



STAFF REPORT TO THE BENTON COUNTY PLANNING COMMISSION

FILE NO: OA 2020-001 (Ordinance Amendment to Zoning Regulations)

MEMO DATE: May 12, 2020

HEARING DATE: June 9, 2020

APPLICANT: Benton County Planning Department

OWNER: N/A

LOCATION: Unincorporated 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: Positive recommendation subject to eight findings of fact.

APPLICATION DESCRIPTION

Benton County is proposing a text amendment to the County Zoning Regulations. The amendment involves the following:

1. **Rural Land 5 Zoning District.** Add **veterinary facility** as a conditional use.

A Veterinary Facility is defined in Chapter 11.03 (187) as "a business establishment or facility which renders surgical and medical treatment to animals and which includes inside or outside accommodations for animals".

Add the following 'Uses Requiring a Conditional Use Permit': in the RL-5 Zoning District

Chapter 11.11.060

(x) **Veterinary Facility.**

PUBLIC NOTICE

1. A Notice of Public Hearing was published in the Prosser Record and put on the County's website on May 27, 2020.

APPLICABLE STANDARDS/ORDINANCES

1. Comprehensive Plan: 2018 Benton County Comprehensive Plan.
2. Zoning Code: Benton County Code, Title 11, Zoning.

AGENCY COMMENTS

None.

RECOMMENDATION

Benton County Planning Staff will assist the Planning Commission with the determination of findings of fact for File OA 2020-000.

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 2020-000 with the following suggested findings of fact and motion.

SUGGESTED FINDINGS OF FACT:

1. Benton County is proposing a text amendment to the County Zoning Regulations, Ordinance 611 with a focus on the following:
 - a. Chapter 11.11 Rural Land 5 Zoning District - add (x) Veterinary Facility to Section 11.11.060 Uses Requiring a Conditional Use Permit.
2. Planning Casefile Application OA 2020-000 is found to be in conformance with the intent of Benton County Code 11.53.020 for zoning text amendments.
3. Planning Casefile Application OA 2020-000 is found to be in conformance with the intent of the Benton County Comprehensive Plan.
4. Planning Casefile Application OA 2012-000 was submitted by email to the State of Washington's Department of Commerce on January 30, 2020 for an expedited review in compliance with WAC 365-196-630 (6).
5. The legal notification for Planning Casefile Application OA 2012-000 was given on May 27, 2020 pursuant to RCW 36.70.590.
6. Planning Case file Application OA 2020-000 appeared in an open record public hearing before the County Planning Commission on June 9, 2020 in the Planning

Annex Hearing Room, 1002 Dudley Avenue, Prosser, WA 99350.

7. At the June 9, 2020, open record hearing, the Planning Commission was available to receive public testimony, exhibits, and answer questions in the public portion of the hearing. The public hearing was held with the public being able to attend and comment through telephonic access to the meeting. The meeting was also broadcast through video access to allow the public to view the meeting.
8. The Planning Commission, at the conclusion of the open record hearing, voted to recommend approval and to forward a positive recommendation to the Board of County Commissioners for the proposed ordinance amendment application, OA 2020-000.

SUGGESTED MOTION-

I move that the Chairman, in conjunction with the Secretary of the Planning Commission, prepare and adopt written findings and conclusions reflecting the Commission's recommendation for approval of the proposed zoning amendment, Casefile OA 2020-000, that articulate and are consistent with the findings, conclusions and recommendations made by the Planning Commission tonight.

ORDINANCE NO. _____

AN ORDINANCE relating to zoning and Rural Lands Five Acre District (RL-5); amending the section relating to uses requiring a conditional use permit; amending Ordinance 611, Section 44 and BCC 11.11.060.

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

SECTION 1. Ordinance 611, Section 44 and BCC 11.11.060 are hereby amended to read as follows:

USES REQUIRING A CONDITIONAL USE PERMIT. The following uses may be permitted on a single parcel of record within the Rural Lands Five Acre District (RL-5) if a conditional use permit is issued by the Hearings Examiner after notice and public hearing as provided by BCC 11.50.040.

- (a) A school.
- (b) A community clubhouse, grange hall, senior center and/or other non-profit organizational hall.
- (c) A storage yard owned and operated by a utility.
- (d) A sand or gravel pit, stone quarry and similar use for the development of natural resources extracted on-site.
- (e) Bed and Breakfast Facility, subject to the provisions in BCC 11.42.030.
- (f) Kennel, commercial.
- (g) Home occupation involving the display and/or sale of products on the premises; provided, a home occupation permit is also required under Chapter 11.49 BCC.
- (h) On-site hazardous waste treatment and/or hazardous waste storage facilities as an accessory use to an allowed or conditionally permitted use; provided, that such facilities must comply with the state siting criteria adopted in RCW 70.105.210, as currently in effect or as hereafter amended.
- (i) Child Day Care Facility, Type B, subject to the provisions of BCC 11.42.060.
- (j) Wineries/Breweries/Distilleries not otherwise allowed under BCC 11.11.030.
- (k) Cemetery, columbarium, and/or mausoleum.
- (l) Sewage treatment facility for industrial and/or domestic waste.
- (m) Rodeo facilities.
- (n) Reception facility with a capacity not to exceed two hundred (200) attendees.
- (o) A Park.
- (p) A golf course.

- (q) Recreational Vehicle Park.
- (r) A public transit center.
- (s) Airport/Heliport.
- (t) Church, if not otherwise allowed under BCC 11.11.030.
- (u) Commercial stables and/or riding academies.
- (v) Veterinary facility.

~~((+u))~~ (w) Business activities, other than those set forth above, that are compatible with the principal uses and purpose of the underlying zone and the surrounding land uses may be conducted from within an approved accessory building detached from all dwelling units if the following criteria as well as any other conditions required by the Hearings Examiner are satisfied:

(1) The business activity must take place on a parcel of land that is 2.0 acres or greater in size.

(2) There must be a residence on site, and at least one (1) of the proprietors of the business must be the owner or lessee of the property where the business and the residence are located and must reside in said residence.

(3) No more than four (4) non-resident persons, whether they work on site or not, may be employed by or be partners in the business.

(4) The business activity, including all storage space, shall not occupy more than two thousand (2,000) square feet of total floor area within the detached accessory building.

(5) Only one (1) approved detached accessory building on a parcel may be used for business activities. If more than one (1) business will be conducted within an approved detached accessory building, then a separate application must be submitted for each business activity, provided that the total area used by all business activities shall not exceed that permitted by BCC 11.11.060 ~~((+u))~~ (w) (4).

(6) No more than two (2) non-illuminating signs, with a maximum area of four (4) square feet each, shall be permitted in connection with the business activity. The posting of such signs is limited to the parcel on which the approved detached accessory building is located. On-street (inside the road right-of-way) sign posting and sign posting which interferes with the line-of-site for road intersections are prohibited.

(7) Not more than three (3) vehicles marked to identify the business may be on the parcel at any one time. No other on-site outside storage of vehicles, equipment and/or supplies is allowed in connection with the business activity. This prohibition applies to, but is not limited to: lumber,

plasterboard, pipe, paint, inoperable vehicles, and heavy equipment that are related to the business.

(8) The property owner and the proprietor(s) of the business shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin Health District, and all other local, state and federal regulations pertinent to the business activity pursued. The requirements of or permission granted by the Hearings Examiner shall not be construed as an exemption from such regulations.

(9) Adequate off-street parking, as determined by the Hearings Examiner, must be provided.

(10) Any waste created as a result of the business activity must be disposed of off-site in compliance with all local, state and/or federal regulations.

(11) The presence of customers/clients and non-resident employees at the location of the business activity shall be limited to the days and hours of operation as determined by the Hearings Examiner.

(12) The business activity does not require a marijuana processor or retailer license from the Washington State Liquor Control Board.

~~((v) Commercial stables and/or riding academies.))~~

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:



Deputy Prosecuting Attorney

Constituting the Board of
County Commissioners of
Benton County, Washington

Attest: _____
Clerk of the Board



NOTICE OF OPEN RECORD HEARINGS

NOTICE IS GIVEN that the following applications will be considered by the Benton County Planning Commission at public hearings on Tuesday, June 9th, 2020, at **6 p.m.**

SUB 2020-001/EA 2020-001, the preliminary plat of Grace Estates, a subdivision of 9.37 acres into 7 lots averaging 1.25 acres by Ron Wenger. The site is located on Parcel #'s 1-0284-301-2461-003 and 004 which is also known as lots 3 and 4 of Short Plat 2461 in Section 2, Township 8 North, Range 24, East, W.M. lying East of Moore Road, Prosser WA.

SUB 2020-002/EA 2020-004, the preliminary plat of Orchard View, a subdivision of 9.1 acres into 29 lots with an average lot size of 10,433 square feet by Hayden Homes. The site is located on Parcel # 1-0780-300-0081-000 and is located in the southwest corner of the intersection of E. 19th Avenue and S. Gum Street in Kennewick WA and is described as that portion of the East 175 feet of the East 160 feet of the East Half of the Southeast Quarter of the Northeast Quarter of the Southwest Quarter in Section 7, Township 8 North, Range 30 East, W.M.,

SUB 2020-003/EA 2020-008, the preliminary plat of Shaw Vineyard Estates, a subdivision of 39 acres into 7 lots averaging 5.07 acres by Tyler Franzheim/Shaw Vineyards. The site is located on parcel #'s 1-1407-200-0002-001 and 1-1407-300-0001-000 which are located west of the terminus of Carel Lane and south of Horn Rapids Road in Section 14, Township 10 North, Range 27, East, W.M.

OA 2020-001 - AN ORDINANCE relating to zoning and Rural Lands Five Acre District (RL-5); amending the section relating to uses requiring a conditional use permit; amending Ordinance 611, Section 44 and BCC 11.11.060 by adding a veterinary facility as a use requiring a conditional use permit.

NOTICE IS FURTHER GIVEN that said subdivision applications have been reviewed under the requirements of the State Environmental Policy Act and Determinations of Mitigated Non-Significance (MDNS) were issued on April 9, 2020 for SUB 2020-001 and SUB 2020-003 and February 27th for SUB 2020-002 and accordingly Environmental Impact Statements were not required. Any comments regarding these determinations and the environmental impacts of the proposals can be made at the Planning Commission Hearing as using the method noted below or in writing to the Benton County Planning Department by 5 p.m. on Monday June 8, 2020.

Due to Governor's "Stay Home, Stay Healthy" order the County Offices are closed to in person visits from the public at this time. In an effort to continue to provide public access to the Planning Commission meetings, Benton County will be providing telephonic and video access for the public to view and provide testimony at the Planning Commission

meetings. **If you choose to join the meeting telephonically, we ask that you please limit background noise or mute your line to prevent any unnecessary interruption to the meeting.**

If you wish to provide comments on any of the actions before the Planning Commission, we ask that you please fill out our online form (found at <https://tinyurl.com/testifyform>) and submit your request to our office. **You must submit a request form to participate for each hearing that you wish to attend.** If you prefer to make the request by phone, please call our office at 786-5612 and we can add you to the list for providing testimony. At the meeting the names of those wishing to testify will be called out and at that time you will be able to present your comments/concerns regarding the specific agenda item.

In order to join the meetings telephonically you will need to dial in and enter the Meeting ID and Passcode. These links will be available on June 9th, shortly before 6 p.m. To view the Video please use the link below.

Dial 509 222 2310
Meeting ID: 5687
Passcode: 5687

Video broadcast link: planningcommission.co.benton.wa.us

At this hearing, the Planning Commission may recommend approval, conditional approval, or disapproval of the applications to the Benton County Board of Commissioners. All parties concerned may present any support or objections for the application per the phone in instructions above. Information concerning the applications can be obtained at the Benton County Planning Department, by calling 736-3086 (Tri-Cities) or 786-5612 (Prosser).

Dated at Prosser, Washington on this 20th day of May 2020.

Martin Sheeran, Chairman
BENTON COUNTY PLANNING COMMISSION

Greg Wendt, Planning Manager
Planning Department

PUBLISH ON: May 27, 2020