

**EXHIBIT LIST FOR OA 2024-001/EA 2024-001**

DATED

<b>Planning Commission Memo Exhibit List - August 20, 2024</b>			
<b>PCM 1</b> Includes:	PCM 1.1	Staff Report	August 1, 2024
	PCM 1.2	OA 2024-001 Draft Ordinance	
	<b>SEPA INFORMATION</b>		
	PCM 1.3	Determination of Non Significance	February 21, 2024
	PCM 1.4	Environmental Checklist EA 2024-001	October 2, 2023
	<b>HEARING NOTICES</b>		
	PCM 1.5	Notice of Public Hearing	August 7, 2024
	<b>COMMENTS</b>		
PCM 1.6	Washington Geological Survey	July 22, 2024	
PCM 1.7	Public Works Department	March 5, 2024	
<b>Planning Commission Hearing Exhibit List - August 20, 2024</b>			
	PCH 1.1		
	PCH 1.2		
	PCH 1.3		
<b>Board of County Commissioners Memo Exhibit List -DATE</b>			
<b>BCCM 1</b> Includes	BCCM 1.1		
	BCCM 1.2		
	BCCM 1.3		
	BCCM 1.4		
	BCCM 1.5		

**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**



## PCM 1.1

### STAFF REPORT TO THE BENTON COUNTY PLANNING COMMISSION

**FILE NO:** OA 2024-001 (Ordinance Amendment to add a new zoning district to BCC Title 11- Open Space Conservation District)

**MEMO DATE:** August 1, 2024

**HEARING DATE:** August 20, 2024

**APPLICANT:** Benton County Planning Division, 1022016 E. Wisner Parkway, Kennewick, WA 99338

**OWNER:** N/A

**LOCATION:** Unincorporated Benton County

**PROPERTY SIZE:** N/A

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

**LAND USE:** N/A

**COMP. PLAN:** Please refer to CPA 2024-001

**ZONING:** N/A

**SUGGESTED STAFF RECOMMENDATION:** Positive recommendation subject to nine findings of fact.

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#### APPLICATION DESCRIPTION

##### Background:

On May 14, 2024, the Board of County Commissioners approved a Comprehensive Plan Amendment (CPA 2024-001) to amend two (2) sections of the Benton County Comprehensive Plan. The application proposed to amend Section 3.3.5 and Table 3.4 related to the Open Space Conservation Land Use Designation and to ensure consistency between the comprehensive plan and zoning ordinance specifically requiring a new Chapter will be added to the Benton County Code for the Open Space Conservation Zoning Designation.

##### Application:

To implement the Open Space Conservation Land Use Designation, staff proposes to add a new Chapter to BCC Title 11 to be known as the Open Space Conservation District (OSC). The purpose of the Open Space Conservation District is to provide owners of property having critical areas and ecosystems containing unique characteristics that support habitat for migratory birds, fish, and wildlife; natural riverine functions and aquatic environments; botanical inventory; and/or the protection of steep slopes and viewsheds, water quality and flood retention an opportunity to request a zoning designation consistent with the conservation of these characteristics. These property characteristics and features provide significant functions and benefits to natural resources and the public. If the property owner records a permanent easement to protect such functions and benefits, and petitions the County for this zoning designation, such parcels should be designated as Open Space Conservation District under the Benton County Zoning Code.

Highlights of the new zoning chapter include:

1. Land to be designated Open Space Conservation District can be publicly or privately owned but must be held under a permanent conservation easement or easements granted to a local, state, or federal agency or a land trust prior to the property owner submitting a request for this zoning designation.
2. A zone change to the Open Space Conservation zoning designation may only be requested if the parcel(s) at issue is designated as Open Space Conservation land designation in the Benton County Comprehensive Plan.
3. The Open Space Conservation zoning designation is voluntary in nature for property owners.
4. If an owner wishes to de-designate land that is zoned Open Space Conservation in the future, they may request a comprehensive plan and zoning change to a zoning designation identical to the zoning designation that is assigned to an abutting parcel that is not designated Open Space Conservation.

The application has been reviewed by Planning Staff and the Benton County Prosecuting Attorney's office.

### **PUBLIC NOTICE**

1. A Notice of Public Hearing was published in the Prosser Record Bulletin on August 7, 2024, and was put on the County's website on August 2, 2024 (PCM 1.5).
2. Planning Staff mailed/emailed out review packets to technical agencies on July 15, 2024.
3. A SEPA Determination of Non-Significance (DNS) (PCM 1.3) was issued on February 21, 2024

**APPLICABLE STANDARDS/ORDINANCES**

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

**AGENCY COMMENTS**

None.

**RECOMMENDATION**

The Benton County Planning Division recommends that the Planning Commission forward a **recommendation of approval** to the Benton County Board of Commissioners for application OA 2024-001 with the following suggested findings of fact and motion.

**SUGGESTED FINDINGS OF FACT:**

1. Planning Case File Application OA 2024-001 is found to be in conformance and consistent with the intent of the Benton County Comprehensive Plan.
  - a. The proposal is consistent with Comprehensive Plan Amendment (CPA 2024-001) which amended two (2) sections of the Benton County Comprehensive Plan as they related to the Open Space Conservation land use designation.
    - i. The proposal is consistent with Section 3.3.5 Open Space Conservation which describes an overview of lands designated open space conservation and specifically details that these 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. Further, Open Space Conservation designations are voluntary in nature for property owners.
    - ii. The proposal is consistent with Table 3.4 Land Use Implementation by Zoning District. The creation of this new zoning district will ensure that those lands designed Open Space Conservation in the Comprehensive Plan will be implemented with a consistent zoning district.
2. Planning Case File Application OA 2024-001 is found to be in conformance with and consistent with the intent of the Benton County Zoning Code. The proposal is consistent with the following:

- a. BCC 11.53 Amendments and Appeals, which includes the process to initiate and apply for a text amendment to the zoning regulations.
3. Planning Case File Application OA 2024-001 was reviewed under EA 2024-001 and received a Determination of Non-Significance (DNS) on February 21, 2024.
4. Planning Case File Application OA 2024-001 was submitted by email to the State of Washington's Department of Commerce on July 11, 2024 for review in compliance with WAC 365-196-630 (6).
5. The legal notification for Planning Casefile Application OA 2024-001 was given on July 15, 2024, pursuant to RCW 36.70.590.
6. Proposed Open Space Conservation lands can be publicly or privately owned but must be held under a permanent conservation easement or easements granted to a local, state, or federal agency or a land trust prior to a property owner submitting a request for this zoning designation.
7. A zone change to the Open Space Conservation zoning designation may only be requested if the parcel(s) at issue is designated as Open Space Conservation land in the Benton County Comprehensive Plan.
8. The Open Space Conservation zoning designation is voluntary in nature for property owners.
9. If an owner wishes to de-designate land that is zoned Open Space Conservation in the future, they may request a zoning change to a zoning designation identical to the zoning designation that is assigned to an abutting parcel that is not designated Open Space Conservation.

**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 ordinance amendment and adding a new zoning district chapter to Title 11 of the Benton County Code as noted in Casefile OA 2024-001, that articulate and are consistent with the findings, conclusions and recommendations made by the Planning Commission tonight.

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE relating to the Open Space Conservation District (OSC); adding a new zoning district in Benton County; and adding a new chapter to Title 11 of the Benton County Code.

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

SECTION 1. PURPOSE. The purpose of the Open Space Conservation District is to provide owners of property having critical areas and ecosystems containing unique characteristics that support habitat for migratory birds, fish, and wildlife; natural riverine functions and aquatic environments; botanical inventory; and/or the protection of steep slopes and viewsheds, water quality and flood retention an opportunity to request a zoning designation consistent with the conservation of these characteristics. These property characteristics and features provide significant functions and benefits to natural resources and the public. If the property owner records a permanent easement to protect such functions and benefits, and petitions the County for this zoning designation, such parcels should be designated as Open Space Conservation lands under the Benton County Zoning Code.

SECTION 2. DESIGNATION CRITERIA.

- (a) Open Space Conservation lands can be publicly or privately owned but must be held under a permanent conservation easement or easements granted to a local, state, or federal agency or a land trust prior to a property owner submitting a request for this zoning designation.
- (b) A zone change to the Open Space Conservation zoning designation may only be requested if the parcel(s) at issue is designated as Open Space Conservation land in the Benton County Comprehensive Plan.
- (c) The Open Space Conservation zoning designation is voluntary in nature for property owners, and requests for a change to this designation may only be initiated by a change of zoning request form signed by all owners of the parcel(s) subject to the request. This is a change in classification, so the application must be signed by all persons with an ownership interest (as that term is defined by BCC 9.02.040(26)) and by holders of mineral rights of the parcel(s) that are separate and apart from ownership of the surface estate, if any, as required by BCC 17.10.090(b)(2)(i).

SECTION 3. AVAILABILITY OF DE-DESIGNATION AS OPEN SPACE CONSERVATION

- (a) After a parcel receives an Open Space Conservation zoning designation, requests for a subsequent change of zoning to another zoning designation may only be made jointly by all persons with an ownership interest (as that term is defined by BCC 9.02.040(26)) in the parcel(s) subject to the request and by holders of mineral rights of the parcel(s) that are separate and apart from ownership of the surface estate, if any, as required by BCC 17.10.090(2)(i).
- (b) A request for zoning change to a designation other than Open Space Conservation shall be granted by the legislative body if the rezone request is for a change to a zoning designation identical to the zoning designation that is assigned to an abutting parcel that is not designated Open Space Conservation. If there are two parcels that do not have a zoning designation of Open Space Conservation that abut the parcel that has such designation, the legislative body must approve a rezone request to the zoning designation of

one of the abutting parcels, but it has the discretion as to which of the abutting zoning designations to assign to the parcel if the Open Space Conservation designation is no longer desired by the proper owners.

- (c) A request for a de-designation from Open Space Conservation to another zoning designation may also be initiated by the Benton County Planning Division.

SECTION 4. APPLICABILITY. The provisions of this ordinance 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.

SECTION 5. ALLOWABLE USES. The following uses are allowed within the Open Space Conservation District (OSC) on a single parcel of record:

- (a) Single Family Dwelling (SFD).
- (b) Manufactured home if constructed after June 15, 1976.
- (c) Agricultural uses, except for commercial dairies, commercial hog ranches, commercial poultry/rabbit operations, and animal feedlots; provided on any tract of land having an area of less than five (5) acres, agricultural uses may not include the keeping of more than one animal unit equivalent per one-half acre of ground, exclusive of suckling animals.
- (d) Wildlife preserve.
- (e) Hiking and non-motorized biking trails.
- (f) Equestrian trails.
- (g) Water access facilities.
- (h) Utility substation facility.

SECTION 6. 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) One (1) or more office buildings, for use in conjunction with conservation activities.
- (d) Solar Power Generator Facility, Minor.
- (e) Uses subject to Planning Administrator review and approval, specified in BCC 11.11.050(a).

SECTION 7. 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.

SECTION 8. 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

- (a) Irrigation pumping station.
- (b) Interpretative, education, or visitor center.
- (c) Hunting Preserve.

SECTION 9. USES PROHIBITED. Any use not authorized and approved pursuant to section 5, 6, 7 or 8 above is prohibited within the Open Space Conservation District (OSC).

SECTION 10. 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) Minimum parcel size. Except as otherwise set forth herein, the minimum parcel size that may be created in the OSC District is five (5) acres; provided, the Benton-Franklin Health District may require a larger parcel size as necessary to meet on-site sanitary well and sewer provisions.
- (b) Lot Width. Each parcel shall have an average lot width of not less than ninety (90) feet.
- (c) Maximum Lot Coverage. Each parcel shall have a maximum lot coverage of forty (40) percent.
- (d) Vegetative Cover. Each parcel shall have a minimum vegetative cover of at least forty-five (45) percent, unless doing so would preclude the proposed development. If forty-five (45) percent vegetative cover is not possible, the parcel shall have the maximum amount of vegetative cover that does not preclude the proposed development.
- (e) Impervious Surface. No more than ten (10) percent of any parcel may be covered by impervious surfaces that does not infiltrate all storm-water on that parcel.

SECTION 11. PROPERTY DEVELOPMENT STANDARDS--SETBACK REQUIREMENTS. 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) Setback Requirements. The following minimum setbacks shall apply:
  - (1) Each dwelling unit, accessory building, and accessory use 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 dwelling unit shall have a setback of twenty-five (25) feet from the rear parcel lines.
  - (3) Each accessory building and accessory use shall have a setback of ten (10) feet from all alleys and the rear parcel lines.

(4) Each dwelling unit, accessory building, and accessory use on a parcel shall have a setback of ten (10) feet from the side parcel lines.

(5) All shelters, coops, or other structures used for the habitation of livestock shall have a setback of at least thirty (30) feet from every property line of the parcel on which it is located, unless a greater setback is otherwise required under Benton County Code.

(6) All 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.

(7) Cornices, eaves, belt courses, sills, fireplace chimneys, and open, unenclosed stairways or balconies not covered by a roof or canopy may extend or project from a building three (3) feet into any required setback area; provided, none of these architectural features may be located within any easements.

(8) Ground floor uncovered, unenclosed porches, platforms, or landings may extend or project from a building six (6) feet into the setback area but no closer than five (5) feet to any parcel line; provided, none of these architectural features may be located within any easements. (b) Any additional setbacks required pursuant to Chapter 3.18 BCC shall apply.

SECTION 12. 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 13. 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:

Raymond K. Brown  
Deputy Prosecuting Attorney

Constituting the Board of  
County Commissioners of  
Benton County, Washington

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

**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

PCM 1.3

**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](http://www.co.benton.wa.us)



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OCT 06 2023

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

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

N/A

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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

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

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

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

N/A

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**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

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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

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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

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

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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

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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

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

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

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

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

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**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

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

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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

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**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

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

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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

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

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

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**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

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

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**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

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1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize 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

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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

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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

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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

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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

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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

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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.



PCM 1.5

## NOTICE OF OPEN RECORD HEARING

NOTICE OF HEARING BEFORE THE BENTON COUNTY PLANNING COMMISSION in the matter of county planning at a special meeting on August 20, 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 of 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 application before the Planning Commission at this meeting:

**OA 2024-001** an ordinance relating to the Open Space Conservation District; adding a new zoning district in Benton County; and adding a new chapter to Title 11 of the Benton County Code. The purpose of the Open Space Conservation District is to provide owners of property having critical areas and ecosystems containing unique characteristics that support habitat for migratory birds, fish, and wildlife; natural riverine functions and aquatic environments; botanical inventory; and/or the steep slopes and viewshed, water quality and flood retention an opportunity to request a zoning designation consistent with the conservation of these characteristics. See the summary of the proposed ordinance which follows this notice.

**OA 2024-002** an ordinance relating to zoning and general use regulations, adding one new section to BCC Chapter 11.42 relating to decertified manufactured homes. Decertified manufactured homes are not allowed to be used for any use, including dwelling purposes, accessory buildings, or accessory equipment structures in any zoning district under this title.

**OA 2024-003** an ordinance relating to zoning; amending Definitions BCC 11.03.010 - by amending the definition for "Agricultural Related Industry" and adding new definitions for "Decertified Manufactured or Mobile Home", "Permanent Conservation Easement", and "Wildlife Preserve".

NOTICE IS FURTHER GIVEN that the proposed Ordinance Amendments have been reviewed under the requirements of the State Environmental Policy Act and a Determination of Non-Significance (DNS) for EA 2024-001/OA 2024-002 was issued on February 21, 2024, and accordingly an Environmental Impact Statement was not required. Any comments regarding this determination and the environmental impacts of the proposal can be made at the Planning Commission Hearing using the method noted below or in writing to the Benton County Planning Division by 5 p.m. on Monday August 19, 2024.

At this hearing, the Planning Commission may recommend approval or disapproval of the proposals to the Benton County Board of Commissioners. All parties concerned may present any support or objections for the application. Information concerning the application can be obtained at the Benton County Planning Division, by calling 736-3086 (Tri-Cities) or 786-5612 (Prosser) or by visiting [www.tinyurl.com/BCPublicNotice](http://www.tinyurl.com/BCPublicNotice).

Dated this 15<sup>th</sup> day of July 2024

Martin Sheeran, Chairman  
Benton County Planning Commission

Michelle Mercer, Planning Manager  
Benton County Planning Division

PUBLISH: August 7, 2024

# FW: Benton County's Development Regulations: WGS comments



Greg Wendt

To @Brittany Merrill  
CC @ Michelle Mercer; @ Donna Hutchinson

Reply

Reply All

Forward

Mon 7/22/2024 11:11 AM

Follow up. Start by Monday, July 22, 2024. Due by Monday, July 22, 2024.

**PCM 1.6**

Start your reply all with:

7/22/24

Hello Greg,

In keeping with the interagency correspondence principles, I am providing you with comments on the proposed changes to Benton County's Development Regulations (Commerce ID# 2024-S-7217).

For this proposal submitted via Planview, I looked at the proposal and focused on areas related to WGS work. Of note, but not limited to, I look for language around the geologically hazardous areas, mineral resource lands, mining climate change, and natural hazards mitigation plans.

Planview described the proposal "Proposed development regulation to add a new Chapter to BCC Title 11 known as the Open Space Conservation District (OSC). The purpose of the Open Space Conservation District is to provide owners of property having critical areas and ecosystems an opportunity to request a zoning designation consistent with the conservation of these characteristics."

Specifically in this proposal, I reviewed the Chapter 11 Open Space Conservation District (OSC), the ordinance for the Open Space Conservation District, and the Draft Proposed Zoning Map Changes.

Kudos to you for making changes! WGS has no specific comments or recommendations on the proposal.

Recognizing the limitations of the current proposals, I want to mention that it would be great for you to consider these in future work, be it in your comprehensive plan, development code, and SMP updates, and in your work in general:

- Consider adding a reference to WAC 365-190-120 geologically hazardous areas for definitions in other areas besides the CAO. In addition, consider adding a reference to WAC 365-196-480 for natural resource lands.
- Consider adding a reference to the WGS Geologic Information Portal in other areas besides the CAO. If you have not checked our interactive database, the WGS Geologic Information Portal, lately, you may wish to do so. [Geologic Information Portal | WA - DNR](#)
- If you have not checked out our Geologic Planning page, you may wish to do so. [Geologic Planning | WA - DNR](#)

Thank you for considering our comments. If you have any questions or need additional information, please contact me. For your convenience, if there are no concerns or follow-up discussion, you may consider these comments to be final as of the 60-day comment deadline of 9/9/24.

Cheerio,

Tricia

**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 <cenww-re@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)