

Panoramic Heights Homeowners Association
www.panoramicheightshoa.com

June 23, 2022

Dear Kennewick City Council Members, Planning Commissioners, and City Staff:

Re: Comprehensive Plan Amendment (CPA) 2022-0005

I am writing on behalf of the 159 families who are part of the Panoramic Heights Homeowners Association (PHHA). I have also delegated authority to Mr. Bill Dixon to represent PHHA in this matter.

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 the 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 to City Council; 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 about the inadequacies in this Application are discussed in detail in the attachment.

In summary, the Application does not meet the requirement for a completed SEPA Checklist as required in SEPA regulations (WAC 197-11) and Guidance. Specifically:

- The SEPA Checklist responses do not contain the information needed “to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts” (per “SEPA Checklist Purpose”). There are no substantive responses about impacts and possible mitigations.
- The SEPA Checklist responses do not “apply to all parts of your proposal, even if you plan to do them over a period of time” (per “SEPA Checklist Instructions”). The responses only cover proposed administrative changes to the Comprehensive Plan Land Use Designation, and do not address the future impacts of those changes.
- The Applicant simply answers most of the questions about impacts and mitigation as “Non-Project Action, NPA” or “None”. “SEPA Guidance for Non-Project Actions” 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)

As submitted, there are at least 37 pertinent Checklist questions about future development and impacts that are not answered substantially. All seven of the questions specifically required for Non-Project Actions (Section D) were not answered at all.

We note that in a prior Application (CPA 20-06) in 2020 for the same site, the same Applicant failed to answer most key questions, claiming “Non-Project Proposal”, or “NPP”. The City responded at that time (in a letter from Steve Donovan to Jose’ Chavallo, “Request for Additional SEPA Checklist Information”, dated August 28, 2020):

“The above reference WAC (*Washington Administrative Code 197.11*) and GMHB (*Growth Management Hearings Board*) cases clearly state that answering questions in an environmental checklist for a non-project action with a reference to the fact that the proposal is a non-project action is not sufficient.

You must consider your request and the resulting zoning (if approved) and what is permitted within the new zoning district; responding to the questions more specifically and providing likely impacts such as traffic generated by a likely proposal and possible mitigation to address the likely impacts. The response

“NPP” is not acceptable and must be changed to reflect the previous comments.”

The City identified 40 checklist questions in that Application that needed additional details or clarification.

The same should be required this time.

Without this required information, the public has not been fully informed, the City Staff and Planning Commissioners can not make informed recommendations, and the City Council can not make an informed decision in the best interests of the citizens of Kennewick.

Thank you for considering our request to ensure a complete understanding of the proposed action, its impacts, and possible mitigation measures for CPA 2022-0005.

Sincerely,

Gerald Berges, PHHA President
5311W. 25th Avenue
Kennewick, WA 99338

Email: berges6@aol.com

Attachment:

Comments and Concerns About Proposed Comprehensive Plan Amendment
(CPA) 2022-0005 Completeness and Accuracy