



11/07/2022

**PLANNING COMMISSION AGENDA**

6:30 p.m.

**\*\*HYBRID COUNCIL CHAMBERS & VIRTUAL MEETING\*\***

**210 W. 6<sup>TH</sup> AVE, KENNEWICK WA 99336**

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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. October 17, 2022 Minutes - Unavailable
- b. Approval of Agenda
- c. Motion to enter Staff Report(s) into Record

3. **PUBLIC HEARING:** No Items for Public Hearing

4. **VISITORS NOT ON AGENDA:**

5. **OLD BUSINESS:**

- a. Develop Findings for Approval of Comprehensive Plan Amendments
- b. CPA-2022-0001
- c. CPA-2022-0004
- d. CPA-2022-0006

6. **NEW BUSINESS:**

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

8. **ADJOURNMENT:**

NOTE: October 17, 2022 Kennewick  
Planning Commission Meeting Draft  
Minutes unavailable at time of agenda  
packet publication.



## MEMORANDUM

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### Community Planning Department

To: Planning Commission

From: Anthony Muai, Community Planning Director

Date: November 7, 2022

Re: Developing Findings for CPA-2022-0001, CPA-2022-0004 and CPA-2022-0006

At the October 17, 2022 Planning Commission meeting, the Commission voted to refer CPA-2022-0001, CPA-2022-0004 and CPA-2022-0006 to November 7, 2022 to develop findings and conclusions in support of the proposals. KMC 4.12.110 (7) specifies a list of five findings, where at least one finding needs to be identified in order to approve a comprehensive plan amendment. KMC 4.12.110 (8) specifies additional factors that must be considered when evaluating amendments to the comprehensive plan. Attached to this memorandum are KMC 4.12.110 (7) and (8) for the Commission's reference to aid in developing the necessary findings and conclusions. Also attached is Exhibit A-11 from CPA-2022-0001 which contains proposed findings and conclusions in support of approving the application on pages 2 and 3. Several of these findings appear to apply to all three amendments while findings 6 and 8 are specific to CPA-2022-0001.

In developing findings, the Commission should refer to the criteria outlined in KMC 4.12.110 (7) and (8). In addition, it may be helpful for the Commission to ask themselves why this amendment should be approved and how those reasons tie into

the approval and evaluation criteria contained in the KMC.

Attachments: KMC 4.12.110 (7) & (8)  
Exhibit A-11 from CPA-2022-0001

## KMC 04.12.110 Comprehensive Plan Amendment and Area-Wide Rezone Procedures

[...](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.

**CPA2022-0001****Exhibit B-1**Background & Discussion

The subject site has been under the same ownership for the past thirty-two (32) years or more. During much of that time, the property has been advertised for sale for commercial land use development to no avail. In 2022, private land sale negotiations between the owner and a grocery store franchise were terminated. The prospective buyer's stated reason for cancelling the deal was insufficient residential roof-top counts in the market service area.

The sites' vacant condition demonstrates its lack of commercial viability for uses permitted under its current commercial zoning assignment. To accommodate staff recommendations during application development, site boundaries were revised to reserve 10-acres for commercial development by way of exclusion. The result is reflected in the sites' bifurcated configuration. The excluded acreage is sufficient to accommodate a grocery store which may be justified by the additional dwelling units that will be created if our application is approved.

Following several assurances by city staff that application CPA2022-0001 has sufficient merit to warrant approval, it comes as an abrupt surprise city staff is recommending the Planning Commission forward a recommendation of denial to City Council. The applicant generally asserts the findings and conclusions are insufficient to warrant exclusion from further consideration. Instead, staff findings in support of approval far outweigh those supporting denial.

The basis of staff's denial recommendation appears to primarily be the opportunity loss of future sales tax revenues specifically associated with a grocery store, as stated in Exhibit A-8. Using sales tax revenue retention as a basis for denial unfairly penalizes the property owner for owning land near the city limits. Much of the vicinity to the west/southwest is vacant commercial land available for grocery store development if the free market finds it suitable. If Kennewick Planning staff is earnestly concerned with retaining land available for commercial retail services over tax revenue gains, it should suffice for said services to be developed nearby regardless of jurisdiction.

The staff report cites the Employment Lands Inventory (Exhibit A-9) as supporting evidence to claim Kennewick lacks sufficient commercial/industrial land to meet land use goals of the comprehensive plan. Exhibit A-9 states, "An assessment of employment land demand based on an increased capture of regional growth in certain target industries found that there is a 95 acre surplus of developable employment land supply that is sufficient to meet the estimated demand for the period 2020-2040 for both commercial and industrial use."

Page 3 of the staff report correctly states the comprehensive plan identifies a 95.1-acre surplus of developable employment (i.e., commercial/industrial) land. Approval of our application will correct this surplus by 27.7%. The same section of the staff report correctly states the comprehensive plan identifies

## CPA2022-0001

## Exhibit B-1

a 159.2-acre deficiency in high-density residential lands. Approval of our application will correct this deficiency by 16%.

Staff finding #15 states, “This request will have a minimal impact on addressing the identified deficiency in the Comprehensive Plan.” To the contrary, the applicant asserts a 27.7% contribution to correcting a surplus and a 16% contribution to correcting a deficiency, are not “minimal” positive impacts. Instead, Council should recognize these as significant positive impacts.

The applicant finds staff’s recommendation runs counter to a majority of their own findings supporting approval. Planning Commissioners are urged to closely review the fifteen (15) findings listed in the staff report before entering their individual votes into the record. For the Commission’s convenience this exhibit is subtended with the procedural requirements and review criteria to which Comprehensive Plan amendments are bound.

KMC 4.12.110(10)(c) permits applications to be modified during the review process. The applicant requests the Commission forward a recommendation for approval thereby encouraging Council to further consider our request. Doing so will provide the opportunity for Council to recommend modifications as deemed necessary.

Proposed Supplemental Findings:

- 1) Maintaining the current commercial land use designation provides no guarantees the subject site will be developed with any particular business type.
- 2) Approval of CPA2022-0001 will significantly contribute to correcting a deficiency in High-Density Residential land as identified in the comprehensive plan.
- 3) Approval of CPA2022-0001 will significantly contribute to correcting a surplus in developable employment lands as stated in the City of Kennewick Developable Employment Lands Inventory.
- 4) Insufficient dwelling unit counts hinder development of retail sales and services businesses.
- 5) The application will contribute a significant number of additional dwelling units, thereby fostering sales tax revenue generating developments in the vicinity.
- 6) Boundaries of the subject site have been designed and adjusted to reserve centrally located land available for commercial retail developments.
- 7) Mixed-use development permitted under the current zoning will result in less land reserved for commercial uses than the current proposal.
- 8) The site is located at the fringe of Kennewick’s jurisdiction where three jurisdictional boundaries intersect. It is unreasonable to place disproportionate burden on certain parcels to develop with targeted business types based on their proximity to the city limits.

Proposed Supplemental Conclusions:

CPA2022-0001

## Exhibit B-1

- 1) The application substantially conforms to the review criteria contained in KMC 4.12.110(7)&(8).
- 2) Kennewick contains sufficient commercially designated lands available to meet the land use goals of the Comprehensive Plan.

Proposed recommendation:

I move the Planning Commission concur with the findings and conclusions contained in the staff report for file number CPA2022-0001, together with supplemental findings & conclusions contained in Exhibit B-1; and recommend City Council APPROVE the request as submitted or as modified in accord with KMC 4.12.110(10)(c).

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**Comprehensive Plan Amendment and Area-Wide Rezone 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:

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- (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;

**CPA2022-0001****Exhibit B-1**

- (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.