

APPENDIX 3.8-1

Land and Shoreline Use
Consistency Analysis

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Comprehensive Plan Analysis

Table 3.8-1A shows an analysis of the Project's consistency with the Benton County Comprehensive Plan's relevant goals and policies. Revised Code of Washington (RCW) 36.70B.040 requires that, at minimum, Growth Management Act (GMA) regulated counties and cities must consider the following four factors in determining a proposed project's consistency with their development regulations or, in the absence of applicable development regulations, with their comprehensive land use plans:

- The type of land use allowed, such as the land use designation
- The level of development allowed, such as units per acre or other measures of density
- Infrastructure, such as the adequacy of public facilities and services to serve a proposed project
- The characteristics of the proposed development, measured by the degree to which a project conforms to specific development regulations or standards

For aspects of the Project's design that are not in alignment with the Benton County Comprehensive Plan, EFSEC would review discrepancies through an adjudicative process intended to resolve disputes between the local government and the Applicant.

Table 3.8-1A: Benton County Comprehensive Plan Update Goals and Policies Consistency Analysis

Element Goal / Policy	Analysis
LU Goal 1: Ensure that land uses are compatible with surrounding uses that maintain public health, safety, and general welfare.	The Project is consistent with BCC zoning ordinance Chapter 11.17.070 Growth Management Act Agricultural District – Uses Requiring a Conditional Use Permit, which provides that commercial wind farms and major solar power generating facilities may be permitted within the GMA Agricultural District if a conditional use permit is issued by the Hearing Examiner.
LU Goal 1 Policy 1: Maintain a mix of land uses that supports the character of each rural community.	The Project is consistent with BCC zoning ordinance Chapter 11.17.070 Growth Management Act Agricultural District – Uses Requiring a Conditional Use Permit, which allows commercial wind farms with approval of a conditional use permit issued by the Board of County Commissioners.
LU Goal 1 Policy 3: Maximize the opportunities for compatible development within land use designations to serve a multitude of compatible uses and activities.	The Project is consistent with BCC zoning ordinance Chapter 11.17.070 Growth Management Act Agricultural District – Uses Requiring a Conditional Use Permit, which allows commercial wind farms with approval of a conditional use permit issued by the Board of County Commissioners.
LU Goal 6: Preserve rural lifestyles outside UGAs and incorporated areas while accommodating new population growth consistent with the protection of rural character.	The Project is consistent with BCC zoning ordinance Chapter 11.17.070 Growth Management Act Agricultural District – Uses Requiring a Conditional Use Permit, which allows commercial wind farms with approval of a conditional use permit issued by the Board of County Commissioners.
LU Goal 6 Policy 2: Development in rural areas is typified by large lots and less dense development. Favoring development that is less dense and has larger lots helps maintain the rural character of designated rural areas and supports the protection of ground and surface water.	The Project is consistent with BCC zoning ordinance Chapter 11.17.070 Growth Management Act Agricultural District – Uses Requiring a Conditional Use Permit, which allows commercial wind and solar farms with approval of a conditional use permit issued by the Board of County Commissioners.

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Element Goal / Policy	Analysis
<p>LU Goal 6 Policy 3: Designated rural areas will be utilized to reduce the inappropriate conversion of agricultural lands, prevent sprawling low-density development and assure that rural development is compatible with surrounding rural and agricultural areas.</p>	<p>The Project is consistent with LU Goal 6 Policy 3 as agricultural practices within the Lease Boundary may be allowed to continue throughout the operations phase. Additionally, the Project's presence would prevent future low-density, sprawling development within the Lease Boundary.</p>
<p>LU Goal 6 Policy 14: Support and encourage the use of and application of Firewise principles and other fire risk reduction measures consistent with the Benton County Natural Hazard Mitigation Plan and Community Wildfire Protection Plan to reduce fire risk for urban development, urban subdivisions, rural subdivisions and large rural developments susceptible to wildfires. Encourage the implementation of the Firewise principles, or similar best management measures, applicable to individual lots on all lots at risk from wildfires.</p>	<p>Appendix P of the Applicant's ASC includes a Draft Emergency Response Plan that addresses fire prevention and calls for the preparation of a Fire Prevention Plan. If the Applicant complies with their Draft Emergency Response Plan and prepares a site-specific Fire Prevention Plan, the Project would be consistent with LU Goal 6 Policy 14.</p>
<p>LU Goal 6 Policy 15: Encourage new rural development away from the 100-year floodplain, and as guided in the County's Flood Damage Prevention Ordinance, CAO, and SMP.</p>	<p>The Project is consistent with LU Goal 6 Policy 15 as the Lease Boundary does not intersect the referenced special land use designations.</p>
<p>NR Goal 1: Conserve and maintain agricultural land of long-term commercial significance as the local natural resource most essential for sustaining the County's agricultural economy.</p>	<p>The Project is consistent with BCC zoning ordinance Chapter 11.17.070 Growth Management Act Agricultural District – Uses Requiring a Conditional Use Permit, which allows commercial wind and solar farms with approval of a conditional use permit issued by the BCC. Additionally, portions of the Project area would still be able to support agricultural activities.</p>
<p>NR Goal 1 Policy 1: Conserve areas designated "GMA Agriculture" in the Comprehensive Plan for a broad range of agricultural uses to the maximum extent possible and protect these areas from the encroachment of incompatible uses.</p>	<p>The Project is consistent with BCC zoning ordinance Chapter 11.17.070 Growth Management Act Agricultural District – Uses Requiring a Conditional Use Permit, which allows commercial wind and solar farms with approval of a conditional use permit issued by the Board of County Commissioners. Additionally, portions of the Project area would still be able to support agricultural activities.</p>
<p>NR Goal 1 Policy 3: Recognize that only uses related or ancillary to, supportive of, complementary to, and/or not in conflict with agricultural activities are appropriate in areas designated GMA Agriculture.</p>	<p>The Project is consistent with BCC zoning ordinance Chapter 11.17.070 Growth Management Act Agricultural District – Uses Requiring a Conditional Use Permit, which allows commercial wind and solar farms with approval of a conditional use permit issued by the Board of County Commissioners. Additionally, portions of the Project area would still be able to support agricultural activities.</p>

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Element Goal / Policy	Analysis
<p>WR Goal 1: Conserve, maintain, and manage existing ground and surface water resources to meet existing and future water supply needs for cities, farms, industry, and rural growth.</p>	<p>The ASC states that the Project would obtain water through a vendor agreement and that water obtained from the City of Kennewick’s water system would be hauled to the site for the Project’s construction, operations, and decommissioning phases. As part of their commitments, the Applicant has identified water conservation practices that the Project would apply throughout each phase of the Project. As a result of not drawing water directly from a surface water or groundwater source, the Project is consistent with WR Goal 1.</p>
<p>WR Goal 4: Protect and enhance surface water resources to support rivers, streams, and wetlands that support fish and wildlife species and associated habitats.</p>	<p>There are no major rivers or other perennial streams within the Project Lease Boundary; however, the ASC presents a list of Applicant commitments that would assist in minimizing off-site impacts from erosion, sedimentation, and stormwater runoff. Through the implementation of Applicant commitments, the Project would be consistent with WR Goal 4.</p>
<p>Critical Areas (CA) Goal 1: Protect the functions and values of critical areas within the county with land use decision-making and development review.</p>	<p>The Project is consistent with CA Goal 1 as the Applicant has submitted an ASC to EFSEC for review and EFSEC is preparing a SEPA-compliant EIS. Additionally, the Project would require a conditional use permit under Chapter 11.17.070 Growth Management Act Agricultural District – Uses Requiring a Conditional Use Permit from the Board of County Commissioners.</p>
<p>CA Goal 1 Policy 1: Apply standards, regulations, and mitigation strategies to development during the permitting and development approval process that protects critical areas functions and values.</p>	<p>The Project is consistent with CA Goal 1 Policy 1 as the Applicant has submitted an ASC to EFSEC for review that is inclusive of mitigation strategies in response to applicable regulations. Additionally, EFSEC is preparing a SEPA-compliant EIS that includes Applicant commitments and mitigation strategies that address potential impacts on critical areas.</p>
<p>CA Goal 2: Protect life and property and avoid or mitigate significant risks to public and private property and to public health and safety that are posed by frequently flooded and geologic hazard areas.</p>	<p>The Project is consistent with CA Goal 2 as it would be constructed in accordance with applicable codes and standards.</p>
<p>CA Goal 2 Policy 1: Limit developments in areas with higher risk for natural disaster or geologic hazard unless it can be demonstrated by the project proponent that the development is sited, designed, and engineered for long term structural integrity and that life and property on- and off-site are not subject to increased risk as a result of the development.</p>	<p>The Project is consistent with CA Goal 2 as it would be constructed in accordance with applicable codes and standards.</p>
<p>CA Goal 3: Protect the County’s natural areas, shorelines, and critical areas as unique assets to the community.</p>	<p>The Project is consistent with CA Goal 3 as the Lease Boundary does not intersect a major river or other perennial streams.</p>
<p>CA Goal 3 Policy 1: Use the CAO, SMP, SEPA, and other ordinances, as applicable, to designate and protect critical areas and the natural environment.</p>	<p>The Project is consistent with CA Goal 3 Policy 1 as EFSEC is preparing a SEPA EIS that includes Applicant commitments and mitigation strategies that address potential impacts on critical areas.</p>

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Element Goal / Policy	Analysis
CA Goal 5: Achieve balance among economic uses of land and critical areas protection.	The Project is consistent with CA Goal 5 as the Project's micro-siting corridors are designed to avoid, where possible, Benton County's designated critical areas within the Project Lease Boundary. Where critical areas cannot be avoided, the Applicant proposes minimization and mitigation measures to protect critical areas functions and values.
CA Goal 5 Policy 1: Work with state, federal, and local agencies and other County stakeholders regarding the application of environmental protection laws and regulations.	The Project is consistent with CA Goal 5 Policy 1 as EFSEC is preparing a SEPA-compliant EIS.
ED Goal 2: Expand employment opportunities in unincorporated Benton County.	The Project is consistent with ED Goal 2 as it would have beneficial direct, indirect, and induced economic impacts within unincorporated Benton County for the construction, operations, and decommissioning phases.
ED Goal 3: Provide areas for the location of light and environmentally acceptable heavy industrial uses, while minimizing impacts on surrounding rural uses.	The Project is consistent with ED Goal 3 as it would allow for continued agricultural activities within the Lease Boundary.
ED Goal 3 Policy 2: Do not locate non-agricultural related industry on "GMA Agriculture" designated land.	The Project may not be in alignment with ED Goal 3 Policy 2; however, as currently designed, it would allow for continued agricultural activities within the Lease Boundary.
PL Goal 3: Conserve visually prominent naturally vegetated steep slopes and elevated ridges that define the Columbia Basin landscape and are uniquely a product of the ice age floods.	The Project is consistent with PL Goal 3 as it would not affect the prominent naturally vegetated steep slopes and elevated ridges that define the Columbia Basin landscape associated with the ice age floods.
PL Goal 3 Policy 1: Identify and preserve historically significant structures and sites whenever feasible.	The Project is consistent with PL Goal 3 Policy 1 as the Applicant's ASC documents archaeological and architectural surveys of the affected environment and states that the Project would be designed to avoid historically significant structures and sites.
PL Goal 4: Preserve significant historic structures, districts, and cultural resources that are unique to Benton County.	The Project is consistent with PL Goal 4 as the Applicant's ASC documents archaeological and architectural surveys of the affected environment and states that the Project would be designed to avoid historically significant structures and sites.
PL Goal 4 Policy 1: Coordinate with local tribes to protect historic and cultural resources.	The Project is consistent with PL Goal 4 Policy 1 as the Applicant's ASC provides documentation of tribal consultation.
PL Goal 4 Policy 2: Preserve archaeologically significant sites by siting and designing development to avoid or mitigate impacts.	The Project is consistent with PL Goal 4 Policy 2 as the Applicant's ASC documents archaeological surveys of the affected environment and states that the Project would be designed to avoid historically significant structures and sites.
UE Goal 2: Maintain public and private household water and sewer systems that are consistent with the rural character of the County.	The Project is consistent with UE Goal 2 as the Applicant's ASC states that water from the City of Kennewick's water system would be hauled to the site. Additionally, the Applicant's ASC states that the Project would discharge wastewater from the O&M facilities to an on-site septic system.

Table 3.8-1A: Benton County Comprehensive Plan Update Goals and Policies Consistency Analysis

Element Goal / Policy	Analysis
UE Goal 3: Facilitate efficiency in utility land use and development.	The Project is consistent with UE Goal 3 as the majority of the proposed transmission line route occurs on private property, where ongoing agricultural activity would occur along the corridors.
UE Goal 3 Policy 2: Encourage multiple uses, including passive recreational use, in utility corridors where practical.	The Project is consistent with UE Goal 3 Policy 2 as passive recreational uses within the proposed transmission line corridor would be possible on DNR land where practical. Additionally, the right-of-way for the transmission line would not be fenced.
UE Goal 3 Policy 3: Facilitate maintenance and rehabilitation of existing utility systems and facilities and encourage the use of existing transmission/distribution corridors.	The Project is consistent with UE Goal 3 Policy 3 as the transmission line connecting the Project’s substations within the Project Lease Boundary would traverse parcels to optimize the most direct route between substations while minimizing potential environmental and agricultural impacts on surrounding lands. The eastern Project substation has been located adjacent to BPA’s proposed Bofer Canyon substation, thereby eliminating the need for new transmission lines at this location. Proposed transmission lines would be located adjacent and parallel to existing public road right-of-way where possible.

Source: Benton County 2020; Horse Heaven Wind Farm, LLC 2021
 Applicant = Horse Heaven Wind Farm, LLC; ASC = Application for Site Certificate; BCC = Benton County Code; BPA = Bonneville Power Administration; CA = Critical Areas; CAO = Critical Areas Ordinance; DNR = Washington State Department of Natural Resources; ED = Economic Development; EIS = environmental impact statement; GMA = Growth Management Act; LU = Land Use; NR = Natural Resources; O&M = operations and maintenance; PL = Parks, Recreation, Open Space, and Historic Preservation; SEPA = Washington State Environmental Policy Act; SMP = Shoreline Master Program; UE = Utilities Element; UGA = Urban Growth Area; WR = Water Resources

Consistency Analysis – Benton County Code (Zoning Ordinance)

Areas within Benton County that maintain critical agricultural resources are zoned in accordance with BCC 11.17.030, GMA Agricultural District. These areas are officially demarcated on the Official Zoning Map of Benton County and in the Benton County Comprehensive Plan (see Section 3.8).

Under the version of BCC 11.17.070 that was in effect when the ASC was filed with EFSEC, wind farms, major solar-generating facilities, and ancillary buildings and structures may be permitted within a GMA Agricultural District with approval of a conditional use permit. For any aspects of the Project’s design that are not in alignment with Benton County Code (BCC) 11.17.070 Growth Management Act Agricultural District (as in effect at the time of application), EFSEC may consider in the adjudication whether inconsistent provisions should be preempted, and if so, whether any conditions should be included to serve the purpose of such provisions.

Table 3.8-2A presents the BCC requirements for the development of a commercial wind farm on land zoned GMA Agricultural District, as well as a consistency analysis between the Project and the ordinance requirement.

Table 3.8-2A: Benton County Zoning Ordinance Consistency Analysis

Ordinance Requirement	Consistency Analysis
11.17.070(q)(1). The lowest point on all rotor blades must be at least thirty (30) feet above ground level;	The Project is consistent with BCC 11.17.070(q)(1). The lowest point on the proposed turbine rotor blades would be 36.5 feet above ground level.
11.17.070(q)(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;	The ASC states that each turbine tower base would be set back a conservative distance of at least 1,250 feet from all dwellings not located on the same parcel. Should the final turbine layout involve the placement of turbines closer than 1,640 feet from dwellings not located on the same parcel, the Project would not be in alignment with BCC 11.17.070(q)(2).
11.17.070(q)(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 percent 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;	The Project may not be in alignment with BCC 11.17.070(q)(3) as the ASC states, “each turbine tower base is set back at least 499 feet or 671 feet from exterior property lines, depending on Turbine model, ensuring the setback is equal to or greater than the proposed maximum Turbine heights for Turbine Array Option 1 and Option 2 (ground to blade tip) of 499 feet and 671 feet, respectively.” Using the formula provided in BCC 11.17.070(q)(3), the appropriate setback from all property lines where properties are not contiguously leased is 749 feet under Turbine Option 1 and 1,004 feet under Turbine Option 2.
11.17.070(q)(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 percent of that height;	The Project may not be in alignment with BCC 11.17.070(q)(4) as the ASC states, each turbine tower base is set back at least 650 feet or 671 feet from the closest edge of any state and county road right-of-way within the Lease Boundary.” Using the formula provided in BCC 11.17.070(q)(4), the appropriate setback from the closest edge of a state, county, or city road right-of-way is 749 feet under Turbine Option 1 and 1,004 feet under Turbine Option 2.
11.17.070(q)(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;	The Project is consistent with BCC 11.17.070(q)(5). The ASC states that each turbine tower base is set back at least 499 feet or 671 feet from exterior property lines, including borders of the GMA Agricultural District. The setback distances are equal to or greater than the proposed maximum turbine heights for Option 1 and Option 2 of 499 feet and 671 feet, respectively. The Project would not be adjacent to the Hanford Reservation or another county.
11.17.070(q)(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;	The Project is consistent with BCC 11.17.070(q)(6). No turbine locations are proposed within 4 miles of the nearest point of the nearest runway of the nearest airport available for public use, which is the Tri-Cities Airport. The nearest turbine would be located approximately 9.9 miles south of the Tri-Cities Airport.

Table 3.8-2A: Benton County Zoning Ordinance Consistency Analysis

Ordinance Requirement	Consistency Analysis
<p>11.17.070(q)(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;</p>	<p>The Project is consistent with BCC 11.17.070(q)(7). Per FAA regulations, the Project would provide a Notice of Proposed Construction or Alteration to the FAA and obtain a Determination of No Hazard prior to construction.</p>
<p>11.17.070(q)(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;</p>	<p>The Project is consistent with BCC 11.17.070(q)(8). The Project layout avoids military training areas and would not interfere with military training activities.</p>
<p>11.17.070(q)(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);</p>	<p>The Project is consistent with BCC 11.17.070(q)(9). The Project has been designed to locate turbines over 5,000 feet from the sides of all private runways identified on the most current edition of the Sectional Aeronautical Charts. Coopers Landing is the nearest runway available solely for private use and is located approximately 2 miles northeast of the Project's nearest turbine tower base. The private runway at Coopers Landing runs east to west. Based on this heading, no turbine under Option 1 or 2 would occur within 40 feet for every 1 foot of tower height from the ends of the runway, which is measured at 3.8 and 5.1 miles, respectively.</p>
<p>11.17.070(q)(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;</p>	<p>The Project is consistent with BCC 11.17.070(q)(10). The Project is expected to have an operational life of 35 years.</p>

Table 3.8-2A: Benton County Zoning Ordinance Consistency Analysis

Ordinance Requirement	Consistency Analysis
11.17.070(q)(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.	The Project is consistent with BCC 11.17.070(q)(11). Permanent disturbances associated with turbine tower foundation pedestals and permanent disturbances associated with the Project’s new 16-foot-wide access roads would not displace more than 5% of the parcel area on which they are located.

Source: Benton County 2021; Horse Heaven Wind Farm, LLC 2021

Notes:

(a) Turbine Height = ground to blade tip height

ASC = Application for Site Certification; BCC = Benton County Code; FAA = Federal Aviation Administration; GMA = Growth Management Act; NACO = National Aeronautical Charting Office; RCW = Revised Code of Washington; USDOD = U.S. Department of Defense

Table 3.8-3A presents the five requirements under BCC 11.50.040(d) for when a conditional use permit may be issued by Benton County and response based on existing conditions and Project information.

Table 3.8-3A: Benton County Conditional Use Permit Requirements and Project Analysis

Conditional Use Permit Requirement	Project Comparison
(a) Is compatible with other uses in the surrounding area or is no more incompatible than are any other outright permitted uses in the applicable zoning district.	Nine Canyon Wind Farm received a permit from Benton County that allowed it to be constructed on Growth Management Act Agricultural District zoned land which indicates that the Project is not any less compatible than what has previously been permitted within the applicable zoning district.
(b) Will not materially endanger the health, safety, and welfare of the surrounding community to an extent greater than that associated with any other permitted uses in the applicable zoning district.	An analysis of Public Health and Safety is provided in Section 4.13.
(c) Would not cause the pedestrian and vehicular traffic associated with the use to conflict with existing and anticipated traffic in the neighborhood to an extent greater than that associated with any other permitted uses in the applicable zoning district.	An analysis of recreation and traffic is provided in Sections 4.12 and 4.14, respectively.
(d) Will be supported by adequate service facilities and would not adversely affect public services to the surrounding area.	An analysis of public services and utilities is provided in Section 4.15.
(e) Would not hinder or discourage the development of permitted uses on neighboring properties in the applicable zoning district as a result of the location, size or height of the buildings, structures, walls, or required fences or screening vegetation to a greater extent than other permitted uses in the applicable zoning district.	An analysis of project impacts on land use is provided in Section 4.8. The adjudication process for the Project would allow interested parties including neighbors to participate in the project’s review process. Through this process, conditions may be placed upon the Project’s construction and operations that address issues involving development of permitted uses on neighboring properties.