

Benton County Planning Department

Planning Annex, P.O. Box 910, 1002 Dudley Avenue, Prosser WA 99350, Phone: (509) 786-5612 or (509) 736-3086, Fax (509) 786-5629

NOTICE OF PUBLIC HEARING

NOTICE IS GIVEN that the following application and ordinance amendments will be considered by the Board of County Commissioners at a public hearing on Tuesday, October 28, 2014, at 9:00 a.m. in the Commissioners Hearing Room, Third Floor, Courthouse, Prosser. All concerned persons may appear and present any support for or objections to the ordinances or submit written testimony to the Commissioners in care of the Planning Department on or before the date of the hearing. Information concerning the amendments and copies of the proposed ordinances are available at no cost to the public and can be obtained at the Benton County Planning Department, P.O. Box 910, 1002 Dudley Avenue, Prosser, Washington 99350 or by calling 736-3086 (Tri-Cities) or 786-5612 (Prosser).

Ordinance Amendments to BCC 3.04, 3.22, 3.26, 6.35, 9.04, 11.04, 11.10, 11.13, 11.14, 11.16A, 11.16B, 11.18, 11.22, 11.25, 11.27, 11.30, 11.34, 11.46, 11.48, 11.52, 11.65, 17.10 and adding a new chapter BCC 17.20 all relating to establishing a Hearings Examiner System with some amendments relating to Auto Wrecking Yards and housekeeping changes regarding Department and Staff titles. A summary of the proposed amendments follows this legal notice. All the above ordinance amendments will take effect and be in full force on January 1, 2015.

NOTICE IS FURTHER GIVEN that said ordinances have been reviewed under the requirements of the State Environmental Policy Act, as amended, along with the Environmental Checklist and other information. A Determination of Non-Significance was issued on August 11, 2014.

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 ADA Coordinator or 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 at Prosser, Washington on this 9th day of October 2014.

JAMES BEAVER, Chairman
BOARD OF COUNTY COMMISSIONERS

MICHAEL SHUTTLEWORTH, Planning Manager
BENTON COUNTY PLANNING DEPT.

PUBLISH: October 16, 2014

ORDINANCE AMENDMENT SUMMARIES

The severability and effective dates as follows are the same for all the ordinances being amended:

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.

EFFECTIVE DATE This ordinance shall take effect and be in full force as of January 1, 2015.

BCC 3.04 relating to Building Codes

An ordinance relating to the building code; replacing the Board of Adjustment with the Hearings Examiner as the party responsible for granting variances;

BCC 3.22 relating to Manufactured Home/Factory Assembled Structures Parks

An ordinance relating to Manufactured Home/Factory Assembled Structure (FAS) Parks, amending certain sections by replacing the "Benton County Planning and Building Department" with the "Benton County Planning Department" and replacing the "Director" with "Manager"; amending certain sections by replacing the "Board of Adjustment with " with the "Hearings Examiner".

BCC 3.24 relating to swimming pools

An ordinance relating to swimming pools; replacing the Board of Adjustment with the Hearings Examiner as the party responsible for granting variances; replacing "Building Department with "Planning Department"; replacing "Building Official" with "Planning Manager"; and, replacing "Planning Director" with "Planning Manager".

BCC 3.26 relating to Flood damage prevention

An ordinance relating to flood damage prevention; amending certain sections by replacing the Board of County Commissioners with the Hearings Examiner as the office responsible for hearing appeals and requests for variances; replacing the "Planning and Building Department" with the "Planning Department"; replacing the "Planning and Building Director" with the "Planning Director".

BCC 6.35 relating to environmental policy

An ordinance relating to environmental policy; replacing the Board of County Commissioners with the Benton County Hearings Examiner as the party responsible for receiving and hearing appeals of determination of significance, appeals from threshold determinations and appeals of the adequacy of a final or supplemental environmental impact statement (EIS).

BCC 9.04 relating to short plat subdivisions

An ordinance relating to short plat subdivisions; defining "Department" as the Benton County Planning Department; replacing the Board of County Commissioners with the Hearings Examiner as the party responsible for considering appeals of short plat decisions.

BCC 11.04 relating to zoning

An ordinance relating to zoning, amending the definitions section; replacing "Auto wrecking yard" with "wrecking yard"; removing the definition for "Board of Adjustment" and adding the definition for "Hearings Examiner".

BCC 11.10 relating to the Community Center Residential District (CCR)

BCC 11.13 relating to Urban Growth Area Residential District (UGAR)

BCC 11.14 relating to Rural Lands One Acre District (RL1)

BCC 11.16A relating to Rural Lands Five Acre District (RL5)

BCC 11.16B relating to zoning and Rural Lands Twenty Acre District (RL20)

Replacing the Board of Adjustment with the Hearings Examiner as the party responsible for issuing conditional use permits.

BCC 11.18 relating to zoning and the GMA Agricultural District

An ordinance relating to GMA Agricultural District replacing the Board of Adjustment with the Hearings Examiner as the party responsible for issuing conditional use permits, setting criteria and imposing conditions and requirements..

BCC 11.22 relating to zoning and the General Commercial District

BCC 11.25 relating to zoning and the Community Commercial District (CC)

BCC 11.27 relating to zoning and the Interchange Commercial District (IC)

Replacing the Board of Adjustment with the Hearings Examiner as the party responsible for issuing conditional use permits.

BCC 11.30 relating to zoning and the Light Industrial District (LI)

Replacing the Board of Adjustment with the Hearings Examiner as the party responsible for issuing conditional use permits; amending "Auto wrecking yard" to read "Wrecking yard" as a use requiring a conditional use permit.

BCC 11.34 relating to zoning and the Heavy Industrial District (HI)

Replacing the Board of Adjustment with the Hearings Examiner as the party responsible for issuing conditional use permits; amending "Auto wrecking yard" to read "Wrecking yard" as an allowed use within the Heavy Industrial District (HI).

BCC 11.46 relating to zoning and the Park District (P)

Replacing the Board of Adjustment with the Hearings Examiner as the party responsible for issuing conditional use permits.

BCC 11.48 relating to zoning and the Unclassified District (U)

Replacing the Board of Adjustment with the Hearings Examiner as the party responsible for issuing conditional use permits; replacing "Section 2 or 3 above" with "BCC 11.48.010 or BCC 11.48.060".

BCC 11.52 relating to the general provisions of the zoning code

Replacing the Board of Adjustment with the Hearings Examiner as the party responsible for issuing conditional use permits; issuing conditional use/special use permit; granting variances, and hearing appeals; replacing the title of the planning director with that of planning administrator.

BCC 11.65 relating to zoning and Communication Facility Criteria

Replacing the Planning Director with the Planning Administrator as the party responsible for the provisions of Chapter 11.65 BCC; Replacing the Board of Adjustment with the Hearings Examiner as the party responsible for hearing appeals.

BCC 17.10 relating to the permit review process

Defining the "Building Department Manager", amending Table 17-1 Project Permit Application types, amending Table 17-2 Project Permit Application - Administrative Process, replacing the Planning Director with the Building Department Manager as the party responsible for decisions regarding Type I and Type II project permit applications and appeals thereof, replacing the Board of Adjustment with the Hearings Examiner as the party responsible for hearings relating to Type V project permit applications and appeals of decisions on all appeals of Type III and Type IV project permit applications and hearing appeals of adequacy of any final or supplemental EIS issued in conjunction with a Type III, Type IV or Type V project permit application.

An ordinance relating to the creation of the office of Benton County Hearings Examiner; setting standards and procedures; and adding a new chapter to Title 17 of the Benton County Code

Section 1-Purpose Establishing a Hearings Examiner system

Section 2-Office of Examiner The Office of Hearings Examiner is hereby created.

Section 3-Appointment The Board of County Commissioners shall appoint the Hearings Examiner.

Section 4-Qualifications The Hearings Examiner shall be appointed solely with regard to his or her qualifications and shall hold no other elective or appointed office or position with any local governmental agency located in Benton County.

Section 5-Duties of the Hearings Examiner The Hearings Examiner shall receive and examine available relevant information, conduct public hearings; cause preparation of a record thereof and adopt findings and conclusions for various permits and appeals as noted in the amendments listed above.

Section 6-Hearings Examiner-Conflict of Interest. The Hearings Examiner shall not conduct or participate in any hearing or decision in which he/she has a conflict of interest.

Section 7-Application Applications and appeals requiring a determination by the Hearings Examiner shall be filed with the Planning Department as required by the BCC.

Section 8-Report to the Hearings Examiner. The Planning Department shall prepare a report summarizing the issues involved; proposed findings of fact, recommendation conditions and or recommended action to the Hearings Examiner.

Section 9-Public Hearing The Hearings Examiner shall hold an open record hearing if required by the Benton County Code.

Section 10-Hearings Examiner Findings and Decision The Hearings Examiner shall render a decision and adopted written findings of fact and conclusions of law in support of such decision.

Section 11-Reconsideration Any aggrieved party of record may request a reconsideration of the Hearings Examiner's decision. Sets forth criteria for submitting and processing of reconsiderations.

Section 12-Appeal of Examiner's Decision The decision of the Hearings Examiner shall be final unless an appeal is filed in accordance with applicable county and state codes.

Section 13-Annual Report to the Board of County Commissioners The Hearings Examiner shall annually report in writing to the Board of County Commissioners a summary of his decisions.

Section 14- 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 person and circumstances shall not be affect thereby.

Section 15-Effective Date This ordinance shall take effect and be in full force as of January 1, 2015.