

Benton County Planning Commission
Regular Meeting, May 11, 2010 - 7 p.m.
Public Hearing Room, Planning Annex, Prosser WA

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

Call to order/Roll Call

PRESENT: Eugene Johnson
Lloyd Coughlin
Martin Sheeran
James Wetzel
Rick Giberson
James Willard

ABSENT: Faye Nelson

STAFF: Donna Hutchinson
Michael Shuttleworth
R.J. Lott
Clark Posey

Approval of Minutes as corrected all in favor of the motion

There is no consent business before the Planning Commission.

UNFINISHED BUSINESS:

a. **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.

Mike Shuttleworth, Planning Staff noted that all materials had been sent out and that those not present had received the packets and digital recording of the previous meeting.

Lloyd Coughlin, stated that the Planning Commission needed to go back and look at what the Growth Management Hearings Board said in their conclusion; that the City and the County address three issues pertaining to the UGA expansion for non residential, economic development purposes. You find the first issue on page 16, stating that an analysis was to be developed showing the need in size-acreage for this UGA expansion based on projected 20 year urban growth consistent with OFM population forecasts so as to satisfy the UGA sizing requirements in RCW 36.70A(110)(2) and RCW 36.70A(115) plus any offsetting UGA contractions in other areas. The second issue was to identify the land market supply factor, if any, used to calculate the acreage needed. The third issue was to indicate the land use controls used to restrict residential uses within the UGA expansion area and also within the rural areas near the proposed freeway interchange to prevent induced urban growth once the

freeway interchange is open.

Mr. Coughlin noted that in looking at all the documentation that has been given to the Planning Commission he did not see where they have met the requirements for issue 1.

Martin Sheeran noted that there were some calculations done. Lloyd Coughlin noted that there were some calculations and he believed the calculations had to be corrected because they were incorrect. Mr. Coughlin stated that they have repeatedly have said that they have to show a need and clearly in Table 2 it shows that they have an excess and they don't need it. It has been previously stated that the interchange is proposed. Now the proposal is there; however, it has been stated that the Federal Government has to approve the interchange. They will not approve the interchange until there is a traffic count that shows the need for the interchange and in that decision they said that specifically that the Benton City/Interstate 82 interchange had to be fixed. Also they have to fix the interchange at Queensgate. Those two items have to be taken care of before they can consider the Red Mountain Interchange. The traffic count as stated back in the Red Mountain Draft Master Plan was projected to be probably 15, maybe 20 years out.

Martin Sheeran noted that regarding Issue #2, they are in excess of their existing requirement per the state guidelines for acreage for the UGA. He noted that they were very low on developable commercial property. When you look at this as being developable it really is not. At this point there is nothing there.

Lloyd Coughlin stated that they had shown the development the Master Plan for the Lewis & Clark area which looks really nice. They just to follow through with it. They have the water out there; one of the City's wells is out there. They have sewer out there and if they just focused on developing that, they could get more commercial projects going. I believed they stated that West Richland has been incorporated for just over 50 years and in that length of time they only been available to develop 79 acres of commercial property. We have seen the commercial property that has been developed and it has set vacant for several years.

Martin Sheeran noted that in several respects this is similar to Pasco Road 68 from the standpoint that it was just a freeway going through that area until an overpass went in and made it able to be developable. Until that happened that area was not opened up.

Lloyd Coughlin pointed out that there was already development out there before the overpass went in. Martin Sheeran noted that there was very little development.

Lloyd Coughlin stated that with the ability of West Richland to come back every five years and ask for UGA expansions, in five years they are not going to build the overpass or interchange out there. This gives West Richland sufficient time to make better planning, have some input from other areas, and those three items are they need to focus on and they have basically not shown the need and that was one thing that was specifically said: that they have to show a need. With the excess amount of commercial and industrial property they have, there is no need out there.

James Wetzel asked if the need was only for commercial property within the City Limits or is it a need for commercial property where it may be developed? Lloyd Coughlin stated that once the

interchange is built, they had can consider extending their UGA to take in that area. But right now there is nothing out there and they have a Master Plan for the McDonald and McKay Ranch that looks really good. They have started on it with the extension of Keene Road, but right now they are going to have an excess of commercial property and then try to attach more under that.

Martin Sheeran stated that the McKay and McDonald Ranch is a very nice parcel of property, the problem is that the owner doesn't seem to want to develop it at this time. I don't know if that would ever be developed in his lifetime or even our lifetimes as far as being totally developed out.

Rick Giberson stated that even beyond a need, what I am reading in here is that you can allow UGA expansions beyond for need you can allow them to accommodate future economic development opportunities. This is more what this is oriented towards.

Martin Sheeran stated that would allow them an opportunity to plan for economic growth.

Rick Giberson stated that was the flip side of the coin, the need.

Lloyd Coughlin noted that no one was going to come in and grab this land out from underneath them, they have time to plan and taking the time to plan once an interchange goes in, if it does go in, they will have their plans and they can move forward.

Rick Giberson stated that if you expand your UGA boundary, then they will build the interchange or if they create the interchange, then you'll expand the UGA is that kind of where you are going with that?

Lloyd Coughlin noted that the Federal Government has already stated that it only a proposal and they don't believe in "build it and they will come", its, they have to come then we'll build it.

James Wetzel noted that he saw both sides of that argument very well and agree more towards the idea that its going to take quite a span of time once they decide to put that interchange in there. I don't think they are going to do it in the next five years and that being the case, West Richland can apply again after five years to expand that property into the UGA.

Lloyd Coughlin noted that there is an emergency clause that if would happen to go in within two years they can come back, they don't have to wait the full five years. So it is only reasonable that right now they don't have a need, the interchange is only a proposal so give West Richland time to plan it out so that when the time comes they can move forward, reach out there and try to bring this property in and they will have a better layout. Overtime things do change.

Martin Sheeran stated that he thought that they were the ones best suited to be able to develop that area. I don't see Benton City jumping over or Richland jumping over there. I definitely think that West Richland would be the ones that would be most likely to benefit in the future even if we didn't extend the UGA at this time. They are closest to the property.

James Willard stated that the questions before the Planning Commission was whether the

Planning Staff addressed the three questions raised by the Hearings Board in this document.

Martin Sheeran noted that it was determined amongst the Planning Commission members that we feel that issue #1 was not adequately addressed. James Willard stated then that it was Martin's opinion that staff did not adequately address the first question raised by the Hearings Board?

Rick Giberson-No it was not the staff.

Lloyd Coughlin stated that it was not the staff, the City of West Richland. The staff did a very good job of putting the information together to present to us. The City of West Richland has not brought the information forward. In issue #3, you look through their documentation and they have copies of the West Richland Municipal Code, one of the municipal codes that they refer to is 17.54 but they did not include it in the documentation. So we don't know what that ordinance says.

James Willard - So your conclusion is that it is that this document does not address the questions raised by the Hearings Board? Lloyd - Correct.

Martin Sheeran noted that there was an issue of adequate need....inaudible.... identify the land markers, market supply factor, if any, used to calculate the total acreage needed.

James Willard noted that they were discussing the documents presented by West Richland and Planning Staff. The question we were addressing at the last meeting was did this document meet the Hearings Board request.

Mike Shuttleworth, Planning Staff noted that also the issue that the City reduced the size of their proposal, the original Planning Commission recommendation was to deny the UGA request. So you also need to look at the reduced one and see if your recommendation to approve the reduced one, approve it with changes, or recommend denial of the revised request.

Rick Giberson stated that Mr. Coughlin's issue was that they still cannot substantiate the size? Lloyd Coughlin noted that even though they reduced it by more than 200 acres there is still an excess out there that they don't use. You look at other developments around the Tri-Cities and I use the example of Columbia Center, which is only 83 acres. That is a large development and in comparison putting 83 acres out in the middle of 500 acres it's hardly noticeable. It is excess land, like 13 tractors for a 5-acre tract, got too many tractors for your acreage.

James Wetzel stated that the size of the parcel really is not the issue, it's the same issue whether you are talking about one or the other, the issues are still the same. Whether or not it is necessary.

Lloyd Coughlin-The basic issue is that there is more that they are asking for than what they need.

Eugene Johnson asked Lloyd if his contention was that they could come back in a timely manner with plans. Lloyd Coughlin-Exactly.

Rick Giberson-or a more refined substantiation of the size. Lloyd Coughlin-Correct.

Martin Sheeran stated that on the flip side of that, if its not already in their UGA then why would they want to spend a lot of time planning for an area that is outside.

Lloyd Coughlin-They would want to plan for the future. You are constantly planning for what is to come in the future. You don't plan for what's going to happen next year. You look ahead and by looking ahead and planning you have a basic idea of what you are going to do and as time goes on you refine that.

Martin Sheeran stated that he could see both sides on this regarding whether they are going to bring it in and be able to plan for it or wait until a need is more substantial. Then they have other options as well.

Lloyd Coughlin stated that as far as the three issues before the Planning Commission, West Richland did not fulfill their need to address those fully.

MOTION

It was moved by Lloyd Coughlin, seconded by James Wetzel, that the proposal by West Richland CPA 08-02 remand on the Growth Hearings Board be denied on the grounds that West Richland did not fulfill the requirements of issues #1, 2 and 3.

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

Motion failed.

MOTION

It was moved by James Willard, seconded by Rick Giberson, that this be forwarded to the Board of County Commissioners without a recommendation.

Eugene Johnson stated that he did not like to send this item without a recommendation and that was the job of the Planning Commission to make recommendations to the Board of County Commissioners.

<u>Vote:</u>	4-2
Yes:	Martin Sheeran James Wetzel

No: James Willard
Rick Giberson
Eugene Johnson
Lloyd Coughlin
Abstained: None
Absent: Faye Nelson

Motion Passed.

NEW BUSINESS:

a. **Public Hearing** on the Change to the approved Badger Mountain Golf and Country Club Planned Development Application. This change will be to remove 15.86 acres located South of Reata Road from the approved Planned Development.94-1, Zone Change Application 94-1. Applicant: NorAm Development, LLC

Those in the audience that wished to testify were sworn in. Mike Shuttleworth, Planning Staff gave a summary to the Planning Commission regarding this proposal. He noted that this change was considered a major change because it would slightly change the overall density of the Planned Development. He stated that several changes have been made since the action was first submitted in 1994, one of those changes is that the property is now included in the UGA for City of Richland and because of that the allowable density had changed. He noted that the applicant was working on a Master Plan for annexation into the City. Staff is recommending that this major amendment be approved. He pointed out on the aerial map the location of other new subdivisions in the area along with the location of the first phase of the Planned Development that was recently recorded.

Martin Sheeran asked if there was adequate fire protection for this area? Mr. Shuttleworth noted that there was fire hydrant at the end of the street near Jenna Lane. He noted that the water issues had to do with water pressure and that they were being resolved. He stated that the lots did exceed the requirements for fireflow protection because they were over 1 acre in size.

Mr. Shuttleworth noted that the water issue would be discussed during the public hearing for the subdivision and that this hearing was regarding whether this property could be removed from the approved area for the Badger Mtn. Golf and Country Club Planned Development. He noted that Reata Road already physically separated the property from the rest of the planned development.

APPLICANT TESTIMONY: Brandon Smith, 10209 Bridgeport Way SW Suite C-1, Lakewood WA 98499, stated that he was representing the applicant and that the applicant was in agreement with the staff report.

PROPOENT TESTIMONY: Dave Jantosik, 84827 Jenna Lane, Kennewick WA asked if the lots when subdivided would then be within the City. It was noted that they would be within Benton County and are currently zoned Agriculture and that it would continue to be that way after within the County. He noted that all of the lots within this area had pumps at their homes to be able to have enough pressure to get water to the homes.

Lloyd Coughlin noted that there was a County Road separating these 15 acres from the rest of the development and there were no irregular lines to contend with.

Martin Sheeran stated that it looked like a clean separation.

The public hearing was closed and after discussion by the Planning Commission the following motion was made.

MOTION

It was moved by James Willard, seconded by Rick Giberson, that the change to the approved Badger Mountain Golf and Country Club Planned Development File No. PD94-1 to remove 15.86 acres located South of Reata Road from the approved Planned Development be approved as submitted.

<u>Vote:</u>	6-0
Yes:	Eugene Johnson Lloyd Coughlin Martin Sheeran James Wetzel James Willard Rick Giberson
No:	None
Abstained:	None
Absent:	Faye Nelson

Motion passed unanimously.

b. **Public Hearing** on the preliminary plat of preliminary plat of Reata Place consisting of 15 lots on 15.86 acres by Nor Am Development LLC. The site is located in the South Half of the South Half of the Southwest Quarter, lying South of Reata Road in Section 4, Township 8 North, Range 28 East, W.M.

Mike Shuttleworth, Planning Staff summarized the memo for the Planning Commission members. He then asked the Planning Commission members if there was any known conflict of interest that they may have regarding this action. The Planning Commission members indicated that they had no known conflicts. He then entered the exhibits into the record. He noted that the Commissioners had questions regarding fire protection. He noted that there was information from the Fire Marshal that indicated that this proposal was exempt because of the one acre plus lot sizes. However, the Fire District did request that fire protection water be available.

Martin Sheeran asked if the fire hydrants were not hooked into the potable water system? Is there then an irrigation system that they will hook into?

Rick Giberson asked if the lots would have individual wells for domestic use? Mike noted that there was a domestic water system for the area.

APPLICANT TESTIMONY: Brandon Smith, 10209 Bridgeport Way SW Suite C-1, Lakewood WA 98499, stated that he was representing the applicant and that he had been sworn in. He noted that he was a Professional Engineer in Wash. State and that the Sub Area Plan for this area had been submitted to the City of Richland. He stated that in looking at the Sub Area plan they decided that it made sense to take this property lying South of Reata Road out of the Planned Development and create a 15-lot subdivision for transition in the neighborhood between the existing densities and the Planned Development. He noted that for Fire Protection the Benton County Fire Marshal has stated that if the lots are larger than 1 acre they do not need hydrants. He pointed out a hydrant that was currently hooked to the irrigation system so that when irrigation water was available that hydrant is available. He noted that the issue about potable water and irrigation water was being worked out with BMID to supply these 15 lots. He stated that each individual house might need a pump to increase pressure. He indicated that on site septic systems will be used and that there were 3 lots that were not suitable for gravity sewer systems. He noted that they agreed with the conditions as listed in the staff memo.

PROPONENT TESTIMONY: Dave Jantosik, 84827 Jenna Lane, Kennewick WA stated that he was sworn in. He noted that it had been mentioned that there was a hydrant by proposed lot 13 and that hydrant water was supplied by Summit View Water Company not the BMID. He pointed out where the lines were for water being provided by Summit View Water Company.

Brad Anderson, representative of Badger Mountain Irrigation District, was sworn in. He noted that the Badger Mountain Water District (BMID) was the water purveyor in the immediate area for both irrigation and potable water. He stated that the hydrant located at Jenna Lane is physically connected to the Summit View Water Company's irrigation pipe. He noted that BMID had pipe in the area, one was donated to Summit View Water Co. for the Badger View Estates Subdivision. In the BMID Potable Water Division land north of the Freeway was included within the domestic water service area and has been included with the water system master plan filed with the state. He stated that the issue of the low water pressure has been known for years before this development was contemplated. Accordingly with the advent of Badger View Estates Subdivision they accepted this development with the knowledge that it has inadequate water pressure due to its elevation. He stated that the District has the capacity, storage and source to serve this area and a large part of the UGA as well, but that most people must use booster pumps to increase the pressure to their homes. He indicated that the 15 lot subdivision before the Planning Commission already had an irrigation turnout. There is a pressurized riser in place ready to serve this property now. Adequate easements have been drawn in to run the irrigation pipe within the subdivision. He noted that BMID would provide both potable and irrigation water to this subdivision. Mr. Anderson noted that the Board of Directors has approved the building of a booster station to provide water pressure to the area. It has been included within the Capital Improvement Program which is in our current water system plan that is under review by the State Health Dept.

There being no further testimony the public portion of the hearing was closed.

After Planning Commission Discussion the findings were completed and the following motion was made.

MOTION

It was moved by James Willard, seconded by Rick Giberson, that the Chairman, in conjunction with the Secretary of the Planning Commission, prepare and adopt written findings and conclusions reflecting the commission’s recommendation for approval with conditions of the proposed preliminary plat of Reata Place by Loren Combs, VSI Development Group LLC, that articulate and are consistent with the findings, conclusions and recommendations made by the Planning Commission tonight.

<u>Vote:</u>	6-0
Yes:	Eugene Johnson Lloyd Coughlin Martin Sheeran James Wetzel James Willard Rick Giberson
No:	None
Abstained:	None
Absent:	Faye Nelson

Motion passed unanimously.

c. **Public Hearing** on an ordinance amendment relating to short plat subdivisions, amending Ordinances 103, 107, 127, 215, 132, 111, and 185, BCC 9.04 and adding six new sections.

RJ Lott, Planning Staff, summarized the changes in the proposed ordinance for the Planning Commission and noted that there were six new sections being added to the Chapter.

Mike Shuttleworth, Planning Staff entered Exhibit PCH1.1 into the record which was a letter from Permit Surveying.

TESTIMONY: Christopher C. Ammann, Permit Surveying, 16202 W. OIE, Hwy, Benton City, stated that he was the president of Permit Surveying. He noted that 10 years ago when he came here lots of people were short platting to make a profit and in the last few years people are short platting and selling off pieces of their land so that they can avoid foreclosure and try to survive. Some are farmers who are having failing crops and are tired of losing money. He stated that his concern was that on having more requirements and limitations to the public, it will make it more difficult for them to go through the process and some people will not even try at all. He stated that some of the issue he is having problems with are the extension of the application period, 30-days is more than enough for the Planning Department to say yes or no. He stated that he had problems with providing digital copies of the short plats as survey firms use several different types of software. The other concern that he had was that there should be a time period requirement for getting the final review by staff done and getting it recorded. He noted that some of the changes being proposed add clarity and understanding to the wording.

Ryan Liddicoat, a representative from Worley Surveying, 121 S. Ely Street, Kennewick stated that his concerns regarding the changes to the short plat ordinance primarily deal with the proposal to increase the access serving a short plat. That proposed change by itself will kill the majority of the short platting in Benton County. One of the advents of the person short platting their property is because they don't have to dedicate the land for roads and build it to County standards, so from a cost standpoint to make it much more expensive for a developer to subdivide their land is very negative for the public.

He stated that the requirement of having to provide a digital copy to the County GIS Dept. was unnecessary and costly for the surveyor. All the information that the GIS Dept. would need to draw the short plat is found on the short plat after it is recorded. What software would be compatible with their software?

He noted that Section 14(c) allowing only one extension on a conditionally approved short plat would not be enough as there are several circumstances where through no fault of the applicant more time is needed to resolve those circumstances.

Mr. Liddicoat asked if Section 14 (a) was requiring a mylar to be submitted? Mike Shuttleworth, Planning Staff noted that was a new process within the ordinance but it was the same process that County currently does when reviewing a final Mylar.

Rick Giberson asked if staff could clarify the issue regarding the digital copy that is required? It was noted by staff that autocad copies would work.

There being no one else to testify the public portion of the hearing was closed.

MOTION

It was moved by James Willard, seconded by James Wetzel, that the public hearing on an ordinance amendment relating to short plat subdivisions, amending Ordinances 103, 107, 127, 215, 132, 111, and 185, BCC 9.04 and adding six new sections be continued until the June 8, 2010 Planning Commission meeting at 7 p.m., Planning Annex Hearing Room, 1002 Dudley Avenue, Prosser WA for the purpose of allowing staff to bring further information to the Planning Commission regarding the road issues.

<u>Vote:</u>	5-1
Yes:	Lloyd Coughlin Martin Sheeran James Wetzel James Willard Rick Giberson
No:	Eugene Johnson
Abstained:	None
Absent:	Faye Nelson

Motion Passed.

d. **Public Hearing** on an ordinance amendment relating to platting and subdivision, amending Ordinances 102, 115, 211, 125, 287, 394, 185, and 214, BCC 9.08 and adding nine new sections.

RJ Lott, Planning Staff, summarized the amendments to the subdivision ordinance for the Planning Commission members..

There was no one who wished to testify at this public hearing, therefore the public portion of the hearing was closed.

After Planning Commission discussion the findings were completed and the following motion was made.

MOTION

It was moved by Martin Sheeran, seconded by James Wetzel, that the Chairman, in conjunction with the Secretary of the Planning Commission, prepare and adopt written findings and conclusions reflecting the commission’s recommendation for approval of the proposed ordinance amendments relating to short plat subdivisions, amending Ordinances 103, 107, 127, 215, 132, 111, and 185, BCC 9.04 and adding six new sections, that articulate and are consistent with the findings, conclusions and recommendations made by the Planning Commission tonight.

<u>Vote:</u>	6-0
Yes:	Eugene Johnson Lloyd Coughlin Martin Sheeran James Wetzel James Willard Rick Giberson
No:	None
Abstained:	None
Absent:	Faye Nelson

Motion passed unanimously.

e. **Public Hearing** on an ordinance relating to boundary line adjustments; adding a new chapter to Title 9 BCC.

RJ Lott, Planning Staff, summarized the new chapter to BCC Title 9 regarding boundary line adjustments to the Planning Commission members and noted that these procedures were currently being used by the Planning Department and that this would clarify those procedures and put them into the Benton County Code.

Chris Ammann, Permit Surveying stated that he agreed with that portion of the proposed ordinance requiring a survey to be completed and submitted with the boundary line adjustment application.

There being no further testimony the public portion of the hearing was closed and the findings were then completed by the Planning Commission.

MOTION

It was moved by Martin Sheeran, seconded by James Wetzel, that the Chairman, in conjunction with the Secretary of the Planning Commission, prepare and adopt written findings and conclusions reflecting the commission's recommendation for approval of the proposed ordinance relating to boundary line adjustments; adding a new chapter to Title 9 BCC, that articulate and are consistent with the findings, conclusions and recommendations made by the Planning Commission tonight.

<u>Vote:</u>	6-0
Yes:	Eugene Johnson Lloyd Coughlin Martin Sheeran James Wetzel James Willard Rick Giberson
No:	None
Abstained:	None
Absent:	Faye Nelson

Motion passed unanimously.

There being no further business before the Planning Commission the meeting was adjourned at 10:03 p.m.

MARTIN SHEERAN, Chairman
BENTON COUNTY PLANNING COMMISSION