

RESOLUTION 10 301

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 09-143, AND AMENDMENTS TO THE BENTON COUNTY COMPREHENSIVE PLAN TO ENLARGE THE WEST RICHLAND UGA (CPA 08-02) AND RESCINDING RESOLUTION 09-143.

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, the Benton County Code in chapter 16.14 provides that review and processing of Urban Growth Areas (UGA's) is to occur every five years; and,

WHEREAS, an Comprehensive Plan Amendment proposal was received from West Richland to enlarge their UGA by 747 acres; and,

WHEREAS, on February 23rd, 2009, pursuant to RCW 36.70A.130 the Board of Benton County Commissioners adopted Resolution 09-143, which approved the request amending Land Use Maps 4.0 and 4.5 of the Benton County Comprehensive Plan to include the additional 747 acres of land into the City of West Richland's UGA; and,

WHEREAS, On April 10, 2009, John Brodeur, a County resident, and Futurewise a Washington non-profit corporation, and on April 23, 2009, Vince Panesko, a County resident, submitted Petitions for Review (PFR) to appeal the action by the County to include 747 acres into the West Richland UGA reflected in Resolution 09-143, was received by the Eastern Washington Growth Management Hearings Board (EWGMHB); and,

WHEREAS, all of these Petitions for Review (PFR) challenged Benton County's adoption of Resolution 09-143 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 the enlargement of West Richland's UGA by 747 acres; and,

WHEREAS, the Eastern Washington Growth Management Hearings Board, in its December 2, 2009, Final Decision and Order regarding Case No. 09-1-0010c found that the County's action failed to comply with the Growth Management Act

and was clearly erroneous in view of the entire record and concluding that the sizing of the UGA amendment is not supported by substantial evidence in the record and issued an order of remand under RCW 36.70A.300; and the County ordered to bring its Comprehensive Plan into compliance with the Growth Management Act; and,

WHEREAS, the City of West Richland has provided additional supporting documentation and revised CPA 08-02 by modifying its UGA boundaries and reducing its size by 200 acres to 545 acres, to achieve compliance with the Growth Management Act and the Benton County Comprehensive Plan; and,

WHEREAS, a pertinent GMA planning goal is to encourage economic development throughout the state that is consistent with adopted comprehensive plans; and,

WHEREAS, the UGA expansion proposal has location-dependent economic development opportunities that are site specific to interchange development and as such will enhance and diversify employment opportunities within Benton County; and,

WHEREAS, the development of the interchange to commercial visitor serving and industrial uses allowed by the provision of city services will promote both the City's and regional economic development strategies in creating new businesses that support the wine industry and the creation of new jobs; and,

WHEREAS, the proposed developments will generate future tax revenues for the City, the County, and ultimately the State of Washington; and,

WHEREAS, the revised UGA expansion requires a commitment by the City to prepare and the City and County to jointly adopt a "Red Mountain Interchange Development Plan" that utilizes public participation, to assure that future development of the commercial and light industrial uses proposed for the interchange area are not compromised by urban residential development, and that both jurisdictions should adopt this plan prior to city annexation of the area; and,

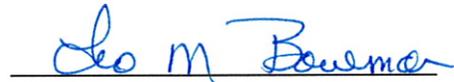
WHEREAS, the County Planning Commission at its publicly noticed hearing on April 13, 2010, did review and take public testimony and deliberate on the proposed amendments to CPA 08-02, however, did not make a recommendation regarding the amendments to the Board of Benton County Commissioners; and,

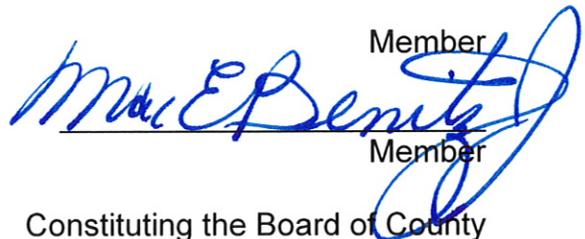
WHEREAS, the Board of Benton County Commissioners at its properly noticed public hearing held on May 24th, 2010, reviewed the Planning Commission record, and took public comment on amended CPA 08-02 and supplemental information; and, NOW THEREFORE

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that Resolution 09-143 is hereby rescinded, and amendments to the Benton County Comprehensive Plan: adding 545 acres to the West Richland UGA as shown in Attachments 1, and the addition of text in Attachment 2, are in the best interest of the public, are consistent with the Growth Management Act and meet the compliance requirements of the EWGMHB remand, are hereby approved to amend the Benton County Comprehensive Plan.

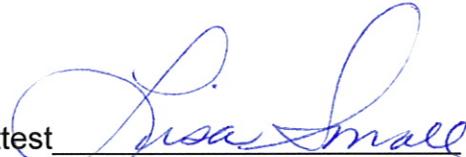
Dated this 24 day of May 2010


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

COMPREHENSIVE PLAN
 AMENDMENT
 CPA 08-02
 LAND USE MAP OF
 AMENDED UGA
 EXPANSION
 WEST RICHLAND
 Date Printed 3/16/2010

Legend

- Proposed Interchange
- RedMountainAVA
- CITY LIMITS
- URBAN GROWTH AREA
- PROPOSED UGA
- GMA AG
- PUBLIC
- LIGHT INDUSTRIAL
- RURAL LANDS 1
- RURAL LANDS 5

BENTON COUNTY
 Planning Department

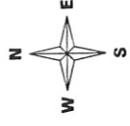
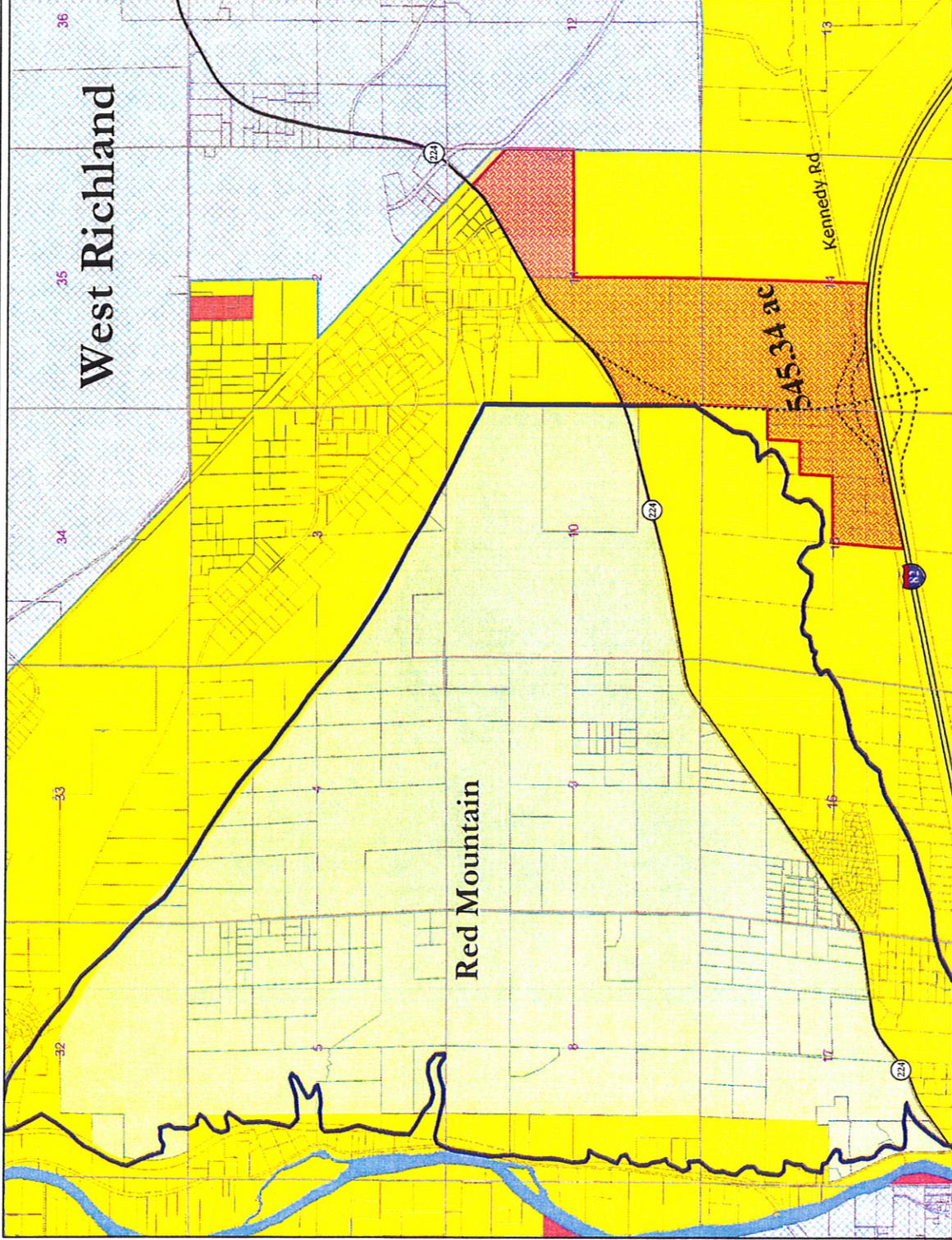


EXHIBIT PCM 5



This information was prepared by the Benton County Planning staff for presentation and planning purposes only. Benton County does not accept the liability for the accuracy of any information shown hereon. Any use made of this information is solely at the risk of the user.

Chapter Nine – Capital Facilities

replaced with a multi-story addition to the Courthouse, within which county functions now conducted off-site will be consolidated, and court functions expanded. The Planning Department, Cooperative Extension, District court and clerk, sheriffs department and Health District will occupy the addition.

In Kennewick, new construction will add a maintenance/supply building and a coroner's office and morgue east of the existing Justice Center building. The parking will be moved to an at-grade lot on the recently purchased Vista Field acreage. County administrative services currently housed at the Kennewick Annex on Canal Ave will be consolidated at the expanded Justice Center facility, thereby enabling the Juvenile Justice functions currently at the Canal Avenue location to expand into the vacated space.

Financing Capital Improvements For Administrative/Support Facilities

Existing and potential sources of funding currently available to the county include the following:

- *General Obligation Bonds* approved by the voters for the funding of specific capital projects;
- *County General Funds* may be budgeted by the Board of Commissioners to specific projects;
- *Real Estate Excise Tax*, under GMA, a real-estate excise tax of 1/2 of 1% may be levied by the county for the construction of capital facilities projects

included in the adopted Capital Facilities Element;

- *PILT*, federal (Payments In Lieu of Taxes) for lands within the Hanford Site.

Capital Facility Plans (CFPs) for development of Urban Growth Areas (UGAs).

City's within Benton County are required to prepare Capital Facilities Plans (CFP's) for areas they propose for inclusion within their UGAs. These CFP's are required by RCW 36.70A.110 and Benton County Code 16.14. The capital facilities plans must include an inventory of existing facilities as defined by RCW 36.70A.030 and their capacities; a forecast of the needs for the next twenty years of such public facilities; and a six-year financial plan for the provision of these services. These CFP's do not appear within the Comprehensive Plan but are incorporated in the Plan by reference.

The inventories and provisions for these services within UGA's are found in each respective City's CFP adopted by the County during the UGA amendment process.

Except for road and transportation infrastructure, regional park and County Fair amenities, and the physical plant housing County administrative services, the County does not provide capital facilities infrastructure that delivers utilities, water, sewer, power, schools,

communication, etc., services for on site development of private lands.

Richland Urban Growth Area Expansion

In 2006 the Board of County Commissioners approved the “Badger Mountain UGA Addition” expanding the City of Richland’s UGA by approximately 2100 acres on the south flank of Badger Mountain and northeast of the I-82 travel corridor. The addition of this area to the Richland UGA means that over the next 20 years, the area will develop to urban uses, most likely, residential, general and highway commercial, and light industrial. Also approved as a part of the UGA expansion was a Capital Facilities Plan that reflects an inventory and analysis of the existing levels of capital infrastructure and levels of service in the UGA expansion area (Chapters II and III); a projection of land use demands from build-out of the UGA expansion area to urban uses; identification of the improvements to the capital infrastructures that would be needed to service build-out at specific Levels of Service over time; and projections of the costs of making those improvements and an identification of the various funding sources that would be available for accomplishing the improvements.

The Badger Mountain Valley View Urban Growth Area Expansion Capability Analysis ~~is not included in this document but is incorporated by~~

~~reference, and~~ describes who ~~are~~ the providers of those capital facilities within the expanded UGA ~~are~~, what additional infrastructure will be necessary to provide the services at identified levels of service over time, the estimated costs of the new utilities infrastructure, and the sources of funding to the Badger Mountain UGA Addition shown as Figure 1 in the Badger Mountain Valley View Urban Growth Area Expansion Capability Analysis.

West Richland Urban Growth Area Expansion

In 2010, the Board of County Commissioners approved a 531-acre UGA expansion for West Richland located at the west entrance to the City at SR 224 extending west and south to a site proposed for a new I-82 interchange. The proposed interchange area will serve as the west entrance for the City, provide access to the Red Mountain Viticultural area and allow the provision of municipal services for related commercial and light industrial development. The proposed uses include tourist and visitor related commercial support facilities and light industrial uses that are common to viticultural areas, however, will restrict residential development.

Also approved as a part of the UGA expansion is the Red Mountain Capital Facilities Plan October 2007 containing an inventory and analysis

of existing facilities, services and their providers, required additional infrastructure and estimated costs and sources of funding for the expansion area. A map depicting the area and the proposed land uses is shown as Map figure 4-10 in Chapter Four, The Land Use Element of this Plan.