

Benton County Planning Department

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STAFF REPORT TO THE BENTON COUNTY PLANNING COMMISSION

PCM 2.1

FILE NO: 2017 Periodic Update- Benton County Comprehensive Plan

MEMO DATE: December 5, 2017

HEARING DATE: December 12, 2017

APPLICANT: Benton County Planning Department

LOCATION: Unincorporated Benton County

**SUGGESTED STAFF
RECOMMENDATION:** Positive recommendation subject to eighteen (18) findings of fact.

BACKGROUND

On Tuesday, November 21, 2017, the Planning Commission held a public hearing to receive and review public testimony regarding the 2017 Periodic Update to the Benton County Comprehensive Plan. After receiving public testimony, the Planning Commission voted to close the public testimony portion of the hearing and continue the hearing until December 12, 2017 at 6:00 p.m. At the December 12, 2017 continued hearing, Planning Staff will assist the Planning Commission in the review of public comments, examine necessary changes/amendments, and prepare a recommendation to the Board of County Commissioners.

APPLICATION DESCRIPTION

The State of Washington (RCW 36.70A.130) requires mandatory "periodic updates" of the entire comprehensive plan and development regulations every eight years for all "fully planning" cities and counties. Each Washington city and county must periodically review and, if needed, revise its comprehensive plan and development regulations to ensure that they comply with the GMA.

The County is now reviewing and updating its comprehensive plan and development regulations as required by the State.

The following is a general summary of the proposed updates to the County's Comprehensive Plan:

1. Streamline the Plan.

- Conduct a full review of the existing Plan.
- Review and eliminate outdated information. A great deal of the existing plan information was developed when the internet was still in its infancy and easy access to state and local codes, laws and requirements was not easily obtainable. Most of the Growth Management Act (GMA) details and information are now readily available through many sources via the internet.

- The updated Plan has been streamlined and shortened. The Plan has been trimmed in size by approximately 100 pages.
- The Plan has been updated to ensure consistency with RCW, WAC, BCC, and other codes and requirements.

2. Review and consolidation of land use designations.

- Conduct a full review of the existing Plan and evaluate existing land use designations. The result of the review is a consolidation of land use designations.
- Land Use Designations: Comprehensive Plan land use designations are to be broad in nature and implemented through specific zoning regulations. While the land use designations and zoning are to be consistent, they do not need to mirror one another. To move in this direction, the update proposes the following land use designations:

Rural Transition: To be implemented with Rural Lands 1 Zoning Classification;

Rural Remote: To be implemented with Rural Lands 5 Zoning Classification;

Rural Resource: To be implemented with Rural Lands 20 Zoning Classification;

Rural Community Center: To be implemented with Community Center Residential and Community Commercial Zoning Classifications;

Rural Commercial: To be implemented with Interchange Commercial and General Commercial Zoning Classifications; and

Rural Industrial: To be implemented with Light Industrial and Heavy Industrial Zoning Classifications.

- Agricultural Lands Analysis: Completed an Agricultural Lands Analysis for the County. Result of the analysis is that the GMA Agriculture designation will gain approximately 1,400 acres.

3. Development of a water resources element and chapter policies.

- Kittitas County is implementing and Yakima County has begun to implement water resource mitigation programs for those areas in the Lower Yakima River Watershed. The proposed water resources element and chapter discusses the need for identifying mitigation strategies for providing water for future rural development and explaining the needed steps for Benton County to achieve this goal.

4. Integrate discussions about the adopted Shoreline Master Program and Benton County opting in to the Voluntary Stewardship Program (VSP).

- The new Plan discusses the Benton County Shoreline Master Program and adopts it as an appendix.
- While the Benton County Voluntary Stewardship Program Work Plan is not complete as of this date, a year or more worth of research and discussion (goals and benchmarks) has occurred which is discussed in the plan.

5. Referencing of planning documents.

- The referencing of ordinances, plans, data, and regulations is one way of making the Comprehensive Plan a streamlined document and lessening the need for regular updates to maintain consistency with other documents. The update does this with many Benton County, USBR, Ecology, BFCG, and DOE planning documents that may be updated on an annual or regular basis. Rather than detailing the specific plan and its policies in the Comprehensive Plan, referencing the documents will allow for the documents to be changed in the future without the need for the Comprehensive Plan update to occur to maintain consistency.

6. Integration of annual comprehensive plan amendment applications.

- Each year Benton County advertises for Comprehensive Plan amendment application submittals. This past year the County Planning Commission reviewed and recommended approval of two (2) applications. Each application focused on an adjustment to a city's urban growth boundary.
- One application was for the Prosser UGA and the other was for the Richland UGA. The new urban growth boundaries and associated land uses are shown in the Comprehensive Plan.

PUBLIC NOTICE

1. Legal notification for the Planning Commission open record hearing was published in the Tri-City Herald on November 9, 2017. (**PCM 1.4**)
2. Notice of the Planning Commission open record hearing was emailed/mailed to those on the Public Participation Plan list on November 6, 2017.

APPLICABLE STANDARDS/ORDINANCES

1. Benton County Code: Chapter 16.14 Amendments to the County Comprehensive Plan.
2. Benton County Ordinance: County Wide Planning Policies, Ordinance No. 581 (2017).
3. RCW 36.70A: Growth Management Act.

CRITERIA FOR FINDINGS OF FACT

1. RCW 36.70A.130 requires cities and counties planning under RCW 36.70A.040 (fully planning cities and counties) to complete a periodic update for their entire comprehensive plan and development regulations.
2. RCW 36.70A.040 requires the County to adopt a comprehensive plan and development regulations that are consistent.
3. In Benton County, development regulations include the following: zoning, subdivisions, shorelines, critical areas, and mineral resource lands.
4. Benton County is currently updating its comprehensive plan and development regulations in a periodic review and update process.
5. Ordinance amendments are reviewed under the requirements of the State Environmental Policy Act.
6. BCC 11.52.110 states- After holding at least one open record hearing, the County Planning Commission shall transmit to the Board of County Commissioners its recommendations for the change in regulations.

The Planning Commission shall consider all relevant information, including but not limited to:

- a. The report of the Planning Department;
- b. Any written comments or concerns expressed by other reviewing agencies; and
- c. Oral and written testimony from persons present at the hearing.

RECOMMENDATION

Benton County Planning Staff will assist the Planning Commission with the determination of findings of fact for the Periodic Update to the Benton County Comprehensive Plan.

The Benton County Planning Department recommends that the Planning Commission forward a **recommendation of approval** to the Benton County Board of Commissioners for the 2017 Periodic Review and Update of the Benton County Comprehensive Plan, with the following suggested findings of fact and motion.

SUGGESTED FINDINGS OF FACT:

1. The Planning Commission finds that RCW 36.70A.130 requires cities and counties planning under RCW 36.70A.040 (fully planning cities and counties) to complete a periodic update for their entire comprehensive plan and development regulations;

2. The Comprehensive Plan Update is consistent with the requirements of the Growth Management Act – RCW 36.70A including RCW 36.70A.030 (5);
3. The Comprehensive Plan Update is consistent with County Resolution 2017-127, the County Wide Planning Policies;
4. The Comprehensive Plan Update is consistent with the Benton County Code, including Chapter 16.14, Amendments to the County Comprehensive Plan;
5. The Comprehensive Plan Update process has been consistent with and is in compliance with the public participation requirements in RCW 36.70A.035 and 140;
6. The Planning Commission held two (2) public workshops regarding the Comprehensive Plan Update and each workshop was advertised as open to the public and public input opportunities were available on each occasion.
 - a. September 19, 2017; Planning Commission-Workshop in Prosser
 - b. October 10, 2017; Planning Commission- Workshop in Prosser
7. The Planning Department held two (2) open houses regarding the Comprehensive Plan Update and each open house was advertised as open to the public and public input opportunities were available on each occasion.
 - a. September 19, 2016; Planning Department- Open House in Kennewick
 - b. September 26, 2016; Planning Department- Open House in Prosser
8. The requirements of the State Environmental Policy Act have been satisfied. A Notice of Adoption of Existing Environmental Documents and EIS Addendum was issued on October 2, 2017; (**PCM 1.2**)
9. The application was submitted to the State of Washington’s Department of Commerce for a required 60-day review in compliance with RCW 36.70A.106. The notice and documentation was accepted by the State on Tuesday, September 12, 2017. The 60-day review was complete on Monday, November 13, 2017;
10. The Planning Commission received Staff Memo (**PCM 1.1**), dated November 6, 2017, that includes the amended comprehensive plan, appendices, map folio, staff recommendations and findings, and agrees with the information found in the staff memo;
11. The Planning Commission received Staff Memo (**PCM 2.1**), dated December 5, 2017, that includes the amended comment matrix (**PCM 2.2**), dated December 5, 2017 and agrees with the information found in the staff memo and comment matrix;

12. The legal notification was given pursuant to RCW 36.70A.130 on November 9, 2017;
13. An open record hearing was held on November 21, 2017 in the Hearing Room, Planning Annex, 1002 Dudley Avenue, Prosser, WA 99350. This hearing was continued to December 12, 2017.
14. All those who testified and those public hearing exhibits that were received into evidence are identified in the minutes and are contained in the official record;
15. The Planning Commission considered all evidence and testimony submitted and after discussion voted in favor to recommend approval of Benton County's 2017 Periodic Update of its Comprehensive Plan;
16. The Planning Commission is entering its written findings, conclusions, and recommendations concerning this matter, and is forwarding the same to the Board of County Commissioners;
17. The record indicates that approval of the proposed 2017 Comprehensive Plan Periodic Update would be in the public interest as the update provides compliance with the Growth Management Act (GMA) and ensures consistency between the updated Comprehensive Plan, Benton County Codes, and applicable state laws; and
18. The 2017 Periodic Update of the Comprehensive Plan includes the integration of approved annual comprehensive plan amendment applications. Specifically, these include:
 - (a) Planning Case File CPA 2017-003- Prosser Urban Growth Area Amendment Application; and
 - (b) Planning Case File CPA 2017-002- Richland Urban Growth Area Amendment Application.

SUGGESTED MOTION:

I move 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 **2017 Periodic Update of the Benton County Comprehensive Plan**, that articulate and are consistent with the findings, conclusions and recommendations made by the Planning Commission tonight.