

1. Agenda

Documents:

[JULY 18, 2016 PLANNING COMMISSION MEETING AGENDA.PDF](#)

2. Packet

Documents:

[JULY 18, 2016 PLANNING COMMISSION MEETING PACKET.PDF](#)

1. **CALL TO ORDER:**

- a. Roll Call/Pledge of Allegiance

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

- a. Approval of the Minutes dated June 20, 2016
- b. Approval of Agenda
- c. Motion to enter Staff Report(s) into Record

3. **PUBLIC HEARING:**

- a. Zoning Ordinance Amendment (ZOA) #16-03 proposing to amend Section 4.08.110 of the Kennewick Municipal Code (KMC) to raise the categorical exemptions for environmental project review requirements; to amend the Non-Residential Use Table, KMC 18.12.010 B.1 to remove the requirement to process a Conditional Use Permit for school facilities.
- b. Zoning Ordinance Amendment (ZOA) #16-04 proposing to amend Section 18.12.250(5) of the Kennewick Municipal Code (KMC) in regard to allowing vehicle-based food businesses in the Bridge-to-Bridge River-to-Rail Subarea.

4. **VISITORS NOT ON AGENDA:**

5. **OLD BUSINESS:**

6. **NEW BUSINESS:**

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

8. **ADJOURNMENT:**

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8. **ADJOURNMENT:**

KENNEWICK PLANNING COMMISSION
JUNE 20, 2016
MEETING MINUTES
CALL TO ORDER

Chair Beau Ruff called the meeting to order at 6:30 p.m.

Recorder Melinda Didier called the roll and found the following:

Present: Commissioners Robert Rettig, Fraser Hawley, Victor Morris, and Chair Beau Ruff

Excused: Commissioners Anthony Moore, Clark Stolle and Vice Chairman Ed Pacheco

Unexcused: None

Commissioner Rettig led the Pledge of Allegiance.

Staff Present: Greg McCormick, Community Planning Director, and Melinda Didier, Community Planning Administrative Assistant/Recorder

CONSENT AGENDA

- a. Approval of Minutes dated April 4, 2016
- b. Approval of Amended Agenda
- c. Motion to enter Staff Reports into the Record

Commissioner Morris moved to accept the consent agenda. Commissioner Hawley seconded the motion. The motion carried unanimously.

PUBLIC HEARINGS

Chairman Ruff opened the public hearing at 6:32 p.m. for Zoning Ordinance Amendment (ZOA) #16-02, which proposes to amend a portion of the Kennewick Municipal Code including KMC 18.12.250(3)(d), to allow Long Term Temporary Stands in the Industrial, Light (IL) zoning district.

Mr. McCormick gave a brief overview of the staff report. Staff recommends that the Planning Commission concur with the findings and conclusions contained in staff report ZOA 16-02 and recommend to City Council approval of the request.

Questions for staff:

Commissioner Rettig asked about recent zone change requests. Commissioner Morris asked for clarification of businesses allowed in industrial zones. Chairman Ruff inquired about citizen feedback.

Testimony of Applicant or Applicant's Representative

None

Testimony in favor:

None

Testimony neutral or against:

None

Staff final comments:

None

Public testimony for ZOA #16-02 closed at 6:38 p.m.

Chairman Ruff asked for a motion.

Commissioner Rettig moved to concur with the findings and conclusions in staff report ZOA 16-02 and forward a recommendation to City Council of APPROVAL of the request to change KMC 18.12.250(3)(d) to allow Long Term Temporary Stands in the Industrial, Light (IL) zoning district. Commissioner Morris seconded the motion.

Discussion:

None

The motion passed unanimously.

VISITORS NOT ON AGENDA:

None

OLD BUSINESS:

None

NEW BUSINESS:

- a. Open Public Meetings Act Training - Video

REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:

Commissioner Morris discussed Ben Franklin Transit, with good changes coming soon in January 2017.

ADJOURNMENT:

The meeting was adjourned at 7:22 p.m.



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO
THE PLANNING COMMISSION

FILE No: ZOA 16-03/AMD-2016-01439

Public Hearing Date: July 18, 2016

Proposal: Amend section 4.08.110 of the Kennewick Municipal Code (KMC) to raise the categorical exemptions for environmental project review requirements. Also amend the Non-Residential Use Table, KMC 18.12.010 B.1 to remove the requirement to process a Conditional Use Permit for school facilities.

Applicant: City of Kennewick, Community Planning, (210 W. 6th Avenue, Kennewick, WA 99336)

Staff Contact: Wes Romine, Development Services Manager

Background:

SEPA Exemption Levels:

WAC 197-11-800 allows cities to raise the exempt levels for environmental review under the State Environmental Policy Act (SEPA). To raise the exempt levels the following process shall be met:

1. Documentation that the requirements for environmental analysis, protection and mitigation for impacts to elements of the environment have been addressed.
2. Description in the findings of the adopting ordinance of the locally established notice and comment opportunities.
3. A minimum sixty day notice to affected tribes, agencies, affected jurisdictions, the department of ecology, and the public to provide an opportunity to comment.
4. The city must document how specific adopted development regulations and applicable state and federal laws provide adequate protections for cultural and historic resources.

The maximum exemption levels allowed for incorporated cities are the following:

- | | |
|--|--|
| 1. Single family residential | 30 units |
| 2. Multifamily residential | 60 units |
| 3. Barn, loafing shed, farm equipment storage, produce storage, or packing structure | 40,000 square feet |
| 4. Office, school, commercial project types | 30,000 square feet and 90 parking spaces |
| 5. Fill or excavation | 1,000 cubic yards |

City staff is proposing to raise the exemption levels to the above maximum allowed with the exception of "Office, school, commercial project types". City staff is proposing that "Office, school, commercial project types" only be raised to 20,000 square feet and 90 parking spaces.

The current City of Kennewick exemption levels are the following:

1. Single family residential 4 units
2. Multifamily residential 4 units
3. Barn, loafing shed, farm
equipment storage, produce
storage, or packing structure 30,000 square feet
4. Office, school, commercial
project types 4,000 square feet and 20 parking spaces
5. Fill or excavation 500 cubic yards

Conditional Use Permit for School Facilities:

Currently our code requires a Conditional Use Permit for public and private schools in all zoning districts. The City's Conditional Use Permit process is an administrative review however a project notification and comment period to all property owners' within 300 feet of the property is required. Staff is proposing to eliminate the requirement for a Conditional Use Permit and process public and private school applications with our typical site plan review process.

Discussion and Analysis:

SEPA Exemption Levels:

July 7, 2015 City Council passed Ordinance 5596 that went into effect September 1, 2015 authorizing the implementation of a Transportation Impact Fee (TIF). The TIF allows the City to collect fees for street maintenance and improvements based on the peak hour vehicle trips generated from new construction. Prior to implementation of the TIF the City's only means of collecting fees for street maintenance and improvements was through a mitigation assessment of an environmental determination. Most of the commercial construction projects received a "Mitigated Determination of Non-significance" (MDNS) so that traffic fees could be collected. Since implementation of the TIF the City has only issued five MDNS which were to collect park fees for residential subdivisions. Of the five MDNS that were issued three were less than 60 dwelling units.

Per comments from the Department of Ecology with concerns about adequate review of projects within areas that contain aquatic resources, including wetlands, streams or other areas where surface or ground water might collect, and the state requirement to address adequate protections for cultural and historic resources city staff is proposing the following exception to the raising the exemptions to SEPA review requirements:

"except when undertaken in any part on lands covered by water, within 300 feet of any areas which might contain aquatic resources, including wetlands, streams or other areas where surface or groundwater might collect, pond or flow, or parcels designated as "Survey Highly Advised: Very High Risk" by the Washington State Department of Archeology and Historic Preservation".

A sample of other cities in the State of Washington and their exemption levels are as follows:

1. The cities of West Richland, Pasco, and Kennewick have their exemption level for commercial construction at 4,000 square feet and 20 parking spaces.
2. The cities of Richland, Spokane, Auburn, Federal Way, and Kirkland have exemption levels for commercial construction at 12,000 square feet and 40 parking stalls.
3. The cities of Kent and Spokane Valley have exemption levels for commercial construction at 30,000 square feet and 90 parking stalls.

Conditional Use Permit for School Facilities:

School facilities are similar to other commercial projects that do not require a Conditional Use Permit. In the past staff has rarely received comments from the 300-foot mailing notification to the surrounding property owners. Staff feels the Conditional Use Permit requirement can be removed which will have little or no impact on the surrounding properties and at the same time make the permit review process for public and private school more efficient.

Regulatory Controls and Policies

- Kennewick Municipal Code – Title 18: Zoning
- Kennewick Comprehensive Plan

Findings of Fact:

1. The applicant is the City of Kennewick (210 W. 6th Avenue, Kennewick, WA 99353).
2. The application was submitted to the City on May 13, 2016.
3. The City fulfilled the State Environmental Policy Act requirements by issuing a Determination of Non-significance (DNS) on June 16, 2016; and
4. Notice of the proposed code revision was sent to the Washington State Department of Commerce on May 4, 2016 consistent with the requirements of RCW 36.70A.106; and
5. The City received a receipt confirmation of review from the Washington State DOC on May 5, 2016.
6. Per KMC 4.12.090 the City of Kennewick requires a notice to affected tribes, agencies, affected jurisdictions, and the Department of Ecology with a 15-day comment period for Site Plan and Subdivision applications.

CONCLUSIONS OF LAW:

1. The proposed amendment will promote the public health, safety, and general welfare and is consistent with the goals and policies of the Comprehensive Plan.

STAFF RECOMMENDATION:

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

MOTION:

I move that the Planning Commission concur with the findings and conclusions in the staff report ZOA 16-03 and recommend to City Council approval of the request to amend KMC 4.08.110 to raise the SEPA exemption levels, and to amend the Non-residential Use Table, KMC 18.12.010 B.1 to remove the requirement of a Conditional Use Permit for school facilities.

Exhibits:

- 1 Staff Report
- 2 Amended KMC 4.08.110 to raise the exempt levels for environmental review.
- 3 Amended Non-residential Use Table, KMC 18.12.010 B.1 to remove Conditional Use Permit requirements for school facilities.
- 4 Environmental Determination of Non-significance, ED 16-22.

4.08.110: Categorical Exemptions:

(1) The following types of construction are categorically exempt except when undertaken in any part on lands covered by water, within 300 feet of any areas which might contain aquatic resources, including wetlands, streams or other areas where surface or groundwater might collect, pond or flow or parcels designated as “Survey Highly Advised: Very High Risk” by the Washington State Department of Archeology and Historic Preservation:

- (a) The construction or location of any single family residential structures of ~~four~~ 30 (thirty) dwelling units or less.
- (b) The construction or location of multi-family residential structures of 60 (sixty) dwelling units or less.
- (c) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure in an agricultural zone, covering ~~30,000~~ 40,000 (forty thousand) square feet or less, and to be used only by the property owner or his agent in farming the property. This exemption does not apply to feed lots.
- (~~e~~) The construction of an office, school, commercial, recreational, service or storage building with ~~4,000~~ 20,000 (twenty thousand) square feet of gross floor area, or less, and with associated parking facilities designed for 90 (ninety) ~~twenty~~ automobiles or less.
- (~~d~~) The construction of a parking lot designed for 90 (ninety) ~~twenty~~ automobiles or less.
- (~~e~~) Any landfill or excavation of ~~500~~ 1,000 (one thousand) cubic yards or less throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a class I, II or III forest practice under RCW 76.09.050 or regulations thereunder.

(2) If the Responsible Official believes that special circumstances warrant further environmental review, he may so direct even for categorically exempt projects. (Ord. 5392 Sec. 1, 2011; Ord. 3644 Sec. 3, 1996; Ord. 2873 Sec. 1 (part), 1984)

18.12.010 B.1: Table of Non-Residential Uses: The following table list uses allowed by zone and the applicable City review process as follows: Review Process I = Staff review, Review Process II = Conditional Use Permit. If a use is listed with a blank, it shall be prohibited in that zone. For certain categories of uses, additional requirements are also noted.

| NON-RESIDENTIAL USES | | | | | | | | | | | | | | | | | | | | | |
|---|----|----|----|----|-----|-----|----|----|-----|----|----|----|----|-----|----|----|----|----|----|----|----|
| 18.12.010 Zoning District Permitted Uses | RS | RL | RM | RH | RMH | RTP | CN | CO | CBD | CC | CR | CG | CM | HMU | BP | IP | IL | IH | JF | PF | OS |
| Academy | | | | | | | | I | | I | I | I | | | I | | | | | | |
| Adult Entertainment (1) (See Title 18.12.030) | | | | | | | | | | | | | | | | | | | | | |
| Adult Retail (1) (See Title 18.12.030). | | | | | | | | | | II | II | II | | | | | II | II | | | |
| Agricultural Processing, heavy | | | | | | | | | | | | | | | | | | I | | | |
| Agricultural Processing, light | | | | | | | | | | | | | | | | | I | I | | | |
| Airports and airfields | | | | | | | | | | | | | | | | | I | | | I | |
| Alcoholic beverage sale (packaged) | | | | | | | I | I | I | I | I | I | I | I | I | | | | | | |
| Accessory uses | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I |
| Art Gallery | | | | | | | I | I | I | I | I | I | I | I | I | | | | | | |
| Automobile-Oriented Uses (See Title 18.12.050) | | | | | | | I | | | I | I | I | I | | | | | | | | |
| Auto-Wrecking Yard | | | | | | | | | | | | | | | | | | I | | | |
| Aviation Storage and Service | | | | | | | | | | | I | | | | | | | | | I | |
| Bakeries, retail | | | | | | | I | I | I | I | I | I | | | | | | | | | |
| Bakeries, wholesale | | | | | | | | | II | | | I | | | | I | I | I | | | |
| Banks and financial institutions | | | | | | | | I | I | I | I | I | I | | I | | | | | | |
| Barbers, beauty shops, and tanning salons | | | | | | | I | I | I | I | I | I | I | I | | | | | | | |
| Bars and taverns | | | | | | | | | II | I | I | I | I | | | | | | | | |
| Battery Charging Station | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I |
| Battery Exchange Station | | | | | | | I | I | I | I | I | I | I | | I | I | I | I | | | |
| Boat building and repair, commercial | | | | | | | | | | | | I | I | | | | I | I | | | |
| Boat marinas | | | | | | | | | | | | I | I | | | | I | I | | | |
| Body Art Studios | | | | | | | I | I | | I | I | I | I | I | | | | | | | |
| Brewpub | | | | | | | | | I | I | I | I | | | | | | | | | |
| Breweries, micro | | | | | | | | | | I | I | I | | | | | I | | | | |
| Business School | | | | | | | | I | | I | I | I | | | I | | | | | | |
| Bus stations and terminals | | | | | | | | | | II | II | II | | | | | | | | | |
| Car washes (See Title 18.12.050 and 18.12.055 if CN zone) | | | | | | | I | II | | I | I | I | | | | | | | | | |
| Cemeteries | II | II | II | | | | | | | | | | | | | | | | | | |
| Clinics | | | | | | | | I | I | I | I | I | | I | I | | | | | | |
| Commercial Amusement | | | | | | | | | | I | I | I | | | | | | | | | |
| Commercial amusement, recreation | | | | | | | | | | I | I | I | | | | | | | | | |

EXHIBIT 3

| NON-RESIDENTIAL USES | | | | | | | | | | | | | | | | | | | | | | |
|--|----|----|----|----|-----|-----|----|----|-----|----|----|----|----|-----|----|----|----|----|----|----|----|--|
| 18.12.010 Zoning District Permitted Uses | RS | RL | RM | RH | RMH | RTP | CN | CO | CBD | CC | CR | CG | CM | HMU | BP | IP | IL | IH | JF | PF | OS | |
| Construction yards | | | | | | | | | I | | | I | | | | | I | I | | | | |
| Convenience stores | | | | | | | I | | I | I | I | I | | | | | | | | | | |
| Correctional institutions | | | | | | | | | | | | | | | | | | | I | | | |
| Distilleries, craft | | | | | | | | | I | I | I | I | | | | | I | | | | | |
| Dry cleaners and laundries | | | | | | | I | II | I | I | I | I | | II | | | | | | | | |
| Energy facilities | II | II | II | II | II | II | II | II | | II | II | II | II | II | II | II | II | II | II | II | II | |
| Equipment Rental | | | | | | | | | | I | I | I | | | | I | I | | | | | |
| Espresso stands | | | | | | | I | I | I | I | I | I | I | I | I | I | I | I | | | | |
| Essential public facilities and utilities | II | II | II | II | II | II | II | II | II | II | II | II | II | II | II | II | II | II | II | II | II | |
| Event Center | | | | | | | | II | | I | I | I | | | | | | | | | | |
| Gas stations | | | | | | | I | II | I | I | I | I | I | | | | I | I | | | | |
| Golf Course | | | | | | | | | | I | | | | | | | | | | I | I | |
| Golf: driving range, miniature golf, | | | | | | | | | | I | I | I | I | | | | | | | | | |
| Grocery stores | | | | | | | I | II | I | I | I | I | | | | | | | | | | |
| Hardware stores | | | | | | | I | | I | I | I | I | | | | | | | | | | |
| Hazardous waste storage facilities – off site | | | | | | | | | | | | | | | | | | II | | | | |
| Hazardous waste storage facilities – on site | | | | | | | | II | | II | | II | | | | | II | II | | | | |
| Health Facilities, see 18.12.080 | | | I | I | | | | I | | I | I | I | | | | | | | | | | |
| Hospitals and sanitariums (except animal clinics, hospitals) | | | | I | | | | I | | I | I | I | | | | | | | | I | | |
| Industrial uses, heavy | | | | | | | | | | | | | | | | | | I | | | | |
| Industrial uses, light | | | | | | | | | | | | | | | | | I | I | | | | |
| Junk (See Title 18.12.100) | | | | | | | | | | | | | | | | | | | | | | |
| Kennels (See Title 18.12.110) | | | | | | | | | | I | I | I | | | | | I | I | | | | |
| Laboratories for research and testing | | | | | | | | I | | I | I | I | | | I | I | I | I | | | | |
| Library | II | II | II | II | II | II | II | I | | I | I | I | I | II | I | | | | | I | I | |
| Lock and gunsmiths | | | | | | | I | | II | I | I | I | | I | | | | | | | | |
| Lumber yards | | | | | | | | | | | | I | | | | | I | I | | | | |
| Manufactured Housing Display Areas (See Title 18.12.120) | | | | | | | | | | I | I | I | | | | | I | I | | | | |
| Mini-storage | | | | I | I | | | | | I | I | I | | | | | I | I | | | | |
| Mixed Use (See KMC 18.42 and 18.78) | | | | | | | I | I | I | I | I | I | | | | | | | | | | |
| Museums | II | II | II | II | II | II | II | I | I | I | I | I | I | II | I | | | | | I | I | |
| Nursery | | | | | | | | | | I | I | I | | | | | | | | | | |
| Offices, including professional offices, agencies and services | | | | | | | | I | I | I | I | I | I | I | I | I | I | I | I | | | |

| NON-RESIDENTIAL USES | | | | | | | | | | | | | | | | | | | | | |
|---|---------|---------|---------|---------|---------|---------|---------|---------|-----|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| 18.12.010 Zoning District Permitted Uses | RS | RL | RM | RH | RMH | RTP | CN | CO | CBD | CC | CR | CG | CM | HMU | BP | IP | IL | IH | JF | PF | OS |
| Outdoor commercial driving ranges | | | | | | | | | | I | | | | | | | | | | | |
| Parking garages and lots | | | | | | | | | II | | I | I | | | | | | | | | |
| Pawnshop | | | | | | | | | | | | I | | | | | | | | | |
| Pet grooming | | | | | | | I | I | I | I | I | I | | I | | | | | | | |
| Pharmacy, dispensing | | | | | | | I | I | | I | I | I | | | I | | | | | | |
| Photographic studios | | | | | | | I | I | I | I | I | I | I | I | I | | | | | | |
| Plumbing shops and yards | | | | | | | | | | | | I | | | | | I | I | | | |
| Printing, publishing and reproduction establishments | | | | | | | | I | I | I | I | I | | | I | | | | | | |
| Private gymnasiums, fitness centers, dance studios, body building, and martial arts, etc. | | | | | | | | I | | I | I | I | | | I | | | | | | |
| Public Parks (See Title 18.12.160) | | | | | | | | | I | | | | | | | | | | | | |
| Public/quasi public facilities and services | II | II | II | II | II | II | II | II | II | II | II | II | II | II |
| Radio, television and small electronics repair and service | | | | | | | | I | I | I | I | I | | | | | | | | | |
| Radio, television broadcasting stations (excluding antenna) | | | | | | | | | II | I | I | I | | | | | | | | | |
| Rapid Charging Station | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I | I |
| Recreational Vehicle Storage (See Note 45) (See Title 18.12.180) | I | I | I | I | I | I | | | | I | I | I | | | | | | | | | |
| Recreational Vehicle Park | | | | | | | | | | | | | | | | | | | | I | I |
| Recycling, high intensity | | | | | | | | | | | | | | | | | II | II | | II | |
| Recycling, low intensity | | | | | | | | | | | | | | | | I | I | I | | I | |
| Repair shops (not auto) | | | | | | | | II | I | I | I | I | | | I | | I | I | | | |
| Restaurants | | | | | | | I | I | I | I | I | I | I | | I | I | I | | | | |
| Restaurants, fast food | | | | | | | | II | I | I | I | I | I | | I | I | I | | | | |
| Retail stores not otherwise named in this list including department stores. | | | | | | | I | II | I | I | I | I | | I (1) | I (1) | | | | | | |
| Satellite Dishes (See Title 18.12.200) | | | | | | | | | | | | | | | | | | | | | |
| Schools, private and public | III (4) | | III (4) |
| Second Hand/Consignment Store | | | | | | | | | I | I | I | I | | | | | | | | | |
| Sign manufacture, painting and maintenance | | | | | | | | | | | | I | | | | | I | I | | | |
| Skating rink | | | | | | | | | | | I | | | | | | | | | | |
| Stables, Corrals, Riding Academies (See Title 18.12.210) | II | | | | | | | | | | | | | | | | | | | | |
| Storing of Commercial Vehicles (See Title 18.12.220) | | | | | | | | | | | I | I | | | I | I | I | I | | | |
| Subdivisions, Sales Area, Equipment and Material Yards (See Title 18.12.230) | I | I | I | I | I | I | | | | | | | | | | | | | | | |
| Temporary and Parking Lot Businesses (See Title 18.12.250) | | | | | | | | | | | | | | | | | | | | | |

| NON-RESIDENTIAL USES | | | | | | | | | | | | | | | | | | | | | |
|---|----|----|----|----|-----|-----|----|----|-----|----|----|----|----|-----|----|----|----|----|----|----|----|
| 18.12.010 Zoning District Permitted Uses | RS | RL | RM | RH | RMH | RTP | CN | CO | CBD | CC | CR | CG | CM | HMU | BP | IP | IL | IH | JF | PF | OS |
| Theaters, movie | | | | | | | | II | I | I | I | I | | | | | | | | | |
| Towers, antennas, and supporting structures, including amateur radio towers, 55 feet or less | II | II | II | II | II | II | II | I | | I | I | I | I | I | I | I | I | I | I | I | |
| Transient accommodations (including hotels and motels) | | | | I | | | | I | II | I | I | I | I | I | I | | | | | | |
| Transportable Units (See Title 18.12.270) | | | | | | | | | | | | | | | | | | | | | |
| Truck stops | | | | | | | | | | | | I | | | | | I | I | | | |
| Undertaking establishments (Mortuary) | | | | | | | | I | | I | I | I | | | | | | | | | |
| Vehicle sales, incidental repair and service | | | | | | | | | | I | I | I | | | | | | | | | |
| Vehicle repair and service, body and fender shops | | | | | | | | | | | | I | | | | | I | I | | | |
| Veterinary Clinic or Hospital (See Title 18.12.290) | | | | | | | | | I | I | I | I | | | | | I | | | | |
| Vocational School | | | | | | | | | II | | | I | | | I | | I | | | | |
| Volatile Toxic and Volatile Flammable Material Storage (See Title 18.12.300) | | | | | | | | | | | | | | | | | | II | | | |
| Warehousing | | | | | | | | | | | | I | | | | | I | I | | | |
| Wholesale, which may include incidental retail outlets for only such merchandise as is handled at wholesale | | | | | | | | | | | | I | | | | | I | I | | | |
| Wineries Type A (See Title 18.12.305) | | | | | | | | | I | I | I | I | | | | | | | | | |
| Wineries Type B (See Title 18.12.305) | | | | | | | | | | II | II | II | | | | | II | | | | |
| Wineries Type C (See Title 18.12.305) | | | | | | | | | | | | | | | | | I | | | | |
| Wireless Communication Facilities (See Title 18.12.310) | | | | | | | | | | | | | | | | | | | | | |

FOOTNOTE for Table 18.12.010 B.1 Non-Residential Use Table:

- (1) For HMU see limitations at Title 18.12.335.
- (2) For the Clearwater Master Plan Area and BP zoning districts see Title 18.12.340.
- (3) For Rental Equipment, all items must be contained within a completely enclosed building or screened from view by a sight-obscuring fence or wall.
- (4) ~~For school additions or new structures less than 4,000 square feet in area, a Conditional Use Permit is not required, use review process I. Use review process I for all portable classrooms.~~

(5) Allowed in RS, RL, RM, RMH, and RTP only as part of a planned development or subdivision and only for the use by residents of the development consistent with Recreational Vehicle Storage provisions and limitations of the Kennewick Residential Design Standards KMC 18.75. (Ord. 5572 Sec. 1, 2014; Ord. 5542 Sec. 2, 2014; Ord. 5462 Sec. 4, 2012; Ord. 5434 Sec. 5, 2011; Ord. 5309 Sec. 10, 2010; Ord. 5262 Sec. 3, 2009; Ord. 5244 Sec. 3, 2008; Ord. 5204 Sec. 7, 2007; Ord. 5180 Sec. 1, 2007)



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

FILE/PROJECT NUMBER: ED 16-22/AMD-2016-01439 FOR ZOA 16-03

DESCRIPTION OF PROPOSAL: RAISE FLEXIBLE SEPA THRESHOLD TO MAXIMUM LEVEL ALLOWED UNDER RCW 43.12C, AND UPDATE TO TABLE OF NON-RESIDENTIAL USES TO ELIMINATE CONDITIONAL USE PERMIT PROCESS FOR SCHOOL FACILITIES.

PROPONENT: CITY OF KENNEWICK, PLANNING DEPARTMENT

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: NON PROJECT SPECIFIC, THE PROPOSED CODE AMENDMENTS ARE CITY WIDE.

LEAD AGENCY: CITY OF KENNEWICK

DETERMINATION: The City of Kennewick has determined that this proposal does not have a probable significant adverse impact o 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: June 17, 2016 Signature: _____

Appeal: An appeal of this determination must be submitted to the Community Planning Department within fourteen (14) calendar days after the date issued. This appeal must be written and make specific factual objections to the City’s threshold determination. Appeals shall be conducted in conformance with Section 4.12.090(9) of the Kennewick Municipal Code and the required fees pursuant to the City’s adopted Fee Schedule shall be paid at time of appeal submittal.

Copies of this DNS were mailed to: Dept. of Ecology, WA Dept of Fish & Wildlife, WSDOT, Yakima Nation, DNR, CTUIR, ZOA 16-03 16-03File



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO
THE PLANNING COMMISSION

FILE No: ZOA 16-04/AMD-2016-01817

Public Hearing Date: July 18, 2016

Proposal: Amend section 18.12.250(5) of the Kennewick Municipal Code (KMC) in regard to allowing vehicle based food businesses in the Bridge to Bridge River to Rail Subarea.

Applicant: City of Kennewick, Economic Development Department, 220 W 6th Avenue, Kennewick, WA 99336

Staff Contact: Steve Donovan, Planner

Background:

On June 10, 2016 the applicant applied to amend KMC 18.12.250(5) to establish regulations for vehicle based food services in the Bridge to Bridge River to Rail Subarea.

The City was granted Expedited Review for the proposed amendment by the Department of Commerce on June 27th.

Discussion and Analysis:

The proposed amendments to 18.12.250(5) include amendments to subsections (c) and (d) and adding subsection (f) to the section, see Exhibit 2.

The proposed amendments provide specific development regulations that will need to be met in order for a vehicle based food business to be allowed to operate in Bridge to Bridge River to Rail Subarea.

Vehicle based food businesses will be allowed in all zones of the Bridge to Bridge River to Rail Subarea except for the Residential High Density Zoning District.

The applicant has provided the following as a basis for the proposed amendment:

- “Provide an opportunity for vehicle based food businesses to meet the need in the marketplace, support microenterprise jobs and enhance the pedestrian and visitor experience in this revitalization zone.
- Provide regulations for the appropriate siting and design of vehicle based food businesses to provide for the compatibility of such use with adjacent commercial activities.
- Provide standards that protect the public’s health, safety and welfare; commercial district aesthetics; and economic development efforts with operations of these activities.”

Regulatory Controls and Policies

- Kennewick Municipal Code – Title 18: Zoning
- Kennewick Comprehensive Plan

Findings of Fact:

1. The applicant is the City of Kennewick Economic Development Department, 220 W 6th Avenue, Kennewick, WA 99336.
2. The application was submitted to the City on June 10, 2016.
3. The City fulfilled the State Environmental Policy Act requirements by issuing a Determination of Non-significance (DNS) on June 30, 2016; and
4. Notice of the proposed code revision (expedited review request) was sent to the Washington State Department of Commerce on June 10, 2016 consistent with the requirements of RCW 36.70A.106; and
5. The City received confirmation of expedited review and notice that the City has met the Growth Management Act notice to state agency requirements from the Washington State Department of Commerce on June 27, 2016.

Conclusions of Law:

1. The proposed amendment will promote the public health, safety, and general welfare and does not conflict with the goals and policies of the Comprehensive Plan.

Staff Recommendation:

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

Motion:

I move that the Planning Commission concur with the findings and conclusions in the staff report ZOA 16-04 and recommend to City Council approval of the request to change KMC 18.12.250(5) as proposed by the applicant.

Exhibits:

1. Staff Report
2. Proposed Amendments to Kennewick Municipal Code Section 18.12.250(5).
3. Environmental Determination of Non-significance for ZOA 16-04.
4. Bridge to Bridge River to Rail Subarea Map

Proposed Code Changes to Accommodate Vehicle Based Food Businesses in the BBRR Subarea

Intent

1. Provide an opportunity for vehicle based food businesses to meet a need in the marketplace, support microenterprise jobs and enhance the pedestrian and visitor experience in this revitalization zone.
2. Provide regulations for the appropriate siting and design of vehicle based food businesses to provide for the compatibility of such use with adjacent commercial activities.
3. Provide standards that protect the public's health, safety and welfare; commercial district aesthetics; and economic development efforts with operation of these activities.

18.12.250 : Temporary and Parking Lot Businesses:

- (1) **General requirements:**
 - (a) A City of Kennewick business license is required;
 - (b) The use of City property requires approval of a lease, background check, a hold harmless agreement and an insurance policy naming the City of Kennewick as an additional insured in the amount of one million dollars; or
 - (c) The use of City property requires approval of a lease, background check, a hold harmless agreement, and an insurance policy naming the City of Kennewick as an additional insured in an amount approved by the City Attorney;
 - (d) Operation in a city park also requires approval of a concessionaires permit;
 - (e) Any business-related discharge into the sanitary or storm sewer systems requires the written approval of the Public Works Director;
 - (f) Written approval from the Benton-Franklin County Health District is required if food is served or if restrooms are required;
 - (g) Buildings must be on a permanent perimeter foundation or otherwise fastened and designed to secure the structure for a minimum of a 70-mile per hour wind load;
 - (h) The Fire Marshall must review and approve the use of a tent for applicable requirements of the Uniform Fire Code;
 - (i) No structure or temporary use may be within five feet of any right-of-way. Sight distance triangles must be observed;
 - (j) There must be adequate off-street parking provided in accord with KMC 18.36. The site must be paved or graveled;
 - (k) If on the same parcel as an existing business the minimum off-street parking for the primary business must be maintained;
 - (l) The temporary business must submit an accurate site plan drawn to scale depicting the following:
 - (i) The parcel lines and right-of-way lines;
 - (ii) The boundaries of the portion of the property to be used by the temporary business;
 - (iii) The parking area, which is to be used by the temporary business and the driveways to be used for access;
 - (iv) Drive areas must remain open and all pedestrian walkways must remain passable;
 - (v) The location and dimension of existing structures as well as the

- location and dimension of all structures, vehicles, and signs to be used by the temporary business;
- (vi) How any temporary on-site residency and sanitation is to be accommodated;
- (vii) Proposed operating hours.
- (m) The business license must list the Washington state tax number including the City's location code number;
- (n) All signs, circulars, and other advertising material must be removed within three days of the termination of the business;
- (o) There must be adequate provisions made for dust and litter control;
- (p) The applicant must submit the property owner's written consent for the use of premises;
- (q) All electrical facilities must be inspected and approved by the Washington State Department of Labor and Industries;
- (r) Temporary businesses must conform to the noise standards set forth in KMC 9.52;
- (s) The applicant must show evidence of any required State licenses with the application for a business license;
- (t) No business shall be located in the parking area immediately adjacent to the entrance to another business without the written permission of the affected business owner;
- (u) All temporary and parking lot businesses that cannot demonstrate legal non-conforming status must be in compliance with the requirements of the section within one year from the date of adoption;
- (v) No vision obstructions within the vision clearance triangle are permitted.

(5) Vehicle based food businesses:

- (a) Allowed in CO, CBD, CC, CG, CM, CR, BP, IL, IH, OS, and PF zoning districts;
- (b) Standing. No vehicle based business operator shall stand or allow their vehicle to stand upon any public way for more than one hour in any one place;
- (c) Outdoor seating is not permitted, except as stated in subsection (f) below;
- (d) Except as stated in subsection (f) below, A vehicle-based business shall operate in the same location for a maximum of 30 days in addition to the requirements of subsection (b) above;
- (e) The business shall not function as a drive-through.
- (f) The following standards apply to operation within the Bridge to Bridge River to Rail subarea.
 - (i) Vehicle based food businesses may operate without a maximum time limit and have outdoor seating;
 - (ii) In determining whether or not the proposed location would be permitted, the following criteria shall be considered:
 - a. The type and intensity of the proposed use and the type and intensity of existing uses;
 - b. The width of the sidewalk, pedestrian plaza or parking lot in which it is to be located;
 - c. The proximity and location of existing street furniture, including but not limited to signposts, lampposts, bus shelters, benches, phone booths, trees, newsstands, as well as the presence of bus stops and truck loading

- areas;
- d. Established or proposed pedestrian and vehicular traffic patterns;
- e. The number of vehicle based food businesses in a given area;
- f. Other factors deemed relevant by the approving authority, consistent with the purpose of this chapter and intent of the subarea zone proposed for the use.
- (iii) In addition to the requirements to establish compliance with KMC “Temporary and Parking Lot Business” General Requirement 18.12.250 (1) and other codes as applicable, the following items specific to Vehicle Based Food Businesses are required:
 - a. Site plan including outdoor seating layout.
 - b. Restroom agreement.
- (iv) No vehicle based food vendor shall locate his or her vehicle or other conveyance in such a manner as to cause a traffic hazard.
- (v) No vehicle based food vendor shall obstruct or cause to be obstructed the passage of a sidewalk, street, avenue, alley or any other public place by causing people to congregate at or near the place where food is being sold or offered for sale.
- (vi) The vending site shall be kept clean and orderly at all times, and the vendor must provide a refuse container and is encouraged to provide containers for recycling. Refuse, debris and liquid spills by any person using the business location shall be cleaned up daily, and refuse containers emptied on a regular basis.
- (vii) Support equipment and accessories shall generally be self-contained within the vendor unit and site. Support equipment and accessories, including accessory seating and tables, must not be placed so as to impede pedestrian or vehicular traffic or distract from the pedestrian experience.
- (viii) Outdoor equipment shall be low maintenance and cleanable, durable, and preferably painted or of noncorrosive metal.
- (ix) No portion of a vendor’s inventory, sales equipment, or any other structure or equipment used in the sales or solicitation process shall be left overnight upon any unenclosed portion of any lot or site within the city, nor upon any public street or right-of-way.
- (x) The city reserves the right to limit the number of vehicle based food vendors in any given area of the city. City Council review may consider the needs of the public, diversity of products offered for sale, the smooth flow of pedestrian and vehicular traffic, number of complaints, and locations where vendors are located.
- (+)(xi) At the conclusion of business activities at a given location, the vehicle, ancillary equipment, and debris generated by the vendor’s business activities shall be removed and the site and public area surrounding it cleaned.



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

FILE/PROJECT NUMBER: ZOA 16-04/AMD-2016-01817

DESCRIPTION OF PROPOSAL: The proposal is a Zoning Ordinance Amendment to Kennewick Municipal Code Section 18.12.250(5) that will establish development regulations for vehicle based food businesses in the Bridge to Bridge River to Rail subarea.

PROPONENT: City of Kennewick, Economic Development Department, 220 W 6th 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: 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: June 30, 2016 Signature: _____

Appeal: An appeal of this determination must be submitted to the Community Planning Department within fourteen (14) calendar days after the date issued. This appeal must be written and make specific factual objections to the City's threshold determination. Appeals shall be conducted in conformance with Section 4.12.090(9) of the Kennewick Municipal Code and the required fees pursuant to the City's adopted Fee Schedule shall be paid at time of appeal submittal.

Copies of this DNS were mailed to:
Dept. of Ecology
WA Dept. of Fish & Wildlife
WSDOT
Yakima Nation
CTUIR
ZOA 16-04 File

- Proposed land use**
- Commercial
 - Industrial
 - Mixed Use
 - High Density Residential
 - Open Space

