law, (Ord-3521 AF#1994-009518) except a portion of Lot 9 of said block described as follows: beginning at the northwest corner of said Lot 9, thence south 89°28'33" east, 46.66 feet along the north line of said Lot 9 to the True Point of Beginning; thence continuing south 89°28'33" east 3.33 feet along said north line to the northeast corner of said Lot 9; thence south 00°38'31" east, 72.59 feet along the east line of said Lot 9; thence South 89°02'56" West 3.37 feet; thence North 00°36'46" West 72.67 feet to the True Point of Beginning (Description Change per AF#2015-021592, 7/23/2015, see survey #4638) Together with Ely's Second Addition: Block 5, Lots 5 and 6, less the North 70 feet of Lot 6, 4/12/65. Together with that portion of vacated street right-of-way (Description Change Ord#3521 3/18/94 AF#94-9518) Together with Lot 7, Clock 5 less the North 70 feet thereof, together with the South 57 feet of Lot 8, all in Ely's Second Addition, according to the plat thereof recorded in Volume 2 of Plats, page 43, records of Benton County, Washington together with that portion of adjoining vacated street right-of-way which inures thereto by operation of law. (Ord#3521 AF#1994-009518) except that portion of Lots 7 and 8 of said Block 5 described as follows: Beginning at the southeast corner of said Lot 7; thence north 00°38'31" West 87.02 feet along the east line of said Lot 7 to a point on the south line of the north 70 feet of said Lot 7 and the True Point of Beginning; thence North 89°28'33" West 99.98 feet along said south line to the West line of said Lot 8; Thence south 00°38'31" East 2.57 feet along said West line; Thence North 89°02'56" East 99.97 feet to the True Point of Beginning. (Description Change per AF#2105-021591, 7/23/2015, see Survey #4638). Together with Ely's Second Addition: Block 8, Lot 7, together with lot 8. Together with that portion of vacated street right-of-way. (Description Change Ord#3521 AF#94-9518 3/18/94). (Legal Consolidation per AF#2016-016169, 6/9/2016.

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

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

---

STEVE LEE, Mayor Pro Tem

Attest:

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TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5941 filed and recorded in the office of the City Clerk of the City of Kennewick, Washington this 6<sup>th</sup> day of October, 2021.

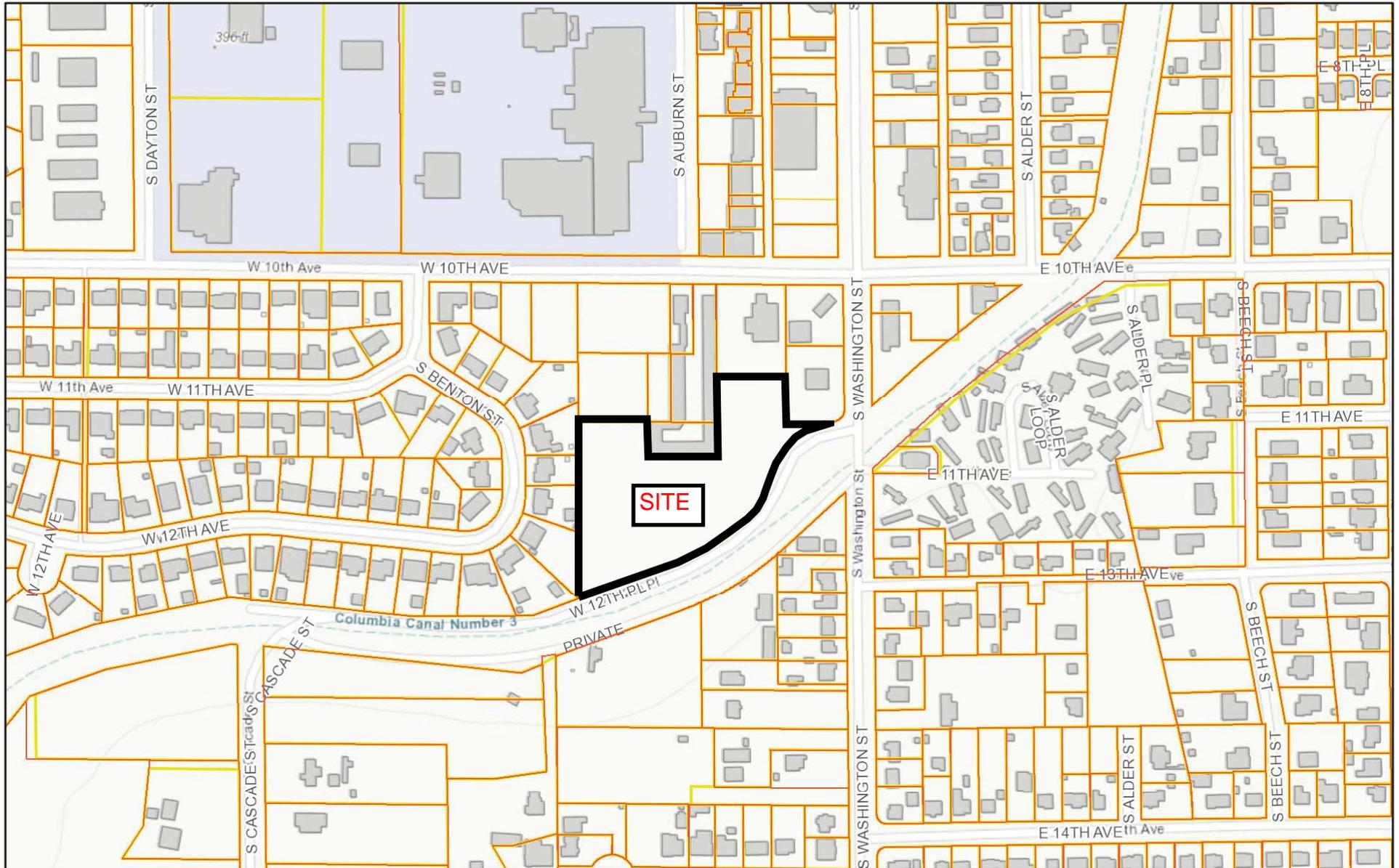
Approved as to Form:

\_\_\_\_\_  
LISA BEATON, City Attorney

\_\_\_\_\_  
TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION \_\_\_\_\_

# Site Map



August 30, 2021 This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

CountyParcelLayer	<b>SurveyAddressPoint</b>	 Building	Parcel
StreetName	 <all other values>	 Condo	
	 Apartment	 Mobile Home	



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.,

**Planning Commission Action Summary**  
**CPA 21-08 – Thomas Wei**

The Kennewick Planning Commission conducted a virtual public hearing on August 16, 2021. All interested parties were notified to come before the Commission and be heard. After reviewing the staff report and all oral and written facts and opinions, the Commission passed a motion on the proposed Comprehensive Plan Amendment, concurring with the findings and conclusions in the staff report CPA 21-08 and recommends to City Council approval of the proposed Comprehensive Plan Amendment contained in the staff report.

**Findings of Fact**

1. The applicant is Thomas Wei, 2120 N Road 44, Pasco, WA 99301.
2. The property owner is FSTN, LLC, 2699 Road 68, Pasco, WA 99301.
3. The request is to change the site's land use designation from Commercial to High Density Residential.
4. The application was received on April 30, 2021 and was routed for review to various City Departments and other local, state and federal agencies for comment on June 14, 2021.
5. City water and sewer utilities are in S Washington Street.
6. Access to the site is from W 12<sup>th</sup> Place.
7. The proposed amendment is adjacent to lands designated Low Density Residential, Public Facility, Medium Density Residential and Commercial.
8. A Determination of Non-Significance was issued for this application on July 7, 2021. The appeal period for the determination ended on July 21, 2021.
9. The Notice of Public Hearing was posted on site July 29, 2021.
10. The Notice of Public Hearing was published in the Tri-City Herald on August 1, 2021. Notices were mailed to property owners within 300 feet of the site on July 29, 2021.
11. The proposed amendment will not allow the property to be rezoned to a zoning district that will permit uses that may have the potential to negatively influence the public health, safety, welfare and protection of the environment.
12. This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
13. The proposed amendment does not correct an obvious mapping error.
14. This request does address an identified deficiency in the Comprehensive Plan.

**Conclusions of Law**

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation of 2.95 acres from Commercial to High Density Residential.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will increase the population densities in the area.
5. Future development of the site may have minimal impact to the traffic and park system.

The motion to recommend approval to City Council passed with a vote of 5 to 0.

**Chairman Morris opened the virtual public hearing at 7:35 p.m. for Comprehensive Plan Amendment 21-08/PLN-2021-01480, proposing to change approximately 2.95 acres located generally at 18 W. 12<sup>th</sup> Place Commercial (C) to High Density Residential (HDR). Applicant is Thomas Wei, 2120 N. Road 44, Pasco, WA 99301. Property owner is FSTN, LLC, 2699 N. Road 68, Pasco, WA 99301.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

Rick Simon, Applicant Representative  
98412 Harrington Road  
W. Richland 99354

Here on behalf of Mr. Wei, in favor of proposal.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-08 closed at 7:39 p.m.**

Chairman Morris asked for a motion.

Commissioner Stolle moved to concur with the findings and conclusions in staff report CPA 21-08 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

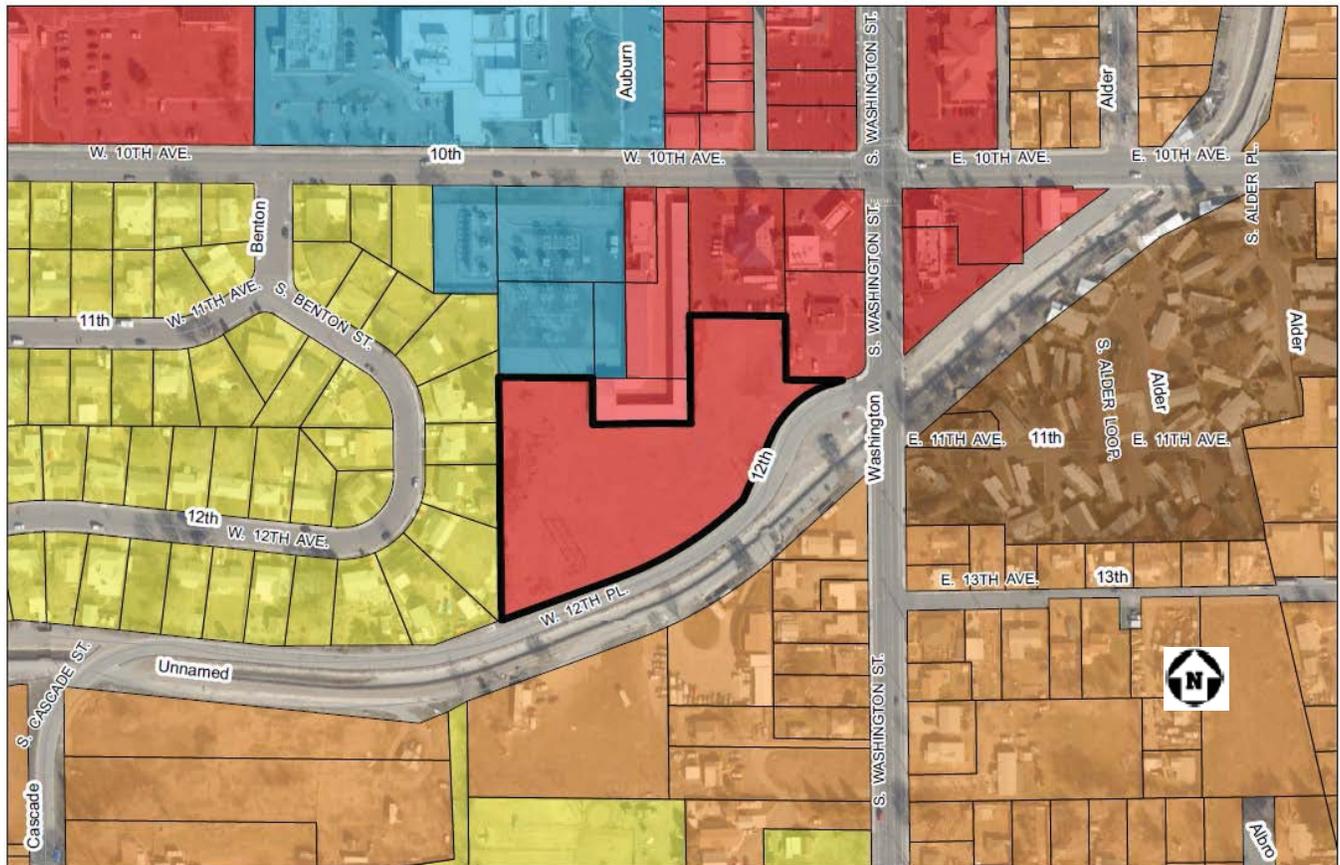


## Comprehensive Plan Amendment 21-08

**REQUEST:** Change 2.95 acres from Commercial to High Density Residential.

**APPLICANT:** Thomas Wei

**OWNER:** FSTN, LLC



Not to scale

### SITE INFORMATION

- **Size:** 2.95 acres
- **Location:** 18 W 12<sup>th</sup> Place
- **Topography:** Flat
- **Existing Comprehensive Plan Designation:** Commercial
- **Existing Zoning:** Commercial, Community (CC)
- **Existing Land Use:** Vacant Land

### EXHIBITS

- **Exhibit A-1:** Aerial Map
- **Exhibit A-2:** Land Use Map
- **Exhibit A-3:** Application
- **Exhibit A-4:** Environmental Determination

**APPLICATION PROCESS**

- Application Submitted April 30, 2021
- Application routed for comments June 14, 2021
- Determination of Non-Significance was issued on July 7, 2021
- Appeal Period for the DNS ended July 21, 2021
- Notice of Public Hearing was posted at the site on July 29, 2021
- Notice of Public Hearing published August 1, 2021
- Notice of Public Hearing mailed July 29, 2021

**SURROUNDING COMPREHENSIVE PLAN, ZONING AND LAND USES**

North	Comprehensive Plan – Public Facility and Commercial Zoning – Public Facility (PF) and Commercial, Community (CC) Existing Land Uses – Electrical Substation, Mini Storage, Office and Restaurant
South	Comprehensive Plan – Medium Density Residential Zoning – Residential, Medium Density (RM) and Residential, Manufactured Home (RMH) Existing Land Uses – Single-Family Residences
East	Comprehensive Plan – High Density Residential and Medium Density Residential Zoning – Residential, Trailer Park (RTP) and Residential, Medium Density (RM) Existing Land Uses – Trailer Park and Single-Family Residences
West	Comprehensive Plan – Low Density Residential Zoning – Residential, Low Density (RL) Existing Land Uses – Single-Family Residences

**REGULATORY CONTROLS**

- City of Kennewick Comprehensive Plan
- Kennewick Municipal Code Title 4
- Kennewick Municipal Code Title 18

**DESCRIPTION OF REQUEST**

The applicant has requested to change the land use designation for 2.95 acres from Commercial to High Density Residential.

**COMPLIANCE WITH TITLE 4 (ADMINISTRATIVE PROCEDURES)**

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

1. The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment;  
The proposed amendment will not allow the property to be rezoned to a zoning district that will permit uses that may have the potential to negatively influence the public health, safety, welfare and protection of the environment.
2. The proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City’s adopted comprehensive plan not affected by the amendment;  
This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City’s adopted comprehensive plan not affected by the amendment.
3. The proposed amendment corrects an obvious mapping error; or  
This request does not correct a mapping error.

4. The proposed amendment addresses an identified deficiency in the Comprehensive Plan.  
The City of Kennewick's 2017-2037 Comprehensive Plan states that the City has a surplus of Commercial Lands and a deficit of High Density Residential lands. The proposed amendment will address an identified deficiency in the comprehensive plan.

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

1. The effect upon the physical environment;  
Grading and clearing of vegetation will have to take place at the site for future development.
2. The effect on open space and natural features including, but not limited to topography, streams, rivers, and lakes;  
The site does not contain any designated open space or critical areas on-site. No negative impacts are anticipated from the proposed amendment or future development. Adequate measures within the Kennewick Municipal Code exist to mitigate any possible negative impacts to the natural environment.
3. The compatibility with and impact on adjacent land uses and surrounding neighborhoods;  
The proposal is compatible with the surrounding land uses. A mix of different land use designations and zoning districts surrounds the site. Future multi-family development will most likely increase traffic, but should have minimal impact on the adjacent properties.
4. The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools;  
The future development of the site is required to provide infrastructure improvements to ensure adequacy of community facilities.
5. The quantity and location of land planned for the proposed land use type and density and the demand for such land;  
Currently, Kennewick has a surplus of land designated Commercial. The addition of more High Density Residential land will help to meet the demand for more housing.
6. The current and projected project density in the area; and  
No maximum density exists for the current land use designation and the proposed land use designation has a maximum density of 27 units/acre.
7. The effect, if any upon other aspects of the Comprehensive Plan.  
The proposed change will not affect any other aspects of the Comprehensive Plan.

**PUBLIC COMMENT**

No comments were received from the public.

**AGENCY COMMENTS**

The City's Traffic Engineering Division may request a Traffic Analysis once a development application for the site is submitted.

**ANALYSIS OF REQUEST**

This request is to amend the land use designation of 2.95 acres to High Density Residential. A maximum of 80 units is permitted by the proposed land use designation. The proposed amendment will address a current supply deficiency of High Density Residential. The proposal is compatible with the multiple land use designations adjacent to the site. Access to the site is via W 12<sup>th</sup> Place. Surrounding commercial activities would provide supporting services to future residences.

## **FINDINGS**

1. The applicant is Thomas Wei, 2120 N Road 44, Pasco, WA 99301.
2. The property owner is FSTN, LLC, 2699 Road 68, Pasco, WA 99301.
3. The request is to change the site's land use designation from Commercial to High Density Residential.
4. The application was received on April 30, 2021 and was routed for review to various City Departments and other local, state and federal agencies for comment on June 14, 2021.
5. City water and sewer utilities are in S Washington Street.
6. Access to the site is from W 12<sup>th</sup> Place.
7. The proposed amendment is adjacent to lands designated Low Density Residential, Public Facility, Medium Density Residential and Commercial.
8. A Determination of Non-Significance was issued for this application on July 7, 2021. The appeal period for the determination ended on July 21, 2021.
9. The Notice of Public Hearing was posted on site July 29, 2021.
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11. The proposed amendment will not allow the property to be rezoned to a zoning district that will permit uses that may have the potential to negatively influence the public health, safety, welfare and protection of the environment.
12. This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
13. The proposed amendment does not correct an obvious mapping error.
14. This request does address an identified deficiency in the Comprehensive Plan.

## **CONCLUSIONS**

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation of 2.95 acres from Commercial to High Density Residential.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will increase the population densities in the area.
5. Future development of the site may have minimal impact to the traffic and park system.

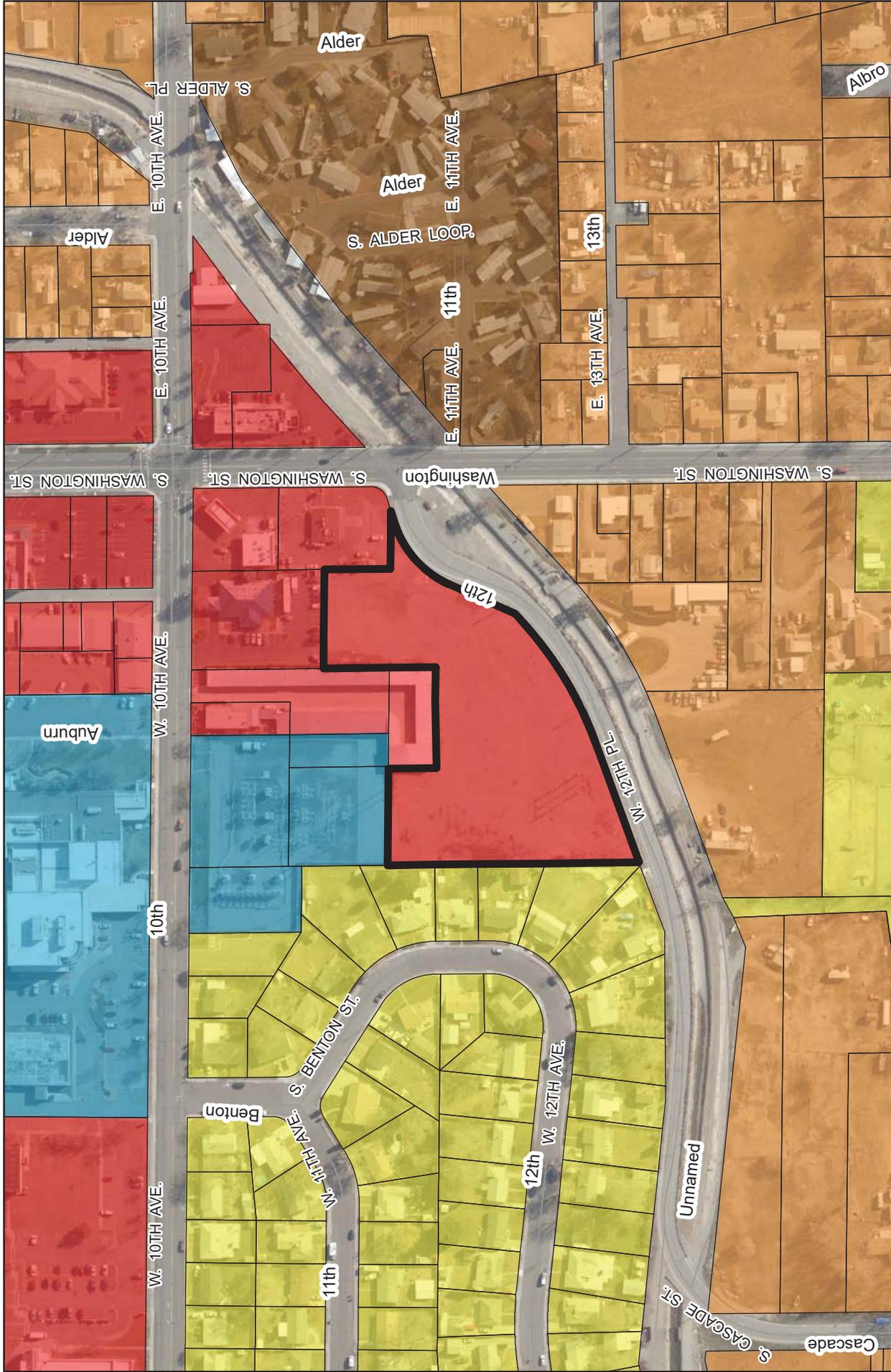
## **Recommendation**

Staff recommends that the Planning Commission concur with the findings and conclusions of CPA 21-08 contained in the staff report and recommend approval to City Council.

## **Motion**

I move that the Planning Commission concur with the findings and conclusions of CPA 21-08 contained in the staff report and recommend to City Council approval of the request.





CPA 21-08/PLN-2021-01480 Land Use Map

- Open Space
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed Use
- Commercial
- Industrial
- Public Facility



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

PROJECT # \_\_\_\_\_ - \_\_\_\_\_ PLN- \_\_\_\_\_ - \_\_\_\_\_ FEE \$ \_\_\_\_\_

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

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

Site Plan Tier 1  Tier 2  Tier 3  Binding Site Plan   
Short Plat  Conditional Use  Other Comprehensive Plan Amendment

Environmental Determination PLN- \_\_\_\_\_ - \_\_\_\_\_ Pre Application Meeting PLN- \_\_\_\_\_ - \_\_\_\_\_

Applicant: THOMAS WEI

Address: 2120 N RD 44, PASCO WA 99301

Telephone: 425-698-7705 Cell Phone: SAME Fax: \_\_\_\_\_ E-mail ThomasWei10@gmail.com

Property Owner (if other than applicant): FSTN, LLC

Address: 2699 RD 68, PASCO WA 99301

Telephone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ E-mail \_\_\_\_\_

**SITE INFORMATION**

Parcel No. 11289103000501 Acres 2.95 Zoning: CC

Address of property: 18 W 12TH PLACE

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

Present use of property VACANT

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

Heit of building: undetermined Cubic ft of excavation: undetermined Cost of new construction undetermined

Benton County Assessor Market Improvement Value: \$0 Improvement Value/\$213.870 Land Value

Description of Project: Amendment to the Comprehensive Plan to reclassify site from "Commercial" land use designation to "High Density Residential" land use designation.

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

Applicant's Signature \_\_\_\_\_

Signature of owner or owner's authorized representative \_\_\_\_\_

Date: 4/30/2021

## THOMAS WEI COMPREHENSIVE PLAN AMENDMENT APPLICATION SUPPLEMENTAL INFORMATION

### 1. *State the requested amendment:*

The proposed amendment seeks a change in the land use designation on a 2.95-acre parcel from its current 'commercial' plan designation to a 'high density residential' plan designation. The site is located west of Washington Avenue and lies between 10<sup>th</sup> Avenue and 12<sup>th</sup> Place, addressed as 18 W. 12<sup>th</sup> Place. Refer to the attached vicinity map (Exhibit A). The intent of the plan amendment is to develop the site with affordable townhome units. While no specific site plans have yet been prepared for the project, 28 to 33 units are anticipated.

### 2. *What are the reasons for the requested amendment?*

- **The property is not well suited for retail commercial development.** The site is located near Washington Avenue but does not have any direct frontage along an arterial street. 12<sup>th</sup> Place, which does front the site is a low volume residential street, without the traffic counts necessary to make the site attractive to commercial retailers. Refer to attached zoning map (Exhibit C).
- **Many of the commercial uses allowed in the CC district are not as compatible with nearby residential neighborhoods.** The site borders upon a single-family neighborhood to the west. Kennewick Municipal Code Chapter 18.12 allows a variety of uses within the CC zone that could negatively impact adjacent residential neighborhoods, such as the following:
 

<ul style="list-style-type: none"> <li>○ Alcoholic beverage sales;</li> <li>○ Auto oriented uses;</li> <li>○ Bars/taverns;</li> <li>○ Body art studios;</li> <li>○ Micro-breweries;</li> <li>○ Brew pubs;</li> <li>○ Bus stations;</li> <li>○ Car washes;</li> <li>○ Casino/cardrooms;</li> <li>○ Craft distilleries;</li> </ul>	<ul style="list-style-type: none"> <li>○ Espresso stands;</li> <li>○ Gas stations;</li> <li>○ Hotels;</li> <li>○ Kennels (150' setback required)</li> <li>○ Gunsmith;</li> <li>○ Mobile Home display lots;</li> <li>○ Fast food restaurants;</li> <li>○ Vet clinics</li> </ul>
--	--
- **There is a lack of affordable housing options within the City.** The proposal would convert land to a residential land use designation with the goal of constructing townhomes on the site. Higher density townhomes provide an attractive affordable housing option that makes efficient use of residential land while still providing home ownership opportunities to families. Few sites are currently available in the City that can provide for this form of housing.
- **The property is well situated for residential development.** The site is ideally located for residential development, as it is close to both schools and parks. It is near to an intersection of two minor arterial streets (Washington and 10<sup>th</sup> Avenue) is adjacent to primary and secondary pedestrian and bicycle routes, is located adjacent to existing bus

routes, is close to an existing fire and police stations and health care facilities and is within easy walking distance of restaurants and a grocery store.

3. Which elements of the Comprehensive Plan will be affected and how. Include detailed information on the provision of utilities such as water, sewer, power, etc. and how such utilities correspond with the City's various utility plans. Detailed information must also be submitted regarding what effect the proposed change will have on such services as fire, police, parks, schools, etc.

**Land Use Plan Impacts**

Under the land use element of the plan, minor adjustments to the following land use inventory found on page 19 of the Kennewick 2017-2037 Land Use Element of the Comprehensive Plan would result from the proposal:

**Table 2: Land Use Inventory**

Use Category	Total Acres	Developed Lands (acres)	Buildable Lands (acres)	Acres Needed for 2037 Pop. Projection	Deficit/ Surplus (acres)
Residential	10,477.5	6,356.4	4,121.1	2645.1	1,476.0
Low Density Residential	8,206.1	4,815.2	3,390.9	2,003.7	1,387.2
Medium Density Residential	1,842.7	1,126.0	716.7	468.6	248.1
High Density Residential	428.6	415.1	13.5	172.7	<del>-159.2</del> -156.2
Commercial	1,982.1	1,335.1	647.0	1,982.1	<del>91.5</del> 88.5
Industrial	787.5	462.3	325.2	1,099.7	-774.5
Parks and Recreation	241.9	241.9	0.0	100.7	-100.7
Public Facilities	324.5	324.5	0.0	135.0	-135.0
Schools	237.5	194.2	43.3	80.8	-37.5
Open Space	1,564.1	1,564.1	0.0	650.9	-650.9
Public Service	77.2	77.2	0.00	12.4	-12.4
Subtotal	15,692.3	10,555.7	5,136.6	5,280.1	-143.5
Market Factor (25%)	---	---	-1,284.2	---	-1,284.2
Critical Areas Credit	---	---	0	259.0	-259.0
<b>Total</b>	<b>15,692.3</b>	<b>10,555.7</b>	<b>3,852.4</b>	<b>5,539.1</b>	<b>-1,686.7</b>

The slight surplus in commercial acreage would be decreased by 2.95 acres and the deficit in high density residential land would be decreased by the same 2.95 acres, helping in a small way to even out the overabundance of commercial land and the lack of high-density residential land.

**Utility Plan Impacts**

The City's utility plans would not be impacted by the proposal, as both water and sewer mains are in place along the eastern boundary of the project site. (Refer to the attached utility map – Exhibit I). Fire flow requirements for commercial development are generally greater to or equal to requirements for residential development, so there should be no impact to the City's water system when the demand for water created by the proposed townhomes is compared to the water demand created by commercial development. The impacts of the proposal on the City's sewer system would also be minimal. Commercial development, depending upon the specific commercial uses can be much greater (hotels, restaurants, car washes) or much lesser (in the case of retail or office uses) than townhome development.

**Transportation Plan Impacts**

The project site is well served by the City’s existing transportation network. It is located extremely near the intersection of two minor arterial streets – Washington and 10<sup>th</sup> Avenue (Refer to the attached Roadway Functional Classification Map – Exhibit D). It is located adjacent to three different transit routes (refer to the attached Transit Route Map – Exhibit E). It is located adjacent to primary and secondary pedestrian routes (refer to the attached Pedestrian System Plan – Exhibit F) and to primary and secondary bicycle routes (refer to the attached Bicycle System Plan – Exhibit G).

**Public Facilities Impacts**

The project site is conveniently located to a wide range of public facilities as described in the following table. Distances from the site are measured following street patterns.

Facility	Distance in miles
<b>Schools</b>	
Eastgate Elementary School	.77
Washington Elementary School	.58
Park Middle School	.7
Kennewick High School	.76
<b>Parks</b>	
Civic Athletic Complex	.35
Monopoly Park	.4
Eastgate Park	.85
Keewaydin Park	.8
<b>Other</b>	
Fire Station	.45
Public Library	.8

The central location of the project site shows its suitability for residential land use, with a wide range of public services and facilities located within the immediate neighborhood, making the project site an ideal location for a residential infill project. (Refer to the attached Public Facilities Map – Exhibit H.)

4. *Indicate how the requested amendment will implement the Comprehensive Plan and be in the best interest of the Kennewick area, reference specific Comprehensive Plan policies that will be implemented.*

The proposed plan amendment would help to implement several goals within the Kennewick Comprehensive Plan, which are reprinted below followed by a brief comment explaining how the proposal is consistent with those goals and policies.

**Urban Area Goal 2: Encourage growth within the Urban Growth Area.**

Policies

3. *Encourage compact development patterns within the UGA that can be efficiently served by public facilities. \**

Comment: The project would result in compact high density residential development in a location that will not require the extension of public streets or utility lines and is readily served by existing public facilities and services.

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

Policies:

1. Maintain residential zoning regulations that offer a similar graduation in building scale and bulk.
2. Require multi-family housing to incorporate architectural forms and features compatible with the surrounding neighborhood. Features that promote compatibility include landscaping, setbacks, rooflines and building forms that reduce the appearance of bulk.
3. Require that multi-family structures be located near a collector street with transit, or near an arterial street, or near a neighborhood center.
4. Use natural and man-made features to separate different residential densities.
5. Encourage adequate pedestrian connection with nearby neighborhood and transit facilities in all residential site development.

Comment: The proposal would create a logical graduation between commercial properties to the north and medium density residential properties to the south in accordance with policy #1. Development of the project site would be required to comply with the City multi-family residential design standards and so would implement policy #2. The project site would provide a location for multi-family development near arterial streets that are served by transit routes and in a location within walking distance of restaurants and a grocery store, thereby implementing policy #3. The project site would use a roadway and irrigation canal as a man-made feature separating high density residential from medium density residential in accordance with policy #4. The project site is situated to provide easy access from a multi-family development to transit routes and both bicycle and pedestrian routes consistent with policy #5.

**Residential Land Use Goal 2: Provide appropriate public facilities supporting residential areas.**

Policies:

1. Ensure provision of parks, schools, drainage, transit, water, sanitation, infrastructure and pedestrian in new residential developments. \*

Comment: The proposal represents an opportunity for infill development. Construction of multi-family residences on the project site would not require the construction of access streets or utility line extensions and so would efficiently make use of existing City infrastructure. Existing public services, including police and fire protection, public schools, parks, bicycle and pedestrian routes and transit routes are located conveniently close to the project site.

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

Policies:

4. Residential High Density – Designate land for Residential High Density (HD) where access, topography, and adjacent land use create conditions appropriate for a variety of unit types, or where there is existing multi-family development. \*

Comment: The project site fits the criteria for the high-density residential land use classification as outlined in Policy #4. It is flat ground with no physical development constraints; it is nearby two minor arterial streets (Washington and 10<sup>th</sup> Avenue) for good access to the City's transportation network and is located adjacent to commercial services that would benefit from nearby residential uses.

**Residential Land Use Goal 4: Provide more housing opportunities near commercial, transit and employment.**

Policies:

1. Locate the highest density residential areas close to shops and services and transportation hubs.
2. Encourage residential development within commercial areas.

Comment: The project site is immediately adjacent to commercial services, lying within easy walking distance to restaurants, a grocery store and health care facilities. It is extremely near the intersection of two minor arterial streets (Washington and 10<sup>th</sup> Avenue) that are designated as both pedestrian and bicycle routes and are served by public transit, thereby helping to implement policy #1. As it is immediately adjacent to commercial areas, it is also consistent with policy #2.

**Housing Goal 1: Support and develop a variety of housing types and densities to meet the diverse needs of the population.**

Policies:

3. Allow residential developments such as condominiums, zero lot lines, accessory apartments and other innovative housing techniques.
5. Provide for housing choice in designated mixed use-centers where infrastructure is more readily available or can be improved with regional and local funds. \*

Comment: The proposal would provide for the development of townhomes on the project site, a particular form of housing that can be described as zero lot line and provides an opportunity for affordable, owner-occupied housing and so would help to implement policy #3. The project site is located on ground that is currently zoned commercial and will be adjacent to commercial property in a location where infrastructure is available and so is consistent with policy #5.

**Housing Goal 3: Promote affordable housing for all economic segments of the community.**

Policies:

- (1) Promote affordable infill residential construction through flexibility in development techniques.
- (3) Promote homeownership opportunities for households of all incomes. \*

Comment: The proposal represents an infill development opportunity that would bring affordable townhome units to the housing market, helping to implement policy #1. Townhomes represent an affordable option of homeownership and so is in keeping with policy #3.

\* For the sake of brevity, policies that do not relate to high density residential development are not reprinted here.

*(5) Include any substantiated information in support of the requested amendment.*

As explained in the responses above, the project site is an ideal location for high density residential development, given its proximity to public services and the City's transportation network. It is also property that is free of physical constraints, such as steep slopes or other critical areas. Further, the proposed amendment is consistent with the City's goals and policies contained in the land use and housing elements of the comprehensive plan.

Finally, the project site's conversion to high density residential uses would fit well within the neighborhood. 12<sup>th</sup> Place forms the southern border of the site, which runs parallel to an irrigation canal. Together both the road and irrigation right-of-way provide a 100-foot-wide separation between the medium density land uses to the south and the project site. A similar situation exists along the eastern property boundary with both Washington Avenue and the irrigation canal providing separation from the project site. To the north, the existing commercial land uses would not be impacted by the development of a high-density residential project. A Low-Density Residential land use designation (and a single-family neighborhood) is located west of and adjacent to the site. However, there is a BPA easement that runs north to south across the site that would prevent development along the western 150 feet of the site and provide an ample buffer between the proposed townhomes and the single-family neighborhood. (Refer to the attached Utility Easement Map – Exhibit J.) In summary, the location of the site, together with the easement that precludes the construction of structures within the easement area provide adequate buffers to the adjacent land uses and provide a good transition between the commercial land uses to the north and the residential land uses to the south.



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

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

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

**PROPONENT:** Thomas Wei, 2120 N Road 44, Pasco, WA 99301

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

**LEAD AGENCY:** City of Kennewick

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

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

**RESPONSIBLE OFFICIAL:** Anthony Muai, AICP  
**POSITION/TITLE:** Interim Planning Director  
**ADDRESS:** 210 W 6th Ave., P.O. Box 6108, Kennewick, WA 99336  
**PHONE:** (509) 585-4386

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

This DNS is subject to the attached conditions:

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

Date: July 7, 2021      Signature: \_\_\_\_\_ 

\*\*\*\*\*  
**Appeal:** An appeal of this determination must be submitted to the Community Planning Department within fourteen (14) calendar days after the date issued and no later than 5 p.m. This appeal must be written and make specific factual objections to the City's threshold determination. Appeals shall be conducted in conformance with Section 4.12.090(9) of the Kennewick Municipal Code and the required fees pursuant to the City's adopted Fee Schedule shall be paid at time of appeal submittal.

Copies of this DNS were mailed to:

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

# Council Agenda Coversheet



Agenda Item Number	5.h.	Council Date	10/05/2021
Agenda Item Type	Ordinance		
Subject	CPA 21-09 (Jaycee Structure, LLC)		
Ordinance/Reso #	5942	Contract #	
Project #	CPA 21-09	Permit #	PLN-2021-01505
Department	Planning		

Consent Agenda	<input type="checkbox"/>
Ordinance/Reso	<input checked="" type="checkbox"/>
Public Mtg / Hrg	<input type="checkbox"/>
Other	<input type="checkbox"/>
Quasi-Judicial	<input type="checkbox"/>

### Recommendation

The Planning Commission recommends approval of CPA 21-09 through the adoption of Ordinance 5942.

### Motion for Consideration

I move to adopt Ordinance 5942.

### Summary

The applicant, Jaycee Structure, LLC, has requested to change the land use designation of 4.58 acres at 8125 Bob Olson Parkway from High Density Residential to Commercial. This request will allow the applicant to use the site for future commercial development.

The Planning Commission held a public hearing for the request on August 16, 2021. At the hearing, the applicant's representative spoke in favor of the request. No testimony or written comments were received in opposition to the request.

The Planning Commission voted unanimously to recommend approval to the City Council.

### Alternatives

None Recommended.

### Fiscal Impact

None

Through	Steve Donovan Sep 27, 09:37:03 GMT-0700 2021
Dept Head Approval	Anthony Muai Sep 28, 11:04:20 GMT-0700 2021
City Mgr Approval	Marie Mosley Oct 01, 08:31:38 GMT-0700 2021

Attachments:

Ordinance
Site Map
PC Action Summary
Minutes
PC Staff Report

Recording Required?

CITY OF KENNEWICK  
ORDINANCE NO. 5942

AN ORDINANCE AMENDING THE CITY OF KENNEWICK'S COMPREHENSIVE  
PLAN (CPA 21-09, JAYCEE STRUCTURE, LLC)

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

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

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

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

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

1. CPA 21-09 – 4.58 acres located at 8125 Bob Olson Parkway (High Density Residential to Commercial).

**Section 2.** The property is legally described as follows:

**High Density Residential to Commercial**

Beginning at the southeast corner of Section 7, T 8 N, R 29 E, of the Willamette Meridian, Benton County, Washington; Thence a distance of 800.00 feet at N 83° 25' 56" W to the TRUE POINT OF BEGINNING.

Thence, N 83° 25' 56" W a distance of 1830.84 feet;

Thence, S 00° 10' 39" E a distance of 220.38 feet;

Thence, N 84° 13' 26" E a distance of 1023.72 feet;

Thence, S 68° 51' 56" E a distance of 860.08 feet;

Thence, N 00° 41' 08" W a distance of 218.06 feet and the TRUE POINT OF BEGINNING.

The described area containing 4.58 acres more or less.

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

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

\_\_\_\_\_  
STEVE LEE, Mayor Pro Tem

Attest:

ORDINANCE NO. 5942 filed and recorded  
in the office of the City Clerk of the City of  
Kennewick, Washington this 6<sup>th</sup> day of  
October, 2021.

\_\_\_\_\_  
TERRI L. WRIGHT, City Clerk

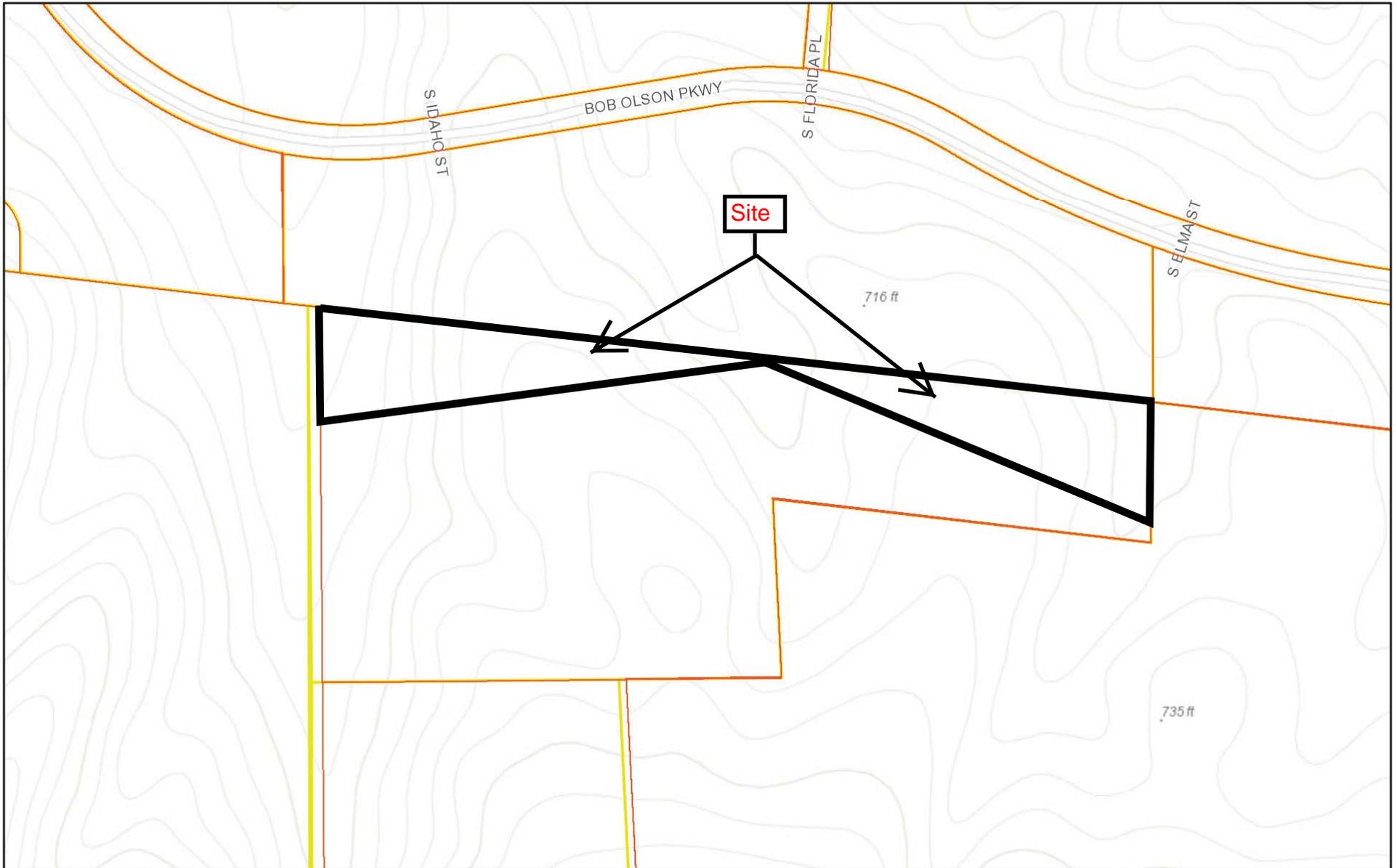
Approved as to Form:

\_\_\_\_\_  
LISA BEATON, City Attorney

\_\_\_\_\_  
TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION \_\_\_\_\_

# Site Map



August 30, 2021 This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

CountyParcelLayer	<b>SurveyAddressPoint</b>	 Building	Parcel
StreetName	 <all other values>	 Condo	
	 Apartment	 Mobile Home	



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.,

**Planning Commission Action Summary**  
**CPA 21-09 – Jaycee Structures, LLC**

The Kennewick Planning Commission conducted a virtual public hearing on August 16, 2021. All interested parties were notified to come before the Commission and be heard. After reviewing the staff report and all oral and written facts and opinions, the Commission passed a motion on the proposed Comprehensive Plan Amendment, concurring with the findings and conclusions in the staff report CPA 21-09 and recommends to City Council approval of the proposed Comprehensive Plan Amendment contained in the staff report.

**Findings of Fact**

1. The applicant and owner is Jaycee Structure, LLC, 1505 NE Village Street, Fairview, OR 97024.
2. The request is to change the site's land use designation from High Density Residential to Commercial.
3. The application was received on May 3, 2021 and was routed for review to various City Departments and other local, state and federal agencies for comment on June 14, 2021.
4. City water and sewer utilities are in Bob Olson Parkway.
5. Access to the site is from Bob Olson Parkway.
6. The proposed amendment is adjacent to lands designated Low Density Residential, Medium Density Residential, High Density Residential and Commercial.
7. A Determination of Non-Significance was issued for this application on July 21, 2021. The appeal period for the determination ended on August 4, 2021.
8. A Notice of Public Hearing was posted on site July 29, 2021.
9. The Notice of Public Hearing was published in the Tri-City Herald on August 1, 2021. Notices were mailed to property owners within 300 feet of the site on July 29, 2021.
10. The proposed amendment will not allow the property to be rezoned to a zoning district that will permit uses that may have the potential to negatively influence the public health, safety, welfare and protection of the environment.
11. This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
12. The proposed amendment does not correct an obvious mapping error.
13. This request does will not address an identified deficiency in the Comprehensive Plan.

**Conclusions of Law**

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation of 4.58 acres from High Density Residential to Commercial.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will not increase the population densities in the area.
5. Future development of the site may have minimal impact to the traffic system.

The motion to recommend approval to City Council passed with a vote of 5 to 0.

**Chairman Morris opened the virtual public hearing at 7:41 p.m. for Comprehensive Plan Amendment 21-09/PLN-2021-01505, proposing to change approximately 4.58 acres located generally at 8125 Bob Olson Parkway from High Density Residential (HDR to Commercial (C). Applicant/Owner is Jaycee Structure LLC, 1505 NE Village Street, Fairview, OR 97024.**

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

**Planning Commission questions:**

If there are conditions required for service road and safety coming off Bob Olson Parkway.

**Testimony of Applicant/Applicant's Representative:**

John Fetterolf, Applicant Representative  
7500 W Clearwater Avenue Ste. 8  
Kennewick 99336

Oddly shaped parcel of land, the change will allow owner to better utilize parking, etc; This is one of three total applications here tonight; net increase planned as part of Bob Olson Parkway; in favor of request.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-09 closed at 7:49 p.m.**

Chairman Morris asked for a motion.

Commissioner Moore moved to concur with the findings and conclusions in staff report CPA 21-09 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Short seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

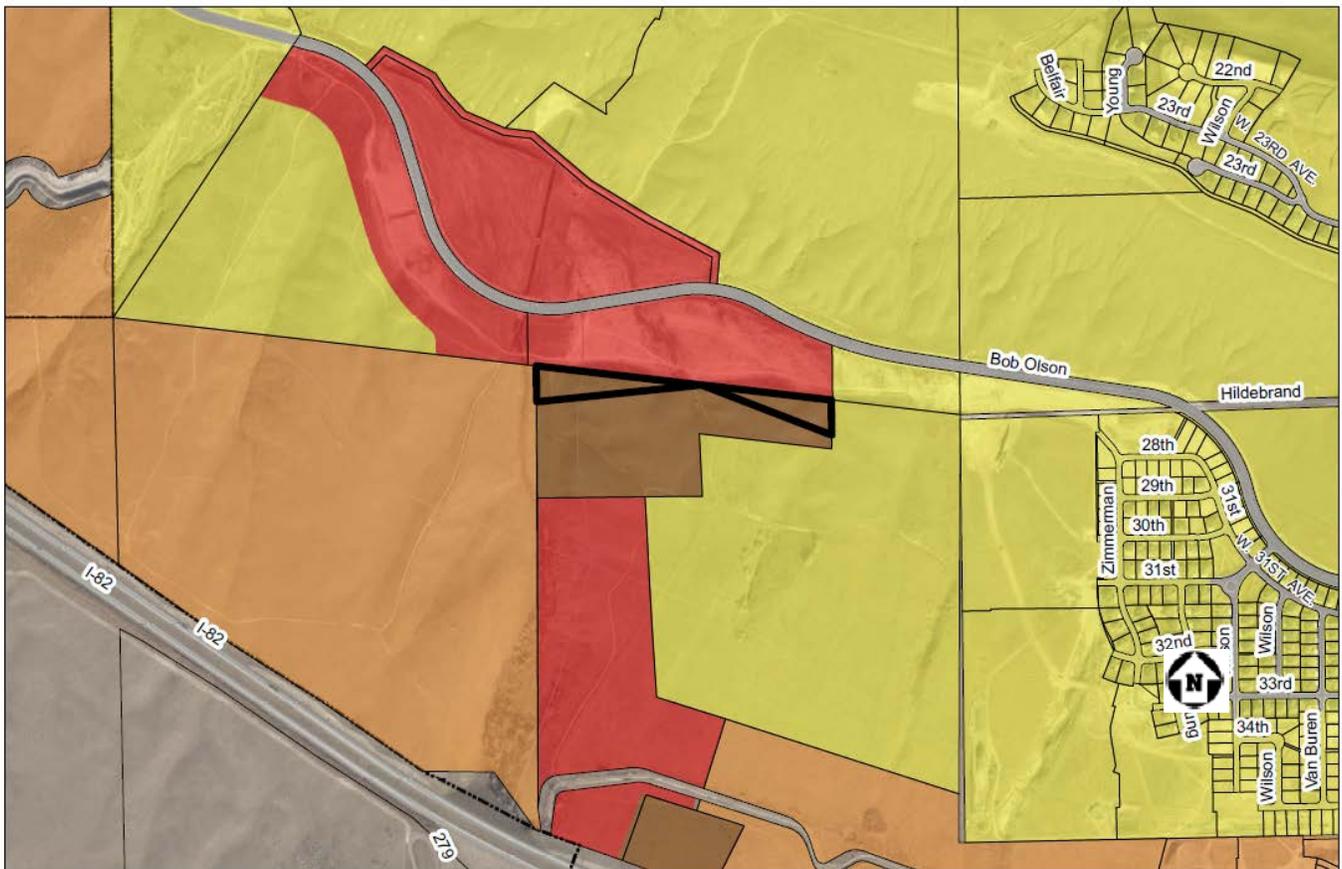


## Comprehensive Plan Amendment 21-09

**REQUEST:** Change 4.58 acres from High Density Residential to Commercial.

**APPLICANT:** Jaycee Structure, LLC

**OWNER:** Jaycee Structure, LLC



Not to scale

### SITE INFORMATION

- **Size:** 4.58 acres
- **Location:** 8125 Bob Olson Parkway
- **Topography:** Contains slopes greater than 15%
- **Existing Comprehensive Plan Designation:** High Density Residential
- **Existing Zoning:** Residential, High Density (RH)
- **Existing Land Use:** Vacant Land

**EXHIBITS**

- **Exhibit A-1:** Aerial Map
- **Exhibit A-2:** Land Use Map
- **Exhibit A-3:** Application
- **Exhibit A-4:** Environmental Determination
- **Exhibit A-5:** Ben Franklin Transit Comments
- **Exhibit A-6:** Washington State Department of Transportation Comments
- **Exhibit A-7:** Department of Archaeology & Historic Preservation Comments
- **Exhibit A-8:** Kennewick Irrigation District Comments
- **Exhibit A-9:** Benton Clean Air Authority Comments

**APPLICATION PROCESS**

- Application Submitted May 3, 2021
- Application routed for comments June 14, 2021
- Determination of Non-Significance was issued on July 21, 2021
- Appeal Period for the DNS ended August 4, 2021
- Notice of Public Hearing was posted at the site on July 29, 2021
- Notice of Hearing published August 1, 2021
- Notice of Hearing mailed July 29, 2021

**SURROUNDING COMPREHENSIVE PLAN, ZONING AND LAND USES**

North	Comprehensive Plan – Commercial Zoning – Commercial, Community (CC) Existing Land Uses – Vacant Land
South	Comprehensive Plan – Commercial and Low Density Residential Zoning – Commercial, Community (CC) and Residential, Low Density (RL) Existing Land Uses – Vacant Land
East	Comprehensive Plan – Low Density Residential Zoning – Residential, Low Density (RL) Existing Land Uses – Vacant Land
West	Comprehensive Plan – Low Density Residential and Medium Density Residential Zoning – Residential, Low Density (RL) and Residential Medium Density (RM) Existing Land Uses – Vacant Land

**REGULATORY CONTROLS**

- City of Kennewick Comprehensive Plan
- Kennewick Municipal Code Title 4
- Kennewick Municipal Code Title 18

**DESCRIPTION OF REQUEST**

The applicant has requested to change the land use designation for 4.58 acres from High Density to Commercial.

**COMPLIANCE WITH TITLE 4 (ADMINISTRATIVE PROCEDURES)**

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

1. The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment;

The proposed amendment will not allow the property to be rezoned to a zoning district that will permit uses that may have the potential to negatively affect the public health, safety, welfare and protection of the environment.

2. The proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment;  
This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
3. The proposed amendment corrects an obvious mapping error; or  
This request does not correct a mapping error.
4. The proposed amendment addresses an identified deficiency in the Comprehensive Plan.  
The City of Kennewick's 2017-2037 Comprehensive Plan states that the City has a surplus of Commercial Lands and a deficit of High Density Residential lands. The proposed amendment will not address an identified deficiency in the comprehensive plan.

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

1. The effect upon the physical environment;  
Grading and clearing of vegetation will have to take place at the site for future development.
2. The effect on open space and natural features including, but not limited to topography, streams, rivers, and lakes;  
The site does contain designated slopes greater than 15% and erosion hazards areas. No negative impacts are anticipated from the proposed amendment or future development. Adequate measures within the Kennewick Municipal Code exist to mitigate any possible negative impacts to the natural environment.
3. The compatibility with and impact on adjacent land uses and surrounding neighborhoods;  
The proposal is compatible with the surrounding land uses. A mix of different land use designations and zoning districts surrounds the site. Future commercial development will most likely increase traffic, but should have minimal impact on the adjacent properties.
4. The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools;  
The future development of the site is required to provide infrastructure improvements to ensure adequacy of community facilities.
5. The quantity and location of land planned for the proposed land use type and density and the demand for such land;  
Currently, Kennewick has a surplus of land designated Commercial. Additionally, there is a substantial amount of land in the immediate area of the site that is also designated Commercial.
6. The current and projected project density in the area; and  
The maximum density for the current land use designation is 27 units/acre and the proposed land use designation has no a maximum density.
7. The effect, if any upon other aspects of the Comprehensive Plan.  
The proposed change will not affect any other aspects of the Comprehensive Plan.

**PUBLIC COMMENT**

The public submitted no comments.

## **AGENCY COMMENTS**

Staff received comments from Ben Franklin Transit, Washington State Department of Transportation, Department Archaeology & Historic Preservation, Kennewick Irrigation District and Benton Clean Air Agency; see Exhibits A-5 thru A-9. All the received comments are directed towards future development of the site.

## **ANALYSIS OF REQUEST**

This request is to amend the land use designation of 4.58 acres to Commercial. Currently, the City has a surplus of the Commercial Land. Access to the site is via Bob Olson Parkway. If approved, the site will have the same land use designation as the adjacent land to the north and a boundary line adjustment will need to be complete so property lines and zoning district boundaries match.

## **FINDINGS**

1. The applicant and owner is Jaycee Structure, LLC, 1505 NE Village Street, Fairview, OR 97024.
2. The request is to change the site's land use designation from High Density Residential to Commercial.
3. The application was received on May 3, 2021 and was routed for review to various City Departments and other local, state and federal agencies for comment on June 14, 2021.
4. City water and sewer utilities are in Bob Olson Parkway.
5. Access to the site is from Bob Olson Parkway.
6. The proposed amendment is adjacent to lands designated Low Density Residential, Medium Density Residential, High Density Residential and Commercial.
7. A Determination of Non-Significance was issued for this application on July 21, 2021. The appeal period for the determination ended on August 4, 2021.
8. A Notice of Public Hearing was posted on site July 29, 2021.
9. The Notice of Public Hearing was published in the Tri-City Herald on August 1, 2021. Notices were mailed to property owners within 300 feet of the site on July 29, 2021.
10. The proposed amendment will not allow the property to be rezoned to a zoning district that will permit uses that may have the potential to negatively influence the public health, safety, welfare and protection of the environment.
11. This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
12. The proposed amendment does not correct an obvious mapping error.
13. This request does will not address an identified deficiency in the Comprehensive Plan.

## **CONCLUSIONS**

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation of 4.58 acres from High Density Residential to Commercial.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will not increase the population densities in the area.
5. Future development of the site may have minimal impact to the traffic system.

**Recommendation**

Staff recommends that the Planning Commission concur with the findings and conclusions of CPA 21-09 contained in the staff report and recommend approval to City Council.

**Motion**

I move that the Planning Commission concur with the findings and conclusions of CPA 21-09 contained in the staff report and recommend to City Council approval of the request.

# Aerial Map

Exhibit A-1



July 29, 2021

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

StreetName	SV_CI_RICHLAND_10
<b>SurveyCityLimits</b>	SV_CI_COUNTY_10
 SV_CI_KENNEWICK_10	SurveyUrbanGrowthBoundary

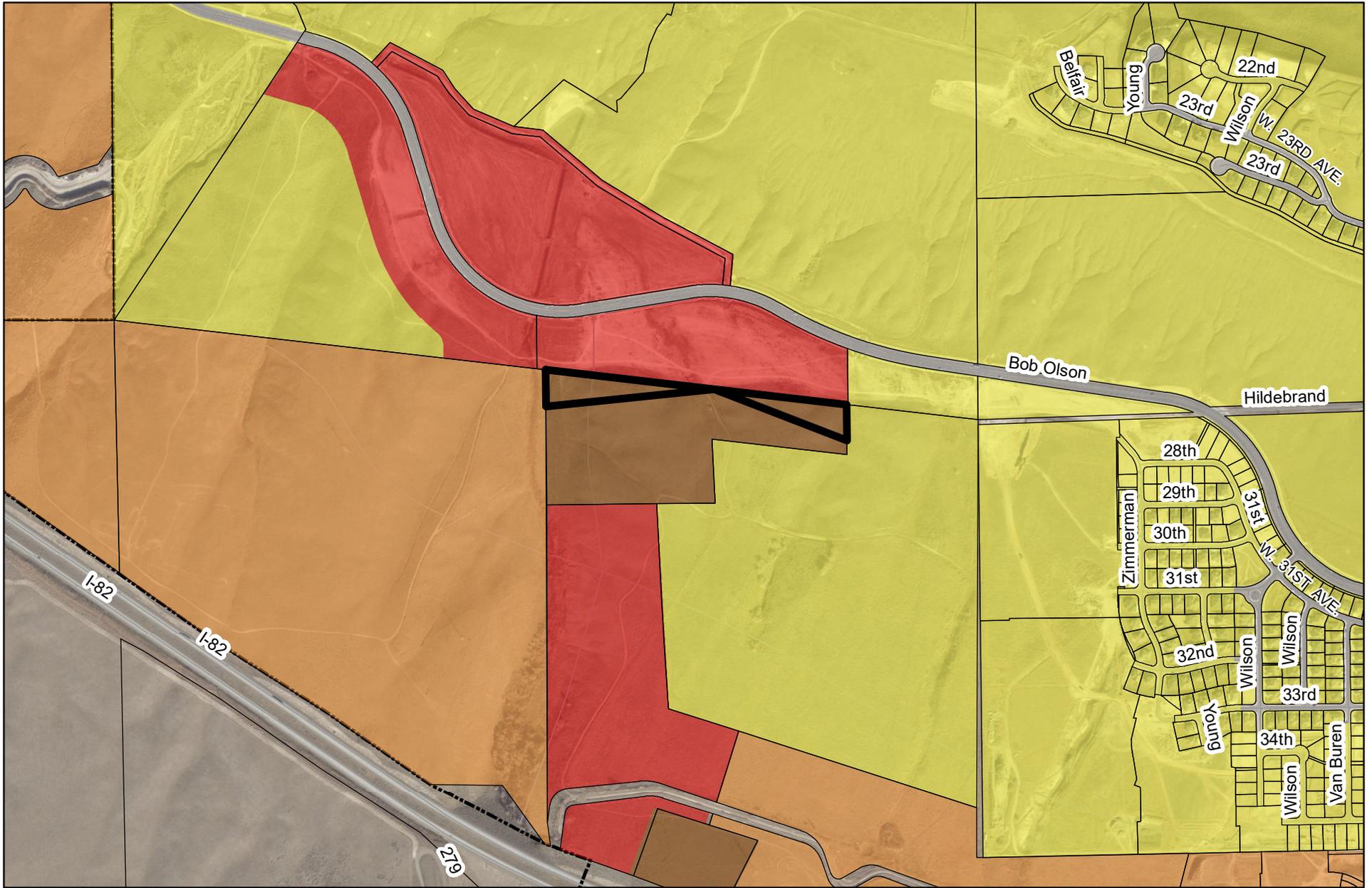


1 inch = 1,000 feet 1:12,000

0 0.075 0.15 0.3 mi

0 0.125 0.25 0.5 km

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



CPA 21-09/PLN-2021-01505 Land Use Map

- |  |  |  |   |
|--|--|--|---|
|  Open Space              |  Medium Density Residential |  Mixed Use  |  Industrial      |
|  Low Density Residential |  High Density Residential   |  Commercial |  Public Facility |



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

PROJECT #CPA 21-09 PLN- 2021 - 01505 FEE \$ paid

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

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

Site Plan Tier 1  Tier 2  Tier 3  Binding Site Plan   
Short Plat  Conditional Use  Other Comprehensive Plan Amendment HDR to C

Environmental Determination PLN- \_\_\_\_\_ - \_\_\_\_\_ Pre Application Meeting PLN- 2021 - 00966

Applicant: Jaycee Structure, LLC

Address: 1505 NE Village St. Fairview, OR 7024

Telephone: \_\_\_\_\_ Cell Phone: (757) 805-8198 Fax: \_\_\_\_\_ E-mail: bobandwilliamprice@gmail.com

Property Owner (if other than applicant): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ E-mail \_\_\_\_\_

**SITE INFORMATION**

Parcel No. 1-1889-100-0001-003 Acres \_\_\_\_\_ Zoning: RH

Address of property: South of Bob Olson Parkway at Georgia St.

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

Present use of property Undeveloped

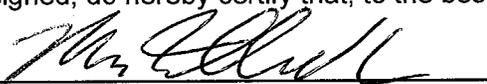
Size of existing structure: \_\_\_\_\_ sq. ft. Size of Proposed addition/New structure: \_\_\_\_\_ sq. ft.

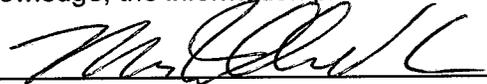
Height of building: \_\_\_\_\_ Cubic feet of excavation: \_\_\_\_\_ Cost of new construction \_\_\_\_\_

Benton County Assessor Market Improvement Value: \_\_\_\_\_

Description of Project: Comprehensive Plan Amendment from HDR to C of 4.58 acres

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

  
Applicant's Signature

  
Signature of owner or owner's authorized representative

Date: 5/3/2021

## Comprehensive Plan Amendment Supplemental Information Jaycee Structure – HDR to C

### 1. State the requested amendment:

The applicant is requesting an amendment to the Comprehensive Plan Land Use designation of approximately 4.58 acres of HDR, High Density Residential to C, Commercial located in two areas located near Bob Olson Parkway between the future Center Parkway and Georgia Street.

### 2. What are the reasons for the requested amendment:

The request is one part of an overall master plan development concept that will create layers of zoning from intense Commercial against Bob Olson Parkway, then HDR to the south of that and then lower intensity LDR or possibly UMU under a future Comp Plan Amendment request.

After developing conceptual level development plans it has become evident that a commercially zoned property that is consistent in depth, better utilizes the property. It is anticipated that the presently designated C property will have an E-W roadway through the approximate middle of the site with commercial development on either side, split lengthwise. This centralized roadway creates a pinch point on the southern side, near the west end at Center Parkway and east end at Georgia St. that makes building placement impractical. Keeping the depth of the commercial designated property consistent, provides better utilization of the property.

### 3. Which elements of the Comprehensive Plan will be affected and how. Include detailed information on the provision of utilities such as water, sewer, power, etc., and how such utilities correspond with the City's various utility plans. Detailed information must also be submitted regarding what effect the proposed change will have on such services as fire, police, parks, schools, etc.:

The impacts to the City's Comprehensive Plans will be slight as the requested area is only 4.58 acres. The request will increase the available Commercially designated land and reduce the available High Density Residential designated land. Other portions of this multi-amendment application will result in a net increase to High Density Residential designated land.

Utilities have been extended and stubbed out of Bob Olson Parkway at the future Center Parkway and Georgia Street alignments that can support the future C development. BPUD has plans to construct a new substation south of the site to support development of the overall area. With future development of the property, utilities will be extended to and through the site in accordance with City standards.

A new fire station is being constructed along Colorado St., near Bob Olson Parkway, that will provide Fire and EMS to this project and the general area.

Impacts to fire and police, will not see any change from the current designation of HDR due to the limited size of the area from HDR to C. Parks and schools will see a negligible reduction in demand as the change to commercial slightly reduces the number of residents in the area.

4. Indicate how the requested amendment will implement the Comprehensive Plan and be in the best interest of the Kennewick area, reference specific Comprehensive Plan policies that will be implemented:

The request to amend the Comprehensive Land Use Plan to reduce HDR property and increase the available C designated property. This proposal meets the following Comp Plan Goals and Policies:

Land Use, Urban Area Goals, Goal 2, Policy 3: By adjusting the shape of the available Commercial property, a higher density of commercial services can be grouped together near a major transportation facility (Bob Olson Parkway).

Land Use, Commercial Goals, Goal 2, Policy 4: By adjusting the shape of the available Commercial property, additional services may locate at the same commerce center.

Land Use, Urban Design Goals, Goal 2, Policy 2: Supporting the development of this commercial property, together with the adjacent HDR designated property, will promote walkable connections between homes and services.

5. Include any other substantiated information in support of the requested amendment:

This request is made as a part of an overall land planning design effort of the Jaycee Structure properties. It is the applicant's opinion that this Comp Plan Amendment reflects the highest and best use of the land for the community.



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

**FILE/PROJECT NUMBER:** ED 21-19/PLN-2021-01509

**DESCRIPTION OF PROPOSAL:** Change the land use designation of 4.58 acres from High Density Residential to Commercial and eventually change the zoning from Residential, High Density to Commercial Community.

**PROPONENT:** Jaycee Structure, LLC, 1505 NE Village Street, Fairview, OR 97024

**LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY:** 8125 Bob Olson Parkway, Parcel Number: 1-1889-100-0001-003

**LEAD AGENCY:** City of Kennewick

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

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

**RESPONSIBLE OFFICIAL:** Anthony Muai, AICP  
**POSITION/TITLE:** Interim Planning Director  
**ADDRESS:** 210 W 6th Ave., P.O. Box 6108, Kennewick, WA 99336  
**PHONE:** (509) 585-4386

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

This DNS is subject to the attached conditions:

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

Date: July 21, 2021      Signature: 

\*\*\*\*\*  
**Appeal:** An appeal of this determination must be submitted to the Community Planning Department within fourteen (14) calendar days after the date issued and no later than 5 p.m. This appeal must be written and make specific factual objections to the City's threshold determination. Appeals shall be conducted in conformance with Section 4.12.090(9) of the Kennewick Municipal Code and the required fees pursuant to the City's adopted Fee Schedule shall be paid at time of appeal submittal.

Copies of this DNS were mailed to:      Dept. of Ecology  
WA Dept. of Fish & Wildlife  
WSDOT  
Yakama Nation  
CTUIR  
ED 21-19 File

**From:** Bill Barlow  
**Sent:** Tue, 29 Jun 2021 19:02:53 +0000  
**To:** Steve Donovan  
**Cc:** Sorin Juster  
**Subject:** RE: CPA 21-09/PLN-2021-01505, ED 21-19/PLN-2021-01509

Looks like strip development to me – if you approve this change you ought to establish an interior service road. By doing so the 45MPH speed might remain safe and the City could continue to access WSDOT maintenance funding. If you start adding direct access drives everywhere you will be inviting rear-end collisions at that speed.

Cheers, Bill

**Bil Barlo**

**I w**

Planning and Service Development  
 Ben Franklin Transit  
 1000 Columbia Park Trail | Richland, WA 99352  
 O: 509.734.5104

*Email to and from this address may be subject to public disclosure under the Washington State Public Records Act (RCW 42.56)*

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**From:** Steve Donovan <Steve.Donovan@ci.kennewick.wa.us>  
**Sent:** Tuesday, June 29, 2021 11:53 AM  
**To:** Ashley M. Morton <AshleyMorton@ctuir.org>; Bill Barlow <BBarlow@bft.org>; Kevin Sliger <KSliger@bft.org>; Benton Clean Air Authority - Rob Rodger <rob.rodger@bentoncleanair.org>; Benton Clean Air Authority - Tyler Thompson <tyler.thompson@bentoncleanair.org>; Benton Clean Air John Lyle <john.lyle@bentoncleanair.org>; Benton Franklin Health Dept - Rick Dawson <rickd@bfhd.wa.gov>; Benton PUD - engineering services <engservice@bentonpud.org>; Benton PUD - Jeff Vosahlo <vosahloj@bentonpud.org>; Benton PUD Chad Brooks <brooksc@bentonpud.org>; Benton PUD Mike Irving <irvingm@bentonpud.org>; Benton PUD Shanna Everson <eversons@bentonpud.org>; Benton PUD Tina Glines <glinest@bentonpud.org>; BPA - Deborah Rodgers <dxrodders@bpa.gov>; BPA - Joe Cottrell <jecottrell@bpa.gov>; BPA - Mike Deklyen <mjdeklyen@bpa.gov>; Cascade Gas James Thomas <james.thomas@cngc.com>; Cascade Natural Gas - Sara Pineda <sara.pineda@cngc.com>; Casey Barney <Casey\_Barney@Yakama.com>; Charter Communications - Robert Early <robert.early@charter.com>; Columbia Irrigation District <cid@columbiairrigation.com>; Department of Ecology SEPA UNIT <sepaunit@ecy.wa.gov>; Dept of Archaeology and Historic Preservation (sepa@dahp.wa.gov) <sepa@dahp.wa.gov>; Dept of Fish & Wildlife <harvepjh@dfw.wa.gov>; Dept of Fish & Wildlife - Michael Ritter <michael.ritter@dfw.wa.gov>; Dept of Natural Resources SEPA Center <sepacenter@dnr.wa.gov>; Dustin Fisk - Kennewick School District (dustin.fisk@ksd.org) <dustin.fisk@ksd.org>; Greg Wendt (Greg.Wendt@co.benton.wa.us) <Greg.Wendt@co.benton.wa.us>; Jessica Lally <Jessica\_Lally@Yakama.com>; Kennewick School District; Brandon Potts <brandon.potts@ksd.org>; KID Development <development@kid.org>; Kyle McCauley <Kyle.McCauley@cngc.com>; Michelle Cooke <Michelle.Cooke@co.benton.wa.us>; Mike Stevens - (mstevens@ci.richland.wa.us) <mstevens@ci.richland.wa.us>; Noah Oliver



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

July 12, 2021

City of Kennewick  
Community Planning Department  
210 W 6<sup>th</sup> Avenue  
Kennewick, WA 99336

Attention: Steve Donovan, Senior Planner

Subject: CPA 21-09/PLN-2021-01505, ED 21-19/PLN-2021-10509  
Jaycee Structure LLC, Comp Plan Amendment for 4.58 Acres  
From High-Density Residential to Commercial  
US 395, I-82

We have reviewed the proposed Comprehensive Plan land use map designation amendments and have the following comments.

CPA 21-09/PLN-2021-01505 would redesignate 4.58 acres from High-Density Residential to Commercial. The property is located in the Southridge area and is near Bob Olson Parkway. It is not adjacent to any state highway, but is about one-half mile north of I-82 and about two miles northwest of US 395 at the Hildebrand Boulevard intersection.

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

The Southridge area has seen significant development recently and traffic is increasing with congestion in certain locations. When combined, CPA 21-09, CPA 21-10, and CPA 20-11 total over 37 acres along with 118 acres redesignated in 2020. This is a substantial amount acreage that could be developed to dense urban standards. We are concerned with the cumulative impact to our system. None of these three properties is adjacent to U.S. Highway 395 (US 395). However, US 395 is the sole north-south arterial serving the area. As such, WSDOT expects the majority of traffic generated by

City of Kennewick – CPA 21-09, Jaycee Structure, LLC; Comprehensive Plan Map  
Amendment  
July 12, 2021  
Page | 2

these proposals will utilize US 395 and access the highway at Ridgeline Drive, Hildebrand Boulevard, and 27<sup>th</sup> Avenue.

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

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

Thank you for the opportunity to review and comment on these proposals. If you have any questions regarding our comments, please contact Debi Freudenthal at (509) 577-1633.

Sincerely,



Paul Gonseth, P.E.  
Planning Engineer

PG:df/jg

cc: File – Comp Plans/Benton County  
Celeste Gilman, WSDOT Multimodal Planning  
Will Simpson, Washington Department of Commerce



Allyson Brooks Ph.D., Director  
State Historic Preservation Officer

July 13, 2021

Steve Donovan  
Senior Planner  
City of Kennewick  
210 W 6th Avenue  
Kennewick, WA 99336

In future correspondence please refer to:

Project Tracking Code: 2021-07-04380

Property: City of Kennewick\_Jaycee Structure Comprehensive Plan Amendment (CPA 21-09)

Re: Survey Requested

Dear Steve Donovan:

Thank you for contacting the Washington State Historic Preservation Officer (SHPO) and Department of Archaeology and Historic Preservation (DAHP) and providing documentation regarding the above referenced project. These comments are based on the information available at the time of this review and on behalf of the SHPO in conformance Washington State law. Should additional information become available, our assessment may be revised.

While our statewide predictive model indicates that there is a moderate to low probability of encountering cultural resources within the proposed project area, archaeological sites have been identified in the Thompson Hill vicinity. Further, the scale of the proposed ground disturbing actions would destroy any archaeological resources present. Identification during construction is not a recommended detection method because inadvertent discoveries often result in costly construction delays and damage to the resource. Therefore, we recommend a professional archaeological survey of the project area be conducted and a report be produced prior to ground disturbing activities. This report should meet DAHP's [Standards for Cultural Resource Reporting](#).

We also recommend that any historic buildings or structures (45 years in age or older) located within the project area are evaluated for eligibility for listing in the National Register of Historic Places on Historic Property Inventory (HPI) forms. We highly encourage the SEPA lead agency to ensure that these evaluations are written by a cultural resource professional meeting the [SOI Professional Qualification Standards in Architectural History](#).

Please note that the recommendations provided in this letter reflect only the opinions of DAHP. Any interested Tribes may have different recommendations. We appreciate receiving any correspondence or comments from Tribes or other parties concerning cultural resource issues that you receive.

Thank you for the opportunity to comment on this project. Please ensure that the DAHP Project Tracking Number is shared with any hired cultural resource consultants and is attached to any



communications or submitted reports. Please also ensure that any reports, site forms, and/or historic property inventory (HPI) forms are uploaded to WISAARD by the consultant(s).

Should you have any questions, please feel free to contact me.

Sincerely,



Sydney Hanson  
Transportation Archaeologist  
(360) 280-7563  
Sydney.Hanson@dahp.wa.gov





2015 South Ely Street  
Kennewick, WA 99337  
Customer Service 509-586-9111  
Business 509-586-6012  
FAX 509-586-7663  
[www.kid.org](http://www.kid.org)

July 14, 2021

Steve Donovan, AICP  
City of Kennewick  
PO Box 6108  
Kennewick, WA 99336

Subject: Review Comments for CPA 21-09, Parcel #1-1889-100-0001-003 (Dry)

Dear Mr. Donovan:

The Kennewick Irrigation District has received your Comprehensive Plan Amendment Application submitted by Jaycee Structure, LLC to change zoning from High Density Residential to Commercial on parcel #1-1889-100-0001-003, south of Bob Olson Parkway at Georgia Street.

1. This parcel is within the Kennewick Irrigation District (KID) boundaries but is not assessed by the Kennewick Irrigation District.
  - a. In October of 2014, the KID Board of directors reserved a water allocation for this property, providing KID the option and ability to become the irrigation purveyor if KID determined it was in its best interest to do so. Please contact the KID Engineering Department for further details.
2. Please note that permanent structures are not allowed within irrigation easements.
  - a. Please be aware there is a 200 foot USBR right-of-way, known as the Amon Wasteway located to the west of the property. No grading may be performed or any permanent structures built within KID right-of-way without an approved permit from the Kennewick Irrigation District and/or the United States Bureau of Reclamation, when applicable.
3. The KID would like to inform the City of Kennewick of the following:
  - a. Should the property subdivide in the future, storm water systems for the project shall be designed to retain, at minimum, a 100-year storm event above/adjacent to the Amon Wasteway and to minimize the introduction of water into the soils up-gradient of Wasteway. KID review and approval of all storm water plans is required prior to Plat approval.

S. Donovan  
July 14, 2021  
Page 2 of 2

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

Sincerely,

A handwritten signature in black ink, appearing to read "Chris D. Sittman". The signature is fluid and cursive, with the first name "Chris" and last name "Sittman" clearly distinguishable.

Chris D. Sittman  
CAD Specialist

C: LB/correspondence/File: [18-8-29]



## BENTON CLEAN AIR AGENCY

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July 20, 2021

Re: ED 21-19

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

**Applicant/Proponent:**  
Jaycee Structures LLC  
Attn:  
1505 NE Village St  
Fairview, OR 97024

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](http://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,

A handwritten signature in black ink, appearing to read "John Lyle".

John Lyle  
Inspector

# Council Agenda Coversheet



Agenda Item Number	5.i.	Council Date	10/05/2021
Agenda Item Type	Ordinance		
Subject	CPA 21-10 (Jaycee Structure, LLC)		
Ordinance/Reso #	5943	Contract #	
Project #	CPA 21-10	Permit #	PLN-2021-01506
Department	Planning		

Consent Agenda	<input type="checkbox"/>
Ordinance/Reso	<input checked="" type="checkbox"/>
Public Mtg / Hrg	<input type="checkbox"/>
Other	<input type="checkbox"/>
Quasi-Judicial	<input type="checkbox"/>

### Recommendation

The Planning Commission recommends approval of CPA 21-10 through the adoption of Ordinance 5943.

### Motion for Consideration

I move to adopt Ordinance 5943.

### Summary

The applicant, Jaycee Structure, LLC, has requested to change the land use designation of 8.7 acres at 7723 Bob Olson Parkway from Low Density Residential to Commercial. This request will allow the applicant to develop the property for commercial uses.

The Planning Commission held a public hearing for the request on August 16, 2021. At the hearing, the applicant's representative spoke in favor of the request. No testimony or written comments were received in opposition to the request.

The Planning Commission voted unanimously to recommend approval to the City Council.

### Alternatives

None Recommended

### Fiscal Impact

None

Through	Steve Donovan Sep 27, 09:37:32 GMT-0700 2021
Dept Head Approval	Anthony Muai Sep 28, 16:08:53 GMT-0700 2021
City Mgr Approval	Marie Mosley Oct 01, 08:33:31 GMT-0700 2021

Attachments:

Ordinance
Site Map
PC Action Summary
Minutes
Staff Report

Recording  
Required?

CITY OF KENNEWICK  
ORDINANCE NO. 5943

AN ORDINANCE AMENDING THE CITY OF KENNEWICK'S COMPREHENSIVE  
PLAN (CPA 21-10, JAYCEE STRUCTURE, LLC)

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

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

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

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

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

1. CPA 21-10 – 8.7 acres located at 7723 Bob Olson Parkway (Low Density Residential to Commercial).

**Section 2.** The property is legally described as follows:

**Low Density Residential to Commercial**

Beginning at the southeast corner of Section 7, T 8 N, R 29 E, of the Willamette Meridian, Benton County, Washington; and the TRUE POINT OF BEGINNING. Thence, N 00° 20' 36" W a distance of 262.52 feet to the south line of a 37.00' half-width public road right-of-way;

Thence following the south ROW, N 81° 24' 33" W a distance of 315.50 feet;

Thence a curve bearing to the right through an angle of 11° 05' 11", having a radius of 2537.00 feet, and whose chord bears N 75° 51' 58" W for a distance of 490.13 feet.

Thence, S 00° 25' 54" E a distance of 338.76 feet, to a point on the south line of Section 7;

Thence, N 83° 25' 56" W a distance of 8.14 feet along the south line of Section 7;

Thence, S 00° 41' 08" E a distance of 243.73 feet;

Thence, N 89° 19' 17" E a distance of 793.61 feet;

Thence, N 00° 41' 22" W a distance of 142.82 feet and the TRUE POINT OF BEGINNING. The described area containing 8.7 acres more or less.

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

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

Attest:

\_\_\_\_\_  
STEVE LEE, Mayor Pro Tem

\_\_\_\_\_  
TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5943 filed and recorded in the office of the City Clerk of the City of Kennewick, Washington this 6<sup>th</sup> day of October, 2021.

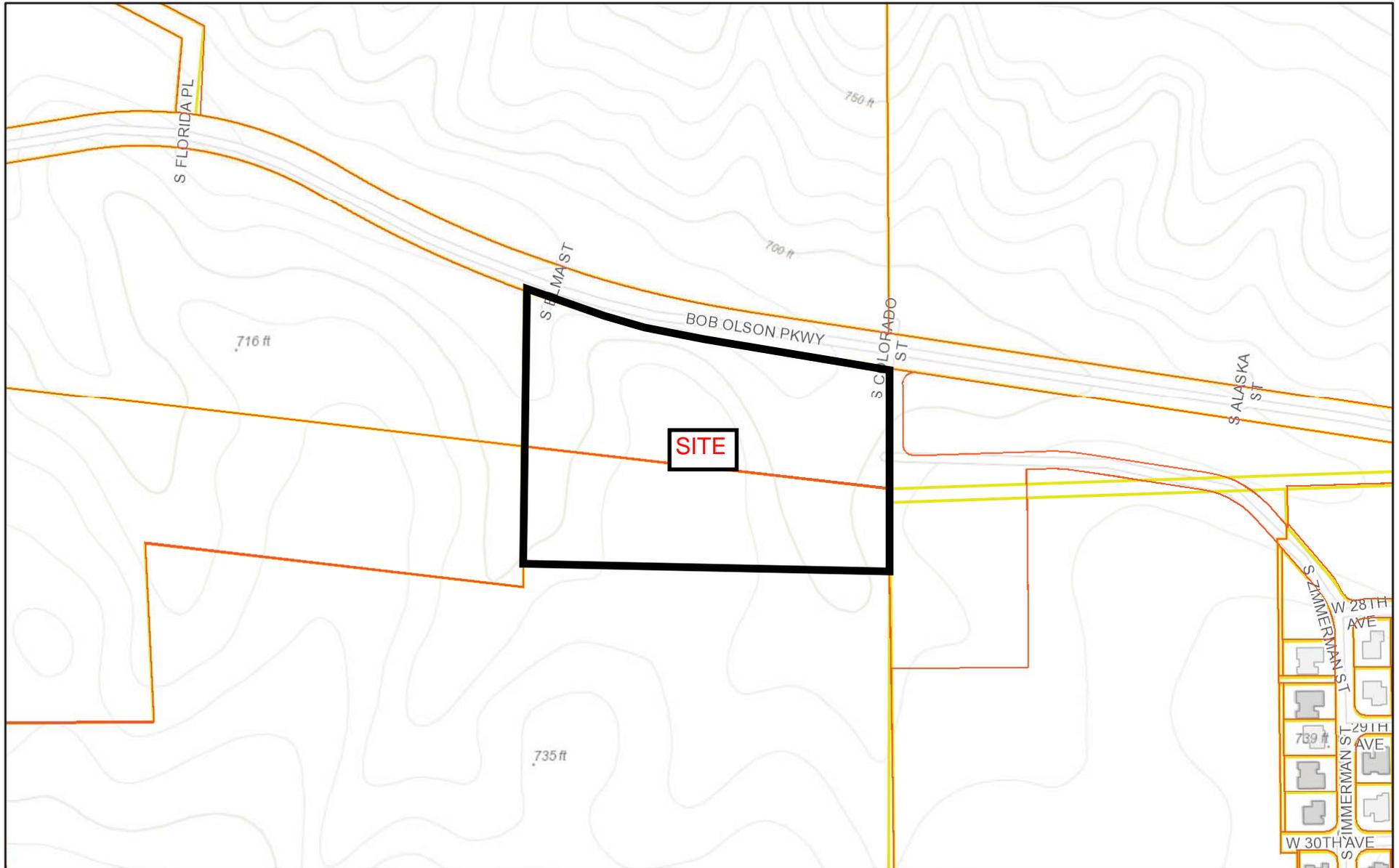
Approved as to Form:

\_\_\_\_\_  
LISA BEATON, City Attorney

\_\_\_\_\_  
TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION \_\_\_\_\_

# Site Map



August 30, 2021 This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.



1 inch = 300 feet 1:3,600  
 0 0.0275 0.055 0.11 mi  
 0 0.0425 0.085 0.17 km

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

- |                   |                           |             |        |
|-------------------|---------------------------|-------------|--------|
| CountyParcelLayer | <b>SurveyAddressPoint</b> | Building    | Parcel |
| StreetName        | <all other values>        | Condo       |        |
|                   | Apartment                 | Mobile Home |        |

**Planning Commission Action Summary**  
**CPA 21-10 – Jaycee Structures, LLC**

The Kennewick Planning Commission conducted a virtual public hearing on August 16, 2021. All interested parties were notified to come before the Commission and be heard. After reviewing the staff report and all oral and written facts and opinions, the Commission passed a motion on the proposed Comprehensive Plan Amendment, concurring with the findings and conclusions in the staff report CPA 21-10 and recommends to City Council approval of the proposed Comprehensive Plan Amendment contained in the staff report.

**Findings of Fact**

1. The applicant and owner is Jaycee Structure, LLC, 1505 NE Village Street, Fairview, OR 97024.
2. The request is to change the site's land use designation from Low Density Residential to Commercial.
3. The application was received on May 3, 2021 and was routed for review to various City Departments and other local, state and federal agencies for comment on June 14, 2021.
4. City water and sewer utilities are in Bob Olson Parkway.
5. Access to the site is from Bob Olson Parkway.
6. The proposed amendment is adjacent to lands designated Low Density Residential, High Density Residential and Commercial.
7. A Determination of Non-Significance was issued for this application on July 21, 2021. The appeal period for the determination ended on August 4, 2021.
8. The Notice of Public Hearing was posted on site July 29, 2021.
9. The Notice of Public Hearing for this application was published in the Tri-City Herald on August 1, 2021. Notices were mailed to property owners within 300 feet of the site on July 29, 2021.
10. No detrimental impacts to the City's public health, safety, welfare or protection of the environment are anticipated. Future site development must meet applicable development regulations.
11. This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
12. The proposed amendment does not correct an obvious mapping error.
13. This request does will not address an identified deficiency in the Comprehensive Plan.

**Conclusions of Law**

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation of 8.6 acres from Low Density Residential to Commercial.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will not increase the population densities in the area.
5. Future development of the site may have minimal impact to the traffic system.

The motion to recommend approval to City Council passed with a vote of 5 to 0.

**Chairman Morris opened the virtual public hearing at 7:50 p.m. for Comprehensive Plan Amendment 21-10/PLN-2021-01506, proposing to change approximately 8.6 acres located generally at 7723 Bob Olson Parkway from Low Density Residential (LDR) to Commercial (C). Applicant/Owner is Jaycee Structure LLC, 1505 NE Village Street, Fairview, OR 97024.**

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

**Planning Commission questions:**

If there is already surplus commercial zoned land, what is the issue.

**Testimony of Applicant/Applicant's Representative:**

John Fetterolf, Applicant Representative  
7500 W Clearwater Avenue Ste. 8  
Kennewick 99336

In support of the proposed change, this parcel has depths to accommodate large commercial uses.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-10 closed at 7:55 p.m.**

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 21-10 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Moore seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

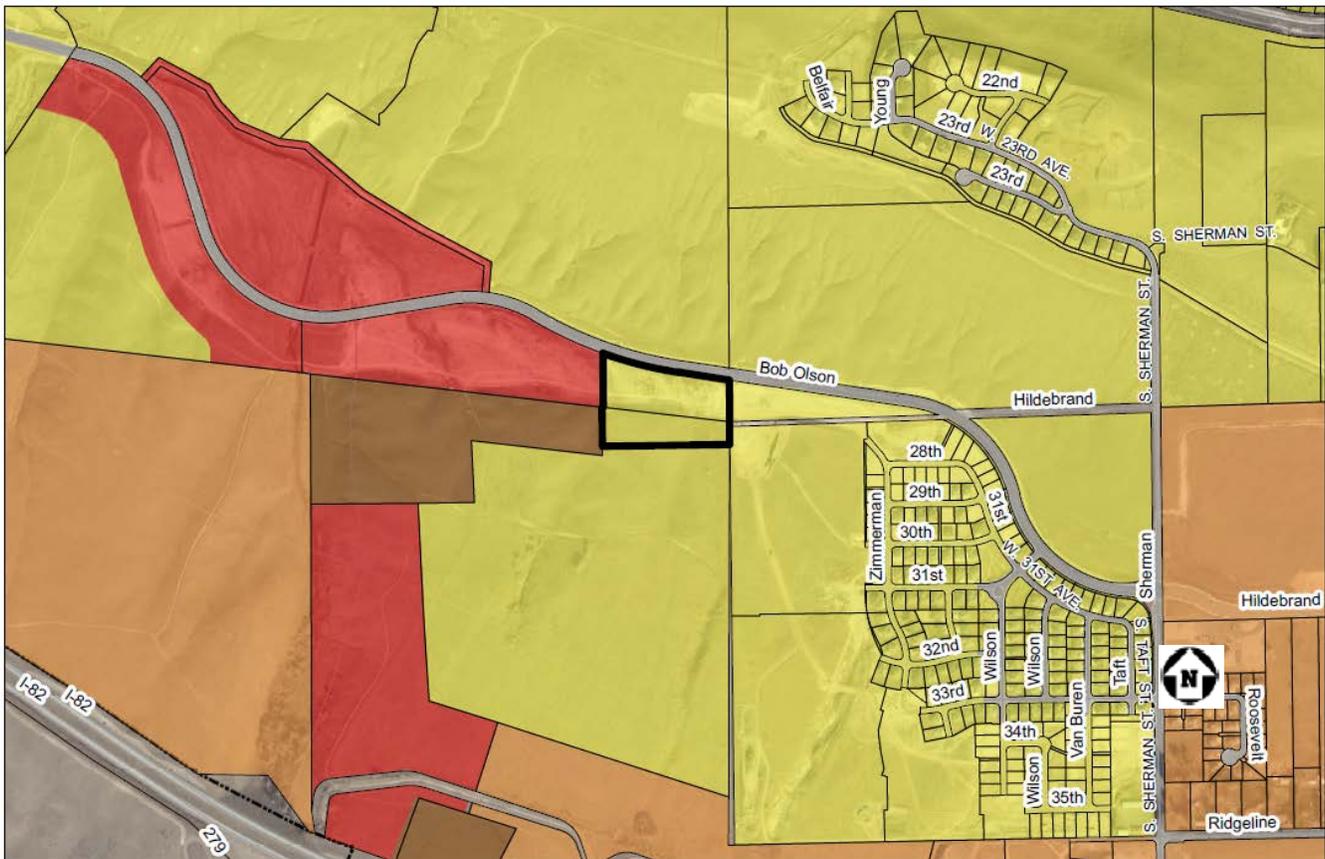


## Comprehensive Plan Amendment 21-10

**REQUEST:** Change 8.6 acres from Low Density Residential to Commercial.

**APPLICANT:** Jaycee Structure, LLC

**OWNER:** Jaycee Structure, LLC



Not to scale

### SITE INFORMATION

- **Size:** 8.6 acres
- **Location:** 7723 Bob Olson Parkway
- **Topography:** Contains slopes greater than 15%
- **Existing Comprehensive Plan Designation:** Low Density Residential
- **Existing Zoning:** Residential, Low Density (RL)
- **Existing Land Use:** Vacant Land

**EXHIBITS**

- **Exhibit A-1:** Aerial Map
- **Exhibit A-2:** Land Use Map
- **Exhibit A-3:** Application
- **Exhibit A-4:** Environmental Determination
- **Exhibit A-5:** Washington State Department of Transportation Comments
- **Exhibit A-6:** Department of Archaeology & Historic Preservation Comments
- **Exhibit A-7:** Kennewick Irrigation District Comments
- **Exhibit A-8:** Bonneville Power Administration Comments

**APPLICATION PROCESS**

- Application Submitted May 3, 2021
- Application routed for comments June 14, 2021
- Determination of Non-Significance was issued on July 21, 2021
- Appeal Period for the DNS ended August 4, 2021
- Notice of Public Hearing was posted at the site on July 29, 2021
- Notice of Public Hearing published August 1, 2021
- Notice of Public Hearing mailed July 29, 2021

**SURROUNDING COMPREHENSIVE PLAN, ZONING AND LAND USES**

North	Comprehensive Plan – Low Density Residential Zoning – Residential, Low Density (RL) Existing Land Uses – Vacant Land
South	Comprehensive Plan – Low Density Residential Zoning – Residential, Low Density (RL) Existing Land Uses – Vacant Land
East	Comprehensive Plan – Low Density Residential Zoning – Residential, Low Density (RL) Existing Land Uses – Vacant Land
West	Comprehensive Plan – Commercial and Low Density Residential Zoning – Commercial Community (CC) and Residential, Low Density (RL) Existing Land Uses – Vacant Land

**REGULATORY CONTROLS**

- City of Kennewick Comprehensive Plan
- Kennewick Municipal Code Title 4
- Kennewick Municipal Code Title 18

**DESCRIPTION OF REQUEST**

The applicant has requested to change the land use designation for 8.6 acres from Low Density to Commercial.

**COMPLIANCE WITH TITLE 4 (ADMINISTRATIVE PROCEDURES)**

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

1. The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment;

No detrimental impacts to the City's public health, safety, welfare or protection of the environment are anticipated. Future site development must meet applicable development regulations.

2. The proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment;  
This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
3. The proposed amendment corrects an obvious mapping error; or  
This request does not correct a mapping error.
4. The proposed amendment addresses an identified deficiency in the Comprehensive Plan.  
The City of Kennewick's 2017-2037 Comprehensive Plan states that the City has a surplus of Commercial and Low Density Residential. The proposed amendment will not address an identified deficiency in the comprehensive plan.

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

1. The effect upon the physical environment;  
Grading and clearing of vegetation will have to take place at the site for future development.
2. The effect on open space and natural features including, but not limited to topography, streams, rivers, and lakes;  
The site does contain designated slopes greater than 15%, erosion hazards areas and undesignated shrub steppe. No negative impacts are anticipated from the proposed amendment or future development. Adequate measures within the Kennewick Municipal Code exist to mitigate any possible negative impacts to the natural environment.
3. The compatibility with and impact on adjacent land uses and surrounding neighborhoods;  
The proposal is compatible with the surrounding land uses. A mix of different land use designations and zoning districts surrounds the site. Future commercial development will most likely increase traffic, but should have minimal impact on the adjacent properties.
4. The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools;  
The future development of the site is required to provide infrastructure improvements to ensure adequacy of community facilities.
5. The quantity and location of land planned for the proposed land use type and density and the demand for such land;  
Currently, Kennewick has a surplus of land designated Commercial. Additionally, there is a substantial amount of land in the immediate area of the site that is also designated Commercial.
6. The current and projected project density in the area; and  
The maximum density for the current land use designation is 5 units/acre and the proposed land use designation has no a maximum density.
7. The effect, if any upon other aspects of the Comprehensive Plan.  
The proposed change will not affect any other aspects of the Comprehensive Plan.

**PUBLIC COMMENT**

The public submitted no comments.

### **AGENCY COMMENTS**

Staff received comments from Washington State Department of Transportation, Department Archaeology & Historic Preservation, Kennewick Irrigation District and Bonneville Power Administration; see Exhibits A-5 thru A-8. All the received comments are directed towards future development of the site or that it will not have a direct impact specific infrastructure.

### **ANALYSIS OF REQUEST**

This request is to amend the land use designation of 8.6 acres to Commercial. Currently, the City has a surplus of the Commercial Land. Access to the site is via Bob Olson Parkway. If approved, the site will have the same land use designation as the adjacent land to the west and a boundary line adjustment will need to be complete so property lines and zoning district boundaries match.

### **FINDINGS**

1. The applicant and owner is Jaycee Structure, LLC, 1505 NE Village Street, Fairview, OR 97024.
2. The request is to change the site's land use designation from Low Density Residential to Commercial.
3. The application was received on May 3, 2021 and was routed for review to various City Departments and other local, state and federal agencies for comment on June 14, 2021.
4. City water and sewer utilities are in Bob Olson Parkway.
5. Access to the site is from Bob Olson Parkway.
6. The proposed amendment is adjacent to lands designated Low Density Residential, High Density Residential and Commercial.
7. A Determination of Non-Significance was issued for this application on July 21, 2021. The appeal period for the determination ended on August 4, 2021.
8. The Notice of Public Hearing was posted on site July 29, 2021.
9. The Notice of Public Hearing for this application was published in the Tri-City Herald on August 1, 2021. Notices were mailed to property owners within 300 feet of the site on July 29, 2021.
10. No detrimental impacts to the City's public health, safety, welfare or protection of the environment are anticipated. Future site development must meet applicable development regulations.
11. This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
12. The proposed amendment does not correct an obvious mapping error.
13. This request does will not address an identified deficiency in the Comprehensive Plan.

### **CONCLUSIONS**

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation of 8.6 acres from Low Density Residential to Commercial.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will not increase the population densities in the area.
5. Future development of the site may have minimal impact to the traffic system.

**Recommendation**

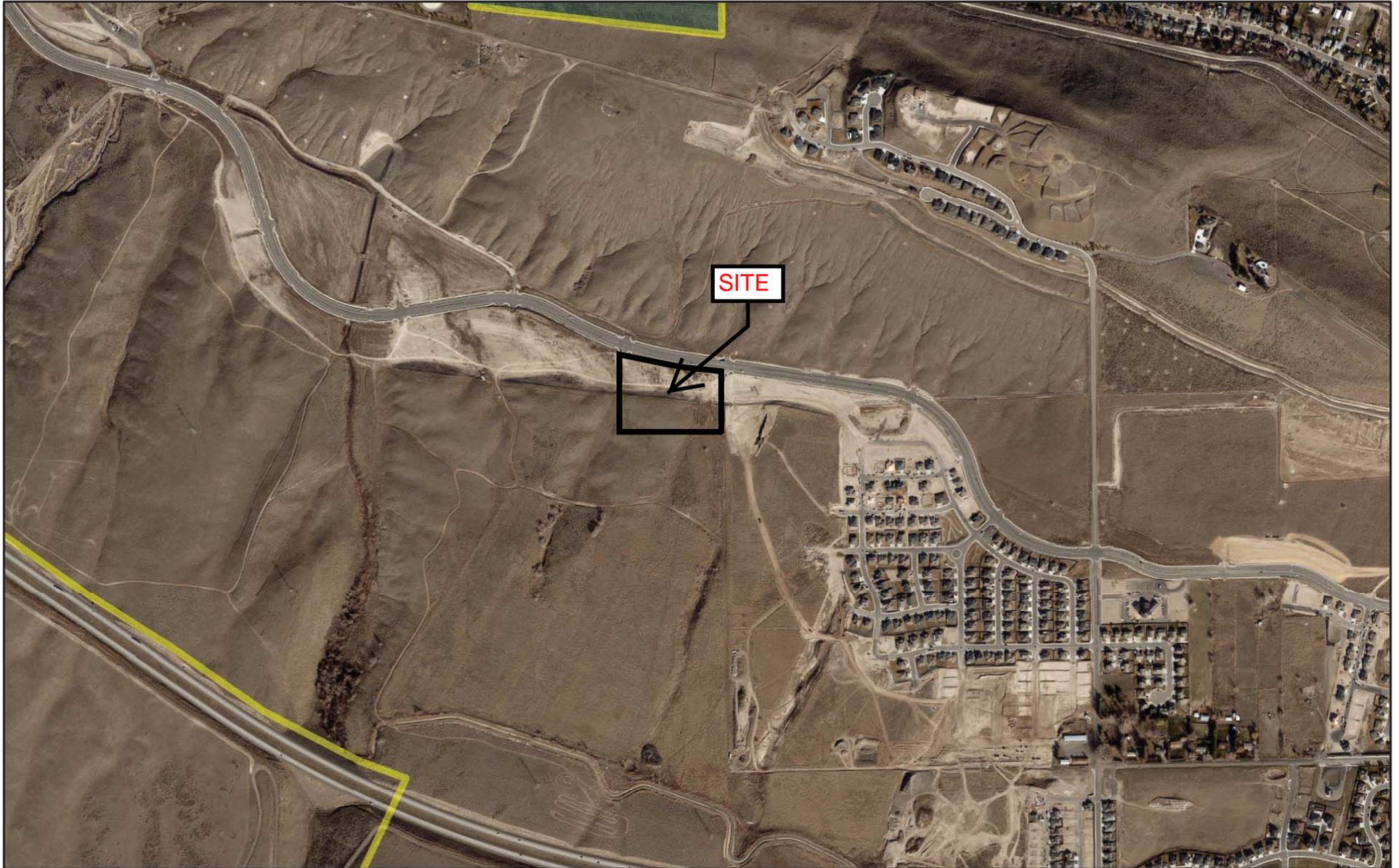
Staff recommends that the Planning Commission concur with the findings and conclusions of CPA 21-10 contained in the staff report and recommend approval to City Council.

**Motion**

I move that the Planning Commission concur with the findings and conclusions of CPA 21-10 contained in the staff report and recommend to City Council approval of the request.

# Aerial Map

Exhibit A-1



July 29, 2021

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

StreetName	SV_CI_RICHLAND_10
<b>SurveyCityLimits</b>	SV_CI_COUNTY_10
 SV_CI_KENNEWICK_10	SurveyUrbanGrowthBoundary

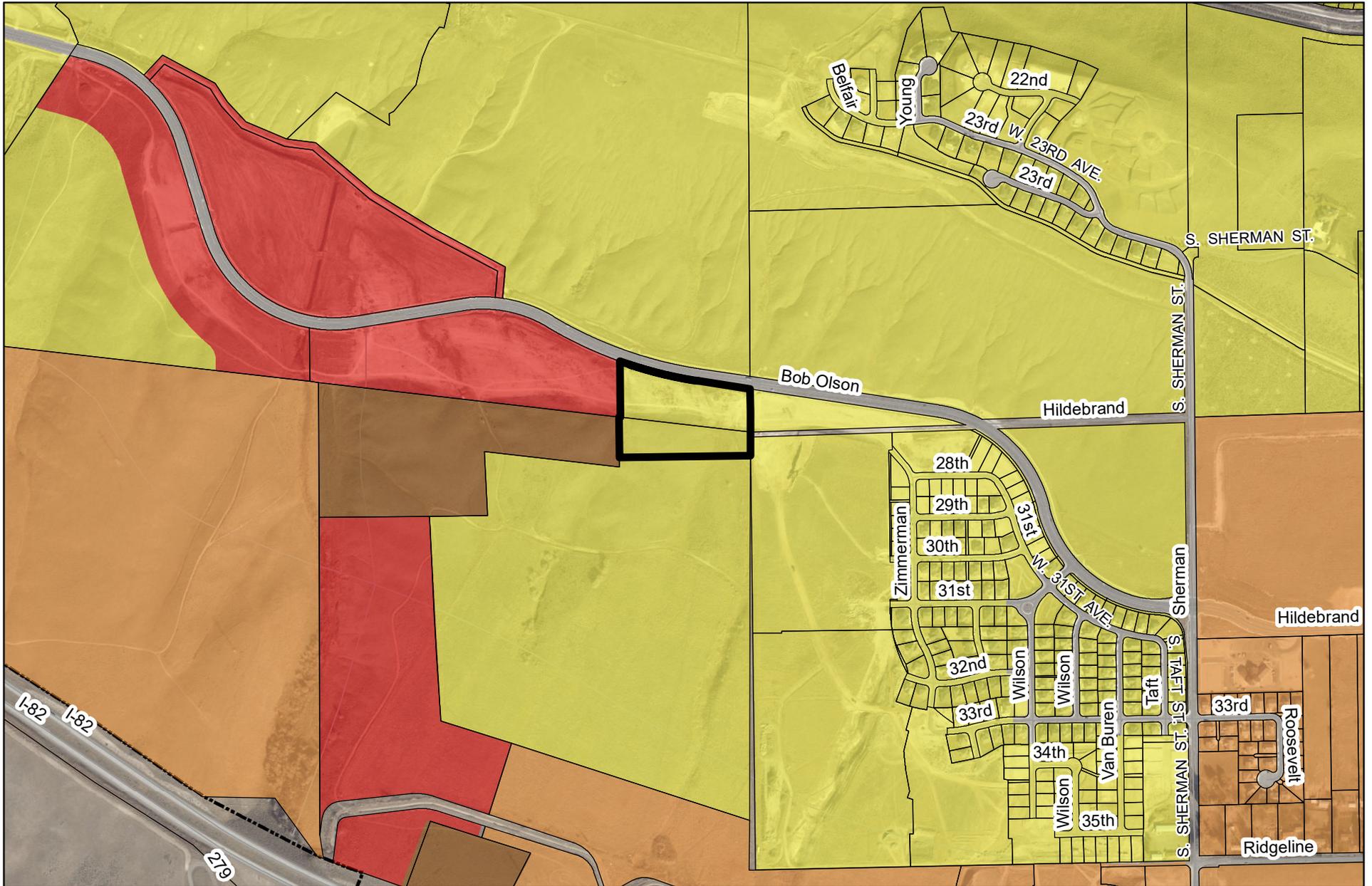


1 inch = 1,000 feet 1:12,000

0 0.075 0.15 0.3 mi

0 0.125 0.25 0.5 km

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



CPA 21-10/PLN-2021-01506 Land Use Map

- |  |  |  |   |
|--|--|--|---|
|  Open Space              |  Medium Density Residential |  Mixed Use  |  Industrial      |
|  Low Density Residential |  High Density Residential   |  Commercial |  Public Facility |



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

PROJECT # CPA 21- 10 PLN- 2021 - 01506 FEE \$ paid

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

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

Site Plan Tier 1  Tier 2  Tier 3  Binding Site Plan   
Short Plat  Conditional Use  Other Comprehensive Plan Amendment LDR to C

Environmental Determination PLN- \_\_\_\_\_ - \_\_\_\_\_ Pre Application Meeting PLN- 2021 - 00966

Applicant: Jaycee Structure, LLC

Address: 1505 NE Village St. Fairview, OR 7024

Telephone: \_\_\_\_\_ Cell Phone: (757) 805-8198 Fax: \_\_\_\_\_ E-mail \_\_\_\_\_

Property Owner (if other than applicant): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ E-mail \_\_\_\_\_

**SITE INFORMATION**

Parcel No. 1-1889-100-0001-009 Acres 8.3 (Proposed) Zoning: LR

Address of property: South of Bob Olson Parkway at Colorado St.

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

Present use of property Undeveloped

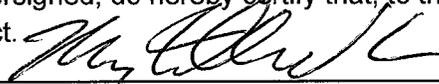
Size of existing structure: \_\_\_\_\_ sq. ft. Size of Proposed addition/New structure: \_\_\_\_\_ sq. ft.

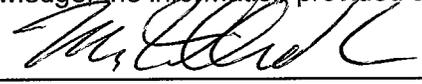
Height of building: \_\_\_\_\_ Cubic feet of excavation: \_\_\_\_\_ Cost of new construction \_\_\_\_\_

Benton County Assessor Market Improvement Value: \_\_\_\_\_

Description of Project: Comprehensive Plan Amendment from LDR to C of 8.6 acres

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

  
Applicant's Signature

  
Signature of owner or owner's authorized representative

Date: 5/3/2021

## Comprehensive Plan Amendment Supplemental Information Jaycee Structure – LDR to C

### 1. State the requested amendment:

The applicant is requesting an amendment to the Comprehensive Plan Land Use designation of approximately 8.7 acres of LDR, Low Density Residential to C, Commercial located Bob Olson Parkway between Georgia and Colorado Streets.

### 2. What are the reasons for the requested amendment:

The request is one part of an overall master plan development concept that will create layers of zoning from intense Commercial against Bob Olson Parkway, then HDR to the south of that and then lower intensity LDR or possibly UMU under a future Comp Plan Amendment request.

After developing conceptual level development plans and identifying a need for retail services including grocery in this developing area of Bob Olson Parkway, this location was identified as an ideal location to meet those needs. As the subject area lies between Georgia St on the west, Bob Olson Pkwy to the north, and Colorado to the east, it is less suitable for its current land use of low density residential than a commercial designation that will take full advantage of the roadway access. The depth of the request relative to Bob Olson Parkway has been determined by conceptual building massing layout and is important for the success of the commercial center.

### 3. Which elements of the Comprehensive Plan will be affected and how. Include detailed information on the provision of utilities such as water, sewer, power, etc., and how such utilities correspond with the City's various utility plans. Detailed information must also be submitted regarding what effect the proposed change will have on such services as fire, police, parks, schools, etc.:

The impacts to the City's Comprehensive Plans will be slight as the requested area is 8.7 acres in size. The request will increase the available Commercially designated land and reduce the available Low Density Residential designated land, which the City has identified as being in excess within its Comp Plan.

Utilities have been extended and stubbed out of Bob Olson Parkway at the future Georgia Street and Colorado Street alignments that can support the future C development. BPUD has plans to construct a new substation south of the site to support development of the overall area. With future development of the property, utilities will be extended to and through the site in accordance with City standards.

A new fire station is being constructed along Colorado St., adjacent to this site, that will provide Fire and EMS to this project and the general area.

Impacts to fire and police, will see extremely limited change from the current designation of LDR to C. Police services may be impacted the most by potential criminal activity targeting businesses (shoplifting etc.) Parks and schools will see a negligible reduction in demand as the change to commercial slightly reduces the number of residents in the area.

4. Indicate how the requested amendment will implement the Comprehensive Plan and be in the best interest of the Kennewick area, reference specific Comprehensive Plan policies that will be implemented:

The request to amend the Comprehensive Land Use Plan to reduce LDR property and increase the available C designated property. This proposal meets the following Comp Plan Goals and Policies:

Land Use, Urban Area Goals, Goal 2, Policy 3: By the land use designation to Commercial property, a higher density of commercial services can be grouped together near a major transportation facility (Bob Olson Parkway). Grouping these services in a centralized location creates beneficial business symbioses and benefits to the surrounding community by having a shopping destination for various goods and services.

Land Use, Commercial Goals, Goal 2, Policy 4: By creating this commercial land use designation, compatible commercial activities will be encouraged to concentrate near each other.

Land Use, Urban Design Goals, Goal 2, Policy 2: Supporting the development of this commercial property, together with the adjacent HDR designated property, will promote walkable connections between homes and services.

5. Include any other substantiated information in support of the requested amendment:

This request is made as a part of an overall land planning design effort of the Jaycee Structure properties. It is the applicant's opinion that this Comp Plan Amendment reflects the highest and best use of the land for the community.



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

**FILE/PROJECT NUMBER:** ED 21-20/PLN-2021-01510

**DESCRIPTION OF PROPOSAL:** Change the land use designation of 8.6 acres from Low Density Residential to Commercial and eventually change the zoning from Residential, Low Density to Commercial Community.

**PROPONENT:** Jaycee Structure, LLC, 1505 NE Village Street, Fairview, OR 97024

**LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY:** 7723 Bob Olson Parkway, Parcel Number: 1-1889-100-0001-009

**LEAD AGENCY:** City of Kennewick

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

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

**RESPONSIBLE OFFICIAL:** Anthony Muai, AICP  
**POSITION/TITLE:** Interim Planning Director  
**ADDRESS:** 210 W 6th Ave., P.O. Box 6108, Kennewick, WA 99336  
**PHONE:** (509) 585-4386

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

This DNS is subject to the attached conditions:

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

Date: July 21, 2021      Signature: 

\*\*\*\*\*  
**Appeal:** An appeal of this determination must be submitted to the Community Planning Department within fourteen (14) calendar days after the date issued and no later than 5 p.m. This appeal must be written and make specific factual objections to the City's threshold determination. Appeals shall be conducted in conformance with Section 4.12.090(9) of the Kennewick Municipal Code and the required fees pursuant to the City's adopted Fee Schedule shall be paid at time of appeal submittal.

Copies of this DNS were mailed to:      Dept. of Ecology  
WA Dept. of Fish & Wildlife  
WSDOT  
Yakama Nation  
CTUIR  
ED 21-20 File



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

July 12, 2021

City of Kennewick  
Community Planning Department  
210 W 6<sup>th</sup> Avenue  
Kennewick, WA 99336

Attention: Steve Donovan, Senior Planner

Subject: CPA 21-10/PLN-2021-01506, ED 21-20/PLN-2021-10510  
Jaycee Structure LLC, Comp Plan Amendment for ~8.6 Acres  
From Low-Density Residential to Commercial  
US 395, I-82

We have reviewed the proposed Comprehensive Plan land use map designation amendments and have the following comments.

CPA 21-10 and PLN-2021-01506 would redesignate about 8.6 acres from Low-Density Residential to Commercial. The property is located in the Southridge area and is on Bob Olson Parkway. It is not adjacent to any state highways but is about 0.6 mile north of I-82 and less than two miles northwest of US 395 at the Hildebrand Boulevard intersection.

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

The Southridge area has seen significant development recently and traffic is increasing with congestion in certain locations. When combined, CPA 21-09, CPA 21-10, and CPA 21-11 total over 37 acres along with 118 acres redesignated in 2020. This is a substantial amount acreage that could be developed to dense urban standards. We are concerned with the cumulative impact to our system. None of these three properties is adjacent to U.S. Highway 395 (US 395). However, US 395 is the sole north-south arterial serving the area. As such, WSDOT expects the majority of traffic generated by

City of Kennewick – CPA 21-10, Jaycee Structure, LLC; Comprehensive Plan Map  
Amendment  
July 12, 2021  
Page | 2

these proposals will utilize US 395 and access the highway at Ridgeline Drive, Hildebrand Boulevard, and 27<sup>th</sup> Avenue.

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

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

Thank you for the opportunity to review and comment on these proposals. If you have any questions regarding our comments, please contact Debi Freudenthal at (509) 577-1633.

Sincerely,



Paul Gonseth, P.E.  
Planning Engineer

PG:df/jg

cc: File – Comp Plans/Benton County  
Celeste Gilman, WSDOT Multimodal Planning  
Will Simpson, Washington Department of Commerce



Allyson Brooks Ph.D., Director  
State Historic Preservation Officer

July 13, 2021

Steve Donovan  
Senior Planner  
City of Kennewick  
210 W 6th Avenue  
Kennewick, WA 99336

In future correspondence please refer to:

Project Tracking Code: 2021-07-04381

Property: City of Kennewick\_Jaycee Structure Comprehensive Plan Amendment (CPA 21-10)

Re: Survey Requested

Dear Steve Donovan:

Thank you for contacting the Washington State Historic Preservation Officer (SHPO) and Department of Archaeology and Historic Preservation (DAHP) and providing documentation regarding the above referenced project. These comments are based on the information available at the time of this review and on behalf of the SHPO in conformance Washington State law. Should additional information become available, our assessment may be revised.

While our statewide predictive model indicates that there is a moderate to low probability of encountering cultural resources within the proposed project area, archaeological sites have been identified in the Thompson Hill vicinity. Further, the scale of the proposed ground disturbing actions would destroy any archaeological resources present. Identification during construction is not a recommended detection method because inadvertent discoveries often result in costly construction delays and damage to the resource. Therefore, we recommend a professional archaeological survey of the project area be conducted and a report be produced prior to ground disturbing activities. This report should meet DAHP's [Standards for Cultural Resource Reporting](#).

We also recommend that any historic buildings or structures (45 years in age or older) located within the project area are evaluated for eligibility for listing in the National Register of Historic Places on Historic Property Inventory (HPI) forms. We highly encourage the SEPA lead agency to ensure that these evaluations are written by a cultural resource professional meeting the [SOI Professional Qualification Standards in Architectural History](#).

Please note that the recommendations provided in this letter reflect only the opinions of DAHP. Any interested Tribes may have different recommendations. We appreciate receiving any correspondence or comments from Tribes or other parties concerning cultural resource issues that you receive.

Thank you for the opportunity to comment on this project. Please ensure that the DAHP Project Tracking Number is shared with any hired cultural resource consultants and is attached to any



communications or submitted reports. Please also ensure that any reports, site forms, and/or historic property inventory (HPI) forms are uploaded to WISAARD by the consultant(s).

Should you have any questions, please feel free to contact me.

Sincerely,



Sydney Hanson  
Transportation Archaeologist  
(360) 280-7563  
Sydney.Hanson@dahp.wa.gov





2015 South Ely Street  
Kennewick, WA 99337  
Customer Service 509-586-9111  
Business 509-586-6012  
FAX 509-586-7663  
[www.kid.org](http://www.kid.org)

July 14, 2021

Steve Donovan, AICP  
City of Kennewick  
PO Box 6108  
Kennewick, WA 99336

Subject: Review Comments for CPA 21-10, Parcel #1-1889-100-0001-009 (Dry)

Dear Mr. Donovan:

The Kennewick Irrigation District has received your Comprehensive Plan Amendment Application submitted by Jaycee Structure, LLC to change zoning from Low Density Residential to Commercial on parcel #1-1889-100-0001-009, south of Bob Olson Parkway at Georgia Street.

1. This parcel is within the Kennewick Irrigation District (KID) boundaries but is not assessed by the Kennewick Irrigation District.
2. Please note that permanent structures are not allowed within irrigation easements.
  - a. Please be aware there is a 200 foot USBR right-of-way, known as the Amon Wasteway located to the west the property. No grading may be performed or any permanent structures built within KID right-of-way without an approved permit from the Kennewick Irrigation District and/or the United States Bureau of Reclamation, when applicable.
3. The KID would like to inform the City of Kennewick of the following:
  - a. Should the property subdivide in the future, storm water systems for the project shall be designed to retain, at minimum, a 100-year storm event above/adjacent to the Amon Wasteway and to minimize the introduction of water into the soils up-gradient of Wasteway. KID review and approval of all storm water plans is required prior to Plat approval.

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

Sincerely,

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

Chris D. Sittman  
CAD Specialist



## Department of Energy

Bonneville Power Administration  
2211 North Commercial Avenue  
Pasco, WA 99301

TRANSMISSION SERVICES

July 14, 2021

In reply refer to: CPA 21-10/PLN-2021-01506, ED 21-20/ PLN-2021-01510  
Located within a Portion of Section 7, Township 8 North,  
Range 29 East, W.M., Benton County, Washington

Steve Donovan, Senior Planner  
City of Kennewick  
Community Planning/Planner  
210 W. 6th Avenue - PO Box 6108  
Kennewick, WA 99336

Dear Steve:

Bonneville Power Administration (BPA) has had the opportunity to review CPA 21-10/PLN-2021-01506, ED 21-20/ PLN-2021-01510. The applicant is requesting an amendment to change approximately 8.6 acres of Low Density Residential to Commercial. The property is general located South of Bob Olsen Parkway at Colorado Street in Kennewick, WA.

In researching our records, we have found that this proposal will not directly impact BPA facilities approximately .53 miles to the south of the subject property. BPA does not have any objections to the approval of this request at this time.

Thank you for the opportunity to review this application. If you have any questions regarding this request or need additional information, please feel free to contact a BPA representative at (800) 282-3713 or by email at [jecottrell@bpa.gov](mailto:jecottrell@bpa.gov).

Sincerely,

A handwritten signature in blue ink that reads "Joseph E. Cottrell II".

Joseph E. Cottrell  
Realty Specialist

# Council Agenda Coversheet



Agenda Item Number	5.j.	Council Date	10/05/2021
Agenda Item Type	Ordinance		
Subject	CPA 21-11 (Jaycee Structure, LLC)		
Ordinance/Reso #	5944	Contract #	
Project #	CPA 21-11	Permit #	PLN-2021-01507
Department	Planning		

Consent Agenda	<input type="checkbox"/>
Ordinance/Reso	<input checked="" type="checkbox"/>
Public Mtg / Hrg	<input type="checkbox"/>
Other	<input type="checkbox"/>
Quasi-Judicial	<input type="checkbox"/>

### Recommendation

The Planning Commission recommends approval of CPA 21-11 through the adoption of Ordinance 5944.

### Motion for Consideration

I move to adopt Ordinance 5944.

### Summary

The applicant, Jaycee Structures, LLC, has requested to change the land use designation of 24.04 acres south of 7723 Bob Olson Parkway, from Low Density Residential to High Density Residential. Approval of the request will allow the applicant to develop the site with multi-family residences.

The Planning Commission held a public hearing for the request on August 16, 2021. At the hearing, the applicant's representative spoke in favor of the request. Testimony and written comments were received in opposition to the request.

The Planning Commission voted 4-1 to recommend approval to the City Council.

### Alternatives

None Recommended

### Fiscal Impact

None

Through	Steve Donovan Sep 27, 09:38:13 GMT-0700 2021
Dept Head Approval	Anthony Muai Sep 28, 13:58:04 GMT-0700 2021
City Mgr Approval	Marie Mosley Oct 01, 08:34:46 GMT-0700 2021

Attachments:

Ordinance
Site Map
PC Action Summary
Minutes
Staff Report

Recording Required?

CITY OF KENNEWICK  
ORDINANCE NO. 5944

AN ORDINANCE AMENDING THE CITY OF KENNEWICK'S COMPREHENSIVE  
PLAN (CPA 21-11, JAYCEE STRUCTURES, LLC)

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

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

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

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

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

1. CPA 21-11 – 24.04 acres located South of 7723 Bob Olson Parkway (Low Density Residential to High Density Residential).

**Section 2.** The property is legally described as follows:

**Low Density Residential to High Density Residential**

Beginning at the northeast corner of Section 18, T 8 N, R 29 E, of the Willamette Meridian, Benton County, Washington; Thence S 00° 41' 22" E a distance of 142.71 feet to the TRUE POINT OF BEGINNING.

Thence, S 89° 18' 52" W for a distance of 793.61 feet;

Thence, S 00° 41' 08" E for a distance of 58.69 feet;

Thence, N 83° 25' 56" W for a distance of 823.22 feet;

Thence, S 02° 48' 35" E for a distance of 387.93 feet;

Thence, S 89° 25' 47" W for a distance of 351.31 feet;

Thence, S 03° 27' 56" E for a distance of 34.32 feet;

Thence, S 02° 48' 36" E for a distance of 217.22 feet;

Thence, N 89° 18' 52" E a distance of 1143.85 feet;

Thence, S 00° 41' 08" E a distance of 20.51 feet;

Thence, N 89° 16' 41" E a distance of 793.65 feet;

Thence, N 00° 41' 21" W for a distance of 613.06 feet and the TRUE POINT OF BEGINNING.

The described area containing 24.0 acres more or less.

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

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

Attest:

\_\_\_\_\_  
STEVE LEE, Mayor Pro Tem

\_\_\_\_\_  
TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5944 filed and recorded in the office of the City Clerk of the City of Kennewick, Washington this 6<sup>th</sup> day of October, 2021.

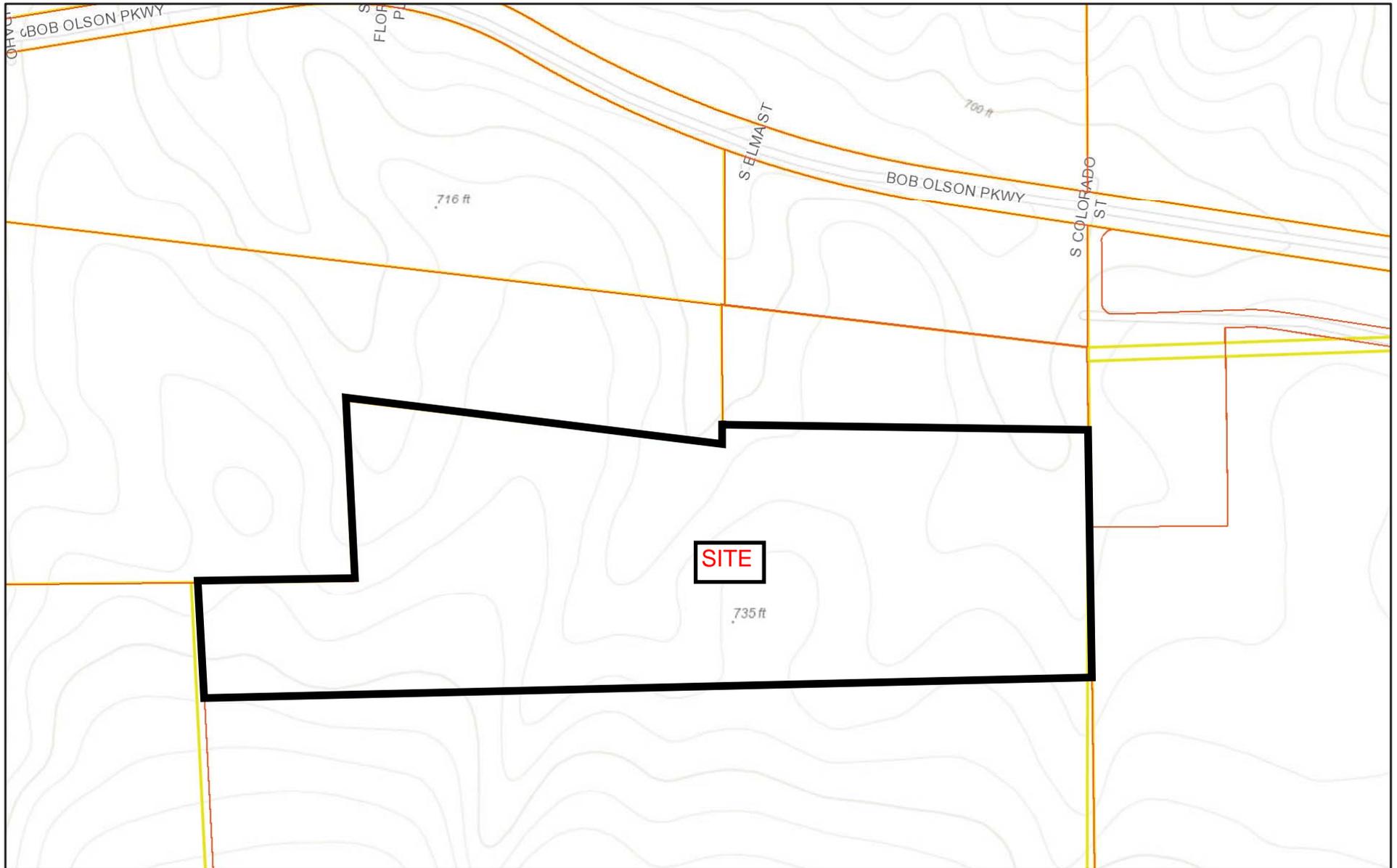
Approved as to Form:

\_\_\_\_\_  
LISA BEATON, City Attorney

\_\_\_\_\_  
TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION \_\_\_\_\_

# Site Map



August 30, 2021 This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

CountyParcelLayer	<b>SurveyAddressPoint</b>	 Building	Parcel
StreetName	 <all other values>	 Condo	
	 Apartment	 Mobile Home	



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.,

**Planning Commission Action Summary**  
**CPA 21-11 – Jaycee Structures, LLC**

The Kennewick Planning Commission conducted a virtual public hearing on August 16, 2021. All interested parties were notified to come before the Commission and be heard. After reviewing the staff report and all oral and written facts and opinions, the Commission passed a motion on the proposed Comprehensive Plan Amendment, concurring with the findings and conclusions in the staff report CPA 21-11 and recommends to City Council approval of the proposed Comprehensive Plan Amendment contained in the staff report.

**Findings of Fact**

1. The applicant and owner is Jaycee Structure, LLC, 1505 NE Village Street, Fairview, OR 97024.
2. The request is to change the site's land use designation from Low Density Residential to Commercial.
3. The application was received on May 3, 2021 and was routed for review to various City Departments and other local, state and federal agencies for comment on June 14, 2021.
4. City water and sewer utilities are in Bob Olson Parkway.
5. Access to the site is from Bob Olson Parkway.
6. The proposed amendment is adjacent to lands designated Low Density Residential, High Density Residential and Commercial.
7. A Determination of Non-Significance was issued for this application on July 21, 2021. The appeal period for the determination ended on August 4, 2021.
8. A Notice of Public Hearing was posted on-site July 29, 2021.
9. Notice of Public Hearing was published in the Tri-City Herald on August 1, 2021. Notices were mailed to property owners within 300 feet of the site on July 29, 2021.
10. No detrimental impacts to the City's public health, safety, welfare or protection of the environment are anticipated. Future site development must meet applicable development regulations.
11. This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
12. The proposed amendment does not correct an obvious mapping error.
13. This request does will address an identified deficiency in the Comprehensive Plan.

**Conclusions of Law**

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation of 24.04 acres from Low Density Residential to High Density Residential.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will increase the population densities in the area.
5. Future development of the site may have minimal impact to the traffic system.

The motion to recommend approval to City Council passed with a vote of 4 to 1.

**Chairman Morris opened the virtual public hearing at 7:56 p.m. for Comprehensive Plan Amendment 21-11/PLN-2021-01507, proposing to change approximately 24.04 acres located generally south of 7723 Bob Olson Parkway from Low Density Residential (LDR) to High Density Residential (HDR). Applicant/Owner is Jaycee Structure LLC, 1505 NE Village Street, Fairview, OR 97024.**

Mr. Donovan gave a brief overview of the staff report, entered into record Exhibit A-10 (Alley letter) and A-11 (Pierce letter) and shared a Power Point presentation of the staff report.

**Planning Commission questions:**

Is Exhibit A-11 (Pierce letter) from the Kennewick School District.

**Testimony of Applicant/Applicant's Representative:**

John Fetterolf, Applicant Representative  
7500 W Clearwater Avenue Ste. 8  
Kennewick 99336

For this proposal we are working toward high density apartments surrounding commercial to promote walkable neighborhood; there is a hot market for the property, best use is HDR.

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

Chris & Laura Alley  
7080 W. 31<sup>st</sup> Place  
Kennewick

Submitted Exhibit A-10 letter opposing proposal; ultimately at the project level high-density apartments and commercial will negatively impact Kennewick School District and traffic (safety concerns).

**Staff Comments:**

None

**Public Testimony for CPA 21-11 closed at 8:09 p.m.**

Chairman Morris asked for a motion.

Commissioner Helgeson moved to concur with the findings and conclusions in staff report CPA 21-11 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Moore seconded the motion.

**Planning Commission Discussion:**

None

The motion passed 4-1, with Commissioners Moore, Stolle, Helgeson & Short in favor and Commissioner Morris opposed.

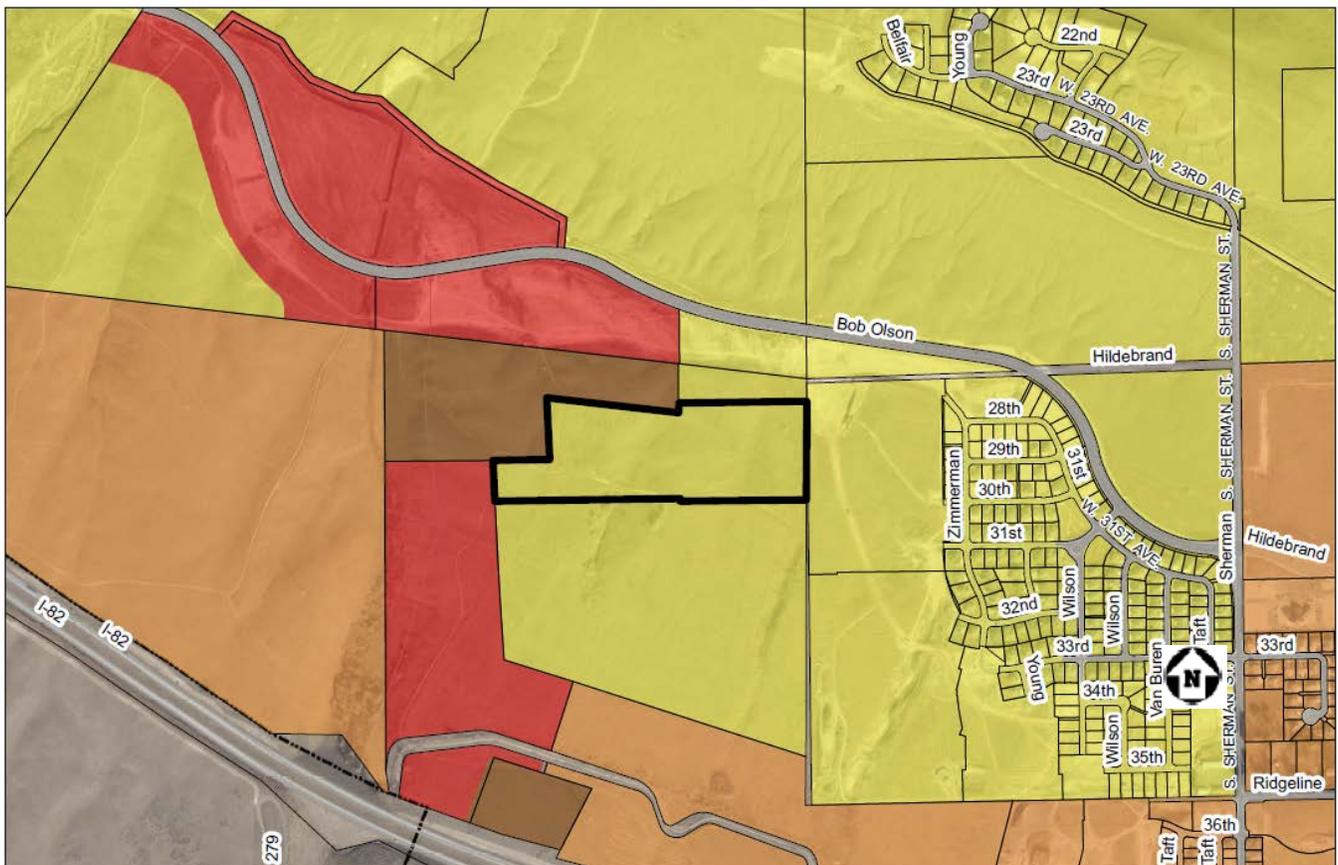


## Comprehensive Plan Amendment 21-11

**REQUEST:** Change 24.04 acres from Low Density Residential to High Density Residential.

**APPLICANT:** Jaycee Structure, LLC

**OWNER:** Jaycee Structure, LLC



Not to scale

### SITE INFORMATION

- **Size:** 24.04 acres
- **Location:** South of 7723 Bob Olson Parkway
- **Topography:** Contains slopes greater than 15%
- **Existing Comprehensive Plan Designation:** Low Density Residential
- **Existing Zoning:** Residential, Low Density (RL)
- **Existing Land Use:** Vacant Land

**EXHIBITS**

- **Exhibit A-1:** Aerial Map
- **Exhibit A-2:** Land Use Map
- **Exhibit A-3:** Application
- **Exhibit A-4:** Environmental Determination
- **Exhibit A-5:** Washington State Department of Transportation Comments
- **Exhibit A-6:** Department of Archaeology & Historic Preservation Comments
- **Exhibit A-7:** Kennewick Irrigation District Comments
- **Exhibit A-8:** Bonneville Power Administration Comments
- **Exhibit A-9:** Ben Franklin Transit Comments
- **Exhibit A-10:** Surrounding Property Owner Comments

**APPLICATION PROCESS**

- Application Submitted May 3, 2021
- Application routed for comments June 14, 2021
- Determination of Non-Significance was issued on July 21, 2021
- Appeal Period for the DNS ended August 4, 2021
- A Notice of Public Hearing was posted on the site on July 29, 2021
- Notice of Public Hearing published August 1, 2021
- Notice of Public Hearing mailed July 29, 2021

**SURROUNDING COMPREHENSIVE PLAN, ZONING AND LAND USES**

North	Comprehensive Plan – Low Density Residential and High Density Residential Zoning – Residential, Low Density (RL) and Residential, High Density (RH) Existing Land Uses – Vacant Land
South	Comprehensive Plan – Low Density Residential Zoning – Residential, Low Density (RL) Existing Land Uses – Vacant Land
East	Comprehensive Plan – Low Density Residential Zoning – Residential, Low Density (RL) Existing Land Uses – Vacant Land
West	Comprehensive Plan – Commercial and High Density Residential Zoning – Commercial Community (CC) and Residential, High Density (RH) Existing Land Uses – Vacant Land

**REGULATORY CONTROLS**

- City of Kennewick Comprehensive Plan
- Kennewick Municipal Code Title 4
- Kennewick Municipal Code Title 18

**DESCRIPTION OF REQUEST**

The applicant has requested to change the land use designation for 24.04 acres from Low Density to High Density Residential.

**COMPLIANCE WITH TITLE 4 (ADMINISTRATIVE PROCEDURES)**

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

1. The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment;  
No detrimental impacts to the City's public health, safety, welfare or protection of the environment are anticipated. Future site development must meet applicable development regulations.
2. The proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment;  
This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
3. The proposed amendment corrects an obvious mapping error; or  
This request does not correct a mapping error.
4. The proposed amendment addresses an identified deficiency in the Comprehensive Plan.  
The City of Kennewick's 2017-2037 Comprehensive Plan states that the City has a surplus of Low Density Residential lands and a deficit of High Density Residential lands. The proposed amendment will address an identified deficiency in the comprehensive plan.

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

1. The effect upon the physical environment;  
Grading and clearing of vegetation will have to take place at the site for future development.
2. The effect on open space and natural features including, but not limited to topography, streams, rivers, and lakes;  
The site does contain designated slopes greater than 15% and erosion hazards areas. No negative impacts are anticipated from the proposed amendment or future development. Adequate measures within the Kennewick Municipal Code exist to mitigate any possible negative impacts to the natural environment.
3. The compatibility with and impact on adjacent land uses and surrounding neighborhoods;  
The proposal is compatible with the surrounding land uses. A mix of different land use designations and zoning districts surround the site. Future multi-family development will most likely increase traffic, but Bob Olson Parkway has the capability handle a higher traffic volume.
4. The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools;  
The future development of the site is required to provide infrastructure improvements to ensure adequacy of community facilities.
5. The quantity and location of land planned for the proposed land use type and density and the demand for such land;  
Currently, Kennewick has a surplus of land designated Low Density Residential. There is a demand for more multi-family residences in Kennewick. Approval of the proposed amendment will result in a higher density than what would occur under the current land use designation.
6. The current and projected project density in the area; and  
The maximum density for the current land use designation is 5 units/acre and the proposed land use designation has a maximum density 27 units/acres.

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

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

**PUBLIC COMMENT**

Some surrounding property owners did provide comments on the proposed amendment. The owners concerns consist of increased traffic, increased density and possible decrease in property values, see Exhibit A-10.

**AGENCY COMMENTS**

Staff received comments from Washington State Department of Transportation, Department Archaeology & Historic Preservation, Kennewick Irrigation District and Bonneville Power Administration. The majority of the comments received are for the future development of the site; see Exhibits A-5 thru A-9.

**ANALYSIS OF REQUEST**

This request is to amend the land use designation of 24.04 acres to High Density Residential. The maximum density of the proposed land use designation is 27 units/acre, which allows for a maximum of 649 units on the site. Currently, the City has a surplus of the Low Density Residential land and a deficit of High Density Residential land. If approved, the site will have the same land use designation as the adjacent land to the west and a boundary line adjustment will need to be completed so the property and zoning district boundaries match.

Access to the site is via Bob Olson Parkway. The applicant has stated that future development will require extensions of existing roads and construction of new public roadways. Additionally, it was stated in the applicant's SEPA Checklist, that permitted densities will generate approximately 9,000 Average Daily Trips and 440 PM Peak Hour trips. The City's Traffic Engineering Division has reviewed the applicant's SEPA Checklist and stated that a traffic analysis may be required at the time of site development.

**FINDINGS**

1. The applicant and owner is Jaycee Structure, LLC, 1505 NE Village Street, Fairview, OR 97024.
2. The request is to change the site's land use designation from Low Density Residential to Commercial.
3. The application was received on May 3, 2021 and was routed for review to various City Departments and other local, state and federal agencies for comment on June 14, 2021.
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12. The proposed amendment does not correct an obvious mapping error.
13. This request does will address an identified deficiency in the Comprehensive Plan.

**CONCLUSIONS**

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment will change the land use designation of 24.04 acres from Low Density Residential to High Density Residential.
3. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.
4. The proposed amendment will increase the population densities in the area.
5. Future development of the site may have minimal impact to the traffic system.

**Recommendation**

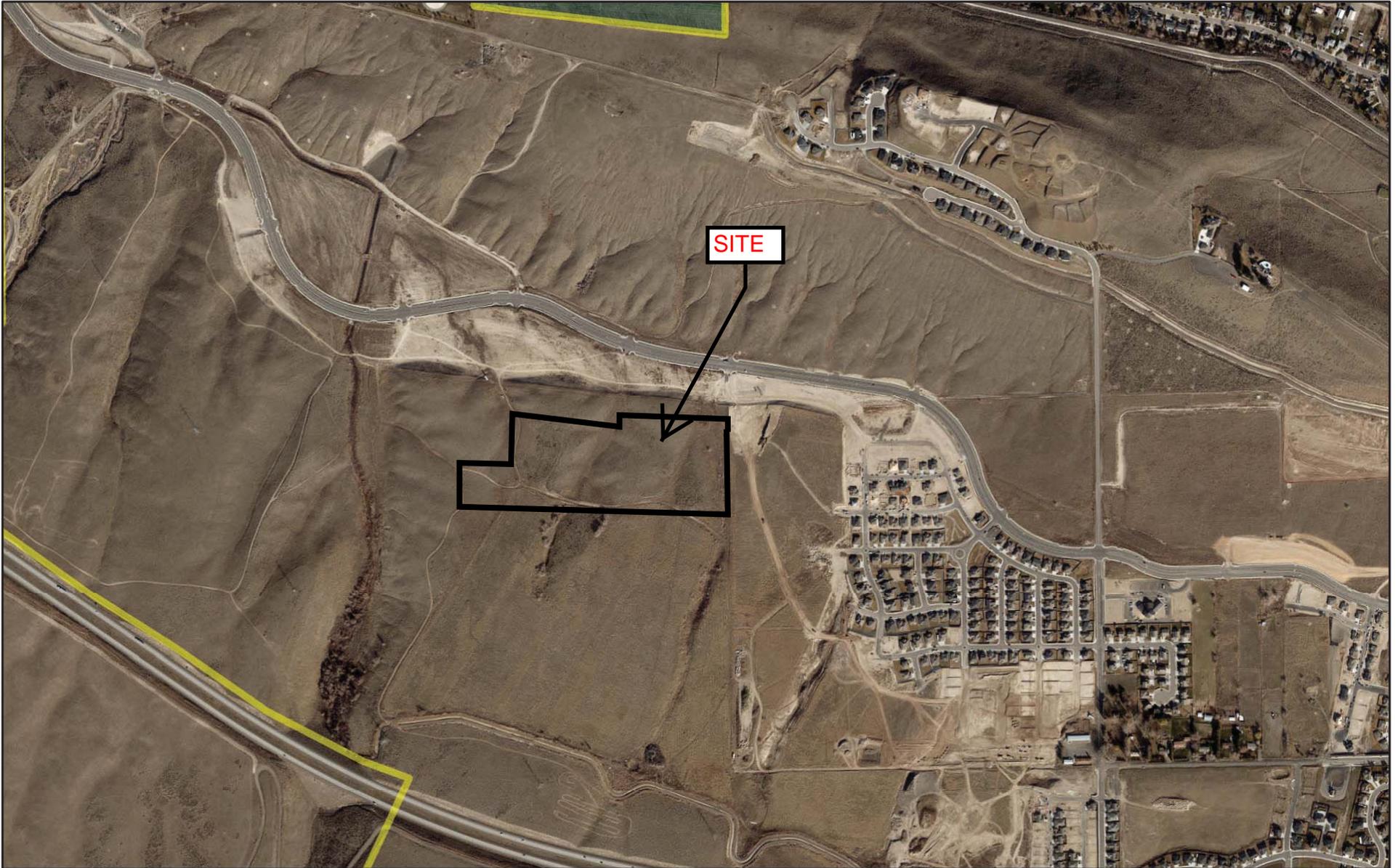
Staff recommends that the Planning Commission concur with the findings and conclusions of CPA 21-11 contained in the staff report and recommend approval to City Council.

**Motion**

I move that the Planning Commission concur with the findings and conclusions of CPA 21-11 contained in the staff report and recommend to City Council approval of the request.

# Aerial Map

Exhibit A-1



July 29, 2021

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

- |  |                           |
|--|---------------------------|
| StreetName   | SV_CI_RICHLAND_10         |
| <b>SurveyCityLimits</b>  | SV_CI_COUNTY_10           |
|  SV_CI_KENNEWICK_10 | SurveyUrbanGrowthBoundary |

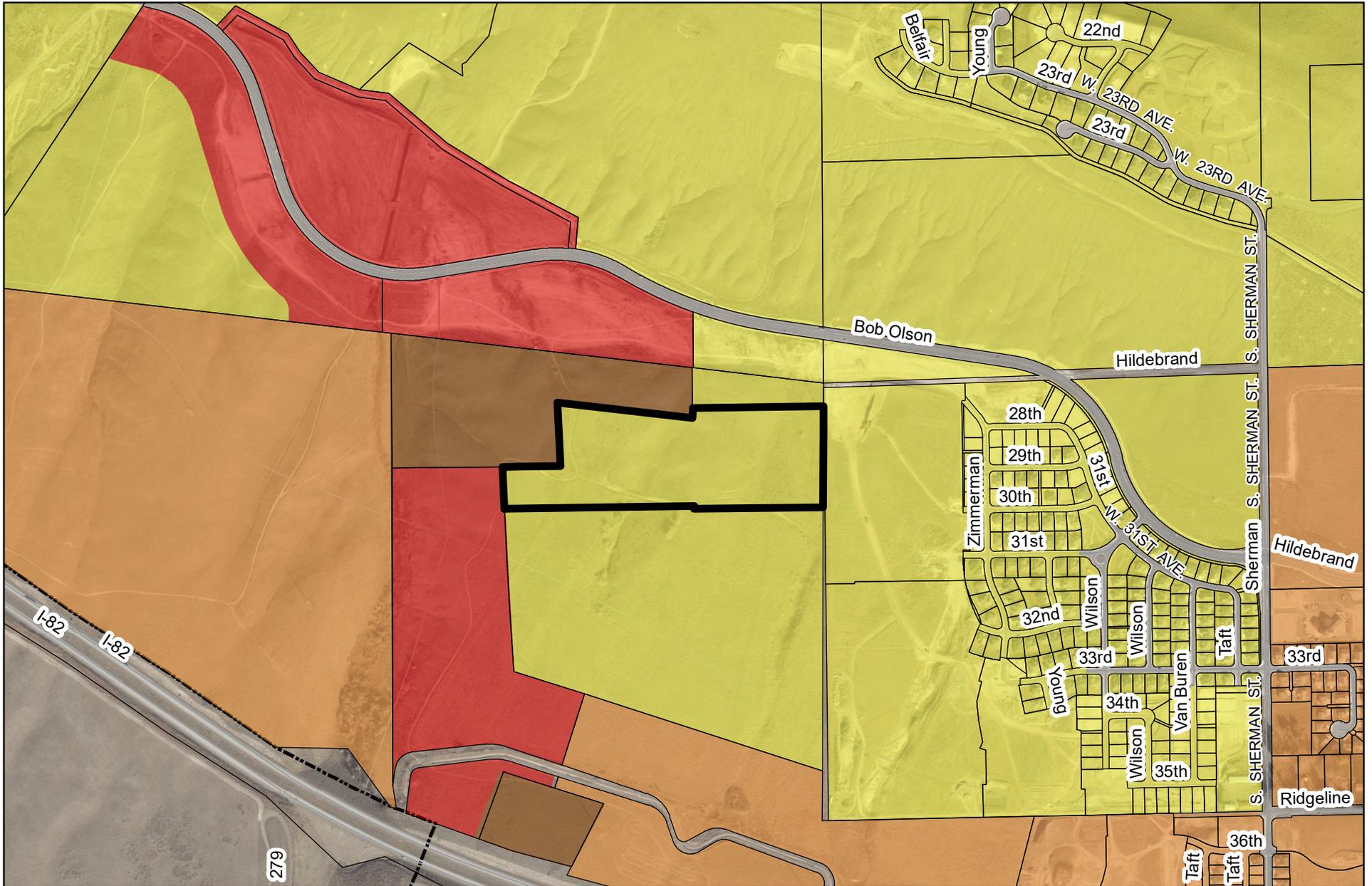


1 inch = 1,000 feet      1:12,000

0   0.075   0.15   0.3 mi

0   0.125   0.25   0.5 km

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



CPA 21-11/PLN-2021-01507 Land Use Map

- |  |  |  |   |
|--|--|--|---|
|  Open Space              |  Medium Density Residential |  Mixed Use  |  Industrial      |
|  Low Density Residential |  High Density Residential   |  Commercial |  Public Facility |



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

PROJECT #CPA 21- 11 PLN- 2021 - 01507 FEE \$ paid

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

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

Site Plan Tier 1  Tier 2  Tier 3  Binding Site Plan   
Short Plat  Conditional Use  Other Comprehensive Plan Amendment LDR to HDR  
Environmental Determination PLN- \_\_\_\_\_ - \_\_\_\_\_ Pre Application Meeting PLN- 2021\_00966

Applicant: Jaycee Structure, LLC

Address: 1505 NE Village St. Fairview, OR 7024

Telephone: \_\_\_\_\_ Cell Phone: (757) 805-8198 Fax: \_\_\_\_\_ E-mail bobandwilliamprice@gmail.com

Property Owner (if other than applicant): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ E-mail \_\_\_\_\_

**SITE INFORMATION**

Parcel No. 1-1889-100-0001-003 & -008 Acres \_\_\_\_\_ Zoning: RL

Address of property: South of Bob Olson Parkway at Georgia St.

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

Present use of property Undeveloped

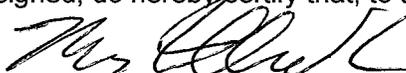
Size of existing structure: \_\_\_\_\_ sq. ft. Size of Proposed addition/New structure: \_\_\_\_\_ sq. ft.

Height of building: \_\_\_\_\_ Cubic feet of excavation: \_\_\_\_\_ Cost of new construction \_\_\_\_\_

Benton County Assessor Market Improvement Value: \_\_\_\_\_

Description of Project: Comprehensive Plan Amendment from LDR TO HDR of 24.04 acres

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

  
Applicant's Signature

  
Signature of owner or owner's authorized representative

Date: 5/3/2021

## Comprehensive Plan Amendment Supplemental Information Jaycee Structure – LDR to HDR

### 1. State the requested amendment:

The applicant is requesting an amendment to the Comprehensive Plan Land Use designation of approximately 24.0 acres of LDR, Low Density Residential to HDR, High Density Residential.

### 2. What are the reasons for the requested amendment:

The request is one part of an overall master plan development concept that will create layers of zoning from intense commercial against Bob Olson Parkway, then HDR to the south of that and then lower intensity LDR or possibly UMU under a future Comp Plan Amendment request. The requested amendment to HDR will allow for a higher density population near retail centers promoting shorter vehicle trips, cycling, and walking to and from homes and retail services. The request also addresses the current housing shortage crisis in the Tri-Cities by providing more residences within the amendment area.

### 3. Which elements of the Comprehensive Plan will be affected and how. Include detailed information on the provision of utilities such as water, sewer, power, etc., and how such utilities correspond with the City's various utility plans. Detailed information must also be submitted regarding what effect the proposed change will have on such services as fire, police, parks, schools, etc.:

Within Kennewick's 2017-2037 Comprehensive Land Use Plan, it identifies an anticipated shortfall of 159 acres of High-Density Residential property and an excess of 1,387 acres of Low-Density Residential property. This will help to bring those numbers into balance by moving 24.0 acres of LDR to HDR.

Utilities have been extended and stubbed out of Bob Olson Parkway to the future Colorado and Georgia Street alignments that can support the future HDR development. BPUD has plans to construct a new substation south of the site to support development of the overall area. With future development of the property, utilities will be extended to and through the site in accordance with City standards.

A new fire station is being constructed along Colorado St., near Bob Olson Parkway, that will provide Fire and EMS to this project and the general area.

Impacts to fire, police, parks, and schools will likely result in only slight increases to the demands on each with the proposed increased density. As an example, with the City's 11.4 officers per 10,000 capita and a potential increase from 5 DU/Ac to 27 DU/Ac across the 24.0 acres, this would result in a net maximum potential increase of 528 DU. The City uses a household size of 3.0 for LDR and 1.9 for HDR for planning purposes which results in a net potential capita increase of 871. At most, this would result in an increased need for

0.08 additional officers. As it is unlikely the area will be developed at the maximum allowed density, the impacts will likely be much less. Impacts to parks and schools are anticipated to be similar in nature.

4. Indicate how the requested amendment will implement the Comprehensive Plan and be in the best interest of the Kennewick area, reference specific Comprehensive Plan policies that will be implemented:

The request to amend the Comprehensive Land Use Plan to increase the available HDR property and decrease the available LDR property. This proposal meets the following Comp Plan Goals and Policies:

Land Use Residential Goals, Goal 3, Policy 4: Designating this area as HDR will compliment and expand the existing designated HDR Land Use designation.

Land Use Residential Goals, Goal 4, Policy 1: The HDR designation will be immediately adjacent to commercially designated property that will provide retail services to the residents.

Land Use Urban Design Goals, Goal 5, Policy 1: Once developed the area planned to be designated as HDR will provide a link to shopping areas as well as other neighborhoods.

Housing Goals, Goal 1, Policy 3, 4, 5: It is anticipated that a portion of the 24.0 acres will be developed as zero lot line structures. The area west of the future Colorado St is anticipated to be developed as High-Density units, with living and open green space above below grade parking.

Housing Goals, Goal 3, Policy 3: Development of this property at a higher density will allow for lower ownership costs promoting households of all incomes.

Transportation Goals, Goal 2, Policy 1, 2: Locating more residents within walking and biking distance of commercial areas reduces the load on the transportation system and encourages a healthy lifestyle, which is a part of the Complete Streets program.

Utilities Goals, Goal 3, Policy 1: All new utilities will be undergrounded within the planned development area.

5. Include any other substantiated information in support of the requested amendment:

This request is made as a part of an overall land planning design effort of the Jaycee Structure properties. It is the applicant's opinion that this Comp Plan Amendment reflects the highest and best use of the land for the community.



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

**FILE/PROJECT NUMBER:** ED 21-21/PLN-2021-01511

**DESCRIPTION OF PROPOSAL:** Change the land use designation of 24.04 acres from Low Density Residential to High Density Residential and eventually change the zoning from Residential, Low Density to Residential, High Density.

**PROPONENT:** Jaycee Structure, LLC, 1505 NE Village Street, Fairview, OR 97024

**LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY:** No specific address, it is south of 7723 Bob Olson Parkway, Parcel Number: 1-1889-100-0001-003 & 1-1889-100-0001-008

**LEAD AGENCY:** City of Kennewick

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

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

**RESPONSIBLE OFFICIAL:** Anthony Muai, AICP  
**POSITION/TITLE:** Interim Planning Director  
**ADDRESS:** 210 W 6th Ave., P.O. Box 6108, Kennewick, WA 99336  
**PHONE:** (509) 585-4386

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

This DNS is subject to the attached conditions:

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

Date: July 21, 2021      Signature: 

\*\*\*\*\*  
**Appeal:** An appeal of this determination must be submitted to the Community Planning Department within fourteen (14) calendar days after the date issued and no later than 5 p.m. This appeal must be written and make specific factual objections to the City's threshold determination. Appeals shall be conducted in conformance with Section 4.12.090(9) of the Kennewick Municipal Code and the required fees pursuant to the City's adopted Fee Schedule shall be paid at time of appeal submittal.

Copies of this DNS were mailed to:      Dept. of Ecology  
WA Dept. of Fish & Wildlife  
WSDOT  
Yakama Nation  
CTUIR  
ED 21-21 File



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

July 12, 2021

City of Kennewick  
Community Planning Department  
210 W 6<sup>th</sup> Avenue  
Kennewick, WA 99336

Attention: Steve Donovan, Senior Planner

Subject: CPA 21-11/PLN-2021-01507, ED 21-21/PLN-2021-10511  
Jaycee Structure LLC, Comp Plan Amendment for 24.04 Acres  
From Low-Density Residential to High-Density Residential  
US 395, I-82

We have reviewed the proposed Comprehensive Plan land use map designation amendments and have the following comments.

CPA 21-11 and PLN-2021-01507 would redesignate 24.04 acres from Low-Density Residential to High-Density Residential. The property is located in the Southridge area and is near Bob Olson Parkway. It is not adjacent to any state highway, but is about one-half mile north of I-82 and less than two miles northwest of US 395 at the Hildebrand Boulevard intersection.

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

The Southridge area has seen significant development recently and traffic is increasing with congestion in certain locations. When combined, CPA 21-09, CPA 21-10, and CPA 21-11 total over 37 acres along with 118 acres redesignated in 2020. This is a substantial amount acreage that could be developed to dense urban standards. We are concerned with the cumulative impact to our system. None of these three properties is adjacent to U.S. Highway 395 (US 395). However, US 395 is the sole north-south arterial serving the area. As such, WSDOT expects the majority of traffic generated by

City of Kennewick – CPA 21-09, Jaycee Structure, LLC; Comprehensive Plan Map  
Amendment  
July 12, 2021  
Page | 2

these proposals will utilize US 395 and access the highway at Ridgeline Drive, Hildebrand Boulevard, and 27<sup>th</sup> Avenue.

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

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

Thank you for the opportunity to review and comment on these proposals. If you have any questions regarding our comments, please contact Debi Freudenthal at (509) 577-1633.

Sincerely,



Paul Gonseth, P.E.  
Planning Engineer

PG:df/jg

cc: File – Comp Plans/Benton County  
Celeste Gilman, WSDOT Multimodal Planning  
Will Simpson, Washington Department of Commerce



July 13, 2021

Steve Donovan  
Planner  
City of Kennewick  
210 W 6th Avenue  
Kennewick, WA 99336

In future correspondence please refer to:

Project Tracking Code: 2021-07-04382

Property: City of Kennewick\_Jaycee Structure Comprehensive Plan Amendment (CPA 21-11)

Re: Survey Requested

Dear Steve Donovan:

Thank you for contacting the Washington State Historic Preservation Officer (SHPO) and Department of Archaeology and Historic Preservation (DAHP) and providing documentation regarding the above referenced project. These comments are based on the information available at the time of this review and on behalf of the SHPO in conformance Washington State law. Should additional information become available, our assessment may be revised.

While our statewide predictive model indicates that there is a high probability of encountering cultural resources within the proposed project area, archaeological sites have been identified in the Thompson Hill vicinity. Further, the scale of the proposed ground disturbing actions would destroy any archaeological resources present. Identification during construction is not a recommended detection method because inadvertent discoveries often result in costly construction delays and damage to the resource. Therefore, we recommend a professional archaeological survey of the project area be conducted and a report be produced prior to ground disturbing activities. This report should meet DAHP's [Standards for Cultural Resource Reporting](#).

We also recommend that any historic buildings or structures (45 years in age or older) located within the project area are evaluated for eligibility for listing in the National Register of Historic Places on Historic Property Inventory (HPI) forms. We highly encourage the SEPA lead agency to ensure that these evaluations are written by a cultural resource professional meeting the [SOI Professional Qualification Standards in Architectural History](#).

Please note that the recommendations provided in this letter reflect only the opinions of DAHP. Any interested Tribes may have different recommendations. We appreciate receiving any correspondence or comments from Tribes or other parties concerning cultural resource issues that you receive.

Thank you for the opportunity to comment on this project. Please ensure that the DAHP Project Tracking Number is shared with any hired cultural resource consultants and is attached to any



communications or submitted reports. Please also ensure that any reports, site forms, and/or historic property inventory (HPI) forms are uploaded to WISAARD by the consultant(s).

Should you have any questions, please feel free to contact me.

Sincerely,



Sydney Hanson  
Transportation Archaeologist  
(360) 280-7563  
Sydney.Hanson@dahp.wa.gov





2015 South Ely Street  
Kennewick, WA 99337  
Customer Service 509-586-9111  
Business 509-586-6012  
FAX 509-586-7663  
[www.kid.org](http://www.kid.org)

July 14, 2021

Steve Donovan, AICP  
City of Kennewick  
PO Box 6108  
Kennewick, WA 99336

Subject: Review Comments for CPA 21-11, Parcel #1-1889-100-0001-003 AND -008 (Wet)

Dear Mr. Donovan:

The Kennewick Irrigation District has received your Comprehensive Plan Amendment Application submitted by Jaycee Structure, LLC to change zoning from Low Density Residential to High Density Residential on parcels #1-1889-100-0001-003 and #1-1889-100-0001-008, south of Bob Olson Parkway at Georgia Street.

1. This parcel is within the Kennewick Irrigation District (KID) boundaries but is not assessed by the Kennewick Irrigation District.
  - a. In October of 2014, the KID Board of directors reserved a water allocation for this property, providing KID the option and ability to become the irrigation purveyor if KID determined it was in its best interest to do so. Please contact the KID Engineering Department for further details.
2. Please note that permanent structures are not allowed within irrigation easements.
  - a. Please be aware there is a 200 foot USBR right-of-way, known as the Amon Wasteway located to the west of the property. No grading may be performed or any permanent structures built within KID right-of-way without an approved permit from the Kennewick Irrigation District and/or the United States Bureau of Reclamation, when applicable.
3. The KID would like to inform the City of Kennewick of the following:
  - a. Should the property subdivide in the future, storm water systems for the project shall be designed to retain, at minimum, a 100-year storm event above/adjacent to the Amon Wasteway and to minimize the introduction of water into the soils up-gradient of Wasteway. KID review and approval of all storm water plans is required prior to Plat approval.

S. Donovan  
July 14, 2021  
Page 2 of 2

Exhibit A-7

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

Sincerely,

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

Chris D. Sittman  
CAD Specialist

C: LB/correspondence/File: [18-8-29]



## Department of Energy

Exhibit A-8

Bonneville Power Administration  
2211 North Commercial Avenue  
Pasco, WA 99301

TRANSMISSION SERVICES

July 14, 2021

In reply refer to: CPA 21-11/PLN-2021-01507, ED 21-21/PLN-2021-01511  
Located within a Portion of Section 18, Township 8 North,  
Range 29 East, W.M., Benton County, Washington

Steve Donovan, Senior Planner  
City of Kennewick  
Community Planning/Planner  
210 W. 6th Avenue - PO Box 6108  
Kennewick, WA 99336

Dear Steve:

Bonneville Power Administration (BPA) has had the opportunity to review CPA 21-11/PLN-2021-01507, ED 21-21/PLN-2021-01511. The applicant is requesting an amendment to change approximately 24.04 acres of Low Density Residential to High Density Residential. The property is general located South of Bob Olsen Parkway at Georgia Street in Kennewick, WA.

In researching our records, we have found that this proposal will not directly impact BPA facilities approximately .691 feet to the south of the subject property. BPA does not have any objections to the approval of this request at this time.

Thank you for the opportunity to review this application. If you have any questions regarding this request or need additional information, please feel free to contact a BPA representative at (800) 282-3713 or by email at [jecottrell@bpa.gov](mailto:jecottrell@bpa.gov).

Sincerely,

A handwritten signature in blue ink that reads "Joseph E. Cottrell II".

Joseph E. Cottrell  
Realty Specialist

**From:** Bill Barlow  
**Sent:** Tue, 29 Jun 2021 21:34:46 +0000  
**To:** Steve Donovan  
**Subject:** RE: CPA 21-11/PLN-2021-01507, ED 21-21/PLN-2021-01511

**Bil Barlo**

**I w**

Planning and Service Development  
Ben Franklin Transit  
1000 Columbia Park Trail | Richland, WA 99352  
O: 509.734.5104

*Email to and from this address may be subject to public disclosure under the Washington State Public Records Act (RCW 42.56)*

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All three of these changes need to be addressed as a single CPA change and they should technically be applicable to the entire stretch of Bob Olsen. None of my business, but I suggest you do not let this go piecemeal.

Cheers, Bill

<Steve.Donovan@ci.kennewick.wa.us>

**Sent:** Tuesday, June 29, 2021 1:18 PM

**To:** Ashley M. Morton <AshleyMorton@ctuir.org>; Bill Barlow <BBarlow@bft.org>; Kevin Sliger <KSliger@bft.org>; Benton Clean Air Authority - Rob Rodger <rob.rodger@bentoncleanair.org>; Benton Clean Air Authority - Tyler Thompson <tyler.thompson@bentoncleanair.org>; Benton Clean Air John Lyle <john.lyle@bentoncleanair.org>; Benton Franklin Health Dept - Rick Dawson <rickd@bfhd.wa.gov>; Benton PUD - engineering services <engservice@bentonpud.org>; Benton PUD - Jeff Vosahlo <vosahloj@bentonpud.org>; Benton PUD Chad Brooks <brooksc@bentonpud.org>; Benton PUD Mike Irving <irvingm@bentonpud.org>; Benton PUD Shanna Everson <eversons@bentonpud.org>; Benton PUD Tina Glines <glinest@bentonpud.org>; BPA - Deborah Rodgers <dxrodgers@bpa.gov>; BPA - Joe Cottrell <jecottrell@bpa.gov>; BPA - Mike Deklyen <mjddeklyen@bpa.gov>; Cascade Gas James Thomas <james.thomas@cngc.com>; Cascade Natural Gas - Sara Pineda <sara.pineda@cngc.com>; Casey Barney <Casey\_Barney@Yakama.com>; Charter Communications - Robert Early <robert.early@charter.com>; Columbia Irrigation District <cid@columbiairrigation.com>; Department of Ecology SEPA UNIT <sepaunit@ecy.wa.gov>; Dept of Archaeology and Historic Preservation (sepa@dahp.wa.gov) <sepa@dahp.wa.gov>; Dept of Fish & Wildlife <harvepjh@dfw.wa.gov>; Dept of Fish & Wildlife - Michael Ritter <michael.ritter@dfw.wa.gov>; Dept of Natural Resources SEPA Center <sepacenter@dnr.wa.gov>; Dustin Fisk - Kennewick School District (dustin.fisk@ksd.org) <dustin.fisk@ksd.org>; Greg Wendt (Greg.Wendt@co.benton.wa.us) <Greg.Wendt@co.benton.wa.us>; Jessica Lally <Jessica\_Lally@Yakama.com>; Kennewick School District; Brandon Potts <brandon.potts@ksd.org>; KID Development <development@kid.org>; Kyle McCauley <Kyle.McCauley@cngc.com>; Michelle Cooke <Michelle.Cooke@co.benton.wa.us>; Mike Stevens - (mstevens@ci.richland.wa.us) <mstevens@ci.richland.wa.us>; Noah Oliver <Noah\_Oliver@Yakama.com>; Shane O'Neill <soneill@ci.richland.wa.us>; US Army Corps of Engineers <CENWW-RE@usace.army.mil>; Williams Pipeline - Audie Neuson <audie.neuson@williams.com>;

# Council Agenda Coversheet



Agenda Item Number	5.k.	Council Date	10/05/2021
Agenda Item Type	Ordinance		
Subject	CPA 21-12 (COK)		
Ordinance/Reso #	5945	Contract #	
Project #	CPA 21-12	Permit #	AMD-2021-01983
Department	Planning		

Consent Agenda	<input type="checkbox"/>
Ordinance/Reso	<input checked="" type="checkbox"/>
Public Mtg / Hrg	<input type="checkbox"/>
Other	<input type="checkbox"/>
Quasi-Judicial	<input type="checkbox"/>

### Recommendation

The Planning Commission recommends approval of CPA 21-12 through the adoption of Ordinance 5945.

### Motion for Consideration

I move to adopt Ordinance 5945.

### Summary

City Staff is proposing amendments to the text of the Comprehensive Plan. The proposed text amendments in CPA 21-12 are proposed to accomplish the following:

1. Insert language to introduce nexus and rough proportionality concepts into the Comp Plan, in particular that requirements imposed on proposed development must bear a substantial relationship and connection or "nexus" to impacts to proposed development; and those requirements must be "roughly proportional" to impacts of proposed development.
2. Insert new Comp Plan Transportation section Goal #5 to assure right-of-way is preserved and street improvements completed for corridors established in the City's long-range Transportation System Plan; and to clearly define appropriate mitigation measures to address impacts from growth and provide flexibility to achieve this.

The Planning Commission held a public hearing for the request on August 16, 2021. No testimony or written comments were received in opposition to the request.

The Planning Commission voted 5-0 to recommend approval of this change to the Council.

### Alternatives

None recommended

### Fiscal Impact

None

Through	Anthony Muai Sep 28, 16:22:34 GMT-0700 2021
Dept Head Approval	Anthony Muai Sep 28, 16:22:16 GMT-0700 2021
City Mgr Approval	Marie Mosley Oct 01, 08:41:48 GMT-0700 2021

Attachments:

Staff Report
PC Action Summary
Minutes
Ordinance

Recording Required?



## **Comprehensive Plan Amendment 21-12**

**REQUEST:** The City of Kennewick is proposing comprehensive plan text updates that will address goals and policies related to the nexus and rough proportionality when development exactions are required and mitigation of impacts caused by development. This proposal is not site specific.

**APPLICANT:** City of Kennewick

### **EXHIBITS**

- **Exhibit A-1:** Proposed Comprehensive Plan Amendments
- **Exhibit A-2:** Environmental Determination

### **APPLICATION PROCESS**

- Application Submitted June 7, 2021
- Application routed for comments June 18, 2021
- Determination of Non-Significance was issued on July 12, 2021
- Appeal Period for the DNS ended July 26, 2021
- Notice of Hearing published August 1, 2021.

### **REGULATORY CONTROLS**

- City of Kennewick Comprehensive Plan
- Kennewick Municipal Code Title 4

### **NEXUS/ROUGH PROPORTIONALITY BACKGROUND**

The notions of nexus and rough proportionality spawned from two landmark federal Supreme Court decisions. In 1987, the Supreme Court issued its decision in the *Nollan v. California Coastal Commission* case that involved the California Coastal Commission conditioning a land use permit that in the court's opinion, did not bear a substantial relationship or "nexus" to the impacts of the proposed development. Requiring a public beach access easement was deemed as not related to restoring the public's ocean view from the adjacent road.

Rough proportionality is a concept clarified in the 1994 Supreme Court decision in the *Dolan v. City of Tigard* Oregon case, in which the city of Tigard conditioned a development permit requiring a dedication of land for storm drainage and a pedestrian/bicycle pathway. The Court held in this case that the required dedication must be "roughly proportional" to the impact of the proposed development. In the *Dolan* case, the dedication was determined to be excessive given the scope of the proposed project.

### **STATE REQUIREMENTS**

The Revised Code of Washington authorizes cities to enact impact fees, which addresses direct impacts to public streets and roads, publicly owned park facilities, public school facilities and fire protection facilities. These fees can only be imposed for system improvements that are reasonably related to the new development. Impact fees cannot exceed a "proportionate" share of the cost of the system improvements necessary to accommodate the proposed development and cannot be used to address existing system deficiencies.

The State Environmental Policy Act (SEPA) provides wide-ranging authority to impose mitigating conditions related to a proposed project's environmental impacts. Local government's authority under SEPA allows the imposition of mitigation fees and other forms of direct mitigation of impacts on public facilities and services. Fees collected under SEPA must be rationally related to the impacts identified in the threshold determination for a project. Additionally, fees collected under SEPA may not duplicate fees collected under other sources of authority.

**COMPLIANCE WITH TITLE 4 (ADMINISTRATIVE PROCEDURES)**

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

1. The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment;  
The proposed amendments will help ensure that the required right-of-way dedications and street improvements are completed in a timely manner.
2. The proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment;  
This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
3. The proposed amendment corrects an obvious mapping error; or  
This request does not correct a mapping error.
4. The proposed amendment addresses an identified deficiency in the Comprehensive Plan.  
The proposed amendments will provide guidance to establish specific development regulations for right-of-way dedications and street improvements.

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

1. The effect upon the physical environment;  
The proposed amendment will help ensure completion of required infrastructure in a timely manner, which assist in protecting the physical environment.
2. The effect on open space and natural features including, but not limited to topography, streams, rivers, and lakes;  
No negative impacts on the environments are anticipated from the proposed amendments.
3. The compatibility with and impact on adjacent land uses and surrounding neighborhoods;  
The proposal will help ensure the completion of all development in a timely manner.
4. The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools;  
The proposed amendment is not site specific, it will provide direction for the timely construction of street improvements.
5. The quantity and location of land planned for the proposed land use type and density and the demand for such land;  
The amendment will have no impact on the land use type, density or demand for land.
6. The current and projected project density in the area; and  
The proposal will not have an impact on the density of an area.
7. The effect, if any upon other aspects of the Comprehensive Plan.  
The proposed change will not affect any other aspects of the Comprehensive Plan.

### **PUBLIC COMMENT**

The public submitted no comments.

### **AGENCY COMMENTS**

Public agencies submitted no comments.

### **PROPOSED AMENDMENTS**

The City of Kennewick proposes to adopt comprehensive plan language and subsequent municipal code language that reinforces our ability to require new development to construct transportation improvements and dedicate sufficient right-of-way to meet the future needs of the City, while supporting the tenants of appropriate nexus and rough proportionality. Language from other Washington cities that have withheld legal scrutiny will be incorporated.

Additionally, language will be proposed to require more up-front master planning of larger tracts of land for development, to avoid the piecemeal approach that does not adequately address cumulative impacts.

### **FINDINGS**

1. The applicant is the City of Kennewick, 210 W 6<sup>th</sup> Avenue, Kennewick, WA 99336.
2. The amendment will address goals and policies related to the nexus and rough proportionality when development exactions are required and mitigation of impacts caused by development.
3. The application was routed for review to various City Departments and other local, state and federal agencies for comment on June 14, 2021.
4. A Determination of Non-Significance was issued for this application on July 12, 2021. The appeal period for the determination ended on July 26, 2021.
5. The Notice of Public Hearing was published in the Tri-City Herald on August 1, 2021.
6. The proposed amendments will help ensure that the required right-of-way dedications and street improvements are completed in a timely manner.
7. This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
8. The proposed amendment does not correct an obvious mapping error.
9. The proposed amendments will provide guidance to establish specific development regulations for right-of-way dedications and street improvements.

### **CONCLUSIONS**

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.

### **Recommendation**

Staff recommends that the Planning Commission concur with the findings and conclusions of CPA 21-12 contained in the staff report and recommend approval to City Council.

### **Motion**

I move that the Planning Commission concur with the findings and conclusions of CPA 21-12 contained in the staff report and recommend to City Council approval of the request.



**CONSISTENCY**

GMA requires that the Comprehensive Plan must be internally consistent for objectives, goals, policies, text, and maps.

Consistency is both horizontal (external) and vertical (internal). Horizontal consistency applies to adjacent jurisdictions such as Benton County, through the County-wide Planning Policies (CWPP), the City of Richland, and the City of Pasco.

Vertical consistency means that all development regulations within the City of Kennewick are consistent with each other. These include the Comprehensive Plan, Zoning (Title 18), Subdivisions (Title 17), the Critical Areas Ordinance, the Shoreline Master Plan, and all other city regulations as contained in the Kennewick Municipal Code and other adopted plans such as the [Transportation System Plan](#), the [Park & Recreation Plan](#) and the [Wellhead Protection Plan](#). A complete listing of adopted plans is included in the bibliography of the Comprehensive Plan.

The following table illustrates consistency with zoning and the Comprehensive Plan Land Use Map. There are three residential density categories designated on the Comprehensive Plan Land Use Map. The zoning districts used to implement these residential land use categories are shown in the following table.

**Table 8: Zoning to Implement Residential Land Use**

Land Use Category – Comprehensive Plan	Zoning to Implement Land Use Category Title 18
Low Density Residential (minimum 7,500 square foot lots)	RS, RL, RMH
Medium Density Residential (up to 13 units per acre)	RM, HMU, RTP
High Density Residential (up to 27 units per acre)	RH

\*Maximum density for commercial districts is 27 units per acre as part of mixed use developments.

Residential subdivisions are guided by the specific regulations for each of these zoning districts as contained in KMC, Title 18: Zoning. KMC, Title 17: Subdivisions, contains specific regulations for the design, submittal, and approval process of residential and other subdivisions. These specific regulations include general provisions, platting, design and construction, condominiums, and land dedications.

**ADEQUATE PUBLIC FACILITIES AND SERVICES**

For cities planning under GMA, there are numerous planning concepts that must be met. Two concepts apply specifically to residential development:



- Development will be encouraged only in urban areas where adequate public facilities and services exist or can be provided in an efficient manner
- Inappropriate conversion of undeveloped land into sprawling, low-density development will be reduced.

These concepts are incorporated into the Benton County-wide Planning Policies under Policy #1 and goals in the Kennewick Comprehensive Plan.

**Table 9: Kennewick Goals & Countywide Planning Policies**

Benton County Planning Policies #1	Kennewick Goals
1. Urban Growth. Encourage development in urban areas where adequate public facilities exist or can be provided in a cost efficient manner.	Land Use Residential Goal # 2: Provide appropriate public facilities supporting residential areas. Land Use Residential Goal # 4. Encourage residential development in urban areas where service can be provided.
2. Avoid sprawl. Avoid the inappropriate conversion of undeveloped land into low-density development, lacking adequate services, injurious to ground and surface water quality, destructive to the area’s agricultural lands base, and less than cost effective relative to public service costs.	Land Use Residential Goal # 3. Provide a variety of residential densities with a minimum density target of 3 units per acre as averaged throughout the urban area.

**WRITTEN FINDINGS FOR PROPOSED SUBDIVISIONS**

GMA and RCW require that findings of approval for subdivisions be specifically listed in writing as part of the record of the subdivision approval process. KMC Section 17.10.080, Provisions for Public Health, Safety and Welfare, requires that the City, through the City Council “will inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication”.

Plats are reviewed to determine if they are in compliance with the Comprehensive Plan, comprehensive water plan, utilities plan, [Transportation System Plan](#) and comprehensive Park & Recreation Plan, and any other issues necessary to determine if the plat should be approved. As stated in KMC Section 17.10.080, the subdivision application should address the following issues to the satisfaction of staff and the City Council:



- Public health, safety & general welfare,
- Open spaces,
- Drainage ways,
- Streets, alleys, and other public ways,
- Transit stops,
- Potable water supplies,
- Sanitary wastes,
- Parks & recreation,
- Playgrounds,
- Schools & school grounds, and
- Sidewalks.

## RESIDENTIAL GOALS + POLICIES

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

### POLICIES

1. Maintain residential zoning regulations that offer a similar graduation in building scale and bulk.
2. Require multi-family housing to incorporate architectural forms and features compatible with the surrounding neighborhood. Features that promote compatibility include landscaping, setbacks, rooflines and building forms that reduce the appearance of bulk.
3. Require that multi-family structures be located near a collector street with transit, or near an arterial street, or near a neighborhood center.
4. Use natural and man-made features to separate different residential densities.
5. Encourage adequate pedestrian connections with nearby neighborhood and transit facilities in all residential site development.

**GOAL 2: Provide appropriate public facilities supporting residential areas.**

### POLICIES

1. Ensure provision of parks, schools, drainage, transit, water, sanitation, [transportation](#), infrastructure and pedestrian in new residential developments.
2. Encourage irrigation service throughout residential areas, when available, to support and maintain healthy landscaping.
3. Deny residential developments if concurrency is not met for transportation, water, and sewer, or appropriately condition.



## ZONING

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

## BUFFERS

- KMC 18.12.010 B. 2 Table of Non- Residential Site Development Standards.
- KMC 18.21 Landscaping

## PROPERTY RIGHTS

The protection of private property rights is a fundamental element of Washington State law. Numerous court cases have established a predictable path for municipalities to follow in the property rights issue. A further element of this discussion is the timely and fair processing of permits submitted for land use decisions. Kennewick currently enjoys a substantially reduced processing time relative to other communities within the State. The majority of land use applications are processed well within the time frames established in the Kennewick Administrative Code and in conformance with regulatory reform measures contained in ESHB 1724, adopted in 1995.

RCW 36.70A.370 states that there will be an orderly, consistent process that enables state and local governments to evaluate proposed actions to guarantee that they do not result in an unconstitutional taking of private property. Governments that are required to plan under GMA are to follow the process that has been established.

WAC 365-195-725 deals with the constitutional provisions of the comprehensive plan adoption process.

## NEXUS AND ROUGH PROPORTIONALITY

The principles of Nexus and Rough Proportionality spawned from two landmark federal Supreme Court decisions. From the 1987 Nollan v. California Coastal Commission, requirements imposed on proposed development must bear a substantial relationship and connection or “nexus” to the impacts of the proposed development. From the 1994 Dolan v. City of Tigard, Oregon, requirements imposed on proposed development must be “roughly proportional” to the impacts of the proposed development.

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The Revised Code of Washington authorizes cities to enact impact fees, which addresses direct impacts to public streets and roads, publicly owned park facilities, public school facilities and fire protection facilities. These fees may only be imposed for system improvements that are reasonably related to the new development. Impact fees cannot exceed a “proportionate” share of the cost of the system improvements necessary to accommodate the proposed development and may not be used to address existing system deficiencies.

The State Environmental Policy Act (SEPA) provides wide-ranging authority to impose mitigating conditions related to a proposed project’s environmental impacts. Local government’s authority under SEPA allows the imposition of mitigation fees and other forms of direct mitigation of impacts on public facilities and services. Fees collected under SEPA must be rationally related to the impacts identified in the threshold determination for a project. Additionally, fees collected under SEPA may not duplicate fees collected under other sources of authority.

Goals and policies are established to assure that critical infrastructure, such as transportation corridors established by the long-range Transportation System Plan, are preserved for and constructed as part of growth spurred by development, and in accordance with the tenants of Nexus and Rough Proportionality.

## PROPERTY RIGHTS GOALS + POLICIES

**GOAL 1: Use existing Washington State case law as a guide for protection of private property rights.**

### POLICIES

1. Conform to applicable state and local law regarding timely processing; permit coordination and SEPA/land use permit integration.
2. Follow the Attorney General’s recommended process to avoid unconstitutional takings of private property.

## PROPERTY RIGHTS IMPLEMENTATION

### PROCESSING

- KMC 18.42 Land Use Permits
- KMC 18.51 Amendment and Appeal
- KMC 18.54 Administration and Enforcement
- KAC 10-12-010 Procedure Charts



|TRANSPORTATION

The Capital Improvement Plan has been reviewed for consistency with the City of Kennewick’s Comprehensive Plan. All projects with identified funding are located within the urban growth boundary and have funding sources identified for the six-year period from 2017 through 2022 of the CIP.

The six-year transportation projects have estimated costs and funding sources identified in the CIP program. The City relies on assistance from state and federal funding to implement the planned transportation improvements. If these sources of funding are not available for some reason, the City does have several options for making up the shortfalls:

- Use funds from another project that could be delayed without detriment.
- Enact impact fees, special taxes, tools, assessments, or other revenue sources available to the City.
- Develop a concurrency agreement stating that the necessary improvements will be provided within six years.
- Change the land use pattern to lower the number of trips to meet the LOS standards.
- Deny the land use proposal generating the need for the improvement.

The City’s priority would be to make up any shortfalls with funds from another source. If this could not be done and the concurrency ordinance applies to the project, the City could either deny the proposed development or reassess the land uses in the area. This would be done to determine if changes to the land uses could be made that would result in a reduced LOS for the proposed project. If a project would have the potential to affect a neighboring transportation system, the proposal could be referred to the Metropolitan Planning Organization/Regional Transportation Planning Organization (MPO/RTPO) for intergovernmental consideration.

The Transportation Improvement Program (TIP) is prepared by the Benton-Franklin Council of Governments to meet state and federal guidelines. The TIP is required for applications for state and federal transportation funding. Proposed projects are prioritized based on available funding and the BFCG must certify that the TIP is in conformance with the Regional Transportation Plan.

**IDENTIFICATION OF SYSTEM EXPANSION TO MEET CURRENT & FUTURE DEMANDS**

The Capital Improvement Program (CIP) is updated biennially even though long-range projects, designed to meet both current and future needs, may be altered during each review. Long-range decision-making and budgeting is coordinated through the CIP.

The following Capital Improvements are identified as Major Transportation Projects in the Capital Improvement Program 2016-2021 for the City of Kennewick.

**Commented [BM1]:** Do we bring this table and other information up to date?



## |TRANSPORTATION

1. Work with WSDOT, Ben Franklin Transit, urban jurisdictions, and major employers to develop and implement a voluntary Commute Trip Reduction program for the Tri-Cities to reduce single occupancy vehicle use, vehicle miles traveled, and minimize trip length during peak periods. Overall benefits will be reduced congestion and delay, cleaner air and less fuel consumption.
2. Continue to work with decision-makers, jurisdictions, and other agencies to encourage the Department of Energy (DOE) to implement the Federal Employees Commute Trip Subsidy Program.
3. Encourage employers to offer flexible work schedules (flex time), telecommuting, 4-day workweek, and other incentives that reduce peak period travel and lessen the need for roadway capacity.
4. Encourage commercial drivers to make deliveries and the shipping of freight during off-peak hours.
5. Investigate ways in which parking can be managed to decrease drive alone commuters.
6. Explore land use strategies that can reduce the use of single occupancy vehicles.
7. Continue facilitation of the urban Transportation Demand Management Committee.

## TRANSPORTATION GOALS + POLICIES

**Goal 1: Develop an integrated and balanced transportation system consistent with regional transportation objectives that supports the land use vision in the comprehensive plan and accommodates future travel demand.**

### POLICIES

1. Support the Benton County-Wide Planning Policies applicable to transportation.
2. Coordinate the planning, implementation, and operation of a safe and efficient multimodal transportation system with stakeholders including WSDOT, Benton County, the Benton Franklin Council of Governments, Ben Franklin Transit, the cities of Richland, Pasco, and West Richland, as well as various bicycle and pedestrian advocacy groups.



|TRANSPORTATION

**Goal 5: Provide for implementation of planned transportation corridors by establishing predictable and appropriate methods to mitigate impacts from growth.**

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**POLICIES**

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1. Assure adequate right-of-way is preserved and dedicated for existing and future planned corridors to accommodate growth, including corridors established in the Transportation System Plan.

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2. Assure that street improvements be completed along existing and future planned corridors concurrent with development that abuts or encompasses corridors established in the Transportation System Plan.

3. Clearly define appropriate mitigation measures to address impacts from growth and provide flexibility to achieve this.

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**IMPLEMENTATION**

**Design Standards & Safety**

- KMC 5.56 Public Works Construction Standards
- KMC 13.12. Traffic Obstructions
- KMC 17.20 Design & Construction
- KMC 18.21 Landscaping
- KMC 18.27.060 View Obstruction Prohibited
- KMC 18.75 and KMC 18.78 Design Standards
- KAC 13.08 Traffic Impact Study
- KAC 13.40 Neighborhood Traffic Calming
- KAC 13.46 Highway Access Management



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

**FILE/PROJECT NUMBER:** ED 21-27/PLN-2021-01986

**DESCRIPTION OF PROPOSAL:** The City of Kennewick is proposing comprehensive plan text updates that will address goals and polices related to the nexus and rough proportionality when development exactions are required and mitigation of impacts caused by development.

**PROPONENT:** City of Kennewick, c/o Steve Donovan, 210 W 6<sup>th</sup> Avenue, Kennewick, WA 99336

**LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY:** Not Site Specific

**LEAD AGENCY:** City of Kennewick

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

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

**RESPONSIBLE OFFICIAL:** Anthony Muai, AICP  
**POSITION/TITLE:** Interim Planning Director  
**ADDRESS:** 210 W 6th Ave., P.O. Box 6108, Kennewick, WA 99336  
**PHONE:** (509) 585-4386

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

This DNS is subject to the attached conditions:

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

Date: July 12, 2021      Signature: 

\*\*\*\*\*  
**Appeal:** An appeal of this determination must be submitted to the Community Planning Department within fourteen (14) calendar days after the date issued and no later than 5 p.m. This appeal must be written and make specific factual objections to the City's threshold determination. Appeals shall be conducted in conformance with Section 4.12.090(9) of the Kennewick Municipal Code and the required fees pursuant to the City's adopted Fee Schedule shall be paid at time of appeal submittal.

Copies of this DNS were mailed to:      Dept. of Ecology  
WA Dept. of Fish & Wildlife  
WSDOT  
Yakama Nation  
CTUIR  
ED 21-27 File

**Planning Commission Action Summary**  
**CPA 21-12 – City of Kennewick**

The Kennewick Planning Commission conducted a virtual public hearing on August 16, 2021. All interested parties were notified to come before the Commission and be heard. After reviewing the staff report and all oral and written facts and opinions, the Commission passed a motion on the proposed Comprehensive Plan Amendment, concurring with the findings and conclusions in the staff report CPA 21-12 and recommends to City Council approval of the proposed Comprehensive Plan Amendment contained in the staff report.

**Findings of Fact**

1. The applicant is the City of Kennewick, 210 W 6<sup>th</sup> Avenue, Kennewick, WA 99336.
2. The amendment will address goals and polices related to the nexus and rough proportionality when development exactions are required and mitigation of impacts caused by development.
3. The application was routed for review to various City Departments and other local, state and federal agencies for comment on June 14, 2021.
4. A Determination of Non-Significance was issued for this application on July 12, 2021. The appeal period for the determination ended on July 26, 2021.
5. The Notice of Public Hearing was published in the Tri-City Herald on August 1, 2021.
6. The proposed amendments will help ensure that the required right-of-way dedications and street improvements are completed in a timely manner.
7. This amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted comprehensive plan not affected by the amendment.
8. The proposed amendment does not correct an obvious mapping error.
9. The proposed amendments will provide guidance to establish specific development regulations for right-of-way dedications and street improvements.

**Conclusions of Law**

1. Pursuant to Chapter 4.08 of the Kennewick Municipal Code, the lead agency has determined that the proposed amendment does not have a probable significant adverse impact on the environment.
2. The proposed amendment is consistent with the City of Kennewick Comprehensive Plan and will have minimal impact on other aspects of the plan.

The motion to recommend approval to City Council passed with a vote of 5 to 0.

**Chairman Morris opened the virtual public hearing at 8:11 p.m. for Comprehensive Plan Amendment 21-12/PLN-2021-01983, proposing comprehensive plan text updates that will address goals and policies related to the nexus and rough proportionality when development exactions are required and mitigation of impacts caused by development. The proposal is not site specific. Applicant is City of Kennewick.**

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

**Planning Commission questions:**

None

**Testimony of Applicant/Applicant's Representative:**

None – City is Applicant

**Webinar Participant Comments:**

None

**Testimony in Favor of the Request:**

None

**Testimony Neutral/Against the Request:**

None

**Staff Comments:**

None

**Public Testimony for CPA 21-12 closed at 8:16 p.m.**

Chairman Morris asked for a motion.

Commissioner Stolle moved to concur with the findings and conclusions in staff report CPA 21-12 and forward a recommendation to City Council APPROVAL of the request.

Commissioner Helgeson seconded the motion.

**Planning Commission Discussion:**

None

The motion passed on a unanimous roll call vote.

CITY OF KENNEWICK  
ORDINANCE NO. 5945

AN ORDINANCE AMENDING THE CITY OF KENNEWICK'S  
COMPREHENSIVE PLAN (CPA 21-12, TEXT AMENDMENTS)

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

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

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

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

**Section 1.** The following text amendments are made to the City of Kennewick's Comprehensive Plan as adopted by Ordinance 5695:

1. CPA 21-12 – Comprehensive Plan Amendments to the Text, Goals and Policies of the Land Use and Transportation Sections, See Exhibit A.

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

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

Attest:

\_\_\_\_\_  
STEVE LEE, Mayor Pro Tem

\_\_\_\_\_  
TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 5945 filed and recorded  
in the office of the City Clerk of the City of  
Kennewick, Washington this 6th day of  
October, 2021.

Approved as to Form:

\_\_\_\_\_  
LISA BEATON, City Attorney

\_\_\_\_\_  
TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION \_\_\_\_\_



# City Council Meeting Schedule October 2021

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City Council temporarily designated the location for regular, special and study session meetings to a virtual location until termination of the state of emergency or until rescinded. The City broadcasts City Council meetings on the City's website <https://www.go2kennewick.com/CouncilMeetingBroadcasts>.

October 5, 2021

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

October 12 2021

Tuesday, 6:30 p.m.

WORKSHOP MEETING (the workshop meeting will be done via Zoom and broadcast on the City's website <https://www.go2kennewick.com/CouncilMeetingBroadcasts>)

1. Historic Downtown Kennewick Partnership Update
2. 2022 TPA Budget & Marketing Plan
3. TRIDEC Update

October 19, 2021

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

October 26, 2021

Tuesday, 6:30 p.m.

WORKSHOP MEETING (the workshop meeting will be done via Zoom and broadcast on the City's website <https://www.go2kennewick.com/CouncilMeetingBroadcasts>)

1. Community Outreach Update
2. KMC Amendments - Development Improvements and Mitigation
3. KMC Amendments - Park Rules & Public Camping

To assure disabled persons the opportunity to participate in or benefit from City services, please provide twenty-four (24) hour advance notice for additional arrangements to reasonably accommodate special needs.

Please be advised that all Kennewick City Council Meetings are Audio and Video Taped



# City Council Meeting Schedule November 2021

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City Council temporarily designated the location for regular, special and study session meetings to a virtual location until termination of the state of emergency or until rescinded. The City broadcasts City Council meetings on the City's website <https://www.go2kennewick.com/CouncilMeetingBroadcasts>.

November 2, 2021

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

November 9, 2021

Tuesday, 6:30 p.m.

WORKSHOP MEETING (the workshop meeting will be done via Zoom and broadcast on the City's website <https://www.go2kennewick.com/CouncilMeetingBroadcasts>)

1. Strategic Plan Update
2. Mid-Biennium review and budget adjustment
3. 2022 Property Tax Levy

November 16, 2021

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

November 23, 2021

Tuesday, 6:30 p.m.

WORKSHOP MEETING (the workshop meeting will be done via Zoom and broadcast on the City's website <https://www.go2kennewick.com/CouncilMeetingBroadcasts>)

1. Public Works Capital Update
2. WWTP Phase II Update
3. Council Meeting Policy Updates

November 30, 2021

Tuesday, 6:30 p.m.

NO MEETING SCHEDULED

To assure disabled persons the opportunity to participate in or benefit from City services, please provide twenty-four (24) hour advance notice for additional arrangements to reasonably accommodate special needs.

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