

# Benton County Planning Department

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## BENTON COUNTY PLANNING COMMISSION

### Regular Meeting, 11/12/2013

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
Lloyd Coughlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Martin Sheeran	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rick Giberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Darwin Crosby	<input checked="" type="checkbox"/>	<input type="checkbox"/>
James Willard	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### STAFF

Michael Shuttleworth  
Donna Hutchinson  
Susan Walker  
Valerie Smith

### APPROVAL OF MINUTES

It was moved by Martin Sheeran seconded by Lloyd Coughlin, that the minutes be approved as corrected.

### Vote:

	YES	NO	ABSTAIN	ABSENT
Lloyd Coughlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Martin Sheeran	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rick Giberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Darwin Crosby	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James Willard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed unanimously.

## **CONSENT AGENDA - NONE**

### **UNFINISHED BUSINESS:**

a. Continued public hearing on Comprehensive Plan Amendment CPA 13-01, a proposal to add 1,263 land to the urban growth area of the City of Kennewick. The proposal site is located in Sections 17, 18, 19 and 20, Township 8 North, Range 29 East, W.M., located South of I-82 and east of the Badger Road Interchange on Badger Road. According to the City, the reason for the UGA expansion is to increase lands for available industrial purposes.

### **Staff Report:**

Valerie Smith explained the density figures using a PowerPoint presentation for the Planning Commission members. See a copy of the presentation entered as **Exhibit PCH 2.1**.

Susan Walker, explained the Classification and Designation of Agricultural Resource Lands using the PowerPoint presentation.

The exhibits presented at the continued hearing were entered into the record: PCM 2.1, 2.2, 2.3 and PCH 2.1 and PCH 2.2.

### **APPLICANT TESTIMONY:**

Greg McCormick, City of Kennewick clarified and reviewed the information provided by the City found in Exhibits PCM 2.2, and 2.3 in response to the Planning Commission's request. He discussed the density figures as outlined in Exhibit PCM 2.3.

Anthony Muai, City of Kennewick, discussed the agricultural land classification as noted in Exhibit PCM 2.3.

Martin noted that the WAC basically states that if a new zone is commercially significant there is a process that has to occur in order for that to be changed. Anthony Muai stated that it was a re-evaluation of those eleven criteria. Martin asked if it was the County that would have to review that. Susan Walker, stated that the review was in the analysis shown in PCM CH 1.16. Anthony Muai noted that the designation cannot be changed by a City; the County would have to make that designation. He stated that they had provided their analysis that supports removing that land. Mike Shuttleworth stated that would be decision by the Planning Commission based on the testimony presented to you. Martin stated that would be based on the 11 criteria found in the WAC.

Martin Sheeran asked if any one of the 11 criteria that can affect the change of the designation of the property from prime agricultural land of commercial significance to

something else? Susan Walker stated that she would be willing to come up and address that after the City was finished speaking. Anthony Muai noted that the land had to be evaluation by all the criteria and if it's not other changes that have occurred or there is new information that wasn't available at the time of designation than you could potentially re-designate the land and that is the only way to change it is to re-evaluate it. The State sets up the criteria from which you re-evaluate and so those criteria listed in the WAC were presented by County staff.

Martin Sheeran asked when I-82 was constructed? It was noted that it was the early 1980's.

Martin Sheeran asked Ms. Walker about the process for designation of farmland. Susan Walker noted that lands were designated in 1992/1994 and when you go through a designation process or a Comprehensive Plan Amendment you finished your product and you have a 60 day appeal period afterwards for anything that has been adopted. During that time if people find issue with the product they can file an appeal with the Eastern Washington Growth Hearings Board. That process has been gone through during this adoption and there were no appeals and when you have no appeals your actions stand, they are approved by the State and everything is approved as done correctly. What the City is talking about at this hearing as far as changing the designation, the Planning Commission would have to go through the same criteria which if you look at PCM CH 1.16 what that is, is each subsection of the WAC code on the right hand side you see the re-evaluation of what today is and most of you have probably looked at that over and can see what the staff has gone through, basically re-doing what was done in the original designation. All of these different criteria have been gone through and the right hand column answers those and how they are today and how it's affected. Staff does not see a change on the land that has any type of incompatibility, encroachment, urban growth, anything on the property that would create issues for someone trying to farm it and that is what you are looking for. As far as the soils, the soils are obviously the same as they were at the time of designation there is no change there. She noted that all the answers to the criteria are found throughout the Planning Commission Record.

**Planning Commission Discussion:**

Martin Sheeran stated that there was a lot of information to be considered and that without a change on the land designation nothing can be done with the land. The last time this was designated was in 1994. He noted that the Planning Commission has laws that they had to go by, but should things change the Planning Commission can review the designations.

Rick Giberson noted you could review the 11 criteria contained in the WAC.

Martin Sheeran noted that yes, some of the things had changed; land values have changed, nearby land uses have changed, availability of public access, SR 397 was put

through and comes in to the top side of the property. There have been some changes for criteria for consideration.

Jim Williard stated that he agreed with Mr. Sheeran that things have changed. The whole Southridge area of Kennewick wasn't there and growth has increased in the area.

Martin Sheeran stated that the land owner had stated that the fact that application for being able to farm that ground has actually changed, you can no longer apply certain pesticides and that also affects how you can farm. There has been the taking of some agricultural rights by the means of having the Interstate going through his property.

Lloyd Coughlin stated that one of the issues that was brought up was about precipitation and looking at the table presented by the WSU Weather Station Report found in Exhibit PCM 2.1, the high precipitation was 12.72 in 1996 and the low was 5.61 in 2008, so looking at the table from 1991-2013 there is some fluctuation in the years but this does not exclude it from one of the criteria of being used, still being used for grazing of cattle. Martin Sheeran stated that you needed water to graze cattle. Lloyd Coughlin stated that there were a lot of cattle being grazed on dry land that is not irrigated. He noted that you could see that on Interstate 82 between Benton City and Prosser and so as far as not being able to use it for anything, you can still use it for livestock.

Lloyd Coughlin also noted that the Dept. of Commerce's memo dated November 12, 2013 (Exhibit PCH 2.2) which in the second from the bottom paragraph states that: "We encourage the City and County to utilize the States technical and financial assistance in this matter and thereby, stimulate industry within the existing City UGA and conserve Benton County's important agricultural industry south of Interstate 82." He stated that the existing infrastructures further enhanced by infill revitalization or re-designation opportunities by using what is already within the City limits. Vista Field as an example could be used once the runways are taken out and that there are also other areas that could be used for industrial. There are other areas within the City that can be used for industrial purposes such as the Oak Park Industrial Site and the land east where they have already extended 12 inch water mains to Yew Street.

Martin Sheeran stated that testimony had indicated that services were there but that the parcels were too small for a large industrial customer. Lloyd Coughlin noted that parcels could be purchased and combined into larger sizes.

Jim Willard noted that in taking a rough look at Vista Field it is an area surrounded by a lot of shopping areas, residential uses, and there is an advantage to having industrial uses outside of city core areas.

Martin Sheeran stated that ideally industrial areas do not want to be close to residential uses or commercial areas. Rick Giberson noted that the City was not going to zone it

industrial.

Rick Giberson read parts of the letter from the Dept. of Commerce regarding lands of long term commercial significance and having it come upon us to be the ones that try to re-designate it or make a decision and noted that could be a lengthy process. Martin Sheeran stated that was correct and that the best the Planning Commission could do at this point was to say there may be some grounds to do that but we can't make that decision, we have to forward it on to the powers to be and see what happens at that point. There could be some appeals, this could take a while, and whether it would ever occur I don't know.

Rick Giberson stated that he agreed with the Dept. of Commerce's comment that the Determination of Non-Significance was not adequate to evaluate the impacts there needs to be more thought and analysis put into whatever they are going to do in the future, we haven't been presented with enough information as to what is actually going to be developed there. We see some roads and we hear talk about industrial but we haven't received much information other than they were approached at one time by a data center. All we hear is the word industrial.

Lloyd noted that there wasn't any specific information pertaining to what they want to put in out there. Understandably they don't want to leak that information out but that information does pertain to the use of the land.

Martin Sheeran stated that he understood that water and sewer services are adjacent just on the other side of the freeway to this parcel, so if the freeway weren't there it would be contiguous too this parcel.

Darwin Crosby stated that in the future it will be commercial use land; it is a natural expansion into the City of Kennewick and would give them a 100 acre parcel for a distribution center or whatever it might be. There is probably no place else along this that is better suited for that. He noted that this property does not lend itself for farming but could be used for something other than farming such as grazing livestock. He stated that the Planning Commission needed to look at what the best use for the property would be.

James Willard asked Martin Sheeran if it was his intention to forward this to the Board of County Commissioners saying that this area should be reviewed as to its status as commercial agricultural land?

Martin Sheeran stated that they not could put it into the UGA without changing the land designation first, so it was his recommendation that the Planning Commission forward this to the Board of County Commissioners to see if there are changes that have taken place that impact the agricultural ability of this property and if that is the case look at those designations as such and either get a change in the designation; or no, that it is

still prime ground for commercial farming in which case, they might not be able to do anything else.

Rick Giberson asked Martin Sheeran what he meant by "forwarding". Martin Sheeran stated that would entail sending a recommendation to the Board of County Commissioners that there could be some extenuating circumstances but we cannot make that decision.

Mike Shuttleworth asked Chairman Sheeran if he was saying that the Planning Commission could not make that decision based on the testimony you have tonight, because that is basically what is before the Planning Commission at this hearing, should it be changed to UGA from its current use.

Lloyd Coughlin stated that the Planning Commission had to make a decision. Staff noted that was correct, either you have to find that "yes there have been changes and it should be in the UGA" or "no there hasn't been changes" or "it should stay as GMA Ag".

Rick Giberson asked if there were any conditions that would need to be imposed on this action. He noted that there needed to be more evaluation done on the Environmental Checklist Determination of Non Significance and a more lengthy review of the agricultural lands designation of long term commercial significance against the 11 criteria found in WAC needs to be done.

Mike Shuttleworth stated that the information regarding the designation was already in the testimony presented to the Planning Commission. That is Staff's evaluation of the designation and the City has put forth their evaluation of it so the alternative for more information would be an outside consultant to look at it.

Martin Sheeran stated that there had been changes, whether they are enough to change the designation, I don't know. It does warrant some additional study. The fact is that the density in the City is relatively low; however the City did note that there are very few cities that do meet that density and it is just a guideline it is not etched in concrete.

#### **MOTION**

It was moved by Martin Sheeran that the Planning Commission would include this parcel in a future study to see if it qualifies for a change in the land use designation ....Rick Giberson stated that the Planning Commission couldn't do that. Martin Sheeran asked if the Planning Commission had to say yes or no on this. There was no second to the motion.

Jim Willard stated that if you looked at the criteria for classification, just a cursory look at it, shows that there have been significance changes in the area: #2-availability of

public facilities, including roads: transportation has changed considerably in the last 20 years, #4-availability of public services: there are public services adjacent to this property, #5-relations and proximity to Urban Growth Areas, land use settlement patterns and compatibility of agricultural practices: this is a significant part of this because upwind is a major development over the last 20 years, major population growth. Proximity to markets has definitely improved. #10-land values under alternative uses: when they put in SR 397 that is significantly going to be changing the ...that was a County/City coordinated operation to have an impact on...

Martin Sheeran stated that this property was bordered by two fairly significant highways. When SR 397 went in it changed the access from 45 minutes to 5 minutes. Accessibility has definitely been improved to different markets.

Darwin Crosby noted that the Planning Commission had talked about agricultural use and the use being marketing and distribution of agricultural products. So if this terminal they talk about was distributing agricultural products would it not fall under agricultural use? And how much of this land would have to be under agricultural production in order to qualify?

Martin Sheeran noted that the definition for Agricultural has a pretty wide berth as far as what can be done agriculturally. I don't know if processing would be included.

Mike Shuttleworth stated that processing would be included as long as they are processing agricultural products. I don't think a truck terminal would be included as agricultural processing, even if it was distributing agricultural products. The County would not consider it a truck terminal if it was hooked up to say a potato shed hauling out potatoes that is one thing but a terminal that would bring produce in and take produce out would not be considered a processing facility. It was noted that a grain elevator would be allowed as a processing use since they are storing the grain there same as a potato storage building. Cold Storage may be allowed, it depends if it is tied to the agricultural operation.

**MOTION**

It was moved by Lloyd Coughlin, 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 DENIAL of CPA 13-01 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>
Lloyd Coughlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Martin Sheeran	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rick Giberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Darwin Crosby	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James Willard	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The motion did not pass as a majority of the total number of Planning Commission members is needed.

**MOTION**

It was moved by Martin Sheeran, seconded by Martin Sheeran, 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 CPA 13-01 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>
Lloyd Coughlin	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Martin Sheeran	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rick Giberson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Darwin Crosby	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James Willard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The motion did not pass as a majority of the total number of Planning Commission members is needed.

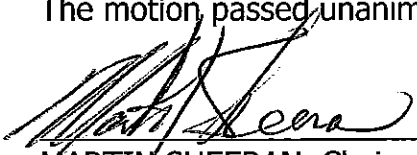
**MOTION**

It was moved by James Willard, seconded by Martin Sheeran, that CPA 13-01 be forwarded to the Board of County Commissioners without a recommendation from the Planning Commission due to the fact that a majority vote on a motion could not be obtained.

**VOTE**

	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Lloyd Coughlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Martin Sheeran	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rick Giberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Darwin Crosby	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James Willard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The motion passed unanimously.

  
 MARTIN SHEERAN, Chairman                      DATE 2-4-2014  
 BENTON COUNTY PLANNING COMMISSION



