

BENTON COUNTY PLANNING COMMISSION

Regular Meeting, April 20, 2010 - 7 p.m.

Public Hearing Room, Planning Annex
1002 Dudley Avenue, Prosser WA 99350

These minutes are a summary of the meeting and are not transcribed verbatim.

Call to order, Roll call and declaration of a quorum.

PRESENT: Lloyd Coughlin
Martin Sheeran
James Wetzel
James Willard

ABSENT: Eugene Johnson
Faye Nelson
Rick Giberson

STAFF: Donna Hutchinson
Michael Shuttleworth
Susan Walker
Valerie Smith

Approval of Minutes

It was moved by Lloyd Coughlin that the minutes from the March 9, 2010 Planning Commission meeting be approved as written seconded by James Wetzel. >

Vote: 4-0

Yes: Lloyd Coughlin
Martin Sheeran
James Wetzel
James Willard

No: None

Abstained: None

Absent: Eugene Johnson
Faye Nelson
Rick Giberson

Motion passed unanimously.

NEW BUSINESS:

a. **Continued Public Hearing on** final decision and order of the Eastern

Washington Growth Management Hearings Board Case #09-1-0010c invalidating Benton County's decision of Resolution #09-162, File No. CPA 07-02 Wiser Property.

The public hearing was opened and Susan Walker, Planning Staff summarized the memo for the Planning Commission. Michael Shuttleworth read the exhibits into the record.

Proponent Testimony: Vince Panesco, 2132 Harris Avenue, Richland stated that the Planning Commission was against one acre in Badger Canyon. The County Commissioners thought differently and dismissed your recommendations. The Growth Board agreed with the Planning Commission and the Planning Commission should approve the document in front of you because it reaffirms what you concluded in the first place. It supports the Growth Board and eliminates the issue in terms of the Growth Boards ruling against Benton County. I recommend that the Planning Commission approve this document and send a message to the County Commissioners, they will approve it too because they know the consequences if they don't.

Opponent Testimony: Rebecca Cook, 495 S. Nunn Prosser, stated that she represented Saddle Mtn. Minerals and that they owned the mineral rights of the property involved. She then discussed what that entailed and urged the Planning Commission to not let anything happen that would jeopardize the mineral rights that they held.

Kurtis Wiser, 97407 Canyon View Drive, Kennewick, stated that they had a proposed settlement with the others parties involved in this issue and have also appealed the decision by the Growth Board through the Superior Court. He noted that they had not heard back from the settlement yet as it was just submitted a week ago and that they would probably need 30 days to clear some of this up, if not it will go into the appeals process. He noted that during the Commissioners meeting, the reason that they approved this was "to fix or make this happen through the Comprehensive Plan" because it was going to happen in the future. That is why they approved it, we went to the Growth Management Board and they said that they hadn't done that. And most of their findings were that it was insufficient by the County and that was the reason they rejected it. He stated that they would be appealing this and that he would like this matter continued for 30 days in order to conclude the settlement.

Martin Sheeran asked if there was documentation of the lawsuit or settlement? Kurtis Wiser stated that he did have documentation but had not brought it with him. Martin asked if it had been filed? Mr. Wiser stated that he believed it had been filed.

Mike Shuttleworth noted that he believed that it had been filed with legal counsel and that it had no bearing on this matter. He pointed out to the County was mandated by the Hearings Board to go through this process and that the County only had until May 24th to forward a decision to the Hearings Board.

The public portion of the hearing was closed.

Planning Commission Discussion:

James Wetzel stated that it appeared that the Planning Commission needed to take this process one step at a time and this is the next step and that there was a clear mandate from the Hearings Board as to what we have to do.

Lloyd Coughlin noted that if the Planning Commission continued the hearing until the next meeting there would not be enough time for the County to forward the decision to the Hearings Board.

James Willard asked staff when the decision was made by the Hearing Board? Susan Walker noted the decision was made at the end of November. Mike Shuttleworth stated that there were other matters between then and now that were settled and that April was the soonest that the Planning Commission could hear this matter.

MOTION

It was moved by Lloyd Coughlin, seconded by James Wetzel, to rescind Resolution 09-162 and approve the rescinding resolution proposed by staff with the additional verbage on the last paragraph adding the wording "and hereby rescind Resolution 09-162".

James Willard stated that he was opposed to the motion because they have asked for additional time and are trying reach a settlement.

<u>Vote:</u>	3-1
Yes:	Lloyd Coughlin Martin Sheeran James Wetzel
No:	James Willard
Abstained:	None
Absent:	Eugene Johnson Faye Nelson Rick Giberson

The motion failed.

MOTION

It was moved by James Wetzel and seconded by James Willard to forward this item to the Board of County Commissioners with no recommendation.

Vote: 4-0
Yes: Lloyd Coughlin
Martin Sheeran
James Wetzel
James Willard
No: None
Abstained: None
Absent: Eugene Johnson
Faye Nelson
Rick Giberson

Motion passed unanimously.

b. **Continued Public Hearing on** final decision and order of the Eastern Washington Growth Management Hearings Board Case #09-1-0010c requiring further information on Resolution #09-143 File No. CPA 08-02 by the City of West Richland.

The public hearing was opened and Susan Walker, Planning Staff summarized the memo for the Planning Commission. Mike Shuttleworth, Planning Staff entered the exhibits into the record.

Lloyd Coughlin asked if West Richland's proposal for this 545.34 acres was strictly based on a proposed interchange? Susan Walker noted that was correct. Mr. Coughlin asked if anything had been finalized or warrants issued to have it built? Was it out there as maybe it will get built? It was noted that was correct.

Mike Shuttleworth noted that what the Planning Commission was looking at tonight was the reduction in size of the proposed UGA expansion and the supplemental information that the City had submitted in response to the Growth Hearings Board request.

Applicant/Proponent Testimony: Bob Leedy, City of West Richland, 3801 W. Van Giesen, West Richland, stated that he wished to clarify the point that the reason this is back before the Planning Commission. He then read a portion of the Mayor's letter to the Planning Commission that was attached to the staff memo as Exhibit PM3. He also noted that contained in the FDO from the Hearings Board is a statement that the Hearings Board clearly felt that expansion of the UGA was justified but what wasn't clear to the Board was whether the City was asking for too much or too little. The City is resolving that issue with the information that is before the Planning Commission at this hearing. He stated that the City agreed to cooperate with the County in terms of developing the necessary plans and regulations to limit development in the area. The City is not out for a land grab, they have maintained all along that the spreadsheet material, the OFM projections, the 25% market factor, and the bright line rules don't apply in this case.

Lloyd Coughlin asked if this request was based on a proposed interchange? Mr. Leedy noted that was correct. Mr. Coughlin asked what would happen if the interchange wasn't built and what the City would do with the property? Mr. Leedy stated that the City believed the interchange would be developed. Mr. Coughlin asked when the City thought that would happen? Mr. Leedy stated that he did not know. How many industrial and commercial acres did the City have now? Mr. Leedy stated that within the City there were a limited number of acres of developed industrial and commercial property. Mr. Coughlin asked if 79 acres was developed? Mr. Leedy stated it was somewhere in that area. Mr. Coughlin noted that they had 2408 excess acres available. Mr. Leedy noted that 0 acres of that were located at freeway interchanges. Mr. Coughlin asked what would happen if the interchange did not get built? Mr. Leedy indicated that he would not speculate on it not being built.

Mr. Coughlin asked if it would all be commercial? Mr. Leedy noted that it would be used for Industrial and Commercial uses. Mr. Coughlin noted that at this point in time the City did not need this land and that if a time was set for construction of the interchange the City would have time to come back to the County and expand their UGA at that time.

Martin Sheeran asked if the City was proposing to put infrastructure out there? Mr. Leedy stated that no, not until it was needed and that their Capital Facilities Plan showed that the City could provide water and sewer to the area.

Opponent Testimony: Rebecca Cook, 495 S. Nunn Prosser, stated that she represented Saddle Mtn. Minerals and that they owned the mineral rights within the property involved. She then discussed what that entailed and urged the Planning Commission to not let anything happen that would jeopardize the mineral rights that they held. The Planning Commission asked her if she could identify which property they owned the mineral rights on. She stated that she did not have a map with her and was unsure which property it would be. Mike Shuttleworth noted that Planning did have a map and that he did not believe that they owned mineral rights within this proposal because most of the land in the area was owned by Governmental Agencies.

Vince Panesko, 2132 Harris Avenue, Richland WA, noted that it takes a while to build an interchange. He stated that there is no interchange and nothing planned yet. He noted that the Master Plan for the AVA is still a draft and has not been incorporated in the Comprehensive Plan but one of the requirements that it states is that for the interchanges both Benton City and here on Red Mountain zoning is needed to support the AVA. Unique zoning is needed to maintain this to support the AVA, Wine Country kind of zoning that doesn't exist now. He stated that the city could come back in five years and ask for the UGA at that time, by then they should know more about the interchange. He noted that when the AVA Master Plan is incorporated it will control development on Red Mountain plus the development regulations on the interchange.

He stated that the most important part of the package before you is development plan for the AVA and the vision statements. He stated that there was a need for the development of new zoning categories in the AVA commercial development design guidelines. He noted that West Richland has stated that this supports the AVA plan and that is not correct it does not support it. They are stating that it will be commercial and industrial uses and those would include things such as: Shops, banks, wholesale businesses, taverns, membership clubs, laundries, car washes, new and used car lots, mobile home sales, mini storage units, etc., West Richland wants tax revenue. The light industrial zone would allow uses, junkyards, auto wrecking yards and you don't want those types of uses in this area.

Richard Cassidy, 1121 N. County Line Rd., Grandview WA 98930, stated that West Richland should be able to look ahead and get property for expansion for future use.

Rebuttal Testimony: Bob Leedy, West Richland, stated that the points Mr. Panesko raised tonight were also raised in his petition before the Hearings Board. The only part of his appeal that was given standing and the reason we are back before you is to settle the three points that were previously indicated; to complete the spreadsheets in terms of population, to agree to do the planning with Benton County, and to take a look at the size of the proposal.

Lloyd Coughlin asked how many years the City had been incorporated? It was noted that it was incorporated in 1955.

The public portion of the hearing was closed.

Planning Commission Discussion:

James Willard noted that the question before the Planning Commission was whether this document met the questions the Hearings Board had and did staff do an adequate job of addressing the questions. Mike Shuttleworth noted that the Planning Commission also needed to act on the 545.34 acre amended application proposal as it is smaller than previously proposed.

James Wetzel asked if there was any provision that can be made to address some of the concerns of the land use; i.e., commercial/Industrial vs. the AVA. Making consideration for what kind of uses could be within the area there. Mike Shuttleworth noted that the staff memo suggests that the City with the County's participation develop a "City-County Red Mountain Interchange Development Plan" and that it be adopted by both entities.

Lloyd Coughlin stated that he had spent a lot of time going through the documents presented to the Planning Commission and that his conclusion was that the City of West Richland did not have a need for the additional land. He stated that the RCW requires

that they have to show a need and with the excess acres they already have it demonstrates that there is no need for the additional acreage. He also noted that the submission of some of their documentation speaking to the interchange states specifically: "The Benton City Interchange is a choke point and getting worse with the increase in traffic load at I 82- Washington Dept. of Transportation recognizes the need for improvements, the Red Mountain Interchange addresses the bottleneck issues at Richland Queensgate Intersection and State Routes 224 and 225 and Bypass Highway while preserving Interstate capacity." They have to fix the bottlenecks before they put in a new interchange and the Dept. of Transportation has been issued a requirement to do that and they still haven't submitted any proposal for fixing those bottlenecks yet. Going back to the Red Mountain Draft dated Oct. 2007 and the projections in the traffic counts also recognize that they have to improve the traffic flow before they can build an interchange. Table 1 shows the City's land need assessment is zero with an excess of over 11,900 acres and they think they are going to build something like a Columbia Center out there.

Martin Sheeran noted that the City had not indicated what that would be. Lloyd Coughlin stated that they think they are looking forward but when you look at all the figures of how many acres the different places take in to be able to say West Richland is going to explode, I can't see it.

Martin Sheeran noted that interchanges do take time to plan and build and that Mr. Coughlin raises a very good point regarding the fact that neither have happened yet. But I don't think that is our task right now.

James Willard- The Benton County Road Dept. has plans for addressing the Benton City interchange. This proposed interchange will take a lot of the traffic off of the Benton City Interchange. He did note that the new interchange would be some time in coming. He stated that he had concerns because you can only address UGA's every five years.

Lloyd Coughlin noted that 5 years would give the City opportunities to come up with some more definite plans, it would allow the County to be involved with the planning and that would benefit everyone out there, including the City. The Interchange is not going to be built in 5 years.

James Willard - No but you are working on the planning process.

Lloyd Coughlin - We need to get that process going and established before its just pulled in. He asked if the Planning Commission members if they had looked at the Wine Incubator Feasibility Study? The Study talked about the wineries in the area, within a 50 mile radius of West Richland 50 wineries opened between 2001 and 2006 while within a 100 mile range another 137 opened in the same time frame. Puget Sound has seen 213 new wineries and that tells me right there that Red Mountain is not going to develop as fast as they thought it would. You have to consider that there has

been three more AVA open up since Red Mountain first started which is a draw from the area. If Red Mountain was the spot you wouldn't have other AVA's opening up.

James Willard stated that he disagreed with that concept there because the AVA's are designated of unique areas for growing vinifera grapes. It does not mean that there are wineries within the AVA's because the latest AVA does not have a winery within it.

MOTION

It was moved by Lloyd Coughlin that the Planning Commission reject the proposal presented by the City of West Richland, citing that they did not provide adequate information reducing the size of the UGA. The motion failed for lack of a second.

MOTION

It was moved by James Willard and seconded by James Wetzel to forward the information on to the Board of County Commissioners with a recommendation that the information provided was adequate to meet the hearings board requests.

<u>Vote:</u>	3-1
Yes:	Martin Sheeran James Wetzel James Willard
No:	Lloyd Coughlin
Abstained:	None
Absent:	Eugene Johnson Faye Nelson Rick Giberson

Motion fails.

MOTION

It was moved by Martin Sheeran and seconded by James Wetzel, that the Planning Commission forward this proposal to the Board of County Commissioners without a recommendation.

<u>Vote:</u>	3-1
Yes:	Martin Sheeran James Wetzel James Willard
No:	Lloyd Coughlin
Abstained:	None
Absent:	Eugene Johnson Faye Nelson Rick Giberson

Motion Failed.

MOTION

It was moved by Lloyd Coughlin and seconded by James Willard to continue this item until the May 11th Planning Commission meeting at 7 p.m., 1002 Dudley Avenue, Prosser WA., for the purpose of Planning Commission discussion and voting only no additional testimony will be taken.

<u>Vote:</u>	4-0
Yes:	Lloyd Coughlin Martin Sheeran James Wetzel James Willard
No:	None
Abstained:	None
Absent:	Eugene Johnson Faye Nelson Rick Giberson

Motion passed unanimously.

PLANNING COMMISSION WORKSHOP:

a. Introduction of proposed amendments to the Short Plat and Subdivision Ordinances and a new ordinance for Boundary Line Adjustments.

Mike Shuttleworth handed out proposed ordinances that will be coming before the Planning Commission next month.

The meeting was adjourned at 9:05 p.m.

MARTIN SHEERAN, Chairman
BENTON COUNTY PLANNING COMMISSION