



**City Council WORKSHOP Agenda**

**June 13, 2023 at 6:30 PM**


**City Hall Council Chambers - 210 W. 6th Ave and Virtual**

The City of Kennewick broadcasts Council meetings via Zoom and on the City's website at  
<https://www.go2kennewick.com/CouncilMeetingBroadcasts>.

No public comment is taken at workshops.

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1. CALL TO ORDER
2. LEGISLATIVE SESSION UPDATE
3. CONTROLLED SUBSTANCES LEGISLATION
4. LICENSING MASSAGE PARLORS - Code Amendments
5. COMP PLAN AMENDMENTS
6. ADJOURN

<b>Council Agenda Coversheet</b>	<b>Agenda Item Number:</b> 2. <span style="float: right;"><b>Council Date:</b> 6/13/2023</span> <b>Agenda Item Type:</b> Presentation	<b>Category:</b>
	<b>Subject:</b>  <b>Department:</b> City Manager	
<b>Summary</b> <p>During the June 13th workshop, our lobbyists, Tom McBride and Ben Buchholz, from McBride Public Affairs will provide an update to the Council on the 2023 legislative session. I have attached the City of Kennewick's 2023 legislative priorities as a reminder to the Council.</p>		
<b>Attachments:</b> 1. Priorities		



# Legislative Priorities

City of Kennewick Government

## Overall Strategy

Kennewick supports legislation that is in alignment with the City Council strategic goals and priorities and protects the City's ability to provide exceptional services to our businesses and citizens. Kennewick believes the decisions are most effective when made at the local level and therefore opposes legislation that preempts authority or discretion vested in local governments or would impose unfunded mandates upon the City. Kennewick seeks to work with the legislature to strengthen local partnerships.

## Ensure Basic Infrastructure Funding

The City supports funding for critical local infrastructure projects by returning the diverted revenue streams that would fully fund the Public Works Assistance Account. The City further supports flexible state and federal dollars to support critical regional public safety infrastructure.

## Economic Development

The City supports economic development incentives and flexible funding. The State does not allow for many incentives or tax increment financing type of funding. The City continues to support flexible, creative solutions to work with our developer partners to encourage growth and create family wage jobs. The City of Kennewick supports new tools, incentives, and changes to mandates to help increase housing supply and affordability. The city also supports a legislative fix for Irrigation District election fairness.

## Public Safety Priorities

Kennewick supports clarification around the crime of possessing control substance stemming from the Blake decision as well as vehicle pursuits. The City's highest priorities are: allow vehicle pursuits when there is reasonable suspicion that public safety risks for failure to apprehend are greater than the risk of pursuit; support better funding for State Toxicology Lab to provide for timely prosecution of cases; support funding for Eastern State Hospital to reduce delays in competency evaluations; and legislation that would fix issues related to juvenile questioning during criminal investigations. The City also opposes continued legalization of possession and use of narcotics and illegal substances and supports additional funding for the basic law enforcement academy.

## Transportation & Infrastructure Funding

The City of Kennewick has several critical infrastructure projects that require funding in order to maintain existing service levels and continue to prepare for future growth. Examples of these projects are:

- Wastewater and Water Treatment Plants
- Automated Metering Infrastructure
- Pavement Preservation
- Zone 3 Transmission Main
- CCB Corridor Widening (Deschutes to Quinault)
- Workforce Housing Project
- Extension of Utilities to Industrial Development
- At Grade Crossing Improvements (Rail Traffic)
- Regional Traffic Impacts on US 395 Corridor

These are some projects to provide connectivity, traffic flow, automation and prepare for growth of our plants. In addition, through a partnership with the Housing Authority, we have been preparing some City-owned land to surplus and use for workforce housing partnership project with the Kennewick Housing Authority.

## Revenue Flexibility

The City supports revenue flexibility by: maintaining our existing revenue options, providing more flexibility with local revenue options, and refraining from imposing unfunded programs or mandates on local governments. The City further supports a revision to the property tax cap to tie it to inflation and population growth factors so that the City can adjust the local property tax rate to better serve our community needs and priorities.

## Growth Management Act (GMA) Reform & Land Use

Kennewick supports engagement in GMA reform conversation and secure dedicated planning funding. The City is against preemption of local land use authority.

## Regional Behavioral Health Recovery Center

The City supports the effort by Benton County to fund and build a recovery center in the Tri-Cities. The Center will provide over 550,000 individuals access to a full continuum of behavioral health services. The County anticipates design completion by mid-2023 with estimated construction costs of over \$13M. A partnership with the State on the next phase of the project is critical to its timely completion. The County anticipates requesting funding for construction of the Center in the 2023 capital budget.



# Legislative Priorities

City of Kennewick Government

## Public Safety Priorities

The City of Kennewick supports clarification around the crime of possessing control substance stemming from the Blake decision as well as vehicle pursuits.

The City of Kennewick supports funding for regional law enforcement academies.

## Infrastructure and Economic Development

The City of Kennewick supports funding for critical local infrastructure projects including returning the diverted revenue streams that would fully fund the Public Works Assistance Account.

The City of Kennewick supports flexible state and federal dollars to help finance basic infrastructure.

The City of Kennewick supports economic development incentives and flexible funding.

The City of Kennewick supports funding for critical regional public safety infrastructure.

The City of Kennewick supports new tools, incentives, and changes to mandates to help increase housing supply and affordability.

The City of Kennewick supports a legislative fix for Irrigation District election fairness.

## General Governmental

The City of Kennewick opposes funding a PERS I COLA program with contributions from employers

The City of Kennewick supports legislation to clarify exempt employee status for large employers (> 51 employees), which currently requires employers to pay 2 times the minimum wage to be exempt

The City of Kennewick supports a revision to the property tax cap to tie it to inflation and population growth factors so that the City can adjust the local property tax rate to better serve our community needs and priorities

## Local Decision Making

The City of Kennewick supports engagement in GMA reform conversation and secure dedicated planning funding.

The City of Kennewick opposes preemption of local land use authority


The City of Kennewick opposes extended State emergency powers without appropriate input and oversight.

The City of Kennewick supports amendments to PFMLA to allow cities the ability to appropriately track uses of this State resource to more effectively coordinate benefits

## Regional Behavioral Health Recovery Center & Crisis Response

The City of Kennewick supports the effort by Benton County to fund and build a recovery center in the Tri-Cities. The Center will provide over 550,000 individuals access to a full continuum of behavioral health services

The City of Kennewick supports greater access to community-based behavioral health services to include substance use disorder treatment and state funding to help communities establish alternative response programs

<b>Council Agenda Coversheet</b>	<b>Agenda Item Number:</b> 3. <span style="float: right;"><b>Council Date:</b> 6/13/2023</span> <b>Agenda Item Type:</b> Presentation	<b>Category:</b> Policy DevMnt
	<b>Subject:</b> Controlled Substances Legislation <b>Department:</b> City Attorney	
<p><b>Summary</b></p> <p>The City Attorney's Office will present information regarding SB5536 the Bill adopted by the State Legislature on May 16, 2023 during its special session. SB 5536 amends several RCW's related to possession and use of a controlled substance. As a result of this legislation, the City of Kennewick will need to amend its code to be consistent with the amended RCW's. The presentation will cover those proposed amendments.</p>		
<p><b>Attachments:</b></p> <ol style="list-style-type: none"> <li>1. Presentation</li> <li>2. Ordinance-Redline</li> <li>3. Ordinance</li> </ol>		

# Drug Possession and Use

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SB 5536 Discussion

Kennewick Municipal Code Amendments

# Drug Possession and Use

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- Background: In February 2021 the Washington State Supreme Court in *State v. Blake* declared unconstitutional Washington's drug possession law which criminalized as a felony possession of a controlled substance, without the requirement that the state prove the element of knowledge.
- In response the State Legislature essentially decriminalized drug possession by making it a misdemeanor to knowingly possess a controlled substance but required law enforcement to refer the person to assessment and treatment for their first two arrests for possession.

# Drug Possession and Use

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- While well intentioned the results for cities across the state were problematic; with no system in place to account for the two arrests per person, drug possession and open use became prevalent as well as the crimes associated with drug use.
- The 2022 and 2023 legislative sessions ended without passage of any new drug possession law to fix the problem.
- In a special session on May 16, 2023 the Legislature adopted drug legislation.



# Drug Possession and Use

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- SB 5536 passed the Washington State Legislature and was signed by the Governor on May 16, 2023.
- The bill makes it a gross misdemeanor to:
  - Knowingly possess a controlled substance; or
  - Knowingly use a controlled substance in a public place.
  - A person cannot be charged with both out of the same course of conduct.

# Drug Possession and Use

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- The definition of controlled substances encompasses “hard” drugs such as fentanyl and other opioids, methamphetamine, heroin, and cocaine.
- While categorized as a gross misdemeanor, the bill alters the maximum jail sentence and fine – both possession and use of a controlled substance are punishable by imprisonment of up to 180 days or by a fine of not more than \$1,000 or both.
- If the defendant has two or more prior convictions of possession or use after the effective date of the bill, imprisonment can be increased up to 364 and \$1,000 fine.

# Drug Possession and Use

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- Local Governments are Preempted from Regulating Drug Paraphernalia
- The bill regulates drug paraphernalia as follows:
  - Selling or permitting drug paraphernalia to be sold is a class 1 civil infraction
  - Giving or permitting drug paraphernalia to be given is no longer prohibited
  - Using drug paraphernalia continues to be a misdemeanor.

# Drug Possession and Use

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- The bill creates a pretrial diversion program for individuals charged with simple possession.
- The program requires the use of a recovery navigator, an arrest and jail alternative, or a law enforcement assisted diversion program.
- In all likelihood Benton County will utilize the Therapeutic Courts for this purpose; however, the bill provides that if the person completes six months of substantial compliance with treatment the court must vacate the conviction - Therapeutic Courts typically require a longer period of compliance.

# Drug Possession and Use

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- Opioid use disorder treatment facilities, including mobile and fixed-site locations, recovery residences, and harm reduction programs (like needle exchange, but not safe injection sites) are now considered essential public facilities.
- Cities may only regulate siting of these facilities to the same extent that regulations are applied to other essential public health facilities and health care settings.

# Drug Possession and Use

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- Effective Date Issue with SB 5536:
  - Amendments regarding possession and use of a controlled substance are effective July 1, 2023; due to an oversight by the Legislature certain provisions do not take effect July 1<sup>st</sup> , specifically the repeal of provisions requiring two referrals before an arrest.
  - Section 16 of the Bill as signed into law states:
    - NEW SECTION. Sec. 16. RCW 10.31.115 (Drug possession – Referral to assessment and services) and 2021c311s13 are each repealed.
    - However, it was not given an effective date commensurate with the possession and use provisions – therefore the effective date per the code reviser is August 15<sup>th</sup>.

# Drug Possession and Use

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- What does this mean?
  - For possession of a controlled substance, law enforcement will be required to continue to refer to assessment and treatment until August 15<sup>th</sup> when the repeal of that provision becomes effective.
  - Law enforcement will be able to arrest and charge for open use of a controlled substance as that is a new provision in the RCW, and not specifically listed as a charge requiring referral to treatment in lieu of arrest per RCW 10.31.115.

# Drug Possession and Use

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- Amendments to KMC 9.32.020:
  - Adopts language from RCW 69.50.412(1) making it a misdemeanor to use drug paraphernalia to manufacture, compound, convert, produce, or prepare a controlled substance.
  - Amends provisions related to the delivery or sale of drug paraphernalia to be consistent with the RCW – delivery is no longer a crime; sale of drug paraphernalia is an infraction.
  - Amend the possession and use of a controlled substance provisions to be consistent with the RCW and amend the penalty to be a gross misdemeanor.



# Drug Possession and Use

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- Adopts provision prohibiting charging a person with both possession and use relating to the same course of conduct.
- KMC 9.32.040 Amendments:
  - Removes reference to RCW 69.50.4013 as we are adopting the amended language from SB 5536 into KMC 9.32.020
  - Adding reference to RCW 69.41.030 making it a misdemeanor to possess a legend drug without a prescription or order.

# Drug Possession and Use

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- Next Steps:
  - Adopt proposed Amendments to KMC 9.32 effective July 1, 2023.
  - Work with Benton County regarding use of Therapeutic Courts for the purposes of diversion consistent with SB 5536.
  - Work with KPD regarding the delay in enforcement of possession of a controlled substance.

# Questions?

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CITY OF KENNEWICK  
ORDINANCE NO. 60~~25~~<sup>^^</sup>

AN ORDINANCE RELATING TO DRUGS AND DRUG PARAPHERNALIA  
AND AMENDING SECTIONS 9.32.020 AND 9.32.040 OF THE KENNEWICK  
MUNICIPAL CODE

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

**Section 1.** Section 9.32.020 of the Kennewick Municipal Code, be, and the same hereby is,  
amended to read as follows:

**9.32.020: Prohibited Acts.**

- (1) It is unlawful for any person to intentionally smell or inhale the fumes of any type of substance containing a solvent having the property of releasing toxic vapors or fumes as defined in RCW 9.47A.010, which is hereby incorporated by reference as it is now or hereafter amended, or to induce any other person to do so, for the purpose of causing a condition of, or inducing symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses of the nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes. This subsection does not apply to the inhalation of any anesthesia for medical or dental purposes. Unlawful inhalation under this subsection is a misdemeanor.
- (2) It is unlawful for any person to use drug paraphernalia to plant propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process or prepare a controlled substance other than cannabis. Any person who violates this subsection is guilty of a misdemeanor.  
~~It is unlawful for any person to deliver, possess with the intent to deliver, or manufacture with the intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process or prepare a controlled substance as defined by RCW 69.50 other than marijuana. Violation of this subsection is a misdemeanor.~~(3) Every person who sells or permits to be sold to any person drug paraphernalia in any form commits a class I infraction under KMC 1.12.030 (1) and chapter 7.80 RCW. For purposes of this subsection, "drug paraphernalia" means those items that are described in KMC 9.32.010(6).
- (3) ~~It is unlawful for any person to deliver, possess with the intent to deliver, or manufacture with the intent to deliver, drug paraphernalia, knowing, or under~~

~~circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process or prepare a controlled substance as defined by RCW 69.50 other than marijuana. Violation of this subsection is a misdemeanor.~~

(44) It is unlawful to open a package containing marijuana, useable marijuana, marijuana-infused products, or marijuana concentrates, or consume marijuana, useable marijuana, marijuana-infused products, or marijuana concentrates in view of the general public. A person who violates this section is guilty of a class 3 civil infraction under KMC 1.12.030(3) and Chapter 7.80 RCW, not including statutory assessments.

(5) It is unlawful for any person to knowingly possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice. A violation of this subsection is a gross misdemeanor.

~~(56) It is unlawful for any person to intentionally knowingly use any controlled substance in a public place, except as now or hereafter authorized or expressly permitted by the laws of the state or except upon unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice. the written or oral order or prescription of a physician, surgeon, dentist, or other medical professional licensed to practice in the state and legally authorized to prescribe controlled substances. A violation of this subsection is a gross misdemeanor.~~

~~(67) It is unlawful for any person to knowingly dump, throw, deposit, or discharge onto the ground or into any body of water any controlled substance, as that term is defined in KMC 9.32.010(2), or drug paraphernalia, as defined in KMC 9.32.010(6), as those referenced provisions are currently enacted or hereafter amended or recodified. Violation of this subsection is a misdemeanor.~~

(8) No person may be charged under both subsection (4) and (5) of this section relating to the same course of conduct.

( Ord. 6025 Sec. 1, 2023; Ord. 6016 Sec. 2, 2023; Ord. 5917, Sec. 1, 2021 ; Ord. 5908 Sec. 1, 2021 ; Ord. 5893 Sec. 2, 2021 ; Ord. 5510 Sec. 1, 2013; Ord. 5475 Sec. 2, 2012; Ord. 5336 Sec. 2, 2011; Ord. 5169 Sec. 1, 2007; Ord. 3955 Sec. 1, 2001; Ord. 3924 Sec. 1, 2000; Ord. 3881 Sec. 1, 1999; Ord. 3790 Sec. 1, 1998; Ord. 3433 Sec. 1, 1993; Ord. 3060 Sec. 1, 1987; Ord. 2504 Sec. 1 (part), 1980; Ord. 2089 Sec. 2 (part), 1977)

**Section 2.** Section 9.32.040 of the Kennewick Municipal Code, be, and the same hereby is, amended to read as follows:

**9.32.040: RCW Sections Adopted.**

The following RCW sections, as now or hereafter amended, are hereby adopted by reference as a part of this Chapter in all respects as though such sections were set forth herein in full:

~~RCW 69.50.4013— Possession of controlled substance—Penalty—Possession of useable marijuana, marijuana concentrates, or marijuana-infused products—Delivery; and~~

RCW 69.50.4014 - Possession of forty grams or less of marijuana—Penalty.

~~RCW 69.41.030 – Pertaining to possession of a legend drug without prescription or order prohibited.~~

(~~Ord. 6025 Sec. 2, 2023~~; Ord. 5918, Sec. 1, 2021-)

**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 20<sup>th</sup> day of June, 2023, and signed in authentication of its passage this 20<sup>th</sup> day of June, 2023.

Attest:

\_\_\_\_\_  
W.D. MCKAY, Mayor

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

ORDINANCE NO. 6025 filed and recorded in the office of the City Clerk of the City of Kennewick, Washington this ~~17<sup>th</sup>~~ 21<sup>st</sup> day of June, 2023.

Approved as to Form:

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

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

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

ORDINANCE 60~~25~~<sup>25</sup> - Page 3

CITY OF KENNEWICK  
ORDINANCE NO. 6025

AN ORDINANCE RELATING TO DRUGS AND DRUG PARAPHERNALIA  
AND AMENDING SECTIONS 9.32.020 AND 9.32.040 OF THE KENNEWICK  
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- (2) It is unlawful for any person to use drug paraphernalia to plant propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process or prepare a controlled substance other than cannabis. Any person who violates this subsection is guilty of a misdemeanor.
- (3) Every person who sells or permits to be sold to any person drug paraphernalia in any form commits a class I infraction under KMC 1.12.030 (1) and chapter 7.80 RCW. For purposes of this subsection, “drug paraphernalia” means those items that are described in KMC 9.32.010(6).
- (4) It is unlawful to open a package containing marijuana, useable marijuana, marijuana-infused products, or marijuana concentrates, or consume marijuana, useable marijuana, marijuana-infused products, or marijuana concentrates in view of the general public. A person who violates this section is guilty of a class 3 civil infraction under KMC 1.12.030(3) and Chapter 7.80 RCW, not including statutory assessments.

- (5) It is unlawful for any person to knowingly possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice. A violation of this subsection is a gross misdemeanor.
- (6) It is unlawful for any person to knowingly use any controlled substance in a public place, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice. A violation of this subsection is a gross misdemeanor.
- (7) It is unlawful for any person to knowingly dump, throw, deposit, or discharge onto the ground or into any body of water any controlled substance, as that term is defined in KMC 9.32.010(2), or drug paraphernalia, as defined in KMC 9.32.010(6), as those referenced provisions are currently enacted or hereafter amended or recodified. Violation of this subsection is a misdemeanor.
- (8) No person may be charged under both subsection (4) and (5) of this section relating to the same course of conduct.

(Ord. 6025 Sec. 1, 2023; Ord. 6016 Sec. 2, 2023; Ord. 5917, Sec. 1, 2021 ; Ord. 5908 Sec. 1, 2021 ; Ord. 5893 Sec. 2, 2021 ; Ord. 5510 Sec. 1, 2013; Ord. 5475 Sec. 2, 2012; Ord. 5336 Sec. 2, 2011; Ord. 5169 Sec. 1, 2007; Ord. 3955 Sec. 1, 2001; Ord. 3924 Sec. 1, 2000; Ord. 3881 Sec. 1, 1999; Ord. 3790 Sec. 1, 1998; Ord. 3433 Sec. 1, 1993; Ord. 3060 Sec. 1, 1987; Ord. 2504 Sec. 1 (part), 1980; Ord. 2089 Sec. 2 (part), 1977)

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RCW 69.50.4014 - Possession of forty grams or less of marijuana—Penalty.

RCW 69.41.030 – Pertaining to possession of a legend drug without prescription or order prohibited.

(Ord. 6025 Sec. 2, 2023; Ord. 5918, Sec. 1, 2021)

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Attest:

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W.D. MCKAY, Mayor

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


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Kennewick, Washington this 21<sup>st</sup> day of  
June, 2023.

Approved as to Form:

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

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

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

<p><b>Council Agenda Coversheet</b></p> 	<p><b>Agenda Item Number:</b> 4. <b>Council Date:</b> 6/13/2023</p> <p><b>Agenda Item Type:</b> Presentation</p> <p><b>Subject:</b> Massage Parlors Licensing</p> <p><b>Department:</b> City Attorney</p>	<p><b>Category:</b> Policy Review</p>
<p><b>Summary</b></p> <p>On May 16, 2023, the Kennewick Police Department (KPD) investigated six massage businesses for permitting the unlicensed practice of massage therapy or offering sexual services, leading to business closures and business license revocations.</p> <p>This workshop item provides Council with information on proposed Chapter 6.37 Kennewick Municipal Code (KMC). The proposed chapter:</p> <ol style="list-style-type: none"> <li>1. Permits KPD to inspect a business' common area during business hours to ensure that: <ol style="list-style-type: none"> <li>1. A business conspicuously displays its massage business license, reflexology business license, copies of each massage therapist license, and/or copies of each reflexologist certification at or near the business' entrance so it can easily be read while the business is open;</li> <li>2. Each massage therapist/reflexologist is 18 years of age or older; and</li> <li>3. Each massage therapist/reflexologist is licensed/certified by the Washington State Department of Health (DOH);</li> </ol> </li> <li>1. Makes it unlawful for a person to practice massage therapy or reflexology or represent himself or herself as a massage therapist or reflexologist without being licensed as a massage therapist/certified as a reflexologist by DOH;</li> <li>2. Makes it unlawful for a business owner, director, manager, or person in charge to facilitate or, with knowledge or criminal negligence, permit the unlicensed practice of massage therapy/reflexology within his or her business;</li> <li>3. Makes the first violation a misdemeanor; and</li> <li>4. Makes each subsequent violation, whether alleged in the same prosecution or subsequent prosecutions, a gross misdemeanor.</li> </ol>		
<p><b>Attachments:</b></p> <ol style="list-style-type: none"> <li>1. Presentation</li> </ol>		

# Unlicensed Massage Practice and Prostitution

June 13, 2023

Laurencio Sanguino  
Kennewick City Attorney's Office

## Operation Safe Spa

- Kennewick Police Department (KPD)
- Tri-City Metro Drug Task Force (Metro)
- Washington State Department of Health (DOH)
- Mirror Ministries
  - Dream Spa
  - Joy Spa
  - Shangri-La Massage
  - Fragrant Oil Spa (A Massage)
  - Royal Spa
  - VIP Massage (Green Tea Health Center)



Viewed by Isanguino (kennewickpdwa.evidence.com) on 07 Jun 2023

## Operation Safe Spa

- KPD closed all businesses
  - Six permitted unlicensed practice of massage therapy
  - Four offered sexual services
  - Five permitted unlicensed practitioners to reside at locations
- City scheduled all business license revocation hearings
  - Two owners admitted to unlicensed practice
  - One owner attributed unlicensed practice to misunderstanding
  - One owner failed to appear

SPRING into NEW GIRLS

New Girls at the Best Shop!!!

JOY SPA is the **most upscale luxurious Spa**

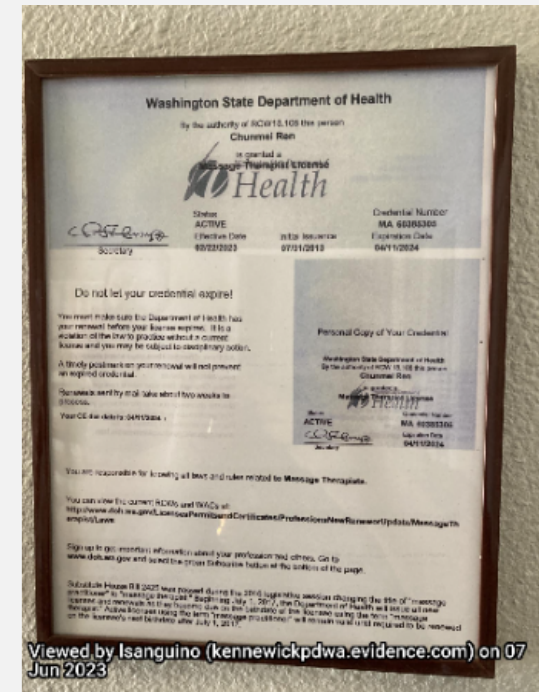
\*Caution\*

Once you come here you won't ever want to go anywhere else again!

Cute, young girls will have you relaxed and show you JOY

# Problem

- Owners
  - Reorganize
  - Relocate
  - Rename
  - Reopen



# Regulation

- State
  - Massage and Reflexology Practice
  - Advertising
  - Massage Therapist and Reflexologist Licensing
  - Facilities, Equipment, and Draping
  - Services and Techniques
  - Recordkeeping
  - Penalties
- Cities
  - Business Licensing
  - Hours
  - Lighting
  - Posting



## Proposed Regulation

- Prohibits a massage/reflexology business from operating between 8:00 p.m. and 8:00 a.m.
- Permits KPD to inspect a business' common area during business hours to ensure that:
  - A business conspicuously displays its massage business license, reflexology business license, copies of each massage therapist license, and/or copies of each reflexologist certification at or near the business' entrance so it can easily be read while the business is open
  - Each massage therapist/reflexologist is 18 years of age or older
  - Each massage therapist/reflexologist is licensed/certified by DOH
- Prohibits KPD from inspecting a business' rooms without consent, a warrant, or other lawful basis
- Does not limit KPD's use of lawful investigatory techniques



## Proposed Regulation

- Makes it unlawful for a person to practice massage therapy/reflexology or represent himself or herself as a massage therapist/reflexologist without being licensed as a massage therapist/certified as a reflexologist by DOH
- Requires a massage/reflexology business owner, director, manager, or person in charge to ensure that each person practicing massage therapy/reflexology or representing himself or herself as a massage therapist/reflexologist is licensed as a massage therapist by DOH
- Makes it unlawful for a business owner, director, manager, or person in charge to facilitate or, with knowledge or criminal negligence, permit the unlicensed practice of massage therapy/reflexology within his or her business
- Requires a business to conspicuously display a list of all services offered in a prominent place with brief descriptions of the services and costs
- Requires a business to conspicuously display its business license and copies of each massage therapist license/reflexologist certification at or near the business' entrance so it can easily be read while the business is open


## Proposed Penalties

- Makes the first violation a misdemeanor
  - Maximum sentence of 90 days of jail time and a \$1,000 fine
- Makes each subsequent violation, whether alleged in the same prosecution or subsequent prosecutions, a gross misdemeanor
  - Maximum sentence of 364 days of jail time and a \$5,000 fine
- Requires owner to forfeit all of his or her Kennewick-issued massage/reflexology business licenses
- Prohibits owner from applying for, attempting to obtain, or obtaining a massage/reflexology business license from Kennewick as a condition of his or her stipulated order of continuance, deferred sentence, sentence, or probation

## Proposed Penalties

- Permits Kennewick to deny a new, or revoke an existing, massage/reflexology business license if:
  - An applicant entered a stipulated order of continuance, deferred sentence, or plea in a human trafficking, prostitution, or unlicensed practice of massage therapy case
  - An application omits or misrepresents a material fact
  - A licensee or business violates Chapter 6.37 KMC
  - A business' operations constitute a public nuisance

Questions?

<b>Council Agenda Coversheet</b>	<b>Agenda Item Number:</b> 5. <span style="float: right;"><b>Council Date:</b> 6/13/2023</span> <b>Agenda Item Type:</b> Presentation	<b>Category:</b> Info Only
	<b>Subject:</b> Proposed 2023 Comprehensive Plan Amendments <b>Department:</b> Community Planning	

**Summary**

The Washington State Growth Management Act permits local jurisdictions to amend their comprehensive plan once a year, should they choose to do so. The City of Kennewick has traditionally accepted applications to amend the comprehensive plan annually. The window to apply to amend the comprehensive plan is March 1st through May 1st of each year.

For the 2023 Amendment Cycle the City has received three site specific requests to change the comprehensive plan land use map.

The first step in the process is to bring the docket of requests to the Planning Commissions for recommendations. Those recommendations are then forwarded to the City Council for a decision. Council may choose from three options for each request:

1. Approve the request for processing.
2. Not approve the request for processing.
3. Defer the request for processing to a later annual cycle.

Planning Commission reviewed each request at their June 5, 2023 meeting.

This presentation will give a brief overview of each amendment request to familiarize Council with what is being proposed and the location of each. The docket is scheduled for Council action at the June 20, 2023 regular meeting.

- Attachments:**
1. 2023 CPA Preliminary Evaluations CC
  2. Presentation
  3. Exhibit 1
  4. Exhibit 2
  5. Courtney Rader 6-5 Submittal
  6. Thomas Raeder 6-5 Submittal
  7. Cassano 6-5 Submittal



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## STAFF REPORT

## 2023 Comprehensive Plan Amendment Docket Review

Staff Contact: Steve Donovan, AICP, Matt Halitsky, AICP

To: City Council

Date: June 13, 2023

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### BACKGROUND

Annually the City opens up the Comprehensive Plan for modification amendments (Land Use) as provided for by the Washington State Planning Laws. Amendment requests can be made by the public at large as well as the City. The major purpose is to keep the Comprehensive Plan current and up to date, by reviewing and adopting “proper amendments” designed to implement the City of Kennewick’s Comprehensive Plan.

The City accepts amendment applications from March 1<sup>st</sup> through May 1<sup>st</sup> each year. Once the applications have been received, the Planning Commission will make a recommendation to the City Council who will then make a legislative judgment as to whether they will review, defer (set aside for future review) or reject them prior to starting a formal review process.

The Washington State Growth Management Act specifies that the City’s annual review is permissive and the Council has the right to choose whether or not to initiate a review process for specific proposals as submitted. The basic reason why the Council has the right to select or reject requests is by law the legislative bodies of each City or County in the State of Washington are responsible for keeping their plans up to date while maintaining the integrity of the Comprehensive Plan.

This means that annually, the City Council must use its legislative judgment as stewards of the City of Kennewick’s Comprehensive Plan to determine whether to act on specific amendment requests put before them.

### GUIDELINES FOR EVALUATING AMENDMENTS

In order to make a recommendation on amendment application requests, the following criteria outlined in the Kennewick Municipal Code 4.12.110 has been established and should be considered.

1. Timing of the requested amendment is appropriate and Council will have sufficient information to make an informed decision;
2. The City will be able to conduct sufficient analysis, develop policy and related development regulations;
3. The requested amendment has not been recently rejected by Council;
4. The amendment will further implement the intent of the City’s adopted Comprehensive Plan; and
5. The amendment is not better addressed through another planning process such as a sub-area plan update.

**2023 AMENDMENT REQUESTS** - To assist during your deliberations on the legislative amendment requests please find below basic information pertinent to each application. In addition, see attached a Comprehensive Plan Map, which identifies the location of each requested amendment.

**AMENDMENT REQUEST – CPA-2023-0001: Comprehensive Plan amendment to change the land use designation of 0.5093 acres from LOW DENSITY RESIDENTIAL (LDR) to Commercial (C). Address: 208 N Kellogg Street.**

Is the timing of the requested amendment appropriate and will Council have sufficient information to make an informed decision?

There is no issue with the timing of this request. There is sufficient information for Council to make an informed decision.

Will the City will be able to conduct sufficient analysis, develop policy and related development regulations?

Staff will be able to conduct sufficient analysis of this request. It is anticipated that there will be no need to develop any new policies or development regulations because of this request.

Has the requested amendment been recently rejected by Council?

No.

Will the amendment further implement the intent of the City’s adopted Comprehensive Plan?

Yes, the amendment will bring an existing office use located within an accessory structure into land use compliance, and allow for the future conversion of a residential home into additional office space. Goal 2 (Section 2: Commercial Land Use) of the Comprehensive Plan is to sustain and enhance viable commercial areas. Additionally, Goal 3 (Section 2: Commercial Land Use) is to create a balanced system of commercial facilities reflecting neighborhood, community, and regional needs. Policy 2 of this Goal is to enhance compatibility with adjacent residential neighborhoods. The conversion of a residential home into an office will help buffer the residential neighborhood to the south from the commercial development along W Clearwater Ave.

Is the amendment better addressed through another planning process such as a sub-area plan update?

The proposed amendment is not better addressed through another planning process.

Staff Conclusions

The proposed amendment will bring a nonconforming use into zoning compliance and allow for the future conversion of a single-family home into additional office space. This conversion will help buffer the residential neighborhood to the south of the subject property from the more intensive commercial development to the north along W Clearwater Avenue. Land designated as Commercial is located immediately adjacent to the subject property to both the north and east. No significant concerns or issues are identified that would preclude further analysis and processing of the amendment.

**Planning Commission Recommendation:** Process, Unanimous Vote

**Available Motions**

Motion to Accept

I move to recommend that City Council accept CPA-2023-0001 for processing.

Motion to Reject

I move to recommend that City Council reject CPA-2023-0001 for processing.

Motion to Defer

I move to recommend that City Council defer CPA-2023-0001 for processing until the 2024 amendment cycle.

**AMENDMENT REQUEST – CPA-2023-0002: Comprehensive Plan amendment to change the land use designation of 1.18 acres from LOW DENSITY RESIDENTIAL (LDR) to MEDIUM DENSITY RESIDENTIAL (MDR). Address: 1215 S Cedar Street, in Unincorporated Benton County.**

Is the timing of the requested amendment appropriate and will Council have sufficient information to make an informed decision?

There is no issue with the timing of this request. There appears to be sufficient information for Council to make an informed decision.

Will the City will be able to conduct sufficient analysis, develop policy and related development regulations?

Staff will be able to conduct sufficient analysis of this request. It is anticipated that there will be no need to develop any new policies or development regulations because of this request.

Has the requested amendment been recently rejected by Council?

No.

Will the amendment further implement the intent of the City’s adopted Comprehensive Plan?

Yes, the applicant intends to redevelop the property with multifamily construction. Goal 1 (Section 3: Housing) of the Comprehensive Plan is to support and develop a variety of housing types and densities to meet a diverse and growing population. Additionally, Goal 3 (Section 3: Housing) promotes affordable housing across all socioeconomic segments of the community.

Is the amendment better addressed through another planning process such as a sub-area plan update?

The proposed amendment is not better addressed through another planning process.

Staff Conclusions

The proposed amendment will allow for more dense development and a variety of housing types within an existing municipal service area. The proposal also serves to implement Goal 3 of the Comprehensive Plan in a manner similar to existing housing types to the north and east. No significant concerns or issues are identified that would preclude further analysis and processing of the amendment.

**Planning Commission Recommendation:** Process, Unanimous Vote

**Available Motions**

Motion to Accept

I move to recommend that City Council accept CPA-2023-0002 for processing.

Motion to Reject

I move to recommend that City Council reject CPA-2023-0002 for processing.

Motion to Defer

I move to recommend that City Council defer CPA-2023-0002 for processing until the 2024 amendment cycle.



**AMENDMENT REQUEST – CPA-2023-0003: Comprehensive Plan amendment to change the land use designation of 12.33 acres from INDUSTRIAL (I) to LOW DENSITY RESIDENTIAL (LDR). Address: 205 & 331 S Oak Street, 102, 203 & 207 S Quince Place and 1411, 1511, 1531, 1543 & 1601 E 3<sup>rd</sup> Avenue, in Unincorporated Benton County.**

Is the timing of the requested amendment appropriate and will Council have sufficient information to make an informed decision?

There is no issue with the timing of this request and there is sufficient information for Council to make an informed decision.

Will the City will be able to conduct sufficient analysis, develop policy and related development regulations?

Staff will be able to conduct sufficient analysis of this request. It is anticipated that there will be no need to develop any new policies or development regulations because of this request.

Has the requested amendment been recently rejected by Council?

No.

Will the amendment further implement the intent of the City’s adopted Comprehensive Plan?

No, in that the comprehensive plan identifies a shortage of Industrial land to fill Kennewick’s 20-year needs. This proposal increase that deficit.

Is the amendment better addressed through another planning process such as a sub-area plan update?

The proposed amendment is not better addressed through another planning process.

Staff Conclusions

The site is in close proximity to the City of Kennewick’s Waste Water Treatment Facility and will be directly adjacent to a proposed waste drying facility. Neither of those uses are desirable to have next to residential properties. Attached to this report are comments from Kennewick Public Works Department, expressing concern with the proposal. Additionally, the removal of the site’s Industrial Land Use Designation will increase the deficit the City has for Industrial designated lands.

**Planning Commission Recommendation: Process, 4-3 Vote**

**Available Motions**

Motion to Accept

I move to recommend that City Council accept CPA-2023-0003 for processing.

Motion to Reject

I move to recommend that City Council reject CPA-2023-0003 for processing.

Motion to Defer

I move to recommend that City Council defer CPA-2023-0003 for processing until the 2024 amendment cycle.

Exhibits

1. Map of Requests
2. Public Works Comments on CPA-2023-0003

# 2023 Comprehensive Plan Amendment Docket Review

City Council Workshop  
June 13, 2023



# Comp Plan Amendment Process

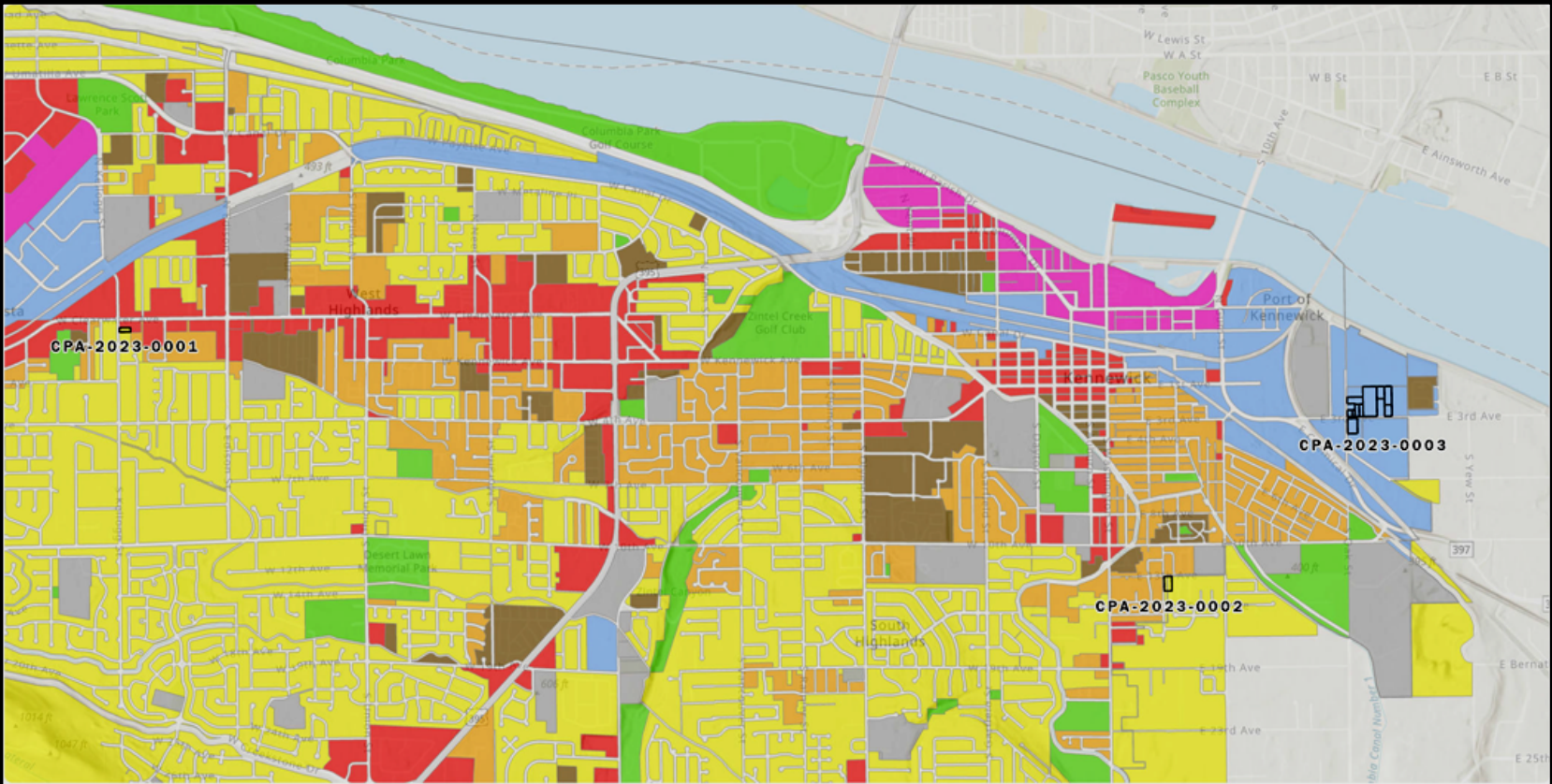
- KMC 4.12.110 – Procedures & Process
- Applications accepted 3/1 – 5/1
- Reviewed for including on annual docket
- Criteria in KMC 4.12.110(5.c)
- Three Options:
  - Accept for processing; or
  - Defer to another annual process; or
  - Reject – do not process
- Planning Commission Review – 6/5/23

# Docket Review Criteria

## **KMC 4.12.110 (5)(c):**

- 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.

# Comprehensive Plan Docket Map



### 2023 Comprehensive Plan Amendments

- |                          |                            |                 |
|--------------------------|----------------------------|-----------------|
| COMMERCIAL               | LOW DENSITY RESIDENTIAL    | OPEN SPACE      |
| HIGH DENSITY RESIDENTIAL | MEDIUM DENSITY RESIDENTIAL | PUBLIC FACILITY |
| INDUSTRIAL               | MIXED                      |                 |



# CPA-2023-0001

- Low Density Residential (LDR) to Commercial (C)
- .5093 acres
- 208 N Kellogg Street
- Knutzen Engineering



**Planning Commission Recommendation: Process**

# CPA-2023-0002

- Low Density Residential (LDR) to Medium Density Residential (MDR)
- 1.18 acres
- 1215 S Cedar Street
- JF Engineering, c/o Daniel Kapsi



**Planning Commission Recommendation: Process**

# CPA-2023-0003

- Industrial (I) to Low Density Residential (LDR)
- 12.33 acres
- 205 S Oak St, 331 S Oak St, 102 S Quince Pl, 203 S Quince Pl, 207 S Quince Pl, 1411 E 3<sup>rd</sup> Ave, 1511 E 3<sup>rd</sup> Ave, 1531 E 3<sup>rd</sup> Ave, 1543 E 3<sup>rd</sup> Ave, 1601 E 3<sup>rd</sup> Ave
- Courtney Raeder



**Planning Commission Recommendation: Process**

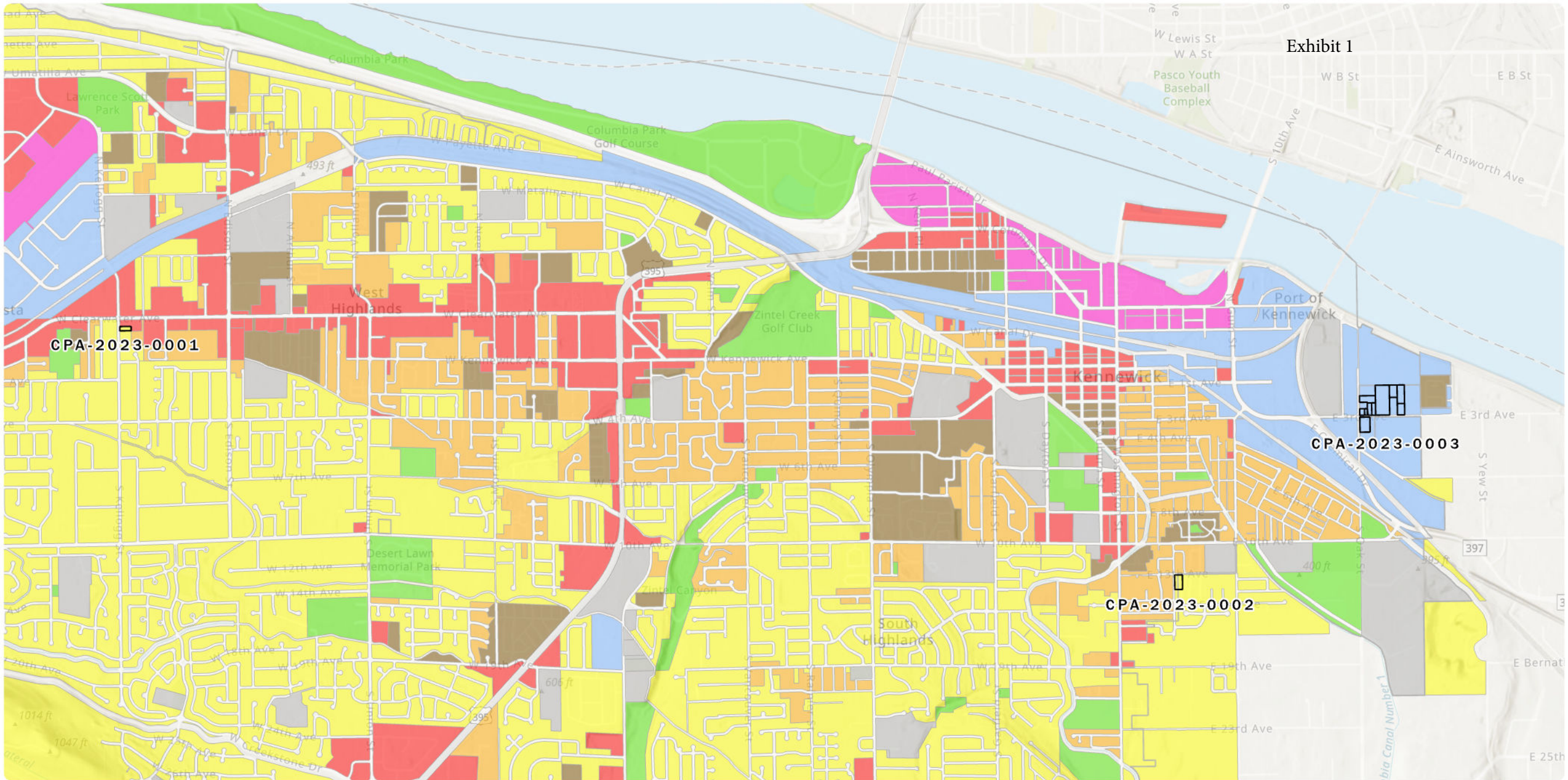


# Next Steps

- **6/20 City Council establishes the Final Docket**
- **June-August – Formal Processing Begins**
- **8/21 – Planning Commission Workshop**
- **9/18 – Planning Commission Public Hearings**
- **9/26 – City Council Workshop**
- **10/17 – City Council Decisions**

# Questions?





### 2023 Comprehensive Plan Amendments

- COMMERCIAL
- HIGH DENSITY RESIDENTIAL
- INDUSTRIAL
- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- MIXED
- OPEN SPACE
- PUBLIC FACILITY

**From:** [John Cowling](#)  
**To:** [Steve Donovan](#)  
**Cc:** [Jeremy Lustig](#); [Cary Roe](#); [Caleb Shannon](#)  
**Subject:** RE: CPA-2023-0003  
**Date:** Tuesday, May 23, 2023 7:49:08 AM

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Steve,

Can you add the following from Public Works:

Public Works has reviewed the location of the proposed Comprehensive Plan Amendment changing properties East of the Wastewater Treatment Plant from Industrial to Low Density Residential. The subject properties are adjacent to City owned property reserved for future expansions of the Wastewater Treatment Plant. The City is currently working on the design phase to address odor concerns with the existing Wastewater Treatment Plant lagoon system. Although these plans will help address odors, future plant expansion to the east will increase noise to these adjacent properties. Rezoning to residential would be less compatible with existing use and future expansion of the Wastewater Treatment Plant.

Thanks

**John A. Cowling, PE**

City of Kennewick

Deputy Public Works Director

O: 509.585.4301 | F: 509.585.9811

[john.cowling@ci.kennewick.wa.us](mailto:john.cowling@ci.kennewick.wa.us)

*This communication (and any reply) is subject to the public records act, RCW 42.56. The City of Kennewick is committed to transparency in government and we will provide our customers the fullest assistance possible when they request access to public records. Individuals wishing to obtain public records shall submit their requests in accordance with the [City's Public Records Policy](#).*

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**From:** [Courtney Raeder](#)  
**To:** [Steve Donovan](#)  
**Subject:** June 5th Meeting Comment  
**Date:** Monday, June 5, 2023 4:19:50 PM

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Hello,

I just tried to submit the comment below to the form online. It stated that I had until 4:30pm today to submit it, but it's telling me the form is no longer available. Can you please make sure this gets submitted?

Thank you!

Courtney

After a year of working on this issue, I have spent a substantial amount of time, effort, and money just to submit this comprehensive plan amendment application. Now all that time, effort, and money has finally come down to your decision. Last week I wrote the email below to the City Council members. I would like the Planning Commission to read it as well. I would have included you in the email, but I couldn't find your email addresses. After the email, I have added an additional few paragraphs. It is a long email, but this is very important to me. This process started with me trying to help my grandma and has turned into so much more.

Good Evening,

I am writing to you regarding my concerns with a Comprehensive Plan application that I submitted to the City of Kennewick that the planning and public works staff has told me they will not be recommending be put on the 2023 docket. I was also informed that neither I nor any of the property owners will be allowed to speak or comment at the meeting so I decided to reach out to you now. I'll briefly explain why I submitted the application and then go into more detail about why the staff told me they would not be recommending it and why I disagree with their reasoning. I also attached the application in case you would like to review it first before reading this email.

I submitted an application to change the land use designation of 10 properties with residential homes on them from industrial to residential. The land use designation of industrial caused Benton County to rezone these properties in 2011 from residential to light industrial because they are included in the City of Kennewick urban growth area and their zoning must be compatible with the land use designation in the comprehensive plan. Benton County chose not to inform the homeowners of this change at that time. Although these properties are already used as residential properties and have always been used as residential properties, Benton County's non-conforming use code severely limits what these homeowners can do to their homes and land. Changing the land use designation to residential will make it possible for Benton County to rezone these properties back to a more appropriate residential zoning.

In the very beginning of this process I spoke with Benton County about revising their non-conforming use code and was told that they are happy with it and do not wish to make any changes. That has landed me where I'm at today trying to change the land use designation in the City of Kennewick Comprehensive Plan so I can ultimately get the zoning corrected with the county. I have been working on this issue for the past year or so and as of this last week I

was informed by a member of the planning and public works staff that they will not be recommending my application for the 2023 docket. When I asked why they would not be recommending it I was given this response,

"The change to Low Density Residential has the potential to increase the density of residential units in the area. If the designation changes, County Code will then allow duplexes on the properties. With the changes approved by the governor last week, within the few years an additional four residential units have the potential to be added to each of the properties.

The issue is not what is allowed at the waste water treatment site. The issue is what happens once the treatment facility is surround by more dense residential development and what impact will that have once the residents start complaining about the facility."

I have a few different issues with this reasoning. The first is the City of Kennewick planning and public works staff justifying 14 property owners not being able to update their homes as a normal homeowner would or, according to the Benton County planning staff, rebuild their homes if they were to be damaged more than 50%, all so the City of Kennewick doesn't have to deal with the potential of more complaints about the sewage treatment facility. I can't imagine any scenario where a homeowner would be okay with this situation or would agree with their reasoning.

The second issue I have with this reasoning is what happens in the future if these homes really do stay with the industrial land use designation and light industrial zoning. Some day the properties might get sold, possibly to a business now that everyone is aware of the zoning and why they have been denied the updates they've wanted to do. New businesses will attract a lot of people to the area. Not only will they attract new people in the form of employees, but there will be clients and customers as well. I asked a member of the planning and public works staff if anyone can complain about the sewage treatment facility and they said, "Anyone can complain about the facility, it would have to be determine what merit or standing the person has in regard to the issue they are complaining about." If you add just one business to this area, let alone 10 plus businesses instead of homes, that means every employee and customer that goes to those businesses will be able to complain about the sewage treatment facility. A complaint from a homeowner is one thing. The argument can always be made that they chose to live there, but a complaint from a business owner, employees, and/or a concerned customer, has the potential to cause a lot more issues than a few homeowners. Not only can they complain to the City of Kennewick themselves, but they can also complain to the business owner who in return could approach the city over the issue. Even if you look at a business that doesn't require a lot of employees like a storage facility. I'm sure there would be complaints and concerns from customers of that business regarding the possibility that their possessions could end up smelling like the sewage treatment facility. For any business owner, those types of concerns and feedback could provoke them to approach the city because they would be concerned about the impacts on their income and reputation. One business has the potential to produce far more complaints than one home.

The third issue I have with their reasoning simply comes down to what is realistic. An additional four homes or a duplex added to every property is not a realistic scenario. The City of Kennewick has received a 29 million dollar loan from the Department of Ecology and already has plans to start the sewage treatment facility expansion at the end of the year. The possibility of a few more complaints from homeowners IF a homeowner decides to build a new home on their property is not going to stop the facility from being built, nor would that

cause some massive issue with the existing sewage treatment facility which is what the planning and public works staff seem to be so concerned about. I can say from first-hand experience, changing something with the City of Kennewick or Benton County takes a massive amount of work and dedication. This zoning issue for instance includes 14 different properties and even with 10 of them signing to change their land use designation (I couldn't contact the other 4) and addressing their concerns with their own properties, it has still been a year-long fight that I have had to stay consistently dedicated to. I can't even imagine the number of complaints, work, years, and dedication it would take to have even the smallest effect on a sewage treatment facility that is necessary for the community.

The City of Kennewick and Benton County planning departments aren't denying these people a silly or simple request. They're openly denying these people the right to use their land as every other homeowner can, including the other homes in this area that have a residential zoning. There is even a mobile home park right next to these properties that alone has the potential to generate more complaints than all of these properties combined.

Throughout this entire process I have been met with nothing but resistance with the exception of one person who was genuinely helpful. I have been told time and time again that what I'm doing is not wanted and is near impossible. My dad was recently told by a planning member at Benton County that if more than 50% of my grandma's home were to be destroyed they would not allow her to rebuild it and they would have effectively made her homeless after living there for 50 years. He was also told at this time that the zoning is essentially set in stone.

This zoning isn't written in stone. It ultimately just comes down to a decision made by individuals. These properties are already used as homes. The actual use isn't changing and they can complain about the sewage treatment facility whether the land use designation is changed or not. The other homeowners in the area not affected by this zoning can add additional homes to their properties generating the potential for more complaints as well, but the city staff still continues to argue the necessity of these 14 properties keeping their industrial designation to mitigate the possibility of development. Are these properties the closest to the facility? Yeah, but a few hundred feet doesn't miraculously make the sewage treatment facility smell like roses instead of sewage on bad days. It doesn't matter whether there are homes or businesses on these properties, there will always be the potential for complaints. The land use designation and zoning will not change that fact.

Someone reached out to me that heard about this issue and let me know that you have gone against the planning and public works staff's recommendations in the past and I hope you choose to do so for my application. These homeowners go to work every day to pay their mortgage, pay homeowners insurance, and pay taxes on a home they can't add on to or rebuild. They can't even build a shop, garage, or other outbuilding if they wanted to nor could they rebuild their existing ones if they were to burn down. These aren't just parcel numbers on a zoning map. They're real people.

Thank you for reading this email. I really appreciate your time. I attached the application that I submitted to the City of Kennewick in case you would like to look it over. I also attached a second version with just my answers to the application questions and the signature pages from the property owners that I collected (one signature page is missing because I picked it up on my way in to submit the application.)

Thank you for your time,

[End of email]

The other day I came across another location that is a prime example of why the homes included on my application should be allowed to be zoned residential and the smell as I drove by is what caught my attention. The Waste Management facility located on the corner of S Ely St and W 27th Ave in Kennewick not only has an entire neighborhood of townhomes built right across the street, but it has homes that share a boundary with it as well. The zoning for the homes in this area is medium density. The only reasoning I have been given against my application, and I quote again is, "The issue is what happens once the treatment facility is surround by more dense residential development and what impact will that have once the residents start complaining about the facility." The waste management facility stinks just as bad if not worse than the sewage treatment facility and it's allowed to have medium density development next to it, but existing homes next to the sewage treatment facility are not even allowed to keep a low density residential land use designation.

I understand that one is considered a public facility and one is a business and the city may not deal with the complaints about the waste management facility, but the concerns that would arise for each are the same. If complaints by the 56+ homeowners in the townhomes across the street and the 49+ homes that are right next to it haven't caused that facility to move somewhere else, then I have a hard time believing future potential complaints from 10 properties will have any sort of impact on the sewage treatment facility. After my own experience with this application, I think it would take a good amount of community involvement to make any sort of impact. And I get it, it's the potential of more homes being built in the area if the land use designation is changed to low density residential, but even if we indulge in the unrealistic situation that each property owner adds an additional 4 homes to their property, that's still a fraction of what is next to the waste management facility. And an actual developer was allowed to build right next to it with a higher density zoning and a low density land use designation.

What is being done to these homeowners goes beyond what is fair and what is right. I'm assuming many of you, if not all, are homeowners, and if one day you found out your home was rezoned industrial with the purpose of stopping you from being able to use your home and land as you bought it and so you couldn't build additional homes on it for the sake of the City of Kennewick, how would you feel? How would you feel knowing you've now involuntarily sacrificed your home, land, mortgage, and decades of working? Not to mention the stress it would cause to know that if a structure on your property burns down you couldn't rebuild it.

I could obviously go on, but I've said more than enough so I'll end here. If I'm having to try this hard to change the land use designation and zoning of 10 properties, there is no way a few more complaints from homeowners will have any sort of significant impact on the sewage treatment facility.

Thank you for your time.



**From:** [Melinda Didier](#)  
**To:** [Steve Donovan](#)  
**Subject:** FW: Online Form Submittal: Planning Commission Public Comments - Agenda Item No. 4. - Visitors Not on Agenda  
**Date:** Monday, June 5, 2023 11:58:09 AM

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**From:** noreply@civicplus.com <noreply@civicplus.com>  
**Sent:** Sunday, June 4, 2023 10:15 PM  
**To:** Melinda Didier <Melinda.Didier@ci.kennewick.wa.us>  
**Subject:** Online Form Submittal: Planning Commission Public Comments - Agenda Item No. 4. - Visitors Not on Agenda

## Planning Commission Public Comments - Agenda Item No. 4. - Visitors Not on Agenda

*City Council passed Resolution 20-08 on June 23, 2020, which temporarily designates the location for regular, special and study session meetings to the virtual location until Benton County enters into Phase Three of the Governor's Safe Start Reopening Plan. This form allows the public to submit comments for the Visitors section on the agenda. Please submit your comments no later than 4:30 p.m. on the Thursday before the meeting, to allow time to forward to the Planning Commissioners.*

---

### Public Comments

*This is an opportunity for anyone who would like to speak about any issue NOT covered under a public hearing.*

---

First Name                      Thomas

---

Last Name                        Raeder

---

Planning Commission Meeting Date                      6/5/2023

---

Address                            331 S Oak

---

City                                 Kennewick

---

Email Address                    [t2raeds@gmail.com](mailto:t2raeds@gmail.com)

---

Phone Number (optional)      5095513573

---

### 4.a. - Visitors: Public Comment

*This is an opportunity for anyone who would like to speak about any issue NOT covered under a public hearing.*

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## Subject/Comments

E 3rd Avenue and S Oak Street Area: Zoning Change from Residential to Light Industrial and BCC Chapter 11.51

A Leadership or Servant of the People should never put upon others what they would not put upon themselves.

All 7 Planning Commission Members please state whether you will or will not voluntarily apply BBC Chapter 11.51 to their residence in the same manner they as the Planning Commission Members have forced BBC Chapter 11.51 on the Benton County Residents in the E 3rd Avenue and S Oak Street area.

This means they cannot change the foot print of their home in anyway. If more than 50% of your home is destroyed, you will remain homeless.

The Planning Commission Members have attacked these easy target residents (many are elderly and have incomes far below the poverty level) taking away their rights to live on their property, may not engage in normal residential activity, not be allowed to modify their resident. A grandchild could not build her grandmother a new place to live on her property.

How many of the 7 Planning Commission Members will give up their normal residential activity at their home? All should gladly succumb to the laws they have forced upon others. If the 7 Planning Commission Members will not succumb, then remove BCC Chapter 11.51 from the residents in the E 3rd Avenue and S Oak Street area.

As the Lord said in Matthew 7:12 (NIV):  
So in everything, do to others what you would have them do to you, for this sums up the Law and the Prophets.

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Email not displaying correctly? [View it in your browser.](#)

**From:** [Melinda Didier](#)  
**To:** [Steve Donovan](#)  
**Subject:** FW: Online Form Submittal: Planning Commission Public Comments - Agenda Item No. 4. - Visitors Not on Agenda  
**Date:** Monday, June 5, 2023 11:57:46 AM

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**From:** noreply@civicplus.com <noreply@civicplus.com>  
**Sent:** Sunday, June 4, 2023 5:35 PM  
**To:** Melinda Didier <Melinda.Didier@ci.kennewick.wa.us>  
**Subject:** Online Form Submittal: Planning Commission Public Comments - Agenda Item No. 4. - Visitors Not on Agenda

## Planning Commission Public Comments - Agenda Item No. 4. - Visitors Not on Agenda

*City Council passed Resolution 20-08 on June 23, 2020, which temporarily designates the location for regular, special and study session meetings to the virtual location until Benton County enters into Phase Three of the Governor's Safe Start Reopening Plan. This form allows the public to submit comments for the Visitors section on the agenda. Please submit your comments no later than 4:30 p.m. on the Thursday before the meeting, to allow time to forward to the Planning Commissioners.*

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### Public Comments

*This is an opportunity for anyone who would like to speak about any issue NOT covered under a public hearing.*

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Planning Commission Meeting Date	6/5/2023
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### 4.a. - Visitors: Public Comment

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Subject/Comments

Land use for our address.

My husband and I purchased the address above almost 10 years ago with the intent to rebuild in 12 to 15 years to something slightly larger and more accommodating for our retirement years.

It has been brought to our attention as we have paid the land off and are in process of changing it over to our name to start the new build project that we had planned may not be possible.

Now I know I am in a small part of county land surrounded by the city. This said the city should not be able to dictate how I use my land. If I choose to live and die here and build a bigger house or a shop to house our grandchildren's toys the city should not be allowed to tell me that it doesn't meet the code. I should be allowed to have animals and a home.

Give the county back the land and allow those of us living in the area the ability to use it as residential. After all we choose to live here and smell human poop so it really shouldn't be the cities choice to tell us it's industrial. It's families and animals out here after all.

Sarah Cassano

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