

# COMMISSIONERS' AGENDA ACTION SHEET

<b>Meeting Date:</b>	May 14, 2024	
<b>Subject:</b>	Comprehensive Plan Amendment - CPA 2024-001 by Benton County Planning	
<b>Presenter:</b>	Michelle Mercer, Planning Manager	
<b>Prepared By:</b>	Brittany Merrill	
<b>Reviewed By:</b>	Michelle Mercer	
<b>PA Review, Approval to Form:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <i>(If no, include reasoning for no approval)</i>	
<b>Type of Agenda Item:</b>	<b>Type of Action Needed:</b> <i>(Multiple boxes can be checked, if necessary)</i>	
<input type="checkbox"/> Consent Agenda <input checked="" type="checkbox"/> Public Hearing <input type="checkbox"/> Scheduled Business	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Decision / Direction <input checked="" type="checkbox"/> Sign Letter / Document	<input checked="" type="checkbox"/> Pass Motion <input checked="" type="checkbox"/> Pass Resolution <input type="checkbox"/> Pass Ordinance <input type="checkbox"/> Execute Contract

## **Summary / Background Information**

The applicant, Benton County Planning Division, submitted application CPA 2024-001 requesting to clarify and amend two sections of the Benton County Comprehensive Plan related to the Open Space Conservation Land Use Designation. The application proposes to amend Section 3.3.5 to clarify the description of the Open Space Conservation Land Use Designation and Table 3.4 to amend the zoning classification which implements the Open Space Conservation Land Use Designation.

The intent of the changes to Section 3.3.5 is to clarify that the Open Space Land Use designation may apply to either private or public ownership and that the properties must be voluntarily held in a conservation easement or land trust. The changes to Table 3.4 change the implementing zoning district from Rural Lands 5-Acre to Open Space Conservation zoning district for increased consistency.

On April 9, 2024, at the conclusion of an Open Record Hearing, the Planning Commission voted unanimously to forward a recommendation of approval for the proposed Comprehensive Plan Amendment to the Board of County Commissioners subject to the Planning Commission's suggested seven (7) Findings of Fact.

## **Fiscal Impact**

None known at this time.

## **Recommendation**

It is the recommendation of the Benton County Planning Division and the Planning Commission that Planning casefile application, CPA 2024-001, be approved with the suggested seven (7) Findings of Fact.

## **Suggested Motion**

I move that the Board of County Commissioners adopt the Planning Commission's recommendation, findings, and conclusions as the Board's own and approve to modify the Comprehensive Plan Amendment request CPA 2024-001.

# RESOLUTION

**BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:**

**IN THE MATTER OF COUNTY PLANNING RE: COMPREHENSIVE PLAN AMENDMENT APPLICATION, CPA 2024-001, BY THE BENTON COUNTY PLANNING DIVISION TO CLARIFY AND AMEND TWO (2) SECTIONS OF THE BENTON COUNTY COMPREHENSIVE PLAN RELATED TO THE OPEN SPACE CONSERVATION LAND USE DESIGNATION.**

**WHEREAS**, Benton County adopted its current Comprehensive Plan in 2018 with the completion of its required periodic update process; and

**WHEREAS**, pursuant to RCW 36.70A.106, Benton County provided notice of intent to the Washington State Department of Commerce to adopt a proposed comprehensive plan amendment under the Growth Management Act; and

**WHEREAS**, the Benton County Planning Commission conducted an Open Record Hearing for CPA 2024-001 on April 9, 2024 to consider the application by the Benton County Planning Division and considered all evidence and testimony submitted at the public hearing and after discussion, voted to forward the proposed amendment to the Board of County Commissioners with a positive recommendation; and

**WHEREAS**, the Planning Commission recommendation of approval is set forth in the Planning Commission's Recommendation, Findings of Fact and Conclusions incorporated hereby by reference (BCCM 1.3), that are found in File # CPA 2024-001, located in the Planning Division; and

**WHEREAS**, notice of Open Record Hearing before the Board of County Commissioners was published in the Prosser Record Bulletin on May 1, 2024; put on the County website and sent to the applicants and interested parties on April 24, 2024, as noted in the file maintained in the Planning Division; and

**WHEREAS**, the Board of County Commissioners conducted an Open Record Hearing on Tuesday, May 14, 2024, at 9:00 a.m. in the Commissioners Hearing Room, Benton County Administration building, 7122 W. Okanogan Place, Building E, 3<sup>rd</sup> floor Ste. 330, Kennewick, Washington to consider the above proposed application for a Comprehensive Plan Amendment; and

**WHEREAS**, after consideration of the above-mentioned request and review of the Planning Commission record, staff recommendations and all written and oral comments submitted at the public hearing, the Board of County Commissioners adopted the Planning Commission's Findings of Fact as their own and it appears to be in the best interest of the public to approve Planning application CPA 2024-001; **NOW, THEREFORE**,

**BE IT RESOLVED**, the Board of Benton County Commissioners, Benton County, Washington hereby approves the Comprehensive Plan Amendment application, CPA 2024-001 amending Section 3.3.5 and Table 3.4 of the Benton County Comprehensive Plan related to the Open Space Conservation land use designation and amending Appendix A – Map Folio Figure 5 - 2017 Periodic Update Land Use Designations Map (BCCM 1.3) to reflect these changes.

**Dated this 14<sup>th</sup> day of May, 2024**

\_\_\_\_\_  
**Chairman of the Board**

\_\_\_\_\_  
**Chairman Pro Tem**

\_\_\_\_\_  
**Commissioner**

**Attest:** .....  
**Clerk of the Board**

**Constituting the Board of County  
Commissioners of Benton County  
Washington**

**EXHIBIT LIST FOR CPA 2024-001/EA 2024-001  
Comprehensive Plan Amendment**

DATED

<b>Planning Commission Memo Exhibit List - April 9, 2024</b>			
<b>PCM 1</b> Includes:	PCM 1.1	Staff Report	March 27, 2024
	PCM 1.2	CPA 2024-001 Text Changes to Sec. 3.3.5 and Table 3.4	
	PCM 1.3	CPA 2024-001 Application	October 6, 2023
	PCM 1.4	Draft Open Space Conservation District Zoning Ordinance Amendment	
	PCM 1.5	Draft Official Zoning Map w/ proposed zone change to Open Space Conservation District	
	PCM 1.6	Written Determination of Completeness CPA 2024-001 and EA 2024-001	October 7, 2023
		<b>SEPA INFORMATION</b>	
	PCM 1.7	Environmental Checklist EA 2024-001	October 6, 2023
	PCM 1.8	Determination of Non Significance	February 21, 2024
		<b>HEARING NOTICES</b>	
	PCM 1.9	Notice of Public Hearing	March 20, 2024
	PCM 1.10	Notice of 2024 Comp. Plan Amendment Docket	January 17, 2024
		<b>COMMENTS</b>	
	PCM 1.11	Benton Co. Public Works	March 5, 2024
<b>Board of County Commissioners Memo Exhibit List - May 14, 2024</b>			
<b>BCCM 1</b> Includes:	BCCM 1.1	Board of County Commissioners Agenda Sheet	April 29, 2024
	BCCM 1.2	Board of County Commissioners Resolution	
	BCCM 1.3	Planning Commission Recommendation, Findings of Fact and Conclusions	April 9, 2024
	BCCM 1.4	Board of County Commissioners Open Record Appeal Hearing Legal Notification	April 9, 2024
	BCCM 1.5	Planning Commission Audio Recording	April 9, 2024

**The Exhibit Numbers are found in the Top Right Hand Corner of each document.**

**PCM = Planning Commission Memo Exhibits  
PCH = Planning Commission Hearing Exhibits  
BCCM = County Commissioner Memo Exhibits**

**Community Development Department**

Prosser Office: 620 Market Street, 1<sup>st</sup> Floor  
Kennewick Office: 102206 East Wiser Parkway  
[www.co.benton.wa.us](http://www.co.benton.wa.us)



**Planning Division**

(509) 786-5612  
P.O. Box 910, Prosser, WA 99350  
[planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us)

Comprehensive Plan Amendment CPA 2024-001

**Applicant:**

Benton County Community Development Department  
Planning Division

**Subject Parcels:**

The application is not a parcel specific as it is a county-wide proposal.

**APPLICATION DESCRIPTION**

A Comprehensive Plan Amendment to clarify and amend the text of the Benton County Comprehensive Plan

**Existing Comprehensive Plan Text:**

**Section 3.3.5 Open Space Conservation**

Open Space Conservation lands are recognized as areas having critical resources and ecosystems with unique characteristics that support: significant habitats for migratory birds, fish, and wildlife; natural riverine functions and aquatic environments; botanical inventory; water quality and flood retention. Open Space Conservation designated areas provide significant natural functions and benefits to natural resources and the public and should be protected from destruction, conversion, and encroachment by incompatible uses. These areas may also provide limited recreational and educational opportunities for the public. These areas are held under conservation easements with state or federal agencies. Barker Ranch, which is located adjacent to the Yakima River near West Richland, is the only area in the County that currently has this designation”.

**Proposed Comprehensive Plan Text:**

**Section 3.3.5 Open Space Conservation**

Open Space Conservation lands are recognized as areas having critical resources and ecosystems with unique characteristics that support significant habitats for migratory birds, fish, and wildlife; natural riverine functions and aquatic environments; botanical inventory; water quality and flood retention. Open Space Conservation designated areas provide significant natural functions and benefits to natural resources and the public and should be protected from destruction, conversion, and encroachment by incompatible uses. These areas may also provide limited recreational and educational opportunities for the public. ~~These areas are held under conservation easements with state or federal agencies. Barker Ranch, which is located adjacent to the Yakima River near West Richland, is the only area in the County that currently has this designation~~ Open Space Conservation lands can be public or private property, and must be held under conservation easements with local, state, or federal agencies or land trusts. Open Space Conservation designations are voluntary in nature for property owners.

**Existing Comprehensive Plan Text:**

**Table 3.4 Land Use Implementation by Zoning**

Land Use	Zoning
Urban	Urban Growth Area Residential
Hanford	Unclassified
Hanford Reach	Unclassified
Growth Management Act Agriculture	Growth Management Act Agriculture
Open Space Conservation	Rural Lands 5
Public	Park District
Rural Transition	Rural Lands 1
Rural Remote	Rural Lands 5
Rural Resource	Rural Lands 20
Rural Community Center	Community Center Residential, Community Commercial
Rural Commercial	Interchange Commercial, General Commercial
Rural Industrial	Light Industrial, Heavy Industrial

**Proposed Comprehensive Plan Text:**

**Table 3.4 Land Use Implementation by Zoning**

Land Use	Zoning
Urban	Urban Growth Area Residential
Hanford	Unclassified
Hanford Reach	Unclassified
Growth Management Act Agriculture	Growth Management Act Agriculture
Open Space Conservation	<del>Rural Lands 5</del> Open Space Conservation
Public	Park District
Rural Transition	Rural Lands 1
Rural Remote	Rural Lands 5
Rural Resource	Rural Lands 20
Rural Community Center	Community Center Residential, Community Commercial
Rural Commercial	Interchange Commercial, General Commercial
Rural Industrial	Light Industrial, Heavy Industrial

**RECOMMENDATION OF THE  
BENTON COUNTY PLANNING COMMISSION**

RE: In the Matter of County Planning: relating to  
the Comprehensive Plan Amendment to the  
Open Space Conservation Land Use Designation.

File No. CPA 2024-001  
RECOMMENDATION, FINDINGS OF FACT AND  
CONCLUSIONS

**RECOMMENDATION**

CPA 2024-001; A Comprehensive Plan Amendment to clarify and amend two (2) sections of the Benton County Comprehensive Plan related to the Open Space Conservation Land Use Designation is hereby recommended to be **APPROVED**. This action is based upon the following findings pursuant to RCW 58.17.110.

**RESOLUTION**

WHEREAS, the legal notification pursuant to RCW 36.70A.130 was given on March 27, 2024, in the Prosser Record Bulletin; and,

WHEREAS, the open record public hearing was held on April 9, 2022, at 6:00 p.m., in the Planning Hearing Room, First Floor, Courthouse, 620 Market St., Prosser, WA 99350; and,

WHEREAS, the Planning Commission was available to receive public testimony, exhibits, and answer questions in the public portion of the hearing with the public being able to attend and comment through video and telephonic access to the meeting. The meeting was also broadcast through streaming video to allow the public to view the meeting; and,

WHEREAS, the following members attended the meeting Martin Sheeran, Brian Skeels, Robert Mendez, Kelly Hanson and Lloyd Coughlin; and,

WHEREAS, all those who testified and those public hearing exhibits that were received into evidence are identified in the minutes for the hearing on April 9, 2024; and,

WHEREAS, the Planning Commission considered all testimony and, after questions to those giving testimony, closed the public hearing; and,

WHEREAS, the Planning Commission at the open record public hearing considered the evidence submitted and voted to recommend approval with the findings of fact as outlined in the staff memo dated March 27, 2024; and,

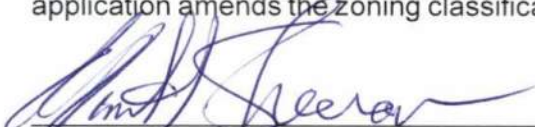
WHEREAS, the Planning Commission is entering its written findings, conclusions and recommendations concerning this matter, and is forwarding the same to the Board of County Commissioners.

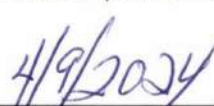
## **FINDINGS OF FACT**

1. Comprehensive Plan Amendment application 2024-001 proposes an amendment to Section 3.3.5 to clarify the description of what constitutes the open space conservation land use designation and in Table 3.4, the application amends the zoning classification that implements the open space conservation designation.
2. The intent of the changes in Section 3.3.5 is to clarify that the Open Space land use designation may apply to land with either public and private ownership, the properties must be held in a conservation easement or land trust, and to further to make sure the public is aware that this designation is completely voluntary.
3. The intent of the changes to Table 3.4 is to clarify the zoning classification that implements the open space conservation designation by changing the implementing zoning classification from Rural Lands 5 Zoning District to Open Space Conservation Zoning District which ensures consistency between both the land use and zoning designation.
4. Public notice and application requirements have been completed for the Comprehensive Plan Amendment request as follows:
  - A. Legal notification for the 2024 Comprehensive Plan Amendment Docket was published in the Prosser Record Bulletin on January 17, 2024.
  - B. The application for CPA 2024-001 was submitted to the Benton County Planning Division October 6, 2023.
  - C. The application was declared complete for processing on October 7, 2023.
  - D. An Environmental Checklist (EA 2024-001) was submitted on October 6, 2023, and a Determination of Non-Significance was issued on February 21, 2024, with a 14-day comment period.
  - E. The application documents were distributed to reviewing agencies on February 22, 2024.
  - F. The application documents were provided to the Washington State Department of Commerce on February 22, 2024, through their on-line submittal system, initiating their 60-day review. (WA Dept. of Commerce: Submittal ID: 2024-S-6892)
  - G. Legal notification for the Planning Commission public hearing was published on March 27, 2024, in the Prosser Record Bulletin.
  - H. Notice of the Planning Commission public hearing was emailed/mailed to property owner of record within 300 feet of the proposal on March 22, 2024.
  - I. The Planning Commission public hearing is scheduled for April 9, 2024.

5. The application for CPA 2024-001 is consistent with RCW 36.70A, the Growth Management Act.
6. The application for CPA 2024-001 is consistent with the goals and policies of the Benton County Comprehensive Plan.
7. The application further implements Benton County Comprehensive Plan, Section 2, PL Goal 3, Policy 2 to encourage the public and/or private acquisition of the prominent ridges within unincorporated Benton County as Open Space Conservation, in order to preserve views, protect native habitat, and provide for public access and recreation associated with these landscapes.

**THEREFORE, BE IT RESOLVED THAT THE BENTON COUNTY PLANNING COMMISSION,** through its chairman, adopts these findings and conclusions with respect to File No. CPA 2024-001, and hereby recommends APPROVAL to the Board of County Commissioners for amendments to the Benton County Comprehensive Plan, including two (2) sections of the Benton County Comprehensive Plan related to the Open Space Conservation Land Use Designation, specifically, Section 3.3.5 to clarify the description of what constitutes the Open Space Conservation land use designation, and in Table 3.4, the application amends the zoning classification that implements the open space conservation designation.

  
MARTIN SHEERAN, Chairman  
BENTON COUNTY PLANNING COMMISSION

  
DATE

**Community Development Department**  
 Prosser Office: 620 Market Street, 1<sup>st</sup> Floor  
 Kennewick Office: 102206 East Wiser Parkway  
[www.bentoncountywa.gov](http://www.bentoncountywa.gov)



**Planning Division**  
 (509) 786-5612  
[Planning.department@co.benton.wa.us](mailto:Planning.department@co.benton.wa.us)  
 102206 East Wiser Parkway, Kennewick, WA 99338

## NOTICE OF PUBLIC HEARING

NOTICE OF HEARING before the Board of County Commissioners, in the matter of the proposed 2024 annual amendments to the Benton County Comprehensive Plan; pursuant to Washington State Planning Law RCW 36.70A.130.

NOTICE IS HEREBY GIVEN that public comment will be taken on the following proposed amendments to the Benton County Comprehensive Plan before the Board of County Commissioners on May 14, 2024, in the Commissioners' Hearing Room, Benton County Administration Building, 7122 W. Okanogan Place, Building E, 3rd Floor, Suite E-303 Kennewick, WA. At this hearing, the Board of County Commissioners may approve, or disapprove the amendments.

**CPA 2024-001** - A proposal by Benton County to amend two (2) sections of the Benton County Comprehensive Plan related to the Open Space Conservation Land Use Designation. The application proposes to amend Section 3.3.5 and table 3.4.

**CPA 2024-002** - A proposal by Spink Engineering on behalf of the City of Benton City to amend the land use designation of two (2) parcels in the Benton County Comprehensive Plan. The application proposes to amend the current land use designation of Rural Industrial for both parcels to a land use designation of Public for parcel 1-1396-401-1991-002 and a designation of Rural Remote for parcel 1-1394-401-1991-001.

NOTICE IS FURTHER GIVEN that the proposed Comprehensive Plan Amendments have been reviewed under the requirements of the State Environmental Policy Act and Determinations of Non-Significance (DNS) were issued on February 21, 2024 for both CPA 2024-001 and CPA 2024-002. Accordingly, Environmental Impact Statements were not required for these proposals. Any comments regarding these determinations and the environmental impacts of the proposals can be made at the Board of County Commissioners hearing or in writing to the Benton County Planning Division by 3 p.m. on Monday May 13, 2024.

To continue to provide citizens access to public meetings, Benton County in addition to in person attendance, will also be providing telephonic and video access for the public to view and provide testimony at public meetings. To find information on virtual attendance options, including streaming video, WebEx video conferencing and telephone, please visit <https://tinyurl.com/BENCOHRG>

Comments regarding the proposed amendments or SEPA determinations of the proposals may also be submitted in writing to the Benton County Planning Division; 102206 E Wiser Parkway, Kennewick WA 99338 or via email to [planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us) by 3 p.m. Monday, May 13, 2024. No individual with a disability shall be denied the benefit of participating in such meetings. If you wish to use auxiliary aids or require assistance to comment at a public meeting, please contact the Benton County Planning Division at least ten days prior to the meeting date to make arrangements for special needs.

Information concerning the applications can be obtained at the Benton County Planning Division, by calling 736-3086 (Tri-Cities) or 786-5612 (Prosser) or by visiting <https://tinyurl.com/pubnotice>  
 Dated this 24<sup>th</sup> day of April 2024.

Jerome Delvin, Chairman  
 Board of County Commissioners

Michelle Mercer, Manager  
 Planning Division

PUBLISH: May 1st, 2024

**The Audio Recording of the Benton County Planning Commission hearing is available by accessing the April 9, 2024 Planning Commission meeting on the County Website.**

**[https://www.bentoncountywa.gov/agendalist.aspx?categoryid= 1204](https://www.bentoncountywa.gov/agendalist.aspx?categoryid=1204)**



## PCM 1.1

**STAFF REPORT TO THE  
BENTON COUNTY PLANNING COMMISSION  
Benton County Planning Division  
Comprehensive Plan Amendment (Annual)**

**FILE NO:** CPA 2024-001: Comprehensive Plan Amendment related to the Open Space Conservation Land Use Designation.

**STAFF REPORT DATE:** March 27, 2024

**HEARING DATE:** April 9, 2024

**APPLICANT:** Benton County Planning Division, 102206 E Wiser Parkway, Kennewick, WA 99336

**OWNER:** N/A

**LOCATION:** N/A

**PROPERTY SIZE:** N/A

**AREA TO BE USED:** N/A

**LAND USE:** N/A

**COMP PLAN:** N/A

**ZONING:** N/A

### **STAFF**

**RECOMMENDATION:** The Planning Division recommends that the Planning Commission forward to the Benton County Commissioners a recommendation to approve Benton County Comprehensive Plan Amendment **CPA 2024-001**, subject to the 7 Findings of Fact as outlined in this staff report.

### **APPLICATION DESCRIPTION**

A Comprehensive Plan Amendment (CPA 2024-001) to clarify and amend two (2) sections of the Benton County Comprehensive Plan related to the Open Space Conservation Land Use Designation

The application proposes an amendment to Section 3.3.5 to clarify the description of what constitutes the Open Space Conservation land use designation, and in Table 3.4, the application amends the zoning classification that implements the open space conservation designation.

The intent of the changes in Section 3.3.5 is to clarify the Open Space land use designation may apply to land with either public and private ownership, the properties must be held in a conservation easement or land trust, and to further to make sure the public is aware that this designation is completely voluntary.

The amendments to Table 3.4 focus on the zoning classification that implements the open space conservation designation by changing the implementing zoning classification from Rural Lands 5 Zoning District to Open Space Conservation Zoning District which ensures consistency between both the land use and zoning designation.

**Section 3.3.5 Open Space Conservation:**

*Existing Comprehensive Plan Text:*

Open Space Conservation lands are recognized as areas having critical resources and ecosystems with unique characteristics that support significant habitats for migratory birds, fish, and wildlife; natural riverine functions and aquatic environments; botanical inventory; water quality and flood retention. Open Space Conservation designated areas provide significant natural functions and benefits to natural resources and the public and should be protected from destruction, conversion, and encroachment by incompatible uses. These areas may also provide limited recreational and educational opportunities for the public. These areas are held under conservation easements with state or federal agencies. Barker Ranch, which is located adjacent to the Yakima River near West Richland, is the only area in the County that currently has this designation”.

*Proposed Comprehensive Plan Text:*

Open Space Conservation lands are recognized as areas having critical resources and ecosystems with unique characteristics that support significant habitats for migratory birds, fish, and wildlife; natural riverine functions and aquatic environments; botanical inventory; water quality and flood retention. Open Space Conservation designated areas provide significant natural functions and benefits to natural resources and the public and should be protected from destruction, conversion, and encroachment by incompatible uses. These areas may also provide limited recreational and educational opportunities for the public. ~~These areas are held under conservation easements with state or federal agencies. Barker Ranch, which is located adjacent to the Yakima River near West Richland, is the only area in the County that currently has this designation.~~ Open Space Conservation lands can be public or private property, and must be held under conservation easements with local, state, or federal agencies or land trusts. Open Space Conservation designations are voluntary in nature for property owners.

**Table 3.4 Land Use Implementation by Zoning**

*Existing Comprehensive Plan Text:*

Land Use	Zoning
Urban	Urban Growth Area Residential
Hanford	Unclassified
Hanford Reach	Unclassified
Growth Management Act Agriculture	Growth Management Act Agriculture
Open Space Conservation	Rural Lands 5
Public	Park District

Land Use	Zoning
Rural Transition	Rural Lands 1
Rural Remote	Rural Lands 5
Rural Resource	Rural Lands 20
Rural Community Center	Community Center Residential, Community Commercial
Rural Commercial	Interchange Commercial, General Commercial
Rural Industrial	Light Industrial, Heavy Industrial

*Proposed Comprehensive Plan Text:*

Land Use	Zoning
Urban	Urban Growth Area Residential
Hanford	Unclassified
Hanford Reach	Unclassified
Growth Management Act Agriculture	Growth Management Act Agriculture
Open Space Conservation	<a href="#">Rural Lands 5-Open Space Conservation</a>
Public	Park District
Rural Transition	Rural Lands 1
Rural Remote	Rural Lands 5
Rural Resource	Rural Lands 20
Rural Community Center	Community Center Residential, Community Commercial
Rural Commercial	Interchange Commercial, General Commercial
Rural Industrial	Light Industrial, Heavy Industrial

**PUBLIC NOTICE**

1. Legal notification for the 2024 Comprehensive Plan Amendment Docket was published in the Prosser Record Bulletin on January 17, 2024.
2. The application for CPA 2024-001 was submitted to the Benton County Planning Division October 6, 2023.
3. The application was declared complete for processing on October 7, 2023.
4. An Environmental Checklist (EA 2024-001) was submitted on October 6, 2023, and a Determination of Non-Significance was issued on February 21, 2024, with a 14-day comment period.
5. The application documents were distributed to reviewing agencies on February 22, 2024.
6. The application documents were provided to the Washington State Department of Commerce on February 22, 2024, through their on-line submittal system, initiating their 60-day review. (WA Dept. of Commerce: Submittal ID: 2024-S-6892)
7. Legal notification for the Planning Commission public hearing was published on March 27, 2024, in the Prosser Record Bulletin.

8. Notice of the Planning Commission public hearing was emailed/mailed to property owner of record within 300 feet of the proposal on March 22, 2024.
9. The Planning Commission public hearing is scheduled for April 9, 2024.

### **STATE ENVIRONMENTAL POLICY ACT**

CPA 2021-004 has been reviewed under the requirements of the State Environmental Policy Act, and a Determination of Non-Significance (DNS) was issued on February 21, 2024, with a 14-day comment period ending on March 6, 2024. Copies of the Environmental Checklist, the Determination of Non-Significance, and the comments received from reviewing agencies are attached to this memorandum.

### **APPLICABLE STANDARDS/ORDINANCES**

1. Benton County Code (BCC) 16.14.030, Comprehensive Plan – Amendments – Persons Eligible to Request Amendments – Applications.
2. Benton County Code (BCC) 16.14.040, Comprehensive Plan – Amendments – Public Notice of Deadline for Submittal of Complete Applications.
3. Benton County Code (BCC) 16.14.050 Comprehensive Plan – Amendments – Application Period.
4. Benton County Code (BCC) 16.14.060, Comprehensive Plan – Amendments – Documentation required for a complete application.
5. Benton County Code (BCC) 16.14.080, Comprehensive Plan – Amendments – Procedural Steps for Review of Proposed Amendments.
6. Benton County Comprehensive Plan, 1.7 Amendments to this Comprehensive Plan.
7. Benton County Comprehensive Plan, 2 Goals and Policies.
8. Benton County Comprehensive Plan, 3 Land Use Element.
9. Growth Management Act (GMA) – RCW 36.70A

### **AGENCY COMMENTS**

1. The application documents were distributed to the following review agencies on February 22, 2024.

Applicant  
News Media  
Kiona Irrigation District  
Kennewick Irrigation District  
Benton Irrigation District  
Columbia Irrigation District  
Sunnyside Valley Irrigation District

Roza Irrigation District  
Badger Mountain Irrigation District  
Benton Clean Air Authority  
Benton County Building Department  
WA Dept of Arch. & Historic Preservation  
Benton County Fire Marshal  
WA Department of Ecology -SEPA Register  
Benton County Public Works Department  
WA Department of Fish and Wildlife  
Benton-Franklin Health District  
WA Department of Health  
Bureau of Land Management  
WA Department of Natural Resources  
Bureau of Reclamation  
WA Department of Transportation  
Confederated Tribes and Bands of the Yakama Nation  
Confederated Tribes of the Umatilla Indian Reservation  
City of Benton City  
City of Kennewick  
City of West Richland  
City of Richland  
City of Prosser  
Tom Price, Environmental Review Inc.  
Fire District #1  
Fire District #2  
Fire District #3  
Fire District #4  
Fire District #5  
Fire District #6  
Port of Benton  
Port of Kennewick  
Futurewise  
Finley School District  
Prosser School District  
Benton City School District  
Richland School District  
Kennewick School District  
Kiona-Benton School District  
Benton Franklin Council of Governments  
US Army Corps of Engineers  
Dept. of Commerce  
Ben Franklin Transit

2. No agency comments of significance were received.

#### **CRITERIA FOR FINDINGS OF FACT**

1. **Benton County Code (BCC) 16.14.030**, Comprehensive Plan – Amendments – Persons Eligible to Request Amendments – Applications.

- (b) Applications to amend any portion of the County's Comprehensive Plan can be submitted at the direction of the Benton County Planning Commission, Benton County Board of County Commissioners, the Benton County Planning Director, any owner of property in unincorporated Benton County seeking an amendment that only affects that person's property, any resident of unincorporated Benton County supported by signatures of ten (10) residents of unincorporated Benton County, or any general or special purpose local government entity operating in Benton County pursuant to an adopted resolution of its legislative body or board of directors.
2. **Benton County Code (BCC) 16.14.040**, Comprehensive Plan – Amendments – Public Notice Deadline for submittal of Complete Application.
- (a) Prior to October 1<sup>st</sup> of each year, the Planning Department shall place legal notices in the official county newspaper announcing the December 1<sup>st</sup> deadline for submitting complete applications for amendments to the Comprehensive Plan.
3. **Benton County Code (BCC) 16.14.050**, Comprehensive Plan – Amendments – Application Period.
- (a) Subject to the exceptions found in RCW 36.70A.130(2)(a) and 36.70A.130.(2)(b), applications to amend the Comprehensive Plan shall only be accepted between October 1<sup>st</sup> and December 1<sup>st</sup> of any year, and all applications will be considered concurrently by the Board of County Commissioners in the calendar year that follows the year in which the application was submitted.
4. **Benton County Code (BCC) 16.14.060**, Amendments to the Benton County Comprehensive Plan – Amendments – Documentation required for a complete application.
- (a) Within fourteen (14) days after receiving an application for amendment to the Comprehensive Plan, the County Planning Department shall review the application and place in the mail or personally deliver a written determination addressed to the applicant stating that the application is complete or that the application is incomplete and identifying what is necessary to make the application complete.
  - (b) All applications for amendment to the Comprehensive Plan must provide all information requested on the application form and include the following documentation:
    - (1) a complete environmental checklist in accordance with the State Environmental Policy Act (SEPA);
    - (2) an application fee as set by resolution of the Board of County Commissioners;
    - (3) a textual and graphic description of the requested Comprehensive Plan amendment which shall identify the specific portions of the Plan proposed for amendment;
    - (4) an explanation of why the amendment is being proposed; and

- (5) the signature of the person or persons eligible to make the application as set forth in BCC 16.14.030.

5. **Benton County Code (BCC) 16.14.080, Comprehensive Plan – Amendments – Procedural Steps for Review of Proposed Amendments.**

- (a) The Planning Department will initiate review of complete applications by listing them in a posted legal notice along with the State Environmental Policy Act (SEPA) review dates. Analysis of each application for consistency with the Washington State Growth Management Act and the Comprehensive Plan, including the adopted County-wide Planning Policies, will be conducted, and summarized in a staff report. The Planning Department shall also make a recommendation to the Planning Commission for approval or denial if each application.
- (b) The Planning Commission will conduct at least one open record hearing on the applications and forward a recommendation for approval or denial of each application to the Board.
- (c) The Board of County Commissioners will conduct at least one open record public hearing on the applications prior to approving, approving with modifications and/or conditions, or denying the applications.

6. **Benton County Comprehensive Plan, 1.7 Amendments to the Comprehensive Plan.**

Amendments to the Comprehensive Plan are legislative actions requiring County Commissioners' approval. Amendments must be approved as prescribed by the GMA. With a few exceptions, they cannot be considered more often than once per year and in accordance with specific procedures. Major updates occur by legislative action on an 8-year cycle as established by RCW 36.70A.130 (4)(c).

Amendments can be requested by the County or by private individuals. Multiple applications for amendments will be considered in a single legislative review process in order to evaluate the potential cumulative effect of the requests. All amendment requests require a public hearing with the Planning Commission, which then makes a recommendation to the County Commission. The County Commission will approve or deny the amendments in a public hearing. Public involvement with this process is required and encouraged through direction of the County Participation Plan.

Annual amendments will address the issues of major or minor land use classification changes; changes to the goals, policies, and text of the Comprehensive Plan; changes to supporting data and implementation; changes to the Land Use maps; and changes to the inventories and technical documents.

7. **Benton County Comprehensive Plan, 2 Goals and Policies.**

A. Section 2.1 Planning Process

- i. PP Goal 1: Develop a Comprehensive Plan that reflects the community's vision and objectives, is consistent with the State's planning laws, and is implemented through various local development regulations.

- ii. Policy 4: Coordinate the County's plans and programs with those at local, regional, and state levels.

**B. Section 2.9 Parks, Recreation, Open Space, and Historic Preservation**

- i. PL Goal 1: Develop and maintain a park system for Benton County residents and visitors that provides a variety of recreational opportunities in regional and local parks and open space.
- ii. PL Goal 2: Work with cities and agencies to protect greenways and open spaces along the riverine corridor of the lower Yakima River.
- iii. PL Goal 3: Conserve visually prominent naturally vegetated steep slopes and elevated ridges that define the Columbia Basin landscape and are uniquely a product of the ice age floods.

Policy 1: Identify and preserve historically significant structures and sites whenever feasible.

Policy 2: Encourage the public and/or private acquisition of the prominent ridges within unincorporated Benton County as Open Space Conservation, in order to preserve views, protect native habitat, and provide for public access and recreation associated with these landscapes.

Policy 3: Pursue a variety of means and mechanisms such as the preparation of specific and area plans, conservation easements, clustered developments, land acquisitions and trades, statutory requirements to protect the natural landform and vegetative cover of the Rattlesnake uplift formation, notably Rattlesnake, Red, Candy, and Badger mountains and the Horse Heaven Hills.

Policy 4: Consider the preservation of the ridges and hillside areas through various development regulations.

**8. Benton County Comprehensive Plan, 3 Land Use Element.**

**A. Section 3.2.1 Land Use Pattern and Compatibility**

Benton County's land use can be described in broad categories: urban, rural, agricultural, industrial, public, and open space. Agriculture is the predominate land use in Benton County. Much of the urban land is concentrated in the eastern portion of the county which comprises the Tri-Cities area – Kennewick, Richland, and West Richland – with Benton City and Prosser composing the urban land in central and western Benton County. The rural residential lands are mostly along the Interstate-82 corridor and in the urban fringes with some located in the Patterson and Plymouth areas. Industrial lands are minimal in the unincorporated County, located nearly Finley and Prosser. Other industrial lands are mostly located within the Hanford area or within the UGAs. Public and open space lands located throughout the County.

Compatibility is based on the intensity of land uses. Generally speaking, the most intense use is industrial due its operational impacts (e.g., noise, light, dust), supporting facility needs, and overall land impact. Natural areas are considered the least intense as there are no developments or improvements on such areas. Therefore, a low-density residential area next to a heavy industrial land use would be considered incompatible because of the negative impacts industrial uses may have on the residential areas. Appropriately designed buffers, landscaping, and transition areas between uses should be considered between incompatible uses.

B. Table 3-3 Proposed Land Uses and Land Distribution in Benton County.

Land Use Type: Open Space Conservation  
Acres: 2,169  
Square Miles: 3  
Percent: 0.20

**RECOMMENDATION**

The Benton County Planning Division recommends that the Planning Commission forward a **recommendation of approval** for the text changes to the Comprehensive Plan amending Section 3.3.5 and Table 3.4 related to the Open Space Conservation Land Use Designation, to the Benton County Board of Commissioners for application CPA 2024-001, with the following suggested Findings of Fact and motion.

**SUGGESTED FINDINGS OF FACT**

The following Findings of Fact are based on the comments received up to the date of this staff memo. Any comments received after the completion of this staff memo or submitted during the advertised public hearing for CPA 2024-001 will need to be considered by the Planning Commission and may be added to the suggested Findings of Fact as set forth below. The Planning Commission may decide to adopt these as their own or amend/add to these Findings of Fact after holding the open public hearing.

**FINDINGS OF FACT**

1. Comprehensive Plan Amendment application 2024-001 proposes an amendment to Section 3.3.5 to clarify the description of what constitutes the open space conservation land use designation and in Table 3.4, the application amends the zoning classification that implements the open space conservation designation.
2. The intent of the changes in Section 3.3.5 is to clarify that the Open Space land use designation may apply to land with either public and private ownership, the properties must be held in a conservation easement or land trust, and to further to make sure the public is aware that this designation is completely voluntary.
3. The intent of the changes to Table 3.4 is to clarify the zoning classification that implements the open space conservation designation by changing the implementing zoning classification from Rural Lands 5 Zoning District to Open Space Conservation Zoning District which ensures consistency between both the land use and zoning designation.

4. Public notice and application requirements have been completed for the Comprehensive Plan Amendment request as follows:
  - A. Legal notification for the 2024 Comprehensive Plan Amendment Docket was published in the Prosser Record Bulletin on January 17, 2024.
  - B. The application for CPA 2024-001 was submitted to the Benton County Planning Division October 6, 2023.
  - C. The application was declared complete for processing on October 7, 2023.
  - D. An Environmental Checklist (EA 2024-001) was submitted on October 6, 2023, and a Determination of Non-Significance was issued on February 21, 2024, with a 14-day comment period.
  - E. The application documents were distributed to reviewing agencies on February 22, 2024.
  - F. The application documents were provided to the Washington State Department of Commerce on February 22, 2024, through their on-line submittal system, initiating their 60-day review. (WA Dept. of Commerce: Submittal ID: 2024-S-6892)
  - G. Legal notification for the Planning Commission public hearing was published on March 27, 2024, in the Prosser Record Bulletin.
  - H. Notice of the Planning Commission public hearing was emailed/mailed to property owner of record within 300 feet of the proposal on March 22, 2024.
  - I. The Planning Commission public hearing is scheduled for April 9, 2024.
5. The application for CPA 2024-001 is consistent with RCW 36.70A, the Growth Management Act.
6. The application for CPA 2024-001 is consistent with the goals and policies of the Benton County Comprehensive Plan.
7. The application further implements Benton County Comprehensive Plan, Section 2, PL Goal 3, Policy 2 to encourage the public and/or private acquisition of the prominent ridges within unincorporated Benton County as Open Space Conservation, in order to preserve views, protect native habitat, and provide for public access and recreation associated with these landscapes.

### **SUGGESTED MOTION**

I move that the Planning Commission forward a recommendation for approval subject to the seven (7) Findings of Fact listed in the Staff Report dated April 9, 2024 for application CPA 2024-001 amending the text and Map Folio of the Benton County Comprehensive Plan to the Benton County Board of Commissioners, and that the Chairman along with the Secretary of the Planning Commission develop written findings for approval and signature of the Planning Commission Chairman.

APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

RECEIVED

File No. CPA 2024-001

OCT 06 2023

- 1. NAME OF APPLICANT: Benton County Planning Division Benton County  
Planning Division  
 MAILING ADDRESS: 102206 E Wiser Parkway, Kennewick, WA 99336  
 TELEPHONE: 736-3086  
 CONTACT PERSON: Michelle Mercer/Greg Wendt

- 2. LEGAL OWNER(S) OF RECORD, if different from applicant:  
 (Attach additional sheet if necessary.)  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_

**Please answer the following questions. If more space is needed please use additional pages.**

- 1. Address, parcel number and legal description of property:  
 N/A-  
 County-wide: Not a site or project specific project
- 2. What is the current use of the property?  
 N/A-  
 County-wide: Not a site or project specific project
- 3. What is the existing comprehensive plan designation for the area in which the property is located?  
 The application amends Section 3.3.5 and Table 3.4. Both amendments relate to the Open Space Conservation Land Use Designation.
- 4. What is the proposed use of the property?  
 N/A-  
 County-wide: Not a site or project specific project
- 5. State the requested amendment language or proposed plan designation for the property:

Please see the attached sheet for specifics related to the amendments to Section 3.3.5 and Table 3.4.

6. Prepare and attach a site map showing the area in which a plan change is being sought: If the amendment requires a map plan change, please show clearly the following: the proposed plan change boundaries, map scale, north arrow, date of preparation, major physical boundaries; both natural and man-made, lying within or adjacent to the affected area (i. e., including but not limited to highways, railroads, rivers, streams, power lines, schools, and other public outbuildings, etc.), section, township and range lines are to be shown and identified. If in shoreline area, define existing shorelines area as shown in existing shorelines master plan and indicate the existing environment designation. -Not a site specific amendment.

7. What are the reasons for the requested amendment include substantial information why the provisions, map designations, etc., of the adopted plan are not sufficient to satisfy the concern that gives rise to the amendment request:

Section 3.3.5: The amendment adds the following to 3.3.5. 1) The Open Space designation may be applied to both public and private ownership; 2) Property must be held in a conservation easement or land trust; 3) Designation is voluntary.  
Table 3.4: For consistency- implement OSC land use designation with OSC zoning.

8. Include information on the availability and location of utilities and roads, means of providing water and waste disposal, schools, parks, and the availability of sheriff and fire protection services:

N/A-

County-wide: Not a site or project specific project

9. Please provide supporting information on how the proposal complies with the comprehensive plan amendment evaluation criteria (see attached):

The amendments comply with the evaluation criteria, implement the Comprehensive Plan goals and policies and comply with the RCW 36.70A and the County-wide Planning Policies.

10. Include any other substantiated information that you feel is necessary or relevant for consideration:

N/A

Please use additional pages when required to provide ten (10) resident support signatures:

Greg Wendt  
Applicant's Signature

Greg Wendt  
Printed Name

10/2/23  
Date

\_\_\_\_\_  
Signature of Legal Owner's

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Person with  
Additional Ownership Interest

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Person with  
Additional Ownership Interest

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Person with  
Additional Ownership Interest

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

ALL persons with an ownership interest in the property on which the land use action is proposed must sign the application other than interests exclusively limited to ownership of the parcel's mineral rights.

An application fee of \$1,000.00 must be submitted with this application. This fee is non- refundable. Please make checks payable to Benton County Treasurer.

**Community Development Department**

Prosser Office: 620 Market Street, 1<sup>st</sup> Floor  
Kennewick Office: 102206 East Wiser Parkway  
[www.co.benton.wa.us](http://www.co.benton.wa.us)



**Planning Division**

(509) 786-5612  
P.O. Box 910, Prosser, WA 99350  
[planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us)

Comprehensive Plan Amendment CPA 2024-001

**Applicant:**

Benton County Community Development Department  
Planning Division

**Subject Parcels:**

The application is not a parcel specific as it is a county-wide proposal.

**APPLICATION DESCRIPTION**

A Comprehensive Plan Amendment to clarify and amend the text of the Benton County Comprehensive Plan

**Existing Comprehensive Plan Text:**

**Section 3.3.5 Open Space Conservation**

Open Space Conservation lands are recognized as areas having critical resources and ecosystems with unique characteristics that support: significant habitats for migratory birds, fish, and wildlife; natural riverine functions and aquatic environments; botanical inventory; water quality and flood retention. Open Space Conservation designated areas provide significant natural functions and benefits to natural resources and the public and should be protected from destruction, conversion, and encroachment by incompatible uses. These areas may also provide limited recreational and educational opportunities for the public. These areas are held under conservation easements with state or federal agencies. Barker Ranch, which is located adjacent to the Yakima River near West Richland, is the only area in the County that currently has this designation.

**Proposed Comprehensive Plan Text:**

**Section 3.3.5 Open Space Conservation**

Open Space Conservation lands are recognized as areas having critical resources and ecosystems with unique characteristics that support significant habitats for migratory birds, fish, and wildlife; natural riverine functions and aquatic environments; botanical inventory; water quality and flood retention. Open Space Conservation designated areas provide significant natural functions and benefits to natural resources and the public and should be protected from destruction, conversion, and encroachment by incompatible uses. These areas may also provide limited recreational and educational opportunities for the public. ~~These areas are held under conservation easements with state or federal agencies. Barker Ranch, which is located adjacent to the Yakima River near West Richland, is the only area in the County that currently has this designation~~ Open Space Conservation lands can be public or private property, and must be held under conservation easements with local, state, or federal agencies or land trusts. Open Space Conservation designations are voluntary in nature for property owners.

**Existing Comprehensive Plan Text:**  
**Table 3.4 Land Use Implementation by Zoning**

Land Use	Zoning
Urban	Urban Growth Area Residential
Hanford	Unclassified
Hanford Reach	Unclassified
Growth Management Act Agriculture	Growth Management Act Agriculture
Open Space Conservation	Rural Lands 5
Public	Park District
Rural Transition	Rural Lands 1
Rural Remote	Rural Lands 5
Rural Resource	Rural Lands 20
Rural Community Center	Community Center Residential, Community Commercial
Rural Commercial	Interchange Commercial, General Commercial
Rural Industrial	Light Industrial, Heavy Industrial

**Proposed Comprehensive Plan Text:**  
**Table 3.4 Land Use Implementation by Zoning**

Land Use	Zoning
Urban	Urban Growth Area Residential
Hanford	Unclassified
Hanford Reach	Unclassified
Growth Management Act Agriculture	Growth Management Act Agriculture
Open Space Conservation	<del>Rural Lands 5</del> Open Space Conservation
Public	Park District
Rural Transition	Rural Lands 1
Rural Remote	Rural Lands 5
Rural Resource	Rural Lands 20
Rural Community Center	Community Center Residential, Community Commercial
Rural Commercial	Interchange Commercial, General Commercial
Rural Industrial	Light Industrial, Heavy Industrial

local economy. Port district holdings include lands in the rural areas of Paterson, Plymouth, and Finley, and in or adjacent to the cities of Richland, Kennewick, Prosser, and Benton City.

Typical port enterprises include the construction of industrial and office space for start-up businesses; the lease of land or buildings to commercial enterprises, which may in turn purchase the real property from the Port; and facilitating the assemblage of major industrial/commercial projects requiring collaboration by numerous interests such as utilities, local and regional governments, and private enterprise.

Descriptions of the County's industrial land resources can be found in Chapter 5 (Economic Element).

#### **3.3.3.1 Industrial Land Use Designation**

**Rural Industrial** is intended for a wide range of industrial land uses including light and heavy industrial uses. These lands require access and infrastructure for heavy industrial uses; rail and waterborne transportation access are critical. Other important criteria include separation of such land from residential and commercial uses and availability of large acreages for outside storage and maneuvering of trucks and rail equipment. Industrial lands play a key role in the local and regional economy by offering manufacturing and various other types of jobs.

#### ***3.3.4 Public Lands Designation***

The Public Lands (PL) designation is found throughout the County, but most generally along the Columbia River corridor. PL designated lands are intended for public uses such as parks, playgrounds, greenways, open spaces, and wildlife habitats owned and operated by a local, state, or federal government. Although approximately 15,563 acres of land are currently designated PL in the Land Use Map, there are about 93,299 acres of additional land in Benton County currently owned by public entities, including the Washington Department of Fish and Wildlife, Bureau of Land Management, Department of Natural Resources, and U.S. Army Corps of Engineers.

#### ***3.3.5 Open Space Conservation***

Open Space Conservation lands are recognized as areas having critical resources and ecosystems with unique characteristics that support: significant habitats for migratory birds, fish, and wildlife; natural riverine functions and aquatic environments; botanical inventory; water quality and flood retention. Open Space Conservation designated areas provide significant natural functions and benefits to natural resources and the public and should be protected from destruction, conversion, and encroachment by incompatible uses. These areas may also provide limited recreational and educational opportunities for the public. These areas are held under conservation easements with state or federal agencies. Barker Ranch, which is located adjacent to the Yakima River near West Richland, is the only area in the County that currently has this designation.

**Table 3-4  
Land Use Implementation by Zoning**

Land Use	Zoning
Urban	Urban Growth Area Residential
Hanford	Unclassified
Hanford Reach	Unclassified
Growth Management Act Agriculture	Growth Management Act Agriculture
Open Space Conservation	Rural Lands 5
Public	Park District
Rural Transition	Rural Lands 1
Rural Remote	Rural Lands 5
Rural Resource	Rural Lands 20
Rural Community Center	Community Center Residential, Community Commercial
Rural Commercial	Interchange Commercial, General Commercial
Rural Industrial	Light Industrial, Heavy Industrial

Designations under each category are further discussed below.

### 3.3.1 Urban Lands

Urban lands are lands located within, adjacent to, or as in the case of existing unincorporated islands, surrounded by existing city limits.

A key component of the GMA and the Comprehensive Plan is to allow growth within the UGAs. These areas include cities and other areas characterized by urban growth or adjacent to such areas, and are designed to accommodate the projected population growth for 20 years. The GMA further specifies that urban growth should first be located in areas that already have adequate existing public facilities and service capacity and second, be located in areas where such services if not already available, can be served adequately by a combination of both existing and future public and private sector facilities and services.

The CWPP establish a process between the County and cities to manage development within the cities and their UGAs, and a process of annexation of UGAs into the cities.

#### **3.3.1.1 Urban Land Use Designation**

Urban lands in Benton County include land within the city limits and the UGAs. There are five designated and approved urban growth areas (UGA's) in Benton County: Benton City (Appendix A-Figure 18), Kennewick (Appendix A-Figure 19), Prosser (Appendix A-Figure 20), Richland (Appendix A-Figure 21), and West Richland (Appendix A-Figure 22). The densities, uses, and development

**CHAPTER 11.00  
OPEN SPACE CONSERVATION DISTRICT (OSC)**

**SECTIONS:**

- 11.00.010 Purpose
- 11.00.020 Applicability
- 11.00.030 Allowable Uses
- 11.00.040 Accessory Uses
- 11.00.050 Uses Subject to Planning Administrator Review and Approval
- 11.00.060 Uses Requiring a Conditional Use Permit
- 11.00.070 Uses Prohibited
- 11.00.080 Property Development Standards-General Standards
- 11.00.090 Property Development Standards-Setback Requirements
- 11.00.100 Severability
- 11.00.110 Effective Date

**11.00.010 PURPOSE.** The purpose of the Open Space Conservation District is to recognize areas of the County having critical areas and ecosystems with unique characteristics that support habitat for migratory birds, fish, and wildlife; natural riverine functions and aquatic environments; botanical inventory; the protection of steep slopes and viewsheds, water quality and flood retention. These areas provide significant natural functions and benefits to natural resources and the public and should be protected from destruction, conversion, and encroachment by incompatible uses. Open Space Conservation lands can be public or private property, and must be held under conservation easements with local, state, or federal agencies or land trusts. Open Space Conservation designations are voluntary in nature for property owners.

**11.00.020 APPLICABILITY.** The provisions of this chapter shall apply to the areas designated as an Open Space Conservation District (OSC) on the official zoning maps of Benton County and located in unincorporated Benton County.

**11.00.030 ALLOWABLE USES.** The following uses are allowed within the Open Space Conservation District (OSC) on a single parcel of record:

- (a) Wildlife preserve or game management area.
- (b) Hunting preserve.
- (c) Hiking and non-motorized biking trails.
- (d) Equestrian trails.
- (e) Water access facilities.
- (f) Utility substation facility.
- (g) Agricultural uses.
- (h) Caretaker residential dwelling, office and/or storage facility used in conjunction with the conservation activities on the property.

**11.11.040 ACCESSORY USES.** Provided all applicable code provisions are satisfied, the following uses are allowed as an accessory/ancillary use within the Open Space Conservation District (OSC) on a single parcel of record:

- (a) One (1) or more accessory buildings and uses.
- (b) One (1) or more agricultural buildings.
- (c) Solar Power Generator Facility, Minor
- (d) Uses subject to Planning Administrator review and approval, specified in BCC 11.11.050(a).

**11.00.050 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL.**

The following uses may be allowed within the Open Space Conservation District (OSC) on a single parcel of record upon the review and approval of the Planning Administrator:

- (a) Communication facilities subject to the provisions in Chapter 11.47 BCC.

**11.00.060 USES REQUIRING A CONDITIONAL USE PERMIT.** The following uses may be permitted on a single parcel of record within the Open Space Conservation District (OSC) if a conditional use permit is issued by the Hearings Examiner after notice and public hearing as provided by BCC 11.50.040:

- (a) Irrigation pumping station.

**11.00.070 USES PROHIBITED.** Any use not authorized or approved pursuant to BCC 11.00.030, BCC 11.00.040 or 11.00.050, or 11.00.060 is prohibited within the Open Space Conservation District (OSC).

**11.00.080 PROPERTY DEVELOPMENT STANDARDS--GENERAL STANDARDS.** All lands, structures and uses in the Open Space Conservation District (OSC) shall conform to the following general standards, and if applicable, to the standards set forth in Chapter 15.02 BCC, Chapter 15.04 BCC, Chapter 15.06 BCC, Chapter 15.08 BCC, Chapter 15.12 BCC, and Chapter 15.14 BCC.

- (a) Frontage. Each parcel shall have a minimum frontage of forty (40) feet on a public road right-of-way or access easement.

**11.00.090 PROPERTY DEVELOPMENT STANDARDS--SETBACK REQUIREMENTS.** All lands, structures, and uses in the Open Space Conservation District (OSC) shall meet the following setback requirements:

- (a) Setback Requirements. The following minimum setbacks shall apply:

- (1) Each structure on a parcel shall have a setback of fifty-five (55) feet from the centerline of any public road right-of-way or twenty five (25) feet from the property line bordering any public road right-of-way, whichever is greater; and a setback of twenty-five (25) feet from the closest edge of any legally established boundary line of a private access easement.

- (2) Each structure shall have a setback of twenty-five (25) feet from the rear parcel lines.

- (3) Each structure on a parcel shall have a setback of ten (10) feet from the side parcel lines.

(4) All caretaker dwelling units and swimming pools shall have a setback of one hundred fifty (150) feet from any parcel located partially or wholly within the Growth Management Agricultural Act District (GMAAD) and from any adjacent orchard, hop field or vineyard (or combination thereof) of ten (10) acres or more on one parcel or on contiguous parcels under common ownership

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

**11.00.110 EFFECTIVE DATE.** This chapter shall take effect and be in full force upon its passage and adoption.

DRAFT

**BENTON COUNTY**

STATE OF WASHINGTON  
OFFICIAL ZONING MAP A-4

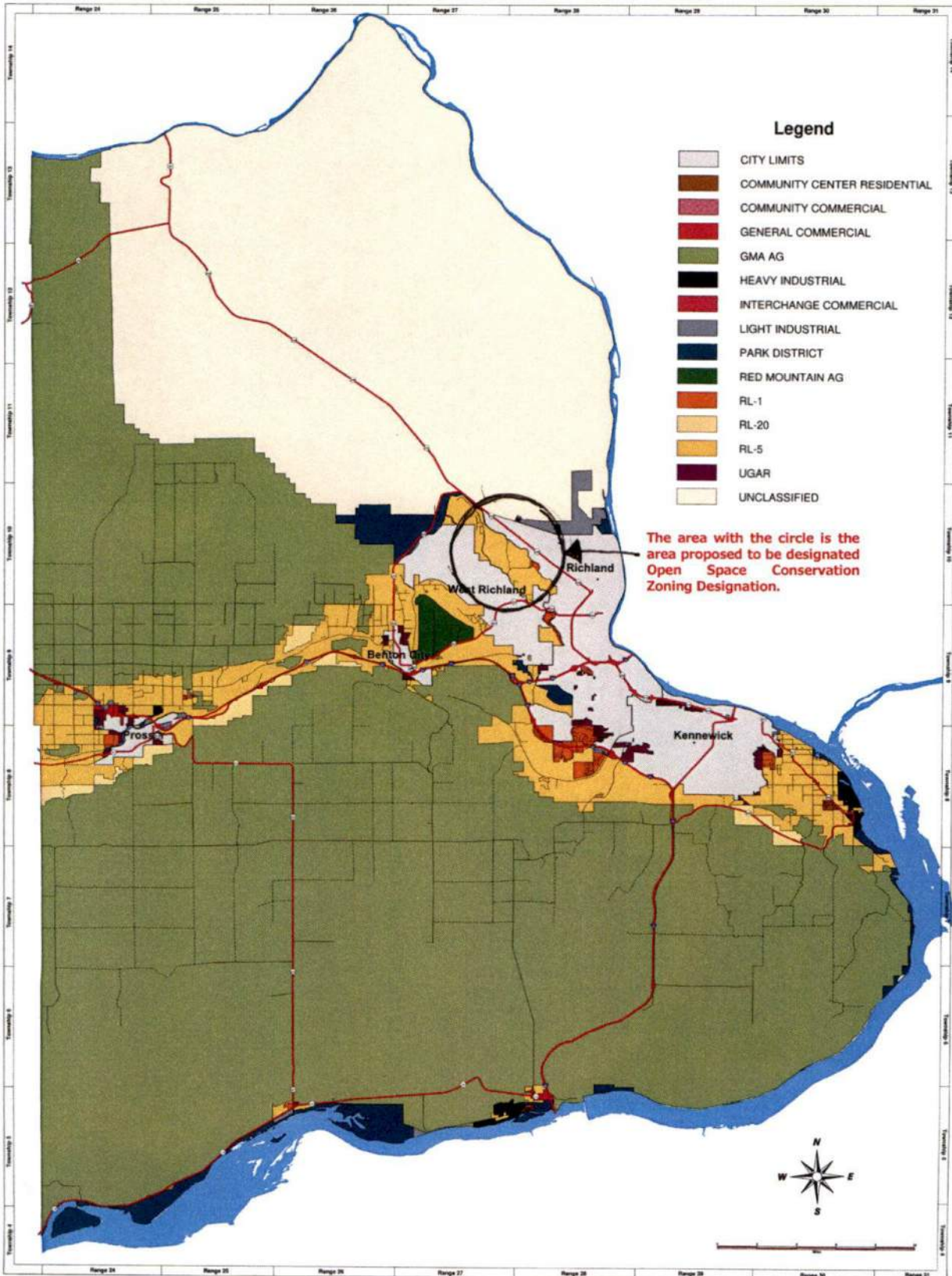
Effective 12-18-18

WE HEREBY CERTIFY THAT THIS MAP CONSTITUTES THE OFFICIAL ZONING MAP AS APPROVED BY ORDINANCE # 616 OF THE BOARD OF COUNTY COMMISSIONERS AND SIGNED BY ITS CHAIRMAN.

DATED THIS 18TH DAY OF DECEMBER 2018.

BY [Signature]  
CHAIRMAN OF THE BOARD

ATTEST [Signature]  
CLERK OF THE BOARD



This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map A 3 adopted by Ordinance 601 on Feb. 27, 2018

Map Printed 12/3/18

**Community Development Department**

Prosser Office: 620 Market Street, 1<sup>st</sup> Floor  
Kennewick Office: 102206 E Wiser Parkway  
[www.co.benton.wa.us](http://www.co.benton.wa.us)

**Planning Division**

(509) 786-5612  
P.O. Box 910, Prosser, WA 99350  
[planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us)

October 7, 2023

Benton County Planning Division  
102206 E Wiser Parkway  
Kennewick, WA 99338

RE: Written Determination of Completeness for CPA 2024-001 and EA 2024-001

Dear Benton County Planning Division,

This office is in receipt of your application for a Comprehensive Plan Amendment (CPA) proposing a text amendment to Section 3.3.5 to clarify the description of the Open Space Conservation land designation and Table 3.4 to amend the zoning classification which implements the Open Space Conservation designation.

The office is also in receipt of an associated Environmental Checklist (EA 2024-001), required to accompany the application for Comprehensive Plan Amendments. Upon reviewing your project permit application our office has determined that the required material for a complete application has been submitted, a file number has been assigned, and the review process will begin on your project permit application. Prior to the Planning Commission open record hearing for your application, you will receive a public hearing notice and a copy of the staff memo.

Although this office has determined the application is complete, more clarification or information may be needed from you once we begin the review process. If additional information is required, it will need to be submitted to our office before the item can be heard at the open record hearing before the Planning Commission.

If you have any questions regarding this matter, do not hesitate to contact this office.

Sincerely,

Michelle Mercer  
Planning Manager

**Community Development Department**  
Prosser Office: 620 Market Street, 1<sup>st</sup> Floor  
Kennewick Office: 102206 East Wiser Parkway  
[www.bentoncountywa.gov](http://www.bentoncountywa.gov)



**Planning Division**  
(509) 786-5612  
[Planning.department@co.benton.wa.us](mailto:Planning.department@co.benton.wa.us)  
102206 East Wiser Parkway, Kennewick, WA 99338

## NOTICE OF PUBLIC HEARING

NOTICE OF HEARING BEFORE THE BENTON COUNTY PLANNING COMMISSION in the matter of county planning at a regular meeting on April 9, 2024, at 6:00 p.m., via in person and virtual meeting format in the Meeting Room on the first floor of the Courthouse, 620 Market Street, Prosser WA. The entry to the meeting room is located off Main Street on the East side of the Courthouse. To find information on virtual attendance options, including streaming video, WebEx video conferencing and telephone, please visit [www.tinyurl.com/BCPublicNotice](http://www.tinyurl.com/BCPublicNotice).

NOTICE IS HEREBY GIVEN that public comment will be taken on the following proposed amendments to the Benton County Comprehensive Plan before the Benton County Planning Commission at this meeting:

**CPA 2024-001** - A proposal by Benton County to amend two (2) sections of the Benton County Comprehensive Plan related to the Open Space Conservation Land Use Designation. The application proposes to amend Section 3.3.5 table 3.4.

**CPA 2024-002** - A proposal by Spink Engineering on behalf of the City of Benton City to amend the land use designation of two (2) parcels in the Benton County Comprehensive Plan. The application proposes to amend the current land use designation of Rural Industrial for both parcels to a land use designation of Public for parcel 1-1396-401-1991-002 and a designation of Rural Remote for parcel 1-1394-401-1991-001.

NOTICE IS FURTHER GIVEN that the proposed Comprehensive Plan Amendments have been reviewed under the requirements of the State Environmental Policy Act and Determinations of Non-Significance (DNS) were issued on February 21, 2024. Accordingly, Environmental Impact Statements were not required for these proposals. Any comments regarding these determinations and the environmental impacts of the proposals can be made at the Planning Commission Hearing or in writing to the Benton County Planning Division by 3 p.m. on Monday, April 8, 2024.

At this hearing, the Planning Commission may recommend approval or disapproval of the amendments to the Benton County Board of Commissioners. All parties concerned may present any support or objections for the applications. Information concerning the applications can be obtained at the Benton County Planning Division, by calling 736-3089 (Tri-Cities) or 786-5612 (Prosser) or by visiting [www.tinyurl.com/BCPublicNotice](http://www.tinyurl.com/BCPublicNotice).

Dated this 20<sup>th</sup> day of March 2024.

Martin Sheeran, Chairman  
Benton County Planning Commission

Michelle Mercer, Manager  
Planning Division

PUBLISH: March 27, 2024

**Community Development Department**

Prosser Office: 620 Market Street, 1<sup>st</sup> Floor  
Kennewick Office: 102206 East Wiser Parkway  
[www.bentoncountywa.gov](http://www.bentoncountywa.gov)

**Planning Division**

(509) 786-5612  
102206 E Wiser Parkway, Kennewick WA 99338  
[planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us)

## **Benton County Planning Division 2024 Comprehensive Plan Amendment Docket**

The 2024 Benton County Comprehensive Plan amendment cycle for the review of proposed amendments begins with the docketing of proposals. The County has received the following application proposals for amendment to the Benton County Comprehensive Land Use Plan:

**CPA 2024-001** - A proposal by the Community Development Department, Planning Division to clarify and amend two sections in the Benton County Comprehensive Plan related to the Open Space Conservation Land Use Designation.

**CPA 2024-002** - A proposal by the City of Benton City requesting a change in the Comprehensive Plan Land Use Designation on two parcels from Rural Industrial to Rural Remote and Public. These parcels are located in the southwest corner of the intersection of 14th Street and Chris Avenue, Benton City WA. Parcel # 113964011991002 will be change from Rural Industrial to Public and Parcel #113964011991001 will be changed from Rural Industrial to Rural Remote in Section 13, Township 9 North, Range 24 East, W.M.

These applications will be reviewed under the requirements of SEPA (RCW 43.21C) and Title 16.14 of the Benton County Code. The Planning Division will initiate the review and analysis of each application for consistency with the Growth Management Act and the Comprehensive Plan, including the adopted Benton County-wide Planning Policies and prepare a staff report with a recommendation to the Planning Commission for the approval or denial of each application. The Planning Commission will conduct an open record hearing and forward their recommendations to the Board of County Commissioners (BOCC). The BOCC will conduct an open record hearing to consider and act upon the Planning Commission recommendation. Final actions on the proposed amendments are anticipated by late spring/early summer of 2024. Notification of the hearings will be published in advance; those interested in receiving a notice by mail or email regarding the above actions may call the Benton County Planning Division: at (509) 786-5612 or use our "contact us" form found at <http://tinyurl.com/BCcontactus>. Information regarding the amendment process is available via the County website at <https://tinyurl.com/CPAannual>.

Michelle Mercer, Planning Manager  
BENTON COUNTY PLANNING DIVISION

PUBLISHED: Wednesday, January 17, 2024.

**Community Development Department**

Prosser Office: 620 Market Street, 1<sup>st</sup> Floor  
 Kennewick Office: 102206 East Wiser Parkway  
[www.bentoncountywa.gov](http://www.bentoncountywa.gov)

**Planning Division**

(509) 786-5612  
[Planning.department@co.benton.wa.us](mailto:Planning.department@co.benton.wa.us)  
 102206 East Wiser Parkway, Kennewick, WA 99338

**Determination of Non-Significance**

**Proponent:** Benton County  
 Community Development Department  
 102206 E Wiser Parkway  
 Kennewick, WA 99336

**File No.** EA 2024-001

**Project Description:** A Comprehensive Plan Amendment (CPA 2024-001) by Benton County to amend two (2) sections of the Benton County Comprehensive Plan. The application proposes to amend Section 3.3.5 and Table 3.4 related to the Open Space Conservation Land Use Designation. A new Chapter will be added to the Benton County Code regarding the Open Space Conservation Zoning Designation and the Official Benton County Zoning Map will be updated to reflect those lands within that Zoning Designation.

**Project Location:** County-Wide

**Jurisdiction:** Benton County, Washington

**Lead Agency:** Benton County Planning Division

**Threshold Determination:** The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). The decision was made after review of a completed environmental checklist, comments received from various agencies and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under WAC 197-11-340(2) the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by March 6, 2024.

Administrative appeals of threshold determinations of non-significance are not allowed.

**SEPA Responsible Official:** Michelle Mercer

**Position/Title:** Planning Manager - Benton County Planning Division

**Address:** 102206 E Wiser Parkway, Kennewick WA 99338

**Date:** February 21, 2024

Michelle Mercer, Planning Manager  
 Benton County Community Development Department

Community Development Department  
Prosser Office: 620 Market Street, 1<sup>st</sup> Floor  
Kennewick Office: 102206 East Wiser Parkway  
www.co.benton.wa.us



Planning Division  
(509) 786-5612  
P.O. Box 910, Prosser, WA 99350  
planning.department@co.benton.wa.us

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Benton County  
Planning Division

SEPA ENVIRONMENTAL CHECKLIST

File No. EA 2024-001

A. BACKGROUND

1. Name of proposed project, if applicable: Comprehensive Plan Amendment- Open Space Conservation

2. Name of applicant: Benton County Community Development Department

3. Address and phone number of applicant and contact person: Greg Wendt, Director of Community Development  
102206 E Wiser Parkway, Kennewick, WA 99336 (509-736-3086)

4. Date checklist prepared: 10/2/2023

5. Agency requesting checklist: Benton County

6. Proposed timing or schedule (including phasing, if applicable): Summer of 2024

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

If approved, the Community Development Department will file a zone change application to be consistent with the County's Land Use  
Map and a text amendment to create a new zoning chapter to be known as the Open Space Conservation District.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. None

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. None

10. List any government approvals or permits that will be needed for your proposal, if known. Two step process:

1. Update Open Space Conservation Sections in the Comprehensive Plan; and 2) Update zoning map and create new zoning chapter

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

Modify the text of the Benton County Comprehensive Plan in two (2) sections. 1) Section 3.3.5 Open Space Conservation; and 2)  
Table 3.4 Land Use Implementation by Zoning. See attached documentation describing the specific changes.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. Countywide- The project is not reviewed on a project or site specific basis.

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**B. ENVIRONMENTAL ELEMENTS**

**1. Earth**

a. General description of the site (circle one):

Flat  Rolling  Hilly  Steep Slopes  Mountainous

Other N/A

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b. What is the steepest slope on the site (approximate percent slope)? N/A

---

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

N/A

---

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

N/A

---

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. N/A

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N/A

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f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

N/A

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g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? N/A

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h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: N/A

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**2. Air**

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. N/A

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b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.  
N/A

---

c. Proposed measures to reduce or control emissions or other impacts to air, if any: \_\_\_\_\_

N/A

---

**3. Water**

**a. Surface Water:**

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. N/A

---

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. N/A

---

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. N/A

---

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. N/A

---

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. N/A

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6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. N/A

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**b. Ground Water:**

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. N/A

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2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. N/A

---

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. N/A

2) Could waste materials enter ground or surface waters? If so, generally describe. N/A

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

N/A

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts,

if any: N/A

4. **Plants**

a. Check the types of vegetation found on the site:

Deciduous tree (*alder, maple, aspen, other*)

Evergreen tree (*fir, cedar, pine, other*)

Shrubs

Grass

Pasture

Crop or grain

Orchards, vineyards or other permanent crops

Wet soil plants (*cattail, buttercup, bullrush, skunk cabbage, other*)

Water plants (*water lily, eelgrass, milfoil, other*)

Other types of vegetation

b. What kind and amount of vegetation will be removed or altered? N/A

c. List threatened and endangered species known to be on or near the site. N/A

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: N/A

e. List all noxious weeds and invasive species known to be on or near the site. N/A

**5. Animals**

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include: birds: hawk, heron, eagle, songbirds, other; mammals: deer, bear, elk, beaver, other; fish: bass, salmon, trout, herring, shellfish, other. N/A

b. List any threatened and endangered species known to be on or near the site. N/A

c. Is the site part of a migration route? If so, explain. N/A

d. Proposed measures to preserve or enhance wildlife, if any: N/A

e. List any invasive animal species known to be on or near the site. N/A

**6. Energy and Natural Resources**

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. N/A

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. N/A

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: N/A

**7. Environmental Health**

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. N/A

1) Describe any known or possible contamination at the site from present or past uses. N/A

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project

area and in the vicinity. N/A

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3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

N/A

---

4) Describe special emergency services that might be required. N/A

---

5) Proposed measures to reduce or control environmental health hazards, if any: N/A

---

**b. Noise**

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? N/A

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2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. N/A

---

3) Proposed measures to reduce or control noise impacts, if any: N/A

---

**8. Land and Shoreline Use**

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. N/A

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b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? N/A

---

---

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversized equipment access, the application of pesticides, tilling, and harvesting? If so, how: N/A

c. Describe any structures on the site. N/A

d. Will any structures be demolished? If so, what? N/A

e. What is the current zoning classification of the site? N/A

f. What is the current comprehensive plan designation of the site? N/A

g. If applicable, what is the current shoreline master program designation of the site? N/A

h. Has any part of the site been classified as a critical area by the city or county? If so, specify. N/A

i. Approximately how many people would reside or work in the completed project? N/A

j. Approximately how many people would the completed project displace? N/A

k. Proposed measures to avoid or reduce displacement impacts, if any: N/A

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: \_\_\_\_\_

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: N/A

**9. Housing**

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low income housing. N/A

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low income housing. \_\_\_\_\_

c. Proposed measures to reduce or control housing impacts, if any: N/A

**10. Aesthetics**

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? N/A

b. What views in the immediate vicinity would be altered or obstructed? N/A

c. Proposed measures to reduce or control aesthetic impacts, if any: N/A

**11. Light and Glare**

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?  
N/A

b. Could light or glare from the finished project be a safety hazard or interfere with views? N/A

c. What existing off-site sources of light or glare may affect your proposal? N/A

d. Proposed measures to reduce or control light and glare impacts, if any: N/A

**12. Recreation**

a. What designated and informal recreational opportunities are in the immediate vicinity? N/A

b. Would the proposed project displace any existing recreational uses? If so, describe. N/A

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: N/A

**13. Historic and cultural preservation**

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe.  
N/A

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. N/A

---

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. N/A

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d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. N/A

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**14. Transportation**

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. N/A

---

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? N/A

---

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? N/A

---

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). N/A

---

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. N/A

---

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as

commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? N/A

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. N/A

h. Proposed measures to reduce or control transportation impacts, if any: N/A

### 15. Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. N/A

b. Proposed measures to reduce or control direct impacts on public services, if any. N/A

### 16. Utilities

a. Circle utilities currently available at the site:

electricity  natural  gas water  refuse service  telephone  sanitary sewer system   
other N/A

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

N/A

### C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Greg Wendt

Name of Signee Greg Wendt

Position and Agency/Organization Director of Community Development (Benton Co.)

Date Submitted: 10/2/23

**D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS**

(IT IS NOT NECESSARY to use this sheet for project actions)

- Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.
- When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? The proposed amendments will not result in activities that will increase  
discharge to water, emissions to air, production, storage, or release toxic substances or produce noise.

a. Proposed measures to avoid or reduce such increases are: N/A

2. How would the proposal be likely to affect plants, animals, fish, or marine life? The Open Space designation, as  
amended, will help protect species from the encroachment of incompatible uses.

a. Proposed measures to protect or conserve plants, animals, fish, or marine life are: N/A

3. How would the proposal be likely to deplete energy or natural resources? The Open Space designation  
will assist in recognizing the County's Natural Resources and further the protection of these areas.

a. Proposed measures to protect or conserve energy and natural resources are: N/A

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands? The Open Space designation will help to protect and recognize areas having critical resources and ecosystems. The amendment will  
will further ensure the lands be held under conservation easement or land trust.

a. Proposed measures to protect such resources or to avoid or reduce impacts are: N/A

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? The Open Space Conservation areas protect the destruction, conversion, and encroachment by incompatible uses. All lands with this designation are held under a conservation easement.

a. Proposed measures to avoid or reduce shoreline and land use impacts are: N/A

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The amendment will not increase demands on transportation or public facilities.

a. Proposed measures to reduce or respond to such demand(s) are: N/A

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. There will be no conflict. The designation and amendment will support environmental protection of critical resources and ecosystems in the County while limiting incompatible uses.

**Community Development Department**

Prosser Office: 620 Market Street, 1<sup>st</sup> Floor  
Kennewick Office: 102206 East Wiser Parkway  
[www.co.benton.wa.us](http://www.co.benton.wa.us)



**Planning Division**

(509) 786-5612  
P.O. Box 910, Prosser, WA 99350  
[planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us)

Comprehensive Plan Amendment CPA 2024-001

**Applicant:**

Benton County Community Development Department  
Planning Division

**Subject Parcels:**

The application is not a parcel specific as it is a county-wide proposal.

**APPLICATION DESCRIPTION**

A Comprehensive Plan Amendment to clarify and amend the text of the Benton County Comprehensive Plan

**Existing Comprehensive Plan Text:**

**Section 3.3.5 Open Space Conservation**

Open Space Conservation lands are recognized as areas having critical resources and ecosystems with unique characteristics that support: significant habitats for migratory birds, fish, and wildlife; natural riverine functions and aquatic environments; botanical inventory; water quality and flood retention. Open Space Conservation designated areas provide significant natural functions and benefits to natural resources and the public and should be protected from destruction, conversion, and encroachment by incompatible uses. These areas may also provide limited recreational and educational opportunities for the public. These areas are held under conservation easements with state or federal agencies. Barker Ranch, which is located adjacent to the Yakima River near West Richland, is the only area in the County that currently has this designation.

**Proposed Comprehensive Plan Text:**

**Section 3.3.5 Open Space Conservation**

Open Space Conservation lands are recognized as areas having critical resources and ecosystems with unique characteristics that support significant habitats for migratory birds, fish, and wildlife; natural riverine functions and aquatic environments; botanical inventory; water quality and flood retention. Open Space Conservation designated areas provide significant natural functions and benefits to natural resources and the public and should be protected from destruction, conversion, and encroachment by incompatible uses. These areas may also provide limited recreational and educational opportunities for the public. ~~These areas are held under conservation easements with state or federal agencies. Barker Ranch, which is located adjacent to the Yakima River near West Richland, is the only area in the County that currently has this designation~~ Open Space Conservation lands can be public or private property, and must be held under conservation easements with local, state, or federal agencies or land trusts. Open Space Conservation designations are voluntary in nature for property owners.

**Existing Comprehensive Plan Text:**  
**Table 3.4 Land Use Implementation by Zoning**

Land Use	Zoning
Urban	Urban Growth Area Residential
Hanford	Unclassified
Hanford Reach	Unclassified
Growth Management Act Agriculture	Growth Management Act Agriculture
Open Space Conservation	Rural Lands 5
Public	Park District
Rural Transition	Rural Lands 1
Rural Remote	Rural Lands 5
Rural Resource	Rural Lands 20
Rural Community Center	Community Center Residential, Community Commercial
Rural Commercial	Interchange Commercial, General Commercial
Rural Industrial	Light Industrial, Heavy Industrial

**Proposed Comprehensive Plan Text:**  
**Table 3.4 Land Use Implementation by Zoning**

Land Use	Zoning
Urban	Urban Growth Area Residential
Hanford	Unclassified
Hanford Reach	Unclassified
Growth Management Act Agriculture	Growth Management Act Agriculture
Open Space Conservation	<del>Rural Lands 5</del> <b>Open Space Conservation</b>
Public	Park District
Rural Transition	Rural Lands 1
Rural Remote	Rural Lands 5
Rural Resource	Rural Lands 20
Rural Community Center	Community Center Residential, Community Commercial
Rural Commercial	Interchange Commercial, General Commercial
Rural Industrial	Light Industrial, Heavy Industrial

local economy. Port district holdings include lands in the rural areas of Paterson, Plymouth, and Finley, and in or adjacent to the cities of Richland, Kennewick, Prosser, and Benton City.

Typical port enterprises include the construction of industrial and office space for start-up businesses; the lease of land or buildings to commercial enterprises, which may in turn purchase the real property from the Port; and facilitating the assemblage of major industrial/commercial projects requiring collaboration by numerous interests such as utilities, local and regional governments, and private enterprise.

Descriptions of the County's industrial land resources can be found in Chapter 5 (Economic Element).

#### **3.3.3.1 Industrial Land Use Designation**

**Rural Industrial** is intended for a wide range of industrial land uses including light and heavy industrial uses. These lands require access and infrastructure for heavy industrial uses; rail and waterborne transportation access are critical. Other important criteria include separation of such land from residential and commercial uses and availability of large acreages for outside storage and maneuvering of trucks and rail equipment. Industrial lands play a key role in the local and regional economy by offering manufacturing and various other types of jobs.

#### ***3.3.4 Public Lands Designation***

The Public Lands (PL) designation is found throughout the County, but most generally along the Columbia River corridor. PL designated lands are intended for public uses such as parks, playgrounds, greenways, open spaces, and wildlife habitats owned and operated by a local, state, or federal government. Although approximately 15,563 acres of land are currently designated PL in the Land Use Map, there are about 93,299 acres of additional land in Benton County currently owned by public entities, including the Washington Department of Fish and Wildlife, Bureau of Land Management, Department of Natural Resources, and U.S. Army Corps of Engineers.

#### ***3.3.5 Open Space Conservation***

Open Space Conservation lands are recognized as areas having critical resources and ecosystems with unique characteristics that support: significant habitats for migratory birds, fish, and wildlife; natural riverine functions and aquatic environments; botanical inventory; water quality and flood retention. Open Space Conservation designated areas provide significant natural functions and benefits to natural resources and the public and should be protected from destruction, conversion, and encroachment by incompatible uses. These areas may also provide limited recreational and educational opportunities for the public. These areas are held under conservation easements with state or federal agencies. Barker Ranch, which is located adjacent to the Yakima River near West Richland, is the only area in the County that currently has this designation.

**Table 3-4  
Land Use Implementation by Zoning**

Land Use	Zoning
Urban	Urban Growth Area Residential
Hanford	Unclassified
Hanford Reach	Unclassified
Growth Management Act Agriculture	Growth Management Act Agriculture
Open Space Conservation	Rural Lands 5
Public	Park District
Rural Transition	Rural Lands 1
Rural Remote	Rural Lands 5
Rural Resource	Rural Lands 20
Rural Community Center	Community Center Residential, Community Commercial
Rural Commercial	Interchange Commercial, General Commercial
Rural Industrial	Light Industrial, Heavy Industrial

Designations under each category are further discussed below.

### 3.3.1 Urban Lands

Urban lands are lands located within, adjacent to, or as in the case of existing unincorporated islands, surrounded by existing city limits.

A key component of the GMA and the Comprehensive Plan is to allow growth within the UGAs. These areas include cities and other areas characterized by urban growth or adjacent to such areas, and are designed to accommodate the projected population growth for 20 years. The GMA further specifies that urban growth should first be located in areas that already have adequate existing public facilities and service capacity and second, be located in areas where such services if not already available, can be served adequately by a combination of both existing and future public and private sector facilities and services.

The CWPP establish a process between the County and cities to manage development within the cities and their UGAs, and a process of annexation of UGAs into the cities.

#### **3.3.1.1 Urban Land Use Designation**

Urban lands in Benton County include land within the city limits and the UGAs. There are five designated and approved urban growth areas (UGA's) in Benton County: Benton City (Appendix A-Figure 18), Kennewick (Appendix A-Figure 19), Prosser (Appendix A-Figure 20), Richland (Appendix A-Figure 21), and West Richland (Appendix A-Figure 22). The densities, uses, and development

**CHAPTER 11.00  
OPEN SPACE CONSERVATION DISTRICT (OSC)**

**SECTIONS:**

- 11.00.010 Purpose
- 11.00.020 Applicability
- 11.00.030 Allowable Uses
- 11.00.040 Accessory Uses
- 11.00.050 Uses Subject to Planning Administrator Review and Approval
- 11.00.060 Uses Requiring a Conditional Use Permit
- 11.00.070 Uses Prohibited
- 11.00.080 Property Development Standards-General Standards
- 11.00.090 Property Development Standards-Setback Requirements
- 11.00.100 Severability
- 11.00.110 Effective Date

**11.00.010 PURPOSE.** The purpose of the Open Space Conservation District is to recognize areas of the County having critical areas and ecosystems with unique characteristics that support habitat for migratory birds, fish, and wildlife; natural riverine functions and aquatic environments; botanical inventory; the protection of steep slopes and viewsheds, water quality and flood retention. These areas provide significant natural functions and benefits to natural resources and the public and should be protected from destruction, conversion, and encroachment by incompatible uses. Open Space Conservation lands can be public or private property, and must be held under conservation easements with local, state, or federal agencies or land trusts. Open Space Conservation designations are voluntary in nature for property owners.

**11.00.020 APPLICABILITY.** The provisions of this chapter shall apply to the areas designated as an Open Space Conservation District (OSC) on the official zoning maps of Benton County and located in unincorporated Benton County.

**11.00.030 ALLOWABLE USES.** The following uses are allowed within the Open Space Conservation District (OSC) on a single parcel of record:

- (a) Wildlife preserve or game management area.
- (b) Hunting preserve.
- (c) Hiking and non-motorized biking trails.
- (d) Equestrian trails.
- (e) Water access facilities.
- (f) Utility substation facility.
- (g) Agricultural uses.
- (h) Caretaker residential dwelling, office and/or storage facility used in conjunction with the conservation activities on the property.

**11.11.040 ACCESSORY USES.** Provided all applicable code provisions are satisfied, the following uses are allowed as an accessory/ancillary use within the Open Space Conservation District (OSC) on a single parcel of record:

- (a) One (1) or more accessory buildings and uses.
- (b) One (1) or more agricultural buildings.
- (c) Solar Power Generator Facility, Minor
- (d) Uses subject to Planning Administrator review and approval, specified in BCC 11.11.050(a).

**11.00.050 USES SUBJECT TO PLANNING ADMINISTRATOR REVIEW AND APPROVAL.**

The following uses may be allowed within the Open Space Conservation District (OSC) on a single parcel of record upon the review and approval of the Planning Administrator:

- (a) Communication facilities subject to the provisions in Chapter 11.47 BCC.

**11.00.060 USES REQUIRING A CONDITIONAL USE PERMIT.** The following uses may be permitted on a single parcel of record within the Open Space Conservation District (OSC) if a conditional use permit is issued by the Hearings Examiner after notice and public hearing as provided by BCC 11.50.040:

- (a) Irrigation pumping station.

**11.00.070 USES PROHIBITED.** Any use not authorized or approved pursuant to BCC 11.00.030, BCC 11.00.040 or 11.00.050, or 11.00.060 is prohibited within the Open Space Conservation District (OSC).

**11.00.080 PROPERTY DEVELOPMENT STANDARDS--GENERAL STANDARDS.** All lands, structures and uses in the Open Space Conservation District (OSC) shall conform to the following general standards, and if applicable, to the standards set forth in Chapter 15.02 BCC, Chapter 15.04 BCC, Chapter 15.06 BCC, Chapter 15.08 BCC, Chapter 15.12 BCC, and Chapter 15.14 BCC.

- (a) Frontage. Each parcel shall have a minimum frontage of forty (40) feet on a public road right-of-way or access easement.

**11.00.090 PROPERTY DEVELOPMENT STANDARDS--SETBACK REQUIREMENTS.** All lands, structures, and uses in the Open Space Conservation District (OSC) shall meet the following setback requirements:

- (a) Setback Requirements. The following minimum setbacks shall apply:

- (1) Each structure on a parcel shall have a setback of fifty-five (55) feet from the centerline of any public road right-of-way or twenty five (25) feet from the property line bordering any public road right-of-way, whichever is greater; and a setback of twenty-five (25) feet from the closest edge of any legally established boundary line of a private access easement.

- (2) Each structure shall have a setback of twenty-five (25) feet from the rear parcel lines.

- (3) Each structure on a parcel shall have a setback of ten (10) feet from the side parcel lines.

(4) All caretaker dwelling units and swimming pools shall have a setback of one hundred fifty (150) feet from any parcel located partially or wholly within the Growth Management Agricultural Act District (GMAAD) and from any adjacent orchard, hop field or vineyard (or combination thereof) of ten (10) acres or more on one parcel or on contiguous parcels under common ownership

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

**11.00.110 EFFECTIVE DATE.** This chapter shall take effect and be in full force upon its passage and adoption.

DRAFT

# BENTON COUNTY

STATE OF WASHINGTON  
OFFICIAL ZONING MAP A-4

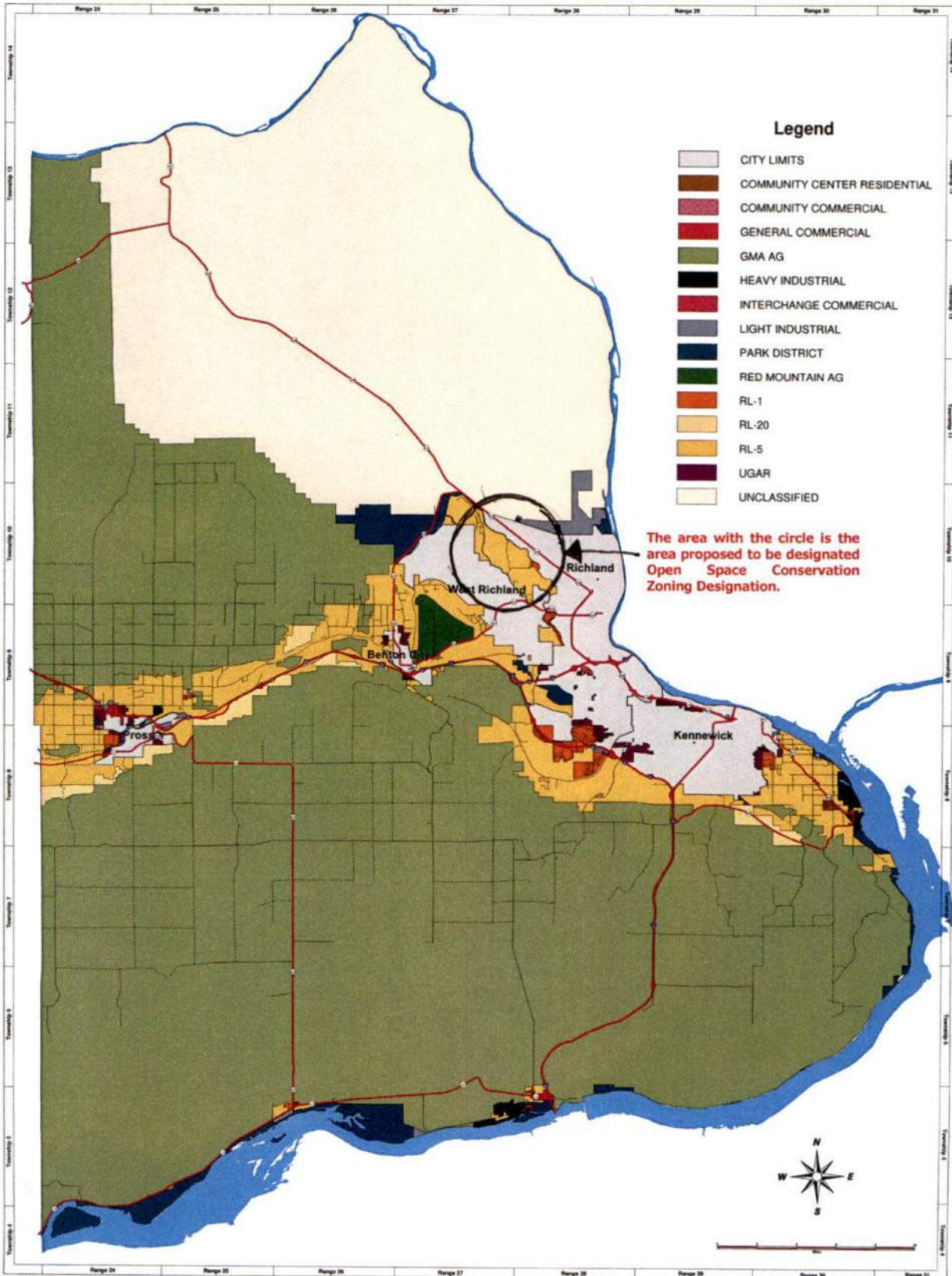
Effective 12-18-18

WE HEREBY CERTIFY THAT THIS MAP CONSTITUTES THE OFFICIAL ZONING MAP AS APPROVED BY ORDINANCE # 616 OF THE BOARD OF COUNTY COMMISSIONERS AND SIGNED BY ITS CHAIRMAN.

DATED THIS 18TH DAY OF DECEMBER 2018.

BY [Signature]  
CHAIRMAN OF THE BOARD

ATTEST [Signature]  
CLERK OF THE BOARD



This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map A 3 adopted by Ordinance 601 on Feb. 27, 2018

Map Printed 12/3/18

**Nikki Relyea**

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**From:** Cristina Woods  
**Sent:** Tuesday, March 5, 2024 11:38 AM  
**To:** Planning Department  
**Subject:** RE: EA 2024-001 - Comprehensive Plan Amendment for Benton County

Public Works has no comments.

Thank you.



**Cristina Woods, PE** • *Civil Engineer I*  
Benton County Public Works  
102206 Wiser Parkway , Kennewick WA, 99338  
(509) 786-5611 Ext: 5684

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**From:** Planning Department <Planning.Department@co.benton.wa.us>  
**Sent:** Thursday, February 22, 2024 4:46 PM  
**To:** Badger Mountain Irrig. District (bmidmanager@badgermountainirrigation.com) <bmidmanager@badgermountainirrigation.com>; Benton Irrigation District <benton.irrigation@frontier.com>; Roza Irrigation District (Shayman@roza.org) <Shayman@roza.org>; Kiona Irrigation District <kiid@owt.com>; Kennewick Irrigation District-Development (development@kid.org) <development@kid.org>; Kennewick Irrigation District - Ben Woodard <bwoodard@kid.org>; Kennewick Irrig. Dist.-Seth Defoe <sdefoe@kid.org>; Sunnyside Valley Irrigation Dist. Ron Cowin <cowinr@svid.org>; Benton Clean Air-Priddy <robin.priddy@bentoncleanair.org>; Dept. of Archaeology and Historic Preservation - SEPA Review (sepa@dahp.wa.gov) <sepa@dahp.wa.gov>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; Dept. of Fish and Wildlife- Review <R3planning@dfw.wa.gov>; WA Dept of Health - Kelly Cooper - WA Dept of Health - Kelly Cooper (SEPA.reviewteam@doh.wa.gov) <SEPA.reviewteam@doh.wa.gov>; Bureau of Land Management - Kevin Devitt District Manager (BLM\_OR\_SP\_Mail@blm.gov) <BLM\_OR\_SP\_Mail@blm.gov>; Dept. of Natural Resources (sepacenter@dnr.wa.gov) <sepacenter@dnr.wa.gov>; Dept. of Natural Resources <dnrmisepacenter@dnr.wa.gov>; Dept. of Natural Resources (sepacenter@dnr.wa.gov) <sepacenter@dnr.wa.gov>; Dept. of Natural Resources <dnrmisepacenter@dnr.wa.gov>; Dept. of Transportation (scplanning@wsdot.wa.gov) <scplanning@wsdot.wa.gov>; Yakama Indian Nation SEPA Review <enviroreview@yakama.com>; Yakima Indian Nation-John Marvin <john\_marvin@yakama.com>; City of Kennewick <cedinfo@ci.kennewick.wa.us>; City of Prosser <szetz@cityofprosser.com>; City of Richland-Mike Stevens (mstevens@ci.richland.wa.us) <mstevens@ci.richland.wa.us>; City of West Richland-Eric Mendenhall (emendenhall@westrichland.org) <emendenhall@westrichland.org>; Futurewise <tim@futurewise.org>; Tom Price-Environmental Review Inc. (envreview@gmail.com) <envreview@gmail.com>; Fire District #1-Staff <staff@bentonone.org>; Fire District #4- Paul Carlyle <PCarlyle@bcfd4.org>; chiefwatt@bcfd6.com; Port of Kennewick <lpeterson@portofkennewick.org>; School District # 116 <julie.hyatt@prosserschools.org>; School District # 17-Ryan Jones <Ryan.Jones@ksd.org>; School Dist. # 400 <jennifer.ullrich@rds.wdu>; School District # 52 <rcastil@kibesd.org>; School District #400 (devonne.roth@rsd.edu) <devonne.roth@rsd.edu>; US Corps of Engineers <cenwwre@usace.army.mil>; enviroreview@yakama.com; cclerk@owt.com; lonnie@bentonone.org; FireChief@bcfpd2.org; cdamron@westbentonfirerescue.org; ch15156@yahoo.com; david@portofbenton.com; Building Department <Building.Department@co.benton.wa.us>; zratkai@bfcog.us; Bureau of Reclamation - C. Garner (cgarner@usbr.gov)

<cgarner@usbr.gov>; Bureau of Reclamation - L Hendrix - Bureau of Reclamation (lhendrix@usbr.gov)  
<lhendrix@usbr.gov>; Bureau of Reclamation -McKinley (cmckinley@usbr.gov) <cmckinley@usbr.gov>  
**Subject:** EA 2024-001 - Comprehensive Plan Amendment for Benton County

The Benton County Planning Department has prepared the a DNS (see the link below) in accordance with the State Environmental Policy Act regulation. This DNS is being circulated for review by all agencies with jurisdiction. We are circulating it for comments on the **environmental impacts** of this action. The DNS is being done in conjunction with a Comprehensive Plan Amendment. We appreciate your review of the proposal and return of comments no later than **March 6, 2024**. This proposal will not be acted upon before that time.

Please see the SEPA Register link for the documents related to [EA 2024-001](#).



**Donna Hutchinson**

Rural Water Supply Coordinator  
Community Development Dept.  
Planning Division  
102206 E. Wiser Parkway  
Kennewick WA 99338

**Phone:** (509)786-5612

[rural.water@co.benton.wa.us](mailto:rural.water@co.benton.wa.us)

[www.bentoncountywa.gov](http://www.bentoncountywa.gov)

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