

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 May 20, 2019
- b. Approval of Agenda
- c. Motion to enter Staff Report(s) into Record

3. PUBLIC HEARING:

- a. Zoning Ordinance Amendment (ZOA) # 19-02 proposing to amend Kennewick Municipal Code (KMC) Section 4.12.110 to include certain requirements for Comprehensive Plan Amendment requests to the Mixed Use Comprehensive Plan land use map designation.

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

- a. City Council Action Updates

6. NEW BUSINESS:

- a. Workshop – Proposed Amendment to KMC Section 18.12.270 – Transportable Units

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

**KENNEWICK PLANNING COMMISSION
MAY 20, 2019
MEETING MINUTES**

CALL TO ORDER

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

Vice Chairman Morris led the Pledge of Allegiance.

Recorder Melinda Didier called the roll and found the following:

Present: Commissioners Rob Rettig, James Hempstead, Thomas Helgeson, Vice Chairman Victor Morris, and Chairman Ed Pacheco.

Excused: Commissioners Anthony Moore, Clark Stolle

Unexcused: None

Staff Present: Greg McCormick, AICP Planning Director; Anthony Muai, AICP Senior Planner; Steve Donovan, AICP Planner; Lisa Beaton, City Attorney, Melinda Didier, Administrative Assistant/Recorder.

CONSENT AGENDA

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- a. Approval of Minutes dated April 1, 2019
- b. Approval of Agenda
- c. Motion to enter Staff Reports into the Record

Commissioner Helgeson moved to accept the consent agenda. Vice Chairman Morris seconded the motion. The motion carried unanimously.

PUBLIC HEARINGS

Chairman Pacheco announced there was no Public Hearing portion of the meeting tonight as there are no applications requiring public testimony. The Planning Commission will be reviewing a Needle Exchange Code Revision (Item #6a "New Business" on tonight's agenda), and the 2019 Comprehensive Plan Amendment Docket (Item #6b "New Business" on tonight's agenda).

VISITORS NOT ON AGENDA:

None

OLD BUSINESS:

- a. Mr. McCormick reminded the Planning Commissioners that at the May 6, 2019 Planning Commission Workshop meeting there was a review of the “Planning Commission Rules of Procedure”, would like to finalize that draft; if the Commissioners have any comments or additions to the draft to let Mr. McCormick know by the end of the week, he will schedule it for a June meeting and bring it back in draft form and finalize that document.

NEW BUSINESS:

City Attorney Lisa Beaton presented a Power Point review of the proposed Needle Exchange Code Revision – City Authority to Regulate Needle Exchanges; workshop presentation. Will go to Council for workshop; then to Planning Commission for recommendation; then back to Council for approval/resolution. Kennewick is a non-Charter Code City; Needle Exchange cannot be banned by citizen or City Council action since it is a legal use, however the City can regulate it. The City can decide what zones where needle exchange should be permitted; decide whether to permit outright or with a Conditional Use Permit; can prohibit “safe injection” sites and/or programs – clearly still illegal. Other conditions can be distancing requirements, business hours, fire safety, proper needle disposal, secured garbage containers, no delivery of needles to minors are all additional land use/public safety criteria that can be regulated. Question to City Council – whether City can require one-for-one needle exchange and need based syringe access. Perhaps have permit requirement; prepare draft code amendments; Planning Commission workshop; SEPA review and notice to DOC; Planning Commission will have public hearing & recommendation; may have an additional workshop with City Council; City Council then has final decision.

Planning Commission questions included: Who makes the one-for-one needle exchange program - Ms. Beaton said the Health Department; Can the Planning Commission change the number of needles received –Ms. Beaton said yes, under an amendment recommendation; Is there any research from Blue Mountain for used needle collection for safe needle disposal – Ms. Beaton said yes that is something some communities have looked at; Planning Commission commented it does seem like if you’re exchanging one dirty needle for 10, that you will find them in places it shouldn’t be, doesn’t understand multiple needles, there should be one-for-one. Ms. Beaton agreed, although it has shown that one-for-one they will continue to use dirty needles and that can spread other blood- borne diseases, not an easy discussion to have.

Mr. Muai gave a brief review of how the Comprehensive plan process works, with 5 criteria for the Planning Commission to consider and decide whether to accept, deny, or defer to next year each Comp Plan Amendment application; Mr. Muai presented each Comprehensive Plan Amendment on the docket:

Comprehensive Plan Amendment (CPA) #19-01, Change for 0.27 acres from High Density Residential to Public Facility for property located at 5801 W. Hildebrand Boulevard:

Planning Commission questions included: None

Commissioner Hempstead moved that the Planning Commission concur with the conclusions in staff report **CPA #19-01** and recommend that City Council **ACCEPT** the application for processing. Commissioner Rettig seconded the motion. Motion passed unanimously.

Comprehensive Plan Amendment (CPA) #19-02, Change from Low Density Residential & Open Space to Public Facility for 30.06 acres located at 3500 S. Vancouver Street:

Planning Commission questions included: Are there any residents there now? Mr. Muai said no.

Commissioner Helgeson moved that the Planning Commission concur with the conclusions in staff report **CPA #19-02** and recommend that City Council **ACCEPT** the application for processing. Commissioner Hempstead seconded the motion. Motion passed unanimously.

Comprehensive Plan Amendment (CPA) #19-03, Change from Low Density Residential to Commercial for 2.86 acres located at 7640 Bob Olson Parkway:

Planning Commission questions included: None

Commissioner Hempstead moved that the Planning Commission concur with the conclusions in staff report **CPA #19-03** and recommend that City Council **ACCEPT** the application for processing. Commissioner Rettig seconded the motion. Motion passed unanimously.

Comprehensive Plan Amendment (CPA) #19-04, Change from Low Density Residential to Medium Density Residential for 5.526 acres located at 6230 Ridgeline Drive:

Planning Commission questions included: None

Commissioner Rettig moved that the Planning Commission concur with the conclusions in staff report **CPA #19-04** and recommend that City Council **ACCEPT** the application for processing. Commissioner Helgeson seconded the motion. The motion passed unanimously.

Comprehensive Plan Amendment (CPA) #19-05, Change from Low Density Residential to Mixed Use for 58.56 acres located at: UNADDRESSED PARCEL NORTH OF BOB OLSON PARKWAY:

Planning Commission questions included: None

Vice Chairman Morris moved that the Planning Commission concur with the conclusions in staff report **CPA #19-05** and recommend that City Council **DEFER** the application for processing. Commissioner Hempstead seconded the motion. The motion passed unanimously.

Comprehensive Plan Amendment (CPA) #19-06, Change from Low Density Residential to Medium Density Residential for 82.64 acres located at 5800 W. 28th Avenue & 2175 S. Sherman Street:

Planning Commission questions included: Will triangle residual square in the middle of zone be causing concern? Mr. Muai said he is not sure what they want to do with it, that portion is left out and connected to the other piece.

Commissioner Hempstead moved that the Planning Commission concur with the conclusions in staff report **CPA #19-06** and recommend that City Council **ACCEPT** the application for processing. Commissioner Rettig seconded the motion. The motion passed unanimously.

Comprehensive Plan Amendment (CPA) #19-07, Change from Low Density Residential to Medium Density Residential for 0.55 acres located at 3126 W. Hood Avenue:

Planning Commission questions included: None

Vice Chairman Morris moved that the Planning Commission concur with the conclusions in staff report **CPA #19-07** and recommend that City Council **ACCEPT** the application for processing. Commissioner Helgeson seconded the motion. The motion passed unanimously.

Comprehensive Plan Amendment (CPA) #19-08, Change 4.19 acres at 2652 W. 15th Avenue from Low Density Residential to High Density Residential:

Planning Commission questions included: Would this be HDR surrounded by LDR? Mr. Maui said yes, Planning Department believes more land could be brought in to improve proposal; not necessarily an island, but more of a pocket created; Is the land to south right of way? Mr. Maui said yes.

Commissioner Helgeson moved that the Planning Commission concur with the conclusions in staff report **CPA #19-08** and recommend that City Council **ACCEPT** the application for processing. Commissioner Rettig seconded the motion. The motion passed unanimously.

Comprehensive Plan Amendment (CPA) #19-09, Change 6.04 acres located at 3112 W. 27th Avenue from Low Density Residential to High Density Residential:

Planning Commission questions included: None

Commissioner Hempstead moved that the Planning Commission concur with the conclusions in staff report **CPA #19-09** and recommend that City Council **ACCEPT** the application for processing. Commissioner Rettig seconded the motion. The motion passed unanimously.

Comprehensive Plan Amendment (CPA) #19-10, Change from Commercial to Medium Density Residential for 4.48 acres at 3605 S. Zintel Way:

Planning Commission questions included: Is this part of same scheme to reduce commercial property? Mr. Maui said yes, this is a desire to provide more housing; Mr. McCormick said this area is pretty heavily topographical challenged (slope).

Commissioner Helgeson moved that the Planning Commission concur with the conclusions in staff report **CPA #19-10** and recommend that City Council **ACCEPT** the application for processing. Commissioner Rettig seconded the motion. The motion passed unanimously.

Comprehensive Plan Amendment (CPA) #19-11, Change from Commercial to Mixed Use for 53.32 acres located at 7109 W. Okanogan Place, 6941, 7000, 7016, 7048, 7109, 7130 W. Grandridge Boulevard:

Planning Commission questions included: Vice Chairman Morris said he didn't realize that all things in that area fall under mixed use where coliseum etc. is. Mr. Maui said yes things that are there are permitted uses.

Commissioner Rettig moved that the Planning Commission concur with the conclusions in staff report **CPA #19-11** and recommend that City Council **ACCEPT** the application for processing. Commissioner Hempstead seconded the motion. The motion passed unanimously.

REPORTS, COMMENTS, OR DISCUSSION OF COMMISSIONERS AND STAFF:

None

ADJOURNMENT:

The meeting was adjourned at 7:42 p.m.



COMMUNITY PLANNING DEPARTMENT

STAFF REPORT AND RECOMMENDATION TO
THE PLANNING COMMISSION

FILE No: ZOA 19-02/AMD 2019-00844

Public Hearing Date: June 3, 2019

Request: Amend Kennewick Municipal Code (KMC) section 4.12.110 to include certain requirements for comprehensive plan amendment requests to the Mixed Use comprehensive plan land use map designation.

Applicant: City of Kennewick

Staff Contact: Gregory McCormick - AICP, Community Planning Director

Background:

Staff has maintained a list of code revisions either as directed by City Council or areas of the code staff has identified during the course of administering the code that are either outdated, inconsistent or are incorrect. This code revision is a result of City Council denying a request made during the 2018 annual comprehensive plan amendment process to change nearly 300 acres to the Mixed Use comprehensive plan land use map designation. Council's decision was based on the fact that the other two areas within the city designated Mixed Use (Vista Field and the Bridge-to-Bridge area) both have undergone specific planning processes and either a subarea plan or master development plan adopted for those areas prior to being designated Mixed Use.

Proposed KMC Amendments:

The proposed revisions to the Kennewick Municipal Code (KMC) implements policy direction from City Council as it relates to the Mixed Use comprehensive plan land use map designation. City staff drafted and the City Council adopted a new land use map designation specifically for the implementation of the Vista Field Master Redevelopment Plan and the Bridge-to-Bridge/River-to-Rails subarea plan. This land use map designation is implemented by the Urban Mixed Use (UMU) zoning district, which was specifically crafted for the Mixed Use designation.

The drafted Master Plan requirements are designed to provide the City with a certain level of detail in order to provide City Council some level of assurance as to what is being planned for areas designated Mixed Use. The Master Plan requirements are not on the same level as a subarea plan however provides a minimum level of detail for evaluation of the proposal.

Regulatory Controls and Policies

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

Findings of Fact

1. The purpose of the proposed amendments is to clarify, correct, or implement City Council direction; and
2. The City fulfilled the State Environmental Policy Act requirements by issuing a Declaration of Non-significance (DNS) on April 25, 2019; and
3. Notice of the proposed code revision was sent to the Washington State Department of Commerce on March 27, 2019 consistent with the requirements of RCW 36.70A.106; and
4. The City received confirmation of receipt from the Washington State DOC on April 2, 2019.

STAFF RECOMMENDATION:

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

Exhibits:

A-1 KMC 4.12.110 – Comprehensive Plan Amendment and Area-Wide Rezone Procedures.

Exhibit A-1

KMC 4.12.110

**Comprehensive Plan Amendment and
Area-Wide Rezone Procedures**

4.12.110: - Comprehensive Plan Amendment and Area-Wide Rezone Procedures.

- (1) Initiation. Comprehensive Plan Amendments and area-wide rezones may be initiated by any of the following:
 - (a) Property owner(s) or their representatives;
 - (b) Any citizen, agency, neighborhood association, or other party; or
 - (c) City Council or city staff.
- (2) Applications. Applications shall be made on forms provided by the City.
- (3) Application Submittal.
 - (a) Applicant Initiated. Comprehensive Plan Amendments and area-wide rezones shall be subject to a fully complete determination pursuant to KMC 4.12.060. The date upon fully complete determination shall be the date of registration with the department.
 - (b) Applicants are encouraged to utilize the City's Pre-Application Meeting process prior to submitting a Comprehensive Plan Amendment application.
 - (c) Non-Applicant Initiated. After submittal of a non-applicant-initiated application, the application shall be placed on the docket.
 - (d) All requests to change a comprehensive plan land use map designation to the "Mixed Use" designation must be accompanied by a master development plan that includes the following:
 - i. A narrative of planned improvements including gross square feet of floor area to be occupied by different types of uses, the number of proposed dwelling units by unit type, the nature and extent of off-site improvements. The narrative must also explain how the proposal will meet the spirit and intent of the Mixed Use designation and ultimately the new urbanism concepts of the Urban Mixed Use zoning district;
 - ii. A conceptual site plan conceptually illustrating planning development, including the following:
 - (A) Boundaries, dimensions and acreage of the site;
 - (B) Any critical areas (identify type) within the site or immediately adjacent to the site;
 - (C) Location of lot lines rights-of-way, easements, and tracts within the site;
 - (D) Location and nature of planning improvements to the vehicular and pedestrian transportation network within and abutting the site;
 - (E) Location of planned buildings, structures, parking areas and other improvements within the site;
 - (F) Conceptual landscaping plans for all exterior boundaries, interior streets and common open space areas;
 - (G) A traffic study that examines the impacts on the surrounding street network and identifies mitigation measures addressing identified impacts;
 - (H) A development schedule or phasing plan showing the estimated start date, probable stages of development, and the estimated completion date;
 - (I) Any other relevant information required by the Community Planning Director.
 - iii. A utilities element that considers all utilities necessary to serve the proposed development shall be provided in the master development plan providing the following information:
 - (A) The location and size of all existing city utilities which are developed within the area or lead to the site;

(B) Plans for the location and sizing of utilities extensions and/or improvements that will be necessary as the site is developed.

iv. Covenants, conditions and restrictions proposed by the applicant to control future development of the master development plan;

v. Prior to the formal filing of an application for the Mixed Use designation, the applicant shall hold at least one public meeting to discuss the proposal and address the concerns of the affected area residents and property owners. The master development plan shall reflect the various concerns raised during the public input process.

vi. Modification of an Approved Master Development Plan. The Community Planning Director may determine that a modification to a previously approved Master Development Plan is exempt from further review as a new application, provided the following criteria are met:

(A) The proposed modification is exempt from SEPA review; and

(B) The modification is within the general scope of the purpose and intent of the original approval; and

(C) The modification complies with all applicable provisions of the Kennewick Municipal Code; and

(D) The modification does not add more than 10% of the square footage assigned to any single building in the approved Master Development Plan and in no event may the modification exceed the development limitations for the area that is subject to the Master Development Plan approval.

- (4) Docket of Comprehensive Plan Amendments and Area-Wide Rezones. The department shall establish and maintain a docket of all applications.
- (5) Annual Review of Docket.
 - (a) Sixty days prior to May 1 in each calendar year, the City shall notify the public that the amendment process has begun. If May 1 falls on a non-business day for the City, the due date shall be the first business day after May 1. Notice shall be distributed as follow:
 - i. Notice published in appropriate regional or neighborhood newspaper or trade journal;
 - ii. Notice posted on all of the City's official public notice boards;
 - iii. Notice posted on the City's website; and
 - iv. Notice sent to all agencies, organizations and adjacent jurisdictions with a known interest.
 - (b) All docketed applications shall be reviewed concurrently, on an annual basis and in a manner consistent with RCW 36.70A.130(2). Applications docketed after May 1 of the previous calendar year and before May 1 of the current calendar year shall be included in the annual review. Those docketed after May 1 of the calendar year shall be placed on the docket for review at the following annual review.
 - (c) City Council Review of Docketed Requests. After the May 1 deadline, city staff will present the docketed requests to the Planning Commission (Commission) for review and a recommendation. The Commission's recommendation shall be forwarded to the City Council (Council) as soon as practical for Council review. The Council shall determine which specific docketed requests are processed based on the following criteria:
 - i. Timing of the requested amendment is appropriate and Council will have sufficient information to make an informed decision;
 - ii. The City will be able to conduct sufficient analysis, develop policy and related development regulations;
 - iii. The requested amendment has not been recently rejected by Council;

- iv. The amendment will further implement the intent of the City's adopted Comprehensive Plan; and
 - v. The amendment is not better addressed through another planning process such as a sub-area plan update.
- (d) Statutorily Mandated Periodic Review. Amendment requests will not be docketed for review the year of, and the year prior to the deadline for completion of the periodic review. The deadline for completion of this review is specified in RCW 36.70A.130.
 - (e) Emergency Amendments. The City may review and amend the Comprehensive Plan when the Council determines that an emergency exists or in other circumstances as provided for by RCW 36.70A.130(2)(a).
- (6) Notice of Open Record Hearing. Comprehensive Plan Amendments and area-wide rezones require an open record hearing before the Commission.
- (a) Contents of Notice. A notice of open record hearing shall include the following:
 - i. The citation, if any, of the provision that would be changed by the proposal along with a brief description of that provision;
 - ii. A statement of how the proposal would change the affected provision;
 - iii. A statement of what areas, Comprehensive Plan designations, zones, or locations will be directly affected or changed by the proposal;
 - iv. The date, time, and location of the open record hearing;
 - v. A statement of the availability of the official file; and
 - vi. A statement of the right of any person to submit written comments to the Commission and/or appear at the open record hearing of the Commission to give oral testimony on the proposal.
 - (b) Distribution of Notice. The department shall distribute the notice pursuant to KMC 4.12.090.
- (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.
- (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.
- (9) Planning Commission Recommendation - Procedure. Following the open record hearing, the Commission shall consider the applications concurrently, and shall prepare and forward a recommendation of proposed action for all applications to the Council. The Commission shall take one of the following actions on each application:
- (a) If the Commission determines that the proposal should be adopted, it may, by a majority vote, recommend that the Council adopt the proposal. The Commission may make modifications to any proposal prior to recommending the proposal to Council for adoption. If the modification is substantial, the Commission must conduct an open record hearing on the modified proposal;
 - (b) If the Commission determines that the proposal should not be adopted, it may, by a majority vote, recommend that the Council not adopt the proposal; or
 - (c) If the Commission is unable to take either of the actions specified in subsection (9)(a) or (b) of this section, the proposal will be sent to Council with the notation that the Commission makes no recommendation.
- (10) City Council Action. Within 60 days of receipt of the Commission's findings and recommendations, the Council shall consider the findings and recommendations of the Commission concerning the applications. The Council may hold additional public hearings as necessary to make a decision. The City shall distribute notice of a Council public hearing pursuant to KMC 4.12.090. All annual amendments to the Comprehensive Plan shall be considered concurrently. By a majority vote of its membership, the Council shall take one of the following actions on each application:
- (a) Approve the application;
 - (b) Deny the application;
 - (c) Modify the application. If the modification is substantial, the Council must either conduct a public hearing on the modified proposal; or
 - (d) Refer the proposal back to the Commission for further consideration.
- (11) Transmittal to the State of Washington. At least 60 days prior to final action being taken by the Council, the Washington State Department of Commerce (DOC) shall be provided with a copy of the proposed amendments in order to initiate the 60-day comment period. No later than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to DOC.

([Ord. 5740 Sec. 1, 2017](#); Ord. 5644 Sec. 2, 2016; Ord. 5421 Sec. 2, 2012; Ord. 5338 Sec. 1, 2011)