

RESOLUTION

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BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON
IN THE MATTER OF COUNTY PLANNING RE: COMPLETION AND APPROVAL OF THE LEGISLATURE'S MANDATED 2006 COMPLIANCE REVIEW AND UPDATE OF THE BENTON COUNTY COMPREHENSIVE PLAN.

WHEREAS, on June 22, 1998, the Benton County Board of Commissioners adopted the Benton County Comprehensive Plan (the Plan); and,

WHEREAS RCW 36.70A.130(4)(c) of the State Growth Management Act ("GMA") requires that Benton County take legislative action to review, and if necessary, revise the Plan and its development regulations by December 1, 2006 to ensure that the Plan and regulations continue to comply with the requirements of GMA; and,

WHEREAS pursuant to RCW 36.70A.130(2)(a) the Benton Board of Commissioners in December of 2005 adopted by Resolution 05 832 (Attachment 1) a Public Participation Program for the 2006 Review and Update program; and,

WHEREAS the County's GMA Compliance Review process followed the adopted Public Participation Program and the schedule set forth on attachment 2 during the "review", "scope of work", and "update" phases of the Compliance Review process, including advertised public meetings and Planning Commission work shops and hearings, with opportunity for public review, and comment on draft review products; and,

WHEREAS in conducting compliance review and preparing the Scope of Work for updating the Plan and regulations, the County planning staff and Planning Commission used the official State Department of Community Trade and Economic Development compliance review "checklists" (Attachments 3, and 4) to indicate: i) those areas of the existing Plan and regulations that are in compliance with GMA and do not need revision; ii) those areas of the Plan and regulations that are not currently in compliance and do need revision; and iii) additional work tasks not related to compliance, but necessary to update text, tables, figures, policy, actions, maps, metrics, etc. in the Plan; and,

WHEREAS the Planning Commission held hearings and approved and forwarded the compliance review documents and a Scope of Work (Attachment 5) to the Board of Commissioners on March 21, 2006, with a recommendation for approval; and,

WHEREAS pursuant to RCW 36.70A.130 (1) (a) and (b), the Benton County Board Commissioners after public hearing took legislative action by Resolution 06 217 (Attachment 6) to adopt the Scope of Work for the 2006 Comprehensive Plan update as reviewed and recommended by the Planning Commission, and to find that the compliance review had been completed and that only the work tasks for issues identified in the Scope of work program will be undertaken during the Update process; and,

WHEREAS County planning staff prepared the draft update products per the adopted Scope of Work, and with the exception of draft regulations/updates that are formulated but still under in-house review as a precursor to public review, presented those products (contained in the document entitled Benton County-Draft--2006 GMA Compliance Review, Planning Commission Hearing draft 10-17-06 (a matrix table)) at public meetings and at Planning Commission workshops as indicated on Attachment 2; and,

WHEREAS the State Environmental Policy Act (SEPA) process has been completed for this compliance update of the plan; and,

WHEREAS after a public hearing on October 17, 2006, and at the conclusion of the continued public hearing on November 21, 2006, upon consideration of all public testimony and written comment, the Planning Commission adopted Findings and Conclusions to approve the draft "update" amendments to the Comprehensive Plan as they are shown in the document titled Benton County –Draft--2006 GMA Compliance Review, Planning Commission Hearing draft 10-17-06 and to forward the amendments to the Board of Commissioners with a recommendation for adoption; and,

WHEREAS the document Benton County –Draft--2006 GMA Compliance Review, Planning Commission Hearing draft 10-17-06 and the Planning Commission's Findings and Conclusions, and the public record of review and comment were transmitted to the Board of Commissioners and included in the record as Staff Exhibit A for the Board of County Commissioner's hearing; and,

WHEREAS staff Exhibit B, a letter dated December 8, 2006 from Futurewise to the Board of Commissioners, was included into the record and transmitted to the Board of County Commissioners; and,

WHEREAS the Board of Benton County Commissioners held an advertised public hearing on the Planning Commission's recommendations on December 11, 2006, and continued that public hearing to December 18th, 2006, January 30, 2007, February 5, 2007, February 20, 2007, and March 12, 2007; and,

WHEREAS at the February 20, 2007 hearing the Board directed staff to make specific revisions to the document Benton County –Draft--2006 GMA Compliance Review, Planning Commission Hearing draft 10-17-06 and those revisions directed by the Board are shown in blue on Attachments 7, 8, and 9; and,

WHEREAS Attachment 9 reflects findings adopted by the Board and the relevant Land Use maps regarding the replacement of the existing Rural Lands 2.5 acre land use designation (RL 2.5) with a Rural Lands 5 acre designation (RL 5) on Land Use Maps 4.0, 4.1, 4.2, 4.5, and 4.6 of the Benton County Comprehensive Plan to bring the County Comprehensive Plan into compliance with RCW 36.70A.020 (1), RCW 36.70A.020(2), and RCW 36.70A.070(5) of the Growth Management Act as those provisions have been interpreted by the courts and State Growth Management Hearing Boards; and,

WHEREAS based on careful consideration of the facts and law, and public input during an extensive public participation process established by the County's adopted Public Participation Plan, the review and evaluation of the Plan has occurred and revisions and updates as identified as necessary in the "Scope of Work" to amend the Plan to comply with the State Growth Management Act have been prepared and reviewed; and,

WHEREAS the Board finds that owners of property currently designated RL 2.5 should have a opportunity to make application for contemplated development proposals prior to the effective date of the Plan amendments set forth herein; NOW THEREFORE

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that the amendments to the Benton County Comprehensive Plan described in the document Benton County–Draft--2006 GMA Compliance Review, Planning Commission Hearing draft 10-17-06, as revised by the Board in Attachments 7, 8, with the supporting findings of the Planning Commission contained in Staff Exhibit A, and the amendment to density provisions of the plan and supporting findings that are contained in Attachment 9, are hereby adopted to update the Benton County Comprehensive Plan in compliance with the current requirements of the Growth Management Act; and,

BE IT FURTHER RESOLVED that the Board directs staff to incorporate the amendments into the Benton County Comprehensive Plan, making sure that logical and minor edits to the text, maps and tables of the Plan that are necessary to make the Plan internally consistent with the new amendments are accomplished; and,

BE IT FURTHER RESOLVED that the Planning Director shall promptly post a public notice of this action by the Board in the Tri-City Herald, including the legal notices section, and on the County's website, that shall identify the nature and location of the changes to rural land use density that are being made herein and stating that the County Planning Department will accept complete applications for evaluation under the current Plan and Code provisions until 5 p.m. on August 31, 2007; and,

BE IT FURTHER RESOLVED that the Plan amendments reflected herein shall be effective September 1, 2007, whereupon the RL 5 acre density requirement and other amendments shall be in effect.

Dated this 12 day of March 2007.

Leo M. Beeman
Chairman of the Board

Claude L. Oliver
Member

Wm E. Bentley
Member
Constituting the Board of County
Commissioners of Benton County
Washington

Attest.....Came McKinzie
Clerk of the Board

TAM/smw

- Attachment 1: Resolution 05 832
- Attachment 2: Public Participation Matrix Table
- Attachment 3: State Dept. of CTED Compliance Comprehensive Plan Checklist
- Attachment 4: State Dept. of CTED Compliance Review Development Regulations
- Attachment 5: Scope of Work
- Attachment 6: Resolution 06 217
- Attachment 7: BOCC Revisions to the Planning Commission Recommended Amendments
- Attachment 8: BOCC Revisions to the Planning Commission Recommended Amendments
- Attachment 9: BOCC Revision that replaces the RL 2.5 land use Designation with the RL 5 designation
- Staff Exhibit A: Planning Commission Record
- Staff Exhibit B: Letter from Futurewise