

RESOLUTION 08 726

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON
IN THE MATTER OF COUNTY PLANNING ADDING TO THE BENTON COUNTY CODE, RELATING
TO GROWTH MANAGEMENT, SETTING PROCEDURES AND STANDARDS FOR AMENDMENTS TO
THE COMPREHENSIVE PLAN, ADDING A NEW CHAPTER TO TITLE 16 OF THE BENTON COUNTY
CODE.

WHEREAS, a public hearing was held at 9:05 a.m. on Monday, July 28, 2008, in the
Commissioners Meeting Room, Third Floor of the Courthouse, Prosser, Washington and said
hearing was continued for further discussion to 9:05 a.m. on August 18, 2008, and,

WHEREAS, at said public hearings the Board of County Commissioners considered the ordinance
to set procedures and standards for amendments to the comprehensive plan, adding a new
chapter to Title 16 of the Benton County Code; and,

WHEREAS, at said public hearings, the Board of County Commissioners considered the
recommendation of approval from the Planning Commission for the ordinance adding a new
chapter to Title 16 of the Benton County Code and,

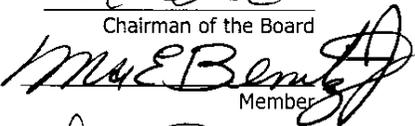
WHEREAS, the Board did review the Planning Commission and staff recommendations, the
testimony and the proposed ordinance; and did adopt their own Findings of Fact and
Conclusions which can be found in the Ordinance file located in the Planning Department Office;
and,

WHEREAS, the Board of County Commissioners is satisfied that it appears to be in the public's
best interest to adopt said ordinance; NOW THEREFORE,

BE IT RESOLVED, that Ordinance No. 405 an ordinance adding a new chapter to BCC Title
16 be adopted and shall take effect upon the date of approval and signature.

Dated this 18 day of Aug 2008


Chairman of the Board


Member


Member

Constituting the Board of County
Commissioners of Benton County
Washington.

Attest.....

Clerk of the Board

Michael Shuttleworth/sw

ORDINANCE NO. 465

AN ORDINANCE relating to growth management, setting procedures and standards for amendments to the Comprehensive Plan, adding a new chapter to Title 16 of the Benton County Code.

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

SECTION 1. PURPOSE. The purpose of this ordinance is to set forth the timing and procedures for requesting and processing amendments to the Benton County Comprehensive Plan.

SECTION 2. DEFINITIONS. For the purposes of this ordinance, 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.

SECTION 3. 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.

SECTION 4. 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.

SECTION 5. 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) 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) Notwithstanding the designated application period set forth above under Section 5(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.

SECTION 6. 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 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 Section 3 above.

(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.

SECTION 7. COMPREHENSIVE PLAN--AMENDMENTS--INCOMPLETE APPLICATIONS. (a) If an application to amend the Comprehensive Plan is determined to be incomplete under Section 6 above 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 Section 6 above 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.

(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.

SECTION 8. 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.

SECTION 9. 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.

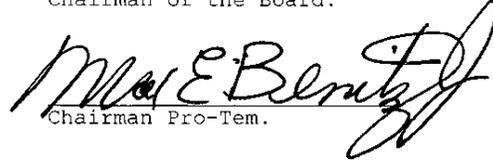
NOTE: This ordinance is continued on the following page.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect and be in full force upon its passage and adoption.

ADOPTED AND PASSED this 10 day of August, 2008.



Chairman of the Board.



Chairman Pro-Tem.

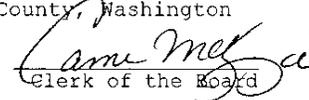


Member.

Approved as to Form:


Deputy Prosecuting Attorney

Constituting the Board of
County Commissioners of
Benton County, Washington

Attest: 
Clerk of the Board