

**Draft**

MINUTES

BOARD OF BENTON COUNTY COMMISSIONERS

Special Board Meeting  
Thursday, February 26, 2009, 9:30 am.  
Commissioners' Conference Room  
Benton County Justice Center  
Kennewick, WA

**Present:** Chairman Max E. Benitz, Jr. Chairman  
Commissioner Leo Bowman  
Commissioner James Beaver  
County Administrator David Sparks  
Clerk of the Board Cami McKenzie

**Benton County Employees Present During All or a Portion of the Meeting:** Adam Fyall, Community Development Coordinator; Public Works Director Ross Dunfee; Deputy Administrator Loretta Smith Kelty; DPA Ryan Brown; Personnel Manager Melina Wenner; Finance Manager Linda Ivey; Facilities Manager Roy Rogers; Jeff McKenzie and Denise Gerry, Fairgrounds; Mike Shuttleworth and Susan Walker, Planning; and Keith Mercer.

**Fairgrounds**

The Board discussed how it wanted to proceed with the proposal by the Fair Association to take over year-round operations at the Fairgrounds.

Commissioner Bowman said he was not in opposition to the concept, but there were a lot of details to work out and he wanted to wait and see if they could get past the details.

Commissioner Beaver said he was in agreement with the concept and was willing to see any proposal that would enhance the facility. He said he wanted to see a time schedule, along with a 10-year plan that included some growth, in conjunction with benefits for the users and visitors at the facility.

Chairman Benitz said he wanted some assurance that utilization of the Fairgrounds was done in a fair and equitable manner for all interests at the Fairgrounds and enhanced for the benefit of the younger generation. He also discussed the importance of the Fairgrounds for the agricultural industry to survive in Benton County and his concerns regarding the upkeep and maintenance of the grounds, in addition to use of the County equipment.

Mr. Sparks said there were a lot of issues to consider. He said the County would be putting itself in a vulnerable situation if it didn't work out and there were four employees to consider. He said he agreed that a new capital facilities plan for the Fairgrounds should be created.

The Board agreed that Mr. Sparks should have a series of meetings with the Fair Association, along with the PA's office, to see if there was some common ground that might benefit the entire program.

The Board briefly recessed, reconvening at 10:05 a.m.

### **Fairgrounds – Horse Stall Rental Rates**

Chairman Benitz asked the Board if it wanted to revisit the horse stall rental rates because there was a concern about the increased cost.

Commissioner Bowman said he was not sure it was the County's responsibility to subsidize these professionals. Commissioner Beaver asked if the rates were in line with the private sector and Ms. Ivey stated they were. Commissioner Beaver said as long as the County was competitive and at or below the other entities, he didn't want to change the rates. Commissioner Bowman agreed.

### **Planning Issues**

#### **Communication Tower Height Ordinance**

The Board discussed the issue of tower height limits and how it related to Emergency Management towers.

Mike Shuttleworth said a quick fix would be to eliminate the height limit of 150 and maybe look at a limit of 200. He said that anything higher would have to be looked at by the FCC and FAA.

Commissioner Bowman requested the Board get ahead of the curve and research other communities and come back with a recommendation so it didn't have to be addressed every two years.

Ryan Brown said if the Board looked at the exemption only, it could be done fairly quickly. However, if it wanted to look at tower heights throughout the entire county, it would be a longer process.

The Board agreed to deal with the Emergency Management exemption in the short term and requested Mr. Shuttleworth present some language and also start working on a long-term plan.

#### **Comprehensive Land Use Plan /Urban Growth Area**

Mr. Shuttleworth provided some basic information and said the plan was constantly being updated by requests for changes. Susan Walker said the County was confined to certain policies and state law stipulating what was considered rural and it has developed joint development standards. She said if the Board could bring forward its issues, they could develop those into UGA standards. The Board also discussed whether it was time to re-do the countywide planning

process and agreed to have the Planning staff go out and start the process, take a look at current policies, and see what direction the County wanted to go.

### Hearings Examiner

Chairman Benitz said he thought a Hearings Examiner would be beneficial so the hearings would move forward in a timely manner, be business friendly, and ensure that legal aspects were met. He suggested there might be an opportunity to partner with the cities and requested the process move forward.

Commissioner Bowman discussed his concerns about hiring someone from another county or city to tell Benton County what its vision was, the cost of hiring a hearings examiner, and the fact the decision or recommendation would still be appealable.

Commissioner Beaver said it was something the Board could take a look at and probably get information from other jurisdictions. He said there might be an option for a developer for a large project to pay for a Hearings Examiner and the costs associated with that.

Ryan Brown said the legislature gives the option of either a board of adjustment or hearings examiner. He said it was his perception that land use law had gotten tremendously more complex and he saw frustration on the part of the volunteers who were being asked to review a mountain of regulations they were not trained to examine.

The Board directed Mr. Shuttleworth to prepare a white paper on costs and uses.

The Board briefly recessed, reconvening at 11:05 a.m.

### Ordinance 445

Chairman Benitz said he believed that Ordinance 445 was too restrictive and it was time to move forward with an amendment.

Mr. Shuttleworth said they prepared an amendment to require 50% grapes on site to have a winery but have run into problems. He said they were trying to work with the Red Mountain folks to develop a Red Mountain agriculture zone, but it was not moving very quickly. He said they were trying to define a “basic winery” as a non-ag accessory use and separate the basic wineries in the agriculture zone from the Red Mountain area.

Ryan Brown gave background stating the amendment was started because landowners wanted to do things on their agricultural property as non-ag accessory uses. However, Red Mountain had concern about wineries (or stores) being opened on Red Mountain and stepping on their reputation so the amendment restricted the use of wineries. He said the plan is now to come up with a separate Red Mountain agriculture district.

Chairman Benitz said he was concerned that it had now been two years and the law required everyone to comply with the GMA ag zone and the Red Mountain AVA was stopping a winery

from being permitted in Benton County. He said he believed it was time to change it since it had not been resolved in two years.

Mike Shuttleworth said that Red Mountain was having trouble with their design standards. Commissioner Bowman said it was time to put some pressure on Red Mountain and give them a deadline or the County was going to open this back up again.

The Board agreed to move the ordinance forward to the Planning Commission and amend Ordinance 445.

The Board scheduled its next workshop meeting for Wednesday, March 4 at 9:00 a.m.

There being no further business before the Board, the meeting adjourned at 11:30 a.m.

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
Chairman