

# RESOLUTION 09 162

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON  
IN THE MATTER OF COUNTY PLANNING RE: AMENDMENT TO THE BENTON COUNTY  
COMPREHENSIVE PLAN. FILE NO. CPA 07-02, APPLICANT: JOHN SULLINS, COUNTY RESIDENT.

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

WHEREAS, Washington State Planning law requires continuing review and evaluation of the Comprehensive Plan pursuant to RCW 36.70A.130(2)(a); and,

WHEREAS, an application by John Sullins requesting a change in the Comprehensive Plan land use designation on maps in Chapter Four from Rural Lands 2.5 (currently Rural Lands 5, per Board of Commissioners Resolution 07-767, dated 10/22/07) to Rural Lands One, on approximately 1,120 acres, southwest of the I-82 & Badger Road Interchange was received on December 1, 2007; and,

WHEREAS, the Benton County Planning Commission did conduct a public hearing on July 15, 2008, and continued the hearing to August 19, 2008, and to September 16, 2008, at 7:00 p.m., in the Planning Annex, 1002 Dudley Avenue, Prosser, WA 99350, to review the proposed Comprehensive Plan amendment (CPA 07-02) a request to change the Comprehensive Plan land use designation on maps in Chapter Four from Rural Lands 2.5 (currently Rural Lands 5, per Board of Commissioners Resolution 07-767, dated 10/22/07) to Rural Lands One, on approximately 1,120 acres, southwest of the I-82 & Badger Road Interchange.

WHEREAS, the Planning Commission Findings of Fact were completed and signed by the Chairman on October 9, 2008; and,

WHEREAS, the Planning Commission record and memo were forwarded to the Board of County Commissioner's on November 3, 2008, and the legal notification of an open record hearing was published in the Tri-City Herald on October 30, 2008, and all interested parties requesting notice were notified of the hearing on October 28, 2008, and,

WHEREAS, the Board of County Commissioners did conduct their own public hearing on November 10, 2008, January 26, 2009, and February 23, 2009, in the Commissioner's Meeting Room, Third Floor, Courthouse, Prosser WA 99350; and,

WHEREAS, upon review of the application and environmental checklist, the Planning Department determined additional information was needed on traffic and ground water impacts of the proposal. Additional information on traffic impacts were submitted on February 7, 2008, and additional information on ground water impacts was submitted on May 5, 2008. Based on the additional information, the existing environmental information and the requirements of RCW 43.21C (SEPA) a determination of non-significance was issued on June 3, 2008; and,

WHEREAS, the Board finds that proper legal notification, public hearing and review have been made; and,

WHEREAS, the Board finds that the density of one dwelling per acre as proposed would be compatible with the adjacent properties; and,

WHEREAS, the Board finds that certain physical attributes will help preserve the natural landscape, such as steep slopes and canyon walls to the South, railroad right-of-way, and a small stream which runs to the East of the proposed area. This is consistent with the goal to encourage natural landscape and natural vegetation; and,

WHEREAS, the Board finds that the proposed land use patterns will promote a rural lifestyle in that there will be no curbs, sidewalks, or streetlights within the area requested by the application. The proposed land use patterns will be comparable to the existing Cottonwood Springs development and will be of sufficient size and spacing to allow detached shops and/or large gardens without the necessity of maintaining excess acreage. There are few, if any, self-contained traditional rural farms in the immediate area. Most residential homeowners in the area are required to travel outside the area for employment; and,

WHEREAS, the Board finds that the visual landscapes are essentially unaffected by this application. The hilltops and surrounding area contains single-family dwellings on various lot sizes. This particular rural area is characterized by residential living, rather than traditional rural living where small farms and dedicated pastures for livestock might normally be expected; and,

WHEREAS, the Board finds that there is no evidence that fish and wildlife will be affected by this application, given the current level of residential build-out and proximity to other residential living, there have been only moderate impacts to wildlife. However, residents of nearby subdivisions regularly observe blue heron, quail coveys, pheasants, rabbits, coyotes and snakes in the area; and,

WHEREAS, the Board finds that no additional public services are required to serve the area within this application. There is no evidence in the record that suggests an increase for Benton County Sheriff's services or any other urban governmental services will be required; and,

WHEREAS, the Board finds that a one unit per acre density as proposed would preserve the open space or the natural landscape and would be rural in character; and,

WHEREAS, the Board finds that the densities requested in this application's proposed location would be consistent with rural character as described by RCW 36.70A.030(15); and,

WHEREAS, the Board finds that rural development can consist of a variety of residential uses and densities consistent with rural character and lifestyles, including clustered residential development, at levels that are consistent with the preservation of rural character and the Rural Element.

WHEREAS, the Board finds that the proposal is consistent with the Benton County Comprehensive Plan goal to provide a variety of dwelling unit types and densities within the County with maximum choice of living environments, and considering the needs of the public at

all economic levels. Another policy of the Benton County Comprehensive Plan is that the rural housing stock includes a variety of dwelling unit types and densities; and,

WHEREAS, the Board finds that a one-acre density is not allowed in urban areas where 3 to 5 dwelling units per acre is viewed as a minimum density and where it has been found that counties clearly have the right to create one-acre density as long as the rural element is preserved; and,

WHEREAS, the Board finds that the primary purposes of the rural lands are: to accommodate demands of non-farm and hobby farmers for rural living; to provide buffers between urban and agricultural uses; and to conserve lands potentially suitable for future inclusion into urban growth area and those in close proximity to urban growth areas; and,

WHEREAS, the Board finds that a portion of the application CPA 07-02, that is located north and west of the KID canal has limited access and steep slopes so that a density of one dwelling unit would be difficult to obtain; and,

WHEREAS, after consideration of the above mentioned request and after reviewing the Planning Commission record, staff files and all written and oral comments submitted at the public hearings; NOW THEREFORE,

BE IT RESOLVED that the Board of County Commissioners hereby approves CPA 07-02, a request to change the land use designation from Rural Lands Five (5) to Rural Lands One (1) and shown in Exhibit G, and direct staff to make changes to Chapter Four in Table 4.1 and related descriptive text to reflect the acreage revisions from RL-5 to RL-1. Also to include additional text that references the 1,120 acres of Rural Lands one-acre in the Badger Canyon area on page 4-24. This is in addition to the map changes on Maps 4.0 & 4.5 as shown in Exhibit G.

Dated this 2 day of March 2009.

**MAX E. BENITZ, JR. - OPPOSED**

Chairman of the Board

Leo M. Beasner  
Member

James P. Beasner  
Member

Constituting the Board of County  
Commissioners of Benton County  
Washington

Attest Camie Mackay  
Clerk of the Board

Michael Shuttleworth  
cc: Prosecuting Attorney's Office



**BENTON COUNTY  
PLANNING  
DEPARTMENT**

**COMPREHENSIVE PLAN AMENDMENT  
CPA 07-02  
PLANNING COMMISSION RECOMMENDED AREA  
FOR RURAL LANDS 2.5**

**MAP PRINTED  
10/31/08  
EXHIBIT  
G**

*received by staff*

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