

**RECOMMENDATION OF THE  
BENTON COUNTY PLANNING COMMISSION**

RE: In the Matter of County Planning:  
relating to an Ordinance Amendment to  
Benton County Zoning Regulations-  
Regarding Wind Turbines, Wind Farms, And  
Solar Power Generator Facilities.

**Planning File #OA-2020-004**  
RECOMMENDATION,  
FINDINGS OF FACT  
AND CONCLUSIONS

**RECOMMENDATION**

AN ORDINANCE 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.

**RESOLUTION**

WHEREAS, the legal notification for the open record public hearing was given pursuant to RCW 36.70.590 on November 17, 2021; and,

WHEREAS, an open record public hearing was held on November 30, 2021 at 6:00 p.m., in the Planning Hearing Room, First Floor, Courthouse, 620 Market St., Prosser, WA 99350;

WHEREAS, the Planning Commission was available to receive public testimony, exhibits, and answer questions in the public portion of the hearing with the public being able to attend and comment through video and telephonic access to the meeting. The meeting was also broadcast through streaming video to allow the public to view the meeting; and,

WHEREAS, the following members attended the meeting, including, Lloyd Coughlin, Brian Skeels, Marjorie Kaspar, Tammy McKeirnan, and Martin Sheeran; and,

WHEREAS, all those who testified and those public hearing exhibits that were received into evidence are identified in the minutes for the hearing on November 30, 2021; and,

WHEREAS, the Planning Commission at the open record public hearing considered the evidence submitted and voted to recommend approval with the findings of fact as outlined

in the staff memo dated November 4, 2021; and,

WHEREAS, the Planning Commission is entering its written findings of fact, conclusions and recommendations concerning this matter, and is forwarding the same to the Board of County Commissioners.

### **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 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. 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) and was granted expedited review on November 16, 2021.
9. The legal notification for Planning Casefile Application OA 2021-004 was given on November 17, 2021, pursuant to RCW 36.70.590.

**NOW, THEREFORE BE IT RESOLVED BY THE BENTON COUNTY PLANNING COMMISSION**, through its chairman as authorized by motion of the Board, that these findings of fact for the aforementioned Ordinance Amendment Application OA-2021-004 to amend the sections relating to uses requiring a conditional use permit and allowable uses; 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 approved for transmittal to the Board of County Commissioners, with a recommendation to adopt the amendments.

  
Martin Sheeran, Chairman  
BENTON COUNTY PLANNING COMMISSION

12/6/21  
DATE