

RESOLUTION 10 284

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF COUNTY PLANNING RE: AMENDING THE BENTON COUNTY COMPREHENSIVE PLAN TO RESOLVE AN APPEAL TO THE EASTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD OF RESOLUTION 09-162 CHANGING THE LAND USE MAP DESIGNATION ON 1,120 ACRES SOUTHWEST OF THE I-82 INTERCHANGE FROM RL-5 TO RL- 1, AND RECSINDING RESOLUTION 09-162.

WHEREAS, an application by John Sullins/Thayne Wiser requesting a change in the Comprehensive Plan land use designation on maps in Chapter Four to Rural Lands one acre on approximately 1,120 acres, southwest of the I-82 & Badger Road Interchange was received on December 1, 2007; and,

WHEREAS, on March 2nd, 2009, pursuant to RCW 36.70A.130 the Board of Benton County Commissioners adopted Resolution 09-162, which approved the request and amended Land Use Maps 4.0 and 4.5 of the Benton County Comprehensive Plan and revised the related descriptive text to Rural Lands One Acre; and,

WHEREAS, on April 10, 2009, Mr. John Brodeur a County resident and Futurewise a Washington non-profit corporation submitted a Petition for Review to appeal the action by the County, to change the land use designation in its Comprehensive Plan from Rural Lands Five Acre to Rural Lands One Acre on 1,120 acres in the Badger Canyon area of the Richland-West Richland Planning Area reflected in Resolution 09-162, to the Eastern Washington Growth Management Hearings Board (EWGMHB); and,

WHEREAS, on April 23, 2009, Mr. Vince Panesko a County resident, and on May 4, 2009, the Washington State Department of Commerce submitted Petitions for Review to appeal the action by the County to change the land use designation in its Comprehensive Plan from Rural Lands Five Acre to Rural Lands One Acre on 1,120 acres in the Badger Canyon area of the Richland-West Richland Planning Area reflected in Resolution 09-162, to the Eastern Washington Growth Management Hearings Board (EWGMHB); and,

WHEREAS, all of these Petitions for Review (PFR) challenged Benton County's adoption of Resolution 09-162 and, therefore, as provided in RCW 36.70A.290 (5), the Hearings Board consolidated these PFR's as EWGMHB Case Number 09-1-0010c., and,

WHEREAS, the primary issue on appeal concerned one acre residential density designations by the County outside of Urban Growth Areas; and,

WHEREAS, the Eastern Washington Growth Management Hearings Board, in its November 24, 2009 order regarding Case No. 09-1-0010c found the action by

the County invalid and out of compliance with RCWs 36.70A.020, 030, 070, 110, 120, and 130, the Rural Element of the Benton County Comprehensive Plan and County-wide Planning Policy #1 (12), and issued a order of remand under RCW 36.70A.300; and,

WHEREAS, upon deliberation, the County's strategy for complying with the EWGMHB order is to rescind Resolution 09-162 to achieve compliance with the Growth Management Act and the Benton County Comprehensive Plan.

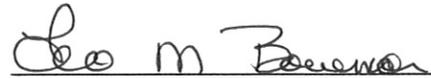
WHEREAS, the County Planning Commission at its publicly noticed hearing on April 13, 2010 and, did review and take public testimony and deliberate on the issues before it, and made a recommendation regarding the revisions shown in the Attachment A to the Board of Benton County Commissioners; and,

WHEREAS, the Board of Benton County Commissioners at its properly noticed public hearing held on this date reviewed the Planning Commission recommendation and findings, and took public comment on Attachment A, NOW THEREFORE

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that Resolution 09-162 is hereby rescinded and the changes to the Benton County Comprehensive Plan shown in Map Attachment A attached, are in the best interest of the public, are consistent with the Growth Management Act, and are hereby approved to amend the Benton County Comprehensive Plan.

Dated this 17 day of May 2010


Chairman of the Board



Member


Member

Constituting the Board of County
Commissioners of Benton County,
Washington

Attest 
Clerk of the Board

Michael E. Shuttleworth/smw



BENTON COUNTY
PLANNING
DEPARTMENT

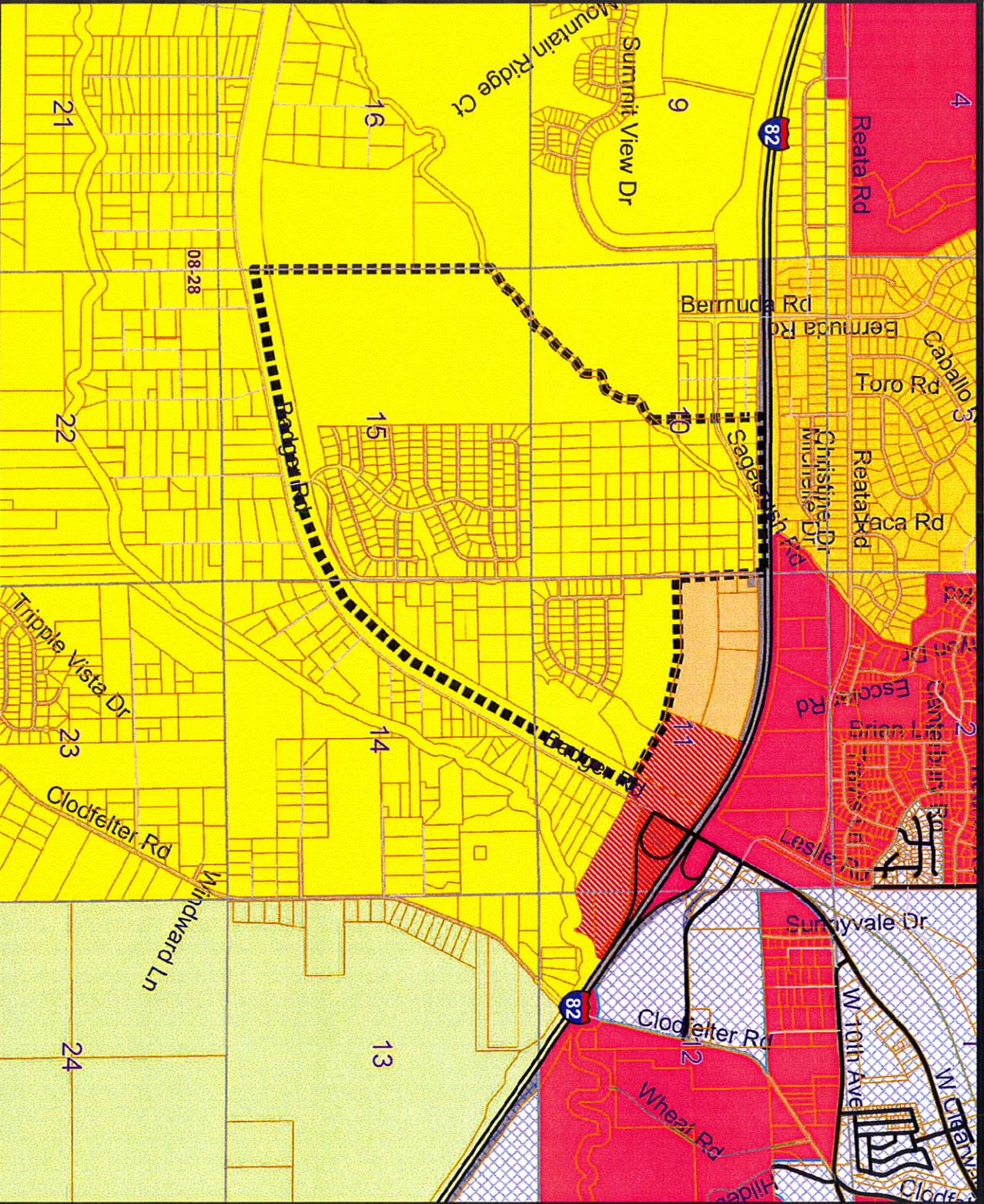
Attachment A
Rescinding Resolution 09-162

EWHB Remand

DATE: 1/21/2010

Res. # _____

Benton County does not warrant, guarantee, or accept any liability for accuracy, precision or completeness of any information shown hereon or for any references made thereto. Any use made of this information is solely at the risk of the user. Benton County makes no warranty, expressed or implied, and any oral or written statement by any employee of Benton County or agents thereof to the contrary is void and ultra vires. The information shown hereon is a preliminary product of the Benton County Geographic Information Systems, and is prepared for presentation purposes only.



- Legend**
- CPA 07-02
 - CITY LIMITS
 - URBAN GROWTH AREA
 - INTERCHANGE COMMERCIAL
 - LIGHT INDUSTRIAL
 - RURAL LANDS 1
 - RURAL LANDS 5
 - GMA AG

