

**City of Benton City  
Planning Commission Board Meeting Minutes  
May 27<sup>th</sup>, 2014**

**CALL TO ORDER – (142/3/013\*Audio recording begins)** Commission Chairman Norris called the May 27<sup>th</sup>, 2014 Planning Commission Board Meeting to order at 6:00 p.m.

**ROLL CALL – (145/1/221\*) Commissioners Present:**

**Commissioner Don Allen  
Commission Chair Kyle Norris  
Commissioner Gary Robins  
Board Vacancy**

**Commissioners Absent:**

**Commissioner Ivan Howard** (School Board meeting)

**City Professionals Present:**

**Stephanie Haug, Clerk of Board**

**Citizens in Attendance:**

**Bob Smith, Smith Orchards  
Grant Smith, Smith Orchards  
Tonya Garberg, Owner, Lots 9 & 10, Treadway Estates #1  
Carolyn Mason, Owner, Lets Deal  
Harold Mason, Owner, Lets Deal  
Randy Rutledge, Benton City E.D.C.**

**PLEDGE OF ALLEGIANCE TO THE FLAG/U.S. –** Commission Chair Norris lead the Board and audience in the Pledge of Allegiance - (152/1/425\*)

**APPROVAL OF MINUTES FOR APRIL 29<sup>TH</sup>, 2014 PLANNING COMMISSION BOARD MEETING (164/1/187\*)**

**Commissioner Allen:** I move that we accept the Minutes as written, from the last meeting.

**Commissioner Robins:** Second.

**MOTION #1 – C. D. Allen moved and C. G. Robins seconded to approve the Minutes of the April 29<sup>th</sup>, 2014 Planning Commission Board Meeting as presented.**

**VOICE VOTE #1 – C. K. Norris, C. D. Allen, C. G. Robins  
ALL YEAS. Motion carried.**

**COMPREHENSIVE PLAN AMENDMENT - (180/2/026\*)**

**STAFF REPORT - (183/3/297\*)**

**Ms. Haug –** Explanation of Annual Comprehensive Plan Amendment and Staff Recommendations

**PUBLIC HEARING – (288/1/362\*)**

**\*\* Public Hearing opens at 6:05 p.m. \*\***

**Mrs. Mason:** Take a look – Carolyn Mason – 1204 Horne Road – Bought it in 1991 – As three Commercial lots – Somewhere between 1991 and 2003 – City changed the last lot on back to Residential – Never received notice – Can't really see – Looks like know all Commercial – It is all included now? This is the proposed – One question – Bought as three Commercial – Would like to stay as three Commercial – Would like to know what City's thought were when turned into Residential – Maybe it was valid – If there was a reason

**Commission Chair Norris –** No idea – Don't believe I was here when that happened – Been on Planning Commission for some time – Don't recall issue – Don't understand if you never received notice and there wasn't a Public Hearing on it – Never should have happened

**Mr. Mason** – Harold Mason – When we started car lot – Had impound yard – On this piece of property trying to get back to Commercial – We got a deal thru you guys to get impound yard on that property as Commercial property

**Commission Chair Norris** – Believe it's proposed to be in Commercial property

**Mr. Mason** – South of park – Behind laundromat

**Commission Chair Norris** – Do you have problem with that?

**Mrs. Mason** – Absolutely not – What we want

**Commission Chair Norris** – See hand in back – Please come up

**Ms. Garberg** – Couldn't see either - Own three acres to behind water tower – Tonya Garberg – Not sure where Neptune

**Ms. Haug** – Here's two lots first mentioned – Separate docket item to change to Commercial

**Commission Chair Norris** – You wanted that to happen?

**Ms. Garberg** – Going to be your property shortly anyhow – Don't care – But what irritates me – I paid you over \$300 over a year ago – You did the same thing to me as them

**Commission Chair Norris** – You never paid us – The Planning Commission

**Ms. Garberg** – I paid the City

**Commission Chair Norris** – I don't know about that – I can only go with what's here

**Ms. Garberg** – So they don't even bother to give that to you?

**Commission Chair Norris** – No they don't

**Ms. Garberg** – They did the same thing to me – Arbitrarily – When I bought this in 2005 – All Commercial property – In 2007 – Suddenly became Residential – Came to City Hall – Paperwork to fill out – Do all this stuff – We'll get it changed back – Gave City \$300 – Went to County – Got info – Then City tells me – We can't do anything until Planning Commission meets in December – This has been going on all this time – Irritates crap out of me – Paid \$300 for something City probably going to do anyhow – I don't care one way or other – Then City wrote letter stating "By the way, if you try to press it, we, the Administration of the City, will turn it down"

**Commission Chair Norris** – That's not us – You all elected them

**Ms. Garberg** – What give them right to do that if you guys have to approve it?

**Commission Chair Norris** – You all elected them

**Ms. Garberg** – We didn't elect those ladies – We got nothing to do with those ladies

**Commission Chair Norris** – It has to be the Council

**Ms. Garberg** – In the letter it says Administration – Not the Council

**Ms. Haug** – Can explain – Not sure this is place to get into it

**Commission Chair Norris** – That's what's proposed on map to happen – That's proposed Commercial

**Ms. Garberg** – Right by water tower – In front of it – Wrote letter stating can't do anything within 100 ft. – I don't care – Just irritates me we had to go through all of this and I had to pay \$300 to end up like this

**Commission Chair Norris** – We don't have anything to say about it – Try talking to Mayor

**Ms. Garberg** – Tried – Like talking to wall

**Commission Chair Norris** – Does anyone else have anything else to add to this

**Mr. Smith** – Smiths are okay with it – Want to make sure taxes don't go up - Want to make sure we get to keep raising our cherries – Not going to change tax structure?

**Ms. Haug** – Taxes are based on use

**Mr. Smith** – Why is City doing this?

**Commission Chair Norris** – Have to by law update Comprehensive Plan – State requires we clean things up and come into compliance – Updating some of zoning to match Comprehensive Planning – Like changing Fire Department from Light Industrial to State Entity – Needed amended – Cleaning process

**Mr. Smith** – Has the Port used up all of their land?

**Commission Chair Norris** – No idea – Port does not come to us – Does anyone have anything they want to say at this time pertaining to the Comprehensive Plan Amendment? Hearing none – Public Hearing is closed

**\*\* Public Hearing closes at 6:15 p.m. \*\***

**FINDINGS OF FACT - (572/4/861\*)**

**Commission Chair Norris** – Does anyone on Commission have anything they would like to say? Any questions they would like to ask

**Commissioner Robins** – On those parcels surrounding the water tower – Do we know what's going in there – Don't want anybody changing oil around that area – Zoned Commercial?

**Commission Chair Norris** – Commercial zone

**Ms. Haug** – There's a Wellhead Protection Area around the well that has covenants recorded on those properties – Even if zoning allows for it – Restricted by covenants to activities permitted

**Commissioner Robins** – Don't want anything around it that could contaminate the water supply – Potential contamination

**Commission Chair Norris** – That would be against state law to begin with – Let alone City codes

**Ms. Garberg** – Why did City put well there without notifying any property owners what City was proposing?

**Commission Chair Norris** – Got public here tonight – Good questions - No idea

**Ms. Garberg** – Go to Council

**Commission Chair Norris** – There you go – We only make recommendations based on information we get from public – City Council has final throw on issues – You elected them – You pay them – We're just here as buffer to them – Try to go over stuff – When concerned citizens have opinions – Get their say here

**Mr. Bob Smith** – Have question – Suppose I have land in County just outside of City – How often does County allow City to take land in if requested to be annexed – Seems I read every five years

**Ms. Haug** – We can only expand our Urban Growth Area every five years – Then we can only annex if you're in the Urban Growth Area

**Mr. Smith** – So if anybody ever wanted to get annexed – Would need to come in ahead of time – Not at this time but have other land

**Commission Chair Norris** – We're to the point of – Does anybody else have any questions up here? What are recommendations of Planning Commission to Council – We go with what Stephanie was pointing out – Have it match the Land Use Map there?

## RECOMMENDATIONS OF PLANNING COMMISSION - (683/1/441\*)

**Commissioner Robins:** I move to recommend to the Benton City Council approval of the 2014 Comprehensive Plan Amendment with the findings, conclusions and recommendations found in the staff report.

**Commissioner Allen:** I'll second.

**MOTION #2 – C. G. Robins moved and C. D. Allen seconded to recommend to the Benton City Council approval of the 2014 Comprehensive Plan Amendment with the findings, conclusions and recommendations found in the staff report.**

**VOICE VOTE #2 – C. K. Norris, C. D. Allen, C. G. Robins**  
**ALL YEAS. Motion carried.**

## AREA-WIDE REZONE PROPOSAL - (699/4/562\*)

### STAFF REPORT - (701/1/646\*)

**Ms. Haug –** Explanation of Area-Wide Rezone Proposal and Staff Recommendations

### PUBLIC HEARING – (846/2/946\*)

**\*\* Public Hearing opens at 6:24 p.m. \*\***

No Public Comments

**\*\* Public Hearing closes at 6:24 p.m. \*\***

## FINDINGS OF FACT - (857/4/030\*)

**Commission Chair Norris –** Any questions from Commission before we go to Recommendations

**Commissioner Robins –** Change on Bus Barn between Ellen and Della – 10<sup>th</sup> and 12<sup>th</sup> Streets – From R-2 to Public Reserve – Incorporating into back - Quite large lot – 12<sup>th</sup> Street – Whole street front is houses

**Ms. Haug –** Double checked with County records to be sure we were just including parcels owned by School District

**Commissioner Allen –** Concerned about 800 block of 8<sup>th</sup> Street – Changed zoning from Commercial to Residential – Good thing - Concern on 9<sup>th</sup> – Main drag through City – Think it should also be changed to Residential – Small houses along there – Anyone wants to buy – Hard to do anything with it – Lots not very big - Not allowed to change – Can't expand - Has to stay as is - Something to consider – Both sides – Between Les Schwab and church – Make that Residential - Property owner pretty much stuck – Can't add to property – Can't change property – Won't be able to do anything with it – If remains Residential – Possible someone could buy more than one lot and combine to build bigger house – Otherwise just going to sit still

**Mr. Smith –** Are little lots – Except one across from Les Schwab - There are a few bigger lots – Probably should leave Commercial – Just to north of Les Schwab – House sits on bigger lot – Is that one you said you should remove from Commercial?

**Commissioner Allen –** Realize that – Are probably double size of what's on other side – To change is just a proposal

**Mrs. Mason –** If you're going to progress – A lot of those little houses could be turned into businesses – Like Keene Road – All businesses look like little cottages - Don't want it blotched up – If you want Benton City to grow – Do you want it to grow in that way or do you not?

**Mr. Rutledge –** Corner lot directly across from Les Schwab to South – Purchased by individual from California – Year or so ago – Had Commercial thoughts about that particular corner – Is large corner – Agree with small lots – Let me point out – Small cottages on Keene were created to look like cottage

and built to code – Significant amount of money involved in rebuilding older homes to code – Narrow lots don't allow for parking

**Commission Chair Norris** – Maybe need to put on back burner for now to research – Don't want spot zoning

**Mr. Smith** - Open to public – See what public wants to do - What the people living there would like to do

**Mr. Rutledge** - Can't get a loan on those houses because Residential is a non-conforming use – Tie those houses up forever

**Mr. Smith** – If they were going to do something Commercial with those property – Would have been done long before now – Been Commercial – Change it to make sense – Rather than leave it - Would benefit City – Permits from City to build larger houses – Maybe looks better – Just an idea – Letter to property owners – Get ideas - Opportunity to change in the future

**Commission Chair Norris** – Future Agenda item?

**Ms. Haug** – Depending on direction Planning Commission wants to do – Move forward with this amendment and put that to the future – Wouldn't be for a year – Only allowed to amend our Comp Plan once a year – Could be put on docket for next year's change – Or take all back for change – Have another Public Hearing – Notify those property owners

**Commissioner Allen** – Don't you have 60 days for review of this?

**Ms. Haug** – Once Council approves – Goes to state agencies for approval – Then goes before Council for adoption

#### **RECOMMENDATIONS OF PLANNING COMMISSION - (1184/3/337\*)**

**Commissioner Robins:** I move to recommend to the Benton City Council approval of the Area-Wide Rezoning with the findings, conclusions and recommendations found in the staff report.

**Commissioner Allen:** I will do that.

**MOTION #3** – C. G. Robins moved and C. D. Allen seconded to recommend to the Benton City Council approval of the Area-Wide Rezoning with the findings, conclusions and recommendations found in the staff report.

**VOICE VOTE #3** – C. K. Norris, C. D. Allen, C. G. Robins  
**ALL YEAS. Motion carried.**

#### **ZONING TEXT AMENDMENT – MANUFACTURED DISTRICTS - (1196/4/889\*)**

#### **STAFF REPORT - (1199/1/831\*)**

**Ms. Haug** – Explanation of Zoning Text Amendment – Manufactured Districts and Staff Recommendations

#### **PUBLIC HEARING – (1257/4/595\*)**

**\*\* Public Hearing opens at 6:38 p.m. \*\***

**Mr. Smith** – Low density and high density – How many lots can you put on low density – How many on high density – Don't quite understand what size lots go on there

**Ms. Haug** – Medium density – Minimum lot size is 7,200 square feet – High density is 4,000 square feet for single family home

**\*\* Public Hearing closes at 6:39 p.m. \*\***

## **FINDINGS OF FACT - (1300/2/826\*)**

**Commission Chair Norris** – Do we have any questions up here before we make recommendation about the zoning text amendment for Manufactured Districts? Hearing none, I would ascertain a motion to send a recommendation of the Planning Commission to Council

## **RECOMMENDATIONS OF PLANNING COMMISSION - (1311/3/013\*)**

**Commissioner Robins:** I move to recommend to the Benton City Council approval of the Ordinance Amending the Zoning Text regarding Manufactured Home Districts within Title 20 of the Benton City Municipal Code with the findings, conclusions and recommendations found in the staff report.

**Commissioner Allen:** I'll second it.

**MOTION #4** – C. G. Robins moved and C. D. Allen seconded to recommend to the Benton City Council approval of the Ordinance Amending the Zoning Text regarding Manufactured Home Districts within Title 20 of the Benton City Municipal Code with the findings, conclusions and recommendations found in the staff report.

**VOICE VOTE #4** – C. K. Norris, C. D. Allen, C. G. Robins  
**ALL YEAS. Motion carried.**

## **DISCUSSION – DRAFT MARIJUANA REGULATIONS (1330/2/571\*)**

**Ms. Haug** – Explanation of Draft Marijuana Regulations and I-502 City moratorium

**Commissioner Allen** – Finding issue vague way written up

**Ms. Haug** – Some issues regarding issuing City business licenses for any activity illegal for state, federal or city ordinance – Still illegal federally – Changes need to be made to City ordinance – Political issue

**Commissioner Robins** – We ought to just let it ride – Rather than be forerunner in issue – Can we keep things as is or do we need to address?

**Ms. Haug** – City cannot use moratorium to avoid situation – Is a time issue – State law requires we have to be working towards something

**Commission Chair Norris** – Recommend postpone until next meeting – Do research to make educated decision

**Ms. Haug** – MRSC has a lot of information regarding this issue – Lots of reading material in packet

**Commissioner Robins** – Just put a moratorium on it and it's done for that length of time

**Ms. Haug** – The moratorium the City has already issued good until August of 2014

## **NEXT MEETING – TUESDAY, JUNE 24, 2014 (1635/2/237\*)**

**Ms. Haug** – Not on Agenda – City Council hosting training – Thursday, June 5<sup>th</sup>, 2014 at 6:00 p.m. – Week from Thursday – Council Do's and Don'ts – Quasi-judicial hearings – What you can and can't do – In Council Chambers – Presented by City Insurance Agency – Handouts available

## **ADJOURNMENT (1678/2/700\*)**

**Commission Chair Norris adjourned the May 27<sup>th</sup>, 2014 Planning Commission Board Meeting at 6:53 p.m.**

Planning Commission Meeting ended at 6:53 p.m. (1679/2/650\*Audio recording ends)

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Kyle Norris, Commission Chair  
Planning Commission Board

  
Stephanie Haug  
Clerk of the Board

Date: 8/27/14