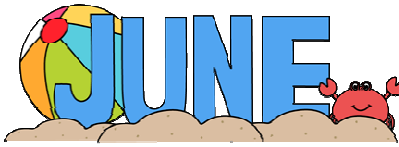


# Benton County Planning Department

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



## Agenda

### **Benton County Planning Commission**

Regular Meeting, June 9, 2015 - 7 p.m.

Public Hearing Room, Planning Annex,  
1002 Dudley Avenue, Prosser WA 99350

### **CALL TO ORDER/ROLL CALL**

### **APPROVAL OF MINUTES**

**CONSENT AGENDA:** 1 year extension request on the preliminary plat of Bierele Addition. SUB 01-7 Applicant: Patricia Bierele

### **UNFINISHED BUSINESS - None**

### **NEW BUSINESS:**

- a. **Continued Public Hearing** on an amendment to BCC 17.10.060 adding the words "Planning Director" as the final decision maker for Type III and IV permit applications.
- b. **Public Hearing** on the 2015 Comprehensive Plan Amendment applications.

**File CPA 14-001** a request by the City of Kennewick to amend its Urban Growth Area (UGA) to include approximately 3 acres and remove approximately 410 acres from its current Urban Growth Area Boundary. **Areas that are proposed to be added** to the Kennewick UGA are developed residential uses and are described as follows:

**Area D** - Lots 9 and 10, Block 2 and Lots 1, 2, 3, 4, 5 and 6, Block 4 Empire Lakeside Estates as recorded in Volume 8 of Plats, Page 96, records of Benton County, Washington. The subject property is located generally at the intersections of Eastlake Street and Kingwood Street and East 44<sup>th</sup> Avenue and Kingwood Street.

**Areas that are proposed for removal** from the Kennewick UGA are primarily developed single-family residential, orchards, a gravel pit and some vacant lands. The areas to be removed are generally described as follows:

**Area A** - All unincorporated land lying in the South Half of the Southwest Quarter of Section 5, Township 8 North, Range 30 East and is located within the Urban Growth Area. The subject property is addressed 195501 East 7<sup>th</sup> Ave., Kennewick, WA 99337 and is generally located west of East 7<sup>th</sup> Ave. and South Yew Street intersection.

**Area B** - The west half of Section 8, Township 8 North, Range 30 East. The subject property is located on South Yew Street and is adjacent to the Benton County Fairgrounds.

**Area C** - The Eastern Half of Section 7, Township 8 North, Range 30 East and the Northwest Quarter of the Southwest Quarter of Section 8, Township 8 North, Range 30 East; and, Generally between Gum Street and Oak Street and between 23<sup>rd</sup> Avenue and 27<sup>th</sup> Avenue.

**Area E** - Lots 1, 2, 3, and 4 of Short 2621 as recorded in Volume 7 of Plats, Page 2621, records of Benton County, Washington. The subject property is located generally at the end of 1877 PR SE off of East 45<sup>th</sup> Avenue.

**Area F** - The Northwest Quarter of Section 19, Township 8 North, Range 30 East, W.M. The subject property is located generally at the end of South Washington Street.

**Area G** - That portion of the Northeast Quarter of the Southwest Quarter, the Southwest Quarter of the Southeast Quarter of the Southeast Quarter, the Southeast Quarter of the Southeast Quarter, all in Section 24, Township 8 North, Range 29 East, all lying south of the Kennewick Irrigation District main canal.

**CPA 2015-001** - A proposal by Andy Divers, requesting a change in land use designation from Rural Lands Five (RL-5) to Heavy Industrial (HI) on 1 parcel located in the Finley rural area, in the Northwest Quarter of Section 26, Township 8 North, Range 30 East, W.M.

**CPA 2015-002** - A proposal by Paul Knutzen, requesting a change in land use designation from Interchange Commercial to Rural Lands Five (RL-5) on 1 parcel located next to the Cottonwood Elementary School in the Cottonwood Commercial Plaza off of Wisner Loop Road in the Southeast Quarter of Section 11, Township 8 North, Range 28 East, W.M.

**CPA 2015-003** A proposal by Benton County to include the Shoreline Master Plan as a Sub-Area Plan of the Benton County Comprehensive Plan.

**CPA 2015-004** - Amending text and Tables 9.0 and 9.1 in Chapter Nine to include by reference the County's 2015-2020 Capital Improvement Plan (CIP).

**CPA 2015-005** - Amending text in Chapter Ten - Utilities Element to include by reference the 2013 Benton County Comprehensive Solid Waste Management and Moderate Risk Waste Management Plan.

c. Discussion on changing the September Planning Commission meeting date.

/s/ MICHAEL SHUTTLEWORTH, Planning Manager  
BENTON COUNTY PLANNING DEPARTMENT

MARTIN SHEERAN, Chairman  
BENTON COUNTY PLANNING COMMISSION

# 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

**DATE:** April 30, 2015  
**TO:** BENTON COUNTY PLANNING COMMISSION  
**FROM:** BENTON COUNTY PLANNING DEPARTMENT  
**RE:** PRELIMINARY PLAT SUB 01-7 - Beierle Addition

## **SPECIFIC REQUEST:**

The Benton County Planning Department is requesting that the Planning Commission review the preliminary plat approval for Beierle Addition to determine whether such approval should be granted another year's extension.

On March 25, 2002, the Board of County Commissioners approved the Final Plat of Phase I of Beierle Addition. Per Benton County Code, Section 9.08.036(d), preliminary plats approved prior to April 19, 2004 shall be effective for twelve (12) months from the date of approval by the Board of County Commissioners and that such plats shall be null and void after the twelve-month period unless: (1) a final plat has been submitted reviewed and signed by the Planning Commission Chairman and County Engineer or (2) unless a time extension has been applied for and granted by the Planning Commission.

On February 2, 2015 a letter regarding the need for a time extension was sent to the applicant. On March 13, 2015 our office received a letter from Ms. Beierle requesting a one year extension on the preliminary plat.

## **STAFF'S FINDINGS OF FACT:**

1. On March 25, 2002, the Benton County Board of Commissioners approved the preliminary Plat for Beierle Addition (SUB 01-7). The approval was granted subject to 20 conditions. The plat was approved to create 15 lots from 40.95 acres, with an average lot size of 2.60 acres.

2. On February 5, 2014 the Benton County Planning Department sent a letter to the applicant stating the extension granted for Beierle Addition SUB 01-7 would expire on March 25, 2014. On March 13, 2015 our office received a letter from Ms. Beierle requesting a one year extension on the preliminary plat.

3. In 1998 the current version of the Benton County Comprehensive Plan was adopted. Under the 1998 Benton County Comprehensive Plan the area where SUB 01-7 is located is designated as Rural Lands 2.5. This designation requires a density of one dwelling unit per 2.5 acres. The preliminary plat approval for Beierle Addition Phase II provides for a density of one dwelling unit per 2.60 acres. In the time since this plat was approved the Comprehensive Plan was updated (2006) and the densities have

changed to a Minimum 5 acre lot size for this area. The Zoning has also changed from Unclassified to Rural Lands 5. Any newly created lots must now meet the Five (5) acre minimum.

**PLANNING STAFF CONCLUSION:**

Based on the findings above the Benton County Planning Department concludes the following:

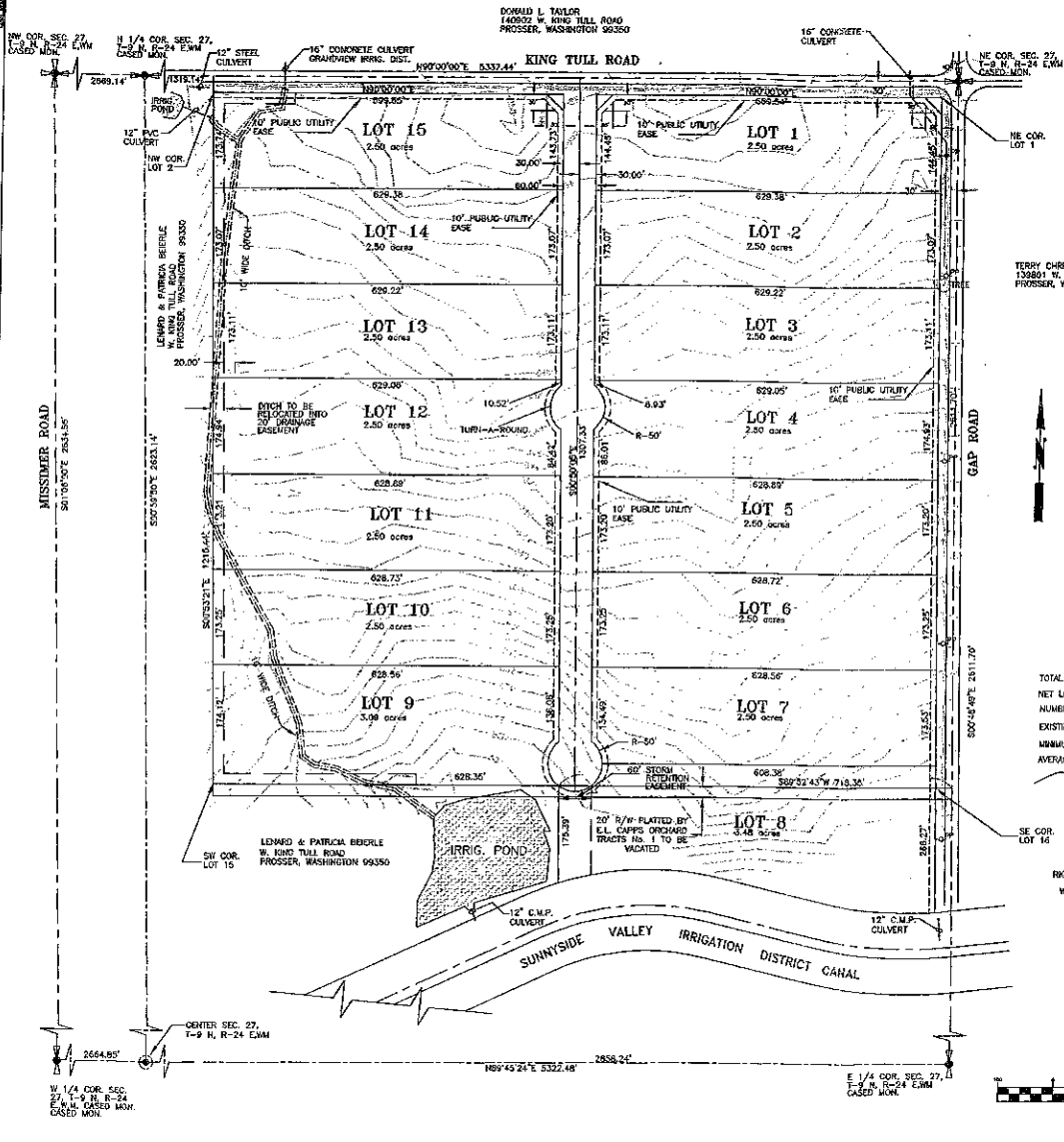
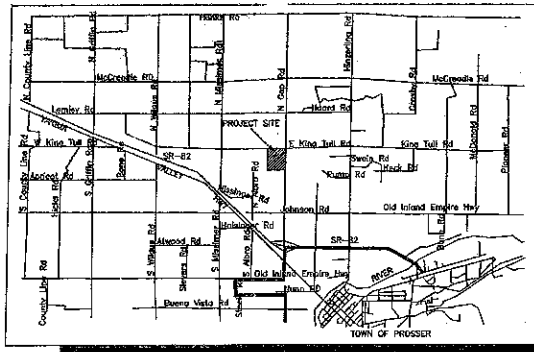
1. That no action has been performed on the preliminary plat approval for Beierle Additional Phase II since March 25, 2002.
2. That the current Benton County Comprehensive Plan and Zoning Ordinance designate the site as Rural Lands 5 acre. That designation requires a minimum 5 acre lot size and Beierle Addition Phase II provides an average density of one dwelling unit per 2.5 acres.
3. That the Benton County Planning Department contacted the applicant twice about the expiration of the preliminary plat approval for Beierle Addition Phase II to determine whether such approval should be invalidated or whether the applicant wished to seek another time extension.
4. On March 13, 2015 our office received a letter from Ms. Beierle requesting a one year extension on the preliminary plat.

**PLANNING STAFF RECOMMENDATION:**

The Benton County Planning Department recommends that the Planning Commission review the preliminary plat approval for Beierle Addition Phase II- File No. SUB 01-7 to determine whether such approval should be granted a one year extension. Based on the information presented in this staff memo, Planning Staff recommends that the Planning Commission grant a one year extension to the preliminary plat approval for Beierle Addition Phase II - File No. SUB 01-7 in order to give Ms. Beierle time to clarify her land ownership issues regarding this property.

# BEIERLE ADDITION

A PRELIMINARY PLAT WITHIN THE  
NE 1/4 of SEC. 27, T. 9N., R. 24E., W.M.



TERRY CHRISTENSEN  
13889 1/2 KING TULL ROAD  
PROSSER, WASHINGTON 99350

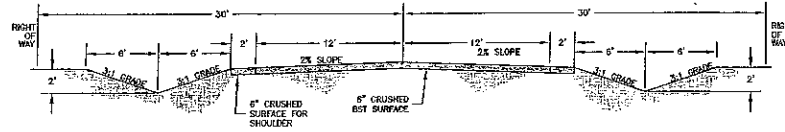
### LEGAL DESCRIPTION

Lots 1, 2, 15 and 16 of E.L. CAPPS ORCHARD TRACTS, thereof as recorded in Vol. 1 of Plats, page 81. And the East 716.35 feet, as measured along the North line, of the Southwest Quarter of the Northeast Quarter of Section 27, T. 9N., R. 24E., W.M., lying north of the S.U.I.D. Canal, except the East 30 feet thereof for county road.

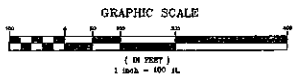
TOTAL ACREAGE: 43.95 ACRES  
NET LOT AREA: 39.67 ACRES  
NUMBER OF LOTS: 16  
EXISTING ZONING: UNCLASSIFIED (1 UNIT/2.6 acres)  
MINIMUM LOT SIZE: 2.50 acre  
AVERAGE LOT SIZE: 2.60 acre  
CONTOUR INTERVAL - 1.0'

### SECURITY LAMP

- |                    |  |
|--------------------|--|
| OWNER:             | LEONARD BEIERLE AND PATRICIA BEIERLE<br>W. KING TULL RD.<br>PROSSER, WA. 99350<br>(509) 786-2350 |
| DEVELOPERS:        | J & S PERKINS CONSTRUCTION<br>P.O. BOX 527<br>PROSSER, WA. 99350<br>(509) 786-3004               |
| SURVEYOR:          | GRAY SURVEYING<br>P.O. BOX 510<br>YANINA, WA. 99087<br>(509) 275-6434                            |
| SURVEYORS:         | INDIVIDUAL WELLS   |
| 1. WATER:          | INDIVIDUAL SEPTIC SYSTEMS  |
| 2. SEWER:          | BENTON COUNTY, WA.<br>P.O. BOX 1150/407 7TH ST.<br>PROSSER, WA. 99350                            |
| 3. POWER:          | SPRINT<br>400 S. 5th AVE.<br>SUNNYSIDE, WA. 98944<br>(509) 830-6660                              |
| 4. TELEPHONE:      | FIRE DISTRICT NO. 3<br>601 7th STREET<br>PROSSER, WA. 99350<br>(509) 786-2332                    |
| 5. FIRE DISTRICT:  | 6. CARBAGE: BASIN DISPOSAL<br>3021 COMMERCIAL AVE.<br>PASCO, WA. 99356<br>(509) 547-2476         |
| 6. CARBAGE:        | WASTE MANAGEMENT OF WASHINGTON<br>1611 S. WASHINGTON AVE.<br>BENICUM, WA.                        |
| 7. STORM DRAINAGE: | BENTON COUNTY  |
| 8. ROAD:           | BENTON COUNTY  |
| 9. IRRIGATION:     | PROSSER SCHOOL DISTRICT<br>823 3RD AVE.<br>PROSSER, WA. 99350                                    |
| SCHOOL:            |  |



ROADWAY CROSS SECTION  
N.T.S.



<ul style="list-style-type: none"> <li>● CORNER FOUND</li> <li>○ CORNER W/CAP SET</li> <li>✕ NAIL W/WASHER SET</li> </ul>		<p><b>J &amp; S PERKINS CONST.</b> P.O. BOX 527, PROSSER, WA. 99350</p> <p>PROJECT: PT. NE 1/4 SEC. 27, T. 9N., R. 24E., W.M.</p> <p>PRELIMINARY PLAT</p> <p>DATE: 1-21-07 SCALE: 1"=100' DRAWN: D.S.G. CHECKED: D.S.G. PROJECT NO: 21075 SHEET: 1 OF 1 PAPER NO: 1-2784-102-0001-000</p>
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C:\land projects\21075.dwg\21075.dwg Wed Sep 12 09:12:23 2001 ST. HELENS

RECEIVED

MAR 13 2015

3/10/2015

Hello Planning Dept.

I was hoping that I wouldn't have to once again send you a letter, but as you know, both of my offers on the 2 1/2 acre plots didn't go far. One told me that too much would have to be done on the ground before houses could be started - costly things, as I wanted to just sell the land only. The second offer, which I felt better about until I was approached to finance all. I cannot nor would I finance even one ground ready and house built. I went through that with Jim Perkins and we ended up with very little as far as money. I think the first thing I need to do, is to get the mix-up at the court house straightened out, as well as SVID. So far tax papers + SVID papers either haven't shown up or have gone to three different addresses. I have received the 11/20/14 Conditions of Approval Sub 01-7. I am sure that to do all required would be way more than what I could afford. At this time I have decided that

I will give myself three to four years to sell my house, B+B Eq and whatever land left so that I can leave this area.

Thank you,  
Patricia Beerde

# 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*

DATE: APRIL 30, 2015  
TO: BENTON COUNTY PLANNING COMMISSION  
FROM: BENTON COUNTY PLANNING DEPARTMENT  
RE: DRAFT ORDINANCE AMENDING SECTIONS 17.10.060.

## **BACKGROUND:**

Attached to this memo is a draft ordinance amending BCC Section 17.10060. – Table 17-2.

Section 1 of the draft ordinance would amend BCC 17.10.060 by adding “Planning Director” as the final decision maker for Type III and IV permit applications. This section is being amended because the last time this section was updated the final decision maker for Type III and IV permits was left blank. .

The notice for the Benton County Planning Commission Open Record Hearing for the proposed ordinance amending BCC Sections 17.10.060 was published on April 30, 2015 in the Tri-City Herald. The Open Record Hearing is scheduled for May 12, 2014.

## **SUMMARY:**

This action is to review and discuss the attached draft ordinances and conduct a public hearing on the proposed ordinances.

## **RECOMMENDATION:**

The Benton County Planning Department recommends that the planning commissions review the proposed ordinances, conduct the public hearing and make recommendations to the Board of County Commissioners.



**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE relating to the permit review process; amending the section relating to project permit application processing framework; amending Ordinance 558, Section 3 and BCC 17.10.060.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

SECTION 1. Ordinance 558, Section 3 and BCC 17.10.060 are hereby amended to read as follows:

**17.10.060 PROJECT PERMIT APPLICATION PROCESSING FRAMEWORK.** Table 17-2 below shows the general process and hearing body for each category of project permit application. Except as otherwise required under BCC 17.10.070, the administrative process for each project permit application is governed by the Benton County Code provisions governing the application at issue.

**Table 17-2 - Project Permit Applications - Administrative Process**

	<b>Type I</b>	<b>Type II</b>	<b>Type III</b>	<b>Type IV</b>	<b>Type V</b>	<b>Type VI</b>	<b>Type VII</b>
Recommendation made by	N/A	N/A	N/A	N/A	N/A	N/A	Planning Commission
Final Decision made by	Building Department Manager	Building Department Manager	<u>Planning Director</u>	<u>Planning Director</u>	Hearings Examiner	Board of County Commissioner	Board of County Commissioner
Notice of Application	No	Yes, if SEPA required	No	Yes, if SEPA required	Yes, if SEPA required	Yes, if SEPA required	Yes
Open Record Public Hearing	No	If appealed, open record hearing before Board of appeals	If appealed, open record hearing before Hearing Examiner	If appealed, open record hearing before Hearings Examiner	Yes, before Hearings Examiner	Yes, before Board of County Commissioner	Yes, before Planning Commission
Closed Record Appeal/Final Decision	No	No	No	No	No	No	Yes, Before Board of County Commissioner
Judicial Appeal	Yes	Yes	Yes	Yes	Yes	Yes	Yes

SECTION 2. SEVERABILITY. If any provision of this ordinance is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and the applicability thereof to other persons and circumstances shall not be affected thereby.

**NOTE:** This ordinance is continued on the following page.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect and be in full force upon its passage and adoption.

ADOPTED AND PASSED this \_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Chairman of the Board.

\_\_\_\_\_  
Chairman Pro-Tem.

\_\_\_\_\_  
Member.

Approved as to Form:

Constituting the Board of  
County Commissioners of  
Benton County, Washington

\_\_\_\_\_  
Deputy Prosecuting Attorney

Attest: \_\_\_\_\_  
Clerk of the Board