

# Benton County Planning Department

Planning Annex, P.O. Box 910, 1002 Dudley Avenue, Prosser WA 99350, Phone: (509) 786-5612 or (509) 736-3086, Fax (509) 786-5629

## BENTON COUNTY PLANNING COMMISSION Regular Meeting, 8/8/2017

7:00 p.m. Public Hearing Room, Planning Annex  
1002 Dudley Avenue, Prosser WA 99350

**THESE MINUTES ARE SUMMARIZED AND ARE NOT A VERBATIM TRANSCRIPT.**

### ROLL CALL

	PRESENT	ABSENT
Martin Sheeran	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Aimee Bergesen	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marjorie Kaspar	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Leo Perales	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dean Burows	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VACANT	<input type="checkbox"/>	<input type="checkbox"/>
VACANT	<input type="checkbox"/>	<input type="checkbox"/>

### STAFF

Jerrold MacPherson  
Greg Wendt  
Clark Posey  
Donna Hutchinson  
Michelle Cooke  
April Brown

### APPROVAL OF MINUTES

It was moved by Dean Burows and seconded by Leo Perales, that the minutes be approved as written.

### Vote:

	YES	NO	ABSTAIN	ABSENT
Martin Sheeran	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marjorie Kaspar	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Leo Perales	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aimee Bergesen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dean Burows	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VACANT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VACANT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The motion passed unanimously.

**CONSENT AGENDA - NONE**

**NEW BUSINESS:**

**Ordinance Amendments OA 2017-006 a-h to BCC 11.16A, 11.16B, 11.18, 11.20, 11.22, 11.25, 11.27, and 11.52.** Adding a new section to BCC 11.52 regarding the prohibition of Marijuana Retail Sales and amending specific chapters in BCC Title 11 as necessary to make it clear that the retail sales of Marijuana is a prohibited activity in all zoning districts.

**Staff Report:**

Greg Wendt, Planning Staff provided a summary of the ordinance amendments to the County Zoning Regulations regarding the prohibition of retail sales of marijuana in Benton County for the Planning Commission members.

Jerrold MacPherson, Planning Staff noted that the Board of County Commissioners requested that the Planning Department develop these ordinance amendments prohibiting the retail sales of Marijuana in unincorporated Benton County. Chapters of the Zoning Code are being amended to ensure that Marijuana Retail Stores would not be allowed as a business activity in someone's accessory building. He noted that Staff had worked closely with the Prosecuting Attorney's Office in the development of these ordinances. He noted that this amendment was a countywide amendment for all unincorporated Benton County. He acknowledged that there had been a lot of discussion on site specific marijuana retail outlets and emphasized that this is not a site specific amendment and that it would cover all of unincorporated Benton County. This would prohibit further Marijuana outlets from coming into Benton County and would essentially establish the existing four licenses that have been issued by the State, they would then become non-conforming uses or grandfathered in and would have to comply with the non-conforming statutes found in Benton County Code if this were approved by the Board of County Commissioners.

He noted that staff was recommending to the Planning Commission that a positive recommendation be forwarded to the Board of County Commissioners subject to the eight findings of fact as found in the Staff Report.

It was noted that unincorporated Benton County referred to anything outside of the corporate limits of each individual city within Benton County.

**Proponent testimony:**

Pamela Byrd, 3628 Rocky Mtn Rd., West Richland, stated that per I-502 individual counties are allowed to choose on how to regulate and govern whether pot shops, grows etc are allowed.

John Muenks, 4519 Mountain Meadow Rd., West Richland, stated that he was in favor of this ordinance amendment and was against allowing pot shops in West Richland. He noted that there was no place in the neighborhood for this type of use, not next to bus stops, churches, or schools.

Dick Byrd, 3628 Rocky Mtn Road, West Richland, noted that he lived near the pot shop at Arena Road and did not want retail shops in this area. He stated that he was in favor of the ordinance amendment.

Robin Brown, 3821 Mtn. Meadow Ct., West Richland, stated that did not believe that retail shops should located be near neighborhoods.

Conn Clark, 1878 Fowler St. Apt. 65, West Richland stated that he lived in an apartment and was

very sensitive to pot smoke as it triggers asthmatic response. He stated that he was against the marijuana retail shops as it was a threat his my health. He indicated that he was in favor of anything that restricts the use of marijuana in Benton County.

Richard Yrjanson, 5207 W 14th Avenue, Kennewick, stated that he had sent out an email and submitted it to the Planning Commission. It was labelled as **Exhibit PCH 1.1**. He then read the email into the record.

Bill Jenkin, 25334 S. 1545 PR SW, Prosser stated that he was in favor of the ordinance but it needed to be consistent and compatible. He noted that cannabis is legal so you have to regulate it and there is a learning curve in doing that. He stated that he was in favor of the ordinance and wanted it to go into effect. Something is needed to keep the community together.

Bill Berkman, 1664 Meadow Hills, Richland, noted that in Benton County I-502 failed to pass in Benton County so these ordinance amendments are consistent with the voters' wishes. According to estimates made through the State Treasurer in the last fiscal budgeting cycle, Benton County's allocation of the revenues stream for the excise tax is going \$77,013 so those thinking this is going support public works project is sadly mistaken.

Kimberly Heath, 17560 Kapalua Avenue, Richland WA., indicated that many employers won't hire those who can't pass drug tests and one of the drugs they are tested for marijuana. She stated that she was in favor of the prohibition of marijuana retail stores to ban further licenses.

Dawn Zurker, 931 Sirron Avenue, Richland, stated that she lived less than a half a mile from a marijuana retail store and that she did not want her children growing up that close. She stated that the store was too close to schools, churches, etc. She stated that she was in favor of the ordinance amendments.

Brad Klippert, 2301 S. Rainer St., Kennewick, WA., stated that he was in favor of a complete ban and for banning existing shops with no grandfathering in of existing stores. He stated that under state law is it legal to ban existing shops. He noted that Washington State is currently in violation of Federal Law at this time. He stated that marijuana was a hallucinate drug and that there has been an increase in jail and healthcare costs associated with marijuana.

Karen Batishko, 57025 E. Main PR NE, Benton City, stated that medical marijuana comes from the hemp plant and does not have the hallucinates that marijuana does, so the healing marijuana is a different question.

**Opponent testimony:**

Holly Mellgren, 626 N. 61st Avenue, West Richland, against the ban and stated that she supported legal shops. She noted that the sales tax will help build schools, and roads. She noted that she does not support illegal sales of marijuana and that the legal sales of marijuana needed to be in places that had lots of parking, lights and were located in busy shopping areas.

Amy Hill, 2021 Mahan Avenue Space G4, Richland WA 99352, stated that she was opposed to the ban on retail sales of marijuana. She noted that the state law was not well law and that people were trying to get the law rewritten and now was not the time to ban sales of marijuana.

Cassie Byrne, 4711 N. Dallas Road, Apt. H102, West Richland WA 99353, stated that she was at the hearing to speak against the ban. She noted that those who smoked marijuana are still going to smoke it regardless of whether they buy it at a legal store or from a dealer. She stated that it was safer to have legal stores that people could buy their marijuana at than on the streets.

Sherry Goodman, 1827 Peach Tree Lane #1, Richland, stated that she was against the ban on retail sales of marijuana. She noted that pharmacies are allowed to be near churches, schools etc., why not a dispensary for marijuana.

Denise Van Corback, 1830 Pheasant Lane, West Richland stated that she had turned to using marijuana for her neuropathy and that she did not want the County to ban the retail sales of marijuana.

Josh Grove, 2433 George Washington Way, Richland, stated that he was against the prohibition on retail sales of marijuana. He noted that these stores would put the black market selling of marijuana out of business.

Dennis Miller, 1909 S. Jefferson Street, Kennewick, stated that the voters in Washington have spoken and voted for the legality of marijuana. He noted that because it is legal, this issue should be a moot point, we should not even be here.

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

After discussion by the Planning Commission the following motion was made.

**MOTION**

It was moved by Dean Burows and seconded by Aimee Bergesen, 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 denial of the ordinance amendment.

**Vote:**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Martin Sheeran	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marjorie Kaspar	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Dean Burows	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aimee Bergesen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VACANT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leo Perales	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VACANT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The motion did not obtain a majority vote; therefore, the items will be forwarded to the Board of County Commissioners without a recommendation.

**NEW BUSINESS**

**Continued Public Hearing on** the preliminary plat of Cross Valley Estates-SUB 2017-002, a proposed subdivision of 55.61 acres into 10 lots with an average lot size of 5.25 acres by: Czebotar & Peterson LLC, Kennewick WA. The site is located in the Southwest Corner of the intersection of Badger Road and Badger Canyon Road and North of the Kennewick Irrigation District Canal in the East Half of Section 7, Township 8 North, Range 28 East, W.M.

**Staff Report:**

Planning Staff gave a summary of the proposal for the Planning Commission and pointed out the site on the aerial map. Planning Staff and Planning Commission members discussed water issues, water rights versus single family wells, and water for irrigation use.

**Applicant testimony:**

Mr. Czebotar, indicated that he was representing the landowners, Czebotar & Peterson LLC, and stated that they had reviewed the staff report and that they were requesting that Item L3 regarding the requirement that a note be placed on the plat be removed, with that issue to be settled between KID and the Dept. of Ecology.

**Proponent testimony:**

Lee Morris, 9406 Majestic Lane, Pasco WA 99302 noted that there was a lot of factual data that pertains to water rights and particularly individual water rights in the packet given to the Planning Commission for this hearing. He stated that KID may have a legit claim to a portion of the water but a portion of the water is State water. He noted that he believed that the amount of water being used falls within the parameters regarding water usage.

Jason McShane, 2015 S. Ely Street, Kennewick stated that he was a representative from Kennewick Irrigation District (KID) stated that KID was not against the plat but that they did have concerns regarding the water usage. He noted that most of water is from KID irrigation and that it drains to the Amon Wasteway canal and KID pulls water from that area and recaptures the drainage.

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

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

**MOTION**

It was moved by Leo Perales, seconded by Dean Burows, 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 as noted in the staff report dated July 31, 2017, the preliminary plat of Cross Valley Estates File No. SUB 2017-002 that articulate and are consistent with the findings, conclusions and recommendation made by the Planning Commission.

**VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Martin Sheeran	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marjorie Kaspar	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Dean Burows	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aimee Bergesen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VACANT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leo Perales	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VACANT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed with all members present voting in favor of the motion.

**PLANNING DEPT. REPORTS AND DISCUSSIONS:**

Workshop: Update on the Comprehensive Plan and Development Regulations Periodic update.

Greg Wendt, Planning Staff updated the Planning Commission on the process to date.


10/17/17  
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 MARTIN SHEERAN, Chairman                      DATE  
 BENTON COUNTY PLANNING COMMISSION