

**EXHIBIT LIST FOR OA 2021-004/EA 2021-026
ORDINANCE AMENDMET TO BCC 11.15, 11.17, 11.33 AND 11.35**

DATED

Planning Commission Memo Exhibit List - November 30, 2021		
PCM 1 Includes:	PCM 1.1	Staff Report
	PCM 1.2	Draft Ordinance
	PCM 1.3	Notice of Public Hearing
	PCM 1.4	Zoning for Wind & Solar Benton County PowerPoint
	SEPA INFORMATION	
	PCM 1.5	Environmental Checklist EA 2021-004
	PCM 1.6	Determination of Non Significance
	PCM 1.7	Notice of Intent to Adopt Ordinance
	PCM 1.8	Approval of Expediated Review
	COMMENTS	
	PCM 1.9	Benton County PUD
	PCM 1.10	Dept. of Natural Resources
Board of County Commissioners Memo Exhibit List - XXXX		
BCCM 1 Includes:	BCCM 1.1	
	BCCM 1.2	
	BCCM 1.3	
	BCCM 1.4	

The Exhibit Numbers are found in the Top Right Hand Corner of each document.

PCM = Planning Commission Memo Exhibits

BCCM = County Commissioner Memo Exhibits



PCM 1.1

STAFF REPORT TO THE BENTON COUNTY PLANNING COMMISSION

FILE NO: OA 2021-004 (Ordinance Amendment to Zoning Regulations)

MEMO DATE: November 4, 2021

HEARING DATE: November 30, 2021

APPLICANT: Benton County Planning Department

OWNER: N/A

LOCATION: Unincorporated Benton County

PROPERTY SIZE: N/A

AREA TO BE USED: N/A

LAND USE: N/A

COMP. PLAN: N/A

ZONING: N/A

**SUGGESTED STAFF
RECOMMENDATION:** Positive recommendation subject to five findings of fact.

APPLICATION DESCRIPTION

Benton County is proposing a text amendment to the County Zoning Regulations relating to zoning, amending the sections relating to uses requiring a conditional use permit; amending the sections relating to allowable uses for wind turbines, solar power generator facility; major, and facilities for power generation, other than nuclear fueled, wind or solar fueled. The amendment involves the following:

1. **Chapter 11.15 Rural Lands Twenty Acre District (RL-20).** The proposed amendment removes wind turbines and solar power generation facilities uses from requiring a conditional use permit in the RL-20 Zoning District.

The changes impact BCC 11.15.060(i) and (k) as shown:

~~One (1) wind turbine with a wind turbine height of sixty (60) feet or more or a wind turbine farm and related support structures and other improvements under the following conditions:~~

~~(1) The lowest point on all rotor blades must be at least thirty (30) feet above ground level;~~

~~(2) All wind turbine tower bases must be set back from all dwellings not located on the same parcel at least one thousand six hundred and forty (1,640) feet;~~

~~(3) All wind turbine tower bases must be set back from all property lines a distance equal to the associated wind turbine height plus 50% of that height, except that, where contiguous properties are leased for an identical duration for development of a wind farm, the tower bases set back from the property lines common with such leased properties may be eliminated so long as no part of any wind turbine extends past any such interior property lines and the above-required setbacks are maintained from the property lines comprising the exterior boundaries of the wind farm;~~

~~(4) All wind turbine tower bases must be set back from the closest edge of a state, county, or city road right-of-way distance equal to the wind turbine height plus 50% of that height;~~

~~(5) All wind turbine tower bases must be set back a distance equal to the wind turbine height from all borders of the GMA Agricultural District, except for GMA Agricultural District borders adjacent to the Hanford Reservation owned by the Department of Energy or adjacent to another zoning district adopted by another county that contains a general minimum parcel size of at least twenty (20) acres per parcel;~~

~~(6) For wind turbine(s) proposed to be located within four (4) miles of the nearest point of the nearest runway of the nearest airport available for public use, the applicant for a building permit must comply with all the requirements imposed by the Federal Aviation Administration (FAA) and provide a written statement from the FAA that sets forth the FAA's comments and requirements, if any, for the proposal;~~

~~(7) All wind turbine(s) must comply with the Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace, as currently in effect or as hereafter amended, including but not limited to, providing such notices to the FAA as required thereunder and compliance with all requirements or prohibitions imposed by the FAA on the applicant's proposal;~~

~~(8) Conditional use permit applications for the placement and operation of wind turbines under this section shall be made available for review by the United States Department of Defense (USDOD) in accordance with RCW 36.01.320, as in effect now or hereafter amended. The notice and processing of wind turbine permit applications will be in accordance with Benton County Code chapter 17.10. Pursuant to BCC 11.50.040 (d), the applicant is required to provide sufficient evidence to persuade the Hearings Examiner that the proposed wind turbine is compatible with other uses in the~~

~~surrounding area, including any military training activities, or is no more incompatible than are any other outright permitted uses in the applicable zoning district, as well as provide all other evidence required by BCC 11.50.040;~~

~~(9) All wind turbine tower bases shall be located at least forty (40) feet for every one (1) foot of tower height or one mile, whichever is greater, from the ends of and at least five thousand (5,000) feet from the sides of all runways which are available solely for private use and identified on the most current edition of the Sectional Aeronautical Charts produced by the National Aeronautical Charting Office (NACO);~~

~~(10) If the use of any wind turbine or wind turbine farm is discontinued for a period of one (1) year or more, the owner of such facility shall remove the facility within ninety (90) days of written notification by the Planning Department. If such facility is not removed within said ninety (90) days, the County may refer the issue to the code enforcement officer for appropriate action pursuant to Chapter 11.43 BCC; and~~

~~(11) The wind turbine(s) and all associated service roads may not displace more than five (5) percent of the area of that parcel(s) on which they are located.))~~

~~((k) Solar Power Generator Facility, Major.))~~

2. Chapter 11.17 Growth Management Act Agricultural Zoning District (GMAAD).

The proposed amendment removes facilities for power generation other than nuclear fueled, wind turbines, and solar power generator facility uses from requiring a conditional use permit in the GMAAD Zoning District.

The changes impact BCC 11.17.070(j)(q) and (z) as shown:

~~((j) Facilities for power generation, other than nuclear fueled, wind fueled or solar fueled.))~~

~~((q) One (1) wind turbine with a wind turbine height of sixty (60) feet or more or a wind turbine farm and related support structures and other improvements under the following conditions:~~

~~(1) The lowest point on all rotor blades must be at least thirty (30) feet above ground level;~~

~~(2) All wind turbine tower bases must be set back from all dwellings not located on the same parcel at least one thousand six hundred and forty (1,640) feet;~~

~~(3) All wind turbine tower bases must be set back from all property lines a distance equal to the associated wind turbine~~

~~height plus 50% of that height, except that, where contiguous properties are leased for an identical duration for development of a wind farm, the tower bases set back from the property lines common with such leased properties may be eliminated so long as no part of any wind turbine extends past any such interior property lines and the above-required setbacks are maintained from the property lines comprising the exterior boundaries of the wind farm;~~

~~(4) All wind turbine tower bases must be set back from the closest edge of a state, county, or city road right-of-way distance equal to the wind turbine height plus 50% of that height;~~

~~(5) All wind turbine tower bases must be set back a distance equal to the wind turbine height from all borders of the CMA Agricultural District, except for CMA Agricultural District borders adjacent to the Hanford Reservation owned by the Department of Energy or adjacent to another zoning district adopted by another county that contains a general minimum parcel size of at least twenty (20) acres per parcel;~~

~~(6) For wind turbine(s) proposed to be located within four (4) miles of the nearest point of the nearest runway of the nearest airport available for public use, the applicant for a building permit must comply with all the requirements imposed by the Federal Aviation Administration (FAA) and provide a written statement from the FAA that sets forth the FAA's comments and requirements, if any, for the proposal;~~

~~(7) All wind turbine(s) must comply with the Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace, as currently in effect or as hereafter amended, including but not limited to, providing such notices to the FAA as required thereunder and compliance with all requirements or prohibitions imposed by the FAA on the applicant's proposal;~~

~~(8) Conditional use permit applications for the placement and operation of wind turbines under this section shall be made available for review by the United States Department of Defense (USDOD) in accordance with RCW 36.01.320, as in effect now or hereafter amended. The notice and processing of wind turbine permit applications will be in accordance with Benton County Code chapter 17.10. Pursuant to BCC 11.50.040 (d), the applicant is required to provide sufficient evidence to persuade the Hearings Examiner that the proposed wind turbine is compatible with other uses in the surrounding area, including any military training activities, or is no more incompatible than are any other outright permitted uses in the applicable zoning district, as well as provide all other evidence required by BCC 11.50.040;~~

~~(9) All wind turbine tower bases shall be located at least forty (40) feet for every one (1) foot of tower height or one mile;~~

~~whichever is greater, from the ends of and at least five thousand (5,000) feet from the sides of all runways which are available solely for private use and identified on the most current edition of the Sectional Aeronautical Charts produced by the National Aeronautical Charting Office (NACO);~~

~~(10) If the use of any wind turbine or wind turbine farm is discontinued for a period of one (1) year or more, the owner of such facility shall remove the facility within ninety (90) days of written notification by the Planning Department. If such facility is not removed within said ninety (90) days, the County may refer the issue to the code enforcement officer for appropriate action pursuant to Chapter 11.43 BCC; and~~

~~(11) The wind turbine(s) and all associated service roads may not displace more than five (5) percent of the area of that parcel(s) on which they are located.))~~

~~((z) Solar power generator facility, major.))~~

3. **Chapter 11.33 Light Industrial Zoning District (LI).** The proposed amendment adds a single wind turbine less than 60' and related support structures to allowable uses and adds a single wind turbine exceeding 60' or a wind turbine farm as uses requiring a conditional use permit in the LI Zoning District.

The changes impact BCC 11.33.030(q) as shown:

(q) No more than one (1) wind turbine and related support structures and other improvements per parcel for private use; provided, the wind turbine height must be less than sixty (60) feet and the wind turbine must be set back from all property lines a distance equal to one (1) foot for every foot in height of the wind turbine.

The changes impact BCC 11.33.060(l) as shown:

(l) One (1) wind turbine with a wind turbine height of sixty (60) feet or more or a wind turbine farm and related support structures and other improvements under the following conditions:

(1) The lowest point on all rotor blades must be at least thirty (30) feet above ground level;

(2) All wind turbine tower bases must be set back from all dwellings not located on the same parcel at least one thousand six hundred and forty (1,640) feet;

(3) All wind turbine tower bases must be set back from all property lines a distance equal to the associated wind turbine height plus 50% of that height, except that, where contiguous properties are leased for an identical duration for development of

a wind farm, the tower bases set back from the property lines common with such leased properties may be eliminated so long as no part of any wind turbine extends past any such interior property lines and the above-required setbacks are maintained from the property lines comprising the exterior boundaries of the wind farm;

(4) All wind turbine tower bases must be set back from the closest edge of a state, county, or city road right-of-way distance equal to the wind turbine height plus 50% of that height;

(5) All wind turbine tower bases must be set back a distance equal to the wind turbine height from all borders of the Light Industrial Zoning District, except for Light Industrial Zoning District borders adjacent to the Hanford Reservation owned by the Department of Energy or adjacent to another zoning district adopted by another county that contains a general minimum parcel size of at least twenty (20) acres per parcel;

(6) For wind turbine(s) proposed to be located within four (4) miles of the nearest point of the nearest runway of the nearest airport available for public use, the applicant for a building permit must comply with all the requirements imposed by the Federal Aviation Administration (FAA) and provide a written statement from the FAA that sets forth the FAA's comments and requirements, if any, for the proposal;

(7) All wind turbine(s) must comply with the Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace, as currently in effect or as hereafter amended, including but not limited to, providing such notices to the FAA as required thereunder and compliance with all requirements or prohibitions imposed by the FAA on the applicant's proposal;

(8) Conditional use permit applications for the placement and operation of wind turbines under this section shall be made available for review by the United States Department of Defense (USDOD) in accordance with RCW 36.01.320, as in effect now or hereafter amended. The notice and processing of wind turbine permit applications will be in accordance with Benton County Code chapter 17.10. Pursuant to BCC 11.50.040 (d), the applicant is required to provide sufficient evidence to persuade the Hearings Examiner that the proposed wind turbine is compatible with other uses in the surrounding area, including any military training activities, or is no more incompatible than are any other outright permitted uses in the applicable zoning district, as well as provide all other evidence required by BCC 11.50.040;

(9) All wind turbine tower bases shall be located at least forty (40) feet for every one (1) foot of tower height or one mile, whichever is greater, from the ends of and at least five thousand (5,000) feet from the sides of all runways which are available

solely for private use and identified on the most current edition of the Sectional Aeronautical Charts produced by the National Aeronautical Charting Office (NACO);

(10) If the use of any wind turbine or wind turbine farm is discontinued for a period of one (1) year or more, the owner of such facility shall remove the facility within ninety (90) days of written notification by the Planning Department. If such facility is not removed within said ninety (90) days, the County may refer the issue to the code enforcement officer for appropriate action pursuant to Chapter 11.43 BCC; and

(11) The wind turbine(s) and all associated service roads may not displace more than five (5) percent of the area of that parcel(s) on which they are located.

4. **Chapter 11.35 Heavy Industrial Zoning District (HI).** The proposed amendment adds a single wind turbine less than 60' and related support structures to allowable uses and adds a single wind turbine exceeding 60' or a wind turbine farm as uses requiring a conditional use permit in the HI Zoning District.

The changes impact BCC 11.35.030(r) as shown:

(r) No more than one (1) wind turbine and related support structures and other improvements per parcel for private use; provided, the wind turbine height must be less than sixty (60) feet and the wind turbine must be set back from all property lines a distance equal to one (1) foot for every foot in height of the wind turbine.

The changes impact BCC 11.35.060(j) as shown:

(j) One (1) wind turbine with a wind turbine height of sixty (60) feet or more or a wind turbine farm and related support structures and other improvements under the following conditions:

(1) The lowest point on all rotor blades must be at least thirty (30) feet above ground level;

(2) All wind turbine tower bases must be set back from all dwellings not located on the same parcel at least one thousand six hundred and forty (1,640) feet;

(3) All wind turbine tower bases must be set back from all property lines a distance equal to the associated wind turbine height plus 50% of that height, except that, where contiguous properties are leased for an identical duration for development of a wind farm, the tower bases set back from the property lines common with such leased properties may be eliminated so long as no part of any wind turbine extends past any such interior property lines and the above-required setbacks are maintained from the

property lines comprising the exterior boundaries of the wind farm;

(4) All wind turbine tower bases must be set back from the closest edge of a state, county, or city road right-of-way distance equal to the wind turbine height plus 50% of that height;

(5) All wind turbine tower bases must be set back a distance equal to the wind turbine height from all borders of the Heavy Industrial Zoning District, except for Heavy Industrial Zoning District borders adjacent to the Hanford Reservation owned by the Department of Energy or adjacent to another zoning district adopted by another county that contains a general minimum parcel size of at least twenty (20) acres per parcel;

(6) For wind turbine(s) proposed to be located within four (4) miles of the nearest point of the nearest runway of the nearest airport available for public use, the applicant for a building permit must comply with all the requirements imposed by the Federal Aviation Administration (FAA) and provide a written statement from the FAA that sets forth the FAA's comments and requirements, if any, for the proposal;

(7) All wind turbine(s) must comply with the Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace, as currently in effect or as hereafter amended, including but not limited to, providing such notices to the FAA as required thereunder and compliance with all requirements or prohibitions imposed by the FAA on the applicant's proposal;

(8) Conditional use permit applications for the placement and operation of wind turbines under this section shall be made available for review by the United States Department of Defense (USDOD) in accordance with RCW 36.01.320, as in effect now or hereafter amended. The notice and processing of wind turbine permit applications will be in accordance with Benton County Code chapter 17.10. Pursuant to BCC 11.50.040 (d), the applicant is required to provide sufficient evidence to persuade the Hearings Examiner that the proposed wind turbine is compatible with other uses in the surrounding area, including any military training activities, or is no more incompatible than are any other outright permitted uses in the applicable zoning district, as well as provide all other evidence required by BCC 11.50.040;

(9) All wind turbine tower bases shall be located at least forty (40) feet for every one (1) foot of tower height or one mile, whichever is greater, from the ends of and at least five thousand (5,000) feet from the sides of all runways which are available solely for private use and identified on the most current edition of the Sectional Aeronautical Charts produced by the National Aeronautical Charting Office (NACO);

(10) If the use of any wind turbine or wind turbine farm is discontinued for a period of one (1) year or more, the owner of such facility shall remove the facility within ninety (90) days of written notification by the Planning Department. If such facility is not removed within said ninety (90) days, the County may refer the issue to the code enforcement officer for appropriate action pursuant to Chapter 11.43 BCC; and

(11) The wind turbine(s) and all associated service roads may not displace more than five (5) percent of the area of that parcel(s) on which they are located.

PUBLIC NOTICE

1. The Planning Staff mailed out the Determination of Non Significance to reviewing agencies on October 19, 2021 with a 14 day comment period ending on November 2, 2021.
2. The Notice of Intent to Adopt an Ordinance Amendment was sent to the Dept. of Commerce asking for expedited Review on October 19, 2021.
3. On November 16, 2021, the Dept. of Commerce granted the Expedited Review request.
4. The Notice of Public Hearing was published in the Prosser Record Bulletin on November 17, 2021 and was put on the County's website on November 4, 2021.

APPLICABLE STANDARDS/ORDINANCES

1. Zoning Code: Benton County Code, Title 11, Zoning.

AGENCY COMMENTS

1. Washington State Department of Natural Resources. See letter dated October 29, 2021, submitted as part of the SEPA review process.
2. Benton PUD. See email dated October 28 ,2021.

RECOMMENDATION

Benton County Planning Staff will assist the Planning Commission with the determination of findings of fact for File OA 2021-004.

The Benton County Planning Division recommends that the Planning Commission forward a **recommendation of approval** to the Benton County Board of Commissioners for application OA 2021-004 with the following suggested findings of fact and motion.

SUGGESTED FINDINGS OF FACT:

1. Benton County is proposing a text amendment to the County Zoning Regulations, **Ordinance 611, 617, 634, and 636** with a focus on the following:
 - a. Chapter 11.15 Rural Lands Twenty Acre District (RL-20), amending BCC 11.15.060(i) and (k) to remove wind turbine farm and solar power generator facility, major requirements;
 - b. Chapter 11.17 Growth Management Act Agricultural Zoning District (GMAAD), amending BCC 11.17.070(j)(q) and (z) facilities for power generation other than nuclear fueled, wind turbine farms, and solar power generator facility, major uses from requiring a conditional use permit;
 - c. Chapter 11.33 Light Industrial District (LI), amending BCC 11.33.030(q) to add a single wind turbine less than 60' and related support structures to allowable use requirements;
 - d. Chapter 11.33 Light Industrial District (LI), amending BCC 11.33.060(l) to add a single wind turbine exceeding 60' or a wind turbine farm as uses requiring a conditional use permit;
 - e. Chapter 11.35 Heavy Industrial District (HI), amending BCC 11.35.030(r) to add a single wind turbine less than 60' and related support structures to allowable use requirements; and
 - f. Chapter 11.35 Heavy Industrial District (HI), amending BCC 11.35.060(j) to add a single wind turbine exceeding 60' or a wind turbine farm as uses requiring a conditional use permit.
2. Planning Case File Application OA 2021-004 is found to be in conformance with the intent of **Ordinance 611, 617, 634, and 636** for zoning text amendments.
3. Planning Case File Application OA 2021-004 is found to be in conformance with the intent of the Benton County Comprehensive Plan.
4. Planning Case File Application OA 2021-004 is found to be in conformance with the intent and goals of the R.C.W. 36.70A, the Growth Management Act.
5. Removal of solar power generator facility, major and wind farms as a conditional use option in the RL-20 Zoning District assists with the enhancement and preservation of the County's rural character and open space while further protecting the County's ridges, slopes, bluffs, and wildlife habitat.
6. Removal of solar power generator facility, major and wind farms as a conditional use option in the GMA AG Zoning District assists the County with protecting long term commercially significant agricultural lands, the conservation of critical areas and habitat,

visual resources, and the County rural character while limiting incompatible and non-agricultural uses in the agricultural zoning district.

7. Adding a single wind turbine less than 60' and related support structures to the allowable use requirements and solar power generator facility, major and wind farms as a conditional use option in both the Light and Heavy Industrial Zoning Districts, allows these facilities to be located in areas with similar industrial uses, whether it is an electrical substation, transportation facility, or processing/manufacturing facility.
8. A Determination of Non-Significance (DNS) was issued for this application (OA 2021-004 and EA 2021-026) on October 18, 2021, 2021 with a 14 day comment period ending on November 2, 2021.
9. Planning Case File Application OA 2021-004 was submitted by email to the State of Washington's Department of Commerce on October 19, 2021 for review in compliance with WAC 365-196-630 (6).
10. The legal notification for Planning Casefile Application OA 2021-004 was given on November 17, 2021, pursuant to RCW 36.70.590.

SUGGESTED MOTION-

I move that the Chairman, in conjunction with the Secretary of the Planning Commission, prepare and adopt written findings and conclusions reflecting the Commission's recommendation for approval of the proposed zoning amendment, amending Ordinance 611, 617, 634, and 636, Chapter 11.15.060, 11.17.070, 11.33.030, 11.33.060, 11.35.030, and 11.35.060 as noted in Casefile OA 2021-004, that articulate and are consistent with the findings, conclusions and recommendations made by the Planning Commission tonight.

ORDINANCE NO. _____

AN ORDINANCE relating to zoning, amending the sections relating to uses requiring a conditional use permit; amending the sections relating to allowable uses; amending Ordinance 611, Section 53, Ordinance 617, Section 5, Ordinance 634, Section 1 and BCC 11.15.060; amending Ordinance 611, Section 63, Ordinance 617, Section 7, Ordinance 634, Section 3, Ordinance 636, Section 2 and BCC 11.17.070; amending Ordinance 611, Section 126 and BCC 11.33.030; amending Ordinance 611, Section 129 and BCC 11.33.060; amending Ordinance 611, Section 134 and BCC 11.35.030 and amending Ordinance 611, Section 137 and BCC 11.35.060.

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

SECTION 1. Ordinance 611, Section 53, Ordinance 617, Section 5, Ordinance 634, Section 1 and BCC 11.15.060 are hereby amended to read as follows:

USES REQUIRING A CONDITIONAL USE PERMIT. The following uses may be permitted on a single parcel of record within the Rural Lands Twenty Acre District (RL-20) if a conditional use permit is issued by the Hearings Examiner after notice and public hearing as provided by BCC 11.50.040.

(a) A sand or gravel pit, stone quarry and similar use for the development of natural resources extracted on-site.

(b) Kennel, commercial.

(c) Child Day Care Facility, Type B, subject to the provisions of BCC 11.42.060.

(d) A Park.

(e) Bed and Breakfast Facility, subject to the provisions in BCC 11.42.030.

(f) Agricultural Market.

(g) Business activities, other than those set forth above, that are compatible with the principal uses and purpose of the underlying zone and the surrounding land uses may be conducted from within an approved accessory building detached from all dwelling units if the following criteria as well as any other conditions required by the Hearings Examiner are satisfied:

(1) The business activity must take place on a parcel of land that is 2.0 acres or greater in size.

(2) There must be a residence on site, and at least one (1) of the proprietors of the business must be the owner or lessee of the property where the business and the residence are located and must reside in said residence.

(3) No more than four (4) non-resident persons, whether they work on site or not, may be employed by or be partners in the business.

(4) The business activity, including all storage space, shall not occupy more than two thousand (2,000) square feet of total floor area within the detached accessory building.

(5) Only one (1) approved detached accessory building on a parcel may be used for business activities. If more than one (1) business will be conducted within an approved detached accessory building, then a separate application must be submitted for each business activity, provided that the total area used by all business activities shall not exceed that permitted by BCC 11.15.060(g) (4).

(6) No more than two (2) non-illuminating signs, with a maximum area of four (4) square feet each, shall be permitted in connection with the business activity. The posting of such signs is limited to the parcel on which the approved detached accessory building is located. On-street (inside the road right-of-way) sign posting and sign posting which interferes with the line-of-site for road intersections are prohibited.

(7) Not more than three (3) vehicles marked to identify the business may be on the parcel at any one time. No other on-site outside storage of vehicles, equipment and/or supplies is allowed in connection with the business activity. This prohibition applies to, but is not limited to: lumber, plasterboard, pipe, paint, inoperable vehicles, and heavy equipment that are related to the business.

(8) The property owner and the proprietor(s) of the business shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin Health District, and all other local, state and federal regulations pertinent to the business activity pursued. The requirements of or permission granted by the Hearings Examiner shall not be construed as an exemption from such regulations.

(9) Adequate off-street parking, as determined by the Hearings Examiner, must be provided.

(10) Any waste created as a result of the business activity must be disposed of off-site in compliance with all local, state and/or federal regulations.

(11) The presence of customers/clients and non-resident employees at the location of the business activity shall be limited to the days and hours of operation as determined by the Hearings Examiner.

(12) The business activity does not require a marijuana retail outlet license from the Washington State Liquor and Cannabis Board.

(h) Shooting range facility.

~~((i) One (1) wind turbine with a wind turbine height of sixty (60) feet or more or a wind turbine farm and related support structures and other improvements under the following conditions:~~

~~(1) The lowest point on all rotor blades must be at least thirty (30) feet above ground level;~~

~~(2) All wind turbine tower bases must be set back from all dwellings not located on the same parcel at least one thousand six hundred and forty (1,640) feet;~~

~~(3) All wind turbine tower bases must be set back from all property lines a distance equal to the associated wind turbine height plus 50% of that height, except that, where contiguous properties are leased for an identical duration for development of a wind farm, the tower bases set back from the property lines common with such leased properties may be eliminated so long as no part of any wind turbine extends past any such interior property lines and the above required setbacks are maintained from the property lines comprising the exterior boundaries of the wind farm;~~

~~(4) All wind turbine tower bases must be set back from the closest edge of a state, county, or city road right-of-way distance equal to the wind turbine height plus 50% of that height;~~

~~(5) All wind turbine tower bases must be set back a distance equal to the wind turbine height from all borders of the GMA Agricultural District, except for GMA Agricultural District borders adjacent to the Hanford Reservation owned by the Department of Energy or adjacent to another zoning district adopted by another county that contains a general minimum parcel size of at least twenty (20) acres per parcel;~~

~~(6) For wind turbine(s) proposed to be located within four (4) miles of the nearest point of the nearest runway of the nearest airport available for public use, the applicant for a building permit must comply with all the requirements imposed by the Federal Aviation Administration (FAA) and provide a written statement from the FAA that sets forth the FAA's comments and requirements, if any, for the proposal;~~

~~(7) All wind turbine(s) must comply with the Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace, as currently in effect or as hereafter amended, including but not limited to, providing such notices to the FAA as required thereunder and compliance with all requirements or prohibitions imposed by the FAA on the applicant's proposal;~~

~~(8) Conditional use permit applications for the placement and operation of wind turbines under this section shall be made available for review by the United States Department of Defense (USDOD) in accordance with RCW 36.01.320, as in effect now or hereafter amended. The notice and processing of wind turbine permit applications will be in accordance with Benton County Code chapter 17.10. Pursuant to BCC 11.50.040 (d), the applicant is required to provide sufficient evidence to persuade the Hearings Examiner that the proposed wind turbine is compatible with other uses in the surrounding area, including any military training activities, or is no more incompatible than are any other outright permitted uses in the applicable zoning district, as well as provide all other evidence required by BCC 11.50.040;~~

~~(9) All wind turbine tower bases shall be located at least forty (40) feet for every one (1) foot of tower height or one mile, whichever is greater, from the ends of and at least five thousand (5,000) feet from the sides of all runways which are available solely for private use and identified on the most current edition of the Sectional Aeronautical Charts produced by the National Aeronautical Charting Office (NACO);~~

~~(10) If the use of any wind turbine or wind turbine farm is discontinued for a period of one (1) year or more, the owner of such facility shall remove the facility within ninety (90) days of written notification by the Planning Department. If such facility is not removed within said ninety (90) days, the County may refer the issue to the code enforcement officer for appropriate action pursuant to Chapter 11.43 BCC; and~~

~~(11) The wind turbine(s) and all associated service roads may not displace more than five (5) percent of the area of that parcel(s) on which they are located.))~~

~~((j))~~ (i) Agri-tourism accommodations.

~~((k) ——— Solar Power Generator Facility, Major.))~~

SECTION 2. Ordinance 611, Section 63, Ordinance 617, Section 7, Ordinance 634, Section 3, Ordinance 636, Section 2 and BCC 11.17.070 are hereby amended to read as follows:

USES REQUIRING A CONDITIONAL USE PERMIT. The following uses may be permitted within the GMA Agricultural District if a conditional use permit is issued by the Hearings Examiner after notice and public hearing as provided by BCC 11.50.040:

(a) Slaughterhouses, commercial meat-packing plants, animal feedlots; provided, that they are not located in the floodway and floodplain as shown on the FEMA maps, or within two hundred (200) feet of a naturally occurring body of water, or a well-used for domestic or municipal purposes and shall be designed to prevent infiltration or other movement of livestock wastes into the aquifer, or directly into surface waters.

(b) Commercial dairy, hog, poultry, and rabbit operations, propagation of fur bearing species for commercial purposes, or livestock auction yard; provided, that at least the following setbacks are met as well as all other conditions imposed in connection with the issuance of the conditional use permit: one hundred (100) foot setbacks from any lot line to any animal enclosure, except for fenced pasture; and a five hundred (500) foot setback from any existing residential structure on adjacent property not under applicant's ownership.

(c) Commercial establishments for the transportation of agricultural products other than those produced on the premises, or agricultural supplies or equipment, together with the maintenance, storage, repair and servicing of the necessary trucks and equipment.

(d) The following agriculturally based recreational and sales facilities: covered arenas, rodeo events, livestock sales rings, and working animal events. The following accessory uses may be permitted during one or more of the above events: veterinary service, food concessions, RV parking area, and event related novelty/accessory sales.

(e) Airstrips (commercial crop dusting).

(f) Facilities for treatment of industrial solid wastes with associated spray fields related to the on-site processing of agricultural products.

(g) Solid waste disposal site; except on lands designated as having less than 160 acre minimum parcel size.

(h) Off-site hazardous waste treatment and storage facilities may be allowed by conditional use permit issued by the Benton County Hearings Examiner after notice and public hearing as provided in BCC 11.50.040 provided, that such facilities must comply with the state siting criteria adopted in accordance with RCW 70.105.210, as currently in effect or as hereafter amended.

(i) Asphalt manufacture in conjunction with rock, sand and gravel mining.

~~((j)) Facilities for power generation, other than nuclear fueled, wind fueled or solar fueled.))~~

~~((k))~~ (j) Child Day Care Facility, Type B, subject to the provisions of BCC 11.42.060.

~~((l))~~ (k) Off-premise directional signs.

~~((m))~~ (l) The production of bio-diesel and alcohol fuels from agricultural products.

~~((n))~~ (m) The commercial maintenance, repair, servicing, and storage of agricultural machinery, implements, and equipment for use off the premises.

~~((o))~~ (n) Commercial establishments for the storage, sale and off-site application of agricultural chemicals, including but not limited to herbicides, fertilizers, insecticides, and pesticides.

~~((p))~~ (o) Underground natural gas storage facilities.

~~((q)) One (1) wind turbine with a wind turbine height of sixty (60) feet or more or a wind turbine farm and related support structures and other improvements under the following conditions:~~

~~(1) The lowest point on all rotor blades must be at least thirty (30) feet above ground level;~~

~~(2) All wind turbine tower bases must be set back from all dwellings not located on the same parcel at least one thousand six hundred and forty (1,640) feet;~~

~~(3) All wind turbine tower bases must be set back from all property lines a distance equal to the associated wind turbine height plus 50% of that height, except that, where contiguous properties are leased for an identical duration for development of a wind farm, the tower bases set back from the property lines common with such leased properties may be eliminated so long as no part of any wind turbine extends past any such interior property lines and the above-required setbacks are maintained from the property lines comprising the exterior boundaries of the wind farm;~~

~~(4) All wind turbine tower bases must be set back from the closest edge of a state, county, or city road right-of-way distance equal to the wind turbine height plus 50% of that height;~~

~~(5) All wind turbine tower bases must be set back a distance equal to the wind turbine height from all borders of the GMA~~

~~Agricultural District, except for CMA Agricultural District borders adjacent to the Hanford Reservation owned by the Department of Energy or adjacent to another zoning district adopted by another county that contains a general minimum parcel size of at least twenty (20) acres per parcel;~~

~~(6) For wind turbine(s) proposed to be located within four (4) miles of the nearest point of the nearest runway of the nearest airport available for public use, the applicant for a building permit must comply with all the requirements imposed by the Federal Aviation Administration (FAA) and provide a written statement from the FAA that sets forth the FAA's comments and requirements, if any, for the proposal;~~

~~(7) All wind turbine(s) must comply with the Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace, as currently in effect or as hereafter amended, including but not limited to, providing such notices to the FAA as required thereunder and compliance with all requirements or prohibitions imposed by the FAA on the applicant's proposal;~~

~~(8) Conditional use permit applications for the placement and operation of wind turbines under this section shall be made available for review by the United States Department of Defense (USDOD) in accordance with RCW 36.01.320, as in effect now or hereafter amended. The notice and processing of wind turbine permit applications will be in accordance with Benton County Code chapter 17.10. Pursuant to BCC 11.50.040 (d), the applicant is required to provide sufficient evidence to persuade the Hearings Examiner that the proposed wind turbine is compatible with other uses in the surrounding area, including any military training activities, or is no more incompatible than are any other outright permitted uses in the applicable zoning district, as well as provide all other evidence required by BCC 11.50.040;~~

~~(9) All wind turbine tower bases shall be located at least forty (40) feet for every one (1) foot of tower height or one mile, whichever is greater, from the ends of and at least five thousand (5,000) feet from the sides of all runways which are available solely for private use and identified on the most current edition of the Sectional Aeronautical Charts produced by the National Aeronautical Charting Office (NACO);~~

~~(10) If the use of any wind turbine or wind turbine farm is discontinued for a period of one (1) year or more, the owner of such facility shall remove the facility within ninety (90) days of written notification by the Planning Department. If such facility is not removed within said ninety (90) days, the County may refer the issue to the code enforcement officer for appropriate action pursuant to Chapter 11.43 BCC; and~~

~~(11) The wind turbine(s) and all associated service roads may not displace more than five (5) percent of the area of that parcel(s) on which they are located.))~~

~~((+r))~~ (p) Non-agricultural accessory uses that promote or sustain the continuation of the agricultural uses of a parcel if the accessory uses meet the following criteria as well as any other conditions required by the Hearings Examiner:

(1) The non-agricultural accessory use shall be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the parcel;

(2) The non-agricultural accessory use must be consistent with the size, scale, and intensity of the existing agricultural use of the parcel and the existing buildings thereon;

(3) The parcel on which the non-agricultural accessory use is located meets one of the following:

(i) the parcel is no less than twenty (20) acres in size with eighty (80) percent of the acreage primarily committed to agricultural use and has produced gross income equivalent to two hundred (200) dollars or more per acre each year for three (3) of the five (5) calendar years preceding the date of application;

(ii) the parcel is currently enrolled in the County's Agricultural Open Space program pursuant to Chapter 84.34 RCW, as currently in effect or as hereafter amended;

(iii) the parcel is not less than one hundred (100) contiguous acres that has been in agricultural use for three (3) of the last five (5) years.

(4) The non-agricultural accessory use, including any new buildings, parking or supportive uses associated therewith, shall be located within one thousand (1000) feet of the nearest existing buildings or residential structures and shall not otherwise convert more than one (1) acre of agricultural land to non-agricultural uses;

(5) The non-agricultural accessory uses, including any storage space associated therewith, shall not collectively occupy more than fifteen thousand (15,000) square feet of building space;

(6) No more than three (3) vehicles marked to identify the non-agricultural accessory use(s) may be on the parcel at any time. No other on-site outside storage of vehicles, equipment and/or supplies is allowed in connection with the non-agricultural accessory use;

(7) No person may possess more than one valid permit at a time under this section and all non-agricultural accessory use permits issued under this section for any given parcel must be authorized in one permit;

(8) No more than two (2) signs of a size determined by the Hearings Examiner shall be permitted in connection with the non-agricultural accessory use. Illumination of a sign shall be only by hooded directional lighting so that only the sign surface is illuminated. The posting of such sign is limited to the parcel on which the non-agricultural accessory use is located. On-street (inside the road right-of-way) sign posting is prohibited, and no sign outside of a road right-of-way may interfere with the line of sight for road intersection;

(9) The parcel and non-agricultural accessory use owner shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin Health District, and all other local, state, and federal regulations pertinent to the non-agricultural accessory use being pursued. The requirements of or the permission granted by the Hearings Examiner shall not be construed as an exemption from such regulations;

(10) Adequate off road parking, as determined by the Hearings Examiner, must be provided;

(11) Any waste created as a result of the non-agricultural accessory use must be disposed of off-site in compliance with all local, state, and/or federal regulations;

(12) The days and hours of operation shall be determined by the Hearings Examiner with the granting of a Conditional Use Permit; and

(13) The non-agricultural accessory use shall not require a marijuana retail outlet license from the Washington State Liquor and Cannabis Board.

~~((s))~~ (g) Overnight lodging within a structure primarily used for processing of beer, wine, or spirits that meets the following criteria:

(1) The number of guest rooms may not exceed two (2); and,

(2) The area used for the guest rooms and associated with overnight lodging shall not exceed eight hundred square feet (800); and,

(3) The overnight lodging guest rooms shall meet Benton-Franklin Health District requirements for septic systems and domestic water usage shall be demonstrated; and,

(4) The overnight lodging guest rooms shall comply with all the applicable building code requirements.

~~((t))~~ (r) Events Facility on the same or adjoining parcel as a Winery/Brewery/Distillery, but not related to the operational and marketing of the business, such as weddings, receptions, and meetings/retreats shall be limited to not more than two hundred (200) guest or less, meet the following criteria as well as any other conditions required by the Hearings Examiner:

(1) The events facility shall be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the parcel;

(2) The events facility must be consistent with the size, scale, and intensity of the existing agricultural use of the parcel and the existing buildings thereon;

(3) The events facility, including any new buildings, parking or supportive uses associated therewith, shall be located within one thousand (1000) feet of the existing Winery/Brewery/Distillery structures and shall not otherwise convert more than one (1) acre of agricultural land to the use;

4) The parcel and events facility shall comply with all requirements of the Benton County Building Department, the Benton County Fire Marshal, the Benton-Franklin Health District, and all other local, state, and federal regulations pertinent to the events facility being pursued. The requirements of or the permission granted by the Hearings Examiner shall not be construed as an exemption from such regulations;

(5) Adequate off-road parking, as determined by the Hearings Examiner, must be provided; and

(6) Any waste created as a result of the event facility must be disposed of off-site in compliance with all local, state, and/or federal regulations.

((~~u~~)) (s) Bed and Breakfast Facility, subject to the provisions in BCC 11.42.030.

((~~v~~)) (t) Recreation and entertainment activities centered on an agricultural theme. This may include activities such as field mazes, hayrides, sleigh rides, animal rides, petting zoos and other similar uses.

((~~w~~)) (u) Commercial sand and gravel pits, stone quarries, other mineral extraction, asphalt and/or concrete batching plants.

((~~x~~)) (v) Veterinarian Clinics.

((~~y~~)) (w) Shooting Range Facility.

((~~z~~)~~——Solar power generator facility, major.~~)

((~~aa~~)) (x) Agri-tourism accommodations.

((~~bb~~)) (y) Agricultural research facility which conducts basic, applied, and/or developmental research of regional, national, or international concerns in the field of agriculture.

((~~cc~~)) (z) Commercial agricultural establishments that primarily provide storage, repair, or sale of irrigation, mechanical, and excavation service activities for use off premise.

((~~dd~~)) (aa) Winery/Brewery/Distillery facility, including sampling, tasting, and sales of the product, may occur on an adjacent parcel from the site where the fruit or other products are processed, if both parcels are under the same ownership.

SECTION 3. Ordinance 611, Section 126 and BCC 11.33.030 are hereby amended to read as follows:

ALLOWABLE USES. The following uses are allowed within the Light Industrial District (LI) on a single parcel of record:

(a) Fire department facility, law enforcement facility, and/or medical facility.

(b) Research and development facility, computer component manufacturing, laboratory, and/or electronic data processing facility.

(c) Agricultural uses.

- (d) Lumber yard and/or custom milling of logs into dimensional lumber.
- (e) Nursery and/or landscaping business.
- (f) Warehouse.
- (g) Utility substation facility.
- (h) Rental storage facility.
- (i) Food processing and/or cannery.
- (j) Metal fabrication and/or welding.
- (k) Sales of on-site manufactured goods.
- (l) Sales, service and repair of machinery equipment, automobiles, and/or trucks.
- (m) Wineries/Breweries/Distilleries.
- (n) Hiking and non-motorized biking trails.
- (o) Hazardous waste treatment and/or hazardous waste storage facilities as an accessory use to an allowed or conditionally permitted use; provided, that such facilities must comply with the state siting criteria adopted in RCW 70.105.210, as it now exists or is hereafter amended, and only treat waste generated on the same parcel or a contiguous parcel.
- (p) Rapid Charging Station.
- (q) No more than one (1) wind turbine and related support structures and other improvements per parcel for private use; provided, the wind turbine height must be less than sixty (60) feet and the wind turbine must be set back from all property lines a distance equal to one (1) foot for every foot in height of the wind turbine.

SECTION 4. Ordinance 611, Section 129 and BCC 11.33.060 are hereby amended to read as follows:

USES REQUIRING A CONDITIONAL USE PERMIT. The following uses may be permitted on a single parcel of record within the Light Industrial District (LI) if a conditional use permit is issued by the Hearings Examiner after notice and public hearing as provided by BCC 11.50.040.

- (a) Racetrack facility for automotive, motocross, or horse racing.
- (b) Agricultural recreational facility.
- (c) Sand and/or gravel pit, stone quarry, mining, crushing, stockpiling of mineral resources and similar uses for the development of natural resources extracted on-site.
- (d) Solid waste transfer station.
- (e) Airport/Heliport.
- (f) Asphalt plant.

- (g) Concrete plant.
- (h) Sewage treatment plant for industrial and/or domestic waste.
- (i) Wrecking yard.
- (j) Indoor shooting range.
- (k) Solar Power Generator Facility, Major.

(1) One (1) wind turbine with a wind turbine height of sixty (60) feet or more or a wind turbine farm and related support structures and other improvements under the following conditions:

(1) The lowest point on all rotor blades must be at least thirty (30) feet above ground level;

(2) All wind turbine tower bases must be set back from all dwellings not located on the same parcel at least one thousand six hundred and forty (1,640) feet;

(3) All wind turbine tower bases must be set back from all property lines a distance equal to the associated wind turbine height plus 50% of that height, except that, where contiguous properties are leased for an identical duration for development of a wind farm, the tower bases set back from the property lines common with such leased properties may be eliminated so long as no part of any wind turbine extends past any such interior property lines and the above-required setbacks are maintained from the property lines comprising the exterior boundaries of the wind farm;

(4) All wind turbine tower bases must be set back from the closest edge of a state, county, or city road right-of-way distance equal to the wind turbine height plus 50% of that height;

(5) All wind turbine tower bases must be set back a distance equal to the wind turbine height from all borders of the Light Industrial Zoning District, except for Light Industrial Zoning District borders adjacent to the Hanford Reservation owned by the Department of Energy or adjacent to another zoning district adopted by another county that contains a general minimum parcel size of at least twenty (20) acres per parcel;

(6) For wind turbine(s) proposed to be located within four (4) miles of the nearest point of the nearest runway of the nearest airport available for public use, the applicant for a building permit must comply with all the requirements imposed by the Federal Aviation Administration (FAA) and provide a written statement from the FAA that sets forth the FAA's comments and requirements, if any, for the proposal;

(7) All wind turbine(s) must comply with the Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace, as currently in effect or as hereafter amended, including but not limited to, providing such notices to the FAA as required thereunder and compliance with all requirements or prohibitions imposed by the FAA on the applicant's proposal;

(8) Conditional use permit applications for the placement and operation of wind turbines under this section shall be

made available for review by the United States Department of Defense (USDOD) in accordance with RCW 36.01.320, as in effect now or hereafter amended. The notice and processing of wind turbine permit applications will be in accordance with Benton County Code chapter 17.10. Pursuant to BCC 11.50.040 (d), the applicant is required to provide sufficient evidence to persuade the Hearings Examiner that the proposed wind turbine is compatible with other uses in the surrounding area, including any military training activities, or is no more incompatible than are any other outright permitted uses in the applicable zoning district, as well as provide all other evidence required by BCC 11.50.040;

(9) All wind turbine tower bases shall be located at least forty (40) feet for every one (1) foot of tower height or one mile, whichever is greater, from the ends of and at least five thousand (5,000) feet from the sides of all runways which are available solely for private use and identified on the most current edition of the Sectional Aeronautical Charts produced by the National Aeronautical Charting Office (NACO);

(10) If the use of any wind turbine or wind turbine farm is discontinued for a period of one (1) year or more, the owner of such facility shall remove the facility within ninety (90) days of written notification by the Planning Department. If such facility is not removed within said ninety (90) days, the County may refer the issue to the code enforcement officer for appropriate action pursuant to Chapter 11.43 BCC; and

(11) The wind turbine(s) and all associated service roads may not displace more than five (5) percent of the area of that parcel(s) on which they are located.

SECTION 5. Ordinance 611, Section 134 and BCC 11.35.030 are hereby amended to read as follows:

ALLOWABLE USES. The following uses are allowed within the Heavy Industrial District (HI) on a single parcel of record:

(a) The processing, assembly and/or manufacturing of raw materials, semi-finished materials, and/or finished materials, except for the manufacturing reprocessing and/or storage of radioactive waste.

(b) Ironwork, drop forge industry, and/or metal fabrication.

(c) Repair of machinery equipment, automobiles and/or trucks.

(d) Food processing facility, cannery and/or cold storage facility.

(e) Agricultural uses.

(f) Retail sales of goods manufactured on the premises; provided, that the floor space devoted to such use does not exceed ten (10) percent of the gross floor area of all buildings on the parcel.

(g) Wholesale sales of products.

(h) Transportation facilities for handling cargo and/or passengers, including mooring facilities, grain elevator, or barge terminal.

- (i) Warehouse.
- (j) Utility substation facility.
- (k) Production of alcohol fuels, biodiesel, or ethanol.
- (l) Hiking and non-motorized biking trails.
- (m) Sewage treatment plant for industrial and/or domestic waste.
- (n) Solid waste transfer station and/or recycling center.
- (o) Wrecking yard.
- (p) Hazardous waste treatment and/or hazardous waste storage facilities as an accessory use to an allowed or conditionally permitted use; provided, that such facilities must comply with the state siting criteria adopted in RCW 70.105.210, as currently in effect or as hereafter amended, and only treat waste generated on the same parcel or a contiguous parcel.
- (q) Rapid Charging Station.
- (r) No more than one (1) wind turbine and related support structures and other improvements per parcel for private use; provided, the wind turbine height must be less than sixty (60) feet and the wind turbine must be set back from all property lines a distance equal to one (1) foot for every foot in height of the wind turbine.

SECTION 6. Ordinance 611, Section 137 and BCC 11.35.060 are hereby amended to read as follows:

USES REQUIRING A CONDITIONAL USE PERMIT. The following uses may be permitted on a single parcel of record within the Heavy Industrial District (HI) if a conditional use permit is issued by the Hearings Examiner after notice and public hearing as provided by BCC 11.50.040.

- (a) Facilities for generating power for sale to the public, including solar power generators; provided, that such power cannot be nuclear fueled.
- (b) Hazardous waste treatment and/or hazardous waste storage facility treating waste not generated on the same or a contiguous parcel; provided, that such facility must comply with Washington State siting criteria set forth in RCW 70.105.210, as currently in effect or as hereafter amended.
- (c) Sand and/or gravel pit, stone quarry, mining, crushing, stockpiling of mineral resources and similar uses for the development of natural resources extracted on-site.
- (d) Asphalt plant.
- (e) Concrete plant.
- (f) Airport/Heliport.
- (g) Railroad switch yards, maintenance and/or repair facilities.

(h) State and/or local correctional facility, and/or Secure Community Transition Facility as described by RCW 36.70A.200, as currently in effect or as hereafter amended.

(i) Solar Power Generator Facility, Major.

(j) One (1) wind turbine with a wind turbine height of sixty (60) feet or more or a wind turbine farm and related support structures and other improvements under the following conditions:

(1) The lowest point on all rotor blades must be at least thirty (30) feet above ground level;

(2) All wind turbine tower bases must be set back from all dwellings not located on the same parcel at least one thousand six hundred and forty (1,640) feet;

(3) All wind turbine tower bases must be set back from all property lines a distance equal to the associated wind turbine height plus 50% of that height, except that, where contiguous properties are leased for an identical duration for development of a wind farm, the tower bases set back from the property lines common with such leased properties may be eliminated so long as no part of any wind turbine extends past any such interior property lines and the above-required setbacks are maintained from the property lines comprising the exterior boundaries of the wind farm;

(4) All wind turbine tower bases must be set back from the closest edge of a state, county, or city road right-of-way distance equal to the wind turbine height plus 50% of that height;

(5) All wind turbine tower bases must be set back a distance equal to the wind turbine height from all borders of the Heavy Industrial Zoning District, except for Heavy Industrial Zoning District borders adjacent to the Hanford Reservation owned by the Department of Energy or adjacent to another zoning district adopted by another county that contains a general minimum parcel size of at least twenty (20) acres per parcel;

(6) For wind turbine(s) proposed to be located within four (4) miles of the nearest point of the nearest runway of the nearest airport available for public use, the applicant for a building permit must comply with all the requirements imposed by the Federal Aviation Administration (FAA) and provide a written statement from the FAA that sets forth the FAA's comments and requirements, if any, for the proposal;

(7) All wind turbine(s) must comply with the Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace, as currently in effect or as hereafter amended, including but not limited to, providing such notices to the FAA as required thereunder and compliance with all requirements or prohibitions imposed by the FAA on the applicant's proposal;

(8) Conditional use permit applications for the placement and operation of wind turbines under this section shall be made available for review by the United States Department of Defense (USDOD) in accordance with RCW 36.01.320, as in effect now or hereafter amended. The notice and processing of wind

turbine permit applications will be in accordance with Benton County Code chapter 17.10. Pursuant to BCC 11.50.040 (d), the applicant is required to provide sufficient evidence to persuade the Hearings Examiner that the proposed wind turbine is compatible with other uses in the surrounding area, including any military training activities, or is no more incompatible than are any other outright permitted uses in the applicable zoning district, as well as provide all other evidence required by BCC 11.50.040;

(9) All wind turbine tower bases shall be located at least forty (40) feet for every one (1) foot of tower height or one mile, whichever is greater, from the ends of and at least five thousand (5,000) feet from the sides of all runways which are available solely for private use and identified on the most current edition of the Sectional Aeronautical Charts produced by the National Aeronautical Charting Office (NACO);

(10) If the use of any wind turbine or wind turbine farm is discontinued for a period of one (1) year or more, the owner of such facility shall remove the facility within ninety (90) days of written notification by the Planning Department. If such facility is not removed within said ninety (90) days, the County may refer the issue to the code enforcement officer for appropriate action pursuant to Chapter 11.43 BCC; and

(11) The wind turbine(s) and all associated service roads may not displace more than five (5) percent of the area of that parcel(s) on which they are located.

SECTION 7. 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.

SECTION 8. Effective Date. This Ordinance shall take effect and be in full force upon its passage and adoption.

ADOPTED AND PASSED this _____ day of _____.

Chairman of the Board.

Chairman Pro-Tem.

Member.

Approved as to Form:

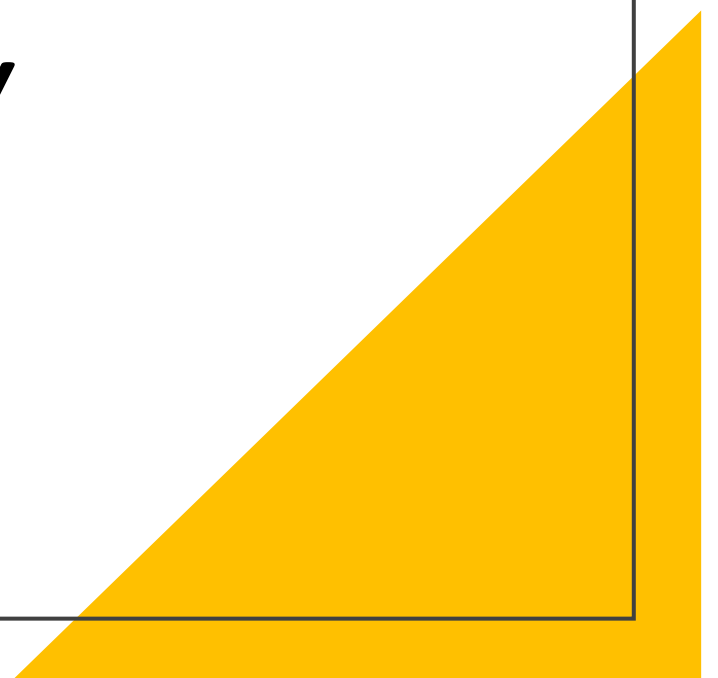
Constituting the Board of
County Commissioners of
Benton County, Washington

Deputy Prosecuting Attorney

Attest: _____
Clerk of the Board

ZONING FOR WIND AND SOLAR IN BENTON COUNTY

DEFINITIONS-ALLOWED USES-ACCESSORY USES-&
CONDITIONAL USES



DEFINITIONS

- "Wind Turbine" means a machine with turbine apparatus (rotor blades, nacelle and tower) capable of producing electricity by converting the kinetic energy of wind into rotational, mechanical and electrical energy; provided, the term does not include electrical distribution or transmission lines, or electrical substations.
- "Wind Turbine Farms" means two or more wind turbines on one parcel.
- "Solar Power Generator Facility, Minor" means the use of solar panels to convert sunlight directly or indirectly into electricity. Solar power generators consist of solar panels, charge controllers, inverters, working fluid system, and storage batteries. Minor facilities are sited on the power beneficiary premises, are intended primarily to offset part or all of the beneficiary's requirements for electricity/gas, and are secondary or accessory to the beneficiary's use of the premises.
- "Solar Power Generator Facility, Major" means the use of solar panels to convert sunlight directly or indirectly into electricity. Solar power generators consist of solar panels, charge controllers, inverters, working fluid system, and storage batteries. Major facilities are developed as the primary land use for a parcel on which it is located and does not meet the siting criteria for a minor facility in BCC 11.03.010(168).

ALLOWED USES

Wind Turbine:

No more than one (1) wind turbine and related support structures and other improvements per parcel for private use; provided, the wind turbine height must be less than sixty (60) feet and the wind turbine must be set back from all property lines a distance equal to one (1) foot for every foot in height of the wind turbine.

Zoning District:

Currently allowed in the RL-5, RL-20, GMA AG, Red Mountain AG Zones.

Proposal is to add Wind Turbine to the Light Industrial and Heavy Industrial Zoning Districts.

ACCESSORY USES

Solar Power Generator Facility, Minor

Solar Power Generator Facility, Minor" means the use of solar panels to convert sunlight directly or indirectly into electricity. Solar power generators consist of solar panels, charge controllers, inverters, working fluid system, and storage batteries. Minor facilities are sited on the power beneficiary premises, are intended primarily to offset part or all of the beneficiary's requirements for electricity/gas, and are secondary or accessory to the beneficiary's use of the premises.

Zoning District:

Currently allowed in all zoning districts that allow a dwelling unit and the commercial and industrial districts. No changes proposed.

CONDITIONAL USES

Solar Power Generator Facility, Major

Solar Power Generator Facility, Major" means the use of solar panels to convert sunlight directly or indirectly into electricity. Solar power generators consist of solar panels, charge controllers, inverters, working fluid system, and storage batteries. Major facilities are developed as the primary land use for a parcel on which it is located and does not meet the siting criteria for a minor facility in BCC 11.03.010(168).

Zoning District:

Currently allowed in the GMA AG, RL-20, Light Industrial and Heavy Industrial Districts.

Proposal is to remove Solar Power Generator Facility, Major from the ~~GMA AG and RL-20 Zoning Districts~~.

CONDITIONAL USES

Wind Turbine Farms

Wind Turbine Farms" means two or more wind turbines on one parcel.

Zoning District:

Allowed in the GMA AG, and RL-20 Zoning Districts.

Proposal is to remove Wind Turbine Farms from the ~~GMA AG and RL-20 Zoning Districts~~.

&

Add Wind Turbine Farms to the ~~Light Industrial and Heavy Industrial Zoning Districts~~.



PCM 1.3

NOTICE OF OPEN RECORD HEARING

NOTICE IS GIVEN that the following application will be considered by the Benton County Planning Commission at a in person and virtual public hearing on Tuesday, November 30, 2021, at **6 p.m** in the Planning Hearing Room, First Floor, Courthouse Prosser WA, 620 Market Street, Prosser, WA.

In an effort to continue to provide public access to the Planning Commission meetings, Benton County will be **providing both in person, telephonic and video access for the public** to view and provide testimony at the Planning Commission meetings. **A map to the meeting room will be posted on our website at the link below.** If you choose to join the meeting telephonically, we ask that you please limit background noise or mute your line to prevent any unnecessary interruption to the meeting. To find information on virtual attendance options, including streaming video, WebEx video conferencing and telephone, please visit www.tinyurl.com/BCPublicNotice.

OA 2021-004 - AN ORDINANCE relating to zoning, amending the sections relating to uses requiring a conditional use permit; amending the sections relating to allowable uses; amending Ordinance 611, Section 53, Ordinance 617, Section 5, Ordinance 634, Section 1 and BCC 11.15.060; amending Ordinance 611, Section 63, Ordinance 617, Section 7, Ordinance 634, Section 3, Ordinance 636, Section 2 and BCC 11.17.070; amending Ordinance 611, Section 126 and BCC 11.33.030; amending Ordinance 611, Section 129 and BCC 11.33.060; amending Ordinance 611, Section 134 and BCC 11.35.030 and amending Ordinance 611, Section 137 and BCC 11.35.060. The purpose of this amendment is to delete wind turbines and wind turbine farms over 60 feet in height and solar powered generator facility, major from uses requiring a conditional use permit in the Rural Lands 20 Acre District; and deleting facilities for power generation, other than nuclear, wind, or solar fueled, wind turbines and wind turbine farms over 60 feet in height, and solar powered generator facility, major from uses requiring a conditional use permit in the GMA Agriculture District. Adding wind turbines and wind turbine farms as a use requiring a conditional use permit in the Light Industrial and Heavy Industrial Districts and also adding as an allowable use one (1) wind turbine (less than 60 feet in height) and related support structures and other improvements per parcel for private use in the Light Industrial and Heavy Industrial Districts.

NOTICE IS FURTHER GIVEN that the proposed ordinance amendment has been reviewed under the requirements of the State Environmental Policy Act and a Determination of Non-Significance (DNS) was issued on October 18, 2021 and accordingly an Environmental Impact Statement was not required. Any comments regarding this determination and the environmental impacts of the proposal can be made at the Planning Commission Hearing as using the method noted below or in writing to the Benton County Planning Department by 5 p.m. on Monday November 29, 2021.

At this hearing, the Planning Commission may recommend approval, conditional approval, or disapproval of the applications to the Benton County Board of Commissioners. All parties concerned may present any support or objections for the application per the phone in instructions above. Information concerning the applications can be obtained at the Benton County Planning Department, by calling 736-3086 (Tri-Cities) or 786-5612 (Prosser).

Dated at Prosser, Washington on this 9th day of November 2021.

Martin Sheeran, Chairman
BENTON COUNTY PLANNING COMMISSION

Greg Wendt, Director
COMMUNITY DEVELOPMENT DEPT.

PUBLISH ON: November 17, 2021



DETERMINATION OF NON-SIGNIFICANCE

PCM 1.6

Proponent: Benton County Community Development
Dept. - Planning Division
P.O. Box 910, Prosser WA 99350

File No. EA 2021-026

Project Description: Benton County is amending its development regulations relating to zoning, amending the sections relating to uses requiring a conditional use permit; amending the sections relating to allowable uses for wind turbines, solar power generator facility; major, and facilities for power generation, other than nuclear fueled, wind or solar fueled; amending Ordinance 611, Section 53, Ordinance 617, Section 5, Ordinance 634, Section 1 and BCC 11.15.060; amending Ordinance 611, Section 63, Ordinance 617, Section 7, Ordinance 634, Section 3, Ordinance 636, Section 2 and BCC 11.17.070; amending Ordinance 611, Section 126 and BCC 11.33.030; amending Ordinance 611, Section 129 and BCC 11.33.060; amending Ordinance 611, Section 134 and BCC 11.35.030 and amending Ordinance 611, Section 137 and BCC 11.35.060.

Project Location: Countywide

Jurisdiction: Benton County, Washington

Lead Agency: Benton County Community Development Dept. - Planning Division

Threshold Determination: The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). The decision was made after review of a completed environmental checklist and other information on file with the lead agency. The environment threshold determination is based on an analysis of information contained in the following documents or the applicable regulations and restrictions of various agencies:

1. Benton County, BCC Title 6.35 Environmental Policy (SEPA);
2. Benton County, BCC Title 11, Zoning;
3. Benton County, BCC Title 9, Subdivisions;
4. Benton County Comprehensive Plan;
5. Benton County, BCC Title 15 Critical Area Ordinance;
6. Benton County, BCC Title 3 Building Code, Fire Code, and Road Standards;
7. Regulations of the Benton Clean Air;
8. Regulations of the Washington State Department of Fish and Wildlife, Department of Transportation, Department of Ecology, Department of

Natural Resources and Department of Archaeology and Historic Preservation; and

This DNS is issued under WAC197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by **November 2, 2021**.

SEPA Responsible Official: Jerrod MacPherson

Position/Title: Benton County Administrator

Mailing Address: P.O. Box 910, Prosser WA 99350

Date: **October 18, 2021**

Signature



Jerrod MacPherson

DISTRIBUTION:

News Media (Encl. map or plot plan)

Benton County Building Office

Dept. of Natural Resources

Benton Clean Air

Bureau of Reclamation

Benton County Public Works

City of Kennewick

City of Richland

City of Benton City

City of Prosser

City of West Richland

Benton-Franklin Dist. Health Dept.

Kennewick Irrigation District

Kiona Irrigation District

Benton Irrigation District

Badger Mountain Irrigation District

Columbia Irrigation District

Sunnyside Valley Irrigation District

Roza Irrigation District

Department of Transportation

Dept. of Transportation-Aviation Division

Port of Benton

Port of Kennewick

Washington State Department of Health

Department of Ecology

Corps of Engineers

Yakama Indian Nation

Confederated Tribes of the Umatilla
Indian Reservation

Fire District 1

Fire District 2

Fire District 3

Fire District 4

Fire District 5

Fire District 6

Fire Marshal

Tom Price, Environmental Review Inc.

Dept. of Agriculture

Conf. Tribes of the Umatilla Indian Res.

Bureau of Land Management

Department of Fish and Wildlife

Office of Arch. & Historic Preservation

Futurewise

Dept. of Commerce

Bonneville Power Admin.

Dept. of the Navy

FFA

SEPA Environmental Checklist
File No. EA 2021-026

A. Background

1. Name of proposed project, if applicable: A proposal by Benton County regarding an ordinance amendment relating to zoning, amending the sections relating to uses requiring a conditional use permit; amending the sections relating to allowable uses for wind turbines, solar power generator facility; major, and facilities for power generation, other than nuclear fueled, wind or solar fueled; amending Ordinance 611, Section 53, Ordinance 617, Section 5, Ordinance 634, Section 1 and BCC 11.15.060; amending Ordinance 611, Section 63, Ordinance 617, Section 7, Ordinance 634, Section 3, Ordinance 636, Section 2 and BCC 11.17.070; amending Ordinance 611, Section 126 and BCC 11.33.030; amending Ordinance 611, Section 129 and BCC 11.33.060; amending Ordinance 611, Section 134 and BCC 11.35.030 and amending Ordinance 611, Section 137 and BCC 11.35.060..

2. Name of applicant:
Community Development Department
Benton County Planning Division
P.O. Box 910
Prosser WA 99350

3. Address and phone number of applicant and contact person:
Greg Wendt, Director
509-786-5612

4. Date checklist prepared: October 20, 2021

5. Agency requesting checklist: Benton County

6. Proposed timing or schedule (including phasing, if applicable):
Planning Commission public hearing in November/December 2021, Board of County Commissioners in December 2021.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
No

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None know or immediately anticipated.

10. List any government approvals or permits that will be needed for your proposal, if known.

The approval of the proposed ordinance amendment is required by the Board of County Commissioners.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

(Lead agencies may modify this form to include additional specific information on project description.)

The purpose of this zoning ordinance is to delete wind turbines and wind turbines farms, solar powered generator facility, major and facilities for power generation, other than nuclear, wind, or solar fueled from allowable uses in the RL 20 Acre District and the GMA Agriculture District. Adding wind turbines and wind turbine farms as a use requiring a conditional use permit in the Light Industrial and Heavy Industrial Districts and also adding as an allowable use one (1) wind turbine (less than 60 feet in height) and related support structures and other improvements per parcel for private use in the Light Industrial and Heavy Industrial Districts.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The proposed amendments are regulations that will affect those parcels within the Rural Lands 20 Acre District, GMA Agricultural District, and the Light and Heavy Industrial Districts.

B. Environmental Elements

1. Earth

a. General description of the site: (circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

General topographic characteristics vary greatly within Benton County and environmental evaluations for future site-specific projects will need to be conducted if a site-specific project is proposed.

- b. What is the steepest slope on the site (approximate percent slope)?
Not applicable, this is not a site-specific project.
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.
Not applicable, this is not a site-specific project
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
Not applicable, this is not a site-specific project.
- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.
Not applicable, this is not a site-specific project.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
Not applicable, this is not a site-specific project.
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
Not applicable, this is not a site-specific project.
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
Not applicable, this is not a site-specific project.

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.
Not applicable, this is not a site-specific project.
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
Not applicable, this is not a site-specific project.
- c. Proposed measures to reduce or control emissions or other impacts to air, if any:
Not applicable, this is not a site-specific project.

3. Water

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Not applicable, this is not a site-specific project.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Not applicable, this is not a site-specific project.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable, this is not a site-specific project.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Not applicable, this is not a site-specific project.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Not applicable, this is not a site-specific project.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Not applicable, this is not a site-specific project.

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

Not applicable, this is not a site-specific project.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Not applicable, this is not a site-specific project.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow?

Will this water flow into other waters? If so, describe.

Not applicable, this is not a site-specific project.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

Not applicable, this is not a site-specific project.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Not applicable, this is not a site-specific project.

- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Not applicable, this is not a site-specific project.

4. Plants

- a. Check the types of vegetation found on the site:

____deciduous tree: alder, maple, aspen, other
____evergreen tree: fir, cedar, pine, other
____shrubs
____grass
____pasture
____crop or grain
____ Orchards, vineyards or other permanent crops.
____ wet soil plants:cattail, buttercup, bullrush, skunk cabbage, other
____water plants: water lily, eelgrass, milfoil, other
____other types of vegetation

Not applicable, this is not a site-specific project.

- b. What kind and amount of vegetation will be removed or altered?

Not applicable, this is not a site-specific project.

- c. List threatened and endangered species known to be on or near the site.

Not applicable, this is not a site-specific project.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Not applicable, this is not a site-specific project.

- e. List all noxious weeds and invasive species known to be on or near the site.

Not applicable, this is not a site-specific project.

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

If any threatened or endangered species are found for site-specific projects, compliance with Benton County Code Title 15 (Protection of Critical Areas and Resources) will be required.

b. List any threatened and endangered species known to be on or near the site.

Not applicable, this is not a site-specific project.

c. Is the site part of a migration route? If so, explain.

Not applicable, this is not a site-specific project.

d. Proposed measures to preserve or enhance wildlife, if any:

Not applicable, this is not a site-specific project.

e. List any invasive animal species known to be on or near the site.

Not applicable, this is not a site-specific project.

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Not applicable, this is not a site-specific project.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Not applicable, this is not a site-specific project.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

Not applicable, this is not a site-specific project.

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

1) Describe any known or possible contamination at the site from present or past uses.

Not applicable, this is not a site-specific project.

2) Describe existing hazardous chemicals/conditions that might affect project development

and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

Not applicable, this is not a site-specific project.

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Not applicable, this is not a site-specific project.

4) Describe special emergency services that might be required.

Not applicable, this is not a site-specific project.

5) Proposed measures to reduce or control environmental health hazards, if any:

Not applicable, this is not a site-specific project.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Not applicable, this is not a site-specific project.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Not applicable, this is not a site-specific project.

3) Proposed measures to reduce or control noise impacts, if any:

Not applicable, this is not a site-specific project.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Not applicable, this is not a site-specific project.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

Not applicable, this is not a site-specific project.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

Not applicable, this is not a site-specific project.

- c. Describe any structures on the site.
Not applicable, this is not a site-specific project.
- d. Will any structures be demolished? If so, what?
Not applicable, this is not a site-specific project.
- e. What is the current zoning classification of the site?
Not applicable, this is not a site-specific project.
- f. What is the current comprehensive plan designation of the site?
Not applicable, this is not a site-specific project.
- g. If applicable, what is the current shoreline master program designation of the site?
Not applicable, this is not a site-specific project.
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.
Not applicable, this is not a site-specific project.
- i. Approximately how many people would reside or work in the completed project?
Not applicable, this is not a site-specific project.
- j. Approximately how many people would the completed project displace?
Not applicable, this is not a site-specific project.
- k. Proposed measures to avoid or reduce displacement impacts, if any:
Not applicable, this is not a site-specific project.
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
Not applicable, this is not a site-specific project.
- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:
The regulations must be consistent with the Benton County Comprehensive Plan policies and guidelines.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
None

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None

c. Proposed measures to reduce or control housing impacts, if any:

None

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

None

b. What views in the immediate vicinity would be altered or obstructed?

None

c. Proposed measures to reduce or control aesthetic impacts, if any:

None

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Not applicable, this is not a site-specific project.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

Not applicable, this is not a site-specific project.

c. What existing off-site sources of light or glare may affect your proposal?

Not applicable, this is not a site-specific project.

d. Proposed measures to reduce or control light and glare impacts, if any:

Not applicable, this is not a site-specific project.

12.

Recreation

n

a. What designated and informal recreational opportunities are in the immediate vicinity?

Not applicable, this is not a site-specific project.

b. Would the proposed project displace any existing recreational uses? If so, describe.

Not applicable, this is not a site-specific project.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Not applicable, this is not a site-specific project.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

Not applicable, this is not a site-specific project.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

Not applicable, this is not a site-specific project.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Not applicable, this is not a site-specific project.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

Not applicable, this is not a site-specific project.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

Not applicable, this is not a site-specific project.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Not applicable, this is not a site-specific project.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Not applicable, this is not a site-specific project.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____



Name of signee: Jerrod MacPherson, County Administrator

Agency/Organization Benton County Community Development Department, Planning Division

Date Submitted: October 18, 2020

D. Supplemental sheet for nonproject actions

(**IT IS NOT NECESSARY** to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Not applicable, this is not a site-specific project.

Proposed measures to avoid or reduce such increases are:

Not applicable, this is not a site-specific project.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Not applicable, this is not a site-specific project. However, if any threatened or endangered species are found during the review of a site-specific project, compliance with Benton County Code Title 15 (Protection of Critical Areas and Resources) is required.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Not applicable, this is not a site-specific project.

3. How would the proposal be likely to deplete energy or natural resources?

Not applicable, this is not a site-specific project.

Proposed measures to protect or conserve energy and natural resources are:

Not applicable, this is not a site-specific project.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Not applicable, this is not a site-specific project. However, environmental evaluations for future site-specific projects will need to be conducted at the time a project is proposed.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Not applicable, this is not a site-specific project. However, mitigation measures may be required as condition of approval for a site-specific project through the SEPA review process if determined necessary.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Not applicable, this is not a site-specific project.

Proposed measures to avoid or reduce shoreline and land use impacts are:

Not applicable, this is not a site-specific project.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Not applicable, this is not a site-specific project.

Proposed measures to reduce or respond to such demand(s) are:

Not applicable, this is not a site-specific project.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Not applicable, this is not a site-specific project.

ESA LISTED SALMONIDS/FLOODPLAINS CHECKLIST

This worksheet was designed to help project proponents and government agencies identify when a project in the floodplain will cause adverse effects on ESA (Endangered Species Act) listed salmonids or floodplain features of salmon habitat. Listed salmonids include salmon, trout and chars, e.g. bull trout.

1. Will the proposed project occur landward of a levee?

Yes___ No ☒

If yes, please indicate the level of flood protection the levee provides (e.g., 30 year flood)

Not applicable, this is not a site-specific project. However, environmental evaluations for future site-specific projects will need to be conducted at the time a project is proposed.

2. Does floodwater ever carry fish behind the levee through overtopping or by flooding from upstream or downstream of the levee?

Yes___ No ☒

Not applicable, this is not a site-specific project. However, environmental evaluations for future site-specific projects will need to be conducted at the time a project is proposed.

If you answered yes, and "100 year" to question 1, and no to question 2, you do not need to complete the remainder of this checklist.

HABITAT SPECIFICS: The questions in this section are specific to the project site and vicinity.

1. Name of nearest waterbody: _____
Not applicable, this is not a site-specific project. However, environmental evaluations for future site-specific projects will need to be conducted at the time a project is proposed.

2. What is the distance from this project to the nearest body of water?
Not applicable, this is not a site-specific project. However, environmental evaluations for future site-specific projects will need to be conducted at the time a project is proposed.

(Often a buffer between the project and a stream can reduce the chance of a negative impact to fish or habitat)

3. Is the project above a full or partial barrier to fish?
Yes____ No X
Not applicable, this is not a site-specific project. However, environmental evaluations for future site-specific projects will need to be conducted at the time a project is proposed.

If yes, check the type of barrier

- natural permanent barrier (waterfall) _____
- natural temporary barrier (beaver pond) _____
- man-made barrier (culvert, dam) _____
- other (explain): _____

4. If "yes" to question 3 above, are there any salmonids ever, swimming, spawning, or rearing above the barrier? Yes____ No____ Don't know____
Not applicable, this is not a site-specific project. However, environmental evaluations for future site-specific projects will need to be conducted at the time a project is proposed.

IF you answer "yes" to question 3, and "no" to question 4, you can skip to question 16. Please complete questions 16-21 of this form.

5. Is the project site in the floodway, the channel migration zone, or the riparian buffer zone? Yes ____ No ____

6. What is the current condition and land use on the project site, and the land between the site and the potentially affected water body? (eg, "site is cleared but not paved parking lot, land between site and river is farmland")

PROJECT SPECIFICS: The following questions will help determine if this project could interfere with migration or rearing of listed fish.

(Both increases and decreases in water flows can affect fish migration.)

7. Does the project require the withdrawal of:

i. Surface water? Yes___ No___

Amount _____

Name of surface water body _____

ii. Ground water? Yes___ No___

Amount _____

From where _____

Depth of well _____

8. Will any water be rerouted? Yes___ No___

If yes, will this require a channel change?

9. Will there be retention or detention ponds? Yes___ No___

If yes, will this be an infiltration pond or a surface discharge to either a municipal storm water system or a surface water body?

If to a surface water discharge, please give the name of the waterbody.

10. Will this project require the building of new roads?

Yes___ No___ (Increased road mileage may affect the timing of water reaching a stream and may impact fish habitat.)

11. Are culverts proposed as part of this project? Yes___ No___

12. Will topography changes affect the duration/direction of runoff flows? Yes___ No___

If yes, describe the changes.

13. Will the project involve any reduction of the floodway or floodplain by filling or other partial blockage of flows?

Yes ___ No ___ (Juvenile fish rely on inundated floodplains to seek refuge from high volume and high velocity water during floods. Floodplain refuge increases juvenile fish survival.)

If yes, how will the loss of flood storage be mitigated by your project?

PROJECT SPECIFICS: The following questions are designed to determine if the project will affect riparian vegetation.

(Streambank vegetation provides shade that keeps water cool, provides prey base through insects that fall into the water, and helps stabilize streambanks, reducing erosion)

14. Will the project involve the removal of any vegetation from the stream banks? Yes____
No____

If yes, please describe the existing conditions, and the amount and type of vegetation to be removed.

15. If any vegetation is removed, do you plan to re-plant?
Yes____ No____ If yes, what types of plants will you use?

PROJECT SPECIFICS: The following questions will help determine if this project could adversely impact water quality.

(Water quality can be made worse by runoff from impervious surfaces, altering water temperature, discharging contaminants, etc. Such impacts can reduce survival among listed species.)

16. Do you know of any problems with water quality in any of the streams within this watershed? Yes____ No____
If yes, describe.

17.
What percent of the project will be impervious surface
(including pavement & roof area)?

18. Will your project either reduce or increase shade along or over a waterbody? Yes____
No____
(e.g., removal of streambank vegetation, or the building of structures such as docks or floats, often results in a change in shade.)

19. Will the project increase nutrient loading or have the potential to increase nutrient loading or contaminants (fertilizers, other waste discharges, or runoff) to the waterbody?
Yes____ No____

20. Will turbidity be increased because of construction of the project or during operation of the project? Yes____ No____
(In-water or near water work will often increase turbidity during and after construction).

21. Will your project require long term maintenance activities? (i.e. bridge cleaning, roadway salting, chemical sprays for vegetation management, clearing of parking lots?)
Yes____ No ____ If yes, please describe.

Not applicable, this is not a site-specific project.

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. Not applicable, this is not a site-specific project.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Not applicable, this is not a site-specific project.

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

Not applicable, this is not a site-specific project.

h. Proposed measures to reduce or control transportation impacts, if any:

Not applicable, this is not a site-specific project.

15. Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

Not applicable, this is not a site-specific project.

b. Proposed measures to reduce or control direct impacts on public services, if any.

Not applicable, this is not a site-specific project.

16. Utilities

a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

Not applicable, this is not a site-specific project.

b. Describe the utilities that are proposed for the project, the utility providing the service,
and the general construction activities on the site or in the immediate vicinity which might be needed.

Not applicable, this is not a site-specific project.

11/16/2021

PCM 1.8

Mail To: greg.wendt@co.benton.wa.us

Subject: Benton County - Expedited Review Request Granted for Submittal ID: 2021-S-3296

Dear Mr. Wendt,

Your request for an Expedited Review has been granted for: Proposed Ordinance amendment relating to zoning, amending the sections relating to uses requiring a conditional use permit; amending the sections relating to allowable uses for wind turbines, solar power generator facility; major, and facilities for power generation, other than nuclear fueled, wind or solar fueled.

As of receipt of this email, you have met the Growth Management notice to state agency requirements in RCW36.70A.106 for this submittal. Please keep this email as confirmation.

If you have any questions, please contact William Simpson at (509) 280-3602 or by email at william.simpson@commerce.wa.gov.

Sincerely,

Review Team
Growth Management Services

~~~~ ONLINE TRACKING SYSTEM AVAILABLE ~~~~

Log into our new PlanView system at <https://secureaccess.wa.gov/com/planview> where you can keep up with this submittal status, reprint communications and update your contact information.

Don't have a user account? Reply to this email to request one and attach a completed PlanView User Request Form.

Have questions about using PlanView? Use the PlanView User Manual for assistance at <https://www.commerce.wa.gov/serving-communities/growth-management/washington-department-of-commerce-growth-management-submitting-materials/>.



# THANK YOU

We have received your amendment submission. Please allow 1-3 business days for review. Please keep the Submittal ID as your receipt and for any future questions. We will also send an email receipt to all contacts listed in the submittal.

## Submittal ID: 2021-S-3296

Submittal Date Time: 10/19/2021

### Submittal Information

**Jurisdiction** Benton County  
**Submittal Type** Request for Expedited Review / Notice of Intent to Adopt  
**Amendment Type** Amendment  
Development Regulation Amendment

### Amendment Information

#### Brief Description

Proposed Ordinance amendment relating to zoning, amending the sections relating to uses requiring a conditional use permit; amending the sections relating to allowable uses for wind turbines, solar power generator facility; major, and facilities for power generation, other than nuclear fueled, wind or solar fueled.

☐ Yes, this is a part of the 8-year periodic update schedule, required under RCW 36.70A.130.

Anticipated/Proposed Date of Adoption 12/29/2021

### Attachments

| Attachment Type                          | File Name                                                            | Upload Date         |
|------------------------------------------|----------------------------------------------------------------------|---------------------|
| Development Regulation Amendment - Draft | Solar-Wind ORD BCC 11.15 BCC 11.17 BCC 11.33 BCC 11.35 10-8-2021.pdf | 10/19/2021 09:57 AM |
| Development Regulation Amendment - Draft | EA 2021-026 Signed Checklist.pdf                                     | 10/19/2021 09:57 AM |
| Development Regulation Amendment - Draft | EA 2021-026 Signed DNS.pdf                                           | 10/19/2021 09:57 AM |

### Contact Information

**Prefix** Mr.  
**First Name** Greg  
**Last Name** Wendt  
**Title** Director

Work

(509) 786-5612

Cell

Email

greg.wendt@co.benton.wa.us

☐ Yes, I would like to be contacted for Technical Assistance.

Certification

---

☒ I certify that I am authorized to submit this Amendment for the Jurisdiction identified in this Submittal and all information provided is true and accurate to the best of my knowledge.

Full Name

Donna Hutchinson

Email

donna.hutchinson@co.benton.wa.us

## Donna Hutchinson

**From:** Chad Brooks <brooksc@bentonpud.org>  
**Sent:** Thursday, October 28, 2021 1:51 PM  
**To:** Donna Hutchinson  
**Subject:** [EXTERNAL] RE: [E] EA 2021-026 - Ordinance Amendment

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**EXTERNAL EMAIL WARNING!!!:** This email originated from outside of Benton County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

No comments on environmental impact.

Chad Brooks  
 Distribution Design Tech I  
 Benton PUD  
 Email: [brooksc@bentonpud.org](mailto:brooksc@bentonpud.org)  
 Main # (509)582-2175  
 Direct # (509)582-1233



**From:** Donna Hutchinson <Donna.Hutchinson@co.benton.wa.us>  
**Sent:** Tuesday, October 19, 2021 9:34 AM  
**To:** MEDIA - KAPP/KVEW-TV <kappnews@kapptv.com>; KEPR General Newsroom <newsroom@keprtv.com>; MEDIA KOLU-FM - Martin Gibbs <kolu@kolu.com>; kviewnews@kviewtv.com; editor@recordbulletin.com; MEDIA - Tri-City Herald - Sarah Schilling <sschilling@tricityherald.com>; Badger Mountain Irrig. District (bmidmanager@badgermountainirrigation.com) <bmidmanager@badgermountainirrigation.com>; john.lyle@bentoncleanair.org; Benton Clean Air-Priddy <robin.priddy@bentoncleanair.org>; Benton Clean Air-Rodger <rob.rodger@bentoncleanair.org>; Benton Clean Air-Tyler Thompson <tyler.thompson@bentoncleanair.org>; Benton Irrigation District <benton.irrigation@frontier.com>; Benton Irrigation District-Ed Mitchell <bidmitchell@frontier.com>; Benton-Franklin Dist. Health Dept. <rickd@bfhd.wa.gov>; Bureau of Land Management - Kevin Devitt District Manager (BLM\_OR\_SP\_Mail@blm.gov) <BLM\_OR\_SP\_Mail@blm.gov>; City of Benton City-Jeni S. Zuniga <jzuniga@ci.benton-city.wa.us>; City of Kennewick <cedinfo@ci.kennewick.wa.us>; City of Kennewick - Scott Szendre (Scott.Szendre@ci.kennewick.wa.us) <Scott.Szendre@ci.kennewick.wa.us>; City of Kennewick -Martin Nelson <Martin.Nelson@ci.kennewick.wa.us>; City of Kennewick-Joe Seet <Joe.Seet@ci.kennewick.wa.us>; City of Prosser <szetz@cityofprosser.com>; City of Richland-Kerwin Jensen (kjensen@ci.richland.wa.us) <kjensen@ci.richland.wa.us>; City of Richland-Mike Stevens (mstevens@ci.richland.wa.us) <mstevens@ci.richland.wa.us>; City of West Richland-Eric Mendenhall (emendenhall@westrichland.org) <emendenhall@westrichland.org>; Columbia Irrigation District (CID@columbiairrigation.com) <CID@columbiairrigation.com>; sydney.hanson@dahp.wa.gov; Dept. of Archaeology and Historic Preservation - SEPA Review (sepa@dahp.wa.gov) <sepa@dahp.wa.gov>; Dept. of Fish and Wildlife-Mark Teske <Mark.Teske@dfw.wa.gov>; Dept. of Fish and Wildlife, Eric Bartrand <bartrelb@dfw.wa.gov>; Dept. of Fish and Wildlife, Michael W. Ritter <rittemwr@dfw.wa.gov>; Dept. of Fish and Wildlife-SEPA Review (SEPADesk@dfw.wa.gov) <SEPADesk@dfw.wa.gov>; Dept. of Natural Resources (sepacenter@dnr.wa.gov) <sepacenter@dnr.wa.gov>; Dept. of

Natural Resources <dnrmisepacenter@dnr.wa.gov>; Dept. of Natural Resources-Shafer (ana.shafer@dnr.wa.gov) <ana.shafer@dnr.wa.gov>; Dept. of Transportation (scplanning@wsdot.wa.gov) <scplanning@wsdot.wa.gov>; Dept. of Transportation- Aviation Division (plattst@wsdot.wa.gov) <plattst@wsdot.wa.gov>; Dept. of Transportation- Paul G <Gonsetp@wsdot.wa.gov>; Dept. of Transportation-Jacob Prilucik <PrilucJ@wsdot.wa.gov>; FAA - Joseph Jackson <joseph.a.jackson@faa.gov>; Fire District #1-Billie <billie@bentonone.org>; Fire District #1-Staff <staff@bentonone.org>; Fire District #2 Ron Duncan <rduncan@bcfpd2.org>; Fire District #3 (sjohnson@westbentonfirerescue.org) <sjohnson@westbentonfirerescue.org>; wwhealan@bcfd4.org; Fire District #4- Paul Carlyle <PCarlyle@bcfd4.org>; Fire District #5 <brian@newhouseassociates.com>; chiefwatt@bcfd6.com; Alison@futurewise.org; Futurewise <tim@futurewise.org>; Kennewick Irrig. Dist.-Seth Defoe <sdefoe@kid.org>; Kennewick Irrigation District - Ben Woodard <bwoodard@kid.org>; Kennewick Irrigation District-Development (development@kid.org) <development@kid.org>; Kimberly Peacher-US NAVY (kimberly.peacher@navy.mil) <kimberly.peacher@navy.mil>; Kiona Irrigation District <kiid@owt.com>; Patricia Iolavera-US Navy <patricia.iolavera@navy.mil>; Port of Benton <budzeck@portofbenton.com>; Port of Kennewick <lpeterson@portofkennewick.org>; Cristina Woods <Cristina.Woods@co.benton.wa.us>; Roza Irrigation District (Shayman@roza.org) <Shayman@roza.org>; Tom Price-Environmental Review Inc. (envreview@gmail.com) <envreview@gmail.com>; US Corps of Engineers <cenww-re@usace.army.mil>; US Corps of Engineers-David Moore <david.j.moore@usace.army.mil>; rodney.c.huffman@usace.army.mil; US Corps of Engineers-Tim Erkel <tim.r.erkel@usace.army.mil>; WA Dept of Health - Kelly Cooper - WA Dept of Health - Kelly Cooper (SEPA.reviewteam@doh.wa.gov) <SEPA.reviewteam@doh.wa.gov>; Yakama Indian Nation SEPA Review <enviroreview@yakama.com>; Jessica\_Lally@Yakama.com; Yakima Indian Nation-John Marvin <john\_marvin@yakama.com>; Confederated Tribes of the Umatilla Indian Reservation - Ashley M. Morton <AshleyMorton@ctuir.org>; BPA <almarshall@bpa.gov>; Chad Brooks <brooksc@bentonpud.org>; Mike Irving <irvingm@bentonpud.org>; Shanna Everson <eversons@bentonpud.org>; Tina Glines <glinest@bentonpud.org>; Brad O'Brien <Brad.Obrien@co.benton.wa.us>; Clark Posey <Clark.Posey@co.benton.wa.us>; Jenelle Schadler <Jenelle.Schadler@co.benton.wa.us>; Michelle Johnson <Michelle.Johnson@co.benton.wa.us>; Rod Worthington <Rod.Worthington@co.benton.wa.us>; Troy Taylor <Troy.Taylor@co.benton.wa.us>; Bureau of Reclamation - C. Garner (cgarner@usbr.gov) <cgarner@usbr.gov>; Bureau of Reclamation - L Hendrix - Bureau of Reclamation (lhendrix@usbr.gov) <lhendrix@usbr.gov>; Bureau of Reclamation -McKinley (cmckinley@usbr.gov) <cmckinley@usbr.gov>; Rigo Diosdado (diosdador@svid.org) <diosdador@svid.org>; Sunnyside Valley Irrigation Dist. - Diane Weber <weberd@svid.org>; Sunnyside Valley Irrigation Dist. - Ron Cowin <cowinr@svid.org>  
**Subject:** [E] EA 2021-026 - Ordinance Amendment

The Benton County Planning Department has prepared the attached DNS for EA 2021-026 in accordance with the State Environmental Policy Act regulation. This DNS is being circulated for review by all agencies with jurisdiction. We are circulating it for comments on the **environmental impacts** of this action. Additional background information may be found on the County's Web Site: <https://tinyurl.com/SEPADET>. The Department of Ecology has created a public-facing SEPA Register, we will be linking our SEPA documents to that page. You can reach the register (filtered for Benton County projects) here: [Benton County SEPA Register](#).

We appreciate your review of the proposal and return of comments no later than **November 2, 2021**. This proposal will not be acted upon before that time.



Donna Hutchinson  
Office Assistant IV  
Community Development Dept.  
Planning Division  
PO Box 910 Prosser WA 99350  
(509) 786-5612

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this email account may be a public record. Accordingly, this email, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

**Prosser:** We are now located within the Road Department/Public Works Office on the first floor of the Benton County Courthouse at 620 Market St, Prosser WA 99350. **Kennewick:** The County has opened a new Public Services Office at 102206 E Wiser Parkway, Kennewick, which houses the Planning, Building and Road Departments.

Caution: This email originated from outside of Benton PUD. Do not click links or open attachments unless you recognize the sender and know the content is safe

**DEPARTMENT OF  
NATURAL RESOURCES****PRODUCT SALES & LEASING DIVISION**1111 WASHINGTON ST. SE  
OLYMPIA, WA 98504-7014**360-902-1059**KARI.FAGERNES@DNR.WA.GOV  
WWW.DNR.WA.GOV

October 29, 2021

Greg Wendt  
Community Development Department  
Benton County Planning Division  
P.O. Box 910  
Prosser, Washington 99301

*Sent Via e-mail to [greg.wendt@co.benton.wa.us](mailto:greg.wendt@co.benton.wa.us)*

*Sent Via e-mail to [planning.department@co.benton.wa.us](mailto:planning.department@co.benton.wa.us)*

RE: SEPA Environmental Checklist and DNS File No. 2021-026

Dear Mr. Wendt,

The Department of Natural Resources (DNR) appreciates the opportunity to submit comments to Benton County on this proposed ordinance amendment modifying development regulations pertaining to wind turbines and solar power generation facilities in the RL-20 and GMA Agricultural District. DNR owns approximately 30,000 acres of agriculturally zoned lands within Benton County. This proposed ordinance amendment would prohibit DNR from seeking County approval on a specific subset of DNR's agriculturally zoned land for clean energy projects. This proposal would limit DNR's ability to generate significant revenue for its Common School Trust beneficiaries. In addition to the overarching prohibition of wind and solar projects, the modifications would eliminate the possibility of comingled use, such as agrovoltiaes or wind and cattle which can benefit agricultural users as well as clean energy proponents. Based on these concerns, DNR requests that the ordinance amendment not be approved allowing us to continue to prudently manage DNR land for the benefit of our trust beneficiaries as explained in further detail below.

DNR manages approximately 3 million acres of uplands across the state that are held in trust for named beneficiaries. As such, DNR's fiduciary responsibility is to manage these lands similar to the way a private fiduciary would manage a trust portfolio. In DNR's case, based on RCW 43.30.215 we are directed to "achieve the maximum effective development and use of such lands and resources consistent with laws applicable hereto...". As part of DNR's compliance with RCW 43.30.215, we seek to reposition certain assets to achieve the

highest market return on behalf of the underlying trust beneficiary. Today, these trust lands are an ongoing source of land-based financial support to the various beneficiaries, including public kindergarten through Grade 12 (K-12) schools, state universities, buildings on the capitol campus, and correctional facilities. Revenue generated on these lands helps fund K-12 school construction projects across the state, including public school districts within Benton County.

DNR's ability to comply with local land use regulations is crucial in our efforts to lease for clean energy development as well as continue to lease and manage our valuable agricultural lands. We want to ensure that we have every opportunity to provide value and revenue for our trust beneficiaries, comply with our fiduciary responsibilities, and maintain our local community partnerships as these properties evolve.

DNR understands the concerns and frustration tied to the proposed ordinance amendment, but the County's role in land use planning remains important in order to continue to move the region forward in its management of agricultural lands as well as statewide clean energy goals and initiatives. This change in allowable uses is not in the best interest of our trust beneficiaries and we cannot support the proposed changes as currently written and documented in the Ordinance Amendment.

We look forward to working with the county to resolve these concerns and find a solution that works for us as well as Benton County.

Sincerely,

*Kari R. Fagerness*

Kari Fagerness  
Planning Manager

Cc: Department of Commerce (GMA) – Will Simpson  
Department of Commerce – Michael Furze  
Benton County – Jerrod MacPherson