

CHAPTER 16.14

AMENDMENTS TO THE
BENTON COUNTY COMPREHENSIVE PLAN

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16.14.010 PURPOSE. The purpose of this chapter is to set forth the timing and procedures for requesting and processing amendments to the Benton County Comprehensive Plan.
[Ord. 465 (2008) § 1]

16.14.020 DEFINITIONS. For the purposes of this chapter, the following words and phrases shall have the indicated meanings unless the context clearly indicates otherwise:

(a) "Comprehensive Plan" means the comprehensive land use plan of Benton County adopted on June 22, 1998, and as amended by the Board of County Commissioners.

(b) "Urban Growth Area" or "UGA" means the areas designated by the County pursuant to RCW 36.70A.110.

[Ord. 465 (2008) § 2]

16.14.030 COMPREHENSIVE PLAN--AMENDMENTS--PERSONS ELIGIBLE TO REQUEST AMENDMENTS--APPLICATIONS. (a) An application to amend the County's Comprehensive Plan to revise the boundaries of an Urban Growth Area may only be submitted by the city whose Urban Growth Area is the subject of the application and must be signed by a representative of that city authorized in writing by that city's council to submit the application.

(b) Applications to amend any other portion of the County's Comprehensive Plan can be submitted at the direction of the Benton County Planning Commission, Benton County Board of Commissioners, the Benton County Planning Director, any owner of property in unincorporated Benton County seeking an amendment that only affects that person's property, any resident of unincorporated Benton County supported by signatures of ten (10) residents of unincorporated Benton County, or any general or special purpose local governmental entity operating in Benton County pursuant to an adopted resolution of its legislative body or board of directors.
[Ord. 465 (2008) § 3]

16.14.040 COMPREHENSIVE PLAN--AMENDMENTS--PUBLIC NOTICE OF DEADLINE FOR SUBMITTAL OF COMPLETE APPLICATIONS. (a) Prior to October 1st of each year, the Planning Department shall place legal notices in the official county newspaper announcing the December 1st deadline for submitting complete applications for amendments to the Comprehensive Plan.

(b) The notice shall indicate whether applications to amend Urban Growth Area boundaries will be accepted during the upcoming application period.
[Ord. 465 (2008) § 4]

16.14.050 COMPREHENSIVE PLAN--AMENDMENTS--APPLICATION PERIOD.

(a) Subject to the exceptions found in RCW 36.70A.130(2)(a) and 36.70A.130(2)(b), applications to amend the Comprehensive Plan shall only be accepted between October 1st and December 1st of any year, and all applications will be considered concurrently by the Board of County Commissioners in the calendar year that follows the year in which the application is submitted.

(b) Except as provided in BCC 16.14.050(c), applications to amend Urban Growth Area boundaries shall only be accepted every five (5) years to be acted upon by the Board of County Commissioners every fifth year counting from the year 2009 (i.e., 2014, 2019, etc.). Complete applications for the five-year review cycle must be received by December 1st of the preceding year (i.e., December 1, 2008 for the 2009 UGA review process).

(c) Applications to amend Urban Growth Area boundaries may be submitted annually concurrently with all other applications to amend the Comprehensive Plan submitted in accordance with BCC 16.14.050(a); provided, such applications may be considered in years other than those specified in BCC 16.14.050(b) only if:

- (1) The application submitted under this subsection shall not increase the area within the city's amended Urban Growth Area by an amount exceeding seven (7) percent of the total area within the city's limits prior to the application.

(2) The area proposed to be added to an Urban Growth Area by an application under this subsection must be identified in the city's adopted comprehensive plan as an area designated to be used for industrial use and such area must be so zoned by the city upon annexation of such area.

(3) Prior to the submission of its application, the city shall have received a completed development proposal from an applicant that satisfies the criteria set forth in BCC 16.14.060(d)(1).

(4) Prior to the submission of its application, the city shall have adopted a phased master plan for the area to which the amendment applies containing at least the elements set forth in BCC 16.14.060(d)(2).

(5) The application shall be submitted only during the application period set forth above under BCC 16.14.050(a), and no application may be submitted after December 1, 2015.

(d) Notwithstanding the designated application period set forth above under BCC 16.14.050(a), the Board of County Commissioners may, after appropriate public participation, adopt amendments or revisions to the Comprehensive Plan whenever an emergency exists or to resolve an appeal of the Comprehensive Plan filed with a growth management hearings board or a court. For purposes of this subsection, an emergency exists when the Board of County Commissioners determines that there exists an imminent threat to life, property, public health or safety, air or water resources. [Ord. 465 (2008) § 5; Ord. 523 (2012) § 1]

16.14.060 COMPREHENSIVE PLAN--AMENDMENTS--DOCUMENTATION REQUIRED FOR A COMPLETE APPLICATION. (a) Within fourteen (14) days after receiving an application for amendment to the Comprehensive Plan, the County Planning Department shall review the application

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and place in the mail or personally deliver a written determination addressed to the applicant stating that the application is complete or that the application is incomplete and identifying what is necessary to make the application complete.

(b) All applications for amendment to the Comprehensive Plan must provide all information requested on the application form and include the following documentation:

- (1) a completed environmental checklist in accordance with the State Environmental Policy Act (SEPA);
- (2) an application fee as set by resolution of the Board of County Commissioners;
- (3) a textual and graphic description of the requested Comprehensive Plan amendment which shall identify the specific portions of the Plan proposed for amendment;
- (4) an explanation of why the amendment is being proposed; and
- (5) the signature of the person or persons eligible to make the application as set forth in BCC 16.14.030.

(c) All applications for an amendment to an Urban Growth Area must also include the following:

- (1) a copy of the city's State Environmental Policy Act (SEPA) determination and Environmental Impact Statement (EIS), if required by the SEPA determination;
- (2) a map(s) and an aerial photograph(s) depicting the specific land area(s) proposed for inclusion within the UGA boundary, the relationship of such area(s) to the existing UGA, the current corporate boundaries and the general location

and acreage of planned open spaces and greenbelts that will remain as open space within the area(s) proposed for inclusion within a UGA, as per RCW 36.70A.110(2);

(3) a map and aerial photograph(s) showing the total acreage involved in the proposed UGA addition, the proposed pattern and acreages of urban land uses and densities for the area proposed for inclusion, with any residential areas requiring a minimum average density of six (6) dwelling units per acre;

(4) a spreadsheet, in the form provided by the County, completed to contain the information necessary to demonstrate and allow confirmation that the proposal is consistent with Benton County County-wide Planning Policies, including but not limited to policies 3, 4, and 5;

(5) a copy of the city council resolution or ordinance authorizing submittal of the application to the County and approving the capital facilities plan referenced below with a finding that the capital facilities plan complies with RCW 36.70A.070(3); and

(6) a capital facilities plan for the area proposed to be added to the UGA that has been approved by resolution of the city council that contains the following:

- (i) An inventory of the existing public facilities, as that term is defined by RCW 36.70A.030, that are within the current UGA (inclusive of incorporated areas) and the area proposed to be added to the UGA, showing the locations and capacities of the public facilities;
- (ii) A forecast of the needs for the next twenty (20) years of such public facilities at identified levels of service that are needed

within the current UGA (inclusive of incorporated areas) and the proposed area to be added to the UGA;

- (iii) The necessary locations and capacities of expanded or new public facilities within the current UGA (inclusive of incorporated areas) and the proposed area to be added to the UGA;
- (iv) For the proposed area to be added to the UGA at least a six-year plan to finance such public facilities within projected funding capacities that clearly identifies sources of public money for such purposes; and
- (v) Identification of revisions to the city's land use element if probable funding falls short of meeting existing needs and to ensure that the city's land use element and capital facilities plan element (and financing plan therein) are coordinated and consistent.

(d) Applications for an amendment to an Urban Growth Area submitted pursuant to BCC 16.14.050(c) shall also include the following:

- (1) A completed development proposal submitted to the city that consists of:
 - (i) boundaries of the site;
 - (ii) acreage;
 - (iii) general topography of the site;

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- (iv) identification and location of any critical areas on the site;
- (v) location of proposed lot lines, rights of way, easements and tracts within the site;
- (vi) location and type of planned improvements for vehicular and pedestrian transportation system within and abutting the site;
- (vii) general location of planned buildings, structures, parking and other planned improvements on the site;
- (viii) location of proposed landscaped areas, recreation/open areas, and areas to be left undisturbed; and
- (ix) conceptual utilities plan.

(2) A phased master plan for the area approved by the city that contains at least the following:

- (i) narrative describing planned improvements, including maximum site coverage, anticipated gross floor area by occupancy or use, proposed building heights, and the nature and intent of off-site improvements;
- (ii) proposed phasing plan that identifies the extension of services and utilities to serve that phase of the development;
- (iii) transit-oriented site plan and traffic demand management programs;
- (iv) location of buffers between the major industrial development and adjacent nonurban areas;

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- (v) list of the environmental protection including air and water quality that will be addressed and provided for;
- (vi) list of development regulations that are established to ensure that urban growth will not occur in adjacent nonurban areas; and
- (vii) list of provisions to mitigate adverse impacts on zoned agricultural lands or designated mineral resource lands located in the area.

[Ord. 465 (2008) § 6; Ord. 523 (2012) § 2]

16.14.070 COMPREHENSIVE PLAN--AMENDMENTS--INCOMPLETE APPLICATIONS.

(a) If an application to amend the Comprehensive Plan is determined to be incomplete under BCC 16.14.060 and is not made complete by December 1st, it will be rejected and returned to the applicant.

(b) If an application to amend an Urban Growth Area is determined to be incomplete under BCC 16.14.060 and is returned to the applicant, unless such application is made complete and submitted by that December 1st, it may not be resubmitted until the next five-year cycle for UGA amendments.

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(c) Applications for other Comprehensive Plan amendments that are rejected for filing due to being incomplete, may be resubmitted by December 1st or may be submitted during the next application period during which applications of that nature are accepted. If such an application is deemed complete but is denied, it cannot be resubmitted until the third calendar year following the date of denial.

[Ord. 465 (2008) § 7]

16.14.080 COMPREHENSIVE PLAN--AMENDMENTS--PROCEDURAL STEPS FOR REVIEW OF PROPOSED AMENDMENTS. (a) The Planning Department will initiate review of complete applications by listing them in a posted legal notice along with the State Environmental Policy Act (SEPA) review dates. Analysis of each application for consistency with the Washington State Growth Management Act and the Comprehensive Plan, including the adopted County-wide Planning Policies, will be conducted and summarized in a staff report. The Planning Department shall also make a recommendation to the Planning Commission for approval or denial of each application.

(b) The Planning Commission will conduct at least one open record public hearing on the applications and forward a recommendation for approval or denial of each application to the Board.

(c) The Board of County Commissioners will conduct at least one open record public hearing on the applications prior to approving, approving with modifications and/or conditions, or denying the applications.

[Ord. 465 (2008) § 8]

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

[Ord. 465 (2008) § 9]

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

[Ord. 465 (2008) § 10]