

EXHIBIT LIST FOR OA 2019-002
Zoning Ordinance Amendment for Futurewise Settlement Agreement

Planning Commission Memo Exhibit List - December 10, 2019			
		DATED	
PCM 1 Includes:	PCM 1.1	Planning Department Staff Memo	November 22, 2019
	PCM 1.2	Resolution 2019-276	September 25, 2018
	PCM 1.3	Draft Ordinance	
	PCM 1.4	Notice of Public Hearing	November 19, 2019
Planning Commission Hearing Exhibit List - December 10, 2019			
PCH 1 Includes:	PCH 1.1		
	PCH 1.2		
Board of County Commissioners Memo Exhibit List - DATE			
BCCM 1 Includes:	CCM 1.1	_____	
	CCM 1.2	_____	
	CCM 1.3		
Board of County Commissioners Hearing Exhibit List DATE			
BCCH 1 Includes:	CCH 1.1		
	CCH 1.2		

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

PCM = Planning Commission Memo Exhibits

PCH = Exhibits submitted during Hearing

BCCM = County Commissioner Memo Exhibits

BCCH = Exhibits submitted during Hearing



PCM 1.1

STAFF REPORT TO THE
BENTON COUNTY PLANNING COMMISSION

CASE FILE: OA 2019-002 (Zoning Ordinance- Settlement Agreement)

MEMO DATE: November 22, 2019

HEARING DATE: December 10, 2019

APPLICANT: Benton County

OWNER: N/A

LOCATION: Benton County

PROPERTY SIZE: N/A

AREA TO BE USED: N/A

LAND USE: N/A

COMP. PLAN: N/A

ZONING: N/A

SUGGESTED STAFF
RECOMMENDATION: Staff recommends that the Planning Commission forward to the Board of County Commissioners a recommendation to amend the Benton County Zoning Ordinance and comply with Resolution 2019-276 subject to eight (8) findings of fact.

BACKGROUND INFORMATION

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

Benton County approved its periodic update of its Zoning Ordinance on September 25, 2018 (Ordinance 611/Resolution 2018-686).

On April 19, 2018, Futurewise challenged the compliance of the Benton County Comprehensive Plan (Ordinance 600/Resolution 2018-0137) and associated development regulations (zoning and subdivision ordinance) with the Growth Management Act. Futurewise filed a Petitioned for Review by Futurewise to the Eastern Washington Region Growth Management Hearings Board (Case Number 18-1-0004).

On April 2, 2019, Futurewise and Benton County, after negotiation, developed a settlement to which Futurewise agreed to dismiss the above referenced Petition for Review if the Board of County Commissioners considers and ultimately adopts certain amendments to the Benton County Comprehensive Plan and additional development regulations. This agreement was adopted by Benton County in County Resolution 2019-276 (PCM 1.2).

APPLICATION DESCRIPTION

To comply with Benton County Resolution 2019-276, the Benton County Planning Department is proposing an amendment to the Benton County Zoning Ordinance. The proposed amendment (PCM 1.3) adds language in 11.42.040 which references the new Benton County Rural Water Supply Program (Title 15 BCC).

This amendment includes:

11.42.040 BUILDING PERMITS.

(a) No person, company, or corporation shall erect a building or structure of any kind or make any addition to an existing building or structure or alter any building or structure already erected within the unincorporated area of the County of Benton without ~~((first obtaining a permit in writing from a county official duly authorized for this purpose.))~~ complying with Title 3 of the Benton County Code.

~~((b) The application for such permit and regulations governing construction, shall be as prescribed by the Benton County Building Code.))~~

~~((c))~~ (b) For ((buildings that need)) building permit applications that will necessitate potable water, evidence of an adequate water supply shall be submitted in accordance with RCW 19.27.097 and, if applicable, compliance with Ordinance _____.

PUBLIC NOTICE

1. Legal notification for the Planning Commission public hearing was published in the Prosser Record Bulletin on November 27, 2019 (PCM 1.4).
2. A public hearing was held before the Planning Commission on December 10, 2019.

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AGENCY COMMENTS

1. Benton County Planning Department: The Planning Department analyzed and developed the application for consistency with the Growth Management Act, the Benton County Comprehensive Plan, the County-Wide Planning Policies, Benton County Resolution 2019-276 (Agreement with Futurewise) and other regulations adopted by Benton County as applicable.

CRITERIA FOR FINDINGS OF FACT

1. Benton County Zoning Code (County Resolution 2018-686/Ordinance 611)
2. Benton County Comprehensive Plan
3. Growth Management Act (RCW 36.70A)
4. Benton County Resolution 2019-276 (Agreement with Futurewise)

RECOMMENDATION

Benton County Planning Staff will assist the Planning Commission with the determination of findings and conditions for OA 2019-002.

The Benton County Planning Department recommends that the Planning Commission forward a recommendation of approval to the Benton County Board of Commissioners for application OA 2019-002, with the following suggested findings of fact and motion.

SUGGESTED FINDINGS OF FACT:

1. The State of Washington (RCW 36.70A.130) requires mandatory "periodic updates" of the entire comprehensive plan and development regulations every eight years for all "fully planning" cities and counties. Each Washington city and county must periodically review and, if needed, revise its comprehensive plan and development regulations to ensure that they comply with the GMA.
2. Benton County approved its periodic update of its Comprehensive Plan on February 13, 2018 (Ordinance 600/Resolution 2018-0137).
3. On April 19, 2018, Futurewise challenged the compliance of the Benton County Comprehensive Plan (Ordinance 600/Resolution 2018-0137) and associated development regulations (zoning and subdivision ordinance) with the Growth Management Act. Futurewise filed a Petition for Review by Futurewise to the Eastern Washington Region Growth Management Hearings Board (Case Number 18-1-0004).
4. On April 2, 2019, Futurewise and Benton County, after negotiation, developed a settlement to which Futurewise agreed to dismiss the above referenced Petition for Review if the Board of County Commissioners considers and ultimately adopts certain amendments to the Benton County Comprehensive Plan and additional development regulations. This agreement was adopted by Benton County in County Resolution 2019-276.
5. The proposed amendments comply with the standards of RCW 36.70A, the Growth Management Act. As required in RCW 36.70A.106, the County notified the Washington State Department of Commerce (60-day review) on November 5, 2019 of the application to amend the Benton County Zoning Ordinance.
6. The proposed amendments comply with Benton County Resolution 2019-276, Agreement with Futurewise.

7. The proposed amendments comply with the public notice and procedural steps in Benton County Code (BCC) Zoning Ordinance (County Resolution 2018-686/Ordinance 611).
8. The proposed amendments add language in 11.42.040 which references the need to comply with the new Benton County Rural Water Supply Program in Title 15 BCC.

SUGGESTED MOTION:

I move that the Planning Commission forward a recommendation of approval for proposed application OA 2019-002 subject to the eight (8) Findings of Fact listed in the Staff Report dated November 22, 2019 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.

RESOLUTION 2019 276

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF RESOLVING THE APPEAL OF BENTON COUNTY'S 2017 COMPREHENSIVE PLAN PERIODIC UPDATE

WHEREAS, on February 13, 2018, the Board of Benton County Commissioners adopted Resolution 2018-137 and Ordinance 600 to enact the 2017 Comprehensive Plan Periodic Update; and

WHEREAS, on April 18, 2018, Futurewise, a Washington non-profit corporation, executed and subsequently filed with the Growth Management Hearings Board a Petition for Review with the Growth Management Hearings Board to challenge the compliance of Benton County Resolution 2018-137 and Ordinance 600 with the Growth Management Act; and

WHEREAS, after negotiation, Futurewise and the Board of County Commissioners have developed an agreement pursuant to which Futurewise agrees to dismiss the above referenced Petition for Review if the Board of County Commissioners considers and ultimately adopts certain amendments to its comprehensive plan and additional development regulations to implement certain measures to protect the rural water supply; and

BE IT RESOLVED, that the Chairman is authorized to sign and have delivered to Futurewise the attached Settlement Agreement between Futurewise and Benton County to establish a framework to potentially resolve the matter of Futurewise v. Benton County, Growth Management Hearings Board Eastern Washington Region Case No. 18-1-0004.

Dated this 2nd day of April, 2019.

[Signature]
Chairman of the Board

[Signature]
Member

[Signature]
Member

Constituting the Board of Commissioners of Benton County, Washington

Attest..... [Signature]
Clerk of the Board

Settlement Agreement between Futurewise and Benton County

THIS SETTLEMENT AGREEMENT (“Settlement Agreement”) is entered into this 2 day of April, 2019, by and between the Appellant, Futurewise, a Washington non-profit corporation, and Respondent, Benton County, a Washington state municipal government (“County”), for the purpose of resolving and settling all claims associated with Futurewise’s appeal of Benton County Resolution 2018-137 and Benton County Ordinance 600, adopting the 2017 Comprehensive Plan Periodic Update, and Benton County Resolution 2018-167 and Benton County Ordinance 601, adopting Map A-3 as the official zoning map for Benton County.

NOW THEREFORE, FOR GOOD AND FAIR CONSIDERATION, FUTUREWISE AND BENTON COUNTY AGREE AS FOLLOWS:

Section 1. Requirement to Dismiss.

A. Within 15 days of the completion of the tasks and adoption of the development regulations referenced in Sections 2 and 3.B, and the amendments to the comprehensive plan referenced in Sections 3 and 4 of this Settlement Agreement, Futurewise shall cause to be dismissed with prejudice the appeal with the caption *Futurewise v. Benton County*, Growth Management Hearings Board Eastern Washington Region Case No. 18-1-0004. Growth Management Hearings Board Eastern Washington Region Case No. 18-1-0004 is Futurewise’s appeal of Benton County Resolution 2018-137 and Benton County Ordinance 600, adopting the 2017 Comprehensive Plan Periodic Update, and Benton County Resolution 2018-167 and Benton County Ordinance 601, adopting Map A-3 as the official zoning map for Benton County.

B. This dismissal will be accomplished through a joint stipulation executed by Futurewise and Benton County or any other means authorized by Growth Management Hearings Board rules of practice and procedure.

Section 2. Provisions to Protect Surface and Ground Water.

Benton County will consider adopting and implementing the following measures for the protection of the quality and quantity of ground and surface water.

A. Permanent regulations will be considered that will require new development relying on permit-exempt wells proposed to be located within a certain portion of Water Resource Inventory Area (WRIA) 37 to fully mitigate the impacts of such wells on the main stem of the Yakima River resulting from the consumptive use of water by such wells for housing unit needs by meeting the criteria set forth below:

- (i) The geographic area subject to these regulations will only be that portion of WRIA 37 located in Benton County that drains to the Yakima River and not the Columbia River. That geographic area

is depicted on the attached Exhibit A. The area is hereafter referred to as the “mitigated area.”

- (ii) Benton County has acquired and may continue to acquire surface water rights with a priority date pre-May 10, 1905, in the Yakima River Basin. Mitigation of the consumptive water use of permit-exempt wells in the mitigated area to be considered will be accomplished by placing such water rights in trust with the State of Washington for instream flows within or upstream of WRIA 37.
- (iii) For every building permit issued after February 13, 2018, and prior to the adoption of the regulations set forth below in subsection (iv), that requires potable water from a permit-exempt well located in the mitigated area, Benton County will reserve 200 gallons per day per parcel (annual daily average) if the permit is or was for development on a parcel within an irrigation district and 300 gallons per day per parcel (annual daily average) if the permit is or was for development on a parcel not within an irrigation district from a water right placed in trust by the County.
- (iv) The permanent regulations to be considered will require new applicants for subdivisions and residential building permits that seek to use permit-exempt wells located in the mitigated area for potable water supply to provide evidence of mitigation in the following form as a condition to final plat approval and building permit approval: (1) acquisition of a mitigation certificate from the County for up to a certain number of gallons per day per parcel (annual daily average) for indoor only water usage for each residence; or (2) acquisition of a mitigation certificate from the County for up to a certain larger number of gallons per day per parcel (annual daily average) for indoor and outdoor water usage for each residence if the parcel on which the development is proposed is not located within an irrigation district.
- (v) The County will consider regulations that will only allow the issuance of a mitigation certificate if the aggregate of water usage allotted by all mitigation certificates issued by the County, in addition to the water reserved under subsection (iii) above, will not exceed the amount of water placed into trust by the County.

B. The County further agrees that prior to the adoption of the permanent regulations set forth in section A above, it will approve long plat applications submitted after the effective date of this Agreement that seek to rely on permit-exempt wells within the mitigated area only if a condition is required that a statement be placed on the face of the plat indicating that no building permits will be issued for any of the lots within the plat without first obtaining mitigation certificates for the lot for which a building permit is sought.

*Note: Code provisions to address the deleted §2.B already have been adopted in Benton County Ordinance 611, section 165(c), and Ordinance 612, section 11(b). Those

sections will be considered for further amendment at the same time as the regulations in 2.A above to make BCC 9.02.100 and BCC 11.42.040 only applicable to unincorporated areas not covered by the regulations referred to above in section 2.

Section 3. Measures to Protect Rural Character.

A. Benton County will consider amendments to the Rural Element/Land Use Element of its Comprehensive Plan to add policies governing rural development. The policies shall be equivalent in substance and effect to the provisions listed below, but Futurewise and Benton County (the parties) recognize that changes in location, order, formatting, numbering, and wording that do not change the substance may occur as part of the comprehensive plan amendment process.

- New Policy: Development in rural areas is typified by large lots and less dense development. Favoring development that is less dense and has larger lots helps maintain the rural character of designated rural areas and supports the protection of ground and surface water.
- New Policy: Designated rural areas will be utilized to reduce the inappropriate conversion of agricultural lands, prevent sprawling low-density development and assure that rural development is compatible with surrounding rural and agricultural areas.
- New Policy: Rural development shall provide adequate water for domestic use. When feasible, rural developments will be encouraged to utilize existing community systems with adequate availability for domestic water and sewage disposal.
- New Policy: New groundwater uses must provide evidence that the proposed water source is physically and legally available. Groundwater uses and withdrawals, including the issuance of building permits and the approval of land divisions, must be consistent with RCW 90.44.050, and with applicable rules adopted pursuant to RCW 90.22 and 90.54.
- New Policy: Provide public services consistent with rural character. Rural developments will not impact existing public facilities/services to the extent that the level of service for that facility is reduced below the adopted threshold and/or acceptable operation capacity. Rural developments should occur where adequate access to transportation systems, and rural levels of utilities and facilities, such as domestic water, power, and fire and police protection are available.
- New Policy: Rural development shall minimize potential adverse impacts to water quality, slope stability, vegetation, wildlife and aquatic life as implemented through the County's critical area regulations, shoreline master program, and hydrology manual.
- New Policy: Support the availability of sufficient water to maintain the agricultural industry and agricultural processing and value-added manufacturing.

- New Policy: Encourage long-term conservation, adequate water supply, and the wise stewardship of natural resources within Benton County for the benefit of current and future residents.
- New Policy: Encourage the continued communication with irrigation districts, legislature, and other responsible entities to ensure that adequate irrigation water is available for agricultural uses.
- New Policy: Encourage the use of low-impact development (LID) measures in the Eastern Washington Low Impact Development Guidance Manual and their application to urban development, urban and rural subdivisions, and large rural developments in Benton County.
- New Policy: Support on-site infiltration in rural areas for new lots, subdivisions and developments by promoting storm water best management practices. Promote the retention of existing native vegetative cover in landscaping plans for areas zoned Rural Lands One Acre (RL-1), Rural Lands Five Acre (RL-5), Rural Lands Twenty Acre (RL-20), and Planned Development (PD) zones applied to any of these zones. Where the proposed development will not be precluded, limit impervious surfaces that are not infiltrated on-site for all new development in the zoning districts listed above to no more than ten percent and require the retention of 45 percent vegetative cover, which may include native or non-native species, provided soil infiltration/filtration properties are maintained.
- New Policy: Support and encourage the use of and application of Firewise principles and other fire risk reduction measures consistent with the Benton County Hazard Mitigation Plan and Community Wildfire Protection Plan to reduce fire risk for urban development, urban subdivisions, rural subdivisions and large rural developments susceptible to wildfires. Encourage the implementation of the Firewise principles, or similar best management measures, applicable to individual lots on all lots at risk from wildfires.
- Adopt by reference as an appendix to the Comprehensive Plan, the Benton County Hazard Mitigation Plan and Community Wildfire Protection Plan, as amended.

B. Benton County will consider adopting the Eastern Washington Storm Water Manual by reference as a development regulation.

C. If the regulations set forth in Section 2 and the Comprehensive Plan amendments and the regulation listed above in Section 3 are adopted and implemented, Benton County will commit to the following practices regarding low impact development and Firewise principles for at least ten (10) years from the effective date of the dismissal of the appeal as set forth in Section 1:

- Include informational materials related to the Eastern Washington Low Impact Development Guidance Manual and the NFPA Firewise educational and outreach materials as an attachment/supplemental to the County's land use, road approach and building permit application materials to be utilized as a resource for landowners.
- Include on the County's website (Planning, Public Works and Building) links to the Eastern Washington Low Impact Development Guidance Manual and the NFPA Firewise educational and outreach materials to be utilized as a resource for landowners.

Section 4. Modification of the Capital Facilities Plan Element, the Capital Improvement Plan, and the Transportation Element of Benton County Comprehensive Plan.

A. Benton County will consider amending the applicable parts of Chapter 2 – Goals and Policies, Chapter 9 Capital Facilities Element, and Appendix J – Capital Improvement Plan, 2017 – 2022, and include an inventory or reference to an inventory of existing public facilities owned by public entities, a forecast of future needs, the proposed location and capacities of expanded or new public facilities, and a six-year financing plan for capital facilities that is within the projected funding capacities for publicly owned water systems, fire districts, municipal emergency services providers, and school systems, as applicable.

B. Benton County will consider including in its Capital Facilities Plan Element/Capital Improvement Plan and Transportation Element the Ben-Franklin Transit capital facilities, level of service standards, service areas, and recommendations for additional service.

C. In addition, Benton County will agree to conduct an analysis of the adequacy of the firefighting capabilities and consider amendments to the Capital Facilities Plan Element if it determines such amendments are needed to maintain adequate firefighting capabilities on the borders of the UGAs and the rural areas within the county.

D. Benton County will consider amending Appendix H to more clearly describe the land use assumptions used in the analysis. In addition, Benton County will coordinate with the Washington State Department of Transportation (WSDOT) and Benton-Franklin Council of Governments (BFCOG) in conducting a more detailed evaluation of the estimated traffic impacts of projected growth on state-owned facilities and the facility and service needs stemming from future population demands on state owned facilities, and amend Appendix H, as needed.

Section 5. Attorneys' Fees and Costs.

Each party hereto shall bear its own attorneys' fees and costs.

Section 6. Entire Agreement and Successors in Interest.

This Settlement Agreement contains the entire agreement between Futurewise and Benton County, shall supercede any and all prior written and/or oral agreements, and shall be binding upon and inure to the benefit of the executors, administrators, personal representatives, heirs, successors and assigns of each. No other understandings, oral or otherwise, shall be deemed to bind any of the parties hereto.

Section 7. Remedy for Breach.

For any breach of this Settlement Agreement all remedies in law and equity shall be available including the remedy of specific performance.

Section 8. Amendment.

This Settlement Agreement may not be modified or amended except by the written agreement of the parties.

Section 9. Governing Law.

This Settlement Agreement shall be construed and interpreted according to the laws of the State of Washington.

Section 10. Authorization.

Each person signing this Settlement Agreement represents and warrants that he or she has authority to sign this Settlement Agreement on behalf of and to bind the party represented, and that any necessary conditions precedent to the execution of this Settlement Agreement on behalf of the party represented have been satisfied.

Section 11. Counterparts.

A. This Settlement Agreement may be executed in counterparts and each executed counterpart shall have the same force and effect as the original instrument and as if all of the parties to the counterparts had signed the same instrument.

B. Electronic facsimile signatures and/or electronically scanned signatures shall be sufficient to demonstrate a party's assent to this Settlement Agreement.

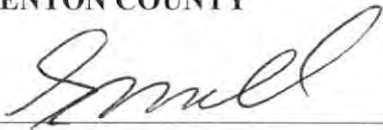
Section 12. Effective and Expiration Dates.

A. This Settlement Agreement shall be effective on the later of the dates it is signed by the parties.

B. This Settlement Agreement shall expire on the day after the day the Growth Management Hearings Board dismisses *Futurewise v. Benton County*, Growth

Management Hearings Board Eastern Washington Region Case No. 18-1-0004. No cause of action shall accrue under this Settlement Agreement with respect to actions by Benton County regarding any comprehensive plan amendments or amendment or repeal of development regulations adopted after this Settlement Agreement expires. This provision does not limit in any way the rights of Futurewise to challenge such actions under the provisions of the Growth Management Act.

BENTON COUNTY

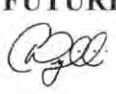


By: Shon Small

Its: Chairman

Signed this 2 day of April, 2019.

FUTUREWISE



By: Chris Wierzbicki

Its: Executive Director

Signed this 29th day of March 2019.

Approved as to form:

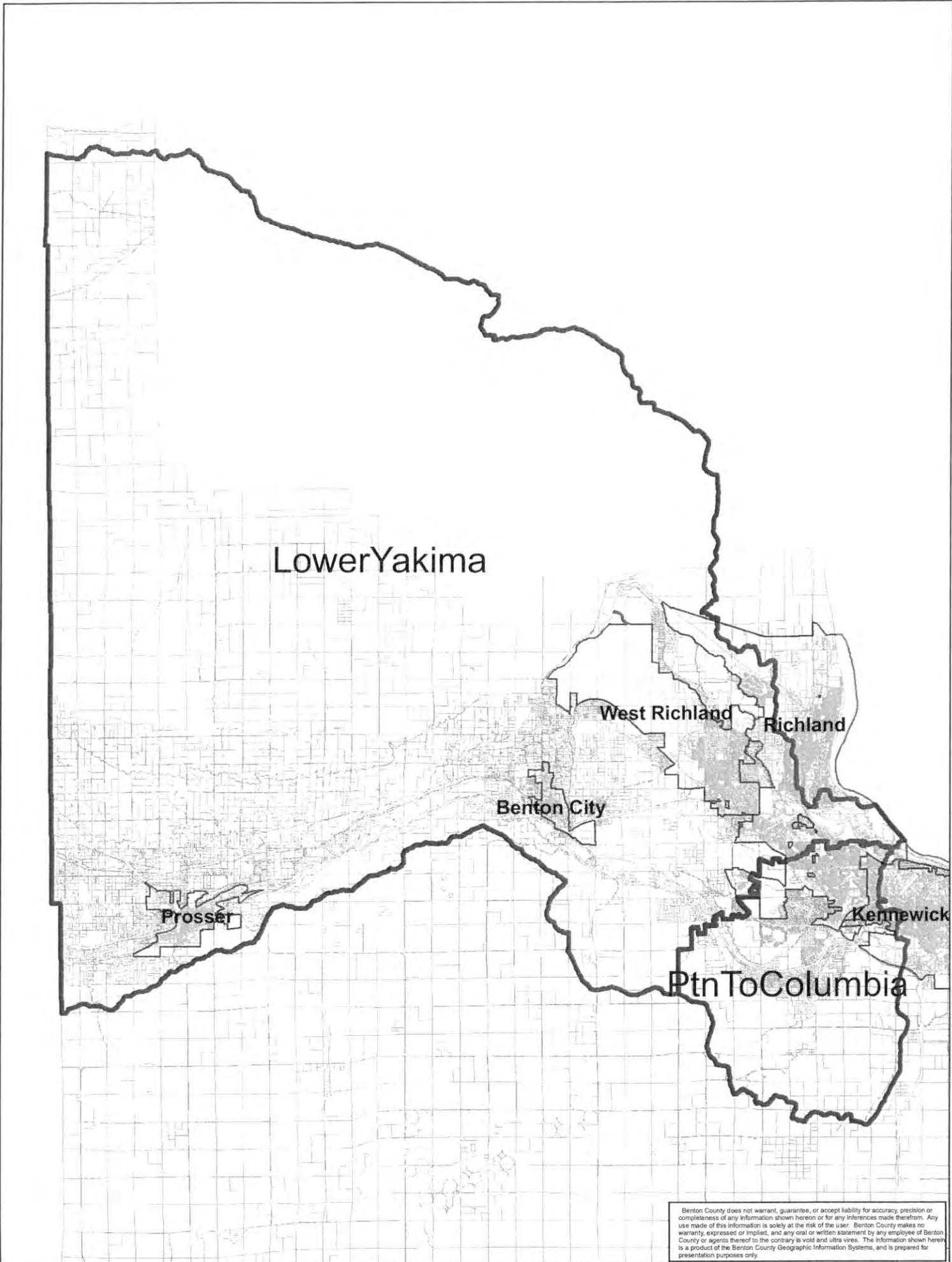


By: Ryan K. Brown

Its: DPA

EXHIBIT A

(2 pages)



Lower Yakima

Prosser

Benton City

West Richland

Richland

Ptn To Columbia

Kennewick

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A detailed map showing a large area outlined with a thick black boundary. The area is divided into a grid of smaller parcels, with some areas shaded in grey. The boundary follows a path that is roughly rectangular but has several irregular, jagged edges. The text 'Lower Yakima' is positioned in the upper left, and 'Ptn To Columbia' is in the center. The map shows a mix of urban and rural areas, with roads and waterways visible.

Lower Yakima

Ptn To Columbia

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ORDINANCE NO. _____

AN ORDINANCE relating to building permits; amending Ordinance 611, Section 165 and BCC 11.42.040.

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

SECTION 1. Ordinance 611, Section 165 and BCC 11.42.040 are hereby amended to read as follows:

BUILDING PERMITS.

(a) No person, company, or corporation shall erect a building or structure of any kind or make any addition to an existing building or structure or alter any building or structure already erected within the unincorporated area of the County of Benton without ~~((first obtaining a permit in writing from a county official duly authorized for this purpose.))~~ complying with Title 3 of the Benton County Code.

~~((b) The application for such permit and regulations governing construction, shall be as prescribed by the Benton County Building Code.))~~

~~((e))~~ (b) For ~~((buildings that need))~~ building permit applications that will necessitate potable water, evidence of an adequate water supply shall be submitted in accordance with RCW 19.27.097 and, if applicable, compliance with Ordinance _____.

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

SECTION 3. Effective Date. This Ordinance shall take effect and be in full force upon its passage and adoption.

ADOPTED AND PASSED this _____ day of _____.

Chairman of the Board.

Chairman Pro-Tem.

Member.

Approved as to Form:

Constituting the Board of
County Commissioners of
Benton County, Washington

Deputy Prosecuting Attorney

Attest: _____
Clerk of the Board



NOTICE OF PUBLIC HEARING

NOTICE OF HEARINGS before the Benton County Planning Commission in the matter of the 2017 Periodic update of the County Comprehensive Plan: proposed amendments to the land use maps and text of the Benton County Comprehensive Plan, BCC Title 9-Subdivision Regulations and BCC Title 11-Zoning in a manner that would resolve a Petition for Review filed by Futurewise. After negotiations, the County and Futurewise developed a settlement on the above-mentioned Petition for Review that was approved by the Board of County Commissioners in Resolution 2019-276.

The Planning Commission will consider amendments to the 2017 Comprehensive Plan amending Ordinance 600 as noted below and to BCC Title 9 Subdivision Regulations (File No. OA 2019-002) amending Ordinance 612, Section 11 and BC 9.02.100 and to BCC Title 11-Zoning (File No. OA 2019-003) relating to building permits; amending Ordinance 611, Section 165 and BCC 11.42.040 at a public hearing Tuesday, December 10, 2019 at 6 p.m., in the Benton County Planning Annex Hearing Room at 1002 Dudley Avenue in Prosser. The Planning Commission will consider all comments received and make their recommendation to the Board of County Commissioners (BOCC). The BOCC will then conduct a hearing **to consider and act upon the Planning Commission's** recommendation.

NOTICE IS FURTHER GIVEN that draft land use maps and related documents may be **viewed on the County's website at <http://tinyurl.com/2017compplan>**, a summary of those changes follows this notice. Copies may be requested by calling or writing the planning office using the information below. Any comments regarding the proposed hearings may be made at the above hearings or submitted in writing. All written comments submitted by mail should be sent to: Benton County Planning Department, P.O. Box 910, Prosser, WA 99350-0910, and received by the Planning Department no later than December 9, 2019. Comments may also be submitted by email to planning.department@co.benton.wa.us by 3:00 p.m. December 10, 2019.

Any information submitted to Benton County is subject to the public records disclosure law for the State of Washington (RCW Chapter 42.17) and all other applicable law that may require the release of the documents to the public.

It is Benton County's policy that no qualified individual with a disability shall by reason of such disability be excluded from participation in public meetings. If you wish to use auxiliary aids or require assistance to comment at this public meeting, please contact the Benton County Planning Department at the above stated phone numbers and/or address

no later than 48 hours prior to the date of the meeting. The Request for Reasonable Accommodation form is available online at www.co.benton.wa.us or from the Planning Department.

Dated this 19th day of November 2019.

MARTIN SHEERAN, Chairman
BENTON COUNTY PLANNING COMMISSION

GREG WENDT,
Interim Planning Manager

Publish date: November 27, 2019

Proposed Changes 2017 Comprehensive Plan - Ordinance 600
Draft land use maps and related documents may be viewed on the County's website at
<http://tinyurl.com/2017compplan>

1. New policies the Rural Lands-Section 2.2.3 pages 14-16
2. Amendments to Rural Domestic Water Policies-Section 2.4.3 page 19
3. Amendments to the Capital Facilities & Public Services (2.10 pg. 30)
4. Amendments to the Transportation Element-Section 7.2.6 pages 102-103, Section 7.2.7 pages 103, Section 7.2.7 page 103, Section 7.2.8 pages 103-104, Section 7.3.1 and 7.3.11 pages 104-105, Section 7.5.1 page 109-110
5. Amendments to the Capital Facilities Relationship between Land Use and Capital Facilities Section 9.11 page 122
6. Amendments to Capital Facilities Improvement to Public Facilities identified in Other Plans-Section 9.24 pages 125-138
7. Title Change to Appendix H-4 (Inventory within Benton County and 2028 Forecast and Level of Service Analysis
8. Addition to the References section-page 154
9. Addition Appendix M (Benton County Community Wildfire Protection Plan, previously adopted by the Board of County Commissioners)
10. Addition Appendix N (Benton County Natural Hazard Mitigation Plan 2019, previously adopted by the Board of County Commissioners

OA 2019-002 Proposed Changes to BCC Title 9 Subdivision Regulations relating to water supply; amending Ordinance 612, Section 11 and BC 9.02.100.

Ordinance 612, Section 11 and BCC 9.02.100(b) are hereby amended to read as follows:
(b) Private water supplies may be utilized to serve a short plat or subdivision if an applicant demonstrates that the proposed water source is consistent with RCW 90.44.050, as existing or hereafter amended, ~~((and))~~ with applicable rules adopted pursuant to RCW 90.22 and 90.54, as existing and hereafter amended, and with Ordinance _____, if applicable.

OA 2019-003 Proposed Changes to BCC Title 11-Zoning relating to building permits; amending Ordinance 611, Section 165 and BCC 11.42.040

Ordinance 611, Section 165 and BCC 11.42.040 are hereby amended to read as follows:
BUILDING PERMITS - (a) a) No person, company, or corporation shall erect a building or structure of any kind or make any addition to an existing building or structure or alter any building or structure already erected within the unincorporated area of the County of Benton without ((first obtaining a permit in writing from a county official duly authorized for this purpose.)) complying with Title 3 of the Benton County Code. (b) Private water supplies may be utilized to serve a short plat or subdivision if an applicant demonstrates that the proposed water source is consistent with RCW 90.44.050, as existing or hereafter amended, ~~((and))~~ with applicable rules adopted pursuant to RCW 90.22 and 90.54, as existing and hereafter amended, and with Ordinance _____, if applicable.