

PANORAMIC HEIGHTS HOMEOWNERS ASSOCIATION

COMMENTS AND CONCERNS ABOUT PROPOSED COMPREHENSIVE PLAN AMENDMENT (CPA) 2022-0005 COMPLETENESS AND ACCURACY

June 23, 2022

The Panoramic Heights Homeowners Association (PHHA) has done a thorough review of the Application and its attachments for Comprehensive Plan Amendment (CPA) 2022-0005 dated April 21, 2022.

PHHA finds the CPA 2022-0005 Application to be incomplete, inaccurate, and in some cases false.

This Application is not in compliance with the City of Kennewick's requirements, as stated on the Application General Form. Further, this application does not meet the State law and implementing regulations under that State Environmental Policy Act (SEPA) to provide true, accurate and complete information about the proposed action, potential environmental impacts, and appropriate mitigating measures.

The City should require this Application to be revised (per WAC 197-11-100 "Information required of applicants") to include the information needed:

- for the public to understand the full scope of the proposal and its potential future impacts;
- for City staff to do a thorough analysis, make a threshold determination, propose needed mitigations for potential significant impacts, and make subsequent recommendations;
- for the Planning Commission to make an informed recommendation; and
- for the City Council to make an informed decision that is in the best interest of the citizens of Kennewick.

PHHA's specific comments and concerns are discussed in detail below.

SEPA ENVIRONMENTAL CHECKLIST REQUIREMENTS (per WAC 197-11-960)

Purpose: The purpose of the checklist is:

“to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.” (emphasis added)

The CPA 2022-0005 checklist does not contain the information needed to make this determination. Detailed examples are below.

Instructions for applicants: These instructions state:

“The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time...” (emphasis added)

The Applicant states the only action requested is to “Amend Comprehensive Plan” and does not address the impacts of this action from the resulting possible future development of the land.

Instructions for Lead Agencies: These instructions state:

“Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.” (emphasis added)

The City should request and analyze the additional information needed (per WAC 197-11-100 “Information required of applicants”), and provide that information for public review and comment. Until the Application is complete, the City should NOT issue a threshold determination and thereby assume responsibility for a SEPA checklist that is clearly incomplete, inaccurate, and not in compliance with SEPA guidance.

Non-Project Action: The Applicant proposes “2022 Comprehensive Plan Amend (sic) from Low Density Residential to Medium and High Density Residential...Submitted as a Non-Project Action, NPA”.

Note that the SEPA Checklist Guidance, section D, Non-Project Actions states:

“Non-project actions are governmental actions involving decisions about policies, plans, or programs containing standards for controlling use or modifying the environment, or will govern a series of connected actions. Non-project action analysis provides an opportunity to evaluate planned actions before projects begin and permits applications are prepared. “

“If the non-project action is a land-use decision or similar proposal that will govern future project development, the probable impacts need to be considered of the future development that would be allowed. For example, environmental analysis of a zone designation should analyze the likely impacts of the development allowed within that zone.” (emphasis added)

And the Guidance for “Non-project actions: Comprehensive plans, future project development” specifically states:

“ When a non-project action involves a comprehensive plan or similar proposal governing future project development, the probable environmental impacts that would be allowed for the future development need to be considered.” (emphasis added)

This Application is clearly inconsistent with this SEPA Guidance. The Applicant avoids answering most of the SEPA Checklist questions about subsequent actions, potential environmental impacts, and possible mitigations; mostly by simply responding “NPA” or “none”.

These omissions include (by checklist section number):

A.7: Plans for future additions, expansion, or further activity related to or connected with this proposal.

A.11: Complete description of the proposal, including proposed uses.

A.12: A vicinity map and a topographic map.

B.1.e: Filling, excavation and proposed grading.

B.1.f: Erosion potential.

B.1.g: Impervious surface area.

B.1.h: Erosion measures and controls.

- B. 2.a: Air emissions.
- B.2.c: Air emissions measures and controls.
- B.3.c: Water runoff.
- B.3.d: Water runoff measures and controls.
- B.4.b: Vegetation removed or altered.
- B.4.d: Measures to preserve or enhance vegetation.
- B.5.d: Measures to preserve or enhance wildlife.
- B.6.a: Kinds of energy to be used.
- B.6.c: Energy conservation measures.
- B.7.b: Noise and measures to control it.
- B.8.a: Current use of nearby and adjacent properties and effect upon them.
- B.8.i: Number of people who would work or reside on site.
- B.8.l. Measures to ensure compatibility with existing and projected land uses and plans.
- B.9.a: Number of housing units provided.
- B.9.c: Measures to reduce or control housing impacts.
- B.10.a: Tallest height of structures.
- B.10.b: Views in immediate vicinity altered or obstructed.
- B.10.c: Measures to control aesthetic impacts.
- B.11.a: Light or glare produced.
- B.11.b. Light safety hazards or interference with views.

B.11.d: Measures to reduce or control light and glare impacts.

B.13.d: Measures to avoid, minimize or compensate for loss, changes to, and disturbance of cultural resources.

B.14.a: Proposed access to the existing street system, and shown on site plans.

B.14.c: Parking spaces.

B.14.c: New or improved roads, streets, pedestrian, bicycle, or state transportation facilities needed.

B.14.f: Vehicle trips per day generated and peak volumes.

B.14.h: Measures to reduce or control transportation impacts.

B.15.a: Increased need for public services.

B.15.b: Measures to reduce or control direct impacts on public services.

B.16.b: Utilities proposed and construction needed.

Further, the Applicant failed to answer ANY of the questions in Section D. "Supplemental Sheet for Non-Project Actions". This section is required to be completed for Non-Project Actions.

Instructions state:

"When answering these questions, be aware of the extent the proposal, or types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. (Emphasis added)

Questions about impacts that were not answered should have addressed:

1. Likely increases to water discharges, air emissions, and noise; and proposed measures to avoid or control them.
2. Likely effect on plants and animals; and measures to protect or conserve them.
3. Likely depletion of energy and natural resources; and measures to protect or conserve them.

4. Likely use of or effect on environmentally sensitive areas or areas designated for government protection (*such as Critical Areas for Steep Slopes*); and measures to protect, avoid or reduce them.
5. Likely effect on land use including incompatibility with existing plans; and proposed measures to reduce or avoid land use impacts.
6. Likely increased demands on transportation or public services and utilities; and proposed measures to reduce or respond to such demands.
7. Whether the proposal may conflict with local, state, or federal laws for protection of the environment.

Other SEPA Checklist Issues:

Section A.12 states that 35.45 acres is proposed for Medium Density Residential. Yet the referenced “Area Map” shows 33.93 acres, a difference of 1.52 acres. Which is it?

The Area Map also has a cross-hatched area in the land proposed for Medium Density Residential. What does this mean about proposed land use in that area?

The Applicant selected the answer “hilly” as the general description of the site rather than the correct selection of “steep slopes”. The Applicant also states that the steepest slope on the site is “30-40%, however the area to be developed is somewhat in the range of 20% or flatter” when it is known that portions are greater than 40%, and much of the site is greater than 20% slope. (Checklist questions B.1.a and b)

The Application in SEPA Checklist Section 7.a.2 does not address the underground natural gas pipeline that is located on the site, even though this is well marked and known. Further, the application fails to discuss controls and restrictions to protect it from development.

COMPREHENSIVE PLAN AMENDMENT SUPPLEMENTAL INFORMATION:

The City also requires “Comprehensive Plan Amendment Supplemental Information”. This information is required for the Planning Commission and the City council to consider the request. Much of the requested information is missing.

Question 2 asks “What are the reasons for the requested amendment”. The Applicant just responded “Allow amending zoning area to Medium Density and High Density Residential” rather than stating the reasons for the amendment.

Question 3 asks “Which elements of the Comprehensive Plan will be affected and how”. The Applicant does not respond.

Question 3 goes on to ask for detailed information on the provision of utilities and how that corresponds to the City’s plans, and detailed information on the effects on public services. The Applicant simply states “Development of the areas will use the same public utilities and services as current Comprehensive and Zoning Areas.” This does not address the impact of changes to the types and level of utilities and services required.

Question 4 requests the Applicant to “Indicate how the requested amendment will implement the Comprehensive Plan and be in the best interest of the Kennewick area, reference specific Comprehensive Plan policies that will be implemented.” The Applicant responds “Hillside development areas require alternate design atandards (sic) to increase density and preserve more open areas within the development. A condensed development requires land usage for roads and utilities.” This response does not address the question.

SUMMARY OF SIGNIFICANT CONCERNS ABOUT THE APPLICATION:

Steep Slopes: Development on steep slopes would pose many hazards. The Application fails to identify which parts of the site are within the known Geologically Hazardous Area for Steep Slopes and to address the impacts of these steep slopes upon development.

The Comprehensive Plan says that “Erosion Hazards” can occur on “Slopes greater than 15%”, and defines “Extreme Slope Hazards” as “Severe erosion potential and high probability of slope failure & landslide occurrence, Slopes greater than 25%”. The Comprehensive Plan further states “Proposed development should avoid impacting critical areas.” (page 36)

Also, the Application fails to discuss the land with slopes greater than 40% which cannot be developed. The Applicant should be required to identify all areas of steep slopes on the site and to discuss any hazard controls, restrictions or prohibitions needed based on how steep the slopes are in each area.

Note that in a prior application for this same site (CPA 20-06) in 2020, the Applicant stated to the Planning Commision (in “Applicant’s Pre-Hearing Memorandum, April 19, 2021”) that:

“The north slope includes geologically hazardous critical areas and offers limited, if any, development opportunities.” (page 4)

“Lot 37...consists primarily of geologically hazardous slopes. The steep slope area extends along the northern perimeter of the amendment property...Lots 37 and 38 contain geologically hazardous critical areas which severely constrain development.” (page 7) *(Note that Lots 37 and 38 includes a large portion of the site proposed in CPA 2022-0005.)*

“A significant portion of the north face of the subject property will remain “open space” in perpetuity.”(page 8)

“The topography and presence of geologically hazardous critical areas on the north slope poses significant development restrictions to both Low Density Residential and High Density Residential project proposals.” (page 12)

“Significant portions of both Lot 37 and Lot 38 (which include the north slope) are undevelopable critical areas...In addition to absolute prohibitions on development, the remaining north slope presents significant development impediments for any residential development—single-family residential or multi-family residential.” (page 15)

Traffic impacts: High Density and Medium Density Residential Land Use Designations would allow developments which would cause significant traffic impacts in the area. The Applicant avoids addressing the significant traffic impacts from this proposal. For examples, there is no information provided to the following questions:

- “describe proposed access to the existing street system. Show on site plans” (Checklist question 14.a)
- “Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities...? (Checklist question 14.d)
- “How many vehicular trips per day will be generated by the completed project or proposal?...indicate peak volumes” (Checklist question 14.f)
- “Proposed measures to reduce or control transportation impacts” (Checklist question 14.h)
- “How would the proposal be likely to increase demands on transportation or public services....? (Checklist question D.6)

Note that in a prior application for this same site (CPA 20-06) in 2020, the Applicant stated to the Planning Commission (in “Applicant’s Pre-Hearing Memorandum, April 19, 2021”) that:

“No traffic from the subject property will pass through Panoramic Heights.”
(page 11)

This commitment resulted from a Mitigation Condition proposed by the City to avoid further traffic on overloaded neighborhood streets. This restriction is still needed and should be kept for this similar proposal on the same site.

Impacts on Surrounding Neighborhoods: The Application does not address any of the potential impacts that the resulting development would have on surrounding neighborhoods. Nor does it address the incompatibility of the proposed High and Medium Residential Land Use designations with the Residential Low Density and Residential Suburban zonings in the surrounding neighborhoods.

Hotel on Top: The Applicant has talked about building a “boutique hotel” on the top of Thompson Hill, but there is no mention of a hotel in this Application. Therefore, this Application, as written, does not address the impacts of a hotel. If the Applicant intends to build a hotel, the potential impacts and mitigations must be addressed.

CONCLUSION:

For all of the above reasons, the City of Kennewick should require this Application to be revised (per WAC 197-11-100 “Information required of applicants”) to include the information needed:

- for the public to understand the full scope of the proposal and its potential future impacts;
- for City staff to do a thorough analysis, make a threshold determination, propose needed mitigations for potential significant impacts, and make subsequent recommendations;
- for the Planning Commission to make an informed recommendation; and
- for the City Council to make an informed decision that is in the best interest of the citizens of Kennewick.